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HOUSE OF REPRESENTATIVES—*Thursday, August 5, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Trust in the Lord and do good: So shalt thou dwell in the land and verily thou shalt be fed.—Psalms 37: 3.

O God and Father of us all, in the opening moment of this day we stand in reverence before Thee, thanking Thee for the mercies of the past and praying that Thou wilt continue to be merciful to us now and through the days which lie ahead.

May Thy blessing rest upon our Republic, upon every citizen. And especially do we pray that Thy blessing may rest upon us who meet in this Capitol to consider matters which pertain to the welfare of our people. Guide us with Thy wisdom, strengthen us in our faith, and crown our efforts with success for the greater good of our country.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 135. An act to provide for periodic pro rata distribution among the States and other jurisdictions of deposit of available amounts of unclaimed Postal Savings System deposits, and for other purposes.

SMALL CORPORATIONS TAKE HEED AND MAYBE BE ANOTHER LOCKHEED

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOCH. Mr. Speaker, with the Lockheed Aircraft Corp. having been granted a $250 million Government loan after demonstrating its near bankruptcy, other companies large and small who are also pressed by the hard times of the economy, are undoubtedly thinking, "Why should we not get help too?" After all, in the case of Lockheed, the company did not even have to refute charges of mismanagement and could offer little security to the Government—so little in fact that the bankers said that the loan was not "bankable."

Today, I received a copy of a letter addressed to Secretary John Connally, the administration's principal defender of the Lockheed loan, by a New York City firm, Offshore/Sea Development Corp. The letter, signed by the firm's president, Cyrus Adler, began:

> Our firm would like to apply for $100,000,000 loan under the same arrangement afforded to Lockheed Corp. Since we are somewhat smaller than Lockheed, we are not asking for $250,000,000.

Offshore/Sea Development may have a few strikes against it in today's set of priorities for Government guarantees—according to Mr. Adler it is debt free. Furthermore, in the opinion of the president:

> Our technical developments are probably more promising than Lockheed's and the government would be risking little by backing us.

Offshore/Sea Development has developed a method for feeding oysters with blood, a procedure which they claim can cut costs of oyster cultures by 80 percent. Furthermore, the company has designed an undersea conduit system called Conpipe whose components can be hinged and dropped from the surface and then locks automatically when they reach the bottom.

Mr. Speaker, the moral of this story, if there is one, is if you want help from the Government you must be large, mismanaged, bankrupt, and nonbankable. So all little well-managed corporations, take heed and maybe you will grow up to be another Lockheed.

CONGRATULATIONS TO THE MAYVILLE HIGH SCHOOL BAND OF MAYVILLE, N. DAK.

(Mr. ANDREWS of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDREWS of North Dakota. Mr. Speaker, we are happy to have with us today in the Nation's Capital the Mayville High School Band from Mayville, N. Dak. This band, which is the official Dakota aerie band, has stopped here on on their way to the Eagles National Convention in Boston.

This group of 78 outstanding young people, under the able direction of Roger Kolsrud, treated us to a lively performance this morning on the Capitol steps. Their music was enjoyed by many tourists and Capitol staffers who stopped by to listen.

The band has just completed a tour of the Capitol and plans to see more of the sights here in Washington. They have also stopped in Gettysburg and will visit New York City before arriving in Boston. Certainly, a tribute to their talent is their invitation to play at the Eagles National Convention.

We are very pleased to play host to them here in Washington and thank them for entertaining us this morning.

CONFERENCE REPORT ON H.R. 5208, COAST GUARD AUTHORIZATION

Mr. GARMATZ submitted the following conference report and statement on the bill (H.R. 5208) to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard, and to authorize the annual active duty personnel strength of the Coast Guard, as follows:

CONFERENCE REPORT (H. REPT. No. 92–451)

The Committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5208) to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard, and to authorize the annual active duty personnel strength of the Coast Guard, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 3.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 4, 5, 6, and 7, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$41,574,000"; and the Senate agree to the same.

EDWARD A. GARMATZ,
LEONOR K. SULLIVAN,
ALTON LENNON,
THOMAS M. PELLY,
HASTINGS KEITH,
Managers on the Part of the House.
WARREN G. MAGNUSON,
RUSSELL B. LONG,
ERNEST F. HOLLINGS,
ROBERT P. GRIFFIN,
MARK O. HATFIELD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5208) to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard, and to authorize the annual active duty personnel strength of the Coast Guard, submit the following joint statement to the House and to the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

AMENDMENT NO. 1

House bill

The House authorized to be appropriated $32,614,000, for the procurement and extension of service life of three long-range search aircraft, six medium-range helicopters, and one administrative aircraft and the extension of service life of various other aircraft.

Senate amendment

Senate Amendment No. 1 increased this amount by $5,710,000, to $38,324,000, with the intent that $8,960,000 be used for two additional long-range search aircraft and the Senate deleted the authorization for the administrative aircraft.

Conference substitute

The conference substitute authorizes to be appropriated $41,574,000 for the procurement of five long-range search aircraft, six medium-range helicopters, one administrative aircraft, and the extension of service life of various aircraft.

AMENDMENT NO. 2

House bill

The House bill authorized to be appropriated $13,440,000, for the procurement of three long-range search aircraft.

Senate amendment

The Senate amendment increased the three long-range search aircraft to five and thus, increased the amount by $8,960,000.

Conference substitute

The conference report authorizes to be appropriated $22,400,000 for five long-range aircraft. The conferees determined that the Coast Guard's long-term procurement program requires the procurement of sufficient long-range multimission aircraft to provide the Gulf Coast, Caribbean and the North Pacific areas with adequate air coverage for search and rescue, law enforcement, marine environmental protection and offshore fishery surveillance. Budget constraints required that the Coast Guard limit its fiscal year 1972 procurement to three aircraft. The conferees feel that simultaneous procurement of five aircraft is mandatory in order that the Coast Guard may properly discharge its duties throughout all areas. The rapidly expanding antipollution functions should not be delayed another year because of budget limitations, and the cost savings from an increased purchase may permit the Coast Guard to expand its equipment for other areas vital to environmental protection.

AMENDMENT NO. 3

House bill

The House authorized to be appropriated $3,250,000 for the purchase of an additional jet administrative aircraft for the use of the Coast Guard.

Senate amendment

Senate Amendment No. 3 struck out line 4 on page 3; thereby eliminating the administrative aircraft put in by the House.

Conference substitute

The conference substitute reinserted the one administrative aircraft on line 4, page 3. Thus, $3,250,000 for this administrative aircraft was also reinserted in the total figure for the procurement and extension of service life of aircraft.

Your conferees felt it was necessary and appropriate to reinsert the funds for this administrative aircraft since the jet now in use by the Coast Guard is constantly used by higher echelon officials of the Coast Guard, the Transportation Department, and on occasion, even officials of other executive departments. The jet and the turboprop serve many functions, primary among these are their availability to take Coast Guard and other officials to disaster sites and the many other areas of Coast Guard responsibility in the various parts of the United States and its territories. These demands for quick response transportation have increased considerably in the last several years due to the nation's growing awareness and concern over the pollution problem. As the Coast Guard's responsibility in this area has increased, so too has its need to respond rapidly. In addition to normal Coast Guard requirements which put a heavy demand on these aircraft, your conferees were impressed by additional extraordinary usage of this equipment which must also be available to fly the Railway Accident Survey Team to railroad wrecks; transport an air pollution team from NOAA; and provide quick response capability for a water pollution team from the Environmental Protection Agency.

AMENDMENT NO. 4

House bill

The House authorized to be appropriated $51,690,000 for the construction of Coast Guard installations.

Senate amendment

Senate Amendment No. 4 increased this amount by $10,500,000, to $62,190,000, with the intent that funds be allocated for the following:

(a) $2,500,000 for a new air station at North Bend, Oregon.

(b) $5,000,000 for a prototype harbor radar marine traffic system in Puget Sound.

(c) $1,500,000 to increase procurement schedules for the Air-Deliverable Anti-Pollution Transfer System (ADAPTS).

(d) $1,500,000 to accelerate procurement of components of the oil slick containment system.

Conference substitute

The conference substitute authorizes to be appropriated $62,190,000, which authorizes funds for the new air station at North Bend, Oregon, the prototype harbor radar advisory system, and the oil pollution control systems.

AMENDMENT NO. 5

This was a Senate technical amendment to accommodate the Senate's insertion of additional items authorized for construction.

AMENDMENT NO. 6

House bill

No comparable provision.

Senate bill

The Senate bill inserted the following language: "(35) Various locations: develop and construct additional Harbor Advisory Radar and Marine Traffic Systems."

Conference substitute

The conferees agreed to the Senate amendment to add $5,000,000 for research, development and construction of a prototype Harbor Radar Advisory and Marine Traffic System (Integrated Marine Traffic System). Based upon the results of the first generation type installation now located in San Francisco, the conferees are convinced that the future of safe and efficient marine transportation requires increased technological capability to assist in the safe movement of vessels in restricted waters. Development and deployment of a system, similar to that used to assist air traffic, would do much to prevent collisions and groundings and would assist in the faster development of a more rational safer marine transportation system.

The Coast Guard has estimated that the $5 million would provide an operation center in the Seattle area, a surveillance system consisting of 3 to 5 fixed radar units and a communication system for the Puget Sound area. The conferees endorse the development of this expanded prototype system as an important step in improving marine safety and protecting the environment of all our nation's major harbor and port areas.

AMENDMENT NO. 7

House bill

No comparable provision.

Senate bill

The Senate bill inserted the following language: "(36) North Bend, Oregon: construct air station facilities."

Conference substitute

The conference substitute authorizes to be appropriated $2,500,000 for constructing and equipping the new Coast Guard multipurpose air station at North Bend, Oregon. This station will reduce the operations overload on Coast Guard stations located elsewhere in Oregon and in Washington and permit the Coast Guard to be more responsive to requests for search and rescue assistance, to increase protection for our offshore fishing fleets, and to upgrade the law enforcement capability in this area.

EDWARD A. GARMATZ,
LEONOR K. SULLIVAN,
ALTON LENNON,
THOMAS M. PELLY,
HASTINGS KEITH,
Managers on the Part of the House.
WARREN G. MAGNUSON,
RUSSELL B. LONG,
ERNEST F. HOLLINGS,
ROBERT P. GRIFFIN,
MARK O. HATFIELD,
Managers on the Part of the Senate.

PAID ADVERTISING UNDER MARKETING ORDERS FOR CALIFORNIA PEACHES

Mr. SISK. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4263) to add California-grown peaches as a commodity eligible for any form of promotion, including paid advertising, under a marketing order, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 3, strike out "the proviso at the end of".

Mr. GERALD R. FORD. Mr. Speaker, reserving the right to object, would the gentleman from California explain the Senate amendment.

Mr. SISK. Yes. Will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from California.

Mr. SISK. This is merely a technical amendment which struck out an addition in connection with printing.

It has no bearing in substance at all, but is a matter of language correction.

I might say to the distinguished minority leader that I have cleared this with the gentleman from Oklahoma (Mr. BELCHER), as well as the committee, and as I say, it has no substantive effect whatsoever on the legislation, and it is merely a technical amendment.

Mr. GERALD R. FORD. The gentleman from Oklahoma, the ranking minority member of the Committee on Agriculture, has informed me that he has no objection to the action the gentleman from California is taking.

Mr. Speaker, I withdraw my reservation of objection.

Mr. SISK. I thank the gentleman.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LONG of Maryland. Mr. Speaker, tomorrow I intend to join with the gentleman from Illinois (Mr. ANDERSON) and the gentleman from Massachusetts (Mr. O'NEILL) in introducing a House concurrent resolution relating to the persecution of Soviet Jews.

At Mr. ANDERSON'S request, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks and include extraneous matter on this subject.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

NATIONAL GUARD TECHNICIANS

Mr. FISHER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2296) to amend sections 107 and 709 of title 32, United States Code, relating to appropriations for the National Guard and to National Guard technicians, respectively, and ask that the bill be considered in the House as in the Committee of the Whole.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. HALL. Mr. Speaker, reserving the right to object, may I ask the distinguished gentleman from Texas, the chairman of the Subcommittee on Armed Services on which I serve, if he intends to use this procedure in lieu of House Resolution 571 making consideration of the bill in order?

Mr. FISHER. That is correct.

Mr. HALL. Mr. Speaker, I have no objection. I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2296

An act to amend sections 107 and 709 of title 32, United States Code, relating to appropriations for the National Guard and to National Guard technicians, respectively

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 107 of title 32, United States Code, is amended by—

(1) striking out the catchline and inserting in lieu thereof the following:

"§ 107. Availability of appropriations";

(2) striking out all of subsection (a);

(3) striking out "apportioned appropriations" in subsection (b) and inserting in lieu thereof "appropriations for the National Guard"; and

(4) redesignating subsections (b) and (c) as subsections (a) and (b), respectively.

(b) The table of sections at the beginning of chapter 1 of such title is amended by striking out

"107. Apportionment of appropriations."

and inserting in lieu thereof the following:

"107. Availability of appropriations.".

SEC. 2. Subsection (h) of section 709 of title 32, United States Code, is amended to read as follows:

"(h) In no event shall the number of technicians employed under this section at any one time exceed 53,100, except that the number of technicians so employed may not exceed 49,200 during the fiscal year beginning July 1, 1971."

Mr. FISHER. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, S. 2296 is a relatively simple bill. It is part of the Department of Defense legislative program and relates to National Guard technicians as its primary purpose. Additionally, however, the proposed legislation would, upon passage, eliminate the necessity to include clarification annually in the National Guard Appropriation Acts.

Let me first discuss the legislation as it relates to technicians. As you will recall, the National Guard Technicians Act of 1962 included an amendment to title 32 which fixed a ceiling on the number of technicians that could be employed. This number was fixed at 42,500. Until recently, it has been possible to maintain a relationship between responsibilities and workloads and technician personnel resources to permit a satisfactory level of training and readiness.

However, the change in certain concepts of defense posturing announced last fall have resulted in conditions whereby the ceiling on the number of technicians becomes a serious deterrent to the application of these concepts. More specifically, the National Guard, as well as all Reserve components, is expected to be trained and maintained to a state of readiness for immediate augmentation of the Active Forces rather than expanding those forces through the draft in times of emergency. Concurrently, a greater reliability is being placed on the National Guard, and other Reserve components, in respect to the assignment of missions and the equipage levels as an offset to a reducing active condition. Regarding this latter point, the National Guard is programed for mission changes and equipment changes that are unprecedented. Many of these changes have already occurred and more are planned during the next couple of years.

In the Army National Guard, for instance, equipment being allocated includes CH-47 Chinook, and CH-54 Flying Crane aircraft; M107 175-millimeter self-propelled guns; M60 tanks; M113 personnel carriers; 2½-ton multifuel engine trucks; and a new family of tactical radios. Additionally, other on-hand equipping is programed to increase from the present 60 percent of authorized to approximately 80 percent by the end of fiscal year 1973.

Likewise in the Air National Guard nearly one-third of the flying units either have or are scheduled to convert to other aircraft or missions or both. Aircraft being assigned to the Air Guard include F-100's, RF-4's, RF-101's, and C-130's.

It is because of these changes in defense requirements as pertains to the National Guard that we find it necessary to bring legislation requesting an increase of the technician ceiling in order that the total defense structuring can proceed in an effective manner with the highest attention given to economies.

During the last 3 years, nearly $900 million worth of equipment has been transferred from the active forces to the National Guard and, within the next 2 years, it is estimated that an additional $1 billion worth of equipment will be so transferred. Yet even now we are unable to operate some airplanes or handle the more sophisticated equipment because there is just a lack of technicians to maintain this equipment.

The bill as introduced would have eliminated any ceiling on the number of technicians in the National Guard. We did not agree with this proposal, and amended the bill to permit during the next 2 years an overall increase in the number of technicians by 10,600. Of these, 6,700 additional technicians will be authorized for fiscal year 1972 with a further additional 3,900 technicians authorized for 1973, thus by fiscal year 1973 permitting a total technician strength in the amount of 53,100.

The other feature of this legislation as regards section 107 of title 32, United States Code, would not of itself prompt a legislative proposal. However, as this section now stands, it has been found necessary for 15 years to provide for relief annually through an Appropriations Act. This being the case, we have agreed with the Department recommendation to provide the amendment to title 32, United States Code, which will eliminate the need to provide this clarification on an annual basis.

Briefly, section 107 of title 32, United States Code, currently provides for the apportionment of appropriations to the various States in the ratio of the troop strength in each respective State.

This at some time, no doubt, was a valid and equitable basis for distributing available funds. However, as modernization of the National Guard began to occur with the assignment of mission equipment, expenses no longer could be measured by troop strength. Instead, expenses had a direct relationship to this equipment. This of course prevails today and is the reason for section 107 to be repeatedly excepted as a part of an appropriation action.

Gentlemen, we have become convinced of the urgency of this legislation in order to maintain a ready National Guard posture for immediate augmentation of the active forces. It is necessary that we have both men and equipment in a state of readiness. We are failing to do this today because of lack of technicians to maintain the equipment. This bill provides a solution to that problem. I urge the support of every Member.

Mr. BOGGS. Mr. Speaker, I move to strike the requisite number of words.

The SPEAKER. The gentleman from Louisiana is recognized.

THE STATE OF THE ECONOMY

(By unanimous consent, Mr. BOGGS was permitted to speak out of order.)

(Mr. BOGGS asked and was given permission to include extraneous matter.)

Mr. BOGGS. Mr. Speaker and Members of the House, a few minutes ago I was undecided whether or not I would make some observations about the state of the economy of our country as we leave here for a very much needed rest. I decided to let the record speak for itself.

But then one of my distinguished colleagues on the other side of the aisle made a speech in which he defended the economic record of this administration, and now I think it necessary to set the record straight.

Yesterday, the Nixon administration called for a congressional debate on the question of whether or not additional legislation was needed to control wages and prices.

Mr. Speaker, I cannot believe that such a request comes in good faith. To begin with, this administration has been on notice since the beginning of this session that this House was being recessed for 1 month beginning as of tomorrow.

This has not been a secret; it has been known to everyone in the administration. We have been here ready and willing and able to receive any recommendations made by the administration.

In addition to that, Mr. Speaker, an examination of the legislation passed in this session indicates without any equivocation that the President now has the power, if he wants to use it, to establish a wage and price board or even impose wage and price controls.

The idea that there must now be further debate in order to come to some determination of what the economic policies of this country should be is equally unnecessary. Starting from the distinguished Chairman of the Federal Reserve Board, appointed by President Nixon, Mr. Arthur Burns, and following through to almost every economist both in and out of government, we have had recommendations that there must be—there must be—some form of additional restraints on wages and prices in this economy.

I just do not understand why here, on the last day before the recess, we are suddenly confronted with such a demand.

The President on yesterday said in an interview on record in the Wall Street Journal, that unemployment continued to move downward.

Mr. Speaker, the President could not have examined the facts. Unemployment is higher now than it has been in 10 years. It hovers at 6 percent overall, and it runs 8, 9, 10, 11, and even 15 percent in some areas of our country. Among the young and among the veterans and among the blacks, it is between 10 and 15 percent.

The President says inflation is being brought under control. We have just witnessed the most inflationary wage settlements of the century—and necessarily so—because of spiraling prices. We have seen all the price indexes going higher last month than at any time in many years.

The object, as I understand it, of the policy instituted by this administration 2½ years ago was deliberately to induce some degree of unemployment in order to dampen inflation, to cut back on Government programs in order to reduce inflation. Despite the depressive measures we have suffered a continuation of inflation, and higher unemployment.

We must look at the situation from other perspectives, including how we stand in the world and how the rest of the free world views. It is rather a heartrending thing to think about the fact that the American dollar no longer is treasured in foreign capitals.

First, as Al Smith would say, let us take a look at the record. In 1968, unemployment was at 3.6 percent and the wholesale price index was rising at 2.5 percent. This year, unemployment is at 6 percent, with wholesale prices rising at a rate of 5 percent. For a while during this slide, this administration was content to point to previous deficits. But after 2½ years of decline, and after being shocked by its own $23.6 billion deficit, this administration realized that they cannot put the blame on anyone else.

It has let unemployment rise to the highest rate in a decade.

It has let the rate of wholesale price increases double.

It has let the GNP rise far below the 4½ necessary to maintain our potential.

It has let interest rates rise in a time of stagnation, until corporate bonds are averaging 8 percent compared to 5 percent in the mid-sixties.

All of this means that the country is producing $72 billion less than its potential, and that a wage earner is getting $1 less per week, using comparable dollars, than he did a year ago.

It also means that the dollar is more shaky than the administration cares to admit. West Germany and Canada are floating their currencies, and Japan and France are trying to stem the flow of unwanted dollars to their country.

Mr. Speaker, this could simply be written off as 3 bad years if things were getting better. However, the four conclusions reached by economists testifying before the Joint Economic Committee were:

The GNP will probably show less of an increase the second half of the year compared to the first half.

The growth of the money supply will be slackened even though interest rates are still rising.

No significant decline in unemployment is to be expected this year.

Inflation may still be as high as 4 or 5 percent by mid-1972.

And in the past week there has been no place to turn to avoid hearing bad news.

The Commerce Department reported that exports exceeded imports in June by $362.6 million, due to the inflated prices and low productivity of this country. This almost certainly will put us in the first negative annual trade position of this century.

The Treasury Department reported that the Federal deficit was $23.2 billion.

The Labor Department has indicated that unemployment will be moving back toward the 6 percent figure, instead of falling away from it.

This year's rise in the Wholesale Price Index has been shown to have manifest itself in the marketplace, with June being the second month in a row where consumer prices rose at least 6 percent.

The disheartening news that banks had raised their prime interest rates to 6 percent has been dwarfed by the news that some are considering 6½ percent.

There is no wonder that the stock market is reaching new lows.

The President has responded by ignoring the wage price control bill, vetoing the emergency public works bill, and freezing $12 billion of appropriated funds including $1 billion for the hard-hit area of community development.

If the President had stimulated the economy to full productivity, there would be $20 billion more of Federal revenues, and $7 billion more of local and State revenues—eliminating the need for revenue sharing.

Instead we have the Secretary of the Treasury telling us that a peacetime 4 percent unemployment with price stability is a myth, and the chairman of the Council of Economic Advisers telling us that the administration has rejected a policy of stimulation.

Mr. Speaker, I certainly hope that the country and Congress can overcome this kind of thinking for another year until a Democratic administration can restore the ideal of a healthy economy, with full employment, full productivity, and reasonable price stability.

Following is an article from today's Wall Street Journal:

WHITE HOUSE CALLS FOR CAPITOL HILL DEBATE ON WAYS TO HOLD DOWN WAGES AND PRICES

WASHINGTON.—The Nixon administration moved to quell a rising tide of criticism of its economic policies by calling for a congressional debate on ways to hold down wages and prices.

President Nixon told reporters he has an "open mind" about establishing a wage-price review board to curb inflation, but then quickly proceeded to sharply question the effectiveness of such an approach. A review board only would be established, he said, if congressional hearings "can convince me that enforcing as income (or wage-price) policy could be accomplished without stifling the economy."

An hour earlier, Treasury Secretary John B. Connally said the proposal of a dozen Senate Republicans to create a wage-price review board and expand the scope of the President's productivity council "should provide the forum for a useful discussion of important economic issues."

Many economists, both in and out of government, interpreted these moves primarily as delaying tactics to deflect the growing uneasiness over the economy on the part of business, labor and particularly political leaders. One administration insider noted that with a recess about to start, congressional hearings couldn't begin for at least a month and that it might be sometime after that before any legislation would be considered. But a Capitol Hill source said, "Sentiment is so great up here to do something that things could move quicker than they (the administration) might think."

At a surprise 50-minute news conference in his White House office yesterday, Mr. Nixon also:

Predicted the economy will continue "to move up" in the second half of the year and that the unemployment rate will continue on a "downward course," although he conceded there will still be some "aberrations."

Insisted that progress is being made against rising costs, despite monthly "variations."

Pledged to "use the power of my office" to seek "responsible" wage settlements in the future.

Dismissed his alleged feud with Federal Reserve Board Chairman Arthur F. Burns as "greatly blown-up differences," and generally praised the chairman's performance.

The administration's willingness to at least discuss the possibility of a wage-price review board, which is strongly advocated by Mr. Burns, strikes a decidedly new tone from Secretary Connally's flat assertion five weeks ago that the President "isn't going to institute" such a board.

CRITICISM OF ECONOMIC POLICIES

The catalyst for this change, officials said, was the Republican Senators' open criticism of the administration's economic policies. These officials said that both Mr. Connally, who is the administration's chief economic spokesman, and Paul W. McCracken, chairman of the President's Council of Economic Advisers, felt the need for some response to the growing demand for a tougher wage-price policy.

From a political vantage point, Mr. Connally in particular felt it wasn't any longer tenable to continue dismissing all these cries for action, one official said.

Both Mr. Connally and Mr. McCracken, aides insist, remain flexible about the possibility of any wage-price review board although George P. Shultz, Director of the Office of Management and Budget, remains adamantly opposed. It's believed the budget chief may feel that by the time Congress is ready to adopt any wage-price legislation, the economy could be moving in such an obviously favorable direction as to make such action unnecessary.

Certainly the administration men aren't counting on any swift legislative measures. In his prepared statement, the Treasury Secretary emphasized that any congressional hearing must be "extensive, thorough and comprehensive." This review, he said, should examine previous U.S. experiences with wage-price policies and "probe carefully" into the experiences of other nations.

Secretary Connally listed seven specific questions that any hearing should explore, a step that one aide admitted was primarily "needling." These included how effective such measures have been, how comprehensive any measures might be and whether there would be any adverse impact on the U.S. trade balance. Previously the administration cited many of these problems in opposing any new wage-price action.

But one administration economist noted that the last point raised by the Treasury chief dealt with when it might be determined that "such legislation is no longer needed." This suggests "that we've at least given a lot more thought to the possibility than might have been indicated," he added.

The Treasury aide also pointed to Mr. Connally's remarks in a television interview 10 days ago that a series of developments could combine to "trigger" a wage-price policy. These would include deteriorating labor-management relations, persisting trade-balance problems and "continued" high interest rates.

President Nixon retains a "theological" opposition to a tough wage-price policy, administration insiders say. And at yesterday's news conference the President clearly indicated his disdain for such measures.

He outrightly opposed compulsory powers for any wage-price board or the use of criminal sanctions against offenders. But he conceded the experience of other countries indicates that the power of persuasion "will work for only three to four months." Mr. Nixon pledged to reject any suggestion that "would impose a new bureaucracy with enormous criminal powers to fasten itself on the American economy," and said all recommendations he has seen contain this ingredient. The question of a wage-price review board, he said, will be taken up at the next meeting of the President's Productivity Commission Sept. 21.

For the present, Mr. Nixon said the administration's policy will be to continue to look at industries coming up for labor bargaining and "use our influence as effectively as we can to see that those settlements are responsible." In this regard, Labor Secretary James D. Hodgson has been directed to bring to the President's attention all major wage negotiations that are in the offing.

MAJOR NEGOTIATIONS COMING UP

With the settlement of the steel negotiations earlier this week, labor observers noted there aren't any "pattern-setting" labor contracts in the offing. But there are several major negotiations in the near future, including the longshoremen's contract and the coal, aerospace and airline industry negotiations.

Some proponents of a tough wage-price policy observed that if the President were serious about adopting new measures he could use the standby wage-price authority granted by Congress last year, or administratively establish guidelines. But Mr. Nixon pointedly said that guidelines have "never worked" in the U.S. and haven't been very successful elsewhere either.

The President also said any effort to roll back the recent 8% steel price boosts wouldn't "be effective." He did, however, strongly oppose the House-passed bill granting government blue-collar workers an additional 4% pay boost, which would cost about $175 million a year.

The GOP senators, at a news conference earlier yesterday, seemed far more worried about the economy than the President. They said in a statement they were "deeply concerned about the continuing unacceptably high rate of unemployment and of inflation."

In seeking to downplay any disagreement between himself and Federal Reserve Chairman Burns, the President praised the agency's recent monetary policies and indicated strong agreement with Mr. Burns on most economic matters. He acknowledged some differences in the area of wage-price actions, where Mr. Burns' repeated calls for tougher steps have irritated top administration officials. But Mr. Nixon said Mr. Burns "hasn't been completely specific" in outlining what kind of wage-price measures should be adopted.

Mr. Nixon also said the chairman was on the receiving end of "a very unfair shot" from reports that he lobbied for a pay boost. Rather, the President said, the Budget Office recommended, and he approved, an increase in Mr. Burns' $42,500-a-year salary but the chairman himself rejected the idea at this time. The report that Mr. Burns sought a $20,000-a-year pay boost was put out last week by White House aides.

Mr. BRAY. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, these remarks are addressed to the bill we were considering before the last speech, that is, S. 2296. regarding the National Guard Technicians.

The bill to increase the number of technicians authorized to be employed by the National Guard has been given my careful attention. My first reaction was one of concern because it revises a permanent authorization which was established less than 3 years ago. However, the change in concepts of defense posturing announced last fall has brought about a condition which was not foreseeable at the time the original authorization was fixed. Specifically the National Guard has been assigned a substantially greater responsibility in the Nation's defense configuration than was the case when the present technician strength ceiling was established. Particularly important is the fact that the National Guard, as well as other Reserve components, is now considered as the source of an immediate augmentation to the Active Forces in an emergency rather than utilizing the draft to accomplish an expansion. To insure that the National Guard is prepared to assume this role, there is presently underway an extensive upgrading of the material resources assigned to the National Guard. The magnitude of this realinement is exemplified by the changes in aircraft that have, or will have, occurred in the Air National Guard prior to the end of fiscal year 1973. Within this span of less than 2 years, one-third of the Air National Guard flying units will undergo a conversion of aircraft or a change in mission or both. More than 700 aircraft will be introduced into the Air Guard during this upgrading cycle including firstline equipment being used by the Air Force in the present conflict. This conversion of aircraft impacts heavily on the numbers of technicians required because of the maintenance requirements in the more modern and complex weapons systems. In some instances the maintenance workload practically doubles in the newer aircraft as opposed to the older planes being phased out. In fact, well over one-half of the additional technicians that would accrue to the Air National Guard in this bill will be utilized in the maintenance of aircraft.

The circumstances which I have described in brief detail for the Air National Guard are indicative of the conditions which exist in both the Army and Air Guard. During the same time frame the Army Guard will experience a weapons upgrading comparable to the aircraft upgrading in the Air Guard. This upgrading of weaponry in the Army Guard is also accompanied by an approximately 20-percent increase in the amount of equipment to be in their inventory. This increase is measured by literally thousands of line items of equipment ranging from small arms to aircraft and tanks.

Nearly 90 percent of the additional technicians which would be assigned to the Army Guard in this bill will be performing duties in the logistical support type activities.

In reviewing this bill in its total perspective I am impressed by several things some of which probably relate only indirectly to this bill. However, I am impressed by the prompt and concrete actions being taken by the Department of Defense to implement their previously announced concepts of defense. I am particularly impressed by the actions, apparently underway, to increase the equipage levels in the National Guard and the weapons modernization goals that appear evident. I am also very impressed that this level of improvement and this defense capability can be achieved within the additional manpower resources which are included in this bill. It is very significant in my opinion that the bulk of the additional technicians are in the category of production personnel. Better than 75 percent of the additional technicians are identified with logistics and aircraft maintenance. When such additional functions as flying training, nuclear security, communications and electronics, and direct supply support is added to logistics and aircraft maintenance, well over 80 percent of the increased technician authorization will be devoted to direct mission accomplishments.

There is one other feature of this bill which is incidental and not related to increasing the technician authorization. This is a proposal to repeal a section in title 32, U.S.C. that no longer serves a purpose and in fact is voided annually by appropriation language. Briefly, section 107 of title 32 prescribes that funds appropriated for the National Guard will be apportioned in a direct ratio to the number of enlisted members in the National Guard. Each year the appropriation language excludes this section from application for the simple reason that costs no longer have a relationship solely to the enlisted strengths. Instead, the weapons being utilized are the primary determinant of the expenses incurred. As an example, in the Air Guard, an organization assigned a complex tactical reconnaissance jet aircraft and another unit having a lesser complex observation aircraft each have similar enlisted personnel strengths. The expenses, however, related to operating the tactical reconnaissance jet aircraft are substantially greater because of the difference in fuel costs, supplies, depot overhaul, and so forth.

Therefore, the repeal of that section of title 32, which is included in this bill, while not related to the primary purpose of increasing the technician authorization, is nevertheless a valid proposal designed to overcome obsolete law.

In summation, I am convinced this bill represents an essential piece of legislation; legislation which is required in order to proceed with the concept of defense which has been announced and supported. Further, I have a complete confidence that the National Guard will utilize the resources made available in a most judicious manner and will maintain its reputation of being an outstanding contributor to this Nation's security.

It is without hesitation that I recommend the passage of this bill as presented by the committee.

Mr. MONTGOMERY. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I rise in support of S. 2296 and urge its favorable approval by my colleagues. The legislation would raise the ceiling on National Guard technicians from 42,500 to 49,200 for fiscal year 1972 and to 53,100 for fiscal year 1973 and thereafter.

The National Guard technician is a very important part of the preparedness capability of the Guard. The role of the technician is to provide support in the administration and training of the National Guard military organization and for the day-to-day maintenance and repair of equipment which cannot be accomplished during normal military training periods.

The role of the National Guard technician is becoming even more significant as we push toward a goal of the all-volunteer concept. There is increased emphasis on the Guard in the overall defense posture. The Guard is now receiving greater quantities of modern and sophisticated equipment which must be maintained. It is up to the technician to do the job and do it right.

Mr. Speaker, if we expect the National Guard to maintain a preparedness level necessary for national defense purposes, then it is going to be necessary to raise the ceiling on the number of technicians. For this reason, I urge passage of S. 2296.

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to call attention of the Congress, my support, through H.R. 4959. This is my bill filed as one of the cosponsors, on February 25, 1971, to amend title 5, United States Code, to correct inequities in the crediting of National Guard technician service in connection with civil service retirement.

I read the bill into the Record as follows:

H.R. 4959

A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 8332(b) of title 5, United States Code, relating to creditable service for civil service retirement purposes, is amended by striking out the last sentence thereof which reads as follows: "Service referred to in paragraph (6) is allowable only in the case of persons performing service under section 709 of title 32, United States Code, on or after the effective date of the National Guard Technicians Act of 1968.".

(b) Section 8334(c) of title 5, United States Code, relating to deposits for periods of creditable service for civil service retirement purposes is amended by striking out the last sentence thereof which reads as follows: "Notwithstanding the foregoing provisions of this subsection, the deposit with respect to a period of service referred to in section 8332(b)(6) which was performed prior to the effective date of the National Guard Technicians Act of 1968 shall be an amount equal to 55 per centum of a deposit computed in accordance with such provisions.".

(c) Section 8339 of title 5, United States Code, relating to computation of civil service retirement annuities, is amended by striking out subsection (1) thereof which reads as follows:

"(1) In determining service for the purpose of computing an annuity under each paragraph of this section, 45 per centum of each year, or fraction thereof, of service referred to in section 8332(b)(6) which was performed prior to the effective date of the National Guard Technicians Act of 1968 shall be disregarded.".

(d) Section 3(c) of the National Guard Technicians Act of 1968 (82 Stat. 757; Public Law 90-486), relating to crediting of National Guard technician service for Federal employees leave, death, and disability compensation, group life and health insurance, severance pay, tenure, and status, is amended by striking out the last sentence thereof which reads as follows: "This subsection shall apply only in the case of persons who perform service under section 709 of title 32, United States Code, on or after the effective date of this Act.".

Sec. 2. The foregoing provisions of this Act shall become effective as of January 1, 1969.

Congratulations to Maj. Gen. Milnor Roberts As New U.S. Army Reserve Chief

We in Pittsburgh are proud and pleased with the elevation of our own civic-minded citizen and well-known reservist, to Chief of the U.S. Army Reserves. With the new emphasis on Reserves in every branch of the U.S. armed services, America is fortunate to have Milnor Roberts placed, because of his loyalty and ability, in this strategic command position in the U.S. Army.

I read into the Record from the May 1971 issue of "The Officer," official publication of the Reserve Officers Association of the United States, the article "Major General J. Milnor Roberts," and the editorial "A New Day for a New Team":

Maj. Gen. Milnor Roberts, Jr., New Army Reserve Chief, Survivor of "The Longest Day" in Normandy, Has Outstanding Record in Military Command and Leadership Roles

Maj. Gen. J. Milnor Roberts, Jr., the new Chief of Army Reserve on the Army Staff, went from command of Co. E of the 88th Glider Infantry Regiment, to the post of Battlefield Aide, to the V Corps Commander on the Omaha Beach on D-Day, 6 June 1944, only to find himself so often exposed to enemy fire in so many different situations that he landed the next morning on the casualty list.

"I encountered an old college friend the next morning who greeted me with, 'My God, I thought you were dead.' "

"Funny thing," recalled General Roberts with a not too funny laugh, "It took me a little time to convince him that I was alive and generally speaking all right, and I was concerned as to how far reports of my name being on the KIA list had proceeded. I especially wanted my family back home to know that the report was, indeed greatly exaggerated."

A CAPTAIN ON D-DAY

Roberts was a captain at the time, just four years after receiving his commission from ROTC at Lehigh University, Bethlehem, Pa., and just approaching his 25th birthday. But from the time of that historic Normandy Beachhead landing until the end of the war, he was involved in the roughest action of World War II, as Allied forces plowed across France and Germany, before uniting with the Russian allies and accepting the German surrender, a traumatic 11 months later. Meanwhile, he had become a key member of the V Corps Staff, first as Assistant G–5, Executive Officer of the G–5 Section, and then Assistant G–2, before being released from active duty in December 1945, carrying home with him various military decorations, including the Bronze Star Medal, the Croix de Guerre with Silver Star (French), the Military Cross of 1939 (Czechoslovakian).

SHARED JEEP WITH THURMOND

Before shipping overseas to an English training base, he served as instructor at the Infantry School at Ft. Benning, and in various instructor and training assignments in the Infantry and Glider Infantry. By coincidence, his Glider Infantry experience parallels that of then Col. Strom Thurmond, a much-decorated officer of the D-Day landing, who today is the second senior Republican member of the Senate Armed Services Committee, Past National President of ROA, and recent recipient of the ROA Minute Man of the Year award. They first met when they shared a battered jeep on a wild dash up a country road during an advance inland from the Beachhead. Thurmond was then operations officer of the G–5 Section of First Army and Roberts was Executive Officer, G–5 Section, V Corps. They have been personal friends since.

"The Longest Day", the history-making novel by Cornelius Ryan, was the basis for a fabulous motion picture, the premiere showing of which was sponsored in many places by ROA. Roberts had been a rich source of material for this book because of his activity for his commander, General Leonard Gerow, in rushing from one point on Omaha Beach to another. One story he recalls, which has never been told, was the delightful one about the messages to the troops from the President of the United States and the invasion forces surgeon.

LOFTY AND PRACTICAL MESSAGES

President Roosevelt's message was couched in the loftiest inspirational prose, exhorting the men to respond to their sacred challenge to liberate in the name of God and justice the enslaved beloved friends of all Americans. The Surgeon General, in a more practical sense, emphasized the issuance of duplicate essential articles to all soldiers going out to fight and reminding them that the romantic aspects of this liberation efforts should be guarded with care. General Roberts used one of his—in which to wrap his wrist watch, and he recalled later that his watch was the only thing about him dry after he got ashore. "This is the watch I have on my wrist today," he says with some pride.

After World War II, General Roberts continued in the Active Reserve, serving as S–2, S–3 and Executive Officer, 314th Infantry Regiment; Commanding Officer, 1st Battle Group, 314th Infantry Regiment; Commander, Combat Command Section, 79th Command Headquarters (Divisional); as a Mobilization Designee to the Office, Chief of Information, Department of the Army, and Commander of the 99th ARCOM.

REGAINS TWO-STAR RANK

General Roberts was selected and confirmed for two star rank, but gave up his opportunity to become a Major General when he accepted an appointment on 1 October 1970, as Deputy Chief of Army Reserve, being the first Army Reserve General Officer to fill this position. As Chief, he regained his two-star rank.

A native of Pittsburgh, General Roberts, in civilian life, was President of Sykes Advertising, Inc., and has been active in various civic, professional and patriotic activities.

He became Commander of the 99th ARCOM in December 1968, and was promoted to Brigadier General in May 1968.

In addition to the Infantry School and glider operations course, he has completed the Command and General Staff College associate and combat refresher courses, the National War College Defense Strategy Seminar and the National Security Seminar of the Industrial College of the Armed Forces. He has also attended the Army War College Senior Reserve Component Officers Course.

HOME IN PITTSBURGH

General Roberts' wife, "Ginger", petite and auburn haired, has been completing a four-year effort to obtain a Master's Degree in Social Work from the University of Pittsburgh, since he has been in the Pentagon. The Roberts, parents of a college-age son, a high school senior, Class of 1971, and two other teenagers, has just completed and warmed up a home they had designed by a leading contemporary architect to meet requirements of this day: an adult section of the house, connected by a second-story bridge to a section of the house occupied by their children, underneath of which is a garden patio. The site is on a mountainside overlooking the Allegheny River, and the most scenic part of suburban Pittsburgh.

A NEW DAY FOR A NEW TEAM

On the day this is being written the United States Senate has confirmed as Reserve Chiefs two officers of the nation's military Reserve, who also are influential members of our Association, Maj. Gen. Homer I. Lewis, in the Air Force, and Maj. Gen. James Milnor Roberts, Jr., in the Army. These nominations were forwarded by the Commander-in-Chief, the President of the United States, on March 8, and were the subject of routine but detailed investigation by the Committee on Armed Services.

Senator Stennis, in opening the hearings, emphasized they were not necessitated by any requirement to probe their records, but to underscore the deep interest of the Congress in the work these officers must do. It was significant that he gave them a special welcome "to the problems of the office they assume." Both of these Offices, he pointed out, were established by statute December 1, 1967, under what was known as H.R. 2, and the two nominees of 1971 are the second appointees to these positions.

The hearings lasted less than one hour; yet they were thorough, being marked more particularly by the spirit of commitment which came through very clearly. Both General Lewis and General Roberts were being placed in key positions in the military staff Defense Services where their welcome is assured; they themselves made it clear that they approached their duties in a sense of determined dedication; each was assured by the Senators present that the Congress takes very seriously its responsibilities to them and to their assignments.

In his informal responses to questions from the Chairman, General Lewis referred to the increasingly important environment in the Reserve Forces. He said:

"The challenges are great, the opportunities are great, and we are receiving more direction and encouragement from the active establishment and from the Congress.

"It is a turning point really. We have built up a great force and improved a great force for two or three years, and it is getting better all the time, and today we are finding ourselves coming into relatively modern equipment and finally we are being looked upon for more reliance with the no-draft propositions."

Senator Stennis responded, "I am very strong for the Reserves. I think all members of the Committee are. We really think you have an important place in any war planning. . . . I hope that we have a firm hard policy for future years that will make the Reserves an integral part of our forces. I think that is the only way to save money. . . . We have less manpower in the Regulars and rely more on the Reserves."

General Lewis responded, relative the cost of the Reserves, "We are spending in the Air Force Reserve (funds) for the units that actively support, contribute, augment the Active Forces on a day to day basis and we think that is a proper way to address this subject in today's environment."

Senator Stennis alluded subtly to "lip service" when he commented:

"When you say something to the Regulars about sharing with them some of their better planes they don't want to do it. . . . I think we have got to have the Reserves, good units, to share in some of the better products."

In turn, General Roberts, in response to the questions of the Chairman, said:

"Today, the Army General Staff is relying on a viable Reserve to a greater extent than they ever have before. It is our mission to get these units in the highest state of readiness so that they have the same level of training and preparedness as the Active Army units that they will be working with, and then, of course, we can't forget we have the mobilization base of the country. Our training divisions are established to train and quickly turn out a large number of people if the need arises, and I am happy to say that the Defense Department, having made a statement that they are going to place greater reliance upon the Reserve Forces, are carrying through and I sense a changed attitude throughout the Pentagon with regard to the Reserve Forces."

Subsequently, in order, the note sounded by Senator Stennis and by Generals Lewis and Roberts, was emphasized by Senators Symington, Byrd, of Virginia, Margart Chase Smith, Thurmond and Schweiker. Senator Bentsen, of Texas, expressed delight over appointment of one of his constituents, calling him a man of high character and ability and emphasizing that the positions of the Reserve Chiefs, "have a higher correlation of significance than they have had for many years." Senator Schweiker, praising General Roberts as a citizen-soldier, predicted that in the decade ahead the nation may be expected to put more of a burden on Reserve Forces than they have ever had before, and that there is "more of a challenge and more of an opportunity for Reserve excellence in the next decade than we have had since World War II . . . that . . . we have got to back up these gentlemen in this job to give them the wherewithal and emoluments of the service . . . we have not done this fully in the past . . . it behooves this Committee to back up the Reserves and to build up the Reserves and to build up the forces in a way that we haven't done since World War II."

At one point in the hearings, Senator Thurmond spoke from his own experience with words which were significant to our Association. Speaking to General Lewis, he said:

"I note you are coming to this high position as Chief of Air Force Reserves after having served as President of the Reserve Officers Association several years ago. As a former President of the ROA, I find my year of service in that capacity most helpful in connection with my duties here in the Senate. And I believe you will have a similar experience in this new role that you are assuming."

We devote this prime space in our magazine to consideration of these two appointments, because like the Senators, we believe that they represent a turning point, and that these officers have critical roles in determining the safety and security of our nation in the years ahead. Their records will speak for themselves; but they have the background and experience, the dedication, and they are making the personal sacrifices to commit four years out of their lives to back-breaking leadership requirements. ROA will support them as it has done their predecessors, and yet reserving our right to criticize as well as to applaud. In this American way of serving our leadership, we anticipate no easy years ahead, but we do envision productive and exciting times.

Mr. FISHER. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

House Resolution 571 was laid on the table.

PRINTING ADDITIONAL COPIES OF HEARINGS ENTITLED "COMPREHENSIVE PRESCHOOL EDUCATION AND CHILD DAY-CARE ACT OF 1969"

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 92-452) on the concurrent resolution (House Concurrent Resolution 319) to provide for the printing of 1,000 additional copies of the hearings before the Select Subcommittee on Education of the Committee on Education and Labor entitled "Comprehensive Preschool Education and Child Day-Care Act of 1969," and ask for immediate consideraton of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 319

Resolved by the House of Representatives (the Senate concurring), That one thousand additional copies of the hearings before the Select Subcommittee on Education of the Committee on Education and Labor of the House of Representatives, Ninety-first Congress, first and second sessions, on H.R. 13520, entitled "Comprehensive Preschool Education and Child Day-Care Act of 1969", be printed for the use of the Select Subcommittee on Education.

With the following committee amendment:

On page 1, line 2, strike "one" and insert in lieu thereof "two".

The committee amendment was agreed to.

The concurrent resolution was agreed to.

The title was amended so as to read: "To provide for the printing of two thousand additional copies of the hearings before the Select Subcommittee on Education of the Committee on Education and Labor entitled 'Comprehensive Preschool Education and Child Day-Care Act of 1969'."

A motion to reconsider was laid on the table.

PRINTING OF ADDITIONAL COPIES OF HEARINGS ENTITLED "ENVIRONMENTAL QUALITY EDUCATION ACT OF 1970"

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 92-453) on the concurrent resolution (H. Con. Res. 320) to provide for the printing of 300 additional copies of the hearings before the Select Subcommittee on Education of the Committee on Education and Labor entitled "Environmental Quality Education Act of 1970," and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 320

Resolved by the House of Representatives (the Senate concurring), That three hundred additional copies of the hearings before the Select Subcommittee on Education of the Committee on Education and Labor of the House of Representatives, Ninety-first Congress, second session, on H.R. 14753, entitled "Environmental Quality Education Act of 1970", be printed for the use of the Select Subcommittee on Education.

With the following committee amendment:

On page 1, line 2, strike out "three" and insert in lieu thereof "six".

The committee amendment was agreed to.

The concurrent resolution was agreed to.

The title was amended so as to read: "To provide for the printing of six hundred additional copies of the hearings before the Select Subcommittee on Education of the Committee on Education and Labor entitled 'Environmental Quality Education Act of 1970'."

A motion to reconsider was laid on the table.

PRINTING OF ADDITIONAL COPIES OF HEARINGS ENTITLED "DRUG ABUSE CONTROL AMENDMENTS—1970"

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 92-454) on the concurrent resolution (H. Con. Res. 337) to provide for the printing of 250 additional copies each of parts 1 and 2 of the hearings before the Subcommittee on Public Health and Welfare of the Committee on Interstate and Foreign Commerce entitled "Drug Abuse Control Amendments—1970," and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 337

Resolved by the House of Representatives (the Senate concurring), That two hundred and fifty additional copies each of parts 1 and 2 of the hearings before the Select Subcommittee on Education of the Committee on Education and Labor of the House of Representatives, Ninety-first Congress, second session, on H.R. 9312, H.R. 9313, and H.R. 9314, entitled "Drug Abuse Education Act of 1969", be printed concurrently for the use of the Select Subcommittee on Education of the Committee on Education and Labor of the House of Representatives.

With the following committee amendment:

On page 1, line 2, strike out "two hundred and fifty" and insert in lieu thereof "five hundred".

The committee amendment was agreed to.

The concurrent resolution was agreed to.

The title was amended so as to read: "To provide for the printing of 500 copies each of parts 1 and 2 of the hearings before the Select Subcommittee on Education of the Committee on Education and Labor entitled Drug Abuse Education Act of 1969."

A motion to reconsider was laid on the table.

PROVIDING FOR REPRINTING OF THE PRAYERS OFFERED BY THE CHAPLAIN

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 92-455) on the concurrent resolution (H. Con. Res. 359) to provide for the reprinting of the prayers offered by the Chaplain, and ask for immediate consideration of the concurrent resolution as follows:

H. CON. RES. 359

Resolved by the House of Representatives (the Senate concurring), That eight thousand eight hundred copies of the prayers offered by the Chaplain, the Reverend Edward Gardiner Latch, D.D., L.H.D., at the opening of the daily sessions of the House of Representatives of the United States during the Eighty-ninth, Ninetieth, and Ninety-first Congresses, be reprinted and bound, with appropriate illustration, for the use of the House of Representatives.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

TO PRINT AS A HOUSE DOCUMENT THE CONSTITUTION OF THE UNITED STATES

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 92-456) on the concurrent resolution (H. Con. Res. 365) to print as a House document the Constitution of the United States, and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 365

Resolved by the House of Representatives (the Senate concurring), That there is authorized to be printed as a House document the Constitution of the United States, as amended through July 5, 1971, with an analytical index and ancillaries regarding proposed amendments, prepared by Representative Emanuel Celler, of New York, to be bound with a paperback cover of the style and design used in printing House Document Numbered 124 of the Ninetieth Congress, and that two hundred and forty thousand additional copies be printed, of which twenty thousand shall be for the use of the House Committee on the Judiciary and the balance prorated to the Members of the House of Representatives.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING OF POCKET-SIZE EDITION OF "THE CONSTITUTION OF THE UNITED STATES OF AMERICA"

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 92–457) on the concurrent resolution (H. Con. Res. 367) authorizing the printing of the pocket-size edition of "The Constitution of the United States of America" as a House document, and for other purposes, and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 367

Resolved by the House of Representatives (the Senate concurring), That there shall be printed as a House document the Constitution of the United States (pocket-size edition), as amended to July 1, 1971, and that one hundred and ten thousand shall be for the use of the House of Representatives.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. WYLIE. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 243]

Abourezk
Addabbo
Alexander
Anderson, Ill.
Anderson, Tenn.
Belcher
Bell
Blanton
Boland
Burleson, Tex.
Cabell
Celler
Chappell
Chisholm
Clark
Clay
Cleveland
Conte
Conyers
Corman
Cotter
Danielson
Davis, Ga.
Dent
Diggs
Donohue
Eckhardt
Edmondson
Edwards, Calif.
Edwards, La.
Eilberg
Esch
Eshleman
Evins, Tenn.
Fish
Flood
Flynt
Foley
Fulton, Tenn.
Fuqua
Gallagher
Gray
Gross
Gubser
Hagan
Hanna
Hansen, Wash.
Harrington
Harsha
Jones, Tenn.
Long, La.
McClure
McCulloch
McDade
McKay
McKevitt
McKinney
Meeds
Mink
Mollchan
Mosher
Moss
Murphy, N.Y.
Nix
O'Hara
Passman
Patman
Pelly
Pepper
Peyser
Pike
Rees
Roberts
Rosenthal
Roush
Ryan
St Germain
Saylor
Scheuer
Schwengel
Sikes
Sisk
Stafford
Teague, Tex.
Tiernan
Van Deerlin
Vander Jagt
Waldie
Williams
Wilson, Charles H.
Wright
Yatron

The SPEAKER. On this rollcall 341 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONFERENCE REPORT ON S. 581, EXPORT EXPANSION FINANCE ACT OF 1971

Mr. ASHLEY. Mr. Speaker, I call up the conference report on the bill (S. 581) to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the U.S. Government, to extend for 3 years the period within which the Bank is authorized to exercise its functions, to increase the Bank's lending authority and its authority to issue, against fractional reserves and against full reserves, insurance and guarantees, to authorize the Bank to issue for purchase by any purchaser its obligations maturing subsequent to June 30, 1976, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of August 2, 1971.)

Mr. ASHLEY (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER. The gentleman from Ohio (Mr. ASHLEY) is recognized for 30 minutes and the gentleman from New Jersey (Mr. WIDNALL) will be recognized for 30 minutes.

Mr. ASHLEY. Mr. Speaker, I think all of us are familiar with the legislation before us, which was adopted in the House only a very few weeks ago. Let me address myself, then, to the items in disagreement between the House version of the Export Expansion Finance Act of 1971 and that of the Senate.

In doing so, Mr. Speaker, let me say that on four of the five items in disagreement the position of the House prevailed. On one item in disagreement the position of the Senate prevailed.

The first item in disagreement was with respect to the life of the Bank. The Senate bill extended the authorization of the Export-Import Bank to June 30, 1976. The House version extended it to June 30, 1974. For the reasons discussed at the time of the passage of the legislation in the House it was strongly urged by your conferees that the House position be affirmed, and this was the result.

With respect to the second item in disagreement, the House bill removed the Federal Reserve constraints on U.S. exports by commercial banks. There was no similar provision in the Senate bill, and the House position prevailed.

REQUEST TO CALL UP CONFERENCE REPORT ON DEPARTMENTS OF LABOR AND HEW APPROPRIATION BILL

Mr. MAHON. Mr. Speaker, will the gentleman yield to me?

Mr. ASHLEY. I yield to the gentleman from Texas.

Mr. MAHON. I would like to know if the gentleman from Ohio would be willing to yield in order to permit me to make a unanimous-consent request having to do with the Labor-HEW appropriation bill for 1972?

Mr. ASHLEY. Of course, I yield to the very distinguished gentleman from Texas for that purpose.

Mr. MAHON. I thank the gentleman very much.

Mr. Speaker, I ask unanimous consent that it may be in order at any time today to consider the conference report on the Labor-HEW appropriation bill for 1972, H.R. 10061.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. HALL. Mr. Speaker, reserving the right to object, has there been any indication, I will ask the distinguished occupant of the chair, that such a conference report has been concluded and filed and printed in the RECORD to date?

The SPEAKER. There has not been.

Mr. HALL. Under those circumstances, of course, I would be forced to object.

The SPEAKER. Objection is heard.

Mr. FLOOD. Mr. Speaker, will the gentleman yield?

Mr. ASHLEY. Does the gentleman from Pennsylvania want to pursue the matter?

Mr. FLOOD. Yes.

Mr. ASHLEY. I yield to the gentleman.

Mr. FLOOD. I thank the gentleman from Ohio.

Mr. Speaker, working from early this morning, we concluded a conference on this bill. The report is now being written. The papers are being put together.

The question arose, should we seek a rule or should we seek unanimous consent to consider the report today.

I might add that we have done very, very, very, very well in our registrations with the other body and we would like to dispose of the conference report as soon as it is presented.

Mr. HALL. Well, Mr. Speaker, will the gentleman yield further?

Mr. ASHLEY. Yes, I yield further to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman from Ohio yielding for the purpose of this colloquy. Of course, the very point is that I have no reason to know that information which the gentleman from Pennsylvania has just furnished the House.

It would seem to me that within the greatest expansion of any realm of concept of the ordinary procedures that, first, one would get permission to file the conference report after the conference has been concluded and the papers prepared before asking unanimous consent to consider, both of which break the rules of the House, and do damage the Legislative Reorganization Act of 1970 in regard to unanimous consent.

Mr. FLOOD. Mr. Speaker, if the gentleman will yield further, may I say that the papers have not yet been completed and printed. But I assure the gentleman that we did far better than what he probably thought might happen. I do not think that we came out on the short end.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, my good friend is, of course, very convincing in his great Shakespearean prose and his admirably portrayed histrionics. The gentleman knows I love him like a brother and the gentleman has done me many favors; however, the gentleman is discussing the context of the conference report, which has not been filed let alone not being the proper time under the statute that the waiver of the Reorganization Act of 1970 be granted to him, so that we can consider it on the same day.

Mr. FLOOD. Mr. Speaker, if the gentleman from Ohio will yield further, may I say this: The gentleman is quite right, of course. The gentleman is, of course, quite right on the rules, but the request is exactly the same as the request I would hope to make in a couple of hours when the report is presented. I would hope we could proceed.

If we have to go to the Committee on Rules and come back here with a rule, it would take an hour or so and that would be a further delay.

Mr. HALL. What I am interested in, if the gentleman from Ohio will yield further, and I appreciate his precious time——

Mr. ASHLEY. Mr. Speaker, may I inquire as to how much time has been used?

The SPEAKER. The gentleman has used 8 minutes.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, my only interest is in the proper and orderly procedure and that we have this information in order that within the scope of due process we can simply distill that information into intelligence so that we can act with mature judgment.

It was this concept that brought about the 3-day rule for conference reports in the Reorganization Act of 1970.

The "fraternity" of the Committee on Appropriations has violated that rule on every conference report they have brought back to date, and the disease is spreading rampant including other conference reports, and no unctions or inoculative procedures seem to stop it.

Mr. FLOOD. If the gentleman will yield further, to assure the distinguished doctor that we have performed, not a transplant, but a minor miracle.

Mr. HALL. Mr. Speaker, let me suggest to my distinguished friend that he simply renew his request and ask permission to file a conference report when prepared this afternoon at that time. Then at a later time after some figures are available and there has been more time for preparation and consideration the gentleman could, it seems to me, ask permission to take it up out of order and in violation of the rule—even though this same committee last week upped the budget $1.833 billion in one afternoon on two bills, and only yesterday another $1 billion was packed onto the taxpayer's back.

Mr. FLOOD. I think the gentleman is quite reasonable in his suggestion.

Mr. ASHLEY. Mr. Speaker, with respect to the third difference in the House and Senate versions of the bill under consideration, the House language provided that the Export-Import Bank's financial services shall be available to export agents and managers, to independent export firms, and to small commercial banks. There was no similar Senate provisions, and again the House position prevailed.

The fourth item in disagreement related to the intent of Congress that the Export-Import Bank provide financing on terms and conditions that are competitive with Government-supported rates, terms, and other conditions available to exporters in other countries with which the United States is in trade competition.

There was considerable discussion of the difference between the House language in this regard and that of the Senate. The House position again prevailed.

On the fifth and final item in disagreement, on which the Senate prevailed, let me say that the Senate bill amended the so-called Fino amendment by prohibiting the Export-Import Bank financing of exports to any nation with which the United States is in armed conflict, or to any nation where such transaction, as determined by the President, is contrary to the interests of the United States.

As will be recalled, the House acted to retain the so-called Fino amendment by a vote of, I believe, 207 to 153. I want to make it clear that there was a bona fide effort on the part of the House managers to assert the House position.

Mr. J. WILLIAM STANTON. Mr. Speaker, will the gentleman yield.

Mr. ASHLEY. I yield to the gentleman from Ohio.

Mr. J. WILLIAM STANTON. Mr. Speaker, I appreciate the point the gentleman from Ohio (Mr. ASHLEY) is making, and would ask the gentleman whether it would not be a fair assumption to say that when the house conferees were attempting to maintain this amendment as passed by the House that word was sent to the House that the administration favored a change in the position the House was taking?

CALL OF THE HOUSE

Mr. ROUSSELOT. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. ROONEY of New York. Mr Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 244]

Abourezk
Addabbo
Alexander
Anderson, Ill.
Anderson, Tenn.
Aspin
Bell
Blanton
Boland
Brademas
Burleson, Tex.
Cabell
Carey, N.Y.
Cederberg
Celler
Chappell
Chisholm
Clark
Clay
Cleveland
Conte
Corman
Cotter
Davis, Ga.
Dent
Dickinson
Diggs
Donohue
Eckhardt
Edmondson
Edwards, La.
Eilberg
Esch
Eshleman
Evins, Tenn.
Fish
Flynt
Fulton, Tenn.
Fuqua
Goldwater
Gray
Gross
Gubser
Hagan
Hanley
Hanna
Hansen, Wash.
Harrington
Jacobs
Jones, N.C.
Jones, Tenn.
Kluczynski
Leggett
Long, La.
McClure
McCulloch
McDade
McKay
McKinney
Mailliard
Meeds
Melcher
Mink
Mollohan
Montgomery
Moorhead
Mosher
Murphy, N.Y.
Nix
Passman
Patman
Pelly
Pepper
Peyser
Powell
Pucinski
Railsback
Rees
Reid, N.Y.
Roberts
Roush
Ryan
St Germain
Saylor
Scheuer
Schwengel
Sikes
Slack
Smith, Calif.
Springer
Stafford
Staggers
Stuckey
Teague, Tex.
Thompson, N.J.
Tiernan
Van Deerlin
Vander Jagt
Waldie
Williams
Wilson, Bob
Wilson, Charles H.
Yatron

The SPEAKER pro tempore. On this rollcall 330 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On July 29, 1971:

H.J. Res. 169. Joint Resolution authorizing the acceptance, by the Joint Committee on the Library on behalf of the Congress, from the United States Capitol Historical Society, of preliminary design sketches and funds for murals in the east corridor, first floor, in the House wing of the Capitol, and for other purposes; and

H.R. 6072. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Pembina Band of Chippewa Indians in Indian Claims Commission dockets numbered 18–A, 113, and 191, and for other purposes.

On July 30, 1971:

H.J. Res. 714. Joint Resolution designating the week of August 1, 1971, as "American Trial Lawyers Week."

On August 2, 1971:

H.R. 1892. An act for the relief of Stephen D. Yednock;

H.R. 1907. An act for the relief of Arnold D. Smith;

H.R. 2246. An act for the relief of Charles C. Smith; and

H.R. 3753. An act for the relief of Sgt. Ernie D. Bethea, U.S. Marine Corps (retired).

On August 3, 1971:

H.R. 2110. An act for the relief of the estate of Julius L. Goeppinger; and

H.R. 6217. An act to amend the peanut marketing quota provisions of the Agricultural Adjustment Act of 1938.

On August 4, 1971:

H.R. 7271. An act to authorize appropriations for the Commission on Civil Rights.

CONFERENCE REPORT ON S. 581, EXPORT EXPANSION FINANCE ACT OF 1971

The SPEAKER pro tempore (Mr. BOLLING). When the point of order that a quorum was not present was made, the gentleman from Ohio had consumed 13 minutes.

Mr. ASHLEY. Mr. Speaker, at the time the quorum call was ordered I was engaged in a colloquy with my distinguished friend, the gentleman from Ohio (Mr. J. WILLIAM STANTON).

Mr. J. WILLIAM STANTON. Mr. Speaker, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman from Ohio.

Mr. J. WILLIAM STANTON. Mr. Speaker, I appreciate my colleague from Ohio yielding to me.

When the quorum call took place, we were discussing the action of the conferees, and I was hoping to make the point that the other body gave in to this House on four points, and we conceded on one, and that point was the last point before the conference was settled, and at the height of the battle the House was holding to its position on the amendment and word was sent to the conferees that the administration was acceptable to the bill that we have before us, and with that final word in there, I just wanted to make that particular point, that then shortly thereafter the conferees adjourned.

Mr. ASHLEY. I appreciate very much the contribution of the gentleman from Ohio because I think it is of considerable importance that it can be said that had the position of the administration been known at the time the measure was being debated on the floor of the House that the 207-to-153 teller vote might have turned out quite differently.

Mr. WYLIE. Mr. Speaker, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman from Ohio.

Mr. WYLIE. Mr. Speaker, I would ask the gentleman who told him the administration supported the Senate position on this amendment?

Mr. ASHLEY. Word was given to us by the minority, as I recall, by the minority staff of the Senate Committee on Banking.

Mr. WYLIE. By the minority staff of the Senate Committee on Banking?

Mr. ASHLEY. That is correct. Subsequently this by a representative of the White House.

Mr. WYLIE. That is sort of strange. I have tried repeatedly to find out the position of the administration. But, you got your information from a staff member.

Mr. ASHLEY. Well, is my recollection right? I will refer to the gentleman from Ohio.

Mr. J. WILLIAM STANTON. Mr. Speaker, I think the point is trying to be established as to what is the administration's position on this particular amendment, and I would say to my colleague, the gentleman from Ohio, who has more seniority than I have in the House, that we are not in a position to speak. We do have a minority leader who I assume will speak to that later, and this problem will be solved. And I hope that those who are wondering about the position of the administration will take the gentleman's word for it.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Speaker, I appreciate the gentleman from Ohio being willing to yield to me.

Does the gentleman in the well mean to tell this House of Representatives that on substantive issues such as the Wylie amendment the present law as we are concerned with here, and that the Senate just casually decided to leave out, that when the gentleman wants to make a determination on what the position of the administration is, that he relies on the simple judgment of the minority staff of the Senate?

Mr. ASHLEY. It was not their judgment; it was discussed among the conferees, the Republicans and Democratic conferees in the other body as well as those of us representing the House.

My recollection is that the report with respect to the position of the administration was accepted at face value. There was no reason to suspect skulduggery or misrepresentation.

Mr. GETTYS. Mr. Speaker, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman.

Mr. GETTYS. I would like to ask the gentleman are the House conferees to take instruction from the White House, or from the staff of the Senate Banking Committee?

Mr. ASHLEY. From the House.

Let me say to the gentleman that the position of the administration with respect to the item in disagreement was only one aspect of that question. The fact of the matter is that the Senate as a body was unanimous on this matter.

Mr. GETTYS. Yes, but if the White House wanted something would the conferees on the part of the House have the obligation and duty to come back to the House for instructions, and not to take instructions from the White House?

Mr. ASHLEY. We did not take instructions from the White House.

The position of the White House on this matter was simply one consideration.

Mr. REUSS. Mr. Speaker, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman.

Mr. REUSS. Would not the gentleman from Ohio agree that the situation is as follows: That the conferees attempted to carry out the will of the House, and that they were not successful in doing so on this particular east-west issue. But they were successful on every other controverted issue.

And is it not further a fact that the White House since the adoption of the conference report has communicated that both it and the Export-Import Bank entirely supports the conference report, and hopes that it will be adopted?

Mr. ASHLEY. The gentleman is absolutely right.

Mr. REUSS. And is it not a further fact that that position by the White House and the Export-Import Bank did not affect the House conferees at the time they were conferring, but that it is, and should be, of interest to Members who are called upon this afternoon to vote on the conference report?

Mr. ASHLEY. I thank the gentleman.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman from Illinois.

Mr. FINDLEY. Regardless of what forces were brought to play during the conference, it is my view that the conferees came back from the conference with a good report and particularly on the question of East-West trade. The only justification that I can think of for hanging on to this vestige of an earlier era would arise from the contention of some that we are still trying to win a military victory in South Vietnam. Then, economic warfare would make sense. Surely that day is long gone, and it is high time that we acted in harmony with the new approach to East-West trade that our President has so well advanced on a number of fronts.

The position of conferees on this position is in complete harmony with the President's trade initiative with Mainland China, and there is some indication that the administration would like to extend the most-favored-nation status to Rumania, and perhaps to other countries. So I am certainly in accord with what the conferees have brought back to the House, and I congratulate the managers for their leadership.

Mr. ASHLEY. I thank the gentleman very much for his statement.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman.

Mr. ROUSSELOT. Mr. Speaker, I appreciate the gentleman from Illinois bringing out the fact that the administration is trying desperately to establish trade relations with various Communist countries, and that that is a "new policy." But this bill unfortunately does not totally prevent that. The Wylie amendment does not totally prevent East-West trade. The Wylie amendment merely, states that, and I am sure the gentleman from Illinois would support the position, that we would not allow the Export-Import Bank guarantees to be used as loans for trading with North Vietnam, with whom we are at war or as the bill states "in armed conflict." That is the issue. So it has nothing to do with East-West trade in a general way.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman.

Mr. FINDLEY. First of all, I do not think that my position was quite accurately stated. I said that I felt this move was in complete harmony with the new attitude of the administration. I noted no desperation. And as I understand the East-West trade issue it relates not only to trade with Hanoi, but more importantly to trade with countries which trade with Hanoi.

Mr. ASHLEY. That is a thrust, of course, of the Fino amendment—to absolutely prohibit Eximbank participation in trade with those countries which through State-trading agencies, export goods to North Vietnam.

Mr. FINDLEY. Of course.

Mr. ASHLEY. And what the Senate language says is that there shall continue to be a prohibition with respect to the financing of exports by the Export-Import Bank with countries with whom the United States is in armed conflict, and shall continue the prohibition wherein the determination of the President such prohibition with respect to the financing of exports to any country is contrary to our national interests.

Mr. DENNIS. Mr. Speaker, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman from Indiana.

Mr. DENNIS. I would just like to point out that this section does not say anything about Hanoi or North Vietnam. It applies to trade with any country with whom we are engaged in armed conflict, or trade with such a country. It would apply to a future armed conflict as well as to the present action taking place at this time. So if it is a sound position, which I believe it is, it applies to all armed conflict.

Mr. GETTYS. Mr. Speaker, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman from South Carolina.

Mr. GETTYS. I would like to ask the gentleman from Ohio, chairman of the Subcommittee on International Trade of the Banking and Currency Committee, on which I have the honor to serve, whether there was a single majority members of the conferees on the part of the House who voted for the House position that the gentleman carried into the conference.

Mr. ASHLEY. I would have to discuss that with the members. The gentleman may possibly be accurate.

Mr. GETTYS. Can the gentleman name any one of the majority conferees on the part of the House who voted for the House position in the conference?

Mr. ASHLEY. I can say the conferees supported the legislation before us. Not all the conferees were in agreement with every single item contained in the House bill. It would be impossible to appoint conferees who would so qualify.

Mr. GETTYS. When a House bill is sent to conference and House conferees, all of whom are against the House position, are named, that position does not have a chance; is that not so?

Mr. ASHLEY. Let me just say to the gentleman I am sure he does not mean to impugn the motives or the integrity of the conferees on the part of the House.

Mr. GETTYS. The gentleman knows I do not so intend.

Mr. ASHLEY. All conferees were present, including those who take the position which the gentleman takes. I think that all conferees will acknowledge that there was a bona fide effort on the part of the House conferees to maintain the House position. By definition, in a conference there must be compromise. This was the area in which compromise was made in favor of the Senate. I have no difficulty with this. I can look the gentleman straight in the eye and say that we did not do this lightly. We did not scuttle the House position. Absolutely not. We prevailed on other very important provisions, it should be remembered.

Mr. GETTYS. The gentleman in the well knows my high opinion of him personally and professionally. As my colleague, he also well knows that I have continuously sought, in committee and otherwise, to get conferees appointed on all bills that the House passes who will support the House position in conference and did support that position when the bill was voted on in the House. Does the gentleman think that that is an unreasonable request? Does the gentleman not think that the rules ought to be changed to prevent such situations as we face today?

Mr. ASHLEY. Rather than addressing myself to that question, which is a legitimate question, inasmuch as I have only a short time remaining, let me say I think we would be better advised if we would try to look at the legislation before us in perspective. What do we seek to accomplish by this legislation? We seek to enhance the competitiveness of American exporters, pure and simple. That is the thrust and purpose of the legislation. This purpose will be achieved by the conference report before us.

Mr. HUNT. Mr. Speaker, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman from New Jersey.

Mr. HUNT. Are you saying that the Export-Import Bank is to loan money to countries that we are at war with?

Mr. ASHLEY. No.

Mr. HUNT. Then why do we not sustain the amendment that was adopted on the floor?

Mr. ASHLEY. I suggest that the gentleman read the legislation, because it is perfectly clear on this point. The loans are made to finance the exports of American manufacturers. The operations of the Bank pursuant to the legislation are limited. There is a flat prohibition in the legislation before us in the conference report with respect to the financing of exports by the Eximbank to any country with which the United States is in armed conflict.

Mr. HUNT. Then why is there any objection to this amendment?

Why are we fighting this amendment? Why do we not leave it in there so it is crystal clear that we cannot deal with an enemy we are at war with?

Mr. ASHLEY. That language is in the conference report. Based on what the gentleman says, he should be eminently satisfied with the conference report.

Mr. Speaker, I shall now discuss in detail the matters of substance that were in conference, of which there were five, and on which the Senate receded in four instances and the House receded in one. There were, in addition, four minor differences in which the Senate also receded. I should also mention that I have been informed that the administration supports the conference report.

First, the Senate bill extended the Bank's life from the present expiration date of June 30, 1973, to June 30, 1976. The House extended the Bank's life until June 30, 1974, so as to afford Congress the opportunity for early review of the Bank's activities under the new legislation. The conference accepted the House date.

Second, the House amendment removes the authority of the Board of Governors of the Federal Reserve System to maintain a program of mandatory or voluntary limitations or restraints on the part of any bank or financial institution in connection with the extension of credit for the purpose of financing exports of the United States. The Senate bill contained no comparable provision, and the conference substitute adopts the House provision.

In clarification of this provision, the conferees agreed that the private institutions cooperating under the Federal Reserve's voluntary foreign credit restraint program should not be penalized in any way with respect to the ceilings set for them for nonexport foreign lending because of the exemption of export credit resulting from this legislation. On the other hand, the Federal Reserve is certainly free to increase the ceilings for nonexport credit for those individual institutions which have given special effort to export finance over the course of the operation of the program as requested by the Federal Reserve.

It is the intention of the House conferees that smaller banks seeking to establish international departments or to expand their export finance activities within such departments shall be assigned nonexport ceilings adequate for that purpose in view of the fact that an international department cannot be reasonably sustained in support of export activity without the ability to extend a commensurate amount of nonexport credit to foreign borrowers.

Third, the House amendment provided that the Export-Import Bank shall accord equal opportunity to export agents and managers, independent export firms and small commercial banks in the formulation and implementation of its programs. The Senate bill contained no comparable provision, and the conference substitute adopts the House provision.

The House conferees insisted on this point in view of the testimony of witnesses and correspondence received and the concern voiced by several of the members of the House Committee on Banking and Currency that these kinds of operatives in export trade have been too little the subject of focus on the part of the Bank, and have had too little access to the assistance which the Bank can offer. The House conferees expect that in its reports to Congress the Bank will indicate the ways in which it is carrying out this provision.

Fourth, the House amendment directs the Export-Import Bank in the exercise of its functions to provide guarantees, insurance, and extensions of credit at rates and on terms and conditions which are competitive with government-supported rates and terms and other conditions available for the financing of exports from the principal countries whose exports compete with U.S. exports. It also requires the Export-Import Bank to submit a semiannual report on its own state of financial competitiveness and that of U.S. exporters and private lending institutions.

The Senate bill contains a similar directive, but States that the Bank shall function "insofar as feasible and practicable" to provide guarantees, insurance, and extensions of credit at rates and on terms "reasonably" competitive. It contains no reporting requirements similar to the House amendment.

The conference substitute adopts the House provision.

The conferees agreed with respect to this matter that the Export-Import Bank is not obliged to make available to a foreign borrower rates, terms and conditions equal in each and every instance to those being offered by a foreign central bank. We realize that the rates, terms and conditions in export financing are continually changing and will vary in numerous ways from transaction to transaction. We also realize that it would not be feasible and practicable for the Export-Import Bank to be aware of every specific change that might be supported by a competitor government. However, the conferees agree that the mission of the Export-Import Bank is entirely one of vigorously promoting U.S. exports, and to accomplish this the Bank must offer financing in support of American exports that is competitive with that being offered by the government agencies of the other principal exporting nations.

In this connection, on the basis of the testimony of the management of the Bank and of other witnesses, it is the position of the House conferees that it is essential that emphasis be placed on the sale of U.S. goods and services characteristically financed on medium-term and short-term credit, and on a fostering by the Eximbank of more aggressive involvement on the part of private commercial banks in export trade through more attractive medium-term and short-term, automatic, discount facilities at the Bank rather than on the earnings of the Bank. These earnings have been running at an annual rate of more than $100 million per year, and are only an incidental side effect of the Bank's operation in the carrying out of its mission. In this connection, the management of the Bank assured the House Banking and Currency Committee that, with exemption from the budget, it would operate a discount program in which commercial banks participating will be free to decide the amounts, terms, conditions, and interest rates on the basis of negotiation with the exporter and the borrower, so long as terms are not more generous than those customary for the product involved in international practice. Bank management further assured us that export transactions may be discounted at the Bank at any time within the term life of the transaction at an interest rate spread of at least 1 percent.

It is the understanding of the House conferees that the automatic discount shall be available only for new export transactions, and, in the near future, only to those banks which show evidence of annual growth in the level of their export financing, except that a regional or an inland bank whose prospective export financing is tied to the export prospects of a specific industry in its service area should not be bound to a standard of the same degree of rigor as that which would apply in this regard to a very large bank servicing a broad range of industries on a national basis. It would be appropriate that any such shortfall in activity by a smaller inland bank in connection with cyclical fluctuations in a specific, related industry should be offset by the bank's purchase of new issues of the Eximbank or of PEFCO, or other new export-related issues.

Fifth, the Senate bill amends section 2(b)(3) of the Export-Import Bank Act to prohibit Bank activity in connection with financing the purchase of export items by any nation which is engaged in armed conflict with the United States, and the purchase by any other nation of any export item which is to be used principally by or in any nation engaged in armed conflict with the United States. In addition, the provision precludes the Bank from guaranteeing, insuring, extending credit, or participating in the extension of credit to any nation with respect to which the President determines that such transaction would be contrary to the national interest.

The House amendment contained no comparable provision, and the conference substitute adopts the Senate provision. The House previously rejected this language by a record teller vote of 207 to 153. On the other hand, the Senate adopted the provision without a dissenting vote and passed the bill by record vote of 67 to 1. The Senate conferees remained adamant in their position that this provision be retained in the conference substitute, which passed the Senate on Monday without dissent.

Mr. Speaker, improvement in our trade balance is substantially dependent on an expansion of flexible export financing competitive with that available from major trading nations such as Japan, West Germany, the United Kingdom, France, and Italy. I believe that the bill agreed on by the conferees effectively responds to the export challenges which these formidable competitors present to us.

Mr. WIDNALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, conferees on the Export-Import Bank bill faced the same problem of resolving six differences between the House and the Senate-passed versions of the legislation. Five of these differences were resolved in favor of the House provisions and the remaining one in favor of the Senate position.

Actually, only three of the differences presented problems of more than passing concern to the conferees, as the House position was readily accepted with respect to provision of a short title for the bill, a June 30, 1974, termination date for the life of the Bank, and a provision encouraging export opportunities for small business concerns.

A fourth difference relating to a policy directive with respect to competitiveness of Bank-assisted export financing was finally resolved in favor of the provision as passed by the House but with language in the report giving the Export-Import Bank reasonable flexibility in carrying out the new policy directive.

The remaining two differences proved more difficult. Disagreement was finally resolved by the Senate conferees accepting the House provision exempting export credit from the voluntary foreign credit restraint program administered by the Federal Reserve, and the House conferees accepting the Senate modification of the so-called Fino amendment.

The voluntary foreign credit restraint program came into existence in 1965. It was supposed to be a temporary program, and yet, 6 years later, it is still with us. Many question its supposed benefits and believe it has created many distortions in export financing procedures with adverse impacts on commercial bank financing of badly needed exports. The Senate conferees agreed to accept this provision of the House bill tying such action with House conferees' concurrence on modification on the Fino amendment.

I reminded the Senate conferees the House committee likewise had reported a bill modifying the Fino amendment but that the House, on a recorded vote, had rejected that proposed modification. Notwithstanding this, the Senate conferees remained adamant that their position prevail on this question.

I believe then—and I believe now—that it is extremely important that we enact this bill which substantially increases the ability of the Export-Import Bank to assist in the financing of an expanded volume of exports. This being true, I was one of the House conferees who relucantly gave into the Senate conferees on modifying the Fino amendment.

Rather than attempting to argue the merits of the Fino amendment, as if it were simply a free-standing prohibition on Eximbank financing exports to Communist countries—which it is not—I would like to take this opportunity to put this matter into perspective.

Section 2(b) of the Export-Import Bank Act is devoted to setting up guidelines for the operation of the Export-Import Bank. Subsections 2 and 3, taken as a whole, prohibit the Bank from participating in transactions which might adversely affect the foreign policy position of the United States in general and our national defense posture in particular.

Since the determination of foreign policy is largely an executive function, Presidential discretion is presently allowed in the broader provisions while the more specific provisions are outright prohibitions. In effect, the question before us is not whether the Congress approves financing exports to Communist countries in general, but whether certain defined transactions can be authorized by the President.

Subsection 2 is a conditional prohibition against Eximbank financing exports either directly to any Communist country—listed in appendix IV, page 16 of the Export-Import Bank Act of 1945—or of products that are destined for any Communist country. The exception to this broad prohibition is that the President may waive it if he determines that a given transaction would be in the national interest and reports that determination to the Senate and the House within 30 days. This provision for Presidential discretion would remain exactly as it is.

Subsection 3—the so-called Fino amendment—treats not Communist countries specifically, but nations with which we are in armed conflict, and nations which support them. This subsection's prohibition is absolute and covers three categories:

One, financing exports to nations with which the United States is in armed conflict;

Two, financing exports to nations which support those nations with which we are in armed conflict;

Three, financing the exportation of goods or services or data which are to be used principally by or in those nations with which we are in armed conflict.

That prohibition, when taken together with subsection 2, really covers a lot of ground. Under present circumstances, I might mention, "nations engaged in armed conflict with the United States" only describes North Vietnam—but the prohibition extends to all countries whose governments furnish North Vietnam with any goods or supplies, military or otherwise. The prohibition also extends to financing by Eximbank or any goods, services, or data that are destined for North Vietnam—even if those goods and so on may be originally exported to any other country.

The modification made by the Senate bill, which is included in the conference report, would not allow Exim to finance exports to North Vietnam directly. Nor would it allow the financing of exports of goods or information to be used principally by or in North Vietnam. What it would do is to change from outright prohibition to Presidential discretion any financing of exports to nations that support North Vietnam.

I urge the adoption of the conference report.

Mr. Speaker, I now yield 10 minutes to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Speaker, I thank the gentleman for yielding this time so that I might rise in opposition to adopting the conference report on S. 581.

Gentlewomen and gentlemen of the House, we have been had. I have learned a little parliamentary procedure on this maneuver.

When S. 581 left the House it contained an amendment which continued, in effect, the present law specifically prohibiting a loan by the Export-Import Bank to a nation which is furnishing goods, supplies, or military equipment to a nation with which we are engaged in armed conflict.

Now, the present law has nothing to do with political ideology. It would apply to any country, be it a Communist nation, a Fascist nation, or a democracy of any sort, if that country were furnishing supplies to North Vietnam while we are engaged in armed conflict with that country.

Congress has spelled out its intent with respect to dealing with Communist nations in the paragraph previous to this one in the law, and there it gave discretion to the Export-Import Bank in consort with the President of the United States to make loans and guarantee loans to Communist nations.

So we are only concerned here with countries which are dealing with nations with which we are engaged in armed conflict. The other body struck out the present language in this regard and substituted its own language, which would allow the Export-Import Bank and the President in consort to make a determination that it was in the national interest to make a loan to a country engaged in commerce with North Vietnam.

The House struck down the Senate language by a vote of 207 to 153, as stated previously. The House-Senate conferees accepted the Senate amendment, as has been stated. Now, when I learned of this I checked the rules of the House and found that when the Senate asks first the House acts first, and the Senate had asked for the conference. So I scurried around and found that the House was entitled to a privileged motion under those circumstances; that we could insist on the House amendment and that we could instruct our conferees to go back to conference and say, "We want the House amendment to this Export-Import Bank bill."

Well, the conference was held more than 2 weeks ago. The conference report was filed on Monday of this week, and a minute later the Senate brought it up on the Senate floor and passed it by a voice vote with less than 10 Senators present, I am informed.

So, I say that we have been had. By this procedure, the Senate has precluded me or any Member of this House from asking this House to instruct our conferees to go back to conference on this amendment which this House adopted so overwhelmingly.

Now, I was shocked and dismayed, of course, that they would do a thing like this, but we have no alternative today other than to vote up or down on the motion to adopt the conference report. I am suggesting that we vote it down. I do not think that the President should be placed in the position right now of making a judgment that loans of this kind are in the national interest, No. 1; and No. 2, I think we imply, if we adopt this amendment, that the war is over; that we are at peace with North Vietnam; and that no more boys are dying in Indochina. Certainly we would not want to imply that we would inferentially approve such a loan to a country contributing to the loss of lives in Indochina.

I think we imply that the House has changed its collective mind and that we are now willing to make such loans. I do not think the House has changed its collective mind. The Export-Import Bank is a creature of this Congress. As such we prescribe the rules by which the Export-Import Bank conducts its business. So, if we adopt this amendment, it will come back on the Members of this House, and I, for one, would not want to explain to my constituents that I voted, even by implication, to allow a loan from the Export-Import Bank to a country which is aiding North Vietnam.

So I think we should show our disapproval of the vote in the Senate and we should show our disapproval of what happened in the conference committee and we should vote down the conference report.

Mr. ROUSSELOT. Will the gentleman yield?

Mr. WYLIE. I will be glad to yield to the gentleman.

Mr. ROUSSELOT. The argument is going to be advanced later that if we vote this conference report down, that such an action will somehow put the Export-Import Bank out of business, because we are going into recess today or tomorrow. Is that claim true?

Mr. WYLIE. The charter of the Export-Import Bank expires July 1, 1973, so I do not think there is any big hurry to enact this law in order to continue the Export-Import Bank in existence as the gentleman suggested.

Mr. ROUSSELOT. In other words, we could in effect turn down this gutted conference report today without doing damage to the Export-Import Bank and go through our 5 weeks of recess without any damage to the Export-Import Bank. By such positive action we would in effect say to the Senate, "We are not willing to yield our House position on the basis of only 10 Senators on the floor. You gentlemen in the Senate really did not debate the issue of the Wylie amendment. And certainly we do not want you to try to shove it down our throats at this last minute because we are about to recess."

Mr. WYLIE. I would agree with the gentleman, but I think over and beyond that there is a principle involved here and that is the principle of whether we are going now to adopt an amendment which would impliedly, as I stated before, say that we are perfectly willing to support trade with our enemy.

The gentleman from Indiana (Mr. DENNIS) pointed out that although this applies only to North Vietnam, it could apply to any country which engages us in armed conflict in the future.

Mr. ROUSSELOT. Mr. Speaker, I want to compliment the gentleman from Ohio for making this stand. The gentleman has taken the time and effort—he patiently sat through the Banking and Currency hearings and has heard the overwhelming portions of the testimony on this issue. I know the gentleman generally supports this legislation, except for the damaging omission of his amendment that has been made by the other body. I think the gentleman is to be complimented for the stand that he has taken. I feel that a lot of Members in the House are being asked to abandon a strong positive position that we have taken by a firm vote and we are asked to desert that clear vote under the guise of a last-minute parliamentary maneuver.

Mr. WYLIE. I agree with the gentleman from California.

Mr. BROWN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from Michigan.

Mr. BROWN of Michigan. The gentleman from Ohio has suggested to the House that this legislation is not necessary because there is authority——

Mr. WYLIE. Not necessary today.

Mr. BROWN of Michigan. Mr. Speaker, if the gentleman will yield further, would the gentleman mind telling me how much authorization continues to exist in the Export-Import Bank under the present authorization?

Mr. WYLIE. I do not know how much authorization still exists.

Mr. BROWN of Michigan. Then, how

can the gentleman say this legislation is not necessary since this legislation increases the authorization and if the present authorization is exhausted the Export-Import Bank is out of business.

Mr. WYLIE. The Export-Import Bank will not go out of business. Loans are being repaid all the time. What you suggest is that we ought to raise the authority of the Export-Import Bank so that it could make loans to nations which are furnishing supplies to North Vietnam, and I do not want to be a party to that.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield further?

Mr. WYLIE. I yield further to the gentleman from California.

Mr. ROUSSELOT. I would like to correct the record regarding a comment the gentleman from Michigan (Mr. BROWN) made. I know the gentleman (Mr. BROWN) is a very dedicated member of the committee. However, the authorization is basically used for guaranteed loans and not direct loans. The testimony taken by our committee as it relates to guaranteed loans clearly shows that some of this authorization authority is turned back to the Bank almost daily. So the effect is that the Export-Import Bank has renewed loaning authority almost every week. It is true that by the end of the year they will need this additional or authorizing authority, but it is false to imply that they will not be able to make additional authorizations in this coming 5-week period. In addition the direct loans made by the Bank are in no way affected.

Mr. Speaker, again, I think the gentleman is absolutely correct in his answer and I do not think we should accept the argument that the Export-Import Bank is going to be put out of business, because that is false.

Mr. WYLIE. I thank the gentleman from California again for his contribution, and I will yield in just a moment. I do not mean to stand here and imply that I am against the Export-Import Bank. The Export-Import Bank is an excellent organization. Since its creation in 1935 it has performed a great public service, and there is no question about that. It is one of the few governmental agencies which has made money and I am in favor of increasing the limit which it can loan and I am in favor of increasing the amount which it can guarantee. I am in favor of all those things. I am in favor of taking it out of the unified budget and that sort of thing. However, I think this amendment is so overriding that we must defeat the conference report and retain the present law.

Mr. WIDNALL. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. BLACKBURN).

Mr. BLACKBURN. Mr. Speaker and Members of the House, I recall a famous old statement that was attributed to a Communist leader some years ago in which he defined a capitalist as being a man who will sell you the rope that you are going to use to hang him.

Under the conference report not only are we proposing to sell the rope, but we are going to do it on credit. We are going to finance its purchase, which is a pretty sweet arrangement for your planned executioner when you get right down to it.

Mr. Speaker, I am not particularly interested in addressing myself to the substance of this legislation.

I think the House expressed its will very clearly when it voted some 200 to 150, a vote of 4 to 3, on a record vote, that it supported the amendment offered by the gentleman from Ohio (Mr. WYLIE) and supported a continuation of the so-called Fino amendment. The House has spoken.

But, what I am concerned about, and what I want you to be concerned about today, is the procedure which has become standard for Banking and Currency Committee legislation, and that is allowing our legislation to be drawn by the Senate, when a half dozen Senators on the floor can adopt a change in the law by a voice vote, without debate, while we can debate the same issue thoroughly in the House, follow debate with a record vote, yet the House has a practice of bowing to the will of the Senate.

As you will recall, the gentleman from South Carolina asked the gentleman from Ohio (Mr. ASHLEY) how many of the majority party conferees supported the House position on the Wylie amendment. We got a lot of hemming and hawing, and a little fast foot shuffling, but we never did get an answer because the gentleman from Ohio did not want to admit that there was not a one who supported the position of the House on the Wylie amendment. And so when these conferees resisted, with the highest minimum effort, the position of the Senate, it should not come as a shock to learn that their wills where overcome by the persuasion of the Senate conferees.

So I say, this is a very common pattern in legislation coming out of the Banking Currency Committee. We now find ourselves in the closing hours of the last days of the last minute of a session, and we are being told we desperately need this legislation and that we cannot possibly turn down the conference report.

Gentlemen, if we are ever going to have the position of the House upheld on Banking and Currency legislation, we will have to do it on bills just such as this. And we will have to take a hard vote occasionally and have to tell the Senate and tell the House conferees "You had better stick to the position of the House occasionally or you are going to be embarrassed even further in the future."

Mr. KAZEN. Mr. Speaker, will the gentleman yield?

Mr. BLACKBURN. I yield to the gentleman from Texas.

Mr. KAZEN. Let us look at the parliamentary situation. If the conference report is turned down today, what is the next step?

Mr. BLACKBURN. Well, we can request another conference after we come back from the recess.

Mr. KAZEN. That is my point. Would it be possible for us to ask for another conference?

Mr. BLACKBURN. It is my understanding we can ask for an additional conference on the same legislation, and at that point our position would have been very firmly strengthened by a second record vote to turn down the conference report, which I urge the Members to do today.

Mr. KAZEN. If the gentleman will yield for one further question——

Mr. BLACKBURN. I yield to the gentleman from Texas.

Mr. KAZEN. Can the House then instruct the conferees on this point?

Mr. BLACKBURN. I think they can, yes. I think our vote today will be tantamount to instructions if we vote down the conference report.

Mr. KAZEN. I thank the gentleman for yielding.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. BLACKBURN. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Speaker, my understanding of the procedure—and I could be wrong, and if so somebody could correct me—the House conferees could ask for a conference tomorrow. Action on this bill could be taken tomorrow, if this legslation is needed that soon, and I do not believe on the basis of testimony taken before our committee it is. But if it is, and the Export-Import Bank feels it is imperative, the conferees could ask for a conference tomorrow.

Mr. BLACKBURN. Let me make this observation: If the Export-Import Bank needs this authorization so very desperately the group that took the chance was the Senate. The Senate was the group that put us in the parliamentary situation whereby we are limited to the actions available to us today. It was not our decision to put the House in such a position that we have to accept or reject the conference report, that was a decision that was made at the other end of the Capitol.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield further?

Mr. BLACKBURN. I will be happy to yield further to the gentleman from California.

Mr. ROUSSELOT. The very distinguished chairman of our subcommittee, the gentleman from Ohio (Mr. ASHLEY), was the one who said he got his information that the Nixon administration had basically been willing to accept this conference report from the Senate minority staff. Now, I do not believe we should be going on the basis of what the Senate minority staff tells this House of Representatives to do. That is a doubtful source, especially when our own body has taken such a strong position by a vote. And he clearly admitted here today that he was not really sure of that.

Mr. BLACKBURN. Mr. Speaker, I appreciate the gentleman from California making that observation.

Let me conclude my remarks with the very sincere plea that we stand behind the House. I urge my colleagues to vote to support the position the House originally adopted so strongly.

I think the position the House adopted represents the thinking of 85 or 90 percent of the American public. I say it is time that we insist that the American public's position be properly upheld.

Mr. Speaker, I urge the Members to vote down the conference report.

Mr. WIDNALL. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. BROWN).

Mr. BROWN of Michigan. Mr. Speaker and my colleagues in the House, first let me establish my credentials.

During the debate on the Export Control Act I carried on a successful almost one-man battle against two Members of the other body who were advocating an irresponsible liberalization of our East-West trade policy.

In that battle I was philosophically alined with those who supported the so-called Fino amendment.

But let us look at the Fino amendment and the discussion which led to the adoption of the Wylie amendment.

First of all, there has been a great deal of discussion about the vote and the position of the House on the Wylie amendment but there occurred during the debate two gross inaccuracies or misrepresentations.

The first was that it was suggested the administration favored retention of the so-called Fino amendment. I think that that has been successfully and adequately explained away.

The second inaccuracy or misrepresentation that occurred during the debate related to the financing or the ability of the Export-Import Bank to finance exports to Rumania. I quote from that debate a statement made by the gentleman from Ohio:

> Mr. Chairman, in the case of Rumania, there is a finding that Rumania has not been trading with North Vietnam, so it is not trading with the enemy and even though it is a Communist country it could receive a loan from the Export-Import Bank. That is precisely the point of my amendment.

Further in the debate the same gentleman from Ohio said:

> I think he has made an argument in favor of my amendment. As I stated earlier, Rumania has been found not to be dealing with North Vietnam and therefore it is being considered for an Export-Import Bank loan. If Poland or the Soviet Union or Red China or any other Communist nation will agree not to deal with North Vietnam, I would say let the Export-Import Bank consider a loan to it. That makes my point precisely.

Since I was sure that the gentleman's information was incorrect, I asked the Secretary of Commerce about the accuracy of these statements.

CALL OF THE HOUSE

Mr. SMITH of Iowa. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Without objection, a call of the House is ordered.

There was no objection.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 245]

Abourezk
Addabbo
Alexander
Anderson, Ill.
Anderson, Tenn.
Bell
Blatnik
Boland
Brademas
Brooks
Buchanan
Burleson, Tex.
Cabell
Carey, N.Y.
Celler
Chappell
Clark
Clausen, Don H.
Clay
Cleveland
Corman
Cotter
Davis, Ga.
Dellenback
Dent
Diggs
Donohue
Eckhardt
Edmondson
Edwards, La.
Esch
Eshleman
Evins, Tenn.
Fish
Flynt
Foley
Fraser
Fulton, Tenn.
Fuqua
Gray
Griffiths
Gross
Gubser
Hagan
Halpern
Hammerschmidt
Hanna
Hansen, Wash.
Harrington
Harsha
Hawkins
Hébert
Hicks, Wash.
Holifield
Jones, Ala.
Jones, Tenn.
Kluczynski
Landrum
Lent
Long, La.
McClure
McCulloch
McDade
McKay
Macdonald, Mass.
Miller, Calif.
Mink
Mollohan
Moorhead
Mosher
Murphy, N.Y.
Nix
Passman
Patman
Pelly
Peyser
Reid, N.Y.
Riegle
Roberts
Roush
Ryan
St Germain
Satterfield
Saylor
Scheuer
Schwengel
Sikes
Slack
Smith, Calif.
Teague, Tex.
Tiernan
Van Deerlin
Vander Jagt
Waldie
Wilson, Bob
Wilson, Charles H.
Yatron

The SPEAKER. On this rollcall 336 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5208) entitled "An act to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard, and to authorize the annual active duty personnel strength of the Coast Guard."

CONFERENCE REPORT ON S. 581, EXPORT EXPANSION FINANCE ACT OF 1971

The SPEAKER. When the point of order that a quorum was not present was made the gentleman from Michigan (Mr. BROWN) had 3 minutes remaining.

The Chair recognizes the gentleman from Michigan (Mr. BROWN).

Mr. GERALD R. FORD. Mr. Speaker, would the gentleman yield?

Mr. BROWN of Michigan. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, the basic purpose of the Export-Import Bank is to help the United States expand its export trade. I think all of us have recently seen the very serious situation developing where our exports have not been to the extent that we want them, and our imports have been greater than we want them to be. The net result is the United States has had a very serious imbalance in trade.

This legislation is aimed at helping American exporters to sell abroad. If this conference report is turned down there is a distinct likelihood that for a 6-week period there will be a slowdown in the operations of the Export-Import Bank in helping to finance American exporters.

Mr. Speaker, let me say that there are two kinds of help that the Export-Import Bank gives to exporters. One, direct loans. There is sufficient money in the direct-loan fund to proceed with assistance, except under this legislation it will be construed as a draw against the U.S. Treasury—and I think we want to minimize that.

Secondly, we can make loans or, rather, the Export-Import Bank can make loans under a guarantee, the guarantee authority, which is the best way to proceed, expires or has been used up——

Mr. ROUSSELOT. If the gentleman will yield, it does not expire.

Mr. GERALD R. FORD. All right, it has been used up. I will concede that it may not expire, but it has been used up. So that the net result is if we reject this conference report, we could take action that would be very harmful in the efforts that are being made to expand our foreign trade, our export trade at the present time.

One other comment, Mr. Speaker: On page 5 of the conference report it says, and let me read it, and I quote:

> In addition, the provision precludes the Bank from guaranteeing, insuring, extending credit, or participating in the extension of credit to any nation with respect to which the President determines that such transaction would be contrary to the national interest.

The SPEAKER. The time of the gentleman from Michigan (Mr. BROWN), has expired.

Mr. WIDNALL. Mr. Speaker, I yield 3 additional minutes to the gentleman from Michigan (Mr. BROWN).

Mr. BROWN of Michigan. Mr. Speaker, I yield to the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, the net result of this conference report and this legislation is that if the President decides that in any case, in any country, the Export-Import Bank should not help or assist, that transaction to that country cannot be consummated.

So there is a method by which we can control the use of this bank in making deals with other countries.

Therefore I strongly urge that this conference report be approved.

Mr. BROWN of Michigan. Mr. Speaker, I thank the gentleman from Michigan for those comments.

Mr. Speaker, at the time of the quorum call I was attempting to point out inaccuracies in the debate when the matter was before the House.

First, there was an impression that the administration favored the retention of the Fino amendment. That is incorrect.

Secondly, there were representations made with respect to the eligibility of Romania for Eximbank financing.

The Secretary of Commerce in a letter that I started to read to you clearly says—and I quote:

> The statement you have heard to the effect that Romania is eligible for Eximbank financing is incorrect.

Now, why do I point out these inaccuracies to you? I point this out primarily because I know there are Members of this House who have come to me since and who have told me they voted for the Wylie amendment at that time because they relied upon these inaccuracies.

I am not suggesting that the gentleman from Ohio in any way intended to misrepresent—I think he had possibly been misled.

Mr. WYLIE. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Michigan. I yield to the gentleman.

Mr. WYLIE. On page 23936 of the Congressional Record of July 8 I said in answer to a question from the gentleman from Ohio (Mr. Ashley) who I thought had led us to believe that the administration was in favor of the Senate amendment and that Mr. Kearns had testified before the Senate Banking Committee to the effect that:

> In this case the executive branch does not support the legislation to repeal or change the Fino amendment.

That is from the record of proceedings in the Senate.

Mr. BROWN of Michigan. Mr. Speaker, I appreciate the gentleman's comments. I suggest that the important thing, however, is that there was a statement or representation made at the time of debate in the House that the administration favored the Fino amendment. The administration did not oppose, nor favor, its retention but at this point in time the administration favors the adoption of this conference report, and I think it is essential that the conference report be adopted.

Mr. WYLIE. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Michigan. Notwithstanding the previous action of the House for the reason I have stated, I think the position of the House was misrepresented in the vote at that time.

Mr. Speaker, I urge the adoption of the conference report.

GENERAL LEAVE TO EXTEND

Mr. ASHLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ASHLEY. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

Mr. WYLIE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 219, nays 140, not voting 74, as follows:

[Roll No. 246]

YEAS—219

Abourezk
Abzug
Adams
Anderson, Calif.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspin
Aspinall
Badillo
Barrett
Begich
Belcher
Bergland
Biester
Bingham
Blanton
Boggs
Bow
Brademas
Brasco
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Burke, Mass.
Burton
Byrne, Pa.
Byrnes, Wis.
Carey, N.Y.
Carney
Casey, Tex.
Cederberg
Chamberlain
Chisholm
Clay
Collins, Ill.
Conable
Conte
Conyers
Coughlin
Culver
Daniels, N.J.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dingell
Dow
Drinan
Dulski
du Pont
Dwyer
Edwards, Calif.
Eilberg
Erlenborn
Evans, Colo.
Fascell
Findley
Flood
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frenzel
Fulton, Pa.
Galifianakis
Garmatz
Gaydos
Giaimo
Gibbons
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Grover
Gude
Halpern
Hamilton
Hanley
Hansen, Idaho
Harvey
Hastings
Hathaway
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks, Mass.
Hicks, Wash.
Holifield
Horton
Hosmer
Howard
Jacobs
Johnson, Calif.
Johnson, Pa.
Jonas
Karth
Kastenmeier
Keith
Koch
Kyros
Leggett
Lent
Link
Lloyd
Long, Md.
McClory
McCloskey
McCollister
McCormack
McDonald, Mich.
McEwen
McFall
Macdonald, Mass.
Madden
Mailliard
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Metcalfe
Mikva
Miller, Calif.
Mills, Ark.
Mills, Md.
Minish
Mink
Mitchell
Mizell
Monagan
Moorhead
Morgan
Morse
Moss
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nelsen
Obey
O'Hara
O'Konski
O'Neill
Patten
Pepper
Perkins
Pike
Pirnie
Podell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Quie
Railsback
Rangel
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Robison, N.Y.
Rodino
Roe
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roy
Ruppe
Ruth
Sarbanes
Scheuer
Schneebeli
Seiberling
Shipley
Shriver
Sisk
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Stanton, J. William
Stanton, James V.
Steele
Steiger, Wis.
Stokes
Sullivan
Symington
Taylor
Teague, Calif.
Thompson, N.J.
Thomson, Wis.
Thone
Udall
Ullman
Vanik
Vigorito
Ware
Whalen
Whalley
Widnall
Wolff
Wright
Yates
Young, Tex.
Zablocki
Zwach

NAYS—140

Abbitt
Abernethy
Andrews, Ala.
Archer
Ashbrook
Baker
Baring
Bennett
Betts
Bevill
Biaggi
Blackburn
Bray
Brinkley
Broyhill, Va.
Buchanan
Burke, Fla.
Burlison, Mo.
Byron
Caffery
Camp
Carter
Clausen, Don H.
Clawson, Del
Collier
Collins, Tex.
Colmer
Crane
Daniel, Va.
Danielson
Davis, S.C.
Dennis
Derwinski
Devine
Dickinson
Dorn
Dowdy
Downing
Duncan
Edwards, Ala.
Flowers
Fountain
Frey
Gettys
Goldwater
Goodling
Griffin
Gubser
Haley
Hall
Hays
Henderson
Hillis
Hogan
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Jones, N.C.
Kazen
Keating
Kee
Kemp
King
Kuykendall
Kyl
Landgrebe
Latta
Lennon
Lujan
McKevitt
McKinney
McMillan
Mahon
Mann
Martin
Mathis, Ga.
Melcher
Michel
Miller, Ohio
Minshall
Montgomery
Myers
Natcher
Nichols
Pettis
Pickle
Poage
Poff
Powell
Price, Tex.
Purcell
Quillen
Randall
Rarick
Robinson, Va.
Rogers
Rousselot
Roybal
Runnels
Sandman
Satterfield
Scherle
Schmitz
Scott
Sebelius
Shoup
Skubitz
Smith, Calif.
Snyder
Spence
Staggers
Steed
Steiger, Ariz.
Stephens
Stratton
Stubblefield
Stuckey
Talcott
Terry
Thompson, Ga.
Veysey
Waggonner
Wampler
Watts
White
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Winn
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Zion

NOT VOTING—74

Addabbo
Alexander
Anderson, Ill.
Anderson, Tenn.
Bell
Blatnik
Boland
Bolling
Burleson, Tex.
Cabell
Celler
Chappell
Clancy
Clark
Cleveland
Corman
Cotter
Davis, Ga.
Dent
Diggs
Donohue
Eckhardt
Edmondson
Edwards, La.
Esch
Eshleman
Evins, Tenn.
Fish
Fisher
Flynt
Fulton, Tenn.
Fuqua
Gallagher
Griffiths
Gross
Hagan
Hammerschmidt
Hanna
Hansen, Wash.
Harrington
Harsha
Hawkins
Hébert
Jones, Ala.
Jones, Tenn.
Kluczynski
Landrum
Long, La.
McClure
McCulloch
McDade
McKay
Mollohan
Mosher
Nix
Passman
Patman
Pelly
Peyser
Roberts
Roush
Ryan
St Germain
Saylor
Schwengel
Sikes
Slack
Teague, Tex.
Tiernan
Van Deerlin
Vander Jagt
Waldie
Wilson, Charles H.
Yatron

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Addabbo for, with Mr. Hammerschmidt against.

Mr. Teague of Texas for, with Mr. Harsha against.

Mr. Celler for, with Mr. Saylor against.

Mr. Fulton of Tennessee for, with Mr. Clancy against.

Mr. Hébert for, with Mr. Cleveland against.

Mr. Fish for, with Mr. Pelly against.

Mr. Mosher for, with Mr. Chappell against.

Mr. Anderson of Illinois for, with Mr. Mollohan against.

Mr. McDade for, with Mr. Flynt against.

Mr. Schwengel for, with Mr. Hagan against.

Mr. Passman for, with Mr. Sikes against.

Until further notice:

Mr. Tiernan with Mr. Bell.

Mr. Slack with Mr. McClure.

Mr. Alexander with Mr. Peyser.

Mr. Blatnik with Mr. Esch.

Mr. Kluczynski with Mr. Vander Jagt.

Mr. Nix with Mr. Eckhardt.

Mr. Dent with Mr. Fisher.

Mr. Edmondson with Mr. Gross.

Mr. Roberts with Mr. Reuss.

Mr. St Germain with Mrs. Griffiths.

Mr. Ryan with Mr. Diggs.

Mr. Donohue with Mr. Hawkins.

Mr. Davis of Georgia with Mr. Clark.

Mr. Cotter, with Mr. McKay.

Mr. Landrum with Mr. Jones of Tennessee.

Mr. Evins of Tennessee with Mr. Gallagher.

Mr. Patman with Mr. Edwards of Louisiana.

Mr. Boland with Mrs. Hansen of Washington.

Mr. Harrington with Mr. Hanna.

Mr. Cabell with Mr. Fuqua.

Mr. Charles H. Wilson with Mr. Burleson of Texas.

Mr. Yatron with Mr. Waldie.

Mr. Anderson of Tennessee with Mr. Corman.

Mr. Jones of Alabama with Mr. Van Deerlin.

Mr. McKEVITT and Mr. STAGGERS changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNUAL REPORT OF THE INTERNATIONAL EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs:

To the Congress of the United States:

I transmit herewith the annual report on the international educational and cultural exchange program conducted during Fiscal Year 1970 by the Department of State under the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87-256, the Fulbright-Hays Act). In the 1970 Fiscal Year, this program provided 4,638 outstanding scholars and leaders in the professions, the arts and public life with intensive exchange experiences which linked the United States with 123 other countries and territories.

The major part of this report is devoted to a review of a little known but increasingly important aspect of this program, the complex of activities designed to provide foreign students with broader opportunities to participate in the life of this country. Such activities mean that students who seek training in the United States are afforded not only the best possible educational experience but also a better chance to become acquainted with our people, our customs and our institutions. These efforts are directed to foreign students who come here without Government sponsorship, as well as to that group—about 5% of the total—who receive United States financial support.

In common with many other countries, the United States now has a large number of students who come from foreign countries—well over 135,000—although they constitute a far smaller percentage of the total student population than they do in major European universities.

These students present the United States with an exceptional opportunity. Not only do they enrich the international dimension of education for American students, but they also provide outstanding talent for our research and teaching programs. Moreover, many among them will become tomorrow's leaders in many fields in their home countries.

The professional and personal ties which these students form while they are studying here and the insights they gain into our way of life will help shape their future perceptions of America. Their experience here today can have a major impact on the quality of communication between their societies and ours tomorrow. Public and private programs which enhance the experiences of these potential leaders can do a great deal to build the human foundations for a more peaceful world.

I commend this report to the thoughtful attention of the Congress.

RICHARD NIXON.

THE WHITE HOUSE, *August 5, 1971.*

CONFERENCE REPORT ON H.R. 5208, COAST GUARD AUTHORIZATION

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H.R. 5208) to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard, and to authorize the annual active duty personnel strength of the Coast Guard; and, Mr. Speaker, I ask unanimous consent that the reading of the conference report and statement be dispensed with.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

Mr. HALL. Mr. Speaker, reserving the right to object, may I inquire of the distinguished gentleman who is making the unanimous consent request if it is his intention to explain this bill and whether or not the Senate add-ons are going to be discussed for the benefit of the Members?

Mr. GARMATZ. I assure the gentleman that I will report on the Senate amendment and also on the House amendment agreed to by the conferees and give an explanation of the situation on these points.

Mr. HALL. Mr. Speaker, I am glad to yield to the gentleman for that purpose.

Mr. GARMATZ. Mr. Speaker, the managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5208) to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard, and to authorize the annual active duty personnel strength of the Coast Guard, submit the following joint statement to the House and to the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

AMENDMENT NO. 1

HOUSE BILL

The House authorized to be appropriated $32,614,000, for the procurement and extension of service life of three long-range search aircraft, six medium-range helicopters, and one administrative aircraft and the extension of service life of various other aircraft.

SENATE AMENDMENT

Senate Amendment No. 1 increased this amount by $5,710,000, to $38,324,000, with the intent that $8,960,000 be used for two additional long-range search aircraft and the Senate deleted the authorization for the administrative aircraft.

CONFERENCE SUBSTITUTE

The conference substitute authorizes to be appropriated $41,574,000 for the procurement of five long-range search aircraft, six medium-range helicopters, one administrative aircraft, and the extension of service life of various aircraft.

AMENDMENT NO. 2

HOUSE BILL

The House bill authorized to be appropriated $13,440,000, for the procurement of three long-range search aircraft.

SENATE AMENDMENT

The Senate amendment increased the three long-range search aircraft to five and thus, increased the amount by $8,960,000.

CONFERENCE SUBSTITUTE

The conference report authorizes to be appropriated $22,400,000 for five long-range search aircraft. The conferees determined that the Coast Guard's long-term procurement program requires the procurement of sufficient long-range multimission aircraft to provide the gulf coast, Caribbean, and the North Pacific areas with adequate air coverage for search and rescue, law enforcement, marine environmental protection and offshore fishery surveillance. Budget constraints required that the Coast Guard limit its fiscal year 1972 procurement to three aircraft. The conferees feel that simultaneous procurement of five aircraft is mandatory in order that the Coast Guard may properly discharge its duties throughout all areas. The rapidly expanding antipollution functions should not be delayed another year because of budget limitations, and the cost savings from an increased purchase may permit the Coast Guard to expand its eiquipment for other areas vital to environmental protection.

AMENDMENT NO. 3

HOUSE BILL

The House authorized to be appropriated $3,250,000 for the purchase of an additional jet administrative aircraft for the use of the Coast Guard.

SENATE AMENDMENT

Senate amendment No. 3 struck out line 4 on page 3; thereby eliminating the administrative aircraft put in by the House.

CONFERENCE SUBSTITUTE

The conference substitute reinserted the one administrative aircraft on line 4, page 3. Thus, $3,250,000 for this administrative aircraft was also reinserted in the total figure for the procurement and extension of service life of aircraft.

Your conferees felt it was necessary and appropriate to reinsert the funds for this administrative aircraft since the jet now in use by the Coast Guard is constantly used by higher echelon officials of the Coast Guard, the Transportation Department, and on occasion, even officials of other executive departments. The jet and the turboprop serve many functions, primary among these are their availability to take Coast Guard and other officials to disaster sites and the many other areas of Coast Guard responsibilitity in the various parts of the United States and its territories. These demands for quick response transportation have increased considerably in the last several years due to the Nation's growing awareness and concern over the pollution problem. As the Coast Guard's responsibility in this area has increased, so, too, has its need to respond rapidly. In addition to normal Coast Guard requirements which put a heavy demand on these aircraft, your conferees were impressed by additional extraordinary usage of this equipment which must also be available to fly the railway accident survey team to railroad wrecks; transport an air pollution team from NOAA and provide quick response capability for a water pollution team from the Environmental Protection Agency.

AMENDMENT NO. 4

HOUSE BILL

The House authorized to be appropriated $51,690,000 for the construction of Coast Guard installations.

SENATE AMENDMENT

Senate amendment No. 4 increased this amount by $10,500,000, to $62,190,000, with the intent that the funds be allocated for the following:

First. $2,500,000 for a new air station at North Bend, Oreg.

Second. $5,000,000 for a prototype harbor radar marine traffic system in Puget Sound.

Third. $1,500,000 to increase procurement schedules for the Air-Deliverable Anti-Pollution Transfer System (ADAPTS).

Fourth. $1,500,000 to accelerate procurement of components of the oil slick containment system.

CONFERENCE SUBSTITUTE

The conference substitute authorizes to be appropriated $62,190,000, which authorizes funds for the new air station at North Bend, Oreg., the prototype harbor radar advisory system, and the oil pollution control systems.

AMENDMENT NO. 5

This was a Senate technical amendment to accommodate the Senate's insertion of additional items authorized for construction.

AMENDMENT NO. 6

HOUSE BILL

No comparable provision.

SENATE BILL

The Senate bill inserted the following language: "(35) various locations: develop and construct additional harbor advisory radar and marine traffic systems."

CONFERENCE SUBSTITUTE

The conferees agreed to the Senate amendment to add $5,000,000 for research, development and construction of a prototype harbor radar advisory and marine traffic system—integrated marine traffic system. Based upon the results of the first generation type installation now located in San Francisco, the conferees are convinced that the future of safe and efficient marine transportation requires increased technological capability to assist in the safe movement of vessels in restricted waters. Development and deployment of a system, similar to that used to assist air traffic, would do much to prevent collisions and groundings and would assist in the faster development of a more rational and safer marine transportation system.

The Coast Guard has estimated that the $5 million would provide an operation center in the Seattle area, a surveillance system consisting of three to five fixed radar units and a communication system for the Puget Sound area. The conferees endorse the development of this expanded prototype system as an important step in improving marine safety and protecting the environment of all our Nation's major harbor and port areas.

AMENDMENT NO. 7

HOUSE BILL

No comparable provision.

SENATE BILL

The Senate bill inserted the following language: "(36) North Bend, Oreg.: construct air station facilities."

CONFERENCE SUBSTITUTE

The conference substitute authorizes to be appropriated $2,500,000 for constructing and equipping the new Coast Guard multipurpose air station at North Bend, Oreg. This station will reduce the operations overload on Coast Guard stations located elsewhere in Oregon and in Washington and permit the Coast Guard to be more responsive to requests for search and rescue assistance, to increase protection for our offshore fishing fleets, and to upgrade the law enforcement capability in this area.

Mr. HALL. Mr. Speaker, I certainly appreciate the distinguished chairman's detailed explanation, which almost taught me more than I wanted to learn. I can understand from each individually rationalized point why it is a good thing for our esteemed Coast Guard service. But I rise to ask for this explanation, Mr. Speaker, primarily for two reasons:

In the first place, here we are again violating the Legislative Reorganization Act of 1970 by asking unanimous consent of all Members that this bill, which was just received from the other body and filed this afternoon, be taken up without the 3 requisite legislative days after having been printed, so that the Members might study it and cast a matured judgment on the increase or the change over the House-passed bill.

The second reason I reserved the right to object is because originally this proposed authorization was less than $100 million. It was increased by 120 percent to a total of $219,750,000 by House action.

It went to the other body, which in their own version raised it to $236 million in round figures, and then the conference report, lo and behold, comes back raising that by another $4 million, for a total of $240 million.

I am a friend of the Coast Guard. I have had them pull me off sandbars, and I have seen the excellent work they are doing all the way along, including the armed services, when so assigned.

Finally, Mr. Speaker, I think maybe the question is moot or at least academic, because if I am correctly informed we have already waived the rules, we have already waived the Legislative Reorganization Act, and we have already appropriated for the Coast Guard for the fiscal year 1972. This places the operation before the authorization and is a paradox. Now comes a request for unanimous consent to approve the authorization after the fact, and I am delighted to withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

(For conference report and statement, see prior proceedings of today.)

The SPEAKER. The gentleman from Maryland (Mr. GARMATZ) is recognized.

Mr. KEITH. Mr. Speaker, I rise to support the unanimous consent request of the gentleman from Maryland to take up and pass the conference report on H.R. 5208, Coast Guard authorizations for fiscal year 1971.

Briefly stated, the conferees have agreed to accept the Senate amendments providing for the authorization of funds for two additional long-range search aircraft, construction of an air station in Oregon, research, development, and construction of a prototype harbor radar marine traffic system in Puget Sound, procurement of components of an oil slick containment system and an air-deliverable antipollution transfer system. In addition, the conferees have agreed to accept the House provision for an administration jet aircraft for the Coast Guard to more rapidly respond to oil slick and pollution incidents and other disasters.

As the hearings and debates of the last 2 years have indicated, we have needed, almost urgently, a greater capability to cope with oil spills and with surveillance of foreign fleets fishing off both of our coasts.

As the Russians, Poles, and East and West Germans continue to overexploit the fisheries resources off—and on—our Continental Shelf, it becomes more and more necessary to observe and police their efforts. The additional planes will aid us in doing this and, also, help us to police the efforts of our own fleets.

The additional portable oil containment unit will enable us to have a much greater competency in coping with the dozens of major oil spills that occur each year. These systems are designed to be flown to the site of a disabled tanker in danger of leaking oil. They can be quickly rigged up to transfer the tanker's oil into several collapsible plastic bags. In this manner, 140,000 gallons of oil can be removed—before it has a chance to seep into the sea and endanger nearby coastlines.

All of our country's coastline is vulnerable—and unless we do more, and do it soon, the time will inevitably arrive when nearly all our coastlines will have experienced the devastation caused by oil spills. The Senate additions are a major step in the right direction.

Mr. GARMATZ. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE HONORABLE EDWARD J. DERWINSKI

The SPEAKER laid before the House the following communication, which was read:

WASHINGTON, D.C.,
August 5, 1971.

Hon. CARL ALBERT,
Speaker of the House,
Washington, D.C.

DEAR MR. SPEAKER: The U.S. Group to the Interparliamentary Union will attend the 60th Conference scheduled to be held in Paris, France, the week of August 30, 1971.

Our Delegation desires to depart the United States on Friday, August 27, and will return immediately upon the closing of the Conference on September 11.

The Members of the Delegation from the House are: Representatives Edward J. Derwinski (Ill.), John Jarman (Okla.), Bob Casey (Tex.), Lee H. Hamilton (Ind.), John

S. Monagan (Conn.), Alexander Pirnie (N.Y.), F. Bradford Morse (Mass.), Robert McClory (Ill.), Jackson E. Betts (Ohio), and Charles Wilson (Calif.).

May I ask you to do me the courtesy of announcing the names of these delegates so that they may appear in the "Congressional Record."

There will also be thirteen delegates from the Senate attending the Conference.

Sincerely yours,

EDWARD J. DERWINSKI.

PERMISSION FOR COMMITTEE ON MERCHANT MARINE AND FISHERIES TO FILE A REPORT ON H.R. 3304 UNTIL MIDNIGHT FRIDAY

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries may have until midnight Fiday to file a report on the bill (H.R. 3304) to amend the act of August 27, 1954, commonly known as the Fishermen's Protective Act, to conserve and protect Atlantic salmon of North American origin.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

NATIONAL ADVISORY COMMITTEE ON THE OCEANS AND ATMOSPHERE

Mr. LENNON. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 2587) to establish the National Advisory Committee on the Oceans and Atmosphere, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 3, strike out "twenty-one" and insert "twenty-five".

Page 1, line 5, strike out "the".

Page 2, line 5, strike out "seven" and insert "nine".

Page 2, line 7, strike out "seven" and insert "eight".

Page 2, line 9, strike out "seven" and insert "eight".

Page 3, line 15, after "tions." insert: "The comprehensive annual report required herein shall be submitted on or before June 30 of each year, beginning June 30, 1972."

Page 4, strike out lines 1 to 4, inclusive, and insert:

"SEC. 6. The Secretary of Commerce shall make available to the Advisory Committee such staff, information, personnel and administrative services and assistance as it may reasonably require to carry out its activities. The Advisory Committee is authorized to request from any department, agency, or independent instrumentality of the Federal Government any information and assistance it deems necessary to carry out its functions under this Act; and each such department, agency, and instrumentality is authorized to cooperate with the Advisory Committee and, to the extent permitted by law, to furnish such information and assistance to the Advisory Committee upon request made by its Chairman, without reimbursement for such services and assistance."

Page 4, after line 4, insert:

"SEC. 7. There is hereby authorized to be appropriated to the Secretary of Commerce $200,000 for the fiscal year ending June 30, 1972, and each succeeding fiscal year to carry out the purposes of this Act."

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. HALL. Mr. Speaker, reserving the right to object, may I ask the gentleman to explain the Senate amendments he is asking us to accept.

Mr. LENNON. I shall be delighted to, Mr. Speaker.

Mr. Speaker, the Senate amendments to H.R. 2587 consist of six amendments which are essentially of a minor and clarifying nature. All the amendments are germane to the bill as passed by the House. They are all acceptable to the committee and their acceptance is recommended.

First, membership of the committee is changed from 21 to 25.

The purpose of the increase is to make it easier for the administration to insure the necessary broad representation of interests, expertise, and geographical distribution on the Advisory Committee. Since these basic requirements are laid down in the House bill, I believe that this change should be accepted.

Second, the word "the" is deleted from the title of the committee.

The Senate report gives no explanation for this change and as far as I am concerned, the title of the committee is perfectly acceptable with or without the "the", and, therefore, I am prepared to accept the amendment. The Senate neglected to make the same change in the title of the act.

Third. The staggered scheme of terms has been amended to reflect the change in membership.

Instead of the 7, 7, 7 distribution for 1, 2, and 3-year appointments, the amendment would provide for 9, 8, and 8, respectively. This is necessary if the first amendment is to be accepted.

Fourth. Section 4 was amended to require that the annual report be submitted on or before a specified date each year, specifically June 30, with the first report due June 30, 1972.

This amendment is considered to be an improvement and is recommended for acceptance.

Fifth. Section 6 is amended to add more specific language consistent with the intent of the bill which makes it clear that the Advisory Committee is authorized to request and receive necessary information and assistance from all Federal departments, agencies, and instrumentalities and, to the extent permitted by law, this information and assistance will be furnished without reimbursement.

This amendment is considered to be an improvement and is recommended for acceptance.

Sixth. A specific authorization for appropriations section is added consistent with the estimates of costs contained in the committee report on the bill.

Since this, in effect, places a limitation on the annual authorization, I consider it an improvement and support its acceptance. As estimated, the potential costs for administration should be roughly divided half and half between Committee membership compensation and travel expenses, and staff expenses, including a staff of three persons, GS-14, GS-8, and GS-4, a salary of approximately $36,000, with necessary staff expenses of approximately $50,000. The authorization will permit approximately 500 committee-member days of activity in carrying out the committee's function.

There are six amendments which are of a minor or clarifying nature, all of which were agreed to by the Subcommittee on Oceanography before the Subcommittee on Commerce of the Senate reported the bill out.

Mr. HALL. Mr. Speaker, I thank the distinguished gentleman for his explanation and ask him if all of the amendments are germane and if any of them increase the cost over the House-passed version.

Mr. LENNON. They are all germane to the House bill. Actually, there is a limitation on the annual authorization which was not entirely clear in the House bill and which is now crystal clear in the Senate bill, and we happily accept that. There is not one cent of increase in the authorization and it is an annual authorization.

Mr. HALL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 10061, DEPARTMENT OF LABOR, AND HEALTH, EDUCATION, AND WELFARE AND RELATED AGENCIES APPROPRIATIONS, 1972

Mr. FLOOD submitted the following conference report and statement on the bill (H.R. 10061) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1972, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 92-461)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10061) "making appropriations for the Departments of Labor, and Health, Education, and Welfare, and Related Agencies for the fiscal year ending June 30, 1972, and for other purposes," having met, after full, and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 16, 18, 27, 32, 33, 35, 44, 45 and 46.

That the House recede from its disagreement to the amendments of the Senate numbered 9, 11, 29, 34, 36, 38, 39, 40, 47 and 48, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$86,391,000"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$612,201,000"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$75,000,000"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$320,703,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert the following: "$330,151,000"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$102,771,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$98,590,000"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$306,704,000"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$197,200,000"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert "$41,400,000"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$9,205,000"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$232,107,000"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$43,388,000"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$153,164,000"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$116,590,000"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$108,710,500"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$173,515,000"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$116,833,000"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$37,255,500"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$74,948,000"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "24,086,000"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$38,950,000"; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert: "$10,000,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 1, 15, 30. 37, 41, 49, and 50.

Daniel J. Flood,
William H. Natcher,
Neal Smith,
W. R. Hull. Jr.,
Bob Casey,
Edward J. Patten,
George Mahon,
Robert H. Michel,
Garner E. Shriver,
Charlotte T. Reid,
Silvio O. Conte,
Managers on the Part of the House.

Warren G. Magnuson,
John Stennis,
Alan Bible,
Robert C. Byrd,
William Proxmire,
Joseph M. Montoya,
Ernest F. Hollings,
Allen J. Ellender,
Norris Cotton,
Clifford P. Case,
Hiram L. Fong,
J. Caleb Boggs,
Charles H. Percy,
Edward W. Brooke,
Milton R. Young,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10061, making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies for the fiscal year ending June 30, 1972, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

TITLE I—DEPARTMENT OF LABOR

Manpower Administration

Amendment No. 1: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which provides that $20,000,000 of the amount of $748,799,000 contained in the bill for "Manpower training services" shall be transferred to the Office of Economic Opportunity to finance emergency food and medical services programs in areas of exceedingly high unemployment, and that this amount be reimbursed to the appropriation "Manpower training services" upon enactment of the 1972 appropriation for the Office of Economic Opportunity.

Workplace Standards Administration

Amendment No. 2: Appropriates $86,391,000 for "Salaries and expenses" instead of $81,391,000 as proposed by the House and $91,391,000 as proposed by the Senate. The increase above the appropriation proposed by the House is for activities under the Occupational Safety and Health Act.

Bureau of Labor Statistics

Amendment No. 3: Appropriates $35,500,000 for "Salaries and expenses" as proposed by the House instead of $36,750,000 as proposed by the Senate.

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services and Mental Health Administration

Amendment No. 4: Appropriates $612,201,000 for "Mental health" instead of $581,201,000 as proposed by the House and $658,201,000 as proposed by the Senate. The increase of $31,000,000 above the amount proposed by the House includes $5,000,000 for construction of community mental health centers, $1,000,000 for hospital improvement program grants, $5,000,000 for alcoholism community assistance formula grants, and $20,000,000 for alcoholism project grants.

Amendment No. 5: Provides that $75,000,000 of the amount appropriated for "Mental health" shall remain available until June 30, 1973, instead of $55,193,000 as proposed by the House and $194,993,000 as proposed by the Senate.

Amendment No. 6: Appropriates $320,703,000 for "Comprehensive health planning and services" instead of $312,753,000 as proposed by the House and $335,652,000 as proposed by the Senate. The increase above the amount proposed by the House includes $4,500,000 for health service centers, $950,000 for the migrant health program, and $2,500,000 for the National Health Service Corps.

Amendment No. 7: Appropriates $330,151,000 for "Maternal and child health" instead of $326,651,000 as proposed by the House and $339,651,000 as proposed by the Senate. The increase above the amount proposed by the House includes $1,872,000 for grants to States for crippled children's services, $1,050,000 for comprehensive projects for maternity and infant care, $258,000 for intensive care of infants, and $320,000 for dental health of children.

Amendment No. 8: Appropriates $102,771,000 for "Regional medical programs" instead of $82,771,000 as proposed by the House and $122,771,000 as proposed by the Senate. The Committee of Conference is agreed that no existing regional medical program is to receive a lesser amount in fiscal year 1972 than it received in 1971.

The Committee believes one of the problems which needs attention is the availability of hemodialysis for those with otherwise terminal kidney disease.

Amendment No. 9: Deletes language proposed by the House regarding insurance of official motor vehicles in foreign countries.

Amendment No. 10: Appropriates $98,590,000 for "Disease control" instead of $94,425,000 as proposed by the House and $113,340,000 as proposed by the Senate. The increase above the amount proposed by the House includes $750,000 for the purchase of laboratory equipment and $500,000 for personnel for the Appalachian Laboratory for Occupational Respiratory Diseases at Morgantown, West Virginia, $415,000 for the Arctic Health Research Center, and $2,500,000 for the lead-based paint poisoning prevention program. The Committee of Conference is agreed that the money included in the bill for this program will be used exclusively for the screening and treatment of children.

Amendments Nos. 11, 12, 13, and 14: Appropriate $306,704,000 for "Medical facilities construction "instead of $266,704,000 as proposed by the House and $331,704,000 as proposed by the Senate; insert citation to section 304 of the Public Health Service Act; earmark $197,200,000 for grants pursuant to section 601 of the Public Health Service Act for the construction or modernization of medical facilities instead of $172,200,000 as proposed by the House and $222,200,000 as proposed by the Senate; and provide that $41,400,000 of the total appropriation shall be available only for grants for the construction of public or other non-profit hospitals and public health centers instead of $66,400,000 proposed by the Senate.

Amendment No. 15: Reported in technical agreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which provides that $15,000,000 of the amount appropriated for "Medical facilities construction" shall remain available until expended for hospital experimentation projects pursuant to section 304 and section 643A of the Public Health Service Act and that, of this amount, $8,600,000 shall be for grants and $6,700,000 shall be for loans.

Amendment No. 16: Appropriates $85,700,000 for "Patient care and special health services" as proposed by the House instead of $96,682,000 as proposed by the Senate.

National Institutes of Health

Amendment No. 17: Appropriates $9,205,000 for "Biologics standards" instead of $8,956,000 as proposed by the House and $9,755,000 as proposed by the Senate. The increase over the amount proposed by the House includes $105,000 for regulatory activities in connection with blood plasma and $144,000 to cover estimated "cost of living" increases in connection with research grants and contracts.

Amendment No. 18: Appropriates $237,531,000 for "National Cancer Institute" as proposed by the House instead of $258,233,000 as proposed by the Senate.

Amendment No. 19: Appropriates $232,107,000 for "National Heart and Lung Institute" instead of $211,624,000 as proposed by the House and $252,590,000 as proposed by the Senate.

Amendment No. 20: Appropriates $43,388, 000 for "National Institute of Dental Research" instead of $41,828,000 as proposed by the House and $44,948,000 as proposed by the Senate.

Amendment No. 21: Appropriates $153,164,000 for "National Institute of Arthritis and Metabolic Diseases" instead of $148,204,000 as proposed by the House and $163,629,000 as proposed by the Senate. The increase over the amount proposed by the House includes $1,500,000 for kidney research and $3,460,000 which is the amount estimated to be necessary to fund at least 50 percent of the competing research grant applications that will be on hand during fiscal year 1972.

Amendment No. 22: Appropriates $116,590,000 for "National Institute of Neurological Diseases and Stroke" instead of $108,590,000 as proposed by the House and $139,187,000 as proposed by the Senate. The increase over the amount proposed by the House includes $3,000,000 for acute spinal cord injury clinical research centers, $3,000,000 for research on multiple sclerosis, muscular dystrophy, and related diseases, and $2,000,000 to establish four additional stroke research centers.

Amendment No. 23: The bill includes $108,710,500 for "National Institute of Allergy and Infectious Diseases" instead of $106,662,000 as proposed by the House and $112,979,000 as proposed by the Senate. The amount of the increase over the appropriation proposed by the House is $1,298,500 for research grants and $750,000 for allergic disease centers. The Committee of Conference is agreed that a part of the increase above the appropriation proposed by the House is for research on encephalitis.

Amendment No. 24: Appropriates $173,515,000 for "National Institute of General Medical Sciences" instead of $168,490,000 as proposed by the House and $179,318,000 as proposed by the Senate. The increase of $5,025,000 above the appropriation recommended by the House is to enable the Institute to fund at least 50 percent of the competing research grant applications estimated to be approved in 1972.

Amendment No. 25: Appropriates $116,833,000 for "National Institute of Child Health and Human Development" instead of $109,668,000 as proposed by the House and $126,093,000 as proposed by the Senate. The increase of $7,165,000 above the appropriation proposed by the House is to enable the Institute to fund at least 50 percent of the competing research grant applications estimated to be approved in 1972. The Committee of Conference is agreed that within the increase above the appropriation proposed by the House priority be given to research on aging.

The Committee on Conference is agreed that in the population research, the prohibition in Title X of abortion as a method of family planning should not be construed so as to prevent scientific research into the causes of abortion and its effects.

Amendment No. 26: Appropriates $37,255,500 for "National Eye Institute" instead of $36,022,000 as proposed by the House and $40,187,000 as proposed by the Senate. The increase above the appropriation proposed by the House includes $1,000,000 for collaborative contract projects and epidemiologic projects on the prevention, diagnosis, and treatment of blinding eye disease; and $233,500 for staffing of clinical scientific and administrative management functions of the Institute.

Amendment No. 27: Appropriates $26,436,000 for "National Institute of Environmental Health Sciences" proposed by the House instead of $31,991,000 as proposed by the Senate.

Amendment No. 28: Appropriates $74,948,000 for "Research resources" instead of $71,948,000 proposed by the Senate. The increase above the appropriation proposed by the House includes $1,000,000 for general clinical research centers, $1,500,000 for the animal resources program to assist research Institutes to up-grade their animal facilities as required by the Animal Welfare Act of 1970, and $500,000 to assist the primate breeding colony at Holloman Air Force Base, New Mexico.

Amendment No. 29: Appropriates $4,288,000 for "John E. Fogarty International Center for Advanced Study in the Health Sciences" as proposed by the Senate instead of $3,763,000 as proposed by the House.

Amendment No. 30: Reported in technical disagreement. The managers on the part of the House will offer a motion to agree to the Senate amendment with an amendment which will appropriate $180,620,000 for "Health manpower" instead of $211,306,000 as proposed by the Senate. The House did not consider the budget for this item since the major part was not authorized at the time the House acted. All of this appropriation is currently authorized, but the amendment had to be reported in technical disagreement since lanaguage is included which changes the terms of the continuing resolution so that unauthorized activities (none of which are included in this bill) may continue until legislation to extend them which is now pending in Congress is enacted. The Committee of Conference is agreed that the amount provided for "Health manpower" does not adequately fund the needs in various categories. The Committees on Appropriations will expect to review these needs after the pending authorizations are enacted and include additional funds in a subsequent supplemental appropriation bill. The following table breaks down the appropriation by activities:

Program and amount in the conference agreement

Medical, dental, and related health professions:	
Student assistance:	
Direct loans	$30,000,000
Scholarships	15,500,000
Educational grants and contracts and direct operations	17,050,000
Nursing:	
Student assistance:	
Direct loans	21,000,000
Scholarships	19,500,000
Traineeships	10,470,000
Educational grants and contracts and direct operations	10,720,000
Public Health:	
Institutional support	10,071,000
Traineeships	8,400,000
Direct operations	573,000
Allied health:	
Institutional support	10,000,000
Traineeships	3,750,000
Educational grants and contracts and direct operations	16,904,000
Program direction and manpower analysis	6,682,000
Total	180,620,000

Amendment No. 31: Appropriates $24,086,000 for "National Library of Medicine" instead of $22,781,000 as proposed by the House and $25,086,000 as proposed by the Senate. The increase over the appropriation proposed by the House includes $805,000 to provide for "cost of living" costs for the library's contract intramural programs, $300,000 for the Lister Hill Center for Biomedical Communications, and $200,000 for the National Medical Audiovisual Center.

Amendment No. 32: Appropriates $3,565,000 for "Buildings and facilities" as proposed by the House instead of $5,065,000 as proposed by the Senate.

Amendment No. 33: Appropriates $11,442,000 for "Office of the Director" as proposed by the House instead of $11,792,000 as proposed by the Senate.

Amendment No. 34: Provides for the transfer of $60,700,000 for "General research support grants" as proposed by the Senate instead of $55,212,000 as proposed by the House.

Office of Education

Amendment No. 35: Deletes appropriation of $1,592,000 for "Emergency school construction" proposed by the Senate.

Social and Rehabilitation Service

Amendments Nos. 36, 38, 39, and 40: Insert citation as proposed by the Senate; provides that $560,000,000 of the appropriation for "Rehabilitation services and facilities" shall be for grants under section 2 as proposed by the Senate instead of $575,000,000 as proposed by the House; provides that $12,500,000 of the appropriation for "Rehabilitation services and facilities" shall be for rehabilitation facility improvement under section 13 as proposed by the Senate instead of $15,000,000 as proposed by the House; and provides that $21,715,000 of the appropriation for "Rehabilitation services and facilities" shall be available for grants under Part C of the Developmental Disabilities Services and Facilities Construction Act as proposed by the Senate instead of $30,000,000 as proposed by the House.

Amendment No. 37: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede from its disagreement with the Senate amendment which would appropriate $674,051,000 for "Rehabilitation services and facilities" instead of $688,836,000 and agree to the amendment with an amendment to appropriate $667,301,000.

Amendment No. 41: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede from disagreement to the Senate amendment and agree to the same with an amendment which will appropriate $4,250,000 for grants under Part B of the Developmental Disabilities Services and Facilities Construction Act instead of $8,500,000 as proposed by the Senate.

Amendment No. 42: Appropriates $38,950,000 for "Special programs for the aging" instead of $33,700,000 as proposed by the House and $44,200,000 as proposed by the Senate.

Amendment No. 43: Appropriates $10,000,000 for "Youth development and delinquency prevention" instead of $20,000,000 as proposed by the Senate.

Amendment No. 44: Appropriates $99,163,000 for "Research and training" as proposed by the House instead of $100,140,000 as proposed by the Senate.

Amendment No. 45: Appropriates $39,537,000 for "Salaries and expenses" as proposed by the House instead of $40,481,000 as proposed by the Senate.

Office of Child Development

Amendment No. 46: Appropriates $14,251,000 for "Child development" as proposed by the House instead of $16,251,000 as proposed by the Senate. The Head Start program was included in the budget for "Child development," but has not been included in the bill. The Committee of Conference wants to make it quite clear that the members favor this program and have omitted from the bill solely because there is as yet no authorization for the program.

General Provisions

Amendment No. 47: Provides that the allotment base for grants under section 2 of the Vocational Rehabilitation Act shall be made on the basis of $580,000,000 as proposed by the Senate instead of $600,000,000 as proposed by the House.

TITLE III—RELATED AGENCIES

National Commission on Libraries and Information Science

Amendment No. 48: Appropriates $200,000 for "Salaries and expenses." The House did not consider this item since the budget amendment which contained the request for an appropriation was received too late to be acted upon.

National Commission on Marihuana and Drug Abuse

Amendment No. 49: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which appropriates $1,228,000 for "Salaries and expenses." The House did not consider this item since the budget amendment which contained the request for an appropriation was received too late to be acted upon.

Commission on Railroad Retirement

Amendment No. 50: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which appropriates $483,000 for "Salaries and expenses." The House did not consider this item since the budget amendment which contained the request for an appropriation was received too late to be acted upon.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1972 recommended by the Committee of Conference, with comparisons to the fiscal year 1971 amount, the 1972 budget estimate, and the House and Senate bills follows:

New budget (obligational) authority, fiscal year 1971	$17, 654, 678, 500
Budget estimates of new (obligational) authority, fiscal year 1972 (including $180,641,000 not considered by the House)	20, 223, 637, 000
House bill, fiscal year 1972	20, 461, 247, 000
Senate bill, fiscal year 1972	21, 118, 317, 000
Conference agreement	20, 804, 662, 000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1971	+3, 149, 983, 500
Budget estimates of new (obligational) authority (as amended), fiscal year 1972	+581, 025, 000
House bill, fiscal year 1972	+343, 415, 000
Senate bill, fiscal year 1972	−313, 655, 000

NOTE.—All 1972 figures include $100,000,000 advance appropriation for fiscal year 1972 for the National Cancer Institute which was provided in the Second Supplemental Appropriation Act, 1971 (P.L. 92-18).

DANIEL J. FLOOD,
WILLIAM H. NATCHER,
NEAL SMITH,
W. R. HULL, Jr.,
BOB CASEY,
EDWARD J. PATTEN,
GEORGE MAHON,
ROBERT H. MICHEL,
GARNER E. SHRIVER,
CHARLOTTE T. REID,
SILVIO O. CONTE,
Managers on the Part of the House.

WARREN G. MAGNUSON,
JOHN STENNIS,
ALAN BIBLE,
ROBERT C. BYRD,
WILLIAM PROXMIRE,
JOSEPH M. MONTOYA,
ERNEST F. HOLLINGS,
ALLEN J. ELLENDER,
NORRIS COTTON,
CLIFFORD P. CASE,
HIRAM L. FONG,
J. CALEB BOGGS,
CHARLES H. PERCY,
EDWARD W. BROOKE,
MILTON R. YOUNG,
Managers on the Part of the Senate.

Mr. FLOOD. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill—H.R. 10061—making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1972, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. HALL. Mr. Speaker, reserving the right to object, here again we are being asked by the one for all and all for one "fraternity"—otherwise known as the Committee on Appropriations—to violate the Legislative Reorganization Act of 1970. Having now just properly proceeded and asked to file a report, they violate that statute by asking for its immediate consideration.

For the life of me, I cannot see why there is this need for haste and particularly, Mr. Speaker, now that I have just been provided with a summary of the conference total, with comparisons, I think it is embarrassing, ill-conceived, and improper to ask the Members for unanimous consent to consider it or to even vote on such a bill inasmuch as it left the House $418,000,000 above the budget and there has been a total of somewhere around $350 million, added in conference.

There is no generally available printed material. The information has not lain over for Members to study or to digest. There are many sacred cows in this, and certainly the gentleman from Missouri knows full well the welfare needs of the States in this regard, albeit, some of them are vetoing their own legislative appropriations.

Mr. Speaker, I just cannot understand wherein lies the equity of asking Members to OK what is rapidly becoming the single largest annual appropriation that we have.

In addition to this amount above the budget, I would recall to the House, that which has been done in the past week or 10 days to the budget by overappropriating; and by following up on authorizations so that "the birds are coming home to roost," with the cost of living and building increases all making us much above the budget. With over $21 billion in this 1972 appropriation for health and welfare and having already passed the education appropriation bill in the amount of well over $5 billion, for a total of over $26 billion, not counting the funds for medicare and medicaid, and with this being $2,878 million over last year's appropriation, I just cannot understand why we should consider it so precipitously, why we should ask unanimous consent and have it granted, and why we do not at least go and get a rule if we must act hurriedly on this last day? Why do we not wait for the printers—although I know they are behind—and above all since we have just this week passed a continuing resolution, Mr. Speaker, under which any agency can continue to operate under existing appropriations or those passed by either body, not to exceed the amount of last year's appropriations, why we should act pellmell in this manner? Under these circumstances, I will continue to reserve the right to object, but I would be delighted to yield to my friend from Pennsylvania.

Mr. FLOOD. I thank the gentleman from Missouri very much. He is a great surgeon and a great doctor of medicine and on the Armed Services Committee. I wish he served on the Committee on Appropriations. He would be a great help to me.

Now, if the gentleman will allow me, I would like to point out this fact. Early in the day I did not have the figures and I so told the gentleman. I now have them.

Mr. Speaker, we sat 2 full days, morning and afternoon. I met with the staff at 7:30 this morning. We have worked hard to bring you a good conference report.

The doctor's objection to the unanimous-consent request which was made at 2 o'clock this afternoon was quite correct. I really cannot disagree with his logic at that time. But at this point we have actually filed the conference report and I am quite certain that one of the things that the gentleman from Missouri (Mr. HALL) has been concerned about is that the managers on the part of the House would give in too much to the Senate. But the conference report just filed is $313,655,000 less than the Senate bill.

Mr. HALL. Mr. Speaker, will the gentleman tell us how much more it is than the House-passed version?

Mr. FLOOD. It is over the House bill by $343,415,000 but that includes about $200 million that was not considered by the House in its bill.

Mr. HALL. So in effect you are really more over the House bill than under the Senate version.

Mr. FLOOD. That is a mathematical fact. But it should be qualified as I just said.

Doctor, you could not possibly have done better yourself. You could not possibly have done better yourself.

Mr. HALL. Mr. Speaker, the gentleman argues well, and he touches my soul. And, as I say, I do know the needs of the various States which have depended on suckling the hind teat of centralized collective government, to the place where they can no longer be weaned away.

But, be that as it may, his arguments about the other body convinced me. I am one of those who is thoroughly convinced in spite of your emoluments, and others, that we can never achieve that which we seek, be it in cancer, or heart, or otherwise, by simply adding up millions of dollars.

Mr. FLOOD. Who would know better than the gentleman.

Mr. HALL. Nor by adding more personnel. What we need is time to think and ponder——

Mr. FLOOD. Will my friend yield?

Mr. HALL. I will be glad to yield as soon as I finish my sentence.

What we need is time to ponder and mull and think and develop horizontal research at the same time we are building on vertical blocks of same, so that we can reach a technological breakthrough and then pour all the money and personnel in it that we need at that point.

But, Mr. Speaker, in view of the gentleman's terpsichoreal art, his sartorial elegance, his eloquent utterances, and his convincing ways, plus pragmatic realization that the committee could and would get a rule although I doubt they could muster the necessary two-thirds "aye" votes; I will withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that the statement of the managers be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the statement.

The SPEAKER. The gentleman from Pennsylvania (Mr. FLOOD) is recognized.

Mr. FLOOD. Mr. Speaker, the conference report that we are bringing to you today provides a total of $20,804,662,000 for the Departments of Labor, and Health, Education, and Welfare, and related agencies for fiscal year 1972. This is, of course, the largest amount that has ever been appropriated for the programs in this bill. It is $3,149,983,500 over the 1971 appropriations. The bill as it passed the House provided $20,461,247,000. The Senate bill provided $21,118,317,000. The difference between the House and the Senate bills was $657,070,000. In the conference agreement which we are bringing to you today the Senate have given up $313,655,000 and the House has agreed to $343,415,000 worth of Senate increases. Now these Senate increases include $180,641,000 for programs for which there were budget requests but which the House did not include in the bill because authorizing legislation was pending at the time the House acted.

Now where do we stand with respect to the President's budget? The House bill was $418,251,000 over the budget request. The Senate bill was $894,680,000 over the budget request. The conference agreement provides $581,025,000 over the budget estimates—much closer to the House figure than the Senate figure.

Now just a word as to the Senate increases above the House to which we have agreed. Let me give you a summary of these increases: Health Services and Mental Health Administration, $106,615,000; research components of the National Institutes of Health, $54,249,000; and health manpower programs, $180,620,000.

With respect to the Social and Rehabilitation Service we are $6,285,000 below the House, but we are $78,620,000 over the budget.

Mr. Speaker, I think that we have a good conference report. It provides a very substantial increase in the Federal investment in health and welfare programs all down the line. This increase is due in some measure to the President's budget, after he amended what was originally submitted in January. It includes increases added by the House. It includes further increases added by the Senate. However, I hasten to add that it includes much less than half of the increase put in the bill by the Senate when you take out those increases for items not considered by the House. In my opinion the final compromise is a good one and one that every Member should support.

Mr. Speaker, I will insert a table at this point in the RECORD which will show in much, much greater detail the pertinent statistics concerning the appropriations agreed upon for the Departments of Labor, and Health, Education, and Welfare, and related agencies:

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE APPROPRIATION BILL, 1972 (H.R. 10061)

NEW BUDGET (OBLIGATIONAL) AUTHORITY—CONFERENCE SUMMARY

TITLE I—DEPARTMENT OF LABOR

Agency and item	1971 enacted [1]	1972 Budget estimate [2]	1972 House bill	1972 Senate bill	1972 Conference agreement	Conference agreement compared with— 1971	Budget 1972	House	Senate
MANPOWER ADMINISTRATION									
Salaries and expenses	$29, 213, 000	$63, 515, 000	$37, 568, 000	$37, 568, 000	$37, 568, 000	+$8, 355, 000	−$25, 947, 000		
Trust fund transfer	(23, 855, 000)		(25, 847, 000)	(25, 847, 000)	(25, 847, 000)	(+1, 992, 000)			
	(21, 476, 000)	(26, 207, 000)	(3)	(3)	(3)				
Manpower training services	886, 962, 000	748, 799, 000	748, 799, 000	748, 799, 000	748, 799, 000	−138, 163, 000			
	(742, 069, 000)	(817, 597, 000)	(3)	(3)	(3)				
Federal unemployment benefits and allowances	317, 430, 000	274, 500, 000	274, 500, 000	274, 500, 000	274, 500, 000	−42, 930, 000			
Grants to States for unemployment insurance and employment services	(743, 500, 000)	(806, 000, 000)	(806, 000, 000)	(806, 000, 000)	(806, 000, 000)	(+62, 500, 000)			
Total, Manpower Administration	1, 233, 605, 000	1, 086, 814, 000	1, 060, 867, 000	1, 060, 867, 000	1, 060, 867, 000	−172, 738, 000	−25, 947, 000		

Footnotes at end of table.

Agency and item	1971 enacted[1]	1972				Conference agreement compar withed—			
		Budget estimate[2]	House bill	Senate bill	Conference agreement	1971	Budget 1972	House	Senate
LABOR-MANAGEMENT SERVICES ADMINISTRATION									
Salaries and expenses	$17, 989, 000	$22, 798, 000	$22, 798, 000	$22, 798, 000	$22, 798, 000	+$4, 809, 000			
WORKPLACE STANDARDS ADMINISTRATION									
Salaries and expenses	58, 220, 500	81, 391, 000	81, 391, 000	91, 391, 000	86, 391, 000	+28, 170, 500	+$5, 000, 000	+$5, 000, 000	−$5, 000, 000
Federal workmen's compensation benefits	109, 800, 000	90, 000, 000	90, 000, 000	90, 000, 000	90, 000, 000	−19, 800, 000			
Total, Workplace Standards Administration	168, 020, 500	171, 391, 000	171, 391, 000	181, 391, 000	176, 391, 000	+8, 370, 500	+5, 000, 000	+5, 000, 000	−5, 000, 000
BUREAU OF LABOR STATISTICS									
Salaries and expenses	28, 096, 000	37, 636, 000	35, 500, 000	36, 750, 000	35, 500, 000	+7, 404, 000	−2, 136, 000		−1, 250, 000
BUREAU OF INTERNATIONAL LABOR AFFAIRS									
Salaries and expenses	1, 640, 000	1, 996, 000	1, 996, 000	1, 996, 000	1, 996, 000	+356, 000			
Special foreign currency program	75, 000	525, 000	100, 000	100, 000	100, 000	+25, 000	−425, 000		
Total, Bureau of International Labor Affairs	1, 715, 000	2, 521, 000	2, 096, 000	2, 096, 000	2, 096, 000	+381, 000	−425, 000		
OFFICE OF THE SOLICITOR									
Salaries and expenses	6, 399, 000	7, 851, 000	7, 694, 000	7, 694, 000	7, 694, 000	+1, 295, 000	−157, 000		
Trust fund transfer	(157, 000)		(157, 000)	(157, 000)	(157, 000)				
OFFICE OF THE SECRETARY									
Salaries and expenses	10, 401, 000	11, 082, 000	10, 567, 000	10, 567, 000	10, 567, 000	+166, 000	−515, 000		
Trust fund transfer	(615, 000)		(615, 000)	(615, 000)	(615, 000)				
Total, new budget (obligational) authority, Department of Labor	1, 466, 225, 500	1, 340, 093, 000	1, 310, 913, 000	1, 322, 163, 000	1, 315, 913, 000	−150, 312, 500	−24, 180, 000	+5, 000, 000	−6, 250, 000
TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE									
HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION									
Mental health	389, 238, 000	499, 451, 000	581, 021, 000	658, 201, 000	612, 201, 000	+222, 963, 000	+112, 750, 000	+31, 000, 000	−46, 000, 000
St. Elizabeths Hospital (indefinite)	22, 848, 000	23, 144, 000	23, 144, 000	23, 144, 000	23, 144, 000	+296, 000			
Health services research and development	57, 738, 000	62, 070, 000	62, 070, 000	62, 070, 000	62, 070, 000	+4, 332, 000			
Comprehensive health planning and services	250, 973, 000	302, 753, 000	312, 753, 000	335, 652, 000	320, 703, 000	+69, 730, 000	+17, 950, 000	+7, 950, 000	−14, 949, 000
Trust fund transfer	(4, 519, 000)	(4, 519, 000)	(4, 519, 000)	(4, 519, 000)	(4, 519, 000)				
Maternal and child health	261, 992, 000	326, 651, 000	326, 651, 000	339, 651, 000	330, 151, 000	+68, 159, 000	+3, 500, 000	+3, 500, 000	−9, 500, 000
Regional medical programs	116, 990, 000	52, 771, 000	82, 771, 000	122, 771, 000	102, 771, 000	−14, 219, 000	+50, 000, 000	+20, 000, 000	−20, 000, 000
Disease control	46, 668, 000	91, 425, 000	94, 425, 000	113, 340, 000	98, 590, 000	+51, 922, 000	+7, 165, 000	+4, 165, 000	−14, 750, 000
Medical facilities construction	226, 837, 000	138, 877, 000	266, 704, 000	331, 704, 000	306, 704, 000	+79, 867, 000	+167, 827, 000	+40, 000, 000	−25, 000, 000
Patient care and special health services	85, 905, 000	71, 682, 000	85, 700, 000	96, 682, 000	85, 700, 000	−205, 000	+14, 018, 000		−10, 982, 000
National health statistics	10, 343, 000	15, 900, 000	15, 900, 000	15, 900, 000	15, 900, 000	+5, 557, 000			
Retirement pay and medical benefits for commissioned officers (indefinite)	19, 501, 000	23, 196, 000	23, 196, 000	23, 196, 000	23, 196, 000	+3, 695, 000			
Office of the Administrator	12, 636, 000	12, 359, 000	12, 359, 000	12, 359, 000	12, 359, 000	−277, 000			
Total, Health Services and Mental Health Administration	1, 501, 669, 000	1, 620, 279, 000	1, 886, 874, 000	2, 134, 670, 000	1, 993, 489, 000	+491, 820, 000	+373, 210, 000	+106, 615, 000	−141, 181, 000
Consisting of—									
Definite appropriations	1, 459, 320, 000	1, 573, 939, 000	1, 840, 534, 000	2, 088, 330, 000	1, 947, 149, 000	+487, 829, 000	+373, 210, 000	+106, 615, 000	−141, 181, 000
Indefinite appropriations	42, 349, 000	46, 340, 000	46, 340, 000	46, 340, 000	46, 340, 000	+3, 991, 000			
NATIONAL INSTITUTES OF HEALTH									
Biologics standards	9, 296, 000	8, 956, 000	8, 956, 000	9, 755, 000	9, 205, 000	−91, 000	+249, 000	+249, 000	−550, 000
National Cancer Institute	233, 160, 000	[4] 334, 338, 000	[4] 337, 531, 000	[4] 358, 233, 000	[4] 337, 531, 000	+104, 371, 000	+3, 193, 000		−20, 702, 000
National Heart and Lung Institute	194, 925, 000	195, 492, 000	211, 624, 000	252, 590, 000	232, 107, 000	+37, 182, 000	+36, 615, 000	+20, 483, 000	−20, 483, 000
National Institute of Dental Research	35, 440, 000	38, 829, 000	41, 828, 000	44, 948, 000	43, 388, 000	+7, 948, 000	+4, 559, 000	+1, 560, 000	−1, 560, 000
National Institute of Arthritis and Metabolic Diseases	137, 986, 000	135, 433, 000	148, 204, 000	163, 629, 000	153, 164, 000	+15, 178, 000	+17, 731, 000	+4, 960, 000	−10, 465, 000
National Institute of Neurological Diseases and Stroke	103, 502, 000	, 521, 000	108, 590, 000	139, 187, 000	116, 590, 000	+13, 088, 000	+20, 069, 000	+8, 000, 000	−22, 597, 000
National Institute of Allergy and Infectious Diseases	102, 368, 000	99, 342, 000	106, 662, 000	112, 979, 000	108, 710, 500	+6, 342, 500	+9, 368, 500	+2, 048, 500	−4, 268, 500
National Institute of General Medical Sciences	160, 194, 000	150, 400, 000	168, 490, 000	179, 318, 000	173, 515, 000	+13, 321, 000	+23, 115, 000	+5, 025, 000	−5, 803, 000
National Institute of Child Health and Human Development	94, 760, 000	103, 232, 000	109, 668, 000	126, 093, 000	116, 833, 000	+22, 073, 000	+13, 601, 000	+7, 165, 000	−9, 260, 000
National Eye Institute	30, 032, 000	32, 639, 000	36, 022, 000	40, 187, 000	37, 255, 500	+7, 223, 500	+4, 616, 500	+1, 233, 500	−2, 931, 500
National Institute of Environmental Health Sciences	20, 151, 000	25, 271, 000	26, 436, 000	31, 991, 000	26, 436, 000	+6, 285, 000	+1, 165, 000		−5, 555, 000
Research resources	66, 320, 000	68, 069, 000	71, 948, 000	75, 948, 000	74, 948, 000	+8, 628, 000	+6, 879, 000	+3, 000, 000	−1, 000, 000

Footnotes at end of table.

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE APPROPRIATION BILL, 1972 (H.R. 10061)—Continued

NEW BUDGET (OBLIGATIONAL) AUTHORITY—CONFERENCE SUMMARY—Continued

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

		1972				Conference agreement compared with—			
Agency and item	1971 enacted[1]	Budget estimate[2]	House bill	Senate bill	Conference agreement	1971	Budget 1972	House	Senate
NATIONAL INSTITUTES OF HEALTH—CONTINUED									
John E. Fogarty International Center for Advanced Study in the Health Sciences	$3,666,000	$3,319,000	$3,763,000	$4,288,000	$4,288,000	$+622,000	$+969,000	+$525,000	
Subtotal, NIH Research Institutes	1,191,800,000	[4] 1,291,841,000	[4] 1,379,722,000	[4] 1,539,146,000	[4] 1,433,971,000	+242,171,000	+142,130,000	+54,249,000	−$105,175,000
Health manpower	152,460,000	168,730,000	(3)	211,306,000	180,620,000	+28,160,000	+11,890,000	+180,620,000	−30,686,000
	(299,950,000)	(373,195,000)	(3)	(3)	(3)	(−299,950,000)	(−373,195,000)		
National Library of Medicine	21,440,000	21,981,000	22,781,000	25,086,000	24,086,000	+2,646,000	+2,105,000	+1,305,000	−1,000,000
Building and facilities		3,565,000	3,565,000	5,065,000	3,565,000	+3,565,000			−1,500,000
Office of the Director	8,903,000	11,442,000	11,442,000	11,792,000	11,442,000	+2,539,000			−350,000
Scientific activities overseas (special foreign currency program)	32,444,000	25,545,000	25,545,000	25,545,000	25,545,000	−6,899,000			
Payment of sales insufficiencies and interest losses	3,083,000	4,000,000	4,000,000	4,000,000	4,000,000	+917,000			
General research support grants	(60,700,000)	(49,200,000)	(55,212,000)	(60,700,000)	(60,700,000)		(+11,500,000)	(+5,488,000)	
Total, National Institutes of Health	1,410,130,000	[4] 1,527,104,000	[4] 1,447,055,000	[4] 1,821,940,000	[4] 1,683,229,000	+273,099,000	+156,125,000	+236,174,000	−138,711,000
OFFICE OF EDUCATION									
Emergency school construction				1,592,000					−1,592,000
SOCIAL AND REHABILITATION SERVICE									
Grants to States for public assistance	9,699,137,000	11,411,693,000	11,411,693,000	11,411,693,000	11,411,693,000	+1,712,556,000			
Work incentives	98,180,000	275,136,000	259,136,000	259,136,000	259,136,000	+160,956,000	−16,000,000		
Rehabilitation services and facilities	570,390,000	605,000,000	688,836,000	674,051,000	667,301,000	+96,911,000	+62,301,000	−21,535,000	−6,750,000
Special programs for the aging	33,650,000	33,700,000	33,700,000	44,200,000	38,950,000	+5,300,000	+5,250,000	+5,250,000	−5,250,000
Youth development and delinquency prevention	15,000,000	10,000,000	(3)	20,000,000	10,000,000	−5,000,000		+10,000,000	−10,000,000
Research and training	67,435,000	69,150,000	99,163,000	100,140,000	99,163,000	+22,728,000	+30,013,000		−977,00
Social and rehabilitation activities overseas (special foreign currency program)	4,000,000	10,000,000	8,000,000	8,000,000	8,000,000	+4,000,000	−2,000,000		
Salaries and expenses	36,803,000	40,481,000	39,537,000	40,481,000	39,537,000	+2,734,000	−944,000		−944,000
Trust fund transfer	(390,000)	(400,000)	(400,000)	(400,000)	(400,000)	(+10,000)			
Total Social and Rehabilitation Service	10,533,595,000	12,455,160,000	12,540,065,000	12,557,701,000	12,533,780,000	+2,000,185,000	+78,620,000	−6,285,000	−23,921,000
SOCIAL SECURITY ADMINISTRATION									
Payments to social security trus funds	2,599,886,000	2,465,297,000	2,465,297,000	2,465,297,000	2,465,297,000	−134,589,000			
Special benefits for disabled coal miners	(5)	[6] 644,249,000	[6] 644,249,000	644,249,000	644,249,000	+644,249,000			
Social security activities overseas (special foreign currency program)		750,000					−750,000		
Limitation on salaries and expenses	(1,044,991,000)	(1,134,640,000)	(1,134,640,000)	(1,134,640,000)	(1,134,640,000)	(+89,649,000)			
Limitation on construction	(2,800,000)	(18,194,000)	(18,194,000)	(18,194,000)	(18,194,000)	(+15,394,000)			
Total, Social Security Administration	2,599,886,000	3,110,296,000	3,109,546,000	3,109,546,000	3,109,546,000	+509,660,000	−750,000		
OFFICE OF CHILD DEVELOPMENT									
Child development	7,992,000	16,251,000	14,251,000	16,251,000	14,251,000	+6,259,000	−2,000,000		−2,000,000
		(376,817,000)	(3)	(3)	(3)				
DEPARTMENTAL MANAGEMENT									
Office for Civil Rights	8,581,000	10,830,000	10,830,000	10,830,000	10,830,000	+2,249,000			
Trust fund transfers	(947,000)	(1,049,000)	(1,049,000)	(1,049,000)	(1,049,000)	(+102,000)			
Departmental management	40,868,000	47,570,000	47,570,000	47,470,000	47,570,000	+6,702,000			
Trust fund transfers	(5,725,000)	(5,955,000)	(5,955,000)	(5,955,000)	(5,955,000	(+230,000)			
Total, Departmental Management	49,449,000	58,400,000	58,400,000	58,400,000	58,400,000	+8,951,000			
Total, new budget (obligational) authority, Department of Health, Education, and Welfare	16,102,721,000	18,787,490,000	19,056,191,000	[4] 19,700,100,000	[4] 19,392,695,000	+3,289,974,000	+605,205,000	+336,504,000	−307,405,000
Consisting of—									
Definite appropriations	16,060,372,000	18,741,150,000	19,009,851,000	19,653,760,000	19,346,355,000	+3,285,983,000	+605,205,000	+336,504,000	−307,405,000
Indefinite appropriations	42,349,000	46,340,000	46,340,000	46,340,000	46,340,000	+3,991,000			

Footnotes at end of table.

TITLE III—RELATED AGENCIES

Agency and item	1971 enacted[1]	1972 Budget estimate[2]	1972 House bill	1972 Senate bill	1972 Conference agreement	Conference agreement compared with— 1971	Budget 1972	House	Senate
National Commission on Libraries and Information Science		$200,000	(3)	$200,000	$200,000	+$200,000		+$200,000	
National Commission on Marihuana and Drug Abuse	$700,000	1,228,000	(3)	1,228,000	1,228,000	+528,000		+1,228,000	
National Labor Relations Board	41,827,000	48,468,000	$48,468,000	48,468,000	48,468,000	+6,641,000			
National Mediation Board	2,454,000	2,796,000	2,796,000	2,796,000	2,796,000	+342,000			
Railroad Retirement Board:									
Payments for military service credits	19,969,000	20,757,000	20,757,000	20,757,000	20,757,000	+788,000			
Limitation on salaries and expenses	(19,160,000)	(18,838,000)	(18,838,000)	(18,838,000)	(18,838,000)	(−322,000)			
Commission on Railroad Retirement	300,000	483,000	(3)	483,000	483,000	+183,000		+483,000	
Federal Mediation and Conciliation Service	9,722,000	10,289,000	10,289,000	10,289,000	10,289,000	+567,000			
United States Soldiers' Home:									
Operation and maintenance	10,557,000	11,353,000	11,353,000	11,353,000	11,353,000	+796,000			
Capital outlay	128,000	80,000	80,000	80,000	80,000	−48,000			
Occupational Safety and Health Review Commission	75,000	400,000	400,000	400,000	400,000	+325,000			
Total, related agencies	85,732,000	96,054,000	94,143,000	96,054,000	96,054,000	+10,322,000		+1,911,000	
Grand total	17,654,678,500	[4] 20,223,637,000	[4] 20,461,247,000	[4] 21,118,317,000	[4] 20,804,662,000	+3,149,983,500	+$581,025,000	+343,415,000	−$313,655,000
Consisting of—									
Definite appropriations	17,612,329,500	20,177,297,000	20,414,907,000	21,071,977,000	20,758,322,000	+3,145,992,500	+581,025,000	+343,415,000	−313,655,000
Indefinite appropriations	42,349,000	46,340,000	46,340,000	46,340,000	46,340,000	+3,991,000			

[1] Includes supplemental appropriations.

[2] Includes budget amendments.

[3] Not considered due to lack of authorization.

[4] Includes $100,000,000 advance appropriation for fiscal year 1972 for the National Cancer Institute contained in Second Supplemental Appropriation Act, 1971 (Public Law 92-18).

[5] For fiscal years 1970 and 1971, indefinite amounts were appropriated, to be charged to subsequent years' appropriations.

[6] Covers estimated obligations for 3 fiscal years as follows: Fiscal year 1970—$6,734,000; fiscal year 1971—$252,900,000; fiscal year 1972—$384,615,000.

Mr. BROWN of Ohio. Mr. Speaker, I yield such time as he may require to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Speaker, I want to take this opportunity to commend the chairman and the members of the committee of conference for the fine work that they did.

As the gentleman from Pennsylvania has explained to the gentleman from Missouri it was a very long and very arduous conference. I think the position of the House was held.

I would like at this time to mention some of the figures:

The total new budget (obligational) authority for the fiscal year 1972 recommended by the Committee of Conference, with comparisons to the fiscal year 1971 amount, the 1972 budget estimate, and the House and Senate bills follows:

New budget (obligational) authority, fiscal year 1971	$17,654,678,500
Budget estimates of new (obligational) authority, fiscal year 1972 (including $180,641,000 not considered by the House)	20,223,637,000
House bill, fiscal year 1972	20,461,247,000
Senate bill, fiscal year 1972	21,118,317,000
Conference agreement	20,804,662,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1971	+$3,149,983,500
Budget estimates of new (obligational) authority (as amended), fiscal year 1972	+581,025,000
House bill, fiscal year 1972	+343,415,000
Senate bill, fiscal year 1972	−313,655,000

NOTE.—All 1972 figures include $100,000,000 advance appropriation for fiscal year 1972 for the National Cancer Institute which was provided in the Second Supplemental Appropriation Act, 1971 (P.L. 92-18).

Mr. MAHON. Mr. Speaker, will the gentleman from Ohio (Mr. Bow) yield?

Mr. BOW. I yield to the gentleman.

Mr. MAHON. Mr. Speaker, I think it should be said that in the conference, the other body yielded to the extent of $314 million. The House went above its figure, because we had to have a conference, and we had to give and take somewhat.

But while the other body gave up $314 million in comparison the House gave up $163 million which seems to me to be something of an accomplishment under the circumstances. It is true that this bill is $581 million above the budget, and I think it worthwhile to consider for a moment some of the reasons why this bill is above the budget.

We are about $62 million above the budget for vocational rehabilitation, for which the House voted above the budget and above the committee recommendation.

For the National Institutes of Health research activities, which are so popular with the American people generally and with the Congress, we are about $142 million above the budget.

For hospital construction—and Members are especially interested in the hospital construction program—we are about $167 million above the budget.

For mental health—and our people are continually appealing to us to do more in the field of mental health including alcoholism programs and drug abuse—the conference report is about $112 million above the budget.

I think it should be understood by Members of the House that at the time the bill was before the House, the health-manpower programs for the training of doctors, nurses, and so on had not been authorized, and thus the House did not provide for these programs. The other body considered $180 million of budget requests for this purpose, and increased the total of the bill on that account. But this, of course, was a budgeted figure.

As chairman of the full committee who is not as familiar with every item in this bill as are the members of the subcommittee, I just want to say that while I, myself, would like to have seen a lower bill, and I, myself, voted against some of the amendments that were offered, nevertheless, under the circumstances, in view of the actions of the House and in view of the actions of the other body, I think Mr. FLOOD, Mr. MICHEL, and the other conferees who work more directly on these matters—with the attendance of Mr. Bow and myself—I think they have done a very good job, and I think the House will be pretty well pleased with the actions of the conferees.

I also want to thank the gentleman from Ohio for his splendid and unfailing cooperation.

Mr. BOW. I thank the distinguished gentleman from Texas.

Mr. Speaker, at this time I would like to yield to the gentleman from Illinois (Mr. MICHEL) the ranking member of the subcommittee, who has done a magnificent job on this committee. The gentleman from Illinois has been devoted to his work in this subcommittee, and I would like to yield to him at this time.

Mr. MICHEL. Mr. Speaker, for those of you who have known me over the years and the general posture I have taken on appropriation measures, I should tell you that I have a rather indescribable wrenching feeling as I stand before you here urging the adoption of this conference report which is $581,025,000 over the budget.

By way of quick review, Members will recall that we reported our House bill to you some $321 million over the budget and then with the additions that came with floor amendments, our bill left the House $418,251,000 over the budget for the items considered.

The Senate considered several additional items, such as health manpower, youth development, delinquency prevention, and several commissions. All told, these items amounted to $180,641,000, and the Senate added to that another $42 million. Your conferees cut out all these increases, except $11,890,000 for health manpower.

So all told we were confronted with a Senate-passed bill that was over the budget estimates by the whopping figure of $894,680,000. More to the point it was $657,070,000 over the House-passed bill, but as I said, this also reflects several significant items which were not considered by our House committee.

I think it is fair to say to you in very simple terms that this overall bill is now $581 mililon over the budget, which suggests that in our conference we consented to increases over the House bill of $162 million and got the Senate conferees to back down to the tune of $313 million.

The more junior Members of this House just as interested if not more so in protecting the taxpayers' interest and in shaving appropriations are probably asking why did we have to give in to the Senate for so much money. But the longer you are here, and the more you will find yourselves personally involved in serving as a conferee, you will come to understand that in our bicameral system we cannot have it all our way—that we have got to compromise—there is a give and a take, and as long as I have served as a conferee on this bill, in cooperation with the distinguished subcommittee chairman, the gentleman from Pennsylvania (Mr. FLOOD), we have pretty consistently got the Senate to yield to two-thirds of their increases. In other words, rather than consenting simply to splitting the differences, we have pretty generally achieved a 2-to-1 break for our side.

I certainly do not relish the responsibility of asking you to support figures in excess of the budget to the extent that we have these past several years, but I would hope my colleagues would feel that we have done a fairly good job in view of the circumstances.

If I might turn now to a very brief recitation item by item of the 50 amendments that were the subject of the conference.

In the Department of Labor there were just two items. The Senate added $10 million for occupational health and safety under the Work Place Standards Administration, and we compromised this at $5 million.

Then in the Bureau of Labor Statistics we held to the House's lower figure, although I think there was some justification for taking the Senate's increase of $1,250,000 as Commissioner Moore indicated the increase would be used to refine the unemployment statistics by taking a random sample other than during 1 specific week of a month. He feels there is too much chance for the eventual figures to be misleading if the sample is confined to 1 week, and he cited the first week in June as a good example. Many students were still in school the first week in June, but most of them were out of school during most of the month of June, and that had a definite bearing on the ultimate figure that was publicized for unemployment during June.

Turning to the Department of Health, Education, and Welfare, and the item of mental health, the Senate added $77 million and our conference agreement was for an increase over the House bill of $31 million. This means there is $5 million more for construction of mental health centers, and $1 million increase for hospital improvement program grants; another $5 million increase in formula grants for alcoholism, and $20 million more for project grants.

Under comprehensive health planning and services, the Senate added $22,899,000, and we cut that increase back some $15 million. This will provide for another $4.5 million for health service centers, about $1 million increase for migrant health, and another $2.5 million for the National Health Service Corps, although with their $3 million carryover from last year, I doubt very much whether all of this money will actually be spent.

In maternal and child health, the Senate figure was $13 million over the House and we agreed to $3.5 million of the increase, most of it going for grants to the States for crippled children's services.

In the regional medical program, the Senate increased our bill by $40 million and we split this increase down the middle.

In the disease control item, the Senate added nearly $19 million to our bill and because of the very significant increases we had already made in the House on this item, we consented to a little over $4 million of this increase.

Under the item of medical facilities construction. the Senate bill was $65 million over the House-passed bill. Your conferees agreed to split the $50 million item of increase for grants for construction of hospitals and public health centers under Hill-Burton and allowed the full $15 million to complete the experimental hospital now under construction at Georgetown University Medical Center. I should say here that we have certainly gone out of our way to meet the needs of the hospitals in the District of Columbia. It is just too bad that we do not have the resources to do as much for all the other hospitals around the country whose need is just as great if not more so, and whose applications and requests are just as deserving as those here in the Nation's Capital.

In the item of patient care and special health services, the Senate added nearly $11 million that all would have gone for Public Health Service hospitals and clinics, but Members will recall our having added over $14 million to this item here on the floor to keep these hospitals open during the entire fiscal year 1972. The Senate receded to our House position of $85,700,000. Although I suspect a supplemental of something around $5 million may be required to fulfill this commitment.

Now, amendments Nos. 17 through 29 have to do with the National Institutes of Health and I shall run through each of the Institutes very briefly, Mr. Speaker.

In biologics standards, we consented to $249,000 of the $799,000 increase carried in the Senate bill.

In the Cancer Institute, the Senate receded on their $20 million increase.

In the National Heart and Lung Institute, we agreed to split the difference of $40,966,000.

We also split the difference of $3.1 million of the National Institute of Dental Research.

In the Institute of Arthritis and Metabolic Diseases, we agreed to $1.5 million increase for kidney research, and $3.4 million to enable the Institutes to fund at least 50 percent of the approved competing research grant applications.

In the Institute of Neurological Diseases and Stroke, the Senate added $30.5 million to our bill and we agreed to $8 million of the increase. This increase will provide $3 million for Acute Spinal Cord Injury Clinical Research Centers, $3 million for research on multiple sclerosis, muscular dystrophy, and related diseases, and $2 million for four stroke centers.

In the National Institute of Allergy and Infectious Diseases the Senate added $6.3 million and we agreed to $2 million of the increase.

For the National Institute of General Medical Sciences, the Senate added nearly $11 million and we agreed to $5 million to enable the Institute to fund at least 50 percent of the competing research grant applications, estimated to be approved in fiscal year 1972.

For the National Institute of Child Health and Human Development, the Senate added over $16 million and we agreed to $7 million to enable the Institutes to fund at least 50 percent of the approved research grant applications estimated for 1972.

For the National Eye Institute, there was a $4 million increase in the Senate and we agreed to $1 million of the increase plus a couple hundred thousand dollars for 15 additional positions.

On the National Institute of Environmental Health Sciences, the Senate added $5.5 million, but they receded to our House position.

In research resources, we agreed to $3 million of the $4 million increase in the Senate bill.

With respect to the health manpower item, we had not considered this item in the House, although the Senate had $211 million in their bill, which was $42.5 million over the budget. We agreed to approximately $12 million of the increases proposed in the Senate bill.

On the item of rehabilitation services and facilities, Mr. Speaker, Members will recall that the so-called Giaimo amendment added considerable to our committee bill on the floor, and this was probably the only item in the entire bill in which the Senate figures were below the House figures after adding this big increase. So, we end up with this item being $14.7 million below the House-passed bill, but still nearly $100 million over the appropriation for 1971. As a matter of fact, this item was carried at $570 million in last year's appropriation and in this conference agreement we have a total figure of $667 million.

And finally, Mr. Speaker, the House split with the Senate on the $10.5 million increase for special programs for the aging and we split the difference on youth development and delinquency prevention.

As I said, Mr. Speaker, at the beginning of my remarks, we cannot have it all our way when we go into a conference with the Senate, but we try to do the best we can to uphold the House position, and I think dollar for dollar in the give and take that takes place, we have acquitted ourselves in favorable fashion and would urge you to adopt this conference report.

Mr. Speaker, a tabulation follows:

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATION BILL, FISCAL YEAR 1972—CONFERENCE REPORT

Amendment number and item	1971 appropriation	House bill	Conference agreement	Senate bill
Title I—Department of Labor:				
2. Workplace Standards Administration S. & E	$58,033,000	$81,391,000	$86,391,000	$91,391,000
3. Bureau of Labor Statistics S. & E	28,163,000	35,500,000	35,500,000	36,750,000
Title II—Department of HEW:				
4. Mental health	338,572,000	581,201,000	612,201,000	658,201,000
6. Comprehensive health planning and services	251,676,000	312,753,000	320,703,000	335,652,000
7. Maternal and child health	261,493,000	326,651,000	330,151,000	339,651,000
8. Regional medical programs	111,608,000	82,771,000	102,771,000	122,771,000
(Grant obligations)	(70,298,000)	(115,104,000)	(135,104,000)	(155,104,000)
10. Disease control	82,340,000	94,425,000	98,590,000	113,340,000
11. through 15. Medical facilities construction (Hill-Burton)	225,354,000	266,704,000	306,704,000	331,704,000
16. Patient care (PHS hospitals)	87,730,000	85,700,000	85,700,000	96,682,000
17. Biologics standards	8,725,000	8,956,000	9,205,000	9,755,000
18. National Cancer Institute	230,462,000	337,462,000	337,531,000	358,233,000
19. National Heart and Lung Institute	191,627,000	211,624,000	232,107,000	252,590,000
20. National Institute of Dental Research	34,703,000	41,828,000	43,388,000	44,948,000
21. National Institute of Arthritis and Metabolic Diseases	131,425,000	148,204,000	153,164,000	163,629,000
22. National Institute of Neurological Diseases and Stroke	99,482,000	108,590,000	116,590,000	139,187,000
23. National Institute of Allergy and Infectious Diseases	98,124,000	106,662,000	108,710,500	112,979,000
24. National Institute of General Medical Sciences	154,527,000	168,490,000	173,515,000	179,318,000
25. National Institute of Environmental Health and Human Development	93,676,000	109,668,000	116,833,000	126,093,000
26. National Eye Institute	30,406,000	36,022,000	37,255,500	40,187,000
27. National Institute of Environmental Health Sciences	19,990,000	26,436,000	26,436,000	31,991,000
28. Research resources	66,431,000	71,948,000	74,948,000	75,948,000
29. Fogarty Center	3,682,000	3,763,000	4,288,000	4,288,000
30. Health manpower	152,460,000	(1)	180,620,000	211,306,000
31. Library of Medicine	21,510,000	22,781,000	24,086,000	25,086,000
32. Buildings and facilities		3,565,000	3,565,000	5,065,000
33. Office of the Director	10,886,000	11,442,000	11,442,000	11,792,000
34. General research support grants	54,200,000	55,212,000	60,700,000	60,700,000
35. Office of Education emergency school construction		(1)		1,592,000
36. through 41. Social and Rehabilitation service, rehabilitation services and facilities; Total	570,390,000	688,836,000	667,301,000	674,051,000
38. Basic State grants	503,000,000	575,000,000	560,000,000	560,000,000
39. Facility improvement grants	11,300,000	15,000,000	12,500,000	12,500,000
New careers progress	2,000,000	2,000,000	2,000,000	4,500,000
40. Formula grants for the developmentally disabled	11,215,000	30,000,000	21,715,000	21,715,000
36 and 41. University affiliated facilities for the developmentally disabled			4,250,000	8,500,000
42. Programs for aging	27,850,000	33,700,000	38,950,000	44,200,000
43. Youth development and delinquency prevention	15,000,000	(1)	10,000,000	20,000,000
44. Research and training	98,140,000	99,163,000	99,163,000	100,140,000
45. Social and Rehabilitation Service S. & E	35,882,000	39,537,000	39,537,000	40,481,000
46. Office of Child Development	10,817,000	14,251,000	14,251,000	16,251,000
48. National Commission on Libraries		(1)	200,000	200,000
49. National Commission on Marihuana and Drug Abuse	700,000	(1)	1,228,000	1,228,000
50. Commission on Railroad Retirement	300,000	(1)	483,000	483,000
Total, conference items:				
Labor		116,891,000	121,891,000	128,141,000
HEW		4,043,202,000	4,375,617,000	4,689,022,000
Total		4,160,093,000	4,503,508,000	4,817,163,000
Grand total	17,654,678,500	20,461,247,000	20,804,662,000	21,118,317,000

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(1) Not considered.

LANGUAGE CHANGES

Title I—Department of Labor: 1 Manpower Training Services: Provides that $20,000,000 of this appropriation shall be used by OEO to finance emergency food and medical services programs in "areas of exceedingly high unemployment" until OEO appropriation enacted.

Title II—Department of HEW:

5. Mental health: Provides that $75,000,000 of the above shall remain available until June 30, 1973 (grants under Community Health Centers Act).
9. Disease control: Provides language permitting HEW to purchase insurance in Mexico for official U.S. Government vehicles.
47. Sec. 208, general provision: Changes allotment base for vocational rehabilitation basic grants from $600,000,000 to $580,000,000.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Speaker, not having the benefit of a printed conference report does make it difficult. For example, has there been a change made by the other side in the amount for the occupational safety and health?

Mr. MICHEL. The Senate added $10 million to the $81,391,000 we had in our bill and your conferees consented to a $5 million increase. I personally was opposed to that. We had originally agreed to $4 million, and it was changed this morning to $5 million. My feeling was the amount of money we had was for 1,088 positions, the total amount the administration requested, and that increase in the amendment will more than take care of all they can digest, believe me.

Mr. FLOOD. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Pennsylvania.

Mr. FLOOD. Mr. Speaker, my friend knows, and I, of course, share what he has in mind, but I am advised it is acceptable.

Mr. STEIGER of Wisconsin. Mr. Speaker, I thank the gentleman from Illinois for his comment on that question.

I have one further question if the gentleman will yield further. That is, in the administration of the Occupational and Health Safety Act specifically what is the figure for the Safety and Health Commission, not for administration, but just for the Safety and Health Commission? Is it over the thousands of dollars that I recall as the figure?

Mr. FLOOD. The gentleman is quite right. It is four. I am advised there is no objection.

Mr. STEIGER of Wisconsin. Mr. Speaker, I thank the gentleman.

Mr. BOW. Mr. Speaker, I have no further requests for time. I would like to take this time to say that the conference report right now, according to the summary presented to us, is $581 million over the budget. Taking out proposed section 208, the 110-percent limitation on public assistance payments to the States, causes an estimated additional expense of another $231 million, which makes a total over the budget of $812,900,000. I did not sign the conference report.

Mr. Speaker, I have no further requests for time. I yield back the balance of my time.

Mr. FLOOD. Mr. Speaker, I yield 5 minutes to the distinguished majority leader.

Mr. BOGGS. Mr. Speaker, I hope not to take the 5 minutes. I take this time first to congratulate the members of the Appropriations Committee on both sides of the aisle. This committee in this first session of the 92d Congress has established a very enviable record. With the exception of four bills, the committee has completed all its work. All of the bills that have passed the House have gone to conference and have come back here with the exception of the public works bill, which has also passed the Senate.

Mr. Speaker, this is indeed a memorable record, and I am very pleased on behalf of the leadership to congratulate the gentleman from Texas (Mr. MAHON), and the gentleman from Ohio (Mr. Bow), and the other members of the committee on both sides of the aisle.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. BOGGS. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, let me express my appreciation for the record of the Committee on Appropriations in the consideration of the budget requests and the action taken in the committee and on the floor and in conference. I think they deserve a great deal of credit.

Mr. BOGGS. Mr. Speaker, I thank the gentleman.

Mr. Speaker, while I am in the well, I would also like to take this opportunity, and I think I speak on behalf of all the Members of the House, to extend to you our congratulations and felicitations on the very splendid job you have done in the months you have been our Speaker.

I believe that this Congress has moved ahead more rapidly and more expeditiously than we have in past sessions. I believe the chairmen of the committees and the ranking members of the committees have been very glad to cooperate with the Speaker and with the leadership.

The Speaker has inaugurated a very fine custom in legislative procedure in meeting regularly with committee chairmen in order to expedite the work of the Congress.

Finally, we have attempted in the leadership to let the Members know what the schedule will be, so that Members can plan the other work they must do in their districts.

We have now met 104 days this year and consumed 433 hours in session. During that time we have passed 437 measures and have answered 124 yea-and-nay rollcalls.

But more than just statistics, we have compiled a record of service to our country and our people and that is what we are here for.

In our welfare reform bill we passed a bill that will affect 25.6 million persons; we extended the right to vote in State and local elections to 11 million of our 18-, 19-, and 20-year-olds; in increasing social security we put needed funds in the hands of 26 million beneficiaries and helped our cities to hire much-needed policemen, firemen, and garbage and hospital workers.

We are hopeful when we come back in September we will be able to continue to move expeditiously so that the Members of this body, we hope, can look forward to an early adjournment. I know in recent years we have been here through November and December. This time we hope we will have completed our work considerably prior to that time.

I should once again like to express on behalf of the leadership my own appreciation for the very fine cooperation that all of the Members have given us.

This being the last order of business today, I would wish all of you a very happy and successful and enjoyable recess.

Following is the list of our record:

MAJOR LEGISLATIVE ACTIONS, 92D CONGRESS LEGISLATION PASSED BY HOUSE OR SENATE—TO JULY 31, 1971

Agriculture

H.R. 8866, H. Res. 471—Sugar Act Amendments of 1971: To extend the Sugar Act through 1974 and to revise the quotas which foreign and domestic sugar producers were authorized to supply to the United States. Passed House. Passed Senate amended.

S.J. Res. 44, H.J. Res. 365—Burley Tobacco Marketing Quota: To extend the time for the proclamation of marketing quotas for burley tobacco for the three marketing years beginning October 1, 1971. Public Law 92–1.

S. 789—Burley Tobacco Poundage Quotas: To establish, subject to referendum, farm marketing quotas for burley tobacco by the pound rather than through restrictions on the number of acres on which burley tobacco could be grown. To provide equitable treatment for all growers regardless of the size of their operations. If approved, quotas would go into effect for 1971–1973 crops. Public Law 92–10.

H.R. 1161—Wine Export Promotion Activities: To amend section 402 of the Agricultural Trade Development and Assistance Act of 1954, as amended, to remove the restriction on foreign market promotion activities for domestic wine. Public Law 92–42.

S. 1316—Federal Meat Inspection Act: To amend the Federal Meat Inspection Act so as to increase from 50 to 80 percent the Federal payment for any cooperative meat and poultry inspection programs carried out by the States.

S. 1483—Farm Credit Act of 1971: To further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent; to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing Farm Credit law to meet current and future rural credit needs. Passed Senate.

Communications

S. 70, H.R. 7—Rural Electrification Act of 1936, telephone financed: To provide an additional source of financing for rural telephone systems where subscriber density per mile enables the system to pay more than two percent for capital funds; to provide that the Bank be patterned after the Federal land banks; to provide that initial capital be invested by the Federal Government and by borrowers; and to provide that the Bank borrow in the private market to obtain resources for loans to Rural Electrification Administration telephone systems. Public Law 92–12.

Consumer affairs

H.R. 5066, S. 364—Flammable Fabrics Act Amendments of 1971: To provide for increased enforcement for the Flammable Fabrics Act by requiring a manufacturer to certify that a product, fabric, or related material offered for sale meets the requirement of any applicable standard or any other regulation. To provide that such certification is to be based on a testing program conducted by the manufacturer or importer which has been approved by the Secretary of Commerce in accordance with the procedures established in this bill. To authorize $4 million for fiscal 1972 to carry out the provisions of the Act. Passed House.

Education

S. 1557—Emergency School Aid and Quality Integrated Education Act of 1971: To authorize $1.5 billion in fiscal 1972–1973 to provide assistance in changing from dual to unitary school systems, in establishing integrated schools and in overcoming educational disadvantages of minority group isolation. To reserve specified amounts for metropolitan area interdistrict programs, education parks, bilingual programs, educational television, and evaluation. Passed Senate.

Foreign affairs and national defense

S. 581, H.R. 8181—Export-Import Bank Act of 1945 Amendments: To amend the Export-Import Bank Act to exclude Bank receipts and expenditures from the totals of the Budget and to exempt it from any Budget outlay limitations; to increase the Bank's guarantee and insurance authority, and to increase the Bank's guarantee and insurance authority, and to increase its lending authority from $13.5 billion to $20 billion. To extend the Bank's charter from the present expiration date of June 30, 1973 to June 30, 1976. Passed Senate. Passed House amended. In conference.

Treaty on Extradition between the United States and Spain: Executive N—91st, 2nd.: To authorize extradition for 23 offenses including airplane hijacking and crimes against laws relating to narcotic drugs. Senate approved resolution.

Bryan-Chamorro Treaty of 1914: Executive L—91st, 2nd.: To provide for the termination of the Bryan-Chamorro Treaty of 1914 regarding a Nicaraguan Canal route. Senate approved resolution.

H.R. 8687—Military Procurement Authorizations: To authorize $21,069,112,000 during the fiscal year 1972 for development, research and procurement of weapons. Passed House.

Note: House rejected the Nedzi-Whalen amendment which sought to cut off funds as of Dec. 31, 1971, for all items covered in the bill that could be used in Indochina.

H.J. Res. 16, S.J. Res. 10—National Week of Concern for Prisoners of War/Missing in Action: To authorize the President to proclaim the week of March 21–27 as "National Week of Concern for Prisoners of War/Missing in Action." Public Law 92–6.

H.R. 6531—Military Selective Service Act Amendments: To extend the President's induction authority from July 1, 1971 to July 1, 1973. To increase the pay for first-term enlistees at an additional cost of $2.7 billion, to eliminate undergraduate student deferments, and to extend the period of alternate service for conscientious objectors to three years from the two-year period required by existing law. Passed House. Passed Senate amended. In conference.

Note: Senate passed H.R. 6531 with the Mansfield amendment declaring it U.S. policy to withdraw troops from Indochina within 9 months. House refused to instruct its conferees to accept the amendment.

Protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin America: Executive H—91st, 2nd.: To oblige nuclear powers party to the protocol to respect the terms of the treaty to prohibit nuclear weapons in Latin America and to oblige them not to use or threaten to use nuclear weapons against the parties to the treaty. Senate approved resolution.

General government

H.R. 8805—Obscene Mail: To prohibit the sending of obscene material through the mail. Defined obscene matter that no longer could be mailed to minors under 17 years of age; defined obscene with respect to other material that was mailed, imported, broadcast or transported in interstate commerce, and provided mail patrons with a procedure to prevent delivery of "potentially offensive sexual materials." Passed House.

H.R. 6283—Reorganization authority of the President, extension: To extend for two years the President's authority to submit plans for reorganization of executive agencies. Passed House.

H. Res. 411, S. Res. 108—To Disapprove Reorganization Plan No. 1: Action: To disapprove Reorganization Plan No. 1 of 1971 to bring together in a new agency called Action the following programs: Vista, Peace Corps, Auxiliary and Special Volunteer Programs, Foster Grandparents Program, Retired Senior Progam, Service Corps of Retired Executives and Active Corps of Executives, the Office of Voluntary Action and the Teacher Corps. House and Senate defeated resolution.

S. 1538—American Revolution Bicentennial Commission: To authorize $670,000 for the American Revolution Bicentennial Commission for fiscal year 1971. Public Law 92–33.

H.R. 9092—Federal Employees—Rates of Pay: To provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government. Passed House.

H. Res. 5—Rules of the House: To re-adopt the Rules of the House with these changes: (1) to make the Select Committee on Small Business a permanent select committee; (2) committees shall adopt written rules; (3) committees shall provide in their rules of procedure for the application of the five-minute rule in interrogating witnesses, until each committee member who so desires has had an opportunity to question the witness; (4) to entitle the minority party on any standing committee to fair consideration in the appointment of committee staff; (5) the Delegate from the District of Columbia shall be elected to serve on the Committee of the District of Columbia and other committees, and shall possess in all committees on which he serves the same powers and privileges as the other Members. Passed House.

S.J. Res. 7, H.J. Res. 223—Lowering the Voting Age to 18: To amend the Constitution of the United States to extend the right to vote to citizens eighteen years of age or older in all elections. Passed Senate. Passed House. Ratified June 30, 1971.

Health and health insurance

H.R. 8629, S. 934—Health Professions Educational Assistance Amendments of 1971: To extend Title VII of the Public Health Service Act of 1944 for three years and to increase authorizations of financial assistance to the health professions. To extend for three years a program of financial assistance to students in the health professions provided by the Health Professions Educational Assistance Act of 1963. To authorize a new program of financial incentives to medical schools to turn out more doctors who would go into family and general medical practices. Included a new loan forgiveness feature cancelling up to $15,000 or 75 percent of loans for health professional students who agreed to practice in areas where a shortage of health personnel existed. Passed House. Passed Senate amended. In conference.

S. 1828—Cancer Research Agency: To amend the Public Health Service Act of 1944 to establish an independent cancer research agency within the National Institutes of Health. To establish a National Cancer Advisory Board composed of the director of the National Institutes of Health and 18 members appointed by the President with the consent of the Senate. Passed Senate.

H.R. 5674—Comprehensive Drug Abuse Prevention and Control Act of 1970 Amendment: To amend the 1970 Act to provide an increase from $1 million to $4 million in the authorization for the Commission on Marihuana and Drug Abuse. Public Law 92–13.

H.R. 7736—Health Professions Student Loans and Scholarship Extension: To amend the Public Health Service Act of 1944 to extend through fiscal 1972 the student loan and scholarship provisions. To authorize $111.4 million for the various programs. Public Law 92–52.

H.R. 1—Medicare-Medicaid Amendments: To make numerous changes in medicare and medicaid in order to improve the operating effectiveness of these programs. Passed House.

Note: See provisions of H.R. 1 relating to Social Security Amendments under the "Social Security and Pension Plans" section and Family Assistance Plan under the "Welfare and Related Areas" section.

H.R. 8630, S. 1747—Nurse Training Act of 1971: To amend the Public Health Service Act of 1944 to extend for three years programs to train nurses. To extend for three years the authorization for assistance to nurses provided in the Nurse Training Act of 1964. To provide funds for construction grants to nursing schools and loan guarantees and interest subsidies to encourage nursing schools to expand their facilities. To provide student loans to nursing schools to encourage them to increase their student enrollments. Passed House. Passed Senate amended. In conference.

Housing

S.J. Res. 52—Authorizations for Open Space Land Grants: To increase fiscal 1972 authorizations for comprehensive planning grants by $50 million and the open space land program by $100 million. Passed Senate.

Labor

H.R. 6444—Railroad Retirement Annuity Increase: To provide a 10 percent increase in railroad retirement annuities retroactive to January 1, 1971. Public Law 92–46.

S.J. Res. 100, H.J. Res. 642—Railray Labor-Management Dispute: To provide the Brotherhood of Railway Signalmen a 13½ percent wage increase; to prohibit a further rail strike through October 1, 1971; to direct that contract negotiations continue through October 1, 1971. Public Law 92–17.

Law enforcement and criminal procedure

S. 1732, H.R. 6247—Juvenile Delinquency Prevention and Control Act Extension: To extend for one year the Juvenile Delinquency Prevention and Control Act of 1968. To authorize $75 million to carry out the Act and to establish an Interdepartmental Council on Juvenile Delinquency to coordinate all federal delinquency programs. Public Law 92–31.

Manpower training and job opportunity

S. 31, H.R. 3613—Emergency Employment Act of 1971: To authorize $2.25 billion to provide public service jobs for the unemployed at the state and local level. Stipulated that jobs created under the bill must be "transitional" by leading to permanent positions in the public or private sectors. Funds would be released when the national unemployment rate rose to 4.5 percent or more for three consecutive months. Public Law 92–54.

S. 575, H.R. 5376—Appalachian Regional Development Act Amendments of 1971: To amend the Public Works Acceleration Act of 1962 to broaden criteria for designating eligible areas, liberalize the conditions under which assistance can be extended, and authorize an additional $2 billion for fiscal years after 1970. To extend the Public Works and Economic Development act of 1965 and to authorize $1,845,500,000 for general and regional economic development. To extend the Appalachian Regional Development Act of 1965 and to authorize $1,815,500,000 for aid to Appalachia. Passed Senate. Passed House. Presidential veto June 29, 1971. Senate sustained veto July 14, 1971.

H.R. 992—Appalachian Regional Development: To extend the Public Works and Economic Development Act of 1965 for 2 years and to authorize $2,445,500,000 for general and regional economic development. To extend the Appalachia Regional Development Act of 1965 for four years, except for the highway program which is extended for five years, and to authorize $1,547,000,000 for aid to Appalachia. Total authorizations were $3,992,500,000. Passed Senate. Passed House.

Monetary, banking, tax and fiscal policies

S.J. Res. 55 (H.R. 4246)—Wage-Price Controls and Extension of Interest Rate Provisions: To extend the President's standby authority to implement wage, price and rent controls to June 1, 1971. To extend to June 1, 1971, authority to regulate the rate of interest paid by lending institutions on savings deposits. Public Law 92–8.

H.R. 4246 (S.J. Res. 55)—Wage-Price Controls and Extension of Interest Rate Provisions: To extend the President's authority to impose controls on wages, prices, salaries and rents through April 30, 1972. To prohibit the President from applying wage and price controls to a single industry unless he determined that wages or prices in that industry had increased in a grossly disproportionate rate compared to the economy as a whole. Public Law 92–15.

H.R. 4690—Public Debt Limit Increase: To increase the temporary ceiling, through June 30, 1972, on the national debt to $430 billion from $395 billion. To provide that the debt ceiling would be reduced to a permanent level of $400 billion on July 1, 1972. Public Law 92–5.

Note: See provisions of H.R. 4690 relating to Social Security Benefits Increase under the "Social Security and Pension Plans" section.

H.R. 5432—Interest Equalization Tax Extension Act of 1971: To provide a two-year extension, through March 31, 1973, of the interest equalization tax. To authorize the President to apply the tax, at his discretion, to bank loans and other debt obligations with a maturity of less than one year. Public Law 92–9.

S. 1260, H.R. 4604—Small Business Loan Ceiling Increase: To amend the Small Business Act to increase from $2.2 billion to $3.1 billion the amount of certain loans, guarantees, and other obligations or commitments outstanding in any one time from the business loan and investment fund of the Small Business Administration, thus permitting a continuation of five SBA programs through fiscal year 1972. Public Law 92–16.

S. 1181, H.R. 6077—Relief of Lost or Stolen Securities: To authorize the Secretary of the Treasury to replace lost or stolen bearer securities of the United States prior to their maturity. Public Law 92–19.

S.J. Res. 118—Export Administration Act: To provide a temporary extension of the Export Administration Act to October 31, 1971. Public Law 92–37.

H.R. 8313—Assistance for U.S. Citizens Returned from Abroad—Continuation: To extend for two years, until June 30, 1973, the authorization for the provision of temporary assistance to U.S. citizens returned from foreign countries under certain circumstances. Public Law 92–40.

H.R. 8311—Renegotiation Amendments of 1971: To amend the Renegotiation Act of 1951 to extend the Act for 2 years to modify the interest rate on excessive profits and on refunds, and to provide that the Court of Claims shall have jurisdiction of renegotiation cases. Public Law 92–41.

H.R. 7767—Duty Suspension on Certain Metal Scrap: To continue for two years, until June 30, 1973, the existing suspension of duties on certain metal waste scrap. Public Law 92–44.

S. 1700, H. Res. 514—Purchase of U.S. Obligations by Federal Reserve Banks: To extend for a 2 year period, from June 30, 1971 to

June 30, 1973, the authority of the Federal Reserve banks to purchase U.S. obligations directly from the Treasury. Public Law 92-45.

Natural resources and conservation

H.J. Res. 3, S.J. Res. 17—Joint Committee on the Environment: To establish a Joint Committee on the Environment with six majority and five minority members from each chamber, with the Senate members appointed by the President of the Senate and the House members appointed by the Speaker. The chairmanship of the committee would rotate between House and Senate delegations every two years. Passed House. Senate passed similar resolution S.J. Res. 17.

H.R. 6359—Water Resources Planning Act: To increase to $1.5 million the ceiling on annual authorizations for water resources planning activities to authorize increased appropriations not to exceed $6 million for river basin commissions under the Water Resources Planning Act. Public Law 92–27.

H.R. 56—National Environment Data System: To establish a national environmental data system, with a central facility to serve as a clearing house for new and existing information on environmental matters, with links to other public and private computers or information processing systems. Passed House.

S. 1117—Regulation of Public Exposure to Sonic Booms: To amend the Federal Aviation Act to make it illegal to operate a civil aircraft over U.S. territory at supersonic speeds, unless it can be shown that such flight will not cause a sonic boom to reach the surface. Passed Senate.

H.R. 2587—National Advisory Committee on the Oceans and Atmosphere: To establish a 21 member National Advisory Committee on the Oceans and Atmosphere (NACOA), to be appointed by the President, from State and local government, industry, science and other appropriate areas. NACOA shall undertake a continuing review of the progress of the marine and atmospheric science and service programs of the United States, and advise the Secretary of Commerce with respect to carrying out of the purposes of the National Oceanic and Atmospheric Administration. Passed House.

S. 1116—Protection of Wild Horses and Burros: To require the protection, management, and control of wild free-roaming horses and burros on public lands. Passed Senate.

H.R. 5080—Wildlife Hunting from Aircraft: To provide a criminal penalty for harassing or shooting at certain birds, fish, and other animals from an aircraft. To allow States to issue permits for hunting from aircraft under certain conditions when necessary to protect land, water, or wildlife. Passed House.

H.R. 5065—Natural Gas Pipeline Safety Act Amendments: To extend until 1972 the time during which States may qualify to enforce Federal safety standards which were established by the Natural Gas Pipeline Safety Act of 1968. Passed House.

S. 991, H.R. 9093—Saline Water Conversion Act of 1971: To extend the desalting program through fiscal 1977, with an additional three years for phasing out research and completing other aspects of the program. To expand the program to cover chemically contaminated water as well as saline water. To authorize $27,025,000 for fiscal 1972 for all aspects of the saline water program. Passed Senate. Passed House. Public Law 92.

S. 635—Mining and Minerals Policy Act Amendments: To authorize funds to establish mining, mineral, and related environmental research centers in each State, Passed Senate.

S. 2133—Water Pollution Control Extension: To extend for 3 months, through September 30, 1971, authorizations for administration of the Federal Water Pollution Control Act. Public Law 92–50.

Social security and pension plans

H.R. 1—Social Security Amendments: To provide Social Security beneficiaries with a 5-percent increase in benefits effective June 1, 1972. Passed House.

Note: See provisions of H.R. 1 relating to Medicare and Medicaid under "Health and Health Insurance" section and Family Assistance Plan under the "Welfare and Related Areas" section.

H.R. 4690—Social Security Benefits Increase: To provide a 10 percent across-the-board increase in Old-Age, Survivors and Disability Insurance (OASDI) benefits, retroactive to January 1, 1971. To raise the minimum monthly payment to $70.40 from $64.00. To increase the taxable wage base to $9,000 from $7,800 effective January 1, 1972. Public Law 92–5.

Note: See provisions of H.R. 4690 relating to Public Debt Limit Increase under "Monetary, Banking, Tax, and Fiscal Policies" section.

Transportation

H.R. 19—Boat Safety Act: To improve recreational boating safety. To require manufacturers to build recreational boats in accordance with performance standards prescribed by the Department of Transportation, with the advice of the Coast Guard. To authorize appropriations of $51.1 million (fiscal years 1972–1976) to implement the boat safety act, including $47.5 million in financial assistance to states to help draft and carry out safety laws. Passed House. Passed Senate. Public Law 92–75.

H.R. 5352—Maritime Supplemental Authorizations: To authorize an additional $80 million in supplemental appropriations for maritime programs in fiscal year 1971, including $39.7 million to implement a new subsidy payment schedule and $40.3 million for liquidation of accrued but unpaid subsidies for fiscal years 1962–1969. Public Law 92–21.

H.R. 4724—Maritime Authorization—1972: To authorize $507,820,000 in fiscal 1972 for the following: for construction and renovation of cargo vessels; for ship operating-differential subsidies, for research and development activities; for reserve fleet expenses; for maritime training at the Merchant Marine Academy, Kings Point, N.Y.; and for assistance to state marine schools. Public Law 92–53.

Veterans' affairs

H.R. 9265—Veterans, Drug Treatment and Rehabilitation Act of 1971: To relax eligibility standards for servicemen and veterans for drug treatment programs operated by the Veterans Administration. To authorize $89.3 million for the program for the next five years. To provide that all ex-servicemen (including those dishonorably discharged) would be eligible for VA drug treatment programs. Passed House.

H.R. 4762, S. 2288—VA Medical School Assistance: To authorize the Administrator of Veterans' Affairs to provide certain assistance in the establishment of new State medical schools; the improvement of existing medical schools affiliated with the Veterans' Administration; and to develop cooperative arrangements between institutions of higher education, hospitals, and other public or nonprofit health service institutions, and the Veterans' Administration to develop and conduct educational and training programs for health care personnel. Passed House. Passed Senate. Public Law 92–69.

Welfare and related areas

H.R. 1—Family Assistance: To establish an Opportunities for Families Program for needy families with one employable adult and a Family Assistance Plan for families with incapacitated or unemployable adults. To set a federally guaranteed $2,400 income floor for a family of four without any income. Froze state welfare costs at their 1971 levels and provided a partial federal takeover of the welfare program. Passed House.

Note: See provisions of H.R. 1 relating to Medicare and Medicaid under "Health and Health Insurance" section and Social Security Amendments under "Social Security and Pension Plans" section.

Other

H.R. 5257—National School Lunch Act Amendments: To authorize the Secretary of Agriculture to commit an additional $35 million in fiscal 1971 and $100 million in fiscal 1972 from Section 32 funds to provide free and reduced-price meals for needy children. To extend the school breakfast program for two years at an authorized level of $25 million annually. To extend the special food assistance program for children for two years at an authorized level of $32 million annually. Public Law 92–32.

H.R. 7586—Cabinet Committee on Opportunities for Spanish-Speaking People: To extend through fiscal 1973 the authorization for the Cabinet Committee on Opportunities for Spanish-Speaking People which was established in 1969. Passed House.

SUMMARY OF MAJOR LEGISLATION—92D CONGRESS, AS OF WEDNESDAY NOON, JULY 28, 1971

SIGNED INTO LAW

Emergency Employment Act—H.R. 3613—authorizes $2.25 billion for public service employment and related training and manpower services.

Social Security Increase—H.R. 4690—increases by 10% Social Security benefits to eligible citizens, retroactive to Jan. 1, 1971.

Wage and Price Control Authority—H.R. 4246—extends until March 31, 1973 the authority of President to issue orders and regulations to stabilize wages and prices to those prevailing May 25, 1970.

Eighteen Year Old Vote—H.J. Res. 223—grants voting rights to citizens who are 18–21 years of age.

Interest-Equalization Tax Extension—H.R. 5432—extends interest equalization tax for a period of two years, until March 31, 1973.

Rural Electrification Act—S. 70—establishes rural telephone bank to meet capital needs of rural telephone systems.

School Lunch Act Amendments—H.R. 5257—appropriates additional $150,000,000 for reduced-price school lunches.

Maritime Authorization—H.R. 4724—provides authorization for an expanded shipbuilding program.

Small Business Loan Ceiling Increase—H.R. 4604—increases to $31,000,000 the limitation of the revolving funds for the SBA.

Commission on Marihuana and Drug Abuse—H.R. 5674—increases to $4,000,000 the appropriation authorization for the Commission on Marihuana and Drug Abuse.

Water Resources Planning Act—H.R. 6359—authorizes increased appropriations not to exceed $6 million for river basin commissions under the Water Resources Planning Act.

Railroad Retirement Increase—H.R. 6444—provides 10% increase in annuities paid under the Railroad Retirement Act of 1937.

Public Health Service Student Loans and Scholarships—H.R. 7736 extends for additional year the student loan and scholarship provisions of Title VII and VIII of the Public Health Service Act and extends for one additional year the traineeship program for nurses.

Renegotiation Act Amendments—H.R. 8311–extends the Renegotiation Act of 1951 for two years, until June 30, 1973.

Reorganization Plan #1—ACTION Volunteer Agency—consolidates Peace Corps, VISTA and number of other voluntary action programs into a new agency called ACTION.

Education Appropriation—H.R. 7016—appropriates $5,146,311,000 for fiscal year 1972 for Office of Education.

Legislative Appropriation—H.R. 8825—appropriates $529,309,749 for fiscal year 1972 for Legislative Branch.

Treasury-Postal Service-Executive Appropriation—H.R. 9271—appropriates $4,528,986,690 for Treasury-Executive Branch for fiscal year 1972.

Vetoed

Accelerated Public Works—S. 575, H.R. 5376—amends and authorizes funds for the Accelerated Public Works, Public Works and Economic Development and Appalachian Regional Development Acts.

Bills in conference

Selective Service—H.R. 6531—extends draft two years and eliminates certain deferments.

Health Manpower Assistance Bills—H.R. 8629—amends Title VII of the Public Health Service Act so as to provide increased manpower for the health professions.

Export Expansion Finance Act—H.R. 8181—extends Export-Import Bank to June 30, 1973 and raises Bank's overall commitment authority to $20 million.

State, Justice, Commerce, and Judiciary Appropriations — H.R. 9272 — appropriates funds for the Departments of State, Justice and Commerce.

NSEF Authorization—H.R. 7960—establishes legislative requirements and provides authorization for appropriations for NSF.

Bills out of conference, awaiting House action

Transportation Appropriation—reviews authorization and appropriates $2,905,310,997 for fiscal year 1972 for the Department of Transportation.

HUD Appropriation—reviews authorization and appropriates $18,339,738,000 for the Department of Housing and Urban Development.

Interior Appropriation—H.R. 9417—reviews authorization and appropriates funds for fiscal year 1972 for the Interior Department. Conference Report figure was $2,223,980,035.

Cleared House

Welfare Reform—H.R. 1—establishes guaranteed income and family assistance plan of benefits to needy citizens.

Sugar Act Amendments—H.R. 8866—amends and extends the provisions of the Sugar Act of 1948.

Veterans Drug Treatment Act—H.R. 9265—establishes a Veterans' Administration drug treatment and rehabilitation program.

VA Medical School Assistance—H.J. Res. 748—provides assistance to medical schools through establishment of five new medical schools and authorization of matching grants.

Joint Committee on the Environment—H.J. Res. 3—establishes and authorizes funds for a Joint Congressional Committee on the Environment.

Natural Gas Pipeline Safety Amendments—H.R. 5065—extends until 1972 the time during which States may qualify to enforce Federal safety standards which were established by the Natural Gas Pipeline Safety Act of 1968.

Labor-HEW Appropriations—H.R. 10061—appropriates $20,455,247,000 for the Departments of Labor and Health, Education and Welfare for fiscal year 1972.

NASA Authorization—H.R. 7109—establishes legislative requirements and provides authorization for appropriations for NASA.

Flammable Fabrics Appropriations Extension—H.R. 5066—authorizes appropriations for fiscal year 1971 to carry out programs under the Flammable Fabrics Act.

Juvenile Delinquency Prevention and Control—H.R. 6247—extends provisions and authorizes appropriations of $75,000,000 per fiscal year.

Obscene Mail—H.R. 8805—controls obscene mail and salacious advertising.

Cabinet Committee on Opportunities for Spanish Speaking People—H.R. 7586—authorizes appropriations for 1972 and 1973 for the Act of December 30, 1969 which establishes the Cabinet Committee on Opportunities for Spanish Speaking People.

Desalting Program Extension—H.R. 9093—extends saline water conversion program until June 30, 1977.

Boat Safety Act—H.R. 19—establishes minimum safety standards for boats and creates a National Boating Safety Advisory Council within the Department of Treasury.

Agriculture Appropriation—H.R. 9270—conference report agreed to in House. Appropriates $13,276,900,050 for the Department of Agriculture.

BILLS WITH RULES

Emergency Detention Camps—H.R. 234—prohibits establishment of emergency detention camps.

International Coffee Act—H.R. 8293—extends until September 30, 1973 the International Coffee Agree Act of 1968.

Equal Employment Opportunity Enforcement—H.R. 1746—grants enforcement powers for Equal Employment Opportunity Commission.

Equal Rights for Men and Women—H.J. Res. 208—provides for a Constitutional amendment to ensure equal rights for men and women.

Appalachia-EDA Extension—H.R. 9922—amends and authorizes funds for the Public Works and Economic Development and Appalachian Regional Development Acts.

Military Construction Authorization—H.R. 9844—authorizes various construction at military installations.

Foreign Aid Authorization—H.R. 9910—extends various programs under the Foreign Assistance Act for one and two years.

Bills nearing committee reporting

Comprehensive Child Development Act—H.R. 6748—provides comprehensive child development program to be administered under the Department of Health, Education and Welfare.

OEO Extension—H.R. 40—extends until 1976 the appropriations for each fiscal year for carrying out the programs under EEOC.

Higher Education Amendments and Institutional Assistance—H.R. 7248—extends and increases and broadens High Education Act of 1965 and other acts dealing with higher education.

Minimum Wage Increase—H.R. 7130—amends the Fair Labor Standards Act to increase minimum wage and extends coverage and establishes procedures to relieve domestic industries and workers injured by increased imports from low-wage areas.

Revenue Sharing—H.R. 4187—authorizes $5 billion in Federal taxes for State and local Governments.

Pesticide Controls—H.R. 4152—restricts agricultural and other uses of commercial poisonous chemicals.

Peace Corps Extension—H.R. 9166—provides authorization for Peace Corps funding.

Bills in hearings

Rural Development—H.R. —provides a comprehensive framework for Federal guidance of non-urban social and economic growth.

Health Insurance—H.R. 22—provides for additional Federal health coverage benefits.

Voting Representations for D.C.—H.R. —grants home rule to the District of Columbia.

Remaining appropriation bills

Foreign Aid Appropriations.

Public Works—AEC—(Being considered on Floor on Thursday, July 29th).

District of Columbia*

Defense*

Military Construction*

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* Continuing resolutions will be passed for these appropriation bills.

House passed bills pending Senate action

Welfare Reform—H.R. 1.

Sugar Act Amendments—H.R. 8866.

Veterans Drug Treatment Act—H.R. 9265.

VA Medical School Assistance—H.J. Res. 748.

Joint Committee on the Environment—H.J. Res. 3.

Natural Gas Pipeline Safety Amendments—H.R. 5065.

Labor-HEW Appropriations—H.R. 10061.

NASA Authorization—H.R. 7109.

Flammable Fabrics Appropriation Extension—H.R. 5066.

Juvenile Delinquency Prevention and Control—H.R. 6247.

Obscene Mail—H.R. 8805.

Cabinet Committee on Opportunities for Spanish Speaking People—H.R. 7586.

Agriculture Appropriation—H.R. 9270.

Mr. FLOOD. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 280, nays 56, not voting 97, as follows:

[Roll No. 247]

YEAS—280

Abbitt
Abernethy
Abourezk
Abzug
Adams
Anderson, Calif.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspin
Aspinall
Badillo
Baker
Baring
Begich
Belcher
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blatnik
Boggs
Bolling
Brademas
Brasco
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Byron
Caffery
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Chisholm
Clausen, Don H.
Clay
Collier
Collins, Ill.
Conte
Conyers
Coughlin
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, S.C.
de la Garza
Dellums
Denholm
Dent
Dingell
Dorn
Dow
Downing
Drinan
Dulski
Duncan
du Pont
Dwyer
Eilberg
Erlenborn
Evans, Colo.
Fascell
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frenzel
Frey
Fulton, Pa.
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Gubser
Gude
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Karth
Kazen
Keating
Kee
Keith
Kemp
Koch
Kyl
Lent
Link
Lloyd
Long, Md.
Lujan
McCloskey
McCollister
McCormack
McDonald, Mich.
McEwen
McFall
McKevitt
McKinney
McMillan
Macdonald, Mass.
Madden
Mahon
Martin
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Ohio
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Monagan
Moorhead
Morse
Moss
Murphy, Ill.
Murphy, N.Y.

Myers
Natcher
Nedzi
Nelsen
Obey
O'Hara
O'Konski
Patten
Pepper
Perkins
Pettis
Pike
Pirnie
Poage
Podell
Poff
Price, Ill.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Riegle
Robison, N.Y.
Rodino
Roe
Rooney, N.Y.
Rostenkowski
Roy
Roybal
Runnels
Ruth
Sarbanes
Scheuer
Schwengel
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Stafford
Staggers
Stanton,
  J. William
Stanton,
  James V.
Steed
Steele
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taylor
Teague, Calif.
Thompson, N.J.
Thomson, Wis.
Thone
Udall
Ullman
Veysey
Vigorito
Waggonner
Wampler
Watts
Whalen
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Young, Tex.
Zablocki
Zion
Zwach

NAYS—56

Archer
Ashbrook
Betts
Blackburn
Bow
Bray
Brinkley
Burke, Fla.
Clawson, Del
Collins, Tex.
Colmer
Crane
Davis, Wis.
Dellenback
Dennis
Derwinski
Devine
Dickinson
Findley
Fountain
Goldwater
Goodling
Griffin
Haley
Hall
Hogan
Hunt
Hutchinson
Jonas
Kuykendall
Landgrebe
Latta
Lennon
Mann
Mathis, Ga.
Montgomery
Nichols
Powell
Price, Tex.
Rarick
Robinson, Va.
Roncalio
Rousselot
Sandman
Scherle
Schmitz
Schneebeli
Scott
Shoup
Steiger, Ariz.
Talcott
Terry
Thompson, Ga.
Ware
Wiggins
Young, Fla.

NOT VOTING—97

Addabbo
Alexander
Anderson, Ill.
Anderson,
  Tenn.
Barrett
Bell
Blanton
Boland
Burleson, Tex.
Byrnes, Wis.
Cabell
Camp
Celler
Chappell
Clancy
Clark
Cleveland
Conable
Corman
Cotter
Davis, Ga.
Delaney
Diggs
Donohue
Dowdy
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Esch
Eshleman
Evins, Tenn.
Fish
Flynt
Fulton, Tenn.
Fuqua
Gibbons
Griffiths
Gross
Grover
Hagan
Hanna
Hansen, Wash.
Harrington
Hébert
Hillis
Jones, Tenn.
Kastenmeier
King
Kluczynski
Kyros
Landrum
Leggett
Long, La.
McClory
McClure
McCulloch
McDade
McKay
Mailliard
Miller, Calif.
Mills, Ark.
Mollohan
Morgan
Mosher
Nix
O'Neill
Passman
Patman
Pelly
Peyser
Pickle
Preyer, N.C.
Pryor, Ark.
Rhodes
Roberts
Rogers
Rooney, Pa.
Rosenthal
Roush
Ruppe
Ryan
St Germain
Satterfield
Saylor
Seiberling
Smith, Calif.
Teague, Tex.
Tiernan
Van Deerlin
Vander Jagt
Vanik
Waldie
Whalley
Wilson,
  Charles H.
Yatron

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. O'Neill with Mr. Anderson of Illinois.

Mr. Hébert with Mr. Gross.

Mr. Pickle with Mr. Hillis.

Mr. Evins of Tennessee with Mr. Bell.

Mr. Rooney of Pennsylvania with Mr. McDade.

Mr. Charles H. Wilson with Mr. Mailliard.

Mr. Teague of Texas with Mr. Rhodes.

Mr. Addabbo with Mr. Fish.

Mr. Celler with Mr. King.

Mr. Delaney with Mr. Mosher.

Mr. Edmondson with Mr. Esch.

Mr. Alexander with Mr. Edwards of Alabama.

Mr. Anderson of Tennesse with Mr. Whalley.

Mr. Kluczynski with Mr. Byrnes of Wisconsin.

Mr. Miller of California with Mr. Smith of California.

Mr. Mollohan with Mr. Conable.

Mr. Tiernan with Mr. Cleveland.

Mr. Morgan with Mr. Saylor.

Mr. Rogers with Mr. McClure.

Mr. Fuqua with Mr. Ruppe.

Mr. Fulton of Tennessee with Mr. Vander Jagt.

Mr. Flynt with Mr. Camp.

Mr. Dowdy with Mr. Cabell.

Mr. Leggett with Mr. Pelly.

Mr. Burleson of Texas with Mr. Eshleman.

Mr. Boland with Mr. Landrum.

Mr. Jones of Tennessee with Mr. Davis of Georgia.

Mr. Barrett with Mr. Grover.

Mr. Mills of Arkansas with Mr. Clancy.

Mr. Blanton with Mr. Peyser.

Mr. Vanik with Mr. McClory.

Mr. Edwards of California with Mr. Nix.

Mr. Hagan with Mr. Eckhardt.

Mr. Roberts with Mr. Passman.

Mr. Gibbons with Mr. Ryan.

Mr. Rosenthal with Mr. Diggs.

Mr. Yatron with Mr. Van Deerlin.

Mr. Waldie with Mr. Kastenmeier.

Mr. Hanna with Mr. Harrington.

Mr. Chappell with Mrs. Hansen of Washington.

Mr. Clark with Mr. Corman.

Mr. Cotter with Mr. Donohue.

Mr. Edwards of Louisiana with Mr. Seiberling.

Mr. St Germain with Mr. Satterfield.

Mr. Pryor of Arkansas with Mr. Patman.

Mr. McKay with Mr. Long of Louisiana.

Mr. Preyer of North Carolina with Mr. Roush.

Mrs. Griffiths with Mr. Kyros.

The result of the vote was announced as above recorded. A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 1: On page 2, line 15, insert: "*Provided, further,* That $20,000,000 of this appropriation shall be used by the Office of Economic Opportunity to finance Emergency Food and Medical Services programs in eligible areas of exceedingly high unemployment, as defined in section 6 of the Emergency Employment Assistance Act of 1971, to be reimbursed to the Manpower Training Services Appropriation by the Office of Economic Opportunity immediately upon enactment of an appropriation Act for the Office of Economic Opportunity in fiscal year 1972."

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Flood moves that the House recede from its disagreement to the amendment of the Senate numbered 1 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 15: On page 12, line 20, insert: "$8,300,000 for grants and $6,700,000 for loans shall remain available until expended for hospital experimentation projects pursuant to section 304 and section 643A of the Public Health Service Act;".

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Flood moves that the House recede from its disagreement to the amendment of the Senate numbered 15 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 30: On page 17, line 16, insert:

"HEALTH MANPOWER

"To carry out, to the extent not otherwise provided, sections 301, 306, 309, 311, 422 with respect to training grants, title VII, and title VIII of the Public Health Service Act, $206,306,000, and an additional $5,000,000 to carry out programs in the family practice of medicine, as authorized by the Family Practice of Medicine Act of 1970 (S. 3418, 91st Congress): Provided, That, in addition, any projects or activities provided for herein which were continued during the fiscal year 1971 but for which legislative authorization has expired, may be continued at a rate for operations not to exceed the current rate or the rate provided for in the budget estimate, whichever is lower, until October 15, 1971, and expenditures made pursuant to this proviso shall be charged to the applicable appropriation whenever a bill containing such applicable appropriation is enacted into law."

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Flood moves that the House recede from its disagreement to the amendment of the Senate numbered 30 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

"HEALTH MANPOWER

"To carry out, to the extent not otherwise provided, sections 301, 306, 309, 311, and 422 with respect to training grants, title VII and title VIII of the Public Health Service Act, $180,620,000: *Provided,* That, in addition, any projects or activities not provided for herein which were conducted during the fiscal year 1971 but for which legislative authorization has expired, may be continued at a rate for operations not to exceed the current rate or the rate provided for in the budget estimate, whichever is lower, until the date specified in section 102(c) of Public Law 92-38, approved July 1, 1971, as hereafter amended; and expenditures made pursuant to this proviso shall be charged to the applicable appropriation whenever a bill containing such applicable appropriation is enacted into law."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 37: On page 23, line 4, strike out "$688,836,000" and insert in lieu thereof "$674,051,000".

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Flood moves that the House recede from its disagreement to the amendment of the Senate numbered 37 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$667,301,000"

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 41: On page 23, line 13, insert: "$8,500,000 for grants under part B of the Development Disabilities Services and Facilities Construction Act, to remain available until expended: *Provided,*".

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 41 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment insert "$4,250,000."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 49: On page 33, line 12, insert:

"NATIONAL COMMISSION ON MARIHUANA AND DRUG ABUSE

"SALARIES AND EXPENSES

"For necessary expenses of the National Commission on Marihuana and Drug Abuse, authorized by section 601 of the Act of October 27, 1970 (Public Law 91–513), as amended by the Act of May 24, 1971 (Public Law 92–13), $1,228,000 to remain available until expended."

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 49 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 50: On page 35, line 7, insert:

"COMMISSION ON RAILROAD RETIREMENT

SALARIES AND EXPENSES

"For necessary expenses of the Commission on Railroad Retirement, established by the Act of August 12, 1970 (Public Law 91–337), $483,000: *Provided,* That the unobligated balance of appropriation granted under this heading for the fiscal year 1971 shall remain available during the current fiscal year."

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves that the House recede from its disagreement to the amendment of the Senate numbered 50 and concur therein.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

GENERAL LEAVE

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that I may revise and extend the remarks I made on the conference report and include a very important table, and that all Members may have 5 legislative days to revise and extend their remarks and include extraneous matter on the conference report.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

SEVENTH ANNUAL REPORT ON STATUS OF NATIONAL WILDERNESS PRESERVATION SYSTEM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–156)

The Speaker laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interior and Insular Affairs and ordered to be printed:

To the Congress of the United States:

Today I am transmitting the 7th Annual Report on the status of the National Wilderness Preservation System. The Report spells out the substantial progress which has been made in the Wilderness System, a system which now encompasses more than 10.1 million acres—an increase of over 200,000 acres in the last year.

On April 28, 1971, I transmitted fourteen new wilderness proposals to the Congress. If approved, these proposals would enlarge our Wilderness System by an additional 1.8 million acres. Again, I urge quick and favorable congressional action on these proposals as well as on thirteen other proposals which are also before the Congress and which would add over a million acres to the System. Wilderness designation of all these areas is vital if we are to preserve their natural environment for future generations of Americans.

RICHARD NIXON.

THE WHITE HOUSE, *August 5, 1971.*

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of inquiring of the distinguished majority leader the program for the rest of the day and the schedule for tomorrow, if any.

Mr. BOGGS. Will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, in response to the inquiry of the distinguished minority leader, I am very glad to tell the gentleman and the other Members of the House that this completes the business for this week. As a matter of fact, it completes the business until September 8. We will have a pro forma session on tomorrow.

Mr. GERALD R. FORD. I thank the distinguished majority leader.

Mr. ROUSSELOT. Will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from California.

Mr. ROUSSELOT. Will we also be able to get some kind of rough idea as to what will happen when we return in September?

Mr. GERALD R. FORD. I might say, without preempting what the majority leader has said, that I have discussed the program with him, but I understand it will be announced in its entirety tomorrow.

Mr. BOGGS. That is correct. I would like to add, also, that there is some possibility that since the Senate did not act on the continuing resolution, we might have some problem, although I do not anticipate it.

Mr. ROUSSELOT. I thank the gentleman.

DEATH OF WALTER P. CARTER

(Mr. MITCHELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MITCHELL. Mr. Speaker, the State of Maryland last week lost one of its most able civil rights leaders in the person of Walter P. Carter. Expressions of sympathy have come from across the Nation and around the world. A cross-section of citizens, moved by Mr. Carter's untimely death, issued statements commending him for his contributions to the community.

Mr. Speaker, I want to bring to the attention of this body the fact that in this time of ferment, racial crisis, and division, those attending the memorial services for this man and the funeral reflected a ratio of about 70 percent black and 30 percent white.

I think this should be a very special lesson to this House to learn that there are whites who recognize the contributions of a man who articulates black identity and black awareness.

The statements referred to follow:

Rep. Parren J. Mitchell (D-7th Md.) said: "Walter Carter was a black man of infinite ability and total dedication whose sole purpose in life was to assist in the final liberation of black Americans.

"He gave of his time, his money, his ability, toward that cause and tragically now he has given his life for it. I especially want young black men and women to know of Walter's contribution.

"They should know of the times he was jailed, the times he was assaulted by racists, the times he was hungry. They should know that he experienced all of these things and more in his herculean struggle against racism.

"He has left us a legacy of hope, achievement and commitment to the cause of black Americans.

"Our task is to enlarge and strengthen that legacy for this generation and for the generations yet to come."

Chester Wickwire, chaplain, Johns Hopkins University:—

"I worked closely with Walter Carter for many years, and considered him in many ways the best friend I had.

"I think he was a great spirit, unusual person. Baltimoreans and Maryland are much more indebted to him than people realize, he was a selfless person.

"The years I knew him, he sustained this extraordinary concern for human dignity, justice and equality. I never knew anybody who could relate like Walter Carter to different persons and views. He was courageous . . . showed us how to be human.

"His sense of value was so singular, different from the rest of us.

"When he was working as a social worker for the school board, a major part of his life began at 5:00 when he could spend his full time working for civil rights.

"When he was rejected as executive director of Community Action Agency, it was a sad thing, that the man who was better able to relate to all spectrums of Baltimore wasn't given the chance.

"He always tried to do things in a peaceful manner. You don't find another person like Walter Carter around.

"He was the kind of guy who was an interpreter of justice and equality.

"He related to people from all social levels. I considered his death a very great personal loss."

Mayor Thomas J. D'Alesandro 3rd:

"It was indeed with deep regret and shock that I learned of the death of Walter Carter. In my years of public service, I had the opportunity and privilege of observing him as a constructive and active participant in the important public issues and questions affecting this city and state.

"Walter Carter was above anything else a decent man and his basic decency impelled him to be in the forefront of the struggle for justice and equality in our time.

"His passing away at a relatively young age is a deep loss for all Baltimoreans."

Travis W. Vauls, Executive director, Baltimore Urban League: "The Black Movement has lost a very valuable leader. Walter P. Carter was in the struggle for equal opportunity long before it was popular to do so.

"His forthright concerns, thoughts and actions, on behalf of the minority and disadvantaged have made this city a better place in which to live.

"We must continue in the struggle for all is not right yet. We must do this in honor of men like Walter Carter and for the good of humanity.

"Walt's clear thinking and articulate voice will be sorely missed."

Del. Troy Brailey (D, 2nd) said, "I have known and worked with Walter Carter during most of his fight for Civil Rights in Maryland.

"I found him to be one of the most sincere persons in the civil rights movement. We worked personally on many projects. We confided in each other. He would come to my home and we would discuss various problems until the wee hours of the morning.

"I shall always remember we had only $100 in expenses to give him to coordinate marches for public accommodations around the state. When it was over he gave $50 of the money back.

"I know the city, state and nation will mourn his passing. He devoted his entire adult life to equal justice and civil rights for all."

The Rev. Joseph A. Sellinger, S.J., president of Loyola College:

"First of all, it was a great shock to all of us here at the college. In his years at Loyola he brought much social consciousness to the student body and faculty. For this we are all grateful. His absence in September will leave us with a gap to fill.

"He was interested in students and in the college's involvement in urban affairs. For this I will always be grateful to Walter."

Dr. Homer E. Favor, dean of urban studies, Morgan State College: "I join with the total community in mourning the loss of Walter P. Carter, one of the city's most outstanding citizens.

"He managed somehow to be all things to all people while at the same time conserving himself.

"Numerous people from all walks of life benefited by the life he so willingly shared with them.

"His memory will live to provide us with continual hope for the day when men can live together as brothers indeed."

Norman V. A. Reeves, president of the William Moore Foundation: "The death of Walter is one of the greatest personal tragedies in my lifetime. He was a beautiful black man whose love for his brothers helped him transcend the limitation of most men. May he now find the peace that eluded him on earth."

The Rev. Vernon Dobson, pastor of Union Baptist Church:—

"The sudden passing of Walter Carter from among us has of course left the community bereft of a free spirit whose leadership among them is unquestioned.

"Walter was never concerned about his personal advantage, always concerned about the disadvantage of others. His life will be a continuing memorial to that unique spirit among humans that seeks the full life of every man through its own sacrifice and death."

John Burleigh, director of Project of Equality: "The community has suffered a tragic loss with the death of Walter Carter, a man committed to people and relieving suffering, poverty, and the full rights of all men.

"In addition to his activities in planning, strategying, counciling, advising and actively participating in community affairs. he also worked to develop new leadership to make certain that there would be others constantly present to deal with the ever pressing fight for equal rights and human dignity."

Mrs. Kitty Broady, a coworker:—"I was only hoping against hope. He was at the podium and then fell. An ambulance was called. I got in with him. I knew he was gone then. His arm fell down. His hand had begun to get cool. It was a very sad thing. The black people have really lost a true friend. He was interested in the cause."

James M. Griffin, director of Northwest Community Medical Service Center: "Walter Carter's death is a great shock to all of us who knew and worked with him in the area of human rights.

"Unquestionably, over the past 10 or more years, he has been one of the prime movers toward community organization in the black community.

"His death is, therefore, untimely and will unquestionably set us back in our struggle for human dignity.

"Personally I am saddened that he is not physically with us any longer, however, his spirit and his philosophy will be with me forever."

State Senator Clarence M. Mitchell, 3rd (D-4th): "I am shocked and grieved at the loss of my good friend and fellow freedom fighter, Walter Carter. I cannot forget the days when he was chairman of CORE and I was a teenager and we walked many picket lines together.

"When we organized the sit in movement at Morgan State College in 1960, he and his organization were right by our side. Through the years Walter Carter has been a mighty force in the fight for liberation of black people throughout this country.

"His wisdom, courage and tenacity will be sorely missed as we continue the struggle.

"I was with his wife in the hospital when we were told of his passing. He died with his boots on in the way I'm certain he wanted to go."

(By Kiser D. Barnes)

Today, August 1, friends told me a mutual friend's struggle for freedom ended.

They told me Walter is dead. I do not know if he lives, now, in a different time and space. I do know in our time and space freedom has lost a friend.

Those of us who fight for freedom here in Maryland and in the world have lost a freedom fighter, who never stopped paying his dues. Well, his dues are all paid up now.

MR. AGNEW A CREDIT TO THE UNITED STATES

(Mr. DEVINE asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. DEVINE. Mr. Speaker, the Vice President of the United States just recently concluded a highly successful world tour as the personal representative of President Nixon and our Government.

Along with my colleague Elliot Hagan, I was honored to be designated as a special ambassador, to accompany Vice President Agnew, as part of the American delegation, attending the inauguration of President Park of South Korea.

Mr. Agnew was warmly received by thousands of Americans in Honolulu, Guam, and Korea, as well as the many other stops through Asia, the Middle East, Africa, and Europe during this 30-day goodwill assignment.

And the people of all nations visited were high in their praise of the Vice President. He demonstrated keen insight, resourcefulness, and a profound knowledge of international relations and diplomatic insight.

The people of our Nation owe a debt of gratitude to Mr. Agnew as an accomplished, dedicated, dignified, and polished spokesman for our country, and I am delighted to welcome him back home. He represented his Nation with great credit.

Mr. HAGAN. Mr. Speaker, recently I was highly honored to receive a call from the Vice President informing me that I had been designated by the President along with my friend and colleague, the Honorable Samuel L. Devine, to represent this great body as part of the U.S. delegation to the inauguration ceremonies on July 1 of His Excellency Chung Hee Park upon his reelection to the Presidency. Vice President Spiro T. Agnew headed up the American delegation.

I want to report to my colleagues that it was indeed a privilege to represent our country and our people at this very impressive ceremony and to see firsthand how this growing Republic is progressing under the energetic leadership of President Park.

I was also glad to have had the opportunity of being associated with the Vice President and seeing what a fine job he does in representing the United States. It was a personally rewarding experience to discuss with him some of the problems facing our Nation and the world today.

All in all, Mr. Speaker, this mission was an excellent opportunity to meet with our Korean friends and talk over matters of mutual interest and concern and to project the American desire for peace and understanding among the nations of the world.

Again, I was especially honored to be an emissary for the distinguished Members of the House on this special occasion.

Thank you.

Mr. MYERS. Mr. Speaker, I join our colleague, the gentleman from Ohio (Mr. Devine) in congratulating our Vice President for the very successful trip he recently completed.

That trip and the Vice President were criticized by some, and he received some uncomplimentary remarks in this body from one Member, but the success of that trip is told now by the reports coming in from around the world.

Every one of us is concerned about bringing about a lasting peace throughout the world, and we recognize that the United States will have a heavy responsibility in accomplishing that lasting peace.

We also recognize that our Vice President has set a firm foundation upon which we can structure a lasting peace. He must be congratulated for this. I know every one of us here is happy that that trip was the success that it was, and that we now can with determination move forward in a firm manner toward peace.

Mr. KING. Mr. Speaker, I would like to add my voice to the many Members commending Vice President Spiro T. Agnew on his highly successful trip as the emissary of the President of the United States.

Mr. Agnew demonstrated keen insight, resourcefulness, and a profound knowledge of delicate diplomatic posture in his travels to Korea, Southeast Asia, the Middle East, Africa, and Europe.

The Vice President was warmly received throughout the world, and he made a very favorable impression on thousands of people on this goodwill tour, both among the foreign populations as well as American citizens overseas.

Unfortunately, a segment of the media can find nothing favorable to report about anything the Vice President does, but the American people are beginning to recognize Ted Agnew as an astute, intelligent Government official of considerable depth, integrity, and dedication. Press criticism notwithstanding, I am delighted to have Mr. Agnew as Vice President, as the official spokesman for my Government, and I trust as President Nixon's running mate next year.

Seventy-five percent of the people of my district in a recent poll supported the Vice President in his criticism of the news media. The latter refuses to benefit by such expressions of faith in him. I admire him greatly as do the people of my district.

Mr. DICKINSON. Mr. Speaker, speaking of press sniping at the Vice President on his recent trip, much was made on the floor of this House, July 22, 1971, of a vicious article in a national news magazine that grossly distorted the Vice President's visit to Africa and replete with inaccuracies which since then, unfortunately, have been widely quoted as fact.

The U.S. Ambassador to Kenya, Robinson McIlvain, has said of that article:

> I now understand better the Vice President's reputed aversion to the press. A more inaccurate, innuendo-filled piece would be hard to imagine.

The Ambassador cited these examples which I quote:

> Item: "After hacking up the local golf course . . . "Fact: The Vice President played with two leading Kenyans, the Minister of Foreign Affairs and the head of the University of Nairobi and myself. While I did a certain amount of "hacking," the Vice President won more than half the holes played and, in the process, he got to know these two Kenyan leaders better than if he had spent equivalent time in calls at their respective office.
>
> Item: The account stated that his other "outing" was a night at a hunting lodge with his private physician and his pretty, red haired secretary.
>
> Fact: The night in question was spent with the Kenyan Minister of Tourism and Wildlife, the Provincial Commissioner, the Director of the National Parks, five or six leading authorities on conservation, three senior U.S. Embassy officers including myself, the senior members of his staff, 15 members of the press and, to be sure, his private physician and secretary whose hair is, in fact, red.
>
> Item. "Agnew spent . . . all of 15 minutes with Kenya's Jomo Kenyatta and his cabinet."
>
> Fact: Agnew spent two hours and twenty-five minutes with President Kenyatta and his cabinet and had an interesting if not world shaking exchange on a number of subjects.
>
> Item: "Cargo plane carrying two bulletproof Cadillacs for Agnew's dash from airport to Hotel to Golf course."
>
> Fact: The Vice President went everywhere in my official car, a four-year old Chrysler.
>
> Fact: We get many official and unofficial American visitors in Kenya each year including numerous congressmen and senators. The Vice President spent more time with top level Kenyans and did the U.S. position more good than any other visitor I can recall in the past two years.
>
> The passages I have just quoted are from a letter that Ambassador McIlvaine sent to the editor of that magazine 3 weeks ago, immediately after the appearance of the article, but it is obvious that the magazine has no intention of printing such a refutation of its credibility.

Mr. DEL CLAWSON. Mr. Speaker, not all the press comment on the Vice President's recent trip was unfavorable, even if it appears that way. Aside from being unhappy that he was not mingling with crowds more in the countries he visited—which would have enlivened their news stories—most of the reporters who accompanied the Vice President gave him generally high marks on his performance. Here are some samples from the traveling correspondents:

Peter Kumpa, Baltimore Sun:

> In all he performed the job that President Nixon assigned him with credit. Ceremoniously, he was close to flawless.

Robert Semple, New York Times:

> Mr. Agnew, it seems, is not trying to make political capital of this trip and is doing his best to be a deferential diplomat. He has turned out to be rather good at it, and the host governments have seemed delighted by his presence and by what he has said.

Hays Gorey, Time magazine:

> He has done his homework. In private talks and ceremonial functions, Agnew, from all available evidence, has performed flawlessly. Perhaps too flawlessly.

Edward W. O'Brien, St. Louis Globe Democrat:

> Agnew's visits to Kuwait and Saudi Arabia were the first by an American official of such rank, and the Arab leaders used the opportunity to speak with unusual candor . . . Agnew made the 32-day journey not to create colorful publicity or for handshaking but to talk seriously with the heads of 11 governments which are good friends of the United States and whose good will Washington wants to retain.

There were many other observations in a similar vein from writers accompanying the Vice President, but they were generally overshadowed by the more numerous efforts to belittle his mission and him personally.

It was said by some of his critics that the trip was inconsequential and meaningless and unimportant, but it was not so considered in the countries he visited. Take, for instance, this example in an AP dispatch from Lisbon, Portugal:

> Wherever he goes, the red carpet will be rolled out for Vice President Spiro T. Agnew . . . The inclusion of Portugal in his itinerary has caused particular pleasure to the Portuguese government which for long has been quietly nursing a grievance—that in American global policy the United States appeared to regard Portugal as expendable. The government regards Agnew's visit of special significance.

And fortunately, in the United States, we still have some newspapers that are willing to make a fair appraisal of a high Government official on an important diplomatic mission.

The Columbus Dispatch, for example, noted that "reports from stops made by Mr. Agnew have been loaded with plus signs," and it added:

> If he is hard-nosed in selling Americanism abroad and if the reception is cordial, then it must be assumed foreign dignitaries see America as remaining firm in its beliefs. Can we expect more of any goodwill ambassador?

I join, Mr. Speaker, in commending the Vice President for a job well done, under very adverse conditions—not the least of which was a hostile press which would like nothing better than to remove him from the national scene. And as long as he continues to perform so effectively, I am sure he will sit in the top councils of this Government for a long time to come.

Mr. CLANCY. Mr. Speaker, much of the inaccurate and biased reporting of the Vice President's recent foreign trip is directly attributable to a thinly veiled attempt by some columnists, editorialists, and commentators of the liberal news media who have felt the sting of the Vice President's rebukes and his public exposure of their biases, inaccuracies, and distortions.

It is understandable why these self-annointed kingmakers desire the demise of the Vice President. It is unique to find a public official who dares to do battle with these media superstars who are determined to sink him into political oblivion.

Knowing our President and the history of abuse that was heaped upon him, these wishful kingmakers will find that they will be just as unsuccessful in 1972 as they were in 1956.

Mr. GROVER. Mr. Speaker, the Vice President has recently returned from a diplomatic venture that took him literally around the world. He visited 10 countries on three continents—widely disparate in many respects. The President, his Secretary of State, and indeed, every high official in this Government have indicated great satisfaction with his performance. The mission is universally categorized as highly productive and completely successful from a diplomatic point of view.

ACCOMPLISHMENTS

First, Korea: Attendance of inaugural of President Park. Natural sequel to visit last August with American redeployment from Korea successfully negotiated. This year's visit, in face of lack of bilateral problems, is an important contribution to strengthening relationships between two governments.

Second, Singapore: Visit intended to continue strong personal relationship established earlier during previous visit by Vice President and in return visit here by Prime Minister. We justly value the Prime Minister's insights into the various complex problems of Southeast Asia.

Third, Arabian Peninsula: In both Kuwait and Saudi Arabia useful exchanges were continued with their leaders in support of the efforts of Secretary Rogers and others to bring about peaceful settlement in the Middle East problem. These key Peninsula nations have great importance for our position in the lower gulf as well.

Fourth, African visit to Ethiopa, Kenya, Congo, Kinshasa: Natural sequal to President's extended African travel when Vice President and to Secretary Rogers' recent trip. Provided outstanding opportunity to convey administration views on the importance of self determination and reassurance of American interest in promoting African unity and national cooperation.

Fifth, Morocco: Visit permitted discussion of matters of significant, mutual interest and served, importantly, as timely sample of U.S. support in aftermath of unsuccessful coup attempt against King Hassan's Government. Valuable particularly in view of Moroccan importance to our strategic position in North Africa.

Sixth, Iberian Peninsula: Spain and Portugal have strongly supported our efforts in Vietnam. Both provide important bases strengthening our strategic position. Also important to share with them our latest assessment of mutual security goals.

There was hardly a day during the entire trip when substantive discussions with high foreign dignitaries were not on the agenda. This was not a tourism view of the world—most of the time was engaging in preparation of his performance of diplomatic duties. The element of personal contact with important foreign leaders remains one of the most important foundations of our efforts to obtain ever greater international cooperation and finally lasting peace.

And despite press emphasis on less consequential incidents, the Vice President performed his mission with a high degree of diplomatic skill.

Mr. HUNT. Mr. Speaker, words of praise are in order for our Vice President, Spiro T. Agnew, for the high caliber, statesmanlike manner in which he conducted his good-will mission abroad.

From all accounts, Mr. Agnew's tour was highly successful. Not only was he well received wherever he went, but I am confident that he has strengthened ties with our allies and made new friends for the United States. A loyal and true American, Vice President Agnew has once again carried out his public duties as one of the better spokesmen for the United States abroad, being frank about our weaknesses, but proud and unhesitating about our strengths.

Notwithstanding his vituperative critics whose sensitive nerves have once again been touched with valid observations, the Vice President deserves our gratitude for his truly worldwide mission of good will.

GENERAL LEAVE

Mr. DEVINE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks relative to Vice President Agnew's world tour.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

TIME TO STOP CIA SECRET WARS

(Mr. BADILLO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BADILLO. Mr. Speaker, the Nixon administration has now acknowledged, through a Senate subcommittee staff report, that the Central Intelligence Agency is financing and directing a 30,000-man army in Laos. This confirms news reports which have come from Laos in recent months and confronts Congress and the American people with some very basic questions involving our foreign and military policy, the war powers of the President, and the role of the Congress in determining where and under what circumstances this Nation will become involved in military combat operations abroad.

If our tragic and costly involvement in Vietnam has taught us one lesson it must be that Congress can no longer abdicate to the executive branch the power to commit this Nation to war, either overt or covert.

Earlier this year, I introduced legislation aimed at closing a glaring loophole in the National Security Act—a loophole which permits the CIA to organize, finance, and direct military combat operations if that is related to its intelligence mission. I feel strongly that the CIA should confine itself to the gathering, analysis, and dissemination of intelligence and I urge my colleagues to support my bill, H.R. 8371 when it is circulated for cosponsors after the August recess.

I would urge my colleagues also to examine carefully the debate in the House on June 17 of this year when I offered an amendment to the military procurement bill to prohibit use of the funds that bill authorized for CIA-run military or paramilitary operations in Southeast Asia. During that debate, the distinguished chairman of the Committee on Armed Services asserted in response to a question:

> The activity of the CIA in all sections of the world, in Laos, the Middle East and everywhere is the gathering of intelligence for the protection and security of the United States.

Only the most generous interpretation could construe the organization, financing, and direction of a 30,000-man army to be intelligence-gathering. The CIA is running a full-scale war in Laos and its army has become the main fighting force there. Unless the Congress specifically prohibits this kind of activity, the power of any President to commit U.S. men, materiel, and funds to war will remain virtually unbridled.

I have nothing but respect for the achievements of the CIA in the intelligence field, and certainly its reputation in this area was greatly enhanced by the disclosures in the Pentagon Papers. For its own sake and the sake of our Nation, the CIA must be kept out of a combat role. Talk of preventing future Vietnams is idle rhetoric unless we are willing to take that step.

THE CONTAGIOUS ANIMAL DISEASE BILL

(Mr. MELCHER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MELCHER. Mr. Speaker, the Subcommittee of the House Agriculture Committee handling livestock legislation reported out a bill yesterday dealing with the threat of highly contagious diseases carried by animals, some of which may also infect man, giving the Secretary of Agriculture specific authority to work out cooperative programs of control and eradication when these diseases pose a threat to livestock, animals or people here in the United States. There are a number of diseases which are not present in this country which are invasion threats to us.

Venezuelan equine encephalomyelitis, a disease primarily of horses but also infectious to humans, spread out of Venezuela to Central America and reached Mexico 3 years ago. While equine owners, American veterinarians and public health officials were cognizant of the threat it posed for our country, no effective cooperative program was initiated successfully in Mexico, and we now have the disease in this country.

The Department of Agriculture testified last week before the committee that they wanted new legislation authorizing the Secretary to take broader action to prevent the spread of these types of diseases into our country. The Department should have asked for this 3 years ago before VEE made its way over a thousand miles north through Mexico to this country. If a prod is needed to move the Department into action more quickly in controlling contagious diseases that threaten us, then this bill should serve that purpose. It must be passed promptly.

Passage of the bill would authorize the Secretary of Agriculture to work out cooperative agreements with foreign countries in the Western hemisphere if in his judgment the health of animals or people in the United States are threatened.

African swine fever, now rampant in Cuba, has reached the Western Hemisphere for the first time. There is no vaccine, no treatment, and the only control is to kill all the swine that are infected, exposed, or anywhere within miles of known cases. It is highly contagious, and its presence in Cuba poses a real threat to the pig producers of this country. Department of Agriculture officials fear hoof and mouth disease, which affects all cloven hoofed animals, domestic and wild, is also present in Cuba.

Again, this disease is only controlled by killing all of the animals either infected or exposed. Only 90 miles away from our shore, the invasion of either of these diseases from Cuba would have devastating effects on the animals that are affected by it. The livestock industry and ultimately consumers would pay dearly for meat products if either of these diseases spread in our country. It would require the immediate killing and burial of the diseased or exposed animals to halt the outbreak.

There is a great need for us to be sure that all means of effective control and eradication are being followed in Cuba for African swine fever and also for hoof and mouth disease if it is also present, as U.S. Department officials fear.

Despite the lack of diplomatic relations with Cuba, our own best interests require that we leave no stone unturned to be sure that Cuba's efforts to eliminate these diseases succeed and her needs for assistance are met. Canadian officials are working through the Pan American Health Organization to assist Cuba, but their threat to Canada is not nearly as great as the threat to us, only 90 miles away. Either of the diseases can easily be hijacked into this country, brought in by refugees or carried in by boats which still travel between our country and theirs. American relationship with Cubans is not so strained but what our athletes and theirs cannot compete in Cali, Columbia. Certainly we can also establish direct communication between our Department of Agriculture scientists and theirs to make sure that neither of these diseases escape from Cuba and that both are eradicated on their shores.

The threats posed by these highly contagious diseases—VEE infecting equine, African swine fever infecting hogs, and hoof and mouth disease, infecting all cloven hoofed animals including deer, antelope, elk, and moose, are not to be shrugged off lightly. Control and eradication of the diseases may cost millions of dollars but to ignore them and let them spread throughout our country would stagger us with billions of dollars loss besides the threat to human health that VEE poses.

GUIDEPOSTS TO DEMOCRACY

(Mr. WHITTEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WHITTEN. Mr. Speaker, as a Mississippian I take great pride in the fine young people of our State, and it is with warmth of feeling that I share with you and our colleagues the award-winning speech of Miss Lydia Ruth Hodges of Dorsey, Miss. Miss Hodges, a senior in high school, presented this speech in the American Legion Oratorical Contest. She was the winner of the initial contest in Fulton, Miss., and then the winner in the district contest, the area contest, and the Mississippi State contest; and was runner-up in the regional competition.

I commend her to you for her fine spirit of patriotism and responsibility, as so clearly expressed in her fine speech, "Guideposts to Democracy," which is herewith presented in full:

GUIDEPOSTS TO DEMOCRACY

Freedom, liberty, justice, patriotism, heritage—are these just sentimental words from History? No! These are direct and vibrant challenges to all of us, the "Now Generation." We, as American citizens, have the potential to benefit all mankind, *but* the only way to change this potential into progress is to maintain the rights and privileges that have made and kept us free.

How do we accomplish this seemingly impossible task in today's complex world? Our forefathers who built this country have laid clearly-marked guideposts to show us the way. These guideposts are stated in the Preamble to the Constitution:

"We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity do ordain and establish this Constitution for the United States of America."

Our first Guidepost to Democracy is to form a more perfect union. The original thirteen colonies were already loosely united under the Articles of Confederation, but this first form of American government gave the states too much authority; therefore the Federal government had hardly any power. The outcome of the Constitutional Convention in 1787 was our great United States Constitution, which is today the oldest standing political document in the world. This Constitution sets forth a unique system of checks and balances. It balances authority among the (1) executive, (2) legislative, and (3) judicial branches of government; and is so organized that each governmental department limits (or checks) the power of the others. Article IV, Section 3 of our Constitution provides that no new state shall be formed from existing states without the consent of state legislatures involved and of Congress. In the 1800's, our Nation survived a Civil War, and today, April 19, 1971, we are still united—"One Nation under God, indivisible, with liberty and justice for all."

Our second Guidepost is to establish justice. Reinhold Niebuhr said, "Man's capacity for justice makes democracy possible, but man's inclination to injustice makes democracy necessary." Our democracy is a government of the people, by the people, and for the people. Because of this great American principle which is the foundation of our government, we, as average American citizens, yes, we are the American government. If justice is not established, then we are at fault. Article III of our Constitution provides for our Judicial Branch of government, and that all trials except in cases of impeachment shall be by jury.

Our third Guidepost is to insure domestic tranquility. As we view our world today, we must agree with Thomas Paine who said: "These are the times that try men's souls." It may seem to many that our Constitution has failed to insure this domestic tranquility, but we must remember that peace is not the absence of conflict, but the ability to cope with it. And how does our Constitution cope with internal conflict? There are two ways: (1) The amendment process has provided for a way that our laws can change with the times. Over 3,000 amendments have been proposed, and twenty-five have been added to the Constitution. (2) By power given through the elastic clause, Congress is permitted to pass any laws "necessary and proper" to carry out its enumerated powers to meet changing conditions.

The fourth Guidepost is to provide for the common defense. General Douglas MacArthur once said: "The inescapable price of liberty is to preserve it from destruction." And we might add "no matter what the destructive force may be." Our Nation has, in the past, been called upon to provide for the common defense of the Free World, and Article I, Section 8, of our Constitution provides for our armed forces to carry out this Guidepost.

Our fifth guidepost is to promote the general welfare. The first ten amendments or Bill of Rights are often cited as the cornerstone of individual freedom in the United States. These privileges include Freedom of Speech, Petition, Press, Religion, and the Right to Peaceably Assemble. We are also guaranteed free elections by which the will of the people becomes the Voice of America.

The last and perhaps most important guidepost to Democracy is to secure the blessings of liberty to ourselves and our posterity. Our forefathers did secure the blessings of liberty through the establishment of the Constitution, but, in order to maintain this freedom, we must continue to pay the high price of Liberty. The price? Daniel Webster once stated: "God grants Liberty only to those who love it, and are always ready to guard and defend it." It is therefore up to us to guard our country's freedom and defend the principles set forth by our Constitution.

Freedom, liberty, justice, patriotism, heritage—*No*, these are *not* just sentimental words from history, but these are the words for which our Constitution stands:

"We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity do ordain and establish this Constitution for the United States of America."

Yes, our Guideposts have been established, but the question remains, "Will they be maintained?" The answer to this question, young people, lies in us—the Youth of Today, the Leaders of Tomorrow.

ESTABLISHING NATIONAL STANDARDS FOR WAGES AND PRICES

(Mr. LLOYD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LLOYD. Mr. Speaker, President Nixon should be applauded for statements which he made at a news conference yesterday when he said that he would consider establishment of a Government board to suggest national standards for wages and prices.

This is a field in which our President has special experience and knowledge. Early in World War II, he was an attorney for the Office of Price Administration and witnessed firsthand the reluctance of the people in a free society to adjust to compulsory economic controls, even when those same people were virtually completely dedicated to our national defense following the invasion of Pearl Harbor.

Later President Nixon, as candidate for Vice President of the United States following the Korean war, joined with the new President, Dwight D. Eisenhower, in bringing to an end the mandatory controls operative during the Korean conflict, and he remembers the relief of the people when the free economy was restored.

It is understandable, therefore, that President Nixon would not join in the enthusiasm of bearers of bad tidings regarding the Nation's economy, such as John Galbraith and others, who have been beating the drums for restoration of mandatory wage and price controls to our free system.

However, this country is in my judgment faced with grave danger of excessive inflation which strikes at the very foundations of the traditions of savings, thrift, and consistent production which undergird our free economy. The labor-management negotiations this summer are a stark warning that much of American industry is no longer dedicated to holding the line on wages and prices when Government on behalf of the citizenry appears not sufficiently concerned.

As chairman of the House Republican Task Force on Labor-Management Relations, my colleagues and I recently heard from Mr. Roger Blough, former president of United States Steel, and now chairman of the Construction Users Roundtable. Mr. Blough reported that the committee which was established by Executive order of March 29 to review wage settlements in the construction industry had been successful in materially reducing inflationary increase in that strategic industry.

I have become increasingly concerned that both industry and labor are in competition for maximum profits and maximum earnings regardless of the inflationary effect upon the public, and several weeks ago, I encouraged President Nixon in a personal letter to keep open the options of further Federal participation in all anti-inflation efforts short of the mandatory controls of a closed society.

President Nixon announced yesterday that he would indeed study the evidence and listen to the data submitted by those who like myself favor increased Federal Government activity in this field.

It should be noted that despite the apparent inflationary labor settlements occurring during this summer, which have immediately resulted in increased costs in many cases, the Nation's economy also shows great signs of strength. The monthly unemployment figure for June was 5.6 percent, a reduction of ½ of 1 percent under May. While the July figures are expected to be slightly more, the picture over the last several months has indicated increased stabilization in the labor market. Consumer Price Index increases, while not particularly encouraging, do not indicate a runaway out of control.

Better results must be secured. This President has the experience, technical know-how, and leadership qualities to produce these better results, and the announcement which he made to the press conference yesterday indicates that he is willing to completely discharge this responsibility of leadership consistent with the preservation of a free economy.

FREEDOM FOR CZECHOSLOVAKIA

(Mr. VIGORITO asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. VIGORITO. Mr. Speaker, the streets of Prague will be quiet today. Quiet, not because the people of Czechoslovakia are content, but because the tanks and soldiers of the Soviet Army extinguished all hope of freedom and liberty 3 years ago. This calm may deceive the casual observer, but for the millions of people who remember that tragic day, August 21 will be a reminder of the tyranny of the Soviet Union. Alexander Dubcek ruled Czechoslovakia for only one brief "spring of freedom," while he tried to give Czechoslovakian communism "a human face." Even this limited objective proved to be too daring for the reactionary and encrusted leadership in Moscow. Anything other than abject subservience to the Soviet Union could not be tolerated.

If the Soviet system had any real validity, the people of Czechoslovakia would have accepted it long ago. For over 20 years the Soviet Union imposed their strict rule over the Czechs, but the Czechs rejected the Russian leadership at their first chance. Only with the aid of tanks and soldiers could Moscow reexert its harsh and tyrannical rule. The Czech people have shown their disgust time and again with work stoppages and outright defiance. The puppet regime of Gustav Husak must continue to bend to every Soviet whim, realizing his only hope for political survival is the never-ending threat of a return of Soviet troops.

Yes, the streets of Prague will be relatively quiet today, but behind the facade of peace lies the continued resistance of Czech patriots. The Czechoslovak National Council of America has named August 21, 1971, a Day of Soviet Shame. On this day let us remember and support the noble people of Czechoslovakia as they continue to resist the repression of the Soviet Union and to fight for the freedom they so richly deserve.

BETTER DISCLOSURE OF FISCAL OPERATIONS IN FEDERAL BUDGET

(Mr. FASCELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FASCELL. Mr. Speaker, the phrase "reordering our national priorities" has unfortunately become a cliche before becoming a reality.

Two factors presently unaccounted for in the Federal budgetary process cause the Congress to be given less able to gage and direct the allocation of our national wealth and resources.

The first of these unaccounted factors is tax expenditures—that is, the amount of revenue which would have been received in the Treasury in the absence of existing tax exemptions, deductions, credits, deferments, and preferential rates.

While the entire budget presentation of the President for fiscal year 1972 comprises more than 2,000 pages of data, it does not contain any information on tax expenditures. Tax exemptions and credits would seem to involve no cost to the Government, but, in fact, there is a real cost in terms of foregone revenue, or the amount of revenue that would be collected were tax-exempted beneficiaries taxed at the same rate as fully taxable sources.

It has been estimated that tax expenditures in 1969 totaled $44 billion compared with total Government expenditures of $184 billion. An adjustment for tax concessions reveals that, in many cases, a particular sector of the economy receives a greater or lesser share of current national wealth than is reflected by budget figures.

In fact, in a number of Government functions tax expenditures equal or exceed direct expenditures through the appropriations process.

In 1969, direct expenditures for the natural resources function of the budget were estimated to be $2.1 billion, while the tax expenditures for that function—primarily depletion allowances—were approximately $1.7 billion. In the Commerce and Transportation function, the respective totals were $7.8 billion for direct expenditures and $9.2 billion for tax aids; for example, investment credit and surtax exemption.

Clearly tax expenditures must be taken into account if the Congress is to make intelligent decisions concerning the allocation of scarce fiscal resources. We cannot talk about reordering priorities when we do not fully understand the comparative share of current national output available to the beneficiaries of tax aids.

In order to provide the Congress with that essential information, I am today introducing legislation which requires that the budget for each fiscal year contain information with respect to indirect expenditures made through the Federal tax system. This would include estimated tax expenditures for the ensuing fiscal year and the fiscal year in progress, as well as actual tax expenditures for the last completed fiscal year.

This legislation, along with a second bill which I will presently describe, was originally introduced in the Senate by my colleague and fellow Floridian, Senator Lawton Chiles. Senator Chiles is an outstanding legislator who has proven the wisdom of the voters of Florida by his actions since coming to the Senate. It is an honor to join him in sponsoring this important legislation.

The other bill which I am privileged to sponsor in the House deals with a second factor presently unaccounted for in the Federal budgetary process. It would require the Comptroller General of the

United States to gather and compile information with respect to the reprograming of appropriated funds and furnish such information to Members of Congress.

The Congress and the public need to know the amount and type of funds which are reprogramed by Federal agencies. That means funds which are utilized for a purpose other than that for which the funds were intended when appropriated. The congressional responsibility of appropriating moneys for specified program areas, which has its genesis in the Constitution, carries forward, in my opinion, to an evaluation of the ultimate utilization of those moneys.

The principal concept underlying the measures which I am introducing today is that the Congress needs to know on a continuing basis the full scope of the Federal Government's fiscal operations. This must include not only direct expenditures and indirect expenditures through credit programs which are already contained in the annual budget, but also indirect expenditures which result from the operation of our tax laws and reprogramed expenditures which are channeled in a direction other than that for which they were appropriated.

Mr. Speaker, these are eminently reasonable proposals. They will aid the Congress as we strive to make our actions correspond with our words concerning the "reordering of national priorities."

DEATH OF ADMINISTRATIVE ASSISTANT, MISS MARY C. HIGGINS

(Mr. BELCHER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BELCHER. Mr. Speaker, on Friday, July 30, I experienced a very saddening loss with the death of my administrative assistant of over 15 years, Miss Mary C. Higgins.

I can state unequivocally that Mary was the most loyal and dedicated person that I have ever known. She worked tirelessly, sometimes putting in as many as 80 to 90 hours a week. She was virtually my right arm and there was absolutely nothing in the world that she could not do.

Mary first came to Washington back in 1955 and I believe that I can say without question that she was dearly loved by all those who had the privilege to know her. I think that she was one of the most efficient administrative assistants on Capitol Hill. She was so dedicated that I had an argument on my hands whenever I would raise her salary. She loved her job and all the people around her.

Mary was a great admirer of President Nixon, and her faith in him was of long standing. When he ran for the Presidency in 1960, Mary supported him and worked hard in his behalf. She hung a large picture of him on the wall over her desk; and when he was defeated, everybody urged her to "turn it to the wall." When asked why did she not take it down, she said, "It stays. He will be President some day." The same picture still hangs there, accompanied by several others with personal autographs inscribed by President Nixon to Mary.

The admiration that Mary had for President Nixon was mutual. This past spring when Mary was in the hospital, President Nixon took time from a very crowded schedule to call her and cheer her up. I know she will be greatly missed by everyone.

I would like to express my condolences to her mother, Mrs. Agnes J. Higgins, and her two brothers, Ed and Charles, who are the only people on this earth that will miss her more than I.

THE GROWING CRISIS IN OUR DOMESTIC TEXTILE INDUSTRY

The SPEAKER pro tempore (Mr. GONZALEZ). Under a previous order of the House, the gentleman from North Carolina (Mr. MIZELL) is recognized for 30 minutes.

(Mr. MIZELL asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. MIZELL. Mr. Speaker, I appreciate this opportunity to bring to the attention of the Congress and the Nation the growing crisis in our domestic textile industry.

For the past 2 years, the American textile industry has been in critical condition, with the rate of textile-related unemployment rising sharply and with scores of plants being forced to close or convert to other kinds of product manufacture.

Mr. Speaker, I have in my hand an article which appeared in the Greensboro Daily News on Thursday, June 3, 1971. The headline says "Textile Imports Increase 42 Percent Above the 1970 High."

The article is as follows:

TEXTILE IMPORTS INCREASE 42 PERCENT ABOVE 1970 HIGH

WASHINGTON.—Textile imports in the first four months of this year were 42 per cent above the record levels of 1970, the Commerce Department reported Wednesday.

The biggest increase continued to be in the category of manmade fiber yarns, used by U.S. textile manufacturers to produce cloth and in some cases not directly competitive with United States yarns.

However, there were also large increases in imports of textile fabrics and finished apparel, particularly in manmade fiber category. The new fibers are bound to add to the pressures for some kind of limitation on textile imports.

The four leading suppliers, all from Asia, accounted for 57 per cent of total imports, and their increase was 43 per cent in 1971 over the same period of 1970. They are Japan—with almost half the total from the four countries—South Korea, Taiwan and Hong Kong.

Total textile imports in April alone were 53 per cent above the same month a year ago.

The dollar value of textile imports for the first four months was $741 million—an annual rate of more than $2 billion—compared with $569 million in the first four months of 1970.

The Japanese textile industry is supposed to institute a program of voluntary restraint on exports to the Unitd States starting July 1. but there have been problems within the Japanese industry in working out the export allocations. In addition, some parts of the Japanese industry are insisting that there should be no export restraint by Japan unless there is comparable restraint by the other three Asian producing countries.

I have been attempting, in every way possible, to alleviate this crisis through legislation. In the 91st Congress, I was a sponsor of legislation to establish a system of import quotas on foreign textile products. Legislation similar to mine was passed by the House, but died in the Senate during the rush to adjourn late last year.

I have introduced identical legislation in this Congress and have called for action on that bill on several occasions since.

Last week, with the gentleman from Ohio (Mr. BETTS) and others, I introduced new legislation authorizing the U.S. Tariff Commission to impose such quotas on foreign imports whose distribution in this country is found to cause serious injury to domestic manufacturers of the same product.

Today, Mr. Speaker, with some two dozen of my distinguished colleagues from both sides of the aisle, I am again calling for action on the textile problem.

The situation grows worse each day we choose to delay. The time has long since passed for us to act decisively in this matter.

In the past few days, we have heard some pretty discouraging news with regard to our balance of trade. The Secretary of Commerce has reported that for the third consecutive month, our balance of trade has run a deficit. He further warned that unless the situation is reversed, this country will finish the year 1971 with the first overall balance of trade deficit since 1893.

This development has serious implications where our vast international commitments are concerned. It also poses a serious threat to the integrity of the dollar in world monetary circles.

The only encouraging note about all of this bad news is that it might finally wake some people up to the fact that some of our international trade policies are leading us down the road to serious trouble.

One of the major contributors to this seriously deteriorating international trade picture is our trade in textiles. A trade deficit is nothing new in textiles. The American textile industry has not shown an export surplus since 1957, 14 years ago.

What is more alarming about the textile trade deficit is the fact that it continues to grow, at a rate that increases every year. It is not only contributing to the overall trade deficit, but, just as important, it is causing the systematic destruction of one of our most basic industries.

Look at what has happened in just the last decade. In 1960, textile imports were valued at $866 million, and our exports were $618 million. This left a deficit of $248 million.

Last year, textile imports had grown in monetary value to a staggering $2.4 billion, while exports had risen only slightly to $776 million. This left an incredible deficit of $1.6 billion. And current statistics indicate that we are well on our way to an even larger deficit this year.

While these figures are startling, the impact they are having on our domestic economy in terms of jobs is even more alarming. Last year, the textile and apparel industry lost some 100,000 jobs. It has been estimated that the current level of imports is displacing the equivalent of 300,000 jobs a year.

During this period of increased national unemployment, the result of our moving from a wartime to a peacetime economy and of our efforts to fight the incredible inflation of the 1960's, we simply cannot afford to see a major job-producing industry be destroyed by unfair trade policies of our own making.

The American textile industry has made a strong and valuable contribution to our national economy for generations. The fiber-textile-apparel industry provides jobs in nearly every State in the Union. There are some 2.3 million jobs directly in textiles and apparel, and another million in those industries which support and supply the manufacturing of textiles.

In my own State of North Carolina, the textile industry is our largest employer, providing us with our only billion-dollar annual payroll. In 1970, 267,000 people were employed in the textile industry, and they earned $1.2 billion. The textile industry accounts for 39 percent of all manufacturing in North Carolina.

Textile plants are located in 81 of our 100 counties. We depend on this industry. In countless communities, textiles are the only source, or at least the major source, of manufacturing employment. The industry provides jobs at every level of skill.

One of the major assets of the textile industry in our area has been its ability to help workers make the transition from farmwork to manufacturing.

In many cases, workers who have been displaced on the farm by mechanization can find work in the textile industry.

With 3 to 6 weeks training, they can move into a new occupation and start learning a valuable trade. Those who are ambitious and hard workers can advance their careers at a rapid pace.

With these facts in mind, it is difficult, if not impossible, to understand how some people can say this country might be better off without a textile industry of its own.

Mr. Speaker, I cannot stress too strongly my firm belief that this country needs a textile industry, that thousands of men and women need the jobs that a sound and growing textile industry can provide, and that the American textile industry has not brought the present crisis on itself.

The American textile industry is by far the most efficient in the world. Many of our foreign competitors have carefully studied American methods and implemented many of them in their own manufacturing procedures. Charges of inefficiency, then, are not only unfair, but totally inaccurate.

The reason foreign competitors are able to succeed so well in this country is the vast difference between the wages paid a textile worker in America and those earned overseas.

There is a vast wage gap, as wide as the trade deficit, and like the trade deficit the wage disparity continues to grow.

Japan, the largest single exporter of textiles to this country, pays its textile workers an average of 45 cents an hour. The American textile worker earns $2.54 an hour, a wage gap of $2.09 an hour. In 1960, the wage gap between the United States and Japanese textile industries was $1.44.

Even the $2.54 wage earned by the American textile worker is considered low, when compared with the wages of practically every other industrial worker in the Nation today. One never reads of an inflationary settlement of a wage dispute in the textile industry.

But the textile crisis persists. If the problem is not efficiency, and it is not, and if the problem is not too high wages, and it is not that either, it must be our trade policy.

Japan is a prime example of how we have let our textile trade policies get out of hand. At the end of World War II, Japan had virtually no textile industry. They had to build a textile industry, literally, from the ground up, and we helped them do it.

We even sent a mission of some of our leading textile industry people to Japan to help them rebuild their textile industry.

This was highly commendable. It was a gesture on our part that helped Japan along the road to recovery. Today, Japan has the second largest gross national product in the free world. It is a strong and powerful nation, and much of this is due to what the United States did to help.

But by no stretch of the imagination can Japan be regarded today as a developing nation. Yet, Japan has strongly resisted any change in the trade policies we adopted in an effort to help speed Japan's postwar recovery.

Japan today accounts for roughly one-fourth of the 6 billion square yards of textile imports entering this country. The Japanese have participated in the long-term arrangement for cotton textiles, and have agreed to limit their shipments of cotton textiles.

They have entered into agreements with seven other nations covering exports of manmade fiber or woolen textiles. But they have flatly refused to enter into any similar agreements with the United States.

Instead, the Japanese Textile Federation has come up with a unilateral plan to limit exports of manmade fiber and woolen textiles. This is a totally unsatisfactory arrangement.

It is not a government-to-government agreement as has been the case with cotton textiles. There is nothing in the world to prevent the Japanese Textile Federation from backing off of the arrangement unilaterally at any time it chooses.

What is needed is a multilateral or a series of bilateral government-to-government agreements, which will place a ceiling on imports by product and by category.

There should be a provision for growth of imports when growth occurs in the American market. No one is asking that textile imports be shut off or that they be rolled back drastically.

We are simply seeking a mechanism which will control the future growth of textile imports in such a way that the American textile industry will have an opportunity to enjoy healthy growth.

In 1970, there was no growth in the American textile market. As a matter of fact, sales were down. But textile imports rose by 23 percent, just the same. This gave the exporting nations a bigger slice of a shrinking pie. It is no wonder we lost 100,000 textile and apparel jobs in 1970.

Mr. Speaker, we just cannot afford to wait any longer to find a solution to the impasse on this textile import problem.

How many more jobs do we have to lose before critics are convinced that our current trade policies are wrecking one of our best sources of employment?

How many more records do imports of manmade fibers have to set before they are brought under control?

This is a problem that just will not go away by itself. It requires action on the part of the Congress, and that is why we are here today, to call for action.

I urge immediate consideration of the legislation I have introduced, which would place fair but effective quotas on textile imports. I call for hearings on this legislation at the earliest possible time, and I strongly request that my colleagues who are gathered here today do likewise.

This is not only the fairest and most responsible course open to us; it is the only course we can take to insure that the American textile industry is not totally destroyed.

Mr. RUTH. Mr. Speaker, will the gentleman yield?

Mr. MIZELL. Mr. Speaker, I yield to the distinguished gentleman from North Carolina.

Mr. RUTH. Mr. Speaker, I thank the gentleman for yielding, and I would like to congratulate my colleague, the gentleman from North Carolina (Mr. MIZELL) for addressing himself to the subject of this special order today.

Mr. Speaker, recent reports indicate that our country is about ready to lose another war. This one is not Vietnam, but the trade war. If this battle is lost then so is America.

But I would like to limit my remarks to that portion of the trade war that already has cost industry and jobs in my State of North Carolina.

First, I would like to also point out that the textile industry is our largest employer in North Carolina. It is a billion-dollar payroll and accounts for 39 percent of all manufacturing in North Carolina. These may not be dependable statistics a year from now because of the damage foreign textile imports continue to do to our basic industry.

We still seem to be at an impasse over setting quota limits on textile imports from the Far East. While I congratulate the Japanese Government for attempting to reach a settlement, that country's plan for voluntary restraints on the importation of textiles is not acceptable, not only to me but to the textile industry and the

267,000 textile employees in North Carolina.

The Japanese Textile Federation would use the year 1970 as the year for averaging out textile imports. This was a bad year to pick for averaging out imports because by this time, cheap, foreign imports had already gained a solid hold in the marketplaces of this Nation. Equally bad is the proposal that imports would be increased 5 percent for the first 12-month period of restraint, and 6 percent for the second and third 12-month periods.

In 1970, the import figure of wool, cotton, and manmade apparel and textiles amounted to 1,153,000 square yards. The 1967–69 equivalent averaged 912,000,000 yards. That shows an increase of textile imports and why the voluntary restraints of the Japanese Textile Federation are unacceptable.

Mr. Speaker, the United States does not legislate textile import quotas. But I and the people of North Carolina believe that the time has come to do so.

Mr. JONAS. Mr. Speaker, will the gentleman yield?

Mr. MIZELL. I yield to the gentleman, my senior colleague from North Carolina (Mr. JONAS).

Mr. JONAS. Mr. Speaker, I appreciate the gentleman yielding to me.

Mr. Speaker, I am pleased to join some of my colleagues today in another discussion of the critical textile import situation. I have made many speeches in this forum in recent years on this subject, the last being delivered on June 29, 1971. But I think it will serve a useful purpose for those of us who are interested in preserving the domestic textile industry to call attention again to the need for affirmative action to curb the growth of textile imports.

I point out once more, as I have done on many previous occasions, that the domestic textile industry does not advocate building a high wall around the United States and barring the importation of textiles. All this industry seeks is a fair opportunity to compete in our own market with foreign producers who operate their plants under sweatshop conditions. The industry is not proposing a rollback of imports and is willing to share the domestic market with foreign producers on a reasonable basis. But what the industry cannot understand is the unwillingness of those not directly involved in textiles to agree that some reasonable limitation on the future growth of imports is necessary if this vital industry is to prosper.

In my June 29 speech in the House, I commended Ambassador David M. Kennedy, and his team of U.S. negotiators, for efforts they are making to work out some voluntary agreements with foreign producers to restrict the future growth of their exports of textiles into the United States. Reports indicate that Ambassador Kennedy, in each of the countries visited, made forceful presentations of the textile industry problems facing this country, and placed particular emphasis on the unemployment that is resulting from the ever-increasing flood of imports. Reliable statistics indicate that the vast buildup of imports has contributed to the loss of 100,000 textile and apparel jobs in the United States.

In North Carolina alone, where the textile industry is the largest industrial employer, we have seen 30 plants close recently. Many textile plants have also closed in other States of the Union as a result of the increasing pressure of imports.

The record shows that last year textile and apparel imports reached a record level of 4.5 billion square yards. More than half of these products come from Japan, Taiwan, Korea, and Hong Kong. Yet, with the exception of Taiwan, with regard to which Ambassador Kennedy reported that some progress had been made, the other major importing countries apparently have adopted a verv hard line with regard to proposed export restraints.

I am indebted to my friend, Morris Speizman, one of the leading textile machinery dealers in the United States, for the following information:

> The textile and apparel industry in the United States employs 2.4 million people out of a total work force of approximately 20 million manufacturing employees. In other words, about 1 in 8 of all the workers in manufacturing are directly affected by the welfare of the textile world.
>
> According to Davidson's Textile Directory, a total of 6021 plants in the U.S.A. are actively engaged in one phase or another of producing textiles for the apparel and other markets. In North Carolina, a loose census indicates there are 1041 plants of various types engaged in textile manufacturing.
>
> According to the Federal Trade Commission and the Securities and Exchange Commission, the textile industry in 1970 produced profits on sales of 2.1¢ per dollar compared with 4.1¢ for all manufacturing.

Mr. Speizman pointed out in a recent address on this subject that about a decade ago he saw the handwriting on the wall and decided that it was foolish to keep fighting foreign producers of textile machinery and decided to join them. So today his business has become primarily one of importing textile machinery from abroad. Many textile producers in this country have followed suit, and today we witness the sad fact that many domestic textile producers are locating plants abroad and exporting their products back into the United States. This results in the exportation of jobs and is contributing to the growing unemployment in the United States.

This is a trend that will undoubtedly continue unless a way can be found to limit the future growth of textile imports into the United States. The textile industry is today fighting for its life. If that life is to be saved affirmative action is imperative and soon.

The United States can no longer tolerate the situation brought about by unrestricted imports of textiles because the ever-increasing volume of textile imports is leading this country down the road to longer and longer unemployment lines.

As a part of my remarks I include the following excerpts from an important speech delivered on March 31, 1971, by Hon. Stanley Nehmer, Deputy Assistant Secretary of Commerce, before the American Footwear Manufacturers Association, in which he discusses this important subject of imports:

IMPORT COMPETITION—TODAY'S CHALLENGE FOR AMERICAN INDUSTRY

(Excerpts of remarks by Stanley Nehmer, Deputy Assistant Secretary of Commerce for Resources, prepared for delivery to the All Directors' Congress, American Footwear Manufacturers Association, Palm Springs, Calif., March 31, 1971)

Many economic theorists do not find cause for alarm over the influx of imports. To these academicians, it is simply a case of the more efficient producers competing successfully against the less efficient producers and the results of such competition are passed on to customers who benefit through a saving of purchasing power. Here I am reminded of the statement attributed to the late Lord Keynes who on having his writings subjected to criticism as "short term economics" replied that "in the long term we will all be dead."

So it is with our domestic industries and their workers who face economic distress of growing dimensions as a result of import competition. What do we tell these firms who under the impact of such competition face cutbacks in production, lower profits, and closures of plant? What do we tell the workers in these firms who face lower wages or no wages at all through layoffs or loss of jobs? For these workers the effect of import competition is to reduce or destroy their purchasing power and thereby to reduce the overall level of effective demand for all goods and services.

Many people who express concern about the adverse impact of disruptive imports on workers, firms, and industries have been labeled as "protectionists." It has been used as a term of derision by those who call themselves "free traders." The latter suggest that any action to relieve the impact of imports will lead to "trade wars" and "retaliation."

I submit that what is involved in dealing with international trade is not so simple. International trade problems are not solved by the labels of "free trade" and "protectionism" nor by threats of "trade wars" and "retaliation." We are not facing a simple choice between "free trade" and "protectionism." Neither one of them exists anywhere in the world. Every nation has its trade barriers, and some more than others. The rules of GATT—the General Agreement on Tariffs and Trade—have been observed by many countries more in the breach than in the observance.

In this connection let us not lose sight of the trade policies of the European Economic Community and of Japan. The Community has, in effect, through the proliferation of its preferential trading ties, come close to abandoning the most-flavored-nation principle that underlies the GATT. These preferential trading systems, as well as the Community's agricultural policies, are a matter of great concern to the U.S. because of the impact they have on our exports.

Japan's trade policies similarly create problems for the U.S. Japan maintains an elaborate system of controls on imports which permits imports of goods which are not produced and restricts imports of goods which compete with those produced in Japan. There are import quotas, acknowledged by the Japanese Government to be in contravention of GATT, on 80 product categories. The list is to be reduced to 40 next October 1. Among the key items of interest to U.S. exporters which will still remain under quota will be computers, integrated circuits, and several agricultural products.

It is also important to note what is perhaps the most unique control exercised by the Japanese—so called "administrative guidance." Under this approach, the close cooperation between government and business in Japan permits the government, if it so desires, to exert influence to inhibit imports. Some have referred to "administrative guidance" as the lower part of the iceberg insofar as Japan's import policies are concerned.

IV

Looking at the range of products in our foreign trade it is a little disturbing to see that even in those categories of manufactured goods that are considered "technology intensive" in which we have enjoyed a traditional surplus, there is also growing import impact. Concerning manufactured products that are not technology intensive, we have had an unfavorable trade balance that has steadily widened since the mid-1960's. These trends must give us concern.

The electronics industry is a good example of a high technology industry. In the field of components, we have been able to maintain an overall favorable balance of trade, with our exports totalling $780 million in 1970 and still moderate imports of $285 million.

On the other hand, in the consumer electronic product lines such as radios, TV sets, phonographs and tape recorders, imports exceeded exports by almost $1.3 billion in 1970. Our exports in 1970 were only $130 million while imports were $1.4 billion, up from $521 million in 1967. Last year imported radios and TV sets represented 68 percent and 32 percent of domestic consumption respectively. In the case of black-and-white TV sets import penetration is substantially higher.

In 1970 42 percent of the imported radios and 73 percent of the imported TV sets came from one country—Japan. The determination of Japanese industry to dominate the U.S. TV market is seen in the fact that export sale prices proved to be actually lower than those offered to Japanese consumers in the home market, as the recent U.S. Treasury Department finding of dumping revealed.

Turning to goods that have a smaller technology content and are more labor intensive, we see an even more disturbing trend of a widening gap in an already deficit trade position. Textiles and shoes are prime examples: United States' imports of textile and apparel products in 1970 reached 4.5 billion square yard equivalent—an increase of 72 percent over 1967. Imports of man-made fiber textiles and apparel rose to 2.8 billion square yards—54 percent greater than the amount imported in 1969 and an increase of some 195 percent over 1967. In 1970, we had an unfavorable trade balance for textiles and apparel made from cotton, wool, and man-made fibers of almost $1.3 billion, up from just under $1 billion in 1969. The textile and apparel industry employs about 2.3 million workers, one out of every eight in manufacturing, throughout all 50 states, an employment figure which was 100,000 higher at the beginning of 1970. About 550 apparel and textile plants closed in 1969 and 1970, many of these as a result of the impact of growing imports.

These are some of the factors that have influenced this Administration to take strong steps—including Presidential support for legislated import restraints on textiles and apparel—to provide meaningful solutions to the import problem. The Administration has not supported similar legislation to restrict footwear imports, but it is no less concerned over the general welfare and future of the footwear industry, whose importance within the U.S. manufacturing structure is certainly recognized.

On the opening day of the current session of Congress, the chairman of the House Committee on Ways and Means, who steered through the House of Representatives last year a reasonable bill designed to regulate and stabilize the growth of textile imports, reintroduced that bill. It is my understanding that this bill languishes in the Ways and Means Committee. I strongly urge this committee to bring that bill to the floor for House action as soon as possible after we return from the August recess.

Mr. LENNON. Mr. Speaker, will the gentleman yield?

Mr. MIZELL. I yield to my distinguished colleague, the gentleman from North Carolina (Mr. LENNON).

Mr. LENNON. Mr. Speaker, I want to commend my colleague, the gentleman from North Carolina (Mr. MIZELL), for reserving this time for a discussion of a matter that is of tremendous economic importance to so many employees in the textile industry in North Carolina and throughout the Southeastern United States.

Mr. Speaker, I share the concern of many of my colleagues over the constant rise in textile imports, and I would like to point out some of the more salient facts associated with textile imports.

In January 1970, we had about 1 million textile mill workers in the United States. In the apparel and related-products industry, there were about 1.42 million employees. In April of 1971, the Bureau of Labor Statistics reported 942,000 textile mill employees and 1.39 million employees in the apparel and related-products industry. These figures represent a loss of about 58,000 jobs in the textile mill industry and a loss of about 30,000 in the apparel industry within a 16-month period.

During this same time, imports of bulk and finished textile products reached 3.6 billion square yards in 1969. In 1970, textile imports rose to 4.4 billion square yards, and based upon the imports of the first 3 months of 1971, it is projected that approximately 6 billion square yards will be imported this year. This will represent a 40-percent increase over the 1969 imports.

Sales of textile and apparel products were in excess of $44.6 billion in 1969, and fell to $43.6 billion in 1970, for a billion-dollar loss in sales.

Our textile industry has suffered drastically and unfairly by import competition, and we must correct the situation consistent with the best interest of our Nation.

The preponderant portion of the textile industry is located in the Southeastern United States, but there are approximately 2.4 million jobs in the textile and apparel industries scattered throughout the country. It is one of the 20 major industries in the United States. Loss of sales and jobs in this industry results in an adverse impact on other industries and becomes a national rather than a sectional problem.

There are strong arguments for free trade throughout the world. However, we must protect those industries which are in financial jeopardy due to unrestricted imports. Just as in the shoe industry, voluntary curtailment of imports could be arranged which would promote a more orderly world textile industry. However, the failure of our lengthy appeals to the Japanese, the largest importers, demonstrates that legislation to achieve a fair and reasonable solution to the problem is required.

Mr. Speaker, the General Assembly of North Carolina recently memorialized the President and the Congress to restore order to international trade in textiles and apparel, and I would like to include their resolution which relates the serious economic consequences of foreign imports in my State:

GENERAL ASSEMBLY OF NORTH CAROLINA—RESOLUTION 46, HOUSE JOINT RESOLUTION 574

A joint resolution memorializing the President and the Congress to take steps necessary to restore order to international trade in textiles and apparel and commending the President for his rejecting the unsatisfactory Japanese proposal to unilaterally restrain textile exports to the United States

Whereas, the importation of textiles and apparel from foreign nations is seriously undermining the whole economic structure of the State of North Carolina, and

Whereas, thousands of North Carolinians have lost their jobs or, because of short-time operations, are earning below their normal wages, and

Whereas, the revenues of the State are seriously jeopardized, which may result in a decrease of services, thereby affecting all citizens in the State, and

Whereas, foreign competition markets its textiles and apparel in this country under conditions which are illegal in the State of North Carolina and the United States, and

Whereas, the Japanese have offered a most unsatisfactory proposal to restrain, unilaterally, its textile and apparel exports to the United States, and

Whereas, the Japanese proposal has been rejected by the President of the United States, by many Members of Congress, including Senators and Representatives from North Carolina, by the American Textile Manufacturers Institute, by the North Carolina Textile Manufacturers Association, by numerous newspaper editorials, and by many others, and

Whereas, the textile markets of the United States are virtually wide open to foreign imports while many of the governments representing the major textile exporters to this country rigidly protect their own markets against American textile exports, and

Whereas, in the United States we have numerous laws and regulations which affect the cost of American textiles while our foreign competitors are not subject to any such regulations by their governments, and

Whereas, the recent Japanese offer is based upon imports at the highest level in history, and

Whereas, the Japanese plan destroys the vitally important concept of categories and government-to-government agreements, and

Whereas, the percentage growth rate under the Japanese proposal would be nearly double the percentage growth rate of the American textile industry since World War II, and

Whereas, the Japanese proposal would undercut the long-term arrangements on cotton textiles that have been in effect for ten years, and

Whereas, the wages in the American textile industry are approximately two dollars an hour more than they are in the Japanese textile industry, with the difference being considerably more in some other Asian nations, and

Whereas, the General Assembly and the people of North Carolina are not willing to see these most unfair conditions continue to weaken their largest industry which, together with its numerous suppliers and related industries, have been good responsible corporate citizens over the years, and

Whereas, these unfair conditions have largely been created by a combination of policies of our Federal Government: Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That the General Assembly of North Carolina respectfully memorializes the President of the United States and the Congress of the United States to do all in their power, through legislative and administrative action, to see that order is restored to the chaotic textile and apparel import situation; and

Sec. 2. That the General Assembly of North Carolina express to the President of the United States its appreciation for his forthright statement in which he rejected the recent Japanese proposal and gave strong support to the textile quota legislation (H.R. 20) now pending before the Congress, and, also, express to the Members of the North Carolina Congressional Delegation, and other Members of the Congress who continue to work for a solution to this problem, its deep appreciation for their dedication to this vital effort; and

Sec. 3. That copies of this resolution be forwarded to the President of the United States, the Chairman of the House Ways and each Member of the House of Representatives from North Carolina, the Secretary of Commerce, the Secretary of State of the United States, the Chairman of the House Ways and Means Committee, the Chairman of the Senate Finance Committee, the Clerk of the United States Senate, and the Clerk of the House of Representatives of the United States.

Sec. 4. This resolution shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1971.

H. P. Taylor, Jr.,
President of the Senate.
Philip P. Godwin,
Speaker of the House of Representatives.

Mr. GAYDOS. Mr. Speaker, will the gentleman yield?

Mr. MIZELL. I yield to the gentleman from Pennsylvania.

Mr. GAYDOS. Mr. Speaker, I thank the gentleman for yielding for a few remarks on the import problem, particularly as it relates to the steel industry and the voluntary restraint arrangement, which expires at the end of the year.

I will not go into detail about that arrangement. It will suffice to say it has not been satisfactory, in its present form, to the steel industry or its workers. They have appealed to the Government for assistance in protecting their markets and their jobs. They want help either through a new and meaningful voluntary arrangement or, if necessary, through legislated quotas.

Congress has responded to their pleas. The entire Pennsylvania delegation in the House expressed its concern over the import penetration into steel markets last month when it cosponsored the Steel Trade Act of 1971. Just last week identical legislation was introduced in the Senate.

On the other hand, the State Department, which negotiated the existing voluntary restraint arrangement in 1968, has been holding discussions with major foreign steel producers in an attempt to obtain a more satisfactory limitation on goods they ship to the United States. There has been considerable speculation as to what has been achieved to date.

Tuesday morning, I had my office contact the State Department to obtain a legitimate status report. I thought my colleagues would be interested to know just where we stand, in view of the fact the present arrangement has less than 4 months to run.

I was informed that Mr. Nathaniel Samuels, Deputy Under Secretary of State for Economic Affairs, had just presented Mr. Tad Yamada, representative of the Japanese steel industries, with the latest proposals from our steel people. Mr. Yamada, I understand, will give the proposals to Mr. Inayama—In-e-ama—chief negotiator for the Japanese and the man who spearheaded the 1968 negotiations. Mr. Samuels has said he is anticipating the Japanese reply in the near future.

Because of the importance of the negotiations now underway, I don't think it necessary to reveal details of the various proposals. I would not want to jeopardize any progress in the discussions; nor comment on them until after we have a concrete arrangement. I believe I can say, however, that there has been progress although there are certain areas of complication, particularly in regard to specialty steel imports, which need to be resolved.

The steel industry, as you may have read, is seeking a rollback on tonnage and reduced annual growth in imports from the present 5-percent rate. Japan, according to Mr. Samuels, recognizes that something must be done in both areas but specific levels are still under discussion.

On the other hand, European manufacturers are reported to be adamant in their opposition to a reduced growth rate. They want to retain the present 5-percent rate; free access to certain domestic markets, such as welded pipe. I understand Europe also wants restriction on U.S. exports and built-in safeguards to reopen the arrangement with the United States should Japan begin to substantially increase its exports to Europe.

One of the greatest problems, I would think, in these discussions is the problem of enforcing the provisions as well as the intent of any voluntary arrangement. The intent, if not the provisions, of the existing arrangement was drastically violated in the area of specialty steels. You will remember the limitations contained in the arrangement were on tonnage, not dollars. While the parties to the arrangement may have stayed close to their tonnage limits, they began shipping huge quantities of specialty steels although they had said they would try not to change the mix of their products "too greatly."

The United States has no recourse, legally that is, to correct the circumvention of the arrangement. Nor will it have any legal recourse under the new arrangement, except through legislation by Congress. In other words, mandated quotas.

The new arrangement, if the State Department is successful in its discussions, will still be a voluntary one. It will still be based on the word of the producers party to it. They, and they alone, will decide whether or not they will live up to the spirit as well as the letter of the arrangement.

If they do not, it is apparent the final solution lies with the Congress. The Steel Trade Act may yet prove to be the answer to predators who prey on the international market.

I would also like to congratulate my colleagues who have also reserved time to discuss this critical situation in the textile industry here today, as well as for the efforts and the contribution that they are making to this very important segment of our American industry.

Mr. PREYER of North Carolina. Mr. Speaker, since World War II the United States has espoused a strong policy of "free trade." Undoubtedly, this policy has helped our economy to develop to the extent that we are the world's No. 1 economic power by a notably wide margin. We have maintained the lowest trade barriers in the free world, and we have done so at a time when the best market in the entire world is unquestionably the United States.

In the light of this background the recent discussions of textile and apparel quotas have been met with screams of "protectionism" and "retaliation." Are these emotion-ridden slogans helpful in the analysis of this most critical and complex of problems? Certainly they are not. To jump from "free trade" as a basic assumption to the conclusion that textile quotas would be a restraint of "free trade" is wholly illogical syllogism. The truth is that our trade relationships with Japan and, perhaps to a lesser extent, other textile importers is anything but a model of "free trade."

Japan simply is not playing by the same rules. We are asking our textile companies to compete with foreign manufacturers whose practices would be sharply curtailed by antitrust laws, if exercised in this country. Nor is the classical "free trade" model applicable because of discrepancies between the United States and its competitors in the area of labor costs coupled with the standard of living they support, and because of the social consequences of the rapid destruction of large segments of our textile industry. Of the scores of textile plants that have closed down over the past 2 years, most were located in small towns and were employers of workers who have traditionally been old, poorly educated, low skilled, women—many of whom are married—cutting down on their mobility—and blacks. Twenty percent of the textile workers in North Carolina alone are blacks. These workers do not compose a good example of a mobile working force. These small towns may have little if any other industry so these poorly educated minority groups just do not have the job mobility that the comparatively high turnover of textile workers might indicate to the too casual observer.

Every college freshman in America studying economics is quickly introduced to the "free trade" doctrine of Dr. Paul Samuelson and his peers. Since the end of World War II the United States has encouraged a free flowing world market. Such an approach to foreign trade is the healthiest to pursue over the long run, or the short run for that matter. Everyone benefits from a truly free trade situation, so the argument goes; individual countries can concentrate on those products which they can most efficiently produce; this more diverse competition of a world market gives the consumer a wider range of goods and at prices kept as low as possible through the theory of supply and demand.

The question I would like to raise at this point is "What, if anything, should be done about the dramatically increasing textile imports, most notably from Japan?" Ostensibly, our old friend the "free trade" doctrine would force us to conclude that our textile industry should fend for itself; if some other country can produce the goods more cheaply, then we should give our consumers the benefit of the bargain. For the sake of argument I will agree with this conclusion, though I feel that regardless of the free trade doctrine we must keep some degree of textile production, limited though it may be, in this country for reasons of national security and to keep the prices of foreign imports "honest."

But the real problem facing the American textile industry from Japan is that they are not playing by the same rules. Consequently, I strongly believe that this drastic influx of Japanese imports is not a true model of the "free trade" doctrine at work.

Those who disagree point to the low number of complaints of "dumping" filed with the Bureau of Customs and simply assume that there is no "dumping"; that if "dumping" did exist it would have been proven. This is a dangerous and foolish conclusion to make. The very nature of Japan's business organization makes cost comparisons extremely difficult to calculate. And even if pursuant to a complaint filed with the Bureau of Customs, it can be shown that a Japanese corporation is selling its goods more cheaply here than in Japan, there is no penalty imposed on them. They must pay a duty in the future to make up the difference. Or in the complaint involving televisions this past year, the Japanese firm was able to expand its rates to the United States so much that by the time dumping was proven, the Japanese firm simply reduced its home market prices. Consequently the American television complainant won his case but it was a hollow victory.

However, the practice of dumping itself is not the major threat to the textile industry. Rather, it exposes the real problem: a textile company in Japan can produce goods at significantly lower costs than it could in the United States. In essence, we are asking our domestic corporations to compete in a world market system that we would not allow to exist on the domestic scene. To be more specific, there is, at this moment, an injunction preventing America's largest textile manufacturers from acquiring any more textile subsidiaries. Our Government has concluded that these companies are as big as they should get in the textile field. But at the same time, these companies along with the rest of the industry must compete with a company many, many times larger than the largest textile corporation in the United States. I am speaking of Japan Incorporated.

Obviously Japanese firms are not government owned, but they are in close partnership with the government, which gives them low-cost financing. It also regulates its exports to a large degree, giving specific companies certain amounts of Japan's exports to the United States. Thus, we are saying that our companies must respect the antitrust laws, but that foreign companies, which are operating with no such restrictions and are selling in our country, find themselves immune from any consequences of these practices.

Of course, there are several other reasons for lower-cost production in Japan. Probably the most cited is the higher cost of labor in the United States, for despite the greater productivity per man hour in the United States, this margin is not large enough to compensate for the tremendous difference in wages.

Let us assume that a Japanese corporation has captured a large segment of the textile market in this country. More specifically, let us assume that all synthetic carpeting sold in this country is imported from the Far East, and that most of it comes from Japan. Let us further assume that it is 1975 and that this development in imports has been in the making since approximately 1965. What have the consequences been during this transition?

The American companies have had to tighten their belts a little. The smaller companies simply dissolved their business; those who were able, shifted to a different line of production, adapting their machinery where possible and the larger firms liquidated their related subsidiaries and either reinvested the proceeds here in the United States or perhaps in textiles overseas.

What has happened to labor? Assuming that the carpeting industry in this country was representative of textiles as a whole, then the pattern went like this: Most of the workers were either old, women, low skilled, poorly educated and/or part of the growing percentage of blacks. It seems obvious that as a group, these people are simply not a mobile work force, especially in a turndown economy. When they lost their jobs at the carpeting plant they left the work force and many joined the growing ranks of unemployed and welfare cases.

The blacks were particularly hard hit. According to the Labor Department in 1964, 5.5 percent of the textile workers were black; in 1970 the figure was 14 percent. Many of these workers joined the work force for the first time when they started in the textile plants. Now they are out of work and poorly prepared for any other type of work. Because of their lack of seniority these black workers were also among the first to go in those plants, which stayed open but were forced to cut back production.

Besides putting many blacks in the work force for the first time, men in the Labor Department credit this increase in black textile workers with having helped to stem the emigration of these people from the South—where most of this Nation's textile production is located—to the Northern ghettos.

We are not talking about just a few workers. Between January 1970 and June 1971 the number of textile workers dropped by more than 100,000. Undoubtedly the downturn in the economy is partly responsible, but considering the extent that Japanese imports have increased each year over the last several years, the imports are definitely a major contribution to the problem. United States imports of textiles amounted to 1 billion square yards in 1959, but by 1970 this figure had more than quadrupled to 4½ billion yards. First quarter imports for this year were up 38 percent over the same period in 1970.

What happened to the consumer? At first he got his carpeting much more cheaply. But later after the U.S. firms stopped making synthetic carpets the prices really inflated. No one in the United States would go back into such carpet manufacturing to force a moderation in prices since they could be forced out of the market again. In essence we would protect our consumers from domestic monopolies but leave them at the mercy of a foreign located monopoly.

This is really just the trip of the proverbial iceberg. But I hope it will help to get us past the stage of sloganism. Merely placing the labels of "free trade" or "protectionism" on different aspects of this import problem gets us nowhere and actually prevents us from analyzing the problem intelligently.

If we are to maintain a viable textile industry which employs 2.3 million workers, many of whom are too poorly educated or limited geographically to work in other industries, we must put some form of a quota system on textile imports. This can in no way be viewed as protecting a "fat cat" industry. The American textile industry is by far the most efficient and productive per manhour in the world.

The highly competitive domestic producers are responsible for increasing the productivity even more; the 10 largest textile companies produce only 25 percent of all textiles made in this country. Since 1957 the hourly wage index went up 58 percent but wholesale prices are virtually unchanged. While many technological advances have been made, technology in textiles as well as other industries has been spreading around the world at a rapid pace. Even if we innovate here in the United States that innovation is quickly copied elsewhere.

This shrinking edge in technology coupled with the wide discrepancy in hourly wages is producing nothing less than a full crisis in the United States. In 1960 the average textile wage in the United States was $1.61 while in Japan they were $0.17. In 1970 the figures were $2.43 and $0.45 so that the gap has actually widened from $1.44 to $1.98.

The social consequences alone make the destruction of our textile industry unacceptable. Just when thousands of blacks were starting to enter our economic system for the first time they are thrown out of work.

Mr. PATTEN. Mr. Speaker, in the past decade, over 60,000 textile workers in New Jersey lost their jobs because of the severe impact of textile imports.

We all know about the great competitive advantages that foreign nations enjoy in wages, material costs, and in general working conditions. For example, textile workers in America earn over $2.50 an hour, but in Japan, they receive only about 50 cents an hour.

The Middlesex County, N.J., area, I represent in Congress contains several major chemical firms whose prosperity depends on the vigor of the American textile industry. These chemical firms produce a substantial amount of apparel-related items and are being seriously hurt by the growing number of textile imports.

Congress should take legislative action now to protect our textile workers and firms from the mounting threat of textile imports. I think that a realistic solution is to establish quotas that will help protect American workers and plants from this foreign competition which has such a great competitive advantage. I also favor free trade, but when we are being seriously affected by foreign imports, we should not ignore our own people.

Mr. HATHAWAY. Mr. Speaker, the textile industry in the State of Maine as well as the rest of the Nation continues to suffer because this body has not yet come forth with an effective means to control the large import flow. Talks continue in the Far East but they remain unsuccessful. In the meantime textile imports are increasing at an accelerated pace—a pace which is deadly to our Nation's textile industry.

Textile industry employment has trended downward, generally, since the second quarter of 1969. according to the American Textile Manufacture's Institute. By April of this year, the number of employees on textile payrolls had declined to a seasonally adjusted 944,000. This was 59,000 fewer than were employed 2 years earlier. The April employment figure was up slightly from March, 0.3 percent, but was 3.6 percent below the same month in 1970 again according to the American Textile Manufacturer's Institute. In 1970, production dropped 3.5 percent, sales 0.5 percent, profits 31 percent, and employment 3.3 percent.

The Maine textile industry has suffered a great deal from the flow of these foreign imports. Our most recent loss in this economic crisis was the closing of the Hill Division of the Bates Manufacturing Co., in Lewiston which was reported to you by me on the House floor on March 31, 1971. Many more textile plants are awaiting action by this body while remaining in an unsound financial condition. The people of Maine and the Nation are demanding action. They cannot wait any longer for this body to take positive action. Mr. Speaker, I will ask again as I have many times in the past, that the current Congress support import quotas to protect our vital textile industry. Unilateral action by the United States is the only way to save the American textile industry. The condition of this industry is such that we cannot wait for rhetoric promising action which is coming from the Far Eastern talks. Countless numbers of men and women who have spent a lifetime in this industry are awaiting our action. Our positive action will save thousands of jobs. These people deserve our immediate attention.

Mr. BOW. Mr. Speaker, I second the statement by the distinguished gentleman from North Carolina with regard to the textile situation and the growing threat of imports.

As I have said repeatedly over the years, the time has come when the Congress must reassume its constitutional obligation "to regulate commerce with foreign nations." For the past 35 years that authority has been delegated to others with disastrous results to the American economy and the American workingman.

The difficulties that beset the textile industry are well known to most Americans. They have been described in accurate detail by the gentleman this afternoon.

I have constituents who feel the impact of the textile problem.

Also, I have constituents, many of them, who are feeling increasingly the damaging effects of competition in steel, steel specialty products, electronic products, parts and components, rubberbands, flatware, ceramic tile, ferro alloys, automobiles, roller bearings, vaults and safes, shoes, handtools, cheese and dairy products, and many, many other products including the latest to come to my attention—the porcelain insulators used on high tension electric powerlines. Foreign producers have taken over half the domestic market for these insulators in a matter of 2 or 3 years.

Mine is a district of highly diversified industries. The China and pottery industry has already been destroyed by cheap foreign imports. Others will be unless something is done and swiftly. If there is any product in my district not already adversely affected by our foreign trade policies, I confidently expect in the next few days or weeks to hear that it is under siege.

I commend the gentleman from North Carolina for the excellence and timeliness of his statement today, and assure him of my unqualified support in his efforts.

Mr. GOODLING. Mr. Speaker, I will not burden the record with statistics on imports of textiles, for I am certain that other Members will provide these data. It is a well-recognized fact that textile imports are at a level where they are imposing a severe economic strain on our domestic textile manufacturers. I would also like to point out that American footwear manufacturers, a substance of which are located in my congressional district, are confronted with the same problem that torments our makers of textiles.

These imports are pressing our textile and shoe manufacturers against the wall, because, while the price of these imported commodities is lower than the American charge, the quality of the materials essentially is the same. The lower price results from the fact that the imports are made with low-wage labor, while the machinery used in the manufacturing process is as efficient as that used in the United States.

For those who contend that the American consumer benefits from these imports of textiles and footwear, I would like to point out that the consumer does not always benefit from these low-cost imports because, in many instances, the retailer sells them for a price identical to that of the products made in the United States.

There is a vital need for legislation designed to control imports of textiles and footwear so that American industries engaged in these businesses are not forced out of business and workers are not put out of work. Such legislation should provide for a schedule of quotas when imports are of such a volume as to harm our home manufacturers of these commodities.

I would like to make it clear that our textile and shoe manufacturers do not fear fair competition in the marketplace. They are, in the American tradition, eager to compete under conditions that are equitable in all aspects. They do, however, abhor unfair competition occasioned by dismally low wages paid to some workers in textile and shoe plants abroad. The importation of these low-priced commodities, predicated on substandard wages, is unfair not only to our American manufacturers of these goods but also to the workers abroad employed in these sweatshop operations.

This importation of textiles and shoes also involves another matter of vital importance to the United States, and that is our balance-of-payments posture. An unfavorable trade balance would promote a lack of confidence in the American economy, visiting negative effects on U.S. commodities in general.

There is some dismal evidence that we are now standing on the threshold of such an unfavorable trade balance, because our merchandise exchange balance for June 1971 was in the red by $362.6 million, and this was the third month in a row that the U.S. Department of Commerce had reported a deficit. There was a deficit of $205 million in May and $233.5 million in April 1971. In June 1970, there was a healthy balance of trade surplus of $361.7 million. For the first 6 months of 1971, the total deficit was $372 million, as contrasted with a $1.5 million surplus for the comparable period in 1970.

It is apparent that something needs to be done to correct these obviously negative economic circumstances. I strongly urge that serious consideration be extended by the Congress to import control legislation for textiles and footwear.

Mr. WAMPLER. Mr. Speaker, the U.S. textile industry is in trouble. Producers point to the growth rate of imports with alarm. Free trade, or low tariff policy, has had serious repercussions. Dozens of industries are urgently asking for protection in terms of higher tariffs.

I am convinced that excessive imports of textiles are causing widespread damage and that the American textile industry and its employees are faced with a fundamental threat to their future.

Foreign producers of textiles pay wages only one-fifth the rate paid workers in this country. Even after including shipment costs, fabrics are often half as expensive as their American-made equivalents. This difference allows retailers to hold to extremely high profit margins and still sell the foreign textiles for less than the American product.

The biggest stakes in this situation are the well-being and living standards of over 2 million citizens employed in the textile industry and millions more in related industries. Even more, the very existence of their jobs and the solvency of thousands of small firms are threatened.

The old longstanding contention of free trade economists, that foreign competition is needed to help keep prices charged by domestic manufacturers "in line," is entirely unjustified. Competition from thousands of domestic producers in all segments of the industry is so severe that foreign competition is not now, and never has been, necessary to keep prices competitive.

I realize that the President, and many of my colleagues, support the free trade concept. I, too, advocate an orderly sharing of our domestic markets with friends abroad. But textile imports present a unique problem. Most exporting nations do not permit imports. Trade which goes only one way, and which destroys jobs and working conditions, cannot be defended. It is particularly vital to our Nation, in this time of economic distress, that our policy on textile imports be altered to lessen their impact on our domestic producers of textiles.

Mr. QUILLEN. Mr. Speaker, this whole matter of textile imports boils down to a question of priorities.

We are in the midst of a major economic downturn in this country. Unemployment is up. Investment in new plants and equipment is flat and our traditional favorable balance of trade has disappeared.

All of these factors are closely related to our international trade policies. These trade practices simply are not serving the best interests of our country, and as a matter of fact, they are aggravating an already serious economic downturn.

There is no area which better illustrates the futility of our trade policies than our international trade in textiles.

When the Commerce Department announced recently that this country was facing an international trade deficit for the first time since 1893, it made big headlines. But we have had a textile trade deficit every year since 1957. The trade gap grows wider each year, and in 1970 was a staggering $1.6 billion.

The deficit has grown particularly fast since 1967. In that year, it was $801 million, and it has doubled since then.

The result has been a decline in employment, earnings and investment in new plants and equipment. In 1970, alone, textile and apparel employment fell by 100,000 jobs. Plant and equipment expenditures were at a 5-year low, and sales were below the previous year.

At the same time, textile imports increased by 23 percent.

The time has come to reappraise our international trade policies in the light of urgent priorities here at home.

The textile industry is one of the cornerstones of our economic structure, because it provides one in every eight of our manufacturing jobs, about 2.3 million jobs presently. These jobs are spread across a wide geographic area, and in most cases are located in small towns, where the industry is the major or only manufacturing employer. It provides jobs for people with all types of skills, from very limited skills through highly trained computer experts, chemists and engineers.

We need more jobs in all of these areas if we are to continue the economic growth, which has made ours the wealthiest country in the world.

Through the years of sustained prosperity, we have made a major contribution to the economic development of the less prosperous nations of the free world. While this has been a healthy thing for all concerned, we cannot continue these policies at the expense of economic growth in our own country.

No one is asking that textile imports be stopped. But unbridled growth cannot be tolerated, either. We simply must slow down the rapid rise of imports in the interest of employment and economic growth here at home.

Mr. HUNGATE. Mr. Speaker, this is not the first time we have confronted the problem of the adverse affects foreign textile imports are having on our own textile industry.

We have heard and we have seen the evidence of suffering at all levels of the industry—from the great monetary losses of companies to increasing job terminations at all levels of employment.

I can tell the hundreds of concerned citizens in my congressional district who have written me that I have continually supported and sponsored legislation to stop the flooding of the U.S. market with cheap imports produced under conditions that would not be allowed in our Nation. But, what reason can I give them for Congress delaying passage of such urgently needed legislation to protect our textile workers?

We have talked about these problems before in the Congress, but I believe it is certainly the time to take positive and responsive action to rectify this injustice to so many Americans. It is our responsibility to protect the men and women of the textile industry who are only asking for a chance to be secure in an honest day's work. And, is this too much to ask when they are the ones who, without a choice, must carry the greatest burden in the present economic crisis.

In behalf of these men and women and their families, I appeal to the Congress to take action to remove the specter of unemployment and halt the export of jobs.

Mr. BARING. Mr. Speaker, I have spoken out in the past about my fearful concern for the American trade market. I do so again today, along with many of our fellow colleagues on the subject of textile imports—woolens and worsteds from foreign nations which are seriously degrading the American wool-producing and manufacturing industry with American jobs disappearing.

Two years ago, when I spoke in this House Chamber about the growing need at that time for a more equitable and protective trade legislation by this country to protect America's economic interests, and that the State Department and the Commerce Department were not paying attention to what I called and still do, "intemperate tariff reductions."

At that time, September of 1969, I also stated:

> The other countries, the leading industrial ones, have been overrunning our market at will. Japan, Canada, and West Germany have turned their trade deficits with us into fat surpluses.

Mr. Speaker, I see no change necessary in that statement today and it still holds true for 1971 with woolen imports alone reported to be accounting for more than one-fourth of the American textile market for woolens and worsteds.

Statistics from the American Textile Manufacturers Institute state that in 1961 textile imports, overall, were 956 million square yards. In 1971 they had grown to 4.5 billion square yards. This is an alltime record level, according to the institute, which also adds that similar growth has taken place in the area of woolen imports which amounted to 85 million square yards in 1961 and had grown to 168 million square yards today, 1971.

Another fact that is bearing down hard on the textile industry is the attack on the raw-wool-growing industry by the rapid growth of manmade fiber textile imports.

The Institute says today that the manmade fibers yarns and fabric blend with wool and other products. The most rapid growth is taking place in the area of manmade fiber textiles, which in 1971 are five times their 1961 level.

The State of Nevada, which I represent, is one of the large wool growing States which is being severely affected economically at the markets by the deplorable import problems which are directly affecting every State.

The country is experiencing a drop in the purchases of raw wool as a result. This fact is forcing the closing of wool manufacturing companies as well as hitting hard at the livestock industry.

The administration talks about expanded trade programs for the United States. But, I ask, Expanded trade for whom? We are already giving away billions of American taxpayers' dollars in the form of goods and services in the various rotten foreign aid programs of the United States. Why should we also give away American jobs and industries to the foreign countries?

I would also like to point out, Mr. Speaker, that in 1962 when the Free Trade Act passed this House, I voted against it and predicted that the act would result in overwhelming numbers of foreign goods, produced by low-wage foreign labor, coming into the United States and underselling American-made products to the serious economic detriment of the American manufacturing community and resulting in a huge U.S. trade deficit.

Mr. Speaker, this is exactly what has happened and it is crystal clear to me that the United States is facing the worst trade deficit in over 70 years.

I urge the Members of the House to take on the task of trying to halt the spiraling imports.

Mr. KYROS. Mr. Speaker, I wish to associate myself in the concern expressed by so many of my colleagues today in regard to the special problems encountered by the total textile industry. This encompasses all facets of the wool, cotton and manmade fiber sectors as well as the apparel industry.

The problem of excessive and hence injurious textile imports touches all of us because the 7,000 textile and the 27,000 apparel plants are to be found in all the 50 States. The total industry contributed over $25 billion annually to our gross national product. One out of every eight manufacturing workers in the United States of America is employed in the textile industry—a total of 2.4 million workers. Yet last year there was an attrition rate of 3.6 percent in this work force—a total of over 86,400 positions were displaced, unemployed, or in fact eliminated.

The question is: Why were they eliminated? We are supposed to be living in an expanding economy, increasing population and rising demand. They were eliminated because of ever-increasing textile imports from low-wage countries. My own State of Maine has been particularly hard hit in this area. Ten years ago total textile imports approximated scarcely a billion square yards—by 1965 this total had doubled; yet by 1970 the total was over 4.6 billion square yards. Conceivably this means that we have exported over 300,000 jobs in the textile industry. The flood of imports has caused the closing of over 60 textile plants and 100 knitting mills; several of these were located in my own State.

We are told that our textile negotiators are unable to get major textile exporting nations voluntarily to curb their exports to us. It is time that we come to the support of this nationwide industry. Certainly a new trade bill should be fair to all industries. By firm action here in Congress we can impede the injurious flow of textiles into our markets and put ourselves back into a bargaining position of "fair" trade with all nations.

Mr. SPENCE. Mr. Speaker, I commend the gentleman from North Carolina (Mr. MIZELL) for taking this time to spotlight the increasing difficulties facing our domestic textile industry. As the gentleman well knows, the economy of my State is also heavily dependent upon a healthy textile industry and I am pleased to associate myself with the remarks which he and others have made here this afternoon.

Mr. Speaker, the United States is rapidly losing its position of leadership in world trade. We are losing it because we have refused to come to grips with the realities of the world as it exists today. Instead, we have kept our head in the sands of an outdated trade policy while the rest of the world has passed us by.

This is a problem which can no longer be ignored. The Secretary of Commerce announced last week that for the third straight month our balance of trade, that is, our imports versus our exports, was a deficit. And furthermore, he stated that there is a good possibility that in 1971 we may have the first yearly trade deficit since 1893.

If this situation continues, if we continue to import more than we export, the dollar will be in serious danger as an international currency. Furthermore, we will find it increasingly difficult to live up to our international commitments if our trade balance, which has been the means by which we financed many of our overseas activities, continues to deteriorate.

As a representative of an area with a high concentration of textile manufacturing, I have firsthand knowledge of what a runaway imports situation can do to a domestic industry. We have been running a textile trade deficit since 1957. Last year the textile trade deficit amounted to a whopping $1.6 billion.

There has been a small rise in textile exports in recent years, but this huge deficit has developed primarily because of the virtually unregulated growth of manmade fiber and woolen textile imports.

Textile imports have more than doubled since 1967, and they are six times greater than they were 10 years ago.

As a result, textile employment has failed to keep pace with the rest of the economy. It has actually declined in recent months. Profits and earnings are off, and capital spending has been in a sharp decline.

The situation in textiles and other products has become so bad that many of those who are dedicated "free traders" are starting to have some second thoughts. The Washington Star, which has been critical of efforts to control textile imports in the past, pointed out in a lengthy editorial last Sunday that the U.S. international trade situation is deteriorating rapidly. It called for a reevaluation of some of the policies which are aggravating this situation.

I sincerely hope that we do not have to sacrifice hundreds of thousands more jobs before more people come to the realization that our trade policies are contributing heavily to the deterioration of our large job-producing industries.

Mr. NICHOLS. Mr. Speaker, I approach my colleagues today to discuss the textile import situation, a situation which is becoming increasingly critical with each passing month. Let us first look at a few simple facts which amply show why the U.S. textile industry and its 2.3 million employees are in such a serious predicament.

In 1970, imports of textile and apparel reached an alltime high of 4.5 billion square yards. At the same time this record-level import situation was occurring, textile and apparel employment declined by 100,000 jobs, and sales, profits, and capital investment in the textile industry were markedly off. In 1970, the House passed a bill encouraging negotiated agreements; similar legislation was approved by the Senate Finance Committee but Congress adjourned before the bill could be brought to a vote.

The Nixon administration had been trying to obtain a voluntary, negotiated agreement with the Japanese Government to control Japanese exports which account for approximately one-fourth of the U.S. textile import market. On March 8, 1971, the Japanese textile industry announced a unilateral, and I might add, wholly unacceptable "declaration of intent" to voluntarily restrain imports to the United States. Japan then promptly terminated its negotiation with our Government.

The time, I say quite frankly, has come to face the textile import problem squarely. Fifty textile mills have closed in the last 18 months, three of which are in the Fourth Congressional District which I represent. The town of Roanoke, Ala., has seen its two largest employers, Handley Mills and Rolane Mills, close down putting nearly 1,200 persons out of work, and Childersburg, Ala., has seen Beaunit Mills close also putting 850 persons out of work. I say that it is time to understand clearly the human factor involved. The Congress must pass this session a textile trade bill to limit this unending flood of imports which is causing more and more textile mills to close their doors. We already have an unacceptable national unemployment rate of 5.8 percent. How much higher is the Congress willing to see this figure go? I strongly urge action on this matter, this session, without delay. As elected Representatives of the people, we have been sent to Congress to represent the interest of the people of the United States, not the Japanese textile industry. I, for one, am not willing to sit idly by and watch the textile industry and its 2.3 million employees destroyed in such a senseless fashion.

The U.S. textile industry is the most competitive major industry left. However, in Japan, cartels and monopoly are actually encouraged by the Japanese Government. Thus low wages can be paid to Japanese textile employees and low-priced products can flood our markets, bringing the textile industry to its knees; and this is already happening. The Sherman and Clayton Antitrust Acts do not apply to the Japanese, of course, and thus the leaders in the Japanese textile industry can meet and raise prices in a freewheeling fashion without any regard to our antitrust laws. Are we to continue to permit this to happen? I say, "Absolutely not."

Mr. Speaker, we are thus faced squarely of deciding whether or not we are willing to watch the American textile industry and its employees brought humiliatingly to its knees due to inaction on passage of a bill to curb a flood of textile imports. I would urge this session of Congress to enact the appropriate legislation to deal with this urgent human problem. Our economy is not in the best of health at the present time, and failure to act now can only serve to further contribute to its deterioration. Five and eight-tenths percent may be only a figure to some, but to this Congressman it is easily translated into human beings—human beings who have a right to expect that their Government will protect them from foreign competition which is cutthroat and cares little for the interest of the citizens of the United States.

Mr. GALIFIANAKIS. Mr. Speaker, we come today to call attention to a severe crisis which confronts our Nation. I speak of the textile import crisis. My own State is at the forefront of the textile industry, but whether you come from a textile State or not, the textile industry affects you. In 1970, American textiles turned out $21 billion worth of products. The textile industry is the largest aggregate employer in the United States. This industry is responsible for 2.5 million jobs.

In spite of its vital role in the economic health of the United States, thousands of textile workers from all over North Carolina and the Nation have been forced to forfeit their jobs and wages because of layoffs and short workweeks, and many mills have been completely shut down because of the severity of the problem.

The textile industry has acted in an extraordinarily responsible manner during these very trying times, and those involved with the industry are to be highly commended. In an inflationary period where prices are rapidly rising in other industries, textile wholesale prices remain virtually unchanged from the 1957 price index. Textile costs have risen substantially since 1957, but the industry has not contributed to the inflationary spiral by raising its prices.

Imports continue to pour in, and every year they consume an even larger part of a shrinking market. For example, in 1961 cotton textile imports totaled 720 million square yards. In 1970, they were up to 1,534 million square yards—an increase of 113 percent. Manmade fiber textile imports rose from 151 million square yards in 1961 to 2,752 million square yards last year. This trend must be reversed for the economic survival of North Carolina and the economic health of the Nation.

Clearly the efforts of administration spokesmen and others to persuade those nations who are the chief source of this flood of textile imports to curtail their sales to the United States have met with only limited success. Therefore, it is now incumbent upon the Congress to intensify its own efforts toward solving this pressing problem.

It is increasingly evident that we need an enforceable textile import system. We should lose no more time here. It is time for the Congress to take positive action on legislation to establish textile import quotas. And it is time for the executive branch to fulfill its pledge to help the textile industry out of its plight by lending its full support to this effort.

I wish to thank my colleagues for this opportunity to call to the attention of this body the urgent need to protect our domestic textile industry and its workers.

Mr. STEIGER of Arizona. Mr. Speaker, I strongly believe that the United States should remain committed to the objective of expanding mutually advantageous world trade while at the same time defending vigorously the well-being of our traders and our domestic industries. A commitment to expanding world trade does not preclude the use of selective and limited trade restrictions. Occasionally these are demanded by the requirements of our domestic economic health.

The United States must accept its responsibility to meet legitimate problems of adjustment in some industries affected by rapidly increasing imports. For instance, the U.S. textile industry is faced with stiff competition from foreign manufacturers, in particular those in Far Eastern countries, who pay only a small fraction of the wages paid in the United States. In recent years the situation has reached the point of creating unemployment and underemployment in the domestic textile industry. Nevertheless, we have maintained an open market in manmade textiles while many European countries subject them to quantitative import restrictions.

Clearly, a country that imposes fewer restrictions on imports than do its major trading partners makes its own industries bear a disproportionate share of the burden of adjustment to changes in the pattern of international trade. The time has come for us to accept our responsibility to our textile industry.

Mr. DOWDY. Mr. Speaker, the latest figures on manmade fiber, cotton, and wool textile imports reveal a record high level of imports for the month of May, a full 46 percent above the level for May in 1970. Through the first 5 months of this year, we have accumulated a textile trade deficit of $642 million compared with $424 million during the same months of 1970. The situation becomes increasingly critical as each day passes, and more and more men and women find themselves out of jobs. This is a problem that affects more than just the textile industry or one particular section of the country. It should be of concern to all Americans. Further weakening of our domestic textile industries can only lead to greater reversals in our overall economic picture.

Something must be done to bolster this vital sector of our economy. It is time for us to dust off our old positions and face the realities of this dire situation. We in this body have a responsibility to take the initiative in this area. If we are to protect 2.3 million American jobs, we must begin to enact reasonable controls that will allow the American textile industry to fairly compete with low-wage foreign nations.

Mr. FLOWERS. Mr. Speaker, the textile and apparel industry is one which is widely spread across the country. It directly employs 2.3 million people and has strong indirect ties with millions of other jobs. One out of every eight manufacturing jobs in the United States is in the textile-apparel industry.

Throughout the last century, the textile industry has been one of our strongest and most stable. Furthermore, and this is especially important today, it has traditionally been one of our least inflationary industries. While textile wages have been upped by 58 percent since 1957, wholesale prices for textile mill products have never varied more than 2 percent and are actually lower now than in 1957. This is in sharp contrast to the average wholesale price increase of 17 percent for all manufacturing industries.

For over a decade now, textile imports have been flowing into this country at an ever-increasing rate. Also, while flooding our market, these foreign countries have virtually closed off their markets to our trade. It is by paying such low wages and pursuing closed-door policies at home that these nations, mainly in the Far East, have been able so successfully to compete with U.S. textile industries. At this stage, our textile industries are in grave trouble. Last year alone, 100,000 textile workers lost their jobs. Both profits and capital investment continue to decrease. It is time for us to take steps to correct these serious injustices under which U.S. textile industries are forced to operate. I am not advocating that foreign competitors be cut out of our market; certainly, they deserve a reasonable proportion of it. What I am suggesting to insure the continued survival and growth of our domestic textile industries, are reasonable quota limitations on imports. If we establish these, then perhaps meaningful agreements with foreign governments can be reached.

Mr. EILBERG. Mr. Speaker, I rise in support of the proposal by the Honorable WILMER MIZELL that protective legislation be enacted as soon as possible to safeguard our textile industry in the national interest as well as to keep its tens of thousands of employees gainfully employed in the future.

Despite the fact that former Secretary of the Treasury, now Ambassador-at-Large David Kennedy is trying to negotiate a viable agreement with those countries whose textile exports are currently dislocating our textile market, we are confronted with the fact that thus far nothing substantial has been achieved.

For the last 7 weeks, Mr. Kennedy has visited the political leaders of Japan, South Korea, Taiwan, and Hong Kong, and has also held discussions with the major textile exporters of these four countries. Mr. Kennedy has reported his findings to the President and has been urged to return to the Far East and persist in his endeavors to achieve some type of a voluntary agreement to restrict their textile exports. I note that he has not been able to negotiate anything substantive in the way of cotton textiles, woolen goods, artificial fiber textiles, or even apparel exports. Mr. Speaker, we are being confronted by governmental plus private business combinations who simply ignore our request for a voluntary restriction of textile exports. I go even further and say that we are being confronted by a willful denial of our friendly overtures for a renegotiation of textile export totals.

We have been asked particularly by a defiant Japan, to prove that our textile industry is being injured by their excessive exports. Palpably this is merely an evasion on their part to face the reality of the situation that currently obtains in the United States. We know that many textile plants are being closed every week and that thousands of our textile workers are being retrenched. As I say, we know it and they know it, but they are absolutely unwilling to do anything on a voluntary basis to stop it.

At the end of 1970 we were confronted by a textile export deficit out of all proportion to our position as a major world trader. During 1970 we imported 4 billion square yards of textiles with a value of $2.4 billion. This was 11 percent more than during calendar year 1969 which already was a banner year. During 1970 we exported scarcely $800 million worth of textiles leaving us with a textile trade deficit of $1.6 billion. The first 6 months of 1971 have shown a steadily worsening situation. If this condition is allowed to flourish unabated we may well be confronted by a $2 billion trade deficit in 1971 in textiles alone. This will be caused by the four countries who refuse to abide by "fair" competitive channels of trade and are using every subterfuge imaginable to increase their textile sales in our domestic market.

All of us are aware of the much-vaunted claims by the Japanese that they are voluntarily restricting their textile exports to the 1970 total plus a 5-percent increase for 1971, and 6 percent for 1972 and 1973 respectively. I must ask in all sincerity whether the Japanese trade ministry is the final arbiter as to the amount of textiles we must take from Japan. This so-called restriction is also in total disregard of switching between classes. If they lose out on one type of textile they merely switch to a more profitable line regardless of the fact that by so switching they probably dislocate a few more competitive plants in the United States.

Mr. Speaker, at the risk of restating the obvious, is it not time that we, the elected representatives of the textile producers, textile workers as well as the textile consumers, step in and protect our own? High-level negotiators sent by the present administration have achieved nothing in the way of curtailment of textile imports. The initiative belongs to us in Congress to safeguard our textile industry. We are being told that a fair and equitable trade bill for 1971, must be enacted before we tackle the problems of a particular industry. I say the textile industry cannot wait. We use all our influence to stop a transportation strike, or a steel strike. In regard to textile imports, our indifference will not allay the problem or let it simply disappear. We have to act, the sooner the better. Maybe by doing so now, and by imposing a rigid quota on all types of textile imports we can show that we mean business. If our trading partners want trading concessions from us they simply will have to give reciprocal concessions. This they have been unwilling to do in the shape of textile curtailment; hence our only recourse at this time is unilateral action by drastically imposing a quota on textile imports to protect our own. This I support and will vote for.

Mr. BAKER. Mr. Speaker, I want to thank the gentleman from North Carolina (Mr. MIZELL) for his leadership in obtaining this special order so that we might again focus much needed attention on the rapidly worsening textile import problem.

In my own Third District of Tennessee, five textile plants have closed during the past 3 years. Next to this put the fact that the cumulative total of manmade fiber, cotton, and wool textile imports in the first 5 months of 1971 was 2,453 million square yards, 43 percent above the level in the same months of 1970.

According to the Department of Commerce, the value of these textile imports in January–May of this year totaled $931 million compared with exports valued at $289 million. The trade deficit of $642 million compares with $424 million in the same months of 1970 when imports were valued at $710 million and exports at $286 million. Compared with January–May of 1970, yarn imports were 107 percent higher, apparel imports increased 31 percent, fabrics 26 percent, and made-up and miscellaneous goods 3 percent.

The Department of Commerce has also noted that imports of these textiles from Japan, Hong Kong, and the Republics of China and Korea increased 44 percent over the levels of the same 5 months of 1970 and represent 57 percent of the total imports.

And—are you ready for this?—in May of this year, imports of manmade fiber textiles totaled 382 million square yards, 90 percent higher than in the same month of 1970. The cumulative total of manmade fiber textile imports in January–May 1971 was 1,761 million square yards, 83 percent greater than in the same months of 1970.

Yes, I am concerned—deeply concerned—as are the good people of the Third District of Tennessee, whom I have the privilege of representing in this Chamber.

Yet, this is a matter of deep concern not only for the Third Congressional District of Tennessee or for the State of Tennessee—it is a most serious problem for our total economy.

Many of us have watched the imports situation, mostly with sadness, often with anger, for a decade now.

The alarming statistics published last week have been commented on before; they will be commented upon again, and again, and again.

And, it was recently brought to my attention that the system used by the Commerce Department to figure our trade balance is weighted in favor of showing a surplus. Exports are figured on a c.i.f. basis and include products paid for by foreign governments using aid funds. Imports are figured on an f.o.b. basis which minimizes their value.

Despite this, the Commerce Department figures show imports exceeded exports by some $363 million in June; our official trade deficit total for the quarter is $803 million; and we ended up with a $372 million deficit for the first half of this year.

Now, the Commerce Department is warning that there may be a deficit for calendar year 1971—making this the first year since 1893 this Nation has had an official trade deficit.

The problem will not just fade away. Daily we are losing ground.

We cannot, and should not, want to isolate ourselves. Yet, our trading position clearly shows the deep trouble we are in. We must face facts. In world markets, including our own country, our domestic products are losing their share of the market.

Key sectors of American labor and industry are seeking some measure of trade restraint. Please don't confuse this with America-first protectionism. This is a simple plea for equal trade laws for all. We all believe in the theory of free trade—but let it be fair free trade. There is a point where free trade stops and unfair competition begins.

We must have a firm policy to end unfair trade practices by foreign manufacturers. Congress must act on proposed legislation to bring some equity in world trade. We must demand reciprocity.

On the international level, we need substantial strengthening of international institutions—new rules for GATT, new rules on nontariff barriers, faster procedures—really fair free trade.

On the domestic level, we will have to face the fact that as long as we permit ourselves such luxuries as prolonged strikes, inflationary pay hikes, outmoded industrial processes and, yes, careless management, we are not going to make it.

In this many faceted and complex trade picture, I would like to take particular note—and strongly urge favorable consideration of—the legislation introduced by our distinguished colleague from Ohio (Mr. BETTS) and cosponsored by many of us here today, which would make the findings of the Tariff Commission in escape clause cases binding upon the President.

Summing up, then, it is vital that government, business, and labor show great flexibility in adjusting policies to meet changing circumstances. I believe government has a most serious obligation to our domestic textile industry. In fact, our public policies must be modified in order to provide the appropriate climate for exports and investments. Given such a climate, given fair free trade policies, our domestic industries can and will do the job.

Mr. CLEVELAND. Mr. Speaker, I cosponsored and supported the Trade Act of 1970—the Mills bill—because I believed it carried out a necessary reform of our trade policies.

A principal immediate benefit of this act would have been to give people engaged in domestic footwear and textile production, as well as production of other sensitive items, a chance to compete on fair terms with foreign producers.

In recent years, the cause of "free trade" has been championed in opposition to any proposals to assist domestic industries against unfair competition from imports. In truth, the degree of subsidy and assistance given to foreign competitors by their respective governments has made the cause of free trade more important in terms of rhetoric than it proves to be in the realities of our trade situation.

FAIR TRADE, NOT FREE TRADE

If trade is not truly free, then it should at least be fair; yet as we see all too clearly, fair trade does not exist for our domestic manufacturers, either. Our present trade policies have enabled imported goods to expand their share in our markets at the expense of our own products, while we are forbidden to exercise the same advantage in foreign markets. Today's world is far different from what it was in the 1930's or even the 1950's and 1960's. The time has now come to reform our tariff and trade policies to reflect the realities of the present situation.

Ideally, I believe that tariff rates should be set for each country according to that country's wage scales, working conditions, and the degree of government subsidy, if any, to the industry involved.

In such a system, a shoe from Hong Kong, for example, would face a higher tariff rate than a shoe from West Germany, where wages and costs are higher. With such a sliding scale, competition between domestic and foreign footwear could be fair. The same principle would hold true for textile tariff rates.

As our tariff system now works, a country—including our own—is penalized if it improves the standard of living for its workers and its people as a whole.

We in America take great pride in steps we have taken to improve working conditions, such as minimum wage, safety, and child labor laws, in addition to our regulations on total working hours. However, our antiquated trade policies are encouraging poor working conditions in other countries, sometimes to the extent of slave labor. This is the height of inconsistency on our part, and it simply does not make good sense.

THE TRADE ACT OF 1970: THOROUGH AND CAREFUL STUDY

The Trade Act of 1970—H.R. 18970—also known as the Mills bill, contained many proposals for the renovation of our trade policies. I was one of approximately 180 sponsors of this bill.

The Mills bill dealt with Presidential authority for new trade agreements, tariff adjustment and assistance, textile and footwear quotas, the American selling price system, export incentives, antidumping provisions, countervailing duty provisions, and other matters involved in our trade and tariff policies. This was a massive bill which had been subject to extensive public hearing and study.

During consideration of the bill, I proposed an amendment which was adopted by the Ways and Means Committee. The Cleveland amendment requires that the Office of Emergency Preparedness render its decisions on petitions affecting the national security promptly. This amendment resulted from the long and inexcusable delays encountered by two miniature ball-bearing manufacturers in my district in their petitions to OEP.

The statistical and other background information, which was compiled by the staff of the House Ways and Means Committee prior to the hearings, included 425 pages of resource material.

The committee held public hearings for 23 days and heard more than 400 witnesses. The testimony of these hearings was printed in 16 volumes with a total of 4,651 pages. The committee was in executive session for 21 days to decide on provisions to be included in the bill.

The bill itself when printed was 96 pages in length, and the report on the bill was 190 pages long.

Thus, it is clear that this bill was thoroughly considered and thought out. Its goal was nothing short of updating our out-of-date trade policies. Far from marking a return to protectionism, the trade act sought to assure fair international trade for all.

U.S. FOREIGN TRADE: GENEROUS TO A FAULT

The inequities in international trade did not spring up overnight; rather, there is a firm historical basis for this complex situation. U.S. trade policies today tend to reflect circumstances which no longer exist in the world market.

In the years after World War II, our policies were based on the fact that we alone were economically strong. Europe and the Far East were rebuilding their productive capacity, and they were able to do so largely through generous American assistance. Part of our assistance was in the form of liberal trade policies, which provided markets for foreign products in the United States. We thus enabled other countries to earn foreign exchange. In addition, international currencies were geared to the U.S. dollar. Of all nations in the world, we alone have been unable to correct our trade imbalances by devaluing our currency. We have to wait for the action of other countries, and we are at their mercy if they do not act.

As the war-torn countries were being rebuilt, the United States embarked upon a large program of assistance to underdeveloped countries around the world. We have given and loaned billions of dollars every year, and we have worked to assure access to American markets for these countries.

NEW ECONOMIES, OLD POLICIES

As we enter the decade of the 1970's, however, the world situation is vastly different from that of the immediate postwar period. The most war-ravaged nations have become economic giants. Japan is a world trade power, Europe is rebuilt and strong, the European Common Market has become an international force, and countries around the world are producing goods for the most open market in the world, the United States. As these countries have taken advantage of our long outdated open market policies, they have developed preferential trade agreements, quotas, complex licensing procedures, and other nontariff restrictions on imports from the United States. The willingness of other nations to make use of our liberal market conditions has not been matched by an equal willingness to open their own markets under similar terms.

The American trade situation regarding Japan is particularly distressing. As President Eli Callaway of Burlington Industries has said—

> What industry, let alone company, can compete with an economic system that fosters monopolies, price-fixing, and disruptive trade practices?

Japan now controls 15 percent of the total American import market, and Japanese trade with the United States showed a surplus of $1.2 billion in 1970. Such power in our markets has been acquired through ruthless exploitation of our outdated trade policies. Whereas we have opened our markets to Japan, Japan has blocked the return flow of American goods and investments. As Secretary of State Rogers said recently in a speech before the Japan Society in New York—

> In our bilateral economic relations, Japan cannot expect privileges in the U.S. which it is not itself prepared to extend.

American efforts to obtain fair trade are grounded in the all-too-obvious assumption that the Japanese and Western Europeans have developed strong and viable economies since the end of World War II. It is essential for the future of American commerce that this fact he recognized and embodied in our trade policies.

SHORTSIGHTEDNESS IN TRADE POLICIES

A major roadblock in our trade negotiations with other countries is the lack of government assistance or backing of any sort for our industries. We are placed at a distinct disadvantage in dealings with the Japanese, for example, whose government stands firmly behind both the restrictions on our products and the subsidies and aid to their own industries.

American trade policies, as they affect competition with imports, have proven to be the very antithesis of the "free trade" model; American industries have been severely hamstrung because of the fear of many people to support any policy which might be labelled as "protectionism." In his brilliant testimony before the Subcommittee on Foreign Trade of the Senate Finance Committee, Kenneth N. Davis, Jr., former Assistant Secretary of Commerce, emphasizes how shortsighted American trade policy has been. Even where provisions exist for the possible relief of some industries, says Mr. Davis, there remains "a 'built-in bias' . . . against helping U.S. business if any sort of action against foreign competition might be needed." As an example of this, Mr. Davis cites the case of the miniature and precision ball bearings industry, which applied for assistance under the provisions of the Trade Expansion Act of 1962. I am acutely aware of this situation, since two of the major domestic manufacturers in the industry are in my district. Such a case definitely involves the national interest, particularly in light of the high usage of precision ball bearings in defense. Despite the clear danger of foreign competition, the industry application was rejected. What is paradoxical, as Mr. Davis points out, is that the rejection acknowledged "(the) existence of significant Japanese competition—Can anyone remotely imagine that the Japanese Government would have so accommodated one of our industries if a reverse situation existed?"

As Ken Davis states so eloquently—

> If we cannot help a vital, small U.S. industry when so significant foreign relations or economic harm could result to another nation, how can we face the much bigger problems? We must change our attitudes and biases from hindering American business to help it thrive in world competition.

NEW POLICIES BASED ON REALITIES

Thus, the time has come for new trade policies, to reflect the three dominant facts of the 1970's: first, that Japan and Western Europe are now strong and able to compete on equal terms with the United States. This means that they must open up their markets as much as we have, or else we must close ours to match theirs. This is not trying to get an advantage for the United States, only fairness and equality. Second, that many countries are gaining a major advantage by paying low wages and keeping bad working conditions. We should adjust our policies to reward improvements in working conditions, rather than encouraging unfavorable conditions as we do now. Third, we must acknowledge the major role that foreign governments are playing in the export economies of many of our trading partners. The problem of unfair trade becomes all the more severe in light of the massive subsidies and protective barriers set up by foreign governments for the benefit of their manufacturers.

What was true last year in the field of international trade is just as true this year. For this reason, because the necessary reforms have not been enacted, I am today reintroducing the Trade Act in the same form as passed by the House last year.

THE TRADE ACT: FACTORS FOR CONSIDERATION

This statement does not purport to explain the entire proposed Trade Act. It is intended only to cover those areas which have been the subjects of the most debate and discussion.

It may be helpful to state several facts about trade and the proposed bill:

THE WAGE GAP

First. There is a substantial wage differential between what workers in this country are paid and what workers in other countries are paid.

Production workers in the United States in 1969 earned an estimated $3.19 an hour. Their Japanese counterparts were being paid 76 cents an hour. The average hourly pay in Hong Kong was 26 cents. In France, it was 97 cents. The spread in terms of dollars and cents continues to grow.

In this country, wages are a major item in the cost of goods. There is nothing wrong with this. We have managed to achieve a greater distribution of national wealth than any other nation in history. We have raised the standard of living, a goal which we maintain for all people. Many of our gains, however, are now threatened.

IMPORTING GOODS, EXPORTING JOBS

Second. Our imports have been growing at a much faster rate than our exports because of our generous trade policies, which were fashioned in the 1940's and 1950's.

To add to this tipping of the scales, the major portion of our exports have been in items of low labor content; that is, they require fewer workers than items of high labor content. Our imports, meanwhile, have been goods which require more workers in their manufacture. The result, in effect, is an export of jobs. It is particularly ironic that those jobs lost are the very type we need in order to employ the unskilled and semiskilled workers and to supply work for the hard-core unemployed.

The loss of jobs in a town affects the whole community, the State, and in the end, the Nation. The unemployed and their families often move to urban areas in the hope of finding employment. This migration compounds the problems already faced by large cities.

Most people want to work—to earn their way. We must provide jobs if we are to enable them to do so.

U.S. TRADE: LOW TARIFFS, FEW BARRIERS

Third. The United States has the lowest average tariff level and the fewest nontariff barriers in the world.

Since I have been in Congress, I have urged governmental action toward the negotiation of voluntary agreements with other nations to maintain a proper balance between world, national, and regional interests.

We have worked toward freer trade, but our major trading partners, most notably Japan and the members of the Common Market, have been moving in the opposite direction, all the while paying lipservice to free trade.

We have maintained our commitment to the General Agreement on Tariffs and Trade—GATT. Other countries have reduced tariffs in line with this agreement, but they have added or maintained nontariff barriers instead.

As Representative JOHN BYRNES of Wisconsin said during debate in the House—

> With one hand they have taken down a fence, with the other they have built a wall, which is even more effective in shutting out United States goods.

The list of nontariff trade barriers in other countries is quite extensive. For instance, France has restrictions on numerous goods from textiles to electronics. Japan, in turn, is the most tightly-closed market in the free world. The Japanese maintain a great number of import restrictions, including quotas and licensing restrictions on almost every conceivable type of product.

BIG BUSINESS: THE "LITTLE GUY" SUFFERS

Fourth. As our tariff system now operates, we are not only exporting American jobs, we are also exporting American capital. Many American manufacturers apparently subscribes to the old theory "If you can't lick them, join them." They have opened plants abroad to take advantage of the low wage rates in other countries. The result is an increased flow of jobs overseas. Many large American firms are thus benefiting economically at the expense of our own workers.

As is usually the case, it is the small businessman, the man most in need of relief from the cost spiral, who is least able to take advantage of such an opportunity. Big business has a far greater ability to absorb losses, and it possesses the capital and resources necessary to set up successful operations overseas. Thus, once again, it is the "little guy" who is caught in the squeeze. The report on foreign trade prepared for the Subcommittee on International Trade of the Senate Finance Committee in May of this year puts the matter in its proper perspective:

> While large firms, with mobility of capital and management, can often adjust to import competition, by going abroad for example, the inability of small business and of the U.S. labor force to adjust to these changes is a major problem.

Many people will argue that imports cut prices for the average consumer in this country. However, a growing dependence on imported goods gives only temporary price relief. To cite the Senate Committee report once again—

> The consumer must also consider the effect of a growing dependence of imports on price and servicing. Once imports capture a substantial share of the U.S. market, foreign producers can easily increase prices and the consumer advantage tends to diminish. Also, owners of foreign products—automobiles, for example—often have difficulties in getting spare parts and adequate servicing.

TRADE ACT NOT A TRADE WALL

Fifth. The regulations and reviews required by the Tariff Commission and the President under the Trade Act of 1971 will not permit an automatic quota on a wide variety of goods. Any industry which believes it is being seriously injured by increased imports is governed by strict regulations in its efforts to gain relief.

The Trade Act of 1971 provides for a thorough study by the Tariff Commission of any requests for relief. If the Commission finds that increased imports are a substantial cause of injury, it must recommend that the President impose such increases in duties or other restrictions as are necessary to alleviate the injury. This does not say, or mean, quotas.

In addition, the President is given authority to ignore recommendations for relief if such action would not, in his opinion, be in the national interest.

The Tariff Commission has the responsibility to review conditions to insure that an industry makes every effort to adjust to the import competition efficiently so that the import restrictions can be removed or moderated. A point worthy of discussion is whether an industry should be required to make strides towards increasing productivity as a condition of its receiving relief. This would insure that protection would not encourage inefficiency and outmoded facilities in the future.

The quota provisions on textiles and footwear in the Trade Act of 1971 are very generous to other countries. 1971 quotas would be set on the average level of imports of each article from each foreign country during the base period of 1967–69.

THE PATH OF NEGOTIATIONS

Under the Trade Act, the President would be given greater authority to alleviate injury through multilateral or bilateral negotiations. In adtition, he would be permitted to increase import quotas by up to 5 percent a year, and he could eliminate them completely on items which were not disrupting the U.S. market. There is also a provision that the quotas would be superseded by any international agreement.

There are many safety valves, which unfortunately have not received adequate publicity, included in the Trade Act. The debate over the bill which passed the House in 1970 was laden with fears of a "return to the old protectionism," fears which I believe were unwarranted.

To me, the Trade Act of 1971 is a compromise. It is not perfect, but it does represent realistic reforms which are necessary if we are to look ahead to the future. This bill reflects today's realities in foreign trade.

VOLUNTARY AGREEMENTS IDEAL BUT UNREALISTIC

I have long favored the formulation of voluntary restrictions on exports to the United States by our trade partners, but I have concluded that it would be unrealistic to expect this to be the solution today. A case in point is the recent footwear restriction announced by the Italian manufacturers. The Italians waited until their shipments had reached an all-time high before setting limitations. In addition, our domestic shoe industry believed that Italian imports would not rise much more than 5 percent this year, anyway. Thus, we find that this much-publicized step by Italian manufacturers was not as dramatic as it appeared. In the words of a U.S. shoe industry official, "It is basically meaningless."

WE MUST ACT NOW

The United States must take steps to update its foreign policy with regard to trade. I supported the Trade Act of 1970 because I believed it to be a much-needed step in the right direction. I find such legislation even more vitally needed in 1971. We cannot afford to delay action on this issue any longer. Action to revise our trade policies is long overdue. The Trade Act of 1971 is a major effort in this direction. The world has changed considerably in the past 20 years; it is now time for our outmoded trade policies to catch up with the times.

Mr. JONES of North Carolina. Mr. Speaker, I am happy to join with other Members this afternoon in attempting to call to the attention of this Congress and the American public the extreme danger which confronts the American textile industry at this very moment. Of course, all of this has come about by permitting the American industry to be placed in direct competition with foreign manufacturers and with no definite or rigid plans to curtail the ever-growing imports of textiles and their substitutes.

In many areas, especially in small communities, the textile plants afford the largest payroll in that given community, and where a few years ago employment was running approximately 6 days a week, we now find this has been reduced in many cases to 3 or 4 days. Even more appalling is the fact that some mills have ceased production altogether, thereby adding immeasurably to the growing unemployment figure which threatens the economy of our Nation at this time.

I am not suggesting that we become a nation of isolationists, but certainly it is incumbent on the Congress as well as the present administration to take steps to at least see that our domestic producers receive the same treatment that we are all too prone to afford those who are exporting their textile products into this country.

If American textile labor is to continue to receive a living wage, something must be done in a protective manner to assure them of continuous employment. I ask all who are concerned with the economy of this Nation to join in finding ways to reverse this treatment of an unfavorable balance of trade, especially as it relates to the textile trade industry.

Mr. ANDERSON of Tennessee. During July, the Commerce Department released the most recent trade statistics for the first 6 months of this year. These added but another dark cloud to the stormy economic situation presently prevailing.

According to Secretary Stans, imports exceeded exports by $363 million in June, raising the cumulative foreign trade deficit to $803 million for the April–June quarter and $373 million for the first half of this year. Available records indicate this was the first deficit for a 6-month period in this century—and perhaps the first full year deficit since 1893.

Despite these figures, the administration remains optimistic that the situation can be righted by sticking to its economic game plan for a full employment budget. I do not share the administration's optimism.

In the area of foreign trade, we are being literally engulfed by floods of imports from cars to bicycle wheels to plastic toys. Many of our home markets are severely affected, but none more so than the textile and footwear industries.

Consider that within the first 4 months of this year there was a 22.2 percent increase in footwear imports over the same period for 1970. While imports forge ahead, domestic production lags more than 3 percent behind last year. The textile industry suffers from the same fate.

This rush of imports coupled with the bite of the present recession has added to the already severe economic situation faced by these industries. Production decreased and employment is off. In 1969–70 alone, the increase of footwear imports amounted to 40,000 jobs lost. This is but one industry. Employment in footwear, apparel and textiles has declined by at least 74,000.

We suffer from a disadvantageous trade pattern. We prosper in the trade of products which are capital and technologically intensive, but in the mid-South we have a very high proportion of labor intensive industries. These industries are gravely threatened by a flood of imports from countries with easy, cheap labor conditions which have marked competitive edge over our industries. And, inflation makes it increasingly difficult for United States products to compete with foreign sales at home or abroad. Clearly, exporters to the United States have the advantage and we cannot compete with them on that level. It would mean a drastic change in the standard of living for our workers, and in human terms, that price is simply beyond the asking.

Action must be taken now to retard the flood of imports which are further contributing to our present state of stagnation, and also continuing to depress our employment picture for these industries. Italy has announced that it will voluntarily restrict its shoe imports to about the $280 million level of last year. Earlier reports indicated that Italy planned a 5-percent increase in shoe shipments. This is one step in the right direction and I would hope that other countries involved in textile and other imports would voluntarily act to restrict their exports to the United States. If not, then Congress must act to restrict the flood.

The administration has the power to influence the flow of imports, but the President has chosen time and again to ignore this authority.

Until an equitable balance is found in the import market, unemployment will continue, prices will rise, and people will lose faith in their Government. In a Government rooted in the people, the people have a right to know and a right to decide their future.

Mr. LANDGREBE. Mr. Speaker, the toll being taken by our ever growing volume of textile imports is tremendous.

Last year, for example, more than 50 textile mills closed. Some 100,000 textile and apparel jobs were lost. Comparing the second quarter of 1971 with that of 1970, textile mill earnings are down 24.5 percent. Retrenchment in the industry continues. Just recently J. P. Stevens announced reduced operations in Milledgeville, Ga., affecting the jobs of some 400 people.

The growth of our textile-apparel imports must be limited. Last year they reached a record level of 4.5 billion equivalent square yards. This year they are running at a level of 6 billion yards. If 100,000 jobs were lost last year, how many more will go by the board in 1971?

I realize that the President has tried to meet the problem. Ambassador David Kennedy has been trying since the last of May to reach agreements with Japan, Korea, Taiwan and Hong Kong, the leading offenders. Thus far he has not met with success because of intransigent attitude of these Nations.

It rather amazes me to contemplate this situation. Taiwan and Korea, for example, exist at the sufferance of the United States. And it is the United States which built Japan's economy after World War II, and which still provides an umbrella of defense for her. It is extremely difficult for me to understand their attitudes with regard to limiting their textile exports to us. Perhaps the time has come for the United States to cease its generosity to these Nations.

What is at stake here is the future potential of a vast and basic industry skill levels of those persons who most need them. The textile-apparel industry employs one of every eight people engaged in manufacturing employment. But how can the industry keep its head above water, much less realize its tremendous potential if it continues to be bombarded by imports of the magnitude we are describing here?

If Japan, Taiwan, Korea, and Hong Kong continue shipping at their average annual rate of growth for the last 6 years, these countries alone, by 1975, would be exporting to the United States more than 8 billion square yards of textile products. The sheer volume is hard to imagine.

The time has come, it seems to me, for Congress to act and to act responsibly on this subject. We have a duty to provide the kind of atmosphere which will enable this and other industries affected by low-wage foreign imports to grow and to meet fair competition. If this can only be done through legislation, then so be it.

The important thing before us now is to get about the job of protecting American jobs and the American economy.

Mr. YATRON. Mr. Speaker, the necessity for passage of a trade bill during the 92d Congress is becoming even more pressing as we venture into these last months of this session. The question of textile import quotas is a matter that must be solved and must be solved quickly. I must express my concern about the serious problem facing the textile industry from a standpoint of the overwhelming increase in imports, and especially from low-wage countries. There is a growing awareness of this problem by a majority of Members in the House and the Senate that legislation is the only solution to resolving this problem in a meaningful way. There are some signs of other action, however, and I am pleased to see that the administration is giving them special consideration.

Ambassador David Kennedy has been given the assignment of negotiating agreements with importing countries covering wool and manmade fiber textile articles which are not covered by the long-term cotton textile arrangement. This is a move in the right direction and I commend the administration for these efforts to bring textile imports to a manageable level.

Mr. Speaker, the apparel manufacturers in Pennsylvania and throughout the Nation cannot compete with low-wage rates that prevail in Asian countries. Even Japan, with an average textile wage rate of 54 cents per hour is finding it difficult to compete with textile wage rates of 28 cents per hour in Hong Kong, 14 cents per hour in South Korea, and 11 cents per hour in Taiwan. Therefore, the American textile industry has major import problems which, it appears, may take more than talk to settle.

Over the last decade—in boom and recession, in war and peace—the textile import trend has been relentlessly upward. Future viability of the American fiber-textile-apparel complex is now threatened unless reasonable controls over imports are put in place promptly. To illustrate the urgency of the import dilemma, the following statistics illustrate the stark reality of the immense growth of foreign products.

U.S. imports from all countries of textile products—including yarn, fabric, apparel—manufactured of cotton, wool, and synthetic fibers, amounted to the equivalent of 1 billion square yards in 1959. Such imports more than doubled by 1965 and, by 1970, they had redoubled to 4½ billion yards. First quarter imports in 1971 were up 38 percent over 1970 and, regrettably, the present level of imports represents one-third of a million jobs in the U.S. employment market.

Many of us will agree that among the national goals of present domestic policy are price stability, full employment, a rising standard of living for all citizens, and the economic development of our country's underdeveloped areas. In the achievement of each of these goals, the domestic textile-apparel industry must play a key role. The dramatic increase in imported square yards of material mentioned above represents an increase of 700 percent in the area of manmade fiber products since 1964, and proves conclusively that a textile control program must be established. Therefore, these figures illustrate not only the severity of the problem, but also allude to another problem: because of these imports, unemployment in the industry is running at a rate of 7.2 percent for textiles, and 10 percent for the apparel industry. Imports are also discouraging capital investment and cutting deeply into textile profits.

Moreover, while yarn and cloth prices at the mill level are actually lower now than they were in the late 1950's, the wholesale apparel price has only kept pace with the general inflation. Wages also in the industry, which have only risen approximately $1 in a decade, remain relatively stable. The major point implied here is that the U.S. public is hurt two ways by uncontrolled importation: American workers are thrown out of work and retained personnel have to contend with lower wage rates than the general population.

The best way, therefore, to hold the textile price line for American consumers is to encourage healthy competition among our 7,000 textile plants and 27,000 apparel plants. It has been indisputably recognized that once control over the major part of a product line falls into the hands of foreign interests, provisions of U.S. law, which normally protect the consumer—antitrust regulations prohibiting price-fixing conspiracies and the like—go out the window. A good example of what happens under these circumstances is the silk industry. Imports having killed off the American silk producer, Japan and Italy now dominate the world's silk market.

We have not yet reached the point where foreign pricing influence dominates most of our textile market as it did the silk trade, but unless prompt control action is taken, that point could soon be reached with respect to many different textile products—and the U.S. consumer will be the loser.

The industry also directly employs 2.5 million persons, in a broad range of occupations. Another million workers are employed in producing the raw cotton and wool, cornstarch, machinery, chemicals, and myriad other materials used by the industry. Of the 20 million manufacturing employees in this country, the industry directly employs one in every eight and pays them $12 billion annually.

The industry's impact on the economy of the United States goes ever further when one considers the revenues generated for Government. It buys $4 billion worth of fiber each year, including: two-thirds of the output of this country's 300,000 cotton farms; all of the domestically produced wool; and almost all of the synthetic fiber produced by the U.S. chemical industry. In addition, it spends $600 million in dyestuffs and other chemicals and several hundred millions annually on new plants and equipment.

The American textile industry and the American public have, therefore, a strong common interest in establishing and maintaining reasonable restraints on competitive imports produced abroad under cost structures which would be illegal in this country. The raw cotton producers and the raw wool producers, through their organizations, including the National Cotton Council and the National Wool Growers Association, have strongly supported textile quota legislation for example.

We can readily recognize the devastating impact of imports which, in the case of textiles, already amount to 15 percent of U.S. consumption and since it has been found necessary to set import quotas for such products as cotton, wheat, and dairy products at around 1 percent of domestic production, the precedent for action in this matter is at hand.

The only real solution to the textile import problem is a system of import quotas negotiated under authority similar to that contained in the trade bill passed by the House in 1970. Such a solution has GATT precedent and need not injure American export industries. On the contrary, a firm and reasoned U.S. stance on textiles would restore American credibility in the international trade arena—and it is an arena. Such restoration of credibility is the necessary first step in securing proper access for U.S. products in the world market while at the same time protecting our domestic interests.

I want it understood that I am not speaking for the textile industry but am calling attention to a situation which, if not resolved, can lead us into greater economic isolation with more harmful results to our already distressed domestic industry. The threat to our economy is from excessive imports which result not from free trade among nations, but from unfair trade practices. It is our hope that the discussion of the problem today will make others aware of the situation and thereby precipitate action.

Mr. BLANTON. Mr. Speaker, I join with my concerned colleagues to deplore the dangerous situation now existing with the escalating trade deficit this country is experiencing.

I endorse the remarks of my colleagues that the major reason for this deficit is the increasingly high volume of low-wage textile imports flooding this Nation.

The American textile industry provides employment for more than 2.4 million people. Their jobs are becoming threatened by the continued influx of cheap import products.

I, for one, endorse the fair trade bill introduced earlier during this session by the chairman of the Ways and Means Committee, the Honorable WILBUR MILLS.

There is no doubt in my mind that, if leadership comes on this matter from the Government, it will come from the most knowledgeable man on fiscal affairs that we have in Washington. And that man is Representative WILBUR MILLS.

The President has the power to act under the national security clause of the Reciprocal Trade Act. But, as usual, the events must mesh together to be of crises proportions before the White House ever acts.

I say to you that it is a crisis that we face now. The textile industry—an important segment of our economy—is about to be smothered. We need to act, and act now before the situation results in catastrophe.

Mr. WYMAN. Mr. Speaker, for the first time in 78 years, the United States has suffered a balance-of-payments deficit. This starkly contrasts with a $5 billion plus surplus as recently as 1960. Despite being charged with promoting the common good, the Congress has responded by doing virtually nothing to correct this alarming trend.

While awaiting action, hundreds of American businesses have been forced to close their doors, and more are declaring bankruptcy each day. Many of those firms remaining are rapidly transferring their capital into the ownership of foreign production facilities. What else can they do? In the shoe industry, for example, where labor accounts for 40 percent of production costs, U.S. wages and fringe benefits approaching an average of $3 per hour cannot hope to compete with foreign labor available at 30 cents an hour or less.

Widespread factory shutdowns directly attributable to foreign imports have created staggering unemployment. Last year in the textile industry alone 86,000 workers lost their jobs. Much has been said lately about unemployment. Congress recently enacted legislation creating 150,000 jobs at a cost of $1 billion a year. To continue to ignore the dumping of foreign imports is to openly invite still more unemployment.

The dramatic and crippling increase in imports over the past 15 years is not limited to one or two industries calling for protective measures. Foreign penetration of the American market cuts across the board: steel, 15 percent; automobiles, 16 percent; TV receivers, 30 percent; flatware, 49 percent; calculating machines, 60 percent; tape recorders, 64 percent; shoes, 67 percent; radios, 90 percent. How much longer must the American worker be sacrified for the illusion of free trade? How many more jobs must be lost before we realize free trade is in practice a unilateral policy subsidizing foreign industrial development at the expense of our own? Foreign nations protect their import levels.

The theory of free trade is based on the assumption that manufacturers compete with one another across international boundaries on the strength of their own efficiency and technology. For American industry this is not the case. Today in America we can point with humanitarian pride to the legislative controls which have raised the standard of living of the American working man to the highest level in the world. American citizens rightfully enjoy the benefits of the 40-hour workweek with time and one-half for overtime, a legal minimum wage, workmen's compensation, child labor laws, social security, and many other benefits. We also realize that every product manufactured in the country includes these costs in its selling price, as well as the high cost of effective Government. The cost of any American-made commodity is therefore higher than its foreign counterpart, even if the cost of material and processing is actually the same, or less. Our humanitarian standards impose a heavy burden on the shoulders of the American manufacturer that is equaled in no other nation, and so long as he carries this burden without minimal protection there can be no free market for Americans.

To preserve American jobs action is needed now. Yet the administration continues to heed the advice of the Department of Commerce and State that our trading partners will lose respect for us if we limit imports. How can we command the respect of any nation, friend or foe, if we flagrantly continue to disregard the welfare of our citizens?

Orderly marketing legislation to responsibly and fairly correct this situation awaits congressional action. This does not seek to erect a wall around the American marketplace. It merely limits foreign participation to an equitable percentage of the domestic market, and would allow imports to expand with the market. Yes, minimal restrictions would be placed on imports, but would be substantially more liberal than those restrictions currently placed on American exports by our so-called friendly trading partners. But, of paramount importance, the enactment of orderly market legislation would allow American industry to continue to provide jobs for American workers; it is an opportunity to replace relief checks with pay checks.

If it becomes necessary, I am willing to circulate a discharge petition to force a legislative remedy. The House, by a substantial majority, passed the Mills bill in the last Congress only to have it founder in the other body. Perhaps this year the host of presidential candidates in the other body will be more closely attuned to the needs of the American people. In any event, the Members of this House should be given the opportunity to discharge their obligation to legislate for the common good.

In the meantime, I am urging my own administration to take action at the executive level to curb excessive foreign imports in the shoe and textile industries—not to keep poorly managed firms alive, but to keep thousands of middle-aged job holders at work rather than out of a job and on welfare.

Mr. KUYKENDALL. Mr. Speaker, I welcome this opportunity today to participate with my distinguished colleagues from the State of North Carolina, Congressmen WILMER MIZELL and JAMES BROYHILL, in their special order calling attention to the need for prompt consideration of legislation to alleviate the problems that the American textile industry is facing. As the Representative of Memphis, Tenn., the largest spot cotton market in the world, I feel it vital that I express the interest and viewpoints of a portion of the industry which is vastly affected—the raw cotton industry.

Cotton's future may well turn on whether or not an acceptable solution to the problem of continuing increases in imported textile products is found. No one can better describe the impact of textile imports on the U.S. raw cotton industry than the National Cotton Council. Therefore, I submit a statement which has been carefully prepared by the economic and market research division of the council. It is certainly worthy of my colleagues' attention and consideration:

TEXTILE IMPORTS AND THE RAW COTTON INDUSTRY

A basic statement prepared by the Economic and Market Research Service of the National Cotton Council, July 30, 1971

Raw cotton people are more optimstic recently because of the improvement in the market situation for their product. But a strong threat to that better outlook is posed by the upsweep of textile imports into the domestic market.

In spite of a fiber market that grew faster than the Gross National Product in the 1960's, cotton consumption declined slightly. But in 1970, for a variety of reasons, cotton's share of U.S. fiber consumption had no drop at all—for the first time in a decade.

There are a number of new things in the picture that encourage cotton people to feel that they may now be able to hold their present share and begin to take advantage of the growth in the fiber market that we hope will continue:

Cotton Incorporated, with its resources at least doubled as a result of the new farm legislation;

The opportunity for cotton production to move into more efficient hands under the new legislation, and greater incentive to do a better job of growing and harvesting cotton;

The fact that foreign cotton acreage has shown a tendency to level off at the prices of recent years.

All these things point to the fact that the stage is at least set for some growth in the markets for U.S. cotton. If U.S. mill consumption in the years ahead grows at an average rate of only five percent a year, rather than the 6.4% rate of increase it averaged in the last decade, and if cotton just holds its present share of the market, this would mean that domestic mill consumption of cotton would rise by about 400,000 bales in the average year.

This kind of healthy market growth is a distinct possibility unless some roadblocks are thrown up to prevent it. One such roadblock that is a grave threat to the domestic market is textile imports. These imports hurt cotton's markets in two ways: First, they eat into cotton's *share* of the fiber market; and second, they stifle the *growth* in the domestic fiber market.

Let us deal first with how textile imports affect cotton's share of the fiber market. Since wool textiles do not compete very strongly with cotton, we will consider only the man-made fiber and cotton textile imports in this part of the analysis. At the beginning of the decade of the sixties, cotton textile imports comprised over 83% of the sum of the two types. By 1970 these imports were just 41% cotton. Unless something is done, it seems almost certain that cotton's share of textile imports will continue to drop, since the cotton portion is under the mild controls of the Long Term Arrangement, while we impose no restraints at all on the man-made fiber portion. Thus, as an increasing share of our nation's textile needs are satisfied by imports, and cotton's percentage of those imports drop, cotton's share of the whole domestic fiber market suffers.

In some cases, the very fact that cotton textile imports are restrained while man-made fiber imports can come in freely, has caused foreign mills to shift from all-cotton to blends. There is evidence that when cotton product quotas were filled, some foreign mills turned to blends in order to continue selling their products in the U.S. And once they got into the production of blends, they also began to promote them in their own countries. This, of course, reduces the overseas market for cotton and hurts our exports.

In many domestically-produced textile items, those made with the higher-priced synthetic fibers often sell in higher retail price brackets than all-cottons, thus leaving the lower brackets mainly to cotton. But when the synthetic fiber items are made abroad with labor that costs only a fraction as much as U.S. workers are paid, the synthetic items can move right into the same price brackets with domestic cottons and take over a portion of a market that was formerly dominated by cotton.

In 1968 textile imports of man-made fiber were equal to 8.6% of domestic cotton consumption. These imports moved up strongly in subsequent years, while cotton consumption dropped. By 1970, this class of imports represented 17.7% of cotton consumption. In the same period cotton textile imports' percentage of domestic consumption changed very little. The man-made fiber imports were simply usurping all the market growth. Cotton growers cannot afford to spend their scarce dollars to build markets and then have their efforts wiped out by imported textiles, particularly when the growth of those imports is concentrated in man-made fiber textiles.

Let us move now to the effect of textile imports on the growth of the domestic fiber market. For this purpose, the decade of the sixties divides into three distinct periods. From 1960 to 1964 textile imports had a relatively mild rate of growth, from some 900,000 bale equivalents to about 1.1 million, or an increase of 20% spread across four years. In that period U.S. fiber consumption increased 25%. Under the stimulus of a tax cut, heavy military purchases, and a rapidly growing economy, fiber consumption rose nearly 31% from 1964 to 1968. But textile imports virtually doubled to about two million bale equivalents. From 1968 to 1970 fiber consumption had *no* net growth, but textile imports increased another 600,000 bales. And most of this growth was in the recession year of 1970 when fiber consumption by the mills had its only decline of the last ten years. Increasingly, the market growth is being taken over by the imports. If present trends continue, the imports will not only take all the growth, but cause domestic fiber consumption to turn downward.

This situation is reflected in the profits of the textile industry. Official government figures collected by the Federal Trade Commission and the Securities and Exchange Commission show that profits reached a peak of 3.8% of sales in 1965. This percentage has declined every year except one since that time, dropping to 1.9% in 1970.

The drop in profits makes less money available for the modernization that is necessary for the survival of any industry in today's competitive situation.

The textile industry's expenditures for new plant and equipment rose steadily in the early part of the sixties, reaching a peak of $820 million in 1966, according to the U.S. Department of Commerce. By 1970 this had dropped to $570 million, and the projection for the first quarter of 1971 was $510 million. This is quite in contrast with the reported new investment or all non-durable goods manufacturers, which has risen every year but one since 1966. The uncertainty about the future, as imports cut deeply into domestic markets, is obviously causing textile management to make only those capital outlays that are necessary for short-run plans.

The following quotation from the leading textile trade newspaper[1] sums up the current situation in the industry:

"The American textile industry is being hurt by an increasing profit squeeze. In the South it means the closing of marginal woven mills while in New York even the biggest mill organizations are tightening their belts and in many cases cutting down on the number of salaried employees."

There are no up-to-date figures available on research and promotion expenditures in the textile industry, but these quotations from the article mentioned above provide some insight:

"It was said that several positions in corporate long-range planning had been eliminated."

and—

"An advertising manager for a mill company said he had been forced to reduce his budget for the year, and he had some bitter words about unimaginative top-management that cuts advertising at a time when its need is greater than ever."

His management was probably not as unimaginative as it was strapped for funds.

The pattern seems clear: smaller profits lead to less modernization to improve efficiency and smaller expenditures for research and promotion, which in turn lead to smaller markets and still lower profits. If the cycle is repeated long enough, the company faces one of two choices: it goes out of the textile business or it joins the competition overseas so that it can take advantage of the vastly lower wage rates and stay in the market on the basis of lower prices.

To this point in time the first alternative has been chosen for the most part. Witness another quotation from the same article:

"Southeastern textile mills, squeezed by disappearing markets, imports, and the prolonged economic slump, are closing their doors at a record rate. The long-predicted 'shakeout' of marginal woven operations is in full swing. The frequency of announced closings has quickened since the first of the year and more shutdowns appear inevitable as financially pressed mills prune unprofitable operations. At least 50 textile plants in the Carolinas, Georgia and Alabama have expired since early 1969.

and this—

"Thirty-two textile mills in New England closed in 1970 in one of the biggest shakeout years in a decade in this nation's textile birthplace."[2]

The option of moving overseas has not yet been exercised to an extensive degree in the textile industry. Other U.S. industries have done so, however. The following quote from an article[3] on overseas operations of U. S. companies is indicative:

"Almost all of the major consumer electronics makers have packed up and moved their entire operations overseas. They have gone to Mexico, Hong Kong and Taiwan to obtain low-cost labor. About one-fifth of the imported radio and tape recorders are made in overseas American plants and sold under their own brand names in the United States."

Last year two of the largest textile manufacturers formed joint ventures with Japanese firms, with plants to be located in Japan. One company spokesman said that the products—

"Would be sold only in Japan and other Far East markets for the 'foreseeable future'."[4]

The other company will also produce for Japanese and Far Eastern markets, but the president of the Japanese partner firm was quoted as follows:[5]

"We will discuss with (name of U.S. company) the export of the carpets to the U.S. . . . For the time being the new firm will restrict itself to carpets, but in the future we want to expand into the various fields in which (name of company) presently is operating."

Both these American firms already have subsidiaries in Latin America and other non-Asian countries. Perhaps the situation is summed up in the following quotation:[6]

"If New Year's is a time for resolutions it is also the place for questions, and the textile industry has and will continue to engage in considerable soul searching in 1971. The most important question concerns widespread speculation that the industry will decide to move offshore in 1971; construction costs are less expensive abroad and wage rates are a fraction of 1970's average of $2.44 per hour."

The president of a large U.S. textile firm said that it was conceivable that his company might take steps to produce goods overseas for U.S. consumption.

"Our first obligation is to protect the investment of our stockholders, and we are going to live up to it", he said.[7]

When U.S. cotton people look at their two markets—domestic and export—they have to face the fact that for a number of years ahead it appears that the domestic portion is going to be a whole lot bigger and much more dependable. The export market, of course, is highly important to the U.S. cotton industry, and it needs to be nurtured and expanded. But U.S. cotton people should remember that they have a virtual monopoly in supplying raw cotton to mills in this country because of the strict import quota of about 30,000 bales of upland cotton and 95,000 of extra-long staple. In supplying a mill overseas, however, the situation is radically different. The fifteen countries that supply about 90% of our textile imports consumed a total of 17.9 million bales of cotton in the 1969–70 season. Of that total, less than 1.9 million bales, or 10.4%, came from the U.S. This is just about the same percentage that total U.S. cotton exports were of total consumption in the non-Communist foreign world. Thus, if cotton consumption in the U.S. increases, U.S. producers supply *all* of the growth. If hoped for increases come abroad, the percentage likely to be supplied by our farmers will be much less.

The solutions to the textile import problem that now appear to be politically feasible seem quite mild. The precedent has already been established by the Long Term Arrangement on Cotton Textiles, an international agreement signed late in 1961 under which annual increases in cotton textile imports are subject to negotiation between countries. Although it would seem logical that imports should only share market growth, the LTA requires that any quotas agreed to must increase at least 5% each year, regardless of whether there is any growth in the market into which the imports come.

The LTA came into being without any legislation on the part of the U.S., and if a similar arrangement could be agreed on covering man-made fiber and wool textiles, this would probably be satisfactory. But unsuccessful attempts have been made to accomplish this for several years.

The other approach is that contained in the textile section of the Trade Bill, which was painstakingly hammered out in the last session of Congress and re-introduced in the new Congress as H.R. 20 by Congressman Mills of Arkansas. The effect of this bill would be to require that exporting countries negotiate agreements with the U.S. It is hard to conceive of such negotiations resulting in anything more restrictive than the current cotton textile agreements, under which these imports increased 2½ times in five years.

Nevertheless, opponents of the Trade Bill, especially the Japanese, have used every tactic at their disposal to delay the bill and confuse and divide the American people. Every time there seemed to be some progress in the Congress, the Japanese have put forward some new proposal or changed the tempo of negotiations, which has led people to believe that they were serious about reaching an agreement. But nothing has been accomplished. The proposal in March 1971 by the Japanese Textile Federation to limit unilaterally its textile exports to the U.S. is obviously another tactical move that is totally unacceptable. The proposal, which went into effect July 1, has a few broad category limits, but no limits at all on individual categories. This would permit the Japanese to concentrate their exports in items that are especially strong in this country, like cotton denims and jeans, put domestic producers out of business, and then move on to something else. This proposal would undercut the LTA on cotton textiles, which, incidentally Japan is no longer a party to; would not include yarn; would not have the force of an international agreement; and would last only three years.

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[1] *Daily News Record*, February 25, 1971, p. 1.

[2] *Daily News Record*, March 3, 1971, p. 1.

[3] *Miami Herald*, December 5, 1970, p. 20A.

[4] *New York Times*, March 27, 1970.

[5] *Asahi Evening News*, March 5, 1970.

[6] *The Charlotte Observer*, January 3, 1971.

[7] *Daily News Record*, April 17, 1970.

Opponents of the legislation have made irresponsible statements concerning the effect of the Trade Bill. They point to the quotas based on 1967–69 imports contained in the bill and say it would roll back imports. But they neglect to mention that these quota provisions are voided for countries having agreements with the U.S. The quotas are simply the tool to force exporting countries to the bargaining table for serious negotiations.

Another argument used against the Trade Bill is that it would result in retaliation against U.S. exports. If this were valid, cotton people would be the first to draw back from it. The Japanese, who are mainly responsible for spreading this word, are the largest foreign customers for U.S. cotton. But cotton people know that the Japanese are hardheaded businessmen who buy wherever they can get the best deal. They know that in spite of a virtual prohibition on textile imports into Mexico, the Japanese buy as much or more cotton there as from the U.S. So the trade retaliation talk is not aimed at raw cotton people.

Instead, the opponents of the Trade Bill have aimed their propaganda at soybean interests. Does it seem likely that Japanese soybean crushers will go against their own best interest in seeking other sources of oil and meal because Japanese textile interests are upset with U.S. policy? This seems highly unlikely. Beside, consider the fact that the U.S. produces 76% of the world's soybeans and supplies 91% of world exports. The Japanese government would have to take the lead if retaliation were to become a reality. Japan depends far more heavily on her exports than most countries. Nearly a third of her exports go to the U.S.—nearly $6 billion worth—while she buys only $4.6 billion in goods from us. Would Japan risk upsetting a market of this size by retaliating against extremely mild restrictions on the textiles she sends us? The Japanese government knows that retaliation is a two-way street, and she has far more to lose than she has to gain from it.

Threats of retaliation against soybeans have also come from the Common Market. But this group of countries has been threatening to impose an import tax on soybeans for well over two years, long before the Trade Bill was ever conceived. This tax would be designed to help their own farmers, and the decision does not turn on whether or not the Trade Bill is passed. If the tax is imposed, whatever excuse seems handiest at the moment will be used, but it will be an excuse, not a reason.

Cotton farmers should not feel that they are asking for preferential treatment when they seek reasonable restriction for cotton product imports and materials that directly depress markets for their products. Imports of wheat flour and other millers' products are under strict import quotas along with wheat. Meat product and dairy product imports are restricted to a much smaller fraction of the domestic market than anyone is seriously proposing for those of textile products.

Neither the LTA nor the Trade Bill seeks even to hold textile imports level, much less cut them back. These approaches are only means of holding annual increases within reasonable bounds. Cotton farmers can support either the textile section of the Trade Bill or realistic international agreements as solutions of the import problem knowing that the result will be of great value to them and pose no real danger to producers of other products.

Mrs. ABZUG. Mr. Speaker, a number of our domestic industries, as well as our economy as a whole, are facing severe crises. In part, these difficulties are a result of competition from goods produced in whole or in part outside the borders of the United States. Two such industries are the textile industry and the garment industry. It is becoming increasingly apparent that some adjustments in our trade and tariff policies will have to be made in order to give domestically produced goods at least an even shake in the competitive marketplace.

I want to make it clear at the outset of my remarks what I am not talking about:

I am not talking about the erection of tariff walls against foreign-made goods.

I am not talking about "protectionism," or about repeating the disastrous example of the Smoot-Hawley Act of 1930.

I am not—at least at the present moment—talking about imposing quotas on goods made abroad. In my opinion, quotas should be imposed only in the direst and most extreme circumstances. I do not believe that we have reached that point. I hope that the effect of the less drastic measures which I do support, coupled with a reversal of the Nixon-led economic downspin, will obviate the need for any system of quotas.

The reason that I am not talking about any of these affirmative barriers to free trade is that, despite our perilous economic situation, our laws are structured in such a way as to encourage American corporations to go overseas to produce the goods which are then imported and sold here. Before we consider taking steps to bar goods from entering the United States, we should try doing away with some of the incentives which lead domestic companies to set up foreign subsidiaries and carry on foreign operations. The major incentives of this sort to which I wish to address myself are:

First, the problem of multinational, American-based corporations;

Second, low wages for workers abroad;

Third, the special low tariff rates given to foreign-assembled goods which use parts or raw goods shipped to assembly points from the United States;

Fourth, deferred taxes—which are often "deferred" forever—upon foreign subsidiaries of American corporations; and

Fifth, foreign production using technology developed at the expense of American taxpayers.

MULTINATIONAL CORPORATIONS

It has been correctly stated that trade is changing drastically, that we are today competing not with foreign companies, but with foreign-based divisions of American corporations. Many major American manufacturers have opened plants abroad to take advantage of cheap labor.

Foreign investment by U.S. corporations is not new. The first wave of investment began as far back as 1879, but the new wave which began in the 1950's is a phenomenon causing great concern because of the rapidity of its growth. At the end of World War I, there were about 250 foreign subsidiaries of U.S. corporations; during the year 1970 alone, more than 8,000 such subsidiaries were established. In 1950, the investment in these foreign subsidiaries was about $4 billion; in 1970, it came to some $70 billion. Furthermore, it has been suggested that if the amount of foreign capital controlled by these American enterprises is added, the total for 1970 is more like $100 billion in overseas investments. About half of this money is in the European Common Market, and about 40 percent is in Great Britain.

There are other contenders for the foreign markets of the European countries, but the position of the U.S. firms is overwhelming. In the three biggest European markets—France, Germany, and Great Britain—40 percent of direct investment is accounted for by three American firms—Esso, General Motors, and Ford. In all of Western Europe, 20 U.S. firms account for two-thirds of the investment. The internationalization of capital among giant U.S. firms is at present very high.

About 70 percent of the value of the direct foreign capital stake in the United Kingdom—£3½ billion, or $8.4 billion—was American-owned in 1968. The largest 50 American finance firms in Britain account for more than four-fifths of the total capital stake, and of this, three-fourths is directed to four industries—oil refining, motorcars, chemicals, and electrical engineering, which also happen to be the most research-intensive industries.

The $70 billion invested in 1970 produced at least $200 billion of business in that year; some economists have suggested that the total approaches $500 billion, or about one-fourth of the gross product of the non-Communist world. It has been estimated that at their present rates of growth, the multinational corporations will produce one-half of the entire world's output of commodities by the year 2000.

The sheer size and magnitude of these multinational enterprises gives them the advantage of permanence. They have a higher rate of growth, as well as a higher return on capital, than do U.S. firms in similar industries which confine their activities to domestic markets. They are growing faster and producing more efficiently than the local competition they face in the overseas markets where they are located. The gross product of these corporations surpasses that of every nation in the world but the United States and the Soviet Union.

In international economic relations, the multinational corporations have bypassed the United States; their exports dwarf ours and will continue to do so if they are not curbed.

Clear legislative direction is necessary to give the President authority to regulate, supervise, and curb the outflows of

American capital. Criteria to guide the President in his exercise of such authority should include considerations of the kinds of investment proposed to be made abroad, the products involved, the countries in which the investments would be made, the linkage of the investments to the flow of trade and the effect of the investments upon our domestic economy and employment.

RUNAWAY SHOPS IN THE GARMENT INDUSTRY

The garment industry, which has long been one of the principal industries of my congressional district, is composed of nearly 30,000 firms ranging in size from large garment houses down to contractors and subcontractors who work on no more than a shoestring. The garment business has a long history of "runaway" shops seeking to evade union organization and union labor standards of wages and working conditions. When labor was not organized in the South, they moved there seeking cheap labor, but now that that section of the country is becoming organized, they are leaving the United States for foreign countries whose labor standards are greatly inferior to ours—even taking into account their lower standards of living.

Formerly, most or all of the operations—designing, cutting, sewing, finishing, pressing, and so forth—in the manufacturing of garments took place in one or two shops. But now, the cutting job may be done in an American shop and the fabric then shipped abroad to be assembled and finished by foreign labor. Under existing law, the manufacturer may choose whether to establish his own subsidiary contracting operation abroad or to rely upon the services of an independent foreign contractor. In most of the 18 countries in which American garment contractors operate, the wage differential exceeds $2 per hour.

Since 1965, numerous firms in the garment industry have set up plants in Mexico. Thousands of Mexicans have been put to work at very low wages—about $1.95 per hour less than their American counterparts. Along the length of our 1,800-mile border with Mexico, a 12-mile deep border zone has been established for the assembling and processing plants of U.S. firms. Industries within this zone are not subject to the usual requirement that 51 percent of the capital invested in an enterprise be Mexican. Under present arrangements, these firms are allowed to import raw materials from the United States duty free, so long as the assembled dresses or other garments are shipped back into this country for sale.

In order to gain a fuller understanding of the foreign labor situation, we might consider requiring the making of detailed reports to the U.S. Department of Labor on the wages, hours, and working conditions of foreign workers. In addition, the United States should press, in appropriate international forums and agencies, for the establishment of international fair labor standards. Finally, we should consider the possibility of levying excess profits taxes upon those companies which take advantage of cheap foreign labor.

ITEM 807 OF THE TARIFF CODE

In addition to the incentive provided by low foreign labor costs, item 807 of the Tariff Code, adopted in 1963, has been a major factor in encouraging the development of operations such as those south of the border. Item 807 provides that if a garment is cut here in the United States with material produced in the United States, and is shipped outside the country to be assembled and returned here for sale, then the customs duty is to be paid only on "the added value" of the foreign operation. That is, the tariff will be levied only on the very low cost of the Mexican labor in the case of the border zone plants. Obviously, the smallness of the tariff cost makes it quite profitable to use this cheap labor, despite the additional charges for shipping the goods.

Item 807 requires that in order to be eligible for the special tariff rate, the cut textiles going abroad for assembling must be U.S. made. Once a bolt of material has been cut, however, its country of origin cannot be ascertained, as the original labels are cut off. Therefore, textiles which are produced overseas and cut in the United States are managing to reap the benefits of item 807.

What we are talking about here is of extremely significant import to garment workers. Cutting operations involve perhaps one out of every 20 workers needed to produce a finished item; therefore, moving all but the cutting operation outside the country can affect as many as 95 percent of the employees in a full-scale garment operation. Figures reported by the International Ladies' Garment Workers' Union suggest that 250,000 potential jobs were lost between 1956 and 1969 solely because of imports. The economic effects of the war in Vietnam are also part of the reason for this loss of jobs, but there is no doubt that the actual losses attributable to imports are quite substantial.

Given present circumstances, the incentives and potential for abuse offered by item 807 are unwarranted, and the provision should be eliminated, at least for the foreseeable future.

TAX "DEFERRAL" OFTEN MEANS TAX FORGIVENESS

Another strong incentive for overseas production by subsidiaries of American corporations is that of tax deferral. Under the present Internal Revenue Code, taxes on these foreign subsidiaries are levied not upon income, but upon distributed dividends. By the simple device of reinvesting most or all of the profits in their operations, these corporations are able to defer paying taxes on them; furthermore, if dividends aren't distributed at all before the subsidiary is liquidated, the funds derived from the liquidation may be treated as capital gains, rather than profits, thus obtaining an additional tax break.

At the very least, these subsidiaries should receive treatment no more favorable than that accorded corporations functioning within the United States. Profits earned by these foreign operations should be taxed at the time they are earned.

EXPORT OF TECHNOLOGY

Another force working in favor of foreign production is the export of American technology. The way in which this works is that scientific theories are developed and tested in the United States using American facilities. The bulk of the cost of this development is borne by the American taxpayer, not only through direct Government funding of research and development, but also by virtue of the fact that development expenditures are tax-deductible as business expenses.

Once these new methods and machines are developed to the point where they can be used in production, they are often exported through licensing and patent agreements, joint ventures with foreign producers, and the building of subsidiary facilities in other countries. Thus, the benefits of these new techniques, developed at the expense of the American public, do not flow to our economy. The American textile industry, for example, is among the leaders in applications for new patents. The garment industry now includes the use of laser beams to cut garments. In order to equalize this essentially one-way street, we must give the most serious consideration to imposing a tax on the value of any patents, licenses or other technology exported and to levying a tax upon the royalties received by U.S. companies which export them.

CONCLUSION

I have touched on several of the aspects of our foreign policy which may be in need of adjustment, keeping in mind my belief that we should remove some of the incentives for foreign investment on the part of American and American-based corporations before we give any consideration to active attempts to prevent the importation of goods produced by truly foreign companies.

I commend to my colleagues a report on unemployment in the garment and electrical industries. It is the work of Dr. Betty Traum, a political scientist with a distinguished academic record, and I include it in the RECORD at the conclusion of my remarks today.

It is my intention, during this session of Congress, to introduce legislation dealing with the areas I have discussed, with special emphasis to be placed upon the need to supervise and control the foreign investment of funds by American-based multinational corporations.

I do not claim to have all the answers, but there is no doubting the fact that we are in trouble. Congress must take a hard look at the situation as it exists today—without regard to old traditions or ringing slogans—with an eye toward restructuring our trade policies to meet the needs of a changing Nation and a changing world.

The material referred to follows:

REPORT ON THE ELECTRICAL AND GARMENT WORKERS UNEMPLOYMENT PROBLEM

(By Dr. Betty Traum)

INTRODUCTION

The United States has used a liberal "free trade" policy since 1934, culminating in the General Agreements on Tariffs and Trade (GATT) of the 1960's.[1] Unemployment and decreased profits in the textile-garment and electrical-electronics industries, however, have caused unions to re-examine their traditional support of free trade policies. They have applied to Congress for amelioration of their plight by way of restrictions imposed by a quota system. This plea for a protectionist policy has met stiff resistance from law-makers (although a good number do

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support it), economists, newspaper editors, and industries which produce commodities for export or which import raw materials from abroad. All of them fear a retaliatory trade war through the cutting off of both export trade and importation of vitally-needed raw materials if quotas are introduced. Essentially, it is only the industries which produce commodities for domestic consumption which are exerting pressures for a restrictive trade policy, but this group is not the dominant group in the country.

The unions place primary emphasis upon imports as the cause of their troubles, but imports are not so much the cause as the result of other causative factors. The primary cause of unemployment in the United States, recognized by economists, its inflation created by the outflow of dollars for a Vietnam War, the stationing of troops abroad, foreign aid given for political purposes, and the flow of capital investment abroad. U.S. giant corporations have established subsidiaries abroad, and in the process have eliminated jobs for U.S. workers. There are the multinational and international corporations, about which more will be said in the second part of this report.

CHAPTER 1.—INFLATION AND RUNAWAY SHOPS

The sole reason for the flow of cheaper imports into the United States in the textile-garment and electrical-electronics sector of industry is that inflation is rampant in the United States for reasons already given. As prices and taxes pushed higher, workers pushed for higher wages to offset these rises. Since labor costs are the highest component in the cost of producing a commodity, the cost of production in the United States is higher than in any other part of the world. But businessmen are always seeking for the lowest unit cost in their search for profits.

The giant corporations of America who own their own ships and tankers left the U.S. flag for foreign flag registry to escape the high Union wages and labor standards on shipboard. The same thing has taken place in almost every sector of U.S. industry and for the same reason—to escape inflationary costs brought on by bad government policies which they supported in the first place, the effects of which they now seek to escape.

Those U.S. corporations which "run away" hit U.S. workers twice: first, by moving plants abroad, completely shutting down shops here as in the electrical and garment industries, and, second, by shipping back their cheaply-produced foreign-made products as imports into the United States, against which the higher-cost domestically-produced product has to compete at a disadvantage, and must therefore go out of business or also "run away". To add insult to injury, the U.S. government itself aids and abets the runaway shop by way of tax privileges. In June 1970, Mr. Nixon added still further injury to American workers when he ordered a review of Government purchasing policies to see if more goods from abroad could be used to meet federal needs. He stated he was using imports as an anti-inflation weapon. The trade-policy debate was bitter inside the Administration, and one official lost his job for advocating protectionism.[2]

The electrical-electronic workers and the multinational corporation

William Bywater, President of District 3 of the International Union of Electrical, Radio and Machine Workers (AFL–CIO) appearing before the House Ways and Means Committee stated the case for the electrical workers. Historically, the union had always supported a free trade policy.

"But trade is changing. We are no longer competing against foreign companies. Our competitors are divisions of domestic corporations. Almost every major American manufacturer has opened plants abroad to take advantage of low wage rates. They have shifted production from the United States to new foreign plants built with American capital and run by American management. General Instrument Corporation is in Taiwan with 12,000 workers. Philco-Ford Corporation produces radios in Taiwan. International Business Machines Corporation, RCA, Admiral Corporation, Motorola Inc., and Ampex Corporation are all in Taiwan. Wage rates are 15 cents to 35 cents an hour. The United States $3.75 per hour rate means we can't compete. When their products—TV sets, transistor radios, typewriters, eyeglasses, and a whole range of consumer goods are brought into this country they are given the brand-name label of the domestic corporation. They are sold on the American market at domestic prices."

The process has been so successful that the flight of American capital to foreign lands has become an avalanche. In electrical-electronics $2.5 billion has been invested in new plants and equipment abroad, principally in Taiwan, Hong Kong, South Korea, and the Mexican border zone, or they have licensed Japanese firms to use basic American technology. Profits earned and accumulated are reinvested abroad. Over one-half of black and white TV sets come from American-owned foreign plants; ninety percent of radios and tape recorders; two-thirds of sewing machines; all portable transistor radios. As a result, 5000 jobs per month have been lost in the last three years in the United States, and the trend continues. "What 'free trade' means today," says Byswater, "is the export of American jobs for the import of American company products. No economy can survive that kind of international trade for long. If there is to be free trade, then let it be between free nations, and not between the various subsidiaries of the same international corporation."

Mr. Byswater continues with the statement that it does no good to have Untied States corporations open plants overseas to exploit local workers. Oak Electronics Corporation opened a TV plant in South Korea. After a few years the workers organized for a strike against the 15 cent hourly wage. So the company simply closed up shop and moved to Taiwan. Thereafter, South Korea passed a law forbidding strikes against American corporations. "Now that has nothing to do with free trade," says Mr. Byswater, "it is nothing but old-fashioned wage exploitation."[3]

The latest shop closure has been the Emerson TV plant in Jersey City. Zenith is starting construction on a big, new plant in Taiwan. This company's employment was down 4,000 in 1969, "because of the competitive necessity of making, or having made offshore, products which we had planned only a year and a half ago to produce here in the United States."[4] Thus, a trend has produced an avalanche abroad, as firms like Zenith are actually forced to leave the United States through competitive practices.

Paul Jennings, President of the International Union of Electrical, Radio and Machine Workers Union (AFL–CIO) appearing before a Congressional Economic Committee stated that Japanese corporations are learning from U.S. entrepreneurs and are telling Japanese workers who are unionized to keep wages down or they will move to Taiwan or Hong Kong or elsewhere.[5]

Asked by one of the Committee members whether American consumers are gttting a better price from the product produced overseas by U.S. companies, Mr. Jennings said:

"We have just the opposite proof. We have been able to put together pieces of information where Westinghouse is now bringing stuff back from overseas, and components, and mostly these higher TV operations are put together overseas. There is no reduction in the price. There is an incredible amount of saving that goes to the company but there is no reduction in the price, and the consumer gets no break at all."[6]

Upon request, Mr. Jennings produced the following list. Note the markup in price between "Price landed in the U.S." and the "Suggested retail price."

ONE COMPANY'S LIST[1]

Product	Price in Japan	Price landed in United States	Suggested retail price
Portable radio	$11.66	$13.81	$39.95
AM–FM tuner amplifier	(2)	39.10	119.95
Do	31.74	38.80	159.95
Stereo cassette tape recorder	(2)	52.63	149.95
Stereo reel tape recorder	70.65	90.00	219.95
Portable cassette	(2)	27.73	89.95
Stereo cassette tape recorder with speakers	(2)	66.00	189.95

[1] Name of company not given.
[2] Unknown.

The International Ladies Garment Workers Union and the runaway shop

The case of the garment workers is somewhat different from that of the electrical workers. The latter work mainly for large corporations which have established subsidiaries abroad, but the garment industry is composed of 28,000 firms ranging in size from large firms downward to the contractors and sub-contractors, some of whom work on the proverbial "shoestring".

The industry has a long history of runaway shops seeking to evade union organization and union labor standards. When labor was unorganized in the southern section of the country, they went South looking for low labor costs. But now that the South is becoming organized, they are leaving the United States for foreign countries where wage standards and labor conditions are distinctly inferior to those in the United States.

A new trend is presenting itself in the garment industry. Where formerly all operations entailed in manufacturing garments took place in a single shop (or was shared with a contractor)—the designing, cutting, sewing, finishing, pressing, etc.—now the cutting job alone is being done in many shops, after which the cut material is bundled up and shipped abroad to be assembled and finished by foreign labor.

The garment manufacturer who seeks to go abroad has two choices: he may establish a contracting operation in a foreign country which will be controlled by outright ownership, in whole or in part, or through the use of dummy stockholders, American or foreign. (New companies with a majority control of Mexican nationals get tax advantages under the Mexican law not available to companies that are controlled by non-Mexicans). Or he may rely on the services of a foreign contractor and even back him financially as is done in the United States. Tight secrecy is kept on this activity by the American firm so that workers, the union, and even customers do not know that the contract work is being done outside the country, and it is difficult to get the facts about such operations.

Garment firms located in the Eastern and Middle sections of the United States establish contracting shops in the Caribbean (Jamaica, Trinidad, Barbados, Haiti), the Canal Zone, Panama, Costa Rica in Central America, and some go as far as the Philippines. West Coast firms establish these shops in the Mexican border zone. Worker productivity is basically the same in all the areas. There is no difference in the work put out abroad from that domestically-produced when technology and managerial know-how are internationalized.

Wage differentials

For thirteen of the 18 countries where U.S. garment contractors are to be found the wage differential equaled or exceeded $2 an hour. For 3 countries, inluding the Mexi-

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can border area the average U.S. hourly wage was higher by $1.95 or $1.96. Only for two areas was the wage differential down to $1.76 or $1.71 per hour. In Canada, where wages are much higher, the wage differential was 56 cents an hour less. Table I shows why American entrepreneurs leave home.

Since 1965 270 firms in the textile and electronics industries have set up plants in Mexico and another 70 or 80 will enter by the end of this year. In an area of high unemployment, 25,000 Mexicans have been put to work at very low wages, and about $35 million added to the Mexican economy by way of salaries, rents, taxes and services. Mexico is trying to get European and Japanese companies to its border region in order to reach the Southern U.S. market. It has an unfavorable balance of trade situation with the U.S., had an $800 million deficit last year.

Along the length of its 1800 mile border a border zone twenty kilometers deep has been opened for the assembling and processing plants owned by American citizens. Under present arrangements U.S. firms located in this zone are allowed to import raw materials from the United States duty free. But the assembled dresses or other garments must then be shipped out of Mexico back to the United States. The Mexican government does not intend to create competition for its own manufacturers. This is Mexican law.

The AFL–CIO is strongly opposing Mexico's border industrialization program. The ILGWU made an investigation of the border region stretching from Mexicali to Tijuana, south of the California border, and found apparel contractors mushrooming in the area. More than 2,000 workers were being employed. Some 30 shops were licensed and registered with the authorities, thus making them "legitimate," and were known locally as "Maquiladores."

In most cases these shops were well ventilated and even air-conditioned. But a much larger number of shops locally described as "Ensembladores" were neither registered nor licensed, operated clandestinely in all sorts of locations like garages or little unheated store fronts. Their total number was not known because they do not display names or addresses and have no phones in most cases. Agents in Los Angeles pick up the work for these two types of shop. Typically, new workers are hired as learners, and in the small Ensembladores, often these new employes are paid nothing during the initial period of employment, and the length of this period is not spelled out, all in violation of the law.

In the countries shown on Table I, subsidizing of apparel contracting operations as well as other export industries by the host country is widespread. Income and other taxes may be remitted in full or in part. New Plant construction may be subsidized, or customs duties waived on machinery, equipment and building materials used in plant construction there. Special credit terms may be arranged for purchasing machinery and equipment, or to bolster working capital. Although under Mexican law at least 51 percent of the capital of an enterprise must be Mexican, this is waived for the border region. If they do have a Mexican majority (arranged through dummy stock ownership), they get additional tax concessions for up to 10 years, with the possibility of another five-year extension. There are other taxes which are forgiven, and, with some variation this holds true for the countries listed in Table I.

There is no doubt that the promulgation of Item 807 of the Tariff Code, which was adopted in 1963 served as a catalyst for runaway shops in addition to the subsidies offered by foreign governments and the low labor costs. Item 807 states that if a garment is cut here in the United States *with material produced in the United States* (emphasis added because this is an important point), and is shipped outside the country to be assembled and returned to the United States, then the customs duty at the border is to be paid only on "the added value" produced abroad. In other words, the tariff will be placed only on the very low cost of labor which was added abroad. Obviously, the added tariff cost will be so low as to make it very profitable to use cheap labor abroad even though shipping charges must also be added. As a result, the dollar value of Item 807 imports (valued at the point of entry) rose by a stupendous 2,243 percent in five short years.[8]

Table 2 shows the speed with which Item 807 was taken advantage of after 1963. It shows the dollar volume of imports, with Mexico leading with 42.5 percent of the total in 1969. Jamaica was next with 15.8 percent; Philippines 12.9 percent; Canada 5.8 percent; Trinidad-Tobago 5.8 percent; Costa Rica 4.4 percent. Twenty-seven other nations accounted for the remaining 12.8 percent.

Dr. Teper of ILGWU points to the section of Item 807 which states that the cut textile going abroad for assembling must be of U.S. make for Item 807 benefits to be available. He states that once a bolt of material has been cut on U.S. cutting tables you can never tell from what country it originated since the labels are off. Foreign-produced textiles cut in the United States are therefore illegally coming within the scope of the low tariff benefits of Item 807, although it is impossible to physically determine the national origin of the cut materials.

Meanwhile, the jobs of garment workers in the United States are eroded, since it is mainly the cutting operation which is left. Roughly, one production worker of twenty does the cutting in garment manufacturing. The other nineteen do the other operations. When cut piece goods are shipped out, so are 19 other jobs, Mexico being the largest recipient.[9]

The ILGWU figures show a net loss of potential jobs, which they attribute solely to imports, reaching a figure of −248,500 for the years 1956 to 1969. The author of this report views this figure with some scepticism, since other factors producing unemployment were at work during these years besides imports.

The Union is hoping to get Item 807 nullified on the ground that other operations besides "assembling" to go into the finished product, such as buttonholes, trimmings, stretching of fabrics, pinking of seams, pleatings, smocking, shirring, etc. All of these operations enhance the value of the component parts and are unrelated to "assembling". The Union is particularly anxious to have Item 807 removed from the books. And where foreign governments offer subsidies to lure firms, countervailing duties should be imposed against them.

CHAPTER 2.—THE PROS AND CONS OF PROTECTIONISM VS. FREE TRADE

The opinions of economists, newspaper editors and officials on protectionism vs. free trade policies for the United States will be included in this chapter, to be followed by union proposals for Congressional action on their unemployment problems.

The classic approach to free trade is based on the principle of *Comparative Advantage*. This means that if England can produce woolen goods at less cost than in American factories, then the American consumer gains from the English imports. Market forces lead producers in each area of the world to specialize in the production of goods on which their costs are lower. Then each area imports the goods that are costlier for it to produce. Such a policy leads to the greatest total worldwide production, so that consumers receive the largest possible supply of goods.

Foreign trade helps every country make the best use of its economic resources and thus worldwide levels of living are raised. It brings new products to consumers in the less technically advanced countries. It is supposed to lead to world understanding and to world peace. For these, and other reasons, economists for two hundred years have argued for free trade, pointing out the advantages of expanded total income, increased productivity, and a generally more efficient economy. They have always been opposed to most man-made restrictions against free trade. But they have failed to convince everybody, and the trend toward protectionism is growing in this period of recession, inflation, and unemployment. More and more the economists are warning of the dangers inherent in a protectionist policy for the United States.

Richard N. Gardner, economist, writing in the War/Peace Report of April, 1971 states that the United States is faced with three alternatives on the question of imports. The first approach would be the protectionism for which pressures are building up. If such a policy is pursued then five results would follow:

1) It would disrupt worldwide economic links.

2) Isolation would follow, both politically and economically.

3) It would result in higher domestic prices for consumers.

4) Domestic inflation would be aggravated.

5) Any gain in the relatively low-wage jobs in our import-competing industries would be offset by the loss of relatively high-wage jobs in our export industries resulting from foreign retaliation.

The second approach is that used by the Executive branch of our government since 1967. It consists of small steps forward while buying off the most insistent demands for protection. It consists of voluntary quotas or other special deals such as for Japanese textiles. It is a temporary device only. "But in trade policy, as in other fields, you can die from an overdose of pragmatism," he says. History shows it is difficult to contain protectionist pressures.

For the third approach the author calls for free trade by stages after the 1972 Kennedy Round cuts tariffs to 10 percent or less for Europe under the GATT agreements. But with this, he warns, must go a program for assistance of workers, communities, and firms adjusting to international competition; new rules covering the rights and responsibilities of multinational companies and the conflicting efforts of governments to regulate them; improvements in the international monetary system to provide greater flexibility in exchange rates. *But such a program cannot get under way until the economic and psychological burdens of Vietnam are removed.*[10]

Richard Farmer of the Indiana University Graduate School of Business writing on tariffs, quotas and class structure, joins the academic group for free trade. There are winners and losers in a free trade situation, he points out. The winners tend to be high productivity firms, and the high-wage persons connected with them. These are exporting firms. Other winners include all consumers, because the effect of trade restrictions is to raise prices of consumer goods, as in the present textile case. The losers are the firms with lower productivity who are not in a position to take proper steps when foreign competitors invade their markets. These firms do not seek our foreign markets, and therefore seek protection. Protectionist sentiments are dangerous for a rapidly rising standard of living, making this goal more difficult to achieve. Yet people lose their jobs and blame it on imports. "How do you convince the worker otherwise?" he asks.[11]

Lawrence Krause, economist, states that

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protection would increase prices, sacrificing consumer interests to textile and shoe interests.[12]

Professor Samuelson of M.I.T., foremost academic economist of the United States whose text books are required classic reading in the Economics Departments of colleges and universities, sharply declared his opposition to the protectionism being demanded by the steel industry. He told 1000 executives at the annual meeting of the Steel Institute last week that he "didn't come 250 miles just to tell you what you want to hear." He declared that he was one of the academic economists who oppose "the sort of quota arrangement you want so badly you can taste it." [13]

Robert Heilbroner is one economist who has looked at the "free trade" theory with a critical eye. The "free trade" theory was based on the concept that the flows of trade between nations would "balance" with no blockage by way of tariffs or other impediments (except where infant industries of emerging nations had to be protected). In practice it has not really balanced because of the monetary problems of balance-of-payments. It hasn't really worked because it is not only a matter of flow of commodities from one nation to another, but also a flow of capital with its transfer from one country to another, waging wars overseas, going into Swiss banks, and investing in foreign enterprises. So some nations have trouble "financing" their imports and others have trouble selling their products because they do not want the currency of the other country. Then there is the theory that if the other fellow could produce a cheaper product than you could, then you had better turn to another type of industry. Those who raise bananas best, or coffee best, found the disparity with rich countries widening.

It is an era where domestically-produced goods which used to be shipped internationally, is being largely replaced by an era where nations affect one another by directly producing "foreign" goods within each other's economies. Corporations from the United States are producing commodities abroad, and foreign corporations are producing commodities in the United States.[14]

GATT's General Director, Olivier Lang, disturbed at the current trend, states that:

"Protectionism invites legitimate retaliation by other countries. If not successfully resisted, it might provoke a chain reaction that could put at risk the multilateral trading system and any possibility of further progress. Restrictions breed restrictions, to the commercial and economic disadvantage of all." [15]

World trade would slow down and shrink and the world economy would become more unstable.

And a high U.S. official (unnamed) stated: "Since we're richer, I suppose you could argue that we could most easily weather the economic warfare, but we would pay stiff penalties for many decades in lost prestige and opportunities." [16]

Europeans are warning United States Diplomats that a trade war among industrial countries will result from protectionism. In 1970, the European Common Market (European Economic Community) threatened reprisals.

Representative Boggs (Dem. La.) said that the United States, Japan, and the Common Market must work together or a trade war follows which can hurt both sides. Japanese leaders concede that a sharp cut in exports can heavily damage her industries. The result could be that nations blocked from United States markets would "shove" harder into the remaining markets abroad. Brazil buys its wheat from Canada rather than the United States; it sells its coffee direct to other countries rather than through United States markets. If United States protectionism gets any worse there will be more of this. Also, there could be possible reprisals against U.S. companies in Latin America and elsewhere. In an all out trade war the United States would lose three jobs based on exports for every one gained by domestic industries taking back markets lost to imports.[17]

The editors of our leading newspapers have been much disturbed by the protectionist pressures. The Wall Street Journal has been editorializing intensively on the evil results of protectionism, citing all the consequences which have been given above by the economists.[18] The New York Times shares this opinion and ran a special article titled "Smoot-Hawley revisited," the gist of which is as follows:

Forty years ago, during a period of high unemployment, Congress put import quotas on textiles, shoes, oil, and many other products, under the Smoot-Hawley Tariff Act of 1930. "Labor realized that higher prices would result, but succumbed to the chimerical hope that the bill would relieve unemployment." One thousand and thirty-eight leading economists urged the President to veto the bill, warning that it would bring retaliation, but the bill was passed. Retaliation by all countries followed. The United States trade barriers against Japan frustrated the efforts of the liberal Japanese Government to improve economic conditions through expanded trade. Japan is a mountainous island which is incapable of raising sufficient food for her population, and must therefore export manufactured goods to survive. Trade barriers led to a more nationalistic and militant policy as military elements gained control. The next step was the overrunning of Southeast Asia which would supply rice for Japan, and thus the Smoot-Hawley Act sowed the seeds of the Japanese Asian Co-Prosperity Sphere.

The position of the United States was worse off after Smoot-Hawley than it had been before. A world depression followed the collapse of world trade. The Act worsened unemployment for labor, industry and agriculture on a world-wide scale. Its repercussions contributed to the growth of nationalism and economic autarchy in many countries, and to the deepening political crisis of the 1930's which led to the rise of a Nazi Germany.

The 40-year old petition which had been signed by more than 1,000 economists in 1930 was reissued in September 1970 by 4,000 American economists, together with a new petition reaffirming the damage that protectionism would do. If the United States goes protectionist, severe retaliation from Europe and other countries would follow, and history would repeat itself.[19]

Positions of the Unions

Economists are saying that the sooner inflation can be curbed, the sooner can the economy resume its solid growth. But the unions are saying that the liberal trade policies which began in 1934 and extended through the GATT agreements are unrealistic today. When interviewed, Dr. Lazar Teper, research director of the ILGWU, downgraded the contention of the economists that quotas would mean higher prices for consumers, more inflation, more unemployment, as domestic manufacturers no longer faced with competition from abroad would have no incentive to keep down costs. "We have 28,000 firms in competition with each other, and that's enough to keep down prices," he said.[20]

It is recognized now by the AFL–CIO and the economists that the problem of the multinational corporation and the American entrepreneurs who flood the market with their low-cost foreign-made goods at a high profit must be dealt with,—but the unions are calling for quotas, and the economists are saying that quotas which catch every import in its net are not the answer since trade wars would follow.[21] This fact is recognized by Europe, Japan, and the United States and that is why nothing has happened thus far, despite the pressures. President Nixon's strategy of heading off tough import controls (except for textiles) is to ease access to "import relief". The 1962 Trade Expansion Act contained an "assistance" escape clause which provided that an industry or its workers can qualify for Federal adjustment assistance if they can show damage "in major part" due to past tariff cuts. From 1962 to 1969 the Tariff Commission had rejected pleas for assistance, but in 1969 three groups of steelworkers were declared eligible for assistance because past tariff cuts had inflated imports. The laid-off workers were to get $80 a week for 52 weeks, and a few won lump sums of $5000.[22] To ease the granting of this assistance, Nixon has now stated that the hardship would not have to be related to a prior tariff reduction as currently required—it will be enough if increased imports are involved as a "substantial cause" rather than the current "primary cause", and the companies are seeking protectionism in order to be eligible for assistance.

Adjustment assistance is granted to specific companies or workers in the form of loans, tax relief, relocation and job training grants, but as Dr. Teper pointed out, "What good does it do the worker to be retrained, only to find that there are no jobs available for which to use that training?"

The question of protectionism is a serious one. For one thing, if Congress restricts textiles and shoes, a host of other products will intensify pressure. At the present time there is a demand for import limitation in seventy general product categories. And the powerful Steel Institute meeting now in New York is raising strong demands for quotas for steel.

UNION PROPOSALS

The United Electrical, Radio, and Machine Workers has a program to meet the foreign runaway menace:

"To curb the unlimited power of corporations to destroy American jobs, without inciting an international trade war which would harm the American people by further reducing exports and encouraging price increases at home:

1) the immediate prohibition by the United States of the establishment of any new runaway foreign plants by American firms.

2) An excess profits tax levied on profits made by American corporations in the overseas plants they now own which employ workers at conditions inferior to those in the Fair Labor Standards Act—$1.60 minimum hourly wages, for a 40 hour week.

3) Closing the tariff loopholes in Items 806.30 and 897.00 of the law which gives American companies special exemptions on duties on goods they produce abroad.

4) Negotiation by the United States of fair agreements with other countries, mutually advantageous to all parties and prohibiting unfair trade practices as dumping, and the use of sweatshop labor and the like.

5) An immediate end to the Vietnam War and a sharp cutback in military spending as the major step in ending inflation and improving the price position of American products here and abroad.

6) Sharp cutbacks in the heavy research and development spending now wasted on military and space developments and transfer of the funds, the scientific and engineering personnel, to the development of improved civilian products for the domestic and export trade.

7) Workers displaced by imports should be granted the equivalent of Supplementary Unemployment Benefits for 52 weeks.

Footnotes at end of article.

Program of the International Union of Electrical Workers (IUE) presented by Mr. Paul Jennings

1) Regulate and supervise export of capital to all countries.

2) Remove tax incentives now in law to spur foreign investment. This includes requiring taxation of profits wherever earned at the time they are earned.

3) Require labeling of products by country of origin from any country—including U.S. brand items and all components.

4) Tax the export of capital to create a disincentive to produce abroad.

5) Make U.S. government-subsidized patents the property of the United States government with royalties paid to the United States Treasury.

Proposals of the ILGWU given by Dr. Lazar Teper

1) Limitation of capital export and control of it.

2) Determine the extent to which corporate policy is causing unemployment.

3) Taxation of profits realized abroad to reduce incentives.

4) Quotas.

A few globally-minded labor theorists suggest world unions to raise pay and living standards world-wide. For the 1970's it is considered to be still a "dream", but Walter Reuther had talked of this for the automobile industry.[23] In 1970 representatives of electrical and electronics unions from 21 countries met at the Hague to co-ordinate bargaining with multinationals.[24]

TABLE 1.—AVERAGE HOURLY EARNINGS, APPAREL INDUSTRY, UNITED STATES AND FOREIGN COUNTRIES EXPORTING UNDER ITEM 807.00 TSUS, 1969

[Expressed in United States currency]

Country	Average hourly earnings
United States	$2.31
Canada	1.75
Barbados	.22
British Bahamas	.55
British Honduras	.23
Colombia	.20
Costa Rica	.28
Dominican Republic	.36
French West Indies	.35
Guatemala	.29
Haiti	.19
Honduras	.23
Jamaica	.31
Leeward and Windward Islands	.21
Mexico (border region)	.35
Netherlands Antilles	.21
Panama	.60
Philippine Republic	.23
Salvador	.29
Trinidad and Tobago	.26

Note: The figures do not take account of earnings of cottage workers (i.e. industrial homeworkers) in foreign countries. In some areas their number is significant. Homeworker wages are but a fraction of the earnings of factory workers in the same countries.

TABLE 2.—DOLLAR VOLUME OF IMPORTS UNDER ITEM 807

[In valuation at point of entry into United States]

Principal countries	1965	1967	1969
Canada	24,670	489,717	2,360,247
Costa Rica		91,813	1,803,792
Haiti	208,135	136,864	817,305
Honduras		74,629	806,258
Jamaica	1,017,239	4,521,671	6,398,810
Mexico	9,325	3,977,424	17,235,333
Philippines		805,468	5,234,993
Trinidad-Tobago		790,116	2,338,853
Total dollar volume from imports from U.S. firms abroad	1,259,369	10,887,702	[1] 36,995,591
Imports from 27 other countries	471,008	1,328,127	[1] 3,542,259
Total	1,730,377	12,215,829	40,537,850

Footnote at end of table.

[1] Note that the imports from 27 countries from foreign firms was only 1/12th the total coming from U.S. firms abroad.

FOOTNOTES

[1] The "free trade" is not really free because these are restrictions, and the United States never signed the GATT treaties, although it adheres to the agreements.

[2] United States News, Vol. 69: 43–4, July 6, 1970.

[3] New York Times, January 3, 1971.

[4] Mr. Wright of Zenith, in *United States News*, July 6, 1970, p. 44.

[5] *Hearings* before the Subcommittee on Foreign Economic Policy of the Joint Economic Committee, Congress, 91st Congress, Second Session, 1970, July 27–30, 1970.

[6] *Ibid.*, p. 841.

[7] New York Times, May 19, 1971.

[8] Lazare Teper, *Item 807.00 of the Tariff Schedules of the United States and the Apparel Industry*, ILGWU, New York, May 1970, p. 34.

[9] Garment workers questioned state there are still many firms in the industry which produce the entire garment here in the United States.

[10] Richard N. Gardner, "Free Trade by 2000 A.D.?" War/Peace Report, April 1971.

[11] Richard N. Farmer, "Tariffs, Quotas, and Class Structure", *Business Horizons*, Indiana Univ. Graduate School of Business, vol. 13, No. 6, Dec. 1970, pp. 29–34.

[12] New York Times, May 27, 1971, p 55; New York Times, Nov. 17, 1970.

[13] New York Times, May 27, 1971, p. 55.

[14] Robert Heilbroner: "The Multinational Corporation and the Nation-State", New York Review of Books, Feb. 11, 1971, pp. 20–5.

[15] United States News, Sept. 14, 1970, p. 48.

[16] Wall Street Journal, Nov. 13, 1970, 2:3.

[17] United States News, vol. 69, Sept. 14, 1970, pp. 46–8.

[18] Wall Street Journal, 6/24/70; 7/16/70; 10/14/70; 11/23/70; 11/27/70; 12/3/70; 12/7/70; 3/15/71; 3/30/71.

[19] New York Times, September 23, 1970. The 4000 economists are members of the American Economic Association.

[20] There were thousands of garment firms in business at the end of World War II when the author of this report was active in price control programs with the OPA. When controls were removed prematurely, competition did not stop the ever upward spiralling of garment prices.

[21] See footnote at bottom of Table 2.

[22] Wall Street Journal, Nov. 18, 1969, 1:5.

[23] On May 24, 1971 Leonard Woodcock, president of the UAW announced that Japanese auto workers would merge in 1972 into one big industrial union. By speeding up their gains in wages and their standard of living, labor costs would become more nearly equal than now between the United States and Japan, and this would stop the growth in the number of imported cars in the U.S. which had been increasing rapidly.

[24] *Business Week*, "Why Unions Fear the Multinationals", Dec. 19, 1970, p. 95.

Mr. DICKINSON. Mr. Speaker, I regret deeply that I feel it necessary once again to participate in a special order to bring to the attention of the Members of this body the serious situation which exists in our textile industry due to foreign imports. I would much rather be able to rise in support of legislation being considered to correct the situation or, better still, to rise to congratulate my colleagues for passing legislation to bring a halt to the merciless rape of our textile industry.

I am not going to belabor you with facts and figures, with examples of closing factories, jobless textile workers, small towns facing financial ruin—the figures and examples are a matter of record having been cited time and again in this very place. Instead, I am going to appeal to you Members of this House and to your sense of justice and ask that once and for all you take steps to assure our textile industry, and related industries facing similar ruin, of a chance to compete fairly in the market.

It is inconceivable to me that we as a nation have created a situation in which high wages are a way of life but companies paying those wages are penalized by having to compete with foreign manufacturers who pay very low wages. We are appalled at the idea of men working for almost nothing, and yet we make it impossible for the companies who are paying the wages we expect them to pay to make a living. We are cutting our own throats—and while the textile industry is slowly bleeding to death, the Congress sits on its hands talking about being fair to nations that never give a thought to being fair to us.

Furthermore, it is inconceivable to me that we can pass legislation to create a guaranteed income, public service jobs, and countless other giveaway programs on the one hand, but we refuse to pass legislation to allow an industry to maintain itself—an industry which supplies a great number of necessary jobs and sustains the income of a great number of families. I fail to understand how we continue to give to the undeserving with one hand and take from the deserving with the other.

The situation is continually worsening and there is little hope of improvement without assistance from the Congress in the way of import quota legislation. I urge you to give that assistance. Voluntary quotas are a joke. What we need—what we must have to survive—are realistic enforceable quotas. We must act now.

Mr. MANN. Mr. Speaker, this afternoon the Department of Commerce released figures showing that textile imports deluged the American market with 571 million square yards during June of this year. The figures show that June's imports represent an increase of 47 percent over the June 1970 level and an increase of 10 percent over May of this year. This country now faces the prospect of the first annual trade deficit in 78 years, and we recently had our first quarterly deficit since 1950. Already this year we have a textile trade deficit of $820 million, an increase of 50 percent over a comparable period last year. Many of us in the Congress have warned that a trade deficit was imminent, and I hope that the gloomy statistics which have been released will cause us to reevaluate America's position in the trade world.

Like many of you, I was disappointed that the 91st Congress did not enact legislation to protect American industries which find their markets disrupted by foreign imports. This House passed an adequate bill, but a combination of factors in the Senate provided the death knell for meaningful legislation.

Our domestic textile industry is one of the industries most severely affected by rising imports. In 1970, textile production dropped 3.5 percent, sales 0.5 percent, profits 31 percent, employment 3.3 percent, and the industry had its ninth annual wage increase. Yet for textile imports it was a record year. They rose 13 percent to reach a total value exceeding $2.4 billion while exports totaled only $776 million, leaving a trade deficit of more than $1.6 billion in textile products.

Mr. Speaker, these figures are especially disheartening when one considers that jobs in the textile and apparel industries represent one out of every eight manufacturing jobs in this country. The textile and apparel industries have become one of the Nation's largest employers of Negroes. Black employment is now over 14 percent of the textile work force, a figure significantly higher than the 10-percent average for manufacturing in general. In addition, almost 80 percent of the apparel workers and 45 percent of textile employees are women—compared with 27 percent in all manufacturing. The textile-apparel industries are large and widespread, and they provide jobs at all skill levels. According to classifications established by the Department of Labor, over two-thirds of textile workers and three-fourths of apparel workers fall into the semiskilled category, compared with 44 percent in manufacturing generally. Therefore, I think we can easily see that the textile and apparel industries have served as a gateway to industry for people without prior work experience and have taken the lead in providing employment for minority workers.

Among the foreign nations flooding the American textile market, Japan possesses easily the largest textile complex. In fact 35 percent of all foreign-made textile goods come from Japan alone. I was pleased that President Nixon recently rejected the unilateral declaration by the Japan Textile Federation that imports would voluntarily be limited. The Japanese declaration fell far short of the requirements for a viable arrangement to deal with the import problem and reenforced my belief that voluntary restraints will never satisfactorily resolve the problem.

I am fearful that the resumption of trade with the People's Republic of China will worsen the condition of America's textile industry. I have been informed that certain domestic firms have already placed substantial orders for textile goods and apparel from Communist Chinese manufacturers. Recently I wrote to the President requesting that he be mindful of the necessity of preventing further disruptions in our textile industry and that he take appropriate steps in that direction while trade relations with China are developing.

With regard to the Japanese and other importers, I have called upon President Nixon again today to take executive action to limit textile imports using the authority granted in the national security provision of the Trade Expansion Act of 1962. If the administration does not choose to employ current legislative provisions, then I believe that it is incumbent upon the 92d Congress to enact legislation which will set realistic import restrictions.

For years the United States has steadfastly pursued a policy of freer world trade, and we have recognized that competition cannot stop at the ocean's edge. It should now be clear, however, that the trade problems of the 1970's will differ significantly from those of the past and new developments in the world economy will require new responses and new initiatives.

Mr. FOUNTAIN. Mr. Speaker, I want to thank my able colleagues from North Carolina, Mr. MIZELL and Mr. BROYHILL, and the distinguished gentleman from South Carolina (Mr. DORN), for focusing attention today on the critical economic problems of the textile industry, including especially the textile import problem, which is causing so many of our people to lose their means of earning a livelihood.

Last year we saw the economic position of the textile industry get worse and worse, And this year has been a repeat performance with production, sales, profits, and employment still suffering.

One of the major causes of these extremely unwelcome developments is the flood of cheap textile products which continue to pour into this country from all corners of the world, especially from low-wage Asian countries.

Billions of yards of foreign textiles come across our borders—more every year—and, as a consequence, tens of thousands of our people have lost their jobs this year and last. Mills have had to close their doors, forcing some entire communities to become little more than ghost towns.

The time has long since passed for our country to look after its own interest in the textile trade, a highly important segment of our national economic life.

Apparently the trade limitations in force now have so many loopholes in them that little good is accomplished. And, I am told that most proposals to deal with this distressing problem would not help substantially. This is not a healthy prospect for the textile industry.

This process of steady deterioration in an industry whose roots go back to the beginning of the industrial revolution should not continue. It is time for the administration to act in a positive, responsible way to stem the tide of foreign imports.

Unilateral agreements on the part of Japan are just not enough, no matter how fancy the package they are presented in. Inevitably too many loopholes are left and our people will continue to suffer.

Clearly, there must be official governmental action to regularize our textile trade relations with other countries of the world, particularly the low-wage Asian countries. No longer can we afford to stick our heads in the sand and think the problem will go away by itself. It will not.

There was a time when America made many trade concessions to nations such as Japan in order to give them a helping hand in recovering from the ravages of war. Unquestionably we served well the cause of humanity by doing so.

But now the need for such help has passed—vanishing in the smoke of industrial progress. Japan is now a towering giant, economically—one of the richest nations in the world.

In fact, Japan is reputed to be well on the road to overtaking the industrial supremacy of the United States in many regards.

The administration, therefore, should not hesitate to act swiftly and firmly to negotiate equitable and proper agreements with Japan, as well as the other nations involved.

I believe in the Cordell Hull philosophy on reciprocal trade. It is a two-way street. This is a basic principle of economic life, as we must never forget it, nor allow others to do so.

Mr. BUCHANAN. Mr. Speaker, at a time when the United States is facing the worst trade deficit since 1893 and when the problem of unemployment is uppermost in the minds of most of us, it is past time for the Congress to do something about one of the major contributors to this adverse situation—the rapidly increasing inroads being made into the American product and job markets by foreign imports.

As those of us concerned about these problems have repeatedly stressed, the tremendous growth in imports during recent years has not only had an extremely adverse effect on our Nation's trade balance and on many of our domestic industries, but is costing the jobs of countless American workers in many vital industries as well. This situation is particularly true of our Nation's textile industry and I commend my distinguished colleagues, Representatives BROYHILL of North Carolina, DORN, and MIZELL, for arranging an opportunity to discuss this critical problem again at this time.

As indicated, no meaningful discussion of our Nation's trade policies can ignore the effect of these policies on the American labor force. The threat to jobs held by American workers in such labor-intensive industries as the textile industry is, furthermore, especially great. It must be remembered that one of the greatest obstacles to effective competition between American-made and foreign-produced goods lies in the significant production cost differential which is, in turn, due largely to the wide disparity in worker compensation between the United States and the various other countries with which we compete on the world trade market. Again, this disparity is particularly great with respect to textiles.

The production techniques of the American textile industry are widely recognized as being the most efficient in the world. In 1969, for example, the British Textile Council published an exhaustive study of the relative productivity in major textile industries around the world which showed American labor productivity—in spinning and weaving—as being over three times that of Japan, four times that of Hong Kong, and over five times that of India.

The tremendous wage differential between the United States and other countries in the textile industry, however, more than wipes out our technological advantage. The major portion of U.S. textile imports come from countries with extremely low wage levels and no amount of superior American efficiency can overcome the cost advantages which these low wage levels give to their textile products. The average hourly U.S. wage is five times higher than in Japan—the largest source of our textile imports—for example, and eight times greater than in Hong Kong. Korea, Taiwan, and other Asian countries show an even wider disparity. The wage gap between the United States and its major foreign competitors is widening, furthermore, rather than narrowing. U.S. Labor Department statistics indicate that the wage gap between Japan and the United States experienced a 37-percent increase between 1960 and 1970.

Before examining the actual growth in textile imports during recent years and the resulting effect on our domestic industry and employees, I would like to reiterate what I have often stated and believe to be a fundamental factor of the wage differential situation. It is too easy to dismiss the tremendous wage differential between the United States and its competitors in the world trade market as being merely a reflection of our different standards of living and let it go at that.

It is more than that, however, for it is an inherent aspect of American society and American ideals that those who labor to produce the products which have and continue to contribute to our high standard of living shall share in this standard of living. It is unacceptable for our workers to be forced to receive substandard wages in order to compete with products produced in other countries by workers receiving such wages.

The result of the above factors: rapid increases in the quantity of textiles imported into the United States and the consequent loss of hundreds of thousands of American jobs.

During the 10-year period from 1960 to 1970 the volume of textile imports—textiles and apparel made from manmade fibers, cotton, and wool—more than tripled from 1.3 billion yards in 1960—then an alltime record—to nearly 4.5 billion in 1970. Figures just released this month by the Commerce Department, furthermore, indicate no change in this trend. These figures show that textile imports in May of this year set a record for the month of 519 million square yards equivalent—46 percent above the level in May 1970.

The Commerce Department also reported that the cumulative total of these imports in the first 5 months of 1971 was 2,458 million square yards, 43 percent above the level in the same months of 1970. During this same 5-month period the textile trade deficit was reported at $642 million, compared with a $424 million textile trade deficit in the same months of 1970.

As so many of us are well and painfully aware, the tremendous inroads which these textile imports have made into the American market have already absorbed hundreds of thousands of jobs. It should go without saying that, with the continuation of the trend of increased textile imports, countless more jobs are seriously threatened.

And in considering this threat, let us not forget that we are talking about an industry of very significant proportions with respect to its labor force. Of the 20 million manufacturing employees in the United States, the textile-apparel industry employs directly some 2.4 million people—or one in every eight manufacturing workers. There are, furthermore, additional hundreds of thousands involved in fiber production and a great variety of supply and service activities.

Mr. Speaker, what more can I say than that the above facts should speak clearly and well for themselves. If we are concerned about maintaining the viability of a very significant American industry—as indeed we should be—and if we are sincere in our concern about unemployment in the United States, then the Congress cannot and must not fail to take action toward correcting the critical situation with respect to textile imports.

The House of Representatives wisely lived up to its responsibility in this area last year by approving the Trade Act of 1970. With the Senate's failure to act, however, we are still faced with the same responsibility and, unfortunately, an import situation which is still deteriorating.

The situation which exists in the textile industry is a vivid illustration of the need for trade legislation and, unfortunately, there are many other domestic industries confronted with a similar situation. Appropriate action must be taken by the Congress and it is my profound hope that it will be taken very soon•

Mr. BRINKLEY. Mr. Speaker, in view of Secretary of Commerce Stans' statement last week that we may be facing a trade deficit for the first time since 1893, this discussion is particularly appropriate.

While textile imports perhaps have received the greatest attention, this is becoming a problem affecting more and more industries. That the textile import problem has received the greatest publicity is not unusual, since it employs one of every eight U.S. manufacturing workers, and because it is uniquely located to provide jobs at all skill levels to those people and in those areas most in need of them.

Currently our textile imports are running at an annual rate of almost 6 billion equivalent square yards. Compare this with last year's record volume of 4.5 billion yards. Although cotton textile imports are restrained to some extent by the GATT long-term cotton arrangement, neither wool nor manmade fiber imports are limited in any way. And these, more specifically manmades, are soaring.

There are very good reasons for the substantial growth in our textile imports. Perhaps the two most important are these:

First, our imported textiles are produced under wages and working conditions that would be both illegal and intolerable in this country. As such, superior American efficiency cannot overcome the wage gap between this country and foreign nations.

Second, the United States, unlike virtually every other developed country of the world, maintains no limitations on its textile imports, other than the very mild restraints imposed by the LTA on cotton textile imports. The result, we take an exorbitant share of the world's textile exports.

What has all this meant to the textile industry? It has meant a loss of 100,000 jobs in 1970 alone, and the closing of more than 50 textile plants.

In addition, textile mill profits are off. The July 30 issue of the Wall Street Journal reported earnings in the textile industry were down 24.5 percent in the second quarter of 1971 compared with the same period in 1970. Obviously, earnings are essential if any industry is to make the heavy investment in new plants and equipment to keep it efficient.

All indicators point to the magnification of our import problem, unless restraints are applied. This administration has sought to achieve this through negotiations. So far, it has been unsuccessful.

I suggest, it is time that the President propose and that Congress act. What we really need is a thorough reexamination of trade policy in light of conditions in the world today and with a view toward encouraging the growth of our basic and economically vital industries.

Mr. RARICK. Mr. Speaker, I thank the gentlemen from North Carolina for arranging this special order so that we Members can have this opportunity to focus public attention on the grave threat to our U.S. textile industries from foreign imports.

The ever increasing volume of cheap foreign products inundating our domestic markets poses a threat to the stability and existence of many American industries. The U.S. textile industry is foremost in presently feeling the brunt of the avalanche of foreign imports.

In all of the discussion of international trade policy during the past year, nothing has been more misunderstood, more misinterpreted and more maligned than the question of textile import controls. Many people overlook the significance of the textile industry on the job market and unemployment.

To put this problem into perspective—of the 20 million manufacturing employees in the United States, the textile-apparel industry directly employs 2.4 million people, or one in every eight manufacturing workers.

A broad employment base such as this comprises a national asset of tremendous significance. In terms of opportunities for people, regardless of race, sex, educational background or their lines of interest, the textile-apparel industry is remarkably unique as to what it can offer—that is, provided it has a reasonable chance to grow and progress along with the Nation's economy as a whole.

The textile import problem has been growing for more than a decade. It has now reached proportions which threaten future viability of the American fiber-textile-apparel complex. The growth potential of this industry is threatened when in a 10-year period the volume of imports has more than tripled from 1.3 billion yards in 1960—then an alltime record—to nearly 4.5 billion in 1970.

When expressed in terms of dollars, the penetration of woolen and manmade fiber textiles becomes even more apparent. Wool textile imports have captured more than 25 percent of our domestic market, and, in the case of worsteds, 50 percent. It is for this reason that an all-fiber approach to controlling imports is so essential.

Since 1962, cotton textile imports have been subject to control under the GATT long-term cotton textile arrangement—LTA. So, we are not talking about any new or revolutionary plan in seeking an all-fiber arrangement.

When any plan for controlling the flow of shipments fails to cover all textiles regardless of fiber content it only shifts the burden of imports from one area to another. This has happened under the LTA—incidentally this shift would be further encouraged by the Japanese unilateral declaration of March 8. The LTA was not geared to the dramatic changes in fiber use occurring since 1962. The Nixon administration has tried—diligently, but unsuccessfully—to negotiate a similar control arrangement for imports of manmade fibers and wool textiles. Imports of textiles and apparel manufactured from manmade fibers skyrocketed so fast that they now exceed those of cotton products. They have grown 54 percent in 1970 over 1969. Unless restrained, manmade fiber textile imports can be expected to continue to take even larger shares of this important market.

The reason for impact of imports on the U.S. market is that items made abroad at wages far below the legal U.S. minimum give foreign producers cost advantages that cannot be overcome even by superior American efficiency. U.S. wages are five times higher than in Japan and about eight times greater than in Hong Kong, while Korea, Taiwan, and other Asian countries show a wider disparity.

It is this factor alone which gives appeal to imports. Generally speaking they are copies of American products made at these lower wages without innovative features.

Contrary to claims often heard, the wage gap between the United States and its major foreign competitors is not narrowing, but widening. Figures show that the hourly wage gap with Japan in 1960, for example, was $1.44. In 1970 it is up to $1.98—a 37-percent increase in the gap over the 10-year period, and Japan pays the highest wage of the Asian nations.

All this has occurred while wholesale prices of all manufactured commodities have risen 17 percent above the 1957–59 base, in contrast with no change in textile prices.

One of the most alarming aspects of this entire import situation is the impact it is having on capital investment. In our competitive economy, industry must constantly innovate and modernize. No industry can stand still. As matters stand, it is extremely difficult for U.S. manufacturers to plan ahead with any degree of certainty. In the past, when Government actions created confidence, the textile industry invested heavily in the future. Outlays for new plant and equipment rose from $380 million in 1962, when the cotton LTA controls went into effect, to $820 million in 1966. After that they began to decline—a situation which cannot be tolerated for very long. Capital spending is currently estimated at $500 million for 1971.

Our profits picture is equally gloomy. In 1970, textile industry profits on sales were 2 cents per dollar of sales compared with 4.1 for all manufacturing. Our profits on equity were 5.2 percent, while all manufacturing profits were 9.5. This is hardly the "record" profits we have read about in some of our newspapers.

Profits such as those do not encourage the type of investments a growing industry needs. This, is why I believe our Government needs to move decisively to bring about fair and reasonable controls over the future growth of textile imports.

What the textile industry and the administration have been seeking is very simple. No one is asking that textile imports be stopped; no one is asking for any drastic rollbacks. The textile industry is simply trying to develop a mechanism which will slow the relentless rise in imports in a way that will restore confidence in the future of our domestic industry—and protect 2.4 million jobs. This can best be accomplished through government-to-government negotiated agreements.

What I am suggesting is that as we move into what might be a new phase of our industrial development, we give some hard thought to how we are going to provide the jobs this country is going to need in the years ahead.

Before trading off any more of our textile and apparel jobs, we all need to give careful consideration to what 2.4 million American jobs at all levels of skill mean to the future growth and development of this country.

GENERAL LEAVE

Mr. MIZELL. Mr. Speaker, I ask unanimous consent that all Members desiring to address themselves to this subject matter may have 5 legislative days during which to extend their remarks and to include extraneous matter.

The SPEAKER pro tempore (Mr. GONZALEZ). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

TEXTILE IMPORTS

The SPEAKER pro tempore (Mr. GONZALEZ). Under previous order of the House, the gentleman from North Carolina (Mr. BROYHILL) is recognized for 30 minutes.

Mr. BROYHILL of North Carolina. Mr. Speaker, my colleague from North Carolina and I have requested this special order today to bring to the attention of the House the increasingly drastic situation which exists in our Nation's textile and apparel industry. A very serious threat to the existence of this domestic industry has been caused by increasing levels of foreign textile imports over the past decade. We feel strongly that congressional action is required to alleviate this problem, which adversely affects a large number of American workers in many sections of the Nation.

At the beginning of the 1960's our textile and apparel imports totaled 1.3 billion yards. In 1971, they are running at a rate of at least 6 billion yards, about 4½ times the volume of 1960. This is a record level, surpassing the previous record set in 1970 by over 1½ billion yards.

I have often spoken out concerning this dangerous rate of growth. In the past 10 years, over 550 textile plants in the United States have closed down, and jobs were decreased by more than 100,000 in 1970 alone. It is estimated that the current level of imports is displacing at least 250,000 jobs annually, and the rate continues to climb. It seems tragic that many people have only now begun to realize the widespread effects of this situation. This flooding of our market with foreign imports must be controlled, and we cannot afford further delays. There is too much at stake for the Nation's lagging economy to let this problem continue any longer.

Perhaps the most distressing aspect of these statistics lies in the fact that the tremendous growth in imports is taking place in those products which require the highest amount of labor. In this period of unemployment—especially among minority groups—this country can hardly afford to permit this flood of textile imports to continue displacing American jobs. In terms of opportunities for people, regardless of race, sex, educational background, or their lines of interest, the textile-apparel industry is unique as to what it can offer, provided it has a reasonable chance to grow and progress along with the Nation's economy as a whole. Consider, if you will, that nonwhite employment in the textile industry has grown from 3.8 percent in 1960 to 14.3 percent at the present time. In some areas, this rate is as high as 40 percent. This ranks well above the present national level of about 10 percent minority employment for all manufacturing. The rate of advancement in black employment in the textile industry has been four times that of the national average for manufacturers during the same period.

Another significant aspect of the textile and apparel industries is the large number of women employed. Women constitute about 45 percent of the textile labor force and 80 percent of the apparel workers. This compares with the all-manufacturing average of 27 percent and is particularly significant when we consider retraining or moving textile workers. They simply are not as mobile as one might think. One out of every four textile jobs is in Appalachia, an area that offers limited alternative employment opportunities. Overall, more than 60 percent of the industry's workers are employed in nonmetropolitan areas, many in small towns and villages that must depend on the textile industry to maintain their very existence.

On July 24, 1970, the Charlotte, N.C., Observer reported that "this northwest Georgia town—Aragon—of 1,400 has been hit by a disaster. It may cease to exist." Why such tragedy? It is very simple. In the words of the article, "Aragon is about to lose its mill." To further illustrate what can happen to an entire community when a textile mill is forced, by unfair import competition, to close its doors, I call your attention to an article from the Daily News Record, a textile trade paper, describing a situation in High Shoals, N.C., a small town in my congressional district:

MILL TOWNS GET MORE THAN JOBS FROM "BIG DADDY"

(By Bill Allen)

HIGH SHOALS, N.C.—When a large textile mill stops operation, small towns sometimes lose more than just jobs.

Residents of High Shoals have recently learned that their monthly water and sewer bills will probably increase about 900 per cent in the months to come.

The residents received their water at "rock bottom" rates when Burlington Industries operated the system. But Burlington was forced to close down its High Shoals plant, the Carolinian, earlier this year.

The system of providing water and electricity free of charge or at nominal fees was one of the characteristics of the old mill village, a thing that today has all but been swept into oblivion.

Southeastern Water and Utilities Co., Charlotte, a private utilities company, has taken over the water and sewer operations in High Shoals. The company has applied to the North Carolina Utilities Commission for a rate increase.

"The people of High Shoals have been used to getting sort of a paternalistic treatment from a big employer," said Leslie B. Cohen, president. "I doubt if total gross income would have paid for the maintenance of the system."

When Burlington operated the system, residents paid only $1.50 to $3 every two months for their water. Southeastern proposes to charge residents a minimum of $9 each month for the combined water and sewer service.

The proposed hike will increase bills about 600 per cent for residents who paid the most for their water under the old system. Residents who have paid the lowest bills face a 1,200 per cent increase in their monthly bills.

The new rates have not been put into effect yet. They have to be approved by the State Utilities Commission first. Cohen said a substantial rate hike will have to be enacted for the system to show a profit. "The Commission can change them or amend them in any way they want," he noted.

Southeastern proposes to charge $5 for the first 2,000 gallons, 75 cents for the next 3,000 gallons and 65 cents for the next 5,000 gallons. The sewer charge would be 80 per cent of the water bill.

The $9 minimum monthly bill would include $5 for water and $4 for sewage (80 per cent of the water bill).

However, statistics show that the average family uses about 6,000 gallons of water each month. The average family, then, would be charged $14.22 under the new rates.

Southeastern plans to have meters installed in the houses of all customers and charge uniform rates. High Shoals currently has 206 houses on the water system.

It shows how critically dependent countless small communities are on their textile mills for many vital services in addition to the jobs the mills provide. My district, which contains the largest concentration of textile and apparel operations of any congressional district in the Nation, has been especially hard hit by problems such as the one described in this newspaper article. I have seen too much economic hardship afflict an entire town because its mills have closed, and I must speak out to urge corrective action.

It is inevitable that displaced textile workers have a difficult time finding new jobs in the small, limited opportunity areas that they are most likely to work in. This is one major reason textile jobs must be protected in their existing locations. Another reason that is frequently overlooked also evolves from the nonmetropolitan concentration of the textile industry. The textile industry is one of very few doing something significant to help prevent increasing urban, innercity concentration, and migration from our underpopulated rural areas to these big cities. Everyone recognizes the woeful problems our central cities are experiencing. The survival of an industry with over three-fifths of its 2.3 million employees located outside the large cities is a necessity that must concern us all.

In looking at the area of the world where these textile imports are coming from, it is easy to understand why such phenomenal growth in imports in taking place. More than half of the textile imports come from the low-wage countries of the Far East. In these countries, wages are only a fraction of those paid in the United States. The average textile worker in Japan earns 54 cents an hour. In Korea and Taiwan, the average textile wage is 11 cents per hour. This obviously offers no comparison to the $2.54 per hour average earned by U.S. textile workers. This wage gap gives foreign producers cost advantages that simply cannot be overcome by superior technology. That this technological superiority still exists, incidentally, is well documented. An exhaustive study published by the British Textile Council in 1969 showed spinning and weaving productivity efficiency in our two closest competitors, Great Britain and Japan, to be, respectively, 37 percent and 32 percent of U.S. productivity efficiency. We can take pride in U.S. textile technological expertise.

It has been argued that American consumers benefit from lower prices as a result of low-cost textile imports. Is it beneficial when a total of 300,000 American jobs are displaced or lost? Do we save money by watching our welfare rolls grow? Of course, the answer to both these questions must be an emphatic "no." Any short-range bargains we may think we are getting with low-wage imports of today's magnitude will prove worthless and empty as American men and women continue to lose their jobs.

What the textile industry and the administration have been seeking is very simple. No one is asking that textile imports be stopped, no one is clamoring for drastic cutbacks. The textile industry is simply trying to develop a mechanism that will slow the ever-increasing rise in imports in a way that will restore confidence and faith in the future of our domestic industry and, above all else, protect 2.3 million jobs. Such a mechanism can best be accomplished through government-to-government negotiated agreements. The Nixon administration has worked long and diligently to reach some settlement with other nations, especially the Japanese. However, time and time again, Japanese negotiators have proved to be stubbornly intransigent and unwilling to enter meaningful bargaining discussions. This House can take pride in the fact that well over half of its Members, representing all sections and interests of the Nation, took the initiative in sponsoring responsible, reasonable legislation last year to maintain a fair level of imports coming into this country. Unfortunately, these measures did not become law. Until strong and meaningful legislation is enacted, our foreign competitors will have no reason or incentive to negotiate in good faith.

While negotiations continue, the men and women in our textile industry continue to suffer job cutbacks. We must not be misled by the unilateral decision that the Japanese have made to voluntarily limit their textile imports into this country. First of all, yarn and manmade fibers, two very important import items, were not even included in the plan. Furthermore, an overall ceiling was set, with no limits on categories of textile products mentioned. This means, in effect, that the Japanese are free to pick off our markets one at a time, just like ducks in a shooting gallery. The restraints are to be based upon import levels from the year ending March 31, 1971, and figures clearly show imports to have been at an alltime high level during that period. Perhaps the most unacceptable and humiliating part of this decision to limit imports is the fact that in accepting it, our Government's responsibility and right to regulate trade has been abrogated by the Japanese Government. To accept this proposal as any kind of solution to the problem is foolish and unrealistic.

If anything, it is a step backward. Until we enact into law meaningful steps to control imports, we can hardly expect the Japanese to limit imports on their own in any significant way.

Looking ahead to the future, I think we can all agree that there is a universal, or at least growing demand for peace in the world. If we attain this goal, if we succeed in achieving peace over a sustained period of time, the industrial leaders of this Nation must make adjustments in their thinking. We must take another look at the type of labor force our defense- and space-related industries have created.

We see symptoms of a serious problem already in California, Massachusetts, and the State of Washington, which have for long based much of their economic growth on defense needs. These so-called "glamour industries" have thrived on cost-plus and other types of noncompetitive contracts.

Obviously, we could produce battleships cheaper in the Orient, but for national security reasons we have not. The SST is another example. When the Federal subsidy was removed, no one came forth with the wherewithal to go ahead with construction.

What I am suggesting is that as we move into what might be a new phase of our industrial development, we give some hard thought to how we are going to provide the jobs this country is going to need in the years ahead.

Free trade is an admirable objective, one that the United States has sought in the past and should continue to seek in the future. However, what we must never forget is that the concept of free trade must be a reciprocal arrangement that implies fair trade. So long as some nations pay wages that in this country we consider criminally low and continue to invade our markets while maintaining a strict closed-door policy toward our own goods and investments, true free trade cannot exist.

Before trading off any more of our textile and apparel jobs, we need to give careful consideration to what 2.3 million American jobs, encompassing skills at all levels, mean to the future growth and development of this country. It is imperative that we act now.

THE CRISIS IN THE TEXTILE INDUSTRY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from South Carolina (Mr. DORN) is recognized for 60 minutes.

Mr. DORN. Mr. Speaker, I do want to commend my distinguished and able colleagues from North Carolina (Mr. MIZELL and Mr. BROYHILL) for their persevering efforts in behalf of the textile industry and, indeed, all American industry threatened by cheap, low-wage foreign imports. My friends from North Carolina, both of them, have done an outstanding job of calling this problem to the attention of the American people and in very diligently pursuing this matter, which grows daily worse.

I want also to commend my great colleague from Massachusetts (Mr. BURKE) who joined with us last year and again this year in introducing legislation which I think would save thousands and, indeed, hundreds of thousands of American jobs. Our colleague, Mr. BURKE, also has been very diligent, dedicated, and devoted to American industry and to the employees of American industry.

Mr. Speaker, when I was a child I heard my father talk about the panic of 1893. A few days ago I noticed that the Department of Commerce issued some statistics to the effect that if imports continued as presently this year, at the end of this year we will have a deficit, the only one since 1893, the year of the panic—and that was 78 years ago. We will have a deficit, I am told, if it continues, of over $2 billion.

Mr. Speaker, no business—retail, wholesale, or any kind of business—can exist if it buys more than it sells. The United States is in the same category. We cannot continue everlastingly to bring in these cheap, low-wage imports and sell less than we take in. The United States will go bankrupt the same as any business or any individual.

It is time that the Congress act.

I want to commend again all of my colleagues who have participated. As my dear friend from North Carolina is well aware, it is my honor to be one of the officers of one of the textile committees, one of the organizers. This committee is composed of over 200 Members of the House who are dedicated to saving American jobs.

It is ridiculous for us to appropriate—and we voted for it and I was for it—to provide a 4-year extension of Appalachia to help reduce the poverty level of people in Appalachia, and then to turn around and jeopardize 400,000 textile jobs in Appalachia. It does not make sense. In my State and in the gentlemen's State we employ more minority people than the national average. These are jobs that are being threatened. We employ in South Carolina 50,000 women in the textile industry. These jobs are threatened. We cannot compete with low-wage, cheap, foreign imports, while at the same time maintaining our own American standard of living.

So I wish to commend my colleagues for the great job they are doing. And I believe you are going to be successful in getting something done. The American people are aroused as never before about this threat to our security, to our economic well-being, and to the jobs of the American people.

Mr. Speaker, just this afternoon figures were released showing that the flood of low-wage textile imports continues at an ever-increasing rate.

Also, Mr. Speaker, just this afternoon the President signed into law a bill that authorizes hundreds of millions of dollars for economic development and for the Appalachia program. At a time when the Congress has just passed legislation to continue special economic development programs for Appalachia it is incongruous for the Nation to let the 400,000 textile industry jobs in Appalachia fall victim to the flood of low-wage imports. The textile industry has afforded the first opportunity for well-paying industrial employment to several segments of our population.

The percentage of minority group workers and women employed in the textile industry is high above the national average. There are in South Carolina 47,000 women in the textile industry, approximately one-third of the total work force. The percentage of black employees is 20 percent—almost double the national average. One of our national goals is to reverse the migration of people to the overcrowded urban areas, and the textile industry is making a unique contribution to this goal. When mills close—and we hear more and more reports of closings—the result is ultimately more crowded cities.

And when the textile worker is out of work, or his work week is curtailed, the entire national economy suffers. In my own area every businessman and every professional man is affected by curtailment in the textile industry. When out of work the textile employee does not pay taxes; he does not purchase consumer goods. The entire economy suffers, as nationally one of every eight manufacturing jobs is in textiles and apparel, a total of 2.4 million workers.

And today, Mr. Speaker, every segment of our great textile industry is feeling the brunt of unfair competition from foreign low-wage imports. Cottons, woolens, yarns, synthetics—every component of this industry has been affected. Industy profits and dividends are down, well below the national average.

Mr. Speaker, the American people were shocked by the recent U.S. foreign trade figures which showed a June 1971 trade deficit of $362.6 million. Furthermore, for the months of April, May, and June 1971 we experienced the first quarterly deficit in 25 years, and we have been warned that, for the first time since 1893, the United States might for the entire year import more than it exports.

A significant part of this trade deficit is accounted for by the flood of low-wage textile imports, for in 1970 U.S. textile trade was out of balance by more than $1.6 billion. We imported $1.6 billion more textile products than we exported. The figures released today show that the imbalance has grown. The United States imported in 1970 4.4 billion square yards of textiles, a 23-percent increase over 1969. The early 1971 figures and figures released today show an even higher rate of textile imports.

An alarming as these statistics are, Mr. Speaker, the effect on our people of the flood of textile imports is much more distressing.

Something must be done, Mr. Speaker to limit this disastrous flood of textile imports before whole regions of our Nation, including urban areas where textile-apparel industry is centered, are thrown into economic depression. The situation steadily grows worse.

Mr. Speaker, we welcomed the President's recognition in 1968 that the textile industry is in a special category and requires special relief. We have hopefully observed efforts by this administration to negotiate meaningful government-to-government agreements with the major textile exporting nations. It has become apparent, however, that these efforts have failed. On July 21, 1971, I wrote the President requesting that he exercise his authority under the national security clause of the Reciprocal Trade Act of 1962 to impose quotas on textiles in the interest of national security.

As organizer and secretary of the House Informal Textile Committee I and a number of my group supported the 1962 act largely because of the national security clause. Under the clause the President, acting on the advice of the Director of the Office of Emergency Preparedness, has the authority to impose quotas in imports in the interests of maintaining national security. We relied on the language of the act and on its legislative history, both of which indicated that for the purpose of triggering action under the national security clause the definition of "national security" was to take into account the economic welfare of the Nation.

The language of the clause, first added in 1958, itself clearly provides that—

> The President shall further recognize the close relation of the economic welfare of the nation to our national security, and shall take into consideration the impact of foreign competititon on the economic welfare of individual domestic industries. The legislative history of this addition clearly indicates that the National Security Clause was intended to provide a remedy "whenever danger to our national security results from a weakening of segments of the economy through injury to any industry, whether vital to the direct defense or a part of the economy providing employment and sustenance to individuals or localities. . . . (1958 U.S. Code Congressional and Administrative News. p. 3614)

It was the clear congressional intent that the internal economic welfare of the Nation be a component of "national security."

Textiles are currently being imported in quantities and under circumstances which undermine the internal economy by displacing domestic products, causing constantly increasing unemployment, loss of skills and investments, and the closing of mills. The resulting damage to this most basic industry does constitute a clear and present danger to our national security. I urge the President to initiate prompt action under the procedures provided in the national security clause. The President has been granted the authority by the Congress, and I would hope that he would invoke national security quotas on a category-by-category basis. Any overall textile product limitation, whether unilateral or by agreement, which does not contain categorical restrictions would allow foreign producers to overwhelm individual segments of the American textile industry, one segment at a time. The categorical limitations would prevent this destructive switching.

Mr. Speaker, if relief is not forthcoming by administrative action, I believe that the Congress will act to pass statutory quotas. Presently pending before the Ways and Means Committee, among many other trade bills, is H.R. 20, the Trade Act of 1971, which was introduced by Chairman MILLS on January 22. I joined the chairman in introducing this bill, which is identical to the Mills trade bill which passed the House in the 91st Congress. Members of Congress from all sections of the Nation are becoming more and more alarmed by the increasing volume of imports of all manufactured goods. What form legislation would ultimately take in the 92d Congress is hard to predict, but, if relief is not otherwise forthcoming, there will be legislation.

The hour is late. The situation is critical.

Mr. BURKE of Massachusetts. Mr. Speaker, I rise today to join my colleagues who have requested a special order to discuss the critical textile import situation. I wish to compliment my good colleagues for the singular service they are performing not only Congress, but the Nation in focusing our attention today on this serious problem. The job loss problem in America continues to grow worse day by day. The unemployment figures show it, the rising welfare rolls show it, the increased unemployment compensation claims show it, and above all, the balance of trade figures show it. But, in the end, it is not a problem which can adequately be explained in percentages and statistics because the human misery and despair that result from unemployment cannot be measured statistically.

The role of U.S.-owned multinational corporations in the job-loss problem in America is, perhaps, too little understood and appreciated. These huge corporations salute no flag, save the corporate profit and loss charts. They export American capital, American technology, and American jobs to countries with cheap labor pools. And the American consumer—who these corporations sometimes forget also is an American worker—does not realize the savings resulting from the cheaper labor costs. No, these corporations retain that amount as further profit.

On July 12 I was privileged to participate, with my colleague Mr. BETTS, in the AFL–CIO Conference on Jobs. During this conference, the role these multinational corporations play was examined in depth. It is a subject which we all must concern ourselves with at the earliest opportunity.

One of the most prominent experts on this problem, AFL–CIO Research Director Nathaniel Goldfinger, was recently interviewed on the Mutual Broadcasting System on this same subject. I am inserting the text of this interview in the RECORD at this point because I believe it to be of interest to my fellow Members of the House.

LABOR NEWS CONFERENCE

(Subject: International Trade.

(Guest: Nathaniel Goldfinger, director of the AFL–CIO's Department of Research.

(Reporters: Murray Seeger, Washington correspondent for the Los Angeles Times; Tom Joyce, economic correspondent for Newsweek Magazine.

(Moderator: Frank Harden.)

MUTUAL ANNOUNCER. The following time is presented as a public service by this station and the Mutual Broadcasting System.

HARDEN. Labor News Conference. Welcome to another edition of Labor News Conference, a public affairs program brought to you by the AFL–CIO. Labor News Conference brings together leading AFL–CIO representatives and ranking members of the press. Today's guest is Nathaniel Goldfinger, director of the AFL–CIO's Department of Research.

In the view of the AFL–CIO, the United States must substantially reshape its international trade policies to effectively meet serious problems this country faces in international trade and investment. Finding effective solutions to this country's international trade and investment problems is a major issue in Congress this year, as it was in the 1970 session. Here to question Mr. Goldfinger about the AFL–CIO's position on international trade and investment, and the charges it believes are possible and necessary to meet the already serious and worsening problems, are Tom Joyce, economic correspondent for Newsweek magazine, and Murray Seeger, Washington correspondent for the Los Angeles Times. Your moderator, Frank Harden.

And now, Mr. Seeger, I believe you have the first question?

SEEGER. Mr. Goldfinger, has the issue of international trade shifted from dollars to jobs?

GOLDFINGER. In our view, Mr. Seeger, the current issue is certainly the displacement of large numbers of workers—jobs.

What's been happening in the past number of years—and to a very extreme degree—is that production is being displaced by imports—a rising flood of imports. With this flood of imports, jobs are just going down the drain—by the scores of thousands per year.

I can give you some examples.

A congressional estimate, which was put into the Congressional Record recently, indicates the degree to which imports have displaced large portions of U.S. production.

We think these congressional figures are rather conservative.

They indicate that 20% of automobile sales in the U.S. are now imports; 30% of television sets; more than 40% of glassware; and about 60% of sewing machines and calculating machines—all of these are imports.

Here are some additional facts. As far as we in the AFL–CIO can learn, about 100% of all cassettes that are sold in this country are now imported; nearly all radios—95% or more of all radios sold in the United States are imports.

At the same time, large portions of other U.S. production are being displaced—men's shirts, workclothes, shoes, knit-goods, and so forth.

Now, with this kind of development—and this has all been happening very rapidly—this wasn't true 10 years ago—all of this came on very fact in the decade of the Sixties. Now with all of this there is job displacement—as production is displaced—and it's happening on a very wide-spread basis.

JOYCE. Mr. Goldfinger, can you tell us, specifically, how many jobs have been lost to foreign competition in this "new ballpark?"

GOLDFINGER. Unfortunately, Mr. Joyce, the trade experts—in both government and business—and also in the universities—have shown very little interest in what happens to American workers as a result of trade.

So, we are compelled to rely upon some rough, overall estimates from the U.S. Department of Labor.

These estimates—without going into great detail of how they are built up—these estimates of the U.S. Department of Labor were presented to congressional committees within the past couple of years by the Secretary of Labor. They indicate that in three years—just the three years between 1966 and 1969—about 500,000 American job opportunities were lost, on a net basis, considering the import displacement and the increased employment that would be due to exports.

There was a net loss, according to these estimates, of about 500,000 job opportunities. We can document a lot of this.

Look at what's been happening in the consumer-electrical area—television sets, radio sets, cassettes, and various other kinds of product. All of these are being displaced very rapidly by imports.

With the displacement of U.S. production, jobs are going.

JOYCE. Would it be fair to say, Mr. Goldfinger, that you have changed your position—really 180 degrees—whereas the unions used to be completely in favor of free trade, you are now asking for controls and for new legislation, because of the jobs?

GOLDFINGER. Well, we have changed our position considerably, Mr. Joyce.

But, we didn't do it suddenly—we began to shift very sharply back in 1965. We have been asking the United States government and the Congress to take cognizance of this very serious and growing problem—to start acting—to shift policies—shift government measures.

But, the United States government, unfortunately—neither the Administration nor the Congress—has seen fit to act as yet.

It is true that we have been demanding a change of policy and we continue—to an increasing degree—to demand a sharp change in U.S. government policy.

SEEGER. Can you be more specific—tell us what these changes in policy that the AFL–CIO wants are?

GOLDFINGER. Well, I'd have to explain, Mr. Seeger, why we are recommending some of these policies. I'll indicate a few.

For example, one key problem in this whole area of international trade is the fact that that in the post-war period—in the past years—governments have been managing their economies to a very great extent. In doing so, they set up direct and indirect subsidies for their exports, and they set up direct and indirect barriers to imports.

Now, the result is that a flood of imports moves into the United States, which is, relatively, the most open market among all the major industrial countries of the world.

At the same time, our exports are hampered and barred by the policies of foreign governments. That is one problem.

Another key problem is that American business, in the past 25 years—and particularly in the past 10 years—has been exporting American technology and exporting American know-how. They've been setting up subsidiaries of the firms—operating in Taiwan, Mexico, Europe—around the globe.

In the past 25 years—according to Professor Raymond Vernon of Harvard—American business set up something like 8000 foreign subsidiaries, mostly in manufacturing industries, and these foreign subsidiaries of American firms are shipping the goods back into the United States. We are losing foreign markets, because they are selling in foreign markets as well.

So, that is a brief introduction, Mr. Seeger.

The AFL–CIO has been posing that the U.S. government stop its assistance to American business in setting up foreign subsidiaries. The truth of the matter is, the United States government provides tax incentives and other assistance and encouragement to American businesses to set up foreign subsidiaries.

We think that kind of assistance should end.

Moreover, we think the United States government should set controls on the export of capital—on the export of American dollars to set up foreign subsidiaries.

We also think that the United States government should set up controls and regulations on the export of technology—on the export of American know-how.

Also, we believe that the United States government should press through international channels for the development of fair labor standards in world trade.

And finally, we believe that the United States government should set up an orderly marketing mechanism—with quotas—to bar the sharp rise of imports that are disrupting American markets—and set up such quotas on those products, the imports of which are displacing large percentages of U.S. production and employment.

That, in brief, is the kind of thing that the AFL–CIO is demanding of the U.S. government.

SEEGER. Historically, Mr. Goldfinger, economists and other trade experts have always said that if the United States set up bars to foreign trading in this country, it would set off an international trade war. In other words, barriers against our products. And they say the result of that would be higher unemployment among American workers. Do you have any fears about an international trade war?

GOLDFINGER. No, Mr. Seeger, I think that's scare talk—trade war.

In a sense, you can say that there is a "trade war" going on right now. Other countries have bars to our products—they follow all kinds of practices that either hamper or bar American products—they have all kinds of practices that subsidize, directly and indirectly, their exports into the open United States market.

I'm not concerned about that—a trade war. I think that is a lot of scare talk. I think it's time that the United States develop an American international economic policy.

We cannot go on, in my opinion, for another decade, permitting American corporations, in effect, to set the international economic policy for this government.

This is affecting the entire American economy, and particularly, it's affecting American workers.

JOYCE. Mr. Goldfinger, isn't there the danger—the possibility—that if the measures you are asking for were enacted, we would have higher domestic prices in this country? And, would that not lead to demands for higher wages?

GOLDFINGER. I think that the whole price aspect, Mr. Joyce, has been utterly distorted and grossly exaggerated.

Just look at the record. Within the past year, there has been a very sharp rise of auto imports into the U.S. At the same time, the U.S. auto companies increased their prices.

I think it's false to claim that expanding imports of manufactured goods are somehow always a benefit to the American consumer. The case of the auto prices is one example.

Another is shoes. Shoe imports shot up over the past ten years to the point where they now account for something like ⅓ or more of American shoe sales—that's up from a very small percentage ten years ago. But at the same time, the retail price of shoes—according to the U.S. Department of Labor—incerased 38% between 1960 and 1970.

So, here you have the case of a very sharp rise in shoe imports, and shoe prices rising 38% in the period—which was considerably faster than the overall increase of the Consumer Price Index.

SEEGER. Haven't the imports of foreign automobiles, Mr. Goldfiner, offered the only real competition to the U.S. auto industry, which is a highly concentrated organization? I heard a White House man say, not many weeks ago, that if it weren't for foreign automobiles coming into this country, all American cars would be Cadillacs—they would all be big, over-sized automobiles. The foreign imports have supplied a wholly different version of the auto market.

GOLDFINGER. To some extent that's true, but not in terms of price competition. There has been some competition, but I think that the way it's posed by this White House person is grossly exaggerated.

We produce small cars in the United States—we produce compact cars—all of our cars are not the huge Cadillacs.

Moreover, the whole picture of the national origin of products is utterly confused.

Just take the automobile as an example.

With the help of Madison Avenue-type advertising techniques, the American consumer no longer knows where a product comes from. Now let's take the Pinto—Ford's answer, so-called, to the imported small car. Major parts of the Pinto are imported from England and Germany, and some of the Pintos that are sold in the United States are assembled in Canada.

Now, is this an import, or, is it an American-made product, or, is it in reality—as I think it is—a combination of both imported parts, American parts, largely American-assembled and partly assembled in Canada?

JOYCE. Mr. Goldfinger, you are talking about what is termed a new phenomenon—the multi-national corporation. Is there any motivation beyond cheaper wages—any business motivation beyond that?

GOLDFINGER. Well, some companies, I guess are—depending on the nature of their product—some of the companies, like the big oil companies, are obviously looking for oil reserves.

But, by and large, the big increase in the spread of world-wide operations of American companies in the past ten years has been, in our view, a search for low wages. Look at all of the big electrical consumer companies that are now operating subsidiaries in Taiwan, Singapore, and Hong Kong.

The obvious reason for doing that is the fact that wages in those places are as little as 10 cents—15 cents an hour.

SEEGER. How does the United States get wages raised for other workers around the world?

GOLDFINGER. Well, we think, Mr. Seeger, that the United States government should press—in appropriate international channels, such as the International Labor Organizations and others—for the development of fair labor standards in world trade—some kind of standards to be applied to the wages and working conditions on products that are shipped in world trade.

But the key factor here—that Mr. Joyce raised—the multi-national company—Mr. Seeger, is that the American company that operates in Taiwan, Singapore, Hong Kong, or elsewhere around the globe—paying as little as 10 or 15 cents an hour, or maybe as much as 50 cents an hour.

Remember, those wages are much less than half—maybe 90% less—than the wages paid in the United States. Yet at the same time, they are using American machinery, American know-how, American technology, and American inventions. As a result, their productivity levels—their levels of efficiency—are as high, or nearly as high as those in American plants. But, at the same time, they have the advantage of infinitely lower labor costs—and frequently, they also have lower taxes and so forth. They are able to produce these items in these overseas subsidiaries much cheaper than they can in the United States.

Yet when the goods are shipped into the United States, they are sold at the American prices. That produces great big profit margins for the companies.

The drive here, in our estimation, is greed—it's a profit-drive—and the profit-drive on the part of these companies is blind—they apparently don't give much concern to what's happening to American workers, and, in effect, to the buying power of the American people, because the basis of American buying power is workers' wages.

JOYCE. Mr. Goldfinger, has the changing role of international banking contributed to the new international industrial milieu?

GOLDFINGER. It certainly has, Mr. Joyce.

Just look at the big flurry a few weeks ago—in Europe—where there was a run against the American dollar in favor of the German mark, look at what happened. That run was not entirely the result of the manipulation of foreigners. To a very great degree, Mr. Joyce it was the flow of American dollars, manipulated by American banks, through their own foreign subsidiaries—their branches in London, in Zurich, in Frankfurt, Germany and elsewhere. It was also the result of the manipulation in the European money market of the treasuries of these U.S. owned, multi-national companies, which move not only products from one place to another around the world, but also manipulate money around the world.

We're convinced that this is a very serious problem—this is not simply a problem confronting American workers.

The membership of the American trade union movement feels this problem most directly. But, it is a serious problem confronting the entire American economy and the American people in general.

SEEGER. How much of what we are talking about, Mr. Goldfinger, is a big historic shift in the American economy away from a manufacturing economy to one providing services, and that there are parts of the world that can manufacture more efficiently and cheaper than we can, and that we can do other things more efficiently?

Goldfinger. Well, Mr. Seeger, the situation is not just happenstance—it's not occurring under some kind of pre-ordained law.

This is happening because of the conscious design and conscious efforts of American business, to a great extent, helped along by the direct policies of foreign governments.

Let's take the example of Taiwan. What is there on the island of Taiwan that gives it any special expertise in producing radios, television sets and other kinds of consumer electrical products for the American market?

There isn't anything in Taiwan that gives the Taiwanese any special expertise.

The expertise is exported by American companies—the big, giant electrical manufacturers in the United States that have exploited American technology, American machinery, American know-how, into the Far East—used the labor over there, at 10 or 15 cents an hour, with American know-how, and to get the advantage of the big, wider profit margins.

Harden. Thank you, gentlemen. Today's LABOR NEWS CONFERENCE guest was Nathaniel Goldfinger, director of the AFL–CIO's Department of Research. Representing the press were Murray Seeger, Washington correspondent for the Los Angeles Times, and Tom Joyce, economic correspondent for Newsweek Magazine. This is your moderator, Frank Harden, inviting you to listen again next week. LABOR NEWS CONFERENCE is a public affairs production of the AFL–CIO, produced in cooperation with the Mutual Broadcasting System.

Mutual Announcer. The preceding program time was presented as a public service by this station and the Mutual Broadcasting System. The opinions expressed are solely those of the participants.

Remarks of James A. Burke

It only remains for me to add that I pledge my continued allegiance today to the grand alliance between the textile and shoe industry. Recent announcements and rumors from Spain notwithstanding. I know that a lot of this has been designed to drive a wedge between us with open speculation in the press, Congressmen representing northern districts with unemployed shoe workers will lose interest in the textile industry's plight. If there was the intent behind the ballyhoo surrounding the Italian shoe announcement, then it has failed and failed miserably. I still feel that there is need for quota legislation. The voluntary agreements announced to date both in textiles and shoes still fail to meet our objectives and I think that it is worth noting that I am suppored in this posiion by the leaders of organized labor in the shoe industry as witnessed in the press release which follows:

Shoe Unions Hit "Voluntary" Import Quota

The "voluntary" Italian shoe export quotas to the United States, recently announced by the White House, were criticized as "far from being a workable solution to the imports problem" by the heads of two AFL–CIO unions last week.

Presidents John E. Mara of the Boot & Shoe Workers and George Fecteau of the United Shoe Workers called the quotas a "fraud" and said that only agreements with teeth in them could be of value.

"Italian shoes have already cost 65,000 American shoe workers their jobs," they said as they pledged to work to get quota legislation through Congress.

The two leaders of more than 80,000 shoe workers declared that the agreement limiting 1971 Italian shoe imports to 5 percent over the 1970 level is worthless because imports are already running about 22 percent over 1970.

Both men suggested that the agreement could be easily circumvented by the Italian shoe industry because its exports to the United States are in terms of dollar value. Simply downgrading the value of the shoes would enable the Italians to increase the actual amount of footwear shipped to this country.

"The American shoe industry can be saved," they stated, "only with hard-nosed quotas supported by tariff restrictions." (July 29, 1971)

Rationing of Quotas

Quotas, whether voluntary or legislative, have a single problem: who gets how much of what?

In the recent announcements concerning the voluntary quotas to be established by Italy, the Italian Ministry of Foreign Trade announced it will limit exports of footwear to the United States "to avoid the eventuality of unilateral restrictive measures by American authorities." Shoe shipments to the United States will be approved by the Ministry of Foreign Trade only if the volume of exports doesn't exceed the total of 1970 exports by more than 5%.

An export visa from the Italian Chamber of Commerce is now required on all footwear exports. The Chamber of Commerce will also compile statistics on the volume of footwear exports. Companies exporting shoes will have to furnish reports on their 1970 and 1971 shipments at the time they apply for their first visa.

The nitty-gritty comes when that last few percentage points are rationed as to companies. Imports from Italy are already well ahead of last year, so it will take a juggling act to keep all Italian footwear exporters happy.

The establishment of voluntary quotas should be considered a step in the right direction, except for two factors. What happens if domestic footwear production continues to decline? What about rapidly expanding imports from other nations?

To answer the first question, footwear imports from Italy will continue to grow regardless of what happens to domestic production. If domestic production declines, then the 5% permitted growth of Italian would actually be capturing a larger share of the market than the 5% permitted growth would seem to indicate.

Had the import quota been based on domestic production, then a fairer quota would have been set.

Talks with Spain are underway to establish voluntary quotas there. Theoretically, they should be based on the same format as the Italian Quotas.

How about Brazil whose exports to the United States have jumped 400% within one year? The production potential in Brazil is fantastic, and reports from various sources point out the facts that labor is cheaper and labor conditions poorer than Italy or Spain is or was reputed to be.

How is Italy, and Spain should she consent to voluntary quotas, going to accept this extremely rapid growth of Brazilian exports to the United States? Not to mention other nations such as Korea, Taiwan, Hong Kong, and possibly India and Red China.

Somewhere along the line someone is going to get a little upset and the whole situation could once again revert to an open export situation.

It would have been better for all concerned, domestic footwear manufacturers and exporting nations had the United States government applied fixed import quotas on one and all. It would have permitted a predictable growth and given other nations the opportunity to expand their export markets to other nations.

So, whoever has to decide "who gets how much of what?" is going to need the wisdom of Solomon.

Mr. FISHER. Mr. Speaker, as a member of the Armed Services Committee and as Representative of the largest wool producing district in the Nation, I have become increasingly concerned over the failure of our Government to achieve reasonable controls on the flood of wool and man-made fiber textile imports. The situation has grown more and more serious and is now in fact critical.

The Congress, in enacting and extending the National Wool Act of 1954, has declared the production of wool in the United States to be necessary to the national defense. But raw wool has no defense potential unless facilities exist in the United States to manufacture it into apparel, blankets and other products which can be utilized by our military and civilian population in the event of an emergency. This has been recognized by the Defense Department, which has termed the textile industry second only to steel in military importance.

And what has been happening to this industry which is the second most essential to our national security? You have heard from some of my colleagues who have described the utterly astonishing growth in the rate of man-made fiber textile imports, and the seriously disruptive effect which they are having on the domestic industry.

Let me give you a few facts about the wool situation, in which my constituents and I have a most direct interest. Domestic production of wool textiles in 1970 was off 25 percent from 1969. In the first 5 months of 1971, production was off another 36 percent from the equivalent period of 1970. Yet imports continue to supply over 28 percent of the U.S. market, a record high. Such a level of imports would be seriously damaging to the American industry if it were prosperous and healthy. In a period of recession in the industry, this level of imports is devastating.

The 200,000 wool growers and their families in Texas and elsewhere suffer from this situation. The price of domestically produced raw wool is now about 23 cents per pound, a level which we have not seen since the great depression.

The economic plight of the wool growers, textile manufacturers, and their employees is sufficient in itself to render the textile import problem a matter of grave national concern. I am equally concerned over the effect this situation is having on the defense posture of the United States. As an example, I doubt that the great worsted industry, which performed so admirably in supplying military and essential civilian needs in World War II, has the capacity presently to meet these needs in the event of a national emergency. And it would assuredly be foolhardy to look to the countries of the Far East to meet them for us.

For all these reasons, Mr. Speaker, I join with my colleagues in stressing the need for immediate and effective action by the administration to bring the flood of textile imports from low wage foreign countries under reasonable quantitative control.

Mr. HENDERSON. Mr. Speaker, once again, those of us who represent States and districts where the manufacture and process of textile goods is an important and vital part of the economy want to call to the attention of this body and to the American public the plight in which this industry finds itself.

This industry must build and maintain its plants at inflated American costs. It must purchase machinery, equipment, and supplies at constantly increasing prices. It must pay inflated wages and salaries to its workers. And it must meet strong domestic competition. These are normal. They are problems faced by every American industry. But in the case of textiles, to compound the situation, the industry must compete with a virtual tidal wave of cheap textile products imported from abroad.

The foreign processor or manufacturer does not have to build and maintain his plant at inflated American costs. He does not have to purchase his machinery, equipment, and supplies on the high-cost American market. The wage rate he pays is a mere fraction of the rate imposed by law and inflationary pressures upon the domestic industry.

And so when we place our American industry in direct competition with this foreign adversary, it is a little like matching Mohammed Ali against Joe Frazier when Frazier has one hand tied behind him and is bound by the Queensbury rules while Ali has the use of both hands and is free to kick, bite, gouge, and use any other tactic available.

But the question is raised, Why should textiles be singled out for any special form of relief? What about other industries?

The answer is simple. There is no other single major American industry which has lost as high a percentage of domestic market to imports in recent years as has the textile industry, unless it is shoes.

We all know and realize that we must deal in world trade and deal on world markets; that we must negotiate reciprocal trade agreements and that we cannot be isolationist in our trade policy. But we can and must insure that we do not permit an entire American industry to be made bankrupt by foreign imports, and the textile industry faces just that clear and present danger.

If we had gained anything significant in our balance of trade generally over the past decade by the steadily increasing textile imports, it certainly should be showing up by now in a generally favorable balance of trade, and yet at the end of the fiscal year just past, we had the worst balance-of-payment deficit we have experienced during the past 10 years.

Political promises have been made. Bills and resolutions have been introduced. Voluntary agreements have been announced with great ceremony. But the textile industry continues to suffer.

It has been interesting to me to notice of late that the Congress has shown a willingness to bail out the aircraft industry and, in least one instance, from its own mistakes and mismanagement. It is being called upon to save a major railroad company from financial ruin—likewise caused at least in part by mismanagement. The President tells, us, and many agree with him, that these industries are vital to our defense and to our economy and must be preserved.

In my judgment, the textile industry is equally vital and equally deserving of consideration. And it does not come to Congress seeking a handout. Instead, it comes seeking only a fair deal and an opportunity to compete with foreign producers on more even terms. Surely, it deserves no less.

GENERAL LEAVE

Mr. DORN. Mr. Speaker, I ask unanimous consent that all Members may be permitted, if they so desire, to extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

FOREIGN IMPORTS

The SPEAKER pro tempore (Mr. GONZALEZ). Under a previous order of the House, the gentleman from Ohio (Mr. CARNEY) is recognized for 5 minutes.

Mr. CARNEY. Mr. Speaker, the first thing I want to do is thank the distinguished gentleman from North Carolina. He is not only a great athlete but a great Congressman.

Mr. Speaker and Members of Congress, on July 17, United States Steel's Ohio works plant in Youngstown, Ohio, which is located in my district, shut down throwing 2,700 steelworkers out of work, plus about another 1,000 supervisors and office workers.

A week later I received word that the Ohio Leather Co. in Girard is going out of business in September, throwing over 200 more people out of work.

In both of these cases the problem was foreign imports.

Today, five men from the Youngstown Welding & Engineering Co., came to my office with a petition signed by 1,200 workers protesting the awarding of a U.S. Navy contract to a Canadian company. The contract was for torpedo tubes, which the Youngstown Welding Co. has been making since 1958. Four other companies bid on this contract. Yet, the contract went to the Vickers Co., a company located in Toronto, Canada. Mr. Speaker, here we have a case in which the U.S. Navy awarded a defense contract to a foreign-based firm instead of to an American firm which has a proven track record of making the product here.

Here we have a case in which American citizens, American taxpayers, the ones who want to work, are being denied the opportunity to work.

Mr. Speaker, the American people are fed up with these policies that favor foreign companies and foreign workers over American companies and American workers.

We had better start putting the interests of American workers and American companies first. I call upon the Navy Department to reconsider its decision and to award this contract to an American-based firm.

Mr. Speaker, yesterday we passed a law for make-work upon which we are spending hundreds of millions of dollars to make work for American people. These are people who do not want make-work; they are proven tradesmen, they are proven American workers making good American products, and American wages under American conditions. When our Navy Department gives a contract to somebody else then America had better start waking up.

We are talking about the inflation, the cost of living; we are talking about people we have to give welfare to, but these are people, Mr. Speaker, who are homeowners. The 2,700 workers at United States Steel are American workers, and we had better start thinking about doing something to correct this situation.

Once again, Mr. Speaker, I call upon the Navy Department to reconsider this vile action.

EMERGENCY STRIKE LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. HARVEY), is recognized for 5 minutes.

Mr. HARVEY. Mr. Speaker, I am pleased to announce that I have today reintroduced emergency strike legislation with the backing of six additional cosponsors. Our legislation, first introduced as H.R. 8385 back in May, now has the bipartisan support of 61 Members of this body. It has been previously reintroduced as H.R. 9088, H.R. 9089, H.R. 9571 and H.R. 9820.

While the recent crippling rail strike has been settled, the need for a permanent solution to protect the public is particularly obvious. As I mentioned in recent testimony on our bill before the Subcommittee on Transportation and Aeronautics of the Committee on Interstate and Foreign Commerce, what is needed—and what is provided in the legislation which my cosponsors and I propose—is that the right of selective strike be circumscribed with appropriate safeguards for the public interest.

Both the burden of unlimited selective strikes, and the threat of nationalization of the railroads require that this Congress find a solution to rail industry disputes.

Let me quote from an editorial which appeared in the August 3 edition of the "Evening Star." The editorial closed by saying:

> In the aftermath of the rail strike, the losses of agricultural produce and mining and industrial income should reinforce efforts at providing a last-resort mechanism for ruling out nationally prohibitive stoppages. Congress should attend to this neglected duty when it returns from its recess.

LIST OF COSPONSORS OF EMERGENCY STRIKE LEGISLATION

1. John B. Anderson (Ill.)
2. William S. Broomfield (Mich.)
3. Garry Brown (Mich.)
4. James T. Broyhill (N.C.)
5. J. Herbert Burke (Fla.)
6. Omar Burleson (Tex.)
7. John W. Byrnes (Wis.)
8. Elford A. Cederberg (Mich.)
9. Charles E. Chamberlain (Mich.)
10. Harold R. Collier (Ill.)
11. Barber B. Conable, Jr. (N.Y.)

12. R. Lawrence Coughlin (Pa.)
13. John Dellenback (Oreg.)
14. Edward J. Derwinski (Ill.)
15. Samuel L. Devine (Ohio)
16. John J. Duncan (Tenn.)
17. John N. Erlenborn (Ill.)
18. Jack Edwards (Ala.)
19. Joe L. Evins (Tenn.)
20. Peter H. B. Frelinghuysen (N.J.)
21. Bill Frenzel (Minn.)
22. Louis Frey, Jr. (Fla.)
23. James R. Grover (N.Y.)
24. Tom S. Gettys (S.C.)
25. Gilbert Gude (Md.)
26. Seymour Halpern (N.Y.)
27. Michael Harrinton (Mass.)
28. James Harvey (Mich.)
29. Craig Hosmer (Calif.)
30. Edward Hutchinson (Mich.)
31. William J. Keating (Ohio)
32. Hastings Keith (Mass.)
33. Norman F. Lent (N.Y.)
34. Sherman P. Lloyd (Utah)
35. Delbert L. Latta (Ohio)
36. Robert McClory (Ill.)
37. Paul N. McCloskey (Calif.)
38. John Y. McCollister (Nebr.)
39. Jack H. McDonald (Mich.)
40. James D. McKevitt (Colo.)
41. F. Bradford Morse (Mass.)
42. Charles A. Mosher (Ohio)
43. Thomas M. Rees (Calif.)
44. J. Kenneth Robinson (Va.)
45. Howard W. Robison (N.Y.)
46. Edward R. Roybal (Calif.)
47. Herman T. Schneebeli (Pa.)
48. William L. Scott (Va.)
49. Fred Schwengel (Iowa)
50. Keith G. Sebelius (Kan.)
51. Garner E. Shriver (Kan.)
52. Robert T. Stafford (Vt.)
53. J. William Stanton (Ohio)
54. William A. Steiger (Wis.)
55. Charles Thone (Nebr.)
56. Guy Vander Jagt (Mich.)
57. Victor V. Veysey (Calif.)
58. G. William Whitehurst (Va.)
59. Lawrence G. Williams (Pa.)
60. Bob Wilson (Calif.)
61. Clement J. Zablocki (Wis.)

THE MODERN VOLUNTEER ARMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 5 minutes.

Mr. KEMP. Mr. Speaker, we are fortunate to have a number of outstanding congressional intern programs from which we can draw upon as a resource of youthful and brilliant talent, particularly during the summer months. One is the Washington Workshops Foundation "Advanced Seminar on the American Legislative Process."

This summer, the workshops sponsored as one of my interns, Miss Karyl Nancy Berger, a recent graduate of the Park School in Buffalo. Next fall, Karyl will enter the school of government and public administration at American University.

I was very fortunate to have Karyl on my staff this summer and I feel it is fitting and proper to share her outstanding contribution with my colleagues. She did her research paper on the modern volunteer army and I think we would all do well to analyze this difficult question with the detail and diligence exercised by Karyl.

Mr. Speaker, I include her paper at this point:

THE MODERN VOLUNTEER ARMY

(By Karyl N. Berger)

ACKNOWLEDGMENTS

I would like to express my deep appreciation to Sherrie Sievers, the Washington Workshop II administrator, for her wonderful understanding; to Representative Jack Kemp for the opportunity to work in his office and to my parents, Mr. and Mrs. Louis Berger, for their encouragement and affection. (Karyl N. Berger, July 24, 1971.)

INTRODUCTION

"The military draft has a greater impact on the lives of our young people than perhaps any other government activity . . . It is hardly surprising, consequently, that the young people of this nation are vitally interested in the draft—not only because under its operation they might be called and sent to Vietnam, but also because its operation today is unfair, disruptive, and unpredictable." [1]

The draft system is badly in need of some kind of reform. The question of whether the reform will come from the inside of the present system, or if the system will be completely overhauled will ultimately be in the hands of the United States Congress.

This paper will try to prove that The Modern-Volunteer Armed Force, which the United States has had in peacetime, would be the best answer to this volatile issue that confronts our nation today.

The Selective Service System was established by The Military Training and Service Act of 1947. It required that all males between the ages of 18 and 26 register for military service. It also provided that the President, Commander-in-Chief of the Armed Forces, select and induct the number of men necessary to maintain the strength of our forces, and also to select and induct men in specialized fields that are needed.[2]

Except for a few minor changes, The United States Selective Service operated under this law up until 1967 when The Congress of the United States passed The Military Selective Service Act. In 1969, the new President, Richard Nixon, put some pressure on The Congress to bring about some reforms. In November of that year, The Congress passed some revisions that remain the policy of this agency. Under the new law, The Selective Service Director was ordered to place in effect a simple random selection based on the random sequence of the 365 or 366 days of a year. Also, the period of draft vulnerability was reduced from seven years to one year.[3]

The Draft Bill expired on June 31, 1971. The Senate and The House of Representatives have both agreed on a two year extension of the draft, but because of differences between the two Houses on The Mansfield Amendment, the draft extension has been stalled.[4]

A proposal for a Modern-Volunteer Force has been mentioned, and the idea has attracted people from both sides of the political spectrum. They include such conservatives as Senator Barry Goldwater, Republican from Arizona, and William F. Buckley, Editor-in-Chief of *National Review Magazine*, and such liberals as Senator Mark Hatfield, Republican from Oregon and John Kenneth Galbraith, the economist.

On March 27, 1970, President Nixon created a commission to look into the possibility of an All-Volunteer Armed Force under the chairmanship of Thomas S. Gates, former Secretary of Defense. The committee was designed to develop a plan to end the draft, and to move forward in creating an All-Volunteer Force.[5]

The arguments that have been presented in favor of an All-Volunteer Force are varied. One basic issue concerns the civil liberties of an individual. Europeans fled their homelands because of military conscription. They brought their strong beliefs to America, and applied them in opposition to forced labor.[6]

Milton Friedman, a member of *Newsweek Magazine*, a conservative economist, and a member of "The Gates Commission" said:

"I do not believe that the government has the right to compel individuals to perform designated physical services as a condition of citizenship.[7]

There is one reason that governments conscript their men into The Armed Forces, and that is "to provide the manpower which is the sine qua non of war-making". Many people believe that conscription shows the concurrence between drafting and militarism. If a country has an aggressive military policy, there is usually a draft to back it. Napoleon, Mussolini, and Hitler all used conscripted armies to back their regimes.[8]

The argument that there will not be enough volunteers to maintain our strength is virtually non-existent. There are about 2.1 million men who are true volunteers. Many men who have a slim chance of being drafted because of their high lottery numbers join on their own volition. In The Air Force, all of the men are volunteers, and 65% of the men in The Marine Corps are not drafted.[9]

Secretary of Defense, Melvin Laird, said:

"If military pay and other incentives are adequate, and if conditions of service life and personnel utilizations are improved, I believe we can obtain a sufficient number of volunteers to meet our military manpower needs in the post-Vietnam period." [10]

The pressure for a Modern-Volunteer Army has caused complications at every level. Testing and research has been rushed, large sums of money has been spent uselessly, and people have been duplicating others and past work.[11]

One of the biggest objections to a Modern-Volunteer Force is the cost that it would entail. This argument is basically unsound because the figures that the Defense Department released were inaccurate. They realize that the initial cost will be higher, but once the system is in full operation, the costs will reverse themselves. Estimates at this point are in the area of two to seventeen billion dollars. Today, there are many hidden expenses of the draft system that do not appear in the budget.[12]

Another problem that people foresee is that The Modern-Volunteer Force will lack flexibility to expand in times of a sudden crisis. Secretary Laird realizes that this might occur. He said of this problem:

"Even after the draft calls are reduced to zero, the draft machinery must be kept on a standby basis, continuing to register and classify young men as they reach the age of 19.[13]

One of the biggest complaints raised against The Modern-Volunteer Army is that it will be constituted of all blacks. People claim that because of the fewer career opportunities and the high money incentives, blacks filled with resentment will control the forces. Many studies have shown that the black military population will only increase by 2–3%. Blacks only make up 10.6% of the army population which is a lower proportion than the black population in the nation. Studies have also shown that 14% of the conscripted army is black with a total population of 2.5 million men, and the percent will only rise one percent in an All-Volunteer situation of the same capability. [14]

If so many people fear that the incentives will be an attraction for a special group, then it is the obligation of those people to fix the discriminations that exist in civilian life. The complaint most often raised against The Voluntary Force is that it will pose a threat to civilian authority of the Armed Forces. This argument is rather weak because an All-Volunteer Force will not effect the frame-

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Footnotes at end of article.

work of The Department of Defense and the military services. The President will still remain the Commander-in-Chief of The Armed Forces, and the civilian secretaries will still be responsible to the President. The Congress will be the independent overseer of these agencies.[15]

Again, it is the responsibility of the general population to keep a watchful eye on the influence that the military establishment has on the nation.

There have been other proposals other than the reform of the present system, or the Modern-Volunteer Army. National Service, which is basically a supplement to The Voluntary Force, has many approaches. Some advocates of this system say that males as well as females, including those with handicaps, should take part in some sort of required duty. This system would be very costly because of the large amount of people involved. Other proposals state that some people can be excused, but that only creates the same problems that the present system is battling with concerning deferments and draft exemptions. Mandatory National Service ultimately causes forced labor.[16]

The Universal Military Training program and the present draft-lottery system are inadequate possibilities because they are merely extensions of what people are trying to reform.[17]

The feasibility of The Modern-Volunteer Force is becoming a reality. Secretary Laird says that he hopes to end draft calls by the middle of 1973. Although the system has been temporarily halted. The Selective Service is continuing its activities in moving toward a Voluntary Force.[18]

The members of the Gates Commission summarize my thoughts most accurately. They say,

"We unanimously believe that the nation's interests will be better served by an All-Volunteer Force, supported by an effective Stand-by Draft, than by a mixed force of volunteers and conscripts . . ."[19]

I have taken an affirmative stand on this issue because The Selective Service, which is vital to the security of our nation, needs more than inside reform. We can no longer change things to suit the present; we must change them for the future. The fascinating evidence that I uncovered while researching this has shown that there is no question that The Modern-Volunteer Armed Force is the best answer to this question that is foremost in the minds of young men today. It is necessary to realize that this new system can not be put into operation until we are completely out of The Indo-China war. I feel that this system must be instituted not only because it is in the best interest of a democratic nation.

FOOTNOTES

[1] 92nd Congress, 1st session—Committee on the Judiciary, Subcommittee on Administrative Practices and Procedures. "Selective Service System" October–November 1970 Page 3.

[2] Committee on Armed Services, U.S. House of Representatives "Military Selective Service Act of 1967" with analysis. December 1, 1967 Page 5638.

[3] Files of Jack F. Kemp m.c. *The New Draft Selection System*. March, 1970.

[4] John W. Finney, "Draft Extension Still Deadlocked" *Washington Evening Star* (*New York Times* News Service) July 13, 1971.

[5] Files of Jack F. Kemp m.c. *The Draft*, July, 1970.

[6] Young Americans for Freedom, *The Draft*, January, 1970.

[7] Milton Freidman, *Congressional Record*—The Senate May 11, 1971.

[8] Repeal The Draft Organization, *An All-Volunteer Professional Army*. October, 1970.

[9] Ibid.

[10] Melvin Laird, "All-Volunteer Force Requires New Outlays" *The Courier Express* November 8, 1970 Herein as "New Outlays."

[11] *The Washington Post*, "Selling The New Army Image" May 21, 1971.

[12] Report of President Nixon's Commission on The All-Volunteer Force, *The Gates Commission*, February 20, 1970 Herein as "Gates."

[13] "New Outlays."

[14] "Gates" page 17.

[15] "Gates" page 129.

[16] "Gates" page 175.

[17] "Gates" page 176.

[18] *Buffalo Evening News*, "U.S. Hopes To End Draft By 1973": Laird Says. November 10, 1970.

[19] "Gates" Introduction.

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ACCURACY IN MEDIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CRANE) is recognized for 10 minutes.

Mr. CRANE. Mr. Speaker, on August 4, 1971, I participated in a series of special orders with more than 100 of my colleagues from both sides of the aisle. These special orders dealt with the deteriorating situation regarding the national defense. The same morning I participated with many of these same colleagues in a press conference on the same subject.

The reason why I mention these facts, Mr. Speaker, is that neither the Washington Star, Washington Post, nor New York Times saw fit to cover this event despite the fact that the bipartisan participation made it one of the largest special orders in the recent history of the House and despite the fact that this issue has to be the No. 1 priority of our Government at any time.

This, I would contend, is a fine example of what many would consider bias in the media, and it leads into a very important study which I have recently read by the group called Accuracy in Media.

The study is based on hearings of the House Committee on Internal Security. These hearings were to examine the activities and the extent of subversive leadership in the two groups that sponsored the violent May Day demonstrations in Washington at the latter part of April and early in May—the National Peace Action Coalition—NPAC—and People's Coalition for Peace and Justice—PCPJ.

The analytical survey was undertaken by a group calling itself Accuracy in Media, or AIM for short. AIM has a headquarters at suite 1012, Warner Building in Washington and was formed in 1969 by a group of public-spirited citizens who were growing ever more concerned that what they were reading in the print media and seeing and hearing on electronic news coverage lacked accuracy, fairness, objectivity, and an unbiased view of events.

AIM is a nonpartisan, nonprofit citizens' organization with the stated purpose of encouraging the news media to maintain high standards of accuracy in reportage and news commentary.

One of the prime motivations for the organization of AIM was media—particularly television—coverage of the disturbances at the 1968 Democratic National Convention in Chicago.

This report is perhaps the most detailed and cataloged analysis of any congressional committee hearing and the ensuing media coverage that I have ever seen. It runs to 15 pages, some of it text and some of it charts, graphs, and statistical surveys.

Among the more surprising revelations in it, to me at least, was that despite the Washington Post's editorial page opposition to the Internal Security Committee, particularly the NPAC–PCPJ hearings, such opposition was scarcely reflected in the paper's news coverage. In fact both the Post and the New York Times, which also editorially opposes the committee, received high marks in their news coverage.

There are many more surprises in the report and I think my colleagues in this House would do well to peruse it in detail despite its length and depth.

This is a singular, scholarly, and valuable effort undertaken by private citizens to seek accurate, objective, nonbiased news reporting, and commentary; in other words to keep the press honest with itself and the American public. I stress the "private" nature of the inquiry. This is no effort by Government to muzzle or stifle the press, nor do the individuals who compose AIM seek to muzzle or censor the press. They merely wish to insure that what they are reading and hearing in the media is objective and true.

Accuracy in Media Report: News Media Coverage of House Internal Security Committee Hearings on Anti-War Protests

The last week of April and the first week of May 1971 saw large-scale anti-war demonstrations in Washington, D. C. These caused considerable disruption and great expense to the citizens and the government of Washington. They were the subject of extensive news coverage in the local and national press.

In the wake of these demonstrations, the House Internal Security Committee, chaired by Congressman Richard Ichord (Dem., Mo.), announced that it would probe the demonstrations in three days of public hearings beginning May 18, 1971. The Committee indicated that it would try to determine whether those who had taken the lead in organizing the demonstrations were motivated solely by the desire for peace, as they publicly insisted, or whether they were connected with subversive organizations whose goal was to destroy America's free institutions.

In view of the great interest the media had shown in the demonstrations, it seemed clear that this probe into their background deserved widespread news coverage. Accuracy in Media decided to make a careful study of the way in which the media reported the hearings. AIM sent a press release to the principal media representatives in the Washington area informing them of its intent to make this study. The release pointed out that while the demonstrations were going on, the media failed to convey to the public important information about the background and the political objectives and affiliations of the leaders of the demonstrations. We noted that information was readily available to the media through the Congressional Record, but it was largely ignored. AIM said one reason the study was being undertaken was because in recent years the media had tended to ignore the substantial findings of the House Internal Security Committee. We said there had been a tendency to focus on the antics of those who wanted to disrupt the hearings or distract the press.

The press took no public note of the AIM release, but it evidently helped stimulate additional interest in the hearings. They were well attended by the press. Mr. Abraham H. Kalish, Executive Secretary of AIM, who attended all the hearings personally, was told by HISC staff members that press attendance was unusually large.

EVALUATION OF MEDIA COVERAGE

AIM focused mainly on the coverage provided by the Associated Press, the United Press International, *The New York Times, The Washington Post, The Washington Star* and *The Washington Daily News*. It monitored the three network evening news broadcasts, most of the news broadcasts of the local Washington television stations, and some radio news broadcasts. It also checked the coverage provided by *Time, Newsweek* and *U. S. News and World Report*.

The coverage provided by the wire services and newspapers will be discussed below at considerable length. The reporting of the hearings provided by most of the other media can be disposed of in a few words.

Network TV: The coverage was totally inadequate. If the hearings got 15 seconds on the evening network news programs they were doing well. This was in great contrast to the extensive coverage the networks gave to the demonstrations themselves. Testimony at the hearings revealing the role of subversive groups and individuals in organizing the demonstrations was almost completely ignored by network TV news programs.

Here are some examples of network TV coverage. The testimony at the first day of the hearings was given by Washington Police Chief Jerry Wilson and Park Superintendent Russell Dickenson. They testified on the cost to the Government of the demonstrations, the damage done, a potential threat to the Washington Monument, the reasons for he mass arrests and other important matters. Here is how ABC's Howard K. Smith summed all of this up on his evening news program:

> The House Internal Security Committee, formerly the House Un-American Activities Committee, ignored cries of "witch-hunt" today and began its probe of the Mayday protests. Demonstrators then kept Washington on edge for three weeks. Chairman Richard Ichord hopes to expose involvement by the Communist Party. Today, however, the witnesses were much more concerned with damage to the trees and shrubs. Park superintendent Russell Dickenson testified it will cost $100,000 just to get the Washington Monument grounds back in shape.

Of 21 points of information brought out by Chief Wilson and Mr. Dickenson and reported by either the wire services or the Washington papers, Mr. Smith managed to mention only one in this 25-second statement. Still that was better, perhaps, than the treatment of the hearings by NBC. NBC's Carl Stern used Chief Wilson's statement justifying the mass arrests of demonstrators as a takeoff for a little editorializing about the lack of justification for the arrests. Stern commented:

> With almost 2,000 cases now processed the figures seem to confirm too many people were arrested on too little evidence of wrongdoing. More than a quarter of the charges were dropped by the government . . .

CBS provided its audience with more information about the hearings than either of the other two networks on the first day. From then on they all went downhill. For example, all networks ignored the testimony of Lawrence Cott, including his charge that the National Peace Action Coalition (NPAC) was completely controlled by Trotskyite communists. The day after Cott testified, NBC's morning TV news took two minutes to report on a debate in a committee of the Illinois State Legislature that was debating a resolution asking for an immediate pull-out from Vietnam. Zero time was devoted to reporting Cott's testimony on the subversive ties of the organizers of the Washington demonstrations.

A call to the NBC Washington office elicited the explanation that NBC had not reported on Cott's testimony because he was "a professional communist hunter," he was unknown and he was a "right-winger." The NBC employee explained that the network had no obligation to air the wild charges of "an unknown professional communist hunter." In response to a question, the NBC man said it was wild to allege that communists were involved in the April 24 demonstration sponsored by the NPAC. The following day NBC Nightly News did give a one-sentence report on the testimony that two members of the Trotskyite Communist Socialist Workers Party were the only persons authorized to draw checks on the NPAC bank account. AIM learned that the NBC Washington office had prepared a more extensive report on this testimony but that New York had decided against using it. AIM wrote to NBC asking why they did not feel that the information brought out at the hearings deserved more attention in view of the wide coverage they gave to the demonstrations and their failure to provide the public with information about the background of the persons and groups that organized the protests. This query was never answered by NBC.

Washington's Local TV and Radio: In comparison with the networks, the local broadcasters monitored by AIM gave good coverage to the hearings. In the view of AIM's monitors WTTG (Channel 5) gave the most comprehensive coverage, but WTOP (Channel 9) and WRC (Channel 4) were not far behind.

Washington's two all-news radio stations gave a fair amount of attention to the hearings, but their coverage left much to be desired. WAVA devoted a disproportionate amount of time to airing baseless criticisms of the hearings. For example, on the day the hearings opened, WAVA repeatedly broadcast a statement by Bella Abzug to the effect that the Committee was subpoenaing leaders of the "peace" movement. The Committee did not subpoena any witnesses, a fact that WAVA should have known. This false statement was broadcast at least five times and no correction was ever made. WTOP appeared to give more information about the hearings themselves and focused less on the critics than did WAVA. AIM rated its coverage well above that of WAVA.

Time, Newsweek and U.S. News and World Report: The news weeklies gave almost no coverage to the hearings. However, *U.S. News and World Report* published an article on the cost of the demonstrations that brought out some of the figures revealed at the hearings. This article mentioned that HISC was going to hold hearings. U.S. News & World Report subsequently described recommendations made by Park Superintendent Dickenson at the hearings without saying where they were made. Newsweek's coverage was limited to the sentence in an article on the Justice Department:

> "On Capitol Hill, Rep. Richard Ichord's House Internal Security Committee heard testimony that domestic communists had controlled funds for the recent Washington protests."

Newsweek had devoted over nine pages, including four pages of color photographs, to the demonstrations themselves. It could spare only 23 words buried deep in another story to inform its readers that the funds that financed what it had considered to be such an important event were under the control of known subversives.

Time did not even tell its readers that much.

The weekly news magazines were inferior even to network TV in their coverage.

Newspapers and Wire Services: AIM made an in-depth analysis of the coverage provided by the AP and the UPI and four daily newspapers—The New York Times, The Washington Post, The Washington Star and The Washington Daily News. A system of scoring was devised to measure the depth and accuracy of coverage. Points were awarded for items of information reported, and penalty points were deducted for errors, inappropriate headlines and leads, and poor placement of the stories. The scoring system is described on pp. 6–7 of this report. It should be noted that AIM did not give papers points for reporting on criticisms of the hearings. The AIM press release noted that in the recent past there had been a tendency for the media to focus on the antics of critics and their denunciations of the House Internal Security Committee at the expense of reporting facts revealed by the Committee's hearings. The critics counted on this. No other investigative Congressional committee is subject to this ritualistic barrage of criticism which tends to impede the flow of information to the public. AIM believes that these criticisms have long since ceased to be news; they are "anti-news." They are a kind of spokescreen thrown up by those who would prefer that the public did not learn the kind of information developed by the Committee's hearings. AIM therefore reversed the normal scoring and gave points to the papers that avoided or minimized providing space to these criticisms.

AIM RATINGS

Newspaper or wire service	Gross score	Penalty points (−)	Net score
1. Washington Post	23	1.0	22.0
2. United Press International	22	1.5	20.5
3. Washington Daily News	21	3.0	18.0
4. Associated Press	16	0	16.0
5. Washington Star	20	5.0	15.0
6. New York Times	17	2.5	14.5

The Washington Post gave far better coverage to the hearings than the other newspapers. It provided more information, and its reports were not marred by slanting or editorializing. Its coverage of the critics was very restrained, showing that it too recognized these attacks for what they were. The Post has long been noted for its critical editorials on the House Internal Security Committee, but it did not permit its editorial position to influence its coverage of the news in this case.

The UPI outscored the AP by a wide margin even though it was guilty of some serious factual errors. The AP was accurate, but it devoted a high percentage of its space to the critics of the hearings and the Committee. Its coverage of the information developed at the hearings suffered as a result of this.

The Washington Daily News, a Scripps-

Howard tabloid, outpointed both the New York Times and the Washington Star. However, coverage by the News was uneven, and it did not do a good job of covering key points relating to subversive influence and control of the demonstrations. (See p. 6.) The New York Times' stories were quite informative, accurate and generally free of slanting. The Times fared badly on the score because it carried no story at all on the second day of hearings. It suffered penalty points for poor placement of stories and for one inappropriate headline and lead.

The Washington Star is considered a more conservative paper than the Post or the New York Times, but it barely edged out the Times to avoid last place in the ratings. This was despite the fact that the Star carried four stories to only three for the Times. The Star's coverage was far inferior to that of the Post. It had five penalty points. This reflects the fact that the Star, to a high degree, tended to focus on the critics of the hearings rather than the hearings themselves. The Star devoted 37 per cent of the space relating to the hearings to report of what critics of the House Internal Security Committee said or did. This compares with a comparable figure of 14.5 per cent for the Washington Post and the Daily News. In some cases the stories in The Star were marred by a lack of objectivity, and a number of penalty points were given for inappropriate headlines and leads and for poor story placement. AIM considered headlines and leads inappropriate if they focused attention on the critics rather than on the hearings.

FACTUAL ERRORS

AIM found few factual errors in the press reports of the hearings, but there were some that were serious. The UPI made three errors in the story on testimony about the bank accounts of the two groups that had organized the demonstrations—the National Peace Action Coalition (NPAC) and the People's Coalition for Peace and Justice (PCPJ). One of the main points of the testimony was that the only two people authorized to sign checks for the NPAC were both members of the Socialist Workers Party, a Trotskyite communist group. The UPI story failed to make the point that SWP members had exclusive control over the NPAC bank account, and it incorrectly said that SWP members could sign checks for the PCPJ. It then incorrectly identified the individuals authorized to sign checks. For example, Sidney Peck, one of those who could sign checks for the PCPJ, was identified as a former member of the Communist Party and as a member of the SWP by the UPI. Peck had been identified as a former leader of the Communist Party in Wisconsin, not as a former member, and he was not a member of the SWP. These errors were corrected by the UPI the following day, but it is likely that many of the newspapers and broadcasters that used the original UPI story did not make the corrections.

The Washington Daily News, perhaps relying on the UPI story, said the two SWP members were "among those NPAC and PCPJ officials" authorized to sign checks. This blunted the force of the revelation of exclusive SWP control of the NPAC checking account. The error was never corrected by the *News.*

Both *The Times* and *The Star* said that Sidney Peck was formerly identified as a member of the Communist Party, missing the point that he had been identified as a former leader of that party. Peck's leadership rank was of some relevance since it was claimed by the witnesses that through Peck and others the Communist Party exerted a significant influence on the PCPJ.

These errors were probably the result of carelessness, but the *Washington Star* was charged with errors that appeared to be deliberate. The Committee invited Lawrence Cott, editor of Combat, a newsletter that reports on activities of subversive groups and individuals, to testify as an expert witness. Unlike the other papers, the *Star* did not tell its readers this. It described Cott as a "self-proclaimed expert on radical movements." At the conclusion of his testimony some little pleasantry about the fact that he and Mr. Cott were graduates of the same university was made by Chairman Ichord. The Star actually reported this with the serious implication that Mr. Cott and his qualifications were completely unknown to Mr. Ichord. The Star then added: "Cott said he published twice monthly a newsletter in New York which observes radical activity." This seemed to be contrived to give the impression that Mr. Cott was responding to a statement by Chairman Ichord to the effect that Cott was unknown to him. This was a distortion with a purpose. It reinforced the false statement that Cott was a self-proclaimed expert. It would appear that the *Star's* reporter was seeking to discredit the witness.

ERRORS OF OMISSION

Each of the newspapers and wire services failed to report many items of information that their competitors considered newsworthy. Since the main object of the hearings was to reveal the extent of subversive influence and control of the demonstrations, AIM picked out 36 significant items of information relating to this. It compared the reporting of these 36 points by the wire services and the four newspapers.

The paper that did the best job, *The Washington Post,* covered only half of the 36 points. *The New York Times* covered only a little more than a fourth of them. Here is how the papers and wire services ranked.

Newspaper or wire service	Key points relating to subversive influence: Percentage covered	Key points relating to subversive influence: +AP and UPI
Washington Post	50	86
UPI	47	
AP	39	
Washington Star	39	75
Washington Daily News	33	75
New York Times	28	67

The four newspapers combined provided coverage of 83 per cent of these points. The Washington Post and any one of the other papers combined gave coverage ranging from 69 to 72 per cent. No combination of papers that did not include the Post, i.e., Times-Star, Times-News, News-Star, gave better than 53 percent coverage.

All of the newspapers could have improved their coverage of these points very substantially if they had simply used all the information made available to them by the AP and the UPI. What they could have done is shown in the second column in the above table. The reporters for the Post were the only ones that added much information that was not covered by either the AP or the UPI. The other papers gained nothing in their coverage of this area by relying on their own correspondents rather than on the combined reports of the wire services. They overlooked more items of information than they gained.

THE SCORE CARD

AIM devised a unique system to score press coverage of the hearings objectively. It culled the stories carried by the two wire services and the four newspapers for items of information brought out by the hearings. These were consolidated under eight categories. Reported comments of critics of the hearings were consolidated under three categories, one of which included legitimate news. The other two critical categories covered remarks that served only to distract and divert attention from the information brought out at the hearings. AIM treated these categories as "anti-news."

Each of the categories included from six to ten items of information reported by the newspapers or wire services. The number of items in each category mentioned by each of the papers and wire services was totaled and an average was calculated. Each paper was then scored by comparing the number of items of information it reported with the average for the category. Points were given as follows:

	Points
Outstanding (twice the average or better)	4
Above average	3
Average	2
Below average	1
No coverage	0

This scoring system was applied to nine categories, including one that covered legitimate news about one of the critics of the hearings. However, scoring was reversed for the last two categories. These covered the anti-news of the critics. For these two categories three points were awarded for zero coverage, 2 points for below average coverage, one point for average, and no points for above average coverage.

Demerits were given for factual errors, inappropriate headlines and leads and poor story placement. AIM takes the position that information cannot be effectively transmitted if it is buried under a misleading headline or placed where many readers are unlikely to notice it. Headlines and story leads that focused on the critics of the hearings rather than the content of the hearings were considered to be inappropriate. Placement deep in the inside pages of the paper was considered poor, since the demonstrations themselves had been treated as front-page news. One penalty point was given for each two demerits.

The following is a summary of the scores by category.

SUMMARY OF SCORES

Category	AP	UPI	NYT	Post	Star	News
1. Cost of demonstrations	1	2.0	4.0	2	1	1
2. Threat to Washington Monument	3	1.0	0	3	2	2
3. Defense of arrests and recommendations	1	3.0	3.0	1	3	3
4. Cott testimony on NCAP and PCPJ	2	1.0	0	4	2	3
5. Congrol of NCAP and PCPJ bank accounts	3	3.0	2.0	1	3	1
6. Comments by committee members	2	1.0	2.0	2	3	2
7. History of PCPJ and its leaders	2	4.0	2.0	2	1	0
8. Veterans, People's Peace Treaty, etc	1	3.0	0	3	1	3
Hearings subtotal	15	18.0	13.0	18	16	15
9. Gordon comments on hearings (news)	1	1.0	1.0	1	3	1
10. Gordon comments (antinews, reverse)	0	3.0	1.0	1	1	2
11. Congressional critics (reverse scoring)	0	0	2.0	3	0	3
Critics subtotal	1	4.0	4.0	5	4	6
Gross score	16	22.0	17.0	23	20	21
Penalty points		−1.5	−2.5	−1	−5	−3
Net score	16	20.5	14.5	22	15	18

APPENDIX A—PRESS COVERAGE OF INFORMATION RELATING TO HEARINGS

The following are the items of information included in each of the 11 categories used by AIM in its analysis of the coverage of the hearings by the wire services (AP and UPI), The New York Times (NYT), The Washington Post, The Washington Star and The Washington Daily News. If the item was mentioned by the paper this is indicated by an "x" in the columns on the right. An "e" means that the item was mentioned but that an error was involved.

1. COST OF DEMONSTRATIONS

	AP	UPI	New York Times	Post	Star	News	Average
(a) Amount of damage to Washington Monument Grounds	×	×	×	×		[1]	
(b) Cost to Park Police excluding damage		×	×				
(c) Over $3,000,000 cost to District of Columbia police	×	×	×	×	×	×	
(d) Cost to Pentagon of $1,200,000			×		×	×	
(e) Total cost of $5,500,000			×				
(f) Charge that 1 aim of protestors was to burden Government with costs				×			
Total	2	3	6	3	2	2	3
Demerits			1			1	
Score	1	2	4	2	1	1	

[1] Error.

Note: The New York Times provided outstanding coverage on this category, but it was given 1 demerit for placing the story back on p. 23. The Post and Star put it on p. 1. The Times was the only paper to go beyond what was brought out at the hearings and put a total cost figure on the demonstrations. The News made an error in confusing the amount of damage to the Monument Grounds with the cost to the Park Police for overtime pay. The damage to the grounds was estimated at $100,000.

2. THREATS TO WASHINGTON MONUMENT AND RECOMMENDATIONS

	AP	UPI	New York Times	Post	Star	News	Average
(a) Details of damage to equipment and trees				×		×	
(b) Danger posed to Washington Monument itself	×	×		×	×	×	
(c) Tearing down flags and putting up VC flags				×			
(d) Police fend off attack on Monument	×	×		×	×	×	
(e) Bomb threat to Monument				×			
(f) Park head wants to bar camping on grounds	×						
(g) Park head wants to bar all-night concerts	×				×		
Total	4	2	0	5	3	3	3
Score	3	1	0	3	2	2	

Note: This information came from the testimony of the superintendent of the National Capital Parks, Russell Dickenson. The Post clearly gave the best coverage. It was the only paper to report that the demonstrators tore down American flags around the Washington Monument and put VC flags in their place. The Star failed to tell its readers about the damage done at the Monument Grounds. The News did a better job of conveying some idea of the character of the crowd that gathered at the Monument on the night of Apr. 24 and the damage that it did. The New York Times reported only the cost of the damage (included in category 1).

3. CHIEF WILSON ON ARRESTS AND RECOMMENDATIONS

	AP	UPI	New York Times	Post	Star	News	Average
(a) Mass arrests prevented closing down Government		×	×		×	×	
(b) Many troops needed if mass arrests not made			×		×		
(c) 13,500 arrests made		×	×			×	
(d) Opposed building special detention facilities	×	×		×	×	×	
(e) Defended detention facilities used						×	
(f) Opposes automatic suspension of arrest process					×		
Total	1	3	3	1	4	4	2.6
Score	1	3	3	1	3	3	

Note: It is striking that neither the AP nor the Washington Post saw fit to report on Police Chief Wilson's defense of the mass arrest tactics used by the Washington police during the demonstrations. These tactics had been the object of considerable criticism which had been reported in the press. Only the New York Times and the Star reported Wilson's statement that 20,000 to 25,000 troops would be needed to control 15,000 demonstrators if mass arrest tactics could not be used Wilson testified on the same day as Mr. Dickenson. The AP and the Post focused more on Dickenson than on Wilson, while the New York Times and the Star focused more on Wilson.

4. TESTIMONY OF LAWRENCE COTT ON ROLE OF COMMUNISTS IN ORGANIZING DEMONSTRATIONS

	AP	UPI	New York Times	Post	Star	News	Average
(a) Cott identified as editor of newsletter on revolutionary activity, combat	×			×	[1]		
(b) Socialist Workers Party identified as subversive Trotskyite Communist group	×			×		×	
(c) SWP control of NPAC charged					×	×	
(d) April 24 march leadership dominated by SWP					×		
(e) Banners in march showed Trotskyite control				×			
(f) Described Trotskyite beliefs				×			
(g) CP backing essential to PCPJ	×						
(h) PCPJ under strong Communist influence		×		×	×	×	
(i) Media failed to expose Communist role				×			
(j) Leaders of NPAC want Communist victory, not peace					×		
Total	3	1	0	7	3	4	3
Score	2	1	0	4	2	3	
Demerits				1	4		

[1] Error.

Note: The Post gave by far the best coverage to Cott's testimony, but it did not report his positive statement that the NPAC was completely controlled by the Socialist Workers Party, a Trotskyite Communist group. It also put the story back on p. 16, for which 1 demerit was given. The AP and UPI also failed to report Cott's positive assertion of SWP control of NPAC. The AP had him saying only that the SWP had significant membership in the NPAC. The UPI reported that he said the Trotskyites played a role in the NPAC disproportionate to their numbers. While correct, these statements alone do not report correctly what Cott said about SWP control. This is a misrepresentation of Cott's position and might even be scored as an error. The New York Times carried nothing on Cott's testimony. No story was filed, and the New York Times reporter declined to tell AIM why. The UPI, Star and News failed to identify Cott in a way that would establish his credentials as an expert witness. As described on pp. 5-6, the Star tried to cast doubt on Cott's credentials by some very questionable distortions. AIM conservatively gave the Star 2 demerits for its inaccurate and unprofessional treatment of Cott. It also gave demerits for puttting the story under a headline that read: "D. C. protest aftermath resembles Chicago" and for an inappropriate lead.

5. BANK RECORDS SHOW CONTROL OF NPAC AND PCPJ FUNDS

	AP	UPI	New York Times	Post	Star	News	Average
(a) Ichord announces bank records subpenaed	X				X		
(b) Said records would show SWP-NPAC link	X	X		X	X		
(c) 2 SWP members only ones able to sign NPAC checks according to bank records	X	[1,2] X	X	X	X	(1)	
(d) Sidney Peck, one of 4 able to sign PCPJ checks	X	X	X	X	X	X	
(e) Peck, a former official of Wisconsin Communist Party	X	[1,2] X	(1)	X	(1)	X	
(f) Identity of others able to sign PCPJ checks	X	X	X				
(g) Amounts passed through NPAC and PCPJ bank accounts	X	(1)	X		X	X	
(h) Ichord says control of funds means control of organization		X	X		X	X	
Total	7	6	5	4	6	4	5
Score	3	3	2	1	3	1	
Demerits		3	2	1	4	3	

[1] Error.

[2] Error later corrected.

Note: The newspaper treatment of this story was very strange. Considerable publicity had been given to Chairman Ichord's statement that the bank records would reveal some surprising information. This was fully borne out by the revelation that 2 members of the Socialist Workers Party, both of them former candidates for public office on that party's ticket, had sole authority to sign checks for the NPAC. This was certainly strong confirmation of Mr. Cott's assertion that the SWP had complete control of the NPAC. Since most of the media had shrunk from reporting Cott's charge and an NBC reporter had gone so far as to tell a caller that allegations of Communist involvement in the NPAC's Apr. 24 march were "wild charges," the revelation of complete SWP control of NPAC funds should have been a bombshell to the media. The UPI and the News mangled the report in a way that blunted its force. The New York Times, Post, and Star reported the information correctly, but they all buried it in the back pages. The Star put it under a headline that read: "Rep. Drinan Boycotts Probe of Peace Groups by House" and relegated it to the local-news section of the paper. The New York Times put it on p. 21 and the Post on p. 26. Demerits were given these papers for poor placement. The Star was given demerits for an inappropriate headline and lead. The New York Times and the Star were also given demerits for saying that Sidney Peck was identified as a Communist Party member rather than as a former official of the party. Peck was said to have a key role in the PCPJ, and the fact that he had leadership rank in the Communist Party was of some significance as an indication of Communist influence in the PCPJ. The best coverage was provided by the Associated Press. The UPI mangled the story badly, AIM charged them with 3 errors, 2 of which were corrected the following day. The News was given demerits for an error and an inappropriate headline and lead.

6. COMMENTS BY REPRESENTATIVE ICHORD AND COMMITTEE MEMBERS

	AP	UPI	New York Times	Post	Star	News	Average
(a) NPAC dominated by SWP; PCPJ leadership infiltrated by Communist Party (CPUSA)	X				X		
(b) SWP and CPUSA persuaded to cooperate in staging demonstrations by North Vietnamese	X						
(c) Leadership of demonstrations wanted U.S. defeat						X	
(d) Regret failure of media to inform about SWP				X			
(e) SWP revolutionary and subversive; not to be confused with Norman Thomas-type socialists		X	X		X	X	
(f) SWP a growing force, appealing to youth					X		
(g) NPAC did not refute charges in Congressional Record of Apr. 6, 1971				X			
(h) Members of Congress who supported demonstrations unaware of their subversive leadership			X				
Total	2	1	2	2	3	2	2
core	2	1	2	2	3	2	

NOTES

The comments made from time to time throughout the hearings by Chairman Ichord and members of the committee were clearly not well reported. Three of the above points had been made and reported as statements of witnesses, but 5 were new points. The description of the struggle between the SWP and the CPUSA for control of the demonstrations and the compromise brought about by the North Vietnamese would appear to be highly newsworthy. It cast valuable light on the contention that the demonstrations were led by subversives whose true goal was a Communist victory and a U.S. defeat. It is very surprising that it was reported only by the AP. Only the New York Times reported Congressman Schmitz's statement that several Members of Congress were duped into supporting the demonstrations without knowing of their subversive leadership. The Times took the trouble to check with the offices of 1 Senator and 1 Congressman to see if this was true. It reported that Senator Vance Hartke thought the charges against NPAC were ludicrous. Important information about the leadership of the NPAC had been put into the April 6 Congressional Record by Chairman Ichord. The chairman expressed regret that this had been almost completely ignored by the press. Only the Washington Post, the one paper that had published some of this information, mentioned this comment. Mr. Ichord pointed out that the facts in his April 6 statement had never been refuted by the NPAC. Only the AP and the Post neglected to report the statement about the importance of not confusing the SWP with Norman-Thomas-Socialists. However, both the AP and the Post identified the SWP as a revolutionary Communist group in reporting the Cott testimony. The others had not done so.

The committee put its finger on a serious deficiency in news reporting. It spotlighted the failure of the media to inform the public about important facts about subversive groups and individuals even when the information is given to them in a readily available publication like the Congressional Record. Chairman Ichord noted that the Washington Post had published some of his revelations about the NPAC, but even that was done days after the demonstrations were over, while the material had been available more than 2 weeks before they began. Other detailed material exposing the role of subversives in the demonstrations had been put in the Congressional Record prior to the demonstrations. AIM supporters had called this to the attention of many media representatives in Washington while the demonstrations were going on, suggesting that it was background the public should have. None of the media made use of it.

7. THE PEOPLE'S COALITION FOR PEACE AND JUSTICE (PCPJ)

	AP	UPI	New York Times	Post	Star	News	Average
(a) History of the PCPJ, its predecessor groups	X	X	X	X	X		
(b) Seven Communists on PCPJ Coordinating Committee	X	X	X	X			
(c) Names of these Communists	X	X	X				
(d) 35 to 40 Communists took part in organizing PCPJ		X					
(e) PCPJ became vehicle for Communist Party		X		X			
(f) PCPJ advocates civil disobedience and focuses on many issues besides Vietnam War		X					
(g) The Communists are among most influential and active members of PCPJ Coordinating Committee		X					
(h) Other members of committee sympathetic to PCPJ		X					
Total	3	8	3	3	1	0	3
Score	2	4	2	2	1	0	
Demerits			2		2	2	

Note: This analysis and history of the PCPJ was brought out in the testimony of 2 staff members of HISC, William Poole and Herbert Romerstein on the added 4th day of the hearings. The UPI give outstanding coverage to this testimony. It also corrected the more serious errors that it had made in reporting the testimony of the previous day. The Star and Daily News virtually ignored the testimony about the PCPJ. These papers and the New York Times elected to focus mainly on a press conference held by an NPAC spokesman and on the court action barring further subpoenaing of bank records by the House committee. This was reflected in their headlines and leads. The Times headline read: "Red 'Smear' Laid to House inquiry." The Star headline said: "Peace Unit Denies Socialist Control." These headlines were unrelated to the continuing important story the revelations at the hearings. They could be criticized on other grounds. The use of the word "smear" by the Times conveyed the impression that unfounded charges had been made at the hearings. The committee had actually been very careful to document the charges that had been made. The Star's use of the word "Socialist" in referring to SWP control of the NCAP ignored all that had been said at the hearings about the importance of not confusing the Communist SWP with Socialists. The Times, Star and News were each given 2 demerits for misfocused headlines and leads.

8. VETERANS' GROUP, "PEOPLE'S PEACE TREATY," CAPITOL DEMONSTRATIONS AND NPAC-PCPJ HEADQUARTERS

	AP	UPI	New York Times	Post	Star	News	Average
(a) Link between PCPJ and Veterans against the war		×					
(b) "People's peace treaty" was a Communist idea				×			
(c) Negotiation of "treaty" a possible violation of law				×			
(d) Over 1,000 arrested at Capitol on May 5	×	×				×	
(e) Capitol group called "riotous mob out of control"	×	×			×		
(f) SWP leader reported "boss" at NPAC headquarters		×				×	
(g) NPAC and PCPJ evicted from District of Columbia offices				×	×	×	
(h) SWP leader chief marshal of April 24 march				×			
Total	2	4	0	4	2	3	2.6
Score	1	3	0	3	1	3	

NOTES

AIM believes that the 2 most interesting points in this miscellaneous category were points (a) and (b). A letter was produced at the hearing signed by Al Hubbard, a leader of Vietnam Veterans Against the War. The letter revealed that the veterans' group had been using PCPJ facilities. It urged the recipients to give financial support to the PCPJ. The press had given very extensive coverage to Hubbard's group, but it had never mentioned the PCPJ connection. Hubbard and another leader of the group, John Kerry, had appeared on NBC's Meet the Press, but that normally inquisitive panel had not explored the connection between the Vietnam Veterans Against the War and the PCPJ. (The Meet the Press panel also failed to discover that Hubbard had falsified his military rank and that he had never actually served in Vietnam.) It is a reflection on the reliability and thoroughness of the press that only the UPI reported the discovery of this important li between the highly publicized VVAW and the PCPJ.

Similarly, only the Washington Post reported on testimony given about the background of the negotiation of the so-called People's peace treaty with Hanoi. A witness said that this idea had been discussed in Communist circles for some time. The Post reported this, but none of the media discussed the testimony of Charles Stephens and Neil Salonen of American Youth for a Just Peace who exposed as false claims made that the treaty was supported by South Vietnamese student organizations.

9. JERRY GORDON COMMENTS ON TESTIMONY (NEWS)

	AP	UPI	New York Times	Post	Star	News	Average
(a) Denies being a Communist	×	×			×		
(b) Says anyone, including Communists, may join NPAC	×	×	×	×	×		
(c) Admits Trotskyites in NPAC. Says, "So what?"	×		×	×	×	×	
(d) Calls charge of Trotskyite control of NPAC absurd			×	×	×	×	
(e) Says control of NPAC funds by 2 SWP members only a matter of convenience					×		
(f) Says control of funds by SWP members was limited					×		
(g) Denies 4 out of 5 NPAC Coordinators belong to SWP					×		
(h) Explains that SWP leader was chief marshal of march because of experience and belief in nonviolence					×	×	
(i) Says he will sue HISC for $500,000	×			×	×		
Total	4	2	3	4	9	3	5
Score	1	1	1	1	3	1	

NOTES

Jerry Gordon as spokesman for the NPAC held a press conference on May 22 to replay to statements made about NPAC at the hearings. Mr. Gordon had been invited by the committee to testify under oath, but he did not avail himself of this opportunity. This fact should have been noted by the press in reporting on his press conference, but it was not. Had Gordon testified under oath he would have faced sharp questioning by some very knowledgeable interrogators. The newsmen who faced him at his press conference apparently did not press very hard to clear up the inconsistencies between the sworn testimony that others had given and what Gordon said when he was not under oath. Gordon made comments on the testimony, and AIM believes that this was in the category of legitimate news. He also made some wild charges and went through the usual litany of criticism of the HISC. AIM does not believe that these qualified as news, and by and large the press agreed, except for the AP. As is shown below, the AP gave very extensive coverage to Gordon's bombast and wild charges. The Star also gave a lot of attention to Gordon, but it focused mainly on the informational side of his statements.

Antinews—As explained on p. 4 above, AIM takes the position that the critical barrage that opponents of HISC release whenever it holds hearings is basically a smokescreen designed to distract the media and divert attention from the revelations at the hearings. AIM decided to treat this as antinews. The scoring was reversed, with the papers that did not allow themselves to be taken in by this diversionary tactic rewarded by points, while those that gave above average attention to the critics were given no points. The critics were divided into two categories; one covered the critical statements made by Jerry Gordon at his press conference, and the other covered various members of Congress who criticized the hearings. These 2 categories are detailed below.

10. JERRY GORDON'S CRITICISMS

	AP	UPI	New York Times	Post	Star	News	Average
(a) HISC object is to smear antiwar movement	×		×		×		
(b) Subpena of bank records is outrageous	×			×			
(c) Nixon and reactionaries waging war on peace movement	×						
(d) They want to scuttle constitutional guarantees	×						
(e) Ichord is smearing by pointing to a few radicals	×						
(f) Peace movement is all the people	×						
(g) HISC producing false information to discredit peace				×			
(h) HISC trying to shift attention from serious problems					×		
(i) Seizing bank records is attempt at intimidation						×	
(j) Ichord trying to revive McCarthyism			×				
Total	6	0	2	2	2	1	2
Score	0	3	1	1	1	2	

11. CONGRESSIONAL CRITICS

	AP	UPI	New York Times	Post	Star	News	Average
(a) Hearings not relevant to committee purposes	×	×			×		
(b) No evidence of subversives in peace movement	×						
(c) Those behind May Day are radical but not subversive	×						
(d) HISC has fixation on communism	×						
(e) HISC assumes Communists involved in demonstrations because they seek end to war	×						
(f) HISC ignoring 1st amendment rights and trying to intimidate critics of government	×						
(g) HISC questioning integrity of majority of Americans		×					
(h) Hearings show trend toward Fascist repression					×		
(i) Hearings an attempt to discredit peace movement					×		
(j) HISC will have to take on big majority of country					×		
(k) HISC engaged in ultimate un-American activity, repressing free speech and dissent			×				
(l) Hearings should be halted and HISC abolished		×					
Total	6	3	1	0	4	0	2.3
Score	0	0	2	3	0	3	

NOTES

It is noteworthy that the papers did not allow themselves to be taken in by the tactics of the critics to any great extent, except for the AP and the Star. Totaling the above 2 categories, the UPI mentioned 3 criticisms against 12 for the AP. The NYT mentioned 3, the Post 2, and the News 1. The Star mentioned 6. Significantly, the AP reported only 4 of 9 informational points made by Jerry Gordon, but it reported 6 of 9 propaganda points. The judgment of the AP about the newsworthiness of this type of material clearly differed from that of the New York Times and the Washington Post, papers that have long been critical of HISC in their editorials. This raises some questions about the objectivity of the AP's news judgment on this story. The attention the AP gave to the critics was at the expense of more complete coverage of the hearings. As shown on p. 6, the AP covered only 39 percent of the key points on subversive influence in the demonstrations compared wtih 47 percent for the UPI. The AP devoted nearly 30 percent of its total wordage to the critics.

THE INTERNATIONAL LABOR ORGANIZATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio, (Mr. ASHBROOK) is recognized for 30 minutes.

Mr. ASHBROOK. Mr. Speaker, as the only Member of this body who was able to attend the International Labor Organization annual conference in Geneva this year, I feel some remarks about that body and its activities would be pertinent at this time. First, let me say that I believe that we should pay our dues and obligations to ILO and not withdraw our membership. Of all the international bodies, it seems to me that ILO has operated in the most objective manner. While its meetings have served as a forum for propaganda, this is not unusual and does not in anyway lay it open to a charge of being a market place for Communist ideas or Communist propaganda. In its recent history, ILO has commissioned investigating committees into many sticky, controversial issues in member nations and its work and recommendations have been uniformly hailed as objective and helpful.

An American, Hon. David Morse, served as Director-General for most of the postwar era and the present Director-General, Wilfred Jenks, all charges to the contrary, has not charted a course of action which would in any real way be considered hostile to either ILO's basic purpose and objectives or our American goals and commitments as a nation and as a member state.

I do not agree with those who say that ILO has become a mouthpiece for Communist propaganda. During the sessions I was privileged to attend, it was apparent that a much harder line was taken by the chair in ruling out of order any improper references to the United States. It is obvious to anyone attending these sessions that passions on a variety of issues boil over from time to time. Worker rights in Spain and the Soviet Union, anticolonialism, and typical employer-employee arguments always find their way into debates in a variety of ways. The Greek Government, Cyprus, and the Arab-Israel controversy sparked far more heated exchanges than any so-called anti-Americanism. To play out of its proper perspective this normal Communist line and to down play the positive side of the ILO is to do a disservice to that organization and our competency to deal with the Soviet and Communist world propaganda thrust.

As I have said so often, my reaction is one of taking the offensive and countering their charges rather than supinely withdrawing in the face of their propaganda barrage. Government, labor, and employer delegates seemed in general agreement that our U.S. delegation did do a more effective job in 1971 than last year and that positive improvements were made.

Our position in ILO is no different than the American position elsewhere. As a leader, we have become passive and a little restless. When confronted with a small jibe here and there, we yawn and think, "So what, that is old." That we have done this at ILO is probably more symptomatic of our overall posture as a nation and leader than it is of the ILO becoming a sounding board of anti-American attacks. Many Members of this body now seem to think that we should be more aggressive. I have long thought this, and from my firsthand observations, we were more aggressive, more eager to respond where merited, and more diligent in speaking out for our own national interests.

THE BUILDING CONTROVERSY

While I do not agree that we should in any way withhold funds from ILO, at this point I do have a general agreement with the criticism emanating from the Congress regarding the handling of the new ILO building commitment. First, I believe it is not accurate to say that the Congress was not informed. We were informed. It is accurate, however, to say that responsible officials in the executive departments did not use good sense in their handling of this issue. In his 1966 U.S. delegation report, Assistant Secretary of Labor for International Affairs George L. P. Weaver included information on "the proposed loan to finance the construction of the new headquarters building." I include at this point his report, which was sent to all Members of Congress:

REPORT OF THE UNITED STATES DELEGATION TO A MEETING OF THE INTERNATIONAL LABOR ORGANIZATION, THE FIFTIETH SESSION OF THE INTERNATIONAL LABOR CONFERENCE, GENEVA, SWITZERLAND, JUNE 1–22, 1966

* * * * *

6. PROPOSED LOAN TO FINANCE THE CONSTRUCTION OF THE NEW HEADQUARTERS BUILDING

The Director-General opened the debate on this item by inviting the Committee to recommend the adoption by the Conference of the Resolution put forward by the Governing Body, which would authorize the Director General, subject to approval by the Governing Body of the overall plan and the related cost estimates for the new ILO Headquarters building, to contract with the Property Foundation for International Organizations (FIPOI) a loan amounting to not more than 75 million Swiss Francs, this sum however to be subject to increase to not more than 90 million Swiss Francs if the cost of construction should exceed the total of 75 million Swiss Francs plus the 18 million Swiss Francs agreed upon as the selling price to the Foundation of the present ILO Headquarters building. Two delegations (United States and Netherlands) spoke in favor of supporting the Governing Body's recommendation; eight delegations (Poland, Ukraine, Byelorussia, Czechoslovakia, USSR, Brazil, Argentina, and Uruguay) spoke against the proposal. Opposition arguments were principally that there was no need to construct a larger Headquarters building in view of the continuing decentralization of ILO operations and that the cost of repaying the loan would absorb funds that could otherwise be used to finance technical assistance activities. The Latin American delegations indicated that their opposition was also based on the fact that the regular assessment scale, according to which the loan repayment would be financed, was inequitable since it did not conform closely to the UN assessment scale. The Committee agreed, subject to the reservations noted above, to recommend that the Conference adopt the Resolution recommended by the Governing Body.

In the plenary consideration of the Finance Committee's report, the Government delegations of Poland and Argentina reiterated their reservations on the construction of the new Headquarters building. The U.S. Government Delegation recalled its support for the new Headquarters building; the Swedish Employer Delegate and the UK Worker Delegate indicated their Groups' support for the proposal. On a vote taken at the request of the Polish Government Delegation, the Resolution recommended by the Finance Committee was adopted by 200 (U.S. Government, U.S. Employer)—32 (largely Eastern European Delegations)—17.

CONGRESSIONAL ADVISERS

Honorable William H. Ayres, House of Representatives.

Honorable Paul J. Fannin, United States Senate.

Honorable David T. Martin, House of Representatives.

Honorable Gaylord Nelson, United States Senate.

Honorable Adam Clayton Powell, Jr., House of Representatives.

Honorable Frank Thompson, Jr., House of Representatives.

On the other hand, it appears that a high-ranking official of the State Department did not have the intelligence or courtesy to properly inform the Appropriations Committee Subcommittee chairman, the gentleman from New York (Mr. ROONEY), or other members of that committee of the building proposal and American leadership in its adoption. They adopted the age-old policy which is repugnant to Members of this body—"do not tell them, just include the amounts we have committed ourselves to in appropriation requests as these commitments arise." This is our old lament that they always bring us in on the landing rather than the takeoff.

In fact, American delegates played a prominent part in the deliberations and negotiations in 1966 which resulted in the authorization of this new headquarters. I did not attend the ILO conference in 1966 but have attended in 1967, 1968, 1969, 1970, and this year. I assure the Members of this body that I have most forcefully expressed to governmental delegates the resentment that legislators have at this standard operating procedure of executive department, particularly the State Department.

Whether or not because of this bad handling of the headquarters issue by the executive department we should reject the request out of hand is something over which we can differ. I personally think we should still support the new headquarters proposal but I am hard pressed to fight with the same conviction that I do for the basic principle of retention of membership and payment of dues and obligations.

At this point I include the Director-General's report on the very sensitive issue of American participation in the new headquarters construction. I feel it was reasoned and restrained. It follows:

TWENTIETH ITEM ON THE AGENDA, REPORT OF THE DIRECTOR GENERAL

NOTE ON THE CONSTRUCTION OF THE NEW ILO HEADQUARTERS BUILDING

Decision to construct the new building

1. Already in 1962 and 1963, consideration had to be given to the possibility of extending the present headquarters building of the ILO in Geneva. While additional office space was rented to meet immediate needs, a thorough study was undertaken of the feasibility of constructing an extension on the land adjoining the present headquarters building, when this land was acquired in 1963. Given

the limited area of land available, however, the amount of space required to meet the needs of the Office, as they were expected to develop over the long term in the light of the growth of its activities, could only have been provided by a building of at least twelve stories, and it became clear that this would not be acceptable to the Geneva town planning authorities.

2. The following extract from the ACABQ *Review of the Administrative and Management Procedures concerning the Programme and Budget of the International Labour Organisation* (UN document A/8140) summarises the main subsequent developments:

"267. . . . Moreover, discussions with the Swiss authorities who own the adjoining properties, revealed that it was unlikely that additional adjacent land could be made available to the ILO. The Governing Body therefore authorised the Director-General (David A. Morse) to pursue negotiations with the Swiss authorities on the understanding that it was not possible to accept the idea that the ILO headquarters operate permanently in more than one location—since such an arrangement would be both costly and inefficient—and that before undertaking any new building it was essential, in view of the magnitude of the investment involved, to obtain satisfactory assurances that within reasonable limits future accommodation requirements, if and when they arose, could be met at the site in question.

"268. The Swiss authorities offered to provide a site of an area of 106,275 square metres (about three times the size of the existing property excluding "Les Fougères"), located close to the United Nations Office at Geneva, and the buildings of other international organisations, and to grant a loan to finance the construction of a new building. The Governing Body, in November 1965, approved the principle of the construction of a new ILO headquarters building on this property (known as "Grand Morillon") and authorised the Director-General to pursue negotiations with the authorities and to appoint architects to draw up an over-all plan for the construction of the building based on suitable alternative assumptions of the amount of accommodation which should be provided.

"269. In 1967, a contract was signed between the ILO and the Property Foundation for International Organisations[1] (a private-law foundation established by the Swiss Confederation and the Republic and Canton of Geneva) providing for:

"(a) the exchange of the land owned by the ILO in Geneva, excluding the property "Les Fougères", for the "Grand Morillon" property;

"(b) the transfer against a payment of 18 million Swiss francs of the existing ILO building to the Foundation; and

"(c) the grant to the ILO of a loan up to 90 million Swiss francs, for the construction of a new building, repayable over forty years and bearing interest at 3 per cent.

"The contract provided that the ILO have full and free enjoyment of its existing headquarters building and grounds until it was ready to vacate them, and that the Foundation make every effort to ensure that the property adjoining the "Grand Morillon" remains available for possible acquisition by the ILO to meet its future needs."

3. In the meantime, in agreement with the Governing Body, three architects were commissioned by the Director-General, David A. Morse, to undertake the preparation of plans and specifications for the construction of the new building on the "Grand Morillon" property. In addition, on proposals of the Director-General, the Governing Body approved the appointment and the membership of an International Advisory Committee of Architects to advise the Director-General on all the fundamental elements of the over-all building plan prepared by the three architects. This Advisory Committee was presided over by Mr. W. K. Harrison of New York and included four other architects of world-wide reputation and of different nationalities.

Participation of United States Representatives in the decisions concerning the new building

4. All matters and decisions concerning the new headquarters building were, in accordance with the ILO Governing Body and Conference procedures, dealt with through the Building Subcommittee of the Governing Body, consisting of six Government, three Employers' and three Workers' representatives; this Subcommittee is a subsidiary organ of the Financial and Administrative Committee of the Governing Body. Reports of the Building Subcommittee are thus submitted to the Financial and Administrative Committee which in its turn makes recommendations to the Governing Body.

5. A United States Government representative has been a member of the Building Subcommittee since 1963. The United States Government representative served as Chairman of the Subcommittee at the Governing Body sessions of November 1965, February–March 1966, May 1966 and November 1966. The decision of principle to construct a new ILO headquarters building on the "Grand Morillon" property was taken at the November 1965 Session. The related decisions to authorize the request for a loan from the Swiss authorities, to negotiate the necessary exchange of land, to approve the over-all construction plan and to authorize the Director-General to proceed with the project, were all taken at the sessions of the Governing Body and Conference from February 1966 to November 1966.

6. Records of the Governing Body show that all decisions taken by the Governing Body on the new headquarters building were approved by general agreement without having to be put to a vote and without any reservation on the part of the United States Government, Employers' or Workers' representatives until the latest session, in May 1971, when reservations and objections expressed by the United States Government representative on the revised estimate of the total cost of the project were recorded at his request in the Financial and Administrative Committee and in the Governing Body.

7. The International Labour Conference dealt with the question of the new headquarters building in connection with the recommendation made by the Governing Body to authorise the Director-General to contract a loan of up to 90 million Swiss francs ($20,833,333) and to sell the present ILO main building for 18 million Swiss francs ($4,166,667), making a total of 108 million Swiss francs ($25 million), to finance the construction of the new building.

8. The decision was taken by the Conference at its 50th Session (June 1966). The representatives of the United States Government as well as the United States Employers' and Workers' representatives supported the resolution of the Conference.

SUMMARY OF 1971 CONFERENCE

Mr. Speaker, at this point I include a summary of the 1971 ILO conference which was published by the organization. It highlights the activities and resolutions at the 1971 month-long meeting, as follows:

INTERNATIONAL LABOUR CONFERENCE ACTS ON NEW LABOUR STANDARDS, EMPLOYMENT AND FUTURE ILO PROGRAMMES

GENEVA.—Decisions which will benefit broad segments of the world's working population in both developing and industrially advanced countries were taken by the International Labour Conference which closed its annual three-week session here today.

The Conference, attended by government, employer and worker delegates from 113 countries, reviewed the International Labour Organisation's World Employment Programme and called on the ILO to give continued priority to employment promotion.

It adopted an International Labour Convention and Recommendation on protection against benzene poisoning at the workplace, and a Convention and Recommendation protecting workers' representatives in the enterprise from discrimination.

The Conference approved a $71,503,000 gross expenditure budget to finance the ILO programme of activities for the two-year period 1972–73.

Resolutions were adopted on strengthening tripartism in the ILO; *apartheid* and racial discrimination; equal treatment for migrant workers; social security; social problems raised by multinational undertakings; and on the relation between international trade and employment.

THIRD WORLD PLEA

President Leopold Sedar Senghor of Senegal and more than 220 other speakers from all parts of the world joined in the general discussion of the ILO's role in enlarging human freedom by promoting universal dialogue and in bringing the many gaps that divide the contemporary world.

President Senghor appealed on behalf of developing nations for better trading terms to aid their social and economic progress.

Director-General Wilfred Jenks of the International Labour Office, replying to the discussion, stressed the need for rethinking on the ILO's work in such matters as the relationship between social objectives and development planning, the future course of technical co-operation, the scope for international assistance in resolving controversial domestic development problems, and other ILO fields of activity concerned with the improvement of working and living conditions.

PROGRAMME AND BUDGET

The Conference approved a $71,503,000 gross expenditure budget to finance ILO activities in the two-year period 1972–73. These activities are designed to cover effectively the full range of social policy matters for which the ILO is responsible, including its role in the current United Nations Second Development Decade. They will include:

Intensified work under the World Employment Programme, which is intended to help nations create productive employment, and in which a wide range of international and regional organisations are co-operating.

Action designed to make fuller use of the ILO's unique tripartite structure, with more frequent meetings of the Organisation's regional bodies and of the specialised committees which deal with developments affecting workers in the world's major industries.

Preparatory work in such fields as the protection of foreign workers, the interplay of multinational corporations and labour policy, and industrial relations and disputes.

Continued training programmes, with more emphasis on vocational training in rural areas and on entrepreneurship development.

Renewed efforts to promote fair distribution of the fruits of production, particularly among vulnerable social groups such as workers in the countryside and in small-scale industries, and migrant, women and young workers.

Continued work to secure the adoption and application in member States of effective safety and health policies and measures for the protection of all workers.

Investigations to determine what further measures can be taken to improve the working environment.

Reinforcement of machinery for the application and supervision of ILO standards protecting certain basic human rights such as freedom of association.

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[1] Fondation des immeubles pour les organisations internationales (FIPOI).

Further decentralization of staff and resources from headquarters to the field.

Full-scale evaluation of ILO work on social security, management development, workers' education, industrial safety and health and general working conditions.

Presenting the programme and budget proposals, Mr. Jenks noted that most of the increase over the budget for the 1970–71 biennium (which totals $69,929,849) was attributable to expected cost increases. Redeployment of resources for 1972–73 would nevertheless permit dynamic growth and strengthen the long-term effectiveness of the Organization's work.

The Conference amended ILO financial regulations to permit the Organisation to borrow to finance its activities should this become necessary pending the receipt of contributions.

PROTECTION AGAINST HAZARDS OF POISONING ARISING FROM BENZENE

The Conference adopted a Convention and Recommendation on the protection of workers against hazards of poisoning arising from benzene. The Convention applies to all activities involving exposure of workers to the aromatic hydrocarbon benzene C_6H_6, and to products whose benzene content exceeds 1 per cent by volume.

Wherever harmless or less harmful substitute products are available they should be used instead of benzene. However, the production of benzene, its use for chemical synthesis, in motor fuel and analytical or research work carried out in laboratories are not banned by the new international standard.

It will be for national legislation to determine where the use of benzene and products containing it should be prohibited. Occupational hygiene and technical measures shall be taken to ensure protection of workers exposed to benzene, including steps to prevent the escape of benzene vapours into the air of places of employment. The employer will be responsible for ensuring that the concentration of benzene in the air of places of employment does not exceed a maximum which shall be fixed by the competent authority at a level not exceeding a ceiling value of 25 parts per million (80 mg/m^3) of air.

The Convention also recommends that work processes involving benzene shall as far as practicable be carried out in an enclosed system. Failing this, work places should be equipped with effective means to ensure the removal of benzene vapours.

Workers who are to be employed in processes involving their exposure to benzene, or to products containing more than 1 per cent of it, shall undergo a thorough medical examination for fitness for employment, and periodic re-examination, which shall include biological tests. Pregnant and nursing women and persons under the age of 18 shall not be employed in work involving exposure to benzene.

The word "benzene" and the necessary danger symbols shall be clearly marked on any container holding benzene.

The Recommendation adopted by the Conference contains supplementary provisions including restrictions on the use of benzene, technical and medical prevention measures, and workers' education in these fields. The Recommendation will provide guidance on policy, legislation and practice.

WORKERS' REPRESENTATIVES IN THE UNDERTAKING

The Conference adopted a Convention and a Recommendation on protection and facilities to be afforded to workers' representatives in the undertaking. According to the new Convention, such representatives should enjoy effective protection against any act prejudicial to them, including dismissal, based on their status or activities as workers' representatives. They should also enjoy the necessary facilities enabling them to carry out their functions promptly and efficiently. The granting of such facilities should not impair the efficient operation of the undertaking concerned. The term "workers' representatives" covers both trade union representatives and representatives freely elected by the workers in accordance with provisions of national laws or regulations or of collective agreements, whose functions do not include activities which are recognised as the exclusive prerogative of trade unions in the country concerned. Once ratified, this Convention may be given effect not only by national legislation but also through collective agreements or other appropriate means.

The Recommendation spells out the kind of protection workers' representatives may enjoy in case of termination of employment, including definition of the reasons for dismissal as well as consultation and recourse procedures. It also specifies what facilities should be granted, such as time off from work, access to all workplaces and to management, permission to collect trade union dues and to post trade union notices, and material facilities and information.

WORLD EMPLOYMENT PROGRAMME

In reviewing the ILO's World Employment Programme, the Conference stressed the objective of raising substantially the level of employment and standards of living of the working populations throughout the world.

In order to achieve this objective, the Conference recommended that developing countries should make full, productive and freely chosen employment a major goal of their national development policies and should review national legislation, policies and practices limiting employment. They should implement agrarian reforms to develop the rural sector, coordinating these activities with policies for an industrial development that is as diversified as possible.

Since the problem of population growth gives rise to serious employment problems in many countries, due attention should be given to population policies and family planning programmes, with assistance in their formulation from international organisations, including the ILO where appropriate.

Industrialised countries should help promote employment in developing countries by such measures as reducing import barriers on products from developing countries. They should also aim to provide developing countries annually with financial resource transfers of a minimum of one per cent of their gross national product. They should seek to ensure that their aid programmes are coordinated with existing national employment policies and directed towards the promotion of employment-creating activities that are economically productive. Countries should endeavour to re-direct as much as possible of the resources now spent on armaments and war materials to projects aimed at solving unemployment.

The Conference stressed the important role which employers' and workers' organisations should play in the formulation and implementation of national employment policies and the need for full consultation with such organisations in framing these policies.

While primary responsibility rests with the countries concerned, international organisations have a continuing important role to play in keeping the objective of full employment in all sectors in the forefront of efforts to achieve economic and social progress within the framework of the International Development Strategy for the Second Development Decade.

The ILO in particular should continue to promote such efforts and to review regularly progress and difficulties in achieving fuller employment under the World Employment Programme. Its research should be directed to finding solutions to practical problems of employment policy. Assistance to governments in the adoption and implementation of employment policies should receive high priority in the ILO technical co-operation programme.

Missions should be organised by the ILO with the full participation of the United Nations and its specialised agencies, together with the World Bank and the International Monetary Fund, in a joint effort to advise countries in the formulation of a comprehensive employment strategy. They should have full consultation with employers' and workers' organisations in the countries visited. The missions should ensure that their recommendations can be effectively translated into concrete policy measures.

Although using its limited resources primarily with the developing countries in mind, the ILO should nevertheless devote attention to certain employment problems in industrialised countries particularly those which are of special interest to developing countries as well.

STRUCTURE OF THE ILO

The Conference received a number of communications from the Governing Body of the International Labour Office concerning the questions of structure which had been referred to it for reconsideration by the 1970 session of the Conference.

It was felt that the fundamental questions of structure should be settled not by a majority vote which would leave a substantial minority disatisfied, but by consultations intended to achieve general agreement.

The Conference noted the inclusion in the agenda of the 1972 session of the question of amending the ILO Constitution with a view to enlarging the Governing Body, which represents one item of the major questions of structure.

Adopting one of the recommendations of the Governing Body, designed to increase the number of Government deputy members from 12 to 14, the Conference amended its standing orders accordingly.

The Conference decided that other questions concerning the ILO structure should be formally examined at its 1973 session, on the understanding that informal consultations would take place in the meantime.

RESOLUTIONS

Strengthening tripartism in the activities of the ILO

In its resolution on tripartism, the Conference:

Declared that scrupulous observance of the tripartite structure of the ILO (governments, employers and workers) constitutes the best means of ensuring that the work of the ILO, which is aimed at securing social justice in the world, is pursued and developed;

Invited the ILO Governing Body:

To consider all measures which are necessary for ensuring that the tripartite structure is fully effective in respect of the entire range of ILO activities, including research, technical cooperation, the World Employment Programme and regional activities;

To give particular attention to the need for fully integrating all types of ILO activities, to assure that standard-setting and technical co-operation would be mutually reinforcing on the basis of tripartite elaboration, implementation and control, for the attainment of the social objectives of the Organization;

To give special consideration to the possibility of setting up tripartite ILO machinery for the supervision, including inspection, of programmes and projects.

In addition, the Conference requested the ILO Director-General to remind member States, when convening meetings, of the provisions under which they are obliged to send tripartite delegations whose members are able to act in full independence, and to examine the reasons why some member countries are not fulfilling this obligation, as well as ways of correcting this situation. It also requested the Director-General to invite countries benefitting from the ILO's World Employment Programme and technical co-operation programmes to arrange for the full consultation and association of employers' and workers' organizations in the implementation of ILO projects.

"Apartheid" and the ILO's contribution to the International Year for Action to Combat Racism and Racial Discrimination

In its resolution on *apartheid*, the Conference:

Pledged the entire support and the effective action of the ILO to the International Year for Action to Combat Racism and Racial Discrimination;

Appealed to member States to ratify and apply the International Convention on the Elimination of all Forms of Racial Discrimination, and the ILO Discrimination (Employment and Occupation) Convention (No. 111), on the occasion of the International Year;

Condemned the continued suppression of fundamental human and trade union rights in several countries, including countries and territories under a colonial regime or foreign domination in any form and insisted on an end to this suppression and the immediate and unconditional release of all persons imprisoned for their trade union and political activities;

Called on member States and on employers' and workers' organisations to intensify their efforts during the International Year to promote effective action to secure the elimination of *apartheid* and its causes and, in particular, to abstain from any policy encouraging emigration to South Africa insofar as it tends to consolidate the policy of *apartheid;*

Invited the ILO Governing Body to request the Director-General to ensure the widest dissemination in all countries, including countries and territories under a colonial régime or foreign domination, of information on the evil consequences of the *apartheid* system in the social and labour fields and to submit to it proposals for dealing with the various forms of racial discrimination other than *apartheid* practiced in other regions of the world;

Invited the Governing Body to give special consideration to all actions required in order to maximize the effectiveness of the ILO programme for the Elimination of *Apartheid* in Labour Matters, with a view to elaborating a coherent set of measures designed to contribute to restoring fundamental human and trade union rights in South Africa.

Migrant workers

In a resolution concerning migrant workers, the Conference invited the ILO Governing Body to request the Director-General:

To give priority to the problem of migration and to prepare a coordinated programme of action to encourage the creation of an environment favourable to migrant workers and to promote and ensure equality of treatment between workers of foreign nationality and nationals of the host country;

In cases when political, economic or other differences arise between the host country and the country of origin of migrant workers, to appeal to countries receiving migrant workers not to use in any way the presence of these workers to exert pressure, to ensure the security of individuals and property, and to condemn vigorously discriminatory practices affecting the dignity of migrant workers;

To give particular attention to the serious human and social problems facing such workers, especially as regards reception, living conditions and adaptation, health, vocational training, trade union and personal freedoms, inadequacy of information, education of children, and to facilitate the reuniting of families.

The Conference also asked that the problem of migrant workers be included on the agenda of one of its forthcoming sessions.

Future activities of the ILO in the field of social security

In the resolution adopted on this subject, the Conference called for an intensification of ILO efforts for the rapid extension of social security protection to all segments of the population, in particular to vulnerable social groups such as rural and migrant workers, low-income groups, the disabled, the mentally handicapped and the aged.

The Conference also requested that the ILO study matters such as the adjustment of social security benefits to variations in the cost of living and the harmonisation of social security schemes under regional economic and social integration plans.

Social problems raised by multinational undertakings

In the resolution on the social problems raised by multinational undertakings, the increasingly rapid development of which is one of the striking features of economic evolution in recent years, the Conference noted with satisfaction the decision of the ILO Governing Body to consider holding a technical meeting on the possibility of action by the ILO regarding the relationship between multinational undertakings and social policy. It expressed the wish that this meeting should be held as soon as possible and requested the Governing Body, in the light of the conclusions reached at this meeting to decide on what action the ILO should take on the matter, including its examination by the Conference at a future session.

Relation between international trade and employment

A resolution on the relationship between international trade, international collaboration and employment was adopted by the Conference for the first time. The Conference called on the International Labour Office to carry out a study on the relationship between the principles, standards and practices of international trade on the one hand, and the ILO's World Employment Programe on the other. The Office was also requested to contact the appropriate organs and bodies of the United Nations, as well as the GATT, to ensure that full consideration is given to the effects on employment, wages and conditions of life of economic development and trade during the Second Development Decade when they establish and put into effect their own programmes.

Application of conventions and recommendations

In accordance with usual practice, the Conference set up a tripartite Committee to examine the application by member States of Conventions and Recommendations adopted at previous sessions. A record number of governments—83—supplied information on the measures taken or envisaged by them to meet their obligations relating to ILO standards.

The Committee also discussed a comprehensive survey prepared by the Committee of Experts on the Application of Conventions and Recommendations which reviewed the effect given to the Discrimination (Employment and Occupation) Convention and Recommendation, 1958. This survey was conceived by the ILO as a contribution to the International Year for Action to Combat Racism and Racial Discrimination. The Conference decided to address an urgent appeal to all member States who had not yet done so to consider the possibility of ratifying, and of ensuring the full application of the above-mentioned Convention (No. 111).

The Committee also discussed the report of a Joint ILO/UNESCO Committee of Experts on the Application of the Recommendation concerning the Status of Teachers—an instrument adopted in 1966 by an intergovernmental Conference convened by UNESCO.

As in the past, the Conference Committee highlighted in its report cases where governments had encountered special difficulties in complying with their obligations under the ILO Constitution or under ratified Conventions. At the same time, the Committee informed the Conference that material progress had been made by many governments as regards compliance with international standards.

CONFERENCE OFFICERS AND PARTICIPANTS

About 1,250 delegates and advisers took part in the work of the Conference, including 49 Ministers and 32 Vice-Ministers.

The Conference opened on 2 June under the chairmanship of Mr. S. O. Koku (Nigeria), Chairman of the Governing Body. It elected as President Mr. Pierre Waline (France) who became, after almost half a century of close association with the ILO, the first employer to hold the top office of the Conference.

The other Officers of the Conference were: Government Vice-President—Mr. Stefan Murin, Minister Plenipotentiary, Deputy Representative of Czechoslovakia on the Governing Body; Employer Vice-President—Mr. Fernando Yllanes Ramos, Counsellor of the Confederation of Industrial Chambers of Mexico, Member of the Governing Body; Worker Vice-President—Mr. N. De Bock, Deputy General Secretary of the Belgian General Federation of Labour, Member of the ILO Governing Body.

As an appendix to these remarks, I include my testimony before the Appropriations Subcommittee and the Government position on the ILO in view of the actions of this Congress.

APPENDIX I—STATEMENT OF REPRESENTATIVE JOHN M. ASHBROOK BEFORE THE SUBCOMMITTEE ON STATE, JUSTICE, COMMERCE, JUDICIARY AND RELATED AGENCIES, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, D.C., APRIL 30, 1967

I appreciate this opportunity, Mr. Chairman, to appear before your distinguished Committee because of my long and continuing interest in the International Labor Organization and the participation of the United States in its activities. This interest flows from my membership on the Ad Hoc Subcommittee on the International Labor Organization of the Committee on Education and Labor. Our subcommittee, over the years, has held a number of hearings on United States participation in the ILO. In addition, I have had the honor to be appointed by the Congress as an Adviser to the Government Delegates attending the International Labor Conference for the last 3 years. As a consequence, I have become quite familiar with the ILO and the functioning of the annual conference, although I certainly don't offer myself as an expert.

I don't wish to discuss the organization or structure of the ILO for I am confident that members of the House are already well informed in this respect. I do, however, note my full agreement with the objectives of the Organization as outlined in the preamble of its constitution, namely, the promotion of universal and lasting peace based on social justice through the improvement of living and working conditions and economic stability. I also believe it may be useful because of the charges made against the ILO to look at the functioning of the International Labor Conference so that the House can have a clear picture of the operating procedures.

The Conference in June was attended by delegates from 111 of the 121 member States. Each member, as you know, is entitled to four delegates, two government, one employer, and one worker, accompanied by advisers. There were more than 1,250 delegates and advisers in attendance. In addition, there were 100 officials of cabinet rank taking part in the Conference as well as 45 representatives of the United Nations and 21 intergovernmental organizations and 104 representatives of 33 international nongovernmental organizations.

In the light of my experience, I find that the annual conference operates very much like the Congress in that the truly important work is done in committee. Let me illustrate by reference to the conference last June which was typical of earlier conferences I have attended.

At this session, there were daily plenary sittings of the Conference where the report of the Director-General was under debate. I might note in this connection, Mr. Chairman, that with the exception of the formal opening and closing days, plenary sittings are sparsely attended. On a typical day considerably less than 10 percent of the more than 1,250 delegates and advisers attending the Conference would be present at the plenary sitting as they were otherwise engaged in work of the committees. During this period more than 200 speakers took part in the debate. Only a limited number of these speakers abused the forum to engage in political polemics of the kind we object to and these usually spoke to an almost empty hall.

At the same time one must recognize, as the Subcommittee on International Organizations and Movements of the Committee on Foreign Affairs, found on page 8 of its report of December 17, 1963, on U.S. participation in the ILO, that while delegates from Communist countries had frequently used the attractive forum provided by the Conference to attack policies of the United States, delegates from the free world used the same forum not only to answer Communist charges but to advocate principles and course of action inimical to the Communist cause.

A different situation prevails in the closing week of the Conference at which time the plenary sittings are well attended as the business before the conference consists of receiving and considering the reports of the various committees which have completed their work. It is very rare, indeed, for any speaker to depart from the serious business before the Conference during this period, and it is also rare for the Conference to reject or modify the action of a Committee.

While the Director-General's report was under debate in June last year, 12 major committees were simultaneously conducting their work. There were six standing committees which deal with the same subject matter each year and six technical committees which dealt with the technical items on the agenda of the Conference this year. All of these with the exception of the finance committee, which is composed of one Government representative from each member State, were tripartite in composition. Excluding the credentials committee which traditionally consists of three members, one from each of the three groups, the committees ranged in size from 23 to 141 voting members. Seven committees had in excess of 100 voting members while two had more than 85. In committees of the Conference, voting is weighted so that the voting strength of the Government, employer and worker groups is equal. In the plenary sittings of the Conference, where the final decisions are made, governments have two votes while the employers and workers have one each. Thus at the June Conference the 111 member States had a potential voting strength of 444 votes during plenary sittings. Of these 444 votes the Communist bloc including Cuba had only 44 votes.

An important matter such as adoption by the Conference of the budget, conventions and recommendations, or amendments to the Constitution, requires a two-thirds majority of the votes cast by the delegates present with the total number of votes cast at least equaling one-half the number of delegates attending the Conference. Abstentions do not count in the total number of votes cast. A simple majority is sufficient for most other matters provided the essential quorum is present. A member which is in arrears in the payment of its financial contribution may not vote if the arrearage equals or exceeds the amount due from that country for the preceding 2 years.

The United States took an active part in the work of all committees, except the credentials committee, and for the most part had representation in all three groups of each committee.

As I indicated above, there were six standing committees functioning during the Conference which I will describe briefly.

Credentials: This is a small committee of three members who pass on the credentials of all delegates and resolve challenges concerning such credentials.

Selection: This committee is composed essentially of members of the governing body and meet daily to schedule and guide the work of the Conference.

Finance: This committee is responsible for the study and approval of the biennial program budget of the organization. The regular budget for 1970–71 is approximately $63 million.

Application of conventions and recommendations: This is an important committee that has the task of supervising the application by member States of conventions they have ratified.

Standing orders: this committee has responsibility for examining proposals and making recommendations for changes in the standing orders of the Conference.

Resolutions: All resolutions dealing with matters outside the items on the agenda of the Conference are handled by this committee. Thus at the last session there were 14 resolutions submitted. Of these the committee approved, and the Conference adopted, resolutions dealing with freedom of speech of non-governmental delegates, additions to list of occupational diseases, workers education, employment of older workers, human environment and revision of industrial safety regulations.

Two resolutions concerning violation of freedom of association in Greece and the social problems raised by multi-national corporations were recommended by the committee, but were not accepted by the Conference because of the absence of a quorum. You may recall that our distinguished colleague from New Jersey, the Honorable Frank Thompson, Jr., submitted a statement for the Congressional Record on the Greek situation on Wednesday, March 31, 1971. Another resolution concerning the examination by the ILO of the labor and trade union situation in Spain failed to obtain the necessary majority in the resolutions committee. The remaining resolutions were not discussed by the committee. These dealt with workers' utilization of spare time, improvement of the conditions of life and work of foreign workers, the right of reply of certain representatives attending the Conference as observers, and some trade matters.

Mr. Chairman, it is clear from the very nature of the work of these committees that in some instances political questions may arise in relation to the questions under consideration. The political issues that did arise, however, did not involve propaganda attacks on the United States—rather they were related to much broader issues of world politics.

The six technical committees were concerned with the technical items on the agenda this year.

The Committee on Holidays with Pay approved a new Convention concerning annual holidays with pay revising former standards. It applies to all employed persons with the exception of seafarers. Members have the possibility of ratifying it separately in respect to agriculture workers alone, or of nonagriculture workers, or in respect to all categories. A resolution concerning holidays with pay for seafarers suggesting examination of present standards by means of the special machinery established in the ILO to deal with maritime questions was also adopted. The Conference approved the Convention by a vote of 213 in favor, 62 against, and 62 abstentions. It also approved the resolution.

The Committee on Minimum Wage Fixing Machinery adopted a convention and recommendation on minimum wage fixing, with special reference to developing countries. These standards supplement earlier instruments adopted for industry and agriculture, and they are intended to provide additional protection for wage earners against unduly low wages. The Conference approved the convention by a vote of 248 for, 46 against, with 46 abstentions. It approved the recommendation by a vote of 251 for, 5 against, and 74 abstentions.

The Committee on Special Youth Employment and Training Schemes adopted a recommendation concerning special youth schemes which met the employment and training needs of unemployed and uneducated young people—who are posing a serious social problem in many countries—and which enable young people with special qualifications to use them in development projects of benefit to the community. The recommendation was approved by the Conference by a vote of 311 for, nine against, with 26 abstentions.

The Committee on Trade Union Rights examined in broad terms the relationship between trade union rights and civil liberties within the freedom of association framework. The item was placed on the agenda because the governing body felt that the whole question concerning civil liberties and trade union rights was of such importance that the Conference should engage in a general discussion of the subject to reflect the varying views of the members. The resolution approved by the Conference calls upon the ILO to undertake comprehensive studies in matters concerning freedom of association and trade union rights and related civil liberties, within the competence of the ILO, with a view to considering what future action in this field should be taken by the organization.

The Committee on Protection and Facilities held a first discussion on a proposed recommendation concerning the protection and facilities to be afforded to workers' representatives. This new standard, which will be discussed again next year, would cover trade union representatives and representatives elected by the workers of the undertaking. Both, according to the proposed recommendation should enjoy effective protection against any act prejudicial to them, in particular dismissal, based on their status or activities as workers' representatives, or on union membership, or participation in any union activities. The committee report was approved unanmiously by the Conference.

The Committee on Structure examined the report of a governing body working party which had, at the request of the Conference in 1969, considered several questions relating to the composition and functioning of the ILO governing body, the election of the Director-General, and the composition of meetings of experts and advisory panels. The working party had reached agreement on the composition of experts and advisory panels, and this was approved by the Conference, but it had not made any progress with relation to the other issues. These matters were referred back to the governing body for further consideration in the light of the opinions expressed during the debate of the committee. The Conference also requested the governing body to make provision for a special group to consider structural matters further, should the establishment of such a body be deemed necessary at the June Conference this year.

Because of the substantive nature of the work of the technical committees there is little occasion for political controversy and for that reason political attacks are infrequent. I am not aware of any such occurrence in the technical committees at the last Conference.

As I noted earlier, the work of these 12 committees continued simultaneously with the plenary sitting of the Conference where the report of the director-general was under debate. From the summary I have presented it is evident that the work of the committee proceeded without incident and that the substantive program for the Conference was completed in an effective and orderly manner. I am advised that the decisions of the Conference were generally consistent with the positions of the United States.

This does not imply that there were no political attacks on the United States in the course of the Conference for such attacks did take place in the debate on the director-general's report. Indeed, I understand that there were some 30 attacks mostly from speakers from the Communist countries and I was present for some of these. They followed a common pattern, usually coming at the very end of what was otherwise an objective progress report on the speaker's country. Frequently, they were no more than one short sentence that was read rapidly before the presiding officer could react or before an objection could be made.

One measure of the ineffectiveness of these attacks is to recall that they are normally unseen and unheard by the overwhelming majority of the delegates. If all the attacks were combined into one, the presentation would take less than 1 hour of the total 3-week period of the Conference. In this respect they constitute nothing more than a minor though irritating factor.

However, I am fully aware that there is another and much more important facet to this matter from our viewpoint and I was extremely pleased to observe the effective manner in which members of the U.S. delegation responded to these attacks. I was also pleased to observe the close and harmonious working relationships within the delegation on the floor of the Conference as well as the team spirit manifested at the daily staff meetings of the government members of the delegations which I attended.

I recognize that the situation regarding political attacks on the United States is far from satisfactory but at the same time I do feel that progress has been made over the past 3 years in bringing this situation under control. In the final analysis, this depends, of course, on the president of the Conference for it is only the presiding officer that can seat delegates and revoke the privilege of speaking when their remarks cease to be relevant to the subject under discussion. It is a continuing task for the U.S. delegation to muster the strength and obtain the cooperation of other friendly delegations to persuade the presiding officer of the imperative need to maintain strict control of the proceedings.

I believe that we are winning this fight, Mr. Chairman, but we can't continue to progress if we walk away from the battle or undermine our efforts as we are doing, by failing to give the ILO our full support including our financial support. I am satisfied that the curtailment of the ILO program of activities flowing from our withholding the United States contribution to the organization has given rise to strong resentment throughout the world. I am also satisfied that this growing resentment is harmful to our foreign policy because the ILO is a very important instrument in the development plans of the developing nations. I would, therefore, urge that the Congress move as rapidly as possible to restore our contribution so that the world may know that we are supporting the ILO by action as well as by words.

APPENDIX II

U.S. DEPARTMENT OF LABOR,
Washington, June 14, 1971.

Hon. JOHN M. ASHBROOK,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ASHBROOK: I am enclosing an official statement of the Administration's view of the current crisis in the relationship between the United States and the International Labor Organization.

I thought you would find it useful. You may feel free to use the statement as you see fit.

Sincerely,
GEORGE H. HILDEBRAND,
Deputy Under Secretary, International Affairs.

THE UNITED STATES AND THE INTERNATIONAL LABOR ORGANIZATION

(An administration backgrounder)

A leading advocate of prompt payment of assessed UN contributions by all members, the United States is now in arrears in the payment of its obligations to an international body—the International Labor Organization.

The reasons that led the Congress in 1970 to withhold the last half of that year's assessment to the ILO ($3.7 million), and to raise doubts about its intention to fund this year's assessment ($7.8 million) are exceedingly complex. After a careful study of the matter President Nixon on May 27, 1971, stated his belief that the U.S. should not withdraw from the ILO at this time, but that considerable change must take place in the ILO if the U.S. is to remain a member. The President also thinks that in order for the U.S. to remain a member in good standing, and to be able to help effect the changes desired, it will be necessary for the Congress to vote the appropriation for this country's arrearage from last year and its assessment for this year.

Following is a summary of the factors considered by the Administration in reaching the above decision.

Increasing dissatisfaction with trends in the International Labor Organization (ILO) over the past years culminated in a decision by the Congress in 1970 to withhold payment of the last half of the assessed U.S. contribution to the organization for that year, and to cast doubt upon the willingness of Congress to fund the money for this year's assessment.

The incident that triggered this action by Congress was the appointment of a Soviet citizen to become one of the five Assistant Directors-General of the ILO—the highest appointive position yet attained by a Russian in the Organization. This decision, taken without opportunity for the U.S. to express its views beforehand, touched off a hearing before a House appropriations subcommittee in which a number of complaints about the ILO were aired by employer, worker and government members of the U.S. Delegation to the Organization.

The complaints dealt primarily with the continuous encroachment by the communist bloc of nations upon the ILO's structure, philosophy and goals, and with the belief that the International Labor Office was doing little to counter this trend. As a result, it was thought that the Organization was drifting away from its original purposes—setting international labor standards and providing technical assistance and research in the field of manpower and human resources.

These criticisms and the fact that the United States pays one quarter of the ILO's regular budget raised the issue of whether this country should remain in the Organization. An intensive study of this situation led to the conclusion that there are four major reasons why the U.S. should not withdraw from the ILO at this time:

1. Withdrawal by the U.S. would leave the Soviet Union as the dominant power in the Organization, affording it significant opportunity to exploit the ILO as a means of enlarging its own influence—at the sacrifice of the ILO's badly needed technical work around the world. The U.S. should not hand the USSR this advantage but rather should stay in the organization and fight to make it adhere to its constitutional objectives.

2. U.S. withdrawal would work against President Nixon's objective of shifting more of U.S. aid and technical assistance to the international agencies. Within the critically important field of manpower development, ILO is the foremost multilateral agency in the world, with lengthy experience, much expertise, and a going worldwide organization.

3. If the U.S. withdraws from the ILO, we are very unlikely to gain either friendship or understanding abroad. Instead the U.S. would be condemned for attacking an organization of service to working people everywhere, for resorting to cold war politics, for returning to a naive isolationism, or for acting from pure spite. If the object of foreign policy is to maintain or even increase a nation's influence abroad in directions that it desires, it makes little sense to take an action that clearly would decrease that influence.

4. U.S. withdrawal from the ILO could well threaten our eventual participation in the whole UN system. The U.S. has various complaints against other organizations. If it withdraws from one, then the way will become open to attack the rest and to press for quitting them as well. Is it to the interest of the U.S., and particularly its foreign policy, to initiate a course of action toward ILO that carries so large an additional risk?

What is called "the ILO problem" is a multi-sided and exceedingly complex affair. It is partly a product of the internal politics of the organization itself, in particular its desire to hold itself together against the unremitting and divisive pressures of its bloc of communist member states.

In addition, among some thoughtful Western critics, the ILO has not helped its cause by its excessive preoccupation with ceremonial activities, by its frequent employment of extravagant rhetoric on behalf of its promises and its programs, and by its tendency at times to rely more upon its sentimental appeal than upon a rational exposition of its real accomplishments.

But "the ILO problem" is not entirely of the Organization's own making. Within the United States itself there are signs that it may become good politics to beat ILO over the head, to exaggerate its sins, to demand of it the impossible, and to ignore resolutely any shifts in its policies in our favor.

In the heat of indignation about U.S. grievances, it has been easy to disregard some very real faults of our own, deficiencies that must account in part for the problem itself: the lack of enough funds to support adequate and well-balanced U.S. delegations; lack of a consistent and firm strategy on behalf of U.S. interests in ILO over the years; and a failure of the participating government agencies and private organizations to accord consistently high priority to the U.S. involvement in the Organization.

The ILO was created in 1919 by Western nations which were characterized by parliamentary democracy, modern industrialism, and mixed economic systems. In this pluralistic social-economic model, both the trade unions and the employers are independent of domination by the central government. Accordingly, this was the conceptual origin of the unique tripartite system of governance that differentiates ILO from other international bodies. The United States, of course, also could—and does—fit comfortably into this structure.

But the Soviet Union and its communist allies could not, and cannot. They have neither independent unions nor independent employers. All of their ILO representatives are designated by their central governments.

To the East Bloc, the ILO is just another intergovernmental organization, operating on the purely political plane, and presenting, by reason of its labor base, a significant political opportunity to the communist nations. Thus, it is perfectly natural for the Soviet Union to press forward within ILO in all useful directions in the pursuit of its own interests.

In this context, then, the basic question for the U.S. is whether it wishes to pay the price necessary for achieving an acceptable internal equilibrium within the International Labor Organization. The price involved for the U.S. is basically not one of money. Rather it concerns the amount of effort and resources we are prepared to devote to achieve a balance of forces within ILO, the degree to which we are prepared to be forthcoming toward new programs, and the extent to which we are prepared to seek a necessary accommodation with both the East Bloc and the detente-minded West Europeans—an accommodation consistent with the Constitution of the ILO.

This last point is crucial. The U.S. cannot have an ILO composed only of purely tripartite societies—desirable as this undoubtedly is in principle. Nor can the U.S. have its own way on everything occurring in this organization. The U.S. delegation must work within the framework confronting it. It must have some flexibility in negotiating over these complex political issues. Otherwise it will fall victim to counsels of perfection, powerless to achieve that very balance of internal forces that is in the interests of the U.S. to achieve—and, of course, the interests of ILO as well.

On the other hand, if the U.S. can attain this dynamic equilibrium, it can have in ILO the kind of multilateral body which can promote the tripartite approach to questions involving the welfare of workers, labor standards and the development of the underdeveloped countries. More than this, it can preserve the organization as a unique international forum in which the issues of worker's welfare and human freedom can continue to be examined and vigorously pressed from the special vantage points of governments, workers and employers.

FREE WORLD SHIPPING TO NORTH VIETNAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CHAMBERLAIN) is recognized for 5 minutes.

Mr. CHAMBERLAIN. Mr. Speaker, during the first 7 months of 1971 free world shipping to North Vietnam has continued to show a decidedly downward trend. According to information made available to me by the Department of Defense this past July, two ships flying the flag of the United Kingdom and two vessels under registry of the Somali Republic frequented North Vietnamese ports. These four arrivals brought the total for the first 7 months of this year to 33. This compares to the 45 free world arrivals during the same period of 1970. The success of steps to reduce this traffic with the enemy is further borne out by the 7-month figures for 1968 and 1969 which were 86 and 67 arrivals respectively. This is solid progress and I commend the administration's perseverance to restrict the enemy's source of supply, for this, too, serves in the winding down of the war.

So long as American men are under fire in Vietnam, this problem deserves our very best efforts.

Mr. Speaker, I include the following tabulation:

FREE WORLD FLAG SHIPS IN NORTH VIETNAM 1971

	United Kingdom	Somali	Total
January	3	1	4
February	5	1	6
March	3	2	5
April	5	1	6
May	4		4
June	3	1	4
July	2	2	4
Total	25	8	33

FREE WORLD FLAG SHIPS IN NORTH VIETNAM 1970

	United Kingdom	Somali	Kuwait	Cyprus	Total
January	2	1	1		4
February	5	1			6
March	3	1			4
April	7	2			9
May	6	3			9
June	3	2			5
July	4	3		1	8
Total	30	13	1	1	45

RECOGNITION IS LONG OVERDUE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. ALBERT) is recognized for 10 minutes.

Mr. ALBERT. Mr. Speaker, it has been said that "Success has many fathers but failure is an orphan." While others are loudly trying to take credit for his hard work, DOMINICK DANIELS is simply taking quiet satisfaction in knowing that his successes are helping those who need it most: the preschooler and the aged; the unemployed and the working man.

Out of an obligation to my colleagues and a deep feeling of friendship, I want to state why this man truly deserves public recognition as well as our esteem.

DOMINICK DANIELS is an outstanding legislator. As chairman of the Select Subcommittee on Education in the 90th Congress, he was responsible for the enactment of eight measures into law. Though the number is impressive, the fact that this was done without a dissenting vote in subcommittee, in full committee and on the House floor, is amazing. Not content with these accomplishments, he continued to be instrumental in guiding four bills into law during the next Congress.

DOMINICK DANIELS is also an innovator. I have seen him get action in areas that had remained untouched for many years. The Construction Safety Act was vitally needed in an industry famous for its on-the-job fatalities, but it had previously failed to pass because of bitter opposition between the trade unions and the construction industry. Under DANIELS' leadership it became the strongest safety law in the Nation, and only months later, he went on through numerous drafts to write the basic Senate and House occupational health bills, which became the most comprehensive safety law in history.

His authorship of the benefits section in the Coal Mine Health and Safety Act is historic. For the first time, the Federal Government is now giving workmen's compensation to thousands of miners suffering the pains of black lung disease.

DOMINICK DANIELS is a conciliator. Under the threat of a veto, Mr. DANIELS pushed through the Emergency Employment Act to bring jobs to some of the millions of Americans without work. At the last minute, seeing the political consequences of vetoing a jobs bill in the face of massive unemployment, the administration asked for a compromise. After Mr. DANIELS negotiated an acceptable proposal, the administration, in a grandstand play is now stealing credit for a program they fought every inch of the way.

Despite his achievements, DOM DANIELS has not received recognition commensurate with the good he has done for others.

When the Occupational Safety and Health Act was signed into law, Mr. DANIELS' name was dropped from the title and a year and a half of his labor was ignored.

When hearings were held on a Youth Conservation Corps, the administration recommended it not be enacted, testified against it and received it lukewarmly when, despite their efforts, it became law. Now that the corps has been flooded with more than 25,000 applications for only 2,200 positions, and now that department personnel are convinced of its success, Secretary of the Interior Morton, acting like a proud father, has lavished praise on the program.

DOMINICK DANIELS is a man who embodies the ideal Representative. Here is a man who, without the fanfare of empty rhetoric, gets things done. I, for one, remember what he has accomplished and realize what a force he has become in this body.

OIL AND THE ARCTIC ENVIRONMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin. (Mr. ASPIN) is recognized for 20 minues.

Mr. ASPIN. Mr. Speaker, the Interior Department is expected to issue its final environmental impact statement on the proposed trans-Alaska pipeline within the next month or two. I, along with virtually all of the major national conservation groups, have opposed the construction of the Alaska pipeline because we feel the unavoidable and inevitable damage this pipeline will cause to the environment far outweighs the possible economic benefits resulting from its construction.

We have called on the Interior Department to at least delay construction of the Alaska pipeline until the methods by which its environmental impact can be reduced are thoroughly and adequately studied. We have also asked Interior to fully study a Canadian pipeline route from the North Slope to some point in the Midwest as an alternative to the Alaska route. It is clear that such a Canadian pipeline would be far superior both ecologically and economically to the trans-Alaska pipeline. It appears very unlikely that the Interior Department will comply with either of these requests, and that because of high-powered political pressure applied to the administration from the oil industry, the Interior Department will approve the permits for the construction of the Alaska pipeline without fully and objectively studying the economics and ecology of the Alaska pipeline and its alternatives.

In the debate on the Alaska pipeline those of us who have opposed its immediate construction have often put ourselves at a disadvantage by giving the oil companies and the pipeline company—Aleyeska—the benefit of the doubt by assuming that they will make a good faith attempt at compliance with whatever stipulations the Interior Department imposes on the trans-Alaska construction permits. In other words, we have often assumed that the stipulations would be effective and that the environmental damage caused by the Alaska pipeline's construction—such as oil spills due to earthquakes or due to tanker spills in transporting the oil to the west coast—would be inevitable and unavoidable. However, many recent examples of the oil companies' blatant disregard for the preservation of the Arctic ecology have recently surfaced. Last week I publicly released a study made by the Interior Department's own Alaska Bureau of Sport Fisheries and Wildlife, much of which had not been included in the Interior Department draft environmental impact statement released in January. That study was highly critical of the Alaska pipeline. One of its observations, which I am sure was based on much of first-hand experience, stated that:

> The permittee (Aleyeska) has already demonstrated his willingness to circumvent the stipulations wherever it is advantageous to do so. The same attitude no doubt applies to the transportation of oil.

Today I am placing in the RECORD an article called "Oil, Spoiler of the Arctic," which appeared in the August issue of the magazine, Sports Afield. The author, Bud Helmericks, has been a resident of the State of Alaska since 1940. Sports Afield describes him as a widely known bush pilot and big game guide who has served as an Arctic consultant to firms operating in the far north. He is the author of three books and coauthor of 3 others. Mr. Helmericks' article substantiates in a detailed and thorough fashion the observations of the Interior Department's Alaska Bureau of Sport Fisheries and Wildlife. Mr. Helmericks graphically describes many of the oil companies' practices since coming to the North Slope: The senseless and indiscriminate killing of all sorts of wildlife, the virtual destruction of many riverbeds, islands, and beaches, and much more. He also quotes the Alaska director of the Sport Fish Division in Northern Alaska that the North Slope oil discoveries will lead to the: "greatest rape of a wilderness in our century."

I strongly urge my colleagues to read this excellent and important article, which follows:

OIL: SPOILER OF THE ARCTIC

(By Bud Helmericks)

The barren-land grizzly bear tried several positions before he had his pillow just right. He carefully selected a grass hummock, just melted out of the light winter snow, and made a comfortable bed using the hummock as a pillow. Once he was comfortable he snuggled down—as a person would—yawned a few times, and then fell fast asleep. My wife, Martha, had been watching the show and she too began to yawn. A few yards away our two small sons, Mark and Jeffrey, were playing, unconcerned.

I remember very vividly this scene at our home in Alaska's Colville River Delta. But that was several years ago. Everything has changed since then. Grizzly bears often used to spend a lot of time around our home and this one had come directly from his winter den on the prairie. We could see him at any hour of day or night, for it is daylight 24 hours a day at that season. Wolves, wolverines, caribou, moose, bears, all five varieties of arctic foxes, and in fact all the arctic birds and animals large and small lived in peace about our place.

We lived in a very fortunate area that had been all but forgotten by man. The Eskimo people had been only transient visitors here even in the early days. They lived at places like Barrow where sea game was plentiful, for theirs was a culture of the sea. So it was that years and years passed and the animal life in our area never saw people except for my family and we were the only human residents in the whole area.

The oil strike at Prudhoe Bay changed it all. The sleeply grizzy bear was one of the first to go. His death exemplifies the complexity of the problem. Snowmobiles are the greatest curse the wildlife of our arctic has ever faced, but they need gasoline to operate. This was absent in our area until the seismic crews and drilling operations left abandoned caches of it. This drew the renegade airplane pilots and the snowmobile drivers from the towns.

So it was that an Eskimo, who traveled the seismic gasoline-cache trail with his snowmobile, murdered the grizzly bear not far from our home. It was a senseless waste of life, and we all played a part in it.

Had we not lived here the story of this bear's death would never have been reported—and the story of the arctic oil's impact upon the land would have been left to the promoters, the advertising men and the politicians. I will tell the story of how it was and is. It is a story of ruthless and wanton waste of our wilderness.

That there is oil in the arctic was not news to any of us. The oil seeps were known and used by the earliest people. Oil was so apparent in the arctic that in 1923 the U.S. Navy blocked out all the land to the west of the Colville River, an area of over 20 million acres, as the Naval Petroleum Reserve, referred to as Pet 4. This area took in Barrow, but when the natural-gas well was drilled the gas was piped right past the village to the Naval Installation. It took almost 20 years and action by Congress before the right to use their own fuel was given to the local people.

It is well to consider the attitude toward the arctic that was taken from the first by both government and private industry. This is that the use and abuse of the wildlife was an added bonus. The right to kill and destroy a tacit grant, given to all who went north, be they government teacher, vista worker, missionary, military, contractor, scientist, oil worker or what have you. Many a man took a position in Alaska because along with it went a free hunting and fishing trip.

The old arctic contractors did the first drilling on the Pet 4 reserve starting in 1944. They were supplied by sea at Barrow and by air from Fairbanks. The oil camp of Umiat was built and they spread out using caterpillar-drawn sled trains to haul heavy supplies easily across the prairie. They found oil and gas, they left some awful scars on the prairie, they scattered empty 55-gallon drums across the entire arctic along with every other conceivable kind of garbage. And they made little attempt to clean up anything. It wouldn't be fair to say they were the dirtiest operation because the Coast and Geodetic Survey, the Dew Line Sites, the university expeditions were just as dirty. However, the first oil operation did scatter a large volume further, and they did damage a whole lot more land than any before them.

I flew into Umiat when they were building it and remarked about the variety and amount of dead wildlife lying about. One of the "roughnecks" had this to say: "Nothing gets by here without us shooting it." It was midsummer and all seasons were closed.

The operation was a temporary thing—a test program—and even where all the wildlife was killed off in an area some fed back in again as soon as the party moved on. The scars made upon the prairie did remain and the frugal arctic preserved the tremendous amount of trash left behind so that today it is all still right there. It is well to remember that this was government sponsored and that no attempt to clean up has yet been made by these government agencies.

Aside from small airborne exploration parties, there was little oil activity in the arctic in the 1950s and early 1960s. These airborne parties did make steady inroads into such rare game as grizzly bear, Dall sheep, wolverine and wolves. They flew floatplanes and helicopters mostly, so they used the lakes for landing areas and campsites and in so doing polluted each with camp garbage, empty five-gallon gasoline cans and oil drums—often just thrown into the lakes.

It was in midwinter of 1963 that I was hired to help set up an oil-exploration camp. In the short twilight Jim Freericks and I felt our way about the arctic in our Cessna ski-plane marking out runways at places that are now common names like Prudhoe Bay or Deadhorse. The next day we were testing those sites using a C–46 airliner like a bush airplane, landing right through the snow-drifts while every available freight airplane in Alaska followed in our tracks. The oil rush was on.

The mobile seismic camp was assembled in our front yard. We trained the crew in arctic ways, and in conservation practices so as not to molest or destroy the land. Smiley Marlotte was the first man up of the seismic crew. We talked about the big bands of caribou around in midwinter and of the damage tractors would cause to the prairie.

That seismic camp left very little damage to the prairie at first. But as they worked, several other seismic companies also brought in mobile camps at places like Umiat or Sagwon. The race was on. We had decided that May 1st was the latest date that track vehicles could be used on the prairie, but none stopped at that date even though a lot more work had been accomplished than had been anticipated. It was plain to see that the arctic was in reality an easy place for them to operate in. In late May, I pointed out to the foreman how badly the track vehicles were damaging the prairie. "But," he said sadly, "I'm afraid the company doesn't care about your prairie."

The first phase of the new oil boom—the seismic phase—was soon just as dirty as any of the operations that the early contractors had conducted. To it had been added the wildlife-destroying helicopters and aircraft to eclipse the damage of the old system.

It was in August of 1963 that the first oil rig came in via the Mackenzie River System and was unloaded about 40 miles inland on the Colville River at a spot named Pingo Beach. From here the rigs were hauled by diesel trucks to the drilling sites. It is a simple matter in midwinter to open a highway system upon the frozen rivers and lakes or ocean, or even across the prairie, by using a road grader. You may then drive any equipment wherever you like until the spring thaw.

The ease and cost with which any job can be accomplished in the arctic is in direct proportion to the understanding of the land and the skill of those involved. Unfortunately for us, all the politicians entrusted to govern this area knew less than nothing about the land—in fact nearly all of them had never even seen it!

These were the conditions that prevailed when oil was discovered at Prudhoe Bay to set off the oil boom. The seismic work doubled and redoubled with the prospect of the coming state oil-lease sale. A full-scale seismic operation was carried on by helicopters when the spring thaws stopped the surface vehicles. Our home ended up pretty much in the center of this airborne invasion.

The first helicopters to enter the arctic in numbers came with the seismic operation. We had seen military helicopters chase caribou and many times we saw survey helicopters hunting sheep or grizzly bears. And we saw how afraid the animals were of just the sound of a helicopter. We heard stories from passengers, mechanics and even the pilots themselves of how animals were hazed or killed. The stories were all too well documented for anyone to doubt that helicopter use in wildlife destruction was a commonplace thing.

It wasn't until the helicopter-conducted seismic operations right around our home that we realized just how afraid of helicopters the wildlife is and what their presence in an area means. All that summer the helicopters shuttled back and forth. The big game just left and stayed gone. The moose retreated 50 miles up the Colville River. The caribou that had crowded about by the thousands were nearly absent. But it was in the realm of the birdlife that we received our biggest surprise. A pair of swans had nested for years but a few yards from where we tie up our float airplane. They started to nest but gave up after the first few helicopters flew by. The pintail ducks gave up completely and we didn't see a single broad hatched. The brant and geese just left the area.

The helicopter is just man's first breakthrough in the realm of real mobile transportation. At present there are all sorts of devices on the drawing boards so man, assisted by outside energy sources, can skip and hop about the universe. The successful and destructive snowmobiles are but ground versions of this, it is surely clear that there must be restrictions placed upon all machines in wilderness areas around wildlife.

Our wildlife of this planet is like the caged birds that early miners used to test the air in their tunnels. Whenever some species shows signs of distress it simply means that we are next. The handwriting is on the wall, only this time we can all read it. Those of us who wanted to look could see how fast the wildlife of our arctic prairie was shrinking in the fast-moving oil boom.

One of the most obvious problems was the use of gravel. When the first oil rigs were unloaded at Pingo Beach there were a lot of questions about gravel for rig pads. Someone set to piling up a great mound of gravel at Dune Beach a little way upriver. Caterpillars churned about on the summer prairie looking for gravel. I suggested they just put the gear up on high ground and operate in winter when the land was frozen solid. This is what they eventually did, but only after tearing up a lot of country and plowing some terrible mud trails that erode steadily and have even drained lakes.

One of the caterpillar drivers shot a bull caribou, dug a hole with the bulldozer blade, pushed the caribou in and covered it over. "I have shot me a caribou," he remarked. Another drove a caterpillar up on top of the pingo, or little hill, the beach is named from, plowed a rig across the top, and down the river side. He turned out the old Eskimo grave on top and ripped off the parka squirrel homes, as well as left a scar that will take centuries to heal.

In the Prudhoe Bay area the Sagavanirktok River was gouged out of existence in places for the gravel, which was spread on the prairie for drilling pads, runways, or haphazard roads. There is a chain of sand-reef island lying offshore and these too were attacked for the gravel. Some of the sand islands were literally hauled away. The bird-nesting sites and fish-spawning areas were spread upon the caribou feeding grounds.

A small band of caribou used to live the year around on Pingok Island north of Milne Point. Last year a drilling company moved in and began taking away Pingok Island for a drilling pad. The well could have been drilled in winter without using a bucket of gravel. There was no place left for the caribou to go. They were either killed or driven away.

About the only law that applied to the entire prairie in regard to land damage was the Anadramous Fish Act which prohibited disturbing spawing areas of sea-run fish. The Division of Fisheries—whose personnel had not even seen the land in most cases—were about the only ones in charge. Meanwhile the operation bulldozed its way ahead tearing up the river beds, the islands, the beaches. The destruction was and is fantastic—it resembled a military invasion.

In spite of the fact that water shipping was bringing in the heavy gear and air freight hauling in the rest, a winter haul road was ripped haphazardly from Fairbanks to Prudhoe Bay. It destroyed a lot of land and was absurdly impractical. Today the road isn't in use.

George Van Wyhe, the director of our Sport Fish Division in northern Alaska, said that the oil boom would go down in history as the "Greatest rape of a wilderness area in our century." And nearly everyone wanted in on the act. Study commissions of all kinds, developers, and politicians made two-hour trips up for their first glimpse of the arctic, and then gave their profound views. It all culminated in the big state lease sale that netted Alaska almost a billion dollars.

I well recall the advice of one close friend. He knows the arctic and manages a large oil company. "Bud don't neglect your other businesses in favor of the oil operation. At best it is a short-term thing. You can only pump the oil once. Take care of your fish and game. They are renewable. They are permanent."

It was painfully plain to see right around our home how the wildlife was faring. During the many years before, while we made our living from guiding and fishing, we had wildlife all about us in profusion. There wasn't a clear day when you couldn't see a wolf, caribou, wolverine, grizzly bear, moose or foxes from our living-room windows.

But in May of 1970 *The New York Times* ran a story saying the oil activities in the arctic had necessitated the emergency closure of the spring grizzly season in Unit 26 because the bears were being decimated. It was an extremely accurate article, and the contents most likely came directly from some member of our Department of Fish and Game. I received requests from two major oil companies asking for my comments on the article and if I knew of any of their personnel being involved in molesting the bears.

The manager of the Alaska Oil and Gas Association, William Hopkins, asked Governor Miller to investigate the charges. I don't know what sort of an investigation Governor Miller carried out but it surely couldn't have gone beyond asking his secretary her opinion. The "blast" he is reported to have issued concluded that the story was false.

At this very same time, U.S. Fish and Wildlife men, with three aircraft and trained crews, were flying the arctic area looking for grizzly bears. I was also doing a flying survey of the same area. In a combined 100 hours of flying not a single grizzly bear was seen by any of us in the area of the oil operations, where they had been common before. The only grizzly bear seen was one up near Umiat.

We were amazed at the Governor's answer, but it was his own Department of Fish and Game that jerked the rug out from under him. They had been conducting an investigation quietly on the scanty funds allotted them and they cited over 100 cases of illegally exported grizzly and brown bear hides.

That the wildlife in our arctic isn't permanent is now all too clear. When I first came into the arctic over 25 years ago, I found a balance of wildlife in the Brooks Range and on the prairie to the north pretty well untouched by the hand of man. I sent in the first detailed reports of the wildlife to the old Alaska Game Commission and I recommended the establishing of the Arctic National Wildlife Range along its present boundaries. In 1952 Clarence Rhodes, the director, flew up and we went over the game situation together. On any extended flight we would see several of the rare barren-land grizzly bears, and an average of 20 wolves. All other game was abundant.

I never killed one of the grizzly bears for myself. I limited my guiding to the taking of but one bear a year. The very few wandering Eskimos rarely killed a grizzly since they weren't particularly interested in them for food or clothing. The Pet 4 oil operation did wipe out all the bears where it went and the pilots who flew for the contractors killed the bears at every chance. But since the operation didn't last long the bear population recovered in a surprisingly short time. Even at Umiat, the center of the worst depredation, a few managed to survive. I would estimate that less than one percent of the animals taken on the North Slope were taken by hunters you could term sportsmen, who followed the code of fair chase.

The final widespread depredations began with the seismic operations, the helicopters, and the snowmobiles. Places like Sagwon were built in the heart of the arctic prairie and the end began. We have all seen the wild game loaded upon the airliners with a fork lift from such sites. It was a combination of several things. In the common game like caribou and moose there was a cheap source of meat, and a bonus for the workmen. In the rare game like Dall sheep, bears, wolves or wolverines, it was unethical hunters with money to spend, dishonest guides who cared nothing for the country or its wildlife, indifferent government officials, and, of course, the "free" gasoline that had been left behind by the oil companies.

In the fall of 1969 we were hunting Dall sheep at our camp on the north side of the Brooks Range. I have hunted there since 1945 and taken two rams a year from a population of around 300 head. We always saw several grizzly bears each trip. We hadn't been in camp a day before we had seen a dozen aircraft. The guides had found an airstrip a few miles north of us where a considerable amount of gasoline had been left. When one of them landed at our camp, I asked him what they meant by buzzing the animals and driving game with an airplane.

He set me straight:"I'm in it for the money. The game has to go to make way for oil and I'm going to kill all I can as fast as I can. I intend to pay for my airplane."

Multiply this operation to cover the entire arctic (remembering that rarely did a helicopter pass a grizzly that it didn't chase it), and you can easily see why at least 95 percent of the grizzly bears are dead today wherever the oil crews operate.

The way our wolves went is a degrading story. It is the wolverine's story too. Even though the wolf had been an essential part of the ecological balance from the beginning of time, the legislature levied a bounty on the wolves, and eventually on the wolverines as well. One team of bounty hunters shot over 200 wolves from Umiat, where the presence of surplus gasoline made it possible for the flying hunters to operate. The bounty hunters killed anything and everything from the air, even caribou and moose.

The decline of the caribou had to follow the destruction of the wolves, for their life cycles are linked together. The helicopters gave the wolf and wolverine a hard time, for the oil workers couldn't resist running and killing them. It is just the last few years that the bounty has been taken off wolverines and wolves in the arctic. I would estimate we have only five percent of the wolves and wolverines left. The other ninety-five percent are dead. About twenty-five percent of the caribou and 60 percent of the moose are left. It is harder to estimate the effects upon the other animals—birds and fish—but all have suffered. But if the wildlife is given a chance it will come back.

It is all too clear that the presence of industry is as much or more than the land can stand and continuous inspection by the Fish and Game Department is necessary. One game official put it well when discussing the snowmobile menace, which is wildlife's greatest present problem. You need one enforcement agent riding on each snowmobile to halt the problem, and even then the sight and sound of snowmobiles in the wilderness is more than some species can stand.

It is the duty of the oil companies to educate their own personnel, to police their employees and their independent contractors as well. A new concept of man-wildlife relations is desperately needed. The sportsmen of our land have carried the burden of protecting the wildlife and ecology all too long alone. It is time all the rest of the people helped carry their share. A dead animal is a dead animal no matter how it died.

One species after another has been added to the endangered list. We must now add another: man himself. Industrial man has polluted, poisoned and devastated the planet. Our petroleum-dependent civilization has seen itself clearly reflected in the oil slicks that shimmer on the oceans of the world. Man has met himself face to face here on the arctic prairie where there is no place to hide from his greed.

This then is the greatest conflict man has ever waged. It is man against himself, How goes the battle? The score will be kept in numbers of creatures' lives saved and in lands restored to productivity once again.

I have my own private score sheet to keep. I will know that humanity has won the battle when the following terms are met: When sportsmen protect and harvest the annual increase of the wild game; when the arctic char have a place to spawn; when the caribou graze in peace; and when a barren-land grizzly bear can find a spot to sleep in our front yard.

NATIONAL POLICY ON EDUCATION

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. PREYER), is recognized for 20 minutes.

Mr. PREYER of North Carolina. Mr. Speaker, Congress should establish a national policy on education. It is our national responsibility; we in Congress should give the Supreme Court some help. One reason the Supreme Court has been so activist is that Congress has been so inactive.

Our present system is not working. People feel this. The school system is increasingly alienated from people—except private schools where parents are in control of their children's education. It is part of the general alienation that is endangering our Republic.

Our, present system has led to the diversion of school funds from education to such expenses as busing. Under the recent Supreme Court ruling, the taxpayers of the South must bear a unique burden in this respect to make further progress in integration, while the taxpayers of the other parts of the Nation bear no such responsibility.

Our present system is leading to a more and more homogeneous system imposed on all alike, regardless of different circumstances. It is a monolithic system that puts bureaucrats and the courts in control of our children.

Our present system is resulting in the continued flight of school children from the public school system and a new resegregation. Already the percentage of black students attending predominantly white schools has been decreasing in the large, Northern cities. Thus, Boston, which in 1968 had 23.3 percent of its blacks in predominantly white schools, in 1970 had only 18 percent. Detroit, which in 1968 had 9.0 percent, in 1970 had 5.8 percent. Meanwhile the percentage of black students attending predominantly white schools has been increasing in the South. Under the recent Supreme Court decision, the same trend we see in the North is likely to be hastened in the South. The experience of Atlanta—where there is less integration now than before an integration plan was put into effect—indicates this will be the case.

If we look down the road 5 to 15 years from now, if present judicial trends continue there will be no problem with racial identifiability or percentage but there will also be less quality in our education. All of the schools in the inner cities will be serving mostly those who are poor—and black. Is this what black parents want? More probably black parents want what white parents want: good teachers, small classes and plenty of good books and other educational materials. Black students and their parents have special needs which will be expensive to meet. Is putting all that money into buses to reach a certain percentage point of integration the way to repair the damage done by past generations?

We are at a crossroads. We can continue policies with the expectation that they will result in the continued flight of school children from the public school system and a new resegregation, and a continued diversion of school funds from education to such expenses as busing and a special treatment for the South. Or, we can adopt a realistic, fair and nationwide policy of school desegregation that puts children ahead of racial arithmetic.

The latter is the course I favor. To this end I will introduce a National Schools Policy bill when Congress reconvenes this fall.

We must not arouse false hopes—but we are justified in hoping for, and working toward a more intelligent school policy, despite the recent Supreme Court decision. The Supreme Court has spoken. This is the law of the land. We obey the law. But we can attempt to change bad law. In those areas which are under court order for this fall's school term—such as my home city of Greensboro—we must do our best to make it work. But we must do all we can to change the law to make it work better.

The Supreme Court has recognized that at some point the South will have eliminated the last vestiges of the old segregated school system and will stand on equal footing with the rest of the country. When we look at the amount of integration in Southern cities today as compared with Northern cities, it is clear that statistically the various sections have come to resemble each other closely. There is no longer any justification for treating the South differently from the rest of the country. We are rapidly reaching the point where the Supreme Court has indicated we will be treated like the rest of the country. What will be our national school policy then? No one knows; the Supreme Court has not said. This is why it is so important that Congress recognize its responsibility to speak out to establish a national policy on education.

PROGRESS ON COLLISION AVOIDANCE SYSTEMS

The **SPEAKER** pro tempore. Under a previous order of the House the gentleman from Florida (Mr. ROGERS) is recognized for 10 minutes.

Mr. ROGERS. Mr. Speaker, on June 3, 1971, I stated that the Federal Aviation Administration and the domestic airline industry were negligent in their failure to expedite the implementation of a midair collision avoidance system.

On June 6, 1971, over the skies of California, a U.S. Navy F–4 Phantom jet with a crew of two and a Hughes Air West DC–9 and 43 passengers and a crew of five collided with the loss of all aboard the commercial plane and one of the Navy pilots.

On June 7, 1971, I said this crash could have been avoided if the Federal Aviation Administration, the domestic airline industry, and the Department of Defense had placed high priority on the implementation of a midair collision avoidance system.

Now, just yesterday, another midair collision occurred again over California between a Continental Air Lines 707 with 83 passengers and a crew of eight and a general aviation Cessna 150 with two persons aboard. Fortunately, no one was killed and only minor injuries were sustained by the two persons aboard the Cessna.

Following the midair collision on June 6 between the Navy F-4 Phantom and the Hughes Air West DC-9, I wrote to the Federal Aviation Administration, the Department of Defense, and the Air Transport Association and asked what progress is being made in the implementation of a midair collision avoidance system. I would like to insert copies of the replies I have received at this point in the RECORD:

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., June 21, 1971.
Hon. PAUL G. ROGERS,
House of Representatives,
Washington, D.C.

DEAR MR. ROGERS: Reference is made to your letter of June 9, 1971 regarding the implementation of mid-air collision avoidance systems and your concern for this problem.

The Department of Defense recognizes the seriousness of the mid-air collision problem and places a high priority on programs that will lessen the potential for such incidents/accidents. Nearly all air traffic control procedures are oriented toward safety of flight. Many procedures, such as airspace reservations, airspeed restructuring, block altitudes, prohibited and warning areas, are specifically oriented toward preventing collisions.

In addition to attempting to reduce potential collisions by procedural methods, the Military Services are taking a number of actions that will improve safety and reduce collisions. These include:

a. Major planning efforts such as a study to develop a new generation Communication, Navigation, Identification (CNI) system.

b. New primary and secondary radar equipment. (The Air Force alone has spent over $350 million on ground and airborne radar beacons that will be compatible with the Air Traffic Control Radar Beacon System (ATCRBS).)

c. Improved tower equipment such as radar displays that can be viewed in the daylight (BRITE).

The Department of Defense also participates in the FAA Collision Prevention Advisory Group (COPAG) and several other groups considering specific collision avoidance systems. Our analysis concerning the current Collision Avoidance Systems (CAS) leads us to the following conclusions:

a. A dedicated CAS would be tremendously expensive if we were considering Department of Defense wide implementation. The program costs would be equivalent to the costs of implementing the present generation of air traffic control radar beacons. A really effective Collision Avoidance System will only be feasible when it is an integral part of the basic air traffic control system, not an additional "black box" as is presently being proposed.

b. A Collision Avoidance System would only be as effective as the percentage of aircraft that have the equipment installed. At this point, there is no indication that general aviation has the inclination to implement such a sysem (cost being a major factor).

c. The limited R&D funds available can most likely be more profitably spent on improving the existing air traffic control system. This will improve the efficiency and effectiveness of the entire system as well as safety.

It should be noted that the FAA Act of 1958 assigns responsibility for developing and operation of a common system of air traffic control and navigation for both military and civil aircraft to the FAA. Since CAS is part of the air traffic control system, overall responsibility is with the FAA.

Your interest and concern together with the expression of your views on this important matter are very much appreciated.

Sincerely,

ELI T. REICH,
Vice Admiral, USN,
Deputy Assistant Secretary of Defense, Production Engineering and Materiel Acquisition.

DEPARTMENT OF TRANSPORTATION,
FEDERAL AVIATION ADMINISTRATION,
Washington, D.C., June 22, 1971.
Hon. PAUL C. ROGERS,
House of Representatives
Washington, D.C.

DEAR MR. ROGERS: This is in reply to your letter of 9 June 1971 requesting information concerning what action the Federal Aviation Administration (FAA) intends to take regarding the implementation of airborne collision avoidance systems.

First, in explaining our program, I think a few definitions would be helpful. A Collision Avoidance System (CAS) is an all-weather system which detects all potentially dangerous intruders, automatically evaluates the degree of the threat and, if necessary, indicates to the pilot a safe evasive maneuver. A Pilot Warning Instrument (PWI) is a device utilized when weather conditions allow Visual Flight Rules (VFR) operations and it will simply increase the probability of a pilot visually detecting other aircraft in his vicinity, after which he must make the necessary evaluation and evasive maneuver, if required.

The question of "cooperative" versus "noncooperative" systems is also of significance. A "cooperative" system is one which affords protection to one aircraft only against those cooperating aircraft that are equipped with the compatible equipment. A "non-cooperative" system should protect against any aircraft, equipped or not. While the objective is for noncooperative solutions, today the most suitable candidate CAS systems and the most promising PWI systems are cooperative in nature.

In general, CAS and PWI systems are not viewed as substitutes for ground-based air traffic control, but as an augmentation and extension of the basic ATC service. While the effectiveness and cost of CAS and PWI systems are not yet fully established, the FAA policy is for an active and aggressive R. & D. program which will consider and evaluate all possible systems which provide these capabilities.

Now, where are we in our search for such systems? CAS wise, we have been cooperating with the Air Transport Association and other interested government and industry organizations in a joint program. A specification has been written and equipment built and flight tested. No insurmountable technical problems have been found. However, operational questions, which are impossible to evaluate with a limited number of equipments, remain unanswered. What will be the impact of the CAS on the ATC system—the number of false alarms, the effect on arrival and departure rates, the effect on the air traffic controller when aircraft make a sudden, perhaps unexpected maneuver? These and other questions are being investigated right now in a dynamic simulation at our Atlantic City test facility, and by the end of the year, we feel we will be in a position to recommend changes in the CAS or the Air Traffic Control System, or both, which will allow a better and safer operation.

The airlines have expressed a strong desire to proceed with a CAS implementation of their fleet on a voluntary basis. In conjunction with this, effort is already underway to develop the ground facilities required by a CAS and our latest National Aviation System Plan (1972–1981) indicates our intention of procuring, installing and maintaining the required ground stations subsequent to the development efforts. Action is also underway to investigate low-cost compatible systems to allow greater participation by general aviation and the military.

In conjunction with the above and as a result of a petition from the McDonnell Douglas Corporation, we are currently staffing our position on this request for an operational frequency license (a developmental license already exists) and it should be forwarded to the Federal Communication Commission shortly. Considering all these ongoing efforts, it is not beyond reason to expect that CAS implementation could begin in the airline fleet in approximately one year. We are now prepared to issue Supplemental Type Certification of CAS installations on a non-hazard (non-interference with other systems) basis if requested for evaluation purposes.

In the PWI area, over the past few years we have evaluated and rejected a number of suggested equipments. Today, our main thrust is the investigation of the human factor problems involved so as to better define just what the characteristics of a PWI should be. How well can a pilot see and evaluate at flying speeds? How much time does it take? To what degree can a pilot make use of relative bearing information? These and other questions are under investigation right now. While pursuing these investigations, we have not ignored the hardware development aspects. In a joint program with NASA and the Department of Transportation's Transportation System Center, we are right now evaluating (at our Atlantic City facility) a PWI which utilizes the principle of detecting infra-red radiation from an aircraft's exterior lighting system. It is not possible to state if and when we will find an acceptable PWI system. Our search continues.

In short, good progress on a CAS for voluntary airline use can be reported, and our efforts continue on the search for a good PWI system. Both efforts have been high priority in our R&D program.

We trust that this adequately responds to the question raised in your letter.

Sincerely,

J. H. SHAFFER,
Administrator.

AIR TRANSPORT ASSOCIATION,
Washington, D.C., June 16, 1971.
Hon. PAUL G. ROGERS,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. ROGERS: It is a pleasure to have this opportunity to comment on the airlines' role in the development of an airborne Collision Avoidance System and on their plans for introduction of the systems into airline operations.

As you know, ATA and a number of its member airlines have pioneered this effort. In September 1955 almost a year before the Grand Canyon mid-air collision, the scheduled airlines established a goal of providing a collision avoidance system for their aircraft. At this time there was no known technology for solving the basic problem. However, after many proposals, studies and reports from industry and other groups, it was determined that time/frequency technology offered the most promise for success. In 1967 the Air Transport Association published a report "Technical Description of the CAS System" which utilized that technology.

In order to promote competition, manufacturers were solicited to build equipment meeting those specifications; four manufacturers responded. In 1969 the airlines completed $2 million flight test program using "bread-board" models provided by the manufacturers. This program demonstrated that a time/frequency device would prevent midair collisions. Since this date the airlines, the Federal Aviation Administration, and manufacturers have been working diligently to convert these initial efforts to operational equipment.

As you might expect, a CAS implementation program requires action by many segments of aviation, including the U.S. Government, since not only are airline airborne equipment programs involved but many other, more time consuming and far reaching decisions and programs are necessary. These include worldwide system standards (to be developed and adopted by ICAO), ground station design and implementation by FAA, FAA analysis, and real time simulation of the CAS system interaction with the ATC system, development of competitive, low cost General Aviation CAS equipment, voluntary versus mandatory installation of expensive airborne equipment in general aviation and military aircraft, and the most appropriate timing for the interrelationship of all these factors.

The approval of the FAA is required to allow operational utilization of the CAS system in the Air Traffic Control environment. To provide certain essential information on the acceptability of the CAS system operating in the ATC environment, a real time simulation of CAS/ATC interaction is currently underway at the FAA's National Aviation Facilities Experimental Center. Completion of this simulation, analysis of results, and publication of the findings has been scheduled by FAA to require most of this year. Thus, assuming the simulation does not reveal any insolvable problems of CAS and ATC system interaction, we would expect an FAA approval, possibly late this year, to utilize the CAS system currently being simulated. The results of the simulation may indicate a need to adjust CAS design; so production hardware must await completion of this phase.

The CAS requires ground stations to initiate CAS master time. The first of these ground stations are currently scheduled by FAA for procurement using FY-72 monies; these first units should be operational in 1974.

CAS will become truly effective only when the majority of the airspace users are equipped since cooperative equipment in the threat aircraft is required. Recalling that General Aviation has in the past constituted a large percentage of the mid-air collision situations, we have urged the FAA to fund the competitive production of CAS equipment suitable for use in General Aviation aircraft. The first units of equipment suitable for installing in General Aviation aircraft may be available as early as 1973.

With regard to installation of CAS equipment in airline aircraft, we expect competitive production equipment to be available sometime late in 1972. Only one manufacturer, the McDonnell Douglas Company, has two pre-production airborne CAS units about ready to test in their own aircraft prior to releasing them to United Air Lines which is currently making wiring provisions to receive this equipment. Although three other manufacturers, Bendix Avionics, Ft. Lauderdale, Florida; Sierra Research, Buffalo, New York; and Wilcox Electric, Kansas City, Missouri, also participated in an airline funded flight test program by providing "bread-board" equipment, none of them has completed a pre-production model. These manufacturers have informed us that an airline pre-production model could not be available in less than 14 months from now. Production equipment would require a minimum of four additional months.

In the meantime arrangements are underway, in coordination with ICAO, to initiate international discussion on CAS at its meeting next April.

Considering the complexities involved I think it fair to say that the CAS program is moving forward as rapidly as possible. I assure you of my personal efforts, and those of our member airlines, to continue, as we have for the past decade, to be the leaders in pressing for the installation of airborne collision avoidance devices, not only in airline aircraft, but all other aircraft that share the airspace with us.

We appreciate your action to champion the cause of airborne CAS and assure you of our wholehearted and enthusiastic support.

Cordially,

S. G. Tipton.

The replies from the Air Transport Association and the Federal Aviation Administration are generally encouraging, although I believe the FAA could expedite approval of the CAS system currently being simulated.

On the other hand, the reply from the Department of Defense is an expression of gross disregard for airline safety, if not for military personnel, then certainly for civilian crews and passengers who might have the misfortune to become involved in a crash with a military aircraft as happened on June 6, 1971, over California.

The Department of Defense simply dismisses the collision avoidance system as too costly and not practical, failing to realize that a commitment to its implementation by all aircraft, including military, would substantially reduce its cost, and that a CAS system for general aviation aircraft can, and is being, developed at a reasonable cost to general aviation.

I am pleased that Piedmont Airlines, Inc., with a fleet of 42 jet and turboprop airliners has become the first domestic carrier to order a collision avoidance system, and first models of the unit are scheduled for delivery to Piedmont in March 1972 for certification testing in Boeing 737 jets. Production equipment delivery is scheduled between January and April 1973.

Other airlines should follow Piedmont's lead in this area and the Air Transport Association should urge its members to do so.

I am pleased also that my good friend and colleague, the Honorable Jack Brooks, chairman of the Government Activities Subcommittee of the House Government Operations Committee, is reviewing the progress being made on collision avoidance systems. On Tuesday, August 13, 1971, the Bendix Corp. testified before Congressman Brooks' subcommittee and I would also like to insert at this point in the Record a copy of that testimony concerning the work of Bendix in the collision avoidance area:

A STATEMENT BY WAYNE G. SHEAR, PROGRAM MANAGER FOR COLLISION AVOIDANCE SYSTEMS FOR THE BENDIX CORPORATION ON THE SUBJECT OF AIRCRAFT COLLISION AVOIDANCE SYSTEMS

Sir: The Bendix Corporation for over thirty years has been recognized as a leading supplier of products to the aviation and aerospace industries. We have designed, built and marketed our aviation electronics (avionics) products to virtually every airline in the free world. Also, we have developed and marketed a complete avionics product line for the general aviation industry here and overseas. And many of our sophisticated electronic communications and navigation systems are flying on U.S. and foreign military aircraft. As such we have extensive experience and have acquired an acute knowledge of the requirements, operations and support needed to fulfill these industry and service needs.

As far back as 1955 Bendix began working with the aircraft collision avoidance problem. Dr. J. S. Morrell, a mathematician now retired from Bendix, defined the aircraft collision problem and offered a theory by which electronic equipment could be developed to give pilots of aircraft on potential collision courses warning and flight commands to avoid impact.

Dr. Morrell determined the problem would best be solved by measuring the range and rate of change of range of approaching aircraft. The technique is now known as TAU and is presently employed in the Bendix IMAGE system as well as in the McDonnell/Douglas EROS system. (IMAGE is an acronym for Intruder Monitoring and Guidance Equipment.)

Another industry accepted theory of Dr. Morrell's is the necessity for a directed maneuver, as provided by the collision avoidance system, for high performance aircraft. His analysis also indicated that a simplified PWI (Proximity Warning Indicator) concept would be inadequate.

A Collision Avoidance Technical Working Group established in 1967 and comprising members of the Air Transport Association, the Federal Aviation Agency, the military services and the avionics industry, early in their deliberations recognized the "TAU" approach as the best solution to the avoidance problem. After an examination of all recognized airborne data exchanging techniques, the working group concluded that a newly emerging technology, called Time/Frequency best provided the information for the TAU computation. Time/Frequency, a technology that permits one way ranging offered the required capacity for several decades of growth.

Based on this and our confidence that we could design and build such a system, Bendix funded an active hardware development program to produce feasibility test models of the systems, as did others in the industry.

Extensive flight tests were conducted by the Martin-Marietta Corporation on compatible equipments designed by several manufacturers during the period from June to November 1969. On March 20, 1970 the Air Transport Association issued a report stating the tests had been successful and that they had demonstrated the TAU-time/frequency method would provide pilots with warning and flight commands to prevent collisions, and that the system as then conceived had the capacity to accommodate all users of the airspace for the foreseeable future. That is, the TAU-time/frequency collision avoidance technique is the only tested concept that would appear to provide the degree of protection required for the full spectrum of performance of civil and military aircraft.

At the conclusion of the feasibility flight tests, Bendix embarked on a three objective program leading to the present "IMAGE" system.

Our first objective was to determine the compatibility of the system to the total air traffic control environment. To do this we monitored the FAA simulation tests of this system conducted at NAFEC to determine if any minor modifications would be required to bring about the desired compatibility.

Our second objective was to undertake an advanced technology study to determine what new electronic components or circuit techniques might be available to optimize the system design. This program produced two significant results. One is that we now find new components which can simplify the computer portion of the system; and two, we can incorporate what we call self-test and monitoring circuits . . . something referred to as "fail safe" circuits.

These are techniques used in modern critical avionics systems, such as flight controls and are now included in the Bendix IMAGE system.

Our third objective was to establish the timing of our engineering and production programs to meet the industry's needs with the latest state-of-the-art equipment. We accomplished this by maintaining close liaison with industry groups and cognizant individuals. Obviously, today's hearing here is a part of that program.

Bendix, like McDonnell/Douglas and the potential airline users of this equipment, know that any ultimate system concept must also include a low cost version of CAS to be compatible with the general aviation markets and the many private individual aircraft owner's ability to purchase such equipment.

The airlines industry has indicated acceptance of the Time/Frequency system. Their industry standards group, Aeronautical Radio, Incorporated has developed a system design characteristic (specification). Bendix as a major supplier to the general aviation industry has also developed preliminary designs for a companion Time/Frequency system to be offered to the general aviation market.

I think it is interesting to note that the airlines, in the interest of being compatible with the general aviation user, are willing to carry the burden of providing the precision time standards needed by the general aviation pilot to synchronize his system. When the general aviation aircraft is in the vicinity of an airliner, and this can be up to 90 miles away, his system will be timed automatically by the master system carried on the airliner.

Additionally, the FAA can install ground stations to provide this synchronization.

I would like to say here some things that are not always too well understood when discussing collision avoidance. First, CAS is not the primary system—that is, the present and future ATC system is intended to provide adequate separation, instrumentation and rules for safe flight. However, should an impending collision situation arise, and such situations do arise, then at least for some years to come, we may well depend on implementation of the TAU principle.

Also, it is prerequisite that all users of the airspace play the same role with compatible equipment. This includes the airlines, the military, and the general aviation users of the airspace. To the best of our knowledge it also requires a cooperative system, which is what the TAU method is. Further, the system should not just warn the pilot of potential danger, it should evaluate the situation and tell him what to do.

Further, we are aware of Time/Frequency developments in France, which could create future standardization problems if we here in the United States are unable to agree to or delay in setting the guidelines for the future of the aviation industry. We feel strongly that the implementation of this program should proceed as quickly as possible so that we will have an opportunity to discuss compatibility of foreign made systems with ours, particularly for foreign carriers who will be operating in U.S. airspace.

Specifically, we feel the following actions are needed to complete implementation of CAS:

1. Recognizing the requirements and responsibilities of the FAA in controlling the airspace within the United States, we hope that the FAA will clarify its acceptance of the Time/Freqeuncy CAS concept, and publish guidance documents for the manufacturing and user industries.

2. FAA ground station RFP's (requests for proposals), siting studies, procurement and implementation should commence to encourage widespread utilization of airborne CAS. In similar programs in the past (Air Traffic Control Beacon, Distance Measuring Equipment) the FAA has supported the development of low cost general aviation equipment. Such a program for a fully compatible General Aviation Time/Frequency CAS could also be helpful, in this instance, to accelerate its availability and lower the initial cost.

3. The FCC has already undertaken proposed action to clear the 1600 MHZ band to allow interference free operation of the CAS systems. This will have to be completed and licenses issued to allow CAS transmitting systems to operate in normal service.

4. In April of 1972 the Seventh Annual Air Navigation Conference of the International Civil Aviation Organization will be held. CAS is scheduled for the agenda. The U.S. should develop a strong position in favor of the time/frequency system to assure worldwide adoption.

5. We hope the FAA and DOD will enter into a joint civil/military program for collision avoidance as they often have in the past for other programs, so that all users of the airspace can share in this measure of extra protection.

In conclusion, in the Time Frequency CAS we have a device demonstrated to be feasible, that represents a 16-year evolutionary program with active participants from all segments of the aerospace industry. Recognizing the multiyear development cycle of an industry program, conception, flight evaluation, specification writing with industry coordination, and finally hardware development and production, any change in direction at this point would add a minimum of four years to the availability of this vital safety device.

Mr. Chairman, we appreciate having this opportunity to express our views on CAS before this Committee and we hope that we have contributed information that will assist the Committee in their deliberations.

Thank you.

SHARPSTOWN FOLLIES NO. 28

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, there is an old saying in Spanish to the effect: "Don Dinero Poderoso Caballero," meaning, roughly speaking: "Sir Money, A Mighty Powerful Gentleman." This old refrain comes to my mind when the name Frank W. Sharp is mentioned. Here indeed is a powerful gentleman, the central figure in one of the most stupendous financial and political scandals this century; you would think he would at least be considered eligible for criminal culpability. Ever since the malodorous situation in my loved State of Texas came to light early this year, by virtue of a civil suit filed by the SEC in a Dallas Federal court, the question agitating every thinking Texas mind was: "Well, what is going to come of this. When are criminal charges going to be filed?" No one said anything, not even the loquacious and pugnacious district attorney in the southern district of Texas, one Anthony J. P. Farris.

Suddenly, unexpectedly and shockingly, the Washington Post in Washington, D.C. announced in a prominent, by-lined story quoting the second biggest panjandrum in the formidable Justice Department of the United States, Mr. Kliendeinst, that Frank Sharp had been given a 3-year probated sentence, a fine of $5,000 and immunity from further prosecution. The three-chinned district attorney, the one and same Anthony J. P. Farris joined the Deputy Attorney General, That was that. Everyone asked, Well, when was Sharp indicted?

Well, later on it was discovered there had been no indictment. This whole business was the result of a cozy deal, all arranged by the Justice Department and the defense counsel, who; interestingly enough, is the former district attorney and Mr. Anthony J. P. Farris's predecessor.

What neither the panjandrums of the Justice Department or the legal moguls or the newspapers or the newspaper columnists mentioned was that traveling all the way from Houston to the District of Columbia to make this deal and announce it, in cozy companionship was the district attorney, the one and only Anthony J. P. Farris, and Sharp's lawyer. Oh, how countless of hundreds of defense attorneys would love to have the chance for such convenient and quickie deals.

So, Don Dinero Poderoso Caballero, with money or the promise thereof, Mr. Sharp, Poderosos Caballero, had managed to purchase the best supermarket, ready-wrapped justice anybody in the history of the United States and its so-called Justice Department ever recorded.

Mr. Sharp, Poderoso Don Dinero, moreover, for years had hired himself another legal baron, one Will Wilson, ex-attorney general of the State of Texas, ex-candidate for U.S. attorney, ex-candidate for the great office of Governor of the State of Texas, and a few other purchases that have since come to light and have continued to shake Texas and the Nation.

Just coincidentally, when Mr. Will Wilson, the legal baron, now esconced as the chief prosecutor for the Justice Department as Assistant Attorney General for Criminal Matters, was the attorney general of Texas, he granted Mr. Frank W. Sharp his charter for his State bank.

This has been one big happy, congenial gang, when I think of Frank Sharp and his Sharptown Follies.

Well, now Don Dinero, Frank Sharp, managed to get a nice judge, who in this quickie, packaged, dispensary of coin-machine justice, expressed great admiration for the accused appearing before him. He, even to the point of being obsequious was asking Sharp's permission to come back 2 hours or so later in order to pronounce sentence—"If it is all right with you, Mr. Sharp."

Ah, yes, Mr. Speaker and colleagues: Don Dinero, MUY Poderoso Caballero.

AMTRAK OFF TO A SLOW START

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. STAGGERS) is recognized for 5 minutes.

Mr. STAGGERS. Mr. Speaker, on October 30, 1970, Public Law 91–518 was enacted into law. It created the corporation now known as Amtrak. As the preamble states, the act was intended to provide financial assistance for an establishment of improved rail passenger service in the United States. We expected progress. We knew then that we had a long way to go to get high quality passenger service in this country. It was expensive to the taxpayers. We started out with a grant of $40 million. We also provided loan guarantees in an amount not to exceed $100 million. We thought the cost would be well worth it to the traveling public. The public is paying the price, but has yet to get the service. Amtrak is getting off to a very slow start.

Complaints keep coming in. One distinguished Member of Congress said the corporation should be called "Half Track," because the corporation cut rail passenger service in the United States in half. Another gentleman of this body told me of his experience with rail service from White Sulphur Springs, W. Va., to Washington, D.C.

The gentleman was in White Sulphur Springs in June of this year. He had to cut his visit short to return to the Capital on business. He found that he could not get a plane until the next day, so he called the railroad station. The ticket agent said that there was an early morning train passing through White Sulphur Springs enroute to Washington, D.C. The gentleman asked for accommodations, including a lower berth. The ticket agent said that the pullman cars do not go into Washington, D.C., but instead are pulled off the train at Charlottesville, Va., and sent, usually empty to Newport News, Va. The ticket agent said that if the pullman cars were scheduled into Washington, D.C., he could fill the train every night. When the gentleman asked who was responsible for this scheduling, the agent replied, "Amtrak, Congressman, and we sure wish you folks in Washington, D.C. would do something to get this mess straightened out."

The gentleman also learned that the cost of the ticket was $18, and the cost for pullman accommodations was $40, even though the pullman cars were to be taken off the train in Charlottesville, 3 hours down the track. The gentleman came back to Washington, D.C. that morning in a reclining coach seat, while the pullman cars were in fact detached from the train at Charlottesville, and sent empty to Newport News, Va.

I had a member of my staff to make an inquiry into this matter. He contacted an official of Amtrak. The official's explanation as to the reason why the service and scheduling was so bad on this run, was not satisfactory. He did say that in October there were going to be some schedule changes. He also said that this would probably include a change in accommodations to include uninterrupted pullman and dining-car service into Washington, D.C.

We get many promises from the people down at AMTRAK, but we don't get any better rail passenger service. This situation, faced by one Member of Congress on one occasion is faced every day by the traveling public.

Recently another firsthand experience was brought to my attention by a family residing in Wheeling, W. Va., who planned a visit to the Nation's Capital. First of all, of course, it was necessary to have transportation from Wheeling, W. Va., to the train out of Pittsburgh, Pa., to Washington, D.C. Attached is communication I received setting for the "difficulties my family and I experienced on a recent trip from Pittsburgh to Washington by train."

Wheeling, W. Va., *July 24, 1971.*

Hon. Harley O. Staggers,
House of Representatives, Rayburn House Office Building, Washington, D.C.

Dear Mr. Staggers: Since you, as Chairman of the Commerce Committee, are called upon to make decisions regarding railroad subsidies, I would like for you to know the difficulties my family and I experienced on a recent trip from Pittsburgh to Washington by train.

1. Telephone inadequacies: Reservations for the trip involved several telephone calls to Penn Central in Pittsburgh. At least three times I was left hanging on the line for what seemed an interminable length of time.

2. Inadequate service: For a city the size of Pittsburgh, it would seem that one train per day, with departure hour of 1:06 a.m. for Eastern cities, and arrival hour at 1:15 a.m. from these locations, is inadequate or, at most, discouraging. With crime rampant in our cities, the public will not use the service if it requires being out at these hours.

3. Poorly designed AMTRAK schedules: The only information available in the Pittsburgh station after hours was the AMTRAK schedule posted at the departure doors and at either side of the reservation section. The schedule is so poorly set up that I—who work daily with interpretation of complicated material—could not understand it. As I recall, only the 12:50 departure listed Pittsburgh; the 1:06 departure did not list Pittsburgh at all, and this was the time set in our reservation.

4. Confusion in boarding train: Giving credit where credit is due, Mrs. Mary Hodges, the Pittsburgh reservation clerk, was pleasant and helpful. Even she mentioned the confusion that goes with boarding a train late at night.

With the confusion brought on by the AMTRAK schedule, I asked a travelers' aid clerk for help. She advised that the only Penn Central employee at the station was the elevator man. When I talked to him, he was no help at all as he said he ran the elevator only for the building maintenance crew and he knew nothing about schedules.

One announcement was made, but it came over the speaker so garbled that it could not have been understood by anyone in the building.

Since the best I could make from the Amtrak schedule was that our train left at 12:50, we went out to the loading area shortly before that time. Here we met two conductors headed for the train and they told us it was Washington-bound. And even one of them made the comment that he wished "someone around here knew something . . ."

5. Assigned seat trouble: After boarding the coach, we went to seats assigned in the reservation, and these were occupied by others. The passengers said seat numbers meant nothing and we could sit anywhere.

6. Dining car service: The boys were looking forward to breakfast on the train, but it turned out much less than pleasant. We sat at a table with a dignified elderly woman, and as she finished breakfast and had waited some time for a check, she simply and politely asked the attendant for her check. He rudely said something about having "only two hands, lady." She pleasantly replied that she was in no hurry; and when I commented to her about the rudeness, she said at dinner the night before, the treatment was even worse.

An added note: Continental breakfast of roll or toast, coffee, and juice at $1.55 is fair for train service—but not when the rolls are a semi-stale, packaged variety. And one of the boys said his orange juice looked like someone had shaved in it.

7. Lack of communication regarding delays. At Harrisburg, we were delayed almost an hour, and at no time did any railroad personnel make any announcement regarding the delay or when we would proceed.

8. Snafu in Washington: First, the train was an hour late. Then, the ticketing took too long. The Pittsburgh clerk suggested that we pick up return tickets when we arrived in Washington. When I went to the desk, I handed the clerk a card with detailed information covering the reservation. She seemed confused as to what to do and seemed reluctant to serve; and I suggested that if she could not help, to direct me to someone who could. She then went to another part of the office, and after some time returned with the information that there was a mix-up and there was a change in our previously assigned seats.

9. Lack of luggage carts at arrival points: When we got off in Washington we, of course, were quite some distance from the station. As we were jogging along with our luggage, I saw an Amtrak representative coming with an empty luggage carrier. When I asked him where we could get one, he kindly gave us the one he was pushing. These cars could be placed near unloading posts at train arrival hours.

10. Again, confusion in boarding train: As we went to board the train on the return trip, I showed an employee (J. A. Hayes on nametag) our tickets, and he said "Get on." When we got on, again the same story—someone had our assigned seats. We took other numbered seats, and when passengers got on and asked why we were in their seats, it occurred to me we might be in the wrong car. With the help of a conductor, I found we were in the wrong coach, so the boys and I had to pick up luggage, get off, and walk some distance to the proper car. In getting off, I asked Mr. Hayes why he misdirected us, and his reply was anything but courteous.

11. On the plus side: The coaches were clean and comfortably air conditioned. The boys, 14 and 16, loved the train ride, and I found it very relaxing and pleasant, except for the boarding difficulties.

I understand that, with Government aid, Amtrak has been set up to provide passenger service throughout the country. But I'm wondering, after our recent experience, if Government aid to railroads should not require some responsibility for providing at least reasonably satisfactory service to the public.

As a taxpayer, I resent spending tax dollars to help industries if they appear to pay excessive amounts to mahogany-towered executives who, from the evidence, seem to be unaware of inefficiencies in their organizations.

It would seem that if railroads would spend a larger portion of their funds on a marketing program of year-round planned tours to principal cities and recreation spots all over the country, they should fare fairly well financially. Driving on our highways, particularly in congested metropolitan areas, is getting more precarious each year. This situation could be eased by greater use of railways if made attractive to travelers—with the market ranging from leisure-minded retirees to young school children.

I'm sorry to have gone to such length in telling you about our experience with Amtrak, but the small details are the things that tell the true story of a service industry. I feel that Amtrak will not survive if service is not improved, and this would mean loss of our invested tax dollars.

Sincerely yours,

Ann F. Oliver,
Mrs. R. S. Oliver.

Gentlemen, if this situation does not start improving rapidly we may have to do something about it.

AMTRAK is a volume type passenger business.

The president took office in May, with the problem of selecting top management, i.e., vice presidents, etc. The next step obviously was to project a pattern of operations.

There seems to be reluctance on the part of the incorporators and the management to bring in any experienced railroad passenger personnel, at least on a temporary basis, to develop a functional approach to the problem.

How much longer before these trains will attract any volume of "travelers?" The losses are piling up.

The "trial and error" method takes considerable time and expense.

To summarize, the incorporators spent approximately well over a million dollars for consultants, lawyers, and telephones, to negotiate with the railroads, to put these discontinued long-haul trains back on the tracks, with the same management and personnel and high fares and tremendous losses. This is all charged to the AMTRAK account.

MORE POWER THAN ANY PRESIDENT EVER HAD TO COMBAT INFLATION

(Mrs. SULLIVAN asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. SULLIVAN. Mr. Speaker, the President said yesterday he would be willing to consider doing something about inflation if Congress would hold extensive hearings on all of the programs attempted in the past in this country and elsewhere and see whether any of them ever worked.

I cannot speak for the Committee on Banking and Currency on this, but in my opinion we do not need extensive hearings into the whole history of man's attempts to cope with economic dislocation before something is done about soaring prices and catchup wage increases followed by more price increases and more wage increases, and on and on and on.

It is much too late for an academic review of history. The question is, What powers does the President need that the Congress has not already given him to meet this problem intelligently and effectively?

Mr. Nixon already has more power—right now—than any President ever had in the history of this country to combat inflationary conditions. He has even greater powers than Presidents Roosevelt and Truman had during all of World War II and more than President Truman had during the Korean war. Say what you will about the stabilization programs of those periods, they did stop all price and wage increases and rent and salary increases that could not be justified on the basis of strict guidelines and regulations.

Mr. Nixon's price—wage—salary—and rent control powers are the broadest ever written into law. And so are his powers to have the Federal Reserve Board control credit—not just consumer and residential real estate credit but all forms of credit. Neither Franklin Delano Roosevelt nor Harry S Truman could control interest rates across the board, or the terms and conditions of all forms of credit.

These extremely broad powers, given to President Nixon in 1969 and 1970, can be used selectively or universally. Surely he has enough economic experts in his vast bureaucracy, and enough people he can draw on from this entire country, to advise him how to use this power carefully and with restraint to stop this inflation in its tracks. What is lacking in the White House and the administration is the courage to use, or try, any of these vast powers to stabilize prices, wages, salaries, rents, and credit.

If the President wants Congress to hold hearings mainly for the purpose of developing public interest in, and support for, inflation controls, he obviously is not keeping up with the mail which is coming into Washington from people all over the country demanding action. The public support for action already exists.

GIVING BLOOD SAVES LIVES

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, today I am reintroducing my bill H.R. 853 which would allow a $25 tax deduction for voluntary blood donations to nonprofit organizations. This bill is now cosponsored by 40 Members of Congress.

The crisis of insufficient blood donations is compounded by the danger of contaminated blood. Too great a percentage of donated blood comes from commercial blood donors, who are 10 times as likely to transmit serum hepatitis as are voluntary donors. Donees also run the risk of contracting jaundice and liver disease.

To reduce the percentage of blood donated by commercial donors, we need to substantially increase the number of donations from disease-free individuals. H.R. 853 is designed to do just that, for, as stated by Joshua Lederberg in the appended article:

> The tax incentive provided by the bill will be relative unattractive to the traditional type of commercial blood donor, both because he is likely to pay very little income tax anyhow and because the benefit may be deferred for many months.

I am pleased at the support which H.R. 853 has received, and I am adding below the complete list of cosponsors. I am also including a copy of an article from the Sunday Washington Post by Joshua Lederberg, professor of genetics at the Stanford University School of Medicine.

LIST OF COSPONSORS OF H.R. 853

Edward I. Koch, Bella Abzug, Les Aspin, Glenn Anderson, Herman Badillo, Jonathan Bingham, Frank Brasco, Tim Lee Carter.

Shirley Chisholm, Jorge Cordova, Ronald Dellums, Don Edwards, Joshua Eilberg, Hamilton Fish, Jr., Bill Frenzel, James Fulton.

Ella Grasso, Seymour Halpern, Julia Butler Hansen, Michael Harrington, Henry Helstoski, William Hungate, Hastings Keith, Norman Lent.

Mike McCormack, Abner Mikva, Parren Mitchell, Bardford Morse, James O'Hara, Claude Pepper, Otis Pike, Charles Rangel.

Peter Rodino, Benjamin Rosenthal, Harold Runnels, Paul Sarbanes, James Scheuer, B. F. Sisk, Robert Tiernan, Jim Wright.

THE DILEMMA OF TAINTED BLOOD

(By Joshua Lederberg)

"Giving blood saves lives" was one of the last commemorative appeals of the old U.S. Post Office Department. Its purpose was to encourage more generosity from 100 million potential donors of blood who contribute to an already deteriorating and disorganized system of collection by staying home.

We cannot easily tell whether such an appeal has had any effect, for lack of comprehensive national statistics. Richard M. Titmuss, in "The Gift Relationship," guesses that about 8 million pints are collected yearly, and some 2 million of these are unaccounted for. How many of these were wasted, how many were utilized in unreported transfusions is not known. As every potential donor is a potential donee, we all have a stake in the integrity and efficiency of the system. Transfusions of blood undoubtedly save hundreds of thousands of lives each year; and no reliable substitute is known for many of its uses.

But blood is sometimes a treacherous gift, for at least 3,000 patients die each year, not from their primary disease or injury, but from hepatitis derived by transfusion of infected blood. According to J. G. Allen, professor of surgery at Stanford, transfusion hepatitis is grossly underreported and the hazard may be much greater. Generally about 1 per cent of patients who have received blood transfusions undergo a risk of jaundice and liver disease which may not appear until several months later. Dr. Allen has argued for many years that the main burden of this risk stems from the use of "commercial blood," as opposed to that from voluntary donors. In recent years these claims have been substantiated on the basis of new knowledge of the hepatitis virus.

THE AUSTRALIAN ANTIGEN

It is hard to imagine a more esoteric, seemingly more useless line of research than the study of new blood factors in Australian aboriginals and Peruvian Indians. This sort of game might inspire congressmen and presidents to demand that scientists stop playing in the laboratory—or field tripping around the world—and get down to the real business of delivering results, quickly, for the health of the multitude. Geneticist Baruch S. Blumberg, of Philadelphia Institute of Cancer Research, could not have known that his studies of blood factor genetics among tropical peoples would soon illuminate a vital problem affecting many lives and exposing many dilemmas of ethics and policy.

In 1964 Dr. Blumberg described what appeared to be another genetic marker, analogous to the familiar blood types. However, this one, the Australia antigen, was a characteristic of the blood serum, rather than of the red cells, of a small proportion of the people tested. Its first detection depended on the serendipitous discovery of an antibody reacting with the Australia antigen in one particular serum. This was in a patient who had received repeated transfusions as a treatment for hemophilia.

In further studies Blumberg found that this new factor occurred quite rarely (less than 1 per cent) in most populations throughout the world. Australian aboriginals and inhabitants of the South Sea Islands all ran around 5 per cent. The factor reached a level of 9.5 per cent in Ghana, 13 per cent among Taiwanese—and 20 per cent among an isolated tribe of Cashinahua Indians in Peru.

Family studies in areas where the Australian antigen was prevalent indicated that the factor was inherited in simple genetic fashion. Unlike most blood factors, however, it was found only in individuals who received the gene from both parents.

Eventually the antigen was also found in Europeans and Americans, but only very rarely, and then often in association with leukemia, or with the chromosome-anomaly disease, Down's syndrome. This bewildering set of correlations made little scientific sense until Blumberg and a number of other investigators finally verified that the Australia antigen was frequently associated with a history of hepatitis.

A DISEASE OF CIVILIZATION

At the present time most workers believe that the Australia antigen—or HAA as it is now called, for hepatitis-associated-antigen—consists of actual virus particles and their skins. These particles have not yet been firmly identified as a virus, for we lack a reliable laboratory animal or cell culture systems in which to cultivate them or demonstrate their infectivity. However, the particles have already been reported to contain an enzyme similar to the RNA–DNA system which was one of of last year's most exciting discoveries in the field of virus biochemistry.

How does HAA, presumably a virus, relate to the genetic factor originally postulated by Blumberg? We cannot close our minds to the idea that a gene may be liberated and behave like a virus, or vice versa. However, the most likely explanation is that this particular gene marks those individuals who are most susceptible to this virus and who, once infected, retain it in their blood for a long time. In tropical environments the virus is assumed to be so prevalent that everyone will be exposed to it. As with many other viruses, children infected with it may show little disease, but they would acquire a life-long immunity. And some of them may also be long-term carriers.

Elsewhere, improved hygiene makes the disease much rarer; but when it does occur in adults it may have much more severe consequences. In this sense, lethal hepatitis, like polio and smallpox, is another disease of civilization. Other studies support the view that high levels of HAA in the blood are correlated with very mild, even imperceptible, disease, and vice versa.

This may be a sufficient explanation for the lethal risk associated with commercial blood. People who earn a living by selling their blood are likely to have grown up in less hygienic environments and to be asymptomatic carriers of the virus. They have, furthermore, a financial incentive to deny a history of hepatitis, even if they were aware of it, that would disqualify them as a donor.

Hepatitis is also transmitted by infected needles shared among drug addicts. Commercial donors who sell blood to finance a drug habit may then also add to the risk of undetected hepatitis. We can only speculate about the relative importance of these and other factors. At any rate, several studies with the now more powerful tool afforded by the test for HAA have shown that commercial donors are at least 10 times more likely to transmit hepatitis than volunteers.

TESTS LACK PRECISION

A simple solution to the problem might be to test every blood sample for HAA before transfusion. Unfortunately, in its present state of development, the test will detect only about one-third of the samples of contaminated blood. This is already a good enough reason to institute the use of HAA testing on a wide scale but obviously it only begins to solve the problem. Many blood samples, although still quite infectious, may simply contain too little of the virus to be detected by present techniques.

Furthermore, other forms of hepatitis, including the so-called "infectious hepatitis" that might be derived from contaminated seafood or water supplies, are due to a different agent than HAA. But they may still play an important role in disease after transfusion. No biological test, other than transmission to human volunteers, is known for this other agent at this time.

We surely must still try to save another 2,000 lives a year and debilitating illness for 20,000 more. But we must then rely on rather imprecise criteria for disqualifying blood from high-risk donors.

Very thorough medical examination of prospective donors, and their formal registration, would be one prospective avenue. This is precarious, for it might dry up an already inadequate supply by making the process of donation more cumbersome than many people would tolerate. The flat prohibition of cash payment for blood used for transfusion has similar perils unless we can motivate a near-doubling of voluntary donations to make up the difference. And it might force the desperate resort to a gray market that would be even more hazardous than the present one.

Our dilemmas are worsened to the extent that the donor's class background is as relevant to the risk of transmitting hepatitis as any test we can ask of the individual. But until we have better tests for contamination, we can do little better than encourage the rich to donate their blood more freely than the poor, for the benefit of all.

TAX INCENTIVE FOR DONORS?

Needless to say, the most elementary respect for social equity must make that blood equally available to all. Blood-sharing cooperatives are a partial answer to motivating donors to give low-risk blood. But can we exclude any hospitalized patient from the common supply? Will we relegate a stranger to sources that are bound to carry inherently higher risks? In the face of this overt ethical confrontation, the cooperatives will somehow have to solve the problem for the entire community, or share the remaining risks with it.

The basic problem is to encourage a wider base of voluntary donations, to undercut the treacherous commercial market in blood, and to evade the social and ethical dilemmas of allocating this particular resource, if the supply is so limited that "bad" blood must be used to fill out the need.

We have here some rationale for the proposal, supported by the National Research Council Panel of Consultants on transfusion hepatitis, and now sponsored by a group of congressmen, for a bill to allow income tax deductions for "voluntary" blood donations. This incentive will be relatively unattractive to the traditional type of commercial blood donor, both because he is likely to pay very little income tax anyhow and because the benefit may be deferred for many months. One can raise theoretical objections to this scheme as one can for almost any other attempt to use the income tax for purposes other than revenue. Should we not compensate the donor of a kidney or of a heart (for the benefit of his estate) many times more? Indeed, the taxpayer who wishes to donate, but is rejected for having faithfully reported a history of a disqualifying disease should get a double indemnity.

This proposal, nevertheless, has much pragmatic and even more symbolic utility. The proposal may be attacked for opening the door to a formal system of social accountability of each individual, in addition to the annual tax return. This is precisely what is being demanded today of corporations and other institutions.

Few people today have recourse to an organized framework for the invigoration of conscience. The blood sacrifice may yet return as a manifestation of the brotherhood of man. It is not alone among the religious impulses that are vital to the objective survival of the human species.

THE "RIGHT TO LEAVE"' FOR SOVIET JEWS: LEGAL AND MORAL ASPECTS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I would like to bring to the attention of our colleagues an article authored by William Korey, which examines the history and international law applicable to the right of a citizen to leave his country. The world knows that the Soviet Union has prevented its Jewish citizens from exercising that right, except in a very small number of cases. Soviet Jews in great numbers seek to leave the U.S.S.R. because they are subject to greater cultural and religious harrassment by the Soviet Government than any other recognized nationalities in that country. Other nationalities in the U.S.S.R. have the right to teach their children in their national language. The Jews are not permitted to do so. Other religions in the U.S.S.R. are permitted to maintain seminaries for the training of clergy. The Jews are not permitted to do so.

So it is understandable that Soviet Jews in large numbers—an estimated 300,000 and more—would like to leave the Soviet Union and emigrate to Israel. As I have said, the Soviet Union, except for a small trickle of emigration, has refused its Jewish citizens exit visas. Recently the Soviet Government took a grave action, namely that of refusing to deliver affidavits from families of Soviet Jews in Israel; such petitions are needed in applying for an exit visa.

The legal and moral aspects of Soviet policy are examined in the very learned article by William Korey. He points out that:

> The Soviet Union voted for two binding international treaties which carry specific reference to the right to leave the International Convention on the Elimination of Racial Discrimination and the Covenant on Civil and Political Rights. The U.S.S.R. went further: it assumed a contractual obligation to give effect to the right to leave by ratifying the International Convention on the Elimination of Racial Discrimination. This was done by the Presidium of the Supreme Soviet on 22 January 1969. Further evidence of the Soviet Union's obligation to fulfill the right to leave was provided a year earlier when, on 18 March 1968, it appended its signature to the Covenant on Civil and Political Rights.

The Soviet Union's response to a request by the United Nations' Subcommission on Prevention of Discrimination and Protection of Minorities to submit information concerning its law and practice governing the right to leave, was stated by Mr. Korey as follows:

> The U.S.S.R. submitted a body of information which is incorporated in Conference Room Paper No. 85/Rev. 1 (7 February 1963). It specified that the Government may refuse a travel document under three circumstances: (1) if a person has been charged with an offense and judgment is yet pending; (2) if a person has been convicted and is serving a court-imposed sentence; and (3) if a person has yet to discharge his obligation of service in the Soviet army or navy.

As Mr. Korey points out, these three reasons are universal reasons applicable to all countries as the basis for refusing to grant an exit visa. Unfortunately, however, the Soviet Union in fact does not abide by its stated written policy, and in fact bars Soviet Jews from leaving on political grounds which are not permissible under its treaty obligation.

The article should be read by every person interested in the fate of Soviet Jewry so that when the occasion arises, a Soviet representative can be asked the question, "Why are you not letting these people go?" He will not be able to evade the truth, and that truth is that the Soviet Union is a violator of international law.

The article follows:

[From the Soviet Jewish Affairs, No. 1, June 1971]

The "Right to Leave" for Soviet Jews: Legal and Moral Aspects

(By William Korey)

The right of Soviet Jews to emigrate to Israel has recently become a widely known part of the general human rights problem. Almost three hundred petitions have been sent by Soviet Jews during the past three years to leading world bodies and figures.[1] The petitions with their many hundreds of signatures constitute but a token of the pressing character of the problem. Tens of thousands of Soviet Jews have applied for exit visas, a large proportion for the purpose of reunion with their families in Israel. Only a tiny percentage of these requests have been granted. Two questions immediately arise: 1) How does international opinion and international law address itself to the issue of the right to leave a country? 2) What legal and moral obligations has the Soviet Union assumed in respect of this right?

International opinion is perhaps best expressed in a study conducted by an important United Nations organ, the Sub-Commission on Prevention of Discrimination and Protection of Minorities. Entitled 'Study of Discrimination in Respect of the Right of Everyone to Leave Any Country, Including His Own and to Return to His Country,' the 115 page document was completed and published in 1963 after three years of exhaustive research. The Special Rapporteur of the Sub-Commission in preparing the Study was the distinguished jurist and statesman of the Philippine Islands, Judge José D. Inglés.

The Inglés study is probably the most important work ever prepared by the Sub-Commission on Prevention of Discrimination and Protection of Minorities and, indeed, it constitutes a landmark in the evolution of human freedom. Its principal theme runs as follows: Next to the right to life, the right to leave one's country is probably the most important of human rights. For, however fettered in one country a person's liberty might be and howsoever restricted his longing for self-identity, for spiritual and cultural fulfilment and for economic and social enhancement, opportunity to leave a country and seek a haven elsewhere can provide the basis for life and human integrity.

Judge Inglés begins by noting that the right to leave 'is founded on natural law.'[2] The UN statesman calls attention to the fact that Socrates regarded the right as an 'attribute of personal liberty', and that the Magna Carta in the year 1215 incorporated the right to leave for the first time into 'national law'. The French Constitution of 1791 provided the same guarantee and an Act of the United States Congress declared in 1868 that 'the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty and the pursuit of happiness'.

It is the contention of Judge Inglés that the right to leave is 'a constituent element of personal liberty' and, therefore, should be subject to 'no other limitations' than the minimal ones provided in Article 29 of the Universal Declaration of Human Rights.[3] That Article stipulates that all rights are subject only to such limitations as are needed 'for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements the morality, public order and the general welfare in a democratic society.' It will be noted that Article 29 precludes limitations based upon the foreign policy of a country. So concerned was Judge Inglés that the phrase 'public order' might be arbitrarily interpreted in a restrictive manner that he advocated as 'the best safeguard against arbitrary denial of the right' the showing of a 'clear and present danger to the national security or public order.'

The UN study makes the right to leave a precedent for other rights. Judge Inglés notes, for example, that, if a person is restrained from leaving a country, he may thereby be 'prevented' from observing or practising the tenents of his religion; he may be frustrated in efforts to marry and found a family; he might be 'unable to associate with his kith and kin'; and he could be prevented from obtaining the kind of education which he desires. Thus, the jurist concludes that disregard of the right to leave 'frequently gives rise to discrimination in respect of other human rights and fundamental freedoms, resulting at times in the complete denial of those rights and freedoms.'[4] To this the Special Rapporteur adds that for a man who is being persecuted, denial of the right to leave 'may be tantamount to the total deprivaiton of liberty, if not life itself.'

The Sub-Commission document goes even beyond this point to the area of psychiatric disturbance. It contends that denial of the right to leave has a 'spiralling psychological effect' leading to 'a sort of collective claustrophobia'.[5] This happens particularly to those individuals seeking to leave who 'belong to a racial, religious or other group which is being singled out for unfair treatment'. They develop a morbid fear of being hemmed in, 'with consequent serious mental distress'.

In completing his study, Judge Inglés prepared a set of 'Draft Principles on Freedom and Non-Discrimination in Respect of the Right of Everyone to Leave any Country, Including His Own, and to Return to His Country'.[6] The Preamble to the Principles carries a major statement that places the right to leave at the heart of all other rights. The Preamble notes that the right to leave and to return is 'an indispensable condition for the full enjoyment by all of other civil, political, economic, social and cultural rights'.

Among the Draft Principles, two stand out. One stipulates that 'the right of every national to leave his country shall not be subject to any restrictions except those provided by law, which shall be only such as are reasonable and necessary to protect national security, public order, health, or morals, or the rights and freedoms of others'. The second has a distinctive humanitarian bent that goes to the very heart of modern civilized society. The Draft Principles would require Governments to give 'due regard . . . to facilitate the reunion of families'.[7]

Draft principles concerning the right to leave any country and to return to that country are now on the agenda of the UN Commission on Human Rights. It will probably take a considerable time before such principles are adopted by the Commission and the higher UN organs, the Economic and Social Council, and the General Assembly. Nonetheless, there already exists a body of international law on the subject which conforms to international opinion as expressed in the Inglés study.

Article 13/2 of the Universal Declaration of Human Rights reads: 'Everyone has the right to leave any country, including his own, and to return to his country'. The text was adopted by the Third Committee of the General Assembly, meeting in Paris, in the autumn of 1948 by a vote of 37 in favour, none against and 3 abstentions. The Universal Declaration was adopted by the General Assembly on 10 December 1948 by a vote of 48 in favour, none against and 8 abstentions.

U Thant has called the Universal Declaration the 'Magna Carta of Mankind'. It is far more than a mere moral manifesto. According to leading international lawyers who had assembled in Montreal in March 1968, the Universal Declaration 'constitutes an authoritative interpretation of the [UN] Charter of the highest order, and has over the years become a part of customary international laws'.[8] As early as December 1960, the General Assembly adopted by a unanimous vote of 89 to 0 a Declaration on Colonialism which specifies that 'all States shall observe faithfully and strictly the provisions of the . . . Universal Declaration on Human Rights'.[9] In 1961, the Assembly again voted—97 to 0—that all the provisions of the Declaration on Colonialism including the specific reference to the Universal Declaration be faithfully applied and implemented without delay. In 1962, it reaffirmed this 101 to 0. That same year the UN Office of Legal Affairs ruled that a UN Declaration 'may by custom become recognized as laying down rules binding upon States'.[10]

A second body of international law bearing upon the subject is the International Convention on the Elimination of All Forms of Racial Discrimination. This treaty, the culmination of three years of drafting work, was adopted unanimously by the General Assembly on 21 December 1965. Article 5, paragraph d, subsection 2 provides that each Contracting Party to the treaty 'guarantees the right of everyone' to enjoy, among various rights, 'the right to leave any country, including his own, and to return to his country'.

The third major international legal document is the International Covenant on Civil and Political Rights. The result of 18 years of preliminary drafting work in various UN organs, the Covenant was adopted by a unanimous vote of the General Assembly on 16 December 1966. Article 12, paragraph 2 of the Covenant reads: 'Everyone shall be free to leave any country, including his own.

Clearly, then, both authoritative world opinion, and international law consider the right to leave a country as a fundamental human right binding on all Governments. What is the expressed position of the Soviet Union relative to this right? When Judge Inglés was gathering material for the pioneering Sub-Commission study, he asked every Government to submit information concerning its law and practice governing the right to leave. The USSR submitted a body of information which is incorporated in *Conference Room Paper No. 85/Rev. 1* (7 February 1963). It specified that the Government may refuse a travel document under three circumstances: (1) if a person has been charged with an offence and judgement is yet pending; (2) if a person has been convicted and is serving a court-imposed sentence; and (3) if a person has yet to discharge his obligation of service in the Soviet army or navy.

These are universal reasons for refusal to grant an exit visa. It is significant that the USSR offers publicly only these reasons for rejecting application for an exit visa. The Soviet Government went on to state and 'citizens may not be prevented, by membership in a particular racial, linguistic, political religious or other group, from entering or leaving the USSR'.[11] In a further comment, the Soviet Government noted that it exercises 'no discrimination of any kind . . . as regards the procedure and formalities con-

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Footnotes at end of article.

nected with entry into or departure from the USSR. . . .' Finally, the USSR told the UN that with reference to appeals 'through administrative channels' for exit visas, no discriminatory restrictions are permitted, and 'any person who curtails that right [of appeal] is liable to a penalty'.

If the Soviet Union publicly attempted to place itself in full accord with prevailing world opinion concerning the right to leave, it has gone beyond that to assume binding and even contractual obligations under international law to fulfill that right. In the first place, it proclaims itself to be a strong adherent of the Universal Declaration of Human Rights. It is true that it abstained on the vote on 10 December 1948 which adopted the Universal Declaration, but it vigorously championed the 1960 Declaration on Colonialism which required all states to observe 'faithfully and strictly' the Universal Declaration of Human Rights, and it supported General Assembly resolutions in 1961 and 1962 which reaffirmed this purpose. The Soviet Union also actively endorsed a 1963 UN Declaration on Racial Discrimination which called upon 'every state' to observe 'fully and faithfully' the provisions of the Universal Declaration of Human Rights.

When Article 13/2 was discussed by the Third Committee of the General Assembly in the autumn of 1948, the USSR expressed no opposition to the right 'to leave any country, including his own', but it proposed an amendment which would add the words 'in accordance with the procedure laid down in the laws of that country'.[12] In introducing the amendment, the USSR delegate argued that it 'in no way modified the basic text of the article [13/2]'. He went on to make the interesting comment: 'In the Soviet Union . . . no law prevented persons from leaving the country, but anyone desiring to do so had, of course, to go through legally prescribed formalities'.[13]

Only Poland and Saudi Arabia spoke up in favour of the Soviet amendment. Most felt that it would be unnecessarily restrictive and it was rejected by a vote of 7 in favour, 24 against, and 13 abstentions. The Article, as amended by Lebanon with the additional phrase 'and to return to his country', was then unanimously adopted with the USSR also joining in support. The USSR delegate later said that he had misunderstood the issue and that he 'would certainly have voted against' the Article.[14] Yet, since then, the USSR has not raised its earlier objection and proposed modification.

Indeed, it voted for two binding international treaties which carry specific reference to the right to leave—the international Convention on the Elimination of Racial Discrimination and the Covenant on Civil and Political Rights. The USSR went further: it assumed a contractual obligation to give effect to the right to leave by ratifying the International Convention on the Elimination of Racial Discrimination. This was done by the Presidium of the Supreme Soviet on 22 January 1969. Further evidence of the Soviet Union's obligation to fulfill the right to leave was provided a year earlier when, on 18 March 1968, it appended its signature to the Covenant on Civil and Political Rights. (Byelorussia signed on 19 March and the Ukraine on 20 March.) The act of signing a Convention or Covenant is indicative of a government's general agreement with and support of the provisions of the treaty as well as its intent to consider submitting the treaty to its appropriate domestic organ for ratification. (Ratification usually follows signature. So far only a handful of States have formally ratified the Covenant although a number have signed.)

The USSR has also obligated itself to observe the humanitarian principle enunciated in the Inglés study: that special consideration be given to the reunion of families. This obligation emerges in statements of Soviet leaders, in exchanges of official correspondence between her Foreign Minister and the Vice President of the United States and in unpublished diplomatic agreements with Australia as well as, apparently, other countries too. At a press conference in Vienna on 8 July 1960, as reported in *Pravda* the following day, Mr. Khrushchev stated that 'we do not object to the reunion of any persons if they want this'.[15] In the autumn of 1959, Foreign Minister Andrei Gromyko told Vice President Richard M. Nixon in a telegraphed letter that 'requests' aimed at permitting Soviet citizens to obtain passports in order to be united with their families in the United States 'will be considered with proper attention as is always the case in consideration of such affairs.'[16] Gromyko's letter in part constituted a response to a letter of Nixon addressed to Khrushchev on 1 August 1959. This letter stated:

"In the interest of continuing improvement in relations between the United States and the Soviet Union, I believe that matters such as this involving *principles of non separation of families which we both support* should not persist as irritants to larger solutions." [Emphasis added.]

"In this regard, I can state that the United States Government does not stand in the way of persons including its own citizens who desire to depart from the United States to take up residence in the USSR."

In June 1959, following the resumption of diplomatic relations between Australia and the USSR, the Australian Government reported that twenty-one Soviet citizens would be permitted to join their relatives in Australia.[17] The Australian Minister for Immigration, Alexander R. Downer, stated that the Soviet Government considered this group of emigrants as but a beginning. It was considered likely that 'Operation Reunion'—as the new policy was termed in Australia—might bring 1,000 Soviet citizens to Australian shores. In March 1960 Western diplomats in Moscow were quoted by the Associated Press as saying that the USSR had quietly allowed about 1,000 citizens to emigrate during the previous six months in order to rejoin families abroad. In addition to the United States and Australia, the other countries to which the Soviet emigrants had gone were England, Canada, Sweden and Argentina.

In some instances, the Soviet Government goes beyond the principle of the reunion of families and endorses the principle of the reunion of entire ethnic groups. The attitude to Spaniards living in the Soviet Union is one example. Late in 1956 the Soviet Government began repatriating to Spain Spaniards of whom most had, as youngsters, been sent to the Soviet Union in the late thirties by the Spanish Republic. A *New York Times* dispatch from Spain on 23 January 1957 reported that since the previous September 2,106 Spaniards had been repatriated. A *Times* dispatch on 30 May 1957 reported that four successive groups of repatriates had arrived in Spain since September 1956. On 4 May 1960 the Spanish Government issued a note announcing that 1,899 adults had been repatriated from the Soviet Union between 1956 and 1959. If one adds to this the children who have been repatriated, the total number of Spanish repatriates may come to three or four times this figure.

An article in the important Soviet journal *Literaturnaya gazeta* shows that the Soviet regime was sympathetically disposed to the aspirations of the Spanish ethnic group to join its brethren abroad. The article explains that many of the Spanish repatriates want 'to live with their own people, to share its destiny, its struggle, as hard as that may be. Let us wish them luck'.[18]

The Russo-Polish repatriation agreement of 25 March 1957 is another example. The agreement provided for the return to Poland of Poles who had been living in the Soviet Union since 1939, together with their children. The agreement was extended until 30 September 1958 and then again until 31 March 1959. It is estimated that since 1957 some 200,000 Poles have been repatriated to Poland.

A final example is provided by the Greeks. While the subject is shrouded in some mystery, it is known that many Greeks who had been living on Russian soil from Tsarist days and possibly even from pre-Tsarist days have been permitted to leave for Greece in order to be reunited with their kin.

The Soviet Union itself has encouraged former Soviet citizens as well as persons who had emigrated prior to World War I from lands now part of the Soviet Union to 'return to the homeland'. This campaign was led by a Committee for Return to the Homeland, founded in March 1955. It published a newspaper *For Return to the Homeland* in Russian, Ukrainian, Byelorussian and Georgian, urging readers to return to Soviet Russia. Several thousands of older pre-1914 émigrés—together with their offspring—left for the Soviet Union from Argentina.

Particular attention was given in the years 1946–47 to urging Armenians living abroad to return to Soviet Armenia. *Izvestia* on 20 November 1946 carried a dispatch from Yerevan, the capital of Soviet Armenia, reporting that the government had allocated "huge sums" for the purpose of resettling Armenian repatriates. An article in *Pravda* observed that 50,000 Armenians had returned to the USSR from Europe and the Near East.[19]

During 1947, the campaign to attract Armenians abroad continued. On 11 June the Associated Press reported from Salonika that a Soviet Armenian delegation had arrived there to supervise the removal to the USSR of about 17,000 Armenians who had been in Greece since their expulsion from Asia Minor in 1922. An Associated Press report from Haifa on 20 October 1947 indicated that 1,100 Armenians in Palestine were awaiting the arrival of the Soviet ship "Pobeda" to take them to the USSR. In the previous month, the Tass News Agency charged that Iran was refusing to permit repatriation of 97,000 Armenians. And in December the Soviet Government asked France not to bar Armenian repatriates then waiting at Marseilles to sail to the USSR. On October 21, the *New York Times* reported that Armenian-born citizens of the United States had been encouraged to renounce their citizenship rights and return to Soviet Armenia. On October 31 the *Times* reported that 1,000 of these citizens were ready to leave for the USSR.

While the Soviet Government has been sympathetically disposed to the principle of reunion of families and to some ethnic groups in this respect, it made, until December 1966, an exception in the case of Soviet Jews. In two interviews in 1956–57 Khrushchev revealed the official Soviet position with reference to the right of Jews to leave the USSR. One interview was with a delegation of the French Socialist Party in May 1956; the other was with the pacifist leader Jerome Davis. The Paris journal *Réalités* carried the first interview.[20] One of the members of the French delegation, M. Deixonne, asked: "Is a Jew permitted to go to Israel, either on a visit or to emigrate there?" Mr. Khrushchev responded: I shall tell you the truth. We do not favour these trips." After Shepilov interjected to disclaim the existence of the problem, Khrushchev went on to say: "At any rate, we don't favour them (trips to Israel). We are against it . . ."

In the second interview, in 1957, Davis asked whether it was true "that Jews are not permitted to go freely to Israel?" Khrushchev answered: "It is true to some extent and to some extent not true." He explained to what extent it was "not true" by noting that as part of the Russo-Polish

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Footnotes at end of article.

repatriation agreement, the Soviet Government had permitted Polish Jews to return to Poland even though "we knew that many of them would go on to Israel from there." This assertion avoided the issue of the right of Soviet Jews—in contrast to Polish Jews—to leave. In May 1959 Khrushchev refused to respond directly to a question put to him by the delegation of American veterans as to whether the Soviet Union permitted Jews to go to Israel.[22]

The inconsistency between the stated general policy on the reunion of families and the states (as well as actual) policy in relation specifically to the reunion of Jewish families created an obvious embarrassment. A resolution of the inconsistency had taken the form of denying that Soviet Jews are desirous of leaving the Soviet Union to join relatives elsewhere. On 13 July 1959 the Cairo newspaper *Al Ahram* printed an exchange of messages between Khrushchev and the Imam of Yemen in which the Premier assured the Imam that no Soviet Jews had ever applied to leave for Israel. The Cairo story was carried in the *Manchester Guardian* on 14 July. On 8 July 1960, at a press conference in Vienna,[23] the following question was put to Khrushchev: 'Is the Government of the Soviet Union prepared to agree, within the framework of solving the question of reuniting families, to granting permission to persons of Jewish origin in the Soviet Union to resettle in Israel?' Khrushchev first implied that while Israeli relatives of Soviet Jews may want the latter to go to Israel, the Soviet Jews were reluctant to do so. He said: '. . . the term "reuniting families" is a rather conditional concept. Probably even today one can read many advertisements in the Vienna papers to the effect that a rich widow is looking for a husband or an old man for a young wife.' He then went on to say that the Soviet Ministry of Foreign Affairs has 'no requests of persons of the Jewish nationality or of other nationalities wishing to go to Israel'. At the time, it was known that 9,236 Soviet Jews had asked for documents which would enable them to obtain exit visas.[24]

A major change in Soviet policy concerning emigration for Soviet Jews was enunciated by Premier Alexei Kosygin on 3 December 1966 in the course of a press conference in Paris. As recorded in *Izvestia* on 5 December 1966, the journalist's query and Mr. Kosygin's response appear below:

Question: 'The destruction of the war separated many Jewish families and a part of these families are found in the USSR. A part are abroad. Could you give these families the hope of coming together as had been done for many Greek and Armenian families?'

Kosygin: 'As regards the reunion of families, if any families wish to come together or wish to leave the Soviet Union, for them the road is open and no problem exists here'.

But this statement of policy has been fulfilled only to a very limited degree. Tens of thousands of Jewish applicants for exit visas have received either negative responses or no responses. Frequently applicants have been deprived of their jobs or subjected to a variety of harassments and various forms of intimidation.[25]

The position is clear. The USSR has accepted authoritative world opinion that the 'right to leave' is a fundamental human right; it has obligated itself in a variety of ways to international standards which require it to give effect to the 'right to leave'; it has accorded recognition to the humanitarian principle of reunion of families and even of entire ethnic groups. Soviet Jews who seek to emigrate to join their relatives in Israel and elsewhere are seeking implementation of this legal and moral right.

FOOTNOTES

[1] For a brief content analysis of the petitions, see my article, "The Not-So-Silent Soviet Jews", *The New York Times*, 22 January 1971.

[2] José D. Inglés, *Study of Discrimination in Respect of the Right of Everyone to Leave Any Country, Including His Own, and to Return to His County* (United Nations, 1963), p. 1.

[3] *Ibid.*, p. 59.

[4] *Ibid.*, p. 15.

[5] *Ibid.*, p. 17.

[6] *Ibid.*, pp. 64–73.

[7] *Ibid.*, p. 69.

[8] *Montreal Statement.* Adopted by the Assembly on Human Rights, Montreal, March 1968.

[9] See William Korey, 'The Key to Human Rights—Implementation', *International Conciliation*, November 1968, pp. 7–8.

[10] *Economic and Social Council Official Records:* 34th Sess., 1962, Suppl. No. 8 (E/3616/Rev. 1), para. 105.

[11] United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities, *Conference Room Paper No. 85/Rev.* 1, 7 February 1963.

[12] Inglés, *op. cit.*, p. 85.

[13] *Ibid.*

[14] *Ibid.*, p. 87.

[15] *Pravda*, 9 July 1960.

[16] The exchange is carried in Co-ordinating Board of Jewish Organizations, *Memorandum on Discrimination in the Matter of the Right of Everyone to Leave Any Country, Including His Own, and to Return to His Country.* Submitted to United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities, October 1960, pp. 5–6.

[17] *Ibid.*, p. 17.

[18] *Literaturnaya gazeta*, April 29, 1958.

[19] Cited in Co-ordinating Board of Jewish Organizations, *op. cit.*, p. 10.

[20] *Réalités*, May 1970.

[21] *Promoting Enduring Peace* (West Haven, n.d.); and *The Churchman*, April 1960.

[22] *The New York Times*, September 25, 1959.

[23] *Pravda*, July 9, 1960.

[24] *The New York Times*, August 9, 1960.

[25] The underground publication, *Iskhod*, in two issues produced in 1970 carries examples of the difficulties.

EMERGENCY RELIEF FOR CITY SUBWAYS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I have introduced a bill, H.R. 10400 to provide a 5 year, $1 billion emergency relief program for rapid transit and commuter railroad systems in urban areas; it has been referred to the Banking and Currency Committee—of which I am a member—having jurisdiction over mass transit. "The Urban Transportation Relief Act" would establish a program of annual assistance to help offset transit deficits by paying for the maintenance and repair of their rights-of-way. This means that the Federal Government would pick up the full cost of the maintenance of their tracks, tunnels, signals, trestles, subways, bridges, elevated structures, and power substations.

In my own city of New York, the transit authority operating the city's subways and buses anticipates a cash deficit of $100 million by the end of this fiscal year, even without the added cost of whatever wage package is negotiated in the late fall.

The fare is already 30 cents and unless subsidies are found may go to 50 cents next year. Eighteen percent of the riding public must pay two fares to get to their jobs. Thus, they pay a daily commutation fare of $1.20 a day; in the event of a fare increase this will go to $2 a day or $10 a week. To a starting telephone employee who makes $99 a week, this amounts to 10 percent of his or her salary. What an outrage.

Costs simply have gone too high for a reasonable fare to support all expenses; some form of revenue must be found and the question becomes not whether there should be a subsidy but where it will come from.

New York City is already paying a total of $244 million annually to the MTA for debt service and certain operating expenses such as transit police and reduced fares for children and senior citizens. It is time that the States and Federal Government do their share in supporting public transportation facilities so vitally important to our country's major metropolitan areas. In the case of New York, H.R. 10400 would provide between $70 million and $85 million in the program's first year.

The Federal Government spends approximately $1 billion annually on air traffic safety. And the Federal-Aid Highway Act of 1970 included a new program of Federal assistance for the repair and reconstruction of bridges on federally aided roads with an initial funding level of $100 million this year. Certainly, we should be able to allocate $200 million a year, as my bill prescribes, to defray mass transit operating expenses.

Mr. Speaker, the real solution to our transportation needs in this country is a single transportation trust fund into which all moneys, including the billions now set aside for highways, would go so that each community could decide what form of transportation was best for it.

In the meantime, we cannot stand by while existing facilities deteriorate. H.R. 10400 makes a modest contribution to urban transportation systems and provides an incentive to State and local bodies with existing facilities to maintain them until more adequate resources can be provided under a long-term approach.

FAIR CREDIT REPORTING AMENDMENTS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, as our society grows more complex and more people need more information about other people, the privacy of the individual citizen is increasingly threatened. A problem already made acute by the apparent legitimacy of many requests for information is only worsened by our increased technological ability to provide that information.

In the area of consumer credit reporting a tremendous volume of extremely personal and sensitive information is circulated, often without the knowledge of the individuals involved. Prospective creditors, insurers, and employers want, and have a right to know certain facts about individuals before employing, insuring or lending to them. But the individuals have a countervailing right, and, I believe, a more pressing one, to have some control over what information is disclosed, when it is disclosed, and to whom it is disclosed.

The Fair Credit Reporting Act which recently became effective goes some of the distance toward securing these basic rights. But it does not go nearly far enough. This was made clear by Mrs. SULLIVAN, our distinguished colleague from Missouri and chairman of the Consumer Affairs Subcommittee, when she told this House last year that it might be necessary to reopen the legislation for improvements. This becomes especially important because Mrs. SULLIVAN's committee had held hearings and had been working on a credit reporting bill when circumstances required the House to accept a Senate bill instead of considering the Sullivan committee's legislation. Certainly the continuing leadership of our colleague from Missouri remains indispensable in any efforts to strengthen the privacy safeguards for the consumer under this new act.

The act provides the greatest protection to the consumer who is the subject of an investigative consumer report—one containing information obtained from his neighbors, associates and friends on the consumer's character, personality, life style, and so forth. But even here the protection is inadequate. The amendments I am introducing today require that the consumer be told at the time he applies for insurance, credit or employment that an investigative report may be obtained, thus giving him this information at a point when he may still do something about it. The amendment also gives him the right to know the name and address of the consumer reporting agency providing the report.

Perhaps the most serious failing of the Fair Credit Reporting Act as it presently stands is that it provides no control over the kinds of information which the consumer reporting agency may gather about an individual. These amendments would require consumer reporting agencies to gather only that information which is relevant to the permissible purposes of consumer reports, as set forth in the act.

The amendments further strengthen the act by requiring a consumer reporting agency which furnishes a report containing items of public record information about a consumer to take steps to insure that the information is complete and up to date and to inform the subject of the report that such information is being reported and to whom it is being reported. In addition, the disclosures which are presently required to be made by the user of a consumer report would have to be made in writing under these amendments.

By disclosing to the consumer in advance that an investigative report on him may be obtained, by requiring that the information in all reports be relevant, and by giving him more information on who is making and using the report, these amendments make the Fair Credit Reporting Act more effective in safeguarding the privacy and economic well-being of all consumers.

The text of the bill follows:

H.R. 10434

A bill to amend the Consumer Credit Protection Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title VI of the Consumer Credit Protection Act is amended as follows:

(1) Subsection (a) of section 606 of such Act is amended to read as follows:

"(a) A person may not procure or cause to be prepared an investigative consumer report on any consumer unless it is clearly and accurately disclosed to the consumer that an investigative consumer report including information as to his character, general reputation, personal characteristics, and mode of living, whichever are applicable, may be made, and such disclosure (1) is made in eight-point, boldface type in the application form for credit, employment, or insurance, and (2) includes a statement informing the consumer of his right to request the additional disclosures provided for under subsection (b) of this section."

(3) Subsection (b) of section 606 of such Act is amended by inserting after "This disclosure" the following: "shall include the name and address of the consumer reporting agency making the report and".

(3) Subsection (b) of section 607 of such Act is amended to read as follows:

"(b) Whenever a consumer reporting agency prepares a consumer report, it shall follow reasonable procedures to assure that only information relevant to the permissible purposes of the report is gathered and that such information is as accurate as possible."

(4) Section 613 of such Act is amended to read as follows:

"A consumer reporting agency which compiles and reports items of information on consumers which are matters of public record shall—

"(1) at the time such public record information is reported to the user of such consumer report, notify the consumer of the fact that public record information is being reported by the consumer reporting agency, together with the name and address of the person to whom such information is being reported; and

"(2) maintain strict procedures designed to insure that whenever public record information is reported it is complete and up to date. For purposes of this paragraph, items of public record relating to arrests, indictments, convictions, suits, tax liens, and outstanding judgments shall be considered up to date if the current public record status of the item at the time of the report is reported."

(5) Subsection (a) of section 615 of such Act is amended by inserting after "the user of the person to whom such information is "in writing".

(6) Subsection (b) of section 615 of such Act is amended by inserting after "within sixty days after learning of such adverse action, disclose" the following: "in writing".

(7) Section 618 of such Act is amended by striking out "and willfully".

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The United States commands its greatest strength in its tremendous industrial capacity. Through a combination of huge natural resources a mammoth supply of capital and the creation of technical skills, this Nation now produces more than one-third of the world's manufactured commodities. With more than one-half of the world's output of steel, this country produces more machinery than all the rest of the world together. It is the leading producer of almost every kind of machinery: Electrical machinery, machine tools, transportation equipment, textile machinery, agricultural equipment, and a host of others.

THE SOVIET INVASION OF CZECHOSLOVAKIA

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, August 21, 1971, marks the third anniversary of the brutal Soviet invasion of Czechoslovakia. The continued Soviet military presence there is a grim reminder of the events of that tragic day.

In the spring of 1968 a new spirit—the spirit of freedom—was evident in Czechoslovakia. In January the entire Nation joined hands to depose a leader who had been a mere pawn of the Soviet Union, Novotny. The election of Alexander Dubcek, a new and creative leader, resulted in the reestablishment of some traditional political freedoms in Czechoslovakia. Dubcek's reforms were not radical. They were an attempt to restore the traditional democratic heritage of Czechoslovakia.

Moscow, sensing that its reactionary order was on the verge of collapse, ultimately resorted to military force to resolve the political dilemma presented by a truly social-democratic Czechoslovakia. The occupation of Czechoslovakia by more than a half million Warsaw Pact troops effectively reestablished tight Soviet control over Czech political development.

In what sense did the Czech reforms pose a threat to the Soviet Union? The successful implementation of Dubcek's liberal reforms presented two dangers to the Soviet regime. The reforms were a direct challenge to the Soviet ideological line. In addition, they threatened to undermine the strict and unrelenting Soviet control over the governments of Eastern Europe. The success and popularity of the Czech experiment might have inspired other Eastern European governments to relax their tyranny and permit increased political freedom. In the final analysis, the Soviet Union could not cope with, and in fact feared, any change in the existing political and social order. The invasion of Czechoslovakia was intended as a warning to all potential deviators—a warning that the Soviet Union would resort to force to preserve tight control over the destiny of Eastern Europe.

That the Soviet Union still puts greater reliance on the resort to force, that she sees peaceful political change as a threat to her position of dominance in Eastern Europe, is of grave concern to the entire international community. The Czech invasion again casts in doubt the sincerity of Soviet support for the elementary norms of international law—sovereignty, noninterference and nonintervention—and for detente with the West. The Czech invasion has served to remind us of the true nature of the Soviet regime.

While the invasion may have temporarily succeeded in crushing the Czech political and social reforms, it only strengthened the Czech people's faith in, and desire for, real democracy.

REFORM OF THE MILITARY JUSTICE SYSTEM

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, I am introducing today a bill whose purposes are to reform and revise the Uniform Code of Military Justice and to protect the constitutional rights of those persons subject to the military justice system. This bill is modeled after similar legislation, S. 1127, introduced this year on the Senate side by Senator BIRCH BAYH of Indiana.

Our armed services are currently faced with a wave of criticism directed against their methods of dispensing "military justice," and much of this criticism stems from the fact that the existence of basic fairness in a military courtroom at a serviceman's trial is made very difficult to achieve because of the present construction of the military justice system. If enacted, my bill would make noteworthy advances in revamping the military trial structure in order to assure to servicemen the same basic right of a fair trial which is guaranteed to all defendants in a civilian court. Bearing in mind the stark fact that every U.S. serviceman's essential role is to contribute to the defense of his country in order that all American civilians may enjoy the fruits of democracy as expressed in the Constitution and the Bill of Rights, it is incumbent upon us Members of Congress, as civilians and as beneficiaries of the serviceman's sacrifices, to utilize our legislative capacity to ensure that the American serviceman receives the same guarantee of a fair trial which his eternal vigilance makes possible for his fellow Americans.

Unfortunately, the present military justice system is one which, by its very structure, is unavoidably and undeniably tainted with the deleterious effects of command influence. In many instances that command influence has made a virtual mockery of the concept of a "fair trial" within the military. A defendant's commanding officer presently can exert enormous pressure on the conduct of the prosecution and the defense of the accused, on the selection of members of a court martial jury, and on the verdict and sentence meted out. Although the Armed Forces understandably attempt to present their modes of trial as the fairest and most equitable possible given the exigencies of maintaining military discipline, the impression which one unavoidably obtains from studying some of the results of the military "judicial" proceedings is that of a "drumhead" court martial or of a "kangaroo" court.

One noted author in the military justice field has commented that "military justice is as little representative of real justice as military music is representative of music." In an effort to rectify this intolerable condition, my proposal would eliminate all danger of command influence from a serviceman's trial, and it would ensure a far fairer method of maintaining military discipline and efficiency than presently exists.

The main objective of the bill is to eliminate completely the problem of command influence, as I have stated. The bill would establish an independent Courts-Martial Command composed of four divisions: defense, prosecution, judicial, and administration. This command would be responsible only to the Judge Advocate General, thereby removing defense and prosecuting attorneys from the control of the accused's commanding officer. Under the present system of military justice, the prosecuting officer and the defense officer in any given court-martial are directly responsible to the commanding officer of the command which brings the charges against the enlisted man or officer brought before the court-martial proceeding.

Each accused would be entitled to have an independent defense counsel appointed upon request immediately following arrest. He would also have the right to a formal hearing, similar to the hearing required by rule 5 of the Federal Rules of Criminal Procedure, in front of an independent military judge within 24 hours of arrest. Thus, the commander would no longer have the final voice in deciding whether to prosecute.

Several crucial decisions now made by the commanding officer or the prosecutor would be delegated to the independent military judges. At present, the commanding officer has the sole power to authorize searches and issue arrest warrants. Under the new bill, these decisions, which deal with critically important constitutional rights, would be made by an independent judge. In like manner, the military judge—not the commander—would have the power to release an accused serviceman pending trial or pending appeal. Under present law, the prosecutor has the exclusive power to issue subpenas, and this authority would also be vested in the military judge under the bill.

The commanding officer—the convening authority—now performs the initial review in many cases. This procedure has become, for the most part, either a time-consuming formality or an invitation to impose maximum sentences so that the commander can reduce them.

The power to review would be transferred either to the Judge Advocate General or to the military courts, depending on the nature of the case. The power to suspend or reduce sentences would be transferred from the commanding officer to the military judge.

At the present time, the commander has exclusive power to choose members of the court—the jurors. This widely criticized power would be eliminated and a completely random system of selection would be substituted in its place. The bill would also abolish the requirement that two-thirds of the members of the court-martial be officers.

In addition to measures aimed exclusively at eliminating command influence the bill would provide for a number of other reforms.

The bill I am introducing today would eliminate the summary courts-martial. These proceedings—which are conducted by one man who presents the evidence for the prosecution, listens to and evaluates the evidence of the defendant, rules on questions of law and fact, and also determines the sentence—are inconsistent with the whole thrust of this reform bill. And that would be true even if the summary court-martial officer were not appointed—as he is today—by the defendant's commanding officer. It is simply unfair to let a serviceman suffer a burden which is the equivalent of a criminal conviction wthout granting him all the procedural safeguards that are fair and practicable.

Military judges would be present at all trials, and would have the power to "issue all writs necessary or appropriate in aid of" their jurisdiction. They would also be given the same power Federal judges now have to punish for contempts in their presence. The Court of Military Appeals would be enlarged from three to nine judges and authorized to sit in panels of three judges, in order to increase the court's continuity and its capacity to handle the increased workload. And the Supreme Court would be empowered to issue writs of certiorari to review cases decided by the Court of Military Appeals.

The bill would also extend additional substantive and procedural rights to each defendant. For the first time there would be no possibility of double jeopardy problems. Trying a defendant by court-martial after trial in a State court for the same act, and vice versa, would be forbidden. And military defense attorneys would be specifically authorized to seek collateral relief for their clients in civilian courts whenever appropriate, relief often unavailable today unless the accused serviceman obtains civilian counsel. The accused would get complete credit toward any ultimate sentence for any pretrial confinement. Finally, all confined servicemen—including those awaiting trial or appeal—would be permitted to participate in work, exercise, and rehabilitation programs wherever adequate facilities were available.

In this bill there is a discovery section, modeled after the Federal rules, to define each party's rights to obtain information held or controlled by the other party. This subject is not covered by the present code.

The following is a section by section of the bill:

SECTION BY SECTION EXPLANATION AND SYNOPSIS

I. Section 1. Short Title. "The Military Justice Act of 1971."

II. Sec. 2. Revisions of the Uniform Code of Military Justice: this section amends 10 U.S. Code 801–876, and 936.

Subchapter I (801–806a) lists general provisions and definitions, specifies those persons subject to the Act, and describes the Courts-Martial Command. Institution of the independent Courts-Martial Command would remove command influence from a military trial. Each armed service would have an independent Courts-Martial Command in the Office of the Judge Advocate General of that service. Each such Command would have four separate divisions, judicial, prosecution, defense, and administration.

The judicial division would provide military judges, the prosecution division would detail prosecutors, the defense division would provide defense counsel, and the administrative division would be responsible for convening courts-martial, providing court reporters, and performing related logistical tasks.

Subchapter II (807–814) deals with arrest and restraint of persons charged with an offense against the UCMJ. A person may be arrested only for probable cause. No punishment before trial may be imposed, with the exception of restriction to insure the accused's presence at trial.

Subchapter III (815) is the provision for nonjudicial punishment. It permits disciplinary punishment by a commander for minor offenses. However, if the accused so requests, he is generally entitled to a court-martial instead of submitting to nonjudicial punishment.

Subchapter IV (816–821) describes the two types of courts-martial, the general court martial and the special court martial. A general court martial is composed of a military judge and seven jurors, or only of a military judge if the accused so requests. A special court martial is composed of a military judge and three jurors, or only of a military judge, if the accused so requests. A general court martial has jurisdiction over more serious offenses than a special court martial, and may impose more severe sentences.

Subchapter V (822–829) describes the composition of courts-martial. Members of a court-martial jury are to be selected on a random basis, and their selection will not be restricted to members of the accused's immediate command. Greater democratization of juries will be achieved by permitting enlisted men to serve on an officer's court-martial, if that officer so requests, and by increasing from one-third to two-thirds of the jurymen the number of enlisted men permitted to serve on an enlisted man's court martial. Qualifications of judges, prosecutors, and defense counsel and assignment procedures are covered in this subchapter.

Subchapter VI (830–835) deals with pretrial procedure. Charges shall be preferred by the Chief of the Prosecution Division of the Regional Courts-Martial Command, and all decisions on preferring charges will be made by that officer or his designee. No person may be compelled to incriminate himself in any way, and before any interrogation is made, the interrogator must inform the suspect that he need not make any statement, and that any statement which he makes may be used against him. Arraignment before a military judge of a suspect shall be made within 24 hours after arrest. The judge may allow bail or impose such restriction or confinement as is necessary to insure the presence of the accused at trial.

Subchapter VII (836–854) provides that the President may prescribe the procedures for courts-martial following so far as practicable the rules of the United States district courts. Attempts to influence the behavior of participants in a court-martial are forbidden. Rules for discovery including depositions, similar to the Federal Rules of Criminal Procedure are provided. "Double jeopardy" is prohibited, both within the military justice system and between military and civilian courts.

The accused is permitted to plead guilty or not guilty. The prosecution, the defense, and the court-martial have equal opportunity to subpoena witnesses, and the court may enforce the subpoena with contempt of court sanctions. Searches and seizures of persons and property may be conducted only upon the authority of a military judge. Voting by jurors shall be by secret written ballot. A unanimous vote is required to convict for an offense for which the death penalty or confinement at hard labor for life is made mandatory by law, and for any other offense a two-thirds vote of the jury is required to convict.

Subchapter VIII (855–858A) provides for sentences which may be decided by a court martial. Cruel and unusual punishments are prohibited, and punishment for an offense may not exceed such limits as the President has prescribed. Sentences of confinement may be carried out in a military or civilian federal prison.

Subchapter IX (1295) provides that a rehearing may be ordered by the Chief of the Prosecution Division of the Regional Command in which the accused was originally tried, if the Judge Advocate General, the Court of Military Review, or the Court of Military Appeals disapproves the findings and sentence of a court martial.

However, upon rehearing no accused may be tried for any offense of which he was found not guilty by the first court-martial. Courts of Military Review and an enlarged Court of Military Appeals shall be established to serve as appellate forums for courts-martial.

This section (938) also provides that any member of the armed forces who believes himself wronged by his commanding officer and who is refused redress, may ultimately petition the Judge Advocate General to investigate and redress the wrong, if a wrong exists.

III. Sec. 3. This section (1259) provides that cases in the U.S. Court of Military Appeals may be reviewed by the Supreme Court by a writ of certiorari.

IV. Sec. 4. (1259): A committee composed of the judge advocate generals of each of the services and three civilians appointed by the President would be charged with studying and making recommendations about the following questions: the desirability of transferring jurisdiction over absence offenses to the Federal courts; additional methods of eliminating delays in the appellate process; means of dealing with prisoners who complete the service of their sentence to confinement prior to the completion of appellate review; and revisions in the current table of maximum punishments.

V. Sec. 5: The provisions of this Act shall become effective on the first day of the twelfth calendar month following the month in which this Act is enacted, except that section 4 shall become effective upon enactment.

SEARCH WARRANT RAID ENDS IN TRAGEDY

(Mr. GUDE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, one of my constituents lies paralyzed at this moment in a local hospital as a result of a search warrant raid conducted on his home on June 7, 1971 by local and Federal law enforcement officials.

Kenyon F. Ballew was shot in the head while defending himself and his wife against suspected intruders, who turned out to be law enforcement personnel attempting to break down the door of his apartment to search for weapons alleged in violation of the 1968 Gun Control Act.

The details of this raid have been fully covered in the press, and I will not review them here. I am, however, inserting in the Record my letter to Secretary of the Treasury, John Connally, expressing my dissatisfaction with the Treasury Department's investigation of this incident.

Furthermore, I wish to comment briefly on the callous and impersonal attitude of the Federal officials regarding this tragedy. Not a word of regret or sorrow has been spoken that would indicate the Treasury Department has any concern at all for the irreparable damage that this amateurish raid has inflicted on the Ballew family.

Many of my Montgomery County constituents will remember this incident for a long time. I fear it has done nothing to enhance the image of law enforcement officials and unless corrective measures are taken to prevent future occurrences, I fear that the important fight against crime will be impaired.

I am also inserting in the Record an editorial from the Washington Star of August 5, 1971 which reflects my sentiments on this issue.

Congress of the United States,
House of Representatives,
Washington, D.C., August 5, 1971.

Hon. John B. Connally,
Secretary, Department of the Treasury,
Washington, D.C.

Dear Mr. Secretary: I have carefully reviewed the Department of the Treasury report relative to the shooting of Kenyon F. Ballew during the execution of search warrants by Treasury agents and Montgomery County police on June 7, 1971.

The conclusion of the Treasury Department's investigation that the actions of the law enforcement personnel were "legally proper under the circumstances" is, in my view, simply unsatisfactory. The administrative and supervisory corrections recommended will do little to restore the confidence of many Montgomery County citizens in their local and federal law enforcement officials.

If the actions taken during the Quebec Terrace raid were, in fact, legally proper, it appears that there is room for substantial improvement in the Treasury Department's procedures governing search warrant raids. I strongly urge you to supplement your report of August 2 with explicit procedural changes which will reduce the likelihood of similar tragedies occurring in the future.

Sincerely,

Gilbert Gude.

GRAYWASH

John T. Bonner, attorney for Kenyon Ballew, has labeled the U.S. Treasury report of the raid on his client's apartment "a complete whitewash." He is wrong. The color is off-white.

The Treasury report, unlike the Montgomery County study, did acknowledge certain deficiencies in the way records were kept, in the supervision of the raiding party and in the removal of property from Ballew's apartment. So there were a few gray areas, which is a small step in the right direction.

Treasury Secretary John Connally was technically correct when he said that the raid, despite the procedural deficiencies, was "legally proper under the circumstances." The raiding party was equipped with a warrant; they appear to have made some attempt to identify themselves; they were confronted by a man armed with a pistol. But having made the point that the agents and the county police were acting within the letter of the law, it would seem that neither the dignity nor the legal position of the United States government would be comprised by an expression of regret over the outcome of the affair.

Why is it so difficult for anyone in a position of authority to express a degree of sorrow over the fact that a 28-year-old man, through what can be charitably described as an unfortunate chain of events, was shot in the head? Ballew has been in the hospital since June 7. He is unable to speak, his right arm and leg are paralyzed, his recovery is uncertain at best. And yet the Treasury report argues that the grenades in his possession could have been reactivated, that the barrel of one shotgun was improperly short, that many of the guns in the apartment were loaded.

Perhaps Ballew's affection for firearms was excessive. Perhaps his gun collection was in violation of the 1968 Federal Gun Control Act. Perhaps Ballew should, as the Treasury Department report gratuitously recommends, be prosecuted "should his physical condition permit."

But it is certain that no personal eccentricity and no crime of which Ballew was suspected calls for the punishment that was inflicted. There was an armed confrontation, true enough. But it was not initiated by Ballew; it resulted from the actions of an over-aggressive and under-informed raiding party. There is a better way in executing a search warrant than by smashing in a door. And if the Treasury Department and the County Police can't figure it out, neither of them belongs in the field of law enforcement.

PRESS CONFERENCE NO. 18 OF THE PRESIDENT OF THE UNITED STATES

Mr. GERALD R. FORD. Mr. Speaker, in view of the discussion on the floor today concerning the President's efforts to slow down inflation, his views on wage and price controls and present trends in the economy, as well as other subjects of great interest and concern to all Americans, it may be well for President Nixon to speak for himself in his own words. Therefore, I am inserting in the RECORD the full transcript of the President's press conference at the White House yesterday for the information of the House:

Press Conference No. 18 of the President of the United States, August 4, 1971

The President: Ladies and gentlemen, I wanted to begin this with a brief resume of the conversation I have just had with the Secretary of State, because I know the subject will probably come up in any event.

This is in regard to the Pakistan refugee situation, to recap what we have done. Insofar as the refugees, who are in India are concerned, we have provided $70 million to date for the refugees, and we are prepared to provide more. That, incidentally, is more than all the rest of the nations of the world put together, so it is a substantial amount.

As far as those in East Pakistan themselves are concerned, whereas you know there are prospects of famine, in the event that the crop reports are as bad as they seem to be, at this time we have 360,000 tons of grain ready for shipment there. We have also allotted $3 million for the chartering of ships for the purpose of getting the grain into the overcrowded ports.

As a further step, the Secretary of State has worked out with my very strong approval a plan to go to the United Nations next week to talk to the responsible and appropriate members of the United Nations, including the U.N. High Commissioner in that office, to see what additional steps can be taken on both fronts to help the refugees in India from East Pakistan, and also to help those who are in East Pakistan and are presently confronting famine situations.

With regard to a problem that was addressed by the House yesterday, we do not favor the idea that the United States should cut off economic assistance to Pakistan. To do so would simply aggravate the refugee problem because it would mean that the ability of the Government of Pakistan to work with the U.N., as it presently has indicated it is willing to do so in distributing the food supplies, its ability to create some stability would be seriously jeopardized.

We feel that the most constructive role we can play is to continue our economic assistance to West Pakistan and, thereby to be able to influence the course of events in a way that will deal with the problem of hunger in East Pakistan which would reduce the refugee flow into India, and which will, we trust, in the future look toward a viable political settlement.

We are not going to engage in public pressure on the Government of West Pakistan. That would be totally counter-productive. These are matters that we will discuss only in private channels.

Question: Mr. President, can you tell us any more about your forthcoming trip to China, when it is likely to occur, and can you give us your assessment of what effect you think this will have on ending the war in Vietnam?

The President: As far as the timing is concerned, I cannot add to what I said in the original announcement. It will be before May 1. The time will be worked out sometime within the next two to three months, I would assume, and a considerable amount of preparatory activity must take place, setting up the agenda, setting up the numbers in the officials party.

These are matters, of course, that must be discussed and worked out before the time of the visit is finally announced.

Second, and I know a number of you are interested in who is going, that is a matter still to be decided. It was raised by Dr. Kissinger and by Premier Chou En-lai in their conversations, and will be worked out by mutual agreement.

As far as our party is concerned, it will be a small working party. The only ones that presently are definitely going are, of course, the Secretary of State and Dr. Kissinger and myself. Beyond that, whatever others will be added will be determined by mutual agreement between the parties concerned.

Now, as to the effect the visit will have and the conversations will have on Vietnam, I will not speculate on that subject. I will only say that as the joint announcement indicated, this will be a wide-ranging discussion of issues concerning both governments. It is not a discussion that is going to lead to instant detente.

What it really is, is moving, as we have moved, I believe, in the situation with regard to the Soviet Union, from an era of confrontation without communication to an era of negotiations with discussion. It does not mean that we go into these meetings on either side with any illusions about the wide differences that we have. Our interests are very different, and both sides recognize this, in the talks that Dr. Kissinger had, very extended talks he had with Premier Chou En-lai. We do not expect that these talks will settle all of those differences.

What is important is that we will have opened communication to see where our differences are irreconcilable to see that they can be settled peacefully, and to find those areas where the United States, which today is the most powerful nation in the world, can find an agreement with the most populous nation in the world which potentially in the future could become the most powerful nation in the world.

As we look at the peace in the world for the balance of this century, and for that matter the next century, we must recognize that there cannot be world peace on which all the peoples in the world can rely, and in which they have such a great stake, unless there is communication between and some negotiation between these two great superpowers, the Peoples Republic and the United States.

I have put this in general terms because that is the understanding of the Peoples Republic, Premier Chou En-lai, and it is our understanding that our agenda will be worked out at a later point; before the trip it will be very carefully worked out so that the discussions will deal with the hard problems as well as the easy ones.

We expect to make some progress, but to speculate about what progress will be made on any particular issue; to speculate, for example, as to what effect this might have on Vietnam, would not serve the interests of constructive talks.

Question: Can I ask a related policy question on Vietnam?

The President: Sure.

Question: There have been some suggestions, including some indirect hints from China, that a negotiating forum involving an Asian conference to be held in Asia, primarily with Asian participants, but the United States as well, might be a better forum for negotiating a settlement in Vietnam. Can you speak to that?

The President: Mr. Bailey, the question of whether there should be an all-Asian conference, with the Government of the Peoples Republic participating, as you know, has risen several times over the past few months, and was raised before our announcement was made.

As far as we are concerned, we will consider any proposal that might contribute to a more peaceful situation in the Pacific and in the world. However, at this point there is no understanding between the United States and the Peoples Republic as to whether or not out of this meeting should come that kind of proposal.

Let me say on that score, there were no conditions asked for on either side, and none accepted. There were no deals made on either side, or accepted, none offered and none accepted. This is a discussion which will take place with both sides knowing in advance that there are problems, but with both sides well prepared. This is the secret of any successful summit meeting.

As you know, parenthetically, I have always taken somewhat of a dim view of summitry when it comes in an unprepared form. But both sides will be well prepared, well in advance, on all points of major difference, and we will discuss any points of difference that could affect the peace of the world.

Question: Mr. President, is there any diplomatic reason you might not visit the Soviet Union before going to Peking? That was suggested.

The President: In view of the announcement we have made on our visit to Peking, that will be the first visit that I will make. Obviously, it takes a great deal of time to prepare a visit and to attempt now to visit—and the Soviet Union, I am sure, feels exactly the same way—to attempt to rush around and have a summit meeting in Moscow before we go to Peking would not be in the interest of either country.

I would add this point, too: When Foreign Minister Gromyko was here, we discussed the possibility of a possible summit meeting, and we had a very candid discussion. He agreed and said that his government leaders agreed with my position, which was that a meeting at the highest level should take place and would be useful only when there was something susbtantive to discuss that could not be handled in other channels.

With regard to the Soviets, I should also point out that we are making very significant progress on Berlin. We are making good progress on SALT. Discussions are still continuing on the Mideast, although there I will not speculate about what the prospects for success are in view of the fact that Mr. Sisco is presently in the area exploring with the governments concerned what the possibilities of some interim settlement looking toward a final settlement may be.

Having mentioned these three areas in which we are negotiating with the Soviet Union, I will add that if the time comes, as it may come, and both sides realize this, then the final breakthrough in any of these areas can take place only at the highest level, and then there will be a meeting. But as far as the timing of the meeting before the visit to Peking, that would not be an appropriate thing to do.

Question.: I was thinking of such a thing as a settlement on the SALT talks.

The President: Mr. Theis, when I said there was good progress being made on SALT, it is still a very technical and sticky problem for both sides, because it involves our vital interests. Let me emphasize that in SALT, both sides are asked to make an agreement which limits that. This is not unilateral. We, on our part, will be having very severe limitations with regard to our defensive capability, the ABM. They, on their part, will have limitations on their offensive capability, their build up of offensive missiles.

Neither side can make those decisions lightly, without very, very basic discussions, but the fact that we have at the highest level committed ourselves to working toward an agreement simultaneously this year on both those issues, and the fact that since the talks at Helsinki began that we have made progress, gives hope that we are going to make an arrangement.

But to speculate that maybe we are going to get that done before we go to Peking, I think, would be ill-advised.

Question: Mr. President, why have you not accepted the Viet Cong proposals after all these weeks of probing, or given some formal reply?

The President: I have noted some criticism in the press about the fact that Ambassador Bruce had to leave August 1st. Incidentally, I am most grateful that he stayed an extra month, because his doctor got hold of me and said he should have left July 1st. In any event, his having left August 1st, and Mr. Porter not being able to arrive until the latter part of August, there has been some speculation, and I understand this, criticism in the press and the Senate and the House that the Administration is not interested in negotiating a settlement, that we are not considering the various proposals that have been made by the VC and North Vietnamese.

Now, just so the members of the press will not get out on a limb with regard to predicting what we are or are not doing, let me make one statement and then I will go no further.

We are very actively pursuing negotiations on Vietnam in established channels. The record, when it finally comes out, will answer all the critics as far as the activity of this Government in pursuing negotiations in established channels. It would not be useful to negotiate in the newspapers if we want to have those negotiations succeed.

I am not predicting that the negotiations will succeed. I am saying, however, that as far as the United States is concerned, we have gone and are going the extra mile on negotiations in established channels. You can interpret that any way you want, but do not interpret it in a way that indicates that the United States is missing this opportunity or that opportunity, or another one, to negotiate.

Question: Mr. President, one of the points being mentioned in the comments on the negotiations is the election in South Vietnam this fall. Is that a factor that does have some bearing on the pace of the negotiations?

The President: It has certainly in terms of the North Vietnamese. As you know, the stumbling block for them in negotiations really is the political settlement. As they look at the election this fall, they feel that unless that election comes out in a way that a candidate they can support, or at least that they are not as much against as they are President Thieu, but unless it comes out that way, it will be very difficult for them to have a negotiated settlement.

With regard to the elections, let me emphasize our position. Our position is one of complete neutrality in these elections. Under Ambassador Bunker's skillful direction, we have made it clear to all parties concerned that we are not supporting any candidate; that we will accept the verdict of the people of South Vietnam.

I have noted, for example, that President Thieu has invited observers to come from other nations to witness the election. I hope observers do go. I think they will find, I hope they will find, as they did when they observed previous elections in Vietnam, that by most standards they were fair.

As far as observers from this country are concerned, we have, of course, several members of the Senate and others that have indicated a desire to go. We, of course, have no objection to that. We want a fair election and we, of course, have some observers on the scene in the person of the Ambassador and his staff who will watch that election.

Question: Mr. President, the last time you gave some stock market advice to us, it turned out pretty well. What would you do now, buy or sell?

The President: With regard to the stock market, I suppose my advice should not be given much weight because I am not in the market. It is so easy to make predictions where your own assets are not involved.

I will say this: I would not sell the United States economy short at this point. And long term, I would not be selling my investments in the American economy whether it is in stocks or real estate or what have you; selling them in a panicky way.

The stock market has come up, even at its present level of 850, 230 points since I made that prediction. I can only say that my long-range prediction for this economy is still what I said at the first of this year.

At the first of this year, when the very same people had written—and I have read the news magazines and business magazines, and not, of course, any of the columns you had written this week—but I heard all the rest this week, and the gloomy predictions about the economy and it is going down and there is nothing good about it. I read them also for November of last year; exactly the same gloominess and same words, and so forth.

I said then, and I think all of you were present then, I thought 1971 would be a good year for the economy, and 1972 would be a very good year. I stand by that. When we look at the first half of this year, it is not what people said about the economy; it is what they do about it that counts.

GNP is up a record $52 billion. Retail sales now in June, and the first indications as far as July are concerned, it will stay at this level, are at record highs. Consumer spending is at a record high. Construction, particularly in housing, are near record highs. Inventories—and this is another indication of what will happen to the future for those who may be thinking of investing their money in businesses—inventories are abnormally low in view of the high level of retail sales.

What this tells me is that there is a lot of steam in the boiler in this economy, and you cannot continue to have high retail sales and low inventories without eventually starting to rebuild. Therefore, my projection for the balance of this year is that the economy will continue to move up as it has moved up in the first half.

That doesn't mean that there will not be aberrations in the monthly figures. It does mean, however, that the economy has a great deal of strength in it. This is a period when it is absorbing almost 2 million people who have been let out of defense plants and the Armed Forces and is absorbing that with a lower rate of unemployment than was the case in 1961, 1962, 1963, which were the last three peacetime years before Vietnam when the unemployment rate, as you recall, averaged 6 percent.

Question: Mr. President, in that connection, to continue that, does that mean that you are still resoluely opposed to any incomes policy or, specifically, wage-price controls?

The President: I think, Peter, it is well to identify incomes policies and wage-price controls for what they are and what they are not, because, as a matter of fact—and this gives me an opportunity to set the record straight with regard to some greatly blown up differences that I am supposed to have with my very good friend Arthur Burns, and perhaps you were too polite to ask that direct question—

Question: Well, I will ask it.

The President: I thought that would be the followup, so I anticipated it. Let me get at it this way:

Arthur Burns, in terms of monetary policy and in terms of fiscal policy, has followed a course that I think is the most responsible and statesmanlike of any Chairman of the Federal Reserve in my memory. In other words, you have seen an expansionary monetary policy, and that is one of the reasons we have had an expansionary economy in the first six months of this year.

He has also stood firmly with this Administration in its responsible fiscal policy, resisting, for example, spending above what the economy would produce at full capacity. He has strongly supported me in those efforts.

That brings me to an area where he has taken a very unfair shot. Within this Administration, the Office of Budget and Management, on a reorganization plan two months ago, recommended that the Chairman of the Federal Reserve, because he basically is our central banker, should be raised to the same status of the central bankers abroad. I enthusiastically approved the idea. However, when the matter was raised with Dr. Burns by my associates, he indicated that neither he nor any other individual in a high position in Government should take a salary increase at a time that the President was going to have to take some strong measures, as I am going to take to limit salary increases in other areas of Government, including, for example, blue collar workers.

So, consequently, while there is not any question but that the Federal Reserve position will eventually be raised to the Level I position that was recommended, Arthur Burns and incidentally, George Shultz, who is also on this list as a recommendation of the Ash Council, Arthur Burns and George Shultz being the responsible men that they were, asked that there not be an example set by them of a pay increase which would make it very difficult for us to deal effectively and responsibly with pay increases in other sectors of the Government. So we find that Burns agrees, that I agree with Burns, let's put it that way, very strongly on his monetary policy, on his fiscal policy, the question he has raised with regard to an incomes policy.

When we talk about an incomes policy, let's see what he is not for. He is unalterably opposed, as I am, to the Galbraith scheme, which is supported by many of our Democratic Senators, I understand, of permanent wage and price controls. Permanent wage and price controls in America would stifle the American economy, its dynamism, its productivity, and would be, I think, a mortal blow to the United States as a first-class economic power.

On the other hand, it is essential that Government use its power where it can be effective to stop the escalation, or at least temper the escalation in the wage-price spiral. That is why we moved on construction, and we have been somewhat successful, from 16 down to 9 percent. That is why we moved to roll back an oil price recently.

As far as the two recent settlements, the one in railroads and the one in steel, on the plus side, the fact that they were settled was positive; the fact, too, that in the case of railroads, they spoke to the problem of productivity by modification of work rules, and the fact that the steel settlement also spoke to the problem of productivity by setting up productivity councils, that was constructive.

On the other hand, I would be less than candid if I were not to say, and I know the leaders of the steel and railroad industry know this, that this kind of settlement where a wage increase leads to a price increase, and particularly in steel, where the industry is already noncompetitive with foreign imports, is not in the interest of America, not in the interest of labor, and not in the interest of industry.

Dr. Burns, without being completely specific, has only suggested the idea should be considered. That is why Secretary Connally said we welcome the move by several Republican Senators to hold hearings concerning wage and price supports. That is why Dr. Burns said we should move to attempt to temper these increases.

The problem here is, how can we move without putting the American economy in a straitjacket? In other words, as Secretary Connally raised the question in his statement this morning, "Are we to have criminal penalties? Are, for example, the wage-price guidelines to affect all the examples down to the neighborhood filling station or the grocery store or the meat market, as the case might be, or will they affect only major industries?"

As far as this Administration is concerned, I can say this: I have asked the Secretary of Labor to bring to my attention every major wage-price negotiation which may be coming up in the future, and I will use the power of this office to the extent it can be effective to see that those negotiations are as responsible as possible.

On September 21st, we will have a meeting of our Productivity Commission, and Subject "A" in that meeting will be this same problem, because as we look at America's trade balances, which have deteriorated over the past 10 years, but as we look at America's competitive position, it is essential that American industry and American labor sit down together and determine whether, at a time when we are in a race, we no longer can be Number 1 simply because we were that big and that strong after World War I, whether we determine we are going to get out of the race or whether we are going to tighten our belts and be responsible in wage-price decisions so that we can continue to be competitive in the world.

That speaks to the problem of an incomes policy, this meeting that we will have. The only question of difference between Arthur Burns, and some Senators have raised this question, is the degree to which, in tackling these individual wage settlements, we have compulsion, we have criminal penalties. I don't think they want compulsion or criminal penalties.

Then the question is: How far will persuasion go. Our record shows that in most countries abroad that have tried it, except for very small countries that are tightly controlled, persuasion alone will work for only three to four months.

So as far as we are concerned, I am glad to consider recommendations for tackling the problem. I will tackle them, and I am serving notice now that we are going to take up the problem with the Productivity Commission. We are going to look at each individual settlement in major industries where there is going to be wage-price negotiations, and use the influence we can to keep them in line, and in addition to that, we will consider a recommendation on wage-price boards. But I will reject it if I find, and I have yet to find any recommendation that did not have this ingredient in it, if I find that it would impose a new bureaucracy with enormous criminal powers, to fasten itself on the American economy. That, I think would do far more harm than good.

Question: In the same line to follow up that question, if the settlement in the steel industry and particularly the raise in prices which was recently announced is not good for the country and not good for labor and management, why do you not call in the leaders of the steel industry and use your influence to get them to change the increase in prices and then if necessary other parts of the settlement which are so inimicable to the country?

The President: Calling in the steel industry and getting them to change would not be effective. As you may recall, in one instance earlier this year, we were able to get a steel rollback. That had a temporary beneficial effect. But at a time that the steel industry has negotiated a settlement of this nature, at a time when its profits at 2½ percent are the lowest of any major industry, to tell the steel industry that after they have negotiated a settlement they must roll back their price and run at a loss is simply unrealistic. They are not going to do it.

The longer term answer here is for the steel industry, and this is what we have addressed ourselves to, and the labor to recognize that now that they have had their settlement, now that labor has gotten a good increase, an increase consistent with aluminum and others, now that steel found it necessary to raise prices that this may be good temporarily for both but in the long run it will simply mean less steel sold and less jobs and that is why we are zeroing in on the productivity side because increases in productivity can be the only answer where a wage increase of this kind takes place.

Question: Mr. President, a minute ago you mentioned something about doing something about wages for government employees.

The President: Yes, one of the problems, difficult problems, I confronted last year and that I will confront again this year, is a recommendation to increase the wages for blue collar workers within the government. I have examined that situation and I have determined that an increase in the blue collar wage scale would not be in the interests of our fighting the inflation battle.

Speaking to the same point, we have a situation with regard to the Congress and some of its appropriations bills. We are trying to keep our budget within the full employment limits for 1972.

The Congress already has exceeded our budget by $5.4 billion. That includes mandatory spending which they have imposed upon us and additions to the appropriations bills. Before they get through with the appropriations process I hope that comes down.

But that will be highly inflationary unless the Congress speaks to that problem more effectively. What I was indicating, in other words, Herb, I am indicating in advance the decision that I do not intend to approve the wage increase relative to the blue collar workers in the government. Under those circumstances, I could not, of course, approve an increase in salaries for people as underpaid basically as Dr. Burns is, considering what he could get on the outside or Dr. Shultz is, considering what he could get on the outside.

Question: How many people are there in the blue collar area?

The President: I don't have that but it is a significant number. Incidentally, I think it is an equitable decision because they have had some substantial increases in the past. It is a question of whether we just continue for a short time.

Question: Sir, you also mentioned guidelines in a manner that suggested that you might accept the concept of numerical guidelines, did you mean to suggest that?

The President: No. What I meant to say was that my study of the situation indicates that guidelines in this country have always failed. They have never worked. Guidelines in other industrial countries including Canada, for example, and Britain, have worked only for a short time and then have fallen because guidelines basically connote voluntary compliance and voluntary compliance goes on only for a brief time.

Now, as far as what I am saying, it is that our approach at this time is a selective one to take those particular industries that are coming up for bargaining and to use our influence as effectively as we can to see that those settlements are responsible.

Secondly, that as far as a wage price board is concerned, that it would be considered favorably only if the hearings that are going to be taken in this field, only if the hearings can convince me that enforcing an incomes policy could be accomplished without stifling the economy.

It is the problem, in other words, of enforcement, because I come back to this fundamental proposition: I have yet to find except for the extremists on the left, and I don't say this in a condemning way, it is only an observation, but the extremists on the left of the economy spectrum have always favored a totally government-controlled economy.

They believe that. I don't believe it. They believe that we should have permanent wage and price controls and that government should determine what wages should be and what prices should be. I don't believe that. Dr. Burns does not believe that if you have read his speeches over the years. He is a strong opponent of that.

The question is, how can we address ourselves to the problem of wages and prices without having those mandatory criminal penalty features which would lead us to something we all are trying to avoid. This is why this is a matter for discussion.

It is not one yet for decision but I will continue to work on individual settlements as I have said.

Question: Mr. President, would it be fair to say, then, that in view of what you said there and what you said earlier that you will consider recommendations of the wage and price board, that you are giving renewed and perhaps more favorable consideration to some form of wage-price board, assuming that they don't have penalties?

The President: No. I am saying that I shall continue the policy of moving aggressively on individual settlements on a case-by-case basis. Secondly, I will address this particular problem in a meeting with the major leaders of American industry and American labor at the Productivity Commission meeting on September 21. Third, with regard to wage-price boards, I have still not been convinced that we can move in that direction and be effective. However, Secretary Connally, in his statement this morning, raised all the questions that should be raised on that. As far as we are concerned, we have an open mind in terms of examining the various proposals to see if there is a new approach which we may not have thought of.

I have serious doubts that they will find such a new approach, but I do want to indicate that we will examine it because we all agree that the wage-price spiral is a significant danger to this expanding economy. The question is what do we do about it, without going all the way to a totally controlled economy.

Question: Mr. President, Dr. Burns, before the Joint Economic Committee, said he didn't think we were making much progress against inflation. Do you think we are?

The President: I read Dr. Burns statement quite carefully. What he was saying is what I would say. I would say it with regard to inflation and unemployment. I am never satisfied and never will be satisfied, and anybody in the free economy is never satisfied and should never be satisfied with anything except perfection.

That doesn't mean that we are going to reach perfection. With regard to inflation, I will just point to the numbers. Inflation, which, of course, was boiling along when we came into office in January of 1969, reached its peak in 1970, six percent. Then the CPI dropped to 4 percent in the first six months of 1969. Now, 4 percent is still too high, but that is progress.

The GNP deflator, which of course goes far beyond the consumer price index, as you know, the GNP deflator covers all, the whole spectrum of the economy, in the first six months of 1971 it was the lowest in three years. That is progress; not enough, but it is progress.

In the last month the CPI was higher than the average it has been for the first five months. We all know that these month-to-month variations are not what counts. My view is that we are making progress against inflation, but it is going to require continued strong policies on the part of the Administration with the cooperation of the Congress in limiting our budget expenditures to full capacity or full employment revenues. That is the battle we will continue to wage and it will also need cooperation from labor and management on limiting the wage price spiral.

On the unemployment front, we have a somewhat similar problem. In the last three peacetime years before the Korean War expenditures began to hypo the economy, 1961, 1962, and 1963, unemployment in those years averaged six percent. We, at this point, have brought unemployment below six percent, not as much as we would like. It reached its peak in January. It was 6.2. What the figures will be for this month you will know on Friday. I don't know what they are myself. I will read this as you do and that is the way it should be.

But in any event, the unemployment curve is down. Six point two was the high and we are now below six percent. I believe that it will continue, with monthly aberrations, on a downward course through the balance of the year.

I believe that as we go into 1972, I still stick with my prediction that we shall see unemployment continue to move downward and that 1972, for that year, will be a very good year.

I would point out one final thing on the unemployment facts. As I have often pointed out, as of this morning I look at the numbers, over 2 million Americans have been let out of the armed services and out of defense plants since we started to wind down the war in Vietnam.

If they were in the services or in the defense plants at the present time, unemployment would be 4.3. But the other side of that coin is that casualties when we came in were 300 a week. This week, last week, they were 12.

I just think the price is too high to pay. We believe that our goal of a new prospect of low unemployment but with peace and not at the cost of war is one that Americans are willing to work toward.

We are going to achieve that goal. Getting back to the stock market question, I will simply say this: Everybody else has been prophetic about the future. I think the prophets who presently say that the American economy is on the skids, that we have made no progress on inflation, that the economy is not moving up, who ignore the $52 billion increase in GNP, who ignore the increase in retail sales, who ignore the strong, positive elements in the economy, I think by the end of this year that they are going to look bad so I will go out on the limb to that effect but by the end of this year I might look bad.

Let's just hope that they do rather than myself because all of us are involved.

Question: On the casualties, Mr. President, do you think that the figures of 12 per week in that category, are they an aberration or does your policy envision them to continue to decline during this year?

The President: No, they are not an aberration. They are the result, frankly, of first an American withdrawal. American forces in Vietnam today, as you can tell from reading the reports, are in defensive positions. We are frankly just defending the area in which we have responsibility and there are less of them.

Consequently, our casualties go down for that reason. Secondly, they are down for another reason. The enemy doesn't have the punch it had because another point to look at is that South Vietnamese casualties are also substantially down from what they were. What has happened is that the two operations, Cambodia and Laos, so very severely disrupted the enemy's ability to wage offensive actions that for both Americans and South Vietnamese the level of fighting is down.

There again will be aberrations up and down, I would assume. Nobody can predict that. But the war is being wound down and as far as Americans are concerned, we trust it will continue to go down.

The Press: Thank you, Mr. President.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Addabbo (at the request of Mr. Garmatz), for August 5 on account of official business.

Mr. Kyros after 4 p.m. on August 5, on account of official business.

Mr. Flynt (at the request of Mr. Garmatz), for August 5, on account of official business.

Mr. Hagan (at the request of Mr. Hays), for today on account of official business.

Mr. Corman for August 5 on account of official business.

Mr. McDade (at the request of Mr. Gerald R. Ford) for today and the remainder of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Carney, for 5 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Dennis) and to revise and extend their remarks and include extraneous matter:)

Mr. Kuykendall, for 5 minutes, today.

Mr. Harvey, for 5 minutes, today.

Mr. Price of Texas, for 30 minutes, today.

Mr. Kemp, for 5 minutes, today.

Mr. Crane, for 10 minutes, today.

Mr. Ashbrook, for 30 minutes, today.

Mr. Chamberlain, for 5 minutes, today.

Mr. Hogan, for 10 minutes, on August 6.

Mrs. Heckler of Massachusetts, for 5 minutes, today.

Mr. Saylor, for 30 minutes, on August 6.

(The following Members (at the request of Mr. Denholm) and to revise and extend their remarks and include therein extraneous matter:)

Mr. Albert, for 10 minutes, today.

Mr. Aspin, for 20 minutes, today.

Mr. Preyer of North Carolina, for 20 minutes, today.

Mr. Rooney of Pennsylvania, for 10 minutes, today.

Mr. Rogers, for 10 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

Mr. Staggers, for 5 minutes, today.

Mr. Rooney of Pennsylvania, for 10 minutes, on August 6.

Mr. Mazzoli, for 10 minutes, on August 6.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Hagan, immediately following Mr. Devine's 1-minute speech today.

Mr. Bennett in three instances.

Mr. Gerald R. Ford asked and was given permission to extend his remarks in the Record and include a copy of the press conference of the President.

Mr. Lennon, to revise and extend his remarks made during consideration of conference report today.

Mr. Keith, to extend his remarks following those of Mr. Garmatz, today, on the conference report on H.R. 5208.

Mr. Mahon, to include tables with his remarks made today.

Mr. Fulton of Pennsylvania to revise and extend his remarks during debate on the National Guard bill.

(The following Members (at the request of Mr. Dennis), and to include extraneous matter:)

Mr. Gubser.

Mr. Findley.

Mr. Buchanan in three instances.

Mr. Myers.

Mr. Conte.

Mr. Miller of Ohio.

Mr. Bob Wilson in three instances.

Mr. McCloskey in two instances.

Mr. Hunt.

Mr. Carter in 11 instances.

Mr. Schneebeli.

Mr. Wyman in two instances.

Mr. Talcott in two instances.

Mr. Terry.

Mr. Scott in two instances.

Mr. Schmitz.

Mr. Duncan.

Mr. Dellenbeck in three instances.

Mr. DERWINSKI in two instances.

Mr. FREY.

Mr. CÓRDOVA.

Mr. SCHWENGEL.

Mr. KEMP in two instances.

Mr. HALL in four instances.

Mr. HANSEN of Idaho.

Mr. VEYSEY in three instances.

Mr. NELSEN.

Mr. HARSHA.

Mr. MCKEVITT.

Mr. WILLIAMS.

Mr. MIZELL in five instances.

Mr. DENNIS.

Mrs. DWYER in five instances.

Mr. CRANE in four instances.

Mr. BROYHILL of Virginia.

(The following Members (at the request of Mr. DENHOLM) and to include extraneous matter:)

Mr. JACOBS.

Mr. HARRINGTON in two instances.

Mr. BEGICH in five instances.

Mr. FRASER in 10 instances.

Mr. YATRON.

Mr. VANIK in three instances.

Mr. MANN in 10 instances.

Mr. RYAN in three instances.

Mr. HOWARD in two instances.

Mr. ROSTENKOWSKI in two instances.

Mr. ANNUNZIO in two instances.

Mr. MOORHEAD in two instances.

Mr. RARICK in four instances.

Mr. BINGHAM in three instances.

Mr. CONYERS.

Mr. HUNGATE in four instances.

Mr. RUNNELS.

Mr. MAHON in two instances.

Mr. ANDERSON of California in five instances.

Mr. ABOUREZK in three instances.

Mr. KLUCZYNSKI in three instances.

Mr. GALIFIANAKIS in two instances.

Mr. DRINAN in two instances.

Mr. MAZZOLI.

Mr. MIKVA in two instances.

Mrs. GRIFFITHS in two instances.

Mr. PREYER of North Carolina in two instances.

Mr. LEGGETT.

Mr. MONAGAN.

Mr. NICHOLS in two instances.

Mr. FLOOD in two instances.

Mr. WOLFF.

Mr. LINK.

Mr. MCFALL in four instances.

Mr. GONZALEZ in two instances.

Mr. SCHEUER in four instances.

Mr. HÉBERT.

Mr. WHITE in two instances.

Mr. JOHNSON of California in three instances.

Mr. NEDZI in two instances.

Mrs. MINK.

Mrs. GRASSO in five instances.

Mrs. CHISHOLM.

Mr. BRASCO in two instances.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4263. An act to add California-grown peaches as a commodity eligible for any form of promotion, including paid advertising, under a marketing order.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on the following days present to the President, for his approval, bills of the House of the following titles:

On August 4, 1971:

H.R. 2591. An act to amend section 8 of the act approved March 4, 1913 (37 Stat. 974), as amended, to standardize procedures for the testing of utility meters; to add a penalty provision in order to enable certification under section 5(a) of the Natural Gas Pipeline Safety Act of 1968, and to authorize cooperative action with State and Federal regulatory bodies on matters of joint interest;

H.R. 2594. An act to amend chapter 19 of title 20 of the District of Columbia Code to provide for distribution of a minor's share in a decedent's personal estate where the share does not exceed the value of $1,000;

H.R. 2894. An act to incorporate the Paralyzed Veterans of America;

H.R. 5638. An act to extend the penalty for assault on a police officer in the District of Columbia to assaults on firemen, to provide criminal penalties for interfering with firemen in the performance of their duties, and for other purposes;

H.R. 6638. An act to amend the Act of August 9, 1955, relating to school fare subsidy for transportation of schoolchildren within the District of Columbia;

H.R. 7960. An act to authorize appropriations for activities of the National Science Foundation, and for other purposes;

H.R. 8432. An act to authorize emergency loan guarantees to major business enterprises; and

H.R. 9388. An act to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

On August 5, 1971:

H.R. 7586. An act to amend the Act of December 30, 1969, establishing the Cabinet Committee on Opportunities for Spanish-Speaking People, to authorize appropriations for 2 additional years:

H.R. 7931. An act to amend the District of Columbia Code with resect to the administration of small estates, and for other purposes; and

H.R. 9272. An act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1972, and for other purposes.

ADJOURNMENT

Mr. DENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 36 minutes p.m.), the House adjourned until tomorrow, Friday, August 6, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATION, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1035. A letter from the Acting Secretary of the Army, transmitting reports of the number of officers on duty with Headquarters, Department of the Army, and detailed to the Army General Staff, as of June 30, 1971, pursuant to 10 U.S.C. 3031(c); to the Committee on Armed Services.

1036. A letter from the Director, Office of Legislative Affairs, Agency for International Development, Department of State, transmitting the quarterly report on the programing and obligation of contingency funds for the period ended March 31, 1971, pursuant to section 451(b) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1037. A letter from the Secretary of Health, Education, and Welfare, transmitting a supplemental report containing cost estimates of the various proposals dealt with in the previously submitted study of national health insurance proposals, pursuant to Public Law 91–515; to the Committee on Interstate and Foreign Commerce.

1038. A letter from the Chairman, Federal Power Commission, transmitting a copy of the publication entitled, "Statistics of Publicly Owned Electric Utilities in the United States, 1969"; to the Committee on Interstate and Foreign Commerce.

1039. A letter from the Attorney General and the Secretary of State, transmitting a draft of proposed legislation to amend title 18, United States Code, to provide for expanded protection of public officials and foreign officials, and for other purposes; to the Committee on the Judiciary.

1040. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204 (d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1041. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on the positions which NASA had established as of June 30, 1971, under the authority provided in section 203(b)(2) of the National Aeronautics and Space Act of 1958, pursuant to 75 Stat. 785, 791; to the Committee on Post Office and Civil Service.

1042. A letter from the Assistant Administrator of General Services, transmitting a draft of proposed legislation to amend the Public Buildings Act of 1959, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operation, and protection of public buildings, and for other purposes; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GARMATZ: Committee of conference. Conference report on H.R. 5208 (Rept. No. 92–451). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. House Concurrent Resolution 319. Concurrent resolution to provide for the printing of 1,000 additional copies of the hearings before the Select Subcommittee on Education of the Committee on Education and Labor entitled "Comprehensive Preschool Education and Child Day-Care Act of 1969"; with amendments (Rept. No. 92–452). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. House Concurrent Resolution 320. Concurrent resolution to provide for the printing of 300 additional copies of the hearings before the Select Subcommittee on Education of the Committee on Education and Labor entitled "Environmental Quality Education Act of 1970"; with amendments (Rept. No. 92–453). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. House Concurrent Resolution 337. Concurrent resolution to provide for the printing of 250 additional copies each of parts 1 and 2 of the hearings before the Subcommittee on Public Health and Welfare of the Committee on Interstate and Foreign Commerce entitled "Drug Abuse Control Amendments—1970"; with amendments (Rept. No. 92–454). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. House Concurrent Resolution 359. Concurrent resolution to provide for the reprinting of the prayers offered by the Chaplain (Rept. No. 92–455). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. House Concurrent Resolution 365. Concurrent resolution to print as a House document the Constitution of the United States (Rept. No. 92–456). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. House Concurrent Resolution 367. Concurrent resolution authorizing the printing of the pocket-size edition of "The Constitution of the United States of America" as a House document, and for other purposes (Rept. No. 92–457). Ordered to be printed.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 6893. A bill to provide for the reporting of weather modification activities to the Federal Government; with an amendment (Rept. No. 92–458). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 7072. A bill to amend the Airport and Airway Development and Revenue Acts of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes; with amendments (Rept. No. 92–459). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 9212. A bill to amend the provisions of the Federal Coal Mine Health and Safety Act of 1969 to extend black lung benefits to orphans whose fathers die of pneumoconiosis, and for other purposes; with an amendment (Rept. No. 92–460). Referred to the Committee of the Whole House on the State of the Union.

Mr. FLOOD: Committee of Conference. Conference report on H.R. 10061 with amendment (Rept. No. 92–461). Ordered to be printed.

Mr. JOHNSON of California: Committee on Interior and Insular Affairs. H.R. 10203. A bill to amend the Water Resources Research Act of 1964, to increase the authorization for water resources research institutes, and for other purposes (Rept. No. 92–463). Referred to the Committee of the Whole House on the State of the Union.

Mr. DANIELSON: Committee on the Judiciary. H.R. 9222. A bill to correct deficiencies in the law relating to the crimes of counterfeiting and forgery; with amendments (Rept. No. 92–462). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WALDIE: Committee on the Judiciary. S. 1810. An act for the relief of Dorothy G. McCarthy; with amendments (Rept. No. 92–464). Referred to the Committee of the Whole House.

Mr. SANDMAN: Committee on the Judiciary. H.R. 1862. A bill for the relief of Frank J. McCabe; with an amendment (Rept. No. 92–465). Referred to the Committee of the Whole House.

Mr. SANDMAN: Committee on the Judiciary. H.R. 1994. A bill for the relief of Donald L. Bulmer; with an amendment (Rept. No. 92–466). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California (for himself, Mrs. Abzug, Mr. Eilberg, Mr. Seiberling, Mr. Frenzel, and Mrs. Mink):

H.R. 10418. A bill to establish a national policy and program with respect to wild predatory mammals, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. BETTS (for himself, Mr. Collier, Mr. Dorn, Mr. King, Mr. McEwen, and Mr. Pirnie):

H.R. 10419. A bill to continue the expansion of international trade and thereby promote the general welfare of the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. ANDERSON of California (for himself, Mr. Pelly, Mr. Don H. Clausen, Mr. Karth, Mr. Leggett, Mr. Mailliard, Mr. Obey, Mr. Pickle, Mr. Saylor, and Mr. Fraser):

H.R. 10420. A bill to protect marine mammals, to establish a Marine Mammal Commission, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. BENNETT:

H.R. 10421. A bill: the Federal Lands Protection Act; to the Committee on Interior and Insular Affairs.

By Mr. BENNETT (for himself, Mr. Bob Wilson, Mr. Stratton, Mr. King, Mr. Randall, Mr. Dickinson, Mr. White, Mr. Spence, Mr. Mollohan, and Mr. Harrington):

H.R. 10422. A bill to amend title 10, United States Code, to limit the separation of members of the Armed Forces under conditions other than honorable, and for other purposes; to the Committee on Armed Services.

By Mr. BINGHAM:

H.R. 10423. A bill to protect the constitutional rights of those subject to the military justice system, to revise the Uniform Code of Military Justice, and for other purposes; to the Committee on Armed Services.

By Mr. CLEVELAND:

H.R. 10424. A bill to amend the tariff and trade laws of the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. DON H. CLAUSEN:

H.R. 10425. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. COTTER (for himself and Mr. Roe):

H.R. 10426. A bill to establish three Medical and Dental Military Academies for the U.S. Navy, the U.S. Army, and the U.S. Air Force; to the Committee on Armed Services.

By Mr. EDWARDS of Alabama:

H.R. 10427. A bill to amend section 103 of the Internal Revenue Code of 1954 to increase the small issue exemption from the industrial development bond provision from $5 million to $10 million; to the Committee on Ways and Means.

By Mr. FASCELL:

H.R. 10428. A bill to amend the Budget and Accounting Act, 1921, to require that the budget for each fiscal year contain information with respect to indirect expenditures made through the Federal tax system; to the Committee on Government Operations.

H.R. 10429. A bill to require the Comptroller General to gather and compile information with respect to the reprograming of appropriated funds and to furnish such information to Members of the Congress; to the Committee on Government Operations.

By Mr. FINDLEY (for himself and Mr. Reuss):

H.R. 10430. A bill to promote the foreign policy and security of the United States by providing authority to negotiate a commercial agreement with Rumania, and for other purposes; to the Committee on Ways and Means.

By Mr. FOLEY:

H.R. 10431. A bill to assist States having an unemployment rate of 7.5 percent or more to provide up to 26 weeks of emergency compensation to unemployed workers who have exhausted their entitlement to both regular unemployment compensation and extended unemployment compensation; to the Committee on Ways and Means.

By Mr. FRASER:

H.R. 10432. A bill to increase educational benefits for veterans; to the Committee on Veterans' Affairs.

By Mr. HARVEY (for himself, Mr. Broomfield, Mr. Burleson of Texas, Mr. Byrnes of Wisconsin, Mr. Duncan, Mr. Scott, and Mr. Edwards of Alabama):

H.R. 10433. A bill to amend the Railway Labor Act to provide more effective means for protecting the public interest in national emergency disputes involving the railroad and airline transportation industries, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCH:

H.R. 10434. A bill to amend the Consumer Credit Protection Act; to the Committee on Banking and Currency.

By Mr. KOCH (for himself, Mrs. Abzug, Mr. Anderson of California, Mr. Badillo, Mr. Carter, Mr. Dellums, Mr. Eilberg, Mr. Frenzel, Mr. Fulton of Pennsylvania, Mrs. Grasso, Mr. Keith, Mr. McCormack, Mr. Mitchell, Mr. Morse, Mr. Rodino, Mr. Runnels, Mr. Sarbanes, and Mr. Tiernan):

H.R. 10435. A bill to amend the Internal Revenue Code of 1954 to provide that blood donations shall be considered as charitable contributions deductible from gross income; to the Committee on Ways and Means.

By Mr. McCLURE:

H.R. 10436. A bill to provide with respect to the inheritance of interests in restricted or trust land within the Nez Perce Indian Reservation, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. LLOYD (for himself, Mr. Mayne, Mr. McClure, and Mr. Dennis):

H.R. 10437. A bill to amend the National Labor Relations Act to strengthen and reform certain provisions thereof; to the Committee on Education and Labor.

By Mr. McCLURE:

H.R. 10438. A bill for the relief of certain air taxi mail transportation operators; to the Committee on the Judiciary.

By Mr. McCORMACK:

H.R. 10439. A bill to provide for uniform and full disclosure of information with respect to the computation and payment of interest on certain savings deposits; to the Committee on Banking and Currency.

By Mr. MATSUNAGA (for himself and Mr. Steele)

H.R. 10440. A bill to amend title 5, United States Code, to improve the basic workweek of firefighting personnel of executive agencies, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 10441. A bill to include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations; to the Committee on Post Office and Civil Service.

By Mr. MIKVA:

H.R. 10442. A bill to amend the Voting Rights Act of 1965; to the Committee on the Judiciary.

By Mr. REUSS (for himself, Mr. Ashley, Mr. Bingham, Mr. Findley, Mr. Foley, Mr. Frelinghuysen, Mr. Udall, Mr. Ullman, and Mr. Vanik):

H.R. 10443. A bill to promote the economic well-being of the United States by providing authority to negotiate commercial agreements including the granting of most-favored-nation treatment with countries having nonmarket economies; to the Committee on Ways and Means.

By Mr. ROY (for himself, Mrs. Abzug, Mr. Begich, Mr. Blanton, Mr. Dellums, Mrs. Grasso, Mr. Halpern, Mr. Harrington, Mr. Hastings, Mr. Hathaway, Mr. Mazzoli, Mr. Obey, Mr. Preyer of North Carolina, Mr. Runnels, and Mr. Sarbanes):

H.R. 10444. A bill to provide for the establishment of a National Rural Development Center, and for other purposes; to the Committee on Agriculture.

By Mr. SISK (for himself and Mr. McFall):

H.R. 10445. A bill to amend the National Labor Relations Act, as amended, to amend the definition of "employee" to include certain agricultural employees; to the Committee on Education and Labor.

By Mr. STEIGER of Wisconsin (for himself, Mr. Aspin, Mr. Brademas, Mr. Eilberg, Mr. Halpern, Mr. Harrington, Mr. Link, Mr. McCloskey, Mr. Mikva, Mr. Mitchell, Mr. Nix, Mr. Preyer of North Carolina, Mr. Quie, Mr. Rees, Mr. Roy, Mr. Schwengel, Mr. Shoup, Mr. Symington, and Mr. Wolff):

H.R. 10446. A bill to require Federal contractors to observe practices which will preserve and enhance the environment and fisheries and wildlife resources; to the Committee on Merchant Marine and Fisheries.

By Mr. TERRY:

H.R. 10447. A bill to correct the tariff schedules to group cordage products into the same parts of the tariff schedules; to the Committee on Ways and Means.

By Mr. TERRY (for himself, Mr. Addabbo, Mr. Biaggi, Mr. Celler, Mrs. Chisholm, Mr. Dulski, Mr. Fish, Mr. Grover, Mr. Halpern, Mr. Hanley, Mr. Hastings, Mr. Kemp, Mr. King, Mr. Koch, Mr. Lent, Mr. McEwen, Mr. Pirnie, Mr. Rangel, Mr. Ryan, Mr. Wolff, and Mr. Wydler):

H.R. 10448. A bill to prohibit the imposition by the States of discriminatory burdens upon interstate commerce in wine, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ZWACH:

H.R. 10449. A bill to provide a 2 cents a gallon tax reduction on gasoline sold for use in highway vehicles where the gasoline contains cereal grain alcohol as a substitute for lead; to the Committee on Ways and Means.

By Mr. DINGELL (for himself, Mr. Pelly, Mr. Karth, Mr. Mailliard, Mr. William D. Ford, Mr. du Pont, Mr. McCloskey, Mr. Nedzi, Mrs. Griffiths, Mr. Moss, Mr. Pickle, and Mr. O'Hara):

H.R. 10450. A bill to strengthen the penalties imposed for violations of the Bald Eagle Protection Act; to the Committee on Merchant Marine and Fisheries.

By Mr. FRASER:

H.R. 10451. A bill relating to benefits for employees of the government of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

H.R. 10452. A bill to provide for improvements in the administration of the government of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. FREY (for himself, Mr. Anderson of Illinois, Mr. Conable, Mr. Dellenback, Mr. Hastings, Mr. Hogan, Mr. Keating, Mr. Kemp, Mr. Lent, Mr. Lujan, Mr. McKevitt, Mr. McKinney, Mr. Railsback, Mr. Schneebeli, and Mr. Steele):

H.R. 10453. A bill to amend the Narcotic Addict Rehabilitation Act of 1966, to provide for involuntary civil commitment of narcotic addicts charged with a crime, to authorize grants for certain training programs, to establish training programs for judicial officers, to provide for research and development into causes of and cures for narcotic addiction, and for other purposes; to the Committee on the Judiciary.

By Mr. HASTINGS:

H.R. 10454. A bill to continue the expansion of international trade and thereby promote the general welfare of the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. HELSTOSKI:

H.R. 10455. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. MEEDS:

H.R. 10456. A bill to amend the Youth Conservation Corps Act of 1970 (Public Law 91-378, 84 Stat. 794) to expand the Youth Conservation Corps pilot program, and for other purposes; to the Committee on Education and Labor.

By Mr. MONAGAN (for himself, Mr. McFall, Mr. Evans of Colorado, Mr. Ashley, Mr. Hathaway, Mr. Anderson of California, Mr. Bennett, and Mr. Fraser):

H.R. 10457. A bill to establish a temporary emergency guidance board to facilitate economic recovery with minimum inflation by establishing price and wage guidelines and encouraging voluntary adherence thereto; to the Committee on Banking and Currency.

By Mr. PURCELL (for himself, Mr. Abbitt, Mr. Bergland, Mr. Denholm, Mr. Foley, Mr. Jones of North Carolina, Mr. Kyl, Mr. Link, Mr. Mayne, Mr. Melcher, Mr. Price of Texas, Mr. Rarick, Mr. Sebelius, Mr. Sisk, and Mr. Zwach):

H.R. 10458. A bill to broaden and expand the powers of the Secretary of Agriculture to cooperate with countries in the Western Hemisphere to prevent or retard communicable diseases of animals, where the Secretary deems such action necessary to protect the livestock, poultry, and related industries of the United States; to the Committee on Agriculture.

By Mr. VEYSEY:

H.R. 10459. A bill to establish a Farm Labor Relations Board to prescribe and protect the collective-bargaining rights of agricultural employees and agricultural employers, so as to avoid disruptive labor disputes in agriculture; to the Committee on Education and Labor.

By Mr. ASPIN:

H.R. 10460. A bill to amend the Buy American Act to clarify its application with respect to the procurement of certain components of naval vessels; to the Committee on Public Works.

By Mr. BAKER:

H.R. 10461. A bill to authorize an appropriation for a bridge on a Federal dam; to the Committee on Public Works.

By Mr. CHAPPELL:

H.R. 10462. A bill to provide for the establishment of the Guano River National Park in the State of Florida, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DENNIS (for himself and Mr. Hutchinson):

H.R. 10463. A bill to provide for a right of action for any person about whom a broadcaster has broadcast false or misleading statements; to the Committee on Interstate and Foreign Commerce.

By Mr. FRASER:

H.R. 10464. A bill to establish further means of economic stabilization; to the Committee on Banking and Currency.

By Mr. HUNGATE:

H.R. 10465. A bill to amend the Military Selective Service Act of 1967 to provide that a person who registers under such act may be simultaneously registered for voting in Federal elections; to the Committee on House Administration.

By Mr. KEATING (for himself, Mr. Harsha, and Mr. Griffin):

H.R. 10466. A bill to restore the income tax credit for investment in certain depreciable property; to the Committee on Ways and Means.

By Mr. McKINNEY:

H.R. 10467. A bill to provide that a U.S. passport shall not disclose the place of birth of the person to whom it was issued; to the Committee on Foreign Affairs.

By Mr. NELSEN:

H.R. 10468. A bill to provide incentives for the establishment of new or expanded job-producing industrial and commercial establishments in rural areas; to the Committee on Ways and Means.

By Mr. SLACK:

H.R. 10469. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for certain social security taxes; to the Committee on Ways and Means.

By Mr. WAMPLER:

H.R. 10470. A bill to amend the Airport and Airway Development Act of 1970 to increase the U.S. share payable on account of project costs incurred to acquire certain safety equipment required for airport certification, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ADDABBO (for himself, Mr. Delaney, Mrs. Abzug, Mr. Anderson of California, Mr. Brasco, Mrs. Chisholm, Mr. Danielson, Mr. Fountain, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Hungate, Mr. Long of Maryland, Mr. Mikva, Mr. Morse, Mr. Rangel, Mr. Riegle, Mr. Rooney of Pennsylvania, Mr. Runnels, and Mr. Charles H. Wilson):

H.J. Res. 845. Joint resolution creating a Joint Committee on Classified Information; to the Committee on Rules.

By Mr. FOLEY:

H.J. Res. 846. Joint resolution asking the President of the United States to declare the fourth Saturday of each September "National Hunting and Fishing Day"; to the Committee on the Judiciary.

By Mr. FULTON of Pennsylvania:

H.J. Res. 847. Joint resolution to authorize the President to designate the period January 16, 1972, to January 22, 1972, as "International Printing Week"; to the Committee on the Judiciary.

By Mr. STEIGER of Wisconsin:

H.J. Res. 848. Joint resolution providing for a study of the feasibility of establishing a Federal income tax credit for real property taxes paid by elderly persons, and of possible methods of reimbursing States and localities for certain revenue losses resulting from the granting of tax relief to elderly persons with respect to such taxes; to the Committee on Ways and Means.

By Mr. BINGHAM (for himself, Mr. Broomfield, Mr. Dellums, Mr. Dingell, Mr. Fascell, Mr. Findley, Mr. Fraser, Mr. Frelinghuysen, Mr. Halpern, Mr. Mailliard, Mr. Reid of New York, and Mr. Rosenthal):

H. Con. Res. 387. Concurrent resolution requesting the Secretary of State to call for an international moratorium of 10 years on the killing of all species of whale, porpoise, and dolphin (comprising the order of cetaceans); to the Committee on Foreign Affairs.

By Mr. CARTER:

H. Con. Res. 388. Concurrent resolution relative to control of the production and traffic in illegal drugs; to the Committee on Foreign Affairs.

By Mr. FULTON of Pennsylvania:

H. Con. Res. 389. Concurrent resolution expressing the sense of the Congress with respect to the adoption in the United States of the metric system of weights and measures; to the Committee on Science and Astronautics.

By Mr. McCORMACK:

H. Res. 580. Resolution to provide for free Federal telecommunications system service to patients in veterans' hospitals; to the Committee on Veterans' Affairs.

By Mr. RYAN (for himself, Mr. BUCHANAN, and Mr. BEGICH):

H. Res. 581. Resolution calling upon the Voice of America to broadcast in the Yiddish language to Soviet Jewry; to th Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BIAGGI:

H.R. 10471. A bill for the relief of Filippo Ardizzone; to the Committee on the Judiciary.

H.R.. 10472. A bill for the relief of Santa Ardizzone; to the Committee on the Judiciary.

By Mr. GIBBONS:

H.R. 10473. A bill for the relief of Capt. George J. Forster; to the Committee on the Judiciary.

By Mr. HALEY:

H.R.. 10474. A bill to direct the Secretary of the Interior to convey to Julian A. Johnston phosphate interests of the United States in certain real property located in the State of Florida; to the Committee on Interior and Insular Affairs.

By Mr. MIKVA:

H.R. 10475. A bill for the relief of Mercedes Manuel; to the Committee on the Judiciary.

H.R. 10476. A bill for the relief of Diego Zanfei; to the Committee on the Judiciary.

By Mr. VEYSEY:

H.R. 10477. A bill to clear and settle title of certain claimants to certain real property located in the vicinity of the Colorado River in Riverside County, Calif.; to the Committee on Interior and Insular Affairs.

By Mr. CHARLES H. WILSON:

H.R. 10478. A bill to clear and settle title to certain real property located in the vicinity of the Colorado River in Imperial County, Calif.; to the Committee on Interior and Insular Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII,

122. Mr. BINGHAM presented a petition of Bernadette Abbott and 5,000 others, for the restoration of peace in East Bengal, which was referred to the Committee on Foreign Affairs.

SENATE—*Thursday, August 5, 1971*

(Legislative day of Tuesday, August 3, 1971)

The Senate met at 8:45 a.m., on the expiration of the recess, and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, we lift our busy minds and burdened hearts and for this moment implore Thy light and Thy wisdom for our journey through the day. In these strenuous and dangerous days may we find inner quiet in the midst of outer tension, and cleansing from anything that would shut Thee out of our lives. Sober us with a fresh sense of personal responsibility that in our age we may contribute to the world's betterment our own lives clean, strong, honest, trustworthy, pure, and serviceable. Help us to light up the world with that beauty, mercy, and goodness which will enfold all men in the radiant kingdom Thou hast promised. May we remain constant in the convictions that come through the revelation of Thy spirit.

O God, our strength and our redeemer, mightily move our Nation that we may choose Thy will as our will, Thy way as our way, Thy peace as our peace.

In the Redeemer's name. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., August 5, 1971.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed a joint resolution (H.J. Res. 833) making an appropriation for the Department of Labor for the fiscal year 1972, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H.J. Res. 833) making an appropriation for the Department of Labor for the fiscal year 1972, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Wednesday, August 4, 1971, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order Nos. 334 to 339, inclusive.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROPOSED ASSISTANT SECRETARY OF THE INTERIOR FOR INDIAN AFFAIRS

The Senate proceeded to consider the bill (S. 291) to establish within the Department of the Interior the position of Assistant Secretary of the Interior for Indian Affairs, which had been reported from the Committee on Interior and Insular Affairs with an amendment, to strike out all after the enacting clause and insert:

That there shall be hereafter in the Department of the Interior, in addition to the Assistant Secretaries now provided for by law, one additional Assistant Secretary of the Interior, who shall be appointed by the President by and with the advice and consent of the Senate, who shall be responsible for such duties as the Secretary of the Interior shall prescribe, and who shall receive compensation at the rate now or hereafter prescribed by law for Assistant Secretaries of the Interior

SEC. 2. Section 5315, title 5, United States Code, is amended by striking the figure "(6)" at the end of item (18) and by inserting in lieu thereof the figure "(7)".

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill to establish within the Department of the Interior the position of an additional Assistant Secretary of the Interior, and for other purposes."

FEASIBILITY INVESTIGATIONS OF CERTAIN WATER RESOURCE DEVELOPMENTS

The Senate proceeded to consider the bill (S. 2248) to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments, which had been reported from the Committee on Interior and Insular Affairs with amendments, on page 1, after line 8, to insert:

3. North Side Pumping Division Extension, Minidoka Project in Jerome and Minidoka Counties, Idaho.

After line 10, to insert:

4. Rogue River Basin project, Grants Pass division, in Josephine County, southwestern Oregon, adjacent to the city of Grants Pass.

On page 2, after line 2, to insert:

5. Dickinson unit, municipal and indus-

trial water facilities, of the Pick-Sloan Missouri River Basin programs, North Dakota.

And, after line 5, to insert:

6. Seminoe Dam, a feature of the Kendrick project, Pick-Sloan Missouri River Basin project, Wyoming.

So as to make the bill read:

S. 2248

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to engage in feasibility studies of the following proposals:

1. Central Valley Project, Delta Division, Montezuma Hills Unit in southern Solano County, California.
2. Gallup Project in McKinley, Valenica, and San Juan Counties in northwest and west-central New Mexico.
3. North Side Pumping Division Extension, Minidoka Project in Jerome and Minidoka Counties, Idaho.
4. Rogue River Basin project, Grants Pass division, in Josephine County, southwestern Oregon, adjacent to the city of Grants Pass.
5. Dickinson unit, municipal and industrial water facilities, of the Pick-Sloan Missouri River Basin program, North Dakota.
6. Seminoe Dam, a feature of the Kendrick project. Pick-Cloan Missouri River Basin project, Wyoming.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PRESERVATION OF HISTORICAL AND ARCHEOLOGICAL DATA

The Senate proceeded to consider the bill (S. 1245) to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data, which had been reported from the Committee on Interior and Insular Affairs with amendments, on page 2, line 3, after the word "other", to strike out "purposes", and insert "purposes',"; on page 5, line 8, after the word "considered", to insert "nonreimbursable"; and, in the same line, after the word "project", to strike out "costs allocated to the several project purposes. An appropriate share, as determined by the responsible Federal agency, of the costs of survey, recovery, analysis, and publication shall be borne by the grantee in the case of projects, activities, or programs funded under Federal grant-in-aid programs" and insert "costs"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for the preservation of historical and archeological data (including relics and specimens) which might otherwise be lost as the result of the construction of a dam", approved June 27, 1960 (74 Stat. 220), is amended to read as follows: "That it is the purpose of this Act to further the policy set forth in the Act entitled 'An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes', approved August 21, 1935 (16 U.S.C. 461–467), and the Act entitled 'An Act to establish a program for the preservation of additional historic properties throughout the Nation, and for other purposes,', approved October 15, 1966 (80 Stat. 915), by specifically providing for the preservation of scientific, prehistorical, historical, and archeological data (including relics and specimens) which might otherwise be irreparably lost or destroyed as the result of (1) flooding, the building of access roads, the erection of workmen's communities, the location of railroads and highways, and other alterations of the terrain caused by the construction of a dam by any agency of the United States, or by any private person or corporation holding a license issued by any such agency; or (2) any alteration of the terrain caused as a result of any Federal, federally assisted, or federally licensed activity or program.

"SEC. 2. Before any agency of the United States shall undertake the construction of a dam, or issue a license to any private individual or corporation for the construction of a dam it shall give written notice to the Secretary of the Interior (hereinafter referred to as the 'Secretary') setting forth the site of the proposed dam and the approximate area to be flooded and otherwise changed if such construction is undertaken: *Provided,* That with respect to any floodwater retarding dam which provides less than five thousand acre-feet of detention capacity and with respect to any other type of dam which creates a reservoir of less than forty surface acres the provisions of this section shall apply only when the constructing agency, in its preliminary surveys, finds, or is presented with evidence that scientific, prehistorical, historical, or archeological data exist or may be present in the proposed reservoir area.

"SEC. 3. (a) Whenever any Federal agency finds, or is made aware by an appropriate historical or archeological authority, that its operation in connection with any Federal, federally assisted, or federally licensed project, activity, or program adversely affects or may adversely affect significant scientific, prehistorical, historical, or archeological data, such agency shall notify the Secretary, in writing, and shall provide the Secretary with appropriate information concerning the project, program, or activity. Such agency (1) may request the Secretary to undertake the recovery, protection, and preservation of such data (including preliminary survey, or other investigation as needed, and analysis and publication of the reports resulting from such investigation), or (2) may, with funds appropriated for such project, program, or activity, undertake the activities referred to in clause (1). Copies of reports of any investigations made pursuant to clause (2) shall be made available to the Secretary.

"(b) The Secretary, upon notification by any such agency or by any other Federal or State agency or appropriate historical or archeological authority that scientific, prehistorical, historical, or archeological data is or may be adversely affected by any Federal federally assisted, or federally licensed project, activity, or program, shall, if he determines that such data is being or may be adversely affected, and after reasonable notice to the agency responsible for such project, activity, or program, conduct or cause to be conducted a survey and other investigation of the areas which are or may be affected and recover and preserve such data (including analysis and publication) which, in his opinion, are not being but should be recovered and preserved in the public interest. The Secretary shall initiate action within sixty days of notification to him by an agency pursuant to subsection (a), and within such time as may be agreed upon with the head of the responsible agency in all other cases. The responsible agency upon request of the Secertary is hereby authorized to assist the Secretary and to transfer to the Secretary such funds as may be necessary, in an amount not to exceed one per centum of the total amount appropriated for such project, activity, or program, to enable the Secretary to conduct such survey or other investigation and recover and preserve such data (including analysis and publication) or, in the case of small projects which cause extensive scientific, prehistorical, historical, or archeological damage, such larger amount as may be mutually agreed upon by the secretary and the responsible Federal agency as being necessary to effect adequate protection and recovery: *Provided,* That the costs of such survey, recovery, analysis, and publication shall be considered *nonreimbursable* project costs.

"(c) The Secretary shall keep the responsible agency notified at all times of the progress of any survey or other investigation made under this Act, or of any work undertaken as a result of such survey, in order that there will be as little disruption or delay as possible in the carrying out of the functions of such agency.

"(d) A survey or other investigation similar to that provided for by subsection (b) of this section and the work required to be performed as a result thereof shall so far as practicable also be undertaken in connection with any dam, project, activity, or program which has been heretofore authorized by any agency of the United States, by any private person or corporation holding a license issued by any such agency, or by Federal law.

"(c) The Secretary shall consult with any interested Federal and State agencies, educational and scientific organizations, and private institutions and qualified individuals, with a view to determining the ownership of and the most appropriate repository for any relics and specimens recovered as a result of any work performed as provided for in this section.

"SEC. 4. In the administration of this Act, the Secretary may—

"(1) accept and utilize funds transferred to him by any Federal agency pursuant to this Act;

"(2) enter into contracts or make cooperative agreements with any Federal or State agency, any educational or scientific organization, or any institution, corporation, association, or qualified individual;

"(3) obtain the services of experts and consultants or organizations thereof in accordance with section 3109 of title 5, United States Code; and

"(4) accept and utilize funds made available for salvage archeological purposes by any private person or corporation.

"SEC. 5. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act."

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RENEWAL OF CERTAIN STAR ROUTE CONTRACTS

The Senate proceeded to consider the bill (S. 1989) to amend title 39, United States Code, to provide for the renewal of certain star route contracts, which had been reported from the Committee on Post Office and Civil Service with an amendment, to strike out all after the enacting clause and insert:

That section 5005(b)(2) of title 39, United States Code, is amended by inserting immediately after the word "holder" the words "or an individual performing the mail transportation services under such a contract."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF OF CERTAIN AIR TAXI MAIL TRANSPORTATION OPERATORS

The Senate proceeded to consider the bill (S. 996) for the relief of certain air taxi mail transportation operators which had been reported from the Committee on Post Office and Civil Service with amendments on page 1, line 3, after the word "the", strike out "Postmaster General" and insert "United States Postal Service (hereinafter referred to as the Postal Service)"; in line 5, after the word "of", strike out "current appropriations to the Post Offie Department (hereafter referred to in this Act as the 'Department')," and insert "the Postal Service Fund"; at the beginning of line 10, strike out "entitled, as determined by the Postmaster General," and insert "entitled"; on page 2, line 5, after the word "the", where it appears the first time, strike out "Department" and insert "Postal Service"; in line 16, after the word "Act", strike out "of (1)" and insert "if"; in line 17, after the word "the", strike out "Postmaster General" and insert "Postal Service"; in line 18, after the word "within", strike out "such time as shall be specified by the Postmaster General, and (2) such individual had made appropriate application during the reimbursement period to the Postmaster General for a rate increase to cover the expenses referred to in the first section" and insert "180 days following the date of enactment"; in line 24, after the word "The", strike out "Postmaster General" and insert "Postal Service"; on page 3, line 2, after the word "expenses", strike out "determined by the Postmaster General to have been"; and in line 5, after the word "the", where it appears the first time, strike out "Department" and insert "Postal Service"; so as to make the bill read:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the United States Postal Service (hereinafter referred to as the Postal Service), is authorized and directed to pay, out of the Postal Service Fund to each individual eligible for reimbursement under section 2 of this Act the amount of money to which each such individual is entitled under section 3 of this Act. Any payment made to any individual pursuant to this Act shall be in full settlement of all claims by such individual against the United States arising out of—
>
> (1) the expenses which resulted from the application by the Postal Service and the Federal Aviation Agency of certain requirements, and
>
> (2) certain other expenses incurred (described in section 3 of this Act) with respect to such individuals transportation of mail by air at any time during the period commencing July 1, 1967, and ending December 31, 1968 (hereafter referred to in this Act as the "reimbursement period").
>
> SEC. 2. Any individual who transported mail as a noncertified air common carrier at any time during the reimbursement period is eligible to apply for reimbursement under this Act if application therefor, in such form as shall be prescribed by the Postal Service, is made by the individual within 180 days following the date of enactment of this Act.
>
> SEC. 3. The Postal Service shall pay to any individual eligible to apply for reimbursement under section 2 of this Act an amount equal to the total amount of expenses incurred by the individual during the reimbursement period in order to meet (1) the requirements established by the Postal Service or the Federal Aviation Agency, or both, with respect to necessary aircraft equipment, continuing aircraft crew training, and operational procedures, and (2) newly imposed or increased landing and ramp fees, or both, charged by airports as a result of increased air taxi mail transportation operations.
>
> SEC. 4. No part of any amount appropriated in the first section of this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with any claim made under this Act, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill relating to the transportation of mail by the U.S. Postal Service."

PERIODIC DISTRIBUTION OF UNCLAIMED POSTAL SAVINGS SYSTEM DEPOSITS

The bill (H.R. 135) to provide for periodic pro rata distribution among the States and other jurisdictions of deposit of available amounts of unclaimed postal savings system deposits, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar, beginning with "National Labor Relations Board."

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated, as requested by the Senator from Montana.

NATIONAL LABOR RELATIONS BOARD

The legislative clerk read the nomination of Peter G. Nash, of New York, to be General Counsel of the National Labor Relations Board.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

U.S. AIR FORCE

The legislative clerk proceeded to read sundry nominations in the U.S. Air Force.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—AIR FORCE

The legislative clerk proceeded to read sundry nominations in the Air Force which had been placed on the Secretary's desk.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

Mr. MANSFIELD. Mr. President, I do not seek recognition.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the distinguished Senator from Maryland is recognized for not to exceed 15 minutes.

(The remarks of Mr. MATHIAS when he introduced a joint resolution and a concurrent resolution are printed in the RECORD under Submission of Concurrent Resolutions.)

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Utah (Mr. Moss) is recognized at this time for not to exceed 15 minutes.

Mr. MOSS. Mr. President, the Senate Interior Committee has just concluded 2 days of hearings on S. 1846—introduced by Senator JACKSON and myself to establish a coal gasification corporation.

From that testimony I have been struck by the reoccurrence of one theme over and over again and that is our dwindling resources and the emergency nature of our need to intensify our efforts to meet the energy demands of this country.

Time and time again witnesses testified of the demands for energy and of the urgency of the situation.

In the statement of Joseph C. Swidler, chairman, New York State Public Service Commission, the commissioner presented estimates of the future demand for gas and the related volumes of gas resources and said:

> Thus, by 1980 we must find the equivalent of all our probable new gas reserves; by about the mid 1980's or earlier we must find the equivalent of all probable and promising natural gas reserves; and before the end of this century we would have exhausted the full probable, promising, and speculative domestic natural gas reserves which the Potential Gas Committee thinks may exist. Even the most generous estimate of potential gas reserves does not take us much beyond this century, assuming that we proceed to find all of the reserves as fast as we need them according to conservative estimates of need (demand). Obviously, we will not proceed directly to find all the estimated gas reserves,

> and accordingly domestic natural gas discoveries will fail to meet the demand for gas in the United States well before the end of this century.

Mr. Swidler outlined the problems of New York City, and said that their experience in New York has demonstrated—

> The urgent need to reach out as quickly as possible to coal gasification and the other promising ways to augment natural gas supplies.

Distributors in New York State and some of their pipeline suppliers have turned to alternatives such as importing liquefied natural gas from abroad and converting naphtha to gas. According to Mr. Swidler:

> There is general agreement that regardless of steps which may be taken to increase production or find new sources of natural gas, supplements will be necessary from synthetic gas by 1980.

The American Gas Association, a nonprofit trade association serving the gas requirements of some 92 percent of the ultimate gas consumers in this country began coal gasification research in 1946. Hubert D. Clay, Chairman of the Government Relations Committee of the American Gas Association advised us that during the early 1960's AGA funded specific engineering feasibility studies which investigated the generation of pipeline gas from bituminous coal among others and as a result of these and other investigations, the Office of Coal Research, Department of the Interior, and the Institute of Gas Technology under the sponsorship of the AGA entered into a contract for the operation of a small laboratory size pilot plant which would utilize the HYGAS process for coal gasification. AGA participated with Interior in funding this program on a 50–50 basis.

Since that time there have been numerous discussions between industry representatives and officials of the Interior Department and other offices of the executive branch which led to the general agreement on a modified version of the AGA proposal to seek appropriation of funds by the Government and commitments by industry to apply $30 million per year—$20 million by Government and $10 million by industry—for 4 years to conduct the pilot plant stage evaluations of six known processes and leave the details of the demonstration plant phase to later determination as more information became available. As Mr. Clay stated:

> This procedure recognized the immediate urgency and the prerequisite nature of performing the pilot plan evaluations as the next step in following up the extensive laboratory research to date on the processes which offered the most encouragement in confirming commercial feasibility.

Processes for the conversion of coal to synthetic gas have been known for many years and research work to improve the processes has been underway in the country. What is needed now is the incentive and assistance for industry to take the expensive steps toward development of full size, commercial plants.

With this background of research and cooperation with the Department of Interior, Chairman Clay supported the concept of a coal gasification development corporation as outlined by S. 1846 and endorsed the bill with these words:

> While A.G.A. is most desirous of proceeding with the joint Interior Department—A.G.A. program of pilot plant evaluations, we view the Coal Gasification Development Corporation as a suitable organization to perform the next logical step. We view S. 1846 as a proposal entirely compatible with the presently contemplated Interior Department—A.G.A. joint research effort. It is our hope that this Committee and the Congress will also acknowledge the compatibility of these two specific steps in a logical and necessary sequence. *The two steps complement each other.* The goals of S. 1846 will be accomplished more efficiently upon utilizing the results of the pilot plant valuations after about four years. The Interior—A.G.A. pilot research findings will be translated into commercial demonstration in a more timely and orderly manner by proceeding to establish the necessary corporate entity and organization.
>
> A.G.A. is pleased to endorse S. 1846 to establish a Coal Gasification Development Corporation as a vehicle to perform the essential, final step in the long and rigorous research efforts which will result in a vital new coal gasification industry.

This endorsement was delivered before the Senate Interior and Insular Affairs Committee in testimony of Mr. Clay of the American Gas Association on July 28.

In the Washington Post of August 4 announcement was made of a contract between his association and the Interior Department. According to the newspaper report the first 4 years of the agreement will cover operation of three pilot plants. The second 4 years will be a demonstration program. This contract was obviously being negotiated at the time Mr. Clay was preparing his statement to the Senate committee. While I have not yet seen the actual contract I can only presume that Mr. Clay meant what he said in endorsing the corporation envisioned by S. 1846.

The statement of Russell J. MacMullan of Pullman, Inc., also endorsed S. 1846.

Mr. MacMullen said:

> The Coal Gasification Development Corporation appears to have certain key characteristics that make it ideally suited for intensifying the necessary program. It will focus responsibility for advancing this important project on a Corporation which would have this sole objective. Because the project involves technology at the limits of today's frontiers, it is important that he responsibily for advancing this project not be diluted by competing demands in organizations having other tasks in addition to coal gasification development. Furthermore, because the risks involved in the new technology are substantial with respect to technology and size, organization of a government-industry corporation to assume the risks and responsibility is most likely to make the shared risk more acceptable to the financial backers of the corporation. This should serve to expedite effective undertaking of the development.

S. 1846 contemplates the establishment of a single purpose "Coal Gasification Development Corporation" for the purpose of selecting the most promising process for coal gasification and expediting the development of a prototype commercial size plant. The major provisions of the bill are as follows:

First. The Corporation will have a board of nine directors, five of whom will be appointed by the President with the advise and consent of the Senate and four appointed by the President based upon the recommendations of non-Federal participants.

Second. The employees and officers will not be civil service personnel.

Third. The Administrator of GSA will represent the Federal Government in contractual arrangements to organize the Corporation.

Fourth. The function of the Corporation will be to select the two most promising processes for manufacturing natural gas from coal; design, construct, operate, and maintain a demonstration facility for each process; and based upon the results of the demonstration plants, design, construct, operate, and maintain a full-scale commercial plant.

Fifth. The Corporation will hold patents but make them available on a nonexclusive, royalty free basis. The Administrator of GSA will handle them after dissolution of the Corporation.

Sixth. The corporation shall be dissolved after 6 years. Proceeds from the disposition of facilities will be returned to the U.S. Treasury.

Seventh. Appropriations of $5 million are authorized for fiscal year 1971. Federal participation is limited to 60 percent of the total costs of the corporation.

My State of Utah and the West have abundant low sulfur content coal. Indeed, as Mr. James R. Garvey, executive vice president of the Nation Coal Association, told us in his testimony:

> The United States is fortunate to be blessed with an abundance of fuel resources in the form of coal. The 1,605 billion tons of recoverable coal estimated by the U.S. Geological Survey constitute 74 percent of the total ultimately recoverable fuels of our nation; and, unlike atomic fuel, coal can be converted to meet our energy needs in all forms . . . it is not limited to the production of electricity. Coal cannot only be used directly to produce electricity but can also, with further improvements in existing technology, be converted to synthetic liquids and gases, the nonelectric energy forms so much needed by our nation.

A synthetic gas plant would have to produce a minimum of 250 million feet of gas per day. A 25-year coal reserve would have to be assured. Depending upon the quality of the coal, mines capable of producing from 5 to 10 million tons per year would be required to serve each plant. Commercial development of coal gasification technology is essential to meet our future energy demands and substantial coal resources are available to us.

To achieve this goal, the National Coal Association endorsed S. 1846 and recommended a major effort in two areas. Mr. Garvey said:

> 1. The coal-to-gas research projects currently underway by several organizations, with sponsorship by Department of the Interior, must be expedited. These projects, each of which embodies a different approach to the development of a commercial process, are all now either in or ready for the pilot-scale research stage.

2. Planning should be done now for incorporating the most promising results from this pilot-stage research in full-scale demonstration plants to finalize commercial feasibility.

Such a procedure now would be comparable to the effective procedures followed in the developing of commercial atomic power plants. Such a procedure could also be used in the commercial development of oil shale.

There were environmental questions by conservationists at the hearing on the use of coal in the gasification process.

These are legitimate questions about the effect upon our environment with which we are all concerned. I am advised sulfur is converted to gaseous hydrogen sulfide in the gasification process and as such, through known technology, the sulfur can be removed, producing a "sweet" gas.

Problems having to do with the strip mining of coal will have the attention of the Congress this fall when the Interior Committee holds hearings on proposals related to controls for strip mining. Adequate and responsive control of practices which have despoiled portions of our beautiful country must be a part of any large scale operation. I am confident we can solve this problem by the time we are ready for commercial coal gasification development.

The National Coal Association spokesman emphasized that the rate of effort in coal gasification processes are at least 2 and perhaps as much as 5 years away from a demonstration plant.

The Department of the Interior has recommended against S. 1846, and Mr. David Freeman of the Office of Science and Technology stated that his Office did not believe that the formation of a special coal gasification development corporation is necessary or warranted at this time.

With all due respect to Mr. Freeman, I cannot agree with his position or that of the Department of the Interior. I do agree with those witnesses to whom I have already referred and with Mr. Walter E. Rogers, president of the Independent Natural Gas Association of America, who said it is necessary at this time to intensify our efforts in the development of a coal gasification process. Like Mr. Rogers, I am appreciative of the efforts already put forth by the Department of the Interior in the pilot plant evaluations. But I believe that we should push for a demonstration plant at this time and that S. 1846 is a proper and vital vehicle with which to make the final move from the pilot plant stage to the demonstration plant stage.

I address the Senate at this time and before the bill has been reported because of the sense of urgency which permeated the hearings. We must look to our energy resources. We must increase our gas supplies. We cannot wait for a hope for an unheralded breakthrough in methods of coal gasification. We must take some risks, spend some money, and take action now to hasten the demonstration phase.

If we can shorten the time, as I believe we can, from pilot plant to commercial demonstration with the development corporation, we should do so at once.

We are in the same position we were with synthetic rubber during World War II. We took risks there and were successful. There is the same urgency now. This is the usual American approach to the problem of our energy needs and coal gasification. We can work it out promptly and successfully with the application of Yankee ingenuity. I urge thoughtful consideration of S. 1846.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the distinguished senior Senator from Arkansas (Mr. McClellan) is recognized for not to exceed 15 minutes.

(The remarks of Mr. McClellan when he introduced S. 2432 and the ensuing debate are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. According to the previous order, the Senate will proceed to the transaction of routine morning business with speeches by Senators limited to 3 minutes and the period to extend not more than 10 minutes.

Is there morning business to be transacted at this time?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DOLLAR GROWS WEAKER BY THE DAY

Mr. BYRD of Virginia. Mr. President, the Washington Post today published an article by Joseph R. Slevin entitled "Dollar Grows Weaker by the Day."

Mr. Slevin, who is a syndicated writer on economics, points out that inflation is the main cause of the weakness of the dollar. He points out that the world standing of the once proud U.S. dollar is going from bad to worse.

I regret to say I feel that Mr. Slevin is correct in his statements in this regard. It goes back, Mr. President, to the Government's financial situation.

I have prepared tables showing U.S. gold holdings, total reserve assets, and liquid liabilities to foreigners. This table shows that at the end of World War II, the United States had total assets of $20 billion and liquid liabilities of less than $7 billion.

Today the United States has total assets of only $13.5 billion, but total liquid liabilities to foreigners of $48 billion.

I have prepared another table, "Deficits in Federal Funds and Interest on the National Debt, 1961–72, Inclusive."

This table from official records of the Government shows that this past fiscal year the Government had the largest Federal funds deficit since World War II. It set a record, a $30 billion deficit, and the estimate is for another $30 billion deficit in the current fiscal year. Thus the Government will have a back-to-back deficit of $60 billion—an astounding figure.

At this point I ask unanimous consent that these fiscal tables, table 1 and table 2, be printed in the Record at this point.

There being no objection, the tables were ordered to be printed in the Record, as follows:

FISCAL TABLES

TABLE 1.—U.S. GOLD HOLDINGS, TOTAL RESERVE ASSETS, AND LIQUID LIABILITIES TO FOREIGNERS. (SELECTED PERIODS)

[In billions of dollars]

	Gold holdings	Total assets	Liquid liabilities
End of World War II	20.1	20.1	6.9
1957	22.8	24.8	15.8
1965	13.7	15.5	29.1
1970	10.7	14.5	43.3
June 1971	10.5	13.5	[1] 48.0

[1] Estimated figure.

Source: U.S. Treasury Department.

TABLE 2.—DEFICITS IN FEDERAL FUNDS AND INTEREST ON THE NATIONAL DEBT, 1961–72 INCLUSIVE

[Billions of dollars]

	Receipts	Outlays	Deficit (−)	Debt interest
1961	75.2	79.3	4.1	9.0
1962	79.7	86.6	6.9	9.2
1963	83.6	90.1	6.5	10.0
1964	87.2	95.8	8.6	10.7
1965	90.9	94.8	3.9	11.4
1966	101.4	106.5	5.1	12.1
1967	111.8	126.8	15.0	13.5
1968	114.7	143.1	28.4	14.6
1969	143.3	148.8	5.5	16.6
1970	143.2	156.3	13.1	19.3
1971	133.6	163.8	30.2	20.8
1972 [1]	150.0	180.0	30.0	21.2
12-year total	1,314.6	1,471.9	157.3	168.4

[1] Estimated figures.

Source: Office of Management and Budget, except 1972 estimates.

Mr. BYRD of Virginia. And I ask unanimous consent that the article by Joseph R. Slevin, captioned "Dollar Grows Weaker by the Day," published today in the Washington Post and in other newspapers throughout the United States, be printed at this point in the Record.

There being no objection the article was ordered to be printed in the Record, as follows:

Dollar Grows Weaker by the Day

(By Joseph Slevin)

The world standing of the once proud U.S. dollar is going from bad to worse.

President Nixon and his aides hoped that last May's wracking dollar crisis would cool things off for a while but it didn't. The dollar is in deep trouble and every unfavorable development sets off a fresh spasm of concern around the world.

Some weeks are grimmer than others. The past fortnight has been a chamber of horrors for the officials whose job it is to keep an hour-to-hour watch on this country's floundering currency.

The biggest jolt came last week when the Commerce Department disclosed that unexpectedly large trade deficits in April and May had been followed by an even bigger one in June. U.S. imports of foreign goods outpaced exports of American products by $803 million.

The sudden slump sent shock waves through the major financial centers. The United States has to chalk up big foreign trade earnings to pay for its heavy military foreign aid and private investment outlays. If we cannot sell billions of dollars more to foreign countries than they sell to us, there will have to be a sharp cutback in American overseas spending.

Jittery businessmen and speculators are continuing to unload dollars in favor of buying strong foreign currencies and gold. The sales are causing a damaging dollar outflow and the movement would be even larger if other countries hadn't acted to keep unwanted dollars from crossing their borders. West Germany and Canada are floating their currencies. Japan and France have elaborated foreign exchange controls.

Foreign bankers and financial officials look on Federal Reserve Board Chairman Arthur Burns as a rare rock of stability, but the White House blindly added to the overseas nervousness a week ago Wednesday with a clumsy attack on both the Federal Reserve and its respected chairman. At a time when the administration should be doing everything it can to strengthen foreign confidence in the dollar, it went perversely out of its way to reduce the stature of the dollar-defending central bank.

Last week's announcement of a near-record $23 billion budget deficit was another body-blow to the dollar. Much as the administration may argue that the red ink is helping to stimulate business activity, conservative overseas financial men fear that big deficits are highly inflationary.

Inflation is the main cause of the dollar's weakness and the big steel-worker settlement reinforced a foreign conviction that the administration is doing little or nothing to check the steamy wage-price spiral.

Nixon has refused to adopt the wage-price restraints that Burns repeatedly has recommended. Foreign experts see no other way he can stop inflation.

Foreign officials charge that Nixon is failing to take the essential steps that he should take to defend the dollar. They are gloomily certain he does not understand that the dollar is a shaky, threatened currency.

Nixon's "benign neglect" policy of passive indifference is all the more baffling because of his overriding interest in foreign policy. No country can have a strong foreign policy without a strong economy and sturdy currency. Yet the same President who is so anxiously reaching for a rapprochement with Communist China is neglecting to take the basic steps to stop inflation and to bolster the dollar that both the Federal Reserve and his own Treasury Department reportedly have urged.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Allen) laid before the Senate the following letters which were referred as indicated:

Report of Procurement for Medical Stockpile

A letter from the Secretary of Health, Education, and Welfare in the nature of a report, pursuant to law, of actual procurement receipts for medical stockpile of civil defense emergency supplies and equipment purposes to the Committee on Armed Services.

Reports on Officers on Duty With Department of the Army

A letter from the Acting Secretary of the Army, transmitting, pursuant to law, reports on the number of officers on duty with Headquarters, Department of the Army, and detailed to the Army General Staff, as of June 30, 1971 (with accompanying reports); to the Committee on Armed Services.

Report by Secretary of Transportation

A letter from the Secretary of Transportation submitting, pursuant of the Central Railroad Co. of New Jersey as of May 31, 1971 (with accompanying report); to the Committee on Commerce.

Report of the Department of Commerce

A letter from the Secretary of Commerce transmitting, pursuant to law, a report covering activities during the calendar year 1970 (with accompanying report); to the Committee on Commerce.

Proposed Legislation Relating to Protection of Public and Foreign Officials

A letter from the Attorney General and Secretary of State, transmitting a draft of proposed legislation to amend title 18, United States Code, to provide for expanded protection of public officials and foreign officials, and for other purposes (with accompanying papers); to the Committee on the Judiciary.

Reports Relating to Third and Sixth Preference for Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, transmitting, pursuant to law, reports on visa petitions according third and sixth preference classification to certain aliens (with accompanying papers); to the Committee on the Judiciary.

Orders Suspending Deportation

A letter from the Commissioner of the Immigration and Naturalization Service transmitting, pursuant to law, a report of orders suspending deportation, as well as a list of the persons involved (with accompanying papers) to the Committee on the Judiciary.

Supplemental Report on Cost Estimates for a Study of National Health Insurance Proposals

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a supplemental report on cost estimates for a "Study of National Health Insurance Proposals" (with an accompanying report); to the Committee on Labor and Public Welfare.

Proposed Legislation Providing for Review of Certain Veterans' Benefit Cases

A letter from the Administrator of Veterans' Affairs submitting proposed legislation to provide for the review of certain veterans' benefit cases forfeited for fraud on or before September 1, 1959, and for remission of forfeitures (with accompanying papers); to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MAGNUSON, from the Committee on Appropriations, without amendment:

H.J. Res. 833. A joint resolution making an appropriation for the Department of Labor for the fiscal year 1972, and for other purposes (Rept. No. 92–355).

By Mr. ELLENDER, from the Committee on Appropriations, without amendment:

H.J. Res. 829. A joint resolution making further continuing appropriations for the fiscal year 1972, and for other purposes (Rept. No. 92–354).

By Mr. ANDERSON, from the Committee on Interior and Insular Affairs, with amendments:

S.J. Res. 72. Joint resolution consenting to an extension and renewal of the interstate compact to conserve oil and gas (Rept. No. 92–356).

By Mr. McCLELLAN, from the Committee on Government Operations, with amendments:

H.R. 4713. An act to amend section 136 of the Legislative Reorganization Act of 1946 to correct an omission in existing law with respect to the entitlement of committees of the House of Representatives to the use of certain currencies (Rept. No. 92–357).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. PASTORE, from the Joint Committee on Atomic Energy:

James R. Schlesinger, of Virginia, to be a member of the Atomic Energy Commission; and

William Offutt Doub, of Maryland, to be a member of the Atomic Energy Commission.

By Mr. HRUSKA, from the Committee on the Judiciary:

Nils A. Boe, of South Dakota, to be judge of the U.S. Customs Court.

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Edwin W. Martin, of Maryland, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary to the Union of Burma; and

James F. Campbell, of Maryland, to be an Assistant Administrator of the Agency for International Development.

Mr. MAGNUSON. Mr. President, as in executive session, I report favorably sundry nominations in the U.S. Coast Guard which have previously appeared in the Congressional Record. I ask unanimous consent that, to save the expense of printing them on the Executive Calendar, they lie on the Secretary's desk for the information of Senators.

The PRESIDING OFFICER (Mr. McIntyre). Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Timothy C. Hess, and sundry other officers, for promotion in the Coast Guard.

CONVENTION FOR THE SUPPRESSION OF UNLAWFUL SEIZURE OF AIRCRAFT—EXECUTIVE REPORT OF A COMMITTEE—(EXECUTIVE REPORT NO. 92–8)

Mr. FULBRIGHT. Mr. President, as in executive session, I ask unanimous consent to file a report from the Committee on Foreign Relations on the Convention for the Suppression of Unlawful Seizure of Aircraft—Executive A, 92–1—together with individual views.

The PRESIDING OFFICER (Mr. McIntyre). Without objection, it is so ordered.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The ACTING PRESIDENT pro tempore (Mr. Allen) announced that on today, August 5, 1971, the President pro tempore signed the following enrolled bills and joint resolution, which had previously been signed by the Speaker of the House of Representatives:

S. 485. An act to amend the Communications Act of 1934 to provide that certain aliens admitted to the United States for permanent residence shall be eligible to operate amateur radio stations in the United States and to hold licenses for their stations;

S. 751. An act to authorize the disposal of industrial diamond crushing bort from the national stockpile and the supplemental stockpile;

S. 752. An act to authorize the disposal of vegetable tannin extracts from the national stockpile;

S. 753. An act to authorize the disposal of thorium from the supplemental stockpile;

S. 755. An act to authorize the disposal of shellac from the national stockpile;

S. 756. An act to authorize the disposal of quartz crystals from the national stockpile and the supplemental stockpile;

S. 757. An act to authorize the disposal of iridium from the national stockpile;

S. 758. An act to authorize the disposal of mica from the national stockpile and the supplemental stockpile;

S. 759. An act to authorize the disposal of metallurgical grade manganese from the national stockpile and the supplemental stockpile;

S. 760. An act to authorize the disposal of manganese, battery grade, synthetic dioxide from the national stockpile;

S. 761. An act to authorize the disposal of diamond tools from the national stockpile;

S. 762. An act to authorize the disposal of chromium from the national stockpile and the supplemental stockpile;

S. 763. An act to authorize the disposal of amosite asbestos from the national stockpile and the supplemental stockpile;

S. 765. An act to authorize the disposal of antimony from the national stockpile and the supplemental stockpile;

S. 767. An act to authorize the disposal of rare-earth materials from the national stockpile and the supplemental stockpile;

S. 768. An act to authorize the disposal of chemical grade chromite from the national stockpile and the supplemental stockpile;

S. 769. An act to authorize the disposal of industrial diamond stones from the national stockpile and the supplemental stockpile;

S. 770. An act to authorize the disposal of columbium from the national stockpile and the supplemental stockpile;

S. 771. An act to authorize the disposal of selenium from the national stockpile and the supplemental stockpile;

S. 772. An act to authorize the disposal of celestite from the national stockpile and the supplemental stockpile;

S. 774. An act to authorize the disposal of vanadium from the national stockpile;

S. 775. An act to authorize the disposal of magnesium from the national stockpile;

S. 776. An act to authorize the disposal of abaca from the national stockpile;

S. 777. An act to authorize the disposal of sisal from the national stockpile;

S. 778. An act to authorize the disposal of kyanite-mullite from the national stockpile;

H.R. 7586. An act to amend the act of December 30, 1969, establishing the Cabinet Committee on Opportunities for Spanish-Speaking People, to authorize appropriations for 2 additional years;

H.R. 7931. An act to amend the District of Columbia Code with respect to the administration of small estates, and for other purposes;

H.R. 9272. An act making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1972, and for other purposes; and

S.J. Res. 105. Joint resolution authorizing the President to issue a proclamation designating 1971 as the "Year of World Minority Language Groups."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. McCLELLAN (for himself, Mr. Hruska, Mr. Ervin, Mr. Byrd of West Virginia, Mr. Allen, Mr. Scott, and Mr. Thurmond):

S. 2432. A bill relating to the amendment of the grant of rulemaking power for the Federal courts sitting in criminal proceedings, and for various other purposes. Referred to the Committee on the Judiciary.

By Mr. BROOKE:

S. 2433. A bill to amend the definition of "member of family" for purposes of Federal employees' health insurance coverage. Referred to the Committee on Post Office and Civil Service.

By Mr. MAGNUSON:

S. 2434. A bill entitled "The Children's Catastrophic Health Care Act of 1971." Referred to the Committee on Finance.

By Mr. HUMPHREY:

S. 2435. A bill for the relief of Dominador C. Ochoa, Armedios Ochoa, Benjamin Ochoa, Corazon Ochoa. Referred to the Committee on the Judiciary.

By Mr. HRUSKA (by request):

S. 2436. A bill to amend title 18, United States Code, to provide for expanded protection of public officials and foreign officials, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. FONG (for himself and Mr. Inouye):

S. 2437. A bill to authorize a program for the development of fishery resources in the Central, Western, and South Pacific Ocean. Referred to the Committee on Commerce.

By Mr. HATFIELD:

S. 2438. A bill to provide a tax credit for contributions made directly to individuals and families whose income is below the poverty level. Referred to the Committee on Finance.

By Mr. BAKER:

S. 2439. A bill for the relief of Cherita Stenneth. Referred to the Committee on the Judiciary.

By Mr. CRANSTON (for himself and Mr. Tunney):

S. 2440. A bill to amend title 23 of the United States Code to authorize construction of exclusive or preferential bicycle lanes, and for other purposes. Referred to the Committee on Public Works.

By Mr. JORDAN of North Carolina (for himself, Mr. Byrd of Virginia, Mr. Spong, and Mr. Ervin):

S. 2441. A bill to authorize the Secretary of the Interior to conduct a study to determine the best and most feasible means of protecting and preserving the Great Dismal Swamp and the Dismal Swamp Canal. Referred to the Committee on Interior and Insular Affairs.

By Mr. TOWER (for himself, Mr. Bellmon, Mr. Dole, Mr. Fannin, Mr. Hansen, Mr. Pearson, and Mr. Stevens):

S. 2442. A bill to provide that certain provisions of the Natural Gas Act relating to rates and charges shall not apply to persons engaged in the production or gathering and sale but not in the transmission of natural gas. Referred to the Committee on Commerce.

By Mr. McGOVERN:

S. 2443. A bill to amend section 214 of the Foreign Assistance Act of 1961 to authorize assistance to schools and hospitals abroad which are under the administrative responsibility of U.S. citizens. Referred to the Committee on Foreign Relations.

By Mr. SYMINGTON:

S. 2444. A bill to protect producers' income when rebuilding reserve stocks of feed grains and wheat, and for other purposes. Referred to the Committee on Agriculture and Forestry.

By Mr. HUMPHREY:

S. 2445. A bill to provide for the nationwide registration of voters for Federal elections. Referred to the Committee on Post Office and Civil Service.

By Mr. INOUYE:

S. 2446. A bill to establish a special fund in the Treasury, consisting of excess sugar excise tax collections, to enable the Secretary of Agriculture to conduct research into environmental problems arising in the production, processing, and refining of sugar; and

S. 2447. A bill to permit a noncontiguous State to elect to use and allocate funds from the highway trust fund to achieve a balanced transportation system responsive to the unique transportation needs and requirements of such a noncontiguous State. Referred to the Committee on Finance.

By Mr. MONDALE (for himself and Mr. Nelson):

S. 2448. A bill to allow a credit against Federal income tax to low-income individuals who have attained age 65 for State and local property taxes paid by them on their residences, and for rent considered as taxes paid by them. Referred to the Committee on Finance.

By Mr. JORDAN of Idaho (for himself and Mr. Church):

S. 2449. A bill to provide with respect to the inheritance of interests in restricted or trust land within the Nez Perce Indian Reservation, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. ALLOTT (for himself and Mr. Jordan of Idaho):

S. 2450. A bill to establish land use policy, to establish guidelines for its administration, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. HOLLINGS:

S. 2451. A bill to establish a wage and price advisory board in the legislative branch of the Government. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. BELLMON:

S. 2452. A bill to establish a Fiscal Stabilization Board as an independent agency of the Government, and to authorize the President, upon recommendation of the Board, but subject to disapproval of either House of the Congress, to increase or decrease Federal income taxes in order to stabilize the economy. Referred to the Committee on Finance.

By Mr. JACKSON (for himself and Mr. Allott; by request):

S. 2453. A bill to designate certain lands as wilderness. Referred to the Committee on Interior and Insular Affairs.

By Mr. JACKSON (for himself, Mr. Randolph, and Mr. Magnuson):

S. 2454. A bill to amend the Youth Conservation Corps Act of 1970 (P.L. 91–378, 84 Stat. 794) to expand the Youth Conservation Corps pilot program and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. MOSS:

S. 2455. A bill to regulate the practice of strip mining, to protect the environment, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. MATHIAS:

S.J. Res. 148. A joint resolution to repeal legislation relating to the use of the Armed Forces of the United States in certain areas outside the United States. Referred to the Committee on Foreign Relations.

By Mr. McCLELLAN (for himself and Mr. Scott):

S.J. Res. 149. A joint resolution to authorize and request the President to proclaim the year 1972 as International Book Year. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McCLELLAN (for himself, Mr. HRUSKA, Mr. ERVIN, Mr. BYRD of West Virginia, Mr. ALLEN, Mr. SCOTT, and Mr. THURMOND):

S. 2432. A bill relating to the amendment of the grant of rulemaking power for the Federal courts sitting in criminal proceedings, and for various other purposes. Referred to the Committee on the Judiciary.

THE COURT PRACTICE APPROVAL ACT OF 1971

Mr. McCLELLAN. Mr. President, I have today introduced, along with my distinguished colleagues, the Senator from Nebraska (Mr. HRUSKA), the Senator from North Carolina (Mr. ERVIN), the Senator from South Carolina (Mr. THURMOND), and the Senator from Pennsylvania (Mr. SCOTT), the Court Practice Approval Act of 1971, which would modify the present delegation of power to the Supreme Court of the United States to prescribe rules of practice and procedure applicable to the Federal courts sitting in criminal and various other proceedings.

The bill has been drafted to respond to a problem brought to light by the circulation of the Revised Draft of the Proposed Rules of Evidence for the U.S. Courts and Magistrates. The proposed rules contain a number of provisions that would make far-reaching changes in present law and, in at least one particular manifest a disregard for the sentiment of Congress as quite clearly expressed in last year's District of Columbia crime bill. While no final rules have been reported to Congress as yet, I am concerned that the current enabling legislation authorizing such rules would prove an untoward and unintended obstacle to any meaningful critique of such rules as are reported to Congress. Under present law, rules reported to Congress are given the force and effect of law unless both Houses register their objection within 90 days. The realities of the legislative process are such that no rules reported to Congress are likely to be objected to within such a short timespan irrespective of the sincerity and validity of the objection. In effect, current law cedes legislative power to the Court and does not provide for either realistic review or plausible participation by the Congress. Accordingly, the proposed bill would change current law in three particulars:

First, no rules would take effect until the end of the session in which they were reported;

Second, no rule would take effect if either House objected; and

Third, objection could be voiced in whole or in part to any proposed rules.

I take this occasion to inform the Senate of some of the considerations that led to this decision—a decision which will, I believe, serve to strengthen the integrity and vitality of the Congress in accord with its responsibilities under the Constitution.

At the outset, I should point out that the general principle, with which I have no argument, that day-to-day judicial procedure and practice is best regulated by the courts, subject only to general oversight by legislative bodies, is firmly rooted in Federal statutory law and dates back to the Judiciary Act of 1789 (Act of Sept. 24, 1789, c. 20 § 17, 73, 83), which gave the Federal courts power to make necessary rules for the orderly conduct of business. Consequently, we have had in existence for generations a network of Federal statutes that authorize the Supreme Court to prescribe rules of pleading, practice and procedure with respect to the various cases and matters which come before the Federal courts for adjudication, subject only to a minimum degree of legislative direction and oversight. Nevertheless, we should not lose sight of the corrollary principle that this is only a delegation of authority by the Congress; it should not be construed as an abdication of responsibility, which would, of course, be legally impermissible under our system of constitutional law. For the important purpose of rulemaking, the relationship between Congress and the Federal courts is not unlike the relationship between a principal and his agent. As Leland L. Tolman, one of the principal architects of the Rules of Civil Procedure, put it in testimony before the House in 1938:

> [A] . . . Court rule gets its vitality from Congress, and what Congress may do, it may undo. (House Hearing on Civil Rules, 75th Cong., 1st Sess. 67 (1938).)

Indeed, from time to time, Congress itself has acted directly to cure basic procedural and other ills, and this has further enhanced the system of justice administered by our Federal tribunals.

The current system for writing rules of practice and procedure is designed so that most procedural and other rules are initially drafted by the various advisory committees on civil rules, criminal rules, admiralty rules, general orders in bankruptcy, appellate rules, and rules of evidence, which, in turn, draw upon the aid and advice of the bench and bar of the country. Proposed rules are then reviewed by the standing committee on rules of practice and procedure, the parent Judicial Conference of the United States and finally the Supreme Court.

The advisory committees conduct the basic studies and develop reports and recommendations in their respective fields. These are forwarded to the standing committee on rules of practice and procedure, which reports to the Judicial Conference of the United States. If approved, the Judicial Conference formally forwards the report and recommendations to the Supreme Court of the United States. The Supreme Court can approve, modify, or disapprove of the changes in the proposed rules, and those adopted are transmitted by the Suprme Court to the Congress. In such cases, pursuant to statute, the rules automatically became law in 90 days unless the Congress acts adversely. See for example, title 18, United States Code, sections 3771, 3772.

The final step in this procedure—the statutory scheme which provides that the proposed rules have the force and effect of law unless acted upon adversely by Congress within 90 days—must be, I suggest, reconsidered at this time in light of a recent development which illustrates its potential for misuse—a misuse which threatens to further encroach upon the sovereignty of the legislative branch of Government. The present procedure stems from an act of May 10, 1950, c. 174, section 1, 64 Stat. 158. The Judicial Conference recommended it to the Congress with this representation:

> Inasmuch as comprehensive Criminal and Civil Rules are in effect today and the only amendments that are likely to arise are those covering particular problems within the framework of existing rules, the . . . [Conference is] of the opinion that . . . [the new procedure should be adopted]. S. Rep. No. 1491, 81st Cong., 2nd Sess. 4 (1950)).

We are, however, soon to face a comprehensive new code of evidence for Federal courts that in its present form could not have anything but a deleterious effect on our Nation's system of criminal justice. I add, too, that this new code of evidence, unlike efforts in the past, has been drafted with apparently little deference to the expressed will of the Congress.

More specifically, as one illustration, I refer to rule 609, which deals with impeachment by evidence of conviction of crime. This rule would provide, in pertinent part, that, for the purpose of attacking the credibility of a witness, evidence that the witness has been convicted of certain types of crime would be admissible. It goes on, however, to provide that the trial judge may exclude this evidence if he is of the belief that its probative value is substantially outweighed by the danger of unfair prejudice. The rule sounds innocuous enough on its face—it might even be considered a reasonable approach to an age-old evidentiary problem. I do not intend to address myself to the merits of the rule. What I do want to point out to my colleagues is that this apparently innocuous rule is in fact a direct assault on the will of Congress as recently expressed in the District of Columbia Court Reform and Criminal Procedure Act of 1970—Public Law No. 91-358, section 133.

This is the history of the development of this provision. In March of 1969, the Advisory Committee on Rules of Evidence submitted its proposed draft of uniform rules of evidence to the Standing Committee. The draft specifically rejected the impeachment rule derived from the case of *Luck* v. *United States*, 121 U.S. App. D.C. 151, 348 F.2d 763 (1965). The so-called Luck rule had established a standard for the District of Columbia which provided a trial judge with discretion to limit or prevent impeachment of a defendant or other witness by proof of a conviction of certain classes of criminal offenses in the event he found a danger of prejudice. The Revised Draft of the proposed rules of evidence published by the Standing Committee in March of this year reversed the prestigious Advisory Committee's position and would make applicable the so-called Luck rule to virtually every Federal case in the country, even though during the 91st Congress, both the Senate and the House of Representatives made a careful and thorough review of the operation of the Luck rule and rejected it.

Several proposals to modify the Luck rule were submitted to the Congress. Full hearings were conducted by both the Senate and House Committees on the District of Columbia, and after due consideration, full debate and with the support of a majority of the Bar of the District of Columbia, the Congress of the United States expressly overruled the Luck case and eliminated the discretion of the trial judge to limit or prevent impeachment of a defendant or other witness by proof of a conviction of a criminal offense.

I find it incredible that within less than 8 months after the Congress fully considered and decisively rejected the Luck rule for the District of Columbia, which is the only jurisdiction where it had application at that time in the federal system, the Standing Committee on Rules of Practice and Procedure is now proposing that the Luck rule be adopted as the law of the land and applied in every Federal district court in the country. Apparently, the committee paid no attention to the congressional judgment on this matter. In fact, there is no mention whatsoever, in the committee's note purporting to explain the rule, that Congress had recently specifically disapproved the position that the committee was advancing. Nor is there any attempt made to meet the arguments raised by those who spoke in opposition to the rule during the course of legislative deliberations.

I recognize, of course, that the Supreme Court has not as yet approved this rule, and what gives me concern may never come about. Nevertheless, I think it more advisable to act now rather than to wait until the harm is done. If this rule and others like it are approved, they will be forwarded to the Congress, which, in order to block their effectiveness, will be forced to muster a majority in both the House of Representatives and the Senate and secure the approval of the President within a period of 90 calendar days. This course of conduct—which may be a practical impossibility within the time-frame prescribed—will be required on the Luck issue, for example, in order merely to preserve current law as enacted in the last Congress. This provision of the proposed rules thus illustrates well a potential for evil in the system, which calls for corrective measures now.

It may, of course, be argued that the Standing Committee was only exercising its duty as it saw it. Surely, reasonable men can differ over the merits of the Luck rule, and I do not believe for a moment that the committee was trying to highball a curve by the Congress. Its membership is drawn from the highest order. Nevertheless, the issue here is not the content of the proposed rules in their current form. The crux of the problem is with whom should the final power to regulate rules of procedure repose, and does the present system truly place that power where it belongs—in the Congress.

The difficulty with the present system is manifest for all to see. How can the Congress exercise this final power and corresponding duty under the present restraints that for all intents and purposes preclude any realistic expectation of control? How do we justify the fact that the concurrence of both Houses of Congress is required generally to pass legislation, but that the approval of only one body suffice to give effect to rules of practice and procedure? To put into effect a reorganization plan, the executive faces the veto of either House. (See 5 U.S.C. § 906 (Supp. 1964).) Why should the judiciary have a more favored status? Why should we not consider proposed rules in whole or in part? What distorted logic demands that only 90 days expire before vitality is given to procedural laws that so vitally affect our concepts to personal liberty and an orderly society? These questions point to the defects in our present system and at the same time direct us to the solution.

The bill which I have introduced today would change current law in three particulars: It would amend title 18, sections 3771 and 3772, and make conforming amendments to title 28, sections 2072 and 2075. It provides that—

First. No rules would take effect until the end of the session in which they were reported;

Second. No rule would take effect if either House objected; and

Third. Objection could be voiced in whole or in part to any proposed rule.

Hopefully, this would restore Congress to its rightful place of realistic final control over the rules of procedure and practice and would make impossible encroachment upon our basic lawmaking sovereignty.

Mr. President, my colleagues and I are not necessarily now committed to the enactment of this measure in its present form. Obviously, there are other approaches that could be taken to this issue. Congress could, for example, require rules to be submitted to it as recommendations for legislation; it would then be necessary to process these recommendations as others are now processed. Or it might be possible to have the recommendations submitted as now, but provide that affirmative approval rather than disapproval had to take place before they received the force of law. In any event, I would hope that hearings, both on the system of rulemaking itself as well as the proposed rules of evidence, could provide enlightenment on these options and the various issues raised by the proposed rules.

Let me close by saying that I fully appreciate the soundness of establishing a system to facilitate complete and uniform modes of practice and procedure. Action premised on comprehensive recommendations formulated outside of the legislative processes, is appropriate in areas where the professional nature of the task would leave the legislature time for little else. In this regard, the demands of formulating procedural rules are similar to those required for an effort towards codification of our substantive criminal laws. Here I note that a most fruitful approach was followed by the National Commission on Reform of Federal Criminal Laws, in its work on a proposed new Federal Criminal Code, which is currently the subject matter of hearings by the Subcommittee on Criminal Laws and Procedures.

Nevertheless, I think that it is essential in all of these matters that the Congress not surrender meaningful, final control over the basic lawmaking function, for if we do, we shall materially contribute to the demise of our representative form of government. I, for one, do not want it ever said that I contributed to that result.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. McCLELLAN. I am pleased to yield to the distinguished Senator from Nebraska.

Mr. HRUSKA. Mr. President, I express my appreciation to the Senator from Arkansas for taking the leadership in introducing the bill. It is a very important suggestion, and its importance will certainly be revealed as a study of the bill is made and as the hearings progress.

Mr. President, if I might, I would like to ask the Senator from Arkansas a few questions concerning the scope and direction of the bill that he has just introduced, and on which I have joined him as a cosponsor.

It is my understanding that under present law any Court rule changes reported to the Congress have the force and effect of law unless both Houses register their objection within 90 days. Those who are familiar with the legislative process realize that this is not sufficient time for Congress to digest and act upon numerous rules aimed at complex and important situations. The net effect is that the Court is exercising legislative functions which belong to Congress under article I of the Constitution. This bill would restore these functions to their proper place.

Is it correct to say that in essence this bill would do three things: First, require that no rules would take effect until the end of the session in which they are reported; second, stipulate that the rules would not take effect if either House expressed objection; and third, permit objections to be made to the proposed rules in whole or in part?

Mr. McCLELLAN. The Senator's understanding of the bill is correct. Ultimate lawmaking power rightly rests here in the Congress, and this proposed legislation would guarantee the Congress a meaningful role in the establishment of rules of practice and procedure in our judicial system. In other words, the rules could not become law if Congress objected to them.

Mr. HRUSKA. Mr. President, I would like to have clarified for me the matter of the date of effectiveness of proposed rules. It is my understanding from reading the bill that, if proposed rules are submitted to Congress prior to May 1, they become effective at the end of that session of Congress if no objection is lodged. What is the situation with regard to proposed rules which are submitted to Congress after May 1?

Mr. McCLELLAN. Rules submitted to Congress after May 1 would have to carry over to the next session of Congress. The proposed statute is not explicit on this point. In this regard, it tracks the language of present law, where that interpretation is a part of its legislative history (see S. Rept. No. 1491, 81st Cong., 2d sess., 3 (1950) (letter of Elmore

Whitehurst, Acting Administrator, Administrative Office of U.S. Courts)).

Mr. HRUSKA. Mr. President, the immediate stimulus for this bill is the fact that the Revised Rules of Evidence for the U.S. Courts and Magistrates are now being circulated and will soon be reported to Congress. Contained therein are some very far-reaching and important rules that Congress should have an opportunity to study in detail, particularly in light of the ongoing project of the Criminal Laws Subcommittee to revise the totality of Federal criminal law. Having looked at a copy of these draft rules, several provisions struck this Senator as being particularly worthy of study and comment by Congress. These are certainly not intended to be a complete enumeration of provisions that might merit our attention.

Is the Senator familiar with proposed rule 509 dealing with the Government privilege not to reveal military and state secrets? If so, would he care to make a comment on his initial thoughts concerning the effect of this proposed rule?

Mr. McCLELLAN. Mr. President, proposed rule 509, in my judgment, raises a number of serious issues. As originally proposed in March of 1969 by the advisory committee on evidence, the rule closely followed the Supreme Court's holding in *United States* v. *Reynolds,* 345 U.S. 1 (1953), where the Government's right to withhold military information in a tort suit was upheld. The test under the evidence committee's rule was a "showing of substantial danger that the evidence will disclose a secret of state." The March 1971 Revised Draft, promulgated by the parent Rules Committee, however, subtly shifts the test. It would require a "showing of reasonable likelihood of danger that disclosure of the evidence would be detrimental or injurious of the national defense or international relations of the United States." I note, too, that under subdivision (b) of the rule, the showing could be made in chambers, but that counsel could be present during the showing.

I am troubled that this procedure would result in a defeat of the privilege itself. Too often today there is a little distinction between counsel and defendant—particularly in radical and subversive prosecutions. Disclosure to counsel of information would be tantamount to disclosure to defendant. The Supreme Court itself in the Reynolds case (345 U.S. at 8) recognized that the procedure adopted to determine the validity of a claim of privilege must not "force the disclosure of the very thing that privilege is designed to protect." If the test is to be not whether a state secret would be disclosed, but whether the disclosure of a state secret would endanger the national security, I am concerned that in most cases, establishing the likelihood of danger would, in fact, substantially disclose the state secret.

I am not prepared, at this juncture, to venture an opinion on how I would vote were either the original version of rule 509 or the revised version introduced as a specific item of legislation. These questions are extremely sensitive and complex, as I am sure the distinguished Senator from Nebraska is well aware. Our colleague, the distinguished Senator from North Carolina (Mr. ERVIN), is now holding hearings in this general area. I am sure that the Senate will be able to make an intelligent decision in this area following the completion of those hearings. This in itself is the point that I am raising in the introduction of the "Court Practice Approval Act of 1971."

I would have little objection to rule 509 if it merely codified the present law. Yet when selected members of the judiciary and a few law professors, without public hearings, undertake to make significant changes in the fundamental rules by which our system of justice is administered, they are arrogating to themselves a basically legislative function. When that is coupled with a procedure that makes meaningful participation in that process by the elected representatives of the people impractical, I must object and protest.

Mr. HRUSKA. Similarly is the Senator aware of the proposed rule relating to divulging the identity of informers? I believe that it is proposed rule 510. Has the Senator a comment on that?

Mr. McCLELLAN. I am indeed seriously troubled by the scope of proposed rule 510. As originally proposed by the Evidence Committee, it basically codified the rule announced by the Supreme Court in *Roviaro* v. *United States,* 353 U.S. 53, 59 (1957). Again, however, the rule has undergone a subtle, but significant change at the hands of the parent Practice Committee. Under Roviaro and the Evidence Committee's rule, the informant's privilege—a privilege necessary to effective investigations, as I am well able to testify from my experience on the Permanent Subcommittee on Investigations—could be pierced where the informant's testimony was necessary "to a fair determination of guilt or innocence." In contrast, under the Practice Committee's rule, the test is to be a "fair determination of a material issue." This is explained in the Advisory Committee's note as a change made necessary to adapt the rule to civil proceedings. Nevertheless, as so stated, it might well be read to set aside the Supreme Court's decision in *McCray* v. *Illinois,* 386 U.S. 300 (1967), where the Supreme Court upheld the propriety of not disclosing an informant's identity where his testimony bore not on guilt or innocence but on the propriety of arrest without a warrant.

I note, too, that as the rule presently reads, the informant's identity may be privileged only where his information purported to reveal a violation of law. Many times the information furnished law enforcement today, particularly in the area of organized crime and subversion, does not immediately relate to a violation of a particular statute. Instead, it gives the Government the sort of general intelligence information it needs to protect our Nation's security from the actions of revolutionaries and those who would subvert our democratic processes. To fail to protect the identity of the informant in these areas would be to court social suicide.

Finally, I note that subdivision (3) of rule 510, like rule 509, permits a judge to require certain disclosures in camera, but grants to counsel the right to be present during such disclosures. Consequently, what the rule purports to protect, it denies by adopting an unrealistic procedure.

Mr. HRUSKA. I thank the Senator for his very scholarly discourse on these matters. His answers have, I believe, given us all a clearer understanding of the problems involved with present rulemaking procedures and has laid a firm foundation for this bill that we introduce today. It is my hope that early hearings can be scheduled on this important proposal.

Mr. McCLELLAN. I hope notice will be taken of the introduction of this bill by those who are seeking to make these serious changes, perhaps in the expectation that Congress will be too busy to give it attention. I believe Congress should keep control and not completely surrender the lawmaking authority over rulemaking and court procedures to some committee of the Judicial Conference or someone else.

Mr. ERVIN. Mr. President, will the Senator yield for an observation without losing his right to the floor?

Mr. McCLELLAN. I yield.

Mr. ERVIN. Mr. President, I think this legislative proposal is an exceedingly wise one.

When Congress gave to the court the power to make changes in the rules it was actuated by the purpose of acquiring the expert opinion of the court in respect to the changes and it thought it reserved its legislative power by the provision of the act giving it the power to veto changes within a period of 90 days.

As a practical matter, however, experience has shown that the 90-day period is entirely too short, that it does not give Congress even an opportunity to familiarize itself with the scope and effect of the proposed changes in the rules, and for that reason amounts to a deprivation of the legislation power of Congress.

I think the provision which gives more adequate power to Congress to review the proposed rules is absolutely essential if Congress is going to retain its legislative power in this area of our Nation. I think it is essential that speedy hearings be held on this proposal, that it be speedily reported to the Senate and passed not only by the Senate but also by the House of Representatives.

Some of the proposed changes are very drastic in nature and they merit congressional consideration which they cannot receive in an adequate manner under the law as it now exists.

I thank the Senator.

Mr. McCLELLAN. I thank the distinguished Senator from North Carolina. Simply stated, Congress must not abdicate its responsibility with respect to the procedures to be followed in the trial of cases in the courts.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. BYRD of West Virginia. Mr. President, will the Senator permit me to join as a cosponsor of the bill?

Mr. McCLELLAN. Mr. President, I am delighted to add the name of the Senator from West Virginia (Mr. BYRD) as a cosponsor of this measure. I ask unanimous consent that his name may be added as a cosponsor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the name of the distinguished Senator from Alabama (Mr. ALLEN) be added as a cosponsor to the bill I have just introduced.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McCLELLAN. I thank the presiding officer.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

By Mr. BROOKE:

S. 2433. A bill to amend the definition of "member of family" for purposes of Federal employees' health insurance coverage. Referred to the Committee on Post Office and Civil Service.

EXTENSION OF HEALTH COVERAGE FOR FAMILIES OF FEDERAL EMPLOYEES

Mr. BROOKE. Mr. President, I am deeply concerned that the health insurance presently available to employees of the Federal Government does not include all members of their families who are dependent on them for support. As the law presently reads, an employee is entitled to include under a self and family plan only his spouse and unmarried children under 22 years of age.

The cost of health care has been rising at an alarming rate in the past decade, running 65 percent above the consumer index. Every person in this country has been forced to bear the burden of increased premiums and uncovered medical expenses or to go without needed medical care.

At a time when hospitalization costs can quickly bankrupt a family, and doctors' bills can severely affect a person's budget, every member of a family should be entitled to coverage under an adequate health plan. This is a concept this country endorsed when we voted to establish medicaid and medicare. Yet this course is not presently available for employees of the Federal Government. Particularly affected are the employees who have assumed the full burden of supporting a parent(s) but cannot include them in the family plan.

I realize that this state of affairs is a source of grave concern, and that we are about to embark on a major debate on national health insurance proposals. However, where glaring and easily remedial discrepancies exist, I see no reason why we should not provide the most complete coverage possible in the meantime.

The measure which I propose seeks to deal with the problems of a Federal employee who may be the sole, or principal, source of support for family members other than spouse and children, but who under present law cannot declare such dependents for health insurance purposes. In my own State for example, there is a civil service employee who is the sole source of support for her aging mother. In her own words:

> I am only a secretary making low pay. Yet I am told by the Blue Cross office in Boston, that I cannot ask for self and family protection to include my mother.

Other similar cases abound, of unselfish Federal employees who support members of their families: fathers, mothers, aunts or uncles, nieces, nephews or cousins. They should not have to bear the additional burden of paying for extra medical coverage when their existing plan can and should be expanded to cover all dependents.

I recognize that an administrative problem may arise in determining the question of dependency. A dependent is currently defined ex post facto by the Internal Revenue Code as any one, 50 percent or more of whose support has been provided by the claimant in the course of the preceding year. Yet is seems to me that a system should be worked out whereby the insurance carrier could process a claim by simply adding an additional section asking how much has been contributed to the support of the dependent as of the date of claim.

The bill which I introduce today seeks to amend paragraph (5) to section 8901 of title 5, United States Code, to expand the definition of "member of family" to include any dependent claimed under section 151(e) of the Internal Revenue Code.

I urge favorable consideration of this measure to ensure more equitable and complete health coverage for the employees of the Federal Government and their families.

By Mr. MAGNUSON:

S. 2434. A bill entitled "The Children's Catastrophic Health Care Act of 1971." Referred to the Committee on Finance.

Mr. MAGNUSON. Mr. President, the health care crisis has come to command more concern within the Congress and throughout the Nation than has any other single domestic issue. Even more important, this concern has been translated into serious legislative proposals by many Members of the Congress, by the administration and by many private groups outside of Government.

As chairman of the Appropriations Subcommittee on Labor-HEW I can assure the Senate that this concern is wholly justified and that this commitment to action is absolutely imperative. More than a year ago when I opened the 1970 health appropriations hearings I warned that the Nation was fast approaching "a health crisis whose proportions defy adequate description." I continued:

> This crisis extends from our medical schools to our hospitals, from our laboratories to our clinics. The dimensions of this crisis are stark. The United States today is not even among the leading nations of the world in life expectancy of men, women or infants. We are producing new doctors at a rate of fewer than 9,000 per year; we are lagging in health research; we lack adequate facilities to apply the fruits of accomplished research to the health care needs of our expanding population.
>
> I accepted this post as Chairman of this Subcommitttee because I believe that the health and welfare of our people must be an urgent concern of this Government. In my second year as Chairman, I am even more determined and more convinced that more must be done.

And, today, Mr. President, in my third year as chairman of the subcommittee, I am still more determined and still more convinced that still more must be done. It is a vast task and I am indeed encouraged by the number of Senators who have come forward and squarely confronted this crisis. The distinguished senior Senator from Massachusetts deserves special recognition and credit for having given much impetus to this national concern by introducing his National Health Security Act in the last Congress. Also, of course, the hearings which he and the other members of the Health Subcommittee have held throughout the Nation in recent months have focused even more attention on the health crisis and have produced valuable information that will be most helpful to the entire Congress as we seek to develop a final health insurance program. As a cosponsor of Senator KENNEDY's National Health Security Act, both last year and again this year, I truly admire his leadership in this vital area of national need.

The distinguished chairman of the Finance Committee is also deserving of special praise for having introduced last year the concept of catastrophic health insurance. I have utilized that concept in writing the bill I intend to introduce today, and I believe it is an extremely important concept which commands the closest consideration of every American who is seriously committed to resolving the health care crisis.

These and all of the other health insurance proposals offer important ideas, concepts and mechanisms which, when molded together into a final bill, will, I am sure, furnish the Nation with an effective and fiscally responsible national health insurance system. This is an objective singularly worthy of the vast amount of time, study and hard work which I know Chairman LONG and the other members of the Finance Committee will expend in writing a final Senate bill.

Mr. President, neither I nor any other Senator would advocate that Congress move rashly or recklessly in its efforts to establish a national health insurance system. That is a task which will require much deliberation, time-consuming as that may be. However, we cannot afford to ignore the particularly crucial and pressing problems posed by major childhood illnesses which continue to maim many children simply because their parents cannot afford proper medical treatment and continue to leave thousands of families destitute with nothing but unpaid medical bills to show for years of savings. Nor can we continue to ignore the fact that each year thousands of infants are born deformed or die within their first year of life simply because they are born to low-income mothers who cannot afford proper maternal care for themselves or sufficient health care for their babies.

The dimensions of these two problems are shocking. For example, birth defects alone—just one category of major, or catastrophic, childhood illnesses—currently affect 2.5 million Americans under the age of 20. So that other Senators may have a clearer view of just this one part of the overall problem presented by catastrophic childhood illnesses I ask unanimous consent to have printed in the RECORD at this point in my remarks a table listing the major birth defects and the number of children afflicted by them.

PREVALENCE OF COMMON BIRTH DEFECTS

Mental retardation of prenatal origin	1,170,000
Congenital blindness and lesser visual impairment	300,000
Congenital deafness and lesser hearing impairment	300,000
Genitourinary malformations	300,000
Muscular dystrophy	200,000
Congenital heart and other circulatory disease	200,000
Clubfoot	120,000
Cleft lip and/or cleft palate	100,000
Diabetes	80,000
Spina bifida and/or hydrocephalus	60,000
Congenital dislocation of hip	40,000
Malformations of digestive system	20,000
Speech disturbances of prenatal origin	12,000
Cystic fibrosis	10,000

In almost every major category of birth defects listed in the table there are more afflicted children than there are people in a major city. And, while low-income children are more prone to be victims of birth defects because of the insufficiency of maternal care presently available to their mothers, children from higher income families are in no way immune from these tragic defects. Clearly, then, when one adds the number of youngsters who are born in good health but later contract major illnesses or suffer serious accidents to the 2.5 million children suffering from birth defects he finds a national problem of truly catastrophic dimensions.

And it is a problem which is financially catastrophic to individual families. The care of a child with a major defect, illness, or injury generally entails prolonged hospitalization, care by a wide array of highly trained professionals and expensive equipment. Medical bills rapidly mount into the thousands of dollars, surpassing the coverage offered by even the better private insurance plans and far outstripping all but the richest family's ability to pay. When the average family's income is well below $10,000 and when most Americans earn far less than the average, how can we expect families to pay medical bills ranging into the thousands of dollars and often coming year after year after never-ending year? We cannot, Mr. President, and we should not.

An equally tragic and shocking picture comes into view when we examine the plight of the infants who are born every day into low-income families. Because women from these families so often cannot afford proper maternal care during their pregnancies or adequate obstetrical care at the time of delivery, their babies far too often come into this world unhealthy as well as poor. And the same poverty which denied their mothers adequate maternal and obstetrical care continues to rob these infants of the health care that is so crucial in the first year of life. As a consequence of this national neglect, the incidence of prematurity among infants born to low-income parents is about 12 percent as compared to the national average of 8 percent. Premature infants—and particularly those born into poverty—are especially apt to be born with major health problems, to be malnourished and to die within their first year of life. While the national infant mortality rate is unacceptably high—21.8 deaths in the first year per 1,000 births—the rate for babies of low-income parents is often twice as high, or about 43 deaths per 1,000 births. As a nation founded upon the dignity of human life can we tolerate this situation where infants are maimed for life or even die for no other reason than that their mothers are unable to obtain proper medical care for themselves and their babies? We should not, Mr. President, and we cannot.

The problems posed by catastrophic childhood illnesses, by insufficient maternal care for low-income families and by inadequate health care for their infants cannot be left unresolved while we continue the long, arduous task of devising a workable legislative solution to the entire health care crisis. We must act now to solve these problems.

Mr. President, we can act now for we need not, construct new administrative structures or engage in the extensive deliberations that are necessary whenever we set out to build a new program from the ground up. Instead, we can begin immediately to resolve these problems by building, as the bill I am about to introduce would do, upon two ongoing programs that have long since proved their effectiveness. These are the crippled children's services program, operating in all 50 States, and the maternal and infant care program, located in 33 States. Both are authorized under the present title V of the Social Security Act and are administered by the Department of HEW.

I am hopeful, then, that Senators will carefully examine the approach offered by this legislation, suggest ways in which it can be improved and give serious consideration to the possibility of implementing this approach, perhaps as part of the social security bill now being considered by the Finance Committee, so that we begin as soon as possible to deal with the tragic problems I have outlined above.

Mr. President, I now introduce for appropriate reference the Children's Catastrophic Health Care Act of 1971 which would become the new title V of the Social Security Act, replacing the current title V entitled "Maternal and Child Health and Crippled Children's Services." As I have indicated it would substantially expand both the crippled children's program and the maternal and infant care program authorized under the current title V. In addition, it would continue a variety of other title V programs of significant importance in our effort to make adequate health care available to all Americans. Under my bill, these programs would be funded through the normal appropriations process as is now done—not through payroll deductions or taxes. States would continue to share the cost of their expanded crippled children's programs—to be renamed the children's catastrophic health care program—and their maternal and infant care programs. However, they would only be required to continue their funding at its fiscal 1971 level. Other costs would be paid by the Federal Government.

Mr. President, the children's catastrophic health care program authorized under my bill would expand the existing crippled children's program in three important ways. First, it would provide care and services to children in all families—not just to those who come from low-income families as is presently the case. Second, it would expand coverage to include all health care costs once they exceeded a fixed percentage of a family's income. Third, it would standardize the coverage provided.

My own State of Washington presents telling examples of the problems which hobble the crippled children's program. Today, only 4,000 Washington youngsters are being treated under the crippled children's program although the State director estimates there are at least 16,000 children in need of treatment. In other words, without new legislation of the type I am proposing, only one-fourth of the children in my State who need treatment will receive it. And the story is no more encouraging in other States.

Eligibility standards vary widely from State to State. Since not all children can be served at existing funding levels, arbitrary eligibility standards are drawn. Most States, for example, provide services for children who require orthopedic surgery or plastic surgery to correct handicaps, but only a relative few provide services for children with chronic medical problems or congenital defects.

In Washington, children are covered for treatment of cleft palate and clubfoot, but they are not covered for cystic fibrosis, hydrocephalus or epilepsy. Nor are children in my State covered for kidney disease, congenital or acquired blood disorders—such as hemophilia—diabetes, cancer, eye disease or chronic brain disorder. I need hardly remind the Senate that these health problems for which children in my State are not covered are the most devastating, the most tragic, and also the most expensive to treat. Today, then, in my State, families with children suffering from one or more of these health problems cannot expect any assistance from the very program established by Congress to cover the cost of their treatment.

Nationally, mental health services for children are not covered under the crippled children's program as they would be under my bill. This is particularly important when one realizes that there are at least 1 million children in the United States today who require these crucial, but costly, services.

There are many other examples. For instance, hydrocephalus is a condition in which a grossly abnormal amount of fluid collects around the brain, creating pressure on the delicate brain tissues that leads to permanent mental retardation, loss of physical capacity, and even death. An operation can be performed to relieve this pressure and to prevent its destruction, but it is not covered under the crippled children's program. And the list goes on and on. Metabolic disorders such as rickets—which causes permanent deformities—and urinary tract disorders—which cause deterioration of the kidneys, high blood pressure and death—can be treated by special medicines and by corrective services. But, once more, the present crippled children's program does not cover the cost of such medicines or surgery.

Perhaps the most tragic example of all is presented by cystic fibrosis. Thousands of American youngsters die needlessly from this disease because we have neglected to make its costly treatment available to more than a fraction of its victims. One out of every 1,500 babies born in the United States are born with cystic fibrosis. In 1950, half the children with this disease were dead by age 3 and only 10 percent lived to the age of 10. But with new methods of care, modern treatment centers now treat cystic fibrosis victims so successfully that the median age of death in these centers is now 21. And no less than 50 percent of all children afflicted with this terrible disease survive past the age of 20 when treatment is available. But, because of inadequate funds, only a minute fraction of cystic fibrosis patients receive the care medical science has made possible. Enactment of the Children's Catastrophic Health Care Act would make this treatment available to all of these children.

In sum, the arbitrarily drawn eligibility standards that now govern crippled children's services mean financial ruin for families. But the greatest tragedy—one which I cannot overstress—is that unnumbered thousands of children are permanently crippled or doomed to an early and tragically unnecessary death because their parents cannot afford treatment for health problems that can be cured.

The Children's Catastrophic Health Care Act would eliminate the arbitrary eligibility standards drawn by the States and would provide adequate funding to insure that all eligible children receive the treatment they require. The new national eligibility standard would be based not on kinds of disease but rather on the cost of treatment in relation to family income.

Under this legislation a child would be eligible for free catastrophic health care and services whenever the cost of his treatment became prohibitively expensive. For a family with annual taxable income of $15,000 or less, the program would pay all of a child's annual medical expenses which exceeded 5 percent of the family's income. A family earning more than $15,000 would become eligible when their child's medical fees exceeded the sum of 5 percent of the first $15,000 of their income and 10 percent of everything above $15,000.

This means that for a family earning $8,000, the children's catastrophic health care program would pay all medical costs which, for any child in any year, exceeded $400. For a family earning $10,000 the program would pay costs in excess of $500. For a family with an income of $16,000 it would pay costs in excess of $850, and for a family with income of $20,000 the program would pay all costs in excess of $1,250. No family, therefore, would be financially ruined by the medical bills brought on by catastrophic childhood illnesses, defects or injuries.

In the program's first year, all children under the age of 7 would be covered. In succeeding years, benefits would be available to these children and all new babies, hence in the second year all children under the age of 8 would be covered, in the third year all children under the age of 9 would be covered and so on until in 1983 all children—under 18—would be covered.

The second major section in my bill and its effect on the existing title V maternal and infant care program can be described quite briefly. This bill would expand these programs, now serving only 33 States, to include all 50 States. Furthermore, it would provide maternal care to all low-income mothers and health care to all of their infants during the first year of their lives.

The maternal and infant care special project grants currently serve only 125,000 of the 750,000 mothers who need this type of assistance. For this fortunate one-sixth, the evidence demonstrates that the results of the maternal and infant care program has been a dramatic reduction in infant mortality, malnutrition and attendant diseases. Under the Children's Catastrophic Health Care Act this maternal and infant care would be available to all low-income women and their babies. In addition, all infants, regardless of their families' income status, would be eligible for free diagnostic services.

The Children's Catastrophic Health Care Act, then, would build upon an already functioning, already proven system to: first, provide comprehensive health care to all children suffering from major defects, diseases or injuries; and second, provide comprehensive maternal and infant care for all low-income mothers and their babies. This legislation offers a practical method for dealing almost immediately with the most urgent health care problems of our children. Furthermore, by making, this care available to children as soon as they are born—and, in fact, almost from the day of conception—we would prevent the occurrence of a great many painful and expensive defects and diseases. Consequently, early enactment of this legislation would not only save many children the agony of unnecessary sickness but would also save the nation the huge sums it will have to expend for corrective care if we delay acting until comprehensive national health insurance becomes a reality.

Mr. President, in addition to the crippled children's services program and the maternal and infant care program, title V of the Social Security Act authorizes a number of other programs which, while much smaller, are an important part of the Nation's overall health effort. Under my bill most of these programs would be continued through fiscal year 1977 and strengthened with separate funding authorizations. These programs and their annual funding levels under my bill are:

Programs to promote the health of preschool and school age children—$50 million.

Family planning services—$5 million.

Projects of regional or national significance in the advancement of maternal and infant care—$10 million.

Projects of regional or national significance to the improvement of the treatment of crippling diseases—$10 million.

Training of health personnel, particularly personnel to work with children who are mentally retarded or afflicted with multiple handicaps—$20 million.

Research projects designed to advance the care and treatment of crippled children, pregnant women and infants—$10 million.

In closing, Mr. President, I wish to reiterate three important points:

First, this legislation is not an alternative to a comprehensive national health insurance system. As my cosponsorship of Senator KENNEDY's National Health Security Act evidences, I am a proponent of a truly comprehensive system. And I believe we must move toward implementation of such a system just as rapidly as we possibly can without sacrificing sound legislation for speed. Rather than being an alternative to a comprehensive program, The Children's Catastrophic Health Care Act offers an important first step toward the development of a comprehensive program.

Second, this bill avoids duplication or the creation of new paper-strangled bureaucracies by building upon an existing and effective program.

Third, this bill is not offered as a finished legislative product. Instead, it is offered as a working paper. Hopefully, it will be considered by other Senators and particularly by those who are now studying the new social security bill and who will eventually be designing a final Senate health insurance bill. And, hopefully, it offers an approach which, after appropriate committee refinement, will receive the Senate's approval.

Mr. President, I ask unanimous consent that the entire text of my bill, The Children's Catastrophic Health Act of 1971, be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

A bill "The Children's Catastrophic Health Care Act of 1971"

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Children's Catastrophic Health Care Act of 1971".

AMENDMENT

Title V of the Social Security Act is amended to read as follows:

TITLE V

STATEMENT OF FINDINGS AND PURPOSES

SEC. 501. The Congress finds that—

(1) Safeguarding the health of all the nation's children is not only humane, prudent and compassionate but also mandatory for the nation's best interests;

(2) The expense of providing adequate health care to children suffering from major illnesses often comprises a financial catastrophe for families and too often stands as a barrier between children and their well-being;

(3) The failure to provide children with adequate health care solely because of their families' financial limitations is so inimical to the national interest as to comprise a national catastrophe;

(4) The health or ill-health of children in their later years is directly related to the maternal care or lack of maternal care which their mothers receive and to the care which they receive during the first year of their life;

(5) Of the 750,000 infants born each year to low-income families, 600,000 are borne by women who do not receive adequate maternal care;

(6) The mothers of half of all such infants receive no maternal care whatsoever; and

(7) The inadequacy or total lack of maternal care available to women from low-income families leads to a disproportionate incidence of prematurity, congenital defects, still births and infant deaths among infants born to low-income families.

Therefore, it is the purpose of this Act, to ensure adequate health care to children suffering from major illnesses, to ensure adequate care to all infants born to low-income families, and to ensure adequate maternal care to all women in low-income families.

DEFINITIONS

SEC. 502. For the purposes of this Act—

(1) "The Secretary" shall mean the Secretary of Health, Education, and Welfare;

(2) "Low-Income Family" shall mean any family so defined by the Office of Economic Opportunity, Income Poverty Guidelines; and

(3) "Infant" shall mean a child in his first year of life.

CHILDREN'S CATASTROPHIC HEALTH CARE PROGRAM

SEC. 503 (a) For the purposes of this section there is authorized to be appropriated for the fiscal year ending June 30, 1972 and for each succeeding year thereafter such funds as the Congress shall deem necessary.

(b) Care and services included under this section shall include the diagnosis of illness, the provision of medical, surgical and corrective care, the provision of aftercare, the provision of such facilities as are necessary for providing such care and the identification of children requiring such care provided that—

(1) In the case of a child whose family's annual taxable income is $15,000 or less, the combined cost determined pursuant to Sec. 505 (a)(3) of all such care and services provided in one twelve month period shall exceed 5 per centum of the family's annual taxable income; or

(2) In the case of a child whose family's annual taxable income is greater than $15,000 the combined cost as determined pursuant to Sec. 505 (a) (3), of all such care and services provided in one 12 month period shall exceed the sum of 5 per centum of the first $15,000 and 10 per centum of all income greater than $15,000.

(c) Care and services authorized under this section shall be initiated:

(1) in calendar year 1971 for only those children who will not have reached the age of seven years as of December 31, 1971;

(2) for calendar year 1972 and in succeeding years for (A) all children eligible under (1) until such children reach age 18; and (B) all children born in such years until such children reach age 18.

(d) The Secretary shall pay to each State that has a State plan approved under Sec. 505 such sums as it requires to pay that part of the cost of care and services provided a child under this section which—

(1) in the case of a child whose family's annual taxable income is $15,000 or less, is greater than 5 per centum of the family's annual taxable income; or

(2) in the case of a child whose family's annual taxable income is greater than $15,000, is greater than the sum of 5 per centum of the first $15,000 of such income and 10 per centum of all such income greater than $15,000.

(e) Subsection (d) notwithstanding, the Secretary shall pay to each State that has a State plan approved under Sec. 505 such sums as it requires to carry out the provision of Sec. 505 (a) (9).

MATERNAL AND INFANT HEALTH CARE

SEC. 504 (a) For the purposes of this section there is authorized to be appropriated for the fiscal year ending June 30, 1972 and for each succeeding year such sums as the Congress shall deem necessary.

(b) The Secretary shall pay to each State having a State plan approved under Sec. 505 such sums as it requires to provide comprehensive maternal care to all women of low-income families, and to provide comprehensive health care to all infants born to low-income families, and to provide diagnostic services for all infants of all families.

APPROVAL OF STATE PLANS

SEC. 505 (a) To be entitled to payments under Sec. 503 and Sec. 504 a State must have a State plan which—

(1) provides for carrying out the purposes of Sec. 503 and Sec. 504

(2) provides that the State shall pay no less in any fiscal year for care and services authorized under Sec. 503 and Sec. 504 of this Title than it paid in the fiscal year which ended June 30, 1971 for care and services authorized under Sec. 503 and Sec. 504 of Title V of the Social Security Act as in effect prior to the enactment of this Title.

(3) provides that the cost of care and services provided under this Act shall be reasonable as determined in accordance with standards established by the Secretary;

(4) provides for the administration of the plan by the State health agency or the supervision of the administration of the plan by the State health agency or the administration (or supervision thereof) of the plan by another State agency approved by the Secretary;

(5) provides such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Secretary shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such methods) as are necessary for the proper and efficient operation of the plan;

(6) provides for the training and effiective use of paid subprofessional or paraprofessional staff, with particular emphasis on the full-time or part-time employment of persons of low-income, as community service aides, in the administration of the plan and for the use of nonpaid or partially paid volunteers in providing services and in assisting any advisory committee established by the State agency;

(7) provides that the State agency will make such reports, in such form and containing such information, as the Secretary may from time to time require, and comply with such provisions as he may from time to time find necessary to assure the correctness and verification of such reports;

(8) provides for cooperation with medical, health, nursing, educational and welfare groups and organizations and, with respect to the portion of the plan relating to care and services authorized under Sec. 503, with any agency in such State charged with administering State laws providing for vocational rehabilitation of physically or mentally handicapped children;

(9) provides, with respect to the portion of the plan relating to care and services authorized under Sec. 503, for early identification of children in need of such care and services through provision of such periodic screening and diagnostic services as may be provided in regulations established by the Secretary;

(1) provides a program (carried out directly or through grants and contracts) of projects of the type described in Sec. 508 which offers reasonable assurance, particularly in areas with concentrations of low-income families, of satisfactorily promoting health of children and youth of school or preschool age;

(11) provides a program (carried out directly or through grants and contracts) of projects which offer reasonable assurance, particularly in areas with concentrations of low-income families, of satisfactorily promoting the dental health of children and youth of school or preschool age:

(12) provides for the development of demonstration services (with special attention to dental care for children and family planning services for mothers) in needy areas and among groups in special need;

(13) provides that acceptance of family planning services provided under the plan shall be voluntary on the part of the individual to whom such services are offered and shall not be a prerequisite to eligibility for or the receipt of any service under the plan;

(14) provides that, where payment is authorized under the plan for services which an optometrist is licensed to perform, the individual for whom such payment is authorized may, to the extent practicable, obtain such services from an optometrist licensed to perform such services except where such services are rendered in a clinic, or another appropriate institution, which does not have an arrangement with optometrists so licensed.

(15) provides with respect to the portion of the plan relating to care and services authorized under Sec. 503, for payment by the treated child's family or legal guardian or by third parties of that portion of the costs not paid by the Secretary pursuant to Sec. 503(d) or Section 503(e);

PAYMENT TO THE STATES

SEC. 506(a) From the sums appropriated under Sec. 503 and Sec. 504 the Secretary shall pay to each State which has a plan approved under Sec. 505, for each quarter, an amount, which shall be used exclusively for carrying out the State plan.

(b)(1) Prior to the beginning of each quarter, the Secretary shall estimate the amount to which a State will be entitled under Subsection (a) for such quarter, such estimates to be based on—

(A) a report filed by the State containing its estimate of the total sum to be expended in such quarter in accordance with the provisions of subsection (a), and stating the amount appropriated or made available by the State and its political subdivisions for such expenditures in such quarter, and if such amount is less than the State's proportionate share of the total sum of such estimated expenditures, the source or sources from which the difference is expected to be derived; and (B) such other investigation as the Secretary may find necessary.

(2) The Secretary shall then pay the amount so estimated to the State in such installments as he may determine proper, provided that, such amount shall be reduced or increased to the extent of any overpayment or underpayment which the Secretary determines was made under this section to such State for any prior quarter and with respect to which adjustment has not already been made under this subsection.

(3) Upon the making of an estimate by the Secretary under this subsection, any appropriations available for payments under this section shall be deemed obligated.

OPERATION OF STATE PLANS

SEC. 507. If the Secretary, after reasonable notice and opportunity for hearing to the State agency administering or supervising the administration of the State plan approved under Sec. 505 finds—

(1) that the plan has been so changed that it no longer complies with the provisions of Sec. 505; or

(2) that in the administration of the plan there is a failure to comply substantially with any such provision the Secretary shall—

(1) notify such State agency that further payments will not be made to the State (or, in his discretion, that payments will be limited to categories under or parts of the State plan not affected by such failure), until he is satisfied there will no longer be any such failure to comply; and

(2) shall make no further payments to such State (or shall limit payments to categories under or parts of the State plan not affected by such failure) until he is satisfied that there will no longer be any such failure to comply.

SPECIAL PROJECT GRANTS FOR HEALTH OF SCHOOL AND PRESCHOOL CHILDREN

SEC. 508. (a) For the purposes of this section there is authorized to be appropriated for the fiscal year ending June 30, 1973, and for each of the four succeeding fiscal years $50,000,000.

(b) Funds appropriated under this section shall be used for grants to promote the health of children and youth of school or preschool age, particularly in areas with concentrations of low-income families.

(c) Grants authorized under this section shall be made to the State health agency of any State and (with the consent of such agency) to the health agency of any political subdivision of the State, to the State agency of the State administering or supervising the administration of the State plan approved under section 505, to any school of medicine (with appropriate participation by a school of dentistry), and to any teaching hospital affiliated with such a school.

(d) Grants authorized under this section shall not exceed 75 per centum of the cost of any project for which grants are made.

(e) No project shall be eligible for a grant under this section unless it provides—

(1) for the coordination of health care and services provided under it with, and utilization (to the extent feasible) of, other State or local health, welfare and education programs for such children;

(2) for payment of the reasonable cost (as determined in accordance with standards approved by the Secretary) of inpatient hospital services provided under the project; and

(3) that any treatment, correction of defects, or aftercare provided under the project is available only to children who would not otherwise receive it because they are from low-income families or for other reasons beyond their control; and unless

(4) it includes [subject to limitations in subsection (e) (1) (2) (3)] at least such screening, diagnosis, preventive services, treatment, correction of defects, and aftercare, both medical and dental, as may be provided for in regulations of the Secretary.

(f) The Secretary shall make such regulations as are necessary for the purpose of administering the grants authorized under this section.

SPECIAL PROJECT GRANTS

SEC. 509. (a) For the purposes of this section there is authorized to be appropriated for the fiscal year ending June 30, 1973, and for each of the four succeeding fiscal years $25,000,000.

(b) Appropriations authorized under this section shall be allotted by the Secretary in each fiscal year such that—

(1) $5,000,000 shall be available for grants to State agencies administering or supervising the administration of a State plan approved under section 505 for the provision of family planning services;

(2) $10,000,000 shall be available for grants to State agencies (administering or supervising the administration of a State plan approved under section 505), and to public or other nonprofit institutions of higher learning (situated in any State), for special projects of regional or national significance which may contribute to the advancement of services for children who are crippled or who are suffering from conditions leading to crippling; and

(3) $10 million shall be available for grants to State agencies (administering or supervising the administration of a State plan approved under sec. 505) and to public or other nonprofit institutions of higher learning (situated in any State) for special projects of regional or national significance which may contribute to the advancement of maternal and child health.

(e) The Secretary shall make such regulations as are necessary for the purpose of administering the grants authorized under this section.

TRAINING OF PERSONNEL

SEC. 510 (a) For the purposes of this section there is authorized to be appropriated for the fiscal year ending June 30, 1973 and for each of the four succeeding fiscal years $20 million.

(b) From the sums appropriated under this section the Secretary is authorized to make grants to public or nonprofit private institutions of higher learning for training personnel for health care and related services for mothers and children, particularly mentally retarded children and children with multiple handicaps.

(c) In making grants authorized under this section, the Secretary shall give special attention to programs providing training at the undergraduate level.

(d) The Secretary shall make such regulations as are necessary for the purpose of administering the grants authorized under this section.

RESEARCH PROJECTS RELATING TO MATERNAL AND CHILD HEALTH SERVICES AND CRIPPLED CHILDREN'S SERVICES

SEC. 511(a) For the purposes of this section there is authorized to be appropriated for the fiscal year ending June 30, 1973 and for each of the four suceeding fiscal years $10 million.

(b) With the funds appropriated under this section the Secretary is authorized to make grants to or make jointly financed cooperative arrangements with public or nonprofit institutions of higher learning, and public or nonprofit private agencies and organizations engaged in research or in maternal and child health or crippled children's programs, and contracts with public or nonprofit private agencies and organizations engaged in research or in such programs, for research projects relating to maternal and child health services or crippled childrens services which show promise of substantial contribution to the advancement thereof, provided that—

(1) special emphasis shall be accorded to projects which will help in studying the need for, and the feasibility, costs, and effectiveness of, comprehensive health care programs in which maximum use is made of health personnel with varying levels of training, and in studying methods of training for such programs; and

(2) grants under this section may also include funds for the training of health personnel for work in such projects,

(c) The Secretary shall make such regulations as are necessary for the purpose of administering the grants authorized under this section.

ADMINISTRATION

SEC. 512 (a) The Secretary shall make such studies and investigations as will promote the efficient administration of this title.

(b) Such portion of the appropriations authorized under this title as the Secretary shall determine, but not exceeding one-half of 1 percent thereof, shall be available for evaluation by the Secretary (directly or by grants or contracts) of the programs for which such appropriations are made.

(c) Any agency, institution or organization shall, if and to the extent prescribed by the Secretary, as a condition to receipt of grants under this title, cooperate with the State agency administering or supervising the administration of the State plan approved under title XIX in the provision of care and services, available under a plan or project under this title, for children eligible therefore under a plan approved under title XIX.

OBSERVANCE OF RELIGIOUS BELIEFS

SEC. 513. Nothing in this title shall be construed to require any State which has any plan or program approved under, or receiving financial support under, this title to compel any persons to undergo any medical screening, examination, diagnosis, or treatment or to accept any other health care or services provided under such plan or program for any purpose (other than for the purpose of discovering and preventing the spread of infection or contagious disease or for the purpose of protecting environmental health), if such persons object (or, if such person is a child, his parent or guardian objects) thereto on religious grounds.

By Mr. HRUSKA (by request):

S. 2436. A bill to amend title 18, United States Code, to provide for expanded protection of public officials and foreign officials, and for other purposes. Referred to the Committee on the Judiciary.

Mr. HRUSKA. Mr. President, I send to the desk a bill to provide for expanded protection of public and foreign officials, and for other purposes which I introduce at the request of the Attorney General and the Secretary of State and I ask that it be appropriately referred. The bill would amend certain portions of title 18, United States Code, to extend Federal jurisdiction over crimes involving persons not now covered by Federal law.

The bill is accompanied by an extensive covering letter addressed to the President of the Senate which explains in great detail the purposes and nature of the proposed act. In brief, the bill would enable Federal authorities to move against persons who utter express or implied threats to commit acts of physical violence or who commit assaults or murder against members of the diplomatic corps, other foreign officials, and officials of the United States. In the past the Government has had to rely on local authorities for redress of instances of this type with no guarantee that sufficient resources were available to discharge this responsibility appropriately. This has proved particularly embarrassing in view of our international obligations as a host nation.

Changes in Federal kidnaping law are also contained in this bill. These include the reinstitution of the death penalty for cases where the victim dies as a consequence of the crime. This provision is aimed at correcting the defect in the law struck down by the Supreme Court in *United States* v. *Jackson,* 390 U.S. 570 (1968). Federal jurisdiction in kidnaping cases would also be extended to cases arising within the special maritime and aircraft jurisdiction of the United States. This provision is aimed at insuring adequate punishment and extradiction of hijackers.

As presently written, Mr. President, this bill is very broad in its language and scope, especially as it relates to the classes of persons to be covered. This Senator is pleased to introduce the bill so that the Committee on the Judiciary will have an appropriate vehicle to study this problem. It may be that after hearings and due consideration, the committee will want to extend or limit, add or subtract some portions of this bill. I certainly hold an open mind concerning any revision of this bill and look forward to hearing from those who have an interest on this subject because it is a matter which deserves our consideration. It would be my hope that early hearings could be scheduled by the Subcommittee on Criminal Laws and Procedures so that appropriate action could be taken promptly.

At this point I ask unanimous consent to have printed in the RECORD the text of the bill, the transmittal letter from the Attorney General and the Secretary of State, and a section-by-section analysis of the provisions of the bill.

There being no objection, the bill, letter, and analysis were ordered to be printed in the RECORD, as follows:

S. 2436

A bill to amend title 18, United States Code, to provide for expanded protection of public officials and foreign officials, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Act for the Protection of Public and Foreign Officials".

STATEMENT OF FINDINGS AND DECLARATION OF POLICY

SEC. 2. The Congress recognizes that from the beginning of our history as a Nation, the police power to investigate, prosecute and punish common crimes such as murder, kidnaping and assault has resided in the several States, and that such power should remain with the States.

The Congress finds, however, that some acts of violence committed against public officials or their family members adversely affect the conduct of the public business of the United States to an extent which makes it desirable to proceed under Federal law against those who commit such acts.

The Congress further finds that harassment, intimidation, obstruction, coercion, and acts of violence committed against foreign officials or their family members in the United States adversely affect the foreign relations of the United States.

Accordingly, this legislation is intended to afford the United States jurisdiction concurrent with that of the several States to proceed against those who by such acts interfere with its conduct of domestic and foreign affairs.

TITLE I—MURDER OR MANSLAUGHTER OF PUBLIC AND FOREIGN OFFICIALS

SEC. 101. Section 1114 of title 18, United States Code, is amended to read as follows:

"§ 1114. Murder or manslaughter of public officials of the United States.

"(a) Whoever kills a public official of the United States while engaged in the performance of his official duties, or on account of the performance of his official duties or because of his status as a public official, or kills any member of such public official's family on account of the performance of official duties by such public official or because of the official's status as a public official, shall be punished as provided under sections 1111 and 1112 of this title.

"(b) For the purpose of this section:

(1) 'Public official' means an officer or employee or other person acting for or on behalf of and under the authority of the United States, or any department, agency or branch of the United States government, excluding the District of Columbia. A person who has been elected, nominated or appointed to be a public official shall be deemed a public official.

"(2) 'Family' includes (a) a spouse, parent, brother or sister, child, or person to whom the public official stands *in loco parentis,* or (b) any other person living in his household and related to the public official by blood or marriage.

"SEC. 102. Chapter 51 of title 18, United States Code, is amended by adding at the end thereof the following new sections:

"§ 1116. Murder or manslaughter of foreign officials.

"(a) Whoever kills a foreign official shall be punished as provided under sections 1111 and 1112 of this title.

"(b) For the purpose of this section 'foreign official' means

"(1) a Chief of State, President, Vice President, Prime Minister, Ambassador, Foreign Minister, or other officer of cabinet rank or above of a foreign government or the chief executive officer of an international organization, or any person who has previously served in such capacity, and any member of his family, while in the United States; and

"(2) any person of a foreign nationality who is duly notified to the United States as an officer or employee of a foreign government or international organization, and who is in the United States on official business, and any member of his family whose presence in the United States is in connection with the presence of such officer or employee.

"(c) For the purpose of this section:

"(1) 'Foreign government' means the government of a foreign country, irrespective of recognition by the United States.

"(2) 'International organization' means a public international organization designated as such pursuant to section 1 of the International Organizations Immunities Act (22 U.S.C. 288).

"(3) 'Family' includes (a) a spouse, parent, brother or sister, child, or person to whom the foreign official stands *in loco parentis,* or (b) any other person living in his household and related to the foreign official by blood or marriage.

"§ 1117. Conspiracy to murder.

"If two or more persons conspire to violate section 1111, 1114, or 1116 of this title, and one or more of such persons do any overt act to effect the object of the conspiracy, each shall be punished by imprisonment for any term of years or for life."

SEC. 103. The analysis of chapter 51 of title 18, United States Code, is amended by deleting "§ 1114. Protection of officers or employees of the United States." and substituting:

"§ 1114. Murder or manslaughter of public officials of the United States.";

and by adding at the end thereof the following new items:

"§ 1116. Murder or manslaughter of foreign officials.

"§ 1117. Conspiracy to murder."

TITLE II—KIDNAPING

SEC. 201. Section 1201 of title 18, United States Code, is amended to read as follows:

"§ 1201. Kidnaping.

"(a) Whoever unlawfully seizes, confines, inveigles, decoys, kidnaps, abducts, or carries away and holds for ransom or reward or otherwise any person, except in the case of a minor by the parent thereof, when:

(1) the person is wilfully transported in interstate or foreign commerce;

(2) any such act against the person is done within the special maritime and territorial jurisdiction of the United States;

(3) any such act against the person is done within the special aircraft jurisdiction of the United States as defined in section 101 (32) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301(32));

(4) the person is a public official of the United States as defined in section 1114(b) (1) of this title and the act is done while he is engaged in the performance of his official duties, or on account of the performance of his official duties or because of his status as a public official, or the person is a member of the family of a public official of the United States as defined in section 1114(b)(2) of this title and the act is done on account of the performance of official duties by such public official or because of the official's status as a public official; or

(5) the person is a foreign official as defined in section 1116(b) of this title,

shall be punished (1) by imprisonment for any term of years or for life, or (2) if the person dies as a consequence, by death if the jury so recommends, or in the case of a plea of guilty or a plea of not guilty where the defendant has waived a trial by jury if the court in its discretion so orders, or by imprisonment for any term of years or for life if the death penalty is not imposed.

"(b) With respect to subsection (a)(1), above, the failure to release the victim within twenty-four hours after he shall have been unlawfully seized, confined, inveigled, decoyed, kidnaped, abducted, or carried away shall create a rebuttable presumption that such person has been transported in interstate or foreign commerce.

"(c) If two or more persons conspire to violate this section and one or more of such persons do any overt act to effect the object of the conspiracy, each shall be punished by imprisonment for any term of years or for life."

SEC. 202. The analysis of chapter 55 of title 18, United States Code, is amended by deleting "§ 1201. Transportation.", and substituting the following:

"§ 1201. Kidnaping."

TITLE III—PROTECTION OF PUBLIC AND FOREIGN OFFICALS

SEC. 301. Section 111 of title 18, United States Code, is amended to read as follows:

"§ 111. Assaulting public officials of the United States.

"(a) Whoever assaults, or forcibly resists, opposes, impedes, intimidates, or interferes with any public official of the United States while engaged in the performance of his official duties or because of his status as a public official, or on account of the performance of his official duties, or assaults any member of such public official's family on account of the performance of official duties by such public official or because of the official's status as a public official, shall be fined not more than $5,000, or imprisoned not more than three years, or both. Whoever in the commission of any such act uses a deadly or dangerous weapon shall be fined not more than $10,000, or imprisoned not more than ten years, or both.

"(b) For the purpose of this section 'public official' and 'family' shall have the same meanings as provided in section 1114(b) of this title."

SEC. 302. Section 112 of title 18, United States Code, is amended to read as follows:

"§ 112. Protection of foreign officials.

"(a) Whoever assaults, strikes, wounds, imprisons, or offers violence to a foreign official shall be fined not more than $5,000, or imprisoned not more than three years, or both. Whoever in the commission of any such act uses a deadly or dangerous weapon shall be fined not more than $10,000, or imprisoned not more than ten years, or both.

"(b) Whoever wilfully intimidates, coerces, threatens or harasses a foreign official, or wilfully obstructs him in the performance of his duties, shall be fined not more than $500, or imprisoned not more than six months, or both.

"(c) Whoever within the United States but outside the District of Columbia congregates with two or more persons within 100 feet of any building or premises belonging to or used or occupied by a foreign government or by a foreign official for diplomatic, consular or other official purposes, including as a residence for a foreign official, or belonging to or used by an international organization, with respect to the activities of the foreign government, foreign official, or international organization, and refuses to leave when ordered to do so by authorities charged with enforcement of the laws of the United States or of the State or locality in which such building or premises are situated, shall be fined not more than $500, or imprisoned not more than six months, or both.

"(d) For the purpose of this section 'foreign official', 'foreign government' and 'international organization' shall have the same meanings as those provided in sections 1116 (b) and (c) of this title."

SEC. 303. The analysis of chapter 7 of title 18, United States Code, is amended by deleting "§ 111. Assaulting, resisting, or impeding certain officers or employees.", and "§ 112. Assaulting certain foreign diplomats and other official personnel.", and adding at the beginning thereof the following new items:

"§ 111. Assaulting public officials of the United States.

"§ 112. Protection of foreign officials."

TITLE IV—PROTECTION OF PROPERTY OF FOREIGN GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS

SEC. 401. Chapter 45 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 970. Protection of property occupied by foreign governments.

"(a) Whoever wilfully injures, damages or destroys, or attempts to injure, damage or destroy, any property, real or personal, located within the United States and belonging to or utilized or occupied by any foreign government or international organization, or by a foreign official, shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"(b) For the purpose of this section 'foreign official', 'foreign government' and 'international organization' shall have the same meanings as those provided in sections 1116 (b) and (c) of this title."

SEC. 402. The analysis of chapter 45 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"§ 970. Protection of property occupied by foreign governments."

TITLE V—GENERAL PROVISIONS

SEC. 501. Nothing contained in this Act shall be construed to indicate an intent on the part of Congress to occupy the field in which its provisions operate to the exclusion of the laws of any State, Commonwealth, territory, possession or the District of Columbia on the same subject matter, nor to relieve any person of any obligation imposed by any law of any State, Commonwealth, territory, possession or the District of Columbia.

SEC. 502. (a) The following provisions of law are repealed:

(1) Section 13(a)(8) of the United States Grain Standards Act, 39 Stat. 485, as added by the Act of August 15, 1968 (82 Stat. 76, 7 U.S.C. 87b(a)(8));

(2) Section 16(b) of the Act of August 24, 1966 (80 Stat. 352), as added by section 17 of the Animal Welfare Act of 1970, approved December 24, 1970 (84 Stat. 1563, 7 U.S.C. 2146(b));

(3) Section 1501 of title 18, United States Code;

(4) Section 1502 of title 18, United States Code;

(5) Section 2231 of title 18, United States Code;

(6) Section 307 of the Act of August 5, 1935 (49 Stat. 528, 19 U.S.C. 70);

(7) Section 12(c) of the Poultry Products Inspection Act, as added by section 12(c) of the Act of August 18, 1968 (82 Stat. 802, 21 U.S.C. 461(c));

(8) Section 405 of the Federal Meat Inspection Act, as added by section 16 of the Wholesome Meat Act, approved December 15, 1968 (81 Stat. 599; 21 U.S.C. 675);

(9) Section 12(c) of the Egg Products Inspection Act, approved December 29, 1970 (84 Stat. 1620);

(10) Section 714 of the Civil Rights Act of 1964, approved July 2, 1964 (78 Stat. 265, 42 U.S.C. 2000e–13); and

(11) Section 4376 of the Revised Statutes (46 U.S.C. 324).

(b) Title 18 of the United States Code is amended by deleting from the analysis of chapter 73 "§ 1501. Assault on process server." and "§ 1502. Resistance to extradition agent." and by deleting from the analysis of chapter 109 "§ 2231. Assault or resistance."

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., August 5, 1971.

The VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: There is attached for your consideration and appropriate reference a draft bill, "To amend title 18, United States Code, to provide for expanded protection of public officials and foreign officials, and for other purposes", which is being submitted jointly by the Department of State and the Department of Justice.

Of late, express and implied threats of militant activists and terrorists to commit acts of physical violence against the persons of members of the diplomatic corps, other foreign officials, and officials of the United States have created grave concern in our respective Departments. The lesson from the recent distressful experiences of other nations with terrorist seizures of diplomatic and governmental officials for use as pawns in "political" disputes is clear.

Review of resources available to the Federal Government to meet these new and substantial threats to foreign and public officials has disclosed alarming omissions and inconsistencies in existing Federal criminal jurisdiction over such matters. Correction of these deficiencies need not and should not await the actual occurrence of a tragedy and response thereto on a category-by-category basis as was the case with the assassination of a President (18 U.S.C. 1751) and of a Senator (18 U.S.C. 351). Both history and the present public declarations and acts of individuals and groups who seek to achieve their ends through unlawful means call for the timely enactment of new criminal laws on this subject. Enactment of this legislation will provide protection against criminal acts which jeopardize both the domestic operations of our Government and its relations abroad.

Provision for increased protection of diplomatic, consular and other foreign government personnel and their families permits direct discharge by the United States of its international obligations as a host country. Presently, in most instances of interference with such persons, the Federal Government can only press for the cooperation of local authorities but has no way to guarantee that such cooperation will be forthcoming.

This legislation also extends to all Federal personnel and their families the same statutory protection against assaults and murder which has been reserved for selected classes of Federal officers and employees. The rationale for previous limitation of Federal investigative and prosecutive jurisdiction in this area has long since been eroded. Now we find over thiry percent of all Federal civilian employees protected by Federal criminal statutes against physical abuse, with little to distinguish those within the protected classes from those without. The creation of identical statutory protection from physical abuse for all Federal employees will equitably provide for security of all Government departments and agencies.

This legislation also makes significant changes in the existing Federal kidnaping law. The revision of section 1201 of title 18, United States Code, will provide Federal criminal jurisdiction for kidnapings committed within the special maritime and territorial jurisdiction and the special aircraft jurisdiction of the United States. Thus our Government will no longer be forced to rely upon the interstate transportation jurisdiction which, in airplane hijacking cases, has proved an inappropriate basis for the extradition of hijackers. The legislation also restores the death penalty for kidnaping by correcting the defect in the present provision disclosed in *United States* v. *Jackson,* 390 U.S. 570 (1968), but authorizes its imposition only if the victim dies as a consequence of the crime.

Whereas the prime responsibility to investigate, prosecute and punish common crimes such as murder, kidnaping and assault remains in the several States, this legislation will extend to the United States jurisdiction, concurrent with that of the States, to proceed against those acts committed against public and foreign officials which interfere with its conduct of domestic and foreign affairs.

We urge the prompt introduction and early enactment of this legislation.

The Office of Management and Budget has advised that enactment of this legislation is consistent with the objectives of this Administration.

Sincerely,

JOHN N. MITCHELL,
Attorney General.
WILLIAM P. ROGERS,
Secretary of State.

SECTION-BY-SECTION ANALYSIS

TITLE I—MURDER OR MANSLAUGHTER OF PUBLIC AND FOREIGN OFFICIALS

Sec. 101. This section amends title 18 of the United States Code by substituting a revised section 1114 which in subsection (a) makes punishable under Federal law the murder or manslaughter of public officials of the United States who are killed (1) while engaged in the performance of their official duties, (2) on account of the performance of their official duties, or (3) because of their status as public officials. It also punishes the killing of members of the family of a public official if they are killed (1) on account of the public official's performance of his duties, or (2) because of his status. Sections 1111 (Murder) and 1112 (Manslaughter) of title 18, United States Code, delineate the offenses and prescribe the penalties which may be imposed. Section 1114 affords Federal jurisdiction concurrent with State jurisdiction over homicides which may be exercised whenever a homicide within the purview of the section is of sufficient interest to the United States to warrant Federal investigation or prosecution.

Although the Government must indicate the status of the victim in prosecutions brought under this section for the purpose of establishing a jurisdictional basis, knowledge of the victim's status on the part of his assailant is not an element of the offense which must be established at trial if the person is killed while performing his official duties or because of the performance of his special duties.

Existing section 1114 of title 18, United States Code, provides for Federal jurisdiction over homicides of a wide variety of Federal officers and employees, but no statute provides for all cases in which a Federal officer or employee is killed in pursuit of his official duties, or in connection with his office. The exsting law fails to provide Federal jurisdiction where a member of the family of a public official is the victim of a homicide and the death relates to the public official's status or to the performance of his duties. However, 26 U.S.C. 7212(a) proscribes threats of force or bodily harm to members of the family of an employee enforcing the internal revenue laws; thus, the provision does not lack precedent.

Subsection (b)(1) of revised section 1114 defines "public official" to include officers and employees and other persons acting on behalf of or under the authority of the United States. The definition excludes employees of the District of Columbia but includes persons who have been elected, nominated or appointed to office, thus affording the latter persons protection before they have assumed their duties. Compare 18 U.S.C. 372.

The term "family" as defined in subsection (b)(2) includes certain enumerated members of a public official's immediate family, persons to whom he stands *in loco parentis,* and other persons related to him if they are members of his household. The homicide of a family member is not cognizable under this section unless it relates to a public official's status or performance of his duties.

Sec. 102. This section adds a section 1116 to chapter 51 of title 18, United States Code, which in subsection (a) makes punishable under Federal law the murder or manslaughter of foreign officials. Here, as in section 101(a) of this Act, the offenses are delineated and the penalties prescribed by 18 U.S.C. 1111 (Murder) and 18 U.S.C. 1112 (Manslaughter).

"Foreign official" as defined in subsection (b) embraces two distinct categories of persons. The first category, designated is subparagraph (1), includes a Chief of State, President, Vice President, Prime Minister, Ambassador, Foreign Minister, or other officer of cabinet rank or above of a foreign government; the chief executive officer of an international organization; and persons who have previously served in such capacities. It also includes members of the families of such officers or former officers. These persons are protected while in the United States regardless of whether their presence relates to official or unofficial business. The term "officer of cabinet rank or above" is intended to include, without being limited to, a member of the government of any nation who is the head of an executive department, the presiding officer of a national legislative body, or a member of a nation's higher judicial tribunal.

The second category, designated in subparagraph (2), includes all persons of foreign nationality who are duly notified to the United States as officers or employees of foreign governments or international organizations and who are in the United States on *official business,* and members of their families who are in this country in connection with the presence of the officers or employees. The class of officers and employees of foreign governments includes those at embassies and consulates, those at missions of their governments to international organizations, and those at trade or commercial offices of foreign governments.

Federal prosecution under proposed section 1116 of title 18, United States Code, as under revised section 1114, will be initiated at the discretion of Federal law enforcement authorities and based upon a determination that the United States has a substantial interest in the case. In other cases, the prosecution of homicides of foreign officers and employees and their family members will be left to the States which have jurisdiction. Under this section the status of the victim as a foreign official provides a jurisdictional basis for Federal investigation or prosecution, but knowledge of the victim's status is not an element of the offense to be proved at trial.

Subsection (c)(1) of section 1116, United States Code, defines "foreign government" to include any government of a foreign country irrespective of recognition by the United States. Unlike 18 U.S.C. 11, which defines "foreign government" for other purposes of title 18, it does not restrict the term to nations with which the United States is at peace nor does it include a "faction, or body of insurgents within a country."

Subsection (c)(2) defines "international organization" for the purposes of this section as it is defined in section 1 of the International Organizations Immunities Act. (22 U.S.C. 288.)

Subsection (c)(3) defines "family" to include certain enumerated members of the foreign official's immediate family, persons to whom he stands *in loco parentis,* and other persons related to him if they are members of his household.

Section 102 also adds to chapter 51 of title 18, United States Code, a section 1117 which punishes by imprisonment for any term of years or life conspiracies to violate existing section 1111 (Murder within the special maritime or territorial jurisdiction of the United States); revised section 1114 (Murder or manslaughter of public officials), and new section 1116 (Murder or manslaughter of foreign officials). Special provision for conspiracy to murder is added to parallel existing provisions for kidnaping. See 18 U.S.C. 1201.

Sec. 103. This section makes appropriate amendments to the analysis of chapter 51 of title 18, United States Code.

Title II—Kidnaping

Sec. 201. This section revises section 1201 of title 18, United States Code, to make a number of substantive changes in the present kidnaping law. In lieu of the sole jurisdictional base of transportation in interstate or foreign commerce, jurisdiction to punish kidnaping is provided when (1) the victim is transported in interstate or foreign commerce (as under existing law); (2) the kidnaping occurs within the special maritime and territorial jurisdiction of the United States, or (3) in the special aircraft jurisdiction of the United States; or (4) the victim is a public official or a member of the family of a public official and the crime is committed under circumstances in which a homicide would be a Federal offense under section 1114; or (5) the victim is a foreign official. The terms "public official," "foreign official" and "family" are used as defined in revised section 1114 and new section 1116 of title 18 United States Code added by section 102 of this Act. It should be noted that the definition of "foreign official" includes not only foreign officials and employees but members of their families in certain circumstances.

Although the terms "kidnaping" has acquired a general meaning sufficient to encompass the operative term "seizes", "confines", etc. (compare 18 U.S.C. 351), for clarity the present terminology of 18 U.S.C. 1201 is retained. The term "ransom or reward or otherwise" is intended to reflect the judicial construction developed under existing Federal law. See *Gooch* v. *United States,* 297 U.S. 124, 128 (1936).

Extending federal kidnaping jurisdiction to the special admiralty and maritime jurisdiction and to the special aircraft jurisdiction will facilitate extradition of persons who commit kidnaping in the course of maritime offenses or air piracy, which are not now extraditable offenses under many extradition treaties.

Moreover, the present law has been modified so as to cure the defect in the existing death penalty provision which was indicated by the United States Supreme Court in *United States* v. *Jackson,* 390 U.S. 570 (1968). However, where the law prior to the Court's decision permitted the imposition of the penalty where the kidnaped person was not "liberated unharmed," the present provision authorizes its imposition only if the victim dies as a consequence of the unlawful acts of his kidnapers Under this section, a person who dies of exposure or other harm to which his kidnapers subject him will have died "as a consequence" of their unlawful acts.

Section 1201(b) retains in cases in which jurisdiction is based upon subsection (a)(1) the rebuttable presumption of the present law that a victim who has not been released in twenty-four hours of his abduction has been transported in interstate commerce.

Conspiracy to kidnap is an offense under revised section 1201(c), as under existing law. However, the penalty has been modified to be commensurate with the penalty authorized for conspiracy to murder under section 117 of title 18, United States Code, added by section 102 of this Act.

Sec. 202. This section makes appropriate amendments to the analysis of chapter 55 of title 18, United States Code.

TITLE III—PROTECTION OF PUBLIC AND FOREIGN OFFICIALS

Sec. 301. This section amends section 111 of title 18, United States Code, which prohibits assaults upon the Federal employees designated in existing section 1114 of the title (concerning homicides), so as to make it co-extensive with section 1114 as revised by section 101 of this Act by applying it to Federal employees generally.

Section 111(a) makes it a Federal offense to assault or to forcibly resist, oppose, intimidate or interfere with any public official of the United States (1) while engaged in the performance of his official duties, or (2) on account of the performance of his official duties, or (3) because of his status as a public official, or to assault any member of a public official's family (1) on account of the public official's performance of his duties or (2) because of his official status. The proscribed acts are punishable by a fine up to $5,000, or imprisonment for a term of 3 years, or both, except that if a deadly weapon is used, the fine may be increased to $10,000 and the term to 10 years These penalties are identical to those which may be imposed under existing law.

The term "assaults" is used in this section in its common law sense to mean an attempted battery (*Guarro* v. *United States,* 237 F. 2d 578, 580 (D.C. Cir. 1956)), or an offer of violence which creates in the victim a reasonable apprehension thereof, (*Ladner* v. *United States,* 358 U.S. 169, 177 (1958)). The term "forcibly" modifies not only "resists" but the operative terms that follow, i.e. "opposes", "impedes", "intimidates", etc.

Section 111(b) defines "public official" and "family" as the terms are defined in section 1114(b).

Sec. 302. This section amends existing section 112 of title 18, United States Code, which proscribes assaults on specifically designated foreign officials, to make it co-extensive in coverage with new section 1116 of the title pertaining to homicides of foreign officials.

Section 112(a) makes it a Federal offense to assault, strike, wound, imprison or offer violence to a foreign official, subject to a fine up to $5,000 or imprisonment up to 3 years, or both. If a deadly weapon is used the fine may be increased to $10,000 and the term to 10 years. Identical penalties may be imposed under existing section 112.

Section 112(b) makes it a misdemeanor to wilfully intimidate, coerce, threaten or harass a foreign official or to wilfully obstruct him in the performance of his duties. There is no comparable Federal statute. However, a District of Columbia statute prohibits, among other things, the intimidation or harassment of representatives of foreign governments or interference with their peaceful pursuit of their duties. See D.C. Code, Sec. 22–1115; and *Frend* v. *United States,* 69 App. D.C. 281, 100 F. 2d 691 (1938), cert. den. 306 U.S. 640.

It is intended that such acts as the following will constitute harassment under this section, if done with intent to intimidate, alarm, or persecute a foreign officials:

1. Following him about in a public place or places after being requested not to do so;
2. Engaging in a course of conduct, including the use of abusive language, or repeatedly committing acts which alarm, intimidate or persecute him and which serve no legitimate purpose; or
3. Communicating with him anonymously by telephone, telegraph, written communication, or otherwise in a manner likely to cause annoyance or alarm, or making repeated telephone calls to him whether or not conversation ensuses, with no purpose of legitimate communication.

See New York Penal Code sections 240.25, 240.30. However, this list is not inclusive since many ways can be contrived in which to intimidate, coerce, threaten, or harass. Certain of these acts would also be violations of

Federal law under present 47 U.S.C. 223, concerning harassing telephone calls, and 18 U.S.C. 876–77, concerning the mailing of threats.

Section 112(c) prohibits congregating within 100 feet of any building or premises owned, used or occupied by a foreign government or by a foreign official, for diplomatic, consular or other official purposes, including a residence for a foreign official, or belonging to or used or occupied by an international organization, and refusing to leave at the request of law enforcement authorities, provided that the act relates to activities of the foreign government, foreign official, or international organization affected thereby. The offense is a petty offense punishable by a fine of not more than $500 or not more than six months imprisonment, or both. The purpose of the provision is to protect the peace, dignity and security of foreign officials in their embassies, consulates, missions, residences and offices.

The provision is not made applicable to the District of Columbia because a District law of long standing affords similar protection to foreign officials in the Nation's Capital. See D.C. Code, Sec. 22–1115, *supra*. Whereas the District of Columbia law prohibits congregating within 500 feet of premises used by foreign governments as embassies, consulates, or for other official purposes, without a permit, the present section prohibits such activity only within 100 foot radius of such premises outside the District of Columbia. The narrower radius has been adopted to minimize interference with the freedom of ingress and egress of individuals upon public property in the vicinity of diplomatic missions and consulates, residences of foreign officials, and offices of international organizations located in congested metropolitan areas in cities such as New York, San Francisco and Chicago.

Section 112(d) defines "foreign official", "foreign government" and "international organization" for the purpose of this section. These terms are given consistent meanings throughout the Act.

Sec. 303. This section makes appropriate amendments to the analysis of chapter 7 of title 18, United States Code.

TITLE IV—PROTECTION OF PROPERTY OF FOREIGN GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS

Sec. 401. This section adds a new section 970 to chapter 45 of title 18, United States Code, which in subsection (a) makes it a Federal offense to wilfully injure, damage or destroy, or attempt to injure, damage or destroy, any real or personal property located within the United States and belonging to or utilized or occupied by any foreign government or international organization, or by a foreign official. Thus embassies, consulates, missions to international organizations, the residences of foreign officials and trade or commercial offices of foreign governments would be covered. Violations are punishable by a fine up to $10,000 or imprisonment up to 5 years, or both. The provision covers real and personal property, including automobiles and other vehicles, used for official or unofficial purposes.

There is no present law which generally proscribes malicious injury or destruction of property within the United States owned or occupied by foreign governments. But see 18 U.S.C. 844(i). Section 956 of title 18, United States Code, punishes certain conspiracies within United States jurisdiction to injure properties of foreign governments situated within foreign countries. Chapter 65 of title 18, United States Code, deals with malicious mischief with respect to property owned by the United States, and to communications facilities, property located within the special maritime and territorial jurisdiction of the United States, and property intended for export in foreign commerce. (18 U.S.C. 1361–64.)

Subsection (d) defines "foreign official", "foreign government" and "international organization" in the same fashion as elsewhere in the Act.

Sec. 402. This section makes appropriate amendments to the analysis of chapter 45 of title 18, United States Code.

TITLE V—GENERAL PROVISIONS

Sec. 501. This section makes explicit the intent of the Congress that no provision of the Act is to be construed to preempt the field, or to diminish the obligation of the States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions to prosecute crimes within their jurisdictions.

Sec. 502. This section repeals certain provisions of law which are inconsistent with this Act, or rendered unnecessary because the Act covers similar offenses against all the persons designated therein.

By Mr. FONG (for himself and Mr. INOUYE):

S. 2437. A bill to authorize a program for the development of fishery resources in the Central, Western, and South Pacific Ocean. Referred to the Committee on Commerce.

CENTRAL, WESTERN, AND SOUTH PACIFIC FISHERY DEVELOPMENT ACT

Mr. FONG. Mr. President, I am introducing for myself and Senator INOUYE today legislation to authorize a program for the development of fisheries resources in the Central, Western, and South Pacific, with particular emphasis on developing the considerable, latent tuna resources of that vast area.

The bill I offer has the same general objective as S. 3176 of the 91st Congress, which I introduced in 1969. S. 3176 was approved by the Senate in 1970, but no action on it was taken by the House.

The new bill takes into account two relevant events which occurred during the interim.

First, by Presidential Executive order, the commercial fisheries functions formerly vested in the Department of the Interior were transferred to the Department of Commerce in October 1970. The new bill, therefore would authorize the Secretary of Commerce, rather than the Secretary of the Interior, to carry out the proposed program for the development of the tuna resources.

Second, the Pacific Islands Development Commission—a cooperative effort of the governments of the State of Hawaii, American Samoa, Guam, and the Trust Territory of the Pacific Islands—was formed last year to encourage the development of the fisheries resources. Incorporated in the State of Hawaii as a nonprofit corporation, the Commission is composed of the chief executives of the four insular areas. The new bill would authorize the Secretary of Commerce to contract with the Commission to undertake a 3-year program in the Central, Western, and South Pacific.

To carry out the purposes of the legislation, $4 million would be authorized to be appropriated under the bill. The U.S. tuna industry has pledged about $212,000 toward a fisheries development fund, with contributions also expected from the Commission.

The intensified interest in tuna fisheries in the Pacific stems from two main considerations:

First. The State of Hawaii, American Samoa, Guam, and the Trust Territory of the Pacific are in need of diversified economic development and look to the development of fisheries research as a way to improve and diversify their basic economies.

The island areas at present are too heavily dependent on government employment and are eagerly seeking opportunities to create additional new jobs.

Second. The U.S. tuna fleet is providing a decreasing proportion of the world's supply of tuna, although the demand for the product is increasing rapidly. The industry's existence is being threatened by regulatory limits in the Eastern Pacific; by stiff competition from foreign fleets receiving considerable assistance from their governments; and by foreign seizures of U.S. tuna vessels.

Estimates on the size of the rich tuna resources in the Central, Western, and South Pacific range up to a total of 1 million tons. Experts figure that some 880,000 short tons of skipjack tuna can be harvested from the Pacific Ocean. At $250 per ton, 800,000 tons of skipjack would be worth about $200 million to the fisherman, $500 million to the processors, and some $800 million at the retail level. Even if only half of this resource is developed in the next decade, it would be a significant contribution.

Scientists who have conducted biological and oceanographic research in the Central, Western, and South Pacific are satisfied there are vast tuna resources throughout the area. What needs to be done now is exploratory fishing and gear research—what equipment and techniques would be most effective in harvesting the several stocks of tuna species known to be available in that area.

In the first year of the proposed 3-year program, it is contemplated that exploration in the Central and South Pacific will be conducted by large modern purse seiners and medium size bait boats; and in the Western Pacific by medium size seiners and bait boats of various types with gear modifications.

Hopefully, the results of the first year's experience would lead to more productive operations in subsequent years.

A project of this magnitude must largely be funded by the Federal Government. Neither the Pacific island governments nor the industry are able to finance the cost of such an extensive, but necessary, program. All are pledged, however, to contribute to a share of the total program.

Because the potential benefits of the tuna research program proposed in the bill I am introducing today are so promising—to the peoples of the Pacific island areas under the American flag, to the tuna industry and the U.S. fishing industry as a whole, and the entire Nation—I am hopeful that the legislation will receive favorable consideration in this Congress.

Mr. President, at this point, I request that there be printed in the RECORD the text of the tuna research bill and the contents of the several letters I have received in support of the program from the State of Hawaii, American Samoa, Guam, the Trust Territory of the Pacific Islands, and the U.S. tuna industry.

There being no objection, the bill and letters were ordered to be printed in the RECORD, as follows:

S. 2437

A bill to authorize a program for the development of fishery resources in the Central, Western, and South Pacific Ocean

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Central, Western, and South Pacific Fishery Development Act".

SEC. 2. (a) The Secretary of Commerce (hereinafter referred to as the "Secretary") is authorized to contract with the Pacific Island Development Commission to undertake a three-year program for the development of the tuna resources of the Central, Western, and South Pacific Ocean.

(b) The program shall include but not be limited to tuna exploration and tuna stock assessment, improvement of harvesting techniques, gear development, biological resource monitoring, and an economic evaluation of the potential for a tuna fishery in such areas.

(c) (1) During the first year such program shall include exploration of the Central and South Pacific by large modern purse seiners and medium size bait boats and exploration of the Western Pacific by medium size purse seiners and bait boats of various types.

(2) Aerial survey scouting shall be used to assist in spotting fish schools.

(3) Gear modification expenses of the commercial vessels under contract shall be borne by the owners of such vessels.

SEC. 3. (a) As soon as practicable after the end of the first year of the program the Secretary shall assess the results of the program and use such results to develop the program for the second and third years.

(b) The Secretary shall submit to the President and the Congress, not later than six months after the end of the second year of such program, a complete report with respect to his activities, and any recommendations he may have as a result of such activities, including recommendations for continuing such program.

SEC. 4. There is authorized to be appropriated the sum of $4,000,000 to carry out the purpose of this Act. Sums appropriated pursuant to this section shall remain available until expended.

Hon. HIRAM L. FONG,
U.S. Senate,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR FONG: I regret that I was not able to go to Washington to participate in the effort to obtain Federal funds for the all-important fisheries development project in the Central, Western and Southern Pacific. I did, however, send testimony to Chairman Dingell to be included in the hearings on HR 4380 and HR 8966.

I am in complete support of the effort to obtain $4 million to initiate the exploratory program which could lead to great economic benefits to the Island territories as well as to Hawaii.

As you know, there was an Administration bill passed in our own State Legislature which I have recently signed, Act 126, which provides $100,000 for Hawaii's contribution to a $200,000 cooperative development by Hawaii and the Island territories. This amount must be matched by the Island territories at some $33,333 each before Hawaii's portion can be expended. We expect, through the Pacific Islands Development Commission, to contribute a nominal amount from this fund toward the fisheries development project as outlined in the report, "An American Fisheries Opportunity in the Central and Western Pacific," which I understand is in your possession. This amount will probably be in the order of $30,000 to $40,000 by the Commission which compares with the individual contributions by tuna companies. Their pledge, as you know, totals $212,500 and consists of some 5 or 6 companies as well as two boat owners associations.

My fellow commissioners and I believe that the project should be under the policy direction of the Pacific Islands Development Commission with its Marines Resources Development Committee having the direct jurisdiction over the operation of the project. For your information, I am enclosing a copy of the list of members of the Marine Resources Development Committee.

I would again emphasize Hawaii's complete support of this effort, together with our friends in the Island territories. We are ready to provide you with whatever information that you need to help you in your efforts to raise the necessary money in the Congress and the Administration.

Warmest personal regards. May the Almighty be with you and yours always.

Sincerely,

JOHN A. BURNS,
Governor of Hawaii.

PACIFIC ISLANDS DEVELOPMENT COMMISSION MARINE RESOURCES DEVELOPMENT COMMITTEE

Hawaii: Mr. Michio Takata, Director, Division of Fish and Game, Department of Land and Natural Resources, 530 South Hotel Street, Honolulu, Hawaii.

Guam: Mr. Isaac Ikehara, Chief, Fish and Wildlife Division, Department of Agriculture, Government of Guam, Agana, Guam 96910.

Trust Territory: Mr. Peter Wilson, Chief, Marine Resources, Trust Territory of the Pacific Islands, Koror, Palau, Western Caroline Islands 96940.

American Samoa: Dr. Stanley Swerdloff, Director of Marine Resources, Government of American Samoa, Pago Pago, Tutuila, American Samoa 96920.

Bumble Bee: Mr. Ora Kerns, Fishery Biologist, Bumble Bee Seafoods, Inc., Box 30, University Station, Seattle, Washington 98105.

Del Monte: Mr. Clifton D. Day, Manager, Seafood Development, International, Del Monte Corporation, P.O. Box 3575, San Francisco, California 94119.

Star-Kist: Mr. Edward Ryan, Director of Fish Procurement Operations, Star-Kist Foods, Inc., Terminal Island, California 90731.

Van Camp Seafood: Mr. Glenn H. Copeland, President, Van Camp Seafood Division, Ralston Purina Company, P.O. Box 3208, Terminal Island, California 90731.

Westgate-California: Mr. Jack Gorby, Executive Vice President, Production and Marketing, Westgate-California Foods, Inc., 1995 Bay Front, San Diego, California 92112.

American Tunaboat Association: Mr. August Felando, General Manager, American Tunaboat Association, 1 Tuna Lane, San Diego, California 92101.

Western Fishboat Owners Association: Mr. F. Robert Insinger, General Manager, Western Fishboat Owners Association, 4904 N. Harbor Drive, San Diego, California 92106.

Scientific Community Representative: Dr. Albert Tester, Senior Professor, Zoology, University of Hawaii, Honolulu, Hawaii 96822.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., June 18, 1971.

Hon. HIRAM L. FONG,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FONG: Thank you very much for your support of the Pacific Islands Development Commission and its proposal to utilize the skip jack tuna resources now unutilized in the Pacific.

American Samoa, as a member of P.I.D.C. with Guam, the Trust Territory and Hawaii, fully supports the proposal presented to members of Congress and various Federal agencies this past week. We already know what tremendous economic impact a strong fishery can make and believe the use of the cannery operations and provide new jobs for us, as well as for the other three areas involved.

Your support of this proposal, again, is deeply appreciated.

Sincerely yours,

JOHN M. HAYDON,
Governor of American Samoa.

GOVERNMENT OF AMERICAN SAMOA,
Washington, D.C., June 28, 1971.

Hon. HIRAM L. FONG,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR FONG: I wish to congratulate and thank you for your strong support of the proposed tuna fisheries research program in the Pacific. In this connection, I wish to let you know that I am fully in accord with your views.

Governor John M. Haydon has expressed the true position of our Government and people in this matter. The United States share of the tuna supply has decreased greatly each year and the only hope for recouping and increasing this serious loss is in developing a skipjack tuna fisheries industry in the Central, Western and South Pacific.

With best regards and aloha, I remain

Sincerely yours,

A. U. FUIMAONO,
Delegate-at-Large.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., June 17, 1971.

Hon. HIRAM L. FONG,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FONG: I am writing to indicate the complete support of the Government of the Trust Territory of the Pacific Islands of efforts to obtain Federal funds for development of the fishing industry in the Central, Western, and South Pacific.

As a member of the Pacific Islands Development Commission, I am most anxious to do everything in my power to harvest the rich potential of marine resources in the four Pacific Island areas in which the United States has an interest—Hawaii, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

As we discussed yesterday, each of the three territories will, hopefully, contribute $33,333 to the Pacific Islands Development Commission within the next year to match the $100,000 already authorized by the State of Hawaii. This has been discussed with members of the Congress of Micronesia and a bill to this effect will definitely be introduced at the next regular session which convenes in January 1972.

We deeply appreciate your assistance in this project and your continued interest in the welfare of all Pacific Island people.

Sincerely yours,

EDWARD E. JOHNSON,
High Commissioner, Trust Territory of the Pacific Islands.

JUNE 30, 1971.

Hon. HIRAM L. FONG,
U.S. Senator,
Washington, D.C.

DEAR SENATOR FONG: Guam is concerned with the utilization of the Western Pacific Skipjack tuna population which is presently being harvested by the Japanese to the tune of 220,000 tons per year. We are seeking to get a piece of this action and we are hopeful that this will take place utilizing U.S. vessels.

I am informed that the U.S. tuna industry in the eastern Pacific is faced with serious problems such as 1), reaching their Yellowfin tuna catching quota after three months of operation each year; 2) they are also faced with vessel seizures in Central and South American waters; 3) and lately with tuna in mercury problems. The solution to these problems, I believe, is to develop new grounds in the other parts of the Pacific, which I am informed may entail modification of gear and techniques to cope with the clear waters and fast moving Skipjack of the tropical Pacific waters.

Guam is uniquely located so that U.S. Skipjack fishing purse seiners can range as far west as the Philippines, south of New Guinea, east to the Marshalls and North to Japanese waters. Our deep water port can accommodate a fleet of fishing vessels; bunkering and repair facilities and excellent transportation and communications are available.

The potentials for the development of the Skipjack tuna resource of this area for the benefit of Guam and the U.S. are within our sight. We are hopeful that because of our limited financing, the Federal government can come to our help, for the sake of helping ourselves in the future.

I wish to take this opportunity to thank you for your past cooperation in this matter, and pledge to you our complete support in any future effort you may undertake in behalf of the tuna research program.

Sincerely,

CARLOS G. CAMACHO,
Governor of Guam.

TUNA RESEARCH FOUNDATION, INC.,
Terminal Island, Calif., June 23, 1971.

Hon. HIRAM L. FONG,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FONG: This will refer to the Program of Economic Development envisaged by the Pacific Island Development Commission.

The United States tuna industry considers this to be a program which will be highly beneficial to the economies of the State of Hawaii, American Samoa, Guam, and the Trust Territories of the Pacific Islands. The U.S. tuna industry would hope to share in this benefit.

After considerable consultation with the executives of the above mentioned political entities, the tuna industry has pledged a contribution of $212,500 toward the Program for the development of fisheries in the Pacific Basin.

The pledge of $212,500 is contingent, however, on there being made available from other sources a sum sufficient to insure the mounting of a program of a size that will give some reasonable assurance of success to the effort.

We are informing you of this pledge in order that you may know that the tuna industry is indeed sincere in its desire to contribute to and participate in the program.

Yours sincerely,

CHAS. R. CARRY,
Executive Director.

By Mr. HATFIELD:

S. 2438. A bill to provide a tax credit for contributions made directly to individuals and families whose income is below the poverty level. Referred to the Committee on Finance.

Mr. HATFIELD. Mr. President, since the war on poverty was officially declared in the early 1960's, various proposals have been made which were intended to deal the final blow to this adversary. Most particularly, attention has been increasingly paid to welfare—its present shortcomings, its rightful role, if any, in our society, and possible alternatives to the present system. The irony of the richest nation in the world's history having nearly one out of every eight of its citizens living below the poverty line has been frequently pointed to. In a country with such great wealth, this fact is appalling, but the essential question that has continually plagued us is how to best alleviate, if not completely solve, this problem.

The Federal Government was turned to, to lead the way. Government expenditures have increased expotentially, the number of poor has varied. Between 1961 and 1971, for instance, total Federal, State, and local expenditures for welfare nearly quadrupled. Between 1960 and 1969, the number of people living below the poverty line decreased steadily from 39.8 to 24.3 million—a decrease of 15.5 million people. Yet, between 1969 and 1970, the number of poor increased to 25.5 million—an increase of 1.2 million people. A large portion of this increase can probably be explained as a result of inflation: During the past 2 years the Federal budget has increased, but in constant dollars it has decreased. Generally, there is a positive correlation between the increase in Government expenditures related to alleviating poverty and the decreasing number of poor.

Be that as it may, there still remain roughly 13 percent of our country's citizens living below the official poverty level—$3,968 for a family of four. And if these people are to be brought up to nonpoverty conditions, no matter how defined, a great deal more must be done.

Much has been said about those living below the poverty line and living in poverty. But what is this line? And what is poverty? The usually accepted definition of "poverty line," and the one used by the Federal Government, was developed in 1964 by the Social Security Administration. The core of the definition is the 1963 cost of items for nutritionally adequate food plans developed by the Department of Agriculture. Since 1964, the cost has been adjusted annually by the Bureau of Labor Statistics' Consumer Price Index—CPI. The 1970 poverty line for a family of four based on the Social Security Administration's definition of poverty was $3,968. The Department of Health, Education, and Welfare estimated that to bring everyone up to this line under a Federal program introduced during the 91st Congress would cost in the neighborhood of $24 to $37 billion more than is presently being spent. This expenditure would be needed to provide everyone with a cash income of at least the poverty level for a total of $11.4 billion. In other words, to get $11.4 billion into the pockets of the poor would cost the Federal Government at least $26 billion and perhaps $39 billion.

A second definition of "poverty line" that is sometimes used is one based on data of the Bureau of Labor Statistics—BLS. The BLS developed budgets for three categories of life-style: Lower budget, intermediate budget, and higher budget. The differences between them is reflected by the following statement of BLS:

> The manner of living represented by the lower budget differs from that in the moderate and higher budgets primarily in the specifications that the family lives in rental housing without air conditioning; performs more services for itself; and utilizes free recreation facilities in the community. The elite style reflected by the higher budget, on the other hand, specifies a higher level of home ownership, compared with the moderate; more complete inventories of household appliances and equipment; and more extensive use of services for a fee. For a majority of the items in the list of goods and services that are common to the three budgets, both the quantity and quality levels in the lower budget are below, while those in the higher budget are above, the levels specified for the moderate budget.

Taking the lower budget estimate and eliminating costs such as physical services, hospital care, and taxes, the poverty level would have been $5,500 in 1970 for a family of four. This year, however, that cost has risen to $6,500 as estimated by the National Welfare Rights Organization, reflecting the rising cost of living and inflation. Whereas the cost of implementing a $5,500 Federal program would have cost roughly $55.8 billion for fiscal year 1971 as estimated by the Department of Health, Education, and Welfare, the cost of implementing the $6,500 level would be in the neighborhood of $80 to $85 billion with the ratio of administrative, child care, job training, and old age benefits of presently contemplated magnitude projected into this level. Of these funds, perhaps as much as $7 billion would go for administration assuming the present ratio of expenditures and administrative costs. Looked at another way, the cost of a poverty program of this magnitude would entail an administrative budget larger than our national budget in 1940—$9.055 billion—and a total budget of approximately the same size as the Gross National Product one year earlier—1939 GNP: $87.6 billion.

The family assistance plan offered by the administration uses a third definition of $2,400 for a family of four. And it would cost nearly $15 billion the first year. If the Federal Government is to bear the responsibility of eliminating poverty through federally controlled programs, then it will cost between $15 and $85 billion the first year depending upon which definition of poverty line one accepts.

But poverty has more than economic implications. Oscar Lewis, a noted author and researcher, has stated this very well in his book, "Five Families:"

> Although poverty is quite familiar to anthropologists, they have often taken it for granted in their studies of preliterate societies because it seemed a natural and integral part of the whole way of life. In fact, many anthropologists have taken it upon themselves to defend and perpetuate this way of life against the inroads of civilization.
>
> But poverty in modern nations is a very different matter. It suggests class antagonism, social problems, and the need for change . . . Poverty becomes a dynamic factor which affects participation in the larger national culture and creates a subculture of its own. One can speak of the culture of the poor, for it has its own modalities and distinctive social and psychological consequences for its members. It seems to me that the culture of poverty cuts across regional, rural-urban, and even national boundaries. For example, I am impressed by the remarkable similarities in family structure, the nature of kinship ties, the quality of husband-wife and parent-child relations, time orientation, spending patterns, value systems, and the sense of community found in lower-class settlements in London . . . in Puerto Rico . . . in Mexico City slums and Mexican villages and among the lower class Negroes in the United States.

Alleviating the economic plight of those individuals living in poverty would not solve the problem, although it is central to it. Poverty has psychological and sociological implications as well which must be dealt with if any welfare program is to be successful. It is these factors which determine the parameters of any constructive solution to poverty. Education, housing, transportation, health facilities, nutrition, family, and friends are intricate components of any meaningful program. To effectively deal with poverty, an entire subculture must be altered, as Oscar Lewis points out. This implies not only a substantial investment, as I pointed out earlier, but also will take considerable length of time due to the deeply rooted nature of the problem.

The first step that must be taken is in the economic realm. The United States has a trillion-dollar Gross National Product, having increased more than 10 times its size over the past 3 decades—$109.4 billion in 1941 and $1,005 billion in 1971. The Federal budget has also seen an increase roughly proportionate to the GNP. The Federal budget, for instance, has increased from $13.25 billion in 1941 to $164.7 billion in 1971, a more than twelvefold increase over the past 30 years.

If this Nation were to make a firm commitment to eliminate poverty, what would be the economic implications? Depending upon the definition of poverty one assumes for a family of four and the inclusiveness of such a definition the cost for a totally federalized program of income supplements would range between $3 billion and $85 billion—from a $1,600 to a $6,500 level for a family of four—as presently contemplated. As the poverty line increases, however, the tax base decreases. At present, with no change in the welfare level, the tax base would be $545 billion. If the level were increased to $2,400, the tax base would be decreased to $468 billion. And if the level were increased to $5,500, the tax base would decrease to $246 billion. What this means is that a greater burden would be borne by fewer people for the cost of welfare as the income level defined as the poverty line increases. At the $5,500 level, for instance, almost three-fifths of the citizens of the United States would keep welfare benefits. In order to continue other programs at present levels, calculating the additional burden of increasing welfare payments, average tax rates would have to increase between 0.7 to 68.9 percent—again using the $1,600 and $5,500 range.

Mr. President, I would like at this time to ask unanimous consent that a table utilized by Mr. Edward Moscovitch in an article written for the January/February edition of the New England Economic Review indicating the increased tax burdens for differing poverty levels be printed at the end of my remarks.

The PRESIDING OFFICER (Mr. BENTSEN). Without objection, it is so ordered.

(see exhibit 1.)

Mr. HATFIELD. Mr. President, this would consequently affect the amount of disposable income that individuals would have. For example, with a $2,400 basic allowance for a family of four, a family of four with a $10,000 income would have a disposable income of $8,700. A family of four with an income of $30,000 would have a disposable income of $16,900 with a poverty level of $5,500.

In the same article quoted earlier there appears another table delineating this in greater detail and I, therefore, ask unanimous consent that the table appear at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. HATFIELD. Mr. President, having examined some of the economic implications of this type of income maintenance program at differing poverty levels, there are some critical choices to be made. Any changes put forth must take these factors into consideration, as well as the shortcomings of the present system, for instance, the cost of administering such a large program on a national basis—administration absorbs approximately $1 for every $12 of aid; the degradation of the recipients under the current program; today only 40 percent of those under the officially designated poverty line receive aid; work is discouraged in many instances; aid levels vary disproportionately from State to State.

Mr. President, any national program should supplement local efforts to cope with the problems of poverty—not the reverse, as seems to be the current trend. By "local," I do not mean even State or city, but the community and neighborhood. Not that the various levels of State and Federal Governments do not have a role to play, but help for those in less fortunate circumstances than others through no fault of their own, should be helped on an individual, neighborhood level primarily with larger regional governments becoming involved secondarily. The proposal I am introducing today, I believe to be a step in the direction of accomplishing these ends, as well as helping eliminate the problems inherent in the present and/or any national welfare program organized and controlled by the Federal Government.

The bill would allow tax credits to individuals or organizations who donate funds to others whose income is below the poverty level—to be defined on an annual basis by the Secretary so that inflation, cost of living, and other factors could be taken into consideration. The credits would progress over a 10-year period starting at 10 percent the first year and increasing at 10-percent increments each year to 100 percent the last year. The credits would be cumulative on an annual basis so that an individual could pay out more in 1 year than his total income tax for the same year, but be credited for whatever his future income tax might be.

The individuals receiving these funds from other individuals would have to qualify with local agencies and receive the funds on a prorated basis during each fiscal year. At the end of each fiscal year during the 10-year implementation period, the Secretary will report to the Congress the effects of the next year's credit increase on the Federal budget and the general economy.

I believe the potential consequences of this proposal would be profound. It would most importantly bring the problems of poverty back to the human level, involving people with one another to solve a mutual problem rather than having to deal with an impersonal bureaucracy and the dehumanizing effects that follow. Second, this proposal would significantly cut the administrative costs to the Federal Government by placing more responsibility with the potential recipient and the individual or organization interested in involving himself in the problems of poverty.

Before examining the budgetary and other implications of my proposal, a word must be said regarding the data available for analyzing and projecting the numerous, complex aspects of poverty, and any welfare program. With few exceptions, the necessary data is only estimated in the roughest of terms. In many cases, as in the following material, new and more valid data is needed before an ultimate choice is made. Be that as it may, the figures I am utilizing today are from official records of hearings or from various Government agencies unless otherwise indicated. From these figures, various projections were made, and if shortcomings in the mathematical analysis can be brought forth, they would be most welcome.

One of the first questions that comes to mind regarding the proposal I am making today is the possibility of depleting the income tax revenues for the operation of the Federal Government. Mr. President, I would like to ask unanimous consent that two charts, labeled exhibit 3 and exhibit 4, indicating the possible consequences of this program on revenue sources between fiscal years 1973–82 be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 3 and 4.)

Mr. HATFIELD. Mr. President, the first chart, exhibit 3, projects the anticipated incoming revenues to the Federal Government for each of the next 10 fiscal years at various poverty levels, if the full tax credit were used each year. The GNP was assumed to be increasing at an average rate of 8 percent, welfare expenditures were held constant, and an 11 percent GNP figure was used to project anticipated income taxes. For both exhibits 3 and 4, a poverty gap, which I described earlier, for each poverty level was determined to be roughly two-thirds the required gross Federal outlay for each level. The poverty gaps utilized are as follows:

[In billions]

	Poverty gap
$1,600	$2.3
$2,400	4.2
$4,000	1.4
$5,500	40.5
$6,500	50.0

As will be noted, even for fiscal year 1973 at the $6,500 level, the income taxes remaining for utilization of the Federal Government by the most conservative estimates is more than $5 billion above the estimated income taxes for fiscal year

1972—$135.4 billion as compared to $130.4 billion.

Exhibit 4 is based on the same data as exhibit 3, but instead of assuming a constant Federal outlay for welfare expenditures increases in the poverty ranks were assumed at a rate relative to population growth over the next decade. Again, if one will note the anticipated income revenues remaining in fiscal year 1973 at the $6,500 level, the figure is still above the projected income taxes through fiscal year 1972—$130.9 billion as compared to $130.4 billion. And as time progresses, the difference becomes greater. In order to make this comparison more clear, I ask unanimous consent that at the conclusion of my remarks a chart indicating the projected income taxes through fiscal year 1982 be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 5.)

Mr. HATFIELD. Mr. President, by fully utilizing a program of this nature, great savings could be anticipated. If by 1982, full advantage were taken of the tax credits, the Federal Government would not have to be making any expenditures for income maintenance and consequently have more flexibility in its budget. But even if this were not the case and the credits were not fully utilized, the opportunity would still be present and without jeopardizing the Government's revenue sources.

A further word, I feel, must be said about the cost of eliminating or significantly diminishing, poverty from our country. The Federal programs put forth during the 91st and 92d Congresses to date have been relatively small in comparison to the magnitude of the problem. For instance, child care must be provided if parents are to work. Jobs must be found if those living in poverty, no matter how defined, are to become self-supporting. Training must be forthcoming if those below the poverty line are to be able to obtain jobs. None of the programs put forth to date have really taken on this problem, the rationale utilized being that our country cannot afford it. I would not question that assertion if the programs emanated from and were directed by the Federal Government. The cost would be highly prohibitive. For instance, by combining only the gross outlays, administrative, and full child-care costs—not including land purchase, construction or renovation—the expenditures would be as follows:

[*For fiscal year 1972 in dollar billions*]

Poverty level:	Federal expenditure
$1,600	$19.2
$2,400	16.3
$4,000	76.6
$6,500	125.2

And I reiterate, these figures do not include job training, medical aid, or job creation and it assumes that parents would pay one-half the cost of child care programs—not including land purchase, construction or renovation.

Yet the problem can be met, if coordinated, integrated programs emanate from the local level and are supplemented by the Federal and State governments. This might be viewed as anachronistic and/or archaic, but a large Federal program, with the leadership attempted at the Federal level, cannot do the job—it can help. If this does not occur, I do not see any reasonable hope for breaking the poverty cycle and freeing millions of Americans today or in the foreseeable future.

Theoretically, this program could completely replace any of the welfare programs which are not operating, but its success would depend completely on the citizens within our country. The responsibility could rest more with the individual; he could truly be his brother's keeper and not only be involved in a purely financial transaction, but serve as a base for helping the less fortunate find other sources of income, jobs, education, and all of the other benefits in which the majority of Americans presently participate.

There have been examples in our history of programs of this nature operating successfully. The first that comes to mind is the communal programs developed by the Mormons. Each member of the local church contributes what he can to a community fund in case a member of his group runs into hard times. If this does happen, he and his family can use the community fund until he is back on his feet. It is only through this type of involvement that a program dealing with such personal and vital aspects of an individual's life can be successful. All of the money and resources in the world cannot begin to cope with the complex problems of poverty without personal involvement and dedicated effort. This bill I am proposing today is an attempt to provide the opportunity for such an endeavor.

I ask unanimous consent that the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2438

A bill to provide a tax credit for contributions made directly to individuals and families whose income is below the poverty level.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits against tax) is amended by renumbering section 40 as 41, and by inserting after section 39 the following new section:

"SEC. 40. DIRECT ANTIPOVERTY CONTRIBUTIONS.

"(a) General Rule.—There shall be allowed to an individual, as a credit against the tax imposed by this chapter for the taxable year, an amount equal to a percentage (determined under subsection (c)) of the amount of certified direct antipoverty contributions made by such individual during the taxable year.

"(b) Limitations.—

"(1) Application with other credits.—The credit allowed by subsection (a) shall not exceed the amount of the tax imposed by this chapter for the taxable year reduced by the sum of the credits allowable under section 33 (relating to foreign tax credit), section 35 (relating to partially tax-exempt interest), section 37 (relating to retirement income), and section 38 (relating to investment in certain depreciable property).

"(2) Verification.—The credit under subsection (a) shall be allowed with respect to any certified direct antipoverty contribution only if such contribution is verified in such manner as the Secretary or his delegate prescribes by regulations.

"(c) Determination of percentage.—The percentage of the amount of certified direct antipoverty contributions made by an individual during a taxable year for which he may claim a credit under subsection (*a*) shall be—

"(1) 10 percent for taxable years beginning after December 31, 1972, and before January 1, 1973;

"(2) 20 percent for taxable years beginning after December 31, 1973, and before January 1, 1974;

"(3) 30 percent for taxable years beginning after December 31, 1974, and before January 1, 1975;

"(4) 40 percent for taxable years beginning after December 31, 1975, and before January 1, 1976;

"(5) 50 percent for taxable years beginning after December 31, 1976, and before January 1, 1977;

"(6) 60 percent for taxable years beginning after December 31, 1977, and before January 1, 1978;

"(7) 70 percent for taxable years beginning after December 31, 1978, and before January 1, 1979;

"(8) 80 percent for taxable years beginning after December 31, 1979, and before January 1, 1980;

"(9) 90 percent for taxable years beginning after December 31, 1980, and before January 1, 1981;

"(10) 100 percent for taxable years beginning after December 31, 1981.

"(d) Definitions.—

"(1) Certified direct antipoverty contribution.—For purposes of this section, the term 'certified direct antipoverty contribution' means a contribution of money to an individual or family who, at the time such contribution is made, is certified as an eligible recipient under subsection (e), but only to the extent such contribution or gift is certified under subsection (f).

"(2) Total economic income.—For purposes of this section, the term 'total economic income' means all income from whatever source derived, including (but not limited to) the cash value of food stamps or other non-monetary benefits received from the Federal government or the government of any State or political subdivision thereof, wages, net earnings from self-employment, payments received as an annuity, pension, retirement, or disability benefit (including veterans' compensation and pensions, workmen's compensation payments, old-age, survivors, and disability insurance benefits, railroad retirement annuities and pensions, and unemployment benefits), prizes and awards, life insurance proceeds (less medical and burial expenses of the deceased paid from such proceeds), gifts, support and alimony payments, inheritances, and rents, dividends, interest, and royalties.

"(e) Certification of Eligible Recipients.—

"(1) Eligibility requirement.—An individual, who is 18 years of age or older, or a family may be certified as eligible to receive certified direct antipoverty contributions of his, or their, total economic income (other than income from certified direct antipoverty contributions) for the taxable year is expected to be less than that determined by the Director of the Office of Management and Budget to be a poverty level income.

"(2) Certification procedure.—The Secretary or his delegate shall provide for the voluntary registration of individuals and families who wish to receive certified direct contributions and for the periodic certification of those determined to be eligible to receive such contributions. Any agency of the Federal government, or of the government of any

State or political subdivision thereof, which is designated by the Secretary or his delegate for such purpose may certify individuals and families as eligible under this subsection in accordance with procedures established by the Secretary or his delegate by regulation. Any denial of certification by any such agency may be appealed to the Secretary, whose determination shall be final.

"(f) Certification of Contributions.—The Secretary or his delegate shall provide for the certification of contributions to individuals and families who are certified as eligible recipients under subsection (e). A contribution to an individual or family may be certified only to the extent that such contribution, when added to—

"(1) the amount of certified direct antipoverty contributions previously received by the individual or family during the taxable year, and

"(2) the total economic income (other than income from certified direct antipoverty contributions) expected to be received by the individual or family during the taxable year, does not exceed the poverty level income for the individual or family as determined by the Director of the Office of Management and Budget.

"(g) Carryover.—If the amount of certified direct antipoverty contributions paid by an individual during any taxable year exceeds the amount of the credit allowable under this section for such taxable year, such excess shall be treated as a certified direct antipoverty contribution the payment of which is made in the next taxable year.

"(h) Poverty Level Income.—For purposes of this section, the Director of the Office of Management and Budget shall determine poverty level incomes for individuals and families on a uniform basis throughout the United States.

"(i) Regulations.—The Secretary or his delegate is authorized to prescribe such regulations as may be necessary to carry out this section.

"(j) Cross Reference.—

"For disallowance of credit to estates and trusts, see section 642(a)(3)."

(b) The table of sections for such subpart is amended by striking out "Sec. 40. Overpayments of tax." and inserting in lieu thereof:

"Sec. 40. Direct antipoverty contributions.
"Sec. 41. Overpayments of tax."

(c) Section 642(a) of such Code (relating to credits against tax for estates and trusts) is amended by adding at the end thereof the following new paragraph:

"(3) Direct antipoverty contributions.—An estate or trust shall not be allowed the credit against tax for direct antipoverty contributions provided by section 40."

(d)(1) Part II of subchapter B of chapter 1 of such Code (relating to items specifically included in gross income) is amended by adding at the end thereof the following new section:

"SEC. 84. AMOUNTS RECEIVED AS DIRECT ANTIPOVERTY CONTRIBUTIONS

"Gross income includes the amount of any certified direct antipoverty contribution (as defined in section 40(d)) received by the taxpayer during the taxable year."

(2) The table of sections for such part is amended by adding at the end thereof the following:

"Sec. 84. Amounts received as direct antipoverty contributions."

SEC. 2. The amendments made by the first section shall apply to taxable years ending after December 31, 1971, but only with respect to certified direct antipoverty contributions the payment of which is made after such date.

SEC. 3. On or before the first day of August of each year from 1973 through 1982, the Secretary of the Treasury shall report to the Congress an evaluation of the effect of the tax credit for contributions under section 40 of the Internal Revenue Code of 1954 upon poverty in the United States and upon the economy of the United States during the fiscal year ending on the thirtieth day of June next preceding such report, together with such additional comments and recommendations, including recommendations for legislation, as he may have with respect to the effects of such section.

EXHIBIT 1.—TAX RATES REQUIRED TO FINANCE INCOME-SUPPLEMENT PROGRAMS

This table shows the calculation of the average personal income tax rates required by income-supplement programs. These rates appear in row O at the bottom of the table. They are derived by dividing total revenue requirements of the Federal Government by the personal income tax base. The net increase in Federal expenditure implied by income-supplement programs consists of the cost of the supplements themselves, plus the cost of aid to the disabled and the Federal share of temporary assistance, less current Federal welfare expenditure. Total revenue requirements include the costs of income supplements, the income tax revenues now going to other programs, and social security personal contributions, less savings made possible by introduction of income supplements.

[Amounts in billions of dollars]

Basic allowance rate	No welfare reform	$1,600 50 percent	$2,000 50 percent	$2,400 50 percent	$3,000 50 percent	$3,600 50 percent	$4,000 50 percent	$5,000 50 percent	$5,500 50 percent	$2,400 40 percent
(A) Income supplement payments		6.2	8.2	11.1	17.3	25.8	33.0	56.1	70.2	13.8
(B) Plus Federal share of temporary assistance		2.2	1.5	.8	.3	.1				.8
(C) Plus full cost of aid to disabled and blind		1.6	1.6	1.6	1.6	1.6	1.6	1.6	1.6	1.6
(D) Equals total Federal payments to poor		10.0	11.3	13.5	19.2	27.5	34.6	57.7	71.8	16.2
(E) Less current Federal share of welfare		5.7	5.7	5.7	5.7	5.7	5.7	5.7	5.7	5.7
(F) Equals net increase in Federal expenditure		4.3	5.6	7.8	13.5	21.8	28.9	52.0	66.1	10.5
(G) Savings to the States [1]		2.7	3.4	4.1	4.6	4.8	4.9	4.9	4.9	4.1
(H) 1971 income tax revenues	91.0	91.0	91.0	91.0	91.0	91.0	91.0	91.0	91.0	91.0
(I) Plus personal share of social security tax	23.1	23.1	23.1	23.1	23.1	23.1	23.1	23.1	23.1	23.1
(J) Plus net increase in Federal expenditure		4.3	5.6	7.8	13.5	21.8	28.9	52.0	66.1	16.2
(K) Equals gross Revenue requirements	114.1	118.4	119.7	121.9	127.6	135.9	143.0	166.1	180.2	124.6
(L) Less savings on other Federal programs		.5	1.0	2.8	5.2	6.7	9.0	10.7	10.7	2.8
(M) Equals net revenue requirements	114.1	117.9	118.7	119.1	122.4	129.2	134.0	155.4	169.5	121.8
(N) Personal income tax base [2]	545	546	506	468	413	366	337	275	246	415
(O) Required average tax rate in percent (M/N)	20.9	21.6	23.5	25.4	29.6	35.3	39.8	56.5	68.9	29.3

[1] Total State and local expenditure on welfare is now $4,900,000,000.

[2] Includes adjustments for under-reporting of income in Consumer Income survey ($32,200,000,000) and for capital gains ($20,000,000,000).

Source: Calculations of the cost of income-supplement payments (line A) are based on estimates of the 1971 income distribution prepared by the Urban Institute. Figures on welfare expenditure and tax revenue are for calendar year 1971 and were obtained by averaging the expenditure estimates for fiscal years 1971 and 1972 which appear in the U.S. Budget in Brief, for fiscal year 1972.

EXHIBIT 2.—HOW INCOME-SUPPLEMENT PROGRAMS AFFECT YOU—SOME ILLUSTRATIVE EXAMPLES

The table illustrates the effect on 4-person households at various income levels of adopting the income-supplement programs discussed here. The columns show the disposable income and tax or net benefit of families at various income levels; the rows are for different levels of income supplements. With a $2,400 plan, for instance, a family earning $3,000 would have a net benefit of $900; when this is added to income of $3,000, it means a disposable income of $3,900. Under a $5,500 plan, a family earning $20,000 would pay taxes of $6,200. When subtracted from income of $20,000 this leaves disposable income of $13,800. In calculating required taxes, the table uses the rates shown in table 3—rates just high enough to raise the revenues required to finance the income-supplement plans. To facilitate comparisons with existing tax levels, line A shows the taxes that will actually be paid in 1971, and line B shows what families would pay in 1971 if the same type of flat tax used in lines C—H were in effect.

Family income

Type of plan	$0		$1,500		$3,000		$6,000		$10,000		$15,000		$20,000		$25,000		$30,000	
	Tax (−) or net benefit (+)	Disposable income	Tax (−) or net benefit (+)	Disposable income	Tax (−) or net benefit (+)	Disposable income	Tax (−) or net benefit (+)	Disposable income	Tax (−) or net benefit (+)	Disposable income	Tax (−) or net benefit (+)	Disposable income	Tax (−) or net benefit (+)	Disposable income	Tax (−) or net benefit (+)	Disposable income	Tax (−) or net benefit (+)	Disposable income
(A) No reform	0	0	−80	1,420	−160	2,840	−650	5,350	−1,400	8,600	−2,200	12,800	[3] −3,200	16,800	[3] −4,400	20,600	[3] −5,700	24,300
(B) 1968 flat tax [4]	0	0	0	1,500	−80	2,920	−700	5,300	−1,550	8,450	−2,600	12,400	−3,600	16,400	−4,700	20,300	−5,700	24,300
(C) $2,400 basic allowance (50 percent)	2,400	2,400	1,650	3,150	990	3,900	−300	5,700	−1,300	8,700	−2,600	12,400	−3,900	16,100	−5,100	19,900	−6,400	23,600
(D) $3,000 basic allowance (50 percent) [4]	3,000	3,000	2,250	3,750	1,500	4,500	0	6,000	−1,200	8,800	−2,700	12,300	−4,100	15,900	−5,600	19,400	−7,100	22,900
(E) $3,600 basic allowance (50 percent) [4]	3,600	3,600	2,850	4,350	2,100	5,100	600	6,600	−1,000	9,000	−2,800	12,200	−4,500	15,500	−6,300	18,700	−8,000	22,000

Footnotes at end of table.

Type of plan	$0		$1,500		$3,000		$6,000		$10,000		$15,000		$20,000		$25,000		$30,000	
	Tax (−) or net benefit (+)	Disposable income	Tax (−) or net benefit (+)	Disposable income	Tax (−) or net benefit (+)	Disposable income	Tax (−) or net benefit (+)	Disposable income	Tax (−) or net benefit (+)	Disposable income	Tax (−) or net benefit (+)	Disposable income	Tax (−) or net benefit (+)	Disposable income	Tax (−) or net benefit (+)	Disposable income	Tax (−) or net benefit (+)	Disposable income
(F) $5,500 basic allowance (50 percent)[4]	5,500	5,500	4,750	6,250	4,000	7,000	2,500	8,500	500	10,500	−2,800	12,200	−6,200	13,400	−9,600	15,400	−13,100	16,900
(G) $2,400 basic allowance (40 percent)[4]	2,400	2,400	1,800	3,300	1,200	4,200	0	6,000	−1,150	8,850	−2,600	12,400	−4,100	15,900	−5,600	19,400	−7,000	23,000
(H) $2,400 basic allowance (35.3 percent)[4][5]	2,400	2,400	1,875	3,375	1,350	4,350	300	6,300	−1,100	8,900	−2,900	12,100	−4,600	15,400	−6,400	18,600	8,100	21,900

[1] The tax figures on this line include Social Security contributions (5.2 percent of income up to $7,800). It is assumed that taxpayers with incomes of $6,000 or less took the standard deduction and that taxpayers with higher incomes itemized deductions equal to 15.5 percent of income. This is the average deduction for these income classes as reported in the IRS Statistics of Income, 1968.

[2] Many families in this bracket may have paid less because their income was in the form of capital gains or tax-exempt interest.

[3] The result of raising actual 1971 revenues, including Social Security personal contributions, from a flat tax on all income above exemptions. No deductions are allowed. This is comparable to the tax system used in the examples below.

[4] Treatment of capital gains under these plans is the same as under present tax laws.

[5] This is the credit income tax, where the positive tax rate equals the offsetting rate.

EXHIBIT 3.—INCOME TAXES REMAINING[1]

[In billions]

Fiscal year	$1,600	$2,400	$4,000	$5,500	$6,500
1973	$140.2	$140.0	$139.3	$136.4	$135.4
1974	151.1	150.8	149.3	143.5	141.6
1975	163.0	162.4	150.3	151.5	148.7
1976	175.9	175.1	172.2	160.6	156.8
1977	189.6	188.7	185.1	170.6	155.8
1978	182.3	213.6	199.3	181.8	176.1
1979	221.0	219.7	214.6	194.2	187.6
1980	223.2	238.2	232.5	209.2	201.6
1981	258.8	257.1	250.6	224.2	215.9
1982	279.5	277.6	270.4	241.3	231.8

[1] United States GNP is anticipated to increase 8 percent annually. Income taxes have varied between 11 percent and 13 percent of the GNP since 1945. Projecting the 8-percent GNP growth and the lowest tax base, these figures represent the projected income taxes minus the 10-percent increments for welfare payments, if the costs for various poverty programs were to remain constant.

EXHIBIT 4.—INCOME TAX REVENUE REMAINING AT CONSTANT RATIO OF POVERTY[1]

[In billions]

Fiscal year	$1,600	$2,400	$4,000	$5,500	$6,500
1973	$135.6	$135.4	$134.7	$131.9	$130.9
1974	149.8	145.5	144.1	138.5	136.6
1975	156.2	155.6	153.6	145.1	142.5
1976	168.9	168.1	165.3	154.2	150.5
1977	183.0	182.1	178.6	164.6	150.4
1978	176.8	207.2	191.3	176.4	170.8
1979	214.4	211.3	208.2	188.4	185.4
1980	232.6	231.1	225.5	202.9	195.6
1981	251.0	249.4	243.1	217.5	209.4
1982	271.1	269.3	262.3	234.1	224.8

[1] This chart projects the anticipated revenue remaining with a varying number of people below the various poverty lines. Figures utilized for fiscal year 1973–76 for $1,600 level are from the Senate Finance Committee hearings. They were projected into the other levels, a 3.5 percent increase was assumed for fiscal year 1977, and 3.0 percent for fiscal year 1978–82. The chart also makes the assumptions made in exhibit 3.

EXHIBIT 5.—LIKELY TAXES 1971–83

[In billions of dollars]

	11 percent GNP	12 percent GNP	13 percent GNP
1971	[1] 118.4		
1972	[1] 130.4		
1973	140.4	153.2	166.0
1974	151.6	165.2	178.8
1975	163.7	188.5	203.3
1976	176.8	192.9	209.0
1977	190.8	208.2	225.6
1978	206.1	224.8	243.5
1979	222.6	242.8	263.0
1980	241.6	263.6	285.6
1981	260.1	284.6	308.3
1982	281.8	307.4	333.1

[1] Estimate.

By Mr. CRANSTON (for himself and Mr. TUNNEY):

S. 2440. A bill to amend title 23 of the United States Code to authorize construction of exclusive or preferential bicycle lanes, and for other purposes. Referred to the Committee on Public Works.

BICYCLE TRANSPORTATION ACT OF 1971

Mr. CRANSTON. Mr. President, I introduce today, for appropriate reference, a bill called the "Bicycle Transportation Act of 1971." I am pleased to have Senator TUNNEY as a cosponsor of this proposal.

The bicycle is currently enjoying the biggest wave of popularity that has occurred at any time in its 154-year history. Environmentalists are praising the bicycle as a solution to one of our most pressing pollution problems: the internal combustion engine. It has been said, in fact, that the bicycle is the only known means of transportation that doesn't pollute—and that includes the horse.

Health enthusiasts have turned to the bicycle as a means of exercising the heart and maintaining general fitness. Since Dr. Paul Dudley White first recommended that President Eisenhower make regular use of the bicycle to build up his heart, doctors have increasingly turned to the bicycle as a means of counteracting the unhealthy aspects of our sedentary way of life. Regular bicycling, as a matter of fact, has been found to aid our digestion, aid the nerves by improving sleep and maintaining equanimity and sanity, aid the lungs through good tone of the diaphragm, and aid the heart by improving circulation.

Now we find a new trend in the use of the bicycle, one which I find most encouraging: the bicycle as transportation. Increasingly, urban dwellers are turning to the bicycle in an effort to escape traffic congestion and to avoid downtown parking woes. All over the Nation, in communities of all sizes, efforts are currently underway to develop bicycle transportation systems that will augment and improve existing modes of intracity transportation. Rush hour races among automobile, bus and bicycle commuters in several cities have focused attention on the advantages of the bicycle: it is fast, clean, healthy, and easy to park.

Already, some 15,000 miles of bike paths are in use, including the 332-mile Wisconsin bikeway that stretches from the eastern edge of Wisconsin at Lake Michigan to the Mississippi River. San Francisco has recently opened the Golden Gate Bridge to cyclists. New York City is investigating ways to make the bicycle a viable alternative to current modes of transportation. The Secretary of Transportation, John Volpe, has announced that his Department is "excited about bicycles," and he has expressed his intention to make Washington, D.C. a model city for bicycles. Palm Springs, Calif.; Lincoln, Nebr., Chicago, Boston, and Buffalo, N.Y., all have in common the development of bicycle transportation networks. The Bicycle Institute of America, based in New York City, estimates that bikeways are opening in cities across the Nation at the rate of 100 a month.

Perhaps the best known example of an intracity bicycle transportation network is the one instituted in Davis, Calif., in 1966. Probably no other city in the Nation has as high a proportion of its citizens owning and using bicycles as a regular means of transportation. In a city of 24,000 citizens, there are approximately 18,000 bicycles. It has been found that on one heavily traveled street in Davis, bicycles represented 40 percent of all traffic. During the rush hour, 90 percent of all bicycle riders were adults. While a number of features have contributed to the success of the bicycle in Davis—the presence of many students attending the University of California at Davis, the flat terrain, the mild weather, and the wide streets—it has been well documented that the major reason for the success of the bicycle is the existence of a safe, carefully designed bicycle commuter system.

Mr. President, despite all the interest in bicycle transportation and the exciting developments I have just mentioned, it is clear that the potential of bicycle transportation cannot be realized without the necessary environmental support system. Just as highway building spurred the automobile industry, construction of bikeways is expected to boost bicycling. We need to develop and construct special bike facilities and regulations, based on the unique requirements of the bicycle and its relationship to the overall intracity and intercity transportation network.

The bill which I am introducing today is identical to H.R. 9369, introduced by Congressman EDWARD KOCH on June 23, 1971. It would allow States and communities to use Federal highway trust fund money to develop bicycle commuter systems. It would provide Federal aid for the construction of exclusive or preferential bicycle lanes, or paths, bicycle traffic control devices, and shelters and parking facilities to serve bicycles and persons using bicycles.

I believe the bicycle is an important, healthful, and pollution-free alternative to traditional modes of transportation. Its use should be encouraged, not only to improve our individual health, but also to promote the health and welfare of the entire community by reducing pollution and congestion. I am hopeful that this bill will enable States and communities to construct safe, well-designed bicycle commuter networks so that the bicycle can truly become a meaningful component of our total transportation system.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2440

A bill to amend title 23 of the United States Code to authorize construction of exclusive or preferential bicycle lanes, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Bicycle Transportation Act of 1971."

SEC. 2. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"Section 145. Bicycle transportation

"(a) To encourage the development, improvement, and use of bicycle transportation on highways for the transportation of persons so as to increase the traffic capacity of the Federal-aid systems, sums apportioned in accordance with subsection (b) of section 104 of this title shall be available to finance the Federal share of the cost of projects for the construction of exclusive or preferential bicycle lanes, or paths, bicycle traffic control devices, and shelters and parking facilities to serve bicycles and persons using bicycles.

"(b) For all purposes of this title, a project authorized by subsection (a) of this section shall be deemed to be a highway project, and the Federal share payable on account of such project shall be that provided in section 120 of this title."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"145. Bicycle transportation."

By Mr. JORDAN of North Carolina (for himself, Mr. BYRD of Virginia, Mr. SPONG, and Mr. ERVIN):

S. 2441. A bill to authorize the Secretary of the Interior to conduct a study to determine the best and most feasible means of protecting and preserving the Great Dismal Swamp and the Dismal Swamp Canal. Referred to the Committee on Interior and Insular Affairs.

Mr. JORDAN of North Carolina. Mr. President, I am introducing today a bill to authorize the Secretary of the Interior to conduct a study to determine the best and most feasible means of protecting and preserving the Great Dismal Swamp and the Dismal Swamp Canal. The distinguished junior Senator from Virginia joins me in sponsoring this legislation and I am particularly grateful for the leadership of the Honorable Robert W. Scott, who brought to my attention the need for the bill.

This historic wilderness area, spanning 750 square miles in North Carolina and Virginia, was named by Col. William Byrd, a member of the 1728 expedition which charted the dividing line between the two Colonies.

In his "Description of the Dismal," written about 1730, Colonel Byrd pictured his desolate wilderness as a place where ". . . every season look(s) like spring, and every month like May."

George Washington was a member of the party which surveyed the swamp in 1763. He described it as a "paradise," and later became one of the stockholders in a company which hoped to reclaim the land and provide transportation facilities between Hampton Roads in Virginia and the rivers and sounds of the Tar Heel State. And between 1790 and 1822 the Dismal Swamp Canal was constructed, and is today the oldest surviving artificial waterway in the United States and an important link in the Atlantic Intracoastal Waterway System.

Despite extensive lumbering activities and devastating peat bog fires which sometimes have raged literally for years, the swamp remains heavily wooded with cypress, black gum, juniper, and water ash, and a tangle of honeysuckle and woodbine. It is populated by many rare birds, including the ivory-billed woodpecker. Snakes of various kinds are numerous. The swamp is noted for hunting and fishing, especially in the nearly inaccessible Coldwater Ditch area where deer, bear, raccoons, and opossum abound.

Lake Drummond, a fresh-water lake connected with the Dismal Swamp Canal, lies in the middle of the wilderness. It is the basis of the Irish poet Thomas Moore's poem, "The Lake of the Dismal Swamp."

Mr. President, I believe it is imperative that the remaining 750 square miles of this once-vast wilderness, the inspiration of writers, explorers and conservationists throughout our history, be protected and preserved in the public interest. The first step in this direction is a thorough and complete study of all available alternatives, and that is the purpose of my bill, which I commend to the careful attention of my colleagues, of all residents of North Carolina and Virginia, and of conservations and interested citizens throughout the country.

By Mr. TOWER (for himself, Mr. BELLMON, Mr. DOLE, Mr. FANNIN, Mr. HANSEN, Mr. PEARSON, and Mr. STEVENS):

S. 2442. A bill to provide that certain provisions of the Natural Gas Act relating to rates and charges shall not apply to persons engaged in the production or gathering and sale but not in the transmission of natural gas. Referred to the Committee on Commerce.

Mr. TOWER. Mr. President, I am introducing today a bill designed to help insure the Nation's consumers of an abundant supply of natural gas.

Natural gas is one of our most important energy resources. At the present time, natural gas supplies approximately one-third of our energy demands. The Interior Department estimates that by 1985, gas will supply 29.5 percent and by 2000, 26.4 percent of our national requirements.

Also, natural gas is the ideal fuel because it pollutes the environment least. Consistent with our efforts to maintain a clean environment, we should also act to provide adequate supplies of this cleanest burning of all fuels.

At the present time the Nation's consumers are faced with shortages of natural gas. We should, therefore, take the actions necessary to alleviate this critical shortage. The bill I offer today is one such action.

The preamble of this bill states what I believe to be the fundamental concepts concerning natural gas shortages. The essential elements are that these serious shortages are the direct result of price regulation by the Federal Power Commission, and that, therefore, pricing of this vital energy resource must be taken from the FPC and returned to the free market. The bill is designed to relieve the FPC of its current responsibility of setting the price of natural gas.

This deregulation would be accomplished by redefining the term "natural gas company" as used in the Natural Gas Act to exclude the independent producer. Further, pipeline companies would be allowed to include the deregulated price in their cost base without FPC approval. Thus, the FPC would be unable to regulate the price either directly or indirectly.

The responsibility to regulate the price paid to the independent producer was imposed upon the Federal Power Commission by the Supreme Court in the 1954 decision entitled Phillips Petroleum Co. against Wisconsin, and others. In this decision the Court held that the term in the Natural Gas Act, "sale for resale," applied to the sale by a producer of natural gas to the pipeline company.

The decision shocked both Government and industry. Most felt that the Court had erred.

The next year both Houses of Congress passed the Harris-Fulbright Act. This legislation would have redefined the term "natural gas company" to exclude the independent producer from coverage by the Natural Gas Act. However, President Eisenhower vetoed this corrective legislation. He said that he did so for reasons other than those pertaining to the merits of the legislation. He made this statement when he vetoed the bill:

> Legislation . . . is needed because the type of regulation of producers of natural gas which is required under present law will discourage individual initiative and incentive to explore for and develop new sources of supply.
>
> In the long run this will limit supplies of gas which is contrary not only to the national interest but especially to the interest of consumers.

Others echoed these views.

Unfortunately, but not unexpectedly, these predictions of shortages resulting from FPC price regulation have come true. These shortages are not surprising since the Supreme Court assigned the FPC the impossible task of having to determine "just and reasonable" prices while operating under the confines and restrictions of normal regulatory procedures.

There are certain inherent defects in price regulation by a governmental agency which result in unrealistically low prices and uncertainty in these prices.

For example, price setting by a regulatory agency is by design a slow process. The proceedings established by law are purposefully deliberate in order to assure ample opportunity for notice, a fair and impartial trial and review of the decision.

In setting gas prices, the Commission receives testimony pertaining to the cost of locating and producing natural gas. The statistics relating to any one year require at least a year to compile and publish. If one adds to this time the several years required by the normal rate proceeding, it is obvious that the statistics upon which rates are based can be completely outdated by the time they take effect. Since costs have been generally rising over the past 17 years of FPC regulation, the years of delay consumed in the normal hearing and court review virtually assured that the prices set by the FPC will be unrealistically low.

The probability of subsequent court review points up another inherent defect in regulatory price setting.

Subsequent court decisions could result in the price being lowered by court order. This has happened in many FPC area rate hearings. This in turn could result in the producer being forced to refund a portion of the revenues received from sales of gas at the prices permitted by a decision.

Thus, the final result of a decision remains uncertain in the minds of producers as to the actual price he will receive for his gas.

And, uncertainty leads to a reluctance to commit the large sums of risk capital necessary to explore for new reserves of natural gas.

These two defects in price regulation have contributed substantially to a steady decline in exploration for new reserves of gas. Consequently, many potential customers are being denied supplies of this ideal, nonpolluting fuel.

Thus, over the long term, the consumer has not benefited by the regulation of the price of natural gas.

Instead of a plentiful supply of a relatively inexpensive fuel, the consumer has been denied the full use of the clean-burning energy resource.

Not only did the low prices depress exploration activity; it also stimulated demand by the consumer. Natural gas under FPC regulation has been a bargain. For example, on a British Thermal Unit basis, natural gas is priced at about half the price of crude oil. This bargain price has led to expanded uses of natural gas.

These consequences of FPC regulation have led to the present dangerous shortages. In all probability, these shortages will increase. Leadtime of from 3 to 7 years is required to find and develop a new gas reserve. Thus, even if exploration activity were dramatically increased this very day, we would not benefit from this activity for at least 3 years.

Natural gas shortages are especially unfortunate. We possess abundant supplies of undiscovered reserves of natural gas. The gas supply committee, and official organ of the Colorado School of Mines, estimated that as of last December 31, this Nation possesses approximately 1,178 trillion cubic feet of gas in reservoirs yet to be discovered. This Nation presently consumes gas at an annual rate of about 22 trillion cubic feet of gas. So, it is evident that we could supply our own requirements from indigenous sources for several decades. Also, as I noted earlier, natural gas pollutes the environment least of all fuels. We should be striving to provide abundant supplies of this clean-burning fuel in an effort to clean up our environment.

As we consider our natural gas problem, it would be useful to examine the FPC brief in the *Phillips* case. The arguments used in that brief apply today. The Chief Justice of the Supreme Court, Warren E. Burger, participated in arguing this brief as Assistant Attorney General. In this brief, the FPC presented three main arguments against regulating prices for the independent producer. I would like to quote from this brief. It said that the legislative history of the Natural Gas Act:

> Plainly reveals Congress' recognition of three functional divisions of the natural gas industry, (1) production and gathering, (2) transportation and sale in interstate commerce, and (3) distribution to local consumers, and a repeatedly reiterated intention to deal only with the abuses resulting from monopolistic control by the pipeline companies of the strategic middle link of the industry, evils revealed by the Federal Trade Commission report of 1935, from which the Gas Act stemmed. The history, however, contains no suggestion that the evils of monopolistic control were prevalent among the independent producers of natural gas. . . .
>
> It is highly significant in itself that the legislative discussions are bare of any mention of even the possibility of imposing federal regulation upon the substantial proportion of the natural gas industry represented by the independent producers and gatherers of gas. In addition, there are affirmative manifestations of Congressional intent *not* to regulate sales by producers and gatherers.

This was the first argument used by the Commission.

The second argument involved the administrative practice of the FPC not to regulate the producers prior to this decision. Quoting again from the FPC brief:

> Beginning with [the] *Columbian Fuel Corporation* [decision] issued two years after the Gas Act was approved, at a time when four of the five Commissioners had been in office both when the Act was passed and when the predecessor bills were under consideration in Congress, the Commission has consistently held that Congress had not delegated to it power to regulate the business of production and gathering. . . .

Quoting from the *Columbian Fuel* case, the FPC brief continued:

> In no case in its history has the commission held that the Act gives it jurisdiction over a company solely by reason of its movement of gas in interstate commerce on sales in interstate commerce for resale, where such movement on sales in interstate commerce take place in the process of production or gathering.

The brief continued:

> Under well-established principles, such consistent refusal by an agency charged with administering a statute to assert a questioned power is a powerful indication that the authority is lacking.

The third argument involved the Commission's expert judgment in defining terms of an act:

> By omitting from the Act a definition of "gathering" or of the elements for fixing the character of "production or gathering" in relation to the Act's coverage, Congress left to the Commission's expert judgment the determination of the term's scope, based upon an appraisal of its specialized meaning in the industry. Many decisions of this Court hold that where the question is one of specific application of a broad statutory term, the function of the reviewing court is limited to ascertaining whether the administrative conclusion has a reasonable basis in law and is supported by the evidence.

These are all cogent arguments today.

Basic conditions of the natural gas industry have not changed significantly since the *Phillips* decision was handed down. Predictions concerning the effect of the *Phillips* decision have come to pass. Shortages presently exist.

Mr. President, this bill is designed to reverse the unfortunate trend which the Phillips decision initiated. Action is long overdue, and I urge prompt consideration of my bill.

Pursuant to Senate Resolution 45, there is presently an energy study in process. This study is being conducted by the Senate Interior and Insular Affairs Committee, of which Senator JACKSON is chairman. On June 14, Senator JACKSON stated in committee hearings that action should be taken in regard to some parts of our energy situation without further study and that the natural gas situation was one such part. I agree.

But, some are opposed to price deregulation. They maintain that with deregulation, natural gas prices will substantially increase and that such an increase would not be in the best interest of the consumer. The important point is, however, that the consumer's best interest has not been served by the past 17 years of FPC regulation. The result of this regulation is that supplies of natural gas have been effectively dried up to the point that many consumers are presently being denied the use of this fuel, and more consumers will be injured as this regulation persists.

I anticipate, and indeed hope, that deregulation will cause some beneficial changes. For example, the price of gas would most probably rise. Artificially contrived pricing distinctions, such as "old-new" and "off-shore-on-shore," would be abolished. The price of gas would be based on BTU content on a competitive basis with other fuels.

Moreover, when a gas purchase contract expired, the producer and the pipeline company would be at liberty to negotiate a new price. These negotiations would take into account the normal factors of the free market such as the availability of gas in relation to demand, the relative ease and convenience of handling and transporting it, and polluting characteristics. I would anticipate that the free market negotiations which take these factors into account would probably result in a reasonable price being paid for this ideal fuel. And this higher, reasonable price would result in increased quantities of natural gas for consumers.

I am certain that by returning the pricing of natural gas to the free market, the necessary amounts of risk capital will be forthcoming to explore for and develop our abundant undiscovered reserves of this ideal fuel.

Then and only then will the best interests of the consumer be protected. Any compromise short of complete price deregulation will only result in continued and intensified shortages.

Again, I urge prompt consideration of my bill.

Mr. HANSEN. Mr. President, I am happy to join my distinguished colleague, the Senior Senator from Texas (Mr. TOWER) in the introduction of this sorely needed legislation.

The entire history of producer wellhead regulation of the price of gas proves beyond any doubt that the system has failed. As any economist knows, the surest way to create a shortage of any commodity is to put a price ceiling on it.

The able Senator from Texas and I have warned time and again during the past few years that the Nation is facing an energy crisis. We have repeatedly called attention to the warning of experts in the field of energy, both in and out of government, that this Nation's self-sufficiency in energy is fast disappearing.

Last winter there was a very real threat of actual fuel shortages in parts of the country. A concerted and coordinated effort by government and industry prevented any actual suffering.

But the gas shortage is not simply threatening, it is here as Forbes Magazine pointed out in its issue of August 1. Last winter, cities like Cleveland were so short of supplies that industry had to shut down for brief periods to conserve fuel for space heating. One after another of the major gas companies have announced they will take on no new large industrial customers for lack of additional supplies. New York State, a recent Public Service Commission study indicated, will be short by 25 billion cubic feet of gas this year and probably 50 billion in 1972.

A number of companies, headed by El Paso Natural Gas, are attempting to supplement their supplies by importing high-cost liquefied natural gas from places like Algeria and Nigeria. This in a recession year.

Last week the Senate Interior Committee held hearings on legislation to establish a Coal Gasification Development Corp. intended to provide a framework for government and industry to cooperate in the vital task of bringing the technology of coal gasification to commercial realization.

Undoubtedly all available sources of energy will be needed in the future if this country is to continue as the world's industrial leader but for the immediate and short-term future, coal gasification and imported liquefied natural gas would be strictly supplemental to domestic natural gas and would cost substantially more.

But, as my able colleague from Texas has pointed out, we have the gas and the ability to develop it if we are willing to face reality.

Reliable sources—the American Association of Petroleum Geologists, the National Petroleum Council, the Colorado School of Mines, and others—maintain that more oil and gas remains to be discovered in the continental United States and Alaska than has been produced. But it will not be discovered and produced at prevailing prices.

The headline on the Forbes magazine article on U.S. self-sufficiency in raw materials and energy expressed the problem briefly and succinctly:

> You Get What You Pay For—
>
> "The price of self-sufficiency is high. But if we are not prepared to pay it, the price of dependence could be higher."

The Eastern oil bloc countries—the Organization of Petroleum Exporting Countries—control more than three-fourths of the world's present known oil reserves and they have the power to turn this vital resource off or on at will.

Last winter's threat was brought on by events in that area resulting in a tanker and actual oil shortage. A crisis was prevented by the ability and flexibility of the U.S. domestic industry and a cushion of producing capacity that is fast disappearing.

Until nuclear power becomes a real factor in supplying the Nation's insatiable energy appetite, the development of our own fossil energy resources is the only real answer to our energy problems for the next 2 or 3 decades.

This bill would allow natural gas to compete with other fuels in the open market and determine its true market value in relation to the cost of discovering and producing the abundant supplies still remaining but which cannot and will not be produced under a cumbersome and discriminatory regulatory system.

I hope other Senators will join in support of this legislation which offers one of the quickest and simplest solutions to the Nation's energy problems.

By Mr. McGOVERN:

S. 2443. A bill to amend section 214 of the Foreign Assistance Act of 1961 to authorize assistance to schools and hospitals abroad which are under the administrative responsibility of United States citizens. Referred to the Committee on Foreign Relations.

AMENDMENT TO FOREIGN ASSISTANCE ACT OF 1961

Mr. McGOVERN. Mr. President, the work being done in foreign nations by Americans who have founded and now administer hospitals and schools deserves the support of this Government. Such support was granted by the Foreign Assistance Act of 1961, but was restricted to those institutions founded or sponsored by Americans. Those schools and hospitals founded under other auspices but which nevertheless are run by Americans similarly merit assistance from this country. This bill would amend the foreign assistance act in order to make it possible for such institutions to receive funds from this Government for their work.

This course of action would help forge links of cooperation between this country and developing nations. It would permit the continuation and expansion of many worthwhile endeavors. For example, the University of Bombay schools of social work has been training Indian social workers for 13 years, but the American administrator's efforts are hampered by a severe lack of funds. Directing this country's attention and aid toward this situation and that of other Americans who are trying to aid developing peoples is necessary and proper. The most effective foreign aid is administered not from one nation to another, but from one person to another, and this action would allow more complete operation of this concept in foreign aid.

Mr. President, I ask unanimous consent that this bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2443

A bill to amend section 214 of the Foreign Assistance Act of 1961 to authorize assistance to schools and hospitals abroad which are under the administrative responsibility of United States citizens.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 214 of the Foreign Assistance Act of 1961 is amended—

(1) by inserting in subsection (a), after "United States citizens", a comma and the following: "or administered by United States citizens who assure the President that they will have responsibility for administering the funds made available under this section,"; and

(2) by inserting before the period at the end of subsection (b) a comma and the following: "or administered by United States citizens who assure the President that they will have responsibility for administering the funds made available under this section".

By Mr. SYMINGTON:

S. 2444. A bill to protect producers' income when rebuilding reserve stocks of feed grains and wheat, and for other purposes. Referred to the Committee on Agriculture and Forestry.

A BILL TO HELP AGRICULTURE

Mr. SYMINGTON. Mr. President, students of agricultural programs and legislation are concerned that the expected overproduction and possible record crops of wheat and feed grains will result in a sharp drop in market prices when the new crops of corn, barley, oats, rye, and grain sorghums are harvested this year.

Already the futures markets for these commodities show signs of weakness, as traders begin to sell contracts.

To provide a protection against possible ruinous grain prices in those years when the Secretary of Agriculture has instituted a crop adjustment program, the legislation I propose would provide a floor price for feed grains and wheat to protect farmers from low prices caused by excessive overproduction.

This bill also would permit the producer to store his crop for 3 years instead of 1; and repay his price support loan at any time during that period. If at any time during that period that the producer has his crop in storage, the price of the commodity reaches 100 percent of parity, the Secretary of Agriculture can call the loans.

In order that Senator TALMADGE and members of the Senate Agriculture Committee may have an opportunity to study this bill, I am introducing said bill for proper reference and ask unanimous consent that it be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2444

A bill to protect producers' income when rebuilding reserve stocks of feed grains and wheat, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) Section 105(a)(1) of the Agricultural Act of 1949, as amended by section 501 of the Agricultural Act of 1970, is amended by inserting after "United States" the following: "Whenever the Secretary announces any feed grain adjustment program which will result in an addition to reserve stocks (of corn, barley, oats, rye, or grain sorghums), the minimum loan rates available to producers (of corn, barley, oats, rye, or grain sorghums) during that crop year shall be increased by at least 25 per centum".

(b) Such section 105(a)(1) is further amended by adding at the end thereof the following: "Each loan made pursuant to the provisions of this subsection shall provide for a repayment period of three crop years unless the debtor requests a repayment period of less than three crop years. However, any such loan may be terminated by the Secretary if the national average market price received by farmers, for the feed grain for which such loan was made, during the first five months of any marketing year for such feed grain which falls within such three-year period is at least equal to the full parity price of such feed grain as of the beginning of such marketing year."

SEC. 2. (a) Section 107(a) of the Agricultural Act of 1949, as amended by section 401 of the Agricultural Act of 1970, is amended by inserting after "$1.25 per bushel" the following: ": *Provided further,* That whenever the Secretary announces any wheat adjustment program which will result in an addition to reserve stocks, the minimum loan level available to producers during that crop year shall be increased by at least 25 per centum".

(b) Such section is further amended by adding at the end thereof the following: "Each loan made pursuant to the provisions of this subsection shall provide for a repayment period of three crop years unless the debtor requests a repayment period of less than three crop years. However, any such loan may be terminated by the Secretary if the national average market price received by farmers during the first five months of any marketing year which falls within such three-year period is at least equal to the full parity price of wheat as of the beginning of such marketing year."

SEC. 3. The amendments made by sections 1 and 2 of this Act shall take effect with respect to 1971 crops of corn, barley, oats, rye, grain sorghums, and wheat.

By Mr. HUMPHREY:

S. 2445. A bill to provide for the nationwide registration of voters for Federal elections. Referred to the Committee on Post Office and Civil Service.

FEDERAL VOTER REGISTRATION ACT

Mr. HUMPHREY. Mr. President, I introduce the Federal Voter Registration Act which will enable citizens to register to vote in Federal elections at the same time they file their Federal income tax returns.

This act directs the Secretary of the Treasury to mail all taxpayers voter registration forms with the IRS 1040 forms. After the form is completed, forwarded and checked for compliance with State election laws, the taxpayers would be sent a Federal Voter Registration Certificate. Citizens who do not file a tax return could obtain a voter registration application to be mailed to the Internal Revenue Service at their local post office.

Mr. President, I believe that this legislation is in the best interest of taxation with representation.

I also want to point out that the Federal Voter Registration Act will not eliminate constitutional State registration laws. State registration channels will continue to be available. But this new act will provide an additional and simplified way of registering, removing obstacles to registration and bringing more citizens into polling places across the country.

Mr. President, I ask unanimous consent that the Federal Voter Registration Act be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2445

A bill to provide for the nationwide registration of voters for Federal elections

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Federal Voter Registration Act".

REGISTRATION FORMS

SEC. 2. (a) The Secretary shall prepare, in consultation with the Attorney General and the election officials of the various States, a standard form which may be used to register to vote in Federal elections by any citizen who is qualified to register for voting in such elections. Two copies of such form shall be included with each income tax return mailed to a taxpayer by the Internal Revenue Service and additional copies of such form shall be available at any Internal Revenue Service office. The Secretary shall enter into arrangements with the Postmaster General under which additional copies of such form shall be available in each post office. The Secretary shall undertake to notify persons who do not receive such forms by mail of their right to register to vote by using such forms. Such notification shall be by public advertisement or such other means as may be effective. Where appropriate, such notification and such forms shall be in English and in the predominant non-English language used in an area:

(b) Any person who elects to register for voting in Federal elections using the form provided under subsection (a) shall complete such form and sign it. The completed form shall be returned to the Internal Revenue Service and such person shall be registered to vote in Federal elections in the State in which he resides, in accordance with such procedures as may be prescribed by the Secretary, if such person is otherwise qualified to vote in such Federal election.

(c) The Secretary shall issue to any person registered to vote in Federal elections under this section a certificate of registration which shall be held and considered to be prima facie evidence of such registration.

NOTICE TO STATE ELECTION OFFICIALS

SEC. 3. (a) Under such regulations as the Secretary may prescribe, there shall be furnished to the appropriate election officials of any State all necessary and appropriate information regarding persons registered under section 3 to vote in Federal elections held in such State. On and after the time such information has been so furnished to the appropriate election officials of any State in the case of any person, such person shall be deemed to have met all the requirements for registration for voting in Federal elections held in such State. Any such registration for voting shall continue in effect for the same period of time it would have been in effect had such person registered under the applicable State law.

(b) Registration under this section of any person for voting in Federal elections held in any State shall constitute valid registration for voting in elections held in such State other than Federal elections whenever the laws of such State so provide.

PROHIBITION OF NATIONAL REGISTRY

SEC. 4. No national registry of persons shall be compiled or maintained from information derived under this Act.

REPORT BY SECRETARY

SEC. 5. The Secretary shall report to the Congress one year from the date of enactment of this Act with respect to registration of voters under this Act together with any recommendations he may have, including recommendations for additional legislation, for the more effective administration of voter registration under this Act.

PENALTIES

SEC. 6. (a) The provisions of section (11) (C) of the Voting Rights Act of 1965 shall apply to false registration under this Act and other fraudulent acts and conspiracies in connection with this Act.

(b) Whenever the Attorney General has reason to believe that a State or political subdivision is denying or attempting to deny to any person the right to vote in any election in violation of this Act, he may institute for the United States, or in the name of the United States, an action in a district court of the United States, in accordance with sections 1391 through 1393 of title 28, United States Code, for a restraining order, a preliminary or permanent injunction, or such other order as he deems appropriate. An action under this section shall be heard and determined by a court of three judges in accordance with the provisions of section 2282 of title 28 of the United States Code and any appeal shall be to the Supreme Court.

(c) Any person who deprives, or attempts to deprive, any other person of any right secured by section 2 of this Act shall be fined not more than $5,000, or imprisoned not more than five years, or both.

REGULATIONS

SEC. 7. The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this Act.

DEFINITIONS

SEC. 8. As used in this Act, the term—

(1) "State" means each of the United States, the District of Columbia, and the Commonwealth of Puerto Rico;

(2) "Federal election" means any general, special, or primary election held for the purpose of nominating any candidate for election, or electing any candidate, as President, Vice President, presidential elector, Senator, Representative, or Delegate or Resident Commissioner to the Congress; and

(3) "Secretary" means the Secretary of the Treasury or his delegate.

By Mr. INOUYE:

S. 2446. A bill to establish a special fund in the Treasury, consisting of excess sugar excise tax collections, to enable the Secretary of Agriculture to conduct research into environmental problems arising in the production, processing, and refining of sugar. Referred to the Committe on Finance.

SUGAR ENVIRONMENTAL RESEARCH

Mr. INOUYE. Mr. President, several days ago, the Congress passed a measure which would extend for 3 years the U.S. sugar program. At that time, I pointed out that this program operates on two key mechanisms which serve to make it unique and to distinguish it from any other agricultural program currently operating in this country. Today, I am introducing a measure which will capitalize on the uniqueness of this policy and will benefit not only the sugar industry but the entire agricultural community and the American consumer.

The purpose of this legislation is to establish a special fund in the Treasury to enable the Secretary of Agriculture to conduct research into the environmental problems arising in the production, processing, and refining of sugar. Before going into an explanation of the legislation, I would like to briefly outline that part of the sugar program which makes this proposal possible. I am referring to the tax payment provision in the Sugar Act. This mechanism operates as follows:

The sugar industry pays an excise tax of 50 cents on every 100 pounds of sugar it produces. The revenue from this tax goes into the general treasury, but is then returned to the producer who complies with certain regulations which are set forth in the act. As I mentioned before, the tax payment provision of the Sugar Act is unique and cannot be compared to any other agricultural support program. Not only is the program self-supporting, but it actually contributes to the Treasury. Over the life of the Sugar Act, the revenues from the tax have exceeded the payments to the growers by $630 million. The House Agriculture Committee estimated that the operation of the program during the next 3 years will generate between $78 and $83 million of revenue to the U.S. Treasury. The bill I am introducing today establishes a trust fund in the U.S. Treasury to be called "Sugar Environmental Research Fund." It authorizes the Secretary of the Treasury to transfer from the general fund of the Treasury to the fund, the amount by which the excise tax on sugar paid by the processor exceeds the amount paid to the producers in compliance payments. The moneys are then to be used by the Secretary of Agriculture to conduct research into the environmental problems arising in the production, processing, and refining of sugar.

This legislation addresses itself to a subject which has recently become a major issue in our country—the environment. There has been a great deal of controversy lately over the environmental dangers which are a byproduct of the process of production. Agricultural production has not escaped this assault. The American farmer is presently confronted with a wide array of problems in this area. He is being forced to adapt his production methods to comply with water and air pollution standards, in addition to being deprived of the use of many chemicals which have become an essential factor in successful crop production.

I, as much as any American, am extremely concerned over the present state of our environment and I am eager to make progress toward the restoration and preservation of the ecological balance we have destroyed. However, I am inclined to think that we are approaching the problem we have created in the wrong way. I believe, we should attack the environmental problem from a positive rather than a negative standpoint. Instead of devoting our energies to discovering and then outlawing the technical, industrial, and agricultural processes we find environmentally hazardous, why not work to discover the pollutants and then develop an alternative procedure or material to which will serve the same purpose without having detrimental effects.

For example, we have determined through scientific research that several of the chemicals we have developed to control crop pests are environmentally hazardous and have subsequently taken steps to ban the use of such products. This action provides protection for the environment but at the same time leaves the farmer and his crop totally unprotected. The farmer is dependent on certain chemical agents to grow his crop; when he is confronted with the loss of the chemical and no viable substitute, he must sit back and watch his acreage yield drop, the quality of his product decline and his profits go down the drain. He is unable to remedy his situation because he has neither the funds nor the scientific background to conduct studies to develop an alternate method to provide protection for his crops.

The plight of the farmer has been grossly overlooked by those who are concerned only with eliminating polluting agents. We have a responsibility not only to the agricultural world but to all industry to go one step further in this matter. If we are going to prohibit the use of a particular product or process, we must direct our efforts toward providing the victim with an alternative which will enable him to continue his operation. I sincerely believe that we will make much more rapid progress toward finding a workable solution to our environmental problems if we begin to approach the subject in a positive manner. The legislation I am introducing today accomplishes this purpose. Although the measure is directed toward the sugar industry in particular, the end results of the research made possible by this legislation, will have highly significant effects on the agricultural industry as a whole. The environmental problems involved in the production, processing, and refining of sugar are not unique to that industry. There are many problems which are common to crop production and processing of any kind. Any discovery which enables the sugar industry to more adequately cope with these problems, will also benefit millions of other American farmers, will have far-reaching effects in the entire realm of agricultural production.

Furthermore, the ultimate recipient of the benefits of such research is the American consumer. Application of new techniques in crop production and processing will save him from the dangers of environmental side effects and provide him with commodities of high quality at reasonable costs.

Mr. President, I cannot estimate the importance of research of this nature. If we are truly concerned with the state of our environment we should be willing to take steps which will provide us with some answers to our problems. I am introducing this measure as a step in that direction. I hope you see fit to join me in my efforts to take positive actions to rectify the environmental damage we have done. Merely expressing concern over a problem is hardly an effective way to find a solution; we must follow up with constructive actions directed toward discovering a cure for the problem. This legislation provides us with an opportunity to do just that. I hope that we will take advantage of this opportunity.

By Mr. INOUYE:

S. 2447. A bill to permit a noncontiguous State to elect to use and allocate funds from the highway trust fund to achieve a balanced transportation system responsive to the unique transportation needs and requirements of such a noncontiguous State. Referred to the Committee on Finance.

NONCONTIGUOUS STATE TRANSPORTATION ACT

Mr. INOUYE. Mr. President, I rise today to introduce the Noncontiguous State Transportation Act." The proposed act would permit the Governor of any noncontiguous State of the United States to elect to use and allocate funds from the highway trust fund in order to achieve a balanced transportation system responsive to the unique transportation needs and requirements of such a noncontiguous State.

The act is designed to help solve those grave problems which arise from the fact that the unique geographical situation of the noncontiguous States inevitably creates and generates unique transportation needs and requirements in such noncontiguous States. Almost everyone who visits the noncontiguous States of our vast country realizes that their unique transportation needs and requirements are qualitatively substantially different from the transportation needs of the contiguous States.

Due to understandable but nevertheless insufficient awareness of the unique circumstances of the noncontiguous States, the allocation of Federal fiscal assistance among the several modes of transportation in the noncontiguous States has been and still remains imbalanced. Such transportation imbalances in Federal fiscal assistance have produced the harmful economic decline of some modes of transportation and the excessive development of other modes of transportation in the noncontiguous States. Such developments have caused and will continue to cause increasing hardship to large segments of the population of and economic and social disruption to many communities in the noncontiguous States.

I am proposing the above act today because I believe that the harmful conditions which I have described can be remedied only by according to the noncontiguous States greater flexibility in the use and allocation of Federal fiscal transportation assistance. Assuring the provision of economic, effective, and coordinated transportation suitable to the varying needs of travelers, shippers, and communities requires that the noncontiguous States be able to plan, design, and construct transportation facilities and systems without bias resulting from the present funding levels and methods of providing Federal assistance.

The original policy declaration of existing Federal highway legislation, embodied in section 101(b) of title 23, United States Code, states that "local needs, to the extent practicable, suitable, and feasible, shall be given equal consideration with the needs of interstate commerce." Since the unique local and interstate commerce needs of the noncontiguous States require especial consideration and treatment, it is, therefore, the purpose of the proposed act, consistent with existing policy, to assist in correcting these transportation imbalances, inequities, and deficiencies by permitting the noncontiguous States to elect to use and allocate funds from the highway trust fund in order to achieve a balanced transportation system responsive to the unique transportation needs and requirements of such noncontiguous States.

As a last comment, I would now like to emphasize to my distinguished colleagues that the proposed act does not call for new and expanded Federal transportation funding, but merely for the more efficient use of existing Federal transportation funding for the noncontiguous States. Speaking for the noncontiguous State of Hawaii, I can state without any hesitation that a nationwide Interstate Highway System has only a very limited applicability to Hawaii's unique transportation needs. The proposal which I introduce today accommodates Hawaii's unique needs while it in no conceivable way jeopardizes the success of the Nation's Interstate Highway System.

Mr. President, I ask for unanimous consent that the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2447

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Non-contiguous State Transportation Act".

FINDINGS AND PURPOSE

SEC. 2. (a) Findings. The Congress hereby finds that the unique geographical situation of the non-contiguous States creates and generates unique transportation needs and requirements in such non-contiguous States; that such unique transportation needs and requirements of the non-contiguous States are qualitatively substantially different from the transportation needs of the contiguous States; that the allocation of Federal fiscal assistance among the several modes of transportation in the non-contiguous States has been and still remains imbalanced; that such transportation imbalances in Federal fiscal assistance have produced the harmful economic decline of some modes of transportation and the excessive development of other modes of transportation in the non-contiguous States; that such developments have caused and will continue to cause increasing hardship to large segments of the population of and economic and social disruption to many communities in the non-contiguous States; that these harmful conditions can be remedied only by according to the non-contiguous States greater flexibility in the use and allocation of Federal fiscal transportation assistance; and that assuring the provision of economic, effective, and coordinated transportation suitable to the varying needs of travelers, shippers, and communities requires that the non-contiguous States be able to plan, design, and construct transportation facilities and systems without bias resulting from the present funding levels and methods of providing Federal assistance.

(b) Purpose. Since the original policy declaration of section 101(b) of title 23, United States Code, states that "it being the intent that local needs, to the extent practicable, suitable, and feasible, shall be given equal consideration with the needs of interstate commerce", and since the unique local and interstate commerce needs of the non-contigious States require especial consideration and treatment, it is therefore the purpose of this Act, consistent with existing policy, to assist in correcting these transportation imbalances, inequities and deficiencies by permitting the non-contiguous States to elect to use and allocate funds from the highway trust fund in order to achieve a balanced transportation system responsive to the unique transportation needs and requirements of such non-contiguous States.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(a) The term "Federal-aid highway system apportionment" means an apportionment for a fiscal year to a State under one of the six paragraphs of section 104(b) of title 23, United States Code.

(b) The term "Interstate System" means the National System of Interstate and Defense Highways described in subsection (d) of section 103 of title 23, United States Code.

(c) The term "Governor" means the chief executive officer of a State.

(d) The term "non-contiguous State" means a State in geographical proximity with but not actually bordering, adjoining, or touching the boundaries encompassing the majority of the several states of these United States.

(e) The term "Secretary" means the Secretary of Transportation.

ELECTION

SEC. 4. (a) There is hereby authorized to be appropriated to the Secretary from the highway trust fund for use in each non-coniguous State for transportation purposes the amount elected to be used for such purposes by the Governor of such non-contiguous State under subsection (b).

(b) The Governor of a non-contiguous State may elect to have all or part of one or more of such non-contiguous State's Federal-aid-highway system apportionments for a fiscal year made available to the Secretary for making grants in that year to such non-contiguous State, or to local public bodies or agencies in such non-contiguous State. Such grants may be made in accordance with the provisions of the Urban Mass Transportation Act of 1964, or in accordance with any other Act of Congress authorizing grants to the several States, or political subdivisions thereof, for providing transportation facilities and services, including the development of plans for balanced statewide, metropolitan or regional transportation systems within such non-contiguous State; except that not to exceed one-half of the amount available to the Secretary for making such grants in any non-contiguous State may, upon the request of the Governor of such non-contiguous State, be paid to such non-contiguous State, or such agency or agencies thereof as the Governor may designate, for expenditure in accordance with the laws of such non-contiguous State for transportation purposes. Such election shall be made in such manner as the Secretary shall by regulation prescribe, within sixty days after he certifies to the Governor, pursuant to section 104(e) of title 23, United States Code, the sums apportioned to that non-contiguous State for a fiscal year. In making such election, the Governor shall specify the amount to be deducted from one or more of the non-contiguous State's Federal-aid-highway system apportionments in order to make available to the Secretary amounts elected to be used for transportation purposes.

(c) If the amount which a Governor of a non-contiguous State elects, pursuant to subsection (b), to have used in a fiscal year for transportation in such non-contiguous State exceeds the sum of amounts expended and obligated by the Secretary in such fiscal year in such non-contiguous State from amounts appropriated under the authority of subsection (a), then at the end of such fiscal year such excess shall no longer be available for such purposes and shall, on January 1 of the next succeeding fiscal year, be added to the non-contiguous State's Federal-aid-highway system apportionments for the second fiscal year beginning after such election. The addition to each of a non-contiguous State's apportionments shall bear the same proportion to such excess as the amount deducted (under the last sentence of subsection (b)) from the corresponding apportionment for the fiscal year in which such excess occurred bore to the amount elected to be used for transportation purposes in such fiscal year.

INTERSTATE APPORTIONMENT ADJUSTMENTS

SEC. 5. (a) For purposes of this section—

(1) The term "interstate apportionment" means the Federal-aid-highway system apportionment for a non-contiguous State's Interstate System as certified to the Governor and non-contiguous State highway department thereof in accordance with section 104 (e) of title 23, United States Code;

(2) The term "interstate apportionment adjustment" means the amount by which a non-contiguous State's interstate apportionment is reduced or increased (after certification under section 104(e) of such title) in accordance with section 209(g) of the Highway Revenue Act of 1956; and

(3) The term "remainder available for interstate construction" means a non-contiguous State's interstate apportionment, less the amount which the Governor of the non-contiguous State specifies, pursuant to the last sentence of section 203(b) of this Act, is to be deducted from that non-contiguous State's interstate apportionment in order to make such amount available for transportation purposes.

(b) In the case of an interstate apportionment adjustment, the amount available to the Secretary for transportation purposes in a non-contiguous State for a fiscal year—

(1) shall not (in the case of a downward adjustment) be reduced by reason of such adjustment, unless the downward adjustment exceeds the remainder available for interstate construction, and

(2) shall (in the case of an upward adjustment) be increased, in accordance with regulations of the Secretary, only to the extent that amounts so available were previously reduced under paragraph (1).

AMENDMENT TO TITLE 23, UNITED STATES CODE

SEC. 6. (a) Section 104(e) of title 23, United States Code, is amended by inserting after "State highway department" the following: "and the Governor or chief executive officer of each non-contiguous State".

(b) Section 104(b)(5) of such title is amended by adding at the end thereof the following: "Rules, regulations, and standards adopted by the Secretary for estimating the cost of completion of the Interstate System and taking into account all previous apportionments shall prescribe a consistent and equitable procedure for taking into account amounts of apportionments which the Governor of a non-contiguous State has elected to have made available for transportation purposes under section 203 of the National Transportation Development Financing Act of 1971."

(c) Section 118(a) of such title is amended by striking out "On and after" and inserting in lieu thereof "Sixty days after".

AMENDMENTS TO HIGHWAY REVENUE ACT

SEC. 7. (a) Section 209(f)(1) of the Highway Revenue Act of 1956 is amended by inserting "(A)" before "making expenditures" and by striking out the period at the end thereof and inserting in lieu thereof the following: "and (B) for the purposes of section 203 of the National Transportation Development Financing Act of 1971."

(b) Section 209(g) of such Act is amended by adding at the end thereof the following: "An election by the Governor of a noncontiguous State under section 203(b) of the National Transportation Development Financing Act of 1971 to use funds for transportation purposes in such noncontiguous State shall not be taken into account in making any adjustment under this section, except as provided in section 204 of such Act."

AMENDMENT TO URBAN MASS TRANSPORTATION ACT OF 1964

SEC. 8. Section 15 of the Urban Mass Transportation Act of 1964 is amended by inserting after "section 7(b) the following: ", and grants made with funds authorized to be appropriated by section 203(a) of the National Transportation Development Financing Act of 1971."

EFFECTIVE DATE

SEC. 9. This title shall take effect upon the first certification of Federal aid highway system apportionments under section 104(e) of title 23, United States Code, following the date of enactment of this Act.

By Mr. MONDALE (for himself and Mr. NELSON):

S. 2448. A bill to allow a credit against Federal income tax to low-income individuals who have attained age 65 for State and local property taxes paid by them on their residences, and for rent considered as taxes paid by them. Referred to the Committee on Finance.

FEDERAL INCOME TAX CREDIT FOR THE ELDERLY FOR STATE AND LOCAL PROPERTY TAXES

Mr. MONDALE. Mr. President, I am introducing today a bill designed to bring property tax relief to low-income elderly people. My proposal would allow a credit against the Federal income tax for that portion of the property tax that is determined to be excessive.

As a member of the Senate Special Committee on Aging, I have been impressed with the difficulties which older citizens face in maintaining homeownership. Every day I receive agonizing letters from older constituents who are being forced out of their homes by financial pressures.

For senior citizens, homeownership is a crucial part of remaining independent. With increased family mobility, and the decline in the traditions of the extended family sharing a large home, older persons must hold on to their own dwellings or face a disastrous choice: move into an institution or enter a rental housing market beset by rampant inflation.

About two-thirds of persons aged 62 to 64 own their own homes. But beyond age 65 homeownership drops markedly; at 72 years of age, it is 50 percent. Each year 425,000 older Americans are forced to give up their homes. As a result, pressures are increased for public housing for the elderly. Moreover, the loss of independence contributes to declining health and morale, and loss of dignity, and leads to greater pressure for other public assistance.

The fundamental reason that elderly people have trouble holding onto their homes is poverty.

The median income for elderly heads of families in 1969 was $4,800; for unrelated individuals, it was $1,850.

Over the last decade, people over 65 have fallen further behind in their income relative to everyone else. In 1962, the median income of elderly heads of families was 50 percent of the median for those under 65. By 1969, it had fallen to 47 percent. For unrelated individuals the same ratio went from 47 percent in 1962 to 43 percent in 1969.

But it is at the lower end of the income scale that the problems of the elderly are most acute. In 1970, 27 percent of all elderly families were poor or near poor and 60 percent of unrelated elderly individuals were poor or near poor. These percentages are six times the comparable figures for the remainder of the population. Compared to those under 65, families that are poor or near poor are twice as numerous among the elderly; among unrelated individuals, poverty is seven times as likely among the elderly.

Property taxes seriously aggravate the desperate income situation of older citizens.

In Wisconsin, it is estimated that over 7,000 elderly householders with income under $1,000 paid property taxes amounting to about 30 percent of their subsistence income in 1968. Nationwide, local property tax collectors are taking about $3 billion from families with income below $5,000—and probably half of this comes from households of the elderly.

Recent studies by the Minnesota Planning Agency and the Minnesota Commissioner of Taxation illustrate the same problem. These studies confirm what letters to my office describe so poignantly every day—the desperation of older citizens forced to give up their family homes because their retirement income does not cover their property taxes.

These studies also show how unfair the property tax really is. For example, in Minnesota persons with an income of $2,000 pay 6 percent of that income in property taxes; at $10,000 of income, the tax is 2.4 percent, and at $20,000 it is 1.5 percent. Persons over 65 at lower income levels are especially burdened. Households with incomes of $1,500 pay 10 percent of their income in property taxes; with $2,000 income, 8.4 percent is paid as property tax, and at $3,000 income, 6.4 percent.

Minnesota has taken steps to relieve this burden on older citizens by providing a State property tax credit which somewhat reduces the oppressive effect. Over half the other States have taken similar action, but in my judgment, further relief is necessary.

Federal law now permits taxpayers to deduct property taxes from their incomes, but this only helps those who itemize their deductions. In 1969, of the 6.9 million tax returns filed by persons 65 and over, only 3.3 million itemized their deductions. Thus, even this small aid did not reach over half the elderly.

I propose a tax credit of up to $360 against unusually high property taxes or rent paid on a personal residence. My proposal is closely modeled after the Wisconsin and Minnesota laws. Property taxes are considered unusually high if they exceed a certain percentage of household income. After determining the amount of the tax which is excessive, 75 percent of this excessive part is relieved.

According to my formula, the cutoff point is $6,000—any elderly person earning over this amount would get no help.

To preserve equity between owners and renters, I propose to include the latter—it is assumed that 25 percent of the rent payment is in effect payment for property taxes.

A major portion of those eligible for this program do not have incomes high enough to pay income taxes. For these older citizens, the property tax relief would be in the form of a direct cash refund rather than a credit against income tax.

The following table gives the maximum property tax that is considered reasonable in the terms of this legislation. Relief is provided for 75 percent of the difference between one's property taxes and the figures in the table. Thus, for a household with $2,500 in income and $200 in property taxes, there would be a tax credit or refund of $120.

Maximum justifiable property tax by household income level

Household income:	*Tax*
$1,000	--
$1,500	--
$2,000	$20
$2,500	40
$3,000	60
$4,000	140
$5,000	240
$6,000	360

The cost of my bill is relatively low. In 1970, the Wisconsin law provided tax relief of $7.2 million to 74,000 low-income elderly families. This was less than 1 percent of total property tax collections in the State.

My bill will be somewhat more expensive, because relief is provided to households with up to $6,000 of income. This ceiling is higher than that provided by the State plans presently in effect. A large family with $4,500 in income needs the relief almost as much as an individual or family further down on the income scale.

In addition to relieving the elderly of the burden of excessive property taxes, the law has an important side effect: It makes the overall tax system less regressive by transferring income from the general taxpaying population to elderly people who are poor.

In my judgment, this Nation has failed to adequately fulfill its obligations to its senior citizens. The beneficiaries of my bill have been paying taxes for over 40 years. I think we can afford to give them sufficient tax relief so that they are not forced to relinquish their homes. I think we owe them at least this much.

I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2448

A bill to allow a credit against Federal income tax to low-income individuals who have attained age 65 for State and local property taxes paid by them on their residences, and for rent considered as taxes paid by them.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by renumbering section 40 as 41, and by inserting after section 39 the following new section:

"Sec. 40. Residential property taxes and rent paid by individuals who have attained age 65.

"(a) General Rule.—In the case of an individual who has attained the age of 65 before the close of the taxable year and whose household income for the taxable year does not exceed $6,000 ($3,000, in the case of a married individual filing a separate return), there shall be allowed as a credit against the tax imposed by this chapter an amount, determined under subsection (b), of State and local property taxes paid by him during the taxable year for property used and used by him as his principal residence, and of rent considered as taxes paid by him during the taxable year for property used by him as his principal residence.

"(b) Amount of Credit.—

"(1) General rule.—Except in the case of a married individual who files a separate return, the credit under subsection (a) for any taxable year is an amount equal to 75 percent of so much as does not exceed $360 of the State and local property taxes paid by him during the taxable year on property owned and used by him as his principal residence and rent considered as taxes paid by him during the taxable year for property used by him as his principal residence, reduced by the sum of—

"(A) 3 percent of so much of his household income as exceeds $1,500, but does not exceed $3,000,

"(B) 6 percent of so much of his household income as exceeds $3,000, but does not exceed $4,500, and

"(C) 9 percent of so much of his household income as exceeds $4,500, but does not exceed $6,000.

"(2) Married individuals filing separately.—In the case of a married individual who files a separate return, the credit under subsection (a) for any taxable year is an amount equal to 75 percent of so much as does not exceed $180 of the State and local property taxes paid by him during the taxable year on property owned and used by him as his principal residence and rent considered as taxes paid by him during the taxable year for property used by him as his principal residence, reduced by the sum of—

"(A) 3 percent of so much of his household income as exceeds $750, but does not exceed $1,500,

"(B) 6 percent of so much of his household income as exceeds $1,500, but does not exceed $2,250, and

"(C) 9 percent of so much of his household income as exceeds $2,250, but does not exceed $3,000.

"(c) Definitions.—For purposes of this section—

"(1) State and local property taxes.—The term 'State and local property taxes' means taxes on property imposed by a State, a political subdivision of a State, or the District of Columbia which are allowable as a deduction under section 164.

"(2) Rent considered as taxes.—The term 'rent considered as taxes' means 25 percent of the rent paid solely for the right to occupy property used as a principal residence.

"(3) Household income.—The household income of an individual is the sum of—

"(A) the adjusted gross income, as determined for purposes of this chapter, of such individual and members of his household, and

"(B) all other items of income of such individual and members of his household which are excluded from gross income under any provision of the chapter (or regulations prescribed thereunder) or under any other law of the United States, or exempt from the tax imposed by this chapter under any such law, other than—

"(i) gifts, bequests, and inheritances received from any person, and

"(ii) donations of tangible personal property received from the United States or any State or political subdivision thereof.

"(4) Member of household.—The members of the household of an individual are all individuals whose principal place of abode is the principal residence of such individual.

"(d) Special Rules.—

"(1) Husband and wife.—In the case of a husband and wife who file a single return jointly under section 6013, the age requirement contained in subsection (a) shall, with respect to property jointly used by them as their principal residence, be treated as satisfied if either spouse has attained the age of sixty-five before the close of the taxable year.

"(2) Property used in the part as principal residence.—In the case property only a portion of which is used by the taxpayer as his principal residence, there shall be taken into account, for purposes of subsection (a), so much of the property taxes and rent considered as taxes paid by him with respect to such property as is determined, under regulations prescribed by the Secretary or his delegate, to be attributable to the portion of such property so used by him.

"(3) Cooperative housing.—For purposes of subsection (a), an individual who is a tenant-stockholder in a cooperative housing corporation (as defined in section 216(b))—

"(A) shall be treated as owning the house or apartment which he is entitled to occupy by reason of his ownership of stock in such corporation, and

"(B) shall be treated as having paid property taxes during the taxable year equal to the portion of the deduction allowable to him under section 216(a) which represents such taxes paid or accrued by such corporation.

"(4) Change of principal residence.—If during a taxable year a taxpayer changes his principle residence, subsection (a) shall apply only to that portion of the property taxes and rent considered as taxes paid by him with respect to each such principal residence as is properly allocable to the period during which it is used by him as his principal residence.

"(5) Sale or purchase of principal residence.—If during a taxable year a taxpayer sells or purchases property used by him as his principal residence, subsection (a) shall apply only to the portion of the property taxes with respect to such property as is treated as imposed on him under section 164 (d) and, for purposes of subsection (a), the taxpayer shall be treated as having paid such taxes as are treated as paid by him under such section.

"(e) Adjustment for refunds.—

"(1) In general.—The amount of property taxes and rent considered as taxes paid by an individual during any taxable year shall be reduced by the amount of any refund of such taxes or rent, whether or not received during the taxable year.

"(2) Interest.—In the case of an underpayment of the tax imposed by this chapter for a taxable year resulting from the application of paragraph (1), no interest shall be assessed or collected on such underpayment if the amount thereof is paid within 60 days after the taxpayer receives the refund of property taxes or rent which caused such underpayment.

"(f) Deduction Not Affected.—The credit allowed by subsection (a) shall not affect the deduction under section 164 for State and local property taxes.

"(g) Regulations.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section."

(b) The table of sections for such subpart A is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 40. Residential property taxes and rent paid by individuals who have attained age 65.

"Sec. 41. Overpayments of tax."

SEC. 2. (a) Section 6401 (b) of the Internal Revenue Code of 1954 (relating to excessive credits) is amended—

(1) by inserting ", 40 (relating to residential property taxes and rent paid by individuals who have attained age 65)," after "lubricating oil)", and

(2) by striking out "31 and 39" and inserting in lieu thereof "31, 39, and 40".

(b) Section 72 (n) (3) of such Code (relating to determination of taxable income for certain purposes) is amended by striking out "31 and 39" and inserting in lieu thereof "31, 39, and 40".

(c) Section 6201 (a) (4) of such Code (relating to assessment authority) is amended—

(1) by striking out "Section 39" in the heading and inserting in lieu thereof "Sections 39 and 40", and

(2) by inserting after "lubricating oil)" in the text "or section 40 (relating to residential property taxes and rent paid by individuals who have attained age 65)".

SEC. 3. The amendments made by this Act shall apply to taxable years beginning after the date of the enactment of this Act.

By Mr. ALLOTT (for himself and Mr. JORDAN of Idaho):

S. 2450. A bill to establish land use policy, to establish guidelines for its administration, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

PUBLIC LAND POLICY ACT OF 1971

Mr. ALLOTT. Mr. President, on behalf of myself and Senator JORDAN, I send to the desk for appropriate reference a bill to establish public land policy, to establish guidelines for its administration, and for other purposes.

As Senators know, the Public Land Law Review Commission filed its report in June of last year. This report constituted the most comprehensive review of the public land laws ever accomplished. The report contained 137 specific recommendations, and, to my knowledge, none of those requiring legislative action have been enacted into law.

The bill I introduce today is primarily a policy and procedural bill. The policy of the act can be stated in one sentence as follows:

> Public lands shall be retained and managed or disposed of, all in a manner to provide the maximum benefit for the general public.

Section 5 sets forth 11 goals and objectives. While some of these are restatements of existing policy, nevertheless, since this bill would be a basic act in contemplation of a substantial number of follow-on bills, which follow-on bills may repeal existing legislation containing such policy statements, it seemed appropriate to set forth such objectives and goals in one location.

Section 6 sets forth the administrative rulemaking process by which agencies charged with the responsibility of managing the public lands establish rules and make decisions.

Section 7 establishes advisory boards, committees, and establishes the procedures by which they shall operate. Many advisory boards exist today, but their responsibilities are nebulous since they were established by the head of an agency and continue to exist at his discretion. By statutory recognition of these advisory boards, and by providing for reports to the Congress on their activities, such advisory boards and their activities will be more meaningful.

Section 8 provides for regional land use coordination by authorizing the establishment of interstate land use coordinating commissions.

Section 12 provides for public land use planning. The procedures established by section 12 are designed to insure that land use planning on public lands will be coordinated with land use planning by the States of private land, so that the two land use planning functions shall not be counterproductive.

Section 13 provides for withdrawals and reservations. It limits administrative withdrawals to 5,000 acres and to a term of 10 years. It also provides for a hearing procedure, and methods for extending such withdrawals or imposing emergency withdrawals. Congress reserves to itself the authority to withdraw areas larger than 5,000 acres and for periods in excess of 10 years. The Pickett Act would be repealed.

Section 14 provides for judicial review with respect to any rulemaking, and such review is available to any person or party who submitted views to the agency during the course of the rulemaking procedure established in the bill.

Section 15 provides that 1 year after the effective date of the bill, rules, regulations, practices, or procedures must be accomplished in accordance with the provisions of the act to be enforceable.

Mr. President, I ask unanimous consent that a summary of the bill be inserted in the RECORD at this point.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY—S. 2450—PUBLIC LAND POLICY ACT OF 1971

Section 1—Cites Act as the "Public Land Policy Act of 1971."

FINDINGS AND PURPOSES

(a) Contains 20 findings that generally would translate into statutory guidelines the basic philosophy of Public Land Law Review Commission (PLLRC) recommendations, with emphasis on equitable treatment, and coordination of planning.

(b) Sets forth three purposes of the Act:

(1) Provide a planning system

(2) Establish supplementary administrative procedures

(3) Provide assistance to regional, state, and local governments

DECLARATION OF POLICY

Section 3—"Public lands shall be retained and managed or disposed of, all in a manner to provide the maximum benefit for the general public."

DEFINITIONS

Section 4—Defines 13 terms:

(a) Public lands
(b) Classification
(c) Withdrawal
(d) Agency
(e) Person and party
(f) Rule and rulemaking
(g) Order and adjudication
(h) License and licensing
(i) Sanction and relief
(j) Agency proceeding and action
(k) Multiple use
(l) Sustained yield
(m) Dominant use

GOALS AND OBJECTIVES

Section 5—Contains 11 additional findings as follows:

Congress further finds and establishes that it is in the public interest, and it will serve the maximum benefit for the general public for the public lands to be utilized to the end that—

(a) Current and future needs of the people are met through prudent use of both renewable and nonrenewable resources.

(b) Lands shall be transferred out of public ownership when in the public interest or in furtherance of public policy.

(c) Unless otherwise specifically set aside, use of lands shall assure multiple-use and sustained-yield management.

(d) Quality of the environment shall not be endangered and where feasible shall be enhanced.

(e) Public land management shall be coordinated with regional, state, and local land-management plans.

(f) A proportionate share of projected increased demand shall be met for recreation, fish and wildlife, food and fiber (including livestock, timber, minerals and agricultural products), residential, commercial, and industrial use (including new cities).

(g) Incentives shall be provided for discovery and development of additional sources of minerals, including off-shore.

(h) Use of public lands and their resources shall continue to be made available to persons and communities dependent thereon.

(i) Police powers and legislative jurisdiction over public lands shall be permitted to be exercised generally by state and local governments or concurrently by them and the Federal Government.

(j) Occupancy for a period commensurate with a user's projected investment shall be provided for, as well as equitable compensation should use be terminated before expiration of the term.

(k) Participation by the public in rulemaking, a waiver of sovereign immunity, and the right of judicial review shall be assured.

ADMINISTRATIVE PROCEDURES

Section 6—Unless agency head finds U.S. security would be impaired, following procedures shall be adhered to:

(a) Within 90 days of this Act and thereafter as required, initiate formal rulemaking procedures by publishing proposed rules.

(b) Publish final opinions or orders in adjudication of cases and all rules.

(c) Make available matters of official record.

(d) Prior to formulating a rule, consult with advisory boards, state and local governments, Interstate Regional Land Use Coordinating Commissions, and others known to be interested (such as adjacent land owners, users, etc.).

(e) Give notice of proposed rulemaking by publishing in Federal Register and advising Congress.

(f) Provide for anyone interested to participate in the rulemaking, giving him from 30–90 days to appear.

(g) 180 days after this Act, no adjudication may take place except in accordance with rules formulated in accordance with this Act.

(h) If a formal finding of emergency is made, rulemaking procedures may be dispensed with.

(i) Deviations from this Act (communicated to Congress and published in Federal Register) are permitted (1) in cases where security of U.S. will be impaired, (2) where rule will have no significant impact on administration of the public laws, or (3) where an emergency exists making it impracticable, unnecessary, or contrary to the public interest.

ADVISORY BOARDS

Section 7—Establishes advisory boards and committees as follows:

(a) National Advisory Boards—25 members appointed by agency from among cross-section of those interested; plus those designated from other departments and agencies with similar interests.

(b) Subsidiary agencies shall have similar advisory boards with overlapping of membership generally permitted (e.g., Secretary of the Interior and BLM can have same persons provided no more than 15 of 25 non-Federal members are the same).

(c) Agency head shall designate from among the non-Federal members a chairman of each advisory board or committee.

(d) Advisory boards and committees shall meet at least twice a year.

(e) Meeting rules: (1) agency head shall approve calling a meeting, (2) agency shall be represented at each meeting, (3) copies of minutes of each meeting shall be provided Congress.

(f) Board or committee appointments shall be for four years (staggered terms).

(g) Statutory and administratively established advisory bodies, other than those established by this Act, may continue to exist and be set up.

(h) Boards' and committees' functions shall be advisory only.

(i) Agencies shall publish directories of their advisory bodies.

(j) Regulations governing advisory bodies may be issued by "President and head of each public land management agency" in accordance with rulemaking procedures.

(l) Per diem and reimbursement for transportation applicable to Federal employees shall apply to advisory board members.

REGIONAL COORDINATION

Section 8—Provides for establishment of an *Interstate Land Use Coordinating Commission* to represent regional, state and local governments within an area composed of two or more States or portions thereof.

(a) Secretary of the Interior shall announce creation of commission when more than one-half of the states indicate a desire to join together in such commission.

(b) Each commission shall establish its own rules and independently recommend public land actions deemed to be in the public interest.

(c) Each state represented shall have an equal number of members on a commission.

Section 9—

(a) Authorizes appropriation of $5 million annually to assist in financing the committees and the commissions.

(b) Secretary of the Interior authorized to make grants to (1) states willing to join coordinating commissions, and (2) coordinating commissions (not to exceed two-thirds of the cost, however) and to make rules governing application for such grants.

(1) Secretary to provide regulations or grant procedures.

Section 10—Donations and grants may be accepted by an interstate commission, which will be reflected in its annual budget.

Section 11—Each interstate commission shall report annually to Congress.

PLANNING PUBLIC LAND USE

Section 12—

(a) Within 60 days each land-management agency shall publish proposed procedures by which land use planning will be pursued. If there is a finding that some land is not suitable for planning, rule to that effect shall be published. Copies of all rules shall go to Congress when submitted to Federal Register for publication.

(b) Each agency shall consult with persons interested in public lands including the advisory bodies and state and local governments.

(c) Land use plans shall be developed to classify the land in order to obtain the best net public benefit. Management plans will be developed, regardless of whether lands have previously been "classified," "withdrawn," "set aside," utilizing the following criteria:

(1) Classify no land for disposition if important public values would be lost thereby.

(2) Unless specifically set aside for some use, BLM and FS land shall be managed in accordance with the principle of multiple use. Other land shall encourage compatible secondary use (e.g., Defense Department).

(3) Management plans shall provide maximum multiple use or compatible secondary uses.

(4) Where an area is classified to indicate that it is chiefly valuable for one particular use, that use shall be referred to as the dominant use. "Each area . . . having a dominant use shall be managed under the principle of multiple use with as many compatible uses being carried on as possible except that, in the event of a conflict between uses, the dominant use shall, during the period of conflict only, prevail . . ."

(d) A determination that maximum benefit for the general public will inure from *non-Federal ownership* shall be based on the following criteria:

(1) Land is isolated, difficult to manage, or no longer required for the specific purpose acquired or other use.

(2) Land is best suited to meet the goals of this Act, or to produce resources under non-Federal ownership.

(3) Land is needed as an integral part of an approved statewide outdoor recreation or other plan of the state or local area.

(e) Following adoption of a land-management plan, the agency shall again consult with the interstate commission or state and local governments involved. "Within 30 days of receipt of views . . . the agencies shall offer the plan for consideration by all concerned in accordance with the rulemaking procedures of this Act."

(f) Land management plans shall be consistent with state and local government programs unless there is a formal finding that there is "an overriding national need" for variance.

(g) Long-range comprehensive land-use plans for each state and for each interstate area also shall be established and Congress shall be advised of progress annually.

WITHDRAWALS AND RESERVATIONS

Section 13—

(a) Authorizes the Secretary of the Interior to withdraw not exceeding 5,000 acres for specific purpose, thus excluding the public from all uses as specified in the withdrawal order. "No withdrawal order shall be issued without consideration of the following factors which shall be included in the statement published in the Federal Register as part of the rulemaking procedures":

(1) Proposed use of land involved.

(2) Probable effect of withdrawal, with particular attention to degradation of environment.

(3) Probable effect on present users of land.

(4) Analysis of incompatibility of present use with proposed use; provision for continuation of existing uses.

(5) Analysis of proposed use in relation to requirements thereof.

(6) Possible alternate sites.

(7) Comparison of costs and suitability of alternate sites.

(8) Effect on state and local government interests and impact on regional economy.

(9) Need for withdrawal for length of time proposed.

(10) Notification of time and place of hearing on proposed withdrawal.

(b) A state wherein the land is situated may require a hearing if none is announced, if request therefor is made on timely basis.

(c) Following receipt of comments, Secretary of the Interior shall again consult with advisory boards, interstate commission, and state and local governments, et al. Thereafter publish withdrawal order.

(d) Withdrawals shall be limited to a period not to exceed 10 years, except five years if in aid of prospective legislation or for emergency purposes. Extensions of five years authorized.

(e) Reserves to Congress authority to withdraw lands (1) which exceed 5,000 acres, (2) for periods in excess of 10 years, (3) of unique value for incorporation into NP System, NF System, Scenic and Wild Rivers System, National Trails System, Wildlife Refuge System, Wilderness Preservation System, etc. If Congress is requested to make withdrawals, section 13(a) shall be complied with by requesting agency, indicating whether or not public hearings have been held.

(f) Upon notation on land office records that application has been made for withdrawal, land affected shall be segregated and restricted from use for six months. Upon publication in Federal Register of a proposed withdrawal, or upon application for legislation withdrawal, segregative effect shall continue for an additional six months. Still another six months extension may be gained if diligence is shown in the case of an administrative withdrawal. And, further extensions are authorized during a session when Congress is considering a legislative withdrawal.

(g) Establishes procedure for review each 10 years of all withdrawals. If, after review, Secretary of Interior determines withdrawal should be continued, it may be extended not to exceed 10 years from date of withdrawal. If no longer than that is desired, recommended legislation shall be submitted to Congress. At end of each calendar year, Congress shall be advised of review actions.

(h) If Secretary of the Interior finds a requested withdrawal not justified, he shall notify requesting agency or agency having administrative jurisdictions over lands, advise Congress, and establish a date within six months at which time segregative effect will be rescinded.

(i) Authorizes the Secretary of the Interior to delegate authority to effect administrative withdrawals to any Department of the Interior "officer or official appoined to his position by the President."

(j) Repeals the Pickett Act, subject to valid existing rights.

JUDICIAL REVIEW

Section 14—

(a) Authorizes any person who submitted views in the course of rulemaking or other procedure, and any person suffering legal wrong because of agency order to appeal to a U.S. District Court for judicial review.

(b) Pending review, action may be taken either by agency or court to postpone effective date of the action involved. Review shall be initiated within 60 days after announcement of adoption of a land management plan, classification of lands, or issuance of a final order of withdrawal or rejection or rescission of a withdrawal. Upon filing thereof, agency shall turn over the complete record to the court.

"No objection to the order complained of shall be considered by the court unless such objection shall have been urged before the agency involved, unless the court finds that there is reasonable ground for failure to have done so."

AGENCY ENFORCEMENT

Section 15—On and after one year after the effective date of this Act, determination based on any rules, regulations, practices, or procedures covered by this Act shall be unenforceable unless procedures required by this Act have been followed.

Mr. ALLOTT. Mr. President, the distinguished chairman of the House Interior Committee, Mr. ASPINALL, conducted a series of hearings during the week of July 26 to July 30 on his bill H.R. 7211. The bill I introduce today is similar to H.R. 7211 in most respects. Some of the changes were made on the basis that existing law more exhaustively covered the situation, for example, the National Environmental Policy Act; and some were made in recognition of the fact that other legislation presently pending before the Senate Interior Committee would adequately cover the situation, for example, legislation to settle the Alaska Native land claims which provides for a classification of all of the lands to Alaska and a land use plan; and other changes were made in an effort to reduce redundancy.

With those exceptions, the bill I introduce today follows very closely the policy and procedures as embodied in HR. 7211.

Mr. President, it is my hope that hearings may be held on this measure shortly after the Senate reconvenes after the August recess. I urge early consideration of this legislative proposal.

Mr. JORDAN of Idaho. Mr. President, I am pleased to join the distinguished senior Senator from Colorado, Mr. ALLOTT, as a cosponsor of the proposed Public Land Policy Act of 1971.

This bill, of course, is a modified version of H.R. 7211, authored and introduced in the House by WAYNE ASPINALL, chairman of the House Interior Committee and Chairman of the Public Land Review Commission, which was created by the Congress to conduct a 5-year study of the public land laws. Both Senator ALLOTT and I had the honor of serving as Senate representatives on the Commission.

At House hearings on the Aspinall bill, which were conducted last week, many witnesses paid tribute to Chairman ASPINALL for his dedicated interest in and his monumental efforts during the past decade toward the objective of modernizing and consolidating the thousands of laws and executive orders pertaining to our public lands. I join in these tributes to an outstanding public servant and legislator from the public land States of the West.

The bill was offered by Mr. ASPINALL as a foundation policy bill, which would provide the statutory base for administration of our public lands and for succeeding legislation. Many bills already have been introduced to improve our publc land laws and it is obvious that this significant and voluminous legislative package will occupy a major share of the attention of congressional Interior Committees this session and probably throughout the decade.

During this challenging legislative effort, the report of the Public Land Law Review Commission and the 33 studies and reports prepared by the Commission and its contracting organizations will prove invaluable to the Congress in evaluating the problems and the proposed solutions.

My State of Idaho has a tremendous stake in this legislative revision. The State is 64 percent federally owned, an area comprising nearly 34 million acres. This is a Federal fiefdom more than six times the size of New Jersey. Idaho has 16 million acres of prime national forest land and 12 million acres of the public domain administered by the Bureau of Land Management and four Indian reservations. Our major industries are greatly dependent upon the resources from or the administration of our Federal lands.

In addition to the resource interest in these lands, we have some of the best hunting, fishing, and outdoor recreation areas in the Nation, as well as thousands of interested participants who want to see these aspects of Federal land use adequately considered. We have more than half of the wild rivers in the national wild and scenic river system and several million acres of land under consideration for national parks and recreation areas and wilderness.

Eleven other so-called public land States share Idaho's interest in and concern for this legislation. Roughly half of the 724 million acres of public lands are located in the State of Alaska, and 90 percent of the remaining half is confined to the 11 contiguous public land States of the West, which average about 50 per cent Federal ownership. All of the other 38 States, of course, have a vital interest in these and other Federal acres, but not to the same degree as the public land States where Federal land ownership and administration is of primary importance to social and economic progress.

This bill which we are introducing today sets forth some specific policies and administrative procedures with respect to public lands. It provides statutory guidelines to administrators and establishes advisory boards and regional coordination commissions to achieve guidance from and involvement by the users and the areas most directly concerned.

No single bill could cover all the policy and administrative aspects of the public lands; hence many significant problems will remain for subsequent legislation. This foundation bill however, is a good start and I hope the Senate will follow the lead of Chairman ASPINALL and the House Interior Committee in making ample hearing time available to consider it.

By Mr. HOLLINGS:

S. 2451. A bill to establish a wage and price advisory board in the legislative branch of the Government. Referred to the Committee on Banking, Housing, and Urban Affairs.

CONGRESSIONAL WAGE AND PRICE ADVISORY ACT OF 1971

Mr. HOLLINGS. Mr. President, today I am introducing the Congressional Wage and Price Advisory Act of 1971. In the fact of the executive branch's inability to confront head on the tough demands of restoring prosperity, this legislation is urgently needed. Every month the American people wait for some indication that the economy has turned the corner, and every month they are disappointed. Over 5 million workers walk the streets in joblessness—5 million people denied the chance to work for lack of a rational plan to get the economy moving. Three hundred thousand Vietnam veterans are without jobs. The unemployment rate among blacks is 10 percent, and among our teenagers 17 percent.

Yet, all the while prices continue to soar. The cost of living has been skyrocketing 6 percent a year since this administration took power, in spite of all those rosy promises we have been hearing for 3 years now. Public confidence in the administration's so-called game plans is all but vanished. And the American people are demanding action.

The legislation I am introducing today would establish a nonpartisan board of experts whose job it would be to develop and recommend to Congress programs to get the economy moving and keep it moving. It would give Congress its own corps of experts so that legislators would not have to be dependent upon bureaucrats beholden to the executive branch.

The Wage and Price Advisory Board would develop and recommend to the Congress measures to improve the stability of the national economy and the efficiency of Government economic programs. It would conduct a continuing review of wage and price developments, productivity changes, Federal expenditures, and the impact of these factors on the performance and objectives of the economy.

This would be a legislative board, not another executive bureau. Its reports would provide Congress with the expertise necessary to formulate proposals and pass legislation. So armed, Congress would play a more active role at a time when the executive branch has abdicated its responsibilities to the American people.

Mr. President, I urge my colleagues to act speedily to meet the crisis we are in. I ask them to pass favorably on this legislation. The American people ask no less. The Congress can afford to do no less.

By Mr. BELLMON:

S. 2452. A bill to establish a Fiscal Stabilization Board as an independent agency of the Government, and to authorize the President, upon recommendation of the Board but subject to disapproval of either House of the Congress, to increase or decrease Federal income taxes in order to stabilize the economy. Referred to the Committee on Finance.

FISCAL STABILIZATION ACT OF 1970

Mr. BELLMON. Mr. President, the United States is currently going through a period of great change. A glance at the headlines in the daily newspaper tells us that our Nation is beset by many problems, and the pressure for change increases upon Government, business, and other institutions of the society. I am confident that our system can and will accommodate and readily adjust to most of the changes the people demand.

One of the great attributes of the Nixon administration has been its responsiveness to the challenge of today's pressing problems and its recognition of the need for new directions in both domestic and foreign policy. President Nixon has acted positively and decisively to restore strength to a troubled Nation. Since January 1969:

The U.S. troop level in Vietnam has been cut to less than half what it was at the start of the new administration and the war continues to wind down.

President Nixon has launched new initiatives for peace in the Middle East, and is laying the foundation for normalizing relations with mainland China as a further step to peace in the world.

Under his leadership, new laws have been passed to protect the environment, expand educational opportunities, provide training and work experience, and improve conditions for minority groups.

A new role for rural America is being realized as this administration seeks to find ways to allow people to make their living on farms and in small towns.

This administration has brought an end to an era of permissiveness in the area of law enforcement. As a result, crime is down in 61 major cities across the country.

A hallmark of the Nixon administration has been governmental reform, typified by the creation of the U.S. Postal Service to replace the outmoded, inefficient, and politically operated postal system.

Even broader governmental reorganization measures have been proposed to the Congress, along with a plan of revenue sharing to give cities and States a bigger role in expenditures for local programs, and proposals for welfare reform and expanded health care.

In virtually all areas this administration has compiled a remarkable record of accomplishments.

We are making great strides in rearranging our national priorities. The spending pattern followed by President Nixon contrasts significantly with that of any of his three immediate predecessors. For example, Presidents Johnson, Kennedy, and Eisenhower spent upwards of 45 percent of each individual's Federal tax dollar for defense. President

Nixon has reduced defense expenditures to 33.8 percent. On the other hand, President Nixon is spending roughly one-third of the money on "people programs"—health, welfare, and social security—while the previous administrations spent less than one-fourth of the Federal budget on these vital human resources areas.

Yet despite all the successes that have been achieved, one of the most basic and fundamental needs of our society is not being adequately met. No plan or program for social change in the field of health care, environmental protection, criminal justice or military defense can ultimately be effective unless we update our fiscal management.

Right now, while the Nation's economy is slowly recovering from a relatively minor, but costly recession, persistent and dangerous inflationary forces are unsettling confidence in this country's ability to properly manage its financial affairs, both at home and abroad.

It is obvious for all to see that the management of our economy has not been efficient for the past several years. We have observed it in the rising cost of living, in higher prices for food, clothing, housing, transportation, and other essentials. During the past year, the cost of living has gone up 4.5 percent.

Inflation continues at a yearly rate of about 6 percent.

At the same time, unemployment remains at close to 6 percent.

This combination of inflation and unemployment, or economic stagnation, has given rise to a new term—"stagflation"—to describe the current economic situation. This condition is one which defies solution by the traditional economic theories, and so President Nixon's fiscal advisors have attempted to cure the economic ills of the country by mixing remedies. The approach has been to try to stimulate the economy through easy money, but hold down inflation by restraint on budgetary outlays.

The trouble is, the mix has not worked.

The gross national product is falling about $15 billion short of the administration's estimate at the first of the year. The business slowdown has led to a slackoff of tax receipts. Actual revenues last year decreased $5.9 billion from January estimates.

The tragic results became painfully clear last week with the announcement of a Federal deficit of $23.2 billion in the fiscal year which ended June 30—second only to the $25.2 billion deficit in fiscal 1968 in being the largest deficit since World War II.

A significant commentary on the budget deficit is contained in an editorial from the Wall Street Journal of August 4, 1971. I ask unanimous consent that this editorial be printed at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. TAFT). Without objection, it is so ordered.

(See exhibit 1.)

Mr. BELLMON. Mr. President, the national debt has climbed unchecked to approximately $400 billion and we are rapidly approaching the time when the Congress will be called upon to approve another increase in the fictitious, unworkable debt limit.

This type of fiscal fiasco has drawn justifiable criticism, both on the domestic front and among our partners in world trade, who complain because we have passed on our inflation to them through massive outflows of dollars to Europe.

In addition, the inflationary trend in the United States has undermined the export efforts of American industry, and it has led to a massive growth in imports. These two factors have combined to wipe out the substantial trade surplus of the midsixties, causing other nations to lose confidence in the full convertibility of the U.S. dollar.

The weakened position of the U.S. dollar in the world market is aptly illustrated in two articles appearing on the financial page of this morning's Washington Post. I ask unanimous consent that these two articles be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 2 and 3.)

Mr. BELLMON. Unfortunately, Mr. President, the economic situation tends to get worse instead of better. In recent weeks, the country has been plagued by work stoppages in the postal service, telephone, telegraph, copper, steel, and railroad industries, and the west coast dock workers strike is still unsettled. The administration deserves major credit for the steel and rail settlements reached this week. But these accomplishments were offset somewhat by the subsequent development in the case of the steel settlement, in which producers immediately boosted steel prices 8 percent, for a total increase of around 14 percent since the beginning of the year.

This whole shameful record again points up the senseless irresponsibility in fiscal management which has been practiced by the Federal Government for many years. Our fiscal madness, unless cured, could shortly mean the disruption of all the other progress which is becoming evident on many fronts.

Mr. President, it is obvious that the fiscal policies that this country has been following need serious reexamination. Clearly some more definitive and flexible actions must be taken to protect our standard of living and to maintain our leadership position in world affairs.

The simple truth is that no government can for long continue to spend wildly beyond its income if it is to retain the confidence of its own citizens or other peoples.

We must reexamine the polices which have brought about both high levels of unemployment and high levels of inflation, and a loss of confidence in our currency. Unless our Government earns and receives confidence and support at home and abroad, it will not long continue in its role as leader of the free world.

In recognition of these circumstances, it is the responsibility of the Congress to propose alternatives and trust our citizens to evaluate the alternatives and choose the right course. No single facet of American life can be more self-defeating than the assumption of big government that the people cannot make wise decisions. Faith in the people and in their judgment must in the final analysis dictate our Government's course of action. To wisely make such judgments our people must have the ungarnished facts. Efforts of Government to cloud or disguise the true situation only compounds our problems.

In view of these facts, I propose the following steps be taken to cope with our Nation's financial housekeeping problem:

First. Since business and industry can and must pass on wage increases which exceed productivity gains—as demonstrated by the steel settlement—the buying public suffers. The Federal establishment has shown inadequate capability to protect the public's interest in the wage-price spiral. Neither business nor labor can permit their living standards to erode, but no bargaining group can fully see or accept the dire consequences of any particular round of wage-price hikes. It is precisely this type of round-robin sequence and escalation of wage-price hikes that produces the ever-continuing round of price inflation. I, therefore, believe that the executive branch of Government must have a business-labor vehicle which can put effective pressure on both of these groups to keep wages and prices in line. One possibility would be the adoption of S. 560, the administration's labor-management bill, and I urge passage of this legislation. But for long-range purposes, a more permanent and viable approach is needed.

Second Budget deficits create pressures on prices all on their own account. Pressures in Congress for passage of particular money bills often make legislators lose sight of the impact of any one bill on the total level of expenditures authorized and appropriated. I propose that an independent agency be established by Congress to forecast expected Federal revenues and establish a ceiling for the total of all moneys appropriated for any one fiscal year. Each money bill then will be seen as to its impact on the overall level of expenditures compared to expected Federal revenues.

Third. In coping with the Nation's balance of payments, we must search and implement more effective measures to manage the outflow of dollars because such flows cause inflation abroad. While the outflow of dollars may be partly related to large interest rate differentials between the United States and Europe, the underlying feeling of lack of confidence in the dollar forces foreign bankers and businesses receiving these dollars to convert them into local currency with their central bank. These central bankers simply cannot be expected to hold these dollars if they do not trust our fiscal management.

Mr. President, the legislation I introduce today is designed to achieve these three necessary steps. This bill, which is the same as S. 4056 introduced July 1, 1970, establishes a fiscal stabilization board to advise the President on the fiscal and monetary conditions of the country. The board would consist of seven members to be appointed by the President, subject to confirmation by the Senate. It would be a bipartisan board, with members serving 7-year staggered terms.

The makeup of the Board is an important feature of this legislation. In order to provide a balance of opinion, it would consist of two members who have a background of management, two representing labor's views, one with a Government background, one from the academic community and one at-large member. Through such broad representation, the President would have the advantage of receiving views from elements of the society that directly affect or are directly affected by the condition of the economy.

A second feature of the bill is that, with the recommendation of the Fiscal Stabilization Board, the President would be authorized to increase or decrease Federal income taxes up or down by 10 percent as a means of stabilizing the economy. The President's action would be subject to disapproval of either House of the Congress within a specified time limit.

The third principal feature, and one which differs greatly from present practice is the creation of a fiscal stabilization trust fund, into which funds produced by upward adjustments of income taxes would be channeled. Under present practices, if additional revenues are raised to stabilize the economy, there is nothing to prevent the Congress from simply increasing appropriations and spending more money thereby negating any stabilizing effect. This is a natural consequence of the realities of politics, but it has the effect of heating the economy even more, rather than cooling it off, since taxpayers would add to their personal savings. Under terms of this bill, any revenues received by the Treasury as a result of an upward tax adjustment would be transferred to the special trust fund and could not be appropriated by Congress. These moneys could be transferred by the Secretary of Treasury to the general fund during times when a minus tax adjustment is in effect.

These provisions are intended to assist in stabilizing the economy by withdrawing funds from the economic stream during inflationary periods and having them available for expenditure when the economy shows signs of receding.

Referring again to the first feature of this bill, I want to emphasize the need for a broadly-representative board of fiscal advisers, empowered with Presidential status and authority, to guide the country's fiscal direction. It is anticipated that this board will quickly establish its credibility, as the Federal Reserve Board has done, and that its recommendations will influence public opinion and official action.

Under the existing system of financial housekeeping, little can be changing the advisers; instead we must change the system.

The Federal Establishment must learn to share an understanding of problems and opportunities with the American people. Every citizen is ultimately affected by the outcome of critical decisions. The decisions of Government must be his decisions. Our people need and deserve more of a feeling of shared responsibility with Government.

The time is now for the Government to speak out on the issues of financial management of our economy. No solution to any other problem can be either evaluated or acted upon unless and until we see our Nation come out of the nightmare of high unemployment, high inflation and massive Federal budget deficits.

Mr. President, I believe the bill I introduce today holds an answer to our country's fiscal problems. It provides the Chief Executive and the Congress with a versatile, effective tool to assist in the vitally important responsibility of maintaining a stable and vigorous national economy.

I ask unanimous consent that the bill be appropriately referred and that the full text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2452

A bill to establish a Fiscal Stabilization Board as an independent agency of the Government, and to authorize the President, upon recommendation of the Board but subject to disapproval of either House of the Congress, to increase or decrease Federal income taxes in order to stabilize the economy

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Fiscal Stabilization Act of 1970".

TITLE I—FISCAL STABILIZATION BOARD

Sec. 101. Establishment of board.—

(a) There is hereby established as an independent agency of the Government a Fiscal Stabilization Board (hereinafter referred to as the "Board").

(b) The Board shall consist of seven Members appointed by the President, by and with the advice and consent of the Senate. Not more than four Members may be affiliated with the same political party. Two Members shall have had experience in management, two shall have had experience in labor, one shall have had experience in government, and one shall have had experience in academic affairs.

(c) Each Member shall be appointed for a term of seven years, except that the terms of the Members first appointed shall expire, as designated by the President at the time of appointment, at the end of one, two three, four, five, six, and seven years, respectively, from the date of the appointment of the first Member. The term of each Member thereafter appointed shall commence upon the expiration of the term for which his predecessor was appointed. A Member appointed to fill a vacancy in the membership of the Board occurring before the end of a term of office shall serve under such appointment only for the remainder of that term.

(d) Four members of the Board shall constitute a quorum. A vacancy in the Board shall not affect its powers. No member shall, during his term of office, engage in any vocation or employment other than the work of the Board.

(c) A member of the Board may be removed from office by the President only for inefficiency, neglect of duty, or malfeasance in office.

Sec. 102. Chairman; Salaries.—

(a) The President shall, from time to time, designate one of the members of the Board to serve as Chairman. No member may serve as Chairman for a total period of more than two years during each term of his office as a member of the Board.

(b) Section 5313 of title 5, United States Code (relating to positions at level II of the Executive Schedule), is amended by adding at the end thereof the following:

"(20) Chairman, Fiscal Stabilization Board."

(c) Section 5314 of title 5, United States Code (relating to positions at level III of the Executive Schedule) is amended by adding at the end thereof the following:

"(55) Members, Federal Stabilization Board."

Sec. 103. Functions and Duties.—

(a) It shall be the function and duty of the Board—

(1) to monitor the fiscal and monetary conditions of the United States and to advise the President with respect thereto, and

(2) to recommend to the President action to be taken by him to stabilize the national economy pursuant to the authority conferred by part VII of subchapter A of chapter 1 of the Internal Revenue Code of 1954.

A recommendation to the President under paragraph (2) may be made only upon the affirmative vote of at least four members of the Board.

(b) The Board shall, on or before January 31 of each year, submit to the Senate and the House of Representatives a full and complete report setting forth—

(1) its activities during the preceding year,

(2) its judgment with respect to the fiscal and monetary conditions of the United States during the preceding year, and

(3) its judgment with respect to the anticipated fiscal and monetary conditions of the United States for the year in which such report is submitted.

Sec. 104. Powers.—

(a) The Board is authorized to appoint and fix the compensation of such officers and employees, and prescribe their functions and duties, as may be necessary to assist it in carrying out its functions and duties.

(b) The Board is authorized to obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

(c) The Board is authorized to procure information, data, and statistics from any department or agency of the Government, and the head of each such department or agency is authorized, upon request of the Chairman of the Board, to furnish such information, data, and statistics to the Board.

(d) The Board is authorized to issue such publications as it determines necessary or desirable in carrying out its functions and duties.

(e) The Board is authorized to adopt, alter, and use a seal and to prescribe such rules and regulations as it determines ncessary or desirable in carrying out its functions and duties.

Sec. 105. Authorization of Appropriations.—There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the provisions of this title.

TITLE II—ADJUSTMENT OF INCOME TAXES FOR ECONOMIC STABILIZATION

Sec. 201. Tax Adjustment Plans.—(a) In General.—Subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to determination of tax liability) is amended by adding at the end thereof the following new part:

"PART VII—TAX ADJUSTMENT PLANS

"Sec. 59a. Findings and policy.
"Sec. 59b. Tax adjustment plans.
"Sec. 59c. Contents and duration of tax adjustment plans.
"Sec. 59d. Miscellaneous provisions.

"Sec. 59a. Findings and Policy.—

"(a) Findings.—The Congress finds that the achievement of reasonable economic stability and optimal levels of employment requires a flexible fiscal policy responsive to changing conditions. The Congress further finds that, within the limitations and for the purposes set forth in this part, such a policy requires an improved procedure to make timely adjustments in the amounts of income taxes imposed by this chapter.

"(b) Policy.—The President shall exercise the authority conferred by this part solely for the purpose of stabilizing the national economy in order (1) to achieve the policy set forth in section 2 of the Employment Act of 1946, (2) to maintain the purchasing power of the dollar, (3) to maintain the stability of the monetary system, or (4) to insure an orderly and healthy rate of economic growth.

SEC. 59b. TAX ADJUSTMENT PLANS.—

"(a) Preparation and Submission to Congress.—

"(1) In general.—When the President determines that an adjustment in the taxes imposed by this chapter is necessary to accomplish one or more of the purposes stated in section 59a, he shall prepare a tax adjustment plan and transmit the plan (bearing an identification number) to the Congress.

"(2) Limitations.—A tax adjustment plan—

"(A) may be submitted by the President only if, within 90 days prior thereto, the Fiscal Stabilization Board has recommended to the President that he exercise the authority conferred by this part,

"(B) may not propose a plus or minus tax adjustment percentage greater than that recommended to the President by the Fiscal Stabilization Board, and

"(C) may not propose a longer effective period for tax adjustment than that recommended to the President by the Fiscal Stabilization Board.

Only one tax adjustment plan may be in effect at any time.

"(b) How Submitted.—The President shall have a tax adjustment plan delivered to both Houses on the same day and to each House while it is in session. In his message transmitting a tax adjustment plan, the President shall specify the reasons for submitting the plan to the Congress.

"(c) Disapproval by Congress.—

"(1) In general.—A tax adjustment plan shall take effect at the end of the first period of 30 calendar days of continuous session of the Congress after the date on which the plan is transmitted to it unless, between the date of transmittal and the end of the 30-day period, either House of the Congress passes a resolution stating in substance that such House disapproves the tax adjustment plan.

(2) Continuity of session.—For purposes of paragraph (1)—

"(A) the continuity of a session shall be broken only by an adjournment of the Congress sine die; and

"(B) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain shall be excluded in the computation of the 30-day period.

"(d) Publication.—Any proposed tax adjustment plan shall be printed in the Federal Register, and any tax adjustment plan which takes effect shall be printed in the Statutes at Large in the same volume as the public laws.

"SEC. 59c. CONTENTS AND DURATION OF TAX ADJUSTMENT PLANS.—

"(a) In General.—A tax adjustment plan submitted to the Congress under section 59b shall—

"(1) specify a plus or minus tax adjustment percentage,

"(2) specify its effective date (which may be on or after the date on which the plan is submitted to the Congress),

"(3) specify the termination date for the change in taxes or provide that the change made by the plan shall remain in effect until a termination date is provided by law or by a later tax adjustment plan,

"(4) prescribe tables which shall apply, in lieu of the tables contained in section 3402 (relating to income tax collected at source), with respect to wages paid during the period specified in the plan, and

"(5) contain such other provisions as the President determines are necessary to carry out the purposes of this part and the plan.

"(b) Special Provisions.—A tax adjustment plan may—

"(1) provide tables specifying the amount of additional tax or reduction in tax within specified adjusted tax brackets,

"(2) exempt taxpayers whose adjusted tax does not exceed the amount specified in the plan from any increase in tax provided by the plan,

"(3) provide that any decrease in tax provided by the plan shall not apply in the case of taxpayers whose adjusted tax exceeds the amount specified in the plan, and

"(4) specify different tax adjustment percentages (plus or minus) for different taxable years or other periods specified in the plan.

"(c) Duration.—A tax adjustment plan which has taken effect shall continue in effect until:

"(1) the date (if any) specified in the plan for its termination;

"(2) the date specified in a new tax adjustment plan which takes effect as provided by section 59b; or

"(3) the date provided by law enacted after the date on which the plan was submitted to the Congress.

"(d) Definitions.—For purposes of this section—

"(1) Tax Adjustment Percentage.—The term 'tax adjustment percentage' means the percentage, not greater than 10 percent, specified in a tax adjustment plan as the percentage by which the adjusted tax for any taxable year is to be increased or decreased under the plan.

"(2) Adjusted Tax.—The term 'adjusted tax' means, with respect to any taxable year, the tax imposed by this chapter for such taxable year, determined without regard to—

"(A) the taxes imposed by this part, section 56 (relating to minimum tax), section 871(a) (relating to tax on nonresident alien individuals), and section 881 (relating to tax on income of foreign corporations not connected with United States business); and

"(B) any increases in tax under section 47(a) (relating to certain dispositions, etc., of section 38 property) or section 614(c)(4)(C) (relating to increase in tax for deductions under section 615(a) prior to aggregation.

and reduced by an amount equal to the amount of any credit which would be allowable under section 37 (relating to retirement income) if no tax were imposed by this section for such taxable year.

SEC. 59d. MISCELLANEOUS PROVISIONS.—

"(a) Special Rule.—For purposes of this title, to the extent the tax imposed by this section is attributable (under regulations prescribed by the Secretary or his delegate) to a tax imposed by another section of this chapter, such tax shall be deemed to be imposed by such other section.

"(b) Western Hemisphere Trade Corporations and Dividends on Certain Preferred Stock.—In computing for a taxable year of a corporation, the fraction described in—

"(1) section 244(a)(2), relating to deduction with respect to dividends received on the preferred stock of a public utility,

"(2) section 247(a)(2), relating to deduction with respect to certain dividends paid by a public utility, or

"(3) section 922(2), relating to special deduction for Western Hemisphere trade corporations,

the denominator shall, under regulations prescribed by the Secretary or his delegate, be increased to reflect the tax adjustment percentage.

"(c) Shareholders of Regulated Investment Companies.—In computing the amount of tax deemed paid under section 852(b)(3)(D)(ii) and the adjustment to basis described in section 852(b)(3)(D)(iii), the percentages set forth therein shall be adjusted under regulations prescribed by the Secretary or his delegate to reflect the tax adjustment percentage."

(b) Technical and Clerical Amendments.—

(1) Section 21(a) of the Internal Revenue Code of 1954 (relating to effect of changes in tax rates during taxable year) is amended by adding immediately below paragraph (2) thereof the following new sentence: "If the amount of a tax imposed by this chapter is increased or decreased under part VII (relating to tax adjustment plans) such increase or decrease shall be deemed a change in the rate of such tax for purposes of this subsection."

(2) The table of parts for subchapter A of chapter 1 of such Code is amended by adding below the last item thereof the following:

"Part VII. Tax adjustment plans."

SEC. 202. EFFECTIVE DATE.—The amendments made by section 201 shall apply to taxable years ending after the date of the enactment of this Act.

TITLE III—RULES FOR CONGRESSIONAL ACTION ON TAX ADJUSTMENT PLANS

SEC. 301. EXERCISE OF RULE-MAKING POWER.—

(a) the following subsections of this section are enacted by the Congress:

(1) As an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in such House in the case of resolutions (as defined in subsection (b)); and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) With full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

(b) As used in this section, the term "resolution" means only a resolution of either of the two Houses of Congress, the matter after the resolving clause of which is as follows: "That the —— disapproves the Tax Adjustment Plan transmitted to the Congress by the President on ——, 19—.", the first blank space therein being filled with the name of the resolving House and the other blank spaces therein being appropriately filled.

(c) All resolutions with respect to a tax adjustment plan introduced in the Senate shall be referred by the President of the Senate to the Committee on Finance, and all resolutions with respect to a tax adjustment plan introduced in the House of Representatives shall be referred by the Speaker of the House to the Committee on Ways and Means.

(d) (1) If the committee to which has been referred a resolution with respect to a tax adjustment plan has not reported it before the expiration of ten calendar days after its introduction, it shall then (but not before) be in order to move either to discharge the committee from further consideration of such resolution, or to discharge the committee from further consideration of any other resolution with respect to such tax adjustment plan which has been referred to the committee.

(2) Such motion may be made only by a person favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same tax adjustment plan), and debate thereon shall be limited to not to exceed one hour, to be equally divided between those favoring and those opposing the resolution. No amendment to such motion shall be in order, and it shall not be in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

(3) If the motion to discharge is agreed to or disagreed to, such motion may not be renewed, nor may another motion to discharge the committee be made with respect

to any other resolution with respect to the same tax adjustment plan.

(e) (1) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to a tax adjustment plan, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of such resolution. Such motion shall be highly privileged and shall not be debatable. No amendment to such motion shall be in order and it shall not be in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

(2) Debate on the resolution shall be limited to not to exceed ten hours, which shall be equally divided between those favoring and those opposing the resolution. A motion further to limit debate shall not be debatable. No amendment to, or motion to recommit, the resolution shall be in order, and it shall not be in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

(f) (1) All motions to postpone, made with respect to the discharge from committee or the consideration of a resolution with respect to a tax adjustment plan, and all motions to proceed to the consideration of other business, shall be decided without debate.

(2) All appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to a tax adjustment plan shall be decided without debate.

TITLE IV—FISCAL STABILIZATION TRUST FUND

SEC. 401. ESTABLISHMENT.—There is hereby established in the Treasury of the United States a trust fund to be known as the "Fiscal Stabilization Trust Fund" (hereinafter referred to as the "Trust Fund"). The Trust Fund shall consist of amounts appropriated to it as provided in section 402.

SEC. 402. TRANSFERS TO TRUST FUND OF AMOUNTS EQUAL TO TAX INCREASES UNDER TAX ADJUSTMENT PLANS.—

(a) There is hereby appropriated to the Trust Fund amounts equivalent to the taxes received in the Treasury which are attributable to tax adjustment plans in effect under part VII of subchapter A of chapter 1 of the Internal Revenue Code of 1954.

(b) Whenever a tax adjustment plan specifying a plus tax adjustment percentage is in effect, the Secretary of the Treasury shall, from time to time, transfer the amounts appropriated by subsection (a) from the general fund of the Treasury to the Trust Fund on the basis of estimates made by him. Proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than amounts required to be transferred.

SEC. 403. TRANSFERS TO GENERAL FUND OF AMOUNTS EQUAL TO TAX REDUCTIONS UNDER TAX ADJUSTMENT PLANS.—

(a) There is hereby appropriated to the general fund of the Treasury amounts equivalent to the reduction in taxes (whether by way of credit or otherwise) attributable to tax adjustment plans in effect under part VII of subchapter A of chapter 1 of the Internal Revenue Code of 1954.

(b) Whenever a tax adjustment plan specifying a minus tax adjustment percentage is in effect, the Secretary of the Treasury shall, from time to time, transfer the amounts appropriated by subsection (a) from the Trust Fund to the general fund of the Treasury on the basis of estimates made by him. Proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than amounts required to be transferred.

SEC. 404. MANAGEMENT OF TRUST FUND.—

(a) (1) It shall be the duty of the Secretary of the Treasury to invest moneys in the Trust Fund not required to meet withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired (i) on original issue at the issue price, or (ii) by purchase of outstanding obligations at the market price. The purposes for which obligations of the United States may be issued under the Second Liberty Bond Act, as amended, are hereby extended to authorize the issuance at par of special obligations exclusively to the Trust Fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the Public Debt; except that where such average rate is not a multiple of one-eighth of 1 percent, the rate of interest of such special obligations shall be the multiple of one-eighth of 1 percent next lower than such average rate. Such special obligations shall be issued only if the Secretary of the Treasury determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest.

(2) Any obligation acquired by the Trust Fund (except special obligations issued exclusively to the Trust Fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

(3) The interest on, and the proceeds from the sale or redemption of any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

(b) It shall be the duty of the Secretary of the Treasury to report to the Congress each year on the financial condition and the results of the operations of the Trust Fund. Such report shall be printed as a House document of the session of the Congress to which the report is made.

EXHIBIT 1

[From the Wall Street Journal, August 4, 1971]

WHAT'S GOOD ABOUT THE BUDGET?

Reading the news of the massive $23.2 billion federal budget deficit for fiscal 1971, few people can find much to be cheerful about.

Administration spokesmen don't comfort us much by saying that the budget would have shown a surplus if the economy had been operating at full employment. The facts are that the economy was not operating at full employment, however that term is defined, and that the government had its second largest budget deficit since World War II.

Only in an analysis by an opposition politician could we discern anything heartening at all. Lawrence O'Brien, the Democratic National Chairman, was considering what the deficit might or might not do to the economy.

There was a time when some economists and many politicians claimed that budget deficits pepped up the economy. The theory, for what it was worth, was that the government put more money into the economy than it took out and all of that extra cash made the economic wheels spin faster.

Mr. O'Brien, though, contends that the fiscal 1971 deficit "will do little to get the economy moving." He explains that the deficit was achieved, if that's the word, because a sluggish economy led revenues to fall short of estimates. That sort of deficit, in his view, apparently is a "bad" deficit. A "good" deficit presumably is achieved by soaring federal spending, not by shortfalls in revenues.

Even Mr. O'Brien's arithmetic is a little hard to accept. Actual spending in fiscal 1971, at $211.6 billion, was $15 billion higher than in the previous year—an increase, even allowing for inflation. Revenues, on the other hand, fell about $5 billion from the previous year; so the rise in the deficit surely owed more to growing spending than it did to falling revenues.

Since that's not "good" enough, in Mr. O'Brien's view, he evidently would have preferred an even bigger rise in spending, and thus a bigger deficit. Yet, as the Democratic chairman himself says, big budget deficits can put strong upward pressure on interest rates, as the Treasury competes with private borrowers for available funds. Rising interest rates in turn can slow some sectors of the economy, such as home building.

For our part, we've always been skeptical of the ability of deficits to get the economy moving. If the deficits are financed by borrowing from the general public, they merely substitute public spending for private spending, and we remain unpersuaded that such substitution is a sure route to flowing economic health.

If the deficits are instead financed through the banks, as they often have been, they can lead to an inflation of the money supply. The sorry record of the last several years should have convinced everyone that more inflation is by no means the way to sound and sustainable economic growth.

Mr. O'Brien's words, unfortunately, may have seemed more persuasive elsewhere. The administration, at any rate, is now at work on the budget for fiscal 1973, the year that starts next July 1. And an official says the administration will "try to hold" spending within the $250 billion range.

None of this is to argue that the government should balance its budget in each and every year. But it would at least be wise to bring income and outgo within hailing distance of one another in relatively prosperous times such as the present.

So about all that's good about the fiscal 1971 budget is, that in other hands, it might have been even worse. Given the administration's current prophecies, matters are likely to get worse even under present management.

EXHIBIT 2

[From the Washington Post, Aug. 5, 1971]

DOLLAR GROWS WEAKER BY THE DAY

(By Joseph R. Slevin)

The world standing of the once proud U.S. dollar is going from bad to worse.

President Nixon and his aides hoped that last May's wracking dollar crisis would cool things off for a while but it didn't. The dollar is in deep trouble and every unfavorable development sets off a fresh spasm of concern around the world.

Some weeks are grimmer than others. The past fortnight has been a chamber of horrors for the officials whose job it is to keep an hour-to-hour watch on this country's floundering currency.

The biggest jolt came last week when the Commerce Department disclosed that unexpectedly large trade deficits in April and May had been followed by an even bigger one in June. U.S. imports of foreign goods outpaced exports of American products by $803 million.

The sudden slump sent shock waves through the major financial centers. The United States has to chalk up big foreign trade earnings to pay for its heavy military foreign aid and private investment outlays. If we cannot sell billions of dollars more to foreign countries than they sell to us, there will have to be a sharp cutback in American overseas spending.

Jittery businessmen and speculators are continuing to unload dollars in favor of buying strong foreign currencies and gold. The sales are causing a damaging dollar outflow and the movement would be even larger if other countries hadn't acted to keep unwanted dollars from crossing their borders. West Germany and Canada are floating their currencies. Japan and France have elaborate foreign exchange controls.

Last week's announcement of a near-record $23 billion budget deficit was another body-blow to the dollar. Much as the administration may argue that the red ink is helping to stimulate business activity, conservative overseas financial men fear that big deficits are highly inflationary.

Foreign bankers and financial officials look on Federal Reserve Board Chairman Arthur Burns as a rare rock of stability, but the White House blindly added to the overseas nervousness a week ago Wednesday with a clumsy attack on both the Federal Reserve and its respected chairman. At a time when the administration should be doing everything it can to strengthen foreign confidence in the dollar, it went perversely out of its way to reduce the stature of the dollar-defending central bank.

Inflation is the main cause of the dollar's weakness and the big steelworker settlement reinforced a foreign conviction that the administration is doing little or nothing to check the steamy wage-price spiral.

Nixon has refused to adopt the wage-price restraints that Burns repeatedly has recommended. Foreign experts see no other way he can stop inflation.

Foreign officials charge that Nixon is failing to take the essential steps that he should take to defend the dollar. They are gloomily certain he does not understand that the dollar is a shaky, threatened currency.

Nixon's "benign neglect" policy of passive indifference is all the more baffling because of his overriding interest in foreign policy. No country can have a strong foreign policy without a strong economy and sturdy currency. Yet the same President who is so anxiously reaching for a rapprochement with Communist China is neglecting to take the basic steps to stop inflation and to bolster the dollar that both the Federal Reserve and his own Treasury Department reportedly have urged.

Exhibit 3

[From the Washington Post, Aug. 5, 1971]

French Bank Move Hurts Dollar Value

(By Jonathan C. Randal)

France yesterday imposed restrictions to stop the unwanted influx of dollars from speculators in a move which touched off confusion abroad reflecting growing European distrust of the United States currency.

Such is the nervousness about the dollar—which many Europeans believe is overvalued—that a Bank of France circular was widely misconstrued as ending France's support for the official franc-dollar parity for all transactions.

By the time French officials issued a clarifying statement major European money markets had been thrown into turmoil, the dollar's value had tumbled and the price of gold reached a two year high.

The price of gold on the London free market opened at $42.19 an ounce and rose briefly to $43 before easing to $42.85.

The clarification made clear that the government-run central bank simply sought to stop commercial banks from accepting obvious "hot money" transferred from abroad by speculators hoping to force revaluation of the franc.

Wording of the original Bank of France circular dated Tuesday was imprecise enough to suggest that France was establishing a so-called two-tier exchange rate.

Such a system—in operation in Belgium for example—provides for official central bank support of normal business or so-called current account operations and a free market rate for short term capital inflows covering both investments and speculative movements.

In its clarification and denial the Bank of France underlined that even capital movements which could be legitimately justified would not be restricted.

Despite provision for heavy fines—equivalent to twice the value of any now illegal "hot money" transaction—some French Bankers expressed doubts about their ability to distinguish between legitimate and illegitimate inflows.

Once clarified, the Bank of France move appeared in keeping with the long French tradition of foreign exchange controls which successive governments have employed more often to protect the franc against devaluation than revaluation.

Although devalued just two years ago, the franc has come under revaluation pressure this summer in the wake of the major European currency crisis which led to the continuing "float" of the German mark and the revaluation of the Swiss, Austrian and Dutch currencies.

Both French President Georges Pompidou and Finance Minister Valery Giscard d'Estaing have repeatedly come out against revaluing the franc. Their reasons are both doctrinal and practical—France wants to keep its competitive edge with its biggest foreign customer—Germany—and avoid worsening its trade deficit with the United States.

In related measures designed to unload unwanted dollars—and relieve inflationary pressures—France recently disclosed repayment of its entire debt to the International Monetary Fund, $608.8 million, which normally was not due before April 1972 and April 1973.

The speeded up repayments, which will take place next Monday, were made possible in part by an increase of $488 million in July of French gold and foreign currency reserves which now stand at $5.8 billion.

France also eliminated almost all exchange controls for French tourists traveling abroad and considerably eased Franc transfers for business purposes.

By Mr. JACKSON:

S. 2453. A bill to designate certain lands as wilderness. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, on behalf of the senior Senator from Colorado (Mr. Allott) and myself I introduce for appropriate reference a bill tc designate certain lands as wilderness.

The additions represent 11 of 14 areas recommended to the Congress by the President for addition to the National Wilderness Preservation System. Three other areas in Utah recommended by the President are not included in the bill because they are included in pending legislation to give them national park status with changes that I understand might call for enlarged wilderness boundaries.

The 11 areas recommended for inclusion under provisions of the Wilderness Act of September 3, 1964, as contained in this bill, are embraced in the following Federal land units:

Isle Royale National Park, Mich.; North Cascades National Park Complex, Wash.; Farallon National Wildlife Refuge, Calif.; West Sister Island National Wildlife Refuge, Ohio; Breton National Wildlife Refuge, La.; Shenandoah National Park, Va.; Sequoia and Kings Canyon National Park—to be Sequoia Kings Canyon Wilderness—Calif.; Izembek National Wildlife Range and Aleutian Islands National Wildlife Refuge—to be Izembek Wilderness—Simeonof National Wildlife Refuge and Chamisso National Wildlife Refuge, Alaska, and National Key Deer Refuge, Great White Heron National Wildlife Refuge and Key West National Wildlife Refuge and Key West National Wildlife—to be Florida Keys Wilderness—Fla.

By Mr. JACKSON (for himself, Mr. Randolph, and Mr. Magnuson):

S. 2454. A bill to amend the Youth Conservation Corps Act of 1970 (Public Law 91–378, 84 Stat. 794) to expand the Youth Conservation Corps pilot program and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, I introduce for appropriate reference a bill to expand the Youth Conservation Corps Act of 1970 from a pilot program to a full-scale youth and natural resources conservation program. This measure not only allows for the expansion of the existing program from its present level of 2,200 youths to 100,000 youths beginning next summer, but enables the States to benefit from the existing program's proven success by allowing them to enter into a cost-sharing arrangement with the Federal Government for operation on State lands by State agencies. Further, this measure allows elementary and secondary school systems, as well as institutions of higher learning, to conduct environmental education programs at Youth Conservation Corps camps during the months of the year when these facilities would otherwise be vacant.

Mr. President, I would like to emphasize that the Youth Conservation Corps program is premised on the fundamental concept that man and nature cannot be treated separately. Human resources and natural resources go together. Nature lacks meaning without man, and man's life, to make it more meaningful, requires contact and exposure to nature.

At the present time the YCC program is pilot in nature and provides summer jobs for some 2,200 youths between the ages of 15 and 18, from all socioeconomic and racial backgrounds. There are camps in 36 States as well as the District of Columbia and American Samoa. I should like to emphasize that the present program, and the expanded YCC bill I am introducing today, will include youngsters from all backgrounds, thereby representing a cross section of the American population. It is my belief that too many Federal youth programs provide opportunities to only the economically disadvantaged. Moving people from homes of despair to camps of despair is not the answer. When you isolate the economically or socially disadvantaged in special programs you merely isolate them from society and in turn deprive them from the opportunity to share in the common goals and purposes of our Nation.

At a time when the media seem to dwell on the negative activities of our youth, to provide them with opportunities to expend their energies on worthwhile activities would seem to me to be a strong reason to continue the YCC program. I call to your attention numerous articles which have appeared in newspapers across the country which substantiate the merits and many accomplishments of this successful program.

When you bring together young men and women from all segments of society it is possible to develop a sense of community, of responsibility, and of a common purpose. It is evident that these goals have been achieved when you read the many letters sent to me from the YCC participants across the country. They have enthusiastically shared with me the many advantages they have derived from the present program. If the program is continued other advantages are to be realized:

Summer unemployment among teenagers stands at 17 percent—among black teenagers it is 4.0 percent. This is an intolerable situation in a country as wealthy as ours. The Youth Conservation Corps program, if expanded, would help to alleviate the summer unemployment problem among our youths.

The backlog of conservation work needed in our Nation's forests and parks has reached a critical level. This could be remedied by the efforts of Corps members.

Young men and women who participate in the YCC camps would be exposed to career opportunities in the fields of recreation, resource management, and environmental protection—areas where there is a definite need.

Mr. President, the old adage "Nothing succeeds like success itself" is extremely appropriate in the case of the Youth Conservation Corps pilot program. I cannot think of a better way to drive this point home than by quoting from several YCC participants whose lives this program has affected. Some of the most moving remarks came from an off-the-cuff and from-the-heart speech given on the occasion of the national dedication of the program at Camp Wood, W. Va., by a 16-year-old Corps member, Miss Cheryl Sisco, of Charleston, W. Va. Miss Sisco was chosen by her fellow corpsmen to express the sentiments they all felt for the program, and I would like to share some excerpts from her speech with you at this point:

> Miss Sisco. I want to tell you the truth, my friends asked me to speak my feelings about how I feel about this Camp, and it's rather hard for me to put down on paper the way I feel because I usually keep to myself my feelings; and right now I am going to try to really tell you exactly how I feel and how I think the other campers feel, because we really want to get this across to you. Instead of just words, we really want you to know what we feel; and today you can talk about conservation and pollution and all this stuff and just talk about it. We want to do something about it; we don't want to just sit around and everyone knows there's a problem; we don't want to ignore it . . .
>
> We could deal with groups that only suggest what you should do; I mean we might go out and pick up paper and do things like that and try to persuade you to help, but really you don't do it unless you can see what's happening. And when I came down here I thought it was going to be a lot of fun, you know, I thought we were just going to have a ball and just sit around and learn about how to do this and how to do that; but really we are working, and it feels good to really do something. It feels good just to be out and you know that you are a part . . .
>
> We really try, because we have to get up early in the morning, and we go out and work, but we laugh and sing and have a good time. And sometimes it's hard and you do get bored, I mean, you know, I am not going to sit up here and say it's all fun, because it's really work; but you just know that you're doing something, like right now I work on part of a rock dam, and we are trying to preserve a certain type of fish and certain birds and other projects we are working on—we don't want to see them extinct, because you feel that they are gone and you can't get them back. We just have to have them there; we just can't let it go. I mean, like right now you're sitting there listening to me and how many are really going to do something about it? We need something to be done—that's why we are here—we don't want to just sit back and not do anything. It feels good to get out there and do something. Like I am a fortunate one, and not all the kids in the United States or in the world are going to have a chance to do this . . .
>
> And here we only have about 50 kids, and I think there are 33 other camps like this in the United States; but that's just one small step, and we need to keep on going because if we want this world to be a better place, we need to. And one of the best experiences I have here is working with other people, and you're taken as a person, not because of your color, your race, or what you believe in, but people judge you as a person is beautiful—it's beautiful—they call me Cheryl, that's it. See Cheryl, you're a girl, you know, and it's beautiful; and I have friends; I consider all these people my friends, and I am sure that all of them feel the same way. We get out and we work; we work with each other day after day; we think and we live with each other; we say, I feel this is necessary if we are going to run our country. We've got to learn to live with each other, and this is a great opportunity to do so; and we all work for a common cause to preserve our natural resources and to better our environment. Thank you.

Mr. President, I have received many letters and have seen in newspaper articles quotes from other YCC members across the country who want the program to continue because of its meaning not only to them individually but their concern for the preservation of our natural resources. For example, Miss Katie Carter, a YCC member at Camp Ole in Mount Laguna, Calif., sent me the following letter:

> Dear Senator Jackson: I feel it very important to express my appreciation for our pilot program of the Youth Conservation Corps. As you have been instrumental in having the bill written and the money allocated for the project, I would like you to know how grateful I am for what I am experiencing this summer.
>
> Surely among the greatest experiences all of us at Camp Ole share are those which include the feeling for life each one of us holds. This special feeling is something very deep and personal, yet binds us in a common cause and love for nature. In the course of eight weeks, we will have been guided to learn about one another, to learn from one another, to have a greater love and understanding of life and nature, and to teach others of this understanding. It is for this bond that I am grateful, and for the understanding which I will gain.
>
> As I consider the YCC program such a valuable experience for any young person, I would like to assure you of my support of the idea of a permanent Youth Conservation Corps program. As well as the project seems to be working for me and my friends here on Mt. Laguna, and as much as we need a program of education in conservation for the United States, I would hope that your efforts will help bring about a permanent YCC program.
>
> Thank you for your efforts and your attention.

Debbie Rheinholdt, 17, of Bend, Oreg., who is working in the Ochoco National Forest in eastern Oregon, is quoted as saying:

> Living and working like this in a forest you learn something almost every hour of the day. And you learn something about yourself, too. John Wollenweber, a teacher from Tacoma and director of a coeducational YCC camp near Rimrock in my home state of Washington, is giving the participants real responsibility by allowing them to participate in the camp's policy making decisions and by allowing them to impose the rules themselves. Wollenweber states, we wanted to give the young people credit for being the mature individuals that most of them are. We live in a world with both men and women. When they see each other sweaty and dirty, in the morning, and when they are tired—you can't put a front on a situation like that. Perhaps Teresa Munsen of Seattle best sums it up when she said of the campers' attitude in general, I just feel like I'm doing something to help.

The Youth Conservation Corps program provides our young people with an opportunity to get off the streets and to engage in productive work and important learning experiences in our Nation's parks, forests, and our public lands. In this way we are able to curb the root causes of boredom, anger and frustration which afflict so many of our youths today, and in turn they are given the chance to learn, to work and to earn in worthwhile programs which are important to their own future and to the future of this Nation.

Mr. President, I am not one to support the idea that we should begin any program on a massive scale until it has had an opportunity to prove itself. It took little time for the YCC program to prove its own merits. It is on the program's merits that I stand convinced that we must go forward on an expanded scale, immediately. The following reasons will provide the necessary justification for expansion of this program:

The Department of Interior received over 80,000 applications for the 1,100 jobs that were available in the program this summer. The other agency responsible for administering the program, the Department of Agriculture, received an average of 400 applications for every 1 position available in one region of the United States.

Unlike other Federal youth programs, the dropout rate from the YCC program has been negligible. I believe this stems from the keen sense of comradery and great feeling of work accomplishments which exist in the camps across the country.

The wholesome enthusiasm, dedication, and energy expended by the youngsters and their young supervisors guarantee a growth potential.

Mr. President, I do not wish to create the impression that the first summer's pilot program has been without certain organizational problems. The major complaints come from the participants in the form of, "We work so fast that the supervisors cannot create the jobs fast enough for us." Perhaps the most frequently uttered complaint is that "after a long day's work there just is not enough food on the table to fill the void created by our work." These problems, which are almost amusing, are, of course, easily resolvable.

Mr. President, when I was a teenager, I worked hard in saw mills and on construction jobs. It did not do me any harm; in fact, these experiences provided me with some of my most valuable memories. When I recently visited with some YCC participants at the national dedication program at Camp Wood, I mentioned to them that I did not envision the program to be one of "fun and games" or a "make work" program. Rather, I expected them to work hard and sometimes long; to earn their pay and to return from a day's work tired and hungry. I wanted them to experience a sense of pride in their accomplishments and to generate a feeling of enthusiasm with the challenges at hand.

It has been my observation that today's young people are most intelligent. They do not want "make work" jobs. They look for work that offers them a challenge and rewards them with a feeling of accomplishment when the job is done. If the future leaders of our great Nation are expected to understand the role that public resources and the great outdoors play in their lives, they must experience firsthand the value of working with these resources; of understanding the importance of land and water conservation and management; and working in programs designed to assure that future generations of America will enjoy life and a quality environment.

The work cut out for the Corps members this summer is varied in nature. It includes clearing stream banks; constructing trails and park structures; controlling soil erosion; surveying land areas; planting and thinning trees; gathering and analyzing air and water samples; and countless other conservation projects, all vitally needed and providing opportunities to achieve lasting results.

I should point out that at the time that I first held hearings on the YCC program, back in 1969, the administration witnesses from the Departments of Labor, Interior, Agriculture, as well as the Office of Management and Budget and the Office of Economic Opportunity, all opposed enactment of my legislation. They argued that putting youths out in the field to do conservation work was not of a sufficient priority to warrant enactment of legislation at the time. They felt that the summer was all too short a time period to accomplish anything meaningful.

Judging from the program's success thus far, it is apparent that the administration read their tea leaves wrong. It is my hope that they will reevaluate their stand on the original legislation and will support the legislation I am introducing today. The concern of our young people and the subject of the conservation of our natural resources should not be viewed as partisan. There is a job that needs to be done and these young people are doing it. There should be recognition on both sides of the aisle by Congress and the administration that a program as useful and beneficial in character as this one should go forward in an expeditious and well organized manner.

Mr. President, the legislation I introduced today does more than merely expand the program from its present level of 2,200 youths per year to 100,000 youths per year, it also provides an opportunity for the States to play a more integral role in youth conservation. This legislation enables the State conservation and educational agencies to enter into a cost-sharing program with the Federal Government providing jobs for up to 25,000 youths beginning next summer. This amendment to the basic legislation came about as the result of a study called for in the basic act to determine the feasibility of initiating a cost-sharing program with the States so that the State as well as Federal lands would benefit from the conservation work of the young corps men.

I should point out, that the Departments of Interior and Agriculture earlier this year requested comments from all 50 States as to their interest in entering into some type of a cost-sharing program. The response by the States has been tremendous. The Departments received letters from all 50 States indicating that they were supportive of the program, and many were desirous of beginning a program immediately. Under the 80 to 20 percent cost-sharing of Federal-State cost-sharing program which I am suggesting today, the States have indicated that they can provide jobs next summer for 180,000 young Americans. I only wish that we could begin a State program at such an energetic level; however, I feel that the States should also begin on a pilot basis.

The amendment I introduced today also provides that:

> Whenever economically feasible, existing but unoccupied federal facilities and surplus and or used equipment, of all types, including military facilities and equipment, shall be utilized for purposes of the corp, wherever appropriate and with the approval of the Federal agency involved.

I feel that this section of the act is important because it allows the Departments of Agriculture and Interior to reduce the direct costs of the program by acquiring, perhaps on a short-term loan, equipment and perhaps direct manpower assistance from other agencies which will help in reducing the total cost.

Lastly, my amendment allows the elementary and secondary school systems, as well as institutions of higher learning, to conduct environmental education programs at permanent or semipermanent facilities during nonuse by the Youth Conservation Corps. The costs for the actual operation, maintenance, and staffing of the facilities during periods of nonuse by corps members would be borne by the educational institutions. I believe this new language provides the school systems an opportunity to make environmental education an ongoing part of the curriculum at a reasonable cost.

Mr. President, I ask that the text of the legislation be printed into the Congressional Record at this point:

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2454

A bill to amend the Youth Conservation Corps Act of 1970 (P.L. 91–378, 84 Stat. 794) to expand the Youth Conservation Corps pilot program and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

POLICY AND PURPOSE

Section 1. The Congress finds that the gainful employment during the summer months of American youth, representing all segments of society, in the healthful outdoor atmosphere afforded in the national park system, the national forest system, the national wildlife refuge system, and other public land and water areas of the United States creates an opportunity for understanding and appreciation of the Nation's natural environment and heritage. Accordingly, it is the purpose of this Act to further the development and maintenance of the natural resources of the United States by the youth, upon whom will fall the ultimate responsibility for maintaining and managing these resources for the American people.

YOUTH CONSERVATION CORPS

Sec. 2. (a) To carry out the purposes of this Act, there is hereby established in the Department of the Interior and the Department of Agriculture, a Youth Conservation Corps (hereinafter referred to as the "Corps"). The Corps shall consist of young men and women who are permanent residents of the United States, its territories, or possessions, who have attained age fifteen but have not attained age nineteen, and whom the Secretary of the Interior or the Secretary of Agriculture may employ during the summer months without regard to the civil service or classification laws, rules, or regulations, for the purpose of developing, preserving, or maintaining lands and waters of the United States as determined by the Secretary of the Interior, and the Secretary of Agriculture.

(b) The Corps shall be open to youth of both sexes and youth of all social, economic, and racial classifications, with no person being employed as a member of the Corps for a term in excess of ninety days during any single year.

SECRETARIAL DUTIES

Sec. 3. (a) The Secretary of the Interior and the Secretary of Agriculture shall:

(1) determine with other Federal agencies areas under their administrative jurisdictions which are appropriate for carrying out programs using employees of the Corps; and to determine and select appropriate work and education programs and projects for participation by Corps employees;

(2) determine the rates of pay, hours, and other conditions of employment in the Corps: Provided, That members of the Corps shall not be deemed to be Federal employees, other than for the purposes of chapter 171 of title 28, United States Code, and chapter 81 of title 5, United States Code;

(3) provide for such transportation, lodging, subsistence, and other services and equipment as they may deem necessary or appropriate for the needs of members of the

Corps in their duties. The Secretary of the Interior and the Secretary of Agriculture may contract with any public agency or organization or any private nonprofit agency or organization which has been in existence for at least five years for the operation of any Youth Conservation Corps project. Whenever economically feasible, existing but unoccupied Federal facilities and surplus and/or unused equipment, of all types, including military facilities and equipment, shall be utilized for the purposes of the Corps, where appropriate and with the approval of the Federal agency involved. To minimize transportation costs Corps members shall be employed on conservation projects as near to their places of residence as is feasible;

(4) promulgate regulations to insure the safety, health, and welfare of the Corps members;

(5) provide, to the extent possible, that permanent, or semipermanent facilities used as Youth Conservation Corps camps be made available to local schools, school districts, state junior colleges and universities, and other educational institutions for use as environmental/ecological education camps during periods of non-use by the Youth Conservation Corps program. Costs for operations, maintenance and staffing of these facilities during periods of use by non-Corps programs shall be the responsibility of the entity or organization using the facility and shall not be a responsibility of the Secretaries or the Corps.

(b) The provision of title II of the Revenue and Expenditure Control Act of 1968 (82 Stat. 251, 270) shall not apply to appointments made to the Corps, to temporary supervisory personnel, or to temporary program support staff.

(c) The provisions of Section 3110, title 5, United States Code shall not apply to appointments of youth employees to the Corps.

(d) The Secretary of the Interior and the Secretary of Agriculture are hereby authorized to establish a pilot Federal-State cost sharing program with the States, territories or possessions for purposes as outlined in the Act.

(1) The funds appropriated for any program year shall be made available to states requesting participation, and determined by the Secretary of the Interior and Secretary of Agriculture to have qualified programs to meet the objective of the Act.

(2) The total number of employees of the Corps in State cost-sharing programs shall not exceed more than 25% nor be less than 10% of the total number of employees in the Corps in any program year. The Federal share of the cost of the participating States program shall not exceed 80% in any program year.

SECRETARIAL REPORTS

Sec. 4. Upon completion of each year's program the Secretary of the Interior and Secretary of Agriculture shall prepare a joint report detailing the contribution of the program toward achieving the purposes of the Act and providing recommendations. Each report shall be submitted to the President not later than one hundred and eighty days following completion of that year's program. The President shall transmit the report to the Congress for review and appropriate action.

AUTHORIZATION OF FUNDS

Sec. 5. There are hereby authorized to be appropriated amounts not to exceed $150,000,000 annually to be made available to the Secretary of the Interior and the Secretary of Agriculture to carry out the purposes of this Act.

By Mr. McCLELLAN for himself and Mr. Scott):

Senate Joint Resolution 149. A joint resolution to authorize and request the President to proclaim the year 1972 as International Book Year. Referred to the Committee on the Judiciary.

Mr. McCLELLAN. Mr. President, on behalf of myself and Senator Scott, I introduce, for appropriate reference, a joint resolution to authorize and request the President to proclaim the year 1972 as International Book Year.

The United Nations Educational, Scientific, and Cultural Organization has designated 1972 as International Book Year. The resolution which the minority leader and I are introducing today provides for the observance of International Book Year in the United States with appropriate ceremonies and activities.

Books have touched the lives of nearly everyone in this Nation. Most of us were introduced to books by our parents before we learned to read or were able to distinguish one letter from another. Through our school years and in our adult lives, we have depended upon books to a far greater extent than we consciously recognize. In today's complex society with its highly developed technology, we have become more dependent than in the past. Scarcely a literate man or woman lives in the United States today who cannot point to at least one book which has influenced his life in some way. The moral and intellectual values which our parents taught us from childhood have been reinforced many times over by the experience and wisdom of others brought to us through books.

The United States is the world's leading publisher of books today. For a generation of more, American books have been sought after in the advanced nations of the world, and today they are making a vital contribution to the educational, technical, and political development of the emerging nations. The export of books makes a valuable contribution to our dollar income and to the reduction of our balance-of-payments deficit. As the use of English as a world language expands, the demand for American books expands with it. Indeed, one of the leading motives for learning English is to gain access to the wealth of information contained in American books.

Many of us in the United States tend to take books and libraries for granted. It is fitting, therefore, that, during the International Book Year, we remind ourselves of their importance and our dependence on them and that we direct the attention of others to the benefits to be gained from their use.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 973

At the request of Mr. Bayh, the Senator from Utah (Mr. Moss) was added as a cosponsor of S. 973, a bill to amend the Federal State Extended Unemployment Compensation Act of 1970 to expedite the implementation and to provide 100-percent Federal financing of the benefits payable thereunder.

S. 1081

At the request of Mr. Bayh, the Senator from Nevada (Mr. Bible), the Senator from Maryland (Mr. Mathias), and the Senator from California (Mr. Cranston), were added as cosponsors of S. 1081, a bill to extend benefits to killed or disabled firemen and policemen.

S. 1532

At the request of Mr. Bayh, the Senator from Utah (Mr. Moss) was added as a cosponsor of S. 1532, a bill relating to the allowance of a depreciation deduction.

S. 2071

At the request of Mr. Moss, the Senator from Nevada (Mr. Bible) was added as a cosponsor of S. 2071, a bill to provide for the care, housing, education, training, and adoption of certain orphaned children in Vietnam.

S. 2083

At the request of Mr. Bayh, the Senator from New Jersey (Mr. Case) was added as a cosponsor of S. 2083, a bill to prohibit the poisoning of animals and birds on the public lands of the United States, and for other purposes.

S. 2140

At the request of Mr. Bayh, the Senator from Pennsylvania (Mr. Schweiker) was added as a cosponsor of S. 2140, a bill to amend the Narcotic Addict Rehabilitation Act of 1966, and for other purposes.

S. 2163

At the request of Mr. Mathias, the Senator from Minnesota (Mr. Humphrey) and the Senator from Nevada (Mr. Bible) were added as cosponsors of S. 2163, a bill to provide for the payment of tuition, subsistence, and educational assistance allowances on behalf of certain eligible veterans, and for other purposes.

S. 2185

At the request of Mr. Bayh, the Senator from New Jersey (Mr. Case), the Senator from New Mexico (Mr. Montoya), and the Senator from Illinois (Mr. Stevenson), were added as cosponsors of S. 2185, a bill to carry out the recommendations of the Presidential Task Force on Women's Rights and Responsibilities, and for other purposes.

S. 2290

At the request of Mr. Humphrey, the Senator from New Mexico (Mr. Anderson) and the Senator from Utah (Mr. Moss) were added as cosponsors of S. 2290, a bill to establish a Joint Committee on National Security.

S. 2358

At the request of Mr. Bayh, the Senator from Alaska (Mr. Stevens) was added as a cosponsor of S. 2358, a bill to amend the Disaster Relief Act of 1970.

S. 2393

At the request of Mr. Randolph, the Senator from New Jersey (Mr. Williams) was added as a cosponsor of S. 2393, a bill to amend the Disaster Relief Act of 1970 to make areas suffering from economic disasters eligible for emergency Federal aid, and for other purposes.

S. 2412

At the request of Mr. Allott, the Senator from Kansas (Mr. Pearson) was added as a cosponsor of S. 2412, a bill to amend the Urban Mass Transportation Act of 1964.

S. 2413

Mr. BROOKE. Mr. President, it gives me particular pleasure to announce that the distinguished senior Senator from Florida (Mr. GURNEY) wishes to be added as a cosponsor of the Wage and Price Board bill which a number of Republican Senators and I introduced yesterday.

Senator GURNEY and the people of his State well know the serious impact which uncontrolled wage and price increases can have upon the elderly, the unemployed, and low- to moderate-income families, and his support is most welcome.

Mr. President, I ask unanimous consent that Senator GURNEY's name be added as cosponsor of S. 2413.

The PRESIDING OFFICER (Mr. GRAVEL). Without objection, it is so ordered.

S.J. RES. 80

At the request of Mr. RANDOLPH, the Senator from Montana (Mr. METCALF) was added as a cosponsor of Senate Joint Resolution 80, dealing with the problems of ocean dumping and the plan to cope with the matter on an international conference basis.

SENATE CONCURRENT RESOLUTION 39—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO USE OF ARMED FORCES OF THE UNITED STATES OUTSIDE THE UNITED STATES

(Referred to the Committee on Foreign Relations.)

Mr. MATHIAS. Mr. President, I submit a joint resolution and a concurrent resolution.

The ACTING PRESIDENT pro tempore. The joint resolution and the concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 39) is as follows:

> *Resolved by the Senate (the House of Representatives concurring)*, That under the authority of section 6 of the joint resolution entitled "Joint resolution to promote peace and stability in the Middle East," approved March 9, 1957 (71 Stat. 5; Public Law 85–7), as amended, such joint resolution is hereby repealed.

Mr. MATHIAS. Mr. President, I rise today to initiate the completion of unfinished Congressional business. Between 1955 and 1964, four foreign policy support resolutions were passed by the Congress of the United States in response to crises in various areas of the world. The most recent of these, the Gulf of Tonkin resolution of 1964, was repealed by Congress last year. In February of this year, the distinguished Senator from Idaho (Mr. CHURCH) introduced Senate Joint Resolution 48 to repeal the earliest, the Formosa resolution of 1955. I was happy to join him in that effort. Today I present to the Senate two resolutions which will complete the task already begun: a concurrent resolution to repeal the Middle East resolution of 1957 and a joint resolution to repeal the Cuban resolution of 1962.

The rationale for the repeal of these resolutions has been previously stated and I will simply summarize the argument: In 1957 and 1962, specific conditions and events in the Middle East and in Cuba gave rise to congressional resolutions which supported in various ways the executive branch in its pursuit of the Nation's security policy. The conditions have changed, the events are those of the past, and the Nation's security policy should have been consequently refined to meet the new conditions.

The Department of State informed the Senate last year and I read from the testimony of then Under Secretary Elliot Richardson before the Committee on Foreign Relations:

> The crisis circumstances giving rise to these resolutions have long since passed.

The specific crises having ended, so, too, has ended the need for the resolutions themselves. Congress entered these resolutions into public law; Congress, in its own and the public interest, is obliged to remove these resolutions from the statutes.

It may legitimately be asked if repealing these resolutions will in any way affect existing national commitments. I would answer this by again citing the Department of State's recent opinion on the matter:

> . . . the administration is not depending on any of these resolutions as legal or constitutional authority for its present conduct of foreign relations, or its contingency plans. . . . These resolutions have no continuing significance in the foreign policy formulation process. . . .

In primarily seeking to set our own house in order, we must also inquire if other parties may cast different interpretations upon our actions: American citizens concerned with events in the Middle East and Cuba, nations in the regions involved, and other nations with interests of their own. Indeed, the Department of State has called the Senate's attention to the fact that "these resolutions contain significant recitals of basic principles of our policies in the affected areas. Repeal of these resolutions would raise questions about current U.S. policy in the areas concerned."

I will address this point as directly as possible, because of its importance as a rebuttal to the call for repeal. We are not contending that the present situations in the Middle East and Cuba are not fraught with difficulties. They are, however, difficulties far different from those that faced us in 1957 and 1962. Nor do we cast the slightest doubt upon the validity of any "basic principles." The repeal of resolutions which reiterate valid principles in no way affects the principles themselves. We are contending that public law formulated to deal with specific situations should be repealed when those situations no longer exist. I would further contend that we might well impede the conduct of our foreign relations by creating the impression that we are unaware of altered circumstances in the international arena.

The resolutions which I introduce today have the sole purpose of removing, as it were, barnacles from the ship of state. We are facing a future which combines challenge with great promise, a future in which Congress must play its proper Constitutional role, a future in which we can ill afford to be hindered by the residue of the past.

ADDITIONAL COSPONSORS OF RESOLUTIONS

SENATE RESOLUTION 86

At the request of Mr. BAYH, the Senator from Utah (Mr. MOSS) was added as a cosponsor of Senate Resolution 86, a resolution relating to strategic arms negotiations.

SENATE RESOLUTION 98

At the request of Mr. BAYH, the Senator from Utah (Mr. MOSS) was added as a cosponsor of Senate Resolution 98, a resolution declaring it to be the sense of the Senate that the Treasury Department should not implement the proposed Asset Depreciation Range system without specific congressional authorization.

SENATE RESOLUTION 151

At the request of Mr. HUMPHREY, the Senator from California (Mr. CRANSTON), the Senator from Minnesota (Mr. MONDALE), the Senator from Rhode Island (Mr. PELL), the Senator from New York (Mr. JAVITS), and the Senator from Iowa (Mr. HUGHES) were added as cosponsors of Senate Resolution 151, to effectuate a mutual freeze on nuclear weapon deployment during the SALT talks.

CHILDREN'S DENTAL HEALTH ACT OF 1971—AMENDMENT

AMENDMENT NO. 394

(Ordered to be printed and referred to the Committee on Labor and Public Welfare.)

TOOTHPASTES ASSOCIATED WITH MOUTH IRRITATION

Mr. PELL. Mr. President, we in the United States like to believe that the consumer is treated fairly by American industry. During the past several years, however, evidence has mounted that in our massmarketing economy, the consumer's best interests are sometimes ignored.

It is generally agreed that one of the most important weapons for the consumer is information—knowledge of products and prices; and in the Congress we have enacted legislation to give the consumer better information so he can make intelligent choices in spending or saving his money.

And, it is the interest of the consumer and his good health and I am today making public the resutls of Government research on a product used by nearly all American consumers—toothpaste. I take this action because the Defense Department, which conducted the taxpayer-financed research, has showed little or no interest in letting the consuming public know of the results.

Each day, the American public is bombarded with television, radio and magazine advertisements describing the benefits of toothpastes. The public is told the toothpaste will whiten and brighten teeth, eliminate bad breath, and even improve one's social life.

What the public has not been told is that some popular toothpastes also may possibly cause painful mouth irritation and inflammation. At the conclusion of my remarks, I ask that the report of the toothpaste research conducted by the Defense Department and other materials be printed in the RECORD.

The PRESIDING OFFICER (Mr. BENTSEN). Without objection, it is so ordered.

(See exhibit 1.)

Mr. PELL. However, Mr. President, I should first note that the Defense Department has been less than enthusiastic about sharing this information with the consumers, who paid for it with their tax dollars.

Indeed, when I first asked for the results of this research, the Defense Department provided a report identifying the brands of toothpaste involved only by code letters—Brand A, Brand B, Brand C, and so forth.

It was only after some footdragging that the Defense Department agreed to let me, and the public, in on the code identifying the brands involved in the study—Colgate, Crest, McLean, Plus White, Ultra Brite, Vote, Gleem, Pepsodent, Stripe, and Super Stripe.

In their discussion of their findings, the Army researchers commented that—

> Both the clinical and laboratory findings in this study indicate strongly that some commercially available dentrifices may cause painful gingival responses in the user.

And, in their conclusions, the researchers said:

> Two clinical studies have demonstrated a relationship between the use of certain commercially available dentrifices and painful gingival inflammation, sometimes accompanied by swelling and gingival slough.

Mr. President, the Army's findings on the detrimental effects of the use of some toothpastes may not be conclusive. Further research and evaluation might well change the conclusions—and I will insert in the RECORD with the study, some initial criticisms of the study. But I believe the American consumer deserves to be informed completely on the findings of tax-supported consumer research.

Some have suggested to me that this study is not conclusive enough to be made public, and it may unnecessarily hurt the sales of that $350 million industry.

However, toothpaste advertising has been unmerciful in its intensity and extravagant in its claims.

Any stretching of the truth is allowed in advertising the benefits of toothpaste. Yet, it is suggested that there be 100-percent scientific proof of any detrimental effects that toothpaste may have. This, I suggest, is a double standard that works to the benefit of the industry and to the detriment of consumers.

I ask unanimous consent that the material to which I refer in my statement be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 2, 3, and 4.)

Mr. PELL. Mr. President, I am bringing the results of this toothpaste study to the attention of the Food and Drug Administration, the manufacturers of the toothpastes, and the American Dental Association in hopes that they will take steps to protect the American public from any possible effects that the use of the toothpastes I have mentioned may have.

I was concerned to learn that the Food and Drug Administration has not been made aware of the results of this study by its fellow members of the executive branch in the Defense Department. I was also concerned to find that the Food and Drug Administration has no adequate means of warning the American public of the possible harmful effects of the use of toothpastes which, for the most part, are classified as cosmetics.

Under its present legislative authority, if the Food and Drug Administration wishes to take any action, it has only one extreme course of action open to it. It must find a sufficiently high degree of evidence to prove that those toothpastes causing mouth irritations are so completely unfit for human usage that the products must be taken off the market. This is nearly an impossible task and does not provide a reasonable means for the Food and Drug Administration to protect the American consumer's health.

To remedy this deficiency in the Food and Drug Administration's authority, I will be offering an amendment to the Committee on Labor and Public Welfare to the children's dental health bill to allow the Food and Drug Administration to require cautionary labels on toothpastes which have been found, on the basis of reasonable scientific evidence, to have possible harmful health effects.

This amendment, I believe, will allow the Food and Drug Administration to inform the American consumer and to restore the balance of truth in toothpaste advertising.

I ask unanimous consent that this amendment which I am now introducing be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 5.)

Mr. PELL. Mr. President, it is also my hope that other Defense Department-sponsored consumer research data will be made available to the appropriate Federal regulatory agencies and to the general public. The taxpayers, as consumers, should know the results of Government-sponsored consumer research.

EXHIBIT 5

U.S. SENATE,
Washington, D.C., July 7, 1971.

Lt. Col. RICHARD J. MCCONNELL,
Dental Corps, Deputy Director, Department of the Army, Institute of Dental Research, Walter Reed Army Medical Center, Washington, D.C.

DEAR LIEUTENANT COLONEL MCCONNELL: Thank you for forwarding me the findings of the study of the United States Army Institute of Dental Research on the tissue response to various commercial dentifrices.

While the information you have forwarded me was most helpful, I would be appreciative if you would also identify for me the brand names of the dentifrices identified as A, B, C, D, E, and F which were used in your study which showed that regular use of such dentifrices leads to stomatitis, that is, irritation, redness, and soreness in the mouth.

I think it is important that the consumers of America be made aware of the negative effects which the use of such toothpastes may have on their health. It seems to me that as taxpayers they should be informed of the results of government-sponsored research.

I appreciate your cooperation and assistance in this matter.

Warm regards.

Sincerely,

CLAIBORNE PELL.

DEPARTMENT OF THE ARMY,
Washington, D.C., July 22, 1971.

Hon. CLAIBORNE PELL,
Committee on Labor and Public Welfare,
U.S. Senate, Washington, D.C.

DEAR SENATOR PELL: In response to your request for the coding of the dentifrices as reported in our recent manuscript, "Evaluation of Tissue Response to Commercially Available Dentifrices: Clinical and Laboratory Results'", the following is submitted:

CODE LETTER AND NAME OF DENTIFRICE

A—Colgate.
B—Crest.
C—McLean.
D—Plus White.
E—Ultra-Brite.
F—Vote.
G—Gleem.
H—Pepsodent.
I—Stripe.
J—Super Stripe.

Since the benefits of dentifrices, especially those containing anti-cariogenic (decay preventing or retarding) compounds, are substantial both in decreasing the amount of dental decay and in the reduction of the periodontal disease process, it would be unwise to condemn all such products especially since the most popular brands produced little if any irritation.

Thank you for your interest,

RICHARD J. MCCONNELL,
Deputy Director.

EVALUATION OF TISSUE RESPONSE TO COMMERCIALLY AVAILABLE DENTRIFRICE CLINICAL AND LABORATORY RESULTS

INTRODUCTION

Many new dentifrices have been marketed in recent years. Among these are several which are advertised as having superior ability to whiten and brighten teeth. However, clinicians have reported that in some patients, regular use of such dentifrices leads to stomatitis which disappears when the use of the dentifrice is discontinued.

The prevalence of stomatitis caused by dentifrices has not been reported in the dental literature, although Oral Pathology textbooks[1 2 3] list dentifrices as material which can cause either allergic or non-allergic responses resulting in irritation, redness, soreness and sloughing of the oral mucous membrane.

This report describes two clinical surveys and an animal study designed to determine the prevalence of dentifrice stomatitis and to identify the dentifrices which are most often associated with it.

CLINICAL SURVEY I

Methods and materials

During a three month period, all patients presenting themselves for dental examination at a large midwestern military installation were questioned as to which dentifrice (by brand name) they used. This question was asked and recorded by auxiliary dental personnel in the absence of the dentist who subsequently examined the patient. If the patient routinely used any one of six selected dentifrices, he was included in the study.

These dentifrices will be referred to hereafter as dentifrices A, B, C, D, E and F. Brand A is a popular non-fluoride dentifrice.

Footnotes at end of article.

Brand B is a stannous fluoride paste and in these studies was used by approximately 50% of all subjects. Brands C, D, E and F, while not as widely used as A and B, are all widely advertised as possessing superior ability to whiten and brighten teeth. If the patient did not use one of these dentifrices, he was excluded from the study.

A total of 929 patients, military personnel and civilian dependents, served as subjects in the study. Approximately 20% of the subjects were females. The subjects ranged in age from 18 to 38 years of age, with a mean age of 21 years. All subjects were blind as to the study design and purpose.

During the oral examination, extreme effort was made to rule out any possible local or systemic etiological factors in any case where symptoms of gingivitis or stomatitis were present. The diagnosis of stomatitis was based on the following clinical manifestations: generalized inflammation or erythematous patches, sloughing of oral mucous membrane, vesicle or ulcer formation, edematious tissue with smooth shiny surface appearance, and history of gingival soreness, pain or itching. When no other etiological factor could be found, and since patient reported recent continuous use of one dentifrice, these cases were diagnosed as dentifrice stomatitis.

Results

The results of Clinical Survey I are summarized in Table 1. 929 patients were examined in this study. Of these, 133 were diagnosed as having dentifrice stomatitis. The majority of these patients were aware of oral discomfort. Presence of erythematous patches or generalized redness of the gingival tissue was the primary diagnostic sign in 69.9 percent of these patients. In addition to redness epithelial slough was present in 22.5 percent of patients diagnosed as having dentifrice stomatitis.

The prevalence of dentifrice stomatitis is markedly lower among users of Crest (Brand B) (3.8%) than among users of the other five dentifrices. At the other extreme, 37.5% of patients reporting regular use of Mclean (Brand C) were diagnosed as having dentifrice stomatitis. This difference is significant at the .05 level.

The prevalence of dentifrice stomatitis among users of the other four brands, (Ultra-Brite) (Brand E) (31.3%), (Plus White) (Brand D) (25%), (Vote) (Brand F) (21.9%) and (Colgate) (Brand A) (16.5%), was also found to be significantly higher ($p. < .05$) than for (Crest) (Brand B) users.

CLINICAL SURVEY II

Methods and materials

In Clinical Survey II, 128 male patients were examined at an East Coast military installation. All patients presenting to the examination room over a 25 day period were included in this survey if they reported regular use of any dentifrice for at least one month. Patients ranged in age from 18 to 62 age, with a mean age of 25. Examination procedures were similar in both studies in that dentifrice histories were taken by one individual and the clinical examinations were conducted by a dentist who had no knowledge of the patient's dentifrice history. Criteria for diagnosis of dentifrice stomatitis were the same as those described in Survey I.

Results

The results of Clinical Survey II are summarized in Table 2. This survey strongly supports the findings of Survey I. In both studies, (Crest) (Brand B) is the most widely used dentifrice, followed in order by (Colgate) (Brand A), (Ultra-Brite) (Brand E), and (McLean) (Brand C). Patients who use (Gleem) (Bland G), the next most frequently reported dentifrice in Survey II, were not included in Survey I.

When these five dentifrices are ranked on the basis of proportion of patients diagnosed as having dentifrice stomatitis, it is seen that (Crest) (Brand B) (8%) and (Colgate) (Brand A) (12%) are markedly lower than (Gleem) (Brand G) (30%), (Ultra-Brite) (Brand E) (37%) and (McLean) (Brand C) (57%). This is the same order in which these dentifrices ranked in Survey I with the addition of (Gleem) (Brand G).

The significance of differences between groups has been analyzed using the Chi Square distribution. The prevelence of dentifrice stomatitis among users of (Crest) (Brand B) is significantly lower ($p < .05$) than among users of (Mclean) (Brand C) and (Ultra-Brite) (Brand E). In this sample, the differences between (Crest) (Brand B), (Colgate) (Brand A) and (Gleem) (Brand G) are not statistically significant, although, as seen in Table 1, the differences are significant in a larger sample. Prevalence among users of (Colgate) (Brand A) is significantly lower than among users of (Mclean) (Brand C), while differences between other brands is not significant.

In this sample, the number of patients using Brands D, F, H, I and J is considered too small to make any interpretation of relationship to dentifrice stomatitis.

LABORATORY STUDY

Methods and materials

Thirty young weaning hamsters were selected for this study. The hamsters were 28 days old and weighed 25 to 35 grams. The hamsters were housed in stainless steel, mesh-bottomed cages and maintained in an air conditioned room. Food and distilled water were provided ad libitum.

In this study, five experimental groups and a control group were used. The experimental groups received an application of an experimental dentifrice once each day for seven days. The dentifrices were placed in the buccal pouch of the hamsters using a syringe and a needle from which the sharp point had been removed to prevent any puncture or injury to the animals. The 0.5 gram of dentifrice was placed on the epithelium of the buccal pouch.

At the termination of the study, the animals were weighed, then sacrificed by chloroform inhalation. The buccal pouches were surgically removed, sectioned and stained with hematoxylin and eosin for histological analysis.

The 6 groups were:

(1) Control group—Distilled water applications.

(2) Brand B (Crest).
(3) Brand C (Mclean).
(4) Brand D (Plus White).
(5) Brand E (Ultra-Brite).
(6) Brand F (Vote).

Results

The results of the laboratory phase of this study are summarized in Table 3. General appearance of animals after one week of daily application of test dentifrices is shown in Figure 1.

The general appearance of the experimental animals receiving the topical application of Brands B and D was found to be "normal" when it was compared to those animals in the control group. That is, the hair color was normal and healthy, the hamsters ate well, were very active, and gained weight during the seven day study (Figures 1A and 1C).

The general appearance of the animals in the other three experimental groups, who received Brands C, E and F showed different results. The animals in these groups were lethargic and ate poorly, which resulted in loss of weight. The animals in these groups showed loss of hair as well as hair color (Figures 1B, 1D, and 1E).

The histological findings of this study can be divided into two basic groups. Group one is composed of those animals exposed to Brands B and D. These animals show a minimal chronic inflammatory reaction (Figure 3, 5). Group two is composed of animals exposed to Brands C, E and F. These animals show rather severe chronic inflammatory reactions with occasional areas of necrosis and variable amounts of edema (Figure 4, 6, 7).

Discussion

Both the clinical and laboratory findings in this study indicate strongly that some commercially available dentifrices may cause painful gingival responses in the user.

Due to lack of information about the composition of these dentifrices, it has not been possible to relate gingival response to any single ingredient. The flavoring agents used in dentifrice have been reported to cause contact stomatitis.[3] Older, soap-containing dentifrices have been reported to cause damage to the oral mucous membrane due to the alkalinity of the compounds.[4] Organic solvents have been shown to cause gingival iritation.[5] Preliminary analysis indicates the presence of organic solvents such as chloroform in those dentifrices associated with the highest prevalence of dentifrice stomatitis in this study.

The effect of these dentifrices on already inflammed tissue has not been determined. In some patients this irritation may be compounded by the use of strong mouthwashes and traumatic oral hygiene practices.

The actual prevalence of dentifrice stomatitis in the population may be lower than is indicated by these clinical surveys since the samples were partially composed of patients seeking treatment and were therefore not representative of the entire population. Epidemiological studies of representative samples would establish true prevalence.

Clinicians have reported cases in which stomatitis resolved upon discontinuation of the dentifrice. In this clinical survey it was not possible to follow the course of patients diagnosed as having dentifrice stomatitis, therefore it is not possible to show that discontinuation of the dentifrice alleviated the symptoms in these cases. Further study of this possibility is indicated.

Based on the evidence in these studies, clinicians should consider a differential diagnosis of dentifrice stomatitis in patients who demonstrate generalized gingival inflammation, particularly in the presence of good oral hygiene.

Summary and conclusions

Two clinical studies have demonstrated a relationship between the use of certain commercially available dentifrices and painful gingival inflammation, sometimes accompanied by swelling and gingival slough. The condition has been diagnosed as dentifrice stomatitis.

Preliminary laboratory investigations demonstrate that those dentifrices most frequently associated with dentifrice stomatitis produce severe inflammatory response in hamsters.

Further clinical studies are needed to determine the prevalence of dentifrice stomatitis in the general population and to evaluate the possible interaction between dentifrice, mouthwash and oral hygience practices.

Additional laboratory studies are required to evaluate the histologic response to all available dentifrices when applied topically and implanted subcutaneously and to identify the causative constituents.

Footnotes at end of article.

TABLE 1.—CLINICAL SURVEY I—RELATIONSHIP OF DENTIFRICE TO STOMATITIS

Dentifrice	Number of subjects	Subjects with stomatitis	Percent
A. Colgate	147	24	16.3
B. Crest	494	19	3.8
C. McLean	88	33	37.5
D. Plus White	40	10	25.0
E. Ultra-Brite	128	40	31.3
F. Vote	32	7	21.9
Total	929	133	[1] 14.3

[1] Mean.

TABLE 2.—CLINICAL SURVEY II—RELATIONSHIP OF DENTIFRICE TO STOMATITIS

Dentifrice	Number of subjects	with stomatitis	Percent
A. Colgate	24	3	12.5
B. Crest	57	5	8.8
C. McLean	14	8	57.1
D. Plus White	1	0	0.0
E. Ultra-Brite	16	6	37.5
F. Vote	1	1	100.0
G. Gleem	10	3	30.0
H. Pepsodent	3	0	0.0
I. Stripe	1	0	0.0
J. Super Stripe	1	0	0.0
Total	128	26	[1] 20.3

[1] Mean.

TABLE 3.—RESPONSE OF HAMSTERS TO DAILY APPLICATION OF COMMERCIALLY AVAILABLE DENTIFRICES

Dentifrice	Hair appearance	Weight	Animal behavior	Eating habits	Elimination habits
1. Control (H^2O)	Normal, good color, good sheen	Gain	Active	Good	Normal.
2. B—(Crest)	Normal, good color, good sheen	do	do	do	Do.
3. C—(Mclean)	Loss of hair and sheen	Loss	Lethargy	Fair	Diarrhea.
4. D—Plus White	Normal	Gain	Active	Good	Normal.
5. E—Ultra-Brite	Loss of sheen and hair	Loss	Lethargy	Poor	Diarrhea.
6. F—(Vote)	Loss of sheen	do	do	do	Do.

Figure 1. Appearance of hamsters after one week of daily application of 0.5 grams of commercially available dentifrice to buccal pouches. 1A Brand B, 1B Brand C, 1C Brand D, 1D Brand E, 1E Brand F.

Figure 2. Normal buccal pouch of hamster. Note lack of edema and chronic inflammatory cells.

Figure 3. Buccal pouch of hamster treated with dentifrice, Brand B. There is minimal edema and a small number of chronic inflammatory cells can be seen in the central portion. Occasional chronic inflammatory cells are scattered throughout the connective tissue.

Figure 4. Buccal pouch of hamster treated with Brand C. Marked edema is present with both acute and chronic inflammatory cells.

Figure 5. Buccal pouch of hamster treated with Brand D. The chronic response is primarily perivascular. Occasional chronic cells are present in the connective tissue.

Figure 6. Buccal pouch of hamster treated with Brand E. Marked chronic inflammation is noted, with vascular dilitation. Areas of necrosis are present throughout.

Figure 7. Buccal pouch of hamster treated with Brand F. Ulceration and chronic inflammation are seen in the top portion of the photomicrograph. Edema and chronic inflammatory cells are present in the subadjacent connective tissue.

FOOTNOTES

[1] Bhaskar, S. N. Synopsis of Oral Pathology, ed. 2. Saint Louis, C. V. Mosby Co., 1965, p. 327.

[2] Burket, L. W. Oral Medicine, ed. 2. Philadelphia, J. B. Lippincott Co., 1952, p. 95.

[3] Shafer, W. G. Hine, M. K., and Levy, B. M. Oral Pathology, ed. 2. Philadelphia, W. B. Saunders Co., 1963, p. 480.

[4] Bernier, J. L. and Muhler, J. C. Improving Dental Practice Through Preventive Measures, Saint Louis, C. V. Mosby Co., 1966, p. 137.

[5] Slowik, T. The influence of organic solvents on Paradontium and the oral cavity mucous membrane. Czas. Stomat. 19: 1301, 1966.

EXHIBIT 2

COLGATE-PALMOLIVE CO., RESEARCH AND DEVELOPMENT DEPARTMENT

The Colgate-Palmolive Company certainly joins Senator Pell in his desire to maintain the highest standards in the area of dental health. We feel confident that the other member companies of this industry share this concern for the continued dental health of the American consumer.

This company has, for approximately 100 years, been in the forefront of not only supplying efficacious dentifrices to the American consumer but also in helping to educate the public to an awareness of the need for good dental health practices. Over these years tens of millions of dollars have been expended in research devoted to basic dental research and clinical research as well as toward formulation research.

Colgate Dental Cream with MFP is one product that has resulted from this research. Based on clinicals that were conducted this product has not only received approval of the American Dental Association but is also the one dentifrice that has received an NDA from the Food and Drug Administration under the FDA's new rules which require proof of efficacy as well as safety.

In clinicals conducted among 1825 subjects only six cases of oral irritation were recorded—an incredibly low rate of occurrence.

The company's other dentifrice Ultra Brite, developed to satisfy a need among the adult consumer, has also undergone extensive clinical tests which have underscored its safety.

We regret that a study entitled "Evaluation of Tissue Response to Commercially Available Dentifrices: Clinical and Laboratory Results" has served to raise questions about not only our two dentifrice products but eight others produced by other manufacturers. We feel that misinterpretation of this study could cause unplanned and unwished harm to ten respected dentifrices as well as serving to create grievous and unnecessary confusion among American consumers with attendant harmful consequences to the nation's dental health practices.

We join others in the dental scientific community in raising many questions about the scientific value of this study. We feel strongly that not only would the dental research community support us in questioning the scientific validity of the study but that the Food and Drug Administration would also join us in questioning its value from a consumer protection point of view.

EXHIBIT 3

AMERICAN DENTAL ASSOCIATION COMMENTS ON "EVALUATION OF TISSUE RESPONSE TO COMMERCIALLY AVAILABLE DENTIFRICES: CLINICAL AND LABORATORY RESULTS"

The dentifrice study by Hutchins, Whitehust, Barnes and Knight has been reviewed by staff members of the American Dental Association's Research Institute and Council on Dental Therapeutics. It is their opinion that the design of the study is inadequate as well as scientifically unsound. One of the major weaknesses lies in the failure of the investigators to support, by means of acceptable scientific methods, their conclusions that a type of stomatitis was caused by certain dentifrices.

The criteria in the study for diagnosing dentifrice stomatitis is inadequate. Numerous oral and systemic diseases may present clinical symptoms similar to those described in the study. This is a serious deficiency and makes any conclusions drawn from this single study questionable.

The authors themselves point to weak spots in the study: persons in the sampling were not representative of the general public; no control groups were used in the clinical studies; the patients were not followed to determine whether the stomatitis disappeared when they stopped using a particular dentifrice.

Evidence of the investigators' concern is found their own statements, such as: "The samples were partially composed of patients seeking treatment and were therefore not representative of the entire population" and "It was not possible to follow the course of patients diagnosed as having dentifrice stomatitis, therefore, it is not possible to show that discontinuation of the dentifrice alleviated the symptoms."

Even if the data reported were reliable, and they are not in our opinion, it does not necessarily apply to currently marketed dentifrices. In the years since the study was conducted, most of the dentifrices used have made basic changes in their formulation. Some of them are not even being marketed any more.

The dental profession has for many years been aware of the fact that a small number of persons appear to have an adverse reaction to a given dentifrice. This can result in stomatitis. Several attempts have been made to set up a meaningful study of this problem but it has never been possible to find a sufficient number of people with such stomatitis to accomplish this. It is the Association's belief that this study does not provide an adequate basis for action. Further study of the problem is indicated.

The study involves several so-called "whitening" dentifrices. The Association has issued public warnings that the high abrasiveness of "whitening" dentifrices may injure some persons' teeth.

But the study also involves fluoride dentifrices that have been accepted as significantly reducing the rate of dental decay. The Association is concerned that focusing on this single, inadequate study may deter people—especially children—from using fluoride dentifrices that can help in preventing dental decay. If this happens, it will be a serious disservice to the dental health of the nation.

EXHIBIT 4

EVALUATION OF TISSUE RESPONSE TO COMMERCIALLY AVAILABLE DENTIFRICE CLINICAL AND LABORATORY RESULTS

(By Dr. James P. Carlos)

The conclusions drawn by the authors regarding the production of stomatitis by dentifrices, appear to be based upon data of extremely doubtful reliability.

To begin with, the definition of "stomatitis," the condition being diagnosed, is vague, and this entity appears to have been confused with gingivitis (inflammation of the gums). The latter condition is common among males of military age, and is usually attributable to inadequate oral hygiene. Oral hygiene level cannot be judged from a single observation, but requires repeated unannounced examination of a subject over several days. The failure to adequately assess this variable makes the data difficult or impossible to interpret.

The authors note that patients presenting themselves for dental treatment are a biased group. They are, in fact, an extremely poor choice for research purposes. Their oral hygiene level is apt to appear deceptively good because of anticipatory recent tooth-brushing, whereas the presence of "stomatitis" may be connected with the reason for their visit to the clinic.

Establishment of their brand of dentifrice by asking the subjects is of questionable validity. Few subjects would admit to using *no* dentifrice and would tend to respond with the name of the best advertised brand. This could explain the "good" showing of Dentifrice "B" in Clinical Survey I.

In Clinical Survey II the numbers of subjects are so small as to be meaningless.

With respect to the animal study, the criteria for *in vivo* evaluation are not given; so comments such as "loss" (of weight), "lethargy," "poor eating," etc. cannot be interpreted. In general, however, this study appears to have been carried out with extreme naivete, according to contemporary standards for animal experimentation. If anything, the authors' comments suggest that some test animals became sick, a result that is difficult to attribute to local mucous-membrane reaction to a surface irritant. (The occurrence of intractable diarrhea, by the way, is a frequent spontaneous occurrence in many hamster colonies.) Of course, since the authors are testing substances whose composition they do not know, no meaningful information could be *expected* to result from an animal experiment.

In general, these studies appear to have been poorly conceived and conducted. There is no basis from this report to raise questions regarding adverse reactions due to the dentifrices tested. Indeed, the fact that most of the dentifrices are in wide general use, including use among children, makes it unlikely that a tendency to produce stomatitis would remain undetected until now.

It is possible, of course, that certain ingredients in a dentifrice (as in any other locally applied product) could cause allergic reactions in certain patients, but even if this were demonstrated (it is *not* in these studies) it would not form a basis for general indictment of a product-type.

Since the authors' data, if accepted at face value, suggest a possible association (*not* a cause-effect relationship) between dentifrices and oral irritation, and since this is certainly a biological possibility, more thorough study might be justified.

The preferred approach would be a prospective clinical experiment, perhaps in younger subjects, in which chemically representative types of dentifrices would be compared under closely supervised conditions.

EXHIBIT 5

At the end of the bill add a new section as follows:

SEC. 5. Chapter VI of the Federal Food, Drug, and Cosmetic Act, as amended, is amended by adding at the end thereof a new section as follows:

"SEC. 604. Whenever the Secretary finds on the basis of research or tests that any dentifrice may cause irritation or other injury to the mouth or gums of certain individuals under conditions of use as are customary or usual, he shall require the manufacturer, packer, or distributor of such dentifrice to display conspicuously on the label of such dentifrice such warning as he deems appropriate to inform the users of such article of its possible dangers."

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 244

At the request of Mr. HUMPHREY, the Senator from California (Mr. CRANSTON), the Senator from Minnesota (Mr. MONDALE), and the Senator from Iowa (Mr. HUGHES) were added as cosponsors of amendment No. 244, intended to be proposed to S. 939, the military procurement authorization bill for 1972.

NOTICE OF HEARINGS ON ANTITRUST LAWS

Mr. HART. Mr. President, the Senate Antitrust and Monopoly Subcommittee announces hearings on S. 2373, the proposal to grant limited exemption from the antitrust laws in order to permit the merger of the American and National Basketball Associations, on September 21, 22, and 23.

Persons who desire to testify or file statements for the RECORD should contact Mr. Howard E. O'Leary, Jr., chief counsel of the subcommittee.

NOTICE OF HEARINGS ON NATIONAL PRIORITIES

Mr. PROXMIRE. Mr. President, I am today announcing the resumption of hearings on national priorities.

"Is the United States spending far more than it needs to defend itself against the military threat from the Soviet Union and mainland China?" is the issue a panel of experts including W. Averell Harriman, Abram Bergson, Wassily Leontief, George Rathjens, and John Fairbanks will discuss during 3 days of hearings, August 9, 10, and 11.

The committee's Subcommittee on Priorities and Economy in Government will hold the hearings next week on the relationship of Russian and Chinese economic strength to their military budgets.

In hearings held 2 years ago on how Russia and China's economic strength related to their military capability, the experts established some important facts. If the United States is figuratively 6 feet tall in its basic economic strength, then Russia is not 10 feet tall, but only 3 feet tall. Her economic capability and level of resources are roughly half that of the United States. In similar terms, China is not 6 feet or 3 feet or even 1 foot tall. She is figuratively 6 inches tall, for her economic strength is only one-twelfth that of the United States.

In view of the new overtures made to the Chinese by President Nixon, the question we must face is what level of military spending do we need to protect our national security? Unless the relative economic and military strengths of the Chinese and Russians have greatly increased over the last 2 years, the administration's request for an $80 billion military budget in fiscal year 1972 appears wholly inconsistent with either the real threat posed by Russia and China or the new relationships proposed by the President. We will ask our experts to focus their attention on that question.

The subcommittee is especially interested in the issue of whether there has indeed been any major shift in priorities within the United States. While loud claims have been made that a shift has indeed taken place, a defense budget of $80 billion is a wartime level of spending and appears to be totally inconsistent with the claims that we have shifted to a peacetime economy.

The issue is, what level of defense spending do we need both to protect ourselves against the actual military threat which Russia and China pose and to reorder our priorities here at home in order to keep ourselves economically strong and free?

All sessions will be held in room 1202 of the New Senate Office Building, **beginning at 10 a.m., on the following dates:**

MONDAY, AUGUST 9, 1971

W. Averell Harriman, former Ambassador and Governor of New York.

John Hardt, Research Analysis Corp.

Abram Bergson, Harvard University.

Wassily W. Leontief, Harvard University.

TUESDAY, AUGUST 10, 1971

Richard Davies, Department of State.

Richard R. Nelson, Yale University.

George Rathjens, Massachusetts Institute of technology.

WEDNESDAY, AUGUST 11, 1971

Jerome Cohen, Harvard University.

John Fairbanks, Harvard University.

Allen Whiting, University of Michigan.

ORDER OF BUSINESS

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will please call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

MIDAIR COLLISION AVOIDANCE SYSTEMS

Mr. MOSS. Mr. President, on July 7, 1971, I introduced S. 2264, a bill to require the installation of collision avoidance systems on air carriers and general aviation aircraft in order to minimize the hazards of midair collisions. The Senator from Nevada (Mr. CANNON) informs me that the Aviation Subcommittee will soon hold hearings on this measure.

While the industry continues to debate the need for a collision-avoidance system, midair collisions continue to take place. Last night a Continental Airlines 707 Jetliner flight from Hawaii with 91 persons aboard and a Cessna 150 collided in flight about 6 miles from the Los Angeles International Airport. Fortunately, the airliner landed safely with the only damage sustained being a 4-foot gash in its right wing, the tip of which was broken off. The smaller craft was sent out of control into a field and the pilot and his passenger sustained minor injuries.

The passengers on these planes were extremely fortunate in comparison with the 50 who lost their lives in a midair collision near Los Angeles in June, including 13 Utahans, and the 162 who lost their lives last week in a midair collision in northern Japan.

In 1971, there have been midair collisions involving air carriers between a B–707 and a Cessna 150, a military F–4 and a DC–9, and a B–707 and Cessna 150, in the United States; a B–727 and a DC–8 in Australia; and a B–727 and a military F–86 in Japan. The loss of life has been horrendous.

Now comes testimony that tested midair collision avoidance systems exist that could have prevented these tragedies, and that what is needed is endorsement from the Federal Aviation Administration so they can go into production. On Tuesday of this week, Mr. Anatole Browde, vice president of the McDonnell Douglas Corp. gave an excellent statement before the House Subcommittee on Government Activities on the present status of collision-avoidance systems. He testified that a time/frequency collision avoidance system has been "exquisitely" flight-tested and examined and is now ready for introduction. Air carriers, general aviation, and military aircraft can start equipping within 16 months. Airline transport aircraft will begin using the system in October and Piedmont Airlines has become the first carrier to order CAS equipment. Moreover, with the Micro-CAS in final design, McDonnell Douglas expects to produce the system at a price near $2,500. What is now needed is permission by the FAA for airlines to use CAS equipment and to resolve ATC/CAS procedural questions so that industry can begin production.

Mr. Wayne G. Shear, program manager for Collision Avoidance Systems for the Bendix Corp. also testified that the successfully tested time/frequency CAS "represents a 16-year evolutionary program with active participants from all segments of the aerospace industry." Mr. Shear stated:

> Extensive flight tests were conducted by the Martin-Marietta Corporation . . . during the period from June to November 1969. On March 20, 1970, the Air Transport Association issued a report stating the tests had been successful and that they had demonstrated the TAU-time/frequency method would provide pilots with warning and flight commands to prevent collisions, and that the system as then conceived had the capacity to accommodate all users of the airspace for the foreseeable future.

Mr. President, we have the technology to keep airplanes apart in our increasingly crowded skies. The tragic record speaks for itself regarding the urgent need for collision avoidance. Congress and the Government must move immediately to protect the lives of America's air passengers. I call upon the FAA to clarify its acceptance of the CAS concept and publish guidance documents for the manufacturing and user industries. I ask unanimous consent that the complete text of Mr. Browde's statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

STATEMENT OF ANATOLE BROWDE

Mr. Chairman and Members of the Subcommittee: McDonnell Douglas (MDC) has been actively working in the field of collision avoidance since 1960. (We recognize that the air-to-air collision avoidance system is no substitute for an effective air traffic control system. Collision avoidance is a back-up, but one that is vitually needed.) The system, on which the ATA-recommended airline system is based, started flying at MDC in St. Louis in 1964. It became operational in 1965. Since then, it has been mandatory for flight for all F–4s operating in the St. Louis area.

The first two prototype systems for airline use, built in accordance with airline specification ARINC 587, are in flight test. They have passed significant laboratory tests to prove their fitness for airline use—they have been vibrated, heated and cold soaked. They will fly in airline transport aircraft in October of this year. Piedmont Airlines became the first carrier to order EROS Collision Avoidance Equipment in June. The Micro-CAS for general aviation is now in final stages of development, two prototype units will be flying later this year, in conjunction with the airline systems.

Today I would like to address three major questions: (1) Why time/frequency technology for collision avoidance.

(2) What has been done to validate the time/frequency system, and

(3) What can the Government do to achieve implementation and insure its use.

The first question I raised is why should the time/frequency technology be used for the U.S. collision avoidance system (CAS) standard. The answer to that is technical—the time/frequency system of all systems in existence today will provide protection under *all* operating conditions without saturation, even under the heaviest traffic conditions. It enables construction of equipments sophisticated enough to meet the stringent separation requirements of our supersonic military aircraft and our large jet transports, yet can be scaled down for the smallest private aircraft.

Let us first examine how one establishes that two aircraft are on a collision course. For all but the slowest aircraft, three quantities are required—how far apart the aircraft are—range, what their altitude separation is, and how fast they are closing on each other—relative velocity. Exhaustive analyses show that, in the worst condition, reciprocal climbing, diving and turning aircraft and perhaps slow pilot response time, 25 seconds are needed to execute a separation maneuver and 40 seconds of alert time are required to advise the pilot of traffic about him. Let us relate this to real life situations. Two subsonic jets head-on—a 747 and a DC–8—must be alerted when they are 14 miles apart and given mandatory maneuver commands when they are 8 miles apart. For a jet and a light aircraft, the mandatory maneuver range is 5.5 miles, the advisory alert range is 10 miles. For an F–4/DC–10 encounter, the alert range is 22 miles, the mandatory maneuver range is 13 miles.

Non-time-ordered systems are not new. They all have the same problem. For every response there must be an interrogation. Each interrogation triggers responses from all members within earshot. Let me use an analogy. The time/frequency system operates like a "count-off"—in turn, each aircraft identifies itself. Imagine for the moment, 2000 members of a group in a large hall. The time/frequency system assigns a number to each man and each man in turn calls out his name in roll call order—there is no confusion. Transponder systems require one man to yell: "Where are you?" and all who hear him, to immediately reply. The resultant confusion of 2000 simultaneous answers is what we call saturation. There are ways of reducing this confusion. For instance, we can ask each man to pitch his voice differently and recognize that difference in pitch. One system being proposed uses between 10 and 20 different frequencies and a sophisticated selective response scheme. But, in the end, the only way transponder designers have been able to overcome saturation is by cutting down power and hence communication range. The interrogator talks softly and only the few people that can hear him reply—they, of course, are close by and, for these few, confusion of saturation is reduced. Yet, as I have shown for a subsonic jet encounter, 14 miles of warning are required. In a terminal area, there may be as many as 100 airplanes in that space today and many more in the future.

Cutting down power also cuts the reliability of communications. The Collision Avoidance Working Group of the Air Transport Association, consisting of a broad spectrum of airlines, government and industry representatives, has consistently rejected a low-power approach. We expect aircraft to turn, antennas to be shadowed, the worst case to obtain at times. Another analogy—a 150 watt light bulb can be seen much farther than a 2 watt light bulb and reliability of distant communications is needed for collision avoidance. The Air Transport Association, therefore, rejected transponder systems.

The next question to be raised is cost. Can a time/frequency system be built at a reasonable price? McDonnell Douglas projections are based on designing hardware, ranging from that for the Phantom through the system suitable for air transport to that required for general aviation. Our costs are based on bills of materials, realistic labor rates and design costs. We also know that for general aviation avionics equipment, a manufacturer much achieve a sales price of approximately four times the cost of parts, in order to produce the equipment at a profit. In hearings of this committee held on January 27–28, 1970, Mr. Charles W. Harper, then Deputy Associate Administrator for Advanced Research and Technology of the National Aeronautical and Space Administration, discussed our work on Micro–CAS, which was, at that time, in conceptual stages. At that time, we estimated a $3,000 price for a small aircraft system. Mr. Harper, when questioned by this committee, felt that the cost would be considerably higher. Today, with the Micro–CAS in final design, we believe that our initial price estimates were high. We expect to be able to produce the Micro–CAS at a price near $2,500. History teaches us that even this estimate may be too high. For example, when the air traffic control transponder was first introduced for general aviation, it cost $2,500; with other companies entering the field, today that price is below $1,000.

Our Micro–CAS will do much more than just provide air-to-air collision avoidance. It provides ground obstacle protection that will prevent an aircraft hitting a hillside or a tall building if a very inexpensive time/frequency beacon is installed at that site. Most importantly, the system, in concert with a time/frequency beacon at an airport, will provide a ring of protection around that airport so that when an aircraft approach is too low, it will get a command to climb. While this is no substitute for an ILS glide slope, it may provide a cheap way of making a safe, non-precision approach at airports lacking a full ILS. It protects all runways with a single installation. It does not present the difficult installation problems of an ILS system.

Let me now turn to the next question, what has been done to validate the time/frequency system. Time/frequency technology is the result of four years of intensive study at McDonnell, starting in 1960 when we had a mid-air collision involving two F–101s. In 1964, we flew our first EROS system. In 1965, it became operational on every Phantom flying in St. Louis. In 1966, at the urgings of a number of airlines, we submitted proposals to airlines and FAA for implementation of the system to protect transport aircraft. Realizing that a collision avoidance system will only be useful if commonality exists, i.e., all users must be able to have compatible equipments that talk to each other, the ATA asked us to share our knowledge with the rest of the industry and the airlines. A major reason for this is that the airlines are most reluctant to install equipment produced by only a single manufacturer. We were, therefore, asked to contribute the fruits, at that time, of over $3M worth of intensive company-sponsored research. We did so because we believed that early introduction of collision avoidance equipment was vital for the growth of civil aviation in the U.S. Since 1966, the collision avoidance specification for the airlines, which includes provisions for general aviation, has been carefully refined in open meetings. The technical specification, Air Transport Association ANTC Report 117, now adopted, resulted from this effort. Before the prototype hardware could be built, tests had to be run. In addition to the 15,000 flights run on the EROS I system, the ATA asked us and other manufacturers to produce equipment for tests by an independent test contractor, Martin-Baltimore. This was done, the tests were flown in 1969, and the results proved that the time/frequency collision avoidance concept was suitable for collision avoidance use, met the specification, and the equipments built by different manufacturers to ANTC 117 were compatible. A hardware specification then had to be generated by hammering out system details in the Airline Electronic Equipment Committee (AEEC), a body that defines hardware for airlines so that complete interchangeability of various manufacturer's equipment exists. This process takes additional committee work, generally lasting one to two years, and the ARINC 587 Characteristic covering collision avoidance was adopted by the airlines in April, 1970.

Still unanswered then was the question of how the system interacts with air traffic control. McDonnell Douglas, again at its own expense, ran some 30,000 worst case encounters on a digital computer to prove (1) that the system indeed provided safety and (2) that the system did not waste air space. (I would like to interject that time/frequency adherents use simulation to examine how the collision avoidance threat logic and aircraft performance parameters interact to provide optimal air space usage. Other systems are still concerned in their simulation as to whether the signal can be heard at all.) This simulation was augmented by an exhaustive analysis of those very few areas where perhaps some conflicts existed between air traffic control and the collision avoidance threat logic. MDC did this by comparing minimum separation standards contained in the air traffic controllers' manuals with collison avoidance standards. This was completed over a year ago. The FAA has just completed its first simulation of the Chicago-O'Hare high density traffic pattern with and without collision avoidance. While the FAA data has not been fully analysed, preliminary results indicate quite clearly that the system is usable with, and in fact complements, air traffic control, and the only question to be answered is when to switch the system to the landing mode.

I have spent a lot of time on this point for only one reason—once an avionics concept is presented to the aviation industry, it takes a minimum of five years and often ten, before hardware appears in the cockpit. The time/frequency collision avoidance system is now ready for such introduction because it has gone through the hard and exquisitely detailed examination required by the industry. Hardware, built under approved airline specifications exists and can be ordered today on a fixed price basis. Airlines can start equipping within sixteen months. General aviation and military equipment can be available in the same time frame. No other system exists today that is in this state of development, including transponders, remitter systems, satellites or equipment for intermittent positive control.

This then leads me to my last point—what can be done by the government to implement collision avoidance. On June 25, 1970, the Air Transport Association Board of Directors requested the airlines to start implementing time/frequency collision avoidance and a number of airlines, among them United Air Lines with its test program starting in October, and Piedmont with its purchase, have complied.

What is needed now is permission by the FAA for airlines to use their purchased CAS equipment. We believe that sufficient data is available now to enable such endorsement.

Final mode control parameters will come from the FAA Atlanta City facility by the end of this year, resolving the few remaining ATC/CAS procedural questions that are still open.

Also, the FAA programs to provide for the ground stations and general aviation equipment designs should go forward with full speed. The ground stations are required for general aviation, not for the airlines. Airline and military systems have built-in features that enable one system to resynchronize another and also for them to operate in the back-up mode without synchronization. An airline aircraft is also able to resynchronize a general aviation aircraft. It is the small airplane, operating in remote areas, that should have the synchronizing service and the 65 ground stations shown in the FAA ten year plan. FAA is about to take the first procurement action for these ground stations and we would urge that this move along as rapidly as possible.

A Senate bill (S. 2264) has been introduced, making collision avoidance mandatory after 1 January 1973. We believe a more gradual time scale of introduction may be of benefit. Thus, collision avoidance could be made mandatory for new military and civil aircraft delivered after July 1973. Several manufacturers can provide equipment for such installation. I refer specifically to such military programs as the F–14 and F–15, and the wide-bodied jets such as the DC–10.

For aircraft that must be retrofitted, the 1975 time frame seems reasonable. Additionally, one of the main deterrents to fast CAS implementation by the airlines today is their poor economic health. The government might well forgive a portion of the user tax paid by CAS-equipped aircraft to induce purchase of collision avoidance equipment.

The record speaks for itself regarding the urgent need for collision avoidance. The tool is at hand in the time/frequency technology to achieve an ultimate solution. We should move forward to use it just as quickly as possible.

ORGANIZED CRIME—CORRECTION OF HEARING RECORD

Mr. McCLELLAN. Mr. President, some few days ago, while interrogating a witness who was testifying before the Senate Permanent Subcommittee on Investigations, and while discussing certain ethnic groups, I unintentionally and inadvertently used a wholly inappropriate term of reference to our many fine Americans of Polish descent. I was not cognizant of this error until someone called it to my attention that evening after the committee had adjourned. When the committee resumed hearings the next morning, I promptly corrected the permanent Record and inserted the following statement in the committee hearing record:

Stenographic Transcript of Hearings Before the Permanent Subcommittee on Investigations of the Committee on Government Operations, U.S. Senate

Chairman McClellan. Before beginning this morning I have a brief statement. It has been called to my attention that during our discussion of ethnic groups with the witness yesterday, I apparently inadvertently used a wholly inappropriate term of reference to our many fine Americans of Polish descent.

I do not recall using the term. The word is not a normal part of my vocabulary and, I assure all of those of Polish descent that, if used, it was totally unintentional. If anyone may have been offended by this inadvertence, I extend my personal apology.

Mr. McCLELLAN. Mr. President, thereafter, I had correspondence with Mr. Casimir Lenard, executive director of the Polish American Congress, Inc., which is self-explanatory. I ask unanimous consent that it be printed at this point in the Record.

There being no objection, the correspondence was ordered to be printed in the Record, as follows:

Polish American Congress, Inc.,
Washington, D.C., July 28, 1971.

Hon. John L. McClellan,
U.S. Senate,
Washington, D.C.

Dear Senator McClellan: As Executive Director of the Polish American Congress which represents over twelve million Americans of Polish descent, I would like to take this opportunity to express to you our sincere admiration and appreciation for the outstanding work of you and your Permanent Subcommittee on Investigations. You are indeed performing a great service to our country in your valiant efforts to obliterate crime from our society. We Polish Americans, as God-fearing and law-abiding citizens, commend you and congratulate you.

Because of our long standing esteem and respect for you, we find it almost totally unbelievable to discover, via coast-to-coast television, your feelings toward us!

It was with utter astonishment we heard you defame proud and dignified Americans. We are saddened and shocked to know these words will reach untold millions throughout the world by way of the press, radio, television, the Congressional Record and worst of all, be printed in the Committee Report which will be distributed for years to come.

Your words, spoken while you were interrogating Vincent Teresa, and I quote, "Is the operation limited to one ethnic group . . . would you identify Italians, Irish or *Polacks*" have called forth serious repercussions. I now call to your attention the definition of a "Polack" as printed in Webster's

Unabridged Dictionary. "Polack: A person of Polish descent. A vulgar term of prejudice and contempt."

We sincerely believe a great injustice has been done, and public apology for the use of the word "Polack" is mandatory. Unless you strike your slanderous word from the record and announce to the world the use of the word was unintentional irrevicable, damage will be done.

We urge you to quickly retract your insulting attack on Polish Americans.

Sincerely yours,
Casimir I. Lenard,
Executive Director.

July 29, 1971.

Mr. Casimir I. Lenard,
Executive Director, Polish American Congress, Inc., Washington, D.C.

Dear Mr. Lenard: This is in further reference to my telephone call of this date.

The enclosed copy of Stenographic Transcript of Hearings before the Permanent Subcommittee on Investigations of July 28, 1971, contains my explanation and apology to those many fine Americans of Polish descent.

I appreciate your understanding, and I hope that the statement which I have made will be accepted as a sincere explanation of this regrettable, inadvertent, and unintentional use of an improper word.

With very kindest regards, I am

Sincerely yours,
John L. McClellan.

Enclosure.

Polish American Congress, Inc.,
Washington, D.C., July 30, 1971.

Hon. John L. McClellan,
U.S. Senate,
Washington, D.C.

Dear Senator McClellan: I have received your statement presented before your hearings of the Permanent Subcommittee on Investigations. It was most kind of you to telephone me personally to inform me of your action. On behalf of all Americans of Polish descent, I accept your apology for the most unfortunate incident.

Knowing full well the tremendous pressure and stress you undergo each day, and appreciating the overwhelming demands on your Office, I have but one more request.

Since you have already prepared the statement and indicated your willingness to co-operate in every way, could we ask that you insert your remarks in the *Congressional Record*? This would be tangible evidence to our people your feelings toward us. We would be most grateful and would find this of great value to future relations.

Thank you for your gracious cooperation.

Sincerely yours,
Casimir I. Lenard,
Executive Director.

Mr. McCLELLAN. Again I state publicly, Mr. President, that the reference was wholly inadvertent and unintentional, and I sincerely apologize for this inadvertence to anyone who may have taken offense from it.

VOLUNTARY WAGE-PRICE GUIDELINES

Mr. MATHIAS. Mr. President, yesterday 12 of my Republican colleagues and I joined in calling for the establishment of a wage-price board which could set voluntary wage-price guidelines. The board would have numerous powers, among them powers relating to using Government procurement, Government loans, and Government loan guarantees to help enforce the guidelines.

Mr. President, I am pleased to see that President Nixon has now shown new interest in such a board. The President's remarks are reported in this morning's Washington Post. While it is true that the President still has not called for the creation of such a board, he no longer positively appears to oppose its creation. The President suggests that congressional hearings on the idea might now be appropriate, and I would hope that such hearings could be held very soon on the bill which my Republican colleagues and I proposed yesterday. The state of the economy is too serious to let partisan or personal feelings delay the immediate undertaking of necessary economic measures. I urge both the President and my fellow Senators to give more consideration to the merits of a wage-price board.

Mr. President, I ask unanimous consent that the Washington Post article, written by Carole Shifrin, which reports the President's remarks, be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

President Warms to Pay Panel: But Rejects Control on Wages, Prices

(By Carole Shifrin)

President Nixon yesterday reversed an earlier position and said he would not reject out-of-hand the idea of a government board to suggest national standards for wages and prices.

But the President was far from enthusiastic. He told an unscheduled news conference that he would consider such a board only if congressional hearings convinced him that government pressure to influence wages and prices could work "without stifling the economy."

He flatly rejected mandatory wage and price controls, specifically criticizing 'the Galbraith scheme, which is supported by many of our Democratic senators." Economist John Kenneth Galbraith has called for legal limits on wages and prices under certain conditions.

At the same time, he discounted reports of a clash between him and Federal Reserve Board Chairman Arthur F. Burns. Last week, reports emanating from the office of Director of Communications Herbert G. Klein, but later denied by the White House, suggested that Mr. Nixon was thinking of seeking an increase in the number of Fed governors because of unhappiness with Burns. Yesterday, the President praised Burns and said the two are in agreement.

Mr. Nixon's remarks to newsmen followed immediately a news conference held by 13 Republican senators who said they were "vitally interested in the success" of the administration, but "deeply concerned" about the "unacceptably high rates of unemployment and inflation." They insisted that the "traditional rules of economics are not working . . . and additional measures are needed."

President Nixon several times made clear his skepticism about the usefulness of a wage-price board, but he didn't reject it out-of-hand as he has in the past.

He said he was not convinced that "we can move in that direction and be effective," but he left the door slightly ajar. "As far as we are concerned, we have an open mind in terms of examining the various proposals to see if there is a new approach which we may not have thought of," Mr. Nixon said.

Referring to proposed public hearings, he said, "I have serious doubts that they will find such a new approach, but I do want to indicate that we will examine it because we all agree that the wage-price spiral is a significant danger to this expanding economy."

Only minutes before Mr. Nixon talked to the press, Treasury Secretary John Connally, the administration's chief economic spokesman, issued a statement saying the administration would welcome "a full-fledged debate in the Congress" on wage and price policies.

Listing a number of questions he felt a review must explore, Connally added, "It should explore the historical record during the periods when we have had wage and price programs, and it should probe carefully the extensive experience of other nations.

It was clear from Mr. Nixon's remarks to the press, however, that he thinks the "historical record" will reaffirm his pessimism about the possibilities of guidelines. "My study of the situation indicates that guidelines in this country have always failed," he said.

"They have never worked," he continued. "Guidelines in other industrial countries, including Canada, for example, and Britain, have worked only for a short time and then have fallen because guidelines basically connote voluntary compliance and voluntary compliance goes on only for a brief time."

The administration's approach "at this time" Mr. Nixon said, is "a selective one—to take those particular industries that are coming up for bargaining and to use our influence as effectively as we can to see that those settlements are responsible."

He promised to "use the power of this office to the extent it can be effective" to see that future wage and price negotiations are responsible.

"I shall continue the policy of moving aggressively on individual settlements on a case-by-case basis," he said.

In response to a question asking why he does not ask leaders of the steel industry to cancel their recently announced price increases, Mr. Nixon replied that such a move "would not be effective."

Saying that steel profits are the lowest of any major industry, Mr. Nixon added, "To tell the steel industry that after they have negotiated a settlement they must roll back their price and run at a loss is simply unrealistic.

"They are not going to do it," he said.

In his comments on Arthur Burns, he moved to dispel rumors:

He does not disagree with Burns on economic policies, he indicated. "Arthur Burns, in terms of monetary policy and in terms of fiscal policy, has followed a course that I think is the most responsible and statesmanlike of any chairman of the Federal Reserve in my memory" Mr. Nixon said.

Burns did not ask for a raise, Mr. Nixon said, contrary to reports. In fact, he said, the Office of Management and Budget had recommended that the chairman of the Federal Reserve, as the United States' central banker, be given a pay raise. But when the matter was raised, the President said, Burns indicated that neither he nor any other high government official should take a salary increase when raises in other areas of governmet would be limited.

(When Burns was a member of the Cabinet—as counselor to the President—Burns even recommended that Cabinet officers take pay cuts. The proposal was not followed.)

The President explained that he had determined that an increase in the government blue-collar wage scale would not be in the "interests of our fighting the inflation battle."

In his comments about the state of the economy, Mr. Nixon rejected "gloomy predictions," adding, "there is a lot of steam in the boiler."

"I would not sell the United States economy short at this point," Mr. Nixon said. "And long term, I would not be selling my investments in the American economy—whether it is in stocks or real estate or what have you."

He reiterated his view that 1971 would be "a good year" for the economy and "1972 would be a very good year."

In addition to the wage-price review board bill, the group of Republicans proposed a bill which would establish a national council on productivity to replace one set up by executive order. The council would seek an increased rate of American productivity—a rate which since 1965 has been lower than any other industrial nation.

"We believe there is a crisis of confidence in the country," Sen. Jacob Javits (R-N.Y.) said on behalf of the group. "We are proposing what we believe ought to be the policies of our administration.

"The President has shown he can change course," he said. "His feet are not fixed in concrete."

Both bills, Javits, said, contain what the GOP group believes are "essential" powers.

Treasury Secretary Connally's statement suggested that whatever its outcome, congressional consideration of wage-price board legislation should "provide the forum for a useful discussion of important economic issues."

WOMEN PILOTS PAINT MARKERS FOR SAFETY

Mr. RANDOLPH. Mr. President, the 99's, Inc., a well-known organization of certificated women pilots, recently embarked on a project, with the cooperation of the Federal Aviation Administration, to paint air markers across the country. Air markers are painted symbols, recognizable by pilots from the air, which provide valuable information to pilots flying by visual reference.

The initial air marking program was undertaken in 1947, a joint effort by States and the Federal Government. Although 24 years have elapsed since the air marking program began, and aviation has made great technological strides, these yellow markers still perform an important air safety function. FAA administrator John H. Shaffer noted in a recent letter to me:

> Air markers are not only useful for the novice pilot, but help to keep wandering aircraft out of restricted areas and serve to give an accurate position report to the FAA air traffic controllers.

I am particularly gratified that this civic-minded group of women pilots, the 99's, have undertaken such a worthwhile safety-related project. My commendation to these ladies is a personal one, as well: it was my amendment to the 1947 CAA appropriation bill that provided the initial $100,000 for air markers, a program carried forward through the leadership of Mrs. Blanche Noyes, of the FAA.

Mr. President, I ask unanimous consent to have printed in the Record the letter from FAA Administrator Shaffer concerning the air marking program and the fine work of the 99's, Inc., associated with it.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Department of Transportation,
Federal Aviation Administration,
Washington, D.C.

Hon. Jennings Randolph,
U.S. Senate, Washington, D.C.

Dear Senator Randolph: This is in response to your 2 May 1971 telephone conversation with Mrs. Blanche Noyes in which you asked for a report on air marking and the number of air markers constructed as a result of the $100,000 which was in the 1947 CAA Administrator at that time for overhead. Forty-eight states were alloted $82,000 for air marking on a 50–50 matching fund basis. Many of the state aeronautics commissions continued their air marking programs long after the Federal funds were expended. As a result, approximately 75,000 air markers were constructed throughout the United States. Eleven states still have perpetual air marking programs.

At the present time the Federal Aviation Administration has approximately 3,600 gallons of yellow paint at the FAA Aeronautical Center Supply Depot, Oklahoma City, Oklahoma. Six hundred gallons were declared surplus by the military and recently 3,000 by the General Services Administration. Our plan is to allot this paint to state, civic or flying organizations for air marking upon request. We do not have funds for delivery, so the recipients will pick up the paint in Oklahoma City or pay the shipping charges.

Mrs. Noyes is arranging "Project Paint Airlift" with the 99's, Inc., who will have their International Convention in Wichita, Kansas, in August. They plan an airlift of required paint from the Depot to various states who have indicated a need. The airlift is tentatively scheduled for 15 August 1971.

The 99's, Inc., which is a group of certificated women pilots, have as their major service project, air marking, and are doing a commendable job. The Tip of Texas Chapter is leading the organization's air marking program, having constructed 500 air markers over the past ten years. At this time they are rebuilding the air markers which were destroyed by the 1970 hurricane. They have painted 13 so far this year. FAA furnished the paint.

We hope that with the paint we have we can reactivate many of the state aeronautics commissions' air marking programs, for air markers are not only useful for novice pilot, but help to keep wandering aircraft out of restricted areas and serve to give an accurate position report to the FAA air traffic controllers. This saves controllers and flight specialists time in locating lost aircraft, especially in bad or deteriorating weather.

You will be interested in the following excerpt from the FAA Headquarters INTERCOM of 24 May 1971.

"Richard B. Cox, flight specialist at the Parkersburg, W. Va., Flight Service Station, successfully handled five flight assists in a one-hour period recently, during deteriorating weather in the vicinity of his station. Four of the aircraft landed safely at Parkersburg and one touched down at Charlestown, W. Va. The five aircraft were among those carrying 504 people who made happy landings in the past month in various parts of the nation thanks to 313 flight assists. Pilots requiring assistance included 181 who were lost, 38 low on fuel, 52 imperiled by bad weather and 74 with equipment failures. Thirty-nine student pilots were involved and 18 gear up landings were averted. New air traffic rules and procedures designed to enhance operation safety and reduce the potential for midair and near midair collisions in the congested airspace of New York and Los Angeles were proposed last week by the agency."

As you can see, everything is being done to bring greater safety to aviation. We thank you for your interest in air marking and the help that you have given it over the years, and we are especially appreciative of that first $100,000 which was placed in our 1947 budget by you.

Sincerely,

J. H. Shaffer, Administrator.

SOVIET DAY OF SHAME

Mr. HRUSKA. Mr. President, I rise to commemorate the third anniversary of Russia's cruel subjugation of Czechoslovakia, memorialized by free Czechs and Slovaks everywhere as the "Soviet Day of Shame."

It was on August 21, 1968, that Russia's death-dealing tanks overran the small but courageous Czech nation which had been experiencing a mellowing of its Communist rule.

On that day began the persecution of a valiant people, the likes of which have seldom been seen since the Inquisition. In truth, Mr. President, even the Inquisition had a pretense of courts to judge the persecuted. In Czechoslovakia there were no trials for the freedom-loving people who dared to strive for their God-given independence in the early months of 1968. They were ruthlessly purged from government and stripped of their basic liberties.

Czechs of all ages, faiths, and occupations resisted the Russian military juggernaut to no avail. But, as in 1937 when Hitler's troops first crushed the flower of Czech nationalism, the desire to resist tyranny and the love of freedom survived the initial onslaught.

That is what we must remember today, Mr. President. We must remember that every Czech's heart beats a little faster when he recalls the brief sweetness of freedom once enjoyed, or when he dares to think of a future when the Russian oppressors are expelled.

Courageous and spirited Czechs performed acts on that day in August which are an example to freedom loving peoples everywhere. The young Czechs bombarded and catcalled the Russian troops while their elders rose in their assemblies to speak out against the aggressors.

Perhaps the most moving event was when the American and European tourists held captive by the ruthless Communists were finally allowed to leave the country. The brave Czechs lined the streets and roads leading out of the country and waved a sad farewell to the lucky motorists. Many gave flowers to the tourists, and some even apologized for the cruel interruption of the visit. It is impossible to recapture these poignant moments with mere words.

But it is important that we be reminded of our own good fortune to live in a country which espouses freedom. The Czechs look to us as an example symbolizing a goal which they yearn to attain in their small country.

Just 2 weeks ago, during Captive Nations Week, I called upon all Americans to renew and heighten their own awareness of cherished liberties and "to inform captive peoples in all possible ways that we truly understand and care, both for their freedom and ours."

I repeat this plea today: that we direct our efforts to breaking through the Iron Curtain, which alas still exists, to assure our Czech brothers and sisters, and those of all captive nations, that we stand proudly with them in the quest for freedom.

We must all reassert our profound disgust for a Communist system so fearful of individual liberty that it must quash all natural stirrings of freedom.

It is a fundamental truth that the desire for independence is impossible to subdue in any man. The desire is the birthright of every human being. In Czechoslovakia this spirit lives, and will continue to thrive until the oppression is broken and the Czech people live once again in freedom.

RECOMMENDATIONS FOR THE PROPOSED JUDICARE PROGRAM FOR CALIFORNIA

Mr. CRANSTON. Mr. President, it is expected that very shortly, perhaps, conveniently, while Congress is in adjournment, during August, the Office of Economic Opportunity will make clear the particulars of a $2.5 million grant to a "California legal services foundation"—a nonprofit entity organized exclusively by the California State Office of Economic Opportunity for the purpose of conducting an experimental judicare program. This grant was originally annnounced on June 30, 1971, by the OEO Director in a press release of that date. At that time, I raised serious questions about the grant and its purposes. To date, these questions remain unanswered.

Mr. President, the California State OEO is the same office that a recent GAO audit found to have substantially misused significant amounts of grant funds.

It is the same office which a recent OEO evaluation report described as "not an advocate for the poor."

It is the same office which "does not intend to serve in a helpful manner as prescribed in OEO instruction 7501-1 to alleviate the conditions of poverty in the State of California."

It is the same office, which the evaluation further found, has clearly failed to carry out the State OEO guidelines and instructions for State OEO offices, and, despite the expenditure of substantial funds—in excess of $800,000—for staff and other purposes, had achieved only negligible results.

Finally, it is the same office which was characterized by the independent judicial commission on CRLA as presenting in its report on CRLA "completely unwarranted," "totally irresponsible" and "unfounded" charges.

Mr. President, I agree with both the Office of Economic Opportunity and the Governor of California that the legal services program should be expanded so that it reaches as many Californians as possible. I am deeply concerned, however, that the altogether discredited California State OEO, which has been found to be philosophically opposed to alleviating and eliminating poverty in accordance with national OEO guidelines, and which is obviously biased aganst the California rural legal assistance program, should in any way be permitted to control the use of $2.5 million additional Federal dollars. I am equally opposed to having the Governor's office, for which the State OEO was, indeed, acting as an agent, receive such a grant.

Rather, I strongly feel that if a State judicare experimental program is to be established, Federal grants for its implementation should be made only to the State bar association—as recommended in resolutions of both the Los Angeles and San Francisco bar associations—and not to the highly criticized State OEO or an unrepresentative foundation established by that agency. I feel, too, that the director of such a program must be representative of the client community for which the program is to be established; that minority law groups and client representatives and legal services attorneys should be included among those consulted in the planning of the program and should, as well, serve on the program's board of directors.

In recent weeks I have been contacted by various groups in California—the Protective Council of California Senior Citizens, minority bar associations, and local bar associations, as well as private attorneys and individuals, asking me to urge that OEO grant this $2.5 million to a group representative of the State's attorneys and the client community which this experimental program would attempt to serve, and not to the State OEO. I already have urged former OEO Director Carlucci personally to adopt this approach.

Mr. President, I wish to go on record as being unequivocally opposed to such a grant to the State Office of Economic Opportunity or the Governor's office. I pledge to do all I can to see that such a grant occurs only in an accountable, responsible manner under the direction of the State bar association, minority member bar groups and legitimate representatives of the poverty client community, and I ask my colleagues to join me in this endeavor. To this end, I am today writing to OEO Acting Director Wesley Hjornevik expressing these views and recommendations.

DANGEROUS SPENDING TRENDS

Mr. CURTIS. Mr. President, it is very evident to all serious minded citizens that the U.S. Government has budget troubles; that we still have a large deficit, and the national debt is growing. It is very important, however, that we realize the cause of all of this. To know what the facts are is the first prerequisite to taking steps to reverse these unwholesome and downward trends.

If the U.S. Government is ever to face a fatal crisis financially, it won't be because of programs for public works or the space program or even the defense of the country. This last year our defense expenditures, in spite of the fact that we are at war in Vietnam, were at the lowest percentage of our national budget since 1950. The lion's share of the Federal expenditures is going for domestic-civilian programs. Many of these programs run in perpetuity. These programs called for small expenditures when they were initiated, but every year the commitments under these programs for expenditures get larger and larger.

If we are to ever get our financial house in order, there is one thing that can be done and that is to stop enlarging the Government, to stop voting in new programs and to stop creating new Government agencies. We should put an end to this practice of committing the taxpayers of future years to supporting growing programs when those who will then be in charge of our Government will have had nothing to do with inaugurating those programs. We haven't moved in that direction and the Congress must bear a substantial portion of the responsibility.

I have been shocked at the bills that have been introduced since we convened in January 1971. Were these bills to be enacted, our deficit would not be $23 billion or $25 billion, but literally more than seven times $25 billion deficit.

On April 5 I addressed the Senate regarding the staggering cost of legislation introduced in the 92d Congress through March 15.

Today, approximately midway through the first session, I would like to update the information contained in the original study and bring the figures current through July 15.

As you may remember, my earlier report covered some 85 measures for which cost figures or estimates were available. I noted at that time probably two-thirds that many additional measures should have been included had cost estimates been available, but unfortunately many bills merely authorize "such sums as may be necessary to carry out the provisions" thereof and no estimates are available.

I should add, also, before discussing the updated figures, that the same basic framework was again employed in developing the study and the following categories of legislation were excluded from the study:

First. Bills authorizing appropriations for the simple extension of existing programs.

Second. Bills relating to defense and military spending.

Third. Bills authorizing appropriations for public works.

Fourth. Bills establishing repayable loan operations such as the Rural Telephone Bank, National Student Loan Association, and so forth.

Fifth. Bills providing income tax deductions, exclusions, credits, or incentives.

Sixth. Bills increasing benefits or modifying coverage under social security, veterans, civil service, and railroad retirement pension programs.

For details of the framework in which

the study was grounded, see the Congressional Record of April 5, 1971, pages 9652–9654.

The updated study covers 112 bills introduced since March 15, for a total of 197 measures. Once again, nearly as many additional bills should have been included, had any cost figures been available.

The cost of the 112 additional measures, during fiscal year 1972 would total $25,580,107,000 or approximately $125 per person for every American citizen. This brings to $156.2 billion the single year grand total for new domestic spending proposals, a figure which represents about $760 for every man, woman, and child in the country or $3,040 for every family of four. And that is only the amount these bills, if enacted, would cost the taxpayers this year.

In terms of total cost, without, without regard for fiscal year limitations, the 112 new proposals authorize expenditures of $105,331,757,000, bringing to $351.3 billion the total cost of measurable domestic spending proposals now pending before the 92d Congress or already enacted by it. This amounts to more than $1,700 per U.S. citizen or $6,800 for a family of four, largely over a period of the next 4 years.

Is it any wonder that Congress suffers from a lack of credibility among the American people? It is quite obvious, on the face of it, when these figures are analyzed, that if these were all serious proposals and were indeed enacted, the financial consequences would be catastrophic. What, then do legislators who continually drop such bloated spending proposals into the legislative hopper really intend? Have they simply no head for figures? Or is it possible they simply seek the political benefits to be derived by promising largess from the Public Treasury to specific, readily identifiable elements of the voting populace who can be expected to respond with solidarity at the polls? Looking at the nature of many of these proposals, one is tempted to wonder if this is not the case.

I might comment at this point on an interesting sidelight of the study. As I noted in my earlier remarks, where the same or similar bills have been introduced in both the House and Senate—or more than once in the same body—the figures were included only one time, using the highest funding level where variations in cost occurred. For that reason, only one of the numerous "health security" or health insurance proposals, S. 3, estimated to be the most expensive, was included in the study. If, however, the seven such proposals for which some sort of estimates are available—and which, in fact, vary widely both as to provisions and cost—were added together, the total estimated cost of this one limited area of proposed domestic spending would, alone, total $194.9 billion in the first fully operative year; and that figure excludes at least three other measures of this type for which no estimates are available.

Thus, omitting S. 3 which was included in the study, the cost of health care proposals would add $117.9 billion to the previously noted $351.3 billion overall cost of pending domestic spending proposals, for a grand total of $469.2 billion. Of that total health care would constitute nearly a quarter.

Here we have a figure greater than the entire estimated national debt for 1972, $429 billion; and more than twice the amount of the entire fiscal year 1972 budget, $229.2 billion. Furthermore, it is nearly four times the $130.4 billion figure which represents the estimated 1972 income tax receipts. When those figures are kept in mind, it is difficult for me to characterize the legislative proclivities of this Congress as anything but profligate.

Look at the updated figures again with me. It is proposed that we spend $156.2 billion on new domestic programs in this fiscal year. Since no figures are included in the study if they represent the level of current expenditures for existing programs, there is not a great deal of overlap between the fiscal year 1972 budget request of $229.2 billion and the figure representing the cost of new programs. Only where budgeted items represent funds requested by the administration for new programs—such as the new spending requested in the special revenue-sharing bills—is there overlap. Thus, Congress is asking that the present deficit budget be increased by almost two-thirds. Think what a family of four could do with the more than $3,000 in increased taxes that would be required of them this year to pay for these programs. Then, consider the number of families who pay little or no taxes. What a burden we are talking about adding to the load already carried by the average American taxpayer!

Of the 112 new proposals, nearly half of the fiscal year 1972 total, $12.6 billion, would go for environmental programs; about one-fifth, $5.2 billion, for education and health; and something over 12 percent, $3.26 billion, for transportation initiatives.

Well over half the total cost of these new measures, without regard to fiscal year limitations, is designated for environmental programs, $60 billion.

Overall, however, in terms of the entire study, by far the largest category of spending is still for programs of health, education, and welfare. More than two-thirds of the fiscal year 1972 cost and nearly half the total cost of the 197 measures covered by the study is attributable to such programs.

This country has many problems. Some of them will undoubtedly require substantial investment of Federal revenues if we are to cope with them. But the criteria for such investment should be its future returns. Far too little of the legislation involved in this study anticipates meaningful future returns. It too often consists of patchwork remedies, mostly of the "dole" variety, which may soothe the ache but will only aggravate the cause, or. at best, whitewash it over while it festers and grows; and when the money is spent the problem will still be with us. Will a new generation of leaders then promise a new batch of solutions if only Mr. Working American will put up a grubstake to pay for their panaceas?

Mr. President, I think it is time Congress instituted some formal procedure for estimating promptly the cost of all bills as they are introduced, so that the American people may know exactly what we are asking them to pay for, how much it will cost, and who is responsible for these costly proposals

The updating of this study has only strengthened my feeling that it is not foreign invaders nor internal subversives that endanger our Government, so much as the ruinous implications of unbridled Federal spending. If the legislative proposals covered by my study are serious ones, they indeed represent unbridled Federal spending. If they are not, they represent an irresponsible sort of demagoguery which is equally dangerous to the fabric of representative democracy.

Many of my colleagues seem to espouse the viewpoint that the solution to all our problems is a greater outpouring of Federal revenues. I urge the American people to take stock of what their representatives are really saying when they offer solutions predicated largely upon vast expenditures of public revenue.

Such answers are, in reality, nothing more than a draining away, through taxation, of the life-blood of our people in an endless "pseudo-transfusion." Quite frankly, I find myself wondering today whether the patient is going to survive this modern-day version of the ancient art of "bleeding."

PRIVATE HEALTH INSURANCE COSTS

Mr. PELL. Mr. President, I have been intrigued with the many aspects of the Nation's current health crisis.

Probably one area which has received the least publicity but which may well require prompt congressional action is the regulation of health insurers.

President Nixon, in his health message of February 18, touched on this issue briefly and indicated that he would recommend legislation for regulating private health insurance at a later time.

To underscore this concern, I invite the attention of Senators to an article in the August 2 issue of Newsweek which relates how many companies are dealing with the health consumer.

I ask unanimous consent that this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Insurance: The Health Trap

Like most people, 74-year-old Thomas H. Brenegan was terrified whenever he thought of what could happen to his meager budget if a major illness struck. So, when he saw a newspaper advertisement offering a health-insurance policy that would fill "ALL THE GAPS" in his medicare coverage, the retired electrician from New Castle, Del., gladly sent in $3 a month for the added protection. But when Brenegan ran up a $2,000 hospital bill last spring and medicare covered only 80 per cent of it, his supplemental "Magna-Medicare" policy proved something less than it sounded. "They sent me a form letter," Brenegan said last week, "saying they were sorry but couldn't pay it. They just said we're not eligible—why, I don't know."

The reasons, of course, lay to the fine print of the policy and the artful wording of the Magna-Medicare advertisement—a combination that has prompted at least twenty states to take issue with the advertising and the insurer, Bankers Multiple Line Insurance Co. of Chicago. Sadly enough the case is only too typical of the abuses of of mail-order health-insurance policies. With few outright violations of the generally lenient state laws governing insurance, all too many companies indulge in hard-sell huckstering that crowds the legal boundaries, conceals loopholes and exaggerates benefits. "As soon as people turn 65, two things happen," comments Lewis Darlin, legal officer for the Delaware Insurance Commission. "The greedy companies go after them, and the regular companies try to drop them."

No one knows how much of the $17 billion-a-year health-insurance industry depends on mailed orders, but this portion of the business is flourishing at a time when soaring medical costs have put several major health insurers in the red. Bankers Life & Casualty Co., for instance—which happens to be the parent company of Bankers Multiple Line—writes more than $170 million a year in mail-order premiums, and Physicians Mutual Insurance Co. of Omaha sold premiums worth $51 million last year. And the firms doing best are the ones that manage, one way or another, to pay out a bare minimum in benefits. Many insurers achieve this through the so-called contestable period—the first two years of the policy during which pre-existing medical conditions aren't covered. Some have still another waiting period, with benefits for illness starting only after the third day of hospitalization.

While such old-line companies as Prudential Insurance Co. of America commonly offer policies that provide broad services or pay a stated percentage of medical bills, the mail-order insurers specialize in income or indemnity policies. "Extra Cash . . . up to $100-a-week when you go to the hospital," promises a typical brochure. But $100 a week—or just $14.29 a day—won't go very far when, according to Mrs. Sarah Sohn, medical economist with the Health Insurance Institute, the average daily charge for hospital room and board is $49.15, and extras very often double the bill. Furthermore, the mail-order actuaries have pinpointed precisely the risks they must avoid taking, and excluded them from policies. For example, National Home Life Assurance Co. in Valley Forge, Pa., insures newborn babies only after they're one month old—when the real risk has passed. And while it is conceivable that a hospitalization policy promising maximum benefits of $50,000 might pay off that much, it would mean a stay of years in an accredited hospital (nursing homes, veterans' hospitals and psychiatric facilities are usually excluded). As soon as a patient leaves the hospital, payment of his benefits stops; and the average hospital stay is only eight days.

Delay: Even when a claim does qualify, mail-order companies often prove reluctant to pay it. According to state officials, some firms ignore claims for extended periods; others offer part payment, or string out the process for months by sending an endless chain of forms to be filled out and "losing" the replies. According to Edward Freeman, deputy director of the Illinois Insurance Department, one mail-order insurer actually had a mimeographed form letter to be sent to state insurance departments in response to complaints, reading: "There was an error made when the benefits were computed after consideration of the claim . . ." When all else fails, the firm may charge that the ailment was caused by a mental or nervous disorder and therefore not covered.

To lure buyers, mail-order companies resort to a variety of ruses and hard-sell techniques. Several firms send out their forms in carefully chosen brown envelopes that resemble government invoices stamped "veteran" or "Disability Division." The promised benefits are worded vaguely, with legal disclaimers hidden in thickets of words. Magna-Medicare, for example, promises to fill "every gap" in medicare coverage but actually excludes payment for everything that is deductible under medicare during the first 60 days of hospitalization except for three pints of blood, worth about $45.

Tricky: Other language is equally ambiguous. "Guaranteed renewable and noncancellable," a phrase that pops up in many ads, is attractive to older people who have been dropped as risks by the major established insurers; what they fail to note, however, is that the policy can be canceled or premiums raised if it is done statewide—a fairly common act.

The insurance companies, for their part, flatly deny that their ads are misleading. "We say our policy picks up where medicare leaves off, after the initial deductible," says George Hunter, head of communications and advertising for Bankers Multiple Line. Hunter says the Magna-Medicare ad's language is taken almost word for word from the U.S. medicare manual, and adds that as for the firm's troubles with state commissions, "we hope to get this thing worked out to the satisfaction of everybody. I think because it's a new policy, involving a little different approach to the supplemental hospitalization area, that may have caused some misunderstanding."

Despite their obvious hard sell and frequent abuses, few mail-order insurers have been seriously inconvenienced by the authorities. Under Federal law, the Federal Trade Commission has not developed any jurisdiction over the mail-order insurers. State commissions have been reluctant to crack down, at least in part because putting a company out of business means that all of its customers are out of luck if illness strikes. Most state units are also understaffed, and many commissioners seem to believe that the public, not the insurance companies, is mostly at fault. "Maybe there's too much technical language in the policies and Madison Avenue pitch in the advertising," says Massachusetts commissioner Eugene Farnam. "But consumers should realize they're not going to get a Cadillac when they pay for a Ford."

Reinforcing this attitude is the stoicism of people who have been duped by mail-order insurers. "If a company quotes some loophole and tells a guy he's ineligible for benefits, most people accept that," notes Calvin Gonek, a Detroit attorney. "They think they just didn't read the policy right in the beginning." Even if a victim wants to fight, the cost of a legal battle can quickly exceed the amount of the claim.

Mail-order insurers are quick to say that most of their policies are meant only to supplement broader health insurance. But there's no doubt that many of their customers have no other coverage, and their illusions about what they have bought prevent them from getting the more expensive policies they need to provide such substantial benefits as care in nursing homes. And most of these victims are what Peter Walsh, spokesman for New York's Roosevelt Hospital, calls the "little people"—the aged and retired, with low incomes and little education. Asked if he could recall specific incidents involving these people, Walsh paused. "No," he said. "All I can remember is the look on their faces."

NOBODY KNOWS WHO PAYS

Mr. BELLMON. Mr. President, on May 14, 1970, the President signed Public Law 91–248, making significant improvements in the child nutrition programs. The new law emphasizes that the school lunch program must be available to children in all schools—and clearly sets priority on reaching needy children.

Under the new law, all schools receiving Federal assistance for their food programs must establish and publicly announce a policy and plan for providing free and reduced price meals to all needy children.

Another important provision is that the schools must also agree to protect the anonymity of children receiving meals free or at a lower price. Such children may not be singled out through work requirements, use of different color lunch tickets, or any other means.

In Oklahoma, schools have adopted various methods of assuring such privacy, including a unique "voting booth" method. The success which Oklahoma schools have had in implementing the new law is described in an article in the June 1971, issue of Food and Nutrition, a publication of the Food and Nutrition Service of the U.S. Department of Agriculture.

Mr. President, I ask unanimous consent that the article, entitled "Nobody Knows Who Pays," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NOBODY KNOWS WHO PAYS

Students at Duncan, Oklahoma's junior high school can enter the voting booth every day.

The candidate of their choice is a well-balanced lunch prepared in the school cafeteria. Just as the voting booth keeps your ballot secret, this booth conceals whether the student buys his ticket or gets it free.

Duncan, which is in the southern part of the State, and two other Oklahoma school systems are using unique methods to comply with USDA regulations that schools in the National School Lunch Program in no way identify students receiving free or reduced price lunches.

Tickets at Duncan Junior High are good for 2 weeks of lunches in the cafeteria, although students can buy meals for shorter periods at slightly higher cost, if they prefer.

With the voting booth method, only the person selling the ticket and the student receiving it need know whether the student pays the full price, a reduced rate or gets the ticket free.

In the Bartlesville school system in northeastern Oklahoma, elementary students file through the cafeteria line without meal tickets. At the first of each month, parents receive a bill for the total cost of the number of meals their child will be eating in the cafeteria that month. If students miss more than 3 days during the month, they can receive credit for meals. Parents of children eating free lunches do not send in payment.

This pay-in-advance method is especially helpful to Bartlesville's food service, where four central kitchens prepare meals for 14 "satellite" schools.

With lunches paid for on a monthly basis, school food service personnel can determine within two or three meals the number of trays to send to each school, since students rarely skip the prepaid meals.

The Lookeba-Sickles school district in central Oklahoma uses a slightly different approach to its credit system. Students sign for breakfast and lunch as they file through the serving line. The school secretary then compiles the number of meals served each student during the month and parents are billed for the total number of meals their child eats.

Since everyone who eats signs the register, no one knows who gets a free or reduced price lunch. Lookeba-Sickles has an average daily lunch participation of more than 90 percent.

Officials of all three systems point out that teachers are not involved in lunch collections, saving many hours of classroom time each month. And the collection causes no slowdown in the cafeteria line.

The National School Lunch and Breakfast Programs are administered in Oklahoma by the State Department of Education.

CONSCIOUSNESS III COMES TO THE MEDICAL PROFESSION

Mr. CRANSTON. Mr. President, when we talk of the health professions today we tend to think of them as parallel strata, each with its own role and function neatly fitting into an organizational structure. With today's innovations in treatment and explosions in knowledge the health fields are becoming more complex and more interdependent. Dean Jere E. Goyan of the School of Pharmacy at the University of California at San Francisco has written a thought-provoking article entitled, "The Pharmacist and the Physician" for the May 1971 issue of California Medicine likening this development in medicine, with particular reference to the relationship between the pharmacist and the physician, to the development of the Consciousness III American which Charles Reich identified in "The Greening of America."

I ask unanimous consent that his article and an editorial from California Medicine of May 1971, applying Dr. Goyan's thesis to the entire field of health manpower, be printed in the RECORD. I feel that these articles highlight the growing realization within the medical professions that health care must be provided in new ways and with the fullest utilization of the skills of each member of the health team.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE HEALTH CARE TEAM: THE PHARMACIST AND THE PHYSICIAN

(By Jere E. Goyan)

It is well-nigh impossible to read any of the professional literature today without running across some allusion to "the health manpower crisis." This term, now being used so freely, is defined as "a stage in the sequence of events, at which the trend of all future events, especially for better or worse, is determined."[1]

Although almost everyone is willing to admit we have a health manpower crisis, most professionals are inclined to solve it with mild palliative treatment, rigorously insisting meanwhile on their own professional prerogatives.

A noteworthy example is the usual fashion in which physicians deal with what they have in the past referred to as the paramedical professions, but now—in deference to the sensibilities of the individuals concerned—they choose to call the allied health professions. Article after article has been devoted to the need of additional assistance for the physician. Recently, the American Medical Association went to the extreme of telling the profession of nursing what its future professional role should be.[2] Last September, writing in CALIFORNIA MEDICINE, Dr. Rheba de Tornyay, of the UC School of Nursing in San Francisco, explained why nursing did not take kindly to this sort of direction and how nurses themselves view their future professional roles.[2]

Another example has come from the discovery that allied health professionals can be of substantial financial assistance to the physician. At a recent seminar, it was noted that the group practice of medicine enables the physician to see fewer patients per week and yet make as much money as he does in solo practice—and possibly more. Responsible for this phenomenon is the fact that the physician makes great use of allied health professionals as technicians. The situation has been summarized by a leading medical educator and administrator as follows: "Previously, we have also tended to consign other health workers to a kind of nonprofessional limbo, regarding them as workers for us rather than for the patient."[3] Such an arrangement may be beneficial to the income of the physician, and to his ego satisfaction, but it also has disadvantages which are becoming more clearly evident.

This approach once seemed well and good. It may even be acceptable today to the individual defined by Dr. Charles Reich as the Consciousness II American[4]—the individual who is a firm believer in the corporate state, in authority, and in working for the common weal.* He, undoubtedly, is pleased to be part of a group practice in which he performs a certain number of B.U.N.'s per day, thereby making his contribution to "stamping out disease." He may not be too upset to realize that the physician is making most of the money and getting essentially all the credit.

The Consciousness II American, however, is being elbowed aside with great rapidity by Reich's Consciousness III American. The latter is far less willing to submit to an "unlived life" and rejects work which he finds boring or irrelevant. Increasingly, he is more interested in ego fulfillment than in mere economic betterment. For example. General Motors occasionally has to shut down its assembly lines because a third or more of the workers decide not to bother to show up for work on a given shift. It is fascinating to observe that not only has our society made it possible for people to make such choices, but also that, more and more, they are electing to do so.

It is ironic that now, when industry and our corporate state are being forced to face the difficulties of the production-line approach, medicine is attempting to adopt it. The features of multiphasic screening, assembly-line therapy, and computer-based medicine may be appealing to some health planners, but these features appear to be less acceptable to the patients being treated and to the people running the machinery. I believe such an approach is doomed to failure, and should be aborted now while still in the early stages.

Many of the difficulties which bedevil interprofessional cooperation may be illustrated at the physician-pharmacist interface. At the national level, organized medicine consistently compliments members of of my profession, using such pleasant but timeworn phrases as "valued members of the health care team." It is apparent to all of us, however, that this is mere rhetoric—a fact made startlingly evident by the almost paranoid reaction of much of organized medicine to the proposed challenge of existing anti-substitution laws now being considered by pharmacy organizations. Indeed, this sort of reaction has been the rule rather than the exception in pharmacist-physician reactions.

THE PHARMACIST OF THE FUTURE

My generation of pharmacists (composed almost entirely of Consciousness II Americans) was generally willing to accept a "back-of-the-bus" status. The Consciousness III American is not.

Accordingly, I believe that the future of health care in California, and in fact throughout the nation, depends upon better communications among all the members of the so-called health care team, and that dictation—which generally seems to be delivered from on high—is not going to be successful. I should like, therefore, to put forward my ideas of a viable role for the pharmacist of the future—a role which is complementary to that of the physician, and yet will provide adequate ego satisfaction for both pharmacist and physician, while simultaneously leading us toward our professed goal of better patient care.

Perhaps it is well to remember that, at one time, the apothecary played the part of "physician to the poor." Later, as the preparation of medications became more complex and difficult, and the rewards of shopkeeping more appealing, the pharmacist turned away from this role, adopting more and more that of combination merchant-and-chemist. After World War II, as the need for compounding medications on the premises became less important, he found himself increasingly estranged from the widely publicized but barely existent "health care team."

This estrangement was worsened by the discovery that what is good for the Pharmaceutical Manufacturers Association is not necessarily good for the pharmacist, and that his fellow professional—the physician, whom he held in such high regard—was quite capable of responding to the public outcry against the high cost of medical care by putting most of the blame on the pharmacist.

At the same time, the literal deluge of new pharmaceutical products required the pharmacist to carry an increasingly larger and more expensive inventory, much of it repetitious. The pressures of third-party payors, along with those from the general public for more economical medical care, reduced the profitability of his entire operation to a level far below that achieved by drug manufacturers.[5] Simultaneously, this plethora of new drugs was causing serious problems for the physicians, and iatrogenic disorders had become preponderantly drug-induced disorders.

THE DRUG-INDUCED DISORDERS

Dr. Henry E. Simmons, director for the Bureau of Drugs in the Food and Drug Administration, described the situation last September in these words:

"It is clear to me that the increasing misuse of drugs in America poses a major problem to us all. I would like to consider with you some of the dimensions of the problem. The information on this is sketchy, but rough figures are available. First of all, the American people are being dosed with approximately two billion prescriptions per year. This excludes the use of over-the-counter drugs, which, as you know, is even greater. It is common knowledge that much drug therapy avails little or nothing in terms of patient benefit and that a large number of these prescriptions have been for ineffective or only partially effective drugs. In fact, Americans spend nearly a half billion dollars a year for prescription drugs for which there is at present no valid proof of efficacy. Unfortunately, whether a drug is effective or ineffective, it can still cause adverse reactions and not infrequently, does. It appears that the incidence of complications in drug therapy is roughly 10 per cent, and that approximately 5 per cent of patients admitted to the medical services of general hospitals are admitted because of serious drug reactions. It is estimated that approximately one and a half million hospital admissions per year are necessitated by the diseases caused by drugs. After admission into the hospital for whatever reason, the hospitalized patient faces a 10 to 20 percent error rate in the drugs which he receives. In addition to that, far too many drugs are prescribed by at least some physicians. Numerous studies have shown that the aver-

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Footnotes at end of article.

age hospitalized patient received approximately ten drugs per hospitalization and not infrequently up to 30 drugs. Certain drugs are used inappropriately and you are all aware of the widespread misuse of chloramphenicol and other antibiotics. In addition, there are other examples such as the use of combinations of thyroid, Dexedrine, diuretics and digitalis for obesity from which a number of deaths have resulted. Also there is an extraordinary variation in the way doctors treat patients with the same disease depending on which region in which the patient might find himself. This is not only difficult to explain, it is difficult to defend. The formulations of many commonly used combination drugs are not rational as fixed combinations, and make it virtually impossible to practice good therapeutics. In spite of this, approximately 40 percent of the best selling drugs in America are fixed combinations." [6]

At the Los Angeles County-University of Southern California Medical Center, Dr. Robert Maronde and his associates have added forbidding documentation to such comments on irrational prescribing. In a study of some 52,000 consecutive prescriptions, representing the 78 products most frequently prescribed for outpatients, they found nearly 7,000 that called for drug amounts in what were clearly grossly excessive quantities. Among the examples were single prescriptions calling, respectively, for 800 capsules of chlordiazepoxide, 800 tablets of methyldopa, and 2,000 tablets of furosemide.

One patient, Dr. Maronde reported, received 54 prescriptions over a 112-day period, including 12 individual prescriptions on one day, and 11 on another. "He received during this time 1,130 capsules of propoxyphene, 870 capsules of chlordiazepoxide, 700 capsules of diphenylhydantoin, 620 capsules of griseofulvin, 520 tablets of sodium salicylate, 500 tablets of phenobarbital, 500 tablets of nitroglycerine, 300 tablets of thyroid, 300 tablets of multiple vitamins, 300 tablets of furosemide, 300 tablets of acetaminophen, 240 tablets of triamcinalone, 230 tablets of hydrochlorothiazide, 200 tablets of phenobarbital-ephedrine-theophylline, 200 tablets of digitalis, 200 tablets of probenecid, 200 tablets of acetylsalicylic acid, 40 tablets of sulfamethoxaxole, 40 tablets of chlorpromazine, and 26 tablets of aluminum hydroxide-magnesium hydroxide gel." [7]

THE PRESCRIBING PATTERN OF PHYSICIANS

In its historic reports, in 1968 and 1969, the HEW Task Force on Prescription Drugs surveyed the prescribing patterns of physicians.

"We find that few practicing physicians seem inclined to voice any questions of their competency in this field of therapeutic judgments," the Task Force stated. "We also find, however, that the ability of an individual physician to make sound judgments under quite confusing conditions is now a matter of serious concern to leading clinicians, scientists, and medical educators." [8]

Among the factors contributing to the problem, the Task Force said, were these:

Inadequate training in the clinical applications of drug knowledge during the undergraduate medical curriculum.

Inadequate sources of objective information about drug properties and indications available to practicing physicians.

Widespread reliance by prescribers for their continuing education upon advertising and promotional materials distributed by drug manufacturers.

Exceedingly rapid turnover in the popularity of prescription drug specialties.

The limited time available to practicing physicians to examine, evaluate, and maintain currency with the therapeutic claims for newly marketed products.

Dr. Harry F. Dowling, formerly chairman of the Department of Medicine at the University of Illinois, presented this summary: "The few studies that have been made on how doctors use drugs show that (1) sources of information from the drug industry appear to rule the doctor's actions as much as those coming from his colleagues, and (2) a substantial proportion of doctors practice poor therapeutics, by any reasonable standard . . ." [9]

The problem of achieving rational therapeutics is both real and severe, and no panacea is readily available. Many have looked to the establishment of divisions of clinical pharmacology in every medical school as the cure for the ailment. The recognition of this new discipline, and the consequent increased emphasis on therapeutics in medical curricula, will undoubtedly have a healthy effect upon future practitioners. Moreover, clinical pharmacologists, working as medical investigators, will help to solve many currently baffling aspects of therapeutics. But it seems unlikely that the physician of the future will have the time or the inclination to devote the effort needed to maintain his therapeutic knowledge at the same high level which peer review and self-respect demand of his diagnostic competency.

THE PHARMACIST AND THE THERAPEUTIC REGIMEN

Thus, I propose that physicians should start thinking of the pharmacist as a colleague vitally interested in the therapeutic regimen of the patient. This is not to suggest that the pharmacist take over therapeutic management, but rather that he work with the physician cooperatively to ensure the best possible therapy for the individual patient.

Obviously, this interaction will have to take place in all the different settings in which patients receive care. In the institutional setting, for example, the pharmacist must participate in patient rounds and become familiar with the problems of all patients in his section. Here the need is essentially to make the pharmacist intimately concerned with the physician or dentist regarding the curing function, and with the nurse regarding the caring function.[10] Already a number of hospitals throughout the United States are engaged in experimental projects which utilize the pharmacist in such fashion. The results to date are most encouraging, but definitive studies, including those on cost effectiveness, are not yet complete.[11] [12]

Perhaps of even more interest to the readers of a medical journal is the potential utilization of the pharmacist in ambulatory care. Many pharmacists have already undertaken the responsibility of keeping family medication records; these enable the pharmacist to alert the physician when he has unwittingly prescribed a drug which is contraindicated because of other medication currently being taken by the patient, perhaps prescribed by another physician. In addition, the pharmacist is also generally aware of the over-the-counter drugs with which the patient may be dosing himself.

In individual cases, where mutual trust and respect had been established, it would certainly seem logical to give the pharmacist responsibility for monitoring the drug regimen.

The physician might well allow the pharmacist to select the source of a prescribed drug product—a responsibility which he already carries in many hospital centers. Unquestionably, cost must be an important consideration—second only to the clinical welfare of the patient—in every step of health care delivery, and the pharmacist should assume appropriate authority for this aspect of drug therapy.

Physician-pharmacist cooperation can improve the patient's therapy and, in many cases, hold costs to a reasonable level. This approach is often decried, at least in theory, as antithetical to "the physician's free right of choice." Such a charge may or may not be valid in theory, but the results of practical application have generally been satisfactory. Where physicians and pharmacists have worked together to establish guidelines and methods, their cooperative efforts appear to be successful.[13]

The American Pharmaceutical Association is developing a model agreement for use by physicians in authorizing a pharmacist to choose the source of drugs dispensed when the physician prescribes by brand name, thereby circumventing the anti-substitution law. (Such an agreement has been successfully in effect for many years in many leading hospitals and drug insurance or health prepayment plans.) It is probable that many California physicians will be asked to participate in an agreement of this kind, and it would be worthwhile for them to give the proposal their serious consideration.

DIFFERING VIEWS OF THE PHARMACIST'S ROLE

Innovative medical educators, such as Dr. Edmund Pellegrino, Dean of the School of Medicine at the State University of New York at Stonybrook, have suggested a number of additional tasks for the pharmacist in an emergent health care system, with a role as a drug information expert for pharmacists in each center for primary, secondary, and tertiary care.[14] Others, such as Dr. Robert Ebert, Dean of the Harvard School of Medicine, have suggested important roles for the pharmacist more closely related to the present health care systems.[15]

In contrast, Dr. Dwight L. Wilbur, former president of the AMA, has suggested: "It is the feeling of the AMA, and my feeling, that pharmacists . . . can play a large role in the health team by accepting more responsibility as pharmacists—rather than by trying to make themselves therapeutic consultants to physicians." [16] More recently, the Indiana State Medical Association scoffed at the idea of the pharmacist providing advice on drugs to the physician, seeing the pharmacist as threatening to switch from his traditional role as "an expert on pharmacology" to that of an "interloper in therapy." [17] In this connection, it should also be noted that many pharmacists view with trepidation the prospect of playing any meaningful role in therapy.

Nevertheless, the fact remains not simply that the physician-pharmacist interface is marked with fear, hostility, suspicion and fractured egos, but that there is an undeniable need to improve drug therapy for the patient. In the long run, what matters is not interprofessional disagreements, but patient welfare. As one major step in achieving better, more rational drug treatment, there is an urgent necessity for better communications between the physician and the pharmacist. It is time that our professions start meaningful communications and, in the jargon of youth, "telling it like it is."

There is no doubt that our professions sincerely want to provide the best possible health care for all Californians. Similarly, there can be no doubt that the only way of achieving this goal is by working in concert. If a manpower crisis is indeed upon us, as the leaders of medicine have emphatically declared, then it is imperative that we all must discuss, plan, test and eventually implement new approaches to the delivery of health care.

Without that cooperation between all of the health professions, the probability of Californians receiving the quality of medical care they deserve is indeed bleak. With such cooperation, we may be able to provide it.

Footnotes at end of article.

FOOTNOTES

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OF PHARMACISTS, PHYSICIANS AND HEALTH CARE

In his wide ranging discussion which appears elsewhere in this issue Dean Goyan forthrightly addresses himself to many problems in patient care which he recognizes as going far beyond "the physician-pharmacist interface." Pharmacy is indeed in crisis, finding itself since World War II "increasingly estranged from the widely publicized but barely existent 'health care team'" at a time when problems relating to the use and misuse of both prescription and over-the-counter drugs are becoming of truly massive importance to all who are concerned with health care. Dean Goyan is an acknowledged leader who envisions the pharmacist in an important new role in which his particular knowledge of drugs and drug preparations will result in their more appropriate and more precise use in patient care and maintenance of health. The problems of pharmacy are acute indeed and many of them are shared to a greater or lesser degree by the many other professions which together compose the "health care team."

In his book *The Greening of America* (to which Goyan refers) Charles Reich identifies what he calls Consciousness I, II and III Americans. Whether this distinction proves to be valid and whether the thesis that Consciousness III Americans will eventually displace the Consciousness I and II types will prove correct, remains to be seen. Briefly the Consciousness I American is described as having the traditional outlook of the American trying to get ahead, competitively pitting his success against the success of others in essentially unregulated fashion—free enterprise, if you will. The Consciousness II American is described as accepting the values of organization and the necessity for control, even though this means domination of the individual and his submission to the corporate ideal, whether public or private or the State itself, a view which Reich associates with "liberalism." And the Consciousness III American is described as "the new generation" which seeks liberation from the imperatives of society, sees through "phoniness" with astonishing clarity, is deeply committed to personal fulfillment for all as well as to the betterment of communities and of society as a whole, and which seeks to share actively in the decision-making processes through what is coming to be called "participatory democracy."

It is becoming obvious, as Dean Goyan intimates, that what might be called the Consciousness III attitudes are gaining considerable acceptance and influence in various allied health professions, and in consequence the traditional organizational hierarchy in patient care, like corporate industry or the corporate state itself, is being increasingly challenged, particularly by the younger members of these professions, and this includes medicine. The dictation or direction by physicians or organized medicine of what shall or shall not be the function of other professions is no longer well received, and even the doctor's "orders" in the hospitals and elsewhere are beginning to be questioned by nurses, pharmacists and others, and even by consumers where matters of cost are involved. All of this seems to be far more deeply rooted than it might first seem, and likely it foreshadows some very fundamental changes in the governance of patient care and the delivery of health care services, perhaps sooner than many might think possible.

So far the nature and group dynamics of "health care teams" have received very little consideration or study by the medical profession. Others have been giving it far more thought. Physicians are apt to take it for granted that if there are to be health teams they will always be the captains. In certain situations, as when a life is in the balance on the sickbed or in the operating room for example, this will be uncontested. Here there must be a team captain, he must be a physician, and like a general on a battlefield he must make the best decision he can with whatever information and resources are available, and his decision must be obeyed by those in attendance. But in less critical circumstances this traditional command authority may become more diffuse and other professionals are found more directly involved in the decision-making processes of patient care. The thought, perhaps specter is a better word, of patient care being directed by committees of health professionals, very possibly with consumers added as voting members, inevitably comes to mind. Yet this in fact already occurs (although so far without consumer or public participation) in certain areas of rehabilitation and in the actions of tumor boards for example, and the experience has been by no means all bad.

Dean Goyan has raised as many questions for physicians to ponder, as he has for pharmacists. It is time that medicine gives as much thought to the roles of the various allied health professions in the governance of patient care and health care as has already been given by a number of other professions which are properly concerned. "The times they are a-changin'." Patient care and the maintenance of health are now everybody's business and participatory democracy is surely in the air.

A FREE CZECHOSLOVAKIA

Mr. **CURTIS**. Mr. President, western civilization in the 20th century has made fantastic technological advances. Yet for the proud and ancient people of central and eastern Europe, it may well be the cruelest century in modern history.

In a period of less than 50 years they achieved political and cultural independence only to be smashed down thrice by the Nazi and Communist despotisms.

Czechoslovakia is perhaps the supreme and most tragic example among these martyred nations.

Possessed of an ancient Christian culture, it contributed as well to the great technical surge that made Europe the most advanced of all continents.

Betrayed by the infamous great-power agreement at Munich in 1938, it was partially and then almost entirely occupied by the Nazi machine. After the Hitler-Stalin pact of 1939, it was ripped apart by the two tyrants and suffered their calculated infamies until its liberation at the end of World War II.

Thereafter an obvious and growing breach developed between the Russian Communist empire and the free nations. Czechoslovakia saw itself as a kind of bridge between these two worlds.

This was not enough for the Kremlin Communist leaders. In 1948 they engineered a brutal overthrow of the free Czech Government and, with Soviet divisions at the ready, installed the first of a series of puppet regimes in Prague.

For 20 grim, depressing years thereafter, Czechoslovakia groaned under the cold and deliberate economic exploitation of Soviet communism.

In 1968, changes became evident. There emerged in the spring of that year a new leadership determined to establish a more humane, open society in Czechoslovakia.

These men, such as Alexander Dubcek, were realists. They attempted no domestic or foreign poltical adventures that could offer the least challenge or threat to the enormous power of the Soviet Union.

The response in Czechoslovakia was breathtaking. One could sense the renaissance of spirit and hope throughout the country, among factory workers, farmers, students, the professions, among men, women, and children.

We had been assured that there was as well a new spirit in Moscow. The Stalins, the Berias, the Khrushchevs were gone. The new rulers, we were told, were not ideological fanatics. They were more the second generation of managers and technocrats, more interested in improving the standard of living in Russia, more open to rapprochement with the West. Surely they would accept this movement toward a more humane, less repressive, Socialist government in Czechoslovakia.

There followed a series of conferences between Czech and Russian leaders which seemed to give credence to this rose-colored analysis.

Then the masks were put aside. Stalin's

heirs showed how well they had learned their lessons from that evil master of deceit and terror. Czechoslovakia was invaded by the Russian armies; those who resisted were killed or imprisoned. The Czech Government was literally dismantled; its leaders broken and banished to the grey world of house arrest, or prison. A few managed to flee from their native land.

August 21, 1968, is the day Czechoslovakia was once more smashed into submission. Moscow's economic design for exploitation was restored; political repression was renewed.

Thus it is that I say the 20th century may well be remembered as the cruelest in the history of Czechoslovakia. Dreams of independence became reality, only to be crushed, not once but three times.

We in America can thank God we have been spared such agony; we can pray and hope and work for a free Czechoslovakia. And on August 21 of this year we can unite in calling attention to this Soviet Day of Shame, when the mark of the Communist beast was once more branded into the minds and bodies of a people whose only fault was that they would be free.

REMOVAL OF AMPHETAMINES FROM CONTROLLED SUBSTANCES ACT

Mr. TOWER. Mr. President, I have become a cosponsor of S. 674, a bill which would amend the Controlled Substances Act by removing amphetamines and certain other stimulant substances from schedule III of the act and placing them in the more restrictive schedule II. I am pleased that I have the opportunity to support this legislation, which is another important step in our efforts to effectively control the problem of widespread drug abuse.

After carefully reviewing the problem, I have arrived at the following conclusions. First, whether the legitimate production of amphetamines and methamphetamines is 2 billion dosage units a year, as estimated by the drug companies, or 8 billion dosage units, as estimated by the National Institutes of Health, the numbers game is irrelevant. All these estimates, even the lowest, indicate that the production greatly exceeds the legitimate medical needs.

Second, when such an excess of drugs exists, the use of this drug is subject to abuse. According to the Food and Drug Administration, in an order concerning the proper labeling of amphetamines and methamphetamines, the medical usefulness of these drugs is limited to three uses: First, narcolepcy—a rare sleeping illness: second, hyperkinesis—a mineral brain dysfunction in children manifesting itself in hyperactivity; and third, obesity—for limited short term treatment for appetite control. Because the legitimate medical uses are so limited, and the number of dosages produced are so unlimited, the excess production is diverted to less than valid uses. The seriousness of this abuse ranges from the unsupervised and widespread use of these drugs as stimulants—by housewives, students, truck-drivers, businessmen, and anyone else who wants a lift, an upper, or a clear head—to the more acute abuse by individuals referred to as "freaks" who inject the drugs intravenously, which is known as "shooting speed."

Third, the abuse of these dangerous drugs is facilitated by the lack of appropriate controls. At this time, I want to express my appreciation for the efforts of the Attorney General to remedy this situation. By direction, he has placed amphetamines and methamphetamines in schedule II. His actions have been compromised by administrative stays pending hearings from drug companies and the prospect of a lengthy court battle. This problem is too serious to lose time while awaiting a decision as to whether or not the Attorney General has the authority to make such a decision. Congress, however, has the legislative authority to place these drugs in schedule II, and it should act accordingly.

It has been estimated that half of the legitimate production ends up on the illicit market. These attempts at subterfuge of the proper regulation of these drugs range from blatant theft to forged prescriptions. Because these drugs, stimulants to the central nervous system, are just as dangerous as narcotics, and just as subject to abuse, I feel that they should be as closely regulated as narcotics, which are located in schedule II.

By enacting legislation which would place amphetamines and related drugs in schedule II, the Attorney General would have the authority to effectively regulate them. The Justice Department could set production quotas, which would eliminate the dangerous overproduction of these drugs. Those establishments dealing in these drugs would have to prove that they have a legitimate operation and would have to order them on Government forms. These drugs could only be dispensed by a physician with a written prescription and the prescription could only be refilled with a doctor's permission.

Fourth, I feel that the enactment of this legislation would further our efforts to control the international trafficking in drugs. I commend President Nixon for his efforts in this area. Recently, the United States and 22 other nations signed the Convention on Psychotropic Substances, which requires the signatory nations to provide for the complete licensing, inspection and control of the manufacture, distribution and trade in dangerous synthetic drugs. The convention, which is now pending before the Senate Foreign Relations Committee, would necessitate increased regulation of amphetamines and related drugs, which would be facilitated by placing these drugs in schedule II of the Controlled Substances Act. In order to import or export these drugs, a manufacturer would be required to obtain authorization from the Justice Department.

Although the battle to eliminate the problem of drug abuse is a complex and difficult one, we can be successful if we continue to isolate its various components, and then seek to provide the appropriate remedy. I feel that S. 674, which addresses itself to the stimulant drugs of the central nervous system, provides the appropriate measures necessary to more effectively control their production and distribution in a serious effort to eliminate the widespread and dangerous abuse of such drugs.

MINING AND THE ENVIRONMENT

Mr. CHURCH. Mr. President, on July 31, Gov. Cecil Andrus, of Idaho, addressed the annual convention of the Idaho Mining Association in Coeur d'Alene. His topic was the responsibility of the mining industry in an age of environmental concern.

This is a strong speech, Mr. President—but a speech which should be read and considered, not only in Idaho, but throughout the land. It is a speech which rightly identifies one of the most pressing problems of the day: the need for the mining industry to take strong measures to protect the environment while, at the same time, the industry continues to harvest mineral resources.

I urge Senators to read the speech. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

IDAHO MINING ASSOCIATION ANNUAL CONVENTION—COEUR D'ALENE

(By Gov. Cecil D. Andrus)

I was particularly pleased to have this opportunity to address the Idaho Mining Convention because mining has played an important role in the history of Idaho, both as a territory and a state. I am sure that it will continue to play such a role.

Many people have perhaps forgotten that it was mining that attracted the first sizeable population to Idaho, and undoubtedly if it had not been for mining, Idaho would have achieved statehood several years later than it did.

It was the discovery of gold in the Orofino area, and later in the Boise Basin, that first attracted large numbers of men to Idaho and mining has continued to be one of the state's principal industries.

It was 110 years ago that the first important gold discoveries were made in Idaho, but unlike today there was no concern then about preserving the environment or disturbing the ecology of what seemed to be a limitless wilderness.

When the first discoveries were made, the new wealth was desperately needed. At first, mining helped finance the North in the War Between the States, and later helped provide the vast sums and metals needed for opening the west and building this nation.

However, that's all history now. We can no longer afford to reflect on days gone by when all was clean and unmarred by the tools of man. We must focus our concern on today and future days.

The need for metals and minerals is even more important today—not so much to provide monetary wealth for a developing nation as supplying the basic materials that have become essential to maintaining our standard of living.

When gold and other metals were first discovered here, miners were concerned with four major goals: discovery, extraction, transportation and profit. The mining industry today retains those four basic goals, but to these must be added a fifth—the need to protect the environment in the process of discovering, extracting and refining.

The Mining Law of 1872, enacted to encourage development of the mining industry suddenly is under attack by conservationists and environmentalists. And, rightly so.

In 1872 members of congress could look west and see an unlimited supply of land and minerals and the law seemed proper and just. Today, members of congress can still look west, but that "limitless" expanse of wealth in our soil, stream beds and mountains has become a precious national treasure deemed worthy of regulation and protection from indiscriminate mining practices.

At one time, even the smoke stacks that belched black smoke in industrial plants were proud symbols of achievement. Now those same smoke stacks are viewed as polluting villains.

It is interesting to note that the stock certificate of a well known American industry until quite recently bore a picture of such a factory filling the air with smoke. The engraving was changed in the face of criticism generated by today's standards.

Dirty smoke stacks are no longer a symbol of achievement. Whether we agree or not, gentlemen, it's a fact of life.

In like manner, forests in the early days of our history were slashed clean to provide the lumber needed for a growing America. There was no thought given to the environment in that industry either. But today the battle rages over clear-cutting and I believe that we will soon see that practice halted except as a management tool for specific exceptions.

Even the early day farmers abused their land, robbing it of productivity and opening it to erosion. Again, the thought was always of new lands still to be cleared and made productive.

Hunters slaughtered the buffalo, the carrier pigeon, the ducks and geese to provide food for the troops who were then driving our Indians from their lands, or for the men building the railroads to link east and west, or to provide gourmet dishes for the New York restaurants.

We spilled our garbage, our sewage and our industrial wastes into rivers and lakes without a thought for the eventual consequences. And . . . today, Lake Erie, the Potomac, the Hudson River and tortured lands are mock testimonials to builders of a day gone by.

In other words, we have been a wasteful nation . . . wasteful of our resources and lacking in concern for generations who would inherit the land.

Again . . . that's history now. The solution will not be found by casting stones at the past. Just as the environmentalists must stop looking backward to find scapegoats, so too must you stop looking backward at your heralded history to justify unsound practices today.

Today our people, especially the young, have established a new priority. This priority is to regain what we once had in abundance and believed we could not destroy—clean air, clear water, beautiful forests, fertile farmlands and outdoors to be enjoyed.

This generation of young men and women is desperate, in fact, almost frantic, to regain these treasures the nation once beheld. Their desperation is understandable and justified.

Nonetheless, our growing population and rising standard of living have multiplied the demands upon our natural resources both in terms of what they must supply materially and in what they have to offer in an esthetic and recreational vein.

The paradox here is that this new priority has not demeaned the importance of your priority to develop and supply.

Although there have been a few scattered proposals, Americans have not responded to demands for fewer automobiles, fewer appliances and less electricity. On the contrary, industry urges the consumer to buy and use more and more. Until we change America's addiction for more of everything the drain on unrenewable resources will continue to grow and it will exceed its present alarming rate.

Equally important at this time is the need for industry to become actively and genuinely involved in a recycling program that works. It's an either/or situation. Either you assemble a program to recycle your metals or you will soon be a dying industry with knowledge and tools to find new deposits that do not exist.

Obviously, present exploration for new ore deposits, and the production from those deposits, will create some disturbance to the surface of the earth. The problem the mining industry faces here is to get maximum production in selective areas with minimum disturbance to our lands. It must be an honest effort to effect a minimum disturbance to the ecology.

I think, too, that we have reached the day when slick mining brochures and chamber of commerce testimonials or resolutions are no longer *the* ingredients for successful public relations. The new generation that is giving you much cause for thought won't buy that approach because it is less than convincing.

Pressures from environmentalists will get stronger and your activities will be watched more closely with a greater degree of sophistication.

The mining industry must begin to follow a policy of what is best for all of the people, not just a few. You must evaluate each new venture with this in mind.

The White Clouds issue illustrates my point. Idaho's people have dramatically expressed their desire to save the White Clouds. They have taken their cause nationwide. The Clouds have become somewhat of a national symbol and a key battle in the efforts of the young to maintain environmental quality.

Furthermore, the Western Governors' Advisory Council for Mining reported this month that molybdenum is one of the few surplus metals. Even so, the mining industry has failed to grasp the obvious fact that the harder you try to force a surface mine in those splendid mountains, the more you irritate and alienate the public. And, unfortunately, as you pursue that project, you lose credibility in other areas where efforts are being made by the mining industry to cope with environmental problems.

The report to the Governors also mentioned industry concern for the great numbers of young people who are turning against all development. In light of the White Clouds issue, when you respond that such a position is less than logical, they counter with "so too is the mining industry's favor for all development—at any cost to the environment."

I have faith that the mining industry will respond to the challenges at hand. Already the new Antimony plant in the mining district is viewed as a substantial commitment to improvement and protection.

I am willing to work with you. There are problems which must be faced together. For example, there is no question that the price of silver has only one way to go . . . up! If we can help to increase the silver market tell us how. We want to help and we're ready to help.

Again, I want to express my appreciation for the opportunity to address this convention. Mining has contributed to the growth and development of Idaho and we look forward to further contributions in the years to come.

THE OREGON ENVIRONMENT

Mr. PACKWOOD. Mr. President, I take pride in calling the attention of the Senate to the dynamic achievements of the 1971 Oregon Legislature in preserving the quality of the environment.

Ecology, recreation, and the preservation of Oregon's unequaled scenic beauty are more than political catchwords in Oregon. They are an enduring conviction which strongly motivates most Oregonians and all of our public officials.

It is my hope that the Congress will look closely at this legislation and consider its adoption on a nationwide scale.

Mr. President, I ask unanimous consent that the text of an editorial which appeared in the New York Times of August 4, be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE OREGON ENVIRONMENT

The Oregon Legislature recently passed a set of bold new laws designed to help protect and enhance that state's unique environmental quality.

These measures include the nation's first mandatory beverage-container deposit legislation to help reduce the staggering problem of litter; a property-tax advantage for land devoted to outdoor recreation rather than real estate subdivision; and rigid rules governing the location of nuclear power plants. The Legislature has also directed that more than 3,000 billboards be removed in an aggressive campaign against roadside blight; that the state's Department of Environmental Quality be given authority over pollution control of motor vehicle emissions; and—in a surprising and refreshing victory over the highway lobby—that $1.3 million in state highway funds be used for construction of hiking and bicycling trails throughout the state.

This impressive record of the Legislature follows an earlier unprecedented decision by the voters themselves, approving a special petition to protect 500 miles of Oregon's unspoiled scenic rivers from construction of dams, highways, and industrial and other commercial developments.

Oregon's hardening attitude toward the hazards of environmental deterioration was wryly summed up by Gov. Tom McCall when he said: "Come and visit us again and again. But for heaven's sake, don't come here to live."

GENOCIDE: THE PRICE OF INDIFFERENCE

Mr. PROXMIRE. Mr. President, the controversial teacher and writer Marshall McLuhan is widely known for his ability to befuddle and baffle readers with pungent aphorisms and cryptic sayings. As my colleagues in this body would agree, that is no mean talent.

But I have recently come across one of the professor's statements that beautifully, and conveniently, captures a thought which says much about the present status of the convention outlawing genocide. "The price of constant vigilance," wrote McLuhan, "is indifference." Actually this could be seen as an elaborate restatement of the old saying, "familiarity breeds contempt." Obviously if a person is exposed to too much of something, it will not take very long before he becomes tired of it, or accepts it as routine and unexceptional.

History shows that genocide did not originate in this century, but it does seem that man's capacity to brutalize or destroy his fellow man has increased enormously during this time. As the military hardware of nations become more and more efficient, it becomes easier to maime and kill. It takes less effort. It is less trouble.

This is true not only of soldiers, but also of politicians and other civilians who are not directly involved in the carnage. After a period in which photographs of destruction, horror stories about soldiers' atrocities, investigations into the infamous cunning of war strategists, and other gruesome details become commonplace, it is only logical that people become inured to brutality. In this respect, man's capacity for adaptation is truly frightening. For technology has reached a state of sophistication in which it is possible to beam newsreel footage of assassinations, warfare, and other forms of violence into living rooms around the world; people become accustomed to being passive observers. Atrocities which once would have outraged or scandalized a nation now can be ignored, disbelieved, or belittled without much difficulty. We can just sit back and stare, with all sense of personal involvement rendered unnecessary or obsolete.

But if we were to penetrate beneath the detachment and lack of feeling on the surface, I think we would find that our basic human instincts are still intact. Our fundamental decency still festers, waiting for a chance to emerge amid the violence and brutality which mark our everyday lives.

There are things that we can do to help.

The United States can join with 75 other nations of the world by ratifying the Genocide Convention, which would outlaw genocide—whether committed in war or peacetime—and establish procedures for trying and punishing any persons charged with involvement or complicity in attempts to destroy a national, racial, ethnic, or religious group. I believe that the goals of this treaty are wholly consistent with our humanitarian principles both as a nation and as a people.

Mr. President, the United States cannot afford the price of indifference. We cannot afford to stand aloof from world opinion, which has risen up to condemn genocidal acts as crimes. The United States opposes criminal genocide as strongly as ever. That is why the Senate should approve the Genocide Convention soon.

EDUCATION BENEFITS FOR VETERANS

Mr. TOWER. Mr. President, I am very much pleased to have the opportunity to join as a cosponsor of S. 2161, the Veterans' Education and Training Assistance Act of 1971.

The institution of a program of education benefits for our Nation's veterans was a fine moment in our history. These benefits are more than a nation's expression of its gratitude for the sacrifices of the men who fought to defend our liberty and freedom; they are a declaration of our sense of moral obligation. In our increasingly complex and technical society, education has become an essential component of successful job placement and career mobility. It is only just that our veterans have the opportunity to obtain the necessary education, which they have forgone while serving their country, so that they can successfully enter the civilian work force. Furthermore, it is in our national interest that these men and women have every opportunity to continue contributing to the welfare of our country.

Since we initiated the program of education benefits, we have constantly sought ways to make the program applicable to the needs of the veteran. The program has grown to include benefits to veterans who participate in farm cooperative, apprenticeship, and on-the-job-training programs. Furthermore, we have instituted a program entitled PREP, which is designed to assist veterans in need of additional preparation in order to enter and successfully pursue a course of higher education.

In spite of these efforts, the percentage of veterans taking advantage of these benefits has substantially decreased. Following World War II, some 50 percent of those eligible used their benefits; following the Korean war, approximately 42 percent of those eligible used their benefits, and during the first years of the Vietnam conflict, only a disappointing 20.7 percent participated in the program. In view of the ever-increasing level of educational attainment in our Nation with the resultant competitive advantage of trained people in the labor market, in view of the shockingly high unemployment rates for the Vietnam era veteran, and in view of the increasing scope of education benefits which have been provided to the veteran, we must ask ourselves why so few Vietnam era veterans have taken advantage of their benefits.

I feel that part of the answer lies in the spiraling costs of higher education and the rapid rise in the cost of living. This prohibits many veterans from seeking further education. The financial assistance that we have offered the veteran has simply not kept pace with increasing costs. The average cost of a college education in 1952 was $968. The monthly allowance available to the Korean veteran was $110 a month. Although the average yearly cost for college tuition, books, and fees is now about $1,940, the assistance offered a veteran pursuing a full-time course of study at an institution of higher education is now only $175. The correlation between the level of support and the percent of participation has been aptly demonstrated. Public Law 91–219, which provided the most recent increase in benefits, became effective as of February 1, 1970. During the following 12 months, the number of individuals participating increased by 33 percent.

The program of education assistance was never designed to pay the entire cost of the veterans' education. However, I feel that we should bring the level of benefits in line with those we offered to the veterans of the Korean conflict. Because the benefits we presently offer are insufficient, many veterans cannot afford to obtain further education. Instead, they are attempting to enter an already saturated job market. Our Nation must renew its efforts to meet its obligation to assist the Vietnam veteran in successfully readjusting to civilian life after completing his service in our Armed Forces.

I believe that the Veterans' Education and Training Assistance Act of 1971 is an enlightened piece of legislation which will do much to fulfill obligations to our veterans as well as further the interests of our Nation. I am confident that the Senate will give this matter its careful consideration and will act with appropriate speed.

WRECK ON THE HIGHWAY—AUTO INSURANCE SYSTEM IS A MONSTER

Mr. HART. Mr. President, the National Observer of Monday, August 2, 1971, contains a front-page article entitled "Wreck on the Highway—Auto Insurance System is a Monster," written by Daniel Henninger.

Perhaps the tort-liability insurance system is called a "monster" because it devours—per attorneys, agents, adjusters, insurance companies, and the non-seriously injured—far too much of the insurance fund. These sums otherwise might be available for seriously or fatally injured accident victims and their dependents, and for the reduction of liability insurance premiums.

During the national no-fault auto insurance legislative hearings, a witness, Mr. William Mortimer, asked rhetorically:

> Who can afford the tort-liability insurance system? Only those few who are profiting greatly from its inherent waste and inefficiency and who are now speaking loudest for its continuation.

Who are "those few"?

Auto injury trial and defense lawyers are the loudest and most visible. What accounts for their opposition to a no-fault, no-lawsuit auto insurance system? Well, in 1970 trial lawyers received $1 billion and defense lawyers $300 million out of the $4.2 billion insurers paid to cover the $6.8 billion of auto accident victim loss.

Most insurance agents and adjusters also are against a plan of no-fault auto insurance reform which would abolish the auto accident fault-finding process. The agents have a vested interest in maintaining their commission income which is based on a percentage of the premium. We were told during hearings that a no-fault, no-lawsuit system would better enable millions of consumers to buy lower cost auto insurance. But this could cost agents some of the $2.4 billion in commission income from all auto insurance—$1.3 billion from liability coverages.

Several insurance companies also oppose State and Federal meaningful no-fault, no-lawsuit reform and have sponsored—what I believe—are more costly proposals. One reason may be that these companies fear losing their favorable position in the family auto insurance market if no-fault, no-lawsuit insurance were adopted. As Mr. Henninger cogently observed in his well-written article, another reason is that some companies could lose millions of dollars in investment income on assets now held against required reserves. I ask unanimous consent that table 1 showing the realized investment earnings on assets held against auto liability reserves in 1970 for State Farm Mutual and Allstate be included in the RECORD at this point. Of the 900 auto insurers, these two companies write 20 percent of the business. They do not support no-fault auto insurance reform which would abolish lawsuits.

The average motorist most likely would favor no-fault insurance if he were aware that he would pay less and receive more should he be seriously injured under this system. Table 2—which I ask unanimous consent to have printed in the RECORD at this point—shows clearly that seriously and fatally injured auto accident victims receive pitifully little under the current system while the nonseriously injured auto accident victim is overcompensated. Yet, the average driver with nonserious injuries—who has been paying high insurance premiums for years to protect other drivers—feels that he has a "right," under the present system, to get even through that other guy's insurance company. So the need for medical attention, entailing lost workdays, is many times exaggerated. These are the "special damages" that are ballooned, in order to collect more "general damages"—such as, "pain and suffering."

Would it not make more sense if premiums were lower in the first place, and those premiums paid for compensation without question of fault, particularly if those injuries were serious? Would it not be less costly for 108 million motorists if a system were adopted which would compensate with more certainty for all injuries, and more fully for the less likely serious injuries, as well as for all out-of-pocket medical and wage loss for the more likely nonserious injuries? After all, 88 percent of those having economic loss in 1967 had nonserious injuries.

However, under the present system, all of us pay premiums that would cover losses for the "other guy." This means that the average consumer—especially the young and the old—who may have little to protect himself still must pay an inflated premium on the chance he may be found responsible for others' more serious losses.

In other words, we pay for "uncertainty" under the present system.

This would be removed under the Hart-Magnuson "no-fault" plan.

For each consumer would be insuring himself and the insured would have a great deal of "predictability" in deciding what loss of income and injury losses each driver would have. The result would be premiums which better match the risk—low for those with the chance of low losses and higher only for those who might have higher losses.

Mr. President, I ask unanimous consent that the National Observer article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WRECK ON THE HIGHWAY

(By Daniel Henninger)

Many drivers will tell you that the only thing worse than a car accident is the creaming that they took from the insurance company for having the accident. Wary of having their policies canceled, thousands of American motorists are actually afraid to use their high-priced protection after an accident.

Congressional critics maintain that the big auto insurers are fat with profits earned by investing the cash reserves that insurance companies must retain to pay off claims losses and policy rebates. Last year the Allstate Insurance Co. made $57,000,000 by investing this idle cash.

BEING BLED DRY, SAY INSURERS

The insurance companies, faced with rising opposition to wholesale policy cancellations and ever-higher premiums, insist that they are being bled dry by auto-repair costs and medical bills of auto-accident victims. If they were forced to report as operating income their earnings from cash-reserve investments, they argue, smaller companies would be driven to the wall and competition stifled.

The Department of Transportation (DOT) concluded after a $2,000,000 study that the present auto-insurance system doesn't even give drivers the protection that they pay for In 1967, DOT says, auto accidents cost U.S. drivers $10.5 billion but their insurance paid them back only $6.4 billion. Last year the system repaid only $5.7 billion of a $13.1-billion liability loss.

One state insurance commissioner calls the present system "a monster." Another terms it "the worst possible system." One of every four families in the DOT survey lost its insurance after filing a personal-injury claim. And Consumers Union, a private research organization, says that 14,000 persons didn't file post-accident claims in 1969 for fear of a policy cancellation or premium jack-up.

Almost everybody agrees that something has to be done, but there's deep disagreement about what to do.

DOT says the present system should be junked and replaced with a no-fault system. A complete no-fault plan would pay policyholders' losses immediately, ending the practice of spending months or years in litigation trying to figure out who cracked up whom. Theoretically the money saved by quick claims settlements would be passed on to policyholders as reduced premiums. That's the way it has worked out in Puerto Rico and Saskatchewan, Canada, where no-fault has been operating for some time.

Critics, notably lawyers who would take a big cut in income if court claims were eliminated, say no-fault punishes the innocent by giving reckless drivers a right to compensation. Another allegation is that complete no-fault takes away one's right to pain-and-suffering damages, the intangible psychological loss that juries often translate into big cash settlements.

A MATTER OF SEMANTICS?

Industry spokesmen admit to a cancellation problem. Donald W. Perin, Jr., of the National Association of Insurance Agents, says it "has been quite bad for the past two years. There's undoubtedly been too much cancellation."

A spokesman for the American Insurance Association says many auto insurers are covering the problem with semantics. "When the policy is up for renewal, the insurance companies don't call it cancellation, they call it nonrenewal," he says. "To you and me as the consumer the effect is the same: We don't have a policy any more."

The reason given most often for the cancellation flurry is that state insurance commissioners have strangled the industry's profits by holding down premium rates. One company spokesman explains how low rates breed cancellations. Say a company requests a 15 per cent increase but only gets 7 per cent. "The other 8 per cent the company would make up by reducing the number of policies it had," the spokesman says.

PREDICTING ACCIDENT RECORDS

Though rating climates differ from state to state, this general description of the industry's cancellation rationale is "perfectly true," according to Louis Runge, underwriting supervisor of the Kemper Insurance Co. At policy-renewal time, underwriters "adopt a somewhat different attitude toward people who have produced accidents and have convictions," he says. "You have to match the cost of providing the service with what the law permits us to charge for offering the service. If the two don't provide the profit incentive to us, obviously you lose interest in selling your product."

When that happens, insurance companies tend to write policies for only the "preferred risk"—the ideal driver who has never had an accident or traffic-law conviction, and isn't likely to have either.

How can the companies predict this? They say it isn't so arcane a judgment as many drivers believe. Besides past accident and traffic-violation records, companies judge applicants on their age, sex, occupation, where they live, whether they're married, and how often they drive their car.

Insurers also run routine credit checks, which sometimes uncover personal quirks that underwriters find objectionable. For example, the Nationwide Insurance Co. is leery of people who drink too much, job hop, don't pay their bills on time, resent authority, or have "poor morals."

John Spielman of Nationwide's public relations office say that some people have difficulty believing such things have anything to do with how they drive. But he insists that our "computerized data show that people in these categories have accident records ranging from 60 per cent to 1,700 per cent above the average."

"A person may say he's perfectly normal," says Mr. Spielman. "But we know he's had four jobs in three years, but none of them was an improvement. A little bit of an element of a drifter there. Now the guy might say, 'What the hell does that have to do with it?' All we can show is results: The guy with that kind of a record has about 15 per cent more chance of having an accident."

An aide of the Senate Commerce Committee say what the companies are really looking for are policyholders who'll impress a jury if they appear in court.

DO THE COMPUTERS FIB?

One insurance man concedes that his company would rather not insure a married man whom the company knows is having an affair. The reason: "If the plaintiff's attorney brings out his extra-marital activities, he's dead as a witness. The jury just won't believe him."

Pennsylvania Insurance Commissioner Herber S. Denenberg says, "Underwriting has always been sort of subjective and sort of irrational." Another commissioner calls underwriters "crystal-ball gazers."

The insurance companies resent this criticism. They insist that their computer analyses of huge statistical samples prove that certain groups of people have more potential for making claims and causing accidents than drivers whose computer results are considered safe.

Two professors, David Klein of Michigan State University and Julian A. Waller of the University of Vermont, analyzed the industry's criteria as part of the DOT study. They found serious flaws.

For one thing, underwriters depend heavily on accident data collected by police when setting an area's premiums. Mr. Klein and Dr. Waller found this criterion unreliable: While California police recorded 81 per cent of all reportable crashes in 1969, Illinois police reported only 36 per cent.

The professors also found the police less likely to ticket and charge affluent, older drivers than young or poorer drivers breaking the same laws. Thus, they imply, official statistics tend to exaggerate the bad driving records of teen-agers and the poor, who often pay very high premiums.

Screening techniques are at best only 80 per cent accurate, the professors maintain.

So a good driver has one chance in five of being inaccurately classified as a bad driver.

"Such serious inadequacies exist in the current methods for data collection by official agencies," conclude Mr. Klein and Dr. Waller, that the assumption that one can distinguish a high-crash risk from a low risk "is largely without validity."

But it isn't much consolation for people who've been priced out or thrown out of the auto insurance market to discover they've been done in by allegedly bad data. They're fed up with a protection system that is causing so much financial pain. The most-discussed alternative is no-fault insurance. Two such plans are before Congress, and a few states already have passed their own no-fault plans.

BILLS NOW IN CONGRESS

The Nixon Administration is sponsoring a plan that urges states to draw up their own no-fault systems along Federal guidelines. Another plan, sponsored by Democratic Sen. Philip A. Hart of Michigan and Sen. Warren G. Magnuson, Democrat of Washington, would establish Federal standards and let the states set premium rates.

The Nixon guidelines suggest that insurance companies pay all of their policyholder's losses, regardless of who caused the accident. Lawsuits would be eliminated except for catastrophic losses such as loss of an eye or a limb.

The Hart-Magnuson standards would assure the victim of payment for his medical expenses, physical rehabilitation, and 85 per cent of his salary up to $1,000 a month, plus the right to sue for losses exceeding $30,000 or for death or serious disability. Under the Hart-Magnuson plan, an insurance company could cancel a policy for only two reasons: failure to pay a premium or loss of driver's license.

The no-fault laws passed by several states are limited versions of the Nixon and Hart-Magnuson plans. In Massachusetts, where insurance costs had gotten completely out of hand, no-fault payment is made only for medical expenses under $2,000. Everything else is still settled in court under the fault system.

Florida's plan covers all expenses, including property damage up to $5,000. Oregon, Delaware, and Illinois have passed laws compelling all drivers to buy medical coverage on themselves.

Proponents of a complete no-fault system criticize the state plans because they probably won't produce the big premium reductions and cost savings that no-fault advocates promise. Beyond different limits, the state plans still let people sue for pain and suffering on the basis of fault. That means a continuation of high adjustment expenses, lawyers' fees, and long court battles.

A system similar to Puerto Rico's is what no-fault partisans have in mind. Puerto Rico has been operating a complete no-fault system for 1½ years. Ninety cents of every premium dollar collected is available for loss compensation, premiums have dropped, another cut is in the offing, and the government agency administering the program wants to raise the ceiling on benefits.

THE LAWYERS' BRIEF

The harshest critic of no-fault is the American Trial Lawyers Association, representing 26,000 lawyers who may see over 90 per cent of their legal fees evaporate if Hart-Magnuson becomes law. Indeed, many trial lawyers in Massachusetts now complain that the state's partial no-fault plan has ruined their business. No-fault backers say that's the very reason the lawyers are trying to kill all no-fault plans.

On July 20 a committee of the California Senate eviscerated a proposed no-fault insurance system introduced by Republican State Sen. John Harmer, who termed his bill's defeat "a triumph of special interests over consumer legislation." California's insurance commissioner, Richards Barger, says pressure from lawyers smothered the bills in committee. "Sooner or later," Mr. Barger says, "the public's going to finally figure out that the real opponents are the lawyers, that no-fault would mean a monetary loss to them."

The lawyers deny that they're so crass. "Only the guilty will get their money's worth under no-fault insurance," says Richard Marcus, president of the Trial Lawyers Association. "The drunk, the drag racer, and the speeder are treated with new honor and distinction, while taking their payments from the rights of the innocent."

Edward W. Kuhn, testifying before the Senate Commerce Committee for the American Bar Association, said that no-fault plans "do violence to our traditional and moral belief that the negligent party should compensate the innocent victim of an accident. They should not be treated as equals."

Mr. Kuhn says several surveys have shown the public does not want no-fault. A recent Gallup poll, the only independent survey to date, found that 80 per cent of the public hasn't made up its mind on no-fault.

TABLE 1.—AUTO LIABILITY INVESTMENT EARNINGS ON ASSETS HELD AGAINST AUTO LIABILITY INSURANCE RESERVES FOR STATE FARM MUTUAL AND ALLSTATE INSURANCE COMPANIES, 1970

[In millions]

Company	Assets[1]	Reserves[2]	Investment earnings[3]	Auto liability investment earnings
State Farm	$1,924	$1,091	$57	$29
Allstate	2,173	1,170	96	52

[1] Cash and invested assets.

[2] Includes auto bodily injury and property damage liability loss, loss adjustment, and unearned premium reserves as of Dec. 31, 1970.

[3] Total net investment income plus (or minus) net realized capital gain (or loss).

Note: Formula used: Reserves[2] divided by assets[1] times investment earnings[3] equals auto liability investment earnings.

Source: U.S. Senate Antitrust and Monopoly Subcommittee. Derived from: 1970 annual statements on file with State insurance departments.

TABLE 2.—RATIO OF BENEFITS FROM TORT-LIABILITY AFTER LEGAL FEES TO COMPENSABLE ECONOMIC LOSS[1] BY EXTENT OF INJURIES, 1967

[In billions]

Extent of injuries	Number	Loss	Benefits	Ratio
Very serious or fatal[2]	45,000	$3.447	$0.169	0.05
Serious[3] or fatal	450,000	1.402	.644	.46
Nonserious	3,750,000	.840	1.062	1.26

[1] Personal and family loss, i.e., medical and wage loss, and future earnings loss of fatality victims with dependent survivors. For purposes of this table, property loss has been excluded from all data.

[2] I.e., those with $25,000 or more of personal and family loss.

[3] Serious injury is defined in Economic Consequences of Automobile Accident Injuries, Department of Transportation, vol. 1, at p. 17, to be an injury which resulted in: Medical costs (excluding hospital) of $500 or more, or 2 weeks or more of hospitalization, or, if working, 3 weeks or more of missed work, or, if not working 6 weeks or more of missed normal activity.

Source: U.S. Senate Antitrust and Monopoly Subcommittee. Derived from: Motor Vehicle Crash Losses and Their Compensation In the United States, Department of Transportation pp. 2, 5, 6 and 11 (March 1971); Economic Consequences of Automobile Accident Injuries, Department of Transportation, vol. 1, pp. 23, 89, and 155 (April 1970).

THE FARM CREDIT SYSTEM

Mr. McGEE. Mr. President, the farm credit system has made a significant contribution to the betterment of American farmers and ranchers since the Federal Farm Loan Act was enacted in 1916. Having personal knowledge of this record and the continuing needs for sound, readily available agricultural credit, I was a sponsor of S. 1483, the Farm Credit Act of 1971. I am, therefore, very gratified that the Senate has now passed this measure. I hope the House will be able to take up this bill in the very near future.

In Wyoming, livestock enterprises and irrigation farms have been developed, improved, and expanded similar to the widespread agricultural advances that have taken place all over the country in the past half-century. The Farm Credit Banks and Associations through their lending programs have contributed substantially in Wyoming to the orderly transition of the farms and ranches of the "Twenties" to the modern mechanized operations of the "Seventies."

Last year, Wyoming farmers and ranchers borrowed over $66 million from local Production Credit Associations in short and intermediate term loans. Loans outstanding from Federal Land Banks total about $55 million. Over one-fourth of the total farm mortgage debt in Wyoming is held by Federal Land Banks, which means one out of four farmers and ranchers in Wyoming turn to the Federal Land Banks for their long term loans.

Agriculture has now reached the point when the hodge-podge of enabling laws for these farmer-owned organizations needs to be updated if they are to be able to provide the credit needs of the farmer of the future. S. 1483 will do just that. It provides for continuing the basic lending authorities of units in the farm credit system in the present law and grants some limited additional authorities to enable them to serve modern-day farmers and ranchers.

I have studied the provisions of this act and the extensive hearings regarding it. Through my work as chairman of the Senate Subcommittee on Agricultural Appropriations I have become deeply acquainted with farm credit programs and, early this year, had an opportunity to hear testimony on the farm credit bill. This measure provides many checks and balances within the farmer-owned organizational structure, under the general supervisory control of a Federal agency, the Farm Credit Administration.

This system has proven that it can provide a viable and sound lending program for American agriculture over more than a half century, without use of the taxpayer's dollars, without any loan guarantees, and without subsidies of any kind. There are monumental credit demands ahead for farmers and ranchers and I believe this system is capable of continuing to serve all borrowers well if we provide the necessary means provided in S. 1483.

I am particularly impressed by the provision in this bill to provide loans to young farmers and ranchers. This is a wise and needed step in the right directon, particularly when we realize that the average age of farmers and ranchers is approximately 55. To guarantee future food supplies for the American people we must do more to encourage young families to enter agriculture as a career. Therefore, I am pleased that this bill will move us in the right direction.

MORTGAGE PROTECTION FOR DISABLED VETERANS

Mr. BENTSEN. Mr. President, the Senate has passed and sent to the President one of the first bills which I introduced in this body after becoming a U.S. Senator, and I want to take particular note of it. The bill was S. 925, which I introduced on February 25 of this year. It has cleared the Congress and is being sent to the President designated by the number H.R. 943, the exact same bill which passed the House.

I am particularly pleased, Mr. President, that the Senate has passed this measure under my sponsorship because primarily it is needed. I am further pleased because this same measure passed the House last year, and died in the Senate last year. This measure addresses the need for mortgage protection life insurance for severely disabled veterans.

My bill, which I hope the President promptly signs, authorizes the Administrator of Veterans' Affairs to purchase a policy from a commercial insurer to provide mortgage protection life insurance for seriously disabled veterans who have been granted assistance under chapter 21, title 38 of the United States Code. Veterans receiving compensation under this chapter include quadriplegics and paraplegics, as well as others who have suffered serious service-connected disabilities, including blindness, the loss of one lower extremity, and serious organic diseases requiring the use of a wheelchair for locomotion.

The central provision of my bill authorizes the Administrator to purchase up to $30,000 in mortgage protection life insurance for the veterans who have suffered the serious disabilities listed above.

Mr. President, no words can better express the need for this legislation than those spoken by Michael W. Burns, executive director of the Paralyzed Veterans of America when he testified before the Senate Committee on Veterans Affairs:

> The plight of a severely handicapped veteran in society is not an easy one. Congress indeed has been generous in the compensation that they have allowed him. Yet, there are factors which this compensation cannot overcome. One of the many is the discrimination in the field of insurance.
>
> To a disabled veteran, as any man with a family, the home is the very fiber of his life. His wife and children provide him with care and affection, but what does he, as head of the household, think about when he knows death is near? He thinks of the often pitifully small amount of converted life insurance he has, because he can qualify for no other. He thinks of the token amount of Dependency and Indemnity Compensation benefits his wife and dependents will receive after his death. He thinks of his home which has been so much a part of the family's life, having to be sold by his widow because the mortgage is not insured, and she will not be able to continue the payments. It is not insured because he cannot qualify for that insurance. He is too great a risk, they have told him, and he cannot have it. VA Mortgage Protection Life Insurance would qualify him, and more would allow him to pay for it from his compensation while he is still alive.

It is a documented fact, Mr. President, that the men with these disabilities have severely curtailed life expectancies. Moreover, few, if any, of them can obtain mortgage protection life insurance from commercial sources. It is a matter of simple justice, therefore, to allow these men, who have sacrificed their physical health to defend their country, to be secure in the knowledge that their widows and families will be protected in their efforts to maintain a home in the event the veteran dies before the age of 70.

The mechanics of the legislation are quite simple. The insurance provided under the bill would go into effect on a date set by the Administrator; it would be automatic, unless the eligible veteran elects in writing not to participate. His unwillingness to participate at the outset of the program would not preclude him from applying to be insured at a later date, providing he paid the required premiums and complied with other terms and conditions set by the Administrator.

The amount of the insurance could not exceed $30,000 or the amount of the mortgage loan outstanding on the date the insurance is placed in effect, whichever is the lesser figure. The amount of the insurance would be reduced as the loan is amortized and the insurance would be payable only to the holder of the mortgage loan. No insurance would be payable if the loan was paid fully prior to the veteran's death.

The $30,000 figure is a reasonable one in view of the Veterans' Administration estimate that "the current average cost of a specially adapted house is between $30,000 and $35,000."

The eligible veterans under this program would pay premiums at a rate not to exceed the cost of premiums in similar policies covering persons leading "standard lives." The remainder of the premium costs would be paid by the Government from the appropriation for compensation and pensions in the Veterans' Administration budget. The Government would also pay the administrative cost of the program. The Veterans' Administration estimates that administrative costs would run about $200,000 in the first year and $40,000 for each of the following 4 years.

The Veterans' Administration has also estimated that the premium costs paid out of Government funds would be about $1,575,000 per year with an additional $200,000 to be paid in premiums by the veterans themselves.

We are speaking in terms of the 11,198 specially adapted housing grants made as of January 31, 1971, and an estimated increase of 500 new grants to be made each year.

In other words, Mr. President, we are talking about a program that will cost about $1,750,000 during its first year of operation and somewhat less in the following 4 years, considering the reduction in administrative costs.

I do not think it is too much to ask for Government to assume the burden of these insurance costs. Indeed, I am disappointed that the administration, in its comments on the bill, considered it to be "discriminatory," because the disabilities of many service-connected veterans do not qualify them for specially adapted housing as defined in chapter 21.

If a veteran has lost one or more of his extremities, has become blind, has lost his power of locomotion, he is obviously in a very special class. He warrants our most sympathetic consideration, and I believe it is both shortsighted and callous to claim otherwise. This modest program is the very least we can do for more who have sacrificed so dearly for a cause many of them did not understand or even condone.

Nor do I accept the argument that the survivors of these veterans often have no use for the special housing after the veteran's death. That argument assumes that the housing is only appropriate for the handicapped. In reality, quite the converse is true. Aside from alterations in bathroom facilities, in the size of hallways, in the absence of steps, the houses are completely suitable for individuals without handicapping conditions, and the veteran's family could easily live in them after his death. The more likely condition is that these houses have to be abandoned by the survivors, because they simply cannot meet the mortgage payments.

I am pleased that the Veterans' Committee has acted expeditiously on the legislation, and I particularly want to congratulate my colleagues, Senators HARTKE, HUGHES, and BAKER for their support of this measure. I commend Chairman TEAGUE of the House Veterans Affairs Committee, and Congressman MONTGOMERY for their successful efforts. I believe the action we take today will contribute significantly to providing secure living conditions for our disabled exservicemen, and I am particularly proud to have this measure as my first bill passed through the U.S. Senate.

THE INTERNATIONAL COUNCIL OF VOLUNTARY AGENCIES

Mr. HART. Mr. President, the International Council of Voluntary Agencies, whose headquarters are in Geneva, met in New York City recently. The meetings drew nearly 300 representatives of private voluntary agencies from every continent, including a substantial number from the United States. Among the speakers was our distinguished colleague, the senior Senator from Massachusetts (Mr. KENNEDY).

In his timely address Senator KENNEDY highlights the need for the international community to strengthen its commitment to serve mankind. The rising toll of disadvantaged peoples throughout the world—in India and Pakistan, in Indochina, in the Middle East, in Latin America, and in Africa—points continuously to the role that the international community must play in organizing effective humanitarian relief.

Mr. President, I ask unanimous consent that the address by the senior Senator from Massachusetts be printed in today's RECORD, as well as the invocation delivered by Monsignor Landi.

There being no objection, the invocation and address were ordered to be printed in the RECORD, as follows:

Invocation Delivered by Monsignor Andrew P. Landi, Assistant Executive Director of Catholic Relief Services, at Breakfast Meeting of Church World Service, June 30, 1971

Let us pray . . . In the spirit of our Judeo-Christian heritage we reflect on the humanitarian concept eloquently expressed by Saint John Chrysostom of the early Church when he said:

"All these qualities ought to be in the man who receives strangers: readiness, cheerfulness, liberality. For the soul of the stranger is *abashed,* and unless his host show excessive joy, he is as if slighted. For who would hesitate, knowing that the work is done for Our Lord."

We also pray that all of us be blessed with these desirable qualities especially in our appointed tasks in behalf of refugees from all of the world's people's.

Bless also in abundance all present here with the richest graces as we give thanks for the food we are about to partake, and for the gifts of love, of hope, of security which constantly come to us from your Goodness and generosity, through Jesus, the Lord. Amen.

Address of Senator Kennedy Before the International Council of Voluntary Agencies, Commodore Hotel, New York City, June 30, 1971

It is a great pleasure for me to be here this morning.

As one who shares the deep admiration of so many Americans for the important work of voluntary agencies throughout the world, let me add another—welcome to New York.

I recall very well your last conference in London just three years ago, and regret that I was unable to participate in those sessions. So I especially appreciate the opportunity to join today's meeting, sponsored by Church World Service.

Like all the member agencies of the International Council, Church World Service has an outstanding record of accomplishment on behalf of disadvantaged people throughout the world.

Over the years, all of you have meant a great deal to me. Because of your expertise—and your compassion toward your fellowman—I have looked to you for guidance and counsel and support. It has been a privilege to work with Jim MacCracken and John Schauer of Church World Service—and the representatives of the other agencies of this country and overseas.

With the early flow of refugees in Indochina—you were there.

With the first warnings of starvation in Biafra—you were there.

With the outbreak of civil war in East Pakistan—you were there.

You were organized for relief in these areas, and elsewhere—and your very active concern for people caught in conflict, or natural disaster, helped to mobilize public opinion, and governments, to move on humanitarian relief.

We are here today to renew a commitment to build on this record—and to strengthen our joint efforts to better serve mankind, at a time when the growing toll of human suffering seems to outpace the ability of governments and the private sector to meet the requirements of adequate relief.

Nothing illustrates this more, perhaps, than the tide of human misery and death produced by the civil war in East Pakistan. The tragedy is unequaled in modern times. In a matter of weeks, well over 6,000,000 persons—a number greater than the population of Switzerland or my own state of Massachusetts—have found it necessary to flee to India to escape conditions in their homeland. Countless thousands of others have been slaughtered or wounded in the civil strife. And millions more face disease and starvation, unless something more is done to help them. Regrettably, whatever progress is being made in bringing peace and relief to the area, is being out-paced by mounting tragedy—as conditions in East Pakistan deteriorate even more, and the massive flow of refugees into India continues.

A regional crisis of people also exists in Indochina. Over many years of war, some 8,000,000 persons—nearly one third of the population of Laos, Cambodia, and South Vietnam—have been displaced within their country or forced to flee over international boundaries. Civilian casualties, including deaths, number well over 1,000,000. And countless others have suffered in North Vietnam as well. Again, regrettably, war continues, and Indochina's crisis of people escalates daily.

As if the situation in South Asia and Indochina were not enough cause for concern, "people problems" continue throughout the world. Especially distressing in Africa is the festering problem in southern Sudan. And problems continue, as well, in the Middle East, in Europe, in Latin America, and Hong Kong. And always interspersed with the special needs of refugees and victims of conflict and oppression, are the emergency needs of those struck by natural disaster—and the long-standing needs of many others who are simply disadvantaged.

We are conditioned in the world we have created to accept suffering and injustice—especially in our time when violent conflict and oppression are active in so many areas. But the newer world we seek will not evolve if we ignore these challenges to leadership, and take comfortable refuge in the mundane patterns and attitudes of the past.

Several items are on the agenda for action—you know them better than I. A good share of these items deal with immediate problems. But there are two items of longer term, which I strongly feel need top priority by all concerned. I recommend these items for active consideration in your meetings this week, and ask for your help and support in seeing them through.

The first relates to rehabilitative needs in Indochina, and the second to more innovative international machinery for responding to human suffering in times of crisis.

In the case of Indochina the needs of the war victims are great. The efforts being made to meet these needs are fragmented—and without a sense of urgency the situation demands.

I have long believed that the U.S. bears the major responsibility to salvage and rehabilitate the people of Indochina—but as I suggested in comments to a Geneva meeting of the International Council more than 5 years ago, voluntary agencies from many countries and individual governments should also participate.

Over the years a measure of participation by the international community has occurred. And it is gratifying to note that in recent months, especially, interest and concern and offers to help, have grown considerably—on the part of voluntary agencies, international organizations and various governments.

In this connection, I recommend today that the highest priority be given by all concerned, to involving the United Nations in the relief and rehabilitation effort so urgently needed in Indochina.

The Secretary General of the United Nations should be requested to convene as soon as possible an international conference on Indochina relief. The current and long term needs of the people throughout this area can never be met through existing relief mechanisms.

Such a conference would lend fresh perspective in the possibilities of expanding emergency relief operations, and in the approaches to the bigger task of social rehabilitation and reconstruction.

Through the good offices of the Secretary General, the conference should make an effort to establish an international relief mechanism for Indochina. It should be the function of this body to receive and channel relief contributions, to appeal for the safe conduct of mercy missions into difficult areas, to supervise and coordinate general relief operations, and to involve additional humanitarian and development agencies—including those represented here today.

In the case of better international machinery for responding to human suffering as it occurs—there is today no broadly based and continuing mechanism to render massive emergency assistance to populations ravaged by conflict and oppression or natural disaster. Although a large number of international public and private organizations—including those within the United Nations—exist for this purpose, the fact remains that these organizations are too often limited in what they can do, by their individual mandate, tradition, political or regional association, and small resources.

In light of distressing developments involving humanitarian aid to victims of the conflicts in Vietnam, Nigeria, and today in East Pakistan and India—new initiatives must be taken within the United Nations to establish a United Nations Emergency Service (UNES), supported, perhaps, by a declaration on humanitarian assistance to civilian population in armed conflicts and other disasters. Such a service would exist purely for humanitarian purposes. It would function as a separate office within the United Nations—responding to a call from the Secretary General to mobilize and coordinate the vast resources of the United Nations and its specialized agencies. In this connection, the pattern of procedures and activities developed by the United Nations High Commissioner for Refugees, offers some guidelines for the operations of the emergency service. The Service would be headed by an impartial diplomatic leadership for negotiating mercy agreements and consent for the deployment of relief corps. The relief corps would consist, in part, of nationally financed technical units, organized on a standby basis and equipped for use in combat zones, famine-stricken areas, flooded provinces, refugee camps, and devastated cities. The national units would be placed under international direction in the event of an emergency. Along with personnel resources from other offices and agencies of the United Nations, regional organizations, individual governments, and voluntary agencies—the national units would be deployed with maximum speed to stricken areas. The emergency service would have the authority to call for and receive contributions in funds and kind from public and private sources within the international community. It would supervise and coordinate emergency relief efforts under its umbrella.

To establish a United Nations Emergency Service is a logical extension of United Nations activities in humanitarian questions—and, hopefully, it would also be a means to blunt and overcome some norms of international conduct, bureaucratic inertia, and diplomatic complexities reflected in the erratic and timid international response to massive human suffering in so many troubled areas. The experiences in East Pakistan and India today should compel all men of good will, to do all they can to enlist the support of their governments in bringing this matter before the next session of the United Nations General Assembly.

As I said a few minutes ago, we meet at a time when the growing toll of human suffering seems to outpace our ability to meet the requirements of adequate relief. This gap can and must be closed. And I strongly believe the items I have recommended will put us far down the road in accomplishing this objective. We know the needs. We also know how to meet these needs. There is nothing but inertia to prevent meaningful progress.

MARY HIGGINS—QUIET SERVANT

Mr. BELLMON. Mr. President, during the past week those of us in the Oklahoma congressional delegation as well as many others who knew her have mourned the passing of Mary Higgins. Her long career of faithful service as Representative PAGE BELCHER'S administrative assistant won her a host of friends and admirers.

Among the tributes that have been paid to this magnificent woman is an editorial in the Tulsa World, which not only recognizes her personal successes but also the role of others who handle major responsibilities as Mary so ably did.

In order that others may share in the appreciation that is felt for the contributions that Mary Higgins made and know of the esteem in which she is held in her native State, I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE QUIET SERVANTS

Thousands of Oklahomans who never saw her in person owe a debt of gratitude to MARY HIGGINS.

As Administrative Assistant to Congressman PAGE BELCHER, MISS HIGGINS served her State and nation in an important but little-publicized role.

Everyone knows that a Congressman's job is passing laws. Not everyone realizes that his job also includes a tremendous workload not related to legislation in any way. He is a father confessor, ombudsman and occasionally, a court of last resort for constituents who have problems.

Whether the problem involves a multimillion-dollar program in his District or a mix-up in an old woman's Social Security payment, a Congressman hears about it. How well he can handle it depends largely on his staff.

In the tough and demanding yet little-publicized area of Congressional staff work, MARY HIGGINS was a standout. Her importance would be hard to exaggerate. In her death, Oklahoma and the nation have lost a valuable servant.

GROWING INEFFICIENCY IN INDUSTRIAL PRODUCTION

Mr. FULBRIGHT. Mr. President, the Northwest Arkansas Times of July 29 contains an excellent editorial on one of the most important problems confronting our country, our growing inefficiency in the field of industrial production. One of the casualities of the war along with so many others in the human field, is the efficiency of our nonmilitary industrial productivity. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

GREATEST DEBATE

The Christian Science Monitor, in an editorial a few days ago, offered some interesting thoughts on what some people are calling America's neo-isolationist movement. The U.S., with its far-flung foreign investments, commitments and involvements isn't about to become an international drop-out, in our view. But there are problems in Uncle Sam's relations abroad, economically and politically, and with resulting difficulties at home, economically and philosophically, which cause a certain amount of national introspection.

The U. S., and to a large extent Russia, too, the Monitor observes, is lagging behind much smaller countries in terms of industrial efficiency and in services to its people. A dramatic example of this lag, the editorial states, is provided by recent United Nations figures on comparative industrial productivity. On the UN scale for the years 1958–1969 (roughly the decade of the '60s), Japan scored 372 against 157 for Russia and a mere 85 for the United States.

The discrepancy between Russia and the U.S., apparently, is explained by the fact that Russia still is in the catching-up phase of industrialization. In true terms, we feel sure, the Soviets are slipping even farther behind the U.S.

Japan's spectacular economic progress is only partly a combination of catching up and relative position, however. In true terms, Japan is simply outstripping the rest of the world in industrial efficiency and production, according to anyone's figures.

American economist Herman Kahn, the Monitor notes, predicts that the Japanese will pass America in per capita wealth by 1990 (less than 20 years), and will double the American per capita figure by the year 2000. This means, in actual figures, that by 2000, Japan will have become the richest country in the world.

In addition to Japan, other small nations (West Germany, for one) are showing a fleeter economic foot than either Russia or Uncle Sam. This circumstance, says the Monitor, may pose "the greatest of the 'great debates' of American history . . . As smaller countries become competitive with American industry, the demand grows for protective quotas and tariffs to save American industry from foreign competition."

The U.S., the thesis goes, is going to have to decide, and fairly soon, whether it wants to remain competitive, or live in economic isolation. "We think," says the Monitor, "the American people are far too intelligent to do any such foolish thing (as embrace total isolation). But we also suggest that the greatest present danger to the American Republic lies not in its unresolved racial conflicts, or in the adventuresomeness of its younger generation, or in its tendency to foul its own land, sea, and air, but in an inclination to shrink from economic and social competition with the vigorous small countries of today."

Without much question such issues as Japanese textile import quotas, Italian shoe import quotas, underpinning by federal treasury of non-efficient big business, and the whole foreign aid program, are part of this "great debate." And its seriousness seems only dimly perceived as yet.

THE COST OF CREDIT

Mr. TAFT. Mr. President, yesterday in a statement to the Senate, I urged Congress to delay consideration of additional credit legislation until the National Commission on Consumer Finance has an opportunity to do the research and make the report for which it was established under the truth in lending law. My reason for making that proposal was that the information essential to wise and prudent legislation is not now available. It is quite likely, therefore, that premature legislation would not only fail to produce new protection for the consumer but might, inadvertently, do great damage to the availability of credit and, in fact, might turn out to be sand in the gears of our recovering economy.

Since making my prior statement on this subject, I have had a chance to review the findings of studies done in two States where the cost of credit has been set by law. The results bear out the fears that I have expressed.

For example, in the State of Arkansas, there have been severe limitations on interest for many years. The interest limitation is interpreted to mean 10 percent simple interest on all types of credit. A study was completed by a professor from the University of Arkansas on the effect of this limitation. The following excerpts from the conclusions in his study indicate the effect of this restrictive legislation:

> The ten percent simple interest limitation in the Arkansas Constitution was intended to assure fair and equitable treatment for borrowers. Today, the law must be defended on other grounds, if at all, because the impact of the law is exceedingly discriminatory. It discriminates against cash buyers in favor of credit buyers, causing the former to pay a subsidy when paying cash for items generally sold on credit. . . .
>
> The ten percent limit deprives the state of income and economic growth to the extent that it hurts merchants in the state and encourages buyers to go out of state. Commercial development, especially retail establishments, in border areas has been more substantial in border states. Arkansas loses the earnings from commerce as well as sales taxes paid in other states.
>
> At some time, an equitable solution must be reached. The most equitable credit scheme would seem to be that which requires the user of credit to pay its full cost.

The Graduate School of Business Administration of the University of Washington—Seattle—in 1970 published a study of the impact of a 1968 State "initiative" limiting service charge and interest in consumer credit transactions to 12 percent per year. The study was made in the year following the effective date of the law for the purpose of determining what changes in credit availability, price or credit-granting policies resulted from the mandatory reduction of service charges from 18 to 12 percent.

EFFECT ON CREDIT CHARGES

First. Seventeen percent of the retailers who previously offered 30-day, no-charge accounts eliminated them in favor of other plans which assessed a service charge.

Second. Thirteen percent of the retailers cut their 60- to 90-day open accounts to 30-day accounts.

Third. Forty-three percent of the retailers made an effort to get consumers to switch from one form of credit to another—one less costly to the retailer—and 50 percent of the furniture and appliance dealers encouraged cash sales in lieu of credit.

Fourth. There was an increase of 20 percent in the number of retailers who required some form of credit insurance.

TIGHTENING OF CREDIT-GRANTING POLICIES

Sixty-six percent of the retailers said that they were now rejecting credit applications from persons they would have accepted had the rate been maintained at 18 percent. The credit rejection rate for the year—1969 increased 9 percent over 1968.

EFFECT ON PRICES

First. Fifty-six percent of the merchants said they raised prices an average of 5 percent in response to the reduction in permissible credit charges.

Second. Some retailers started charging for—or increasing existing prices of—other services such as check cashing, wrapping, lay-away, parking, delivery, or installation.

Obviously, these two studies are not directly applicable to the problems of Federal credit legislation—nor am I in a position to defend either the findings or the research methodology. What both studies suggest, however, is that credit is a highly sensitive mechanism that ought not to be tinkered with unless the tinkerer acts from unassailable knowledge. It is clear, for example, that cutting the price of credit does not necessarily work to the advantage of the people for whom the cutting avowedly is intended. If the cost of credit gets too high, then the retailer will deny credit to the marginal credit risks. Those people may be driven into the hands of unscrupulous dealers or loan sharks, and they will end up paying more for merchandise and more for credit—a result precisely opposite to our intent.

Perhaps the Wall Street Journal, in an editorial on this subject—March 16, 1971, issue—said it best:

> In states where rates have already been forced down, retailers have tried to recoup in various ways—by charging for parking, gift-wrapping, and other formerly free services but chiefly by raising prices.
>
> In effect, part of the cost of providing credit will be placed on customers who don't use it—on those who pay cash. The numbers of such people may be declining, but that hardly excuses doing them such an injustice.
>
> Success in this drive for laws to force credit charges down thus will save few individuals money and will cost many people more. Maybe someone should find a way to save consumers from some of their self-appointed saviors.

NEW HAMPSHIRE PRESS HITS BIG OIL ABUSE

Mr. McINTYRE. Mr. President, earlier this week I brought to the attention of the Senate an article in the Keene Evening Sentinel concerning campaign spending procedures. I noted at that time that this newspaper often expresses the thoughts of so many New Englanders on so many issues.

The Sentinel has once again captured the feeling of New England, this time on the issue of oil. The editorial that I am referring to, which appeared in both the Keene Evening Sentinel and the Valley News of Lebanon, N.H.—reiterates the unfair treatment that consumers receive at the hands of the big oil interests.

It is discouraging to note that the oil companies are employing their huge cash flows, subsidized by the depletion allowance and the import program, to enhance their efforts to conglomerate and diversify into other energy fields. These dollars should be used to explore and develop new domestic sources of oil. But they are not.

This is why this article is so important. It speaks for thousands of homeowners and businessmen who know that they will face next winter with the same high prices that plagued them last winter.

Mr. President, it is time that the consumers of America stopped subsidizing the development of foreign resources that the oil import quota system actually precludes them from enjoying. It is time to greatly restrict the oil import quota system.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CHEAP OIL

> "The imposing of import quotas on oil was primarily an economic decision."
>
> Sherman Adams wrote that ten years ago in his memoirs and about two years after the government had blessed the domestic oil industry with the means to bilk the consumer of several billion dollars a year.
>
> This makes interesting history in view of the letter sent last week by several New England congressmen to the director of the federal Office of Emergency Preparedness. The legislators requested that by this Saturday the Oil Policy Committee and the President act to permit increased oil imports to the Northeast to avert higher heating fuel prices in the region.
>
> Just how "economic" the oil import program is may be best reflected in the estimated $6-7 billion that Americans pay annually for auto and heating fuels above what they might pay if cheaper foreign-produced oil was permitted liberal entry to the U.S. market.
>
> The oil import program resulted in 1959 when the oil companies convinced the Eisenhower administration that inexpensive foreign oil threatened the domestic industry.
>
> When Sherman Adams wrote that the import program was established for "economic" reasons, he meant simply that the overriding motivation was to protect the oilmen and their profits—not, as was peddled to the public, the need to safeguard national security by avoiding unnecessary dependence on foreign oil supplies.
>
> These, it was argued, might be suddenly shut off in time of war or international tension and could leave the U.S. at the mercy of foreign oil-producing states.
>
> This theory rests upon the implausible assumption that several nations as disparate as Kuwait and Canada—were they supplying a significant portion of American needs—might conspire to withhold this supply in time of international dispute.
>
> The import program also is supposed to bolster U.S. security by encouraging the oil companies to seek out new domestic sources of oil. Instead, they have taken profits garnered from inflated oil prices (protected from undercutting by foreign oil) and invested these in the exploration of OVERSEAS oil reserves. The search for new domestic sources has actually slackened.
>
> As a consequence, Americans—who consume one third of all the oil used in the world—are expending domestic supplies faster than they can be replenished. By contrast, the rest of the world—which annually consumes just one 39th of its known reserves—is blocked by our quotas from exporting larger quantities of crude oil to the U.S. This would not only slash oil prices in most sections of the country; it would reduce the drain on U.S. reserves.
>
> New England motorists and home owners who pay several cents more per gallon of fuel because of the oil import program might question why they should continue to underwrite such a cockeyed program, which does nothing to preserve national security but much to insulate the oil industry from the rigors of competitive free enterprise.
>
> The New England congressmen's letter is a reminder that the Department of Commerce has yet to rule upon the request of Occidental Petroleum Corp. to import crude foreign oil through Machiasport, Maine. Occidental has access to huge reserves of low sulfur oil in Libya, which it wishes to refine at Machiasport and "export" to New England consumers at a ten per cent reduction in price.
>
> Obviously, opening a "crack" in the import program at Machiasport could have far-reaching impact on the oil quota system.
>
> Not surprisingly, the oil lobby succeeded in consigning the Machiasport scheme to review by a special cabinet-level task force on oil import controls. The task force ultimately recommended a modification of the import structure, but its lack of unanimity gave the White House opportunity to "restudy" the issue.
>
> In the meantime, the Machiasport plan remains dormant.
>
> We would like to think that the region's congressmen will succeed in their quest for relaxed import restrictions. But something tells us that no action will result and that in the coming winter months we shall have to warm ourselves with the hollow assurance that, in paying higher heating bills, we are protecting the nation's security.

Mr. JORDAN of Idaho. Mr. President, one of the few bright spots in American foreign trade in recent years has been U.S. agricultural exports. Our exports of wheat, peas, beans, and other farm products in calendar year 1970 were a record $7.2 billion.

American agriculture has achieved this favorable trade position only through sustained and intensive work to develop and maintain foreign markets. Competition with other agricultural exporters such as Australia and Canada has been keen and when U.S. traders have been unable to deliver other countries have stepped in to satisfy the market demand.

The current west coast dock strike by the International Longshoremen's & Warehousemen's Union is having a severe economic impact on U.S. agricultural exports. The U.S. Department of Agriculture has reported that for the first 2 weeks of July U.S. agricultural export business with Japan suffered an estimated $7.7 million.

Mr. Harold West, administrator of the Idaho Wheat Commission, has informed me that in recent weeks Idaho farmers lost out on sales of 70,000 tons of white wheat to Korea, 60,000 tons to Japan, 60,000 tons to the Philippines, and a possible 100,000 tons to India. Because of the inability of U.S. shippers to fill these orders, the foreign buyers turned to either Australia or Canada to meet the market demand. Since demand is made on a month-to-month basis these are sales that are lost forever to U.S. producers. In addition to the lost sales the reliability of the United States to supply the goods is being called into question by foreign purchasers.

Unless this strike is settled soon, northern Idaho farmers will have to dump approximately 4½ million bushels of wheat on the ground for lack of adequate storage space. This, of course, could result in large losses from weather and rodent damage.

Mr. President, I ask unanimous con-cent that a number of the letters which I have received on this strike be printed in the Record at the end of my remarks.

I have joined in cosigning a letter initiated by my distinguished colleague from Oregon, Mr. Hatfield, to Mr. Harry Bridges, president of the International Longeshoremen's & Warehousemen's Union, and Mr. Edward Flynn, president of the Pacific Maritime Association, urging that good faith bargaining be resumed in order that the longshore strike may be settled. Earlier I had urged Secretary of Labor James Hodgson to use his best efforts in persuading the parties to resume negotiations.

However, as I stated on July 29 in conjunction with the rail strike, better means are necessary to settle disputes in the vital transportation industry. The successive blows delivered by the longshore strike and the rail strike have hurt the Nation's economy, as well as that of my own State. Car dealers, farmers, store operators, and lumbermen have told me that they have experienced heavy losses as a result of these strikes. Legislation to provide a means for dealing with national emergency labor disputes in the transportation industry is urgently needed in order to protect the public interest. This is why I have joined in cosponsoring S. 560, a bill proposed by the President which sets forth an equitable and workable procedure for solving labor disputes in the transportation industry. This bill would protect the public interest by providing the President with new powers designed to facilitate negotiation and settlement of contract disputes before work stoppages occur. At the same time the bill protects the system of free and democratic collective bargaining by maintaining the bargaining position of either side to a dispute. I respectfully urge that this legislation be approved at the earliest date.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Idaho Pea and
Lentil Commission,
Moscow, Idaho, July 30, 1971.

Sen. Len B. Jordan,
Old Senate Office Building,
Washington, D.C.

Dear Senator Jordan: The dry pea and lentil industry represents a total value of over 30 million dollars to the economy of eastern Washington and north Idaho. This area ranks as the world's largest exporter of lentils, and one of the world's largest exporter of dry peas.

The current West coast dock strike now underway is approaching a situation which could have serious economic impact to our industry, which could be felt throughout the whole year. Our industry relies on having an orderly marketing through West coast ports to handle the crop, as storage facilities are not able to handle the crop inland. This problem is compounded this year with prospects for one of the largest crops in history.

Foreign customers, which use our products, are already going to other sources of supply, because we are unable to deliver their requests. These markets are already lost, and could mean the loss of future markets, even if the dock strike were settled in the near future.

The dry pea and lentil industry is not alone in this problem, as economic loss to the wheat, lumber, and other industries of the Pacific northwest is staggering. The economic damage resulting from this strike radiates clear across the nation at a time when we can least afford it. Even though Congress has not been reluctant to intervene in disputes between labor and management when the damage to the entire economy is greater than to either parties of the dispute, then we believe Congress must take appropriate action to bring about some type of compulsory arbitration. The impact on the overall economic welfare of the area is such that Congress must take the leadership in solving the current impasse.

Very truly yours,

Harold Blain,
Administrator.

Genesee Union Warehouse Co.,
Genesee, Idaho, July 30, 1971.

Senator Len B. Jordan,
Senate Office Building,
Washington, D.C.

Dear Senator Jordan: The strike of Pacific Northwest docks by the International Longshoremen's & Warehousemen's Union could cause severe economic repercussions for our Idaho farmers. The outlook at this time is very pessimistic for an early settlement. There has not yet been a negotiating session in July.

Most of the warehouses in our area do not have adequate space to take in the new crop. They must skip grain either by selling or consigning to terminal storage in order to properly store the incoming crop. Estimates of up to 10% of the overall grain crop could have to be moved in order to put all the crop under cover (our estimates are upwards of 14% in the Genesee area).

Unless something can be done to hasten a strike settlement, the warehouses in this area will be forced to store vast quantities of grain on the ground. The grain stored in this manner is not protected from weather, rodents or vandalism; so the risk of spoilage and/or contamination is greatly increased. The loss of 300,000 bushels of wheat with a potential value of one-half million dollars is not unrealistic here at Genesee Union Warehouse.

We, as a local cooperative, will also be faced with the potentiality of not being able to buy our farmer's grain for want of a market.

It seems to me that our administration is negligent in not rectifying this situation to some degree. The President might invoke the Taft-Hartley 80-day cooling off provision. This action might relieve some of the pressure at the terminals in that we would be able to export some of the grain that has been piling up there and it would surely help our farmer's situation here if we were able to ship grain to the coast.

The U.S. has already lost possible sales to Korea, Japan and the Philippines. If the strike is allowed to continue very long, we will simply be conceding business to Canada and Australia that we may never regain. This will further upset our balance of payments.

Along this same line, it would appear that uncontrolled and excessive union strikes and settlements do more long-range harm than any immediate benefit that might be realized by the union members. Small and marginal businesses are forced to liquidate or automate, adding to the already high unemployment levels. These costly labor settlements that are not coupled with increases in productivity or technology make it more difficult for the United States to compete in the international markets.

We will be very appreciative of anything you can do in influencing a rapid and just settlement in the ILWU strike and in controlling unreasonable and unwarrantable union demands.

Yours very truly,

William H. Wood, *Manager.*

Dry Pea & Lentil Council,
Spokane, Wash., July 7, 1971.

Senator Len B. Jordan,
U.S. Senate Building,
U.S. Congress, Washington, D.C.

Dear Senator Jordan: As you know very well the lifeblood of the Northwest dry pea and lentil industry depends upon exports. The West Coast dock strike is economic strangulation, not only for us but for the United States. The tremendous trade deficits of the past two months will only be magnified if this strike is allowed to continue. We respectfully urge that you use your good offices to impress upon the White House the needs for prompt settlement of this damaging strike.

Sincerely,

Joseph J. Spiruta,
Marketing Director.

Northwest Pea & Bean Co., Inc.,
Spokane, Wash., July 27, 1971.

Hon. Len B. Jordan,
U.S. Senate, Washington, D.C.

Dear Senator Jordan: When the longshoremen went on strike and closed the Pacific Coast Ports, we worked with our export connections and, finally, were able to convince buyers in Venezuela that they would have to pay the additional costs of shipping to Venezuelan ports via New Orleans.

Then, when we had accomplished this, the United Transportation Union called a strike against the Union Pacific, so being located on the Union Pacific, we are unable to ship to New Orleans.

Our industry depends greatly on export markets, and we certainly do our share to keep the balance of payments deficit from being worse than it is. Isn't it about time that the Administration and the Congress quit playing politics and get something done to stop the paralysis gripping the country!

Respectfully yours,

H. J. Roffler.

POLLUTION AND STONE MONUMENTS

Mr. COOK. Mr. President, the fight against pollution and the fight to preserve our cultural heritage are endless battles. Recently, a team of professors at the University of Louisville made a major breakthrough in protecting the world's stone monuments against disintegration from air pollution.

Doctor K. Lal-Gauri, a University of Louisville geologist, has successfully experimented with its new technique on Cleopatra's needle, a tall granite structure in New York City's Central Park.

Also, Dr. John Dillon, dean of the University of Louisville Graduate School and the team coordinator, has indicated the process may also be used to strengthen coal mine walls.

I ask unanimous consent that the Courier-Journal article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Courier-Journal & Times, Louisville, Ky., July 18, 1971]

Stone-Preserving Technique Developed: U of L Professors May Help Statues Save Face

(By Christine Doughty)

Imagine the Statue of Liberty without her torch, or a noseless George Washington on Mount Rushmore. It could happen.

Stone monuments are slowly, but surely, falling victims to pollution. Priceless statuary is eroding daily as poisonous gases—carbon dioxide especially—penetrate the air.

Some University of Louisville professors decided last year to do something about the problem and already have scored what they call a major breakthrough in protecting stone against air pollution, according to Dr. John Dillon, dean of U of L's graduate school.

Dr. K. Lal-Gauri, a U of L geologist recently returned from New York where he successfully experimented with the statue-preserving technique on Cleopatra's Needle, a tall granite structure in Central Park.

TEAM INCLUDES SEVERAL DEPARTMENTS

The U of L team, which also includes members of the chemistry and art departments and Speed Scientific School, is now experimenting with monuments in Louisville's Cave Hill Cemetery.

The university has already applied for a patent on the process. Dillon, the group's coordinator, said the preserving process might also be adapted for strengthening the walls of coal mines and wooden structures.

Gauri and Dr. Joseph Polzer, of U of L's art department, will introduce their findings at an October international stone preservation conference in Italy, where art patrons have long been alarmed at the deterioration of statuary.

It was after a 1969 trip to Florence, Italy, where flooding had increased the threat to the city's art treasures, that Polzer urged U of L to work on preserving stone.

Scientists have been experimenting in stone preservation for hundreds of years, said Gauri, a native of India. But most ideas thus far have been too expensive.

Gauri said marble and other similar stones change into completely different materials when exposed for long periods to carbon dioxide and sulphur dioxide.

These gases, already in the air, cause more damage when fumes from cars, coal heaters and factories are added.

The particles making up stone lose their cohesiveness and are washed away by rain, causing physical changes in statues.

TECHNIQUE IS SIMPLE, INEXPENSIVE

Gauri's technique is fairly simple and inexpensive.

A mixture of solvent and resin, a sticky glue-like substance, is applied to a solvent-soaked statue. The solvent evaporates, and the resin hardens in the stone and also forms a protective coating on the exterior.

The outward appearance of the statue is slightly lustrous at first, but that gradually disappears, Gauri said.

The treatment of an eight-foot-square section of Cleopatra's Needle took about two hours to complete.

TAX REFORM FOR SMALL BUSINESS

Mr. BAYH. Mr. President, I am pleased to join as a cosponsor of the small business tax simplification and reform bill, which is numbered S. 1615 in the Senate and H.R. 7692 in the House of Representatives.

The distinguished chairman of the Small Business Committee, Mr. BIBLE, in his address to the Senate of July 19, has cited hard economic evidence that small business is getting the worst of the economic slump which the Nixon administration apparently has erected as a deliberate policy in an effort to combat inflation.

During the past year, 1970, the earnings of smaller manufacturers were down 45 percent, compared to only a 12-percent drop for larger manufacturing companies. Business failures increased 17 percent last year to a 3-year peak. These figures convince me that "small business," which constitutes 95 percent of the businesses in this country, needs help.

However, there is more involved than statistics. Every one of the 10,748 firms that were driven into bankruptcy last year carried the hopes and dreams of its owners, its employees, its investors and the people of its neighborhood and community.

Unfortunately, the present administration has not responded to the call for help on the part of this segment of business or its spokesmen in Congress. On the contrary, it has continued to reduce the SMA business loan fund and now proposes that the fiscal year 1972 amount available for direct and participation loans be set at $99 million. That is a two-thirds cut from the $307 million which was approved by Congress for fiscal year 1968. The recent Lockheed bill reaffirms my conviction that this administration cares only about big business.

It seems to me that to draw back and let our most enterprising, hardest working and taxpaying citizens bear the brunt of our economic difficulties is a denial of the best in the American system.

A recent New York Times editorial stated that the administration, "preferring to count on persistent slack in the economy to stop inflation—is making—jobless workers the frontline troops" in the fight.

Thus it is the unemployed returning veterans, the unemployed scientists and engineers and the unemployed graduates of our colleges and universities and our other underemployed and less employable citizens in the small business community that the present administration is counting on to pay the major costs of economic stability.

These groups, which I do not believe deserve such treatment, would be among the first reached by allowing and assisting individual small businesses to expand and grow. If half of the 5½ million small firms in this country each hired one extra employee, the unemployment rate would drop about 3 percent.

The savings which would provide such fresh investment have been accumulating in our thrift institutions at above average rates. Tax reform for smaller firms would increase their profitability and their prospects, and put some of those savings to work.

Accordingly, this seems a very good time for the Congress to proceed with tax reform for small business.

The bill which I am cosponsoring is a thoughtful and responsible effort to modify the tax structure so that new businesses can be started, young existing firms can expand, new investment can take place, and small and independent firms can look forward to a period of strength and independence.

By undertaking a serious effort in small business tax reform, we can assure that small and new firms and the private enterprise system as a whole will continue to play their traditional roles in the towns and cities as well as the general economy of this country.

A comprehensive bill of this nature, of course, can be improved and I am sure that the expertise of the Treasury Department and the taxwriting committees can refine it at many points. The important thing is that the commitment be made, and that the Government fulfill its obligation to provide tax equity to the great majority of our business community which can do so much to help our economy and our unemployed workers.

I will be doing all I can in the months ahead to bring this about.

FDA SHOULD APPLY STANDARDS EQUALLY

Mr. McINTYRE. Mr. President, recent reports in the press dealing with the policies of the Food and Drug Administration indicate a dangerous system of double standards is currently being applied to the Nation's drug companies. It is clear that in at least one major case—a case involving thousands of infections and possibly hundreds of deaths—the FDA has been very lax in its enforcement of rules and regulations governing the production of medical supplies.

I refer to the report that contaminated intravenous solutions made by Abbott Laboratories were responsible for the infection of approximately 5,000 hospital patients and allegedly contributed to the death of 500. The contamination resulted from a germ which entered the solution through a faulty bottle cap.

When the FDA finally gathered enough evidence to indicate that the Abbott solution was causing the blood poisoning, it failed to order the products off the market, but instead merely issued a warning to hospitals. The reason given by the FDA for this was the fact that Abbott supplies 45 percent of all intravenous solutions and the fear that its competitors could not take up the slack.

That does not seem to be a very good argument when you consider that 10 days—and many more infections—later the FDA changed its mind and the solutions were officially recalled.

Mr. President, twice before—in 1965 and 1969—Abbott Laboratories was involved in similar incidents, although court proceedings were instituted in neither case by the FDA.

This is particularly difficult for me to understand since earlier this year the Commissioner of the FDA told the Senate Monopoly Subcommittee of the Small Business Committee that his agency had put 21 companies, all of them small firms, out of business because they could not meet the Federal production standards. But Abbott Laboratories—with half a billion dollars in annual revenue—continues to be treated with kid gloves despite practices which an organization as reputable as the Federal Government's Center for Disease Control says may have contributed to the death of 500 people.

Contaminated medical supplies can cause serious injury or death whether they are the product of large companies or small ones. Germs do not discriminate on the basis of gross income.

Mr. President, I fully support the strict enforcement of all FDA standards. The public interest in cases of drug safety demands that regulations be tough. The death of 500 hospital patients—possibly due to faulty medical supplies—is a tragic way to be reminded of this fact, but it would be more tragic if we fail to take action before it happens again.

I hope the FDA will now realize that it must apply its production standards strictly, but uniformly, to all drug companies so that this kind of tragedy can be avoided.

I ask unanimous consent that two articles, one from the Wall Street Journal, the other from the Washington Post, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journa', July 21, 1971]

ABBOTT LAB'S SOLUTION MAY HAVE HAD ROLE IN 500 DEATHS, U.S. SAYS; FIRM DENIES IT

The federal government's Center for Disease Control is estimating that contaminated intravenous solutions made by Abbott Laboratories, North Chicago, Ill., may have infected a total of 5,000 hospital patients and contributed to the deaths of 500 of them. Previous estimates had been far lower.

The infections occurred in the closing months of 1970 and early this year, prior to the March recall by the Food and Drug Administration of Abbott intravenous solutions because of bacterial contamination associated with the screw-cap closure systems used on the bottles containing the solutions.

Dr. John Bennett, chief of the center's bacterial diseases branch, said in a telephone interview in Atlanta that the estimate of 5,000 infections and 500 deaths was a statistical extrapolation of the midpoint between what he called an "unrealistic" minimum estimate of 2,000 cases and a "totally unfair maximum estimate of 8,000 cases caused by the Abbott solutions. He confirmed figures reported by Medical World News, a magazine for physicians.

The center estimates that 10% of patients who were infected by the fluids died, as patients receiving intravenous solutions are already weakened by other illnesses, Dr. Bennett said.

He stated that as the 5,000-case figure is an extrapolation, it could be off in either direction, but he said it represented the "most reasonable estimate of the probable scale" of infections that occurred nationwide as a result of the fluid contamination.

Since the solutions were recalled, he said, there has been an "abrupt discontinuance" of reports of infections.

Dr. Charles S. Brown, executive vice president, administration, said: "The fact is that the CDC epidemiological conclusions are unsupported by verified reports of widespread septicemias received either by Abbott, CDC's own reporting system, or any other information-gathering source which we've been able to locate."

"There appears to be no supportive evidence for the CDC's conclusion of widespread septicemias caused by Abbott intravenous solutions. Their conclusions are based upon projections which haven't been substantiated by subsequent reports," Dr. Brown said.

The center previously announced a figure of 400 documented cases of infection caused by Abbott solutions in 21 hospitals it surveyed. Dr. Bennett said a survey under way at 80 hospitals should give a more precise estimate of the total number of cases. He said the survey should be completed by mid-August.

Abbott, which resumed producing intravenous solutions in bottles with a different stopper in May, recalled an estimated six million bottles after the FDA order in March. The company estimated the cost of the recall at $5.3 million, which was charged against first quarter earnings.

In March, security analysts predicted that the company's losses from product liability suits might be more significant than the recall's impact on earnings. In April, at the company's annual meeting, Bernard H. Semler, vice president, finance, said it's impossible to estimate the amount of litigation that Abbott might incur as a result of the contamination of intravenous solutions.

"To date, we have been named a defendant in three lawsuits . . . undoubtedly, additional suits will be filed in the future," he said at that time.

Mr. Semler added that Abbott believes that its insurance protection for 1970 and 1971 will be adequate to meet any losses.

As Abbott had about 45% of the intravenous fluids market in the U.S., the recall of its products in March strained the ability of the other major producers to meet the demand. It was because of Abbott's large share of the market that the FDA hesitated at first to order a complete recall.

On March 13, the FDA issued its first alert to hospitals, urging them to exert special precautions to prevent bacteria in the bottle cap liners from entering the solutions.

The federal agency also ordered Abbott to stop further shipments until the contamination problem was cleared up.

It wasn't until 10 days later, however, that the FDA ordered a full recall of Abbott intravenous solutions, saying it was then assured that other producers could provide sufficient supplies to replace Abbott products.

The March 13 order was termed "shockingly irresponsible" by consumer advocate Ralph Nader, who contended that the FDA should have ordered the recall as soon as it learned Abbott solutions were contaminated.

[From the Washington Post, Mar. 29, 1971]

ABBOTT HAD CONTAMINATION, MISLABELING TROUBLES BEFORE

(By Morton Mintz)

Abbott Laboratories, which was ordered last Monday to recall intravenous fluids after some bottles were found to be contaminated, had major problems with its salt and dextrose solutions twice before, in 1964 and 1969.

The Food and Drug Administration ordered the recall after a check of 21 of the more than 3,000 hospitals Abbott supplies uncovered 350 cases of blood poisoning, 9 of them fatal.

The 1969 case also involved contamination. The 1964 occurrence involved mislabeling. Both times, the FDA decided not to prosecute the company, which itself supplies more than 45 per cent of the intravenous fluids hospitals use, and is, as well, a major drug producer.

These FDA decisions raised an old, troubling question: Is the agency tough with small violators and lax with big ones?

Commissioner Charles C. Edwards flatly rejects any suggestion of possible bias.

"The economics of the industries we regulate—regardless of size and resources—have no role in FDA's scientific-regulatory decisions," he said when queried on this.

"While Edwards didn't mention it, Abbott was prosecuted in a false advertising case a few years ago (and was found innocent).

But FDA's critics, especially on Capitol Hill, aren't convinced there is no bias. At the same time, they concede that the record is confusing and fragmentary. And a double-standard, if one exists, they acknowledge, is easier to pin down for other law-enforcement agencies than for FDA, because it sometimes may better protect the public health with civil remedies or simple persuasion than with criminal prosecutions.

Thus Congress gave FDA a variety of legal weapons to cope with drugs that are not produced in accord with good manufacturing practices. It can seize them, for example. If it does seek criminal penalties, it need not, under court rulings, take a company's intentions into account.

A few years ago, the House Intergovernmental Relations Subcommittee required the FDA to make a rare, even if inconclusive, listing of actions taken to enforce good manufacturing practices.

In 1964 and 1965, the late Commissioner George P. Larrick noted, FDA cited 11 firms to show cause why they should not be prosecuted. Seven were smaller companies, that is, among the 90 or so with an annual gross of between $1 million and $15 million. The others were giants—firms which usually gross hundreds of millions and have assured access to federal decision-makers.

Ultimately, FDA shelved 10 of the prosecutions. The only one it pressed was against a smaller firm. And, it should be noted, the FDA, to begin with, inspects smaller firms more closely and more often than larger ones.

In hearings a few years ago, called by former Sen. Edward V. Long (D.-Mo.), the FDA said it had 90 inspectors qualified to use, and frequently used, electronic snooping gear. The targets, without exception, were relatively small, mainly health and nutritional dissidents. Some were prosecuted and convicted in various charges.

Long brought out that FDA never used snooping techniques against "legitimate" promoters who perhaps exaggerated the benefits while concealing the hazards of prescription medicines, with, on occasion, fatal result. Here, however, little firms as well as big ones benefited from FDA's policy.

In the 1969 Abbott case, there was a highly unusual factor: a speech made by FDA Commissioner Herbert L. Ley, Jr., Dr. Edward's immediate predecessor, to the Pharmaceutical Manufacturers Association in May.

Within the previous two weeks, he said, Abbottt had recalled about 10 million dosage units of intravenous solutions that had been produced, at the main plant in North Chicago, Ill., in the four months ending in February. Dr. Ley continued:

"The recall was necessary because a very small percentage of these products was found to contain foreign material such as mold, possibly because of hair-line cracks at the necks of some bottles. The contamination of these intravenous solutions . . . can present a serious health hazard, as most of you probably know.

"The facts leading up to this recall are revealing. An FDA inspector in Portland, Oreg., noticed the firm's representatives opening cases of these large volume parenterals and 'candling' the containers inside. They would not tell the inspector why.

"FDA pursued the inquiry at the firm's main office, but the firm would not state why the Portland inspection was under way. Later the firm acknowledged a problem that had existed for some months.

PROPOSAL REJECTED

"We proposed an immediate quarantine of all suspect stocks. Our proposal was not accepted then. Later, after FDA inspectors throughout the nation had detected numerous bottles of contaminated material, the company agreed to recall.

"We subsequently learned that the manufacturer had begun receiving a number of complaints about the large volume parenterals starting in December, 1968. The complaints were running at an even higher level by the end of February.

"But the company did not recall suspect stocks; it did not notify FDA. Instead, it had its representatives checking outstanding stocks simply by visual examination. If there was no visible evidence of contamination, the solutions were to be accepted as satisfactory.

"Not only was this measure inadequate, it wasn't even allowed in all instances. We have found unopened cases that were marked with a symbol that the firm said indicated examination and approval by its field personnel.

"This entire chain of events raises some real questions. Was the manufacturer more concerned about the security of its reputation than the safety of its products? More concerned about profits than patients? It is not a story calculated to build public confidence in the drug industry."

Later, the FDA district office in Chicago cited Abbott to a hearing to show cause why it should not be prosecuted. Such hearings are conducted in secrecy. The main criteria for a decision on prosecution for violation of good manufacturing practices long have been these:

Has a firm on discovering a violation come forward to disclose it voluntarily to FDA?

Was the violation serious, that is, a threat to health and possibly life?

Does the firm have a history of violations?

Dr. Ley's speech raised, indirectly, another possibility for prosecution. Under the general criminal code, a firm withholding information from the FDA indicating a drug to be unsafe can be prosecuted.

TRANSCRIPT SOUGHT

Because of the secrecy enveloping the Abbott hearing nothing could be learned of it. The FDA rejected repeated verbal requests for a copy of the hearing transcript, and for disclosure of what recommendation, if any, the district office had made to Washington.

Last Oct. 1, this reporter made the request in writing to William W. Goodrich, the assistant counsel for the Department of Health, Education, and Welfare who handles FDA matters. This failing, the reporter turned to the House government information subcommittee.

On Feb. 4, apologizing for the delay, attributed to a workload known generally to be heavy, Goodrich, in a letter to The Washington Post, defended secrecy in citation hearings.

A citation " is not a criminal charge," he said. "Its purpose is to permit any person against whom a criminal prosecution is contemplated to come forward with his explanation of the factual situation . . ."

Replying to a question about why the facts should not be "out where the public can see them," Goodrich said, "Under our system, the congressional committees charged with examining the performance of agencies . . . share the task of uncovering wrong-doing."

As to the Abbott case, Goodrich, and the FDA, in an accompanying statement, said there would be no prosecution, because:

Defects were absent in "a significant number" of the bottles cited by Dr. Ley.

The district FDA office had "reservations" about a prosecution and concluded that the "available evidence would not prove" the violation alleged in the citation.

The company had taken steps "to improve its production and quality control practices."

Goodrich and the FDA, in an accompanying statement, ignored Dr. Ley and his charges, while noting that Abbott "spent several hundred thousand dollars to correct the glass defect problem."

At the time, the New England Journal of Medicine had just reported the first four cases of blood poisoning that, last week, led to the recall of Abbott solutions from 3,000 hospitals. The cases were at the Medical College of Virginia Hospital in Richmond.

The Feb. 4 FDA statement said that the agency was launching an investigation with the Federal Center for Disease Control in Atlanta, but that it "has no basis now for concluding that the hazards of septicemia (blood poisoning) are any greater for the Abbott preparations than from material supplied by other manufacturers."

The statement made no mention of frequent recalls of other Abbott products, a factor possibly relating to one of the criteria for prosecution.

Last October, for example, Abbott made four separate recalls of dietary and vitamin products for "suspected superpotency" of Vitamin D–2 of up to 700 per cent. In November, again because of superpotency, the firm recalled about 20,000 tubes of Bacitracin ointment; about 63,000 already had been sold.

By far the most impressive recalls, involving millions of bottles of intravenous solutions, were those of seven years ago.

On April 30, 1964, Abbott notified the FDA—voluntarily—that 483 incorrect labels somehow had gotten into a labeling machine and that, as a result, it was recalling 11,430 bottles of fluids. The FDA made an inspection, found the problem apparently was straightened out, and put any regulatory action in abeyance.

SECOND MIX-UP

The company discovered a second labeling mix-up about three months later. It recovered 10,461 bottles (of 11,256 involved) and began to check the 7 million bottles in distribution channels. Simultaneously, at the cost to the taxpayers of about $125,000, FDA inspectors, as an audit, checked 900,000 bottles. The total number found mislabeled was 69.

Meanwhile, at Abbott's North Chicago plant, FDA inspectors, in a 2½-day examination, found 25 questionable manufacturing practices.

At 11:56 a.m. on Sept. 1, 1964, the third day of the FDA inspection, the agency's district office in Chicago phoned inspector Jerome Bressler.

"Bail out," the caller said. "Get out before noon."

The Intergovernment Relations Subcommittee, headed by Rep. L. H. Fountain (D-N.C.), which investigated this entire episode in 1965, found that the call had come from Clifford G. Shane, the chief inspector in Chicago.

Shane, however, merely was relaying an order phoned from Washington by Allen F. Rayfield, then FDA's chief of regulatory compliance.

Shane testified that he urged a prosecution of the company. But higher echelons overrode him.

At the conclusion of the subcommittee investigation Rep. Fountain said it had shown some "highly questionable actions" in the FDA, along with "much conflicting testimony" and "lapses of memory."

Rayfield, for example, recalled that in June, 1965, during a new look at the Abbott plant, an FDA inspector had found "no problem."

But the subcommittee brought out the contrary: the inspector acually had found a highly disturbing problem stemming from trouble with a new liner for bottle caps.

The problem, indeed, was so serious that ultimately it led Abbott to recall no fewer than 3.4 million bottles of bulk solutions.

Last week, after warnings in lay and professional media failed to bring a complete halt to use of Abbott intravenous fluids pending a solution of the new contamination problem, the FDA sent warning telegrams to 16,000 hospitals and nursing homes. The taxpayers paid the estimated $28,000 bill from Western Union.

DR. BRETT B. GUTSCHE, A VOLUNTEER FOR MANKIND

Mr. SCOTT. Mr. President, Brett B. Gutsche, M.D., an unselfish and dedicated Philadelphia anesthetist, is serving for 2 months this summer aboard the hospital ship, SS *Hope* in Jamaica.

This is not the first time Dr. Gutsche has served as a volunteer for mankind. He was a volunteer physician in Vietnam with the American Medical Association in 1968; prior to that he served on the New Zealand surgical team.

When in the United States, Dr. Gutsche can be found working as assistant professor of anesthesiology at the University of Pennsylvania. Born in Pittsburgh, he began his summer duties with Project *Hope* in mid–July.

Dr. Gutsche is serving as part of what Project *Hope* considers its most vital project. He will be training doctors and nurses in administering anesthesia. This has proven to be the most critical problem in Jamaica and other West Indies' communities—often causing the postponement of simple operations because of the lack of competent anesthetists. It is Project *Hope's* aim to train auxiliary personnel in anesthesia to eliminate surgical backlog and to allow medical teams to operate more smoothly and efficiently.

This special project, of which Dr. Gutsche is an integral part, will see 120 physicians and dentists working aboard the hospital ship this year alone.

Hope is also training "health assistants" to aid physicians in areas other than anesthesia. It is the aim of Dr. Gutsche and *Hope* that the combination of auxiliary anesthetists and health assistants will streamline the entire West Indies medical approach.

ROLE OF AMERICAN AGRICULTURE IN INTERNATIONAL TRADE

Mr. TALMADGE. Mr. President, I invite the attention of the Senate to an outstanding address delivered by the Senator from Minnesota on the role of American agriculture in international trade. Delivered to the Trade Policy Research Center at London, Senator HUMPHREY's address was scholarly and forceful.

Of particular importance were his comments on the European Economic Community, and protectionist devices that have been brought to bear by the Common Market against the import of agricultural commodities of the United States.

As Senator HUMPHREY so correctly points out, such policies are detrimental to the best interests of not just American agriculture, but the overall objectives of a viable international trade situation.

I commend Senator HUMPHREY for his address and ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

AGRICULTURE'S PLACE IN INTERNATIONAL TRADE

(By Senator HUBERT H. HUMPHREY)

In November of 1963, in a message to an agricultural trade symposium in Amsterdam, I said:

"We regard a united Europe as a partner to join with us and others in reducing trade barriers, as a partner to develop coordinating economic policies, and as a partner capable of playing an even greater role in our common defense. We look forward to a full and working Atlantic partnership. We await the day eagerly when we will stop talking of sixes and sevens, but of one."

This continues to be my position and my hope.

Then I said:

"This one Western European Community will not be built overnight, but with the best of wills and a generosity of spirit it will be constructed. And it will be constructive to a still better future."

This I believe and it is to this objective that I direct my remarks.

I do not feel it judicious to get further involved in the Great Debate in this country on the question of Common Market membership. I know there are deep differences among you. You will resolve these differences, and in your own way make your decision.

What I would like to discuss with you tonight is the pattern of international economic policies which appears to be emerging in Western Europe.

The European Community has been taking a series of steps which add up to a shift from multilateral trade, based on the Most Favored Nation principle, to regional and bilateral special arrangements and the formation of a preferential trading bloc. These activities, I believe, are contrary to the principles agreed to at the General Agreement on Tariffs and Trade.

As I see it, the present six member countries of the Community have been seeking solutions to internal problems without taking full account of the legitimate economic interests of non-members.

I do not question the fact that many countries outside the Common Market have in general benefited from the restoration of prosperity among the Six. America's exports to the European Community, and her income from investments there, have grown rapidly over the last decade.

But the role of the EEC with respect to world production and trade in agricultural commodities has created multi-national difficulties. We are seeing a system of high internal rising support prices which have stimulated production uneconomically and curtailed demand.

These price levels are buttressed by variable import levies and other devices. Thus, potential exporters are deprived of markets within the EEC. Moreover, any internal surplus is placed into export by subsidization. Non-members, therefore, are losing markets both ways.

As far as grains are concerned, the U.S. farmer has lost a substantial part of the potential market and consequently has received lower market prices. As an elected public official, representing a great grain-producing state, I join in the chorus of concern coming from official and non-official sources.

In contrast, soybeans and soybean meal receive, as a result of the Dillon Round negotiations, duty-free access to the Community. Exports of these items are at record levels and are fueling the expanding demand for high-protein meals. Any restrictive actions on these items would result in an immediate response by the U.S. government.

But the proliferation of preferential trade agreements threatens the continued existence of the GATT system of international trade. It threatens the objective of a world economic order that is nondiscriminatory.

Our Congress, your Parliament, the legislatures of other countries in Western Europe and elsewhere, all need international rules to help us maintain balance and outward-looking policies. International rules and principles are our best defense against internal pressures.

Americans are becoming increasingly worried about the future for international agricultural trade. They are especially worried, of course, about the future for American exports of farm products. Our agriculture is becoming highly efficient by world standards. One out of every four American farm acres goes into exports. Our farm support programs are being increasingly geared to the world market.

Yet we are coming up against farm support programs in other countries which block our exports or which artificially stimulate surplus production which then has to be offloaded on the world market at subsidized prices. The resultant distortion of world trade in agricultural products is becoming costly for all concerned.

Farmers may be small in number, but in America, as in other countries, they are politically important. And so they should be.

For many years we have been hearing about the political power of cash grain producers in some part of the EEC. I can understand this. I am not unmindful of the political balance of power of U.S. grain producers in many of our states.

But American farmers have on the whole been more outward-looking over the last decade or so. They have come to see the world as their marketplace. They have favored the liberalization of international trade and they have helped, again and again, to beat back the forces of economic isolationism in the United States. And we have a rising tide of protectionism.

Farm interests are crucial to the American position on international economic policies. American farm interests are, therefore, bound up with the economic interests of Western Europe, which rest on the achievement of an open world economy.

Nearly all governments provide assistance to farmers one way or another and to greatly varying degrees. This is necessary. It is the method or means, though, by which this assistance is provided that is so important to world production and trade.

At a very early stage in its life, the European Community developed the common agricultural policy. Initially, the CAP was said to be an instrument for stabilizing market conditions inside the Common Market and avoiding the bad effects of sporadic dumping by outside suppliers. Its declared purpose was constructive and beneficial.

In practice, however, the CAP has become a major disruptive force in world agricultural markets. Its workings have gone far beyond the original objective. The import-levy system that the Common Market has introduced is much worse than import quotas because it makes imports a matter of residual supply. The price of imports is kept above the internal price.

The Community's farm support policies stimulate production by artificial means. The Common Market now is nearly self-sufficient in all temperate-zone foodstuffs.

This has been achieved by setting internal support prices in the key commodities at roughly double world market levels. It is hardly surprising that surpluses are generated. But the surpluses must be sold, so the Community releases its surpluses onto world markets with the help of heavy subsidies. The subsidy payments often are larger than the market value of the products, and they are financed by the levies on those imports that are able to enter the Common Market. To me, this seems to be a bad system, and it is costly.

I am not attacking the idea of government aids to farmers. But farm policies do not have to be so protectionist. It should not be necessary to make the efficient farmers of one country pay for the farm program of another.

As I've already noted, one reason why the CAP is so disruptive is that its price levels are so far above world market levels.

But another reason is that price relationships within the CAP system are set in such a way as to favor the use of expensive home products in place of lower priced imports. For example, soft wheat grown in the Common Market is increasingly used to substitute for imported corn in feeding animals.

Surpluses are low at the present time. But most experts believe they will be with us again before long. This will be especially true in Western Europe. The surpluses will be costly to either store or export.

Recent studies in the Community have confirmed what everyone experienced in agriculture already knows: low-income farmers, being small operators, get high prices on their small outputs, but only benefit marginally from the Common Market price-support policy. On the other hand, large farmers in the Community, already operating at high-income levels, are able to reap windfall profits from the high prices obtained on their large output. I am told, moreover, that many of the large farms in the Community are owned by "weekend" farmers having other sources of income. This happens in the United States in all too many instances.

Estimates by the U.S. Department of Agriculture put the cost of the national farm support programs of the present member countries of the European Community at about $5 billion a year. This must be added to the roughly $3 billion that is spent each year under the CAP program jointly managed from Brussels.

But these are not the only costs. The high prices maintained by the CAP program probably cost consumers in the Common Market another $6 billion to $7 billion a year over and above what they would pay if food were available at world market prices. This in turn releases strong inflationary forces, causing workers to fight for higher and higher wages to cover their weekly food bill.

There is reason to believe that in the 1970s the CAP system, unless modified, will work to the detriment of manufacturing industries in the Common Market as food prices affect wage demands and thereby push up labor costs.

The European Community thus is operating a farm support system at a high cost which does not benefit in any significant way the small farmer it is supposed to help. Surely the minds of men can design a better set of policies than that! Surely it is within the realm of possibility to find the means for assisting the income of small farmers without providing windfall gains for large farmers and without forcing consumers to pay more than they need for their daily fare. This same challenge faces us in the United States.

While the agricultural interests of the United States may be hurt, the agricultural interests of Australia, Canada and, most especially, New Zealand are hurt even more. All the small countries face spillover effects from European agricultural protectionism.

As for the poor countries of the Third World, looking for export benefits from the Green Revolution, they are being faced with a market situation based on competition among the Treasuries of the rich countries.

We cannot maintain for long a world trading system with national farm support policies which are so crudely mercantilistic. It is not sensible, or politically viable, to continue to base production and exports on competition between Treasuries, or on competition to see which government can squeeze its consumers and wage earners most. Yet that is where we stand at the beginning of the 1970s.

Britain's shift last year, to an import-levy system of agricultural protection, similar to that of the CAP system, was a cause of considerable concern to me and to many of my Congressional colleagues. Here was the United Kingdom, a model to other countries with its deficiency payments system of income-support for farmers, suddenly embracing a most wasteful and disruptive form of farm support.

Those in the United States Congress, if not all of those in the Administration, who interest themselves in international economic affairs, have been disappointed by the extent to which the United Kingdom and other applicants for Common Market membership have been so prepared to embrace the CAP system as it stands.

Unless the CAP system is reformed, the enlargement of the European Community can be expected to have a further disillusioning effect on the United States attitude toward the new Europe.

I urge you to put your minds to work on devising new ways and means for assisting low-income farmers in Western Europe. If you assist them, perhaps by direct payments and also reduced internal prices, as the Vedel Commission in France has recommended, you will in the end ease the cost of the CAP and thus benefit yourselves as well as low-cost agricultural suppliers elsewhere in the world.

European and "outside" interests have much in common. I am not saying to you and your friends across the Channel: "Tear up the CAP. Start again." What I am saying is that you should rearrange the CAP's measures and practices in order to curb its more costly and more distorting aspects.

There is an opportunity, with the adjustments which must follow the Community's enlargement, for gradual changes to be made over the next few years in the CAP system, attuning it more to the objectives of an open world economy.

If the enlarged Community could be induced to look in that direction, the United States also would have to look to its farm support policies, as would other industrialized countries, like Japan, and agricultural exporters such as Australia and Canada. The task would be challenging. But setting agricultural policies in the right direction would serve all our interests.

Look at the benefits! We would be working toward a world of economic peace and minimizing the threat of trade wars. We would be working toward a rationalization of world food production to provide a basis for feeding the world at reasonable costs and avoiding large pockets of starvation and deprivation.

Instead of trade restrictions, we must move toward increasing consumption, improving nutrition, developing new uses and increasing efficiency to reduce production costs.

The European Community, as the world's largest trading entity, should see the need to do this. I am hopeful that the coincidence of your fundamenal interests and those of others, including the United States, may make such an endeavor possible.

The time has come to begin building a new multilateral economic system, one based on the old system, but going well beyond it. Perhaps the high-level OECD study group on world trade can provide that beginning. I hope so.

I am also hopeful that the enlarged European Community will at last begin to confront the fundamental problems which beset the world economy. But it will require a major effort in Britain and in the other member countries of the enlarged Community to alter the course of recent policies. The Common Market is no weak and fragile competitor and it will be less so once Britain and the other applicants have joined.

Regional trading blocs or economic spheres of influence do not provide an answer to the problems of the world economy. If only for political reasons the weaker developing countries cannot survive as client-states under the economic dominance of one of the world's major commercial powers.

New trade negotiations are required. The international trading system has to be developed a stage further to provide rules for agriculture as well as industrial trade. Ways have to be found for coping with non-tariff barriers to trade which in the United States have evoked the slogan that "foreign trade is not fair trade".

What we need is a global strategy for the further liberalization of international trade on a programmed basis capable of securing benefits while avoiding painful dislocations.

The industrialized countries of the world have become too interdependent economically to turn back without great loss to themselves. Insead, they must move forward recognizing that the easy solutions lie behind us and the hardest problems lie ahead. The tough issues, such as agriculture are the ones that remain to be tackled. We all would benefit if agricultural policies could be set in new trade liberalizing directions.

UNSECURED CREDIT TO POLITICAL CANDIDATES

Mr. SCOTT. Mr. President, an editorial in the Portland, Oreg., Capitol Journal comments on my proposal to prohibit the granting of unsecured credit to political candidates by federally regulated industries. I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Stop Campaign "Contributions"

Sen. Hugh Scott is absolutely right when he says legislation is needed to stop political candidates from forcing businesses to contribute to them illegally. And that's about the only interpretation—unkind as it may be—for some of the practices used by virtually all presidential candidates.

Scott, the Senate GOP leader, put on the record last week a mass of documents showing huge bills run up by candidates with airlines, telephone companies, and other firms—all of which are regulated to one degree or another by the federal government.

"This business of trying to run political campaigns on the cuff is distinctly unfair," said Scott, "and places a burden which not only should not be on the companies but is actually forcing them into making involuntary and illegal contributions."

U.S. airlines, for example, have more than $2.1 million in unpaid debts run up by Democratic and Republican committees and individual candidates. According to Scott's figures, President Nixon owes $69,376 to American Airlines. That airline—with total unpaid debts of more than $1.3 million—also is owed $415,120 for the campaign of the late Robert F. Kennedy; $138,762 for Hubert H. Humphrey's race; $135,872 for ex-Sen. Eugene McCarthy's campaign, and $151,871 run up by the Republican National Finance Committee. And some of the candidates also owe big unpaid accounts with other airlines, American Telephone and Telegraph, Western Union, and General Telephone.

Scott needled McCarthy, who he said apparently is going to run for president again, as one "who doesn't run a shirtsleeve campaign but one on the cuff." But McCarthy shouldn't be singled out when even the successful Republican presidential candidate still is in the hole.

Scott's disclosures dramatize the need for passage of a strict limitation on campaign expenditures, including a flat prohibition on putting expenses on the cuff with government-regulated businesses.

Under present law, corporations aren't permitted to contribute to political campaigns. But passage of the expenditure-limitation bill now pending in Congress still would allow the practice of involuntary "contributions." Scott proposes an amendment to correct that deficiency.

Both a cash spending limitation and a prohibition on campaign credit are essential. Stopping credit without a limitation on over-all spending would work against the least affluent candidates. And they already suffer in the spending competition with their wealthier opponents. The answer is a total revamp of the system as Scott proposes.

RETIREMENT OF COL. JOSEPH E. O'LEARY

Mr. BIBLE. Mr. President, the Army and the Senate lost a valued friend last week when Col. Joseph E. O'Leary retired. In his post as chief of the Army's legislative liaison office, Joe served with dedication and ability—and with patient good humor—in a job that is demanding and, I am sure, often frustrating. He served the Army well, and in so doing he served the Senate with distinction.

Last week, in Friday's Record, the Senator from Alaska (Mr. Gravel) paid tribute to Colonel O'Leary. I should like to invite the Senate's attention to those remarks and to the biographical sketch of Colonel O'Leary that was included at that time.

We will miss Joe O'Leary but we wish him well in retirement. Knowing Joe, he will have an active and productive retirement.

SUCCESS DESPITE A HANDICAP

Mr. MATHIAS. Mr. President, Ray Senasack is a young man who has learned to cope without arms. He is a high school graduate and is planning to attend college in the fall. This summer he is working for the Maryland-National Capital Park and Planning Commission and his employer describes him as a valuable worker who neither needs nor wants special concessions.

Lee Flor, in an article published in the Evening Star, describes Ray's accomplishments. He was only 11 months old when he began to learn how to use artificial limbs. He is considered an "excellent example of how a child can adapt to his handicap."

Because I feel that we, as employers and individuals, can learn a lesson in life from Ray's perseverence, I ask, unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Evening Star, July 6, 1971]

He Didn't Give Up

(By Lee Flor)

Ray Senasack has no arms—he was born that way. But during his 19 years, he's had something in extreme depth to make up for it . . . spirit.

Ray is now in that transitional period between being a teen-ager, and becoming an adult. He was just graduated from high school and is looking forward to college in the fall.

This summer, he has his first full-time job, as a groundskeeper at the Maryland-National Capital Park and Planning Commission's Northwest Park Golf Course, close to Ray's home near Wheaton, Md.

Ed Burriss, his foreman, said that Ray is doing every job that has to be done—running the mowers used in special trimming, and operating larger machines needed for carrying tools.

SPEAKS FRANKLY

Ray talks frankly about his case because he thinks other employers should be encouraged to hire the handicapped.

But things have not always run so smoothly for Ray. With no arms, or with a stub instead of the normal arm, he had to learn to balance as a child, and this is difficult.

When he was 11 months old, his parents, Mr. and Mrs. Henry E. Senasack, were told that they had to prevent Ray from using his feet so he later would learn to use artificial arms.

The family was able to get the Army's Walter Reed Hospital to accept Ray under a program of special research on amputees. The researchers, concerned over amputees in the service, wanted to make comparisons with a child who never had full use of arms.

BUDGET SLASH

However, in the early 1960s a budget slash resulted in Walter Reed's dropping Ray, who had been using artificial limbs custom-made for growth. The family was referred to Maryland and District agencies, and finally wound up at the crippled children's clinic at D.C. General Hospital. D.C. General has a special program for children amputees, funded by the Department of Health, Education and Welfare.

Ray still returns to the clinic every three months for adjustments of his artificial limbs.

Mechanically inclined, Ray loves to use tools and work on cars. He would like to become a mechanical engineer.

The creativity which helped design his artificial limbs has left an indelible impression on him. "I think I might like to try to design some better artificial limbs," he said. "I think I can understand the amputees' problems."

As a recent high school graduate turned 19, Ray achieved something in common with many of his school mates. Through some slip-up, the Silver Spring Selective Service Board classified him as 1-A. The draft board said it "just goofed."

Ray has been stubborn about being accepted on his own. He has insisted on playing baseball and football and has received several broken collarbones as a result.

With his artificial limbs, he is able to drive a car, operate almost all machinery, and lead a near-normal life. He wants no special concessions. His current employer is discovering that he needs none, always doing that little something extra which makes him a valued worker.

Dr. Charles Epps, the orthopedic specialist who is head of the amputee clinic at D.C. General, says the Senasack family (there are two older children) and its attitude has played a major role in turning out "a fine boy, with no psychological problems.

"We've been following Ray with a great deal of interest," Epps says. "He is an excellent example of how a child can adapt to his handicap and not let it ruin his life."

LOAN GUARANTEES TO HOSPITALS AND HIGHER EDUCATIONAL INSTITUTIONS

Mr. BAYH. Mr. President, on July 28, I offered an amendment to the Lockheed loan bill which would have provided that half the loan guarantee authority provided under provisions of that bill be used to guarantee loans to hospitals and higher educational institutions. At that time I pointed out the serious financial problems facing these institutions and the dangerous situation which would result if such institutions were to go bankrupt.

I have just received a letter from the director of the Department of Health and Hospitals of the city of St. Louis, Mo., detailing the severe financial difficulties faced by the public hospitals in that city, and I would urge that my colleagues—especially those who did not support my amendment—take a serious look at the picture painted by Dr. Wochner of the troubles in St. Louis.

As I said when I offered my amendment, if we are going to provide emergency financing for emergency situations, I want to be sure that the emergency money goes where the real emergencies are. I do not think there can be any doubt any longer about the true emergency facing public hospitals in this country.

The crisis in St. Louis is duplicated in dozens of cities all across the country. And the financial crisis which threatens to shut down our hospitals is an especially grim situation—for when hospitals must cut back services, or shut down altogether, people die.

This is simply an unacceptable situation. We have now passed the Lockheed emergency measure. I do not think we can afford to wait for our hospitals to begin shutting down for lack of funds to pass similar legislation which would alleviate this extremely dangerous situation.

Mr. President, I ask unanimous consent that the letter sent to me by Dr. Wochner, and an attached newspaper article, be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

City of St. Louis,
Department of Health and Hospitals,
St. Louis, Mo., July 30, 1971.

Hon. Birch Bayh,
U.S. Senate,
Washington, D.C.

Dear Senator Bayh: The enclosed article from the St. Louis Post-Dispatch was recently brought to my attention. I would like to support the statement made and to indicate that our situation is even worse than quoted. The operating deficit for the St. Louis Hospital Division during the past year was approximately $18 million rather than $4.5 million as stated. This is out of a total operating cost of approximately $29 million, so that we are only able to provide payment (from Medicare, Medicaid, private insurance, etc.) for about 40 percent of our expenses. Since the overall budget for the City of St. Louis was $125 million for this same period, it is evident that the deficits incurred by the hospitals are a major factor in the bleak financial picture of the city.

I include these figures because I think that the situation in St. Louis is fairly typical of large cities across our country. The hospitals are grossly underfinanced, loaded with patients who are unable to pay, or provided with only partial payment by existing programs, and literally fighting for survival. Furthermore, the hospitals are usually located in physical plants that are terribly rundown and badly in need of repair or replacement. During the years when money for capital improvements was easily obtained, most private hospitals undertook extensive building programs and charged this as part of the overall per diem rate paid by patients in the institution. The public hospitals were unable to do this and are now suffering as a result.

I have little doubt that some expanded federal medical programs will be passed in the next few years. Such programs hold promise of considerable improvement for public hospitals because they will thus be given adequate operating funds to provide good medical care to the citizens. However, I am very concerned about the status of these hospitals during the interim period before such help becomes available. In many instances the actual survival of such hospitals is at stake. Should such hospials be forced to close, the resulting reduction in medical care would be potentially disastrous. In our own community, for example, half of all emergency room visits and half of all outpatient clinic visits occur at the public hospitals. One out of every six in-patient beds is at one of the public hospitals, and many of the other beds serve patients from outlying suburban areas. We expect that the numbers of private physicians and private hospitals within the inner-city will continue to decline as they have over the past decade, resulting in an even greater load being placed upon the public institutions. We estimate now that about half of the population of the City of St. Louis is dependent upon the public hospitals for its care. In spite of these facts, there was serious talk last spring during budget hearings of closing the largest of the city hospitals as an economy move.

I certainly believe that if the federal government can consider providing aid to the Lockheed Company to prevent its possible bankruptcy, even more serious consideration should be given to providing aid to the public hospitals of our country to prevent the disastrous consequences of their bankruptcy.

Yours sincerely,
R. Dean Wochner, M.D.,
Director.

Bayh Proposes Loans for Hospitals

Washington.—The subject of St. Louis's debt-ridden City Hospital system was raised today by Senator Birch Bayh (Dem.), Indiana, who said that a program of federally guaranteed loans was needed to aid public and private nonprofit agencies.

Bayh, speaking before the Senate Committee on Banking, Housing and Urban Affairs, said that he would like to expand a proposal, that would provide Government-backed loans to industries in trouble to include hospitals, medical schools, colleges and universities.

He noted that St. Louis municipal hospitals' operating deficit last year was $4,500,000. In New York City hospitals were $35,000,000 in the red and in Los Angeles hospitals lost $15,000,000.

"The hospitals of this country ought to be high on the list of deserving candidates for federally guaranteed loans," Bayh said. "I can only conclude that the failure of major hospitals would have a serious and adverse effect upon this country's health and welfare."

He said he would introduce an amendment to the bill to provide loans for emergency assistance to the nonprofit institutions.

BUSING

Mr. THURMOND. Mr. President, the Washington Sunday Star of July 25, 1971, contains a column written by James J. Kilpatrick entitled "The Bus Route From Education to Madness."

The article dramatically points out the chaos which exists within the southern school system due to forced busing in order to achieve a certain racial percentage. Mr. Kilpatrick based his column around a conference of several hundred principals, supervisors, and others engaged in elementary education. The conference, held in Roanoke, Va., was chiefly concerned with unionization of public schoolteachers; however, the discussion centered around the educators' greatest ill, that of busing.

Because of fear that they may be

prosecuted for contempt of court if they criticize busing, Mr. Kilpatrick used ficticious names and school districts to describe the enormity of the problem. In one major southern city the principal has been busy since the school year ended in such educational endeavors as moving all his school furniture and books for fourth, fifth, and sixth graders to another school and receiving a like shipment in return; talking to outraged parents both black and white; and doing whatever he can to insure his requisite percentage of whites by September 7. The article concludes that such proceedings amount to madness, not education.

Mr. President, I ask unanimous consent that the column be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Bus Route From Education to Madness

(By James J. Kilpatrick)

Roanoke, Va.—Several hundred principals, supervisors, and others engaged in education at the elementary school level met here a few days ago for a conference on what ails them. The delegates came from six southern states, whites and blacks alike, and for three days they listened dutifully to a program built around trade unionism and the new worry of "accountability."

These are important concerns. The unionization of public school teachers has become a fact of educational life, and the principals, understandably, were eager to know all those things about contract negotiation they always had been afraid to ask. The business of accountability embraces the growing demand of parents for a kind of quality control in the classrooms: If Miss Jackson's third-grade pupils fail to learn to read at third-grade levels, fire Miss Jackson.

But back in their rooms, or over a drink in the hotel pub, these deeply troubled professionals were not talking of militant unions or critical parents. They were talking of busing. A summer conference at a modestly posh hotel ought to mean happy times. These were the saddest sessions I ever sat in on.

The term "busing" has come to mean a great deal more than the mere physical transportation of pupils from Point A to Point B. In today's lexicon, it connotes such measures as "pairing" and "clustering" and "closing," and by extension it takes in all the problems of discipline, white flight, and school-community relations that afflict southern school systems today.

By way of example, consider two elementary schools in a major southern city. One of them, Hyde Park, on the east side of town, is located in a section of the city that has been wholly black for 70 years. The other, Bellhaven, on the west side, serves a neighborhood once wholly white but now substantially mixed. Each of the schools has a capacity of 800 pupils.

Under court order, Hyde Park and Bellhaven were paired for the 1970–71 school year. Roughly 160 white children were shipped every day to Hyde Park, and roughly 120 black children were shipped every day to Bellhaven. All six grades were maintained at each school, and the situation created problems that were "real but not intolerable."

For the coming year, the schools are to be "split-paired." The local District Court has decreed that all schools in the city system must be racially mixed, as nearly as may be practicable, in a ratio of 65 blacks to 35 whites. A part of the decree requires that Hyde Park abolish its kindergarten, first, second and third grades; and that Bellhaven abolish its fourth, fifth and sixth grades. The object is to place 520 blacks and 200 whites in each school.

The principal of Bellhaven, who happened to be telling me all this, is a plump fellow in his early 50s; his face looks as if all happiness had been squeezed out. He has spent the past six weeks, since the school year ended, in these educational endeavors: He has moved all his school furniture for fourth, fifth, and sixth graders to Hyde Park, and he has received like shipments in return. He has worked with his librarian in purging the Bellhaven shelves of 2,200 books beyond the third-grade level and is swapping these with the Hyde Park collection for tiny tots.

Mostly he has been on the phone with parents. His opposite number, 11 miles across town, has been equally engaged. Infuriated black parents are threatening violence and boycott. Outraged white parents have filed 230 requests for pupil records as a preliminary to placing their children in private schools. The principal of Bellhaven at this moment has no idea "if I can produce my 280 whites." He won't know until Sept. 7.

I do not identify the city or the principal; educators have been warned they may be in contempt of court if they publicly criticize busing. Those are not the true names of the two schools. But the story is absolutely true. It is entirely typical. Down in Austin, Tex., the government has been demanding imposition of a plan that would give each school the same ethnic mix of the city at large—64.5 percent white, 20.4 percent Chicano, and 15.1 percent black. This is education? No. This is madness.

TESTIMONY OF SENATOR TOWER ON VETERANS' AFFAIRS

Mr. COOK. Mr. President, I invite the attention of Senators to the testimony presented by the Senator from Texas (Mr. Tower) to the Subcommittee on Health and Hospitals, of the Senate Veterans' Affairs Committee in regard to his bill, S. 2304, which I am pleased to cosponsor.

This bill would, in my opinion, go a long way toward alleviating the situation in two critical areas. One of these is the high rate of unemployment among our returning Vietnam veterans, and the other is the acute shortage in medical manpower.

Thousands of these veterans have acquired considerable training and skill in the medical field, yet must go through lengthy training when they return in order to utilize these skills. This measure would, if enacted, greatly improve this situation, thereby substantially meeting these two critical needs.

Mr. President, I ask unanimous consent that Senator Tower's very clear and informative statement on the provisions of S. 2304 be printed in the Record. I am honored to be a cosponsor, and I strongly commend it to the Senate.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Testimony of Mr. Tower

Mr. Chairman, I want to thank you for allowing me the opportunity to present this testimony on behalf of two bills which I have introduced: S.J. Resolution 128, the "Veterans' Administration Medical School Assistance and Health Service Personnel Education and Training Act of 1971"; and S. 2304, the "Veterans' Allied Health Professions Training Assistance Program."

During the past decade, Americans have become increasingly concerned with the quality of medical care. Scientific, technological, and medical research have created entire new concepts and fields of treatment; federal legislation has made it financially possible for many people who previously could not afford treatment to obtain it; and a more knowledgeable general citizenry has increased the demand for adequate medical treatment, which has seriously strained the ability of our health care system to effectively and efficiently render such treatment.

As responsible members of the Senate, we must carefully examine the complexities of the problems which presently affect our national system of delivering health care. Although it is essential that the federal government participate in programs designed to correct these problems, we must proceed with caution in order that the federal government's input will not come to dominate the system.

Our emphasis should be placed on quantity, for one of the greatest shortcomings in obtaining an adequate level of quality is the lack of sufficient facilities and manpower. The federal government, through such legislation as the Hill-Burton Act, has done an admirable job of providing the necessary facilities. The Veterans' Administration is constantly constructing new hospitals in an effort to provide veterans with needed medical care. Although such facilities are impressive, however, they are meaningless if we are unable to properly staff these hospitals with an adequate number of qualified medical personnel. In view of the distressing national shortage of health manpower, which is conservatively estimated to be over 50,000 doctors of medicine and over 250,000 allied health and other medical personnel, it is imperative that we take immediate action to promote the establishment and expansion of health training programs. It is for this reason that I have introduced S.J. Resolution 128 and S. 2304.

I was greatly encouraged by recent Senate action in relation to the Comprehensive Health Manpower Training Act of 1971 and the Nurse Training Act of 1971. I am confident that this action will ensure the continuation of the fine legislation which has accomplished so much in these areas in the past. But to say that we have done all that is necessary to eliminate the health manpower shortage would be incorrect. The need is so acute and the time so short, that to do less than completely utilize such an appropriate and invaluable national resource as the Veterans' Administration Department of Medicine and Surgery would be not in the best interest of the nation.

I commend Representative Teague, Chairman of the House Veterans' Affairs Committee, for his outstanding work on H. J. Resolution 748, which is identical to S. J. 128. This bill would greatly enhance the ability of the Veterans' Administration to train qualified health manpower in cooperation with its affiliated institutions.

The following facts demonstrate the potential of this legislation:

1. The Veterans' Administration operates the largest medical care system in the United States, and perhaps in the world. It presently has more than 165 hospitals geographically dispersed throughout the nation, with a potential capacity of 97,000 beds.

2. The Veterans' Administration's Department of Medicine and Surgery has made a substantial contribution in the field of health education. For over 25 years, hospitals of the Veterans' Administration have been offering hospital-based educational experience in collaboration with most of the nation's medical schools.

3. Veterans' Administration hospitals are currently affiliated with 81 medical schools, 51 dental schools, 287 nursing schools, 274

universities, and 84 community and junior colleges.

4. During the current fiscal year, more than 50,000 students will participate in more than 60 categories of training in VA institutions. Because of the size, diversity, experience, and quality of its medical facilities and training programs, the Veterans' Administration's Department of Medicine and Surgery is uniquely qualified to undertake the programs outlined in S.J. Resolution 128 and S. 2304. We cannot afford to squander the expertise and experience of the Veterans' Administration in this area which is so vital to the national interest.

At this time, I would like to briefly detail the provisions of S.J. Resolution 128. It would create a new chapter (82) to title 38, the United States Code, to be entitled "Assistance in Establishing New States Medical Schools: Grants to Affiliated Medical Schools: Assistance to Health Manpower Training Institutions." The chapter is divided into three subchapters, each of which is designed to accomplish certain designated programs.

Subchapter I would provide a pilot program of assistance in the establishment of not more than five new State medical schools to be located in proximity to, and operated in conjunction with, Veterans' Administration medical facilities in geographically dispersed states. The assistance would include (1) leasing of VA land and buildings to the State, (2) remodeling and repair of VA structures to render the buildings suitable as educational facilities, and (3) grants (on a reducing basis) to reimburse the state for faculty salaries. A fine example of how successful such a program could be has been demonstrated by the medical school established in Shreveport, Louisiana by the State of Louisiana and Louisiana State University. Early in 1967 arrangements were finalized whereby the medical school would be granted the use of surplus space in and on the compound of the Shreveport Veterans' Administration Hospital. Soon thereafter, the core administrative staff and faculty moved into the hospital. In the fall of 1969, only 14 months later, 32 students were admitted to the first class. Another 32 students were admitted to the class of 1970, while 40 will be admitted for the class of 1971. The total cost in terms of renovation and rent to date is $168,000. Contrast this with the creation of 16 other medical schools from 1960 to 1966, which exhibited a time lapse of five and one half years from authorization to actual enrollment, and a combined total cost of $1 billion. This proposal is an extension of the project in Shreveport. Within a reasonable period of time, with a modest appropriation of funds, we can significantly increase our nation's capability to produce qualified physicians.

Subchapter II would authorize the Administrator to establish a program of grants, on a matching basis, for medical schools which have maintained an affiliation with the Veterans' Administration. These grants would assist such schools in carrying out projects and programs for the improvement and enlargement of their facilities. They would make a significant contribution to strengthening the medical education program of the schools, with the result of a substantial increase in the number of students able to attend medical school. This chapter is designed to enable medical schools to increase their enrollment and modify their curriculum in an effort to fully develop the potential resources of the health professional training programs which presently exist.

Subchapter III would authorize the Administrator to initiate a program of grants, on a matching basis, in order to establish cooperative programs for the development and evaluation of new health careers and the improvement in utilization of allied health manpower. This proposal would promote the creation and expansion of new health careers such as the "physician's assistant." Presently, the VA is involved in physician's assistant training programs only to the extent that some of its hospitals offer the use of their clinical resources to affiliated academic institutions. VA hospitals are affiliated with 8 different programs which qualify their graduates under the Civil Service standards for physician's assistants. I am proud of the fact that one of these programs is being initiated by the Baylor College of Medicine, which is a clinical affiliate of the VA Hospital in Houston, Texas.

The total authorization level for S.J. Resolution 128 would be $33 million for the first fiscal year and $34 million per year for the following six years. In addition, it contains the necessary provisions to ensure that the funds will be distributed and utilized in a responsible manner.

One of the most immediate benefits to be derived from the initiation of these proposals would be an increase in the quality of medical treatment in VA hospitals. The long-range benefit, however, would be an increase in the number of qualified medical personnel available for employment by the Veterans' Administration and utilization by the entire nation.

Mr. Chairman, I would now like to proceed to a discussion of S. 2304, the "Veterans' Allied Health Professions Training Assistance Program." I would like to thank my fellow Senators who have joined me as cosponsors of this bill. They include Senator Cook, Senator Hansen, Senator Stevens, Senator Talmadge and Senator Thurmond of the Senate Committee on Veterans' Affairs as well as Senator Baker, Senator Bennett, Senator Brock, Senator Cooper, Senator Dole, Senator Hollings, Senator Inouye, Senator Mathias, Senator McGovern, Senator Moss, Senator Percy, and Senator Young. I appreciate the concern they have shown by supporting me in my efforts to secure the passage of this much needed legislation.

DEFINITION OF ALLIED HEALTH MANPOWER

The Bureau of Health Professions Education and Manpower Training of the Department of Health, Education, and Welfare defines "allied health manpower" as those professional, technical, and supportive occupations in the fields of medical care, community health, public health, and environmental health services whose activities support, complement or supplement the professional functions of the medical doctor, osteopathic physician, dentist, and professional nurse.

GROWTH OF ALLIED HEALTH PROFESSIONS

The allied health professions constitute a significant number of persons who perform a wide range of functions in the delivery of health service. Allied health workers in medical, dental, and environmental health fields in 1970 totaled about 925,000 and when added to more than 1.2 million nursing auxillaries (which includes licensed practical nurses, nurse aides, orderlies, and attendants) make up more than half of all 3.9 million persons employed in health occupations. By 1975, it is estimated that only one third of the medical work force will consist of the traditional health team of physician, dentist, and nurse. The remainder will consist of over 200 different kinds of professional, technical, and vocational workers in allied health fields. The development of trained allied health manpower in a variety of occupations, optimally distributed and fully utilized is an ingredient critical to the efficient and effective delivery of health service.

POSSIBLE SOURCES OF MANPOWER RECRUITMENT

It is now generally agreed that the total need cannot and should not be met solely by programs designed to recruit and train individuals who are novices to the health field. A significant part must be supplied by improving the utilization of people already employed in the health field and by attracting to these occupations many men and women who, though well-qualified, are now discouraged or effectively excluded by formal academic requirements. The military "medic", who is returning to civilian life, is an example of a trained member of the health care team who is not being successfully encouraged to remain in health related fields.

RESOURCE POTENTIAL OF THE MILITARY "MEDIC"

Student Selection: The Armed Services carefully screen the personnel to determine their potential in health occupations. The selection process consists of evaluating the individual's scores on mental and physical tests, his civilian occupation and experience, his educational achievements, his stated preferences and the personnel needs of the Armed Forces.

Comparison of Military and Civilian Students: The course prerequisites for advanced medical training compare favorably with those required by health occupation courses at the associate of arts level in community colleges. In fact, a survey conducted by Colonel James J. Young, U.S. Army, indicated that most of these individuals exceeded the established Army prerequisites. Furthermore, the study indicated that a large percentage of these individuals had one to two years of college.

Military Training Programs: The Armed Services, in order to meet their health manpower needs, conduct extensive training and education programs. I will limit my remarks to the efforts of Army because it trains more people in a greater variety of specialties than the other services. In the face of the large influx of untrained personnel and the high turnover rate of inductees, the Army Medical Department must devote a significant portion of its human and physical resources to the education and training of enlisted allied health manpower.

This education and training is accomplished through several educational mechanisms: formal school courses, apprenticeships, and on-the-job training. Often, a course is a combination of these various mechanisms. Most courses are well established and have been repeatedly revised and reviewed over the past ten years. These courses are conducted by nighly qualified personnel who are carefully selected on the basis of their expressed desire, demonstrated ability, experience, and competence in their respective fields.

The fact that the accepted professional certifying bodies have recognized a number of these military occupational specialties is further evidence of the quality of the Army's training and education programs. Among the military occupational specialties so recognized are the X-ray specialist, the medical laboratory specialist, and the clinical specialist.

Army Medical Occupations for Enlisted Men: At this time, I want to include a complete listing of the Army's occupational specialties in the allied health fields:

Medical Equipment Repairman.
Brace Specialist.
Dental Removable Prosthetic Specialist.
Optical Laboratory Specialist.
Dental Fixed Prosthetic Specialist.
Medical Records Specialist.
Medical Supply and Parts Specialist.
Medical Corpsman.
Medical Specialist.
Clinical Specialist.
Operating Room Specialist.
Dental Specialist.
Psychiatric Specialist.
Social Work/Psychology Specialist.
Orthopedic Specialist.
Physical Therapy Specialist.
Occupational Therapy Specialist.
Electroencephalograph Specialist.

Electrocardiograph-Basal Metabolism Rate Specialist.
X-ray Specialist.
Pharmacy Specialist.
Food Inspection Specialist.
Preventive Medicine Specialist.
Veterinary Specialist.
Eye, Ear, Nose, and Throat Specialist.
Medical Senior Sergeant.
Medical Laboratory Specialist.
Hospital Senior Diet Cook.
Hospital Mess Steward Specialist.

This list indicates the great variety of trained allied health manpower that the Army produces annually.

Size of Resources: The most important fact, however, is that each year it is estimated that 30,000 to 35,000 men and women, with medical skills and experience are separated from the Armed Services to enter the civilian labor force. While in the service, two thirds express a desire to stay in health careers, but only one third do so.

Conclusion: If the nation is as short of allied health personnel as recent studies would indicate, the nation's education resources as meager as implied, and the cost of education as great as the record indicates, it is imperative that we should direct extensive efforts toward the effective use of these former servicemen in the civilian health community.

BARRIERS TO EFFECTIVE UTILIZATION OF THIS HEALTH MANPOWER RESOURCE

Based on extensive surveys, the following items were indicated to be significant barriers to employment in health careers by former servicemen.

Inability to meet certification requirements.
Unrecognized military training.
Insufficient education.
Inability to work at level of skill.
Low pay and fringe benefits.
Little opportunity for advancement.
Insufficient knowledge of health careers.

I have not attempted to list these barriers according to their effectiveness in preventing military "medics" from entering the civilian health fields.

FEDERAL INITIATIVES TO UTILIZE RESOURCES

Task force on Allied Medical Education: In view of these barriers, the federal government has undertaken two significant programs. First, the Department of Defense is making a concerted effort to increase in-service training certification as a career incentive. The Air Force, Army, Navy, and American Medical Association have joined together as a task force to study the problems of certification and licensure of graduates of military training programs in an effort to erase some of these barriers.

The MEDIHC Program: Second, the Department of Defense and the Department of Health, Education, and Welfare, in a joint effort, have established the MEDIHC (Military Experience Directed Into Health Careers) Program.

The Department of Defense, through its Project TRANSITION Offices, identifies, contacts, and counsels servicemen with military medical occupational specialties three or more months prior to discharge on civilian health careers education, and employment opportunities. Men interested in pursuing a health career complete an educational and experience background card to be sent to the designated State MEDIHC agency, which picks up on the counselling process and makes appropriate referrals to health employers and/or educational institutions.

The MEDIHC Program, as it develops, will be able to successfully assist these individuals who would otherwise be frustrated by a lack of knowledge of the available opportunities and the seemingly insurmountable obstacles to effective utilization of the skills they possess.

KEY TO FULL UTILIZATION IS EDUCATION

However, the vital key to eliminating these barriers is education. Education will enable these veterans to meet certification requirements. Education will enable them to work at levels commensurate with their skills. Education will enable them to enter health careers at levels with attractive wage scales and opportunities. This education will be specially designed to recognize their military training and experience.

A survey of the referrals received by the MEDIHC Program to date indicate that 26% wanted employment only and 5% wanted education only. Sixty-nine percent indicated that although they had to work, they wanted to continue their education at the same time. Seventy-four percent, in other words, have indicated that further education is essential to a fulfillment of employment aspirations in the health careers field.

THE PROPOSALS S. 2304

The "Veterans' Allied Health Professions Training Assistance Program" would provide medical training programs specifically designed for veterans with medical skills and experience acquired in the military. Such programs would utilize such devices as advanced standing and proficiency testing to enable the veteran to bypass unnecessary and repetitious training. These programs would supplement and complement their military training so that they could qualify under State and local law as allied health specialists in civilian communities.

The Administrator of Veterans' Affairs would distribute funds, in the form of grants, to medical training programs affiliated with the VA hospitals for the establishment and expansion of such designated programs.

The authorization level is $2,000,000 for the first fiscal year and $3,000,000 per year for the next six years.

CONCLUSION

If this nation is to facilitate the transfer of military-trained medical personnel to the civilian sector, we should initiate a program, such as the one contained in S. 2304, in the immediate future.

This program will directly benefit the veteran, especially at this time when the nation faces a high unemployment rate for Vietnam veterans. It will also benefit the Veterans' Administration by assisting it in its efforts to staff its hospitals with highly qualified personnel in the allied health fields, and it will benefit the nation by increasing the supply of trained medical personnel.

I feel that S.J. Resolution 128 and S. 2304 are far-sighted proposals which can effectively utilize the vast resources of the Veterans' Administration in our nation's efforts to train an adequate number of qualified health personnel to meet the demands which are being placed on our system of delivery of medical care.

Mr. Chairman and members of the Subcommittee: Thank you for the time and consideration you have given to this legislation.

A TRIBUTE TO POWRIE VAUX DOCTOR, AUGUST 7, 1903, TO JULY 31, 1971

Mr. MATHIAS. Powrie Vaux Doctor, professor of government and chairman of the Department of Government of Gallaudet College, died July 31, 1971, while attending the Congress of the World Federation of the Deaf in Paris, France.

Dr. Doctor was a member of the faculty of Gallaudet College for 43 years and was an internationally known authority on the education of the deaf. He was associate editor of the American Annals of the Deaf from 1940 to 1948 and editor from 1948 to 1968. The American Annals is the oldest educational journal in the United States and the oldest journal on the education of the deaf in the world.

A native of Belleville, Kans., Dr. Doctor became interested in the education of the deaf through his deaf brother. His sister is a teacher of the deaf in Tulsa, Okla. He held a masters degree from George Washington University and Gallaudet College, a Ph. D. from Georgetown University and an Lh. D. from Gallaudet. He conducted more than 100 workshops for teachers of the deaf in this country and lectured at universities in Munich, Heidelberg, Tokyo, and Moscow. In 1963, he was executive secretary of the International Congress on the Education of the Deaf in Washington, D.C., in which 50 nations were represented.

In 1970 he received the William Gaston Award for outstanding educator from the Georgetown University Alumni Association. In 1969, the American Speech and Hearing Association honored him for 40 years of service and achievement. This distinguished service award reads in part:

> He has served many years as a sole individual responsible for the journal's (American Annals of the Deaf) policy regarding affairs of circulation, editorial content, and public relations.
>
> His humanitarian and academic influence throughout the years has resulted in the growth of this publication . . . His numerous speeches, publications and personal presentations have won for him international acknowledgment as a most outstanding contributor for the advancement of the deaf.

Powrie Vaux Doctor will be remembered for his personal warmth, his sensitivity to the feelings of deaf people and his dedication to the education and general welfare of the deaf.

GOLDEN ANNIVERSARY OF DISABLED AMERICAN VETERANS

Mr. TOWER. Mr. President, I am very pleased to have this opportunity to join Senator Hartke and Senator Thurmond as a cosponsor of Senate Resolution 157, which commemorates the golden anniversary of the Disabled American Veterans.

After World War I, the Nation wanted to forget the terrible price it had paid to defend the freedom of the world. The battlefields were in distant lands. But for over 300,000 disabled veterans, the fight had just begun. These veterans returned home to find that their country was not prepared to provide them with adequate health care, rehabilitation services, and training programs. The Nation wanted to forget, but these veterans were not willing to be forgotten. During this trying period, the Disabled American Veterans was founded in Cincinnati, Ohio.

Since 1920, the DAV has grown by leaps and bounds. Since World War I, our Nation has been called upon to defend itself and its interests in World War II, the Korean war, and the Vietnam conflict. More than 1 million American men have paid the highest price—death—in the military service to guarantee the life and liberty of others. We can never repay those who have died, except through our renewed dedication to work for a peaceful and free world. But millions more have suffered wounds and diseases during their wartime military service. Today more than 2 million veterans have some form of disability recognized by the Veterans' Administration.

In 1932, the Disabled American Veterans was chartered by Congress to work for the improvement of health, education, rehabilitation, and employment opportunities for disabled veterans, their widows, and their dependents. The DAV is the only veterans organization dedicated solely to assisting the veteran who has been wounded or disabled in the service of his country.

The membership of the DAV now exceeds 30,000. There are over 1,900 local chapters across our Nation. The core of the program of the DAV is a staff of over 150 trained and accredited national service officers located in every Veterans' Administration regional office in all 50 States. These national officers, who are fully paid by the DAV, render free service to all disabled veterans and their dependents in processing their claims, whether the applicant is a member of the DAV or not. The cost of this free service in 1969, for example, exceeded $2 million. During the history of the organization, these service officers have handled over 8 million cases.

The DAV has been ever conscious of the needs of the disabled veteran. It has constantly sought necessary, equitable, and just legislation on behalf of the veteran. Its local chapters have undertaken such worthy projects as scholarship funds for the dependents of disabled veterans, Boy Scout troops for handicapped boys, and relief funds for the victims of natural disasters.

I find it truly difficult to adequately express my sincere admiration for this organization and its members. These men have a quiet courage which has enabled them to continue living, to overcome their handicaps to lead useful and productive lives, and to fight for their dignity and self-respect long after the fighting of the battlefields are distant memories. These men exemplify the essence of the American heritage.

JAILED CHILDREN

Mr. BAYH. Mr. President, 100,000 children under 18 are locked up in jails each year. This practice is condemned universally as not only being harmful to children emotionally, morally, and often physically, but also in the vast majority of cases, unnecessary. In at least 18 States there are laws which prohibit putting children in jail. Yet, they are violated on a widespread scale.

A recent article by John J. Downey, of the staff of the Youth Development and Delinquency Prevention Administration of the Department of Health, Education, and Welfare, documents how widespread the practice is and how unnecessary. His premise is a simple one: "Children do not be long in jail."

He proposes guidelines and alternatives to this practice, which I, as chairman of the Subcommittee To Investigate Juvenile Delinquency, believe should be brought to the attention of all public officials, Federal, State, and local, who have anything to do with the continuation of this abhorrent practice.

Mr. Downey concludes his article entitled "Why Children Are in Jail and How To Keep Them Out" by stating:

> If jailing children is to be stopped, there must exist the firm conviction that jail is no place for a child—a conviction followed up with the enactment of appropriate legislation, the establishment of sound court policies for admission to detention, the development of local arrangements for shelter care, and the provision of local 48-hour holdover facilities. Children can be kept out of jail where there is a will to keep them out.

I could not agree more.

Mr. President, I ask unanimous consent that Mr. Downey's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHY CHILDREN ARE IN JAIL AND HOW TO KEEP THEM OUT

(By John Downey)

Every year in this country, 100,000 children under 18 are locked up in jails, according to estimates of the National Council on Crime and Delinquency.[1] Jail detention is not only harmful to children emotionally and morally, and thus likely to produce further delinquency, but it is also unnecessary. In fact, many children who are held in jail do not need to be detained at all.

During the past 7 years, the Children's Bureau has studied 18,000 cases of children in jail and the police and court practices that put them there. These studies show that—

1. In spite of State laws apparently intended to protect children "from the evils of jail," most such laws and the ways they are administered do not keep children out of jail.
2. Most children held in jail do not need to be locked up anywhere. They are unnecessarily confined for many reasons, including the use of jail for punishment or "treatment," poor court policies in relation to the detention of children picked up for delinquent behavior, and the lack of open shelter care facilities for children who need temporary care, but not secure custody, while awaiting disposition of their cases.
3. Of the children in jail who do need secure detention, many require it for only a day or two.
4. Even the assumption of responsibility for detention by the State, through the provision of regional detention facilities, does not keep children out of jail.

These findings strongly suggest that children can be kept out of jail, even in a small county, by the enactment and enforcement of laws prohibiting the holding of children in jail, by establishing sound court policies for admission of children to detention, by making arrangements for open shelter care of children accused of delinquency who need such care, and by establishing facilities for holding children up to 48 hours who need secure custody locally until other arrangements can be made for them.

The Children's Bureau investigated the 18,000 cases of children in jail in the course of 23 studies of detention practices. Eight of these studies were statewide; two were studies of State regions, embracing eight counties; and 13 were studies of individual counties. In all, the studies looked into the detention needs and practices in 279 juvenile court jurisdictions covering 264 counties in 18 States. In 1960, these 264 counties had a total population of 17,324,429. High density population areas were not proportionately represented in these studies. Because most large cities contain detention homes, delinquent children are less likely to be held in jail in such areas.

The studies recorded the circumstances surrounding each child's jail detention, including the offense that led to his apprehension, the length of stay, and the child's destination upon release, all factors bearing on the necessity for detention. The studies also looked into the laws and practices under which the children were admitted to jail and the reasons given by the local authorities for putting them there. Because of the variations in availability of information among the jurisdictions covered, the recording on all the factors of interest was not complete for all jurisdictions. However, sufficient data were recorded to reveal why children are being placed in jail and to indicate what action is needed to end this practice.

In this article, the term "delinquent" will refer to the child who is alleged delinquent as well as to the child who has been adjudicated as delinquent. "Detention" means the temporary care of children in secure custody pending court disposition. "Shelter" means the temporary care of children in physically unrestricting facilities pending court disposition.

A QUESTION OF LEGALITY

A review of the laws concerned with juvenile offenders in the 18 States in which these studies were made reveals an apparent intent to keep children out of jail, for they all contained a phrase like "no child shall be held in any jail, police lockup. . . ." This phrase, however, is usually followed by a qualifying phrase such as "unless ordered by the court," or "unless they are held in quarters separate and apart from any adult . . . ." Such a qualifying phrase provides the loophole through which children can be legally placed in jail.

In several of the 18 States, however, the law clearly prohibits placing children under 14 years of age in jail. In one of these 18 States, children under 16 cannot legally be put in jail. Even in these States, however, the studies show that the law is often ignored and children under the permitted age are held in jail.

Furthermore, the studies show that many of the children held in jail are not afforded the right of due process. They are placed in jail by law enforcement or probation officers and later released without ever having a petition filed with the court in their behalf or without ever having a hearing in court.

WAS DETENTION NECESSARY?

The children's offenses. The offense that has led to the child's apprehension gives an indication of the severity of aggression or rebellion in his behavior and of whether or not he may be a danger to himself or others. While the offense should never be the sole factor in the decision to detain a child, it should certainly bear much weight in that decision.

The Children's Bureau obtained data on the specific offenses of 9,177 jailed children. Less than 4 percent were "offenses against persons," such as assault or robbery. On the other hand, slightly over 41 percent consisted of acts that would not have been violations of law if committed by an adult—running away from home, truancy, curfew violation, possession or drinking of alcoholic beverages, and "ungovernability." (See table 1.)

Runaways, it is true, need to be held until they can be returned to their parents. Some of the children called "ungovernable" may need emergency shelter care. Since these offenses are not singled out in the data, any specific conclusions as to he extent of unnecessary detention cannot be drawn from these figures. However, the low figure on offenses against persons indicates that very few of the children who were held in jail could be considered "dangerous." And the high figure on children jailed in facilities for adult offenders who if they had been adults could not even have been arrested for their offenses suggests an ironic discrimination against juveniles.

Length of stay. How long a child is held in jail sheds some light on how necessary it was to confine him in the first place, for a child who is a danger to himself or others is not

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Footnotes at end of article.

likely to be released prior to a court hearing unless he is to be removed to another jurisdiction.

The Children's Bureau obtained data on how long 15,840 children were held in jail. More than 70 percent were held 2 days or less. (See table 2.)

Two days or less is an appropriate length of time to hold children in secure custody who are to be returned to other jurisdictions, such as out-of-county and out-of-State runaways or parole violators. But being held in secure custody at all hardly seems appropriate for children who can be safely sent home to their parents or someone else in the local community in a day or two. When children can be released after such a short stay in jail, the necessity of having locked them up at all is open to question.

These figures show that even if all the jailed children *had* required secure custody, 70 percent of them could have been kept out of jail if facilities for holding children securely up to 48 hours had been available locally.

TABLE 1.—OFFENSES OF 9,177 CHILDREN IN JAIL

Type of offense	Number of children 9,177	Percent 100
Offenses against persons	348	3.8
Offenses against property and other violations of law	5,011	54.6
Acts that would not be violations of law if committed by an adult	3,818	41.6

TABLE 2.—LENGTH OF STAY IN JAIL FOR 15,840 CHILDREN

Length of stay (days)	Number of children 15,840	Percent 100
2 days or less	11,148	70.4
3 days or more	4,692	29.6

Destination on release. However, information obtained on the children's destination on release from jail strongly suggests that only a small proportion of the children needed secure custody for even a short time. The Children's Bureau obtained data on the destination of 14,136 of the children. Of these children, 2,739 were returned to other jurisdictions. Local authorities disposed of the other 11,397 cases. Of those whose cases were handled locally, about 80 percent were allowed to remain in the community. (See table 3.)

In addition to children who must be held for other jurisdictions, those children most likely to require secure detention after being picked up for delinquent behavior are the extremely aggressive youngsters who may continue making trouble if released to the community. One would, therefore, expect to find that a high proportion of jailed children had on release been removed from the community through commitment to State agencies or institutions by local court action or had been transferred to adult courts for trial. However, the figures show that only about 20 percent of the children whose cases were handled locally had been committed to agencies or institutions or transferred to adult courts.

ADMISSION TO DETENTION

A comparison of court policies in 22 of the 23 areas studied showed that fewer children were jailed in areas where the courts exercised control of the admission of children to jail. (One of the States studied was omitted from the comparison because of the wide variation of detention practices within its several court jurisdictions.) In 12 of the areas, police had put children in jail without making any contact with the court or the probation officer. Although these areas contained only 26 percent of the total population of the 22 areas (according to the 1960 census), they had 47 percent of the jail admissions of children. In the 10 other areas—with 74 percent of the total population but only 53 percent of the jail detentions—the police were required to check with court authorities before putting any child into jail.

TABLE 3.—DESTINATION ON RELEASE FROM JAIL OF 11,397 CHILDREN WHOSE CASES WERE DISPOSED OF LOCALLY

Destination	Number of children	Percent
Sent home or otherwise left in community	9,222	80.9
Sent to correctional institution or transferred to adult court	2,175	19.1
Total	11,397	100

In 10 of the areas studied, one or more of the court officials responsible for screening children for detention reported that they often sent children to jail as punishment even though the children did not need secure custody. In one State some of the judges had such little confidence in the rehabilitative ability of the State training school for delinquents that they preferred holding a child in jail for a period of time to committing him to the school.

The existence of a detention home did not always keep children out of jail. In four of the counties studied, detention homes were available but the courts were holding children in jail by choice. In three of these counties, the detention homes were not equipped, from the standpoint of program, building, or staff, to handle the kind of troublesome adolescent who needs detention. In the fourth county, children were routinely placed in jail before being sent to the detention home.

Children were also in jail—2,366 of them—in the two States studied that operated regional detention systems. They were put there by the court's choice, through routine admission practices, or to await placement in the regional detention home.

The first step toward eliminating the jailing of children is the enactment of laws that would not only prohibit this practice but would also assure the proper use of detention or shelter care. Where necessary, the statutes should be complemented by appropriate court rules and policies. Together, the law, court rules, and policies should provide—

1. Criteria for admission. A child taken into custody should not be placed in detention or shelter care unless such care is requried to protect the person and property of others or of the child, the child is likely to leave the jurisdiction of the court, or the child has no parents, guardian, or other person able to care for him and return him to the court when required.

2. Procedure to be followed. The law enforcement office, who takes the child into custody should immediately: (a) release the child to his parents, guardian, or custodian upon their promise to bring the child before the court when requested unless his placement in detention or shelter care seems to be required for his own or others' protection; (b) take the child to the court or place of detention or shelter designated by the court and immediately give written notice of this action and the reason for it to a parent, guardian, or other custodian of the child as well as to the court.

When a child is taken to a court or place of detention, the probation officer should review the request for detention before admission and should release the child unless detention is necessary.

If the child is not so released, a petition for court action in behalf of the child should be filed within 24 hours. A hearing on the necessity for detention should be held within 24 hours after the petition is filed. Unless the court finds that the child's detention is required, it should order his immediate release.

3. Twenty-four hour intake. The court intake officer should be available on a 24-hour basis—either on duty at the court, the designated place of detention, or on call—to authorize the detention, shelter, or release of children referred by the law enforcement officers.

4. A prohibition against jailing children. The legislation should set a date after which the placement of children in jail would be absolutely prohibited. This date would allow a short interval for the provision of appropriate facilities for the temporary care of delinquent children.

SHELTER CARE

Specific figures on how many children needed shelter care rather than secure custody while awaiting disposition of their cases are not available from the Children's Bureau studies. However, the need for facilities to provide this type of care was so obvious in many of the communities under study that recommendations for their establishment were contained in 18 of the 23 studies. In New York State, where there are about 25 facilities for shelter care, the communities operating them have experienced a noticeable reduction in the number of children in secure detention.[2]

A shelter home differs from a detention facility in having no security features such as locked rooms and barred windows. It can be a group home owned by a social agency such as the county welfare department and operated by a salaried staff; or it can be a foster family home subsidized with a flat monthly fee for the foster parents' services, plus board for each child on a per diem basis. In either case, the shelter home should be reserved exclusively for temporary care and should be ready to accept children at any hour of the day or night. A foster family home should be limited to caring for no more than six children at a time; a group home, to no more than 12.

While such shelter facilities are not secure lockups, the children they serve are often difficult to handle. They need care from understanding adults who can involve them in constructive activities and who are capable of providing close supervision to a child when he is upset, even if this means staying up with him at night. Adequate compensation and provision for relief personnel are necessary to keep the group homes staffed and the subsidized foster families willing to continue in a task that provides few of the satisfactions of long-term foster care.

Provision for the temporary shelter care of children picked up by the police is necessary even where there is an adequate detention home. Such provision can be made on a small or large scale, depending on the size of the community.

HOLDOVER FACILITIES

A facility providing secure custody for apprehended children for no more than 2 days can allow the court reasonable time either to dispose of the case or to make arrangements other than jail for the child. Such a facility is needed in every community where a detention home is not readily accessible. It can be in a separate building or in a building used for other purposes, but never in a jail.

Because the children in its charge stay for such a short time, the local holdover facility does not have to provide space for large-muscle activity as does a detention home, which may hold children several weeks. Further, since in most instances a holdover facility contains very few children at any one time, the children can be under constant supervision. Thus, while keeping the facility locked is important, there is not the same need for the type of construction and equipment required in a regular detention home to prevent a child from hurting himself or others.

In Utah, local holdover facilities are being developed throughout the State. The Utah Department of Public Welfare has established written detention standards with 48-hour holdover facilities designated as "Type C."[3] Such facilities are already in operation in Cedar City, St. George, and Price and one

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Footnotes at end of article.

is under construction in Logan. Generally, these facilities have from four to six individual sleeping rooms, a day room, a shower room, and a supervisor's office. Each facility contains a refrigerator and stove for preparing snacks and meals for newly admitted children. * * *

Sometimes such holdover facilities for children are provided for in new buildings constructed to house other activities. For example, in Cedar City, Utah, the holdover facility is in the basement of a new county hospital; in St. George, it is in the basement of a new county office building. When a holdover facility is located in an institution caring for other people, it is important that the children be kept in separate quarters out of sight and hearing of these other people.

In a small community, a secure holdover facility for children may not always be in use, thus posing a problem of staffing. In Utah, the problem has been solved by employing a couple in each community on a standby basis. Each couple is paid a monthly salary and is called to the facility for duty when children are placed there.

A local 48-hour holdover facility is not a substitute for a detention home that can provide secure care for children for as long as 3 weeks, if necessary. Risks are involved in operating a short-term facility unless such a detention home is available somewhere in the State to which children who need to be held longer can be transferred. If a regular detention home is not available, the court will be forced to make a disposition of children in the local facility's care within 48 hours. When the child is well known to the court, this should be sufficient time for a wise decision. In other cases, however, a quick disposition before the probation officer has been able to complete his study is risky. A child may be released to the community who is not ready for community living and another child may be unnecessarily committed to a State institution. However, even when a regular detention home is not available, the establishment of a local facility for holding children securely up to 48 hours can eliminate the jailing of children.

If jailing children is to be stopped, there must exist the firm conviction that jail is no place for a child—a conviction followed up with the enactment of appropriate legislation, the establishment of sound court policies for admission to detention, the development of local arrangements for shelter care, and the provision of local 48-hour holdover facilities. Children can be kept out of jail where there is a will to keep them out.

FOOTNOTES

[1] National Council on Crime and Delinquency: Corrections in the United States: a survey for the President's Commission on Law Enforcement and Administration of Justice. *Crime and Delinquency,* January 1967.

[2] Fox, Bruce R.: Juvenile detention—the name of the game. Unpublished paper presented at the Frederick A. Moran Memorial Institute, St. Lawrence University, Canton, N.Y., June 23, 1969.

[3] Utah Department of Public Welfare: Minimum standards of care for the detention of children, Salt Lake City, Utah, 1961.

TRIBUTE TO DR. FRED DIXON

Mr. THURMOND. Mr. President, one of South Carolina's most distinguished college professors passed away on July 10. A native of Albany, Oreg., Dr. Fred Dixon left a heritage of rich influence in the lives of the many students he taught. Appointed to the Political Science Department of Converse College in Spartanburg, S.C., Dr. Dixon was made an associate professor in 1959 and a full professor in 1960 when he was named head of the department.

His interest in young people was evidenced by the keen enthusiasm with which he approached his classes. He took his students great distances to observe firsthand the workings of government. It was not unusual for his political science field trips to include such cities as Columbia, S.C., Atlanta, Ga., and Washington, D.C.

Dr. Dixon was a public-spirited leader who will be missed by his many friends and admirers. He served as vice-president of the Piedmont Symposium on World Affairs. He was president of the Spartanburg Civitan Club and a former district governor of that organization. His interest in the welfare of elderly persons was expressed through his service as chairman of the Preretirement Committee of the South Carolina Committee on Aging. At his death he was chairman of the Spartanburg Long-Range Planning Committee.

A retired Army colonel, Dr. Dixon served his country with distinction in North Africa and Europe during World War II.

Dr. Dixon was a personal friend, a man for whom I held the highest respect and admiration. Our State was fortunate to have had his services and his influence during the years he was with us. We share with his family a sense of deep loss at his passing.

Mrs. Thurmond joins me in expressing our sympathies to his wife, Mrs. Laura Dixon; to his son, Fred Dixon, Jr., of California; and to his daughter, Mary Dixon, of Boston, Mass.

Mr. President, I ask unanimous consent that two articles recounting his death and background, published in the July 11 and July 13 issues of the Spartanburg Herald-Journal of Spartanburg, S.C., be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Spartanburg (S.C.) Herald-Journal, July 11, 1971]

Former Converse Professor Dies of Heart Attack

Milo, Maine.—Fred Dixon, 70, husband of Mrs. Laura Dixon of Beechwood Drive, died Saturday in Brownsville, Maine, as a result of a heart attack.

Native of Oregon; he was a graduate of the University of Cincinnati; he received his Ph. D. from the University of Virginia; he previously worked in Ohio for several firms; he was a former professor and chairman of the department of Political Science at Converse College 1959–70; member of Middle East Institute, Academy of Political and Social Science, American Political Science Association, and was a former president and district governor of the Spartanburg Civitan Club; chairman of the Preretirement Committee of the S.C. Committee on Aging; currently serving as chairman of the Spartanburg Long Range Planning Committee; retired colonel in the Army.

Also surviving: daughter, Miss Mary Dixon of Boston, Mass.; son, Fred Jr. of California.

Services 9:30 today at Arlington National Cemetery, Arlington, Va.

Larry Funeral Home, Milo, Maine.

[From the Spartanburg (S.C.) Herald-Journal, July 13, 1971]

Former Converse Professor Fred Dixon Dies in Maine

Milo, Maine.—Fred Dixon, native of Albany, Ore., and professor emeritus of the Political Science Department of Converse College, was buried today in Arlington National Cemetery, Arlington, Va.

Dixon, 70, husband of Mrs. Laura Dixon of Beechwood Drive, died Saturday in Brownsville, Maine, as a result of a heart attack.

Appointed associate professor of Political Science at Converse in 1959, he was made full professor and chairman of the department in 1960. He received his M.A. in economics from the University of Cincinnati and his Ph. D. degree at the University of Virignia in Political Science. In 1957 he retired from the U.S. Army with the rank of colonel after serving in North Africa and Europe during World War II.

Prior to his retirement from Converse in 1967, he made a study tour of African nations which have emerged politically and economically since World War II and in 1965 was awarded a faculty research grant by the college for work on a political biography of S.C. Senator Strom Thurmond.

Dr. Dixon was a member of the American Political Science Assn., the Southern Political Science Assn., Southern Economics Assn., American Academy of Social and Political Sciences and the Middle East Institute. He served as vice president of the former Piedmont Symposium on World Affairs, was president of the Spartanburg Civitan Club and former district governor of that oragnization. Also chairman of the Pre-retirement Committee of the S.C. Committee on Aging. At the time of his death he was chairman of the Spartanburg Long Range Planning Committee.

Also surviving: daughter, Miss Mary Dixon of Boston, Mass.; son, Fred Jr. of California.

Larry Funeral Home, Milo, Maine.

DIGGING UP MARYLAND'S PAST

Mr. MATHIAS. Mr. President, I am glad to be able to report that Maryland now has a program for coordinated, professional archeological research. Tyler Bastian, the State archeologist, is concerning himself with the remains of Maryland of about 6,000 years ago. He has devoted most of his time thus far to digging up Indian artifacts in an effort to recover and preserve Maryland's heritage.

An article in the Evening Star, "Digging Up Maryland's Past" by Joy Aschenbach discusses the new program and its archeologist as set up by the Maryland antiquities law of 1968.

Because of the importance of Mr. Bastian's work I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Digging Up Maryland's Past

(By Joy Aschenbach)

Tyler J. Bastian digs up Maryland for a living.

The 34-year-old sandy-haired Midwesterner is the first state acheologist—a little known job created by the Maryland Antiquities Law of 1968.

Buried amid maps and charts in a windowless, closet-like office at Baltimore's Johns Hopkins University, he is almost as obscure as the prehistoric era he is seeking to uncover.

"How did you know I existed?" he quickly asks a visitor. "No one has heard about me."

When the position was created, he said, "the state didn't know what to do with it," so, officially, Bastian and his $22,800-a-year budget, one research assistant and the equipment are part of the Maryland Geological Survey.

THOUSANDS OF YEARS

The reason: There is almost no precedent for coordinated professional archeology in Maryland.

"The last time it was done just before the turn of the century when the Smithsonian

Institution undertook some excavation along the Potomac River in southern Maryland," Bastian said.

Bastian is not primarily interested in Maryland's familiar Colonial past. With this experience in the archeology of Indians and a master's degree from the University of Utah, he is looking for the remains of what was Maryland in 3,000 . . . 8,000 . . . 10,000 B.C.

"The first thing I did was walk the State's highway construction routes," Bastian said.

Along the new Interstate Route 95 near Beltsville in Prince Georges County, buried a couple of feet, he found the remains of what was probably an Indian campsite in 2,000 to 3,000 B.C. There were some quartz and quartzite dart points, spear points and scrappers.

This fall, Bastian goes to western Garrett County, less than five miles from the West Virginia border, to excavate a large Shawnee Indian village, a portion of which lies in the path of the National Freeway.

CENTURIES-OLD CORN

"We don't know historically who was in Maryland before the Shawnees who came in the late 1600s," he said. The archeological survey of the four-acre site will be paid for by the Maryland Administration under a new program of preserving the state heritage.

His first major excavation, which took four months to complete with volunteer help, was at a five-acre Indian village site at a farm northeast of Frederick.

The remains included a large, well-fortified village—used from 1,000 to 1,500 A.D.—the outlines of houses, pottery fragments, charred corn seeds, arrowheads, storage pits, graves and skeletons.

Bastian said he has recorded—largely through the assistance of amateur archeologsts and local historians—the locations of about 1,000 ancient sites, mainly on the Eastern Shore and in Southern and Western Maryland.

"That's about 10 percent of what probably exists," he said.

Eventually, he said, he hopes to have residents throughout the state notify him about discoveries and to have construction crews on highway and housing projects alert him before they begin bulldozing.

As a central clearinghouse for Maryland archeology, Bastian collects, photographs and catalogues artifacts and compiles data on the location and general nature of the sites. He plans to report on his finds for a comprehensive record for state's past.

Now, all the artifacts are in his office, in cardboard boxes, classified by county and piled from floor to ceiling because there is no place to display them. "Maybe in a few decades," he said, "Maryland will have a state museum."

REFORMING THE RIKER'S ISLAND REFORMATORY

Mr. BAYH. Mr. President, on July 21 the Board of Correction of the city of New York issued a report on the Riker's Island Reformatory which concluded "that the time has come to reform the reformatory."

This reformatory, to which adolescents between the ages of 16 and 21, as well as some adults, are sentenced, was subjected to a study by two boards of correction task forces to review and evaluate its operations.

The report is a damning one.

Among the findings by the boards of correction were the following:

First. Although there are almost 1,000 prisoners in the Riker's Island Reformatory, the vocational training program there has failed to encompass the vast majority of inmates.

I recently visited Riker's Island and was informed that an extremely successful manpower development and training program had been in operation between 1965 and 1969 but has not been funded for over 2 years. The result has been that over $1 million in equipment and buildings including a full multilith offset printing shop, welding shop, machinist shop, and shops for furniture refinishing and repairs have been unused even though 95 percent of its graduates were able to find jobs. The recidivism rate of its graduates was an astonishingly low 22 percent compared to the average of 70 percent. The MDTA program was due to be funded again on July 19.

In the meantime, job training available for inmates has failed miserably to meet the need. Considering the importance placed on job training as an important factor in rehabilitation, the lack of an effective program is singularly shortsighted. The class openings available are severely limited; the funds are meager. For example:

Only 11 students were in the auto body repair and servicing shop training program, with a total annual budget of $250 for supplies;

Twelve students in a barber training program, with a total budget of $175;

A plumbing shop is temporarily closed because its instructor has been assigned to administrative responsibilities;

A printing shop trains students to use a letter press that is no longer used in the industry;

A typing program has eight students although it could be easily expanded in numbers and office training;

A woodshop lacks wood and lumber, as well as funds to supplement the meager supply.

Second. The lack of student counseling and psychiatric assistance is termed by the Board of Correction, "appalling."

Third. Only one-half of all inmates under the age of 18 were attending the school in the reformatory, in spite of a New York law requiring their attendance.

Fourth. An "incentive employment program" has a wage scale ranging from 3 to 10 cents per hour. Students must elect whether to enroll in this program rather than attending school. Since the incentive employment program is the only means for inmates to gain funds for commissary purposes such as cigarettes, cookies, or candy bars, it is clear that this program, even with its slave labor wage scale, induces teenagers who are functional illiterates not to go to school.

Fifth. Although the school has 19 percent Puerto Rican students, there is no Puerto Rican teacher although one of the 18 teachers on the staff does speak Spanish.

Sixth. In a survey of inmates only one-third had ever seen a social worker, psychiatrist or vocational counselor. Of those who had seen such personnel, a majority had encountered them by "accident" rather than by being informed of their availability.

Seventh. The great majority of the inmates had never used the library—many claimed to be unaware of its existence. Those who did use it complained of the low quality of the books and materials.

Eighth. Almost all of the inmates complained about the food, which was generally ill-prepared, served cold and in an unattractive fashion. Sometimes it was raw or half-cooked. Much of the cooking is done by adolescent inmates, not by trained professional cooks.

Ninth. Many inmates complained of the commissary. They contended it did not have adequate supplies of commissary food, considering the numerous complaints of the regular institutional fare. There were no cosmetics for teenagers with skin problems, nor were there any newspapers and magazines aimed at the sizable black population. For some reason the commissary failed to carry any filter cigarettes, although this was a common complaint.

Tenth. The inmates were supposed to have two sets of clothes. However, because they have to launder them in a hand sink, and there was only one iron in most units, most inmates had to walk around in wrinkled and sloppy clothing which they deeply resented.

Eleventh. Although most inmates were desirous of more recreational time and facilities they were not permitted more than 1 or 2 hours a day in the gym and were not permitted to play outside unless there was very warm weather.

Twelfth. Narcotic therapy programs are at a minimum. In an institution where nearly half of the inmates are confined for drug-related crimes this lack, in the words of the Board of Correction, is "incomprehensible." There is not even a followup to make sure that all adolescents leaving the reformatory who have had a past history of drug abuse would be steered into methadone maintenance or to other therapeutic treatment.

I could go on with other conclusions of this report, but it is unnecessary. On June 21, I visited the Adolescent Remand Shelter at Riker's Island, which is also under the same jurisdiction. It is there that adolescents are held pending trial, many of them for 4 months to a year. Many of the conclusions arrived at by the Board of Corrections about the reformatory are equally applicable to the Remand Shelter.

It is clear that the reformatory does not deserve its title. It does very little to reform, very little to rehabilitate. It represents a wasted opportunity. We cannot afford to let these opportunities go by. We are all the losers—the inmates, who predictably will become recidivists; and society which will be the victim of the crimes committed by young men who could be rehabilitated if we only spent as much time and money trying to redirect their lives as we do keeping them in maximum security institutions.

Mr. President, I ask unanimous consent that the report of the Board of Correction and the covering letter by its very conscientious and effective chairman, William vanden Heuvel, to the Commission of the Department of Correction be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

BOARD OF CORRECTION,
New York, N.Y., July 21, 1971.

Hon. GEORGE F. MCGRATH,
Commissioner, Department of Correction, New York, N.Y.

DEAR COMMISSIONER MCGRATH: Knowing that you share our concern for the treatment of adolescents by the criminal justice system, we hope you will agree with our conclusion that the time has come to reform the Reformatory. No institution in the correctional system symbolizes greater hope for rehabilitation than the Reformatory. If our observations are correct, then each of us as citizens, and all of the agencies concerned with adolescents, must bear the responsibility for the conclusion that the New York City Reformatory is now little more than an ordinary prison. Time and time again, recommendations have been made by the rehabilitative staff, but these reports have been lost in the phlegmatic, bureaucracy of departments, commissions, bureaus and boards who share the responsibility for the City's adolescents. These reports have ended up on the desks of persons who either do not read or do not care.

The Board of Correction believes that New York City can and should have the most successful reformatory in the nation, successful in terms of rehabilitative effort, community participation, and its impact on controlling crime and reducing violence. To that end, we submit the attached report and our recommendations.

The Board of Correction began its study of the City Reformatory in February, 1971, and invited Mr. Abraham Lass, retired principal of Abraham Lincoln High School in Brooklyn, to lead a task force to review and evaluate the operations of P.S. 189, the school at the Reformatory. The task force was composed of Dr. Nathan Clark, Principal, George Washington Vocational and Technical High School, Dr. Edmond James, Principal, Peter Cooper High School, and Dr. Alan Argoff of the Bureau of Audio-Visual Instruction. The Board also requested the volunteer services of two young and gifted attorneys, Jonathan Dolgen and Lewis Korman, who were asked to study the general conditions at the Reformatory and the status of reformatory prisoners. With reports from both task forces in hand, the Board itself visited the Reformatory and had helpful discussions with Warden Oslyn and his associates as well as with many of the prisoners. We acknowledge with great appreciation the dedicated work of Warden Oslyn and the Departmental personnel who assist him. They have made the best of a difficult administrative problem.

Governor Rockefeller has now signed legislation abolishing the City Reformatory, effective January 1, 1974. If seen only in the light of the limitations on its present operations, that decision affecting the City Reformatory could not be challenged. But there is a sense of real sadness at a lost opportunity as we look at the motivated personnel and the possible programming that the City Reformatory could have available to it. Experience clearly shows that the mere transfer of responsibility to the State does not mean progress or better or more effective facilities. In fact, the isolation of the adolescent from his family and community can be very destructive. To remove adolescents to correctional institutions in remote upstate areas is not an answer to the need. We trust that the Governor, the State Commissioner of Correction and other interested parties will work with you to keep the Reformatory located within the City.

As a result of our studies and conclusions, the Board of Correction recommends to the appropriate authorities that:

1. The sentences of all adolescents serving indeterminate terms as City Reformatory prisoners be reconsidered. The rationale for such sentences, treatment under a rehabilitation program clearly distinguishable from a regular prison environment, does not exist. All such adolescents, including those who have been transferred to state facilities because of overcrowding, should be resentenced, giving them the option of a definite term.

2. The Presiding Justices of the Appellate Division, First and Second Departments, should appoint a special Judicial Committee to determine when and if the Reformatory meets minimum standards to justify the indeterminate sentence for adolescents.

3. The Department of Correction should announce by October 15, 1971, whether it intends to organize and administer a reformatory consistent with the standards of the American Correction Association.

4. Literacy must be made a major objective of the entire Reformatory program, and reading instruction should be available to inmates whether or not they speak English. Without functional reading and writing skills, much of the value of the vocational training is lost. English classes for Spanish-speaking prisoners must be organized.

5. Adolescent prisoners must be encouraged to attend school, with special work programs organized so that they will not be deprived of the opportunity of earning "spending" money. The present system pays $.03 to $.10 an hour for prison labor. The rate should be increased in order to provide meaningful incentives.

6. The Board of Education should give significant attention to its pioneering prison facility, and use it as a model for the challenge of teaching the disadvantaged. The school program should be part of a comprehensive rehabilitation program and should be available for all prisoners who wish to attend.

7. Follow-up of individuals after release is essential if there is to be any control by which to judge the institution's success.

8. Narcotic therapy programs are a minimum requirement. The absence of narcotic programming in an institution where clearly half of the inmates are confined for narcotic crimes is incomprehensible. The opportunity should be available to all adolescents leaving the Reformatory to enter street programs for methadone maintenance or other therapeutic treatment.

9. A special Advisory Board, including representatives of labor and industry, should be organized to work with the Warden of the Reformatory to assist the training programs and secure employment opportunities. This board could help organize vocational programs that are related to employment needs.

10. The commissary should be reorganized to provide a broader range of purchasable items for the prisoners, especially supplemental food commodities and other adolescent needs.

11. Food for the Reformatory is prepared at the adjacent Adolescent Remand Shelter and delivered to the Reformatory. The preparation of the food must be supervised so that both the quality of the food and the work experience involved are substantially improved.

12. The creation of a meaningful library must be given priority.

As part of its review of the Reformatory program, the Board of Correction sought to examine the MDTA program, assuming that its operation had already begun since Congressional announcements relating to the program had been made in both January and April. We were dismayed to learn that as of the beginning of July, the MDTA project was still a piece of paper upon which no one between Washington and Albany could agree. We communicated directly with Senator Javits, and through the intervention of his office, red tape was finally cut, and we were assured that the program would become operable on July 19.

The Board of Correction appreciates your concern, as well as the dimensions of the problem, and stands prepared to assist you in any way possible to accomplish an objective that all of us share.

Sincerely,
WILLIAM J. VANDEN HEUVEL,
Chairman.
WILLIAM H. DRIBBEN,
Vice-Chairman.
NYRKA TORRADO ALUM,
JOSEPH J. DEMONTE,
WILLIAM H. SATTERFIELD,
DAVID A. SCHULTE, Jr.
ROSE M. SINGER,
Rev. MANNIE LEE WILSON.

REFORMING THE REFORMATORY

I. INTRODUCTION

"The scheme and plan back of commitment to reformatories is to provide for reformation rather than punishment." So spoke learned judges in this state in *People ex. rel. Tomasula* v. *Foster*, 270 App. Div. 684, 686–87, 62 N.Y.S. 2d, 451, 454 (1946).

Professional penologists talk about adolescent offenders with feelings of hope and encouragement. They point out that generally, the adolescent offenders have not yet become "set" in anti-social patterns; that they have more appreciation for learning, that they are approachable. The Manual of Correctional Standards issued by the American Correctional Association lists suggested standards for the special effort that should be made for the adolescent offender:

1. Program should be flexible.
2. Community rather than institution-based programs should be emphasized.
3. Effective liaison must be maintained with agencies providing related services.
4. Program concepts and requirements must be established.
5. The type, size and number of institutions must be planned.
6. The institution program should be varied and dynamic.
7. Qualified personnel in adequate number must be provided.
8. An effective system of communication must be established within the institution.
9. A program of records, research and statistics should be conducted.
10. Effective relationships with the community must be maintained.

By the measure of these standards, the City Reformatory is clearly deficient in its hopes and responsibilities.

A brief review of the present operations of the Reformatory is in order.

II. PUBLIC SCHOOL 189

This is the only public school in the United States operated in a prison setting for adolescents. It could be an extraordinary opportunity for those concerned with the problems of ghetto education, but instead the school is given low priority in terms of budget and creative programming.

New York State law obliges all children under the age of 18 to attend school. As of June 30, 1971, there were 174 sentenced prisoners in the City Reformatory under the age of 18. Of that group, 83 were enrolled in P.S. 189. (Thirty others were recently arrived and awaiting assignment to the school, 11 were classified as homosexuals with no schooling opportunity available, 14 were categorized as "behavior" problems, and 36 had sentences that were too short to justify school assignments.)

To sense the opportunity the Reformatory offers educators studying ghetto school problems, one need only look at the make-up of the student body at P.S. 189. Approximately 75% of the students are Black, 19% Puerto Rican, and 6% of caucasian background. (For the Reformatory as a whole, the breakdown is approximately 80% Black, 12% Puerto Rican, and 8% white.) The student body is made up entirely of educational dropouts. Approximately two-thirds are recidivists, having been in prison at least once before. Most are severely retarded in fundamental reading and mathematical skills, more properly classified as "functional illiterates." A substantial number has a history of narcotic addiction. The incidence of past and present emotional disturbances among students runs high and their aspiration level low. There is a depressing homogeneity in this profile. Obviously, the problems presented to the teaching staff are staggering, and these problems have to be met with paltry resources supplemented happily by the dedicated commitment of the teaching staff.

Although physically untouched by the 1970 riots, the Reformatory and P.S. 189 have been the victims of that violence. The

Department of Correction commandeered the Reformatory, shipped hundreds of the adolescent prisoners to upstate prisons, used half of the Reformatory for adult prisoners including a special section for adult homosexuals, and effectively made the Reformatory into a penitentiary. The modest rehabilitation programs became meagre and their importance lost out to the need to use sentenced adolescents to do the menial tasks of prison maintenance work.

It is sometimes difficult for those outside of prison walls to understand that the possibility of earning three cents an hour could compete with the opportunity to attend school, but that frequently is the case in the Reformatory. For poor prisoners, the Incentive Employment Program (where wage scales range from three to ten cents per hour) provides the only means to gain funds for commissary purchases such as cigarettes, cookies, candy bars, etc. As one of the teachers suggested, the Department of Correction might consider offering the same incentive wage scale to encourage prisoners to attend school.

As of June 1971, there were 18 teachers on the P. S. 189 staff, and 171 registered students. Among the staff are three Black teachers. There is no Puerto Rican teacher, although one of the teachers speaks Spanish. Relationships between the school staff and the Correction Department are cordial and cooperative.

A. Vocational program

The Annual Report of P.S. 189 (1970–1971) describes the basic orientation of the school as providing students with a salable skill before they return to the community. ". . . [W]ithin this general framework, our main emphases are upon corrective academic instruction, vocational training, high school equivalency training, and educational and vocational guidance." The following shop training is offered:

1. *Baking and Cooking*. The facilities are good and some of the equipment is excellent. There are no statistics or records to judge whether the graduates of this training program (or any other) actually find employment after release in the area of their vocational training. One has the impression that the facilities are underutilized, that more could be asked of the students in terms of responsibility and training potential, and that a larger number of prisoners could be brought into the system. The baking facilities years ago provided bread for the Board of Education, municipal hospitals, as well as all the other prisons. The product is excellent and, in the midst of the City's fiscal crisis, greater utilization of these facilities for public purposes might be considered.

2. *Auto Body Repair and Auto Servicing*. As of May, 1971, there were 11 students enrolled in the auto body shop. The equipment is minimal. At the moment, inoperable automobiles are made available through a State agency. After their repair, the automobiles are sold to non-profit groups. In a city where thousands of automobiles are abandoned on the streets each year, we would hope an arrangement could be worked out so that there is no shortage of "live" automobiles for workshop purposes. The auto body shop has a $250 per year budget for its supplies. As with all of the vocational programs, this annual supply budget is inadequate to the point of being self-defeating. Adjoining the shop is an auto servicing program with an enrollment of less than ten. It would seem that the program could be quickly beneficial in training prisoners for garage and gasoline station work immediately upon release, but there is little work available of a "live" nature. Given the needs of automobile and truck maintenance of the Department of Correction alone, it would seem that on-the-job training could be found for a large number of prisoners without too much difficulty.

3. *Barber Shop*. On a budget of $175 per year, the instructor does a remarkable job with his 12 students. There is a need for books and other materials relating to new hair styles and, again, the minimal supply budget dilutes the possibility of the program.

4. *Plumbing*. The plumbing shop has been temporarily closed because its instructor has been assigned to administrative responsibilities. It seems to us that this shop should be strongly encouraged both because of the employment potential it offers prisoners after release and because of the desperate need in many correctional institutions for maintenance help related to plumbing facilities.

5. *Printing*. The Board of Correction invited Carl Sorensen, a former president of Lanston Monotype Company and an expert consultant in the field of printing, to review the printing facilities on Rikers Island. He thought the equipment of the school was too old to give a prisoner the kind of training that would prepare him for an outside job. He pointed out that most of the work being done in the school is on letterpress with type set by hand, run on small vertical platen presses which are no longer predominantly used in the industry. On the other hand, the printing shop located near the Reformatory had good production facilities with equipment in excellent condition. Sentenced adult prisoners do work in the printing shop. It would appear that a training program for Reformatory inmates would be far more effective in terms of future employment if it could be organized in the shop and centered on modern equipment.

6. *Typing*. The typing program has eight students. Its need for supplies is similar to that of the other programs and again, it seemed to be a program that could be easily expanded both in number of students and in office training and office equipment use that would supplement the typing skill.

7. *Tailoring*. A good shop where limited materials are used as creatively as possible. As with many of the instructors, who seek employment opportunities for their students on their own time, the teacher of this program has personally sought out a relationship with the Amalgamated Clothing Workers Union to gain employment opportunities for his students. Fifteen pupils found employment through this channel during the school year. One former student is now a foreman; two others are assistant foremen.

8. *Wood*. The lack of wood and lumber, and the lack of funds to supplement the meagre supplies, destroys the creative objectives that the instructor would like to implement for this program. Also, in view of the relatively limited time available for training, the emphasis should be upon basic skills in woodworking, perhaps directed to preparing students to work in the construction industry.

9. *Horticulture*. There is a horticulture program and greenhouse with a number of projects related to floristry and gardening.

10. *Shoe Repair*. Good facilities and dedicated instruction, but pupil interest in the vocation is not high. The staff should make every effort to motivate interest, perhaps by reminding students that the skill is salable, particularly since there are few young shoe repairmen at work in the City.

B. Audio-visual program

Audio-visual equipment is available for both large and small group use, but in fact, the equipment is used only minimally. Again materials are frequently not available for the equipment nor do the teachers seem properly trained in the creative use of audio-visual equipment and materials.

The Board of Correction has recommended and is prepared to help organize a film industry program for the Reformatory to provide preliminary training in various technical skills associated with film-making and prepar students for later apprentice training.

C. General comments and recommendations

The elements for a successful vocational training program are present in terms of shop facilities and staff, but the operation should be reorganized from the point of view of both opportunity and need. New training areas, where possibilities of placement are more available and more satisfying, should be explored. Such areas include: medical technology; building maintenance; electrical training; air conditioning maintenance and repair; oil heating equipment and appliance repair; furniture finishing and repair. Both unions and industry should be invited to participate in organizing and administering the vocational training parts of the school, and labor and management should assist in program planning by outlining present and future manpower needs.

The lack of student counseling and psychiatric assistance in the school is appalling and the complete failure of follow-up in terms of statistical records is unacceptable for a serious institution. It is difficult to understand how vocational programs can properly be evaluated if there are no facts as to subsequent placement of students. There should be off-premise counselors working in the various boroughs so that prisoners, many of whom are already recidivists, will have points of contact after release. Motivation must be encouraged and guided during the intake program when assignments are made. Clearly, additional financial help is required, but the right kind of operation could attract and hold significant contributions from the community, both in personnel and material assistance. The community must be invited to share the responsibility of this important institution.

The staff of P.S. 189 is highly competent, deeply concerned, and acutely aware of the gap that exists between what it wants to do, and what it can do under present circumstances.

Its repeated requests for adequate funding and necessary personnel have met with little effective response from the New York City Board of Education.

The school program includes an academic phase directed toward high school equivalency certification. Last year 62 of 68 students enrolled in these courses passed the examination and received diplomas. A summer program, which meets for three and one-half hours each day and will continue for six weeks, presently provides vocational and academic training. However, it is a very limited program, involving 13 teaching personnel in the Reformatory and funded for $30,200 by the Federal Title I Program.

Literacy should be a major objective of the Reformatory program, but as of now, most of its inmates are not being reached. The school should be the center of the Reformatory's rehabilitative effort, not a "Band-Aid", not a stepchild, but the creative center of a program designed to open horizons of possible opportunity that will take young men away from the need and desire for criminal activity. The resources of the City, State and community should be coordinated to serve the Reformatory's needs. This means bringing in unions and business representatives. It means involving the State employment agency. It means inviting volunteers who have a talent for reaching out to troubled individuals. It means programming the time for an individual while he is in the Reformatory and staying in contact with him as he returns to his neighborhood.

Discussions should begin with State officials promptly so that an understanding can be reached that the Reformatory will remain on Rikers Island for City prisoners although its operations will be State financed. The program resources that the State can offer should be coordinated with those the City can organize. If we can succeed in creating a reformatory for our adolescents that rehabilitates, educates and counsels, we will have succeeded in creating a community facility that has a real and direct impact on controlling the crime and violence that disturb our lives.

III. THE REFORMATORY: GENERAL CONSIDERATIONS

A. Introduction

Section 75 of the Penal Law generally allows a court to sentence a young adult (over 16 years of age, but less than 21) to an indeterminate reformatory sentence rather than imposing a definite prison sentence. The court cannot set a minimum or maximum term for such reformatory sentence. A young adult is released from a reformatory sentence upon a determination of the Board of Parole that he has received sufficient rehabilitative treatment, but in any event not later than 4 years from the imposition of the reformatory sentence.

Section 75.20 of the Penal Law allows a court to sentence a young adult to a local reformatory sentence at a city or county reformatory, provided that such reformatory is certified by the State Commission of Correction to have adequate facilities for the rehabilitation of young adults. Such certification may be withdrawn at any time by the State. However, the maximum term of a local reformatory sentence is three years, as opposed to four years for a state reformatory sentence.

In addition to serving as the place of confinement for adolescents committed to indeterminate local reformatory sentences, the Reformatory also houses adolescent inmates serving terms of one year or less under definite sentences of imprisonment.

The New York City Reformatory is presently certified by the State as an institution with adequate rehabilitative facilities. If such facilities are found lacking, grave doubt may be cast upon the constitutionality of the indeterminate sentence and subsequent imprisonment at the Reformatory. In the judgment of the New York City Board of Correction, the present operation and rehabilitative program of the City Reformatory on Rikers Island is not adequate to sustain the commitment under an indeterminate sentence. An adolescent aged 16, driven to burglary by an addiction problem, may well serve up to three years for a crime for which, as an adult, he might have received a sentence of less than one year. Such a discrepancy in treatment can only be justified by the reality of the programs available. That reality does not presently exist in the Reformatory.

In the wake of the riots and the desperate need to relieve overcrowding in the City's detention institutions, the Reformatory has become a place of detention, a warehouse to store problems for which the Department has no other easy resting place. More than half of the Reformatory's present population is adult trial prisoners, requiring twice as many correction officers for security purposes as would regular Reformatory prisoners. Many of the City's sentenced adolescents have been shuttled to State institutions such as the Correctional Facility at Napanoch. Some Reformatory prisoners have been transferred to the Adolescent Remand Shelter, such a move being rationalized on the basis of these adolescents performing work assignments in that institution.

B. Statistical data

As of February 22, 1971, the population of the Reformatory was as follows:

Adult trial inmates	213
Adolescents serving Reformatory sentences	359
Adolescents serving definite sentences of one year or less	428
Adult sentenced inmates housed in a cellblock for homosexuals	67
Total population	1,067

As of June 22, 1971, the population of the Reformatory was as follows:

Adult trial prisoners	218
Adolescents serving reformatory sentences	302
Adolescents serving definite sentences of 1 year or less	202
Adult sentenced inmates housed in a cellblock for homosexuals	56
Adolescents awaiting trial	180
Total population	958

Although the adult prisoners are housed separately, and are fed and permitted use of the gym facilities at different times, the fact remains that the status of the Reformatory as an adolescent institution is profoundly compromised.

The representatives of the Board of Correction, Messrs. Dolgen and Korman, interviewed a total of 45 inmates in preparation of their report. Interviews were conducted with Department of Correction personnel including the warden, an assistant warden and the correction captain in charge of the treatment program. The authors were shown the facilities at the institution by the correctional officials. Interviews were conducted with the inmates and an attempt was made to interview prisoners in various job assignments, but specific interviewees were chosen at random. Each interview was conducted by a single interviewer in a closed room situation. Each interviewee was informed of the nature and purpose of the study and was told that the information solicited was to be treated confidentially.

The interviews with the Reformatory personnel and the inmates were based upon questionnaires structured prior to the onsite visits. Deviation and flexibiliy were allowed in the questions asked in an attempt to solicit the requisite information. The Custodial Staff Questionnaire and the Personal Questionnaire (for inmates) are affixed hereto as Exhibits A and B.

Forty of the prisoners interviewed were single and five were married (two of which were common law marriages) Twenty-eight were black, six were white and 11 were of Spanish-speaking origin.

Twenty-one inmates were serving definite prison sentences and 24 inmates were serving indefinite reformatory sentences. Nine inmates had been convicted of drug-related crimes (such as possession of narcotics, sale of dangerous drugs, etc.) and the 36 others were convicted of crimes ranging from jostling and criminal mischief to armed robbery and burglary. It was not ascertained how many of these 36 individuals convicted of non-drug crimes committed their crimes to support a drug habit or usage.

For 25 inmates this was their first conviction, but 20 inmates had previous convictions. The majority of the inmates interviewed had been incarcerated in the Reformatory for under one year.

With respect to educational background, seven youths had less than ten years of education and 31 had ten or more years but failed to receive high school diplomas. Seven individuals actually had diplomas. Of the seven individuals who received diplomas, two earned diplomas through a high school equivalency program, three had academic diplomas and two had vocational diplomas. Sixteen inmates were attending P.S. 189, located at the Reformatory.

Twenty inmates had jobs before being convicted and 25 inmates had not been employed. Of the 25 who had been unemployed, seven were in school and three were in training programs. The inmates who were employed had positions such as clerk, porter, barber and low-skilled construction worker. The jobs performed by the interviewed inmates at the Reformatory included working in the mess hall, barber shop, storehouse, bakery, paint gang, commissary, gym and housing quadrant ("quad") sanitation. The jobs most frequently encountered during the interviews were working in the mess hall and clothing distribution. The hours worked per day ranged from a maximum of 12 to a minimum of five and the days worked per week ranged from four to six.

Only 15 inmates had ever seen a social worker, psychiatrist or vocational counselor, excluding those inmates who had seen a social worker in order to obtain a visitor's pass. (Some 30 inmates now meet weekly for group therapy sessions with a psychiatrist. These sessions must be expanded to involve more inmates.) Of those who had seen such personnel, the majority had encountered them by "accident", rather than having knowledge about their availability. Of these 15 inmates, the majority had seen this type of trained personnel only a limited number of times for a specific purpose "such as lining up a job when leaving the institution." A few had more frequent contact, usually once or twice a week consisting of an hour to one and one-half hours per session. Several were involved in the existing programs described in this report. One inmate interviewed was about to see a psychiatrist.

The great majority of the interviewed inmates have never used the library. Many claimed to be unaware of its existence. Of those who used the library, only three went there regularly. The complaints of the ones who went there infrequently was that the library had "no good books."

Almost all of the inmates utilized the gym, usually once or twice a week at an hour per session. There was a tendency among the white inmates not to use the gym, because they believed that the black inmates would gang up on them in the gym. Almost all of the inmates watched T.V.'s which were located in the quads. Several people complained that their T.V.'s did not work regularly and that there was no one there to repair them, unless there was an inmate in the quad who happened to have such skills. Almost all of the inmates stated that they saw movies about once a week. In addition, almost all inmates stated that there were some box-type games in the quad, but they were not used frequently. In response to the question, "What do you want to do when you leave Rikers Island?", varied answers were received. Ten inmates did not articulate any answer, but merely gave a shrug of the shoulders. Twenty-three inmates stated they wanted to get a job, but only 12 had a definite job in mind. Six youths stated that they wanted to go back to school, and six others stated that they would like to enter training programs.

C. Job assignment and treatment

The institution maintains a procedure for the admission, housing and job assignment of each newly received sentenced inmate. On Monday of each week, an orientation and instruction program is held for new inmates. On the following day, interviews are conducted by the personnel of P.S. 189, followed on Wednesday by medical examinations. This results in a classification and assignment of the individual inmate on Friday.

In arriving at job assignments, several factors are taken into consideration. The institution as currently structured requires a certain number of inmates to perform basic functions of the institution (*e.g.*, mess hall, sanitation, paint gang, etc.). An attempt is made to give the individual inmate a choice of his assignment. Prison officials stated that if an inmate had previously served a sentence at Rikers Island, it was not unusual to ask him what job he had previously been assigned to and whether he wanted it again.

An overriding consideration in making assignments is the question of security. Security may determine whether the inmate can be assigned to a job which requires work outside of the institution (but on Rikers Island). Institutional requirements also play a large role in the selection of job assignments. For example, on March 4, 1971, the quota of job slots needed to operate the mess hall was 83. On that date, 73 inmates were assigned to the mess hall. The Reformatory, as currently constituted, could not permit a radical drop in the number of inmates assigned to the mess hall if it were to sustain its basic operations. Thus, it is almost impossible to conduct large treatment programs during the day for inmates.

The large number of inmates required to operate the institution necessitates scheduling treatment programs around job assignments. Accordingly, only a small number of inmates can be involved in such programs. However, if an inmate is under 18 years of age, he is required to attend P.S. 189, a school operated by the Board of Education of the City of New York.

Prison officials stated that adolescents serving reformatory sentences were not housed in separate quads from those youths serving definite sentences. Housing assignments were based on job classifications rather than sentence.

On March 4, 1971, there were 327 inmates serving reformatory indefinite sentences. On that day, 174 of these inmates were involved in 11 separate treatment programs. P.S. 189 is included as a treatment program, and 70 inmates were enrolled in that school.

TABLE

Number of reformatory indefinite inmates in various institutional programs

(March 4, 1971)

1. S.T.A.R.T.—Group counseling	6
2. Spanish Bible Class	3
3. Vista	16
4. N.Y.U. graduate school program	5
5. P.S. 189—day school	70
6. Correction night school and P.S. 189	31
7. P.S. 189 vocational	12
8. Pastoral counseling—Protestant	5
9. St. Joseph Seminarian, Catholic	3
10. Encounter	7
11. Mental health—group therapy	16
Total	174

The St. Joseph Seminarians conduct remedial reading and social work projects in the quads two nights a week. The Encounter Program is conducted by a group consisting of ex-addicts, some of whom are former convicts. The program attempts to deal with the "pre-addicted" group, that group which has experimented with drugs but is not yet addicted.

It should be noted that the Spanish Bible class is the only program geared to the Spanish-speaking inmates.

The VISTA project is a program which attempts to supply counseling, job placement, and educational placement. The program, which has offices in the Bronx, seeks to provide counseling for all sentenced adolescents from the Bronx, commencing with a period two or three months prior to release from the institution. This contact is maintained after release by the VISTA volunteers in the community until either the individual has developed to the stage where he no longer needs the assistance of the VISTA program or the program loses contact with him or the individual is re-arrested. In the month of February, 1971, this program referred 22 ex-inmates to jobs, seven of whom secured positions. Ten former inmates were referred to vocational training programs, four of whom were admitted. Finally, four individuals were referred to drug treatment programs and two were placed.

The VISTA program is the only volunteer or institutional program which attempts to provide a follow-up program for the counseling done within the institution. The VISTA volunteers at the Reformatory have developed art classes, a short story literary course and attempt to show films to the inmates. The program is now in its third year.

There is great difficulty in obtaining jobs for inmates released from the institution. The correctional staff stated that generally there has been very little cooperation from industry and the trade unions in the City of New York. Aside from the VISTA program, the only follow up and attempts at job placements done within the institution are on an ad hoc basis by individual correction officers and staff who attempt, on their own, to obtain employment and educational placements for individual inmates. The VISTA program is an important program, not nearly large enough to handle the problem but successful enough to encourage its expansion.

An exciting new project is GROW, a privately financed group on West 82nd Street in Manhattan, which includes 50 Reformatory prisoners in its daily multiple training program. The $235,000 financing for the Reformatory participation is provided by the federal government. The project is operated as a work-release program, and the inmates leave Rikers Island each weekday morning in civilian clothes and are bussed to GROW headquarters. There, they participate in training to become group counselors, and have been guaranteed jobs upon completion of their sentences. The participants are highly motivated, and there have been no reports of attempted escapes.

D. Prisoner grievances

1. *Food.* Almost all the inmates complained about the food. The food was generally ill-prepared, served cold and in an unattractive fashion. At times it was raw or half-cooked. Several inmates stated that they found rocks and paper or metal objects in the food. Other inmates complained of bugs in the food.

Another complaint that arose in several instances related to the fact that pork was frequently served. It appears that a number of inmates do not eat pork, and therefore would just skip the meals that featured pork. A system of "underground sandwiches" has grown up in the Reformatory. When people in the mess hall can get cold cuts and other similar items, they make sandwiches that are sold for packages of cigarettes.

2. *Commissary.* Many inmates complained about the fact that the commissary did not have adequate supplies or varieties of food. This latter complaint directly related to the complaints about the quality of food in the mess hall. Many inmates refuse to eat many of the meals, and look to the commissary to supplement their diet.

Inmates also complained that the commissary does not carry filter cigarettes, but only non-filters. Since many of the inmates are teenagers with skin problems, another complaint was that the commissary did not carry a variety of adolescent cosmetics. Varieties of deodorants and soaps were also lacking as far as the inmates were concerned. Some of the inmates wanted the commissary to carry a line of newspapers and magazines, including black-oriented magazines.

3. *Clothes.* The inmates stated that they were supposed to have two sets of clothes. However, many felt that this was an inadequate supply. In addition, the inmates cannot use the laundry to wash their clothes, but rather had to launder them in a hand sink. Most quads had only one iron, if any, and therefore, many inmates have to walk around in wrinkled and sloppy clothing, which they resent. Accordingly, an "underground" system of clothing distribution has come into being. If an inmate had a friend in the clothes center, or was willing to pay a package of cigarettes, he could receive a fresh change of clothes regularly.

4. *Recreation.* Although many inmates complained about the recreational facilities at the Reformatory, a substantial number were not able to articulate any specific suggestions or recommendations for improvement. However, the more articulate inmates' suggestions can be reduced to a basic point: more recreation and a greater variety of recreational programs.

Quite a few inmates were desirous of being able to participate in outside recreation more often. Presently, inmates are taken outside in warm weather. Notwithstanding the cold, some inmates expressed a desire to go out even in the winter to play football.

Warden Oslyn has noted that the presence of detention inmates in the institution has cut into the availability to sentenced inmates of various recreational programs and facilities.

5. *Training and Rehabilitation Programs.* The multitude of responses in this area indicates the lack of treatment being given to inmates at the Reformatory. In general, there is no comprehensive rehabilitation program for the inmates. The Reformatory offers a variety of piece-meal programs, most of which are not known to the inmates. The more aggressive inmates, those with sufficient motivation, do become involved to a small extent in these programs. However, the bulk of the Reformatory population is not involved. Some inmates recognize that unless the Reformatory has a general program to instill motivation, initiative and a sense of values, little can be accomplished by just having a variety of programs on paper to which the inmates do not relate.

The following is a list of programs which the inmates stated they would like in the Reformatory. Of course, this is a compilation and most inmates only mentioned one or two of these items, and some did not mention any. These suggestions consisted of training programs for carpenters and electricians; a program to teach computer operations; English classes for Spanish-speaking people; black studies programs; accredited college-level courses of instruction; Army counseling programs; training programs which could award certificates helpful in job placement; and an expanded Granada Hotel program (a work-release program located in Brooklyn). It should be noted that in addition to the GROW program described above, a work-release facility has opened in East Harlem, with another projected for the South Bronx.

6. *Treatment by Correction Officers.* The overwhelming majority of the inmates did not complain of their treatment by the correction officers. However, there was a substantial minority who stated that the correction officers did not "treat them with respect." From further questioning, it appears that the meaning of this phrase is that the correction officers would needlessly be abusive to inmates. These inmates realized that a job had to get done, but that there were two ways of accomplishing it. One method was to instill motivation and to try to get the person to do it; the other was just to use authority over him. The inmate that complains about this "lack of respect" seems to attribute this attitude mostly to the younger officers, while praising the older officers.

7. *Solitary.* Several inmates interviewed had been in special confinement, known in the Reformatory as the "Bing," a regular cell isolated from the general housing area. Usually, an inmate is put into the Bing for an infraction of the rules, or a repeated violation after warnings. Most inmates who had been in the Bing did not appear to be bitter about their experience, and none had very serious complaints about it. While in the Bing, an inmate's belts and shoelaces are taken away.

E. Observations

One of the key problems preventing a comprehensive rehabilitation and training program is the work-oriented nature of the institution. The Reformatory attempts to utilize its captive manpower to supplement its budget by providing basic institutional services through these inmates. If such manpower utilization was focused on identifying and developing skills and abilities to the point where inmates become self-sufficient upon leaving the institution (possessing a marketable skill), then a work-oriented philosophy becomes more acceptable. However, this is not the basic thrust of the work-oriented institution. The basic philosophy behind this institutional preference is the desire to "do it for less" by saving dollars through utilization of captive manpower and the concept of "keeping them busy." As evidenced by the lack of recreation, rehabilitation and job training, it is apparent that taxpayer dollars saved by utilization of prison labor for the performance of basic functions are not rechanneled into other institutional needs.

In the light of the lack of training and rehabilitative programs at the Reformatory, the concept of "keeping them busy" makes great sense. The interviews with the inmates showed, except in the case of those prisoners attending P.S. 189, a real need for any kind of work. A typical inmate serving an indefinite sentence spends his time not in training, but in busy work. The statute mandates the treatment and training of prisoners serving indefinite reformatory sentences. However, instead of training and treatment, they receive a sentence filled with empty days and useless work.

The lack of money, in addition to the problems stated above, manifests itself in many other small ways. The Reformatory needs a plumber, an electrician, a locksmith and a carpenter. Many cells are not occupied because the toilet is inoperable.

In addition to a lack of funds and trained personnel, the Reformatory officials complained of lack of cooperation from the New York community. They believed that such lack of cooperation (e.g., in job placement) resulted from a lack of awareness of the problems of the institution.

The Reformatory officials stated that the inability to segregate adolescents serving reformatory sentences from adolescents serving definite sentences was not a problem. However, it seems that if the intent of the statute is to be fulfilled, adolescents serving reformatory sentences should be housed in common living units based upon the particular program in which they are involved. The interviews reflected a lack of sensitivity to this requirement.

The lack of space for training programs resulted in continually juggling rooms and facilities. This problem of space was further aggravated by the transfer of adult trial prisoners to the institution.

There was a problem with federally funded projects which were curtailed or discontinued after a short period of time. One official stated that he would rather have them for a short period of time than not at all. However, some of the correction officials believed that such a curtailment resulted in a severe psychological let-down by the participants in such programs.

F. Case histories

In order to impart a greater feeling of the human aspects of the inmates interviewed at the Reformatory, there appears below a capsulized summary of six interviews. These six inmates represent what one might encounter in a typical quad in the Reformatory. A conscious attempt was made to select case histories of inmates ranging from those receiving little treatment to others, who within the present context of the institution, are involved in certain programs.

The great danger in presenting these case histories is subjectivity. However, even the presentation of statistical information has the infirmity of subjectivity, and, perhaps, is more dangerous because of the superficial authoritativeness that surrounds it. These short summaries impart to a certain degree the human aspects of the youths at the Reformatory, and hopefully, a better understanding of their problems.

Inmate A

Inmate A is 21 years old, black and single. He was sentenced to an indefinite reformatory sentence for attempted assault with a knife and has no previous convictions. Inmate A was in the Rikers Island Reformatory for 22 months and paroled, but he violated his parole. He is now in the Reformatory because of his parole violation and has presently served four and one-half months. Although Inmate A has only ten years of education, he has not attended P.S. 189 at Rikers Island. The first time Inmate A was in the Reformatory, he was informed of the school, but he did not want to attend. Before being sentenced to Rikers Island, Inmate A worked in a laundry. His present job at the Reformatory is school sanitation. He claims to spend five hours a day, five days a week on school sanitation. Inmate A has never asked to see, nor has he ever seen, a social worker, psychiatrist, or vocational counselor. Inmate A never uses the library. He uses the gym twice a week and watches television. Inmate A has never had any visitors because there is no one in his immediate family that is close to him. He occasionally receives a letter.

His main complaint is about the food which he says is bad, because there is "No meat in it, never any protein, just a lot of stews." Inmate A thinks the commissary should carry filter cigarettes and believes it runs out of items too frequently. He has never been in an upstate prison, but he has heard people say that "it is nice there." When Inmate A leaves Rikers Island, he would like to go back to work and stay off drugs. He believes that the Reformatory should "figure out something for us to do rather than play cards and watch T.V."

Inmate B

Inmate B is single, 19 years old, and black. He was sentenced to a reformatory sentence for armed robbery. He has been at Rikers Island for 19 months. Inmate B has ten years of education and is presently attending P.S. 189's academic program and is also taking a tailoring course. Inmate B thinks P.S. 189 is good "if you want to learn something." Before being sentenced, Inmate B was attending school. Inmate B has never asked to see, nor has he seen, a social worker, psychiatrist, or vocational counselor. He uses the library infrequently. Inmate B goes to the gym three times a week and watches television. He said there are no other recreational programs and that the movies are "crummy." His main complaint is that there is no way to kill time. Inmate B also complains about the quality of the food, stating that there are rocks in it. The commissary does not carry sufficient food items to make up for the lack of food that he eats in the mess hall. When he leaves Rikers, Inmate B would like to play basketball.

Inmate C

Inmate C is singe, 20 years of age and is black. He was sent to the Reformatory for attempted robbery. To date he has served five months in Rikers Island. He does not have a diploma, but did attend a high school equivalency program at the Reformatory and is presently awaiting the results of the exam. Inmate C thought the equivalency program was beneficial. Before being sent to the Reformatory, Inmate C was an inventory clerk in a supermarket. At the Reformatory he presently performs school sanitation for eight hours a day, five days a week. When he was classified for a job, Inmate C found out about social workers who are available to the prisoners and asked to see a social worker. Inmate C presently sees a social worker once a week for an hour and 15 minutes session. He believes that the social worker is trying to develop solutions for his past problems. He thinks it is beneficial. The social worker is trying to get him into the Granada Hotel program. Inmate C has used the library, but there are no books in it that interest him. The other facilities which he uses are the gym, and television. He also watches what he calls bad movies.

His main immediate goal is to get into the Granada Hotel program. When he leaves the Reformatory he wants to try to adapt to the working life. He believes that the Reformatory could be improved by better recreation programs, visits on Saturdays and Sundays and more freedom in the quads. Presently, he is allowed, and receives, one visitor from his immediate family on alternate Saturdays and Sundays. He regularly receives mail. His other complaints concern the food: no daily choice, a monotonous menu, tastes bad, and not cooked well. He says if you're hungry you eat it, but that's about it. Inmate C says he could also use more clothes. The commissary could be improved to carry more food other than cookies. He thinks the commissary would be better if it had different types of cigarettes (including filters), some newspapers and a greater variety of cosmetics. He has heard from people that the prison upstate is better. You are allowed packages from home, wear your own shoes, there is more recreation and you are constantly active. However, Inmate C would rather be downstate at the Reformatory for one reason: visitors. It is much more convenient for his family to come to Rikers Island than it would be to travel upstate.

Inmate D

Inmate D is 20 years, black, single and is serving a one-year sentence for possession of narcotics. Because of drugs he could not finish high school, but he is attending P.S. 189 at Rikers. Inmate D had seen a social worker to obtain assistance in graduating from high school and for an application for conditional release. He utilizes the library once a week. He criticized the films the Reformatory offered. Inmate D stated that there was need for job training at the institution so that the inmates would be able to obtain a job and be eligible for parole earlier. He was critical of the visitors program. He said that while it is alright for his mother to visit, he would also like his girl friend to visit. His girl friend was unable to visit, since the inmate claimed that the institution wanted a birth certificate stating that he was the father of her child. He was hesitant about committing himself in this matter. He could not understand why there should be any objection to his girl friend coming to visit him.

Inmate E

Inmate E is 20 years old, white, single and is serving reformatory sentence for grand larceny. He had been paroled twice and returned for violation of parole. He is a high school dropout. Inmate E attended automotive courses at Rikers Island. He claimed that he knew all that they were teaching. His request to do more advanced work was denied, so he quit. His only contact with rehabilitation personnel was one visit with a social worker to obtain a visitor's pass. Inmate E stated that he did not use the gym because of racial problems within the Reformatory. He claimed that white inmates were fearful of using the gym because of problems of violence with black inmates. He complained bitterly about the food. Inmate E said that the food was not cooked properly and on many occasions he was unable to eat the food that was prepared. Inmate E believed that the food had been better between 1967 and 1968, when he originally came to the institution. He stated that the adolescents in the mess hall were not doing a good job and that the food might be improved if prepared by adults. This inmate claimed that he had been given five days in solitary confinement as a penalty for talking in the corridor. He had originally been sentenced in September, 1967, and had spent most of the time since them, except for the time while on parole, in the institution. He was on the paint gang, which he says works five days a week and seven nights a week. Inmate E stated that he liked the night work because they were given extra food while on that shift, which was better than the food during the day.

Inmate F

Inmate F is 19 years old, single, Spanish-American, and is serving an indefinite sentence for attempted robbery and assault. He has served 21 months on the sentence to date. He has previous convictions for assault. Inmate F is a high school dropout. He works in the commissary at Rikers. He never spoke to anybody about what he would do when he leaves the Reformatory and does not receive any visitors. He gets an occasional letter. Inmate F has not had any contact with any rehabilitative personnel at the Reformatory. He complained about the commissary; it needed food and should carry filtered cigarettes. He said he would like to receive job training while at the institution, but none was made available to him.

G. Conclusions and recommendations

1. The Board of Correction will ask the Legal Aid Society, as the designated public defender of the City, to begin a court action to cause the re-sentencing of all adolescents serving indeterminate reformatory sentences in the City Reformatory or transferred to State prisons. We believe that such an action has a sound basis because the rationale for the indeterminate sentence, a rehabilitation program, clearly distinguishable from regular prison existence, does not exist. There is no comprehensive program of rehabilitation and treatment for the adolescents sentenced to the City Reformatory. In fact, a youth sentenced to a reformatory sentence receives the same treatment as those sentenced to definite prison terms.

Reformatory sentences have been subject to constitutional attack because the adolescent who is convicted of a crime can be incarcerated for three or four years if given a local or state reformatory sentence, but would have served a much lesser sentence if the traditional prison term was imposed. The contention is therefore made that a person is not receiving equal protection under the law when he is subject to a longer period of incarceration than another individual for the same crime solely because of a difference in their respective ages. Courts have responded by saying that:

"[The] ability to benefit from, and the availability of, rehabilitation facilities and treatment form a rational basis for distinguishing between persons convicted of the same offense, so as to subject one to a potentially greater period of confinement . . . we can not say that the Legislative determination that a distinction be made between . . . [older and younger] persons . . .' is arbitrary." *People* v. *Meltsner,* 32 A.D.2d 389, 390; 302 N.Y.S.2d 624, 626 (1969).

"With this in mind, the Legislature conceived the indefinite sentence to the Reformatory because it believed that there is greater chance and hope for successful rehabilitation through education, training and guidance of impressionable youth, before the demoralizing and deteriorating process of exposure to prison life and hardened prison criminals take their toll. The provocative and erosive problem of youthful recidivism can best be thwarted and rebuffed by an appropriate and effective rehabilitation program." *Carter* v. *Warden, New York City Reformatory,* 62 Misc.2d 191, 193, 308 N.Y.S.2d 552, 555–56 (S. Ct. Bronx Cty. 1970), *citing People* v. *Wilson,* 17 N.Y. 2d 40, 215 N.E.2d 333, 268 N.Y.S.2d 6 (1966).

One can agree wholeheartedly with the rationale for the indeterminate reformatory sentence as expressed by both these courts. However, when there is no comprehensive program of rehabilitation, and these prisoners are subjected to the "demoralizing and deteriorating process of exposure to prison life," although given a reformatory sentence, there can be no legal rationale for incarcerating them for a longer period than someone sentenced to a traditional prison sentence in the first instance. An individual should not be put in jail for a longer period unless the promised treatment for the longer sentence is actually received. To be legally sound, the reformatory sentence must be different from the traditional prison sentence in practice is well as theory. At the Reformatory, practice is not consistent with the theory.

2. The Presiding Justices of the Appellate Division, First and Second Departments, should appoint a special Judicial Committee to determine when and if the Reformatory meets minimum standards to justify the indeterminate sentence for adolescents.

3. We ask the Department of Correction to make and announce publicly, by October 15, 1971, a policy decision that it will in fact organize and administer a reformatory consistent with the standards of the American Correctional Association. Once this decision is made, all adult prisoners must be removed from the Reformatory facility.

If the Reformatory resources and personnel are diverted from their main purpose of rehabilitation, little hope can be held out for change in the institution. The influx of adults awaiting trial into the Reformatory framework completely disrupts the institution. Special eating and sleeping provisions must be made for these adult prisoners. If one is to give the present Reformatory administration a chance to really run a reformatory, the problems of the adult overflow in the City's prisons must not be borne by the Reformatory.

The transfers of adolescents serving indefinite sentences to the Remand Shelter should cease. The Adolescent Remand Shelter on Rikers Island is designed to hold youths who are awaiting trial. Accordingly, it cannot be expected that this type of institution would have the facilities or personnel available to give long-term treatment. Therefore, the transfer of youths to such institutions is an admission that they are not receiving any treatment, but are performing useful work functions in the Remand Shelter, and accordingly, it is more convenient to have them there. This convenient arrangement must end immediately. These youths must be brought back to the Reformatory and offered a comprehensive program of rehabilitation.

The population of the Reformatory should be stabilized. A maximum number should be fixed at which the institution can function smoothly as a reformatory. Once this number is reached, youths should no longer be sentenced to the Reformatory. If need be, they should be sent to other institutions performing similar functions. The youths who have been sentenced to indefinite Reformatory sentences have received a promise by the court that they will be given comprehensive treatment. That promise must be kept.

4. Literacy must be made a major objective of the entire Reformatory program. Without functional reading and writing skills, much of the value of the vocational training is lost. English classes for Spanish-speaking prisoners must be organized.

5. Adolescent prisoners must be encouraged to attend school, with special work programs organized so that they will not be deprived of the opportunity of earning "spending money." The present system pays $.03 to $.10 per hour for prison labor. The rate should be increased in order to provide meaningful incentives.

6. The Board of Education should give significant attention to its pioneering prison facility, and use it as a model for the challenge of teaching the disadvantaged. The school program should be part of a comprehensive rehabilitation program and should be available for all prisoners who wish to attend.

7. Follow-up of individuals after release is essential if there is to be any control by which to judge the institution's success.

8. Narcotic therapy programs are a minimum requirement. The absence of narcotic programming in an institution where clearly half of the inmates are confined for narcotic crimes is incomprehensible. The opportunity should be available to all adolescents leaving the Reformatory to enter street programs for methadone maintenance or other therapeutic treatment.

9. A special Advisory Board, including representatives of labor and industry, should be organized to work with the Warden of the Reformatory to assist the training programs and secure employment opportunities. This board could help organize vocational programs that are related to employment needs.

10. Almost all of the inmates interviewed complained about the facilities of the commissary. The lack of filter cigarettes, while perhaps a small item in the total picture, generally illustrates the bureaucratic problem rather well. There are no filter cigarettes sold because the rules say that no filter cigarettes will be sold. When asked the reason for the rule, one is told, "We never sold filter cigarettes," or that "Filter cigarettes were sold here once but they didn't go over very well."

The commissary should also be stocked with more food items. Many of the inmates interviewed said that the only food items they were able to purchase were cookies and candy. While some real food items were sold, the quantity was not great and many inmates stated the supply was frequently exhausted.

Reformatory officials stated that more food items were not sold because cans were dangerous and created a sanitation problem. A solution to the problem of dangerous items would be to supply "canned" items which come in harmless plastic containers, now widely available. As for the sanitation problem, it could be solved by the formulation of reasonable rules regulating the storage and use of food in the cell areas.

There should be a full assortment of toiletry items, specifically items which are used for treatment of adolescent skin conditions.

11. Almost every prisoner interviewed complained about the quality of the food. Many of the problems relating to the quality of food emanate from the fact that it is presently prepared by adolescents. The food was previously prepared by adults. Many inmates working in the mess hall, and correction officials as well, believed that the adolescents working in the kitchen did not care and were negligent in their duty, causing a qualitative decrease in the food. This procedure should be terminated. The food should be prepared under much closer supervision.

Many inmates stated that, but for visits, they would much rather be in upstate institutions than in the New York City Reformatory. Many of these inmates listed the ability to receive food packages upstate as one of their reasons. We were informed by prison officials that food packages should be allowed under proper supervision. Simple rules for receipt, inspection, storage and use of food packages can be promulgated.

12. The institution presently does not sell any magazines in the commissary. Magazines are donated to the institution and distributed to the inmates. Several black inmates complained about the lack of black oriented magazine materials. An attempt should be made to remedy this situation.

The Libraries For Prisons Committee, a dedicated volunteer group, has been working with the personnel of the Reformatory to develop a facility that has meaning for the prisoners. Considerable progress has been created if the Department of Correction determines to go forward with the Reformatory.

HEALTH INSURANCE COST STUDIES PRESENTED TO CONGRESS

Mr. PELL. Mr. President, as the result of an amendment I offered last year to the Public Health Service Act, the Congress received today from the Department of Health, Education, and Welfare an excellent cost evaluation of the national health care proposals now before Congress.

This study compared the costs to the overall economy of enacting a national health care proposal and the costs of not enacting a national health care proposal.

I was particularly struck by the low range of additional costs to our economy that would be incurred if the national health care proposals were enacted in 1974.

For example, if instead of doing nothing in 1974, my own national health care proposal, S. 703, was enacted, the additional costs to the overall economy would only be $9.5 billion. Its Federal cost would only be $4.9 billion. In a trillion dollar economy this is a very small price to pay for a basic level of health benefits for all citizens.

I would also note that Senator KENNEDY's bill which has been criticized as being so expensive would only add $8.5 billion in additional costs to our national economy.

Although the cost study admits that many of the assumptions on which its projections are based are only tentative, I believe the methodology utilized in the study represents a conceptual breakthrough. The study presents costs, not only in terms of additional Federal dollars, but in terms of changed expenditure patterns in the private sector, in terms of tax adjustments, and in terms of induced costs.

Mr. Charles Trowbridge, Chief Actuary of the Social Security Administration; William Hsaio, his deputy; Mrs. Ruth Hanft, of the Office of the Secretary of the Department of Health, Education, and Welfare; and Mrs. Dorothy Rice, of the Office of Research and Statistics at the Social Security Administration deserve great commendation for the fine effort they made in preparing the study.

There are many interesting aspects of the study which should be noted. I noted that my bill would only cost Uncle Sam $4.9 billion and part of this is related to health care tax deductions by employers resulting in a minor revenue loss.

I was struck by the fact that many of the bills that only provide catastrophic coverage costs as much to the Federal Government as do more comprehensive bills, such as my national health care bill, S. 703.

I was also happy to note that my bill had a very small inflationary impact, that is to say its induced cost was only $0.3 billion.

Mr. President, for many years I have been concerned about the lack of information that Congress has on the major problems it faces. Too often we are required to act within an informational gap.

It was because of my concern for the lack of hard information on the parameters of the health crisis that I offered my amendment last year to require the Department of Health, Education, and Welfare to complete a cost study of national health care proposals and to complete before September 1971 a more comprehensive systems analysis of alternative means of reforming our national health care system.

Mr. President, I believe that today's study represents the first constructive step forward in our debate on the national health care crisis. I look forward to our receipt of the systems study in September as the second major step forward.

I ask unanimous consent that summary tables from today's report be printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE 1.—NATIONAL HEALTH EXPENDITURES AFTER TAX ADJUSTMENT BY PROPOSAL, FISCAL YEAR 1974

[Dollars in billions]

Proposal	Total	Private sector				Governmental sector		
		Total	Individual direct payments	Health insurance	Other	Total	State and local	Federal
None	$105.4	$62.3	$32.0	$26.4	$3.9	$43.1	$11.1	$32.0
Bennett	107.2	62.6	28.3	30.4	3.9	44.6	10.0	34.6
Byrnes	107.2	62.2	28.3	30.0	3.9	45.0	10.0	35.0
Javits	113.0	31.3	19.9	8.2	3.2	81.7	8.1	73.6
Burleson	110.2	62.3	21.7	36.7	3.9	47.9	8.6	39.3
Pell-Mondale	114.9	67.3	17.3	46.1	3.9	47.6	10.7	36.9
Dingell	$116.8	$13.9	$6.9	$3.1	$3.9	$102.9	$9.6	$93.3
Kennedy	113.8	15.9	11.2	1.9	2.8	97.9	6.5	91.4
Fulton-Broyhill	109.5	61.9	26.5	31.5	3.9	47.6	9.3	38.3
Fisher	109.1	58.1	27.5	26.7	3.9	51.0	8.7	42.3
Hogan	107.7	59.0	27.8	27.3	3.9	48.7	13.4	35.3
Hall	107.6	59.0	28.5	26.6	3.9	48.6	13.4	35.2
Long	106.5	60.3	30.0	26.4	3.9	46.2	11.1	35.1

TABLE 2.—SUMMARY OF ADDITIONAL COSTS TO FEDERAL TAXPAYERS AFTER TAX ADJUSTMENT BY PROPOSAL, FISCAL YEAR 1974

[Dollars in billions]

Proposal	Total	Transferred costs	Induced costs	Change in tax adjustments
Bennett	$2.6	$1.6	$0.3	$0.7
Byrnes	3.0	2.0	.4	.6
Javits	41.6	37.8	6.9	−3.1
Burleson	7.3	8.2	2.1	−3.0
Pell-Mondale	4.9	−.5	.3	5.1
Dingell	61.3	55.2	11.3	−5.2
Kennedy	$59.4	$56.0	$8.4	−$5.0
Fulton-Broyhill	6.3	−1.9	.2	8.0
Fisher	10.3	−2.4	.2	12.5
Hogan	3.3	2.5	1.0	−.2
Hall	3.2	2.4	1.0	−.2
Long	3.1	2.4	.8	−.1

DEPOSITS OF INTERNATIONAL BANKS IN U.S. COMMERCIAL BANKS—RELEASE OF INFORMATION

Mr. PROXMIRE. Mr. President, over the strenuous objections of the U.S. Treasury Department, I am today making public the amounts, interest rates, and locations of over $1.3 billion in deposits by three international financial institutions in several dozen U.S. commercial banks.

I am taking this action as chairman of the Subcommittee on Foreign Operations of the Committee on Appropriations which has jurisdiction over the U.S. contribution of funds to these international banks.

NO REASON FOR SECRECY

The Treasury contends that the data should remain secret. But I am today releasing the details on the deposits of $776 million of World Bank funds in 46 U.S. commercial banks, of $407 million of Inter-American Development Bank funds in 51 U.S. banks, and of $129.9 million of Asian Development Bank funds in 42 U.S. banks. In addition, I am releasing data concerning the holding of over $2 billion by these three institutions in U.S. Treasury bills, medium term securities, and in cash balances.

On May 10, 1971, I wrote Secretary Connally requesting this information "for ultimate publication in the hearing record." I asked for the names of banks, the type of account, and the rate of interest or other consideration paid. Most, but not all, the information was provided. But Under Secretary Charls Walker urged during the public hearings and in correspondence "that you not proceed with the publication of this information" on grounds that it "involves confidential banking relationships between these institutions and the private banking community here and abroad."

NATIONAL SECURITY NOT INVOLVED

I am refusing to honor this request for a variety of reasons. First, no national security information of any kind is remotely involved in this matter.

Second, these are deposits of public money, large portions of which are provided by the American taxpayer through appropriations by the U.S. Congress. It is not a personal or private banking matter. It is a public matter involving public money.

Third, while there appears to be no wrongdoing of any kind on the part of any of these international banks, the potential abuses involved in keeping these matters from public view cannot be exaggerated. The deposit of public money in pet banks without payment of interest or at below market interest rates has been one of the worst abuses by public officials in both the United States and elsewhere. Publishing this information can help prevent those practices from occurring in the future.

Fourth, I do not accept the argument made by Under Secretary Walker and the Treasury that "any necessary analysis of the data can be carried out equally well if it remains confidential."

ELITIST ARGUMENT

Critical examination by the press and public can prevent abuse. Like sunlight, disclosure is a great disinfectant. The argument that analysis can be performed behind closed doors by a few bureaucrats and a few politicians is the same "elitist" argument used to hide from public view the far-reaching decisions made by insiders in escalating the Vietnam War. We should have learned by now that "papa doesn't always know best."

Finally, I am taking this action to forestall the lobbying attempts by the Treasury both in letters to Chairman ELLENDER and in personal contacts with members of the subcommittee, in an effort to prevent publication of the information.

For the first time this year under my chairmanship all hearings of the Foreign Operations Subcommittee have been open to the public and not held behind closed doors. We have insisted, successfully, that the State Department make public the country-by-country requests for military aid. Where public money is on deposit, in what amounts, and at what interest rates should also be public knowledge. Otherwise we stifle proper public discussion and debate.

I ask unanimous consent that a copy of the data be printed in the RECORD.

There being no objection, the data were ordered to be printed in the RECORD, as follows:

ASIAN DEVELOPMENT BANK STATEMENT OF INVESTMENTS AS OF DEC. 31, 1970

	Amount	Yield rate
A. U.S. TREASURY BILLS		
1. Federal Reserve Bank of New York, 33 Liberty St., New York, N.Y	$696, 575. 25	4. 722
Subtotal	696, 575. 25	
B. TIME DEPOSITS[1]		
1. Algemene Bank Nederland N.V., 62 William St., New York, N.Y	250, 000. 00	8. 250
	750, 000. 00	8. 500
	1, 000, 000. 00	8. 250
	1, 000, 000. 00	8. 125
	750, 000. 00	8. 5625
2. American Security & Trust Co., 15th St., and Pennsylvania Ave., Washington, D.C	1, 000, 000. 00	7. 000
3. Banca Commerciale Italiana, 280 Park Ave., New York. N.Y	1, 000, 000. 00	7. 00
	2, 000, 000. 00	7. 25
4. Banca Nazionale Del Lavora, 25 West 51st St., New York, N.Y	1, 000, 000. 00	7. 375
	2, 000, 000. 00	7. 4375
5. Bankers Trust Co., Post Office Box 318, Church Street Station, New York, N.Y	2, 000, 000. 00	9. 875
	500, 000. 00	7. 250
	1, 000, 000. 00	7. 500
6. Bank for International Settlements, Postfach 262, Ch-4002, Basle, Switzerland	2, 000, 000. 00	7. 875
	1, 000, 000. 00	7. 500
	1, 500, 000. 00	8. 000
7. Bank of America, 540 Montgomery St., San Francisco, Calif	500, 000. 00	7. 750
	1, 000, 000. 00	8. 000
	500, 000. 00	7. 750
	500, 000. 00	8. 000
	2, 000, 000. 00	8. 000
	1, 000, 000. 00	8. 000
	1, 000, 000. 00	6. 75
	1, 000, 000. 00	7. 500
	500, 000. 00	7. 500
8. Bank of California, 400 California St., San Francisco, Calif	1, 000, 000. 00	8. 625
9. Bank of Hawaii, Post Office Box 2900, Honolulu, Hawaii	500, 000. 00	8. 750
	500, 000. 00	8. 750
	1, 000, 000. 00	9. 500
	2, 000, 000. 00	8. 375
10. Bank of New York, 48 Wall St., New York, N.Y	1, 500, 000. 00	9. 750
	1, 000, 000. 00	9. 500
	500, 000. 00	9. 250
11. Bank of Toyko Trust Co., 100 Broadway, New York, N.Y	253, 791. 66	9. 500
	500, 000. 00	9. 000
	746, 208. 34	9. 375
	500, 000. 00	8. 785
	500, 000. 00	9. 375
	500, 000. 00	8. 625
	1, 000, 000. 00	8. 625
	1, 000, 000. 00	8. 000
	500, 000. 00	8. 125
	500, 000. 00	9. 500
	1, 000, 000. 00	9. 500
	1, 000, 000. 00	8. 0625
12. Brown Bros., Harriman & Co., 59 Wall St., New York, N.Y	1, 000, 000. 00	6. 375
	1, 000, 000. 00	7. 000
13. Central National Bank of Cleveland, 800 Superior Ave., Cleveland, Ohio	1, 000, 000. 00	7. 375
	1, 000, 000. 00	7. 375
14. Chartered Bank, 76 William St., New York, N.Y	1, 000, 000. 00	7. 25
	1, 000, 000. 00	7. 1875
15. Chase Manhattan Bank, 1 Chase Manhattan Plaza, New York, N.Y	500, 000. 00	7. 750
	2, 000, 000. 00	8. 500
	1, 500, 000. 00	8. 375
	500, 000. 00	8. 375
	500, 000. 00	8. 250
	1, 000, 000. 00	7. 00
16. Chemical Bank, Post Office Box 1585, Church Street Station, New York, N.Y	1,000,000.00	6. 00
	500,000.00	6. 00
17. Continental Illinois National Bank, 231 South La Salle St., Chicago, Ill	1,000,000.00	5. 875
18. Crocker-Citizens National Bank, International Banking Dept., 1 Sansome St., San Francisco, Calif	1,000,000.00	8. 500
19. European-American Banking Corp., 52 Wall St., New York, N.Y	500,000.00	10. 125
	1,000,000.00	9. 375
	1,500,000.00	8. 625
	1,000,000.00	8. 125
	1,350,000.00	8. 0625
	2,500,000.00	8. 4375
20. First City National Bank of Houston, 1001 Main St., Houston, Tex	1,000,000.00	8. 250
21. First National Bank of Boston, International Division, 67 Milk St., Boston, Mass	500, 000. 00	8. 250
	500, 000. 00	8. 500
22. First National Bank of Chicago, 38 South Dearborn St., Chicago, Ill	500, 000. 00	7. 125
23. First National City Bank, 399 Park Ave., New York, N.Y	1, 000, 000. 00	9. 250
	1, 000, 000. 00	8. 125
	1, 500, 000. 00	9. 750
	1, 000, 000. 00	8. 125
	1, 000, 000. 00	9. 500
24. First Pennsylvania Banking & Trust Co., 15th and Chestnut Sts., Philadelphia, Pa	500, 000. 00	7. 250
25. Guard Trust Bank, Broad and Chestnut Sts., Philadelphia, Pa	1, 000, 000. 00	8. 500
26. Irving Trust Co., 1 Wall St., New York, N.Y	500, 000. 00	6. 00
	500, 000. 00	8. 125
27. Manufacturers Hanover Trust Co., 350 Park Ave., New York, N.Y	500, 000. 00	5. 875
	500, 000. 00	7. 750
	1, 500, 000. 00	7. 250
	500, 000. 00	5. 875
	1, 000, 000. 00	5. 875
28. Mellon National Bank & Trust Co., Mellon Sq., Pittsburgh, Pa	1, 500, 000. 00	9. 125
	1, 000, 000. 00	8. 000
	1, 000, 000. 00	9. 625
	1, 000, 000. 00	9. 625
29. Midland International Banks, Ltd., 26 Throgmorton St., London, E.C.2	500, 000. 00	8. 1875
30. Morgan Guaranty Trust Co. of New York, 23 Wall St., New York, N.Y	1, 500, 000. 00	9. 750
	1, 000, 000. 00	9. 375
	500, 000. 00	5. 75
	500, 000. 00	5. 75
	500, 000. 00	7. 000
31. National Bank of Detroit, Woodward at Ford St., Detroit, Mich	500, 000. 00	9. 000
32. Northern Trust Co., 50H, La Salle St., Chicago, Ill	500, 000. 00	8. 000
	500, 000. 00	9. 125
	1, 000, 000. 00	8. 750
	500, 000. 00	9. 250
	1, 000, 000. 00	8. 500
	2, 000, 000. 00	8. 500
33. Philadelphia National Bank, Broad and Chestnut Sts., Philadelphia, Pa	500, 000. 00	7. 875
	500, 000. 00	8. 125
	1, 000, 000. 00	8. 250
	500, 000. 00	9. 000
	1, 000, 000. 00	9. 000
	1, 000, 000. 00	9. 000
	1, 000, 000. 00	8. 250
34. Schroder Trust Co., 57 Broadway, New York, N.Y	500, 000. 00	8. 250
	1, 500, 000. 00	(#)
	500, 000. 00	8. 250
	1, 000, 000. 00	8. 000
	500, 000. 00	9. 500
	500, 000. 00	9. 750
35. Societe Generale, 66 Wall St., New York, N.Y	2, 000, 000. 00	7. 5625
36. Seattle-First National Bank, 2d Ave. and Cherry St., Post Office Box 3586, Seattle, Wash	2, 000, 000. 00	9. 750
	500, 000. 00	5. 875
	1, 000, 000. 00	8. 250
37. Security Pacific National Bank, Post Office Box 60402, Terminal Annex, Los Angeles, Calif	1, 000, 000. 00	9. 250
	1, 000, 000. 00	8. 250
	500, 000. 00	9. 500
	1, 000, 000. 00	8. 625
	2, 000, 000. 00	7. 000
38. Swiss Bank Corp. (New York Branch) 15 Nassau St., New York, N.Y	250, 000. 00	7. 000
39. Swiss Bank Corp., San Francisco Agency, 120 Montgomery St., San Francisco, Calif	500, 000. 00	9. 000
40. Swiss Credit Bank, 25 Pine St., New York, N.Y	1, 000, 000. 00	9. 750
	1, 000, 000. 00	8. 250
	250, 000. 00	8. 875
	500, 000. 00	7. 750
41. Union Bank of Los Angeles, 5th and Figueroa St., Los Angeles, Calif	1, 000, 000. 00	8. 250
	1, 000, 000. 00	8. 125
	1, 000, 000. 00	8. 625
	500, 000. 00	8. 625
	800, 000. 00	(#)

ASIAN DEVELOPMENT BANK STATEMENT OF INVESTMENTS AS OF DEC. 31, 1970—Continued

	Amount	Yield rate
42. United California Bank, 600 South Spring St., Los Angeles, Calif	$500,000.00	10.000
	1,500,000.00	8.250
	1,000,000.00	8.000
Subtotal	129,900,000.00	
C. CURRENT ACCOUNTS		
1. Federal Reserve Bank of New York, 33 Liberty St., New York, N.Y	73,485.88	
2. First National City Bank, 399 Park Ave., New York, N.Y	132,666.02	
3. Manufacturers Hanover Trust Co., 350 Park Ave., New York, N.Y	57,056.46	
4. Bank of Tokyo Trust Co., 100 Broadway, New York, N.Y	20,000.00	
Subtotal	283,208.36	
D. OTHER INVESTMENTS IN GOVERNMENT SECURITIES AND TIME DEPOSITS		
Sydney (Australia), Vienna (Austria), Brussels (Belgium), Montreal and Toronto (Canada), Copenhagen (Denmark), Paris (France), Frankfurt, Munich and Dusseldorf (Germany), Milan and Rome (Italy), Tokyo (Japan), Kuala Lumpur (Malaysia), Amsterdam (Netherlands), Oslo (Norway), Stockholm (Sweden), Basle and Zurich (Switzerland), London (United Kingdom). Hong, Kong, Singapore. The average, return on these investments is 6.8744 percent per annum. Subtotal	$162,873,652.53	
Grand total	293,753,436.14	

[1] Majority placed between August 1969 and October 1970, with maturities ranging from 9 months to 2 years.

SUMMARY SCHEDULE OF IBRD INVESTMENT HOLDINGS AS OF DEC. 31, 1970

Country and description	Book value: Amount (millions)	Book value: U.S. dollars equivalent (millions)	Book yield (percent)
United States:			
Treasury bills	5.3($)	$5.3	6.77
Medium-term securities (Government and agencies).	1,081.1($)	1,081.1	7.60
Time deposits	775.9($)	775.9	8.27
Canada: Medium-term securities (Government)	10.5 (Can $)	9.7	6.86
Denmark: Time deposits	26.8 (DKr)	3.6	8.12
Federal Republic of Germany: Treasury bills	169.9(DM)	46.4	6.81
Finland: Securities redeemable at par on 3-month notice.	5.3(Fmk)	1.3	6.02
Japan: Treasury bills	510.0(Y)	1.4	5.79
Netherlands: Time deposits	24.5(f)	$6.8	8.34
Sweden:			
Treasury bills	39.9(Skr)	7.7	8.49
Time deposits	13.5(Skr)	2.6	4.80
Switzerland: Time deposits	75.3(SwFr)	17.5	5.80
United Kingdom:			
Treasury bills	12.4(£)	29.9	6.91
Medium-term securities (Government)	81.7(£)	196.2	9.12
Total		2,185.4	7.94

SCHEDULE OF U.S. DOLLAR MEDIUM-TERM SECURITIES HELD BY IBRD AS OF DEC. 31, 1970

Security name	Maturity date	Book value (in millions)	Book yield (in percent)
7.50 percent FICB debentures	Jan. 4, 1971	$3.0	6.41
8⅝ percent FHLB notes	Jan. 26, 1971	1.0	7.29
6 percent FNMA participation certificates	Feb. 1, 1971	11.0	6.95
7.40 percent FICB debentures	do	22.5	7.21
6.80 percent FLB bonds	Feb. 23, 1971	25.0	6.80
6.60 percent FHLB notes	Feb. 25, 1971	9.0	6.67
6 percent FNMA debentures	Mar. 11, 1971	4.0	6.66
8.05 percent FICB debentures	Apr. 1, 1971	3.5	6.69
6.30 percent FNMA participation certificates	Apr. 8, 1971	58.0	6.12
8⅜ percent FHLB notes	Apr. 26, 1971	13.0	8.30
7 percent FHLB notes	May 25, 1971	25.0	6.97
6.85 percent FNMA debentures	June 10, 1971	37.9	7.27
8.15 percent FLB bonds	July 20, 1971	25.0	8.15
5¾ percent FNMA debentures	Sept. 10, 1971	15.4	6.10
6⅝ percent Export-Import participation certificates	Sept. 19, 1971	21.6	6.18
6 percent Federal Land Bank bonds	Oct. 20, 1971	50.0	6.01
6.85 percent FNMA debentures	Nov. 10, 1971	17.8	8.42
8.20 percent FHLB notes	Nov. 26, 1971	10.0	8.12
5.00 percent FNMA participation certificates	Jan. 19, 1972	3.9	7.99
5.20 percent FNMA participation certificates	do	5.8	8.52
6¾ percent FNMA debentures	Mar. 10, 1972	17.1	7.06
8.70 percent FNMA debentures	do	39.6	8.46
7.40 percent FNMA debentures	Sept. 11, 1972	25.3	7.40
8.40 percent FNMA debentures	do	20.0	8.40
7.50 percent GNMA debentures	Oct. 2, 1972	$25.0	7.50
8 percent FNMA debentures	Dec. 11, 1972	50.0	8.00
8.35 percent FHLB notes	Feb. 26, 1973	10.0	8.15
8.15 percent FICB debentures	Mar. 1, 1973	14.1	7.76
8.30 percent FNMA debentures	Mar. 12, 1973	37.0	8.32
7.30 percent FNMA debentures	do	10.0	7.30
6.15 percent Export-Import Bank debentures	Apr. 30, 1973	36.8	6.01
7¾ percent FIGB debentures	July 2, 1973	15.0	7.75
7.95 percent FLB bonds	July 20, 1973	15.0	7.95
7.20 FHLB notes	Aug. 27, 1973	2.0	7.20
8.10 percent FNMA notes	Sept. 10, 1973	32.1	8.03
6 percent FNMA debentures	Oct. 1, 1973	10.4	5.90
7.80 percent FLB notes	Oct. 22, 1973	10.0	7.80
8.40 percent FHLB notes	Jan. 25, 1974	5.1	7.76
7.75 percent FNMA debentures	Mar. 11, 1974	30.0	7.75
7.30 percent FLB bonds	Apr. 22, 1974	10.0	7.30
7.90 percent FNMA debentures	June 10, 1974	32.1	7.82
7.85 percent FNMA debentures	Sept. 10, 1974	31.2	8.29
8 percent FHLB notes	Nov. 25, 1974	35.0	8.00
8⅞ percent FHA notes	Jan. 31, 1975	100.0	8.88
8 percent FNMA debentures	Apr. 1, 1975	25.0	8.00
8⅜ percent FNMA debentures	June 2, 1975	50.0	8.38
7.50 percent FNMA debentures	Sept. 10, 1975	30.9	7.48
Total		1,081.1	7.60

U.S. COMMERCIAL BANKS HOLDING IBRD FUNDS IN THE FORM OF TIME DEPOSITS OR CERTIFICATES OF DEPOSIT AS OF DECEMBER 31, 1970

American Security & Trust Company, 15th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20013.

Banca Commerciale Italiana, New York Branch, 280 Park Avenue, New York, New York 10017.

Banca Nazionale del Lavora, New York Branch, 25 West 51st Street, New York, New York 10019.

Banco de Ponce, New York District Office, 164 East 116 Street, New York, New York 10029.

Bankers Trust Company, 280 Park Avenue, New York, New York 10017.

Bank of America, New York, 41 Broad Street, New York, New York 10015.

Bank of America National Trust and Savings Association, Bank of America Center, San Francisco, California 94120.

The Bank of New York, 40 Wall Street, New York, New York 10015.

The Bank of Tokyo Trust Company, 100 Broadway, New York, New York 10005.

Central Cleveland International Bank, 40 Wall Street, New York, New York 10015.

Central National Bank of Cleveland, East 9th Street & Superior Avenue, Cleveland, Ohio 44114.

The Chase Manhattan Bank National Association, One Chase Manhattan Plaza, New York, New York 10015.

City National Bank of Detroit, P.O. Box 2659, Griswold at Fort, Detroit, Michigan 48231.

Continental Illinois National Bank and Trust Company of Chicago, 231 South La Salle Street, Chicago, Illinois 60690.

Crocker-Citizens National Bank, 1 Sansome Street, San Francisco, California 94120.

European-American Bank and Trust Company, 52 Wall Street, New York, New York 10005.

First Israel Bank and Trust Company of New York, 80 Wall Street, New York, New York 10005.

First National Bank of Boston, 67 Milk Street, Boston, Massachusetts 02106.

The First National Bank of Chicago, One First National Plaza, Chicago, Illinois 60670.

First National City Bank, 399 Park Avenue, New York, New York 10022.

The First Pennsylvania Bank and Trust Company, Fifteenth and Chestnut Streets, Philadelphia, Pennsylvania 19101.

First Wisconsin National Bank of Milwaukee, 743 North Water Street, Milwaukee, Wisconsin 53201.

Franklin National Bank, 130 Pearl Street, New York, New York 10015.

Girard Trust Bank, Broad and Chestnut Streets, Philadelphia, Pennsylvania 19101.

Harris Trust and Savings Bank, 111 West Monroe Street, Chicago, Illinois 60690.

The Hongkong and Shanghai Banking Corporation of California, 180 Sansome Street, San Francisco, California 94104.

Industrial National Bank, 111 Westminster Street, Providence, Rhode Island 02903.

Irving Trust Company, One Wall Street, New York, New York 10015.

Manufacturers Hanover Trust Company, 350 Park Avenue, New York, New York 10022.

Marine Midland Bank—New York, 140 Broadway, New York, New York 10015.

National Bank of Commerce of Seattle, Second Avenue at Spring Street, P.O. Box 3966, Seattle, Washington 98124.

National Bank of Detroit, 611 Woodward at Fort, Box 611, Detroit, Michigan 48323.

The National Bank of North America, 44 Wall Street, New York, New York 10005.

The National City Bank of Cleveland, 623 Euclid Avenue, Cleveland, Ohio 44114.

The Northern Trust Company, 50 South La Salle Street, Chicago, Illinois 60690.

The Philadelphia National Bank, 421 Chestnut Street, Philadelphia, Pennsylvania 19101.

Pittsburgh National Bank, One Oliver Plaza, Pittsburgh, Pennsylvania 15222.

Provident National Bank, Broad and Chestnut Streets, Philadelphia, Pennsylvania 19101.

Schroder Trust Company, 57 Broadway, New York, New York 10015.

Seattle-First National Bank, 1001 Fourth Avenue, P.O. Box 3586, Seattle, Washington 98124.

Security Pacific National Bank, 561 South Spring Street, Los Angeles, California 90054.

State Street Bank and Trust Company, 225 Franklin Street, Boston, Massachusetts 02101.

Swiss Bank Corporation, 15 Nassau Street, New York, New York.

Union Bank, Fifth and Figueroa Streets, Los Angeles, California 90017.

United California Bank, 600 Spring Street, Los Angeles, California 90054.

Wells Fargo Bank N.A., 464 California Street, San Francisco, California 94120.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT—TIME DEPOSITS AND CERTIFICATES OF DEPOSIT WITH U.S. COMMERCIAL BANKS (ACCOUNT T)

[Holdings shown remained unchanged through Dec. 31, 1970: expressed in millions of dollars as of Dec. 17, 1970]

	Amount
American Security & Trust Co., Washington, D.C.: Due Aug. 12, 1971, at 8.375 percent (12 months, 1 day)	$1.0
Banca Commerciale Italiana, New York, N.Y.:	4.0
Due Aug. 10, 1971, at 8.750 percent (12 months)	[1]1.0
Due Oct. 26, 1971, at 8.000 percent (12 months, 3 days)	3.0
Banca Nationale Del Lavoro, New York, N.Y.: Due Oct. 25, 1971, at 8.000 percent (12 months, 3 days)	2.0
Banco de Ponce, New York, N.Y.: Due July 19, 1971, at 8.750 percent (12 months, 3 days)	1.0
Bank of America (International), New York, N.Y.:	15.0
Due Mar. 17, 1971, at 6.250 percent (3 months)	5.0
Due Apr. 28, 1971, at 7.375 percent (6 months, 8 days)	5.0
Due June 17, 1971, at 6.250 percent (6 months)	5.0
Bank of America NTSA, San Francisco, Calif.:	110.0
Due Jan. 25, 1971, at 9.750 percent (12 months, 3 days)	7.5
Due Mar. 16, 1971, at 8.750 percent (12 months)	10.0
Due Mar. 17, 1971, at 7.750 percent (6 months, 3 days)	4.0
Due Mar. 31, 1971, at 8.750 percent (12 months, 15 days)	20.0
Due Mar. 31, 1971, at 8.750 percent (12 months, 11 days)	6.0
Due Apr. 12, 1971, at 9.250 percent (13 months, 29 days)	8.5
Due Apr. 12, 1971, at 8.250 percent (12 months, 2 days)	10.0
Due Apr. 13, 1971, at 7.500 percent (6 months)	11.0
Due Apr. 16, 1971, at 8.750 percent (13 months)	13.0
Due May 10, 1971, at 7.000 percent (6 months, 4 days)	7.0
Due May 10, 1971, at 7.000 percent (6 months, 1 day)	3.0
Due June 15, 1971, at 6.000 percent (6 months)	5.0
Due Aug. 9, 1971, at 8.375 percent (12 months, 3 days)	5.0
Bank of New York, New York, N.Y.: Due Apr. 13, 1971, at 9.250 percent (14 months)	$3.0
Bank of Tokyo Trust Co., New York, N.Y.:	1.5
Due Jan. 8, 1971, at 10.000 percent (12 months, 3 days)	.5
Due Nov. 10, 1971, at 8.250 percent (12 months, 1 day)	1.0
Bankers Trust Co., New York, N.Y.:	40.5
Due Feb. 15, 1971, at 10,000 percent (16 months, 5 days)	5.0
Due Mar. 5, 1971, at 8.750 percent (8 months, 27 days)	5.5
Due Apr. 15, 1971, at 8.330 percent (11 months, 7 days)	[2]30.0
Central Cleveland International Bank, New York, N.Y.: Due October 15, 1971, at 7.500 percent (12 months, 2 days)	1.0
Central Cleveland International Bank, New York, N.Y.:	8.0
Due Aug. 9, 1971, at 8.375 percent (2 months, 3 days)	2.0
Due Sept. 17, 1971, at 7.750 percent (12 months, 3 days)	3.0
Due Sept. 17, 1971, at 7.570 percent (12 months, 2 days)	3.0
Chase Manhattan Bank, NA, New York, N.Y.:	110.5
Due Jan. 12, 1971, at 10.125 percent (15 months, 2 days)	[1]8.5
Due Jan. 25, 1971, at 9.750 percent (12 months, 3 days)	[1]3.5
Due Feb. 5, 1971, at 9.250 percent (14 months, 29 days)	[1]4.0
Due Feb. 8, 1971, at 8.375 percent (6 months, 2 days)	[1]5.0
Due Feb. 26, 1971, at 8.000 percent (6 months, 1 day)	[1]5.5
Due Mar. 9, 1971, at 9.125 percent (11 months, 29 days)	[1]10.0
Due Mar. 15, 1971, at 6.000 percent (3 months)	[1]10.0
Due Mar. 31, 1971, at 8.875 percent (12 months, 15 days)	[1]11.5
Due Apr. 12, 1971, at 9.125 percent (13 months, 2 days)	[1]13.0
Due Apr. 13, 1971, at 7.625 percent (6 months)	[1]10.0
Due May 20, 1971, at 9.125 percent (14 months, 10 days)	[1]13.0
Due Aug. 26, 1971, at 7.875 percent (12 months, 1 day)	[1]5.0
Due Oct. 15, 1971, at 7.500 percent (12 months, 2 days)	[1]6.5
Due Oct. 26, 1971, at 7.250 percent (12 months, 3 days)	[1]5.0
City National Bank of Detroit, Detroit, Mich.: Due Aug. 30, 1971, at 8.250 percent (12 months, 3 days)	3.0
Continental Illinois National Bank & Trust Co. of Chicago	63.0
Due Jan. 8, 1971, at 10.000 percent (12 months, 3 days)	7.0
Due Feb. 15, 1971, at 9.375 percent (12 months, 2 days)	8.0
Due Apr. 12, 1971. at 8.250 percent (12 months, 2 days)	5.0
Due May 10, 1971. at 8.500 percent (12 months, 2 days)	8.0
Due May 10, 1971. at 7.000 percent (6 months, 1 day)	3.0
Due June 11, 1971, at 8.750 percent (12 months)	7.0
Due June 15, 1971, at 5.875 percent (6 months)	5.0
Due July 9, 1971, at 8.750 percent (12 months)	2.0
Due July 19, 1971, at 8.750 percent (12 months, 3 days)	8.0
Due Sept. 16, 1971, at 7.750 percent (12 months, 2 days)	5.0
Due Sept. 20, 1971, at 7.750 percent (12 months, 3 days)	5.0
Crocker-Citizens National Bank, San Francisco, Calif.: Due May 10, 1971, at 8.500 percent (12 months, 2 days)	2.0
European-American Bank & Trust Co., New York, N.Y.: Due Oct. 15, 1971, at 7.625 percent (12 months, 2 days)	2.0
First Israel Bank & Trust Co. of New York, N.Y.: Due Sept. 20, 1971, at 7.750 percent (12 months, 3 days)	1.5
First National Bank of Boston, Boston, Mass	17.0
Due July 19, 1971, at 8.750 percent (12 months, 3 days)	3.0
Due Aug. 11, 1971, at 9.000 percent (14 months)	10.0
Due Aug. 16, 1971, at 9.000 percent (13 months, 7 days)	4.0
First National Bank of Chicago, Chicago, Ill	20.0
Due Apr. 12, 1971, at 9.250 percent (13 months, 29 days)	4.0
Due May 10, 1971, at 8.000 percent (13 months)	3.0
Due June 11, 1971, at 9.000 percent (12 months)	7.0
Due July 9, 1971, at 8.750 percent (12 months)	6.0
First National City Bank, New York, N.Y.:	105.0
Due Jan. 18, 1971, at 9.250 percent (5 months, 28 days)	14.0
Due Feb. 8, 1971, at 8.375 percent (6 months, 2 days)	7.5
Due Feb. 22, 1971, at 8.000 percent (5 months, 25 days)	6.0
Due Mar. 18, 1971, at 7.270 percent (4 months, 9 days)	[3]2.0
Due May 20, 1971, at 9.125 percent (15 months)	7.5
Due Aug. 20, 1971, at 9.125 percent (18 months)	7.5
Due Sept. 17, 1971, at 7.750 percent (12 months, 2 days)	10.0
Due Sept. 24, 1971, at 7.750 percent (12 months, 9 days)	7.0
Due Jan. 3, 1972, at 9.000 percent (18 months, 7 days)	20.0
Due Jan. 17, 1972, at 8.500 percent (18 months, 1 day)	16.0
Due Feb. 7, 1972, at 8.000 percent (18 months, 1 day)	7.5
First Pennsylvania Banking &Trust Co., Philadelphia, Pa.: Due May 10, 1971, at 7.000 percent (6 months, 1 day)	1.5
First Wisconsin National Bank of Milwaukee, Milwaukee, Wis.:	9.0
Due Apr. 12, 1971, at 8.250 percent (12 months, 2 days)	1.0
Due Sept. 17, 1971, at 8.000 percent (12 months, 2 days)	4.0
Due Sept. 20, 1971, at 7.750 (12 months, 3 days)	1.0
Due Oct. 15, 1971, at 7.625 percent (12 months, 2 days)	3.0
Franklin National Bank, New York, N.Y.: Due Mar. 24, 1972, at 8.500 percent (23 months, 29 days)	$5.0
Girard Trust Bank, Philadelphia, Pa.:	12.0
Due Jan. 25, 1971, at 9.750 percent (12 months, 3 days)	2.0
Due Apr. 12, 1971, at 8.375 percent (12 months, 2 days)	5.0
Due June 11, 1971, at 9.000 percent (12 months)	1.0
Due July 19, 1971, at 8.750 percent (12, months, 3 days)	3.0
Due Oct. 15, 1971, at 7.625 percent (12, months, 2 days)	1.0
Harris Trust & Savings Bank, Chicago, Ill.: Due Feb. 2, 1971, at 8.375 percent (5 months, 26 days)	2.0
Hong Kong & Shanghai Banking Corp. of Calif., San Francisco Calif.:	1.0
Due Jan. 8, 1971, at 10.000 percent (12 months, 3 days)	.5
Due May 10, 1971, at 8.500 percent (12 months, 2 days)	.5
Industrial National Bank, Providence, R.I.: Due June 15, 1971, at 5.875 percent (6 months)	1.5
Irving Trust Co., New York, N.Y	9.0
Due Jan. 25, 1971, at 9.750 percent (12 months, 3 days)	[1]3.0
Due April 12, 1971, at 9.250 percent (13 months, 29 days)	[1]3.0
Due April 20, 1971, at 7.375 percent (6 months)	[1]3.0
Manufacturers Hanover Trust Co., New York, N.Y	70.0
Due Jan. 8, 1971, at 10.000 percent (12 months, 3 days)	5.0
Due Jan. 25, 1971, at 9.750 percent (12 months, 3 days)	2.0
Due Feb. 5, 1971, at 7.000 percent (3 months)	4.0
Due March 10, 1971, at 5.750 percent (3 months)	7.0
Due March 17, 1971, at 7.750 percent (6 months)	5.0
Due April 13, 1971, at 7.500 percent (6 months)	8.5
Due April 20, 1971, at 7.375 percent (6 months)	3.5
Due April 23, 1971, at 7.250 percent (6 months)	6.0
Due May 10, 1971, at 7.000 percent (6 months, 1 day)	8.5
Due June 10, 1971, at 5.875 percent (6 months)	8.0
Due June 15, 1971, at 5.875 percent (6 months)	6.5
Marine Midland Grace Trust Co. of New York, New York, N.Y.:	28.0
Due Apr. 12, 1971, at 9.250 percent (13 months, 29 days)	4.0
Due Apr. 12, 1971, at 9.250 percent (13 months, 3 days)	4.0
Due Apr. 12, 1971, at 9.250 percent (12 months, 25 days)	5.0
Due Apr. 12, 1971, at 8.250 percent (12 months, 2 days)	1.0
Due June 15, 1971, at 6.000 percent (6 months)	5.0
Due July 19, 1971, at 8.750 percent (12 months, 3 days)	1.0
Due Aug. 30, 1971, at 8.000 percent (12 months, 3 days)	3.0
Due Sept. 20, 1971, at 7.750 percent (12 months, 3 days)	5.0
National Bank of Commerce of Seattle, Seattle, Wash.: Due July 19, 1971, at 8.750 percent (12 months, 3 days)	1.0
National Bank of Detroit, Detroit, Mich	5.0
Due Apr. 13, 1971, at 7.500 percent (6 months)	3.0
Due Oct. 15, 1971, at 7.500 percent (12 months, 2 days)	2.0
National Bank of North America, New York, N.Y	13.0
Due Apr. 12, 1971, at 9.250 percent (13 months, 29 days)	2.0
Due Apr. 12, 1971, at 8.250 percent (12 months, 2 days)	1.0
Due June 15, 1971, at 5.875 percent (6 months)	5.5
Due Sept. 15, 1971, 7.750 percent (12 months, 1 day)	2.0
Due Oct. 15, 1971, at 7.625 percent (12 months, 2 days)	2.5
National City Bank of Cleveland, Cleveland, Ohio	8.5
Due Sept. 17, 1971, at 7.750 percent (12 months, 2 days)	5.0
Due Sept 20, 1971, at 7.750 percent (12 months, 3 days)	3.5
Northern Trust Co., Chicago, Ill	13.0
Due March 15, 1971, at 7.875 percent (6 months, 1 day)	1.0
Due March 18, 1971, at 8.875 percent (12 months, 1 day)	2.0
Due June 11, 1971, at 8.750 percent (12 months)	1.0
Due June 15. 1971, at 5.875 percent (5 months, 28 days)	2.0
Due July 19, 1971, at 9.000 percent (12 months, 3 days)	1.0
Due August 30, 1971, at 8.250 percent (12 months, 3 days)	2.0
Due September 17, 1971, at 7.875 percent (12 months, 3 days)	2.0
Due October 26, 1971, at 7.250 percent (12 months, 3 days)	2.0

See footnote at end of table.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT—TIME DEPOSITS AND CERTIFICATES OF DEPOSITS WITH U.S. COMMERCIAL BANKS (ACCOUNT T)

[Holdings shown remained unchanged through Dec. 31, 1970; expressed in millions of dollars as of Dec. 17, 1970]

	Amount
Philadelphia National Bank, Philadelphia, Pa	$6.0
Due January 25, 1971, at 9.750 percent (12 months, 3 days)	1.0
Due July 19, 1971, at 8.750 percent (12 months, 3 days)	2.0
Due September 15, 1971, at 7.875 percent (12 months, 1 day)	3.0
Pittsburgh National Bank, Pittsburgh, Pa.: Due June 11, 1971, at 8.750 percent (12 months)	1.0
Provident National Bank, Philadelphia, Pa.: Due September 15, 1971, at 7.750 percent (12 months, 1 day)	1.0
Schroder Trust Co., New York, N.Y.:	1.0
Due March 15, 1971, at 6.000 percent (3 months)	.5
Due June 11, 1971, at 9.000 percent (12 months)	.5
Seattle-First National Bank, Seattle, Wash.: Due August 30, 1971, at 8.000 percent (12 months, 3 days)	1.0
Security Pacific National Bank, Los Angeles, Calif	22.0
Due Jan. 8, 1971, at 10.000 percent (12 months, 3 days)	2.0
Due Feb. 15, 1971, at 9.375 percent (12 months, 2 days)	3.0
Due May 10, 1971, at 8.500 percent (12 months, 2 days)	2.0
Due May 17, 1971, at 7.250 percent (6 months, 1 day)	10.0
Due Sept. 17, 1971, at 8.375 percent (12 months, 2 days)	5.0
State Street Bank & Trust Co., Boston, Mass.: Due July 19, 1971, at 8.750 percent (12 months, 3 days)	1.0
Swiss Bank Corp., New York, N.Y.: Due Nov. 24, 1971, at 7.000 percent (12 months, 1 day)	2.0
Union Bank, Los Angeles, Calif	19.0
Due Jan. 8, 1971, at 10.000 percent (12 months, 3 days)	6.0
Due Mar. 9, 1971, at 9.250 percent (12 months, 19 days)	4.5
Due Aug. 9, 1971, at 8.625 percent (12 months, 3 days)	3.5
Due Sept. 17, 1971, at 8.000 percent (12 months, 2 days)	5.0
United California Bank, Los Angeles, Calif	19.5
Due Feb. 15, 1971, at 9.375 percent (12 months, 2 days)	7.5
Due Apr. 12, 1971, at 8.250 percent (12 months, 2 days)	2.0
Due Aug. 30, 1971, at 8.000 percent (12 months, 3 days)	10.0
Wells Fargo Bank, San Francisco, Calif	13.0
Due Mar. 9, 1971, at 9.250 percent (12 months, 19 days)	6.0
Due Apr. 12, 1971, at 8.250 percent (12 months, 2 days)	7.0
Total United States dollar investments in time deposits and certificates of deposit with U.S. commercial banks	[2,3] 776.0

[1] Open time deposit.

[2] Interest rate 7½ percent. Bankers Trust due Apr. 15, 1971—$30,000,000 shown at face value instead of cost as reflected in summary statement and general ledger.

[3] Interest rate 8 percent. First National City Bank due Mar. 18, 1971—$2,000,000 shown at face value instead of cost as reflected in summary statement and general ledger.

INTER-AMERICAN DEVELOPMENT BANK—ORDINARY CAPITAL

Reconciliation of Schedules with Balance Sheet, December 31, 1970

Schedules—Cash

U.S. dollars in demand deposit accounts	$456.0
Demand deposits of Latin-American currencies	$47,698.0
Nonmember currencies in demand deposits	953.5
Total	49,107.5

Balance sheet

Due from banks	39,057.7
Due from members—nonnegotiable, non-interest-bearing obligations	10,049.8
Total	49,107.5

Schedules—Investments

Investments in Treasury obligations, at amortized cost	17,044.9
Special reserve securities at cost or amortized cost	23,673.2
U.S. dollars invested in C/D's and time deposits	407,470.0
Funded debt proceeds in time deposits	219,929.0
Total	668,117.1

Balance Sheet

Investments in U.S. obligations	17,044.9
Time deposits, U.S. dollars	407,470.0
Time deposits, nonmember currencies	219,929.0
Special reserve assets, see annual report, p. 39, note D	23,673.2
Total	668,117.1

U.S. dollars held in noninterest bearing demand deposit accounts, December 31, 1970

[Expressed in thousands of dollars]

Names and location of depository banks:	*Balance Dec. 31, 1970*
Federal Reserve Bank of New York:	
Ordinary capital account	114
Bond Account	182
National Bank of Washington, Washington, D.C.:	
Administrative Account	$120
Payroll Account	40
Total	456

DEMAND DEPOSITS OF LATIN-AMERICAN MEMBER CURRENCIES, DECEMBER 31, 1970

[Expressed in thousands of U.S. dollars]

Banco Central de la Republica Argentina, Buenos Aires, Argentina	8,740
East Caribbean Currency Authority, Bridgetown, Barbados	414
Banco Central de Bolivia, La Paz, Bolivia	1,761
Banco Central do Brasil, Rio de Janeiro, Brazil	7,728
Banco Central de Chile, Santiago, Chile	1,949
Banco de la Republica, Bogota, Colombia	3,240
Banco Central de Costa Rica, San Jose, Costa Rica	487
Banco Central de la Republica Dominicana, Santo Domingo, Dominican Republic	172
Banco Central del Ecuador, Quito, Ecuador	585
Banco Central de Reserva de El Salvador, San Salvador, El Salvador	433
Banco de Guatemala, Guatemala, Guatemala	507
Banque Nationale de la Rèpublique D'Haiti, Port-au-Prince, Haiti	913
Banco Central de Honduras, Tegucigalpa, Honduras	799
Bank of Jamaica, Kingston, Jamaica	825
Banco de Mexico S.A., Mexico 1, D.F., Mexico	7,853
Banco Central de Nicaragua, Managua, Nicaragua	723
Banco Nacional de Panama, Panama	392
Banco Central del Paraguay, Asuncion, Paraguay	249
Banco Central de Reserva del Peru, Lima, Peru	1,101
Central Bank of Trinidad and Tobago, Port of Spain, Trinidad, W.I	906
Banco Central del Uruguay, Montevideo, Uruguay	1,192
Banco Central de Venezuela, Caracas, Venezuela	6,724
Total	47,698

Under the terms of the Agreement Establishing the Inter-American Development Bank each member country has designated its central bank as the depository in which the IADB keeps its holdings of such member's currency. These Latin American currencies are held in demand deposit accounts because the central banks cannot pay interest on fixed-term deposits.

NONMEMBER CURRENCIES HELD IN NONINTEREST-BEARING DEMAND DEPOSIT ACCOUNTS IN NONMEMBER COUNTRIES DEC. 31, 1970

[Expressed in U.S. dollars equivalent]

Name and location of depository bank	Unit of currency	Balance
Société Générale de Banque, Brussels, Belgium	Belgian franc	$1,397
Baring Brothers & Co., London, England	Pound sterling	3,276
Deutsche Bank, Frankfurt, Germany	Deutsche mark	484,672
Banca d'Italia, Rome, Italy	Lira	291,287
Bank of Tokyo, Tokyo, Japan	Japanese yen	70,698
Algemene Bank Nederland N.V., Amsterdam, Netherlands	Netherland guilder	521
Stockholms Enskilda Bank, Stockholm, Sweden	Swedish kronor	1,104
Swiss Bank Corp., Basle, Switzerland	Swiss franc	100,550
Total		953,505

Note: The above balances are maintained in current accounts for payment of expenses as incurred, including reimbursements under guaranteed letters of credit as well as imminent payment of interest requirements on outstanding bond issues.

INVESTMENTS IN U.S. TREASURY OBLIGATIONS, DEC. 31, 1970

[Expressed in thousands of dollars]

Name and location of depository bank	Face amount, Dec. 31, 1970	Approximate yield to maturity (percent)
Federal Reserve Bank of New York:		
Ordinary capital securities account	[1] $17,400	5.12
Special reserve securities account	[2] 24,209	7.08

[1] Treasury bills to mature within 6 months—represents temporary investments of cash availabilities for immediate disbursement requests as well as collections on loans pending conversion into certificates of deposit; carried at amortized cost of $17,044,898.

[2] Treasury notes to mature within 5 years—represents investment of commissions paid on loans, required under the agreement establishing the bank to be set aside as a special reserve to be kept available for meeting the bank's obligations created by borrowings or by guaranteeing loans; carried at cost or amortized cost of $23,673,183.

DEPOSITS OF U.S. DOLLARS IN NEGOTIABLE TIME CERTIFICATES OF DEPOSIT AND TIME DEPOSITS WITH COMMERCIAL BANKS—DEC. 31, 1970

[Expressed in thousands of dollars]

Name and location of depository bank	Interest rate percent	Amount	Negotiated	Maturity in months
American Bank and Trust Co., New York, NY	7.25	$1,500	October 1970	3
	8.00	1,250	September 1970	12½
	8.50	2,250	March 1970	12½
American Security and Trust Co., Washington, D.C.	8.50	2,000	February 1970	12½
Banca Commerciale Italiana—New York branch, New York, N.Y.	8.125	1,000	November 1970	11½
	9.25	1,500	June 1970	12½
Banca Naziona le del Lavoro—New York branch, New York, N.Y.	8.50	3,000	April 1970	12½
	10.(0	1,000	February 197J	12½

DEPOSITS OF U.S. DOLLARS IN NEG)TIABLE TIME CERTIFICATES OF DEPOSIT AND TIME DEPOSITS WITH COMMERCIAL BANKS—DEC. 31, 1970—Continued

[Expressed in thousands of dollars]

Name and location of deposito y bank	Interest rate percent	Amount	Negotiated	Maturity in months
Banco Credito y Ahorro Ponceño—New York branch, New York, N.Y.	7.25	2,000	October 1970	3
	8.50	3,000	March 1970	13
	10.00	1,000	January 1970	12½
Banco da Lavoura de Minas Gerais, S.A. New York branch—New York, N.Y.	9.50	1,000	June 1970	12½
Banco de Ponce—New York branch, New York, N,Y,	7.125	2,000	October 1970	12½
	8.25	2,000	April 1970	13
Banco do Brasil, S.A.—New York branch New York, N.Y.	8.75	1,000	May 1970	12
	10.00	1,000	February 1970	12½
Bank of America N.T. and S.A., San Francisco, Calif.	7.50	15,000	October 1970	12½
	6.00	3,000	December 1970	6
	9.25	5,000	February 1970	12½
	10.00	3,000	December 1969	12½
Bank of California National Association, San Francisco, Calif.	8.50	5,000	March 1970	12½
Bankers Trust Co., New York, N.Y	7.50	10,000	October 1970	6
	7.50	10,000	do	12½
The Bank of New York, New York, N.Y	8.50	3,000	March 1970	12½
The Bank of Tokyo Trust Co., New York, N.Y	8.50	1,000	do	12½
Den Norske Creditbank, Oslo, Norway, time deposit.	7.50	3,970	September 1970	12
Time deposit	7.50	1,000	July 1970	6

DEPOSITS OF U.S. DOLLARS IN NEGOTIABLE TIME CERTIFICATES OF DEPOSIT AND TIME DEPOSITS WITH COMMERCIAL BANKS—DEC. 31, 1970

[Expressed in thousands of dollars]

Name and location of depository bank	Interest rate percent	Amount	Negotiated	Maturity in months
Central National Bank of Cleveland, Cleveland, Ohio.	7.25	5,000	October 1970	12½
	8.00	5,000	September 1970	12
The Chase Manhattan Bank (National Association)—New York, N.Y.	7.375	5,000	December 1970	3
	8.25	10,000	March 1970	12½
	8.125	2,500	September 1970	12½
	8.375	3,000	October 1970	6
Chemical Bank, New York, N.Y	6.00	2,000	December 1970	6
	10.00	6,000	December 1969	12½
Continental Illinois National Bank and Trust Co., of Chicago, Chicago, Ill.	7.25	8,000	October 1970	12½
	8.50	4,000	February 1970	12½
Crocker-Citizens National Bank, San Francisco, Calif.	8.50	2,000	April 1970	12½
The Fidelity Bank, Philadelphia, Pa	7.00	3,000	October 1970	3
First Israel Bank and Trust Co. of New York, New York, N.Y.	7.125	500	do	6
	6.50	1,000	December 1970	12½
The First National Bank of Boston, Boston, Mass.	10.50	10,000	December 1969	12½
The First National Bank of Chicago, Chicago, Ill.	6.375	2,000	December 1970	13
	6.125	4,000	do	13
	8.50	4,000	February 1970	12½
	8.75	8,000	June 1970	12½
First National Bank in Dallas, Dallas, Tex	10.75	2,000	December 1969	13
First National Bank, New York, N.Y	8.50	2,000	March 1970	12½
The First National Bank of Memphis, Memphis, Tenn.	8.25	3,000	April 1970	12½
	8.50	2,000	March 1970	12½
First National City Bank, New York, N.Y	7.25	7,000	November 1970	12
	8.375	10,000	June 1970	12½
	8.50	5,000	July 1970	5½
	8.75	5,000	March 1970	12½
	8.875	5,000	July 1970	5½
	9.00	3,000	June 1970	13
The First Pennsylvania Banking & Trust Co., Philadelphia, Pa.	6.50	5,000	November 1970	12
First Wisconsin National Bank of Milwaukee, Milwaukee, Wis.	7.625	10,000	October 1970	3
	8.50	1,500	March 1970	12½
	10.125	6,500	January 1970	12
Girard Trust Bank, Philadelphia, Pa	6.625	4,000	November 1970	12
	8.50	5,000	March 1970	12½
	9.00	3,000	June 1970	12½
Hibernia National Bank in New Orleans, New Orleans, La.	7.50	1,500	October 1970	12½
	8.00	2,500	March 1970	12½
	8.75	2,000	June 1970	12½
Irving Trust Co., New York, N.Y	7.00	2,000	October 1970	3
Manufacturers Hanover Trust Co., New York, N.Y.	7.125	5,000	do	6
	7.50	10,000	do	3
	7.50	5,000	do	6
Marine Midland Bank—New York, New York, N.Y.	7.50	10,000	do	6
	6.00	4,000	December 1970	3
	8.50	5,000	February 1970	12½
Marine Midland Bank—Western Buffalo, N.Y	7.00	5,000	November 1970	13
Mellon National Bank and Trust Co., Pittsburgh, Pa.	8.9375	2,000	August 1970	5½
	9.375	4,000	July 1970	6
National Bank of North America, New York, N.Y.	7.00	2,000	November 1970	12
	7.375	2,000	do	12
	7.125	5,000	December 1970	3
	8.50	2,000	March 1970	12½
	9.00	1,000	July 1970	12½
National Bank of Detroit, Detroit, Mich	8.875	1,000	February 1970	12½
	7.50	2,000	October 1970	6
	7.50	2,000	do	9
	7.50	2,000	do	12½
The National City Bank of Cleveland, Cleveland, Ohio.	6.00	2,000	December 1970	12½
The Northern Trust Co., Chicago, Ill	8.875	4,000	February 1970	12½
	9.00	7,000	June 1970	12½
Provident National Bank, Philadelphia, Pa	8.75	1,000	July 1970	12½
The Royal Bank of Canada Trust Co., New York N.Y.	9.50	1,000	June 1970	12½
Schroder Trust Co., New York, N.Y	7.125	1,500	December 1970	3
	9.00	2,000	June 1970	12½
Seattle-First National Bank, Seattle, Wash	8.75	3,000	July 1970	12½
	9.00	3,000	June 1970	12½
Security Pacific National Bank, Los Angeles, Calif.	8.50	1,000	April 1970	12½
	9.375	1,000	June 1970	12½
State Street Banking and Trust Co., Boston, Mass.	10.75	2,000	December 1969	13
	6.00	2,000	December 1970	6
Swiss Credit Bank—New York branch, New York N.Y.	8.875	500	July 1970	12½
	9.25	2,000	June 1970	12½
Texas Commerce Bank, National Association, Houston, Houston, Tex.	8.125	1,000	August 1970	12½
	8.50	1,000	April	12½

Footnotes at end of table.

DEPOSITS OF U.S. DOLLARS IN NEGOTIABLE TIME CERTIFICATES OF DEPOSIT AND TIME DEPOSITS WITH COMMERCIAL BANKS—DEC. 31, 1970

[Expressed in thousands of dollars]

Name and location of depository bank	Interest rate percent	Amount	Negotiated	Maturity in months
Union Bank, Los Angeles, Calif	7.25	5.000	October 1970	12½
	8.00	3.000	September 1970	12
	8.25	5.000	April 1970	12½
	8.75	5.000	July 1970	12½
	6.00	3.000	December 1970	12
Union Commerce Bank, Cleveland, Ohio	8.25	5.000	March 1970	12½
	8.75	2.000	April 1970	12½
United California Bank, Los Angeles, Calif.	9.75	2.000	February 1970	12½
	10.00	7.000	January 1970	12½
	10.50	7.000	December 1969	12½
Total		407,470		

FUNDED DEBT PROCEEDS OTHER THAN U.S. DOLLARS HELD IN TIME DEPOSITS IN NONMEMBER COUNTRIES, DEC. 31, 1970

(Expressed in thousands of U.S. dollars)

Name and location of depository banks	Interest rate (percent)	Amount	Negotiated	Maturity in months
Swiss francs:				
Bank of International Settlements, Basle, Switzerland.	6.25	$3,956	September 1970	12
Bank of America, London, England	6.036	11,123	November 1970	6
British pounds:				
Baring Bros., London, England	6.625	4,760	March 1965	(1)
Bank of America, Paris, France	8.375	2,880	October 1970	15
Do	8.500	840	December 1970	6
Do	8.75	780	do	6
German marks:				
Bank of America, London, England	8.063	5,464	September 1970	6
Bank of London & South America Ltd., England.	9.00	9,915	July 1970	24
Bayerische, Vereinsbank, Munich, Germany.	8.125	4,167	September 1970	3
Do	8.125	8,648	do	6
Do	8.25	3,373	October 1970	6
Commerzbank Luxembourg, Luxembourg	9.313	13,661	July 1970	12
Commerzbank, Frankfurt, Germany	8.125	13,044	August 1970	6
Deutsche Bank, Frankfurt, Germany	8.625	1,448	July 1970	6
Dresdner Bank, Frankfurt, Germany	8.50	11,123	March 1970	12
Do	8.00	6,011	September 1970	12
Do	8.313	4,098	October 1970	3
First National Bank of Boston, London, England.	8.063	8,197	September 1970	12
Provident National Bank, Nassau, Bahamas.	8.875	1,365	February 1970	12
Société Générale, Brussels, Belgium	7.75	11,426	August 1970	12
Société Générale, Paris, France	9.125	26,231	July 1970	24
United California Bank, London, England	8.00	2,732	September 1970	12
Italian lire:				
Mediobanca, Milan, Italy	7.50	2,597	June 1970	24
Do	7.50	8,804	do	24
Bank of London & South America Ltd., London, England.	7.50	24,738	December 1970	12
Belgian francs:				
Société Générale de Banque, Bruxelles, Belgium.	6.50	1,126	May 1970	(1)
Banque de Bruxelles, Bruxelles, Belgium	6.50	449	do	(1)
Banque Lambert, Bruxelles, Belgium	6.50	902	do	(1)
Banque Italo-Belge N.V., Bruxelles, Belgium.	6.50	454	do	(1)
Kredietbank S.A., Bruxelles, Belgium	6.50	454	do	(1)

Name and location of depository banks	Interest rate (percent)	Amount	Negotiated	Maturity in months
Netherland guilder:				
Pierson, Heldring & Pierson, Amsterdam, Netherlands.	6.50	955	December 1970	12
Amsterdam-Rotterdam Bank N.V., Amsterdam, Netherlands.	6.50	1,884	do	12
Bank Mees & Hope N.V., Amsterdam, Netherlands.	6.50	922	do	12
Hollandsche Bank Unie N.V., Amsterdam, Netherlands.	6.50	1,390	do	12
Algemene Bank Nederland N.V., Amsterdam, Netherlands.	7.0	2,181	November 1970	12
Austrian schillings:				
Creditanstalt-Bankverein, Vienna, Austria	6.25	1,584	December 1970	24
Do	6.25	1,846	July 1969	24
Do	6.00	1,350	December 1968	(1)
Do	6.00	1,083	July 1969	(1)
Osterreichische Landerbank, Vienna, Austria	6.00	2,046	December 1968	(1)
Do	6.00	351	July 1969	(1)
Swedish kronor:				
Stockholms Enskilda Bank, Stockholm, Sweden	6.50	1,375	April 1969	(1)
Do	7.00	870	October 1970	(1)
Goteborgs Bank, Stockholm, Sweden	6.50	1,375	April 1969	(1)
Do	7.00	870	October 1970	(1)
Skandinaviska Banken, Stockholm, Sweden	6.50	1,375	April 1969	(1)
Do	7.00	870	October 1970	(1)
Svenska Handelsbanken, Stockholm, Sweden	6.50	1,375	April 1969	(1)
Do	7.00	870	October 1970	(1)
Japanese yen: Bank of Tokyo Ltd., London, England	6.50	600	December 1970	(1)
Total		219,929		

[1] No fixed maturity dates.

SCHEDULES OF BANK ACCOUNT BALANCES AND INVESTMENTS, RECONCILIATION OF SCHEDULES WITH BALANCE SHEET, DEC. 31, 1970

Schedules—Cash:	
U.S. dollars in demand deposit accounts	$456.0
Demand deposits of Latin-American currencies	47,698.0
Nonmember currencies in demand deposits	953.5
Total	49,107.5
Balance sheet:	
Due from Banks	39,057.7
Due from members, nonnegotiable, non-interest-bearing obligations	10,049.8
Total	49,107.5
Schedules—investments:	
Investments in Treasury obligations, at amortized cost	17,044.9
Special reserve securities at cost or amortized cost	23,673.2
U.S. dollars invested in C/D's and time deposits	407,470.0
Funded debt proceeds in time deposits	219,929.0
Total	668,117.1
Balance sheet:	
Investments in U.S. obligations	17,044.9
Time deposits, U.S. dollars	407,470.0
Time deposits, nonmember currencies	219,929.0
Special reserve assets, see annual report, p. 39, note D	23,673.2
Total	668,117.1

U.S. DOLLARS HELD IN NONINTEREST BEARING DEMAND DEPOSIT ACCOUNTS, DEC. 31, 1970

[Expressed in thousands of dollars]

Names and location of depository banks:	Balance
Federal Reserve Bank of New York:	
Ordinary capital account	114
Bond account	182
National Bank of Washington, Washington, D.C.:	
Administrative account	120
Payroll account	40
Total	456

JOB CREATION VERSUS WELFARISM

Mr. HANSEN. Mr. President, it is a startling fact that before the end of this decade the economy in this country will have to generate 20 million new jobs to satisfy the growth in the labor force, or we will be facing massive unemployment. This will be a task which will require a tremendous effort by all levels of government, but most importantly, by the private sector. Which industries, and in what occupation can these jobs be created? This is a burning question.

We all know that the greatest engine for developing jobs is private investment and private initiative. That is the success story of the United States, and it has distinguished our economic history from those of the centrally planned economies in Eastern Europe and elsewhere where stagnation and inefficiencies abound. Private investment in plant and equipment will not be forthcoming unless the investor anticipates he will make a profit. And he cannot anticipate making a profit if his competitors are Government-financed corporations abroad, operating with labor that is 10 times cheaper than U.S. labor. The profit motive is the ultimate test of economic efficiency. And, so American corporations move abroad to invest in facilities which will earn a profit.

Mr. President, there are very dark clouds on the horizon which could vitiate any efforts we might make to achieve the goal of creating 20 million new jobs. We live in an environment of uncertainty. Uncertainty about where we are going, and what we stand for. In an economic sense, the businessman lacks confidence in the ability of his corporation to survive under the pressure of constantly increasing costs and devastating foreign competition. The labor unions themselves are demanding more and more in their settlements. The steel union just managed to obtain a 30 percent increase in wages, and prices were subsequently raised.

How the steel industry can afford to pay 30 percent more in wages when it is already suffering from a sharp decline in profits and a sharp increase in foreign imports is an important question. The electronics, textile, and some other industries have faced this cost of production problem by moving their plants to foreign countries where they could take advantage of far lower labor costs. The resultant loss of jobs for Americans—as we export our industry—must be of deep and serious concern to all of us.

Mr. President, there are certain facts that I think we can all agree to.

First, 20 million jobs must be created by 1980 to meet the increase in population; and second, our unemployment rate is now hovering about 6 percent.

Third, our balance-of-payments position is dismal, running at an annual rate of over $20 billion for the first two quarters.

Fourth, our trade account, even on the most optimistic basis of measurement, is in deficit for the first time in 23 years, and we may have the first yearly trade deficit since 1893.

Fifth, foreign countries not only discriminate against U.S. exports and investment, but also are in collusion with industries in their countries to export more and more to the lush U.S. market.

We are now being told by economists and other philosophical thinkers that this is all to the good, that the U.S. economy is becoming a service-oriented economy, that the United States has no comparitive advantage in the production of most manufactured goods and therefore should concentrate on others, without naming them. I defy these philosophers to state which service industries will be capable of employing 20 million more people by 1980, as well as absorbing the decline in employment which will inevitably occur in manufacturing sector of our economy if their predictions come true.

Mr. President, we are not speaking here about the plight of one or two industries which have traditionally suffered from import competition. We are speaking about the manufacturing base in the United States when we talk about the import competition which is causing injury to the steel industry, the electronic industry, the textile industry, the automobile industry, the machine tool industry and the petroleum industry. All of these industries are suffering from import competition and they employ a large part of the labor force in this country.

The Subcommittee on International Trade of the Senate Finance Committee recently held a very provocative and educational hearing on U.S. trade policy. I think it is fair to say that each of the Members has a grave concern over the adequacy of present policies. Indeed, most of us would conclude that this country really does not have a trade policy capable of meeting the needs not only of the 1970's, but also of the 1980's and 1990's, as well.

Compare our Government's attitude toward our business and labor problems with those in a nation like Japan, for example. In that country, exporting is not only a way of life but is also directed and coordinated by the highest levels of government. The National Export Council in Japan is chaired by none other than Prime Minister Sato. The banking, business and government are in league with each other for the purpose of exporting, and we are their No. 1 target. When Japan was accepted into the OECD and GATT, the European countries invoked a safeguard clause which permitted them to impose discriminatory restrictions against Japan's exports to their markets. We did no such thing.

The importers and their spokesmen in Congress and elsewhere argue that imports help the U.S. consumer. But they never admit that a consumer, to be a consumer, must have purchasing power—which means income. An unemployed steel worker or textile worker or electronics worker is not a very happy consumer simply because he can buy baseball gloves made in Japan. Personally I would rather play baseball with an American glove.

Mr. President, the time has come for this country to formulate a trade policy which is consistent with our national goals and with the welfare of Americans. And, speaking of welfare, the Committee on Finance is currently hearing executive branch spokesmen defend their so-called welfare reform bill. Welfare has become a way of life in this country. It is viewed in some quarters as an obligation on the part of the Government, and as a right on the part of the recipient. The main argument used by the administration for its Family Assistance Plan appears to boil down to this: "anything is better than the present welfare mess." Well, Mr. President, I am not convinced that anything is better than the present mess. I think we must look deeply into the reasons why we have created the "welfare mess" and how we can take the painful steps to reduce welfare, not increase it. We must examine our attitudes toward work, toward competition and toward our obligations to society and less upon our rights to receive a Federal dole.

I note with satisfaction that the Governor of California has faced the welfare crisis and has taken steps—painful though they may be—to cut down on welfare costs. The results has been an actual decline in welfare rolls in California. That is the kind of welfare reform I can support. The California Welfare Rights Organization is challenging Governor Reagan's decisions. These are the people who criticize the Family Assistance Plan for being too niggardly. Their motto last year was $5,500 or fight"; now it is "$6,500 or fight." What will it be in 1975?

Mr. President, it all begins to fit together. The welfare syndrome, the unemployment problem, the problem of foreign competition, the uncertainties and lack of confidence by business and labor, the limping economy, and even the attitudes of our young people toward work. There is an interrelationship between these factors.

Mr. Peterson of the White House staff has done an excellent job in analyzing these facts. I believe he has a good understanding of where we are. The real problem, however, is to come up with the answers. We know what the problems are—how do we solve them.

In searching for solutions, let us rid ourselves of some delusions. The first delusion is to believe that the choices are between free markets and controlled markets; between free trade and protectionism; or between business and labor. When you really analyze it, you realize that these are not the real choices. They are cliches, not choices. So let us first of all get rid of the shibboleths and cliches which turn factual economic realities into ideological battles.

Second, I think we must formulate a foreign economic policy, to create high-paying jobs in the United States for the "welfare" of Americans. Such a policy must recognize that we need a strong manufacturing base in this country; that we need an ability to mobilize energy resources from domestic sources to fuel the engines of the economy; and that the Government must take an active role in assisting U.S. industries to export, just as other governments do.

Third, I think we must adopt a trade policy based on strict reciprocity so that foreign countries will know that they can no longer count on the State Department to look after their welfare. I have evidence that the State Department worked hand in glove with foreign lobbyists to defeat the Mills bill last year. They may take credit for adding to the unemployment rolls, but I will not.

Finally, something must be done to break the inflationary psychology and the inflationary forces that exist in this country. To do something about prices, you must do something about costs. Ultimately, it will be in the interest of labor to demand less if their real incomes increase.

Whatever institutional changes are necessary to bring about this happy state, we must begin now to put the forces of change into effect.

In conclusion, Mr. President, if we are to survive as a nation we must get our economic house in order, and develop the hardheaded foreign economic policies to create jobs for American workers.

Mr. President, it is timely that the Wall Street Journal recently carried an article on the steel settlement. Headed "Pact Impact, Contract Seen Hurting Steel Firms, Economy, and Eventually Union" the article is an excellent account of the effects which are sure to be felt from the settlement.

Because of the continuing problem of spiraling inflation—and where will it end—I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Contract Seen Hurting Steel Firms, Economy and Eventually Union

(By James P. Gannon)

Pittsburgh.—The labor peace reached late Sunday in the steel industry will come at a high price to the economy, the troubled industry and perhaps even to the Steelworkers Union.

U.S. Steel and others yesterday wasted no time in presenting the economy with the first due-bill arising from the settlement: a price boost—probably the largest ever made in one move—averaging 8% on nearly all steel-mill products. If precedent prevails, the higher costs of steel will soon be translated into higher prices for cars, appliances and many other products.

But the quick price rise is only the first consequence of the labor pact. Other implications point toward another dose of unfavorable economic news in the short run and in the long run, serious economic pressures that may force a reshaping of the steel industry if it is to survive.

That's the consensus of economists, industry executives, financial analysts and union officials. The impact is hardly likely to cheer Nixon administration economists still struggling with the twin troubles of inflation and unemployment. (A White House spokesman yesterday said the administration felt it was "questionable whether this price increase is in the industry's long-run interest.") The price rise inflicts real and psychological damage to the administration's inflation fight. Other immediate consequences of the settlement will include a steep and prolonged slump in steel production, which will slow the already-creeping economic recovery. Mill officials fear the worst slump in nearly a decade and expect thousands of steelworkers to be laid off. They also see a spectacular plunge in profits.

SOME RAMIFICATIONS

Over the longer run, the steelmakers are expected to try to offset the impact of the settlement with a variety of steps that may reshape the industry. The likely steps include:

The closedown of some old mills and a phasing out of the least-profitable product lines, resulting in increased efficiency for companies.

A spate of steel company mergers, especially if the government approves a pending consolidation of National Steel Corp. and Granite City Steel Co.

More serious consideration of establishing steel mills in nations where wages are low in an effort to meet competition from foreign steelmakers.

A long-term reduction, stemming from all these moves, in the industry's employment and thus in the ranks of the Steelworkers Union. "You are going to see one hell of a reduction in manpower over a period of time," predicts one man in the industry.

THE ECONOMICS OF THE PACT

These predictions are based on the economics of the industry in light of the new contract. The industry's chief negotiator, R. Heath Larry of U.S. Steel, estimates that the settlement will increase hourly employment costs by about 15% in the first year of the three-year pact. The industry's total employment costs for hourly workers last year was about $4.4 billion, so the first-year cost impact of about $650 million would actually exceed the total 1970 profits of all major steelmakers combined, which amounted to $513 million.

The short-term outlook for steel is gloomy indeed. Many furnaces that were banked in preparation for a strike will return to production very slowly—and some may never return at all. The industry's operations are expected to hover at less than half of capacity for at least a while; mill officials project August shipment at 4.5 million tons, lowest for any month since July 1962, and they put the current quarter's shipments at less than 18 million tons, an eight-year low.

While steel users are working down the big stockpiles built up in anticipation of a strike, incoming orders will be extremely depressed. "This industry is going to be practically dead" for the next few weeks, says one steel man. Example: General Motors, the world's largest steel user, "told us they would take their normal August orders and spread them over four months." That means GM orders, at least at this company, would be 25% of normal for most of the remainder of 1971 while the auto maker chews up its huge stockpile.

MANY LAYOFFS EXPECTED

As a result, many thousands of steelworkers can't expect to begin collecting newly fattened paychecks for some weeks, or even months. Many of these were laid off last month as the hedge-buying boom deflated early, and steel-makers indicate that thousands more will be idled over the next few days.

Bethlehem Steel Corp., for example, says its mills at Lackawanna, N.Y., Johnstown and Bethlehem, Pa., Sparrows Point, Md., and Indiana Harbor, Ind., will be brought back up from their strike-shutdown conditions—but only as orders improve. That means, for instance, that some 6,200 workers at Johnstown and 5,000 at Bethlehem won't be scheduled to work this week. The story is much the same at other large steelmakers.

More threatening to workers than these short-term closings and layoffs is the real prospect of permanent mill closings. Steel executives privately concede, and union officials openly fear, that the least-efficient mills may be doomed.

"They're gonna say, 'Look pal, we gave you the raise, now we gotta shut down the obsolete plants to pay for it,' " predicts Al Lupini, president of USW Local 4889 at U.S. Steel's Fairless Hills, Pa., Works (a fairly modern plant not threatened). "They've been planning to close a lot of these plants for years," contends Mr. Lupini, "and now they're gonna close them and lay the blame on us."

Another USW local president, Morros Brummitt, who heads an 11,000-man local at Jones & Laughlin Steel Corp.'s Aliquippa, Pa., mill, says company negotiators warned of such closings. "They said that they had marginal operations and that an unacceptable contract would cause them to phase out some plants or departments," he says. Another J&L local chief quotes company bargainers as saying, "If you force us to put too much money in, it may force us to close down."

Industry officials don't dispute predictions of mill closing. "I know we have some open-hearth capacity that will never come back on again," says one management man. Steel financial analysts agree. "More and more of the old mills are going to be phased out," says one Wall Street source.

Some industry men see a repeat of the cutbacks of the early 1960s, when steel demand slumped after the industry had taken a 116-day strike in 1959. In 1960, for instance, U.S. Steel announced "temporary" closedowns of steelmaking facilities at Donora and Clairton, Pa. Those old Monongahela Valley facilities were "temporarily" idle for about two years—and then were permanently shuttered.

Albert T. Delsandro, who lost his mill job in Donora and now is the mayor there, remembers how it was. "It is a staggering blow to the economy of the town" to have about 1,700 jobs wiped out, he says. "I wish the other steel communities a lot of luck, because it is a tough blow."

In Youngstown, where U.S. Steel last month "temporarily" closed its 2,700-man Ohio Works due to lagging orders, USW local officials were so worried the plant would never reopen that they mobilized some political muscle against U.S. Steel. Responding to their appeals, their Congressman, Charles Carney, confirms that he persuaded Rep. Wilbur Mills, head of the House Ways and Means Committee, to extract a pledge from U.S. Steel chairman Edwin H. Gott that the closing would in fact be temporary. Says Al Wellington, a vice president of the USW local at the Ohio Works: "Now that we have the word of such honorable people (as Messrs. Mills and Gott) we feel we have a chance to start up again."

Besides closely scrutinizing their own operations for possible pruning, at least some steelmakers may begin eyeing each other as merger partners, financial analysts believe. They say that such consolidations may be the only way to save the industry's weakest companies.

"If the National-Granite City deal goes through, I think you are going to find other mergers occurring in the industry," says Ted Gerken, vice president at Laird Inc., a New York-based brokerage house. "It would be very good for the industry, because steel companies all over the world are doing it" and presenting a more formidable competitive threat, he asserts.

A top official of the Steelworkers Union agrees. "I think there may be too many steel companies," he says. "I think you'll see some mergers."

A prospect more threatening to the union, however, is the increased possibility that American steelmakers will try establishing mills abroad. One big steel company looking into the possibility of a foreign mill concedes that anticipation of a major labor cost increase here was one reason for exploring the idea.

Armco Steel Corp. is far along on an investigation of building a mill in Australia that would ship semifinished steel to the U.S. for final processing. "Armco is convinced that good management dictates a move overseas for the production of semi-finished steel," says an executive. This proposition has "passed the 'whether' stage—it's only a question of when such a move will be made," he adds. Though Armco isn't disclosing its timetable, observers believe the costly labor settlement will increase its interest, and that of other producers, in overseas production. Such a move, of course, would take jobs from the U.S. and threaten losses in the ranks of the USW.

USW officials concede they face a declining membership in the basic steel industry. "There will be fewer steelworkers," says one top official. Mill employment has been dwindling for many years. The steel industry's average number of hourly workers dropped to 403,000 last year from 458,500 in 1965. The USW has been able to offset this drop in its major membership group by enrolling more members in non-steel industries and absorbing some smaller unions; currently, it has more than 1.2 million members.

SUBCOMMITTEE ON LABOR PENSION STUDY

Mr. NELSON. Mr. President, on March 1, 1971, the Senate continued by Resolution 35 the mandate to the Subcommittee on Labor to study private welfare and pension plans in the country. To further that mandate, the subcommittee, under the leadership of its able chairman, Senator HARRISON A. WILLIAMS, JR., has now completed 3 days of hearings.

The witnesses who testified have rendered a special service by bringing into sharp focus the problems and hardships of our retired workers. Although they have been led to believe that they were entitled to pension benefits upon retirement, many now realize—too late—that they are illusory and unreal.

Their testimony has provided a real and sad perspective for our study by defining some of the tragic shortcomings in pension plans which require remedial legislation. The legitimate needs for retirement benefits for workers in this country must be met.

I ask unanimous consent that the text of the remarks by Senator WILLIAMS, made at the opening of his hearings on July 27, be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR HARRISON A. WILLIAMS, JR.

These hearings beginning today by the Senate Subcommittee on Labor deal with the problems and hardships workers experience with private pension plans in the United States. On March 1, 1971, the U.S. Senate by Senate Resolution 35 continued a prior mandate to this Subcommittee to conduct a general study of welfare and pension plans with special emphasis on the need for protection of covered employees.

Congress has a growing and deep concern for the workers who, having been led to believe that they would receive retirement benefits upon completion of their working lives, learn with sorrow that for some reason beyond their control, they are not going to receive any pension.

The Subcommittee on Labor has the duty to determine whether private pension plans do, in fact, fulfill the promise to workers who must depend upon pensions in order to meet the financial obligations necessary to help them maintain a decent living upon retirement. Congress has the obligation to assure workers that pension plans do furnish them with meaningful benefits and that pensions are not just promises resulting in cruel delusions at a late stage in life.

Our first hearing today is to hear testimony from workers who because of inadequate or inequitable plans failed to receive retirement pensions which, in good conscience, they believed they were entitled to.

Private pension plans must be financially sound and fair, and, most importantly, be real, and not as the *New York Times* editorially stated on April 17, 1971, "a phantom for millions of workers who now never collect them." Congress needs to learn the problems of private pensions in order to respond properly to the need for corrective or remedial legislation. Constructive inquiry and effective dialogue among the Congress, individual workers, employers, unions, industry, and others affected will assist us in determining the extent of need for legislative action.

Our Subcommittee study, in fulfillment of its mandate, will be comprehensive, methodical, and analytical. We shall ascertain the views of government agencies which exercise regulatory control over pension plans and inquire into the extent and effectiveness of the administration and operation of plans by employers, trustees, and unions. We shall hear from these as the Subcommittee attempts to cover the spectrum of problems intrinsic to pension plans such as vesting, funding, portability, reinsurance, and fiduciary controls.

At this point in the Subcommittee inquiry, it is apparent that many private pension plans are properly administered and effective in accomplishing their purpose. However, many others, as a result of unsound practices or inequitable provisions, are inflicting hardships upon workers who have no recourse for remedy. The complaints coming to the Subcommittee indicate that many welfare and pension funds are not serving their purpose because of four major problems:

1. Failure of pension funds to provide necessary minimum and adequate vesting provisions.
2. Premature termination of pension plans without adequate insurance coverage to protect the employees.
3. Failure of pension plans to have sufficient and sound funding to meet accrued and vested liabilities.
4. Ineffective fiduciary requirements which threaten the safety and preservation of fund assets.

These shortcomings make it essential for us to inquire into the adequacy of vesting standards to be prescribed in plans, whether asset funding is sufficient or requires increase, whether plans should be reinsured, whether there is need to institute portability arrangements, and whether there is need for further and additional protective and regulatory control over fiduciaries.

Subcommittee inquiry has established by overwhelming evidence that there exists inadequate and in cases even total failure of communication of pension benefits and causes for their denial to worker participants. The attempted explanations by employers, administrators, or trustees are too legalistic and complicated for the average worker to fully comprehend. To remedy this, on July 19, 1971, I wrote to the Secretary of Labor advising him of our finding and of my support of a petition filed by Ralph Nader which seeks to bring reform in this area of communication. I shall place a copy of that letter into the record.

The growth of private pension plans in the United States has been phenomenal and rapid. Only twenty years ago, plans covered less than 10 million workers and their total reserves were $12.1 billion. Today, an estimated 30 million workers in our country are covered under a variety of individually tailored private pension plans. With their total assets exceeding $130 billion, pension assets have thus become tremendous sources of financial power. These assets have an annual growth which forecasts that pension funds will increase to $215 billion by 1980, and the number of persons covered will increase to 42 million workers at that time.

One of the first steps undertaken by the Subcommittee in its study was a survey of the operations of 1500 private pension plans of the more than 34,000 such plans registered with the U.S. Department of Labor, under the provisions of the 1959 Welfare and Pension Plans Disclosure Act. This plan study was designed to establish an independent data base from which information could be developed. This was necessary because there is no one federal agency in the government responsible for acquiring the necessary data, nor is there any with over-all responsibility for overseeing the operations and administration of private pension plans. This plan survey provides the Subcommittee with the opportunity for an in-depth study.

On March 31, 1971, together with Senator Jacob K. Javits of New York, I released a preliminary staff analysis of 87 of these private pension plans. In short, the analysis covered $16 billion in pension assets and 9.8 million workers, who had participated in pension plans since 1950. It further established that of 6.9 million workers who had been covered in 51 plans and had 11 years or more of service only 4% of them or 253,118 workers received any kind of early or deferred vested retirement. Of the other 2.9 million workers who participated in 36 plans with 10 years or less of service during the same year, only 8% received benefits. While, as we stated at the time the analysis was released, these were to be viewed from an historical perspective, it is apparent that they manifest problems, shortcomings, and resulting hardships upon workers. This analysis was placed in the *Congressional Record* of April 5, 1971, and I believe it appropriate to make it a part of the record of this current hearing.

I think it is also appropriate for me to announce at this time that within the next several weeks, the Subcommittee shall release to the public further results from the continued analysis by the Subcommittee staff of the 1500 pension plans being analyzed. At that time the Subcommittee analysis will reflect to what extent private pension plans in this country are providing for death and survivorship benefits and even more importantly, the average monthly annuity which retired persons in this country are receiving for their retirement years.

Public response to our Subcommittee study has been overwhelming. We have received thousands of letters from every part of the country depicting individual and group hardships which have befallen aged workers and pensioners in the American labor market. In many instances, the letters bring to the surface accounts of suffering and illusory promises which cannot be remedied under current legislation.

While investigations and studies, both private and public, tend to explain, criticize, or justify pension plan inadequacies, the public seldom hears the problem from those who are most affected—the workers themselves. While labor, management, and government, as well as insurance, banking, and related groups have a genuine interest in this area, the witness with no public voice is the worker himself. It is time for the Congress to hear from the workers the variety of problems which beset them as participants in private pension plans. These are people who have communicated with the Subcommittee and have volunteered to offer their problems in a public forum. While employers, and administrators of plans were apprised of the claimed hardship of each witness who will appear, and offered opportunity to testify with respect to these workers, few accepted. It is not the purpose of this hearing to harass or indict employers, trustees or administrators of pension plans. Accordingly, no attempt has been made to compel their testimony. It is anticipated that the record will speak for itself.

It is inevitable that there will be critics who will characterize these hearings and the unfortunate witnesses as "horror stories" or "sympathy cases." These are critics who find no fault with our private pensions and who continue to assure us that time will cure the defects. If what comes from the personal accounts and misfortunes of these witnesses is sorrow, then let us not only be compassionate, but also resolve to find the ways to better the life of those who have yet to retire.

Before beginning with our first witness, I would like to place into the Record a compilation of twenty-two letters selected at random from the many received by the Subcommittee from individuals. These reflect a variety of specific problem areas of private pension plans and describe, in the words of the workers themselves, the types of hardships sustained which warrant the attention of the Congress.

UNITED STATES—WORLD TRADER

Mr. MATHIAS. Mr. President, the question of U.S. policy with respect to International trade and the related questions of trade balances and exchange problems cannot be postponed much longer by the Congress. We must soon turn our attention in that direction. We must immediately arm ourselves with the information that will help in achieving an improvement in our position.

To assist in that effort I append an editorial from the Sunday Star of August 1, 1971, which poses the question, "Can United States Remain the World's Top Trader?"

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Washington Sunday Star, Aug. 1, 1971]

Can United States Remain the World's Top Trader?

Confidence in the Yankee trader is at a low ebb. Concern over America's future in the world marketplace intensified this past week when Commerce Secretary Stans told congressmen that the nation's annual trade balance may slip into deficit this year—for the first time since 1893. Figures that soon followed bore him out: June produced the third monthly deficit in a row, and contributed to a $372 million excess of imports over exports for the first half of 1971.

The trend, should it prove to be permanent, poses serious problems for the American economy and for our relations with the rest of the world. While trade looms bigger in many other national economies than in our $1-trillion-a-year operation, the United States continues as the largest trading nation of them all with combined imports and exports of merchandise totaling more than $80 billion annually. Exports are essential to our prosperity. Imports, such as those of raw materials and fuels, are required by many sectors of industry, and export business is a huge source of revenue for many farms and factories. Difficult questions raised by the new imbalance include these:

Is the United States, busily engaged in a wage-price inflation binge, permanently pricing itself out of world competition? Can our industry overcome the cost disadvantage represented by high (and sharply rising) wages?

Do we face a long economic decline, a lasting recession in which many millions of Americans remain unemployed because of insufficient world demand for their high-priced products?

Will the political reaction to our trade problems be a resort to protectionism—an attempt to preserve American industry and jobs by keeping out imports? What then for our relations with the rest of the free world?

Is the relatively free American economy headed for much more government interference—in the form of planning and export subsidies and aid to ailing industries and idled workers—to make up for private failure in the marketplace?

Is our chronic balance-of-payments deficit, which has eroded confidence in the dollar and threatened the stability of the international monetary system, due for no further help from a favorable trade balance? Must we cut back drastically on our non-trade spending abroad, for mutual security, investment and travel?

Rising wages perhaps are the most intractable element in our trade dilemma. They make many of our products uncompetitive with their foreign counterparts. But wages are part of the high standard of living on which everyone insists, and they are not going to come down even though the prospect is fewer jobs. One hope is that significant progress nevertheless can be made against over-all inflation, and that future wage pressures as a result will be lessened.

The possibility of a dismal reversion to protectionism, resurrecting high import barriers to favor domestic producers, is an immediate threat. This was shown by last year's near-miss in Congress, when a restrictive trade bill died in the closing days of the Senate session. A reversal of America's free-trade policy is no answer to our problem. It would touch off trade wars with our friends, would reduce our influence in the world while enhancing the Communists' and would generally exacerbate world tensions. And by further eroding our export markets, protectionism would have the net effect of worsening our economic position.

Such thoughts make grim reading. Fortunately there are some grounds for encouragement even while the unfavorable figures flow in along with Volkswagens and Yamahas and Hong Kong shirts.

The latest trade figures, themselves, need to be qualified. A Commerce official noted that exports were held down by slower growth "in many of our major markets abroad" while imports were spurred by our business recovery. Threats of strikes here, particularly in steel, boosted metals imports. Such cyclical and temporary effects could be wiped out in coming months. And while the $5-billion-plus trade surpluses of the early 1960s may not be seen again soon, it is worth noting that the surplus last year bounced back to

$2.7 billion, from $1.3 billion in 1969. It is also worth noting that returns on American investments overseas brighten the picture considerably—although they unfortunately do not produce jobs in this country.

A number of American industries maintain healthy export businesses, offering unique or hard-to-produce goods and doing it efficiently in the face of high labor costs. Year after year our agricultural products, benefiting from advanced farming methods, make up a large part of the export total. And while the technologies of Western Europe and Japan offer increasingly tough competition in more complicated products, the United States has the science and the wherewithal to stay ahead in many important fields.

Some international developments should ease America's trade problems. Wages are rising fast in Europe and Japan, with the prospect of a diminishing gap between labor costs here and in other developed countries. We are not alone in coping with cheap labor elsewhere; Japanese Ambassador Ushiba recently spoke about Japan turning away from "labor-intensive" industries where the underdeveloped countries have the advantage. A realignment of currencies, particularly upward valuation of the yen and the German mark, would have the effect of making American prices more competitive.

We must, of course, do all we can to create a more favorable reception for American goods in foreign markets. Expansion of the European Economic Community, and the development of other regional trading blocs, make it urgent to see that American products are not frozen out in favor of internal arrangements. Japan's liberalization of import and foreign-investment policies represents a partial success in the application of pressure to free trade channels. The lowering of trade barriers has become a major theme of Treasury Secretary Connally. Though he may have been too quick to hint at massive retaliation against recalcitrant trading partners, a reasoned type of negotiation may prove more effective.

Secretary Stans, before the House Committee on Science and Astronautics, placed a useful emphasis on the need for American industry to concentrate on "high-technology" products. The United States must seek its trade advantages in innovation, both as to products and as to manufacturing processes. Some of the programs being considered, including subsidies and tax incentives for industrial research, may involve more government participation in business than Americans would accept. That goes, too, for the suggested easing of antitrust laws to permit joint research and ventures by American companies. The United States is not ready to go the way of the European cartels, or the "Japan, Inc.," pattern of government-business collaboration.

Whatever legislation the administration proposes in the future to improve our trade standing, protectionist forces in Congress will try to turn it into a grab-bag of import restrictions. To guard against this, the administration should be prepared to back measures aiding industries and workers hurt by imports.

It is up to industry and labor, in their self-interest, to preserve the United States leading role in international commerce. Some industries have been remiss in cultivating foreign markets—for example, the Japanese would buy California wine if it were available. Some domestic business has gone, by default, to imports, notably the small-car market. Labor must cooperate in increasing productivity (output per man-hour) so that industry can benefit from new manufacturing processes. Of prime importance is an easing of the nation's inflationary burden, a task in which all must participate.

This year's disappearance of the trade surplus need not be a disastrous turning point for the American economy. It is an ominous sign—not a cause for despair.

NEED FOR A COUNCIL OF SOCIAL ADVISERS

Mr. NELSON. Mr. President, I am pleased to be one of the 22 Senators from both parties who has cosponsored the Full Opportunity and National Goals and Priorities Act, S. 5. This bill was introduced by the gentleman from Minnesota (Mr. MONDALE). I think enactment of the bill will contribute significantly to the ability of both the executive branch and the Congress to deal intelligently with pressing social issues.

Both the Johnson administration and the Nixon administration have endorsed the purposes of this bill but have objected to the establishment of a new structure, a Council of Social Advisers, as unnecessary. The Senator from Minnesota, Mr. MONDALE, has just written an excellent article which points out how the efforts of both administrations in this area have fallen short of the mark. The summer 1970 issue of Law and Contemporary Problems has just been released. This issue on "The Institutionalized Presidency" contains the article I refer to under the title "Social Advisers, Social Accounting, and the Presidency."

Because I think all Senators should acquaint themselves with the need for early action in this area, I ask unanimous consent that the text of this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOCIAL ADVISERS, SOCIAL ACCOUNTING, AND THE PRESIDENCY

(By WALTER F. MONDALE)

On September 10, 1970, the United States Senate passed S. 5, the Full Opportunity and National Goals and Priorities Act. Among other things, the bill would have established a Council of Social Advisers in the Executive Office of the President.[1]

The bill was not acted on by the House. However, Senate passage represents significant progress for this measure, which did not even emerge from committee when it was first proposed in 1967 as S. 843.[2] I have reintroduced the bill in the Ninety-second Congress, again as S. 5.

I. THE EXECUTIVE OFFICE OF THE PRESIDENT

One might wonder why a United States Senator is so concerned about a structural innovation in the President's office, but I believe that a review of the case for such a Council and of the precedents regarding Executive Office structure will show that Congressional impetus for this is both well-founded and appropriate.

In the twenty-five years since the end of World War II, the Executive Office of the President has undergone radical structural change. This is not readily recognized, perhaps because of the staying power of the two best-known, general-purpose staff units, namely the White House Office and the Bureau of the Budget (now the Office of Management and Budget). Yet these are the only two present units which were in the Executive Office in 1945.

It is also little realized that today's Executive Office contains sixteen separate units in contrast with four at the end of 1945, and that eleven of the present constituent units have been established or significantly altered in the past ten years.[3] So the structure of the Office is quite fluid and, increasingly, specialized. It is against this background that the proposal to establish yet another unit—a Council of Social Advisers—must be evaluated.

II. WHAT A COUNCIL OF SOCIAL ADVISERS WOULD DO

With the steady evolution of the Executive Office's composition, it seems clear that the question is not *whether* we should consider establishing new units in the Executive Office but rather, which ones, and when. Under my proposal, the Council of Social Advisers (CSA) would be composed of three of the nation's most gifted and respected social analysts (appointed by the President and confirmed by the Senate) and staffed by a number of America's brightest young social scientists. The CSA would be responsible for monitoring, on an on-going basis, specific and actual conditions in the country which affect the "social opportunity" of our people. Developing a system of "social indicators" would be a principal task of the Council.[4]

A chief objective of such an agency would be to enlarge the chances each of our citizens has to develop his potential to the fullest. That is why I have called the proposal the "Full Opportunity Act." Indeed, the bill stipulates, really for the first time in our history, "the opportunity to live in decency and dignity"[5] as a national goal for all of our citizens.

The bill also provides for an annual report of the President on the nation's social status. Requiring the President to report annually on such areas as education, health, housing, alienation, political participation, personal security, and social mobility would do far more than assure the publication of CSA findings and recommendations: It would guarantee such societal knowledge visibility of the sort that only presidential involvement can generate.

It has been asked whether the state of the art in social accounting and the state of the art in the social sciences warrant the formalization in statute of social accounting and reporting requirements. Much of America's turmoil in the 1960's grew out of massive frustration at continuing social unfulfillment. That frustration mysteriously eluded the attention of decisionmakers, in both the public and private sectors, until the time for defusing the bomb had all but slipped away. Tragically, that should never have been the case. For in truth, the real conditions of explosive neighborhoods in Watts, Detroit, Newark, and elsewhere were known—and their implications understood—by a variety of social scientists who not only possessed such publicly-useful knowledge but published it as well.

To our collective sorrow, most of those studies remained buried in the forbidding pages of the scholarly journals of a dozen or more academic disciplines, ranging from anthropology to political science. One can only imagine how different the tumultuous decade just ended might have been had there existed then the sort of mechanism for monitoring and reporting social conditions I am proposing.

Thus it becomes clear that the social sciences do have something to contribute to the process of rationalizing public policymaking. The social sciences have demonstrated in recent years both a rediscovered interest in social problem-solving and a dedication to the development of research tools which serve this end.

During the three years that my proposal has been before the Congress, the objective of social reporting has been widely accepted. Both the Johnson and Nixon Administrations have based their opposition on the structural changes proposed by the bill, but they have pledged themselves to further the development of social accounting. In fact, the Department of Health, Education, and Welfare produced in January 1969 a document entitled *Toward a Social Report*.[6] As rudimentary as this pilot effort was, it illustrates that we can begin whenever we are ready.[7]

In the four years since I first introduced the "Full Opportunity Act," a number of individuals and study groups have determined

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Footnotes at end of article.

that it is time to establish a Council of Social Advisers and to provide for an annual Social Report. For example, in October 1969 the Behavioral and Social Sciences Survey Committee of the National Academy of Sciences—Social Science Research Council recommended the preparation of an annual social report, initially outside of the government but with the aid of federal funds.[8] The Committee also recommended the subsequent establishment of a Council of Social Advisers. In December 1969, the National Commission on the Causes and Prevention of Violence also recommended that consideration be given to the establishment of such a council and to the preparation of a social report.[9]

III.—NEED FOR A SOCIAL ACCOUNTING SYSTEM

A second point which must be made was strongly underscored by the hearings held on the CSA proposal in both the Ninetieth and Ninety-first Congresses. Put succinctly, hunch, intuition, and good intentions have been the heavy artillery of social problem-solvers, to a far greater extent than anyone has recognized. This point was made most forcefully in the testimony of Mr. Joseph A. Califano, Jr., principal domestic policy assistant in the Johnson White House (and now a supporter of S. 5) who observed, at a December 1969 hearing:

> "The disturbing truth is that the basis of recommendations by an American Cabinet officer on whether to begin, eliminate or expand vast social programs more nearly resembles the intuitive judgment of a benevolent tribal chief in remote Africa than the elaborate sophisticated data with which the Secretary of Defense supports a major new weapons system." [10]

He also related the experience he had when, in 1965, the Department of Health, Education, and Welfare did not even know the composition of welfare rolls. There was—and still is—the myth that there are vast numbers of able-bodied men receiving welfare.

When the welfare data were finally obtained, almost *two years* later, we learned that of the 7.3 million then on welfare:

3.5 million were children
2.1 million were women over 65
700,000 were handicapped or blind
900,000 were mothers of the children
100,000 were males who were incapacitated beyond any ability to work or be trained and 50,000, less than one-tenth of one percent, were males who could possibly be called "able-bodied." [11]

Despite such experiences, the Johnson Administration believed that sufficient progress in social accounting could be made through the existing executive structures. It pointed particularly to the Bureau of the Budget, the Council of Economic Advisers, and the Department of Health, Education, and Welfare. It also thought the Program Planning and Budgeting System, which it had initiated in 1965, would greatly improve analysis of social programs by the operating agencies and the presidential staff.

It is true that efforts to predict and evaluate the effects of social programs have expanded greatly. But we are already suffering from the fact that such efforts are scattered and unconnected.

When the Nixon Administration first assumed office in 1969, it found an elaborate review of the cost-effectiveness of various Economic Opportunity Act programs, which the General Accounting Office had prepared on order of the Congress. Somewhere in the midst of the study were data which ultimately proved disastrous to the Job Corps. The GAO figures showed that the annual cost for training a Job Corps enrollee ranged between $6000 and $8000. They also showed that only sixty-five per cent of participants could be classed as successful.

The central difficulty, from a policy point of view, was one which unfortunately occupied little if any of the time or attention of those who ultimately decided the fate of the Job Corps. Questions there were that deserved to be asked and answered:

Is it really such an outrage to spend $3000 to $4000 for six months' training of an urban youngster with a wretchedly deprived background and no future but one most likely to be devoted to crime or waste?

What would it cost society to keep such a person in prison or on welfare?

Given the difficulty of the problem, is a sixty-five per cent success rate really poor, or is it possibly a great achievement?

Most importantly, what other programs were there to use which would offer a higher success rate, a lower cost, or both?

What future might have awaited the Job Corps had questions such as these been asked and answered can only be left to conjecture. For in due course some 17,000 youngsters who had found new hope in the Job Corps fell under the axe of an unusually cruel system of social accounting. Indeed, several months later, the Administration was unable even to locate almost one-half of these young people, though it had promised to transfer them all to other manpower programs.

The danger of piecemeal social accounting was underscored when a number of us in Congress asked for data which would permit a comparative analysis cf the Job Corps with a variety of other manpower programs favored by the Administration. Several weeks later the GAO, following repeated congressional inquiries, produced a table which featured the number "2." This was a footnote which said that the data were "not available."

Subsequent experience with alternative manpower programs suggests that the Job Corps was, and is, relatively effective after all. For example, it turned out that there were *no* placement data on the JOBS program, which was initially favored by the Administration. Later, we learned that this was one of the poorest manpower programs, with a success rate of only thirty to fifty per cent. So it would seem that a partial system of social accounting permits, or perhaps encourages, unwise decisions. Now that we have gone so far in measurement and evaluation, I think we dare not stop.

IV. NEED FOR STRUCTURAL CHANGE

Surely it was at least in partial recognition of this decision-making deficiency in the American political system that, less than six months after having assumed office, President Nixon created a National Goals Research Staff (NGRS) on July 12, 1969.[12] Physically and organizationally located within the White House itself, the NGRS was from the outset over-shadowed by the larger political imperatives which confronted the Administration. Overseeing the work of the NGRS was but one of several responsibilities of a member of the White House staff, Mr. Leonard Garment.

The NGRS was commissioned originally to undertake a comprehensive review of the nation's objectives in the years immediately ahead and to prepare a report each year on the Fourth of July. Ultimately it produced a first, and final, compilation of potential problems which could come to plague the American people.[13] So disturbingly wanting was the report that the *New York Times* observed editorially that it represented a "disappointing evasion of responsibility." [14] Moreover, the *Times* editorial continued:

> "The 169-page report, plus appendices, which was a year in the making, sets forth neither goals nor priorities. 'The Staff did not have a goal-setting function,' the report contends. If not, this White House task force was either misnamed or misdirected, or both." [15]

As is so frequently the case with organizational changes not based on statute, the NGRS effort aborted at some critical juncture. Those not privy to the pressures which played upon this small group may never know with certainty either the reason for the project's demise or the point at which it came. Still the experience of the NGRS may be instructive.

The point to be made is simply that the Nixon Administration's early efforts to achieve improved social policymaking have not succeeded. In disbanding the NGRS, the White House announced that its work would be carried on by the new Domestic Council. Thus we have seen two administrations rely, at one time or another, on the Budget Bureau, the Council of Economic Advisers, the Department of Health, Education, and Welfare, a new National Goals Research Staff, and a new Domestic Council to do a job which both agreed needs doing. So the relevant question is, when will such disparate and disconnected impulses be gotten together into some sort of comprehensive, systematic enterprise which has a decent chance for perserverance and productivity?

I am convinced that the day will not dawn when such irrational policy judgments as that involved in the Job Corps illustration are no longer made until America is provided with a new statutorily-mandated governmental structure. This structure must be capable of synthesizing our knowledge in the social area and proceeding directly to obliterate current gaps in that knowledge. Surely the unhappy experience of the NGRS underscores the need for a status which assures continuity. And no good can come from continuing to make decisions based on the chance availability of unconnected social measurements and evaluations.

So critical is the range of social problems confronting our country today that we can no longer afford the idle luxury of what John Gardner has so eloquently and tellingly termed "stumbling into the future." With a gunstock full of notches commemorating such disastrous undertakings as that of the NGRS, now is the time to target our hopes for improved social policymaking in one direction and one direction only. I believe that the creation of some sort of mechanism capable of comprehensively analyzing social conditions in this country, and reporting factually on those conditions to the President, the Congress, and the country, is the direction in which we now must move. We have already invested tremendous amounts of energy, talent, and money in cost-benefit analysis, experimentation with planning-programming-budgeting systems, and a wide variety of program evaluation techniques. Is it not now appropriate to move unhesitatingly toward a more sophisticated level of institutionalized structures competent to the task and responsible for performing it?

V.—THE COUNCIL, THE CONGRESS, AND THE PRESIDENT

Some observers, who agree that we need a system of social accounting and that a new statutory structure is the only way to bring it about, nevertheless harbor one further concern. What chance, they ask, is there that even a council created by statute could effectively do all of these things which need doing so urgently if it is unwanted by the President?

Surely no one would suggest that the conclusions and recommendations in the annual social report prepared by a Council of Social Advisers for the President and the Congress would run counter to the thinking of the President or his Administration. Yet, such a report would necessarily contain data and analysis which might lead other commentators to different conclusions.

Mr. Charles Schultze, former Director of the Bureau of the Budget has said:

Footnotes at end of article.

"The United States budget is not the document of an executive whose decisions are law, nor of a prime minister whose party must support him or bring down the government. It is, rather, a set of proposals to the Congress for action on appropriations and tax measures. Precisely because it must advocate the course recommended by the President, the budget cannot emphasize the difficulty of the choices made. It records the President's decisions, but it does not identify the close ones. Alternatives that were serious contenders for adoption but were finally rejected are seldom if ever mentioned. In some cases, programs generally recognized as ineffective or of low priority are debated but finally left unchanged because all participants in the debate realize how few are the lances a President can afford to break against politically impregnable targets. Thus, the budget is a document designed to persuade an independent Congress rather than to analyze policy alternatives." [16]

Even if we had reason to believe that a comprehensive system of social accounting would be promptly initiated by the executive branch, without a statutory requirement, there would be a sound basis for legislation. The Congress also must have access to such information. Prestigious members of a statutory council, subject to Senate confirmation and available to testify before congressional committees on their findings, would assure the Congress and the public of the required quality and visibility of their work. Further, the tension between the council members and the Congress should elevate the level of analysis in the same way that our understanding of economics has been enhanced through the hearings on the *Economic Report*.

There is ample precedent, since the Second World War, for the establishment of specialized councils which (*a*) were essentially foisted on given administrations and (*b*) have proved to be meritorious additions to the federal government's structure, notwithstanding initial executive opposition.

Certainly the Council of Economic Advisers, created by the Employment Act of 1946,[17] supports this thesis. Similarly, the National Security Council, established in 1947,[18] and the Council on Environmental Quality,[19] set up only a year ago, came to occupy respected positions even within administrations which initially opposed them. The Nixon Administration, for example, opposed incipient congressional efforts to highlight the ecological crisis by a statutory prescription for top-level presidential and congressional advice. Yet when signing into law the measure creating the new Council, the President heralded the action as one opening a new decade of the environment, and he has used it widely and effectively since then.

History compels the conclusion that Presidents use, in varying degree, all of the statutorily-created structures in the executive branch. Moreover, they tend to use most vigorously and trustingly those bodies which draw esteem and respect both to themselves and their President. Thus it may safely be concluded that a Council of Social Advisers which performed satisfactorily its mission of measuring and monitoring and reporting on social conditions in America would, far from meeting perpetual presidential resistance and rancor, come in time to enjoy a position of trust and respect. From such a position it could reasonably be anticipated that the Council could begin to elevate social policymaking in America to new levels of sophistication.

CONCLUSION

The principal concern of this essay has been the interrelationship between a proposed federal mechanism for improving social policymaking and the office of President of the United States. Is there some possibility that even a valuable new council would contribute to overburdening him with specialized advisory units?

I believe a Council of Social Advisers, charged with the responsibility for advancing and asserting existing knowledge of real social facts about this society, should serve to integrate, coordinate, and systematize the now dissident and discordant efforts of social planners and evaluators wherever they may be located within the federal government.

Moreover, the CSA should, in operation, synthesize advisory inputs which now compete for individual, isolated attention, thus reducing the cumulative advice-receiving burden of the President. Additionally, in synthesizing available information, the CSA would be speaking to the President—and to the Congress and the country—in a voice which, while a blend of many voices, would still be coherent.

Finally, I believe that we shall never begin to end our hopeless method of making social policy decisions of the most sensitive sort on the basis of hunch, intuition, and good intentions until we move in the direction pointed to by this legislative proposal. The enactment of legislation creating a comprehensive advisory role in the social policy area will, I believe, radically alter not ony the process by which decisionmakers choose, but ultimately the choices which are made.

When President Nixon established the National Goals Research Staff in July 1969, he stated that the report to be prepared by the unit should "serve as a focus for the kind of lively widespread public discussion that deserves to go into decisions affecting our common future." [20] The document which ultimately emanated from the NGRS could not begin to serve the critical focusing function the President had envisioned for it. After a round of newspaper comments, it disappeared from view. No congressional committee held hearings on it. A Council of Social Advisers, speaking social facts to the American people in a clear and coherent voice, could provide the kind of focus the President asked for.

When, finally, such a Council is created—as I think is very likely—it will be a most fitting recognition of the firm resolve of our people to govern themselves rightly and intelligently and of the efforts of many, along the way, to make a start toward the objective so well stated by Abraham Lincoln: "If we could first know where we are, and whither we are tending, we could better judge what to do, and how to do it." [21]

FOOTNOTES

[1] S. 5, 91st Cong., 2d Sess. § 103 (1970). As originally introduced, the bill would also have established a Congressional Joint Committee on the Social Report, but this provision was deleted. *See* Congressional Record, volume 116, part 23, page 31167. Provision for a Congressional Office of Goals and Priorities Analysis was added in Committee. S. 5, § 202. These latter provisions are not discussed in this article, which is intended to focus on the more directly presidential issues.

[2] 843, 90th Cong., 1st Sess. (1967). The hearings on this bill were published in three parts in 1968. *See Hearings on S. 843 Before the Subcomm. on Government Research of the Senate Comm. on Government Operations*, 90th Cong., 1st Sess. (1968). Among those participating in these hearings were Dr. Bertram M. Gross, a Political Science Professor, and Joseph Kraft, a journalist, who were early advocates of a Council of Social Advisers.

[3] The White House Office and the Office of Management and Budget, as Executive office units date back to 1939. Since then the following additions have been made: Council of Economic Advisers (1946); National Security Council (1949); National Aeronautics and Space Council (1961); Office of Emergency Preparedness (1961); Office of Science and Technology (1962); Office of Special Representative for Trade Negotiations (1963); Office of Consumer Affairs (1964); Office of Economic Opportunity (1964); National Council on Marine Resources and Engineering Development (1966); Office of the Vice President (1969); Office of Intergovernmental Relations (1969); Council on Environmental Quality (1970); Office of Telecommunications Policy (1970); and Domestic Council (1970).

[4] *See especially* Social Indicators (R. Bauer ed. 1966) for a comprehensive review of the concept of social indicators and social accounting.

[5] S. 5. 91st Cong., 2d Sess. 101 (1970).

[6] U.S. Dep't of Health, Education, and Welfare, Toward a Social Report (1969).

[7] The hearings on S. 5 contain testimony and an extensive bibliographic section documenting more fully the state of the art in social accounting. *See Hearings on S. 5. Before the Special Subcomm. on Evaluation of Social Programs of the Senate Comm. on Labor and Public Welfare*, 91st Cong., 1st & 2d Sess. (1970).

[8] National Academy of Sciences and Social Science Research Council, The Behavioral and Social Sciences: Outlook and Needs (1970).

[9] To Establish Justice, To Insure Domestic Tranquility, Final Report of the National Commission on the Causes and Prevention of Violence 272 (1969).

[10] Statement of Joseph A. Califano, Jr., in *Hearings on S. 5 supra* note 7, at 204.

[11] *Id.* at 209–10.

[12] Only three days earlier, the Bureau of the Budget had opposed S. 5 on behalf of the Administration, principally on the grounds that a new structure was not needed and would only be duplicative. *See* Statement of Maurice Mann, Assistant Director, Bureau of the Budget, in *id.* at 144–45.

[13] Toward Balanced Growth: Quantity with Quality, Report of the National Goals Research Staff (1970).

[14] *What Goals?*, N.Y. Times, July 21, 1970, at 34, col. 1.

[15] *Id.*

[16] C. Schultze et al., Setting National Priorities 4 (1970).

[17] Ch. 33, 60 Stat. 23.

[18] National Security Act of 1947, ch. 343, 61 Stat. 495.

[19] National Environmental Policy Act of 1969, 83 Stat. 852.

[20] 5 Weekly Comp. Pres. Doc. 982, 984 (1969).

[21] Address delivered by Abraham Lincoln Before the Republican State Convention, Springfield, Ill., June 16, 1858, in 3 Complete Works of Abraham Lincoln 1 (J. Nicolay & J. Hay eds. 1905).

THE AMA'S MARRIAGE OF CONVENIENCE

Mr. KENNEDY. Mr. President, an editorial published recently in the Arkansas Gazette contains a number of perceptive observations that raise substantial questions as to the commitment of the administration and the AMA to meaningful health reform. I believe that the editorial will be of interest to all of us concerned with the cause of health reform. I ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Arkansas Gazette, July 20, 1971]

Nixon and the AMA in Marriage of Convenience

Senator Edward Kennedy's decision to battle head-on what he calls the Richard Nixon-American Medical Association "marriage of convenience" in opposition to reform of the health care system does have something of a political ring to it. It must be understood, however, that Senator Kennedy has done a great deal of valuable work on health care reform in recent years and has become identified more than any other national figure with this vital subject.

His criticism of the Nixon-AMA marriage, nonetheless, cannot be passed off as easily as the AMA itself has attempted to do in the breezy response of its president:

"As Senator Kennedy himself said on another occasion. 'We can recognize political oratory when we hear it.' We believe that the American people can, too."

Indeed, they can, for they have been fed an awful lot of it through the years by the power structure of the AMA, not to mention the current occupant of the White House. And while all this has been happening the United States has wound up with what comparative international statistics show to be, over all, a mediocre system of health care rendered at very high cost.

Since Senator Kennedy took the lead a year or so ago in proposing a system of national health insurance, both President Nixon and the AMA have backed down from their opposition. Mr. Nixon has in fact formally proposed a health care plan that has the support of the AMA. At least in that context, then, there could be no Nixon-AMA "marriage of convenience" in opposition to reform. Perhaps the more pertinent point is that the AMA-backed Nixon plan may be designed to represent the very minimum measure of reform—with special attention given to reserving the financial interest of the health care "industry"—that the American people may be content to hold still for. The American people do in fact recognize political oratory when they hear it, and the prevailing power structure of the AMA and Mr. Nixon are equally adept in responding to political pressures—just enough to keep the consumers and voters mollified for a few more years.

There is a serious question whether the old strategy is going to work very well any more. One significant factor lies within the medical professions (and allied fields), in which there are increasing numbers of socially aware physicians who recognize the failures of the health care system and are determined to do something about it. Their views evidently are even being felt in increasing measure within the policy councils of the AMA. Another factor is the growing sophistication of the health care "consumer," who has lost patience with the red herring of "socialized medicine" and now wants some hard answers about the quality and cost of care. In fiscal 1969, health care generated $60.3 billion in expenditures (6.3 per cent of the GNP) in the United States, compared with $12.9 billion in 1950. Perhaps the increase would not have seemed so large had the quality of health care improved in dramatic fashion, but it hasn't. For example, in the rate of infant mortality—a category of measurement often used to gauge quality of care—the United States ranks 13th among the industrialized nations of the world. In 1950, the United States ranked sixth. In life expectancy, the United States ranks 18th for males and 11th for females.

Doing things their way and at the pace they have been done in the health care "industry" for years on end simply won't deliver the level of care all Americans have a right to demand, at costs all of them can afford. Drastic surgery is required, but the record at least would present grave doubts about the administration's will to see it successfully performed.

WHAT WE KNOW NOW

Mr. NELSON. Mr. President, amid all the anger and accusations surrounding the publication of the so-called Pentagon papers, there seemed to be too little anger surrounding the real issue of official deception and unnecessary secrecy.

It is understandable that so many political and military leaders were angry and did not want the public to know about the deception and the clumsy decisions that mired this country deeper and deeper in an undeclared military adventure in Southeast Asia.

It is understandable that these leaders wanted to keep such decisions secret, but this is a democracy where the public has the right to know what its leaders are doing and has a right to review their judgments and fitness.

Mr. Erwin Knoll has carefully documented, "What We Know Now," in a perceptive account of the deception and the truth that the American public now has.

The article appears in the August edition of the Progressive magazine, a responsible journal of opinion that has been attempting over the years to punch holes in the arguments the American political and military leaders have attempted to put across.

As Knoll writes:

> We have been embarked on an inexorable pursuit of Empire, conceived, planned and executed in our name by a small band of willful men whose disdain for mankind is matched only by their contempt for their fellow Americans.

I ask unanimous consent that the valuable article entitled "What We Know Now," written by Edwin Kroll, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Progressive, Aug. 1971]

WHAT WE KNOW NOW

(By Erwin Knoll)

The Reverend Will Campbell of Nashville, Tennessee, and points South, who carries his Christian ministry with equal and unalloyed love to black revolutionaries and white Klansmen, knows how to preach a fearsome fire-and-brimstone sermon. I heard him once, many years ago, describe to members of a rural flock the damnation that awaited them on Judgment Day unless they mended their racist ways. "You'll look up from the Bottomless Pit," he thundered, "and you'll cry, 'Lord, Lord, we didn't know. We didn't know!' And the Lord will look down over the edge of Glory and he'll say, 'Waaal, you know now!' and he'll slam down the lid."

Waaal, we know now. We know, thanks to the 7,700 pages of history and documentation compiled in the Pentagon, thanks to the newspapers that seized the opportunity to make the record public, how we were enticed, frightened, cajoled, deceived, seduced into waging aggressive and brutal war in Indochina. We don't know all of it yet, and perhaps we never will, but we know enough. In a way we are lucky, for we have come to know before the final judgment day. And though our lords did their best to try to slam down the lid, their efforts were repulsed by the U.S. Supreme Court.

We know now that it was no "mistake," no "accident," no "quagmire" into which America was inadvertently drawn, one reluctant footstep at a time. We know that over more than two decades, through five Administrations, we have been embarked on an inexorable pursuit of Empire, conceived, planned, and executed in our name by a small band of willful men whose disdain for mankind is matched only by their contempt for their fellow Americans.

We know that even those of us who opposed the adventure from the beginning—as *The Progressive* did—were unable to explore the depths of official duplicity. When we accused our Government of being secretive, we hardly imagined the enormity of the secrets it held. When we charged that our Government was lying, we did not fathom the dimension of the lies. When we declared that our reputation, our ideals, our wealth, our young men's limbs and lives were being squandered in a criminal enterprise, we thought that the men who made decisions in our behalf did not understand the nature of the crime. We were wrong; they understood.

We know now that we have been fed a steady diet of deception. More than twenty years ago, when the Truman Administration discovered and proclaimed America's new role as "leader of the Free World," it simultaneously began overt and surreptitious financial and military aid to the doddering French colonial empire to help it hold the peoples of Indochina in subjugation. In the Eisenhower Administration, when the attempt had collapsed, America entered into a "commitment" to the government it had hand-picked for South Vietnam and connived with it to cancel the Vietnamese unification elections that had been called for by the 1954 Geneva Accords. While U.S. propagandists told the world—and their own people—that the Communist North would not permit free elections, the Central Intelligence Agency told President Eisenhower that any election would be an overwhelming popular triumph for Ho Chi Minh, in the South as well as in the North.

American involvement intensified during the Kennedy years, and so did the resort to secrecy and deceit. At a press conference on February 14, 1962, President Kennedy announced that at the request of the South Vietnamese government of Ngo Dinh Diem, "we have increased our assistance there. And we are supplying logistical assistance, transportation assistance, training, and we have a number of Americans who are taking part in that effort." He did not mention that almost a year previously he had ordered a program of covert hostilities against North Vietnam, including infiltration of agents and their aerial resupply, overflights for the purpose of dropping leaflets, and the formation of "networks of resistance, covert bases, and teams for sabotage and light harassment" inside North Vietnam.

Nor did President Kennedy mention that he had under consideration even then a proposal from General Maxwell Taylor, then chairman of the Joint Chiefs of Staff, that the first substantial contingent of American ground forces—8,000 men—be dispatched to South Vietnam. Taylor was careful, as the national security bureaucrats were always careful, to submit a "cover story" with his proposal. "My view," he told Mr. Kennedy, "is that we should put in a task force consisting largely of logistical troops for the purpose of participating in flood relief and at the same time providing a U.S. military presence in Vietnam capable of assuring Diem of our readiness to join him in a military showdown with the Vietcong or Vietminh. . . ."

Throughout 1963, as resistance to the corrupt and despotic Diem regime carried America's client government in Saigon to the brink of collapse, the Kennedy Administration issued a steady stream of encouraging progress reports to the American people. While embassy cables from Saigon predicted imminent disaster, Secretary of State Dean Rusk proclaimed on February 1 that "there are some definitely encouraging elements;" on February 13 that "the momentum of the Communists' drive has been stopped;" on April 18 that "the South Vietnamese themselves are fighting their own battle, fighting well;" on April 22 that "there is good basis for encouragement. The Vietnamese are on their way to success and need our help; not just our material help—they need that—but our sympathetic understanding and comradeship."

By the late summer, when it was plain that Diem could no longer be counted on as America's viceroy in Vietnam, the United States began conspiring with the South Vietnamese military for his overthrow. Again, the emphasis was on secrecy and deceit. On October 2, Washington advised our embassy in Saigon: ". . . President today approved recommendations that no initiative should now be taken to give any active, overt encouragement to a coup. There should, however, be urgent covert effort with closest security under broad guidance of ambassador to identify and build contacts with alternative leadership as and when it appears. Essential that this effort be totally secure and fully deniable and separated entirely from normal political analysis and reporting and other activities of the country team." On October 30, McGeorge Bundy, the President's special assistant for national security, cabled Ambassador Henry Cabot Lodge: "Once a coup under responsible leadership has begun, and within these restrictions, it is in the interest of the U.S. Government that it should succeed." The coup was consummated on November 1.

The great leap forward into the credibility chasm occurred in the Johnson years, as America plunged deeper and deeper into a war it was determined to conceal. On March 17, 1964, National Security Action Memorandum Number 288 declared that it was U.S. policy "to prepare immediately to be in a position on seventy-two hours' notice to initiate the 'Retaliatory Actions' against North Vietnam, and to be in a position on thirty days notice to initiate the program of 'Graduated Overt Military Pressure' against North Vietnam." Ten weeks later, when the President was asked at a news conference about charges (by Melvin R. Laird, then a Republican Representative from Wisconsin), that the Administration was preparing to move the Vietnam war into the North," Mr. Johnson replied: "I know of no plans that have been made to that effect."

Through the summer and fall of 1964, as President Johnson ran for election as a moderate, a man of peace, against the reckless saber-rattling of Republican Senator Barry M. Goldwater of Arizona, the crisis managers in the Pentagon, the State Department, the CIA, and the National Security Council were making detailed preparations for a wider war—one which they understood would have to be deferred until after Election Day. Months before the Gulf of Tonkin incident, the document that would become the Tonkin Resolution was drafted to confer on the President virtually unchecked power to wage hostilities; it needed only an opportune pretext for presentation to the Congress. Meanwhile, covert "34A Operations" against North Vietnam were intensified, and U.S. destroyers were dispatched on "DeSoto Patrols" to gather intelligence and intimidate Hanoi. When one such patrol produced the Tonkin incident early in August, Defense Secretary Robert S. McNamara was asked why U.S. destroyers were in the Gulf. "It is a routine patrol," he replied, "of the type we carry out in international waters all over the world."

On September 3, Assistant Secretary of Defense John T. McNaughton drew up a memorandum headed PLAN OF ACTION FOR SOUTH VIETNAM, which included this list of "special considerations during next two months": "The relevant 'audiences' of U.S. action are the Communists (who must feel strong pressures), the South Vietnamese (whose morale must be buoyed), our allies (who must trust us as 'underwriters'), and the U.S. public (which must support our risk-taking with U.S. lives and prestige). During the next two months, because of the lack of 'rebuttal time' before elections to justify particular actions which may be distorted to the U.S. public, we must act with special care—signaling to the DRV [North Vietnam] that initiatives are being taken, to the GVN [South Vietnam] that we are behaving energetically despite the restraints of our political season, and to the U.S. public that we are behaving with good purpose and restraint."

By September 7, according to the Pentagon's historians, the planners had reached a "general consensus" in favor of a systematic U.S. bombing campaign directed at the North. But two weeks later, President Johnson told the American people: "There are those who say, you ought to go North and drop bombs, to try to wipe out the supply lines, and they think that would escalate the war. We don't want our American boys to do the fighting for Asian boys. We don't want to get involved in a nation with 700 million people and get tied down in a land war in Asia."

On February 7, 1965, as Lyndon Johnson settled in for a full term, McGeorge Bundy wrote in a memorandum to him: "We believe that the best available way of increasing our chance of success in Vietnam is the development and execution of a policy of *sustained reprisal* against North Vietnam. . . . We may wish at the outset to relate our reprisals to those acts of relative high visibility such as the Pleiku incident. Later we might retaliate against the assassination of a province chief . . . we might retaliate against a grenade thrown into a crowded cafe in Saigon. . . . Once a program of reprisals is clearly under way, it should not be necessary to connect each specific act against North Vietnam to a particular outrage in the South. . . ."

On the same day the White House issued a statement about the enemy's "deliberate surprise attacks" on two U.S. barracks areas near Pleiku, South Vietnam: ". . . These attacks were made possible by the continuing infiltration of personnel from North Vietnam. . . . As in the case of the North Vietnamese attacks in the Gulf of Tonkin last August, the response [bombing of the North] is appropriate and fitting. . . . We seek no wider war."

On April 1, Mr. Johnson chided reporters for being "too dramatic about our prophecies and predictions and I might say too irresponsible sometimes." There was, he assured them, "no far-reaching strategy that is being suggested or promulgated" for escalating the war. On the same day, according to National Security Action Memorandum Number 328, the President "approved the urgent exploration of twelve suggestions for covert and other actions" submitted by the CIA, approved the addition of 18,000 to 20,000 men to the U.S. "military support" forces in Vietnam (which already numbered 27,000), and approved a change of mission—from defense to offense—for the Marine battalions stationed in Vietnam. The change "had momentous implications," the Pentagon historians noted, but the President "was greatly concerned that the step be given as little prominence as possible."

The decision in mid-July to commit 200,000 U.S. troops to combat "was perceived as a threshold—entrance into an Asian land war," the Pentagon study pointed out. "The conflict was seen to be long, with further U.S. deployments to follow." But President Johnson told the press and the people at his next news conference, "It does not imply any change in policy whatever. It does not imply any change of objective."

We know now that there has never been any change of policy, any change of objective. We know that from the beginning of American intervention, U.S. policy has clung tenaciously to the goal of establishing a "free world bastion"—that is, an outpost of Empire—in Indochina. We know that the presence of a Communist regime in Indochina has been viewed as a threat to the "national security" of the world's foremost power—a threat so formidable that all means short of total annihilation could be invoked in the attempt to extirpate it. And we know that the men who held these views and acted in accord with them fiercely resisted any suggestion that they might have been mistaken. Most of the time, however, they simply ignored that possibility.

The basic considerations that govern American policy toward Southeast Asia were articulated by the National Security Council as early as January, 1954, in a statement approved by President Eisenhower. Its fundamental premise was that "Communist domination, by whatever means, of all Southeast Asia would seriously endanger in the short term, and critically endanger in the longer term, United States security interests. The statement emphasized that "in the conflict in Indochina, the Communist and non-Communist worlds clearly confront one another in the field of battle." The loss of that struggle it warned, "would have the most serious repercussions on the U.S. and free world interests," might lead to Communist takeover of all of Southeast Asia, Indonesia, and India, and "endanger the stability and security of Europe."

This was the domino doctrine in its most primitive form, but American policy makers found it powerfully persuasive. On its strength, the National Security Council went on to contemplate the possibility that the United States might "become involved in an all-out war with Communist China and possibly with the USSR and the rest of the Soviet bloc, and should therefore proceed to take large-scale mobilization measures."

In National Security Council Paper Number 5809, dated April 2, 1958. President Eisenhower directed the Government to "work toward the weakening of the Communists of North and South Vietnam in order to bring about the eventual peaceful reunification of a free and independent Vietnam under anti-Communist leadership."

From time to time, questions about the inherent logic of U.S. policy were raised even within the national security establishment. Invariably, such challenges were brushed aside. In June, 1964, President Johnson asked the CIA whether "the rest of Southeast Asia necessarily [would] fall if Laos and South Vietnam came under North Vietnamese control." The agency replied:

"With the possible exception of Cambodia, it is likely that no nation in the area would quickly succumb to Communism as a result of the fall of Laos and South Vietnam. Furthermore a continuation of the spread of Communism in the area would not be inexorable, and any spread which did occur would take time—time in which the total situation might change in any number of ways unfavorable to the Communist cause."

That CIA analysis—a categorical rejection of the domino doctrine—was part of the agency's pessimistic assessment of the results likely to be attained by the bombing program that was about to win the Administration's approval. The CIA assessment was ignored. Five years later it was repeated, almost verbatim, for the benefit of the Nixon Administration, and again it was ignored. If President Nixon had pulled U.S. troops out of Vietnam at the beginning of his Administration and opened the way for Communist rule in Saigon, the CIA found, "We would lose Laos immediately. Sihanouk would preserve Cambodia by a straddling effort. All of Southeast Asia would remain just as it is at least for another generation." That vision of the future, we know now, did not suffice for a President determined to keep America from becoming "a pitiful, helpless giant."

The CIA memoranda, it should be understood, were rare examples of fundamental dissent in what was normally a monolithic planning process pursued by men who quarreled over tactics, usually agreed on strategy, and rarely indulged in introspection over basic goals. "There appears to have been, in fact, remarkably little latitude for reopening the basic question about U.S. involvement in the Vietnam struggle," the Pentagon's historians pointed out. Such major decisions as the landing of U.S. Marines at Danang in March, 1965—a "pivotal" move that set the stage for a U.S. land war in Asia—were made "without much fanfare—and without much planning."

Daniel Ellsberg, the former Vietnam planner whose act of conscience has made it possible for us to know what we now know, recalls no instance when considerations of morality entered into the planning process. Ellsberg's former chief in Vietnam, Major General Edward G. Lansdale, the original "Quiet American" who headed the pacification program, confirms the recollection. "We really didn't get into that type of discussion," Lansdale told *The New York Times*. "There was too much to do every day with immediate problems."

We know now that it was absurd to suggest, as each of our recent Presidents had suggested, that if-we-only-knew-what-they-knew we would cheerfully endorse their policies. We know now how little they really knew, and how often what they thought they knew bore no relation to reality. We know that on the few occasions when those who did know tried to break through with the facts, their efforts were frustrated and even punished.

When the National Security Council met on August 26, 1963, Paul H. Kattenburg, a career Foreign Service Officer with ten years of direct experience with Vietnam, tried to tell President Kennedy's advisers that they were embarked on a disastrous course. "At this juncture," Kattenburg told Vice President Johnson, Rusk, McNamara, Taylor, and the others there assembled, "it would be better for us to make the decision to get out honorably." Support for the Saigon regime was dwindling rapidly, he maintained, and America was wasting its prestige and staining its honor in a losing cause. Rusk dismissed his analysis as "speculative." Johnson and McNamara agreed with Rusk, and Kattenburg was on his way out of responsibility for Vietnam planning. His duties in the past eight years have included a stint as second in command of the American mission in Georgetown, Guyana. He will retire this month as an instructor at the Foreign Service Institute in Arlington, Virginia.

Under Secretary of State George W. Ball was luckier. A persistent advocate of "compromise solutions" in Vietnam, he was installed in the Johnson Administration as the "devil's advocate" in residence—a sort of latter-day court jester whose dissents were tolerated and even encouraged to demonstrate the Administration's willingness to hear—and ignore—all points of view. Ball enjoyed a monopoly in that role. When McNamara, deeply disillusioned with the failure of the war he had programmed with the latest scientific management techniques, began in 1966 and 1967 to disavow the views he had formerly espoused, there was no choice for him but to depart. In 1964, the Pentagon's "Sigma" war games had indicated that a bombing campaign directed at North Vietnam would not bring the enemy to its knees. The results of "Sigma" were dismissed. In 1967, McNamara concluded that the "Sigma" forecast had been correct. He was dismissed.

Walt W. Rostow, who succeeded McGeorge Bundy as Johnson's principal adviser on national security affairs, was not dismissed. For years he maintained that "calculated doses" of American airpower directed at North Vietnam would bring a halt to the insurrection in the South. For all we know, he still maintains, down in Austin, Texas, that it will.

We know now that the enemy knew all about what we were not permitted to know. We know that the elaborate secrecy precautions, the carefully contrived subterfuges, were intended not to deceive "the other side" but us. When President Johnson decided to widen the war in April, 1965, all members of the National Security Council received written instructions to this effect:

"The President desires that . . . premature publicity be avoided by all possible precautions. The actions themselves should be taken as rapidly as practicable, but in ways that should minimize any appearance of sudden changes in policy, and official statements on these troop movements will be made only with the approval of the Secretary of Defense, in consultation with the Secretary of State. The President's desire is that these movements and changes should be understood as being gradual and wholly consistent with existing policy."

Was this designed to throw the enemy off guard? The enemy knew all about it. It knew when it began encountering American troops in combat. It knew when its bases and plants and homes and pagodas were being bombed. It knew when its territory was invaded by infiltration teams and when its coast was harassed by South Vietnamese torpedo boats under American direction. It knew, but the American people didn't.

On July 10, 1965, the North Vietnamese Foreign Office produced—and Radio Hanoi broadcast to the world—a White Book on the Vietnam war. It was, as it turns out, a remarkably accurate document. It charged that American policy planners had decided at Honolulu in June, 1964, "to extend the war to North Vietnam in the form of destruction by air and naval forces." According to the Pentagon archives, Ambassador Henry Cabot Lodge had proposed at Honolulu a "selective bombing campaign against military targets in the North," and had won the backing of McNamara and Rusk.

"Since the beginning of 1964," Hanoi's White Book declared, "the U.S. ruling circles have many times discussed the policy of extending the war to North Vietnam. The strategists of the U.S. White House and Pentagon have worked out many plans on this question, of which Plan Number 6 of Walt W. Rostow, the chairman of the policy planning staff of the U.S. State Department, is the most noteworthy." The Pentagon papers show such planning was constant and intense, and that Rostow submitted memoranda to McNamara and Rusk calling for increasing commitments of airpower and ground forces.

Rostow's proposals, according to the White Book, were "replenished and amended by John McNaughton, U.S. Assistant Defense Secretary, and now bear the name of the McNaughton Plan, calling for bombing and strafing raids on North Vietnam by the U.S. Air Force." The Pentagon archive includes McNaughton's draft of a "proposed course of action" on March 24, 1965, calling for increased air assaults on the North as well as an expanded role for U.S. "combat support" personnel.

A statement issued in December 1965, by Nguyen Huu Tho, the chairman of the National Liberation Front, asserted that the United States had been operating under a "McNamara Plan" which was "aimed at pacifying the South within the two years of 1964 and 1965." This evolved, Tho added, into "a defensive strategic plan but also representing a new and greater effort by the U.S. imperialists to improve the critical situation of the puppet government and forces and to concentrate their forces on pacifying the main areas under the Front's control." Three years later, when General William C. Westmoreland relinquished his Vietnam command, he recalled that the strategy for 1964–1965 had been first to halt a "losing trend" and pacify populated areas. In 1965, Westmoreland said, "the U.S. mission's efforts to support pacification . . . continued to be hampered by political instability."

Such statements by North Vietnam or the Vietcong received scant attention in the American media. They were merely "Communist propaganda," and our Government, which knew better, hardly bothered to issue rebuttals.

We know now that America spurned every opportunity to recognize the struggle in South Vietnam for what it was—a civil war waged by insurgents who were determined, first of all, to attain national sovereignty and independence. As a fledgling empire experimenting with the techniques of international manipulation and intrigue, we could not conceive our enemies were not equally subject to manipulation. It was—it had to be—obvious that the insurgents in black pajamas were no more than tools of Hanoi, of Peking, of Moscow.

The CIA had reported, back in the Eisenhower Administration, that the American-backed Diem regime "almost certainly would not be able to defeat the Communists in countrywide elections." Yet the United States assumed—and continues to assume—that the insurrection had no popular base in the South and could not survive if Hanoi were forced, in Dean Rusk's memorable phrase, "to stop doing what she is doing."

In 1961, when the Kennedy Administration initiated covert hostilities against the North, a State Department White Paper cited "ominous" evidence of increasing infiltration of fighting men and supplies into the South, though it acknowledged that many of these were Southerners who had gone North after Diem had canceled the 1956 elections provided for by the Geneva Accords. In 1962, however, a close Kennedy adviser, Michael Forestal, reported that "the vast bulk of both recruits and supplies come from inside South Vietnam itself." In 1963, William Jorden, the Vietnam expert who had written the 1961 White Paper, was dispatched on a three-month fact-finding trip to prove the thesis of major aggression directed by North Vietnam against the South. He returned with the news that "we are unable to document and develop any hard evidence of infiltration."

Jorden's report caused consternation in the Special Group Counter-Insurgency, which President Kennedy had established under the direction of his brother, Robert, and General Maxwell Taylor. Charles Maechling Jr., staff manager of the Special Group, recalled the April 5, 1963, meeting last year in an article for the *Foreign Service Journal*. "To the utter astonishment of those who heard [Jorden's] briefing, and Attorney General Kennedy's cross-examination of him, this supposedly honest observer found nothing to indicate that the insurgency was anything but homegrown," Maechling wrote. "Until 1964 all the military advisers back from Vietnam made the same report: There was plenty of instigation from the North—but hardly 'massive aggression.'"

The Pentagon itself concluded that "the vast majority of Vietcong troops are of local origin," and found "little evidence of major supplies from outside sources. . . . Most arms being captured or stolen from GVN [South Vietnamese] forces or from the French during the Indochina war."

On August 18, 1964, a cable from the U.S. mission in Saigon (which called for "a posture of maximum readiness for a deliberate escalation of pressure against North Vietnam") still referred to the basic problem in the South as "the VC insurgency." Three months later, however, a DRAFT POSITION PAPER ON SOUTHEAST ASIA circulated by Assistant Secretary of State William P. Bundy set out his plan to "publicize the evidence of increased infiltration" from North Vietnam along with explanations of "the differences between the present estimates and those given in the past."

The same draft paper proposed a system of "graduated military pressures against North Vietnam" and declared that the United States "would be alert to any sign of yielding by Hanoi, and would be prepared to explore negotiated solutions that attain U.S. objectives in an acceptable manner. The United States would seek to control any negotiations and would oppose any independent South Vietnamese efforts to negotiate."

We know now that peace has never been on the American agenda. Hanoi knew it as long ago as 1965. Its White Book that year declared that while "the U.S. President was prattling about this hoax of unconditional discussions, the U.S. imperialists took new and very cynical and dangerous steps in their policy of war adventure." North Vietnamese Premier Pham Van Dong said in September, 1965: "President Johnson talks about peace in an attempt to cover up his war schemes. The more he talks about peace, the more he steps up the war."

But President Johnson's was not the first Administration to fear that peace might break out in Vietnam. In the Kennedy Administration, in a memorandum to Rusk on August 30, 1963, Assistant Secretary of State Roger Hilsman urged U.S. help and encouragement to those plotting a coup against Ngo Dinh Diem on grounds that Diem might move toward "neutralization negotiations" with the Communists.

In March, 1964, President Johnson wasted no words in disposing of the idea of peace negotiations looking toward a neutralized Vietnam—an idea that had been advanced by French President Charles de Gaulle and the Secretary General of the United Nations, U Thant, among others. "It ought to be possible to explain in Saigon," Mr. Johnson cabled Ambassador Lodge, "that your mission is precisely for the purpose of knocking down the idea of neutralization wherever it rears its ugly head and on this point I think that nothing is more important than to stop neutralist talk wherever we can by whatever means we can."

"We must continue to oppose any Vietnam conference," William Bundy wrote in a memorandum on August 11, 1964, and America did. When Washington set out its terms for negotiations, the Pentagon historians observed, the conditions were "tantamount to unconditional surrender" for the other side. In 1965, McNamara proposed diplomatic overtures "laying the groundwork for a settlement when the time is ripe," but the Pentagon historians note that this "amounted to little more than saying that the United States should provide channels for the enemy's discreet and relatively face-saving surrender when he decided that the game had grown too costly."

While President Johnson was proclaiming periodic bombing pauses and avowing his eagerness to "go anywhere, any time" for peace, the State Department prudently cautioned embassies abroad: "Insofar as our announcement [of a bombing pause] foreshadows any possibility of a complete bombing stoppage, in the event Hanoi really exercises reciprocal restraints, we regard this as unlikely. . . ."

We know now that the pious affirmations of America's commitment to "the Vietnamese people and their right to self-determination" were hypocritical cant. We thought at the time that Washington had no business telling the Vietnamese what was good for them; we know now that Washington wasn't telling them that at all—it was merely telling them what was good for *us*.

"We are there, first, because a friendly nation has asked us for help against the Communist aggression," President Johnson solemnly declared in his State of the Union address on January 4, 1965. Ten weeks later, Assistant Secretary of Defense McNaughton, writing in the best style of the Pentagon systems analysts, offered a more accurate appraisal of "U.S. aims":

"Seventy per cent—To avoid a humiliating U.S. defeat (to our reputation as guarantor).

"Twenty per cent—To keep SVN (and the adjacent) territory from Chinese hands.

"Ten per cent—To permit the people of SVN to enjoy a better, freer way of life.

"Also—To emerge from crisis without unacceptable taint from methods used.

"Not—To 'help a friend,' although it would be hard to stay in if asked out."

The attitude of American bureaucrats toward their official clients in Saigon was the lace curtain counterpart of the treatment dealt out to "dinks" and "slopes" and "gooks" by American soldiers in the field. Diem had once been celebrated by Lyndon Johnson as "the Churchill of Asia," but Hilsman's memo calling for his overthrow proposed that the United States "encourage the coup group to fight the battle to the end and to destroy the palace if necessary to gain victory." On November 1, 1963, when Diem's palace was under siege, he placed a pathetic last call to Ambassador Lodge, who preserved the icy dignity appropriate to a proconsul of Empire dealing with lesser breeds without the law. Diem asked what was "the attitude of the United States" toward the coup, and Lodge, who had been urging its support for many months, replied: "I do not feel well enough informed to be able to tell you. I have heard the shooting, but I am not acquainted with all the facts. Also it is 4:30 a.m. in Washington and the U.S. Government cannot possibly have a view." This exchange followed:

DIEM. But you must have some general ideas. After all, I am a chief of state. I have tried to do my duty. I want to do now what duty and good sense require. I believe in duty above all.

LODGE. You have certainly done your duty. As I told you this morning, I admire your courage and your great contributions to your country. No one can take away from you the credit for all you have. . . . If I can do anything for your physical safety, please call me.

We know that monstrous arrogance accrues to those who wield the vast power of the State without being held accountable to the people. As early as 1954—and as late as 1964—they seriously (and calmly) contemplated the possibility of using nuclear weapons in Indochina. They called their "conventional" bombing campaign "Rolling Thunder" and said it was "cheap." They disposed of meer mortals in the manner of Olympian gods. In the draft of his Plan of Action for South Vietnam on March 24, 1965, McNaughton wrote:

"It is essential—however badly SEA [Southeast Asia] may go over the next one to 3 years—that U.S. emerge as a 'good doctor.' We must have kept promises, been tough, taken risks, gotten bloodied, and hurt the enemy very badly. We must avoid harmful appearances which will affect judgments by, and provide pretexts to, other nations regarding how the United States will behave in future cases of particular interest to those nations—regarding U.S. policy, power, resolve, and competence to deal with their problems."

Their game was power, and it was the only game worth playing. Taylor impatiently complained that "there was a danger of reasoning ourselves into inaction," the Pentagon historians recall. "From a military point of view," Taylor said, "the United States could function in Southeast Asia about as well as anywhere in the world except Cuba," Assistant Secretary of State William Bundy asserted that "basic doubts of the value of Southeast Asia and the importance of our stake there" could be disposed of by mounting an "urgent" public relations campaign. Walt Rostow, ever the effervescent optimist, assured Dean Rusk:

"I know well the anxieties and complications on our side of the line. But there may be a tendency to underestimate both the anxieties and complications on the other side and also to underestimate that limited but real margin of influence on the outcome that flows from the single fact that we are the greatest power in the world—if we behave like it."

Part of behaving like it, we know now, was to transform the language into something unrecognizable and unrelated to human beings. They wrote "scenarios" for "carrot-and-stick approaches" and for "progressive squeeze-and-talk" techniques. They planned "an orchestration of communications" and "a crescendo of additional military moves against infiltration targets." They "interdicted" and "defoliated" and carried out "surgical strikes" against "targets of opportunity." They issued "signals" and conducted "limited external actions" which carried a promise of "assured destruction." They coined a thesaurus of synonyms for death.

We know now that war crimes were committed in our names—not little war crimes of the kind for which we prosecute Lieutenant Calley and Captain Medina, but big war crimes like those for which we executed our fascist enemies only a quarter of a century ago. The Nuremberg Charter—*our* Nuremberg Charter—outlaws the "planning, preparation, initiation, or waging of a war of aggression or a war in violation of international treaties, agreements, or assurances." The Charter of the United Nations—*our* U.N. Charter—provides that parties to an international dispute must seek a solution by negotiation or other peaceful means, refraining from force or the threat of force.

We know now how and why and by whom a million people or more were destroyed. Only one major question remains unanswered, and the answer will not be found in further Pentagon disclosures, or in court proceedings, or even in Congressional investigations. It is a question we must answer for ourselves.

Now that we know what we know, what are we going to do?

THE NEED FOR FULL FUNDING OF EDUCATION PROGRAMS

Mr. TUNNEY. Mr. President, I ask unanimous consent to have printed in the RECORD, an analysis of the Office of Education Appropriations bill. These figures indicate the great chasms which exist between program authorization and final appropriations. The Senate-passed appropriations bill came close to providing the needed funds for quality education.

I should like to compliment the Senator from Washington (Mr. MAGNUSON) and the other members of Appropriations Subcommittee on Labor and Health Education and Welfare for the fine job they did. I only regret that in many vital areas of education, the Senate appropriations figures were not in the final bill. I feel very deeply that Congress must appropriate funds adequate to meet full program authorizations.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF EDUCATION, FISCAL YEAR 1972 BUDGET

Appropriation	Fiscal year 1971		Fiscal year 1972					
	Authorization [1]	Appropriation	Authorization [1]	President's budget	House allowance	Department appeal	Senate allowance	Appropriation
Elementary and secondary education	$4,560,406,068	$1,915,968,000	$4,665,338,590	$1,855,278,000	$1,822,218,000	$1,857,278,000	$2,146,885,000	$1,993,278,000
School assistance in federally affected areas	1,018,295,000	550,675,000	1,129,690,000	440,040,000	607,580,000	440,040,000	677,620,000	612,620,000
Emergency school assistance	[2]	74,853,000			[3]	[4]	[3]	[3]
Proposed legislation	500,000,000	425,000,000	1,000,000,000	1,000,000,000	[3]	[4]	[3]	[3]
Education for the handicapped	371,500,000	105,000,000	436,300,000	110,000,000	115,000,000	110,000,000	116,500,000	115,750,000
Vocational and adult education	1,152,311,455	501,357,455	1,238,561,455	476,073,455	565,203,455	482,323,455	609,573,455	576,188,455
Higher education	3,397,720,000	970,403,000	1,027,720,000	1,832,084,000	1,218,051,000	1,364,224,000	1,532,304,000	1,344,384,000
Proposed legislation			[2]	100,000,000	[3]			
Education professions development	550,000,000	135,800,000	45,000,000	135,800,000	135,800,000	135,800,000	135,800,000	135,800,000
Libraries and educational communications	335,000,000	73,001,500	222,000,000	29,400,000	72,109,000	36,400,000	100,109,000	85,109,000
Research and development	15,000,000	98,077,000	35,000,000	105,038,000	105,000,000	105,038,000	122,038,000	113,538,000
Proposed legislation			[2]	3,000,000	[3]		[3]	[3]
Educational activities overseas (special foreign currency program)	[2]	3,000,000	[2]	3,000,000	3,000,000	3,000,000	4,000,000	3,000,000
Salaries and expenses	[2]	45,982,000	[2]	51,645,000	47,700,000	51,645,000	51,645,000	51,200,000
Civil rights education	[2]	19,218,000	[2]					
Student Loan Insurance Fund	[2]	18,000,000	[3]					
Higher Education Facilities Loan Fund	[2]	4,685,000	[2]	4,610,000	4,610,000	4,610,000	4,610,000	4,610,000
Initial funding of programs	168,000,000		61,000,000				4,000,000	
Total, Office of Education	12,068,232,523	[5] 4,941,019,955	9,860,610,045	[6] 6,145,968,455	4,696,271,455	4,590,358,455	5,505,084,455	5,035,477,455
Less: Permanent appropriations and civil rights education	−9,761,455	−30,712,455	−9,761,455	−11,410,455	−11,410,455	−11,410,455	−11,410,455	−11,410,455
Total, Labor-HEW Appropriations Committee	12,058,471,068	[5] 4,910,307,500	9,850,848,590	[6] 6,134,558,000	4,684,861,000	4,578,948,000	5,493,674,000	5,024,067,000
ELEMENTARY AND SECONDARY EDUCATION								
Aid to school districts:								
Educationally deprived children (ESEA I)	3,457,406,068	1,500,000,000	3,640,288,590	1,500,000,000	1,500,000,000	1,500,000,000	1,650,000,000	1,565,000,000
Local educational agencies	2,869,191,655	1,339,749,067	3,041,000,000	1,340,309,857	1,332,858,238	1,332,858,238	1,451,977,169	1,384,484,849
Handicapped children	46,129,772	46,129,772	48,998,483	46,129,772	48,998,483	48,998,483	48,998,483	48,998,483
Neglected and delinquent children	18,188,282	18,188,282	19,296,851	18,188,282	19,296,851	19,296,851	19,296,851	19,296,851
Migratory children	57,608,680	57,608,680	61,075,497	57,608,680	61,075,497	61,075,497	61,075,497	61,075,497
State administration	31,026,326	16,579,312	34,656,406	16,627,079	17,626,601	16,626,601	16,700,000	16,650,000
Incentive grants	126,198,171	6,304,637	126,198,171	6,304,637	5,701,830	5,701,830	14,009,500	9,301,820
Grants for high concentrations of poor	309,063,182	15,440,250	309,063,182	14,831,693	15,442,500	15,442,500	37,942,500	25,192,500
Supplementary services (ESEA III)	566,500,000	143,393,000	592,250,000	143,393,000	143,393,000	143,393,000	155,000,000	146,393,000
Library resources (ESEA II)	206,000,000	80,000,000	216,300,000	80,000,000	85,000,000	80,000,000	95,000,000	90,000,000
Equipment and minor remodeling (NDEA III)	140,500,000	50,000,000			20,000,000		90,000,000	50,000,000
Grants to States	114,840,000	47,500,000			17,500,000		87,500,000	47,500,000
Loans to nonprofit private schools	15,660,000	500,000			500,000		500,000	500,000
State administration	10,000,000	2,000,000			2,000,000		2,000,000	2,000,000
Dropout prevention (ESEA VIII)	30,000,000	10,000,000	31,500,000	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000
Bilingual education (ESEA VII)	80,000,000	25,000,000	100,000,000	25,000,000	27,000,000	27,000,000	50,000,000	35,000,000
Follow through (Economic Opportunity Act, sec. 222(a)(2))	[3]	69,000,000	[2]	60,060,000	[4]	60,060,000	60,060,000	60,060,000
Program	[2]	67,981,000	[2]	58,700,000	[4]	58,700,000	58,700,000	58,700,000
Administration	[2]	1,019,000	[2]	[8] 1,360,000	[4]	[7] 1,360,000	[7] 1,360,000	[7] 1,360,000
Strengthening State departments of education (ESEA V)	80,000,000	29,750,000	85,000,000	33,000,000	33,000,000	33,000,000	33,000,000	33,000,000
Grants to States (pt. A)	76,000,000	28,262,500	80,750,000	31,350,000	31,350,000	31,350,000	31,350,000	31,350,000
Grants for special projects (pt. A)	4,000,000	1,487,500	4,250,000	1,650,000	1,650,000	1,650,000	1,650,000	1,650,000
Planning and evaluation (General Education Provisional Act, sec. 402)	[8]	8,825,000	[8]	3,825,000	3,825,000	3,825,000	3,825,000	3,825,000
Total, Elementary and Secondary Education	4,560,406,068	1,915,968,000	4,665,338,590	1,855,278,000	1,822,218,000	1,857,278,000	2,146,885,000	1,993,278,000
SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS								
Maintenance and operations (Public Law 874)	935,295,000	536,068,000	1,038,440,000	425,000,000	592,580,000	425,000,000	652,580,000	592,580,000
Payments to local educational agencies	632,422,000	501,518,000	700,740,000	387,300,000	554,880,000	387,300,000	554,880,000	554,880,000
Payments to other Federal agencies	34,550,000	34,550,000	37,700,000	37,700,000	37,700,000	37,700,000	37,700,000	37,700,000
Low-income housing	268,323,000		300,000,000				60,000,000	
Construction (Public Law 815)	83,000,000	14,607,000	91,250,000	15,040,000	15,000,000	15,040,000	25,040,000	20,040,000
Assistance to local educational agencies	65,000,000	3,000,000	73,250,000	9,300,000	9,300,000	9,300,000	11,400,000	11,000,000
Assistance for school construction on Federal property	18,000,000	10,900,000	18,000,000	5,000,000	5,000,000	5,000,000	12,900,000	8,300,000
Technical services	[2]	[9] 707,000	[2]	[10] 740,000	700,000	[10] 740,000	[10] 740,000	[10] 740,000
Total, school assistance in federally affected areas	1,018,295,000	550,675,000	1,129,690,000	440,040,000	607,580,000	440,040,000	677,260,000	612,620,000
EMERGENCY SCHOOL ASSISTANCE								
Special educational personnel and programs	[2]	57,500,000	1,000,000,000	1,000,000,000				
Community participation programs	[2]	7,500,000						
Equipment and minor remodeling	[2]	7,900,000			[3]	[4]	[3]	[4]
Federal administration and technical assistance	[3]	[11] 1,953,000	[12]					
Total, Emergency School Assistance	[3]	74,853,000						
Proposed legislation	500,000,000	[4] 425,000,000	1,000,000,000	1,000,000,000	[3]	[4]	[3]	[4]
EDUCATION FOR THE HANDICAPPED								
State grant programs (EHA pt. B)	206,000,000	34,000,000	216,300,000	35,000,000	37,500,000	35,000,000	37,500,000	37,500,000
Early childhood projects (EHA pt C, sec. 623)	[2]	7,000,000	[2]	7,500,000	7,500,000	7,500,000	7,500,000	7,500,000
Teacher education and recruitment	69,500,000	33,100,000	87,000,000	35,145,000	35,145,000	35,145,000	35,145,000	35,145,000
Teacher education (EHA pt. D, sec. 631 and 632)	69,500,000	31,900,000	87,000,000	33,945,000	33,945,000	33,945,000	33,945,000	33,945,000
Physical education and recreation (EHA pt. D, sec. 634)		700,000		700,000	700,000	700,000	700,000	700,000
Recruitment and information (EHA pt. D, sec. 633)		500,000		500,000	500,000	500,000	500,000	500,000
Research and innovation	96,000,000	30,350,000	133,000,000	31,805,000	34,305,000	31,805,000	35,805,000	35,055,000

Footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF EDUCATION, FISCAL YEAR 1972 BUDGET—Continued

Appropriation	Fiscal year 1971		Fiscal year 1972					
	Authorization [1]	Appropriation	Authorization [1]	President's budget	House allowance	Department appeal	Senate allowance	Appropriation
Research and demonstration (EHA pt. E, sec. 641)	$27, 000, 000	$15, 000, 000	$35, 500, 000	$15, 455, 000	$15, 455, 000	$15, 455, 000	$15, 455, 000	$15, 455, 000
Physical education and recreation (EHA pt. E, sec. 642)		300, 000		300, 000	300, 000	300, 000	300, 000	300, 000
Regional resource centers (EHA pt. C, sec. 621)	36, 500, 000	3, 550, 000	51, 500, 000	3, 550, 000	3, 550, 000	3, 550, 000	3, 550, 000	3, 550, 000
Innovation programs (deaf-blind centers) (EHA pt. C, sec. 622)		4, 500, 000		5, 000, 000	7, 500, 000	5, 000, 000	7, 500, 000	7, 500, 000
Media services and captioned films (EHA pt. F)	12, 500, 000	6, 000, 000	15, 000, 000	6, 000, 000	6, 000, 000	6, 000, 000	6, 000, 000	6, 000, 000
Special learning disabilities (EHA pt. G)	20, 000, 000	1, 000, 000	31, 000, 000	1, 500, 000	1, 500, 000	1, 500, 000	3, 000, 000	2, 250, 000
Planning and evaluation (General Education Provision Act, sec. 402)	(13)	550, 000	(12)	550, 000	550, 000	550, 000	550, 000	550, 000
Total, Education for the Handicapped	371, 500, 000	105, 000, 000	436, 300, 000	110, 000, 000	115, 000, 000	110, 000, 000	116, 500, 000	115, 750, 000
VOCATIONAL AND ADULT EDUCATION								
Grants to States for vocational education	789, 595, 310	389, 707, 710	849, 595, 310	384, 173, 455	453, 303, 455	390, 423, 455	462, 673, 455	457, 988, 455
Basic vocational education programs	609, 595, 310	322, 077, 710	609, 595, 310	381, 793, 455	384, 173, 455	388, 043, 455	384, 173, 455	384, 173, 455
Annual (VEA pt. B)	(603, 000, 000)	(315, 302, 400)	(603, 000, 000)	(374, 302, 000)	(376, 682, 000)	(380, 552, 000)	(376, 682, 000)	(376, 682, 000)
Permanent (Smith-Hughes Act)	(6, 445, 310)	(6, 445, 310)	[14] (6, 445, 310)	[14] (7, 161, 455	(7, 161, 455)	(7, 161, 455)	(7, 161, 455)	(7, 161, 455)
National advisory council (VEA pt. A)	[15] (150, 000)	(330, 000)	[15] (150, 000)	(330, 000)	(330, 000)	(330, 000)	(330, 000)	(330, 000)
Programs for students with special needs (VEA pt. B)	50, 000, 000	20, 000, 000	60, 000, 000	(16)	20, 000, 000		20, 000, 000	20, 000, 000
Consumer and homemaking education (VEA pt. F)	35, 000, 000	21, 250, 000	50, 000, 000	(16)	21, 250, 000		30, 000, 000	25, 625, 000
Work-study (VEA pt. H)	45, 000, 000	5, 500, 000	55, 000, 000	(16)	6, 000, 000		6, 000, 000	6, 000, 000
Cooperative education (VEA pt. G)	50, 000, 000	18, 500, 000	75, 000, 000	(16)	19, 500, 000		19, 500, 000	19, 500, 000
State advisory councils (VEA pt. A)	(2)	2, 380, 000	(3)	2, 380, 000	2, 380, 000	2, 380, 000	3, 000, 000	2, 690, 000
Vocational research	152, 716, 145	55, 749, 745	152, 716, 145	36, 000, 000	56, 000, 000	36, 000, 000	56, 000, 000	56, 000, 000
Innovation (VEA pt. D)	75, 000, 000	16, 000, 000	75, 000, 000	(16)	16, 000, 000		16, 000, 000	16, 000, 000
Curriculum development (VEA pt. I)	10, 000, 000	4, 000, 000	10, 000, 000		4, 000, 000		4, 000, 000	4, 000, 000
Research	67, 716, 145	35, 749, 745	67, 716, 145	36, 000, 000	36, 000, 000	36, 000, 000	36, 000, 000	36, 000, 000
Annual (VEA pt. C)	(67, 000, 000)	(35, 033, 600)	(67, 000, 000)		(18, 000, 000)		(18, 000, 000)	(18, 000, 000)
Permanent (Smith-Hughes Act)	(716, 145)	(716, 145)	(716, 145)					
Special projects (Cooperative Research Act)	(3)		(2)	(36, 000, 000)	(18, 000, 000)	(36, 000, 000)	(18, 000, 000)	(18, 000, 000)
Adult education (Adult Education Act)	210, 000, 000	55, 000, 000	236, 250, 000	55, 000, 000	55, 000, 000	55, 000, 000	90, 000, 000	61, 300, 000
Grants to States	210, 000, 000	45, 000, 000	236, 250, 000	45, 000, 000	45, 000, 000	45, 000, 000	80, 000, 000	51, 300, 000
Special projects		7, 000, 000		7, 000, 000	7, 000, 000	7, 000, 000	7, 000, 000	7, 000, 000
Teacher education		3, 000, 000		3, 000, 000	3, 000, 000	3, 000, 000	3, 000, 000	3, 000, 000
Planning and evaluation (General Educational Provision Act, sec. 402)	(17)	900, 000	(17)	900, 000	900, 000	900, 000	900, 000	900, 000
Total, Vocational and Adult Education	1, 152, 311, 455	501, 357, 455	1, 238, 561, 455	476, 073, 455	565, 203, 455	482, 323, 455	609, 573, 455	576, 188, 455
HIGHER EDUCATION								
Student assistance:								
Grants and work-study payments	500, 750, 000	327, 700, 000	(2)	971, 300, 000	578, 000, 000	708, 800, 000	708, 800, 000	578, 000, 000
Educational opportunity grants (HEA IV–A)	170, 000, 000	167, 700, 000	(2)	971, 300, 000	165, 300, 000	270, 700, 000	270, 700, 000	175, 300, 000
1st-year awards	(170, 000, 000)	(65, 496, 000)	(2 18)		(67, 740, 000)	(170, 000, 000)	(170, 000, 000)	(71, 740, 000)
Continuations and administration	(2)	(102, 204, 000)	(2)		(97, 560, 000)	(100, 700, 000)	(100, 700, 000)	(103, 560, 000)
Work-Study	330, 750, 000	160, 000, 000	(2 18)		362, 700, 000	438, 100, 000	438, 100, 000	402, 700, 000
Work-study program (HEA IV–C	(320, 000, 000)	(158, 400, 000)	(2 18)		(361, 000, 000)	(436, 400, 000)	(436, 400, 000)	(401, 000, 000)
Cooperative education (HEA IV–D)	(10, 750, 000)	(1, 600, 000)	(2 18)		(1, 700, 000)	(1, 700, 000)	(1, 700, 000)	(1, 700, 000)
Subsidized insured loans	40, 000, 000	147, 866, 000	(2)	651, 971, 000	203, 400, 000	203, 571, 000	203, 571, 000	203, 571, 000
Interest on basic NDEA-type loans (Proposed legislation)			(1 18)	[18] 65, 000, 000				
Interest on special NDEA-type cost-of-education loans (Proposed legislation)			(1 18)	[19] 20, 000, 000				
Purchases of loan paper (including advances) (Proposed legislation)			(1 18)	[18] 400, 000, 000				
Proceeds of sales of loan paper (Proposed legislation)			(1 18)	(−400, 000, 000)				
Interest on insured loans (HEA IV–B)	[19] 40, 000, 000	143, 200, 000	(2)	[18] 160, 000, 000	196, 060, 000	196, 600, 000	196, 600, 000	196, 600, 000
Program administration	(2)	4, 666, 000	(2)	6, 971, 000	6, 800, 000	6, 971, 000	6, 971, 000	6, 971, 000
Administration	(2)	[20] (2, 466, 000)	(2)	[21] (3, 571, 000)	(3, 400, 000)	[21] (3, 571, 000)	[21] (3, 571, 000)	[21] (3, 571, 000)
Computer services	(2)	(2, 200, 000)	(2)	(3, 400, 000)	(3, 400, 000)	(3, 400, 000)	(3, 400, 000)	(3, 400, 000)
Direct loans (NDEA II)	375, 000, 000	243, 000, 000	(1 18)	5, 000, 000	293, 000, 000	243, 000, 000	243, 000, 000	293, 000, 000
Contributions to funds	375, 000, 000	236, 500, 000	(18)	(18)	286, 000, 000	236, 000, 000	236, 000, 000	286, 000, 000
Loans to institutions	(20)	2, 000, 000	(18)	(18)	2, 000, 000	2, 000, 000	2, 000, 000	2, 000, 000
Teacher cancellations	(2)	4, 500, 000	(2)	5, 000, 000	5, 000, 000	5, 000, 000	5, 000, 000	5, 000, 000
Special programs for disadvantaged students (HEA sec. 408)	96, 000, 000	50, 061, 000	(2)	50, 169, 000	50, 100, 000	50, 169, 000	55, 169, 000	52, 669, 000
Talent search	96, 000, 000	5, 000, 000	(2 18)	5, 000, 000	5, 000, 000	5, 000, 000	5, 000, 000	5, 000, 000
Special services in college		15, 000, 000		15, 000, 000	15, 000, 000	15, 000, 000	15, 000, 000	15, 000, 000
Upward bound		30, 061, 000		30, 169, 000	30, 100, 000	30, 169, 000	35, 169, 000	32, 669, 000
Program		(28, 500, 000)		(28, 500, 000)	(28, 500, 000)	(28, 500, 000)	(33, 500, 000)	(31, 000, 000)
Administration	(6)	[23] (1, 561, 000)	(2)	[24] (1, 669, 000)	(1, 600, 000	[24] (1, 669, 000)	[24] (1, 669, 000)	[24] (1, 669, 000)
Institutional assistance:								
Strengthening developing institutions (HEA III)	91, 000, 000	33, 850, 000	(2 18)	[25] 53, 850, 000	38, 850, 000	[25] 53, 850, 000	[25] 53, 850, 000	51, 850, 000
Construction	2, 068, 250, 000	72, 496, 000	1, 013, 000, 000	34, 540, 000	34, 407, 000	34, 540, 000	114, 540, 000	77, 540, 000
Subsidized loans (HEFA III)	25, 250, 000	21, 000, 000	(2 18)	29, 010, 000	29, 010, 000	29, 010, 000	29, 010, 000	29, 010, 000
Grants	2, 036, 000, 000	43, 000, 000	1, 013, 000, 000				78, 000, 000	43, 000, 000
Public community colleges and technical institutes (HEFA I)	[26] (431, 040, 000	(43, 000, 000)	[27] (214, 320, 000)				(18, 720, 000)	(10, 320, 000)
Other undergraduate facilities (HEFA I)	[28] (1, 364, 960, 000)		[27] (678, 680, 000)				(59, 280, 000)	(32, 680, 000)
Graduate facilities (HEFA II)	[29] (240, 000, 000)		[27] (120, 000, 000)					

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF EDUCATION, FISCAL YEAR 1972 BUDGET—Continued

Appropriation	Fiscal year 1971		Fiscal year 1972					
	Authorization [1]	Appropriation	Authorization [1]	President's budget	House allowance	Department appeal	Senate allowance	Appropriation
Institutional assistance—Continued								
Construction—Continued								
State administration and planning (HEFA I)	$7,000,000	$6,000,000	(2 18)	$3,000,000	$3,000,000	$3,000,000	$5,000,000	$3,000,000
State administration	(3,000,000)	(3,000,000)	(2 18)	(3,000,000)	(3,000,000)	(3,000,000)	(5,000,000)	(3,000,000)
State planning	(4,000,000)	(3,000,000)	(2 18)					
Federal administration	(2)	[30] 2,496,000	(2 18)	[31] 2,530,000	2,397,000	[31] 2,530,000	[31] 2,530,000	[31] 2,530,000
Language training and area studies	38,500,000	8,000,000	(2 18)	15,300,000	15,300,000	15,300,000	15,300,000	15,300,000
Centers, fellowships, and research (NDEA VI)	38,500,000	7,170,000	(2 18)	13,940,000	13,940,000	13,940,000	13,940,000	13,940,000
Training grants (Fulbright-Hays Act)	(2)	830,000	(2 18)	1,360,000	1,360,000	1,360,000	1,360,000	1,360,000
University community services (HEA I)	60,000,000	9,500,000	(2 18)	9,500,000	9,500,000	9,500,000	9,500,000	9,500,000
Aid to land-grant colleges	14,720,000	12,680,000	$14,720,000	2,600,000	7,640,000	7,640,000	14,720,000	12,600,000
Annual (Bankhead-Jones Act)	12,120,000	10,080,000	12,120,000		5,040,000	5,040,000	12,120,000	10,000,000
Permanent (Second Morrill Act)	2,600,000	2,600,000	2,600,000	2,600,000	2,600,000	2,600,000	2,600,000	2,600,000
Undergraduate instructional equipment (HEA VI)	70,000,000	7,000,000	(18)				25,000,000	12,500,000
Television equipment	10,000,000	1,000,000	(18)				3,500,000	1,500,000
Other equipment	60,000,000	6,000,000	(18)				21,500,000	11,000,000
Law school clinical services (HEA XI)	7,500,000		(2 18)				1,000,000	
College personnel development	36,000,000	57,350,000	(2 33)	36,954,000	36,954,000	36,954,000	36,954,000	36,954,000
College teacher fellowships (NDEA IV)	(2)	47,350,000	(33)	26,910,000	26,910,000	26,910,000	26,910,000	26,910,000
Training programs (EPDA, Pt. E)	36,000,000	10,000,000	(2 33)	10,044,000	10,044,000	10,044,000	10,044,000	10,044,000
Planning and evaluation (General Educational Provision Act, sec. 402)	(33)	900,000	(33)	900,000	900,000	900,000	900,000	900,000
Total, higher education	3,397,720,000	970,403,000	1,027,720,000	1,832,084,000	1,218,051,000	1,364,224,000	1,532,304,000	1,344,384,000
Proposed legislation (National Foundation for Higher Education)			(2 18)	100,000,000	(34)			
EDUCATION PROFESSIONS DEVELOPMENT								
Personnel training and development	450,000,000	67,900,000	45,000,000	59,700,000	59,700,000	59,700,000	59,700,000	59,700,000
Training of teacher trainers (EPDA, pt. D)	[35] 340,000,000	12,200,000	(2 18)	13,200,000	13,200,000	13,200,000	13,200,000	13,200,000
Meeting critical qualitative and quantitative shortages of school personnel	110,000,000	52,100,000	45,000,000	43,500,000	43,500,000	43,500,000	43,500,000	43,500,000
Vocational education (EPDA, pt. F)	(40,000,000)	(6,900,000)	(45,000,000)	(6,900,000)	(6,900,000)	(6,900,000)	(6,900,000)	(6,900,000)
State grants for attracting and qualifying teachers (EPDA, pt. B–2)	(65,000,000)	(15,000,000)	[2] 18	(7,000,000)	(7,000,000)	(7,000,000	(7,000,000)	(7,000,000)
Attracting qualified persons (EPDA, sec. 504)	(5,000,000)	(500,000)	[2] 18	(300,000)	(300,000)	(300,000)	(300,000)	(300,000)
Other (EPDA, pt. D)	(36)	(29,700,000)	[2] 18	(29,300,000)	(29,300,000)	(29,300,000)	(29,300,000)	(29,300,000)
Meeting special needs for educational personnel (EPDA, pt. D)	(36)	3,600,000	[2] 18	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000
Special programs serving schools in low income areas	100,000,000	65,900,000	[2] 18	74,100,00	74,100,000	74,100,000	74,100,000	74,100,000
Teacher Corps (EPDA, pt. B–1)	100,000,000	30,800,000	[2] 18	34,435,000	37,435,000	37,435,000	37,435,000	37,435,000
Career opportunities and urban/rural school programs (EPDA, pt. D)	(36)	35,100,000	[2] 18	36,665,000	36,665,000	36,665,000	36,665,000	36,665,000
Planning and evaluation	(2)	2,000,000	(2)	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000
Manpower data collection (EPDA, sec. 503)	(2)	1,000,000	(2 18)	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Planning and evaluation (General EducationProvision Act, sec. 402)	(37)	1,000,000	(37)	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Total, education professions development	550,000,000	135,800,000	45,000,000	135,800,000	135,800,000	135,800,000	135,800,000	135,800,000
LIBRARIES AND EDUCATIONAL COMMUNICATIONS								
Public libraries:								
Services	112,000,000	40,709,000	127,000,000	18,000,000	40,709,000	18,000,000	57,709,000	49,209,000
Grants for public libraries (LSCA I)	75,000,000	35,000,000	112,000,000	15,719,000	38,428,000	15,719,000	54,709,000	46,568,500
Interlibrary cooperation (LSCA III)	15,000,000	2,281,000	15,000,000	2,281,000	2,281,000	2,281,000	3,000,000	2,640,500
State institutional library services (LSCA IV–A)	15,000,000	2,094,000	(38)	(38)	(38)	(38)	(38)	(38)
Library services to physically handicapped (LSCA IV–B)	7,000,000	1,334,000	(38)	(38)	(38)	(38)	(38)	(38)
Construction (LSCA II)	80,000,000	7,092,500	80,000,000		8,000,000		11,000,000	9,500,000
College library resources (HEA II–A)	90,000,000	[39] 9,900,000	(2 18)	5,000,000	10,000,000	5,000,000	12,000,000	11,000,000
Librarian training (HEA II–B)	38,000,000	3,900,000	(40)	2,000,000	2,000,000	2,000,000	4,000,000	2,000,000
Educational broadcasting facilities (Communications Act of 1934, title III)	15,000,000	11,000,000	15,000,000	4,000,000	11,000,000	11,000,000	15,000,000	13,000,000
Planning and evaluation (General Education Provision Act, sec. 402)	(37)	400,000	(37)	400,000	400,000	400,000	400,000	400,000
Total, libraries and educational communications	335,000,000	[41] 73,001,500	222,000,000	29,400,000	72,109,000	36,400,000	100,109,000	85,109,000
RESEARCH AND DEVELOPMENT								
Educational research and development	15,000,000	60,577,000	35,000,000	62,038,000	63,750,000	63,788,000	73,788,000	70,288,000
Development activities (Coop. Res. Act)	(2)	3,041,000	(2)	9,000,000	9,000,000	9,000,000	9,000,000	9,000,000
(Sesame Street) (Coop. Res. Act)	(2)	(2,000,000)	(2)	(5,000,000)	(5,000,000)	(5,000,000)	(5,000,000)	(5,000,000)
Educational research (coop. Res. Act)	(2)	11,959,000	(2)	7,500,000	7,000,000	7,000,000	7,000,000	7,000,000
Institutional support (Coop. Res. Act)	(2)	33,406,000	(2)	34,000,000	33,000,000	33,000,000	33,000,000	33,000.000

Footnotes at end of table.

Appropriation	Fiscal year 1971		Fiscal year 1972					
	Authorization [1]	Appropriation	Authorization [1]	President's budget	House allowance	Department appeal	Senate allowance	Appropriation
Drug abuse education (Drug Abuse Education Act)	$10,000,000	$6,000,000	$20,000,000	$6,024,000	$8,000,000	$8,024,000	$15,024,000	$13,024,000
Program	(10,000,000)	(5,500,000)	(20,000,000)	(5,500,000)	(7,500,000)	(7,500,000)	(14,250,000)	(12,500,000)
Program administration	(2)	(500,000)	(2)	[42] (524,000)	(500,000)	[42] (524,000)	[42] (774,000)	[42] (524,000)
Environmental education	5,000,000	2,000,000	15,000,000	2,014,000	2,000,000	2,014,000	5,014,000	3,514,000
Program	(5,000,000)	(1,750,000)	(15,000,000)	(1,680,000)	(1,680,000)	(1,680,000)	(4,680,000)	(3,1800,00)
Program administration	(2)	(250,000)	(2)	[43] (334,000)	(320,000)	[43] (334,000)	[43] (334,000)	[43] (334,000)
Libraries and educational technology (Coop. Res. Act)	(2)	2,171,000	(2)	3,000,000	2,750,000	2,750,000	2,750,000	2,750,000
Nutrition and health (Coop. Res. Act)	(2)	2,000,000	(2)	500,000	2,000,000	2,000,000	2,000,000	2,000,000
Experimental schools (Coop. Res. Act)	(2)	12,000,000	(2)	15,000,000	15,000,000	15,000,000	15,000,000	15,000,000
National achievement study (Coop. Res. Act)	(2)	4,500,000	(2)	6,000,000	5,500,000	5,500,000	5,500,000	5,500,000
Demonstrations (Coop. Res. Act)	(2)	2,250,000	(2)	2,250,000	2,250,000	2,250,000	9,250,000	4,250,000
Anacostia school community project	(2)	2,250,000	(2)	2,250,000	2,250,000	2,250,000	2,250,000	2,250,000
Career education community project	(2)		(2)				7,000,000	2,000,000
Evaluations (General Education Provision Act, sec. 402)	(37)	4,000,000	(37)	4,000,000	3,750,000	3,750,000	3,750,000	3,750,000
Dissemination (General Education Provision Act, sec. 412)	(2)	8,500,000	(2)	8,500,000	8,000,000	8,000,000	8,000,000	8,000,000
Spread of exemplary practices	(2)	2,200,000	(2)	2,200,000	2,000,000	2,200,000	2,200,000	2,200,000
Strengthening State and local dissemination capabilities	(2)	650,000	(2)	650,000	650,000	650,000	650,000	650,000
Educational resources information centers	(2)	4,000,000	(2)	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000
Interpretive summaries	(2)	600,000	(2)	600,000	600,000	600,000	600,000	600,000
Applied R. & D. in improving dissemination	(2)	550,000	(2)	550,000	[44] 150,000	150,000	150,000	150,000
General program dissemination	(2)	500,000	(2)	500,000	[44] 400,000	400,000	400,000	400,000
Training (Coop. Res. Act)	(2)	3,250,000	(2)	4,000,000	3,500,000	3,500,000	3,500,000	3,500,000
Statistics (Coop. Res. Act)	(2)	3,000,000	(2)	3,250,000	3,250,000	3,250,000	3,250,000	3,250,000
Total, Research and Development	15,000,000	98,077,000	35,000,000	105,038,000	105,000,000	105,038,000	122,038,000	113,538,000
Proposed legislation (National Institute of Education)			(2 18)	3,000,000	(3)		(3)	(3)
EDUCATIONAL ACTIVITIES OVERSEAS (SPECIAL FOREIGN CURRENCY PROGRAM) (PUBLIC LAW 480)								
Grants to American institutions	(2)	3,000,000	(2)	3,000,000	3,000,000	3,000,000	4,000,000	3,000,000
Salaries and Expenses	(2)	[45] 45,982,000	(2)	[46] 51,645,000	47,700,000	[46] 51,645,000	[46] 51,645,000	[46] 51,200,000
CIVIL RIGHTS EDUCATION (TITLE IV, CIVIL RIGHTS ACT OF 1964)								
Training for school personnel and grants to school boards	(2)	16,000,000	(2)					
Technical services and administration	(2)	[47] 3,218,000	(2)					
Total, Civil Rights Education	(2)	19,218,000	(2)					
Student Loan Insurance Fund (HEA IV-B)	(2)	18,000,000	(2)					
HIGHER EDUCATION FACILITIES LOAN FUND (HEFA III)								
Participation sales insufficencies	(2)	4,685,000	(2)	4,610,000	4,610,000	4,610,000	4,610,000	4,610,000
Annual	(2)	2,952,000	(2)	2,961,000	2,961,000	2,961,000	2,961,000	2,961,000
Permanent	(2)	1,733,000	(2)	1,649,000	1,649,000	1,649,000	1,649,000	1,649,000
Total, higher education facilities loan fund	(2)	4,685,000	(2)	4,610,000	4,610,000	4,610,000	4,610,000	4,610,000
INITIAL FUNDING OF PROGRAMS								
Strengthening local educational agencies (ESEA V-B)	20,000,000		30,000,000				500,000	
State and local comprehensive educational planning and evaluation (ESEA V-C)	10,000,000		15,000,000				500,000	
Nutrition and health (ESEA VIII, Sec. 808)	10,000,000		16,000,000				500,000	
Correction education services (ESEA VIII, Sec. 809)	(2)		(2)				500,000	
Network for knowledge (HEA VIII)	15,000,000		(2 18)				500,000	
Education for public service (HEA IX)	13,000,000		(2 18)				500,000	
Improvement of graduate programs (HEA X)	10,000,000		(2 18)				500,000	
International education (IEA)	90,000,000		(2 18)				500,000	
Total, initial funding of programs	168,000,000		61,000,000				4,000,000	

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[1] Amounts include specific authorizations only.

[2] Indefinite.

[3] Not considered due to lack of authorizing legislation.

[4] Proposed supplemental.

[5] Appropriation totals reflect transfer of $5,425,000 from libraries and educational communications to other accounts for 1970 and 1971 pay raises which was not reflected in request to House.

[6] Includes $3,177,000 for 1971 pay raise which was not included in request to House.

[7] Includes $60,000 for 1971 pay raise which was not included in request to House.

[8] Total of $25,000,000 authorized for planning and evaluation of programs for which the Commissioner of Education has responsibility for administration.

[9] Exclude $447,000 transferred to Office of Secretary for Facilities Engineering and Construction Agency. Includes $36,000 for 1970 pay raise; and $18,000 for 1971 pay raise which was not included in request to House, both amounts of which are to be transferred from libraries and educational communications.

[10] Includes $40,000 for 1971 pay raise which was not included in request to House.

[11] Excludes $147,000 transferred to General Services Administration for rental of space.

[12] Included in authorization for regional resource centers and Innovation programs.

[13] Total of $25,000,000 authorized for planning and evaluation of programs for which the Commissioner of Education has responsibility for administration.

[14] Authorization sets aside 10 percent of State grants for pt. C research; President's budget, provides no funding for research under pt. C.

Footnotes continued on following page.

[15] Specific authorization represents amounts only for technical assistance to carry out function of National Advisory Council.

[16] States would be permitted to use funds under pt. B for purposes previously funded under this activity.

[17] Total of $25,000,000 authorized for planning and evaluation of programs for which the Commissioner of Education has responsibility for administration.

[18] Based on proposed legislation.

[19] Amount represents specific authorization for incentive payments; indefinite amount authorized for interest payments.

[20] Includes $66,000 for 1971 pay raise which was not included in request to House, to be transferred from libraries and educational communications.

[21] Includes $171,000 for 1971 pay raise which was not included in request to House.

[22] Total of $25,000,000 authorized from fiscal year 1959 through duration of act.

[23] Includes $35,000 for 1970 pay raise; and $26,000 for 1971 pay raise which was not included in request to House, both amounts of which are to be transferred from Libraries and educational communications.

[24] Includes $69,000 for 1971 pay raise which was not included in request to House.

[25] Includes budget amendment of $15,000,000 not considered by House.

[26] Includes $206,400,000 unappropriated authorization from 1970 and $224,640,000 authorized for 1971.

[27] Represents unappropriated authorization from 1971; proposed legislation would provide indefinite authorization for 1972.

[28] Includes $653,600,000 unappropriated authorization from 1970 and $711,360,000 authorized for 1971.

[29] Includes $120,000,000 unappropriated authorization from 1970 and $120,000,000 authorized for 1971.

[30] Excludes $2,792,000 transferred to Office of Secretary for Facilities Engineering and Construction Agency. Includes $116,000 for 1970 pay raise; and $72,000 for 1971 pay raise which was not included in request to House, both amounts of which are to be transferred from libraries and educational communications.

[31] Includes $133,000 for 1971 pay raise which was not included in request to House.

[32] Proposed legislation would consolidate authorization for fellowships (NDEA IV) with training programs (EPDA, pt. E).

[33] Total of $25,000,000 authorized for planning and evaluation of programs for which the Commissioner of Education has responsibility for administration.

[34] Not considered due to lack of authorizing legislation.

[35] [36] Included in $340,000,000 total authorization for EPDA, pts C and D.

[37] Total of $25,000,000 authorized for planning and evaluation of programs for which the Commissioner of Education has responsibility for administration.

[38] Activity has been consolidated into public library services (LSCA I).

[39] Excludes $5,425,000 transfer to other accounts for 1970 and 1971 pay raises which was no reflected in request to House.

[40] Proposed legislation would consolidate authorization for librarian training (HEA II–B) with training programs under EPDA, part D.

[41] Excludes $6,853,500 for cataloging by Library of Congress which is included under that Agency's budget in 1972.

[42] Includes $24,000 for 1971 pay raise which was not included in request to House.

[43] Includes $14,000 for 1971 pay raise which was not included in request to House.

[44] Tentative.

[45] Includes $2,007,000 for 1970 pay raise; and $1,182,000 for 1971 pay raise which was not ncluded in request to House, both amounts of which are to be tranferred from Libraries and Educational Communications. Also includes transfer of $65,000 from Office of Citizen Participation. Excludes transfers of $2,400,000 to higher education insured loan program for administrative costs, $15,000 to Secretary's Advisory Committee, and $21,000 to Career Service Board.

[46] Includes $2,666,000 for 1971 pay raise which was not included in request to House.

[47] Includes $151,000 for 1970 pay raise; and $67,000 for 1971 pay raise which was not included in request to House. both amounts of which are to be transferred from Libraries and Educational Communication.

THE TRAGEDY OF EAST PAKISTAN

Mr. HUGHES. Mr. President, Congress is about to take a vacation for a month. But there will be no vacation for the people of East Pakistan, where warfare is beginning and where 300,000 children already have acute malnutrition.

Already the House of Representatives has voted to suspend all military and economic assistance to the Government of Pakistan. I have been urging similar action since April and have joined with the distinguished Senators from Ohio (Mr. Saxbe) and Idaho (Mr. Church) in sponsoring legislation to prevent further death and repression in East Bengal.

In spite of these actions, the current administration remains committed to a policy of benign neglect. Only yesterday the President rejected in advance the legislation which I favor and which is so desperately needed to bring about an improvement in this situation.

This morning's New York Times contains a frightening article on conditions in East Pakistan, written by Alvin Toffler following a visit to that area. Mr. Toffler criticizes our Government's actions so far. He says:

> The emergency in East Pakistan demands more than a minimal response. We need to pump immediate life-saving baby food, powdered milk, antibiotics, anticholera vaccines and similar supplies into India. But beyond that, decency and political realism both demand an immediate end to the arms shipments.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, Aug. 5, 1971]

The Ravaged People of East Pakistan

(By Alvin Toffler)

A planetary catastrophe is taking place in Asia, a human disaster so massive that it could bathe the future in blood, not just for Asians, but for those of us in the West as well. Yet the response of the global community has been minimal at best. In the United States, the official response has been worse than minimal and morally numb.

I have just returned from Calcutta and the border of East Pakistan, where I conducted interviews with refugees avalanching into India as a result of the West Pakistani's genocidal attack on them. Since March 25, West Pakistani troops have bombed, burned, looted and murdered the citizens of East Pakistan in what can only be a calculated campaign to decimate them or to drive them out of their villages and over the border into India.

Part of the time I traveled with a Canadian parliamentary delegation. We saw babies skin stretched tight, bones protruding, weeping women who told us they would rather die today in India than return to East Pakistan after the tragedies they had witnessed, total wretchedness of refugee camps, and the unbelievable magnitude of this forced human migration—6.7 million refugees pouring into India within a matter of four months.

I saw Indian villages deluged by masses of destitute refugees, every available inch crammed with bodies seeking shelter from the blistering sun and the torrential rain. I saw refugees still streaming along the roads unable to find even a resting place. I saw miserable Indian villagers sharing their meager food with the latest frightened and hungry arrivals. I saw thousands of men, women and babies lined up, waiting patiently under the sun for hours to get their rations. These pitiful few ounces of rice, wheat and dahl provide a level of nutrition so low that it will inevitably create protein breakdown, liver illness, and a variety of other diseases, in addition to the cholera, pneumonia, bronchitis that are already rampant. I saw Indian relief officials struggling heroically, and with immense personal sympathy, to cope with the human tidal wave—and to do so on a budget of one rupee a day—about 13 cents per human.

It is now clear that famine will further devastate East Pakistan this fall, and that millions more will seek refuge in an India already staggering under the burden.

Under these circumstances, one is forced to protest the callousness and stupidity of American policy. On the one hand we promise India $70 million in relief funds. On the other, we continue to supply arms to the same West Pakistani generals who launched the bloodbath, so that they can terrorize even more of their subjects into fleeing across the Indian border. The House vote this week to suspend aid, including military sales, to Pakistan is belated recognition of our sorry role.

In terms of *realpolitik*, the continuation of military aid to West Pakistan is supposed to buy us influence with the ruling junta, and help offset Red Chinese influence. (Ironically, the Red Chinese are also aiding the West Pakistani generals.)

Yet the heaviest stream of refugees is pouring into West Bengal, which is not only India's poorest and most overcrowded state, but the most politically unstable. Between Calcutta and Bongoan on the border, some 50 miles distant, I saw scarcely a house that didn't have a hammer and sickle painted on it. Maoists, anarchists, and conventional Marxists attack each other and the less radical parties with violence as well as rhetoric. Strikes, demonstrations, and political assassinations are already a daily occurrence. West Bengal, even before the invasion of refugees, seemed about to explode.

By shipping arms to the West Pakistanis, we are partially responsible for pouring millions of hungry, sick and angry refugees directly into this tinderbox. This vastly increases the likelihood of a bloody upheaval on the Indian side of the border as well, in which the power of Maoist movements could only grow. Thus, even if one unquestioningly assumes the necessity to halt the spread of Chinese Communist influence, our policy seems idiotic. We hang on to the shreds of influence in West Pakistan at the cost of losing it in India. Worse, we pave the way for a bigger, bloodier and even more bitter Vietnam in Asia.

But there is a simpler, less political reason why our aid policy must be changed. On grounds of simple humanity, the failure of our Government to express official concern for the ravaged people of East Pakistan, its alliance with the undemocratic generals of Islamabad, and its cruel insistence on sending still more arms to the killers is morally repulsive.

The emergency in East Pakistan demands a more than minimal response. We need to pump immediate life-saving baby food, powdered milk, antibiotics, anticholera vaccines and similar supplies into India. But beyond that, decency and political realism both demand an immediate end to the arms shipments.

Alvin Toffler, writer and editor, is author of "Future Shock."

TWENTY-FIFTH ARIZONA BOYS STATE PROGRAM

Mr. FANNIN. Mr. President, earlier this summer I was privileged to address the opening of the 25th Arizona Boys State program at Flagstaff, Ariz. Carrying on a fine tradition, these high school leaders from around Arizona demonstrated great enthusiasm and dedication in their exercise of the democratic processes.

Two memorials approved by the Arizona Boys State house and senate demonstrate the concern that these young men have for their State and Nation and the thought that they have given to problems facing us today.

One of the memorials deals with the need for revisions in the current U.S. military system. The memorial points out the desirability of a volunteer army, yet it also makes provision for "a reserve force containing a number sufficient to protect our national security and interest."

The other memorial urges that careful studies be made before any further channelization is carried out in the Gila and Lower Colorado River Basins.

Mr. President, I request unanimous consent that these memorials be printed in the Record.

There being no objection, the memorials were ordered to be printed in the Record, as follows:

House Joint Memorial 1

(Introduced by Harvey and Poston)

A memorial relating to Army Corps of Engineers channelization of the Gila and Lower Colorado River Basins

To the United States Congress:

Your memorialist respectfully represents:

The channelization of the Gila and Lower Colorado River Basins are in fact spoiling the scenic and useful value of these River Basins.

In this age where our natural resources are rapidly being consumed, the requested ban would save the aesthetic value of these two beautiful scenic areas in our state for both humans and wildlife.

Now, wherefore, your memorialist, the Legislature of Arizona Boys State prays:

That the Congress of the United States immediately ban the outdated and destructive channelization practices on the aforementioned river basins, and institute an in depth study before authorizing any future thoughts of channelization projects in the great state of Arizona.

Senate Concurrent Memorial 1

(Introduced by Nicolaus-Hunt, Hackett-Safford)

A memorial relating to a National Volunteer Armed Forces and a Draft Reserve System

To the Congress of the United States of America:

Your memorialist respectfully represents:

Recognizing that the present United States Military system fails to offer sufficient initiative for men to willingly serve our country and realizing that men volunteering their services for our country would serve it better, a voluntary Armed Forces would benefit the United States of America in her national defense program.

Now, wherefore, your memorialist, the Senate of Arizona Boys State, prays:

That an active national armed forces be run on a volunteer basis. No citizen shall be drafted into the active armed forces unless a state of national emergency exists and/or war is declared by the Congress of the United States.

That the volunteer armed forces receive a salary equitable to the cost of living.

Male citizens between the ages of 18 and 25 shall, however, be subject to draft into a reserve force containing a number sufficient to protect our national security and interest. This force shall resemble the current armed forces reserve system. This reserve shall be trained and readied so that it may be placed on active duty in the case of national emeragency and/or a declaration of war declared by the Congress of the United States.

HIDDEN UNEMPLOYED WORKERS IN THE ECONOMY

Mr. HUGHES. Mr. President, in Sunday's edition of the Washington Post, Prof. Alfred Tella outlined the problem of the growing number of hidden unemployed workers in our economy.

We are all familiar with the official unemployment count which is published every month by the Department of Labor. It is mentioned frequently in Congress and in public discussion of the economy. What is often forgotten, however, are the workers who are without a job, willing and able to work, but not counted in the unemployment rate because they are not actively seeking work and registered at local employment offices. Mr. President, I believe this is an important article which n[illegible]s the attention of other Senators, I have forwarded a copy to the Department of Labor for their consideration, and I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[Reprinted from the Washington Post, Aug. 1, 1971]

Jobless Index Can Be Misleading

(By Alfred Tella)

How much do you know about the most widely watched statistic in the United States—the monthly unemployment rate?

Following are four simple statements about the unemployment rate which are either true or false. Read each statement carefully, then circle T or F in the space provided. A perfect score means that you should qualify as Assistant Commissioner of Labor Statistics. A score of two out of four correct should qualify you for Secretary of Labor.

1. When total employment rises, the unemployment rate usually declines. T F

2. The unemployment rate goes up when more people find jobs.

3. When total employment rises sharply (by more than 150,000 in a month), the unemployment rate usually declines. T F

4. Adults without a job who are ready, willing, and able to work are counted in the unemployment rate. T F

Here are the answers:

1. *False.* In the past two years total employment, seasonally adjusted, rose as frequently as it declined, but most of the time increase in employment were accompanied by a rise in the unemployment rate. Total employment rose only five times in the past 12 months, but in only half of these months did the unemployment rate decline. To reduce unemployment, a rise in employment must be larger than the growth in the civilian labor force. Often in the past two years the civilian labor force grew more than normally, partly due to the return of veterans to the job market. Therefore, a small rise in employment should not necessarily be expected to produce a decline in the unemployment rate.

2. *True.* The first answer also applies here. Strange as it may seem, increases in employment have frequently pushed up rather than pulled down the unemployment rate. This can occur, for example, when a rise in employment attracts a large number of persons into the labor force.

3. *False,* which is perhaps surprising. Most of the time even sharp increases in employment have failed to produce declines in the unemployment rate. Since early 1967 there have been 24 months when total employment rose by more than 150,000. This is equal to a rise of 1.8 million or more on an annual basis, and is considerably more than the normal growth in the labor force due to population growth. The unemployment rate failed to decline in 18 of the 24 months, or three out of four times. This pattern occurred in each year including 1967 and 1968 when the armed forces were increasing. Since early 1969 the unemployment rate failed to decline more than three-fourths of the time that employment rose sharply.

4. *False.* It is not enough to be ready, willing and able to work. A person also must be actively seeking work in order to be included in the official unemployment count. Therefore, persons unable to find a job in bad times who become discouraged and give up the search are not counted. They become the "hidden unemployed," invisible to the official statistics.

For readers who failed to make a perfect score, there is one more true or false statement.

5. There is something wrong with the unemployment rate, not with me. T F

Answer: True.

It is only in recent years that the unemployment rate has been behaving strangely, or rather, misbehaving. During most of the postwar period up to the mid-1960s when employment rose the unemployment rate usually declined. (In fact, the answers to the true-false statements 1 to 3, above, were reversed.) In short, the unemployment rate generally did what it was expected to do, moving opposite to employment. The more recent togetherness of employment and unemployment has probably taken many policymakers by surprise, and for the current administration it could prove to be a political disaster.

What caused the unemployment rate to get off its old track? Mainly it has been the growing numbers of hidden unemployed, or discouraged workers, and their exclusion from the official unemployment count. In earlier years there were not as many hidden unemployed around, and their movement into and out of the job market did not greatly disturb the behavior of the official statistics. Since the mid-1950s, however, they have been increasing in number. In periods of increasing job opportunities more of them, mainly women and young workers, moved directly into jobs. Although employment rose, the unemployment rate did not always go down since many of the newly employed were not previously counted as unemployed. When too many hidden unemployed chased the available jobs, some ended up in the official unemployment count. This put upward pressure on the unemployment rate even though employment may have risen.

Hidden unemployment can be and has been measured, and should be included in the official unemployment count. As it now stands, the official unemployment rate is neither fish nor fowl: it is neither a measure of hardship nor a measure of unused manpower. On the one hand it includes workers who are only briefly between jobs, and on the other it excludes discouraged workers who want a job.

Adding the hidden unemployed to the official count would result in a smoother growing labor force, and would, of course, raise the total unemployment rate in periods of less than full employment. In a severe recession such an "adjusted" unemployment rate could be more than two percentage points higher than the official unemployment rate.

Also, the perverse behavior of the unemployment rate with respect to changes in employment would all but vanish. Increases in employment greater than the normal growth in the labor force would consistently result in a decline in unemployment, and labor demand, more than labor supply, would determine short-term changes in the unemployment rate. The unemployment rate would be a more dependable indicator of conditions in the labor market and a better guide to economic policy.

ADDRESS BY HERBERT O. REED, SR.

Mr. GRAVEL. Mr. President, on August 4, 1971, Herbert O. Reed, Sr., professor of law at Howard University and staff director of the commission of inquiry, delivered a highly significant and topical speech before the 46th annual convention of the National Bar Association.

Although I am not an attorney, it is clear that the issues which he has raised are critical to the survival of our society. Because his speech is so important, I ask unanimous consent that it be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

ADDRESS BY HERBERT O. REED

I am grateful for the honor and privilege to address you at this National Bar Foundation Luncheon as part of the 46th Annual Convention of the National Bar Association meeting here in Atlanta, Georgia. We are witnessing and participating in the largest assembly of Black Members of any Bar in the World. The many activities, meetings, and seminars planned during this week indicate the extent to which Black lawyers are functioning as members of the American Bar. As this is a fitting time for fraternizing and rejoicing, it is also a time for sober reflection upon the role of the Black Lawyer in the American scene today. The theme of this convention has attempted to reflect this mood—The Black Lawyer as an Activist.

The first issue of the National Bar Journal in an editorial by the distinguished jurist of the Pennsylvania Bar, and former President of the National Bar Association, Raymond Pace Alexander, sets forth the purpose of the National Bar Association as follows:

"The advancement of the science of jurisprudence, and in addition to form a nationwide organization of practicing attorneys of the Negro race in an endeavor to strengthen and elevate the Negro lawyer in his profession and in his relationship to his people; to improve his standing at the Bar of the country, and to stress those values that would serve to enhance the ethics of his practice and conduct, to condemn actions that have a tendency to lessen respect for the lawyer and to create a bond of true fellowship among the colored members of the Bar of America for their general uplift and advancement and for the encouragement of the Negro youth of America who will follow their choice of this profession."

In this highly provocative article, Judge Alexander discussed two major reasons for the Black Lawyers of this country associating themselves together in a formal manner, the racial isolation of Black Lawyers in the Organized Bar, and the promotion of the role of the Black Lawyer in American society. I urge you to reflect upon Judge Alexander's prophetic remarks:

"Just so long as we are compelled to recognize racial attitudes in America, and the positive refusal to admit the Negro lawyer to membership in the Bar Associations of the South or even to permit them to use their libraries, just so long as the Negro lawyer is restricted in his membership in local Bar Associations in the North, and particularly, so long as the American Bar Association for all practical purposes refuses to admit Negroes to membership, then so long must there be an organization such as the National Bar Association. Certainly all of us shall welcome the day when racial animosities and class lines shall be so obliterated that separate Bar Associations, other separate professional associations as well as separate schools will be anachronisms.

"But beyond all of this lies a deeper and broader fact. The National Bar Association is really the development of the American Negro's belief in himself. He believes that the Negro lawyer and the National Bar Association can add to the science of the law as well as any other law associations, and bends his energies to seeing that his own group has every opportunity for its best and highest development.

"As the American Negro lawyer began through this Association to develop a belief in himself, his efforts in crusading for equal justice for the Negro citizens in their fight to improve their civic status took on a new and vastly important aspect. The Negro bar, most of whom are members of the National Association for the Advancement of Colored People, many of the officers, directors, and most active of the membership being either members of the Legal Committee of the N.A.A.C.P. or officers in their respective city branches have since the formation of the Bar Association, given active support to the many important cases involving the civil and political rights of the Negro which have been brought in the various courts throughout the country."

Black lawyers in this country continue to follow their noble traditions of seeking to make the rule of law serve the general welfare and provide a greater measure of freedom and equality for all.

To perpetuate this tradition, I have urged more Black students to study law so that they can help bring about change through the legal system.

Like the Trial Lawyers Association, and other responsible voices, I too repudiate the gratuitous remarks of Chief Justice Warren Burger that the law should not be viewed by the young as an institution for change in our society. I prefer the young in the law department rather than in the military science department.

I have counseled them to "Fight like hell to get into law school, fight like hell to change the schools once they are in, and fight like hell to save the American Bar from itself once they are admitted to practice." The American lawyer has lost his sense of responsibility to the community and has become, too often, a "hired hand" of the Establishment. Law Schools and lawyers have become enmeshed in the Establishment corporate product.

Traditionally, the American lawyer serviced the total community, rendering counsel and serving as advocate for all of the various interest groups within the total community. Some have written that the sense of social responsibility best characterizes the American legal profession.

Too often the "better trained lawyer" has confined himself to the representation of very limited interest groups. Thereby he has lost his historical independence, forsaken his role and become the hired hand of the corporate Establishment, or as in the characterization of Justice William O. Douglas' "Points of Rebellion"—the "Corporation state."

This development has had an even more alarming effect upon the administration of criminal practice. We are now experiencing in this country today the tragic consequences about which Roscoe Pound sought to alert us almost two decades ago:

"Raising up of a body of lawyers, who are to be advocates, prosecutors, and judges, with no thorough training in criminal law, is nothing short of a threat to the administration of justice."

In explaining the relationship between this development and law school education, Dean Pound continued:

"It is true in their neglect of criminal law the law schools reflect the attitude of the legal profession and the demands of the students. Economic causes have been turning the leaders of the profession more and more away from the trial courts and almost wholly away from the criminal courts. Hence no ambitious student in a national law school today seeks to prepare himself to practice in criminal cases. He knows that such practice as a major activity is the business of a type of politician lawyer of little standing at the bar and is regarded as appropriate to the lower stratum of the profession. Accordingly he wishes no more than that minimum knowledge of criminal law required by the examiners for admission to the Bar. But university law schools, and our better law schools are now of that type, certainly should not think of themselves as simply training students to pass bar examinations. They have a duty to the public to turn out competent, well trained lawyers equal to the tasks which will come to them as counsel to defend accused persons, as prosecutors, or as judges. It is a serious matter that the department of the law which is to maintain the general security is so little regarded in the training of the profession."

Hence today the members of the American community charged with the responsibility for the administration of the legal systems are without the requisite interest and knowledge of the body of law which in our society seeks to balance and regulate the preservation of the general security with the protection of the rights of the individual personality.

The Black Lawyer, paradoxically, has remained in the tradition of the community advocate and is today best characterized by his sense of social responsibility. He is the original "poverty lawyer." Because of his role in servicing his clientele, as part of his social responsibility, he has remained active, interested, and is uniquely qualified, in the field of the administration of criminal justice.

Like you, I too, have great faith in the American system. But I am also aware of its many shortcomings. For me, I am committed to the rule of law if it guarantees freedom for minorities, the poor and the forgotten. If the system is incapable of realizing these goals, then the system must be changed.

I know of no greater problem facing this Republic today than the Administration of Criminal Justice and Black and Minority communities. These problems need the expertness and attention of the Black Bar, whether one views the current status of Black Americans in terms of "progress and achievement" or in terms of "survival."

Together most of us have been involved in the field of civil rights and criminal justice. For the past year, it has been my pleasure to serve as Staff Director of the Commission of Inquiry Into the Black Panther Party and Law Enforcement, set up in response to an incident with which we are all familiar.

On Thursday morning, December 4, 1969, two leaders of the Black Panther Party—Fred Hampton, 21, and Mark Clark, 22—were killed in a pre-dawn police raid in Chicago, Illinois. That incident, the latest in a series of police-Panther confrontations across the country provoked an outcry in many quarters for full and impartial investigation of the two deaths and the repeated conflicts between law enforcement officials and members of the Black Panther Party.

On December 15, 1969, the Commission of Inquiry Into the Black Panthers and Law Enforcement was convened by a group of the nation's most distinguished leaders in the fields of civil rights and civil liberties. Prompted by the deaths in Chicago and growing public concern over what appeared to many to be a state of virtual guerilla warfare between police and Panthers, the convenors established the Commission as an investigative body of private citizens to inquire into the nature of this pattern of escalating conflict.

The Commission announced its intent to study and report on the experience of the Black Panther Party with the entire gamut of the law enforcement process, including relationships with the police, judicial and prison officials. The Commission accepted as a paramount concern the development of the confidence of the total community, especially the minority communities, in the fairness and impartiality of the rule of law. Realizing that in a Democracy respect for the rule of law is a central imperative, the Commission announced as a purpose to inquire into whether the legal process presently functions so as to command that respect of the minority communities.

The Commission is presently engaged in the preparation of three reports as follows:

(1) Report on the Chicago Incident of December 4, 1969, which precipitated the inception of the Commission.

(2) Report on the Experiences of the Black Panther Party with the Gamut of the Law Enforcement Process, Ranging from Treatment by the Police to Judicial and Prison Officials, and

(3) Report on the Administration of the Criminal Justice System from Arrest Through the Correctional System—To Determine Whether the Legal Process Presently Functions So As to Command the Respect of the Minority Communities.

The Chicago Incident of December 4, 1969, assumed particular import in the light of two circumstances:

First, the considerable public attention and concern generated by the deaths, which continues still today. And second, the fact that in that incident and its aftermath virtually every principal issue of concern about the administration of justice in the United States converged. In short, the Chicago Incident represents a microcosm of the relationship between Black and minority communities in America and those officials and agencies charged with the administration of justice.

The circumstances of that incident represented, in the first place, a case-study of the relationship between members of the Black Panther Party and law enforcement officials. It contained those various elements brought into focus by the history of police-Panther confrontation since the formation of the Party in 1967. Still more significantly, the principal elements of the Chicago case were those common to the overall issue of the administration of justice and minority communities in the United States.

These issues ran the gamut from initial police action to ultimate treatment in the courts, from the local level to the federal level. The most critical issues in the criminal justice system today were all brought out in bold relief in this case:

Surveillance and infiltration of dissident political groups; police actions against minority communities; the treatment of minorities in the courts and correctional institutions; the unfettered power of the prosecutor in the use and abuse of the grand jury; the collaboration of law enforcement and prosecutorial officials at the local and national level; the intrusion of political considerations into the administration of justice.

These factors are part and parcel of the problems raised by the history of four years of confrontation between the Panther Party and those charged with the administration of justice. They are, moreover, precisely those issues of primary moment to the Black and minority populations. They represent the trends which, beginning most noticeably in 1967, have developed with alarming speed and still more alarming lack of opposition:

The militarization, nationalization and politicization of law enforcement agencies at all levels; the movement toward the short-circuiting of traditional procedural safeguards in the treatment of defendants; the trend toward non-judicial (and, in some cases, *summary*) punishment; an increasing emphasis on "preventive" action, on "internal security" at the expense of basic Constitutional rights; the blurring of lines between international security and internal security, between local and federal law enforcement functions.

The issues raised in the Chicago case and in the history of the confrontation between law enforcement officials and militant groups such as the Panthers, must not, therefore, be considered in isolation from the overall experience of black and minority peoples. While perhaps more noticeable in the cases involving members of the Black Panther Party, these developments cannot be received as isolated instances of repressive use of the criminal process. Nor can they be viewed from the comfortable position of many, that "the Panthers are such bad actors they deserve anything they get" These developments affect us all, and will continue to do so—indeed, if the Panther Party should disappear overnight, there would be no slackening in the instances of abuse typified by their experience with the criminal justice system. What happened in Chicago, what has happened with the Panthers, is but a prototype of what has been happening first to the Black and minority communities and later to members of the larger community. To ignore these issues is to further imperil our own security and freedom and that of our communities.

Further in-depth study of the problems arising out of the administration of criminal justice and Black and minority communities is of the utmost necessity. I hope this assembly will become more articulate in its demands for such further study, with the necessary Black and other minority imput. Beyond urging upon you the necessity for vigorous participation in this area, I would like to discuss briefly some of the issues of greatest moment in the field of criminal law.

I. EMPLOYMENT AND USE OF THE CRIMINAL PROCESS

Legal writers in attempting to explain the purpose of the criminal law have set down various theories: the criminal process seeks expiration from the offender; it is designed to rehabilitate the offender; or, it is merely a vehicle whereby society vindicates injury laid upon it by the commission of a criminal act. What gains nearly universal assent among the scholars, though, is the proposition that the purpose of the criminal law is to preserve the general security of society while simultaneously affording protection to the rights of the individual.

The ideal relation of these concepts equals justice as is known in Anglo-American jurisprudence. As Dean Pound wrote:

"In criminal law we encounter the antimony of the general security on the one hand and justice as the ideal relation among men on the other hand."

Those charged with the administration of criminal justice in our society today too often have viewed the criminal law solely in terms of preserving the general security, as they define that concept. Their "general security" is tantamount to the status quo of American social, economic and political life. Therefore, to preserve in unaltered form the Establishment in all its present aspects, is to preserve that general security.

United States Attorney General John N. Mitchell, speaking before the Kentucky Bar Association, April 23, 1971, on the conflict between "national security" and Constitutional provisions for individual freedom:

"(W)here the national security is threatened, prevention is our first consideration. We first need intelligence on the movements of suspected conspirators, not formal evidence on which to convict them. . . .

"The United States Constitution does not end with the words, 'This document will self-destruct.' "

The general security is deemed to be threatened by individuals in opposition to certain conditions as they exist in today's society: an apparently unending war with its attendant militarization and public deception: the lack of a national commitment to eradicate urban deprivation and racism.

The present ills of our society, whether focused in demonstrations or not, still remain unaddressed. As Dr. Calvin H. Plimpton noted:

"The pervasive and insistent disquiet on many campuses throughout the nation indicates that unrest results, not from a conspiracy by a few, but from a shared sense that the nation has no adequate plans for meeting the crises of our society . . . we do not say that all of the problems faced by colleges and universities are a reflection of the malaise of the larger society. That is not true. But we do say that until political leadership addresses itself to the major problems of our society—the huge expenditure of national resources for military purposes, the inequities practiced by the present draft system, the critical needs of America's 23,000,000 poor, the unequal division of our life on racial issues—until this happens, the concern and energy of those who know the need for change will seek outlets for their frustration."

And as Mr. Justice Douglas observed:

"The truth is that a vast restructuring of our society is needed if remedies are to become available to the average person. Without that restructuring the good will that holds society together will be slowly dissipated. . . .

"There are only two choices: A police state in which all dissent is suppressed or rigidly controlled; or a society where law is responsive to human needs.

"If society is to be responsive to human needs, a vast restructuring of our laws is essential."

Since, then, "the nation has no adequate plans for meeting the crises of our society," the criminal process is being employed to repress efforts by so-called dissenters toward reordering society on a more equitable basis. A more insidious development has been an abandoning of the effort, whether real or illusory, to meet the serious social problems of Black and minority groups primarily in the urban setting.

Black and other minority groups, now clearly left out of the mainstream of American life, in ever-increasing numbers must remain in degredated circumstances, living out the life styles which attend a depraved social environment. These life styles, themselves, have been deemed anti-social, and hence a threat to the general security. Viewed in this light, the criminal process is being used as a first line of defense against not merely protesters, but deprived, oppressed people.

It appears to me that there is no realistic policy and program to close the gap, between the disparate conditions of the affluent and the poor, to increase the hopes and aspirations of the blacks and the poor. There appears only a design to use the criminal process to hold the line and contain.

Prominent leaders of the community have come to this realization. The Acting Executive Director of the National Urban League, Harold Sims, stated recently:

"The greatest danger facing blacks in the United States is the possibility of massive repression by a general society frustrated over national and international failures.

"In view of the frustrating conditions that the nation has suffered," Harold Sims continued, "there is the danger that they (the majority) will continue to blame the victims in their midst like in Nazi Germany rather than work toward solutions of the problems."

Further Mr. Sims observed:

"Instead of working toward solving the problems of the urban core centers, (the white community) want more money for police work, for detention camps and for courts, to speed the process of court cases.

"In this society they somehow find it easier to deal with controlling and imprisoning and repressing rather than dealing with eliminating the things that cause the prolems."

II. THE NEW FEDERAL ROLE

When Senator Barry Goldwater waged the first "Law-and-Order" campaign for a major elective office in this country, he was denounced and apparently abandoned by the great majority of the American people. Yet the fundamentals—if not immediately the blatant rhetoric—of his call for law-and-order were rapidly incorporated into the policies of both parties and administrations following his overwhelming defeat. Spurred on by the ghetto rebellions of 1967 and 1968, the law-and-order policy was instituted in force in President Johnson's "War on Crime," formalized in the so-called Safe Streets Act of 1968, directed by the United States Department of Justice, funded through the Federal Law Enforcement Assistance Administration, and supported whole-heartedly by virtually every major political leader of both parties. The principal—and virtually the only—criticisms we have heard of the law-and-order policies and programs emanating out of the original Omnibus Crime Control Act of 1968 have been that it was not "efficient" enough, or that the money was being allocated disproportionately to rural areas rather than major cities.

The law-and-order movement has gained respectability, federal financial assistance, the stamp of government approval and some measure of popular support. Under the guise of guaranteeing "safe streets," the law-and-order programs of the past two administrations have implemented and abetted the period of governmental repression that is now upon us.

The law-and-order State is no longer some misanthropic dream of a "1984." It is a more distinct probability with each passing day.

As a result of the ever-increasing federal role in law enforcement "assistance," the traditionally autonomous local police department in American communities are undergoing a process of militarization, nationalization and politicization. Since Watts and Chicago, the local police have become increasingly organized and equipped along military lines. More and heavier equipment, greater mobilization, armored vehicles, training for the control of mass civilian disorders, and elite "task force" units with no relation to any community whatsoever have become the hallmark of the "modern," "professional" police department.

Federal standardization of local police training, equipment, and techniques, along with a massive federally-directed information network, have taken law enforcement far down the road toward nationalization. Already many States, flooded with equipment that is recommended by federal standards and purchased with federal funds, have seen the rise of "mutual assistance pacts" between small, over-equipped local communities—miniature NATO's—that further the ominous trend toward consolidation.

Moreover, with encouragement from the policies and pronouncements of the highest national officials, police and other local law enforcement officers have become a highly vocal and independent political force—to the point where a convention of American police officers could declare that if the courts did not enforce the law to their liking, police would take the law into their own hands.

Along with these threatening developments—militarization, nationalization, and politicization—has come a further, still more perilous trend: the extension of the rationales and techniques of "international security"—a la CIA—to domestic "internal security." The United States Department of Justice and the FBI—and increasingly, following their example, state and local law enforcement agencies—have abandoned their traditional roles of law enforcement and the protection of citizen rights, and have turned to active pursuit of something called "preventive action." "Preventive law enforcement" bears little of the social good inherent in "preventive fire control," to which it is often likened; for, if one judges from the pronouncements of the Attorney General and the venerable Director of the FBI, preventive law enforcement has no room for such technical niceties as "probable cause" and "due process." The principal aim of this preventive activity by the Federal Law Enforcement Establishment is "internal security," i.e. the surveillance and infiltration of groups suspected of being threats to the existing regime. Formerly concerned partially with ferreting out Communists and "fellow travelers," the FBI has now assumed as its primary function, according to its Director, the surveillance of the "violence-prone" and "those who foment racial unrest."

Stated simply, both the FBI and the Justice Department have assumed primary responsibility for two functions which are inherently and inevitably contradictory: the aggressive maintenance and advocacy of the exercise of civil rights, and the still more aggressive maintenance of "internal security." The latter function has, as demonstrated by recent actions of both the FBI and the Justice Department, taken the first priority. The active and widespread use of all forms of domestic political surveillance—wiretapping, electronic eavesdropping, on-site surveillance and infiltration of suspect" organizations—the formation of special anti-subversive units, and the development of highly sophisticated networks to facilitate exchange of information among law enforcement and intelligence agencies at the local, state and federal level, has put the FBI and the Justice Department into a new role. The federal apparatus no longer operates as the agency concerned with federal crimes, and responsible for assisting local jurisdictions only when particular expertise is required or when the local system breaks down. The federal apparatus is now an active participant in law enforcement and the administration of justice at the local level.

For example, the particular problem posed by the stance of the federal government is illustrated in the Chicago case. The FBI has infiltrated the Illinois Chapter of the Black Panther Party. The FBI provided the information which instigated the raid. The FBI provided the informant who may have been complicit in the death of Fred Hampton. Yet the FBI was the sole investigative arm relied on by the Justice Department and the Federal Grand Jury. Who now is to investigate to determine whether government, state or federal, has violated the civil rights of the citizenry? The federal government's role in civil rights enforcement has now become a museum relic.

III. NON-JUDICIAL PUNISHMENT

There has developed a wide range of problems in the so-called pre-trial stage. The area of next concern which warrants additional inquiry and study is the criminal process of arrest up to the trial.

The present administration of the criminal justice system at this stage has resulted in what is most accurately described as non-judicial punishment, as distinct from that punishment which is imposed by an appropriate judicial official after a due process adversary trial.

At the outset, there appears to be an ever-increasing use or deployment of the criminal system against blacks, the poor and the unpopular, without a proper judicious balance of societal interest and the injury which will be occasioned to the individual involved in the criminal process—whether he is later vindicated or not.

We have cases where important people have become involved in the use of the criminal process and have been vindicated—or it is expected that they will be vindicated at trial or on appeal. Angela Davis, Huey Newton, Bobby Seale, the New York–21, the Chicago 7 and legions of others. In most of the cases involving important people or issues, or both, adequate legal defense would not have been available but for the standing of the people involved or the issues raised. There have been periods of incarceration in most of these cases for which vindication at trial or later did not attempt to compensate. Where bail was secured, it was raised again by concerned people.

Reflect for a moment on the effect upon the average black and poor where the criminal process has begun against him with an arrest. Two days in jail, and he has lost his job, weeks later his house or apartment and furnishings, and still later his wife, children and home. Society makes no pretense at any restoration, but takes comfort in the greatness of a legal system that has vindicated the innocent, without any consideration of whether the criminal process should have been precipitated in the first instance.

This careless disregard, based too frequently on race or economic status, reflects itself still further during this stage of the criminal process by such practices as arrest for investigation, pre-trial detention, and police interrogation—as an alternative to police investigation.

There appear today far too many instances of arrest, and precipitation of the criminal process, in the hope that before the "end of the rainbow" some evidence sufficient to convict will be discovered; and if not, there is always a next time. Witness the "Berrigan Kidnap Conspiracy," and the "Alfano Case" in Chicago.

With this kind of orientation evidence is developed to sustain prior judgment, and less and less is the prosecution inclined to share with the defense evidence which might exculpate the defendant.

More recently we have witnessed the development of the Grand Jury as an arm of the prosecution, assisting in the prosecutorial function of investigation. Historically, the Grand Jury served either of two functions—pursue its own investigation or hear the prosecutor's case developed by his investigation and decide whether to indict or not indict.

Since the prosecutor in his investigation does not have subpoena power, efforts are now made to achieve that purpose by subpoenaing the witness to appear before the Grand Jury, where the prosecutor (aided by the compulsion of the court) pursues his investigation, by the use of the "grand jury room". The Organized Crime Control Act of 1970 seeks to assist this process by provisions for punishment during the life of the grand-jury which is to be considered as civil and not criminal punishment, and hence to impede release from commitment during appeal. The historic transactional witness immunity has been changed by legislative enactment to a "use immunity"—the too frequent losing game of whether you can catch the prosecutor using "tainted evidence" or "the fruits of the poison tree".

A further aspect of non-judicial punishment, one which weighs most heavily on blacks in particular and poor people in general, is lengthy pre-trial detention. Occasioned partly by logjams in the courts, it has been effectively promoted by the application of prevailing bail standards—an inherently discriminatory process which demands money as the price for freedom from people who have no money.

Accused persons have been incarcerated as a result of pre-trial detention for periods as long as two years, thus serving time under prison conditions indistinguishable from those forced upon convicted and sentenced offenders.

A recent national survey revealed, in fact, that 52% of all persons incarcerated in the United States today are awaiting trial. The riots in New York City's penal institutions a year ago were in institutions housing not sentenced prisoners, but persons who had been awaiting trial up to two-and-a-half years.

The institutions for pre-trial detention are marked by the overwhelming proportion of young, black inmates, many of whom will ultimately be found innocent, or in the alternative will be sentenced to time served. Thus a young black person without a job or without sufficient funds for bail, without perhaps an easily-checked address that would make him eligible for release on his own recognizance, can be imprisoned for two years, or even more, on a charge which, had he been convicted, might have carried maximum sentence of six months.

But time of pre-trial detention is not the only measure of the harshness of this form of non-judicial punishment. As pointed out earlier, for the man with a marginal income even a few days of pre-trial detention can mean the loss of his job, loss of possessions, difficulty in finding new employment, forced dependence on welfare, and ultimately even the break-up of his family. Pre-trial punishment by detention, in effect punishes a person for the sole crime of poverty. Perhaps this punishment by pre-trial detention is best summed up in the words of a young man recently released from a New York City jail:

"I was busted, right? I was charged with burglary and I couldn't pay bail so I got locked up. Now, I'm supposed to be innocent till the trial, right? I'm innocent but I don't have bail so I'm locked up.

"Now seven months later I pleaded guilty to possession of stolen property and they gave me time served. So now that I'm guilty they let me go. Isn't that a bitch?"

IV. THE TRIAL—SHORT-CUTTING THE TRADITIONAL PATH OF THE COMMON LAW

At the trial stage, as well as before, the recurring problem of the jury arises—the composition of the grand jury and the petit jury. Much of the discussion of jury composition has heretofore centered on racial exclusion, primarily the exclusion of blacks and other minorities from serving on juries in which their peers are defendants. However, a new dimension to this problem has arisen today, growing out of the present urban situation in America. Historically, the concept of peers involved persons of a common interest and environment, a community and its life, from which the defendant came. Yet today jurors are being selected principally from outside the inner city ghettos—and indeed, in many cases from outside the entire core city—to sit in judgment upon the inner city dwellers they have just escaped, and whom they now fear as a threat to their suburban paradise. Of necessity, then, the juror becomes not the defendant's sympathetic peer, but his hostile adversary in the fight to contain the problems of the inner city.

Increasingly, trials today reflect the mounting pressure to relax procedural safeguards and due process standards to take care of the increased load on the criminal process from arrest to incarceration. If you look at the arrest records, they're increasing; if you look at incarceration, it's increasing; and yet there is greater agitation on the part of the government, with great support from the public sector, to facilitate this process.

Given the reason for the deployment of the criminal process in this area, that is, preservation of the general security, it is small wonder that the court system is viewed as being faced with problems of speed, cost and efficiency. Whether the trial proceedings comport with essential elements of due process is no longer a significant consideration. For example, plea bargaining has heretofore been suspect due to the potential involuntariness of the plea, where the prosecutor over-awes the defendant with the substantial likelihood that he will receive severe punishment. Here, however, where the defendant pleads guilty seeking release from long incarceration as a result of high bail and preventative detention, the involuntariness of the plea is even more apparent.

The raising of pre-trial motions in objection to evidence obtained in violation of the ban against self-incrimination and unlawful search and seizure, have been characterized by those charged with the administration of criminal justice as "procedural niceties," which inhibit the judge from his "essential function" of determining guilt or innocence. Moreover, such procedural niceties impose unwarranted costs—due process has become too expensive. Whether evidence has been unlawfully obtained is no longer a due process problem, but merely a cost factor in the overall cost and speed analysis.

Speedy trial no longer means that it meant to the framers. Today it means expediency and economy. The reasoning of expediency and efficiency has led to speed and a desire to short-circuit the criminal process. If you follow that line, you could end up exterminating some people you dislike. When you end up, it's the cheapest thing to do.

The state of the training and interest of the general bar in the field of criminal law, referred to earlier, has produced what Dean Pound predicted:

"If advocates, prosecutors, and judges are not well trained in the law they take part in administering, a general inefficiency in the work of the courts in criminal case may well turn us from the traditional judicial path of the common law into the administrative path."

The persistent assault upon the fundamental guarantees implicit in "due process" now threatens the concept itself. Numerous incidents of assaults upon areas embraced within the due process citadel of a free society could be cited. The erosion of the *Mallory-McNabb* rule and the *Miranada-Escobedo* rule; the suspension of basic search and seizure requirements, highlighted by the "no-knock law and the ability to electronically eavesdrop without prior judicial authorization; the time limitations imposed upon the applicability of the "fruit of the poisonous tree doctrine;" the denial of an adversary type proceeding to determine whether a conviction was based upon unlawfully-seized evidence; the narrowing of the Sixth Amendment right of confrontation, such that hearsay is admissible; the finding that vigorous assertion by a defendant of constitutional rights during a trial may amount to waiver of the right to be present at trial, and thus the defendant may be tried in abstentia.

Attacks upon these guarantees are styled, euphemistically, "attacks upon the Warren Court," or rolling back the overconcern of the Warren Court for the offender.

The assault became more fortright during the annual meeting of the American Bar in New York and London. It has become crystal clear now that there is an accepted governmental policy in this country and in England to constrict the due process guarantees inherent in the concept of "due process." Could this development have achieved the sanction of the Chief Justice and the Attorney General of the United States and high judicial officials of England, but for the fact that there is a belief that Anglo-American protection of the criminal law inherent in Due Process should not limit the government in its dealings with blacks in the United States or in England?

V. JUDICIAL PUNISHMENT

Judicial punishment—the predominant form being incarceration in institutions tragically misnamed "houses of correction"—is an issue long-criticized but never acted upon. There has been virtually unanimous agreement by inmates, guards, prison administrators, social scientists, judges, and attorneys alike that our prisons are brutal institutions which destroy—rather than rehabilitate—human beings. Yet prison policies and conditions have undergone little change since the fledgling American Prison Association declared in 1870:

"Reformation, not vindictive suffering, should be the purpose of penal treatment."

We condemn men and women to these inhuman conditions, then turn our backs completely on them. For all practical purposes a man imprisoned in our society is a man forgotten, a man who indeed has ceased to exist. The words of George Bernard Shaw in 1946 ring truer than ever in America of 1970:

"Imprisonment as it exists today is a worse crime than any of those committed by its victims; for no single criminal can be as powerful for evil, or as unrestrained in its exercise, as an organized nation."

The general society's willful ignorance of the human suffering generated by imprisonment, not only to those behind bars but their families, is all the more callous, if perhaps more understandable, because those rotting away in prison are disproportionately the poor, the oppressed, the racial and ethnic minorities of our Nation, and politically powerless. Doubly condemned, doubly oppressed, doubly victimized are the vast proportion of prisoners who are black or of other minority communities. Their condition, if bad before they entered prison, if worse while in prison, is hopeless when, and if, they are ultimately vomited back out to try to survive in their communities.

In the jails of our largest cities, as many as 90% of those incarcerated are black, Puerto Rican, Mexican-American, and across the nation prison populations contain similarly disproportionate concentrations of the economically and socially oppressed peoples, both black and white.

We have reached the point of diminishing returns as far as the imprisonment of black people is concerned. In the streets, young men talk about prison as "no big deal;" some wear it like a badge of honor. And for those sentenced to longer terms in such conditions of degradation, the risk of quick death in an escape attempt is becoming more desirable than the slow death that each day in prison holds.

As tragic as the killing of the California judge at San Rafael was, it should not have surprised or even shocked those familiar with prison life and conditions. It was a foreseeable, even inevitable, consequence of the fateful path we have too long pursued.

There had begun to emerge decisional law affording to prison inmates some measure of decency and civility during their incarceration. Three areas are involved: matters relating to the prisoner's incarceration or conviction; other matters of personal concern to the prisoner and his family; and internal management of the penal system.

But prison officials have successfully solicited the aid of responsible elements of the community to reverse any developing trend for judicial supervision over prison management. They have attacked the existence of any concept of "prisoner's rights," that the purposes of punishment are antithetical to a notion of basic civil rights of prison inmates.

Now that there is still no evidence that those on the outside of the prison walls are committed to anything but public complaints about the state of penal treatment, inmates have begun to take upon themselves the initiative to alter their environment—by whatever means necessary. The time of spontaneous inmate riots is being supplanted by a genuine political movement within the prisons. As George Jackson, the remarkable author of *Soledad Brother*, has written,

"They come in goose-stepping, but they march out wearing black berets."

And why not? We outside the walls have refused to recognize those within. Should they recognize and rely on those of us outside?

VI. THERE IS NEED FOR BLACK AND OTHER MINORITY INPUT INTO FURTHER STUDY AND DEVELOPMENT IN THESE AREAS

Free men must be even vigilant to remain free. I hope that through this brief discussion, I have suggested to you areas in which you will become more vocal and articulate as Black members of the American bar.

An examination of the Attorney General's Annual Reports over the past few years, and of recently enacted and proposed legislation, at both the federal and state levels, will demonstrate clearly that a wide segment of the larger community has been and is busily at work in "think tanks," in law schools, in the halls of the several legislatures, state and national, in the executive branch, and in the judicial branch, to effect major changes in the administration of justice in America.

This activity is currently being carried on under the banner "of the people," "by the people, and "for the people" but more accurately—it has been "to the people."

Much of what I have commented upon is not the research and study product of my own individual activity. For that which might be constructive to you and others, I am indeed grateful to not only the Commission staff, but to the many people around the country who have been of invaluable assistance. Without assigning to him any of the burden which I may have to bear as a result of this discussion, I would like to personally thank the Deputy Staff Director, Ray Baxter, and the others for their assistance.

I wish also to express my gratitude to Dean Paul and the Faculty of the Rutgers Law School for my association with them during the past academic year as a visiting professor. I look forward to the ensuing year when I may share more closely some of these problems with Dean Paul Miller and my faculty associates at Howard. I hope through my colleagues at Rutgers and at Howard that a seminar can continue to probe some of these questions in these two law schools.

It is my further hope that through your interest and the interest of others further study of these areas will be insured.

In conclusion—it is again my sincere hope that the response of this convention will be: "We Shall Be Heard."

CRIME ON OUR STREETS— A TIME TO ACT

Mr. McINTYRE. Mr. President, one of the most crucial of my concerns since I came to the Senate is the safety of our citizens on the streets of America's urban communities. Daily news stories continue, however, to tell of the ravages increasingly perpetrated on innocent Americans.

This problem is most publicized for our Nation's Capital. And it is rightly so. Here in the seat of our Government, our citizens, Government officials, and visiting tourists are fearful and frustrated. They do not feel safe on the busiest thoroughfares. I have been disturbed about this for some time. And I am even more disturbed by recent trends.

Despite the passage of some extremely tough legislation over the past 3 years, the problem has gotten worse. I have always supported the toughest constitutional legislation possible for a solution to this problem. And I had high hopes for some progress. Yet crime statistics and the daily heartaches of those accosted shows that more is needed. More than being frustrated about this situation, I am angry. And this anger has grown.

My anger is accentuated by the fact that even near the highly protected buildings of the Capitol, we have seen bombings and we have seen one of our colleagues attacked in a nearby apartment building. One of my employees was assaulted last week—at noontime no less—right on the Capitol Grounds. A secretary in another office was recently robbed at her desk in the Senate Office Building itself.

Yes, I am angry. For I know that if we are subjected to fear and brutality in this well-protected atmosphere, what of the millions of citizens whose daily lives are ravished by crime? They have no protection. For them, fear knows no bounds.

Mr. President, we must move faster. We must take every possible step to counter this spreading cancer. We must, in short, declare a total war on crime. And we must never deescalate these efforts or be mollified by temporary lulls in criminal activity. This must be a quest for total victory. Our police must be better trained and better paid. We must bring to bear our tremendous technological discoveries on those who would flaunt the rights of peace-loving citizens. And we must undertake a tragically overdue reform of our courts and prison systems.

I do want to point out to the Senate that this sense of urgency is now fast spreading to those outside of our urban areas. And it is their problem, too. Editorials published recently in my State have reflected my growing concern and anger.

Mr. President, I ask that one such editorial, from the Hampton, N.H., Union, be printed in the Record. It makes clear, I think, that this is one war that the American public will support.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Hampton, N.H. Union, July 21, 1971]

Hogate's is one of the famous restaurants in Washington. It is on Maine Avenue which runs along the Potomac River just a few blocks from the White House and the Capitol.

On a recent evening a couple married only two years and in their twenties finished dinner and left the restaurant for its parking lot to ride home in their car.

Only a few paces from the door they were accosted by two men one of whom put a gun to the couple. The young man and his wife were forced into their auto and forced to drive a short distance to an alley. There the young wife was brutally raped repeatedly, and murdered. The young husband had been bound and forced to witness this heinous crime.

A few evenings later a Naval Commander took his wife and children to see the fireworks on the Washington Monument grounds. En route home in their station wagon, the Commander was needlessly harassed by a tail-gating vehicle carrying several persons, including one female. As the Commander's wagon approached a traffic light the other vehicle sped around it and drew up sharply in front of it. The Commander got out of his car to protest the actions of these devils and was immediately pounced upon. His 16 year old son ran to the rescue whereupon one of the hoodlums drew a pistol and killed the Commander and his boy in cold blood.

On another recent evening two newspaper reporters knocked at the door of one Warren Burger, Chief Justice of the Supreme Court of the United States of America. The Chief Justice opened the door cautiously with pistol in hand, not knowing what might be lurking on his steps. As awful as are the foregoing facts, they relate the times as they are in the city which is the home of our federal government.

You can't tell us such a condition is necessary if the people who run that government—all of them—were all doing their job. And if the leaders of government were truly marshalling the decent citizens of the land to do away with permissiveness and tolerance of wrong and lenience of punishment.

Samuel Leibowitz was a tough New York judge for some thirty years. He protected the innocent but meted out severe punishment to the scum guilty of crimes against public safety and public order.

The other night retired Judge Leibowitz was on the Dave Susskind show. He called for a return to respect for parents, and to fear of God, and to effective punishment of the guilty.

It's too bad New York can't return the Judge to the bench. It's too bad the City of Washington and the 50 states don't have many judges like Leibowitz.

THE CRISIS IN ACADEMIC RESEARCH

Mr. MUSKIE. Mr. President, a growing but little noted crisis is at the heart of American higher education. The crisis was created in Washington and it can only be ended in Washington. Its resolution requires a hard look at Federal policy toward the funding of academic science. Such a policy has never before been clearly formulated. The national defense, Sputnik, the burgeoning student population, and mounting social ills spurred the growth of federally sponsored science research in our colleges and universities. What ultimately emerged was the product of a hodgepodge of responses to short term pressures. But as long as the total input of Federal funds increased annually at a healthy rate, the policies under which the money was disbursed were seldom re-examined.

Of course, there were a few doubters even in the early stages. Years ago, some questioned whether it was wise to use the then sacrosanct umbrella of the Department of Defense budget as a cover for research vital to the national interest, but not to the national defense. The reply was that it was easier to use the defense budget than to try to educate the public about the crucial role of scientific research. Hence, much research in the sciences—physical, social, and biological—research which was germane and vital to the longrun interests of society apart from the matter of national security—came to be hidden behind the defense shield. The public in turn remained ignorant of the real substantive value of such research.

At the same time, a few voices questioned whether it was wise to subsidize higher education covertly through Federal research grants and contracts. Again, we were told that the indirect route was easier than persuading the public to favor direct public support for colleges and universities. And again the warning voices were drowned in a flood of Federal research dollars.

From 1960 through 1967, Federal funds for research and development at universities and colleges grew from $458.6 million to $1.46 billion, an average growth rate of $140 million per year. This substantial, sustained, and fairly constant rate of growth had three basic effects. First, it produced a set of expectation on the basis of which longterm plans and capital investments were made. Careers were committed to programs and millions of dollars were put into expensive research equipment like cyclotrons and linear accelerators. Second, the growth in Federal research funds made it possible for a burgeoning student population to be accommodated by a comparable growth in faculty and space in higher education. Finally, the growth in research support produced an enormous increase in our body of scientific knowledge and technology. Whole fields of inquiry, such as plasma physics, came to maturity; and the interactions between theoreticians and experimenters led to a dynamic, vibrant, and productive scientific community.

But as the economy plunged into recession, Federal support for academic research was hard hit. In 1969, Federal support grew by only $36 million, as against the average of $140 million per year from 1960–68. The most severe shock occurred in 1970, when there was not only inadequate growth, but an actual reduction of support to the tune of $62 million. While 1971 saw an increase of $107 million, the average increase across 1970 and 1971 was only one-fifth as much. These crippling reductions in the growth of Federal aid for academic research, taken in conjunction with the impact of inflation, have generated a substantial gap between where we are and where we were going, according to even the conservative estimate of Lee DuBridge, the President's former science adviser. Dr. DuBridge has proposed that the funding level of 1968—$1.5 billion—be taken as a base and that growth should be at a current dollar rate of 6 percent per year, yielding a growth rate in real dollars of 1 percent per year. Others have suggested that the minimum rate should be twice that. However, even by DuBridge's criteria, we now have a $250 million funding gap.

There is little question that the changing state of the economy had to have some impact on Federal support for academic science. That is not the issue. What is at issue is the extent of the reduction and the way in which it was managed. In the pattern of management alone, there is a stunning indictment of the basic flaws in Federal policy toward academic research.

MANAGEMENT WITHOUT POLICY

The number of total cutbacks in support do not tell the whole story. The manner in which the cutbacks were imposed has compounded the damage beyond the capacity of aggregate figures to describe. An examination of some actual cases reveals the full extent of the disaster. Examine just three: first, the very specific case, the termination of a pilot project in arthritis control; second, the pattern of practices in a particular agency, the National Institutes of Health.

THE ARTHRITIS CONTROL PROJECT AT THE UNIVERSITY OF MICHIGAN

In 1969, the Public Health Service awarded a major contract to the University of Michigan for a project in arthritis control. The contract was for $100,000 per year, and although the contract was in keeping with the Federal practice of contracting on a year by year basis, there was a clear understanding that the grant would run for 5 years if performance was satisfactory. This award had been made after a very hard competition among some of the finest schools in the country. It was generally agreed by those judging the competition that the Michigan proposal was of truly extraordinary quality.

Indeed, even the prior planning had been very thorough. As a result, the money, which became available on July 1, 1969, was already working to treat patients by September 1. But that fall, the director of the program, Dr. Ivan Duff, read one morning in the newspaper that 8 out of 11 chronic disease programs in the Public Health Service were to be eliminated. Listed among those to be discontinued was arthritis control. This was the very first word that he had that there was any problem with the future of the Michigan program. What followed was a long and frustrating series of attempts to reverse the Government's decision. Senator HART and Senator Yarborough and Senator MAGNUSON were very active in the fight to keep the program alive.

Various rationales were offered for its termination. At first, it was argued that the anti-arthritis effort had to be discontinued due to an administrative reorganization. In that reorganization, the program had been assigned to the Regional Health Service, and unfortunately there was no budget for it in that department. The argument that funding should also have been reassigned was to no avail. Other rationales were offered as well, the final one being that the legislative language did not authorize the specific Michigan program. The arguments that proponents of the program had twice testified before Congressional committees and that on the basis of Congressional legislation the Public Health Service had in fact awarded the contract also proved futile. The program was discontinued.

Interestingly, at no point was any argument offered to the effect that the program was not properly run or that it was less deserving of support than others funded by the Federal Government at that time. Such behavior on the part of the Government deters the best research people from participating in federally sponsored programs.

CUTBACKS IN THE ATOMIC ENERGY COMMISSION DIVISION OF RESEARCH

At last report, the Atomic Energy Commission was completely terminating 136 research contracts totaling $7.5 million. It is interesting to note the two main rationales offered to support these terminations. First, the AEC argued that it was reexamining projects to see if they were truly within its mission. That such examinations should have been made before the contracts were awarded and huge investments of time, professional effort, and money were made seems not to have been a consideration.

The other basic rationale offered was that some projects were terminated because it was felt that other agencies should pick them up. The National Science Foundation, in particular, was an often mentioned source of funds for projects discontinued by the AEC. However, even if the full Presidential request for NSF projects is authorized and appropriated, that foundation will not be able to pick up more than half of the funding of projects dropped by the AEC. These projects must compete not only with each other, but with programs and grant proposals formerly under the defense budget, as well as with the normal set of applications to NSF. Here again, the personnel involved can make little or no inference about the likelihood of their project being picked up by another agency simply on the basis of its quality. The quality and likely success of a project are no longer the relevant criteria. Instead, the criteria seems to be whether some agency somewhere can squeeze the project into both its mission and its budget. Mission and budget are obviously appropriate standards—at the point of soliciting proposals and awarding initial contracts. However, to apply them after projects are underway is to demoralize the personnel involved and to throw away the gains their research could have attained.

THE MANAGEMENT OF THE REDUCTION IN THE BUDGET OF THE NATIONAL INSTITUTES OF HEALTH

Perhaps the clearest picture of the havoc wrought by current practices in the management of research fund reductions is to be found in a study of that process in the National Institutes of Health. In 1970, the NIH had its funding reduced by an average of 20 percent. While that is in itself a disturbingly large reduction, the way it was distributed multiplied the damage.

The National Institute of General and Medical Sciences—the major source of funding for basic research in this area—had its money for new research and renewals cut in half. It is difficult to conceive of a sound management procedure which would warrant a cut of such magnitude. In basic research, this is particularly unwise. Basic research is like capital growth—any short-term reduction has very high costs over the long run. The effect of the decision to cut general and medical services 50 percent has been to traumatize the research community—and to deny the country, for some time to come, knowledge and competence to protect health which were well within scientific grasp.

While basic research funding by NIH was traumatically reduced, funding for new research virtually disappeared in certain areas. In 1964, NIH funded more than 90 percent of the proposals which had been approved by its study sections. In 1970, the comparable funding rate for new research dropped to 50 percent—a startling reduction in terms of size and the area in which it was made. New projects are the lifeblood of a vibrant scientific community. Old ideas are challenged, and new breakthroughs guide even ongoing research. Again, the problem was further compounded by the way this disproportionate share of the reduction was distributed. Again, general and medical sciences absorbed a major portion of the reduction in support for new projects. In this area only 19 percent of the proposals approved by the study committees could be funded. Thus, the Nation is virtually guaranteed a major gap in this field of basic research 7 to 10 years hence.

THE NEED FOR CANDOR IN RESEARCH SUPPORT POLICY

There has been more than simply mismanagement in the reduction of funds for research. There has been a continuation of the misdirection of attention and the dissimulation to which the public has already been subjected for too long. A standard practice for obscuring the reduction in funding for basic research has been to relabel what was previously applied research and call it basic research. As a result, Senator Mansfield's attempt to confine defense budget support to militarily relevant research is being undercut. It is none other than the Secretary of Defense who decides military relevance, and he need only decide that on the basis of "potential" relevance. The games this permits the Government to play are both dangerous and self-defeating. The sensible alternative is to educate the public to the society's need for research support independent of our defense needs—and to support such research at the Federal level. The present tactic is a reversion to "faking" out the public for its own good. We have had far too much of that.

In 1971, the public is being misled into believing that there is significant real growth in funding for research. The case is too frequently made by pointing to the recent growth in the budget of the National Science Foundation. However, that is more illusory than real. The growth in that budget has not been sufficient even to offset the reduction in the research efforts of the Defense Department, the National Institutes of Health, and the Atomic Energy Commission. The fact is that the growth in research is practically zero, as present growth rates in funding barely keep abreast of inflation. The public deserves to know this and to know that such a growth rate is a disservice to themselves and to their children.

CONCLUSION

The picture which emerges from a study of Federal funding practices for academic research is not a happy one. Drastic, arbitrary, and apparently panicked decisions have been made, for example, in the general funding level for 1970. The distribution of reductions has borne little relationship to the quality, essentiality, or long-term promise of the projects in question. Indeed no such criteria have been applied.

The past few years have seen scientific research in colleges and universities treated in a manner truly unworthy of the contribution which research has made to our society. The next few years must see a complete change—to a policy of sufficient Federal support—growing at a sufficient and predictable annual rate—with enough funds for basic as well as applied research—and with management criteria that will assure continuity, rational allocation, and a better chance for progress in science and the progress science can give the Nation.

THE VICE PRESIDENT'S KENYA VISIT

Mr. GRIFFIN. Mr. President, certain of the newsstories which have appeared concerning Vice President Agnew's recent round-the-world trip have gone to great lengths to criticize and ridicule his efforts. Judging from a letter written by the Honorable Robinson McIlvaine, the U.S. Ambassador to Kenya, some of the coverage has been a bit less than objective.

Mr. President, I ask unanimous consent that a letter written by Ambassador McIlvaine to Newsweek magazine regarding an article published in the July 26 issue of that magazine, be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Having just read your account of Vice President Agnew's visit to Kenya (July 26 issue) I now understand better the Vice President's reputed aversion to the press. A more inaccurate, innuendo-filled piece would be hard to imagine.

Item: "After hacking up the local golf course . . ." FACT: The Vice President played with two leading Kenyans, the Minister of Foreign Affairs and the head of the University of Nairobi and myself. While I did a certain amount of "hacking", the Vice President won more than half the holes played and, in the process, he got to know these two Kenyan leaders better than if he had spent equivalent time in calls at their respective offices.

Item: The account stated that his other "outing" was a night at a hunting lodge "with his private physician and his pretty, red haired secretary." FACT: The night in question was spent with the Kenyan Minister of Tourism and Wildlife, the Provincial Commissioner, the Director of the National Parks, five or six leading authorities on conservation, three senior U.S. Embassy officers including myself, the senior members of his staff, 15 members of the press and, to be sure, his private physician and secretary whose hair, is in fact, red.

Item: "Agnew spent . . . all of 15 minutes with Kenya's Jomo Kenyatta and his cabinet." FACT: Agnew spent two hours and had an interesting if not world shaking exchange on a number of subjects.

Item: "cargo plane carrying two bullet-proof Cadillacs for Agnew's dash from airport to Hotel to Golf course." FACT: The Vice President went everywhere in my official car, a four-year old Chrysler.

FACT: We get many official and unofficial American visitors in Kenya each year including numerous congressmen and senators. The Vice President spent more time with top level Kenyans and did the U.S. position more good than any other visitor I can recall in the past two years.

ROBINSON MCILVAINE,
U.S. Ambassador to Kenya.

POPULATION RESOLUTION HEARING

Mr. PACKWOOD. Mr. President, this morning the Subcommittee on Human Resources of the Senate Labor and Public Welfare Committee, held its very first hearing. I am honored to be the ranking Republican member of this new subcommittee, which is presided over by the distinguished Senator from California (Mr. Cranston). We share a keen interest in the Nation's human resources, and so are gratified to have this opportunity to examine some of the critical issues facing the American people today.

Today's opening hearing concerned legislation my colleague and I have cosponsored along with 31 other Senators, Senate Joint Resolution 108, "To declare a United States policy of achieving population stabilization by voluntary means." Hearings on the resolution will resume after the recess.

Excellent testimony was taken today from four distinguished witnesses. So that Senators may have the benefit of their comments and observations, I ask unanimous consent that their statements be printed in the Record, along with Senator Cranston's and my own opening statements.

There being no objection, the statements were ordered to be printed in the Record, as follows:

STATEMENT OF JOSEPH D. TYDINGS

Mr. Chairman, I appreciate this opportunity to testify at these hearings on Senate Joint Resolution 108, legislation to make it United States policy to stabilize the nation's population.

These are historic hearings. For the legislation being considered here today proposes no less than the establishment of a new national goal and the development of a comprehensive public policy to deal with a problem too important to remain a child of chance—the population problem.

You and Senator Taft and Packwood are to be commended for the courage and leadership you have exhibited in making the Congress face up to its responsibilities in this critical area.

COST OF A GROWING POPULATION

The case for stabilizing population growth in the United States is clear and compelling. Continuing to grow at our present rate—which will give us a population of 300 million by the year 2000 and a staggering populace of *one billion Americans* a century later, entails staggering costs and few benefits.

In the short run, continued population growth will make the solution of nearly all our domestic problems more costly and difficult.

Taxes will go up. According to data published in the interim report of the Commission on Population Growth and the American Future, the total annual cost of education in the year 2000 will be $40 billion more if Americans average three children per family instead of two—which would mean an average increase of 30% in the tax bill for education alone for each working member of society.

Our chances of rescuing our deteriorating environment will diminish and probably vanish. Recent U.S. Census Bureau figures indicate that population growth will produce 37% of the pollution-creating increase in the consumption of goods and services anticipated in the U.S. over the next 15 years.

Congestion will get worse. In 1930, for example, 3 million visitor days were spent in our national parks; by 1960 that number had jumped to 79 million days, and today it is over 160 million visitor days in a population of 208 million.

I would like to quote briefly from a recent New York Times article on the consequences of its inundation of our parks with people:

"Yosemite, only a day's drive from San Francisco and Los Angeles, is generally considered the most overcrowded park. Congestion reaches its peak on major holidays and this Labor Day weekend was no exception.

The constant roar in the background was not a waterfall but traffic. Transistor radios blared forth the latest rock tunes. Parking was at a premium. Dozens of children clambered over the rocks at the base of Yosemite Falls. Campsites, pounded into dust by incessant use, were more crowded than a ghetto. Even in remote areas, campers were seldom out of sight of each other. The whole experience was something like visiting Disneyland on a Sunday.

Mr. Chairman, it is simply too crowded in many parts of the nation already. And if we do not act now to slow population growth considerably, we will live to see the day when it is too crowded and congested nearly everywhere.

These then are the short run costs of a growing population: declining quality of life, higher taxes, more crowding and less personal peace and privacy. However, the long-term costs of continued population growth are even greater.

With 400 million or 500 million or 1 billion people in the United States, it is doubtful that many of our present political and social institutions could survive.

More crowding necessarily entails more government intervention and direction to maintain order. At some point the sheer size of constituencies renders democratic representation impossible. State control replaces citizen consent as the operating principle of government. We see this result of unchecked population growth more and more in the Latin America and Asia.

In other words, a U.S. population equal to that of India or mainland China would almost certainly mean the end of the United States as a democratic nation. It would absolutely mean the end of our present standard of living characterized by affluence rather than want.

It is too high a price for this nation to risk, particularly when it is within our power to avoid it.

IS S.J. RES. 108 THE BEST FIRST STEP?

That we must begin now to stabilize U.S. population size is beyond doubt. The central question being raised in these hearings is whether the legislation before this Committee, S.J. 108, is the logical first step.

I believe it is for three important reasons:

First, few social problems are successfully solved with a piecemeal program approach. Without specific objectives and a comprehensive policy framework, public programs more often than not end up working at cross purposes.

For example, there are numerous federal programs not ostensibly population-related that can exercise a powerful influence on our birth rate. Lacking a policy to relate these programs to our primary population activities, we may find ourselves spending millions of dollars to reduce the birth rate by disseminating family planning information and services while spending billions to provide pro-natalist incentives through a Family Assistance Plan that fails to offer assistance to childless couples while giving $2400 a year to that same couple after one child is born to them.

Such inconsistencies only become evident once an explicit population policy exists.

S.J. Res. 108 would provide the nation with such a policy.

Second, the dominant mores and social habits of a society are normally the product of compelling needs and pressures. Unfortunately, they often linger on after the conditions that engendered them have passed from the scene. Outlooks and attitudes that were essential in one time thus become dangerous anachronisms obstructing necessary changes in the next.

This has been the case with many American mores and customs relating to family size.

Throughout our colonial and national history, we fostered public policies and customs encouraging large families. And until the early years of this century, these government incentives and social pressures to promote large families were consistent with the salient economic and demographic realities.

The continent was large and sparsely settled; more hands were needed to settle it.

The family was still the dominant economic and social unit. Having many children at a time when infant mortality rates remained high ensured sufficient labor for the family farm or shop, and constituted a traditional form of social security for parents in their later years.

However, the 20th century has seen medical science, social insurance and the corporate economy replace those earlier realities with new ones. What is needed now is a way of communicating to the American people that these new realities will require new fertility patterns if we are to preserve the fruits of our past labor.

Enactment of S. J. Res. 108 would constitute a dramatic message to the American public that the small family leading to a stabilizing of U.S. population size is now in the best interests of the nation and its citizenry.

Third, attaining zero population growth in the United States by voluntary, non-coercive means will require a much deeper understanding than we now possess of the social, economic and psychological determinants of family size. It is very difficult to develop effective voluntary incentives and education programs to curb population growth without knowing why couples decide to have a particular number of children.

Passage of S. J. Res. 108, committing the government to the development of a population stabilization policy, would create a positive context within which to convince Congress to appropriate funds for needed research and education efforts.

In summary, Mr. Chairman, without the enactment of S. J. Res. 108, I believe it would be extremely difficult—if not impossible—to develop a rational policy to halt population growth in this country by voluntary means.

FEARS AND MISCONCEPTIONS ABOUT POPULATION STABILIZATION

I would like to conclude my remarks this morning with a brief look at some of the fears and misconceptions that continue to surround this subject of population stabilization.

To begin with, there is the fear that public population policy ultimately will result in a Big Brother assault on personal freedom in which the state will dictate the number of children people can have.

I am convinced that these "Brave New World" predictions will not come to pass for two reasons:

First, the Resolution before this Committee unequivocally states that *all* federal programs seking to slow our birth rate must, by law, be absolutely voluntary—a provision included in the Resolution with the avowed purpose of strictly prohibiting any attempt by government to dictate matters of family size to any individual.

Second, it is becoming apparent that the best way to encourage smaller families is not through punitive measures that penalize people for having children, but by increasing opportunities for all Americans to discover personal satisfaction and meaning in roles of parents of a small family. There is evidence, for example, that many American women desire large families simply because vocational and avocational opportunities for self-definition and development other than motherhood are denied to them. Having a baby becomes the only meaningful activity society activity offers.

In short, to be effective a national population policy must expand individual choices and freedom, not diminish them.

Another frequently encountered apprehension about a national population policy is the fear that it will be implemented in a discriminatory fashion.

However, the most reasonable safeguard against discriminatory practices is not the rejection of the need for a population stabilization policy. Rather, the answer lies in continued vigilance to insure that population programs are implemented in a just fashion with an equal impact on all segments of the society.

Furthermore, it should be noted that a population stabilization policy represents one public endeavor that cannot succeed if its impact is restricted to certain groups or economic classes. For most of our population growth comes from children born into White, middle-class families. According to the most recent studies, only 29% of the children born in this country from 1960 to 1965 were born to poor or near-poor mothers.

Unless population programs reach all economic classes with the same impact our goal of stabilization will not be achieved.

Finally, there remains the lingering fear that a stable population will make it impossible to maintain our status as a major world power.

The fact is, our military might and prolific economy—the principal supports upon which U.S. power and prestige rest—currently are founded on a scientific and technological base. They are not dependent on increased numbers for their maintenance and growth. Nor do we appear to have any aggregate manpower shortages as a nation. Indeed, our problem in recent years has been one of persistent unemployment and underemployment.

CONCLUSION

Mr. Chairman, the time to move from debate to action has arrived. Fate has placed us at that point in history where a responsible, rational, moral solution to the population problem must be found.

We have the resources and ability to find and apply that solution.

The necessary ingredient is the will to do it.

STATEMENT OF DAVID BROWER

Mr. Chairman, members of the Committee. I am David Brower, of Berkeley, California, President of Friends of the Earth, an international organization devoted to the preservation, restoration, and rational use of the ecosphere. I am heartened by the fact of this hearing, and by the existence of Senate Joint Resolution 108. Three years ago, I would guess, it would not have been possible to obtain even a fraction of your thirty-three cosponsors on such a proposal. Today it is surprising. Tomorrow, I would guess, the message it contains will be a commonplace. The evolution of this issue in the political arena has been unprecedently rapid; so has the growth in public consciousness.

We in the conservation movement went through somewhat the same evolution of awareness. I think we were ahead of the general public; certainly we did not suffer under all the constraints of elected officials. And we had a concern with the one resource that is ever diminishing, which cannot be augmented by any act of man's ingenuity, which no technology can develop a substitute for, and which, in the end, we cannot do without; wilderness. It is wilderness, and what it stands for, that taught conservationists the folly of the idea of numbers without end. It was wilderness that brought us face to face with the terrible dangers of over-population.

Even so, we were late. Only in 1956 did the issue first crop up in publications of the Sierra Club. The terms we used were not too far from those I find in the Resolution:

"People are recognizing that we cannot forever continue to multiply and subdue the earth without losing our standard of life and the natural beauty that must be a part of it . . . These are the years of decision—the decision of men to stay the flood of man."

Even so, I was more impressed at that time with the fact that population was "a tricky cat to put a bell on" than I was with the urgency of beginning the chase.

It was Professor Raymond Cowles, Professor of Zoology at the University of California at Santa Barbara, who shook us loose with a provocative address before a Sierra Club conference, "The Meaning of Wilderness to Science." We followed up with a piece in the Club *Bulletin* on "How Dense Can People Get." There were a few protests, even resignations from our board. The idea, in 1959, was still heretical.

But not for long. Where once there had been complaints when I mentioned the population problem in speeches, there were soon more vociferous complaints if I forgot to mention it. In just two or three years it became possible to question growth, to suggest that DNA was greater than GNP, to predict that man had enough genius to recognize and require that science and technology be put to good purpose. Man could limit his numbers. We could limit his heretofore unslacked appetite for destroying wilderness. He could go back over the nine-tenths of earth that had already felt his touch, sometimes a gentle touch, but too often brutal, and do better where he had been. He could start with Manhattan, or Los Angeles.

I think I sensed a turning point when Stewart Udall addressed a second wilderness conference of the Sierra Club and gave us a strong statement on the population problem. This was in the early sixties, it was a high government official, in the Cabinet of a Catholic President. We were soon to discover that this issue knew no such bounds, and that expressions of concern could be encountered in even less likely places. But at the time it was a sign of change.

But, as we moved through the sixties, concern did not serve us well enough. The decline in our birth rate stopped. Our forecasters consulted their computers, and gloomily told us that even if every family henceforth limited itself to two and only two children, we would still pay for our past heedless growth with another hundred million Americans. And they did probability analysis to demonstrate that even with the best modern contraceptives about one-third of our women could expect to conceive a child they did not want sometime during their lives. At least their actuarial tables showed a small, almost insignificant, increase in life expectancy over the next thirty years. Already the rising tide of pollution, of stress, of crowding, was threatening the modern decline in death rates. Nature was not waiting for any of the demographer's magic numbers to strike back; cancer, heart disease, emphysema, strokes are technological man's horsemen of the apocalypse. The Reverend Dr. Malthus was not so much wrong about nature's rules; he merely underestimated her imagination.

Our forecasters did little better. Some of them even expressed confidence that our economy would somehow "manage" the problems that grew out of growth itself. And they warned us that any slackening in this growth would leave behind forever one-third of our population, the men, women and children who somehow never fitted on the escalator of "disposable personal income." And having warned us against tinkering with this mechanism which was to solve all our problems, they resumed their professional quarrels over why it had not already provided for the elimination of poverty; clearly the machine itself was strong enough.

Perhaps some of those standing at the bottom of the escalator may have noticed that a few simple things, like air, water, and sunlight, that they once enjoyed, were no longer free, but also depended on a place on the escalator.

And in the way of a machine, the escalator continued on its way up. In just the last year we have seen its needs invoked as a justification for destroying our finest wilderness to get at the oil underneath it a little faster. The sponsors of the Timber Supply Bill wanted us to hasten the end of our majestic national forests so that we could build housing for more Americans than the Census Bureau expects to see. And, in the logic of this machinery of growth, when we have too much oil and too many houses, someone will go on television and encourage us to produce more children "for a healthy economy."

We need to control this machine; we need to consider the question of stopping it. Perhaps stairs, which go at the pace of a man, at different paces for different men, are a better way to get where we are going. At least we could stop at the landings and enjoy the view. But before we can begin to recognize this possibility, we need to develop a little humility. The late Joseph Wood Krutch once wrote, "as everybody knows, it was Lord Acton who said, 'All power tends to corrupt; absolute power corrupts absolutely.' . . . We accept it as true of both individuals and governments. . . . Strangely enough, however, what we assert of individuals, of governments, of groups, and even of nations, we do not believe of mankind itself. We look with suspicion on the individual who has risen too high; we devise checks and balances designed to limit economic groups and political parties; very recently we have begun to urge nations to limit their sovereignty voluntarily. But we still rejoice in every addition to the power which mankind as a whole can exercise and never assume that it also might become a victim of *hubris*. Men have spent a great deal of time wishing they were angels. Cats, dogs, and the rest never seem to wish they were anything else. To some this is a lack of ambition. But should we, perhaps, call it contentment instead?"

I offer these as questions we need to consider. I do not think we will ever know all the answers. But there is one overwhelming fact about population growth which should urge us to bring it to a halt *especially* before the answers are in; once a population has achieved a particular size, it is very difficult to reduce it with any rapidity. And once we begin to stabilize it, it takes a long time to end even growth. And once we have a population of three, or four hundred million, we have a moral imperative to care for that entire population. This is not true of our highways, our steel mills, even our houses. We can, and in some cases I pray we will, dispose of them rather rapidly. We can tear up street car tracks when we become impatient to make way for the almighty auto; now, ten years later, we are beginning to repent. Very well, we can lay them again, and I predict we will in some cities. But we cannot do this with human populations. So, I suggest, the only sane course is not to race ahead to find the breaking point. And really, that is what we have been doing.

I hope these hearings are the beginning of the end of that race to the precipice. It may already be too late to brake; I don't know. But I would urge you not to hesitate in calling for action because you fear that the people are not ready. The people have already shown on this issue that they will respond to leadership; they cling to old ideas far less stubbornly than most leaders believe. Do not be taken in by fear of the people. If these hearings convince you, as I believe they will, that this problem is severe, more severe than you had believed, then say so. I believe that like the conservation movement you will come to see that concern is not enough; we need urgency. I hope it does not take you years, as it took us. We do not have that kind of time.

If we develop this sense of urgency, I believe we can find a way to bell the cat. We can implement the goal set forward in your resolution. But in order to do so, we must set this as our task. To each proposal, there will be some specialist who cries, "Wait, I see a fault." We must answer each such cry with a firm answer: "The time for objections is past. The time for solutions has come." Each of your ideas will meet from someone the retort, "Too little, too late." There is probably no one solution to population growth. As an ecologist, I would have to be suspicious of a policy which relied on one force or influence. In diversity there is strength. Each member of this Committee sits on several other bodies of the Senate. I would like to suggest that for at least three months you try, at each hearing, in each session, to ask yourself at the close of that session, "What impact will what we have done today have on the problem of population? What impact could we have had?" And if you set this example, your colleagues, and the public, will be far more convinced by what you say about population. You will have established your *seriousness*; and you may even find that the problem is easier to solve than to recognize. It has been hard enough to recognize.

We should also try to remember, each one of us, that we have more at stake than disaster or a narrow escape. There are optimistic prophecies as well as those of danger. To dream the former we must take seriously the latter; eternal vigilance is the price of all human values, not just liberty. But if we will take our dilemma seriously, we can master it. The stabilization of human population will do more than prevent famine, or stem air pollution, or cut down on pesticide use. Again, I would like your indulgence for a longer quote from Dr. Krutch:

The way of the desert and the way of the jungle represent the two opposite methods of reaching stability at two extremes of density. In the jungle there is plenty of everything life needs except mere space, and it is not for want of anything else that individuals die or that races have any limit set to their proliferation. Everything is on top of everything else; there is no cranny which is not both occupied and disputed. At every moment, war to the death rages fiercely. The place left vacant by any creature that dies is seized almost instantly by another, and life seems to suffer from nothing except too favorable an environment. In the desert, on the other hand, it is the environment itself which serves as the limiting factor. To some extent the struggle of creature against creature is mitigated, though it is of course not abolished. . . . I wonder if it does not augur ill for the human race that its techniques have enabled it to produce for itself a sort of artificial, technological jungle in which too many people can live somehow—if not well—and where, therefore, as in the jungle, the struggle inevitably becomes ultimate the struggle of man against man and not the struggle of man against nature.

I think we all must recognize in our modern lives much of Dr. Krutch's description of the jungle. Even in the United States Senate, insulated by the peculiarities of our Constitution against growth at compound rates, we see that "the place left vacant by any creature . . . is seized almost instantly by another . . . ."

So perhaps we should be glad, not unhappy, that the resources which are left in wilderness cannot sustain us in our old habits of growing and reaching without limitation. Wilderness can, however, provide questions for answers we have not yet learned to ask. The day of creation is not yet over; there will be wiser men, if we will give them room and space. Let wilderness remain, in Wallance Stegner's words, as part of "the geography of hope." Let it, by enduring on the planet, prevent man's world from becoming a cage.

Then we can begin to listen to the good predictions. We can begin to look towards a more and more desirable world, not just a more and more crowded one.

I thank you for this opportunity to testify.

STATEMENT OF RUFUS E. MILES, JR.

Mr. Chairman and Members of the Committee: I am glad to respond to your invitation to appear before your committee to

discuss the implications of S.J. Resolution 108. The views which I shall express to your committee are my own, for which I assume full responsibility. I do not speak in my official position as President of the Population Reference Bureau.

The more one examines man's population predicament, the more convinced he becomes that slowing down, and then stopping, population growth is a matter of overriding importance. It is a challenge and an obligation which belongs to the wealthy industrial nations as much as to the poor and underdeveloped nations. I have set forth my reasons for this conclusion in thirteen succinct and related propositions. They are:

1. If we were to make the unrealistically optimistic assumption that fertility rates would drop to the replacement level all over the world by 1985, and remain there, we would reach a world population in the twenty-first century in the order of 7 billion.

2. There is increasing reason to doubt that the ecosystem of the earth can support even 7 billion people—let alone the much higher figures commonly predicted—at levels of living which we consider desirable or even acceptable. With the rich nations getting richer and the poor nations getting comparatively poorer, we are faced with world trends which simply cannot continue into the next century without the prospect of unprecedented catastrophe. The next century is only as far in the future as the beginning of World War II is in the past.

3. Each million of increased population in the United States causes a much heavier drain upon world resources and contributes much more to world pollution than each added million Indians or Indonesians.

4. If the United States expects other nations of the world to deal directly and effectively with their own population problems, the United States must do no less. It can do more by leading the way.

5. Even if international factors were ignored, the United States has enough of a population growth problem in terms of aggravating numerous social and environmental problems to warrant a major research and action program by the United States Government. The subject of population distribution warrants similar governmental leadership.

6. A population policy objective should be established by the United States in respect to itself of achieving a condition of non-growth at the earliest feasible time.

7. A policy should be established of encouraging the distribution of the population growth which will inevitably occur in the next two decades in such a way as not to burden further the cities now over 500,000 in size.

8. A "Population Policy Act" should be enacted, clearly setting forth these policies and the machinery to implement them.

9. A "Council of Population Advisers" should be established, directly responsible to the President, to conduct research and advise the President and the Congress on the more detailed formulation and implementation of population policies.

10. Family planning programs and supporting research should be broadened conceptually and in program terms. Governmental leadership and funds should be provided for counselling and services for responisble parenthood for all socioeconomic segments of our society. And the research element to develop improved methods of contraception is of particularly high importance and priority in international terms. Family planning, however, important as it is, should not be thought of as constituting a population policy and program. It constitutes one component of a comprehensive set of population policies.

11. Additional components of population policy will include such sub-objectives as improving employment opportunities, especially for women, instituting a government-sponsored population education program, and developing budget priorities and tax policies to influence population distribution and population growth.

12. A substantial and continuing social research program must underlie the development of appropriate population policies to achieve agreed-upon objectives within the framework of American values. This kind of research has been vital to the work of the Council of Economic Advisers in carrying out the objectives of the Full Employment Act of 1946, and is now vital to the work of the comparatively new Environmental Quality Council.

13. Through the principal methods of establishing national objectives, analyzing and rearranging our national priorities, and exercising national leadership, the nation may well succeed in bringing about a non-growing population within the context of our traditional values. If the nation does succeed in doing this, we will have learned how to bring under manageable control one important contributing factor to our physical and social decay.

Enactment of Senate Joint Resolution 108 would do much to establish clearly the direction in which we should be moving. It would be consistent with Point 6 in my statement which I should like to repeat:

"A population policy objective should be established by the United States in respect to itself of achieving a condition of non-growth at the earliest feasible time."

A non-growth policy, as I define it, would not be the same as a policy of trying to achieve a stationary population by bringing the fertility of American women down to the replacement level and holding it there indefinitely. Assuming American families started this year to have only enough children to replace themselves—just over two children per family—the ultimate population of the United States would be nearly 280 million. I think this is too many. For this reason, replacement fertility should be the *upper* limit of the national objective, in my judgment. The lower limit would be unspecified and would vary from time to time, depending upon a variety of factors, especially the changing age structure of the population.

For some reason, there has developed a rather common assumption that the replacement level of fertility—2.1 children per woman—should be the *lowest* level toward which we should aim. A modest variation above the replacement level is thought to be acceptable; a modest variation below the replacement level is thought to be unacceptable on a variety of grounds, and possibly contrary to the national interest. It seems to me that this proposition has been much too widely accepted without thinking it through. An error on the high side—that is, a higher population than we set as our objective—is likely to be far more costly than an error on the low side which produces a lower population than was intended.

The United States should not become concerned because a nation like Japan is today faced with a so-called labor shortage as a result of its plunging birth rate two decades ago. The term labor shortage is simply a way of saying that there is full employment and the nation could employ still more people if they were available at comparatively low wages. That is an enviable position for a country to be in. Japan's rate of economic growth has been the highest in the world, partly for the very reason that her low birth rate produced a low ratio of dependents to producers. If a labor shortage is the main cost of low fertility, it is hard to think of a cost with a higher benefit.

The decades of the '70s and '80s will be decades in which it will be particularly important for the fertility level to come *down to or below the replacement level*. In these decades, if fertility should turn out to be even moderately above replacement, we will have an "echo baby boom" of significant proportions. A sub-replacement level of fertility during the next two decades would partially offset the momentum created by high fertility a generation ago. It would be much more advantageous than a second baby boom.

It is very important that we get over our fear of a declining population. I predict that within a very few years there will be broad recognition of the idea that a slowly declining population would be much more healthy than a steadily increasing population, and probably more healthy for some to come than a statutory population. Eventually, of course, a decline in population must be halted, but that time is likely to be some distance in the future. And when the time does come when population decline should be halted for the good of the society, I see no reason to doubt that it can be achieved. Halting population decline for reasons which are evident to the members of society will certainly be far easier than halting population increase. Fears that population decline will automatically lead to either human extinction or serious decline in national power seem based more on emotional reactions than carefully reasoned analysis.

The United States need have no fear of being overwhelmed militarily by other nations with larger populations. The comparative capacity of nations for self-defense depends far more on other factors than sheer numbers of human beings. The three most important factors are: (a) whether the nation is seeking genuinely to defend its own vital interests, especially when its own soil is jeopardized, (b) the extent of internal strength and coherence of the society in social, economic, and psychological terms, and (c) the productivity of the nation in industrial and agricultural terms, and in terms of its communications and transportation infrastructure. The United States might well be stronger with a stationary or slowly declining population, accompanied by a strong economy and healthy cooperation within the society, than with 300 million or 400 million people who are at odds with one another because of overcrowding, excessive internal competition, and social decay.

In conclusion, Mr. Chairman, I should simply like to say that I support your joint resolution even though I hope that it does not represent the end point of an evolving policy. Two of the succeeding steps to which I hope your committee will ultimately give similar attention are: (a) the establishment of a Council of Population Advisers, and (b) the enactment of a Population Education Act, to perform the same function in respect to population as it was the intent of Congress to perform with its enactment of the Environmental Education Act. Possibly the latter Act might be amended and broadened to become the Population and Environmental Education Act. In its present form and at present levels of financing, the program conducted under the Environmental Education Act is doing very little to come to grips with the extraordinarily important subject with which Senate Joint Resolution 108 deals. Population education, I believe, is of paramount importance in solving the population problems of this nation.

TESTIMONY BY CYNTHIA FUCHS EPSTEIN, PH. D.

One of the tasks of the sociologist is to look for the multiple consequences of both planned and implicit social policy. Thus I hope to review with you today, some of the consequences of the essentially pro-natalist policies of our society, particularly with respect to the options of women to participate fully and equally in the occupational structure of the United States.

For the past eight years my sociological research has focused on the social factors which inhibit and facilitate women's access to, and participation in, occupations of high prestige in American society. Part of that research is reported in my book, Woman's Place: Options and Limits in Professional Careers, published by the University of California Press last year, and deals with the pressures exerted on Women who consider exploiting their talents in professional work as doctors, lawyers, scientists and engineers, pressures not only from the "gatekeepers" within these professions, but from the entire social structure which defines their desire to work as inappropriate and "unnatural." Although my research has centered mainly on women in the so-called elite professions, it is clear that the social mechanisms which act to exclude them from the top are the same which limit the life choices of women at every level of the stratification system, from the poorest to the richest, and white and black; there is a true democracy in the discrimination process. The destiny of women is often measured by the common denominator of their physiological apparatus, and reproductive potential, sweeping aside the infinite capacity of all members of the human species to go beyond physiology to adapt, restructure and re-orient basic capacities. The popular judges of woman's place ignore the vast differences in their tastes, talents and even in their basic physiological and psychological capacity to bear children, respond to children, care for children (much less themselves) or even need or desire children. Although men's identities have never been wrapped up in being fathers as intensively and primarily as the identities of women have been tied up in being mothers, through the ages men have viewed becoming fathers as a necessity of life, and life after death, and have been socialized and conditioned to keep women in this role so that their fatherhood would be implemented.

Although the attitudes fostered probably have been historically necessary so that societies might reproduce themselves, especially as the high mortality rates made any child's life contingent, it now seems apparent that reproduction without the limits of high mortality rates may cause the destruction of societies. Men and Governments have intervened into the natural course of life to extend life. No one opposes saving lives. But to make life worth living I think we shall have to intervene at the conception end of the spectrum, and consider the social conditioning which goes into the decisions to bear children at all.

Without very much direct social planning, urbanization, education and industrialization all did work to limit the fertility of women. But the trend toward population limitation has been unsteady and it now seems unlikely that without social planning the geometric progression of population will cease. In the United States, although the overall fertility of American women declined from the early nineteenth century to the middle 1930's, in the 1940's and 1950's there was a sharp increase. The postwar years 1946–1957 became known as the period of baby boom or the "motherhood mania" in some circles. What was curious about the upsurge in the 1950's was that by that time the increase in fertility which usually follows post-war periods should have subsided, it went up, instead, and among sectors of the population previously having low fertility, namely among the educated upper income white. The impact was not only important not only because it meant the diversion of the most eligible, best equipped and skilled manpower resource in the female population, but because this group tends to be the tastemakers—the setters and keepers of norms in the society.

Explanations for this phenomenon have been given by a number of analysts of society, among them, Mirra Komarovsky in the 1950's in her study on Women in the Modern World and in the popular, now-classic book of Betty Friedan, The Feminine Mystique (1963) which showed the impact of ideological and cultural themes urging American women to "return" to a home-centered, consumer oriented, child-focused existence as the only way to be "truly feminine." Friedan showed that Freudian psychology, much touted (but untested) work in family sociology, and pediatric medicine, as well as the mass media and hard sell consumer advertising were fostering the so-called natural approach to child care and procreation. Thus a whole generation of women with college degrees turned from their books to the baby carriage, the boudoir and the pantry, returning to nature by having natural childbirth, weaving, baking, canning food, sewing and breast feeding, and do-it-yourself dry-cleaning in an attempt to validate their feminity and thereby do the "right" thing. Never welcomed by the male-dominated high-level occupational world where their brothers of comparable education and social standing went to take their places, they gave up careers or never even dared challenge the system by presenting themselves as candidates. They cut off their choices before they could qualify for the high personally, economically and socially rewarding jobs. The period marked a decline in women's graduate study (See figure 1), career aspirations and participation in the world in general as candidates for political office and participants in social movements.

The supreme moment in the woman's life was posed not as the time she might make a discovery in science, paint a great painting, win an election or make a million, but that moment when the doctor would call out, "push" and she would deliver her child. If this, indeed, was to be the supreme moment, the focus of many hours of anticipation and post partum discussion, then the woman was highly motivated to repeat it, aiming for a better, and, of course, more natural production each time.

The proportion of American women engineers, chemists, mathematicians, physicists, dentists, and college teachers all dropped between 1950 and 1960. While women were increasing their proportion in these professions in other countries at the same time, in fact not unrelated, I think, to the retreat of college women into motherhood as a fulltime occupation. (See Table 1.)

Although women in those years had fewer children than their grandmothers, they devoted themselves to mothering for as long a period as women took with larger families. They not only expected to take care of the child's physical needs, and felt it important to be on tap to monitor not only each word and comment, but the non-verbal messages—his frowns and smiles—for the possible psychological dimensions and meanings. Having learned clearly that a woman was nothing if she was not a mother, the American mother applied all her energy, attention and famed American know-how to the job of mothering, with the full approval of the society.

Although the baby boom did taper off, and there was a slight upturn in the percentage of women getting B.A.'s and advanced degrees (Table 2) after the 1950's there is no doubt that these norms associated with motherhood, always there, but stirred into frenzied zeal, are still very much with us.

One measure of the intensity with which the norm is felt is the rage directed by women toward some of the more vocal members of the woman's movement who advocate more freedom in life styles for women. Suggestions that women ought to be able to not only choose their roles, but to decide how they will assign priorities to these roles, a privilege until now catered to men, have aroused the hostility and distress of people in the mainstream culture.

A number of studies indicate that the primary role of women is still seen as mother, and indeed, women view themselves first as mothers and usually second as wives and only then as teachers or whatever else they will be. Furthermore, although norms seem to be changing regarding ideal family size, the two-child family seems to be considered the minimum acceptable.

Whereas one-child families were common during the depression years and are currently common in some of the eastern European countries (where, by the way, the proportion of women in the professional labor force is radically higher than in the United States) they are not only uncommon in the United States, but more important, they are considered *improper*. Married couples with one child are under as much pressure as couples without children to have a child. In classes at Queens College, where I have been teaching large sections of 100 and more students in Introductory Sociology for the past six years, I have polled young people on their preference for size of family. Only one student, a boy, one out of approximately 1200 students claimed he wanted no children. More curious is the fact that not one of the 1200 polled expressed a desire for *one* child. (You might be interested to know that despite this conventional response, a sizeable proportion of these students expressed doubts about whether or not they thought marriage was a desirable aim.) My informal surveys showing that the two-child family is the barely acceptable minimum for a family, bears out the results of a large scale survey conducted by the Michigan Social Research Center in 1960. The number of children considered ideal for the average American family was 3.4 to 3.5 children (as Table 3 indicates), with the majority of women interviewed responding that 4 was the ideal number. Fewer than 0.4 per cent indicated that one child was the desired number and *no one* replied that it would be ideal not to have any children (see Table 4).

Charles Westoff, of Princeton has shown for selected samples that the idealized family size is closer to three children than two. I have found, too, that even those young people who are extremely concerned with population control seem to feel that their personal ideal solution is to have one child and adopt another, thereby as you see, still fulfilling the two child norm. In my surveys when college students were asked why they did not desire to live without having children at all, or why they didn't feel one child was enough, their responses were often in the terminology of morality—for example: "it is selfish not to have any children." "Only children are spoiled children." In short, young people are brought up to believe that it is not only a deprivation to have less than two children but that it is *morally wrong* and that they are failing as people and as parents not to aim for the ideal two or more. There is no real freedom of choice of family size when to have no children or one child is defined as being socially pathological.

The consequences have impact not only on the sheer numbers of population, but on the possible life choices open to young people. Although the size of family affects the woman significantly, especially in limiting her options to perform in spheres other than the home, it effects young men as well, by placing economic and energy burdens on them at a point in life when they are severely taxed by educational and occupational demands: American men and women marry young. The girls when they are twenty and the boys a year or two later. College educated girls marry later—at 22. Americans make nearly the youngest marriages in the

Western World, and since most have children immediately, they load the time and resource structure of their families in irredeemable ways.

A recent study indicated that families who had children early never caught up in earning power with families who waited, irrespective of social class and education.

The pressures defining feminity in terms of motherhood and giving priority to motherhood, above all the other statuses a woman might hold, mean that young wives limit even further their opportunity to add to the economic status of the family. Not only do they feel concerned about committing themselves to occupations which they feel may prevent them from being on tap constantly for their children, but employers do not consider women with children good risks, believing that their loyalty to job has to run a poor second to their loyalty to the family.

Certainly when women are pushed to become mothers, they never get the chance to develop a self image as a producer of anything but children and they cannot plan rationally for training in school and on the job. This is true for women who have proven abilities, who have done outstanding work in high school and college, and whose intellectual talents are completely wasted as housewives in the isolation of the typical American suburb. It is well established that these women, far from being content and happy homemakers and mothers, are often bitter and frustrated women who live vicariously through their husbands and children. The irony is complete today, when the children of these same mothers often reject their way of life, their values, and their offers of attention and nurturance. Their mother's rage at them is often the outpouring of fear at being prematurely "laid off" by the only occupation they know, without any training for another, in a society which views their problem as of no consequence.

Not all women are suited to the occupation of motherhood any more than as they are suited to any other all-embracing task, and not all women would choose to be mothers, if they were truly given free-choice. Men are also limited in their choices because they feel they cannot be completely mature without siring children and definitions of their virility is in question about the proof of a child. It is interesting however that the more men are involved in a pleasing and rewarding occupational activity, the less concerned they seem to be about establishing their virility by the proof of conception. In fact, the demographer Judith Blake has found that middle class white men are more liberal in attitudes regarding controls on family size, approving abortion, for example, more than any other group, including white middle class women.

The issues affecting reproduction are complex and intertwined with attitudes in many institutional realms other than the family. I have tried to indicate here how the culture insists that women *must* bear children simply to be regarded as normal. That, plus the fact that other options have traditionally been closed to them means that women have a vested interest in being mothers.

If the society wishes to set a socially responsible population policy it might start by addressing its efforts to opening other channels of productive activity for women, creating the means for alternative life styles and reviewing its implicit pronatalist policies such as the discriminatory tax policies against single and childless people. In addition, it might consider the ways in which it might contribute to a change in the pervading cultural view that men and women who choose not to procreate, or who limit their families to one child as socially aberrant and positively unAmerican.

TABLE 1.—WOMEN IN SELECTED PROFESSIONAL OCCUPATIONS; UNITED STATES

	1950	1960
Chemists	10.0	8.6
Mathematicians	38.0	26.4
Physicists	6.5	4.2
College presidents, professors, and instructors	23.0	19.0
Dentists	2.7	2.1
Engineers	1.2	.08

Source: U.S. Bureau of the Census.

TABLE 2.—PROPORTION OF DEGREES IN HIGHER EDUCATION GRANTED TO WOMEN IN THE UNITED STATES, 1930–66

	Masters (and other 2d-level degrees)	Doctor's (and equivalent)
1930	40.4	15.4
1940	38.2	13.0
1950	29.2	9.6
1960	31.6	10.5
1964	31.8	10.6
1966	33.8	11.6

Source: U.S. Department of Labor, Woman's Bureau.

TABLE 3.—NUMBER OF CHILDREN CONSIDERED IDEAL FOR THE AVERAGE AMERICAN FAMILY AND PERCENT DISTRIBUTION BY NUMBER CONSIDERED IDEAL, FOR WIVES, BY COLOR[1]

Type of reply	Number of wives	Average number of children considered ideal	Percent distribution by number considered ideal: Total	None	1	2	3	4	5	6 or more
Total:										
Minimum	2,642	3.4	100			22	31	39	4	5
Maximum	2,642	3.5	100			18	28	43	5	6
White:										
Minimum	2,377	3.4	100			22	32	39	3	4
Maximum	2,377	3.5	100			18	29	43	4	5
Nonwhite:										
Minimum	265	3.5	100		2	25	18	38	7	11
Maximum	265	3.8	100		1	22	19	39	7	13

[1] In this and subsequent tables in chapter 2, all data are for wives who were 18–39 years old when interviewed unless otherwise specified.

TABLE 4.—PERCENT DISTRIBUTION BY NUMBER OF CHILDREN CONSIDERED IDEAL, 1941, 1945, 1955, AND 1960

Number of children considered ideal	American Institute of Public Opinion		Growth of american families		
	1941	1945	1955 White wives	1960 White wives	1960 All wives
All replies	100	100	100	100	100
None					
1	1	1			
2	40	25	19	20	20
3	32	33	32	31	30
4	21	31	41	41	41
5	3	7	4	4	4
6 or more	3	3	4	4	5
Average number	3.0	3.3	3.4	3.5	3.5

Source: Wholpton, Pascal K., Arthur A. Cambell and John E. Patterson. 1966. Fertility and Family Planning in the United States. Princeton, N.J.: Princeton University Press. Tables 11 and 12, pp. 33–34.

OPENING STATEMENT OF SENATOR ALAN CRANSTON

This morning the Special Subcommittee on Human Resources of the Senate Labor and Public Welfare Committee opens its inaugural hearing. Today will be the first day of hearings on S.J. Res. 108, legislation to declare explicitly a national population policy. This legislation would make it the policy of the United States to develop voluntary programs, consistent with human rights and individual conscience, to stabilize the population size of the nation at the earliest possible time. Today is the first time in the Nation's history that a Committee of Congress will consider legislation to declare a national population policy.

Until recently, most Americans regarded the population explosion as a problem confined to other countries, principally the developing nations of Asia, Africa and Latin America. After all, it was argued, the Malthusian prediction of famine and mass starvation that haunts much of the world is not imminent in this country.

However, the fact is we have a very real population problem here at home—a problem that seriously threatens our spiritual and physical environment and thus the basic quality of life for all Americans.

President Nixon accurately described America's population problem in his population message of July 18, 1969, when he said:

"Only recently has it come to be seen that pressing problems are also posed for advanced industrial countries when their populations increase at the rate that the United States, for example, must now anticipate. Food supplies may be ample in such a nation, but social supplies—the capacity to educate youth, to provide privacy and living space, to maintain the processes of open, democratic government—may be grievously strained. . . . I believe that many of our present social problems may be related to the fact that we have had only fifty years in which to accommodate the second hundred million Americans."

If present birth rates persist, we will have only three decades to accommodate the third hundred million Americans. And even if American families began tomorrow having only two children on the average—just enough to replace themselves—our population would continue to grow until year 2037, when it would be roughly 277 million persons—70 milion larger than it is today. Finally, should we return to the three-child family that dominated the 1950's, this nation should find itself staggering under the monumental burden of *one billion Americans a* century from now.

Clearly, given the profound consequences for the country of different rates of growth, the time has come to develop an explicit national population policy to determine what population level and growth rate is most consistent with other national goals and aspirations. The alternative is to abandon to the winds of chance a matter which so intimately affects the quality of our daily lives and the opportunities we shall bequeath to our children. I reject this alternative as a dangerous game of roulette in which our future wellbeing is the stake.

As for the proper objective of a national population policy, there is a growing consensus in the nation and in the Congress—as reflected by the bipartisan makeup and philosophical diversity of the 33 Senate sponsors of S.J. Res. 108—that the goal should be to stabilize population size by voluntary, non-coercive means; means that do not, either by intention or impact, discriminate against any racial, religious or economic group and do not force any individual to contravene his personal moral or ethical beliefs.

It will be the purpose of these hearings to examine carefully the advisability of population stabilization as a national policy goal.

It is especially appropriate that our first witness on the opening day of hearings on a national population policy should be the former United States Senator from Maryland, Joseph Tydings. It was largely through the persistent and effective leadership of Senator Tydings that Congress seized the initiative in the population field last year by passing the Family Planning Services and Population Research Act of 1970, of which he was the author and principal sponsor, and which I was privileged to cosponsor. At present, Senator Tydings is devoting much of his time to the search for solutions to the global population problem through his activities with the United Nations and the International Planned Parenthood Foundation.

Statement of Senator Bob Packwood

Mr. Chairman, I welcome the opening of these hearings and congratulate the chairman and witnesses upon a historic occasion. Senate Joint Resolution 108 and its counterpart, H.J. Resolution 789 in the House of Representatives, constitute important new recognition that the government of the United States as well as the citizens, the leaders as well as the followers, are facing up to one of the potent challenges of the twentieth century—population growth.

The development of population policy has historically been a field where the people were ahead of their governments, where the average citizen comprehended long before national leaders that space and funds were limited. Whereas a number of governments have at various times urged and even tried to bribe their subjects into having larger families to provide more consumers for their economy, more manpower for their armies and cheaper labor for their industries, Mr. and Mrs. John Q. Citizen have usually been very much aware that they could provide a better home and greater opportunity for their own offspring by matching their fertility to their resources. The importance of the resolution before us today is first and foremost that it declares very firmly at the national level what most individuals have known all along at the family level—that growth cannot continue unchecked, and that the size of the nation, like the size of the family, must at some point be stabilized, so that each member will have his or her opportunity for a full life—for education, health, love, and achievement.

The United States has been fortunate in having for almost two centuries a near-empty land destined to be populated by some of the most enterprising and adventurous immigrants in the world. Yet we can see all too clearly today what kind of population pressures and misery may develop when people multiply beyond the land's capacity to shelter and feed them. We see, for example, what has happened in East Pakistan, where we may now be witnessing one of the major population crises of this decade. First, thousands were drowned by a massive cyclone and tidal wave because they were living on land that should not have been inhabited and because they were not warned or protected, by a government that did not have the means available to provide other homes or refuge. Yet within barely three months, the lost lives were replaced by as many new births.

This natural disaster was followed by political disaster—the unleashing of racial, religious, and communal jealousies that now amount to near-genocide. The political and religious differences in East Pakistan are real, but the intensity of the struggle goes back to the root cause of over population. As one reporter pointed out, "Behind every feud, at the bottom of every quarrel is a piece of land." When population exceeds the land to support it, as it does for 60 million East Pakistanis, every "temporary solution" leads only to a greater problem. How many more East Pakistanis will we see before this century is ended? How many millions will die in despair before world population is stabilized at a level many times greater—in numbers or in human misery—than the present nearly four billion people?

The purpose of this resolution is very simply to prevent such catastrophic tragedies in the United States, to insure that our cities do not grow to the point where individual lives become saturated with a surplus crop of human beings, and that our government does not place the monolithic myth of gross national product above the individual reality of a decent standard of living. Only the people of the United States themselves could create such a catastrophe and only those same people can in the long run prevent it—by encouraging now a goal of population stabilization and by implementing it as quickly as is consistent with voluntary methods and individual conscience.

In the field of voluntary population stabilization or zero population growth, as it is more commonly known, the United States can set a world example and assume a convincing role of world leadership through national endorsement of this resolution. The United States has already given support to family planning programs overseas and encouraged a United Nations program that is now receiving contributions from nearly 30 governments and assisting programs throughout the developing world. We have already voted to provide family planning services here for all who want them but do not yet have them readily available. By approving this resolution, Congress can signify its further intention to protect and preserve the quality of life not only for our own descendants but also for others throughout the world. Those who are still mistrustful of birth control and zero population growth can find in this resolution evidence of American willingness to practice what we preach.

The United Nations General Assembly has designated the year 1974 as World Population Year. An international conference of governments will be held, probably at U.N. headquarters in New York, to consider among other things national population policies and programs. It would be not only appropriate but also very influential for the United States, which stands first not in population but in per capita income and individual standard of living, to be able to declare at that conference that we have indeed accepted a policy of population stabilization and are in the process of implementing it. I have here the text of the General Assembly Resolution proclaiming World Population Year and ask unanimous consent to include it in the opening pages of this hearing.

Finally, Mr. Chairman, let me conclude by observing that a U.S. policy of population stabilization, somewhere, I hope, between 200 and 300 million, is not only internationally sound and socially desirable, but also it is economically sound for a nation that still considers an informed and intelligent citizenry its greatest asset. If there is one basic principle of economics, it is the theory of scarcity. In other words, diamonds because they are scarce are precious gems cherished and protected in the setting of jewelry. Granite, because it is common, is not precious and so we use it carelessly to construct buildings or pave roads. Labor, when it is scarce, commands high wages, but when it is abundant must live on lower pay. Today many countries—of which Pakistan is only the most dramatic example—literally have a surplus of population, so that individuals lose their uniqueness and value and become little more than a surplus commodity on the market, depressing standards for themselves and for others.

I would hate to think or even imagine that the day could ever come when we might be tempted to treat individuals, not like diamonds, rare and precious, but like ordinary stone, for paving the streets and grinding others into equal poverty. To preserve the values of our life and culture, we must preserve the balance between population and resources, population and environment, population and aspirations. The best way to preserve that balance for our children and our grandchildren is to seek and achieve a stable level of population in the United States as rapidly as possible in accordance with the principles and values expressed in this resolution.

[Appendix I]

RESOLUTION 2683 (XXV) WORLD POPULATION YEAR

THE GENERAL ASSEMBLY

Recalling its resolution 2211 (XXI) of 17 December 1966 on population growth and economic development.

Noting Economic and Social Council resolution 1484 (XLVIII) of 3 April 1970 on the Third World Population Conference.

Noting also that the International Development Strategy for the Second United Nations Development Decade[1] provides for action, both at the national and international levels, to deal with the problem of population growth in those countries which, in accordance with their concept of development, consider that their rate of population growth hampers their development.

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[1] General Assembly resolution 2626 (XXV).

Taking into account the progress made by Member States in coping with those aspects of the population problem which are relevant to their respective economic, social, humanistic and cultural development.

Recognizing that, in spite of the progress made so far in this regard by Member States and international organizations, and particularly the important role being played in the population field by the United Nations Fund for Population Activities, varied aspects of the population problem require further attention from Member States and international organizations.

Recognizing further that a way of focusing international attention on different aspects of the population problem would be for Member States and international organizations to devote the year 1974 especially to appropriate efforts and undertakings in the field of population in the context of their respective needs and areas of competence.

Confident that the designation of the year 1974 for necouraging appropriate and relevant cooperative activity in the field of population would make a significant contribution to the realization of the objectives in this field.

1. *Designates* the year 1974 as World Population Year;

2. *Acknowledges* that the formulation and implementation of population policies and programmes are matters falling under the internal competence of each country and, consequently, that international action in the population sphere should be responsive to the varied needs and requests of individual Member States;

3. *Requests* the Secretary-General to prepare, in consultation with interested Member States, a detailed programme of proposed measures and activities to be undertaken by the organizations of the United Nations system during the year 1974, taking into account the different character of population problems in each country and region, the population policies of Member States, as well as the proposals contained in the Secretary-General's report on the question of holding a Third World Population Conference,[3] and to submit the programme to the Economic and Social Council in 1972 through the Population Commission at its sixteenth session;

4. *Invites* interested organizations of the United Nations system to render the necessary assistance to the Secretary-General in preparing the programme of measures and activities for the World Population Year;

5. *Invites* Member States to participate fully in the World Population Year in the context of their capacities and policies;

6. *Stresses* that assistance from organizations of the United Nations system and interested Member States should continue to be available upon request for evolving and implementing a dynamic population policy to cope with all the problems emanating from different population levels, characteristics and trends, including assistance in developing a comprehensive demographic research and studies programme as well as training programmes and in providing advisory services in this field; consequently,

7. Requests the Secretary-General to prepare and submit to the General Assembly in 1975, through the Economic and Social Council, a final report on the World Population Year.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

MILITARY CONSTRUCTION AUTHORIZATION ACT, 1972

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order the Chair lays before the Senate the pending business, H.R. 9844, the military construction authorization bill. Debate on this bill is limited to 1 hour, the time to be equally divided between the distinguished Senator from Missouri (Mr. SYMINGTON) and the distinguished Senator from Texas (Mr. TOWER).

Thereupon, the Senate proceeded to consider the bill, which had been reported from the Committee on Armed Services with an amendment to strike out all after the enacting clause and insert:

TITLE I

Sec. 101. The Secretary of the Army may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment for the following acquisition and construction.

INSIDE THE UNITED STATES

UNITED STATES CONTINENTAL ARMY COMMAND

(First Army)

Fort Belvoir, Virginia, $10,750,000.
Fort Knox, Kentucky, $775,000.
Fort Lee, Virginia, $5,192,000.
Fort George G. Meade, Maryland, $1,690,000.

(Third Army)

Fort Benning, Georgia, $2,185,000.
Fort Bragg, North Carolina, $2,373,000.
Fort Campbell, Kentucky, $9,996,000.
Fort Rucker, Alabama, $437,000.

(Fourth Army)

Fort Bliss, Texas, $626,000.
Fort Hood, Texas, $23,435,000.
Fort Sam Houston, Texas, $9,694,000.
Fort Sill, Oklahoma, $940,000.

(Fifth Army)

Fort Carson, Colorado, $23,172,000.

(Sixth Army)

Fort Lewis, Washington, $3,931,000.
Fort Ord, California, $2,174,000.
Presidio of San Francisco, California, $10,498,000.

(Military District of Washington)

Fort Myer, Virginia, $2,300,000.

UNITED STATES ARMY MATERIEL COMMAND

Aberdeen Proving Ground, Maryland, $2,048,000.
Aeronautical Maintenance Center, Texas, $5,052,000.
Harry Diamond Laboratory, Maryland, $9,035,000.
Letterkenny Army Depot, Pennsylvania, $319,000.
Redstone Arsenal, Alabama, $879,000.

UNITED STATES ARMY STRATEGIC COMMUNICATIONS COMMAND

East Coast Relay Station, Maryland, $326,000.
Fort Huachuca, Arizona, $2,580,000.

ARMY MEDICAL DEPARTMENT

Brooke Army Medical Center, Texas, $2,551,000.
Walter Reed Army Medical Center, District of Columbia, $112,500,000.

MILITARY TRAFFIC MANAGEMENT AND TERMINAL SERVICE

Sunny Point Military Ocean Terminal, North Carolina, $305,000.

UNITED STATES ARMY, ALASKA

Fort Greely, Alaska, $1,718,000.

UNITED STATES ARMY, HAWAII

Schofield Barracks, Hawaii, $4,787,000.

MODERN VOLUNTEER ARMY

Various locations: Barracks improvements, $30,000,000.

POLLUTION ABATEMENT

Various locations: Air pollution abatement facilities, $34,946,000.
Various locations: Water pollution abatement facilities, $32,791,000.

OUTSIDE THE UNITED STATES

UNITED STATES ARMY FORCES, SOUTHERN COMMAND

Panama area, Canal Zone, $8,026,000.

UNITED STATES ARMY, PACIFIC

Kwajalein missile range, $2,507,000.

UNITED STATES ARMY SECURITY AGENCY

Various locations, $1,221,000.

MODERN VOLUNTEER ARMY

Various locations: Barracks improvements, $10,000,000.

UNITED STATES ARMY STRATEGIC COMMUNICATIONS COMMAND

Various Locations, $174,000.

UNITED STATES ARMY, EUROPE

Germany, various locations, $1,946,000.

Various Locations: For the United States share of the cost of multilateral programs for the acquisition or construction of military facilities and installations, including international military headquarters, for the collective defense of the North Atlantic Treaty Area, $20,000,000: *Provided*, That, within thirty days after the end of each quarter, the Secretary of the Army shall furnish to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives a description of obligations incurred as the United States share of such multilateral programs.

Sec. 102. The Secretary of the Army may establish or develop Army installations and facilities by proceeding with construction made necessary by changes in Army missions and responsibilities which have been occasioned by: (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment; in the total amount of $10,000,000: *Provided*, That the Secretary of the Army, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1972, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

Sec. 103. (a) Public Law 90–408, as amended, is amended under the heading "Inside the United States", in section 101 as follows:

With respect to "Joliet Army Ammunition Plant, Illinois", strike out "$2,188,000" and insert in place thereof "$2,391,000".

(b) Public Law 90–408, as amended, is amended by striking out in clause (1) of section 802 "$366,499,000" and "$453,651,000" and inserting in place thereof "$366,702,000" and "$453,854,000", respectively.

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[3] B/CN.9/224 and Add.1.

SEC. 104. (a) Public Law 91–142, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 101, as follows:

(1) With respect to "Fort Hancock, New Jersey", strike out "$625,000" and insert in place thereof "$693,000".

(2) With respect to "Fort Sheridan, Illinois", strike out "Fort Sheridan, Illinois: Administrative facilities, $2,210,000".

(3) With respect to "Fort Sam Houston, Texas", strike out "Utilities, $378,000" and insert in place thereof "Administrative facilities and utilities, $2,588,000".

(b) Public Law 91–142, as amended, is amended by striking out in clause (1) of section 702 "$186,591,000" and "290,726,000" and inserting in place thereof "$186,659,000" and "$290,794,000", respectively.

SEC. 105. (a) Public Law 91–511 is amended under the heading "INSIDE THE UNITED STATES", in section 101 as follows:

(1) With respect to "Carlisle Barracks, Pennsylvania", strike out "$503,000" and insert in place thereof "$658,000".

(2) With respect to "Badger Army Ammunition Plant, Wisconsin", strike out "$1,604,000" and insert in place thereof "$2,234,000".

(b) Public Law 91–511 is amended by striking out in clause (1) of section 602 "$179,717,000" and "$264,914,000" and inserting in place thereof "$180,502,000" and "$265,699,000".

TITLE II

SEC. 201. The Secretary of the Navy may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment for the following acquisition and construction:

INSIDE THE UNITED STATES

FIRST NAVAL DISTRICT

Naval Radio Station, Cutler, Maine, $161,000.

Naval Security Group Activity, Winter Harbor, Maine, $94,000.

Naval Station, Newport, Rhode Island, $1,660,000.

Naval Underwater Systems Center, Newport, Rhode Island, $655,000.

Naval Air Station, Quonset Point, Rhode Island, $3,511,000.

THIRD NAVAL DISTRICT

Naval Submarine Base, New London, Connecticut, $3,830,000.

Naval Submarine Medical Center, New London, Connecticut, $668,000.

Naval Submarine School, New London, Connecticut, $666,000.

Naval Ammunition Depot, Earle, New Jersey, $383,000.

FOURTH NAVAL DISTRICT

Navy Aviation Supply Office, Philadelphia, Pennsylvania, $855,000.

Naval Home, Philadelphia, Pennsylvania, $991,000, and/or at such other installation or site as shall be approved by the Committees on Armed Services of the Senate and the House of Representatives.

Naval Air Development Center, Warminster, Pennsylvania, $304,000.

NAVAL DISTRICT, WASHINGTON

Naval Research Laboratory, Washington, District of Columbia, $5,048,000.

Naval Academy, Annapolis, Maryland, $8,400,000.

Naval Medical Research Institute, Bethesda, Maryland, $4,500,000.

Naval Ordnance Station, Indian Head, Maryland, $1,307,000.

Naval Air Test Center, Patuxent River, Maryland, $321,000.

Naval Ordnance Laboratory, White Oak, Maryland, $1,397,000.

FIFTH NAVAL DISTRICT

CINCLANTFLT Headquarters, Norfolk, Virginia, $4,201,000.

Naval Air Rework Facility, Norfolk, Virginia, $6,226,000.

Naval Communication Station, Norfolk, Virginia, $884,000.

Navy Public Works Center, Norfolk, Virginia, $1,565,000.

Naval Shipyard, Norfolk, Virginia, $1,880,000.

Naval Station, Norfolk, Virginia, $19,316,000.

Naval Air Station, Oceana, Virginia, $6,240,000.

Naval Weapons Station, Yorktown, Virginia, $2,067,000.

Naval Radio Station, Sugar Grove, West Virginia, $260,000.

SIXTH NAVAL DISTRICT

Naval Air Station, Cecil Field, Florida, $1,603,000.

Naval Security Group Activity, Homestead, Florida, $439,000.

Naval Air Station, Jacksonville, Florida, $6,930,000.

Naval Air Station, Pensacola, Florida, $8,380,000.

Naval Air Station, Saufley Field, Florida, $505,000.

Naval Air Station, Whiting Field, Florida, $2,278,000.

Naval Air Station, Glynco, Georgia, $5,656,000.

Naval Air Station, Meridian, Mississippi, $3,266,000.

Navy Commissary Store, Meridian, Mississippi, $270,000.

Naval Hospital, Charleston, South Carolina, $754,000.

Naval Shipyard, Charleston, South Carolina, $7,602,000.

Naval Station, Charleston, South Carolina, $929,000.

Naval Air Station, Memphis, Tennessee, $1,770,000.

Naval Hospital, Memphis, Tennessee, $262,000.

EIGHTH NAVAL DISTRICT

Naval Air Station, Kingsville, Texas, $90,000.

NINTH NAVAL DISTRICT

Navy Electronics Supply Office, Great Lakes, Illinois, $323,000.

Naval Hospital Corps School, Great Lakes, Illinois, $3,161,000.

Naval Training Center, Great Lakes, Illinois, $2,386,000.

ELEVENTH NAVAL DISTRICT

Naval Weapons Center, China Lake, California, $447,000.

Naval Amphibious Base, Coronado, California, $1,557,000.

Naval Amphibious School, Coronado, California, $137,000.

Naval Hospital, Long Beach, California, $15,092,000.

Naval Air Station, Miramar, California, $5,081,000.

Naval Air Station, North Island, California, $8,557,000.

Naval Station, San Diego, California, $1,886,000.

Navy Submarine Support Facility, San Diego, California, $2,878,000.

Naval Training Center, San Diego, California, $1,349,000.

Naval Weapons Station, Seal Beach, California, $714,000.

TWELFTH NAVAL DISTRICT

Naval Air Station, Lemoore, California, $4,716,000.

Naval Schools Command, Mare Island, Vallejo, California, $6,014,000.

Naval Shipyard, Mare Island, Vallejo, California, $394,000.

Naval Communication Station, San Francisco, California, $155,000.

THIRTEENTH NAVAL DISTRICT

Naval Shipyard, Puget Sound, Bremerton, Washington, $2,677,000.

Naval Torpedo Station, Keyport, Washington, $2,496,000.

Naval Air Station, Whidbey Island, Washington, $3,294,000.

FOURTEENTH NAVAL DISTRICT

Pacific Missile Range Facility, Barking Sands, Kauai, Hawaii, $2,202,000.

Naval Ammunition Depot, Oahu, Hawaii, $78,000.

Fleet Submarine Training Facility, Pearl Harbor, Hawaii, $501,000.

Naval Shipyard, Pearl Harbor, Hawaii, $1,384,000.

Naval Station, Pearl Harbor, Hawaii, $3,967,000.

SEVENTEENTH NAVAL DISTRICT

Naval Facility, Adak, Alaska, $516,000.

Naval Station, Adak, Alaska, $9,025,000.

MARINE CORPS FACILITIES

Marine Barracks, Washington, District of Columbia, $4,434,000.

Marine Corps Development and Education Command, Quantico, Virginia, $1,783,000.

Marine Corps Base, Camp Lejeune, North Carolina, $2,610,000.

Marine Corps Air Station, Cherry Point, North Carolina, $3,607,000.

Marine Corps Air Station, New River, North Carolina, $3,364,000.

Marine Corps Air Station, Beaufort, South Carolina, $2,417,000.

Marine Corps Recruit Depot, Parris Island, South Carolina, $1,444,000.

Marine Corps Air Station, Yuma, Arizona, $2,261,000.

Marine Corps Supply Center, Barstow, California, $678,000.

Marine Corps Auxiliary Landing Field, Camp Pendleton, California, $593,000.

Marine Corps Base, Camp Pendleton, California, $11,210,000.

Marine Corps Air Station, El Toro, California, $838,000.

Marine Corps Air Station, Santa Ana, California, $908,000.

Marine Corps Recruit Depot, San Diego, California, $1,497,000.

Marine Corps Base, Twentynine Palms, California, $6,653,000.

Marine Corps Air Station, Kaneohe, Hawaii, $2,455,000.

POLLUTION ABATEMENT

Various Naval and Marine Corps Installations: Air Pollution Abatement Facilities, $15,474,000.

Various Naval and Marine Corps Installations: Water Pollution Abatement Facilities, $12,883,000.

OUTSIDE THE UNITED STATES

TENTH NAVAL DISTRICT

Naval Station, Guantanamo Bay, Cuba, $3,579,000.

Naval Facility Air Force Base, Puerto Rico, $188,000.

Naval Station, Roosevelt Roads, Puerto Rico, $4,983,000.

FIFTEENTH NAVAL DISTRICT

Naval Communication Station, Balboa, Canal Zone, $200,000.

Naval Security Group Activity, Galeta Island, Canal Zone, $516,000.

ATLANTIC OCEAN AREA

Naval Facility, Grand Turk, West Indies, $418,000.

Naval Station, Keflavik, Iceland, $5,800,000.

EUROPEAN AREA

Naval Security Group Activity, Todendorf, Germany, $377,000.

Naval Air Facility, Sigonella, Sicily, $1,371,000.

INDIAN OCEAN AREA

Naval Communication Facility, Diego Garcia, Chagos Archipelago, $4,794,000.

PACIFIC OCEAN AREA

Naval Communication Station, Harold E. Holt, Exmouth, Australia, $75,000.

Naval Air Station, Agna, Guam, Mariana Islands, $12,398,000.

Naval Communication Station, Guam, Mariana Islands, $1,823,000.

Naval Magazine, Guam, Mariana Islands, $993,000.

Naval Station, Guam, Mariana Islands, $3,385,000.

Naval Communications Station, Yokosuka, Japan, $258,000.

Naval Air Station, Cubi Point, Republic of the Philippines, $1,892,000.

Naval Communication Station, San Miguel, Republic of the Philippines, $1,280,000.

POLLUTION ABATEMENT

Various Naval Installations: Air Pollution Abatement Facilities, $488,000.

Various Naval Installations: Water Pollution Abatement Facilities, $7,412,000.

SEC. 202. The Secretary of the Navy may establish or develop classified Navy installations and facilities by acquiring, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the amount of $3,733,000.

SEC. 203. The Secretary of the Navy may establish or develop Navy installations and facilities by proceeding with construction made necessary by changes in Navy missions and responsibilities which have been occasioned by (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of $10,000,000: *Provided*, That the Secretary of the Navy, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1972, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 204. (a) Public Law 90–408, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 201 as follows:

(1) With respect to Naval Submarine Base, New London, Connecticut, strike out "$1,225,000" and insert in place thereof "$1,825,000".

(b) Public Law 90–408, as amended, is amended by striking out in clase (2) of section 802, "$239,082,000" and "$245,947,000" and inserting in place thereof "$239,682,000" and "$246,547,000", respectively.

SEC. 205. (a) The Secretary of Defense is directed to prepare a detailed feasibility study of the most advantageous alternative to the weapons training now being conducted in the Culebra Complex of the Atlantic Fleet Weapons Range. The Secretary shall determine the most advantageous alternative on the basis of investigations which consider cost, national security, the operational readiness and proficiency of the Atlantic Fleet, the impact on the environment, and other relevant factors.

(b) The detailed feasibility study authorized by subsection (a) of this section shall be completed by December 31, 1972, and shall be done in sufficient detail as to provide a basis for the development of a plan for the orderly transfer of activities now conducted in the Culebra Complex to another site or sites. Upon completion of the feasibility study, a report summarizing the study results together with the Secretary's recommendations shall be transmitted to the President of the United States and to the chairmen of the Committees on Armed Services of the Senate and the House of Representatives.

(c) There are hereby authorized to be appropriated such sums as are necessary for carrying out the studies required by subsections (a) and (b) of this section.

SEC. 206. (a) Public Law 91–142, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 201 as follows:

(1) With respect to Naval Submarine Base, New London, Connecticut, strike out "$303,000" and insert in place thereof "$1,056,000".

(2) With respect to Naval Air Station, Alameda, California, strike out "$6,094,000" and insert in place thereof "$8,170,000".

(b) Public Law 91–142, as amended, is amended by striking out in clause (2) of section 702 "$276,794,000" and "$311,848,000" and inserting in place thereof "$279,623,000" and "$314,677,000", respectively.

SEC. 207. (a) Public Law 91–511 is amended under the heading "INSIDE THE UNITED STATES", in section 201 as follows:

(1) With respect to Naval Ordnance Station, Indian Head, Maryland, strike out "$159,000" and insert in place thereof "$249,000".

(2) With respect to Marine Corps Recruit Depot, Parris Island, South Carolina, strike out "$112,000" and insert in place thereof "$210,000".

(b) Public Law 91–511, is amended by striking out in clause (2) of section 602, "$245,930,000" and "$268,898,000" and inserting in place thereof "$246,118,000" and "$269,086,000", respectively.

TITLE III

SEC. 301. The Secretary of the Air Force may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, for the following acquisition and construction.

INSIDE THE UNITED STATES

AEROSPACE DEFENSE COMMAND

Peterson Field, Colorado Springs, Colorado, $1,453,000.

Tyndall Air Force Base, Panama City, Florida, $1,019,000.

AIR FORCE COMMUNICATIONS SERVICE

Richards-Gebaur Air Force Base, Kansas City, Missouri, $782,000.

AIR FORCE LOGISTICS COMMAND

Hill Air Force Base, Ogden, Utah, $19,311,000.

Kelly Air Force Base, San Antonio, Texas, $12,585,000.

McClellan Air Force Base, Sacramento, California, $727,000.

Newark Air Force Station, Newark, Ohio, $1,476,000.

Robins Air Force Base, Warner Robins, Georgia, $17,133,000.

Tinker Air Force Base, Oklahoma City, Oklahoma, $12,872,000.

Wright-Patterson Air Force Base, Dayton, Ohio, $18,302,000.

Various locations, $275,000.

AIR FORCE SYSTEMS COMMAND

Arnold Engineering Development Center, Tullahoma, Tennessee, $327,000.

Brooks Air Force Base, San Antonio, Texas, $3,936,000.

Edwards Air Force Base, Muroc, California, $3,484,000.

Eglin Air Force Base, Valparaiso, Florida, $4,248,000.

Space and Missile Test Center, Lompoc, California, $84,000.

Satellite Tracking Facilities, $323,000.

AIR TRAINING COMMAND

Keesler Air Force Base, Biloxi, Mississippi, $2,900,000.

Lackland Air Force Base, San Antonio, Texas, $2,564,000.

Laredo Air Force Base, Laredo, Texas, $331,000.

Laughlin Air Force Base, Del Rio, Texas, $579,000.

Lowry Air Force Base, Denver, Colorado, $8,435,000.

Mather Air Force Base, Sacramento, California, $2,891,000.

Randolph Air Force Base, San Antonio, Texas, $1,122,000.

Reese Air Force Base, Lubbock, Texas, $2,522,000.

Sheppard Air Force Base, Wichita Falls, Texas, $9,893,000.

Vance Air Force Base, Enid, Oklahoma, $1,770,000.

Williams Air Force Base, Chandler, Arizona, $1,639,000.

ALASKAN AIR COMMAND

Eielson Air Force Base, Fairbanks, Alaska, $968,000.

Elmendorf Air Force Base, Anchorage, Alaska, $441,000.

Various Locations, $1,092,000.

HEADQUARTERS COMMAND

Andrews Air Force Base, Camp Springs, Maryland, $2,013,000.

Bolling Air Force Base, Washington, District of Columbia, $7,185,000.

MILITARY AIRLIFT COMMAND

Altus Air Force Base, Altus, Oklahoma, $1,060,000.

Charleston Air Force Base, Charleston, South Carolina, $2,347,000.

Dover Air Force Base, Dover, Delaware, $5,223,000.

McChord Air Force Base, Tacoma, Washington, $1,556,000.

McGuire Air Force Base, Wrightstown, New Jersey, $83,000.

Norton Air Force Base, San Bernardino, California, $2,016,000.

Scott Air Force Base, Belleville, Illinois, $71,000.

Travis Air Force Base, Fairfield, California, $1,299,000.

PACIFIC AIR FORCES

Hickam Air Force Base, Honolulu, Hawaii, $459,000.

STRATEGIC AIR COMMAND

Beale Air Force Base, Marysville, California, $1,348,000.

Blytheville Air Force Base, Blytheville, Arkansas, $522,000.

Carswell Air Force Base, Fort Worth, Texas, $100,000.

Castle Air Force Base, Merced, California, $5,703,000.

Davis-Monthan Air Force Base, Tucson, Arizona, $5,662,000.

Ellsworth Air Force Base, Rapid City, South Dakota, $1,445,000.

Fairchild Air Force Base, Spokane, Washington, $104,000.

Grand Forks Air Force Base, Grand Forks, North Dakota, $514,000.

Grissom Air Force Base, Peru, Indiana, $95,000.

K. I. Sawyer Air Force Base, Marquette, Michigan, $839,000.

Loring Air Force Base, Limestone, Maine, $1,980,000.

Malmstrom Air Force Base, Montana, $522,000.

Minot Air Force Base, Minot, North Dakota, $1,564,000.

Offutt Air Force Base, Omaha, Nebraska, $1,295,000.

Pease Air Force Base, Portsmouth, New Hampshire, $8,205,000.

Plattsburgh Air Force Base, Plattsburgh, New York, $285,000.

Westover Air Force Base, Chicopee Falls, Massachusetts, $816,000.

Wurtsmith Air Force Base, Oscoda, Michigan, $440,000.

Various locations, $928,000.

TACTICAL AIR COMMAND

Bergstrom Air Force Base, Austin, Texas, $2,559,000.

Cannon Air Force Base, Clovis, New Mexico, $290,000.

George Air Force Base, Victorville, California, $547,000.

Holloman Air Force Base, Alamogordo, New Mexico, $6,218,000.

Homestead Air Force Base, Homestead, Florida, $1,421,000.

Langley Air Force Base, Hampton, Virginia, $1,968,000.

Little Rock Air Force Base, Little Rock, Arkansas, $150,000.

Luke Air Force Base, Phoenix, Arizona, $3,136,000.

MacDill Air Force Base, Tampa, Florida, $3,268,000.

McConnell Air Force Base, Wichita, Kansas, $232,000.

Mountain Home Air Force Base, Mountain Home, Idaho, $2,060,000.

Myrtle Beach Air Force Base, Myrtle Beach, South Carolina, $446,000.

Nellis Air Force Base, Las Vegas, Nevada, $1,171,000.

Shaw Air Force Base, Sumter, South Carolina, $1,473,000.

UNITED STATES AIR FORCE ACADEMY

United States Air Force Academy, Colorado Springs, Colorado, $434,000.

POLLUTION ABATEMENT

Various locations, Air Pollution Abatement, $15,220,000.

Various Locations, Water Pollution Abatement, $7,820,000.

OUTSIDE THE UNITED STATES

AEROSPACE DEFENSE COMMAND

Naval Station, Keflavik, Iceland, $3,277,000.

PACIFIC AIR FORCES

Philippine Islands, $129,000.

Ryukyu Islands, $818,000.

Korea, $478,000.

STRATEGIC AIR COMMAND

Andersen Air Force Base, Guam, $350,000.

UNITED STATES AIR FORCES IN EUROPE

Germany, $1,254,000.

United Kingdom, $644,000.

Various Locations, $550,000.

POLLUTION ABATEMENT

Various Locations, Water Pollution Abatement, $985,000.

SEC. 302. The Secretary of the Air Force may establish or develop classified military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $11,985,000.

SEC. 303. The Secretary of the Air Force may establish or develop Air Force installations and facilities by proceeding with construction made necessary by changes in Air Force missions and responsibilities which have been occasioned by: (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $10,000,000: *Provided*, That the Secretary of the Air Force or his designee shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1972, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this action prior to that date.

SEC. 304. (a) Public Law 88–174, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 301 as follows:

(1) Under the subheading "AIR FORCE SYSTEMS COMMAND" with respect to Sacramento Peak Upper Air Research Site, New Mexico, strike out "$3,167,000" and insert in place thereof $3,410,000".

(b) Public Law 88–174, as amended, is amended by striking out in clause (3) of section 602 "$162,287,000" and "$491,969,000" and inserting in place thereof "$162,530,000" and "$492,212,000", respectively.

SEC. 305. (a) Public Law 90–110, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 301 as follows:

(1) Under the subheading "MILITARY AIRLIFT COMMAND" with respect to Travis Air Force Base, Fairfield, California, strike out "$6,047,000" and insert in place thereof "$6,946,000".

(b) Public Law 90–110, as amended, is amended by striking out in clause (3) of section 802 "314,578,000" and "$400,950,000" and inserting in place thereof "$315,477,000" and "$401,849,000", respectively.

SEC. 306. (a) Public Law 91–511 is amended under the heading "INSIDE THE UNITED STATES", in section 301 as follows:

(1) Under the subheading "STRATEGIC AIR COMMAND" with respect to Minot Air Force Base, Minot, North Dakota, strike out "$134,000" and insert in place thereof "$330,000".

(b) Public Law 91–511 is amended by striking out in clause (3) of section 602 "$191,937,000" and "$256,189,000" and inserting in place thereof "$192,133,000" and "$256,385,000", respectively.

TITLE IV

SEC. 401. The Secretary of Defense may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment, for defense agencies for the following acquisition and construction:

INSIDE THE UNITED STATES

DEFENSE ATOMIC SUPPORT AGENCY

Sandia Base, Albuquerque, New Mexico, $662,000.

DEFENSE SUPPLY AGENCY

Defense Automatic Addressing System Office, Dayton, Ohio, $143,000.

Defense Construction Supply Center, Columbus, Ohio, $1,569,000.

Defense Depot, Mechanicsburg, Pennsylvania, $1,209,000.

Defense Depot, Memphis, Tennessee, $136,000.

Defense Depot, Ogden, Utah, $1,452,000.

Defense Depot, Tracy Annex, Stockton, California, $100,000.

Defense General Supply Center, Richmond, Virginia, $432,000.

Defense Industrial Supply Center, Philadelphia, Pennsylvania, $541,000.

Defense Personnel Support Center, Philadelphia, Pennsylvania, $134,000.

DSA Subsistence Regional Headquarters, Alameda, California, $268,000.

Various locations, Air Pollution Abatement, $1,317,000.

NATIONAL SECURITY AGENCY

Fort George G. Meade, Maryland, $2,638,000.

SEC. 402. The Secretary of Defense may establish or develop installations and facilities which he determines to be vital to the security of the United States, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $12,500,000: *Provided*, That the Secretary of Defense, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including real estate actions pertaining thereto.

TITLE V—MILITARY FAMILY HOUSING

SEC. 501. The Secretary of Defense, or his designee, is authorized to construct, at the locations hereinafter named, family housing units and trailer court facilities in the numbers hereinafter listed, but no family housing construction shall be commenced at any such locations in the United States, until the Secretary shall have consulted with the Secretary of the Department of Housing and Urban Development, as to the availability of adequate private housing at such locations. If agreement cannot be reached with respect to the availability of adequate private housing at any location, the Secretary of Defense shall immediately notify the Committees on Armed Services of the House of Representatives and the Senate, in writing, of such difference of opinion, and no contract for construction at such location shall be entered into for a period of thirty days after such notification has been given. This authority shall include the authority to acquire land, and interests in land, by gift, purchase, exchange of Government-owned land, or otherwise.

(a) Family housing units—

(1) The Department of the Army, one thousand four hundred and ninety units, $38,460,000:

Fort Carson, Colorado, two hundred units.

Fort Gordon, Georgia, two hundred units.

United States Army Installations, Oahu, Hawaii, three hundred units.

Fort Bragg, North Carolina, one hundred and fifty units.

Carlisle Barracks, Pennsylvania, sixty units.

Fort Jackson, South Carolina, three hundred units.

Fort Hood, Texas, two hundred eighty units.

(2) The Department of the Navy, four thousand two hundred fifty-four units, $107,146,000:

Naval Complex, East Bay, San Francisco, California, three hundred units.

Naval Complex, Long Beach, California, three hundred units.

Marine Corps Base, Camp Pendleton, California, two hundred units.

Naval Complex, San Diego, California, six hundred units.

Naval Complex, District of Columbia, one hundred fifty units.

Naval Air Station, Jacksonville, Florida, three hundred units.

Naval Training Center, Orlando, Florida, four units.

Naval Air Station, Glynco, Georgia, one hundred thirty units.

United States Naval Installations, Oahu, Hawaii, four hundred units.

Naval Complex, Warminster, Pennsylvania, two hundred units.

Naval Complex, Newport, Rhode Island, two hundred units.

Naval Complex, Charleston, South Carolina, two hundred and eighty units.

Naval Air Station, Memphis, Tennessee, one hundred units.

Naval Complex, Norfolk, Virginia, six hundred and forty units.

Naval Station, Roosevelt Roads, Puerto Rico, two hundred and fifty units.

Naval Complex, Subic Bay, Republic of the Philippines, two hundred units.

(3) The Department of the Air Force, three thousand five hundred and ten units, $84,240,000.

Beale Air Force Base, California, two hundred units.

United States Air Force Academy, Colorado, two hundred units.

Ent-Peterson Air Force Base, Colorado, two hundred and fifty units.

Dover Air Force Base, Delaware, three hundred units.

Bolling Air Force Base, District of Columbia, four hundred units.

Homestead Air Force Base, Florida, one hundred and sixty units.

Andrews Air Force Base, Maryland, four hundred and fifty units.

Offutt Air Force Base, Nebraska, three hundred units.

Cannon Air Force Base, New Mexico, two hundred and fifty units.

Wright-Patterson Air Force Base, Ohio, five hundred units.

Shaw Air Force Base, South Carolina, five hundred units.

(b) Trailers Court Facilities—

(1) The Department of the Navy, one thousand five hundred spaces, $4,500,000.

(2) The Department of the Air Force, eight hundred fifty spaces, $2,780,000.

Sec. 502. Authorization for the construction of family housing provided in this Act shall be subject, under such regulations as the Secretary of Defense may prescribe, to the following limitations on cost, which shall include shades, screens, ranges, refrigerators, and all other installed equipment and fixtures:

(a) The average unit cost for each military department for all units of family housing constructed in the United States (other than Hawaii and Alaska) shall not exceed $24,000 including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

(b) No family housing unit in the area specified in subsection (a) shall be constructed at a total cost exceeding $42,000 including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

(c) When family housing units are constructed in areas other than that specified in subsection (a) the average cost of all such units shall not exceed $33,500 and in no event shall the cost of any unit exceed $42,000. The cost limitations of this subsection shall include the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

Sec. 503. Notwithstanding the limitations contained in prior military construction authorization Acts on cost of construction of family housing, the limitations contained in section 502 of this Act shall apply to all prior authorizations for construction of family housing not heretofore repealed and for which construction contracts have not been executed by date of enactment of this Act.

Sec. 504. The Secretary of Defense, or his designee, is authorized to accomplish alterations, additions, expansions or extensions not otherwise authorized by law, to existing public quarters at a cost not to exceed—

(a) for the Department of the Army, $10,367,000.

(b) for the Department of the Navy, $8,271,000.

(c) for the Department of the Air Force, $13,825,000.

(d) for the Defense Agencies, $205,000.

Sec. 505. The Secretary of Defense, or his designee, is authorized to construct, or otherwise acquire, four family housing units in foreign countries at a total cost not to exceed $106,000. This authority shall include the authority to acquire land and interests in land, and shall be limited to such projects as may be funded by use of excess foreign currencies when so provided in Department of Defense appropriation Acts.

Sec. 506. Section 515 of Public Law 84–161 (69 Stat. 324, 352) as amended, is amended by (1) striking out "1971 and 1972" in the first sentence and inserting in lieu thereof "1972 and 1973", (2) striking out "seven thousand five hundred" in the second sentence and inserting in lieu thereof "ten thousand", and (3) striking out "$190" and "$250" in the third sentence and inserting in lieu thereof "$200" and "$275", respectively.

Sec. 507. Section 507 of Public Law 88–174 (77 Stat. 307, 326) as amended, is amended by (1) striking out "1971 and 1972" and inserting in lieu thereof "1972 and 1973", and (2) striking out "$185" and inserting in lieu thereof "$210".

Sec. 508. (a) Sections 4774(f) and 9774(f) of title 10, United States Code, are amended to read as follows: "(f) If the Secretary of Defense, or his designee, determines, on the basis of a survey of the family housing needs at any installation where the construction of family housing is authorized, that the construction of four-bedroom units or five-bedroom units for enlisted men is required, such units may be constructed with a net floor area of not more than one thousand two hundred fifty square feet, and one thousand four hundred square feet, respectively.".

(b) Section 7574(d) of title 10, United States Code, is amended to read as follows: "(d) If the Secretary of Defense, or his designee, determines, on the basis of a survey of the family housing needs at any installation where the construction of family housing is authorized, that the construction of four-bedroom units or five-bedroom units for enlisted men is required, such units may be constructed with a net floor area of not more than one thousand two hundred fifty square feet, and one thousand four hundred square feet, respectively.".

(c) Sections 4774(g), 7574(e), and 9774(g) of title 10, United States Code, are amended by inserting "or five-bedroom units" after "four-bedroom units".

Sec. 509. (a) Chapter 449 of title 10, United States Code, is amended by repealing section 4775 and by striking out the corresponding item in the analysis.

(b) Chapter 949 of title 10, United States Code, is amended by repealing section 9775 and by striking out the corresponding item in the analysis.

Sec. 510. The Secretary of Defense, or his designee, is authorized to accomplish repairs and improvements to existing public quarters in amounts in excess of the $10,000 limitation prescribed in section 610(a) of Public Law 90–110 (81 Stat. 279, 305), as amended, for the United States Naval Academy, Annapolis, Maryland, five units, $125,000.

Sec. 511. There is authorized to be appropriated for use by the Secretary of Defense, or his designee, for military family housing as authorized by law for the following purposes:

(a) for construction and acquisition of family housing, including improvements to adequate quarters, improvements to inadequate quarters, minor construction, relocation of family housing, rental guarantee payments, construction and acquisition of trailer court facilities, and planning, an amount not to exceed $270,919,000, and,

(b) for support of military family housing, including operating expenses, leasing, maintenance of real property, payments of principal and interest on mortgage debts incurred, payment to the Commodity Credit Corporation, and mortgage insurance premiums authorized under section 222 of the National Housing Act, as amended (12 U.S.C. 1715m), an amount not to exceed $633,212,000.

TITLE VI—HOMEOWNERS ASSISTANCE

Sec. 601. In accordance with subsection 1013(1) of Public Law 89–754 (80 Stat. 1255, 1292) there is authorized to be appropriated for use by the Secretary of Defense for the purposes of section 1013 of Public Law 89–754, including acquisition of properties, an amount not to exceed $7,575,000.

TITLE VII

GENERAL PROVISIONS

Sec. 701. The Secretary of each military department may proceed to establish or develop installations and facilities under this Act without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529) and sections 4774(d) and 9774(d) of title 10, United States Code. The authority to place permanent or temporary improvements on land includes authority for surveys, administration, overhead planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

Sec. 702. There are authorized to be appropriated such sums as may be necessary for the purposes of this Act, but appropriations for public works projects authorized by titles I, II, III, IV, V, and VI, shall not exceed—

(1) for title I: Inside the United States, $350,005,000; outside the United States, $43,874,000; or a total of $393,879,000.

(2) for title II: Inside the United States, $274,220,000; outside the United States, $52,230,000; section 202, $3,733,000; or a total of $330,183,000.

(3) for title III: Inside the United States, $239,576,000; outside the United States, $8,485,000; section 302, $11,985,000; or a total of $260,046,000.

(4) for title IV: A total of $23,101,000.

(5) for title V: Military family housing, $904,131,000.

(6) for title VI: Homeowners assistance, $7,575,000.

Sec. 703. Except as provided in subsection (b), any of the amounts specified in titles I, II, III, and IV of this Act, may, in the discretion of the Secretary concerned, be increased by 5 per centum when inside the United States (other than Hawaii and Alaska), and by 10 per centum when outside the United States or in Hawaii and Alaska, if he determines that such increase (1) is required for the sole purpose of meeting unusual variations in cost, and (2) could not have been reasonably anticipated at the time such estimate was submitted to the Congress. However, the total cost of all construction and acquisition in each such title may not exceed the total amount authorized to be appropriated in that title.

(b) When the amount named for any construction or acquisition in title I, II, III, or IV of this Act involves only one project at any military installation and the Secretary of Defense, or his designee, determines that the amount authorized must be increased by more than the applicable percentage prescribed in subsection (a), the Secretary concerned may proceed with such construction or acquisition if the amount of the increase does not exceed by more than 25 per centum the amount named for such project by the Congress.

(c) Subject to the limitations contained in subsection (a), no individual project authorized under title I, II, III, or IV of this Act for any specifically listed military installation may be placed under contract if—

(1) the estimated cost of such project is $250,000 or more, and

(2) the current working estimate of the

Department of Defense, based on bids received, for the construction of such project exceeds by more than 25 per centum the amount authorized for such project by the Congress, until after the expiration of thirty days from the date on which a written report of the facts relating to the increased cost of such project, including a statement of the reasons for such increase has been submitted to the Committees on Armed Services of the House of Representatives and the Senate.

(d) The Secretary of Defense shall submit an annual report to the Congress identifying each individual project which has been placed under contract in the preceding twelve-month period and with respect to which the then current working estimate of the Department of Defense based upon bids received for such project exceeded the amount authorized by the Congress for that project by more than 25 per centum. The Secretary shall also include in such report each individual project with respect to which the scope was reduced in order to permit contract award within the available authorization for such project. Such report shall include all pertinent cost information for each individual project, including the amount in dollars and percentage by which the current working estimate based on the contract price for the project exceeded the amount authorized for such project by the Congress.

Sec. 704. Contracts for construction made by the United States for performance within the United States and its possessions under this Act shall be executed under the jurisdiction and supervision of the Corps of Engineers, Department of the Army, or the Naval Facilities Engineering Command, Department of the Navy, or such other department or Government agency as the Secretaries of the military departments recommend and the Secretary of Defense approves to assure the most efficient, expeditious and cost-effective accomplishment of the construction herein authorized. The Secretaries of the military departments shall report annually to the President of the Senate and the Speaker of the House of Representatives a breakdown of the dollar value of construction contracts completed by each of the several construction agencies selected, together with the design, construction, supervision, and overhead fees charged by each of the several agents in the execution of the assigned construction. Further, such contracts (except architect and engineering contracts which, unless specifically authorized by the Congress, shall continue to be awarded in accordance with presently established procedures, customs, and practice) shall be awarded, insofar as practicable, on a competitive basis to the lowest responsible bidder, if the national security will not be impaired and the award is consistent with chapter 137 of title 10, United States Code. The Secretaries of the military departments shall report semiannually to the President of the Senate and the Speaker of the House of Representatives with respect to all contracts awarded on other than a competitive basis to the lowest responsible bidder.

Sec. 705. (a) As of October 1, 1972, all authorizations for military public works (other than family housing) to be accomplished by the Secretary of a military department in connection with the establishment or development of military installations and facilities, and all authorization for appropriations therefor, that are contained in titles I, II, III, and IV of the Act of October 26, 1970, Public Law 91–511 (84 Stat. 1204), and all such authorizations contained in Acts approved before October 27, 1970, and not superseded or otherwise modified by a later authorization are repealed except—

(1) authorizations for public works and for appropriations therefor that are set forth in those Acts in the titles that contain the general provisions;

(2) authorizations for public works projects as to which appropriated funds have been obligated for construction contracts, land acquisitions, or payments to the North Atlantic Treaty Organization, in whole or in part before October 1, 1972, and authorizations for appropriations therefor;

(3) notwithstanding the repeal provisions of section 605(a) of the Act of October 26, 1970, Public Law 91–511 (84 Stat. 1204, 1223), authorization for the following item which shall remain in effect until October 1, 1973:

(a) utilities in the amount of $2,874,000 at Navy Public Works Center, Newport, Rhode Island, that is contained in title II, section 201 of the Act of July 21, 1968 (82 Stat. 373); and

(4) notwithstanding the repeal provisions of section 605(a) of the Act of October 26, 1970, Public Law 91–511 (84 Stat. 1204, 1223) authorizations for the following items which shall remain in effect until October 1, 1973:

(a) Utilities in the amount of $288,000 at Fort Hancock, New Jersey, that is contained in title I, section 101 of the Act of December 5, 1969 (83 Stat. 293), as amended.

(b) Utilities in the amount of $545,000 at Fort Wadsworth, New York, that is contained in title I, section 101 of the Act of December 5, 1969 (83 Stat. 293), as amended.

(b) Effective fifteen months from the date of enactment of this Act, all authorizations for construction of family housing, including trailer court facilities, all authorizations to accomplish alterations, additions, expansions, or extensions to existing family housing, and all authorizations for related facilities projects, which are contained in this or any previous Act, are hereby repealed, except—

(1) authorizations for family housing projects as to which appropriated funds have been obligated for construction contracts or land acquisitions or manufactured structural component contracts in whole or in part before such date; and

(2) authorizations to accomplish alterations, additions, expansions, or extensions to existing family housing, and authorizations for related facilities projects, as to which appropriated funds have been obligated for construction contracts before such date.

Sec. 706. None of the authority contained in titles I, II, III, and IV of this Act shall be deemed to authorize any building construction projects inside the United States in excess of a unit cost to be determined in proportion to the appropriate area construction cost index, based on the following unit cost limitations where the area construction cost index is 1.0:

(1) $3,200 per man for permanent barracks;

(2) $11,000 per man for bachelor officer quarters;

unless the Secretary of Defense or his designee determines that because of special circumstances, application to such project of the limitations on unit costs contained in this section is impracticable: *Provided*, That notwithstanding the limitations contained in prior military construction authorization Acts on unit costs, the limitations on such costs contained in this section shall apply to all prior authorizations for such construction not heretofore repealed and for which construction contracts have not been awarded by the date of enactment of this Act.

Sec. 707. Chapter 159 of title 10, United States Code, is amended as follows:

(1) Section 2674(a) is amended by adding immediately before the period at the end thereof "or for a project which the Secretary of a military department determines will, within three years following completion of the project, result in savings in maintenance and operation costs in excess of the cost of the project".

(2) The catchline and text of section 2672, and the corresponding item in the analysis are amended by striking out "$25,000" wherever it appears and inserting in place thereof "$50,000".

(3) Section 2672 is amended by adding the following new sentence at the end thereof: "The authority to acquire an interest in land under this section includes authority to make surveys and acquire interests in land (including temporary use), by gift, purchase, exchange of land owned by the United States, or otherwise.".

(4) Section 2677(b) is amended by deleting the last sentence thereof.

Sec. 708. (a) The Secretary of the Army, or his designee, is authorized to convey to the State of Texas, subject, to such terms and conditions as the Secretary of the Army, or his designee, may deem to be in the public interest, all right, title, and interest of the United States, except as retained in this section, in and to a certain parcel of land containing 20 acres, more or less, out of and a part of section 2, block 81, township 2, Texas and Pacific Railroad Company Survey, El Paso County, Texas, within the Castner Range area of the Fort Bliss Military Reservation, being more particularly described as follows:

Starting at a United States Government monument, marking the corners common to sections 2, 3, 8 and 9, block 81, township 2, El Paso County, Texas,

thence proceeding north 88 degrees 48 minutes 17 seconds east along the south line of said section 2, a distance of 94.09 feet to a point on the east line of the proposed north-south freeway;

thence north 01 degree 18 minutes 22 seconds west, along the east line of said freeway, and the west line of a 95.0-foot wide easement to the city of El Paso, Texas, a distance of 95.0 feet, to the point of beginning of subject parcel;

thence north 01 degree 18 minutes 22 seconds west along the east right-of-way line of said north-south freeway, and the west line of subject parcel, a distance of 1244.58 feet to a point;

thence north 88 degrees 48 minutes 17 seconds east into said section 2, a distance of 700.0 feet to a point;

thence south 01 degree 18 minutes 22 seconds east, along the east line of subject parcel, a distance of 1244.58 feet to a point on the north line of a 95.0-foot-wide easement to the city of El Paso, Texas;

thence south 88 degrees 48 minutes 17 seconds west along the north line of said easement to the city of El Paso, Texas, and the south line of subject parcel, a distance of 700.0 feet to the point of beginning.

(b) In consideration for the conveyance by the United States of the property described in subsection (a), the State of Texas shall convey to the United States a parcel of land containing 18.3106 acres, more or less, out of and part of section 21, block 81, township 2, El Paso County, Texas, said parcel being a portion of a 24.25-acre parcel of land heretofore conveyed by the United States to the State of Texas for National Guard and military use by deed dated November 4, 1954, pursuant to the Act of August 30, 1954 (68 Stat. 974), said 18.3106-acre parcel being more particularly described as follows:

Beginning at a point on the south line of Hayes Avenue and the west right-of-way line of the proposed north-south freeway;

thence south 30 degrees 26 minutes 35 seconds west along the west line of said freeway, and the east line of subject area, a distance of 570.42 feet to a point;

thence south 34 degrees 26 minutes 10 seconds west, along the west line of said freeway and the east line of subject area, a distance of 260.00 feet to a point;

thence south 27 degrees 15 minutes 37 seconds west, along the west line of said freeway and the east line of subject area, a distance of 218.63 feet to a point on the north line of Truman Avenue;

thence south 86 degrees 32 minutes 40 sec-

onds east, along the north line of Truman Avenue and the south line of subject area, a distance of 635.32 feet to a point on the east line of Pollard Street;

thence north 03 degrees 27 minutes 20 seconds east, along the east line of Pollard Street, and the west line of subject area, a distance of 902.37 feet to a point on the south line of Hayes Avenue;

thence north 88 degrees 01 minute 34 seconds west, along the south line of Hayes Avenue, and the north line of subject area, a distance of 1116.62 feet to the point of beginning.

(c) The legal descriptions in subsections (a) and (b) may be modified, as agreed upon by the Secretary, or his designee, and the State of Texas, consistent with any necessary changes which may be disclosed as the result of an accurate survey.

(d) There shall be reserved to the United States in the conveyance of lands described in subsection (a) hereof the following—

(a) all mineral rights including gas and oil; and

(b) rights of ingress and egress over roads in the described lands serving buildings or other works operated by the United States or its successors or assigns in connection with Fort Bliss, rights-of-way for water lines, sewer lines, telephone and telegraph lines, power lines, and such other utilities which now exist, or which may become necessary to the operation of the said Fort Bliss.

(e) The conveyance of the property authorized by subsection (a) of this section shall be upon the following conditions:

(1) That such property shall be used primarily for training of the National Guard and for other military purposes, and that if the State of Texas shall cease to use the property so conveyed for the purposes intended, then title thereto shall immediately revert to the United States, and in addition, all improvements made by the State of Texas during is occupancy shall vest in the United States without payment of compensation therefor.

(2) That whenever the Congress of the United States declares a state of war or other national emergency, or the President declares a state of emergency, and upon the determination by the Secretary of Defense that the property conveyed under this Act is useful or necessary for military, air, or naval purposes, or in the interest of national defense, the United States shall have the right, without obligation to make payment of any kind, to reenter upon the property and use the same or any part thereof, including any and all improvements made thereon by the State of Texas, for the duration of such state of war or of such emergency. Upon the termination of such state of war or such emergency plus six months such property shall revert to the State of Texas, together with all appurtenances and utilities belonging or appertaining thereto.

(3) That the State, in accepting the conveyance from the United States authorized in subsection (a) hereof, shall covenant and agree to all responsibility for clearance of ammunition from the area and to hold the United States harmless from liability in connection with any incidents arising therefrom.

(f) In executing the deed of conveyance authorized by this section, the Secretary of the Army shall include specific provisions covering the reservations and conditions contained in subsections (a) and (b) of this section.

(g) All expenses for surveys and the preparation and execution of legal documents necessary or appropriate to carry out the foregoing provisions of this section shall be borne by the State of Texas.

(h) Notwithstanding the provisions of section 3(b) of Public Law 91–202, approved March 4, 1970 (84 Stat. 20), structures and improvements which are to be replaced in kind at the expense of the city of El Paso, Texas, under such section, shall be constructed on land conveyed to the State of Texas under subsection (a) of this section instead of on the site designated in Public Law 91–202, but with all other provisions of that law shall remain in full force and effect.

Sec. 709. Titles I, II, III, IV, V, VI, and VII, of this Act may be cited as the "Military Construction Authorization Act, 1972".

TITLE VIII

RESERVE FORCES FACILITIES

Sec. 801. Subject to chapter 133 of title 10, United States Code, the Secretary of Defense may establish or develop additional facilities for the Reserve Forces, including the acquisition of land therefor, but the cost of such facilities shall not exceed—

(1) For the Department of the Army:

(a) Army National Guard of the United States, $25,686,000.

(b) Army Reserve, $30,300,000.

(2) For the Department of the Navy; Naval and Marine Corps Reserves, $10,090,000.

(3) For the Department of the Air Force:

(a) Air National Guard of the United States, $9,000,000.

(b) Air Force Reserve, $5,250,000.

Sec. 802. The Secretary of Defense may establish or develop installations and facilities under this title without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), and sections 4774(d) and 9774 (d) of title 10, United States Code. The authority to place permanent or temporary improvements on lands includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

Sec. 803. This title may be cited as the Reserve Forces Facilities Authorization Act, 1972."

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. SYMINGTON. Mr. President, the bill before the Senate today provides construction and other related authority for the military departments and defense agencies within and outside the United States, including authority for military family housing and the construction of facilities for the Reserve components.

The total new authority granted by this bill is $1,999,241,000, and in addition thereto approval is granted for an increase in prior years' authority of $6,011,000, for a total authorization of $2,005,252,000.

The amount granted is approximately $257.4 million below the amount requested in the bill as submitted to the Congress. It should be pointed out, however, that about $183.6 million of this reduction is for the Safeguard antiballistic missile system which has been stricken from this bill, but will be later considered in connection with the military procurement bill. This then leaves a net reduction of approximately $77 million in line item projects in the new bill.

In new authority the Army is provided $393.9 million; the Navy, $330.2 million; the Air Force, $260 million; defense agencies, $23.1 million; military family housing, $904.1 million; homeowners assistance, $7.6 million; and $80.3 million for the Reserve components.

The projects denied by the committee consisted primarily of those considered to be in the lower priority category that could be safely deferred to another year without detriment to the program of the military departments.

This year special emphasis has been placed on housing for both married and bachelor personnel, pollution abatement, and facilities for the Reserve forces.

Included in the overall amount reserved for all costs of the military family housing program is $229.8 million to permit the construction of 9,254 new units of housing which are very badly needed. A modest increase of $1,000 in the average unit cost was granted for a new average unit cost of $24,000. This the committee deemed necessary to keep pace with the rising cost of construction.

The greatest single segment of the bill, $298.3 million, is for bachelor housing and community facilities, which to considerable extent is in furtherance of the concept of a modern Volunteer Army. For example, $40 million of the Army's program of $126.8 million approved for this purpose is directed toward providing privacy in existing barracks. The lack of privacy is said to be one of the greatest irritants to service in the Army.

In keeping with the increased tempo to improve environmental quality, the Department of Defense has accelerated its program to abate air and water pollution at all military installations. For this the committee has approved $129.3 million. It would eliminate pollution at some 173 installations located within the United States and possessions. This is in keeping with Executive Order No. 11507, which requires all such anticipated projects to be completed or underway by December 31, 1972. We should recognize, however, that future charges and the tightening up of pollution standards will undoubtedly generate additional requirements in future years.

A total of $80.3 million has been provided for the support of the Reserve components. This is directly related to the scheduled reduction in Active Forces and a correlated necessity for increased reliance on the readiness capability of our Reserve Forces.

These factors I have enumerated, along with other more or less fixed charges, such as $20 million for NATO infrastructure, leaves only about $800 million for the upkeep, maintenance, and improvements to the physical plant of the Military Establishment. Therefore, it is believed that the reduction of some $77 million made by the committee is a substantial one since it fell primarily within this category of facilities.

Now I should like to mention the naval training activities on the island of Culebra. While this was not an issue in the bill, attention is focused upon the problem, because of an amendment offered by the distinguished Senator from Alaska, the Honorable MIKE GRAVEL.

Again this year the committee went into this matter in considerable detail. Testimony was heard from all interested parties. Senator GRAVEL personally very ably presented his amendment. Among others who presented their views were the president of Puerto Rican Senate, the mayor of the island municipality of Culebra, and the Resident Commissioner of Puerto Rico.

As I understand Senator GRAVEL's amendment, it would direct the Secretary of the Navy to construct an artificial island for use by the Navy for their training activities now conducted on the island of Culebra and the adjoining cays. It would authorize $50 million for this purpose and require a report to the Congress by January 1, 1972, as to the action the Secretary has taken toward the construction of the island. Finally, the Secretary of the Navy is instructed to cease all firing activities on Culebra and adjoining cays no later than January 1, 1975.

The amendment was not adopted because there has been no finding that an artificial island would be the best alternative to the Navy's training activities on Culebra. Furthermore, there have been no engineering studies made as to the feasibility or the cost of such an island.

Before authorizing the appropriation of money for such a project, the committee believes it would need detailed studies of the location of the island, its size, its topography, its environmental impact, the condition of the ocean bottom, and all other detailed engineering analysis required to support a military construction authorization request.

Furthermore, the Defense Department study which was ordered by the Congress did not identify an artificial island as the only possibility that the Navy should investigate further. It simply identified an artificial island as one of the possibilities that should be studied in greater detail.

Testimony by Navy witnesses disclosed that the Navy has already made many concessions in an effort to settle the Culebra situation and an agreement was entered into only last January setting forth these concessions.

The agreement was signed by the Governor of Puerto Rico, the President of the Senate of Puerto Rico, the mayor of the Island Municipality of Culebra, and the Secretary of the Navy. The signatories agreed to continue Navy use of the northwestern peninsula and western cays without limitation of time until a feasible alternative to the Culebra targets is found.

On April 1, 1971, Secretary Laird took further steps and announced that he had directed the Navy to initiate immediately a number of other steps which would enhance the safety and well-being of the residents of Culebra. He further stated that he would reappraise the Culebra situation and the alternative options from the point of view of national security and the best interests of the people of Puerto Rico by the end of 1972, in order to make a final decision as to where to relocate the naval training target areas now on Culebra and whether any additional action should be taken.

Mr. President, the committee feels that the Defense Department and the Navy have complied in good faith with the January agreement. I repeat that the agreement was signed by the Governor of Puerto Rico, the President of the Senate of Puerto Rico, the mayor of the Island Municipality of Culebra, and the Secretary of the Navy.

Studies ordered by the Secretary of Defense to enable him to make his promised decision by the end of 1972 are underway. There is of course no question whatsoever but that the Secretary will keep his promise.

In spite of these assurances and the concessions that have been made this matter continues to be an emotional and political issue. For this reason the committee deemed it advisable to adopt a proposal made by the distinguished Senator from Washington (Mr. JACKSON), one of the most knowledgeable Members of the Senate in regard to the Culebra problem, that incorporates into law the stated position of the administration. It is hoped that this will be acceptable to all concerned.

This has been done in section 205 of title II of the bill before you. This provision is in accord with the Secretary's and the administration's position and announced plans for Culebra. Subsection (a) of the amendment directs that as a part of the feasibility study the Secretary shall specifically consider "cost, national security, the operational readiness and proficiency of the Atlantic Fleet, the impact on the environment, and other relevant factors." Subsection (b) provides that the feasibility study shall also "provide a plan for an orderly transfer of activities now conducted in the Culebra complex to another site or sites."

These two provisions will insure that the committee and the Congress will have a full and complete record as a basis for a decision on Culebra early in 1973.

Mr. President, I believe that this is a fair presentation, outlining the salient features of the bill before you. The committee in reporting the bill is confident that the construction needs of the Department of Defense will be adequately provided for during fiscal year 1972, and requests the Senate to pass the bill.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. TOWER. Mr. President, I shall not detain the Senate with lengthy remarks. I associate myself with the remarks of the distinguished chairman of the subcommittee.

I wish to emphasize, however, that in this military construction bill, greater emphasis has been given than in the past, I think, to personnel support projects, that is to say, those types of projects that are aimed at making life somewhat more comfortable and enjoyable for the members of the armed services, in our efforts to move toward the concept of all-volunteer services. We are attempting to update, for example, existing living facilities, and build new ones where old ones are outdated and in a shambles, and we are spending a lot of money on maintenance and that kind of thing.

I might say that the impetus for this has come from the military themselves. They themselves have come forward with the idea that this year's budget should be more people oriented and more oriented toward personnel support facilities.

I think this is a good military construction bill, and I urge the Senate to adopt it.

Mr. SYMINGTON. Mr. President, I thank the able ranking minority member of the subcommittee, and associate myself with his remarks. I respectfully commend him for his cooperation and assistance in the preparation of this measure for submission to the Senate.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the committee amendment in the nature of a substitute.

Mr. TOWER. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. TOWER. If the committee amendment is agreed to, the committee amendment will be open to amendment, is that not correct?

The ACTING PRESIDENT pro tempore. Not unless the request is made and unanimous consent given that it be considered as original text, with leave to amend. If that request is made and unanimous consent is given, amendments would be in order.

Mr. GURNEY. Mr. President, I have one amendment that I think I may offer, and I do not wish to be foreclosed from that.

Mr. SYMINGTON. Mr. President, if the Senator from Texas wishes to make such a request at this time, we will not object to it.

Mr. TOWER. Then I ask unanimous consent, Mr. President, that the committee amendment in the nature of a substitute be agreed to and the bill as thus amended be considered as original text for the purpose of further amendment.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. HUGHES. Mr. President, a parliamentary inquiry. I did not hear the Senator's request.

The ACTING PRESIDENT pro tempore. The request is that the bill as amended be considered as original text, with leave to amend.

Is there objection? Without objection, it is so ordered.

The bill is open to amendment.

AMENDMENT NO. 378

Mr. CASE. Mr. President, I call up my amendment No. 378, and ask for its consideration.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The legislative clerk read as follows:

On page 52, line 23, strike out "$32,791,000." and insert the following: "$34,191,000: *Provided*, That $1,400,000 of that amount shall be utilized for participation by Fort Monmouth, New Jersey, and Camp Charles Wood, New Jersey, in the sanitary sewer system of the Northeast Monmouth County Regional Sewerage Authority."

Mr. CASE. Mr. President, I ask unanimous consent that I may request a very brief quorum call, without losing my right to the floor.

Mr. STENNIS. Mr. President, will the Senator withhold that request for 2 minutes, so that I may ask for 2 minutes on the bill?

Mr. CASE. I am happy to yield to the Senator from Mississippi, with the understanding that I do not lose my right to the floor.

Mr. STENNIS. I thank the Senator.

Mr. President, will the Senator from Missouri yield me 2 minutes, or will the Senator from Texas yield me 2 minutes on the bill?

Mr. TOWER. I yield the Senator 2 minutes.

Mr. STENNIS. Mr. President, I rise for the purpose of highly commending the Senator from Missouri, as chairman of this important subcommittee, and the Senator from Texas, its ranking minority member, and I also include in my commendation the other members of the subcommittee. There is an enormous amount of work involved in the hearings and in the consideration of a great number of installations and thier needs, and this measure also requires consideration and decision on many questions of high policy that go to make up our entire military program. I know it was this subcommittee years ago, for example, that made the first official decision about the missile program. The initiation of our missile program came through military construction. We all are indebted to them. It was a tremendous job, and they are entitled to the credit for it, as is their able staff member, Mr. Nease. I feel very kindly toward them. They have been very fair and have considered these matters on their merits, and have brought in a very credible and worthy bill.

Mr. SYMINGTON. I thank the able chairman of the Committee on Armed Services for his kind remarks. One of the reasons why we worked hard on this bill was that we knew that was what he desired.

I would also like to associate myself with his remarks about Mr. Nease, who is on the floor with me this morning, and who, in my opinion, is one of the most able staff members it has been my privilege to work with in the years I have been in the Senate.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey is recognized, on the time on his amendment. The Senator has requested a quorum call.

Mr. CASE. Mr. President, I withdraw that request.

Mr. President, this amendment would add $1.4 million to the bill for the purpose of allowing Fort Monmouth, N.J., and Camp Charles Wood, which is adjacent to it, to join the sanitary sewer system of the Northeast Monmouth Regional Sewerage Authority.

The President, the Executive Order 11507, set forth the policy that—

> The Federal Government in the design, operation, and maintenance of its facilities shall provide leadership in the nationwide effort to protect and enhance the quality of our air and water resources.

This Executive order requires that necessary actions to abate pollution by Federal agencies be completed or under way by December 31, 1972.

Unfortunately, this policy is not being followed by Federal facilities at Fort Monmouth, N.J.

The community surrounding Fort Monmouth has developed the Northeast Monmouth County Regional Sewerage Authority, a $40 million project to combat water pollution. The Regional Sewerage Authority invited Fort Monmouth to join the system, pointing out that the Fort Monmouth system in a few years would be inadequate to handle sewage generated by the base.

The Department of the Army requested that it be authorized to join the system. This request was included in the military construction authorization bill last year and the year before.

In those years, the request was denied by the House on grounds that no pressing need had been shown to justify the expenditure of funds.

But recently I have received two letters from the New Jersey Department of Environmental Protection which state that Fort Monmouth is in violation of the New Jersey State water quality standards. I ask unanimous consent that the texts of these letters be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CASE. In a letter dated June 7, 1971, Charles M. Pike, Director of the Division of Environmental Quality, said a number of investigations had been conducted of the pollution being caused by the Fort Monmouth facilities.

He said the evidence obtained as a consequence of these investigations has led State officials to the conclusion that—

> New Jersey's Water Quality Standards are being violated due to the discharge of treated sewerage from the Fort Monmouth installations.

Pike went on to say that the New Jersey Department of Environmental Protection considers this " a most urgent situation which should be rectified through the required appropriation to allow for the abandonment of the two Federal treatment plants serving Fort Monmouth."

In a letter dated July 9, 1971, Ernest R. Segesser, Assistant Director for Water Quality, said:

> Our field and laboratory findings confirm the position taken by this Department for the past several years that the waters of the Shrewsbury River and its tributaries can best be restored and protected by Fort Monmouth participating in the Northeast Monmouth County Regional Sewerage Authority project which, as you know, is well underway.
>
> I can assure you that if the sewage discharges from Fort Monmouth were, in fact, originating from a municipality or an industry we would have initiated legal measures to achieve compliance with this State's water pollution control laws.

In other words, the Federal installations are not only failing to provide leadership as required by Executive Order 11507, but they are trailing so badly that only their Federal status is protecting them from legal action.

It is interesting to note that the Eatontown Sewerage Authority was informed by New Jersey State officials that they could not expand their secondary treatment plant or intensify the degree of treatment with discharge into the same stream which the Federal installations use to discharge their effluent.

They were required to abandon their facility and connect to the regional system even though their plant was completed in 1960 and payment on the outstanding bonded indebtedness had not been completed. In contrast, the two military treatment plants at Fort Monmonth are 28 and 30 years old.

Because of the discharges from the Fort Monmouth treatment plants, all shellfishing in the Shrewsbury River has been forbidden and State officials say any possibility of resuming shellfishing is precluded by continued operation of the Fort Monmouth plants.

The military construction authorization bill already provides $61.9 million for abatement of water pollution at 81 installations, including $32,791,000 for this purpose at Army installations.

It is my hope that we will be able to add a small amount, $1.4 million, to the bill to permit Fort Monmouth to join the Northeast Monmouth County Regional Sewerage Authority system so that the Federal installations can at least keep pace with the surrounding community in this one case.

Mr. President, this proposal has been before the Government for some time. Twice it was approved by the Department of the Army, included in the bill that was sent here. Once, the Senate approved it. Twice, the House turned it down, because in those years—last year and the year before—it felt that there was not sufficient justification. Both of these installations had their own sewage disposal plant. Now that plant has been declared by the State inadequate and as not meeting current standards. So we come here.

Unfortunately, the information I received from the State was not received in time to permit its consideration by the committee when it was marking up the bill. So I ask, if I may, that the committee consider taking this amendment to conference, so that it can be thoroughly threshed out there.

EXHIBIT 1

JULY 9, 1971.

Mr. J. P. HOFFMAN,
Special Assistant for Congressional Affairs, U.S. Army Electronics Command, Fort Monmouth, N.J.

DEAR MR. HOFFMAN: I am enclosing a copy of a report on our investigation of the Parkers Creek Estuary with particular reference to the sewage treatment and disposal facilities at Fort Monmouth.

Our field and laboratory findings confirm the position taken by this Department for the past several years that the waters of the Shrewsbury River and its tributaries can best be restored and protected by Fort Monmouth participating in the Northeast Monmouth County Regional Sewerage Authority project which, as you know, is well underway.

I can assure you that if the sewage discharges from Fort Monmouth were, in fact, originating from a municipality or an industry we would have initiated legal measures to achieve compliance with this State's water pollution control laws.

The record of this Department and our Federal counterpart, of the Northeast Monmouth County Regional Sewerage Authority and the municipalities it serves points up the unswerving attitude as to how our water resources in this area can be protected and enhanced.

We have no quarrel with respect to the caliber of operation being provided. It is our firm opinion that no sewage treatment plant should discharge into these critical waterways notwithstanding the type of treatment which is or could be provided.

We would be happy to discuss this matter further with you particularly with respect to the establishment of an abatement schedule leading to connection with the regional authority.

Very truly yours,
ERNEST R. SEGESSER,
Assistant Director for Water Quality.

JUNE 7, 1971.

Hon. CLIFFORD P. CASE,
Senator, Senate Office Building,
Washington, D.C.

DEAR SENATOR CASE: This is in response to your recent inquiry concerning the continued operation of the Fort Monmouth and Camp Charles Wood Sewerage Treatment Plants and the effect they are having on water quality in the Shrewsbury River. Personnel of our Bureau of Water Pollution Control have made a number of investigations of Parkers Creek, a tributary to the Shrewsbury River, which is the receiving stream for the effluent from the two military treatment plants cited above. The evidence obtained as a consequence of these investigations had led us to the conclusion that *New Jersey's Water Quality Standards are being violated* due to the discharge of treated sewage effluent from the Fort Monmouth installations. In addition to laboratory data, visual observations have made it quite clear that these waters are being degraded.

There is clear and conclusive evidence that neither Parkers Creek nor the Shrewsbury River provides for proper assimilation or disposal of sewage effluent. The completion of the Northeast Monmouth County Regional Sewerage Authority system which serves twelve municipalities will remove all sewage effluent discharges from the Shrewsbury River and its tributaries with the exception of two Federal treatment plants. The continued presence of the discharges into Parkers Creek precludes any possibility of reopening any portion of the Shrewsbury River for the harvesting of shellfish. We will be required to maintain the present classification of the Shrewsbury River as condemned for the harvesting of shellfish, even after the completion of the 40 million dollar Northeast Regional Project, as long as the two Federal treatment plants remain.

It is interesting to note that the Eatontown Sewerage Authority was informed by the State that they could not expand their secondary treatment plant or intensify the degree of treatment with discharge into Parkers Creek. They were required to abandon their facility and connect to the Northeast system even though their plant was completed in 1960 and payment on the outstanding bonded indebtedness had not been completed. In contrast to the Eatontown situation, the two military treatment plants are 28 and 30 years old.

The commitment of local officials to a comprehensive and complete program of regional pollution abatement in this area has preserved the opportunity for Fort Monmouth to connect to the Northeast system. The County of Monmouth provided loan funds under favorable terms and conditions to cover the incremental cost of enlarging the interceptor sewers to provide the capacity to accommodate future sewage flows from the military installations when their treatment plants are abandoned.

The New Jersey Department of Environmental Protection considers this a most urgent situation which should be rectified through the required appropriation to allow for the abandonment of the two Federal treatment plants serving Fort Monmouth. If there is any further information which I can provide to you or the Committee, do not hesitate to call on me.

I am sending this same letter to Senator Harrison H. Williams and Congressman James Howard because of their continued interest in this problem.

Sincerely,
CHARLES M. PIKE,
Director.

Mr. SYMINGTON. Mr. President, as we understand the facts, Fort Monmouth has two sewage treatment plants which provide secondary treatment plus chlorination of the effluent. The effluents from these plants discharge to Parkers Creek which subsequently discharges into the Shrewsbury River.

The Army presented a project in the fiscal year 1968 MCA program to connect the Fort Monmouth system to the Northeast Monmouth County Regional Sewerage Authority—NMCRSA—treatment system which would provide an effluent discharge to the Atlantic Ocean. The reason for the Army project was the belief that New Jersey water quality standards would require waste discharge into the ocean. Since this requirement did not occur, the Congress did not support the project in fiscal year 1968. A similar submission in fiscal year 1970 did not receive support by the Congress.

Prior to June 30, 1971, the State of New Jersey regulatory authorities and personnel of the Federal Environmental Protection Agency made numerous inspections of the Fort Monmouth treatment plants. As a result of these inspections, no evidence was presented to the Army to indicate any violations of water quality standards. However, by letter dated July 9, 1971, the State of New Jersey Department of Environmental Protection alleged that Fort Monmouth is currently violating surface water quality criteria, adopted on June 30, 1971.

Action has been initiated to conduct an independent investigation of the water quality of the Parkers Creek estuary and the effects of the effluent discharged from the Fort Monmouth system. This investigation is scheduled to be completed in the late August 1971.

If corrective action is determined to be necessary to meet the recently adopted criteria, a study will be made of alternatives available to satisfy the requirements. Connection to the NMCRSA system will be among the alternatives considered. Corrective action, if required, will be recommended for inclusion in the earliest fiscal year construction program.

Mr. President, that was the staff report, the position of the committee, until this morning. Inasmuch as the distinguished senior Senator from New Jersey is much interested in the project, after discussion with the Senator from Texas (Mr. TOWER), we will be glad to take this matter to conference.

Mr. CASE. I thank my colleagues.

The ACTING PRESIDENT pro tempore. Is all time yielded back?

Mr. CASE. I yield back the remainder of my time.

Mr. SYMINGTON. I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. All time is yielded back. The question is on agreeing to the amendment of the Senator from New Jersey.

The amendment was agreed to.

AMENDMENT NO. 379

Mr. GURNEY. Mr. President, I call up my amendment No. 379.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 84, line 15, insert the following:

"SEC. 504. Within the limitations contained in sections 501 and 502 of this Act, the Department of the Air Force is authorized to construct 250 units of family housing at MacDill Air Force Base, Florida, at a cost of $5,250,000. This authorization shall be funded from previously authorized but unused, appropriations for family housing;".

And renumber subsequent sections accordingly.

Mr. GURNEY. Mr. President, this amendment would provide authorization funds for 250 units of family housing at MacDill Air Force Base, Fla., at the cost set out in the amendment, which would be $5,250,000.

I point out, as the amendment states, that this is not a request for new funds. Actually, appropriations have already been made in previous years and are available to fund this authorization, if the bill would authorize it.

Housing is badly needed in this Tampa Bay area for MacDill Air Force Base. As a matter of fact, there is only a total of 805 family units on the base now, and of these, only 589 are available to enlisted men. This would be housing for enlisted men, 12,000 military personnel and their families are required to live off the base at MacDill, in the Tampa area.

Another thing that I think is very compelling here in showing the need for housing at MacDill is the fact that the average age of the housing units there is 23 years. This is an old World War II air base. In fact, the director of housing at MacDill has estimated that the facilities he has available rank among the lowest 5 percent of all air base housing in terms of conditions. In other words, they are among the worst the Air Force has to offer—certainly a deplorable condition.

The only units that have been constructed in recent years were 20 in 1965, for officer housing, and the last enlisted personnel housing was built back in 1958. Of course, the others were built long before that, shortly after World War II.

Housing everywhere is one of the prime objectives not only of the administration but also of Congress. We are putting an enormous effort into the matter of trying to change the Army and the Air Force and the Navy around to a volunteer system. I think we all agree that is the way we have to proceed. Obviously, we will never get to this unless we pay people wages comparable with those in private industry and unless we furnish them housing which is adequate. So, certainly, this is a move in the right direction.

In the Senate, we have passed measures this year that call for emergency public works construction of this kind, and I cannot think of any better way to spend our money, if we need to provide jobs and build something useful, than for housing for service personnel. So I would hope that the committee would treat this amendment favorably.

I would also like to point out that the amendment has already passed in the House in the military construction bill that came up for consideration there. So it seems to me that we should be able to do a like thing here. I would hope that the manager of the bill would treat this amendment favorably.

Mr. SYMINGTON. Mr. President, this is a project which is different from the project submitted this morning by the Senator from New Jersey (Mr. CASE). When I first heard about it, that is, Senator CASE's amendment, I had understood it was in the House bill. But it is not in the House bill, and it was not considered by the Senate. Therefore, it will be taken to conference.

While the House added the number of units indicated, they did not add additional funding for this purpose. They are to be paid for out of prior years' savings. As stated before, no testimony was submitted to the Senate committee.

It is commendable that the Air Force has been able to accrue such savings, and we would hope that the other military departments may do the same because we believe that good management should be recognized. We also believe that the addition of bonus houses, as in this instance, might not be the wise method. Such a procedure could upset the orderly, long-range housing program of the Department of Defense. Perhaps the better procedure would be to add additional required housing in subsequent years for which funds would not be requested. If we do otherwise, it would be setting a precedent which might disrupt the fiscal control over the family housing management account established by Congress after much effort.

We, therefore, cannot accept the amendment but can assure the able senior Senator from Florida (Mr. GURNEY) that it will be given careful consideration when the conference committee meets.

Mr. TOWER. Mr. President, I certainly will lend my support to the position of the Senator from Florida in the conference.

Mr. GURNEY. I appreciate that thought and sentiment on the part of the distinguished Senator from Missouri (Mr. SYMINGTON), the manager of the bill, as well as the ranking member on the Republican side, the distinguished senior Senator from Texas (Mr. TOWER).

I would certainly hope that they would be able to accede to the House position when the matter goes to conference.

With this colloquy and those sentiments, Mr. President, I withdraw my amendment.

The ACTING PRESIDENT pro tempore. The amendment is withdrawn.

Mr. SYMINGTON. I thank the able Senator from Florida.

Mr. HUGHES. Mr. President, I send an amendment to the desk and ask that it be stated.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The second assistant legislative clerk proceeded to read the amendment.

Mr. HUGHES. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered, and the amendment will be printed in the RECORD at this point.

The text of the amendment proposed by Mr. HUGHES, Mr. CRANSTON, Mr. McGOVERN, Mr. GRAVEL, Mr. MOSS, Mr. HATFIELD, and Mr. JAVITS is as follows:

> On page 66, between lines 9 and 10, insert the following:
>
> "SEC. 205. (a) It is hereby declared to be the sense of the Congress that the Navy should continue phasing down weapons training activities in the Culebra Complex of the Atlantic Fleet Weapons Range and should terminate all such activities as soon as practicable after the date of enactment of this section, but in no event later than May 31, 1975."
>
> On page 66, line 10, strike out "SEC. 205. (a) The" and insert in lieu thereof the following:
>
> "(b) To provide for the termination of such training activities at such Complex and to prepare for the orderly transfer of such activities to another location, the".
>
> On page 66, lines 21 and 22, strike out "be done in sufficient detail as to provide a basis for the development of a plan" and insert in lieu thereof "include a plan".
>
> On page 66, line 24, immediately after the word "sites" insert "by not later than May 31, 1975".

Mr. HUGHES. Mr. President, I ask unanimous consent that the provisions of this amendment be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HUGHES. Mr. President, it is my intention to ask for the yeas and nays on this amendment when enough Senators are in the Chamber to ask for them.

I do not intend to detain the Senate for any great length of time. I assume we are under controlled time?

The ACTING PRESIDENT pro tempore. Yes; 30 minutes on each amendment.

Does the Senator from Iowa wish to request the yeas and nays at this time, now that a sufficient number of Senators are in the Chamber?

Mr. HUGHES. Yes, Mr. President. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HUGHES. Mr. President, I yield myself such time as I may require.

Mr. President, the issue involved—eventual termination of all naval bombardment of the inhabited island of Culebra—is a matter that is familiar to Members of the Senate. It has already been discussed by the chairman of the subcommittee (Mr. SYMINGTON).

As you know, Mr. President, Culebra is an island of some 8,000 acres 20 miles to east of Puerto Rico, in the very center of the Navy's Atlantic Fleet Weapons Range.

For more than 30 years, the Navy has used Culebra and the small islands that lie off its east and north coasts as target areas for ship-to-shore gunnery, air-to-ground bombardment and strafing, aerial mining of coastal waters, and a variety of other naval munitions practice.

The residents of the island—now numbering only a few more than 700—have lived and worked in so-called safety zones, which have not always been entirely safe. The record contains instances through the years of explosive rounds going astray, occasionally causing injury and, in at least one instance, death. The citizens of Culebra live in a constant state of anxiety that errant munitions might find a tragic target among their number.

In recent years, as the Navy converted to more modern weaponry and increased the bombardment of the island, the anxiety has become indignation and then outrage.

The mayor of Culebra, Ramon Feliciano, describes what he calls a charged political climate.

The president of the Senate of Puerto Rico, the Honorable Rafael Hernandez Colon, testifying before the Military Construction Subcommittee, warned of the possible consequences of the Navy further delaying its departure from Culebra:

> This would be a grave mistake. For the Navy, the greatest risk is that by trying to hold on to Culebra tenaciously, it may so stimulate anti-American feeling that it may eventually compromise its position in far more important bases in Puerto Rico, such as Vieques and Roosevelt Roads.

I would add, Mr. President, that the consequences for this Nation as a whole might include seeing our entire relationship with Puerto Rico compromised.

In the wake of growing controversy, the Secretary of Defense has prevailed upon the Navy to constrict its firing operations, repair its relations and communications with residents of Culebra, and begin preparations for the eventual transfer of weapons range activities to some other—hopefully uninhabited—island.

Last January 11, the Navy undertook an initiative that resulted in an agreement, as the chairman has indicated, with officials of Puerto Rico and Culebra, removing some of the most serious irritants.

I ask unanimous consent that the text of the agreement be printed in the RECORD.

There being no objection, the agreement was ordered to be printed in the RECORD, as follows:

AGREEMENT

The dispute over the Navy's use of Culebra and its offshore cays for weapons training has dramatically posed the problem of balancing the need to conduct the training essential for our national defense with the legitimate desires and aspirations of our private citizens. All persons of good will who are interested in the continued close relationship between Puerto Rico and the United States, the security of our nation, and the aspirations of the people of Culebra have hoped that this problem could be amicably resolved. Through the dedicated efforts and good will of all concerned a mutually acceptable balance has finally been found between the training needs of the Navy and the desires of the people of Culebra. We are pleased to announce the terms of that agreement, and to pledge our continuing efforts to assure that it is carried out in good faith.

1. The Navy will not shoot the Walleye missile at Culebrita or at any other target in the Culebra complex, and the Navy will not obtain the easements on the east end of Culebra that were approved by the House and Senate Armed Services Committees.

2. The targets off the east coast of Culebra will be phased out by January 1, 1972, and the lease on North Cay will be terminated on that date. Culebrita and the other target cays in the area will be declared excess as of that date except for several acres on Culebrita near the lighthouse where the Navy intends to establish a small electronics warfare installation (several vans) for use

in training fleet units in the open ocean north of Culebra.

3. In addition to the shoreline already announced for release, the Navy will declare excess to its needs the shoreline on the east coast starting at a point immediately east of the base camp and proceeding around the east end of Culebra to the beginning of the Navy property holdings on the north coast (Swell Bay) (see attached map). The Navy will cooperate in preserving the ecology of excessed areas as requested by the Municipality and by appropriate federal and commonwealth agencies.

4. The Navy will relocate its bulls-eye target on Agua Cay to Cross Cay by January 1, 1972.

5. The north-south line bordering the northwest peninsula safety zone will be reoriented as shown on the attached map. The parcel of land marked "A" on the attached map will therefore no longer be part of the naval gunfire support safety zone.

6. The Navy will initiate and support an amendment to the executive order creating the defensive sea area around Culebra so that the order will cover only the safety zones for the ship-to-shore gunfire and for the west-range air-to-ground targets (see attached map).

7. Governor Ferre, Mayor Feliciano, and Senate President Hernández Colón solemnly pledge to use all regulatory and legal devices available to the Commonwealth and the Municipality of Culebra to assure that no dwellings or other habitable structures are constructed in the northwest safety zone for as long as the Navy uses the northwest peninsula for naval gunfire support training. If landowners in the area complain that their property is being taken without due process of law or if, despite the above-mentioned regulatory and legal devices, individual landowners take steps to construct dwellings or other habitable structures in the safety zone, then the Navy will pay such landowners the fair value of foregoing the right to construct said dwellings or other habitable structures.

8. Since the Navy is giving up a substantial number of targets, its remaining targets will become that much more important. In consideration of this action by the Navy and in recognition of the Navy's need to schedule the use of the remaining targets more tightly, Governor Ferre, Senate President Hernández Colón, and Mayor Feliciano will use their best efforts, including moral suasion, to obtain the cooperation of everyone in keeping the land and sea safety zones for the remaining targets clear of people during scheduled training operations.

9. No training operations around Culebra will be conducted on weekends or holidays except to meet an urgent operational commitment. In the event that this becomes necessary the Admiral commanding the Caribbean Sea Frontier, or in his absence the officer acting in that capacity, will be personally aware of and will have personally approved such operations, and the Mayor of Culebra will be personally notified by an authorized representative of the Commander of the Caribbean Sea Frontier at least twenty-four hours in advance of any such training operations.

10. The Navy solemnly and definitively agrees to abandon its plans to acquire easements or any other interest in land on Culebra and its adjacent cays by eminent domain or other means except as provided by paragraph 7 of this agreement.

11. There will be no time limit on the duration of this agreement, but the Navy promises to continue to investigate both technological and geographical alternatives to the training done around Culebra. The purpose of these investigations will be to find feasible alternatives that will eventually permit the transfer away from Culebra of the training that will be conducted after January 1, 1972.

Dated the 11th day of January 1971.

John H. Chafee,
Secretary of the Navy.
Luís A. Ferre,
Governor of Puerto Rico.
Ramón Feliciano,
Mayor of Culebra.
Rafael Hernández Colón,
President of the Puerto Rican Senate.

12. It is the position of the Puerto Rican Government, Governor Ferre, Senate President Hernadez Colon and Mayor Feliciano that the Navy should terminate all training operations on Culebra and its neighboring Cays within a reasonable period. It is the hope of the Signatories listed above that the study that the Department of Defense is required by law to undertake will conclude that this is feasible.

Mr. HUGHES. Mr. President, on April 1, the Secretary of Defense submitted, pursuant to legislation enacted last year, a report of the study entitled "Culebra, Overview and Analysis, April 1, 1971."

At the same time, Secretary Laird announced that he had directed the Navy to initiate immediately certain actions which will enhance the safety and well-being of the residents of Culebra. Among the actions to be immediately initiated were:

Those land surveys, training maneuver analyses, and engineering studies required to provide the option of moving by June 1975 to a suitable alternative to the target areas on Culebra.

One other vital passage of the Secretary's announcement merits close attention at this point:

It is my plan to reappraise the Culebra situation and the alernative option(s) from the point of view of National Security and the best interest of the people of Puerto Rico by the end of 1972 in order to make a final decision where to relocate the Naval training target areas . . .

In short, the Secretary has directed the Navy to get ready to move current weapons training to another site by June 1975, and to prepare the options. He has served notice that he intends to make a decision as to "where to relocate" by the end of 1972.

Mr. President, I ask unanimous consent that the text of Secretary Laird's April 1, 1971, letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

The Secretary of Defense,
Washington, D.C., April 1, 1971.

Hon. John C. Stennis,
Chairman, Armed Services Committee,
U.S. Senate,
Washington, D.C.

Dear Mr. Chairman: I am enclosing three copies of a report on the weapons training now being conducted in the Culebra complex of the Atlantic Fleet Weapons Range. This report is in response to Section 611 of Public Law 91–544. I believe that you will find the report thorough, objective, and balanced.

After reviewing the report, I have directed the Navy to initiate immediately a number of actions which will enhance the safety and well being of the residents of Culebra and reduce the irritants to them resulting from Naval training in the area.

These actions include:

Cessation of explosive bombardment of the Northwest Peninsula of Culebra by January 1, 1972.

Development of non-explosive rounds for Naval gunnery practice.

Opening of all of the Flamenco Beach for public use at all times except during ship firing.

Construction of a road to Brava Beach and a bath house there so that the Culebrans will have unrestricted access to a bathing beach at all times.

Cessation of removal of sand from Culebra's beaches and initiation of legal steps necessary to halt the unauthorized exploitation of ecological resources under Navy stewardship.

Provision of unrestricted sea and air corridors between Culebra and St. Thomas, Vieques and mainland Puerto Rico.

Stationing of a Spanish-Speaking, U.S. Naval officer in Dewey and another in Isabel Segunda on Vieques responsible for Range Safety.

Initiation of those land surveys, training maneuver analyses, and engineering studies required to provide the option of moving by June 1975 to a suitable alternative to the target areas on Culebra.

Improvement of community relations on Culebra and Vieques in particular and Puerto Rico in general.

Enhancement of the economic benefits to Culebra and Vieques of Department of Defense activities in Puerto Rico.

It is my plan to reappraise the Culebra situation and the alternative option(s) from the point of view of National Security and the best interests of the people of Puerto Rico by the end of 1972 in order to make a final decision where to relocate the Naval training target areas and whether any additional actions should be taken.

Sincerely,

Melvin R. Laird.

Mr. HUGHES. Mr. President, further clarifications of the Secretary's announcement are contained in a May 5, 1971, letter from Joseph A. Grimes, Jr., special assistant to the Secretary of the Navy, to the Honorable Roman Feliciano, mayor of Culebra, and in an April 23, 1971, letter from Jerry W. Friedheim. Deputy Assistant Secretary of Defense, to the Honorable Rafael Hernandez Colon, President of the Senate of Puerto Rico. I ask unanimous consent that the contents of these two letters be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Department of the Navy,
Washington, D.C., May 5, 1971.

Hon. Ramon Feliciano,
Mayor of Culebra,
Culebra, Puerto Rico.

Dear Mayor Feliciano: Thank you for your letter to Secretary Chafee concerning alternatives to the use of Culebra for Navy training operations.

The Secretary of Defense's press release of April 1, 1971, announced that, as a result of the report to the Congress and the President on the weapons training now being conducted in the Culebra complex, he had directed the Navy to initiate immediately a number of actions. Among these directed actions was the initiation of land surveys, training maneuver analysis, and engineering studies required to provide the option of moving June 1975 to a suitable alternative to the target areas on Culebra. The possibility of using an artificial island will be studied in this connection.

This announcement by the Secretary of Defense strengthens the agreement of January 11, 1971, and the Navy will continue to work with you and the other signatories to assure that the spirit and letter of each of its sections is fully carried out.

Sincerely yours,

JOSEPH A. GRIMES, Jr.
Special Assistant to the Secretary of the Navy.

APRIL 23, 1971.

DEAR MR. HERNANDEZ: This is in response to your letter of April 21 to the Department about Culebra.

We regret that a recent story by UPI may have resulted in some confusion about the position of the Secretary of Defense.

The Secretary's position has been, and remains, exactly as stated in his press statement of April 1 which read in part:

"The Secretary also stated that he will reappraise the Culebra situation and the alternative option(s) from the point of view of National Security and the best interests of the people of Puerto Rico by the end of 1972 in order to make a final decision where to relocate the Naval training target areas now on Culebra and whether any additional actions should be taken."

We hope the Secretary's statement makes it clear that the Navy operations on Culebra are to be transferred by June 1975 unless a reversal of the situation occurs because of 1) the collective wishes of the Culebrans themselves, 2) action by the Congress, or 3) the President's future assessment of national security demands.

Sincerely,

JERRY W. FRIEDHEIM,
Deputy Assistant Secretary.

Mr. HUGHES. Mr. President, the Military Construction Subcommittee, under the able and dedicated leadership of a very good friend, the distinguished senior Senator from Missouri (Mr. SYMINGTON), heard a great deal of valuable testimony regarding Culebra in 2 days of hearings.

And the junior Senator from Washington (Mr. JACKSON), who took the lead in pursuing a solution as chairman of the same subcommittee in the last Congress, has once again this year brought his knowledge of the situation to bear on the controversy. The Senator and his committee have given this matter very serious consideration. I certainly extend my compliments to them for the in-depth hearings they have had.

After careful consideration, the Committee on Armed Services recommended an amendment to H.R. 9844 that would, as the committee report declares on page 7, "incorporate into law the administration's position." That has also been stated by the chairman this morning. I ask unanimous consent that an excerpt from the committee report be printed at this point in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXTRACT FROM COMMITTEE REPORT ON H.R. 9844

The Committee feels that the Defense Department and the Navy have complied in good faith with the January agreement in which the Puerto Rican signatories agreed to continued Navy use of teh northwest peninsula and western cays without limitation of time until a feasible alternative to the Culebra targets is found.

The studies directed by the Secretary of Defense are now underway, and he has stated that he will make a final decision on this matter by the end of 1972. The Committee has absolutely no doubt, but that this will be done. Nevertheless, in view of the rather intense interest in the matter, it was deemed advisable to incorporate into law the Administration's position.

This has been done in Section 205 of Title II of the Bill. This provision is in accord with the Secretary's and the Administration's position and announced plans for Culebra. Subsection (a) of the amendment directs, however, that as a part of the feasibility study the Secretary shall specifically consider "cost, national security, the operational readiness and proficiency of the Atlantic fleet, the impact on the environment, and other relevant factors." Subsection (b) provides that the feasibility study shall also "provide a plan for the orderly transfer of activities now conducted in the Culebra Complex to another site or sites." These two provisions will insure that the Committee and the Congress will have a full and complete record as a basis for a decision on Culebra early in 1973.

Mr. HUGHES. Unfortunately, Mr. President, the language contained in the committee amendment omits a vital element of the administration position as spelled out by Secretary Laird.

The committee language does call for a detailed feasibility study of "the most advantageous alternative" to the weapons training now being conducted on Culebra.

It does call for the results of the study to be compiled and reported to Congress by December 31, 1972.

But it does not contain the June 1975 target date specified by Secretary Laird in his directive to the Navy on April 1.

The amendment which I offer today would remedy that omission and incorporate all of the vital points of the administration position into law.

It would establish a target date, not in a binding way, which might result in unwittingly impairing national security, but in a highly persuasive way that should convince the Navy that stalling will be futile.

The amendment would declare it to be the sense of the Congress that the bombardment should terminate by not later than May 31, 1975.

It will not do for opponents of the amendment to argue that such a target date is unnecessary because the Secretary of Defense has already set one. Unfortunately, as I have mentioned, Secretaries of Defense come and go, and if I am not mistaken, the present occupant of the office has said that he intends to go soon after the 1972 elections.

Second, the amendment would set a target date toward which the feasibility study would be aimed. Again, it is not the intention of the sponsors of this amendment to order the Navy's departure from Culebra by a date certain. Rather, it is to establish a time frame for planning. Without it, the study would almost certainly be imprecise and unsuitable as a basis for relocating the weapons training to another site or sites.

Finally, the amendment would make a primarily technical change, to insure that the study required by section 205 would result in a specific plan. The present language requires only that the study be done in sufficient detail to provide "a basis for the development of a plan."

There is a world of difference, in my opinion, between a report that includes a plan and one that merely includes a catalog of minute technical details that could form the basis for development of a plan.

The Congress, I believe, will want the study to produce a manageable proposal for accomplishing the transfer, if it is not subsequently deemed to be contrary to the interests of national security.

Mr. President, I support the recommendation of the committee. I want to make that very clear. I am not in difference with the recommendation of the committee. I regard it as a desirable and necessary step forward in the long and difficult trek toward complete termination of all bombardment of Culebra.

But I urge adoption of my amendment to make it clear that the direction we want to go and the destination we want to reach are unmistakably understood by all concerned.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. HUGHES. I am glad to yield to the senior Senator from New York.

Mr. JAVITS. Mr. President, I am a cosponsor of the amendment. Representing the State of New York, where there are so many people of Puerto Rican ethnic origin, I can testify to the sympathy and concern which is shared by most people in my State, along with the general population. The Puerto Ricans, it seems, have very deep feelings on this subject.

I have joined with the Senator from Iowa for the reason that the moderate and considerate approach he has taken might commend itself to the manager of the bill and to the Senate.

Mr. HUGHES. Mr. President, I ask unanimous consent, if the name of the Senator from New York is not already shown on the amendment as a cosponsor, that it be added at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMINGTON. Mr. President, this item is one that has been given more consideration—in fact, a good deal more consideration—by the committee than any others. For some years it has been a problem of contention.

It has been a problem of contention with people in my State who are interested in real estate development. Several years ago I became interested in the subject.

Mr. President, we took extensive testimony on this problem. We had, as mentioned previously, many people who testified for the Navy and many people from Puerto Rico who testified for and against the Navy's position.

Actually, the record which is on the desk of each Senator this morning contains 61 pages of testimony incident to this problem.

The subcommittee felt, and the full committee agreed, that it could accept the amendment previously referred to from this distinguished Senator from Washington, which prescribed that there shall be a report made by the Secretary of the Navy by the December 31, 1972, as to the best alternative, but that it could not accept the amendment from the distinguished Senator from Iowa. May I say that the Senator from Iowa is one of the Members of the Senate for whom I have very great respect and with whom I am in full sympathy in connection with his amendment. But, on the other hand, the Secretary of the Navy did sign an agreement in January, as has been mentioned, with the Governor of Puerto Rico, the president of the Puerto Rican Senate and the mayor of Culebra to resolve the controversy that has flared up regarding Navy training around Culebra. In that agreement the Navy, among other things, agreed to investigate alternatives to the training conducted around Culebra. The agreement also provided that there would be no time limit to Navy training in the area and that the parties would not demand a cutoff date until a suitable alternative had been identified and found feasible. Let me repeat that. The agreement also provides that there would be no time limit to Navy training in the area and that the parties would not demand a cutoff date until a suitable alternative had been identified and found feasible.

It was agreed by all the parties to that agreement, in the agreement itself and in the public discussion prior to the signing, that until a feasible alternative is found the Navy requires the Culebra target areas because the training done there is essential for national defense.

On April 1 the Secretary of Defense forwarded to the Congress the study that was required by last year's military construction act. The Secretary has made it clear that Navy operations are to be transferred from Culebra by June 1975 unless a reversal of the situation occurs because of, first, the collective wishes of the Culebrans themselves; second, action by the Congress, or third, the President's future assessment of national security demands. There was no finding in the Defense Department study that a feasible alternative exists to the training done on Culebra. Instead the Secretary of Defense directed the Navy to do additional studies to find such alternatives so that he could make a decision on relocation of these target areas not later than the end of 1972. The date set by the Secretary for transfer, June 1975, is only a target date that is self-imposed and was necessarily qualified because no finding had yet been made that an alternative site in fact exists.

The Defense Department and the Navy have more than lived up to the January agreement which stated that there would be no time limitation on Navy training in the Culebra area, and setting a date in legislation would amount to an amendment of an agreement that was entered into only a few months ago in good faith by all of the parties.

We believe that section 205 as approved by the Armed Services Committee is consistent with the January agreement and with the subsequent action of the Secretary of Defense. We regret to say that, in our opinion, the proposed amendment to section 205 goes beyond the agreement and the Secretary of Defense's subsequent action, and therefore we feel forced to oppose it.

As is true of any case which becomes emotional, there has been much discussion and quite a little publicity about casualties incident to the Navy's operations in Culebra. May I say, with the greatest respect, that whereas the United States received benefits from the activities of our fleet, so do the people who live in that area. In my opinion, the most informed man in the Government on this matter turned out to be Mr. Joseph A. Grimes, Jr., special civilian assistant to the Secretary of the Navy. No one could have listened to his testimony without being impressed by the fact that first, he had studied the matter carefully on the ground and second, that he was objective in his conclusions. In his testimony, he states:

> The Navy began operations on Culebra in 1936 and since that time there have been no claims for civilian injuries or death. There was one allegation made last summer that in 1958 there was a boy who was injured while playing with an explosive toy that was allegedly left by the Navy on Culebra. We looked into that incident and we found that the police had investigated it, that the boy had gone to a hospital, but there was never any mention made that the Navy might have been involved, nor was any report ever made to the Navy. And in any event, the alleged incident did not happen during any Navy training operations.

For these reasons, the Navy has very much modified its activities with respect to this island, especally on the eastern side; so the committee feels it is necessary to oppose this amendment.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. SYMINGTON. I am glad to yield to the distinguished Senator from Texas.

Mr. TOWER. Mr. President, I support the position taken by the distinguished chairman of the subcommittee. The committee has been dealing with this problem for some time and has looked into it at greath depth. The committee is convinced, and I think rightly so, that the Navy is in good faith compliance with the agreement of January of this year, an agreement, as has been pointed out by the Senator from Missouri, which was put together and agreed to by the major political leaders of Puerto Rico.

I think as long as they were satisfied with the agreement and as long as the Navy is proceeding in compliance with the agreement we should not agree to this amendment which I think would impose a proscription on the Department of Defense and the Navy.

Mr. HUGHES. Mr. President, it is not my intention to disagree with the committee recommendation, as I have previously stated. It is my intention, and the intention of the additional cosponsors of this amendment, to write into law what we feel the Secretary of Defense indicated was his intention. That is the purpose of the amendment.

It is not my intention to question the study that has been made, the concern of the chairman of the subcommittee and the members of the committee, because I believe they have given this generous amount of time in proportion to the number of persons affected, I certainly compliment them.

But I believe Congress should give assurance to the people of Puerto Rico and Culebra that we are going to set a target date, which is not binding to the extent that national security is involved, but making clear that the Navy should terminate the shelling as soon as practicable but in no event later than May 31, 1975. I believe everything offered by the amendment is in line with the intention.

Mr. President, I make these statements as my closing remarks and I am ready to yield back my time.

Mr. GRAVEL. Mr. President, will the Senator yield?

Mr. HUGHES. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. HUGHES. Mr. President, I yield 2 minutes to the Senator from Alaska.

Mr. GRAVEL. I thank the Senator for yielding. All I can do in 2 minutes is thank the chairman of the subcommittee, the Senator from Missouri (Mr. SYMINGTON), for his graciousness in providing us a hearing. I assure him that we are aware that he put himself out personally because this was done in a very short time. We are grateful. No one can give greater testimony of this than the Senator from Missouri. That we have traversed the distance we have is probably because of his graciousness and his realization of what is going on in Culebra.

I can only add my voice most respectfully to that of the Senator from Iowa, knowing how bureaucracy operates and the importance of proddings of this sort. That is what it will amount to; it will act as a force to push the Navy into coming up with something disciplined in this regard.

In the absence of that personal attention on the part of the Senator from Missouri, the Senator from Iowa, and me, there would be one very easy way that discipline could be achieved, and that would be with the passage of this amendment. That would institutionalize the discipline, requiring that the Navy come up with a concrete proposal showing some alternatives. Obviously, if those alternatives are much less practicable than the present course of action, Congress would still have an opportunity for review, and in any event the bombing would stop by May 31, 1975.

Because of where the burden of proof should lie, and because we are dealing with human beings who are being subjected to unbelievable harassment, I have been concerned with this matter. I have no interest in Culebra. I have never been to Puerto Rico, myself. I had a staff member go there. I find it difficult to believe that Americans are being subjected to this treatment.

In view of the fact that the American Navy has been doing this all these years it is not unrealistic to put the burden of proof on them to achieve the discipline and come up with something concrete at a date certain, and not leave it to the vicissitudes of bureaucracy, which has been the situation for the last 22 years.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SYMINGTON. Mr. President, I say to my colleague from Alaska, who has worked long and hard on this matter, that I cannot agree that there is any unbelievable harassment going on as a result of what has been done in this regard with respect to this problem. But I do thank him for his kind statements about the work of the subcommittee, as I do the Senator from Iowa for his statements.

Mr. JACKSON. Mr. President, when the Armed Services Committee considered the Military Construction Authorization bill in committee I proposed an amendment to section 205 of the bill. This amendment as adopted by the committee directed the Secretary of Defense to prepare a detailed feasibility study of the most advantageous alternative to the weapons training activities now being conducted on the island of Culebra. The amendment directs that the study be completed by December 31, 1972, and that the Secretary transmit a report together with his recommendations to the Congress by December 31, 1972. Subsection (c) of the amendment authorizes the appropriation of any funds necessary to carry out the study.

The Secretary stated in his letter of April 1, 1971, transmitting the report required by my amendment last year to section 611 of Public Law 91-511 that "a final decision where to relocate the Naval training target areas" would be made by the end of 1972. The Secretary's position was stated in more detail in testimony before the subcommittee by Mr. Joseph A. Grimes, special assistant to the Secretary of the Navy, on July 2, 1971.

The amendment I proposed is in accord with the Secretary's and the administration's position and announced plans for Culebra. Subsection (a) of the amendment directs, however, that as a part of the feasibility study the Secretary shall specifically consider—

> Cost, national security, the operational readiness and proficiency of the Atlantic fleet, the impact on the environment, and other relevant factors.

Subsection (b) provides that the feasibility study shall also—

> Provide a basis for the development of a plan for the orderly transfer of activities now conducted in the Culebra Complex.

These two provisions, in my judgment, will insure that the committee and the Congress will have a full and complete record as a basis for a decision on the transfer of activities now conducted in Culebra early in 1973.

The amendment offered by the junior Senator from Iowa (Mr. Hughes) states the sense of the Congress that—

> The Navy should—terminate all such—weapons training—activities as soon as practicable after date of enactment of this section, but in no event later than May 31, 1975.

The date specified in the amendment is, as I understand it, a target date toward which the feasibility study must be directed. It is not, however, a directive to the Secretary that the weapons training activities themselves must be removed from Culebra by that date.

A final decision on the actual transfer of activities is reserved to the Congress pending completion of the report and an opportunity for the Congress to assess all the implications of the transfer—cost, national security, operational readiness of the Atlantic fleet, impact on the environment, and other relevant factors—and to review the recommendations of the Secretary and the President.

Mr. President, on this basis I will support the amendment of the junior Senator from Iowa.

Mr. KENNEDY. Mr. President, I rise to support the amendment by Senator Hughes which has been proposed to the military construction bill and which seeks to place a time limit on the Navy's use of the island of Culebra for air and naval target practice.

For the past 2 years, the residents of the island of Culebra—all citizens of the Commonwealth of Puerto Rico and therefore of the United States—have sought to call an end to the bombing and bombardment of their island and surrounding cays.

The Congress moved in that direction last year by ordering the Defense Department to undertake a study of alternatives to the continued use of the island. The conclusion to that study cited several alternatives including the construction of an artificial island. However, a final decision on further courses of action was delayed until the end of 1972.

Even then we have no assurance that a specific plan for leaving the island by 1975 will have been formulated.

Although the committee, after hearings this year, specified that a feasibility study be prepared and a plan provided for the transfer of activities from Culebra, no time limit for the accomplishment of that activity was incorporated.

I believe that nearly 4 years should be sufficient for the U.S. Navy to accomplish the final transfer of the bombing and bombardment of this island, and to leave the residents of this island in peace.

I urge the Senate to adopt the amendment now before the Senate to finally establish a date which will signal the conclusion of the Defense Department intrusion on this island.

Mr. GRAVEL. Mr. President, I ask unanimous consent to have printed in the Record a commentary and some editorials bearing on the subject of Culebra.

There being no objection, the material was ordered to be printed in the Record, as follows:

STATEMENT BY THE HONORABLE MIKE GRAVEL, SENATOR FROM ALASKA

During the past year, the little Island of Culebra, Puerto Rico has become well-known in this body and throughout the United States. In fact, throughout the world Culebra and its long-running dispute with the United States Navy became a real life embodiment of the fabled mouse that roared. But the story of Culebra is marked by tragedy, not humor. It has shocked us as an instance of gross injustice and apparently callous disregard for innocent civilian life; but it has also encouraged those who are committed to working within the system, who believe that our democracy is well suited to the righting of a grievance wrong by peaceful means. The fundamental rights of 700 Spanish-speaking United States citizens to live lives that are free of the fear and danger of constant shelling and bombardment have been recognized even against the convenience of the mightiest Navy in the world.

I introduced an Amendment to the Military Construction Authorization Bill to provide the Navy with an alternative, superior training site and to make certain that the Navy desists from shelling and bombing the American citizens residing on Culebra by a date certain. Senators Proxmire and McGovern have joined as co-sponsors of this Amendment. I hope you will support its enactment.

The United States Navy has for 35 years bombed, shelled and strafed tiny Culebra as a training target. Many servicemen have fired on Culebra, never realizing that this isolated outcropping in the Caribbean, barely 3 miles by 7 miles, was the home of fellow Americans.

For a long time the Culebrans accepted the terror, the noise and the danger as a fortuitously cruel cross they had no choice but to bear. Ramon Feliciano, the Mayor of Culebra, who will testify this afternoon, served in the Armed Service of the United States during World War II, only to return from service to discover that the United States Navy had blown up his family's home.

Fortunately, actual loss of life on Culebra has been limited but the ever present danger of living on a bulls-eye constitutes a psychological price that every Culebran continually must pay. And death, injury and maiming as a consequence of training operations on Culebra, are sufficiently well known to make this price a significant one for every resident of Culebra.

Assistant Secretary of the Navy Frank Sanders confessed in Hearings before the House last year that "Nine Navy men were killed and one injured in 1946 when an aircraft mistakenly dropped bombs on a Navy Observation Post."

The *Armed Forces Journal* of June 20, 1970 discusses other accidents and incidents of shells landing outside prescribed safety zones. The Navy confirmed some of these; the Culebrans apparently remember them all.

In 1914 Isaac Espinosa lost a right arm as a result of an exploding grenade. In 1935 Alberto Pina Garcia, a 15-year old school boy was killed when he banged a grenade. Incidentally, the Navy apparently takes some solace from the fact that grenades may be attributable to Marine training no longer taking place on Culebra. But the Culebrans are not sophisticated military experts. It appears that the timing devices for ship-to-shore shells which apparently tick and contain explosive charges may have been the "grenades" responsible for these last two incidents.

In 1935 Vincento Ramero lost his right arm in another accident.

In 1958 Sixto Colon Robinson suffered partial loss of vision in his right eye when a group of children set fire to gun powder they found on the beach.

In April 1968 a Jersey calf, owned by Feliciano Rosario, was killed by rocks kicked up by the landing of two non-explosive star shells during night illuminating exercises.

On June 14, 1968 a Navy pilot was killed when his A–4B on a firing run over Agua Cay crashed into waters south of Yorba Cay.

In 1968 a fishing vessel was hit by a shell.

On December 1, 1969 a bomb landed in Dewey Harbor as a result of a release mechanism malfunction aboard a Marine aircraft returning from a target run on Agua Cay.

In 1970 the San Juan yacht La Vagabunga, owned by Carlos Vasquez had smokepots dropped athwartships during 5 passes by an aircraft on a clear day while the vessel cruised amidst a flotilla of 14 others.

On April 19, 1970, mortar rounds were fired at Flamingo Beach when Culebran children were bathing there. Again, on May 22, 1970, mortar rounds were fired without warning and contrary to information contained on published firing schedules nearly missing children bathing at Flamingo Beach and the boat on which the Governor of Puerto Rico was traveling nearby.

Congressman Córdova testified before the House regarding these two incidents as follows:

"Shortly after the announcement of the

Navy proposal, Mayor Feliciano, of Culebra, visited Washington to express his objections. He showed me a sworn statement made by citizens of Culebra who claimed that on April 19, 1970, a Sunday when no firing was scheduled, mortar shells were dropped near the spot on Flamingo Beach where they were bathing. They felt the shelling was for the deliberate purpose of driving them from the beach. They lost no time in leaving.

"Meantime, on May 22, 1970, a day when the Governor of Puerto Rico, as well as two attorneys from Washington, were visiting Culebra to see for themselves something of what was going on, and to talk to the citizens about their complaints, six mortar shells were again dropped without warning on Flamingo Beach, where children were bathing at the time. The man in command of the mortar crew has signed a statement stating, among other things, that "Three were fired long and three short into Flamingo Beach. The red flag was not raised. Bathers were on the beach earlier but when we fired the mortar rounds we did not look at the beach. We did see a blue fishing boat about a mile to the north of the bay.'

"I cannot help but wonder whether these shells would have been fired if the children on the beach had been the children of Naval officers. I cannot help but wonder whether these shells would have been fired if the mortar crew had known that the Governor of Puerto Rico was aboard the fishing boat they thought they saw about a mile away."

The *Armed Forces Journal* article also reports that six incidents of misfires or wild shots since October 1965 were reported to the Commander of the Caribbean Sea Frontier in response to his directive:

On October 13, 1965, two five-inch projectiles impacted on the northeast face of Luis Pena Cay fired by the *U.S.S. Charles F. Adams.* On the same day two more shells from the same ship fell outside the safety zone.

On October 19, 1965, four five-inch projectiles impacted on the north face of Luis Pena Cay because of system difficulties. These were fired by the *H.M.A.S. Perth,* an Australian destroyer purchased from the United States.

On November 5, 1965, two five-inch projectiles impacted south of Agua Cay from the *U.S.S. Stickle.*

On March 24, 1969, the *U.S.S. Fort Snelling* fired two rapid-salvo three-inch round shells which landed on Luis Pena Cay, as a result of human error.

On June 18, 1969, a strafing incident on the Island's eastern end did occur. People in the area picked up a 20-millimeter training round.

In addition to these incidents, the *Armed Forces Journal,* May 23, 1970, also refers to the time the battleship *New Jersey* late in the 40's or early in the 50's lobbed shells on a cistern between the town of Dewey and the impact area, and when the ship *Missouri,* about the same time, scored on the safety zone instead of the impact area.

Mayor Feliciano recalls one incident when a shell landed in the cistern immediately adjacent to his office in the Municipal Building which is located in the very center of Culebra's only town.

Mr. Edward Joe Shoupe, a former Navy officer who supervised firing operations at Culebra during World War II has written in a sworn affidavit that, based upon the inaccuracies of firing and the mistakes he observed, "in his opinion, it is a miracle that natives have not been killed prior to this time." Mr. Shoupe has traveled at his own expense from Cleveland to testify this afternoon in support of my Amendment. I commend him for this selfless and patriotic service.

A document prepared by the Navy entitled "Culebra Utilization Data," which was submitted to the House Armed Services Subcommittee last year, reveals that in 1969 the average daily use of Culebra and the surrounding cays for target practice was 9½ hours, Monday through Saturday, and 3½ hours on Sunday. During Springboard exercises (January through April) the use is substantially greater than this daily average.

The *Armed Forces Journal* reports in May of last year that "the Navy told the *Journal* that the bombardment operations would climb from about 5,000 sorties in FY 69 to over 9,000 sorties this year."

The effect of the night and day bombings on the lives of the Culebrans was vividly described by Rear Admiral Alfred R. Matter in a letter he sent on December 5, 1969.

"Culebra Island is a keystone in the Atlantic Fleet weapons range. . . . This large complex is expanding and operations are becoming increasingly intensive, frequently being conducted through seven days a week. As such use increases, inhabitants of nearby areas such as your property will be subjected to the noise of supersonic booms, gunfire, rocket fire, and heavy air traffic."

Carmelo Feliciano, who has been a school teacher at Escuela Nueva (New School) in Culebra for thirteen years, testified as follows in the recent Culebran hearings:

"When bombs and shells are exploding the school buildings tremble with every explosion. You can see fear in the children's eyes. They sit in school in a peculiar way as if ready to run at a moment's notice. During the periods of heavy night bombing, students fall asleep in class. They look sleepless and the teachers there know why this is so. Bombing is carried out far past midnight every day and these kids are kept awake by the noise and the tremor caused by the bombs until early morning hours. . . .

"Due to all this notice caused by Navy aircraft and boats bombing and shelling, and also because they live in constant fear of losing their lives, the students' work at school is very poor. There has not been an honors graduate in Culebra in more than three years. Intelligence tests show a far below normal IQ for Culebran students. I have observed that many of these students have moved out and attend school in the main island of Puerto Rico and their graduates are considerably higher at these other schools. The ones that return to Culebra fall back way below in their school work."

The people of Culebra are not the only ones who suffer. As long as firing operations continue at Culebra, the United States Navy and this entire nation will also pay an inordinate price. Because Culebra is both tiny and inhabited, the Navy's training mission there has always been significantly limited. Ship-to-shore firing can be accomplished only at relatively slow speeds and short distances from shore. Furthermore, because of the restrictions that must be imposed to avert even greater danger to the inhabitants of Culebra, the approach angles in these training exercises cannot be varied to the extent that would be desirable to avoid what is commonly known in the Navy as a "canned response." Even last year when the Navy was seeking to obtain easements on the east end of Culebra to permit the firing of Walleye missiles at nearby Culebrita, it was clear that more modern follow-on missiles such as the Condor and Standard Arm could never be safely fired at this target. Mr. Joseph A. Grimes, Jr., Special Civilian Assistant to the Secretary of the Navy, so testified before the House Armed Services Committee.

When the Secretary of the Navy signed the Agreement of January 11, 1971 on the Island of Culebra, the Navy's mission on Culebra became even more qualified and restricted. That which remains of the Culebra target is simply inadequate to permit the training our Navy needs and must have.

The solution is not to continue unsatisfactory training which endangers the lives of the Culebrans. The solution must be the development of an alternative site for the Navy where realistic training with the most modern weapons in our arsenal can be conducted safely and without restrictions. The creation of an artificial island would make such training possible and would enhance our national security. At the same time, it would make national security meaningful for the United States citizens residing in Culebra.

National security and indeed the Navy's parochial interests cannot be viewed too narrowly. Long-range Navy plans must at least consider the contingency of Caribbean operations without Guantanamo Bay in Cuba. Should that ever come to pass, Roosevelt Roads Naval Reservation in Puerto Rico could become *the* strategically significant focus of the Navy presence in the Caribbean. Surely it makes little sense to risk this very presence in Puerto Rico by continued bombing and shelling of Culebra. The limited value of this inhabited target is simply not worth the risk that an errant shell landing amidst school children might mark the end of United States Navy presence in Puerto Rico.

Certainly the bad press which the Navy has received and undoubtedly will continue to receive so long as it fires upon innocent United States civilians runs directly counter to the enlightened steps taken by Admiral Elmo Zumwalt to enhance the image of today's Navy. Will the best young men wish to enlist in a Service that requires them to fire upon their fellow Americans?

As we have so painfully learned over the past few years, national security can be threatened from within as well as from without. No nation can be secure so long as it is in a constant state of domestic turmoil. Naval firing on Culebra has been an abrasive element in otherwise cordial relations between Mainland United States and the Commonwealth of Puerto Rico. Many Puerto Rican citizens of the United States residing throughout our country see in the treatment accorded their fellow Puerto Ricans on Culebra a basis for questioning the concept of equal justice under the law as applied to Puerto Ricans. One can only wonder how long it would take this body to put an end to the shelling and bombing of Manhattan Island by the United States Navy.

Finally, Latin America and the rest of the world will judge us on how we treat our Spanish-speaking citizens and other minority groups. Our national security cannot be enhanced by the image of United States Navy guns aimed at tiny Culebra.

Senator Rafael Hernandez Colon, President of the Puerto Rican Senate, personally brought the case of Culebra to my attention last year. He persuaded me that the Culebrans deserve a cease-fire and that the United States Navy, itself, would benefit and our national security would be enhanced by the termination of all firing operations at Culebra and the transfer of these training exercises to an uninhabited site.

We in the United States Senate took affirmative action last year to prevent the further expansion of Navy firing operations at Culebra. We also directed the Secretary of Defense to study all possible alternatives at Culebra. While this study was under way, Secretary of the Navy Chaffee, Mayor Feliciano, President of the Puerto Rican Senate Hernandez Colon, and Governor Ferre entered into an Agreement in which the Navy promised to eliminate some of the bombing and strafing taking place at Culebra and, perhaps most significantly, promise: "to continue to investigate both technological and geographical alternatives to the training done around Culebra. The purpose of these investigations will be to find feasible alternatives that will eventually permit the transfer away from Culebra of the training that will be conducted after January 1, 1972."

In a final paragraph added by the three Puerto Rican signatories to the Agreement, it was made perfectly clear that the unified position of all Puerto Rico was that "the Navy should terminate all training operations on Culebra and its neighboring cays within a reasonable period." It is also fair to say that Puerto Rico was relying upon the good faith of Secretary Chaffee and his commitment to transfer at least all firing operations away from Culebra as soon as a "feasible alternative" could be discovered.

Assistant Secretary of the Navy for Installations and Logistics, Mr. Frank Sanders, testified before the House Armed Services Subcommittee that the type of training done at Culebra "cannot be conducted elsewhere in the Atlantic." He added, "There have been several studies to determine if there were alternatives to this range, and therefore to Culebra. The answer in each case was 'no'."

Senator Symington and many other senators found this unpersuasive. So did the Defense Department. Its Report, "Culebra, Overview and Analysis, April 1, 1971," prepared as required by the Military Construction Authorization Act of 1970 and submitted in accordance therewith to President Nixon and to the Chairmen of the Senate and House Armed Services Committees, concluded that "Culebra can be 'replaced' for at most $50 million . . . ." The $50 million figure referred to the cost of constructing an artificial island approximately 3½ miles east of Vieques.

In fact, according to the Defense Department study, this artificial island not only would constitute a feasible alternative but actually would make possible "an improvement over operations on Culebra as they would otherwise be on January 2, 1972" so far as safety considerations are concerned. It seems obvious to me that the artificial island would also constitute a considerable improvement from a training proficiency standpoint because it would permit greater variation in approach angles, the employment of more modern weapons and tactical maneuvers and would not present such a symbolically inviting target for the range fouling activities of various protest groups.

I understand that substantial backup material was developed for the Defense Department study at a cost to the United States taxpayers of more than $100,000 for work done by outside consultants alone. I urge this Committee to request that this backup material be submitted for the record by the Defense Department. Clearly enough time and money have been devoted to this problem to render it ripe for solution; any further study at this time might justifiably be characterized as evidence of bad faith.

The Defense Department has found the feasible alternative sought by the Navy and to which the Navy is bound both by solemn undertaking and common sense to transfer all firing operations now conducted at Culebra. The Navy has not, however, submitted a line item budget request for the funds required to keep its promise. It is for this reason that I introduced Amendment No. 121 and I hope that the Navy will appear today to support this Amendment.

The honor of the United States Senate as well as that of the Navy is at stake here. We have expressed our concern for the Culebrans and now I hope that we will conclusively vindicate their rights and enhance our national security by providing the Navy with the improved training site it needs and mandating the termination of all firing activity at Culebra by a date certain.

It would be no small victory for democracy if we bring peace to this one small Island.

CULEBRA

(Commentary by press and political leaders in Puerto Rico and the United States)

INTRODUCTION

According to Puerto Rico's non-voting member of Congress, Resident Commissioner Jorge Cordova Diaz, and the influential San Juan Spanish-language newspaper, *El Mundo*, "the case of Culebra has achieved something very rare in Puerto Rico—it has united the entire people and the entire leadership of this Island for one cause."[1] The dispute between the United States citizens who call the tiny island municipality of Culebra "home" and the United States Navy has indeed become a *cause celebre* in the Commonwealth of Puerto Rico, raising the most fundamental questions with respect to the lasting relationship between the United States and Puerto Rico; as Juan M. Garcia Passalacqua, columnist for *The San Juan Star*, put it: "Culebra thus became the symbolic catalyst of our own feelings about Americanization . . . It is a crisis of commonwealth. . . ."[2]

The grave danger in this situation is that Washington may underestimate the support which exists for the vast majority of the people of Culebra who want the Navy to cease using their island as a target. The purpose of this report is to make available to the decisionmakers in the United States the views of leading Puerto Rican newspapers, columnists and public figures on Culebra and its significance, in order to avoid a misunderstanding which could have lasting adverse effects on the future relationship between our peoples.

Fortunately, there is growing awareness of the issue here in the United States and, with that awareness, growing support for the Culebrans. The focus of that awareness has been the United States Senate, where to date 23 Senators of both parties who span the political spectrum have taken public positions ranging from expressions of concern to unequivocal demands that the Navy cease using Culebra as a target. The most recent statement, by Senator Smith of Illinois, a Navy veteran who commanded a gunboat in World War II, is one of the strongest in support of the Culebrans:

". . . Reports from too many independent sources to be unreliable prove that this bombing is both dangerous and unnecessary—dangerous to the physical health and commercial well-being of the inhabitants and unnecessary to the requirements of a modern navy in the nuclear age. . . .

"This stupid policy must cease."[3]

The Goodell-Cranston Amendment, which would terminate the naval bombardment of Culebra, has already attracted a total of 12 sponsors. Originally introduced as an amendment to the military procurement authorization bill, the amendment was withdrawn and simultaneously reintroduced as an amendment to H.R. 17604, the military construction authorization bill[4] in order to permit Senator Jackson and his Subcommittee on Military Construction to persuade the Navy to reach a satisfactory solution. However, Senator Goodell has announced his intention to bring the amendment to a vote, if that becomes necessary, when the Military Construction Bill reaches the floor. In addition, Senator Kennedy has indicated that he will seek action by Congress to study making Culebra a national park possibly to be administered by the Commonwealth. This report summarizes the public positions taken to date by the various Senators.

Finally, this report includes examples of editorial opinion in the United States' press on the issue of Culebra and its significance.

I. PUERTO RICO: PRESS COMMENTARY ON CULEBRA

[El Mundo (San Juan), Editorial]

"Demonstrating the Unity of the People"

"Governor Ferre did well in inviting former Governor Munoz Marin to La Fortaleza in order to discuss the serious problem of Culebra.

"This dramatizes the fact that the case of Culebra transcends party lines . . . the case of Culebra has achieved something very rare in Puerto Rico—it has united the entire people and the entire leadership of this Island for one cause.

"We hope that there will emerge from this visit a direct and clear strategy for convincing the Government of the United States that the Navy must cease using Culebra as a target for shelling and bombing immediately. We believe that the Government [of Puerto Rico] must carry the case directly to President Nixon. We are confident that the President will reach the conclusion that, although the Navy insists that Culebra is essential for its training, the situation has become so disputed that the United States has nothing to gain, and much to lose, if it does not change its position.

"The joint action of Messrs. Ferre and Munoz will thus clearly demonstrate to the President that this is not a 'political subject,' but rather it has already become an apolitical subject."—August 7, 1970 (Translated from Spanish)

[El Mundo (San Juan), Editorial]

"Munoz and Ferre to Washington"

"It is extremely lamentable that the [House] Subcommittee did not accept the testimony of the political leadership of Puerto Rico, representing all sectors—statehood, independence and commonwealth—that insisted that the Navy must discontinue the bombardment of Culebra."

"The subcommittee should have taken into account the fact that the Culebra question has deep emotional force in the people of this Island [of Puerto Rico]. It is not sufficient to say that better security measures must be taken to protect the citizens who live in Culebra. What the people of Puerto Rico want is that the bombardment cease so that these citizens may live in peace.

"And we want now to reiterate our conviction that Governor Ferre must take this question directly to President Nixon as soon as possible . . . Only the President, we believe, can now order the Navy to terminate its operations in Culebra.

"Former Governor Luis Munoz Marin has just offered Governor Ferre his cooperation in carrying the case of Culebra to the President and to the Congress. Mr. Ferre must take advantage of this offer. Mr. Munoz Marin has enjoyed great prestige in the United States for many years.

"A personal visit by Messrs. Munoz Marin and Ferre to the White House could put an end to what has already been converted into one of the most dangerous controversies between Puerto Rico and the United States."—August 6, 1970 (Translated from Spanish)

[San Juan Star, Editorial]

"Culebra Pot Boils

"The Culebra pot continues to boil. It is a reminder that the complex Culebra controversy will be with us for some time, and that it isn't losing a battle that really counts; it is winning the war. The latest development was Tuesday's approval by the House Armed Services Committee of a Navy appropriations request to acquire an additional one-third of Culebra to provide a safety zone around its live firing range."

"Puerto Rico has thus lost a battle of sorts, but not necessarily the war . . . Yet, Gov. Ferre must make it clear that public opinion in Puerto Rico runs very strongly and deeply against the Navy's use of Culebra—to say nothing of responsible opposition by major congressmen and influential newspapers on the mainland. In short, the Navy has a credibility problem. Too many people believe, and rightly so, that the Navy simply has not come up with the best alternative site studies that it is capable of. It could be asking too much for us to believe that the mighty U.S. Navy stands or falls on whether or not it can use Culebra as part of an Atlantic weapons practice range. The credibility gap grows."—August 5, 1970.

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[1] *El Mundo*, editorial, Aug. 7, 1970 (translated from Spanish). *See also*, Congressman Cordova's statement before the Real Estate Subcommittee of the House Armed Services Committee, June 11, 1970 (stenographic transcript, p. 239).

[2] *The San Juan Star*, June 26, 1970.

[3] CONGRESSIONAL RECORD, vol. 116, pt. 23, p. 30974.

[4] *See* CONGRESSIONAL RECORD, vol. 116, pt. 23, pp. 30660, 30661.

[El Mundo (San Juan), Editorial]

". . . We do not understand why the Navy has permitted the subject of Culebra to do so much damage to its image and to give so much ammunition to the enemies of the United States, both those abroad as well as those within. . . .

"We have believed that the Navy and the people of Culebra, both acting in good faith, could have found an arrangement whereby both could coexist in Culebra.

The Navy has insisted that it is a matter of national defense; and we all have to give serious consideration to an argument of this nature.

"But we have now arrived at the conclusion that the only solution is that the Navy search for another site to carry out its target practice. To insist in remaining in Culebra before the political and emotional realities, as much in Puerto Rico as in the United States, would be the gravest error for the Navy. Not only would it cause more damage to the Navy's image, but also it would create a serious problem in the relations between the Federal Government and Puerto Rico—a problem which all of us who believe in our permanent union must try to avoid."—July 17, 1970 (Translated from Spanish)

San Juan Star, Column

"The mouse has roared again. Culebra is back once more to haunt the politicians. The U.S. Navy won the first round last week when it got the House Armed Services Committee to decide that target practice against the island is 'irreplaceable and definitely required for national defense.' Adding insult to injury, the report proposed that Culebrans be transferred to Vieques, as if they were just cattle. No one seems to be working more earnestly for the polarization of our society than the U.S. Navy."

". . . The present state of our island is just plain *colonialism by consent*, and it will be unless something is done pretty soon. The more the Culebra issue lasts, the more people realize this truth. Culebra feeds anti-colonialism in our people. May it last forever, until the issue is resolved."—Juan M. Garcia Passalacqua, August 11, 1970.

El Mundo (San Juan), Column

"The situation of Culebra continues to be of great importance for Puerto Rico and the United States. There are reports that various radical groups in the United States are planning an anti-American campaign based on the situation in Culebra. The campaign itself, of course, will favor the independence of Puerto Rico."

". . . The Secretary [of Defense, Melvin Laird,] and the Navy are certain that they have taken the correct position, but they have acted as if the feelings of the people of Puerto Rico were of no importance to them. . . ."

"Nothing better for the radicals of Puerto Rico or the United States. The picture of the United States 'mistreating' Puerto Rico, which the anti-Americans have been unable to paint before responsible public opinion, now is being painted by the United States Government itself."

"But it is inconceivable that the Navy will continue to assume an inflexible position. They are mistaken if they believe that this is merely 'an emotional subject' that will pass with time. What will happen is that Culebra will convert itself more and more into a perfect instrument for making propaganda against the United States. Culebra must not be anyone's instrument.

"The best advice to the President, from someone who believes profoundly in the permanent union of Puerto Rico and the United States, and who recognizes the generosity of the United States toward the Island [of Puerto Rico], is that he order the withdrawal of the Navy from Culebra as soon as possible."—A. W. Maldonado, August 4, 1970 (Translated from Spanish)

[El Mundo (San Juan), Column]

"If I were a member of the Pro-Independence Movement, I would do the unspeakable to see that the Navy continue using Culebra as an area for its maneuvers. The situation of Culebra, is as simple as that . . . .

"The total political leadership of Puerto Rico, as Resident Commissioner Cordova Diaz pointed out in the Hearings, is united in favoring the withdrawal of the Navy. The Navy has achieved, Cordova said, what has never before been achieved in Puerto Rico—unanimity of opinion . . . .

"What all this demonstrates is what has been evident for some time now. The case of Culebra has arrived at such a point in Puerto Rico and in the United States that the Navy simply has to yield. It must withdraw from Culebra."—A. W. Maldonado, July 17, 1970 (Translated from Spanish).

[San Juan Star, Column]

"Culebra was all over the place last week. Politicians of all shades went together to Washington to plead the case of its people against the U.S. Navy. . . . The Culebra conundrum is going to get worse before it gets better. Much worse.

"We are moving towards a confrontation with a for long secretive and delicate task: The definition of that status of the U.S. Armed Forces in Puerto Rico. That's the real issue.

"Culebra thus became the symbolic catalyst of our own feelings about Americanization. That is why it united most of the parties in a closely knit determination to fight the Navy to the end."

"It is a crisis of commonwealth."—Juan M. Garcia Passalacqua, June 26, 1970.

[San Juan Star, Column]

"Throughout, the Navy has made no effort to conceal its insolence. On the very day the Governor visited Culebra, less than an hour after his departure by yacht and without posting the required red warning flag, the Navy fired six mortar rounds into a bay on Flamingo Beach which fell within 200 yards of a group of bathers. Indications are that the carelessness persists. Last Thursday, three Culebrans told separately of having been caught in a bombing spree while fishing, stressing that they had checked the bulletin board where Navy exercises were scheduled. With the Navy pushing the limits of patience like that, it is small wonder the Culebrans are talking of violence."—Gloria Ortiz, June 17, 1970.

II. PUERTO RICO: POLITICAL LEADERS' COMMENTARY ON CULEBRA

Ramon Feliciano, Mayor of Culebra

". . . The constant shelling and the occurrence of accidents which the Navy has denied instilled fear and desperation in the citizens to the extent of fearing for their lives and demanding that the Navy abandon Culebra and leave the Culebrans to live in peace.

"We are not anti-Americans. Our town sent men to defend the Nation in all of the conflicts to defend the Democracy which is the most precious heritage of our forefathers. This beautiful patrimony has been ignored and abused in Culebra by the United States Navy in that for so many years they have not given us the opportunity to enjoy the free movement which belongs to every community of American citizens. Contrary to the rights of a town and its people they have converted us into a target for target shooting day after day consecutively up to the point of destroying our health and our spirit. The Navy must leave Culebra in peace."—[Testimony before the Real Estate Subcommittee, House Armed Services Committee, June 10, 1970 (stenographic transcript, pp. 14, 15).]

Luis A. Ferre, Governor of Puerto Rico

Governor Ferre stated "on island-wide TV Thursday [August 20, 1970] night, that, in his opinion, 'Culebra is not essential' to national defense, and that the Navy should stop its target practice there as soon as possible."—[Reported in *The San Juan Star*, editorial, August 21, 1970.]

Jorge L. Cordova, Resident Commissioner of the Commonwealth of Puerto Rico

". . . the Navy has of late assumed a position of utter and arrogant intransigence, and it is my opinion that passage of [the Goodell] amendment is necessary.

"In Puerto Rico opposition to the Navy's use of Culebra as a target has been unanimously expressed by all political parties. I hope that your amendment will also receive the necessary bipartisan support to ensure its passage."—[Letter to Senator Goodell, August 10, 1970; reprinted Cong. Rec., S. 14837, Sept. 1, 1970 (daily ed.)]

Rafael Hernandez Colon, President of the Senate, Commonwealth of Puerto Rico

"On behalf of the Senate of Puerto Rico, I urge and request your support of [the Goodell amendment] to stop further naval shelling and bombing of the inhabited island of Culebra.

"The shelling has produced a human and political problem of the utmost gravity in Culebra and Puerto Rico. Puerto Ricans are unanimous in believing that the shelling should stop, in the interest of the Culebrans and of continued warm relations with the United States. Moreover, there is considerable evidence that superior alternative sites which are uninhabited are available for such shelling which would obviate such a serious human and political problem."—[August 11, 1970, telegram to Senator Fulbright; reprinted Cong. Rec., S. 13378, August 13, 1970 (daily ed.)]

Justo A. Mendez, Minority Leader, Puerto Rico Senate

"In the year 1899, a census was taken and the population of Culebra was 704 inhabitants. Strange it is, that after 71 years, when every corner of the world has increased substantially in population the island of Culebra seems to stand still, as if time has stopped since the island was handed to the United States as a trophy of war at the end of the hostilities of the Spanish American War. . . .

"I am here to bring to your attentiton, the plight of a humble community of American citizens who for the first time since they were dispossessed of their island have taken the determination that they are no longer to be submitted to the humiliation of having their patrimony used as a target for gunnery and bombing operation . . . The Navy has done nothing to alleviate the needs of Culebra. They never seem to have regarded this community as a part of the American Nation and they have been blind and deaf to the bare needs and to the welfare of these people.

". . . Culebra is part of the patrimony of Puerto Rico. It is as much a part of our Commonwealth as is our capital San Juan, or our sophisticated Ponce, or my historic hometown of Lares.

"Culebra is part of our identity. It is part of a common bondage of origin, language, culture, tradition and history . . .

". . . It is unacceptable to our dignity and to our belief in the values of human understanding that have rooted loyalties to our nation, that a community of fellow citizens be subjected to the affront of being the target for the practices of war.

"Our attention should be focused on the real problem, which is the use of an inhabited community as a target. I feel this use should cease immediately and other targets should be found by the Navy."—[Testimony before the Real Estate Subcommittee, House Armed Services Committee, June 10, 1970 (stenographic transcript,) pp. 131, 132, 133, 134 and 135.]

Dr. Hernan Padilla, Majority Leader, Puerto Rico House of Representatives

". . . For more than thirty years the people of Culebra have borne more than their share of the burden of national defense . . . It is time that their sacrifices be rewarded and that they be allowed to enjoy the fulness of their rights as American citizens.

". . . The ill will encouraged throughout Latin America, whose citizens view Puerto Rico as the primary example of United States behavior toward Latin nations, should be of primary concern to this Committee.

"Above and beyond the immediate need to protect the lives and safety of Culebrans, I believe the Navy's presence has served to throttle the economic develcpment of the island. . . .

"I do submit, however, that the human values at stake in this issue far outweigh the cost of transferring the Navy's use of Culebra to some other area. For even if there were to be no accidents, something that is impossible to predict in view of the fact that accidents have already occurred, the mere fact of having to live in the expectancy and fear of injury and even death is enough to prejudice the basic rights of these citizens, and justify them in their demand that the Navy refrain from its bombing and shelling activities. Who will history hold responsible if an unfortunate accident should occur?

". . . The position which I, and the great majority of the United States citizens of Puerto Rico now support, is that the Navy should immediately and forever terminate its activities in Culebra."—[Testimony before the Real Estate Subcommittee, House Armed Service Committee, June 10, 1970 (stenographic transcript, pp. 104, 108, 109, 110).]

Carlos Romero Barcelo, Mayor of San Juan

"The issue of the Navy's use of Culebra as a weapons firing range has transcended Culebra and become a Puerto Rican issue; it is rapidly becoming a national issue and if not solved, will soon become an international issue. . . .

"We must oppose the use of Culebra as a firing range, not because of 'militarism,' or 'pentagonism,' or the grave danger of the expansion of the 'military complex,' No—these are not the reasons—we must oppose the use of Culebra as a firing range not because we oppose something else, but because we favor, uphold, cherish and defend our constitutional rights to ". . . life, liberty, and the pursuit of happiness." We must oppose the Navy's present use of Culebra because the right of the U.S. citizens of Culebra to live peacefully and happily without fear is being infringed upon by the U.S. Navy.

". . . Therefore, the issue before us is economic versus human. In such an issue, we can take only one side, the human side. No matter what the cost, it is immoral, improper, unfair, unjust, abusive and a few other names or adjectives, to make life miserable and hazardous for Culebrans in order to save money for the Navy . . .

". . . I am sure that if Puerto Rico were a State with two Senators and six or seven Congressmen, the Navy would not be using Culebra as a target today. Can any of you imagine what would happen if the Navy tried to use Shelter Island, off Long Island, or Martha's Vineyard, off Massachusetts, for a firing range? Can you visualize the furor the noise, the outrage of the Senators and Congressmen?

"Well, we have none to represent us. Therefore, we ask you to intervene in our behalf—on behalf of Puerto Rico, on behalf of your fellow citizens of Culebra. We are not asking the Navy to cease using Culebra as a firing range—we are demanding that they cease forever desist."—[Testimony before Real Estate Subcommittee, House Armed Services Committee, June 10, 1970 (stenographic transcript, pp. 95, 96, 98, 100).]

Santiago Soler Ravale, Administrative Aide to Governor Ferre and former Secretary of Justice

"From the beginning the Navy has told the administration that having the entire island of Culebra was indispensable for national defense.

"Where is that original argument now that they are ready to settle for just a part of it?"—[Reported in the *San Juan Star*, June 6, 1970, p. 3.] The *Star* also reported:

"In answer to a question Soler Favale admitted that he feels 'as strongly' as Resident Commissioner Jorge Luis Cordova Diaz about the Navy's position on Culebra. Cordova Diaz has said he believes the Navy should quit Culebra entirely."

Luis Munoz-Marin, former Governor of Puerto Rico

"I'm convinced that the security of the United States does not require the use of Culebra as a target range."—[Quoted in *The San Juan Star*, August 8, 1970, pp. 1, 16.]

Ruben Berrios Martinez, President of the Puerto Rican Independence Party

". . . We support the just demands of our people in Culebra. Like in the past, we will continue to provide moral and political assistance to the island's inhabitants in the pursuit of their goals, including our unalterable intention to make life unbearable for the Navy in Culebra through all the means at our disposal within the context of our philosophy of civil disobedience, non-cooperation and pacific militancy. Let no one be mistaken: our struggle for the rights of the Puerto Ricans in Culebra will be carried to its ultimate consequences.

". . . We demand the complete withdrawal of the U.S. Navy from Culebra and its return to its rightful owners, the people of Puerto Rico."—[Testimony before the Real Estate Subcommittee, House Armed Services Committee, June 10, 1970, (stenographic transcript, pp. 151, 1952).]

III. UNITED STATES SENATE: COMMENTARY ON CULEBRA

Senator Baker of Tennessee

". . . I commend my colleague from New York [Senator Goodell] for his thorough, careful, and painstaking analysis of a difficult and emotional subject in connection with Puerto Rico.

"I have some personal knowledge of the situation in Culebra. I know of the difficulty that the residents of that island and that area of the Commonwealth have had with this problem. I know of the deep concern that the Governor of Puerto Rico, the distinguished Luis Ferre, has had over this situation.

"I know of the efforts he has made to try to find an alternative to the use of Culebra for these purposes. I commend our colleague from New York for his thorough appraisal of the situation, and join with him in urging that there be an early favorable disposition of this problem, and to support Governor Ferre in his efforts to bring it to a satisfactory conclusion."—Cong. Rec. S. 13377, August 13, 1970 (daily ed.)

Senator Bayh of Indiana

". . . I have been troubled in the last few months by a situation that demands correction [involving] a small island to the east of Puerto Rico named Culebra. . . .

". . . Because of the bombing and constant noise from jet aircraft, the Culebran economy has remained dormant, while generation after generation of Culebran children have left the island to seek their fortune in more hospitable areas of the Commonwealth of Puerto Rico. The naval bombardment has reached such a dangerous level that the people of Culebra have, within the last 9 months, begun to demand the removal of the Navy from their island.

"After careful consideration and study of the facts relative to the situation in Culebra, I have come to the conclusion that the Navy must move. First, the Navy's activities represent a high degree of danger to the U.S. citizens living on Culebra. Second, these activities violate the constitutional right of every U.S. citizen to be safe and protected from unnecessary hazards. Third, alternative sites and solutions are available to the Navy that would not endanger the lives or limit the chance for betterment of U.S. citizens.

"I, therefore, support the efforts to stop all funds going to any military department for the shelling or bombardment of Culebra or any of the adjacent islands. I further urge the passage of the joint resolution introduced by the Senator from Massachusetts (Mr. Kennedy) which would establish a commission to study making Culebra a national park administered by the Commonwealth of Puerto Rico."—Cong. Rec., S. 14806, Sept. 1, 1970 (daily ed.)

Senator Case of New Jersey

". . . I am glad to join the Senator from New York (Mr. Goodell) in co-sponsoring the amendment . . . which would end the naval bombardment of Culebra Island. I urge the adoption of the amendment.

"Although this island is tiny and its inhabitants few in number, the Culebrans are American citizens and entitled to protection and rights which are not abridged by distance or size population.

"Since Culebra is a part of the Atlantic Fleet's principal gunnery range, it can only be a matter of time before an inaccurate shell adds to the four serious injuries which have been reported on Culebra. Just this year the authoritative Armed Forces Journal documented instances of bombs dropping as close as 400 yards to a dwelling, and in May three mortar shells were reported landing within 200 yards of children playing on the beach.

"I strongly urge that the Senate Committee on Armed Services . . . uphold the rights of its residents and act to end the jeopardy in which they live."—Cong. Rec., S. 13598, August 18, 1970 (daily ed.)

Senator Cook of Kentucky

Co-sponsor of Goodell amendment—see Cong. Rec., S. 14060, Aug. 24, 1970 (daily ed.)

Senator Cranston of California

"Why must lives be threatened, endangered and disrupted by such dangerous operations when other islands in the area are available? The inhabitants of this tiny island have continued to suffer these many years from the Navy's presence. It is time to alleviate this suffering and terminate the Navy's operations there.

"Alternative, uninhabited islands in the vicinity exist. They should be utilized.

"I am pleased to join my colleague, the Senator from New York (Mr. Goodell), in co-sponsoring the amendment . . . which would terminate the bombardment of Culebra and allow the citizens to live in peace."—Cong. Rec., S. 13378, August 13, 1970 (daily ed.)

Senator Eagleton of Missouri

Co-sponsor of Goodell amendment.—See Cong. Rec., S. 13735, August 19, 1970 (daily ed.)

Senator Fulbright of Arkansas

"I intend to support [the Goodell] amendment."—Cong. Rec., S. 13377, August 13, 1970 (daily ed.)

"I believe that all parties would benefit if the island of Culebra was no longer used as a target."—Cong. Rec., S. 11361, July 15, 1970 (daily ed.)

Senator Goodell of New York

"The will of the people of Culebra and of Puerto Rico has been clearly expressed, and it is about time that the Navy began to heed it. It is time for the Navy to withdraw from Culebra totally, and for the Administration to protect Culebrenses as it would all other American citizens."

"Accordingly, after several months of attempts to get the Navy to recede from its position in Culebra, I have concluded that the time has come for the Senate and the people of this country to take action to stop the bombardment of the Culebrenses."—Cong. Rec., S. 10897, S. 10900, S. 10901, July 9, 1970 (daily ed.)

Senator Gravel of Alaska

Co-sponsor of Goodell amendment—see Cong. Rec., S. 14060, August 24, 1970 (daily ed.)

Senator Hart of Michigan

Co-sponsor of Goodell amendment—see Cong. Rec., S. 13597, August 18, 1970 (daily ed.)

Senator Hughes of Iowa

Co-sponsor of Goodell amendment—see Cong. Rec., S. 13377, August 13, 1970 (daily ed.)

Senator Inouye of Hawaii

". . . I share the concern of the people of the island of Culebra, P.R., about the recently announced plans to acquire additional land on their island to expand training facilities.

"With my small voice, I wish to assure the people of Culebra that their plea for help has been heard by many of us and that we will do our best to bring about a rational solution to their problem."—Cong. Rec., S. 13136, Aug. 11, 1970.

Senator Jackson of Washington

". . . we have delayed too long coming to grips with the problem of Culebra. As a result of the Senate's concern, reflected by Senator Goodell's amendment and my investigation, there is some hope that the Navy is beginning to realize that the situation there is serious: that what is at stake is something more than the Navy's use of a training facility. In fact, what is at stake is the quality of life on Culebra and the Navy's right to decide how far it can go in affecting the lives and well-being of the people who live there."—Cong. Rec., S. 14381, August 27, 1970 (daily ed.)

Senator Javits of New York

". . . I have little doubt that, if this kind of Navy target practice took place in close proximity to inhabited portions of a State represented in this Senate, the Senator from that State would insist—and rightly so—that if there were any alternative, the practice be terminated and that the Navy find an uninhabited place to test its weapons.

"But Puerto Rico has no Senator, and yet it has the whole Senate, whose responsibility it is to protect the rights, tranquility, the safety of every American citizen."—Cong. Rec., S. 12858, August 5, 1970 (daily ed.)

"Senator Goodell does not believe [these citizens really have to take the punishment they are taking], and I do not believe they do."—Cong. Rec., S. 13366, August 13, 1970 (daily ed.)

Senator Kennedy of Massachusetts

". . . I strongly support the amendment submitted by the Senator for New York (Mr. Goodell).

"The use of Culebra as a target area has subjected the more than 700 residents of that island to constant noise pollution, and constant fear of injury. This alone should convince the Navy to seek an alternative site. But the Navy policy has an impact far beyond Culebra itself. In Puerto Rico, where relations with the United States are a vital and sensitive issue, the Navy's actions have been criticized by every political force. Continued disregard to Puerto Rican views on Culebra could lead to hostility against all U.S. bases in the Commonwealth, including the $300 million installation at Roosevelt Roads.

"I believe, therefore, that Congress must act now. Indeed, I think we should consider going beyond the proposed amendment and study the possibility to establishing a national park on Culebra to preserve the natural condition and beauty of the island."—Cong. Rec., S. 13378, August 13, 1970 (daily ed.)

Senator Metcalf of Montana

Co-sponsor of Goodell amendment—see Cong. Rec., S. 14060, August 24, 1970 (daily ed.)

Senator Muskie of Maine

"These articles [from the Wall Street Journal, the Washington Post, and the Armed Forces Journal] describe the kind of life Culebrans must live under the constant threat of Navy bombardment of their small island.

". . . I cannot imagine a less questionable manner for the Armed Forces to show its respect for the people of an American territory."—Cong. Rec., S. 11228, July 14, 1970 (daily ed.)

Senator Packwood of Oregon

"I fear that the Navy has been basically insensitive to the increasing opposition of the U.S. citizens occupying Culebra. . . . I hope [Senator Jackson's] efforts to find an equitable solution will be successful. If not, I am prepared, unless the Navy position is substantially stronger than I believe it to be, to support the amendment offered by the distinguished Senator from New York (Mr. Goodell) to block the Navy from continued shelling of Culebra. I understand that this one issue has united all political groups in Puerto Rico. It has given the independent party—those wishing to see Puerto Rico completely independent from the United States—fuel for their cause."—Cong. Rec., S. 14151, August 25, 1970 (daily ed.)

Senator Proxmire of Wisconsin

"I, too, commend the Senator from New York for what he has done [in offering the Culebra amendment]. . . .

"It is shocking and scandalous that any human beings, certainly not only American citizens but any human beings, should be endangered and their lives lost by practice firing from our Navy."—Cong. Rec., S. 13377, Aug. 13, 1970 (daily ed.)

Senator Scott of Pennsylvania

". . . Although I am not wed to the specifics of Dr. Kilmarx's analysis [of the Culebra controversy], I do support its main thrust of discontinuance of the use of Culebra as a target.

"The citizens who live on the tiny island municipality of Culebra have requested the U.S. Navy to terminate its target practice training using Culebra as a target for live shells, bombs, and machinegun bullets.

"It appears that the ultimate resolution of this matter will be the end of naval use of Culebra as a target for shelling and bombardment.

"The time schedule for this discontinuance will have to be worked out between the island and the Navy with consideration given to the problems and difficulties of both parties, in addition to the humanistic consideration for the American citizens making their homes on Culebra."—Cong. Rec., S. 14498, S. 14499, Aug. 28, 1970 (daily ed.)

Statement by Senator Smith of Illinois

"I rise today to state very briefly but very strongly my views on the bombing by the United States Navy of the Caribbean Island of Culebra. This tiny island is the home of some 700 United States citizens. It is also the target for World War II bombing and target practice by our naval forces. Reports from too many independent sources to be unreliable prove that this bombing is both dangerous and unnecessary—dangerous to the physical health and commercial well-being of the inhabitants and unnecessary to the requirements of a modern navy in the nuclear age.

"As a United States Navy veteran myself, and as one who commanded a gunboat during WW II, I am well aware of the need to keep both ships and crew in fighting readiness, but it is neither necessary nor desirable to practice with outmoded weapons on United States citizens to keep in battle trim.

"Mr. President, I believe in calling a spade a spade: The Navy's continued insistance on using Culebra as a target for bombs and shells in the face of the rafts of clear and convincing evidence that it is dangerous and unnecessary is not only an affront to reason: It is a total disregard for the welfare of hundreds of American citizens whose home this island has always been.

"This stupid policy must cease."—Cong. Rec., S. 15027, Sept. 9, 1970 (daily ed.)

Senator Symington of Missouri

"On March 13, 1970, the citizens of Culebra voted in a town meeting to ask the Navy to withdraw from their island, and later the same month the Puerto Rican Senate passed unanimously a resolution requesting President Nixon to re-examine the Navy's activities in Culebra.

"Numerous press reports have since spread the plight of the Culebrans; but of particular interest have been a series of articles appearing in the Journal of the Armed Forces [sic]—usually a promilitary publication—taking a strong stand against the Navy and in favor of the people of Culebra.

"After studying this matter, it is difficult for me to understand why the Navy cannot find an uninhabited island to use as a target range; therefore, I plan to support the [Goodell] amendment . . . which would prohibit the naval shelling or air bombardment of the island of Culebra and its adjacent keys and waters."—Cong. Rec., S. 13470, August 14, 1970 (daily ed.)

Senator Young of Ohio

Co-sponsor of Goodell amendment—see Cong. Rec., S. 13597, August 18, 1970 (daily ed.)

IV. UNITED STATES: PRESS COMMENTARY ON CULEBRA

[From the New York Times, July 10, 1970]

CULEBRA AND GOLIATH

Can anyone really believe that the only suitable target area in the entire Atlantic Ocean for testing a new generation of guided missiles and glide bombs is a 7,000-acre island off Puerto Rico which 726 American citizens call home? So say the United States Navy, which already owns a third of the island of Culebra and now intends to lease and eventually buy another third.

What the Navy has really wanted to do for fifteen years is to buy all of Culebra and resettle the island's residents elsewhere. But Culebra is a municipality of Puerto Rico and can be dissolved under the Commonwealth's Constitution only by vote of its residents. A survey indicates that 95 per cent of the Culebrans oppose the Navy's current expansion plan and at least 75 per cent want the Navy to pull out altogether.

Under existing conditions, Culebrans must cope with a nerve-wracking, noise-pollution problem from shelling, bombing and low-flying Navy jets. Culebrans find their freedom of movement curtailed by Navy maneuvers and security requirements, their economy and development menaced by the Navy's expansion plan.

As part of what the Navy calls the "inner range portion" of the Atlantic Fleet Weapons Range complex, Culebra unquestionably offers substantial advantages for the development of new systems. What is equally obvious is that the Navy for a long time remained insensitive to the rising resentment of the Culebrans and dragged its feet on examining possible alternativess to the use of this inhabited island.

It would be a salutary example of what one likes to think the United States is still all about if the mightiest Navy in the world now decided on its own to weigh anchor and go elsewhere to explode its new arsenal, leaving 726 poor islanders in peace and quiet.

[From the Washington Post, July 14, 1970]

Why Bomb an Inhabited Island?

It is time that high-level attention be paid to the controversy over Culebra. The Navy, which already owns about one third of this 7,000-acre island in the Commonwealth of Puerto Rico, is trying to obtain another third of it so as to expand its training operations there, with the installation of a Walleye missile target on the immediately adjacent small island of Culebrita. The move is bitterly resisted by most of the 726 inhabitants and many other Puerto Ricans on the ground that the use of the island as a target has already made life there almost intolerable.

The Puerto Rican Civil Rights Commission has described the military training operations on Culebra as "excessively intense, continuous, irregular and dangerous." The cattle business on the island is said to have been virtually ruined. Fishing has been gravely impaired, and since these two industries have been the chief source of income for the families living on the island, the economic impact of the shelling and bombardment has been severe. Equally troublesome is the effect on education. One teacher reports that the school buildings "tremble with every explosion" and that the children are too frightened, distracted by noise and plagued by loss of sleep (from the night bombing) to give serious attention to their studies.

Repercussions from this use of an inhabited island as a target have spread far beyond Culebra itself. Many Puerto Ricans see in it evidence of a general lack of sensitivity in Washington to commonwealth problems. Tensions on the island have risen notably since the shelling and bombing on Culebra have been stepped up. A columnist for the San Juan Star recently suggested that if Congress should grant the Navy's request to take over more of the island it "could swing popular sentiment toward independence or at least away from statehood more effectively than anything else."

Aside from the injustice of inflicting conditions akin to warfare on the people of Culebra, therefore the Navy's policy threatens to complicate the relations between the United States and the commonwealth. Just now those relations are in a delicate state. Sentiment in favor of independence has been growing along with sentiment for statehood, although a substantial percentage of the people still seem to favor the existing commonwealth status. It would be most unfortunate if the government in Washington should unduly influence the outcome of the debate now going on in regard to Puerto Rico's future by continuing a shortsighted and inhumane policy in Culebra.

The need for good relations between Puerto Rico and the United States will remain an imperative of the future whether the commonwealth is retained or statehood is requested. For one thing, the Roosevelt Roads Naval Base is the second most important naval installation in the Caribbean. For another, the relations between Washington and San Juan are enormously influential in our dealings with the rest of Latin America. Even though the Navy finds Culebra a convenient area for its training operations, we simply cannot afford as a nation to get into the posture of putting bombs ahead of people.

[From the Miami Herald, July 21, 1970]

The U.S. Navy vs. Culebra

Tiny Culebra Island, just off the eastern edge of Puerto Rico, in a way symbolizes the conflicts that increasingly occur between the United States and Latin America.

Culebra, of course, as part of Puerto Rico is also part of the United States. It has sandy white beaches, waving palms, a small fishing industry, and 900 inhabitants on its 10 square miles.

The U.S. Navy, which owns one-third of the island, including all the shoreline, considers Culebra the ideal place for target practice with its most sophisticated weapons.

Occasionally the United States has allowed the navies of other countries to practice on Culebra, too.

To say the least, this strafing and bombardment disturbs the fishing, discourages development of tourism, and affects almost anything else Culebrans wish to do.

But the U.S. Navy believes it is in the best interests of the United States to continue this target practice and to increase it. For awhile, the Navy wanted to buy the whole island and move the Culebrans elsewhere.

At a town meeting the Culebrans demanded the Navy get out, or at least slow down. Puerto Rico Gov. Luis Ferre has intervened on behalf of Culebrans. The Puerto Rico Civil Rights Commission has tried to defend the Culebrans.

And now, with increasing public attention being drawn to the problem, the U.S. Congress has taken up the issue.

For Congress, this is the question: Is the Navy activity so essential that it overrides the right of Culebrans to live in peace?

Tiny, Spanish-speaking Culebra does not feel the same U.S. identification as a mainland community. It does not see those ships as part of "our" Navy in the way that Floridians, for example, might.

The Navy has legality on its side, but it is fighting an emotional, nationalistic issue. It could win its fight for U.S. military interests, and set off a cause celebre that might haunt the United States for many years to come.

[From the St. Louis Post Dispatch, Aug. 26, 1970]

The Navy's Target

The 750 or so residents of Culebra, a tiny piece of land in the Caribbean used as a target range by the Navy, may find some comfort in the announcement by a Senate committee that it intends to study the plight of the islanders, all of whom are American citizens. The Culebrans understandably are more than a little weary by now of being shot at, bombed and rocketed. Far from stopping the shooting, the Navy, much to the distress of Culebrans, would like to use more of the island for a firing range and a House subcommittee, inexplicably, has endorsed the proposal. This stirring display of humanitarian concern was prompted, we gather, by the Navy's contention that blowing up the beaches of Culebra was somehow essential for the training of the Atlantic fleet. We presume the Senate group will not be taken in so easily and will do what it can to provide the Culebrans with relief.

[From the Washington Post, Aug. 29, 1970]

Target Practice on Culebra

New light on the Culebra problem is supplied in a report by Dr. Robert A. Kilmarx for Puerto Rico's governor, Louis A. Ferre. The findings are especially significant because Dr. Kilmarx examines the use of this Puerto Rican island for naval target practice from the viewpoint of our national security and makes his recommendations with careful regard for the essentials of national defense. When these considerations have been carefully weighed, however, he stresses the humanitarian need for phasing out the firing of air-to-ground missiles on an inhabited island.

Dr. Kilmarx believes that the Atlantic Fleet Weapons Range, of which Culebra is a part, is of great importance to the combat readiness of the Navy. Even though the Navy is now under some restrictions in practice firing of the Walleye missile at Culebra, the report contends that use of the range cannot be abandoned on short notice. It finds, however, that "some of the small unit and individual bombing and strafing activities" could best be shifted to "different keys and small islands in the range area."

Development of the island has been sharply curtailed by the target activity. Its fishing and cattle-raising industries do not appear to offer much future for its 726 inhabitants. The area's greatest potential, Dr. Kilmarx concluded, lies in tourism, but travel there has been sharply restricted by the Navy's activities.

The report recommends that the Navy be given a "temporary, non-habitation easement" for a 2,350-acre safety area on the eastern side of the island for firing of the Walleye missile for "approximately one year." This would allow time to make other arrangements for target practice operations. It is further recommended that the Defense Department terminate "all naval firing activities on Culebra and the nearby islands and keys" within five years. Along with this goes a suggestion that the best solution may lie in the construction and operation of artificial islands for target practice at a proper distance from human habitations.

The report sustains demands that have been coming from many other sources for phasing out the use of Culebra as a target. The fact that this policy threatens to influence the delicate relations between Washington and the Commonwealth of Puerto Rico at a time when the future status of the commonwealth is being debated suggests that it should not be left solely to the discretion of the Navy. A high-level solution is in order—a solution that goes beyond strictly military considerations to include political and humanitarian imperatives.

[From the Evening Star, Aug. 31, 1970]

Island and the Gun

In a time of national re-examination of the vastly expanded role of the military establishment in American life, it is good that Puerto Rico, of all unlikely places, is striking back vigorously at Navy efforts to increase its target area on the Puerto Rican island of Culebra.

Through the good offices of five senators, the Commonwealth has got introduced legislation which would not only block such expansion but throw the Navy out of those waters entirely, as far as gunnery practice is concerned.

The Navy has had some control of the island since 1901 and has used it for heavy target practice since World War II. Since attempts to dissolve the already transplanted town failed a decade ago, the Navy has stepped up its shelling schedule to over nine hours a day on weekdays, over three on Sundays, perhaps out of necessity, but perhaps also in the hope of driving the natives away.

That needs investigation, but what needs investigation even more is the possibility of the Navy's using other islands, including man-made ones, or obsolete vessels, for its targets.

The Navy, not surprisingly, claims routinely that no other target is quite as suitable for all its purposes as Culebra. But the island is inhabited by 726 American citizens and their rights to a little peace and quite in the place their families inhabited before there was a United States Navy are entitled to at least equal consideration.

On the face of it, most reasonable people would say the Navy should find another place to fire its guns and rockets, the more so since the Commonwealth has offered the use of two uninhabited islands off its shores. The Navy may well have a strong case, but it has not yet bothered to make it public.

One of this country's most urgent tasks is the re-establishing of the military in its traditional position of subordinance to civil purposes. The task might well begin at Culebra.

Mr. BUCKLEY. I have been assured by the Department of Defense that it will be able to comply with the amendment of H.R. 9844, the military construction authorization bill which requires that the Secretary of Defense to select the "most advantageous alternative" to the use of the Culebra complex of the Atlantic Fleet Weapons Range, and to complete a detailed feasibility study of that alternative by December 31, 1972. Secretary of Defense Laird has stated that use of the Culebra complex bombing and gunnery range would terminate in June 1975.

Specifying a date for would not advance the cause of locating and preparing an alternative training range for naval bombing and gunnery training, because such preparation is already under intensive study by the Department of Defense. We should not prejudice the results of the study by specifying a date by legislation for termination of the use of the Culebra complex until the Congress can make an informed judgment based upon the results of that study.

I will support legislative action which would terminate use of the Culebra complex as soon as the study of the location and the preparation of a suitable alternative becomes available to the Congress.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Oklahoma (Mr. Harris), the Senator from Louisiana (Mr. Long), the Senator from Connecticut (Mr. Ribicoff), and the Senator from New Jersey (Mr. Williams) are necessarily absent.

I further announce that the Senator from Indiana (Mr. Hartke) and the Senator from Illinois (Mr. Stevenson) are absent on official business.

I further announce that, if present and voting, the Senator from Connecticut (Mr. Ribicoff), the Senator from Illinois (Mr. Stevenson), and the Senator from New Jersey (Mr. Williams) would each vote "yea."

Mr. GRIFFITH. I announce that the Senator from Illinois (Mr. Percy) is absent on official business, and if present and voting, would vote "yea."

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Vermont (Mr. Prouty) is detained on official business.

The Senator from Kansas (Mr. Pearson) is necessarily absent.

The result was announced—yeas 32, nays 58, as follows:

[No. 194 Leg.]

YEAS—32

Anderson
Baker
Bayh
Boggs
Brooke
Burdick
Case
Cooper
Cranston
Eagleton
Fulbright
Gravel
Hart
Hatfield
Hughes
Humphrey
Inouye
Jackson
Javits
Kennedy
Mansfield
McGovern
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Proxmire
Schweiker
Stevens

NAYS—58

Aiken
Allen
Allott
Beall
Bellmon
Bennett
Bentsen
Bible
Brock
Buckley
Byrd, Va.
Byrd, W. Va.
Cannon
Chiles
Church
Cook
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Magnuson
Mathias
McClellan
McGee
McIntyre
Miller
Pastore
Pell
Randolph
Roth
Saxbe
Scott
Smith
Sparkman
Spong
Stennis
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Young

NOT VOTING—10

Harris
Hartke
Long
Mundt
Pearson
Percy
Prouty
Ribicoff
Stevenson
Williams

So Mr. Hughes' amendment was rejected.

Mr. SYMINGTON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 368—USE OF RECYCLED MATERIAL

Mr. JAVITS. Mr. President, I call up my amendment No. 368.

The PRESIDING OFFICER. The amendment will be stated.

The second legislative clerk proceeded to read the amendment.

Mr. JAVITS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment is as follows:

On page 102, between lines 11 and 12, insert the following:

Sec. 710. (a) The Secretary of Defense shall require that all materials or other products (1) purchased by the government in carrying out the provisions of this Act, or (2) purchased in whole or in part, by the Government or otherwise, with funds appropriated pursuant to this Act, or (3) purchased by any person contracting with the Government for the performance of any function authorized by this Act, shall be, or be composed of, recycled materials in such percentages as is required by order of, or under regulations prescribed by, the Administrator of the Environmental Protection Agency for the purposes of this section and the Solid Waste Disposal Act. The Secretary shall require that any contract, invitation for bids, or purchase order issued or executed for the procurement or production of such materials or products shall provide for such percentages of recycled materials as are required by the appropriate determination of the Administrator pursuant to subsection (b) or (c) of this section.

(b) Before expending or contracting for the expenditure of any funds authorized to be appropriated by this Act for the purchase or production of materials or products, the Secretary shall (1) submit to the Administrator of the Environmental Protection Agency, an estimate of the nature and quantity of each such product or material to be purchased or produced, and (2) request the Administrator to issue an order determining the percentage of each such product or material which could feasibly and economically be required to consist of or be composed of recycled material.

(c) The Administrator of the Environmental Protection Agency may, in lieu of the proceedings provided in subsection (b) of this section, provide by regulation for a particular per centum of recycled material to be included in the procurement or production of a particular product or material.

(d) For the purpose of this section, the term "recycled material" means any material, including but not limited to paper, rubber, steel, or any other metal, or glass, which has previously been used in the production of goods for commerce, and such term includes both consumer scrap originating from objects previously sold to the consuming public, and production scrap originating from the production of goods sold or to be sold to the consuming public. However, such term does not include home scrap or residue generated in the production of the basic material used in the production of such goods.

Mr. JAVITS. Mr. President, this amendment is proposed on behalf of 16 Senators, including myself. The amendment provides that the Secretary of Defense shall require that all materials or other products purchased by the Government in carrying out the construction and other procurement which is referred to by this bill shall be composed, insofar as feasible and economical, of recycled materials. Recycled materials would include such things as steel, paper, rubber, glass, and so forth. The amendment also provides that prior to concluding the contract, the Secretary of Defense shall submit the contract, the invitation to bid, or the purchase order to the Environmental Protection Agency in order to get its determination of how much of the material going into the performance should be recycled material.

Mr. President, this is essentially a basic ecological amendment; and if Senators will give me their attention, it is very important that we begin to be oriented to this situation.

Mr. TOWER. May we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order.

Mr. JAVITS. This is one of a series of amendments which I am proposing to authorization bills. I might say that in this particular case, $2 billion worth of materials would be involved, so that it is one of the largest of them, though the total authorization bills which could be affected by these recycling amendments provide for approximately $31 billion in procurement.

This is a critically important way in which the Government can help itself to deal with the waste problem through the recycling of materials which are capable of recycling, to the extent that it is practicable.

The Environmental Protection Administration has responded to a letter which I wrote them on this subject in order to get their views, and I ask unanimous consent that the letter of the Director, Mr. Ruckelshaus, be printed in the RECORD, together with my reply.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL PROTECTION AGENCY,
Washington, D.C., June 29, 1971.
Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: This is in response to the request for our comments on your draft amendment which would provide authority to use Federal purchasing power to encourage the use of recycled materials.

The proposed amendment requires that materials purchased by the Government or purchased by any person contracting with the Government contain a percentage of recycled materials. The Administrator of the Environmental Protection Agency would prescribe the percentage of recycled materials which the material must contain.

Since the demand for products containing recycled materials is limited, the new Federal procurement requirements are intended to provide some incentive for private industry to develop the technology and invest resources to reuse materials which have heretofore gone to waste.

The Resource Recovery Act of 1970, Public Law 91–512, approved October 23, 1970, requires the Administrator to conduct an investigation and study to determine, among other matters, "the use of Federal procurement to develop market demand for recovered resources." This study is now underway and the results will, as required by law, be reported to the President and Congress. In addition, this Agency and the Council on Environmental Quality are jointly chairing an interagency task force which will examine and assess a number of Federal actions that could influence recycling efforts. This study will also explore the use of Federal procurement and other Federal activities to encourage the use of recycled materials.

The recycling of materials to reduce problems of solid waste and improve the environment is of great interest to the Administration. The President, in his February 8, 1971, message to the Congress, recognized the need to reverse the decline of the reprocessing of paper, which accounts for about half of all municipal waste. As noted by the President, the General Services Administration has in fact already changed many of the specifications to require recycled content in paper purchases. As a result of this immediate effort, more than half of GSA's paper will contain reclaimed fiber. GSA is also examining its other purchasing requirements to determine if products with recycled materials can be obtained. This is accomplishing—under existing law—much of what is proposed by the draft amendment.

Thus, while we support the objectives of the draft amendment, we recommend against enactment in view of the following:

(1) The legislation appears premature since the executive branch has not yet completed its investigation in this area required by the Congress.

(2) The objectives can be achieved under existing authority and steps are already being taken to carry out the Administration's commitment for use of recycled materials.

(3) The proposed language was apparently developed for use piecemeal as part of various annual authorization bills and bills amending existing Acts. We do not consider these to be appropriate vehicles for enactment of this type of substantive legislation, which is intended to apply uniformly to procurement by all Government agencies.

We are advised by the Office of Management and Budget that there is no objection to the presentation of this report from the Administration's standpoint.

Sincerely yours,
WILLIAM D. RUCKELSHAUS,
Administrator.

JULY 13, 1971.
Hon. WILLIAM D. RUCKELSHAUS,
Administrator, Environmental Protection Agency, Washington, D.C.

DEAR MR. RUCKELSHAUS: I have and thank you for your letter of June 29, 1971, concerning the measures I recently introduced to require the use of recycled materials in Government procurement and construction.

I am delighted to learn that you "support the objectives of the draft amendment" which I sent you, but of course am disappointed that you recommend against its enactment. I do have a few questions, however, concerning the three bases for your opposition:

(1) You state that the legislation "appears premature since the Executive branch has not yet completed its investigation in this area required by the Congress." Your reference here is to the Resource Recovery Act of 1970, Public Law 91–512, and specifically to Section 205(a) of that Act, which requires the Secretary to study seven topics (one of which is the use of Federal procurement to develop market demand for recovered resources) and to report "from time to time, but not less frequently than annually, the results of such investigation and study to the President and the Congress." As this requirement is an annual and continuing one, without a fixed date for a final report on any one of the seven subjects, can you tell me whether a report with recommendations on the recycling topic can be expected by the end of this year?

(2) You state that the objectives can be achieved under existing authority and that steps are already being taken in this direction. Can you tell me what steps, other than use of recycled paper by GSA and a study of the balance of the problem, are being taken? Specifically, can you tell me whether any procurement in the defense sector (the largest sector of government procurement) now requires the use of recycled materials in any percentage?

(3) You state a preference for substantive legislation "intended to apply uniformly to procurement of all Government agencies" instead of my amendment, which, though uniform, would attach to separate authorization bills. Of course, I share your preference as an ideal, though I thought the chance of progress would be more immediate, though less sweeping, by use of this device. Am I correct in assuming that you are considering legislation of general application along these lines?

Finally, I note that your letter makes no objection whatever on the substance of my amendment, only to its timing and the techniques of its introduction. I hope very much, therefore, that you will consider it as a model for an executive order, or for recommendations under the study provisions of the Resource Recovery Act.

With best wishes,
Sincerely,
JACOB K. JAVITS.

Mr. JAVITS. For practical purposes, what Mr. Ruckelshaus says is that the Government could do this, if it chose, by Executive order. Indeed, the direction has already gone out to the GSA to examine its purchasing requirements, with a view toward using recycled paper.

Also, I have conferred with Senator SYMINGTON and Senator TOWER, and I understand that they have a memorandum from the Department of Defense which points out some technical difficulties which the Department sees with the amendment.

Mr. President, I am not going to press this matter to a vote, but I am going to ask the managers of the bill if they will give me some assurance of a hearing before the Armed Services Committee on this subject. My reasons are as follows:

I do not consider this an adversary proposition at all. I consider it a major problem for our society, both in terms of ecology and in terms of waste, because recycling is something which deals with well advanced and developed societies which do not wish to waste. I believe that, collaboratively with the executive department, a policy and a technique for administering that policy can be worked out. Knowing the executive department as I do—and as the managers of the bill and every other Senator knows—we will have to stay on their backs if something really is going to get done.

So, in proposing these amendments, I have not proposed them—and I do not propose this one—in any adversary sense. I know that the managers of the bill are as friendly to this proposition as I am. Really, what we are trying to do is collaboratively to find out the best way and then to accelerate the time when it may be put into effect.

I yield to the Senator from Missouri.

Mr. SYMINGTON. Mr. President, under this amendment, prior to the expenditure of funds appropriated pursuant to this bill, the Secretary of Defense would submit to the Administrator of the Environmental Protection Agency an estimate of the quantity of each product to be purchased and request the Administrator to issue an order determining the percentages of each product which could feasibly and economically be required to be composed of recycled material. Alternatively, the Administrator by regulation could establish percentages of recycled materials to be included in the procurement of a particular product or material.

While I am in wholehearted support with the proponents of this amendment that recycled materials be utilized to the extent practicable, I have serious reservations as to its desirability at this time.

The Congress has previously recognized the possible utilization of recycled materials to alleviate the solid waste problem in the Resource Recovery Act of 1970, Public Law 91–512. That act requires the Administrator of the Environmental Protection Agency to make necessary studies for determining means of recovering materials and energy from solid wastes. Included in these studies will be the possibility of using the Federal procurement process to develop market demand for recovered resources. I have also been advised that the Council on Environmental Quality is currently conducting a comprehensive study of recycling of wastes. I believe these steps are in the right direction and should result in a rational nationwide approach to the recycling of wastes. In view of these ongoing studies, the proposed amendment would appear to be premature.

The construction work covered by this bill is most complex and involves hundreds of major construction projects as well as thousands of small maintenance and repair type work on family housing both in the United States and in overseas areas. The requirement for the Department of Defense to provide the Administrator of the Environmental Protection Agency with a takeoff of materials entering into all the required projects and await determinations as to the percentage of recycled materials to be included will pose a major administrative burden and must result in delays in program execution. Also, the necessity to establish controls of the materials furnished by the thousands of contractors and subcontractors to assure compliance with the percentages provided by the Administrator would be most troublesome. These problems would not be alleviated by the Administrator establishing by regulation the amount of recycled materials which should be utilized in the defense projects and could result in compromising the quality of products procured.

In view of these overriding considerations, I do not favor adoption of this amendment. I believe it would be more prudent to await the results of the comprehensive studies being conducted under the Resource Recovery Act prior to enacting legislation which is applicable to only a small segment of the over-all problem.

Now, Mr. President, I ask unanimous consent to have printed in the RECORD the position paper of the Department of Defense incident to this matter.

There being no objection, the position paper was ordered to be printed in the RECORD, as follows:

DOD POSITION PAPER ON AMENDMENT NO. 222 TO S. 1531

The subject amendment would add a new Section 709 to the General Provisions of S. 1531, which would essentially require the use of a percentage of recycled materials, as determined by the Administrator of the Environmental Protection Agency (EPA), in the procurement or production of materials or products by the Government or its contractors with funds appropriated pursuant to H.R. 9844. The amendment provides the following two procedures for establishing the percentage of recycled materials to be required.

a. Prior to expending funds appropriated pursuant to H.R. 9844 for the purchase or production of materials or products, the DoD would submit to the Administrator of EPA an estimate of the nature and quantity of each such product or material and request the Administrator to issue an order determining the percentage of each product or material which could feasibly and economically be required to consist of recycled material.

b. Alternatively, the Administrator of EPA may provide by regulation for a particular percentage of recycled material to be included in the procurement or production of a particular product or material.

While the DoD supports the use of recycled materials where feasible, and would encourage its use in Defense equipment, the establishment of mandatory percentages in accordance with the provisions of the amendment is neither practical or desirable.

The basic objective of greater utilization of recycled materials to help alleviate the solid waste problem and to conserve resources has been addressed in the Resource Recovery Act of 1970, P.L. 91–512. The Act requires the Administrator of EPA to carry out comprehensive investigations and studies to determine means of recovering materials and energy from solid wastes, including a specific requirement to determine, among other items, "the use of Federal procurement to develop market demand for recovered resources."

In addition to the investigations to be performed under the Resource Recovery Act, the Council on Environmental Quality, by means of an Interagency Task Force which has DoD representation, is currently conducting a comprehensive study on recycling of materials. This study was initiated as a follow-on to the President's Environmental Message of February 10, 1970, which, among other items, discussed the recycling of wastes.

These actions on recycling of wastes provide a rational and comprehensive approach to the nationwide problem of utilizing these wastes. In the view of the Department of Defense, the approach taken by this proposed amendment is premature, would not prove effective and would seriously hamper the orderly procurement of construction services and other procurements with funds, authorized by H.R. 9844.

The requirement to submit to the Administrator of EPA, the overall quantities of the various products entering into each construction project, as would apparently be required under the proposed Section 709(b), would in our view create serious administrative problems. It should be recognized that Defense construction projects involve the purchase of a conglomeration of hundreds of materials in various forms which are used in the construction of facilities. To require advance notification of EPA as to the estimate of the various materials used in numerous construction projects and await the determination of percentages of recycled materials to be included in the procurement is not only completely infeasible, but would seriously delay execution of the projects.

Similarly, any attempt to establish the controls necessary to assure that all prime contractors and the thousands of subcontractors involved in the procurement of construction materials are in compliance with the percentages established by EPA would create major administrative problems.

The alternative method of establishing percentages of recycled materials through regulations by the Administrator of EPA, as specified in Section 709(c) of this amendment, would also be undesirable since the end use of the basic materials would in many instances not be known at the time of the determinations. This procedure would still require the burdensome detailed determination of materials involved in construction projects and would necessitate the establishment of the required controls by contractors and subcontractors to assure compliance with EPA regulations. In the view of DOD, the administrative procedures which would be necessitated by this approach would be so cumbersome as to delay the accomplishment of the important projects authorized under H.R. 9844.

In addition to the administrative burden and delays that would be occasioned by the subject amendment, as discussed above, there is the problem of assuring the quality of materials where recycled products are used. At the present time recycled materials are being used in the manufacture of certain basic materials such as steel, copper, aluminum, and paper. However, in other areas the possible use of recycled materials is still in the development stage and the properties of materials utilizing recycled products are not known to the extent that would be required for use in many construction projects. Technical decisions involving the use of certain materials in Defense construction should be made by those engineers who are familiar with and can relate the basic material requirement to the construction design.

In view of the above, this Department is strongly opposed to the enactment of the proposed amendment to H.R. 9844. It is believed that the studies currently underway both by EPA in accordance with the requirements of P.L. 91–512 and by the Council on Environmental Quality should result in a rational nationwide approach to the use of recycled materials and that consideration of legislation such as the proposed amendment should await the results of these studies.

Mr. SYMINGTON. Mr. President, let me assure the distinguished senior Senator from New York that the distinguished Senator from Texas (Mr. TOWER) and I have discussed this matter and we will be glad to hold hearings on the matter later on.

Mr. JAVITS. I thank my colleague. That is what I hoped to elicit as a result of presenting the amendment. Before I withdraw it, I would briefly like to state that the representations made by the department were also made to us by Mr. Ruckelshaus, and they were dealt with by my reply to him, dealing with the substantive question to which I hope the Committee on Armed Services will direct itself even before the hearing. He also invoked the Resource Recovery Act of 1970 in which they are directed to make a study.

The fact is, the study relates not to one item but to seven different items, of which this is one. The act requires reports from time to time, but not less frequently than annually, concerning the results of such investigations and study. That requirement is an annual and continuing one. It does not fix a date, or anything else, for a final report on this one subject.

Considering the ecological and economic problems of the country, we feel that in order to get a firm recommendation out of the affected Government agencies, we will have to keep the heat on, as this is an urgent matter. As we all know, in the executive departments we will not get celerity of action or any precision of action unless there is some strong congressional demand for it.

I am very grateful to the managers of the bill for their assurance of a hearing. I also express the hope, in view of this showing, and our feeling about the matter and the admission that this matter is substantive—which is correct—that this will give the Senate time to require the administration to provide precise compliance with the need for recommendations and action on this subject, as we seek from the Senator from Missouri

(Mr. Symington) and the Senator from Mississippi (Mr. Stennis) the earliest possible hearing date.

Mr. TOWER. I associate myself with the remarks of the distinguished Senator from Missouri (Mr. Symington) and can pledge to the senior Senator from New York my cooperation in trying to bring this matter to an early hearing.

Mr. JAVITS. I thank the Senator very much. Even if such an amendment could be carried in an adversary way, I would not seek it at this point, but I do not believe we should be penalized by delays in the normal bureaucratic runthroughs, because of the sense of responsibility which I and the 16 associated Senators sponsoring this measure have.

Mr. President, I ask unanimous consent that a list of the sponsors of the amendment be printed in the Record, together with the original text of the amendment.

There being no objection, the list of sponsors and the amendment were ordered to be printed in the Record, as follows:

Mr. Javits (for himself, Mr. Bayh, Mr. Hatfield, Mr. Humphrey, Mr. Kennedy, Mr. Mathias, Mr. McGovern, Mr. Moss, Mr. Pearson, Mr. Percy, Mr. Proxmire, Mr. Randolph, Mr. Taft, Mr. Tower, Mr. Tunney, Mr. Schweiker, and Mr. Weicker)

On page 102, between lines and 11 and 12, insert the following:

"Sec. 710. (a) The Secretary of Defense shall require that all materials or other products (1) purchased by the Government in carrying out the provisions of this Act, or (2) purchased in whole or in part, by the Government or otherwise, with funds appropriated pursuant to this Act, or (3) purchased by any person contracting with the Government for the performance of any function authorized by this Act, shall be, or be composed of, recycled materials in such percentages as is required by order of, or under regulations prescribed by, the Administrator of the Environmental Protection Agency for the purposes of this section and the Solid Waste Disposal Act. The Secretary shall require that any contract, invitation for bids, or purchase order issued or executed for the procurement or production of such materials or products shall provide for such percentages of recycled materials as are required by the appropriate determination of the Administrator pursuant to subsection (b) or (c) of this section.

"(b) Before expending or contracting for the expenditure of any funds authorized to be appropriated by this Act for the purchase or production of materials or products, the Secretary shall (1) submit to the Administrator of the Environmental Protection Agency, an estimate of the nature and quantity of each such product or material to be purchased or produced, and (2) request the Administrator to issue an order determining the percentage of each such product or material which could feasibly and economically be required to consist of or be composed of recycled material.

"(c) The Administrator of the Environmental Protection Agency may, in lieu of the proceedings provided in subsection (b) of this section, provide by regulation for a particular per centum of recycled material to be included in the procurement or production of a particular product or material.

"(d) For the purpose of this section, the term 'recycled material' means any material, including but not limited to paper, rubber, steel, or any other metal, or glass, which has previously been used in the production of goods for commerce, and such term includes both consumer scrap originating from objects previously sold to the consuming public, and production scrap originating from the production of goods sold or to be sold to the consuming public. However, such term does not include home scrap or residue generated in the production of the basic material used in the production of such goods."

Mr. JAVITS. Mr. President, I withdraw the amendment.

The PRESIDING OFFICER (Mr. Gambrell). Without objection, the amendment is withdrawn.

Mr. BYRD of Virginia. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment as follows:

On page 102, between lines 8 and 9, insert a new section as follows:

"Sec. 709. Notwithstanding any other provision of law, none of the lands constituting Camp Pendleton, California, may be sold, leased, transferred, or otherwise disposed of by the Department of Defense unless hereafter authorized by law."

On page 102, line 9, strike out "Sec. 709" and insert in lieu thereof "Sec. 710".

Mr. BYRD of Virginia. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER (Mr. Chiles). The Senator from Virginia is recognized for 5 minutes.

Mr. BYRD of Virginia. Mr. President, this amendment is identical to a provision placed in the bill as passed by the House of Representatives. Stated another way, the bill passed by the House of Representatives contains the language which I am proposing to add today to the Senate bill.

Adoption of the amendment by the Senate would cause the Senate bill to conform to the House bill in this regard.

Now, Mr. President, in debating the bill on the floor of the House of Representatives, the gentleman from Louisiana (Mr. Hébert), Chairman of the House Committee on Armed Services, rather succinctly summed up the need for this provision as follows:

In January 1970, the President established the Federal Property Review Board. This Board directed the Department of Defense to declare excess certain portions of the land now comprising the Marine Corps base at Camp Pendleton, Calif.

The Marine Corps objected, the Navy objected, the Office of the Secretary of Defense objected, but they were forced to forward to our committee a declaration of excess which included 6½ miles of beach frontage and approximately 3,400 acres inland. The inland acreage is now used as a buffer zone between the city of San Clemente and the firing ranges and training areas of Camp Pendleton. Also, there are located thereon water wells, sewage facilities, and helicopter pads. After extensive hearings our—

Our, meaning the House Armed Services Committee—

Real Estate Subcommittee recommended that the proposal be disapproved.

Since the present law does not give the Congress any veto power over such transactions, the committee felt it was wise to put a provision in the bill before you—section 708—prohibiting the disposal of any portion of Camp Pendleton unless specifically authorized by law.

Mr. President, I do not, at this time, either approve or oppose the transfer of Government land at Camp Pendleton. I do not have the facts on which to base a judgment. I submit, neither does Congress.

My position is simply this: If any portion of Camp Pendleton is to be disposed of, it should be done by an act of Congress after appropriate hearings. Millions of dollars of tax funds are involved. Very valuable Government property is involved.

So, Mr. President, I hope that the distinguished managers of the bill will be willing to accept this amendment.

Mr. SYMINGTON. Mr. President, I have discussed this matter with the distinguished senior Senator from Texas (Mr. Tower) and we agree to accept the amendment of the senior Senator from Virginia (Mr. Byrd).

Mr. President, I yield back my time.

Mr. BYRD of Virginia. Mr. President, I yield back my time.

The PRESIDING OFFICER (Mr. Chiles). All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Virginia (Mr. Byrd).

The amendment was agreed to.

Mr. NELSON. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. NELSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and I will explain it.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the Record.

The text of the amendment is as follows:

H.R. 9844, an Act to authorize certain construction at military installations, and for other purposes.

On page 102 between lines 8 and 9 insert a new section as follows:

Sec. 709. Notwithstanding any other provision of this Act, no funds appropriated pursuant to this Act may be obligated or expended for construction in connection with any of the following projects until after final environmental impact statements have been made with respect to such projects pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 and reviewed by the President's Council on Environmental Quality:

1. Land acquisition for construction of new facilities, Naval Station, Norfolk, Virginia,
2. Land acquisition for sewage disposal facility, Naval Air Station, Lemoore, California,
3. Land acquisition for ammunition storage, Naval Submarine Base, New London, Connecticut,
4. Land acquisition for buffer zone at electronics facility, Naval Security Group Activity, Homestead, Florida,
5. Relocation to White Oak, Maryland, Harry Diamond Laboratory,
6. Construction of new facilities, Walter Reed Army Medical Center, Washington, D.C.,
7. Construction of hangars and other facilities, Campbell Army Airfield, Kentucky,
8. Construction of Western Medical Institute of Research, Presidio, San Francisco, California, and
9. Construction of headquarters building and other facilites, Bolling Air Force Base, Washington, D.C.

On page 102, line 9, strike out "Sec. 709" and insert in lieu thereof "Sec. 710".

Mr. NELSON. Mr. President, last Saturday, I offered an amendment which was identical in principle with the amendment I am offering at this time.

The amendment provides that notwithstanding any other provision of this act, no funds appropriated pursuant to this act may be obligated or expended for construction in connection with any of the following projects until after final environmental impact statements have been made with respect to such projects pursuant to section 102(2)(c) of the National Environmental Protection Act of 1969 and reviewed by the President's Council on Environmental Quality.

Of the nine projects listed in this amendment, draft environmental impact statements have been drawn up for seven, but not final statements. For two of the projects, the Norfolk Naval Station construction and the Campbell Army Airfield construction. Not even draft impact statements have been formally issued.

Mr. President, I stated last Saturday that the Congress was not requiring all agencies of the Federal Government to comply with the National Environmental Protection Act which we passed in Congress and that I intended on every single appropriation and authorization bill in which an environmental impact statement was required by the law to offer an amendment to provide that moneys may not be spent on such projects until such time as impact statements are filed in compliance with the law. I intend to request a rollcall vote every time an authorization or appropriation bill requiring an environmental impact statement comes to the floor of the Senate which is not in compliance with the law.

Mr. President, I only received 17 votes in support of the law on last Saturday. I probably will not get any more votes today. However, I figure that after the Senate has gone on record 20, 30, or 40 times, if necessary, on rollcall votes in which a majority of the Senators have voted against enforcing the requirements of the law that Members finally take notice and read the law. Then the policy around here might change. That might take a year or two. However, as long as I am here, I am going to insist on rollcall votes every time a bill comes here authorizing or appropriating money for projects on which impact statements have not been filed as required by the Environmental Policy Act.

I would like to point out, too, that this authorization bill containing authorizations for these nine projects are not even in compliance with the rules and guidelines adopted by the Defense Department itself, by the Department of the Army, or by the Department of the Navy.

Let me read from a document of September 11, 1970, from the Department of the Army:

> Section 102(2)(c) of the National Environmental Policy Act requires among other things that there be included with every recommendation or report on proposals for legislation and other major Federal action which may affect the quality of the natural environment, a detailed 5 point statement of the environmental impact of the intended action.

Mr. President, that is the Department of the Army guideline.

The Department of the Navy guidelines adopted in October 1970, read:

> Deputy Secretary of Defense memorandum of 8 August 1970 states that the National Environmental Policy Act of 1969 requires among other things that there be included with every recommendation or report on proposals for legislation and other major Federal actions which may affect the quality of the natural environment a detailed 5-point statement on the environmental impact of the intended action.

Then the communication from the Department of Defense, and this is dated August 8, 1970, reads:

> Memorandum for Secretaries of the Military Departments, chairman of the Joint Chiefs of Staff, Director of Research and Engineering, Assistant Secretaries of Defense, Assistants to the Secretary of Defense, Director of Defense Agencies.
>
> Subject: Interim guidelines on environmental statements.
>
> On page 68, process of legislative action "pending definitive guidance from the Office of Management and Budget, the present methods for accomplishing and coordinating actions on proposed legislation shall be continued. Necessary comments indicating the impact on the environment shall be included in DOD legislative proposals . . .

Get this:

> . . . shall be included in DOD legislative proposals . . .

And that is what this authorization is, a legislative proposal.

I emphasize, it reads:

> Necessary comments indicating the impact on the environment shall be included in DOD legislative proposals and comments prepared by DOD in legislation prepared by other federal agencies or introduced by Members of Congress of primary concern to the DOD.

So, we are in a situation here in which the committee has reported an authorization bill that does not comply with the law which requires that the impact statements be filed. The guidelines of the Navy, the Army, and the Department of Defense are not even being complied with. The Department of Defense, the Department of the Army, and the Department of the Navy are in violation of their own guidelines which require that they file an impact statement with each legislative proposal. And that is what is here before the Senate, a legislative proposal.

This amendment simply provides that there may not be any money obligated or spent on these nine projects until such time as the final environmental impact statements are filed and reviewed by the President's Council on Environmental Quality.

In all instances, these nine military construction projects fall short of complying with the requirements of the Environmental Policy Act, and the need of Congress and the public for full environmental review of Federal actions before they are approved.

Last March, in a letter to Congress, the Department of Defense itself had determined that nine projects in the military construction bill posed significant environmental consequences and thus required the environmental impact statements spelled out in section 102(2)(c) of the Environmental Policy Act.

Yet not one of the section 102(2)(c) statements has been completed, though Congress is now being asked in this bill to authorize funds for the projects.

If we are not to make a mockery of the Environmental Policy Act, Congress must clearly establish now the principle that projects proposed by Federal agencies must have completed the full environmental review required by the Environmental Policy Act before, not after, Congress authorizes or appropriates funds for them.

With this objective in mind, I introduced a similar amendment last Saturday to the public works appropriations bill to require Corps of Engineers and Tennessee Valley Authority compliance with the National Environmental Policy Act on four projects in the bill before we appropriated funds for construction on them.

And it is my intention to introduce such an amendment to every measure that comes to the Senate floor containing environmentally significant projects which have not been fully reviewed under the requirements of the Environmental Policy Act.

The nine projects in the military construction bill with which my amendment today is concerned are:

Land acquisition for construction of new facilities at the Naval Base at Norfolk, Va.; land acquisition for expansion of a sewage treatment facility at the Naval Air Station at Lemoore, Calif.; land acquisition for safety zone for ammunition storage at the Naval Submarine Base at New London, Conn.; land acquisition for a buffer zone for a National Security Group Activity electronics facility at Homestead, Fla.; construction of new facilities for the relocation in White Oak, Md., of a Navy research unit, Harry Diamond Laboratories; construction of new facilities for Walter Reed Army Medical Center in Washington, D.C.; construction of hangars and other facilities at the Campbell Army Airfield in Fort Campbell, Ky.; construction of the new Western Medical Institute of Research, an Army research and development facility in San Francisco, Calif.; and the construction of new headquarters and related facilities at Bolling Air Force Base in Washington, D.C.

For seven of the projects, draft environmental impact statements were drawn up on dates ranging from December 14, 1970, to May 6, 1971, and my office has obtained these preliminary copies. For two of the projects, the Norfolk Naval Station construction and the Campbell Army Airfield construction, not even the draft environmental impact statements have been formally issued.

Thus Congress is being asked to approve these projects with only preliminary information from a single agency about their environmental effects, without the comments of other Federal agencies with environmental responsibilities, and without any final review by the President's Council on Environmental Quality, which is charged with administering the National Environmental Policy Act.

Yet the requirements of the act are clear, and I will cite the key provisions in section 102(2)(c):

> The Congress authorizes and directs that, to the fullest extent possible . . . all agencies of the Federal government shall include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on the environmental impact of the proposed action, any adverse environmental effects which cannot be avoided should the proposal be implemented, alternatives to the proposed action, the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Further, the section states that—

> Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public.

To assure compliance with these important provisions of the environmental policy act, my amendment would simply stipulate that no funds in this military construction authorization bill could be expended for construction on any of the nine projects until after final environmental impact statements have been made and have received final review by President's Council on Environmental Quality.

In conversations with the President's Council officials just yesterday, my office has confirmed that it is the clear intention of the act and the Council's guidelines as they interpret them that Federal agencies must have final environmental impact statements on their projects filed with the Council and publicly available in any event before House or Senate floor action.

It is important to note that I am not opposing or singling out these nine projects in this bill: My point simply is that since final environmental impact statements have not been filed on them yet, Congress should not allow the expenditure of construction moneys to carry them out.

Further, compliance with the act should cause little if any delay in any of these projects. On seven of them, draft statements were filed anywhere from 3 to 8 months ago, and I am informed that the great bulk of environmental impact statements by agencies within the Federal Government are being completed within 60 days of the filing of the draft statement. During this period, comments of other agencies are obtained and taken into account in revisions in the draft statement. The final statement, with the other agencies; comments attached, is then forwarded to the President's Council—the draft statement is also filed with the Council.

Regarding this bill, I would also raise the question why only nine projects were selected as needing environmental impact statements, when the bill contains, by the subcommittee's estimate, 600 to 700 line items for projects at 260 to 270 military bases. Eleven projects were originally selected for impact statements, but funds for one project are not contained in this bill, and the Navy concluded that another project did not need a statement.

In conclusion, I would like to cite an article in the August 2 issue of Air and Water News, a McGraw-Hill publication, in which the growing concern of Federal courts with noncompliance with the environmental policy act is reported.

Most recently, a Federal appeals court in Washington ruled that the Atomic Energy Commission's treatment of environmental policy issues is making a mockery of the National Environmental Policy Act and ruled against the AEC in a case involving a nuclear power plant on Chesapeake Bay.

The Air and Water News article concluded that—

> Implicit in the court's comments is this warning: if Federal agenices don't meet the spirit and the words of the National Environmental Policy Act, they will probably face law suits by environmentalist—and support from the courts.

It is time we acted to make Federal agencies comply with this historic environmental law: Enforcement of this act will be one of the most effective tools we have in stopping Federal or federally aided destruction of the environment.

I ask unanimous consent that the next of my amendment be printed at the end of these remarks and that the article from Air and Water News also be printed.

Mr. President, I conclude by saying that I think it is unfortunate that the Members of the Senate are not prepared to read the Army guidelines, the Navy guidelines, and the DOD guidelines as well as the statute which requires the filing of these reports and insist that the law and guidelines be enforced.

I think that it is time that we pass this amendment and require that no money be obligated until the law is complied with.

I do not, as I have said previously, expect that that will happen today. However, I think that after the Members of the Senate have discovered for the 10th, the 15th, or the 20th time that they are voting wrong on this issue, we will some day get a majority who will require compliance with the law.

Mr. MANSFIELD. Mr. President, will the Senator yield me 1 minute?

Mr. SYMINGTON. Mr. President, I yield 1 minute to the distinguished majority leader.

AUTHORITY FOR COMMITTEES TO FILE REPORTS ON AUGUST 9 AND SEPTEMBER 7, 1971

Mr. MANSFIELD. Mr. President, out of order, I ask unanimous consent that committees be authorized to file reports on August 9, 1971, and September 7, 1971, during the adjournment of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR SECRETARY OF SENATE TO RECEIVE MESSAGES FROM HOUSE AND FOR THE VICE PRESIDENT, PRESIDENT PRO TEMPORE OR ACTING PRESIDENT PRO TEMPORE TO SIGN ENROLLED BILLS DURING THE ADJOURNMENT OF THE SENATE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to receive messages from the House of Representatives during the adjournment of the Senate from August 6, 1971, through August 10, 1971.

I also ask unanimous consent that the Vice President, the President pro tempore or the Acting President pro tempore be authorized to sign duly enrolled bills and joint resolutions during the adjournment of the Senate from August 6, 1971, to September 8, 1971.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR SECRETARY OF THE SENATE TO RECEIVE MESSAGES FROM THE PRESIDENT DURING ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to receive messages from the President of the United States during the adjournment of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

MILITARY CONSTRUCTION AUTHORIZATION ACT, 1972

The Senate continued with the consideration of the bill (H.R. 9844) to authorize certain construction at military installations, and for other purposes.

Mr. SYMINGTON. Mr. President, first let me say I am in full sympathy with the thinking behind the suggested amendment by the distinguished Senator from Wisconsin. But this amendment would seriously interfere with current programs and present construction. Although we would like to give it the fullest consideration we cannot accept it.

The procedures for preparation and processing of environmental statements on military construction projects have been laid down. Those procedures are as follows:

> A determination is made by the Military Departments as to whether an environmental statement is required under the provisions of P.L. 91-190 as implemented by the Council on Environmental Quality (CEQ) Guidelines (latest issue April 23, 1971) (36 Fed Reg. 79, 7725 (1971)).
>
> If required, a draft environmental impact statement is prepared for the project by the Military Department.
>
> After any necessary internal OSD clearances, the draft statement accompanies the project through the various review procedures. It is then distributed for comment to other Federal Agencies and to the public with copies to CEQ and EPA (Environ-

mental Protection Agency). Normally this step is undertaken after the legislation and the draft environmental statements have been forwarded to the Congress.

Comments from the Federal Agencies and the public are received by the Military Department which prepared the statement. These comments are reviewed and any additional material considered necessary is included by the Military Department in the final environmental statement.

The final statement is then distributed to CEQ and to the appropriate Congressional Committees of the Senate and House of Representatives. Also copies of the final statement are made available to the public.

Following the distribution of the draft environmental statement, except in unusual circumstances, it is necessary to wait a minimum of 90 days prior to undertaking the action covered by the environmental statement. Also, following the distribution of the final environmental statement, it is necessary to wait a period of 30 days prior to undertaking the proposed action. In the event that the final environmental statement is filed within 90 days after the draft statement has been circulated for comment and furnished to the CEQ, the 30 days period and the 90 day period may run concurrently to the extent that they overlap.

In the event that unusual circumstances preclude compliance with the time requirements indicated above, Federal Agencies are required to consult with the CEQ about alternative arrangements.

In accordance with the above requirements, except in unusual circumstances for which CEQ clearances would be required, the Department of Defense must wait at least 90 days after the filing of a draft environmental statement (or 30 days after the final statement) prior to taking the proposed action. In view of this administrative policy, it is not considered that an amendment to the Military Construction Authorization Bill which would require that military construction projects may not proceed until a final environmental statement has been prepared is necessary.

Mr. President, the proposed amendment of the distinguished Senator from Wisconsin gives us some additional problems and I will read them:

Notwithstanding any other provision of this Act, no funds appropriated pursuant to this Act may be obligated or expended for construction in connection with any of the following projects until after final environmental impact statements have been made with respect to such projects pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 and reviewed by the President's Council on Environmental Quality:

Then, the following projects are listed:

1. Land acquisition for construction of new facilities, Naval Station Norfolk, Virginia.

All that amounts to is money to buy a piece of land.

2. Land acquisition for sewage disposal facility, Naval Air Station, Lemoore, California.

3. Land acquisition for ammunition storage, Naval Submarine Base, New London, Connecticut,

4. Land acquisition for buffer zone at electronics facility, Naval Security Group Activity, Homestead, Florida,

5. Relocation to White Oak, Maryland, Harry Diamond Laboratory,

This is under construction. This is the second increment for construction at this particular base.

6. Construction of New Facilities, Walter Reed Army Medical Hospital, Washington, D.C.

This is also under construction. It would stop building at that hospital.

7. Construction of hangars and other facilities, Campbell Army Airfield, Kentucky,

8. Construction of Western Medical Institute of Research, Presidio, San Francisco, California, and

That also is already under construction. This is the second increment.

9. Construction of headquarters building and other facilities, Bolling Air Force Base, Washington, D.C.

Mr. President, we have not had a chance to look at this amendment or discuss it, let alone have hearings on it. Again, although we are in sympathy with the theory of the amendment we cannot accept it. Therefore, I must oppose the amendment.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. SYMINGTON. I yield to the distinguished Senator from Texas.

Mr. TOWER. Mr. President, I wish to commend the distinguished chairman of the subcommittee for his remarks and I associate myself with those remarks.

I see no reason for unnecessary delay in these projects, or stopping some of them while they are currently underway.

I am hopeful that the Senate will reject the amendment.

Mr. NELSON. Mr. President, I point out again that these nine projects were selected by the Department of Defense, not by me and not by Congress; they were selected by the Department of Defense as projects which require environmental impact statements under their interpretation of the Environmental Policy Act. I have been only pointing out that their failure to file final reports is not in compliance with the Environmental Policy Act and it is in violation of the guidelines of the Department of Defense, the Department of the Army, and the Department of the Navy.

Now, the distinguished Senator from Missouri says that this will delay the projects. Well, the projects should not go ahead at all if they do not comply with their own guidelines, and if they do not comply with the law. As I pointed out earlier preliminary reports have been filed on seven of the nine projects. There are no reports at all on two of the nine projects. So this amendment simply provides that money may not be obligated or expended on these projects until such time as the environmental impact statements are filed and reviewed by the Council on the Environment.

I do not know when the appropriation bill will be acted upon, but it will be after the coming August adjournment. I would suggest to the Senate that the Department of Defense can get the final environmental impact statements to us before it is necessary to vote on the appropriation bill. If the Department does not submit them, we ought to vote the project down. Once we do that, we will get some of the arrogant bureaucracies, like the Corps of Engineers and the Department of the Army, to comply with the law. That is all we are asking for. Yet this legislative body retreats like a little band of children every time one of the big powerful bureaucracies fails or refuses to comply with the law.

Mr. President, I ask for the yeas and nays on the amendment. Let us find out who supports the law around here.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. NELSON. Mr. President, I call attention to the absence of a quorum.

Mr. TOWER. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum without the time for the quorum call being charged to either side.

The PRESIDING OFFICER. Is there objection to the request for a quorum call without the time being charged to either side? The Chair hears none, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. NELSON. Mr. President, I am prepared to yield back the remainder of my time if the distinguished Senator from Missouri is agreeable to yielding back the rest of his time.

Mr. SYMINGTON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Wisconsin. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Oklahoma (Mr. HARRIS), the Senator from Montana (Mr. METCALF), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from Indiana (Mr. HARTKE) and the Senator from Illinois (Mr. STEVENSON) are absent on official business.

I further announce that, if present and voting, the Senator from Illinois (Mr. STEVENSON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Kansas (Mr. PEARSON) is necessarily absent.

The Senator from Illinois (Mr. PERCY) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Kansas (Mr. DOLE) and the Senator from Vermont (Mr. PROUTY) are detained on official business.

If present and voting, the Senator from Kansas (Mr. DOLE), and the Senator from Illinois (Mr. PERCY) would each vote "nay."

The result was announced—yeas 31, nays 59, as follows:

[No. 195 Leg.]

YEAS—31

Bayh
Brock
Brooke
Buckley
Burdick
Case
Chiles
Cranston
Eagleton
Fulbright
Gravel
Griffin

Hart
Hughes
Humphrey
Javits
Kennedy
McGovern
McIntyre
Mondale
Moss
Muskie
Nelson
Packwood
Pell
Proxmire
Ribicoff
Roth
Schweiker
Spong
Stevens

NAYS—59

Aiken
Allen
Allott
Anderson
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Byrd, Va.
Byrd, W. Va.
Cannon
Church
Cook
Cooper
Cotton
Curtis
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Gambrell
Goldwater
Gurney
Hansen
Hatfield
Hollings
Hruska
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
Miller
Montoya
Pastore
Randolph
Saxbe
Scott
Smith
Sparkman
Stennis
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Young

NOT VOTING—10

Dole
Harris
Hartke
Metcalf
Mundt
Pearson
Percy
Prouty
Stevenson
Williams

So Mr. NELSON's amendment was rejected.

Mr. SYMINGTON. Mr. President, if there are no further amendments, I ask for third reading of the bill.

Mr. GRAVEL. Mr. President, I send an amendment to the desk. I ask unanimous consent that the rules be waived for this amendment, because the amendment cannot be considered without unanimous consent. It addresses itself to a figure that has already been changed by an amendment of the Senator from New Jersey. I would be happy to explain it under a reservation, if the Senator from Missouri would like to make a reservation.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alaska?

Mr. SYMINGTON. Mr. President, I did not hear the request.

Mr. GRAVEL. I will restate it.

In order to entertain this amendment, the rules would have to be waived, because it addresses itself to the $32 million figure on page 52, which has been treated by the amendment of the Senator from New Jersey. I cannot now address myself to that figure with an amendment, without unanimous consent.

If the Senator from Missouri would choose to make a reservation, I would explain the amendment, under the reservation; or, if he chooses not to object, we could consider the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. SYMINGTON. Mr. President, with all due respect to the Senator from Alaska, I am not yet clear as to what he wants to do. Perhaps we had better have the amendment read.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read as follows:

On page 52, line 23, strike out "$34,191,000." and insert the following: "$36,191,000: *Provided*, That $2,000,000 of that amount shall be utilized for participation by Fort Wainwright, Alaska, in the sanitary sewer system of Fairbanks, Alaska."

Mr. SYMINGTON. We do not know about it.

Mr. GRAVEL. May I explain it?

Mr. SYMINGTON. I cannot hear the Senator.

Mr. President, I reserve the right to object.

Mr. GRAVEL. Under the right to object, may I explain the amendment at this time?

The PRESIDING OFFICER. Who yields time?

Mr. SYMINGTON. How long does the Senator want?

Mr. GRAVEL. Only 2 minutes.

Mr. SYMINGTON. I yield 2 minutes to the Senator.

Mr. GRAVEL. The military and the city of Fairbanks have been negotiating for some time and have arrived at an agreement to tie in the sewage facilities of the city of Fairbanks with the military base at Fort Wainwright. The city recently approved a bond issue of $4.2 million. I am led to believe by the mayor of Fairbanks, who came to my office yesterday on this matter, that an understanding has been reached with the military.

I bring the matter up at this late date, because I had no knowledge of it prior to this, and I am embarrassed to bring it up at the 11th hour. Fairbanks has an unemployment rate of 18 percent. We have the pipeline in abeyance. No relief is in sight under any Federal program or any activity. We are talking about a $2 million increase. Fairbanks is willing to bind itself to $4.2 million so that this project can get underway now to alleviate the economic situation and not to delay it until a later date when we hope the pipeline will be active, which would not be the best time to begin the construction of the sewer system.

In going over the report, I note that the committee has done yeoman service with respect to pollution and sewage treatment plants around the country. I can only say with respect to Fairbanks—which is in an area of extreme permafrost—that probably no area in the world has more of a sewage problem than does this community.

I hope the chairman will consider it and accept the amendment and take it to conference. If we later learn that the military has not agreed, he could then reject it.

Mr. SYMINGTON. Mr. President, we would like to do anything that would be of service to the Senator from Alaska, but we do not know anything about it, so we cannot accept it.

Mr. GRAVEL. I have just informed the chairman what it is about.

Mr. SYMINGTON. If the Senator feels this strongly about it, I would be glad to take it to conference.

Mr. GRAVEL. As I understand it, we will not have another crack at this until next year. If it is correct that the military has made an agreement——

Mr. SYMINGTON. The Senator never spoke to me about it, he never spoke to the staff about it, and he never spoke to the ranking minority member of the committee about it. I do not think we ought to put these things into a bill on the floor this way.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. GRAVEL. I apologize for not bringing it up earlier, because I had no knowledge of it earlier, myself.

Mr. SYMINGTON. We will take it to conference.

Mr. GRAVEL. That is satisfactory to me.

Mr. CASE. Mr. President, reserving the right to object, I assume that this will not knock out the language of the proviso in regard to Fort Monmouth that already has been inserted, and that this would be a further proviso after the figure.

Mr. GRAVEL. That is right. It would be an addition to it.

If the chairman is willing to take it to conference and he chooses to knock it out in conference——

Mr. SYMINGTON. May I suggest that, with that proviso, the Senator from Alaska take it up with the staff of the committee, so that we will know what we are talking about when we take it to conference.

Mr. GRAVEL. Very good. Then it can be taken to conference. I thank the Senator.

The PRESIDING OFFICER. Is there objection to taking up the amendment of the Senator from Alaska? The Chair hears none, and the Senator may offer his amendment. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 52, line 23, strike out "$34,191,000" and insert the following: "$36,191,000: *Provided further*, That $2,000,000 of that amount shall be utilized for participation by Fort Wainwright, Alaska, in the sanitary sewer system of Fairbanks, Alaska."

Mr. GRAVEL. Mr. President, I yield back the remainder of my time.

Mr. SYMINGTON. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Alaska.

The amendment was agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. Mr. President, I yield 3 minutes to the Senator from Colorado.

Mr. DOMINICK. Mr. President, I want to find out whether anybody has yet received a reply from the Defense Department or anyone else on the five-bedroom houses they are going to try to build within 1,400 square feet. As I said in the process of the committee hearings and in executive session, it sounds to me as though they are going to pack them in like sardines; and I wonder whether we should enlarge the size of the house. I am in favor of doing this project, but I think 1,400 square feet is an unreasonable requirement.

Has the manager of the bill or the ranking minority member received any answer on that? I have not received an answer, and I have asked three times.

Mr. SYMINGTON. Mr. President, the Senator from Colorado brought up this matter in the subcommittee and I believe in the full committee, and we asked for the position of the Defense Department on it. The position of the Defense Department is that specified in title 10, U.S.C., where the following space limitations are prescribed:

	Square feet
General officer	2100
Colonel	1670
Major/lieutenant colonel	1400
Officers below major	1250
Enlisted members	1080

These limitations may be increased by 10 percent for quarters outside the United States and for the quarters of commanding officers.

Heretofore, four-bedroom units for enlisted men could be constructed with a net floor space of 1,250 square feet and 1,400 square feet for officers under the grade of major.

This year's bill approved four- and five-bedroom houses for enlisted men and junior officers not to exceed 1,400 square feet.

That is the best answer I can give to the able Senator from Colorado.

Mr. DOMINICK. Mr. President, I appreciate that much of an answer. If I may say so, that is a lot more than I have gotten so far.

If I may also say so, I doubt whether any architect who has ever looked at those specifications would know how he would put the people—maybe straight up the wall. Maybe that is what they are planning on.

Mr. SYMINGTON. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. TOWER. Mr. President, I yield back my time.

Mr. SYMINGTON. Mr. President, I yield back my time.

The PRESIDING OFFICER (Mr. CHILES). The question is on the engrossment of the amendment as amended and third reading of the bill.

The amendment as amended was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 9844), was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Oklahoma (Mr. HARRIS) and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from Indiana (Mr. HARTKE) and the Senator from Illinois (Mr. STEVENSON) are absent on official business.

I further announce that, if present and voting, the Senator from Illinois (Mr. STEVENSON) and the Senator from Oklahoma (Mr. HARRIS) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Kansas (Mr. PEARSON) is necessarily absent.

The Senator from Illinois (Mr. PERCY) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Tennessee (Mr. BROCK), the Senator from Arizona (Mr. GOLDWATER), the Senator from Vermont (Mr. PROUTY), and the Senator from Ohio (Mr. TAFT) are detained on official business.

If present and voting, the Senator from Tennessee (Mr. BROCK), the Senator from Arizona (Mr. GOLDWATER), the Senator from Illinois (Mr. PERCY), and the Senator from Ohio (Mr. TAFT) would each vote "yea."

The result was announced—yeas 88, nays 1, as follows:

[No. 196 Leg.]

YEAS—88

Aiken
Allen
Allott
Anderson
Baker
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brooke
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gambrell
Gravel
Griffin
Gurney
Hansen
Hart
Hatfield
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Packwood
Pastore
Pell
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tower
Tunney
Weicker
Young

NAYS—1

Nelson

NOT VOTING—11

Brock
Goldwater
Harris
Hartke
Mundt
Pearson
Percy
Prouty
Stevenson
Taft
Williams

So the bill (H.R. 9844) was passed.

Mr. SYMINGTON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD of West Virginia and Mr. CANNON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SYMINGTON. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House of Representatives on the disagreeing votes thereon and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the presiding officer (Mr. BENTSEN) appointed Mr. STENNIS, Mr. SYMINGTON, Mr. JACKSON, Mr. ERVIN, Mr. CANNON, Mr. BYRD of Virginia, Mr. THURMOND, Mr. TOWER, and Mr. DOMINICK, conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, with the final passage of the Military Construction Authorization Act, a note of thanks is to be extended to the senior Senator from Missouri (Mr. SYMINGTON). His detailed knowledge of the innumerable projects covered by this bill is of great help to the speedy deliberation. His willingness to discuss the various aspects of this bill has improved the spirit of cooperation that this body needs to function properly.

Senator TOWER, representing the minority members of the committee, contributed greatly to the overall understanding of this bill. When Senators take time from their hectic schedules to become experts in various areas and are willing to share their expertise with the Senate, we owe them many thanks. This certainly holds true for both Senator SYMINGTON and Senator TOWER.

The Senator from Iowa (Mr. HUGHES) raised an important issue with his amendment. The floor discussion on this matter contributed to the better understanding of various regional problems.

The amendments offered by Senator NELSON, Senator GRAVEL, and Senator GURNEY again raised regional and national problems that are affected by this legislation. The Senate owes them each a note of thanks.

Senator DOMINICK's inquiries about space allocation in construction of new military buildings were most helpful. Again the Senate owes individual Senators who have studied these problems and are willing to discuss their aspects, a note of thanks.

The expeditious and judicious action taken by this subcommittee is most helpful in fulfilling the Senate's responsibilities to the American people.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, August 5, 1971, he presented to the President of the United States the following enrolled bills and joint resolution:

S. 485. An act to amend the Communications Act of 1934 to provide that certain aliens admitted to the United States for permanent residence shall be eligible to operate radio stations in the United States and to hold licenses for their stations;

S. 751. An act to authorize the disposal of industrial diamond crushing bort from the national stockpile and the supplemental stockpile;

S. 752. An act to authorize the disposal of vegetable tannin extracts from the national stockpile;

S. 753. An act to authorize the disposal of thorium from the supplemental stockpile;

S. 755. An act to authorize the disposal of shellac from the national stockpile;

S. 756. An act to authorize the disposal of quartz crystals from the national stockpile and the supplemental stockpile;

S. 757. An act to authorize the disposal of iridium from the national stockpile;

S. 758. An act to authorize the disposal of mica from the national stockpile and the supplemental stockpile;

S. 759. An act to authorize the disposal of metallurgical grade manganese from the national stockpile and the supplemental stockpile;

S. 760. An act to authorize the disposal of manganese, battery grade, synthetic dioxide from the national stockpile;

S. 761. An act to authorize the disposal of diamond tools from the national stockpile;

S. 762. An act to authorize the disposal of chromium from the national stockpile and the supplemental stockpile;

S. 763. An act to authorize the disposal of amosite asbestos from the national stockpile and the supplemental stockpile;

S. 765. An act to authorize the disposal of antimony from the national stockpile and the supplemental stockpile;

S. 767. An act to authorize the disposal of rare-earth materials from the national stockpile and the supplemental stockpile;

S. 768. An act to authorize the disposal of chemical grade chromite from the national stockpile and the supplemental stockpile;

S. 769. An act to authorize the disposal of industrial diamond stones from the national stockpile and the supplemental stockpile;

S. 770. An act to authorize the disposal of columbium from the national stockpile and the supplemental stockpile;

S. 771. An act to authorize the disposal of selenium from the national stockpile and the supplemental stockpile;

S. 772. An act to authorize the disposal of celestite from the national stockpile and the supplemental stockpile;

S. 774. An act to authorize the disposal of vanadium from the national stockpile;

S. 775. An act to authorize the disposal of magnesium from the national stockpile;

S. 776. An act to authorize the disposal of abaca from the national stockpile;

S. 777. An act to authorize the disposal of sisal from the national stockpile;

S. 778. An act to authorize the disposal of kyanite-mullite from the national stockpile; and

S.J. Res. 105. Joint resolution authorizing the President to issue a proclamation designating 1971 as the "Year of World Minority Language Groups".

COAST GUARD AUTHORIZATIONS—CONFERENCE REPORT

Mr. MAGNUSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5208) to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard, and to authorize the annual active duty personnel strength of the Coast Guard.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report, which reads as follows:

Conference Report (H. Rept. No. 92–451)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5208) to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard, and to authorize the annual active duty personnel strength of the Coast Guard, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 3.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 4, 5, 6, and 7, and agree to the same.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: $41,574,000.

And the Senate agree to the same.

Warren G. Magnuson,
Russell B. Long,
Ernest F. Hollings,
Robert P. Griffin,
Mark O. Hatfield,
Managers on the Part of the Senate.

Edward A. Garmatz,
Leonor K. Sullivan,
Alton Lennon,
Thomas M. Pelly,
Hastings Keith,
Managers on the Part of the House.

Mr. MAGNUSON. Mr. President, the bill is similar in all respects to the bill passed by the Senate on July 22, with one exception. The Senate conferees agreed to the restoration of the authorization of one administrative aircraft, and authorized $3.25 million for that purpose.

I move that the conference report be agreed to.

The motion was agreed to.

FEDERAL ELECTION CAMPAIGN ACT OF 1971

The PRESIDING OFFICER (Mr. Bentsen). Under the previous order the Chair lays before the Senate S. 382, which the clerk will report.

The assistant legislative clerk read as follows:

Calendar No. 223 (S. 382), a bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 308, as amended.

Mr. PASTORE. Mr. President, I yield 2 minutes to the assistant majority leader on the bill.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, after consulting with the distinguished manager of the bill and the distinguished Senator from Oregon (Mr. Packwood), I make the following unanimous-consent request: That the eight amendments which are to be offered by the Senator from Oregon (Mr. Packwood), namely, amendments Nos. 371, 375, 370, 374, 373, 353, 355, and 372 be considered in that order and that on each amendment the time be limited to 10 minutes, the time to be equally divided between the mover of the amendment and the manager of the bill;

Ordered further that after the rollcall vote which will occur on the first of the eight amendments, namely amendment No. 371, the time on each rollcall vote be limited to 10 minutes, rather than the usual 20 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. PASTORE. Mr. President, I yield whatever time the Senator from Massachusetts needs.

Mr. KENNEDY. Will the Senator yield 7 minutes?

Mr. PASTORE. I yield 7 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, about a week ago when this legislation came before the Senate I offered an amendment to S. 382 called the universal voter registration amendment.

Even though this legislation concerns itself primarily with the financing of campaigns, one of the essential elements in election reform is eliminating the many barriers that have been placed in the way of qualified Americans to participate in the electoral process. One of the most significant barriers is the complex of registration laws which exist in the several States. They impede the right to vote in practically every community and State. There has been significant progress in broadening the franchise in other respects in recent years—such as through the reapportionment decisions of the Supreme Court and the voting rights acts passed by Congress. Now, registration remains as one of the principal hindrances against participation in the democratic process.

Therefore, I submitted an amendment to the bill to provide for universal registration and to simplify the process of registering to vote in Federal elections. The amendment would establish an independent agency within the Census Bureau. By using a simple post card mailed to the Census Bureau, any individual would be able to register to vote in Federal elections. Using its computers, the Census Bureau would compile voter registration lists and provide this to the States and local precincts.

This reform could be a significant and useful step in eliminating the barriers imposed by registration against the right to vote.

Mr. President, in the Record of July 26, 1971, I outlined the constitutional authority for this amendment. In light of the recent decisions by the Supreme Court, and article I, section 4 of the Constitution, I believe that Congress has ample authority to act by statute in this area.

All the studies that have been addressed to this subject have tried to find ways to increase participation in our elections. All the studies that the morass of registration laws in the various States serve as a major hindrance.

I had intended to offer this proposal as an amendment to the pending legislation. I know that in this area, the Senator from Minnesota (Mr. Humphrey) has a proposal which is similar in approach, but which utilizes the Internal Revenue Service as a means for providing additional registration. The Senator from New Mexico (Mr. Montoya) has also been extremely interested in this subject, as has the Senator from Hawaii (Mr. Inouye). The Senator from Missouri (Mr. Eagleton) was the sponsor of an amendment in this area to the draft bill, which was accepted by the Senate.

So there are a number of different proposals that have come before us. Yet, we have not had action on this type of program.

I have taken the opportunity to talk with the chairman of the Post Office and Civil Service Committee, the Senator from Wyoming (Mr. McGEE), and he has indicated a strong interest in this proposal, as well as the others sponsored by my colleagues. He has indicated that in September he would hold hearings on these measures.

Therefore, given that indication by the Senator from Wyoming (Mr. McGEE), and having consulted with the manager of the bill, I do not intend to call up my amendment to this act. But I would certainly hope that the manager of the bill, who has spent such an enormous amount of time on the entire process of electoral reform, would give this measure his independent study and judgment. Hopefully, when the matter comes to the floor, as I hope it will, he will be able to support such a measure.

Mr. GRAVEL. Mr. President, I call up my amendment No. 362.

Mr. PASTORE. Mr. President, may I ask the Senator to repeat the number of that amendment?

Mr. GRAVEL. No. 362.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read the amendment (No. 362) as follows:

TITLE V—PRESIDENTIAL ELECTION CAMPAIGNS

SEC. 501. The Presidential Election Campaign Fund Act of 1966 is amended to read as follows:

"TITLE III—FINANCING OF PROFESSIONAL ELECTIONS CAMPAIGNS

"SHORT TITLE

"SEC. 301. This title may be cited as the 'Presidential Election Campaign Fund Act of 1966'.

"DEFINITIONS

"SEC. 302. For the purposes of this title—

"(1) The term 'authorized committee' means, with respect to the eligible candidates of a political party, any political committee which is authorized in writing by such candidates to incur expenses to further the election of such candidates. Such authorization shall be addressed to the chairman of such political committee, and a copy of such authorization shall be filed by such candidates with the commission. Any withdrawal of any authorization shall also be in writing and shall be addressed and filed in the same manner as the authorization.

"(2) The term 'candidate' means, with respect to any presidential election, an individual who (A) has been nominated for elections to the office of President of the United States or the office of Vice President of the United States by a major party, or (B) has qualified to have his name on the election ballot (or to have the names of electors pledged to him on the election ballot) as the candidate of a political party for election to either such office in ten or more States. For purposes of paragraphs (6) and (7) of this section and purposes of sections 304(a) (1) and (2), the term 'candidate' means, with respect to any preceding presidential election, an individual who received popular votes for the office of President in such election.

"(3) The term 'Commission' means the Federal Elections Commission.

"(4) The term 'eligible candidates' means the candidates of a political party for President and Vice President of the United States who have met all applicable conditions for eligibility to receive payments under this title set forth in section 303.

"(5) The term 'fund' means the Presidential Election Campaign Fund established by section 306(a).

"(6) The term 'major party' means, with with respect to any presidential election, a political party whose candidate for the office of President in the preceding presidential election received, as the candidate of such party, 25 per centum or more of the total number of popular votes received by all candidates for such office.

"(7) The term 'minor party' means, with respect to any presidential election, a political party whose candidate for the office of President in the preceding presidential election received, as the candidate of such party, 10 per centum or more but less than 25 per centum of the total number of popular votes received by all candidates for such office.

"(8) The term 'political committee' means any committee, association, or organization (whether or not incorporated) which accepts contributions or makes expenditures for the purpose of influencing, or attempting to influence, the nomination or election of one or more individuals to Federal, State, or local elective public office.

"(9) The term 'presidential election' means the election of presidential and vice-presidential electors.

"(10) The term 'qualified campaign expense' means an expense—

"(A) incurred (i) by the candidate of a political party for the office of President to further his election to such office or to further the election of the candidate of such political party for the office of Vice President, or both, (ii) by the candidate of a political party for the office of Vice President to further his election to such office or to further the election of the candidate of such political party for the office of President, or both, or (iii) by an authorized committee of the candidates of a political party for the offices of President and Vice President to further the election of either or both of such candidates to such offices,

"(B) neither the incurring nor payment of which constitutes a violation of any law of the United States or of the State in which such expense is incurred or paid.

An expense shall be considered as incurred by a candidate or an authorized committee if it is incurred by a person authorized by such candidate or such committee, as the case may be, to incur such expense on behalf of such candidate or such committee. If an authorized committee of the eligible candidates of a political party also incurs expenses to further the election of one or more other individuals to Federal, State, or local elective public office, expenses incurred by such committee which are not specifically to further the election of such other individual or individuals shall be considered as incurred to further the election of such eligible candidates in such proportion as the Commission prescribes by rules or regulations.

"(11) The term 'Secretary' means the Secretary of the Treasury.

"CONDITIONS FOR ELIGIBILITY FOR PAYMENTS

"SEC. 303. In order to be eligible to receive any payments under section 306, the candidates of a political party in a presidential election shall, in writing—

"(1) agree to obtain and furnish to the Commission such evidence as it may request of the qualified campaign expenses with respect to which payment is sought,

"(2) agree to keep and furnish to the Commission such records, books, and other information as it may request,

"(3) agree to permit an audit and examination by the Commission under section 307 and to pay any amounts required to be paid under such section, and

"(4) agree to furnish to the Commission statements of qualified campaign expenses and proposed qualified campaign expenses required under section 308.

"ENTITLEMENT OF ELIGIBLE CANDIDATES TO PAYMENTS

"SEC. 304. (a) Subject to the provisions of this title—

"(1) The eligible candidates of a major party in a presidential election shall be entitled to payments under section 306 equal in the aggregate to 10 cents multiplied by the total number of popular votes received by all candidates of a major party for the office of President in the preceding presidential election.

"(2) The eligible candidates of a minor party in a presidential election shall be entitled to payments under section 306 equal in the aggregate to 20 cents multiplied by the number of popular votes received by the candidate for President of such party, as such candidate, in the preceding presidential election.

"(3) The eligible candidates of a political party (other than a major or minor party) in a presidential election whose candidate for President in such election receives, as such candidate, 10 per centum or more of the total number of popular votes cast for the office of President in such election shall be entitled to payments under section 306 equal in the aggregate to 20 cents multiplied by the number of popular votes received by such candidate, as such candidate in such election.

"(4) In addition to any amounts payable to a candidate under the provisions of paragraph (1) or (2) of this subsection, there shall be payable an additional amount to any such candidate if, in the election in which he is a candidate receiving money under the provisions of such paragraph (referred to hereafter in this subsection as 'this election'), there are cast for all such candidates (in the case of a candidate to whom paragraph (1) is applicable), or for such candidate (in the case of a candidate to whom paragraph (2) is applicable) more votes than were cast in the preceding election on which the determination of the amount so payable was based. Such additional amount shall be 10 cents multiplied by the excess of the number of votes cast for all such candidates (in the case of a candidate to whom paragraph (1) is applicable), and 20 cents multiplied by the excess of the number of votes cast for such candidate (in the case of a candidate to whom paragraph (2) is applicable) in this election over the number of votes so cast in the preceding election upon which the determination of the amount payable was based.

"(b) The aggregate payments to which the eligible candidates of a political party shall be entitled under subsections (a) (2) and (3) with respect to a presidential election shall not exceed an amount equal to the aggregate payments to which the eligible candidates of a major party are entitled under subsection (a) (1).

"(c) The eligible candidates of a political party shall be entitled to payments under subsection (a) only—

"(1) to defray qualified campaign expenses incurred by such eligible candidates or their authorized committees, or

"(2) to repay loans the proceeds of which were used to defray such qualified campaign expenses, or otherwise to restore funds (other than contributions to defray qualified campaign expenses received and expended by such candidates or such committees) used to defray such qualified campaign expenses.

"CERTIFICATION BY COMMISSION

"SEC. 305. (a) On the basis of the evidence, books, records, and information furnished by the eligible candidates of a political party and prior to examination and audit under section 307, the Commission shall certify from time to time to the Secretary for payment to such candidates under section 306 the payments to which such candidates are entitled under section 304.

"(b) Certifications by the Commission under subsection (a), and all determinations made by him in making such certifications, shall, except as provided in section 307, be final and conclusive, and shall not be subject to review in any court.

"PAYMENTS TO ELIGIBLE CANDIDATES

"SEC. 306. (a) There is hereby established on the books of the Treasury of the United States a special fund to be known as the 'Presidential Election Campaign Fund'. There are hereby authorized to be appropriated to the fund, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary to enable the Secretary to make payments under subsection (b).

"(b) Upon receipt of a certification from the Commission under section 305 for payment to the eligible candidates of a political party, the Secretary shall pay to such candidates out of the fund the amount certified by the Commission.

"(c) If, after a presidential election and after all eligible candidates have been paid the amounts to which they are entitled under section 304, there are moneys remaining in the fund, the Secretary shall transfer the moneys so remaining to the general fund of the Treasury.

"EXAMINATIONS AND AUDITS; REPAYMENTS

"SEC. 307. (a) After each presidential election, the Commission shall conduct a thorough examination and audit of the qualified campaign expenses of the eligible candidates of each political party.

"(b) (1) If the Commission determines that any portion of the payments made to any candidate of a political party under section 306 was in excess of the aggregate payments to which such candidate was entitled under section 304, he shall so notify such candidate, and such candidate shall pay to the Secretary an amount equal to such portion.

"(2) If the Commission determines that any amount of any payment made to any candidate of a political party under section 306 was used for any purpose other than—

"(A) to defray the qualified campaign expenses with respect to which such payment was made, or

"(B) to repay loans the proceeds of which were used, or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray such qualified campaign expenses,

it shall notify such candidate of the amount so used, and such candidate shall pay to the Secretary an amount equal to such amount.

"(3) No payment shall be required from any candidate of a political party under this subsection to the extent that such payment, when added to other payments required from such candidate under this subsection, exceeds the amount of payments received by such candidate under section 306.

"(c) No notification shall be made by the Commission under subsection (b) with respect to a presidential election more than three years after the date of such election.

"(d) All payments received by the Secretary under subsection (b) shall be deposited by him in the Treasury to the credit of the fund.

"INFORMATION ON PROPOSED EXPENSES

"SEC. 308. (a) The eligible candidates of a political party in a presidential election shall, from time to time as the Commission may require, furnish to the Commission a detailed statement, in such form as it may prescribe, of—

"(1) the qualified campaign expenses incurred by them and their authorized committees prior to the date of such statement (whether or not evidence of such expenses has been furnished for purposes of section 305), and

"(2) the qualified campaign expenses which they and their authorized committees propose to incur on or after the date of such statement.

The Commission shall require a statement under this subsection from the eligible candidates of each political party at least once each week during the second, third, and fourth weeks preceding the day of the presidential election and at least twice during the week preceding such day.

"(b) The Commission shall, as soon as possible after it receives each statement under subsection (a), prepare a summary of such statement and publish such summary, together with any other data or information which it deems advisable, in the Federal Register.

"REPORTS TO CONGRESS; REGULATIONS

"SEC. 309. (a) The Commission shall, as soon as practicable after each presidential election, but not later than the first day of December of the year in which such election was held, submit a full report to the Congress setting forth—

"(1) the amounts certified by it under section 305 for payment to the eligible candidates of each political party;

"(2) the qualified campaign expenses (shown in such detail as the Commission determines necessary) incurred by such candidates and their authorized committees; and

"(3) the amount of payments, if any, required from such candidates under section 307, and the reasons for each payment required.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) The Commission is authorized to prescribe such rules and regulations, to conduct such examinations and audits (in addition to the examinations and audits required by section 307(a)), to conduct such investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this title.

"CRIMINAL PENALTIES

"SEC. 310. (a) (1) It shall be unlawful for any person who receives any payment under section 306, or to whom any portion of any payment received under such section is transferred, knowingly and willfully to use, or authorize the use of, such payment or such portion for any purpose other than—

"(A) to defray the qualified campaign expenses with respect to which such payment was made, or

"(B) to repay loans the proceeds of which were used, or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray such qualified campaign expenses.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"(b) (1) It shall be unlawful for any person knowingly and willfully—

"(A) to furnish any false, fictitious, or fraudulent evidence, books, or information to the Commission under this title, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Commission or an examination and audit by it under this title; or

"(B) to fail to furnish to the Commission any records, books, or information requested by it for purposes of this title.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"(c) (1) It shall be unlawful for any person knowingly and willfully to give or accept any rebate or any illegal payment in connection with any qualified campaign expense.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"(3) In addition to the penalty provided by paragraph (2), any person who accepts any rebate or illegal payment in connection with any qualified campaign expense shall pay to the Secretary, for deposit in the general fund of the Treasury, an amount equal to 125 per centum of the rebate or payment received.

"(d) (1) It shall be unlawful for any political committee which is not an authorized committee with respect to an eligible candidate of a political party in a presidential election knowingly and willfully to incur expenditures to further the election of such candidate which would constitute qualified campaign expenses if incurred by an authorized committee of such candidate, or to make contributions to such candidate or any of his authorized committees to be used, directly or indirectly, to defray qualified campaign expenses, in an aggregate amount exceeding $100, unless such committee makes public, in a manner appropriate to its campaign activities under regulations prescribed by the Commission, that it has not been authorized by such candidate, and that such candidate cannot be held to assume any responsibility whatever for the activities of the committee.

"(2) Any political committee which violates paragraph (1) shall be fined not more than $5,000, and any officer or member of such committee who knowingly and willfully consents to such violation shall be fined not more than $5,000, or imprisoned not more than one year, or both.

"EFFECTIVE DATE

"SEC. 311. This title shall take effect on January 1, 1972, except that section 309(b), and so much of any other section as authorizes or directs the Commission to prescribe rules and regulations, shall take effect on the date of the enactment of this Act."

ELIMINATION OF DESIGNATION OF INCOME TAX PAYMENTS TO PRESIDENTIAL ELECTION CAMPAIGN FUND

SEC. 502. (a) Subchapter A of chapter 61 of the Internal Revenue Code of 1954 is amended—

(1) by striking out part VIII (relating to designation of income tax payments to the Presidential Election Campaign Fund); and

(2) by striking out the item relating to such part VIII in the table of parts of such subchapter.

(b) The amendments made by subsection (a) shall apply with respect to income tax liability for taxable years beginning after December 31, 1966.

COMPLIANCE WITH GUIDELINE REQUIREMENT

SEC. 503. The amendment of the Presidential Election Campaign Fund Act of 1966 made by section 101 of this Act is intended to comply with section 5 of the Act entitled "An Act to restore the investment credit and the allowance of accelerated depreciation in the case of certain real property," approved June 13, 1967 (Public Law 90-26), and to provide guidelines governing the distribution of funds which become available under the Presidential Election Campaign Fund Act of 1966.

TITLE VI—CONGRESSIONAL ELECTION CAMPAIGNS

SEC. 601. This title may be cited as the "Congressional Election Campaign Fund Act of 1971".

DEFINITIONS

SEC. 602. For purposes of this title—

(1) The term "authorized committee" means, with respect to the eligible candidates of a political party, any political committee which is authorized in writing by such candidates to incur expenses to further the election of such candidates. Such authorization shall be addressed to the chairman of such political committee, and a copy of such authorization shall be filed by such candidates with the Commission. Any with-

drawal of any authorization shall also be in writing and shall be addressed and filed in the same manner as the authorization.

(2) The term "candidate" means, with respect to any congressional election, an individual who (A) has been nominated for election to an office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States by a major party, or (B) has qualified under the laws of a State to have his name on the election ballot as the candidate of a political party for election to such office. For purposes of paragraphs (6) and (7) of this section and purposes of sections 604(a) (1) and (2), the term "candidate" means, with respect to any preceding congressional election, an individual who received votes for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States in such election.

(3) The term "Commission" means the Federal Elections Commission.

(4) The term "eligible candidate" means the candidate of a political party for Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States who has met all the applicable conditions for eligibility to receive payments under this subtitle set forth in section 623.

(5) The term "fund" means the Congressional Election Campaign Fund established by section 606(a).

(6) The term "major party" means, with respect to any congressional election, a political party whose candidate for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States in the preceding congressional election received, as the candidate of such party, 25 per centum or more of the total number of votes received by all candidates for such office.

(7) The term "minor party" means, with respect to any congressional election, a political party whose candidate for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States in the preceding congressional election received, as the candidate of such party, 10 per centum or more but less than 25 per centum of the total number of votes received by all candidates for such office.

(8) The term "political committee" means any committee, association, or organization (whether or not incorporated) which accepts contributions or makes expenditures for the purpose of influencing, or attempting to influence, the nomination or election of one or more individuals to Federal, State, or local elective public office.

(9) The term "congressional election" means an election for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States.

(10) The term "qualified campaign expense" means an expense—

(A) incurred (i) by the candidate of a political party for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States to further his election to such office, or (ii) by an authorized committee of the candidate of a political party for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States to further the election of such candidate to such office.

(B) neither the incurring nor payment of which constitutes a violation of any law of the United States or of the State in which such expense is incurred or paid.

An expense shall be considered as incurred by a candidate or an authorized committee if it is incurred by a person authorized by such candidate or such committee, as the case may be, to incur such expense on behalf of such candidate or such committee. If an authorized committee of the eligible candidates of a political party also incurs expenses to further the election of one or more other individuals to Federal, State, or local elective public office, expenses incurred by such committee which are not specifically to further the election of such other individual or individuals shall be considered as incurred to further the election of such eligible candidates in such proportion as the Commission prescribes by rules or regulations.

(11) The term "Secretary" means the Secretary of the Treasury.

CONDITIONS FOR ELIGIBILITY FOR PAYMENTS

SEC. 603. In order to be eligible to receive any payments under section 606, the candidates of a political party in a congressional election shall, in writing—

(1) agree to obtain and furnish to the Commission such evidence as he may request of the qualified campaign expenses with respect to which payment is sought,

(2) agree to keep and furnish to the Commission such records, books, and other information as it may request,

(3) agree to permit an audit and examination by the Commission under section 607 and to pay any amounts required to be paid under such section, and

(4) agree to furnish to the Commission statements of qualified campaign expenses and proposed qualified campaign expenses required under section 608.

ENTITLEMENT OF ELIGIBLE CANDIDATES TO PAYMENTS

SEC. 604. (a) Subject to the provisions of this title—

(1) An eligible candidate of a major party in a congressional election shall be entitled to payments under section 606 equal in the aggregate to 10 cents multiplied by the total number of votes received by all candidates of a major party for the office which such candidate seeks in the next preceding election for such office.

(2) An eligible candidate of a minor party in a congressional election shall be entitled to payments under section 606 equal in the aggregate to 20 cents multiplied by the number of votes received by the candidate of such party for the same office in the next preceding congressional election.

(3) An eligible candidate of a political party (other than a major or minor party) in a congressional election who receives, as such candidate, 10 per centum or more of the total number of votes cast for the office sought by such candidate in such election shall be entitled to payments under section 606 equal in the aggregate to 20 cents multiplied by the number of votes received by such candidate in such election.

(4) In addition to any amounts payable to a candidate under the provisions of paragraph (1) or (2) of this subsection, there shall be payable an additional amount to any such candidate if, in the election in which he is a candidate receiving money under the provisions of such paragraph (referred to hereafter in this section as "this election"), there are cast for all such candidates (in the case of a candidate to whom paragraph (1) is applicable), or for such candidate (in the case of a candidate to whom paragraph (2) is applicable), more votes than were cast in the preceding election on which the determination of the amount so payable was based. Such additional amount shall be 10 cents multiplied by the excess of the number of votes cast for all such candidates (in the case of a candidate to whom paragraph (1) is applicable), and 20 cents multiplied by the excess of a number of votes cast for such candidate (in the case of a candidate to whom paragraph (2) is applicable) in this election over the number of votes so cast in the preceding election upon which the determination of the amount payable was based.

(b) The aggregate payments to which the eligible candidates of a political party shall be entitled under subsections (a) (2) and (3) with respect to a congressional election shall not exceed an amount equal to the aggregate payments to which the eligible candidates of a major party are entitled under subsection (a) (1).

(c) The eligible candidates of a political party shall be entitled to payments under subsection (a) only—

(1) to defray qualified campaign expenses incurred by such eligible candidates or their authorized committees, or

(2) to repay loans the proceeds of which were used to defray such qualified campaign expenses, or otherwise to restore funds (other than contributions to defray qualified campaign expenses received and expended by such candidates or such committees) used to defray such qualified campaign expenses.

CERTIFICATION BY COMMISSION

SEC. 605. (a) On the basis of the evidence, books, records, and information furnished by the eligible candidates of a political party and prior to examination and audit under section 607, the Commission shall certify from time to time to the Secretary for payment to such candidates under section 606, the payments to which such candidates are entitled under section 604.

(b) Certifications by the Commission under subsection (a), and all determinations made by it in making such certifications, shall, except as provided in section 607, be final and conclusive, and shall not be subject to review in any court.

PAYMENT TO ELIGIBLE CANDIDATES

SEC. 606. (a) (1) There is hereby established on the books of the Treasury of the United States a special fund to be known as the "Congressional Election Campaign Fund". There are hereby authorized to be appropriated to the fund, out of any money in the Treasury not otherwise appropirated, such sums as may be necessary to enable the Secretary to make payments under subsection (b).

(2) If, after a congressional election and after all eligible candidates have been paid the amounts to which they are entitled under section 204, there are moneys remaining in the fund, the Secretary shall transfer the moneys so remaining to the general fund of the Treasury.

(b) Upon receipt of a certification from the Commission under section 605 for payment to the eligible candidates of a political party, the Secretary shall pay to such candidates out of the fund the amount certified by the Commission.

EXAMINATIONS AND AUDITS; REPAYMENTS

SEC. 607. (a) After each congressional election, the Commission shall conduct a thorough examination and audit of the qualified campaign expenses of the eligible candidates of each political party.

(b) (1) If the Commission determines that any portion of the payments made to any eligible candidate of a political party under section 606 was in excess of the aggregate payments to which such candidate was entitled under section 604, it shall so notify such candidate, and such candidate shall pay to the Secretary an amount equal to such portion.

(2) If the Commission determines that any amount of any payment made to any eligible candidates of a political party under section 606 was used for any purpose other than—

(A) to defray the qualified campaign expenses with respect to which such payment was made, or

(B) to repay loans the proceeds of which were used, or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray such qualified campaign expenses,

it shall notify such candidate of the amount so used, and such candidate shall pay to the Secretary an amount equal to such amount.

(3) No payment shall be required from any eligible candidate of a political party under this subsection to the extent that such payment, when added to other payments required from such candidate under this subsection, exceeds the amount of payments received by such candidate under section 606.

(c) No notification shall be made by the Commission under subsection (b) with respect to a congressional election more than three years after the date of such election.

(d) All payments received by the Secretary under subsection (b) shall be deposited by him in the Treasury to the credit of the fund.

INFORMATION ON PROPOSED EXPENSES

Sec. 608. (a) The eligible candidates of a political party in a congressional election shall, from time to time as the Commission may require, furnish to it a detailed statement, in such form as he may prescribe, of—

(1) the qualified campaign expenses incurred by them and their authorized committees prior to the date of such statement (whether or not evidence of such expenses has been furnished for purposes of section 605), and

(2) the qualified campaign expenses which they and their authorized committees propose to incur on or after the date of such statement.

The Commission shall require a statement under this subsection from the eligible candidates of each political party at least once each week during the second, third, and fourth weeks preceding the day of the congressional election and at least twice during the week preceding such day.

(b) The Commission shall, as soon as possible after it receives each statement under subsection (a), (1) prepare a summary of such statement and (2) publish such summary, together with any other data or information which it deems advisable, in the Federal Register.

REPORTS TO CONGRESS; REGULATIONS

Sec. 209. (a) The Commission shall, as soon as practicable after each congressional election, submit a full report to the Congress setting forth—

(1) the amounts certified by it under section 605 for payment to the eligible candidates of each political party;

(2) the qualified campaign expenses (shown in such detail as the Commission determines necessary) incurred by such candidates and their authorized committees; and

(3) the amount of payments, if any, required from such candidates under section 207, and the reasons for each payment required.

Each report submitted pursuant to this section shall be printed as a Senate document.

(b) The Commission is authorized to prescribe such rules and regulations, to conduct such examinations and audits (in addition to the examinations and audits required by section 207(a)), to conduct such investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this title.

CRIMINAL PENALTIES

Sec. 210. (a) (1) It shall be unlawful for any person who receives any payment under section 206, or to whom any portion of any payment received under such section is transferred, knowingly and willfully to use, or authorize the use of, such payment or such portion for any purpose other than—

(A) to defray the qualified campaign expenses with respect to which such payment was made, or

(B) to repay loans the proceeds of which were used, or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray qualified campaign expenses.

(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than five years, or both.

(b) (1) It shall be unlawful for any person knowingly and willfully—

(A) to furnish any false, fictitious, or fraudulent evidence, books, or information to the Commission under this title, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Commission or an examination and audit by it under this title; or

(B) to fail to furnish to the Commission any records, books, or information requested by it for purposes of this title.

(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than five years, or both.

(c) (1) It shall be unlawful for any person knowingly and willfully to give or accept any rebate or any illegal payment in connection with any qualified campaign expense.

(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than five years, or both.

(3) In addition to the penalty provided by paragraph (2), any person who accepts any rebate or illegal payment in connection with any qualified campaign expense shall pay to the Secretary, for deposit in the general fund of the Treasury, an amount equal to 125 per centum of the rebate or payment received.

(d) (1) It shall be unlawful for any political committee which is not an authorized committee with respect to an eligible candidate of a political party in a congressional election knowingly and willfully to incur expenditures to further the election of such candidate which would constitute qualified campaign expenses if incurred by an authorized committee of such candidate, or to make contributions to such candidate or any of his authorized committees to be used, directly or indirectly, to defray qualified campaign expenses, in an aggregate amount exceeding $100 unless such committee makes public, in a manner appropriate to its campaign activities under regulations prescribed by the Commission, that it has not been authorized by such candidate, and that such candidate cannot be held to assume any responsibility whatever for the activities of the committee.

(2) Any political committee which violates paragraph (1) shall be fined not more than $5,000, and any officer or member of such committee who knowingly and willfully consents to such violation shall be fined not more than $5,000, or imprisoned not more than one year, or both.

APPLICATION OF STATE LAWS LIMITING CAMPAIGN EXPENDITURES

Sec. 611. The incurring of qualified campaign expenses by an eligible candidate and his authorized committee in a congressional election in a State in an aggregate amount not exceeding the aggregate payments to which an eligible candidate of a major party in such election is entitled under section 604(a) (1) shall not constitute a violation of any State law which prescribes a limit on the amount by or on behalf of a candidate for an office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the Unitd States in such election.

EFFECTIVE DATE

Sec. 612. This title shall take effect on January 1, 1972, except that section 609(b), and so much of any other section as authorizes or directs the Commission to prescribe rules and regulations, shall take effect on the date of the enactment of this Act.

Mr. GRAVEL. Mr. President, I yield myself as much time as necessary. I do not think the consideration of this amendment will take too much time.

May I inquire of the Chair what is the controlled time on amendments at this time?

Mr. PASTORE. Under the unanimous-consent agreement, it is 15 minutes to the side.

The PRESIDING OFFICER. The Senator is correct.

Mr. GRAVEL. I doubt that it will take all that time for my presentation.

The problem that this bill addresses itself to is the difficulty a candidate has trying to raise money. There has been some attempt to meet this problem by providing for tax deductions and tax credits.

From my experience in campaigns, and I am sure many others will give testimony to it, the very simple fact is that the way to raise money is not, by and large, from the general public. I have involved myself more than once in a campaign where we would advertise for people to send in dollar contributions. The Democratic Party has had "Dollars for Democrats." I am sure the Republican Party has had the same, the purpose being to raise money from a broad spectrum of people. My experience has been that one spends more money than he gets back in these efforts.

The benefit of a broad financial base for a candidate or a person holding office is obvious, because he would have greater concern with the public good. How can we arrive at that objective? It is hoped that tax deductions and tax credits would result in that goal, but I doubt that that is the case. I doubt that it will result in greater contributions from the general public into the campaigns. So we will find that, basically, the money comes from the fat cats, those willing to put up large sums. Those are the realities of the situation.

How can we try to circumvent that problem of human nature? There is only one way to do it, and that way is the one my amendment proposes. In my view, Federal subsidies are the most direct way of solving the financial problems involved in all Federal elections.

The amendment I have proposed would create, by direct appropriations, subsidies for both presidential and congressional election campaigns. Candidates of major parties would be paid from the funds 10-cents times the number of votes received by all major party candidates for the office in question during the preceding election. Minor party candidates would receive payments at the rate of 20 cents multiplied by the number of votes for the candidate of their party for the office in question during the preceding election.

This amount would then be increased at the 10 cents or 20 cents per vote rate for any additional votes received in the current election. New parties would be paid 20 cents per vote entirely on their showing in the current election.

Based on the vote in 1968, I calculate that, were the legislation I am proposing enacted, the Democratic and Republican presidential and vice presidential candidates in 1972 would each be paid from the fund approximately $6.3 million.

It is easily seen that this will not pay for the costs of presidential campaigns, but it does build a floor upon which a person can develop responsibility to the general public, to the broad constituency of the Nation, rather than to persons who donate to his own campaign.

Similarly, the American Independent Party—which was the party of George Wallace in 1968, and which is a minor party—based on the showing of its 1968 presidential candidate, would receive in 1972 $1.9 million.

No payments from the presidential election campaign fund would be made in 1972 to such groups as the Socialist Labor Party, the Peace and Freedom Party, the Communist Party, or the Prohibition Party.

Finally, based on the 1968 returns, senatorial candidates of the Democratic and Republican Parties in 34 States—this would be all the Democratic Senators who ran for office in 1968—would have had appropriated from the Treasury $10 million.

The rough figure—and this is merely a very rough figure—for all the candidates running for Federal office in that year would amount to an appropriation of about $60 million. This, of course, is a very small sum compared with the amounts spent as a result of the decisions made by people who are elected to public office.

This approach to campaign financing will bring an end to the present method of financing through either personal fortunes or from massive contributions from one or another special interest group.

Although these public subsidies would not eliminate spending differences among candidates, they would make the differences less critical by providing floors sufficient to make every election a real contest.

Campaigns should be financed in a way that will build support for our political institutions and respect for the political process. This obviously is not the case at present.

One of the most serious consequences of the present pattern of campaign funding is the loss to the American public of many talented men and women who are repelled from seeking public office since they are unprepared to go through the demeaning exercise of raising campaign funds as a preliminary to entering public offices.

The ideal campaign finance system is one based on relatively small voluntary contributions from large numbers of citizens. The most effective way to achieve this is to have every taxpaying citizen contribute a few cents a year—it would require less than 50 cents per person—toward financing elections.

Honest and informative election campaigns are the linchpin of American representative government. There are few things which Congress could do that would more effectively strengthen our political processes and build respect for our political institutions than to enact this amendment to provide public financing of all Federal election campaigns.

For those who might think that this is something new, I might add that this was a suggestion seriously proposed by Theodore Roosevelt in 1907. It was also the product of an election commission that came forward with this recommendation in 1938. And, of course, Congress in 1966 passed a bill to provide a similar method of financing directly from the Federal Treasury with the checkoff method, which, however, was never implemented.

I would hope that the manager of the bill might consider accepting this amendment. I think it goes to a much broader question that would obviously have to be decided upon by the Senate itself. At this time, I yield the floor.

Mr. PASTORE. Mr. President, I cannot say, in full honesty, that there is not some merit for consideration in this legislation, and certainly at some time or other Congress will have to study this problem in depth. This is not the place for it today, and I think the Senator from Alaska will concede that.

This is a matter that has been talked about by various Members of Congress, particularly Senators. It is a matter that will be studied as I understand it, in depth; and I hope the Senator will withdraw his amendment, rather than compel me to move to lay it on the table, and thereby tarnish whatever influence or effect it might have. I do not want to do anything to hurt the integrity of the Senator's amendment, and I hope he will withdraw it.

Mr. GRAVEL. Mr. President, I would be willing to withdraw the amendment at this time, if I might add this: I have not been successful, up to this point, in securing this in-depth study to which the Senator refers. Will the Senator add his voice to my voice in calling for a hearing on this type of proposal, or a study in depth? With that assurance, I would be prepared to withdraw the amendment, because I think the Senator's considerable influence, combined with my lesser influence, might help bring it about.

Mr. PASTORE. Mr. President, does the Senator from Alaska withdraw his amendment?

Mr. GRAVEL. I assume I do not have the full influence of the Senator from Rhode Island in pressing toward this goal?

Mr. PASTORE. The Senator from Rhode Island has learned a long time ago that it is folly to promise today something you may be called upon to perform a year from today. So let us cross that bridge when we come to it.

Mr. GRAVEL. May I, then, inquire of my colleague from Rhode Island how would he suggest that I get a hearing on this proposal? I have introduced legislation, and it has gone to the committee, but nothing has happened.

Mr. PASTORE. By going to the committee that has jurisdiction and using all the persuasive force at the command of my colleagues from Alaska, of which he has an abundance.

Mr. GRAVEL. Well, Mr. President, I rest on that, and I can assure my colleague that if my persuasive force is——

Mr. PASTORE. No more of that tribute. Just stop when you are ahead.

Mr. GRAVEL. I withdraw the amendment at this time, and will not press my luck, but I want to put the Senate on notice that I shall be pleased to press my luck at some later time, and even go over the hill on this issue, because I do feel very strongly about it.

Mr. PASTORE. I yield 5 minutes on the bill to the Senator from Indiana.

EQUAL RIGHTS FOR MEN AND WOMEN

Mr. BAYH. Mr. President, I send to the desk a joint resolution, on behalf of myself, the Senator from Kentucky (Mr. COOK), the Senator from Florida (Mr. GURNEY), and the Senator from California (Mr. TUNNEY).

The PRESIDING OFFICER (Mr. BENTSEN). Is the Senator asking for the immediate consideration of the joint resolution?

Mr. BAYH. No; I am asking that it be read.

The PRESIDING OFFICER. The joint resolution will be stated.

The legislative clerk proceeded to read the joint resolution.

Mr. BAYH. I ask unanimous consent that the joint resolution be considered as having been read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution reads as follows:

Proposing an amendment to the Constitution of the United States relative to equal rights for men and women

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE—

"SECTION 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

"SEC. 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

"SEC. 3. This amendment shall take effect two years after the date of ratification."

Mr. BAYH. I ask unanimous consent that the joint resolution be considered as read the second time.

The PRESIDING OFFICER. Is there objection?

Mr. HRUSKA. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HRUSKA. What is the request of the Senator from Indiana with reference to the bill?

The PRESIDING OFFICER. It is a joint resolution which the Senator from Indiana has just introduced. His request is that it be considered as read the second time.

Mr. HRUSKA. Would that mean immediate consideration, without reference to a committee?

Mr. BAYH. The Senator from Indiana does not desire that this measure be debated immediately. However, I am intent upon taking advantage of my parliamentary right to have it put on the Calendar pursuant to rule 14.4, after the second reading I do this with great reluctance, and only because we have been trying for the best part of a year to get it out of my subcommittee. We finally got a quorum today after five attempts. But now we are unable to get any kind of a vote. The Senator from North Carolina is filibustering his own motion that we have hearings. Along with a majority of the subcommittee, I oppose that motion. This proposal has had three complete sets of hearings in the last 14 months.

The Senator from Indiana is reluctant to do this. But I feel there is no alternative open to me.

Mr. HRUSKA. Mr. President, is this proposal by way of a unanimous-consent request?

The PRESIDING OFFICER. It would require unanimous consent for it to be considered as read the second time.

Mr. PASTORE. Mr. President, I agreed to yield 5 minutes to the Senator from Indiana not knowing what this was all about. I may be in accord with what he is trying to do here, but I think it is the wrong place to do it, particularly at this time. It is highly controversial. I would hope the Senator from Indiana would withdraw his joint resolution at this time and pursue it some other time without the interruption of the pending bill. We have had enough trouble on that bill without getting into something else that is not germane.

Mr. BAYH. May the Senator from Indiana just make a suggestion? I would be more than willing to withdraw my request that the joint resolution be read the second time. In that way I will not infringe upon any more of the time of the distinguished Senator from Rhode Island.

Mr. HRUSKA. Mr. President, if the request is withdrawn, I do not know how second reading can occur, without a first reading.

The PRESIDING OFFICER. The joint resolution has had a first reading.

Mr. HRUSKA. Does that mean that the joint resolution is referred to a committee in the regular course?

The PRESIDING OFFICER. It has to have second reading before it can be referred to a committee.

Mr. HRUSKA. It will be referred to a committee?

The PRESIDING OFFICER. It would have to have second reading before it can be referred.

Mr. BAYH. Mr. President, the Senator from Indiana does not want to put anything over on the Senate. I have discussed this with the leader; I told him what I was going to do and why I thought it essential. I am not certain whether he is in favor of it or against it. I do know, however, that he is a strong supporter of equal rights for men and women.

If my colleagues prefer, I would be willing to ask that the joint resolution be withdrawn. Of course, I will come back again tomorrow. As my colleagues well know, nothing can prevent me from exercising my right to keep this joint resolution out of committee. Because of the incredible barrage of dilatory tactics which we have been faced with, I really have no choice.

If the Senator wishes me to withdraw my request for second reading, we will battle it out tomorrow.

Mr. HRUSKA. Mr. President, let the RECORD show that this Senator is for the resolution and its ultimate report to the Senate. I am not in favor of any dilatory tactics.

On the other hand, there is leadership on this side, too, that is normally consulted on matters of this kind, when we proceed in the regular fashion.

I believe that would be the better course and the better judgment, and more likely to secure progress, rather than ignore the leadership on this side, to ask for their judgment as to the procedure that is requested.

Mr. BAYH. Is it the opinion of the Senator from Nebraska that an individual Senator has to get concurrence of the leadership on both sides to pursue his rights under the rules of the Senate?

Mr. HRUSKA. Not at all, but there was reference by the Senator from Indiana to the fact that he referred it to his leader, and I am suggesting that in a matter of this kind, which involves some parliamentary intricacy, it would be well to refer it to the other side for clearance and possible reconciliation of any differences that might arise.

Mr. PASTORE. Mr. President, we are on limited time. What time are we consuming and whose time is it? I yielded 5 minutes.

The PRESIDING OFFICER. The time is being charged to the Senator from Rhode Island.

Mr. PASTORE. I yielded 5 minutes. How long have we been at this?

The PRESIDING OFFICER. The Senator from Indiana has 1 more minute.

Mr. PASTORE. I would hope the Senator from Indiana would withdraw it and then pursue it in his own way. He has the vigor and the astuteness to do so.

Mr. BAYH. May I make an inquiry of the leader on the floor, or one of the leaders on the floor: Is it their intention to have a morning hour tomorrow?

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. BYRD of West Virginia. We will have a period for the transaction of routine morning business in the morning.

I do not mean to imply that the Senator from Indiana was attempting to do anything other than what he thought was right and to proceed in the proper manner, but I was unaware that there was going to be any unanimous-consent request to have a first reading or a second reading of this resolution today. My impression was—and it could have been a total misunderstanding on my part—that the Senator was going to introduce a bill or a resolution, have it printed and make a brief statement thereon.

At the time the first unanimous consent request was made and agreed to, I was engaged in conversation with the senior Senator from West Virginia (Mr. RANDOLPH). I did not hear the request.

Let me ask this question of the Chair: The Senator from Indiana has proceeded to have a first reading by unanimous consent. If there is objection to a second reading today, that would automatically come tomorrow.

The PRESIDING OFFICER. If there is objection, it would have to wait until the second legislative day.

Mr. BYRD of West Virginia. Yes. Then, on tomorrow, if someone objected to any further proceeding, would it not automatically go on the calendar, without going to committee?

The PRESIDING OFFICER. The Senator from West Virginia correctly states the procedure.

Mr. BYRD of West Virginia. I want the Senator to know that I would have to object to its being read the second time; and had I heard the request in the first instance, I would have had to object in that instance, because I was totally unaware of the Senator's intention to make that request. Perhaps I misunderstood the Senator's intention.

Mr. BAYH. Mr. President, will the Senator yield? He has been very kind, and I did not realize we were going to get into this.

Mr. PASTORE. I yield 2 minutes.

Look at what we are doing. I have been on this floor from 9 until 5 on this bill. We are reaching a point of culmination when we can decide this very important question. I realize that we have not had a morning hour. But I think it is unfair to the Senator from Rhode Island to get into these interruptions at this time, especially when we have a unanimous consent agreement that only matters that are germane can be brought up. Also, we have the so-called Pastore rule of germaneness.

I would hope that the whole thing has been explained, that we would start ab initio and recall this resolution, and that then each one would exercise his own authority according to the rules. I do not think I ought to be interrupted in this way.

The PRESIDING OFFICER. Does the Senator make such a request?

Mr. PASTORE. I would hope the Senator would withdraw his resolution.

Mr. BAYH. Mr. President, the Senator from Indiana will do that.

I did not go through the details before, and I do not want to take any more time now. The Senator from West Virginia has been a loyal member of that committee, has attended, and has supported the issue we are now trying to get out of that committee. Unfortunately other duties kept him from attending today. Had he been there, as the Senator from Kentucky and I were, he would have seen the committee sink to a new low of foolishness. A member proposed a motion that we hold hearings; then he filibustered that motion and prohibited us from even putting it to a vote.

This matter is going to be considered

by the Senate, and I did not want to embroil the Senator from Rhode Island, who has worked hard on this——

The PRESIDING OFFICER. The additional time of the Senator has expired.

Mr. PASTORE. I yield 2 additional minutes.

Mr. BAYH. Let me explain one problem. The Senator from Indiana is in the position now—and I say this with apology to the Senator from Rhode Island—that even if he stays here from now until midnight, when we are through with business, there will be no time today in which he can introduce a bill.

If I could get unanimous consent to introduce this resolution at the termination of business tonight, I would be glad to do that.

Mr. PASTORE. Without asking for first reading?

Mr. BAYH. I want to ask for first reading.

Mr. PASTORE. That is where we get into a hassle.

Mr. BAYH. But it need not interfere with anyone else's measure.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. BYRD of West Virginia. I have discussed the matter with the Senator. I believe he is going to withdraw the second request and ask that the first request be negated. Otherwise, the first request having been acted upon, it would trigger the process whereby this resolution would not go to a committee; it would eventually go directly on the calendar.

The PRESIDING OFFICER. Does the Senator from Indiana ask unanimous consent that he be allowed to withdraw his resolution ab initio?

Mr. COOK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COOK. Does the Senator not have a right to introduce a bill and ask for first reading?

The PRESIDING OFFICER. The resolution already has been read for the first time.

Mr. BYRD of West Virginia. It is not that simple, Mr. President. The agreement to the request for a first reading automatically triggered the process by which the resolution will go directly on the calendar after the second reading upon the objection by any Senator to any further proceedings. That would circumvent the sending of the resolution to the committee.

Mr. BAYH. The Senator from Indiana is determined to do just that. I know the Senator objects to this. If it had not been for the long precedent of dilatory action before the committee, I would not even consider such action. I am going to do it as soon as I am able.

Mr. BYRD of West Virginia. I hope the Senator would ask unanimous consent that action on the resolution be negated ab initio and that he start all over again in the morning.

Mr. BAYH. But the Senator from West Virginia realizes that the Senator from Indiana has a right to pursue this.

Mr. BYRD of West Virginia. He proceeded when other Senators were engaged in conversation, and without the complete understanding on my part—as the acting majority leader at the time—of what was about to happen. I do not blame the Senator for that. I am not against the resolution; I am for it. I do hope the Senator will withdraw it for the present.

Mr. PASTORE. Mr. President, I am going to be very blunt about this. I agree with the merits of the Senator's resolution, but I think he owes it to me, in view of what has transpired, and the fact that I yielded time, to withdraw this resolution at this time; and in view of the fact that time has been granted to him on tomorrow, by unanimous consent, to appear and to perform his duty, I think that, out of kindness and courtesy to me, he ought to withdraw it.

Mr. BAYH. Mr. President, out of kindness and courtesy to my friend, the distinguished Senator from Rhode Island, I withdraw this resolution, with notice that I will pursue it tomorrow or until the end of this session, until I have succeeded in getting it on the calendar. Something has to be done to convince certain members of my subcommittee that we are determined to get action, even if they continue to thwart the committee process.

Mr. PASTORE. And I will stand side by side with the Senator, but not today.

The PRESIDING OFFICER. The Senator will have to ask unanimous consent.

Mr. BAYH. I ask unanimous consent that we proceed with the business as if we had not become involved in this very important matter.

The PRESIDING OFFICER. Without objection, it is so ordered, and the resolution is withdrawn.

ORDER FOR ADJOURNMENT TO 8 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 8 o'clock tomorrow morning.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon the completion of all orders tomorrow for the recognition of Senators, there be a period for the transaction of routine morning business, for not to exceed 15 minutes, with statements therein limited to 3 minutes, and that the first Senator recognized during the period for the transaction of routine morning business be the distinguished junior Senator from Indiana (Mr. BAYH).

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on August 4, 1971, the President had approved and signed the act—S. 699—to require a radiotelephone on certain vessels while navigating upon specified waters of the United States.

REPORT ON INTERNATIONAL EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. McINTYRE) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I transmit herewith the annual report on the international educational and cultural exchange program conducted during Fiscal Year 1970 by the Department of State under the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87-256, the Fulbright-Hays Act). In the 1970 Fiscal Year, this program provided 4,638 outstanding scholars and leaders in the professions, the arts and public life with intensive exchange experiences which linked the United States with 123 other countries and territories.

The major part of this report is devoted to a review of a little known but increasingly important aspect of this program, the complex of activities designed to provide foreign students with broader opportunities to participate in the life of this country. Such activities mean that students who seek training in the United States are afforded not only the best possible educational experience but also a better chance to become acquainted with our people, our customs and our institutions. These efforts are directed to foreign students who come here without Government sponsorship, as well as to that group—about 5% of the total—who receive United States financial support.

In common with many other countries, the United States now has a large number of students who come from foreign countries—well over 135,000—although they constitute a far smaller percentage of the total student population than they do in major European universities.

These students present the United States with an exceptional opportunity. Not only do they enrich the international dimension of education for American students, but they also provide outstanding talent for our research and teaching programs. Moreover, many among them will become tomorrow's leaders in many fields in their home countries.

The professional and personal ties which these students form while they are studying here and the insights they gain into our way of life will help shape their future perceptions of America. Their experience here today can have a major impact on the quality of communication between their societies and ours tomorrow. Public and private programs which enhance the experiences of these potential leaders can do a great deal to build the human foundations for a more peaceful world.

I commend this report to the thoughtful attention of the Congress.

RICHARD NIXON.

THE WHITE HOUSE, *August 5, 1971.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. MCINTYRE) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the bill (H.R. 4263) to add California-grown peaches as a commodity eligible for any form of promotion, including paid advertising, under a marketing order.

The message also announced that the House had passed a bill (H.R. 6915) to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 6915) to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, was read twice by its title and referred to the Committee on Agriculture and Forestry.

FEDERAL ELECTION CAMPAIGN ACT OF 1971

The Senate continued with the consideration of the bill—S. 382—to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

The PRESIDING OFFICER. Who yields time?

AMENDMENT NO. 371

Mr. PACKWOOD. Mr. President, I call up my amendment No. 371.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 25, line 8, strike "five days" and insert in lieu thereof "two days".

Mr. PACKWOOD. Mr. President, in some of the amendments I am going to offer under the controlled time agreement, I am trying to fashion in this bill something similar to what we have had in Oregon for decades on reporting. The present bill provides for preelection reporting and that report must be filed 5 days before the election, and there is an additional 5 days before that, which is the period when the books are closed. In essence, it is 10 days before the election when the books finally are closed. This amendment would remove the first 5-day period and substitute 2 days. So that a person would be required to report prior to election all his receipts, expenditures, and everything else that the bill requires up until 2 days prior to the day he must file his report, which is 5 days ahead of the election. That is the gist of the amendment and I have no other comments on it.

Mr. CANNON. I am opposed to the amendment. It is completely unrealistic. Here is the type of situation we would get into. The proposal in the bill would require filing 5 days before election. That was done for a purpose; namely, so that the opponents and the general public can be notified as to what a person has received in contributions and what he has spent.

Suppose we live in Texas or California or some other distant place and we file 5 days before and we send it by mail. That means it will not get to the election commission, probably, until 3 days later. So if we reduce that time to 2 days, we are really preventing the public, which has a right to know about it, what was in the report, because it will have to be received, be available for inspection, then copied and publicized, which would probably be the day after the election is held.

That is the good reason why we decided on a 5-day period. In addition, we have given the commission authority to adjust that by rules. The commission will oversee the matter and if it determines that a reporting can be made later, certainly they will require a later date.

Therefore, I am adamantly opposed to the pending amendment.

Mr. PACKWOOD. Mr. President, in rebuttal, let me say that this is not that complicated an amendment. Anyone who wants to make a reporting, if they want to make sure it gets in on time, will do so by special delivery—airmail, or even deliver it in person so that they will not run the risk of the report coming in late, not being received, on time, or taking whatever chance he may have on not having filed at all.

The pending amendment tries to get as close to the election day as possible. Anyone looking for a postelection or a preelection report knows that the bulk of the money comes in after. So that I want to get as close as possible to the election day and still not glut all the money slipping into the campaign 10 days before election.

Mr. PASTORE. Mr. President, how much time remains to me?

The PRESIDING OFFICER (Mr. MCINTYRE). Each side has 3 minutes remaining.

Mr. PASTORE. Mr. President, I move to table the amendment of the Senator from Oregon.

Mr. PACKWOOD. Mr. President, I ask for the yeas and nays.

There was not a sufficient second.

Mr. PACKWOOD. Mr. President, did we have a unanimous-consent agreement for voting just on passage, or on tabling?

The PRESIDING OFFICER (Mr. MCINTYRE). The Parliamentarian advises the Chair that the unanimous-consent agreement was on time on amendments and not on time on the yeas and nays.

Mr. PACKWOOD. I thought we had included the yeas and nays for voting on this. I would ask unanimous consent, so that we can avoid that, for a quorum call on every one of my amendments. I would ask unanimous consent for the yeas and nays on the amendments I am going to offer.

Mr. BYRD of West Virginia. Mr. President, I would have to object to that request because the Constitution requires a fifth of the Senators present to second the request. I think this would be a bad precedent, to ask for the yeas and nays by unanimous consent. I see that we have enough Senators in the Chamber now.

Mr. PACKWOOD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. MCINTYRE). The question is on agreeing to the motion of the Senator from Rhode Island to table amendment No. 371 of the Senator from Oregon (Mr. PACKWOOD).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Washington (Mr. MAGNUSON), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from Indiana (Mr. HARTKE) and the Senator from Illinois (Mr. STEVENSON) are absent on official business.

I further announce that, if present and voting, the Senator from Illinois (Mr. STEVENSON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Kansas (Mr. PEARSON) is necessarily absent.

The Senator from Illinois (Mr. PERCY) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Tennessee (Mr. BROCK), the Senator from Arizona (Mr. GOLDWATER), the Senator from Vermont (Mr. PROUTY), the Senator from Texas (Mr. TOWER), and the Senator from Connecticut (Mr. WEICKER) are detained on official business.

If present and voting, the Senator from Illinois (Mr. PERCY) and the Senator from Texas (Mr. TOWER) would each vote "yea."

Also, the Senator from Wyoming (Mr. HANSEN), the Senator from New York (Mr. JAVITS), and the Senator from Ohio (Mr. TAFT) are detained on official business.

The result was announced—yeas 73, nays 10, as follows:

[No. 197 Leg.]

YEAS—73

Aiken
Allen
Allott
Anderson
Baker
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Chiles
Church
Cook
Cotton
Cranston
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gravel
Gurney
Hart
Hatfield
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Mansfield
Mathias
McClellan
McGee

McGovern
McIntyre
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pell
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tunney

NAYS—10

Brooke
Case
Cooper
Curtis
Dole
Griffin
Metcalf
Packwood
Schweiker
Young

NOT VOTING—17

Brock
Gambrell
Goldwater
Hansen
Harris
Hartke
Javits
Magnuson
Mundt
Pearson
Percy
Prouty
Stevenson
Taft
Tower
Weicker
Williams

So the motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, will the Senator yield to me for 2 minutes on the bill?

Mr. PASTORE. Mr. President, I yield to the Senator whatever time he requires.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, the distinguished minority leader and I have had a conference about the time limitation which has been agreed to. It is our understanding that on the next six or seven Packwood amendments an agreement has been reached.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate? This is a very important matter.

The PRESIDING OFFICER. The Senate will be in order.

Mr. MANSFIELD. An agreement has been reached whereby each amendment will be considered for not to exceed 10 minutes, with the usual division of time; and the Senate also has been notified that very likely there will be a rollcall vote on each amendment.

At the request of my distinguished colleague, the minority leader, we felt that the Senate should receive more notification than it has and it is for this purpose that we ask at this time to explain the situation which has developed and to assure the Senate that what the acting majority leader did he did in good faith and not for the purpose of circumventing any action. Unfortunately we forgot to confer with the distinguished minority leader before the request was made.

Mr. SCOTT. Mr. President, if the distinguished majority leader will yield, I fully understand that, and I have no objection to that procedure in the next to the last day before the recess.

Unfortunately, we do not have in the Senate special provisions that they have in the other body which are usually invoked near the end of a session, such as the two-thirds rule. We over here rather need some way of expediting business, as we will need just before Christmas, perhaps, or a little earlier, near the end of the session. We do not have it. But this is sort of a temporary rule of pragmatism, as I understand it.

The reason I asked for the opportunity to discuss it is that it happened under such short notice that some Senators may be downtown or we may not have an opportunity for them to be alerted.

I would go along with this understanding on these amendments, but I hope if we are going to change the time allowed for voting in the future, we do it on preferably a day's notice. I am not referring to today or tomorrow, or whatever we do today or tomorrow, because things may happen suddenly and unexpectedly.

When we come back, it would be better if we were to give the Senate a day's notice if we are going to change the length of time for voting on rollcalls.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. PASTORE. Mr. President, so that the record may be clear, I realize the need for the leadership to be advised.

Mr. SCOTT. I have no objection to that.

Mr. PASTORE. But we had agreed that the first amendment would go according to the rule, and, then, we would make an announcement at that time. There was no desire here to take away the right of anyone to be advised.

I realize now that it is important that the steps which have been suggested be followed.

Mr. SCOTT. It is all right. I am never more than 100 feet away from the Chamber and I am aware that crises follow crises.

I think it may be a good way to do it to expedite matters if we are to finish tomorrow.

Mr. MANSFIELD. Mr. President, I am in accord with what the Senator from Rhode Island said. I wish to point out that there was the usual 20-minute time limitation for the first amendment and from now on, after that, on the remainder of the Packwood amendments, there will be 10 minutes, so the Senate will be on notice.

I think the telephone circuits have been busy notifying all Senators to that effect.

As long as we have such good attendance I wish to point out that in addition to this we have pending the so-called education bill, we have the Disaster Relief Act, which we will take up tonight if we have to stay in session until 12 o'clock, and we have some other proposals which will be taken up, hopefully, without too much difficulty.

In addition, tomorrow, if we do not complete all of these legislative issues today, and I do not think we will, we will have the conference report on Labor-HEW, a continuing resolution on appropriations, the $1 billion appropriation for public works, I believe. There will be other conference reports; perhaps the Selective Service Act conference report.

So we have a very busy schedule, and while I am delighted that we are going to recess at the conclusion of business tomorrow, because I know every other Member of the Senate is just as tired as I am, it is like facing the final 2 weeks of the session. When things pile up, we must do the best we can.

I must express, on behalf of my colleagues and myself, my sincere thanks to the distinguished Republican leader and his colleagues for the understanding, help, and cooperation which they have shown not only on this occasion but all during the session.

Mr. SCOTT. Mr. President, I thank the distinguished majority leader. We have found that we have been most courteously and considerately and fairly treated and appreciated, and, as far as the leadership on both sides is concerned, I am sure we are doing everything we can to expedite these matters. I think what the majority leader has said would cover the concern expressed by the distinguished Senator from Washington (Mr. MAGNUSON) last night, for example.

I would like to clarify two matters on procedure: First, I assume the 5-minute warning will now occur at the end of the first 5 minutes on these particular votes.

Mr. MANSFIELD. That is correct.

Mr. SCOTT. Second, I would like to know whether, after the votes on the Packwood amendments, we revert to the 20-minute system for votes, rather than 10 minutes.

Mr. MANSFIELD. Twenty minutes, unless there is unanimous consent.

Mr. SCOTT. Unless there is unanimous consent, but Senators should be alerted that, because of the press of business, there may again be some unanimous-consent requests, after the majority and minority leadership have been alerted, today or tomorrow, again to shorten the rollcall system. But we do revert to 20 minutes after the votes on the Packwood amendments?

Mr. MANSFIELD. That is correct.

I yield to the distinguished deputy majority leader.

Mr. BYRD of West Virginia. Mr. President, may I say to the majority and minority leaders that I will take the blame, if I may use that word, for this unanimous-consent request having been obtained without its first having been cleared with the minority leader. When I am on the floor representing the majority leader, I automatically clear matters with the minority leader or the assistant minority leader. In this instance, through an inadvertence on my part, I cleared it with the distinguished Senator from Oregon (Mr. PACKWOOD). The distinguished senior Senator from Kentucky asked me if it had been cleared with the Senator from Oregon. I told him it had. I overlooked clearing this with the minority leader. I want the Senate to know it was an inadvertence and that I will be more careful in the future.

Mr. SCOTT. Mr. President, the minority leader wants to make it clear it is sure there was no offense intended. There is no objection on my part to what we are doing. I am solely anxious that all Senators are advised, because if Senators are caught short by changing the agreement or the rules because of the fact that some of them may necessarily be downtown, I am sure they are not going to blame the Senators who made the unanimous-consent request; they are going to ask the majority and minority leaders, "What happened?" So we want to know always so that Senators may be advised. I assure the Senator from West Virginia that I had no personal concern about it.

Mr. BYRD of West Virginia. I thank the Senator.

Mr. MANSFIELD. I want to thank the Senator from Oregon for being so cooperative.

Mr. SCOTT. So do I.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays on the remaining Packwood amendments at this time.

Mr. CANNON. Mr. President, I object.

Mr. BYRD of West Virginia. This will save time.

Mr. CANNON. We may be able to accept some of these amendments, and I do not want to go through the process of vitiating the yeas and nays.

The PRESIDING OFFICER. Objection is heard.

AMENDMENT NO. 375

Mr. PACKWOOD. Mr. President, I call up my amendment No. 375.

The PRESIDING OFFICER. The amendment will be read.

The legislative clerk read the amendment (No. 375) as follows:

> On page 25, line 9, before the period insert the following: "except that any contribution of $5,000 or more received after the last report is filed prior to the election, shall be reported within twenty-four hours after its receipt."

Mr. PACKWOOD. Mr. President, under the bill as it is written, the last preelection report is filed on the Thursday before the Tuesday election. There is a 5-day hiatus between the last report and the election.

I would again call the attention of Senators to the fact that, as provided, in the bill, that is done as a preelection report in an election reporting procedure. They will find the money reported as spent in the campaign in a report filed 10 to 15 days after election is almost double what had been filed as having been spent in the preelection report. This amendment is designed to avoid that situation.

The Committee for Good Government spends $100,000 to $150,000, and it is in the report. It simply reports at that level. Then on the Saturday before the election it slips $100,000 or $150,00 into a senatorial or presidential campaign, perfectly legally, and the money is never reported until after the election. So the voters have been given an illusory report as to what the campaign is costing.

My amendment takes care of that situation by providing that any contribution of $5,000 or more received after the report filed the last Thursday before the election will be reported within 24 hours after its receipt to the voters, so the voters have some idea of how much money is being spent in the campaign 3 or 4 days before the election—and put in to the campaign at that time, I may add, in most cases, to avoid the report being made which has to be filled in the last preelection report.

Mr. CANNON. Mr. President, there is much merit in the objective the Senator is trying to achieve. However, as a practical matter, I think it is quite impossible for committees—and these are in the main committees—to actually accomplish a report within 24 hours. The administrative process is rather difficult.

I would be willing to accept the amendment if the Senator would modify his amendment to provide for a period of 48 hours rather than 24 hours. That would be reasonable, and it would still mean the information would be available on the first working day after the report was made known. In other words, on the Monday before the election that information would be publicly available.

So if the Senator would be willing to modify his amendment to "forty-eight" instead of "twenty-four" hours, I would accept it.

Mr. PACKWOOD. I accept that modification.

Mr. LONG. Mr. President, I regret that the Senator is accepting the amendment. I am going to vote against it. I feel that, at a minimum, it is easy enough for anybody to avoid reporting if a person wanted to avoid it. All he had to do would be to break the contributions down into smaller amounts and claim that his children had contributed parts of it, as well as himself, so that it would come below the $5,000 limit for any one. So it would be easy to break the contributions down and get around the requirement, anyway. It seems to the Senator from Louisiana that might create problems in trying to get these reports when the bill, I believe, has been very carefully drafted the way it is now.

Mr. CANNON. I will say to the Senator that the last report required under the bill is 5 days before the election. That is a detailed report. All that would be required here would be to report any contributions that came in after the last report 5 days before the election, and those contributions would have to be reported within 48 hours, and it would relate only to contributions of $5,000 or more. That comes 3 days after the last report was made, so there is no difficulty there.

I think if pepole are going to try to avoid this requirement by making $1,000 contributions, they will be picked up in the other reporting system; but it is true that it would not be picked up prior to the election.

Mr. PACKWOOD. Mr. President, I would agree with the Senator from Nevada. There is nothing we can do about people who break up the contributions into less than $5,000. We are merely trying to take care of this other situation.

Mr. PASTORE. Mr. President, as a practical proposition, everything required under the 5-day reporting deadline, insofar as it can be, is reported before the election.

Of course, after the election you have to make another report as well. What we are trying to do is avoid a deliberate dumping here; that is about all. I do not think that practice is very much indulged in. Any candidate who runs for a very important office, like a Federal office, usually the money is in long before the 5-day filing period. It is the deliberate act of dumping at the last moment that presents the problem, and that is all this is intended to cover.

Mr. LONG. Mr. President, will the Senator yield further?

Mr. PASTORE. I yield.

Mr. LONG. As one who worked with the Senator and supported his bill in the committee, I would hope, in the final stages of consideration, that we will not permit the bill to be loaded down with a bunch of things that the committee did not see fit to agree to, or the committee might not have agreed to if they had been considered in executive session. We are near enough to a final vote that I do not think the Senator is forced to accept an amendment that he thinks ought not to be in the bill, and I hope he will not.

Mr. CANNON. I can assure the Senator that there will be a lot of tabling motions this afternoon, because we do not intend to load the bill down with a lot of nit-picking amendments that we do not think are desirable.

Mr. PASTORE. Mr. President, if the Senator will modify his amendment to read "48 hours" I am willing to accept it.

Mr. PACKWOOD. I so modify the amendment.

Mr. PASTORE. I yield back the remainder of my time.

Mr. PACKWOOD. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. McIntyre). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator (Mr. Packwood), as modified.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 370

Mr. PACKWOOD. Mr. President, I call up my amendment No. 374.

The PRESIDING OFFICER. Under the unanimous-consent agreement, the next amendment to be considered is amendment No. 370.

Mr. PACKWOOD. No. 370.

The PRESIDING OFFICER. Does the Senator ask unanimous consent to call up amendment No. 374?

Mr. PACKWOOD. I am sorry; take 370 next.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 35, line 3, strike "the second day following".

Mr. PACKWOOD. Mr. President, this amendment is a simple amendment. At the moment, the bill requires that, in addition to the report that is filed in Washington, reports in all Federal campaigns are to be filed with the clerk of the district court in the district where the contest is. The bill requires that they will be filed on Thursday before the election. The law further requires that the district clerk shall make these reports available for inspection no later than the second day following, and the second day would be Friday. The law says that they shall be made available during regular business hours. That means that if the clerk chooses, he may not make the report available until 5 o'clock on Friday, and then say, as his office is closing at 5 o'clock, under regular business hours, it will take so long to read that no one will have a chance to look at the report until Monday, the day before the election.

That means that for all practical purposes, very little of the news media will play the news; it will miss all the morning newspapers, and it will not be played until the day of the election.

This is not a burden on the Federal district court clerk. At the most, under normal circumstances, the clerk will have reports filed by the Republican and

Democratic senatorial candidates, and by perhaps five to six Democratic and five to six Republican candidates for the House of Representatives. That is about as large as a normal district would be.

The clerk is not obligated to audit the reports, or make sure that they are in proper form. The clerk just receives them and makes them available for the newspapers. That is not a great task, so I see no reason why, when the report is received on Thursday, even if it is not filed until 5 o'clock Thursday night, the clerk or a secretary cannot stay an extra hour and make the reports available for the newspapers at 9 o'clock, or whatever the regular opening business hour of that office may be, on Friday, rather than running the risk that it may not be available until Monday.

The PRESIDING OFFICER. Who yields time?

Mr. CANNON. Mr. President, I think the amendment may involve an extraordinary burden on the clerks of the courts, but I see no objection. If the clerks can physically make the information available on the day it is received, that is the whole purpose of filing with them, and while, as I say, it may involve an impossible burden on them, I am willing to accept the amendment.

Mr. PACKWOOD. I do not think it really makes much of a burden, because the clerk has no duty except to make the information available as the candidate has filed it, and if he has not kept his books properly, and has made a mess of it, that is not the clerk's responsibility. He is just a repository, and turns over the report to whoever wants to look at it.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. PACKWOOD. I yield.

Mr. PASTORE This is getting right down to nit-picking. I do not think it makes much difference; it is six of one and half a dozen of the other. I do not see any harm, but I think we are getting ourselves into minutiae now.

Mr. PACKWOOD. I do not think it is minutiae if you have a clerk who will not let you see it until Monday, the day before the election.

Mr. CANNON. Mr. President, I yield back the remainder of my time.

Mr. PACKWOOD. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. McIntyre). All remaining time having been yielded back, the question is on agreeing to the amendment (No. 370) offered by the Senator from Oregon.

The amendment was agreed to.

Mr. PACKWOOD. Mr. President, let me ask, since it appears that I may have my amendments out of order, under the unanimous consent agreement what is the next amendment in order?

The PRESIDING OFFICER. No. 374.

AMENDMENT NO. 374

Mr. PACKWOOD. I call up my amendment No. 374.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. PACKWOOD. I ask unanimous consent that further reading of the amendment be dispensed with.

Mr. LONG. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will read the amendment.

The assistant legislative clerk read as follows:

> On page 27, line 9, strike "and".
>
> On page 27, between lines 9 and 10, insert the following:
>
> "(13) the name and address of any individual who acts as a guarantor or surety of any extension of credit in connection with any debt incurred by such committee together with the name of the candidate on behalf of whom such debt was incurred; and".
>
> On page 27, line 10, strike "(13)" and insert "(14)".

Mr. PACKWOOD. Mr. President, this, again, is an amendment designed to reveal in actuality who put up the money in a campaign.

If you want to open up a campaign, you need to rent an office, you need a line of credit with the local phone company, and perhaps with the airlines, and you find one of your major contributors who is willing to act as surety, and so you have another signature to give the telephone company or the airline company, and they extend you a line of credit, which is perfectly legal, but the public has no idea who is really supporting the candidate, because he is only acting as guarantor or suretor. He has not made a contribution yet, unless he has to make good on the suretyship.

This amendment would simply say that under those circumstances, the name of the guarantor or suretor must be disclosed.

Mr. CANNON. Mr. President. I am opposed to this amendment. This, again, is a nit-picking sort of thing. There is no sense in our trying to write out in a bill details that are going to destroy the basic objective.

The candidate and the committee have to report their sources of funds and contributions and expenditures, and as for us to say now that they have to report the name and address of any individual who acts as guarantor or surety, or extends credit, which is not required if you go to the bank in the ordinary course of business and borrow money with a guarantor or surety, I do not think we should impose that burden here.

I am willing to yield back the remainder of my time, and as soon as the time is used, will move to table the amendment.

Mr. PASTORE. Does the Senator yield back his time?

Mr. PACKWOOD. No, just a moment.

On page 26, lines 3 to 7, the bill provides that you do compel that the full names and mailing addresses of lenders or endorsers on any loans be furnished, and of course an endorser is a surety.

All I am asking is that we make the same extension to a situation when you go and get a line of credit from anyone else, who would not give you a line of credit if you did not have this endorser, suretor, or guarantor's name on some kind of note, because the political credit of a candidate is not so good, and I do not see why that kind of extension should not be made, and the name of the guarantor should not be disclosed, when you have the provision that if a loan is made, both the lender and the endorser must be listed.

Mr. CHILES. Mr. President, will the Senator yield?

Mr. PACKWOOD. I yield.

Mr. CHILES. Sometimes does not the guarantor or the surety turn out to be a different person, depending on whether the candidate wins or loses the election?

Mr. PACKWOOD. It may turn out to be a different person, but if the suretor has his name on a line of credit, and the candidate cannot pay, the suretor would have to pay it.

Mr. CHILES. And the public would then know.

Mr. PACKWOOD. But I want the public to know before the election. I want them to know beforehand.

Mr. CHILES. But it could be different before and after.

Mr. PASTORE. Mr. President, does the Senator yield back the remainder of his time?

Mr. CANNON. I yield back the remainder of my time, and I move to lay the amendment on the table.

Mr. PACKWOOD. I yield back the remainder of my time. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. McIntyre). All remaining time having been yielded back, the question is on agreeing to the motion to lay on the table the amendment (No. 374) of the Senator from Oregon (Mr. Packwood). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Arkansas (Mr. Fulbright), the Senator from Georgia (Mr. Gambrell), the Senator from Oklahoma (Mr. Harris), the Senator from California (Mr. Tunney), and the Senator from New Jersey (Mr. Williams), are necessarily absent.

I further announce that the Senator from Indiana (Mr. Hartke) and the Senator from Illinois (Mr. Stevenson), are absent on official business.

I further announce that, if present and voting, the Senator from Illinois (Mr. Stevenson) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. Bennett) and the Senator from Kansas (Mr. Pearson) are necessarily absent.

The Senator from Illinois (Mr. Percy) is absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Tennessee (Mr. Brock), the Senator from Arizona (Mr. Goldwater), the Senator from New York (Mr. Javits), the Senator from Iowa (Mr. Miller), the Senator from Vermont (Mr. Prouty) and the Senator from Connecticut (Mr. Weicker) are detained on official business.

If present and voting, the Senator from Illinois (Mr. Percy) would vote "nay."

The result was announced—yeas 53, nays 30, as follows:

[No. 198 Leg.]

YEAS—53

Allen
Anderson
Baker
Bible
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Cotton
Dole
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Gravel
Hart
Hatfield
Hollings
Hughes
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
McClellan
McGee
McGovern
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pell
Proxmire
Randolph
Ribicoff
Saxbe
Sparkman
Spong
Stennis
Stevens
Symington
Taft
Talmadge
Tower
Young

NAYS—30

Aiken
Allott
Bayh
Beall
Bellmon
Bentsen
Boggs
Brooke
Case
Chiles
Church
Cook
Cooper
Cranston
Curtis
Dominick
Griffin
Gurney
Hansen
Hruska
Humphrey
Mathias
McIntyre
Metcalf
Packwood
Roth
Schweiker
Scott
Smith
Thurmond

NOT VOTING—17

Bennett
Brock
Fulbright
Gambrell
Goldwater
Harris
Hartke
Javits
Miller
Mundt
Pearson
Percy
Prouty
Stevenson
Tunney
Weicker
Williams

So Mr. PASTORE's motion to table Mr. PACKWOOD's amendment (No. 374) was agreed to.

AMENDMENT NO. 373

Mr. PACKWOOD. Mr. President, I call up my amendment No. 373 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the RECORD.

The text of the amendment is as follows:

On page 27, line 21, strike "SEC. 305." and insert in lieu thereof "SEC. 305. (a)".

On page 28, between lines 4 and 5, insert the following:

"(b) Any person who is any calendar year makes available any property (including money), facilities, or services of a value of $500 or more to or for the benefit of a program operated by another person for the purpose of educating or registering voters or supporting a 'get-out-the-vote' campaign shall report, on the first reporting date under section 304(a) which occurs after such transfer, the amount or value of such transfer, the name and address of the person to whom such property was transferred, the location and a description of such program, and the name and address of the person making such transfer. Reports under this subsection shall be filed with the Comptroller General, and shall include such additional information as he may prescribe by regulation."

Mr. PACKWOOD. Mr. President, this is an amendment designed to reveal the funding of a get-out-the-vote campaign or a voter registration or a program for the purpose of educating voters.

The allegation is made that this is not really a campaign or at least a partisan campaign function, yet we all know and perhaps have experienced it on occasion with get-out-the-vote drives that were specifically designed to get out the vote in one type of area. In every sense of the word, they were an appendage and designed specifically for the aid and support of a particular political party.

All I am asking in this amendment is that the sources of the financing for any program of educating or registering voters or any get-out-the-vote campaign drive be revealed. I am not suggesting that it be stopped.

The amendment would provide that anyone transferring $500 in money or in other property to another for the purpose of carrying out voter registration, voter education, or a get-out-the-vote campaign drive must file a report of transfer of the money, to whom it was transferred, and the location and description of the program—or roughly a description of the program where the voter registration, get-out-the-vote drive will be taking place.

In closing, let me say that it is merely, in theory, an amendment designed to reveal, where a voter registration drive is undertaken, who it is financed by.

Mr. PASTORE. Mr. President, I am very much opposed to the amendment. Any good American who puts up his money to educate our people on how to register, how to exercise their rights of franchise, should be given the Carnegie Medal and not be indicted by this amendment.

Is the Senator from Oregon willing to yield his time back now?

Mr. PACKWOOD. No; I am not willing to yield my time back yet. We know what we are talking about. You know what you are talking about.

Mr. PASTORE. You are talking about unions?

Mr. PACKWOOD. I am talking about voter registration drives and get-out-the-vote campaigns which are predominantly democratic. All voter registration drives, some of which are legitimate and some of which are designed to aid a political party. You know it. I know it. The Senate knows it. If you want to hide that kind of financing, that is up to you, but that kind of partisan campaigning should be revealed for what it is, a partisan get-out-the-vote drive.

Mr. PASTORE. Mr. President, I want to say that this has nothing at all to do with campaigning for the election of candidates. It seems to me that education drives and get out the vote drives are important, but how Americans vote depend upon their own conscience. Americans do not vote by groups any more than the Senate functions by groups. We have divergences on the floor of the Senate. This idea that everyone's conscience in America is captive, I do not buy it. I think that the American people are intelligent enough to know their own kinds, and what is in their own consciences, no matter who they are.

Mr. PACKWOOD. I will wager that I could get out the figures on a certain voter district and take a look at the census figures, and the income figures, and give the Senator within 5 percent what the partisan vote of that district would be.

Mr. PASTORE. You mean like the chamber of commerce?

Mr. PACKWOOD. I do not understand the question.

Mr. PASTORE. The question is, you mean you know what the chamber of commerce vote is?

Mr. PACKWOOD. No, I did not say that.

Mr. PASTORE. Who is it that you are referring to?

Mr. PACKWOOD. Give me the census figures of a given city, in a demographic area income level and, depending upon where we have a get-out-the-vote campaign, I will wager I can come within 5 percent of guessing which political party will benefit within terms of the——

Mr. PASTORE. I think I can do that, too. I could tell you how some people will vote, no matter what. What does that prove?

Mr. PACKWOOD. What it proves is that, in theory, we give money to these nonpartisan campaigns, but, in theory, it is a voter registration drive in an area where you simply know, by the demography, the census figures, and the income figures, what kind of results you will get from putting nonpartisan money in that area.

Mr. PASTORE. I do not follow it at all. Are you through?

Mr. PACKWOOD. Yes.

Mr. PASTORE. Mr. President, I move to lay on the table amendment No. 373 of the Senator from Oregon.

Mr. President, I yield back my time.

Mr. PACKWOOD. Mr. President, I yield back my time.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. TAFT). All time has been yielded back on the amendment.

The question is on agreeing to the motion to table the amendment No. 373 of the Senator from Oregon (Mr. PACKWOOD).

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from Indiana (Mr. HARTKE) and the Senator from Illinois (Mr. STEVENSON) are absent on official business.

I further announce that if present and voting, the Senator from Illinois (Mr. STEVENSON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) and the Senator from Kansas (Mr. PEARSON) are necessarily absent.

The Senator from Illinois (Mr. PERCY) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Tennessee (Mr. BROCK) and the Senator from Vermont (Mr. PROUTY) are detained on official business.

If present and voting, the Senator from Illinois (Mr. PERCY) would vote "nay."

The result was announced—yeas 60, nays 28, as follows:

[No. 199 Leg.]

YEAS—60

Allen
Anderson
Bentsen
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cooper
Cranston
Eagleton
Eastland
Ellender
Ervin
Fong
Fulbright
Gravel
Hart
Hatfield
Hollings
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pell
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Young

NAYS—28

Aiken
Allott
Baker
Beall
Bellmon
Buckley
Chiles
Cook
Cotton
Curtis
Dole
Dominick
Fannin
Goldwater
Griffin
Gurney
Hansen
Hruska
Metcalf
Miller
Packwood
Roth
Smith
Taft
Thurmond
Tower
Tunney
Weicker

NOT VOTING—12

Bayh
Bennett
Brock
Gambrell
Harris
Hartke
Mundt
Pearson
Percy
Prouty
Stevenson
Williams

So the motion to lay on the table was agreed to.

AMENDMENT NO. 355

Mr. PACKWOOD. Mr. President, I call up my amendment No. 355 and ask unanimous consent to vacate the previous unanimous-consent order with relation to amendment No. 353.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The assistant legislative clerk proceeded to state the amendment.

Mr. PACKWOOD. Mr. President, I ask unanimous consent to dispense with further reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

On page 17, between lines 2 and 3, insert the following:

"SEC. 206. Chapter 29 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"'§ 614. Extension of credit to political committees by certain industries.

"'(a) Any business regulated by the Civil Aeronautics Board, the Federal Communications Commission, or the Interstate Commerce Commission which has extended credit to any political committee and which has not received payment of the debt for which credit was extended within two years after the date on which such debt was created, and any such business which has not received payment of a debt owed to it by any political committee for two years, shall not extend further credit to such committee until such debt and all other debts owed to it by such committee have been paid in full.

"'(b) Violation of the provisions of this section is punishable by a fine not to exceed $1,000, imprisonment for not to exceed one year, or both.'."

On page 17, line 3, strike "Sec. 206." and insert in lieu thereof "Sec. 207.".

On page 17, strike the matter between lines 10 and 11 and insert in lieu thereof the following:

"611. Contributions by Government contributors.";

(4) adding at the end of such table the following new item:

"614. Extension of credit to political committees by certain industries.".

Mr. PACKWOOD. Mr. President, this is another relatively simple amendment that has to do with the annual extension of credit by the CAB, the FCC, or the Interstate Commerce Commission.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a memorandum from the Library of Congress Congressional Research Service detailing the deficits incurred since the 1956 election campaigns by various committees, Republican and Democratic.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

THE LIBRARY OF CONGRESS,
Washington, D.C., July 21, 1971.

To: The Honorable Robert W. Packwood. Attn. Stan Heisler.

From: Government and General Research Division. Frederick L. Scott, Acting Division Chief.

Research by: Fred Pauls.

Subject: Deficits Incurred in National Elections, 1956–68.

In response to your inquiry for figures detailing indebtedness incurred in political campaigns we submit this memorandum containing extracts on that subject from such published sources as exist. As all sources make clear, it is difficult to be precise in this matter. Prior to 1956, information is not available.

1956 ELECTION

The Subcommittee on Privileges and Elections of the Senate Committee on Rules and Administration conducted an exhaustive survey of campaign expenditures in the 1956 general election campaigns. In its final report it showed Republican national level committees with unpaid bills amounting to $128,583. However, these same committees reported a cash balance of $746,903, indicating that the Republican Party was in the black following the 1956 election. The Democrats, on the other hand, showed unpaid bills amounting to $696,818 with a cash balance of $136,353 and wound up in the red.

Alexander Heard in *The Costs of Democracy* (Chapel Hill, The University of Carolina Press, 1960, pp. 19–20, footnote) notes: "In 1956, for example, a debt of $800,000 was run up by the Democratic national committee in the form of unpaid bills for telephone, telegraph, newspaper advertising, air transportation, printing, hotel accommodations, etc.

1960 ELECTION

Congressional Quarterly in its special report on 1960 political campaign contributions and expenditures notes: "The Democratic National Committee, however, was known to have had a deficit of $3,820,000 in unpaid campaign expenses at the end of 1960, and the Republican National Committee a debt of $750,000."

Herbert Alexander in "Financing the 1960 Election", a booklet issued by the Citizens' Research Foundation, notes: "The story of the unprecedented 1960 Democratic debt of $3,820,000 started in 1956, and reveals much about Democratic financial problems. The unsuccessful campaign of Adlai E. Stevenson in 1956 left a deficit of over $700,000. By national convention time in July 1960 the debt had ben reduced to about $70,000. Besides reducing the debt in the interim years, the Democratic National Committee had to finance operating expenses when the party was out of presidential power, and to help win the congressional elections of 1958—at the rate of about $1,000,000 per year." And, further, "In losing the 1960 election, the Republicans amassed a debt set at $993,000 gross at the national level. After committee balances not needed for continuing expenses were applied, and payments due from the press for transportation costs in accompanying the "jet-stop" campaign were made, the net debt fell to $700,000."

1964 ELECTION

Congressional Quarterly in its report on 1964 political campaign contributions and expenditures notes: "Major question still existed late in 1965 as to be actual deficit of the Democratic National Committee at the close of the 1964 election year. Various informal reports from sources close to the Democratic National Committee variously placed the figure at 'just over a million dollars' to as high as $2.8 million. Congressional Quarterly chose to use $1.2 million, reflecting a level just over the million-dollar mark. The actual level of spending by the Democratic National Committee, however, was probably substantially higher than actually reported. While the official figures plus the reported deficit at $1.2 million total $13.3 million, the figure of $16 million in over-all spending was discussed by officials at the Democratic National Committee from time to time. The Democratic National Treasurer, Richard Maguire, refused to discuss committee spending or fund-raising activities with CQ or other members of the press. CQ wrote him asking for the exact 1964 deficit and over-all spending figures, but repeated inquiries elicited no reply."

Of the Republicans, CQ wrote: The Republicans' exceptionally successful 1964 fund-raising activities made it possible for national-level Republican committees to emerge from the elections with a substantial surplus. At the end of the calendar year 1964, with all but a few campaign debts paid, the Republican National Committe had a surplus of $314,000; Citizens for Goldwater-Miller $309,006; and the National TV Committee for Goldwater-Miller $506,534."

Alexander in his "Financing the 1964 Election," another CRF publication, wrote: "The various published stories indicated the Republican surplus ranged anywhere from $500,000 to $1.8 million. The cash position of the National, Senatorial and Congressional committees as of January 1, 1965, was $457,000. The Treasurer of RNFC claimed a year-end surplus of $500,000, no doubt a rounding out of the cash position. Official reports filed in January indicated about $1.4 million more income than outgo."

Of the Democrats he wrote: "A treasurer's report to the National Committee was promised by Chairman Bailey but never submitted. Accordingly, the full story of the 1964 campaign and its aftermath cannot be told in precise financial terms, as was the Republican campaign. For example, the 1964 deficit of about $1 million was rumored by mid-1965 on to have increased to about $2 million, and later a $1.7 million figure was widely used. There were contrary evidences of high level of post-election spending and of continuing debts and bickering about bills; many bills paid in September, 1965, were incurred during the campaign, including $100,000 to the Democrat's advertising agency."

1968 ELECTION

Alexander in his book, *Financing the 1968 Election,* writes: "Whereas in early 1969, the Republicans claimed a cash surplus, by early 1970, the 1968 campaign deficit was said to have been $1.3 million. Of this, $400,000 was paid from 1969 income, $200,000 was paid from proceeds of the January ball, and $700,000 remained."

Of the Democrats he writes: "The Democrats had been outspent more than two-to-one in the Presidential election, and the party had a debt of almost $6.2 million."

"The financial position of the DNC worsened during 1969. Loan repayments of $538,000 made in January and February reduced the general election debt to $5.6 million." The Committee assumed additional debts from the 1968 campaign "so that the Democratic debt by the fall of 1969 totalled $8.3 million."

We trust this information will be of assistance to you. If there are questions or further needs, please do not hesitate to call.

Mr. PACKWOOD. Mr. President, I ask unanimous consent to have printed in the Record an article entitled "Campaign Debt Settlements Raise Question of Legality," written by William Chapman and printed in the Washington Post of March 29, 1970. Mr. President, the article relates to the debts of the various candidates and political committees that had to be settled for less than the amount due.

There being no objection, the article was ordered to be printed in the Record, as follows:

Campaign Debt Settlements Raise Question of Legality

(By William Chapman)

When the managers of Sen. Eugene J. McCarthy's presidential campaign surveyed their financial damages late in 1968, they discovered a disconcerting set of figures.

The campaign debt was $1.4 million. There was only $460,000 available to pay it off.

About $800,000 was owed to airlines, which had transported the candidate and his staff, and to telephone companies which had handled credit-card calls. The rest was due hotels, rental car companies, printers and other assorted creditors.

Having only about one-third of the cash needed to cover the debts, the McCarthy managers began what is politely known in the political financing trade as "negotiations." A few details still remain unsettled, but the following payments were negotiated:

Airlines and telephone companies were paid at the rate of 25 cents per dollar owed, with the airlines faring slightly better after traveling newsmen's fares were added in. Telephone systems around the country, for example, were owed about $300,000 but collected only $75,000.

Smaller company debts, principally hotels and car rentals, were paid at the rate of 50 cents on the dollar.

Only the smallest debts—those less than $400—were paid in full.

In the aftermath of the 1968 campaign the question of unpaid election debts has raised a disturbing question:

Campaign costs are skyrocketing and so are unpaid campaign debts. If a corporation settles such debts for less than the full amount, is it in violation of the Corrupt Practices Act forbidding firms to use corporate funds to assist a political campaign? And if it is a regulated industry with legally fixed rates, like the telephone company and airlines, is settling at less than full cost counter to its official tariffs for other customers?

Some Democratic debts were massive. The Democratic National Committee still owes more than $3 million to corporations from Hubert Humphrey's presidential campaign (plus about $6 million in assorted other bills). A substantial part of the late Robert F. Kennedy's primary campaign debts were negotiated downward, with $1 million inherited and still owed by the party. President Nixon's debts were paid practically in full, proving the old adage, "Winners pay their debts and losers negotiate theirs."

An authority on campaign spending, Herbert E. Alexander of the Citizens' Research Foundation, made this warning in a report on 1968 financing:

"When bills are settled, the corporation is in effect making a form of indirect contribution to the campaign, which some companies may do for goodwill purposes.

"But when regulated industries, such as telephones or airlines, do so, they are opening themselves to federal tightening of the laws. or to litigation brought by stockholders or even customers who must pay full rates."

Some dismiss the problem as irrelevant. You can't get blood out of a turnip, they say, so the company is just stuck with an unpleasant, but legal, bad debt.

The man who settled McCarthy's debts, Thomas McCoy, takes that view:

"We said to the telephone company, 'These are the bills and this is all the money we have left. We'll give you this much money now and if we raise more in the future we'll pay more on a pro-rata basis.' But they know perfectly well there wouldn't be anymore.

"They complained bitterly that it was unfair—and they were right, of course. It isn't proper to charge things and not pay for them. But I'd like to point out that the inability to pay bills isn't limited to political campaigns."

Much of the McCarthy campaign's telephone debt was run up by young volunteers who simply made free use of the office credit-card number. "I don't know anyone in the McCarthy campaign who was not wandering around with a credit card number scribbled on the back of an envelope," recalled McCoy.

Others knowledgeable about political financing take a view less casual than McCoy's. The House of Representatives clerk's office, which administers the Corrupt Practices Act, has begun to look into the practice. Television stations inflexibly require advance payments for all political advertising time to avoid the problem—and to guarantee full payment.

The Democratic National Committee has taken the position so far that all the debts must be repaid or else they could be considered illegal contributions, according to the new treasurer, Robert S. Strauss.

The creditor companies themselves are extremely reluctant to discuss the question. The Chesapeake & Potomac Telephone Co. in Washington—one system reportedly incurring a large debt from the McCarthy headquarters here—refused to comment. A spokesman said telephone bills are private information. He would not say how the company's lawyers felt about campaign debts.

American Airlines, which furnished most of McCarthy's transportation, has emerged with a better financial settlement. It was owed $285,000, according to reliable reports, and has been paid about $141,000, approximately half. It was paid 25 cents on the dollar from campaign funds, then reimbursed further with late arriving fees paid by newsmen who traveled on the candidate's chartered planes.

An American Airlines spokesman said the company eventually hopes for full repayment. "We got 50 per cent and we expect to get the other 50 per cent," he said.

If the remainder is not paid, would the company try to write it off as a business deduction? "No thought has been given to that because we still expect to get all the money," said the spokesman.

Actually, it is understood that neither the airlines nor the telephone companies have signed formal releases relieving the campaign committees of further repayment. One authority suggests that unsettled debts may just be kept on their books indefinitely as "uncollectibles."

There apparently is no statute or case law governing the issue. The Corrupt Practices Act says nothing about bad debts. Spokesmen for the agencies which regulate airlines and public utilities could not recall the question being raised.

An official of the Federal Communications Commission, however, noted that the various telephone systems are increasingly plagued with unpaid bills arising from volunteer-run political campaigns and an assortment of ad hoc protest groups.

Justice Department officials report no cases in which a company has been accused of making illegal contributions by settling for less than dollar value, but the question recently has been raised there.

According to several lawyers, the government probably could not prosecute a company unless a conspiracy could be proved. That is, the company and the candidate would have to agree in advance to write off a certain portion of the debt after the campaign. Only if such an agreement were proved could prosecution be brought under present law.

Said one authority: "When it's just a case of the campaign failing and falling apart and having no money—what have you got? You settle for the best terms you can get. It's not against the law to go bankrupt."

A more pertinent question arises, however, if the company attempts to write off the bad debt as a business loss. A section of the internal revenue code prohibits deductions for bad debts owed by a political party or by a political campaign committee.

In at least two cases, individual leaders tried to write off the losses incurred when they loaned money to campaigns that defaulted. Both of them lost in court.

At least one reliable authority, however, believes a corporation might write off the debt and win a court fight. David Ginsberg, former legal counsel for the Democratic National Committee, believes such a firm might win a court test by showing the bad debt was simply a loss incurred in the normal course of business operations.

Mr. PACKWOOD. Amendment No. 355 is very simple. It simply says that any business regulated by the ICC, the FCC, or the Interstate Commerce Commission which has extended credit to any political committee and which has not received payment of the debt for which credit was extended within 2 years after the date on which such debt was created, and any such business which has not received payment of a debt owed to it by any political committee for 2 years, shall not extend further credit to such committee until such debt and all other debts owed to it by such committee have been paid in full.

Mr. President, this has nothing to do with candidates borrowing for office. It has nothing to do with the extension of credit to any prospective candidate.

I do not think it is asking too much to require that organizations regulated by the Government and that have had to compromise debts in the past and have been put in the business of financing campaigns should be put in the position of not extending further credit to any political committee that has a debt that is 2 years or more in arrears. That is the effect. There would be no more credit to any organization that has not paid debts that are at least 2 years in arrears.

The PRESIDING OFFICER. Who yields time?

Mr. CANNON. Mr. President, we have already come up the hill and gone down the hill once this afternoon. We had a proposal that prohibited the issuance of regulations by regulatory agencies. We finally accepted the amendment in the bill, leaving it up to the regulatory agencies to adopt the regulations that they saw fit, relating to the extension of credit.

If we are going to have regulatory agencies let them regulate and let us not tell them what to do. Let us not make ourselves a collection agency for a company which extends credit unwisely.

Mr. President, I am ready to yield back my time if the Senator from Oregon is ready to yield back his time, and we are ready to make a motion to table the amendment.

Mr. PACKWOOD. I am not quite ready to yield back my time.

Mr. President, the Senate goes back and forth between wanting a Congress to write laws and to delegate power to administrative agencies.

It seems to me, in all equity, that when a political party—and as shown by the material I have had printed in the RECORD Republicans and Democrats are equally guilty—runs up a perpetual deficit and does not pay its bills, the regulatory agency could stop extending credit to them.

The companies are in a tremendous bind. A party of significance comes to American Airlines or to the American Telephone Co., and those people are in a difficult position not to extend credit because they do not want to run the risk of political consequences if they do not extend credit.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. PACKWOOD. I yield.

Mr. MILLER. Do I understand one of the purposes of the Senator's amendment is to prevent a pattern of abuse which could cause the customers of these various entities and companies, in effect, to pick up the tab?

Mr. PACKWOOD. The Senator is correct.

Mr. MILLER. For example, there are millions of telephone customers and if the telephone company extends a long line of credit it would seem that sooner or later all of those customers will have their rates increased to pick up the tab.

Mr. PACKWOOD. The Senator is correct. They are regulated industries and if they lose money on a political campaign those companies pick it up from somewhere else.

Mr. MILLER. I realize if we were dealing with one administrative agency that would be one thing because that administrative agency could properly establish guidelines. I understand the Senator's amendment covers three administrative agencies.

Mr. PACKWOOD. The Senator is correct.

The PRESIDING OFFICER. The time of the Senator from Oregon has expired.

Mr. MILLER. Mr. President, will the Senator from Rhode Island yield to me for 1 minute?

Mr. PASTORE. I yield 2 minutes to the Senator from Iowa.

Mr. MILLER. Mr. President, one of the problems we have had in Congress has been a lack of uniforfity among the agencies on critical items. Here is an ideal case where we can establish uniformity among these agencies. As it is, they can go out willy-nilly on their own and establish periods of 1 year, 2 years, or 3 years. The Senator's amendment would provide the uniformity that is needed.

Mr. PASTORE. Mr. President, I move to lay the amendment on the table.

Mr. PACKWOOD. I ask for the yeas and nays.

The PRESIDING OFFICER. All time is yielded back. Is there a sufficient second?

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered. The question is on agreeing to the motion to lay on the table amendment No. 355. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from Indiana (Mr. HARTKE) and the Senator from Illinois (Mr. STEVENSON) are absent on official business.

I further announce that, if present and voting, the Senator from Illinois (Mr. STEVENSON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) and the Senator from Kansas (Mr. PEARSON) are necessarily absent.

The Senator from Illinois (Mr. PERCY) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Tennessee (Mr. BROCK) and the Senator from Vermont (Mr. PROUTY) are detained on official business.

If present and voting, the Senator from Illinois (Mr. PERCY) would vote "nay."

The result was announced—yeas 46. nays 42, as follows:

[No. 200 Leg.]

YEAS—46

Allen
Anderson
Bentsen
Bible
Burdick
Cannon
Church
Cooper
Cranston
Eagleton
Eastland
Ellender
Ervin
Fulbright
Gravel
Hart
Hollings
Hughes
Humphrey
Inouye
Jackson
Jordan, N.C.
Kennedy
Long
Magnuson
Mansfield
McClellan
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pell
Proxmire
Ribicoff
Sparkman
Spong
Stennis
Symington
Talmadge
Tunney

NAYS—42

Aiken
Allott
Baker
Beall
Bellmon
Boggs
Brooke
Buckley
Byrd, Va.
Byrd, W. Va.
Case
Chiles
Cook
Cotton
Curtis
Dole
Dominick
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Hatfield
Hruska
Javits
Jordan, Idaho
Mathias
Miller
Packwood
Randolph
Roth
Saxbe
Schweiker
Scott
Smith
Stevens
Taft
Thurmond
Tower
Weicker
Young

NOT VOTING—12

Bayh
Bennett
Brock
Gambrell
Harris
Hartke
Mundt
Pearson
Percy
Prouty
Stevenson
Williams

So Mr. PASTORE'S motion to lay on the table amendment No. 355 was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 350

Mr. BAKER. Mr. President, the distinguished junior Senator from Vermont (Mr. PROUTY) is unable to be here. However, he asked me to call up his amendment No. 350, which I ask the clerk to read. Before the clerk reads it, I ask that the amendment be modified to conform to the Pastore substitute and that the word "Commission" be substituted for the "Comptroller General."

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The clerk will read the amendment as modified.

The assistant legislative clerk proceeded to read the amendment as modified.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

(f)(1) Any political committee shall include on the face or front page of all literature and advertisements soliciting funds the following notice:

"In compliance with Federal law a report has been (or will be) filed with the Commission of the United States showing a detailed account of our receipts and expenditures. A copy of that report is available at a charge from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402."

(2)(A) The Commission shall compile and furnish to the Public Printer, not later than the last day of March of each year, an annual report for each political committee which has filed a report with him under this title during the period from March 10 of the preceding calendar year through January 31 of the year in which such annual report is made available to the Public Printer. Each such annual report shall contain—

(i) a copy of the statement of organization of the political committee required under section 303, together with any amendments thereto; and

(ii) a copy of each report filed by such committee under section 304 from March 10 of the preceding year through January 31 of the year in which the annual report is so furnished to the Public Printer.

(B) The Public Printer shall make copies of such annual reports available for sale to the public by the Superintendent of Documents as soon as practicable after they are received from the Commission.

Mr. BAKER. Mr. President, the primary purpose of the Federal Election Campaign Act is to make sure that the American people have all the facts concerning the financing of campaigns readily available. Mr. Prouty's amendment would simply do two things:

First, it would require that political committee soliciting contributions place a simple notification on their letters that they have complied with the Federal Campaign Act of 1971 and filed a report of expenditures and contributions; and

Second, it would inform the potential contributor that they can purchase a copy of that report from the Government Printing Office.

The Rules Committee adopted this amendment by a vote of 6 to 3. The distinguished chairman (Mr. Cannon) of the Privileges and Elections Subcommittee has expressed some concern about the fact that the wording was a little too long. Therefore, Mr. Prouty is quite willing to change the wording to make it briefer.

If Senator Cannon would agree, Mr. Prouty would be willing to change the notification to read as follows:

> A copy of our report filed with the Federal Elections Commission is (or will be) available for purchase from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402.

Mr. President, the change can be accomplished by striking lines 4 through 7 on page 1; lines 1 through 3 on page 2; and substituting in lieu thereof:

> A copy of our report filed with the Federal Elections Commission is (or will be) available for purchase from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402.

I think it is vitally important, Mr. President, that all contributors of political committees be made aware of the fact that they can find out exactly how those committees use their money. I think once the people have this knowledge, Mr. President, there can be a greater degree of participatory democracy in all of these committees which have a tendency to set policy based upon the opinions of a very few people in Washington.

I wonder if the Senator from Nevada would be agreeable to the modification as suggested by the Senator from Vermont (Mr. Prouty).

Mr. CANNON. Mr. President, this is simply a statement of facts as they exist in the law and which we would require elsewhere in the bill. My reservation about the original amendment was that if we are going to require this statement in every newspaper advertisement or letter of solicitation, and so on; it is going to be difficult and costly. Certainly, if it is in the nature of a newspaper advertisement or a solicitation of that type, that would be true.

However, with the modification made in the amendment, I am willing to accept it. I think it does no more than tell what the law is, so I see no particular harm in it, except it is going to cost the candidate more money.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

Mr. SCOTT. Mr. President, I support Senator Prouty's amendment requiring a political committee, which solicits contributions, to state that it has filed the necessary disclosure reports and that the reports can be purchased from the Government Printing Office. This amendment was originally adopted by the Senate Committee on Rules and Administration, not only with my support, but with the support of the distinguished chairman, Senator Jordan of North Carolina. I regret that the Prouty amendment was not retained in the Pastore substitute.

Senator Prouty is uniquely qualified to offer this amendment. He is a high-ranking member of the Senate Commerce Committee and served as one of the original members of its Consumer Affairs Subcommittee. Of course, Senator Prouty is also the ranking Republican member of the Rules Committee. Coincidentally, the purpose of the Prouty amendment integrally related to the purposes of these two committees.

It is well known that the solicitation of campaign funds by direct mail is very effective. So effective, in fact, that many people hypnotically send in their dollars to causes with fancy names and to committees with exotic goals. Heretofore, the contributor never knew who these groups were supporting, let alone whether or not all of the contributions were indeed spent.

The Federal Elections Campaign Act of 1971 would require political committees to file periodic reports, listing in detail all contributions and expenditures. I support that provision of the bill. But does it go far enough? Does it really protect the consumer, in this case a campaign contributor? The report can be duly filed, but Mrs. Murphy in Moscow, Pa., may not know it. And if she does not know it, she obviously does not know which candidates the political committee may be supporting.

The Prouty amendment is a consumer protection amendment, nothing more, nothing less. It simply tells people that reports have been filed and are available. The amendment places no undue burdens on political committees. But let us understand one thing—these reports are already required by the bill. The Prouty amendment would simply make that point clear to the potential contributor. And the Government will not pick up the tab since the reports would have to be purchased in the same way as are other Government publications.

Senator Prouty championed the Federal Fair Labeling Act as a member of the Commerce Subcommittee on Consumer Affairs. He is championing this new amendment, with the very same purpose, in his position on the Rules Committee. It is a good amendment, and I urge my colleagues to support it.

Mr. BAKER. Mr. President, I thank the Senator from Nevada for his willingness to accept the amendment. With that understanding, I yield back my time.

Mr. CANNON. I yield back my time.

The PRESIDING OFFICER. All time on the amendment having been yielded back, the question is on agreeing to the amendment, as modified.

The amendment, as modified, was agreed to.

Mr. BAKER. Mr. President, I send to the desk an amendment and ask that it be read.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read the amendment as follows:

> On page 11, to strike out lines 1 to 9, inclusive, and add at the end of the bill a new section:
>
> "EFFECTIVE DATE
>
> "Sec. 402. Except as provided for in section 401 of this Act, the provisions of this Act shall become effective on December 31, 1971 or sixty days after the date of enactment of this Act, whichever is later."

Mr. BAKER. Mr. President, I yield myself such time as I may require.

It is my understanding that there has been a good deal of conversation about the necessity for a particular effective date and that this one is one that offers some appeal to a number of persons.

I wonder if there would be any disposition on the part of the Senator from Nevada to consider accepting this amendment?

Mr. CANNON. Mr. President, this amendment as modified should be acceptable now. I am willing to yield back the remainder of my time.

Mr. BAKER. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. Taft). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Tennessee.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 381

Mr. BELLMON. Mr. President, I call up my amendment No. 381, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 30, line 20, immediately following the semicolon insert the following: "*Provided*, That any information copied from such reports and statements shall not be sold or utilized by any person for the purpose of soliciting contributions or for any commercial purpose;".

Mr. BELLMON. Mr. President, the purpose of this amendment is to protect the privacy of the generally very public-spirited citizens who may make a contribution to a political campaign or a political party. We all know how much of a business the matter of selling lists and list brokering has become. These names would certainly be prime prospects for all kinds of solicitations, and I am of the opinion that unless this amendment is adopted, we will open up the citizens who are generous and public spirited enough to support our political activities to all kinds of harassment, and in that way tend to discourage them from helping out as we need to have them do.

I believe the amendment is acceptable to the Senator from Nevada, and I yield back the remainder of my time.

Mr. CANNON. Mr. President, this is certainly a laudable objective. I do not know how we are going to prevent it from being done. I think as long as we are going to make the lists available, some people are going to use them to make solicitations. But as far as it can be made effective, I am willing to accept the amendment, and I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 381) of the Senator from Oklahoma.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. BELLMON. I yield.

Mr. NELSON. I could not hear the Senator from Oklahoma, and I did not understand exactly what he is doing with the list under the amendment.

Mr. BELLMON. Mr. President, the amendment is self-explanatory. I shall read it again. It provides that "any information copied from such reports and statements shall not be sold or utilized by any person for the purpose of soliciting contributions or for any commercial purpose."

In the State of Oklahoma, our own tax division sells the names of new car buyers to list brokers, for example, and I am sure similar practices are widespread elsewhere. This amendment is intended to protect, at least to some degree, the men and women who make contributions to candidates or political parties from being victimized by that practice.

Mr. NELSON. Do I understand that the only purpose is to prohibit the lists from being used for commercial purposes?

Mr. BELLMON. That is correct.

Mr. NELSON. The list is a public document, however.

Mr. BELLMON. That is correct.

Mr. NELSON. And newspapers may, if they wish, run lists of contributors and amounts.

Mr. BELLMON. That is right; but the list brokers, under this amendment, would be prohibited from selling the list or using it for commercial solicitation.

The PRESIDING OFFICER. Who yields time?

Mr. PASTORE. All time is yielded back.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment (No. 381) of the Senator from Oklahoma (Mr. BELLMON).

The amendment was agreed to.

AMENDMENT NO. 296

Mr. BELLMON. Mr. President, I call up my amendment No. 296, and ask that it be modified to conform to the Pastore amendment.

The PRESIDING OFFICER. The amendment will be so modified. The clerk will state the amendment as modified.

The legislative clerk read as follows:

> On page 30, line 4, immediately after "develop" insert "and furnish to the person required by the provisions of this Act,".

Mr. BELLMON. Mr. President, the purpose of this amendment is to make certain that the candidates, who are required to follow the terms of the act, know exactly what the act requires. We are passing a very complicated bill. Candidates very frequently have other things on their minds during their campaigns, and this amendment and amendment 297 are intended to require that candidates who will be required to file such reports be given the necessary information and documents at the time they file so that they can keep the necessary records and be in a position to conform with the requirements of the act.

Mr. CANNON. Mr. President, the amendment is acceptable.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. CANNON. I yield back the remainder of my time.

Mr. BELLMON. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment (No. 296) of the Senator from Oklahoma (Mr. BELLMON).

The amendment was agreed to.

AMENDMENT NO. 297

Mr. BELLMON. Mr. President, I call up my amendment No. 297, and ask that it be modified to conform to the Pastore amendment.

The PRESIDING OFFICER. The amendment will be so modified. The clerk will state the amendment.

The assistant legislative clerk read as follows:

> On page 30, line 7, strike out everything through line 10, and in lieu thereof insert the following:
>
> "(2) to prepare, publish, and furnish to the person required to file such reports and statements a manual setting forth recommended uniform methods of bookkeeping and reporting;".

Mr. BELLMON. Mr. President, the purpose of this amendment is the same as that of amendment No. 296.

Mr. CANNON. Mr. President, I am willing to accept the amendment, and I yield back my time.

Mr. BELLMON. I yield back the remainder of my time.

The PRESIDING OFFICER. The remaining time having been yielded back, the question is on agreeing to the amendment (No. 297) of the Senator from Oklahoma (Mr. BELLMON).

The amendment was agreed to.

AMENDMENT NO. 300

Mr. BELLMON. Mr. President, I call up my amendment No. 300, and ask that it be modified to conform with the Pastore amendment.

The PRESIDING OFFICER. Will the Senator repeat the number of his amendment?

Mr. BELLMON. No. 300.

The PRESIDING OFFICER. The amendment will be so modified.

Mr. BELLMON. Mr. President, this amendment is highly controversial. I do not intend to ask for a vote on it, but I want to call the attention of the Senate to the fact that——

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 12, line 22, strike out "$1,000" and in lieu thereof insert "$100".

Mr. BELLMON. This amendment, on page 12, line 22, would strike the figure "$1,000" and insert in lieu thereof the figure "$100".

Mr. President, I am convinced that the way the bill is presently drawn, we are leaving a loophole large enough to drive a truck through. In my own case, in my State, I believe any candidate who runs for Federal office will find it necessary to establish committees in every county, and the bill as written would make it possible for each of these committees to obtain up to $1,000 in behalf of the candidate without making the report which this act purports to require.

I can think of at least a half dozen committees in each of our 77 counties each obtaining $900, and none of them ever filing a report, so that the candidate would be able to raise roughly a half million dollars in a statewide campaign, and file no report of any kind.

I strongly feel that this $1,000 limitation is too high. Unless we close this loophole by lowering the figure to $100, and in that way make the loophole only one-tenth as large, I believe very strongly that we are going to, in large measure, destroy the very purposes of the act.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 300 of the Senator from Oklahoma. Who yields time?

Mr. CANNON. Mr. President, do I understand that the Senator is going to withdraw the amendment? If he is, I do not want to talk about it. Otherwise, I oppose it.

Mr. BELLMON. Mr. President, I would appreciate any comment from the Senator from Nevada that he cares to make. If he can accept the amendment, I would like to have him consider it.

Mr. CANNON. Mr. President, I cannot accept the amendment. We have held hearings and gone into this matter in great detail. We have fixed a cutoff point at a committee that spends a thousand dollars or more, which is required to do the most detailed accounting and reporting, and to move this down to an expenditure of $100, the most minute committee that might even take an ad in a newspaper would have to file a report. This is, I think, going far beyond what we are attempting to do by the bill. I hope we do not bog this measure down, as I said before, with such nit-picking amendments that we will end up with a bill so cumbersome it cannot be operated.

I yield back the remainder of my time. If the amendment is withdrawn, I shall move to lay it on the table.

The PRESIDING OFFICER. Who yields time?

Mr. BELLMON. Mr. President, I believe I stated I shall not press the amendment, but I would like to point out that this is a loophole which I feel is going to destroy the purposes of the act.

I withdraw the amendment.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 266

Mr. HUMPHREY. Mr. President, I send to the desk my amendment No. 266, and ask for its immediate consideration.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. STEVENS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STEVENS. What is the time situation with respect to the remainder of the amendments? Does the 10-minute limitation apply?

Mr. PASTORE. No. It is 15 minutes. That was just with reference to the Packwood amendments.

The PRESIDING OFFICER. Thirty

minutes on each amendment, 15 minutes to each side.

The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

TITLE V—REGISTRATION OF FEDERAL VOTERS

REGISTRATION FORMS

SEC. 501. (a) The Secretary shall prepare, in consultation with the Attorney General and the election officials of the various States, a standard form which may be used to register to vote in Federal elections by any citizen who is qualified to register for voting in such elections. Two copies of such form shall be included with each income tax return mailed to a taxpayer by the Internal Revenue Service and additional copies of such form shall be available at any Internal Revenue Service office. The Secretary shall enter into arrangements with the Postmaster General under which additional copies of such form shall be available in each post office. The Secretary shall undertake to notify persons who do not receive such forms by mail of their right to register to vote by using such forms. Such notification shall be by public advertisement or such other means as may be effective. Where appropriate, such notification and such forms shall be in English and in the predominant non-English language used in an area.

(b) Any person who elects to register for voting in Federal elections using the form provided under subsection (a) shall complete such form and sign it. The completed form shall be returned to the Internal Revenue Service and such person shall be registered to vote in Federal elections in the State in which he resides, in accordance with such procedures as may be prescribed by the Secretary, if such person is otherwise qualified to vote in such Federal election.

(c) The Secretary shall issue to any person registered to vote in Federal elections under this section a certificate of registration which shall be held and considered to be prima facie evidence of such registration.

NOTICE TO STATE ELECTION OFFICIALS

SEC. 502. (a) Under such regulations as the Secretary may prescribe, there shall be furnished to the appropriate election officials of any State all necessary and appropriate information regarding persons registered under section 501 to vote in Federal elections held in such State. On and after the time such information has been so furnished to the appropriate election officials of any State in the case of any person, such person shall be deemed to have met all the requirements for registration for voting in Federal elections held in such State. Any such registration for voting shall continue in effect for the same period of time it would have been in effect had such person registered under the applicable State law.

(b) Registration under this section of any person for voting in Federal elections held in any State shall constitute valid registration for voting in elections held in such State other than Federal elections whenever the laws of such State so provide.

PROHIBITION OF NATIONAL REGISTRY

SEC. 503. No national registry of persons shall be compiled or maintained from information derived under this title.

REPORT BY SECRETARY

SEC. 504. The Secretary shall report to the Congress one year from the date of enactment of this Act with respect to registration of voters under this title together with any recommendations he may have, including recommendations for additional legislation, for the more effective administration of voter registration under this title.

PENALTIES

SEC. 505. (a) The provisions of section (11)(C) of the Voting Rights Act of 1965 shall apply to false registration under this title and other fraudulent acts and conspiracies in connection with this title.

(b) Whenever the Attorney General has reason to believe that a State or political subdivision is denying or attempting to deny to any person the right to vote in any election in violation of this title, he may institute for the United States, or in the name of the United States, an action in a district court of the United States, in accordance with sections 1391 through 1393 of title 28, United States Code, for a restraining order, a preliminary or permanent injunction, or such other order as he deems appropriate. An action under this section shall be heard and determined by a court of three judges in accordance with the provisions of section 2282 of title 28 of the United States Code and any appeal shall be to the Supreme Court.

(c) Any person who deprives, or attempts to deprive, any other person of any right secured by the first section of this title shall be fined not more than $5,000, or imprisoned not more than five years, or both.

REGULATIONS

SEC. 506. The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this title.

DEFINITIONS

SEC. 507. As used in this title, the term—

(1) "State" means each of the United States, the District of Columbia, and the Commonwealth of Puerto Rico;

(2) "Federal election" means any general, special, or primary election held for the purpose of nominating any candidate for election, or electing any candidate, as President, Vice President, presidential elector, Senator, Representative, or Delegate or Resident Commissioner to the Congress; and

(3) "Secretary" means the Secretary of the Treasury or his delegate.

Mr. HUMPHREY. I yield myself 3 minutes.

Mr. President, I took the liberty last evening of discussing putting into the RECORD the explanation of this amendment. I have discussed the amendment with the distinguished Senator from Rhode Island. It relates, of course, to improving the process of registration for election purposes. The amendment would be based upon a cooperation with the Federal Government, through the Internal Revenue Service, of providing means of registration. It would comply with all State law. It would not be Federal registration that would ignore or try to avoid in any way the State requirements. The whole purpose of the amendment is to facilitate registration, to make access to registration just a little easier.

The registration problem, according to those who have studied it, is that mechanics of registering to vote have deterred some citizens from exercising their franchise. It is estimated that only 60 percent of the electorate vote in Presidential elections and a much smaller number in local elections.

In some States, sincere efforts are made to facilitate registration. In other places, the registration requirements are much more difficult. I think it is fair to say that a very substantial portion of our potential electorate does not become registered and as a result is unable to vote. With the new voters coming in—there are approximately 25.5 million new voters since 1968—particularly with the constitutional amendment permitting 18-year-olds to vote—the matter of registration becomes an even more serious problem, and one that I think demands some Federal action.

There are other proposals along this line, one by the distinguished Senator from Hawaii (Mr. INOUYE) and one by the distinguished Senator from Massachusetts (Mr. KENNEDY).

Mr. President, in light of my discussion, I am not going to press for a vote on this amendment; but I am going to ask unanimous consent that the bill I introduce, which will be based on this amendment—which I shall introduce today in the nature of a bill, rather than an amendment to S. 382—be referred to the committee to which all other bills of this nature are presently being referred; namely, to the Committee on Post Office and Civil Service. I ask unanimous consent that that be done.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, I have been assured by the distinguished chairman of that committee that hearings will be held and that some action will be taken. I would hope that, as a result of the number of bills that will be before that committee, we will be able to come out with some form of Federal registration that will greatly facilitate the election process.

I think it is most regrettable that large numbers of our people, for all practical purposes, are denied the right to vote simply by complicated State registration laws. We have a highly mobile population, and many of these registration requirements stand in the way of the exercise of the ballot—particularly requirements for residence. Let us hope that we can find a better way of improving the processes of democracy. It does little good to talk about voter participation if roadblocks are put in the way of voter participation.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HUMPHREY. I yield myself 2 additional minutes.

Mr. President, people have no problem being informed as to their taxes. You do not have to go down to the courthouse to register for your income tax blank. You do not have to go down to the courthouse to register for your property taxes. For some reason or other, the Government is able to find you, and they take great pains to find you.

I say that the same Government that can send you an income tax blank can also enclose in that income tax blank a registration form so that you can have a chance to register. Those forms can then be sorted and sent back to their respective States, so that the individual can be registered in his own State.

The Government that can tax is the Government that can register. I still think that the old cry of this Republic, "No taxation without representation!" still makes a good deal of sense.

I would remind my colleagues that it is not too difficult to register people if we want to do so. The Federal Government has difficulty getting U.S. income tax forms to 95 percent of the Amercian people. They get them to you on time; and if you do not pay on time, you pay a penalty.

Mr. President, I would hope that we would show the same solicitude, the same desire for public service and for efficiency in Government, in helping people become registered as we do in extricating from them—either painfully or pleasantly, either sooner or later—the taxes which the Federal Government insists upon.

It is my understanding of the view of the Senator from Rhode Island that this amendment and one that was offered by the Senator from Massachusetts (Mr. KENNEDY) would better serve the interests of this election bill by being referred to the Committee on Post Office and Civil Service.

Mr. PASTORE. I feel that very strongly, and I so said to the Senator from Massachusetts, and I repeat it now. I thank the Senator from Minnesota for his understanding and cooperation.

Mr. HUMPHREY. I believe it is so important that we get this elections bill passed that I want no excuse for any veto or a holdup in the other body. I am delighted to cooperate with the Senator from Rhode Island, who I believe has done a masterful job in preparing this all-important measure.

Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

AMENDMENT NO. 365

Mr. BUCKLEY. Mr. President, I call up my amendment No. 365.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 13, between lines 23 and 24, and on page 19, between lines 22 and 23, insert the following:
>
> (5) notwithstanding the foregoing meanings of "contribution", the word shall not be construed to include services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee.

Mr. BUCKLEY. Mr. President, I think the purpose of this amendment is self-evident. It is just to avoid a possible ambiguity by specifically excluding from the definition of the word "contribution" the value of services rendered by volunteers.

We all know the importance of volunteers to our respective campaigns. If we had to keep timeclocks around to determine when they contribute services valued at more than $100, it would impose a very meaningful burden on all of us. I am sure this is not the kind of contribution which the sponsors of the bill have in mind. I understand that the sponsors have no objection to this amendment.

Mr. CANNON. Mr. President, the amendment is a reasonable one, and I am willing to accept it.

I yield back the remainder of my time.

Mr. BUCKLEY. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment is yielded back. The question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

AMENDMENT NO. 306

Mr. ALLEN. Mr. President, I call up my amendment No. 306, as modified, and ask that it be stated.

The PRESIDING OFFICER. The amendment, as modified, will be stated.

The assistant legislative clerk read as follows:

> On page 15, line 8, insert "608," before "610".
>
> On page 22, strike lines 9 and 10, and insert in lieu thereof the following:
>
> SEC. 203. Section 608 of title 18, United States Code, is amended to read as follows:
>
> "§ 608. Limitation upon certain campaign expenditures
>
> "(a) No candidate shall make or authorize expenditures on behalf of his candidacy, or to influence the outcome of the election in which he is a candidate, for goods or services other than broadcast communications media (as regulated by section 315(c) of the Communications Act of 1934) and nonbroadcast communications media (as regulated by section 103 of the Federal Election Campaign Act of 1971) in excess of—
>
> "(1) 10 cents multiplied by the estimate of resident population of voting age for the office for which he seeks nomination for election or to which he seeks election, as determined by the Bureau of the Census in June of the year preceding the year in which the election is to be held; or
>
> "(2) $60,000, if greater than the amount determined under clause (1).
>
> "(b) No person may make any charge for goods or services (other than those regulated by section 315(c) of the Communications Act of 1934 (relating to broadcast communications media) or by section 103 of the Federal Election Campaign Act of 1971 (relating to certain nonbroadcast communications media)) furnished to or on behalf of a candidate in connection with his campaign for nomination for election, or election, unless such candidate, or an individual authorized by such candidate to do so, certifies to such person that the payment of such charge will not violate subsection (a). Any person who furnishes such goods or services to or for the benefit of a candidate without charge therefor shall be deemed to have made a contribution to such candidate in an amount equal to the amount normally charged by such person for such goods or services. Any person who furnishes such goods or services to or for the benefit of a candidate at a charge which is less than the charge usually made by such person for such goods or services shall be deemed to have made a contribution to such candidate in an amount equal to the excess of the amount usually charged for such goods or services over the amount charged such candidate.
>
> "(c) Violation of the provisions of this section is punishable by a fine not to exceed $5,000."
>
> On page 24, between lines 17 and 18, strike the item relating to section 608 of title 18, United States Code, and insert in lieu thereof the following:
>
> "608. Limitation upon certain campaign expenditures.".

Mr. ALLEN. Mr. President, I yield myself 7 minutes.

The PRESIDING OFFICER (Mr. TAFT). The Senator from Alabama is recognized for 7 minutes.

Mr. ALLEN. Mr. President, the purpose of the amendment is to provide, along with the limitation placed on the two types of campaign advertising, an overall campaign limit. It would add an additional 10 cents for all campaign expenditures not covered by the two 5-cent limitations.

I favor the principle of limitation on campaign expenditures and favor the principle in S. 382, but do not believe it goes far enough. I do not believe the limitations are strict enough.

In the Committee on Rules and Administration I brought up this very question, the question of an overall limitation on campaign expenditures, and stated in the committee that at the proper time I would offer an amendment that would provide an overall limitation. The overall limitation in effect, then, would be 20 cents per person of voting age in the political subdivision involved in the election, but divided into three categories.

We recall that, when the President vetoed the spending limitation bill before, that bill applied only to expenditures for radio and television, and the President pointed out that it did not provide an overall limit, that it would cause a shifting of allowances from television and radio over to other forms of expenditure.

The purpose of this amendment is to provide that overall limit.

The Senate bill adds one more limitation to last year's vetoed bill, the 5-cent limitation on newspapers, periodicals, and billboards and allows the shifting, I believe now, of 1 cent from one category over to the other, which could provide for a 6-cent and a 4-cent distribution.

Let me read from the President's veto message on the last bill:

> The problem with campaign spending is not radio and television; the problem is spending. The bill plugs only one hole in a sieve.

What has been said about the other bill can be said about this bill, because it just plugs two holes in the sieve.

> Candidates who had and wanted to spend large sums of money, could and would simply shift their advertising out of radio and television into other media—magazines, newspapers, billboards, pamphlets, and direct mail. There would be no restriction on the amount they could spend in these media.

Those same objections of the President before would apply now.

Let us see what is not touched by the bill, where the limitations are nonexistent. The sky is the limit on expenditures in such cases.

Mr. President, my supplemental views in the Committee on Rules and Administration report on the bill appear on page 103 of that report. These items are not covered that might well be involved in a campaign.

The bill places no limit on expenditures for mass mailings, for handbills, brochures, printing, WATS lines, telephones, postage, stationery, automobiles, trucks, telegrams, campaign headquarters—State and various local ones—unlimited campaign workers, airplanes, rentals and tickets, buses, trains—special and regular—campaign newspapers, movie theater film advertisements, campaign staffs, public relations firms, production expenses for broadcasts, public opinion polls, paid campaigners and poll watchers, novelties, bumper stickers, sample ballots.

None of those items are limited in the present bill. With this amendment now under consideration, a limitation would be provided. It would be to make it 10 cents per person of voting age in that area, which is better than no limitation at all, because there is no limitation whatsoever now.

I submit that there is even greater need to limit expenditures for nonmedia advertising than for media advertising. Media advertising is open and aboveboard and available for all to see. The overuse of media advertising might even be counterproductive, if the electorate felt that the candidate was overspending in that field. Nonmedia expenditures would not be as apparent to the public but would be as effective and as expensive. It would be in the field of nonmedia expenditures that irregularities or corrupt practices or abuses, if any, might be more likely to occur.

A limit should be placed on nonmedia expenditures. If no amendment of this sort is adopted to this bill before final enactment into law, we will have a partial limitation on radio, television, newspapers, billboards, and publications but no limitation on the rest of these other tremendous unlimited expenditures. This would enable a candidate who had been limited by these two 5-cent limitations to move any available funds over to these other forms of expense.

Without a limitation on all expenditures we might as well have no limitation.

Mr. President, I reserve the remainder of my time.

Mr. PELL. Mr. President, will the Senator from Alabama yield?

Mr. ALLEN. I yield.

Mr. PELL. Is this not the amendment the Senator from Alabama was going to offer and did offer at the meeting in the Rules Committee, and then he withdrew it at that time so that we could study it further?

Mr. ALLEN. Let me state to the distinguished Senator from Rhode Island that when the bill was under consideration in the Rules Committee, I suggested that I thought that provision should be put in the bill, but no amendment had been prepared at that time. Naturally, I did not offer an amendment because it was not in existence. But I did state that I was going to present the matter on the floor of the Senate and seek an overall, total campaign limitation.

Mr. PELL. My recollection is, at the meeting, that I was among those who thought it was a good idea then and indicated my general support for it.

Mr. ALLEN. That is correct.

Mr. PELL. And I hoped that the Senator would bring it up.

Mr. ALLEN. That is right. I thank the Senator very much.

Mr. PASTORE. Mr. President, I think that the most effective way to kill this bill this afternoon would be to adopt the pending amendment.

I say that as kindly and as sincerely as I can say it to my distinguished colleague from Alabama.

We went into this matter thoroughly in the committee. There are certain elements, of course, that were not included in the 10-cent limitation, but all the elements we have included are identifiable and because certain elements were not identifiable which are an integral part of a political campaign, we made a very, very strong disclosure law that no matter what a candidate spends, he has to report every nickel he receives and every nickel he spends. And he has to do this under procedures that are very strict and, I have characterized them before as being rather brutal.

What are we up against? First of all, we do not want to make this an incumbent bill. The question came up of direct mail. I am one of those that would like to see direct mail included in the 5-cent limit.

I say to my friend, the Senator from Alabama, that if he wants to include everything else under the umbrella we already have of 10 cents, I would be willing to do that and take it to conference.

What we are actually doing if we are raising it to 20 cents is that we are actually blowing up a scandal. We have to understand why we got into the bill in the beginning. The reason why we got into it was that we had to bring these astronomical expenses for a political campaign under reasonable restriction. And I think we have accomplished that in this bill in those elements of campaign expenses that are not only identifiable, but are the ones most frequently indulged in and that are, indeed, the most expensive ones.

The argument has been made why not put the direct mail in. I would like to include it. But how do we stop a Senator from sending out a newsletter? He has the right of frank. He can send it to every constituent in his State without costing him 10 cents. How do we stop that? We cannot stop that. And that is the argument I made against direct mailing.

I am saying to my friend, the Senator from Alabama, and to my colleague, the junior Senator from Rhode Island, that we worked long and hard on this to bring out what we thought would be an enforceable bill. It is true that it is not a perfect bill. I do not think that we will ever have a perfect bill. However, at least we will have the experience next year and the year after we have seen what happened and have seen how much candidates spend over and above 10 cents, which is the ceiling under the law, for certain items, we will be in a better position to see how much more should be included in a ceiling.

How do I know whether 5 cents or 10 cents is enough?

An amendment was put in to the effect that we should not count the worth of the services of volunteers. What do I do if a candidate gets 200 volunteers to work for him? What am I supposed to do?

How can I ever measure how many stamps a candidate has bought? How are we ever going to do that?

The only way we can get to that is by full disclosure. Everyone knows that the abuse in past campaigns has been because of the electronic media, and that is where we should have stopped in the first place.

I tell the Senate very frankly that if the House had not had the primaries and not had the Governors, we would have overriden the Presidential veto, because there is not a Senator here who does not understand that the very heart of the question is what one has to spend for radio and television.

Then, the next item is the tremendous expense of newspaper advertising. That is included here. The billboards are important.

If we are going to say that one can only buy a certain number of stamps, I am afraid that we will never be able to enforce that.

I say to my friend, the Senator from Alabama, that if we raise it to 20 cents for every eligible voter—not every voter but every voter from 18 up—we would be spending in the coming election five times more than the amount spent in the last election. If that is going to be the case, we are wasting our time.

We are trying to bring down the cost of a campaign. I realize—and I repeat it again—that some time, some day we have to control all of the expenses. That would be the only solution, in addition to full disclosure. But if we begin to hatchet this legislation with this amendment and begin to double up on what an individual can spend, I am afraid we are going to be in serious trouble.

I would seriously hope that my good friend, the Senator from Alabama—if he wants a meaningful bill that has a chance to pass this session—will withdraw his amendment. I think it would be a calamity and a tragedy at this moment, after the time we have spent on the bill to have it go down the drain at 4 o'clock on the afternoon of this day.

Mr. President, I reserve the remainder of my time.

Mr. ALLEN. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 5 minutes.

Mr. ALLEN. Mr. President, I find that I am in disagreement with my distinguished friend, the senior Senator from Rhode Island, who feels that if this amendment is adopted it would kill the bill.

On the contrary, it might be the only way the bill can be saved, because the President vetoed the last bill because it did not cover everything. This amendment does cover everything.

I would also like to point out to the distinguished Senator that so far as allowing expenditures of 20 cents, it would not change the categories at all. It would leave the 5-cent limitation on radio and television and the other 5 cents for newspapers and periodicals and add a new category of 10 cents.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. PASTORE. Where does the Senator get the formula for 10 cents? What is the documentation that the total costs are equal to radio and television and the other items?

Mr. ALLEN. I would like to call the

attention of the Senator to the fact that this is not an amendment of permission or extension. It is an amendment of limitation, because under the present law there is no limit. The sky is the limit. This amendment does not confer any authority to spend one single dime. It puts a limitation on spending that can be made.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. ALLEN. If I might finish, please. The Senator seems to be under the impression that this would enable a candidate to spend more money. It puts a limitation on expenditures, the limitation bring the exact dollar amounts of the combination of the other two items. That is where it comes from.

Mr. PASTORE. Then why does the Senator not put all other items under the existing 10 cents?

Mr. ALLEN. I should like to do that. And if the Senator is serious in stating we can put the other items under the two 5 cents, if he would suggest the absence of a quorum to allow that amendment to be prepared, I would be willing to prepare it.

I understand that the senior Senator from Rhode Island has said he would accept it. That would end the matter as far as the Senator from Alabama is concerned.

I suggest that the Senator from Rhode Island do that.

Mr. PASTORE. Mr. President, I suggest the absence of a quorum.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Chair advises the Senator from Rhode Island that he does not have sufficient time remaining on the amendment to suggest the absence of a quorum. Does he wish to suggest the absence of a quorum on the time allotted under the bill?

Mr. PASTORE. Mr. President, I withdraw the suggestion of the absence of a quorum and yield 3 minutes to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 3 minutes.

Mr. COTTON. Mr. President, I had not intended to take any time because both the Commerce Committee and the Committee on Rules and Administration have done such splendid work on this bill. However, Mr. President, I find myself in some disagreement with both of my colleagues. To some extent, I find myself in disagreement with the distinguished Senator from Alabama (Mr. ALLEN). I also find myself somewhat in disagreement with the distinguished Senator from Rhode Island (Mr. PASTORE).

Mr. President, more than a quarter of a century ago, I spent 10 years in the legislature of my own State. And I served for a long time as chairman of the Judiciary Committee of the State legislature. We were grappling with a State law for "clean" elections.

We saw attempt after attempt fail to accomplish the purpose we had in mind. Now, Mr. President, in my State the law is so strict that if a person runs for U.S. Senator in the State of New Hampshire he has to account for everything, even to putting value on the use of his own staff. Thus, the one thing which we learned in my State is that the secret of "clean" elections is rigid disclosure.

Artificial and arbitrary monetary restrictions are not the solution. I said this in committee and I have said it before on the floor of the Senate. This is the very basic point I find myself somewhat in disagreement on with the Senator from Rhode Island (Mr. PASTORE) in connection with the purpose of the bill. The thing we are trying to accomplish is not, in my opinion, to limit campaign expenditures, but rather to provide for complete and rigid disclosure of such expenditures. I challenge this or any other legislative body in the world to devise a statute with monetary limitations that cannot be avoided or circumvented.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COTTON. I yield myself 4 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 4 additional minutes.

Mr. COTTON. Mr. President, I hope Senators will not think I am too cynical in taking this attitude. But, I repeat that I challenge this body or any legislative body in the world to devise the kind of statute that cannot be avoided or circumvented, or to devise a law limiting expenditures. However, the one remedy that can be devised, coupled with strict sanctions for violations, is a law requiring that any man running for public office discloses the last cent he receives and spends. Under that kind of jeopardy, he would not take a chance. Our own State law provides that a candidate could be declared ineligible and have his name taken off the ballot if it were found that he failed to meet the disclosure requirements.

When the President vetoed a similar bill in the last Congress, one reason given was that it was not comprehensive enough. I think that reasoning was somewhat unfortunate. But, it is why we have to have an all-inclusive bill this year. I think that is unfortunate because if the people of my State and the people of this country could be accurately informed of campaign expenditures on a regular and periodic basis before an election, coupled with penalties for failure to disclose, then the electorate could come to their own judgment.

Any wealthy man who thinks he can buy a seat in the House of Representatives, in the Senate, or buy a governorship or any other high office and do it by pouring out money is mistaken. If those expenditures are disclosed, Mr. President, you can trust people not to permit him to do it. Furthermore, you can trust his opponent to see to it that it is well-advertised because that power would be in the hands of the poor man.

I have heard a lot said in the last few days that a poor man should have a chance to run for office. I agree. But, you are putting in the hands of the poor man, for whom so many tears have been shed, a weapon that will be more effective in preventing the expenditure of unreasonable and unconscionable sums in campaigns than anything else in the bill—disclosure.

If I had had my way in committee, and my amendment had been agreed to, then, this would have been a disclosure bill—period. Then, let the voters decide who deserves the office.

For that reason I agree with the distinguished chairman of our Communications Subcommittee, the Senator from Rhode Island (Mr. PASTORE), who has put more time and effort into this matter in the last few years than any other Member of this body.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COTTON. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 additional minutes.

Mr. COTTON. I agree with the Senator from Rhode Island (Mr. PASTORE) that when we try to go as far as the Senator from Alabama (Mr. ALLEN) would have us go—with the best of intentions in the world and very sincerely—that we will get a bill that first, will not pass, and second, if it passes it will be utterly unworkable and unenforceable.

Mr. PASTORE. Mr. President, I yield myself whatever time I may need.

I want to make abundantly clear I will never vote for 20 cents. I think we have been very generous with the 10 cents. I would rather see 10 cents for everything than 20 cents for everything because I think we would scandalize this operation we have indulged in in the last few days.

All I am trying to say is the fact that 20 cents for every eligible voter, with the lowest unit cost, irrespective of how many people go to the polls, predicated upon a census taken by the Bureau of the Census is going to give any candidate a lot more money than he needs to effect a very effective campaign.

Now, if we begin to make this 20 cents I think the bill is going to be limited and I would rather see no bill at all. I am saying that frankly I would rather see this bill die this afternoon than to see an amendment adopted to bring it to 20 cents.

I am hopeful that when the disclosure law takes effect and we look at it after 1972, we will have an opportunity to determine whether all expenditures should come under the 10-cent limitation. That would be not only a favor for the incumbent but for the opponent.

I think this idea of how much it cost to come to Congress, or to win the Presidency has become a public scandal, and people cannot understand it. If we say a man must spend 20 cents for every eligible voter in his State I am afraid we are putting a price tag on public office, and that will scandalize this matter. I would rather see 10 cents for everything than 20 cents for everything.

Mr. President, I hope the amendment is rejected.

Mr. ALLEN. Mr. President, I yield myself 2 minutes.

The amendment would not provide for a 20-cent limit. The bill would provide, as it now provides, for one 5-cent limit, another 5-cent limit, and then a 10-cent limit.

Under the way the bill is now written, the only limitation is a 5-cent limit, a 5-cent limit, and no limitation, so that under the bill $1 a person could be spent for expenses not covered by the two 5-cent limits.

This is not 20 cents per person; it is limited to 10 cents for all other expenses, other than the two 5-cent limitations provided by the bill.

This is not a concession or extension of spending authority. It is a strict constriction and limitation of spending authority and we should cover the whole field of campaign expenses and not just cover part of it.

Mr. CHILES. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. CHILES. As I understand the Senator's amendment, under spending we have covered those areas such as radio and television, and we have covered newspapers, but then, in the areas not covered, I understand that is where the Senator's limitation would now go, the Senator's amendment would say you could not spend more than a dime.

Mr. ALLEN. That is correct. That would be 10 cents.

Mr. CHILES. That is a high figure to me.

Mr. ALLEN. Very high.

The PRESIDING OFFICER. The 2 minutes of the Senator have expired.

Mr. ALLEN. Mr. President, I yield myself 1 minute.

Mr. PASTORE. I will yield the Senator time.

Mr. ALLEN. I have some additional time.

Mr. CHILES. But there is no limitation on that now. Is that correct?

Mr. ALLEN. That is correct.

Mr. CHILES. Will the Senator from Alabama tell me is there an opening in there, for example, for an unlimited mailing campaign or a letterwriting campaign or a mass writing campaign?

Mr. ALLEN. Under the bill without the amendment, there would be no limitation whatsoever.

Mr. CHILES. Then, if I were a wealthy candidate or had accumulated a war chest from special interest contributors, I, or a committee, could spend unlimited amounts for that kind of campaign effort?

Mr. ALLEN. Yes.

Mr. CHILES. That means that without this amendment, a presidential candidate with unlimited funds could decide he was going into a nationwide mass communication campaign?

Mr. ALLEN. Yes.

Mr. CHILES. And he could engage in certain techniques as to how many pieces to send out, and he could spend unlimited sums on that kind of campaign.

Mr. ALLEN. Campaigns were run long before radio and television, and very successfully.

Mr. CHILES. Would the Senator tell me whether someone could hire workers for telephone banks or for door-to-door canvassing?

Mr. ALLEN. The candidates could do that without limitation under the bill as written, without this amendment.

Mr. CHILES. There would be no limitation. Under the Senator's amendment would there be some limitation?

Mr. ALLEN. Yes; it would come under the overall 10 cent limitation. None of the 10 cents, by the way, could be transferred to other forms of advertising.

Mr. CHILES. So the lid or restrictions would still be on them?

Mr. ALLEN. That is correct.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. ALLEN. Yes; if I have time.

Mr. DOLE. I want to refer to the question raised by the Senator from Rhode Island. I share the view expressed by the Senator from Alabama that this would not, in effect, be doubling the cost of the campaign.

Mr. ALLEN. Absolutely not. There is no obligation to spend a dime. It is just a limitation. Right now there is no limitation. It could be a dollar per person. This amendment would hold it down to 10 cents. There would be no obligation to spend it at all. It would be there. It is limited. Under the present bill there is no limitation. This amendment puts a limitation on those expenditures.

Mr. PASTORE. Mr. President, if the Senator will yield, to answer the question, I am not opposed to a limitation of all other expenditures as well. The trouble is we have no guidelines to make any sense out of it. How do I know 10 cents make sense? I am trying to find out where they got the figure of 10 cents.

We found out what the candidates are spending, on the average, for radio and television. We found out how much the discount came to. We found out what the leverage was there. There are some elements on which to make a determination which will provide fairness.

The Senator from Florida raised the question of direct mailing. How can we stop any Member of Congress who is an incumbent from sending out a newsletter? What does that cost? Is that fair to anyone on the outside who has to go out and buy stamps? An incumbent can do it up to the day of his election. As a Member of Congress he can do that.

We talked about this back and forth. The Senator from New Hampshire (Mr. COTTON) said, "There is very little radio and television in my State. I do much of mine through direct mailing." When we debated this question back and forth, we reached the conclusion that we ought not to persist in this. Am I correct?

Mr. COTTON. Yes.

Mr. PASTORE. Here we are this afternoon saying, "Let us make it 10 cents for everything else." I am not opposed to limiting everything else, but I do not know what that figure should be. I would be perfectly willing to take the 10 cents we already have rather than the 20 cents suggested. Whether it should be 2 cents more, or 3 cents more, I do not know. Some day it will have to be controlled. Now the way it is controlled is by full disclosure. Perhaps next time we will be in a position to do something about it.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. PASTORE. Yes, out of my time.

Mr. DOLE. I think the President referred to what is being suggested. The Senator from Rhode Island said that perhaps after the 1972 election we will have more information and history for imposing some overall limitation. I agree that there should be an overall ceiling of expenditures, but how are we going to determine what is fair for direct mailing and postage in the operation of a campaign? I think the Senator from Alabama is only trying to further limit expenditures because now the door is wide open as far as the limits are concerned.

Mr. PASTORE. But we have full disclosure, and it would be scandalous if a person spent as much in all the other categories. Then there is the question of volunteers. The question was raised by the Senator from New York as to whether services of volunteers should be considered as part of a contribution. One man may have 50 volunteers, and another man may have to hire them. We have no experience in this regard. We left that out of the bill rather than jeopardize it.

If the proposal were for 2 cents more, I would be more amenable to it. If it were for 3 cents more, I would be more amenable to it. I do not know any more about the 2 cents than the 3 cents, but somehow I know by instinct that another 10 cents is scandalous.

Mr. ALLEN. It is $1 now, if one wants to spend it, I remind the Senator.

Mr. PASTORE. Mr. President, who has the floor?

The PRESIDING OFFICER. The time of the Senator from Alabama has entirely expired.

Mr. PASTORE. I am willing to yield some time to the Senator from Alabama.

Mr. COOK. Mr. President, will the Senator yield?

Mr. PASTORE. I yield to the Senator from Kentucky.

Mr. COOK. Is it true—and I will ask this question also of the Senator from Nevada—that during the course of developing this bill we spent literally hours and hours going over sheets that had been requested from candidates, through the Federal Communications Commission, through all types of facilities we could get, through statistics that had been published on expenditures, through statistics that had been published on newspaper advertisements, and the determination for these figures came as a matter of logic and they came as a matter of statistics from figures we had before us? But there is no statistical information on which to base this figure. Do we know where it came from? Do we know how to figure it? I hope Senators who were in the committee on the markup, and who went over page after page and figure after figure on matters that are treated in the bill, will agree that the percentages we came up with had a relation thereto.

Mr. PASTORE. Take a man in the State of California or the State of New York who runs for the Senate. How do I know how many headquarters he should have? How can I determine that? That is hard to do. How much telephone expense should I allow him? That is hard to know. How much postage should he be allowed? That is hard to know. How many canvassers should he be allowed to have? That is hard to know. At this moment it is an impossibility.

I come back to my friend from Alabama: The only safeguard is one's conscience and the fact that he has to disclose this matter fully.

If after the next election we find that spending on unrelated means was twice as much as it should be in those other categories and that there should be a ceiling on them, we will have something to go by and we can correct the law.

The PRESIDING OFFICER. All time on the amendment has expired.

Mr. ALLEN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Oklahoma (Mr. HARRIS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from Indiana (Mr. HARTKE), and the Senator from Illinois (Mr. STEVENSON) are absent on official business.

I further announce that, if present and voting, the Senator from Illinois (Mr. STEVENSON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) and the Senator from Kansas (Mr. PEARSON) are necessarily absent.

The Senator from Illinois (Mr. PERCY) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from North Dakota (Mr. YOUNG) is detained on official business.

If present and voting, the Senator from Illinois (Mr. PERCY) would vote "yea."

The result was announced—yeas 31, nays 60, as follows:

[No. 201 Leg.]

YEAS—31

Allen
Bayh
Brock
Brooke
Buckley
Burdick
Byrd, Va.
Case
Chiles
Church
Cooper
Cranston
Dole
Fulbright
Gambrell
Gravel
Javits
Long
McIntyre
Packwood
Pell
Randolph
Roth
Saxbe
Schweiker
Sparkman
Spong
Taft
Talmadge
Thurmond
Tunney

NAYS—60

Aiken
Allott
Anderson
Baker
Beall
Bellmon
Bentsen
Bible
Boggs
Byrd, W. Va.
Cannon
Cook
Cotton
Curtis
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Hart
Hatfield
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Kennedy
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Prouty
Proxmire
Ribicoff
Scott
Smith
Stennis
Stevens
Symington
Tower
Weicker

NOT VOTING—9

Bennett
Harris
Hartke
Mundt
Pearson
Percy
Stevenson
Williams
Young

So Mr. ALLEN's amendment (No. 306) was rejected.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. CANNON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PASTORE. Mr. President, I have just been told that the Senator from Vermont (Mr. PROUTY), for personal reasons, will have to leave the Chamber and leave the District. Before he does, I want to take this occasion to thank him for his fine spirit of cooperation on this measure, and I mean that sincerely.

The argument that this was to be a Republican or a Democratic bill, I think, has disappeared into thin air. I think there has been a fine spirit of cooperation and he especially has been a leader in this crusade and I want to thank him very much.

Mr. PROUTY. Mr. President, may I express my deep appreciation.

Mr. COTTON. Mr. President, may I, from the other side of the committee, join the distinguished senior Senator from Rhode Island in expressing our appreciation for the long hours of hard work which the distinguished Senator from Vermont (Mr. PROUTY) put in not only in the committee but also on the bill.

AMENDMENT NO. 382

Mr. CURTIS. Mr. President, I call up my amendment and ask that it be stated.

The PRESIDING OFFICER (Mr. TAFT). The amendment will be stated.

The assistant legislative clerk read the amendment as follows:

> On page 2 strike out beginning with line 12 extending to and including line 2 on page 3.
>
> On page 7 strike out beginning with line 23 extending to and including line 5 on page 8.

Mr. CURTIS. Mr. President, if we can have order in the Senate, I can state my case very quickly.

Mr. President, my amendment is in two parts. I can be forced to separate them but before I make a unanimous consent request that it be considered as one amendment, I should like to explain what it does.

It strikes out some language in two different places in the bill. The first language it strikes out is that section which requires a broadcaster to sell time to a Federal candidate "for the lowest unit charge of the station for the same amount of time during the same period." The other part of it relates to nonbroadcast media, that "it shall not exceed the lowest unit rate charged by others for the person furnishing such medium for the same amount of space."

Mr. President, inasmuch as one principle or proposition would be voted on, I ask unanimous consent that my amendment may be treated as one amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, will the Senator from Nebraska yield?

Mr. CURTIS. I am happy to yield to the Senator from Rhode Island.

Mr. PASTORE. The Senator said the lowest unit rate for any candidate for Federal office on the electronic media. That is not so. He means any candidate for any elective office, anywhere, whether Federal, State, or municipal, 45 days before a primary and 60 days before an election.

Mr. CURTIS. I thank the distinguished Senator from Rhode Island, the floor leader of the bill, for his correction.

Mr. President, my reason for opposing these sections is that it is price fixing. We are telling the local publisher that he has to sell advertising time, to whom? To us—at a rate that is the lowest he sells to anyone.

We are saying to the local broadcaster, if this language remains in the bill, that he must sell advertising time to us at the lowest unit rate he charges anyone else.

Mr. President, I am not in favor of price fixing by law and, furthermore, if there ever comes a time when price fixing is justified by law, certainly it would be to combat inflation or to carry out war powers; but here we have the unheard of situation where Congress is picking out one instance in the whole economy and fixing the price.

Who are we to dispute the fact that here is a local publisher that may, for some good reason, have a low rate for the local citizens who advertise, not during a short period but advertise year in and year out. The same is true of a broadcaster.

I think that this is unwise legislation. I judge no one else, but to my mind it is not morally right that we should impose price fixing for our benefit.

Now let us consider the situation of the local publisher of the local paper. He has felt the forces of inflation. His newsprint costs him more. His postage costs him more—and we had something to do with that. All of his expenses for machinery, repairs, and everything else, is costing him more; yet, we say to him, "We are going to fix the price of what you charge us." It is true that we do not fix it as a dollar amount, but the authors of the bill say, and I will read the language for the broadcasters:

> The lowest unit charge of the station for the same amount of time during the same period.

Mr. President, among other things, in addition to conceding the right of a local businessman to make a price to someone that is a permanent customer, I think that any businessman has a right, in fixing his price, to take into account what the record is for payment. We hear all the time, not about a great number of candidates, but it happens often that political bills sometimes go unpaid or they are difficult to collect.

Well, Mr. President, I believe that to pass this measure with this language in here is not in the best interests of Congress. I do not believe we should say that we are entering the field of price fixing because we are involved. We may not intend it that way. I am not trying to interpret anyone's mind or put words into anyone's mouth, but I say that many people back home, including the taxpayers who own broadcasting stations and the taxpayers who publish newspapers, will think of it in that way.

Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. CURTIS. Mr. President, I reserve the remainder of my time.

Mr. PASTORE. Mr. President, this is not the first time during this debate that this matter has been discussed. First of all, we have got to understand that we are talking about public policy. We are talking about educating the American people during a campaign, not only as to the personalities, the integrity and the capability of the candidates, but also as to the issues.

Under existing law—and I am speaking now of the Communications Act—there is already provided that "charges made for the use of any broadcasting station for any of the purposes set forth in this section shall not exceed charges made for comparable use of such station for other purposes."

What we are doing here is not to set any price or fix any price. We are merely saying to a broadcasting station, "If you yourself have established a lowest unit rate for reasons that a candidate for public office cannot possibly comply with for the simple reason that he only runs a certain number of weeks before election day, then in the particular case of that candidate, whether he is running for Congress or for the school committee in his own community, you cannot charge him any more than the lowest unit rate in the public interest."

It only extends for a period of 45 days before a primary and for 60 days before a general election.

Now, coming to the newspapers, a question was raised as to whether that could be done with reference to newspapers and whether that would be unconstitutional. Well, no court has yet held it unconstitutional. And when I say no court, I mean the Supreme Court of the United States. However, we have statutes in eight States. Here is the statute in Florida:

> No person or corporation within the State publishing a newspaper or other periodical or operating a radio or television station or a network of stations in Florida shall charge a candidate for State or county political office for political advertising a rate in excess of the regular rate usually charged persons for commercial advertising.

This is one case. The question was raised in the State of New Hampshire. The Supreme Court of the State of New Hampshire held in that case:

> That the establishment of the criteria which prohibited a newspaper or radio station from charging rates higher than those established for commercial advertising was not abridging the freedom of the press.

That opinion was appealed to the Supreme Court and the Supreme Court of the United States refused to grant certiorari. They then asked for a review of the rejection of certiorari and the court refused a second time. Therefore, that decision stands.

The point I make, apart from the constitutionality of it, is that licensees, when they are granted the license, must perform a public service. That is required by the law. The Senator himself knows that from time to time the news media and broadcasters will come to a Senator and interview him. They do that to fulfill the requirement that they give time for news service.

They have a news section which complies with their obligation and responsibility to render public service. That is all we are doing here.

We are saying to the broadcasters: "Well, if you grant to Procter & Gamble a spot at 6 o'clock on your television station on a certain day, if you sell that time to a candidate for public office for the school committee in your city, you cannot charge him any more than you charge Procter & Gamble."

Why is there the fixing of a rate? The rate was fixed by the station. All we are saying is that they have got to render to that individual who is running for public office the same rate as they do for a commercial advertiser. That is all it amounts to.

Mr. BAKER. Mr. President, would the Senator yield?

Mr. PASTORE. I yield.

Mr. BAKER. Mr. President, it might be more appropriate for the Senator from Nebraska to yield to me.

Mr. CURTIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Nebraska has 7 minutes remaining.

Mr. CURTIS. Mr. President, I yield 2 minutes to the Senator from Tennessee.

Mr. BAKER. Mr. President, I thank the Senator from Nebraska for yielding.

Mr. President, as the Senator from Rhode Island knows, since we have discussed it privately and in committee on a number of occasions, I support the concept embodied in the amendment of the Senator from Nebraska (Mr. CURTIS). I have always felt, and I still feel, that legislating a requirement for a lowest unit rate on radio and television represents the first time Congress has meddled with the business of ratemaking in the broadcast media.

I also feel that the business of establishing a lowest unit rate represents an effort to dictate rates in a field where ratemaking has always been an anathema in any case, and that is in the printed media.

I favor the amendment of the Senator from Nebraska. I offered a similar amendment in committee and it was not adopted.

There is a paradox of sorts implicit in the bill as presently written. On the one hand, we are limiting the amount that can be spent; and on the other hand, we are allowing ourselves the lowest rate, a rate that we are not earning by frequency of broadcast but because of our status as politicians. That is an imposition on television and radio broadcasters.

Within the confines of the limitation of 2 minutes that has been allotted to me, I would like to say that my opposition to the lowest unit rate concept is not made in ill will, but in the belief that we are levying a subsidy in favor of ourselves, and I do not think it appropriate.

Mr. PASTORE. Mr. President, I yield myself time on the bill. I want to say to the Senator from Tennessee that he has been very cooperative and very persistent about this. This has been his position from the beginning. The majority of the committee felt otherwise. So did the members of the Committee on Rules and Administration.

I want to correct one statement the Senator made. He said that this is the first time we have meddled with rates. That is not true. We got this provision in the Communications Act. That is all we are doing.

Mr. CURTIS. Mr. President, I yield 2 additional minutes to the Senator from Tennessee.

Mr. BAKER. Mr. President, I only want to say that this is my point of view. I think that the Senator from Rhode Island and I are talking of two different things. I say that we are meddling in ratemaking in our own favor when we say that we should have the same discount that is allotted to a commercial user for competitive advertising on the basis of a whole year of advertising when we as politicians advertise only during the weeks immediately preceding a campaign. We are ratemaking.

Mr. PASTORE. Mr. President, this is not confined to Senators and Representatives. This is for a President, for State officers, for Governors, for Lieutenant Governors, for someone who is running for a school committee or dog catcher.

We are saying that the public needs to know these candidates and the issues and that they have got to make it as convenient as possible so that those issues can be brought into every home in America at the best possible price that is charged anyone else.

Mr. BAKER. But we are limiting the amount of broadcasting we can do on the one hand and are providing an attractive inducement on the other hand by giving it the lowest rate.

I intend to support the amendment.

Mr. CURTIS. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 2 minutes.

Mr. CURTIS. Mr. President, I call attention to the fact that I have not raised a constitutional question about this matter. There might be one. It has been cited here that eight States have something similar. By the same token, 42 States apparently do not have. And there must be a reason for that.

I feel that this requirement that there be the lowest unit rate is quite different from a comparable rate. And to that extent it is price-fixing. It is definitely price-fixing for our benefit. There are many forces in the political world that contend that because the public needs to know, the broadcaster should give free time. Why? They contend that because the elected politicians can hold a threat over someone who must have a Federal license. That is not right.

Mr. President, we might say that the public needs to meet the candidates and, therefore, the gasoline stations should give us free gasoline to travel up and down our States or our districts. There is no defense, as I have said, for this language. There is no reason for creating this special privilege for ourselves, and that is what it amounts to. I have not read all the hearings, but I doubt very much that a strong case could be made of abuses in the field of prices that would cause us to feel concerned so that this provision would be warranted.

Mr. PASTORE. Mr. President, all time has been yielded back. I move to lay on the table the amendment of the Senator from Nebraska.

Mr. CURTIS. Mr. President, will the Senator yield at that point?

Mr. PASTORE. I yield.

Mr. CURTIS. I would hope that the distinguished Senator from Rhode Island would allow us to vote on the amendment on its merits.

Mr. PASTORE. Very well. Mr. President, I withdraw my motion. The Senator wants an up or down vote?

Mr. CURTIS. Yes.

The PRESIDING OFFICER. The motion is withdrawn.

The question is on agreeing to the amendment of the Senator from Nebraska (No. 382). On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of Virginia (when his name was called). Mr. President, because of a possible conflict of interest, I announce "present."

Mr. TAFT (when his name was called). Present.

The rollcall was concluded.

Mr. BYRD of West Virginia. I announce that the Senator from Oklahoma (Mr. HARRIS) and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from Indiana (Mr. HARTKE) and the Senator from Illinois (Mr. STEVENSON) are absent on official business.

I further announce that, if present and voting, the Senator from Illinois (Mr. STEVENSON) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT), the Senator from Kansas (Mr. PEARSON), and the Senator from Vermont (Mr. PROUTY) are necessarily absent.

The Senator from Nebraska (Mr. HRUSKA) and the Senator from Illinois (Mr. PERCY) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from New York (Mr. BUCKLEY), and the Senator from Connecticut (Mr. WEICKER) are detained on official business.

If present and voting, the Senator from Illinois (Mr. PERCY) would vote "nay."

The result was announced—yeas 31, nays 55, as follows:

[No. 202 Leg.]

YEAS—31

Allen
Allott
Baker
Beall
Boggs
Brock
Case
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eagleton
Ervin
Fannin
Goldwater
Griffin
Gurney
Hansen
Javits
Jordan, Idaho
Packwood
Roth
Smith
Stevens
Symington
Talmadge
Thurmond
Tower
Young

NAYS—55

Aiken
Anderson
Bayh
Bellmon
Bentsen
Bible
Brooke
Burdick
Byrd, W. Va.
Cannon
Chiles
Church
Cranston
Eastland
Ellender
Fong
Fulbright
Gambrell
Gravel
Hart
Hatfield
Hollings
Hughes
Humphrey
Inouye
Jackson
Jordan, N.C.
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pell
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Sparkman
Spong
Stennis
Tunney

ANSWERED "PRESENT"—2

Byrd, Va.
Taft

NOT VOTING—12

Bennett
Buckley
Harris
Hartke
Hruska
Mundt
Pearson
Percy
Prouty
Stevenson
Weicker
Williams

So Mr. CURTIS' amendment (No. 382) was rejected.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BYRD of West Virginia. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PASTORE. Mr. President, for the benefit of Senators, I know of only one more amendment, which we intend to accept. Does the Senator from Colorado have one?

Mr. DOMINICK. Yes.

Mr. PASTORE. Does anyone else have an amendment?

Mr. BAKER. I have one. It will not take very long.

Mr. PASTORE. Are there any other amendments?

Mr. HART. I have an amendment.

Mr. PASTORE. I would say to my colleagues, for their convenience, that if they will stay around for a little while, I think we can have a final reading around 5:30.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. HART. Mr. President, I have an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 30, lines 14–15, strike: "during regular office hours".

The PRESIDING OFFICER. Who yields time?

Mr. HART. Mr. President, I yield myself such time as I may require. I anticipate it will be only a moment.

I have discussed this amendment with the able manager of the bill. Throughout the debate, the Senator from Rhode Island and the Senator from Nevada—

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senate will be in order, so that Senators may hear the Senator from Michigan.

Mr. HART. The Senator from Rhode Island has emphasized that the key value in the bill we are considering is disclosure, the availability of information. We have our disagreements about many other aspects, but all of us see the value in this. To insure that disclosure, a number of reports are required, and perhaps the key report is the one that is required to be filed on the Thursday before election day with the national commission.

The language as contained in the Pastore substitute leave open the possibility that that report might not be available to the public until the following Monday, the day before the election. By eliminating the words "during regular office hours" on page 30, it becomes clear that it is our intention that the Commission shall be required to be open for business on that Saturday, in order that those reports, while it is hoped they would be available on the Friday, at least would be available not later than the Saturday preceding the election.

I think it is a very desirable clarification.

The most important of the reports which this bill requires is the report which must be filed 5 days before the election.

As we all well know, most political money is received and spent in the closing days of a campaign and thus the final report is likely to contain the greatest amount of information.

If disclosure is to be meaningful, the press must have access to the report no later than the Saturday morning prior to the election. Under the present language of amendment 308, it is possible that the Election Commission might interpret the law as not requiring it to make the report available until 9 a.m. on Monday, prior to the election. The amendment I am proposing for the reason that "during regular office hours" might be thought to rule out the Saturday prior to the election. It is essential there be no ambiguity—the records must be available on that Saturday, and that the press be given access to them for the entire day.

Of course, we would hope that the Commission would make the reports available even earlier, if possible. The Pastore substitute clearly provides for earlier availability.

Mr. President, real reform in the area of campaign finance requires not only disclosure, but also public access to what is disclosed. My hope is this amendment will be adopted to guarantee that access.

Mr. CANNON. Mr. President, the amendment is a reasonable one, and I hope would not involve an extraordinary burden except for that very brief period of time. The whole purpose of the Commission is geared up for this kind of an event, and therefore I am willing to accept the amendment.

The PRESIDING OFFICER. Do the Senators yield back the remainder of their time?

Mr. CANNON. I yield back the remainder of my time.

Mr. HART. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. TAFT). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Michigan.

The amendment was agreed to.

AMENDMENT NO. 369

Mr. DOMINICK. Mr. President, I call up my Amendment No. 369.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

SEC. 315. (a) On Monday immediately following the first Sunday in November in 1974, and in every second year thereafter, the official closing time of the polling places in the several States for the election of electors for President and Vice President of the United States and the election of United States Senators and Representatives shall be as follows: 11 postmeridian standard time in the eastern time zone; 10 postmeridian standard time in the central time zone; 9 postmeridian standard time in the mountain time zone; 8 postmeridian standard time in the Pacific time zone; 7 postmeridian standard time in the Yukon time zone; 6 postmeridian standard time in the Alaska-Hawaii time zone; and 5 postmeridian standard time in the Bering time zone: *Provided*, That the polling places in each of the States shall be open for at least twelve hours.

(b) The provisions of this Act shall become effective on January 1, 1974.

Mr. DOMINICK. Mr. President, in connection with the amendment, the word "Monday" on line 1, page 1, should be "Tuesday", and the word "Sunday" on line 2, page 1, should be "Monday". I modify the amendment to that extent.

The PRESIDING OFFICER. The amendment will be so modified.

Mr. DOMINICK. Mr. President, I am not going to take very long on this proposal, because I have discussed it with the distinguished floor manager of the bill (Mr. PASTORE), and he indicated to me that he did not think it was germane. I think he is probably correct in that view, and if he should make such a motion, I would have to withdraw it.

I would like, however, to take this opportunity to discuss it briefly, because it has considerable support, and then to ask the Senator from Nevada (Mr. CANNON) whether or not we might expect some kind of favorable action on my bill, S. 1385, which is pending before his Privileges and Elections Subcommittee. That bill would move the day for national elections from Tuesday to Monday, make it a national holiday, require the polls to stay open for at least 12 hours, and provide for a uniform national closing time. This amendment is taken from that bill, and would require all polls to stay open at least 12 hours, and close simultaneously at 11 p.m., eastern standard time.

What I am dealing with here, and I shall be very brief, is the fact that at the present time, with the electronic computers and a variety of other things, we now have the election returns which come in first, along the Atlantic coast area, are flashed all over the country and have a decided effect, in the eyes of most political observers, on who votes and how they vote in all the other time areas of the country.

We now have more than six time zones in this country, and there is increasing concern that they have had a rather significant effect in recent national elections. Poll opening and closing times are established under State law. They vary within States, and within time zones. There really is no need for that.

What I am proposing, therefore, is that Congress establish a mean Greenwich time for national elections at which all polls would close simultaneously. That time would be 11 p.m., eastern standard time.

It would not create any particular hardship. It would require the polls to stay open longer in some areas than they do now. The polls could open any time at least 12 hours prior to the uniform closing time—11 p.m., eastern standard time.

There is no constitutional problem involved, insofar as we have been able to find out, and we have looked into it rather carefully. Article II, section 3 of the Constitution gives Congress the power to determine the time of choosing electors for President and Vice President, and article I, section 4, gives Congress the power to regulate the time, place, and manner of holding elections for Senators and Representatives.

The Supreme Court has indicated that this may also apply to presidential elections.

While I admit this amendment is technically not germane, I feel it is very relevant to election reform. But my question is not merely whether it is germane. My question is whether the distinguished Senator from Nevada (Mr. CANNON) who is chairman of the subcommittee before which my bill is pending, feels this matter is of sufficient importance to merit hearings during this Congress. If Senator CANNON can give me some reaction to this, I would be pleased.

Mr. PASTORE. I want to say to the Senator that he is now dealing in a matter that has troubled the entire country, including the experts. I do not care what State is involved. Today, through the computer system, the forecast of election results is made long before people have even completed voting in their own State.

In my State, for example, are certain localities which, by custom, open their polls very early. They happen to be the rural areas, where the activity is more or less agricultural. Those people go to the polls very early in the morning. Those polls close about 5 o'clock in the afternoon. After about 6 o'clock, they tell you who is going to win the election.

They take the polls in New York and project them and tell you who is going to be the President. In California, they have not yet gone to vote.

With respect to the system that has been suggested by the Senator, what is he going to do about Hawaii?

Mr. DOMINICK. Under this amendment, and the identical provision in my bill, S. 1385, the polls would close simultaneously in Rhode Island and Hawaii. In Rhode Island, that time would be 11 p.m.; in Hawaii it would be 6 p.m.

Mr. PASTORE. We had hearings before our committee, and when they were all over—we had the best people in the country come there—we did not know any more about what we should do than when we started.

I think the only answer to the problem—it has to be studied independent of this bill—is that it is so complex that it has to be studied exhaustively to get the right answer.

The right answer may be that there must be the hiatus of a holiday, with all the polls closing, and then open them all at the same time. But for me to tell the people of Kentucky that they cannot start voting until 10 o'clock in the morning, when they are in the habit of starting at 6 o'clock in the morning—I would not want to venture that on the floor this afternoon.

This is not germane, but I hope the Senator will not force me to raise the question of germaneness. I hope that after he makes his presentation, he will withdraw his amendment as not germane.

Frankly, the Senator has touched a very sensitive nerve. We have to get an answer to this question. Many people feel that if the elections look good in New York, that is the way the people who have not yet gone to the polls in California are going to vote. Many others say that is nonsense, that it does not affect anyone. I do not think anyone in the country knows the answer to it—unless we have the elections according to schedule and then say that no machine shall be open and no ballot shall be counted until 24 hours after the last poll is closed. That is the only way to obtain unanimity. I am not even ready to suggest that, because I can imagine the mail that would come into my office tomorrow if I did.

Mr. DOMINICK. I say to the Senator from Rhode Island that I am perfectly willing to withdraw this amendment in a few minutes, provided I can get some assurance from the Senator from Rhode Island or the Senator from Nevada that we will have some hearings on the problem later in this session. Even under my proposal, this would not be effective until 1974; so I am not talking about trying to make it effective for 1972. If we could get some hearings and get some idea of the opportunity to present material on this matter, I think it would be helpful.

Let me say that the concept of a uniform poll closing time was endorsed by the National Governors' Conference in 1966. They passed a resolution which is contained in the statement accompanying this amendment when I submitted it on August 3, showing what their proposal is. This is a uniform 24-hour voting period with simultaneous starting and closing times and it provides for establishing a national holiday for national elections. Perhaps that would be a better system. Its merits could be fully explored in hearings on my bill.

In answer to the Senator from Rhode Island, may I say that, based on reports in the 1962 election from New York, a CBS computer predicted that I was defeated in Colorado, before the polls had closed. I might say that, having made that prediction, when I won—and won rather handily, if I may say—in 1962, the New York Times still carried me as losing; and, when they found I had won, they carried me as a Democrat.

Mr. PASTORE. The Senator has proved the case against himself.

Mr. DOMINICK. No. What I am saying here is that the predictions are made and the effect is unpredictable. Nobody knows. But why do we do it this way? Why can we not have standard closing times in every one of the time zones, so that the problem of computer predictions of election results based on early returns is eliminated? It would not create any problems for anybody in the voting areas involved, and it still would give ample time for everybody to vote.

Mr. PASTORE. The only answer I can give the Senator is that God made him see the sun 3 hours earlier in New York than he sees it in California.

Mr. DOMINICK. The returns would be coming in at exactly the same time around the country. It would happen to be, we will say, 11:15 in New York and 6:15 in Hawaii. But they would be coming in at the same relative time. This is the point I am making.

If the Senator would give me some assurance that we could get a hearing sometime this year or next year, I would withdraw it. I have introduced a bill already.

Mr. PASTORE. I think that what the Senator should do is submit a bill providing for the President to select a commission to make a scientific study of this problem. Psychologically, does it have an effect? Should it be changed? How should we do it, if it should be changed? I think it ought to be studied in that way, as we have had many other task forces, and have them report to Congress, so that we can look at it and see what we want to do about the recommendations. That is the way I would do it.

They would have to be people who made a very deep, scientific study of this matter and who would come in with a concrete recommendation. If many people are called before a hearing, my experience is that by the time we get through, we get confused. I think somebody has to come up with a single answer and say, "This is the way it ought to be done, for this reason."

Mr. DOMINICK. The Senator from Rhode Island really does not mean that. He conducts hearings all the time. As a matter of fact, one of the points he has repeatedly made with respect to this campaign spending bill is the tremendous number of hearings they have had and the witnesses they have had and that arguments on both sides have been discussed. So he really does not mean that, I am sure.

All I am asking for is the same type of consideration for this bill, which I think is of significance, as the Senator gives to any other bill.

Mr. PASTORE. It does not come within the jurisdiction of my committee.

Mr. DOMINICK. But it does come within the jurisdiction of Senator CANNON's committee.

Mr. PASTORE. He will have to answer the question.

Mr. DOMINICK. My bill is before his committee now.

Mr. CANNON. Mr. President, this is not a new proposal. We have had proposals of one sort or another for a number of years before our committee. The distinguished Senator from Nebraska (Mr. CURTIS) has had a proposal before our committee. The distinguished Senator from Arizona (Mr. GOLDWATER) has had a proposal before our committee. We have given considerable study to the matter. We have not had hearings because it has been proved that so far it is very impracticable to follow any of the suggestions that have been proposed.

For example, in the proposal the Senator has now, it would mean that in Hawaii, if they are going to vote in a presidential election or in a Federal election, they would be told that they have to vote at 1 o'clock in the morning and that they can only vote from 1 o'clock in the morning till 1 o'clock in the afternoon.

Mr. DOMINICK. No. The polls would close at 6 p.m., Alaska-Hawaii standard time. They would open at least 12 noon before that.

Mr. CANNON. That is quite unreasonable. But that situation would occur because of the time change.

There is no realistic way. We would be better off if we eliminated all the time zones and put all the country on the same time zone, and if we had from 8 o'clock in the morning until 8 o'clock at night, everybody would be voting at the same time.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. DOMINICK. I would be happy to yield, but I just want to correct the RECORD.

Under my amendment, the polls would have to be open at least: eastern standard time—from 11 a.m. until 11 p.m.; central time—10 a.m. until 10 p.m.; mountain time—9 a.m. until 9 p.m.; Pacific time—8 a.m. until 8 p.m.; Yukon time—7 a.m. until 7 p.m.; Alaska-Hawaii time—6 o'clock in the morning until 6 o'clock at night; Bering time—5 o'clock in the morning until 5 o'clock at night. The polls could open any time before those times, but would have to close at those times. So we are not rendering any hardship to anyone, which is the point I want to make.

Mr. MILLER. Mr. President, will the Senator from Colorado yield?

Mr. DOMINICK. I yield.

Mr. MILLER. Mr. President, I think that the Senator from Rhode Island has made a good statement when he said that this is a problem we are going to have to solve. In going around the country, all of us have heard many comments about this problem and most people are wondering why we do not do something in Congress about it. So it is not a matter of doing something about it, but when we are going to do something about it. I say the sooner the better.

I do not know why there should be any reluctance to hold hearings on this. As a matter of fact, I could suggest to the Senator from Rhode Island to take this amendment to conference and see what the House thinks about. Failing that, at least we might have hearings to let the people know that we are interested in doing something about it. The Senator from Rhode Island is 100 percent right when he said it is a problem we are going to have to take care of. Let us start to take care of it. The sooner the better.

I would suggest to the Senator from Nevada (Mr. CANNON) that he accede to holding hearings on this very important and perplexing problem.

Mr. CANNON. I would agree to hold hearings if the schedule permitted, but not this session. We have other work that comes ahead of that. There are a number of problems here. One problem is that it would not come within the jurisdiction of my committee, but it probably would come within the jurisdiction of the committee under the chairmanship of the Senator from Rhode Island. The suggestion to prohibit the transmission of information until a certain time would be a much better proposal than imposing a duty on people to get out and vote at some other hour of the day in order to make it convenient for people who vote in a different time zone.

Mr. PASTORE. When that suggestion was made by someone, that we do that, the roof caved in. How can we stop a reporter speculating what the results will be in another State? We cannot do that.

Mr. DOMINICK. We cannot stop reporting by a CBS computer, an NBC computer, or any other computer for that matter. I do not know that we want to do that. We would have constitutional problems. What I am saying is that if we have them closing at the same time, there is no possibility of getting any legitimate results before that closing time so that they can spread it around and influence the election in other areas of the country.

Mr. MILLER. What has been brought out here is that the Senator from Rhode Island's committee probably does not have jurisdiction of a solution that will be a workable and constitutional solution. That gets us back to the committee headed by the Senator from Nevada, and I would ask my friend from Nevada if he would not accede to the request of the Senator from Colorado to hold hearings either this session or, I believe he said the next session, so that we can get this show on the road and get something done about this problem.

Mr. CANNON. I am not willing to permit a hearing this session, but I would be quite willing to hold hearings on the bill next year, and a myriad others that have been proposed along this line, but I would have to do so at a time convenient to the committee, of course.

Mr. DOMINICK. When the Senator refers to "this session," I thought the Senator meant not just this year but also next year. If the Senator is only talking about this year, of course, that would be different.

Mr. MILLER. I believe I heard the Senator from Colorado originally ask for this session.

Mr. DOMINICK. I did, but would be pleased with a commitment for hearings this Congress.

Mr. MILLER. I think that is a reasonable request. I can understand why the Senator from Nevada would not want to agree to hold hearings just this session, this year, because by the time we get back from our recess and what is on the agenda, that would be impracticable to do. But I would certainly hope that he would agree to hold them during this Congress.

Mr. DOMINICK. I would say to my good friend from Nevada, and also to my good friend from Rhode Island, that this is not a partisan amendment. The cosponsors are Senators ALLOTT, BENNETT, SCOTT, and WILLIAMS. On the bill, there are more sponsors than that, from both sides of the aisle. The Senator from Oklahoma (Mr. BELLMON) was discussing this with me a little while ago and he said he thought it was an excellent idea.

What I am saying is that the Senate should do something in this field. Up to date, I really have not been aware at least of any particular activity along the lines indicated by this amendment. If the Senator from Nevada would give me some assurance, as I understand he is now willing to do, within the course of events of the committee's business, that would be sufficient; but I would hope that I could get some expression from him now that it would happen, if not this year, then next year, that we should talk about a definite future, when he or I may not even be here.

Mr. PASTORE. The Senator from Nevada has already given the Senator that assurance. He said that if the schedule permits, he will hold some hearings, hopefully next year.

Mr. DOMINICK. Fine.

Mr. PASTORE. I do not see how the Senator can expect the Senator from Nevada to go any further than that now. We are all busy people.

Mr. DOMINICK. At this point then, Mr. President, I withdraw my amendment.

The PRESIDING OFFICER (Mr. SPONG). The amendment is withdrawn.

Mr. KENNEDY. Mr. President, will the Senator from Rhode Island yield for a question?

Mr. PASTORE. I yield.

Mr. KENNEDY. I should like to direct the Senator's attention to page 10 of the bill under the heading "Cost-of-Living Increase in Limitation Formula."

Mr. PASTORE. What is that again, please?

Mr. KENNEDY. In section 104, on page 10 of the bill, under the title, "Cost-of-Living Increase in Limitation Formula," there is included an amendment originally proposed by the Senator from Kentucky (Mr. COOK). The amendment provides a cost of living escalator for the spending limitations, which the bill now sets at 5 cents a voter for broadcast media, and 5 cents a voter for other media. The 5-cent limitations are based on calendar year 1970. Subsection (b) states "Commencing immediately after the end of 1971," the escalator clause is to apply. As I understand it, this means that the 5-cent limitations will be increased for 1972, based on the amount of inflation that took place between 1970 and 1971. Subsection (b) also provides that if the increase is a fraction of a cent, the limitation will be rounded to the next highest cent.

Would the Senator agree with me that, in light of the increases we have already seen in the cost of living in 1971, the effect of the escalator clause will be to raise the spending limitations to 6 cents a voter in 1972? Yet, most discussions of the limitations have assumed that the figure would be 5 cents a voter in 1972 for each of the two limitations, or 10 cents a voter in all. Is it not really 6 cents a voter for each of the limitations, or 12 cents in all?

Mr. PASTORE. Mr. President, I am in no position to say that, because I have not mathematically figured it out. What we are doing here is to establish the 10 cents based on the experience of the last election—which is a generous figure. Now the question was asked on the 10 cents which is good in 1972, or the 10 cents that is good today, you see, but it may not be the same 10 cents if there is going to be spiraling inflation. The costs might go up. So we have to start with a base. So we start with the base in 1970. As I said here earlier this afternoon, that 5 and 5 is a generous figure. Then we added to that the fact that we get the lowest unit cost, and then we added to that every eligible voter over 18, which takes in the new group which has just been admitted by the Constitution; so I am telling the Senator, according to the formula that he will be doing a little better in the next election, by 1974, maybe. The picture may change then a little bit. That is the reason we put that in there. But I will not subscribe to the speculation that the 10 cents we have suggested is only worth 6 cents. I cannot do that.

Mr. KENNEDY. The cost of living index figures already available indicate that we will have 5 percent inflation, as a very conservative estimate, for 1971. Under Section 104, therefore, the 5-cent limitations would be increased by 5 percent, and the limitations for 1972 would therefore rise to 5.25 cents each, and would be rounded up to 6 cents each.

So in 1972 what we are really talking about, as I understand it, is 6 cents as it applies to each of the two limitations, or 12 cents in all. I think it is a generous figure.

Mr. PASTORE. The Senator is correct.

Mr. KENNEDY. We are talking about the cost-of-living increases, we have seen in the last year, which really mean that in 1972, candidates will be able to spend 6 cents a voter for broadcasting, and 6 cents a voter for other media, not 5 cents.

Mr. PASTORE. The Senator is correct. I agree with that.

Mr. KENNEDY. I thank the Senator.

QUORUM CALL

Mr. MANSFIELD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I send to the desk an amendment to amendment No. 308 to S. 382 and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk proceeded to state the amendment.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

> On page 3, line 14, strike "Sec. 102." and insert in lieu thereof "Sec. 102. (a)".
>
> On page 6, after line 25, add the following:
>
> (b) Section 315 of such Act is further amended by—
>
> (1) inserting in subsection (a) immediately after "censorship" a comma and the following: "except as provided in subsection (f),"; and
>
> (2) adding at the end of such section the following new subsection:
>
> "(f) No licensee shall be required under this section to broadcast any material presented by or on behalf of a legally qualified candidate for public office for broadcast in connection with such candidate's campaign which maliciously presents material relating to race and which, in view of the community in which and the time during which the broadcast would be received, is so inflammatory that its broadcast would create a clear and present danger of violent public reaction endangering the safety of individuals in the community or involving the destruction of property. A licensee shall not be liable under this Act for refusing to broadcast such material unless it is shown that such refusal was prompted by considerations other than the criteria set forth in the preceding sentence."

Mr. BAKER. Mr. President, I yield myself such time as I may use.

Mr. President, this is an amendment calculated to prevent the requirement that television stations or radio stations broadcast political advertising which is racially inflammatory and presents a clear and present danger of disorder within the community.

Mr. President, this amendment is similar to one which I offered during consideration of the bill, S. 382, by the Committee on Commerce. Its purpose is to eliminate the present mandatory requirement that a station licensee broadcast all material presented by or on behalf of a legally qualified candidate. Its effect would be to permit a station licensee to refuse to broadcast—

> Any material presented by or on behalf of a legally qualified candidate for a public office for broadcast in connection with such candidate's campaign which maliciously presents material relating to race and which, in view of the community in which and the time during which the broadcast would be received, is so inflammatory that its broadcast would create a clear and present danger of violent public reaction endangering the safety of individuals in the community or involving the destruction of property.

Mr. President, I am motivated to offer this amendment based upon a personal experience I had in one of the major cities in my State which borders on another State.

It involved a candidate for statewide office from the adjoining State who sought to purchase time on a television station in my State, but which had a service area in the adjoining State. In the judgment of the station management part of the material to be broadcast was calculated to be so inflammatory on a racial basis that the management was fearful that if broadcast, the material might cause real trouble in the community. As it turned out under the law as it then prevailed and is now the case, the station licensee had no alternative but to broadcast the material.

Now Mr. President, I am fully aware that this amendment approaches the very fine line of abridging the freedom of speech under the first amendment of the Constitution of the United States. However, I would hasten to point out that there are certain limitations upon this freedom of speech, most particularly in those circumstances which are of such a nature as to create a clear and present danger that such would bring about substantive evils.

For example, as pointed out by Justice Holmes in *Schenck* v. *United States* (249 U.S. 47, 51–52 (1919)):

> But the character of every act depends upon the circumstances in which it is done. * * * The most stringent protection of free speech would not protect a man in falsely shouting fire in a theatre and causing a panic. It does not even protect a man from an injunction against uttering words that have all the effect on force. * * * The question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent. It is a question of proximity and degree.

Similarly in *Chaplinsky* v. *New Hampshire* (315 U.S. 568, 571–572 (1942)) Justice Murphy asserted the following:

> There are certain well-defined and narrowly limited classes of speech, the prevention and banishment of which have never been thought to raise any Constitutional problem. These include the lewd and obscene, the profane, the libelous, and the insulting or "inviting" words—those which by their very utterance inflict injury or tend to incite an immediate breach of the peace. It has been well observed that such utterances are no essential part of any exposition of ideas, and are of such slight social value as a step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality.

Mr. President, I believe that my amendment is so narrowly drawn as to meet these tests handed down by the Supreme Court of the United States. Admittedly, this is an arguable point but then whether such conditions exist is one of law for the courts, and ultimately, for the Supreme Court in enforcement of the first and 14th amendments. Essentially, all my amendment does is to provide a broadcast station licensee a right of refusal, first, when the election campaign material maliciously presents material relating to race; second, which material in view of the community in which and the time during which the broadcast would be received is so inflammatory that its broadcast would create a clear and present danger of violent public reaction; and which violent public reaction endangers the safety of individuals in the community or involves the destruction of property. It is, therefore, very narrowly drawn. My principal concern, Mr. President, in offering this amendment is for public health, safety, and welfare.

Mr. President, I know of no member of the Senate more concerned than I with insuring that constitutional rights of the citizens of our Nation are not abridged. However, the situation which I seek to remedy involves one of balancing the equities between those who would espouse an absolute right of freedom of speech even to the point of presenting a clear and present danger, and those such as myself, who, in instances that I have described, feel that under very limited circumstances and close scrutiny by the courts of law, there may be merit to some limited prior restraint in the exercise of this right.

As Mr. Justice White noted in handing down the decision of the U.S. Supreme Court in *Red Lion Broadcasting Co., Inc.*, v. *Federal Communications Commission*, 395 U.S. 367, 386 (1968):

> Although broadcasting is clearly a medium affected by a First Amendment interest, *United States* v. *Paramount Pictures, Inc.*, 334 U.S. 131, 166 (1948), differences in the characteristic of new media justify differences in the First Amendment standards applied to them.

Mr. President, this is simply dicta but it is at least recognition that a difference does exist with respect to broadcasting and the first amendment. I believe that the difference in this instance justifies the amendment which I have just offered.

Mr. President, I would also like to bring to the attention of Members of the Senate language appearing in the *Office of Communications of the United Church of Christ* v. *Federal Communications Commission*, 425 F. 2d 543, 548 (1969), which was written by now Chief Justice Burger while on the Court of Appeals for the District of Columbia. Although this case addressed itself to another point of law, during the course of his opinion Chief Justice Burger noted in part the following:

> The infinite potential of broadcasting to influence American life renders somewhat irrelevant the semantics of whether broadcasting is or is not to be described as a public utility. By whatever name or classification, broadcasters are temporary permittees—fiduciaries—of a great public resource and they must meet the highest standards which are embraced in the public interest concept.

Mr. President, I sincerely feel that my amendment is in the public interest and recognizes the "great public resource" of broadcasting which must meet these high standards embraced in the public interest concept. I simply wish to insure that broadcasters will be able to so act within the limited case of the situation circumscribed by my amendment.

Mr. President, this is a close question. It is one that I discussed at length in the committee. There are constitutional issues involved as well as the fact that it borders perilously close to censorship. It is a very serious matter. However, having witnessed at firsthand the dilemma of a television station manager who was confronted with a spot commercial that was so racially motivated that it might cause disorder in the community and the television management had no choice except to broadcast or put his license on the block. It was a sad state of affairs and I resolved at that time to come as close as I could to relieving the station manager of the necessity for taking an undue risk in the future.

I hope the amendment might be adopted. It does involve some serious questions.

Mr. PASTORE. Mr. President, I have tremendous sympathy for the position taken by the Senator from Tennessee. However, I certainly hope he will not press this amendment at this time. If he does, I would hope that it would be defeated.

I would agree with him that this is one of the dilemmas we have with relation to broadcasting when it comes to censorship. I do not want to do anything that would impinge upon the freedom of speech.

I myself am getting weary of many programs that are not only distasteful but are sometimes even rather risque.

I tell the Senator frankly that I think imflammatory statements on radio and television constitute a very serious problem. But there has been court decision after court decision in view of the times in which we live that one is privileged to say what he likes and to say what he thinks.

Mr. BAKER. Mr. President, I recognize and understand the point made by the chairman.

I point out that at some place we ought to reach the point where we cannot permit someone to throw a match into a gas tank or to shout "fire" in a crowded theater. Racially inflammatory material ought not to be forced to be accepted by station managers. I think we can do this, although it is a close question.

Mr. President, at this time I am willing to yield back the remainder of my time and let the matter be disposed of on a voice vote.

Mr. PASTORE. Mr. President, I wish the Senator would withdraw the amendment. I will assure him, now that he is a member of my Subcommittee on Communications that sometime this session, or if not in this session, in the next session, when we have the FCC before us for their regular reporting, that we will get into the problem of how far the abuse has gone.

Rather than having the amendment rejected or adopted this afternoon, why do we not leave it in limbo for the time being and let us discuss it more soberly and informally before our committee when we have the FCC before us. I would prefer that.

Mr. BAKER. Mr. President, I think the point is well taken. I contacted the FCC at the time of this occurrence in Tennessee. I think we would all benefit from an investigation of this and other incidents.

I am reassured by the statement of the chairman and on that basis I ask unanimous consent that I might withdraw the amendment at this time.

The PRESIDING OFFICER. The amendment is withdrawn.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the amendment of the Senator from Rhode Island in the nature of a substitute, as amended.

The amendment as amended was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. MANSFIELD. Mr. President, as we approach final passage of S. 382 and the substitute motion offered by Senator PASTORE, I think a few comments are in order on a few of the more far-reaching effects of this legislation.

For the last 10 years, we have witnessed a horrendous increase in the amount of money it takes to run for a Federal elected office. Part of this increase can be attributed to the increased use of the electronic media, mainly television. When you figure that there are 60 million homes in the United States and over 95 percent of them are equipped with television sets and 25 percent of the 60 million have two sets or more, you see easily why candidates for political office must use the television to reach their constituencies.

At no time in history has there been such a means to reach instantaneously such a large number of people. But obviously this type of quick communication has a high cost factor. As the costs have increased, the need for large contributions has increased as well, so that you have a few well-to-do, politically controlling individuals or organizations that largely determine the course of an election.

What we need today in the 1970's, is a means by which any man in this country, any woman in this country, who is qualified, can run for elective public office. The most important, and I daresay, revolutionary aspect, of this attempt to reform the present electoral process is the limitation of the amount of money that can be spent on campaigns, and second, and most importantly, a full reporting will be required of all contributions and expenditures in connection with campaigning for elective offices at the Federal level.

We have had laws on the books in the past, but they were riddled with loopholes. This act closes those loopholes so that the public will know where the political obligations lie. This bill is truly a truth-in-politics law.

Senator PASTORE and Senator CANNON have approached these problems in realistic terms. They have made significant amendments in the floor discussions and debate here today and throughout the last week. The provision for increased detail and background information on contributors will certainly help improve the means by which people can see who is and who is not contributing to particular elections. The requirement for names of contributors of $100 or more will again allow the public to be informed as to who is or who is not contributing to particular campaigns. The Election Commission that was proposed by Senators SCOTT and PEARSON is another example of bipartisan cooperation in the enactment of this election reform. The independence with which this agency can devote itself to monitoring election costs will reassure the American public that our election laws are being obeyed.

And it is my belief, and I think it is the unanimous belief of the Senators here today, that a more informed electorate is a better electorate and that with a better electorate, you have an improved government. To my way of thinking, the many pressing and seemingly impossible problems we are confronted with today can only be improved if we have selfless men, foresightful men, intelligent men who have full freedom to exercise their independent judgment representing the people of this country in the Halls of Congress and in the White House.

I hope that this measure will receive in the House of Representatives after the August recess the swift consideration this measure deserves. With its enactment the message will be loud and clear that the Congress of the United States recognizes the difficulty of maintaining a people's representative government in light of the increasing costs and are willing to take this significant step to reform the electoral process. Hopefully, politics will be revitalized at the grassroots level.

I want to stress before final passage how important the bipartisan cooperation has been in getting this all-important election reform bill through the Senate. The many educational and intelligent colloquies this last week have truly shown how the issue of election reform transcends partisan politics. I would hope that potential critics of this bill would carefully read the RECORD to see precisely how much cooperation and, in turn, trust, there has been in coming to this solution.

I, therefore, congratulate and thank all the Senators who have been so heavily involved in the various discussions and floor debates. I hope that the President who has proposed reform as the theme of his administration will wholeheartedly endorse and lend his prestige to the efforts to obtain the swift enactment of this most significant electoral reform proposal in a generation.

NBC EDITORIAL ON UNIVERSAL VOTER REGISTRATION

Mr. KENNEDY. Mr. President, in an NBC radio editorial last Friday, Mr. Sander Vanocur emphasized the burden and the difficulty of the present system of voter registration in the Nation. He urges the adoption of simplified procedures, of the sort I have proposed in the Universal Voter Registration Act, which I had originally offered as an amendment to the pending election reform bill, and which I am today introducing as a separate bill.

As Mr. Vanocur's editorial makes clear, the ratification of the 26th amendment, lowering the voting age to 18 in all elections, has generated broad new interest for comprehensive reform in our voter registration procedures. The momentum for reform is building, and it is time for Congress to respond.

Mr. President, I believe that Mr. Vanocur's editorial will be of interest to all of us concerned with the cause of such reform, and I ask unanimous consent that it may be printed in the RECORD.

There being no objection, it was ordered to be printed in the RECORD, as follows:

NBC RADIO EDITORIAL

(By Mr. Sander Vanocur)

Now that the 18–21 year olds have been given the vote and now that the 18–21 year olds are finding out how cumbersome and difficult it is to register so that they can vote, attention is being turned to just how complicated our voter registration laws are. With the advent of voter registration at the turn of the century there was a sharp decline in voter turnout. In the Presidential election of 1900, the voter turnout was 73%. Not since that time has it exceeded 66%, and seven times it fell below 60%. On two occasions in 1920 and 1924, it fell below 50%. But throughout the greater part of the 19th century, voter turnout in our presidential elections ranged in the neighborhood of 70% to 80%.

These facts have been cited by Senator Edward M. Kennedy this week, as he prepares to attach an amendment to the Election Reform Act, an amendment that would establish a system of universal voter registration for the nation. The election of 1968 shows how badly such a measure is needed—for in that election, with the potential of 120 million voters, only 82 million, or 68%, were registered to vote and therefore eligible to go to the polls on election day. But of that number, 89% went to the polls, proving the obvious: That people who register are people who vote.

Kennedy's amendment would provide a simple postcard system of voter registration. Simply by filling out the address of his residence on the postcard form, a citizen would establish his voting residence. A new computerized agency within the Census Bureau would process the cards, compile voting lists by precincts throughout the country, and make the list available to state and local election officials at appropriate times before any election.

Use of the new system would be mandatory for all federal elections and optional for state and local elections. Kennedy hopes to get action by the Congress when it returns from its August recess. Whether his amendment, or similar reform, is enacted this year, is problematical. But there is a rising demand, especially from the young, for someone to do something about simplifying our complicated voter registration procedures.

Mr. HART. Mr. President, no one contends the bill we are about to vote on answers all or even most of the important questions about the way election campaigns are financed, but I believe the bill is an important step toward eliminating money as a crucial if not the primary prerequisite for election. That we have moved so far toward reform is a tribute to the patience and skill of Senator PASTORE and Senator CANNON.

There is no need at this point to repeat the figures which show the soaring costs of running for office, costs which increasingly make it more difficult for the candidate without personal fortune or affluent backer to make a run for office. For example, electronic media charges alone rose 70 percent from 1964 to 1968.

To the extent that this bill moves toward giving all Federal candidates equal access to the media and puts some limit on campaign spending, I support it and urge its prompt enactment.

But the goal of campaign reform must go beyond what is encompassed in this bill, and indeed, may well have to go beyond laws governing the receipt and expenditure of private contributions.

We must ask ourselves whether an individual's ability to raise or to spend his own money is a useful test in determining a candidate's qualifications for office. I suspect it is not.

We must ask ourselves whether the opportunity to contribute to an election campaign is an important way for individuals to participate in the election process. There are those who argue it is

But if it is, what comparable access to participation do we give those who cannot afford to give even a small contribution?

And if we decide that money-raising ability is an important test, and if we decide that making a contribution is an important way for the individual to participate in elections, then we still must weigh those possible benefits against the adverse effect the need for private contributions has on who is able to seek office and on public confidence in our political system.

After all, it is the need to raise money which threatens to leave the race to the rich alone; it is the large contribution which carries with it the aura of influence, real or imagined; it is fund-raising efforts which give rise to cynicism about our system, from young and old alike.

Remove the private money and our political campaigns may become more a testing ground for ideas than exercises in raising money.

Remove the private money and we remove one cause for cynicism and doubts now so harmful to public confidence in politics.

Certainly there is no doubt that public criticism of campaign costs is rising.

The press repeatedly has called attention to what it pleases to call the "scandal" of campaign financing. And while the so-called influence of the large contributor may be at times more fancied than real, every modern administration's list of ambassadors has contained the names of campaign contributors whose principal distinction appeared to be the size of the contribution.

Recently, Columnist Charles Bartlett described what he believes to be the influence of the insurance industry contributors on administration policy on no-fault automobile insurance. I ask unanimous consent that the articles be printed at the conclusion of my remarks.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 1.)

Mr. **HART**. Proposals to replace private campaign contributions with public funds are not new. President Johnson made such a recommendation in 1967. A year earlier, the Congress actually passed the Presidential Election Campaign Fund Act, permitting Federal taxpayers to designate $1 of their income tax payments to a fund for Presidential campaigns. In fact, President Theodore Roosevelt suggested removal of private money.

It is time, then, following enactment of this bill, to give serious consideration to the pros and cons of eliminating dependence on private contributions and to finance campaigns with public money. I do not suggest that it is a cut and dried issue, nor that a switch from private to public funds for campaigns is on the immediate horizon.

However, I do suggest that the inequities of the present system along with its adverse effect on public confidence in our political process demand we look beyond this bill to the ultimate campaign reform which eliminates private contributions. And the sooner the debate begins the sooner we will reach that distant horizon, if indeed the debate shows it is a horizon to be sought as I believe it will.

If it is, it is important to be moving toward it promptly.

EXHIBIT 1

[From the Pontiac Michigan Press of Mar. 26, 1971]

NO-FAULT CAR INSURANCE HITS BARRICADE OF POLITICS

(By Charles Bartlett)

WASHINGTON.—Proving once more that the public will gain when the Treasury replaces the interests in paying the costs of presidential elections, the White House has been extremely timid on the issue of auto insurance reform.

A recent survey taken for the President showed that few things irritate the consumer more than auto insurance. But Nixon forfeited his great chance to play the reformer because he could not induce the insurance magnates who backed him to go along.

The insurance episode is a classic instance of how campaign giving distorts the White House viewpoint. It is a cleancut example because Secretary John Volpe and his aides from the Transportation Department came to the White House after studying the problem for three years, with a firm proposal for quick national enactment of a no-fault insurance plan.

This move is offensive to two which heavily supported Nixon in 1968 and will be needed in 1972. The plaintiff lawyers, now claiming 35 percent of the total payments made to auto accident victims, naturally do not like. Nor do many insurance executives, who fear they will face intensified competition if auto insurance is simplified.

These groups were well represented in the White House deliberations conducted by Peter Flanigan, an aide from Wall Street. The Commerce Department had done no real study of the situation but Secretary Maurice Stans, who raised $36 million for Nixon's election, formally recommended minimal federal intervention.

This same thought emerged from a series of White House meetings to which Flanigan invited top insurance executives. Virtually the whole industry is committed to the notion that no-fault insurance is the next step. But if the federal hand can be kept out of it, another generation may pass before the reform spreads across the country.

Only 45 percent of those 500.000 a year who are killed or seriously injured in accidents receive any benefits. Total recoveries from auto insurance equal only one-fifth of the losses from auto accidents. One out of every five cars on the road is not insured at all.

No-fault laws have been introduced in 21 states where they lie waiting to be interred by legislators who are lawyers and insurance men. Even the Massachusetts law, first in the nation, was softened to leave generous opportunities for the damage lawyers.

Nixon's deference to the states, in the face of these circumstances, was heavily inspired by deference to his contributors. This is why the public must soon take the financial burden of presidential campaigns out of private hands.

PHILIP A. HART.

Mr. **MATHIAS**. Mr. President, the legislation to improve our election practices was the work of many hands. It is a bipartisan effort in which the minority leader, Mr. SCOTT, the Senator from Rhode Island (Mr. PASTORE), and the Senator from Nevada (Mr. CANNON) share credit for original initiatives, for consistent interest, and patient effort.

There are many in the general public who have shared our concern and assisted in many ways with information, statistics, and counsel. Among these, one of the foremost is the staff of the National Committee for an Effective Congress who have advocated a reform bill and worked for it with real determination. We are grateful for their help and that of all others who have assisted in making this bill a success.

Mr. **KENNEDY**. Mr. President, I commend the distinguished Senator from Rhode Island (Mr. PASTORE) and the distinguished Senator from Nevada (Mr. CANNON) for the skill and wisdom with which they have guided this immensely significant election reform legislation through the Senate. I also commend the distinguished managers of the bill for the minority, for the spirit of cooperation that has helped so much to facilitate the passage of this bill.

For the first time in nearly half a century, the Nation is well on its way to the enactment of comprehensive election reform, and I have every confidence that the bill we are about to pass today will clear Congress promptly and receive the signature of the President in ample time to be in force for the 1972 election.

The most serious problem in the American political process today is the problem of campaign financing. The skyrocketing cost of election campaigns has produced a situation in which all but the wealthy—or their friends—are prohibited from running for public office.

The potential political candidate of modest means is being driven from the field. Without a source of outside wealth, he faces the Hobson's choice of either a shoestring election campaign or reliance on a few large contributors. If he takes the shoestring route, he faces the prospect of almost certain defeat. If he goes the route of the large contributors, he inevitably creates the sort of ambiguous relationship in which he is obligated—or appears to be obligated—to his wealthy supporters.

Today, at a time when hundreds of millions of dollars are being poured into election campaigns, the issue is especially serious. At a time when all our institutions are under question, the problem of campaign spending has given politics the air of dirty business. It has bred cynicism in our citizens and dropouts from our democracy.

In an era where calls for reform are heard on many fronts, the call for reform of our election laws has gone strangely unheard. To me, however, this is where reform ought to begin, because if we cannot keep our democracy running and responsive, no amount of reform in any other area can succeed.

The most obvious case in point is the Federal law governing campaign contributions and expenditures. As many experts have observed, our current Federal election laws are more loophole than law. Their limits do not limit, and their penalties are empty threats.

The Federal Corrupt Practices Act purports to require disclosure of campaign contributions and expenditures, but the requirement has a double flaw. It does not apply to primaries, and it does not apply to committees operating solely within one State.

There are similar grave defects in virtually every other area of our election laws. We have ignored the need to develop tax incentives to broaden the political base by encouraging campaign contributions from small donors. And, in the related area of disclosures of lobbying activities, we have tolerated the existence of loopholes in present laws that shield a major part of the lobbying activities that now exist.

The time has been ripe for comprehensive reform in each of these areas for many years. Now, Congress has begun to respond.

The provisions of the bill accomplish a number of urgently needed reforms in the equal-time provision and in the area of campaign financing with respect to spending for political broadcasting and other media. Taken together, these provisions will greatly assist candidates in presenting their views to the public. They will eliminate many of the mushrooming abuses we have experienced in recent years because of the escalating cost of radio and television in political campaigns. No election reform legislation worth its name can fail to come to grips with these problems—problems that lie close to the heart of the ills that plague our political system.

Other important provisions in the bill establish another fundamental principle of election reform—a requirement of full reporting and disclosure of campaign contributions and expenditures. Its rational is the rationale of complete public disclosure.

As in so many other areas of political life, I believe that sunlight is the best disinfectant, that public knowledge of the means by which candidates finance their campaigns will go far to end many of the abuses which occur, or which seem to occur, in the way we elect our public officials.

Under these provisions of the bill, each candidate for Federal office, and each committee which supports a candidate for Federal office, must file a comprehensive report of its receipts and expenditures. For the first time, the people of America will know how Federal candidates obtain and use their funds, and that knowledge will be available in time for the people to act on election day.

Because of the constitutional problems involved in including tax provisions in legislation initiated by the Senate, the present bill contains no tax provision to encourage contributions by small donors to political campaigns. I hope, however, that the Senate will take action in this area as soon as an appropriate occasion presents itself.

Again, let me say how pleased I am that the Senate is now about to complete its action on this vital legislation. The people of America will reap its benefits for years to come, and the foundation of our democracy will be strengthed.

Mr. CRANSTON. Mr. President, we are considering what I feel is one of the most important bills in the history of American education. I am very proud to have been a cosponsor of the original bill as well as the final version as reported from the Committee on Labor and Public Welfare.

I believe the Congress, and the millions of Americans this bill will serve if passed, are very much in debt to the distinguished Senator from Rhode Island (Mr. PELL). He has approached extraordinarily complicated issues with great dedication and insight. He has also shown tremendous cooperation in dealing with the many additions and modifications to the bill proposed by myself and others. May I also say that he has been supported strongly by a hardworking, competent staff. We owe them much thanks.

Mr. President, I am particularly pleased that the bill contains my proposal for a new program of consumer education, which I described in my remarks to the Senate yesterday. The President of the United States, among others, has recognized the great need for improving education programs as they relate to consumers, and I feel this measure makes a strong contribution toward fulfilling that need.

I also joined with my colleague, the distinguished Senator from Massachusetts (Mr. KENNEDY) in amending the bill to provide more services and specific fund allocations for bilingual education. This is an area of enormous importance to our minority groups and one in which I have a strong personal interest. I am delighted to see that it is shared by so many of my colleagues in the Senate.

Mr. President, the educational advances contained in the bill before us are many and varied. I feel certain that generations of Americans now and for years to come will benefit from these comprehensive, far-sighted programs.

Mr. DOLE. Mr. President, many Senators have spent considerable amounts of time and energy on this bill in committee and on the floor. I believe some worthwhile and progressive provisions have been incorporated in it. And hopefully we have provided the American public with a bill that will help establish greater confidence in our Nation's electoral process. Several points strike me as especially important to this effort.

The repeal of the equal time provision of the Federal Communications Act is a move that will contribute significantly to the depth and detail in which the broadcast media will be permitted to explore the contending candidates and issues in election campaigns. Another valuable feature is the establishment of an independent Federal Elections Commission to oversee adherence to campaign practice laws. Directions for tightened regulations on extension of credit by federally regulated industries, such as the airlines and telephone companies, will provide protection to these companies and the public against the incursion of unpayable debts by irresponsible candidates and organizations. And amplified disclosure provisions will enable the public to be better aware of candidates' real sources of support.

I am hopeful that the House of Representatives will share our concern for providing the public with real and meaningful reform, and will join us in enacting legislation to put campaigning on the high plane on which the voters in America expect it to be conducted.

Earlier this year, in testimony, before the Senate Commerce Committee's Communications Subcommittee, I urged consideration of measures to provide real reform of our political campaign practices, and I ask unanimous consent that the text of this statement be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF HON. BOB DOLE

Mr. Chairman, it is a pleasure to appear before your committee today to join in the discussion of campaign practices reform. This subject is of vital concern to every candidate and officeholder, and to every citizen who prizes the American system of government.

GOOD CAMPAIGNS AND BETTER GOVERNMENT—THE REPUBLICAN CAUSE

Let me say at the outset that better, more responsive and more responsible government has long been the primary aim of Republicans, and its achievement is a major goal of the Nixon administration. There are many approaches to this goal, and Republicans have, for many years, pursued it in many ways and at many levels.

Over the last two years, President Nixon has exerted firm leadership for better government in the executive branch of the federal system. He has sought to recruit and involve the best-qualified and most highly motivated individuals he can find in the operations of the executive branch, both in appointive positions and in the career services. He has urged far-reaching reforms in his proposals for restructuring and consolidating executive departments into units which will be substantially better equipped to deal with the economic, social and natural environments of the late 20th century and which will result in more effective government.

Richard Nixon has provided a great example and great inspiration for achieving good government, but Republicans everywhere have always sought to place men with vision into elective offices. They have been vigorous in their efforts to support the best possible candidates for public office—in all areas of the country, from every walk of life and from every race, ethnic group and religion. And over the years, I believe the Republican party has had great success and has provided leadership and direction at all levels of government—in city hall, the State Capitol, in Congress and in the White House.

NEED FOR REFORM AND IMPROVEMENT

While there are many routes to improving government, I believe one of the most important influences is clean, open and rational campaigning for public offices. Clean campaigns, free from mudslinging and character assassination, are much more the rule than in the past. The good sense and basic instincts of candidates and voters alike have helped to make American campaigns more dignified and free from raw personalities.

MAJOR FACTORS—FINANCE LOOPHOLES AND RISING COSTS

Unfortunately, however, in the volatile arena of American politics today, there are tremendous pressures working against open and rational campaigning. Much of this pressure results from two interrelated and mutually reinforcing factors. They are (1) the obscurity of campaign financing, and (2) the skyrocketing costs of conducting campaigns.

It is a regrettable but pressing fact that statutes presently in force provide no effective and comprehensive control or oversight of campaign financing or campaign conduct. No coherent, tightly-drawn, enforceable body of laws governs or guides either contribution or expenditure of campaign funds. The forces of politics in effect run wild, with little or no protection of the public interest. There is, as we all know, a scattering of piecemeal, ineffectual and poorly understood statutes. But they are so subject to abuse and avoidance that the public rightly lacks confidence in them. They are an annoyance to honest candidates and political organizations. They are a joke to the dishonest and devious. And they fail to achieve even token protection of the public's right to information and candor. There should be no mistake. The present state of campaign practice laws is inappropriate to the demands of politics in the 1970's.

Combined with the ineffectiveness of existing laws governing political campaigns is the astronomical increase in the costs of those campaigns. Transportation, staff and organizational expenses have risen along with the cost of everything else in our economy. But the discovery and implementation of broadcasting, particularly television, as the most effective, most productive campaign tool, have introduced a new magnitude of expense into the whole process.

The great growth of campaigning expense increases the pressure for political contributions and the present laws governing financing are further undermined. This expense also generates almost irresistible pressures on campaigns away from lengthy, rational and thoughtful presentation of issues and alternatives. It instead fosters shallow, briefly-presented and emotional exploitation of personalities, images and catch-words.

Simply stated, it is too hard to raise the necessarily huge sums required for campaigning to have them spent without primary regard for impact and effectiveness. Candidates simply cannot afford to present the issues in depth or to engage in detailed and scholarly discussion. The people must be reached with the candidate's message. And the day is past when significant numbers can be reached without resort to the mass media, and particularly the television screen. Changing times and changing technology have made the two-hour debate at the county fair ineffective, uneconomical and obsolete. The radio station and the television studio have become the new forums. They must be utilized if a candidate is to be successful. But their use is expensive and demands more attention to style than to substance. Because of restrictions in broadcasting laws, the radio and television networks and the individual stations cannot permit candidates to present the issues on public service time. So the public loses on both counts. The candidates cannot afford to explore the issues fully, and the stations cannot permit them to do so.

This is clearly an unacceptable situation. These deficiencies feed on each other, and as their distortion of the political process becomes more grotesque each year, the public interest continues to suffer.

CHANGE MUST BRING IMPROVEMENT

The need for reform is clear, but our desire to bring about change and new direction must be tempered by a determination that, whatever changes are made, they must be ones to improve the situation, not exacerbate it.

No clearer example of good intentions gone amiss could be found than in the legislation to impose limitations on campaign broadcast spending which passed the Congress last year. The major feature of that bill, S. 3637, was to limit expenditures for all radio and television campaign broadcasting to 7¢ per vote or $20,000 in presidential, senatorial, congressional and gubernatorial races. President Nixon was forced to veto that measure, not, as some suggested, on the basis of partisan considerations—but because it promised no improvement on the current deficiencies and posed a real threat of worsening the already bad situation.

In his veto message to the Congress, the President set forth a cogent catalog of the bill's infirmities:

It did nothing to reduce the overall cost of campaigning;

It discriminated against the broadcast media and jeopardized freedom of discussion;

It favored incumbent officeholders over challengers;

It gave unfair advantage to the famous over the unknown; and

It promised to be difficult or impossible to enforce.

In short, the 1970 bill was aimed at only a few symptoms—not the causes—of campaign inequities and the shortcomings in campaign regulation.

THE GOAL IS BETTER GOVERNMENT

This brings me to my position on reform of campaign practices regulation.

Holding a great belief in and reliance upon the individual, my understanding of the situation leads me to the view that the foundation of any reform, any improvement and any progress in the American political system must be an informed and active electorate. The more often, more vigorously and more regularly the right to vote is exercised by the American voter, and the more informed the exercise of that right is, the better our Government will be. In our deliberations in the Congress, we should remember that the ultimate goal is not more laws or tighter laws, not stricter regulation and more exacting controls. Laws, controls, restrictions, regulations—these can only be means, not ends in and of themselves. No, the goal we must seek is better government. The best type of campaign reform will be that which improves the ability, the integrity and the responsiveness of the officeholders produced by the campaign process.

THREE PRIMARY REFORMS

In pursuit of this overriding goal, I believe any meaningful campaign reform must develop along three major lines.

First, there must be new efforts to provide better procedures for disclosure of campaign financing. Second, real progress must be made toward breaking the vicious circle of ever-more-expensive and ever-less-meaningful campaign practices. And third, there must be increased stimulation of citizens participation in the political process.

DISCLOSURE

As for the first area, disclosure, I believe this heretofore neglected avenue holds unrealized potential for improving our political system. At the same time, it avoids and eliminates substantial difficulties and questions raised by the alternatives.

Two paramount points of political philosophy come into play in this area. The first is a belief that American voters are entitled to know where candidates for public office and the organizations supporting them get their money and what they spend that money for. Second, is a belief that Americans have a right—indeed an obligation—to contribute to the candidates and parties of their choice, and concurrently, that individuals have a right to support their candidates and parties to whatever extent their means allow.

Relying on these two threads of belief, I feel disclosure of financing practices is a powerful stimulus for campaign reform, and that open reporting of the sources and amounts of contributions would benefit both candidates and the public. It would make candidates less subject to apparent or real pressures from large contributors, and the public would be able to make a better assessment of the candidates' sources of support and their sectors of appeal. Of course, there is no hazard to the public interest in a large contribution per se. There is hazard only if the implications of that contribution are that the contributor will gain favored treatment thereby. Reporting and disclosure guard against both the fact and the suspicion of favoritism. The public would have solid factual information with which to evaluate the campaigns offered by different candidates. They could see for themselves whether a candidate was offering an attractively presented and accurate picture of himself and his programs or whether he was engaged in an attempt to "buy" the election through huge expenditures to promote an empty or misleading image. With clear and coherently administered disclosures of receipts and expenditures, voters could make informed and intelligent judgments on candidates' spending practices. And they could take those judgments into the voting booth and include them in their evaluations of the contenders for office.

Disclosures of campaign financing have substantial advantages over any imposed limitation, restriction or direction of either contributions or expenditures. Disclosure is much more practical than restriction. It focuses enforcement on the candidates and their committees, not on the individual contributor. Disclosure raises no doubts of infringement on fundamental first amendment freedom; whereas, any attempt to circumscribe the rights of contributors to support—and candidates to conduct—political campaigns certainly calls to mind an entire range of constitutional issues which, even if resolved in their favor, might require years of litigation and controversy to be finally settled. Disclosure is much more in keeping with the American philosophy of providing incentives to political action than is limitation. Disclosure would provide strong impetus to better campaigning, while limitations would only intensify present deficiencies. And in this day of widespread apathy and disillusionment with public affairs, instead of throwing up more barriers in the political system, we should be opening new channels to its best and most advantageous functioning.

The report of the 20th century fund's commission on campaign costs in the electronic era spoke to this point quite convincingly. It said:

"Some have proposed an absolute ceiling on broadcast expenditures. The (20th century fund) commission has studied this possibility carefully and has concluded that a ceiling would be as unenforceable as most limitations on campaign expenditures are today. We are also concerned that setting a ceiling on political communications in this manner might violate traditional American concepts of unhindered political competition. It might well increase the advantage already enjoyed by the incumbent . . ."

I would say at this point, Mr. Chairman, that while I feel disclosure is the preferred method of treating campaign financing, there is the possibility that Congress will ultimately choose to impose limitations of one sort or another. If this eventuality should come to pass, especially if contributions are limited, I firmly believe the statutes should be drawn to treat all donors equally. Whether considering individuals, associations, interest groups—whatever the structure or identity of any contributor or transfer agent of political funds—the same restrictions and limits should be applied to all. This would be extremely important to whatever effect such laws would have in protecting the public interest. But let me emphasize again that disclosure seems by far the most practical, effective and best means of achieving reform in this area.

INCENTIVES FOR LOWER-COST AND MORE MEANINGFUL CAMPAIGNS

In the second area of direction for reform, providing incentives for more meaningful and lower-cost campaign practices, there is great need for substantial efforts and at the same time the prospect of great rewards for those efforts.

As long as no attempt is made to break the basic cycle of spiraling costs and sinking substance in campaigning, the efforts to bring change are going to be met with little success. As long as the cost of reaching the public—whether by television, radio, or personal appearance—becomes higher each election, candidates will be forced to resort to those techniques and tactics which have the greatest raw impact. The long and increasingly nerve-grating campaign, the spot advertisement, the appeal to emotions and prejudices, the absence of in-depth discussion, these and all the other elements which make campaigning unenlightening, uninspiring and insipid will continue to intensify.

The present counterproductive pressures must be replaced or displaced. They cannot be left where they are to continue their detrimental course. They must be eliminated, and in their place must be inserted incentives and influences in the opposite direction.

Instead of pressures for ever-increasing sums of campaign money, there must be forces toward lowering campaign expenses. Rather than pressures for briefer, more simplistic, more numerous impacts on the voters' consciousness, there must be influence for longer, more thoughtful, more reasoned discussions of the critical issues before the electorate—and at lower cost.

We must take a broad, systematic, view of the campaign process if we are to arrive at worthwhile solutions to these problems. Narrow approaches will yield narrow and necessarily disappointing results.

There are several specific changes which could be implemented to effect these broad reforms and establish incentives for better government within the campaign process:

The equal time provisions of the Federal Communications Act could be repealed to make possible in-depth discussions and debates by candidates for all public offices. Such action would add considerably to the fund of information available to the voting public. And it would provide candidates with an exceptionally valuable platform from which to articulate their views.

Provision could be made for making advertising time and space available to candidates at the lowest commercial rates for equivalent time. Broadcasters and publishers should not be required to subsidize political campaigning, but they should assure accessibility at the going rate.

Serious consideration should be given to changing present restrictions on borrowing by political organizations through regular commercial channels. It is now virtually impossible to secure loans for campaign purposes and when enacted, these restrictions were to combat real abuses, but today political organizations can be made legally responsible for their obligations, thus providing lending agencies the security their obligations require and relieving the pressure on candidates for donated funds in periods of peak expenses.

In connection with provisions for assuring the going commercial rate in the communications media, it has been suggested that a contribution to reduced costs and improved content in broadcast campaigning would be to establish a minimum length for commercial messages. This in essence would be to eliminate the so-called "spot" advertisement that contributes so heavily to the expense and shallowness of campaigns. The purpose would be to require candidates to make more detailed and thoughtful presentations of their views and improve the quality of their messages to the public. I personally find it difficult to reconcile the contradictions inherent in setting minimum lengths for campaign productions and the requirements which demand for numerous blocks of irregular time slots would have on broadcasters programming schedules. However, this avenue should receive thorough consideration in hopes of finding a real solution to the spot ad problem.

A responsible and respected central authority for oversight of campaign operations and organizations could be established. This authority, responsible for receipt, tabulation and publication of the disclosures and reports ordered by Congress, would provide the long-needed focal point for public interest and concern in campaign practices.

The specifics of campaign reform should also take into account the need of reducing the length of campaigns. In today's world of nearly instantaneous communications, a prolonged audio-visual assault on the voting public is unnecessary and increasingly annoying. It has reached the point today where the public begins to feel it is being bombarded by an endless round of political publicity and propaganda. And to a large extent, they are correct. Campaigns are too long. Their length exceeds the necessities of communications and debate and should be shortened.

Another influence of long campaigns is their contribution to the rising costs of campaigning; and it is substantial. Each extra day or week a campaign drags on adds tremendously to the overall costs. The real or imagined need to get to the public with a message fuels this pressure for long campaigns. Here we clearly see the interrelation of the pressures for money, time and the media.

Many steps could be taken to introduce incentives for shorter campaigns. National conventions could be held later in the year. Presidential primaries might be moved back a few weeks. Legislation might be enacted to set an official "campaign season." But I believe this area of shortening the campaign period offers real promise for reducing costs and improving the quality of campaigns. And I would hope this committee will explore this avenue fully in the coming months.

INCREASED CITIZEN PARTICIPATION

Now we come to the third point of the directions for campaign reform, and this is involvement of more individuals in the political process.

It is not sufficient that people go to the polls. It is of course vital, but here is more—an additional responsibility of citizenship. And this responsibility is support.

As I said at the beginning of my remarks, I believe that every American has the right to support the candidates and organizations of his choice to the fullest extent of his means, but I believe also that each citizen should support candidates and parties in proportion to those means.

There are many individuals throughout this great nation who feel a sincere and deep gratitude for what America has meant to their lives and who choose to express their feelings by contributing to political organizations. There are individuals whose loyalty and dedication to their political beliefs have found selfless and generous expression in financial support to the parties and candidates who embody their hopes and expectations for America. I believe these are admirable and laudable actions and should be encouraged and fostered by national policy.

It is recognized that the political process is expensive, and it will continue to be so. But that is not to say that the expenses of campaigning cannot be held to manageable limits nor that the burden of financing campaigns is to be the primary responsibility or preempted privilege of the wealthy.

Unfortunately, there are many individuals who do not feel the desire or the responsibility to aid political parties and candidates. It has been estimated that in 1968, only 6 percent of the population gave any money to a political organization, and in some years this number has fallen as low as 4 percent.

This statistic is at the same time distressing and hopeful. Although few Americans are motivated to contribute, a real bonanza of support lies waiting to be tapped. If only the candidates and parties in this nation can reach them, we will have made a tremendous stride forward in improving the political process in this country.

As the 20th century fund report stated:

"It would be far healthier if a larger number of individual contributors gave small sums. Small contributors in greater number would not only reduce a candidate's reliance on a few big givers, but also help improve the political climate by increasing direct citizen participation in politics."

For every man or woman of wealth who contributes to politics in this country, there are tens and hundreds of thousands of average citizens with modest or even limited means whose dimes and quarters, ones, fives and tens are immeasurably more important to democracy and the American political system than all the tycoons, magnates and millionaires put together.

I speak with special feeling of these Americans, because they have meant a great deal to the Republican Party and through it to the entire Nation.

In 1961, under National Chairman William E. Miller, the Republican Party instituted its sustaining membership program. This program sought then, as it does today, small contributions for membership in the Republican sustaining membership committee. When the sustaining membership drive was first undertaken on a national basis in 1961, a membership cost $10. And by 1962, 45% of the national committee's funds were received through its sustaining members.

As an indication of the bedrock strength of this concept, consider the 1964 presidential campaign. The party and its ticket, faced with overwhelming odds and widespread popular assumption of doom at the polls, conducted a full-scale and nationwide campaign costing more than $8 million and emerged from the ruins of defeat with all its bills paid and money in the bank. Normally, one would expect a campaign that was so widely proclaimed to be futile to wind up heavily in the red. But an interesting thing was disclosed by that 1964 race—the financial stability of the Republican Party was due to the basic strength of its organization—the loyal small contributor who did not bail out when the going got rough.

Since 1964, the sustaining membership program has been the largest source of income for the Republican Party, accounting for more than 80% of all receipts in several years.

Mr. Chairman, just as an up-to-date example of the strength and importance of the small contributor and the sustaining membership program to the Republican Party, I would like to cite some figures for the first two months of this year. In January and February, 1971, the Republican National Committee received 82,381 contributions of less than $100. The total of these contributions, chiefly from the sustaining membership program, totaled $1,169,822.21. In the same period, the party received fewer than 200 contributions in excess of $100, and these totaled $74,790.00.

Now, I submit that this is the way our political financial systems are meant to work. This is participatory democracy, and this is a broadly-based party with a vigorous and involved membership.

The Republican Party's record is exceptional in this respect. And I find it somewhat discomforting to hear our party attacked for the sole reason of its financial stability by those whose party has not developed a broad base of extremely dedicated and dependable small contributors.

The Republican Party does have a sound financial structure because it relies on the people for its support, and because it is responsible with its own and other's money.

I am not here today to prescribe for the Democrat National Committee. I am here to offer suggestions for improving our whole political system. I believe that no greater contribution to the viability of the political process in America can be made than to bring more Americans into the financial affairs of our political institutions. Financial participation is real, basic and responsible participation in the campaigns and parties which that individual supports. It is also a source of basic good government and insurance of the effective power and authority of the people over public affairs.

New steps need to be taken by the Federal Government to stimulate citizen involvement in the financial affairs of politics. As in the other areas I have mentioned, there are many ways in which this might be done. Hopefully this committee in its consideration of the several bills before it and in its private deliberations will select one or more new devices for stimulation of this reform. Numerous suggestions have been made, such as establishing tax credits and tax deductions for political contributions, or providing a standard contribution by check-off type arrangement of the Federal income tax return. These and other proposals deserve very thorough and studied consideration. They may offer substantial help for politics in America, but they may also raise numerous side issues and questions of policy and administration which should be thoroughly examined before making any final decisions.

CONCLUSION

I stand ready to join in further efforts to achieve meaningful results and to promote the vitality of our system and to assure thereby the continuing ability of Government to meet the challenges and difficulties of the future.

Mr. COTTON. Mr. President, I yield myself 2½ minutes.

Mr. President, at the conclusion of consideration of a major piece of legislation such as S. 382—the Federal Election Campaign Act of 1971—it is in order to express appreciation for the work of those principally involved in its passage.

Certainly such an expression of thanks is due the Senators who managed the bill on both sides of the aisle—the distinguished senior Senator from Rhode Island (Mr. PASTORE), the distinguished Senator from Nevada (Mr. CANNON), and on our side of the aisle, the distinguished Senators from Vermont (Mr. PROUTY), and from Tennessee (Mr. BAKER). Each is to be highly commended for the very fine work which they did on this measure. I also believe that the junior Senator from Kentucky (Mr. COOK) is to be commended for his proposal in arriving at a resolution of the most important issue concerning the interchangeability of expenditure limitations established in the bill on the broadcast and nonbroadcast media.

The courtesy of the professional staff members of the Committee on Commerce and the Committee on Rules and Administration has been appreciated. As for the Commerce Committee, I would like to single out the majority staff counsels, Mr. Zapple and Mr. Hardy, and on the minority staff, Mr. Pankopf and Mr. Molloy. Similar commendation and thanks also is due the staff members of the Committee on Rules and Administration, Messrs. Duffy and Van Kirk.

Mr. President, if I stopped at this point I would be remiss. Frequently overlooked is the many hours of hard work done by the ladies—the secretaries who put in long hours typing statements, amendments, and preparing other materials. Accordingly, in most deserving recognition on this occasion, I would like to express special thanks for the work done by Betty Swenson, Gerrie Bjornson, and Gene Edwards of the minority staff of the Committee on Commerce. At times which I am sure were trying, they prepared excellent materials for the Members on this side of the aisle and, I am sure, others like them worked equally hard for the Senators on the other side of the aisle. Certainly their efforts will be reflected in what I hope will later prove to have been a much more meaningful debate on the bill, S. 382. Thus, to these secretaries—and I believe I can speak for some of my other colleagues—I say, "Thank you for a job well done."

Mr. BAKER. Mr. President, when we commence the debate on S. 382—the Federal Election Campaign Act of 1971—I made an opening statement setting forth my principal areas of concern of the then pending amendment No. 308 proposed by the distinguished senior Senator from Rhode Island (Mr. PASTORE) and others. These five principal areas of concern were as follows:

First, inadequacy of amendment No. 308's—star print—partial exemption to the "equal time requirements" of section 315 of the Federal Communications Act;

Second, the unduly restrictive separate spending limitations lacking interchangeability;

Third, the failure to prohibit unsecured debts by political candidates for services rendered by certain regulated industries;

Fourth, the failure to go the full measure and provide for an independent Federal Elections Commission; and

Fifth, the failue to provide a "fair labeling" disclosure advising the general public of the availability of detailed copies of reports filed by political committees.

Mr. President, although we may not have come up with the complete solution in each and every one of these areas, I do believe that we have made remarkable progress.

We have overcome the partial exemption to the equal time requirement of section 315 of the Federal Communications Act so as to render it applicable to all candidates for Federal elective office and not just candidates for the office of President and Vice President.

We have taken some small step to provide for some limited degree of interchangeability between the expenditure limitations for the broadcasts and the nonbroadcast media. This was accomplished through the compromise amendment offered by the distinguished junior Senator from Kentucky (Mr. COOK) so as to provide for interchangeability of not to exceed 20 percent of the respective ceiling, be it for broadcast or nonbroadcast media. I still am convinced that future years will bear out my prophesy for the need for complete interchangeability, but at least we have made a step in the right direction.

We did not adopt the meritorious amendment offered by our distinguished minority leader (Mr. SCOTT) to prohibit by law extension of unsecured credit for services rendered by certain regulated industries. We did, however, adopt a substitute directing the appropriate regulatory agencies to develop rules and regulations to bar such abuse of practices in the future. I only hope that these agencies, when and if this measure becomes law, will act in an expeditious fashion.

We did go the full measure by providing for an independent Federal Elections Commission with the adoption of the amendment proposed by the distinguished senior Senator from Kansas (Mr. PEARSON) with an amendment. I believe that the overwhelming majority vote by which this amendment was adopted provides clear and convincing evidence of the sentiment of the Senate in this regard.

Finally, we have adopted a compromise substitute for the "fail labeling" disclosure amendment proposed by the distinguished junior Senator from Vermont (Mr. PROUTY), which should insure that the general public is put on notice concerning the availability of detailed copies of reports filed by political committees.

In summary, Mr. President, we have made considerable progress. The bill certainly is not what each and every one of us would have desired, but I do believe it represents a substantial improvement over what we had under consideration when we first commenced hearings before the Committee on Commerce on this measure. I trust that as this legislation progresses we will be alert to its proper implementation and be prepared to undertake appropriate remedial amendments when and if necessary.

Mr. PASTORE. Mr. President, first I wish to commend the distinguished Senator from New Hampshire (Mr. COTTON) for his gracious and generous remarks. I congratulate members of our subcommittees, Republicans and Democrats alike. When we started this debate 3 days ago I said there was no partisanship involved. As far as I am concerned, I think the debate that has taken place and the spirit that has prevailed has proven that point. I congratulate the Members of the Senate for the expeditious way we have conducted the proceedings in connection with the passage of the bill.

At this time I pay particular praise to my colleague from Nevada (Mr. CANNON) who worked with me in a very cooperative spirit.

I wish to pay tribute to the members of the staff, Mr. Nicholas Zapple and Mr. John Hardy, and Jim Duffy of the staff of the Committee on Rules and Administration.

UNANIMOUS-CONSENT REQUEST

Mr. MANSFIELD. Mr. President, I would like to make a unanimous-consent request at this time, with the approval of the acting minority leader and the Senate:

Ordered that immediately after the disposition of S. 382, upon which we will vote shortly—and we do this because we have this evening and tomorrow only—the Senate proceed to the consideration of S. 659, the education amendments of 1971 which the Senate set aside last night; and immediately following the disposition of S. 659, it be in order for the Senate to proceed to the consideration of the following measures:

First, the $1 billion Public Service Act; second, the continuing resolution on appropriations; third, S. 2393, the disaster relief bill amendments; and fourth, S. 2007, the Office of Economic Opportunity Act amendments. And that it shall be in order at anytime until the recess tomorrow night during the consideration of any of these measures including S. 659 to proceed to have laid before the Senate for its immediate consideration any of these measures or any other measures agreed upon by the majority and minority leaders.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, temporarily, I object until we have an opportunity to consider it.

The PRESIDING OFFICER. Objection is heard.

FEDERAL ELECTION CAMPAIGN ACT OF 1971

The Senate continued with the consideration of the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is all time yielded back on the bill?

Mr. PASTORE. All time is yielded back on the bill.

The PRESIDING OFFICER. All time has been yielded back. The bill having been read the third time, the question is, Shall it pass?

The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Oklahoma (Mr. HARRIS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from Indiana (Mr. HARTKE), and the Senator from Illinois (Mr. STEVENSON) are absent on official business.

I further announce that, if present and voting, the Senator from Oklahoma (Mr. HARRIS), the Senator from Illinois (Mr. STEVENSON), and the Senator from New Jersey (Mr. WILLIAMS) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT), the Senator from Kansas (Mr. PEARSON), and the Senator from Vermont (Mr. PROUTY) are necessarily absent.

The Senator from Nebraska (Mr. HRUSKA) and the Senator from Illinois (Mr. PERCY) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Nebraska (Mr. HAUSKA) and the Senator from Illinois (Mr. PERCY) would each vote "yea."

The result was announced—yeas 88, nays 2, as follows:

[No. 203 Leg.]

YEAS—88

Aiken
Allen
Allott
Anderson
Baker
Bayh
Beall
Bellmon
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fong
Fulbright
Gambrell
Gravel
Griffin
Gurney
Hansen
Hart
Hatfield
Hollings
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pell
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Young

NAYS—2

Fannin
Goldwater

NOT VOTING—10

Bennett
Harris
Hartke
Hruska
Mundt
Pearson
Percy
Prouty
Stevenson
Williams

So the bill (S. 382) was passed, as follows:

S. 382

An act to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Election Campaign Act of 1971".

TITLE I—AMENDMENTS TO COMMUNICATIONS ACT OF 1934; LIMITATIONS ON CAMPAIGN EXPENDITURES FOR NON-BROADCAST COMMUNICATIONS MEDIA

EXCEPTION TO EQUAL TIME REQUIREMENTS AND CHARGE LIMITATIONS

SEC. 101. (a) (1) Section 315(a) of the Communications Act of 1934 (47 U.S.C. 315 (a)) is amended by inserting after "public office" in the first sentence thereof a comma and the following: "other than Federal elective office (as defined in subsection (c) of this section),".

(2) Section 315(a) of such Act is amended by inserting after the first sentence thereof the following: "When a licensee permits a legally qualified candidate for Federal elective office to use his broadcasting station in connection with such candidate's campaign for nomination for election, or election to such office, the licensee shall afford such candidate maximum flexibility in choosing his program format."

(b) Section 315(b) of such Act is amended to read as follows:

"(b) The charges made for the use of any broadcasting station by any person who is a legally qualified candidate for any public office in connection with his campaign for nomination for election, or election, to such office shall not exceed—

"(1) during the forty-five days preceding the date of a primary election and during the sixty days preceding the date of a general or special election in which such person is a candidate, the lowest unit charge of the station for the same class and amount of time for the same period; and

"(2) at any other time, the charges made for comparable use of such station by other users thereof."

(c) Section 312(a) of such Act is amended by striking "or" at the end of clause (5), striking the period at the end of clause (6) and inserting in lieu thereof a semicolon and "or", and adding at the end of such section 312(a) the following new clause

"(7) for willful or repeated failure to allow reasonable access to or to permit purchase of reasonable amounts of time for the use of a broadcasting station by a legally qualified candidate on behalf of his candidacy.".

EXPENDITURE LIMITATIONS FOR CANDIDATES FOR MAJOR ELECTIVE OFFICES

SEC. 102. Section 315 of the Communications Act of 1934 is further amended by redesignating subsection (c) as subsection (f) and by inserting immediately before such subsection the following new subsections:

"(c)(1) For purposes of this subsection and subsection (d), the term—

"(A) 'Federal elective office' means the office of President, Vice President, United States Senator or Representative, or Delegate or Resident Commissioner to the Congress;

"(B) 'use of broadcasting stations by or on behalf of any candidate' includes not only broadcasts advocating such candidate's election, but also broadcasts urging the defeat of his opponent or derogating his opponent's stand on campaign issues;

"(C) 'legally qualified candidate' means any person who (1) meets the qualifications prescribed by the applicable laws to hold the Federal elective office for which he is a candidate and (2) is eligible under applicable State law to be voted for by the electorate directly or by means of delegates or electors; and

"(D) 'broadcasting station' includes a community antenna television system, and the terms 'licensee' and 'station licensee' when used with respect to a community antenna television system, mean the operator of such system.

"(2) Except as provided in section 104 of the Federal Election Campaign Act of 1971, no legally qualified candidate in any primary, runoff, general, or special election for a Federal elective office may spend for the use of broadcasting stations on behalf of his candidacy in such election a total amount in excess of—

"(A) 5 cents multiplied by the estimate of resident population of voting age for such office, as determined by the Bureau of Census in June of the year preceding the year in which the election is to be held; or

"(B) $30,000, if greater than the amount determined under subparagraph (A).

For the purposes of computing the limitation provided by the first sentence of this paragraph in connection with a Presidential primary election, the resident population of voting age for the office of President shall be held and considered to be the entire population of voting age for such office within the State in which such primary election is conducted. Amounts spent by or on behalf of any candidate for nomination for election to such office in connection with his primary campaign in any State shall not exceed such limitation for that State.

"(3) Amounts spent for the use of broadcasting stations on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) shall, for the purposes of this subsection, be deemed to have been spent by such candidate. Amounts spent for the use of broadcasting stations by or on behalf of any legally qualified candidate for the office of Vice President of the United States shall, for the purposes of this subsection, be deemed to have been spent by the candidate for the office of President of the United States with whom he is running.

"(4) No station licensee may make any charge for the use of such station by or on behalf of any candidate for Federal elective office (or for nomination to such office) unless such candidate, or a person specifically authorized by such candidate in writing to do so, certifies to such licensee in writing that the payment of such charge will not violate paragraph (2).

"(5) Broadcasting stations and candidates shall file with the Commission such reports at such times and containing such information as the Commission shall prescribe for the purpose of this subsection and, in the case of broadcasting stations, subsection (d).

"(d) If a State by law and expressly—

"(1) has provided that a primary or other election for any office of such State or of a political subdivision thereof is subject to this subsection, and

"(2) has specified a limitation upon total expenditures for the use of broadcasting stations on behalf of the candidacy of each legally qualified candidate in such election, and

"(3) has provided in any such law an unequivocal expression of intent to be bound by the provisions of this section, and

"(4) has stipulated that the amount of such limitation shall not exceed the amount which would be determined for such election under subsection (c) had such election been an election for a Federal elective office or nomination thereto;

then no station licensee may make any charge for the use of such station by or on behalf of any legally qualified candidate in such election unless such candidate, or a person specifically authorized by such candidate in writing to do so, certifies to such licensee in writing that the payment of such charge will not violate such limitation.

"(e) One who willfully and knowingly violates the provisions of subsection (c) or (d) of this section shall be punished by a fine not to exceed $5,000 or imprisonment for a period not to exceed five years, or both. The provisions of sections 501 through 503 of this Act shall not apply to violations of such subsection."

LIMITATIONS ON CAMPAIGN EXPENDITURES FOR NONBROADCAST COMMUNICATIONS MEDIA

SEC. 103. (a) For purposes of this section, the term—

(1) "Federal elective office" means the office of President, Vice President, United States Senator or Representative, or Delegate or Resident Commissioner to the Congress;

(2) "nonbroadcast communications medium" means newspapers, magazines, and other periodical publications, and billboard facilities;

(3) "legally qualified candidate" means any person who (A) meets the qualifications prescribed by the applicable laws to hold the Federal elective office for which he is a candidate and (B) is eligible under applicable State law to be voted for by the electorate directly or by means of delegates or electors; and

(4) "use of any nonbroadcast communications media by or on behalf of any candidate" includes not only amounts spent for advocating a candidate's election, but also amounts spent for urging the defeat of his opponent or derogating his opponent's stand on campaign issues.

(b) During the forty-five days preceding the date of any primary election, and during the sixty days preceding the date of any general or special election, the charges made for the use of any nonbroadcast communications medium by an individual who is a legally qualified candidate for Federal elective office shall not exceed the lowest unit rate charged others by the person furnishing such medium for the same amount and class of space.

(c) Except as provided in section 104 of this Act, no legally qualified candidate in any primary, runoff, general, or special election for a Federal elective office may spend for the use of nonbroadcast communications media on behalf of his candidacy in such election a total amount in excess of—

(1) 5 cents multiplied in the estimate of resident population of voting age for such office, as determined by the Bureau of Census in June of the year preceding the year in which the election is to be held; or

(2) $30,000, if greater than the amount determined under clause (1).

For the purposes of computing the limitation provided by the first sentence of this paragraph in connection with a Presidential primary election, the resident population of voting age for the office of President shall be held and considered to be the entire resident population of voting age for such office with the State in which such primary election is conducted. Amounts spent by or on behalf of any candidate for nomination for election to such office in connection with his primary campaign in any State shall not exceed such limitation for that State.

(d) Amounts spent for the use of nonbroadcast communications media on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) shall, for the purposes of this section, be deemed to have been spent by such candidate. Amounts spent for the use of nonbroadcast communications media by or on behalf of any legally qualified candidate for the office of Vice President of the United States shall, for the purposes of this section, be deemed to have been spent by the candidate for the office of President of the United States with whom he is running.

(e) No person may make any charge for the use of any nonbroadcast communications medium by or on behalf of any candidate for Federal elective office (or for nomination to such office) unless such candidate, or an individual specifically authorized by such candidate in writing to do so, certifies to such person that the payment of such charge will not violate subsection (c). Any person who furnishes the use of any nonbroadcast communications medium to or for the benefit of any such candidate without charge therefor shall be deemed to have made a contribution to such candidate in an amount equal to the amount normally charged for such person for such use. Any person who furnishes the use of any nonbroadcast communications medium to or for the benefit of any such candidate at a rate which is less than the rate normally charged by such person for such use shall be deemed to have made a contribution to such candidate in an amount equal to the excess of the rate normally charged over the rate charged such candidate.

(f) One who willfully and knowingly violates the provisions of this section shall be punished by a fine not to exceed $5,000 or imprisonment of not more than five years, or both.

LIMITED INTERCHANGEABILITY BETWEEN EXPENDITURES LIMITATIONS

SEC. 104 (a) A legally qualified candidate in any primary, runoff, general, or special election for Federal elective office may, at his option, transfer not to exceed 20 per centum of the expenditure limitation under section 315(c) of the Communications Act of 1934 as amended or section 103(c) of this Act between one or the other to be spent on either the broadcast or nonbroadcast media on behalf of his candidacy in such election. Any amount so transferred from the one expenditure limitations to the other shall be deducted from the expenditure limitation upon the media from which such transfer is made.

(b) Any such legally qualified candidate exercising this option shall promptly notify the Federal Elections Commission in writing of the amount so transferred and spent, and shall provide such Commission with such information as the Commission, in its judgment, deems necessary and proper in the exercise of this option.

(c) The Federal Elections Commission is authorized to develop and promulgate appropriate rules and regulations to carry out the purposes of this section.

(d) The definitions contained in section 315(c) of the Communications Act of 1934 and in section 103(a) of this Act are applicable to this section.

COST-OF-LIVING INCREASE IN LIMITATION FORMULA

SEC. 105. (a) For purposes of this section, the term—

(1) "price index" means the annual average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics; and

(2) "base period" means the calendar year 1970.

(b) Commencing immediately after the end of 1971, and after the end of each calendar year thereafter, as there becomes available necessary data from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall determine the difference between the price index for the immediately preceding calendar year and the price index for the base period. The amount computed under section 315(c)(2)(A) of the Communications Act of 1934 (as added by section 102 of this Act) and under section 103(c)(1) of this Act shall be increased by such per centum difference (excluding any fraction of a per centum) and rounded to the next highest cent. Each amount so increased shall be the amount in effect for the twelve months following the end of such calendar year.

TITLE II—CRIMINAL CODE AMENDMENTS

SEC. 201. Section 591 of title 18, United States Code, is amended to read as follows:

"§ 591. Definitions

"When used in sections 597, 599, 600, 602, 610, 611, and 614 of this title—

"(a) 'election' means (1) a general, special, primary, or runoff election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary election held for the selection of delegates to a national nominating convention of a political party, (4) a primary election held for the expression of a preference for the nomination of persons for election to the office of President, and (5) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

"(b) 'candidate' means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, to Federal office, if he has (1) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, or (2) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office;

"(c) 'Federal office' means the office of President or Vice President of the United States, or Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States;

"(d) 'political committee' means any individual, committee, association, or organization which accepts contributions or make expenditures during a calendar year in an aggregate amount exceeding $1,000;

"(e) 'contribution' means—

"(1) a gift, subscription, loan, advance, or deposit of money or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business), made for the purpose of influencing the nomination for election, or election, of any person to Federal office, for the purpose of influencing the results of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

"(2) a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for such purposes;

"(3) a transfer of funds between political committees;

"(4) the payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to such candidate or political committee without charge for any such purposes; and

"(5) notwithstanding the foregoing meanings of 'contribution', the word shall not be construed to include services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee;

"(f) 'expenditure' means—

"(1) a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business), made for the purpose of influencing the nomination for election, or election, of any person to Federal office, for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

"(2) a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make any expenditure; and

"(3) a transfer of funds between political committees;

"(g) 'person' and 'whoever' mean an individual, partnership, committee, association, corporation, or any other organization or group of persons; and

"(h) 'State' means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States."

SEC. 202. Section 600 of title 18, United States Code, is amended to read as follows:

"§ 600. Promise of employment or other benefit for political activity

"Whoever, directly or indirectly, promises any employment, position, compensation, contract, appointment, or other benefit, provided for or made possible in whole or in part by any Act of Congress, or any special consideration in obtaining any such benefit, to any person as consideration, favor, or reward for any political activity or for the support of or opposition to any candidate or any political party in connection with any general or special election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, shall be fined not more than $1,000 or imprisoned not more than one year, or both."

SEC. 203. Section 608 of title 18, United States Code, is amended to read as follows:

"§ 608. Limitations on contributions and expenditures

"(a)(1) No candidate may make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaign for nomination for election, or election, to Federal office in excess of—

"(A) $50,000, in the case of a candidate for the office of President or Vice President;

"(B) $35,000, in the case of a candidate for the office of Senator; or

"(C) $25,000, in the case of a candidate for the office of Representative, or Delegate or Resident Commissioner to the Congress.

"(2) For purposes of this subsection, 'immediate family' means a candidate's spouse, and any child, parent, grandparent, brother, or sister of the candidate, and the spouses of such persons.

"(b) No candidate or political committee shall knowingly accept any contribution or authorize any expenditure in violation of the provisions of this section.

"(c) Violation of the provisions of this section is punishable by a fine not to exceed $1,000, imprisonment for not to exceed one year, or both.".

SEC. 204. Section 609 of title 18, United States Code, is repealed.

SEC. 205. Section 611 of title 18, United States Code, is amended to read as follows:

"§ 611. Contributions by Government contractors

"Whoever—

"(a) entering into any contract with the United States or any department or agency thereof either for the rendition of personal services or furnishing any material, supplies, or equipment to the United States or any department or agency thereof or for selling any land or building to the United States or any department or agency thereof, if payment for the performance of such contract or payment for such material, supplies, equipment, land, or building is to be made in whole or in part from funds appropriated by the Congress, at any time between the commencement of negotiations for and the latter of (1) the completion of performance under, or (2) the termination of negotiations for, such contract or furnisihng of material, supplies, equipment, land or buildings, directly or indirectly makes any contribution of money or other thing of value, or promises expressly or impliedly to make any such contribution, to any political party, committee, or candidate for public office or to any person for any political purpose or use; or

"(b) knowingly solicits any such contribution from any such person for any such purpose during any such period;

shall be fined not more than $5,000 or imprisoned not more than five years, or both."

SEC. 206. The table of sections for chapter 29 of title 18, United States Code, is amended by—

(1) striking out the item relating to section 608 and inserting in lieu thereof the following:

"608. Limitations on contributions and expenditures.";

(2) striking out the item relating to section 609 and inserting in lieu thereof the following:

"609. Repealed."

(3) striking out the item relating to section 611 and inserting in lieu thereof the following:

"611. Contributions by Government contractors.".

TITLE III—DISCLOSURE OF FEDERAL CAMPAIGN FUNDS

DEFINITIONS

SEC. 301. When used in this title—

(a) "election" means (1) a general, special, primary, or runoff election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary election held for the selection of delegates to a national nominating convention of a political party, (4) a primary election held for the expression of a preference for the nomination of persons for election to the office of President, and (5) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(b) "candidate" means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, if he has (1) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, to Federal office, or (2) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office;

(c) "Federal office" means the office of President or Vice President of the United States; or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States;

(d) "political committee" means any committee, association, or organization which accepts contributions or makes expenditures during a calendar year in an aggregate amount exceeding $1,000;

(e) "contribution" means—

(1) a gift, subscription, loan, advance, or deposit of money or anything of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office or as a presidential or vice-presidential elector, for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(2) a contract, promise, or agreement, whether or not legally enforceable, to make a contribution for any such purpose;

(3) a transfer of funds between political committees;

(4) the payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to such candidate or committee without charge for any such purpose; and

(5) notwithstanding the foregoing meanings of "contribution", the word shall not be construed to include services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee;

(f) "expenditure" means—

(1) a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office, as a presidential and vice-presidential elector, or for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(2) a contract, promise, or agreement whether or not legally enforceable, to make an expenditure; and

(3) a transfer of funds between political committees;

(g) "Commission" means the Federal Elections Commission;

(h) "person" means an individual, partnership, committee, association, corporation, labor organization, and any other organization or group of persons; and

(i) "State" means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

ORGANIZATION OF POLITICAL COMMITTEES

SEC. 302. (a) Every political commitee shall have a chairman and a treasurer. No contribution and no expenditure shall be accepted or made by or on behalf of a political committee at a time when there is a vacancy in the office of chairman or treasurer thereof. No expenditure shall be made for or on behalf of a political committee without the authorization of its chairman or treasurer, or their designated agents.

(b) Every person who receives a contribution in excess of $10 for a political committee shall, on demand of the treasurer, and in any event within five days after receipt of such contribution, render to the treasurer a detailed acount thereof, including the amount, the name and address (occupation and the principal place of business, if any) of the person making such contribution, and the date on which received. All funds of a political committee shall be segregated from, and may not be commingled with, any personal funds of officers, members, or associates of such committee.

(c) It shall be the duty of the treasurer of a political committee to keep a detailed and exact account of—

(1) all contributions made to or for such committee;

(2) the full name and mailing address (occupation and the principal place of business, if any) of every person making a contribution in excess of $10, and the date and amount thereof;

(3) all expenditures made by or on behalf of such committee; and

(4) the full name and mailing address (occupation and the principal place of business, if any) of every person to whom any expenditure is made, the date and amount thereof and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made.

(d) It shall be the duty of the treasurer to obtain and keep a receipted bill, stating the particulars, for every expenditure made by or on behalf of a political committee in excess of $100 in amount, and for any such expenditure in a lesser amount, if the aggregate amount of such expenditures to the same person during a calendar year exceeds $100. The treasurer shall preserve all receipted bills and accounts required to be kept by this section for periods of time to be determined by the Commission.

(e) Any political committee which solicits or receives contributions or makes expenditures on behalf of any candidate that is not authorized in writing by such candidate to do so shall include a notice on the face or front page of all literature and advertisements published in connection with such candidate's campaign by such committee or on its behalf stating that the committee is authorized by such candidate and that such candidate is not responsible for the activities of such committee.

(f) (1) Any political committee shall include on the face or front page of all literature and advertisements soliciting funds the following notice:

"A copy of our report filed with the Federal Elections Commission is (or will be) available for purchase from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402."

(2) (A) The Commission shall compile and furnish to the Public Printer, not later than the last day of March of each year, an annual report for each political committee which has filed a report with him under this title during the period from March 10 of the preceding calendar year through January 31 of the year in which such annual report is made available to the Public Printer. Each such annual report shall contain—

(i) a copy of the statement of organization of the political committee required under section 303, together with any amendments thereto; and

(ii) a copy of each report filed by such committee under section 304 from March 10 of the preceding year through January 31 of the year in which the annual report is so furnished to the Public Printer.

(B) The Public Printer shall make copies of such annual reports available for sale to the public by the Superintendent of Documents as soon as practicable after they are received from the Commission.

REGISTRATION OF POLITICAL COMMITTEES; STATEMENTS

SEC. 303. (a) Each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding $1,000 shall file with the Commission a statement of organization, within ten days after its organization or, if later, ten days after the date on which it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of $1,000. Each such committee in existence at the date of enactment of this Act shall file a statement of organization with the Commission at such time as it prescribes.

(b) The statement of organization shall include—

(1) the name and address of the committee;

(2) the names, addresses, and relationships of affiliated or connected organizations;

(3) the area, scope, or jurisdiction of the committee;

(4) the name, address, and position of the custodian of books and accounts;

(5) the name, address, and position of other principal officers, including officers and members of the finance committee, if any;

(6) the name, address, office sought, and party affiliation of (A) each candidate whom the committee is supporting, and (B) any other individual, if any, whom the committee is supporting for nomination for election, or election, to any public office whatever; or, if the committee is supporting the entire ticket of any party, the name of the party;

(7) a statement whether the committee is a continuing one;

(8) the disposition of residual funds which will be made in the event of dissolution;

(9) a listing of all banks, safety deposit boxes, or other repositories used;

(10) a statement of the reports required to be filed by the committee with State or local officers, and, if so, the names, addresses, and position of such persons; and

(11) such other information as shall be required by the Commission.

(c) Any change in information previously submitted in a statement of organization shall be reported to the Commission within a ten-day period following the change.

(d) Any committee which, after having filed one or more statements of organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding $1,000 shall so notify the Commission.

REPORTS BY POLITICAL COMMITTEES AND CANDIDATES

SEC. 304. (a) Each treasurer of a political committee supporting a candidate or candidates for election to Federal office and each candidate for election to such office, shall file with the Commission reports of receipts and expenditures on forms to be prescribed or approved by it. Such reports shall be filed on the tenth day of March, June, and September, in each year, and on the fifteenth and fifth days next preceding the date on which an election is held, and also by the thirty-first day of January. Such reports shall be complete as of such date as the Commission may prescribe, which shall not be less than five days before the date of filing except that any contribution of $5,000 or more received after the last report is filed prior to the election, shall be reported within forty-eight hours after its receipt.

(b) Each report under this section shall disclose—

(1) the amount of cash on hand at the beginning of the reporting period;

(2) the full name and mailing address (occupation and the principal place of business, if any) of each person who has made one or more contributions to or for such committee or candidate (including the purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events) within the calendar year in an aggregate amount or value of $100 or more, together with the amount and date of such contributions;

(3) the total sum of individual contributions made to or for such committee or candidate during the reporting period and not reported under paragraph (2);

(4) the name and address of each political committee or candidate from which the reporting committee or the candidate received, or to which that committee or candidate made, any transfer of funds, together with the amounts and dates of all transfers;

(5) each loan to or from any person within the calendar year in an aggregate amount or value in excess of $100, together with the full names and mailing addresses (occupations and the principal places of business, if any) of the lender and endorsers, if any, and the date and amount of such loans;

(6) the total amount of proceeds from (A) the sale of tickets to each dinner, luncheon, rally, and other fundraising event; (B) mass collections made at such events; and (C) sales of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials;

(7) each contribution, rebate, refund, or other receipt in excess of $100 not otherwise listed under paragraphs (2) through (6);

(8) the total sum of all receipts by or for such committee or candidate during the reporting period;

(9) the full name and mailing address (occupation and the principal place of business, if any) of each person to whom an expenditure or expenditures have been made by such committee or on behalf of such committee or candidate within the calendar year in an aggregate amount or value in excess of $100, the amount, date, and purpose of each such expenditure and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made;

(10) the full name and mailing address of each (occupation and the principal place of business, if any) person to whom an expenditure for personal services, salaries, and reimbursed expenses in excess of $100 has been made, and which is not otherwise reported, including the amount, date, and purpose of such expenditure;

(11) the total sum of expenditures made by such committee or candidate during the calendar year;

(12) the amount and nature of debts and obligations owed by or to the committee, in such form as the Commission may prescribe and a continuous reporting of their debts and obligations after the election at such periods as the Commission may require until such debts and obligations are extinguished; and

(13) such other information as shall be required by the Commission.

(c) The reports required to be filed by subsection (a) shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous report during such year, only the amount need be carried forward. If no contributions or expenditures have been accepted or expended during a calendar year, the treasurer of the political committee or candidate shall file a statement to that effect.

REPORTS BY OTHER THAN POLITICAL COMMITTEES

SEC. 305. Every person (other than a political committee or candidate) who makes contributions or expenditures, other than by contribution to a political committee or candidate, in an aggregate amount in excess of $100 within a calendar year shall file with the Commission a statement containing the information required by section 304. Statements required by this section shall be filed on the dates on which reports by political committees are filed, but need not be cumulative.

FORMAL REQUIREMENTS RESPECTING REPORTS AND STATEMENTS

SEC. 306. (a) A report or statement required by this title to be filed by a treasurer of a political committee, a candidate, or by any other person, shall be verified by the oath or affirmation of the person filing such report or statement, taken before any officer authorized to administer oaths.

(b) A copy of a report or statement shall be preserved by the person filing it for a period of time to be designated by the Commission in a published regulation.

(c) The Commission may, by published regulation of general applicability, relieve any category of political committees of the obligation to comply with section 304 if such committee (1) primarily supports persons seeking State or local office, and does not substantially support candidates, and (2) does not operate in more than one State or on a statewide basis.

(d) The Commission shall, by published regulations of general applicability, prescribe the manner in which contributions and expenditures in the nature of debts and other contracts, agreements, and promises to make contributions or expenditures shall be reported. Such regulations shall provide that they be reported in separate schedules. In determining aggregate amounts of contributions and expenditures, amounts reported as provided in such regulations shall not be considered until actual payment is made.

REPORTS ON CONVENTION FINANCING

SEC. 307. Each committee or other organization which—

(1) represents a State, or a political subdivision thereof, or any group of persons, in dealing with officials of a national political party with respect to matters involving a convention held in such State or political subdivision to nominate a candidate for the office of President or Vice President, or

(2) represents a national political party in making arrangements for the convention of such party held to nominate a candidate for the office of President or Vice President,

shall, within sixty days following the end of the convention (but not later than twenty days prior to the date on which presidential and vice-presidential electors are chosen), file with the Commission a full and complete financial statement, in such form and detail as it may prescribe, of the sources from which it derived its funds, and the purposes for which such funds were expended.

DUTIES OF THE COMMISSION

SEC. 308. (a) It shall be the duty of the Commission—

(1) to develop and furnish to the person required by the provisions of this Act, prescribed forms for the making of the reports and statements required to be filed with it under this title;

(2) to prepare, publish, and furnish to the person required to file such reports and statements a manual setting forth recommended uniform methods of bookkeeping and reporting;

(3) to develop a filing, coding, and cross-indexing system consonant with the purposes of this title;

(4) to make the reports and statements filed with it available for public inspection and copying, commencing as soon as practicable but not later than the end of the second day following the day during which it was received, and to permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person: *Provided,* That any information copied from such reports and statements shall not be sold or utilized by any person for the purpose of soliciting contributions or for any commercial purpose;

(5) to preserve such reports and statements for a period of ten years from date of receipt, except that reports and statements relating solely to candidates for the House of Representatives shall be preserved for only five years from the date of receipt;

(6) to compile and maintain a current list of all statements or parts of statements pertaining to each candidate;

(7) to prepare and publish an annual report including compilations of (A) total reported contributions and expenditures for all candidates, political committees, and other persons during the year; (B) total amounts expended according to such categories as it shall determine and broken down into candidate, party, and nonparty expenditures on the National, State, and local levels; (C) total amounts expended for influencing nominations and elections stated separately; (D) total amounts contributed according to such categories of amounts as it shall determine and broken down into contributions on the National, State, and local levels for candidates and political committees; and (E) aggregate amounts contributed by any contributor shown to have contributed in excess of $100;

(8) to prepare and publish from time to time special reports comparing the various totals and categories of contributions and expenditures made with respect to preceding elections;

(9) to prepare and publish such other reports as it may deem appropriate;

(10) to assure wide dissemination of statistics, summaries, and reports prepared under this title;

(11) to make from time to time audits and field investigations with respect to reports and statements filed under the provisions of this title, and with respect to alleged failures to file any report or statement required under the provisions of this title;

(12) to report apparent violations of law to the appropriate law enforcement authorities; and

(13) to prescribe suitable rules and regulations to carry out the provisions of this title.

(b)(1) Any person who believes a violation of this title has occurred may file a complaint with the Commission. If the Commission determines there is substantial reason to believe such a violation has occurred, it shall expeditiously make an investigation, which shall also include an investigation of reports and statements filed by the complainant if he is a candidate, of the matter complained of. Whenever in the judgment of the Commissioner, after affording due notice and an opportunity for a hearing, any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this title or any regulation or order issued thereunder, the Attorney General on behalf of the United States shall institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order in the district court of the United States for the district in which the person is found, resides, or transacts business. Upon a proper showing that such person has engaged or is about to engage in such acts or practices, a permanent or temporary injunction, restraining order, or other order shall be granted without bond by such court.

(2) In any action brought under paragraph (1) of this subsection, subpenas for witnesses who are required to attend a United States district court may run into any other district.

(3) Any party aggrieved by an order granted under paragraph (1) of this subsection may, at any time within sixty days after the date of entry thereof, file a petition with the United States court of appeals for the circuit in which such person is found, resides, or transacts business, for judicial review of such order.

(4) The judgment of the court of appeals affirming or setting aside, in whole or in part, any such order of the district court shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code.

(5) Any action brought under this subsection shall be advanced on the docket of the court in which filed, and put ahead of all other actions (other than other actions brought under this subsection).

STATEMENTS FILED WITH CLERK OF UNITED STATES COURT

SEC. 309. (a) A copy of each statement required to be filed with the Commission by this title shall be filed with the clerk of the United States district court for the judicial district in which is located the principal office of the political committee or, in the case of a statement filed by a candidate or other person, in which is located such person's residence. The Commission may require the filing of reports and statements required by this title with the clerks of other United States district courts where it determines the public interest will be served thereby.

(b) It shall be the duty of the clerk of a United States district court under subsection (a)—

(1) to receive and maintain in an orderly manner all reports and statements required by this title to be filed with such clerks;

(2) to preserve such reports and statements for a period of ten years from date of receipt, except that reports and statements relating solely to candidates for the House of Representatives shall be preserved for only five years from the date of receipt;

(3) to make the reports and statements filed with him available for public inspection and copying during regular office hours, commencing as soon as practicable but not later than the end of the day during which it was received, and to permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person; and

(4) to compile and maintain a current list of all statements or parts of statements pertaining to each candidate.

FEDERAL ELECTIONS COMMISSION

SEC. 310. (a) There is hereby created a Commission to be known as the Federal Elections Commission, which shall be composed of six members, not more than three of whom shall be members of the same political party, who shall be chosen from among persons who, by reason of maturity, experience, and public service have attained a nationwide reputation for integrity, impartiality, and good judgment, are qualified to carry out the functions of the Commission and shall be appointed by the President, by and with the advice and consent of the Senate. One of the original members shall be appointed for a term of two years, one for a term of four years, one for a term of six years, one for a term of eight years, one for a term of ten years, and one for a term of twelve years, beginning from the date of enactment of this Act, but their successors shall be appointed for terms of twelve years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Commission and one member to serve as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman or in the event of a vacancy in that office.

(b) A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission and four members thereof shall constitute a quorum.

(c) The Commission shall have an official seal which shall be judicially noticed.

(d) The Commission shall at the close of each fiscal year report to the Congress and to the President concerning the action it has taken; the names, salaries, and duties of all individuals in its employ and the money it has disbursed; and shall make such further reports on the matters within its jurisdiction and such recommendations for further legislation as may appear desirable.

(e) Members of the Commission shall, while serving on the business of the Commission, be entitled to receive compensation at a rate fixed by the Director of the Office of Management and Budget, but not in excess of $100 per day, including traveltime; and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

(f) The principal office of the Commission shall be in or near the District of Columbia, but it may meet or exercise any or all its powers at any other place.

(g) All officers, agents, attorneys, and employees of the Commission shall be subject to the provisions of section 9 of the Act of August 2, 1939, as amended (the Hatch Act), notwithstanding any exemption contained in such section.

(h) The Commission shall appoint an Executive Director without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, to serve at the pleasure of the Commission. The Executive Director shall be responsible for the administrative operations of the Commission and shall perform such other duties as may be delegated or assigned to him from time to time by regulations or orders of the Commission. However, the Commission shall not delegate the making of regulations regarding elections to the Executive Director.

(i) The Chairman of the Commission shall appoint and fix the compensation of such personnel as it is deemed necessary to fulfill the duties of the Commission in accordance with the provisions of title 5, United States Code.

(j) The Commission may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

(k) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(131) Executive Director, Federal Elections Commission."

(l) In carrying out its responsibilities under this title, the Commission shall, to the fullest extent practicable, avail itself of the assistance, including personnel and facilities, of the General Accounting Office and the Department of Justice. The Comptroller General and the Attorney General are authorized to make available to the Commission such personnel, facilities, and other assistance, with or without reimbursement, as the Commission may request.

PROHIBITION OF CONTRIBUTIONS IN NAME OF ANOTHER

SEC. 311. No person shall make a contribution in the name of another person, and no person shall knowingly accept a contribution made by one person in the name of another person.

PENALTY FOR VIOLATIONS

SEC. 312. Any person who violates any of the provisions of this title shall be fined not more than $1,000 or imprisoned not more than one year, or both.

STATE LAWS NOT AFFECTED

SEC. 313. (a) Nothing in this title shall be deemed to invalidate or make inapplicable any provision of any State law, except where compliance with such provision of law would result in a violation of a provision of this title.

(b) The Commission shall encourage, and cooperate with, the election officials in the several States to develop procedures which will eliminate the necessity of multiple filings by permitting the filing of copies of Federal reports to satisfy the State requirements.

PARTIAL INVALIDITY

SEC. 314. If any provision of this title, or the application thereof, to any person or circumstance is held invalid, the validity of the remainder of the title and the application of such provision to other persons and circumstances shall not be affected thereby.

REPEALING CLAUSE

SEC. 315. (a) The Federal Corrupt Practices Act, 1925 (2 U.S.C. 241–256), is repealed.

(b) In case of any conviction under this title, where the punishment inflicted does not include imprisonment, such conviction shall be deemed a misdemeanor conviction only.

TITLE IV—MISCELLANEOUS

EXTENSION OF CREDIT BY REGULATED INDUSTRIES

SEC. 401. The Civil Aeronautics Board, the Federal Communications Commission, and the Interstate Commerce Commission shall each promulgate, within ninety days after the date of enactment of this Act, its own regulations with respect to the extension of credit, without security, by any person regulated by such Board or Commission to any candidate for Federal office (as such term is defined in section 301(c) of the Federal Election Campaign Act of 1971), or to any person on behalf of such a candidate, for goods furnished or services rendered in connection with the campaign of such candidate for nomination for election, or election, to such office.

EFFECTIVE DATE

SEC. 402. Except as provided for in section 401 of this Act, the provisions of this Act shall become effective on December 31, 1971, or sixty days after the date of enactment of this Act, whichever is later.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. TALMADGE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PASTORE. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make any necessary conforming and technical change in the enrollment of the bill and that the bill be printed as it has passed the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, with the final approval of the Federal Election Campaign Act of 1971 I wish to express my respect for, and amazement of, the ability of the senior Senator from Rhode Island (Mr. Pastore). To hear his booming voice almost always signals an interesting and educational debate. His ability to manage the bill on the floor of the Senate—however intricate, complicated or controversial—is without equal. His legislative prowess not only deters dilatory tactics but invites cooperation and assures enactment.

The Senate is indebted to Senator Pastore for his agile and intelligent handling of this far-reaching and long-overdue piece of electoral reform legislation.

Assisting Senator Pastore throughout this lengthy debate was the able Senator from Nevada (Mr. Cannon). His complete knowledge of all the aspects of this bill, assured a concise and accurate debate on the many amendments. His help is most appreciated.

I believe the Senator from Rhode Island (Mr. Pastore) mentioned the Senator from Vermont (Mr. Prouty) earlier, but I would like to express my personal thanks for his generous contributions and many helpful suggestions. It was with Senator Prouty's help that this political reform measure remained a bipartisan effort. His wise counsel on many different points through the course of debate this last week created a spirit of cooperation that will certainly be noted by the President and the American people. I thank the Senator.

The distinguished and able minority leader (Mr. Scott) paid close attention to the progress of this bill. His thoughtful suggestions about various aspects of reporting campaign expenditures were most helpful. And I think the cooperation extended by the managers of this bill typify the true bipartisan nature of this reform measure.

The Senator from Kansas (Mr. Pearson), the Senator from Maryland (Mr. Mathias), the Senator from Oregon (Mr. Packwood), and the Senator from Colorado (Mr. Dominick) should all be thanked for their help in assuring the high quality of reform this measure represents. On the other side of the aisle the Senator from Florida (Mr. Chiles), the Senator from Massachusetts (Mr. Kennedy), the Senator from Michigan (Mr. Hart), and the Senator from Illinois (Mr. Stevenson) all contributed their own views that led to further understanding of various aspects of this reform act.

Mr. President, the most important and telling aspect of the legislative history of S. 382 was that the final passage vote was 88 yeas and only 2 nays. This, to me, represents such a total sense of agreement that it is difficult to conceive of how this legislative measure could favor one party or the other. In fact, to me it represents a move, at long last, toward the spirit of cooperation that is so desperately needed in our society. All of the Senators recognized that there was a serious problem with the spiraling cost of elections, and through the cooperative and bipartisan support we have witnessed in this chamber for the last week, we have enacted a progressive reform measure to begin checking campaign costs. I thank Senator Pastore, Senator

CANNON, Senator PROUTY, Senator BAKER, and all of those that have cooperated in successfully guiding this through the Senate.

IN PRAISE OF PASSAGE

Mr. CHURCH. Mr. President, the Senate has taken today a most constructive action by approving a campaign financing reform bill governing elections for Federal office. I hope that the House of Representatives will soon take a correspondingly affirmative position in order that the remedial provisions of the legislation will be in operation during the 1972 elections.

Legislative action in this problem area is necessary. The escalating cost of campaigning has inhibited the ability of able men and women of modest incomes to seek elective office. This consequence has generated suspicion, even cynicism, among Americans toward politics as a preserve for big-money interests.

The U.S. Senate has now acted to help correct this situation by approving a bill which attacks the problem in three ways.

First, it establishes a ceiling on the amount of money that a candidate for Federal office may spend on publicity in primary and general elections, in the form of billboards, newspaper advertisements and radio or television "spots." Within this overall spending ceiling, the bill places limits on the amount of money a candidate may spend on television and radio commercials, customarily the largest single cost item. In addition, the bill limits the amount of money a candidate may spend from his own personal funds or those of his immediate family.

Second, the legislation requires detailed disclosure, both during and after elections, as to the sources of contributions and the purposes for which the money is spent. In this connection, the bill creates a presidentially appointed six-member commission to supervise the campaign financing provisions of the bill.

Third, the bill seeks to broaden the base of political financing by authorizing modest tax credits and tax deductions to those who are able to make only small contributions to candidates of their choice. I have long advocated this change in our tax laws to encourage small contributions to our political process. For too long, too many candidates have been too dependent on large contributors. This has made for a polarization of our policies between big business, on the one hand, and big labor on the other, a condition which is unhealthy for the people as a whole.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT ON STATUS OF NATIONAL WILDERNESS PRESERVATION SYSTEM—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 92–156)

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Interior and Insular Affairs:

To the Congress of the United States:

Today I am transmitting the 7th Annual Report on the status of the National Wilderness Preservation System. The Report spells out the substantial progress which has been made in the Wilderness System, a System which now encompasses more than 10.1 million acres—an increase of over 200,000 acres in the last year.

On April 28, 1971, I transmitted fourteen new wilderness proposals to the Congress. If approved, these proposals would enlarge our Wilderness System by an additional 1.8 million acres. Again, I urge quick and favorable congressional action on these proposals as well as on thirteen other proposals which are also before the Congress and which would add over a million acres to the System. Wilderness designation of all these areas is vital if we are to preserve their natural environment for future generations of Americans.

RICHARD NIXON.

THE WHITE HOUSE, *August 5, 1971.*

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 2296) to amend sections 107 and 709 of title 32, United States Code, relating to appropriations for the National Guard and to National Guard technicians, respectively.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 2587) to establish the National Advisory Committee on the Oceans and Atmosphere.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 581) to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the U.S. Government, to extend for 3 years the period within which the Bank is authorized to exercise its functions, to increase the Bank's lending authority and its authority to issue, against fractional reserves and against full reserves, insurance, and guarantees, to authorize the Bank to issue for purchase by any purchaser its obligations maturing subsequent to June 30, 1976, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5208) to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard, and to authorize the annual active duty personnel strength of the Coast Guard.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10061) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1972, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 1, 15, 49, and 50 to the bill and concurred therein; and that the House receded from its disagreement to the amendments of the Senate numbered 30, 37, and 41 to the bill and concurred therein, severally with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 4263) to add California-grown peaches as a commodity eligible for any form of promotion, including paid advertising, under a marketing order.

EDUCATION AMENDMENTS, 1971

Mr. MANSFIELD. Mr. President, in accord with the understanding of yesterday, I ask unanimous consent that the Senate return to the consideration of Calendar No. 342, S. 659, on a temporary basis.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate resumed the consideration of the bill (S. 659) to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, and related acts, and for other purposes.

Mr. MOSS. Mr. President, almost anywhere you turn in our great land these days you are likely to run into talk and concern about the plight of the colleges, the crisis on the campus as it is often phrased.

Our citizens should, of course, be troubled, and deeply so, about this crisis. In my view if our colleges are in trouble, then the country is in trouble.

As we ponder what college opportunities have meant and now mean to life patterns and standards in our civilization, and further contemplate the vast stream of discoveries and progress which the universities and colleges generate, no other conclusion seems possible. The campus disorders are in substantial measure the mirror of the larger disorders in our society.

And for those larger disorders, we look now and in the future, as we have in the past, to the campus to help us produce solutions.

We have been talking long and loud in Congress about the crisis on the campus. At the same time, we have the responsibility to play a role, to take a hand in meeting it. And this we do, Mr. President, in the measure before us. S. 659 is an impressive and broad-gaged response to it.

The bill considerably increases the

Federal commitment to the citizens, individually and collectively, who carry their studies beyond high school, particularly the low-income youth; and to the institutions and programs that serve them.

Never before have we developed such a diversified, yet orchestrated, package for higher education.

The crisis in part is financial. And S. 659 will sharply increase the flow of Federal funds to the typical college. To the nontraditional college, such as the community college with a high low-income enrollment, the increase can be still sharper.

The crisis in part, too, has been a matter of focus. S. 659 puts the emphasis where it belongs—on the student, not on the institution; on the consumer, and not on the educator.

This is reflected not only in the bill's new concept and approach to student finances, but in the increased emphasis on such areas as the long-neglected field of consumer education—at least, long neglected on the campus—and vocational education, particularly in comprehensive programing on the community college level.

Mr. TAFT. Mr. President, the Education Amendments of 1971, which I cosponsor, represent a firm and positive reaffirmation of the Federal Government's support of our Nation's educational system.

If there is to be a keystone in the bridge across this Nation's social and economic problems, it must surely be education. By augmenting educational opportunities for all Americans, we make a major thrust in the direction of better jobs and in turn better housing.

Without reviewing the provisions of this bill in detail, I must commend its commitment to higher education contained in title I.

In my judgment, it is not only important for higher educational opportunities to exist for all young Americans, but it is vital that our young people grow up with the recognition of those opportunities. In that way they can develop the motivation and course preparation in high school so that they may avail themselves of the opportunities for higher education which are theirs.

The basic education opportunity grant program, the supplemental education opportunity grants, the grants to States for State scholarships, the student loan marketing association, the expanded work-study programs, and the special program for students from low-income families contained in this measure, firm up the higher education opportunities available to our young people.

No less important is the additional assistance for community colleges which in Ohio and other States have proven to be such vital and valuable components of our educational system. These colleges bring educational opportunities to the hometowns of thousands of young people who might not otherwise be able to attend college in a more distant place. By allowing young men and women to live at home and work in their off-hours, we greatly expand the educational horizons of those who would have otherwise been financially foreclosed.

I am delighted that title II adds industrial arts to the vocational education program. For too many years some of the educational elite have tended to look down their noses at vocational education. In our high schools we have generated the notion that getting into college is the all-important goal, and that somehow it is a step down to embark upon vocational training. We have let this reach the point where many young people feel that they will become failures in life if they do not go on to college. The downgrading of carpentry, plumbing, and other crafts, for example, has been nothing short of tragic. It is just as important to be a good electrician or a good toolmaker, as it is to be a good lawyer or a good teacher. Our young people must be encouraged to understand that what is important is doing a good job, enjoying one's work, and taking pride in that work, whatever it may be.

Regrettably, our colleges have become crowded with many students who are there only because of social pressure. Their interests and talents might very well lie in other directions.

Students of vocational training make an enormously valuable contribution to American life, and the expanded definition of vocational training in this measure begins to give recognition to their contribution. By giving greater recognition to vocational education, we can give a new sense of importance to those young people who would prefer to be creative and work with their hands than bore themselves in the dusty pages of Greek mythology.

Finally, I am pleased that this measure extends the law school clinical experience program which has proven so effective. This program is adding a vibrant and practical dimension to legal education which the casebooks alone can never provide. It reflects the social awareness of our law students and prepares them to meet legal problems in human terms rather than as mere theoretical exercises.

And certainly all of this reflects the mood and concern of America about higher education—if not the wishes of the university establishment.

Those smaller, private colleges, as well as the very large universities, which have slipped into deep financial trouble, though they are generously served by this bill, would do well to heed the public mood. If they worried a bit less about whether they were "living up" to the university tradition, and cared a bit more about "living with" the community, their futures could be brighter.

Traveling the traditional, narrow academic track—or waving the banner of academic freedom while ignoring the community interest, otherwise known as education for education's sake alone—could well be the road to oblivion.

This bill, let me say again, conveys that message.

Finally, the crisis also in part is a matter of planning, a matter of accountability. S. 659 gives strong emphasis to both.

I note this comment in the July 1971 issue of a newsletter from the Western Interstate Compact for Higher Education—WICHE:

> Education is a billion-dollar industry, yet it has operated largely without detailed cost analysis, management systems, and effective evaluations. Pressure is applied to administrators to justify programs, develop new ones, and discard old ones primarily on the basis of their own subjective experiences rather than with the sophisticated analytical tools used by executives in business and industry.

The bill gives strong support to the States to plan for greater accessibility and convenience in higher education, and to develop community colleges as necessary to meet that objective. This section holds great promise for my own State of Utah, which presently has no comprehensive community colleges, yet like many other States is taking a hard look at its geographic distribution and balance in occupational programs and other postsecondary opportunities.

This bill taps much of the vision and thrust of the original comprehensive community college bill as authored by Chairman Williams. Greater Federal recognition and support for this booming segment of our educational network has been long overdue, and as one of the original sponsors of the Williams bill, I am proud and delighted to see S. 659 move in this direction.

To Chairman WILLIAMS and to Chairman PELL, the author of S. 659, and to the full memberships of the Education Subcommittee and Labor and Public Welfare Committee I express my respect and appreciation. From more than a year's diligent investigation of the State and the needs of higher education has emerged this truly profound measure. It is a monument to their leadership, and I hope the Senate will unite in the adoption of it.

ECONOMIC DISASTER AREA RELIEF ACT OF 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that S. 659 be temporarily laid aside, and that the Senate proceed to the consideration of Calendar No. 333, S. 2393. I do this so that it will become the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

> Calendar No. 333, a bill (S. 2393) to amend the Disaster Relief Act of 1970 to make areas suffering from economic disasters eligible for emergency Federal aid, to improve the aid which would become available to economic disaster areas, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, before I yield to the distinguished Senator from Mississippi, who I understand has a conference report which he is prepared to have the Senate give some consideration to, I should like, with his permission, and without this being taken out of the time on the pending business, to yield 3 minutes to the distinguished Senator from Idaho first, and then to the Senator from Mississippi.

Mr. STENNIS. That is satisfactory.

AIDING AND ABETTING A TERRIBLE MASSACRE

Mr. CHURCH. I thank both Senators for this intervention for the purpose of making an insertion in the Record.

Mr. President, the U.S. Government is aiding and abetting a terrible massacre on the part of the West Pakistan military regime.

After 18 weeks of widespread hunger, pestilence, and bloodshed, victimizing millions of Bengalis, the President of the United States yesterday at last made a statement relating to this tragedy. The President, however, did not declare his abhorrence at what has happened in East Bengal, nor did he announce that he was stopping any further shipments of the $18 million in arms still scheduled to go to Islamabad from the United States. He did not express any concern about the right of self-determination for the East Bengalis, who crave autonomy, and who constitute a clear majority of the whole population of Pakistan.

Instead, the President said he favored continuing economic assistance to West Pakistan, American money which will help make possible further violence by the Pakistan Army, largely trained and equipped by the United States. Perhaps, in a psychological slip, the President revealed some realism when, instead of referring in his press conference to the "Government of Pakistan," he said:

> We are not going to engage in public pressure on the Government of West Pakistan.

This is the same phrase used by the supporters of an independent East Bengal.

The President and his advisers, favoring Yahya Khan's ruthless regime, stand alone in America today. The House of Representatives on Tuesday voted to cut off all U.S. assistance to Pakistan. The Senate has consistently voiced its outrage at the utter wrongness of America's present policy toward Islamabad, which has reduced our influence on the subcontinent to an alltime low. Indeed, 36 Senators are sponsoring the Saxbe-Church amendment to suspend all economic and military assistance to Pakistan. The Nation's newspapers, with unprecedented unanimity have denounced the shocking suppression in East Bengal, and called for changing U.S. policy there.

Nevertheless, the President yesterday gave a green light to the brutal rule of Yahya Khan, thereby countenancing the continuation of the nightmare in Bengal. He thus did nothing to discourage the hawks in Islamabad, Dacca, and Delhi. With the monsoon ending next month and war clouds gathering, the possibility of an India-Bengal-Pakistan war can no longer be ignored.

And all this, Mr. President, amidst the specter of spreading famine this autumn in Bengal, and a growing horde of 7½ to 8 million refugees, homeless, jobless, and hostile, crowding into neighboring India.

As writer and editor Alvin Toffer of Future Shock fame, just returned from Eastern India, puts it:

> A planetary catastrophe is taking place . . . a human disaster so massive that it could bathe the future in blood, not just for Asians, but for those of us in the West as well.

I ask unanimous consent that the President's statement and articles regarding the ominous threat of war on the subcontinent be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Part 1. United States-South Asia Relations

President Nixon's News Conference

[From the New York Times, Aug. 5, 1971]

Washington, August 4.—Following is the transcript of President Nixon's news conference today:

OPENING STATEMENT

Ladies and Gentlemen, I wanted to begin this with a brief résumé of the conversation I have just had with the Secretary of State, because I know the subject will probably come up in any event.

This is in regard to the Pakistan refugee situation, to recap what we have done. Insofar as the refugees, who are in India, are concerned, we have provided $70-million to date for the refugees, and we are prepared to provide more. That, incidentally, is more than all the rest of the nations of the world put together, so it is a substantial amount.

As far as those in East Pakistan themselves are concerned, whereas you know there are prospects of famine, in the event that the crop reports are as bad as they seem to be, at this time we have 360,000 tons of grain ready for shipment there. We have also allotted $3-million for the chartering of ships for the purpose of getting the grain into the overcrowded ports.

As a further step, the Secretary of State has worked out, with my very strong approval, a plan to go to the United Nations next week to talk to the responsible and appropriate members of the United Nations, including the U.N. High Commissioner in that office, to see what additional steps can be taken on both fronts to help the refugees in India from East Pakistan, and also to help those who are in East Pakistan and are presently confronting famine situations.

With regard to a problem that was addressed by the House yesterday, we do not favor the idea that the United States should cut off economic assistance to Pakistan. To do so would simply aggravate the refugee problem because it would mean that the ability of the Government of Pakistan to work with the U.N., as it presently has indicated it is willing to do so in distributing the food supplies—its ability to create some stability would be seriously jeopardized.

We feel that the most constructive role we can play is to continue our economic assistance to West Pakistan and, thereby, to be able to influence the course of events in a way that will deal with the problem of hunger in East Pakistan, which would reduce the refugee flow into India and which will, we trust, in the future look toward a viable political settlement.

We are not going to engage in public pressure on the Government of West Pakistan. That would be totally counterproductive. These are matters that we will discuss only in private channels.

[From the Baltimore Sun, Aug. 5, 1971]

Nixon Opposes "Public Pressure" on Pakistan

(By Adam Clymer)

Washington.—The United States will not put "public pressure" on Pakistan to ease the situation in East Pakistan, President Nixon said yesterday. And he disagreed with Tuesday's House vote to halt all aid to Pakistan, saying a ban would hinder relief efforts.

But as he was speaking, all the East Pakistani diplomats in the United States were holding a press conference of their own, announcing that they had gone over to the rebels and renouncing their allegiance to a regime whose Army, they said, is burning, murdering and raping their countrymen.

CONSTRUCTIVE ROLE

Mr. Nixon told his press conference, "The most constructive role we can play is to continue our economic assistance to West Pakistan and, thereby, to be able to influence the course of events in a way that will deal with the problem of hunger in East Pakistan."

This, he said, "would reduce the refugee flow into India" and point to "a viable political settlement."

But one of the seven defecting diplomats, A.M.A. Muhith, until yesterday economic counselor at the Pakistan Embassy here, contended that with a cut-off of aid, "the lunacy of the present regime would get a serious setback" because the Pakistani economy depended on foreign aid, and other aid-giving nations were withholding assistance.

Mr. Nixon apparently misspoke himself when, instead of referring to the "government of Pakistan," he said:

"We are not going to engage in public pressure on the government of West Pakistan. That would be totally counter-productive. These are matters that we will discuss only in private channels."

The leader of the East Pakistani group used the same phrase, but deliberately.

MILITARY JUNTA

"The government of Pakistan now is a military junta of West Pakistan desperate to retain its stranglehold over the country. . . . Its authority rests totally on its military strength, and its control is limited by the range of its artillery. . . . It has also destroyed the Pakistani nation," said Sayyid A. Karim, until yesterday Pakistan's deputy permanent representative at the United Nations.

Mr. Nixon cited American efforts to feed the refugees in India, saying "we have provided $70 million . . . and we are prepared to provide more." He said this was more than had been provided by "all the rest of the nations put together."

And, noting "prospects of famine" in East Pakistani, the President said William P. Rogers, Secretary of State, would go to the U.N. next week to see what else could be done to help those facing food shortages in the East.

The East Pakistani diplomats, one of whom (the deputy chief of mission at the Embassy here) was absent in a hospital, were joined by seven other non-diplomatic employees of Pakistan missions in the United States. A Pakistani Embassy spokesman said today that "one or two" East Pakistani clerks remained at work there.

Mr. Karim discussed the U.N. in a different light. He said he had been called in last week by Secretary General U Thant (because the Pakistani permanent representative was in Geneva) and told that Mr. Thant feared war between India and Pakistan. According to Mr. Karim, Mr. Thant indicated he feared the conflict would be started by Pakistan.

The East Pakistanis said they were seeking political asylum in the U.S., and would be prepared to serve the rebel "Bangla Desh" government in any way it directed.

A State Department spokesman said 10 had sought a change of status from the Immigration and Naturalization service yesterday, but indicated no decision was imminent on their requests.

Their actions apparently took the Pakistani Embassy completely by surprise, though the State Department was briefly forewarned.

Pakistan's ambassador, Agha Hilaly, said the group had done a "great disservice," and blamed all the troubles in East Pakistan on Sheikh Mujibur Rahman, the Bengali leader who won a majority in December's national elections.

Mr. Hilaly charged that Sheikh Mujib had sought secession and his followers had begun the civil war. The sheikh is now believed to be imprisoned in West Pakistan.

[From the New York Times, Aug. 5, 1971]

THE RAVAGED PEOPLE OF EAST PAKISTAN

(By Alvin Toffler)

A planetary catastrophe is taking place in Asia, a human disaster so massive that it could bathe the future in blood, not just for Asians, but for those of us in the West as well. Yet the response of the global community has been minimal at best. In the United States, the official response has been worse than minimal and morally numb.

I have just returned from Calcutta and the border of East Pakistan, where I conducted interviews with refugees avalanching into India as a result of the West Pakistani's genocidal attack on them. Since March 25, West Pakistani troops have bombed, burned, looted and murdered the citizens of East Pakistan in what can only be a calculated campaign to decimate them or to drive them out of their villages and over the border into India.

Part of the time I traveled with a Canadian parliamentary delegation. We saw babies' skin stretched tight, bones protruding, weeping women who told us they would rather die today in India than return to East Pakistan after the tragedies they had witnessed, total wretchedness of refugee camps, and the unbelievable magnitude of this forced migration—6.7 million refugees pouring into India within a matter of four months.

I saw Indian villages deluged by masses of destitute refugees, every available inch crammed with bodies seeking shelter from the blistering sun and the torrential rain. I saw refugees still streaming along the roads unable to find even a resting place. I saw miserable Indian villagers sharing their meager food with the latest frightened and hungry arrivals. I saw thousands of men, women and babies lined up, waiting patiently under the sun for hours to get their rations. These pitiful few ounces of rice, wheat and dahl provide a level of nutrition so low that it will inevitably create protein breakdown, liver illness, and a variety of other diseases in addition to the cholera, pneumonia, bronchitis that are already rampant. I saw Indian relief officials struggling heroically, and with immense personal sympathy, to cope with the human tidal wave—and to do so on a budget of one rupee a day—about 13 cents per human.

It is now clear that famine will further devastate East Pakistan this fall, and that millions more will seek refuge in an India already staggering under the burden.

Under these circumstances, one is forced to protest the callousness and stupidity of American policy. On the one hand we promise India $70-million in relief funds. On the other, we continue to supply arms to the same West Pakistani generals who launched the bloodbath, so that they can terrorize even more of their subjects into fleeing across the Indian border. The House vote this week to suspend aid, including military sales, to Pakistan is belated recognition of our sorry role.

In terms of *realpolitik*, the continuation of military aid to West Pakistan is supposed to buy us influence with the ruling junta, and help offset Red Chinese influence. (Ironically, the Red Chinese are also aiding the West Pakistani generals.)

Yet the heaviest stream of refugees is pouring into West Bengal, which is not only India's poorest and most overcrowded state, but the most politically unstable. Between Calcutta and Bongoan on the border, some 50 miles distant, I saw scarcely a house that didn't have a hammer and sickle painted on it. Maoists, anarchists, and conventional Marxists attack each other and the less radical parties with violence as well as rhetoric. Strikes, demonstrations, and political assassinations are already a daily occurrence. West Bengal, even before the invasion of refugees, seemed about to explode.

By shipping arms to the West Pakistanis, we are partially responsible for pouring millions of hungry, sick and angry refugees directly into this tinder-box. This vastly increases the likelihood of a bloody upheaval on the Indian side of the border as well, in which the power of Maoist movements could only grow. Thus, even if one unquestioningly assumes the necessity to halt the spread of Chinese Communist influence, our policy seems idiotic. We hang on to the shreds of influence in West Pakistan at the cost of losing it in India. Worse, we pave the way for a bigger, bloodier and even more bitter Vietnam in Asia.

But there is a simpler, less political reason why our aid policy must be changed. On grounds of simple humanity, the failure of our Government to express official concern for the ravaged people of East Pakistan, its alliance with the undemocratic generals of Islamabad, and its cruel insistence on sending still more arms to the killers, is morally repulsive.

The emergency in East Pakistan demands a more than minimal response. We need to pump immediate life-saving baby food, powdered milk, antibiotics, anticholera vaccines and similar supplies into India. But beyond that, decency and political realism both demand an immediate end to the arms shipments.

[From the Chicago Sunday Sun-Times, July 18, 1971]

PAKISTAN: MYTHS AND REALITIES

It is interesting, even a little sad, to note that White House foreign policy expert Henry A. Kissinger used as his jumping-off place for his Peking trip the capital of Pakistan.

Among others, we have been critical of the Nixon administration in its policies toward Pakistan. We believe that practical as it may be to have Pakistani good will to aid the United States in its welcome negotiations with the People's Republic of China, the administration is occupying in Pakistan a lonely, untenable, immoral and indefensible position. It has supported there a government which has butchered tens of thousands of its citizens in civil strife which can only be called genocide.

On Page 13 of this section, Martin Woollacott of The Guardian of England writes of the myths and realities surrounding the situation in Pakistan. Some background to this conflict—and the American role in it—is in order.

CHANGED PARTNER

Nearly two decades ago, Sec. of State John Foster Dulles, desperately seeking allies in his crusade against "Godless communism," roped avaricious governments into paper pacts on the promise of American arms. Among them was Pakistan, which, as soon as it had acquired American arms, became more violently anti-Indian and less staunch an anti-Communist "partner" of the United States.

Moslem Pakistan is partitioned. Between its West Wing, with 55 million souls, mostly Punjabis, and the East Wing, with 75 million, mostly Bengalis, is 1,100 miles of India—volatile, shaky and controlled by Hindus.

The East Wing has festered since Partition in 1947 under the dominance—political, economic and social—of the Moslem West. Last December, in the first free elections in Pakistan's "guided democracy," the East Pakistanis, under Sheik Mujibur Rahman, won a large majority.

But Mujib, riding high on a euphoric wave of victory, could not or would not come to any terms with Pakistan's President Agha Muhammad Yahya Khan, who saw the West Wing's dominant position threatened. Hope of settlement disappeared as both haughty sides refused to give ground. It was Yahya Khan, however, who made the first moves to restore the old *status quo*.

In the violent military reaction which followed, the slaughter by West Pakistani troops of East Bengalis began and is continuing. In addition to the countless dead, some 6.5 million East Bengalis have fled to India for shelter, where they are creating serious economic, social and political problems for Prime Minister Indira Gandhi.

An 11-nation consortium, working through the World Bank, has for several years been aiding Pakistan. But a report by the bank's fact-finding mission proposed last week that all aid be suspended until Yahya Khan creates a stable civil authority in the East Wing.

LEGALISMS AND SLAUGHTER

The United States has refused to deny aid to Yahya Khan, even though it is patently obvious that aid is going to bolster the tottering economy of the authoritarian West, at the expense of the suffering East.

Even worse, Washington is using contractual legalisms to justify continuing a trickle of arms aid to Yahya Khan, even though—again—it is patently obvious that by so doing, America is arming mass murderers. Indeed, the House Foreign Affairs Committee voted last week to withhold all military aid both to Pakistan and Greece, which is ruled by military junta.

To halt the arms shipments completely, says the administration, would mean that Yahya Khan would turn to "other sources of supply"—i.e., Peking. This is a peculiar rationale, since Pakistan already receives the bulk of its arms from China.

If all aid is halted, the prognosis for Yahya Khan's iron regime is about six months, after which he would probably be replaced by a more moderate government, one presumably less repressive of the East Bengalis.

DRY TINDER

But if American aid—military as well as economic—continues, Yahya Khan may decide that to unify his palsied nation, it will be necessary to provoke or begin a war with India. In addition, the lack of moderate leadership plays into the hands of the radicals in the East Wing, many of whom would like nothing better than a military confrontation with India, out of which they hope will come a Bengali state, composed of East Bengal and the contiguous, ever-simmering West Bengal, the Indian state which includes the anthill city of Calcutta. Thus India is threatened from both east and west, and the tinder grows drier by the day. Border incidents leading to a full-scale war could occur at any time.

The Nixon administration has only one choice, even given the fact that Pakistan has been helpful in the overtures toward China: Washington must join the other consortium nations in putting all pressure, including suspension of aid to Yahya Khan, to force an end to the massacres and the establishment of a responsible, decent civil authority in the East Wing.

This is not merely the only policy to serve long-range American and Pakistani national interests; it is the only policy which is moral and humane.

[From the New York Times, July 27, 1971]

UNITED STATES-INDIA RELATIONS: A NEW LOW

(By Sydney H. Schanberg)

NEW DELHI.—"There's no place to go but up," said one pro-American Indian the other day, referring to the depths into which relations between India and the United States have recently plunged.

The newspaper disclosure last month that American arms shipments to Pakistan were continuing despite a previously announced embargo stung Indians as a personal betrayal. The disclosure came just as the Indian Foreign Minister, Swaran Singh, returned home from a Washington visit during which, he said, he had been assured by the State Department that no new arms would be sent to the Pakistani military regime.

Since then, scarcely a day has passed when the United States has not been villified in Parliament and the press. The Government of Prime Minister Indira Gandhi—though rejecting Opposition party demands for refusal of United States aid, confiscation of American assets in India and recall of the Indian Ambassador in Washington—has repeatedly denounced the Nixon Administration in Parliament.

The Government charged again Monday that the supply of military assistance to the Pakistanis after March 25—the day Pakistan began her military offensive against the Bengali secession movement in East Pakistan—"amounts to condonation of genocide in Bangla Desh and encouragement to the continuation of atrocities by the military rulers of Pakistan."

"Bangla Desh," meaning "Bengal Nation," is the name adopted by the East Pakistani autonomy movement.

The continuance of shipments of military goods "also amounts," Foreign Minister Singh said, "to intervention on the side of the military rulers."

Further, Indian officials have drawn a pointed contrast between the United States' policy and that of the Soviet Union. Moscow has stated that no Soviet arms have gone to Pakistan since April of last year.

Henry A. Kissinger's secret flight from Pakistan to Peking after a two-day visit in India has only exacerbated Indian-American relations. Indian officials and private citizens feel that Mr. Kissinger's short stopover in New Delhi—described as a fact-finding visit—was merely a "cover" and a "stage-prop" for his visit to Peking.

This view was buttressed by the White House acknowledgment that the timing of the Peking visit influenced the scheduling of the rest of the Kissinger trip—which included stops in South Vietnam, Thailand, India, Pakistan and France.

Moreover, since Pakistan maintained secrecy on Mr. Kissinger's movements, facilitated his flight to Peking and might have been instrumental in arranging his meeting with Premier Chou En-lai, Indian public opinion believes this may explain the continuance of United States military aid to Pakistan and the refusal of the Nixon Administration to issue a public denunciation of the military repression in East Pakistan.

PEKING ARMS AID REPORTED

Indian officials are also now drawing attention to the similarity of American and Chinese policy regarding the East Pakistani crisis. Peking has supported the Islamabad regime and is reportedly supplying sizable arms aid.

Washington's current tattered relations with New Delhi are a very tender subject at the United States Embassy here. Embassy officials are obviously unhappy, but they are not talking. Other Americans and United Nations officials, who clearly reflect the embassy mood, are not similarly inhibited.

"Our credibility will be zilch for some time," said one such American. "This has set us back just as things were beginning to look up."

"It doesn't mean our relations are damaged for all time," said another, "but the longer the Bangla Desh thing drags on, the longer it will take us to come out from under."

The Indian resentment over the arms shipments is intense.

The East Pakistani upheaval—which has driven seven million Bengali refugees into India and raised the possibility of another Indian-Pakistani war—has revived for Indians all the searing images of the bloody religious rioting that accompanied the partition of the subcontinent in 1947 into Pakistan as a Moslem homeland and India as a secular but predominantly Hindu nation.

MORAL QUESTION SEEN

For the Indians, it has become a moral question of good versus evil—a Bengali people seeking freedom and a military regime suppressing them with bullets. The Americans, in the Indian mind, have lined up with evil.

"It's Armageddon to the Indians," said one American. "It wouldn't matter if the arms consisted of only one nut or one bolt or one armature for a weapon."

In this atmosphere, Washington's argument that the amount of the current arms aid is insignificant and that its continuation is necessary if the United States is to be able to exert any private leverage on Pakistan for a peaceful settlement in East Pakistan has made no impression on New Delhi.

With emotionalism high in India, a national debate is raging, largely in private circles, over whether to go to war against Pakistan. But the debate is still mostly rhetorical and there is no war hysteria.

NO TOP OFFICIAL URGES WAR

While many in the Indian intelligentsia talk constantly of teaching the Pakistanis a lesson—and some even use the argument that a war would be less costly than supporting the millions of Bengali refugees—no one at the top in the Indian Government is recommending a war, and no war preparations are visible.

Still, with the prevailing tinder-box tension, officials acknowledge that war remains a real possibility.

Mrs. Gandhi is reported to view war as a last resort and has said her Government would not "embark on any adventurist policies." But both she and the Pakistani President, Gen. Agha Mohammad Yahya Khan, have declared that if a war were forced on them, they were fully prepared to fight.

[From the Washington Post, Aug. 4, 1971]

House Curbs Aid to Greece and Pakistan

(By Richard L. Lyons)

The House passed a $3.4 billion foreign aid authorization bill last night after going on record in opposition to giving further aid to Greece and Pakistan.

The vote was 200 to 192. Such a close margin in the House on foreign aid is not unusual.

No attempt was made to knock out the ban on the administration's $225 million aid request for Pakistan. The Nixon administration said the aid would be resumed only after the President reported that Pakistan was permitting refugees from East Pakistan to return to their homes and to reclaim their property. An attempt to delete the ban on the $118 million aid request for Greece was easily defeated, 122 to 57.

The ban on foreign aid to Greece written into the bill by the House Foreign Affairs Committee states that no aid can be given unless the President finds that "overriding requirements of the national security of the United States" justify waiving the ban. It was placed in the bill to prod the Greek military junta into carrying out its promise to hold elections.

In the Senate, meanwhile, all foreign aid is being blocked by Sen. J. W. Fulbright's Foreign Relations Committee to back up its demand that Defense Secretary Melvin R. Laird turn over copies of his department's classified five-year plan for military assistance to foreign governments.

House Minority Leader Gerald R. Ford (R-Mich.) announced that because of the escape hatch in the House provision on Greece, the administration would accept it.

But Rep. James A. Burke (D-Mass.) tried on his own to knock out the ban and got into a heated exchange with the tart-tongued author of the provision, Rep. Wayne Hays (D-Ohio), who at one point shouted at Burke to "sit down and be quiet."

Burke said that America's days of being "policeman of the world" should be over. "I'm against our telling the Greeks how to live," said Burke. He added that people could walk the streets of Athens safe from robbers and muggers, which is more than could be said of Washington, D.C.

According to the Associated Press, U.S. Ambassador to Greece Henry J. Tasca told a closed House subcommittee hearing earlier in the day that opposition inside Greece to the military regime is growing.

Sources told the AP that a State Department official accompanying Tasca told the Foreign Affairs Subcommittee that when Washington asked the junta for permission to use its bases for U2-type flights over the Suez Canal to check on Soviet surface-to-air missile sites there, the Greek government failed to reply in time, and another base in the Mediterranean area was used.

Assistant Secretary of State Martin J. Hillenbrand later told the subcommittee in open session that a "power vacuum" could be created on NATO's southern flank if Washington holds back on its support for the Greek government. To open a power vacuum and create temptation would be the most unwise thing to do," he said.

Hillenbrand was asked how come such countries as Norway and Denmark feel they can advocate the expulsion of Greece from NATO while the United States supports the regime. It's the difference between how a superpower has to act and how a small country has the luxury to act," he replied.

Hays said he had no intent to tie the President's hands but to "give him a little leverage to tell the colonels to keeps their commitment to hold elections." The language provides ample leeway for the United States to carry out NATO commitments if Greece is threatened by attack, said Hays.

The overall bill provides $1.37 billion in military assistance for the fiscal year that began July 1. It also authorizes $3.5 billion in foreign aid for next year.

The House committee proposed a two-year authorization to let it devote next year to study of the President's proposal to reform the aid program. This bill sets spending ceilings and policy guidelines. The funds must be provided later in an appropriation bill.

All attempts to cut the funds were easily defeated, but with fewer than 100 members on the floor. Also rejected, by voice votes, were amendments by Rep. Ronald V. Dellums (D-Calif.) to increase the program to $9 billion and another to cut off aid to Brazil until the President reports that its government is not torturing political prisoners.

[From the Washington Post, July 30, 1971]

A Proposal on Pakistan

In Pakistan, the world is witnessing a holocaust unmatched since Hitler—and "witnessing" is the operative word. While hundreds of thousands have died and millions have fled, the world has done little but look on in paralyzed horror, sighing for the victims and offering the survivors among them alms but taking no effective measures to ameliorate even the incontrovertibly international aspect of the tragedy: the forced flight of terrorized Pakistani refugees to India. After the catastrophe of the Nigerian civil war, one might have hoped the international community would have been prepared—in mental outlook, anyway—to prevent a repetition of it. But no.

The great nations with an interest in the subcontinent have been unwilling to halt their separate routine quests for national advantage merely for the sake of reducing the toll of human misery. The Russians are perhaps least to be blamed: they did not have an important position in Pakistan and they have used its agony merely to consolidate their position in India. The Chinese, on the other hand, have adopted a policy of totally craven expediency. They have rejected the Bengalis' cause of popular revolution against an unjust tyranny, and they have encouraged the oppression of the Bengalis by the Pakistani government, even to the point of offering to defend Pakistan against outside (meaning Indian) intervention.

American policy is, for Americans, even more regrettable. For "strategic" reasons which come down to no more than an outmoded habit of military alliance with Pakistan, the United States has kept up a flow of arms and has asked Congress for new economic aid (so far denied), all this under the pretext of gaining a friend's leverage in order to steer the Pakistanis back on a moderate course. There has not been a whit of evidence, however, that the Pakistanis have paid any heed to whatever American urgings may have been privately conveyed. On the contrary, the outpouring of refugees continues, at upwards of 20,000 a day, and the United States is widely blamed for facilitating it.

What are the alternatives? One is an Indian-Pakistani war. This is far from unlikely, in view of the domestic pressures upon both governments. Pakistan's policy of expelling its citizens across the border and India's policy of aiding the Bengali insurgency movement could provide the spark for broader hostilities at practically any moment. Such a war would add new dimensions of despair to the subcontinent, and it would intensify the political play on the Moscow-Peking-Washington triangle.

But, as well, a war would give U Thant and the international community which he represents an opening to deal with the basic problem of Pakistani cruelty. Everyone can see the death by starvation or cholera, in whatever numbers, and perhaps the greatest trans-border migration of peoples in modern history, and the imminent threat of war. Yet none of these has been adequate to mobilize Mr. Thant and the United Nations. But if a few people of one nationality were shot by a few soldiers of another, then the Security Council presumably would meet and the whole ponderous apparatus of international conciliation and problem-muffling might grind into gear.

The other alternative, as we see it, can only come either from an immediate joint appeal to Pakistan by the United States, the Soviet Union and the People's Republic of China or from separate but parallel appeals from these three. They would have to ask and help Pakistan to take the steps necessary to restore normal conditions, difficult—indeed impossible—as that task may seem now. The mechanics of American-Soviet-Chinese pressure are hard for an outsider to imagine (hard for an insider, too, no doubt). Yet it is plain that together the three countries, and only they, have the requisite influence to induce Pakistan to change course, and the problem is to find a way to bring it to bear.

There are, of course, a dozen reasons diplomats and politicians can give you why such a proposal is unrealistic and unworkable. Basically, it would require three extremely wary mutual rivals to collaborate, as they have never done, and to collaborate in an important arena of their rivalry. The argument for trying out the proposal, through, is quite simple: it could spare 10 or 20 or 80 million people terrible additional suffering, not to say—for many of them—their lives. Forlorn or visionary as it may be, no possibility for limiting the effects of the Pakistani tragedy ought to be abandoned out of hand. And if the United States is not to make a real and positive contribution, then at the least it ought to end its current policy of aid, however limited, to Pakistan.

[From the Christian Science Monitor, July 31, 1971]

THE AGONY AND THE DANGER

We have been clinging as long as possible to the hope that somehow the government and people of Pakistan would grope their way back to a tolerable relationship between the two separate parts of their bleeding and burning country, but with the greatest regret we must face the prospect that it is now too late for reconciliation.

The official government of Pakistan four months ago unleashed a military fury upon the people of what was then known as East Pakistan. The results make up one of the horrors of history.

Some seven million people from East Pakistan have taken refuge in India from the ruthlessness of the West Pakistan Army. At least a quarter of a million people have died. Estimates range up to a million. Cholera has been rampant. Famine is now taking its toll both among refugees in India and among those still clinging to the wreckage of their homes and lives. The refugee problem in India is beyond the capacity of India.

One measure of the meaning of what has happened is that people talking about the place where all this happened again call it Bengal, which is what it has been called down through the ages except for the few years from 1947 until now.

There was a theory, back in 1947, that because a majority of the people in the Punjab and in Bengal were Muslim these two segments of the subcontinent could be linked into a single nation although separated by 1,100 miles of territory under the Government of India.

It might have worked had the people of the two parts of the proposed new state of Pakistan been of the same language, race, and culture as they were of religion. It might have worked in practice had the fewer Punjabis been willing to let the more numerous Bengalis share fairly in the combined government and in the enjoyment of the resources of the two provinces.

But in practice the Punjabis have dominated the government and have taken the lion's share of the wealth of Bengal to the Punjab. The attempted union of the two-in-one state called Pakistan turned out in practice to mean the domination and the exploitation of the 75 million people of Bengal by the 56 million people of the Punjab, or West Pakistan.

The treatment of Bengal was a logical progression from history. The West Pakistanis of today descend from the Persian, Afghan, and Pathan hill tribes who came down from the mountains of the northwest some 800 years ago and imposed their rule and their Muslim religion on the physically smaller and less warlike peoples of the valley and delta of the Ganges.

But the two peoples never became one people in anything but religion. The Punjabis have always been the conquerors, the Bengalis the conquered.

Last March that status of conqueror and conquered was put to the test. The Bengalis won at the polls the right to take over the government of Pakistan. They had the majority of the votes. But when it came to working out the constitutional consequences the Punjabis turned loose their Army in the middle of the night and began one of the great slaughters of history. It was an effort to reassert the conquest of 800 years ago.

Today, four months later, the Pakistan Army controls the main cities of Bengal, but not the countryside. Resistance is increasing. The guerrillas have been able twice to knock out the power stations serving Dacca, the capital. They frequently cut the rail lines from Dacca to the other cities. The occupying Punjabi (West Pakistan) Army faces precisely the same prospect in Bengal that the Thieu regime in South Vietnam faced back before massive American intervention—the prospect of a pacification program stretching endlessly into the future.

This tragic and dreadful condition leaves everyone concerned with two problems. There is the immediate problem of how to put an end to the horror and misery in Bengal. The Punjabis must give up a military repression policy which is atavistic, self-defeating, and in bringing into being the very thing it was designed to prevent; the existence of a separate Bengal.

But it very much seems that this can happen only if some progress might be made toward the solution of the larger problem; the problem of the relations of the great powers to Pakistan.

There is no effective pressure on the official government of Pakistan at Islamabad to abate the terror in Bengal because China and the United States have chosen not to risk intervention whereas Russia is becoming the main outside friend of India. Washington refuses to do anything which might alienate Gen. Agha Mohammad Yahya Khan who was involved in the breakthrough in Sino-U.S. relations. The Chinese, naturally, cling to their advantage in Pakistan. And everyone is aware of how dangerous an apple of discord an independent Bengal would be. It could trigger a war between Russia and China.

The theoretical solution is easy. All it requires would be an agreement between Russia, China, the United States, and India that Bengal should be free and untroubled by either China or Russia.

That's "all" it would take, but getting it appears to be presently impossible. China must be greatly tempted at the possibility of acquiring control of the Ganges basin with an outlet on the Indian Ocean. Russia certainly would go to great lengths to prevent any such thing.

Meanwhile war could break out again between India and Pakistan at any moment. It is almost more than India can bear to have so many of its Hindu kinfolk being killed by Punjabi Muslims just over the border.

India's Prime Minister, Mrs. Indira Gandhi, deserves highest marks for her own restraint and the restraint she has imposed upon her generals.

But the fragile peace which still prevails among the surrounding powers is being bought at the price of the misery of the Bengal people.

The only faint hope we can see for a long-term settlement would be from a meeting of those countries with vital interests in the results. Prime Minister Chou En-lai of China has proposed to President Nixon a conference to consider the Vietnam problem. A conference which included China, Russia, India, and the United States could also do some quiet work on the side about Bengal and Pakistan.

The tragedy and the danger underline the need for a new "concert of the great powers." Nothing else has ever yet been invented which could manage a problem of such proportions and complexities.

[From the New York Times, Aug. 1, 1971]

HIMALAYAN CONFRONTATION?

Pakistan's role as the jumping off point for Dr. Henry Kissinger's recent secret flight to Peking may help to explain—though not excuse—the Administration's shocking support for the Yahya Khan Government during the first few months of the vicious military crackdown in East Pakistan. But now that the door to China has been opened, it is impossible to excuse or explain Washington's continuing supply of arms to Islamabad and its persisting ambiguity in the face of a deepening tragedy that threatens to erupt before the year is out into a major international conflict.

Reports from Pakistan indicate that President Yahya and his military supporters are still determined to pursue their policy of military repression in the East, having failed to rally any significant number of Bengali politicians to their side. President Yahya has threatened to try in a secret military court and possibly to execute Sheikh Mujibar Rahman, the imprisoned Bengali leader who remains the best hope for a political settlement of the civil conflict.

Meanwhile, there is imminent threat of widespread famine in the stricken eastern province, where planting has been neglected and shattered communications lines hamper the movement of available food stocks. Refugees continue to pour over the Indian border by the tens of thousands daily, creating problems that a Red Cross official has described as catastrophic.

Resistance in East Pakistan continues, with bombings a daily occurrence in the capital of Dacca and communications throughout the province seriously disrupted. The Bengalis are said to be training tens of thousands of guerrilla fighters in camps along the Indian border in preparation for a major effort in the fall when the monsoon rains end. If this should occur, the guerrilla activity almost certainly would lead to a confrontation between India and Pakistan, even if Indian Prime Minister Indira Gandhi succeeded in the meantime in resisting rising pressures for immediate military intervention.

It is not necessary to agree wholly with India's over-righteous attitude to recognize that President Yahya's ruthless policies in Bengal are putting New Delhi in an increasingly difficult position. India simply cannot support—economically, socially or politically—a flow of refugees from East Pakistan that already exceeds seven million. Even more serious, the systematic slaughter, rape and expulsion of Hindus from East Pakistan could touch off communal violence throughout India, with its substantial Moslem minority. It is no wonder that Indians are appalled and angry over United States Government policies that give aid and comfort to the Yahya regime while seeming to disregard the horrible implications of events in East Pakistan.

Under persistent prodding of members of Congress, the Administration appears to be altering its position somewhat. There have been vague assurances that no new arms or economic aid will be granted to Islamabad for the present. The planned dispatch of an American police adviser to Dacca has reportedly been canceled. But American arms continue to flow to Yahya's troops under old licensing agreements and the exact Washington position on other aid is by no means clear.

It is time all American aid to the Yahya regime, excepting relief assistance, was unequivocally stopped. The reported American-backed plan to station United Nations observers in East Pakistan could help ease the plight of the Bengalis but it falls far short of the political accommodation that is needed to head off an explosion on the Indian subcontinent that could precipitate an American-Chinese-Soviet confrontation in the Himalayas.

[From the New York Times, July 31, 1971]

U.S. Aid to Pakistan Questioned

To the Editor:

As one who has endeavored to promote Indo-American friendship for the last several years, I am outraged by the policy of the United States Administration on arms supply and economic aid to Pakistan.

The justification for military aid in the 1950's was the Dulles concept of building up a grand alliance against Communism. But now, what is the reason for continuance of military aid to a country which has used it not only against India but also against its own people?

It has been contended that if Pakistan is denied aid by the West it would go over to the side of China. But after the recent conciliatory gesture of President Nixon to Peking this argument can hardly be sustained. We are also told that what is happening in East Pakistan is an "internal matter." Surely, genocide is a question of international concern. I have been told recently by two distinguished press representatives in Delhi—one a Briton, the other an American—that they have seen war, witnessed atrocities in Vietnam, but have not seen anything so horrible as in East Pakistan.

I found during my recent visit to the United States that public opinion as represented by the news media has rendered meritorious service in exposing the gruesome events in East Pakistan and in rousing international opinion in regard to the moral responsibility of the United States and the United Nations. I also found that several important and liberal Senators felt equally strongly about this continuance of arms aid to Pakistan.

In defiance of such enlightened public opinion and ignoring the terrible sufferings of poor, innocent people in East Pakistan, the Nixon Administration is continuing its military aid and seems also determined to provide economic aid despite the fact that some other Western countries have decided not to do so.

The point is not the quantum or value of arms supplied or its character but the approach and policy of a Government prepared to bolster a regime that can only be characterized as barbarous. As the report of the World Bank team shows, economic aid also would be of little avail where the infrastructure in the eastern wing has broken down and economic life paralyzed while in the western wing trade and industry are disorganized. Humanitarian aid should be given for relief and rehabilitation, provided this is done under proper international supervision.

The question is one of simple humanity. If the conscience of the American nation is alive, it must realize what a grevious wrong is being done through the present policy of its Government.

G. L. Mehta.

Bombay, India, July 23, 1971.

(The writer is former Indian Ambassador to Washington.)

Part 2—Danger in South Asia

[From the Manchester Guardian, June 29, 1971]

Yahya's Threadbare Package

Yahya Khan's nightmarish dreamworld shows no signs of crumbling. It is a "matter of satisfaction" to this "simple soldier" (in his latest broadcast) that in the difficult situation his country has faced recently "the reaction and response from an overwhelming number of countries has been of sympathy and understanding of the problems we are facing and trying to resolve." If Yahya believes that, if Yahya can brush aside the nausea of all Western reaction, then he may truly believe anything: even the field report of his generals in Bengal. His faith in what his aides tell him is touching, but tragically pathetic. He has no real plans now. The proposals he unveiled yesterday for a return to democratic government are a bathetic sham. If the aid givers of the world relent in their shocked disdain towards Pakistan it will not be because of an "expert panel" conjuring up slick formulae for subjugating Dacca once again.

Yahya's present strategy is based more on boredom than anything else. Fiddle away for a while, make a show of liberal sorrow and gruff sentiment, and hope that a harassed "international opinion" will yawn and pass on to other problems. So we have the experts and their constitution for "four months or so." Then we have a National Assembly stripped of the Awami League (which has a total majority in it) and all top leadership: incarcerated, shot, or exiled. Vague phrases blur even the powers of this castrated body, but significantly the President no longer talks bluntly of his longing to get back to barracks. Martial law continues indefinitely. If Mr. Bhutto wishes to rule in the West he must snuggle up to the military again. If anyone wishes to lead Eastern reconstruction he must stand in the shadow of Tikka Khan, a stooge in peril of assassination every time he shows his face. Yahya, in fact, can offer only the gauze of legality or autonomy to Bengal. He will be hard put to make it work for six months, never mind six years. As independent reports now coming from inside East Pakistan make clear there is resistance and terrorism and galloping poverty; there is Bengali determination not to forget, not to jettison aspirations. The refugees will not come back en masse to face Tikka's tender mercies. Politicians of character will steer away from collaboration. Those educated Bengalis who remain in the East will lie low.

And nowhere, in all the intellectual wasteland of Yahya's master play, is the central question asked. Does Pakistan exist any longer? Does unity matter any longer? What precisely have the Punjabi legions achieved? In Islamabad's book the regime snipped a budding plot between Sheikh Mujib and Mrs. Gandhi—a plot to wreck the pure State of Jinnah and deliver half of it into the evil hands of New Delhi. That, seriously, is what Yahya claims—the same Yahya who allowed Mujib to win an unrigged election, to bargain long and hard over a Constitution: the same Mujib who waited quietly at his home for the army to take him away, who—far from leading a premeditated coup—was patently stunned when the generals attacked.

Defending the Sheikh and his scattered henchmen may, at this juncture, seem a redundant exercise. Too much blood, too many refugees have flowed since Mujib disappeared for Pakistan to be magically put back together again. Yet his reputation remains unsullied and important. He won an election. He did not, and has never publicly, declared UDI. The excesses of his Bengali followers were precipitated by army action—not the reverse. He remains, just possibly, the one man who can persuade the five million who fled to return; and—equally vital—those Bengalis who remained not to wallow in communal strife. Mujib, in short, is Pakistan's last chance of a little peace. Perhaps Yahya's advisers, examining this new threadbare package, begin to realize it. Perhaps the rich of Karachi and Lahore, groaning under the latest straitened national budget, begin to lose faith in their ludicrously naive leadership. But the time is late and the reality is nowhere yet to be found. Yesterday's pronouncements should strengthen the Aid for Pakistan consortium and the World Bank in their resolve not to bend to blandishments or evasive promises. The stronger that resolve, the weaker the Rawalpindi regime appears.

A Regime of Thugs and Bigots

(By Murray Sayle)

The Pakistan military regime last week repeated its claim that East Pakistan is rapidly returning to "normalcy" after its prolonged military operation against "rebels and miscreants" and that the way was now open for refugees to return from India and resume their normal lives.

I spent last week touring one of the areas from which many thousands of refugees fled and found that this is untrue: that in fact a repulsive political system is rapidly taking shape which may well make it impossible for them to return.

If the refugees do ever go home, it will be to places like Lotapaharpur village, a collection of mud-brick houses with palm-thatched roofs six miles north of Khulna, East Pakistan's biggest river port. Lotapaharpur stands a little way off the main road between Khulna and Jessore which last week was busy with military traffic, big shiny American trucks full of soldiers from West Pakistan, armed incongruously with Chinese automatic rifles, and an occasional civilian carrying a .303 Lee-Enfield rifle.

I drove along a side road perched high on an embankment, across a landscape looking like a green and silver chessboard, lush standing crops alternating with ponds and flooded fields.

Here and there a few farmers were ploughing the wide wet prairie with cows and water buffaloes; but there seemed very few people at work for such a crowded country.

Then I stumbled on Lotapaharpur. It was just off the road, up a muddy track which twisted through the palm trees. The village is like any other in East Pakistan. A score or so of houses stand in a neat circle on an earthen platform a few feet above the flood-plain. But there were no men in loincloths, no women in bright saris, no brown children and ginger dogs playing among the banana trees.

I have seen many East Bengal villages which have been burnt, or which seem to have strangely few people. This was the first I saw which was seemingly undamaged and completely deserted.

With my interpreter I looked around. A coloured picture of the elephant-headed god Ganesh, the remover of obstacles, showed that this had been a Hindu village. But why had the villagers gone? There was no clue in the empty houses. Then, timidly, a woman in a tattered sari, with three young children at her heels, came forward.

She was a Muslim and a refugee herself. Her husband had been killed and she had run away and found this empty village, as we had, by accident. She had been living on some rice the Hindus left behind. But it was finished and she was at her wit's end to feed her children. She did not want to go to the authorities because she was afraid they would find out her husband was "Joi Bangla"—"Victory to Bengal," the slogan of the banned and smashed Awami League.

Then more people came up, Muslim farmers from a village a few hundred yards away named Aramghata. The story they told was like many I have heard in the past week.

Two local men named Ali Hamed and Shaukat both claimed possession of a corrugated iron shed. Some time in April Hamed had returned to the village accompanying two truck loads of West Pakistan soldiers. An argument broke out between the soldiers and the villagers, there was shooting by the soldiers, and six villagers were killed.

Two of the dead were members of the local council: Indu Babu, a farmer, and a relative, Profulla Babu, head master of a local high school. Both are Hindu names. The other 150 Hindus in the village fled with a few belongings as soon as the soldiers went.

I asked them why they were telling me about this incident. They said I had not heard the end of the story. Some Muslims from their village had come up to see what was going on. The soldiers grabbed four of them and told them to recite something from the Holy Koran.

They said the four Muslims were terrified but managed to begin *"Bismillah irrahman irrahim . . . "*: the opening words of the Koran. They said the soldiers shouted "These are not Muslims! They have been taught to say this to trick us!" They then shot all four.

The villagers told me they were angry about this, as they had never had any trouble with their Hindu neighbours. Hamed, they said, now had the iron shed. They said he carried a rifle and they thought he was a *"razakar"* (volunteer), a term we meet again.

What had happened to the Hindus' land? The villagers pointed to the surounding emerald green fields. It was a standing crop of linseed, a valuable cash crop. In June some people from the Martial Law Administration, had conducted an auction of 2,000 acres in the absence of the owners.

It was normally worth 300 rupees an acre. It had been sold for one and a half rupees an acre. But the buyers had not got much of a bargain. They could not hire people to harvest most of it and the rest was now flooded and worthless.

Lotapaharpur summarised for me the true position about the refugees. No one here really expects them to return in any numbers, because there is an atmosphere of terror in East Pakistan, because the material difficulties in the way of their returning are almost insuperable, and their homes, farms, crops, small businesses, and other assets are being transferred under paper-thin legal devices to people who have strong motives to make sure they never come back—in fact to their political and religious enemies. But the military administration has indeed opened "reception centres" and "transit camps."

I drove up to Benapol, close to the Indian border to inspect these preparations. I was received by the officer in charge of the whole Khulna district, Lt.-Colonel Shams-uz-Zaman, in his headquarters near the frontier. Colonel Shams said there were frequent mortar exchanges with the Indian troops over the border—always, he said, begun by the Indians.

"They certainly need us here to defend them," he said. "These Bengalis don't know how to fight. Now I come from the North-West Frontier, where fighting is in our blood. I have been using a rifle since I was ten. We've got guts."

Colonel Shams directed the military operation of the past three months in this area, beginning with the securing" of Khulna town during the period March 25–29. He told me that it was only in the past month that his troops had been able to get the upper hand all over the district from miscreants and rebels."

It appears that it was Shams who began the system of *razakars* by distributing police rifles to civilians in Khulna—"good chaps, good Muslims and loyal Pakistanis," he explained.

There are now, according to the military authorities, 5,000 *mazakars* in East Pakistan, 300 of them in Khulna district. They are paid three rupees a day (25p at the official rate) and receive seven days training which appears to consist entirely of learning how to shoot a police Lee Enfield rifle. Their work consists of "security checks"—guiding the West Pakistan troops to the home of supporters of the Awami League. They are suppose to be under the orders of local "peace committees" which are selected by the military authorities on a similar basis of "loyalty to Pakistan." These people are, in fact, representatives of the political parties which were routed at the last elections, with an admixture of men with criminal records and bigoted Muslims who have been persuaded that strong-arm methods are needed to protect their religion—a mixture weirdly reminiscent of the Orange Lodges, "B specials" and political terrorists of Northern Ireland.

But at least there are a lot of Protestants in Ulster. The election results in Khulna district show how minute the non-criminal political base of the Peace Committees and *razakars* really is: the now banned Awami League won all eight seats in the district and scored 75 per cent of the total vote cast. The three branches of the Muslim League got 3 to 4 per cent between them and the fanatical Jamat-i-Islam 6 per cent.

I asked Shams whether he expected refugees to come over the border at Benapol—the main road from Calcutta to Dacca, opposite some of the biggest refugee camps in West Bengal—when his men had blocked the road with a truck and were covering it with machine guns?

He said they would have no trouble coming by "unauthorised routes" which included rowing down rivers and wading through rice fields. "Miscreants, rebels and Indian infiltrators" could not, however, sneak across so easily because he was maintaining constant and vigilant patrols. "Let them come, we're ready for them," he said.

My notes leave it unclear whether he meant the Indian Army, or the refugees.

I walked back with a captain assigned to me by Colonel Shams from the border to Benapol refugee reception centre, about a mile away.

"We have a problem here" said the captain who wore a heavy upcurving moustache and parachutist's wings. "Look at them," he said, indicating Bengali farmers in conical straw huts squatting to plant rice in the flooded green fields. "They all look the same to us. How can we tell the miscreants and rebels from the ordinary people?"

The entire population of Benapol reception centre was five forlorn dogs.

The captain said the centre was probably closed because of its proximity to the border and directed me to a camp further back at Satkhira. I drove to this camp and found that there were 13 refugees in residence, three of them Hindus. The number tallied with the arrivals and departures noted on the camp's admission board. As I walked around I got a snappy military salute from two *razakars*, two young men armed with shotguns. I was told that they were there to guard the camp (from whom? from miscreants, rebels, etc.) and to help with security checks. I was asking the people in charge of the camp (ordinary Bengali municipal workers whose sincerity I fully accept) whether the presence of unknown armed men asking about people's political views was, in the climate of East Pakistan, the way to make a returned refugee feel at ease when the sudden arrival of another 100 refugees was announced.

These people looked well fed and dressed and told me they had all come from the same place in India, Hasanabad, just over the border, had all been there the same time, 22 days, and had all come back together.

None of them could produce an Indian ration card because, they said, they had not been given any. I asked the people in charge of the camp, which has enough room in an old schoolhouse and adjoining buildings for 2,000 people, whether refugees who had not actually been over the Indian border were eligible for help at the Satkhira centre. I was told they were not.

From Satkhira I proceeded to Khulna, administrative capital of the district. On the way I passed a bridge being hastily rebuilt. It had been blown up by saboteurs ten days ago—presumably by members of the Mukti Fauj the "Freedom army," which now claims to be operating underground. Local people told me—I thought with some glee—that the bridge had been defended by 25 *razakars* who had fled at the first burst of gunfire. I was unable to confirm this when I later met the *razakars* high command.

A quarter of the population of the whole district, which was more than three million at the last census, is missing, dead or gone to India. The local civil authorities estimate that one half of the land in the district is not being cultivated. On orders of the Government in Dacca arrangements are being made to put abandoned land, shops and property in the hands of "caretakers" who are to be selected by the Peace Committees.

The ordinary work of civil administration is close to a standstill. The Senior Magistrate, Rajendra Lal Sarkar (a Hindu) is missing, believed killed, while Khulna was being "secured."

The senior Muslim magistrate, Chaudri Senwar Ali, has been arrested by the army and his whereabouts is at present unknown.

The police chief, Superintendent Abdul Akib Khondaker has been transferred and the District Commissioner, Nurul Islam Khan, has been informed that he will be transferred.

This is part of the game of administrative musical chairs going on in East Pakistan. Officials of Bengali origins like all the above men are being moved about at dizzying speed.

Of the 300 clerical workers employed by the local authority, 66 were Hindus. Only two are now left and the rest, if still alive, have been automatically suspended.

I have been repeatedly told that there exists a confidential directive that "members of the minority community"—official jargon for Hundus—are to receive a "stringent security check" before being given a government job, which would amount to a thinly veiled blacklist.

This is officially denied. However a young Hindu, Arabanda Sen came first among 600 entrants in the competitive exams for clerical jobs with the Khulna administration last February. He was still unemployed last week, although the administration is desperately short-handed.

The work of the Khulna civic authorities has been severely hampered by army requisitions of their equipment. All the launches of the district administration used for food distribution, flood control work, and similar needs (half the district can only be reached by boat) have been taken over by the army and navy who have mounted .50 calibre machine guns on them and are using them on river patrols for "miscreants." The civil authorities are urgently trying to get them back, or get new boats, as there are alarming reports that farmers downriver have not been able to repair many dykes round low lying islands. If salt water were to flood this land it would ruin it for many years to come.

A tugboat belonging to Pakistan River Services was sunk by a shell from a Pakistan Navy gunboat in the centre of the town. The local naval chief, Commander Al Haj Gul Zarin, told me that his men had to sink the tug because miscreants had seized it and were attempting to ram a naval vessel. Local boatmen said the normal crew were aboard the tug but failed to answer a challenge, never having heard one before, as they steamed noisily past the naval base.

The work of the local Peace Committee and *razakar* high command could hardly be said to have achieved "normalcy" either. Two of its members, Ghulam Sirwar Mullah, Vice-chairman of the District Council and Abdul Hamid, Vice-chairman of the Khulna municipality, were killed by unknown masked assailants within the past month. And the official records indicate that 21 members of local Peace Committees throughout the district have been killed in the same period, while 12 are in Khulna hospital at the moment suffering from gunshot wounds and four with puncture wounds caused by knives or daggers.

But a *razakar* field commander, Abdul Wahab Mahaldar, aged 31, whom I met leading his platoon to an operation, told me he believed that 200 *razakars* and Peace Committee members had been killed in Khulna district in recent weeks. Mahaldar said that his own group had a body count of two "miscreants" killed.

This may correspond to two allegations of murder which have been lodged with the Khulna city police against *razakars*. The police were informed that two schoolteachers were shot down without warning or provocation.

The police cannot, however, investigate these cases as a military directive states that complaints against *razakars* are to be investigated by the military authorities. Nor can the Khulna civil police proceed with the investigation of charges brought against Moti Ullah, a non-Bengali member of the Central Peace Committee of Khulna, of possession of explosives on the day before the army began "securing" the town.

Ullah has previously been charged with aggravated assault and demanding money with menaces and was actually on bail on the explosives charge when appointed to the Peace Committee. There was an explosion at the back of his house where neighbors alleged he was storing dynamite for use in riots. The same man has been refused a gun license on grounds of bad character, and a police report describes him as a "goonda"—a professional criminal specialising in violence.

I have been unable to arrive at even an estimate of how many people have been killed in rioting and army security operations in Khulna and the surrounding district. One observer, a magistrate confined to his riverside home by the army-imposed three-day curfew, counted 48 bodies floating down the river in one 10-minute period during the height of the operation. There are many areas in the town which have been burnt out—in what is described by the authorities as "slum clearance"—and one road leading to the Khulna newsprint mill has been completely demolished on both sides for more than a mile.

Colonel Shams told me he had a hard fight with "rebels" but had not used heavy weapons. He told me that large holes in reinforced concrete buildings had been caused by miscreants using petrol bombs. Army casualties during the operation in the town were reported to me (not by Colonel Shams) as none killed and seven wounded.

In the period around the army operation in Khulna, hospitals admitted 159 cases of bullet wounds, 25 gunshot wounds and 70 puncture wounds of the kind caused by knife, dagger or bayonet. It is likely that some of the deaths were caused by fighting or massacres of non-Bengali by Bengalis, as well as by non-Bengalis killing Bengalis and by the army operation. But it seems clear the army had all the firepower. The truth may never be known as no official inquiries are under way about casualties or damage, in sharp contrast to the normal practice of the Pakistan police who have to submit a written report every time they fire one round and may only do so with the permission of a magistrate.

Even more obscure is what happened in the downriver port area of Mangla, which is reached by boat from Khulna. The whole waterfront and market area of this small port has been burnt out, and shell holes can be seen in some waterfront buildings of brick and reinforced concrete.

The local police chief, Sub Inspector Hadi Kahn is a non-Bengali promoted in the past month from a job not requiring an examination test of literacy to one that does, although there have been no examinations. He told me that the damage, proportionately the worst I have seen so far, was caused by an accidental fire ignited when a lamp overturned in the market place, "or something like that."

But Commander Zarin of PNS Titumir said: "We had a sharp engagement with the miscreants at Mangla. The rascals opened up on us with a shore battery—a big homemade gun made out of some sort of iron pipe. But it blew up when they tried to fire it, and burnt half the place down!"

The commander laughed heartily at this reminiscence. He could offer no explanation for the shell holes in waterside buildings. I could not pursue the matter in Mangla because on this occasion I had to put up with the unasked and unwanted presence of two soldiers wished on me for my "security." They clung to my heels like leeches and in their presence local people shrank away.

It would be wearisome to catalogue any more of the weird explanations offered by the Pakistan military authorities of what has evidently gone on and is still going on.

On the refugees issue, it is clear that only a very brave or very foolish refugee would even try to return as things are, and that his welcome would be very doubtful if he did. Only a peaceful joint operation by India and Pakistan will get any substantial number of refugees home and this seems totally out of the question as things stand.

Even more alarming is the development, with the Peace Committees and razakars, of two parallel governments in East Pakistan: one the normal civil administration, which is well intentioned, reasonably efficient, but now speedily approaching complete impotence; the other a regime of paid informers, bigots and thugs answerable to no one and apparently above whatever law is left in East Pakistan.

The pacification methods used on the North-West Frontier by the British of long ago, burning villages and gunning down their inhabitants, are bad enough when imported into a heavily populated and peaceful place like East Pakistan. The introduction of the political methods of Hitler and Mussolini even less defensible.

[From the Armed Forces Journal, July 19, 1971]

As Seen From India: The Military Balance in the Indian Subcontinent

(By Ravi Rikhye)

Prior to 1962 the military balance in the Indian sub-continent was the concern only of its two major powers, India and Pakistan. Since 1962 China has dominated events there as much as if it was itself a part of the area. The Indian Ocean has become the newest arena of great power rivalry. Though the Chinese are several thousand miles away by sea, they are engaged in an effort to enter the Indian Ocean as a full fledged great power contestant. The sub-continent is vital to them as it dominates the Indian Ocean.

Indo-Pakistan rivalry provided China the initial wedge in the sub-continent. The revolt in East Pakistan, the insurgency in Ceylon, strained relations between India and Nepal, and the long standing insurgency in Burma, all give new opportunities to China in pursuing its endeavors in the region. Though the military balance there is strictly an India-Pakistan/China balance, the smaller states are nonetheless important to China if they can be used to weaken India.

China has already neutralized India, employing less than a tenth of its military forces and exploiting the Indo-Pakistan split. This is no mean achievement, since in the long term, 30 to 50 years, it is probably not Japan, the Soviet Union or the United States, but India that poses the greatest threat to Chinese ambitions and power. China can further neutralize India by using the smaller states.

India today has the world's second largest population and tenth largest economy. It has the world's fourth largest army, the sixth largest air force, and the fifteenth largest navy. In view of this, the assertion that India can barely hold its own in the subcontinent may come as a surprise.

The reason for this is, of course, that the military balance is not a simple Pakistan-India balance as most think, but a China/Pakistan-India balance. Even against Pakistan, India is not as strong as is generally assumed.

This misconception about the relative strength of India and Pakistan arises from a superficial assessment of their military manpower: 970,000 for India, 350,000 for

Pakistan. Because of India's considerably longer lines of communication, the superiority in deployable army units is two to one. India has 25 divisions (two tank, 10 mountain and 13 infantry) and nine independent brigades (one tank, two parachute and six infantry). Pakistan has 14 divisions (two tank and 12 infantry). In the air too there is a two to one superiority: India has 34 combat squadrons (three bomber, 11 fighter bomber, 16 interceptor, three tactical recon and one maritime recon). Pakistan has 20 combat squadrons (three bomber, 16 fighter bomber, one tactical recon). India's interceptor and fighter squadrons are larger than Pakistani squadrons.

On the sea India does have a decisive superiority: four submarines, one light carrier, two cruisers, 18 destroyers/frigates and 40 other ships, boats and craft to Pakistan's four submarines, one cruiser, seven destroyers and 20 other ships, boats and craft. Since, however, any war between the two countries will be of short duration due to logistic constraints, the navies of the two countries will not play a significant part in the conflict, and as such his superiority does India little good.

When China's 11 or 13 divisions on India's northern frontiers are added to the Pakistani total, India has a bare equality on the ground. Because China can base several hundred aircraft within range of India on its bases in Western Sinkiang, Tibet, Western Kunming and Western Chengtu, India is definitely inferior in the air. When the enemy can muster 25–27 division at points of his choosing, and India has about 25 divisions to defend a 9,000-mile frontier, the talk cannot be even of equality, but only of inferiority.

It is important to note that Pakistan by itself has equality with India in offensive power. Armour, strike aircraft and submarines are three main weapons of strike on land, in the air and in the sea. Pakistan has four submarines to India's four (Pakistan is reported acquiring another four or five, India, another four); Pakistan has 19 bomber and fighter bomber squadrons of Mirage 3/5s, whereas India's most capable and modern planes are Sukhoi-7Bs. India has 1,100 medium tanks to Pakistan's 800-1000, but many of India's tanks are in the Central and Eastern sectors because of China, while Pakisan can concentrate its tanks on a single front. Pakistan also has the advantage in mobility: It has APCs and SP artillery, while India is just beginning to bring in APCs and has no SP artillery. Pakistan also has first class communications and air defense ground environment for its air force, while India has still to procure these.

There are three reasons why India cannot use its China front divisions to reinforce the Pakistani front in times of need. First, the mere threat of Chinese intervention will keep those divisions tied up. Secondly, communications in the Himalayas are among the worst in the world. These divisions could not be moved to the plains in time to affect a short duration conflict.

Third and most important, the mountain divisions are organized for low intensity, prolonged conflict at high altitudes. They would be cut to pieces in the high intensity armour environment of the Western plains. India can also no more move its divisions facing Pakistan to the China fronts than the United States can move 7th Army divisions to Vietnam in an emergency.

India has its own special problems with China. China now has all weather four lane road connections with Pakistan through Sinkiang. This provides China its access to the sea in the West, and opens up the possibility of joint Chinese-Pakistani action against India in time of war. China has 11–13 divisions of India's northern frontiers, but can bring many more from the interior to to reinforce these, whereas India has no reserves.

India's entire position in the East depends on securing the 40-mile wide Siliguri neck: if China succeeds in cutting this narrow strip, all of India's forces in the East will be isolated. East-West communications between India's forces in the Himalayas are marginal. India's troops are disposed along the most likely routes of Chinese advance. The Chinese could ignore these and break through to the plains or they could concentrate their forces and overwhelm isolated units one by one. Until India obtains airmobility, its northern forces are in a precarious position. At present India has less than 10 helicopters for each of its 25 divisions.

This is not to imply the Indians are not aware of these problems and are not constantly striving to correct them as resources become available. The Pakistanis and Chinese, however, do not sit still either. India exists on a slim margin in war. Its entire strategy is based not on its own unassailable strength, but the mistakes of its enemies. In a war with either Pakistan or China, India could probably hold its own.

It is the possibility of joint action, however, that bodes ill for India. Its forces against Pakistan in particular are finely balanced. To the United States 200 surplus tanks and 500 APCs may seem like a marginal accruement to Pakistan's strength. To India they could make the difference between stopping the Pakistani at the border or outside Delhi.

India probably needs a minimum of six armoured and infantry divisions and airmobility for at least two divisions to give it some margin to allow for the vagaries of fortune in war. With its already heavy requirements to modernize its armor, artillery, tactical aviation, transport fleet and navy, and also to keep open the nuclear option, India could find this money only at the expense of further slowing down its economic development, the true long-term basis for its security. In the last eight years already India has trebled the number of army divisions and doubled its combat squadrons. This was done at a time national income increased about 33% and population about 20%.

There are two reasons why the breakup of Pakistan will not necessarily help India militarily. One is that unless India makes the correct choices, it could be faced by a hostile communist government in the East when it finally breaks away. This would compound the already considerable problems India has in the area. The second reason is Pakistan has ways of offsetting the reduction in its resources.

Pakistan spends $600-million or 3.5% of its GNP on defense. With the loss of the East, the GNP base will be halved, so now 7% will have to be spent. Several poor countries—Iraq, Jordan, Syria, the UAR, Laos, North Korea, North Vietnam, South Vietnam and KMT China—spend more than 7% of their GNP on defense.

The true constraint on a poor country's armed forces is not GNP but foreign exchange to buy sophisticated weapons. The above mentioned countries get their arms on easy terms from the United States or USSR. Pakistan already has a third of its air force, a fourth of its armour and several infantry divisions equipped with Chinese weapons. It can turn further to China. It can obtain aid from its rich Arab and Muslim friends like Iran, Saudi Arabia, Kuwait and Lybia.

Saudi Arabia is believed to have assisted with the recent purchase of 30 Mirage 5s. Iran has recently sent 18 helicopters to Pakistan. It is a simple matter for these countries and China to give Pakistan the $100-million or so it would need annually to continue its modernization of its armed forces

If Pakistan lost the East its defense problems would be simplified. It can concentrate in one geographical area alone. Even in the short term India does not gain: Pakistan is reported to be raising two infantry divisions (one report says one armoured division) to replace troops sent to the East.

The number of infantry divisions and men is not as important as the numbers of tanks, strike aircraft and submarines. As long as Pakistan keeps parity with India in these three items, it remains a great threat to India. Significantly, Pakistan doubled the size of its army and air force (in terms of deployable units) after the cutoff of United States military assistance. Ordinarily the assumption would have been that Pakistan was irrevocably crippled as the United States was the sole supplier of cheap weapons. As long as the world's great powers remain hostile to one another, Pakistan will always find one power willing to arm it.

The situation in Ceylon is confused at present. The one observation that can be made is that the rebels are definitely anti-India. For any entry into the Indian Ocean, Ceylon is the country of greatest importance to China, especially in view of the naval base at Trincomalee. The Chinese have been wooing Ceylon assiduously. Until, however, it is clearly known who is behind the current insurgency it is impossible to draw any conclusions except that, whether the rebels succeed or not, India will be harmed.

Ceylon is deeply worried about India, and its allowing Pakistan to move troops through its territory is directly attributable to its fearing a breakup of Pakistan, and a consequent weakening of Pakistan as a counter to India. If the Chinese are not behind the insurgency, China will be able to continue expanding its influence in Ceylon. If China is behind the insurgency, the conditions which made it possible will not disappear no matter what happens to this group of rebels. China can always build up new movements, cadres and subvert Ceylon.

Burma is not inclined towards the Chinese, and sees India as a counter to China. The insurgency there shows no signs of diminishing in intensity, and if one day the communists do succeed, it will be to India's detriment. The Chinese are devoting a great deal of effort to Nepal and are now building a North-South road through it. Militarily, if Nepal were subverted it would make little difference to India. China can already slice through Nepal anytime it wishes.

The possibility that India may one day be encircled by a host of small, unfriendly countries dependent one way or another on China definitely exists. None of these countries (except Pakistan) is going under to China overnight: Burma has so far contained its insurgency, Ceylon is bringing its under control. Nepal faces problems in exchanging Indian domination for China's; a communist government in East Bengal will not necessarily be anti-Indian.

Nonetheless, the situation in the Indian subcontinent gives China ample opportunity to weaken India and to enter the Indian Ocean in its bid to expand its power and influence.

[From the England Times, July 13, 1971]

"War Is Seriously Being Considered in the Most Responsible Circles in India": Shadow of War on the Indian Subcontinent

(By Peter Hazelhurst)

While the Indian Prime Minister continues to exercise restraint, many of Mrs. Gandhi's compatriots, from within and without the ranks of government, believe that the refugee problem can only be solved now by military action and such a national debate is raging on the pros and cons of war.

The hawks, for instance, maintain that the cost of the 1965 Indo-Pakistan conflict amounted to only a fraction of the continuing cost of the upkeep of six million refugees. The doves argue that the cost of a war cannot be measured in financial terms alone for it is likely that China would intervene on Pakistan's behalf. However, the hawks are confident that in its present mood Peking is unlikely to make any dramatic thrust into Indian territory and in any event the risk of a showdown must be taken.

In this prevailing atmosphere of uncertainty India's Institute for Defence Studies and Analyses has compiled a comprehensive document dealing with the cost of and feasibility of war, the balance of military power in the region and India's ultimate objectives.

The document which comes to the alarming conclusion that India has no alternative but to go to war was prepared by the Director of the institute, Mr. Subrahmanyam, and was presented to a closed door seminar of senior editors, officials and representatives from the Indian intelligence services.

In a nutshell, after examinng all aspects of the situation in West and East Bengal the Subrahmanyam report suggests that India should carve out a portion of East Bengal in which the refugees can be settled. At the same time Mr. Subrahmanyam suggests that if a certain section of East Bengal is wrested from the control of the Pakistan army the provisional government of Bangla Desh could be set up in the area with all the de facto and de jure attributes of sovereignty.

"There is no doubt that the Security Council would meet to call upon both nations to end the fighting. Whether the fighting should be ended immediately or continued for a period of time is a matter for India to consider. At this stage, it should be India's endeavour to get Bangla Desh as one of the recognized parties to the dispute.

"In fact, this is the appropriate way to win the international recognition for Bangla Desh. It should be made clear that the cease-fire cannot be signed in the Bengal sector, unless the Bangla Desh commander is recognized as an independent sector commander for the purpose of cease-fire and Bangla Desh government is recognized as a party to the dispute as a whole."

While one may not agree with Mr. Subrahmanyam's conclusions the document does reflect the growing mood of impatience in India and it certainly demonstrates that war is seriously being considered in the most responsible circles in India.

Before coming to his conclusions Mr. Subrahmanyam deals exhaustively with all aspects of an armed conflict: the cost, alternatives to war, Pakistan's military capability, the factors against and in favour of Indian action and the possibility of Chinese intervention.

The lengthy documents, entitled *Bangla Desh and India's National Security—the Options* for India, first deals with the viewpoint that it would be better to absorb the six million refugees with international financial assistance than embark upon militant action which would lead to a full scale war.

"Is the problem only a question of absorption of the refugees?" It is clear that the Pakistani military regime is going to perpetuate its colonial type of rule in Bangla Desh and the partisan war is likely to continue.

"This again confronts India with the question whether this country will be able to stay uninvolved. . . . The sympathy of the Bengal people is wholly with the partisans. Consequently, the attempt to prevent the people of Bengal from giving sanctuaries to the partisans and helping them out in various ways will create major problems for India.

"If with a prolonged partisan struggle in Bangla Desh, the leadership becomes more and more left oriented, it could have long term repercussions on the situation in West Bengal".

The document goes on to claim that under the circumstances Pakistani troops would certainly chase the partisans across the border in hot pursuit and India might drift into war which is not of India's choosing or timing.

"A policy of wait and see can only result in continuous insecurity along the Bangla Desh border with a high potential for escalation into a full-scale conflict at any time. There is every possibility of our being compelled to deploy a large force around Bangla Desh and incur additional expenditure on such deployment. Pakistan is likely to keep the strength of its army in Bangla Desh at between four and five divisions on a permanent basis and has already started to replace these divisions there."

Mr. Subrahmanyam claims that even if the economic aspect of the refugee problem is absorbed by the outside world India will still have to face even more onerous threats to her security.

In the first place he chides the Government for creating a sense of commitment in India to the cause of the East Bengalis.

"Our going back on these commitments is likely to have an adverse impact on the credibility of the government within the country as well as outside and this erosion of our credibility is likely to compound our security problem in future."

This is an obvious allusion to possibility that ruling Congress Party might suffer heavy losses when several large states go to the polls next year.

He also points out that the large concentration of refugees in West Bengal is likely to create tension in the sensitive and turbulent state.

The document also points towards the danger that the situation in East Bengal and the stories of refugees might spark off widespread religious strife between Hindu and Muslim communities in India.

He goes on to claim that if the present situation is not resolved both India and Pakistan will have to increase their already astronomical defense budgets. "If Bangla Desh does not come about, and Pakistan continues the colonial rule, tension between India and Pakistan will continue to persist and this in turn would result in increased amount of defense outlays in both countries. After bringing the Bangla Desh situation under some sort of control, it is quite likely that Pakistan might retaliate by creating difficulties for India in Kashmir."

Dealing with the illusion that either the world community would enforce Yahya Khan into a realistic political settlement or that the Liberation Army would defeat the West Pakistanis, Mr. Subrahmanyam says that "all of these unrealistic hopes have been belied now."

"It is now obvious that the Pakistani economy has absorbed the cost of Bangla Desh operations and also the extra cost for raising two new divisions The Pakistani rulers have exercised their choice in favour of colonial domination over Bangla Desh even if it meant a slower pace of development in West Pakistan. The monsoon has shown itself not neutral between the Pakistan Army and partisans, but generally compounding the difficulties of those who have less facilities. The western powers have shown their inability to suspend aid for which they already made commitments. The world community is not in a position to do more than what it has so far done, so long as the issue of Bangla Desh is treated as an internal issue of Pakistan and a refugee problem for India.

'The world community feels itself constrained to act in the absence of internationalization of the problem, despite grave provocations to India. In fact it is the restraint exercised by India which, to a very great extent has put a limit on what the world community can do. It is, therefore, unrealistic for India to expect the world community to treat the problem as an international one, when she herself has so far not done anything to give it an international dimension.

"Consequently, there appears to be no chance of a solution to the Bangla Desh problem being found by international pressure. Those who plead for a nonaction policy have not appreciated this aspect."

The document goes on to deal with the balance of military power, the fears that Indian cities would be vulnerable to air strikes and the Pakistan Air Force's ability to neutralize the Indian Air Force.

"For a country like Pakistan, which has no aircraft industry and limited means of maintaining its aircraft in operation, any diversion or effort away from its main objective—namely neutralizing the Indian Air Force—is wasteful and will reduce to that extent its capability against the Indian Air Force. This is not to rule out completely irrational acts on the part of some desperate men at Islamabad, but the total effect of such efforts is not likely to be of a significant order.

"The same holds good for Pakistan naval effort too. They are reported to have three ocean-going submarines in their waters now with a fourth one likely to join in the next few days. In addition, it is believed that they may have a dozen or more smaller underwater craft which could be used for coastal mining, harbour sabotage and torpedoing ships close to the coast. But these vessels have very limited ranges and will have to be deployed very near Pakistan waters.

"It is doubtful whether Pakistan can attempt the latter action on a large scale or the former type of action can produce significant damage. Eighty per cent of India's trade, including most of its oil, comes in foreign bottoms and Pakistan is not in a position to impose a blockage on India.

"On the other hand hostilities between India and Pakistan will prevent East Bengal from being reinforced and will bottle up the forces there without much chance of their being supplied.

Mr. Subrahmanyam attempts to assess the likely stance of Pakistan's military allies in the event of another conflict. "The United States is not likely to intervene, not after the Vietnam disclosures. The Soviet Union is not likely to do so—in any case not on the side of Pakistan. Pakistan's partners in Cento, Turkey, and Iran, through in a position to render some assistance by way of supplies, cannot, in view of limited industrial capacities and stockpiles, supply significant quantities."

Mr. Subrahmanyam then examines the question which haunts the mind of every Indian hawk. Will China intervene as she did in 1965? According to the institute's assessment, China is maintaining about 100,000 troops in Tibet and their strength can be increased at short notice.

However, Mr. Subrahmanyam comes to the conclusion that Chinese intervention can be ignored. "Even if we assume that China can double its present troop strength only a portion of that can be deployed in battle across our northern borders. In fact the forces that can be deployed will be limited by the logistic capacity of the famous passes into India to maintain the troops in battle. Against this we deploy about nine divisions on our northern borders. (Our divisions are bigger than Chinese divisions in Tibet.)

"Granting it is not possible to keep every inch of the border guarded, and also admitting that some Chinese incursions could take place, in case they decide to intervene there is still the problem for the Chinese to stay in this side of the Himalayan border after the passes close in the winter.

"In 1962, when the Chinese met only limited resistance for various reasons, it took them a full month to come down from Thagla to the foothills. The damage that China can do within a period of two to three months, when Indian-Pakistan hostilities take place, can therefore be only limited to some incursions in certain parts of Nena and Ladakh.

"There is not the same risk of the Chinese cutting off Assam as there was in 1962 since in the course of hostilities the northern Bangla Desh is likely to be overrun by the Indian forces and the communication lines with Assam will be broadened rather than narrowed down or closed.

"In any case, logistically the Chinese cannot bring in heavier equipment across the Himalayan passes and therefore even if the Chinese come down they will be meeting the Indian armed forces equipped with heavy weapons. Further, this time there should be no reluctance to commit the Indian Air Force into battle on the Northern Border, unlike in 1962.

"Considering therefore the comparatively limited stakes the Chinese have in this issue, it does not appear to be militarily meaningful for the Chinese to undertake this type of operation involving such high military risks."

The institute estimates that India will lose about 40,000 men if she goes to war. "War is abhorrent but those who advocate a policy of non-action have not put forward any reasonable solution to our problems."

[From the Washington Star, July 26, 1971]

A Dangerous Game—India Nurtures Pakistani Guerrillas

(By Henry S. Bradsher)

Calcutta, India.—India is deep into a dangerous game of supporting—in fact, of making possible—an effort to overthrow the rule of West Pakistan over East Pakistan.

While justifiably complaining about the immense financial burden of refugees from East Pakistan, India has also taken upon itself the burden of financing the exile "Bangla Desh" government of East Pakistan and its guerrilla force.

India is arming and training the guerrilla "Mukti Bahini" (Liberation Army) and providing it with sanctuaries along East Pakistan's borders. Sources vary on the size of the force being armed and trained. One of the best informed Indian sources says the plan is to have 20,000 well trained hard-core guerrillas supplemented by 10,000 or more militia supporters. The latter would spread clandestine propaganda in East Pakistan and occasionally toss bombs.

Much of the training in camps established along Pakistani borders is done by East Pakistan soldiers who escaped in the crackdown by the army which is predominantly from the northwest frontier regions of West Pakistan. But the Indians have been needed to teach some things in which easterners are not trained, according to sources. There are at least four reasons for India's becoming so deeply involved in a neighbor's internal affairs.

One is hope that Mukti Bahini can force the Pakistani army to give up the eastern part of the divided country and leave Bangla Desh free so that 7 million refugees now burdening India will return home. How realistic this hope is remains to be seen.

Another reason is the Bangla Desh exile government and Mukti Bahini have a conservative middle class outlook which India finds congenial. It fears that failure of this group, based on the Awami League party of East Pakistan, to mount an effective guerrilla challenge to the Pakistani army would mean growth of influence for the Pakistani Communist guerrillas. The third motive is simply sympathy with the Bengali people of East Pakistan. They are closely tied by culture and tradition to India's own 40 million Bengalis whereas various West Pakistani peoples are mostly distinct people from any major Indian group.

There also is the motive of traditional antagonism between India and Pakistan since the two countries were created out of British India in 1947. They have fought two wars since then and never have been good neighbors.

Off and on for years, reaching a peak almost a decade ago, Pakistan armed and trained Naga and Miz tribesmen from eastern India. They have conducted smoldering rebellions against the Indian government in hopes of obtaining independence.

Pakistan's objective seemed to be simply to create a nuisance for its enemy. There never was any prospect of Nagas or Mizos obtaining independence.

What India now is doing could be viewed as a reply in much stronger terms.

India has had some experience with this. In 1961–2 it mounted a guerrilla campaign of ousted Nepali democrats against Nepal's King Mahendra without success. Since its 1962 Himalayan war with China it has maintained a force of Tibetan guerrillas.

But now stakes are higher and so is the level of effort.

COULD REIGNITE KASHMIR

The Indian government realizes that the logical Pakistani reply to Mukti Bahani activities would be another effort to start a guerrilla war inside the Indian part of the disputed Kashmir state. It was such a Pakistani effort to wrest Kashmir away from India by guerrilla warfare that touched off the 1965 war between the two countries. The home ministry in New Delhi which is responsible for internal security has warned that trouble in Kashmir is likely. Its police forces and also the Indian army are strengthening defenses in Kashmir.

Three has been a lot of speculation in both countries in recent months on the chances of war.

Some usually sober and responsible Indians have even advocated war with Pakistan to liberate East Pakistan and turn it over the friendly Bangladesh government.

Calcutta's most important Bengali language newspaper asked Prime Minister Indira Gandhi in a front-page letter seven weeks ago: "Why can't you send in troops to end the humiliation of humanity, strangulation of democracy, shooting of unarmed people and ravaging of women? Why not war? For fear of huge expenses?

"Aren't expenses on account of refugees double the amount needed for war?"

Supporting refugees is now costing India about $4½ million a day and the number of refugees is still growing. The 1965 war cost India roughly $525 million, according to advocates of action now. They contend another war would be cheaper than feeding refugees forever.

ARMY BELIEVED PREPARED

Well informed Indian sources say the Indian army has drawn up plans and made some preparatory moves for the invasion of East Pakistan and from other sources there are reports of army talk of not stopping short of total defeat of Pakistan if there is another war, unlike the inconclusive 1965 clash which United Nations pressure halted.

But those Indians in a position to know say military planning and moves are only a contingency effort in case Pakistan touches off a war. They say Mrs. Gandhi is firmly opposed to war.

Instead India will go on helping Mukti Bahini in hopes it can do the job.

When the first help was given shortly after the army crackdown began in East Pakistan March 25 and some Eastern soldiers sought refuge in India, this country was very cautious. It supplied only those types of weapons which already were in use in Pakistan and therefore could not be identified as having newly come from India.

This caution has disappeared. India now is supplying Mukti Bahini with guns and such other things as land mines that are made here.

Spokesman for India's external affairs ministry briefed Indian reporters last week with a defiant line on this.

CHARGE AGAINST THE U.S.

He reiterated the general Indian feeling that the United States is supplying weapons to the Pakistani government for suppression of East Pakistan. This is based on the U.S. governments' refusal, despite congressional and foreign pressure to cancel some military equipment licenses for Pakistan.

If the United States can arm the Pakistani army, the spokesman argued, then there is no reason why India should not help the Muki Bahini.

One newspaper quoted an unidentified source of its inspired story on this as saying. "It is not India but those powers which supply arms to central authorities in Pakistan that are guilty of interfering in affairs of Pakistan."

At the same time, the spokesman said it would be an "unfriendly act" for any country to suggest positing of United Nations observers in India in connection with refugee movements.

The strength of India's reaction to the idea, which has not been officially proposed to the United Nations, raised a question in some foreigners' minds—whether India is concerned with observers possibly interferring with guerrilla operations.

[From the New York Times, July 27, 1971]

Rebels Tell East Pakistanis To Flee Dacca

(By Malcolm W. Browne)

Dacca, Pakistan, July 26.—Handbills prepared by Bengali separatist guerrillas appeared in Dacca today warning the population to begin evacuation of the city in preparation for a terrorist campaign against the Pakistani Army in East Pakistan.

The handbills were distributed in the Maghbazaz District of the city a few blocks from the Intercontinental Hotel.

The warning, signed by the Mukti Bahini (Liberation Army), advised residents to move out by 6 P.M. local time.

The public was also warned that vehicular traffic, including taxis and rickshaws, should be off the streets at night from July 28 onward, and that the entire city should be evacuated after Aug. 1.

Bombs have exploded in Dacca every night for the last two weeks, and gunfire often accompanies the explosions. Detonations heard last night could not be immediately explained.

Actions have included the mining of roads in the outskirts of Dacca and bombing attacks against power stations, the city gas supply, homes of persons regarded by the guerrillas as enemies, army installation, bridges and communications.

ARMY REACTS SWIFTLY

Reaction by the Pakistani Army is generally rapid and forceful and there have been many arrests of suspects. There also is a steady flow of casualties, according to witnesses, although no estimates of numbers are available.

Army patrols move constantly through Dacca and its environs and military guards are stationed at most important buildings.

Despite this, guerrillas have caused considerable dislocation of essential services since their campaign began two weeks ago and have killed a number of persons.

The Mukti Bahini guerrillas are believed to have been trained in camps in India since March 25, when Pakistani troops attacked in East Pakistan to quell an autonomy movement.

The Pakistan Army is made up mainly of officers and troops from the Punjab in West Pakistan who speak Urdu. Many Bengalis regard these troops as outsiders and even foreigners.

INDIAN SHELLING REPORTED

KARACHI, PAKISTAN, July 26.—The Indian armed forces today shelled the town of Comilla on the eastern border of East Pakistan, killing several civilians and injuring many more, it was officially announced today in Islamabad, the capital of Pakistan.

[From the New York Times, July 29, 1971]

AWAMI LEAGUE'S MANDATE

To the Editor:

The July 3 letter "U.S. Aid to Pakistan" by Hamid Jalal, press counselor of the Pakistan Mission to the U.N., is yet another futile and self-defeating attempt by the West Pakistani colonial regime to confuse the real issue in Bangla Desh.

The West Pakistani official says that the electoral mandate received by the Awami League led by Sheikh Mujib in the December 1970 elections was for provincial autonomy and not for secession. But he conveniently forgets that the Awami League had never wanted secession and that the basis of the autonomy program of the Awami League was the six-point formula that had clearly envisaged defense and foreign affairs as federal subjects.

It is absurd to say that the majority in a democracy would want to secede. The Bengalis had not wanted independence in the beginning because they expected that they would be able to decide their future within a democratic framework in the federation of Pakistan. It was only after the West Pakistani Army started its campaign of genocide against the Bengalis that they declared the independence of Bangla Desh.

Mr. Jalal refers to the Awami League leaders as extremists but completely forgets that it was Mr. Bhutto, the West Pakistani leader, who had threatened to boycott the National Assembly if it met on March 3 as scheduled by General Yahya after repeated demands for its meeting by Sheikh Mujib.

The Pakistani Government (now clearly representing West Pakistan only) is not only at war with the people of Bangla Desh (who constituted the majority of the population of East Pakistan) but it is guilty of the crime of genocide against unarmed, peaceful and helpless men, women and children. The excuse put forward by Mr. Jalal that his Government was only trying "to put down a mutiny and an armed attempt at the dismemberment of Pakistan" is pathetically hollow and does not carry General Yahya anywhere.

Mr. Jalal has spoken of the needs of a larger part of Pakistan's population. Who represents the people of Bangla Desh? Is it Sheikh Mujib, who won 167 out of 169 parliamentary seats in the December elections, or is it General Yahya, who is in power only by virtue of force?

Finally, Mr. Jalal has argued that foreign aid would help and induce the return of the seven million refugees to their homes. On the contrary, any amount of aid to the West Pakistani Government would be used to buy more arms and to continue the campaign of genocide. The possibility of the return of the refugees under the present circumstances is at best wishful thinking.

MAHMOOD ALI,
New York Representative,
Bangla Desh Government.

[From the Washington Post, July 29, 1971]

10 MILLION PAKISTAN EXILES PREDICTED BY END OF YEAR

(By Marilyn Berger)

Angier Biddle Duke, who headed an International Rescue Committee team studying the plight of Pakistani refugees in India, predicted yesterday that the continuing tension in the region would bring the number of refugees to 10 million by the end of the year.

Duke, a former U.S. ambassador, was in Washington to seek U.S. government cooperation in a number of programs the IRC has started in India to aid the refugees. In a report that Duke gave yesterday to Francis L. Kellogg, special assistant to the Secretary of State for refugee affairs, the IRC reported on "the desperate air of tension the Pakistani army has tried to maintain along the border by mortar fire to which the mission can bear personal witness."

The report stated: "There is no indication that the exodus has been halted. If the present trend continues, the figure is likely to go to seven million before July is out. Seven million is the total population of Cuba."

Indian sources indicated the prediction was correct. The movement of refugees from East Pakistan started on March 25 when the forces of the Pakistani central government cracked down, allegedly to prevent the establishment of a secessionist state. Reports from the scene told of rape, murder and other atrocities, and Bengalis poured into India to escape what was widely described as a blood bath.

State Department officials said yesterday that military activity in East Pakistan has largely subsided since May although action against guerrillas continues. These officials also note that the flow of refugees has dropped to "as low as 20,000 a day."

Duke said that the continuing state of tension rather than any actual bloodshed is enough to keep the refugees coming into India. He said the IRC was setting up programs to use refugee doctors and teachers to work with the Bengalis who are filling camps in India. He said the IRC hoped to raise $1 million and to get additional funds, partly from the U.S. government, to run a program that would cost $2 million over the next six months.

But Duke said that any attempt to work with the refugees is nothing more than a palliative. "Political solutions for the return of the Bengali refugees must be found," the IRC mission report said.

There is concern within the U.S. government that the continuing drain on India caused by the presence of the refugees could lead to an explosion.

Some officials are also worried that the end of the monsoon rains in October could bring more bloodshed. Intensified civil war with a greater flow of refugees could create still greater strains on India.

A possible Indo-Pakistani conflict carries with it the potential for a Sino-Soviet confrontation. U.S. officials have noted. Pakistan is understood to feel confident of Peking's support, while India has been backed by the Soviet Union.

The United States, meanwhile, has sought to keep up a dialogue with both sides. Assistant Secretary of State Joseph J. Sisco saw both the Indian and Pakistani ambassadors on Tuesday before he left for Israel. The United States has welcomed Pakistani President Yahya Khan's willingness to accept a United Nations presence along the border.

The Indians have turned down the Secretary General's proposal, refusing to be "equated" with Pakistan in this situation. Indian officials say further that it is impossible to seal a 2,720-mile frontier with no natural geographic barriers.

The United States has officially taken a low-key stance, urging restraint on both India and Pakistan and quietly nudging Yahya to reach a political accommodation with the Bengalis that would allow the refugees to return.

[From the New York Times, July 30, 1971]

PAKISTANI REGIME IS PREPARING FOR LONG GUERRILLA WAR IN EAST

(By Malcolm W. Browne)

DACCA, PAKISTAN, July 29.—Pakistan's military government is waiting for what it fears may be a protracted guerrilla war in East Pakistan, and Government strategists are drawing from the writings of Mao Tse-tung and other experts in their plans.

"Ours is a regular army," a high-ranking Pakistani officer said in an interview. "We recognize that regular armies are not suitable for guerrilla campaigns, as the Vietnam experience has shown. We can shield the nation against external threats, notably India, but only the people can conduct anti-guerrilla warfare."

Pakistan's army, which consists mainly of West Pakistanis, attacked Bengali dissidents on March 25 to re-establish the authority of the national government and to suppress the separatist movement.

Tens of millions of East Pakistanis, it is reported, fled the major towns for the relative security of the countryside and several million crossed the border into neighboring India.

OPEN BATTLES FOUGHT

Initially, the Bengali separatists fought the army in open battles. Bengali forces included almost all of East Pakistan's police and militia forces, as well as the East Bengal Regiment, a unit in the national army.

But the national army quickly seized all the major towns in East Pakistan and wiped out opposition strongpoints. Resistance became sporadic and took the form of sniping and sabotage on railroad lines.

During the last two weeks, however, guerrilla activity has accelerated and has begun to pose a problem for the military authorities. The three divisions of troops, armor and artillery now being maintained in East Pakistan have not been able to prevent the dynamiting of power installations, bridges, roads and houses by guerrillas.

Most experts speculate that Bengali guerrillas who went to India on March 25 have now had time to receive training and weapons in Indian camps and are now back in action in East Pakistan. According to one estimate, there are 30,000 active guerrillas in the province. One step toward countering this force was taken by the Government on July 15 when it organized the new Razakar (Volunteer) force.

AUXILIARY MILITIA FORMED

Razakar units are hamlet militia responsible to the local police as a kind of auxiliary. Anyone over 14 may join after a loose screening procedure. After brief training the recruit is given a rifle and paid about 70 cents a day while on duty.

"The Razakars guard vulnerable points such as power stations, bridges and so forth, but they should be especially helpful as members of rural communities who can identify guerrillas," an army officer said.

The Government says it has already recruited more than 22,000 Razakars of a planned force of 35,000.

"The people are definitely giving us information about the guerrillas," the officer said. "The people realize that the guerrilla operations are hurting the economy and that this hurts the people. If we can convert this resentment into support for us, we'll overcome the guerrilla problem."

The officer said the army was increasingly successful in determining guerrilla infiltration routes and in ambushing them.

"Mao Tse-tung teaches that roving rebels accomplish nothing and that successful guerrillas must have a base inside their target country," he said. "This we are denying them."

[From the Baltimore Sun, July 31, 1971]

FORTY THOUSAND REFUGEES A DAY ARE SWARMING INTO INDIA

(By Pran Sabharwal)

NEW DELHI.—India's serious problem of how to accommodate Bengali refugees grows graver as they continue to pour across the border at the rate of 40,000 to 50,000 a day.

There are over 100,000, recent arrivals, trudging from camp to camp in the monsoon rains in search of shelter and food, and the number is swelling rapidly.

With an imminent total of more than 7,350,000 refugees, there is not enough high land left in the Ganses pain of West Bengal, where most of them are staying.

DAMAGE TO CROPS

And in eight of the 17 districts of West Bengal, heavy rains followed by floods have caused widespread damage to crops, property and livestock.

For the weary and exhausted refugees from the interior of East Pakistan the present ordeal—after their 10-to-12 day trek—has added to their misery.

If the refugees do not find shelter soon, there is a danger of more severe outbreaks of bronchitis and pneumonia, which are already on the increase.

While food has not yet become a problem in the states of West Bengal, Assam and Meghalaya, it is a major problem for landlocked Tripura, where the refugee population is 1,170,000 and the local population 1,556,882.

This isolated area needs about 8,000 metric tons of food a month to feed the refugees. The United States airlift in four weeks flew 23,165 refugees out of the state and brought in 1,758 tons of food. Now that the American airlift has ended, the state administration is using all available transport but still remains short of essential supplies.

ON THE LOW SIDE

In New Delhi, the Indian minister of relief and rehabilitation, R. K. Khadilkar, told Parliament yesterday that the entire refugee budgetary allocation of $86 million has been spent. He admitted the government calculation that there would be only 6 million refugees and these would go back home in six months has proved false.

Now the government expects there will be 8 to 10 million refugees by the end of the year and they will stay longer, Mr. Khadilkar said.

To meet the increased cost, the government will seek next week additional funds for the refugees, he added.

Like Prime Minister Indira Gandhi, Mr. Khadilkar also complained that international aid for refugee relief "is very, very meager."

NO OBSERVERS

Of the total estimated cost of $400 million for 6 million refugees for six months a little over $133 million has come from abroad. Of this, $73 million is the United States contribution.

According to an Indian government decision, foreign relief workers are to be replaced by local people tomorrow. This step is being taken because "India has sufficient numbers of medical personnel."

Last night, the Indian government again reiterated that it will not be pressured by any one, including the United Nations, to accept U.N. observers on Indian soil.

The suggestion was proposed by the United Nations high commissioner for refugees, Prince Sadruddin Agha Khan, and was supported by the United States. Later, U Thant, the Secretary General, in a letter to the president of the Security Council, supported the measure and asked for Indian and Pakistani co-operation.

U Thant's fear is that the war in East Pakistan is having international consequences, and hence it is no longer an internal matter.

India's opposition to the proposal is backed by the East Pakistan Bengali Liberation force which fears that the presence of the 60 observers, proposed by the United Nations would demoralize the Bengali population in East Pakistan.

Liberation force commanders threaten physical liquidation of "any foreigner daring to come on behalf of" General A. M. Yahya Khan's regime. He is the president of Pakistan.

They charge that the flurry of activity in the United Nations now is designed to contain the liberation forces, who, they claim, are achieving success in their fight against the Pakistani Army.

[From the Christian Science Monitor, July 31, 1971]

MILITARY BUILDUP ON INDIA-PAKISTAN BORDER?

(By Razia Ismail)

NEW DELHI.—With tensions rising on the sensitive western Indian-Pakistani border, both Asian powers appear to be in a state of military preparedness.

The announcement that the entire Indian defense apparatus along the western border went on alert July 21 parallels reports of Pakistani trench building in the Punjab.

In the meantime, with shiploads of American armaments on the high seas bound for West Pakistan, the man-in-the-street opinion of U.S. policy could hardly be worse.

In Indian eyes, the United States has revived the chilling specter of gunboat diplomacy to make an already volatile situation even worse. Predictably, the popular myopic conviction that armed action is the need of the hour is finding echoes in Parliament—in both the ruling and opposition camps.

The recent parliamentary debate on the budget demands of the External Affairs Ministry was dominated by heated demands for a drastic overhaul of India's foreign policy.

The policy as it exists stands accused of being timorous, foot-dragging, and impotent.

Opposition members have called for the recognition of Bangla Desh (as East Pakistani secessionists call their region), nuclear armament, overtures to China—and a long hard look at India's foreign image.

The right-wing Jana Sangh leader, Atal Behari Vajpayee—whose party regularly exhorts the ruling Congress to give up its neoreligious commitment to nonalignment—has called for India to "stand on its own feet" and recognize Bangla Desh. It also insists that India reject American aid as long as Washington persists in dispensing alms with one hand and arms with the other.

He has said that while "one angle of the Pakistan-American-China axis is aimed at India's heart and another at Moscow's," this does not mean that India "should go and sit in Moscow's lap." But his statements reflect his party's current disenchantment with the Nixon administration.

The Jana Sangh wants the country to "help free Bangla Desh" if West Pakistan attacks India's western borders. Pakistani threats change the equation: They say they will attack on the west if India annexes any territory in East Pakistan.

SHOCK WAVES FELT

Perhaps the only country to suffer direct shock waves from the new fluid situation, India is only one of many that may have to seek new footholds and find new allies.

Mr. Swaran Singh's August mission will take him to some of these countries. His statement of July 21 saying there was a possibility of new tensions emerging is significant. He said India would not be a passive onlooker to third-country interference in the internal affairs of Asian countries.

Right-wing elements in the opposition do not seem to think India has any powerful friends to bolster its own morale, let alone bolstering anyone else's. In a vociferous debate in the Rajya Sabha (upper house) on July 21, Jana Sangh and Swatantra party leaders needled the government to "name five countries—or even one—that would come to India's help." The government has not named any.

Sections of the local press have said quite openly that if American arms continue to find their way to West Pakistan, and the rest of the world continues to let them find their way there, India is justified in arming the Mukti Fauj of Bangla Desh.

A political commentator has even said that the disintegration of Pakistan was not formerly in India's interest, a reunited Pakistan with its ruling junta as the main instruments of an unholy alliance of superpowers, is too dangerous for India to endorse.

The fact that Islamabad rather than Warsaw, Belgrade, or Bucharest was chosen as the jumping-off point for U.S. presidential adviser Henry A. Kissinger's undercover journey to Peking has given President Yahya Khan a welcome bonus of reflected glory at just the time that New Delhi was hoping he would be chastised.

Whatever immediate or future blessings the Chinese-American détente may bestow upon the United States, the concern expressed here last weekend that the move would affect the Bangla Desh situation adversely appears to have been well founded.

The apparent concern then centered on the feeling that—with all eyes on the proposed Peking visit—world attention would be diverted from the urgency of a just solution to the Bangla Desh problem. The main concern now is that—whether the world's eyes are on the subcontinent or further east—Pakistan is feeling confident that it will be strongly backed if it resorts to arms.

[From the Washington Evening Star, July 31, 1971]

"VERY NEAR WAR WITH INDIA," PAKISTAN'S PRESIDENT SAYS

KARACHI.—President Agha Mohammad Yahya Khan of Pakistan today accused neighboring India of continued artillery attacks along the border with rebellious East Pakistan and said: "We are very near to war with India."

Yahya told newsmen of six foreign television teams invited to Karachi for a 2½ hour interview, "I am watching the situation. If the Indians have the idea of taking a chunk out of East Pakistan, it would mean war.

"We are very near to war with India," he said. "Let me warn them (India) and the world, it means total war."

"I am not looking for war and am trying to avoid it," he said. "But there is a limit to my patience."

Yahya referred to the five-month-old civil war in which the rebels in East Pakistan, separated from West Pakistan by more than 1,000 miles of Indian territory, have established the so-called government of Bangla Desh.

Yahya said India, whose northeastern section has been the refuge of some 7.5 million Bengalis fleeing from an army crackdown in East Pakistan, is continuing to shell the borders of East Pakistan.

Yahya said he will not be pressured by nations threatening to cut aid to Pakistan to force a political settlement in East Pakistan.

He said the cutting or slowing down of economic aid would affect 70 million East Pakistanis for the "sake of a few millions who had been used as political pawns."

Yahya charged foreign countries which had offered aid but are now withholding it have done so for ulterior and not humanitarian motives.

Yahya said there still is food for three months to feed East Pakistan but transportation is needed to move it to needy areas.

Although the United Nations has promised aid, Yahya said, Pakistan is still waiting for it to come.

Thant Warns Council on War

UNITED NATIONS.—Secretary General U. Thant has warned the Security Council in a secret memorandum that the festering border situation between India and Pakistan could lead to a war beyond the subcontinent, it was disclosed yesterday.

The memorandum was sent July 20 to Ambassador Jacques Kosciusko-Morizet of France, this month's council president, for circulation to the other members.

[From the New York Times, Aug. 1, 1971]

East Pakistan: Shades of the Vietnam War

(By Malcom W. Browne)

DACCA, PAKISTAN.—The Government's army is largely confined to the towns and roads. The guerrilla rebels in the countryside get help from across the border. A clandestine radio transmitter reports "liberation army" successes and predicts eventual victory.

A visitor to East Pakistan can drive through much of the region without observing anything abnormal. Yet many foreign diplomatic observers have been tempted to compare the Bengali situation with the opening phase of the Vietnam war, and some of the parallels—such as those listed above—are unmistakable.

Neighboring India from the outset has provided a haven, training and material support for the Bengali rebels, as North Vietnam did for the Vietcong. Even the lush, rice-growing terrain of the Ganges River delta, making up most of East Pakistan, is similar to that of the Mekong River delta in Vietnam. Rebel posters blossom briefly in Dacca and other towns, warning civilians to leave before the Liberation Army (Mukti Bahini) opens a bloody new offensive.

But if a guerrilla war in East Pakistan is under way, it has a long way to go before reaching the level of effectiveness seen in East Asia during the past few decades. Behind the volume of propaganda on all sides, not very much seems to be happening.

Some kind of war is unfolding in East Pakistan. At least a few people are getting killed and many others are suffering. But in this passion-wrenched land it is as difficult to verify a fact as it is to find a dry place to stand in the current monsoon rains.

Along East Pakistan's eastern border, Pakistani and Indian artillery thunder away at each other, and both sides have augmented their forces in the region during the past week. Military men and ordinary people expect a surge in violence during the next few weeks, possibly timed to coincide with Pakistan's National Day of Aug. 15.

The 60-mile road between Dacca and the important frontier garrison of Comilla is open. There is little to show that the Government is having any difficulty maintaining this strategic link. One mine was planted on the road recently, and the rebels dynamited a key bridge on the road, but traffic was detoured over a rickety wooden bridge a few hundred yards away.

In Dacca, guerrillas have made their presence felt during the past two weeks by knocking out the city gas supply and damaging the electricity supply badly enough so that there are frequent blackouts. There are nightly sounds of explosions and gunfire. Neighborhoods that were blasted and burned out in March are still flat. But Dacca is again full of people, rickshaws and commerce and looks as though it is nearly back to normal.

In many populous areas in the countryside crops are growing, and if there are serious food shortages they are not evident.

The political background to this strife is easy enough to trace. East and West Pakistan, separated from each other by 900 miles of Indian territory, share a belief in the Muslim faith but little else. The Bengalis of the east speak a different language from the Urdu of the west; they have different cultural and social traditions and even look different. The Bengalis have long regarded the Punjabi of West Pakistan as economic exploiters of the eastern region.

Latent Bengali yearning for autonomy from West Pakistan came to a head last March and some Bengali leaders called for outright secession and the creation of a new Bengali nation, Bangla Desh. On March 25, West Pakistan's army—East Pakistan military units had joined the rebels—moved into Bengal as an invasion force. They have applied an iron hand to the administration of the region ever since.

Just how many persons were killed in the process remains one of the many persisting controversies. The Government forces have never disclosed their own estimates, saying only that "enemy dead are not counted, they are thrown into the river." Estimates range all the way from 10,000 to several hundred thousand killed. In any case, West Pakistan's three regular divisions now control every aspect of life in East Pakistan, apart from hinterland zones they do not take the trouble to occupy.

And the prevailing impression remains one of despair on the part of the Bengalis rather than challenge. For many observers here, the saddest and most significant fact is that somewhere near seven million people have fled to India, and the refugee flood continues.

[From the Evening Star, Aug. 2, 1971]

Bengali Exodus—India Feels Pinch Of Refugee Costs

(By Henry S. Bradsher)

NEW DELHI.—Civil war in East Pakistan has created problems for India which could prove to be a major drag on economic development. The Pakistani situation which has so far sent 7 million refugees into India began just two weeks after India's parliamentary elections. Prime Minister Indira Gandhi won them on broad promises of "abolishing poverty".

Election results in early March provided a "massive mandate for change—peaceful change that must swiftly and visibly alter the picture of poverty and alienation in our land," according to President Varahagiri V. Giri in a speech written for him by Mrs. Gandhi's government.

LITTLE SIGN OF CHANGE

Four months later, there is little sign of change for the impoverished masses of India's 555 million persons.

More cynical observers here are saying that the refugee problem has provided an excuse for the government's failure to fulfill Mrs. Gandhi's election promises that were never capable of being fulfilled.

Government supporters on the other hand say that problems of poverty are so massive that quick solutions were never expected, whatever hopes the campaign speeches may have raised.

A cautious middle position taken by some observers is that it is too soon to judge, that the government is trying, but by the nature of the situation here improvements are glacially slow. Whether the glacial speed of advance is politically adequate is another question.

There is no doubt that the refugees have become a massive burden for the Indian government. The size of the burden is uncertain.

With 7 million already in India the number who might yet come is unknown.

A top refugee official in Calcutta estimated that it cost 3 rupees a day per refugee.

The government initially set aside 480 million dollars for refugees but this is running out and more funds will have to be found.

The government also is known to be financing "Bangla Desh," the exile government claiming to represent East Pakistan and guerrillas operating there. No estimates of these amounts are available.

Perhaps even more important than money is the time expended on Pakistani problems.

TIME, ENERGY SPENT

Instead of buckling down to the tough economic problems, the newly reconstituted government of Mrs. Gandhi has had to spend much time and energy on the Bangla Desh.

Ministers who should have been working on new programs have been touring or lobbying against West Pakistan suppression of East Pakistan and for refuge relief.

An official close to Mrs. Gandhi said the intention had been to work out within their four months after elections detailed economic plans based on the election manifesto.

But there has been no time available to do it, he said because so much time is taken up by the Pakistan problem.

"We are not planning ahead as we should be," the official said. The new minister of planning appointed by Mrs. Gandhi, Childambaram Subra-education, taxation and the economy generally, but we have been diverted into making various contingency plans for the Pakistan problem," Subramaniam said.

He feared that as time goes on this might become a political problem within India further leading the country away from its basic problems. "There are people on this side (of the Pakistan border, besides refugees) who do not even get two rupees a day or free shelter or medical care, that the Indian government is giving refugees," he said.

There is already tension among laborers who fear refugees will be competition for jobs, Subramaniam said. There is increasing resentment among Moslem refugees, he added.

President Giri's speech which opened the new parliament said the government is "convinced that land reforms are vital for promoting an egalitarian social order and for maximizing agricultural production."

A generation of economists had felt that land reform and taxation of farm income—which at present is exempt from the kind of taxes other incomes pay—are essential for the basic economic progress needed here. But Giri said nothing about the politically touchy subject of agricultural taxation.

Asked what has been done toward land reform, Subramaniam came up with the same old tired answers about the problems involved.

RELUCTANT TO PUSH

Reform and farm taxation are powers of India's 18 states rather than the national government under the constitution. State governments are more subject to pressure of big landowners who form the backbone of Mrs. Gandhi's Congress party than the national government is.

Even under her father, prime minister Jawaharal Nehru, government in New Delhi has been reluctant to push the states into important reforms. Now with at least 11 states having elections next February there are political reasons for failing to use Mrs. Gandhi's huge national mandate to coerce state governments.

The states have continually been allowed to get away with running up debts on the national treasury rather than levying taxes recommended by New Delhi.

Subramaniam talked also of the importance of creating more jobs. The massive employment and underemployment problem is not adequately measured by any statistics.

1,000 NEW JOBS AIM

In January the program was begun to create 1,000 new rural jobs in each Indian district—the average population of a district is 1.6 million—so as to alleviate unemployment. Subramaniam talked of other things like minerals surveys to employ hundreds of thousands of educated jobless, but finding new jobs is made difficult by general industrial problems. While agriculture has been doing well in recent years, industry has never recovered from the slump which began with a drought in the mid-1960s.

India is in the unusual position of having industrial shortages alongside underutilization of factory capacities.

Steel has been the worst example, with shortages hampering other industries, but because of labor troubles and other problems the steel industry itself is running far below capacity. Since winning reelection Mrs. Gandhi has shown herself to be pragmatic in some ways by speeding up issuance of licenses for new industrial ventures. But the socialistic climate here of restrictions on big business and tax limitations have made investors cautious. It is unclear whether licenses are being used very fast.

India is burdened with large repayments of foreign aid loans of earlier years. In the last year it has actually paid back more to the Soviet Union, some East European countries and Japan than it received in new aid from them.

[From the New York Times, Aug. 3, 1971]

THANT WARNS COUNCIL OF INDIAN-PAKISTANI CLASH

UNITED NATIONS, N.Y.—Secretary General Thant warned today that a major conflict could break out between India and Pakistan, which "could all too easily expand."

The warning was made in a memorandum for Security Council members made public today amid growing pessimism among diplomats and officials about the situation.

Lack of progress in Mr. Thant's private efforts in recent months was reflected in the Secretary General's remarks. He said:

"I am deeply concerned about the possible consequences of the present situation, not only in a humanitarian sense but also as a potential threat to peace and security and for its bearing on the future of the United Nations as an effective instrument for international cooperation and action."

The memorandum reflected concern about the danger of big-power involvement if the deteriorating situation erupted into fighting and Pakistan turned for support to China and India to the Soviet Union.

MOST OUTSPOKEN STATEMENT

The statement is Mr. Thant's most outspoken on the crisis, which has followed the West Pakistani Army's campaign, begun March 25, to crush the separatists in East Pakistan and which has sent seven million refugees fleeing into India.

With the memorandum, Mr. Thant put on record his behind-the-scenes efforts to persuade India and Pakistan to accept United Nations representatives on their territory to facilitate repatriation of the refugees. He has seen delegates of the two sides almost daily.

Pakistan agreed on July 20 to accept representatives of the United Nations High Commissioner for Refugees at two or three selected areas "on both sides." India today responded formally and expressed "total opposition" to the plan, which she complained would only divert world attention from unabated Pakistani oppression of the East Pakistanis.

In short, neither Mr. Thant's approach to the Council nor his negotiations with the two parties has so far yielded results.

At Mr. Thant's request, Jacques Kosciusko-Morizet of France, who is Council President for July, canvassed the members and reported that sentiment did not favor an open public meeting, mainly because of fear of exacerbating tensions.

Moreover, there is growing anxiety that the situation is worsening daily, with border clashes, raids and sabotage becoming more frequent. There is concern that the refugee situation should not be permitted to stagnate as happened on a reduced scale with the Palestinian Arab refugees in 1949.

Mr. Thant's warning to the Council stresses that outside relief would not suffice to resolve the problem and that a political settlement was required. The assistance program for East Pakistan, to which the United States on Friday pledged $1-million, is a separate operation from the plan for repatriating the refugees now in India with the aid of the High Commissioners.

Mr. Thant pointedly declared today that his request for the acceptance of United Nations staff "on both sides" was not an attempt to introduce a peace-keeping operation such as the United Nations had in the Middle East and Congo and still maintains in Cypress.

Diplomats here hope that the presence of civilians serving under the United Nations auspices would help reduce incidents and lessen tensions.

India, in a reply to Mr. Thant, renewed her argument for a political settlement acceptable to the East Pakistanis.

She said she would "welcome any action by the U.N. which would insure and guarantee, under adequate international supervision, that the refugees' lands, houses and property will be returned to them in East Pakistan and that conditions are created there to insure their safe return under credible international guarantees without threat of reprisal or other measures of repression from the military authorities in West Pakistan."

CLASHES IN EAST REPORTED

DACCA, PAKISTAN.—Clashes and incidents between Pakistani Government troops and Bengali guerrillas were reported by various sources to have occurred over the weekend throughout most parts of East Pakistan.

There are indications that military action between the separatist Ukti Bahini, or liberation army, and the national army is increasing rapidly.

Bengali sources said that on Saturday night Pakistani Army troops moved into the port area of Dacca and began firing blank cartridges to scare people away from a dock.

Some Bengali observers who remained in the area, according to the account, saw servicemen unloading the bodies from a vessel.

In Dacca there were many civilian arrests over the weekend.

Universities throughout East Pakistan reopened today with heavy contingents of troops in evidence, but attendance could not be immediately estimated.

A reliable foreign traveler reported that a major bridge on the key road between Dacca, the provincial capital, and Comilla, a major town to the east on the Indian frontier, was blown up by guerrillas over the weekend.

[From the New York Times, Aug. 4, 1971]

EAST PAKISTAN'S TEA PLANTATIONS HEARS THUNDER OF NEARBY WAR

(By Malcolm W. Browne)

SYLHET, EAST PAKISTAN.—The tea planters of Sylhet whose way of life for the past century has symbolized the majesty of the British empire in a colonial land, have been dealt a series of blows by war in the past few months. An institution may be ending.

Pakistan has been an independent nation since 1947, and, despite their English names, the tea companies have largely passed into Pakistani hands. The tea is no longer exported to Britain, since Pakistan herself has become a nation of tea drinkers and consumes all the tea she grows.

But despite the changes, the typical tea garden here is still run much as it was a century ago. The British or Pakistani manager still lives in a handsome mansion with flower gardens, a swimming pool and has plenty of native bearers. He also commands an army of tea packers, who live at the other end of the social scale.

A PARADOX OF PARALLELS

The Pakistani planter has almost as little in common with Pakistani workers as did his English predecessor.

Typically, the planter is a Moslem and either a West Pakistani or a non-Bengali who has settled in East Pakistan. About 90 per cent of his tea pickers are Bengali Hindus whose lives are not materially different from what they were in the days of empire.

Consequently, Pakistani and British planters are now in much the same position and both are badly frightened.

Sylhet District, bordering the Indian state of Assam, is a strategic frontier region. The border zone thunders every day with artillery fire from Indian and Pakistani gunners. There is a steady flow of casualties.

But as the planters drive through rain-soaked hills where waxy green tea bushes stretch as far as the eye can see, the main danger is the guerilla.

TWO PLANTERS ARE MISSING

On June 2 Phillip J. Chalmers, an English planter for Duncan Brothers Pakistan Limited, was kidnapped while driving through his tea gardens near here. Tea pickers who had recently crossed the border from India reported seeing Mr. Chalmers held by Indian troops. The Pakistan army believes he is dead.

Another Englishman, James Boyd, was seized from his plantation bungalow on June 16 and is also believed dead.

On March 25, the Pakistan army moved into East Pakistan to suppress the Bengali separatist movement here. At first, organized opposition to the army appeared to have been stamped out.

Millions of Pakistanis, especially Hindus terrified by the fire-and-sword tactics of the Moslem army from the west, fled to India. Those from Sylhet District took most of the tea plantation cars and trucks with them. The pursuing army seized the rest when it arrived.

70 MILES TO DINNER

"We planters have always been a bit isolated," one manager said, "but we always had very active social lives. Until March, we thought nothing of driving 70 miles to have dinner with some other planter and coming back the same night.

"But the vehicles are gone now, the roads are often mined, and there are guerrillas. Life has certainly changed."

The tea gardens within five miles of the Indian border normally produce 60 per cent of the Sylhet tea crop. These are the plantations hardest hit.

Bangla Desh (Bengali Nation) guerrillas have avoided damaging the tea plants, but factory installations have been systematically sabotaged, some of them by dynamiting.

Tea company officials estimate that fewer than half of their workers are on the job. The crop this year will be so bad that Pakistan is being forced to spend desperately needed revenue from foreign exchange to import tea from Ceylon and China.

Some plantation managers have given up completely and moved to East Pakistan's capital, Dacca. Some Englishmen have gone home. Other planters, who live in especially dangerous areas, have moved to the quarters of the Rev. Joseph Lehaine, a Roman Catholic priest from New Jersey.

"Father Lehaine has been a friend to all of us," one planter said. "Probably some of us owe our lives to having been able to stay with him."

[From the New York Times, Aug. 5, 1971]

FEAR PARALYZES A TOWN IN PAKISTAN NEAR INDIA

(By Malcolm W. Browne)

COMILLA, PAKISTAN.—A Danish agricultural mission here, the last foreign advisory team stationed in the field in East Pakistan, is considering ending its mission because of shelling and a paralyzing atmosphere of fear.

Comilla, which is six miles from the Indian border, is a battleground between the Pakistani Army on one hand and the Bengali separatist guerrillas and Indians on the other.

An important district capital with 100,000 residents, Comilla has been shelled twice in the last two weeks and people here say that, in the attack on Monday, a dozen were killed and about 30 others wounded.

"We would like to continue our work here but we are not being paid to risk our lives," a Danish dairy expert said. The expert, Kund Klausen Kristensen, has worked here for the last year and a half as a representative of the Danish International Development Agency.

FARM COOPERATIVE CREATED

In cooperation with the Pakistan Government, the Danish team created a farm cooperative with 1,200 members, a model creamery, cold-storage facilities and tractors, as well as an agency for farm credit.

"Two of our four Danes have left," Mr. Kristensen said. "At this point most of our local people are too frightened to go out into the countryside. We have a milk-truck driver who is still working although he's had one bullet through his truck."

The immediate new problem, Mr. Kristensen said, is the shelling of the city, although in the last few weeks Mr. Kristensen's vehicle has been repeatedly shelled on the road.

"South of here on the road to Fenny," he said, "the road comes within a few hundred yards of the Indian border. You can see India quite clearly because Pakistan is flat at this point while India rises in hills past the border.

"About two weeks ago I had a flat tire and stopped near a bridge. While we were trying to get it fixed a mortar on the Indian side opened up on us—we could see it—and shells started landing. Luckily they didn't hit anything."

On the other occasions, Mr. Kristensen said, he saw Indian gunners firing at buses and other civilian vehicles along the Fenny road but ignoring army trucks.

"If they are trying to win the support of local civilians it certainly seems the wrong way to go about it," he said.

But the shells striking Comilla itself, which is about 60 miles from the province capital of Dacca, have apparently not all been fired from across the Indian border.

Large shells, apparently fired from howitzers, landed this week in the vicinity of Comilla airport, the army's vital link to the town from Dacca. These were presumably fired from across the border.

But the most serious casualties caused by shelling on Monday were at a corner market stall when a mortar shell hit the corrugated iron roof of the building.

Although five persons were said to have been killed by the shell, the hole in the roof was only about three feet in diameter, indicating that the shell was of small caliber, possibly 61-mm. Such a mortar could not be fired from six miles away, the distance to the Indian border.

"IT COULD BE ANYONE"

"I don't know who is firing shells," one city resident said, "it could be anyone. Some say it is the army itself. But we have no protection and naturally we are frightened. Some wanted to put sandbags on roofs, but the army won't let us because they say such fortifications could be used by the Mukti Bahini [Bengali guerrillas]."

Army patrols are constantly in the streets and a curfew is rigidly enforced.

But the vast jute and rice fields of Comilla district are flooded by monsoon rains and look like gigantic lakes. The army, reliant on trucks, will be circumscribed throughout the monsoon season.

"The Mukti Bahini have said they will carry out their offensive during the monsoon. I think there will be a lot of bloodshed in the next two months," a storekeeper said.

The hamlets and fields between Dacca and Comilla look peaceful and normal, apart from the bridges that were dynamited by Bengali rebels last April and still have not been repaired. But people seem to feel something in the wind.

ORDER TO VITIATE CONTROLLED TIME ON THE ECONOMIC DISASTER AREA RELIEF ACT OF 1971

Mr. MANSFIELD. Mr. President, is my understanding correct that the Disaster Relief bill is under controlled time?

The PRESIDING OFFICER. The Senator is correct.

Mr. MANSFIELD. And, therefore, is the pending business?

The PRESIDING OFFICER. The Senator is correct.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the controlled time be vitiated temporarily, so that the distinguished Senator from Mississippi may have the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from Mississippi is recognized.

EXTENSION AND REVISION OF THE DRAFT ACT AND RELATED LAWS—CONFERENCE REPORT

Mr. STENNIS. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. SPONG). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of July 30, 1971, at pp. 28400–28405.)

Mr. STENNIS. Mr. President, I will be brief in an opening statement about the report, after which I will ask for agreed time, and I hope all Senators will be receptive to the idea.

This bill is well remembered by Senators, I am sure. We had thorough hearings beginning last February. It was debated 7 weeks on the floor of the Senate. Sixty-six votes were taken on amendments offered, and the bill passed the Senate by a vote of 72 for and 16 against. In conference, there were 28 differences with the House, and we agreed on 27 of them within 4 or 5 days.

The Mansfield amendment, relating to the fixing of a date, was actively considered in conference, in a great number of meetings over a period of 29 days. Then we finally reached an agreement that was signed by all the Senate conferees except the Senator from Missouri and the Senator from New Hampshire, exercising their rights, and it was signed by all conferees on the part of the House.

Mr. President, the conferees were in sharp disagreement over the Mansfield amendment for one reason. The House had voted on the identical measure more than once, and the most recent vote on it—that is, on tabling a motion to instruct the conferees—was 219 to 176.

With its far-reaching implications, frankly—without paying any compliment to the conferees—I was very glad, indeed, that we were able to get as far as we did on it.

I will just touch the highlights very quickly, the items that were in disagreement, and those that were settled, and then I will say a word on the Mansfield amendment.

We had a marked adjustment to make in the different pay provisions of the bill, and we finally reached an agreement that gave consideration to all the major phases of both pay schedules that were in the bill.

On the overall issue of military pay, a compromise was reached. First of all, the Senate position substantially prevailed on a major issue which, although it did not involve large expenditures, was thought by many to be the key provision in the President's program for the all-volunteer army: the initial enlistment bonus. The House conferees were at first strongly opposed to this provision, but it nevertheless was eventually retained in a modified form. I believe that this retention marked a significant accommodation to the Senate's position.

Second, the basic pay rates in the House billl were accepted by the Senate conferees.

Third, a compromise was reached on the rates for quarters allowances and the Dependents Assistance Act. Under this compromise 85 percent of the FHA standard was accepted as an across-the-board rate for all pay grades. The House bill had increased these rates to 100 percent of the FHA standard. The Senate bill had included no improvements in quarters allowances and smaller increases in Dependents Assistance Act payments.

Thus, on these three major issues we reached compromises—some issues were monetary, other were issues of principle, such as the enlistment bonus. But the result was a fair balance between the two versions.

Mr. President, I would like now to address myself to the specific pay provisions of the conference report. It took much deliberation and analysis before the conferees reached agreement on the pay provisions. I think the pay provisions are an excellent compromise between the original Senate and House pay proposals. Let me explain why I think this is so.

The conference pay proposal: is well balanced in that it provides for attraction of first term personnel as well as for retention of vitally needed career personnel.

Is eminently fair in that it eliminates the inequitable treatment of enlisted personnel with under 2 years of service.

Provides for a badly needed housing allowance increase for all military personnel.

Raises military families above acceptable poverty guidelines.

Let me talk to each of these points in turn.

BALANCED PAY PROGRAM FOR ALL MILITARY PERSONNEL

The conference pay proposal also provides a balanced program for all our military personnel. While $1,573.8 million or 86.2 percent of the $1,825.4 million increase in basic pay under the conference agreement goes to personnel with under 2 years of service, the careerists—the backbone of our military services—are not ignored. The House conferees insisted that, if the all-volunteer force is to ever become a reality, then it is vitally important that we continue to hold the valuable and skilled personnel we already have in the services and not neglect these personnel while going all out for the attraction of new personnel. They were adamant that there must be a balance between attraction and retention of qualified personnel if we are going to maintain the credibility and capability of our military services.

The conference pay proposal is indeed very comprehensive. It provides increases for 80 percent of the active duty force which is 134,000 more members receiving increases than the bill approved by the Senate. In fact, the only personnel not benefiting from the conference proposal are senior officers and senior enlisted personnel living in base housing.

ELIMINATES INEQUITABLE TREATMENT OF UNDER 2 YEARS OF SERVICE PERSONNEL

Some have looked at the conference proposal as giving increases to the senior enlisted and officer personnel. This could not be further from the truth. As a matter of fact, the conference proposal totally eliminates the inequitable treatment of the "under 2" years of service personnel which had evolved since 1952. If we include the conference increases in basic pay, the cumulative basic pay increases since 1952 for enlisted personnel with less than 2 years of service will amount to 189 percent compared to 151 percent for the "over 2" years service enlisted population.

This more than makes up for the fact that enlisted personnel with under 2 years of service did not receive any basic pay increases from 1952 to 1965. The House conferees were completely unwilling to go further than this 189 percent increase. But as these figures clearly show we have not neglected the "under 2" years of service personnel—the first termers.

The conference proposal will result in an average increase in basic pay for the first termer of 68 percent while entry basic pay for the E–1—recruit—will increase 100 percent from $134 monthly to $268. Because of rapid promotions the average individual can expect to attain the grade of E–4—corporal—within 2 years. In this pay grade the average married individual with under 2 years service will receive $6,316 in total annual regular military compensation—which is the sum of his basic pay, basic allowance for quarters—BAQ—and basic allowance for subsistence—BAS.

Under the original Senate bill the regular military compensation of a married E–4—corporal—with under 2 years service would be $6,433—only $117 or $10 a month more than under the conference proposal. Why is this so? Because the conference proposal provides greater economic improvement for our military personnel than the $2.38 billion cost indicates. Although the conference proposal costs $2.38 billion, it provides an additional $287 million in economic improvement because it puts money into nontaxable allowances rather than into totally taxable basic pay. In other words, for an expenditure of $2.38 billion, under the conference proposal, military personnel will receive $2.67 billion in economic gain.

ELIMINATES HOUSING ALLOWANCE INEQUITY

As far as increasing the retention of vitally needed career personnel the conference proposal takes a major step in eliminating the inequity which now exists between the 1.6 million members living on post and the 1.0 million who are required to secure their housing on the civilian economy. This is accomplished by a significant increase in the housing allowance which has remained at 1963 levels while housing costs have soared. The rates proposed by the conference achieve 85 percent of a Federal Housing Authority—FHA—standard for housing expenses on a national basis. Without these housing allowance increases members living on the economy are required to divert significant portions of their basic pay to meet their housing needs. The housing increases are substantial, for example, a married E–4—corporal—would have his housing allowance increased from $90.60 to $121.50; a married E–6—staff sergeant—from $110.10 to $150; a married O–3—captain—from $130.05 to $195.60.

VIRTUALLY ELIMINATES MILITARY PERSONNEL FROM WELFARE

Under the President's Proposed Family Assistance Plan—an accepted poverty guideline—only 95 military families would be eligible to receive welfare payments under the conference pay proposal. These would be in pay grade E–1—recruit—with family size of 6 or more. Certainly these are the very exceptional and oftentimes are disciplinary cases—men who have been broken in rank. With the rapid promotion policies—a man will be in pay grade E–1 only for about 3 months—a man can expect to attain the rank of E–4—corporal—in the Army within a year and 4 months where his total regular military compensation will be $6,316 which is significantly over the President's Family Assistance Plan poverty level of $2,720 for a family of two.

SUMMARY

In summary then, we can take great pride in the conference pay proposal because it is well balanced in that it provides for attraction of first-term personnel with sizable pay increases without neglecting the vitally needed and expensively trained career personnel; it more than eliminates the historically inequitable treatment of the "under 2" years of service personnel; it provides a badly needed housing allowance increase for all personnel and virtually raises all military families above accepted poverty guidelines.

We settled the differences about the manpower levels, in which the Senate largely prevailed. We settled the other differences in, I thought, a rather satisfactory way, and I have not heard any real complaints about it. Certainly, it represents a bill that has been through the legislative gristmill of both Houses for months of hearings and weeks and weeks of debate and a very exhaustive consideration by the conferees.

I do not know how far Senators have gone in examining the Mansfield amendment which, as passed, related mainly to the date for withdrawal from Vietnam and to the return of prisoners of war.

On this issue in the conference we were in deadlock to start with because the respective Houses had voted differently on the same amendment. It was not a case of a House amendment as against a Senate amendment. There were opposite votes on the same amendment. But we were able to retain clear language in this bill with reference to a withdrawal by a date certain. The House did not want that provision, but it is there. If the conference report is adopted by the Senate, it will become law.

If approved, this amendment will stand as the first congressional mandate with respect to winding down the tragic war in Vietnam.

In the second place, the language ties the withdrawal of U.S. troops to the release of U.S. prisoners of war. That, of course, was the central feature of Senator MANSFIELD's proposal.

Third, the provision for troop withdrawal and POW release is quite separate from the additionally stated goal of a cease-fire in Indochina.

Finally, Congress says in the revised amendment that it wants to end the U.S. involvement in this war at the earliest practicable date. It urges the President to negotiate the POW release at a date certain. This certainly clearly reflects, in strong language, the position for expeditious action.

Mr. President, it goes without saying that there is a difference of opinion with respect to this measure, but it is highly important—and I believe most of us realize it is necessary that something be done—that some law be passed. It is necessary to secure—during an interim period, anyway—the necessary manpower to fill our national security needs. This is not manpower for war somewhere else but for our own security, our ships and submarines at sea, our planes in the air, our ground troops.

I have a letter dated today from the President of the United States, relating to the urgency of this legislation, and a statement with reference to its representing a compromise. These are not idle words coming from the President. They are not idle words in this conference report. I am sure everyone agrees to that. The letter is addressed to me as chairman:

> DEAR JOHN: I want you to know how much I appreciate the careful consideration the Senate-House conference committee gave to the Draft bill. The measure represents responsible compromise between differing viewpoints and remains consistent with the objectives sought by the administration in Southeast Asia.

I think that is going a long way, Mr. President, in saying that this is difficult, that we have done the best we could. There is a legislative policy running here and an administrative policy running, certainly if not perfectly parallel, at least together to a large degree.

The next paragraph states:

> Most Congressmen have agreed to the necessity of extending the draft while at the same time raising military pay as we move toward zero draft calls and all-volunteer armed service concept. Therefore, I am hopeful that the Senate can quickly adopt the report so that I may sign it before the Congress takes its month-long summer vacation.

So, Mr. President, I hope that we can debate this matter. The points are well known. They have been gone over here before the Senate dozens of times. I am ready to outline, and others are, what we did and why we did it. Anyone who can raise points that he might wish is welcome to do so. Thus, I hope that I am not moving too fast but would like to say that I propose—

Mr. President, I ask unanimous consent to have the entire letter of the President printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> Hon. JOHN STENNIS,
> *U.S. Senate,*
> *Washington, D.C.*
>
> DEAR JOHN: I want you to know how much I appreciate the careful consideration the Senate-House conference committee gave to the Draft Bill. The measure represents responsible compromise between differing viewpoints and remains consistent with the objectives sought by the Administration in Southeast Asia.
>
> Most Congressmen have agreed to the necessity of extending the draft while at the same time raising military pay as we move toward zero draft calls and the all-volunteer armed service concept. Therefore, I am hopeful that the Senate can quickly adopt the report so that I may sign it before the Congress takes its month-long summer vacation
>
> Best personal regards,
> Sincerely,
>
> ——— ———.

Mr. THURMOND. Mr. President, the conference report on H.R. 6531, presented by the distinguished chairman of the Senate Armed Service Committee, Mr. STENNIS, deserves early consideration and approval by the Senate.

This bill will extend the Selective Service Act of 1967 for an additional 2 years, this act having expired last July 30, 1971.

Since July 1 the Nation has been without authority to induct young men into the Armed Forces although our military forces are still engaged in a war in South Vietnam.

Apparently there will be efforts here in the Senate to block passage of H.R. 6531 because all of our forces have not been withdrawn from South Vietnam.

The Senators who would take part in such an effort should remember that the men now in South Vietnam may have to remain there longer than the usual 12 months if the manpower pipeline remains shut.

The opponents of this bill apparently feel their opposition will hasten our disengagement from South Vietnam. They are wrong on this point; the effect will more likely endanger the men presently there because of the interruption in the manpower supply which will eventually be felt in Vietnam.

To further endanger the safety of our men in Vietnam will be a heavy burden I would not choose to bear. The consequences of delaying this bill are extremely serious, and I urge those who would block it to reconsider their position carefully. No Senator in this Chamber wishes to increase the danger to our men in South Vietnam. The Senate should remember that disengagements cannot be safely accomplished overnight.

To say that this bill has not been adequately considered is also a weak position. The Senate began debate on this bill last May 6, and scores of amendments were introduced, many of which were called up and acted upon by the Senate.

Passage did not come until late in June when extended debate was broken on the first attempt at cloture. That vote indicated the Senate recognized the importance of this legislation.

Mr. President, the Senate conferees fought for the Senate provisions of this bill for nearly a month. In so doing we delayed the likely passage of this bill until September, thus allowing a 3-month break in the manpower pipelines.

Certainly the critics of the draft will recognize that the Senate conferees fought a good fight and brought back a bill that represents the best solution between the two bodies of the Congress.

The Mansfield amendment remains in the bill, although changed to meet the objections of the House conferees whose Members instructed them not to accept it.

The pay provisions have also been compromised. However, I believe the Senate will find them well balanced and designed to correct deficiencies in present pay.

These money changes increase substantially the pay for first term enlisted men, yet at the same time they offer something to the career man who must be retained. Further, the Senate accepted some increases in housing allowances which I consider most important to the morale of our service personnel.

Mr. President, this conference report and bill deserve quick action by the Senate. The House approved it by a 297 to 108 vote Wednesday, nearly a 3 to 1 margin. I urge the Senate to consider H.R. 6531 promptly and give it a favorable vote as soon as possible in the interest of our national defense.

VIETNAM AND THE DRAFT

Mr. GRAVEL. The rising strength and present leverage of Senators who believe our country will be stronger and more secure—not less so—when we withdraw from Vietnam, and when we abolish the draft and replace it with a volunteer army, was described in a most perceptive article in the Washington Post the other day by Spencer Rich.

Highly effective and skillful leadership that has been brought to bear on these vital issues in the Senate by the distinguished majority leader, Senator MANSFIELD, by Senator ALAN CRANSTON of California, and by others of both parties.

I ask unanimous consent to include the article in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE GREAT CHOICE ON VIETNAM AND THE DRAFT

(By Spencer Rich)

An elaborate game of legislative "chicken" is being played on Capitol Hill over the two-year draft-extension bill and the Mansfield end-the-war amendment.

The question is who will back down first: the Nixon administration, or the soft-spoken but redoubtable Senate Majority Leader, Mike Mansfield (D-Mont.)?

The military draft expired June 30 and the administration wants it extended for two years. But the bill is deadlocked in a House-Senate conference because the President insists that the Mansfield amendment—expressing Congress' desire to end U.S. participation in the war within nine months provided prisoner release can be arranged—be dropped from the final measure.

The Mansfield amendment is not absolutely binding on the President in a legal sense, because it would not cut off funds for U.S. operation in Indochina once the nine-month withdrawal deadline is reached. But the presidential signature, as the price of letting the draft continue, would constitute a moral commitment which Mr. Nixon could contravene only at his grave political peril.

The Nixon administration position has been that any deadline would make it unnecessary for Hanoi to negotiate and would thus destroy the U.S. bargaining position in Paris. The Mansfield camp responds that the time has come to get out, as fast as possible, before the war destroys the cohesion of U.S. society, without waiting until the future of South Vietnam has been guaranteed.

Speculation on Capitol Hill is that renewal of serious negotiations in Paris, plus the President's surprise announcement of a planned visit to mainland China, may somewhat weaken Mansfield's hand. They may lend fresh credence to the President's claim that no congressional deadline is needed because he is moving toward an Asian settlement.

It is possible that the conferees, who are to meet again Tuesday, might simply mark time for a while to allow negotiations to go forward in Paris. Some real progress there might make the Mansfield amendment superfluous—or might even move Mansfield to withdraw it.

But that is off in the future. Mansfield said Friday that the China announcement is not causing him to back down.

Right now, Senate conferees, duty bound to uphold the Mansfield amendment which passed the Senate 57 to 42 on June 24, are at an impasse with the House conferees who, with strong backing from the administration, have refused to accept any language which has a definite end-the-war date.

In the struggle, Mansfield holds several powerful cards. He, himself, has consistently voted against extension of the draft, which he regards as unfair and unnecessary. Therefore, he is immune to appeals that he jettison his amendment in the interest of getting the Selective Service extended.

Further, the Majority Leader stands to benefit from a newly awakened love of the filibuster on the part of Northern Democrats and liberals of both parties.

At one time, the filibuster was the tool primarily of Southern opponents of civil rights legislation. But William Proxmire (D-Wis.) used it at the end of last year to kill the supersonic transport plane. And a bloc of doves employed it at that time to force into law provisions barring use of U.S. ground combat troops in Laos, Thailand and Cambodia and restricting U.S. financing of foreign "mercenaries" fighting in those countries.

Mansfield himself is neither leading nor directly encouraging any filibuster against the draft bill. During initial Senate debate on the measure, Mansfield helped engineer the cloture vote that ended a seven-week talkathon. But it is highly questionable that he would do so on the conference report if his amendment were emasculated in conference.

It is widely believed in the Senate that if the draft bill returns from conference without end-the-war language acceptable to Mansfield, it may be impossible to obtain cloture against a possible new filibuster led by Alan Cranston (D-Calif.) and Mike Gravel (D-Alaska). Enough Senators may be angry enough either about the draft or the war to simply refuse to allow a final vote. This is by no means certain, but it is a strong possibility.

"We have leverage to either get the Mansfield amendment or delay the draft endlessly," said Cranston in an interview.

"I'm going to stay right in there and filibuster and they'll have to get a cloture vote to stop me," said Gravel. He said he is so opposed to the draft that he will filibuster whether the Mansfield amendment is retained in conference or not. But he conceded that, if Mansfield is satisfied with the final version of the bill, the administration's chance of breaking the filibuster would be very good.

A complicating factor, however, is the anger of some Senators over the fact that the draft bill conferees rejected the Senate's military pay raise scale, adopting the lower scale proposed by the House.

Administration loyalist Gordon Allott (R-Colo.), sponsor of the Senate version, said he will try to send the bill back to conference to get the higher pay scale adopted.

If Mansfield has some strong trumps in the head-to-head combat, so does the President. The longer the impasse over the draft bill lasts, the more the administration may be tempted to mount a campaign accusing Mansfield and others of (1) threatening the success of the Paris peace talks by holding out the hope to Hanoi that Congress will give it, in the Mansfield amendment, all it wants without having to bargain, and (2) endangering the nation's security by holding up the draft.

Although some Capitol Hill sources with access to the Pentagon report the armed forces able to get along nicely for months before feeling any draft "crunch," the argument is likely to be made that "things are getting tight" and "we need the draft urgently now." The administration does have power to draft up to 5 million men, up to 35, who were previously settled men with jobs and families and this would be politically difficult. The White House has declined so far.

In the absence of a breakthrough in Paris, what the struggle basically comes down to is how long each side can afford to hold out. At some point, the argument that Mansfield is selfishly holding up the draft in order to force his own amendment into the bill will begin to have some political impact in the Senate. Mansfield will then start feeling the heat, particularly since the majority leader is supposed to advance legislation rather than hold it back.

At the same time, there is some feeling among senators that the Nixon administration has been stalling the conferees to avert a defeat. Some believes they may even try to stall for months, for fear the amendment could harm President Thieu's chances in South Vietnam's October election. Moreover, even some Senators who oppose the Mansfield amendment don't consider it so damaging to the administration that, if the need for the draft became truly pressing the amendment couldn't be accepted with "reservations."

"It's a sense of Congress thing and therefor the administration is only in as much of a bind on the draft as it wants to be. Any time the President wants, he can take the amendment and announce that it's only an expression of sentiment and not binding," said one Senate source.

This outcome is not likely to appeal to the administration. The Mansfield language still sets a date for the world to see, even if not binding. So unless the Paris talks show real progress, the game of chicken on Capitol Hill will probably have to be played down to the end; a cloture vote to see who has the muscle. Then, perhaps, a real search for a compromise will begin.

Mr. HATFIELD. I would like to ask the distinguished Senator from Mississippi in the one part of the conference report which has to do with what he has just talked about, what the conference committee report did as to the pay scale in relation to what was passed by the House and what was later passed by the Senate in the Allott amendment, what was the conference committee's stand or agreement on the pay scale?

Mr. STENNIS. Let me be quite brief there. The conference pay proposal is well balanced in that it provides for attraction of first-term personnel as well as for retention of vitally needed career personnel;

It is eminently fair in that it eliminates the inequitable treatment of enlisted personnel with under 2 years of service;

It provides for a badly needed housing allowance increase for all military personnel;

And it raises military families above acceptable poverty guidelines.

This is one of the most complicated matters I have ever dealt with. I held hearings in 1958 on this same subject, so I have been through the mill on it.

We took the two pay provisions, and took what we thought was the soundest of each. We kept the enlistment bonus pay, for instance, that the Senate had in the bill. That is a part of the volunteer plan. In the other provisions—just let me hit this briefly—$1.5 billion of the $1.8 billion increase in basic pay, 86.2 percent is for personnel with under 2 years of service.

That is an amazing fact—86.2 percent.

Mr. HATFIELD. Was the conference pay scale higher or lower in its overall provisions than the House-recommended pay scale?

Mr. STENNIS. The way it came out, the basic pay is equal to the Senate version. In housing, the scale was in between the two versions.

Mr. HATFIELD. But in the overall pay scale, is it not true that the conference committee report is lower than the Senate's and lower than the House vote?

Mr. STENNIS. Yes. That is the way the total figures added up. There is no sin in that. I do not see that there is much excuse to "poor mouth" the pay increase here—$2.4 billion. Let me emphasize that this money is in entirely separate categories and we balanced off the categories, dealt with each separately, and improved on the bill, I think.

When we add up all the different categories of the figures, it came out in an odd way—the Senator is right.

Mr. HATFIELD. I agree with the Senator from Mississippi, the chairman of the Armed Services Committee, that this is a very important, a very serious and profound question that is now posed to the Senate.

I want to assure the Senator that I am willing to stay here beyond the so-called recess period tomorrow night in order to dispose of this legislation and act upon it one way or the other.

But I can assure the Senator from Mississippi that I will object to any time agreement that will be attempted to be set here on this issue before tomorrow night.

I shall do so because I think there are fundamental changes which have taken place in the bill as we last considered it in the Senate. I think we should have an extended period of time to discuss these points of change, especially the fact that the Republic still stands and we still have not had any draft inductions.

Mr. STENNIS. If the Senator will let me make my proposal first, before he objects.

Mr. CRANSTON. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I should like to make my proposal first, but I yield to the Senator from California.

Mr. CRANSTON. I would simply like to ask one question related to the conscientious objectors amendment which I offered and which was adopted by the House but was dropped in conference. That was an amendment designed to deal with the court decision which changed the status of young men who were not aware of the fact that they should seek conscientious objector status before they received their induction notice and under the court ruling they were not allowed to do so. I believe they had first to accept the induction notice and then, within the Army, apply for conscientious objector status. This violated the religious principles of many people in Pennsylvania and the principles of others elsewhere in the country and has confronted many young people with the choice of violating the law or violating their religious principles.

I had hoped that the amendment would stand through the conference, but it did not. However, I would deeply appreciate a brief explanation from the Senator from Mississippi as to what happened.

Mr. STENNIS. The Senator will recall that we accepted the Senator's amendment and I made the statement that I would take it in good faith, act on it, and do everything I could to get it accepted, without leaving a hole that a lot of others could get through. We made the effort. It was totally rejected by the House conferees. Therefore the Senate receded, but, as the conference report states:

> With the understanding that in unusual cases, local boards would have discretionary authority of extending to all such registrants a hearing on their late claim if circumstances so warranted, (p. 22).

The position is that the local boards in these areas especially affected would, under the encouragement of the Director of Selective Service, make an exception and perhaps give some advance notice of some kind and give these people a chance to be heard. But the idea is right. The amendment was hard law, opening up the whole issue, and we were not able to get that adopted. It was virtually impossible to get it.

Mr. CRANSTON. I would appreciate it if the Senator could explain what the hole was that they were concerned about, since Mendel Rivers was the original sponsor of the measure that did prevail until the court decision. I find it hard to believe that it was a provision that would have opened up a vital gap in the Selective Service Act.

Mr. STENNIS. All through the conference we made many efforts, not once but several times. We deferred it and carried it over again. I think the record will check that out. My recollection is that the Senator is in error as to what Mendel Rivers did. The Director's authority, I believe, is important. We considered that in working out the language in the joint statement—that the local boards could be encouraged, in those special cases, to follow a little different rule—not at all times—but under the leadership of the director.

I say to the Senator again that I will see the Director and take it up with him and get him to go as far as he will. Frankly, I have not had time to do that since this report came out, but I will.

Mr. CRANSTON. I thank the Senator from Mississippi very much.

Mr. STENNIS. I know the Senator's earnestness about this matter.

Mr. CRANSTON. I know that the Senator did make an effort about this point, and I know that he will make an effort with the Director, but I am reluctant to leave this totally at the whim of the local boards, because many of them have been highly arbitrary in this matter.

Mr. STENNIS. I thank the Senator for his comments.

Now, Mr. President, unless someone wishes me to yield——

Mr. SCOTT. Mr. President, may I ask the Senator from Mississippi whether after he proposes his request he will still hold the floor.

Mr. STENNIS. Perhaps for a few minutes.

Mr. MANSFIELD. Mr. President, I would like to be heard, too, at that time. However, I suggest that the request be made first.

Mr. SCOTT. Mr. President, I will withhold my request.

Mr. STENNIS. Mr. President, the committee having considered and disposed of this conference report, I ask unanimous consent that the time for debate be limited to 2 hours to the side, under the proper procedures as to the control of time, and that at the conclusion of that time or when the time might be yielded back, we proceed to a vote on the adoption of the conference report.

Mr. GRAVEL. Mr. President, reserving the right to object, and I shall object, I would like now to permit the majority and the minority leaders to speak. Or does my objection stop further debate on this?

Mr. MANSFIELD. Not at all.

Mr. GRAVEL. I reserve the right to object, and I want to announce that I shall object.

Mr. STENNIS. Mr. President, may I propose in lieu of the original proposal that if anyone has any suggestion as to what time they think would be more proper, I would be glad to consider it and perhaps agree to it. I ask unanimous consent that we have 3 hours of debate on each side.

The PRESIDING OFFICER. Is there objection?

Mr. MANSFIELD. Mr. President, reserving the right to object, I think it is rather late in the day and late in the first phase of this session to bring a conference report of this magnitude before the Senate.

I would point out that my figures are not up to date. Unfortunately, the Defense Department has not forwarded to me the weekly casualty list for the past several weeks. I am sure that it was an oversight. However, as of July 10, less than a month ago, 300,871 Americans were wounded; 45,373 Americans died in combat; 9,653 Americans died in noncombat capacities—55,026 Americans dead in Vietnam, in Southeast Asia; 355,897 American casualties as of July 10, 1971.

Just lately I received some information relative to the number of amputee casualties because of the war in Southeast Asia.

In 1966, there were 88.

In 1967, there were 203.

In 1968, there were 439.

In 1969, there were 609.

In 1970, there were 312.

From January to April 1971, there were 72.

There have been a total of 1,723 amputees.

In regard to the number of servicemen in Southeast Asia who are addicted to drugs, I am informed by the Assistant Secretary of Defense for Health and Environment:

> We are now engaged in an enlarging testing program to determine the extent of drug addiction there. Based on available data, the number of addicted servicemen appears to be considerably fewer than 40,000. We anticipate more accurate estimates as the detection program proceeds. The highest priority attention is being given to control of drug traffic, detection of addiction, and treatment and rehabilitation of servicemen who become victims of drug addiction.

It is high time. It is long past time.

This is the longest war, I believe, in the history of this Republic. It is the second most costly war in the history of this Republic. This war has cost us around $120 to $130 billion conservatively speaking. Not only do the cities of Southeast Asia burn, but the cities at home also burn because of riots and poverty and ghettos.

So, we have the casualties, 355,000 Americans, and we have the cost which will be doubled and redoubled into the next century. And we have the growing drug problem. Yet a Senate amendment, which the Senate adopted by a vote of 61 to 37, calling for a total pullout of U.S. troops within 9 months if at the same time all POW's are released and all missing in action wherever possible are identified or found, was vitiated in a conference between the two Houses.

Of course the amendment is better than nothing, but that is not saying much. If we mean what we say, that our main objective before we will withdraw is to bring about the release of our prisoners of war, why do we not proceed on that basis? Madame Binh, the chief Vietcong negotiator, Xuan Thuy, the chief North Vietnamese negotiator, and the No. 5 man in the North Vietnamese politburo, Le Doc Tho, have made a proposition that they will consider a withdrawal in line with the prisoner release on a phase basis and apart and separate from the other five points in the seven-point proposal advanced in Paris a little over a month ago.

Mr. President, some people may denigrate the war in Vietnam and Southeast Asia. Some people may try to shrug off these 350,000 American casualties. Some people may think little of the cost in an area which is not, has not, and never will be vital to the security of this country.

Oh, yes, I have read speeches prepared—not given, but prepared—about how the Southeast Asia Treaty was a justification for our going into Southeast Asia. And I have had my name mentioned in reference to that fact because along with Secretary Dulles and our late colleague, former Senator Alexander Smith of New Jersey, I was one of the three U.S. signatories to that treaty. But that treaty applied to nations primarily outside of Indochina—the Philippines, Australia, New Zealand, Pakistan, Thailand, France, Indochina was brought in as a corollary under the umbrella of SEATO because at that time the Indochinese states of Laos, Cambodia, and South Vietnam were outside the perimeter of the treaty.

But the one thing which this statement, which was inserted in the RECORD but which was not read, left out was that before this country would go to war in that part of the world under the terms of that agreement would be "due constitutional processes." The Senator from Montana was the one who insisted that those words be included in that treaty, and "due constitutional processes" does not mean signing a Southeast Asia Treaty nor does it mean approving a Gulf of Tonkin resolution.

This conference report is an important matter. For the first time, by an overwhelming vote, the Senate expressed its strong desire that this war be brought to a conclusion within 9 months, with the proviso that within that time there would have to be a phased release of U.S. prisoners of war to match our phased withdrawal.

What have we got to lose? President Nixon has had in effect for two and a half years a policy of phased withdrawal of American troops. He is doing that already, and I give him full credit for what he has done but it is not fast enough.

Do we withdraw as slowly because we want to give the Government of South Vietnam "a reasonable chance to survive?" Well, to my personal knowledge, since 1954, for 17 years we have been equipping, advising, supplying, and aiding during most of that time, paying for the cost of equipment which the South Vietnamese Army used. We have had our generals there since 1954.

What do we mean when we say "a reasonable chance?" Is 17 years not long enough? Is an army of 1.1 million men, equipped, trained, supplied, and advised by us not enough? Are not 355,000 American casualties enough? Is $130 billion—only a third of the ultimate payment for this involvement—not enough?

What kind of people are we? Why are we in Southeast Asia? What for, at what cost, and for what reason? It is about time that Congress woke up, as the American people have awakened, I repeat, to the casualties, the costs, the corruption, the drug addiction, and all the other evils and tragedies which have beset this country since this mistaken war got underway.

We have paid far too much and gotten nothing but trouble, and difficulty and danger to ourselves.

Yes, we can burn cities in South Vietnam, and in the delta, cities like Ben Tre. We can "destroy" those cities to "save" them. Our own cities are burning in a different way, but burning just as fiercely. Our own people are divided, not because of race primarily, but because of Vietnam and all it entails. Many of our own people are going hungry and our prestige has fallen in every continent of the world.

I am not interested in face, personally, although I have my share of pride. I am not interested in prestige. I am interested in people, and the people I am most interested in are my own people in the United States of America. The country I am most interested in is my own country, the United States of America.

We have a lot to talk about and every Senator has a tremendous responsibility in this situation, just as the President has, but this is not a case of adversary proceedings; it is a case of paying the piper for the mistakes which we have made for far more than a decade. It is time for us in this body, in this Congress, and in this country to face up to our responsibilities regardless of the cost, and to act accordingly.

I think it would be better, therefore, instead of trying to get a time limitation for tonight or tomorrow, which in my opinion would be impossible to achieve, if we agree here and now to make this conference report the pending business on Monday, September 13, and at that time debate it, thrash out our differences, and see what our decision will be.

Mr. SCOTT. Mr. President, I believe the Senator from Alaska reserved the right to object.

If I may yield 5 minutes on this side, I may say it would not be difficult to find fault with the sorry record of a war which has been going on entirely too long with its many tragic consequences.

I think perhaps the point of variance here might be the difference on the assumption of our much beloved friend, the distinguished majority leader, that because the enemy have indicated they will sever some of these points from the point of withdrawing and the return of the POW's, there is at the same time no evidence that the enemy actually will do what he says. There is vast difference, as we have found out in 17 years between what the enemy will do and what the enemy says he will do.

The President was asked about this point at the press conference and his reply was that he understands—

> There has been some criticism in the Senate and the House that the administration is not interested in negotiating a settlement, that we are not considering the various proposals that have been made by the VC and North Vietnam.

He goes on to say, on the contrary in denying that:

> We are very actively pursuing negotiations on Vietnam in established channels. The Record, when it finally comes out, will answer all critics, as far as the activity of this government in pursuing negotiations in established channels. It would not be useful to negotiate in the newspapers . . .

Certainly, we want to get at it. Certainly we want our prisoners of war back, and certainly even during the recess there may be developments. I know of none, but there may be developments with regard to these questions, including prisoners of war. We hope so. Negotiations are being pursued and negotiations are being pursued hard and continuously and all the time. Therefore, what the distinguished majority leader and I both want, and that is to accomplish release for the prisoners and to find a way to get out of the war as soon as possible, could be achieved, I think, without impeding the adoption of a major issue which this Congress has supported under previous Presidents and should not deny, in my opinion, to this administration.

It seems to me it also should not put itself in the position where the effect of the draft law, that part of it remaining on the books, operates to discriminate against those who have received deferments and acted abundantly in good faith and who now may be subject to a callup because the lawful normal, regular operation of the law in accordance with the lottery principle has been delayed in this body, the Senate.

I think it is unfortunate that we have to go into a recess period. Of course, if we do, I would hope that we could come to a time agreement when we come back and take it up again on the 13th of September. I think it is unfortunate, and I point out that it is in no way the fault of the administration, that the draft bill is no longer the law, and it is not the fault of the administration that we got into the situation we did with regard to the draft bill.

We would like to see it disposed of. We stand ready to see that it is disposed of. The Armed Services Committee, for the most part, is ready to dispose of it.

I well understand the impassioned feelings of the distinguished majority leader. I share them, but I do not see how the return of the prisoners of war is affected by failure to enact the draft bill.

I understand the language of the proposed compromise would have the effect of drawing from the administration some indication that, following the release of the prisoners of war, it would only be a matter of a relatively short time before the withdrawal of American forces could be effected. But the administration is doing its level best to remove prisoners of war, who were not taken prisoner under this administration for the most part; and it ought not to be impeded, it seems to me, by a requirement by the Congress that our negotiations for the removal of the prisoners of war be turned over to the Congress by virtue of the enactment of a clause in the draft bill.

So I would hope that we would go through with the draft bill. I regret any objections being made. I would very much prefer that we act on it now, but if we do not, it seems to me it would be very useful if the majority leader and I could manage to secure an agreement on time when we come back. Otherwise, it may be that we will be debating this bill from September 13 for the rest of the year, which is something that I do not look forward to.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. SCOTT. Yes; I am glad to yield.

Mr. MANSFIELD. Mr. President, I appreciate the temperate tone of the distinguished minority leader. I know that every Member of this body, regardless of how we vote, feels as we do about the terrible cost of life in this tragedy in South Vietnam and Southeast Asia.

I agree with him that it is not the fault of the administration, but I would say it is the responsibility of the Senate and the House—the Congress—that we have a voice, under the Constitution; that we should recognize our responsibilities; and that we should act accordingly.

No one is denigrating the President, because, strange as it might seem, the desire on the part of Congress—and that desire has been evidenced since January 20, 1969—is to help the President. For some reason or other, there are people in the bureaucracy downtown who have the idea that because we belong to Congress, we are natural adversaries of whoever happens to be President. They think that if the Republicans are in power, we Democrats are against them.

I think I can say without fear of contradiction that this Democrat-controlled Senate, the Democrats in this body, have offered to this President every possible cooperation in the field of foreign policy. As far as the Senator from Montana is concerned, that cooperation is going to be offered again and again and again, because the least important thing in our lives as politicians is whether or not one party or the other wins, whether or not members of one party or the other are elected or defeated. For a little while we think it is important, but the thing that counts is the welfare of the Nation as a whole. This Republic is facing the most dangerous period in its history, and the times do not call for adversary proceedings. The times call for cooperation and accommodation, as we have in this body between the two leaders and between the two parties, and as we would like to do in relation to the administration downtown. We want to work together because, while it may be hard to believe because a politician says it, we all are agreed, in my opinion, that the welfare of the Nation comes ahead of the success of either party or any individual member.

Mr. SCOTT. Mr. President, I will conclude by saying that we all fully understand that the distinguished majority leader puts his country first, and that there is not a political connotation in the remarks he has made or any action he has been taking with regard to this bill.

I point out, as the President has often said, that on the 20th of January 1969 he could have been a hero to all the people had he taken the purely political step of immediately ending the Vietnamese war. To do so, of course, would have abandoned our obligations and commitments as made by his predecessors and we would have opened up areas to worse slaughter. He took the course he promised to take earlier, before he became President, that he would end the war; that he would wind down the war, and he is doing it; that he would deescalate and withdraw our forces, and he is doing that now to the point where our Armed Forces are purely in a defensive position. The casualties a week ago were 12—12 are too many—which we, of course regret, but they are down from a maximum of 300.

The Army is obviously in a position where it is simply defending its posts and positions.

I have said before, and been criticized for it, that I think we will be out of combat status and the ability to wage offensive combat before many months. Because I have been criticized for it, I take the privilege of repeating it, and I believe it, and I am sure that those who are reluctant to attack me see it and also believe it, but they would rather have me say it. It is the truth that we are getting out.

I only hope we can work our way through the draft bill as an orderely piece of legislation because so much hangs on our treating fairly the young people of this country and being able to say, as soon as we can, who is going to be liable for the draft and who is not going to be liable for the draft. The longer we delay in the Senate, the greater we add to the confusion in the country as to who is liable for military service.

As one who would like to see the draft ended whenever it can be ended, I want to see it, first, put into an orderly study to get our needs tested out, and then examined again to see if we cannot transfer it to a volunteer army.

I thank the distinguished Senator from Mississippi for yielding.

Mr. ALLOTT. Mr. President, will the Senator from Mississippi yield to me?

Mr. STENNIS. Yes. Mr. President, I ask unanimous consent that I may yield to the Senator from Colorado without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLOTT. Mr. President, much has been said on this subject. Because of conversations I have had with the distinguished chairman of the Committee on Armed Services (Mr. STENNIS) and with other Senators, I feel that I should say a few words. I want to make my position very clear.

My position in this matter, basically, is that I feel that we need an extension of the draft. I feel also that we should move toward a volunteer army. Nothing else would have compelled me to offer the so-called Allott amendment for a pay scale if I had not believed there was no other way to get a successful volunteer Army in the United States.

I made my position clear. I intend to oppose the adoption of this conference report. This is no surprise. The distinguished Senator from Mississippi knows it because we have discussed it. I intend to oppose the conference report entirely and solely on the basis of the conference agreement relative to the pay raises.

I will not object to any reasonable limitation of time provided that this element is given a reasonable chance for discussion on the floor of the Senate. I will not participate in any kind of filibuster on this bill because I think the critical aspects of it as they affect the country are far too great, and it is highly important that we arrive at a conclusion. I do not think the time is so critical that we should not instruct, first of all, to defeat at least the adoption of the report, as I hope we can; and second, that we can then instruct the conferees with respect to what the Senate expects on the bill.

I feel I have to say this because I do not want to be cast in the wrong light. I am not here to filibuster; I am not here to stop it. We have had too much of this pseudofilibustering in the Senate in the last few months, and frankly I am revolted at it and disgusted with it, so I hope we can get off it.

With due deference to the distinguished Senator from Mississippi, with whom I happen to disagree on this issue, certainly there is no finer gentleman in the Senate, and no man of higher integrity. He is doing his job as he sees it, and I am willing to help him do it, provided he will do it my way, and I hope he will. [Laughter.]

Mr. STENNIS. Mr. President, objection has been raised, as I understand, and I do not wish to detain the Senate. I do have a short memorandum here.

The PRESIDING OFFICER. Will the Senator from Mississippi suspend? There is an objection.

Mr. GRAVEL. Mr. President, I raised the objection, and I suspended it in favor of the Senator from Mississippi. I now renew my objection officially.

Mr. STENNIS. I renew the request now that we proceed with the consideration of the conference report, with a time limitation of 4 hours on each side, to be under the control of the respective Senators, and that at the end of that time we vote on the conference report.

The PRESIDING OFFICER. Is there objection?

Mr. GRAVEL. I object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS-CONSENT AGREEMENT

Mr. STENNIS. Mr. President, the Senator from Montana mentioned the date of September 13. I hope he will have something further to state on that.

Mr. MANSFIELD. If the Senator will yield, the distinguished minority leader raised the question of September 13 as a possibility if we fail to conclude an agreement which might bring this matter to a head before we recess. On behalf of the joint leadership, I send to the desk a unanimous-consent agreement without in any way requiring the assent of the distinguished Senator from Mississippi, the chairman of the conferees, but just for the purpose of further discussion.

The PRESIDING OFFICER. The agreement will be stated.

The assistant legislative clerk read as follows:

> Ordered that, on Monday, September 13, 1971, immediately after the conclusion of the morning business that the Senate proceed to the consideration of the conference report on H.R. 6531, the amendments to the Selective Service Act and that the conference report remain the pending business, the completion of the morning hour notwithstanding.

The PRESIDING OFFICER. Is there objection?

Mr. STENNIS. Mr. President, I do not object.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the order is entered.

Mr. MANSFIELD. Mr. President, I propose now that in that debate, or consideration, which has been agreed to, as of September 13, the time for debate be limited to 8 hours to the side, respectively controlled by the interested Members, and that at the conclusion of that time for debate, or when the time may be yielded back, the Senate proceed to vote on the question of agreeing to the conference report.

The PRESIDING OFFICER. Is there objection?

Mr. GRAVEL. I object.

Mr. MANSFIELD. Mr. President, will the Senator withhold that objection?

Mr. GRAVEL. Reserving the right to object, I yield to the majority leader.

Mr. MANSFIELD. Mr. President. I think the chairman of the committee has been most considerate, in view of the situation which confronts him and the rest of us, the Senate collectively.

We will not return to the consideration of the conference report until September 13; that is a month and a week away. I think that an offer of 8 hours is most reasonable and I would hope that the distinguished Senator would weigh the possibility of reconsidering his position, and withdrawing his objection.

Mr. GRAVEL. Mr. President, with deference to the statement of my distinguished colleague, I still would continue my objection.

The PRESIDING OFFICER. Objection is heard.

Mr. STENNIS. Mr. President, I yield the floor.

PROGRAM—UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I made a request prior to the disposition of S. 382 which was not agreed to at that time because, legitimately, other interested Senators wanted to look it over.

I now renew that request, which reads as follows:

> *Ordered*, that the Senate proceed to the consideration of S. 659, the Education Amendments of 1971, and that it be laid aside temporarily so that S. 2393, the Disaster Relief bill, with amendments, may be considered, and that following the disposition of the Disaster Relief bill, the Senate return to the consideration of S. 659, the Education Amendment of 1971, and that thereafter the Senate consider the $1 billion Public Service Act, the continuing resolution on appropriations, the Labor-HEW conference report, and any other items of business which may become available and on which agreement can be reached by the majority and the minority leaders together.

Mr. ALLOTT. Mr. President, reserving the right to object——

Mr. MANSFIELD. And I would include in that list S. 2007, the Office of Economic Opportunity Act amendments as well.

Mr. ALLOTT. Mr. President, reserving the right to object, and I shall not object, I would like to ask the majority leader, after the temporary laying aside of S. 659, on which there is a rather delicate question pending, if he intends to come back to that tonight, or if he will come back to it tomorrow morning.

Mr. MANSFIELD. I would say the chances are that we will come back to it tomorrow, because I understand there will be some discussion, some debate on the Disaster Relief Act. That is the best guess at the moment.

Mr. ALLOTT. I thank the distinguished Senator.

Mr. SCOTT. Mr. President, if the distinguished Senator will yield, because he and I have been working together——

Mr. MAGNUSON. Mr. President, will the Senator yield? It is my understanding that tomorrow we will take up the appropriation for the Emergency Service Employment Act, or at any time tomorrow that we wish we will take up the conference report on HEW, probably in the morning. The Senator from New Hampshire would prefer in the morning.

Mr. MANSFIELD. And hopefully the $1 billion emergency service employment appropriation.

Mr. COTTON. Mr. President, before the matter is finally settled——

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate? And would the Chair kindly clear the floor of those who are not authorized to stand. Let them either sit or leave the Chamber.

The PRESIDING OFFICER. The Senate will be in order.

Mr. COTTON. I understand it is very likely that the higher education bill will not be taken up until tomorrow.

Mr. MANSFIELD. That is correct.

Mr. COTTON. What time do we come in?

Mr. MANSFIELD. Eight o'clock, but we do not get to it until about 9:30 or quarter to 10 or thereabouts, and I would suggest that the distinguished Senator postpone the question he was going to raise last night, but unavoidably was unable to raise then, until tomorrow morning when we have time.

Mr. COTTON. The only problem is that the President of the United States has selected tomorrow noon to fly to New Hampshire, and I have almost got to go with him. It very likely would not be reached before noon, would it?

Mr MANSFIELD. If we can dispose of the disaster relief bill. I think we ought to be able to get to it around 10 o'clock—certainly not later than 10:30—which might fit in with the Senator's plans.

Mr. COTTON. Otherwise, I will have the majority leader or someone else avail himself of my 5 minutes to propound the question to the managers of the bill.

Mr. MANSFIELD. I would be delighted.

The PRESIDING OFFICER. Is there objection?

Mr. SCOTT. Mr. President, if the Senator will yield, I should like the RECORD to show that we are quite anxious that the $1 billion Public Service Act, which has been high up on the list for consideration, be disposed of tomorrow as soon as it possibly can.

Mr. MANSFIELD. It will be.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Reserving the right to object, Mr. President, if this agreement is entered into, would a point of order against the consideration of the Economic Disaster Relief Act, under the Legislative Reorganization Act of 1970, be waived, or would it still be available?

The PRESIDING OFFICER. A point of order on what basis?

Mr. GRIFFIN. Section 252 of the Legislative Reorganization Act of 1970 provides that the report accompanying each bill shall contain an estimate made by such committee of the costs which would be incurred in carrying out such bill or joint resolution in the fiscal year in which it is reported and each of the 5 fiscal years following such fiscal year.

I point out that one of the serious objections to this bill is that nobody knows what it is going to cost, and the report does not contain the estimate of costs for each of the 5 fiscal years, as required by the Legislative Reorganization Act.

Mr. MANSFIELD. If the Senator would yield, would he withhold his questions until we get back to where we were under unanimous-consent request so that the Disaster Relief Act can become the pending business, as it was when temporarily laid aside for the purpose of taking up——

Mr. GRIFFIN. If the majority leader will permit me, the question is whether or not the Economic Disaster Relief Act can appropriately be placed before the Senate, in view of——

Mr. MANSFIELD. But it was, under unanimous consent.

Mr. GRIFFIN. The question now is, Would a point of order be waived if the unanimous-consent request is agreed to?

Mr. MANSFIELD. Mr. President, as I understand it, in this body we can do anything under unanimous consent.

The PRESIDING OFFICER. Almost anything. [Laughter.]

Mr. GRIFFIN. Mr. President, I make the point of order that the Economic Disaster Relief Act is not entitled to consideration, because the report does not comply.

The PRESIDING OFFICER. The Chair informs the Senator from Michigan that a unanimous-consent agreement already has been entered into that the Disaster Relief Act would be the pending order of business, and there was no objection at that time. Also, there is an agreement providing for the conditions under which it is to be considered.

Mr. GRIFFIN. Is the Chair, then, telling the junior Senator from Michigan that the point of order already has been waived?

The PRESIDING OFFICER. It does not waive the point of order. It just brings the bill up automatically.

Mr. GRIFFIN. Can the point of order be raised?

The PRESIDING OFFICER. It can be raised.

Mr. GRIFFIN. I thank the Chair.

Mr. MANSFIELD. After it is pending.

Mr. SCOTT. After it becomes the pending business.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ECONOMIC DISASTER AREA RELIEF ACT OF 1971

The Senate resumed the consideration of the bill (S. 2393) to amend the Disaster Relief Act of 1970 to make areas suffering from economic disasters eligible for emergency Federal and to improve the aid which would become available to economic disaster areas, and for other purposes.

Mr. MONTOYA obtained the floor.

PRIVILEGE OF THE FLOOR

Mr. MAGNUSON. Mr. President, will the Senator yield for a half minute?

Mr. MONTOYA. I yield.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that two members of my staff have the privilege of the floor during the consideration of this bill.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, will the Senator name them?

Mr. MAGNUSON. Stanley Barer and Norman Dicks.

Mr. BYRD of West Virginia. It is my understanding that they are not to remain on the floor during the rollcall vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METCALF. Mr. President, will the Senator yield to me for a similar request?

Mr. MONTOYA. I yield.

Mr. METCALF. Mr. President, I ask unanimous consent that when the education bill is laid before the Senate, a member of my staff may have the privilege of the floor while I present an amendment, but not during the rollcall vote. His name is Stephen Connolly.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MONTOYA. Mr. President, I ask unanimous consent that the following members of the staff of the Committee on Public Works have the privilege of the floor during the debate and the vote on S. 2393: Barry Meyer, Bailey Guard, Phillip Cummings, Judy Parente, David Sandoval, John Yago, Richard Herod, and my legislative assistant, Karl Braithwaite.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask that the Sergeant at Arms be very careful to keep committee staff people as well as members of Senators' staffs seated in the Chamber and ask them to please be quiet while they are seated.

The PRESIDING OFFICER. Who yields time?

Mr. MONTOYA. I yield myself 5 minutes.

Mr. President, in 1965 two significant bills relating to economic development were enacted into law by the Congress. The Appalachian Regional Development Act and the Public Works and Economic Development Act both established new programs for the participation of the Federal Government in State and local development activities. These programs provided new approaches to old problems and they have had substantial impact on the areas in which they function.

Since 1965, the Committee on Public Works has had a continuing interest in the strengthening of local economies on the basis of soundly conceived public works activities. The Appalachia and EDA programs have been improved by amendments to the original acts.

Early this year the Subcommittee on Economic Development, which I chair, undertook a series of field hearings to explore economic development problems in all parts of the country. We were aware that changing conditions required new legislation not only to assist communities in long-range development, but to deal with the immediate problems of unemployment and economic stagnation.

During these hearings, which were conducted in seven States and Washington, D.C., the subcommittee received extensive testimony on the impact of the current economic crisis. We were also made acutely aware of the need for comprehensive, long-range activities to provide stable economic bases in all parts of the country.

During the course of our hearings, the subcommittee visited several areas in which there have been large increases in unemployment over a relatively short period of time. In Los Angeles, Seattle, and Wichita we saw dramatic and tragic evidence of what happens to communities when the number of jobs provided by a single industry is suddenly reduced. In each of these three instances it was a downturn in the fortunes of aerospace industry that caused severe economic problems in each of the communities. Similar situations, however, exist in other parts of the country. In Alaska, Connecticut, Michigan, and in my own State of New Mexico many thousands of workers have lost their jobs.

It became readily apparent that immediate action was needed. There is a need to create jobs, but there is also a pressing need to alleviate the hardship and uncertainty endured by the millions of Americans who are now without earned income.

It is to this need that the bill we are now considering, S. 2393, addresses itself.

To brake the inflationary spiral set off by the tremendous demands placed upon American resources during the latter part of the 1960's, the present administration adopted as its major economic strategy a policy of fiscal and monetary restraint. The anticipated cost of this policy would be an increase in the number of persons unemployed. This policy, coupled with decreased hostilities in Vietnam and decreased employment in the Nation's aerospace industry, led to the 1970 recession and its high levels of unemployment.

The Bureau of Labor Statistics listed 5.5 million persons out of work as of June 1971—a 10-year high; and this number excludes those persons who have long since given up hope of finding a job. Projections of the Nation's economy over the next year forecast a continued sluggish rate of growth with the unemployment rate remaining close to 6 percent.

The unemployment rate among certain groups, particularly minorities and the unskilled, is even higher. These groups are less equipped than most to face the hardships of unemployment in a complex technological society.

In addition, the nature of the current economic slump has, for perhaps the first time in our history, thrown large numbers of highly trained and skilled workers into the category of the jobless.

We see today the world's most powerful economic machine sputtering along at three-quarters of capacity. We see millions of our fellow citizens denied the benefits of the American system. And we see little prospect for changing this situation without dramatic and immediate action on the part of the Federal Government.

The Subcommittee on Economic Development plans this fall to begin formulation of new legislation, applicable throughout the Nation, to strengthen local economies. Through these efforts we would hope to avoid severe local economic slumps in the future.

In the meantime, we propose through S. 2393 to give immediate assistance to individuals and communities which are now bearing the burdens of high unemployment.

The committee believes that the most expeditious way to do this is through the existing legislative and administrative machinery for dealing with natural disasters. For the person whose income has been cut off, there is little difference between a natural calamity and one resulting from economic fluctuations over which he has no control.

S. 2393 amends the Disaster Relief Act of 1970 to provide relief for economic disasters similar to that authorized for natural disasters.

The definition of a "major disaster" would be broadened to include areas, communities, or neighborhoods where the unemployment rate is 50 percent above the national average for 6 of the preceding 12 months, or shows a 100-percent increase over 12 months to a rate above 6 percent. Under these circumstances the Governor of a State in which such an area is located could ask the President to declare that a disaster has occurred.

When this declaration is made, individuals in the disaster area would be eligible for a variety of relief measures. These include temporary housing, mortgage or rent payments for up to a year, food stamps or commodities, extended unemployment compensation, medical services, and relocation assistance.

Loans could be made to enterprises with the potential to be major employment sources in a disaster area and those which have been major employment providers and are out of operation because of the disaster. Communities affected by economic disaster are seriously hampered in their efforts to provide essential services, because of the decline in tax revenues. To meet this problem, S. 2393 also authorizes grants to communities to replace the loss of tax revenues.

These steps would, I believe, enable the unemployed to more easily survive the rigors of an economic disaster. The Federal Government cannot permit people to be hungry or homeless while economic theories are debated.

We pride ourselves on being a Nation of hard-headed businessmen. But we are also people of compassion who must not allow our fellow citizens to suffer when it is within our power to provide the basic essentials of life while we work to find permanent solutions to the troubles that beset us.

Mr. President, with 5½ million people unemployed, it is difficult to imagine that there is any more pressing problem facing the Congress today than that which S. 2393 seeks to alleviate.

The Congress has worked hard this year. We are to begin a summer recess shortly, but it would be the height of irresponsibility for the Senate to adjourn without giving overwhelming and enthusiastic approval to this legislation.

Several Senators addressed the Chair.

Mr. MONTOYA. Mr. President, I yield to the Senator from Wisconsin for 1 minute.

Mr. PROXMIRE. Mr. President, I commend the distinguished Senator from New Mexico on the vigor and the speed with which he has tried to meet this problem.

I have a serious problem with the bill, however, as the Senator understands, and I hope that we can work it out quickly. I would point out that the bill, I think, sets a world record, a record, certainly, since I have been here. It was introduced on August 2, 1971. It was reported on August 2, 1971—the same day. The hearings on this particular bill, if they were held at all, were confined to a single day.

I ask the Senator, were there hearings

on the bill? I know there were hearings, and fine hearings, on the main issue, but were there hearings on the bill itself on the language that is before us?

Mr. MONTOYA. Yes. We had a committee hearing, or a committee meeting, rather, to discuss the different bills pending before the committee. We did have hearings throughout the country. On many aspects covered by the bill. In fact, the hearings were so thorough, I should say, that the committee became acquainted with the varied economic situations that prevail in most of the areas of the country; and with the testimony that we brought back to the committee rooms in Washington, we were able to forge a special bill, which this is, to cover certain specified areas.

Mr. PROXMIRE. Now would the Senator also agree that this is basically a loan program, a business loan program?

Mr. MONTOYA. No; I would not say that it is. I would be glad to discuss this with the Senator and all the other facets of this, when he proposes his amendment.

Mr. PROXMIRE. Mr. President, I submit an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. (Mr. TUNNEY). The amendment will be stated.

The legislative clerk read the amendment as follows:

On page 3, line 20, insert the following: "Cost not to exceed $1,000,000."

Mr. PROXMIRE. Now, Mr. President, I will explain it. It will take only a minute. May I say that the way the bill is drafted, as I discussed it with the staff of the Banking Committee and other staff members, I understand that the bill would permit, without this amendment, an unlimited loan of $5 million, $10 million, $20 million, or $100 million. The bill also does not require appropriations to the extent that appropriations have already been made to the various agencies like the Office of Emergency Preparedness; so that under the bill as presently drafted, it would be possible to make a loan of $50 million or $75 million without any review, without any appropriations, and without further action on the part of Congress.

What my amendment would do would be to limit the bill to what I understand was the original intent, anyway, of the committee members, that is, small business and individuals.

I think, with this amendment, if it can be accepted, that I would support the bill.

I would like to make one other point because the Senator knows I am a member of the Banking Committee. This is a business loan program. This bill should have gone to the Banking Committee. It took a unanimous-consent request to send it to the Public Works Committee.

I hope that this is an exception and that in the future the members of the Banking Committee will have some notice that this kind of action will be taken.

Mr. MONTOYA. Does the Senator from Wisconsin have any more questions pertinent to the subject matter which we are discussing on my time?

Mr. PROXMIRE. May I ask the Senator—and this is on my time, as I presume I am talking on my time in introducing my amendment, and I yield myself such time as I may need for that purpose, and also to ask the Senator this question: Will he accept the amendment?

Mr. MONTOYA. Yes, I will.

Mr. PROXMIRE. All right, then, Mr. President, if he will accept the amendment so far as I am concerned, that will be fine unless we have to have a rollcall vote; but I do not ask one.

Mr. MONTOYA. The point I would like to make to the Senator is that I do not want to yield my time on the bill. If the Senator has any more questions to ask, he should ask them now while his time is running on his amendment.

Mr. PROXMIRE. I understand. I was concerned primarily with the amendment. The amendment provides for a limitation. I think that would be in order. I am satisfied that as far as I am concerned if the amendment is adopted, I could accept the bill. It is most important to help the unemployed promptly. However, it would not do any good to help the unemployed 3 or 4 or 5 months from now. They need assistance now.

Mr. MONTOYA. Mr. President, I have consulted with my colleagues on this side and with my colleagues on the other side who are members of the committee. They have authorized me to accept the amendment.

Mr. PROXMIRE. Mr. President, I yield to the Senator from Kentucky whatever time he requires.

Mr. MONTOYA. Mr. President, is the Senator addressing his remarks to the amendment?

Mr. COOPER. Yes.

Mr. PROXMIRE. I yield the Senator from Kentucky 5 minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 5 minutes.

PRIVILEGE OF THE FLOOR

Mr. JAVITS. Mr. President, I ask unanimous consent that a member of my staff be permitted to be on the floor during the discussion of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOPER. Mr. President, even though the Senator from New Mexico (Mr. MONTOYA) is willing to accept the amendment, I think there should be a rollcall vote. I say that because there will be several amendments offered to the bill to try to better define the problems to which the bill is addressed.

I see here my longtime friend, the senior Senator from Washington (Mr. MAGNUSON). I know that he is very much concerned about the problems in his own State, and is deeply interested in this bill. I would like to give some background as to the way the bill was presented to the committee and has now come to the Senate.

The Committee on Public Works reported to the Senate in early March of this year S. 575, a bill extending the Appalachian Regional Development Act and the Public Works Economic Development Act. It was passed by the Senate and went to the House. The House amended it by adding a new title, title I, with $2 billion for accelerated public works.

The bill went to conference. The Senate Committee on Public Works decided that it did not want to accept the $2 billion accelerated public works program. It decided upon a proposal which we were to take to conference and offer as an alternative to title I of the House bill—an alternative designed to meet situations such as have occurred in the State of Washington, in Wichita, Kans., in Connecticut, and other places where there have been disastrous rises in unemployment.

We thought we should have a bill which would have provided immediate aid to such places, where there had been a sudden and abrupt rise in unemployment, because of the closing of industry.

I know that there is chronic unemployment all over the country—and that is certainly a disaster in the life of anyone who is unemployed. However, we determined that we should address ourselves immediately to those areas which had suffered an unusual and severe loss of jobs, and had suddenly encountered major new problems far beyond their capacity to accommodate.

We not only went to conference; we first had some hearings. We had the senior Senator from Washington (Mr. MAGNUSON), the junior Senator from Washington (Mr. JACKSON), the junior Senator from Virginia (Mr. SPONG), and the Governor of the State of Washington, the Honorable Daniel J. Evans, testify before us and help develop the bill which we intended to bring before the conference and later before the Senate.

We went to conference. The House Members said they would not—could not, under the rules—take any new material. The conference report on S. 575 extending the Appalachia and EDA programs, included the House accelerated public works title, and was vetoed. Then S. 2317 was introduced without the House title I, so the Congress finally passed the bill.

But when we got back in committee to work upon an economic emergency area or economic disaster area bill, the majority—and I say that with respect, but I believe I state the situation correctly—changed the bill which the committee had determined earlier that we wanted to offer as a means of meeting quickly and specifically the problems existing in these places of great and tragic unemployment. In effect, they brought to us a bill which may be applicable to almost any place in the United States—not only to those who have suddenly been thrown out of work by catastrophic events, but also to the chronically unemployed all over the United States.

It had been our intention in the committee, at least when the proposal was first brought forward, to reach the cases where there had been abrupt and sudden rises in unemployment. It came out in S. 2393, as a general bill to reach chronic unemployment all over the United States. It would attempt to do so by providing through the Disaster Relief Act of 1970, the same kind of help and assistance to these areas now provided after natural catastrophes—hurricanes, floods, earthquake—and perhaps following riots or explosions and things of that kind.

Under the committee bill, money can be loaned to any company; it does not limit the amount. I assume it would not be a tremendous amount; under the terms of the bill, however, Federal funds could be loaned to any company that cannot continue its work, or that has failed, to get them going again.

The committee bill provides unemployment compensation up to 6 months for any individual who was by right entitled to it or eligible for it—and to any unemployed individual, whether he is eligible or not.

It provides for food stamps and commodities. I certainly have no objection to that, although I think food stamps are now available to the extent of about $1.5 billion a year.

The bill provides that the Federal Government can, if the closing of an industry has caused a loss of property tax revenue to the community, provide money to that community to the extent of the difference between the revenues that the city received before the company failed and the revenue that it receives after.

This is a very broad and far-reaching bill. On our side, we are going to offer amendments to try to bring it down to the point that it was originally intended to cover. Only in that way, I believe, can it be of real value to the most critical situations suffering the shock of sudden and massive unemployment. Otherwise, where is the money coming from?

The provisions implemented by this bill would be funded through the Office of Emergency Preparedness, by general appropriations. The appropriation this fiscal year, which has already been passed by the House and Senate, amounted to $85 million. Of course, a supplemental appropriation could be made. But I must say that if the Senate should pass the bill in its present form, I believe it would be giving the illusion to thousands of people around the country that the bill will help them—and it will not.

Today, the President signed S. 2317 extending the Appalachian and Economic Development Acts. That bill includes the authorization of $800 million for each of the next 2 fiscal years for public facility grants in areas of substantial unemployment. I add that at this time $106 million has been appropriated for such grants in fiscal 1972.

The public service employment bill has been passed by the Congress. The appropriations bill providing the funds for it passed the House yesterday and will be before the Senate tomorrow. One billion dollars will be available for public service employment for the first year.

There are other measures, dealing with the problems of unemployment, as I point out in my individual views, attached to the committee report on this bill.

Mr. President, the Senator from Tennessee (Mr. BAKER) was the one who really developed this idea of directing disaster-type aid to economic emergency areas. He did so with the help of the senior Senator from Washington (Mr. MAGNUSON), the junior Senator from Washington (Mr. JACKSON), and Governor Evans of the State of Washington.

As I have said, however, the bill has now begun to take on the aspect of a general welfare relief bill. Yet, there is no money authorized in it. I am afraid it would just be an illusion. And, by attempting or asserting so much, the bill may prove of little help in those areas which need help most.

I would hope, Mr. President, that we can go back to the concept that the Senator from Washington proposed—and then move on from there to some other point, where we can do something in a more general way for the chronically unemployed of the country.

I do not know what the President would do about this matter, but considering the nature of the bill and the lack of any funds, I would assume that it might be vetoed. In that case, it would indeed be a failure for the people in these areas struck by heavy unemployment.

I wanted to give this explanation, and I know it will be developed as more amendments are offered.

Mr. PROXMIRE. Mr. President, I appreciate the Senator's explanation. It is very helpful. However, in view of the fact that the hour is late and it is necessary to act promptly on this legislation, would the Senator from Kentucky agree that we could put a limit of $1 million on each loan? This would permit loans being made to individuals and small- and middle-sized companies. When we get into a larger area there is a situation that could be very difficult and very unfair. A loan made to a competitor in one part of the country could give him a big advantage. This bill would permit an interest rate of 4 percent, which is about one-half the interest rate that a big corporation would have to pay.

I have no objections to that in connection with the small business enterprise or individuals, but when we get to large enterprises it is a different matter.

Mr. COOPER. I think it is a bill which should go for help to individuals.

Mr. PROXMIRE. Did the Senator object to my amendment?

Mr. COOPER. I think I will have to object until I talk to my colleagues from this side who are on the committee.

Mr. PROXMIRE. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. COOPER. Mr. President, I have no objection.

Mr. PROXMIRE. Mr. President, I understand the Senator from Kentucky (Mr. COOPER) to say he does not have an objection.

I yield back my time and the Senator can yield back his time and we can vote.

The PRESIDING OFFICER. Is all time yielded back?

Mr. MONTOYA. I yield back my time.

Mr. PROXMIRE. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin (Mr. PROXMIRE).

The amendment was agreed to.

Mr. MONTOYA. The distinguished chairman of the Committee on Public Works (Mr. RANDOLPH) has been diligent in his attention to this legislation and has shown great concern for the people it seeks to help. I yield him such time as he may require.

Mr. RANDOLPH. Mr. President, in April of this year I participated in the hearings the Subcommittee on Economic Development conducted in Seattle, Wash. We are all familiar with the great changes that have occurred in that once-prosperous region of our country within a period of less than 2 years. During these hearings I and other members of the subcommittee were able to witness just what happens in a State where unemployment shoots up from 66,000 to more than 160,000 without warning in a relatively brief period. Since the hearings, unemployment in the State has grown to more than 182,000.

We saw firsthand that the Seattle area is literally reeling from the shock. In 1 year the number of bank home mortgage foreclosures nearly doubled and business failures tripled. In June, there were 330,000 people receiving cash welfare payments or food stamps.

While Seattle is perhaps the most dramatic and best known example of an economic disaster, it is by no means an isolated case. Nor is it the only section of our country suffering from a high concentration of unemployment. In Los Angeles, where the subcommittee also conducted hearings, unemployment is estimated at 264,000.

The number of jobless workers in Wichita, Kans., rose from 7,400 to 16,700 within 1 year. Unemployment rates in Alaska's two largest cities, Anchorage and Fairbanks, recently were more than 12 and 14 percent respectively. Similar situations exist throughout the country. Sometimes whole metropolitan areas are affected and sometimes high unemployment is confined to more restricted areas, such as central Detroit.

These facts alone should be enough to alert us to an extremely serious situation. But there are other disquieting facts that are equally alarming and indications that problems are not being resolved. One of these is the growth of long-term unemployment which finds more people going without gainful employment for increasingly longer periods.

I know that all levels of government are sincere in their concern for the unemployed. Concern, however, is no longer enough. We need to move and move quickly to reverse the trend and to assist the people whose lives are disrupted, sometimes permanently, by unemployment.

S. 2393 is a proposal by members of the Committee on Public Works and other Senators to directly help people most seriously damaged by unemployment.

The able chairman of our Subcommittee on Economic Development (Mr. MONTOYA), has fully explained the provisions of this legislative measure. This bill was developed on the basis of findings by Senator MONTOYA's subcommittee during extensive hearings this year throughout the country. Intense interest in this problem of unemployment has been shown by all members of the committee. We also were greatly aided by Senators MAGNUSON and JACKSON who have intimate knowledge of the impact of large-scale unemployment. Senator

MAGNUSON participated in our Seattle hearings as a witness and as a guest member of the subcommittee. Both he and Senator JACKSON have met with the Committee on Public Works during consideration of this bill.

S. 2393 is a stopgap proposal. It is not intended to provide permanent solutions to the causes of unemployment. It is intended to provide essential services to individuals and communities that have been caught up in the agonies of economic disasters.

The Committee on Public Works has had considerable experience in helping communities undertake long-range development activities. The Appalachian regional development program has addressed itself to the particular problems of an area which for many years lagged behind the rest of the Nation. It has proven itself to be a unique and valuable mechanism in helping the communities of the 13 Appalachian States to recover from prolonged economic stagnation.

Programs under the Public Works and Economic Development Act have given similar assistance to other communities throughout the Nation. We hope in the near future to present to the Senate legislation for a comprehensive and permanent nationwide program of economic development.

In the meantime, however, it is the responsibility of the Congress to authorize immediate relief from the suffering caused by persistent unemployment that knows no geographical limitations.

I urge the Senate to provide this relief by passing S. 2393.

Mr. BAKER. Mr. President, several weeks ago I attended the hearings held by the Economic Development Subcommittee of the Public Works Committee in Seattle, Wash. In the 2 days of these hearings, I heard many witnesses testifying with regard to the economic situation in Seattle. Their testimony reflected a general feeling of frustration and despair at the magnitude of the unemployment problem and at the relative inability of business and government to respond to an economic catastrophe of this severity.

But among the voices criticizing the inability of existing institutions and programs to respond to this crisis was the voice of one man, Gov. Dan Evans, of Washington, pointing out new and imaginative ways that we might develop machinery to respond to the situation in Seattle and similar situations which exist in several other communities across the Nation. Governor Evans testified as follows:

> Our own experience in research in attempting to deal with this problem led to the following conclusions and to my recommendation to the Subcommittee for an economic emergency program.
>
> 1. To be most effective, a system should be quickly available and designed to the specific needs of the occasion, including those of individuals, government, and business.
>
> 2. State and local government cannot respond completely to the needs of a true economic emergency such as [Seattle] faces.
>
> 3. Necessary assistance is potentially available from a large number of Federal agencies.
>
> 4. There is, however, no mechanism by or through which this assistance can be provided in a timely fashion.
>
> State and local governments are severely limited financially and otherwise, in their ability to respond to economic emergencies. Accordingly, legislation providing emergency economic relief quickly without excessive red tape, is urgently needed.

It was Governor Evans' suggestion of the analogy between natural disasters and economic disasters that led to the rapid development of legislation in the Public Works Committee to fashion a mechanism able to deal with economic disaster in much the same way that the Office of Emergency Preparedness has been dealing with natural disasters. S. 2393 represents the culmination of this undertaking.

This proposal which was reported out of the Committee on Public Works just last Thursday, would plug into the Natural Disaster Relief Act a provision for assistance to communities suffering high unemployment or suffering an abrupt loss of employment. It would do this by inserting in the criterion for designation language establishing eligibility under the following two circumstances: First, the existence of a rate of unemployment 50 percent above the national average for 6 of the 12 preceding months; and, second, the increase of unemployment in an area by 100 percent over a period of 12 months to a rate 6 percent or greater. These criterion could trigger eligibility in any area or community without regard to political boundaries.

As under the Natural Disaster Relief Act, the procedures for designation is that the Governor of the State in which the area exists makes application to the President, and the President in his discretion determines if the area specified in the application is suffering or will suffer unemployment in sufficient severity and magnitude to warrant disaster assistance by the Federal Government supplementary to the efforts and available resources of the State and local governments. As, under the Natural Disaster Relief Act, the Governor in his application must certify the need for Federal disaster assistance under this act and must give assurance that the State and local governments will expend a reasonable amount toward the alleviation of suffering in the area.

PROGRAM AUTHORITY UNDER THE ACT APPLICABLE TO ECONOMIC DISASTERS

Many of the items of program authority contained in the Natural Disaster Relief Act are not applicable to economic emergencies. However, the following sections would have applicability:

GENERAL ASSISTANCE PROVISIONS

First. Section 205—Federal-grant-in aid programs: This section authorizes any Federal agency charged with the administration of a grant-in-aid program to modify or waive administrative procedural conditions prerequisite to assistance where consistent with the emergency nature of the bill.

Second. Section 209—Nondiscrimination in disaster assistance: This section prohibits discrimination in rendering of assistance and under regulations adopted by the Office of Emergency Preparedness has provided for a Federal officer to oversee the administration of assistance to see that the provisions of this section are obeyed.

ASSISTANCE TO MAJOR SOURCES OF EMPLOYMENT

Third. Section 237—Aid to major sources of employment: This section establishes a loan program funded through the Office of Emergency Preparedness and administered by the Small Business Administration. Under the section, loans may be granted to enterprises which have either suffered a loss of employment due to the disaster or which with aid under this section might become major sources of employment in the disaster area.

AID TO LOCAL GOVERNMENTS

Fourth. Section 241—Community disaster grants: This section authorizes the President to make grants to local governments which due to a disaster have lost sources of revenue—limited to real and personal property taxes.

Fifth. Section 253—Priority in applications: This section gives priority to disaster areas in applications for public facility and public housing assistance under several enumerated Federal programs.

AID TO INDIVIDUALS

Sixth. Section 266(a)—Temporary housing assistance: This section provides for Federal provision of temporary housing, including trailers, to people whose shelter has been destroyed or taken due to a disaster.

Seventh. Section 266(b)—Temporary mortgage or rent payments: This section authorizes the President to pay mortgage and rental payments to or on behalf of individuals who have received notice of dispossession or eviction resulting from financial hardship caused by the disaster for a period of 1 year or for the duration of the disaster, whichever is less.

Eighth. Section 238—Food coupons and distribution: This section authorizes the President on such terms and conditions as he may prescribe to distribute coupon allotments to low-income households in disaster areas and also to make available in disaster areas surplus food stores.

Ninth. Section 240—Unemployment assistance: This section as amended by the committee bill would provide to any individual unemployed as a result of a disaster, such assistance as the President determines appropriate in the form of unemployment compensation extensions to individuals who have exhausted their unemployment—such extensions to run for the duration of the designation of the area as a disaster area or until the individual is reemployed. Additionally, under prior authority, the President is authorized to provide unemployment compensation to persons otherwise ineligible under State programs—this generally applies to domestics and farmworkers.

Tenth. Section 255—Medical services: The committee proposal adds authority for the President to provide to individuals within a disaster area medical facilities and staff.

Eleventh. Section 256—Reemployment assistance: This section authorizes the President to provide reemployment assistance to unemployed individuals in disaster areas. It further provides authority for the President to assist in reemploying individuals in suitable positions in other areas and to pay the expenses of seeking such employment and of moving the individual's household and family to the location of his new employment.

FUNDING

The committee bill provides no new sources of funding for the above programs. Funding would continue under the present authority provided for the Office of Emergency Preparedness. Basically this authority permits the OEP to spend for necessary programs in an emergency and then to petition Congress for a supplemental appropriation to reimburse them or participating agencies for their expenditures.

The criteria embodied in S. 2393 is potentially broader than that contained in the economic disaster relief bill which I introduced recently. While I agree that a definitive statement with regard to eligibility under the act might be of assistance to the administration, I do not feel that the breadth of the criteria embodied in S. 2393 diminishes the effectiveness of this legislation appreciably. I rather feel that the criteria add a degree of flexibility in selection of areas for assistance under the act and recognize that areas of extremely high unemployment, even though they may have a history of chronic unemployment, might be appropriately addressed by disaster relief measures.

Suffering from a critical lack of unemployment is no less devastating nor disruptive if chronic and not resulting from an unusual loss of employment. I agree that differences in the economic backgrounds of communities have an important bearing upon the relevance of emergency assistance and the forms of assistance relevant. But there is a point, indeed, at which it becomes purely semantic to draw a distinction between chronic employment and employment resulting from a loss in the employment base of a community. To attempt in the criterion of this bill to draw this distinction would necessitate an arbitrary and abstract assessment of conditions for which there is no means of analysis readily available. It would limit the flexibility of the administration in dealing with these areas, and I believe that flexibility is of paramount importance in emergency legislation.

There are those who feel that the criteria in the bill are so broad as to permit areas to become eligible for which the allocation of assistance under this bill is inappropriate. I sympathize with their concern and feel that their concern is genuine, but I feel also that there are sufficient safeguards written into the administrative procedures for designation in this bill to prohibit this from happening. The President may designate areas as eligible only when he has received the application of the Governor of the State in which the area exists certifying that the area needs emergency assistance and that the State and local governments, though they are taking all reasonable steps, are unable to meet the demands of the situation. The President then must determine that the area designated in the application meets the criteria set forth in S. 2393; that is, that the area is suffering and has suffered 50 percent greater unemployment than he Nation for six out of the previous 12 months or that the area has doubled its unemployment within a year preceding the application. And, third, the President must determine that the area is suffering from an emergency of such severity and magnitude as to warrant disaster assistance under the act. Certainly this is a responsibility which the Executive will not take lightly.

But this bill is not addressed primarily to treat areas of chronic unemployment. While disruption from chronic unemployment can become so acute as to be disastrous and properly remediable by emergency assistance, I feel that the concept of emergency assistance is more directly applicable to situations where a community has suffered an abrupt loss of its employment base through the closing or curtailment of a major source of employment. When this happens, as it has happened in Seattle, Wichita, several communities in Connecticut, and in Los Angeles, the economy of the area often simply cannot absorb the large quantity of resources, both labor and facilities, which are idled.

In recent decades the industrial community of our Nation has become more highly interdependent and more intricately specialized and, therefore, more subject to plant closures and significant layoffs due to economic dislocations and due to obsolescence caused by rapid technological advancement. The dislocations grow larger in number and more frequent every year. Traditionally, it has been the view of economists that these dislocations can be absorbed by the economy, and our highly mobile society has borne out this view. However, situations like Wichita, Seattle, are evidence that this traditional view simply does not recognize the agony and devastation that the collapse of a community brought on by the loss of its major source of employment can cause. While I am confident that communities like Seattle will eventually recover from the disaster they presently face, I also believe that this recovery could be brought about in a far more humane and efficient manner with the expenditure of emergency funds to reestablish quickly the economic base in the area.

Since the economic calamity that befalls such a community usually also renders the governmental institutions of the area incapable of meeting the emergency, I feel that Federal action is warranted.

I attempted to embody this concept in S. 2278 which was the economic disaster relief bill which I introduced some weeks ago. The criteria in that bill would have directed the relief only to areas which had suffered a catastrophic loss of employment, and the program authority in that bill would have served to alleviate the suffering of the unemployed in the area, but also would have directed funds toward the reestablishment of the economic base in the community; however, that was not the viewpoint of the majority of the full Committee on Public Works in executive session. I have repeatedly pledged my support and assistance in an attempt to pass an interim economic disaster relief bill, and while, obviously, I may have preferred the provisions of the bill which I introduced, I feel that this bill is a good bill. I voted to report it to the floor, and I shall support it.

Several Senators addressed the Chair.

Mr. MONTOYA. Mr. President, I yield to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CHURCH. Mr. President, I send to the desk an amendment and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

> "The Senator from Idaho (Mr. CHURCH) proposes an amendment on page 2, line 17, insert after the word "fire" the words "insect infestation".

Mr. CHURCH. Mr. President, I yield myself such time on the amendment as I may require.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CHURCH. Mr. President, in the last 2 years my State has sustained serious economic hardship as a result of insect infestations.

As every Senator from a farm State knows, an insect infestation can be a real disaster. As I speak today, grasshoppers are literally eating their way across five counties in my State; 700,000 acres are under seige. The prognosis is that things are going to get worse before they get better.

Last year, damage to Idaho's sugar beet crop was estimated in the millions of dollars, when, as a result of abnormal weather conditions, it suffered severe white fly infestation.

The Farmers Home Administration has been of assistance in these two cases. The FHA after much prodding recognized that these insect problems are largely the result of weather conditions which make the tremendous growths in insect populations possible. As a result, although an insect infestation is not included specifically under the present law, the FHA has granted emergency loans in cases of insect infestation.

However, Mr. President, even though the Farmers Home Administration has granted aid to areas suffering from insect infestation, the decision rests solely upon administrative discretion.

It is because of the fact that I encountered this problem last year with the FHA that I do not wish to see the Economic Disaster Area Relief Act of 1971 pass without making clear that the Congress considers the severe consequences of an insect infestation to be a major disaster. Therefore, I am offering the pending amendment which would simply spell out the fact that an "insect infestation" may qualify as a "major disaster" for the purposes of disaster relief under the terms of the Disaster Relief Act of 1970.

I consider this to be an extremely reasonable request, Mr. President, and would hope that the distinguished floor manager could accept the amendment.

The PRESIDING OFFICER (Mr. GRAVEL). Who yields time?

Mr. MONTOYA. Mr. President, as far as I am concerned personally, and for Members on this side of the aisle, I would like to state that I would accept the amendment. I have no answer from the Senator from Kentucky in this respect.

Mr. COOPER. I think this comes within the definition of a natural phenomenon. I think it would be covered. I have no objection to it being considered as a disaster.

Mr. MONTOYA. Mr. President, in view of the statement of the Senator from Kentucky, if the Senator is prepared to yield back his time, I am prepared to yield back my time.

Mr. CHURCH. I yield back my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Idaho.

The amendment was agreed to.

Mr. BUCKLEY. Mr. President, I would like to raise a point of order that was raised earlier in this debate by the distinguished Senator from Michigan (Mr. GRIFFIN).

I believe at the time the Parliamentarian said he would have to study the matter but I would like to pinpoint the exact area where the point of order arises.

The point of order is well taken and it can save us many hours of time.

The PRESIDING OFFICER. Who yields the Senator time?

Mr. BUCKLEY. Does time have to be yielded for a point of order?

The PRESIDING OFFICER. Time is under control.

Mr. BAKER. Mr. President, I yield the Senator such time as he may require.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. BUCKLEY. Mr. President, I refer to section 252 of the Legislative Reorganization Act of 1970, which stipulates as follows:

> The report accompanying each bill or joint resolution of a public character reported by any committee of the Senate (except the Committee on Appropriations) shall contain—
>
> (A) an estimate, made by such committee, of the costs which would be incurred in carrying out such bill or joint resolution in the fiscal year in which it is reported and in each of the five fiscal years following such fiscal year.

Mr. President, I submit there is no such estimate and that, therefore, in accordance with the act this bill is not in order at this time. I would also like to state that because the House has not acted on this legislation there is no need for the Senate to do so without study before the recess.

Mr. President, I have been asked to withhold on this matter for a few more minutes. I shall do so.

The PRESIDING OFFICER. Who yields time?

AMENDMENT NO. 380

Mr. BUCKLEY. Mr. President, in the meantime, I would like to call up my amendment No. 380.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

> Beginning with the words "including the existence" on line 18 of page 2, strike everything through the comma in line 23 and insert in lieu thereof the following: "including a sudden and abrupt increase in unemployment in any area or community without regard to political boundaries due to the loss, removal, curtailing, or closing of a major source or sources of employment, which increase in unemployment has caused the unemployment rate of the area or community to exceed 6 per centum and which additionally has caused the unemployment rate in the area or community to exceed by 50 per centum the national average of unemployment for six months of the twelve-month period immediately preceding the application for assistance under this Act or the unemployment rate of the area or community to increase by 100 per centum during the twelve-month period immediately preceding the application for assistance under this Act".

Mr. BUCKLEY. Mr. President, before addressing myself to the specific effect of the language in the amendment, I think it would be useful to describe the genesis of this legislation.

As the Senator from Kentucky (Mr. COOPER) has stated, the idea which is enshrined in the legislation which was originally submitted to the subcommittee was first suggested by Gov. Daniel J. Evans at hearings held in Seattle investigating general problems of the economy in various parts of the country.

At those hearings the Governor very eloquently described the sudden impact on Seattle and on the economy of the State of Washington, the city of Seattle being essentially a company town, when Boeing had to lay off approximately 70,000 out of a payroll of 120,000. This sudden cessation of employment in a major part of the economy of the city has had far-reaching impact on people with all kinds of skills, with the result that a once prosperous community, a once prosperous area, has had to cope with problems beyond the capacity of the city and the State to properly handle.

In the course of his discussions, the Governor suggested that there was need for a mechanism to cope, on an emergency basis, with economic disasters similar to that which already existed to cope with natural disasters. This proposal caught the attention of the Senators from Washington (Mr. MAGNUSON and Mr. JACKSON) and the senior Senator from Tennessee (Mr. BAKER). They drafted legislation, and introduced it, which would focus on the specific problem, the specific dilemma, which had been described so eloquently by Governor Evans, legislation which would create a mechanism to rescue a formerly productive area from a catastrophe of an economic nature.

It was on the basis of these legislative proposals that 1 day of hearings was held, but when members of the subcommittee met on August 2 to consider this legislation, they found presented to them a new piece of legislation, which had been the structure used in amending the Natural Disaster Relief Act of 1970, and in the process the word "disaster" was redefined in a manner which made Webster's Dictionary meaning obsolete, in a manner which I believe subverts the original purpose of this legislation, by abandoning the whole concept of coping with a sudden impact of an economic nature and providing for relief to include every pocket of chronic unemployment throughout the country.

At this point I should like to read from my individual views that I appended to the report of the subcommittee.

I will start with the definition of the word "disaster" as it is printed in Webster's Collegiate Dictionary; namely, "a sudden and extraordinary misfortune; a calamity":

INDIVIDUAL VIEWS OF SENATOR BUCKLEY

> This is the commonly understood meaning of the word "disaster." It is the meaning which I believe Governor Daniel J. Evans and Senators Jackson and Baker had in mind earlier this year when they proposed legislation specifically designed to focus the resources of the federal government in a quick and flexible manner on "true economic emergency situations." Unfortunately, the Economic Disaster Area Relief Act of 1971, as it emerged from Committee, is so broad in its application that its potential effectiveness has been destroyed. What was originally intended was an Act which would create a standby mechanism which could operate with a maximum of speed and flexibility, and a minimum of red tape, to help normally prosperous areas ride out an economic storm. It was felt that if the right kind of assistance could be available on a timely basis to major employment areas caught up in a sudden economic emergency, that it would be possible to avert permanent economic dislocations having very widespread consequences. The concept was one of providing for a quick, highly specialized attack on highly individualized situations.
>
> Speaking from the basis of his own experience in attempting to deal with the economic emergency in the State of Washington, Governor Evans described the need he saw for economic emergency legislation as follows:
>
> "I am encouraged that there may be created a federal government response mechanism for providing needed economic emergency assistance to states and communities experiencing the sort of problems we face in the State of Washington.
>
> "As a State we have been in the throes of an economic emergency for over a year * * * In the Seattle area, seasonally adjusted unemployment has increased from 3.5 per cent in early 1969 to a current rate of about 13 per cent. For the State as a whole, that rate has increased from about 4.5 per cent in early 1969 to a current rate in excess of 10 per cent. By almost any criteria, our situation qualifies as an economic emergency.
>
> "Our own experience and research in attempting to deal with this problem led to the following conclusions, and to my recommendation to the Subcommittee for an Economic Emergency Program.
>
> "1. To be most effective, assistance should be quickly available and designed to the specific needs of the occasion, including those of individuals, government and business.
>
> "2. State and local government cannot respond completely to the needs of a true economic emergency such as we face.
>
> "3. Necessary assistance is potentially available from a large number of federal agencies.
>
> "4. There is, however, no mechanism by or through which this assistance can be provided in a timely fashion.
>
> "* * * Our belief is that the criteria for eligibility should be sufficiently restrictive as to focus the resources on true economic emergency situations * * *
>
> "State and local governments are severely limited, financially and otherwise, in their ability to respond to economic emergencies. * * * Accordingly, legislation providing emergency economic relief quickly, without excessive red tape, is urgently needed."

Mr. President, I ask unanimous consent to have printed in the RECORD following my remarks the full statement of Governor Evans.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BUCKLEY. Yet what has emerged from committee is a bill so broad in scope as to make eligible for special relief any "area, community or neighborhood" in which the rate of unemployment exceded the national average by 50 percent for at least 6 out of the preceding 12 months. This means that any area of the United States, however small, in which there is a high degree of chronic unemployment as contrasted with unemployment directly related to an economic disaster—all the Appalachias, all the pockets of persistent economic depression, in other words—have been brought within the scope of legislation intended to deal with emergencies afflicting once healthy areas; and this despite the fact that we already have in operation a number of major programs involving the annual expenditure of many billions of dollars which are specifically designed to help both the chronically unemployed and regions of chronic unemployment.

In my remarks in the committee report I list some of the many programs which are designed to help train people who are without skills required to enable them to obtain employment. I detail the welfare, medicaid, food stamp, and housing programs to help such people who are in need. I describe some of the regional programs, such as Appalachia, which are designed to bring to the underdeveloped regions of our country a base of facilities required to create jobs.

Another basic problem with the bill is that in the interest of time, the committee sought to utilize, through amendment, the basic structure of the Disaster Relief Act of 1970. In the process, some of the fundamental distinctions between natural and economic disaster have been lost sight of. In the case of a natural disaster, the prime effort is focused on the need to restore the physical facilities which had been destroyed as quickly as possible while at the same time helping the inhabitants of the afflicted area ride out the intervening period of enforced unemployment. There is nothing in the nature of a natural catastrophe which requires basic changes or adjustments in the economic base of the area or in the skills possessed by its working population.

When an area is hit by an economic disaster, on the other hand, its physical facilities remain intact; but the remedial measures which are indicated in its particular case may require a retooling to change the product mix of its major sources of employment and the retaining of highly skilled workers and technicians in order to adapt them to new kinds of work.

As a result of these deficiencies, the Economic Disaster Area Relief Act of 1971 promises to become just another open-ended public welfare bill which provides interim palliative relief without making adequate provision to prevent or cure the economic conditions which caused the unemployment in the first place. It fails to meet the test of addressing the systemic or causative factors and merely deals with the symptoms.

Mr. President, the amendment which I have offered would cure one of the deficiencies that I have outlined, and in my estimation the major deficiency, and it would do so by underscoring the emergency disaster, in the accepted sense of the word, nature of the economic catastrophe which has caused the unemployment which triggered its application.

I have used the language which was incorporated by the Senator from Tennessee (Mr. BAKER) in his original bill, and I suggest that it would, once again, focus the energies that would be unleashed by this legislation on those sections where a hitherto healthy economy is threatened with becoming an economic wasteland as a result of a severe dislocation of its former basis for economic growth.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. BUCKLEY. I yield.

EXHIBIT 1

STATEMENT OF GOV. DANIEL J. EVANS

I welcome this opportunity to appear before this Committee and testify in support of an Economic Emergency Assistance Program. While I had proposed such a program to the Sub-committee on Economic Development when it held hearings in Seattle, it was only when I received the invitation to testify here today that I felt there was real hope for the program in the immediate future. I am encouraged that there may be created a federal government response mechanism for providing needed economic emergency assistance to states and communities experiencing the sort of problems we face in the State of Washington.

As a State we have been in the throes of an economic emergency for over a year. Today there are 160,000 people unemployed in the State of Washington, which is an official estimate and the actual number unemployed may be much higher, whereas two years ago there were only 66,000 unemployed. In the Seattle area, seasonally-adjusted unemployment has increased from 3½ per cent in early 1969 to a current rate of about 13 per cent. For the State as a whole, that rate has increased from about 4½ per cent in early 1969 to a current rate in excess of 10 per cent. By almost any criteria, our situation qualifies as an economic emergency.

Our own experience and research in attempting to deal with this problem led to the following conclusions, and to my recommendation to the Sub-committee for an Economic Emergency Program.

1. To be most effective, assistance should be quickly available and designed to the specific needs of the occasion, including those of individuals, government and business.

2. State and local governments cannot respond completely to the needs of a true economic emergency such as we face.

3. Necessary assistance is potentially available from a large number of federal agencies.

4. There is, however, no mechanism by or through which this assistance can be provided in a timely fashion.

5. Whereas there is no mechanism to meet the needs of an economic emergency, there is an established mechanism for dealing with natural disasters.

As we have found, and as suggested in the Committee proposal for a National Economic Emergency Act, the problems of a true economic emergency are such that several forms of assistance are necessary. The prior proposal for accelerated public works is but one form of needed assistance. Further, the primary emphasis of that proposal should be on the accelerated construction of those public facilities which relate to the maintenance and expansion of permanent employment opportunities. It is not enough to simply accelerate public works. The needs of individuals, government or business which would not directly or immediately benefit from public facility construction must also be considered.

Among the unemployed, both the highly skilled professionals and the lesser skilled, there is a great frustration with the economic system that produces an emergency condition and with the governmental system which seems to lack adequate response and solutions. Clearly there is need for a broad program to provide relief to individuals adversely affected by an economic emergency, for development of employment opportunities to get people off unemployment rolls and public assistance, and for re-establishing the base for longer-term economic growth. Given the broad spectrum of needs and the requirement for quick implementation, we concluded that a program parallel to that of the Natural Disaster Act was required.

In my supplemental statement to the Subcommittee on Economic Development, I responded to Senator Baker's request for further information on the proposal I made for an economic disaster or economic emergency program. The parallel was drawn to the existing natural disaster program and major ingredients for inclusion in an economic emergency program were suggested. I am pleased to note that the proposal which the Committee has put together for discussion here today is very similar to that which we have suggested.

Accordingly, I support the intent and general outline of the proposal forwarded to us by Senator Randolph. There are, however, some differences between that proposal and what we have been developing. The differences relate to the considerations of eligibility, administration, and nature of assistance provisions.

ELIGIBILITY

Our belief is that the criteria for eligibility should be sufficiently restrictive as to focus the resources on true economic emergency situations. Further, the major emphasis should be on the 150 "Major Labor Areas" as defined by the U.S. Department of Labor, the boundaries of which generally coincide with Standard Metropolitan Statistical Areas. Entire states should be eligible as they satisfy the same criteria as Major Labor Areas, and other areas as there are specific economic emergency conditions.

A. For Major Labor areas or states:

1. There be an unemployment rate of 6 per cent or more, with the rate exceeding the national unemployment rate by at least 50 per cent on a seasonally-adjusted basis; and

2. There has been or will be a 50 per cent or greater increase in the unemployment rate within a one year period which will be more than temporary in duration.

B. Other special impact areas may be declared eligible when there is a closure or severe curtailment of a major public or private facility or when identifiable public policy actions have or will produce the criteria cited under 1 and 2.

The first criteria differs from the Committee's proposal which requires only that the unemployment rate exceed 6.0 per cent for six of the preceding twelve months. We believe that it is appropriate to take into account the relationships of national economic conditions and to recognize the seasonality factor in unemployment statistics. Our second criteria is essentially the same as the Committee's. Our third criteria would allow for the impact of special events significantly affecting a local area's economy.

In summation, our criteria would be more restrictive and easier to administer, and would, we believe, allow a more effective focusing of resources.

ADMINISTRATION

In developing a program such as this, I think we should strive to make as many provisions as possible automatic. By this I mean that a declaration of an area should immediately trigger as much relief and assistance as possible without lengthy application procedures and red tape. In making our recommendations we have attempted to identify as many of these automatic responses as possible.

Not all provisions can be made automatic however, and for this purpose we strongly recommend the designation of a State Coordinator appointed by the Governor who would be responsible for implementation as under the Natural Disaster Act. Further, it is necessary to designate a Federal Coordinator who would have the authority to instigate and coordinate the efforts of other federal agencies. Clearly an effective response will require the close cooperation of state, federal and affected local area governments.

ASSISTANCE PROVISIONS

As stressed above, an effective economic emergency assistance program should contain a variety of provisions which are both relevant and timely in their delivery. There should be provision for both economic relief and economic recovery. In our work we have focused on three categories of recipients of such assistance; namely, individuals state and local governments, and businesses.

Individuals—The most apparent need is for economic relief to those individuals and families directly affected by an economic emergency. Therefore, there should be an automatic triggering of immediate relief assistance to include the following provisions:

1. *Extended Unemployment Compensation:* There is a need for supplementing the incomes of those unable to find employment due to the emergency conditions. This would not only provide relief to those individuals and their families but the additional expenditure would also serve to bolster the economy of the affected area. At a minimum there should be an automatic extension of unemployment compensation benefits for those who have exhausted their regular benefits.

In Washington State we have taken the initiative by providing extended benefits up to 52 weeks at a maximum of $72 per week. This represents a further extension beyond the basic extension to 39 weeks which is now 50 per cent financed by the federal government.

While our action has reduced the suffering of many of our citizens, its has been accomplished at considerable cost with the result that our unemployment compensation fund reserves will soon be depleted. I think the case is clear cut for federal government assumption of the full cost of such extensions during times of economic emergency.

2. *Rent and Mortgage Payment Assistance:* One of the greatest tragedies of an economic emergency situation is the displacement of families from their places of residence due to financial hardship. Just as under the Natural Disaster Act, there should be provision for the making of mortgage or rental payments for individuals or families subject to dispossession or eviction. Such assistance should become available immediately upon declaration of an economic emergency and should last for the duration of such emergency. In the cases of mortgages, the net federal cost could be limited to the interest costs associated with contract extensions or payment deferrals.

As I understand the Committee's intent, the provisions for extended unemployment compensation and for rental or mortgage payments would be included in a proposed Emergency Economic Assistance Program. In addition, I think the Committee should seriously consider inclusion of another broad category of assistance for individuals. That program category relates to manpower and to provisions for public service employment, job training and re-training, and relocation assistance. Such provisions are desirable both in terms of economic relief and economic recovery.

3. *Public Service Employment:* One of the more productive forms of assistance would be a provision for public service employment. Such a program for unemployed individuals would not only help to maintain income flows and pride, but as well would allow needed governmental tasks to be carried out at a time when revenue sources were decreasing.

I am aware that there have been proposals for a Public Service Employment Program on a national basis, and I would support such a program during times of a national economic emergency. However, at a time when emergencies are more localized, I feel that a Public Service Employment Program should be limited to those areas. As an example of such a program, we have just completed a very successful $5 million 16-week Employment Supplement Program funded by the U.S. Department of Labor. This program was restricted to the areas of greatest economic emergency, namely 5 of our 39 counties.

When an area is declared eligible for economic emergency assistance under the proposed act, the responsible state should immediately design an implementation program appropriate to the given local circumstances. This should be done in cooperation with the local governments involved. In our experience, a viable program can be implemented within 30 days, especially if some advance groundwork has been laid.

4. *Job Training and Re-training:* Depending on the nature of the area's economic emergency, special programs should be designed and funds committed for job training and re-training. The state should take the lead in these efforts in cooperation with the Federal Coordinator, U.S. Department of Labor and local government representatives.

5. *Relocation Assistance:* In an economic emergency area there is generally little hope for absorbing the entire labor force in productive employment in the immediate future. Therefore, those who are unemployed should be assisted to find new employment wherever that employment may be found. In some cases, this will require provision of relocation expenses for individuals and families. Accordingly, the Department of Labor should be authorized and directed to institute a program of relocation to other areas including provision of moving expense costs.

Government—As I previously stated before the Sub-committee on Economic Development, I firmly believe that there is a need for Revenue Sharing, both Special and General. Only then can there be a generally stable and predictable flow of funds, thereby permitting more rational programming by state and local government. Further, an emergency situation response can be programmed into Revenue Sharing wherein there is a triggering of incremental funds appropriate to the emergency situation. A designation of an eligible area would result in the provision of supplement block grants in such categories as manpower, community development and rural development. Supplemental grants could be based on predetermined percentages of the regular grants.

In the meantime, there are several actions which can be taken to assist state and local governments, both in terms of short-term relief, and of assistance fostering economic recovery.

1. *Reduction of Non-Federal Matching Requirements:* An economic emergency produces a great strain on many state and local government service requirements at a time when revenues are decreasing. One effective manner in which the non-federal revenues could be stretched further, without disrupting existing categorical programs, would be for a declaration of economic emergency to trigger an automatic reduction of non-federal matching requirements for programs such as those funded by HUD, HEW, DOD and EDA. While there are some existing provisions for variable matching shares, they're often by administrative discretion, require special knowledge by each applicant, and often involve costly time delays. Given the wide variation in non-federal matching requirements, we propose that there be an automatic across-the-board reduction, of perhaps 50 per cent, for all federal programs in the affected area.

2. *Incremental Federal Funding:* In conjunction with the reduction of non-federal matching requirements, there should be supplemental funds allotted for use in the affected area. Either in addition to, or as a partial substitute for supplemental agency funding, there should be a provision for block grants directly related to the economic emergency. These could include:

A. Public Assistance Block Grants for increases in related program costs;

B. Public Facilities Block Grants for projects related to the maintenance and expansion of *permanent* job opportunities in the affected area.

The latter block grant proposal appears similar in intent to that contained in the Committee's proposed program.

3. *Technical and Planning Assistance:* EDA or other funds should be allotted to the State Coordinator and to affected local governmental units for purposes of the planning and programming necessary to provide economic relief and to foster economic recovery. These funds should be in addition to any provided the Federal Coordinator under the Committee's proposal.

4. *General Tax Relief:* In extreme situations there should be a provision for tax relief for state and local governments, as provided with regard to property taxes under the Natural Disaster Act.

Business—There are a number of provisions which can be included to assist businesses in terms of survival and to foster local economic recovery. These include:

1. *Investment Tax Credits:* Various forms of investment tax credits might be provided for a stimulus to the creation of new job opportunities through construction of new plants or the expansion or conversion of existing plants. This is a step I have proposed within Washington State which would allow a credit against our business tax in the amount of the sales tax on construction materials. The credit is limited to job-producing investments in economically distressed and slow growing areas. Since the federal government's tax leverage is considerably greater, this could prove to be a significant provision related to economic emergency areas and more generally to the direction of some of our national growth to areas of greatest economic need.

2. *Business Loans or Guarantees:* During times of economic emergency, some businesses find themselves unable to meet outstanding loan commitments due to depressed market conditions. Also, some businesses having good long-term prospects in an area find it difficult to obtain short-term financing. Accordingly, there should be a provision for loans and/or loan guarantees for the refinancing of outstanding SBA, EDA or conventional business loans and for the financing of new loans. This provision appears similar to that contained in the Committee's proposal.

3. *Preferential Federal Purchasing:* The purchasing power of the federal government can be a powerful tool in terms of short-term support for a local area economy. When an economic emergency is declared for an area, there should be a provision whereby

bid price differentials or set-asides are established for the duration of the emergency.

CONCLUSIONS

State and local governments are severely limited, financially and otherwise, in their ability to respond to economic emergencies. Capital programming can be reviewed and, where possible, accelerated. Lesser priority programs can be reduced or eliminated. Taxes can be increased and short-term measures taken to balance budgets.

Beyond these steps, however, we find that we must turn to the federal government for further assistance. Our experience in this regard serves, I think, to illustrate the need for such a program as is being discussed here today.

Over a year ago, various city, county, and state leaders first approached federal officials to seek assistance in responding to our economic emergency. Further, city, county and state officials joined with the Federal Regional Council in a first-of-its-kind effort to identify what could be done by the federal government. That HELPS task force produced a report directed to the President and the Office of Management and Budget. While the HELPS task force was well received and its recommendations acknowledged as responsible and productive, there has been only moderate response to date.

This is not to suggest that the lack of federal response is the fault of any particular individual or agency, but rather it is a case where the federal government is not now organized to respond. No individual or agency is now in a position to really address such problems. Accordingly, legislation providing emergency economic relief quickly, without excessive red tape, is urgently needed.

I note that if the act we are discussing had been in effect at the time that the State of Washington entered into its economic emergency situation, its provisions would have been triggered as of June of 1970. That is, the entire state, based on its unemployment statistics, would have been eligible as of that date. Were assistance to have been initiated at that time we would not only find ourselves in a much better situation at this time, but we would have expended substantially less waste motion and energy in attempting to seek assistance when, in fact, there was no real apparatus there to provide it.

Mr. BAKER. Mr. President, I have listened with great interest to the very competent remarks of the distinguished junior Senator from New York and his critical appraisal and very acute observations with respect to this bill. I have great sympathy for his point of view. I think there is a great deal to be said for the more restrictive application of this language.

Obviously, that is semi-self-serving, since it was incorporated in the bill which I first introduced. I only rise to say that I am sympathetic to this point of view. I agree with the logic.

I urge, however, that whether this amendment is agreed to or is rejected, the urgency of the need is such that we need to proceed to the adoption of a bill. So whether this is added as the operative language for determining eligibility, or whether the bill as reported by a majority of the full Committee on Public Works is adopted, I think the bill is still a good bill in either case, and I urge its adoption.

In conclusion, I commend the Senator from New York, who throughout these proceedings has kept a close and attentive watch on the development of what I conceive to be a very, very important and innovative piece of legislation.

This final remark: The Senator's concern that this may become an area relief bill instead of an economic disaster relief bill is well founded if an assumption accompanies the observation that the designation of the areas, the communities, or the neighborhoods to be eligible under the act, in the discretion of the Governor and the President, who must concur in these designations, were so broad and pervasive as to take in areas beyond the scope of the act. That obviously is a possibility, and that obviously is within the discretion of the executive itself, and there is no way I can guess how the several Governors and the President will act in that respect.

But there is a safeguard, which is that the administrative agencies of government at the State and Federal levels will try to confine this act and the tools and techniques available under it to a fairly small scope, so that we can maximize rather than diffuse the available assistance.

Mr. BUCKLEY. Mr. President, I appreciate the observation of the Senator from Tennessee, and his eloquence and imagination, but I would suggest that it would be politically hard on a Governor not to start repairing every small area of economic depression brought to his attention, and passing the buck to the White House, where the mechanism envisaged by this bill would then be overloaded and clogged. This is precisely what the Senator from Washington warned us against. If the measure is so broad in its application that those in charge of sorting out the merits of one piece or another spend all their time sorting out facts and figures, they will not be able to respond with the speed which alone makes this a useful measure.

Mr. BAKER. Mr. President, if the Senator will yield further, I confess that the Senator from New York makes persuasive and impressive arguments in this respect.

I think we have spelled out the respective claims to merit of the bill as reported and the amendment of the distinguished Senator from New York, and I simply reiterate that whichever is passed, and whether the legislation be good or bad, I think we have made a step forward with either version.

Mr. BUCKLEY. Mr. President, if I may so suggest to the distinguished Senator from Tennessee, I would like to make one further observation on his urging speed.

I believe this legislation should be labeled for early action, but as a matter of fact it cannot be acted upon speedily, because the House of Representatives has yet to act on such legislation, with the result that no matter whether the Senate enacts its legislation before the recess or not, it will be some time after the recess before the House has had an opportunity to consider and act on the legislation.

The PRESIDING OFFICER (Mr. GRAVEL). Who yields time?

Mr. MONTOYA. Mr. President, I yield 5 minutes to the junior Senator from Washington (Mr. JACKSON).

Mr. MAGNUSON. Well, now, Mr. President, I wonder if the Senator would also yield to me, because Senator JACKSON and I have about the same statement, and if we could put them both in the RECORD—I will put mine in right after his; is that all right?

Mr. MONTOYA. I will yield 5 minutes, or whatever time he wishes, to the senior Senator from Washington (Mr. MAGNUSON) after the junior Senator from Washington has spoken.

Mr. MAGNUSON. Well, go ahead. I withdraw mine, and yield to the junior Senator, and then I will put mine in later.

The PRESIDING OFFICER. The junior Senator from Washington is recognized.

Mr. JACKSON. Mr. President, I want to announce my strong support for S. 2393, the Economic Disaster Relief Act of 1971, as reported by the Public Works Committee. I also want to express my deep appreciation to the chairman of the committee (Mr. RANDOLPH), the chairman of the Subcommittee on Economic Development (Mr. MONTOYA), and to the members of the Public Works Committee for their expeditious handling of legislation on this subject.

I point out that the able chairman of the full committee and the chairman of the subcommittee (Mr. MONTOYA), now in charge of the bill, visited the Seattle area and held hearings on the local economy while there. They know at firsthand the severe and specific problems being experienced in that region.

I compliment the chairman of the subcommittee, the distinguished junior Senator from New Mexico (Mr. MONTOYA) for the way in which he handled this measure. I also wish to express my appreciation to, among others, the able and distinguished senior Senator from Tennessee (Mr. BAKER) for his helpful comments and participation in the hearings in Seattle.

On May 5 and again on May 11, the senior Senator from Washington (Mr. MAGNUSON) and I introduced S. 1779 and S. 1832, comprehensive and far-reaching legislation to establish Federal programs for economic disaster area relief. Both of these measures were referred to the Public Works Committee and the pending measure, S. 2393, the Economic Disaster Relief Act of 1971, is closely patterned after the provisions of these bills.

The purpose of the Economic Disaster Relief Acts I authored was to authorize the President of the United States to declare areas of the Nation which meet certain economic and employment criteria to be economic disaster areas and to extend a meaningful program of Federal assistance to the people who live in these areas.

Hundreds of regions of the country—in my State of Washington, in Alaska, California, Connecticut, Massachusetts, and elsewhere—are currently experiencing critical economic downturns and millions of able-bodied American working men and women are out of work. They are the victims of a man-made disaster over which they had no control and which has had a more devastating economic impact on the people of this country than any natural disaster we have ever endured.

Special Federal authority is needed to respond to these special hardships. It is therefore appropriate that the Disaster Relief Act of 1970 be amended as proposed in S. 2393 to provide the victims of recession and regional depressions, of inflation and unemployment, the benefits now available under Federal law when a natural disaster such as a flood or a hurricane strikes. The bill also provides new and imaginative benefits which are tailor made to deal with the individual problems and the personal tragedy which accompany unemployment and regional economic depression.

Mr. President, we are all familiar with the tragic statistics which document the rising unemployment and the spreading economic decline. The statistics bear grim testament to the need for prompt and bold action to get this Nation's economy moving again and to put people back to work.

Today's new statistics on continuing inflation are just the latest sign of calculated inaction and mismanagement by the administration. The Labor Department announced that the price index for all industrial commodities for the last 6 months rose at an annual rate of 4.7 percent, the sharpest jump in 15 years. This is inflation that eats away the reduced buying power of people out of work and on fixed incomes. This inflation is the second edge of the economic sword—brandished by an administration that has achieved record unemployment and record inflation at the same time.

But the statistics and the impersonal story they tell do not convey the real price the country has paid for the economic policies of the past 2 years.

The full story includes a lot of intangibles that never show up on the Department of Labor statistics that show 5½ million Americans out of work as of June 1971.

The full story is one of regional economic depression, of personal suffering, of hunger, of loss of self-respect and dignity, of mortgage foreclosures, repossessions, eviction notices, lack of proper medical care, and personal deprivation.

The full story is that the social welfare, economic, and full employment goals we have worked to achieve for the people of this country are being consciously lowered.

The full story is that an irreplaceable national resource in the form of trained engineers, scientists, and skilled blue-collar workers lies idle and forgotten while the Nation's cities, transportation systems, and natural environment continue to decline and degrade.

My State, especially the Seattle metropolitan area, has been severely hit by the economic downturn, by rising unemployment, by the lack of any Federal programs designed to prevent local economic recessions from growing into major regional depressions, and by the failure of the administration to use the tools and the programs which are available to deal with the disastrous and growing economic situation we face. Look at the record:

Since January 1, 1971, over 25,000 citizens in Washington have exhausted their unemployment compensation benefits.

Nationally. 495,200 workers exhausted regular unemployment benefits in the first 4 months of 1971 compared with 253,000 during the same period of 1970.

Total unemployment in Washington State in May stood at 164,000. That figure increased to 182,000 in June. Ninety-five thousand, or about half, were receiving unemployment compensation. Twenty thousand, however, had exhausted their benefits during the past 3 months. By early 1972 another 44,000 will have exhausted their benefits.

A total of 90,820 households in the State of Washington were receiving food stamps during the month of May—a total of 263,259 individuals.

Mr. President, this is a disastrous and tragic picture of deprivation and of human suffering. Similar situations exist in other areas all across the country.

Passage of the measure now before the Senate can go far toward alleviating the present situation.

Let me emphasize for a moment the growing problem of hunger. Traditional programs of food stamps or surplus commodities are not designed to help people, who have been unemployed for many months, who want to avoid complete poverty, who try to keep their house and their family intact.

The harsh fact is that thousands of new unemployed are hungry and cannot get food. They are hungry in Alaska, in California, and in Massachusetts. And hunger is a serious problem in Seattle. The Agriculture Department admits they have surplus food but they refuse to recognize the reality of the hunger in my State and in several other areas.

Every week church groups and Neighbors in Need serve food to over 8,000 people in Seattle who cannot buy or obtain food from any other official source. Major businesses conduct campaigns for food and voluntary contributions from their employees. And this despite the fact that King County has the largest dollar volume of food stamp business in the country today. The food stamp program is essential and helpful—but it is not coping with the severe scope of the hunger problem.

In this connection, Mr. President, I want to include in the RECORD the actual news articles published in the Seattle Times and Post-Intelligencer, which deal with this problem in some detail, and I think they tell a story which is rather appalling, to say the least. They include a list of fire stations and other food collection points totaling approximately 35 places.

I ask unanimous consent to have the news articles printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. JACKSON. My colleagues should also know that the council of governments for the Seattle area, the Puget Sound Governmental Conference, recently adopted a resolution asking the Secretary of Agriculture to expand food stamp and commodity programs to help alleviate the hunger situation. I ask that the letter by Mayor Uhlman, president of the conference, be printed in the RECORD.

(See exhibit 2.)

Third, I ask permission to reprint a recent newspaper column by Miner Baker, vice president of the Seattle First National Bank. This is an extremely cogent statement. It shows the true dimension of the economic disaster in the Puget Sound area and Washington State. It is an appeal for at least $500 million in immediate aid from the Federal Government. It is an analysis by a respected professional in one of the Nation's leading financial institutions.

(See exhibit 2.)

These are the reasons and the justification for special legislation to help ease the pain and the hunger of economic disasters.

Mr. President, I ask unanimous consent that S. 1779 and S. 1832, introduced by Senator MAGNUSON and myself, together with my statements on the bills, be printed in the RECORD.

(See exhibit 2.)

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

EXHIBIT 1

HUNGER IN SEATTLE

(By Ray Ruppert)

The Capitol Hill station of the Neighbors in Need food program will not open at all tomorrow.

The food bank at 1703 14th Ave. was open from noon until 1:15 p.m. Friday and in those 75 minutes gave food to 103 families.

When the food supply was exhausted, about 80 families were turned away. Perhaps they will be able to get some food when the bank opens again on Wednesday.

This situation was not unique in the Seattle area, where the 34 food stations of the Neighbors in Need program are feeding about 8,000 persons a week.

The Capitol Hill experience was seen as further evidence that a serious hunger problem, considered only a temporary emergency eight months ago, is becoming long lasting.

Over at the Greenwood food bank on the Oak Lake Baptist Church, Lawrence Kabel got a sack of groceries for his family. He is an unemployed retired merchant seaman.

"At first I didn't believe that people in Seattle could be hungry," Kabel said. "But this is the poorest year I've ever had in my life."

Neighbors in Need food comes from the donations of friends and neighbors collected, for the most part, through churches.

If the stations were able to keep open full time, it has been estimated that they would be feeding 15,000 to 20,000 persons a week.

In addition, a free hot-dinner program at St. Paul's Lutheran Church has been providing a meal a day to about 45 persons. A similar program will begin tomorrow at Central Lutheran Church, providing a noon meal for the hungry on Mondays, Wednesdays and Fridays.

Meanwhile, in Washington, D.C., a federal official stood by his opinion that he was "hard pressed to believe that there is anybody suffering" because of hunger in Seattle.

Mary Louise Williams of the Red Cross recalled a foodbank user, a single woman who said, "My light and gas bill was behind, so I couldn't afford to buy food stamps. And I'm two months behind in my house note."

A man said his unemployment compensation had run out and he couldn't find work.

"If I don't beg—which I don't like to do," he said, "I would have to resort to violence because I'll do anything for my kids."

Seattle's hungry are persons who cannot qualify for public assistance or for whom public assistance is inadequate or who have had to use their meager cash to meet fixed expenses and cannot buy food.

Thousands in State Hungry; Seattle-Everett Area Worst—Many Have Exhausted Unemployment Benefits

(By Robert M. Cour)

Hundreds, possibly thousands of Washington State residents, mostly in King and Snohomish Counties, are going hungry or face partially-filled dinner plates, a survey of public and private agencies showed yesterday.

And it's going to get worse in the fall when summer jobs, few as they are, and special programs are terminated, a high Olympia official said.

"I'm afraid the bottom is really going to drop out then," the official, who declined use of his name, said.

The Washington State Labor Council's research department showed statistics, taken from state figures, that 26,650 workers have exhausted all unemployment benefits.

About 15,500 had exhausted benefits as of April 1971. More than 2,100 have become ineligible since then. Moreover, the number becoming ineligible is decreasing, indicating that the state is running out of eligibles.

A spokesman for the State Department of Employment Security said some have found jobs, others may have left the state, a few have retired from the job market.

As of July 10, state jobless claiming unemployment benefits for the previous week stood at 102,134. In the Seattle-Everett area, 56,246 jobless claimed benefits for the same period.

State officials estimated Washington's jobless at 163,900 for May, the last complete data available. This is 11.7 per cent of the work force.

The Seattle-Everett area's jobless for the same month was at 87,100 or 13.9 per cent of available workers, a statistic not approached since the depression of the 1930s.

News that the Nixon Administration's Agriculture Department would not make surplus food available to Washington State residents also came as a blow to welfare recipients.

Dean Morgan, executive assistant to director Sidney Smith of the Division of Public Assistance, said that 63,949 family units were receiving money grants in King County, a figure that is remaining "fairly constant."

Food stamps, on the increase, now are being sold to 80,515 persons in King County, about half with money obtained from the money grants. Another half buy with pension money, family help and other income, usually small, the department estimates.

Of the money grants to King County recipients, 45,106 are to families with dependent children (AFDC); 5,778 to elderly; 7,035 to the disabled and the remainder to various needy, including the blind.

Morgan said the department estimates that about 50 per cent more state residents could be receiving food stamps but have not applied for various reasons, mostly pride.

Hal Perry, administrative coordinator for "Neighbors in Need," said the program, backed by hundreds of churches of all denominations in the Seattle area, is feeding 8,000 persons a week.

In April, only about 5,000 weekly came to district centers for food.

Hunger—Empty Stomachs Not Enough Proof for U.S. Officials

(By Ray Ruppert)

Belief that there is hunger in the Seattle area is almost an act of faith.

It rests upon things unseen more than upon objective evidence and upon the testimony of people who say they are hungry but whose experience cannot be measured or weighed.

Those who have labored to give out food through the Neighbors in Need food banks for seven months are believers, accepting the witness of the embarrassed, reluctant people who come for food.

But officials in the federal Department of Agriculture are skeptics, unwilling to accept subjective evidence and looking for the statistical reports on the number of empty stomachs here.

And this conflict of belief vs. disbelief is really what is behind the Agriculture Department's refusal to allow distribution of surplus commodities in the Seattle area.

Why do volunteers accept hunger as a fact and why do some federal officials doubt it? The answer may be found in their opposite approaches to people who say they are in need.

The Rev. Alan Ward, a minister on the staff of the Ecumenical Metropolitan Ministry, sometimes paraphrases the Bible. Christ said (Matthew 7: 9): "What man is there of you, whom if his son asks bread, will give him a stone."

Mr. Ward puts that in his own words in advice to the food-bank volunteers: "Don't hand the folks a rock; feed them."

This means that any person who comes to a Neighbors in Need food bank and says he needs food is given food—if there is food to be given.

On this basis, the 34 food banks in the Seattle area are now providing food to an estimated 8,000 persons a week. This is based upon a schedule of 2½ hours a day, three days a week.

Mr. Ward estimated that if the banks were open five days a week, as they were in the beginning in November, 1970, they would be providing food to 15,000 to 20,000 persons a week.

What happens to those who are turned away?

"A lot of people are eating nothing but slices of toast," the Rev. Harold O. Perry of the Fellowship of Christian Urban Services said.

More than half of those getting food are on some kind of government-aid program—public assistance, food stamps and so forth—which they find inadequate.

When the food banks give out, they get along with what they have or they ask neighbors or friends for food.

Mr. Ward said the basic philosophy of the food banks was based on a conviction that most people will not come after food unless they need it. The trouble of coming, the damage to personal pride, the limited food available all work against any extensive attempt at cheating.

Mr. Perry commented, "There are relatively few people who will cheat. It takes all the courage a person can get to come to a food bank. To demean him with administrative tricks is absurd."

Such a view is not compatible with most governmental programs based upon some kind of means test to establish through statistics, investigation, questionnaires and statements that a person is in need.

In effect, the entire Puget Sound area has been subjected in recent weeks to a means test by U.S.D.A. officials—and failed. That's why federal officials have taken an adamant stand against releasing surplus commodities here.

Northwest officials, including Gov. Dan Evans and the Washington congressional delegation, had attempted to get into the surplus-food warehouses through two doors.

One was a direct approach, using a change in the federal Food Stamp Act which allows a state to have commodity distribution and food stamps.

That change will become effective when U.S.D.A. regulations are published, perhaps next week, although it may take several more weeks to make adjustments in the department.

The other Northwest approach was through an amendment to the National School Lunch Act, providing $20 million for commodity distribution in areas which already have other federal food programs.

The man who barred both doors was Richard P. Lyng, an assistant secretary of agriculture. Lyng made it very plain on Thursday that the U.S.D.A. would not release surplus foods for general distribution here.

The new law is permissive but not mandatory as far as a dual operation in a state is concerned, Lyng told The Times.

"We have made the decision not to go on commodities," he said.

Behind this decision is a conviction that Washington now has an outstanding food-stamp program. Lyng called it "spectacular," noting that bonus stamps amounted to $6.6 million in fiscal year 1969 and were up to $44.2 million in fiscal year 1971.

The bonus is the difference between what the stamps cost the user and their money value in the grocery. That bonus varies according to the income of the family. Theoretically, it is the measure of the free food provided by the government to hungry people.

A sample of 100 families getting aid from food banks showed that 38 per cent had been getting food stamps but could no longer afford them. The cash was needed for other basic expenses.

Lyng said the department was "hard pressed to believe that anybody is suffering" because of hunger in the Seattle area. He said the administration recognized the area's economic situation but considered it an income problem rather than a food problem.

Lyng also said, "It's really not proper to solve an income problem through modification of what is already a good food program."

The new Food Stamp Law will provide free food stamps to those on the lowest rung of the economic ladder. A family of four whose monthly income is less than $30 will get $108 in free food stamps.

But the cost will go up at the other end of the scale. A four-person family with a monthly income of $350—a little more than unemployment compensation—will be able to buy $108 in food stamps for $95.

These people—the so-called "new poor"—in particular, might benefit from surplus-commodity distribution. They would be able to get $60 to $65 a month in surplus foods without putting out the $95 in cash—which probably is needed for a house payment and other fixed expenses.

In any case, no family would be able to get both food stamps and surplus commodities.

Under the law, the state would have to pay the administrative cost of food distribution. But The Times has been told that financial assistance might be available from the federal government if there were "a hard enough pitch."

This, however, has become somewhat academic as long as Lyng's position prevails.

Probably, only two considerations would change the decision.

One would be a reversal of government philosophy, founded, ironically, in the Protestant work ethic and the depression roots of feeding programs, that need must be proved objectively.

That's not likely.

But U.S.D.A. philosophy might be bent a little because of political pressure, since Lyng is responsible to his superiors in the White House.

But that, too, may be difficult. One of the reasons the U.S.D.A. is reluctant to release surplus commodities is a belief that this would make difficult the eventual shift to a family-assistance plan which President Nixon wants. The conversion from food stamps would be much easier.

And, meanwhile, belief that there is hunger in the Seattle area is almost like an act of faith.

Spellman Sees Nixon Aide on Surplus Food

County Executive John Spellman yesterday said "innovation and continued negotiations" apparently are the best tools to reach a middle ground in settling the dispute over release of surplus foods for the Seattle area.

Spellman met with Richard Lyng, assistant secretary of agriculture, in Washington, D.C., yesterday. He said they explored alternate solutions to the problem. Lyng had told Washington's congressional delegation Thursday that surplus commodities would not be made available here.

The County executive was called to the capital Thursday by Representative Tom Pelly "to discuss another matter."

During the conference with Lyng, Spellman said the reasons for the withholding of the surplus foods were discussed.

"I believe there may be some middle ground which will allow both food stamps and surplus commodities in our area", Spellman said. "That middle ground can best be reached by innovation and continued negotiations."

Spellman left the Capitol today for Milwaukee to attend the National Association of Counties convention. He will return to Seattle Wednesday.

Look How Many Are Out of Work

(By Paul Andrews)

Tom Lile is a soft-spoken, driven man who has given most of his own time for eight months to the patchwork job of keeping the Greenwood food station of Neighbors in Need in operation.

He sat in the office of the Oak Lake Baptist church where the food bank is kept and flipped through a log of forms filled in by those who come for food.

"Here's one," Lile said. "A family of five. Applied for food stamps, It'll take at least a week for her to be processed . . .

"Here's another woman, a family of six, mother's been ill. Here's one, family of four, applied for welfare . . ."

In another room, Lawrence Kabel put down a sack of groceries he had been given and said, with a shrug, "I don't mind talking about it. Look how many people are out of work in Seattle."

Kabel, 50, is a burly unemployed merchant seaman who lives in the North End with his wife and 16-year-old son. He was hungry.

"I know I'm not alone," he said, peering through his glasses, "These food banks are really needed around here these days."

Kabel found out about the food bank through a friend. The Oak Lake Baptist Church in the Aurora Greenwood area is one of 34 local food-bank outlets.

Kabel has been to the food bank only twice. He will receive $35 a week until he becomes eligible in December for pension benefits. His wife works as a nurse's aide for $1.80 an hour.

"By the time I make the home payments, and the lights and heat, there's not much left," Kabel said. "I don't like to use the food bank, but every now and then you need a few extra groceries."

"I'm not convinced that people do realize the need," said Lile, moderator of the Oak Lake church and food-bank manager.

"If you figure that 15 per cent of the people of Seattle are out of work now, that still leaves 85 per cent who are insulated enough from the hunger around not to realize how much it exists," Lile said.

Like Kabel, most of the 100 or more persons who file through the line at the Greenwood food bank daily have come only two or three times before. "I had anticipated that there would be many repeaters, but there haven't been," Lile said.

Some recipients come only during a family crisis involving money or illness, he said. Others, sensitive to the unstated but real social stigma attached to hunger, undoubtedly avoid the food banks until their hunger overcomes their pride.

Still the demand remains great. Food banks in the Central Asia and University District continually run out of stock and are forced to close their doors, a situation the Greenwood outlet experienced for the first time last week.

"It's summertime, and the people who regularly contribute go on vacation for two or three weeks, so we don't get their contributions," Lile said. Fifteen Greenwood-area churches are "heavily involved" in contributing to the food bank along with some local food stores and service groups, he said.

But the shelves in the Greenwood food bank are sparsely stocked. There are signs with printed directions: "Please take only enough for your family for three or four days"; "These items are hard to get. Please take one only."

"We've usually operated here on the basis of letting people help themselves," Lile said. "But lately we've had to limit them to one of each type of item."

"Most people realize the limited supply of food and hesitate to take too much," he added.

"We get people in here all the way from college age to senior citizens," Lile said. "Middle-aged people, between 40 and 50, would probably be the majority group."

Many of those using the bank are waiting for the red tape to unravel in their applications for welfare or food stamps.

A food-bank staff volunteer commented: "You wonder what those people would have done without the food bank for all these months."

The hungry in Seattle are wondering the same thing.

State Officials Bitter at Surplus-Food Give-and-Take

(By Richard W. Larsen)

"Some people were playing politics with hunger," Gov. Dan Evans snapped in one of his frequent moments of frustration this past week.

The Nixon administration's decision on a hunger issue involving Washington State was "absolutely unbelievable," snorted Senator Warren G. Magnuson.

The issue: Should surplus food be distributed in this state for needy people?

It seemed like a question with an easy, humanitarian answer.

But as it was whipped through a transcontinental debate about laws and policies, the issue, question and answer seemed lost in a blur.

Puget Sounders, already in deep economic uncertainty, were lowered further into new bewilderment.

The action began with a request from some Democratic legislators that the governor do something about hunger. Food programs, Evans replied, were a federal matter.

The state's congressional delegation, led by Senator Warren G. Magnuson, focused on the problem of hunger and examined federal programs for food distribution.

Magnuson has immense political clout on Capitol Hill and his specialty is thumping agencies into action. So Magnuson set up a conference in his office, summoning top Department of Agriculture officials to talk over the facts about food programs.

Nearly all the state's congressional delegation showed up. Their objective. Find, then push the button to activate a special new $20 million national program of commodity distribution—free surplus food for needy Washingtonians.

They expected success.

Hours earlier Governor Evans, in Jackson, Wyo., for a governors' conference, said he had been told such a program could be started within days. His source was Assistant Secretary of Agriculture Richard Lyng.

Lyng was the federal administration's spokesman at the Magnuson meeting. It was scheduled for 15 minutes. It simmered, then heated through an hour and 15 minutes, finally ending in a boilover of exasperation.

Magnuson and the congressmen focused on a new law in force since June 30: the so-called Hart Amendment, named for Senator Phil Hart, Michigan Democrat.

In its usual technical language, the law authorizes use of $20 million in so-called "Section 32 Funds" to carry out "in any area of the United States, distribution or other programs, without regard to whether such area is under the food-stamp program, or a system of direct distribution . . ."

Also, the law directs that the program provide ". . . an adequate diet to needy children and low-income persons determined by the secretary of agriculture to be suffering, through no fault of their own, from general and continued hunger. . . ."

It also says the federal government may pick up the tab of administering the program—a big item for the budget-squeezed state, counties and cities.

The Hart amendment program has another special value: it allows a foodstamp program and a food distribution program to go on simultaneously in one area. That duality previously was forbidden in law.

Washington has a food-stamp program. Thus it was ineligible previously for a commodity distribution program.

Lyng told the congressmen that a federal nutrition official from San Francisco had visited the Puget Sound area. He saw economic trouble, Lyng said. But he added, "We have yet to have anybody substantiate that the food-stamp program fails to meet the problems."

"In the State of Washington we have what is probably the outstanding state food-stamp program anywhere," Lyng said.

Recipients prefer food stamps. The stamps can be used for shopping in most food stores, to buy all foodstuffs. The selection is better. The nutrition is better.

The surplus-commodity program, though free, is limited only to those commodities in the federal stock at the time.

But, Magnuson wondered, why not use the Hart Amendment authority? Giving out surplus food could help those middle-class unemployed of Seattle—those whose income has diminished, but still is not low enough to qualify them for the bargain-basement food-stamp program.

The assistant secretary cited budget problems: Section 32 money—source of the Hart Amendment's $20 million—is limited. Most of it already is committed to other food programs.

If a special program were started in Washington—and Lyng repeated it really wouldn't offer much help beyond food stamps—a precedent would be set.

And the $20 million—a "drop in the bucket" nationally, he added—would evaporate quickly as it began moving into other pockets of distress.

Lyng thought the intent of the Hart Amendment was to expand a special feeding program for such recipients as expectant mothers and infants.

Magnuson and his congressional colleagues replied that the law is broader. It talks about "persons."

Men are out of work. Paychecks stopped. Savings accounts dwindled. Mortgage payments or rent continue, along with other living costs. Many families are caught in that set of problems and they could be helped by food distribution. Representative Brock Adams, Seattle Democrat, said.

The delegation argued: 1. The legal authority is there; 2. The money is there; 3. There is a need for the program in the state.

With tempers rising, there was talk, too, of a new law, which probably will come into operation within days.

It will, for the first time, allow dual programs: Food stamps and the general national surplus-commodity program will be allowed in the same area. (A household, however, cannot receive both stamps and free food.)

That offers an even more broadly funded program than the Hart Amendment program. To participate, though, this state would have to be certified by the secretary of agriculture.

But Lyng said Washington would not be certified for that program, either.

An angered Magnuson asked Lyng if he were laying down an interpretation of the law.

Or, Magnuson asked, "Is this a policy decision?"

Lyng replied it was a policy decision.

There was no yielding, no political salving, no suggestion that it would be taken under consideration. It was a flat "no".

Magnuson and the congressmen seethed. Then concluded that the Nixon administration again was denying the ailing Puget Sound area.

After the meeting even Representative Thomas M. Pelly, of Seattle, the lone Republican in the congressional delegation, criticized the decision. Lyng's performance, he said, was "just awful."

Meanwhile in Wyoming, The Times informed Evans of the decision. He, too, was angered. Already that week he had had a spat with the administration: He complained Tuesday that with the state bleeding economically, the administration was offering "Band-Aid treatment." Now this!

Evans telephoned Lyng. There was animated conversation.

Afterward Evans told The Times that Lyng had taken full responsibility for the change in decision—the turnaround after Lyng's earlier prediction there would be a food-distribution program.

In controlled tones, Evans said the Department of Agriculture was showing a reassuring concern about the well-being of the nation. But, he added, his state seems to be in the federal blind spot. "We simply have to have unusual response for unusual circumstances," Evans said.

Evans vowed to talk with Secretary of Agriculture Clifford Hardin. Lyng may have been announcing the department's policy. But perhaps the governor could get it turned around, Evans reasoned.

"It seems ironic to me that here we have surplus commodities . . . and we have people who could readily use them . . . Somehow the system is so inflexible that they can't put the two together," Evans said.

That issue has been raised often.

The surplus commodity program—based on the "Section 32 fund"—traditionally has been used to stabilize the farmers' market.

If a commodity becomes a surplus, causing price trouble, the fund money may be used to buy the farmers' surplus.

Use of the food to feed people—the hunger question arose as a major national political issue only in recent years.

The Section 32 Fund gets its money largely from Customs revenues. The fund this fiscal year is estimated to be at $800 million. Most of that money already is committed to feeding children and other special programs.

The fact that the program is operated by the secretary of agriculture, rather than the secretary of Health, Education and Welfare, suggests that it is not geared to be responsive to hungry people, Adams pointed out.

Lyng seemed worried that, with two programs in the state—food stamps, plus distribution—there would be recipient cheating, Adams said.

That would be "a minimal problem," Adams added. "Suppose they get instances where people get both stamps and free food—and I don't think that would happen often—why is that so bad when it's balanced against the fact that you'd get food to people who need it?"

"These guys have got an iron wall down . . . They are in the commodity-stabilization business," Adams said.

Can Washington's hunger be proved?

"I think there has been exaggeration by some of the hunger problem," Evans said. But he said there is no doubt about the need of food: The statistics of welfare, of persons who exhausted unemployment-compensation benefits, are abstract evidence; the people who show up to stand in line for food at voluntary food banks are visual proof.

Evans was putting together such evidence to use in his appeal against the Department of Agriculture decision.

[From the Seattle Times, July 19, 1971]

SEATTLEITES, TAKE HEART: "THINGS ARE BAD ALL OVER"

(By David Ammons)

OLYMPIA.—When seers or economists speak of Washington's ailing economy, attention usually focuses on the Seattle-Tacoma-Everett area.

But state officials say, "Things are bad all over.'

There are isolated pockets of prosperity but also places with even greater depression than in the Puget Sound region.

"While conditions remain most severe in the Seattle-Tacoma-Everett area, other areas around the state have also experienced a pronounced slowdown in 1971 and employment levels have dropped in almost all labor market areas," said William E. Bruner, chief economic analyst for the Department of Commerce and Economic Development.

Bruner said aerospace is only part of the state's economic headaches.

He said nation-wide slowdowns have softened markets for Washington manufacturers who rely on other states for 50 percent of their sales.

Ron Wallers of the Employment Security Department said:

"The seven key labor-market areas we study are all showing large jumps in unemployment over 1970, and that was a bad year."

While Puget Sound-area unemployment jumped nearly 5 percent over last year, the state total increased nearly 4 percent.

The Anacortes-Mount Vernon area reported greater joblessness than in the Seattle metropolitan area, and the Tri Cities was close behind.

Bruner said the hardest-hit industries, excluding aerospace, have been lumber and wood products and metals and machinery.

Tourism. the state's third largest industry, also is down.

"There are fewer out-of-staters coming and people are doing more camping," said Henry Pearson of the Tourist Promotion Division. "Some hotel-motel people say conditions are severe."

One bright note is agriculture.

"Barring late-season setbacks, the outlook is for the largest agriculture production total in the state's history," an Agriculture Department spokesman said. "The total could reach $950 million, compared with the previous high in 1970 of $898 million."

There are few other bright spots among the dismal ones, Bruner said, but "Bellingham, Spokane and the Clark County area are holding their own quite well despite high unemployment."

Of the three, Spokane had the lowest unemployment rate, 8.7 percent, with Bellingham's put at 10.1 and Vancouver's at 10.

State officials said recovery generally will be slow, not coming before next year at the earliest in many cases.

IT'S OFFICIAL: NO SURPLUS FOOD FOR WASHINGTON

(By Richard W. Larsen)

The United States Department of Agriculture confirmed today that no surplus-food distribution program will be authorized in the state.

Richard Lyng, assistant secretary of agriculture, announced in Washington new regulations on the nationwide food-stamp program. Although the new program for the first time also would allow surplus commodities to be distributed in an area that has a food-stamp program, Lyng said this won't be done.

Lyng predicted last week that such would be the department's policy. The prediction provoked angry reaction in Washington's congressional delegation.

Senator Warren G. Magnuson today called the department's action "intolerable." Magnuson testified before the Select Committee on Nutrition and Human Needs.

Gov. Dan Evans implied today that he has given up hope of changing the minds of anyone in the Department of Agriculture. He told a press conference he will talk with other administration officials to seek a policy change. Evans repeated that he plans to travel to Washington, D.C., but he didn't say when.

Lyng today outlined new program regulations that for the first time allow free distribution of food stamps. A family of four, with income of $30 a month or less, will qualify.

But the cost of food stamps will rise for families that have higher incomes. A family of four, with an income of $360 a month, previously could purchase $105 worth of food stamps for $82. Now that family will be able to buy $108 worth of food stamps for $95, Lyng said.

Lyng today officially stamped as U. S. D. A. policy the statement he made at last week's stormy meeting with Magnuson and the state's delegation in the House of Representatives:

There will be no "duality." No area will be certified for free-food distribution if it has a food-stamp program. Washington has a statewide program.

Lyng said there is not enough money in the federal surplus-commodity budget to allow such a broadened program.

He added: "There is tremendous cost in setting up food-distribution facilities, which would have to be borne by the state." He estimated it might cost the state $1.25 million to administer such a program, an amount the state can't afford.

Magnuson said today, "We all know the food-stamp program is not providing enough assistance to all those in need of it and it will not be able to do so as long as unemployment and inflation continue to mount."

Lyng made his comments during a press briefing in which he outlined the administration's new food-stamp policies. The administration backed off from a plan proposed in April to cut off 275,000 higher-income welfare families. Instead it reduced the stamp benefits to them.

The revised proposal will implement a new law passed by Congress late last year. Barring further hangups, officials expect most states and counties to have the new plan in operation by early 1972.

At present anyone on welfare in participating counties is eligible for government food stamps. In April, under new uniform national income standards proposed by the Agriculture Department, many persons in states with larger welfare payments would have been cut off.

Now all welfare people will be eligible for stamps regardless of their cash welfare benefits.

Other provisions, relating to elimination of food stamps for hippie-type communes and other unrelated groups living in the same household, will be retained.

A controversial work requirement forcing able-bodied adults to register for and accept jobs in return for food stamps was retained. It was clarified to allow exemption of persons whose health and safety would be jeopardized by work.

Puget Sound
Governmental Conference,
Seattle, Wash., July 12, 1971.

Hon. Clifford Hardin,
Secretary, U.S. Department of Agriculture,
Washington, D.C.

Dear Secretary Hardin: The Puget Sound Governmental Conference, an association of elected officials in the central Puget Sound region (population approximately two million) unanimously passed the following resolution at the full Conference meeting on July 8, 1971:

"Resolved: To call upon the Secretary of the United States Department of Agriculture to declare this region an economic disaster area to make it eligible for any and all emergency relief programs at the federal government's disposal, and, particularly, to enable jurisdictions of the region to qualify its residents for food stamps and surplus commodities programs concurrently."

The context for this resolution is a growing frustration with government on the part of many communities in this region, especially related to certain federal regulations controlling a diversity of food, health and other welfare assistance programs. The experience of the past few months is that many of these regulations actually work at cross-purposes with the response of government to human need. The above resolution seeks to overcome but one of many obstacles to real-world assistance.

The situation in this region has reached critical proportions. The region is facing serious problems in unemployment (primarily due to cutbacks in the aerospace industry), and is already experiencing wide-scale effects on the welfare and morale of many citizens. Local agencies and groups have attempted to respond to a part of this growing need through establishment of food banks, but resources are limited and people are wearing out. The church-supported "Neighbors in Need" program alone has provided free food to an estimated 170,000 people in the past six months.

Due to the critical urgency of our situation, we trust you will give this matter immediate attention.

Sincerely,

Wes Uhlman,
President.

I Wish I'd Said That

(By Miner H. Baker)

The other day I undertook to field half an hour of questions on KIRO–TV about the state of the local economy. It was flattering to be the focus of such attention, but more than a little disconcerting. It seemed that my comments came off as negative, and I was painfully aware of the things I failed to say. Spontaneous and unrehearsed is the format for a lively program; it is not the best way to state precisely what you mean.

Basically my hang-up as an economist is the conflict between telling it like it is and telling it like I see it can be. The *can be* is what people want to hear. They need to hear it, too, because this community needs some ray of hope. It would be cruel self-deception, however, to keep searching each month for a turning point which all logic dictates cannot take place this year. We cannot ignore the hole we are in, not talk our way out of it; better, then, to recognize its full dimensions and seek programs which are big enough to fill the need.

There is no turning point in sight because there is no prospect of Boeing bottoming out. At least another 10,000 workers are scheduled to be released by year-end. There likely will be some modest gains in other manufacturing, but not enough by a long shot to prevent a further shrinkage of the economic base. This means also further losses in secondary employment—trade, services, utilities, and construction. Things will get worse at least for several months before they begin to get better. Moreover, the losses are so severe that it will require years rather than months of normal growth to restore a sound economy. Unemployment has climbed to 15 percent in the Seattle area, and as many as 25,000 claimants will shortly be exhausting even the second extension of their benefits. The welfare roles have doubled during this period of economic distress and the number of food stamp recipients has quadrupled

It is quite true that there are a number of indicators on the Seattle scene which do not reflect the full measure of our distress. It is also true that the situation has been overstated by the *Wall Street Journal*, the London *Economist*, and other outside observers. The overwhelming fact remains that we are losing buckets of blood and it is not within our own power to staunch the flow. It is time—and past time—that the other Washington recognize this unique state of emergency and marshall the full resources of the Federal government toward our recovery. If "economic disaster area" is the description which will set the wheels in motion, so be it!

A few words about local programs. We have in Seattle a new Economic Development Council, building on the foundation of the Seattle Area Industrial Council. The city has established an Office of Economic Development. The county has joined with three other counties to set up a Puget Sound Economic Development District. Too often the man in the street sees these efforts as competitive and politically inspired. Not so, except in the sense that both our governmental and business leaders recognize the need for action. Out of the prolonged and earnest discussions of the past year or more has come a practical cooperation at the working level on a series of programs to broaden the economic base. These include development of the lower Duwamish as an industrial sanctuary, the headquarters city program, entrepreneurial assistance, tourist promotion, attraction of foreign capital, and a dozen others.

All of this is sound in the long term; none of it will do much good in the short term. The Governor also made some proposals to the legislature—Jobs Now and Washington Future. They would have borrowed against the prospective income from a new and unpopular source of revenue, a sales tax on gasoline, in order to undertake spending programs which could not possibly be financed out of existing revenue sources. The proposals failed of adoption, which is unfortunate. One must recognize, however, that the ability of the state to lift itself by its bootstraps is limited. The state must live within its means. The Federal government, with fantastically greater means to begin with, quite properly is also able to spend more than it takes in when circumstances require it.

What could the Federal government do, then, if it recognized Seattle as a unique and desperate situation? It could lift us out of the strictures of existing Federal programs which are giving us dribbles of assistance where we need torrents. First of all, the stabilizers. Unemployment compensation was extended once by act of Congress. It was extended again by the State legislature. Now it needs a further substantial extension, financed from the Federal treasury because the state's unemployment trust fund is shrinking rapidly. Similarly, public assistance, which depends on a series of matching fund programs; right now the state needs help in meeting its own share, without which the matching funds are not available.

Unemployment compensation and public assistance admittedly are palliatives instead of cures. They relieve immediate distress, they buy time, and they hold the social fabric together. But they do not rebuild the economic base. How do you do that? Boeing itself is making a major effort to diversify—hydrofoils, computer services, transit equipment, systems management. It requires a great effort to ferret out these possibilities, and in most cases the market initially—in the developmental stage—is government. In my opinion, instead of—or in addition to—Boeing devoting its own effort to seeking new markets, government should be coming to Boeing, checkbook in hand, asking: "What can you produce which will both contribute toward national priorities and put people to work?" I am persuaded that the talents of the Boeing organization and the Boeing unemployed can be used for other things than building aircraft. They can make a substantial contribution to air and water quality control, urban transportation, housing, and other programs on which the nation knows that it is going to spend billions eventually but which are currently starving for funds.

Let me clarify two points. First, I do not suggest that this be a bail-out or a bonanza for The Boeing Company. The effort would be designed to help the area and the nation, not the company. The return to the contractor should be modest, and Boeing is in the picture only because Boeing is here. If Boeing cannot find ways to use the facilities and manpower in this area, then other contractors should have that opportunity. Second, one must examine such a spending proposal—because we are talking about a lot of money if it is to be effective—against the national concern with controlling inflation. In this case we would be putting idle resources to work. Production would increase by at least the amount of the expenditure. That is not inflationary. It is common sense.

This is likewise not a proposal to subsidize the Seattle area at the expense of the nation. Seattle can produce more than enough to pay its way if the mechanism is activated to use its resources. If not, the nation is sooner or later going to be supporting a substantial share of our residents regardless, at some level. Meanwhile, we need also a massive training and relocation program, much larger than those now available. We cannot expect, even with outside help, to employ here all of those who have been released from the aerospace industry.

If you add together the proposals for Federal funding of unemployment compensation and public assistance, for employing idle facilities and manpower, and for training and relocation, plus a major acceleration of public works, you are talking about expenditures of hundreds of millions of dollars, probably at least half a billion. Three observations about this: 1) some substantial portion of that sum will have to be spent regardless; 2) the magnitude is not preposterous; this area has roughly 1 percent of the nation's population; if the nation were suffering from a 15 percent unemployment rate we would not hesitate to spend 100 times half a billion dollars, or 50 billion, to get it back on track; and 3) there is no place the money could be spent with less inflationary impact.

What about present Federal programs? They are just not designed for a problem of this magnitude. The work supplement program touches a fraction of the unemployed. Training and relocation may get us $5 million where we need $50 million. The entire national budget of the Economic Development Administration is less than the amount needed in the Puget Sound region alone. There must be a new start and a new sense of urgency about the special problems of this area.

Someone may say that this cry for help is selling Seattle short. As one who loves this city dearly, I do not think so. We can complain all we like about projecting a poor image, but vanity should not deter us from seeking the sort of help and the amount of help which ought to be forthcoming in an unprecedented situation. Beyond this current crisis, but quite some distance beyond it, I believe that we have a bright future. This is so largely because of the very circumstance which occasions most of us to prefer this as a place to live. We have perhaps the finest environmental quality in the United States, and an active determination to preserve and enhance it. This increasingly is going to be a factor in attracting the types of employment opportunities which will diversify our industrial base. Our civic efforts are pointed in that direction. But the payoff will not be tomorrow nor even next year. Right now we need help and lots of it. This *is* an economic disaster area.

[From the CONGRESSIONAL RECORD, May 5, 1971]

EXHIBIT 2

ECONOMIC DISASTER RELIEF ACT OF 1971

By Mr. JACKSON (for himself and Mr. MAGNUSON):

S. 1779. A bill to amend the Public Works and Economic Development Act of 1965, as amended, to establish an emergency Federal economic assistance program, to authorize the President to declare areas of the Nation which meet certain economic and employment criteria to be economic disaster areas, and for other purposes. Referred to the Committee on Public Works.

Mr. JACKSON. Mr. President, I introduce for appropriate reference the Economic Disaster Area Relief Act of 1971.

The purpose of this measure is to authorize the President of the United States to declare areas of the Nation which meet certain economic and employment criteria to be economic disaster areas and to extend a meaningful program of Federal assistance to the people who live in these areas.

Mr. President, hundreds of areas of this country are currently experiencing critical economic downturns and millions of able-bodied American working men and women are out of work—not by accident or by some freak chance of fate, but because this administration planned it that way. They are the victims of a man-made disaster that has had a more devastating economic impact on the people of this country than any natural disaster we have ever endured.

The record on this matter is very clear to anyone who wishes to read it. The high interest rates of the past 2 years, the veto of the Public Service Employment Act last fall, the failure to institute wage and price guidelines, the freezing of funds appropriated to meet critical social needs, the virtual "no new starts" public works policy, and a whole range of other actions by this administration make it clear that today's unemployment and economic problems have been created by a series of conscious choices on the part of the administration.

Many of these conscious policy choices have been made in the name of fighting inflation. Inflation is a matter of great concern, but the policies adopted to date and the cures which have been proposed are threatening to kill the patient. This administration has dealt with inflation by the single-minded expedient of creating the highest levels of unemployment in 9 years to choke off consumer demand.

The tragic results of the administration's failure to take positive action to relieve economic stagnation and to reduce unemployment are obvious. Look at the statistics for March of this year:

Unemployment again reached 6 percent, leaving 5½ million people out of work. This is double the number of persons unemployed in February 1969.

Five major labor areas were added to the substantial unemployment list, bringing the total number in that category to 50, the highest level since 1962.

Sixteen of the 150 major labor areas have unemployment rates of 9 percent or more.

Five major labor areas have unemployment rates exceeding 11 percent.

Mr. President, these statistics do not tell the full story. The full story is one of regional economic depression, of personal suffering; of loss of self-respect and dignity, of mortgage foreclosures, repossessions, eviction notices, and personal deprivation.

The quality of family life in this country, the standards of social welfare and economic security we have worked to achieve for the people of this Nation are consciously being eroded as a matter of administration policy. An irreplaceable national resource in the form of trained engineers, scientists, and skilled and blue-collar workers lies idle and forgotten while the Nation's cities, transportation systems and natural environment continue to decline and degrade.

Mr. President, the highest duty of the Federal Government is to promote the general welfare, the security, and the well-being of our citizens. This duty is not only being neglected, it has been repudiated. Instead of a national commitment to a policy of full employment, high productivity, and a rising standard of living, we have a Presidential commitment to policies which have created intolerable unemployment and economic disaster areas in many regions of the country.

Last year the Congress adopted a Comprehensive Disaster Relief Act to provide a comprehensive and coordinated Federal response and assistance program to areas stricken by natural disasters such as hurricanes, earthquakes, and floods. This act provides that when a natural catastrophe strikes which, "in the determination of the President, is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government," the President may make a wide variety of programs of Federal assistance available to the people of that area.

The U.S. Government recently invested over half a billion dollars through various disaster relief programs to help alleviate the effects of the earthquake in California. This was a very laudable and justifiable investment. In my view, the employment and economic disaster brought into being by this administration is surely deserving of at least the same kind of response we extend in times of natural disasters.

The measure I am introducing today, the Economic Disaster Area Relief Act of 1971, is designed to do just that. The act recognizes that the personal suffering caused by fiscal and monetary policies which result in high levels of unemployment and a stagnant regional economy cannot be distinguished from the personal suffering caused by natural disasters such as floods, hurricanes, and fire.

The bill would amend the Public Works and Economic Development Act of 1965, as amended, by adding a new title VI. The bill provides for the following:

First. Establishes in the Executive Office of the President an Office of Economic Aid to Depressed Areas.

Second. Sets forth procedures for Presidential designation of economic disaster areas eligible for assistance under the act. An area is eligible for a wide range of assistance under the act when the President determines; that the area is experiencing or is likely to experience unemployment rates in excess of 6 percent; that unemployment has increased by 50 percent within a 1-year period; that the area's economy is adversely affected by changes in Federal policies; or that an area is experiencing critical economic conditions and would benefit from assistance under the act.

Third. Provides that a Federal coordinating officer shall be designated to coordinate the administration of Federal grant-in-aid programs and the special economic recovery programs established by the act. The Governor of the State in which the designated area is located is required to appoint a State coordinating officer to work with the Federal officer.

Fourth. Mandates the assistance and cooperation of other Federal agencies in the development of a coordinated and tailormade plan of assistance designed to target in on the achievement of economic and employment objectives.

Fifth. Authorizes the reprograming of appropriated funds within an area to attain a better focus on economic revitalization.

Sixth. Allows the modification and waiver of procedural and administrative requirements which impede the granting of timely assistance through existing grant-in-aid programs.

Seventh. Establishes a $2,000,000,000 Federal Economic Recovery Fund to provide direct recovery assistance. The fund is not categorical and revenues may be used for unrestricted grants to States and local government, to enlarge existing grant-in-aid programs, for loans to prevent mortgage foreclosure and repossession, for housing, relocation, and unemployment assistance, and for such other forms of assistance which will best meet the needs of local residents. The fund is designed to provide an immediately available, unrestricted source of revenue to be used to deal with pending or existing economic disasters in any region of the country. Maximum latitude is granted to the President and the Director of the Office of Economic Aid to Depressed Areas to establish priorities and develop assistance programs to rejuvenate local economics and to create new employment opportunities.

Eighth. Requires each State to develop full employment and economic recovery plans for guidance in dealing with future regional recessions and unemployment problems. Among other things, the State plan must include an up-to-date continuing status report on all public works projects—planned and under construction—which could be accelerated by funds made available under the act.

Ninth. Provides for a gradual phasing out of assistance made available under the act when the goals of economic recovery have been attained.

Tenth. Prohibits discrimination in the allocation of benefits made available under the act, and authorizes the Director of the Office to issue such regulations as are necessary to implement the act.

Mr. President, the Economic Disaster Relief Act of 1971 is designed to do three things which are not being done today: First, to give the President the tools and the money to undertake early action to prevent local economic recessions from growing into major regional economic depressions. Second, to provide a program which will enable areas already experiencing high unemployment rates and stagnant economic activity to put skilled people back to work. Third, to provide a compassionate and humanistic program of Federal aid to unemployed persons which will enable them to weather an economic downturn without having to suffer the calamity of a mortgage foreclosure, eviction and repossession of personal goods. The act also provides housing assistance and funds to buy essential food products, and authorizes the President to provide unemployment assistance to individuals whose workmen compensation benefits under State law have expired.

Mr. President, the Senate Public Works Committee has scheduled a hearing for May 12 on legislation of this nature. I invite other Members of the Senate to join with me in sponsoring this measure and in urging the Public Works Committee to incorporate this measure in Conference Committee as a new title to the Senate-passed bill S. 575, to extend the Appalachian Development Act.

Mr. President, I ask unanimous consent that the text of the bill together with the text of a statement I filed with the Public Works Committee at their hearings in Seattle on April 14 be printed at this point in the RECORD, and I also ask unanimous consent that a statement prepared by Senator MAGNUSON be printed in the RECORD.

S. 1779

A bill to amend the Public Works and Economic Development Act of 1965, as amended, to establish an emergency Federal economic assistance program, to authorize the President to declare areas of the Nation which meet certain economic and employment criteria to be Economic Disaster Areas, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Economic Disaster Area Relief Act of 1971."

FINDINGS AND DECLARATIONS

SEC. 2. (a) The Congress hereby finds and declares that—

(1) the human suffering, the loss of income, the dislocation of families and the national economic loss caused by regional unemployment and economic downturns is a matter of critical national concern;

(2) the personal suffering caused by fiscal and monetary policies which result in high levels of unemployment and stagnant regional economies cannot be distinguished from the suffering caused by natural disasters such as floods, hurricanes and fire, and

(3) there is a direct Federal responsibility to provide economic disaster assistance to individuals in regions of the country experiencing high unemployment and faltering economies to enable them to maintain their residences and to support their families without the human degradation, the loss in self respect and the decline in confidence in the American government which are caused by persistent unemployment, mortgage foreclosures, evictions, repossession and bankruptcy.

(b) It is the purpose of this Act to authorize the President of the United States to provide a direct program of Federal assistance to individuals, the States and to local government to alleviate the wasteful economic disruption and loss resulting from regional economic disasters by—

(1) establishing within the Executive Office of the President an Office of Economic Aid to Depressed Areas;

(2) providing for a coordinated Federal response;

(3) authorizing extension and, in some cases, forgiveness of all or part of obligations due the Federal Government; and

(4) waiving certain administrative and procedural requirements of Federal programs to facilitate an early and coordinated program of relief.

SEC. 3. The Public Works and Economic Development Act of 1965, as amended, is further amended by adding a new Title VI and by redesignating and renumbering subsequent Titles and Section numbers as appropriate:

"TITLE VI EMERGENCY ECONOMIC DISASTER AREA RELIEF

"OFFICE OF ECONOMIC AID TO DEPRESSED AREAS

"SEC. 601(a) There is hereby established within the Executive Office of the President an Office of Economic Aid to Depressed Areas (herenafter referred to as the "Office"). The Office shall have a Director who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate.

"(b) The Director of the Office may employ such officers and employees as may be necessary to carry out the Office's functions under this Act. In addition, the Office may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this Act, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

"(c) The Director of the Office shall be compensated at the rate provided for Level II of the Executive Schedule Pay Rates (5 U.S.C. 5313).

"(d) It shall be the duty and function of the Office and the Director—

"(1) to carry out the purposes of this Act;

"(2) to assist and advise the President on methods, policies, and programs designed to reduce unemployment and to stimulate the economies of areas designated as Economic Disaster Areas pursuant to section 4;

"(3) to train and have available a professional staff of Federal coordinating officers for assignment to areas designated as Economic Disaster Areas;

"(4) to review and appraise the various Federal assistance programs for the purpose of determining the extent to which such programs and activities do or can contribute to reducing regional unemployment and stimulating regional economies;

"(5) to coordinate his studies with those of the Secretary of Commerce; and

"(6) to make such studies, reports and recommendations as the President may request.

"(e) There are authorized to be appropriated for the administration of the Office not to exceed $5,000,000 for each fiscal year."

"DESIGNATION OF ECONOMIC DISASTER AREAS

"SEC. 602. (a) The President, on the request of the Governor of a State, is authorized and directed to designate an area of the country an Economic Disaster Area when—

"(1) There is a 6 per centum or greater unemployment rate resulting from an abrupt rise which has existed for six of the preceding twelve months, or which is expected to occur and which will be more than temporary in duration; or

"(2) There has been or will be a 50 per centum or greater increase in unemployment in the area within a one-year period, which will be more than temporary in duration; or

"(3) There has been or will be changes in Federal procurement or contract policies or reductions in direct or related Federal employment which adversely affect an area's economy and employment opportunities; or

"(4) There are such other critical economic conditions resulting from an abrupt rise in unemployment as the President determines would benefit from assistance under this section.

"(b) In designating an Economic Disaster Area, the President may make the designation without regard to geographical or political boundaries and any such designation shall continue for a minimum period of one year."

"FEDERAL COORDINATING OFFICER

"SEC. 603. (a) Immediately upon the President's designation of a major disaster area, the Director of the Office shall assign a Federal coordinating officer to the designated area. The coordinating officer, acting under guidelines prepared by the Director in consultation with the Office of Management and Budget and the Domestic Council, shall—

"(1) make an initial appraisal of the Economic Disaster Area and the area's:

"(i) local economy;

"(ii) levels of present and prospective unemployment; and

"(iii) eligibility for Federal program assistance;

"(2) establish such field offices as he deems necessary;

"(3) coordinate the administration of all Federal programs authorized under this Act; and

"(4) administer the activities of Federal personnel temporarily assigned to the coordinating officer pursuant to section 6 of this Act.

"(b) The Governor of a State in which an area has been designated an Economic Disaster Area shall appoint a State official to serve as a State coordinating officer to work with the Federal coordinating officer."

"ASSISTANCE OF OTHER FEDERAL AGENCIES

"SEC. 604. (a) At the direction of the President, and under the management of the Director and the Federal coordinating officer, all Federal agencies are hereby authorized to provide assistance to an Economic Disaster Area by—

"(1) utilizing or otherwise making available, with or without reimbursement therefor, personnel, equipment, supplies, and other resources; and

"(2) donating or lending real and personal property determined to be surplus to the needs of the Federal Government to State and local government;

"(b) Federal agencies may be reimbursed for expenditures made under this Act from funds appropriated for the purposes of this Act. Any funds received by Federal agencies as reimbursement for services or supplies furnished under the authority of this section shall be deposited to the credit of the appropriation or appropriations currently available for such services or supplies.

"(c) In carrying out the purposes of this Act, the Federal coordinating officer is authorized to accept and utilize the services or facilities of any State or local government, or of any agency, office, or employee thereof, with the consent of such government. Any Federal agency, in performing any activities under this section, is, with the approval of the Federal coordinating officer, authorized to appoint and fix the compensation of such temporary personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of such title relating to classification and General Schedule pay rates, to employ experts and consultants in accordance with the provisions of section 3109 of such title, and to incur obligations on behalf of the United States by contract or otherwise to achieve the purposes of this Act.

"AUTHORITY TO REPROGRAM FUNDS TO DEAL WITH ECONOMIC AND EMPLOYMENT PROBLEMS

"SEC. 605. (a) To create new employment opportunities and to improve the economies of areas designated as economic disaster areas pursuant to section 4, the President is hereby authorized to reprogram up to 30 per centum of any Federally appropriated funds scheduled for expenditure in an economic disaster area into other programs which are better able to relieve economic distress and reduce unemployment, and respond to the condition presented in that area.

"(b) Fifteen days before exercising authority granted pursuant to subsection 7(a) to reprogram funds, the Director of the Office shall transmit to the Congress a report identifying the source of funds proposed to be reprogramed, the proposed use of the funds, and the economic and employment benefits which are anticipated. The reprograming shall become effective unless either the House or the Senate by resolution disapproves within fifteen calendar days of receiving the report: *Provided*, That, if Congress is not in session, the reprograming authority granted pursuant to section 605(a) shall be reduced to 15 per cent until such time as Congress shall reconvene.

"FEDERAL GRANT-IN-AID PROGRAMS

"SEC. 606. The Director of the Office, with the concurrences of the President, is hereby authorized to direct any Federal agency charged with the administration of a Federal grant-in-aid program to modify or waive such administrative or procedural conditions for assistance which impede, frustrate, or prevent the granting of timely assistance under such programs to individuals and governmental units in areas designated to economic disaster areas.

"FEDERAL ECONOMIC RECOVERY FUND

"SEC. 602. (a) There is hereby established a separate fund in the Treasury of the United States to be known as the Federal Economic Recovery Fund (hereinafter called the "Economic Recovery Fund") which shall remain available until expended as hereinafter provided.

"(b) There is hereby authorized to be appropriated to the Economic Recovery Fund $2,000,000,000 and such funds as are necessary in subsequent years to maintain the fund at a level of $2,000,000,000 to be used by the President for the purposes set forth in this section and in this Act.

"(c) The Director of the Office, together with the heads of other Federal agencies, are directed to review existing Federal grant-in-aid loan and loan guarantee programs, and prepare a report identifying those programs eligible for assistance from the Economic Recovery Fund. In addition, assistance may include, but shall not be limited to—

"(1) loans to businesses and individuals to enable them to meet business and residential mortgage payments and to prevent foreclosure, eviction, and repossession of personal property;

"(2) unrestricted grants to State and local governments to implement local initiatives and projects designed to relieve unemployment and stimulate the economy, but which are not eligible for existing grant-in-aid programs;

"(3) grants to accelerate Federal, State or local projects which are underway or on which the planning is completed or substantially completed;

"(4) relocation assistance for unemployed individuals and their families;

"(5) unemployment assistance, without regard to the maximum duration of benefits available under the unemployment compensation program of the State in which the Economic Disaster Area is located, but such assistance shall 'not exceed the maximum amount set by the State and shall be reduced to the extent benefits are available under State law;

"(6) housing assistance and any necessary assistance to assure that all individuals in the designated area have a balanced diet of nutritious food;

"(7) grants to States and units of local government to enable them to pay the State share of other Federal grant-in-aid programs which would assist economic recovery;

"(8) grants or loans to non-profit organizations and loan guarantees to private profit-making organizations for job creation and holding major employers who would otherwise substantially reduce employment in the area; and

"(9) such other assistance which the Director of the Office, with the concurrence of the President, determines to be necessary and best suited to meet the needs of persons living within an Economic Disaster Area."

"STATE FULL EMPLOYMENT AND ECONOMIC RECOVERY PLANS

"SEC. 608. (a) The Director of the Office is authorized to provide assistance to the States in developing comprehensive plans and practicable programs for relieving unemployment and stimulating regional economics in anticipation of future economic downturns and rising levels of unemployment. State Full Employment and Economic Recovery Plans (hereinafter referred to as "State Plans") shall be prepared and administered by a single State office to be designated by the Governor.

"(b) State Plans shall include—

"(1) short range emergency actions for economic stimulation and the creation of employment opportunities;

"(2) long range recovery plans requiring large capital expenditures and designed to improve public services and the quality of life;

"(3) an up to date continuing status report on: (i) on-going public works projects; (ii) public works projects on which planning has been completed but on which construction has not begun; (iii) public works projects which are being planned;

"(4) a contingency program for the continued delivery of essential public services, food products and the provision of adequate housing to persons displaced downturns; and

"(5) a current catalogue of State assistance programs designed to provide temporary or long term relief to individuals unemployed or otherwise damaged by economic forces beyond their power to anticipate or control.

"(c) The Director of the Office shall periodically review State Plans and shall prepare for submission to the Congress an annual report on the status of State planning and the actions of his Office under this Act.

"REVOCATION OF ELIGIBILITY

"SEC. 609. Any region designated as an Economic Disaster Area shall remain eligible for Federal assistance under this Act for a minimum period of one year. The Director of the Office shall recommend the removal of an area from the designated list of eligible areas only after a full review of the local economy, the area's employment level, the improvements resulting from assistance made available under this Act as well as the removal of the area from the Department of Labor's monthly bulletin on 'Area Trends in Employment and Unemployment.' Benefits made available under this Act shall be phased out over a reasonable period of time and in an orderly manner which will not disrupt the local economy."

"REGULATIONS AND NONDISCRIMINATION

"SEC. 610. The Director of the Office shall issue and may alter and amend such regulations as may be necessary to implement this Act. Such regulations shall include provisions for insuring that the relief and assistance activities shall be accomplished in an equitable and impartial manner, without discrimination on the grounds of race, color, religion, nationality, sex, age, or economic status prior to designation of an area as eligible for benefits under this Act."

"DEFINITIONS

"SEC. 611. As used in this Act—

"(1) 'Director' means the Director of the Office of Economic Aid to Depressed Areas;

"(2) 'Economic Disaster Area' means a geographical area which the President has designated as meeting the criteria of section 4 of this Act;

"(3) 'Federal agency' means any department, independent establishment, Government corporation, or other agency of the executive branch of the Federal Government;

"(4) 'Federal coordinating officer' means an employee of the Office of Economic Aid to Depressed Areas who shall serve as the chief Federal officer in dealing with areas designated as Economic Disaster Areas;

"(5) 'Federal Economic Recovery Fund' means the fund established in section 9(a) of this Act to finance the programs authorized by this Act;

"(6) 'Full Employment and Economic Recovery Plans' means contingency plans prepared by the individual States pursuant to section 10 of this Act;

"(7) 'Governor' means the chief executive of any State;

"(8) 'local government' means any county, city, village, town, district, or other political subdivision of any State, and includes any rural community or unincorporated town or village, and, for the purposes of this Act, shall include any Indian Reservation or Indian community which enjoys a trust relationship with the United States;

"(9) 'State' means any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Trust Territory of the Pacific Islands; and

"(10) 'United States' means the fifty States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands."

STATEMENT BY SENATOR HENRY M. JACKSON

Mr. Chairman, I want to express my appreciation for the interest which you and other members of the Public Works Committee have shown in the economic problems which confront the State of Washington, and in particular, the City of Seattle. The citizens of Seattle, facing the dubious distinction of having the highest unemployment rate of any city in the Nation, welcomes your interest and presence.

This two day hearing by the Subcommittee on Economic Development provides an excellent forum to discuss the myriad economic ills of our State, the factors which contributed to these problems, and the effect unemployment has had on the economy and the individual. I feel such testimony is essential to the development of programs designed to reduce unemployment and to maximize the benefit to our economy.

I wish I could join you in hearing the testimony of elected officials, business leaders and concerned citizens, but I am scheduled to address the Senate today on the same matter which concerns you here today—the economic problems of Washington State and our nation and what can be done to ameliorate this depressing situation.

It is a most distressing experience to receive letters from constituents pleading for help because they have no jobs, because they have used all their unemployment benefits, or because they simply cannot feed their families.

We tend to deal with statistics or numbers to reveal the magnitude of the unemployment problem, but if this situation is put on an individual case basis, the misery, anxiety and suffering become much more apparent. The recently graduated scientist or engineer will retrench temporarily, but can usually rebound because he has maximum flexibility, no firmly established community ties, and can relocate or even be retrained if necessary. However, the mid-career employee who has a mortgaged home, children in school, and has become firmly implanted in the community with major family and business responsibilities is likely to become extremely depressed and perhaps lose all self-confidence. The prospect of facing a bank foreclosure on home and car, the thought of being unable to provide adequate schooling for children, and the potential of poverty is nearly impossible to tolerate. Perhaps the cruelest blow is dealt to the employee who has devoted long years to his work and who looks forward to retirement in a few short years. Now out of work and in his mid-fifties, the prospect for employment even at a reduced pay scale is remote. Worse yet, many find that their retirement benefits are lost. Many of these people have lost all hope.

Mr. Chairman, our unemployment situation in Washington is not only geographically widespread, but it is in some respects unique. Consider these examples:

The loss of more than 50,000 Boeing Company jobs in the Seattle area since 1968;

The drastic reduction of employees associated with the nuclear reactors at Hanford, with the possibility of still further reductions in the labor force;

The large-scale layoffs in the forest products and home building industries.

The diverse farm problems which have reduced many to bankruptcy and threaten far more.

Perhaps the most frustrating part of the harsh economic blow which the State of Washington has been dealt is the fact that in most respects it has been something over which the affected businesses have had little or no control. The success of our three most economically important businesses, aerospace, agriculture, and forestry, is dependent upon moderate-to-low interest rates and the availability of money. The record high interest rates, when coupled with a "tight money policy" have been particularly disastrous to our economy. For example:

The forest products industry depends upon the housing market for the purchase of 50% of its total output, and housing starts have been greatly reduced during the past two years;

The Boeing Company, whose revenues are derived predominantly from commercial aircraft sales, cannot sell planes if the airlines are unable to finance them at reasonable interest rates. Superimposed upon this is the recent decision by Congress to terminate the SST program.

The farmer, who has always been dependent upon the banks for operational loans, has frequently been unable to secure capital even at exorbitant interest rates.

One of the factors frequently overlooked in the economic plight of our State is the adverse secondary effects which occur whenever a major industry falters. Although this situation is most prevalent with subcontractors or other suppliers to the aerospace industry, it also applies to the agriculture and forest products fields. Like an iceberg, much lies below the surface and must be carefully surveyed to fully appreciate its vastness.

There are no simple solutions to the complex problems which confront our State. Complex problems require complex solutions, both of a short term and a long term nature.

The purpose of this hearing is to consider what immediate assistance can be provided to stimulate the economy and to reduce unemployment levels. I know the committee will receive numerous lists of badly needed public works projects, and as a cosponsor of the accelerated Public Works bill in the Senate, I hope these recommendations will be favorably received. The House of Representatives is scheduled to take up their APW bill on April 21, and I am confident this Committee will expedite action so it may become law and be implemented immediately. As presently written, Seattle, Tacoma and other hard pressed Washington cities will be among the first to benefit under the bill.

Another measure which can be of real assistance to my State is the Emergency Employment Act, which I co-sponsored, along with 33 of my colleagues. This measure, which recently passed the Senate, is designed to put some 150,000 unemployed persons to work in State and municipal public jobs during the next two years. Enacting of this legislation is essential not only because of the sharp rise in unemployment in urban areas generally, but also because the drop in revenues available to city governments has resulted in a severe cutback of vital municipal services—a matter which compounds the hardship suffered by the unemployed. At a time when there are so many highly capable men and women sitting idle, temporary employment measures such as this must be made available without delay.

I am well aware of the fact that last December the President vetoed the Employment and Manpower Act, which provided for a permanent public service employment program. I am equally aware that he is opposed to the Emergency Employment Act. However, if he attempts to kill this measure, which promises immediate albeit temporary relief to so many who want to contribute to the nation's economy, and I am reasonably certain Congress will override his veto.

An existing program which can provide significant temporary employment assistance if extended and expanded is the Employment Supplement Program. The Employment Supplement Program in Washington State has been generally acknowledged as a highly effective way of providing those most severely affected by the economic slump with a source of temporary income and the dignity of work. There are approximately 700 public agencies and non-profit organizations in the Seattle area alone who have requested participants from this program. However, the program has operated on such a limited scale that these requests were not filled. Yet it is estimated that there are thousands of eligible applicants in Washington, and the figures continue to rise rapidly as more people exhaust their extended unemployment entitlements. I have written Secretary of Labor Hodgson about this matter, and I trust he will see fit to approve the proposal submitted by the Washington State Employment Security Department to extend this program to encompass the ESP's training period and expand this program to encompass 10,000 participants on a Statewide basis. I feel it would be extremely unfortunate if a program with such potential should expire due to lack of funds.

One of the most poorly understood, but potentially most devastating actions the President has taken is to impound federal money which Congress has appropriated and intends to be expended for public purposes. A recent review of this matter by Senator Ervin revealed that in excess of $11 billion has been frozen by the President. When countless unemployed walk the streets looking for work, this is a cruel and unwise impoundment of public monies. In effect, the President is exercising an item veto over appropriations acts by Congress, a power which he is denied in the Constitution.

I have obtained a breakdown of these frozen funds as they affect the State of Washington. In addition to the millions of dollars for agricultural research, military construction, environmental research, atomic energy, and water resource development programs, there are more than $125 million of Federal Highway Trust Fund monies sitting idle and ready to provide work if only the President would approve of their expenditure. Not only should much of this frozen money be spent to stimulate the economy, but a formula should be developed so that when released, a preference would be given to high unemployment.

The aforementioned, while offering great potential for reducing unemployment and stimulating our State economy, provides little hope for one segment of our unemployed—the highly trained and highly productive. Never before in the history of the United States have so many skilled engineers and scientists been reduced to poverty and human suffering as a result of a shift in "national priorities." The Boeing Company alone has been forced to release nearly 7000 engineers and scientists in the past three years because a decision was made by a bare majority of the Congress to terminate the SST program. In addition to the thousands of engineers and scientists who have already lost their jobs at Boeing, several thousand more will be released this year. In addition, there is the unemployment multiplier effect which hits equally highly skilled help in firms which do a large share of their business with Boeing and other firms in the aerospace industry.

Although many of these people may well end up working in accelerated public works or in public service programs if they are enacted, I am concerned that their talents will not be fully utilized and the benefits which could be derived from their experience and abilities will be lost. One of the most difficult tasks facing me, this Committee and other members of Congress, is how to best employ these people to benefit the United States and the employer to the maximum extent.

Here is where we must differentiate between short range and long range programs. The short range programs will help the skilled and semiskilled wage-earner worker while being of nominal assistance to the highly trained salaried individual. There is some immediate federal assistance available to these people, such as the National Registry for Engineers, which is essentially a job bank which matches personnel skills with job opportunities. Similarly, the Department of Labor has initiated a small program to retrain or relocate technically trained persons. Both of these programs offer little assistance to most of those desiring substantive work.

I am hopeful that testimony received by this Committee during the next two days will stimulate ideas as to how long-range self-help programs can be designed to assist the unemployed and help the United States to more adequately meet the many social and environmental problems which are now areas of prime national concern. Whatever the testimony, I am sure there will be no single answer to the myriad unemployment problems confronting the State of Washington. Federal loan programs will help some, retraining may be a partial solution to others, and government research and development or production contracts will help certain businesses.

I again wish to express my thanks to the Committee for their sincere interest in the economic problems confronting the State of Washington. I am hopeful that many of the recommendations received at this hearing can be translated into short-term and long-term assistance programs which will bring relief to the unemployed of my State.

S. 1832

A bill to authorize the President of the United States to declare areas of the Nation which meet certain economic and employment crtieria to be economic disaster areas; to extend a program of Federal aid to these areas for the relief of human suffering; and to supplement the purposes of the Public Works and Economic Development Act of 1965, as amended

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Economic Disaster Area Relief Act of 1971".

FINDINGS AND DECLARATIONS

SEC. 2. (a) The Congress hereby finds and declares that—

(1) the human suffering, the loss of income, the dislocation of families and the national economic loss caused by regional unemployment and economic downturns is a matter of critical national concern;

(2) the personal suffering caused by fiscal and monetary policies which result in high levels of unemployment and stagnant regional economies cannot be distinguished from the suffering caused by natural disasters such as floods, hurricanes, and fire; and

(3) there is a direct Federal responsibility to provide economic disaster assistance to individuals in regions of the country experiencing high unemployment and faltering economies to enable them to maintain their residences and to support their families without the human degradation, the loss in self-respect, and the decline in confidence in the American government which are caused by persistent unemployment, mortgage foreclosures, evictions, repossession of personal goods, business failures, and bankruptcy.

(b) It is the purpose of this Act to authorize the President of the United States to provide a direct program of Federal assistance to individuals, to States, and to local government to alleviate the wasteful economic disruption and loss resulting from regional disasters by—

(1) establishing within the Executive Office of the President an Office of Economic Aid to Depressed Areas;

(2) providing for a coordinated Federal response;

(3) authorizing extension and, in some cases, forgiveness of all or part of obligations due the Federal Government; and

(4) waiving certain administrative and procedural requirements of Federal programs to facilitate an early and coordinated program of relief.

OFFICE OF ECONOMIC AID TO DEPRESSED AREAS

SEC. 3. (a) There is hereby established within the Executive Office of the President an Office of Economic Aid to Depressed Areas (hereinafter referred to as the "Office"). The Office shall have a Director who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate.

(b) The Director of the Office may employ such officers and employees as may be necessary to carry out the Office's functions under this Act. In addition, the Office may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this Act, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

(c) The Director of the Office shall be compensated at the rate provided for level II of the Executive Schedule Pay Rates (5 U.S.C. 5313).

(d) It shall be the duty and function of the Office and the Director—

(1) to carry out the purposes of this Act;

(2) to assist and advise the President on methods, policies, and programs designed to reduce unemployment and to stimulate the economies of areas designated as economic disaster areas pursuant to section 4;

(3) to train and have available a professional staff of Federal coordinating officers for assignment to areas designated as economic disaster areas;

(4) to review and appraise the various Federal assistance programs for the purpose of determining the extent to which such programs and activities do or can contribute to reducing regional unemployment and stimulating regional economies;

(5) to coordinate his studies with those of the Secretary of Commerce; and

(6) to make such studies, reports, and recommendations as the President may request.

(e) There are authorized to be appropriated for the administration of the Office not to exceed $5,000,000 for each fiscal year.

DESIGNATION OF ECONOMIC DISASTER AREAS

SEC. 4. (a) The President, on the request of the Governor of a State, is authorized and directed to designate an area of the country an economic disaster area when—

(1) There is a 6 per centum or greater unemployment rate resulting from an abrupt rise, which has existed for six of the preceding twelve months, or which is expected to occur and which will be more than temporary in duration; or

(2) There has been or will be a 50 per centum or greater increase in unemployment in the area within a one year period, which will be more than temporary in duration; or

(3) There has been or will be changes in Federal procurement or contract policies or reductions in direct or related Federal employment which adversely affect an area's economy and employment opportunities; or

(4) There are such other critical economic conditions resulting from an abrupt rise in unemployment as the President determines would benefit from assistance under this section.

(b) In designating an economic disaster area, the President may make the designation without regard to geographical or political boundaries and any such designation shall continue for a minimum period of one year.

FEDERAL COORDINATING OFFICER

SEC. 5. (a) Immediately upon the President's designation of a major disaster area, the Director of the Office shall assign a Federal coordinating officer to the designated area. The coordinating officer, acting under guidelines prepared by the director in consultation with the Office of Management and Budget and the Domestic Council, shall—

(1) make an initial appraisal of the economic disaster area and the area's:

(A) local economy;

(B) levels of present and prospective unemployment; and

(C) eligibility for Federal program assistance;

(2) establish such field offices as he deems necessary;

(3) coordinate the administration of all Federal programs authorized under this Act; and

(4) administer the activities of Federal personnel temporarily assigned to the coordinating officer pursuant to section 6 of this Act.

(b) The Governor of a State in which an area has been designated an economic disaster area shall appoint a State official to serve as a State coordinating officer to work with the Federal coordinating officer.

ASSISTANCE OF OTHER FEDERAL AGENCIES

SEC. 6. (a) At the direction of the President, and under the management of the Director and the Federal coordinating officer, all Federal agencies are hereby authorized to provide assistance to an Economic Disaster Area by—

(1) utilizing or otherwise making available with or without reimbursement therefor, personnel, equipment, supplies, and other resources; and

(2) donating or lending real and personal property determined to be surplus to the needs of the Federal Government to State and local government;

(b) Federal agencies may be reimbursed for expenditures made under this Act from funds appropriated for the purposes of this Act. Any funds received by Federal agencies as reimbursed for services or supplies furnished under the authority of this section shall be deposited to the credit of the appropriation or appropriations currently available for such services or supplies.

(c) In carrying out the purposes of this Act, the Federal coordinating officer is authorized to accept and utilize the services or facilities of any State or local government, or of any agency, office, or employee thereof, with the consent of such government. Any Federal agency, in performing any activities under this section, is, with the approval of the Federal coordinating officer, authorized to appoint and fix the compensation of such temporary personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of such title relating to classification and General Schedule pay rates, to employ experts and consultants in accordance with the provisions of section 3109 of such title, and to incur obligations on behalf of the United States by contract or otherwise to achieve the purposes of this Act.

AUTHORITY TO REPROGRAM FUNDS TO DEAL WITH ECONOMIC AND EMPLOYMENT PROBLEMS

SEC. 7. (a) To create new employment opportunities and to improve the economies of areas designated as economic disaster areas pursuant to section 4, the President is hereby authorized to reprogram up to 30 per centum of any federally appropriated funds scheduled for expenditure in an economic disaster area into other programs which are better able to relieve economic distress, reduce unemployment, and respond to the conditions presented in that area.

(b) Fifteen days before exercising authority granted pursuant to subsection 7(a) to reprogram funds, the Director of the Office shall transmit to the Congress a report identifying the source of funds proposed to be reprogramed, the proposed use of the funds, and the economic and employment benefits which are anticipated. The reprograming shall become effective unless either the House or the Senate by resolution disapproves within fifteen calendar days of receiving a report: *Provided*, That if Congress is not in session the reprograming authority granted pursuant to section 7(a) shall be reduced to 15 per centum until such time as Congress shall reconvene.

FEDERAL GRANT-IN-AID PROGRAMS

SEC. 8. The Director of the Office, with the concurrence of the President, is hereby authorized to direct any Federal agency charged with the administration of a Federal grant-in-aid program to modify or waive, such administrative or procedural conditions for assistance which impede, frustrate, or prevent the granting of timely assistance under such programs to individuals and governmental units in areas designated as economic disaster areas.

FEDERAL ECONOMIC RECOVERY FUND

SEC. 9. (a) There is hereby established a separate fund in the Treasury of the United States to be known as the Federal Economic Recovery Fund (hereinafter called the "economic recovery fund") which shall remain available until expended as hereinafter provided.

(b) There is hereby authorized to be appropriated to the economic recovery fund $2,000,000,000 and such funds as are necessary in subsequent years to maintain the fund at a level of $2,000,000,000, to be used by the President for the purposes set forth in this section and in this Act.

(c) The Director of the Office, together with the heads of other Federal agencies, are directed to review existing Federal grant-in-aid, loan and loan guarantee programs, and prepare a report identifying those programs eligible for assistance from the economic recovery fund. In addition, assistance may include, but shall not be limited to—

(1) loans to businesses and individuals to enable them to meet business and residential mortgage payments and to prevent foreclosure, eviction, and repossession of personal property;

(2) unrestricted grants to State and local governments to implement local initiatives and projects designed to relieve unemployment and stimulate the economy, but which are not eligible for existing grant-in-aid programs;

(3) grants to accelerate Federal, State, or local projects which are underway or on which the planning is completed or substantially completed;

(4) relocation assistance for unemployed individuals and their families;

(5) unemployment assistance, without regard to the maximum duration of benefits available under the unemployment compensation program of the State in which the economic disaster area is located, but such assistance shall not exceed the maximum amount set by the State and shall be reduced to the extent benefits are available under State law;

(6) housing assistance and any necessary assistance to assure that all individuals in the designated area have a balanced diet of nutritious food;

(7) grants to States and units of local government to enable them to pay the State share of other Federal grant-in-aid programs which would assist economic recovery;

(8) grants or loans to nonprofit organizations and loans guarantees to private profit-making organizations for job creation and

holding major employers who would otherwise substantially reduce employment in the area; and

(9) such other assistance which the Director of the Office, with the concurrence of the President, determines to be necessary and best suited to meet the needs of persons living within an economic disaster area.

STATE FULL EMPLOYMENT AND ECONOMIC RECOVERY PLANS

SEC. 10. (a) The Director of the Office is authorized to provide assistance to the States in developing comprehensive plans and practicable programs for relieving unemployment and stimulating regional economies in anticipation of future economic downturns and rising levels of unemployment. State full employment and economic recovery plans (hereinafter referred to as "State plans") shall be prepared and administered by a single State office to be designated by the Governor.

(b) State plans shall include—

(1) short range emergency actions for economic stimulation and the creation of employment opportunities;

(2) long range recovery plans requiring large capital expenditures and designed to improve public services and the quality of life;

(3) an up-to-date, continuing status report on—

(A) on-going public works projects;

(B) public works projects on which planning has been completed but on which construction has not begun;

(C) public works projects which are being planned;

(4) a contingency program for the continued delivery of essential public services, food products, and the provision of adequate housing to persons displaced or unemployed as a result of a regional economic downturn; and

(5) a current catalog of State assistance programs designed to provide temporary or long-term relief to individuals unemployed or otherwise damaged by economic forces beyond their power to anticipate or control.

(c) The Director of the Office shall periodically review State plans and shall prepare for submission to the Congress an annual report on the status of State planning and the actions of his Office under this Act.

REVOCATION OF ELIGIBILITY

SEC. 11. Any region designated as an economic disaster area shall remain eligible for Federal assistance under this Act for a minimum period of one year. The Director of the Office shall recommend the removal of an area from the designated list of eligible areas only after a full review of the local economy, the area's employment level, the improvements resulting from assistance made available under this Act as well as the removal of the area from the Department of Labor's monthly bulletin on "Area Trends in Employment and Unemployment." Benefits made available under this Act shall be phased out over a reasonable period of time and in an orderly manner which will not disrupt the local economy.

REGULATIONS AND NONDISCRIMINATION

SEC. 12. The Director of the Office shall issue and may alter and amend such regulations as may be necessary to implement this Act. Such regulations shall include provisions for insuring that the relief and assistance activities shall be accomplished in an equitable and impartial manner, without discrimination on the grounds of race, color, religion, nationality, sex, age, or economic status prior to designation of an area as eligible for benefits under this Act.

DEFINITIONS

SEC. 13. As used in this Act—

(1) "Director" means the Director of the Office of Economic Aid to Depressed Areas;

(2) "economic disaster area" means a geographical area which the President has designated as meeting the criteria of section 4 of this Act;

(3) "Federal agency" means any department, independent establishment, Government corporation, or other agency of the executive branch of the Federal Government;

(4) "Federal coordinating officer" means an employee of the Office of Economic Aid to Depressed Areas who shall serve as the chief Federal officer in dealing with areas designated as economic disaster areas;

(5) "Federal economic recovery fund" means the fund established in section 9(a) of this Act to finance the programs authorized by this Act;

(6) "Full employment and economic recovery plans" means contingency plans prepared by the individual States pursuant to section 10 of this Act;

(7) "Governor" means the chief executive of any State;

(8) "local government" means any county, city, village, town, district, or other political subdivision of any State, and includes any rural community or unincorporated town or village, and, for the purposes of this Act, shall include any Indian reservation or Indian community which enjoys a trust relationship with the United States;

(9) "State" means any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Trust Territory of the Pacific Islands; and

(10) "United States" means the fifty States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

Mr. MAGNUSON. Mr. President, I rise in support of S. 2393, the Economic Disaster Relief Act of 1971. I want to express my deepest appreciation to the Senate Public Works Committee and its chairman, Senator RANDOLPH, for the prompt consideration it has given to the Economic Disaster Relief Act of 1971.

Equally important has been the work of Senator MONTOYA, chairman of the Subcommittee on Economic Development. Senator MONTOYA's subcommittee conducted hearings across the Nation, and of particular interest to me, spent 2 days in Seattle, hearing firsthand the economic disaster conditions facing the Puget Sound region.

I have also been impressed by the bipartisan support for this bill in the Senate Public Works Committee. Senator COOPER, the ranking minority member of the full committee, and Senator BAKER, the ranking minority member of the subcommittee, have both been cooperative and enthusiastic regarding the need for an economic disaster relief measure. Minor difference in criteria will be settled on the Senate floor today and after that I am confident the Senate will overwhelmingly approve this measure.

Mr. President, in May of 1971, Senator JACKSON and I introduced our version of the Economic Disaster Relief Act of 1971 (S. 1832). Many of the provisions of the original bill have been incorporated in S. 2393.

The key provisions of both bills include:

A food distribution program allowing for the use of both food stamps and surplus commodity distribution;

Housing relief, including assistance with mortgage payments;

Employment assistance, including a provision to help pay relocation expenses for persons who have found new employment outside the depressed areas;

Low-interest loans to employers;

Grants to communities;

Medical services;

Grants to local governments to make up tax losses caused by economic disasters;

Grants to States to enable them to pay the State share of other Federal grant-in-aid programs; and

Assistance to employers to enable them to maximize job opportunities.

Mr. President, I would also like to review certain economic facts that lead any observer to the conclusion that Washington State is such an area.

The following figures were compiled in May, 1971:

Total number of insured unemployed is 182,000;

The number of those unemployed who have exhausted both regular and extended unemployment benefits (January-May) totals 25,000, and 40,000 more will exhaust all benefits by December 31, 1971.

Actual unemployment statewide is estimated at between 15 and 20 percent.

Insured unemployment statewide is 11.6 percent.

King-Snohomish-Seattle, 15.2 percent.

Pierce-Tacoma, 13.6 percent.

Spokane, 10.3 percent.

Twenty of the State's 39 counties have unemployment double the national average.

In May, about 91,000 households—over 263,000 people—in the State were receiving food stamps. State authorities estimate that at least 40 percent of those eligible for food stamps are not yet participating in the program.

The Neighbors in Need Program: This is the church feeding program in King County, that distributes donated food to anyone who says he is in need. They feed 8,000 persons a week and estimate that with sufficient food they could feed 20,000 persons a week.

The Seattle area office of the Department of Housing and Urban Development has reported to me that during the calendar year 1970, it acquired 1,836 single family properties and that between January 1, 1971 to June 15, 1971, the Seattle area office acquired, through mortgage default, 1,612 properties. The current inventory of single family properties is 2,639.

The State's Unemployment Compensation Fund, which started at $302 million in June, 1970, has now been reduced to $122 million. It is expected to be entirely depleted in less than a year. There are nearly 7,000 delinquencies of FHA single family housing units of which about 3,500 will be repossessed by the end of 1971.

Aerospace employment in Washington since January 1969 has fallen by 59,000, a drop from 99,000 to 40,000. Nearly 10,000 aerospace employees are to be laid off by the end of the year.

Business failures in Washington for the first 5 months of 1971 were running at a rate of nearly three times the rate of the same period in 1970. Total liabilities represented in these 1971 failures were in excess of $17 million, compared to less that $6 million in failures during the first 5 months of 1970.

Mr. President, these facts are very grim and represent what my State is facing. These facts also present a case that cries out for relief. The way to provide that relief is with the Economic Disaster Relief Act of 1971 (S. 2393).

This measure is patterned after the Disaster Relief Act of 1971 which was basically concerned with natural disaster victims. I believe that this extension is warranted and necessary.

The PRESIDING OFFICER. Who yields time?

Mr. BUCKLEY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 13 minutes remaining on his amendment.

Mr. BUCKLEY. I thank the Chair.

Mr. President, I do not want to continue this any longer than is necessary to consider the merits of the amendment.

I was enormously impressed during the day on which this bill was reported by the committee by the testimony given by both Senators from the State of Washington, describing the extraordinary and highly unusual impact that the disaster which has hit the city of Seattle has had both on the city and on the State.

At the time, I think it became apparent that what we had under consideration was a very specialized tool, a mechanism which could help restore the vitality of the existing facilities in the city of Seattle and tide over those who were thrown out of work, by a situation beyond their control, until such time as the wheels started grinding again.

I suggest again that we are all very cognizant that in this country are large areas where there is chronic unemployment, where they do not have the facilities in existence which will attract employment to provide jobs. But, again, as I suggested earlier, we have literally dozens of pieces of legislation on the books at the present time which were designed to cope with these situations; and if they are failing to achieve their purposes, I suggest that what we need to do is to address ourselves to improving them—the Manpower Development and Training Act, the Economic Opportunity Act of 1964, Appalachia, and so forth.

I should also like to suggest that one of the speediest acts which Congress could adopt to grant the flexibility to meet this kind of problem is to enact the President's manpower revenue-sharing pact. But to try to combine apples and oranges in one bill would blunt the sharpness of the scalpel we have under consideration to cope with the situation which the Senators from Washington have primarily in mind.

Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. BUCKLEY. Mr. President, I yield 2 minutes to the Senator from Kentucky (Mr. Cooper).

Mr. COOPER. Mr. President, I believe that many Senators in this Chamber have not had the opportunity to study the specifics of this bill. I repeat what I said a short time ago—the concept of the bill, as originally conceived, was that it should be formulated to reach specific areas of high unemployment which had occurred abruptly, and which could be reasonably defined.

There may not be the large sums of money to do all that we would like to see done wherever unemployment exists. But we certainly ought to reach those places in which there are terribly hard situations of sudden and massive unemployment.

The Senators from Washington have described one such situation. We want to help the State of Washington—and areas having similar problems in Michigan, Connecticut, and wherever located in this country. The proposal as conceived by Senator Baker and the Senators from Washington—and first proposed by the Governor of the Senators' State—did that very thing.

What occurred in the committee was a change in criteria, which just makes it a bill applicable to any section of the country having chronic and excessive unemployment.

I would like to see a bill passed which could help these areas also, and several have been. But I am wondering whether we are not moving toward a veto. I do not want to see that happen. I would hope that the Senator from Washington who gave us this leadership, and the Senator from Tennessee would recognize this situation and let us adopt this amendment which the distinguished Senator from New York (Mr. Buckley) has offered to bring the bill back into its proper focus. If that can be done, I cannot promise that everyone on this side will vote for it, but I will vote for it.

That is one vote; I am sure that other Senators will vote for it, too. I would have the heart to go to the President and urge him not to veto the bill.

You may have made this bill, as I have said, a relief bill for the entire United States. I think you must know it is impossible of consummation. We all know it is impossible of consummation. Therefore, I appeal to you, for your feeling toward those people in these areas and your sympathy for them, to vote for the amendment. Then I think we can pass a bill that we may have a chance of securing approval on.

Mr. DOLE. Mr. President, I have listened very carefully to the Senator from Kentucky and the views he has expressed. I believe that the original concept of the bill was one that had almost unanimous approval in the full Committe on Public Works. But, as so often happens, the bill has been expanded beyond all recognition.

Either the amendment of the Senator from New York (Mr. Buckley), or the amendment discussed and to be proposed by the Senator from Kentucky, would properly limit the bill.

If we are concerned about areas of high unemployment, such as in Wichita, Kans., Muskegon, Mich., three or four areas in Connecticut, as well as seven or eight other areas around the country, adoption of the Buckley amendment will provide relief to those areas presently affected by abrupt economic dislocation.

Frankly, adoption of the amendment of the Senator from New York would bring the bill back to about what the staff of the Public Works Committee recommended earlier to those of us on the committee.

I support the amendment and believe in its concept. I understand the need in many areas of America. I hope that we pass a bill this evening that will be acceptable to the House, with perhaps some modification or some compromise made in the conference, and then be signed by the President. But, if we are inviting a Presidential veto, that is another thing. If we are injecting politics into this very serious problem, that is another thing, too. But if we are concerned about the plight of the unemployed in Kansas, Washington, or all across the country, then the better part of wisdom would be to adopt the amendment of the Senator from New York (Mr. Buckley).

Mr. BUCKLEY. Mr. President, I would like to thank my colleagues, the Senators from Kentucky and Kansas, for their remarks. They have focused the spotlight where it needs to be focused in terms of the original purpose of the legislation.

Mr. President, unless some other Senator wishes to make remarks, I am prepared to yield back the remainder of my time.

Mr. MONTOYA. Mr. President, I should like to address myself to the amendment offered by the distinguished Senator from New York (Mr. Buckley). I think the amendment is too restrictive. We considered the concept in the full Public Works Committee. It was disapproved there.

The proposal to limit economic disaster aid to areas in which there has been a sudden rise in unemployment due to the loss or curtailment of employment has as its intention the elimination of areas with persistently high unemployment over long periods of time. This would eliminate Seattle; it would eliminate Detroit; it would eliminate the Los Angeles area; it would eliminate the East Los Angeles area, the Watts area, and many other similar areas throughout the country. It would also eliminate many areas in Alaska where there is persistent high unemployment.

The majority of the committee, in reporting the bill, decided that there was no logical way of distinguishing between individuals unemployed as a result of a recent plant closure and individuals unemployed in an area suffering from chronic economic decay.

An unemployed individual faces the same difficulties in obtaining food, shelter, medical services, and a new job no matter what the source of his unemployment.

A community with a labor market which has been slack for an extended period of time suffers just as great a loss of tax revenues as the community which has recently lost a major employer or a number of smaller employers over a period of time.

The effect of such a limitation on eligibility as proposed by the Senator from New York (Mr. Buckley) will be to eliminate most black and Mexican-American central city neighborhoods where unemployment levels have long been high.

Under the proposed amendments, aid would be available only when previously affluent middle-class neighborhoods, often in the suburbs, suffer a jolt to their prosperity.

To require that the specified unemployment levels result from the loss of major sources of employment or loss of significant sources, or any similar language restricting the criteria, ignores several facts of American life—especially when such restrictions are coupled with the phrase "in any areas." Unemployment is something that can be counted while what constitutes "major" or "significant" is an imprecise judgment. There is no line of demarcation; there is no line of discernment.

Men often commute from residential neighborhoods to areas of employment in other parts of a city. Even if 25 percent of those living in one neighborhood were unemployed, they would be ineligible for this aid unless, in that same neighborhood, their plant had closed. That is true in most of the inner cities of this Nation. This amendment would deprive these people of eligibility. Such a limitation also ignores the common migration of unemployed people to neighborhoods in many of our central cities.

All unemployment results from the loss of employment, except for those who are new in the work force. Increases in unemployment due to new entrances into the work force would not be accounted for by any of the criteria regarding a loss of major source of employment.

The similarity between an economic disaster and a natural disaster is the factor of its pernicious impact on the lives of people and their community. Suddenness is not a critical factor, it is merely a coincidence.

Nothing in the criteria in S. 2393 is designed to provide that reference to "preceding 12 months" in any way disallows a declaration in an area which has suffered unemployment for longer than that period; that use of 12 months is just a matter of convenience in assuming the magnitude of the problem.

So, I say, Mr. President, that to adopt the pending amendment will be to narrow the application of the bill so much that the very people we are trying to help, because of their impacted situation, will not receive any help under the provisions of the bill. I doubt very seriously whether a significant number of the unemployed would ever receive any aid if the proposed amendment is adopted.

Our action in the Senate would be an exercise in futility if the Senator's amendment were adopted.

Mr. President, I reserve the remainder of my time.

Mr. President, is the Senator from New York willing to yield back the remainder of his time?

Mr. BUCKLEY. Mr. President, I am willing to yield back the remainder of my time.

Mr. BAKER. Mr. President, before the time is all yielded back, I wonder if I might yield myself 2 minutes?

The PRESIDING OFFICER. On the bill?

Mr. BAKER. On the bill.

Mr. MONTOYA. Mr. President, I will yield the Senator from Tennessee 2 minutes on my time.

Mr. BAKER. Mr. President, I thank the Senator from New Mexico. I do not want to embark upon a controversy at this point. It seems to me that three alternatives are open to us at this particular juncture.

One of them obviously is to adopt the Buckley amendment which I confess some sympathy for since it is very similar to the language I first introduced.

The second one is to adopt the original version of the bill as reported by the committee.

It seems to me that there is a third one, however, and that would be to consider something in between in the form of the Cooper amendment, which is amendment No. 390.

I do not mean to anticipate what the actions of the distinguished senior Senator from Kentucky might be, whether he will call up the amendment for consideration or not. However, I would point out that if we considered something less than the restriction of the Buckley amendment, the sudden and abrupt concept, and something more than the chronic unemployment concept which is imbedded in the context of the committee print, we get down something close to the Cooper language which would make these programs available to areas where it is attributable to the loss or curtailment of significant sources of employment.

I am not sure how precisely that fits into the middle of those two controversies. However, it is intriguing and causes me to wonder whether the distinguished manager of the bill, the Senator from New Mexico, and the distinguished junior Senator from New York (Mr. Buckley) might consider picking this third cause and break this impending confrontation.

Mr. BUCKLEY. Mr. President, before yielding back the remainder of my time, I understand that the matter will be corrected overnight. I do not want to waste any further time of the Senate by considering the point of order. So, the point of order is withdrawn.

Mr. President, if no one wants to make any further remarks, I am prepared to yield back the remainder of my time.

Mr. MONTOYA. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is an agreeing to the amendment of the Senator from New York. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Mississippi (Mr. Eastland), the Senator from North Carolina (Mr. Ervin), the Senator from Arkansas (Mr. Fulbright), the Senator from Oklahoma (Mr. Harris), the Senator from Hawaii (Mr. Inouye), the Senator from Woyming (Mr. McGee), the Senator from Utah (Mr. Moss), the Senator from Alabama (Mr. Sparkman) and the Senator from Mississippi (Mr. Stennis) are necessarily absent.

I further announce that the Senator from Indiana (Mr. Hartke) and the Senator from Illinois (Mr. Stevenson) are absent on official business.

I further announce that, if present and voting, the Senator from Illinois (Mr. Stevenson) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. Bennett), the Senator from Kansas (Mr. Pearson) and the Senator from Vermont (Mr. Prouty) are necessarily absent.

The Senator from Nebraska (Mr. Hruska) and the Senator from Illinois (Mr. Percy) are absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Tennessee (Mr. Brock), the Senator from Arizona (Mr. Goldwater), and the Senator from Connecticut (Mr. Weicker) are detained on official business.

The result was announced—yeas 28, nays 52, as follows:

[No. 204 Leg.]

YEAS—28

Aiken
Allen
Allott
Baker
Beall
Bellmon
Boggs
Buckley
Byrd, Va.
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Fannin
Fong
Gurney
Hansen
Jordan, Idaho
Miller
Packwood
Roth
Scott
Smith
Talmadge
Thurmond
Tower

NAYS—52

Anderson
Bayh
Bentsen
Bible
Brooke
Burdick
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cranston
Eagleton
Ellender
Gambrell
Gravel
Griffin
Hart
Hatfield
Hollings
Hughes
Humphrey
Jackson
Javits
Jordan, N.C.
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGovern
McIntyre
Metcalf
Mondale
Montoya
Muskie
Nelson
Pastore
Pell
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Spong
Stevens
Symington
Taft
Tunney
Williams
Young

NOT VOTING—20

Bennett
Brock
Eastland
Ervin
Fulbright
Goldwater
Harris
Hartke
Hruska
Inouye
McGee
Moss
Mundt
Pearson
Percy
Prouty
Sparkman
Stennis
Stevenson
Weicker

So Mr. Buckley's amendment (No. 380) was rejected.

Mr. MAGNUSON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MONTOYA. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HUMPHREY. Mr. President, I send an amendment to the desk, which I ask to have read.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read the amendment as follows:

On page 4, line 10, insert the following: after the period—"The president is authorized and directed to provide an additional twenty-six weeks of Emergency Extended Unemployment Compensation to those who have exhausted their unemployment compensation benefits and who may not be in areas designated as disaster areas. Such benefits shall be available to the eligible recipient beginning with the third week after his regular and Extended Unemployment Compensation benefits have been exhausted."

Mr. HUMPHREY. Mr. President, this amendment relates very directly to a problem that is before every Member of the Senate, and indeed, may I say, thousands of people in the United States. Every week 45,000 of our fellow Americans who are unemployed exhaust their unemployment compensation benefits. They lose every benefit they have under the two laws we presently have on the books, the regular unemployment compensation benefits, for 26 weeks, and extended unemployment compensation benefits, for 13 weeks.

Those benefits are being exhausted at the rate of 45,000 per week, and are going up. In my own State of Minnesota they are at the rate of 1,200 a week.

This particular amendment simply authorizes and directs the President to extend those benefits for an additional 26 weeks, but it also provides that before a person is eligible for those benefits, there must be a period of 2 weeks in which that individual will have to be searching for work or will be without compensation.

It is not a hard amendment to understand. It is very simple and direct.

May I say there is no greater disaster to an individual than for him to lose his job and have little or no prospect of finding another.

We have on a previous occasion in this Congress extended the unemployment compensation benefits, and I think the time is at hand for it to be done again. There is no indication whatever that we will find the situation that confronts us in unemployment significantly relieved in the immediate future.

I know that this bill provides for those areas that are designated as disaster areas, under the definition of "disaster areas," a considerable amount of relief and a considerable amount of assistance; but there are many people who do not live in areas which would fit into the definition of what is known as a disaster area in the bill who are suffering from disaster just as much as if it had been a hurricane or some unbelievable act of nature which had overwhelmed them.

I shall not take more time of the Senate except to say I think this is a justified amendment. It is needed. There are thousands of people who are asking for it. Any delay on our part only adds to the suffering and unhappiness of thousands of our fellow citizens who are suffering from the depression and recession in our economy.

Mr. LONG. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. LONG. What might keep me from voting for the amendment is the fact that while the unemployment compensation benefits last, that individual need not take a job that is below his experience. In other words, if he was accustomed to working at $7 an hour or $5 an hour in a skilled labor job, after the unemployment compensation benefit insurance for which he had labored and which he had earned expired in, let us say 26 or 39 weeks, then he would not feel compelled to take any job he could get when the unemployment compensation benefits terminated.

If this is to be extended for another 6 weeks, would he nevertheless be privileged to turn down a job, let us say, at $3 an hour when he previously had been working for $7 an hour? Would he get the benefits rather than have to accept a job beneath the training and skill to which he was accustomed?

Mr. HUMPHREY. This would be defined by State law, what the respective States require. It would not interfere with the existing statutory law that prevails in the Senator's State of Louisiana, my State of Minnesota, or any other State.

It would be my judgment that the employment and security office would be pursuing every job opportunity for an individual, and if a job was available, he would have to take that job.

Most of the people that I find who are today unemployed are very anxious to get jobs that pay them anywhere near a living wage, and I would hope that whatever procedure is maintained now in the respective States would continue to be applied under the terms of this extension.

Mr. LONG. I have been impressed by the fact that in individual cases people, very successful people, have reported to me on occasion that the people handling the job security program were unwilling to refer them to or even make available to them information about a job which was well below the earnings to which they had become accustomed or the skills they had demonstrated, although those persons were anxious to have a job, and would have been willing to take one that became available, even though it paid much less and required less training than the one they had been displaced from.

It would seem to me that after, let us say, 9 months, a person would quit being very particular about the job, and take something that ordinarily he would pass by during the first 5 or 6 months. That is the thing that gives me doubts about the Senator's amendment. I thought he might be able to give me some suggestions along that line. Perhaps he might consider modifying his amendment.

Mr. HUMPHREY. May I say, Mr. President, that there may be examples that can be brought forward. I am sure the Senator has some in mind.

But my experience, particularly in the area that I have recently visited—one of the reasons I have offered this amendment is that this past week, I noticed when I was at home in my own State that 8,000 more Minnesotans will be off the unemployment compensation, and will literally be having to look to the welfare office for assistance.

Those people will take jobs. They are looking for any kind of a job that would pay them a living wage. If there were any way I could be sure that we could find appropriate language—and maybe through legislative history we can be helpful in it—to provide that when a person is offered a job that pays a minimum wage, he has to take that job or he is no longer eligible for his unemployment compensation, I would be more than pleased to see that fashioned.

But I am only saying, speaking from the knowledge I have of this program, that while there may be examples of an office that is not pursuing the seeking of opportunities for work for people on the benefit list, I think those are scattered and few, and I think it ought to be made perfectly clear to those administering the program that the objective in each and every State is to find jobs as quickly as possible.

These benefits are not excessive. As we all know, it would be difficult to live under them, and it would be a bitter, miserable job that would not provide more than the benefits under unemployment compensation.

But we are getting to a point now where long periods of unemployment are compelling more and more people to exhaust benefits. The Government is not saving money, because after a short period of time they must apply for food stamps or welfare, and I think they are better off to try to find meaningful and constructive work. That is the purpose of my amendment.

Several Senators addressed the Chair.

Mr. HUMPHREY. I yield to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, first of all I applaud the Senator from Minnesota for bringing up this amendment.

The name of the game here is helping people who are unemployed, and there is nothing more direct than giving the benefit to the person who becomes unemployed. I think it is a dignified way of doing. I am not keyed off by the argument that people are not willing to accept a meaningful job, and for that reason ought to be deprived of jobs. What are we trying to do, pauperize our people and make them undignified? As the Senator from Minnesota pointed out, these benefits are not so generous that a person is better off to take the benefits than take a job.

This program was initiated for the purpose of helping people who are unemployed. We talk about revenue sharing, about stimulation of public works programs—everything done, nothing put in. This is a perfect way of reaching that man who is unemployed. And everyone knows that if a person is out of a job, and he has a family to support and no job available, he has to go on relief; and when he goes on relief, who pays for it? The taxpayer pays for it.

This is the direct way of doing it, because when you receive unemployment compensation, you are under the jurisdiction of the board, and if they offer you a job that is comparable to the work that you are qualified for, and it is a dignified job, and you refuse to take it, they can knock you off the roll. I think this is the best way of doing it.

If we are going to do something about unemployment, it does not make any difference to me whether it is unemployment of 10 or 15 percent, any one individual who is out of work, whether he falls within 5, 10, or 15 percent, has a miserable way of getting along.

For that reason, I shall support the amendment, and I applaud the Senator for bringing it up.

Mr. HUMPHREY. I thank the Senator. I now yield to the distinguished Senator from Washington.

Mr. MAGNUSON. Mr. President, I think I appreciate unemployment insurance and its problems as much as anyone. I introduced one of the first unemployment insurance bills in the Nation, the first with the exception of the State of Wisconsin, in my State in 1933. It has been a great thing for our people.

I merely want to say that I am hopeful that we can extend the benefits, as the Senator points out. I have discussed this with the Senator from Louisiana on many occasions, and I am hopeful that the members of the Committee on Finance who are here and present will set themselves to this task when they come back.

I have a bill, and other Senators have similar bills, to extend the unemployment compensation at least 6 months. The States can handle it, because very few people realize that the States can borrow money from the Federal Government to establish unemployment insurance, without interest.

The Senator says he has 8,000 in his State?

Mr. HUMPHREY. Yes. That was the latest figures available.

Mr. MAGNUSON. We have 27,000 who in the last 2 months have exhausted their unemployment insurance. Where do they go? Welfare.

I just got through with the HEW bill. I do not claim to be too knowledgeable about it. I do not think anyone can understand the whole bill. But we do get into welfare.

It costs more money to put a person on welfare than to keep him on unemployment insurance, whether it be for 6 months or a year.

Mr. PASTORE. That is right.

Mr. MAGNUSON. And on top of that you break his spirit. It is humiliating because he wants to, as the Senator from Rhode Island has stated, go to work.

So we have got to set ourselves to this task. I merely speak tonight because I am not quite sure that we should do it this way, on this particular bill. But the Senator from Louisiana, and I am sure the Senator from Connecticut, the Senator from Georgia, and other members of the Committee on Finance whom I see in the Chamber, will set themselves to looking at this real problem of the extension of unemployment compensation. This has just got to be done, not only in my area or in Minnesota, but I can think of scores of places all over the United States where the basket of eggs is going to drop and they are out. And these are people who want to work; they had rather be working.

Unemployment insurance, as has been pointed out, is no bonanza. It runs an average of—What is it?—$55 a week to $70, I think. Senators know they cannot get along on that. But put them on welfare, and you are costing the American taxpayer almost twice as much, and humiliating the dignity of the individual who wants to work; and I think we had better set ourselves to this task.

The Senator from Louisiana has assured me that he is going to try, and I am sure all the members of the Committee on Finance, at least those within the sound of my voice, know what I mean.

Mr. HUMPHREY. Mr. President, I thank the distinguished Senator because I know of his great leadership in this area. He is one of the pioneers, and not only that, the Senator from Washington has been one who has continuously fought for this kind of legislation.

Mr. President, it is my view that the need is so apparent and so immediate that any delay is going to be exceedingly unfortunate. I just stated the figure of 45,000 per week, within the last month, who have exhausted their benefits. That rate is going up each month.

While I want to see the Finance Committee perfect and extend unemployment compensation legislation—and I know it will, under the able leadership of the Senator from Louisiana and the other members of that committee—may I say that the bill now before the Senate will go to the other body. We will have an opportunity within this bill to get some immediate relief. When the Finance Committee acts upon the measure which is before it, it will, of course, supplant what is in this measure. So we do not lose anything, and we may very well save some time here and possibly save some misery of a number of people.

I know that this is not the ordinary way in which we do things. We work through the committee process. The truth is, however, that unemployment compensation legislation, as is well known by the Members of the Senate, is on the books. The question is really the matter of extension, and the extension I am proposing here is 26 weeks. I do not think that is excessive. I see no indication that our problems of unemployment will be substantially altered in the next 26 weeks. I do see that thousands and thousands of more people will be exhausting their benefits. I believe, therefore, that this amendment is needed.

I think the action of the Finance Committee will be needed, and I would hope that the Finance Committee would pursue its action, as I am sure it will, immediately after the recess, and come forth with an extension that may be even more meaningful than this one.

Mr. President, I rest my case. When we talk about disaster relief, I believe that one of the great disasters that befalls thousands of our people every day is unemployment, and it is compounded when the compensation for unemployment is exhausted.

As has been graphically stated here, this is not an extreme measure. It is one that has been tested and tried. It is not as expensive as welfare measures. I think it is desperately needed, and I hope my colleagues will see fit to support it.

Mr. BAKER. Mr. President, at the time I introduced this bill, which was referred to the Committee on Public Works, and which was modified and reported in its present form, many argued against its introduction, on the theory that it would be practically impossible in this body to design a bill that would meet the exigencies of an emergency situation in particular areas, such as Seattle, Connecticut, and others with which we are familiar, because amendments would be added on the floor or in committee which would make it of general effect, and therefore so pollute the effect of the measure that it would have no significance in areas of critical unemployment, or make it so unpalatable that it would not be accepted by the other body or that it would be assured of a presidential veto.

I am most sympathetic to the expressions of concern voiced by the distinguished Senator from Minnesota. But I also perceive that the introduction of this amendment is proof of the allegations by certain of my colleagues in opposition to my introducing this bill in the first instance; that in fact we would make it one of general application instead of special and narrow application, where we could concentrate massive Federal assistance to relieve particular segments of an economy acutely distressed.

Mr. President, I suggest that one of the problems we have is determining, in the good judgment and wisdom of the Senate, to try to concentrate the available programs, money, and resources under this bill on the areas where we can do the most good the most quickly, without trying to make this bill all things to all people.

I would hope that, in the ordinary course of events, the Finance Committee of the Senate would consider in its wisdom the extension of unemployment benefits. I expect that I would support such a program if properly heard and properly reported to the floor of the Senate. But I urge my colleagues to consider that the bill before the Senate is to relieve a specific situation, such as the one in Seattle, in Wichita, in Connecticut, where the problem is acute. If we try to make it a statute of general application throughout the United States, we are sounding its death knell.

I hope the amendment will be rejected.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. MONTOYA. How much time does the Senator desire?

Mr. COOPER. Four minutes.

Mr. MONTOYA. I yield 4 minutes to the Senator from Kentucky.

Mr. COOPER. Mr. President, I know the generous spirit and generous heart of the Senator from Minnesota. I have known him for a long time, and I appreciate his purpose tonight.

I do have some responsibility in this situation. I say to Senators in the Chamber now, who were not here when we discussed this bill earlier, that we approached it first in the concept of giving specific aid to individuals—to people living in cities and areas of highest unemployment, usually where it had occurred very abruptly, as by the closing down of an industry. We knew there was not enough money in this type of bill to do what should be done all over the country. So we attempted, through Senator BAKER and the Senators from Washington, to direct it to these most critical areas.

The bill already has been made one of general application throughout the country—directed also to people who never have been employed, people who have been unemployed for 15 years—where there has been chronic, persistent unemployment. The money available to the Office of Emergency Preparedness for this bill and natural disaster areas is $85 million, which has been appropriated.

I would like to vote for extended unemployment compensation. I recall that in 1962, when we were in a depression, and in 1958, we did that. But if we are not careful this bill is going to be such a mish-mash that it will not help any body, and the Senator's amendment may move it toward a veto.

So I have to do this, much as I dislike it.

Mr. President, I make the point of order.

The PRESIDING OFFICER. Does the Senator from Minnesota yield back his time? The Senator from Minnesota would have to yield back his time first.

Mr. HUMPHREY. Mr. President, does the Chair ask whether I yield back the time?

The PRESIDING OFFICER. The Senator from Kentcky has made a point of order, but it cannot be made until the Senator from Minnesota yields back his time or uses up his time.

Mr. HUMPHREY. Before I yield back my time, I should like to make some comments with respect to the argument that has been made.

The PRESIDING OFFICER. The point of order will not be in order until the Senator yields back his time.

Mr. LONG. Mr. President, will the Senator yield?

Mr. MONTOYA. I yield the Senator 1 minute.

Mr. LONG. Mr. President, I would be happy to consider this measure in connection with revenue measures in the Finance Committee, but this measure, attached to this bill, would be clearly unconstitutional; because this is a Senate bill, and the Constitution requires that revenue measures originate in the House. This is not an appropriation bill, nor is it a revenue bill in any respect whatsoever. This is a revenue measure being offered to the bill. The Constitution clearly requires that it be a revenue bill when it originates in the House, and this bill does not originate there. It originates in the Senate. So that if this amendment were adopted, it would be unconstitutional. The courts would be required to strike it down. It would not get far, because the House would send it back, anyway.

If this is supposed to be an emergency bill, rather than send it to the House and have them send it back, which they will surely do, the Senator would be better off to save this measure and consider it in connection with a revenue bill.

I say to the Senator that I would have been compelled to make the point of order if someone else did not, even though I will arrange for a hearing when we get back here, and I will invite the Senator to testify on it, because he makes a very good case, and I am very sympathetic to it.

Mr. HUMPHREY. Mr. President, before the point of order is made—and I appreciate the courtesy of my colleagues—may I say most respectfully that I disagree that this is unconstitutional——

The PRESIDING OFFICER (Mr. WEICKER). How much time does the Senator yield himself?

Mr. HUMPHREY. Mr. President, how much time remains?

The PRESIDING OFFICER. Thirteen minutes.

Mr. HUMPHREY. I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 5 minutes.

Mr. HUMPHREY. Mr. President, I say most respectfully that while the point is made that this may be unconstitutional, I cannot agree with that. This is an amendment not in the nature of a revenue measure but an amendment which directs the President to use out of appropriated funds money for the purpose of payment of unemployment compensation. We are not adjusting the tax base. We are not adjusting taxes. This kind of amendment has been offered before in the Senate. I recall that the Senator from Indiana offered an amendment similar to this on a measure 2 or 3 months ago. It was a close vote, a difference of two or three votes, I believe.

Second, I respectfully urge upon the Senate that we will be out of here for a month and while it is true that the upper House will also be out, if we can pass an amendment like this now, the other body can quickly go to work on it.

In the meantime, following return after the recess, the Finance Committee will be at work on it, as the Senator from Louisiana has already said and, hopefully, I think it will successfully process legislation along the lines I am offering here. It will not be a conflict. If that is done, the language from the other bill will supersede this language. We will save time in the meantime.

As the Senator from Kentucky said, the purpose of the bill is to help people. Well, I think that if we are going to help people, we do not have to wait to see whether they are in an area that has been defined here as "where the rate of unemployment is 50 percent above the national average for 6 or preceding 12 months, which would mean that it would have to be a 100-percent increase in the unemployment to 6 percent or more of the preceding 12 months."

The point I make is that people are and have been unemployed. They have to use their benefits. They are exhausting their benefits. They are without money. It is much better that they get an extension of unemployment compensation before they go on welfare or become, frankly, just forgotten people.

This is a disaster relief bill. My amendment relates to disaster. I think it should be adopted and I respectfully urge my colleagues to give it favorable consideration.

Mr. President, I now yield back the remainder of my time.

Mr. COOPER. Mr. President, will the Senator from New Mexico yield?

Mr. MONTOYA. How much time does the Senator need?

Mr. COOPER. One minute.

Mr. MONTOYA. I yield 1 minute to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 1 minute.

Mr. COOPER. Mr. President, I recognize and I agree with the substance of what the Senator says, that this should be provided and provided in a proper way; but the bill, unless it is kept in some order, will not become a bill anyway, it will become an act. Thus, I must try all I can to protect it, such as it is.

Mr. President, I make the point of order that the amendment is not germane.

Mr. HUMPHREY. Mr. President, will the Chair rule?

Mr. MONTOYA. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. WEICKER). The Chair will now rule on the point of order made by the Senator from Kentucky (Mr. COOPER).

The Chair sustains the point of order.

Under the unanimous-consent agreement for the consideration of this bill, there is a proviso that no amendment not germane to the provisions of the said bill shall be received.

The amendment by the Senator from Minnesota (Mr. HUMPHREY) is concerned, in effect, with an extension of the unemployment compensation law. The bill mentions the subject, but in no way amends the unemployment compensation laws.

If this amendment were introduced as a bill, it would be referred to the Committee on Finance, not to the Committee on Public Works, which reported the pending bill.

Thus, the amendment is not germane and, therefore, is not in order.

Mr. HUMPHREY. Mr. President, I appeal from the ruling of the Chair.

Mr. President, under my right to appeal the ruling of the Chair, may I cite why I make the appeal?

The PRESIDING OFFICER. The Senator from Minnesota is recognized for that purpose.

Mr. HUMPHREY. Mr. President, I make that appeal, Mr. President, because the amendment is germane.

The language of the bill on page 3, over to page 4, relates directly to the extension of unemployment compensation.

It states:

> Such assistance as the President shall provide shall be available to individuals not otherwise eligible for unemployment compensation and individuals who have otherwise exhausted their eligibility for such unemployment compensation, and shall continue as long as the area is designated as a major disaster area (but not less than six months) or until the individual is reemployed in a suitable position.

Mr. President, how can you be more germane than that?

Indeed, the bill itself extends the unemployment compensation.

I respectfully submit, Mr. President, that the ruling the amendment is not germane is incorrect. The language of unemployment compensation is all the way through the bill.

I appeal from the ruling of the Chair, and ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ALLOTT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Colorado will state it.

Mr. ALLOTT. The yeas and nays, having been ordered, will the occupant of the Chair please state the order in which the question is to be posed?

The PRESIDING OFFICER (Mr. Weicker). The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Does any Senator care to use time or is it all yielded back?

Several Senators. Vote! Vote! Vote!

The PRESIDING OFFICER. Does the Senator from New Mexico yield back his time?

Mr. MONTOYA. I yield back the time, if I have any time on this.

The PRESIDING OFFICER. The Chair repeats the question: Shall the decision of the Chair stand as the judgment of the Senate?

On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk proceeded to call the roll, and Mr. Aiken voted in the affirmative.

Mr. AIKEN. Mr. President, does a "yea" vote sustain the decision of the Chair?

The PRESIDING OFFICER. A "yea" vote on this question sustains the position of the Chair.

The legislative clerk concluded the call of the roll.

Mr. BYRD of West Virginia. I announce that the Senator from North Carolina (Mr. Ervin), the Senator from Arkansas (Mr. Fulbright), the Senator from Oklahoma (Mr. Harris), the Senator from Hawaii (Mr. Inouye), the Senator from South Dakota (Mr. McGovern), the Senator from Utah (Mr. Moss), the Senator from Alabama (Mr. Sparkman), and the Senator from Mississippi (Mr. Stennis) are necessarily absent.

I further announce that the Senator from Indiana (Mr. Hartke) and the Senator from Illinois (Mr. Stevenson) are absent on official business.

I further announce that, if present and voting, the Senator from Illinois (Mr. Stevenson) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. Bennett), the Senator from Kansas (Mr. Pearson), and the Senator from Vermont (Mr. Prouty) are necessarily absent.

The Senator from Nebraska (Mr. Hruska) and the Senator from Illinois (Mr. Percy) are absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Tennessee (Mr. Brock), and the Senator from Arizona (Mr. Goldwater) are detained on official business.

The result was announced—yeas 53, nays 29, as follows:

[No. 205 Leg.]

YEAS—53

Aiken
Allen
Allott
Anderson
Baker
Beall
Bellmon
Bentsen
Bible
Boggs
Buckley
Byrd, Va.
Byrd, W. Va.
Cannon
Chiles
Church
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Fannin
Fong
Gambrell
Griffin
Gurney
Hansen
Hatfield
Jordan, N.C.
Jordan, Idaho
Long
Mathias
McClellan
Miller
Packwood
Randolph
Roth
Saxbe
Scott
Smith
Spong
Stevens
Symington
Taft
Talmadge
Thurmond
Tower
Weicker
Young

NAYS—29

Bayh
Brooke
Burdick
Case
Cranston
Gravel
Hart
Hollings
Hughes
Humphrey
Jackson
Javits
Kennedy
Magnuson
Mansfield
McGee
McIntyre
Metcalf
Mondale
Montoya
Muskie
Nelson
Pastore
Pell
Proxmire
Ribicoff
Schweiker
Tunney
Williams

NOT VOTING—18

Bennett
Brock
Ervin
Fulbright
Goldwater
Harris
Hartke
Hruska
Inouye
McGovern
Moss
Mundt
Pearson
Percy
Prouty
Sparkman
Stennis
Stevenson

So the decision of the Chair was sustained.

ORDER FOR STAR PRINT OF COMMITTEE REPORT NO. 92-337 ON S. 2393

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that a star print of Committee Report No. 92-337 to accompany S. 2393 be prepared.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUSKIE. Mr. President, the Economic Disaster Relief Act of 1971 (S. 2393) attacks the problems of chronic and sudden unemployment. It includes an amendment I offered in committee assuring that the assistance provided in S. 2393 be available to areas that have experienced high and persistent unemployment. S. 2393 amends the "Disaster Relief Act of 1970" by expanding the definition of a major disaster area to include areas that have experienced an unemployment rate 50 percent above the national average for 6 of the 12 preceding months or a 10 percent increase in unemployment to a rate higher than 6 percent over the 12 preceding months. An area, community, or neighborhood where such conditions exist can be designated without regard to political boundaries.

In trying to help the unemployed we must not be stopped by political boundaries or statistical abstractions. Unemployment does not stop at any State boundary, nor is it neatly contained in any statistical formula like major labor areas. The problem of unemployment is as varied as the men involved. Government programs should be flexible to seek out and destroy unemployment where it exists. Unfortunately, present Government programs all too frequently do not have the necessary flexibility to combat unemployment where it exists.

But for this amendment to expand the availability of assistance to communities, and neighborhoods, and under this bill would be limited to so-called "major labor areas."

A "major labor area," as defined by the Department of Labor, consists of a central city or cities and the surrounding territory within commuting distance.

As one can readily see, the definition of "major labor areas," and its use in determining eligibility for a variety of Federal programs do not take into account the existence of severe pockets of unemployment in many of our central cities. These poverty pockets are often masked by relatively full employment elsewhere in the "major labor area."

The Los Angeles area provides a good example of this condition. The Los Angeles-Long Beach labor area—including all of Los Angeles County—is not currently eligible for assistance under title I of the Public Works and Economic Development Act of 1965, even though the Watts area of Los Angeles has unemployment of 18 to 20 percent, and the Mexican-American community of East Los Angeles has unemployment estimated at 15 percent. These areas have had high unemployment rates for years and suffered disproportionately during the recent recession. A "major labor area" approach to Federal disaster relief would not provide relief for these areas of severe economic hardship unless the labor area as a whole had high unemployment. This, I believe, is unacceptable. Urgently needed aid should not be withheld from the jobless in our cities merely because they live in a neighborhood surrounded by areas of full employment. Assistance of this kind must be available to concentrations of the unemployed and their communities regardless of political boundaries or the relative prosperity of nearby areas.

Once an area has been designated an economic disaster area, individuals in those areas would qualify for a variety of aid already available to victims of natural disasters. This aid would include:

Temporary housing or emergency shelter;

Mortgage or rental payments up to a year upon written notice of foreclosure or eviction; and

Food coupon allotments and surplus commodities.

Individuals would receive expanded unemployment compensation under this bill. Both those who have exhausted their eligibility and those not otherwise eligible would receive unemployment compensation as long as the area is designated as a major disaster, unless reemployed.

A new section added by this bill would authorize relocation assistance to unemployed individuals in disaster areas, including costs of seeking a job in another area and moving to a new job.

New authority would be given to the President to provide medical services in major disaster areas, without regard to ability to pay, utilizing Public Health Service, military and State facilities and personnel.

Aid to major sources of employment under section 237 of the Disaster Relief Act would be expanded to include loans to enterprises which have the potential to be a major source of employment in a disaster area, as well as those which have been major employers and are out of operation because of the disaster.

Communities with economic disasters could receive grants to take the place of lost property tax revenues. Also, as under existing law for natural disasters, in economic disaster areas Federal agencies could waive or modify administrative procedural conditions for assistance, and the President could take steps to avert or lessen an imminent economic disaster before its actual occurrence.

Clearly this bill provides a wide range of new assistance to areas experiencing intolerably high levels of unemployment throughout this country. Unfortunately, there are far too many of these areas. As of June 1971, 5.5 million Americans were cut off work. The continued sluggish recovery—the index of leading business indicators which generally foreshadows movements in the general economy declined in June—means that the problem of unemployment is not being solved.

For months the Senate has been debating what should be done. The Economic Disaster Area Relief Act of 1971 answers that question. It will bring much needed relief and help to areas like Seattle, Wash.; Anchorage, Alaska; Wichita, Kans.; and Southern California. Areas which are clearly experiencing an economic disaster.

In Wichita, Kans., unemployment rose from 7,400 in January 1970, to 16,700 in January 1971. Today unemployment is over 10 percent in Wichita.

Two years ago, only 66,000 people were unemployed in the State of Washington; today there are at least 160,000 people unemployed.

Unemployment for April in Los Angeles County was estimated at 264,000. For the same month, unemployment rates in Anchorage and Fairbanks, Alaska's major labor areas, were 12.3 and 14.4 percent, respectively.

The approach recommended by this bill recognizes that our economy is like a seamless web, that between the parts there is an interdependence and connection that we ignore at our peril. For an economy to be truly prosperous, each of its parts must be prosperous. This bill goes to the tap-well of our problems providing assistance where it is needed.

Areas of chronic unemployment particularly need the assistance provided by this bill. Their problems are seriously aggrevated by the recent recession and the present slack in our economy. These areas have suffered the consequences of unemployment longer and harder than the rest of the country. Slack unemployment in urban poverty neighborhoods is now at an intolerable 11.9 percent rate. The fact that these areas and these people have endured more should not be made the reason to exclude them from the provisions of this bill. To exclude areas of chronic unemployment from the relief offered by this bill would be neither logical nor compassionate. It is not humane to say to a man out of work that we are helping some unemployed Americans but not him, because he did not become unemployed in the right way. This would seem to suggest that we have two kinds of unemployed Americans—the deserving unemployed and the undeserving unemployed. Such a distinction is not humane to the man out of work nor to his family that he must provide for and feed.

Also such a distinction is not logical. First, it forgets that areas of this country are not separate from each other. They are, in fact, part of the same whole. If John Donne can say that no man is an island, certainly we can say that Detroit is not an island, that Los Angeles is not an island. If our economy is to have real prosperity, then these areas must prosper.

Second, it is not logical because such a distinction assumes that there is a fundamental economy difference betweeen the two kinds of areas. In fact, the fundamental flaw causing the problem is the same. An area that has suffered extensive and sudden unemployment needs to create a broad-based economy just as much as areas of chronic unemployment. Both areas suffer from a lack of a truly suitable economy. Both areas need the assistance provided by this bill. Both areas need the economic foundations provided by this bill.

The "Economic Disaster Relief Act of 1971" will provide the desperately needed assistance that so many Americans must have because of local economic conditions, and it will provide relief to areas in need regardless of political boundaries. I support the bill and will oppose all attempts to limit the relief provided in the bill.

AMENDMENT NO. 390

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. COOPER. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

> On page 2, line 18, insert after the word unemployment, the following: "attributable to the loss or curtailment of significant sources of employment or employment opportunity."

Mr. COOPER. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. COOPER. Mr. President, I wish to read the language on page 2 of the bill, starting at line 15, to which my amendment would apply. The language to which I refer deals with the definition of a major disaster:

> "Major disaster" means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, drought, fire, or other catastrophe including the existence of a rate of employment—

Mr. President, at this point, the language I have offered will be inserted as follows:

> attributable to the loss or curtailment of significant sources of employment or employment opportunity

Then, the rest of the language in that section would follow.

Mr. MONTOYA. Mr. President, I have been authorized by the committee to accept the amendment, and I do accept the amendment on behalf of the committee.

Mr. COOPER. Mr. President, I wish to note for the record that I have offered the amendment for myself, the Senator from Tennessee (Mr. BAKER), and the Senator from Kansas (Mr. DOLE).

At this time I yield to the Senator from Tennessee.

Mr. BAKER. Mr. President, this is a good amendment, and it is a good compromise. I will surely expedite the adoption of this worthwhile bill.

Mr. MONTOYA. Mr. President, I yield 30 seconds to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I address the Senate at this time not to discuss the amendment which has been accepted by the able chairman of our Subcommittee on Economic Development, but to say that I think it is important for our colleagues on both sides of the aisle to remember tonight the very excellent cooperation we have had in the Committee on Public Works between the members of the Democratic Party and the Republican Party. We have thought always in terms of working out our problems within the committee, and even on the floor, from the standpoint of an approach which is constructive in nature.

I commend the Senator from Kentucky (Mr. COOPER), the Senator from Tennessee (Mr. BAKER), and other Senators who worked with the committee in an effort to bring forth a strong bill.

Mr. MONTOYA. Mr. President, I wish to associate myself with the remarks of the Senator from West Virginia and reemphasize that at all stages of the consideration of this bill, we have received very good cooperation from the minority side, not only during our field hearings on this bill but in all the considerations within the committee directed here within the U.S. Senate.

I do want to commend not only the leadership for having been of great help to us this evening, but also the members of the Public Works Committee on the Republican side, Senators COOPER, BOGGS, BAKER, DOLE, BEALL, BUCKLEY, and WEICKER; and on the Democratic side, Senators RANDOLPH, JORDAN, BAYH, EAGLETON, GRAVEL, TUNNEY, and BENTSEN. I also want to commend the staff members, Barry Meyer, Phil Cummings, David Sandoval, John Yago, Bailey Guard, Judy Parente, and Rick Herod, for the excellent work they have done and the agreements they have brought about through their good staff work.

I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFICER. The bill is open to amendment.

Mr. BELLMON. Mr. President, I have an amendment at the desk, which I ask to have stated.

The PRESIDING OFFICER. The amendment of the Senator from Oklahoma will be read.

The legislative clerk read the amendment, as follows:

On page 5, following line 14, insert a new subsection:

"REDIRECTION OF FEDERAL PUBLIC WORKS PROGRAMS

"SEC. 257. At the direction of the President, the head of any executive department or agency of the Federal Government shall, to the maximum extent practicable, consistent with his other responsibilities and with his available statutory authority, redirect activities of such department or agency into areas of a State which have suffered hardship as a result of a major disaster and give priority to projects and activities which are to be carried out in other areas of the State, if the carrying out of such projects and activities in such areas would assist in alleviating the economic distress and other hardship resulting from the disaster and the Governor of the State concurs in such redirection.".

Mr. MONTOYA. Mr. President, will the Senator from Oklahoma yield to me for a minute?

Mr. BELLMON. I yield.

Mr. MONTOYA. Mr. President, this amendment deals with the drought situation. The staff on both sides have discussed the amendment. The committee members have been apprised of it. On behalf of the committee, I am willing to accept the amendment.

Mr. BELLMON. Mr. President, I appreciate the statement of the distinguished chairman, and yield back my time.

Mr. DOMINICK. Mr. President, I think before we do that we ought to find out what this amendment is about. We happen to be in an area of drought. So is New Mexico. So is Texas. So are many others. I would like to be in a position of supporting enthusiastically or not supporting enthusiastically this amendment.

Mr. BELLMON. Mr. President, I shall be glad to explain the amendment. I yield myself 2 minutes.

The purpose of the amendment is to make it possible for the head of an executive department or agency of the Federal Government, with the consent and concurrence of the Governor of a State, to transfer public works projects within a State from an area where there is no disaster or drought condition to an area where there is a disaster and serious downturn in the economy, in an attempt to create more jobs and help the economy.

In my own State of Oklahoma we have a serious drought situation in 12 counties in the southwestern part of the State. In those areas there is need for certain public work programs, particularly for waterworks projects of one kind of another.

Under the terms of the amendment, it would be possible for the head of HUD or Soil Conservation or other agencies to transfer public works projects from one part of the State to those 12 disaster counties in my State, for example. This would not affect other public works projects in other States. But it requires the concurrence of both the Governor of the State and the head of the agency. It would alleviate conditions not only in Oklahoma, but in other States.

I yield back the balance of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oklahoma.

The amendment was agreed to.

AMENDMENT NO 388

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. BAKER. Mr. President, I call up my amendment No. 388.

The PRESIDING OFFICER. The clerk will read the amendment.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield briefly?

Mr. BAKER. I yield.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays on passage.

The yeas and nays were ordered.

The legislative clerk read amendment No. 388, as follows:

After line 14 on page 5 add the following section:

SEC. 7. The amendments made by this Act shall expire on June 30, 1973.

Mr. BAKER. Mr. President, I yield myself such time as I may use.

I simply want to say that we agree that this is emergency legislation under the immediate circumstances and conditions. If that is so, and if it is interim legislation we are dealing with, we ought to have an expiration date. I have offered a 2-year period, until June 30, 1973.

I would hope it is the judgment of the chairman of the committee to accept the amendment.

Mr. MONTOYA. Mr. President, we have considered this amendment. I am willing to accept it.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. BAKER. Mr. President, I yield back my time.

Mr. MONTOYA. I yield back my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Tennessee.

The amendment was agreed to.

Mr. GRIFFIN. Mr. President, I shall reluctantly cast my vote for this bill. I do so with deep concern because I recognize that the legislation in its present form is full of serious defects.

I hope the House of Representatives will see fit to reshape this bill so that it may be more acceptable. Unless that happens, I believe a veto by the President can be expected.

Mr. TUNNEY. Mr. President, the Senate today has a chance to provide urgently needed economic assistance to individuals in this Nation who are suffering desperately from the current crisis of unemployment and inflation.

I strongly support the Economic Disaster Relief Act of 1971, and I urge the Senate to approve this legislation as reported earlier this week by the Public Works Committee, of which I am a member. I am pleased to have helped draft this legislation, which will be immediately helpful to many areas in California, and am pleased as well to have joined a bipartisan group of my distinguished colleagues in sponsoring it.

This legislation declares that the Disaster Relief Act of 1970—originally created to deal with natural disasters—shall be expanded to permit emergency aid for any "area, community or neighborhood" in which unemployment has remained 50 percent above the national average for 6 of the past 12 months, or in which unemployment has doubled within the past year to a rate of 6 percent or higher. Moreover, this legislation provides further kinds of assistance beyond those specified in the 1970 Disaster Relief Act.

As in the 1970 act, the President could declare a major disaster area on request of a Governor once the specifically stated tests of high unemployment have been met. The President would then appoint a Federal coordinating officer for that area, community or neighborhood. The coordinating officer, operating under the Office of Emergency Preparedness, would then make an initial estimate of the types of relief most urgently needed and would coordinate and administer aid to the area.

Individuals in the economic disaster area would be eligible for the following major types of aid:

First, temporary housing or emergency shelter;

Second, mortgage or rental payments up to a year upon written notification of foreclosure or eviction;

Third, food coupon allotments and surplus commodities;

Fourth, expanded unemployment compensation, both for those who have exhausted their eligibility and those not otherwise eligible under State law, for at least 6 months and to continue as long as the area is designated a major disaster area;

Fifth, relocation aid to unemployed individuals in disaster areas, including the costs of seeking a job in another area and moving to a new job;

Sixth, medical services, to be provided through public agencies, without regard to ability to pay;

Seventh, loans to enterprises which have the potential to be some major sources of employment in a disaster area, as well as those which have been a major employer and are out of operation because of the disaster;

Eighth, compensatory grants to local communities to replace tax revenues lost under the impact of economic disaster.

This assurance, made available to areas of disastrously high unemployment, would reach pockets of unemployment and economic stagnation throughout our Nation. In California, it is clear that at least the area of Stockton would be eligible for this assistance. In addition, aid under this bill could reach persistent pockets of unemployment in California which are within larger political units: substantial portions of East Los Angeles and of Watts, for example, have shown a shockingly high rate of unemployment for well over 1 year and would be eligible for aid under this bill—as "communities, areas or neighborhoods"—even though the unemployment rate in the entire Los Angeles metropolitan area may be too low to permit disaster assistance to flow to Los Angeles generally.

I firmly believe that widespread and heavy unemployment, on the scale described in the criteria for eligibility in this legislation, is as serious a disaster when it has persisted over long periods of time as it is when it has happened suddenly in the recent past. I share this view with public works committee Chairman Randolph, and economic development subcommittee Chairman Montoya, among a majority of my distinguished colleagues who considered this matter with me in committee. If we restrict the definition of eligible areas to those particular localities in which unemployment is attributable to the loss or curtailment of sources of employment, we will in effect ignore those persons who are now less able to find work because jobs everywhere are scarce. We would risk creating legislation whose promise of economic assistance, of new hope, is restricted to the former affluent who are newly out of work. This would work a grotesque discrimination against those less privileged persons, often from minority groups, who live in our pockets of highest unemployment.

Additionally, I believe strongly that this legislation should contain sufficient flexibility to allow aid to flow to any "area, community or neighborhood" in which unemployment has met the statutory criteria. The blight of joblessness does not follow ordinary political boundaries, and we should not insist that the percentage of joblessness be computed on those lines. In Los Angeles county, for example, unemployment in April 1971 was estimated at 264,000 persons—a substantially higher figure than the unemployment in the entire State of Washington. However, the percentage of unemployment in Los Angeles county must be computed against the immense base of population in that densely populated metropolitan county. Consequently, the percentage of unemployment has been lower than that which is necessary to qualify for help under Federal aid programs. Yet within Los Angeles, terrible suffering is a fact of daily life in many pockets of high unemployment. In East Los Angeles, for example, the unemployment rate is 16 percent. The median family income for Mexican-Americans is $5,600 yearly compared with $13,000 for families in nearby communities of Monterey Park, Montebello, and Alhambra. It is no surprise that the high school drop out rate in the Mexican-American communities averages 10 times that of surrounding schools.

I believe my distinguished fellow Senators from Washington agree with me—as shown by their cosponsorship of this bill—that these local pockets of high unemployment deserve help fully as much as larger areas of suffering such as Seattle.

We can not escape our obligation to meet our unemployment crisis swiftly and effectively. This legislation will do that job. I urge Senators to join me in supporting the Economic Disaster Relief Act of 1971.

Mr. MILLER. Mr. President, I would like to ask the distinguished manager of the bill a question in order to make some legislative history.

I refer to the language on page 4, lines 19 and 20, of the bill. This language provides that:

> The President shall insure that individuals within any major disaster area have full access to medical services without regard to ability to pay.

I can understand how this could be interpreted one way and how it could be interpreted another way, but, to point up the question, I believe that what is intended is that if there is a poor person, he is going to be able to receive as good and as full medical services as anybody else so that there will not be discrimination against someone simply because he is not able to pay for those services.

Is that the intention of the language?

Mr. MONTOYA. I think the President would, as he is required to do under the bill, accomplish that objective. He will insure the accomplishment of the objective as stated by the Senator from Iowa.

Mr. MILLER. I thought it well to point this out because I think that there could be some difference of interpretation, and I appreciate the response of the Senator from New Mexico.

Mr. MONTOYA. I thank the Senator for bringing up that point.

Mr. ALLOTT. Mr. President, will the Senator yield? I am not sure the point was made clear.

The PRESIDING OFFICER. Who yields time?

Mr. ALLOTT. Will the Senator yield me time for a question or two?

Mr. MONTOYA. Yes, I yield.

Mr. ALLOTT. The language reads:

> The President shall insure that individuals within any major disaster area have full access to medical services without regard to ability to pay.

It is certainly not the intention of the committee, is it, for anybody who lives in a disaster area and who has the ability to pay to have access to medical facilities at the expense of the government? This language is subject to that interpretation.

Mr. MONTOYA. May I inform the Senator from Colorado that the Senator from New York has pending a clarifying amendment which I think will satisfy the objections or concern of the Senator from Colorado, and I am going to accept the amendment.

Mr. ALLOTT. All right, fine, but I would like to ask the Senator from New Mexico, the manager of the bill, it is not his intention, is it, that the situation I have described would be in effect—that someone who is able to pay, simply because he lives in a disaster area, should have access to free medical care?

Mr. MONTOYA. That would be up to the President.

Mr. ALLOTT. Does the Senator mean we are going to write a piece of legislation that gives a person who lives in a disaster area, regardless of his own personal wealth, access to free medical care?

Mr. MONTOYA. The amendment reads that way. I agree with the interpretation placed on it by the Senator from Colorado, but the President is going to open up the channel and is going to prescribe the restrictions he will use in granting medical care.

Mr. ALLOTT. I shall wait for the amendment of the Senator from New York, and then, if it does not clarify the situation, I shall be back.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 386

Mr. BUCKLEY. Mr. President, I call up my amendment No. 386.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> At the end of line 18 on page 4 insert after the word "individuals" the words "adversely affected by the disaster"; and strike everything from line 20 beginning with the sentence "To achieve the purposes . . ." through line 2 of page 5 of the bill.

Mr. BUCKLEY. Mr. President, I believe that is the clarification sought by the Senator from Colorado. As the Senator from New Mexico has indicated, I believe it is acceptable to the manager of the bill.

Mr. DOMINICK. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. The Chair advises the Senator from New York that he has difficulty in hearing the Senator.

Mr. DOMINICK. From listening to the Senator's amendment, a copy of which I do not have and I do not think anyone else in the Senate has it, either, I would gather that the sentence would then read, "The President shall insure that individuals adversely affected by the disaster within the major disaster area have full access to medical services without regard to ability to pay." The rest of it is stricken, is that correct?

Mr. BUCKLEY. That is correct.

Mr. DOMINICK. So regardless of whether they do or do not have the ability to pay, the President then says they will have access, and can go ahead and give them free medical service?

Mr. BUCKLEY. I do not think it reads quite that way, but if clarifying language is needed, perhaps it could be suggested by the Senator from Colorado.

Mr. DOMINICK. I was thinking that if the Senator struck the words "without regard to ability to pay," I think he would accomplish the purpose of his original amendment, which I applaud, I might add.

Mr. BUCKLEY. I believe the intention here is to extend free medical services to those who cannot pay.

Mr. DOMINICK. That is right, but it does not say that.

Mr. MONTOYA. Mr. President, will the Senator from New York yield?

Mr. BUCKLEY. I yield to the Senator from New Mexico.

Mr. MONTOYA. I would like to explain this. We argued about this language with the staff. This is what the thrust of the amendment is: The President shall insure that individuals have access to medical service, but that does not mean that because he is going to insure access, that those who are able to pay will not pay. It is up to the President to state the conditions. That is what this sentence means. The sentence does not say, "access free of charge to medical attention." That is not what the amendment says.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Who yields time?

Mr. MONTOYA. I yield.

Mr. DOMINICK. Mr. President, I am somewhat at a loss, serving as the ranking minority member on the Health Subcommittee, to find out why this subject comes out of the Committee on Public Works. We must have four bills now in conference on health, manpower, and nursing. We have a number of them in the Committee on Finance; and all of a sudden we have another one coming out of Public Works. How do we get health care under Public Works? As a jurisdictional matter, I would like an answer to that question.

Mr. MONTOYA. We have medical care for disaster victims under the Disaster Act of 1970.

Mr. DOMINICK. That is very true; we do have that to give emergency aid, that is correct.

What is proposed here, as I understand it, is a full year or 6 months, or more than that, of free medical service, regardless of whether anybody can pay for it or not. How does that get into the Committee on Public Works?

Mr. MONTOYA. I must say to the Senator from Colorado that the remainder of the wording in this particular section has been stricken by the amendment offered.

Mr. DOMINICK. I understand that, and I am happy that the amendment has been offered. The point I am making is that we are putting the burden on the President to act like some kind of open sesame. Say we have a disaster area, and say we have an unemployment area that is hit with a tornado, and they do not have any medical facilities. He has got to open his hand and say "Down come the medical facilities."

Mr. MONTOYA. May I say that the President already has this authority with respect to other disaster categories?

Mr. DOMINICK. He does, but not in the situation of an economic disaster area, which is what we are talking about here. We are not talking about a tornado, a flood, or a hail storm; we are talking about an economic disaster area. I would say that under these circumstances. I think it infringes on the jurisdiction of the Health Subcommittee that we have in the Committee on Labor and Public Welfare. If the Senator insists on it, I suppose jurisdiction is there. The chairman is not here, and the ranking Republican member of the committee does not appear to be here, so I must raise the point.

Mr. MONTOYA. Would the Senator withdraw his objection if we agreed to modify the amendment to the extent that the words "without regard to ability to pay" would be eliminated?

Mr. DOMINICK. That would certainly help a lot.

Mr. MONTOYA. If the Senator from New York will modify the amendment accordingly, I am willing to accept it.

Mr. BUCKLEY. I so modify the amendment.

Mr. DOMINICK. I thank the chairman and the Senator from New York.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair requests the Senator from New York to send his modification to the desk.

Mr. BUCKLEY's amendment (No. 386) as modified, is as follows:

At the end of line 18 on page 4 insert after the word "individuals" the words "adversely affected by the disaster"; and strike everything from line 20 beginning with "without regard to ability to pay . . ." through line 2 of page 5 of the bill.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. CURTIS. Mr. President, will the manager of the bill yield for a question?

Mr. MONTOYA. I yield the Senator 1 minute.

Mr. CURTIS. What do the words "have full access to medical services" mean? Does that mean to provide them?

Mr. MONTOYA. Yes, that is just exactly what it means, to provide medical services to people in a disaster area.

Mr. CURTIS. I can understand that when a tornado or a flood or something strikes, we should provide quick service without having it investigated. But that situation does not at all prevail in an economic disaster. There it should be directed, not to people who need it suddenly, but to people who cannot afford it.

Mr. MONTOYA. We are trying to make these services available to unemployed people who are sick from malnutrition, from lack of food, and from other ailments that are directly connected with the economic disaster that besets them.

Mr. CURTIS. That is a noble objective, but even as amended by the distinguished Senator from New York, it would be possible for a very wealthy man to have one building destroyed—that would be a natural disaster, of course—but to suffer some other losses, and——

Mr. MONTOYA. Where is the line of demarcation?

Mr. CURTIS. Well, I think the whole sentence——

Mr. MONTOYA. How are we going to restrict it?

Mr. CURTIS. I think the whole sentence ought to be rewritten.

Mr. MONTOYA. It has been already.

Mr. CURTIS. Not quite. I believe that all that the Senator from New York does is limit it to someone who has suffered a loss from a disaster. He might have suffered a lot, and still be well able to pay for it.

Mr. MONTOYA. The words now will read: "The President shall insure that individuals adversely affected in the disaster within any major disaster area have full access to medical services."

Mr. CURTIS. The Senator told me that to have full access means to furnish it. So all someone has to show is that he has been adversely affected in an economic disaster, and he will be furnished medical attention.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair advises the Senator from New Mexico and the Senator from Nebraska that the 1 minute of the Senator from Nebraska has expired.

Mr. MONTOYA. I yield to the Senator from Tennessee.

Mr. BAKER. Mr. President, I would like to offer for consideration some language that I would be willing to offer as an amendment in the nature of a substitute, which would provide as follows:

The President shall insure that individuals within any major disaster area who, due to financial hardship caused by such major disaster, are unable to afford necessary medical treatment, shall have access to medical services without regard to inability to pay.

The point being, Mr. President, that I think all of us are striving to say that if a disaster renders you incapable of paying for medical service, this act should pay for it, but if you can pay for it, this act should not pay.

Mr. MONTOYA. I would be willing to agree to that modification of the amendment, if the Senator from New York agrees to it.

Several Senators addressed the Chair.

Mr. ALLOTT. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Who yields time to the Senator from Colorado?

Mr. MONTOYA. Mr. President, I yielded to the Senator from Tennessee.

Mr. BAKER. That is the suggestion I have, Mr. President.

The PRESIDING OFFICER. The Chair advises the Senator from Tennessee that his amendment would not be in order until such time as all time has been yielded back on the amendment of the Senator from New York.

Mr. BAKER. Mr. President, if I have time remaining, I would point out that I did not offer the amendment. I indicated that I would be willing to offer the amendment, and I suggested the language as an alternative. Mindful of the fact that the time has not expired, I have not offered it; but I am interested in knowing whether it holds any appeal to my colleagues and any promise of breaking this impasse.

Mr. MONTOYA. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MONTOYA. Would the Senator from New York be in order, Mr. President, to request a modification in conformity with the suggestion made by the Senator from Tennessee?

The PRESIDING OFFICER. That would be in order.

Mr. MONTOYA. That is the procedure I suggest to the Senator from New York.

Mr. ALLOTT. Mr. President, will the Senator from New York yield?

Mr. MONTOYA. I have the floor, Mr. President.

I pose this question to the Senator from New York, and then I will yield to the Senator from Colorado.

Is the Senator from New York willing to do just that?

Mr. BUCKLEY. The Senator from New York is willing to adopt the modification.

Mr. ALLOTT. Before the Senator answers that question, will he yield for a question?

Mr. MONTOYA. Mr. President, I yield 2 minutes to the Senator from Colorado?

The PRESIDING OFFICER. The Chair asks the Senator from New York whether he would send the modification to the desk.

Mr. BUCKLEY. I send to the desk the modification proposed by the Senator from Tennessee.

I yield to the Senator from Colorado.

Mr. ALLOTT. Mr. President, I was hoping that the Senator from New York would yield to me for a question before he agreed to send the modification to the desk.

I agree wholeheartedly with the purpose of the amendment offered by the Senator from Tennessee, if he would strike out the last seven words of that modification—"without regard to the ability to pay." I am sure that the distinguished chairman of the committee and many others agree that we are all trying to get to the same thing. A man may be in a disaster area and he may be worth a million dollars, and it may be liquid.

Mr. MONTOYA. Mr. President, I yield 1 minute to the Senator from Tennessee so that he may respond.

Mr. BAKER. My suggestion was not on the ability to pay but on the inability to pay.

Mr. ALLOTT. I will go along with that.

Mr. MONTOYA. Does the Senator from Tennessee delete those five words from his suggestion?

Mr. BAKER. Mr. President, I think it is a late hour and we are all confused. I have sent this suggestion to the desk in a form of a proposed modification to the original amendment of the Senator from New York, and I wonder whether the clerk can read it.

Mr. MONTOYA. Mr. President, will the clerk read the amendment as it is offered now?

The PRESIDING OFFICER. The clerk will read the amendment as modified.

The assistant legislative clerk read as follows:

In line 19, on page 4, after the word "area" insert the following: "who, due to financial hardship caused by such major disaster, are unable to afford necessary medical treatment".

In line 20, page 4, strike the word "ability" and insert in lieu thereof the word "inability".

The PRESIDING OFFICER. Is all time yielded back?

Mr. MONTOYA. I yield back the remainder of my time.

Mr. BUCKLEY. I yield back the remainder of my time.

Mr. MONTOYA. I accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. BUCKLEY. Mr. President, could we hear the language as amended?

The PRESIDING OFFICER. The clerk has just read the language as amended. Would the Senator from New York care to have the clerk read it again? If so, it will be so ordered.

Mr. BUCKLEY. The language as amended, yes.

Mr. MONTOYA. The full text of the sentence.

Mr. BUCKLEY. I would like the clerk to read the amendment as modified.

The PRESIDING OFFICER. The clerk will read it.

The assistant legislative clerk read as follows:

On page 4, beginning with line 18, strike all down to and including line 2 on page 5, and insert in lieu thereof the following:

"SEC. 255. The President shall insure that individuals adversely affected by the disaster within any major disaster area who due to financial hardship, caused by said major disaster are unable to afford necessary medical treatment have full access to medical services without regard to inability to pay."

Mr. BUCKLEY. I thank the Chair.

I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York, as modified.

The amendment, as modified, was agreed to.

Mr. MILLER. Mr. President, the purpose of the bill (S. 2393) is laudable.

No Member of the Senate has worked harder for improved disaster relief legislation than I have.

Also, every Member of the Senate wishes to help relieve an unemployment problem.

However, the fatal defect of the bill is to mix relief from a natural disaster with relief from serious unemployment.

The relief from serious unemployment should be provided through unemployment compensation, manpower training and development, and economic development—all of which are covered by existing and well-funded Federal programs. Beyond this the bill would cover individuals subject to welfare programs in a manner which would merely perpetuate the problems in the present welfare system. Now pending in the Senate is a House-passed welfare reform bill which would cover these same individuals—and hopefully it will be perfected to avoid the aforesaid problems.

The main thrust of this bill really is welfare without reform. We have too much of that already.

Mr. DOLE. Mr. President, as a member of the Economic Development Subcommittee of the Public Works Committee and because parts of my State are experiencing severe economic difficulties, I have studied the many legislative proposals designed to assist the unemployed.

One of our subcommittee hearings on Federal economic development programs was held in Wichita, Kans., now suffering an unemployment rate of 11.6 percent. At that hearing and others held in Los Angeles and Seattle, it became apparent that action must be taken to alleviate the immediate problems of the unemployed. At the same time, it became evident that we must design a new Federal approach to prevent or cure the long-term economic weakness which caused the unemployment or underemployment in the first place.

President Nixon has recognized that much of our present unemployment is related to the influx of returning Vietnam veterans into the job market and the cutbacks in the defense budget which affect the aerospace and other related industries. In response to the needs of unemployed aerospace workers, President Nixon, in April, announced a $42 million program known as the technology mobilization and reemployment program. It is designed to provide job location assistance, retraining, mobility assistance, and skill transferability studies. The Department of Housing and Urban Development and the Labor Department have also implemented a pilot program in conjunction with the National League of Cities/U.S. Conference of Mayors that will put aerospace personnel to work on the problems of our cities. Meanwhile, a skill conversion study for aerospace scientists and engineers is being conducted by the National Society of Professional Engineers.

Numerous programs have been initiated by the President to assist the jobless veteran. A partial description is contained in a statement by David O. Williams, Director, Special Review Staff of the Manpower Administration, before the District of Columbia Committee. I ask unanimous consent that the statement be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF DAVID O. WILLIAMS

Mr. Chairman, I am pleased to have this opportunity to meet with you and discuss employment opportunities for Vietnam-era veterans. I would like to begin by describing the current nationwide employment and unemployment situation for these young veterans, and then comment briefly on the President's recent directives for additional action.

EMPLOYMENT AND UNEMPLOYMENT AMONG VIETNAM-ERA VETERANS

The Department of Labor is fully aware, as is the Committee, that our veterans are sharing in the Nation's overall increase in unemployment.

About 3.7 million Vietnam Era veterans 20 to 29 years old were in the civilian labor force in June 1971, according to the U.S. Department of Labor's Bureau of Labor Statistics. Some 3.4 million of these men held jobs, an increase of 390,000, or 13 percent, since June 1970. During the same period the number in the labor force increased by a half million. Unemployed veterans numbered 300,000 and their unemployment rate was 8.1 percent compared with 6.1 percent a year ago. (See attachment A—Data not seasonally adjusted.)

Unlike earlier months this year, the unemployment rate for veterans in June was not significantly higher than the rate of 7.8 percent for nonveterans of the same age. The nonveteran rate rose in June as it did in earlier years, largely as a result of end-of-semester increases in jobseeking among students and recent graduates. The increased summer job activity, which mostly affects the nonveteran group, also raised the labor force participation rate of nonveterans closer to the rate of veterans.

Since the winter months of 1971, the unemployment rates for veterans and nonveterans have declined, but because the series are new, it is not yet possible to compute seasonal adjustment factors, which would measure how much of each month's change is due to usual seasonal patterns.

We can examine the insured unemployment, where we have some firm data to indicate a trend. These data indicate that as the volume of State insured unemployment (UI) increases, so does that of unemployment compensation for veterans (UCX). Data for the UCX claimant can be compared with that for the State UI claimant to indicate the relative experience of the Vietnam-era veteran. The UCX claimant is, by definition, a recently separated ex-serviceman and, therefore, tends to be predominantly the Vietnam veteran who is in the younger age group of 20 to 29 years.

During periods of lower nationwide unemployment, ex-servicemen experienced a lower incidence of unemployment than State UI claimants as a whole. As national unemployment began to rise, ex-servicemen experienced a greater increase of unemployment than had the State UI claimants. However, workers in the younger age group generally experience a higher incidence of unemployment than workers in the over 30-year age group, particularly in periods of rising unemployment.

The substantial increase in the numbers of ex-servicemen receiving UCX benefits began shortly before January 1970 (see attachment B). The number during the first half of FY 1970, as indicated by first payments, was only 12 percent higher than that during the same period in FY 1969. The corresponding increase for State UI beneficiaries was 7 percent. However, the number of UCX beneficiaries during the first three quarters of FY 1971 (latest data available) was 72 percent higher than the number during the same period in FY 1970. The corresponding increase for State UI beneficiaries was 36 percent.

It appears that the main reasons for the greater increase among ex-servicemen, as compared with the increase among State UI beneficiaries, may be due to the following factors. Ex-servicemen are a much younger group of claimants than the total number of State UI claimants, are comparatively inexperienced in the private sector, have lost contacts with the private sectors during their tours of duty in the services and are considered by some employers as new entrants. These factors could tend to result in ex-servicemen being among those last to be hired and first to be unemployed, having no seniority.

Recently, the duration of unemployment benefits payments among ex-servicemen has also increased. The average duration of benefits of ex-servicemen was considerably lower than that of State UI claimants during FY's 1969 and 1970, averaging 9.3 and 9.7 weeks, respectively, for ex-servicemen compared to 11.4 and 11.1 weeks for State UI claimants. However, recent trends indicate that the average duration of benefits for ex-servicemen is approaching that for State UI claimants. For example, for the first three quarters of FY 1971, the average duration of UCX benefits was 12.5 weeks and 13.1 weeks for State UI benefits.

PRESIDENTIAL DIRECTIVES AND THEIR IMPLEMENTATION

President Nixon has taken personal direction of the nationwide effort to provide employment opportunities for the returning veteran. On June 11, 1971, the President directed the Secretary of Labor to assume leadership of an intensive effort to place unemployed Vietnam-era veterans in jobs or training and to establish procedures which will provide employment for veterans as we continue phasing down the war in Vietnam.

The President directed that the following six actions be included among those which should get underway immediately:

1. Draw upon the resources of the National Alliance of Businessmen.

2. Work with the Secretary of Defense to expand substantially the Transition Program for separating servicemen in order to increase the opportunities for improving job counselling, job training, and placement.

3. Immediately augment the number of training opportunities for returning veterans and encourage veteran and employer participation.

4. Require listing of all job openings with the U.S. Employment Service by all agencies and contractors funded by the Federal Government.

5. Greatly increase the effectiveness of the U.S. Training and Employment Service in finding and opening jobs and job-training opportunities for returning veterans.

6. Provide special Labor/VA services for Vietnam-era veterans who have been drawing unemployment compensation for three months or longer.

With respect to action No. 4, above, the President, on June 16, 1971, issued Executive Order No. 11598, to provide for the listing of certain job vacancies by Federal agencies and government contractors and subcontractors (see attachment C and attachment D). The Secretary of Labor on July 24, 1971, issued a notice of proposed rule making for the mandatory listing of job vacancies with the Federal-State employment service system, and interested persons may submit their views on the proposal within 30 days (see attachment E).

This, Mr. Chairman, briefly describes the directives which has just been issued to assure that the returning veteran receives as much employment assistance as possible. However, I would like to note that we will be building our new efforts on a well-founded base of services which are available to all veterans on a continuing basis. Beginning in 1970, the Department of Labor accelerated its on-going efforts to provide additional assistance to the ex-servicemen. Our efforts can be effective, however, only if we can keep in touch with the veteran. Toward this goal, a number of directives have been sent to the State agencies focusing attention on the needs of the veteran and improving procedures whereby his employment needs can be met more effectively.

The new six actions outlined by the President reemphasize the dual functions necessary to match workers with jobs. On the one hand, we will try to open up opportunities of employment and training for the Vietnam-era veteran, and on the other hand, we will be personally contacting the veteran and apprising him of available opportunities.

Personnel within appropriate Federal agencies have been given special assignments to implement various aspects of the President's directive, with the Department of Labor taking the role of leadership and coordination. The first month's activity has centered around necessary planning activities. We are currently engaged in:

Identifying programs available for special emphasis;

Developing various methodologies, including that for linking programs;

Developing appropriate directives, and

Establishing required data and reporting systems.

Staff work to assure that special efforts are made to assist Vietnam-era veterans in finding appropriate opportunities has been given the highest priority by the President and all cooperating Federal agencies. We will be reporting from time-to-time on our progress.

Mr. Chairman, may I thank you again for this opportunity to meet with you. I will be pleased to respond to any questions which the Committee may have.

Mr. DOLE. Another valuable tool to assist communities severely impacted by defense cutbacks is the Interagency Economic Adjustment Committee. President Nixon designated this committee to coordinate Federal programs that are now available to assist such communities in formulating economic development strategy. This committee has been helpful to Wichita as well as communities in many other States.

But these new initiatives have not resolved the immediate problems in Wichita or other communities suffering from what is best described as an economic disaster. For that reason, the Public Works Committee undertook consideration of several proposals that would authorize the President to designate economic emergency areas, as an alternative to a nationwide program such as the accelerated public works program.

The concept of S. 2393—utilizing the machinery established by the Disaster Relief Act—would appear to be sound. Extending the authority of the Office of Emergency Preparedness to economic disasters and thus taking advantage of an existing management team to coordinate Federal programs is a logical extension of OEP's authority. There is a need to provide additional assistance to individuals and communities that continue to suffer economic dislocation.

However, the criteria in S. 2393, defining eligibility, are much too broad and will include areas where there has been a high unemployment rate because of chronic conditions. In the Public Works Committee, I supported an amendment to limit the eligible areas to those having the specified rates of unemployment "attributable to the loss or curtailment of sources of employment," but the amendment was not accepted. I support amendment No. 390, offered by the senior Senator from Kentucky (Mr. Cooper), to achieve this purpose.

Unless we limit the application of the Economic Disaster Relief Act to those areas that suffer from unusual and sudden economic dislocations, we will dissipate our efforts and fail to effectively assist anyone.

I can well understand the frustration experienced by Members of Congress with the unemployment rate and the desire to find a program that will alleviate, if not eliminate the hardships experienced by the unemployed. But extension of the concept of the Economic Disaster Relief Act to areas of chronic and persistent unemployment is not the answer.

Other programs have been devised to reach areas of chronic unemployment. In fact, the Emergency Employment Act of 1971 is just now being implemented. We know nothing about the effects of that act on the unemployment rate. And only today, the President signed an extension of the Public Works and Economic Development Act of 1965 which includes a total authorization for fiscal years 1972 and 1973 of $1.6 billion in Federal grants for the construction of public facilities in areas of substantial unemployment.

There are other provisions of S. 2393 that need revision, on which I have prepared amendments which I hope will be accepted by the Senate.

I want to stress my interest in devising programs that will meet the needs of all the unemployed, but the favorable impact of the Economic Disaster Relief Act of 1971 should not be dissipated in an effort to solve all of our national unemployment problems.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 391

Mr. DOLE. Mr. President, I call up amendment No. 391.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 4, line 2, strike out after the word "continue" to the word "position" on line 5 and insert in lieu thereof "until the individual is reemployed at a comparable income level but such assistance shall not exceed a total of twelve months".

Mr. DOLE. Mr. President, the language of S. 2393 in section 5 referring to "suitable position" is too indefinite and arguable. Suitable in whose interpretation. Comparable enables the administrator of this assistance to more practically assist the individual in returning to his former level of income and society. Suitable would leave the door open to rejection of potential positions on too many factors. As to the limitation on time, programs which have no definition of time invite laxity of execution; the purpose of this bill is to find jobs, as soon as possible.

Mr. MONTOYA. Mr. President, on behalf of the committee, I will accept the amendment.

The PRESIDING OFFICER. Is all time yielded back?

Mr. MONTOYA. I yield back my time.

Mr. DOLE. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 392

Mr. DOLE. Mr. President, I call up my amendment No. 392 and ask that it be stated.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read as follows:

On page 5, line 7, beginning with the word "in" strike out all the rest of section 256 and insert in lieu thereof the following: "who have been adversely affected by the disaster in a major disaster area. The President shall provide this assistance to such persons in a major disaster area who are unable to find reemployment in a comparable position within a reasonable distance from home. Such assistance may include necessary costs of seeking such employment and the cost of moving his family and household to the location of guaranteed employment."

Mr. DOLE. Mr. President, the reason for this suggested change of S. 2393 language is to limit the benefits to those actually affected—not everyone who happens to be a resident but unaffected by the disaster conditions. This amendment will change the wording from "where such employment is available" to "location of guaranteed employment" and place this assistance on a practical workable basis. A costly move of whole families should be on the basis of having a job guaranteed and arranged for, not simply "available."

Mr. MONTOYA. Mr. President, on behalf of the committee, I will accept this amendment, and I yield back my time.

Mr. DOLE. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas.

The amendment was agreed to.

Mr. MONTOYA. Mr. President, I ask for a third reading.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Do the Senators yield back their time?

Mr. MONTOYA. I yield back the remainder of my time.

The PRESIDING OFFICER. All the time has been yielded back.

The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from North Carolina (Mr. ERVIN), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Oklahoma (Mr. HARRIS), the Senator from Hawaii (Mr. INOUYE), the Senator from South Dakota (Mr. McGOVERN), the Senator from Utah (Mr. MOSS), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Mississippi (Mr. STENNIS), are necessarily absent.

I further announce that the Senator from Indiana (Mr. HARTKE), and the Senator from Illinois (Mr. STEVENSON), are absent on official business.

I further announce that, if present and voting, the Senator from Oklahoma (Mr. HARRIS), the Senator from Utah (Mr. MOSS), the Senator from Alabama (Mr. SPARKMAN), the Senator from Illinois (Mr. STEVENSON), and the Senator from Indiana (Mr. BAYH), would each vote "yea."

Mr. GRIFFITH. I announce that the Senator from Utah (Mr. BENNETT), the Senator from Kansas (Mr. PEARSON) and the Senator from Vermont (Mr. PROUTY) are necessarily absent.

The Senator from Nebraska (Mr. HRUSKA) and the Senator from Illinois (Mr. PERCY), are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from North Dakota (Mr. YOUNG) are detained on official business.

The result was announced—yeas 71, nays 9, as follows:

[No. 206 Leg.]

YEAS—71

Aiken
Allen
Allott
Anderson
Baker
Beall
Bellmon
Bentsen
Bible
Boggs
Brock
Brooke
Burdick
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Dole
Eagleton
Eastland
Ellender
Fong
Gambrell
Gravel
Griffin
Gurney
Hart
Hatfield
Hollings
Hughes
Humphrey
Jackson
Javits
Jordan, N.C.
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McIntyre
Metcalf
Mondale
Montoya
Muskie
Nelson
Packwood
Pastore
Pell
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Smith
Spong
Stevens
Symington
Taft
Talmadge
Tower
Tunney
Weicker
Williams

NAYS—9

Buckley
Byrd, Va.
Curtis
Dominick
Fannin
Hansen
Jordan, Idaho
Miller
Thurmond

NOT VOTING—20

Bayh
Bennett
Ervin
Fulbright
Goldwater
Harris
Hartke
Hruska
Inouye
McGovern
Moss
Mundt
Pearson
Percy
Prouty
Scott
Sparkman
Stennis
Stevenson
Young

So the bill (S. 2393) was passed.

Mr. MONTOYA. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, with the final passage of the Economic Disaster Relief Act of 1971 I wish to voice a note of thanks to the Senator from New Mexico (Mr. MONTOYA). The quiet dedication he has shown today in managing this far-reaching legislation through the rigors of Senate debate is deserving of the highest commendation.

Senator COOPER carried much of the responsibility for the informative discussion that took place on the floor today. His help is most appreciated.

The able and distinguished Senator from West Virginia (Mr. RANDOLPH) again demonstrated his deep understanding of these most urgent problems. The Senate owes him a note of thanks.

The amendments of Senator HUMPHREY and Senator BUCKLEY helped focus the issues on the different aspects of this legislation and their contributions are appreciated.

The thoughtful words of the Senator from Oklahoma (Mr. BELLMON), the Senator from Tennessee (Mr. BAKER), and the Senator from Louisiana (Mr. LONG) certainly improved the level of understanding in many key areas of this legislation.

The Senate has had a busy day today. I thank all of the Senators for their willingness to keep working. The Senate has continued to move important matters and certainly cannot be accused of not doing the work in a dedicated way.

THE PRESIDENT'S NEWS CONFERENCE ON FOREIGN AND DOMESTIC MATTERS

Mr. GRIFFIN. Mr. President, I ask unanimous consent to have printed in the RECORD the text of the President's news conference held yesterday, as it was published in the New York Times this morning.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 5, 1971]

TRANSCRIPT OF THE PRESIDENT'S NEWS CONFERENCE ON FOREIGN AND DOMESTIC MATTERS

WASHINGTON.—Following is the transcript

of President Nixon's news conference today:

OPENING STATEMENT

Ladies and Gentlemen, I wanted to begin this with a brief résumé of the conversation I have just had with the Secretary of State, because I know the subject will probably come up in any event.

This is in regard to the Pakistan refugee situation, to recap what we have done. Insofar as the refugees, who are in India, are concerned, we have provided $70-million to date for the refugees, and we are prepared to provide more. That, incidentally, is more than all the rest of the nations of the world put together, so it is a substantial amount.

As far as those in East Pakistan themselves are concerned, whereas you know there are prospects of famine, in the event that the crop reports are as bad as they seem to be, at this time we have 360,000 tons of grain ready for shipment there. We have also slotted $3-million for the chartering of ships for the purpose of getting the grain into the overcrowded ports.

As a further step, the Secretary of State has worked out, with my very strong approval, a plan to go to the United Nations next week to talk to the responsible and appropriate members of the United Nations, including the U.N. High Commissioner in that office, to see what additional steps can be taken on both fronts to help the refugees in India from East Pakistan and also to help those who are in East Pakistan and are presently confronting famine situations.

With regard to a problem that was addressed by the House yesterday, we do not favor the idea that the United States should cut off economic assistance to Pakistan. To do so would simply aggravate the refugee problem because it would mean that the ability of the Government of Pakistan to work with the U.N., as it presently has indicated it is willing to do so in distributing the food supplies—its ability to create some stability would be seriously jeopardized.

We feel that the most constructive role we can play is to continue our economic assistance to West Pakistan and, thereby, to be able to influence the course of events in a way that will deal with the problem of hunger in East Pakistan, which would reduce the refugee flow into India and which will, we trust, in the future look toward a viable political settlement.

We are not going to engage in public pressure on the Government of West Pakistan. That would be totally counter-productive. These are matters that we will discuss only in private channels.

QUESTIONS—1. PLANS FOR CHINA TRIP

Q. Mr. President, can you tell us any more about your forthcoming trip to China, when it is likely to occur, and can you give us your assessment of what effect you think this will have on ending the war in Vietnam?

A. As far as the timing is concerned, I cannot add to what I said in the original announcement. It will be before May 1. The time will be worked out sometime within the next two to three months, I would assume, and a considerable amount of preparatory activity must take place, setting up the agenda, setting up the numbers in the official party.

These are matters, of course, that must be discussed and worked out before the time of the visit is finally announced.

Second, and I know a number of you are interested in who is going, that is a matter still to be decided. It was raised by Dr. Kissinger and by Premier Chou En-lai in their conversations, and will be worked out by mutual agreement.

As far as our party is concerned, it will be a small working party. The only ones that presently are definitely going are, of course the Secretary of State and Dr. Kissinger and myself. Beyond that, whatever others will be added will be determined by mutual agreement between the parties concerned.

Now, as to the effect the visit will have and the conversations will have on Vietnam, I will not speculate on that subject. I will only say that, as the joint announcement indicated, this will be a wide-ranging discussion of issues concerning both governments. It is not a discussion that is going to lead to instant détente.

What it really is, is moving, as we have moved, I believe, in the situation with regard to the Soviet Union, from an era of confrontation without communication to an era of negotiations with discussion. It does not mean that we go into these meetings on either side with any illusions about the wide differences that we have. Our interests are very different, and both sides recognize this, in the talks that Dr. Kissinger had, very extended talks he had with Premier Chou En-lai. We do not expect that these talks will settle all of those differences.

What is important is that we will have opened communication to see where our differences are irreconcilable, to see that they can be settled peacefully and to find those areas where the United States, which today is the most powerful nation in the world, can find an agreement with the most populous nation in the world, which potentially in the future could become the most powerful nation in the world.

As we look at the peace in the world for the balance of this century, and for that matter the next century, we must recognize that there cannot be world peace on which all the peoples in the world can rely, and in which they have such a great stake, unless there is communication between and some negotiation between these two great superpowers, the People's Republic and the United States.

I have put this in general terms because that is the understanding of the People's Republic, Premier Chou-En-lai, and it is our understanding that our agenda will be worked out at a later point; before the trip it will be very carefully worked out so that the discussions will deal with the hard problems as well as the easy ones.

We expect to make some progress, but to speculate about what progress will be made on any particular issue—to speculate, for example, as to what effect this might have on Vietnam—would not serve the interests of constructive talks.

2. ASIAN FORUM ON VIETNAM

Q. Can I ask a related policy question on Vietnam? A. Sure.

Q. There have been some suggestions, including some indirect hints from China, that a negotiating forum involving an Asian conference to be held in Asia, primarily with Asian participants, but the United States as well, might be a better forum for negotiating a settlement in Vietnam. Can you speak to that?

A. Mr. Baily, the question of whether there should be an all-Asian conference, with the government of the People's Republic participating, as you know, has risen several times over the past few months, and was raised before our announcement was made.

As far as we are concerned, we will consider any proposal that might contribute to a more peaceful situation in the Pacific and in the world. However, at this point there is no understanding between the United States and the People's Republic as to whether or not out of this meeting should come that kind of proposal.

Let me say on that score, there were no conditions asked for on either side, and none accepted. There were no deals made on either side, or accepted; none offered and none accepted. This is a discussion which will take place with both sides knowing in advance that there are problems, but with both sides well prepared. This is the secret of any successful summit meeting.

As you know, parenthetically, I have always taken somewhat of a dim view of summitry when it comes in an unprepared forum. But both sides will be well prepared, well in advance, on all points of major difference, and we will discuss any points of difference that could affect the peace of the world.

3. VISIT TO MOSCOW

Q. Mr. President, is there any diplomatic reason you might not visit the Soviet Union before going to Peking? That was suggested.

A. In view of the announcement we have made on our visit to Peking, that will be the first visit that I will make. Obviously, it takes a great deal of time to prepare a visit and to attempt now to visit—and the Soviet Union, I am sure, feels exactly the same way—to attempt to rush around and have a summit meeting in Moscow before we go to Peking would not be in the interest of either country.

I would add this point, too: When Foreign Minister Gromyko was here, we discussed the possibility of a possible summit meeting, and we had a very candid discussion. He agreed and said that his government leaders agreed with my position, which was that a meeting at the highest level should take place and would be useful only when there was something substantive to discuss that could not be handled in other channels.

With regard to the Soviets, I should also point out that we are making very significant progress on Berlin. We are making good progress on SALT [strategic arms limitation talks]. Discussions are still continuing on the Mideast, although there I will not speculate about what the prospects for success are in view of the fact that Mr. Sisco is presently in the area exploring with the governments concerned what the possibilities of some interim settlement looking toward a final settlement may be.

Having mentioned these three areas in which we are negotiating with the Soviet Union, I will add that if the time comes, as it may come, and both sides realize this, then the final breakthrough in any of these areas can take place only at the highest level, and then there will be a meeting. But as far as the timing of the meeting before the visit to Peking, that would not be an appropriate thing to do.

4. TALKS ON ARMAMENTS

Q. I was thinking of such a thing as a settlement on the SALT talks.

A. Mr. Thies, when I said there was good progress being made on SALT it is still a very technical and sticky problem for both sides because it involves our vital interests. Let me emphasize that in SALT, both sides are asked to make an agreement which limits that. This is not unilateral. We on our part, will be having very severe limitations with regard to our defensive capability, the ABM. They, on their part, will have limitation on their offensive capability, their build-up of offensive missiles.

Neither side can make those decisions lightly, without very, very basic discussions, but the fact that we have, at the highest level, committed ourselves to working toward an agreement simultaneously this year on both those issues, and the fact that since the talks at Helsinki began that we have made progress, gives hope that we are going to make an arrangement.

But to speculate that maybe we are going to get that done before we go to Peking, I think, would be ill-advised.

5. REPLY TO VIETCONG PROPOSAL

Q. Mr. President, why have you not accepted the Vietcong proposals after all these weeks of probing, or given some formal reply?

A. I have noted some criticism in the press about the fact that Ambassador Bruce had to leave Aug. 1. Incidentally, I am most grateful that he stayed an extra month, because his doctor got hold of me and said he should have left July 1. In any event, his having left Aug. 1, and Mr. Porter not being able to arrive until the latter part of August, there has been some speculation—and I understand this—criticism in the press and the Senate and the House that the Administration is not interested in negotiating a settlement, that we are not considering the various proposals that have been made by the VC and North Vietnamese.

Now, just so the members of the press will not get out on a limb with regard to predicting what we are or are not doing, let me make one statement and then I will go no further.

We are very actively pursuing negotiations on Vietnam in established channels. The record, when it finally comes out, will answer all the critics as far as the activity of this Government in pursuing negotiations in established channels. It would not be useful to negotiate in the newspapers if we want to have those negotiations succeed.

I am not predicting that the negotiations will succeed. I am saying, however, that as far as the United States is concerned, we have gone and are going the extra mile on negotiations in established channels. You can interpret that any way you want, but do not interpret it in a way that indicates that the United States is missing this opportunity or that opportunity, or another one, to negotiate.

6. ELECTION IN SOUTH VIETNAM

Q. Mr. President, one of the points being mentioned in the comments on the negotiations is the election in South Vietnam this fall. Is that a factor that does have some bearing on the pace of the negotiations?

A. It has certainly in terms of the North Vietnamese. As you know, the stumbling block for them in negotiations really is the political settlement. As they look at the election this fall, they feel that unless that election comes out in a way that a candidate they can support, or at least that they are not as much against as they are President Thieu—but unless it comes out that way, it will be very difficult for them to have a negotiated settlement.

With regard to the elections, let me emphasize our position. Our position is one of complete neutrality in these elections. Under Ambassador Bunker's skillful direction, we have made it clear to all parties concerned that we are not supporting any candidate; that we will accept the verdict of the people of South Vietnam.

I have noted, for example, that President Thieu has invited observers to come from other nations to witness the election. I hope observers do go. I think they will find—I hope they will find, as they did when they observed previous elections in Vietnam, that by most standards they were fair.

As far as observers from this country are concerned, we have, of course, several members of the Senate and others that have indicated a desire to go. We, of course, have no objection to that. We want a fair election and we, of course, have some observers on the scene in the person of the Ambassador and his staff who will watch that election.

7. THE ECONOMIC OUTLOOK

Q. Mr. President, the last time you gave some stock market advice to us, it turned out pretty well. What would you do now, buy or sell?

A. With regard to the stock market, I suppose my advice should not be given much weight because I am not in the market. It is so easy to make predictions where your own assets are not involved.

I will say this: I would not sell the United States economy short at this point. And, long-term, I would not be selling my investments in the American economy whether it is in stocks or real estate or what have you: selling them in a panicky way.

The stock market has come up, even at its present level of 850—230 points since I made that prediction. I can only say that my long-range prediction for this economy is still what I said at the first of this year.

At the first of this year, when the very same people had written—and I have read the news magazines and business magazines, and not, of course, any of the columns you had written this week—but I read all the rest this week, and the gloomy predictions about the economy and its going down and there is nothing good about it. I read them also for November of last year; exactly the same gloominess and same words, and so forth.

I said then, and I think all of you were present then, I thought 1971 would be a good year for the economy, and 1971 would be a very good year. I stand by that. When we look at the first half of this year, it is not what people said about the economy; it is what they do about it that counts.

GNP is up a record $52-billion. Retail sales now in June—and the first indications as far as July are concerned, it will stay at this level—are at record highs. Consumer spending is at a record high. Construction, particularly in housing, are near record highs. Inventories—and this is another indication of what will happen to the future for those who may be thinking of investing their money in businesses—inventories are abnormally low in view the high level of retail sales.

What this tells me is that there is a lot of steam in the boiler in this economy, and you cannot continue to have high retail sales and low inventories without eventually starting to rebuild. Therefore, my projection for the balance of this year is that the economy will continue to move up as it has moved up in the first half.

That doesn't mean that there will not be aberrations in the monthly figures. It does mean, however, that the economy has a great deal of strength in it. This is a period when it is absorbing almost two million people who have been let out of defense plants and the armed forces and is absorbing that with a lower rate of unemployment than was the case in 1961, 1962, 1963, which were the last three peacetime years before Vietnam when the unemployment rate, as you recall, averaged 6 per cent.

WAGE-PRICE CONTROLS

Q. Mr. President, in that connection, to continue that, does that mean that you are still resolutely opposed to any incomes policy or, specially wage-price controls?

A. I think, Peter, it is well to identify incomes policies and wage-price controls for what they are and what they are not, because, as a matter of fact—and this gives me an opportunity to set the record straight with regard to some greatly blown-up differences that I am supposed to have with my very good friend Arthur Burns, and perhaps you were too polite to ask that direct question——

Q. Well, I will ask it.

A. I thought that would be the follow-up, so I anticipate it. Let me get at it this way:

Arthur Burns, in terms of monetary policy and in terms of fiscal policy, has followed a course that I think is the most responsible and statesmanlike of any chairman of the Federal Reserve in my memory. In other words, you have seen an expansionary monetary policy, and that is one of the reasons we have had an expansionary economy in the first six months of this year.

He has also stood firmly with this Administration in its responsible fiscal policy, resisting, for example, spending above what the economy would produce at full capacity. He has strongly supported me in those efforts.

That brings me to an area where he has taken a very unfair shot. Within this Administration, the Office of Budget and Management, on a reorganization plan two months ago, recommended that the chairman of the Federal Reserve, because he basically is our central banker, should be raised to the same status of the central bankers abroad. I enthusiastically approved the idea. However, when the matter was raised with Dr. Burns by my associates, he indicated that neither he nor any other individual in a high position in government should take a salary increase at a time that the President was going to have to take some strong measures, as I am going to take to limit salary increases in other areas of government, including, for example, blue-collar workers.

OPPOSES GALBRAITH VIEW

So, consequently, while there is not any question but that the Federal Reserve position will eventually be raised to the Level I position that was recommended—Arthur Burns and, incidentally, George Shultz, who is also on this list as a recommendation of the Ash council—Arthur Burns and George Shultz being the responsible men that they were, asked that there not be an example set by them of a pay increase which would make it very difficult for us to deal effectively and responsibly with pay increases in other sectors of the Government. So we find that Burns agrees—that I agree with Burns, let's put it that way, very strongly on his monetary policy, on his fiscal policy, the question he has raised with regard to an incomes policy.

When we talk about an incomes policy, let's see what he is not for. He is unalterably opposed, as I am, to the Galbraith scheme, which is supported by many of our Democratic Senators, I understand, of permanent wage and price controls. Permanent wage and price controls in America would stifle the American economy, its dynamism, its productivity, and would be, I think, a mortal blow to the United States as a first-class economic power.

On the other hand, it is essential that government use its power where it can be effective to stop the escalation, or at least temper the escalation in the wage-price spiral. That is why we moved on construction, and we have been somewhat successful, from 16 down to 9 per cent. That is why we moved to roll back an oil price recently.

As far as the two recent settlements—the one in railroads and the one in steel—on the plus side, the fact that they were settled was positive; the fact, too, that, in the case of railroads, they spoke to the problem of productivity by modification of work rules, and the fact that the steel settlement also spoke to the problem of productivity by setting up productivity councils, that was constructive.

On the other hand, I would be less than candid if I were not to say—and I know the leaders of the steel and railroad industry know this—that this kind of settlement where a wage increase leads to a price increase, and particularly in steel, where the industry is already noncompetitive with foreign imports, is not in the interest of America, not in the interest of labor, and not in the interest of industry.

Dr. Burns, without being completely specific, has only suggested the idea should be considered. That is why Secretary Connally said we welcome the move by several Republican Senators to hold hearings concerning wage and price supports. That is why Dr. Burns said we should move to attempt to temper these increases.

The problem here is, how can we move without putting the American economy in a straitjacket? in other words, as Secretary Connally raised the question in his statement this morning, "are we to have criminal penalties? Are, for example, the wage-price guidelines to affect all the examples down to the neighborhood filling station or the grocery store or the meat market, as the case might be, or will they affect only major industries?

WATCHES CONTRACT TALKS

As far as this Administration is concerned, I can say this: I have asked the Secretary of Labor to bring to my attention every major wage-price negotiation which may be coming up in the future, and I will use the power of this office to the extent it can be effective to see that those negotiations are as responsible as possible.

On Sept. 21, we will have a meeting of our Productivity Commission, and Subject A in that meeting will be this same problem, because as we look at America's trade balances, which have deteriorated over the past 10 years, but as we look at America's competitive position, it is essential that American industry and America labor sit down together and determine whether, at a time when we are in a race, we no longer can be No. 1 simply because we were that big and that strong after World War I, whether we determine we are going to get out of the race or whether we are going to tighten our belts and be responsible in wage-price decisions so that we can continue to be competitive in the world.

That speaks to the problem of an incomes policy, this meeting that we will have. The only question of difference between Arthur Burns, and some Senators have raised this question, is the degree to which, in tacking these individual wage settlements, we have compulsion or criminal penalties. I don't think they want compulsion or criminal penalties.

Then the question is: How far will persuasion go? Our record shows that in most countries abroad that have tried it, except for very small countries that are tightly controlled, persuasion alone will work for duty three to four months.

So as far as we are concerned, I am glad to consider recommendations for tackling the problem. I will tackle them, and I am serving notice now that we are going to take up the problem with the Productivity Commission. We are going to look at each individual settlement in major industries where there is going to be wage-price negotiations, and use the influence we can to keep them in line, and in addition to that, we will consider a recommendation on wage-price boards. But I will reject it if I find—and I have yet to find any recommendation that did not have this ingredient in it—if I find that it would impose a new bureaucracy with enormous criminal powers, to fasten itself on the American economy. That, I think, would do far more harm than good.

9. RISE IN STEEL PRICES

Q. In the same line, to follow up that question, if the settlement in the steel industry, and particularly the raise in prices which was recently announced, is not good for the country and not good for labor and management, why do you not call in the leaders of the steel industry and use your influence to get them to change the increase in prices and then, if necessary, other parts of the settlement which are so inimical to the country?

A. Calling in the steel industry and getting them to change would not be effective. As you may recall, in one instance earlier this year, we were able to get a steel rollback. That had a temporary beneficial effect. But at a time that the steel industry has negotiated a settlement of this nature, at a time when its profits at 2½ per cent are the lowest of any major industry, to tell the steel industry that after they have negotiated a settlement they must roll back their price and run at a loss is simply unrealistic. They are not going to do it.

The longer-term answer here is for the steel industry—and this is what we have addressed ourselves to—and labor to recognize that, now that they have had their settlement, now that labor has gotten a good increase, an increase consistent with aluminum and others, now that steel found it necessary to raise prices—that this may be good temporarily for both but in the long run it will simply mean less steel sold and less jobs, and that is why we are zeroing in on the productivity side, because increases in productivity can be the only answer where a wage increase of this kind takes place.

10. PAY OF FEDERAL EMPLOYEES

Q. Mr. President, a minute ago you mentioned something about doing something about wages for Government employes?

A. Yes, one of the problems, difficult problems, I confronted last year, and that I will confront again this year, is a recommendation to increase the wages for blue-collar workers within the Government. I have examined that situation and I have determined that an increase in the blue-collar wage scale would not be in the interests of our fighting the inflation battle.

Speaking to the same point, we have a situation with regard to the Congress and some of its appropriations bills. We are trying to keep our budget within the full-employment limits for 1972.

The Congress already has exceeded our budget by $5.4-billion. That includes mandatory spending which they have imposed upon us and additions to the appropriations bills. Before they get through with the appropriations process, I hope that comes down.

But that will be highly inflationary unless the Congress speaks to that problem more effectively. What I was indicating, in other words, Herb, I am indicating in advance the decision that I do not intend to approve the wage increase relative to the blue-collar workers in the Government. Under those circumstances, I could not, of course, approve an increase in salaries for people as underpaid basically as Dr. Burns is, considering what he could get outside, or Dr. Shultz is, considering what he could get on the outside.

Q. How many people are there in the blue-collar area? A. I don't have that but it is a significant number. Incidentally, I think it is an equitable decision because they have had some substantial increases in the past. It is a question of whether we just continue for a short time.

11. STAND ON ECONOMIC GUIDELINES

Q. Sir, you also mentioned guidelines in a manner that suggested that you might accept the concept of numerical guidelines. Did you mean to suggest that?

A. No. What I meant to say was that my study of the situation indicates that guidelines in this country have always failed. They have never worked. Guidelines in other industrial countries, including Canada, for example, and Britain, have worked only for a short time and then have fallen because guidelines basically connote voluntary compliance, and voluntary compliance goes on only for a brief time.

Now, as far as what I am saying, It is that our approach at this time is a selective one, to take those particular industries that are coming up for bargaining and to use our influence as effectively as we can to see that those settlements are responsible.

Secondly, that as far as a wage-price board is concerned, that it would be considered favorably only if the hearings that are going to be taken in this field—only if the hearings can convince me that enforcing an incomes policy could be accomplished without stifling the economy.

It is the problem, in other words, of enforcement, because I come back to this fundamental proposition: I have yet to find, except for the extremists on the left—and I don't say this in a condemning way, it is only an observation—but the extremists on the left of the economy spectrum have always favored a totally Government-controlled economy.

They believe that. I don't believe it. They believe that we should have permanent wage and price controls and that Government should determine what wages should be and what prices should be. I don't believe that. Dr. Burns does not believe that, if you have read his speeches over the years. He is a strong opponent of that.

The question is: How can we address ourselves to the problem of wages and prices without having those mandatory criminal penalty features which would lead us to something we all are trying to avoid? This is why this is a matter for discussion.

It is not one yet for decision but I will continue to work on individual settlements, as I have said.

12. SEARCH FOR NEW APPROACH

Q. Mr. President, would it be fair to say, then, that, in view of what you said there and what you said earlier, that you will consider recommendations of the wage and price board—that you are giving renewed and perhaps more favorable consideration to some form of wage-price board, assuming that they don't have penalties?

A. No. I am saying that I shall continue the policy of moving aggressively on individual settlements on a case-by-case basis. Secondly, I will address this particular problem in a meeting with the major leaders of American industry and American labor at the Productivity Commission meeting on Sept. 21. Third, with regard to wage-price boards, I have still not been convinced that we can move in that direction and be effective.

However, Secretary Connally, in his statement this morning, raised all the questions that should be raised on that. As far as we are concerned, we have an open mind in terms of examining the various proposals to see if there is a new approach which we may not have thought of.

I have serious doubts that they will find such a new approach. But I do want to indicate that we will examine it because we all agree that the wage-price spiral is a significant danger to this expanding economy. The question is what do we do about it, without going all the way to a totally controlled economy.

13. PROGRESS ON INFLATION

Q. Mr. President, Dr. Burns, before the Joint Economic Committee, said he didn't think we were making much progress against inflation. Do you think we are?

A. I read Dr. Burns' statement quite carefully. What he was saying is what I would say. I would say it with regard to inflation and unemployment. I am never satisfied and never will be satisfied, and anybody in the free economy is never satisfied and should never be satisfied with anything except perfection.

That doesn't mean that we are going to reach perfection. With regard to inflation, I will just point to the numbers. Inflation, which, of course, was boiling along when we came into office in January of 1969, reached its peak in 1970, 6 per cent. Then the CPI dropped to 4 per cent in the first six months of 1969. Now, 4 per cent is still too high, but that is progress.

The GNP Deflator, which of course goes far beyond the Consumer Price Index—as you know, the GNP Deflator covers all, the whole spectrum of the economy—in the first six months of 1971 it was the lowest in three years. That is progress; not enough, but it is progress.

In the last month the CPI was higher than the average it has been for the first five months. We all know that these month-to-month variations are not what counts. My view is that we are making progress against inflation, but it is going to require continued strong policies on the part of the Administration with the cooperation of the Congress in limiting our budget expenditures to full-capacity or full-employment revenues. That is the battle we will continue to wage, and it will also need cooperation from labor and management on limiting the wage price spiral.

On the unemployment front, we have a somewhat similar problem. In the last three peacetime years before the Korean War expenditures began to hypo the economy, 1961, 1962, and 1963; unemployment in those years averaged 6 per cent. We, at this point, have brought unemployment below 6 per cent, not as much as we would like. It reached its peak in January. It was 6.2. What the figures will be for this month you will know on Friday. I don't know what they are myself. I will read this as you do, and that is the way it should be.

But, in any event, the unemployment curve is down—6.2 was the high and we are now below 6 per cent. I believe that it will continue, with monthly abberations, on a downward course through the balance of the year.

I believe that, as we go into 1972, I still stick with my prediction that we shall see unemployment continue to move downward and that 1972, for that year, will be a very good year.

PRICE TOO HIGH TO PAY

I would point out one final thing on the unemployment facts. As I have often pointed out, as of this morning I looked at the numbers, over two million Americans have been let out of the armed services and out of defense plants since we started to wind down the war in Vietnam.

If they were in the services or in the defense plants at the present time, unemployment would be 4.3. But the other side of that coin is that casualties when we came in were 300 a week. This week, last week, they were 12.

I just think the price is too high to pay. We believe that our goal of a new prospect of low unemployment, but with peace and not at the cost of war, is one that Americans are willing to work toward.

We are going to achieve that goal.

Getting back to the stock market question, I will simply say this: Everybody else has been prophetic about the future. I think the prophets who presently say that the American economy is on the skids, that we have made no progress on inflation, that the economy is not moving up, who ignore the $52-billion increase in GNP, who ignore the increase in retail sales, who ignore the strong, positive elements in the economy—I think by the end of this year that they are going to look bad so I will go out on the limb to that effect, wage increases and prices changes, but without powers of enforcement.

The Senators said that they were "vitally interested in the success of our Republican Administration" but added that they were "deeply concerned about the continuing unacceptability of high rate of unemployment and of inflation."

The President's statement that he would keep an "open mind" on the issue was regarded by some observers as at least a partial change of position. In late June he announced through Secretary Connally that there would be no wage-price board and no direct controls of wages and prices.

But if there was a change of position, it was accompanied by almost entirely negative comments on the idea.

Furthermore, the President linked his possible "consideration" of a wage-price board to Congressional "hearings" on the plan that have not even been scheduled and could not begin before September, in any case, because of the impending Congressional recess. Thus, nothing could happen soon.

Mr. Nixon repeatedly made clear that he continued to reject any system of permanent wage and price controls on the ground they would "stifle the American economy, its dynamism, its productivity" and would be "a mortal blow to the United States as a first-class economic power."

EFFICACY OF PERSUASION

Having rejected "compulsion" and "criminal penalties," the President continued:

"Then the question is: How far will persuasion go? Our record shows that in most countries abroad that have tried it, except for very small countries that are tightly controlled, persuasion alone will work for only three to four months."

As for a wage-price board, the President said he would "consider a recommendation" but added, "I will reject it if I find—and I have yet to find any recommendation that did not have this ingredient in it—if I find that it would impose a new bureaucracy with enormous criminal powers, to fasten itself on the American economy."

The President said his studies had shown that "guidelines" for wages and prices "in this country have always failed." He said that the wage-price board "would be considered favorably only if the hearings [in Congress] can convince me that enforcing an incomes policy could be accomplished without stifling the economy."

HODGSON TO WATCH TALKS

Mr. Nixon said it was "essential that Government use its power where it can be effective to stop the escalation, or at least temper the escalation in the wage-price spiral." He disclosed that he had asked Secretary of Labor James D. Hodgson "to bring to my attention every major wage-price negotiation which may be coming up in the future" with the aim of using the power of his office, "to the extent it can be effective, to see that those negotiations are as responsible as possible."

In the case of steel, the President had urged the negotiators to reach a "constructive" settlement. Today he conceded that he would be "less than candid" if he did not admit that the settlement "is not in the interest of America, not in the interest of labor and not in the interest of industry."

However, he welcomed that both the steel and railroad settlements addressed themselves to the problem of increasing worker output per man-hour.

Mr. Nixon said that the Federal Reserve chairman, Dr. Burns, had been the victim of a "very unfair shot" in reports that he had asked for and been denied a pay increase [Question 8].

REJECTS RISE IN SALARY

The fact was, the President said, that he had "enthusiastically approved" a recommendation that Dr. Burns "should be raised to the same status of the central bankers abroad" but that the Reserve chairman had "indicated that neither he nor any other individual in a high position in government should take a salary increase" at a time like the present, particularly when the President was going to have to limit pay increases "in other areas of government."

While the President thus cleared up the situation, he made no mention of the widely accepted fact that the original report came from the White House itself.

Secretary Connally, in his statement issued after the introduction of the wage-price legislation by the 12 Republican Senators, said that the proposal "should provide the forum for a useful discussion of important economic issues." He said that many proposals had been made and that, as a result, "confusion exists in the public mind as to the meaning of such terms as 'incomes policy.'"

UNIVERSAL VOTER REGISTRATION ACT OF 1971

Mr. GRIFFIN. Mr. President, a few moments ago the distinguished Senator from Massachusetts (Mr. Kennedy) introduced a voter registration bill and he asked unanimous consent that the bill be referred to the Committee on Post Office and Civil Service.

Mr. President, I ask unanimous consent that if and when the bill is reported by the Committee on Post Office and Civil Service it be then referred to whatever committee it would have been referred to by the Parliamentarian if that unanimous consent had not been made.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

CONVENTIONS RELATING TO POLLUTION OF THE SEA BY OIL—EXECUTIVE REPORT OF A COMMITTEE (EXECUTIVE REPT. NO. 92-9)

As in executive session, Mr. Pell, from the Committee on Foreign Relations, reported favorably Executive G, 91st Congress, second session, Two Conventions and Amendments Relating to Pollution of the Sea by Oil, and submitted a report thereon, which report was ordered to be printed.

INTRODUCTION OF ADDITIONAL BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. CRANSTON (for himself and Mr. Young):

S. 2456. A bill to amend title II of the Social Security Act to permit the payment of the lump-sum death payment to pay the burial and memorial services expenses and related expenses for an insured individual whose body is unavailable for burial. Referred to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. Bayh, Mr. Eagleton, Mr. Hart, Mr. Hartke, Mr. Hughes, Mr. Magnuson, Mr. McGovern, Mr. Mondale, Mr. Muskie, Mr. Pell, Mr. Ribicoff, and Mr. Williams):

S. 2457. A bill to establish a system of universal voter registration for Federal elections, and for other purposes. Referred, by unanimous consent, to the Committee on Post Office and Civil Service; then to be rereferred by Parliamentarian, if reported from the Committee on Post Office and Civil Service.

ADDITIONAL STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CRANSTON (for himself and Mr. Young):

S. 2456. A bill to amend title II of the Social Security Act to permit the payment of the lump-sum death payment to pay the burial and memorial services expenses and related expenses for an insured individual whose body is unavailable for burial. Referred to the Committee on Finance.

EQUALIZATION OF SOCIAL SECURITY ACT FUNERAL AND BURIAL BENEFITS IN CONNECTION WITH DECEASED SERVICEMEN MISSING IN ACTION BUT PRESUMED DEAD

Mr. CRANSTON. Mr. President, I introduce today with the distinguished Senator from North Dakota (Mr. YOUNG), for appropriate reference, S. 2456, a bill to amend title II of the Social Security Act to permit the payment of the lump-sum death payment to cover the burial and memorial services expenses and related services for an insured individual whose body is unavailable for burial. The war in Vietnam has been a great discouragement to and has presented hardships for many American families. Today we find our veterans who have given so much to our country—including, at times, their limbs and blood—returning home often to find very inadequate medical care, inadequate job opportunities, and to face other readjustment problems. This is the unjust fate of the Vietnam serviceman who is at least fortunate enough to come home after his tour of duty.

But what of the fate of the American serviceman who does not return home, the unknown serviceman lying somewhere on a bloody battlefield in Vietnam, listed as missing in action and presumed dead. His family, too, has a considerable amount of adjusting to do that cannot be overlooked. Not only must they adjust to the tragedy of death, but that death is demeaned because, under present provisions of the Social Security Act, they must also personally absorb various financial costs of the memorial and burial services which the Federal Government assumes when a body is recovered.

At the present time, for a serviceman killed in Vietnam whose remains are recovered, the Federal Government provides a burial allowance through the related branch of the armed services. In addition, the family also can receive—if their costs exceed the military allowance—up to $255 through the Social Security Act to help defray the costs of memorial and burial services. This latter sum, however, is available to the family only if the remains of the serviceman are recovered.

This loophole in the Social Security Act creates an intolerable inequity which the bill Senator YOUNG and I offer would correct. All too frequently, active duty military personnel in Vietnam are listed as missing in action and presumed dead, but no body is ever recovered. These MIA's—Missing In Action—are often the men who have died in the most valiant missions of the war. Yet their families are currently called upon to bear an even greater strain than that borne by the family of a serviceman whose remains have been recovered.

Not only must the family of the MIA serviceman live with the knowledge that their loved one has died, but also that he lies unburied somewhere on foreign soil and that he, through his family is not eligible for full assistance for memorial and burial services from the Government of the country he gave his life to defend.

I can find no reasonable justification why the family of the missing serviceman is not covered under the same guidelines as where the remains are recovered. I thus strongly urge that the Social Security Act be amended to include equitable assistance for every family of a deceased serviceman.

Mr. President, I ask unanimous consent that there be printed in the RECORD at this point a description of the current regulations of the Armed Forces which provide for the disposition of the remains of military decedents dying on active duty. These regulations were revised as of July 1, 1971.

There being no objection, the description was ordered to be printed in the RECORD, as follows:

DISPOSITION OF REMAINS PERSONS DYING ON ACTIVE DUTY

The Armed Forces provide for the final disposition of the remains of military decedents under the authority vested in the Secretaries by law and regulations. In each instance remains are recovered, identified, prepared, and clothed; placed in a metal casket and outer shipping container; and delivered with an escort and an interment flag to any destination in the world. These items are furnished at Government expense except as explained in the final paragraph below. In addition, a cash interment allowance that varies in accordance with the circumstances of burial is provided to cover costs at destination.

The interment allowances are reviewed from time to time in the light of actual costs incurred by families in a representative number of cases. Interment expenses normally incurred by next of kin include charges for cost of grave site, opening and closing the grave and use of cemetery equipment, a vault or grave liner (in metropolitan areas), use of a funeral director, hire of a hearse and limousines, church services and fees, obituary notices and flowers.

Average costs of interment expenses have increased considerably over the past several years as indicated in bills submitted by next of kin and surveys of price trends conducted by the funeral industry. As a result of the increased costs, the Armed Forces have approved a current scale of allowances payable in the cases of deceased military personnel buried on or after 1 July 1971. When remains are interred in a private cemetery, the maximum interment allowance is $625. If the remains are buried in a national cemetery with prior delivery to a funeral home, the maximum allowance is $375. If the remains are delivered directly to a national cemetery for final burial, the maximum allowance is $75.

The current scale of payments replaces one that was in effect from 1 February 1968 to 30 June 1971.

In a relatively few cases the next of kin of men and women who die on active duty in the Continental United States elect to arrange for the preparation of the remains at their expense and to claim reimbursement for the cost of the services and supplies. If the work is done in an area in which a military installation has an annual contract with a local funeral director to provide mortuary services, the person incurring the expenses may be reimbursed in an amount not to exceed the prices quoted in the contract for that area. If no Armed Forces contract is in effect in the place where the remains are prepared, the person who incurs expenses may be reimbursed in an amount not to exceed $500. Since the person incurring the costs of preparation of re- tends to be predominantly the Vietnam vet- interment expenses, as explained above, and for certain transportation items that vary from case to case, advice and guidance should be obtained in each instance from the nearest Armed Forces installation before any arrangements are made.

Mr. CRANSTON. Mr. President, in brief, the Armed Forces Regulations provide the following services related to the death of a serviceman who is serving on active duty: recovery and identification of the remains and transportation of the remains to any location in the world. In addition, the Armed Forces provides for preparation of the body for burial, a uniform, a flag, a casket and container, and a military escort. Once the remains have been delivered by the service to the location requested, the family may decide on whether they desire private or military services and arrangements.

The basic difference relevant to our concern is that the family of a serviceman whose remains are recovered is eligible for a maximum allowance of up to $625—$500 before July 1, 1971—whereas, the family where the remains are not recovered is allowed a maximum allowance of up to $375—$250 before July 1, 1971. Presumably the difference of $250 is for the opening and closing of the grave, and in appropriate instances, a vault or grave liner—an expense not faced by the family of an MIA deceased serviceman, this disparity of treatment under military regulations is, therefore, justifiable in my view.

However, the inequity which this bill seeks to remove arises in terms of the exclusion of social security benefits for the funeral and burial payments for the MIA serviceman. Currently, the Social Security Act provides that the survivors of insured individuals who die while serving on active duty in the armed services may receive up to $255 in benefits in addition to the Armed Forces allowance if the remains are recovered. This benefit is meant to help cover additional funeral expenses incurred by the family, such as burial plot, flowers, telephone calls, telegrams, permits, newspaper announcements, and so forth.

The irony and inequity is that the family of the serviceman who remains are not recovered is just as likely to incur the same additional expenses as the family of the serviceman whose remains are found, yet the former cannot qualify to receive the same social security benefits as the latter.

A case in point is that of Mrs. Joseph Pickett who was refused social security burial benefits for her son killed in the Vietnam war. Her son, Cpl. Robert Eugene Gratham, 19, a helicopter crewman, was reported missing in action this past March 8 in the A Shau Valley, Vietnam. In a Department of the Army telegram to Mrs. Pickett on May 14, she was notified that her son was killed in the crash of his helicopter and that his remains were consumed in the flames of the wreckage. Memorial services were held, a plot purchased, and a plaque made up by the Army. The $250 which Mrs. Pickett was awarded by the Army was totally inadequate to cover the reasonable expenses of memorial and burial services which were held.

Mr. President, I ask unanimous consent that an article from the Los Angeles Times on May 30, 1971, be inserted at this point in the Record to describe Mrs. Pickett's unsuccessful efforts to receive reimbursement from the Social Security Administration for the costs of memorial and burial services given to her son.

There being no objection, the article was ordered to be printed in the Record, as follows:

Social Security Rule Bars Burial Benefits for Dead Soldier

(By Ed Meagher)

Cpl. Robert Eugene Grantham, 19, a helicopter crewman, was reported missing in action last March 8 in the A Shau Valley, Vietnam.

On May 14 the Army notified his mother, Mrs. Joseph (Marjorie) Pickett, 13006 E. Beverly Blvd., Whittier that he was dead.

His body, the Army's detailed telegram indicated, had been consumed in the flames of the helicopter which had exploded on impact.

Two days later, Sunday memorial services were held at Wilshire Methodist Church in Los Angeles. And a cemetery plot was purchased. On it would be placed the plaque being made up by the Army.

TOLD OF ELIGIBILITY

Mrs. Pickett said she was told by an army officer from the Casualty Branch at Ft. MacArthur that she was eligible to receive up to $255 for burial expenses from the Social Security Administration.

But when she applied at the agency's Whittier office she was told there would be no such payment made in her case because there was no body.

"I simply couldn't believe it," she said. "If Robert had been killed in a taxi in Saigon, they told me, or in any other way then the death benefits would have been paid.

"It seemed so unfair. To think that because he not only gave his life but his entire body he is not entitled to anything."

BITTER TELEGRAMS

Mrs. Pickett sent protesting telegrams to President Nixon, to California's U.S. Sens. Alan Cranston and John V. Tunney and to U.S. Rep. Chet Holifield (D-Montebello).

Her message to the White House was especially bitter. "I said that inasmuch as the Army insists that there be a grave for the plaque perhaps I should contact Hanoi and have them put it down in the A Shau Valley."

A spokesman for the Social Security office in Whittier confirmed its position to the Times citing a rule in the manual which states that "if there is no body available for burial or cremation there can be no burial expenses for which a lump sum may be paid."

He said her appeal would be decided by a reviewing board in the San Francisco office but this would be delayed until Cpl. Grantham's earnings record was received.

But a few hours later the Whittier office informed The Times that Mrs. Pickett's appeal had been transmitted to San Francisco by telephone and decision was made there to make an exception in her case.

The office said the payment would be considered as being "for other burial expenses—flowers, telephone calls plot and burial."

Mrs. Pickett recalled her indignation when the Whittier office called her with the news.

"I told them I wouldn't take a cent," she said. "I told them I didn't want to be treated as an exception. What about all of the other mothers who have been turned down? I told them the U.S. government did not have enough money to pay me off, just because some pressure had been brought to bear. I told them that all I wanted was that rule to be changed."

Mrs. Pickett might as well have saved her breath. Within a few hours, the Social Security Administration headquarters in Washington reversed the San Francisco office ruling on her appeal. She was not to be given a chance to turn down payment.

But the Social Security Administration told The Times by telephone that a change in the rule to embrace such cases as Mrs. Pickett's had "undeniable appeal and would not result in significant increase in costs to the program."

A spokesman pointed out, however, that only one bill to effect such a change had been introduced in Congress and that it died in committee.

At the same time, the spokesman said, the agency could not understand why Mrs. Pickett had not taken advantage of a recent amendment to U.S. Public Law 91–487.

Signed by President Nixon last Oct. 22, the amendment provides that payment for memorial services in cases such as hers will be paid by the secretary of whichever branch of service the decedent served.

APPLIES TO ARMY

Mrs. Pickett has, in fact applied for the Army payment of $250 for the memorial service. And no doubt will receive it.

But if there had been remains, the Army would have paid up to $500 for services and burial in a private cemetery, or $250 for a military funeral and interment in a military cemetery.

Mrs. Pickett said that the memorial service for her son cost approximately $400. The cemetery plot where the plaque is to be placed cost an additional $300, she said. A total of about $700.

Of this, the Army will pay, $250; Social Security, nothing. Had there been a body, the Army would have paid $500 and Social Security the balance of $200, or up to $255 had her expenses been that high.

"I think this is unjust," said Mrs. Pickett. "I think the laws should be changed by both the Social Security Administration and the armed forces."

Mr. CRANSTON. The bill which I introduced today along with the Senator from North Dakota (Mr. Young) would help eliminate this unjust and senseless discrimination among our war dead. The bill itself is virtually identical to S. 3692 introduced by Senator Young in the 2d session of the 90th Congress, except we have added a provision requiring the appropriate service secretary to make a determination of death in appropriate cases where the remains have not been recovered. Although this legislation offers relatively minor financial relief, its impact upon the sensibilities and morale of the family of the deceased far outweigh any monetary considerations.

Mr. President, enactment of this bill would assure a full burial allowance for our missing servicemen and would guarantee all our war dead an honorable and decent funeral and burial service at home.

Mr. President, I ask unanimous consent that the text of the bill be set forth in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2456

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of section 202(i) of the Social Security Act is amended (a) by striking out "or" at the end of clause (2), renumbering clause (3) as clause (4), and adding after clause (2) the following new clause (3):

"(3) if the body of such insured individual is not available for burial, to any person or persons, equitably entitled thereto, to the extent and in the proportions that he or they shall have paid expenses of a burial or memorial service or both and related expenses for such individual (and the Secretary shall by regulations prescribe the criteria for determining when and whether an insured individual has died if, at the time such individual is alleged to have died, such individual was serving as a member of the Armed Forces of the United States and if the body of such individual has not been recovered; or"; and (c) by striking out in the renumbered clause (4) "clauses (1) and (2)" and inserting in lieu thereof "clauses (1), (2) and (3)".

Sec. 2. The amendments made by the first section of this Act shall be effective only in the case of lump-sum death payments under title II of the Social Security Act made with respect to deaths which occur after December 31, 1970.

By Mr. KENNEDY (for himself, Mr. Bayh, Mr. Eagleton, Mr. Hart, Mr. Hartke, Mr. Hughes, Mr. Magnuson, Mr. McGovern, Mr. Mondale, Mr. Muskie, Mr. Pell, Mr. Ribicoff, and Mr. Williams):

S. 2457. A bill to establish a system of universal voter registration for Federal elections, and for other purposes. Referred, by unanimous consent, to the Committee on Post Office and Civil Service; then to be rereferred by Parliamentarian, if reported from the Committee on Post Office and Civil Service.

UNIVERSAL VOTER REGISTRATION ACT OF 1971

Mr. KENNEDY. Mr. President, on behalf of myself and Senators Bayh, Eagleton, Hart, Hartke, Hughes, Magnuson, McGovern, Mondale, Muskie, Pell, Ribicoff, and Williams, I send to the desk a bill to establish a Universal Voter Registration Administration in the Bureau of the Census, and I ask that it be referred to the Committee on Post Office and Civil Service.

The PRESIDING OFFICER (Mr. Weicker). Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, the bill would contain the following principal provisions:

First, it would provide a simple post card system of voter registration, in which any citizen could register to vote merely by filling out a post card application form.

Second, burdensome residence requirements under existing laws would be abolished. Simply by filling out the address of his residence on the post card form, a citizen would establish his voting residence.

Third, a new computerized agency created within the Census Bureau—the Universal Voter Registration Administration—would process the post card forms, compile voting lists by precinct throughout the country, and make the lists available to State and local election officials at appropriate times before any election.

Fourth, use of the new system would be mandatory for all Federal elections and optional for State and local elections. Where the system is used for State and local elections, however, the Federal list must be accepted intact. No person entitled to vote in Federal elections can be deleted from the list for failure to meet other qualifications.

The time has come to take another major step forward in our national quest for universal suffrage. To be sure, we have made great strides in recent years. But always in the past, our efforts have ignored one of the most burdensome qualifications for voting—the requirement of registration, a requirement that operates to disfranchise tens of millions of Americans in every Federal election.

One of the brightest chapters in the history of America is the progress we have made toward our goal of universal suffrage and full participation by every citizen in the political life of our Nation. The route we have traveled in the past 100 years since the Civil War is marked with the major milestones of the efforts we have made to broaden our democracy. Indeed, six of the last 12 amendments to the Constitution have been concerned with extending the right to vote.

The 15th amendment, adopted in 1870, guaranteed the vote to citizens regardless of their race or color.

The 17th amendment, adopted in 1913, provided for the direct popular election of Senators.

The 19th amendment, adopted in 1920, extended the franchise to women.

The 23d amendment, adopted in 1961, extended the franchise to citizens of the District of Columbia in presidential elections.

The 24th amendment, adopted in 1964, abolished the poll tax as a condition of voting in Federal elections.

Most recently, the 26th amendment, adopted last June, extended the franchise to 18-year-olds in all elections.

Hand in hand with these great constitutional amendments have come a series of landmark decisions by the Supreme Court and historic laws by Congress, all concerned with insuring the broadest possible exercise of the right to vote. Within our recent memory, legislation like the Civil Rights Acts of the fifties and sixties and the Voting Rights Acts of 1965 and 1970, and the one-man, one-vote decisions of the Supreme Court, stand as eloquent tributes to the Nation's continuing commitment to extend and secure the right to vote.

Now the time has come to take another great step, by ending the arbitrary and unfair practices of voting registration that operate in so many States to deny the right to vote. Having stripped away so many other blatant impediments to the right to vote, the existing practices of voters registration in America can be seen all the more clearly for what they are—an arbitrary, obsolete, and unfair system by which vast numbers of Americans are silenced at the polls. In spite of the progress we have made in extending the franchise, the voting record of America ranks among the worst of all the great democracies of the Western World.

Of the 120 million potential voters in the presidential election of 1968, only 73 million—or 61 percent—actually went to the polls. Forty-seven million people stayed home, at a time when the winner—President Nixon—was receiving only 31 million votes. Incredible as it may seem, half again as many people stayed away from the polls as voted for the man who is our President.

In 1970, in Britain, by contrast, 72 percent of the eligible voters went to the polls, and yet they called it one of the lowest turnouts in history, the lowest since 1935. In the most recent elections in other democratic nations, the turnout has been even higher—75 percent in Ireland, 76 percent in Canada, 80 percent in France, 87 percent in West Germany, 89 percent in Sweden and Denmark.

The low turnout of American voters has been a consistent flaw in the political life of our Nation for many years. In the presidential election of 1900, the turnout was 73 percent. Not once since then has our voter turnout exceeded 66 percent. Seven times it fell below 60 percent. Twice, in 1920 and 1924, it fell below 50 percent.

And yet, it has not always been this way. Throughout the greater part of the 19th century, voter turnout in our presidential elections ranged in the neighborhood of 70 percent to 80 percent. The highest turnout was in 1876, when 82 percent of the potential voters went to the polls. The lowest was in 1852, when "only" 70 percent did so.

It is no coincidence, therefore, that the turn of the century, which saw the advent of voter registration, also saw a sharp decline in voter turnout. According to a recent study, registration was adopted at the turn of the century partly for the worthy purpose of prohibiting the abuses of machine politics in the growing cities of the North, and partly for the darker purpose of disfrancising black citizens in the South. Today, as this history strongly implies, the requirement of voter registration is the largest single obstacle to the right to vote in America.

The figures in 1968 tell the story. Of the 120 million potential voters in the presidential election of 1968, only 82 million—or 68 percent—were registered to vote and therefore eligible to go to the polls on election day. But of that number, fully 73 million, or 89 percent, actually went to the polls and cast their ballots.

The lesson is clear. Americans who are registered are Americans who vote. Of the 47 million citizens who stayed home on election day, the overwhelming majority—38 million, or 81 percent—were not registered to vote. Only 19 percent of those who stayed home were citizens who were registered to vote.

THE PRESENT SYSTEM OF VOTER REGISTRATION

Clearly, the paramount cause of America's dismal record of voter participation today is our inadequate nonsystem of voter registration. Virtually without exception, the registration laws of the 50 States and the District of Columbia are a nightmare of confusing, conflicting, and overlapping requirements, ranging from Missouri, which has six different registration systems for cities, depending on their size, and a seventh system available to counties at their option, to North Dakota, which has no statewide laws requiring voter registration, although local jurisdictions may do so at their option.

The defects of the present system are well known. They are not confined to any particular State or region of the country. They are as current as today's headlines:

With the exception of 3 days of precinct registration 30 days before an election, the only place that a person can register to vote in the Nation's largest city is at the downtown central office of the Board of Elections. For thousands of the city's residents, the expense and inconvenience of a trip downtown are overwhelming deterrents to voting.

The situation is the same in a large midwestern city. With the exception of 3 days of registration in local precincts a month before an election, the only place that anyone can register is at City Hall. Year round, with the exception of these 3 days, there is one central place for voter registration in the entire city. For thousands of citizens, the path to the polls is made unnecessarily difficult by the requirement of central registration.

In another midwestern city, shortly before a primary election last spring, approximately 2,500 black citizens were purged from the voter lists. They were not notified of the action until less than a week before the primary, when they were told that if they wished to be reinstated on the lists, they would have to go in person to the county courthouse, which is outside the city limits.

A much more extensive purge took place in a large eastern city in connection with a primary election last spring. Before the primary, somewhere between 80,000 and 90,000 citizens were purged from the lists of eligible voters.

And, in a major Southern State, large numbers of potentially eligible citizens will be denied the vote in the coming fall elections because of the State's requirement that voter registration books must close 4 months before an election. The burden of this early closing requirement falls most heavily on young citizens newly enfranchised by the 26th amendment to the Constitution, which lowered the voting age to 18 in State and local elections. The amendment was ratified on June 30. Less than 48 hours later—at 5 p.m. on July 2—registration closed, thereby effectively depriving tens of thousands of young residents of their newly won right to vote. Yet, we know their strong desire to vote. In the 2 short days of registration, there was a rush to join the voter rolls. According to press reports, large numbers of eager 18- to 20-year-olds formed long lines outside courthouses throughout the State, hoping to register on the 2 available days. But many were turned away, still standing in line, at the close of business on July 2.

These examples are only the tip of the iceberg. Comparable problems and obstacles can be found in every community throughout America. Wherever we look, we find citizens disfranchised by our archaic registration system.

Typically, State and local registration rolls are unwieldy, inaccurate, and obsolete. A large percentage of the names are persons no longer qualified to vote because of death, conviction of a crime, change of residence, or other reasons. In order to keep the lists at least reasonably current, the States are driven to the use of arbitrary rules, such as the disqualification of voters who fail to vote in a previous election, or requirements of annual or periodic re-registration.

The burden of our present system of voter registration are multiple. Frequently, they are a thin disguise for blatant racial discrimination against the right to vote. The hearing records of Congress during the debates of the Voting Rights Act of 1965 and its extension in 1970 are replete with examples of such discrimination.

For some citizens, registration means loss of income through loss of time on the job or time away from business. Many individuals simply cannot take time off to register during working hours, and are thereby relegated to the status of second-class citizens.

For others, the most important burden is the sheer difficulty and inconvenience of the registration process. Too often, registration is an obstacle course for the voter instead of the incentive to total participation it ought to be. The obstacles are enormous. Many citizens find it difficult to determine where and when they can register. They refuse to endure the long lines and waiting periods. They are baffled by the inaccessibility of registration offices. In some States, registration offices may be open only a few hours a day or week. Other States prohibit precinct, neighborhood, or mobile registration. They allow registration only in the county courthouse, which may require a trip downtown or even out of town. Frequently, the expense of the trip itself is sufficient to inhibit registration—a de facto poll tax that frustrates the right to vote.

For still others, there is the problem of early registration deadlines. In a number of States, the registration books close weeks or months before the election, and there is no opportunity whatever to register in the period immediately preceding the election. In Mississippi, the registration offices close 4 months before the election—the rolls are routinely purged after the deadline, so that a citizen erroneously removed from the list has no opportunity to register again. In 14 other States with early registration deadlines—Arizona, California, Colorado, Georgia, Hawaii, Kentucky, Michigan, Montana, Nevada, New Jersey, New Mexico, Ohio, Pennsylvania, and Rhode Island—the registration books close more than a month before the election.

For yet another group of citizens, especially those who travel frequently, who are away from home for extended periods, or who are ill or disabled, the problem is the lack of any procedure for absentee registration. Although virtually every State has established absentee voting procedures, few have taken the additional step of establishing absentee registration procedures as an alternative to the traditional requirement that registration must be in person.

And finally, for another substantial group of citizens, the burden is one of unreasonable re-registration requirements. In Texas, for example, annual re-registration is required, a procedure declared unconstitutional by a Federal district court earlier this year and now the subject of an appeal. Other States require voters to renew their registration so frequently that many citizens simply find themselves unable to keep up with the requirements. Often a citizen arrives at the polls to vote, only to be told that his registration has been canceled because he failed to vote in the previous election, even though he was never given notice of the cancellation.

An especially insidious aspect of the problem of registration is the evidence that the burden of State and local registration requirements falls most heavily on the poor, the black, the uneducated, and manual and service workers. For example, according to a census study of the 1968 election, 87 percent of those with a college degree are registered to vote, whereas only 49 percent of those with 1 to 4 years education are registered. And, two decades of hearings in Congress on Civil Rights Acts and Voting Rights Acts have overwhelmingly demonstrated the ease with which voter registration requirements lend themselves to discriminatory application.

THE BURDEN OF RESIDENCE REQUIREMENTS

Impediments to the right to vote of a different sort, but no less burdensome for millions of citizens, are the hundreds of different State and local residence requirements that now exist throughout the Nation. Typically, under present voting laws, a potential voter must fulfill three different residence requirements before he is entitled to vote—he must have resided in his State for periods ranging from 6 months to a year; he must have resided in his county for periods from 30 days to 6 months; and, he must have resided in his precinct for periods from 10 to 30 days. In some jurisdictions, the minimum residence requirements is lower; many, it is substantially higher.

In the quieter and less mobile era of our history when these residence requirements were imposed, the burden was not as huge as it is today. The Census Bureau estimates that every year, 20 million Americans, or 10 percent of the population move their residence from one State to another. On the average, each family in the Nation moves its residence once every 4 years.

The plight of the disfranchised mobile voter in America is well known, and no extended discussion is needed here. As many experts have noted, the right of a citizen to travel freely from State to State is one of our fundamental rights protected by the Constitution, and the exercise of that right should never trigger the loss of an even more basic constitutional right, the right to vote.

Last year, as part of the statute lowering the voting age to 18, Congress took a significant step to alleviate the burden of so-called durational residence requirements by reducing such requirements to 30 days for voting in Presidential elections.

Now the time is ripe for Congress to go further, and there is growing sentiment in the Senate to make the same 30 day requirement applicable to all Federal elections. Indeed, a bill to this effect has recently been introduced in the Senate by Senator JOHN TUNNEY of California, with strong bipartisan support, and similar legislation has already been introduced by Senator HAROLD HUGHES.

BACKGROUND OF EFFORTS TOWARD UNIVERSAL VOTER REGISTRATION

In recent years, discussions of various proposals to establish a system of universal voter registration for the United States have dwelled essentially exclusively on what may be called local action methods—that is, door-to-door canvassing at the local level, at the initiative of local jurisdictions. Each of two major studies of the decade of the sixties has recommended this approach, partly because it is the approach apparently responsible for the higher voter turnouts in foreign democracies, and partly because of philosophical and constitutional objections to methods relying on the initiative of the Federal Government.

The first study was made by the President's Commission on Registration and Voting Participation, established by President Kennedy in March of 1963, chaired by Richard Scammon, the Director of the Census Bureau at that time, and charged with the task of determining the reasons for low voter turnout in America and recommending solutions. The Commission's report in November of 1963 was a major milestone in the analysis of the complex psychological and legal factors that lie at the heart of the problem.

The Commission made more than 20 major recommendations to end restrictive legal and administrative procedures inhibiting the right to vote. In the area of voter registration, the Commission urged the State to adopt procedures to make registration easily accessible to every citizen. As patterns to be followed, the Commission pointed to the example of Canada and noted a number of States and communities in America that had successfully used registration procedures involving door-to-door canvassing, deputy registrars, and mobile registration units.

The second major study was prepared by the freedom to vote task force, established by the Democratic National Committee in 1969 and chaired by Ramsey Clark, the former Attorney General of the United States. Notwithstanding its partisan sponsorship, the report of the task force, entitled "That All May Vote," is a persuasive nonpartisan document challenging the Nation to end the abuses we have endured for so long and to act to increase the strength of our democracy. As the report states:

> People who vote believe in the system. They participate. They have a stake in government. But, to the nonparticipants their stake in government is not so apparent. Their alienation from the system is harmful not only in their own lives, but it threatens the survival of democracy itself.
>
> Registration efforts must not be concerned with how people vote. The important consideration is that they vote. We can live with decisions made by a full electorate, but those who do not participate may be unwilling to live with decisions they had no voice in making. We must do everything within our power to encourage them to vote. Let the people choose.

The report of the task force made clear that voter registration is the real villain, the principal barrier that stands between the citizen and the ballot box. As in the case of the 1963 commission study, the report pointed to the success of "local action" for voter registration in South Dakota, Idaho, and in parts of California and Washington, and urged a similar program for America. The proposal was introduced in legislative form in the 91st Congress by Senator INOUYE, a member of the task force, and it has been reintroduced as S. 1199 in the present Congress.

Because of doubts that have been raised about the feasibility of the "local action" approach to voter registration, progress has been slow in efforts to implement such proposals. More and more, attention has turned to the alternative of a "Federal" system of voter registration to achieve the universal system we need.

The Senate took a major step in this direction last June, when it approved by the vote of 47 to 31 an amendment to the draft bill, authorizing selective service offices to register 18-year-olds to vote at the time they register for the draft. And, Senator HUMPHREY is offering a similar proposal to use the facilities of the Internal Revenue Service to promote voter registration.

In large measure, recent Supreme Court decisions have eliminated possible constitutional objections to a Federal system of universal voter registration. Now and for the foreseeable future, I believe that such a system is the only hope we have for pulling ourselves out of the present morass of registration requirements.

THE SOUTH CAROLINA EXPERIENCE

In the face of growing demands imposed on outdated voter registration procedures, a number of cities and counties throughout the Nation have begun to use computers to moderize their procedures. In 1967, South Carolina became the first and only State to centralize its voter registration procedure through a computer system on a State-wide basis. Although registration in South Carolina continues to be initiated through the county registration boards in the State, and citizens must still appear in person to register at the local boards, their applications are now forwarded to the State data processing office, where the information is stored and processed.

The familiar but cumbersome ledger books that used to form the registration record in South Carolina have now been replaced by magnetic tapes in a computer system. The records are continuously kept current through data provided to the State agency from various sources—for example, the bureau of vital statistics provides monthly reports on persons who have died, and the State and Federal courts provide data on persons convicted of crimes. Prior to the new system, the registration records were rarely cleaned for any reason.

On the basis of the data in the computer files, official lists of registered voters for each county and precinct are printed and made available to local officials 10 days before each State, county, municipal, or other election. Thus, it is no longer necessary to use the entire county ledger for a municipal election, or to copy manually from the county rolls the names of persons eligible to vote in elections held in smaller jurisdictions. Since the computer lists contain all the information provided by the voter when he registered, election officials are able to identify registrants easily at the polls. Under the previous system, only the voter's name and address were on the rolls.

As a result of the vastly increased efficiency of the new system, the county registration boards in South Carolina that used to be open only a few days a month are now open on a daily basis during normal courthouse hours. During the first year of the new system, 850,000 South Carolina voters were registered, the highest figure in the history of the State. The total cost of the computer portion of the system is approximately $170,000 a year, and the entire store of registration information is contained on five reels of computer tape.

A SYSTEM OF UNIVERSAL VOTER REGISTRATION FOR THE NATION

At a single stroke, the system of universal voter registration I favor would eliminate the arbitrary and unfair requirements of residence and registration that now operate to disfranchise so many of our citizens. Durational residence requirements would be abolished for Federal elections, and registration would involve a procedure no more complicated than filling out a post card form and placing it in the mail. Local control of the actual election process would remain unchanged, but virtually the entire financial cost and administrative burden of voter registration would be lifted from the States and transferred to the Federal Government.

The program would be administered by a new bipartisan agency to be established in the Census Bureau. Citizens would register to vote simply by filling out the post card form and mailing it to the new agency. Merely by specifying the address of his residence on the form, the citizen would determine his voting residence. There would be no requirement of residence for a specific period of time. The system would thus do away not only with burdensome registration requirements, but also with unfair residence requirements that operate to bar voters in almost every State.

With the assistance of computers, the information would be stored and divided according to election districts, and made available by the census agency to appropriate State and local election officials, as the official list of eligible voters.

Use of the new voter registration list would be mandatory in Federal elections, and optional for State and local elections. I believe, however, that the simplicity, efficiency, and cost savings of the system would lead to its rapid acceptance for State and local elections as well, so that within a brief period of time, the Nation would have a truly universal voter registration system for all elections. Our system of democracy deserves no less.

In its details, the system would function as follows:

First, a new bipartisan agency—the Universal Voter Registration Administration (UVRA)—will be established in the Bureau of the Census to organize and administer a program of universal voter registration for all Federal elections, and to assist States in their registration for State and local elections. The UVRA will be authorized to establish State and regional data processing centers to carry out its functions. The agency will be under the direction of an administrator and two associate administrators, no more than two of whom can be members of the same political party. The new agency is created in the Bureau of the Census because that agency has established a long-standing reputation of efficiency and confidentiality, and has already developed the computer programs and technology essential to the implementation of a successful universal voter registration system.

Second, individuals will register to vote through post card voter registration forms, to be mailed free of charge to UVRA. The post card forms will be of the type which allows visual scanning by computers to read the information. They will be widely available in post offices and other Federal agencies, and will also be available to private voter registration groups. Where appropriate, bilingual forms will also be available. In addition, any State or local jurisdiction will be authorized to send its current registration records to UVRA for assimilation into the new Federal system.

Third, the information on the post card forms will include only the name, address, ZIP code, and date of birth of the individual, together with a statement that the individual is not disqualified from voting under State or local law by reason of conviction of a crime or adjudication of mental incompetence. In addition, the individual may specify his party affiliation if he wishes to register for primary elections. UVRA registration will remain valid for 4 years, or for longer periods according to State law.

Fourth, the post card form will also include a line for the signature or mark of the individual, and a statement of the penalty for fraudulent registration. The penalty will be a fine of not more than $10,000, imprisonment for not more than 5 years, or both. The form will also include a statement that the signature or mark of the individual attests to the accuracy of the information he provides on the form.

Fifth, UVRA registration will close 30 days before primary, general or other elections. UVRA will compile lists of registered voters by local precincts, and forward the lists to the appropriate State or local election officials. Simply by having his name on the list, any person will thereby be authorized to vote in Federal elections. States will be able to supplement and update the lists in advance of the Federal election. However, in cases where a State removes a name from the list, notice of the removal must be given promptly to UVRA and to the individual, together with the reason for the removal.

Sixth, use of the UVRA list will be

mandatory for all Federal elections and optional for State and local elections. If State and local officials decide to use the UVRA lists for State and local elections, they may not delete anyone from the list for failure to meet other qualifications.

Seventh, UVRA will be authorized to establish appropriate procedures for individuals to verify their registration. It will also inform each voter of the location of his polling place, so that on election day, every citizen will know where he must vote.

Eighth, to protect the right of privacy, UVRA information and voting lists will not be available to any other Federal agency and will not be made available by UVRA to any private source. In addition, UVRA will not draw on information collected for other purposes by other Federal data centers, such as the Internal Revenue Service or the Social Security Administration. The UVRA system will be used for voter registration and no other purpose. However, to the extent that State or local law requires voting lists to be publicized, UVRA information may become public at that level, although the information still may not be used by any Federal agency.

CONSTITUTIONAL JUSTIFICATION

In light of a long line of Supreme Court decisions in the area of voting rights in the decade of the Sixties, and especially the decision by the Court in *Oregon* v. *Mitchell,* 400 U.S. 112 (1970)—the 18-year-old voting case decided last December—there is solid constitutional support for the establishment of a nationwide system of Universal Voter Registration in the United States. Indeed, although the issue may be somewhat less clear-cut, there would also be ample constitutional justification for the extension of the Federal registration system to State and local elections as well.

As in the issues surrounding the Voting Rights Act Amendments of 1970, which Congress passed last year, the issue in the current context concerns the power of Congress to legislate by statute in the area of State and local election requirements.

There can be no question, of course, that the Constitution grants to the States the primary authority to establish qualifications for voting. Article I, section 2 of the Constitution and the 17th amendment specifically provide that the voting qualifications established by a State for members of the most numerous branch of the State legislature shall also determine who may vote for U.S. Senators and Representatives. Although the Constitution contains no specific reference to qualifications for voting in Presidential elections or State elections, it has traditionally been accepted that the States also have primary authority to set the qualifications in these areas as well.

At the same time, however, these constitutional provisions are only the beginning, not the end of the analysis. They must be read in the light of all the other specific provisions of the Constitution, including the great amendments that have been adopted at various periods throughout the Nation's history. Most recently, a month ago, the 26th amendment, lowering the voting age to 18, became part of the Constitution, and conferred power on Congress to enforce the new amendment by appropriate legislation.

The constitutional issues must also be interpreted in the light of the basic Supreme Court decisions interpreting the provisions in question. Although a State may have primary authority under article I of the Constitution to set voting qualifications, it has long been clear that it has no power to condition the right to vote on qualifications prohibited by other provisions of the Constitution, including the various amendments to the Constitution. No one believes, for example, that a State could deny the right to vote to a person because of his race or his religion.

Thus, the Supreme Court has specifically held that the equal protection clause of the 14th amendment itself prohibits certain unreasonable State restrictions on the franchise:

In *Carrington* v. *Rash,* 380 U.S. 89 (1965) the Court held that a State could not withhold the franchise from residents merely because they were members of the Armed Forces. Obviously, the rationale of this decision is directly applicable to the present national controversy over the voting residence of students.

In *Harper* v. *Virginia Board of Elections,* 383 U.S. 663 (1966), the Court held that a State could not impose a poll tax as a condition of voting.

In *Katzenbach* v. *Morgan,* 384 U.S. 641 (1966), the Court upheld the constitutionality of a statute passed by Congress overriding State literacy requirements in English and conferring the franchise on voters literate in Spanish.

But the key Supreme Court precedent supporting a universal voter registration system for Federal elections is Oregon against Mitchell. In that important decision, the Court not only sustained the constitutionality of a Federal statute lowering the voting age to 18 for Federal elections, but also upheld the constitutionality of two other provisions in the 1970 statute, provisions that were applicable not only to Federal elections, but also to State and local elections:

A provision abolishing State literacy requirements altogether;

And, a provision reducing the residence requirements for voting in presidential elections to 30 days, and requiring the States to make available appropriate absentee registration and absentee voting procedures for such elections.

The Mitchell decision is especially significant because of the substantial majority by which the Supreme Court upheld the constitutionality of the literacy and residence provisions of the 1970 statute passed by Congress.

To be sure, the provision lowering the voting age to 18 in Federal elections was sustained by the narrow margin of 5 to 4, with Justice Black casting the deciding vote on the basis of the power of Congress under Article I, Section 4 of the Constitution to regulate the time, place, and manner of conducting Federal elections.

At the same time, however, in spite of the narrow vote on the 18-year-old issue, the Court upheld the validity of the literacy and residence provisions by overwhelming majorities—9 to 0 in the case of the literacy provision, and 8 to 1 in the case of the residence provision, with only Justice Harlan dissenting on the latter issue.

The crucial link in the reasoning of the Justices leading to the strong majority in favor of the residence aspect of the case was their view that the provision was a valid exercise of the power of Congress under the necessary and proper clause of the Constitution to protect the constitutional right to change one's residence and to travel freely from State to State, a right that had been clearly reaffirmed by the Supreme Court as recently as 1966, in its decision in *United States* v. *Guest,* 383 U.S. 745 (1966).

Similarly, the crucial link in the reasoning of the Justices leading to the unanimous decision upholding the literacy provision in the statute was their view that the provision was a valid exercise of the power of Congress to enforce the 15th amendment of the Constitution, which bars racial discrimination in voting.

The present proposal for a system of universal voter registration for Federal elections, involving action by Congress in the areas of both residence and registration as qualifications for voting, is easily supported under the literacy and residence rationales of Oregon against Mitchell, since it would be action by Congress to promote the right to travel and to end racial discrimination in voting. No substantial distinction can be drawn on the basis that the residence provisions in the Mitchell case applied only to presidential elections, whereas the proposed universal registration system would apply to all Federal elections. As Justice Stewart stated in discussing the residence provision in the Mitchell case, in an opinion joined by Chief Justice Burger and Justice Blackmun.

I have concluded that, while section 202 applies only to presidential elections, nothing in the Constitution prevents Congress from protecting those who have moved from one State to another from disenfranchisement in any Federal election, whether congressional or presidential (400 U.S. 112, 287).

Further, as I have indicated, the constitutional rationales supporting the literacy and residence provisions in the Mitchell case might easily support the extension of the universal voter registration proposal to State and local elections as well. A fortiori, however, the proposal is clearly valid for Federal elections as an exercise by Congress of its power under article I of the Constitution to regulate such elections, and I urge the Senate to adopt it.

Mr. President, I ask unanimous consent that the text of the bill may be printed at this point in the RECORD. I also ask unanimous consent that a table of existing State residence requirements for voting, prepared by the youth citizenship fund, and a series of tables on voter turnout, contained in the reports of the freedom to vote task force of the Democratic National Committee, may also be printed in the RECORD.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 2457

A bill to establish a system of universal voter registration for Federal elections, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Universal Voter Registration Act of 1971."

S. 382

DECLARATION AND FINDINGS

SEC. 2. (a) The Congress hereby finds and declares that the administration of voter registration procedures by the various States as a precondition to voting in Federal elections—

(1) denies or abridges the constitutional right of citizens to vote in Federal elections;

(2) denies or abridges the constitutional right of citizens to enjoy free movement across State lines;

(3) denies or abridges the privileges or immunities of citizens of the United States, deprives them of due process of law, and denies them the equal protection of the laws, in violation of the fourteenth amendment;

(4) denies or abridges the right to vote on account of race or color in violation of the fifteenth amendment;

(5) denies or abridges the right to vote on account of sex in violation of the nineteenth amendment;

(6) denies or abridges the right to vote on account of age in violation of the twenty-sixth amendment;

(7) in some instances has the impermissible effect of denying citizens the right to vote because of the way they may vote; and

(8) does not bear a reasonable relationship to any compelling State interest in the conduct of Federal elections.

(b) Upon the basis of these findings, Congress hereby exercises its authority under section 4 and section 8 of article I of the Constitution, and the fourteenth, fifteenth, nineteenth, and twenty-sixth amendments thereto.

ESTABLISHMENT OF OFFICE

SEC. 3. (a) There is hereby established in the Bureau of the Census a Universal Voter Registration Administration (hereafter referred to in this title as "Administration"). The Administration shall be composed of an Administrator and two Associate Administrators, who shall be appointed by the President, by and with the advice and consent of the Senate. No more than two members of the Administration shall be of the same political party.

(b) The Administration shall establish and administer a program of voter registration for voting in Federal elections and shall, upon request, assist States in conducting registration for voting in State and local elections.

(c) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following:

"(131) Administrator and Associate Administrators, Universal Voter Registration Administration."

USE OF DATA PROCESSING

SEC. 4. The Administration shall establish one or more data processing centers in order to carry out its functions. Voter lists shall be compiled and maintained through the use of electronic data processing equipment in such a manner that a list of persons registered under this Act in each of the units in which persons are registered to vote under State and local laws shall be readily available. The lists shall contain the name, address, ZIP code, party affiliation (if supplied), date of birth, and voting unit of each individual registered to vote under this Act and such additional information as the Administration determines to be essential to the efficient operation of this Act.

REGISTRATION

SEC. 5. (a) The Administration shall prepare and distribute registration forms for use by individuals who wish to register to vote under the provisions of this Act, or who wish to change a previous registration. Such forms shall be of a type which permits visual scanning by electronic data processing equipment, shall contain appropriate places for the designation of the registrant's name, address, ZIP code, date of birth, and party affiliation, and may be in languages other than English in such cases as the Administration deems appropriate.

(b) Such forms shall contain a statement that such individual is not disqualified from voting under State law by reason of conviction of a crime or mental incompetence, and such other information as the Administration determines to be essential to the efficient operation of this Act. Such forms shall also require the signature of the individual seeking to register through the use of such forms and a statement of the penalty for fraudulent use of such forms. The signature of an individual on his form shall attest to the accuracy of the information contained thereon.

(c) The Administration shall enter into arrangements with the Postmaster General so that supplies of such forms shall be reasonably available free of charge in each post office, and shall make such other arrangements as it deems appropriate for the distribution of such forms, including their availability to groups engaged in voter registration. Such forms shall be mailed free of all postage including airmail to the Administration upon completion, and the Administration shall reimburse the Postal Service for the cost of such mail.

(d) Any individual who is a citizen, who is eighteen years of age or older (or will attain such age on or before the date of the next Federal election held in the congressional district or State in which he registers), who is not disqualified from voting under State law by reason of conviction of a crime or mental incompetence, and who is registered under this Act shall be eligible to vote in Federal elections held in the congressional district or State in which he is registered under this Act. No other requirement or qualification shall be imposed by any State or political subdivision thereof on the right of such individual to vote in such election.

(e) The Administration is authorized to receive registration lists and other information with respect to eligible voters from State or local jurisdictions for inclusion in the registration lists prepared by the Administration under this Act.

(f) Unless the Administration or a State or local jurisdiction removes a person's name from the list of registered voters because of his death or his disqualification from voting under State law by reason of conviction of a crime or mental incompetence, registration under this Act in any State shall remain in effect for a period of time not less than four years, or such longer period as registration under State law in such State remains in effect.

(g) The Administration shall remove from its list of registered voters the name of any person who is found to be fraudulently or otherwise improperly registered or who, after registration, becomes disqualified to vote in the State or congressional district in which he is registered. If the Administration removes the name of any person from such list, it shall notify such person of such action by certified mail within one week of such action and the reason therefor.

(h) Any State or local jurisdiction which removes the name of any person from such list shall notify such person and the Administration of such action by certified mail within one week of such action. Such notice shall include the name and address of such person, and a statement of the reason for such action. The Attorney General is authorized and directed to institute in the name of the United States such actions against States or political subdivisions, including actions for injunctive relief, as he may determine to be necessary to implement the purposes of this subsection, and it shall be the duty of a judge designated to hear any such case to assign the case for hearing and determination thereof, and to cause the case to be in every way expedited.

REGISTRATION DATE

SEC. 6. An individual may register to vote in a Federal election under this Act at any time until thirty days before the date of such election, or at such later date before such election as the Administration may determine.

LIST OF REGISTERED VOTERS

SEC. 7. (a) Not later than thirty days prior to the date of any Federal election, the Administration shall furnish to the appropriate election officials of the State or local jurisdiction in which an election is to be held a list of individuals, by precinct or other similar voting unit, registered under this Act to vote in such election within the congressional district or State in which the election is to be held. No person whose name appears on such list shall be denied the right to vote in such election, unless such name is removed from such list in accordance with the provisions of this Act. The Administration is authorized to establish appropriate procedures to supplement the lists made available to States and local jurisdictions under this subsection.

(b) The Administration is authorized to establish appropriate procedures for individuals to verify their registration under this Act.

(c) Prior to the date of any such election, the Administration shall inform individuals registered with it of the precinct or other voting unit in which they are registered to vote.

(d) The provisions of this Act shall not apply in the case of any election in which registration is not a condition of voting in such election.

STATE REGISTRATION

SEC. 8. (a) Nothing in this Act shall interfere with any voter registration procedure conducted by any State with respect to voting in State or local elections.

(b) Any individual registered to vote under any State voter registration procedure, who is a citizen of the United States, who is eighteen years of age or older (or who will attain such age on or before the date of the next Federal election to be held in the congressional district or State in which he registers), and who is not disqualified from voting under State law by reason of conviction of a crime or mental incompetence, shall also be eligible to vote in any Federal election held in such district or State, whether registered under this Act or not.

(c) Any State which determines by law that it wishes to use voting registration lists compiled under this Act as evidence of registration to vote in State or local elections shall be furnished such lists no later than thirty days prior to any such election. Any State which so determines may not remove the name of any individual from such lists with respect to any such election nor deny to any individual whose name appears on such lists the right to vote in any such election, except in accordance with the provisions of this title.

REPORTS FROM STATES

SEC. 9. The Administration is authorized to request from each State periodic reports of the names and addresses of individuals eighteen years of age or older who have died in such State. The Administration is also authorized to request from appropriate State or Federal agencies periodic reports of the names and addresses of persons disqualified from voting under State law by reason of conviction of a crime or mental incompetence.

REGISTRATION INFORMATION

SEC. 10. The Administration shall undertake, through the use of broadcast and nonbroadcast communications media and such other means as the Administration deems appropriate, to inform potential voters of their eligibility to register to vote in Federal elections under the provisions of this Act.

PENALTIES

SEC. 11. (a) Whoever knowingly or willfully gives false information as to his name, address, residence, age, or other information for the purpose of establishing his eligibility to register or vote under this Act, or conspires with another individual for the purpose of encouraging his false registration to vote or illegal voting, or pays or offers to pay or accepts or offers to accept payment either for registration to vote or for voting shall be fined not more than $10,000, or imprisoned not more than five years, or both.

(b) Any person who deprives, or attempts to deprive, any other person of any right under this Act shall be fined not more than $5,000, or imprisoned not more than five years, or both.

(c) The provisions of section 1001 of title 18, United States Code, are made applicable to the registration form promulgated under section 5.

RIGHT OF PRIVACY

SEC. 12. (a) No information provided by or in connection with any person under this Act shall be made available by the Administration to any other Federal agency or for any commercial activity. No such information shall be made available by the Administration to any agency of any State or local jurisdiction except for the purpose of carrying out functions directly related to the provisions of this Act.

(b) The Administration is authorized to adopt regulations for the enforcement of this section.

(c) Any person who violates this section or regulations adopted thereunder shall be fined not more than $5,000 or imprisoned not more than five years, or both.

OTHER FEDERAL VOTER REGISTRATION

SEC. 13. This Act shall not affect the provisions of the Federal Voting Assistance Act of 1955. Persons eligible to use the form and procedures provided under such Act may register under this Act.

DEFINITIONS

SEC. 14. As used in this Act the term—

(a) "Federal election" means any primary, general, or special election held for the election of a Federal officer, including an election held for the selection of delegates to a national nominating convention or to a caucus for such selection, and a primary election held for the expression of a preference for the nomination of persons for election to the office of President.

(b) "Federal officer" means President, Vice President, Senator, Representative, Delegate to the Congress, or delegate to a national nominating convention or caucus thereto.

(c) "State" means each of the United States and the District of Columbia.

AUTHORIZATION OF APPROPRIATIONS

SEC. 15. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

YOUTH CITIZENSHIP FUND INC., 2100 M STREET NW., SUITE 306, WASHINGTON, D.C. 20037, (202) 833-2090

STATE RESIDENCE REQUIREMENTS

	State	County	Precinct
Alabama	1 year	6 months	3 months.
Alaska	do		30 days.
Arizona	do		Do.
Arkansas	12 months	6 months	1 month.
California	90 days	90 days	54 days.
Colorado	3 months		32 days.
Connecticut	(City or town: 6 months).		
Delaware	1 year	3 months	30 days.
District of Columbia	(Bona fide resident)		
Florida	1 year	6 months	
Georgia	do	do	(City: 90 days [municipal election only]).
Hawaii	do		
Idaho	6 months	30 days	
Illinois	do		
Indiana	do	60 days (township)	30 days.
Iowa	do	60 days	
Kansas	do	30 days (township or ward).	
Kentucky	1 year	6 months	60 days.
Louisiana	do	6 months (municipality: for municipal election, 4 months).	3 months.
Maine	6 months	3 months	
Maryland	do	28 days	
Massachusetts	(6 months city or town [formerly 1 year]).		
Michigan	6 months	(4 weeks, township, city or village).	
Minnesota	(6 months struck down Dec. 14, 1970).		30 days.
Mississippi	1 year	1 year	6 months.
Missouri	do	60 days	10 days (in some counties).
Montana	do	30 days (6 months, city).	30 days.
Nebraska	6 months	40 days	10 days.
Nevada	do	30 days	Do.
New Hampshire	do		
New Jersey	do	40 days	(30 or 15 days, some cities for municipal election).
New Mexico	12 months	90 days	30 days.
New York	3 months	3 months (3 months in city or village.)	10 days.
North Carolina	1 year	30 days	
North Dakota	do	90 days	30 days.
Ohio	6 months	40 days	40 days.
Oklahoma	do	2 months	20 days.
Oregon	do		
Pennsylvania	90 days	60 days	60 days.
Rhode Island	1 year (6 months, town or city).		
South Carolina	1 year	6 months	3 months.
South Dakota	180 days (5 years in United States).	90 days	30 days.
Tennessee	1 year	3 months	
Texas	do	(6 months, county, city or town).	
Vermont	do	(90 days town)	(180 days in town for municipal election).
Virginia	1 year (6 months, city, town or country).		30 days.
Washington	1 year	90 days	Do.
West Virginia	do	60 days	(60 days in municipality for municipal election).
Wisconsin	6 months		10 days.
Wyoming	1 year	60 days	Do.

REGISTRATION AND TURNOUT IN THE 1968 PRESIDENTIAL ELECTION, BY STATE [1]

State	1968 voting age population	Total registration	Actual turnout	Percent turnout of registered voters	Percent turnout of voting age population
Alabama	2, 037, 000	1, 389, 196	1, 044, 177	75. 2	51. 3
Alaska [2]	151, 000	NA	83, 035	NA	55. 0
Arizona	1, 003, 000	614, 718	486, 936	79. 2	48. 5
Arkansas	1, 188, 000	845, 759	609, 590	72. 1	51. 3
California	12, 052, 000	8, 587, 673	7, 251, 587	84. 4	60. 2
Colorado	1, 211, 000	966, 070	806, 983	83. 5	66. 6
Connecticut	1, 813, 000	1, 341, 519	1, 256, 232	93. 6	69. 3
Delaware	306, 000	248, 915	214. 367	86. 1	70. 1
District of Columbia	515, 000	201, 937	170, 578	84. 5	33. 1
Florida	3, 924, 000	2, 765, 316	2, 187, 805	79. 1	55. 8
Georgia	2, 824, 000	1, 850, 000	1, 250, 100	67. 6	44. 1
Hawaii	421, 000	274, 104	236, 218	86. 2	56. 1
Idaho	708, 000	366, 532	291, 183	79. 4	41. 1
Illinois	6, 580, 000	5, 676, 131	4, 619, 749	81. 4	70. 2
Indiana	2, 947, 000	2, 653, 219	2, 123, 597	80. 0	72. 1
Iowa [2]	1, 653, 000	NA	1, 167, 931	NA	70. 7
Kansas [2]	1, 339, 000	NA	872, 783	NA	65. 2
Kentucky	2, 062, 000	1, 471, 343	1, 055, 893	71. 8	51. 2
Louisiana	2, 032, 000	1, 449, 231	1, 097, 450	75. 7	54. 0
Maine	596, 000	509, 888	392, 936	77. 1	65. 9
Maryland	2, 168, 000	1, 595, 779	1, 235, 039	77. 4	57. 0
Massachusetts	3, 379, 000	2, 591, 051	2, 331, 752	90. 0	69. 0
Michigan	4, 853, 000	3, 950, 000	3, 306, 250	83. 7	68. 1
Minnesota [3]	2, 097, 000	NA	1, 588, 510	NA	75. 8
Mississippi [3]	1, 308, 000	775, 000	654, 509	84. 5	50. 0
Missouri [2]	2, 770, 000	NA	1, 809, 502	NA	65. 3
Montana	412, 000	331, 078	274, 404	82. 9	66. 6
Nebraska	891, 000	637, 719	536, 851	84. 2	60. 3
Nevada	285, 000	188, 811	154, 218	81. 7	54. 1
New Hampshire	418, 000	387, 660	297, 190	78. 5	71. 1
New Jersey	4, 402, 000	3, 319, 752	2, 875, 395	86. 6	65. 3
New Mexico	562, 000	445, 304	327, 281	73. 5	58. 2
New York	11, 773, 000	8, 113, 216	6, 691, 690	85. 5	59. 1

Footnotes at end of table.

REGISTRATION AND TURNOUT IN THE 1968 PRESIDENTIAL ELECTION, BY STATE[1]—Continued

State	1968 voting age population	Total registration	Actual turnout	Percent turnout of registered voters	Percent turnout of voting age population
North Carolina	2,919,000	1,858,987	1,587,493	85.4	54.4
North Dakota [2]	370,000	NA	247,882	NA	67.0
Ohio [4]	6,235,000	3,097,000	3,959,698	101.3	63.5
Oklahoma	1,546,000	1,163,328	943,086	81.1	61.0
Oregon	1,193,000	971,851	819,622	84.3	68.7
Pennsylvania	7,234,000	5,599,364	4,747,928	84.8	65.6
Rhode Island	561,000	471,112	384,938	81.7	68.6
South Carolina	1,455,000	853,014	666,978	78.2	45.8
South Dakota	408,000	348,254	281,264	80.0	68.9
Tennessee	2,361,000	1,840,077	1,248,617	67.9	52.9
Texas	6,289,000	4,073,576	3,079,576	75.6	49.0
Utah [3]	562,000	475,000	422,568	89.0	75.2
Vermont	244,000	208,221	161,403	77.5	66.1
Virginia	2,690,000	1,510,592	1,359,928	90.0	50.6
Washington	1,838,000	1,649,734	1,304,281	79.1	71.0
West Virginia	1,073,000	993,024	754,206	76.0	70.3
Wisconsin [3]	2,484,000	2,425,000	1,691,538	69.8	68.1
Wyoming	202,000	142,739	127,205	89.1	63.0
Total	120,353,000	82,029,426	73,359,762	89.4	60.9

[1] These figures are from State and U.S. Census sources. The Task Force figures and those compiled by the Republican National Committee are in substantial agreement. The figures used are the same as those in the Republican National Committee's report on the 1968 election.

[2] States which have no Statewide registration, or where registration is not required.

[3] Approximate figures, furnished by Secretary of State.

[4] Ohio does not require total registration, therefore the voter turnout figure exceeds the registration figure. Figure not included in total percentage.

NA—Not available.

TURNOUT IN PRESIDENTIAL ELECTIONS, 1824–1968, BY STATE

State	1824	1828	1832	1836	1840	1844	1848	1852	1856	1860
Alabama	49.1	54.6	(1)	64.9	89.7	80.3	69.7	45.3	71.0	76.7
Alaska										
Arkansas				28.9	67.6	63.5	55.9	48.6	60.2	79.5
California								75.7	81.6	71.2
Connecticut	14.9	27.2	46.0	52.3	75.7	80.0	72.3	72.3	81.8	73.3
Delaware	(1)	(1)	67.1	69.5	82.8	85.8	80.4	75.0	78.5	79.5
Florida							64.0	56.9	77.6	79.5
Georgia	(1)	31.8	29.0	61.8	88.8	92.6	86.0	54.8	82.8	85.1
Hawaii										
Illinois	24.3	52.4	46.0	43.5	86.0	76.0	70.5	64.7	72.4	80.5
Indiana	37.1	68.7	71.9	69.2	84.4	84.7	78.5	80.3	88.3	89.4
Iowa							90.7	80.2	87.0	94.8
Kentucky	25.4	70.7	74.0	61.1	74.3	80.7	73.9	64.2	76.7	74.1
Louisiana	(1)	36.2	22.3	19.2	39.4	47.1	51.1	48.7	53.6	58.6
Maine	19.1	42.7	66.2	37.7	89.7	71.3	68.4	61.2	78.1	68.9
Maryland	58.7	70.3	55.7	67.6	84.5	81.4	76.0	72.8	80.0	81.0
Massachusetts	29.0	25.7	39.4	43.4	66.7	65.8	64.6	57.8	69.8	65.9
Michigan				35.0	84.9	79.8	74.5	71.3	81.1	80.2
Minnesota										74.5
Mississippi	41.3	56.6	28.0	64.4	88.2	86.1	80.7	61.7	78.3	89.0
Missouri	19.8	54.0	40.0	36.1	75.1	77.8	62.5	46.3	54.7	69.4
New Mexico	18.0	74.3	70.1	38.2	86.3	68.9	67.4	65.7	87.9	80.7
New Jersey	35.6	71.0	68.8	69.2	80.4	87.2	82.7	79.8	83.1	89.4
New York	(1)	80.2	84.2	70.5	91.9	92.1	79.6	84.7	89.9	95.5
North Carolina	41.8	56.9	31.3	53.0	82.4	78.8	71.4	65.8	66.7	70.9
Ohio	34.8	75.9	73.9	75.5	84.5	83.6	77.5	80.6	82.3	88.3
Oregon										97.8
Pennsylvania	18.8	56.5	52.3	53.1	77.5	77.3	76.3	72.6	84.8	78.4
Rhode Island	12.0	17.1	26.3	23.8	33.2	45.1	41.1	57.8	62.9	59.4
South Carolina	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)
Tennessee	28.3	55.0	31.3	57.3	89.7	89.8	83.4	72.9	82.9	80.9
Texas							69.6	42.6	58.1	67.4
Vermont	(1)	54.5	50.0	52.5	73.8	70.8	70.5	63.5	72.5	63.0
Virginia	11.6	27.7	31.1	35.2	54.7	54.2	47.3	63.3	67.8	71.5
Wisconsin							58.3	39.6	80.8	79.0
U.S.A	26.9	57.6	55.4	57.8	80.2	78.9	72.7	69.6	78.9	81.2

[1] Not available.

	1864	1868	1872	1876	1880	1884	1888	1892	1896	1900
Alabama	(1)	77.9	79.6	72.8	58.8	54.2	56.6	68.5	51.9	38.9
Arkansas	(1)	49.0	67.6	64.7	59.5	50.1	68.9	55.0	48.2	40.8
California	64.6	72.3	57.9	75.9	67.1	68.8	76.5	73.8	75.0	69.9
Colorado				(1)	57.4	52.4	57.4	54.6	65.2	71.2
Connecticut	76.3	80.1	71.3	82.0	81.4	79.9	85.5	85.4	83.3	79.7
Delaware	79.8	84.3	73.3	73.4	81.9	76.0	68.8	80.4	64.0	81.9
Florida	(1)	(1)	77.0	93.5	85.9	83.1	85.0	35.3	40.0	29.9
Georgia	(1)	73.2	55.2	63.5	49.4	41.0	37.6	53.1	34.3	24.4
Idaho								63.1	76.1	77.8
Illinois	69.2	76.7	75.0	87.5	89.9	84.4	92.9	85.0	95.7	89.9
Indiana	82.9	92.5	85.3	94.6	94.4	92.2	93.3	89.0	95.1	92.1
Iowa	95.4	97.7	79.0	99.1	93.7	90.0	87.9	88.5	96.1	91.0
Kansas	31.8	51.3	77.8	65.7	80.8	85.1	88.2	80.7	89.5	91.2
Kentucky	44.0	69.9	66.2	80.9	75.5	70.8	81.1	73.8	89.2	87.0
Louisiana	(1)	75.9	76.4	77.9	50.3	49.8	50.0	45.1	35.8	21.7
Maine	73.2	74.4	57.9	71.5	85.0	75.0	71.7	63.5	63.0	56.0
Maryland	57.7	72.6	75.0	82.7	79.8	79.9	84.8	79.9	87.3	85.9
Massachusetts	63.8	66.9	62.0	72.3	71.2	69.3	71.7	74.6	70.6	67.4
Michigan	66.2	77.4	64.0	78.0	75.5	76.0	80.9	73.2	95.3	89.0
Minnesota	57.6	71.1	67.5	71.3	68.9	68.2	76.3	66.6	75.2	76.7
Mississippi	(1)	(1)	71.1	79.7	50.1	49.2	43.8	18.8	22.1	16.9
Missouri	36.3	43.0	66.6	76.6	78.0	77.0	81.8	77.4	88.5	83.1
Montana								74.2	73.8	75.3
Nebraska		46.1	43.7	53.0	67.7	67.8	75.9	66.2	74.1	80.2
Nevada	57.5	73.7	74.4	90.0	76.5	61.6	71.4	70.1	69.2	71.4
New Hampshire	84.3	82.3	80.9	92.0	93.3	87.1	90.2	85.8	78.1	83.9
New Jersey	81.0	89.5	81.4	94.8	95.4	88.6	91.9	90.3	88.4	85.9
New York	89.3	91.7	80.5	89.6	89.3	87.5	92.3	86.3	84.3	84.6
North Carolina	(1)	91.2	71.9	90.1	83.0	86.3	85.2	78.0	85.3	70.2
North Dakota								56.6	63.1	65.2
Ohio	87.6	90.4	84.4	94.4	94.4	93.4	91.9	86.2	95.5	91.5
Oregon	91.8	85.8	80.5	70.4	79.1	65.0	93.5	58.4	69.9	58.3
Pennsylvania	85.0	88.3	68.6	83.5	88.8	82.3	83.0	75.7	81.8	75.0
Rhode Island	58.8	46.6	40.2	49.4	48.7	48.1	53.4	63.0	59.2	56.2
South Carolina	(1)	79.6	60.4	101.0	83.9	43.0	35.0	29.1	25.2	18.0
South Dakota								70.7	78.0	85.4
Tennessee	(1)	39.7	66.2	74.6	75.1	73.1	77.6	64.0	70.8	56.6
Texas	(1)	(1)	56.3	54.6	68.8	80.2	78.3	79.4	88.3	61.4
Utah									79.4	84.5
Vermont	77.0	75.9	69.1	83.3	81.6	70.5	71.4	60.4	67.5	57.9
Virginia	(1)	(1)	66.2	77.6	64.1	81.7	83.2	75.3	71.0	59.6
Washington								67.3	63.1	64.9
West Virginia	51.6	58.0	61.2	83.6	82.6	86.7	94.5	90.3	93.6	91.3
Wisconsin	66.8	79.8	70.6	83.9	82.4	82.2	81.1	76.8	84.9	77.5
Wyoming								47.7	50.7	51.1
U.S.A	73.8	78.1	71.3	81.8	79.4	77.5	79.3	74.7	79.3	73.2

State	1904	1908	1912	1916	1920	1924	1928	1932	1936	1940
Alabama	24.2	21.5	22.6	24.3	20.6	13.5	19.1	17.5	18.8	18.9
Arizona			8.6	48.7	46.8	44.4	47.9	55.1	52.0	57.0
Arkansas	33.8	40.2	30.7	40.0	20.9	15.3	21.4	22.1	17.3	18.2
California	61.7	60.2	46.9	58.0	47.2	50.8	59.0	64.0	66.0	73.4
Colorado	71.0	65.4	59.1	60.5	56.0	62.5	68.4	75.3	75.7	79.7
Connecticut	80.5	76.3	71.5	73.8	58.7	57.9	72.6	70.8	74.6	77.2
Delaware	82.0	86.2	84.1	86.1	75.1	68.1	75.3	76.3	79.8	79.4
Florida	24.4	26.2	24.2	33.8	30.3	17.0	33.0	30.5	31.3	40.9
Georgia	23.8	22.0	18.9	23.7	10.5	11.5	15.7	16.5	17.7	17.7
Idaho	65.3	65.8	59.8	67.4	61.1	65.2	66.0	74.4	71.8	77.0
Illinois	80.5	81.6	74.7	66.8	60.5	64.1	73.4	74.6	18.6	28.2
Indiana	89.7	89.9	77.8	81.9	71.0	70.7	74.9	78.9	78.7	81.1
Iowa	79.7	77.6	74.2	75.0	64.5	68.4	68.9	69.1	73.6	75.5
Kansas	78.1	82.5	76.3	65.8	58.0	64.1	65.9	71.1	76.6	75.1
Kentucky	77.7	84.0	74.6	82.8	71.8	61.0	67.7	67.4	59.9	59.5
Louisiana	15.6	19.8	19.3	21.6	14.1	12.4	20.1	23.4	27.3	29.4
Maine	49.5	53.2	63.4	65.1	46.9	44.9	60.2	66.3	64.4	65.0
Maryland	69.6	70.9	64.8	68.1	52.3	41.0	56.8	51.2	58.1	57.2
Massachusetts	67.6	65.1	63.4	62.8	53.3	65.6	74.0	69.5	75.9	78.7
Michigan	78.9	75.9	69.8	72.9	55.1	53.7	56.3	62.0	62.1	66.6
Minnesota	64.3	66.1	61.2	65.0	59.5	62.0	68.5	66.2	69.7	72.3
Mississippi	15.6	16.5	15.1	20.0	9.4	12.0	15.2	13.8	14.4	14.7
Missouri	74.9	79.7	74.9	81.5	67.6	63.3	69.1	70.9	77.3	74.4
Montana	65.8	61.9	63.3	68.0	61.4	59.2	65.3	70.3	70.8	72.2
Nebraska	70.1	77.8	77.1	84.5	55.7	63.8	71.5	72.1	75.6	75.4
Nevada	59.2	92.1	68.1	73.6	61.0	56.1	63.0	73.2	69.1	75.7
New Hampshire	81.6	80.8	78.2	77.3	67.5	67.4	77.8	77.5	77.8	70.6
New Jersey	38.6	82.4	69.1	70.7	59.1	60.7	75.6	72.0	75.0	76.1
New Mexico			59.6	77.8	62.3	61.8	60.3	69.7	68.7	66.6
New York	83.3	79.7	72.1	71.6	56.4	56.3	68.3	66.1	72.6	75.7
North Carolina	46.1	52.0	46.1	49.8	44.6	35.9	43.1	44.0	47.4	42.7
North Dakota	61.4	73.2	60.8	77.7	67.4	63.8	72.4	74.5	78.0	78.4
Ohio	83.1	87.5	74.8	76.5	62.6	57.8	66.9	65.5	71.8	75.4
Oklahoma		71.5	57.4	60.4	48.6	47.4	50.5	54.4	56.4	60.5
Oregon	47.6	47.3	51.8	54.2	52.3	55.3	57.7	60.7	62.5	67.1
Pennsylvania	74.3	71.8	64.4	63.4	47.8	45.8	62.7	53.1	72.5	67.6
Rhode Island	63.4	62.4	62.7	65.8	57.9	66.3	68.9	71.7	78.0	75.6
South Carolina	18.4	20.6	14.6	17.5	8.6	6.4	8.5	12.3	12.5	10.1
South Dakota	73.0	69.5	61.9	60.9	56.6	59.4	72.0	76.5	77.5	79.5
Tennessee	47.7	48.0	45.1	46.6	35.4	23.3	25.7	26.5	30.0	30.6
Texas	79.6	33.6	30.8	35.0	21.7	25.8	24.8	27.2	24.8	30.1
Utah	78.4	73.0	66.4	79.5	69.6	69.7	73.4	80.0	77.9	83.1
Vermont	50.7	48.9	56.8	58.2	45.3	51.3	66.8	66.6	68.5	22.1
Washington	60.9	59.0	50.8	54.7	52.4	51.2	56.6	64.2	66.6	70.6
West Virginia	89.2	86.9	81.9	83.6	71.7	75.2	76.4	81.9	84.9	83.0
Wisconsin	72.0	68.7	68.7	70.7	52.3	57.3	65.9	65.1	68.9	72.4
Wyoming	50.8	49.2	50.3	54.9	52.3	71.0	68.7	74.9	74.0	74.8
U.S.A	65.2	65.4	58.8	61.6	49.2	48.9	56.9	56.9	61.0	62.5

TURNOUT IN PRESIDENTIAL ELECTIONS, 1824–1968, By STATE—Continued

	1944	1948	1952	1956	1960	1964	1968
Alabama	15.0	12.6	24.2	27.6	31.2	36.0	51.5
Alaska					49.1	48.7	56.4
Arizona	42.2	45.4	53.9	47.8	53.8	54.7	43.6
Arkansas	19.3	21.9	36.9	38.0	41.1	49.9	52.5
California	65.1	63.2	69.4	64.0	67.9	64.7	61.0
Colorado	67.9	64.5	76.2	69.2	71.4	68.0	70.2
Connecticut	73.9	71.2	80.9	75.8	76.8	71.8	68.5
Delaware	66.9	68.5	78.4	72.7	73.6	71.1	71.7
Florida	33.5	34.1	47.6	43.6	50.0	52.7	58.2
Georgia	17.6	21.4	31.9	29.6	31.2	44.9	41.6
Hawaii					53.0	52.5	62.7
Idaho	64.5	63.1	78.2	75.2	80.7	75.8	72.8
Illinois	74.8	70.3	76.0	72.4	75.7	74.0	69.3
Indiana	71.7	67.2	75.7	73.7	76.9	74.0	71.5
Iowa	64.3	62.4	75.8	74.0	76.5	72.3	71.6
Kansas	62.2	65.0	71.7	67.4	70.3	74.8	63.5
Kentucky	51.9	49.6	58.9	58.6	60.5	52.9	46.8
Louisiana	25.1	27.5	40.2	36.0	44.8	47.3	55.6
Maine	57.3	49.0	63.1	61.8	72.6	65.6	67.5
Maryland	46.7	41.7	57.5	54.6	57.2	56.0	57.7
Massachusetts	71.0	71.5	75.0	72.0	73.8	71.3	67.8
Michigan	63.7	55.6	68.5	71.1	72.4	68.9	64.9
Minnesota	63.0	65.7	72.6	68.7	77.0	76.8	71.8
Mississippi	15.0	16.0	23.8	21.0	25.5	32.9	51.6
Missouri	62.2	61.0	71.8	68.8	71.8	67.4	63.1
Montana	59.0	62.3	71.8	71.6	61.4	69.8	65.0
Nebraska	67.9	58.2	71.9	67.6	71.4	66.6	59.9
Nevada	64.8	64.0	69.7	65.9	61.2	55.5	54.2
New Hampshire	73.5	70.3	79.2	74.4	79.4	72.3	70.9
New Jersey	69.1	63.0	72.3	68.9	71.8	68.6	65.1
New Mexico	48.8	53.4	60.5	56.8	62.1	63.9	63.3
New York	70.9	65.0	71.2	67.9	67.0	63.2	57.3
North Carolina	38.0	35.4	51.3	47.4	53.5	51.8	54.7
North Dakota	61.5	61.6	75.5	71.3	78.5	72.2	65.5
Ohio	66.9	58.4	69.7	66.4	71.3	66.6	63.6
Oklahoma	52.8	52.5	68.6	61.4	63.8	62.5	62.9
Oregon	58.4	56.5	69.6	71.1	72.3	69.6	64.4
Pennsylvania	59.8	56.0	66.5	65.5	70.5	68.1	63.2
Rhode Island	65.0	66.0	79.8	73.2	75.1	68.7	68.2
South Carolina	9.8	12.8	29.1	24.7	30.5	38.0	48.0
South Dakota	59.3	63.3	74.4	74.7	78.3	72.6	70.8
Tennessee	28.2	28.7	44.7	45.9	50.3	51.1	53.0
Texas	28.2	26.0	43.5	37.9	41.8	44.4	51.6
Utah	75.0	76.0	82.9	77.2	80.1	76.9	76.9
Vermont	56.9	54.5	66.8	66.5	72.5	68.0	65.5
Virginia	22.3	21.6	29.9	31.8	33.3	41.0	52.1
Washington	67.0	63.2	71.2	70.4	72.3	71.5	65.0
West Virginia	65.5	65.8	76.3	74.6	77.2	75.2	70.0
Wisconsin	67.7	59.8	72.5	67.8	73.4	70.8	68.0
Wyoming	63.3	59.6	72.5	67.4	74.0	73.2	69.3
District of Columbia						40.2	33.5
U.S.A	55.9	53.0	63.3	60.6	64.0	61.8	60.6

Source: Compiled by Prof. Walter Dean Burnham, Department of Political Science, Washington University, St. Louis, Mo.

TURNOUT IN U.S. SENATE ELECTIONS, 1946–68

State	1946	1948	1950	1952	1954	1956	1958	1960	1962	1964	1966	1968
Alabama		(1)	(1)		(1)	(1)		(1)	21.5		40.5	44.4
Alaska							76.5	72.2	51.5		44.8	
Arizona	31.7		43.9	52.0		47.7	48.5		53.8	53.3		50.6
Arkansas		(1)		(1)	(1)			(1)	(1)		(1)	50.3
California	39.7		51.1	61.9	49.0	63.7	58.7		55.9	65.3		59.7
Colorado		70.8	53.3		56.0	66.8		71.6	57.2		55.8	66.5
Connecticut	49.9		62.0	75.7		76.4	66.2		63.3	71.1		66.1
Delaware	59.9	72.1		77.6	62.7		57.4	73.9		70.7	56.3	
Florida	(1)		(1)	(1)		(1)	(1)		28.3	45.2		52.7
Georgia	(2)	(2)	(2)	(2)	(1)	(1)		(1)	31.7		(1)	(1)
Hawaii								[3]51.0	59.1	52.9	52.0	
Idaho	56.9	67.4	57.7		64.3	75.2		78.5	67.7		65.1	71.8
Illinois		66.0	60.7		56.1	70.0		74.9	59.5		59.4	67.4
Indiana	53.9		62.9	74.1		72.0	62.4		64.8	73.7		69.4
Iowa		58.2	50.6		51.3	70.7		74.2	48.8		52.4	69.3
Kansas		55.4	41.8		49.1	64.5		67.6	48.4		51.8	59.6
Kentucky	38.6	49.1	35.4	58.0	46.9	54.4		58.0	43.7		37.0	45.7
Louisiana	(1)	(1)			(1)	(1)		(1)	28.1		(1)	(1)
Maine	31.0	39.3		43.5	43.3		50.2	72.6		66.1	55.6	
Maryland	33.7		40.3	56.1		52.5	43.3		38.7	54.3		54.3
Massachusetts	53.8	63.7		73.3	57.5		58.7	74.9	64.7	71.2	60.9	
Michigan	40.9	51.7		66.2	49.2		48.8	71.4		66.5	51.1	
Minnesota	47.2	64.0		73.1	58.5		47.0	76.7		76.5	62.2	
Mississippi	(1)	(1)	16.8	(1)	(1)		(1)	(1)		(1)	31.5	
Missouri	42.8		48.3	70.3		66.3	44.0	70.9	45.9	65.3		61.2
Montana	64.0	69.2		72.5	60.2		57.5	71.5		70.9	65.8	
Nebraska	45.8	55.7	66.0	67.1	48.9		46.7	69.9		64.8	56.6	
Nevada	55.8		57.6	70.5	57.4	64.3	55.2		50.6	54.7		54.1
New Hampshire		61.1	53.7		48.4	71.0		78.4	59.5			67.7
New Jersey	45.4	57.0		66.7	50.6		51.5	69.6		65.7	49.7	
New Mexico	48.9	63.9		63.8	49.1		49.1	61.2		63.8	49.8	
New York	51.7		52.7	66.6		64.5	53.1		51.8	63.5		56.1
North Carolina		(1)	(1)	(1)	(1)	(1)		(1)	31.5		31.7	48.8
North Dakota	(2)		50.9	68.0		64.4	54.0		64.3	71.9		65.3
Ohio	43.9		51.2	64.3	45.9	61.8	55.4		50.4	64.4		60.0
Oklahoma		49.3	45.7		43.9	62.9		61.8	46.1	61.6	42.9	59.3
Oregon		44.9	50.2		54.4	68.1		69.4	57.5		58.2	65.6
Pennsylvania	46.6		50.7	64.2		64.3	56.8		61.6	67.8		63.7
Rhode Island	53.1	60.5	55.4	77.1	62.2		63.6	75.0		70.8	59.0	
South Carolina		(1)	(1)		(1)			(1)	25.0		31.1	44.9
South Dakota	64.6	62.6		60.4	60.4	71.4		78.8	63.9		59.3	72.5
Tennessee	(1)	(1)		(1)	(1)		(1)	(1)		47.8	38.0	
Texas	(1)	(1)		(1)	(1)		(1)	(1)	15.8	44.2	24.6	
Utah	55.4		67.8	79.0		75.3	63.6		63.7	78.2		75.5
Vermont	32.2		37.5	66.7		69.6	56.6		52.3	70.2		(1)
Virginia	(1)	(1)		(1)			20.9	27.8		36.8	28.2	
Washington	45.2		47.7	68.6		69.7	54.1		54.8	69.4		67.3
West Virginia	52.2	68.2		77.7	53.1	70.2	55.6	76.3		71.5	46.4	
Wisconsin	48.8		50.2	71.3		56.4	50.1		52.8	70.4		67.0
Wyoming	49.5	60.0		72.3	62.4		62.7	74.5	59.4	74.2	66.0	

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[1] Ran unopposed.
[2] Not available.
[3] 1959.

Source: COPE Research Department, Washington, D.C.

TURNOUT IN U.S. HOUSE OF REPRESENTATIVES ELECTIONS, 1920–68

[Vote as a percentage of the civilian population of voting age

Year:	
1920	41.4
1922	32.4
1924	41.0
1926	30.1
1928	48.2
1930	34.1
1932	50.2
1934	41.8
1936	54.0
1938	44.5
1940	56.2
1942	32.7
1944	53.0
1946	37.6
1948	48.6
1950	41.6
1952	58.2
1954	42.2
1956	56.6
1958	43.4
1960	59.4
1962	48.9
1964	57.8
1966	45.6
1968	54.8

Source: U.S. Bureau of the Census, Statistical Abstract of the United States: 1962; 83d edition, Washington, D.C., 1962; Congressional Quarterly, Washington, D.C.

TURNOUT IN GUBERNATORIAL ELECTIONS, 1946-68

State	1946	1948	1950	1952	1954	1956	1958	1960	1962	1964	1966	1968
Alabama											42.8	
Alaska							75.3		50.2		44.8	
Arizona	33.4	47.0	46.3	52.6	43.3	49.5	48.0	58.4	44.2	52.9	42.6	51.1
Arkansas									31.7	52.9	49.7	52.3
California			52.6		50.3		60.1		57.9		57.7	
Colorado	47.6	68.6	53.4	69.7	56.6	67.7	55.3		57.5		58.1	
Connecticut	48.0	63.6	63.4	75.7	63.1		66.6		63.4		57.8	
Delaware		71.6		77.6		70.9		73.8		70.5		67.6
Florida										47.4	41.2	
Georgia	(1)	(1)	(1)	(1)					35.4		34.6	
Hawaii								[2]62.4	59.0		52.0	
Idaho	57.3		58.1		65.0		63.6		66.9		65.1	
Illinois		66.0		74.0		70.8		47.2		73.2		68.2
Indiana		63.8		73.6		71.6		76.5		73.6		69.2
Iowa	37.5	57.6	50.0	72.9	51.5	72.3	49.7	74.1	49.5	71.4	54.9	68.9
Kansas	47.1	58.7	49.8	67.0	49.5	67.6	58.3	70.2	49.7	64.0	50.1	62.9
Kentucky			33.5	(1)	45.8	54.2	45.2		47.2		43.7	
Louisiana										49.8		50.1
Maine	31.9	37.4	43.7	45.6	43.8	55.9	49.5	72.7	50.6		56.3	
Maryland	35.0		42.2		44.2		43.9		42.0		44.2	
Massachusetts	52.8	65.0	59.6	73.2	57.9	75.0	59.8	74.8	65.1	72.0	62.1	
Michigan	42.1	53.0	45.7	67.2	50.2	66.4	49.7	72.1	60.0	67.7	51.5	
Minnesota	47.4	63.5	60.7	74.7	59.8	71.9	57.5	77.4	62.1		63.4	
Mississippi												[4]34.7
Missouri		59.7		70.4		66.6		71.2		65.7		62.2
Montana		69.8		72.9		72.1		72.3		71.1		68.7
Nebraska	45.5	55.2	54.9	67.5	48.4	64.8	47.2	69.9	53.7	66.5	56.8	
Nevada	55.3		56.1	58.1			55.5		50.5		52.5	
New Hampshire	46.6	61.0	54.2	75.7	57.1	72.9	57.3	79.2	61.0	72.1	57.4	67.3
New Jersey						56.9			56.2		52.7	
New Mexico	48.7	64.4	47.9	63.9	49.0	61.6	49.5	62.2	48.4	62.2	50.2	59.7
New York	50.8		50.9		49.3		54.9		52.7		54.0	
North Carolina										51.0		52.9
North Dakota	(1)	62.1	50.1	72.6	52.7	66.6	56.5	78.7	65.7	73.0		67.8
Ohio	45.2	50.1	54.2	67.4	47.5	62.1	57.7		52.5		47.9	
Oakland	36.5		46.6		44.5		39.1		49.2		45.5	
Oregon	34.3		49.7		54.2	68.0	55.4		57.5		58.0	
Pennsylvania	46.5		50.1		53.0		56.8		61.6		56.9	
Rhode Island	53.5	61.1	55.2	75.4	62.4	73.8	64.0	75.3	63.1	71.7	60.5	68.4
South Carolina											31.4	
South Dakota	65.3	63.2	72.7	60.6	60.6	71.7	64.6	78.5	64.4	73.9	59.6	71.7
Tennessee											28.7	
Texas									28.0	43.2	23.5	46.0
Utah		74.3		79.2		75.8		79.2		78.4		75.9
Vermont	31.6	51.2	36.9	59.9	48.2	69.0	56.2	71.6	52.3	70.2	57.7	65.5
Virginia											[5]20.9	
Washington		53.1		69.9		70.1		71.4		71.5		68.9
West Virginia		68.6		78.2		71.3	54.4	76.3		74.1		68.9
Wisconsin	50.0	58.9	50.5	71.7	51.8	66.9	50.4	72.8	53.1	71.3	48.6	68.4
Wyoming	49.4		54.2		61.9		61.8		59.3		65.0	

[1] Not available.
[2] 1959.
[3] Incomplete.
[4] 1967.
[5] 1965.

Source: COPE Research Department, Washington, D.C.

TURNOUT IN SELECTED LOCAL AND SPECIAL DISTRICT ELECTIONS, 1969

City	Type of Election	Percentage of turnout
Akron, Ohio	2, 3	39.9
Atlanta, Ga	1, 4, 5, 6, 7	36.4
Austin, Tex	2	27.8
Boise, Idaho	1, 2	43.6
Boston, Mass	2, 8	33.0
Buffalo, N.Y	1	55.7
Birmingham, Ala	2	6.8
Charlotte, N.C	1, 2	25.5
Cincinnati, Ohio	2	37.7
Cleveland, Ohio	1	53.2
Columbus, Ohio	2, 3, 9, 10, 11	53.2
Dallas, Tex	1, 2	9.1
Dayton, Ohio	1, 3, 12	27.1
Des Moines, Iowa	2	33.2
Detroit, Mich	1, 2, 13, 14	58.6
El Paso, Tex	1, 3, 5, 15	17.7
Fort Worth, Tex	1, 2	14.7
Hartford, Conn	1	39.8
Houston, Tex	1, 2, 16	28.4
Los Angeles, Calif	1, 2, 6, 10, 16	48.8
Louisville, Ky	1	26.8
Miami, Fla	1, 2	11.1
Minneapolis, Minn	1, 5, 14, 16, 17, 18, 19, 20.	48.5
New Haven, Conn	1, 5, 13, 14. 15, 21, 22, 23, 24, 25.	45.1
New York, N.Y	1	45.2
Oklahoma City, Okla	2	4.4
Omaha, Nebr	1, 2	35.4
Philadelphia, Pa	1, 16, 26, 27, 28	49.7
Phoenix, Ariz	1, 2	28.4
Pittsburgh, Pa	1, 2	56.9
Richmond, Va	11, 14, 21, 29	32.8
Rochester, N.Y	2, 6	47.1
San Antonio, Tex	2	16.9
San Diego, Calif	2, 10	26.6
Seattle, Wash	1, 2, 30	51.2
St. Louis, Mo	1, 5, 16	27.3
St. Petersburg, Fla	1, 2	19.9
Syracuse, N.Y	1, 2, 6	47.9

Key:
1. Mayoral.
2. City Council.
3. Municipal Judge.
4. President, Board of Aldermen.
5. Board of Aldermen.
6. Board of Education.
7. City Executive Committee.
8. School Committee.
9. City Auditor.
10. City Attorney.
11. Clerk of Courts.
12. City Commissioners.
13. City Clerk.
14. City Treasurer.
15. Tax Collector.
16. City Controller.
17. Park Commissioners.
18. Library Board of Directors.
19. School Directors.
20. Board of Estimate and Taxation.
21. City Sheriff.
22. Town Clerk.
23. Registrar of Vital Statistics.
24. Selectman.
25. Constable.
26. District Attorney.
27. Magistrates.
28. Inspectors of Elections.
29. Commissioner of Revenue.
30. Corporation Council.

Source: Rand, McNally, Commercial Atlas & Marketing Guide' Washington, D.C., 1969; Congressional Quarterly, Washington. D.C.; Local-election officials.

TURNOUT IN SELECTED DEMOCRATIC NATIONS, 1920-68

UNITED STATES

Year:	Turnout
1920	49.2
1924	48.9
1928	56.9
1932	56.9
1936	61.9
1940	62.5
1944	55.9
1948	53.0
1952	63.6
1956	60.6
1960	64.0
1964	61.8
1968	60.6

GREAT BRITAIN

Year:	Turnout
1922	71.3
1923	70.8
1924	76.6
1929	76.1
1931	76.3
1935	71.2
1945	72.7
1950	84.0
1951	82.5
1955	76.7
1959	78.8
1964	77.1
1966	75.9

CANADA

Year:	Turnout
1921	70.3
1925	68.7
1926	70.2
1930	76.1
1935	76.2
1940	70.9
1945	76.3
1949	74.8
1953	67.9
1957	75.0
1958	80.6
1962	80.1
1963	80.3
1965	75.9
1968	75.7

Source: Compiled by Prof. Walter Dean Burnham, Department of Political Science, Washington University, St. Louis, Mo.

TURNOUT IN THE MOST RECENT ELECTIONS IN OTHER SELECTED DEMOCRACIES

Country	Election year	Turnout
Denmark	1968	89.3
Finland	1966	84.9
France	1968	80.0
Germany	1969	86.8
Ireland	1965	75.1
New Zealand	1966	86.6
Norway	1969	82.5
Sweden	1968	89.3

Source: Compiled by Richard M. Scammon, Governmental Affairs Institute, Washington, D.C.

UNIVERSAL VOTER REGISTRATION

Mr. RIBICOFF. Mr. President, I am pleased to join with the distinguished Senator from Massachusetts (Mr. Kennedy) in sponsoring legislation which will encourage all eligible Americans to register and vote. The record indicates that registered voters will vote—some 89 percent did so in the 1968 presidential election. The problem is in getting people to register. Only 68 percent of the potential voting population registered in 1968.

The reason for America's poor voter turnout seems clear: the voter registration laws in the 50 States and the District of Columbia are confusing, overlapping, conflicting, and unintelligible to the voter.

The legislation which I am cosponsoring would end this crazy-quilt pattern of confusion and substitute a simple post-card system of voter registration in which any citizen could register to vote merely by filling out a post-card form.

This legislation would also put an end to existing burdensome residence requirements now imposed by States. The address filled out on the post-card form would suffice to establish voter residence. This provision would give real meaning to the recently passed constitutional amendment extending the franchise to all 18-year-old citizens.

While the new 26th amendment grants these young citizens the right to vote, existing registration laws in effect throughout the country essentially nullify this right. The reason is that many of these people are away at college and are now forced to go through a complicated process of registration and absentee voting.

Connecticut furnishes a good example of this complication. Registration must be done in person, generally months before election time. Having registered, the absentee voter who wishes to cast his ballot in his home State must write to the appropriate local authority and obtain an application for an absentee ballot. Having obtained this application, he must then fill it out, return it, await receipt of the absentee ballot, and then return the absentee ballot before election day.

Under the post-card system the student away at college could register to vote in his college area simply by putting that address on his post card.

This legislation also sets up a new computerized agency within the Census Bureau—the Universal Voter Registration Administration—which would process the post-card forms, compile voting lists by precinct throughout the country, and make the lists available to State and local election officials at appropriate times before any election.

The use of the new system would be mandatory for all Federal elections and optional for State and local elections. Where the system is used for State and local elections, the Federal list must be accepted intact. No person entitled to vote in Federal elections could be deleted from the list for failure to meet other qualifications.

The system being proposed today will be a major step forward in this Nation's effort to assure universal suffrage.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1307

At the request of Mr. Randolph, the Senator from Alabama (Mr. Allen) was added as a cosponsor of S. 1307, the Middle-Aged and Older Americans Employment Act.

S. 1775

At the request of Senator Tunney, the Senator from Utah (Mr. Moss), the Senator from Washington (Mr. Magnuson), the Senator from Tennessee (Mr. Baker), and the Senator from Nevada (Mr. Bible), were added as cosponsors of S. 1775, the Agricultural Marketing and Bargaining Act of 1971.

S. 2091

At the request of Mr. Cranston, the Senator from Nevada (Mr. Cannon), the Senator from Alaska (Mr. Gravel), the Senator from South Carolina (Mr. Hollings), the Senator from Iowa (Mr. Hughes), the Senator from Utah (Mr. Moss), the Senator from Hawaii (Mr. Inouye), the Senator from Rhode Island (Mr. Pastore), the Senator from West Virginia (Mr. Randolph), the Senator from Connecticut (Mr. Ribicoff), the Senator from California (Mr. Tunney), and the Senator from New Jersey (Mr. Williams) were added as cosponsors of S. 2091, the Veterans Employment and Readjustment Act of 1971.

S. 2217

At the request of Mr. Hughes, the Senator from Minnesota (Mr. Humphrey) was added as a cosponsor of S. 2217, the Federal Drug Abuse and Drug Dependence Prevention, Treatment, and Rehabilitation Act of 1971.

SENATE JOINT RESOLUTION 117

At the request of Mr. McIntyre, the Senator from Arkansas (Mr. McClellan) was added as a cosponsor of Senate Joint Resolution 117, requesting the President of the United States to declare the fourth Saturday of each September "National Hunting and Fishing Day."

EDUCATION AMENDMENTS OF 1971—AMENDMENTS

AMENDMENT NO. 397

(Ordered to be printed and to lie on the table.)

Mr. METCALF, for himself and Mr. Mansfield, submitted an amendment intended to be proposed to S. 659, a bill to amend the Higher Education Act of 1965, the Vocational Educational Act of 1963, and related acts, and for other purposes.

AMENDMENT NO. 398

(Ordered to be printed and to lie on the table.)

Mr. BAYH. Mr. President, the Senate will shortly consider the Higher Education Act of 1971. Under the able leadership of the distinguished Senator from Rhode Island (Mr. Pell) the committee has brought out a bill which promises to have a revolutionary impact on our American system of higher education.

While we have always looked to education as the ultimate answer to our national problems of poverty, discrimination, and development, never before have we sought to embody this belief in substantive public policy. Now we are attempting to establish access to higher education as a basic Federal right. By establishing a minimum level of scholarship assistance for each needy student who wishes to pursue postsecondary education, we hope to break forever the bonds that have tied generation upon generation to the ghettos and economic backwaters of America.

But as we seek to help those who have been the victims of economic discrimination, let us not forget those Americans who have been subject to other, more subtle but still pernicious forms of discrimination. As we turn our attention to these provisions of the Higher Education Act, let us ensure that no American will be denied access to higher education because of race, color, religion, national origin, or sex. Today, I am submitting an amendment to this bill which will guarantee that women, too, enjoy the educational opportunity every American deserves.

The problem is greater than most of us realize. While over 50 percent of our population is female, there is no effective protection for them as they seek admission and employment in educational facilities. The antidiscrimination provisions of the Civil Rights Act of 1964 do not deal with sex discrimination by our institutions of higher learning. Indeed, title IV of the act, dealing with discrimination in education, expressly provides that—

> Nothing in this title shall prohibit classification and assignment for reasons other than race, color, religion, or national origin.

We allow this gap in our civil rights laws to continue despite the fact that the evidence of sex discrimination is truly appalling. While racial discrimination has been explicitly prohibited for nearly 20 years, only a few months ago the Supreme Court summarily affirmed a lower court decision upholding the constitutionality of a State's maintenance of a branch of its public university system on a sexually segregated basis.

Between January 1970 and March 1971, the Women's Equity Action League found it necessary to file charges of sex discrimination against over 250 colleges and universities—fully 10 percent of all our institutions of higher learning. Among the respondents in this suit are the entire public college and university systems of Florida, California, and New Jersey.

How equal is educational opportunity when admissions brochures for a State university can explicitly state—as one did recently:

Admission of women on the freshmen level will be restricted to those who are especially well qualified.

How can we possibly justify an arbitrary and compulsory ratio of 2½ men to every woman at a State university? How can we tolerate discrimination by a land-grant college that refuses all women admission to regular academic sessions unless they are related to employees or students and are pursuing a course of study otherwise unavailable?

Today, women seeking employment in higher education face an array of obstacles almost as insuperable as those which used to face blacks. WEAL has compiled statistics indicating that Columbia University annually awards 24 percent of its doctorates to women, but that it has awarded 2 percent of its tenured faculty positions to females; and the last time the Department of Psychology at Berkeley hired a woman was in 1924. In short, just as in other professions an old axiom applies, the higher the rank, the fewer the women.

And this is not, I submit, because women are uninterested in pursuing such careers. Most female Ph. D.'s do not marry and give up their careers; 91 percent of the women with doctorates are working today. Moreover, in a study of 2,000 women 10 years after they have received their doctorates, 79 percent had yet to interrupt their career. The diligence of these women is worthy of note: by way of contrast 10 percent more men than women had interrupted their careers within 10 years of completing their doctoral program.

If Congress is to solve this knotty problem, if the benefits of a free and open society are to be extended to all Americans, now is the time to act. Coming before us under the Pell bill is the most far-reaching program of Federal aid to higher education ever debated in this body. I support this bill wholeheartedly. But I also believe that constructive changes—such as the ones I am proposing today—can and should be adopted. I do hope that my colleagues will give this issue their most careful attention, and that, after having looked over the provisions of my amendment, they will lend their support to this important cause.

My proposed amendment contains three major provisions, which I would like to describe briefly:

First. Nondiscrimination by recipient institutions: Section 601 expressly prohibits discrimination on account of sex—including the denial of admission or benefits—by any public institution of higher education or any institution of graduate education receiving Federal educational financial assistance. As to admissions the applicability of the section is delayed for up to 7 years in the case of any institution carrying out a plan, approved and supervised by the Commissioner of Education, for changing from admitting only students of one sex to admitting students of both sexes. Sections 602 to 604 contain enforcement, judicial review and other technical provisions for the implementation of the section 601 prohibition. These provisions are identical to those provided under title VI of the 1964 Civil Rights Act—forbidding discrimination in federally assisted programs—which does not presently include a prohibition on sex discrimination.

Second. Suits and intervention by Attorney General: Section 605 would amend title IV of the 1964 Civil Rights Act by adding discrimination by reason of sex to the present grounds—race, color, religion, or national origin—on which the Attorney General can initiate legal proceedings on behalf of individuals alleging that they have "been denied admission to or not permitted to continue in attendance at a public college." Title IV requires the Attorney General to believe that the claim is meritorious, that the complainants are otherwise unable to prosecute it, and that the institution of the action will materially further the orderly elimination of such discrimination. In order to conform with the changes described above, section 902 of the Civil Rights Act is also amended by extending to cases of sex discrimination the Attorney General's power to intervene, on behalf of the United States, in such litigation already commenced by others. These amendments were recommended by President Nixon's Task Force on Women's Rights and Responsibilities in its report, "A Matter of Simple Justice," April, 1970.

Third. Study by Commissioner of Education: Section 606 requires the Commissioner of Education to conduct a nationwide survey of both public and private higher educational institutions—including institutions for technical and vocational training—to determine the extent to which equality of educational opportunity is being denied to citizens of the United States by reason of sex. Within 12 months from the date of enactment, the Commissioner must submit to Congress the results of his survey along with recommendations for legislation to guarantee equality of opportunity in higher education between the sexes. This amendment was also recommended by President Nixon's Task Force on Women's Rights and Responsibilities.

I urge the Senate to adopt this amendment, and to take a forward step, both in higher education and in protecting equal rights for all Americans.

Mr. President, I ask unanimous consent that the full text of my amendment, a summary of the amendment, and an excerpt from "A Matter of Simple Justice," the report of President Nixon's Task Force on Women's Rights and Responsibilities, April, 1970, be printed in the RECORD.

There being no objection, the amendment and material were ordered to be printed in the RECORD, as follows:

AMENDMENT No. 398

At the end thereof, add the following new title:

TITLE VI—NONDISCRIMINATION ON THE GROUND OF SEX

NONDISCRIMINATION BY RECIPIENT INSTITUTIONS

SEC. 601. No person in the United States shall, on the ground of sex, be excluded from participation in, be denied the benefits of or be subject to discrimination under any program or activity conducted by a public institution of higher education, or any school or department of graduate education, which is a recipient of Federal financial assistance for any education program or activity, provided that this subsection shall not apply in regard to admissions for seven years from the date an educational institution begins the process of changing from being an institution which admits only students of one sex to being an institution which admits students of both sexes without discrimination, but only if it is carrying out a plan for such change, approved by the Commissioner of Education, which shall contain requirements for such reports to the Commissioner of Education, which shall contain requirements for such reports to the Commissioner as will enable him to determine whether the plan is being carried out.

SEC. 602. (a) The Secretary of Health, Education, and Welfare, in extending Federal financial assistance to any education program or activity subject to the provisions of section 601, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of section 601 with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the law authorizing the financial assistance in connection with which the action is taken. No such rule, regulation, or order shall become effective unless and until approved by the President.

(b) Compliance with any requirement adopted pursuant to subsection (a) may be effected (1) by the termination of or refusal to grant or to continue assistance to any recipient as to whom there has been an express finding on the record, after opportunity for hearing, of a failure to comply with such requirement, but such termination or refusal shall be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made and such noncompliance has been so found or (2) by any other means authorized by law: *Provided, however,* That no such action shall be taken until the Secretary has advised the appropriate person or persons of the failure to comply with the requirement and has determined that compliance cannot be secured by voluntary means.

(c) In the case of any action terminating, or refusing to grant or continue, assistance because of failure to comply with a requirement imposed pursuant to subsection (a), the Secretary shall file with the committees of the House and Senate having legislative jurisdiction over the program or activity involved a full written report of the circumstances and the grounds for such action. No such action shall become effective until thirty days have elapsed after the filing of such report.

SEC. 603. Any department or agency action taken pursuant to section 602 shall be subject to such judicial review as may otherwise be provided by law for similar action taken by any Federal department or agency on other grounds. In the case of action, not otherwise subject to judicial review, terminating or refusing to grant or to continue financial assistance upon a finding of failure to comply with any requirement imposed pursuant to section 602, any person aggrieved (including any State or political subdivision thereof and any agency of either) may obtain judicial review of such action in accordance with chapter 7 of title 5, United States Code, and such action shall not be deemed committed to unreviewable agency discretion within the meaning of the chapter.

SEC. 604. Nothing in this title shall add to or detract from any existing authority with respect to any education program or activity under which Federal financial assistance is extended by way of a contract of insurance or guaranty.

SUITS AND INTERVENTION BY THE ATTORNEY GENERAL

SEC. 605. Sections 401(b), 407(a)(2), 410, and 902 of the Civil Rights Act of 1964 (42 U.S.C. 2000c(b), 2000c–6(a)(2), 2000c–9, 2000h-2) are each amended by inserting after "religion", the following: "sex,".

STUDY BY COMMISSIONER OF EDUCATION

SEC. 606. The Commissioner of Education shall conduct a survey of the higher educational institutions throughout the country, including both public and private educational institutions, at all levels, and institutions for technical and vocational training as well as academic institutions, in order to determine the extent to which equality of educational opportunity is being denied to citizens of the United States by reason of sex. Within 12 months from the date of enactment of this Act the Commissioner shall submit to Congress the results of his survey along with recommendations for legislation to guarantee equality of opportunity in postsecondary education between the sexes. There are authorized to be appropriated such funds as are necessary to carry out the purposes of this section.

SUMMARY OF PROPOSED TITLE VI—NONDISCRIMINATION ON THE GROUND OF SEX

Nondiscrimination By Recipient Institutions.—Section 601 expressly prohibits discrimination on account of sex—including the denial of admission or benefits—by any public institution of higher education or any institution of graduate education receiving Federal educational financial assistance. As to admissions the applicability of the section is delayed for up to seven years in the case of any institution carrying out a plan, approved and supervised by the Commissioner of Education, for changing from admitting only students of one sex to admitting students of both sexes.

Sections 602–604 contain enforcement, judicial review and other technical provisions for the implementation of the section 601 prohibition. These provisions are identical to those provided under Title VI of the 1964 Civil Rights Act—forbidding discrimination in federally assisted programs—which does not presently include a prohibition on sex discrimination.

Suits and Intervention By Attorney General.—Section 605 would amend Title IV of the 1964 Civil Rights Act by adding discrimination by reason of sex to the present grounds (race, color, religion, or national origin) on which the Attorney General can initiate legal proceedings on behalf of individuals alleging that they have "been denied admission to or not permitted to continue in attendance at a public college." (Title IV requires the Attorney General to believe that the claim is meritorious, that the complainants are otherwise unable to prosecute it, and that the institution of the action will materially further the orderly elimination of such discrimination.) In order to conform with the changes described above, Section 902 of the Civil Rights Act is also amended by extending to cases of sex discrimination the Attorney General's power to *intervene*, on behalf of the United States, in such litigation already commenced by others. These amendments were recommended by President Nixon's Task Force on Women's Rights and Responsibilities in its report, "A Matter of Simple Justice," April 1970.

Study by Commissioner of Education.—Section 606 requires the Commissioner of Education to conduct a nationwide survey of both public and private higher educational institutions (including institutions for technical and vocational training) to determine the extent to which equality of educational opportunity is being denied to citizens of the United Stats by reason of sex. Within 12 months from the date of enactment, the Commissioner must submit to Congress the results of his survey along with recommendations for legislation to guarantee equality of opportunity in higher education between the sexes. This amendment was also recommended by President Nixon's Task Force on Women's Rights and Responsibilities.

EXCERPTS FROM A MATTER OF SIMPLE JUSTICE

(The Report of The President's Task Force on Women's Rights and Responsibilities, April 1970)

PRESIDENTIAL TASK FORCE ON WOMEN'S RIGHTS AND RESPONSIBILITIES,
Washington, D.C., December 15, 1969.

The PRESIDENT,
The White House, Washington, D.C.

DEAR MR. PRESIDENT: As President of the United States, committed to the principle of equal rights for all, your leadership can be crucial to the more than half our citizens who are women and who are now denied their full constitutional and legal rights.

The quality of life to which we aspire and the questioning at home and abroad of our commitment to the democratic ideal make it imperative that our nation utilize to the fullest the potential of all citizens.

Yet the research and deliberation of this Task Force reveal that the United States, as it approaches its 200th anniversary, lags behind other enlightened, and indeed some newly emerging, countries in the role ascribed to women.

Social attitudes are slow to change. So widespread and pervasive are discriminatory practices against women they have come to be regarded, more often than not, as normal. Unless there is clear indication of Administration concern at the highest level, it is unlikely that significant progress can be made in correcting ancient, entrenched injustices.

American women are increasingly aware and restive over the denial of equal opportunity, equal responsibility, even equal protection of the law. An abiding concern for home and children should not, in their view, cut them off from the freedom to choose the role in society to which their interest, education, and training entitle them.

Women do not seek special privileges. They do seek equal rights. They do wish to assume their full responsibilities.

Equality for women is unalterably linked to many broader questions of social justice. Inequities within our society serve to restrict the contribution of both sexes. We have witnessed a decade of rebellion during which black Americans fought for true equality. The battle still rages. Nothing could demonstrate more dramatically the explosive potential of denying fulfillment as human beings to any segment of our society.

What this Task Force recommends is a national commitment to basic changes that will bring women into the mainstream of American life. Such a commitment, we believe, is necessary to healthy psychological, social and economic growth of our society.

The leader who makes possible a fairer and fuller contribution by women to the nation's destiny will reap dividends of productivity measurable in billions of dollars. He will command respect and loyalty beyond measure from those freed from second-class citizenship. He will reaffirm, at a time of renewed worldwide emphasis on human rights, America's fitness for leadership in the community of nations.

His task will not be easy, for he must inspire and persuade government and the private sector to abandon outmoded attitudes based on false premises.

Without such leadership there is danger of accelerating militancy or the kind of deadening apathy that stills progress and inhibits creativity.

Therefore, this Task Force recommends that the President:

1. Establish an Office of Women's Rights and Responsibilities, whose director would serve as a special assistant reporting directly to the President.

2. Call a White House conference on women's rights and responsibilities in 1970, the fiftieth anniversary of the ratification of the suffrage amendment and establishment of the Women's Bureau.

3. Send a message to the Congress citing the widespread discrimination against women, proposing legislation to remedy these inequities, asserting Federal leadership, recommending prompt State action as a corollary, and calling upon the private sector to follow suit.

The message should recommend the following legislation necessary to ensure full legal equality for women:

a. Passage of a joint resolution proposing the equal rights amendment to the Constitution.

b. Amendment of Title VII of the Civil Rights Act of 1964 to (1) remove the burden of enforcement from the aggrieved individual by empowering the Equal Employment Opportunity Commission to enforce the law, and (2) extend coverage to State and local governments and to teachers.

c. Amendment to Titles IV and IX of the Civil Rights Act of 1964 to authorize the Attorney General to aid women and parents of minor girls in suits seeking equal access to public education, and to require the Office of Education to make a survey concerning the lack of equal educational opportunities for individuals by reason of sex.

d. Amendment of Title II of the Civil Rights Act of 1964 to prohibit discrimination because of sex in public accommodations.

e. Amendment of the Civil Rights Act of 1957 to extend the jurisdiction of the Civil Rights Commission to include denial of civil rights because of sex.

f. Amendment of the Fair Labor Standards Act to extend coverage of its equal pay provisions to executive, administrative, and professional employees.

g. Amendment of the Social Security Act to (1) provide benefits to husbands and widowers of disabled and deceased women workers under the same conditions as they are provided to wives and widows of men workers, and (2) provide more equitable retirement benefits for families with working wives.

h. Adoption of the liberalized provisions for child care in the family assistance plan and authorization of Federal aid for child care for families not covered by the family assistance plan.

i. Enactment of legislation to guarantee husbands and children of women employees of the Federal government the same fringe benefits provided for wives and children of male employees in those few areas where inequities still remain.

j. Amendment of the Internal Revenue Code to permit families in which both spouses are employed, families in which one spouse is disabled and the other employed, and families headed by single persons, to deduct from gross income as a business expense some reasonable amounts paid to a housekeeper, nurse, or institution for care of children or disabled dependents.

k. Enactment of legislation authorizing Federal grants on a matching basis for financing State commissions on the status of women.

4. The executive branch of the Federal government should be as seriously concerned with sex discrimination as with race discrimination, and with women in poverty as with men in poverty. Implementation of such a policy will require the following Cabinet-level actions:

a. Immediate issuance by the Secretary of Labor of guidelines to carry out the prohibition against sex discrimination by government contractors, which was added to Executive Order 11246 in October 1967, became effective October 1968, but remains unimplemented.

b. Establishment by the Secretary of Labor of priorities, as sensitive to sex discrimination as to race discrimination, for manpower training programs and in referral to training and employment.

c. Initiation by the Attorney General of legal actions in cases of sex discrimination under section 706(e) and 707 of the Civil Rights Act of 1964, and intervention or filing of amicus curiae briefs by the Attorney General in pending cases challenging the validity under the 5th and 14th amendments of laws involving disparities based on sex.

d. Establishment of a women's unit in the Office of Education to lead efforts to end discrimination in education because of sex.

e. Collection, tabulation, and publication of all economic and social data collected by the Federal government by sex as well as race.

f. Establishment of a high priority for training for household employment by the Secretary of Labor and the Secretary of Health, Education, and Welfare.

5. The President should appoint more women to positions of top responsibility in all branches of the Federal government, to achieve a more equitable ratio of men and women. Cabinet and agency heads should be directed to issue firm instructions that qualified women receive equal consideration in hiring and promotions.

Respectfully submitted.

VIRGINIA R. ALLAN,
Chairman.

Elizabeth Athanasakos, Ann R. Blackham, P. Dee Boersma, Evelyn Cunningham, Ann Ida Gannon, B.V.M., Vera Glaser, Dorothy Haener, Patricia Hutar, Katherine B. Massenburg, William C. Mercer, Alan Simpson, Evelyn E. Whitlow.

The President today announced the establishment of the Task Force on Women's Rights and Responsibilities, with Miss Virginia R. Allan, former President of the National Federation of Business & Professional Women's Clubs as the Chairman. The task force will review the present status of women in our society and recommend what might be done in the future to further advance their opportunities.

The members of the Task Force on Women's Rights and Responsibilities are:

Miss Virginia R. Allan, Executive Vice President, Cahalan Drug Stores, Inc., Wyandotte, Michigan.

Hon. Elizabeth Athanasakos, Municipal Court Judge and Practicing Attorney, Fort Lauderdale, Florida.

Mrs. Ann R. Blackham, President, Ann R. Blackham & Company, Winchester, Massachusetts.

Miss P. Dee Boersma, Student Govt. Leader, Graduate Student, Ohio State University, Columbus, Ohio.

Miss Evelyn Cunningham, Director, Women's Unit, Office of the Governor, New York, New York.

Sister Ann Ida Gannon, B.V.M., President, Mundelein College, Chicago, Illinois.

Mrs. Vera Glaser, Correspondent, Knight Newspapers, Washington, D.C.

Miss Dorothy Haener, International Representative, Women's Department, UAW, Detroit, Michigan.

Mrs. Laddie F. Hutar, President, Public Affairs Service Associates, Inc., Chicago, Illinois.

Mrs. Katherine B. Massenburg, Chairman, Maryland Commission on the Status of Women, Baltimore, Maryland.

Mr. William C. Mercer, Vice President, Personnel Relations, American Telephone & Telegraph Co., New York, New York.

Dr. Alan Simpson, President, Vassar College, Poughkeepsie, New York.

Miss Evelyn E. Whitlow, Attorney at Law, Los Angeles, California.

TITLE IV AND TITLE IX OF THE CIVIL RIGHTS ACT OF 1964 SHOULD BE AMENDED TO AUTHORIZE THE ATTORNEY GENERAL TO AID WOMEN AND PARENTS OF MINOR GIRLS IN SUITS SEEKING EQUAL ACCESS TO PUBLIC EDUCATION, AND TO REQUIRE THE OFFICE OF EDUCATION TO MAKE A SURVEY CONCERNING THE LACK OF EQUAL EDUCATIONAL OPPORTUNITIES FOR INDIVIDUALS BY REASON OF SEX

Discrimination in education is one of the most damaging injustices women suffer. It denies them equal education and equal employment opportunity, contributing to a second class self image.

There have been enough individual instances and limited surveys publicized recently to make it apparent that substantial discrimination does exist. For example, until forced to do so by legal action, the New York City Board of Education did not admit girls to Stuyvesant High School,[1] a specialized high school for science with a national reputation for excellence. Legal action recently has forced the State of Virginia to admit women to the University College of Arts and Sciences at Charlottesville.[2]

Higher admission standards for women than for men are widespread in undergraduate schools and are even more discriminatory in graduate and professional schools. For this reason counselors and parents frequently guide young women into the "feminine" occupations without regard to interests, aptitudes and qualifications.

Only 5.9 percent of our law students and 8.3 percent of our medical students are women,[3] although according to the Office of Education women tend to do better than men on tests for admission to law and medical school.

Section 402 of Title IV, passed in 1964, required the Commissioner of Education to conduct a survey of the extent of discrimination because of race, religion, color, or national origin. Title IV should be amended to require a similar survey of discrimination because of sex, not only in practices with respect to students but also in employment of faculty and administration members.

Section 407 of Title IV authorizes the Attorney General to bring suits in behalf of persons denied equal protection of the laws by public school officials. It grants no new rights. While no case relating to sex discrimination in public education has yet reached the Supreme Court, discrimination based on sex in public education should be prohibited by the 14th amendment. The President's Commission on the Status of Women took this position in its 1963 report to the President.[4] Section 902 of the Civil Rights Act authorizes the Attorney General to intervene in cases of this kind after a suit is brought by private parties. Both section 407 and section 902 should be amended to add sex, and section 410 should be similarly amended.

FOOTNOTES

[1] *De Rivera* v. *Fliedner*, Sup. Ct. N.Y. Civil Action, 00938–69. Resolved by administrative appeal.

[2] *Kirstein et al.* v. *University of Virginia*, E. C. Va. Civil Action No. 22069–R.

[3] Executive Secretary, Association of American Law Schools, 1968. Association of American Medical Colleges, 1967.

[4] President's Commission on the Status of Women, *American Women*, p. 45, 1963.

AMENDMENT NO. 399

(Ordered to be printed and to lie on the table.)

EQUALITY FOR WOMEN IN HIGHER EDUCATION

Mr. McGOVERN. Mr. President, I hope that before the end of the 92d Congress the U.S. Constitution will be amended to outlaw all discrimination on grounds of sex. Until such time as the equal rights amendment is passed, there is available to us another effective way of fighting discrimination. I urge my colleagues to take every opportunity to prohibit Federal funding of sex discrimination. While amending individual bills in no way reduces the need for the constitutional amendment, it does provide at least a step-by-step attack giving women equality in at least those areas covered by the specific bills. A case in point is S. 659, the Omnibus Education Amendments Act of 1971.

The pretty schoolmarm is such an honored figure in American tradition that we are apt to assume that American education is dominated by women. Nothing could be farther from the truth. Though women may have a near monopoly in nursery school, only 9 percent of the Nation's full professors are women. As with other aspects of our economic and social structure, the more money, the more prestige, the fewer women.

It is harder for a girl to go to many colleges than for men, For example, in 1967 Yale College accepted one out of 7.5 male applicants. Only one out of 14 females got in. Nationwide, in 1968, 40 percent of female college freshmen had graduated from high school with a B-plus average. Only 18 percent of the boys had done so well.

Although studies show that women tend to do better on entrance examinations than men, only 6 percent of our law students are female, only 8 percent of the medical students. And the situation is getting worse. In 1930, women received 40 percent of the master's degrees awarded and 15 percent of the Ph. D.'s. In 1966, they received 34 percent and 12 percent, respectively. Low though the 1930 figures are, they show that the 9 percent of professors that are female is clearly lower than the number that qualified.

Prejudice against women is the last socially accepted bigotry. It is frequently quite overt. As an example, the University of North Carolina's expressed policy is that the admission for freshman women is "restricted to those who are especially well qualified." No such statement is made of men.

Dr. Frances Norris, president of the Maryland Women's Equity Action League, has called attention to hearings in the House of Representatives, finding that—

> Admission quota systems exist at many universities and colleges, either as official policy or unwritten policy, and in public, private, state or federal programs. The Honorable Mrs. Green concludes from her hearings, 'My concern is that, on the part of the Labor Department, the Justice Department, the Compliance Division, the Civil Service Commission and the Civil Rights Commission, there has been little if any attention given to discrimination based on sex'; it was further noted that the Office of Education, the Government, by its policies, its programs and its guidelines fails to condemn measures arbitrarily restricting potential women students.

I urge the passage of this amendment to assure that no funds from S. 659, the Omnibus Education Amendments Act of 1971, be extended to any institution that practices biased admissions or educational policies.

EDUCATION AMENDMENTS OF 1971

Mr. BYRD of West Virginia. Mr. President, what is the pending business?

The PRESIDING OFFICER (Mr. Hughes). The pending business in S. 659.

Mr. BYRD of West Virginia. Mr. President, I thank the distinguished Presiding Officer.

Mr. President, I ask unanimous consent that time thereon not run until tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 8:15 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 8:15 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS RIBICOFF, PROXMIRE, CHILES, AND COOPER TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the recognition of the two leaders under the standing order tomorrow the following Senators be recognized, each for not to exceed 15 minutes, and in the following order: Senator Ribicoff, Senator Proxmire, Senator Chiles, and Senator Cooper.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon the conclusion of the orders recognizing Senators tomorrow there be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF THE EDUCATION AMENDMENTS OF 1971 S. 659, TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the period for the transaction of routine business tomorrow the Senate immediately proceed to further consideration of S. 659.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, if there be no further business, I shall proceed to state the program for tomorrow.

The Senate will convene at 8:15 a.m. After recognition of the two leaders under the standing order, the following Senators will be recognized for not to exceed 15 minutes each in the order stated: Senators Ribicoff, Proxmire, Chiles, and Cooper.

At the conclusion of the order recognizing Senators there will be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes.

Under the order previously entered the distinguished junior Senator from Indiana (Mr. Bayh) will be recognized first when the period for the transaction of routine morning business begins.

Immediately following the period for the transaction of routine morning business the Senate will resume consideration of S. 659, the so-called omnibus education bill.

Also on tomorrow, I remind Senators, the Senate is operating under a time agreement with respect to S. 659.

Mr. President, other than that, the Senate tomorrow will consider the so-called $1 billion Public Service Act and also the continuing resolution.

Mr. President, in addition thereto the Senate will take up the conference report on the Labor-HEW appropriation bill.

There will be a call of the calendar with respect to unobjected to items on the calendar.

In addition to these measures the Senate will take up other conference reports or other items on the calendar which may be agreed to by the majority leader and the minority leader.

Rollcall votes are expected tomorrow.

Mr. President, before making the motion to adjourn, how much time remains on the bill S. 659?

The PRESIDING OFFICER. There are remaining 147 minutes to the proponents and 159 minutes to the opponents.

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer.

ADJOURNMENT TO 8:15 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 8:15 o'clock tomorrow morning.

The motion was agreed to; and (at 10 o'clock and 23 minutes p.m.) the Senate adjourned until tomorrow, Friday, August 6, 1971, at 8:15 a.m.

NOMINATIONS

Executive nominations received by the Senate August 5 (legislative day of August 3), 1971:

Cabinet Committee on Opportunities for Spanish-Speaking People

Henry M. Ramirez, of California, to be Chairman of the Cabinet Committee on Opportunities for Spanish-Speaking People, vice Martin G. Castillo, resigned.

In the Navy

Vice Adm. John A. Tyree, Jr., U.S. Navy, and Vice Adm. James W. O'Grady, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

In the Air Force

The following officer to be placed on the retired list, in the grade of general, under the provisions of section 8962, title 10, of the United States Code:

Gen. Joseph R. Holzapple, [redacted]FR (major general, Regular Air Force), U.S. Air Force.

The following officer to be assigned to a position of importance and responsibility designated by the President, in the grade of general, under the provisions of section 8066, title 10, of the United States Code:

Lt. Gen. David C. Jones [redacted]FR (major general, Regular Air Force), U.S. Air Force.

The following officer to be assigned to a position of importance and responsibility designated by the President, in the grade of lieutenant general, under the provisions of section 8066, title 10, of the United States Code:

Maj. Gen. William V. McBride, [redacted]FR (major general, Regular Air Force), U.S. Air Force.

In the Army

The following-named officer, under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be general

Lt. Gen. George Vernon Underwood, Jr., [redacted] Army of the United States (major general, U.S. Army).

In the Coast Guard

The following-named officer of the Coast Guard for promotion to the grade of rear admiral:

William M. Benkert.

In the Navy

The following named (Naval Reserve Officers' Training Corps candidates) to be permanent ensigns in the line or staff corps of the Navy, subject to the qualification therefor as provided by law:

James A. Kasica
Charles L. Kent
Donald R. Richmond
William C. Whitner, Jr.

The following named (naval enlisted scientific education program candidates) to be permanent ensigns in the line or staff corps of the Navy, subject to the qualification therefor as provided by law:

Alvin E. Cerveny
Rubin H. Christian
James E. Kaucher, Jr.
George M. Murray

The following named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to the qualification therefor as provided by law:

George A. Hobby
Kevin C. Neilson
Jay E. Noffsinger
William C. Whitner, Jr.

Sam R. Frank (Naval Reserve officer) to be a permanent lieutenant and a temporary lieutenant commander in the Dental Corps of the Navy, subject to the qualification therefor as provided by law.

The following named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to the qualification therefor as provided by law:

Donald D. Antrim
Kenneth J. Davis
Bryant D. Denk
James Dunny
James G. Fleming, Jr.
Gregory Furin
Stephen R. Hertzberg
Donald A. Hesby
Richard P. McLaughlin
Howard V. Peskin
Robert M. Post

The following named (civilian college graduates) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to the qualification therefor as provided by law:

George L. Billeauo
Earl F. Eschette, Jr.
Jan H. Larson
George F. Pinsak
Michael J. Revenig

The following-named chief warrant officers to be lieutenants (junior grade) in the Navy, limited duty, for temporary service in the classification indicated and as permanent warrant and/or permanent and temporary warrant, subject to the qualification therefor as provided by law in lieu of ensigns as previously nominated and confirmed to correct grade:

SUPPLY

Andrew P. Blackwell
George T. Boring
Clifford R. Hall
Jefferson C. Hughes
William B. Keith, Jr.
Gerald E. Kirkpatrick
Robert J. Reardon
Allen R. Siegel
Edward M. Strackbein
Joseph M. Thompson
Joel F. Tibbetts
James C. Woodiel

CIVIL ENGINEERS

William G. Glynn
Robert E. Herning
Cecil M. Hillman
John G. Masler, Jr.
Francis S. Thomson Jr.

DECK

Gideon W. Almy III
James P. Bailey
Eugene Davenport
Charles D. Johnson, Jr.
Rodney R. Jones
Russel D. McEntire
Phillip B. Moaney
Kerry A. Peters
Tommy F. Shirley
David M. Valenta
James L. Worley
Ira G. Worrell

OPERATION

Richard M. Almand
Vincent G. Brackett
Stephen R. Jones
John A. King, Jr.
Raymond L. Marshall
John L. Sweet

ORDNANCE

Philip E. Dechene
Richard L. Goyette
David S. Haus
Ellis L. High
George K. Johns
Milton J. Moyer
Ralph W. Padgett
William L. Percival
Thomas L. Ratliff
Glenn Rice, Jr.
Thomas R. Stephenson
Donald R. Thomas

EXPLOSIVE ORDNANCE DISPOSAL

Robert F. Fisher.
Donald R. Reeves.

ADMINISTRATION

James C. Biernesser, Jr.
Vernon R. Bowen
Leonard H. Brown, Jr.
Edward H. Choate
Robert S. Erskine
Robert M. Grace
Bobby E. Greene
John D. Greene
Richard P. Gudis
Eli E. Hager
Ernest J. Malboeuf
Leon Morris
Jose T. Nededog
Patrick L. O'Sullivan
John M. Oyler
Joseph J. Pajuf
John E. Pearl, Sr.
George F. Pearman
Eugene J. Perry
Ronald O. Prestidge
Mirian E. Ruryk
Gerald D. Ryan
John C. Varley
Howard A. Wallace, Jr.

DATA PROCESSING

Harold T. Hugghins
John C. Mueller.

BANDMASTER

Billy J. Aten
Eugene E. McGowan

ENGINEERING

David G. Bates
Raleigh T. J. Blanchard
Allen G. Brice
Richard L. Brisby
Robert A. Brouse
Frank L. Canfield
Harry M. Carter
Jerome J. Culberson
Richard W. Ellis
Leroy E. Gardner
Billy T. Gay
Raymond Hahn
Ralph E. Hite
Ted L. Hunt
Charles L. Jensen
Isaiah J. Jones
Raymond J. Kehoe
Richard B. Knighton
Howard J. Kuhnert, Jr.
James F. Maddock
Elmer H. Mann
Edwin L. Neasham
James J. Ottesen
David E. Perkins
Henry W. Poch, Jr.
Charles J. Raggo
Richard A. Riddle
Edward E. Rundberg
Wayne A. Scott
Dallas T. Smith
Donald G. Smith
Larry A. Tew
Donald E. Thomas
Kenny D. Williamson
Fred L. Wolking

HULL

William J. Dills
Robert T. Finney
Daniel A. Frame
James O. Headrick
Raymond M. Hennessy
John A. Othmer
James L. Smith
William B. Stonecipher
Chester A. Watson, Jr.
Alfred E. Wollenburg
Robert R. York

ELECTRICIAN

Wyndolin G. Collins
Harold L. Drurey
Herbert Halpern
Clayton T. Hicks
Roger A. Hutchings
Richard L. Prevatte
Michael L. South

ELECTRONICS

Douglas W. Anderson
Joe R. Beaubouef
James R. Brown
Ramond E. Buote
Harry E. Clark
Leroy Dailey
Sammy L. Darr
Wallace G. Gutridge
Charlie H. Hall
Monte A. Hart
Noble F. Joel, Jr.
Robert J. Johnstone
William G. Kilby
Willie J. Mead
Wayne R. Merrill
Orville L. Meyers
Karl W. Nitschke
John W. Pierce, Jr.
Robert M. Smith
Francis L. Tosatto
Qube G. Watford
Cecil E. Wells

CRYPTOLOGY

Lloyd M. Ames
Andrew R. Buist
William O. Crank
David B. Dean
Hubert Moore
James C. Nadeau
Ronald E. Noel
Marvin E. Nowicki
James F. Perry
Walter F. Peszynski
Larry D. Poppe
Robert J. Robbins

COMMUNICATIONS

Joseph K. Butters
Gary D. Cooper
Andrew J. Eggett
Leon W. Gaut, Jr.
Bernard E. Gibson
John G. Greksouk
Thomas L. Harold
Clark G. Hill
Louis C. Loria
Herman D. Overton
Carl E. Rhudy
Donald J. Rossignol
James L. Townsend

AVIATION OPERATIONS

Clarence Forbes
Robert L. McPeak

AVIATION CONTROL

Norman E. Krug
George D. Zeitler

AIR INTELLIGENCE

William R. Bulmer

PHOTOGRAPHY

James R. Manhennett
Franklin D. Peele

METEOROLOGY

Raymond L. Boylan
Bobby E. May
William C. Oponick, Jr.

AVIATION ORDNANCE

Herbert Artis
Ronald A. Cleven
William T. Cox
James W. Ennis
Michael A. Harwell
Buddy R. Hembree
Dempsey D. James
Joe H. Lemaster
Ira J. Lewis
Charles E. Little
Carl W. Nolan
James M. Pokrywka
Gerald D. Stepherson
David J. Turriff
Richard A. Wales

AVIONICS

George E. Bollinger
Charles D. Evans
Walter S. Ingram
Edwin C. James
Donald D. Robbins
Aubrey P. Sauls
Dennis A. Westhoff

AVIATION MAINTENANCE

William E. Akins
Alfred E. S. Armfield
Ronald P. Baker
Gilbert H. Baron
Charles T. Barry
James A. Bartley
Gordon M. Bethune
Bobby G. Bettis
Gerlad C. Blocker
Arthur E. Carter
Ronald L. Coen
Albert C. Edmonson
James W. Fite
Boyd C. Fowler
Jerry W. Fox
George Freeman
Rolland R. Garrison
Boyd L. Goodrich
Marion W. Green
William J. Hicks
Charles E. Hughes
Charles R. James
Arthur L. Johnson
Rudolf H. Jopp
Ralph C. Lasky
Robert E. Luce
Dewey J. Millsap
Donald A. Minor
Larry E. Murphy
Santiago Orosco
Terry D. Owens
Ellis E. Peach
Thomas J. Pruter
William K. Rodgers
Robert L. Royal
Richard N. Sayles
Donald G. Scott
John S. Stankoski
Warner R. Tyler
Raymond R. Wegrzyn
George D. Welsh

Warren R. Peterson (civilian college graduate) to be a permanent lieutenant (junior grade) and a temporary lieutenant in the Dental Corps of the Navy, subject to the qualification therefor as provided by law.

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and a temporary lieutenant in the Dental Corps of the Navy, subject to the qualification therefor as provided by law.

Douglas A. Edwards.
Peter W. Siudara.

The following-named (Naval Reserve officers) to be permanent lieutenants and temporary lieutenant commanders in the Dental Corps of the Navy, subject to the qualification therefor as provided by law:

Gary S. George.
Ronald M. Marini.

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to the qualification therefor as provided by law:

John B. Castelli, Jr.
Vasa W. Cate
Donald W. Claeys
John J. Conroy III
Mark A. Cunningham
William L. Davis
Ronald E. Fessenden
Richard M. Gendron
Delbert H. Hahn, Jr.
Robert D. Harris
Frances F. Hicks
Carl W. Huff
Andrew E. Landis
William A. Keel, Jr.
Paul E. Lewis II
Stephen C. Mills
Brian P. Murray
Willard H. Nettles
Robert C. Osborne
Terrance A. Robinson
William F. Schrantz
Thurlow R. Underhill

Valentine D. Galasyn (Naval Reserve officer) to be a permanent lieutenant and a temporary lieutenant commander in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

IN THE ARMY

The following-named persons for appointment in the Regular Army, by transfer in the grade specified, under the provisions of title 10, United States Code, sections 3283 through 3294:

To be captain

Prince, Howard T., [redacted].
Ross, Norman E., Jr., [redacted].

To be first lieutenant

Frushour, Stephen J. [redacted].
Smoluk, John J., [redacted].
Pollock, James L., [redacted].

To be second lieutenant

Bay, Lenny S., [redacted].

The following-named persons for appointment in the Regular Army of the United States, in the grades specified, under the provisions of title 10, United States Code, sections 3283 through 3294 and 3311:

To be major

Dimon, William J., [redacted].
Ferguson, Lindsay E., [redacted].
Horton, Edward J., [redacted].
Irizarry-Toro, Enrique [redacted].
Johnson, Jesse G., [redacted].
Marcotte, Louis H., [redacted].
Rappaport, Richard J. [redacted].
Vander Wende, Martin J. [redacted].

To be captain

Acosta Natal, Fausto, [redacted].
Alexander, Joe L., [redacted].
Barber, Larry W., [redacted].
Boaz, Evelyn E., [redacted].
Borriceno, Nicholas, [redacted].
Brouillard, Robert P. [redacted].
Burns, Danny A., [redacted].
Campbell, Jerry C., [redacted].
Cederburg, Carroll W., [redacted].
Chapa, Jose A., [redacted].
Ciliberto, Samuel D., [redacted].
Cochran, Pinckney C., Jr. [redacted].
Cone, Kenneth A., [redacted].
Cox, Billy W., [redacted].
Davis, Harry E., II, [redacted].

Domasinsky, Charles T., Jr. [redacted]
Eakin, William C., [redacted]
Ebener, Ralph I, [redacted]
Elliott, James F., [redacted]
Evans, George O., [redacted]
Graves, Hardy L. [redacted]
Griffith, William B., [redacted]
Harrington, Donald G., [redacted]
Hensley, James R., [redacted]
Hilliard, Edwin M., [redacted]
Hite, Donald R., [redacted]
Holroyd, Bruce E., [redacted]
Isler, Jerry L., [redacted]
Kavanaugh, Paul A., [redacted]
Keevert, Gary A., [redacted]
MacDonald, Howard M., [redacted]
McKnight, James L., [redacted]
Miller, James E., [redacted]
Moergeli, James R., [redacted]
Morefield, Iless W., [redacted]
Noble, Charles W., [redacted]
Paccerelli, George A., [redacted]
Perry, Richard O., [redacted]
Phipps, Charles A., [redacted]
Piche, Ronald J., [redacted]
Priest, William W., [redacted]
Reeves, James S., [redacted]
Reulein, Carol E., [redacted]
Rowe, Gerald H., [redacted]
Ryan, Kevin M., [redacted]
Schleicher, Richard G., [redacted]
Shaver, Frank J., [redacted]
Smith, Claude G., Jr., [redacted]
Snopek, Robert G., [redacted]
Stepp, Wendell, [redacted]
Thompson, Earl A., [redacted]
Vasey, Michael C., [redacted]
Walton, Bradford L., [redacted]
Wight, Denins A., [redacted]
Willis, William M., [redacted]
Wilson, Thomas D., [redacted]
Womack, Daniel Jr., [redacted]
Wurm, Charles M., [redacted]

To be first lieutenant

Allemond, Pierre, [redacted]
Anderson, George L., Jr., [redacted]
Anderson, Oren L., [redacted]
Bailey, Arthur W., [redacted]
Baker, Stephen M., [redacted]
Bannon, William H., [redacted]
Barber, Theodore M., [redacted]
Berry, Wildy F., [redacted]
Bowser, Larry H., [redacted]
Bowers, John E., [redacted]
Brown, Carlton W., Jr., [redacted]
Brown, Robert A., [redacted]
Brownlee, William R., [redacted]
Bryant, William K., [redacted]
Budzyna, Fred K., [redacted]
Burroughs, Ralph E., [redacted]
Calder, Frederick V., III, [redacted]
Carlile, Richard H., [redacted]
Cavanaugh, Daniel G., [redacted]
Celani, Albert F., [redacted]
Charbonnel, Thomas S., [redacted]
Charlton, William T., [redacted]
Colman, Michael D. V., [redacted]
Conger, Michael R., [redacted]
Cordes, Arben P., [redacted]
Cresswell, John R., [redacted]
Daluisio, Eugene V., [redacted]
Davis, Gene C., [redacted]
Derouen, Donald B., [redacted]
De Wolfe, Franklyn J., [redacted]
Dippel, Erich H., [redacted]
Doelle, John C., [redacted]
Dorsett, Michael L., [redacted]
Dougherty, Russell C., [redacted]
Duncan, Chester E., [redacted]
Eiland, Roderick N., [redacted]
Estrada, Martin [redacted]
Evans, Alfred M., Jr., [redacted]
Fields, Randall L., [redacted]
Fisher, Ivory J., [redacted]
Fitz, Robert J., Jr., [redacted]
Foster, Douglas E., [redacted]
Fox, Robert, [redacted]
Garlinger, John C., [redacted]
Gendron, John T., [redacted]
Glancy, Eugene E., [redacted]
Glasgow, Robert C., [redacted]
Golightly, Clarice B., [redacted]
Gonzales, Henry N., [redacted]
Grant, George R., [redacted]
Gray, Robert E., [redacted]
Gray, William M., [redacted]
Greene, David D., [redacted]
Hall, Ronald E., [redacted]
Hammann, John [redacted]
Harper, John A., [redacted]
Hazels, David R., [redacted]
Hill, Richard D., [redacted]
Hodes, Robert W., [redacted]
Huff, Charles M., [redacted]
Hutchinson, Jim S., [redacted]
Isbell, Paul R., [redacted]
Jackson, Michael D., [redacted]
Jacobelly, Robert C., [redacted]
Janes, William H., [redacted]
Jenkie, Ronald A., [redacted]
Jernigan, Irocus E., [redacted]
Johnston, Clifford St. Clair, [redacted]
Johnston, Keith H., [redacted]
Kern, Donald S., [redacted]
Lalicker, Elmer L., [redacted]
Lambert, John D., [redacted]
Langeliers, Leonard L., [redacted]
Langer, William R., [redacted]
Lapsley, James R., [redacted]
Lauver, Stephen D., [redacted]
Lawrence, William T., [redacted]
Lewis, Timothy W., [redacted]
Lincoln, Larry H., [redacted]
Lintwaite, Stephens H., [redacted]
Lovelace, Hewitt E., III, [redacted]
Loveless, Steven D., [redacted]
Lowe, John H., [redacted]
Lowry, William I., [redacted]
Malinovsky, William E., [redacted]
Martina, Herman J., [redacted]
Massieu, Raymond W., [redacted]
Matheson, William A., [redacted]
McCarthy Michael J., [redacted]
McCoy, Frederick W., Jr., [redacted]
Meridith, Jerry R., [redacted]
Miller, Derrell H., [redacted]
Moen, Francis C., [redacted]
Montie, Michael E., [redacted]
Moon, James F., [redacted]
Morton, Joseph H., [redacted]
Mullady, Brian P., [redacted]
Neptune, Calvin, III, [redacted]
Netherton, David L., [redacted]
Noble, Jeffrey D., [redacted]
Osborne, Timothy W., [redacted]
Patterson, Donald L., [redacted]
Pecoraro, Richard, [redacted]
Perkins, Stephen K., [redacted]
Perry, Judson E., [redacted]
Poe, William H., [redacted]
Ragus, Leonard A., [redacted]
Reading, David K., [redacted]
Reid, Terry A., [redacted]
Rochon, Kenneth J., [redacted]
Roerig, Richard L., [redacted]
Ryan, Elizabeth G., [redacted]
Russell, James E., [redacted]
Schiemann, Heinz A., [redacted]
Shaddix, Larry G., [redacted]
Shearin, Robert B., [redacted]
Simons, John V., [redacted]
Smith, John B., [redacted]
Smith, Thomas A., [redacted]
Steward, Edward C., [redacted]
Tackett, John A., [redacted]
Taylor, Max H., [redacted]
Thompson, James H., [redacted]
Thurston, Daniel G., [redacted]
Trover, Robert M., [redacted]
Upchurch, Robert H., [redacted]
Ward, Jerry W., [redacted]
Watson, Richard A., [redacted]
Wells, Peggy A., [redacted]
Wessels, James V., [redacted]
West, Grover C., III, [redacted]
Weygand, Kenneth B., [redacted]
Wheaton, Roger S., [redacted]
Willard, Barry D., [redacted]
Wood, Larry D., [redacted]
Yuille, David L., [redacted]
Zanni, Joseph W., [redacted]

To be second lieutenant

Aaronson, David B., [redacted]
Arellano, Benito M., [redacted]
Arthur, Bradley K., [redacted]
Augsburger, Russell J., [redacted]
Bair, Tracy R., [redacted]
Bernath, Clifford H., [redacted]
Brown, Frederick W., [redacted]
Burch, Thomas E., [redacted]
Canas, Henry R., [redacted]
Caselli, Philip F., [redacted]
Cilley, Donald O., [redacted]
Cook, David R., Jr., [redacted]
Creech, William A., Jr., [redacted]
Cuttie, Donald T., [redacted]
Downs, Michael D., [redacted]
Drickey, Michael L., [redacted]
Ecks, Forrest W., Jr., [redacted]
Frank, Charles G., [redacted]
Freeman, Robert L., [redacted]
Garrett, Douglas W., [redacted]
Garza, Larry A., [redacted]
Gerron, Sheldon J., [redacted]
Gilbert, Derl H., [redacted]
Ham, Robert C., [redacted]
Heilman, Robert O., [redacted]
Helmold, Kenneth P., [redacted]
Howell, James L., [redacted]
Kennedy, William H., III, [redacted]
Kirchner, Gerard C., [redacted]
Laible, Warren D., [redacted]
Landrus, William E., [redacted]
Le Vee, Kathryn E., [redacted]
Maple. Donald P., [redacted]
Mayer, Kielmann, Michael, [redacted]
McGee, Thomas A., [redacted]
McLemore, Dwight C., Jr., [redacted]
Mitchell, Charles T., [redacted]
Montgomery, Gilbert M., III, [redacted]
Nance, Willie B., [redacted]
Nash, Frank M., [redacted]
New, Hector, [redacted]
O'Donnell, Dennis M., [redacted]
Parker, Sherwood L., [redacted]
Parrish, George W., [redacted]
Poorbaugh, David R., [redacted]
Rankin, Johnnie D., [redacted]
Robinson, Larry M., [redacted]
Rose, Alexander J., [redacted]
Sandness, Stephen G., [redacted]
Schwartz, Allen, [redacted]
Stowell, Horace E., [redacted]
Tippie, Bryan T., [redacted]
Van Cleave, Ronald M., [redacted]
Webb, John R., [redacted]
Williams, George E., III, [redacted]
Willson, Donn C., [redacted]
Wood, Lawrence, [redacted]

The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

Bicking, Cortes J., [redacted]
Carver, Roger P., [redacted]
Davis, James J., [redacted]
Edgel, John F., [redacted]
Greene, Cam R., [redacted]
Harris, Michael R., [redacted]
Heatherly, John A., Jr., [redacted]
Isenhower, Nelson N., [redacted]
Keneally, John T., [redacted]
Kivioja, Larry A., [redacted]
Klingenbeck, Robert P., [redacted]
Mein, Calvin E., [redacted]
Moser, Gordon H., [redacted]
Prewitt, Sherrod N., [redacted]
Shelby, Danny W., [redacted]
Smith, Judge C., [redacted]
Umstaedter, William B., [redacted]
Wood, Robert J., [redacted]
Young, Daniel E., [redacted]

The following-named scholarship students for appointment in the Regular Army of the United States in the grade of second lieu-

tenant, under provisions of title 10, United States Code, sections 2107, 3283, 3284, 3286, 3287, 3288, and 3290:

Carlisle, Ellis L., [redacted].
Carreker, Larry E. [redacted].
Murphy, Rick L., [redacted].
Ortiz, Julio E. [redacted].
Powers, Donald G., [redacted].
Reid, John A., [redacted].

CONFIRMATIONS

Executive nominations confirmed by the Senate August 5 (legislative day of August 3) 1971:

NATIONAL LABOR RELATIONS BOARD

Peter G. Nash, of New York, to be General Counsel of the National Labor Relations Board for a term of 4 years.

IN THE AIR FORCE

The following officers for appointment as Reserve commissioned officers in the U.S. Air Force, to the grade indicated, under the provisions of sections 8218, 8351, 8363, and 8392, title 10, of the United States Code:

To be brigadier general

Col. William A. Browne, [redacted] FG, Mississippi Air National Guard.

Col. William S. Elmore, [redacted] FG, Alaska Air National Guard.

Col. Wendell G. Garrett [redacted] FG, Indiana Air National Guard.

IN THE AIR FORCE

The nominations beginning Cirilo L. Adan, Jr., to be captain, and ending Gary A. Zuelsdorf, to be second lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on July 28, 1971.

HOUSE OF REPRESENTATIVES—*Friday, August 6, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Endeavor to keep the unity of the spirit in the bond of peace.—Ephesians 4: 3.

God of grace and goodness, from whom cometh our help for the present and our hope for the future, ere we depart for our recess we invoke Thy blessing upon us and upon our country.

As we leave this Chamber, we commit ourselves with our loved ones to Thee, praying that the benediction of Thy presence may rest upon our President, our Speaker, Members of Congress, and all who work with them. In spite of our weaknesses and our shortcomings, speak Thou to us and through us that Thy kingdom may come. Thy will be done, and Thy peace be spread abroad in all human hearts.

"God save America, 'mid all her splendors;
Save her from pride and from luxury.
Enthrone in her heart the unseen and eternal:
Right be her might and truth keep her free."

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 2596. An act to amend the act of July 11, 1947, to authorize members of the District of Columbia Fire Department, the U.S. Park Police force, and the Executive Protective Service, to participate in the Metropolitan Police Department Band, and for other purposes;

H.R. 2600. An act to equalize the retirement benefits for officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia who are retired for permanent total disability;

H.R. 7718. An act to exempt from taxation by the District of Columbia certain property in the District of Columbia which is owned by the Supreme Council (Mother Council of the World) of the Inspectors General Knights Commanders of the House of the Temple of Solomon of the 33d Degree of the Ancient and Accepted Scottish Rite of Free Masonry of the Southern Jurisdiction of the United States of America; and

H.R. 8794. An act to provide for the payment of the cost of medical, surgical, hospital, or related health care services provided certain retired, disabled officers and members of the Metropolitan Police force of the District of Columbia, the Fire Department of the District of Columbia, the U.S. Park Police force, the Executive Protective Service, and the U.S. Secret Service, and for other purposes.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 4713. An act to amend section 136 of the Legislative Reorganization Act of 1946 to correct an omission in existing law with respect to the entitlement of committees of the House of Representatives to the use of certain currencies; and

H.R. 9844. An act to authorize certain construction at military installations, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 291. An act to establish within the Department of the Interior the position of an additional Assistant Secretary of the Interior, and for other purposes;

S. 996. An act relating to the transportation of mail by the U.S. Postal Service;

S. 1245. An act to amend the Act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data;

S. 1989. An act to amend title 39, United States Code, to provide for the renewal of certain star route contracts;

S. 2248. An act to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments; and

S. 2393. An act to amend the Disaster Relief Act of 1970 to make areas suffering from economic disasters eligible for emergency Federal aid, to improve the aid which would become available to economic disaster areas, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 9844) entitled "An act to authorize certain construction at military installations, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. STENNIS, Mr. SYMINGTON, Mr. JACKSON, Mr. ERVIN, Mr. CANNON, Mr. BYRD of Virginia, Mr. THURMOND, Mr. TOWER, and Mr. DOMINICK to be the conferees on the part of the Senate.

TRIBUTE PAID JOHN MURPHY BY CONGRESSMAN SIKES

(Mr. SIKES asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SIKES. Mr. Speaker, the good work done by Members of Congress seldom makes the headlines. It is one of the tragedies of modern news reporting that only the sensational is sought. Yet there is a great deal of sound, constructive work done by dedicated Members of the House and they do this out of devotion to their responsibilities.

One of the best examples of constructive and capable work is being performed by our distinguished colleague from New York, the Honorable JOHN M. MURPHY, whose work on drug problems, particularly as these problems affect servicemen, has been outstanding. He has examined the problem firsthand in the United States and abroad and he is probably better informed than any other Member of Congress on this serious and aggravated situation. His statements before the House and before the committees reveal the depth of his knowledge and the extent of his activities to provide useful information and constructive solutions. JOHN MURPHY's work deserves the plaudits of the Nation. In particular, should we in the House express our appreciation for his untiring efforts in this field.

ANNOUNCEMENT OF HEARINGS ON U.S. MAGISTRATES AND INTERNATIONAL CRIMINAL POLICE ORGANIZATION

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. EDWARDS of California. Mr. Speaker, I would like to announce that Subcommittee No. 4 of the Committee on the Judiciary has scheduled the following hearings:

On September 9, 1971, the subcommittee will hold hearings on H.R. 7375, to remove the statutory ceiling on salaries payable to U.S. magistrates, and H.R. 9180, to provide for the temporary assignment of a U.S. magistrate from one judicial district to another.

On September 10, 1971, the subcommittee will hold hearings on H.R. 9223, to increase the limit on dues for U.S. membership in the International Criminal Police Organization.

These hearings will begin at 10 a.m. of the respective dates and will be held in room 2226, Rayburn House Office Building.

Those wishing to testify or to submit statements for the record should address their requests to the Committee on the Judiciary, House of Representatives, room 2137, Rayburn House Office Building.

PRICE AND WAGE CONTROLS

(Mr. DANIELSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIELSON. Mr. Speaker, President Nixon indicated that he would not sell his "investments in the American economy—whether it is in stocks or real estate or what have you."

I am afraid that the President is talking to the wrong people.

Most of the people in the United States do not have these types of investment. Their investments in the American economy are in washing machines and refrigerators—and the clothing and food that goes into these appliances.

Their investments in the American economy are in their jobs—and whether that job is still going to be there tomorrow.

This year might be a good year for the President's view of the American investor—and next year might be a very good year for that same investor.

Most of the people, however, are looking to right now, and they want strong steps taken to curb inflation and unemployment.

I have advised President Nixon today of the results of one of the questions which I asked in my recent questionnaire sent throughout my district.

I asked: With unemployment and inflation seriously affecting the economy, do you feel the President should use the powers already granted him by Congress to freeze prices and wages?

The results: Nearly 4 to 1 said "yes."

THE TRANSICARE ACT OF 1971

(Mr. DOW asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DOW. Mr. Speaker, I recently held hearings in my congressional district—New York's 27th Congressional District—concerning the problems of the elderly. I have been inserting the transcript of these hearings into the CONGRESSIONAL RECORD over the past few days, and it is quite clear from the testimony that the needs of our older citizens have been shamefully neglected. Many older citizens are forced to live in isolation under conditions of extreme hardship.

One area which was repeatedly mentioned during the hearing was the difficulty that many older people have in getting adequate transportation. This unavailability of adequate transportation has a very adverse impact on the lives of older people. It hampers the elderly in their efforts to get good medical care and other health care services. Obviously, you cannot get any benefit from a doctor you cannot get to see.

Today, I am taking a limited step in solving this problem by introducing the Transicare Act of 1971. This bill would amend title XVIII of the Social Security Act to include transportation as a medical expense covered by part B of the medicare program.

We have long recognized that adequate transportation and the ability to get good medical care go hand in hand. For instance, the Internal Revenue Service allows tax deductions for transportation which is "primarily for and essential to" the receipt of medical services. I have adopted this same test in my bill for a determination of whether payment should be made for the cost of transportation to and from a place where covered services are provided. This legislation provides for regulations to carry out the purposes of the act. The text of the act is as follows:

H.R. 10483

A bill to amend title XVIII of the Social Security Act to provide payment under the supplementary medical insurance program for transportation to and from the place where an individual receives services covered under that program or under the hospital insurance program

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the "Transicare Act of 1971."

SEC. 2. Section 1861(s)(7) of the Social Security Act is amended to read as follows:

"(7) transportation of an individual to and from a place where he is furnished services with respect to which benefits are payable under this title (including ambulance service where the use of other methods of transportation is contraindicated by his condition), when determined under regulations to be primarily for and essential to the receipt of such services;".

SEC. 3. The amendment made by the first section of this Act shall apply only with respect to transportation which occurs (or is commenced) on or after the first day of the month following the month in which this Act is enacted.

This amendment, if adopted, would not lead to a significant increase in the cost of premiums paid by participants in the supplementary medical insurance program.

It is difficult to accurately estimate the cost of the program. For one thing, the Internal Revenue Service has no figures available on how much money is deducted from tax returns annually for the cost of transportation as a medical expense.

It is safe to say, however, that the cost will not be prohibitive.

For example, there are 19.7 million participants in the medicare program. An extremely generous estimate would be that every medicare participant will go to the doctor six times a year, and spend $4 on transportation each trip. This would represent a total expenditure of $480 million per year, of which 80 percent would be reimbursable. Since half of the cost of the program is met by the Federal Government, the consequent increase in medicare premiums under this exaggerated example would be approximately $9 per year, or 75 cents per month.

However, there are many factors which act to lessen this cost. First, we know that every participant will not go to a doctor six times a year. Also, $4 per person per trip is much more than the average person will pay, because this amount is equivalent to a long taxicab ride. Second, the first $50 spent per year on medical expenses is not payable under medicare, and in a majority of instances, the transportation expense will not be large enough to push covered expenditures significantly past the $50 level. In fact, as things presently stand, only 45 percent of the medicare participants actually exceed the $50 deductible level, and it is questionable how much of this excess would be for transportation.

I think we are talking about a program that will cost at the very most in the neighborhood of $380 million per year, but probably much less. This area would be an appropriate matter for further investigation, and I am hopeful that the Committee on Ways and Means will give the question of cost its prompt and thorough attention.

The inability of older people to get adequate transportation is not a whimsical contention. Our transportation system in this country is built around the use of the private automobile, and those persons who do not own an automobile or are unable to operate one are very limited in their mobility.

Many older people do not own cars because they cannot afford them or because it is difficult for them to get insurance. In addition, because they may be in poor health, many older people cannot get driver's licenses or perhaps do not trust themselves behind the wheel.

Also, modern superhighways with their high speeds and complicated routing systems can make driving difficult as can the extremely congested traffic conditions we experience in our larger cities.

As a consequence of this situation, many older people are forced to rely upon public transportation systems such as trains, buses, and taxicabs. These vehicles present obstacles in themselves.

For instance, bus stops and train stations can be one or more blocks away from a person's home, and frequently they are a great distance. Since there is a good chance that an older person will experience some difficulty in walking long distances, that person is not likely to use public transportation unless he really is forced to.

In addition, the infrequency of buses which are run over commuter routes, the necessity of making several transfers, the crowding conditions, the fear of crime while waiting for the bus, have all acted to deter the older person from using the transportation which is available to him.

Certainly the legislation I am proposing today will not solve the mobility crisis experienced by our older citizens. There is no single solution.

But access to good medical care must be seen as among the most urgent needs of our older citizens, and this legislation would make it possible for almost all of the participants in the medicare program to afford visiting the doctor. Also, if the participant in medicare is given access to transportation, it is possible that he might not require a doctor to make a house call when he might otherwise have no alternative.

One of things we are just beginning to realize about our deteriorating health-care system in America is that our emphasis has been placed on the curative aspects of medical treatment. We have done very little to prevent illness, and the doctor gets to the patient only after illness has occurred. The older person, who is probably living on a fixed income, is not going to spend the money to get to a doctor unless the trip is absolutely necessary. This financial restriction removes any opportunity the doctor or the older person has to discover a potentially dangerous physical condition and correct it before it does any damage.

I would like to emphasize that payment for transportation under this bill will be subject to the same regulations which effect other types of payment for covered services—medicare pays for 80 percent of the cost of medical services after the first $50, which the participant must pay himself.

This legislation must be seen as one skirmish in our battle to solve the mobility crisis of older Americans. It is not a panacea.

The difficulties which confront older people in getting transportation are in some degree shared by all of us in this automobile-dominated transportation system. The reason for this bill is that these problems affect the older person more severely, and the older person, because of low income and possible infirmity, is not as able to overcome these difficulties.

THE MINE LAW IS BEING UNDERMINED

The SPEAKER. Under a previous order of the House, the gentleman from West Virginia (Mr. HECHLER) is recognized for 30 minutes.

Mr. HECHLER of West Virginia. Mr. Speaker, Congress, in enacting the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, Dec. 30, 1969) declared that—

> "(a) *the first priority and concern of all in the coal mining industry must be the health and safety of its most precious resource—the miner.*
>
> * * * * *
>
> "(c) *there is an urgent need* to provide more effective means and measures for improving working conditions and practices in the Nation's coal mines in order to prevent . . . *occupational diseases originating in such mines.*" (Italics supplied.)

The coal operators, the Interior Department, and officials of the Bureau of Mines have consistently chosen to ignore this declaration. They look upon the law with disdain. They seek to subvert it. The small coal operators have once again sued to test the constitutionality of the civil penalty provisions of the law—see McKinney, et al. against Morton, et al., filed June 29, 1971, No. 1414, U.S. District Court, Eastern District of Kentucky.

IGNORING INTENT OF CONGRESS

Today, I want to report to the House another example of this. Once again, the Bureau of Mines—this time apparently with the tacit approval of the Department of Health, Education, and Welfare—has quietly found, in cooperation with coal operators, a new way to undermine the law and to ignore this congressional declaration of policy.

Title II of the 1969 law established interim mandatory health standards designed primarily to reduce the incidence of the dreaded "black lung" disease which is so prevalent among the Nation's coal miners. Miners exposed to excessive respirable dust concentrations contract this disease. The objective of the law is to control this disease through the establishment of a respirable dust standards for the active workings of a mine. Under the law, each coal operator must "continuously maintain the average concentration of respirable dust in the mine atmosphere during each shift to which each miner in the active workings of such mine is exposed at or below 3 milligrams of respirable dust per cubic meter of air." By the end of 1972, this standard will be 2 milligrams. Provision is also made for sampling the dust levels. Violations of the standard results in civil penalties and mine closures.

When Congress considered this feature of the law, the Senate, and many of us in the House, urged that the measurement be on a single shift basis and that if the dust level exceeds the standard at any time "during any shift," it would be a violation. The House version permitted measurements to be taken and averaged over several shifts and if the average exceeded the level, there was a violation. The conferees resolved this difficulty as follows (H. Conf. Rept. 91–761, Dec. 16, 1969, p. 75):

> "The substitute adopted by the conference requires the operator to maintain continuously the average concentration of respirable dust in the mine atmosphere during each shift to which each miner is exposed at or below the established maximum standard or the permitted maximum standard. *It also provides that the term 'average concentration' means that, for a maximum period of 18 months after enactment, measurements of a minimum number of the same production shifts in consecutive order are authorized to obtain a statistically valid sample. At the end of this 18-month period, it requires that the measurements be over one production shift only, unless the Secretary and the Secretary of Health, Education, and Welfare find, in accordance with the standard-setting procedure of section 101, that single-shift measurements will not accurately represent the atmospheric conditions during the measured shift to which the miner is continuously exposed.*" (Italics supplied).

MEASUREMENT AVERAGED OVER ONE PRODUCTION SHIFT

Thus, as of June 30, 1971, the measurements, under the law, were to be averaged "over one production shift only" rather than over several shifts, unless both Secretaries found by then that such single shift measurements were not possible from the standpoint of technology. It should be noted that even when a single shift measurement is prescribed, the act contemplates that more than one shift at each mine would be sampled each month to avoid the possibility of doctoring the sample. But the average at the end of each shift could not exceed the standard.

June 30, 1971, came and went without these agencies meeting the requirements of the law.

Finally, Secretary of the Interior Morton and Secretary of Health, Education, and Welfare Richardson published in the Federal Register on July 17, 1971 (36 F.R. 13286), a proposed "Notice of Finding that Single Shift Measurements of Respirable Dust will not Accurately Represent Atmospheric Conditions During Such Shift." The notice gives interested persons 30 days to comment thereon. The text of the proposed "notice" appears at the end of my remarks.

The notice states that in "April, 1971, a statistical analysis was conducted by the Bureau of Mines, using as a basis the current basic samples for the 2,179 working sections in compliance with the dust standard on the date of the analysis." These samples were derived from 21,790 samples taken over a 3-month period ending on April 13, 1971. These measurements were used by both Secretaries to make the finding that a "single shift" measurement was not possible.

FAULTY DATA USED FOR FINDING

In my opinion, the data upon which the Secretaries made this finding are faulty and therefore the finding is in error. Let me explain.

First. No effort was made by the Bureau to take test samples in order to make this finding. Instead, the Bureau of Mines relied entirely on operator samples submitted to it under the regular sampling program. Many miners have told me that these samples, in many cases, are not reliable. It is alleged in at least one mine, a miner wearing a personal sampler began a shift near the face where the dust is highest, but part way through the shift he was moved back to a less dustier area of the mine while still wearing the sampler. More than likely, the average of that sample would show no violation of the standard.

Even if this alleged doctoring of the sample did not occur here, it can hardly be said that the Bureau and HEW met the requirements of the law when they failed to conduct any sampling before making this finding. The regulator has a duty under the law to conduct independent sampling to make this finding.

The Bureau of Mines did not establish until the last 2 weeks of April 1971 an effective spot health inspection program. At the end of May 1971, 400 spot health inspections were made. The results of the samples taken by the inspectors are apparently still being compared to the results obtained by the operators.

LETTERS TO SECRETARIES MORTON AND RICHARDSON

Second. No effort was made to take single shift measurements with side-by-side instruments sampling the mine atmosphere and to determine the variations between instruments.

I wrote to Secretary Morton and Secretary Richardson on July 2, 1971, pointing out to them how faulty this data is. I urged that the published notice of July 17 be rescinded and new findings be made.

I also pointed out to them that the notice does not indicate when the two agencies will again review their finding to determine, in light of later technology, whether or not single shift measurements are possible. The notice implies that, having made this finding, both agencies will never consider the matter again.

HIGH PRODUCTION AT EXPENSE OF HEALTH?

The Secretaries apparently are following the administration's strict constructionist philosophy that since the law did not specifically call for such future review, none should be made. Perhaps the administration feels that the miner's health is not as important as the operator's production and the fear of brownouts. If they review the finding 6 months or 1 year from now, they may find that technology will accurately permit single shift measurements. But the operators do not want this. They prefer multiple shift measurements, because such measurements result in less violations.

I urged both Secretaries to provide for such review.

Mr. Speaker, when I delved more deeply into the development of this notice, I found evidence that the Bureau of Mines and HEW did not follow the procedures established in the law for making the above finding.

VIOLATION OF THE LAW

The law quite clearly states in section 101 that there must be consultation with "the Secretary of Labor, and with other interested Federal agencies, appropriate representatives of State agencies, appropriate representatives of the coal mine operators and miners, other interested persons and organizations, and so forth."

Of course, the law is more often than not observed in the breach by the Bureau of Mines. That is exactly what happened in the case of this finding.

On June 23, 1971, the Bureau held an unpublicized meeting to "consult" on the single-shift measurement requirement of the law. It was a cozy meeting with Bureau and HEW officials, the coal operators, and a single representative from United Mine Workers of America.

A LOADED MEETING

The participants were: Mr. Green, Solicitor's Office, Interior Department; Mr. Peluso, Bureau of Mines; Mr. Suder, Bureau of Mines; Mr. Fannick, Bureau of Mines; Mr. Philips, Bureau of Mines, Mr. Sutton, HEW; Dr. L. Kerr, United Mine Workers of America; Mr. Vines, BCOA; Mr. Zanolli, BCOA; Mr. Kobrick, Bethlehem Steel Corp.; Mr. Calhoun, Rochester & Pittsburgh Coal Co.; Mr. Connor, J & L Coal Co.; Mr. Morse, United States Steel; Mr. Smith, National Steel; Mr. Parisi, Consolidation Coal Co.; and Mr. Holcomb, small mine operators.

The States were not represented.

The Secretary of Labor was not represented.

No coal miners were there.

Other interested persons and organizations were not represented.

Just a quiet little get-together with the operators, who, as you can see, dominated the meeting, and one lonely member of the UMW.

What did they do? Why they killed the single-shift measurement idea of Congress. The operators vehemently attacked the idea. Dr. Kerr opposed it because he thought that only one sample would be taken a month. He said the operators could manipulate a single sample too easily. But Bureau of Mines officials knew full well that more than one sample per month was contemplated. They never told Dr. Kerr this, however. until after the meeting and after the decision was made.

THE COAL OPERATORS ALWAYS GET THE WORD

Let me now tell you of another bit of chicanery between the Bureau and the operators.

The day before this meeting Bureau officials gave to the Bituminous Coal Operators Association advance copies of proposed changes in the regulations governing dust sampling.

These changes were to be discussed at the meeting. They included a reduction in the number of samples to be taken from 10 to five and the provision that if any one sample exceeded 3.5 milligrams, the operator would be found in violation. The 0.5 milligram was added to the 3-milligram standard apparently to compensate for variations that occur in the instruments and inaccuracies that occur in weighing of the sample.

VIGOROUS OPPOSITION BY COAL OPERATORS

Dr. Kerr was not given a copy of the proposed changes before the meeting or, for that matter, at the meeting. In fact, they were never discussed because of the vigorous opposition expressed by the operators to single shift measurements. Instead, they were quietly discarded or shelved.

Mr. Speaker, in my letter to Secretary Morton and to Secretary Richardson I describe these last two outrageous events. I said that since the procedures outlined in the law which were to be followed in making this finding were abandoned by the Bureau and by Health, Education, and Welfare, and since the substituted procedures were, at the very least, suspect, I also urged "that the published notice be rescinded."

HOW CAN A REGULATORY AGENCY BE SO CALLOUS?

I find it difficult to understand how a regulatory agency charged by Congress with a duty to protect the coal industry's "most precious resource—the miner" could be so callous. The officials of this Bureau have constantly ignored the law in favor of the operator and coal production.

How many examples of this maladministration do we need before we act to correct the situation?

Once again I urge, as I have for many months, that Congress enact legislation to transfer the Bureau of Mines' health and safety regulatory functions to the Department of Labor.

The text of the joint Interior-Health, Education, and Welfare notice of July 17, 1971, and my letters to Secretaries Morton and Richardson are as follows:

JOINT INTERIOR-HEW REGULATIONS OF JULY 17, 1971 (36 F.R. 13286)

Office of the Secretary, Coal Mine Health and Safety—

Notice of Finding That Single Shift Measurements of Respirable Dust Will Not Accurately Represent Atmospheric Conditions During Such Shift

Section 202(f) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 801; 83 Stat. 742) provides that the term "average concentration" means a determination which accurately represents the atmospheric conditions with regard to respirable dust to which each miner in the active workings of a mine is exposed (1) as measured, during the period ending June 30, 1971, over a number of continuous production shifts to be determined by the Secretary of the Interior and the Secretary of Health, Education, and Welfare, and (2) as measured thereafter, over a single shift only, unless the Secretary of the Interior and the Secretary of Health, Education, and Welfare find, in accordance with the provisions of section 101 of the Act, that such single shift measurement will not, after applying valid statistical techniques to such measurement, accurately represent such atmospheric conditions during such shift, that is, the shifts during which the miner is continuously exposed to respirable dust.

Notice is hereby given that, in accordance with section 101 of the Act, and based on the data summarized below, the Secretary of the Interior and the Secretary of Health, Education, and Welfare find that single shift measurement of respirable dust will not, after applying valid statistical techniques to such measurement, accurately represent the atmospheric conditions to which the miner is continuously exposed.

In April 1971, a statistical analysis was conducted by the Bureau of Mines, using as a basis the current basic samples for the 2,179 working sections in compliance with the dust standard on the date of the analysis. In accordance with the sampling procedures set forth in Part 70, Subchapter O, Chapter I, Title 30, Code of Federal Regulations, these current basic samples were submitted to the Bureau over a period of time prior to the date the analysis was conducted. The average concentration of the current 10 basic samples was compared with the average of the two most recently submitted samples of respirable dust, then to the three most recently submitted samples, then to the four most recently submitted samples, etc. The results of these comparisons showed that the average of the two most recently submitted samples of respirable dust was statistically equivalent to the average concentration of the current basic samples for each working section in only 9.6 percent of the comparisons. Figure 1 lists the results of the comparisons and shows that a single shift measurement would not after applying valid statistical techniques, accurately represent the atmospheric conditions to which the miner is continuously exposed.

Figure 1

Percent which is statistically equivalent to the average of the 10 basic samples

Number of samples:	
3	9.6
3	25.1
4	42.3
5	55.7
6	67.2
7	76.5
8	85.2
9	92.7
10	100

The data from which the above summary has been prepared are available upon request from the Chief, Division of Health, Coal Mine

Health and Safety, Bureau of Mines, Department of the Interior, Washington, D.C. 20240.

Interested persons may submit written comments, suggestions, or objections to the Director, Bureau of Mines, Washington, D.C. 20240, no later than 30 days following publication of this notice in the Federal Register.

Dated: July 12, 1971.

ROGERS C. B. MORTON,
Secretary of the Interior.

Dated: July 12, 1971.

ELLIOT L. RICHARDSON,
Secretary of Health,
Education, and Welfare.

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LETTER OF JULY 21, 1971 TO SECRETARY OF THE INTERIOR

JULY 21, 1971.

Hon. ROGERS C. B. MORTON,
Secretary of Interior,
Department of the Interior,
Washington, D.C.

DEAR SECRETARY MORTON: On July 17, 1971, there was published in the Federal Register (36 F.R. 13286) a proposed "Notice of Finding" by Secretaries of the Interior and Health, Education and Welfare as follows:

"Notice is hereby given that, in accordance with section 101 of the Federal Coal Mine Health and Safety Act, and based on the data summarized below, the Secretary of the Interior and the Secretary of Health, Education, and Welfare find *that single shift measurement of respirable dust will not, after applying valid statistical techniques to such measurement, accurately represent the atmospheric conditions to which the miner is continuously exposed.*" (Italics supplied.)

Section 202(f) of the Act requires that beginning 18 months after December 30, 1969, "respirable dust to which each miner in the active workings of a mine is exposed" must be "measured . . . over a single shift only unless" both Secretaries make the above finding.

I am concerned about the adequacy of the data upon which this finding is based, and about the procedures employed by both Departments in making this finding.

The proposed notice states that in "April, 1971, a statistical analysis was conducted by the Bureau of Mines, using as a basis the current basic samples for the 2,179 working sections in compliance with the dust standard on the date of the analysis." I understand that these samples were derived from 21,790 samples taken over a three-month period ending on April 13, 1971. Thus, the measurements used to make this finding were taken over more than a single shift. Apparently, no effort was made to take single shift measurements with side-by-side sampling and to determine the variations between instruments within the shift. I fail to understand how both Departments can make the above finding without taking such single shift measurements.

I understand that the Bureau of Mines held a meeting on June 23, 1971, to discuss this finding. The participants were:

Mr. Green, Solicitor's Office.
Mr. Peluso, Bureau of Mines.
Mr. Suder, Bureau of Mines.
Mr. Fannick, Bureau of Mines.
Mr. Philips, Bureau of Mines.
Mr. Sutton, HEW.
Dr. L. Kerr, United Mine Workers of America.
Mr. Vines, B.C.O.A.
Mr. Zanolli, B.C.O.A.
Mr. Kobrivk, Bethlehem Steel Corporation.
Mr. Calhoun, Rochester & Pittsburgh Coal Co.
Mr. Connor, J & L Coal Co.
Mr. Morse, U.S. Steel.
Mr. Smith, National Steel.
Mr. Parisi, Consolidation Coal Co.
Mr. Holcomb, Small Mine Operators.

No public notice was ever given of the meeting. Moreover, the Secretary of Labor was not represented at the meeting, nor was an opportunity provided to permit "other interested persons and organizations" to attend, as required by section 101 of the law.

On the day before the meeting, Bureau officials gave to B.C.O.A. officials copies of a draft of a proposal to amend part 70 of the regulations relating to sampling. The draft would have reduced the number of shifts to be measured from 10 to "5 consecutive normal production shifts." It also provided that if any sample exceeded 3.5 miligrams, the operator would be cited for a violation. Dr. Kerr apparently was not given a copy of this draft regulation which was to be discussed at the meeting of June 23.

Due to the vigorous opposition of the B.C.O.A. and the coal operators to a single shift measurement, this draft regulation was never discussed, but was quietly discarded.

In view of the fact that the procedures set forth in section 101 of the Act have not been followed, that the procedures followed are highly suspect, and that the data used by both Departments to support the above finding is faulty, I urge that the published notice be rescinded and new findings be made in accordance with the law. I also urge that the Department publish and adopt the draft regulation given to the B.C.O.A.

The published notice implies that both Departments will *never* review this finding again. Even if we assume that this finding is correct today, technology might develop which would permit valid single shift measurements. I urge that the notice indicate that the matter will be reviewed again in six months or one year.

Sincerely,

KEN HECHLER.

PRINCIPAL SUGGESTED REVISIONS OF THE BUREAU OF MINES TO PART 70 OF FEDERAL REGULATIONS RE: DUST SAMPLING GIVEN TO BCOA ON JUNE 22, 1971

PROPOSED BUREAU CHANGE

"§ 70.210 Original sampling cycle; establishment of basic sample."

Samples of respirable dust, with respect to each working section of a coal mine, shall be taken on 5 consecutive normal production shifts, each of which is worked on a separate calendar day, beginning on a normal production shift on the first prodouction day in such working section, except that, with respect to working sections located in multi-section mines, original sampling may be conducted in accordance with the provisions of § 70.241 of this part. For each working section, this series of 5 samples, or a series of 5 samples submitted in accordance with the provisions of § 70.230 of this part, shall constitute the basic sample with respect to that working section.

§ 70.211 Violation of dust standard; original sampling cycle.

(a) If the data recorded pursuant to § 70.261 for an original sampling cycle with respect to a working section of a coal mine establish a cumulative concentration of respirable dust in excess of the cumulative concentration stated in paragraph (b) of this section with respect to the particular applicable limit, without regard to the number of samples analyzed, or if any single sample analyzed by the Bureau in accordance with § 70.261 exceeds the particular applicable limit by more than 0.5 milligram, the Secretary shall issue a notice to the operator that he is in violation of paragraph (a) of § 70.100, or § 70.101 of this Part 70. Paragraph (a) of § 70.100 prescribes a limit of 3.0 milligrams of respirable dust per cubic meter of air. Section 70.101 prescribes the respirable dust standard when quartz is present.

(b) The cumulative concentration of respirable dust recorded from samples may be as follows:

(1) When a limit of 3.0 milligrams per cubic meter of air is in effect, the cumulative concentration shall not exceed 15 milligrams of respirable dust per cubic meter of air.

(2) If any other limit is in effect under a standard based on the presence of quartz the cumulative concentration shall not exceed 5 times the specified limit of respirable dust per cubic meter of air.

IN SUPPORT OF NEW DEVELOPMENTS IN THE BATTLE TO COMBAT INFLATION

(Mr. McFALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McFALL. Mr. Speaker, I am happy to comment today on new developments which will help this Nation to control inflation.

On Tuesday, Congressman MONAGAN and I were joined by more than 50 other Members of the House in reintroducing legislation setting up a high-level Emergency Guidance Board to administer a national system of voluntary wage and price guidelines.

The next day, the distinguished Senator from Massachusetts, EDWARD BROOKE, and 12 cosponsors introduced similar legislation.

These two actions are symptomatic of the growing national awareness that management, labor, and the Government must work as partners to stem the dangerous rise of inflation by utilizing "sophisticated jawboning" to control prices, profits, and wages.

This growing awareness has been felt at the White House and I welcome the President's announcement of Wednesday, that he is willing to explore the idea by way of congressional hearings.

The President said:

> It is essential that government use its power where it can be effective to stop the escalation, or at least temper the escalation, in the wage-price spiral.

The President rejects, at this time, the imposition of "permanent wage and price controls in America," and I concur with him in this. However, it is evident that the administration now sees value in exploring the merits of a voluntary wage and price guidelines system.

Such a temporary system, as I proposed as early as last year, would not impose wage and price controls, but make it incumbent upon major national business enterprises and labor organizations to defend publicly whatever proposals they might have for raising prices and wages, which could continue the skyrocketing inflationary spiral.

Now that hearings have been announced in the Senate, and Speaker ALBERT has announced support for similar hearings in the House, I am confident we can move ahead following the recess to supply the administration the information it requires in order to support the establishment of responsible and practical machinery to aid in the battle to combat inflation.

TRIBUTE TO HARRY WELLINGTON

(Mr. HUNGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNGATE. Mr. Speaker, to those who truly love the law, its service can be a real fulfillment. Such a man was Harry Wellington of Troy, Mo.

For many years he served the judges, lawyers, and their clients, and his last 20 years were spent as a circuit court reporter in Pike, Lincoln, and St. Charles Counties, Mo. He was not an unobtrusive man and part of the pleasure in attending court was to watch Harry interrupt a judge, slow down a lawyer, or admonish a witness.

He was not afraid of work and there were many nights, Saturdays, Sundays, and holidays when you would see his car at the courthouse and the light shining in the room where he worked. I know there was at least one lawyer to whom he occasionally made suggestions which spared the young lawyer embarrassing moments in court.

When the court is in session, the script awards the judge the center stage and the contesting lawyers have most of the speaking parts. It is easy, therefore, to forget the clerks, bailiffs, and court reporters whose services are essential to a well-run court. They are not furniture. They live and breathe and serve the law and indeed some like Harry Wellington enrich our society through their devotion to duty.

TRADE WITH RED CHINA

(Mr. DORN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DORN. Mr. Speaker, there is no way to have fair textile trade with Communist China. The enslaved people of Red China are paid less than 10 cents an hour in wages. They are paid as low as 3 cents an hour. Our Government must make it crystal clear now to China that there is no textile market in the United States. Already we are flooded with cheap, low-wage imports from Asia.

Mr. Speaker, no one is proposing that Brazil import coffee or that Honduras import bananas. It is more incredible that anyone should propose that we import textiles which we already produce in surplus. If trade is resumed with China we should export to them textiles and purchase from China those goods which we do not have.

Mr. Speaker, the following resolution unanimously was adopted by the joint textile committee of the South Carolina General Assembly. This resolution arrived in my office a moment ago, signed by the chairman of the committee, Hon. John D. Long III.

A resolution to urge the United States Government to refrain from any action which would result in textile trade agreements with the Peoples Republic of China until the problems now existing as a result of textile imports from other Southeast Asia countries are satisfactorily resolved.

Whereas, it appears that diplomatic relations between the United States and mainland China are turning toward a closer relationship; and

Whereas, there has already occured a relaxation of trade restrictions between the two countries and further increases in trade are probable in the near future; and

Whereas, the textile industry in this country has suffered for many years from imports of textiles from southeast Asian countries produced with cheap labor and the flood of such imports, unabated by any government action, continues today; and

Whereas, any increase in textile imports from mainland China would result in economic disaster to our textile industry and would cause a further increase in unemployment of thousands of textile workers in the United States. Now, therefore,

Be it resolved by the South Carolina General Assembly Committee assigned to study problems of the textile industry: That the President of the United States, the Secretary of State and the Congress of the United States be, and hereby are, memorialized to take no action at any level of government which would result in trade agreements with the Peoples Republic of China under which textiles could be imported into the United Sates until such time as effective action is taken by the executive branch of the government or the Congress to restrict all foreign imports of textiles to levels which would restore the strength and economic well-being to our vital textile industry, now suffering severely from foreign imports.

WORST TRADE DEFICIT SINCE 1873

(Mr. DORN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DORN. Mr. Speaker, the following is my latest newsletter to my South Carolina constituents:

THE WORST SINCE 1893

Japan has no unemployment. The United States has 4,600,000 people unemployed—over 6.2% of the total work force. Unemployment among minority groups and among the textile industry is much higher, yet Japan insists on pouring more cheap, low-wage foreign textile goods into the United States.

In South Carolina over 20% of the textile industry employees are from the minority race. The national average employment of blacks in industry is only 12%. Forty-seven thousand women in South Carolina are employed in our textile industry—one-third of total textile employment. Mills continue to close in South Carolina as a result of increasing cheap, low-wage foreign imports. Curtailment of the work week seriously affects the purchasing power of our people. Retail stores, wholesalers—virtually every business in Western South Carolina depends on the textile payroll. Schools, hospitals, state and local governments, our church institutions depend largely on textile revenue.

We enacted into law a few days ago an extension of the Appalachia program which will cost over a billion and a half dollars. There are over 400,000 textile jobs in the Appalachian region threatened by low-wage imports. It does not make sense to vote billions to aid Appalachia on one hand and let 400,000 jobs go down the drain on the other.

We face the worst trade deficit since 1893—78 years ago during the panic of that year. I remember as a small boy my father talking of the "Panic of '93." In the second quarter of 1971 our imports exceeded exports by $803,000,000—the worst for any quarter in 25 years. Should this continue through 1971, we would have a trade deficit of 2.5 billion dollars.

A large part of this trade deficit is due to the large volume of low-wage textile imports flooding our country. The textile industry and its 2.4 million employees are seriously threatened. We are in a depression—the worse kind of depression with inflation, declining employment, and a curtailed work week—all at the same time.

No retail store, wholesale establishment, or for that matter any business can long stay in business by buying more than it sells. We cannot stay in the textile business by importing more and more cheap low-wage foreign imports. The United States cannot stay in business any more than an individual by buying abroad more than it sells. No one would advocate Brazil importing coffee or that Honduras import bananas, or that India import tea, or that Malaya import coconuts and rubber; yet the free traders, the economic "brain trust," want the United States to import textiles which we have in surplus. This is utterly incredible. Now textile trade with Communist China is looming on the horizon. There is no way for the United States to have fair textile trade with Communist China when the hourly wage the Reds pay their enslaved workers is less than 10¢ an hour and in some cases less than 3¢ an hour.

The President assured the nation when campaigning in 1968 that the textile industry would be protected from excessive cheap low-wage foreign imports. Nothing to this date has been done.

The President can:

(1) impose quotas on cheap low-wage foreign imports. The President has the power to do so under the law in the interest of the national defense and the general economy.

(2) negotiate trade agreements under the law which would limit the cheap low-wage foreign imports.

(3) recommend to the Congress legislation limiting these cheap low-wage imports.

Again, I have urged the President to exercise his full powers and prerogatives to protect the American people from exploitation and economic ruin.

Chairman Wilbur Mills introduced and guided through the House of Representatives last year a fair trade bill which would protect our industry. The President did not recommend the passage of this bill because of added features concerning shoes. But without shoes, it could not have passed the House of Representatives and the bill ultimately failed further consideration.

Again, this year on January 22nd, Chairman Wilbur Mills and many others of us in the House introduced a fair trade bill which would save our textile industry. So far this year, the President has not recommended that this bill be considered.

I am urging the President to endorse this bill and I am urging Mr. Mills to push for passage of this legislation as the situation hourly grows more critical.

Today for two hours, various members of the House of Representatives took the floor calling this worsening situation to the attention of the Congress and urging legislation and urging the President to act.

As Secretary of the House Informal Textile Committee, I participated in this debate on the floor. We will continue to exert every effort to save our textile industry and the jobs of its employees.

Congress will recess for the month of August. I will return to our Greenwood office where I and my staff will be at your service.

BIG-BUS BILL

(Mr. SCHWENGEL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SCHWENGEL. Mr. Speaker, the following article from the July 31 issue of the Christian Science Monitor deals with the big-bus bill, H.R. 4354.

BIGGER HIGH-ROAD BUSES GET CONGRESSIONAL PUSH

(By Robert P. Hey)

WASHINGTON.—A bill to permit bigger buses on interstate highways is rolling smoothly through Congress.

It is pulling away from critics' arguments that:

Bigger and heavier buses will lead inevitably to bigger and heavier trucks.

And bigger buses and trucks will be a safety hazard—harder to pass, with still more wind turbulence to sway autos as they barrel along superhighways.

Already the bill has outdistanced the reach of its most persistent critic, Rep. Fred Schwengel (R) of Iowa. It now awaits fall Senate committee action following House passage July 21—by 213 to 179 on the most crucial vote.

Senate passage this year or next seems likely. If only because no one yet has appeared in the Senate to lead opposition to the bill.

POTENTIAL OPPONENT

One who may wind up stepping forward in opposition is Sen. Howard H. Baker Jr. (R) of Tennessee. He is a member of the Senate Public Works Committee, which will be considering the bill. An aide to Senator Baker says that "if the widening of these buses will create a hazard—and it's pretty obvious that it at least threatens to create a hazard—then you may be sure that we will oppose it.

"Actually, it is our inclination at this time to oppose it."

Others in the Senate are considering opposing the bill on grounds that larger buses would do too much damage to pavement of the interstate system. This and the safety issue were two prime reasons for the defeat during the 1960's of several efforts by the trucking industry to get Congress to pass laws enabling larger trucks to travel the highways.

TRUCK CONNECTION DENIED

One of the things that has infuriated defenders of the "fat-bus bill," as some here call it, is the effort of critics to link the present bill permitting six-inch-wider buses with the future coming of wider and longer trucks.

Rep. James J. Howard (D) of New Jersey labels this effort a "scare tactic." The present bill, a veteran truck booster, Rep. John C. Kluczynski (D) of Illinois, told the House during debate, "contains absolutely no reference to trucks in any form whatsoever, and any attempt to relate it to trucks is pure fantasy."

Representative Schwengel remained unconvinced. He called the wider-bus bill "precedentmaking." And he added: I believe it will lead to a truck bill.

The bill itself would permit states to let buses up to 102 inches wide travel on the interstate highway system. (The maximum width now is 91 inches.) States would decide whether to let the wider buses on interstate roads within their boundaries.

Supporters of the bill say widening of buses would allow seats to be widened, thus helping solve the traffic congestion problem by coaxing motorists into riding intercity buses instead. Said Mr. Kluczynski: "This bill is absolutely necessary for the good of the transportation system of America."

INTERCITY VS. INTRACITY

To which Mr. Schwengel retorted: "Encouraging people to ride intercity buses will do little to solve our urban-intercity traffic problems." He says that "The major portion of the urban traffic congestion results from intracity traffic and not intercity traffic."

Backers of the bill note that 22,000 of the nation's 127,000 commercial buses already are 102 inches wide. Proponents argue that since these generally ride big-city streets, which have narrower traffic lanes than interstate highways, these widths would be as safe on wider interstate lanes.

The redoubtable Mr. Schwengel argues that, for whatever reason, city buses have more accidents than interstate buses now, so their safety hasn't been proved. Besides, he says, since wide buses haven't been operating on higher-speed interstate roads, no one has studied the effects of the air turbulence they make—that rush of wind when buses pass that tugs at the wheel in an auto driver's hand."

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. With such striking disparities in the development of basic economic activities within the United States and the U.S.S.R. it is only natural to find equivalent inequalities in the standard of living of both nations. Such differences are further intensified by the fact that the Soviet Government has appropriated an unusually high proportion of the national output for military purposes and further industrial expansion, whereas in the United States the larger percentage of the total national product is designed to satisfy needs of the individual consumer.

Americans have four times more housing available to them, on a per capita basis than the Soviets. And new housing in the United States is being constructed at a rate 4½ times that of the Soviet Union.

PROGRAM FOR WEEK OF SEPTEMBER 6

(Mr. BOW asked and was given permission to address the House for 1 minute.)

Mr. BOW. Mr. Speaker, I take this time for the purpose of inquiring of the distinguished majority leader the program for the rest of the day and also the program for the week of September 6.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. BOW. I am delighted to yield to the gentleman.

Mr. BOGGS. I appreciate the gentleman from Ohio's yielding.

There is no further program. We finished our legislative business prior to the recess on last evening.

We will return here on September 8, which is a Wednesday, and for Wednesday and the balance of the week there is scheduled H.R. 9727, the Marine Protection Research and Sanctuaries Act, which will be considered under an open rule with 2 hours of debate.

Conference reports may be brought up at any time, and any further program will be announced later.

Mr. BOW. I thank the gentleman.

A $1,000 RAISE FOR THE POLICE

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I am pleased to reintroduce today with the support of 25 Members of the House my legislation to provide an exemption from income taxes for the first $5,000 of income of every law enforcement officer in the country.

The increasing crime rate is a major concern of every citizen, every community and every responsible public official. The men in the first line of defense against crime are the police, the law enforcement officers of our cities, counties, and States. They are our most valuable resource in our efforts to achieve a secure and just society.

There is, however, general recognition that we are not providing our law enforcement officers with sufficient compensation for the duties we impose upon them. We are not rewarding their dedication sufficiently to keep them on the front lines against crime and to recruit the necessary numbers to expand our law enforcement efforts.

Our local governments are hard pressed to find the funds they need for law enforcement. The ad valorem tax base is inadequate to the demands of a modern society and we have not been able to develop direct programs of assistance adequate to meet the needs. There is concern about the development of a national police force, if we provide direct Federal financial assistance. And there is concern about the liability to prevent the misuse of Federal funds if we employ block grants and other forms of "revenue sharing."

I have suggested, therefore, that we cut through these objections and provide assistance through the individual income tax return of every law enforcement officer in the land.

We can, through the legislation I have recommended, give each law enforcement officer a pay raise of more than $1,000—without setting up a new program of categorical grants and without setting up a new bureaucracy at the State or Federal levels. We simply have to authorize the individual law enforcement officer to take a $5,000 exemption on his law enforcement income when he files his income tax return.

This would further a national social purpose which is generally recognized. It would do so in a manner which has been accepted in the past—the use of income tax incentives to promote public objectives.

I am delighted to have the support of a broad spectrum of opinion in the House for this legislation, including Messrs. Anderson of California, Anderson of Tennessee, Aspin, Bevill, Buchanan, Clark, Dellums, Denholm, Eilberg, Fulton of Pennsylvania, Halpern, Hays, Helstoski, Jones of Tennessee, Kee, Long of Louisiana, Madden, Minshall, Murphy of Illinois, Perkins, Roncalio, Thone, Wilson of California, Yatron, and Mr. Young of Texas.

I urge the consideration of the other Members of this legislation.

REAPING CANCER RESEARCH BENEFITS

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I wish to call the attention of the House to a very significant article in yesterday's Washington Star by its distinguished science writer, Miss Judith Randal.

Miss Randal discusses a report in the monthly "Hospital Practice" which demonstrates the ability of the National Cancer Institute to go beyond the basic research phase of anti-cancer study to involve a community hospital in the effort to develop and demonstrate effective cancer treatment programs.

As the original House sponsor of legislation to create a National Cancer Authority, I am pleased to see this confirmation of my contention that the problem of cancer can be approached on a broader front than has been possible in the past under our existing programs of cancer research. Our National Institutes of Health have approached medical problems as scientists and sometimes they have forgotten the physician also has something to contribute. Clinical work, as a consequence, is often neglected because the new drugs and procedures are too costly for physicians who lack access to NIH research funds.

Miss Randal points out the success of the Nassau County Medical Center in working as an outpost of the National Cancer Institute program on leukemia financed through Mount Sinai Hospital in New York City. The relatively small Nassau center is able to develop significant experience in using multiple-drug and multiple-media treatment because it has received financial support and technical assistance ordinarily denied to physicians treating cancer patients at the clinical level.

It is sometimes said that we cannot use larger sums for the fight on cancer and cannot profitably take a broader approach than the one we have taken in the past through the National Institute of Health. But, as Miss Randal points out, there is much that can be done if we provide the money to supply experimental drugs to more hospitals and medical centers, when those drugs cost from $500 to $1,000 per dose, as is the case for I-asparaginase, an enzyme that exploits the differences between healthy and leukemia cells to the benefit of the leukemia victim.

There are other expensive techniques which cannot be thoroughly explored if our cancer research effort is not funded at a significantly higher level and if we do not take a much broader view of cancer research than we have in the past. And the failure to attack cancer on a broader front means many thousands of unnecessary deaths from this dread disease in years immediately ahead.

As Miss Randal has pointed out:

> Cancer research is more and more supported by the taxpayers, and it is only fair that he reap its benefits as fast as they come along.

I do not think we can be satisfied with research for knowledge's sake, when so many hundreds of thousands of Americans face the agonies of cancer each year.

I include Miss Randal's article in the RECORD at this point:

REAPING CANCER RESEARCH BENEFITS

(By Judith Randal)

At a time when the nation has been all fired up about the prospects for the conquest of various forms of cancer, one question is little asked: Should the cures materialize, what are the chances that the typical patient who goes to the typical hospital will quickly benefit?

Not great, given the complex treatment strategies, highly specialized personnel and costly drugs that are likely to be involved in dealing with so recalcitrant a disease. The average community hospital simply doesn't have these resources at its command. Yet, as is suggested by a current article about childhood leukemia, much more may be possible at this level than is generally recognized.

The article, in the monthly "Hospital Practice," is written by Dr. Carl Pochedly of the Nassau County Medical Center, a smallish hospital on Long Island. It points out, correctly, that the best hope for long-term survival from leukemia lies in therapies which—because they still are experimental—are not generally available except at high-powered research institution with programs linked to the National Cancer Institute.

But instead of despairing that these hospitals can accept just so many patients, Pochedly and Nassau County have devised another plan.

In brief, the Nassau County pediatrics unit has become an outpost of an NCI program at Mount Sinai Hospital in New York City where leukemia is concerned. This has meant that its doctors must do things the way those at Mount Sinai do and accept their supervision—a situation that is bound to have created a certain amount of friction.

But it also has meant exposure to a group of professionals who live and breathe leukemia cases, exposure which, says Pochedly, has been stimulating to the Long Island staff and has improved patient care. And it has given the hospital access to research advances it otherwise could not have.

For example, the ordinary hospital and the ordinary doctor cannot obtain I-asparaginase, an enzyme that exploits the difference between healthy and leukemic cells to the patient's advantage. And even if they could obtain it, its cost—from $500 to $1,000 per dose, depending on the amount required—is prohibitive. Yet by becoming a satellite of Mount Sinai, Nassau County gets the drug from the NCI free.

The plan is not as simple as it sounds. NCI protocols, as the treatment regimens are called, are designed not only to help patients who currently have leukemia, but also to improve the outlook for future victims by comparing the relative effectiveness of a variety of drug combinations and other methods such as x-ray therapy.

All this entails careful coordination of an immense amount of laboratory and paper work so that the data can be studied, analyzed by computer and studied again. And hospital authorities must be willing to send out specimens for special testing where their own facilities are unequal to the task. In sum, it is a time-consuming, often tedious job.

In addition, the treatment for leukemia, like the treatment for most forms of cancer, places heavy burdens on the hospital staff.

The premises must be immaculate lest this already grave illness be complicated by infection. Intensive nursing care is needed and resident doctors must be on hand around the clock to give intravenous fluids. Blood platelets must be available for transfusions. And last, but not least, the patient and his family often need a social worker to help them find their way to financial aid. The drug bill alone can run to $5,000 a month.

Not every hospital, of course, can fill this bill and, indeed, those that see leukemia patients only occasionally shouldn't even try. Pochedly says. Nevertheless, the Nassau County experience suggests that many could participate as junior partners in current NCI programs, not only for leukemia, but for other types of cancer as well.

Cancer research is more and more supported by the taxpayer, and it is only fair that he reap its benefits as fast as they come along.

URGES FRANCE TO CURTAIL HEROIN

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, during the debate on the foreign aid bill on August 3 last, I made a statement on the floor about a visit to Marseilles, France, on July 24, by our distinguished Ambassador to France, the Honorable Arthur K. Watson, with members of his staff and me, for a conference with the head of the French Police and of the Narcotics Bureau in the Marseilles area, to impress upon them the gravest concern which the people of the United States feel about the major part of heroin coming into the United States, with all its devastating effect, originating in the laboratories of the Marseilles area and thence being smuggled into our country.

On July 23, I had had, with representatives of our mission in France, many hours of consultation with the chief of the French National Police and the head of the National Narcotics Bureau of France, to whom we had expressed in the strongest terms the concern of the House Select Committee on Crime, our Congress, and the country, about the large volume of heroin entering the United States from France.

In my conferences in Paris and in the conferences which Ambassador Watson and I had in Marseilles, we urged as strongly as we could the necessity for the Government of France to recognize the critical emergency of this problem and to take every possible step in a determined effort to stop, or sharply curtail, the processing of heroin in France and the smuggling of it out of France to the United States. We urged the French to employ such personnel as would be needed to discover and to destroy the laboratories where heroin is being made from a morphine base, and assured the French officials that the United States would expand its cooperation as needed and desired.

I am now pleased to learn that France has named one of its outstanding law enforcement officers as head of the national narcotics bureau, in an effort to stop the production of heroin in France and the smuggling of it out of France into the United States.

Interior Minister Raymond Marcellin announced July 29 that Divisional Commissioner Francois Le Mouel would head the Central Office for the Repression of Illicit Traffic in Narcotics. Mr. Le Mouel is reported to be known as the No. 1 gangbuster in France, and to have had remarkable results in his efforts to crush top French gangsters.

This is heartening news, and I am sure we all share the hope that this is the beginning of what will be a determined and effective campaign to stop the heroin traffic to the United States from Southern France.

We shall follow with the closest interest the work of Mr. Le Mouel, and I am sure he will find our Ambassador and our personnel in France at all times anxious to cooperate with him in every way possible.

Mr. Speaker, I include the announcement of the appointment of Mr. Le Mouel, appearing in the International Herald Tribune for August 1, 1971, entitled "France Appoints Anti-Drug Chief," at this point in the RECORD, following my remarks:

FRANCE APPOINTS ANTI-DRUG CHIEF

PARIS.—France has named its No. 1 gangbuster as head of the national narcotics bureau in a move to step up the warfare on the drug traffickers who have made this country the key source of hard drugs for the United States.

Interior Minister Raymond Marcellin announced yesterday that Divisional Commissioner Francois Le Mouel would head the Central Office for the Repression of Illicit Traffic in Narcotics.

Mr. Le Mouel, Mr. Marcellin pointed out in a communique, created the national anti-gang squad in 1934 and has since obtained "remarkable results" against top French gangsters.

The current acting head of the drug squad, Divisional Commissioner Michel Nocquet, has been promoted to the police general staff to oversee the operation.

A GIANT STEP TAKEN BY THE ADMINISTRATION

(Mr. GUDE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GUDE. Mr. Speaker, the administration has taken a giant step toward solution of a major transportation problem this week with NASA's announcement requesting submission of proposals for the design and fabrication of two experimental transport-type jet STOL research aircraft.

I applaud this initiative in recognizing the great need for short-haul flights particularly in the high density areas and the potential of many existing airfields with short runways.

I am especially interested in a significant benefit of STOL operation which lies in its potential for reducing the effects of aircraft noise on the community.

Fairchild Industries of Germantown, Md., is one of the pioneers in the STOL aircraft industry with their Porter model. Both Argentina and Ecuador have recently placed orders for the Fairchild Porter. The Damascus, Md., Courier, carried the following story about the Fairchild Porter which I am submitting here:

STOL AIRCRAFT SALES INCREASE

GERMANTOWN, MARYLAND, July 6, 1971.—During the month of June, Fairchild Industries booked or sold nine Porter aircraft.

All are standard Porter models.

Three Porters were sold and delivered to a commercial charter operator in the Far East. Negotiations also were completed with a contract charter operator in Panama for one Porter.

As a direct result of the Argentina Navy's successful operation of its Porter in Antarctica, that organization has ordered another three Porters, which will be delivered during the third quarter of this year.

The two Porters ordered by the Ecuadorian Army this year were delivered to that country last month. The aircraft are being used to increase communications, mail and medical service in outlying areas of the Latin American country.

The Porter is a Short Takeoff and Landing (STOL) aircraft manufactured by Fairchild Industries at Hagerstown, Maryland.

Porter sales now total 37.

ONLY FAA COMPETENT TO DETERMINE SAFETY?

The SPEAKER. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 10 minutes.

Mr. HOGAN. Mr. Speaker, I have repeatedly called upon the Federal Aviation Administration to terminate its contractual arrangements with the sponsors of the Prince Georges County Airpark. I did so in response to the frustrations and the opposition of citizens of Prince Georges County to the construction of the airport and also to the attempts to cancel the project by county and State officials.

I would like to call this matter to the attention of my colleagues because I believe there are fundamental principles at issue which must be resolved if the FAA is to implement its mandate from Congress to create a system of airports in this country which will satisfy the needs of a majority of our citizens.

The simple truth is that the Federal Aviation Administration, in its anxiety to locate a badly needed facility to relieve the strain of general aviation at National Airport, brushed aside these objections, ignored them, and exercised its powers unwisely in my opinion.

I became aware of the magnitude of the problem in January of 1969 when citizens of Bowie, Md., appealed to me that they had never been afforded the opportunity of a public hearing as required by law.

Upon my insistence, the FAA reluctantly agreed to conduct the hearings but, when I attempted to discuss the question of safety, the hearing officer ruled that only the FAA was competent to judge such matters and that they could not be discussed in public hearing. In so ruling, he completely ignored the concern and objections expressed by two Secretaries of Defense, the Secretary of the Air Force, and the Andrews Air Force Command, not to mention the citizens who live near the proposed airport. These officials had expressed concern about the location but the FAA chose to ignore their objections.

As far back as December 30, 1968, Defense Secretary Clark Clifford wrote to Secretary of Transportation Alan S. Boyd as follows:

> Since Septmember 1967, when we first became aware of the Prince Georges Airport proposal, we have endeavored to halt the project. . . . In our opinion, the location selected for this airport presents an unacceptable hazard to safety of flight, and portends operational delays to military traffic at Andrews Air Force Base. Axiomatically, this would also be true of Prince Georges Airport traffic. Essentially, our concern is that construction of this airport will initially interject an increasingly large volume of uncontrolled visual flight rule air traffic through existing arrival and departure paths serving Andrews. Safety would hinge upon the precarious principle of "see and avoid." In the mid-seventies it is expected that the instrument flight rule operations will reach a considerable volume at the proposed airport. The relatively small vectoring airspace, which is now barely adequate for Andrews operations, will be further eroded. . . .

In February, 1969, Secretary of Defense Melvin Laird wrote on this question to Secretary of Transportation John Volpe:

> Secretary Boyd responded to a letter from Secretary Clifford, dated December 30, 1968, which expressed concern with the Federal Aviation Administration endorsement of a new airport in the vicinity of Andrews Air Force Base. After detailed review of this correspondence, I am convinced that the establishment of Prince Georges County airport within eight miles of Andrews Air Force Base would constitute a serious flight safety hazard. The site selected for this airport lies immediately below the departure and arrival routes serving Andrews Air Force Base which would cause high performance aircraft to intermingle with slower general aviation aircraft. The large increase of uncontrolled general aviation aircraft operating in the vinicity of Andrews Air Force Base would greatly increase the possibility of mid-air collision. Takeoffs, landing, and low approaches at Andrews Air Force Base exceed 200,000 annually. Of these operations, it is estimated that approximately 55% would traverse the Prince Georges County Airport traffic area.

In addition to these two letters, the clear opposition by the Air Force was stated to me in a letter from Secretary of the Air Force Robert C. Seamans, Jr., dated July 22, 1969. Secretary Seamans writes:

> The proposal of additional air traffic in one of the most heavily congested sectors in the United States and in close proximity to three nearly saturated airports would compound safety problems. Additionally, severe restrictions would be imposed on Air Force operations at Andrews. Departure routes would be complicated and restricted from those currently in existence. Arrival would be delayed because Andrews traffic would alternate with instrument flight rules traffic at Prince Georges County Airport. Terminal approach procedures would be more complicated and more difficult to execute. Paradoxically, it was for these basic reasons the Air Force and Navy moved their flying operations to Andrews from the Bolling-Anacostia complex at the request of the Federal Aviation Administration several years ago.

While the FAA may indeed have final authority to decide the matter of air safety, I believe it is reasonable to assume that it offers small consolation to the residents of the area when the U.S. Air Force and the Secretary of Defense insist that the location presents a safety hazard. Most of us, not being technically proficient in such matters, prefer to think that when the Air Force says it is dangerous, their objections at least deserve discussion in an effort to reassure the layman that the danger is nothing to worry about or that the Air Force's objections have been withdrawn.

In addition to the safety factor, however, there were serious doubts as to whether noise and air pollution had been adequately considered or whether the required compatible use zoning had been assured.

I called to the attention of the hearing officer at that first February 1969 meeting, that the county government, sponsor of the airport, had failed to take the necessary steps to halt construction of homes near the airport and that, even as we discussed the matter, new homes were being built. Evidence was presented that the noise and safety standards then in use by the FAA were outdated. There was strong evidence presented that hearing damage could result for those who lived near the airport for prolonged periods. It was virtually conceded that a proposed elementary school would have to be relocated or soundproofed at extraordinary cost because the airport might seriously interfere with the education of the children. These, and other objections by citizens and qualified witnesses, were brushed aside by the hearing examiner under the preposterous theory that the county government had assured FAA that all of these matters had already been or would be resolved. When you consider that the county officials were also the same people who selected the site in the first place, their assurances have about the same credibility as those given by the fox who was sent to guard the chicken coop.

There has also been a series of controversies surrounding the project which could hardly be said to inspire public confidence.

First, I discovered and called to the FAA's attention that the coordinator of the airpark was also the registered agent for one of the real estate firms selling land to the county upon which the airport was to be built.

Second, the FAA refused to allow the city of Bowie access to its records concerning the matter and the city was forced to secure a court order under the Freedom of Information Act to compel the FAA to allow the city access to FAA records.

And third, Prince Georges officials swore, upon accepting the grant under the Federal Aid to Airport Act, that there were no conditions which might prevent the county from finishing the project when, in fact, the city of Bowie had two suits in court at that time, the purposes of which were to halt the development of the airport.

It was for these reasons that I introduced a resolution in the 91st Congress that a metropolitan airport authority be established to oversee the site selection, acquisition, planning, and management of all airports in Metropolitan Washington. I have reintroduced the resolution with the hope that this Congress would give serious consideration to this legislation.

I am sure that my colleagues are aware of the controversy surrounding the proposed construction of the South Florida Regional Airport near the Everglades National Park.

Secretary of the Interior Walter Hickel's strenuous objections to the site on grounds that the noise and air pollution would endanger the species of the Everglades resulted in a postponement of construction.

However, you may not have known that Mr. Hickel also objected to the location of a proposed Prince Georges County airport in Beltsville, Md., not too far from the planned airpark site. In August of 1970, he wrote to me saying:

> The Department of the Interior is strongly opposed to construction of the industrial airpark at the National Agricultural Research Center site. We stand ready to support our opposition when and if this proposal is given serious consideration.

The Secretary also made the point that:

> The industrial airpark would result in severe air, water, land and noise pollution. These problems would not be confined to the immediate area of the airpark but would be present within a radius of several miles surrounding it.

Mr. Speaker, I agree with the then Secretary of the Interior, and I believe that his criteria should be applied to the endangered species of Bowie—the human being—who will be the victims of a poorly planned, hastily approved airport.

Mr. Speaker, when the 91st Congress passed the National Environmental Policy Act of 1969, it wrote that its purpose was to:

> Assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;
>
> Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences.

Had these principles motivated the FAA and the former Board of County Commissioners of Prince George's County, I feel certain they would have decided that the construction of an airport near Bowie, Md., would have posed as great a danger to the human species as Mr. Hickel was certain that its construction a few miles north would have endangered other species.

Throughout the past 2½ years, FAA and the county government have maintained that nothing was wrong and have persisted in continuing, unabated, to pursue the course they initiated.

The consequence of the intransigence of FAA to listen to reason is that the Bowie Airpark became a political battleground in the 1970 election. Most of the candidates for local office campaigned and won office on a platform to stop construction of the airpark. To date, very little progress has been made and the new county government is now actively seeking ways to terminate the construction of the airpark.

On June 30, 1971, a public hearing before the Prince George's County Council was held on a bill introduced by Councilman Francis White to stop construction of the airport and sell the land to pay the debts which the county had incurred. Mr. Speaker, I insert the testimony which I made before the council at that time.

Mr. Chairman, Ladies and Gentlemen of the Council, I am sure most of you are aware that, since its inception, I have strenuously opposed the construction of an airport at the presently chosen site of Central Avenue and U.S. 301. I had repeatedly asked the Federal Aviation Administration to withdraw from its agreement with Prince George's County to participate in the construction of the airport under the Federal Aid to Airports Act. In November of 1969, I brought the matter to the personal attention of the President of the United States and explained at that time that there had been a failure to adhere to Federal Aviation Administration regulations governing zoning, land compatibility, and safety.

Last month, I met with Jack Shaffer, the Administrator of FAA, and again urged that the Federal Government withdraw its sponsorship of the project. The FAA is presently considering arguments which I advanced. Among these arguments are: the failure to show substantial progress over the past two years in developing the site for the airport; actions taken by the County Government to stop work on the project; and the expressed concerns by County Executive Gullett and some members of this Council concerning the financial status of the project and the desirability of the County Government to be involved in the project. I urged that FAA should now withdraw from construction of an airport at the present location.

In spite of the failure of a bill introduced by State Senator Ed Conroy to meet the test of constitutionality, it also seems obvious to me that the Maryland Legislature and the Governor were reacting to the wishes of the people by approving the measure to kill the airport.

In addition, I reminded the FAA that subsequent to its approval of the grant to Prince George's County, the Congress of the United States passed the National Environmental Policy Act of 1969 and the Airport and Airway Development Act of 1970. The provisions of the National Environmental Policy Act call for a statement by FAA to be filed with the Council on Environmental Quality and the Environmental Protection Agency to the effect that no conditions existed which would contribute to air and noise pollution of the environment or otherwise endanger the safety of the environment or its inhabitants.

The Airport and Airways Development Act of 1970 covers much of the same considerations but provides additionally that, if the construction would adversely affect the environment, then the public record must indicate that no other feasible alternative sites are available.

Although the provisions of the National Environmental Policy Act and the Airport and Airways Development Act would not apply to the initial funding of the airport, Secretary of Transportation John Volpe and Mr. Russell Train, Chairman of the President's Council on Environmental Quality, have both assured me that subsequent Federal funding would require such a statement.

I believe that the criteria applied to the site selection of the airport, with regard to environmental considerations, is now outmoded and that, in the interest of assuring that the public welfare is served, the FAA should be required to apply the provisions of the Act, particularly in view of the delays in proceeding with the development of the facility.

I also want to reiterate that, while the objection of the Air Force and the Department of Defense to the present site on the basis of safety had been ignored by the FAA, these objections to the site have not been withdrawn.

These factors are germane to your consideration of this proposed ordinance introduced by Councilman White because the controversy of the Airpark has centered around the need on the one hand for the County to improve its tax base by attracting industry and, on the other hand, the rights of the people to be secure in their homes from unwanted and unnecessary intrusion of noise, potential pollution, and the threat of accidents.

While the legal and economic merits of the Airpark may be debated by men of good will, I believe the moral and ethical merits are strongly against the location of the Airpark at this site. It would be tragic if citizens who had worked hard and earned enough money to buy a home in a wholesome and peaceful environment were then confronted with an undesirable intrusion into their community because government was too callous, or too careless, or too inattentive to its responsibilities to insure that proper planning and zoning had been achieved, or that the safety and welfare of the citizens had been guarded.

If the former Board of County Commissioners had acted to restrain the construction of houses in the vicinity, and if the FAA had demonstrated as much concern for the citizens as it had for the construction of the airport, then we may not be here today to consider the legislation which is before the Council.

As to the legislation introduced by Councilman White, he is appropriately concerned about the County Government's involvement in the industrial park business. I believe that the private sector of our economy should assume such responsibilities to the extent that they are able to do so. However, I would hope that the Council would not wholly dismiss the virtues of developing the site in question in such a way as to help ease the tax burden on the property owners of Prince Georges County, whether by public or by private means.

I am not particularly opposed to the idea of an industrial park as long as the firms locating there do not jeopardize the safety or the healthful environment of the area.

Mr. Chairman, I am providing for your information copies of the correspondence from Secretary Volpe and Mr. Train concerning the environmental aspects of the Airpark.

I would like to offer to the Council access to my Congressional files on the Prince Georges County Airpark, together with the assistance of my staff. If I may personally be of assistance to you in considering this matter, I sincerely hope that you will call upon me.

Thank you.

Mr. Speaker, based upon my experiences in this matter, I would like to suggest to my colleagues that when the Congress enacts new legislation such as the Environmental Policy Act and the Airport and Airways Development Act that the agency of the Federal Government affected by the legislation be required to review on-going projects to determine which ones may reasonably be required to adhere to the provisions of new legislation. Certainly, it is in the interest of the people to not allow agreements to escape such legislation where nothing has been accomplished prior to passage of such legislation and harm may be done to the environment or the people of a given area simply because the Congress was unable to act sooner.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY, SEPTEMBER 8, 1971

Mr. McFALL. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule may be dispensed with on Wednesday, September 8, 1971.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

BUTCHERED WILDLIFE: A PREVENTABLE TRAGEDY

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SAYLOR) is recognized for 30 minutes.

Mr. SAYLOR. Mr. Speaker, the news of the brutal murder of more than 700 rare bald and golden eagles in the skies over Wyoming and Colorado last winter has shocked the Nation. This revelation follows hard on the heels of the disclosure of poisoning deaths of 23 eagles near Casper, Wyo., last June. There may still be more to come.

I feel deeply grieved, as I am sure do all Members of this House. But where do we go from here? As a cosponsor of H.R. 5060, a bill which has already passed this House, providing a criminal penalty for shooting at certain birds, fish and other animals from aircraft, I feel the time is long overdue for action. Expressions of remorse and sentiment over the eagles will not suffice.

When the House returns from recess, I intend to speak further on the issue. For the present, I think it commendable that Senator GALE MCGEE acted to bring the wholesale slaughter of eagles to light as he did. It is interesting to note the only people who openly opposed H.R. 5060, introduced by Representative DAVID OBEY and me, claimed that hunting from airplanes is absolutely necessary to protect the ranchers in certain of our Western States. Senator MCGEE comes from a State where cattle and sheep ranchers have exercised considerable political influence over long periods of time; yet he had the courage to conduct an investigation and public hearing into the eagle tragedy. I hope that other Members of both Houses will follow his leadership. Certainly the cries of indignation and outrage from one end of the country to the other show clearly there can no longer be any coverup.

Indiscriminate trapping, shooting, and poisoning have reduced some of the rarest, most beautiful and superbly adapted species of our wildlife heritage to the brink of extinction. The war on predators has been waged with little scientific knowledge of their beneficial roles, or with little moral or ethical consideration for man's responsibility in conserving natural life as an integral part of the environment.

I wish that we could obtain a concise clear-cut policy on the protection and place of predators from the Department of the Interior, which presumably is responsible for our wildlife treasures. But none has been forthcoming. On August 2, Secretary Morton, our former colleague in this House, expressed his "complete dismay and personal outrage" at the murder of the eagles. His Assistant Secretary, Nathaniel Reed, called the killings "a callous, deliberate defiance of Federal and State law." But what is going on in their own Department? The operations of one division of the Bureau of Sport Fisheries and Wildlife, sanctioned and sheltered by one administration after another, are sinister and contemptible. Yet it continues unleashed and virtually unchallenged by the leadership of the Department.

In recent months one major periodical after another has exposed the foul deeds perpetrated by the Division of Wildlife Services of the Bureau of Sport Fisheries and Wildlife. To quote the January 1971 issue of Field and Stream:

> The Division of Wildlife Services has one prime goal at the root of its existence—to kill wildlife. It gets away with murder, particularly of the Nation's rich heritage of predatory animals—wolves, mountain lions, coyotes, bobcats, foxes, badgers—as well as anything else that may be handy.

Yet a recent news release from the Department of the Interior quotes Assistant Secretary Reed as follows:

> No animal control work is undertaken by the Bureau unless it is clearly justified, and when undertaken, control activities are limited to the species causing damage, and where possible, only to the individuals.

This is manifestly and abundantly untrue. I am astonished that a man of Assistant Secretary Reed's prestige and stature would convey such wishful thinking. Or can it be that he is allowing the Division of Wildlife Services to prepare his public statements for him?

The other day, I reread the printed record of the hearings conducted on March 23 before the Subcommittee on Fisheries and Wildlife Conservation, chaired by my good friend, JOHN DINGELL of Michigan, a vigorous conservationist and outstanding legislator on the subject of "Shooting Animals From Aircraft." I recommend it to all our colleagues as background for action that must come.

On page 44, in the testimony presented by Joseph P. Linduska, Associate Director of the Bureau of Sport Fisheries and Wildlife, I noted with interest the statement:

> It continues to be the position of the Department that shooting wildlife from aircraft under the guise of sport is, indeed, a reprehensible practice and one which should be outlawed.

Yet, only four pages preceding that I noted a summary of aerial hunting accidents and especially report No. 91067 of January 30, 1969, at Carter, Wyo. The plane was flown by B. D. Call, operator of the Evanston, Wyo., Airport. The plane crashed during the course of a coyote-hunting trip. Mr. E. L. Slagowski was acting as gunner. He is listed as an employee of the U.S. Fish and Wildlife Service, the predecessor agency of the Bureau of Sport Fisheries and Wildlife. Was he ever cited, disciplined, or punished for his part in this "hunt"? Not that I can tell from the official record.

According to the published record as furnished by the Federal Aviation Administration:

> Although Mr. Slagowski works for the U.S. Fish and Wildlife Service, there is nothing in the report to indicate this flight was in connection with his official duties.

Was he engaging in the shooting of

wildlife under the guise of sport? Was it, then, a reprehensible practice by the standards of Mr. Linduska and the Department for which he speaks? If so, then the silence itself from the Department of the Interior is reprehensible.

There is something frightening about it all. How many other career civil service employees are riding shotgun in the rear seats of coyote and eagle-hunting airplanes? Must we depend forever upon the testimony of disillusioned pilots such as James Vogan to learn the facts when the public and the Congress are led to believe that everything is well in the hands of the Department of the Interior?

Insofar as Mr. Linduska's expertise on this matter is concerned, let me quote a letter from him to Mr. J. Stuart Gillespie, a deeply concerned citizen of Norwalk, Conn.:

> The animal damage control program conducted by this Bureau is authorized by Congress and conducted in cooperation with the respective States. The program is guided by a policy which recognizes the social and aesthetic values of all wild creatures and requires that methods be as selective, effective, and humane as our capabilities permit. The work is conducted and supervised by professionally trained men. The policy, incidentally, has been reviewed and generally concurred in by 30 major conservation organizations and cooperators.

My first reaction is that Mr. Linduska and his Department should be requested to produce the names of 30 major conservation organizations that concur in organized wildlife slaughter. And my second reaction is to question the profession in which his men are trained.

The answer to the latter may be found in a statement by Stanley K. Patrick, of Woodland Park, Colo., a former Government trapper for a number of years in both Alaska and Colorado. He writes:

> I can safely say that during the time I was employed the aim of a number of employees was to get all they could and have a high score at the end of the month to show they were professionals and better than the average.

In other words, the profession in which the men are trained is killing, pure and simple.

But let Mr. Patrick speak:

> I have seen employees with only a second grade education, some who have seen razors on their faces once a month and never bathed for a year. And they have that type on the force yet today. I have seen employees poach deer in North Park, Colorado. I have seen employees use hand guns so indiscriminately that the Forest Service ordered them off; however, the Predator Control kept them on and had them transferred to other areas. . . . However, there are some decent men on the force who would like to see the poison cut out altogether.

As you know Mr. Speaker, I served on the Public Land Law Review Commission and in our report entitled "One Third of the Nation's Land," published in 1970, the Commission concluded:

> We are convinced that predator control programs should be eliminated or reduced on Federal public lands in furtherance of wildlife management objectives stated above. There are long-standing programs of control that have substantially reduced and in some cases virtually eliminated certain species that are natural predators. While these programs may have been of some benefit to livestock operators in reducing cattle and sheep depredations by coyote, puma, cougar, and bear, they have upset important natural mechanisms for the population control of other species. As a result, some species, most notably deer, elk, and moose, have increased in some localities to levels far above the capacity of the natural habitat to support them.

The time is at hand for action to implement this recommendation. This is the crying need. There is no call for another study. In 1964, the Secretary of the Interior directed an Advisory Board on Wildlife Management to review the predatory control operations. One year later the Secretary, then Stewart L. Udall, ordered the old Branch of Predator and Rodent Control to be renamed the Division of Wildlife Services. Only the name was changed; out on the ground the same skulduggery continues. This is why a lawsuit has been brought against the Secretary of the Interior by the Defenders of Wildlife and the Sierra Club. How has our present distinguished Secretary responded to it? It grieves me to say that he has appointed still another committee, even while the killing goes on unabated out in the field. Moreover, the chairman of this committee is none other than Dr. Stanley Cain, the former Assistant Secretary under Mr. Udall. I can hardly imagine Cain the investigator criticizing the performance record of Cain the administrator. It simply is not going to happen.

The hour for delaying studies and rhetoric is over. Predator control programs must be eliminated at once on all Federal public lands.

Grazing permits of stockmen who utilize aircraft to kill predators must be canceled.

The field personnel of the Bureau of Sport Fisheries and Wildlife in Wyoming should be fired. Failing that, they should be reschooled and retrained and moved elsewhere and replaced with men assigned to insure there is no further killing of eagles, coyotes, and other animals from the air.

Any pilot caught engaging in missions as despicable as those in which James O. Vogan has admitted participating must have his license revoked forthwith. In fact, Vogan's license should be revoked.

With reference to the last point, section 2 of H.R. 5060 states simply that anybody convicted of violating this act shall have his license revoked. I am shocked that the Federal Aviation Administration states this provision is not necessary because they have a provision in existing regulations providing that no person shall operate an aircraft in a careless or reckless manner so as to endanger the life or property of another.

There is no doubt that most of the people who are gunning down wildlife from aircraft are flying at altitudes below 500 feet above the ground. If the FAA does not consider operating a small plane at such altitudes in rough terrain, in which coyotes, wolves, and other hunted species are found, as careless flying, then I do not know what is. I think it is time for the FAA to let all licensed pilots know that such actions must cease and to start cracking down.

The people are demanding strong medicine to eliminate the disease of predator control once and for all. The great numbers of good sportsmen now realize it is undermining their true interests. Referring again to the January issue of Field and Stream, an article, titled "Predator Control: A Study in Overkill," cites a report by Dr. Robert V. Broadbent, member of the Nevada Fish and Game Commission.

"I'm not arguing that the livestock people shouldn't be able to protect what is theirs," writes Dr. Broadbent. But he then makes the point that 3 cents out of every dollar which Nevada sportsmen pay in license fees are used as matching funds for the cause of wildlife eradication. That money should be used for habitat protection of all game and nongame species, which is desperately needed. Equally shocking, this is the sole fish and game expense that completely escapes accurate cost accounting. The funds are simply delivered to the self-promoting Division of Wildlife Services, which runs its show on the basis of money available instead of proven need.

Each year the Congress appropriates about $3.5 million for predator control in the Western States. But this is only part of the story. Sportsmen, whether they know it or not, are contributing matching money through their States to build up the kitty. They are unknowingly partners of the very kind of stockmen who engineered the Wyoming eagle massacre, contributing through their private lobbying organizations. The total funds come to more than $7 million. The Congress should consider cutting the appropriation which starts it all to one-tenth, with the stipulation the money be used for research and education into the beneficial roles performed by raptorial birds like the eagle and predatory mammals like the wolves and coyotes.

According to Michael Frome, the distinguished environmental writer, "what we need everywhere is the desire and passion to conserve the life-forms, all of them. The widespread, indiscriminate poison-killing of one type of animal to protect another makes no sense."

The same holds true of shooting birds and defenseless animals from aircraft. Now is the time to turn anger and despair over the tragedy in Wyoming into action designed to conserve the life forms. There is a two-pronged method of insuring that mass butchering of our wildlife will never happen again: First, Congress must pass H.R. 5060, and second, those who are entrusted with the enforcement of that and other public laws must carry out their duties.

Mr. Speaker, the horror of the story about the Wyoming helicopter monsters is attracting, justifiably so, an outraged public response. One of the many articles on the subject appeared last Sunday in the New York Times. That piece, by Lewis Regenstein, also casts a searching glance at the responsibility of the Department of the Interior for the eagle tragedy. I commend his article to your attention as a logical extension of my comments above. The article follows:

The Government vs. the Eagle

(By Lewis Regenstein)

Arlington, Va.—Last month 48 bald and golden eagles were found dead in the state of Wyoming. It is virtually certain that many more eagles have died and have not yet been found in the remote Wyoming canyon country, the one place where it was hoped they might be able to make a comeback.

About half of the eagles found had been poisoned by thallium sulfate, a chemical which the United States Department of the Interior had spread throughout the western United States as part of its efforts to exterminate coyotes. Although the Interior Department asserts that it has discontinued using thallium, there is widespread suspicion that the department is involved in the latest deaths of eagles. In any event, thallium, which is manufactured by American Smelting and Refining Company of New York City, is still readily available to sheep farmers and cattle ranchers for their own use.

What is not in doubt is that the killing of these eagles is part of a deliberate, well-planned campaign, aided and abetted by the United States Government, to wipe out all predatory animals which might compete with agricultural interests.

In describing the American eagles, it is difficult to capture the majesty of these awesome creatures. Both the Bald Eagle (*Haliaeetus leucocephalus*) and the Golden Eagle (*Aquila chrysaëtos*) have wingspreads of six to eight feet and stand over three feet high. They mate for life and return to the same nest at the same time each year, spending the first month refurbishing their huge "eyrie."

The eagle first appeared on a United States coin in 1776, and it has been present ever since. The bald eagle became our national symbol during the Congressional assembly of 1782. As President Kennedy once put it, "The fierce beauty and proud independence of this great bird aptly symbolize the strength and freedom of America." Yet there are many Americans—some in the United States Department of the Interior—who would destroy this magnificent creature. The reason is that ranchers who raise wool and cattle believe that eagles—like coyotes—occasionally kill their livestock, particularly very young sheep or calves. Biologists dispute this, contending that eagles do not kill animals any larger than rabbits, although they may feed upon an animal that has already been killed. Despite the fact that eagles perform beneficial functions such as preying on snakes and rodents, the belief persists in many quarters that they are injurious to agriculture.

As a result, the Interior Department has gone along to some extent with this campaign to wipe out our few remaining eagles. For example, in March 1967, then Secretary of Interior Stewart Udall—who is now posing as an ardent conservationist—authorized the killing of golden eagles "for the protection of livestock" in 52 of 56 Montana counties. The law still authorizes the Secretary of Interior to permit "the taking" of bald and golden eagles "for the purpose of seasonally protecting livestock" and under other "special circumstances."

This killing of eagles for vested interest groups is not new. In Alaska, a bounty was paid on bald eagles until 1951 because they were considered "damaging" to the salmon industry. During the 36 years in which bounty payments were made, over 100,000 eagles were killed.

Today, the main causes of eagle deaths are DDT and other pesticides, high-voltage power lines, "sportsmen" and hunters—and the United States Government. Again, at the behest of cattle and sheep farmers, the Interior Department has adopted a mass and indiscriminate poisoning campaign designed to wipe out all wild animals which these ranchers consider undesirable. This massive effort involves distributing throughout the western United States tons of grain and meat baited with the deadly poisons, cyanide, strychnine and sodium monofluoroacetate, or 1080. The intent of the program is to "eliminate" such predators as coyotes, and mountain lions; but there is no way to prevent other creatures, such as eagles, from feeding on this bait or on the carcass of a poisoned animal. For years, eagles have been dying from 1080; it was present in the area and has not yet been ruled out as a cause of some of the eagle deaths in Wyoming. The Interior Department is aware of this situation and admits that eagles are "accidentally" being killed; but each year it increases both the scope and cost of this poisoning program.

The "predator control program" has already succeeded in its effort to drive the wolf, the fox, the mountain lion, the grizzly bear, the black-footed ferret, and other species of wildlife to the very brink of extinction. Why should the eagle—which is also a predator—be treated any differently?

The Interior Department has been one of the main culprits in driving the eagle toward extinction. While it is charged with the responsibility for protecting the eagles, Interior has in fact contributed to its demise—both purposefully and through neglect.

According to the new Secretary of the Interior, Rogers C. B. Morton, there are now at most 800 nesting pairs of bald and golden eagles left in the United States. Unless Secretary Morton can bring about an immediate and drastic change in Interior's wildlife policies, our national symbol will soon be gone forever.

STATEMENT OF REPRESENTATIVE JOHN M. MURPHY IDENTIFYING AND TREATING THE VARIETIES OF ADDICTED SERVICEMEN

(Mr. MURPHY of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY of New York. Mr. Speaker, yesterday, August 5, 1971, I conducted an inspection of the program at Fort Dix, N.J., for the treatment of drug-addicted servicemen. At the beginning of my visit I turned over to the fort's treatment personnel a young recruit from my district who came to my Staten Island office on Tuesday of this week and told me he was a drug addict who had been AWOL from Fort Dix since April of this year. This young man's story of his deepening addiction problem and his many fruitless attempts to get intensive medical-psychological help from the Army is being repeated thousands of times at military bases all over the world. Because I personally delivered this addict to the commanding general he will hopefully get the help he needs. But there are thousands of others who will not be so fortunate because the services are not equipped to handle large numbers of true drug addicts.

Regarding this, I submit for the Record testimony I gave before the Subcommittee on Health of the Interstate and Foreign Commerce Committee on July 30, 1971. It contains an analysis of the different types of military drug abusers I have found in various programs I have studied and an assessment of the different approaches that are needed to rehabilitate them with some hope of restoring them to a drug-free life in the military or as civilians.

The statement follows:

Statement of Representative John M. Murphy

Mr. Chairman, it is ironic that these hearings are being held on the anniversary of the advent of the massive heroin problem in Vietnam. Suddenly last summer in late July, a newly-packaged, widely-distributed, deadly, potent form of heroin was being practically given away to our troops.

By September, a majority of all servicemen hospitalized in Vietnam were drug abuse cases. By October we were losing 2 men a day from heroin overdose. By the end of 1970 the situation had gotten so bad an intelligence analyst at the American Embassy in Saigon said, "the pot-head Army of 1969 is rapidly turning into 1971's Army to heroin addicts."

The American Government was well aware of this development right from the beginning. I have obtained a copy of an Army Memorandum designated as a fact sheet designed to demonstrate the increased incidence of drug abuse deaths of Army personnel in the Republic of Vietnam during the period from 1 January 1969 to 30 September 1970. This alarming report was prepared at the request of General Creighton W. Abrams and is dated 23 October 1970. The report shows that for the first seven months of 1970 there was an average of two soldiers a month dying from drug overdoses. This was an increase of 50 percent over the monthly average for 1969. However, once the new supply of heroin reached our troops in late summer, known drug overdose deaths increased 175 percent in August and September according to the Abrams Memo.

As ominous as the report to General Abrams was, reports by American military hospitals in Vietnam indicated that many O.D.'s went undetected or unconfirmed and that our drug casualty figures were actually much higher.

U.S. medical personnel reported that when the known O.D.'s were combined with suspected overdose deaths, the increase for August and September was 1000 percent, or 46 deaths.

During the first 18 days in October 1970 there were 35 *known* overdose deaths among our troops.

At that rate, instead of the two deaths a month, we were experiencing from January through July, we were experiencing *two deaths a day*.

That percentage of increase was an astronomical 2,900 percent. Such alarming statistics should have led the government to massive remedial action immediately—not nine months later. Now that action appropriate to the problem has begun, I urge this committee which has such an excellent record in this area to use its power and prestige to properly implement those aspects of the domestic drug program which have relevance to our addicted servicemen.

As a congressman and as a former member of the military establishment, I was greatly disturbed over this growing shadow of drug addiction that has now overtaken large numbers of our soldiers, sailors and airmen.

Although I have spent many years talking to experts on drug addiction and our growing drug culture, I have recently intensified my work in this area because of my concern for our armed forces.

I have spent time at all-night drug clinics just off the streets of New York, where addicted ex-G.I.'s seek help for their problems.

During the past months I have studied

many aspects of our military drug situation throughout the United States. I will briefly tell you about some of my findings and submit for your consideration lengthier reports on the various attempts by the military to cope with the drug problem—at Fort Bragg, the Miramar Naval Air Base, and Lackland Air Force Base. Initially I would urge the committee to consider not only the short range needs of our services to meet the challenge of addicted troops, but the long range needs which must be inherent in any new federal program this committee may ultimately put into operation.

While the legislation before this committee concerns itself primarily with civilian programs for the treatment of drug abuse, it cannot separate the civilian drug problem from the military drug problem. The bulk of the hard core drug abusing G.I.'s will eventually turn up in one of the programs covered by H.R. 9264.

For example, 30% of the male addicts currently in the federal programs at Fort Worth, Texas and Lexington, Kentucky, are former servicemen, the bulk of whom became addicted or had their habits worsen during their tours in the military. Yet these facilities have not begun to receive G.I.'s addicted during the surge of heroin use which began a year ago in Vietnam.

Mr. Chairman, the basic assumption of the military approach to addiction seems to be that if a draftee has gotten through the trauma of being drafted, basic training and other shocks that military flesh is heir to, he has at one time *had* the self discipline and "character" to refrain from drug abuse. The services overlook the psychological fact that a youngster can be pretty disturbed and still get through the preliminaries. But once the main event comes up, Vietnam and its combination of fear, boredom and drugs, his personality can be severely altered—sometimes irrevocably. In short, it takes an addict a long time to get in the condition he is in and it will take a long time for his life style to be changed and restored to a configuration compatible with military *or* civilian life. And the limits on programs set up by the administration and the services will not suffice to do the job necessary—for the services, for the addict, and least of all for society.

What the programs I have visited will eventually accomplish will be to simply cull out those G.I.'s who are least in need of treatment and whose major hang-up may have been being in Vietnam, and return them to stateside duty or to civilian life with a good chance for remaining drug free. But the psychologically disturbed drug abuser—and they are a substantial number—will be given a "window dressing" period of several weeks of treatment and then dumped back into society.

Mr. Chairman, that is precisely what many of us in Congress have been fighting for five years—the unconditional release of military addicts back into our city streets with the potential to spread the drug habit even more. The idea of treating the kinds of addict-servicemen I have spent the past six months with, within 30 days is ludicrous. Even the Air Force treatment time span of up to 2½ months will not allow that service to retrieve the bulk of its addicts. And the sad fact is that the hard core users are the ones who will be released and simply "referred" to a treatment center.

I spoke to Vietnam veterans who were addicted in the early years of our Vietnam involvement and even Korean addict veterans at our Federal facilities at Fort Worth, Texas and Lexington, Kentucky. I asked them what they thought the prognosis was for a G.I. coming off of an 11 month heroin habit being "cured" in 30, 60, or even 90 days. Their response was resigned laughter. And these were veterans—Army, Navy, and Air Force—who had been unable to shake their habits in time spans ranging from two to twelve years—a few even longer. The behavioral scientists whom I have consulted—the physicians, psychiatrists, and counselors—agree that the treatment time alloted by the new White House and Pentagon directives are incongruous with the treatment time span needed for the rehabilitation of a truly addicted person.

I urge the committee to consider and provide for the peculiar needs of the military addict in any legislation it reports to the House.

The types of addicts I have seen in the services this far fall generally into four categories. They include:

Type one: The user whose basic problem was his inability to cope with being in Southeast Asia.

Type two: The conformist type of user who succumbed to group pressures of one kind or another to "go along" with drug use. And in Vietnam where drugs are everywhere and where drug use is a way of life it was easy for many G.I.'s to "fall into" the habit.

Type three: The weak personality who "caved in" under the normal pressures of service life. It wasn't the war or southeast Asia—it was the everyday discipline of military life that made him seek relief through drugs. Remember, 60% of the addicts at Fort Bragg *have never been to Vietnam*. A common statement of this type of addict was that he took drugs because he was "hassled" by his NCO's and officers. One burly paratrooper told me his sergeant made him "stand down four times a day and was always hassling me." Hassling in this case refers to the simple routine of soldiering—which reminds me of the many college students who have told me they took drugs because they didn't like the "hassle" of studying.

Type four: The true addict personality with psychopathic overtones. These were the real trouble makers. They stole, sold drugs for profit and to supply their own habits. They were multiple drug users or in constant trouble—or both—long before their service in the armed forces. They were—above all—the "con" artists of the groups I interviewed, attempting to dominate the conversations and give plausible explanations of why they were in the spot they were in. They said they were in the program by mistake; the urinalysis machine made a mistake or the service made a mistake. They really didn't belong at Mirmar or Lackland or Fort Bragg—even if *they* volunteered.

Their rationalization for all of these "mistakes" was that they were just "drug users"—they weren't really addicts—they could stop using heroin at any time. And some did stop using—many times—but usually when they were in trouble of facing long prison sentences.

Mr. Chairman, the first and second categories of users are the easiest to handle. For some of them, the geographical "cure" will come into play. Just getting out of Vietnam and away from its environment and group pressures will make them likely candidates as abstainers from hard drugs.

However, even some of the users in these not-so-serious categories have been taking drugs for such long periods of time there is a danger of severe psychological damage which will require intensive treatment and reeducation.

Category three is a more difficult group to treat. Any excuse—no matter how minute—is reason enough to shoot up a plastic container of heroin. These people need long term treatment. They need the "family" type addict self-help approach—which means a long term one or two year situation. The Navy has recognized the need for this type of approach and has in its program at Miramar ex-addicts who handle part of the treatment phase of the program.

The fourth category is certainly out of the sphere of any kind of service oriented treatment program.

These addicts are recalcitrant, testing, troublemakers.

They are arrogant, autocratic and self-perpetuating.

And they are a threat to service discipline.

They are the self-elected leaders of the drug culture.

To spend defense dollars and expend valuable service treatment personnel at this level is unsound practice, medically and psychologically. They should be diligently weeded out for the good of the armed services and for their own good. But I do not advocate that we give up on them just because they are difficult. I do recommend we bind them over to the kind of treatment program that does have some hope of changing their attitudes and behavior.

That is why I recommend that the Congress consider my bill, H.R. 6172, which would help the armed services by taking the addict population off of their hands—especially those addicts I have identified in categories three and four. By distributing the service addicts into our Federal facilities on the basis of the causes of their addiction, the Congress can best help our Federal agencies—NIMH, NIH, Public Health Service, and others—to deal with them effectively.

In brief, my bill provides for:

The physical disability separation from service of drug addicted and drug dependent military personnel. This provision has been made retroactive to cover those addicted servicemen already given less than honorable discharges.

The civil commitment of drug users to treatment under the Narcotic Addict Rehabilitation Act of 1966.

Penalties for drug offenses that are commensurate with those provided for in the Comprehensive Drug Abuse Prevention and Control Act of 1970.

The heart of the bill will make all of Title III of the Narcotic Addict Rehabilitation Act's civil procedures applicable in the case of petitions filed by persons separated from the service. This means that it provides for the same hearing and examination that NARA provides. Once the soldier is studied by the Department of Health, Education, and Welfare and found to be an addict, he is discharged to a hopsital of the public health service or any hospital or other facility of the public health service especially equipped to handle drug dependent persons, or any other appropriate public or private hospital or facility available to health, education, and welfare for the care and treatment of drug dependent persons including VA hospitals.

My bill is based on the assumption that the crisis of drug abuse facing the military is beyond the capacity of the individual services to cope with. My recent tour of our facilities for military drug users confirmed that assumption. The mission of the Armed Forces of America is the defense of this country. They should not be forced into the business of rehabilitating thousands of drug addicts and multiple drug users. My bill would help solve the problem of weeding out those truly addicted and drug-dependent servicemen and commit them to our already existing federal program for the treatment and rehabilitation of addicts.

I recommend that this committee expand the appropriate programs under section 5 (c) of H.R. 9264 to include not only the thousands of heroin users who will be funneled into these programs by way of the armed services, but the multiple drug users who exhibit all of the psychological symptoms of the opiate addict and who are in just as great a need for treatment.

Finally, I recommend that the director of the special action office for drug abuse prevention be given specific duties concerning his responsibilities to addicted servicemen and that the problem be given more specific attention or greater visibility in the language of the bill.

PERMISSION FOR SPEAKER TO DECLARE A RECESS TODAY

Mr. McFALL. Mr. Speaker, I ask unanimous consent that it may be in order today that the Speaker may declare a recess at any time today, subject to the call of the Chair.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

DISPATCH OF LEGISLATIVE BUSINESS BY THE HOUSE OF REPRESENTATIVES

(Mr. SMITH of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Iowa. Mr. Speaker, we have noticed quite a number of articles from time to time that are critical of the leadership of the House and critical of the House in general, but I have not noticed any which take cognizance of the tremendous workload of the past 3 weeks.

The Speaker announced early in the year that we would have a recess beginning on August 6. The House under his leadership has planned and geared itself to a recess beginning August 6. Committee chairmen and others have schedules set with a goal of getting as much as possible accomplished by August 6, and in fact we have done as much in the last 3 weeks as we usually do in July, August, and September put together. If the Speaker had not planned and programed the year and if it had been assumed Congress would be in session all year, far less would have been accomplished. Ten of the 14 appropriation bills have been passed by both the House and Senate. That point usually is not reached until October.

Mr. Speaker, it reminds me of a situation that existed about 20 years ago when the labor unions were trying to get a 10-minute break per hour; they used to use as an argument in negotiations that they could do as much work in 50 minutes as they could in an hour.

Mr. Speaker, it has been proven that if the legislative schedule is properly planned that we can do as much work in July as we usually do in July, August, and September. I commend the leadership for programing the work in applying the pressure in such a way that a much greater share of the year's work has been accomplished.

SCHOOL BUSING

The SPEAKER. Under a previous order of the House, the gentleman from Kentucky (Mr. MAZZOLI) is recognized for 10 minutes.

Mr. MAZZOLI. Mr. Speaker, I would like to make a few remarks on the subject of the busing of schoolchildren in order to achieve racial balance in local school systems.

No issue has aroused as much public concern and emotion in recent weeks as this one. It is profoundly troubling and vexing to all Americans.

The 1954 Supreme Court decision in the Brown case, and the Civil Rights Act of 1964 made it clear that it is illegal and unconstitutional for State and local governments to maintain a dual school system and separate schools for the purpose of segregating children by race.

I fully support these past actions. There is no justification under the principles on which our country was founded for the forced separation of children on the basis of race. The Constitution enshrines the principle of "equality under the law," and the Brown court case and the Civil Rights Act of 1964 made it clear that the law could no longer be used to promote inequality and to make distinctions among people on the basis of race or color.

However, recent court decisions, such as that in the Swann case, and recent administrative actions by the Department of Health, Education, and Welfare seem to go substantially beyond the principle of insuring "equality under the law." These actions seem to be directed not at eliminating legal segregation, which is justified, but at achieving racial balance in our schools regardless of where people live. This is not justified.

Because of the distribution of population in America's cities, many neighborhood schools are predominantly attended by one race or another. This resulting racial imbalance is not the product of legal action or administrative policy. Instead, this kind of racial imbalance is considered to be de facto segregation; that is, segregation created solely by the distribution of population throughout the areas in which people live.

The Civil Rights Act of 1964 was clearly intended to abolish de jure segregation; that is, school segregation which is deliberately planned and promoted by the official actions of State and local governmental units or by the various school districts therein.

Many school systems, including those in my district, the Louisville school system and the Jefferson County school system, have made good-faith efforts in the years since 1964 to comply with the requirements of the Civil Rights Act as well as with the mandates of the court starting with the Brown case.

But now our local systems are being pressed by HEW to undertake heavy busing in order to achieve racial balance. If busing is started, people who live only blocks away from elementary and secondary schools could find their children bused miles across town merely to satisfy a strict, inflexible formula developed by a government official far removed from the local scene and insensitive to local conditions.

Mr. Speaker, I am satisfied in my own mind that there is no de jure segregation in our local school systems. There simply is no forced or officially sanctioned segregation of children under law or administrative policy in my district.

Louisville was the first major city in the South to desegregate its schools. It did so in 1956 in compliance with the decision of the Supreme Court. President Eisenhower officially commended our superintendent of schools at the time, Omer Carmichael, for Louisville's leadership among the Nation's schools. Since 1956, the Louisville School Board has taken no actions to stifle the progress of integration in the city's schools.

On the contrary, the board has actively encouraged integration. HEW recognized this progress in 1965 and 1966, when Louisville was not included on a list of Kentucky school systems having vestiges of a dual school system.

And in 1969 and 1970, three separate teams from HEW studied the Louisville school system and were unable to develop any firm recommendations to significantly improve the extent of racial desegregation in the system. Nevertheless, in 1971 the board voluntarily redistricted a number of school zones to obtain better pupil distribution, and the result was a more even racial balance in the schools—this action was taken despite public resistance.

Recent court decisions in the sixth circuit have held that a school district can have some racial imbalance and still be regarded as unitary, if it has acted in good faith on desegregation. In fact, the Jefferson Circuit Court held on July 28, 1971, that the Louisville School Board's minority transfer clause was unconstitutional precisely because the district was already a unitary system.

Mr. Speaker, until such time as absolute racial balance in all schools across America, North and South, becomes the national policy, school districts, such as Louisville and Jefferson County, which have taken effective and good-faith actions to desegregate the schools should not be required to undertake extensive and disruptive busing of children out of their neighborhoods.

I have opposed forced busing in schools, which are already legally desegregated, both in public statements and in votes in Congress.

In April of this year, when the House of Representatives was considering the school aid bill, H.R. 7016, I voted to retain language in the bill which prohibited use of funds contained in the bill to force the busing of children in those school districts which were already desegregated under the Civil Rights Act of 1964.

That language, which was passed by both House and Senate and was signed into law by the President, is as follows:

> (Sec. 309) No part of the funds contained in this act may be used to force any school which is desegregated as that term is defined in Title IV of the Civil Rights Act of 1964, Public Law 88–352, to take any action to force the busing of students; to force on account of race, creed, or color the abolishment of any school so desegregated; or to force the transfer of assignment of any student attending any elementary school so desegregated to or from a particular school over the protest of his or her parents or parent.

I have gone on record in favor of this principle. Both Houses of Congress have gone on record in favor of the principle.

And the President of the United States has gone on record in favor of this principle by signing H.R. 7016 into law.

If HEW attempts to circumvent this established principle by forcing busing to achieve some artificial standard of racial balance in complete disregard of housing patterns and the mobility of our citizens, many school systems in America, including my own in Louisville and Jefferson County, will be severely damaged.

Our citizens do not object to integrated schools, but they do strongly object to having their children bused miles and miles away to a school when there is a school right around the corner from their house. Should heavy busing become the rule, community support for public education in my district will be drastically reduced. And then everybody will be hurt, black and white alike.

Mr. Speaker, I think we must keep our sights on the goal which should be foremost in mind with respect to our Nation's schools. This goal, is a quality education for all children regardless of race. This is a goal which our Nation cannot, and dare not, ignore.

This administration has proposed a bill, which has been reported out of the Committee on Education and Labor on which I serve, which would provide $1.5 billion to assist local districts in desegregating their schools.

I believe, Mr. Speaker, that enacting legislation to insure desegregation of de jure school districts should be but one factor evidencing our collective interest in education.

We must also address the larger question of insuring a quality education to every child in this great country of ours.

Therefore, I have introduced this week, along with several of my colleagues on the House Education and Labor Committee, the emergency school aid bill of 1971. My bill, H.R. 10338, would provide over $7.5 billion for aid to hard-pressed local school districts—not just to pay for costs of desegregation, but also to materially improve the overall quality of education as well. This bill represents the kind of broad and realistic approach to our school problems which I favor.

Mr. Speaker, I believe it is time that we in Congress stepped back and took a look at our educational priorities. Every dollar that is spent for buses used to send our children out of their neighborhood, is money which could have gone to provide better school buildings, better equipment, better teachers, and a generally better education for all our children.

I urge my colleagues in the Congress, the Department of Health, Education, and Welfare, and the President to support this legislation. This is the answer. This is the only answer.

Mr. Speaker, I would like to insert in the RECORD at this point the text of a letter from Dr. Newman Walker, Louisville Superintendent of Schools, to Mr. Don M. Vernon, Southern Coordinator of the HEW Office for Civil Rights. This letter, a copy of which was sent to me, documents the good faith efforts of the Louisville school system over the last 15 years to eliminate segregation.

The letter follows:

AUGUST 2, 1971.

Mr. DON M. VERNON,
Southern Coordinator,
Office for Civil Rights, HEW,
Washington, D.C.

DEAR MR. VERNON: We appreciated the discussion with Mr. Pottinger, you and other members of your staff last week. It was very helpful to us in better understanding the current position of HEW and we are very happy to supply herewith all the information that you requested.

It is the opinion of the Louisville Board of Education that this school system is unitary and that any racial imbalance now existing in the Louisville schools is a result of housing patterns rather than any vestiges of a dual school system. We offer the following information to support this conclusion:

1. Prior to 1956 when the Louisville schools desegregated, the District had never provided any transportation for students and had followed the pattern of neighborhood school organization. From the first year of integration forward, those schools which had been and remained all or majority black were located in neighborhoods which reflected the same racial composition residentially as in the schools. (See enclosure.)

2. At the time of Louisville's step to a desegregated system, it was the first major city in the South to do so. This fact was so significant nationally that President Eisenhower invited Louisville School Superintendent Omer Carmichael to the White House for official commendation.

3. No thorough study of all Louisville School Board policies from 1956 to date or any research of local newspapers discloses any action on the part of the Board of Education to take any steps or adopt any policies which were aimed to stifle the progress of integration. In fact, to the contrary, numerous positive actions can be shown where the Board of Education actively encouraged greater integration and took steps such as the creation of a magnet school and additional park, and racial balancing of staffs. All of these things were done without any federal requirement or encouragement to do so. The educational park has been announced and architectural plans are under way for its creation. The staff balancing plan is now in its second of a three-year program, culminating in all schools having racially balanced staffs.

4. In 1965 the Louisville School District was one of the first in the nation to achieve HEW 441 status soon after this classification was created. This status was obtained without any requirement of a voluntary plan for further desegregation. In the school year 1965–66, HEW listed approximately thirty (30) school districts in Kentucky which it classed as having vestiges of the dual school system, requiring voluntary plans for desegregation from these districts. Louisville was not included in this list. It can only be concluded that, in the official opinion of HEW, Louisville was a unitary school system at that time.

5. In 1969 and 1970 two teams from HEW Title VI and one team from Title IV studied the Louisville School System. After thorough analysis, they were unable to develop any firm recommendations that they felt would significantly improve the extent of racial desegregation in the System; and, in fact, any of the plans discussed at that time were believed to be ultimately productive of greater racial isolation in the District. In 1971 the Board of Education redistricted a number of school zones in order to obtain a better distribution of pupils for the school facilities available. The net effect of these changes was to place more majority group children in schools with minority group children. (See enclosure.) This was done in spite of public resistance. The Board also adopted a minority transfer clause as a part of its attendance school assignment policies. These steps were taken by the Board in an attempt to maintain as much integration in the District as possible despite a continuing trend of quiet exodus to the suburban areas. This quiet exodus resulted in a 26 to 48 black percentage in the past 15 years. (See enclosure.)

6. Recent court decisions in the Sixth Circuit have expressed the point of view that a school district can have racial imbalance and still be unitary. Both the Civil Rights cases concerning the Cincinnati, Ohio, Board of Education and the Knoxville, Tennessee, Board of Education speak to this point. The Court has taken the posture that what is a mandate with recalcitrants for proving they are unitary is not the same test applied to school districts who have acted in good faith.

7. On Tuesday, July 28, 1971, the Board of Education received a decision in a case which earlier had been tried in the Jefferson Circuit Court which, among other findings, concluded that the Louisville School District was unitary and that the Board's previously adopted minority transfer clause was unconstitutional because of the District's unitary nature. A copy of the Court's findings is enclosed.

The Louisville Board of Education is conscientiously committed to obtaining the maximum extent of racial integration within the District; however, it finds itself in an almost impossible situation in terms of additional steps that can be taken to bring this about which will not ultimately be counter-productive to that end. The District is surrounded by four (4) school districts which are from 92 to 100 percent white. The Jefferson County System, which envelopes the Louisville District to the east, west and south, has a student population of some 98,000 children, of which only 3,000 are black. The boundary lines of the Louisville Independent School District are not coterminous with the boundaries of the City of Louisville, thus a large area within the City of Louisville is actually within the Jefferson County School District. Thus people can escape the effect of integration efforts without moving outside the City of Louisville. This geographical fact strengthens our contention that further involuntary desegregation would increase any existing racial imbalance rather than decrease it. The three smaller districts across the Ohio River in Indiana have equal percentages of white children. Persons living in any of these districts can travel to downtown Louisville in no more than ten minutes, thus illustrating why the movement out of the Louisville School District has been so available to persons wishing to avoid school integration or seeking a more pleasant suburban environment. The Louisville District is blocked by law from annexing additional territory which would enhance our chances of obtaining a desirable racial mix. The District has studied the dynamics of this type of trend in other cities throughout the nation and can find no incidences where any type of action by the inner-city school district has eliminated or reversed this flight to the suburbs. Should the System enter upon a large scale busing program within the geographic limits of the District to reduce existing racial imbalances, it is predictable beyond a doubt that the suburban exodus would accelerate dramatically. (See Havighurst, University of Chicago, or Pettigrew, Harvard University, research.) Therefore, it seems that under such circumstances the Louisville School District could look forward within very few years to such a high livel of minority group children that any meaningful integration, whether by busing or other means, would be impossible.

A correlated disadvantage of this pattern would be a lowering of the economic ability of this District to obtain quality educational programs. These are not pleasant possibilities but must be faced as the realistic outcome of such action by a District now faced with its present racial balance and surrounding white districts.

Should you have any questions about the enclosed maps, statistical data, or other information, please feel free to call us. If necessary, we would be pleased to arrange another meeting with you for further discussion.

Sincerely,

NEWMAN WALKER.

BOYS' CLUBS OFFICIALS ADDRESS CONGRESSIONAL LUNCHEON

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ROONEY) is recognized for 10 minutes.

Mr. ROONEY of Pennsylvania. Mr. Speaker, 8 years ago today I was sworn into this House of Representatives and I owe much of my success to the Boys' Clubs of America and especially to the former director of that club, Edwin F. Van Billiard.

Mr. Van Billiard recently retired as associate national director after devoting 39 years to the youth of America. At the tender age of 13 years he was left an orphan and subsequently gave back a hundredfold to thousands of boys the help he had received as a youth.

This fine man not only developed the character and personality of the boys directly under his supervision, but under his leadership about six former Boys' Club members from my hometown, Bethlehem, Pa., are now in executive positions with the Boys' Clubs of America all over the country.

He is one of the very few professionals with the Boys' Clubs who has received the highest honor which can be bestowed upon them, the Bronze Keystone Award for Outstanding Service.

For those of my colleagues who were not privileged to have been members of the Boys' Clubs in their younger days I like to direct their attention to some of the achievements and activities of the Boys' Clubs of America.

On June 8 the Boys' Clubs of America held a congressional luncheon for Members of Congress who have been involved in the Boy's Clubs activities in their home communities. This action typifies the Boys' Clubs fine record of being eager and industrious in maintaining close relations with people from all levels of American society. The Boys' Clubs of America is one of those rare organizations which all Americans can support. They have experienced extraordinary growth in their 110 year history and expect to continue this phenomenal expansion in the next 100 years. Operating in the inner cities, the Boys' Clubs provide work experience, stimulation in character development, and work skills to disadvantaged boys who so desperately need this training and involvement. The Boys' Clubs of America are providing a sorely needed nationwide service to America's future leaders and I applaud them heartily.

I would like to direct the attention of my colleagues to the following remarks delivered by A. Boyd Hinds, national director of the Boys' Clubs of America and Albert L. Cole, chairman of the board of the Boys' Clubs of America, at the June 8 congressional luncheon.

Remarks at Congressional Luncheon by A. Boyd Hinds, National Director, Boys' Clubs of America

Gentlemen: It is a pleasure to meet you and to let you know how much we appreciate your coming together to listen to some of the things we have been doing in Boys' Clubs of America, an organization in which we know you have a great interest.

It is now a little over 110 years ago that the first Boys' Club was started in New England. This was just after the Civil War. We are the oldest American boy organization in this country today. We have come a long way since that time and Boys' Clubs are now spread across the country to the point of where we have some 925 Clubs with 900,000 boys in all states of the union but the good state of North Dakota. We also have a Boys' Club in Puerto Rico.

Ours has been a tremendous growth and a very solid growth.

Over 34% of the members of Boys' Club today come from families on the poverty level and a very large number of our Clubs are operating in the inner cities of our great communities in which there is so much social unrest.

We have been privileged to have two Presidents of the United States as Chairmen of the Board of Boys' Clubs of America: the Honorable Herbert Hoover and President Nixon.

We were chartered by the Congress in 1956.

When Mr. Hoover was our Chairman, we decided to move into an expansion period of Boys' Clubs and he set a goal of 1,000 Clubs for a million boys. I am happy to tell you that within a year and a half—and also a year and a half ahead of the time we set to attain this goal—we will be serving a million boys through 1,000 Clubs across this country.

They will be served in large metropolitan communities as well as in the smaller towns.

Boys' Clubs, from the early days, have been greatly concerned about and have been working with the complex domestic problems that concern you as members of Congress.

In addition to developing the physical fitness of boys—stimulating the development of character and providing guidance, Boys' Clubs have been feeding hungry boys. They have been providing work skills and work experiences to disadvantaged youth. They have been providing and still are providing tutorial services, remedial reading work, and cultural enrichment to potential school dropouts.

In these days of changing needs, in addition to all of these things, they are sponsoring programs of drug abuse education along with their efforts in the areas of smoking. They are active in delinquency prevention programs, but most important of all Boys' Clubs are developing, through such groups as Keystone Clubs and other self governing groups, the type of leadership this country needs for the years ahead.

We are proposing to intensify our efforts along these lines as we go into the future as there is still much to be done.

Boys' Clubs are spreading rapidly. A new Boys' Club is being started every seven days.

What is more important, they are springing up in the "right place at the right time"—as many are being started in the inner cities.

With *your* interest and the *help of all* citizens across this country, the job Boys Clubs are now so effectively doing can even be more effective as the years go by.

Whenever we need your help, you may be sure we will call on you.

Remarks by Albert L. Cole, Chairman of the Board, Boys' Clubs of America

It is my pleasure, as Chairman of the Board of Boys' Clubs of America, to greet you at this luncheon which might well be called a reunion of men who have had an interest, and still have, in what I consider one of the greatest organizations in this country—the Boys' Clubs of America.

I would like to make just two points.

The first is our involvement with the government and the many great projects which are going on that can be so helpful to the youth of this nation.

It is our fundamental belief that we, in Boys' Clubs of America, should do all we can to help ourselves to accomplish the goals we have set. Should some 100 other organizations in the private sector do just this, the burdens would be taken from many governmental areas.

We are involved in all of the programs Mr. Hinds enumerated. These ar things which Boys' Clubs, under their own steam in local communities, are undertaking and they are making a great contribution to the lives of thousands of youngsters.

There are, however, certain very basic areas where the problems are so great that Boys' Clubs cannot do much about them from their own budgets. In these areas we work cooperatively with governmental agencies.

For instance, for years Boys' Clubs of America, as a Congressionally chartered organization, has been able to participate in the donable surplus property program of the Defense Department. Hundreds of Boys' Clubs have benefitted by this in terms of needed material. The 250 Boys' Club camps throughout the country, as well as many of the Boys' Clubs, have also profited greatly from participation in the Food Service programs of the government. Because of this, many a hungry and malnourished youngster has been fed.

We work very closely with the Neighborhood Youth Corps in providing job sites, supervision and work experience to thousands of young people in cities across the country.

A number of our Clubs have benefitted by working with the Department of Housing and Urban Development in the construction of central facilities which not only house Boys' Clubs but also other vital community services.

Other Boys Clubs have been working with the Office of Economic Opportunity in various programs that are helpful to our low-income youngsters.

There is no doubt that we will be doing more of these things as time goes on and from time to time we may wish to call on you for your help in getting the cooperation that is needed.

But basically speaking, it is our belief that as much of all this as is possible should be done by Boys' Clubs of America as an agency in the private sector without asking for government help.

But the thing that really interests me about this Boys' Club Movement is what it does for individual youngsters.

Countless thousands of them are growing into manhood and will become better men because of what they have experienced in the Boys' Club.

There are always some outstanding examples. I think Congressman Rooney is one of them, as are you, and we are extremely proud of your achievements.

Each year we have a Boy of the Year selection, at which time one boy from each of the 10 Regions of Boys' Clubs of America across the country is picked to represent that Region as an example of what a Boys' Club boy should be in the matter of service to his church, his home, his school, and his country, as well as his own private character. These young men gather in Washington and finally the one Boy of the Year is selected and installed by the President of the United States.

Over the last 15 to 20 years, in which we have had this selection process, many fine young men have evolved from it.

Probably the most outstanding example is a young man by the name of Wesley Clark. He came from the Boys' Club of Little Rock, Arkansas, from a very poor family background. Wesley was able to secure an appointment through his Boys' Club to West Point and graduated from West Point. He was the only individual to have had a higher academic record than General MacArthur. He then became a Rhodes Scholar. After that he served his country in Vietnam and we have just heard that he has been wounded in action.

Here is a young man who came from a very poor background. What he needed was a chance and the Boys' Club gave him that chance. This is what makes me so proud and happy to be part of this great Movement. I'm sure as you hear about things of this kind you, too, can be more and more proud that you have taken some part in it in the years gone by.

It is a pleasure for all of us from the National Board and from various Clubs to be here to greet you today to bring you up to date on what is going on, and to thank you for your great interest.

A LOOK AT APPROPRIATIONS

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. MAHON) is recognized for 10 minutes.

(Mr. MAHON asked and was given permission to revise and extend his remarks and to include tabular material.)

Mr. MAHON. Mr. Speaker, there seems to be a growing disposition on the part of Congress and the administration in considering Federal spending to brush aside the question of whether or not we have the money in hand or in sight to pay the bills. Whopping deficits do not seem to deeply disturb the administration or the Congress very much any more.

This is a bad and dangerous trend in fiscal affairs and I feel it my responsibility to again take note of it.

We take note of our needs and wants and tend to disregard the fact that we do not have the revenues to pay our bills. Heavy borrowing from the public and from the trust funds, such as social security, does not seem to disturb us. It certainly does not disturb us sufficiently.

For the fiscal year 1971, ending June 30 last, the Federal budget went in the red by $23.2 billion on the so-called unified budget basis. But on the Federal funds basis, we went in the red by $30.2 billion. To help pay our bills, we borrowed from the trust funds about $7 billion—their surplus for the year—which must be repaid with interest. In other words, the national debt went up last year by roughly that amount, and present indications are that the debt will go up another $30 to $40 billion—perhaps more—in the current fiscal year 1972. The current statutory limit of $430 billion will have to be hiked again before the fiscal year is out.

This staggering prospect of back-to-back deficits in Federal funds of $60 or $70 billion hardly creates a ripple, yet they follow a Federal funds deficit of $13.1 billion in the fiscal year 1970.

Notwithstanding the fact that a 3-year Federal funds deficit approximating $80,000,000,000 is almost a certainty, the administration last week reported with some pride as follows:

> For the third year in a row, a full employment balance or surplus has been achieved in the fiscal year 1971 after three successive years of full-employment deficits totalling more than $40 billion.
>
> In fiscal 1971, which ended June 30, there would have been a surplus of $2.5 billion had the Nation's economy operated at full employment throughout the year.
>
> This record is in sharp contrast to that of fiscal years 1966 through 1968, when full-employment deficits totaled more than $40 billion.

The point was that if the economy had been charging ahead at full speed and there was relatively little unemployment and tax revenues were higher as a result, we would not be having these whopping budget deficits.

To put it mildly, that is a far-fetched way to seeking consolation. It would be most unfortunate if such a happy report should induce further complacency.

Mr. Speaker, the evidence continues to accumulate that there is a continuation, both in and out of Congress and in the country generally, of a restiveness about taxes being too high but expenditures being too low to meet our needs and our wants. The emphasis is on spending, not on finding a way to raise the revenues to pay the bills. This I believe carries the seeds of danger for us as a Nation. As these whopping deficits show, either our revenues are too low, or our expenditures are too high, or perhaps it is some combination of the two.

The idea is to manage the economy. It is downright old-fashioned to consider holding spending within revenues or within shouting distance of revenues. Under the full employment budget theory as it has been working out in practice, the revenues are always around the corner and thus not in sight.

THE APPROPRIATION BILLS AT THIS SESSION

What has Congress done thus far at this session about appropriations?

Relating to fiscal year 1971, we passed four measures. They had the effect of appropriating $8,061,000,000 in new money for expenditure by the Government. The budget requests were reduced $910,000,000.

With respect to fiscal year 1972, we have taken the following actions:

HOUSE ACTIONS FOR 1972

The House, in 12 measures, has approved $74,633,000,000, approximately equal to the related budget requests acted upon.

SENATE ACTION FOR 1972

The Senate, in the 12 measures, has approved $79,082,000,000, about $4.2 billion above the related budget requests.

CONFERENCE TOTALS FOR 1972

Eleven of the twelve measures for 1972 as passed by both Houses have also cleared conference. Only the public works-AEC bill—which as it now stands is $100 million above the budget—is still pending in conference.

The 11 measures involved—

Budget requests for appropriations (new budget authority) of	$70, 280, 622, 000
Approved by Congress	72, 564, 993, 000
Net increase	+2, 284, 371, 000

I should note that this net increase of about $2.3 billion above the budget needs this qualification:

First. In relation to the overall budget recommendations of the President, it is an overstatement of congressional action to the extent of $1,000,000,000 which is in the budget as a proposed supplemental for special revenue sharing relating to certain housing and urban development programs as a substitute for only 6-months funding of some of those programs; Congress, in the HUD appropriation bill, funded them on a 12-month basis, and the extra 6 months shows up as an increase—more apparent than real—above the specific budget requests.

Second. Likewise, in relation to the overall budget recommendations of the President, the $2.3 billion is an understatement of congressional action to the extent of $400,000,000 in connection with proposed legislation in the budget relating to student loan funds dealt with in the education appropriation bill.

BILLS FOR 1972 STILL PENDING

Appropriation bills to be handled after the August recess are as follows: Defense, military construction, foreign aid, and District of Columbia.

Necessary authorization has not yet been provided by Congress for the aforementioned appropriation measures.

I should add that the public works-AEC bill has passed both the House and Senate but the conference has been delayed until September and the final action on that measure is not fully predictable.

The Committee on Appropriations has completed hearings on the aforementioned four bills and can move rather promptly after the authorization measures have been enacted.

There will be a catch-all supplemental bill when we return in September.

In my opinion, it is safe to say that in the four regular appropriation bills which have not yet been considered by the House, involving about $80 billion of budget requests, the budget will not be exceeded; in the overall in those measures, meaningful reductions will be made.

SOME MAJOR INCREASES ABOVE THE BUDGET FOR 1972

In respect to the 11 measures that have been enacted or have been agreed to in conference between the House and Senate and are expected to be approved by the President, I should like to list at this point some of the major spending items which have been approved for expenditure above the budget requests.

Hospital construction, $167 million.

Mental health, including alcoholism and drug abuse, $112 million.

Vocational rehabilitation, $62 million.

National Institutes of Health, $142 million.

School milk program, $104,000,000.

Food stamps, $198,000,000.

HUD water and sewer grants, $500,000,000.

REA loans, $216,000,000.

Veterans medical care programs, $190,000,000.

Urban renewal and model cities programs, $800,000,000—above the specific budget requests, but in reality offset by reason of failure to adopt the special revenue-sharing proposal of the President.

BUDGET SURPLUS OR DEFICIT, FISCAL YEARS 1969–72

Mr. Speaker, I include a tabulation on budget revenues and expenditures showing the results on the unified basis and on the Federal funds basis for the fiscal years 1969, 1970, and 1971. The original budget estimates for fiscal 1972—the current fiscal year—projected a deficit of $11.6 billion on the unified basis and $23.1 billion on the Federal funds basis, but those figures are wholly outdated; no official revision have been issued, however.

THE BUDGET SURPLUS AND DEFICIT SITUATION, FISCAL YEAR 1969–71

[In millions of dollars, rounded]

	Federal funds	Trust funds	Total of the 2	Less intragovernmental transactions that wash out	Net totals
Fiscal 1971 (preliminary actual):					
Budget receipts	$133,619	[1] $54,713	$188,332	N.A.	$188,332
Budget outlays	163,778	[1] 47,796	211,574	N.A.	211,574
Surplus (+) or deficit (−)	−30,159	+6,917	−23,242		−23,242
Fiscal 1971 (original budget, January 1970):					
Budget receipts	(147,600)	(64,107)	(211,707)	(−$9,605)	(202,103)
Budget outlays	(154,936)	(55,440)	(210,376)	(−9,605)	(200,771)
Surplus (+) or deficit (−)	(−7,336)	(+8,667)	(+1,331)	(......)	(+1,331)
Fiscal 1970 (actual):					
Budget receipts	143,158	59,362	202,520	−8,778	193,743
Budget outlays	156,301	49,065	205,366	−8,778	196,588
Surplus (+) or deficit (−)	−13,143	+10,297	−2,846		−2,845
Surplus (+) or deficit (−), 1970 and 1971	−43,302	+17,214	−26,088		−26,087
Fiscal 1969 (actual):					
Budget receipts	143,321	52,009	195,330	−7,547	187,784
Budget outlays	148,811	43,284	192,095	−7,547	184,548
Surplus (+) or deficit (−)	−5,490	+8,725	+3,235		+3,236
Surplus (+) or deficit (−), 1969, 1970, and 1971	−48,792	+25,939	−22,853		−22.851

[1] Intragovernmental netted out. In absence of intragovermental break-out, these figures understated by that amount (about $11,000,000,000 based on January budget revision).

AMOUNTS INVOLVED IN FISCAL YEAR 1972 BILLS

Mr. Speaker, I append a table of the amounts involved in the appropriation bills and resolutions which I have discussed.

NEW BUDGET (OBLIGATIONAL) AUTHORITY IN THE APPROPRIATION BILLS, 1972—AS OF AUGUST 6, 1971

[Note: As to fiscal year 1972 amounts only]

Bill	Budget requests considered	Approved	Change, (+) or (−)
IN THE HOUSE			
1. Education	$5,068,343,000	$4,800,088,000	[1] −$268,255,000
2. Legislative	455,744,595	449,899,605	−5,844,990
3. Agriculture—Environmental and Consumer Protection	12,104,813,850	12,423,896,050	+319,082,200
4. State—Justice—Commerce—Judiciary	4,204,997,000	3,684,183,000	[3] −520,814,000
5. Treasury—Postal Service—General Government	4,780,576,000	4,487,676,190	−292,899,810
6. Interior	2,164,569,035	2,159,508,035	−5,061,000
7. HUD—Space—Science—Veterans	17,457,017,000	[2] 18,115,203,000	[2] +658,186,000
8. Transportation	2,833,229,997	[5] 2,559,048,997	[4] −274,181,000
Advanced 1973 appropriation	(174,321,000)	(174,321,000)	
9. Labor—HEW	19,942,996,000	20,361,247,000	+418,251,000
10. Public Works—AEC	$4,615,945,000	$4,576,173,000	−$39,772,000
11. Emergency Employment Assistance (H.J. Res. 833)	1,000,000,000	1,000,000,000	
12. Summer feeding programs for children (H.J. Res. 744)		17,000,000	+17,000,000
13. District of Columbia (Federal funds)	(168,569,000)		
14. Defense	(73,249,259,000)		
15. Military construction	(2,313,375,000)		
16. Foreign assistance	(3,634,775,000)		
17. Supplemental, 1972			
Total, House bills	74,628,231,477	74,633,922,877	+5,691,400
IN THE SENATE			
1. Education	$5,153,186,000	$5,615,918,000	[1] +$462,732,000
2. Legislative	535,349,607	532,297,749	−3,051,858
3. Treasury-Postal Service-General Government	4,809,216,000	4,752,789,690	−56,426,310
4. Agriculture-Environmental and Consumer Protection	12,104,813,850	13,621,677,050	+1,516,863,200
5. Interior	2,194,594,035	2,226,023,035	+31,429,000
6. State-Justice-Commerce-Judiciary	4,216,802,000	4,098,083,000	−118,719,000
7. HUD-Space-Science-Veterans	17,457,017,000	[2] 18,698,518,000	[2] +1,241,501,000
8. Transportation	2,686,006,997	[5] 2,784,608,997	[5] +98,602,000
Advance 1973 appropriation	(174,321,000)	(174,321,000)	
9. Labor-HEW	20,123,637,000	21,018,317,000	+894,680,000
10. Public Works-AEC	4,615,945,000	4,716,922,000	+100,977,000
11. Emergency Employment Assistance (H.J. Res. 833)	1,000,000,000	1,000,000,000	
12. Summer feeding programs for children (H.J. Res. 744)		17,000,000	+17,000,000
Total, bills cleared Senate	74,896,567,489	79,082,154,521	[1] +4,185,587,032
ENACTED			
1. Education	$5,153,186,000	$5,146,311,000	[1] −$6,875,000
2. Legislative	535,349,607	529,309,749	−6,039,858
3. Treasury-Postal Service-General Government	4,809,216,000	4,528,986,690	−280,229,310
4. Agriculture-Environmental and Consumer Protection	12,104,813,850	13,276,900,050	+1,172,086,200
5. State-Justice-Commerce-Judiciary	4,216,802,000	4,067,116,000	−149,686,000
6. Interior	2,194,594,035	2,223,980,035	+29,386,000
7. HUD-Space-Science-Veterans	17,457,017,000	[2] 18,339,738,000	[2] +882,721,000
8. Transportation	2,686,006,997	[5] 2,730,989,997	[5] +44,983,000
Advance 1973 appropriation	(174,321,000)	(174,321,000)	
9. Labor-HEW	20,123,637,000	20,704,662,000	+581,025,000
10. Public Works-AEC			
11. Emergency Employment Assistance (H.J. Res. 833)	1,000,000,000	1,000,000,000	
12. Summer feeding programs for children (H.J. Res. 744)		17,000,000	+17,000,000
Total, bills enacted	70,280,622,489	72,564,993,521	[1] +2,284,371,032

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[1] As passed by both House and Senate, the education appropriation bill did not include $400,000,000 requested in the budget for purchase of student loan notes from colleges and universities, contingent upon legislative authority not yet enacted. If the $400,000,000 is excluded from all of the figures shown, the amount in the House approved bill is in effect a net increase of $131.745,000 over the budget requests considered by the House; the Senate approved bill on the same basis is $862,732,000 over the budget requests considered by the Senate; and the enacted bill on the same basis is $393,125,000 over the budget requests considered.

[2] Taking into account $850,000,000 in the budget as a proposed supplemental for special revenue sharing, or ½ year funding in certain housing and urban development programs, the House bill is $191,814,000 below the budget requests; the Senate bill is $391,501,000 above the requests; and the enacted figure is $32,721,000 above the requests.

[3] $352,715,000 of this figure is apparent, not real, because all maritime programs and one judiciary item were struck by floor points of order.

[4] Includes $235,000,000 related to prior decision to terminate the SST.

[5] House bill does not include $248,000,000 floor addition to "Federal Payment to Airport and Airway Trust Fund" since, technically, it is not new budget authority until appropriated out of the trust fund. Senate bill adds another $219,800,000 to this "Federal payment" account. Conference report adds $239,000,000 to the budget for this "Federal payment."

Prepared Aug. 6, 1971, in the House Committee on Appropriations.

Mr. HALEY. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman.

Mr. HALEY. Mr. Speaker, as I understand, what the distinguished gentleman from Texas, the chairman of the Committee on Appropriations, is trying to get across to this Congress is this:

I believe at the beginning of the fiscal year the administration estimated they would have a certain budget surplus. It did not work out that way. So, instead of having a surplus and instead of having a deficit of $23 billion and some odd, actually the Federal Government, if it operated on the basis that all businesses must operate, would have a deficit of about $30 billion; is that correct?

Mr. MAHON. The gentleman is correct, in that on the Federal funds basis the deficit was about $30 billion for the fiscal year just ended, fiscal 1971.

What it will be for the fiscal year in which we now find ourselves, starting July 1, the fiscal year 1972—it could go as high certainly as $30 billion and easily as high as $40 billion on the Federal funds basis.

Mr. HALEY. Based on the present, then, we could well go up to as much as $40 billion if the Congress does not show some restraint. And, of course, you cannot blame all of this on the administration. This seems to be an annual affair—that the Congress goes ahead and votes programs and money that they just do not have and that they must go out and borrow either from trust funds or some place else and regardless of the fact that the debt of the Federal Government today is approximately $40 billion more than all the rest of the nations on the face of the earth.

Mr. MAHON. I do not seek to blame anybody for the problems which confront us. I realize the answers to the problems are difficult. I realize that the Congress and the administration and the American people must share somewhat the responsibility. I also realize that some of the matters which confront us are uncontrollable, but I do feel that it is most urgent that the Congress and the administration and the American people take heed of the situation which confronts us.

People worry about inflation, and they ought to worry about the things which are causing inflation. That is one of the reasons why I have undertaken, as chairman of the Appropriations Committee dealing with these fiscal matters, to speak out with respect to the facts which confront us.

Mr. HALEY. Mr. Speaker, will the gentleman yield further?

Mr. MAHON. I yield to the gentleman from Florida.

Mr. HALEY. Mr. Speaker, in the opinion and the good judgment of the gentleman from Texas, if we continue this, how long is it going to be before financially the roof falls in on this great Nation?

Mr. MAHON. This is something which must be soberly considered and some way must be found to change this course and slow down the inflation pressures and see about the revenues to pay for programs or hold spending within the range of the funds in hand or the funds in prospect. So it is a time for serious thought, but it is much more popular to talk about spending for all these attractive things such as education and health and other things—and we need to spend for these things—but it is more popular to speak about these attractive and important programs than it is to speak about where are we going to get the money, and are we willing to pay for these programs. If we are not willing to pay for the programs, then in view of the heavy penalties of inflation and otherwise, we ought to proceed with these programs more cautiously.

U.S. ECONOMY IS STEADILY MOVING TOWARD FULL RECOVERY

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, those Americans who have been engaging in an exercise known as "knocking the economy" have been doing their country a terrible disservice. Not only does such criticism tend to undermine the steady recovery we are experiencing but it simply does not square with the facts.

The truth is that the U.S. economy is steadily moving toward full recovery. As proof of that we have a host of second-quarter earnings reports showing solid gains in various industries and we have the recent upsurge of sales in the auto industry, the bellweather of the economy.

The automobile companies reported record retail sales of 260,990 cars during the July 11–20 selling period. This sales increase was led by General Motors, which reported a record 10-day volume of 165,663 cars.

The sales pace from June 21 through July 20 represented a seasonally adjusted annual rate of 8½ million domestic units—or roughly a 10 million rate when imported cars are included.

The July automobile sales figures confirm earlier reports of strong retail sales activity.

Total retail sales from January to June rose at a rate of 15 percent per year, and sales for nondurables increased at a 12 percent per year rate during this period. These outlays should continue to rise as real incomes enlarge and the rate of personal saving moves down to more normal levels.

The pace of residential building is also encouraging. Seasonally adjusted housing starts ran at an annual rate of 1,881,000 units during the first 6 months of 1971. This was an increase of 48 percent over the rate for the comparable period in 1970.

The expanding rate of spending in these key categories contributed to an increase of $52 billion in the Nation's gross national product during the first half of 1971.

During that same time, the rate of inflation, seasonally adjusted, averaged 4 percent per year, well below the 6.2-percent figure for the first half of 1969 when the present administration assumed office.

There is also evidence that unemployment has begun to move down from the peak level reached last winter.

The facts are that we are taking an overheated economy back to a sustainable growth path during a period of painful transition from wartime to peacetime. The strong growth of consumer spending is a major factor in making this transition a success.

A closing note: If all the Americans who were in military uniform or in defense jobs when the present administration took office were still thus occupied, our unemployment rate would be 4.2 percent. The Republican Party wants prosperity and jobs without war.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 5 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, I was unavoidably detained during rollcall No. 205, the motion to table the Edwards amendment to instruct the House conferees to accept the Senate amendment to H.R. 9272.

The Senate amendment to the appropriations bill for the Departments of State, Justice, and Commerce provided that no funds appropriated pursuant to the bill could be used for actions of the Subversive Activities Control Board not authorized by Congress.

I want the RECORD to show that had I been present I would have voted "nay" on the motion to table.

RESOLUTION CONDEMNING TREATMENT OF SOVIET JEWS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANDERSON) is recognized for 5 minutes.

Mr. ANDERSON of Illinois. Mr. Speaker, I am pleased to introduce a concurrent resolution designed to bring to bear the influence of the United States on behalf of the persecuted Jewish minority in the Soviet Union. A bipartisan group of over 100 of my House colleagues are joining me in cosponsoring this measure.

The ill treatment of Soviet Jews cannot be shown through use of statistics or data. Documented evidence on the number of Jews who have lost their jobs or whose homes have been searched for traces of illegal Hebrew books is not available. Yet, we do have reports from those who have had the opportunity to visit the Soviet Union and from Jews who have taken a great many risks and have successfully emigrated from Russia. And we have all read of the arrests that have taken place and of the trials of Soviet Jews for alleged skyjacking attempts. Our State Department has said of these trials:

> It would appear that the defendants (are being) tried for actions which are not even considered a crime in most countries.

Clearly, the Jews of the Soviet Union are being denied fundamental rights.

The sense of the Congress resolution which we are introducing today requests that the President call upon the Soviet Government to permit the free expression of ideas and exercise of religion by all its citizens and to use all available channels, formal and informal, to convey this position. We in America pride ourselves on our tradition of religious and cultural freedom. We can no longer remain silent as the Soviet Government refuses to allow its Jewish citizens these same rights—rights that have been written into the Soviet Constitution but have never been honored.

Our resolution requests the President to demand of the Soviet Government that it permit its citizens the right to emigrate to the countries of their choice, as affirmed by the United Nations Declaration of Human Rights. The Jews in Russia are struggling to maintain their cultural and religious identity in an atmosphere of suppression. The tragedy of this situation is compounded by the Soviet Government's refusal to grant its citizens the right to emigrate to countries where religious and cultural diversity is tolerated. Moreover, the Jews of the Soviet Union, in conversations and correspondence with foreigners have often expressed the desire to journey to a land where they would be enthusiastically welcomed—the State of Israel. Indeed, those who have had the opportunity have chosen to live in Israel and to assist that country in her struggle for survival. If we do not speak out against the Soviet policy of prohibiting the right of emigration, we will, in effect, be acquiescing in the denial of this basic human right.

The resolution further calls upon the State Department to raise in the General Assembly of the United Nations the issue of the Soviet Union's transgression of the Declaration of Human Rights—a declaration that was adopted unanimously by the United Nations. I believe that the United Nations is the appropriate forum for raising this issue of international concern for it is a body that was organized to promote peaceful relations between nations as well as personal liberty within nations.

Article 55 of the U.N. Charter states that:

> The U.N. shall promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

Therefore, I think the treatment of Soviet Jews is a proper subject for the United Nations to consider, treatment which is clearly in violation of this clause of the charter.

President Nixon has already voiced his own concern about the plight of Soviet Jews. In a message to American Jewish leaders on January 11, the President said:

> You may be certain also that this Administration, reflecting the traditional liberties upon which this country was founded, joins with you in urging freedom of emigration as explicitly provided in Article 13 of the Universal Declaration of Human Rights and in its commitment to cultural and religious freedom at home and abroad.

And this, in essence, is the intent of the resolution I am introducing today. Those of us who are fortunate enough to enjoy the free expression of ideas and religion have a responsibility to work for the relief of oppressed people the world over. Our country is recognized as the leader of the free world and I think it only fitting that our President play a prominent role in this undertaking.

At this point in the RECORD, I would like to include the text of our resolution as well as a complete list of the cosponsors.

H. Con. Res. 390

Whereas in the Soviet Union men and women are denied a freedom recognized as basic by all civilized countries of the world, indeed by the Soviet Constitution; and

Whereas the Jews and other religious minorities of Russia are being denied the means to sustain their identity inside Russia and the opportunity to maintain that identity by moving elsewhere; and

Whereas the right to emigrate, which is denied Russian Jews, is a right affirmed by the United Nations Declaration of Human Rights, adopted unanimously by the General Assembly of the United Nations: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the President of the United States of America shall take immediate and determined steps to—

(1) call upon the Soviet Government to permit the free expression of ideas and the exercise of religion by all its citizens in accordance with the Soviet Constitution; and

(2) utilize formal and informal contacts with Soviet officials in an effort to secure an end to discrimination against religious minorities; and

(3) demand of the Soviet Government that it permit its citizens the right to emigrate from the Soviet Union to the countries of their choice as affirmed by the United Nations Declaration of Human Rights; and

(4) call upon the State Department to raise in the General Assembly of the United Nations the issue of the Soviet Union's transgression of the Declaration of Human Rights.

LIST OF COSPONSORS

Mr. Anderson of Illinois, Mr. O'Neill, Mr. Begich, Mr. Badillo, Mr. Frenzel, Mr. Hechler of West Virginia, Mr. Devine, Mr. Johnson of California, Mr. Harrington, and Mr. Brasco.

Mr. Murphy of New York, Mr. Addabbo, Mr. Don H. Clausen, Mr. Sikes, Mr. Duncan, Mr. Springer, Mr. Del Clawson, Mr. Eilberg, Mrs. Grasso, and Mr. Yates.

Mr. Roe, Mr. Long of Maryland, Mr. Burke of Florida, Mr. Buchanan, Mr. Rees, Mr. Minish, Mr. Harvey, Mr. Cotter, Mr. Ryan, and Mr. Gonzalez.

Mr. Madden, Mr. Fulton of Tennessee, Mr. Howard, Mr. Fish, Mr. Derwinski, Mr. Edwards of California, Mr. Hansen of Idaho, Mr. Crane, Mr. Widner, and Mr. Byron.

Mr. Peyser, Mr. Scheuer, Mr. J. William Stanton of Ohio, Mr. Halpern, Mr. Dulski, Mr. Coughlin, Mr. Brookfield, and Mr. Koch.

Mr. Byrne of Pennsylvania, Mr. Mayne, Mr. Rhodes, Mr. Bolling, Mr. Mazzoli, Mr. Morse, Mr. Gude, Mr. Byrnes of Wisconsin, Mr. Keating, and Mr. Garmatz.

Mr. Drinan, Mr. Cederberg, Mr. Grover, Mr. Tiernan, Mr. Metcalfe, Mr. Dingell, Mr. Williams, Mr. Horton, Mr. Sarbanes, and Mr. Danielson.

Mr. Wydler, Mr. McDade, Mr. Karth, Mrs. Heckler of Massachusetts, Mr. Moss, Mr. St Germain, Mr. Kuykendall, Mr. Kemp, Mrs. Abzug, and Mr. Fraser.

Mrs. Hicks of Massachusetts, Mr. Sisk, Mr. McCloskey, Mr. Bingham, Mr. Hanley, Mr. Kyros, Mr. du Pont, Mr. McClory, Mr. Whitehurst, and Mr. Dow.

Mr. Mitchell, Mr. Robison of New York, Mr. McKinney, Mr. Stokes, Mrs. Dwyer, Mr. Thone, and Mr. Riegle.

Mr. Scherle, Mr. Myers, Mr. Schwengel, Mr. McCormack, Mr. Biester, Mr. Dellums, Mr. Adams, and Mr. Pepper.

Mr. BROOMFIELD. Mr. Speaker, I rise to lend my voice in support of this resolution which expresses concern for the oppression of Soviet Jews as well as other minority groups in the U.S.S.R.

This measure will demonstrate to the Soviet Union and the world that we are aware of and concerned with this situation. It instructs the President and the State Department to use all available channels of communication, formal and informal, to demand the redress of grievances against the Russian Jewry.

Despite the fact that the Soviet constitution guarantees the free expression of cultural and religious freedoms, we know all too well that these liberties have been denied. Further, the right of free emigration, granted by the United Nations Declaration of Human Rights, has been all but ignored by Russia. This is especially disheartening to those thousands of Jews who wish to emigrate to their adopted home of Israel.

Passage of this resolution will focus the spotlight of truth upon injustices which until recent years have been hidden from the free world. While we can only rely on the weight of world public opinion, we do know that the Soviet Union has responded to this form of pressure in the past. I hope that passage of this measure will serve to maintain this pressure; to keep these transgressions against human dignity before the forum of world opinion.

Mr. Speaker, this resolution addresses a problem which has traditionally been dear to the American people—the subjugation of the human spirit. The Greek philosopher Pythagoras once said that there are only two remedies for sufferings of the soul: hope and patience. I submit that the Soviet Jews have endured their pain with gallant patience as well as hope in the face of overwhelming oppression. They deserve not only our respect but strong and concerted action for their relief.

Mr. BIAGGI. Mr. Speaker, the Jews of the Soviet Union are being persecuted. Let us make no bones about it. They are systematically being exterminated as a viable religious body by a totalitarian state. It may not be the mass slaughters and concentration camps of the Hitler regime in World War II, but the goal of extermination of a group of people is the same.

Can it be that we have forgotten what Hitler did just a scant 30 years ago? Can it be that we as Americans have forgotten that to preserve our own human rights and freedoms, we must fight for the rights and freedoms of peoples the world over?

Hillel, the Rabbi and teacher of great people, said:

> If I am not for myself . . . who will be

for me? If I am only for myself . . . what am I?

It appears that too many Americans are only for themselves.

The cause of Soviet Jewry is a just one. The right to emigrate is an international humanitarian right that transgressed once against one group of people in a transgression multifold against all the people of the world.

Yet we here in America stand idly by while the Soviet Union makes criminals of the Jews in their country. The only crime the Soviet Jews are guilty of is that they desire to live in accordance with their heritage. They are guilty of daring to speak and write in their own languages. They are guilty of attempting to transmit their culture to their children. They are guilty of demanding the right to live with dignity as Jews.

Mr. Speaker, I say to you and my colleagues here that if they are guilty of these crimes then we are all guilty.

Not too long ago I had the privilege of successfully defending a group of 11 rabbis, two professors, and one rabbinical student against charges based on their demonstration in front of the U.S. mission to the United Nations. It necessitated my being absent from my work here in Washington, but the just cause was there.

They dared to ask the President of the United States to speak out against the Soviet treatment of the Jews in that country. They dared to request Voice of America broadcasts in Yiddish to the 3 million Soviet Jews. They dared to ask the Congress of the United States to approve 30,000 emergency U.S. visas for the Russian Jews.

Thank God, Mr. Speaker, that our judicial system has the courage to throw out such a ridiculous case as was brought against these noble men. However, the same time these men were being tried in this country, in the Soviet Union, at Kishinev, nine Jews were being hauled into court after being arrested in a mass roundup that began a year ago in Leningrad.

What has happened to the great Government of the United States? In 1903 the highest Government officials spoke out against the infamous Kishinev pogroms. And again in 1940, this Nation went to war to protect human rights and freedoms. Why the silence today? Has America abandoned its national tradition to fight for freedom everywhere in the world?

What we need are more courageous men such as those that I recently defended. These men were willing to speak out against injustice and denial of human rights. For the RECORD, I would like to list their names at this time so that the whole world may know that some Americans at least are still ready to fight for international freedom and human dignity.

They are:

The rabbinical leaders involved in today's action are:

Rabbi Irving Greenberg, Riverdale Jewish Center and Yeshiva University.

Rabbi Steven Riskin, Lincoln Square Synagogue (Manhattan) and Yeshiva University.

Rabbi Avraham Weiss, Congregation B'nai Yeshurun (Monsey, N.Y.) and Yeshiva University.

Rabbi Aryeh Gotlieb, Jewish Community Center of Paramus, N.J.

Rabbi Charles Sheer, Jewish Chaplain, Columbia University.

Rabbi Fred Gorsetman, Manhattan.

Rabbi David Ribner, Congregation Beth Tefila, Paramus, N.J.

Rabbi Zevulun Charlop, Young Israel of Moshulu Parkway and Yeshiva University.

Prof. James Burton, Physics Dept., Columbia University.

Rabbi David Miller, Instructor of Bible and Theology, Yeshiva University.

Rabbi Meir Havatzelet, Professor of Bible, Yeshiva University.

Prof. Nathaniel Remes, Chemistry Dept., Yeshiva University.

Rabbi David Haber, Conservative Synagogue of Carnarsie.

Rabbi Joseph Siev, Bronx.

Mr. Speaker, this Congress cannot continue to stand still. It has before it legislation to provide for 30,000 emergency refugee visas for the Soviet Jews. This bill should be passed. It has before it a resolution calling for broadcasts in Yiddish by the Voice of America. This resolution, too, should be passed.

And, likewise, we as individuals should ask the President of the United States as the head of a free Nation to speak out against oppression. He should protest the trials of the Wishnev and Leningrad Jews. He should protest the imprisonment of the Soviet Jews who are guilty of nothing more than demanding their human rights.

Who, I ask, Mr. Speaker, will speak out for us, when we are the only ones left to face totalitarianism?

PROTECTION OF PUBLIC AND FOREIGN OFFICIALS

The SPEAKER pro tempore (Mr. BOGGS). Under a previous order of the House, the gentleman from Virginia (Mr. POFF) is recognized for 10 minutes.

Mr. POFF. Mr. Speaker, in company with a number of the members of the Committee on the Judiciary, I have today introduced a bill to be known as the "Act for the Protection of Public and Foreign Officials," which was jointly proposed by the Department of Justice and the Department of State.

I believe that it is important to the proper functioning of the Federal Government that it be able to investigate and prosecute acts of violence against its employees when it feels that it is necessary to do so. I also believe that it is essential to the conduct of our foreign affairs that the Federal Government be able to prosecute certain actions taken against foreign officials or their property.

The purpose of the legislation which I have introduced today is to fill certain gaps in the Federal law in these areas. As indicated in the declaration of congressional policy at the beginning of the bill, it is recognized that the power to punish common crimes has historically resided in the several States, and that there such power should remain; however, the Federal Government as well should have the tools provided in this bill to investigate and prosecute certain acts against government or foreign officials because such acts interfere with its conduct of domestic and foreign affairs.

Existing Federal law protects about one-third of all Federal civilian personnel from assault or killing by providing criminal sanctions for such offenses which are connected with their employment. Over a period of time, groups of employees have been added on a case-by-case basis to the list of categories of personnel protected by sections 111 and 1114 of title 18, United States Code. There remains little rationale for the inclusion of some employees while others with similar functions have not yet been included. For example, many Federal employees who conduct administrative inspections for violations of Federal law are included in the list of those protected while others are not. Rather than attempt to determine which groups of Federal employees are most likely to be assaulted or murdered because of their employment and take the chance that employees who should be covered have been overlooked, the bill would make it a Federal offense to assault or kill any Federal employee because of his employment. The bill would also apply the same criminal sanctions to the murder or assault of a member of an employee's family which is committed because of the employee's job.

The portions of the bill relating to protection of foreign officials are especially important. It is essential to the conduct of our foreign relations and to the carrying out of our international obligations that the Federal Government be able to prosecute those who injure foreign officials. It is often difficult for a foreign government which does not operate under a federal system such as ours to understand why, when a crime has been committed in the United States against one of its citizens, the Federal Government cannot take direct action against the perpetrator of that crime but must instead rely upon the cooperation of the State in which the crime was committed. International incidents based upon this lack of understanding could be prevented or alleviated by the passage of legislation such as this permitting the Federal Government to investigate or prosecute certain crimes against foreign diplomats and other foreign government and international organization employees.

First, the legislation contains provisions relating to assault and killing of foreign officials or their families which closely parallel those for Federal employees. Because of the foreign relations implications of such offenses, however, the bill would confer Federal jurisdiction regardless of whether the crime was committed because of or on account of the foreign official's position or duties.

Second, the bill would make it a Federal offense to intimidate or harass a foreign official.

Third, the bill would make it a Federal offense for three or more persons to congregate for certain purposes within 100 feet of a building used or occupied by a foreign government, foreign official, or international organization and refuse to leave when ordered to do so by a Federal or local law enforcement official. As presently drafted, the language of this latter provision of the bill may be deficient by failing to strike with necessary clarity the proper balance between the legitimate government goal of protecting foreign officials from unreasonable harassment and insult and the uniquely countervailing goal of preserving fundamental first amendment rights. I am satisfied, however, that any such deficiency can be adequately cured through the legislative process.

Fourth, to protect the property of foreign governments and international organizations, the bill would make it a felony willfully to damage or destroy such property.

The bill would also amend the Federal kidnaping law to make kidnaping in the course of air piracy an extraditable offense under treaties which would not now provide for extradition in such cases. The redrafted kidnap provision would also make kidnaping of foreign or Federal officials or members of their families a Federal offense. Finally, the kidnaping provision would be amended to remedy the defect which was found by the Supreme Court in *United States* v. *Jackson*, 390 U.S. 570 (1968), to invalidate the death penalty provision in the present statute, but would restore the possibility of the death penalty only for cases in which the victim dies as a result of the kidnaping.

Mr. Speaker, it seems to me that this bill would be an important addition to the law and would permit the Federal Government better to fulfill its responsibilities to protect foreign officials of this country and to prevent interference with the operation of the Government by injury to its employees.

I would again like to point out that this legislation is not intended in any way to preempt or replace State law. Rather, it is intended to give the Federal Government jurisdiction concurrent with that of the States so that the Federal Government can investigate or prosecute those cases which it deems to involve the Government's vital interests in its own operations or in its foreign relations. I hope that the Congress will give this legislation its early and earnest attention.

ABOLITION OF OPPRESSIVE CHILD LABOR IN AGRICULTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. O'HARA) is recognized for 10 minutes.

Mr. O'HARA. Mr. Speaker, I am today introducing a bill to abolish oppressive child labor in agriculture. And, as chairman of the Subcommittee on Agricultural Labor of the House Education and Labor Committee, I am hereby announcing hearings on this legislation to be held shortly after the House reconvenes at the conclusion of the recess.

For a great many years, Mr. Speaker, this Nation has been committed, under the Fair Labor Standards Act, to the proposition that "oppressive child labor" ought to be abolished from the land. The factories, the mines, the mills, the dangerous and unhealthy reaches of our great industrial jungles have been considered no place to employ our children. It was not an easy idea to put into the law, and to this day, it is not wholly and uniformly enforced. But at least we are, on the face of the statutes, dedicated to the proposition that children ought to have a few years of childhood allowed them before we send them off to earn a living.

But in agriculture, for a number of reasons, we have not followed this philosophy. We have consoled ourselves with the idea that "the fields are a healthful place for kids to earn a couple of bucks during their vacation from school." This is a comforting concept and it rests securely on the vision of a bucolic past in which farmwork was nonmechanized, simple labor in the fresh air and under the blue sky. All of us, I suspect, have some memories of that kind buried not very deep in our own experience, or the experience of our fathers or their fathers. When agriculture was the way of life of most Americans, when it was largely subsistence agriculture and almost wholly based on the small, single-family farm, this picture may have been true.

But, Mr. Speaker, the picture is changing. No, the picture has long since changed, and this pastoral scene is not what we are talking about when we talk about child labor on the farm today.

We are talking, first, about industrial child labor. According to the U.S. Department of Agriculture, which can usually be counted on to paint the most favorable picture, one-third of the wage earning farmworkers in the United States in 1970 were between the ages of 14 and 17. That fraction represents 819,000 children out of a total farm wage labor force of 2,400,000. This does not count the children who work for their parents, and, Mr. Speaker, it most certainly does not count the thousands of children who are working illegally, in violation of what few laws there are, and who are most assuredly not reported to the census takers by their employers—or for that matter, by their parents, many of whom depend on the few pennies these children can earn to eke out the few more pennies the parents actually get paid for their back-breaking work in the fields.

So, Mr. Speaker, if we only count the lawful child labor force in the fields—and no one will seriously contend that this exhausts the number—we find a third of the farm wage earners are children. The actual figures, of course, are much higher.

We are talking too, Mr. Speaker, about a very dangerous industry. In the National Safety Council's annual book "Accident Facts, 1970" we discover that out of 14,200 occupational deaths in 1969 in a total work force of 79,000,000 people, agriculture, which employed only 3,800,000 workers, suffered 2,500 deaths. Manufacturing, with its nearly 20 million workers, suffered 1,900 occupational deaths.

In 1966, according to materials compiled by the Department of Health, Education, and Welfare and provided in 1969 to the Senate Subcommittee on Migratory Labor, the agricultural occupational injury rate in California, although improved from earlier years, "is still twice as high as the rate for all industries taken together. Looked at another way, agricultural injuries represented almost 8 percent of all lost-time job injuries reported in California in 1966, although less than 4 percent of all employees worked on farms."

These are statistics illustrative of an enormous amount of data, all pointing to the fact that agriculture is a dangerous enough occupation for adult wage earners who can weigh the dangers of working in a particular occupation against their own financial needs. It is most certainly a poor place for us to send the children we have forbidden to work in other industry in part because we thought the mill and the factory were too dangerous for them.

CAPTIVE NATIONS WEEK AND THE REPUBLIC OF CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. STRATTON) is recognized for 10 minutes.

Mr. STRATTON. Mr. Speaker, I regret that because I had just returned from a trip to Taiwan in which I participated in the official Republic of China observance of Captive Nations Week I did not have an opportunity to participate here on the floor in our annual observance of that occasion at the time. For that reason I want to make a few remarks at this time, and to include the text of some of my comments made in Taiwan, because obviously developments of the past few weeks have an important bearing on the subject matter of Captive Nations Week, particularly as it relates to the future of the Republic of China and of the captive Chinese peoples located on the mainland.

Annually we who have participated in the Captive Nations Week observance have paused to remind ourselves and the rest of the world not only of our need to prevent further Communist aggression into the free world, but also the need to work for the ultimate restoration of freedom in those nations which have already been enslaved by Communist tyranny.

This year I had the honor of addressing a large rally in Taiwan during the Republic of China's observance of Captive Nations Week and I took that opportunity to discuss what I felt should be our relationships with the Republic of China and with the Communist regime on the mainland. At that time the atmosphere was full of suggestions that there might be a change in U.S. policy toward the question of admitting Red China to the United Nations, but it was not until I returned from Taiwan that the bombshell on this question was dropped by President Nixon in his announcement of the visit of Mr. Kissinger to Peking and the projected visit of the President himself to Mainland China prior to May of

1972. Needless to say, this announcement completely altered the entire situation as regards Taiwan, and I am frank to say that it went far beyond anything that I had expected. This announcement also has raised very substantial questions, not merely in Taipei but around the world, as to where this country stands from here out, not only with regard to the effort to regain freedom for those peoples who have been captured by the Communsts, but even with regard to our desire to resist Communist aggression and expansion around the world. And the ultimate answer that is developed to this question will have an impact not merely in the Far East by also in the captive nations of Europe, like Poland, and Lithuania, and Hungary, and the Ukraine, which are still counting on our interest and our continued support for their eventual freedom.

Mr. Speaker, I believe that I can best present my views on this subject by including in the Record at this point the full text of the remarks that I made in Taipei in connection with the Captive Nations Week observance there, together with a copy of the press release I issued here in Washington after learning of President Nixon's announcement. It is my hope that these remarks may be of interest to other Members of the House.

The material follows:

Address of Congressman Samuel S. Stratton, Democrat of New York, Before the Captive Nations Week Observance of the Republic of China, Taipei, July 10, 1971.

Mr. Chairman, ladies and gentlemen of the conference, it is a special pleasure to be able to return to the Republic of China today for my second visit here in little more than a year. I visited here a year ago in May as the acting chairman of a subcommittee of the House Armed Services Committee; and I am delighted to be back once again.

As one who served in the Pacific theater of war under General MacArthur during World War II, and was recalled for service during the Korean war, I have long had a deep and abiding interest in Asia. And I have been greatly impressed with the courage and determination of the people of the Republic of China, who, in spite of all the obstacles, have achieved such miracles of economic expansion and defense strength here on the island of Taiwan. We salute this great free Republic of China for what you have accomplished and for what we are confident you will continue to accomplish in the future.

I am also happy of course to have this unusual opportunity to join with the Captive Nations Committee of the Republic of China, and with your many friends and guests, to commemorate once again here in Asia our annual Captive Nations Week. In joining in these worldwide ceremonies we remind ourselves and the rest of the Asian world of our determination to continue the long and demanding struggle against the predatory and aggressive policies of the communist world. But more than that, on this occasion, as free men and women, we renew our solemn pledge to work together to speed the day when the blessings and privileges of freedom will once again be enjoyed by all those unhappy peoples, around the world, who, love freedom and who treasure a heritage of freedom, but who today, having been captured by the communist movement, are forced to live in bondage under the communist yoke. I refer especially to those captive peoples here in Asia, the people of North Korea, the people of North Viet Nam, yes, and above all the people still existing under communist tyranny on the mainland of China. God speed the day when all these captive peoples shall once again walk in freedom and in hope.

My own interest in these annual Captive Nations observance is a very personal one, since, as a very new member of the United States Congress I was one of the original co-authors of the legislation which first established our official observance of Captive Nations Week, in the United States back in 1960. And I will also tell you that I am one of those who is still pushing hard for the creation within the U.S. House of Representatives of a special Captive Nations Committee so that as a Congress we can focus our special attention on the urgency of continuing to work for the ultimate freedom of all captive peoples around the world.

I know the delegates to this great gathering will find encouragement and hope in the knowledge that in another week the people of the United States and the members of the United States Congress, pursuant to official Presidential proclamation, will join in appropriate ceremonies to dramatize our own support for these goals of freedom and self-determination for all the peoples of the world, and our continued determination to work to hasten the day when all those peoples, whether behind the Iron Curtain in Europe or behind the various bamboo curtains here in Asia, who are still condemned to live under communism will again be free.

But ladies and gentlemen, I would be less than frank with you if I did not candidly acknowledge to the delegates of this great conference that as we meet here today the climate of broad public support within the United States for the basic philosophy and the basic goals and objectives of this annual observance of ours is more shaky and unpredictable than it has been at any time since these observances were first instituted some 11 years ago.

As I see it—and I think that the members of this conference should be perfectly clear about these facts—America stands today at the brink of a very significant watershed in our post-World War II policies towards the rest of the world. And—make no mistake about this either—nobody can tell you with assurance at this point just which way the United States of America is going to move. It may seem strange to you; but the fact is that suddenly the assumptions and the convictions that have guided our world leadership role, and especially our leadership in the fight against communist aggression and encroachment, since the end of World War II are no longer accepted by our people without challenge. For the first time in a generation we find ourselves perplexed, confused, and bitterly divided, as I am sure you realize, over what it is we really want as a nation and where it is we really are headed, or ought to be headed.

Distinguished voices in the Congress—mostly in the United States Senate, to be sure, but increasingly also in the House of Representatives, I regret to say—are critical of the leadership role which America has exercised in the free world under the last six Presidents of the United States and the various elected Congresses associated with them. Suddenly today we are being told that communism is no longer a threat to the peace and stability of the world; that the Cold War and its tensions have long since disappeared; that the Soviets and the Communist Chinese are at heart nice, quiet, peaceful nations, with not the slightest interest, really, in intruding on the territory or the affairs of their neighbors, except, of course, so we are being told, as a purely defensive reaction to the allegedly aggressive international policies and actions of the United States, now, incidentally, being run so we are also told, entirely by a sinister entity called "the industrial-military complex."

We hear it proclaimed that America must not continue any longer to serve as "the world's policeman." We must abandon our long-standing commitments around the world to freedom and to free nations, we are told, and return to the self-indulgent isolationism of the 1920's—cultivating our own particular gardens, and devoting our time, attention, and our dollars exclusively to such domestic problems as poverty, racial unrest, pollution, and the like.

I am not suggesting of course that this rather curious view of the contemporary world has become, at least not yet, the controlling point of view of the people of the United States or their elected government. It certainly hasn't. But the chilling fact is—and it is high time our friends and allies around the world were clearly aware of just what is happening—that these sentiments do reflect the views of an increasingly larger segment of the American people, particularly the more vocal leaders of its intellectual and academic communities, of an increasingly larger portion of the members of the United States Congress, including a number of leading candidates for the presidency in 1972, and finally and most disturbingly, of a clear-cut majority of the printed and electronic news media, whose leaders, as you know, control tremendous power to mould public opinion, and who—as we have just seen—are immune from any prior restraints in publishing the clear and exact verbatim texts of any of the nation's most sensitive and most highly classified secrets which they can somehow get their hands on or which someone else can steal for them.

I hardly need to underline for you the profound significance of this shift in sentiment in our country, and the tremendous impact that it is likely to have, not merely on the cause of the Captive Nations, but on our whole future role in leading the fight against still further communist aggression and still further efforts at enslavement in many other crucial areas of Europe and Asia.

The reasons for this very dramatic shift in American sentiment lie of course in the frustrations of our long, costly, and still somewhat indeterminate commitment against communist aggression in Southeast Asia. Without going into detail over the complex issues involved in the Viet Nam war, and the wisdom or lack of it in the ways in which we sought to discharge our obligations there, one thing is perfectly clear. We went into Viet Nam just as we went into Korea, simply to prevent armed communist aggression from succeeding in Asia. Although the invasion of South Viet Nam by North Viet Nam was cleverly masked as a domestic insurrection, as compared with the more conventional military invasion of South Korea, the basic elements of both situations were identical. And in both cases, incidentally, this aggression by a small communist country on its non-communist neighbor was aided, abetted, and financed both by the Soviet Union and the Communist Chinese, and couldn't have lasted for a week without their help.

To be sure the relative ratios of support between these two communist powers varied from time to time during both conflicts. And whatever may be the ideological or practical differences between the Russians and Communist China, and however much these differences may support the conclusion now being expounded by so many unthinking commentators that communism is no longer a threat because it is no longer monolithic, the obvious fact is that in both conflicts both communist powers worked together, sometimes even in competition, against the interests of freedom and against the efforts of the United States. So whether communism is or isn't a monolith today, either way there is scant ground for any hope or encouragement as far as the free peoples of the world are concerned.

Helping other free nations to resist aggressions of just this kind has been a cardinal principle of American foreign policy ever since 1947 and the Truman Doctrine. This was our commitment to the containment of communism, in Asia no less than in Europe. This was the same policy which was so eloquently restated by President Kennedy in his brilliant Inaugural address, as recently as 1961, which solemnly pledged that America would "pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, to insure the success and the survival of liberty."

So our decision in coming to the aid of the South Vietnamese was neither new nor surprising, even though South Viet Nam was admittedly a small country, was located a half a world away from the United States, and was situated in Asia instead of in Europe. But we had learned a long time ago—or some of us thought we had at least, after what happened to Czechoslovakia following Munich—that peace was indivisible, and that if military aggression can successfully make a captive of even a small and far away nation, to that extent the security and the peace of all the rest of the world—including ourselves—is weakened and diminished.

But whatever the rationale for our assistance to Viet Nam, the truth is that the long, slow progress there, and especially the indecisiveness of our military operations, gradually took a heavy toll in public understanding and support, not only for Viet Nam but also for our traditional worldwide posture against communist aggression.

So, where do we stand today on this critical issue in the United States of America? Well, first of all, let me say that there is no great difference of opinion over the desirability of ending our involvement in Indo-China as rapidly as we can practically do so, and turning over to the people of South Viet Nam and the other states of Indo-China the full burden of their own defense. Rather the crucial conflict today, and it is a remarkably bitter one, is whether we are going to be allowed to carry out that withdrawal under conditions that will give the South Vietnamese, once we leave, at least a reasonable chance to defend their own independence. If we can do that, then obviously, the basic objective of our long and costly commitment in South Viet Nam will have been largely achieved.

This, naturally, is the course which President Nixon is seeking to follow. The alternative, which the President's critics in the press and in Congress have been working hard to force upon him, would be to carry out that withdrawal from Viet Nam in a way that guarantees instead, once we have left, that the North Vietnamese communists will automatically take over control of South Viet Nam, something they of course have been fighting since 1956 to achieve. If we follow this alternative course we will, obviously, be insuring that everything for which our country has spent so much time and treasure, and for which more than 45,000 Americans have now given their lives to help secure, will have gone down the drain forever.

This, ladies and gentlemen, is the central issue we face today in the United States in our Asian policy. This is what all the shouting is about. This end result, this tragic surrender and repudiation of all we have worked so hard and so long to achieve, is what President Nixon has so far stubbornly and, I believe, courageously, striven to prevent. And I for one hope the President will have enough public support in America to continue to do just that.

I say this in spite of the fact that the President is a Republican and I am a Democrat. But I deeply believe that when it comes to foreign policy, to the fate of our nation beyond its own shores, we must be Americans first and foremost and Democrats and Republicans second. All the great achievements in our world leadership role these past 30 years have been carried out with bi-partisan support. That is the way I believe it should be. And that is the way which I for one, if I have anything to say about it, am going to continue to work to see that it remains.

But to be perfectly candid, and perfectly realistic, it must be acknowledged that at this particular point no one can predict the outcome with assurance. A very large body of public opinion as of now, I am convinced, would support our withdrawal from Viet Nam regardless of what might happen to the people of South Viet Nam once we leave. Perhaps a majority of the Senate would favor this position too, provided only that we first got our own prisoners of war back home safely. At this stage I believe a majority of the House of Representatives is still firmly behind the President, but in all candor I must admit the margin is shrinking, and time is fast running out. And there is no question but that the latest Viet Cong peace offer from Paris has played into the hands of those working against the President.

I hardly need to point out to this assembly that if the President's critics do prevail, then a very heavy blow will have been struck to the cause we have all joined here today to honor.

Nevertheless, I do believe that this Great Debate now under way in the United States over the specifics of our withdrawal from Viet Nam has served to pinpoint one major truth, and that is that in a very real sense the future of what we like to regard as the free world hinges today more on the decisions we are taking and will be taking here in Asia than on those we take with regard to Europe. Here in this part of the world and in the countries which today comprise what might properly be called the Pacific Community is where the shape of the future of our whole world is almost certain to be determined.

To that extent it is especially unfortunate, I believe, that so much of our time and energies in the United States should be concentrated today only on the question of how and when we are going to withdraw from Viet Nam, because in our preoccupation we have been largely neglecting the far more important question of the future of Asia and the size and the shape of America's own role in that post-Viet Nam Asia. Do we now decide, for example, to opt entirely out of Asia now, once we leave Viet Nam? Do we opt out of all positions of leadership and responsibility now in the Pacific—despite our heavy commitments here in World War II, in the Korean war, and in Southeast Asia? Or do we instead continue to play some continuing role here in the Pacific Community? And if so, what should it be?

Most Americans, I believe, if you were to ask them directly, would probably support the broad approach to the Pacific Community that has come to be known as the Nixon Doctrine, that we should continue to have an interest in Asia and should play a major role there, but at the same time should limit our aid to economic assistance and possibly, upon occasion, to naval and air support, but should henceforth look to the free nations of Asia themselves to undertake a much larger share of the burden of their own defense, particularly in supplying the ground combat troops needed for that defense.

I am well aware that over the past two years the enunciation of the Nixon Doctrine has caused some apprehension on the part of our Asian allies for what it may represent in terms of a reduced American commitment in the Pacific. But the far more significant feature of this new doctrine, and the one that is especially relevant to the current debate over our withdrawal from Viet Nam, is not that it reduces our Pacific commitment below what it has been in the past, but that it represents a determination—in spite of all the growing domestic pressures in the United States toward isolationism—to continue to play a significant and meaningful role in support of peace, stability, and economic progress in Asia.

At the very least such a commitment would require continued support and assistance to all of the non-communist countries of Asia with whom we are already associated, either through specific bi-lateral agreements or through the broader provisions of the Southeast Asia Treaty Organization. Communism is no less a threat in Asia than in Europe; and depending in part on the manner of our withdrawal from Viet Nam, the problem will be to keep it from becoming suddenly a far more explosive threat in Asia. Thus we can certainly do no less, and probably we shall have to do a lot more to build as firm a mutual security arrangement in the Pacific as now exists in Europe and the North Atlantic. In addition we shall also have to provide help and encouragement in expanding that purely military alliance, as has been done in Europe, into increasingly greater measures of area-wide economic and political cooperation. A start has been made on this in Asia, but much more remains to be done.

Yet even this limited kind of commitment will not come automatically from an American people wearied and disillusioned over earlier efforts to provide similar help in Southeast Asia. It is clear that those of us who share an interest in Asia and recognize the growing world importance of this region in terms of economic resources and productive manpower, must remain active and vigilant if we are to generate the level of public support necessary to underwrite the operations and funds needed to carry out even the reduced committments of the Nixon Doctrine in Asia.

After all, consider the relatively narrow margin by which the United States Senate recently defeated the effort to dismantle our NATO alliance, although that alliance has been in existence longer than SEATO, and its record of success has been far less ambiguous. And only by a hair's breadth last year did Congress defeat a legislative rider to the defense appropriations bill that would have prevented us not merely from sending American ground troops into Laos and Cambodia, as we are already prevented from doing anyway, but also from providing weapons and military equipment to those free Asian countries seeking to defend themselves against communist invasion. Obviously, if we are to be prevented even from sending to Asian countries the same kind of military assistance we have long been sending to Greece, to Turkey, to Latin America, and even to Israel, then the Nixon Doctrine is dead in Asia even before it can get started.

The most difficult question of all for the American people at the moment concerns our relations with Communist China, and I should like to conclude with just a few thoughts on this most vital topic. Let me make it abundantly clear, by the way, that on this matter, as on the others I have discussed, I speak only for myself, as one member of the United States Congress, and not for the Nixon administration.

Like most Americans I support the effort to get better acquainted with the Red Chinese, an effort, by the way, that originated in the Johnson administration, you may recall, with periodic talks in Warsaw, which never produced results, however, because of the complete intransigence of the Chinese Communists. It has always been a wise maxim to, know your enemy better. We have been expanding our contacts with the Soviets for many years, for example, including the "hot line" from Washington to Moscow, and the result has been that both of us know and understand each other a little bit better. It has undoubtedly given them a clearer idea of the size and power of our military deterrent force. But, needless to say, it has not eliminated the sharp differences, in policy and ideology, that still separate us.

Something of the same kind might result from greater exchanges with the Red Chinese, and perhaps the results might be even more beneficial, since all indications point to the fact that as far as the United States is concerned the Chinese communists are the prisoners of their own ideology. The more they actually see of America, and Americans, the less likely are they to make a serious miscalculation about our ability to defend ourselves.

But having said all that, let me quickly add that the moment we go beyond the simple, preliminary feelers and exchanges and begin to talk about diplomatic recognition of Red China and its admission into the United Nations I see some very serious reservations.

There is really no reason for us to be misled as to just where such actions are likely to lead. Only the other day Premier Chou En Lai made it perfectly clear in several newspaper interviews that in spite of all the excitement and hoopla surrounding the new ping-pong diplomacy, the Mao government has not changed its basic line. Their primary objective, he reminded us, is still the take-over of Taiwan, just as the primary objective of the North Vietnamese government, in spite of all the diplomatic accountrements in Paris, is still the take-over of South Viet Nam. And in neither case, I might add, is diplomacy likely to change the issue in any significant degree.

So, if we want a rapprochement with Mao then we must be prepared to repudiate the Republic of China—in exactly the same way, again, as the desire for a negotiated settlement with Hanoi means ultimately the repudiation of the duly elected government of South Viet Nam.

Surely the United States has not yet come to the point where we are prepared to sacrifice our non-communist friends and allies in exchange for nothing more substantial than the appearance of smiles and friendship on the part of our communist enemies!

The lesson it seems to me is clear. So before we get ourselves in too deeply in this search for friendship and understanding on the mainland, let us reaffirm our continued policy of support, cooperation, and genuine friendship with the peoples and the government of the Republic of China.

And since these matters affecting our relations with the mainland have not yet been officially decided, it is all the more essential for those of us who believe as I do, both within Congress and outside, to speak out loud and clear against all these current efforts being made to persuade the administration this fall to switch our position at the United Nations and support the admission of Red China into the United Nations.

I believe that our government must continue to oppose the admission of Red China to the United Nations, and do so openly and actively until such time as it renounces its aggression against the UN and goes on record in support of the peaceful principles of the UN Charter.

Secondly, we must continue our American support for the proposition that seating Red China is still an "important" question, and still requires a two-thirds majority.

Third, we must remind our own people as well as the members of the UN that the Republic of China is one of the founders of the UN, and one of the five permanent members of its Security Council. As such its exclusion from the UN, either directly or indirectly, is completely out of the question. It makes no more sense, in fact, than if one were to propose the expulsion of France or Great Britain, both likewise founders and permanent members of the Security Council, simply on the ground that neither country exercises today as decisive a role over world events as it did in the days preceding World War II, when the French Army was commonly regarded as the strongest in all Europe, and when the sun never set on the British Empire.

I just do not think that the United States can either duck or equivocate on any of these important issues. We must, I am convinced, take our stand firmly and openly, and we must seek actively once again this fall, as we have done so often in the past, to line up UN votes for our position, not just sit idly on the sidelines, as so many have lately been suggesting that we do.

Finally, if in spite of all our efforts a two-thirds majority should appear to be shaping up in the Assembly for the admission of Peking, then I would propose we move immediately to defer all action on this question for a year, to give us time to see where the Viet Nam negotiations are headed, and to explore in much greater detail the full implications of the new ping-pong diplomacy—a term, by the way, that has captured the attention of the world's headline writers but which still, as the Prime Minister of Australia reminded us just the other day in connection with his own country's conversations with Peking, has so far yielded very, very little indeed in diplomatic substance.

This has been a sober picture which I have painted for this assembly, but I have only tried to present the facts about our situation in America as they really are. I know you would want it this way, and also I am myself firmly convinced that the more clearly and frankly we face up to our problems, the more effectively we are likely to be able to deal with them.

As one who has himself watched with considerable dismay the shifting course of American public sentiment on these great issues of national security these past few years, I think I know something of the perplexity which all of you must have felt as you have been reading the headlines from America.

The nation that has stood for years in the forefront of the struggle for peace, stability, and freedom, has now begun to question its own purposes and even to doubt its own resolve.

We never sought, of course, to be the world's policeman, and indeed we have never filled that role. But we recognized from the start that if a fight was to be made against the forces of blackmail and aggression—in Asia as well as in Europe—in the days following the end of World War II, only the United States of America possessed the vision and the power to mobilize and lead the forces of the free world. We recognized that if we didn't provide that leadership, no one else could do it. And so, without any hope of national gain, but only in the conviction that helping a neighbor to preserve his freedom we were in fact defending our own, we moved to take up the long and costly burden.

Yet, disturbing as the recent changes in American sentiment may be, I must say I still share the optimism and determination expressed by our President. America still possesses the power and resources; all that we need is the courage, and the heart, and the will.

And I am convinced we will find that courage and that will, because I believe, as I know you believe, that it is better to live in freedom than in captivity, that communism is basically wrong as a political and social philosophy, that it carries within itself the seeds of its own destruction, and that right and truth ultimately will prevail.

So we do have faith that those Captive Nations whose people we honor here this week will indeed some day be free again. And in working for that freedom we are doing not only what is desirable but what is right. And no greater assignment could any body of men and women have.

As President Kennedy expressed it in his Inaugural Address, "With a good conscience our only sure reward, with history the final judge of our deeds, let us go forth to lead the land we love, asking His blessing and His help, but knowing that here on earth God's work must truly be our own."

And we can also take heart from the same stirring words that Winston Churchill used to rally the British people in the darkest days of World War II: "Lift up your hearts. All will come right. Out of the depths of sorrow and sacrifice will be born again the glory of mankind."

News Release

Washington, D.C., July 19.—Congressman Samuel S. Stratton proposed today to President Nixon that the U.S. use its influence in the United Nations this fall to defer all action on the question of seating Red China in the United Nations for one year, so as not to cause "very grave damage" to the Nationalist Chinese regime in Taiwan even before we can judge whether the President's impending visit to Peking "will yield anything substantive in terms of reduced tensions in the Far East."

Stratton, who returned last week from a brief trip to Taiwan where he spoke during the Chinese celebration of "Captive Nations Week," reminded the President in a letter today that the President himself had pointed out that his impending trip was not being taken "at the expense of old friends," meaning the Nationalist Chinese.

Nevertheless, Stratton pointed out, "it is perfectly obvious that, unless the United States itself takes immediate steps to forestall it, the surprise trip announcement will have the practical effect of expelling the Nationalist Chinese from the United Nations at this fall's General Assembly session. Most commentators have already pointed out that we could hardly take the lead now in a fight to block the seating of Red China after having just accepted an invitation to visit Peking before next May."

In order that the trip to Peking not damage the Nationalist Chinese in advance, Stratton said, "I believe it is most important that we move at once within the United Nations to obtain a complete postponement of the whole Chinese seating question until the fall of next year.

"The reason for this delay, of course, would be to permit you to carry out your projected visit as scheduled and to explore fully the possibilities for enhancing peace in Asia, without our being responsible, even before that trip is begun, for causing serious damage to one very old and respected friend and ally in the Far East, possibly even creating a major shift in the balance of Asian power—something, I am sure, that neither you nor the Congress would want to see occur at this juncture."

Stratton noted that the Nationalist government as well as much of the rest of the world were "eagerly awaiting" the official U.S. announcement of its position on the Chinese seating idea, expected to be made momentarily. The proposal to defer all action until after the Nixon trip had been completed, Stratton said, "would be in the best interests of our nation, and also cause the least damage within the international community while your daring diplomatic initiative is being carried forward."

The full text of Stratton's letter is attached.

Washington, D.C.,
July 19, 1971.

The President,
The White House,
Washington, D.C.

Dear Mr. President: Your Thursday announcement of your impending visit to Peking made it clear that this action was not being taken "at the expense of our old friends," meaning of course the Nationalist Chinese Government in Taipei.

Nevertheless it is perfectly obvious that, unless the United States itself takes immediate steps to forestall it, the surprise trip announcement will have the practical effect of expelling the Nationalist Chinese from the United Nations at this fall's General Assembly session. Most commentators have already pointed out that we could hardly take the lead now in a fight to block the seating of Red China after having just accepted an invitation to visit Peking before next May.

Thus, in spite of what we may say about "old friends," the mere announcement of your impending visit could do very grave damage to the Republic of China even before we can judge whether the visit itself will yield anything substantive in terms of reduced tensions in the Far East.

To make your pledge not to damage our old friends meaningful, therefore, I believe it is most important that we move at once within the United Nations to obtain a complete postponement of the whole Chinese seating question until the fall of next year.

The reason for this delay, of course, would be to permit you to carry out your projected visit as scheduled and to explore fully the possibilities for enhancing peace in Asia, without our being responsible, even before that trip is begun, for causing serious damage to one very old and respected friend and ally in the Far East, possibly even creating a major shift in the balance of Asian power—something, I am sure, that neither you nor the Congress would want to see occur at this juncture.

Since the Nationalist Chinese as well as most of the rest of the world are eagerly awaiting the official United States announcement of its decision on the Chinese seating question, I believe the action I am proposing here would be in the best interests of our nation, and also cause the least damage within the international community while your daring diplomatic initiative is being carried forward.

Sincerely yours,

SAMUEL S. STRATTON.

THE SHARPSTOWN FOLLIES—XXIX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, day before yesterday I addressed the following letter to the chairman of the Judiciary Committee, concerning the Sharpstown case and the conduct of the Justice Department in the matter.

AUGUST 4, 1971.

Hon. EMANUEL CELLER,
Chairman, House Committee on the Judiciary, Washington, D.C.

DEAR MR. CHAIRMAN: A few months ago there was public disclosure of an immense scandal in Texas. This situation is so large in size and so complex in nature that description of it defies the imagination. Though many aspects of the scandal involve only state statutes, and must be dealt with at that level, there are serious Federal questions involved, and I respectfully invite your attention to these.

The principal individual behind this great scandal was a gentleman by the name of Frank W. Sharp. According to the Securities and Exchange Commission, Sharp and his associates engaged in a great scheme to defraud banks and insurance companies and other entities under his control, to manipulate the values of stocks in such companies, to deal in unregistered stocks, and to engage in any number of other illicit activities. Ultimately a very large number of important Texas officials were involved in the scheme in one way or another, with the result that the state government was generally tainted, if not corrupted.

The United States had good reason to believe that Sharp was guilty of a number of criminal offenses. In other banking cases in Texas the Department of Justice has proceeded with a thorough and complete prosecution. Strangely enough, in the case of United States v. Frank Sharp, the Justice Department agreed to let the man plead guilty to two offenses, one involving false entry in bank records, the other involving sale of unregistered securities. The court sentenced the man to a total of five thousand dollars in fines and a three year suspended jail term.

After the sentencing, the Department of Justice asked for immunity for Mr. Sharp, and the court granted it. According to the court, it had no alternative. At a later date, however, the order was modified but only after my outcry, so that Sharp could be brought before Texas grand juries investigating the case.

There are three areas of special interest in this matter, and which I believe merit your earnest attention, and appropriate corrective action.

1. The Federal immunity statute.—It appears that there should be close Congressional review of the Federal immunity statute. In the Sharp case, it appears that immunity was granted before the government even had any idea of the extent of crimes concerned, and before it had so much as completed its investigation. There is little evidence to indicate that immunity was required, necessary or desirable in the Sharp case. If the conduct of that case is any indicator, I believe that Congress ought to review the whole matter of immunity and determine how the statute has been used.

More importantly, I believe that the immunity statute should be modified to give the judge more authority over the question. He should be allowed to evaluate the evidence for himself before granting immunity. As it stands, he must accept the decision of the government. The decision to grant immunity is momentous, and in it is bound up the whole concept of justice; such a power ought to be shared, and not be the exclusive property of the government.

2. Equal administration of justice.—In one Houston bank case, a bank president pleaded guilty to a false entry of $17,000 in his bank books. The judge sentenced him to five years and a five thousand dollar fine. By contrast, the judge sentencing Frank Sharp—not the same judge—on the identical charge, but this time involving a half million dollar entry—assessed an eighteen month suspended sentence and $2,500 fine. Another court, sentencing an interstate chicken thief, assessed three years in prison. The differences in these crimes is startling in the extreme, as is the difference in sentences assessed. I suggest that it might be desirable to review the entire sentencing procedure in Federal courts, and although it is properly the duty of judges to attempt to find the best means of rehabilitation, some method might be devised to eliminate this vast disparity in sentences.

3. Conduct of the Justice Department.—In one Texas bank case, the Justice Department brought lengthy indictments; in the Sharp case this was not done at all, though the failure of Sharp's bank involved gross improprieties and huge monetary losses. In the former case I am certain that the law has been followed to the letter, and cannot understand why this was not so in the latter case.

It might be that the reluctance of the Justice Department to proceed with vigor against Mr. Sharp is related to the fact that the present Assistant Attorney General, Will Wilson, was employed by Sharp during two years of the time that Sharp concocted and carried out his grand scheme. Mr. Wilson was general counsel for at least three Sharp companies during this period, and carried out numerous assignments for Sharp, some of them involving deals of a most questionable nature.

Whether or not the Justice Department seeks to protect Wilson by failing to proceed against Sharp, there is serious question about Wilson's fitness to serve. He surely knew the nature of the deals that Sharp was making while he served as Sharp's legal adviser, and certainly did nothing to stop the scheme from developing and being carried out. I question whether a man having that kind of performance record can be trusted to be responsible for prosecution of the criminal statutes of the United States.

Mr. Chairman, I have detailed all these matters in a series of statements. I will be happy to furnish you additional information, and am available to you at any time. I earnestly request you to thoroughly investigate the matters above, and take such corrective action as might be required.

Sincerely yours,

HENRY B. GONZALEZ,
Member of Congress.

A TAX ON SULFUR OXIDES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 30 minutes.

Mr. ASPIN. Mr. Speaker, today I am introducing a bill which would place a tax on the emissions of sulfur oxides. The successful passage of this legislation would be a hallmark in the battle to save the environment.

Taxing polluters is regarded by virtually all economists as the most effective, most efficient, and most equitable way to make a real dent in the pollution problem.

The major thrust of the Federal Government's antipollution effort has been through the use of standards or direct regulations. These laws attempt to limit pollution by ordering the polluter to either reduce, or eliminate altogether, his harmful emissions. Anyone who has given only a cursory glance at any recent data on emissions can see what a dismal failure they have been. The major reason standards or regulations will never do the job, is that they do not encourage abatement, but tend to delay it. There is always a time lag between the date of passage of the specific legislation, and the last possible date allowed for compliance by the polluter. The longer the time lag, the easier it is to get the bill passed. Air polluters do not have to conform to the provisions of the Clean Air Act until 1976. There are no incentives to install abatement equipment now, all you have to do is state your company will comply by 1976.

Opting for the standards approach clearly demonstrates we do not feel pollution is something harmful. But sulfur oxide emissions are now estimated to cause between 1,100–2,200 excess deaths per year in New York City alone. Allowing the polluter 5 more years before he installs abatement equipment means we are allowing the sulfur oxide polluters to kill 5,000–10,000 more people in New York City before we say stop.

Once the Government commits itself

to grace periods for abatement, it naturally follows that the polluters will argue that the grace period be extended. Thus, no incentives are introduced for rapid abatement. It becomes more profitable to wait until the last possible date to install equipment; and then ask enforcing agency for an extension, which is routinely granted.

Striking and shameful evidence of this was demonstrated just last month by Environmental Protection Agency Administrator, William Ruckelshaus. A Washington Post reporter asked Mr. Ruckelshaus if the Government would shut down Ford Motor Co. in 1976 if they were the only automobile producer whose cars could not meet the 1976 requirements under the Clean Air Act. Mr. Ruckelshaus answered that in such a situation Ford Motor Co. would be granted an extension. I imagine the automobile industry was elated. The Administrator of EPA has, in fact, stated they do not have to comply. The incentives for developing low cost emission equipment are eliminated. All the polluter must do is inform the public, through advertising, that he is concerned with the environment, and is doing all he can.

Under this system the polluter allocates scarce funds to advertising instead of spending the money on research and development in pollution abatement itself. Ralph Nader's Task Force on Air Pollution found that Consolidated Edison, one of the largest polluters of sulfur oxides in New York City, spent $143,000 on all forms of air pollution research during the last 5 years. When compared to the $180,000 Consolidated Edison spent on air pollution advertising during the same period, one can see where Consolidated Edison's priorities are.

Legislation that provides incentives for abatement, not propagandizing, is necessary if we are ever to really tackle the problem. Standards or regulations will never do it.

Many polluters will argue that subsidies are the only answer. The National Association of Manufacturers favors this approach and would like to see tax credits for abatement equipment adopted. But the costs of such a program, in terms of foregone tax revenues, would most certainly escape the critical eye of congressional committees and we would not know what the program is costing us.

Second, the adoption of the use of subsidization would have the effect of introducing a new set of perverted incentives into the pollution attack. The amount of the grant or tax credit would depend on two variables: the level of emissions and the cost of the abatement equipment. There would be a strong incentive to exaggerate the level of emissions before the abatement to show more favorable results, and to exaggerate the costs of control to receive larger payments or tax credits.

Third, the costs of subsidization would be borne by the wrong people, the general taxpayer, and not the right people, the polluters or the consumer who uses the product which causes pollution.

This is not to say that subsidization would not work—it might, but the cost would be high. Nor is it to say that subsidies should be ruled out in all cases in some cases such as help to municipalities for sewer treatment, subsidies would be a good approach. But in general subsidies should not be the main thrust of the attack on pollution.

On balance, I believe that the best method of dealing with external costs of pollution is to internalize them as an economist would through the use of taxes. Through the use of a tax, we can force the producer to pay his total costs of production. Total cost for the producer would then include not only the private costs of labor, raw materials, machinery, and so forth, but also the external costs, or those which he imposes upon the environment, paid for with the tax. We determine the cost the polluter is imposing upon the environment and then present the polluter with the tax bill.

The use of a pollution tax, unlike a subsidy, puts the cost of cleaning up the environment where it belongs, on the polluter. Unlike using direct regulation under a pollution tax there is no controversy over an acceptable level of pollution—the tax is set on a sliding scale, the less pollution the less the tax. Too, unlike using direct regulation, there is no controversy over when the regulation goes into effect—the tax is put on immediately and when the pollution is corrected, the tax comes off.

When the tax goes into effect, the polluter faces three basic choices:

First, he can stop producing and stop polluting. This would occur in only a very few cases, when the level of his pollution is extremely high and the abatement equipment is prohibitively expensive.

Second, the polluter can install abatement equipment. This will occur when the cost of abatement is less than the tax.

Third, the polluter can pay the tax. This would occur only when the costs of abatement are higher than the tax. This may be a feasible solution where great economies of scale exist, such as sewage treatment. Maximum abatement with minimum cost could be achieved if the municipalities built highly efficient treatment plants, and treated all the wastes of industrial polluters. The taxes or charges levied on the polluters would pay for the construction and maintenance of the treatment facilities.

However using an air pollution tax the charges must be high enough to encourage abatement. If the air polluter is paying the tax instead of having the abatement equipment then the tax is not high enough. The tax, if properly levied, will yield very little revenue. It will, however encourage the polluter to remove all the pollutants, not just 80 or 90 percent.

Why have not we already adopted this approach of taxing polluters if this is such a good way of controlling pollution? What are the objections?

Many people concerned about the environment have felt that taxing polluters is analogous to granting a license to pollute. It was argued that the big firms would have sufficient wealth to just keep polluting and pay the tax. But this objection is probably the result of a misunderstanding of government tax policies. There are two types of taxes: revenue taxes, like the income tax, designed to bring large sums of money into the government coffers and taxes such as tariffs which are designed to motivate people to act in certain ways. A pollution tax is of the second type since the government would hope to collect little or no revenue and can raise the tax to encourage producers to install abatement equipment instead. A good example of what happens when polluters are forced to pay for the damage they do was related in a letter to my colleague, JOHN BRADEMAS, of Indiana recently. Without objection, I enter the letter at this point:

RADIATION LABORATORY,
UNIVERSITY OF NOTRE DAME,
Notre Dame, Ind., July 21, 1971.

Hon. JOHN BRADEMAS,
Rayburn House Building,
Washington, D.C.

DEAR JOHN: I know that matters such as I am about to describe are out of the purview of your Committee but you may know to whom this letter may be usefully transmitted.

I returned from a delightful scientific meeting in New Hampshire where I was blessedly undisturbed by newspapers to find a stack of Wall Street Journals awaiting me at home on Sunday morning. As usual, I glanced through them to find out what is really going on in the world. On the back page of the July 12 issue, I discovered a story entitled "Nixon proposal to tax the fouling of the air could bring new type of pollution control." The article quotes Representative Les Aspin as saying that the idea "will reverse the entire incentive process by making it more profitable not to pollute." After a series of comments by people of different sorts favorable to such a bill, there is a statement "On the industry side, representatives of the coal, oil and mining companies say costs would skyrocket if a charge were placed on every pound of sulfur coming out of smoke stacks."

I don't presume to advise on the amount of tax that should be established if such a bill were to be passed but I would like to tell you a little story about something I learned approximately twenty years ago when I was a guest of the Canadian Institute of Chemistry at the Trail, B.C. plant of the Consolidated Smelting and Refining Company. My host told a very amusing story of the "sulfur farmers" of Washington, Idaho and Montana, who planted their farms very carefully each spring with full knowledge that there would be no crop to bring in at the harvest. The reason was that the sulfur dioxide fumes (from the burning of ores) coming down with the wind from Trail, about eight miles across the Canadian border, would effectively destroy all prospects of a crop. The farmers would, as I remember, make detailed claims to the International Claims Commission. Ultimately, that Commission would decide that the farmers had suffered losses amounting to several million dollars a year as the result of the incautious operations of the Canadian plant. Consolidated Smelting and Refining would, as a result, have to put out those millions to compensate the American farmers and everybody (except Consolidated) was happy.

Apparently, after several years of such operation, the people at Consolidated came to the conclusion that it might be a good idea to put the problem up to their chemists or at least to people who might react realistically to the problem. What they did was to convert the sulfur dioxide fumes into sulfur trioxide and then into sulfuric acid.

The trick now was to market the sulfuric acid. Trail is located at a rather high waterfall on the Columbia River. Thus, it was easy enough to obtain considerable power from that waterfall and some of the power in turn was used to fix nitrogen to produce ammonia. The ammonia in turn was reacted with sulfuric acid to produce ammonium sulfate, which is an excellent fertilizer. Thus, the Consolidated Smelting found itself in the fertilizer business. No longer content with such triumphs, they decided to make more ammonia and convert that in turn into nitric acid. Ammonia and nitric acid give another fertilizer, ammonium nitrate, which was also sold effectively. Now, they saw many opportunities and one of the things they did was to buy potassium, or rather potassium materials from someplace in the northern United States (I think it was Montana or Idaho), which in turn was incorporated in either the nitrate or the sulfate to give very good potassium fertilizer. Of course, Consolidated paid for the potassium they purchased from the United States—but with American money!

The joker, in my mind at least, regarding all these operations is that their principal market seems to be the northwestern part of the United States and Hawaii. They now reap a profit from sale of fertilizers to the very people whom they had to pay previously in compensation for claims.

The moral of this little story is that, if the incentive exists, one may turn a loss into a profit. The people who now belch sulfur dioxide into the atmosphere have had no such incentive because they did not have to pay for the privilege. Consolidated Smelting had a real incentive because they had to pay for the privilege year after year. Ultimately, the stupidity of the situation got through to them. I am fairly confident that given similar incentives the rather brilliant people who at present find it profitable to waste sulfur dioxide will find it equally, or perhaps more, profitable to collect it and convert it into something marketable and useful both to their immediate interests and the general welfare of the public.

Sincerely,

MILTON BURTON,
Emeritus Professor of Chemistry.

Second, some people have charged that a pollution tax will raise the firms' costs and they will just pass these increased costs on to the consumer. I agree with them; that is the most equitable solution. As of now, people who live close to the polluter's firm are bearing part of the costs of his production. The consumers of his product are now paying an artificially low price. The consumers of steel are paying less for steel because part of the costs of producing steel are being borne by the people who live close to the steel plant. Thus the consumers of steel are buying steel too cheaply as the present price does not reflect the true costs of production.

More importantly, people are now buying products which cause a lot of pollution precisely because the price does not reflect the total cost. Only when all articles for sale really reflect the total cost of producing those articles will we, as consumers, really make the intelligent choices as to what we buy. Under total cost pricing products which cause pollution will cost more and people will buy less of them which is what we want.

Manufacturers claim that with a pollution tax they will suffer because their costs will increase, while foreign firms being allowed to continue to produce will undercut their prices. It is true that the cost to polluters will increase, either from paying the tax or from installation of abatement equipment, but that does not reflect an increase in total costs to the society. The costs are just transferred to the people who are really imposing them upon others.

Today I am introducing a bill that would tax sulfur oxide emissions.

Sulfur oxides cause billions of dollars worth of damage to health and property each year. The Environmental Protection Agency reports that each pound of sulfur oxides emitted causes 25 cents of health and property damage. Presently, there are over 30 million tons being emitted every year in the United States, approximately 300 pounds for every man, woman and child.

A recent study conducted in New York City has shown that sulfur oxides start causing excess deaths when the average daily concentration reaches between 0.2 and 0.4 parts per million. These concentrations existed on 30 percent of the days included in the study. If these levels exist 30 percent of the time, between 1,100 and 2,200 excess deaths are caused by sulfur oxides in New York City every year.

Various other studies have confirmed the results of the New York research. Studies in London showed that the daily death rate increased when the concentration of sulfur oxides reached 0.25 parts per million. A more distinct increase in deaths occurred when the levels reached 0.35 parts per million. In Chicago, in 1969, a temperature inversion caused the sulfur oxide level to rise so high that 100 excess deaths occurred with some of the victims less than 2 years old. The U.S. Public Health Service reports that long term adverse health effects begin when the concentration of sulfur oxide reaches 0.1 parts per million. New York City is above that level.

People buy air conditioners in order to breathe some fresh air, the utility generates more electricity, and along with it of course, more air pollution. Increased particulate and sulfur oxide emissions reduce direct sunlight so people have to turn on their lights sooner, further increasing the demand for electricity. Particulates reduce direct sunlight by as much as two-thirds in our northern urban areas.

Sulfur oxides also corrode metal. EPA reports that the corrosion rates are up to five times greater in polluted areas than in rural areas. Sulfur oxides damage all types of electrical equipment. In heavily polluted areas, there is a one-third reduction in the life of overhead power line hardware and guy wires. Sulfur oxides increase the drying time of oil-based paints, reducing their durability. It is not necessary to mention the effects of sulfur oxides on vegtation, Professor Burton's letter will suffice.

Mr. Speaker, I think the time has arrived to start taxing polluters; sulfur oxides would be a good place to begin.

I have taken a great deal of care to put together a bill that would both be effective in reducing emissions of sulfur oxides, and would be relatively easy to administer. The level of the tax would start out low, 2.5 cents per pound in 1972, and increase by 2.5 cents each year until 1975. From 1975 on, the tax will be 10 cents per pound. The increasing rate of the tax for the first 4 years will provide the necessary incentives to the polluters to start abatement immediately, because the longer they wait, the higher tax they will have to pay.

To make the tax easy and inexpensive to administer, the bill is structured in such a way there will be a minimum amount of monitoring necessary. Approximately 75 percent of the sulfur oxides emitted into the atmosphere come from the combustion of fossil fuels. Sulfur is present in varying amounts in all coal and oil. Where the sulfur oxide emission results from the burning of coal and oil, it is very simple to determine the level of emission. One pound of sulfur in fuel yields 2 pounds of sulfur oxides upon combustion. In this case, the tax will be collected on the fuel at the refinery or coal mine at double the rate of that on sulfur oxides.

The Treasury will set up a certificate system and anyone who removes sulfur oxides from stack gases will receive a rebate for the amount of sulfur oxides removed. This will leave all options open for removal. In cases where stack gas removal systems are of low cost and extremely efficient, the firm will probably purchase high sulfur fuel and get a large rebate for removal. In cases where stack gas removal is now technologically expensive, the firm will purchase very low sulfur, or desulfurized fuel. Refineries will have the incentive to find low cost desulfurization techniques as there will be a strong demand for desulfurized fuel. There are no restrictions. The market economy will guide business firms to find the lowest cost, most efficient way of doing the job.

I hope that my colleagues will give this bill careful study. I will reintroduce the bill with cosponsors, after the recess.

PAYMENTS BY POSTAL SERVICE TO RETIREMENT FUND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. DULSKI) is recognized for 10 minutes.

Mr. DULSKI. Mr. Speaker, I am today introducing legislation to provide for payments by the U.S. Postal Service to the civil service retirement fund for increases in the unfunded liability to the fund caused by increases in benefits for Postal Service employees.

The bill is cosponsored by the gentleman from North Carolina (Mr. HENDERSON), chairman of the Subcommittee on Manpower and Civil Service, and the gentleman from Iowa (Mr. GROSS), ranking minority member of the full Post Office and Civil Service Committee.

Congress has established a policy that any increases in civil service retirement benefits must be accompanied by provisions for appropriate payments to the civil service retirement fund.

The bill we are introducing today applies to the extra costs incurred, or which may be incurred, by the new U.S. Postal Service.

These include the additional costs resulting from the large number of involuntary separations and early retirements by postal employees in line with the recent special incentive plan of the Postal Service. It also applies to the pay increases both at management level and under union agreements, as well as to any liberalized benefits which may be authorized by the Postal Service in the future.

The bill, as introduced, seeks to make the Postal Service liable—as is the Government generally—for its share of any increase in the unfunded liability of the retirement fund.

Congress must provide funding for any increased liability which it authorizes for the rest of Government, and this bill simply seeks to fix without question the responsibility for such additional funding which is incurred by an agency which is outside the control of Congress.

There was no provision in the postal reform legislation for this liability, and the Congress no longer has any control over pay or benefits of postal personnel although the employees continue to come under the civil service retirement system.

Public Law 91–93 set the policy for stabilizing the retirement fund, including authorizing appropriations to cover any future increases within Government in unfunded liability, to be paid in 30 equal annual installments.

The new postal service is an independent corporation, formed to operate without general subsidy, and therefore provision needs to be made in law for the independent Postal Service to reimburse the retirement fund for any unfunded liabilities which it incurs.

LEGISLATIVE ACCOMPLISHMENTS OF FIRST SESSION, 92D CONGRESS, TO DATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. BOGGS) is recognized for 20 minutes.

Mr. BOGGS. Mr. Speaker, as we begin our summer recess it is a good time to reflect on the legislative accomplishments of the first session of the 92d Congress to date.

With the help of the Library of Congress, the following compilation of our action is included in the RECORD for the benefit of Members who will be going to their districts during the recess.

LEGISLATIVE ACCOMPLISHMENTS OF THE FIRST SESSION OF THE 92D CONGRESS, TO DATE

THE ECONOMY AND UNEMPLOYMENT

Inflation is still spiraling. Strikes and ever-increasing wage settlements beset us. At the same time, the Nation's unemployment rate remains high. Since January 1969 approximately 2.8 million persons have been added to the Nation's unemployment rolls. Today nearly 5.5 millon individuals are unemployed with 1.2 million being out of work for 15 weeks or longer. According to the latest data available at this writing, the unemployment rate for veterans of the Vietnam era is 8.1 percent.

This situation is one with which the Congress is very concerned.

Emergency Employment Act of 1791

With a national unemployment rate in recent months at around 6 percent, this country needs more jobs, and it needs them now. Congress is working to meet this end. The welfare reform bill, H.R. 1, passed by the House in June, would allocate $800 million for public service jobs, giving employment to an estimated 200,000 persons. It also would provide $540 million for job training, thus augmenting existing manpower training programs.

As an immediate effect in areas of high unemployment, however, the House and Senate have approved an emergency bill designed to create between 510,000 and 200,000 city and State jobs for the unemployed. Public Law 92–54, the Emergency Employment Act, for which there was strong bipartisan political support, authorizes Federal expenditures of $1.75 billion over two years to create public jobs in the fields of health, education, police work, sanitation, and public works. Designed to provide on-the-job training to assist those who are hired to find permanent jobs, the measure also provides for prompt employment in communities which need immediate assistance.

This legislation takes into account and provides for a wide range of problems. First, it is sympathetic to the plight of the cities and sensitive to the fact that although the overall unemployment rate may decline below 4.5 percent the rate in many of our large cities could remain as high as 6 percent. Unexpected cutbacks in hard-hit industries are likewise taken into consideration.

Public Law 92–54 addresses itself to each of these problems, while not excluding the others. It provides that some, but not more than one-third, of the public service jobs created may be for unemployed professionals. At the same time, it guarantees that these professionals will not exhaust the funds available for the total program, for it limits to $12,000 the amount that may be paid to any one employee per year.

Returning veterans will be favored by the act, which directs cities and States using funds to give special consideration to unemployed veterans of the Korean and Vietnam eras. The program is triggered whenever the national rate of unemployment is 4½ percent or higher for three consecutive months. In addition, the act authorizes a "special" employment assistance program of $250 million a year for 2 years for communities where local unemployment is 6 percent or above for three months.

Finally, the act contains provisions insuring that efforts will be made to move workers out of public service jobs and into regular employment as quickly as possible. By requiring each person employed to apply for an annual review by the appropriate agency, an individual could be assured that he will not become lost in a "dead-end" job

The 150,000 jobs created by this measure will not be a cure-all to the crisis that claims over 5 million Americans who are unemployed. But this is an important move in forming a realistic approach to the severe employment and manpower problems facing the Nation.

The Congress also passed $1 billion appropriations to fund the program immediately.

Public Works Programs and Appalachian Regional Development Act Amendments, S. 575

In a further step to aid the economy, Congress approved S. 575 authorizing $5,661,500,000 for accelerated public works projects and regional development programs. This public service employment legislation was designed to create jobs to do much needed work at State and local governmental levels. It has been estimated that the program would have affected some 2.5 million people, who have been added to the unemployment rolls in the last two years alone.

Specifically, Title I of the legislation would have authorized $2 billion for the extension of programs under the Public Works Acceleration Act of 1962. Title II authorized almost $2 billion for the extension of programs under the Public Works and Economic Development Act of 1965. Title II authorized $1.8 billion in extending programs under the Appalachian Regional Development Act of 1965.

The President, unfortunately, saw fit to veto the measure when it went to his desk for signature.

Public Works and Economic Development Act and Appalachian Regional Development Act Extensions, H.R. 9922

On July 28 the House and Senate approved another version of the vetoed public works bill, a measure which is acceptable to the Administration. The new Public Works and Economic Development Act and Appalachian Regional Development Act Extensions authorizes $3,992,500 in total for programs to be covered.

The measure, in addition, authorizes $2.4 billion for two years for public works, business loans and other projects managed by the Economic Development Administration. The amount that could be spent on accelerated public works has been reduced to approximately $500 million during the next two years. In the vetoed public works bill $2 billion had been authorized for such accelerated public works programs.

It is the purpose of the Economic Development Administration to provide Federal financial and technical assistance, in cooperation with the States, for the creation of new jobs. Grants are authorized for public works and development facilities conducive to the developments and operation of private enterprise.

H.R. 9922 establishes new criteria for designating so-called special impact areas which would be eligible for financial assistance. A sum of $800 million is authorized for grants for public works and development facilities for each of the fiscal years 1972 and 1973. Any unused authorization for which appropriations are not made in 1972 may be appropriated in fiscal year 1973.

An amount not less than 25 percent, nor more than 35 percent, of appropriations for the two fiscal years could be spent in special impact areas to assist the Secretary in maintaining a proper balance between projects that are deemed necessary for long-term development programs and projects to assist in providing urgently needed employment.

Special impact area projects would include those providing immediate work for unemployed and underemployed persons. In those areas grants-in-aid for local public works involving local cost sharing could be made to cover up to 80 percent of the costs, with a proviso that a 100 percent grant could be made if the State or local government had exhausted its effective taxing and borrowing capacity for such purposes.

Title II, which extends the Appalachian Regional Commission for four years, authorizes $1.5 billion in funds for highway development, airport improvements, filling of abandoned mines and reclamation of strip mine areas, and land acquisition or construction projects for industrial development and expansion. The Commission itself is an excellent example of the operation of the Federal Government in working with the people in a poverty area to bring an improved way of life and to encourage a productive citizenry, rather than allowing them to be doomed to an endless cycle of welfare checks.

Emergency loan guarantees

On July 30, the House passed a $250-million loan guarantee for the Lockheed Aircraft Corporation which, the Nation's largest defense contractor claims, is needed to prevent it from being forced into bankruptcy.

Committees of both the House and Senate had reported legislation creating a $2 billion loan guarantee fund to assist other industries as well as Lockheed. However, the House bill, H.R. 8432, was amended on the floor reducing the amount from $2 billion to $250 million specifically for Lockheed.

H.R. 8432 provides in addition that the Government shall be paid the difference between the guaranteed loan's interest cost and the cost of an unguaranteed loan.

A loan review board, established by the bill, would consist of the Secretary of the Treasury, the Federal Reserve Board chairman, and the chairman of the Securities and Exchange Commission. Auditing is authorized to be conducted by the General Accounting Office, though not before the loan is made.

On August 2, the Senate approved the $250 million loan.

Supporters of the loan guarantee claim that it is necessary to avoid a Lockheed bankruptcy that would result in an estimated 60,000 persons being unemployed. The Lockheed emergency comes at a crucial stage in development of a new commercial plane called the TriStar, a 250-seat airbus. Although $400 million has been borrowed from the banks, the firm appealed to Congress for aid in obtaining the estimated $250 million more that would be required for completion. Lockheed contracted with the British Rolls Royce Company to build the TriStar Engine. The British Government, however, had stated that it would not continue subsidizing Rolls Royce to complete the contract unless Lockheed was assured of the additional loan by August 8, and the banks had stated they would make the loan only if the Federal Government guaranteed its repayment.

Railway strike prohibition

In May the country was faced with a railroad strike that threatened to paralyze the railroads as well as the Nation's economy. Congress was faced with emergency legislation for a temporary settlement of the striking workers. The unions on one hand were demanding a 54 percent pay increase, while the railroads were willing to give 36 percent. The strike called for by the union on March 5 was postponed temporarily March 4 when the President, under authority of the Railway Labor Act, established an emergency board to study the case and recommend a settlement.

The walkout was called for again May 17 and more than 500,000 rail workers began a strike that shut down all trains except those kept running by supervisory personnel.

Congress and the President on May 18 approved the emergency legislation, Public Law 92–17, directing striking railmen to return to work, while providing for a 13½ percent wage increase, and prohibiting future railroad strikes through October 1, 1971.

Public debt limit increase

Public Law 92–5, approved March 17, raises the federal debt ceiling to $430 billion from $395 billion through June 30, 1972. This temporary ceiling would be reduced to a permanent level of $400 billion on July 1, 1972.

During final passage, the Senate amended H.R. 4690 by adopting key social security amendments providing for a ten percent across-the-board increase in certain social payments, affecting an estimated 26,000,000 persons. The increase, in Old-Age, Survivors and Disability Insurance benefits, was retroactive to January 1 of this year.

In approving Senate amendments, the House also adopted other provisions raising the minimum monthly payment to $70.40 from $64.000; authorizing a five percent increase in social benefits payable to individuals age 72 and over who were not insured for regular benefits; increasing the taxable wage base to $9.000 from $7,800 (effective also in January); and increasing the tax rates on employers and employees to 5.15 percent from five percent beginning in 1976.

Wage and price controls extension

Final action on a temporary extension of the President's standby authority to implement wage, price, and rent controls to June 1, 1971, came when the House on March 29 approved a Senate-passed version of S.J. Res. 55.

The temporary extension was necessary to continue the President's authority until the Senate took final action on H.R. 4246 extending his authority to March 31, 1973. H.R. 4246 had been passed by the House March 10, but since it had not been acted upon by the Senate prior to the March 31 expiration date in existing law, the temporary legislation was introduced.

On May 5, Congress cleared H.R. 4246 providing for an extension through April 30, 1972. Public Law 92–15 also prohibits the President from applying wage and price controls to a single industry unless he determines that wages or prices in the industry had increased in a grossly disproportionate rate compared to the economy as a whole.

In addition, the act extends the authority of federal banking agencies to establish ceilings on interest rates paid by financial institutions on time and savings deposits through March 31, 1973, and grants permanent authority to the President to initiate a program of voluntary credit controls to be implemented by the Federal Reserve Board.

Export-Import Bank Act

Legislation affecting our balance of international payments deficit has been sent to conference by the House and Senate. S. 581 extends the life of the Export-Import Bank for one year to June 30, 1974 and raises the ceiling on all loans, guarantees and export insurance issued by the bank from $13.5 billion to $20 billion.

As passed by the House, S. 581 retains an existing ban on the bank's financial assistance to any nation that supplied materials or aid to North Vietnam or any nation in armed conflict with the United States.

As passsed by the Senate, S. 581 contains a proviso removing a four-year old restriction that had the effect of prohibiting the bank from providing credit to the countries of eastern Europe, including the Soviet Union.

The Export-Import Bank was established in 1945 as the principal government agency to assist the financing of U.S. foreign trade by providing credits, credit guarantees and insurance to foreign businessmen for the purchase of American exports. Recently, however, the U.S. balance of payments deficit has increased by a decline in U.S. trade surplus. By strengthening the Bank it is hoped that the trade surplus decline can be reversed. The Bank offers the most efficient and effective means available to us for increasing U.S. exports.

Since 1945, the Bank has stood behind U.S. exporters in helping them meet those credit needs of their customers which the commercial banking system could not fulfill. Today the credit needs of our overseas customers have greatly increased. And in the fact of competition, we must make certain that U.S. exporters have the necessary backing to offer competitive credit. Major provisions of S. 581 would provide this backing.

Interest equalization tax

A second measure related to the U.S. balance of payments has become public law in this Congress. Public Law 92–9, signed by the President April 1, extends the Interest Equalization Tax until March 31, 1973. It is the equalization tax, which applies to purchases of foreign securities by U.S. citizens and to loans by American banks to foreign customers, that is designed to reduce the flow of capital from the country by discouraging foreigners from acquiring capital in the United States.

In passing the measure, the authority of the President to reduce the tax on new foreign securities, without reducing the tax on outstanding securities, has also been extended. The President is authorized to raise the tax to the equivalent of 1.5 percent a year or reduce it to nothing.

WELFARE AND PENSIONS

Welfare, social security, medicare and medicaid reform

One of the most complicated, yet one of the most comprehensive, bills to come before the Congress is H.R. 1, which provides for major changes in welfare, social security, medicare and medicaid programs. H.R. 1 passed the House June 2 after two days of debate. If enacted by the Senate, it will have far-reaching effects on almost every American and on the relationships between governments at all levels.

As described in a 385-page long Committee report, H.R. 1 contains five major program reforms in welfare and old-age assistance laws, as well as a number of reforms in the social security and medicare and medicaid laws.

First, the bill contains several extensive social security reforms, including an across-the-board increase in benefits of five percent as of June 1972. This is in addition to the ten percent increase enacted in March 1971.

The minimum benefit would go to $74 from $70.40 a month. The average old-age insurance benefit would go to $141 from $133 a month, and the average benefit for aged couples would go to an estimated $234 from $222 a month. An increase in special benefits for persons age 72 and over not insured for regular benefits is proposed to increased to $58 from $48 for individuals and to $76 from $72 for couples. It is the estimate of the Committee on Ways and Means that additional payments would total approximately $2.1 billion in the first full year and that over 27 million beneficiaries would become entitled to the increased payments.

This section of H.R. 1 includes a provision for automatic cost-of-living increases in benefits each January whenever the cost of living rose three percent or more between specified time periods. However, an automatic benefit increase would not go into effect if Congress voted an increase for the year in question. There are also substantial reforms in the earned income limitation in benefits for widows, widowers and dependents and in disability benefit payments. As estimated 3.4 million widows and widowers would receive $764 million in additional benefits the first year, with the new increases to become effective in January 1972.

The medicare program is broadened to include disabled social security and railroad retirement recipients, and guarantee is added that no increase in premium payments will be required unless there were a general increase in benefits. Under present law, medicare coverage does not extend to disability beneficiaries. H.R. 1 proposes health insurance protection after the disabled beneficiary had been entitled to Social Security benefits for at least 24 consecutive months. Expanded social security benefits and hospital insurance program would be financed mainly by increasing social security taxes. H.R. 1 proposes an increase in the contribution and benefit base from $7,800 to $10,200 rather than to $9,000 as provided under present law.

H.R. 1 encourages greater equity in welfare payments throughout the country under both the Family Assistance Plan and Opportunities for Families and greatly improves the administration of welfare payments. Payment provisions include uniform national payment eligibility standards. Finally, the bill provides minor income tax law reforms to permit deduction for child care expenses of working mothers and to expand and simplify the existing retirement income credit provisions.

One of the major provisos of this bill is that the receipt of welfare benefits should be a temporary status and not a way of life. In the past there has been difficulty in assisting the recipient to a self-sufficiency in that all recipients have been lumped together without any realistic assessment of their ability to enter the labor force and in that authority for employment and training programs have been diffused at both the federal and state levels.

H.R. 1 creates an entirely separate program for those defined under the bill as available for employment and by assigning exclusive responsibility for this program to the Labor Department. Any eligible person not registering or taking work or training as required would subject his family to a penalty of an $800 per year reduction in benefits. Every person receiving training would receive about $30 a month as an additional incentive to stay in training.

Second, H.R. 1 reforms present programs of welfare assistance to needy families by separating applicants who are employable and assigning them a separate program called Opportunities for Families, to be administered by the Department of Labor. Designed for families with an employable adult, the program includes training and work incentives and work requirement programs, as well as day care and other services.

For families with children which do not include an employable adult, the measure establishes a Family Assistance Plan to be administered by the Department of Health, Education, and Welfare. Once a family under this plan includes an employable adult, the family would be referred to the Opportunity for Families program. The Family Welfare Program (Title IV) was the most controversial part of the bill in the House debate. On the same day that the measure passed the House, we defeated a motion to delete Title IV entirely from the bill.

Under this Assistance Plan, a guaranteed annual income of $2,400 to a family of four with no outside income is proposed. Existing law states that the low-income family headed by the father is not eligible for AFDC if he is working full-time, although the family headed by the mother is eligible for aid whether she is working full-time, part-time or not at all. H.R. 1 proposes that a family headed by a male be eligible for assistance programs.

Railroad retirement benefits

Congress provided for a ten percent increase in retirement benefits for railroad employees. Public Law 92–46, signed July 2, provides for the benefits to June 30, 1973 and retroactive to January 1, 1971. The act also extends to June 30, 1972, the reporting date of the Commission on Railroad Retirement created to study the railroad retirement system.

By extending the reporting deadline of the Commission, whose work had been delayed due to organizational problems, Congress will have more time to consider the Commission's final report before expiration of the ten percent increase.

GENERAL GOVERNMENT

Lowering of the voting age in elections

On March 23 Senate Joint Resolution 7 cleared Congress as a proposed amendment to the Constitution extending the vote to citizens 18 years or older. By March 26, three days after its passage, nine state legislatures had approved the Amendment. On June 30, Ohio became the 38th state to ratify thus adding the 26th Amendment to the U.S. Constitution, making it the most rapidly ratified Amendment in our history.

Last year Congress lowered the voting age to 18 for all elections when it passed the Voting Rights Act Amendments of 1970. The Supreme Court held in December, however, that this action was valid only for Federal elections. The Constitutional Amendment lowers the voting age to 18 for state and local elections as well.

With approval of this Amendment, and last year's Voting Rights Act Amendments, approximately 11 million young people are eligible to vote. It seems entirely appropriate that in the 1970's, an era of youthful participation in national issues, that we allow and encourage participation at the polls. I hope these young adults will now exercise the franchise.

Regulation and definition of obscene mail through the mails

In an attempt to regulate the distribution of sexual materials through the mails to young persons, the House passed H.R. 8805 prohibiting the mailing of sexual matter, as defined in the bill, to minors under 17 years. This legislation also provides for violation a criminal penalty of $5,000 fine and/or five years imprisonment for the first offense, and $10,000 fine and/or ten years imprisonment for a second offense.

Two laws are presently in existence to control the distribution or sexually oriented materials through the mails. The Postal Revenue and Salary Act of 1967 contains a provision prohibiting the mailing of pandering advertisements, permitting the postal patron, in whose judgment the material seems sexually offensive, an opportunity to request no further mailings of unsolicited advertisements from mailers who have previously sent them advertisements.

The Postal Reorganization Act of the 91st Congress provided postal patrons the means by which they can register with the Postmaster General their intention not to receive sex oriented material from any mailer. Violation of this law punishable up to five years' imprisonment, a fine of $5,000 or both.

While these two laws provide a measure of protection from unsolicited pornographic mailings, they do not regulate the distribution of such materials to young persons. H.R. 8805 was approved to fill this gap.

Extending the President's reorganization authority

In May the House passed H.R. 6283 extending for two years, until April 1, 1973, the President's authority to submit reorganization plans under the Reorganization Act of 1949. H.R. 6283 would amend the 1949 Act to limit the number of plans the President can submit to not more than one within any period of thirty consecutive days. In addition, the act would be amended to prohibit the submission of a plan that deals with more than one logically consistent subject matter.

Under the authority as provided in the Act of 1949, the President is allowed to submit to Congress reorganization plans that transfer, consolidate or abolish federal executive agencies and functions. These plans become law unless the Congress passes a resolution of disapproval within 60 days of the plan's submission. Since the 1949 Act went into effect, 90 reorganization plans have been submitted to Congress. Seventy of these have been approved.

Reorganization Plan No. 1—ACTION

Before the President's reorganization authority expired on April 1, a plan to reorganize volunteer agencies in the Federal government was submitted to Congress March 21. In voting down a resolution of disapproval, which had the effect of approval of the plan, the House on May 25 gave its sanction to the combination of several different volunteer agencies into one agency called ACTION.

The reorganization plan initially consolidates in ACTION the following programs: Volunteers in Service to America (VISTA), from the Office of Economic Opportunity (OEO); Auxiliary and Special Volunteer Programs, from OEO; Foster Grandparent, from the Department of Health, Education and Welfare (HEW); Retired Senior Corps of Retired Executives (RSVP) from HEW; and Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE), both from the Small Business Administration (SBA).

In his accompanying message the President also said he would take executive action to transfer into the new agency the Peace Corps, from the State Department, and the Office of Volunteer Action, from the Department of Housing and Urban Development. In addition, the President stated he would submit additional legislation transferring the Teacher Corps to ACTION from HEW.

ACTION is headed by a director, deputy director and four associate directors, all nominated by the President and confirmed by the Senate. The Administration has proposed that Congress authorize the agency to spend $20 million over and above the consolidated fiscal 1972 budget level for the agencies that ACTION absorbed. This additional money would then be used to finance experiments with new programs using volunteers.

With an annual budget of approximately $180 million, ACTION has 1,600 full-time employees directing about 56,000 volunteers.

Pay system for prevailing rate Government employees

In an attempt to gain a more equitable system of wages for prevailing rate employees within the Federal Government, the House approved H.R. 9092 providing for a $181.3 million pay increase for such workers and revising a wage board system of payment. Prevailing rate employees are laborers, craftsmen, and tradesmen who occupy various positions such as truckdrivers, carpenters, painters and mechanics.

The definition of prevailing rate employee has been expanded in this legislation to include approximately 140,000 employees of nonappropriated-fund activities of the Armed Forces and approximately 3,200 employees of the Veterans' Canteen Service. At the present time, the pay of most of the 800,000 employees who would be covered by this bill is fixed by administrative action in accordance with regulations prescribed by the Civil Service Commission.

However, there has been a disadvantage in such a system in that the Government's prevailing rate employees—unlike most other Federal employees—are subject to continuing uncertainty about the rules and policies under which their pay is adjusted.

H.R. 9092 proposes to enact into law the established principles and policies for adjusting the pay of prevailing rate employees as for other Federal employees. In addition, the bill proposes certain needed changes in the existing pay system for these employees by providing for a Federal Prevailing Rate Advisory Committee to be established to replace the present Coordinated Federal Wage System Advisory Committee.

Civil Rights Commission, authorizations

Both Houses of Congress approved an increase in the annual authorization for the Commission on Civil Rights from $3,400,000 to $4 million. It is estimated that the authorization provided in H.R. 7271 would entail an additional cost of not more than $600,000 for fiscal year 1972. Under existing law, the term of the Commission on Civil Rights expires January 13, 1973. Unless the term of the Commission is extended, it is expected that fiscal year 1973 appropriations will be a proration of this amount.

EDUCATION

National School Lunch Act Amendments

Congress has recognized the plight of inadequately fed school children and has authorized new programs and appropriated funds to insure that hot lunches will continue to be provided to all those who need them. Public Law 92–32, signed June 30, authorizes funds for the Department of Agriculture for the purpose of providing free or reduced-price meals.

This commitment was made by Congress last year by the unanimous passage of Public Law 91-248 requiring that every needy school child be provided a free or reduced-price meal. School districts are required by that law to provide these meals or they are barred from participating in the national school lunch program. After the bill was signed into public law the President requested a supplemental appropriation to pay schools for the additional costs for providing these meals, and Congress appropriated that amount, $209 million.

School districts have expanded their lunch programs in fulfillment of the congressional requirement. The amount appropriated, however, was insufficient to pay fully for these additional costs and hundreds of school districts were faced with the choice of discontinuing their lunch programs or going into debt. It was estimated that 12 States and cities alone reported that they were $22 million short of funds for the program this year. The purpose of Public Law 92-32 is simply to give the Secretary of Agriculture standby authority to deal with these shortages.

The law would allow the Secretary to transfer up to $50 million at his discretion to reimburse States for their additional expenses in providing free and reduced-price meals for these children during the present fiscal year. Second, the legislation authorizes the Secretary of Agriculture to use an amount not to exceed $100 million during fiscal year 1972. These funds would be in addition to funds appropriated or otherwise available for this purpose.

The Secretary is authorized to use these funds when a need for additional funds is demonstrated by State educational agencies or by schools or service institutions under an agreement with the Agriculture Department for the operation of the food service programs in each State. Any funds remaining unexpended or not obligated at the end of the fiscal years 1971 and 1972 shall remain available to the Secretary for use in financing child nutrition programs in the following years.

So far the results of the food program have been dramatic. By February 1971, nearly 6.7 million needy children were receiving free or reduced-price lunches, an increase of 2.5 million above the total in February 1970. In March, the total increased to 7.1 million children. The authority provided in this law will serve as assurance to the schools that Congress will provide them sufficient funds not only now but in the future, an assurance which is particularly important to them in planning their budgets for the coming year.

Emergency School Aid Act

During this session the Senate approved $1.5 billion in emergency aid to schools desegregating during fiscal 1972-73. S. 1557, the Emergency School Aid and Quality Integrated Education Act of 1971, authorizes $500 million of the total for fiscal year 1972 and $1 billion for fiscal year 1973, of which 68 percent would be used for project grants to establish and maintain quality integrated schools and to aid in integration.

Of the remaining funds, 15 percent would be used for grants for metropolitan-area programs, such as education parks; nine percent would be used at the discretion of the Commissioner of Education; four percent would be used for bilingual and bicultural programs; three percent would be used for educational television; and one percent would be used for an evaluation program.

Funds would be allocated among the States on the basis of the number of minority-group children enrolled in a State's elementary and secondary schools relative to total nationwide enrollement of minority-group children. No State would receive less than $100,000.

S. 1557 prohibits funding to districts which have aided private segregated academies, demoted or dismissed a disproportionate number of minority-group teachers' separated minority-group children within classes, or limited their participation in extracurricular activities. Eligibility standards are also established and uniform guidelines for desegregation encouraged. The bill is now in the House Education and Labor Committee.

THE ENVIRONMENT

The quiet conservation crisis of the 1960's has grown into a large environmental emergency in the 1970's. The ever-increasing pollution of our air and water threatens health in communities across the country. Preservation of our environment is of paramount concern in the Nation today. We must at the same time achieve a balance between the preservation of our environment and the need for progress.

For nearly a decade now, we have been painfully aware of the problems besetting our environment arising from our need to consume and our propensity to pollute. It has become apparent that if we do not take steps to correct the situation in a humane manner, we will find difficulty in meeting future demands for a clean, productive, and safe environment.

National Environmental Data System

At this time, as at no other time, there are numerous and diverse studies, programs, and projects generating data on the environment. That there is need for a system to collect, assimilate and disseminate environmental data and information to concerned Federal agencies, local and State governments, and private citizens, is obvious in light of the ever-growing commitment of Congress toward the goal of an enhanced environment. Not only should the data be readily available for analysis and evaluation, but there should be the means to insure that all available scientific and technical information affecting the environment be quickly located and evaluated by responsible parties.

In response to this vital need, the House passed legislation providing for the establishment within the executive branch of the National Environmental Data System. H.R. 56, passed May 17, authorizes $1 million for fiscal year 1972, $2 million for fiscal year 1973 and $3 million for fiscal year 1974, for a central facility to serve as a clearing house for new and existing information on environmental matters. The legislation specifies that this information be gathered from the Federal Government, State and local governments, private institutions, including educational institutions, and foreign sources. Information is to be made available to Congress and to Federal, State and local governments without charge and to private individuals and groups at a "reasonable" fee.

Each department and agency in the executive branch would be required to make available to the data system all information as soon as possible for incorporation into the system. The basic function of the legislation will be the hopeful elimination of waste, overlapping, and duplication is the programs of these departments and agencies.

Too often in the past we have been forced to cope with massive environmental problems on a crisis-by-crisis basis, despite our great technical know-how. In order to cope with the spiraling environmental problems with which we are daily confronted and to find long-range solution, it is imperative that we have a system for effectively monitoring environmental quality with accuracy. H.R. 56 will do this.

Joint Committee on the Environment

In the field of environmental protection we find that there is an incredibly broad range of topics and jurisdictions covered.

The House has taken a step to provide a long-range overview of this matter by passing H.J. Res. 3, creating a Joint Committee on the Environment. A joint committee offers a chance to stand back, to assimilate, organize and offer plans for the future in the whole environmental field.

Although the committee will not have legislative power, it will play a vital role in furnishing information to other committees to help insure effective action on short as well as long term environmental problems which come under their jurisdictions.

Select Committee to Investigate Energy Resources

Environmental concerns must be appreciated in searching for solutions to the energy problem. We cannot continue to have such a large proportion of the cost of energy borne by the environment as we have in the past. Aware of the energy consumption trends in the United States and other highly industrialized nations, and the threats of an energy crisis, the House passed H. Res. 155 providing for the creation of a Select Committee to Investigate Energy Resources.

The committee would be responsible for investigation of all aspects of energy resources in the United States, including availability of oil, gas, coal and nuclear energy reserves. It would be the purpose of the panel to identify the ownership of such reserves; the reasons and possible solutions for the delay in new starts of fossil-fueled powerplants; the effect of pricing practices by the owners of energy reserves; and the effect of the import of low sulfur fuels.

Further, it would be the mandate of this committee to investigate measures to increase the availability of pipelines, railways, barges and ships used in transport of fuel materials; to investigate measures to close the gap between the supply and demand for electric energy; and the identification of the environmental effects of the energy industry.

House Resolution 155 would enable us to anticipate our energy needs for the immediate and long-range future. The information and data collected by this body could give us the information so vitally needed to play the role that Congress must play in the establishment of any national energy policy.

National Advisory Committee on the Oceans and Atmosphere

For more than a decade there has been a growing concern among Members of Congress and among knowledgeable segments of the general public that the Nation has been deficient in addressing attention to the vast resources of the oceans and the development of inland water bodies. That concern culminated in the Marine Resources and Engineering Act of 1966, in which congressional intent was made clear that a coordinated and vigorous national ocean program was of major importance and that it should be developed promptly.

As a part of the act, a Commission on Marine Science, Engineering and Resources was established to develop the background information and to propose recommendations upon which the program could be based. One of the major recommendations to be made by that body was the creation of an advisory body to serve as a link between the Federal Government, on the one hand, and State and local governments, private industry, and the scientific and academic communities, on the other.

In May the House formalized this recommendation by approving the creation of the National Advisory Committee on the Oceans and Atmosphere. The Senate passed the measure August 2. H.R. 2587 provides for the creation of a 21-member body to be appointed by the President to primarily assist executive agencies in policy and program formulation. Each department and agency of the Federal Government concerned with marine and atmospheric matters is to designate a senior policy official to assist in the committee's work, and to serve as a point of liaison with their agencies.

The committee would be authorized to perform a continuing review of the progress of the marine and atmospheric science and service programs of the United States, and advise the Secretary of Commerce with respect to carrying out the purposes of the National Oceanic and Atmospheric Administration. Finally, the committee is to submit an annual report which will hopefully reflect the broad experience of the members by the inclusion of specific recommendations which will insure the most practical approach to the thorough and expeditious implementation of a complete and coordinated national ocean program.

Saline water conversion

Both Houses of Congress have approved S. 991 authorizing a continuance of programs of research and development in the process of saline water conversion. The Secretary of Interior, under which the program is directed, is authorized not only to continue programs of saline conversion, but also programs directed toward the conversion of other chemically contaminated water and for treatment of contaminated waste water.

Water pollution control

In related action, Congress passed Public Law 92–50 extending through September 30, 1971 authorizations for expiring federal water pollution control programs. The major program authorized under the act provides for a program of grants to local governments for constructing water treatment facilities. Fiscal 1970 authorizations for that program were set at $1.25 billion, while new authorizations were proposed by the Administration at $2 billion annually for fiscal 1972–74. Final authorizations approved in Public Law 92–50 were set at $1,500,000. Subsequently, the fiscal 1972 agriculture-environmental and consumer appropriations bill approved by Congress in July contained appropriations for fiscal 1972 for construction grants at $2 billion.

Shooting animals from aircraft

The House in May approved H.R. 5060 amending the Fish and Wildlife Act of 1956 providing a criminal penalty for shooting at birds, fish and other animals from aircraft. In addition, it would be unlawful for anyone to knowingly participate in using an aircraft for such purposes. Violators would be subject to a fine of $5,000 or one year imprisonment, or both.

This prohibition, however, would not be applicable to any person carrying out duties to administer or aid in the administration and protection of land, water, wildlife, livestock, domesticated animals, human life, or crops, if such a person is an employee, authorized agent, or operating under license or permit of any State or the Federal government.

Many states have already tackled this problem by enacting legislation to regulate the use of hunting from aircraft. H.R. 5060 supplements these State laws, by establishing nationwide uniform regulations.

Land use programs

In July the Senate approved S.J. Res. 52 increasing fiscal 1972 authorizations for comprehensive land planning grants by $50 million and the open space land program by $100 million. The effect of the resolution was to provide adequate authorizations to match the Administration's fiscal 1972 budget request of $100 million for comprehensive planning and $200 million for open spaces. Funds for comprehensive planning are designed to support the managerial capacities of state and local governments, while monies for the open space land program are intended for acquisition and development of park lands in urban areas.

AGRICULTURE

International Wheat Agreement

Final approval has been given to two items affecting American Agriculture. The Senate on July 12 ratified the International Wheat Agreement of 1971, a treaty regulating the exchange of wheat among 23 participating nations. Before ratifying the treaty, however, the Senate passed a resolution expressing the sense of the Senate that the President should call an international conference to establish world price standards for wheat.

No price standards were included in the treaty, although they were part of a previous wheat agreement ratified in 1967. The conference that wrote the 1971 treaty failed to agree on prices. Opponents of the agreement argue that price agreements do not improve the position of U.S. wheat on the world market and that the treaty is better without them.

A major feature of the 1971 treaty is continuance of the International Wheat Council, first created by the International Wheat Agreement of 1949. The purpose of the council is to expand the international wheat trade, stabilize the world market and provide assistance in the resolution of international disputes among wheat-trading nations.

I feel that it is imperative that there be a maximum effort, through agreement, to protect the American wheat grower from uncertainties, particularly the lower prices that tend to dominate the world market. It is imperative that every effort be made to assure our wheat producers a fair price for their wheat. U.S. growers simply cannot sustain losses which result from a price war.

Acreage allotment transfer

Legislation has been passed by the Senate easing restrictions on farmers who transfer their acreage allotments when the Federal or State Government purchases part of their land. While the Agricultural Adjustment Act of 1938 provided that a farmer, whose land was purchased by a government agency under eminent domain, could switch the acreage allotments on the land to other farms under his ownership, existing law requires that new allotments be comparable with those for other farms in the area. The newly passed legislation eliminates the comparability requirement for growers of cotton, peanuts, rice, tobacco, and wheat.

Just approved by the President was a $13.3 billion Agriculture Appropriations bill for fiscal year 1972 containing funding for the Department of Agriculture and consumer protection programs. House and Senate conferees agreed on a $55,000 per crop ceiling on farm subsidy payments. On the same day that the Senate passed the Agriculture money bill, the body agreed to a resolution calling for a report to Congress by the Secretary of Agriculture on his findings on the operation and administration of the $55,000 subsidy limit. This legislation also contains funding for the food stamp and school breakfast programs and funds for the support of State and local participation in the administration of the Clean Air Act.

Sugar quotas

Legislation extending the provisions of the Sugar Act of 1948 have been passed by both the House and Senate and is now in conference. H.R. 8866 would extend the Act's provisions for three years and revise quotas which foreign sugar producers are authorized to supply to the United States.

The Sugar Act, first passed in 1934, guarantees the United States an adequate supply of sugar, at stable prices, protects domestic producers, and sets import quota for other nations. Domestic producers are authorized by the bill to supply 62 percent of the sugar consumed in the United States. The remaining 38 percent is allocated by H.R. 8866 to various foreign countries depending on (1) their relations with us, (2) their reliableness as a source of sugar, (3) reciprocality in their trade policies, and/or (4) their dependency on sugar markets for economic survival.

The House Agriculture Committee reported an increased quota for domestic producers of an additional 300,000 tons for growers in Florida and Louisiana. The Secretary of Agriculture was granted permission to penalize nations which expropriated American property or discriminated against American citizens. Although criticism was directed in both the House and Senate toward the South African quota, both Houses voted down amendments designed to suspend the quota for that country.

An important objective of the Sugar Act is the promotion of foreign trade, and it is significant that our largest Western Hemisphere suppliers are also our most important purchasers of agricultural commodities. It is important that there markets be preserved for a sound trade foundation. The encouragement and continuation of such trading partnerships are vital to each country.

Rural Telephone Bank

In May final action came on S. 70 amending the Rural Telephone Electrification Act of 1936 by establishing a Rural Telephone Bank. Designed to provide capital for financing for telephone cooperatives and companies serving rural areas, the bank would be financed through the sale of stock and debentures, including stock purchases totaling $300 million by the Federal Government. An additional $30 million would be appropriated by Congress annually for deposit in the rural telephone account.

Meat inspection programs

To increase the quality of sanitation in the production and shipment of meat products, the Senate approved S. 1316 increasing the maximum Federal contribution to the cost of any State meat or poultry inspection system to 80 percent of the cost. Presently, the Federal contribution is limited to 50 percent.

S. 1316 amends Title III of the Federal Meat Inspection Act and section 5 of the Poultry Products Inspection Act. Since 1967 when the Wholesome Meat Act amended the Federal Meat Inspection Act, some 44 states have developed meat inspection programs comparable to the Federal inspection program. An effective inspection, in cooperation with the Federal governemnt, has been developed thus far in a relatively short period of time. The Wholesome Meat Act, however, does not provide incentive for States to continue their meat inspection programs and in fact the States are faced with the burden of bearing 50 percent of the cost of carrying out their meat inspection programs.

To uphold the standards and insure that future needs are met, a better incentive must be provided so that the States can continue to meet the growing demand for quality inspection standards. The States are increasingly caught in the fiscal squeeze with the tighter economic situation. The Department of Agriculture is confident that an 80–20 funding basis will permit most of the States to continue their programs.

It is estimated by the Senate Committee on Agriculture and Forestry that the additional costs of the program at 80% financing in fiscal year 1972 for meat inspection would be $16 million. For poultry inspection the additional cost would be $1.3 million.

Farm credit act of 1971

The Senate has also passed S. 1483, the Farm Credit Act of 1971, providing for a farmer-owned cooperative farm credit system through which credit can be made available to farmers, ranchers, rural residents, and to associations and others upon which farming operations are dependent.

Recognizing that a prosperous, productive agriculture is essential to our Nation, it is the objective of the farmer-owned cooperative farm credit system to improve the income and production methods of farmers and ranchers by furnishing adequate and constructive credit and closely related services to them, their cooperatives, and selective farm related business necessary to efficient farm operations.

The legislation contains many recommendations made by the Commission on Agricultural Credit authorized to ascertain the credit needs of agriculture and to recommend changes in the farm credit system to help meet those needs. These recommendations were submitted to owners of farm credit systems, among others. A vast majority of those affected have voiced their approval of these recommendations. They have also received the approval of the major farm organizations, cooperatives, and the Federal Farm Credit Board.

In short, through the enactment of this legislation, Congress can issue a new charter that will modernize the cooperative farm credit system so it can continue to do its share in filling the changing credit needs of agriculture.

HEALTH AND HEALTH INSURANCE

Health Professions Manpower Act

We have become increasingly aware of the growing crisis that surrounds our health delivery system. One of the major problems lies in the shortage of health personnel and teaching facilities. This is particularly true in our large urban centers. The U.S. Public Health Service estimates that the country faces health manpower shortages totaling over 481,000 including 48,000 doctors and 17,000 dentists. By 1980, it is estimated that this health manpower shortage will reach 725,000.

Both Houses have approved, in differing forms, H.R. 8629 which seeks to meet this shortage. As passed by the House, H.R. 8629, the Comprehensive Health Manpower Training Act of 1971, extends for three years a program of financial assistance to students in the health professions first authorized in the Health Professions Educational Assistance Act of 1963. For fiscal 1972, $755 million is authorized, while $914 million and $1.1 billion are authorized for fiscal 1973 and fiscal 1974 respectively.

A new program of financial incentives to medical schools to produce more doctors who would go into family and general medical practices is also authorized. The measure also provides student grants to encourage medical schools to expand their facilities and curricula to graduate more students in the health professions.

The Secretary of Health, Education, and Welfare would be authorized to pay part of the loan if the student subsequently practiced in an area of shortage for at least three years.

In addition, the bill provides $94 million over the next three fiscal years in scholarship funds and $30 million to assist new schools of medicine, osteopathy and dentistry.

This Nation vitally needs an increase in the supply of health service personnel before medical costs can be reduced; the Health Manpower Training Act is a step in this direction. It addresses the manpower problems of our health care system in terms of at least four major areas: the need for increases in total numbers; the need for altering the distribution of types of medical skills; the need to alleviate the current geographical imbalance in medical services and personnel; and the need for a larger cross section of our population to obtain adequate health services.

Nurse Training Act of 1971

That the shortage of trained nurses is critical is indisputable. There are approximately 700,000 nurses in active practice, but 150,000 are needed now. By 1980, 1,100,000 nurses will be needed. More and more of them will be needed to fill jobs requiring higher levels of skill and responsibility as medical knowledge and technology expand.

At present, however, we simply do not have sufficient nurse manpower to provide even adequate nursing care in hospitals, schools, and community care centers. Many hospital wards in the country have never opened or have been forced to close down due to lack of nurses. Realizing that to meet our goals we must have Federal financial support that is reliable, the House and Senate have approved a measure to bring us nearer to meeting our health needs in the years to come.

The Nurse Training Act of 1971 extends for three years programs to train nurses, amending the Public Health Service Act of 1944. H.R. 8630 authorizes for nursing assistance $206 million in fiscal 1972, $237 million in fiscal 1973, and $267 million in fiscal 1974. Funds are provided for construction grants to nursing schools, and loan guarantees and interest subsidies to encourage nursing schools to expand present facilities.

Under the Act, nursing schools would also receive student grants to encourage them to increase their student enrollments and loans for advanced training by practicing nurses would be provided. Special programs would be established to identify and assist needy persons with a potential for training.

Conquest of Cancer Act

Congress is also acting upon proposals introduced to combat the disease of cancer. The Conquest of Cancer Act of 1971, passed by the Senate July 7, amends the Public Health Service Act of 1944 to establish an independent cancer research agency within the National Institutes of Health.

S. 1828 also establishes a National Cancer Advisory Board composed of the director of the National Institutes of Health and eighteen members appointed by the President with the consent of the Senate. Under the bill, the existing National Cancer Institute would be made a part of the cancer research agency.

The Conquest of Cancer Act embodies the recommendations of a national panel of consultants to the Congress. This body urged an immediate massive, systematic attack on cancer stating that the control of cancer is feasible and a matter of urgent priority. It was stated in the panel's report that over 300,000 Americans die each year of cancer and that nearly one-fourth of the population of the United States will develop some form of cancer.

We in the House have been considering in committee H.R. 3658, proposed legislation which would set up a National Cancer Authority. The House bill would authorize $400 million for research immediately and would increase this amount up to $1 billion a year as soon as possible.

Health scholarships

H.R. 7736 enacted into law, provides for student loans and scholarships for the health professions. Public Law 92–52 amends the Public Health Service Act of 1944 by extending for one year existing authorization for such loans under the Health Professions Educational Assistance Act of 1963 and the Nurse Training Act of 1964. An authorization of $111.4 million for the various loan and scholarship programs has been provided.

TRANSPORTATION

Defeat of SST funding

In March the House decided to discontinue Federal funding of the supersonic transport aircraft. In voting down an additional $134 million for construction of two prototypes of the SST, the Senate agreed to the House decision.

In May, however, the House reversed its previous stance and approved $85.3 million to continue work on the controversial aircraft. The vote was taken on an amendment to H.R. 8190, the second general supplemental appropriations bill for fiscal 1971. The Senate, however, is unwilling to reverse itself.

In July the House and Senate voted what should be the final payment on the canceled supersonic transport by voting to repay $58.5 million to ten airlines who had financed the SST project. The votes came on the final version of the Department of Transportation Appropriations Act for fiscal year 1972.

High-speed ground transportation

In June the Senate passed S. 979 eliminating the authorization limit and the termination date now contained in the High-Speed Ground Transportation Act of 1965 for research and development of high-speed ground transportation. The Senate bill directs the Secretary of Transportation to give highest priority to areas experiencing unusually high rates of unemployment in the awarding of contracts for these development and demonstration projects.

Removal of the termination provisions will enable the Department to engage in a more comprehensive long-range planning of the projects, while opening up new jobs and programs. Efforts are already underway to transfer the highly skilled unemployed manpower from aerospace industry.

VETERANS' LEGISLATION

The record of the 92d Congress reflects the concern we all share for those Americans who have served our country in the military forces. Four bills of major importance benefiting veterans and their survivors have been passed by the House so far this year.

Military drug treatment

Proposals have been submitted in the 92d Congress to treat drug addiction among veterans of the Vietnam era. In a report issued May 27 by the House Foreign Affairs Committee, it was estimated that 10 to 15 percent of U.S. servicemen in South Vietnam are addicted to heroin in one form or another. Aware of the problems posed as these men return home, the House on July 10 voted to loosen eligibility standards for veterans for drug treatment programs operated by the Veterans Administration.

Under the provisions of H.R. 9625 all veterans would be eligible for VA drug treatment programs. Such facilities could also be used by active-duty servicemen with an addiction problem. U.S. district courts would be given the option of committing a veteran to the facility if he is judged an addict by the court. Once a person is committed to any program, he may not be released by the VA until his drug addiction condition had been determined to be stabilized, or upon written statement that the individual refused to continue the program.

Veterans' mortgage insurance

On March 1 the House passed two bills increasing benefits for disabled veterans. The first, H.R. 943, provides for government-supported mortgage life insurance for those veterans with service-connected disabilities, who receive grants for specially adapted housing. The main purpose of the legislation is to protect home mortgages of paraplegic and quadriplegic veterans in case of their deaths.

Subsidies for veteran care

The second, H.R. 460, extends government subsidies for disabled veterans in private nursing homes from six months to nine months. Estimated cost of bill for the first year is set at $6.9 million.

Direct home loan program

In an effort to revive the direct loan program for housing, we authorized the Administrator of the Veterans' Administration to make direct loans to veterans. Most veterans are eligible for a Government guarantee on a home loan under the GI loan guarantee law. However, in counties where commercial credit is tight, veterans are eligible for a direct loan from the Government if private financing is not available.

However, the program has been suspended by the VA. The fact remains that 20 percent of the veterans in our country live in credit-tight areas and are therefore eligible for the direct loan but unable to get one. H.R. 3344 directs the VA Administrator to make direct loans available.

OTHER

Juvenile Delinquency Prevention and Control Act, Extension

Congress has cleared S. 1732 extending for one year the Juvenile Delinquency Prevention and Control Act of 1968. In so doing, the Secretary of Health, Education and Welfare has been authorized to make grants up to 75 percent of the cost of rehabilitation projects and programs for delinquents. This represents an increase of 15 percent over that provided in the 1968 Act. Nonprofit agencies and organizations have also been authorized to be funded for rehabilitation programs.

An Interdepartmental Council on Juvenile Delinquency is to be established to coordinate all Federal delinquency programs with membership to include the Attorney General and the Secretary of Health, Education and Welfare. A total of $75 million was authorized for fiscal 1972 for programs covered by this act.

REGULAR ANNUAL APPROPRIATIONS BILLS FOR FISCAL YEAR 1972

Congress as of August 3 completed action on eight regular annual appropriations acts providing funding for fiscal year 1972. These eight include the Office of Education Act (H.R. 7016); the Legislative Branch Act (H.R. 8825); the Department of the Treasury and U.S. Postal Service Act (H.R. 9271); State, Justice, Commerce and Judiciary Departments Act (H.R. 9272); the Housing and Urban Development and Independent Offices Act (H.R. 9382); Department of Interior and Related Agencies Act (H.R. 9417); the Department of Agriculture (H.R. 9270); and the Department of Transportation and Related Agencies Act (H.R. 9667).

Three of these measures have been approved by the President: Office of Education as Public Law 92–48; Legislative Branch as Public Law 92–51; and Treasury and Post Office as Public Law 92–49. Conference reports of the five other measures have been cleared by both Houses for the President.

Congress in addition has approved three measures during the First Session providing supplemental appropriations for fiscal year 1971 including Public Law 92–4, Department of Labor Supplemental; Public Law 92–11, Urgent Supplemental; and Public Law 92–18, Second Supplemental. Two continuing appropriations for fiscal 1971 have been enacted: Public Law 92–7 and Public Law 92–38. A third continuing appropriation bill for fiscal 1972, H.J. Res. 829, was passed by the House August 2.

Office of Education appropriations

Public Law 92–48, signed July 9, appropriates $5,146,311,000 for the Office of Education and related agencies in fiscal 1972. The total provided is nearly $400 million more than the Administration budget request, while it represents an increase of $563 million over the fiscal 1971 education appropriations act.

Included in the funding of the Office of Education are programs of education of the handicapped, vocational education, higher education and elementary and secondary education services. Monies were appropriated for educational communications and libraries and research and development projects.

As cleared by Congress, the measure prohibits the use of funds for loans, loan guarantees or other pay for students, employees, teachers or researchers at institutions of higher education who have participated in activities interfering with the regular curriculum and activities of the institution. Congress specified that no funds could be used to force school districts already considered desegregated under the Civil Rights Act of 1964 to bus students, abolish schools or set attendance zones either against the choice of student's parents or as a prerequisite for obtaining federal funds.

Legislative branch appropriations

Public Law 92–51, signed July 9, provides $529,309,749 for activities of the legislative branch for the present fiscal year. As cleared for the President, the bill contains appropriations of $73,496,544 for the Senate and $128,861,150 for the House of Representatives. Funds are also included for the Architect of the Capitol, the Library of Congress, the Government Printing Office, the General Accounting Office and the Cost-Accounting Standards Board. A total of $71,090,000 was approved for construction of the James Madison Memorial Building for the Library of Congress.

Treasury Department, Postal Service, and Executive Office of the President appropriations

Public Law 92–49, signed by the President July 9, appropriates $4,528,986,690 for the Departments of the Treasury, U.S. Postal Service and certain independent agencies. The Act is $1 billion less than provided for the same departments and agencies in fiscal year 1971 and $223.8 million less than the Administration budget request.

Funds totaling $1,217,522,000 were approved for the Treasury and $140,657,000 for payment to the Postal Service Fund. For the eight agencies contained in the bill, $1,616,090,500 was appropriated. The agencies include the Civil Service Commission, the General Services Administration, Civil Defense, Emergency Health of the Department of Health, Education and Welfare, the Commission on Government Procurement, the Administrative Conference of the United States and the Advisory Commission on Intergovernmental Relations.

Housing and Urban Development and independent offices

On August 2 both Houses cleared for the President H.R. 9382 providing for $18,115,203,000 for fiscal 1972 appropriations for the Department of Housing and Urban Development, the National Aeronautics and Space Administration, the Veterans' Administration and nine independent offices and commissions. Among the independence offices and commissions included in the measure are the Commission on Population Growth and the American Future (established by the 91st Congress), the Federal Communications Commission, the National Science Foundation, the Selective Service System, and the Veterans' Administration.

Departments of State, Justice, and Commerce appropriations

The House and Senate have passed varying versions of H.R. 9272, the appropriations bill for the State, Justice and Commerce Departments. As sent to conference, the bill provided for $4,098,083,000 as passed by the Senate, a difference of $413,900,000 more than the House-approved funding. The total amount approved by the Senate represents $118,719,000 less than the fiscal 1972 amended budget request.

As passed by the House on June 24, H.R. 9272 appropriated $3,684,183,000. A total of $352,715,000 in recommended fiscal 1972 funds were cut from the bill most of it from the Judiciary branch and Maritime Administration within the Commerce Department. Much of the debate concerned an amendment restoring $11.6 million for the U.S. assessment to the International Labor Organization. The amendment, however, was defeated.

Among the agencies funded by H.R. 9272 are the U.S. Information Agency, the Equal Employment Opportunity Commission, the Commission on Civil Rights, and the Federal Maritime Commission. Altogether four departments and twelve agencies in the executive branch are funded in this legislation.

In addition, both Houses approved a proviso barring the Federal government from paying salaries to federal employees convicted of rioting or inciting to riot, and the making of loans to college students or teachers who engaged in conduct after August 1, 1969, forcing curtailment of college programs.

In the final version, a total of $4,067,116,000 in new obligational authority was appropriated. An additional $240,544,000 is contained for liquidation of contract authorizations.

Department of Transportation and related agencies

On August 2 the House and Senate cleared for the President a conference report on H.R. 9667, Department of Transportation and Related Agencies Appropriations Act. As cleared for the President, H.R. 9667 appropriated a total amount of $2,905,310,997 for the Coast Guard, Federal Aviation Administration, Office of the Secretary of the Transportation Department, Federal Highway Administration, National Highway Traffic Safety Administration, Federal Railroad Administration, Urban Mass Transportation Administration, the Interstate Commerce Commission.

Conferees accepted the Senate amendment, approved by the House in amended form, a contribution of $58,500,000 toward the partial reimbursement to airline companies who had contributed toward the development of SST.

The final amount approved represents an increase of $171,941,000 over the House-passed amount and $53,619,000 over the Senate-passed amount.

Agriculture appropriations

The House and Senate approved a total amount of $13,276,900,500 in appropriations for the agriculture-environmental and consumer protection programs for the fiscal year ending June 30, 1972. Title I of H.R. 9270 provides funding for research, extension, and statistical work. One million dollars is included specifically for research and control of the South American horse disease that in July devastated much of the horse population in the south. The Secretary of Agriculture is using emergency funds in addition to enable us to do all that is necessary.

A sum of $4,213,331,000 was appropriated for full reimbursement of the net realized losses of the Commodity Credit Corporation. The total funding for Title I was set at $654,299,500.0

Title II provides for funding for rural development totaling $943,943,000. This section included rural electrification and telephone loans totaling $669,100,000 with the stipulation that they be repaid with interest. Other loan programs include operating loans at $350 million, insured housing loans at $1.6 billion, and insured water and waste disposal loans of $300 million. Provisions have also been made for rural water and waste disposal grants at $100 million, providing for new authority above the proposed budget at $44 million. For the Rural Community Development Service recently established to coordinate rural development efforts, $20 million has been approved.

Programs for environmental protection have been funded in Title III at $3,490,477,500. Programs which are included in this section for appropriations are the environmental programs of the Soil Conservation Service, rural environmental assistance programs, and programs administered by the Environmental Protection Agency. Two billion has been approved for waste treatment facilities.

Finally, Title IV includes $2,974,849,000 for consumer protection programs. Such programs funded under this section include the special milk program, which has also been extended, the food stamp programs, the school breakfast program and also nonschool food programs. This level of funding we consider should be adequate to fully meet the needs for fiscal year 1972 and provide some program expansion into additional counties who have made application to enter the school food programs. Specifically, $198,816,000 was appropriated for the food stamp program for fiscal year 1972.

Department of Interior and related agencies

The Senate and House cleared August 2 for the President H.R. 9417 appropriating $2,223,980,035 for the Department of Interior and related agencies for fiscal 1972. Title I of H.R. 9417 includes funds for the Department of the Interior, including the Bureau of Land Management, the Bureau of Indian Affairs, the Bureau of Outdoor Recreation, Office of Territories, Geological Survey, Bureau of Mines, Office of Coal Research, Bureau of Sport Fisheries and Wildlife, National Park Service, and Office of Saline Water.

Title II provides monies for the Forest Service, Health Services and Mental Health Administration of the Department of Health, Education and Welfare, the National Foundation on the Arts and Humanities, the Smithsonian Institution, and the National Council on Indian Opportunity.

Labor-Health, Education, and Welfare appropriations

In July the House and Senate passed and sent to conference the Labor-Health, Education, and Welfare Appropriation Act which, when trust funds are included, would total over $77 billion. As passed by the House approximately $3.4 billion were designated for health, $11.4 billion for welfare, $5.1 billion for education and $53.3 billion from the trust funds. The last figure includes Social Security payments and health and hospital insurance.

Although the measure is $321 million higher than the Administration's request, the amount approved is larger than the defense budget. The House added $82.4 million in vocational rehabilitation funds to train handicapped persons for jobs and $14 million to keep open public health hospitals which the Administration had planned to close.

More than $3.5 billion in other spending requests were deferred until later this year since legislation authorizing the programs has not been enacted.

Included in this appropriation measure is $1.3 billion for the operation of the Department of Labor and nearly $5 billion in trust funds administered by various departments within the department.

The House yesterday adopted the conference report on this bill.

Fiscal year 1972 regular annual authorizations

Of the nine regular annual authorization bills, seven have been cleared by both Houses of Congress. H.R. 9388, the Atomic Energy Commission authorizations for fiscal 1972 provides for $2,325,187,000; H.R. 7109, National Aeronautical and Space Administration authorizations, $3,280,850,000; H.R. 4724, Maritime Administration authorizations, $507,820,000; H.R. 5208, Coast Guard Authorizations, $219,750,000; H.R. 7960, National Science Foundation Authorizations, $655,500,000; H.R. 9844, Military Construction authorizations, $2,138,337,000; and H.R. 8687, Military Procurement authorizations, $21.9 billion.

The Foreign Assistance Act authorizations bill for fiscal 1972, H.R. 9910, passed the House August 3 and is now pending in the Senate. S. 2260, the Senate Peace Corps authorization measure, was approved by the Senate August 2, and is now awaiting House consideration. As passed by the Senate, S. 2260 authorizes $72,200,000. The Foreign Aid authorizations total $3,444,350,000 as passed by the House. H.R. 9910 also authorizes $3,494,350,000 for fiscal 1973. On the final vote on H.R. 9910, the House went on record in opposition to going further on Aid-to-Greece. An attempt to delete the ban on a $118 million-aid request for Greece was defeated 122–57.

NATIONAL DEFENSE

Extension of the draft

Criticism of the draft system led the President to request that Congress approve an all-volunteer armed forces by mid-1973. His proposals were based in part on the report of the Commission on an All-Volunteer Military, issued in February 1970, which stated that the draft could be abolished by mid-1971. The Senate and House, however, deferred judgment on that proposal and agreed only to extending the draft for another two years.

After three days of debate the House April 1 approved a two-year extension, in the process rejecting amendments (1) to reduce the length of the extension, (2) to restrict duty in Vietnam to men who are not draftees, (3) to continue the existing two-year term of alternate service for conscientious objectors, and (4) to make the statutory language for acquiring conscientious objector status conform to Supreme Court rulings.

As reported from conference, H.R. 6531 contains the two-year extension and also authorizes a total of $2.4 billion for increases in military pay and living allowances.

Concerning the war powers of the President and Congress

Hearings held in the 92d Congress have centered around the constitutional roles of the President and the Congress in foreign affairs. The House, August 2, approved H.J. Res. 1, reflecting this concern. The resolution provides that the President will report to Congress when, without specific prior authorization by Congress, he commits United States military forces to armed conflict.

This legislation would codify procedures for consultation and reporting in certain extraordinary and emergency circumstances. It would require not only that the President consult with Congress before committing troops, but that consultation should continue on a periodic basis for the duration of the conflict. It would further require that the President promptly submit a full and formal report to Congress setting forth the circumstances necessitating his action, and any other information he may deem useful to the Congress in the fulfillment of its constitutional responsibilities.

While the resolution recognizes the prerogative of the President to defend the Nation without prior congressional authorization, it also expresses congressional consensus that the Legislative Branch must reassert its constitutional role in the decisionmaking process as to whether the country should go to war.

Our foreign policy cannot be effectively and responsibly conducted if that relationship does not exist between the President and the Congress. H.J. Res. 1 is a step in the right direction.

Funding for military procurement and construction

Funding for military construction and related activities in fiscal year 1972 cleared the House July 22 and now awaits Senate action.

As passed, H.R. 9844 authorizes to be appropriated a sum of $2,138,337,000. Although the amount represents a larger sum than amounts authorized in the last two years, it is $121,107,000 less than the Administration budget request.

During the course of House debate, the only amendment adopted was an addition of $5.2 million to the Safeguard anti-ballistic missile construction program. Funds would be used mainly in assisting communities in adjusting to the changes caused by construction of the ABM sites.

Included in H.R. 9844 are authorizations of $80,326,000 for reserve components; $7,575,000 for homeowners assistance; $19,879,000 for defense agencies; $571,130,000 for the Army; $318,716,000 for the Navy; $222,299,000 for the Air Force; and $918,412,000 for family housing.

For military procurement the House approved $21.9 billion for authorizations in fiscal year 1972. H.R. 8687 passed by the House June 17 provides funds for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedos, and other weapons, and research, development, test and evaluation for the Armed Forces. The measure also prescribes the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces.

During the course of debate on amendment to prohibit the expenditure of new funds, after January 1, 1972, to support U.S. military deployment or military operations in South Vietnam, North Vietnam, Cambodia, and Laos, was rejected. The only amendment adopted by the House forbids funds to institutions of higher education that deny armed forces recruiting personnel access to facilities.

HON. CARL ALBERT BEGINS TO PICK UP POINTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California, Mr. McFALL is recognized for 5 minutes.

(Mr. McFALL asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. McFALL. Mr. Speaker, as the House nears a well-deserved recess, I wish to call to the attention of my colleagues to a recent article from the Los Angeles Times which gives an objective account of your able leadership during the first 6 months of the 92d Congress:

SIX MONTHS AS SPEAKER: CARL ALBERT BEGINS TO PICK UP POINTS

(By Thomas J. Foley)

WASHINGTON.—Rep. Carl Albert (D-Okla.) started out as Speaker of the House in January with a series of setbacks and continued for some time under a cloud of uncertainty. But after six months he is exhibiting a firmer grip on his high office.

Albert's critics maintain his grip is not as firm as it should be. "The House is still in the backwash of the political process nationally," said Rep. Michael J. Harrington (D–Mass.).

Albert's supporters, including many who are impatient with the legislative process, challenge such statements. They say the problems Albert inherited and the power structure he must contend with require a cautious approach.

As evidence that Albert has begun to fill his role as one of the most powerful men in government, the highest elected Democrat and third in line for the presidency, supporters cite:

PERSONAL ISSUE

His belated but successful effort to derail a contempt of Congress citation for the Columbia Broadcasting System—an effort that was a defeat for one of the committee chairmen, who have been the principal power sources in the House for many years.

Chairman Harley O. Staggers (D-W. Va.) of the Interstate Commerce Committee had made the contempt issue a personal one. But despite the jealous guarding of their prerogatives by mutual support of each other, four of the House committee chairmen, including the most powerful of all, Ways and Means

Chairman Wilbur D. Mills (D–Ark.), backed the speaker against Staggers.

Rules changes adopted by the House Democratic caucus this week which give Albert and the party leaders a stronger hold on the caucus and should lead to its revival as a party organ.

Albert's recent meeting with committee chairmen where the speaker set an Oct. 1 deadline for legislative actions by the powerful Rules Committee. Albert also declared that all important legislation now being processed must clear the House by Oct. 15, at which time he plans to recess the House until the Senate has caught up with it.

Appropriation measures which must originate in the House, are farther along this year than any time in the past decade, despite the record size of the federal budget and increased questioning by Congress of spending programs.

RAYBURN "STRONG"

Key to any success is a redressing of the balance of power between the speaker and the chairmen.

Under Albert's predecessor, John V. McCormack of Massachusetts, the chairmen were allowed to exercise their considerable power with almost no restraints. As a result McCormack was generally regarded as a weak speaker.

On the other hand, the late Sam Rayburn of Texas, speaker from 1940 until his death in 1961 and who brought Albert into the leadership team in 1955, was considered a strong leader. Rayburn was greatly respected by most committee chairmen and was able to have his way without serious confrontations.

While a 1970 legislative reorganization act trimmed some of the chairmen's sails, the chairmen nevertheless still control legislation and exercise influence in the House.

Albert felt their strength within minutes of being sworn in as speaker last January. He supported a liberal-sponsored move to take away some of the power of the rules committee to hold up legislation. He was defeated, largely because Rules Committee Chairman William Colmer (D-Miss.) won the help of his fellow chairmen.

Albert also lost an argument with his new majority leader, Rep. Hale Boggs (D-La.) over the method of choosing the party whip.

Albert wanted to let the Democratic caucus elect the whip, and Boggs wanted to continue the traditional method of having the majority leader choose him.

Boggs, who had just won a sharply contested race for majority leader without any help from Albert, also won the argument. Albert salvaged something by exercising a veto over Boggs' first choice for whip, Rep. Daniel Rostenkowski (D-Ill.). Boggs finally chose Rep. Thomas P. O'Neill Jr. (D-Mass.)

Both Albert and Boggs deny reports of a continuing schism between them. And there is little evidence of any differences except Albert's refusal to support Boggs last spring in his charge that FBI Director J. Edgar Hoover had authorized tapping of some congressmen's telephones—a charge Boggs has failed to substantiate.

Rep. Richard Bolling (D-Mo.), a 23-year House veteran and author of two books on its structure and foibles, defends Albert for one move that was attacked by the liberals. This was his refusal to go along with a move to dump Rep. John McMillan (D-S.C.) as chairman of the House District of Columbia Committee.

"If McMillan had been dumped," Bolling said, "the other chairmen would have killed the speaker early."

Bolling said he believes Albert is "slowly readjusting the balance with the chairmen and he has the patience and stamina to stick with it."

Bolling noted that the speaker's task is complicated because he is presiding over a divided House and divided party. Depending on the issue, he said, conservatives from both parties can combine to defeat the liberal coalition.

Albert almost invariably has voted with the liberals on domestic issues, usually on the winning side. But his support of President Nixon's Vietnam policies has found him with a diminishing minority in his party.

DEFINITE DATE OPPOSED

The speaker acknowledged in a recent interview that his opposition to Congress' setting a date for withdrawal of troops is opposed by a majority of Democratic congressmen. But he indicated his patience may be wearing thin.

He said he believes that before the Dec. 31, 1971, or March 31, 1972, dates mentioned for withdrawal, "we're going to know whether the President is going to succeed or whether the Congress is going to have to move more aggressively." He added that if the President's withdrawal plan seemed about to fail or if Mr. Nixon stepped up U.S. involvement, he would change his mind.

Asked what kind of a presidential candidate he'd like to see the Democrats nominate next year, Albert said he hoped it would be someone with an eye to the future.

"Harry Truman saved the Western world with the containment policy which was essential when the Communists were knocking on the doors of Greece and Turkey . . . but the doctrine of containment has become a little outworn. We need new Harry Trumans with the initiatives to meet the issues of the day and the changing conditions of time."

The Albert critics, however, are impatient. Harrington, a second-term Massachusetts congressman, said Albert's opposition to the CBS contempt citation was a change for the better "but not to the point of allaying my overall concern."

"There are national Democratic party goals," he said, "and there should be more vigorous day-to-day leaning on the committee chairmen to see that these goals are reached and implemented."

Asked what he would do if he were in Albert's place, Harrington said he would "call Jess Unruh to find how to make legislative government more responsive to the last third of the 20th century. It's not so much the rules, or the structure as how they are implemented."

Unruh was speaker of the California Assembly during the 1960's and Democrats at least credit him with making it one of the most progressive state legislatures.

A different view of Albert comes from one of Unruh's closest allies in the Assembly. Rep. Jerome R. Waldie (D-Calif.), who himself was highly critical of McCormack's leadership last year and introduced a resolution of no-confidence in the former speaker.

"I personally believe he (Albert) is doing his best to be more responsive to the caucus and to take command of the committee chairmen," Waldie said.

Waldie, now in his fourth term, agreed with Albert supporters that the confrontation with Staggers on the contempt citation was a turning point.

PROBLEM CITED

"There isn't a member in the House who doesn't have legislation before Staggers' committee," Waldie said, in pointing up the problem facing members in making up their minds whether to oppose the committee chairman. But Albert, he said, found a way to block the contempt citation that would create the least dissension, namely to send it back to the committee for further study.

The veteran Bolling summed up his appraisal this way: "I am sure that Speaker Albert will be a good speaker, but it remains to be seen whether he will be one of the rare great speakers in history."

RECESS

The SPEAKER. The Chair declares a recess subject to the call of the Chair and will give at least 10 minutes' notice prior to reconvening.

Accordingly (at 12 o'clock and 29 minutes p.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 1 o'clock and 18 minutes p.m.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.J. Res. 829. Joint resolution making further continuing appropriations for the fiscal year 1972, and for other purposes.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Hechler of West Virginia, for 30 minutes, today, and to revise and extend his remarks and include extraneous matter.

Mr. Hungate, for 1 hour on September 20, and to revise and extend his remarks and include extraneous matter.

Mr. Mahon, for 10 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Keating) and to revise and extend their remarks and include extraneous matter:)

Mrs. Heckler of Massachusetts, for 5 minutes, today.

Mr. Anderson of Illinois, for 5 minutes, today.

Mr. Poff, for 10 minutes, today.

(The following Members (at the request of Mr. Davis of South Carolina) and to revise and extend their remarks and include extraneous matter:)

Mr. O'Hara, for 20 minutes, today.

Mr. Stratton, for 10 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

Mr. Aspin, for 30 minutes, today.

Mr. Dulski, for 10 minutes, today.

Mr. Boggs, for 20 minutes, today.

Mr. McFall (at the request of Mr. Davis of South Carolina), for 5 minutes, today; to revise and extend his remarks and to include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Perkins, and to include extraneous matter.

(The following Members (at the request of Mr. Keating) and to include extraneous matter:)

Mr. Hansen of Idaho in two instances.

Mrs. Heckler of Massachusetts in two instances.

Mr. WYATT.

Mr. BELCHER in two instances.

Mr. ASHBROOK in four instances.

Mr. WYMAN in six instances.

Mr. KEATING.

Mr. SCHWENGEL in two instances.

Mr. MILLER of Ohio in four instances.

Mr. O'KONSKI.

Mr. ROUSSELOT in four instances.

Mr. GERALD R. FORD in five instances.

Mr. FREY.

Mr. MCCLOSKEY.

Mr. STEIGER of Wisconsin in two instances.

(The following Members (at the request of Mr. DAVIS of South Carolina) and to include extraneous matter:)

Mr. REUSS in six instances.

Mr. ROONEY of New York in two instances.

Mr. GONZALEZ in five instances.

Mr. MAZZOLI in three instances.

Mr. GRIFFIN in three instances.

Mr. GIAIMO.

Mr. HAGAN.

Mr. FOUNTAIN.

Mr. KLUCZYNSKI in six instances.

Mr. HARRINGTON in three instances

Mr. DINGELL in two instances.

Mr. JACOBS in five instances.

Mr. ROSENTHAL in two instances.

Mr. RONCALIO in two instances.

Mr. SMITH of Iowa.

Mr. RARICK in three instances.

Mr. SYMINGTON in three instances.

Mr. CULVER.

Mr. ANDERSON of California in two instances.

Mr. MATHIS of Georgia in two instances.

Mrs. SULLIVAN in six instances.

Mr. SCHEUER in two instances.

Mr. O'NEILL in two instances.

Mr. MCCORMACK in two instances.

Mr. RODINO in two instances.

Mr. MURPHY of New York in three instances.

Mr. FASCELL in two instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 291. An act to establish within the Department of the Interior the position of an additional Assistant Secretary of the Interior, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 996. An act relating to the transportation of mail by the U.S. Postal Service; to the Committee on the Judiciary.

S. 1245. An act to amend the Act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

S. 1989. An act to amend title 39, United States Code, to provide for the renewal of certain star route contracts; to the Committee on Post Office and Civil Service.

S. 2248. An act to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments; to the Committee on Interior and Insular Affairs.

S. 2393. An act to amend the Disaster Relief Act of 1970 to make areas suffering from economic disasters eligible for emergency Federal aid, to improve the aid which would become available to economic disaster areas, and for other purposes; to the Committee on Public Works.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 135. An act to provide for periodic pro rata distribution among the States and other jurisdictions of deposit of available amounts of unclaimed Postal Savings System deposits, and for other purposes;

H.R. 2587. An act to establish the National Advisory Committee on the Oceans and Atmosphere;

H.R. 2596. An act to amend the act of July 11, 1947, to authorize members of the District of Columbia Fire Department, the United States Park Police force, and the Executive Protective Service, to participate in the Metropolitan Police Department Band, and for other purposes;

H.R. 2600. An act to equalize the retirement benefits for officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia who are retired for permanent total disability;

H.R. 5208. An act to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard, and to authorize the annual active duty personnel strength of the Coast Guard;

H.R. 7718. An act to exempt from taxation by the District of Columbia certain property in the District of Columbia which is owned by the Supreme Council (Mother Council of the World) of the Inspectors General Knights Commanders of the House of the Temple of Solomon of the Thirty-third Degree of the Ancient and Accepted Scottish Rite of Free Masonry of the Southern Jurisdiction of the United States of America;

H.R. 8794. An act to provide for the payment of the cost of medical, surgical, hospital, or related health care services provided certain retired, disabled officers and members of the Metropolitan Police force of the District of Columbia, the Fire Department of the District of Columbia, the U.S. Park Police force, the Executive Protective Service, and the United States Secret Service, and for other purposes;

H.R. 10061. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1972, and for other purposes;

H.J. Res. 829. Joint resolution making further continuing appropriations for the fiscal year 1972, and for other purposes; and

H.J. Res. 833. Joint resolution making an appropriation for the Department of Labor for the fiscal year 1972, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 581. An act to amend the Export-Import Bank Act of 1945, to eliminate certain export credit controls, and for other purposes; and

S. 2296. An act to amend sections 107 and 709 of title 32, United States Code, relating to appropriations for the National Guard and to National Guard technicians, respectively.

ADJOURNMENT

Mr. BOGGS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER. In accordance with House Concurrent Resolution 384 of the 92d Congress, the Chair declares the House adjourned until 12 o'clock noon on Wednesday, September 8, 1971.

Whereupon (at 1 o'clock and 20 minutes p.m.), pursuant to House Concurrent Resolution 384, the House adjourned until Wednesday, September 8, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

1043. Under clause 2 of rule XXIV, a letter from the Deputy Assistant Secretary of Defense (Inter-American Affairs), transmitting a report of implementation of section 507(b) of the Foreign Assistance Act of 1961, as amended, was taken from the Speaker's table and referred to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. EVINS of Tennessee: Select Committee on Small Business. Report on advertising and small business (Rept. No. 92–467). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 3304. A bill to amend the act of August 27, 1954 (commonly known as the Fishermen's Protective Act) to conserve and protect Atlantic salmon of North American origin; with amendments (Rept. No. 92–468). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of Alabama (for himself and Mrs. HANSEN of Washington):

H.R. 10479. A bill to protect environmental quality of the Nation's public lands administered by the Secretary of Agriculture and other Federal agencies through establishment of an accelerated program of research in advanced timber harvesting techniques, and for other purposes; to the Committee on Agriculture.

By Mr. ASPIN:

H.R. 10480. A bill to amend the Internal Revenue Code of 1954 to impose an excise tax on fuels containing sulfur and on certain emissions of sulfur oxides; to the Committee on Ways and Means.

By Mr. BRADEMAS:

H.R. 10481. A bill to amend the National Foundation on the Arts and Humanities Act of 1965 to further cultural activities by making unused railroad passenger depots available to communities for such activities; to the Committee on Education and Labor.

By Mr. DINGELL (for himself, Mr. CONTE, Mr. WILLIAM D. FORD, Mr. KARTH, Mr. MCCLOSKEY, Mr. MOSS, Mr. NEDZI, Mr. OBEY, Mr. SAYLOR, and Mr. UDALL):

H.R. 10482. A bill to extend to hawks, owls, and certain other raptors the protection now accorded to bald and golden eagles; to the Committee on Merchant Marine and Fisheries.

By Mr. DOW:

H.R. 10483. A bill to amend title XVIII of the Social Security Act to provide payment under the supplementary medical insurance program for transportation to and from the place where an individual receives services covered under that program or under the hospital insurance program; to the Committee on Ways and Means.

By Mr. DULSKI (for himself, Mr. Henderson, and Mr. Gross):

H.R. 10484. A bill to provide for payments by the Postal Service to the civil service retirement fund for increases in the unfunded liability of the fund due to increases in benefits for Postal Service employees, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FREY (for himself, Mr. Anderson of Illinois, Mr. Conable, Mr. Hastings, Mr. Hogan, Mr. Keating, Mr. Kemp, Mr. Lent, Mr. Lujan, Mr. McKevitt, Mr. McKinney, and Mr. Steele):

H.R. 10485. A bill to provide increased penalties for distribution of heroin by certain persons, and to provide for pretrial detention of such persons; to the Committee on Interstate and Foreign Commerce.

By Mr. GARMATZ (for himself, Mr. Clark, and Mr. Pelly):

H.R. 10486. A bill to make the basic pay of the master chief petty officer of the Coast Guard comparable to the basic pay of the senior enlisted advisers of the other Armed Forces, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. GRAY:

H.R. 10487. A bill to amend chapter 48 of title 7 of the United States Code; to the Committee on Agriculture.

By Mr. GRAY (for himself, Mr. Grover, Mr. McClure, and Mr. Thomson of Wisconsin):

H.R.A 10488. A bill to amend the Public Buildings Act of 1959, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operation, and protection of public buildings, and for other purposes; to the Committee on Public Works.

By Mr. HANSEN of Idaho (for himself and Mr. McClure):

H.R. 10489. A bill to provide for the disposition of funds to pay a judgment in favor of the Soshone-Bannock Tribes of Indians of the Fort Hall Reservation, Idaho, as representatives of the Lemhi Tribe, in Indian Claims Commission docket No. 326–I, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HARSHA:

H.R. 10490. A bill to amend the Federal Water Pollution Control Act to provide for the development of regional waste treatment plans and to authorize a demonstration waste water management program for Lake Erie; to the Committee on Public Works.

By Mr. HASTINGS:

H.R. 10491. A bill to amend the Railway Labor Act to provide more effective means for protecting the public interest in national emergency disputes involving the railroad and airline transportation industries, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 10492. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mrs. HECKLER of Massachusetts:

H.R. 10493. A bill to amend the act of August 27, 1954 (commonly known as the Fishermen's Protective Act) to conserve and protect Atlantic salmon of North American origin; to the Committee on Merchant Marine and Fisheries.

H.R. 10494. A bill to amend title 38 of the United States Code to increase the maximum burial and funeral expense payment for a veteran to $400 and to provide an additional allowance of not to exceed $150 for the purchase of a burial plot; to the Committee on Veterans' Affairs.

By Mr. McFALL:

H.R. 10495. A bill to provide for the establishment of a national cemetery within the boundaries of the San Luis unit of the Central Valley project (California); to the Committee on Veterans' Affairs.

By Mr. MIKVA:

H.R. 10496. A bill to amend the Voting Rights Act of 1965 to require that persons eligible to register to vote in Federal elections shall be permitted to register as late as 30 days prior to the date of such an election; to the Committee on the Judiciary.

By Mrs. MINK:

H.R. 10497. A bill to restore the wartime recognition of Filipino veterans of World War II who fought as members of the Commonwealth Army but whose wartime service records were subsequently stricken from official U.S. Army records and to entitle them to those benefits, rights, and privileges which result from such recognition; and to amend the Immigration and Nationality Act to classify as special immigrants alien veterans who served honorably in the U.S. Armed Forces, together with their spouses and children, for purposes of lawful admission into the United States; to the Committee on Veterans' Affairs.

By Mr. MURPHY of New York (for himself, Mrs. Abzug, Mr. Rees, and Mr. Gude):

H.R. 10498. A bill to authorize members of the Armed Forces to be discharged from active military service by reason of physical disability when such members are suffering from drug dependency, to authorize the civil commitment of such members after their discharge, to provide for the review of less-than-honorable discharges granted to certain members and the issuance of new discharges in certain cases, and for other purposes; to the Committee on Armed Services.

By Mr. O'HARA:

H.R. 10499. A bill to ban oppressive child labor in agriculture, and for other purposes; to the Committee on Education and Labor.

By Mr. PEPPER (for himself, Mr. Anderson of California, Mr. Anderson of Tennessee, Mr. Aspin, Mr. Bevill, Mr. Buchanan, Mr. Clark, Mr. Dellums, Mr. Denholm, Mr. Eilberg, Mr. Fulton of Pennsylvania, Mr. Halpern, Mr. Hays, Mr. Helstoski, and Mr. Jones of Tennessee):

H.R. 10500. A bill to amend the Internal Revenue Code of 1954 to provide that the first $5,000 of compensation paid to law enforcement officers shall not be subject to the income tax; to the Committee on Ways and Means.

By Mr. PEPPER (for himself, Mr. Kee, Mr. Long of Louisiana, Mr. Madden, Mr. Minshall, Mr. Murphy of Illinois, Mr. Perkins, Mr. Roncalio, Mr. Thone, Mr. Charles H. Wilson, Mr. Yatron, and Mr. Young of Texas):

H.R. 10501. A bill to amend the Internal Revenue Code of 1954 to provide that the first $5,000 of compensation paid to law enforcement officers shall not be subject to the income tax; to the Committee on Ways and Means.

By Mr. POFF (for himself, Mr. Hutchinson, Mr. McClory, Mr. Smith of New York, Mr. Railsback, Mr. Mayne, Mr. Hogan, Mr. Keating, and Mr. McKevitt):

H.R. 10502. A bill to amend title 18, United States Code, to provide for expanded protection of public officials and foreign officials, and for other purposes; to the Committee on the Judiciary.

By Mr. PRICE of Texas:

H.R. 10503. A bill to amend the Public Health Service Act so as to promote the public health by strengthening the national effort to conquer cancer; to the Committee on Interstate and Foreign Commerce.

By Mr. SYMINGTON:

H.R. 10504. A bill to amend title 38, United States Code, to provide for the payment of tuition, subsistence, and educational assistance allowances on behalf of or to certain eligible veterans pursuing programs of education under chapter 34 of such title; to apply automatic cost-of-living increases to subsistence allowances; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. TEAGUE of Texas (by request):

H.R. 10505. A bill to amend title 38, United States Code, to provide for the review of certain veterans' benefits cases forfeited for fraud on or before September 1, 1959, and for remission of forfeitures; to the Committee on Veterans' Affairs.

By Mr. O'KONSKI:

H.J. Res. 849. Joint resolution to declare a U.S. policy of achieving population stabilization by voluntary means; to the Committee on Government Operations.

By Mr. ANDERSON of Illinois (for himself, Mr. O'Neill, Mr. Begich, Mr. Badillo, Mr. Frenzel, Mr. Hechler of West Virginia, Mr. Devine, Mr. Johnson of California, Mr. Harrington, Mr. Brasco, Mr. Murphy of New York, Mr. Addabbo, Mr. Don H. Clausen, Mr. Sikes, Mr. Duncan, Mr. Springer, Mr. Del Clawson, Mr. Eilberg, Mrs. Grasso, Mr. Yates, Mr. Roe, Mr. Long of Maryland, Mr. Burke of Florida, Mr. Buchanan, and Mr. Rees):

H. Con. Res. 390. Concurrent resolution to relieve the suppression of Soviet Jewry; to the Committee on Foreign Affairs.

By Mr. ANDERSON of Illinois (for himself, Mr. O'Neill, Mr. Byrne of Pennsylvania, Mr. Mayne, Mr. Rhodes, Mr. Bolling, Mr. Mazzoli, Mr. Morse, Mr. Gude, Mr. Byrnes of Wisconsin, Mr. Keating, Mr. Garmatz, Mr. Drinan, Mr. Cederberg, Mr. Grover, Mr. Tiernan, Mr. Metcalfe, Mr. Dingell, Mr. Williams, Mr. Horton, Mr. Sarbanes, Mr. Danielson, Mr. Wydler, Mr. McDade, and Mr. Karth):

H. Con. Res. 391. Concurrent resolution to relieve the suppression of Soviet Jewry; to the Committee on Foreign Affairs.

By Mr. ANDERSON of Illinois (for himself, Mr. O'Neill, Mr. Riegle, Mr. Scherle, Mr. Myers, Mr. Schwengel, Mr. McCormack, Mr. Biester, Mr. Dellums, Mr. Adams, and Mr. Pepper):

H. Con. Res. 392. Concurrent resolution to relieve the suppression of Soviet Jewry; to the Committee on Foreign Affairs.

By Mr. O'NEILL (for himself, Mr. Anderson of Illinois, Mr. Minish, Mr. Harvey, Mr. Cotter, Mr. Ryan, Mr. Gonzalez, Mr. Madden, Mr. Fulton of Tennessee, Mr. Howard, Mr. Fish, Mr. Derwinski, Mr. Edwards of California, Mr. Hansen of Idaho, Mr. Crane, Mr. Widnall, Mr. Byron, Mr. Peyser, Mr. Scheuer, Mr. J. William Stanton, Mr. Halpern, Mr. Dulski, Mr. Coughlin, Mr. Broomfield, and Mr. Koch):

H. Con. Res. 393. Concurrent resolution to relieve the suppression of Soviet Jewry; to the Committee on Foreign Affairs.

By Mr. O'NEILL (for himself, Mr. Anderon of Illinois, Mrs. Heckler of Massachusetts, Mr. Moss, Mr. St Germain, Mr. Kuykendall, Mr. Kemp, Mrs. Abzug, Mr. Fraser, Mrs. Hicks of Massachusetts, Mr. Sisk, Mr. McCloskey, Mr. Bingham, Mr. Hanley, Mr. Kyros, Mr. du Pont, Mr.

McCLORY, Mr. WHITEHURST, Mr. DOW, Mr. MITCHELL, Mr. ROBISON of New York, Mr. McKINNEY, Mr. STOKES, Mrs. DWYER, and Mr. THONE):

H. Con. Res. 394. Concurrent resolution to relieve the suppression of Soviet Jewry; to the Committee on Foreign Affairs.

By Mr. CONABLE:

H. Res. 582. Resolution to amend the Rules of the House of Representatives to require that meetings of the Committee on House Administration for consideration of the fixing and adjusting of allowances of Members and committees be open to all Members of the House, and for other purposes; to the Committee on Rules.

H. Res. 583. Resolution authorizing the Speaker, during the remainder of the 92d Congress, after agreement with the minority leader, to entertain motions to adjourn the House to a day and time certain; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 10506. A bill for the relief of Josephine Cummings; to the Committee on the Judiciary.

By Mr. GUBSER:

H.R. 10507. A bill for the relief of Mrs. Ruth G. Palmer; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.R. 10508. A bill for the relief of Sea Oil & General Corp., of New York, N.Y.; to the Committee on the Judiciary.

By Mr. ROUSSELOT:

H.R. 10509. A bill for the relief of Juan Marcos Cordova-Campos; to the Committee on the Judiciary.

By Mr. THOMSON of Wisconsin:

H.R. 10510. A bill for the relief of Gerasimos Telemachos Agoudemos; to the Committee on the Judiciary.

By Mr. VEYSEY:

H. Res. 584. Resolution to refer the bill (H.R. 10477) entitled "A bill to clear and settle title to certain real property situated in the vicinity of the Colorado River in Riverside County, California", to the Chief Commissioner of the Court of Claims; to the Committee on the Judiciary.

By Mr. CHARLES H. WILSON:

H. Res. 585. Resolution to refer the bill (H.R. 10478) entitled "A bill to clear and settle title to certain real property located in the vicinity of the Colorado River in Imperial County, California", to the Chief Commissioner of the Court of Claims; to the Committee on the Judiciary.

SENATE—*Friday, August 6, 1971*

The Senate met at 8:15 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, our help in ages past, our hope for years to come, we commit to Thee the work of this body in the months just past, beseeching Thee to complete elsewhere what has begun here. If we have done those things which we ought not to have done and left undone those things we ought to have done, good Lord, forgive us. Confirm and complete all that has been right and good. Overrule all shortcomings and failures.

Give to the Republic a new sense of national purpose which arises out of faith in the invincibility of goodness and commitment to the spiritual verities which abide all change.

Be with Thy servants as they separate at the close of the day. Give journeying mercies to those who travel. Guard them in moments of peril. Bring them back to this place renewed in energy, enlarged in vision, and deepened in faith in Thee.

Now may the Lord bless you and keep you; the Lord make His face to shine upon you and be gracious unto you; the Lord lift up His countenance upon you and give you peace now and evermore. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., August 6, 1971.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, August 5, 1971, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SESSION OF THE SENATE TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask that the Senate turn to the consideration of the unobjected to items on the calendar, beginning wih Calendar No. 344 and concluding with Calendar No. 350.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TAX EXEMPTION FOR PROPERTY OF SUPREME COUNCIL OF THE SCOTTISH RITE OF FREE MASONRY

The bill (H.R. 7718) to exempt from taxation by the District of Columbia certain property in the District of Columbia which is owned by the Supreme Council (Mother Council of the World) of the Inspectors General Knights Commanders of the House of the Temple of Solomon of the 33d Degree of the Ancient and Accepted Scottish Rite of Free Masonry of the Southern Jurisdiction of the United States of America was announced as next in order.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Calendar No. 343, S. 2387, be indefinitely postponed. It is the same bill, I understand, as Calendar No. 344, H.R. 7718, which the Senate has passed.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PARTICIPATION IN THE METROPOLITAN POLICE BAND

The bill (H.R. 2596) to amend the act of July 11, 1947, to authorize members of the District of Columbia Fire Department, the U.S. Park Police force, and the Executive Protective Service, to participate in the Metropolitan Police Department Band, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

EQUALIZATION OF RETIREMENT BENEFITS FOR DISTRICT OF COLUMBIA POLICE AND FIREMEN

The bill (H.R. 2600) to equalize the retirement benefits for officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia who are retired for permanent total disability was considered, ordered to a third reading, read the third time, and passed.

HEALTH SERVICES FOR DISTRICT OF COLUMBIA POLICE AND FIREMEN

The bill (H.R. 8794) to provide for the payment of the cost of medical, surgical, hospital, or related health care services provided certain retired, disabled officers and members of the Metropolitan Police force of the District of Columbia, the Fire Department of the District of Columbia, the U.S. Park Police force, the Executive Protective Service, and the U.S. Secret Service, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

EMPLOYMENT OF MINORS IN THE DISTRICT OF COLUMBIA

The Senate proceeded to consider the bill (H.R. 2592) to amend the act entitled "An act to regulate the employment of minors in the District of Columbia," approved May 29, 1928, which had been reported from the Committee on the District of Columbia with an amendment to strike out all after the enacting clause and insert:

That the Act entitld "An Act to regulate the employment of minors within the District of Columbia", approved May 29, 1928, is amended as follows:

(1) Section 1 of such Act (D.C. Code, sec. 36–201) is amended (A) by striking out "That no child" and inserting in lieu thereof "Except as provided in section 6, no minor", (B) by striking out "boys" and inserting in lieu thereof "minors", and (C) by striking out "17 to 24" and inserting in lieu thereof "15 to 21."

(2) Section 2 of such Act (D.C. Code, sec. 36-202) is amended (A) by striking out in the first sentence (i) "17" and inserting in lieu thereof "14", and (ii) "nor shall any girl under eighteen years of age or boy under sixteen years of age be so employed, permitted, or suffered to work before the hour of seven o'clock in the morning or after the hour of seven o'clock in the evening of any day, nor shall any boy between sixteen and eighteen years of age be so employed before the hour of six o'clock in the morning or after the hour of ten o'clock in the evening of any day" and inserting in lieu thereof "nor shall any minor sixteen or seventeen years of age be employed, permitted, or suffered to work before the hour of six o'clock in the morning or after the hour of ten o'clock in the evening of any day, nor shall any minor fourteen or fifteen years of age be employed, permitted, or suffered to work before the hour of seven o'clock in the morning or after the hour of seven o'clock in the evening of any day, except during the summer (June 1 through Labor Day) when the evening hour shall be nine o'clock", and (B) by striking out in the second sentence ", and the hours when the time allowed for meals begins and ends for said minors".

(3) The proviso of section 3 of such Act (D.C. Code, sec. 36–203) is amended (A) by striking out "to 7" and inserting in lieu thereof "through 6", and (B) by inserting immediately before the period at the end thereof a colon and the following: "*Provided further*, That no investigation or hearing shall be necessary when the order prohibits employment in any occupation found by the Secretary of Labor under the authority of the Fair Labor Standards Act to be particularly hazardous for minors under eighteen years of age or detrimental to their health and well-being".

(4) Section 5 of such Act (D.C. Code, sec. 36–205) is amended by striking out clause (1) and all that follows, and inserting in lieu thereof "at operating any freight or nonautomatic elevator, or in any tunnel or excavation."

(5) Section 6 of such Act (D.C. Code, sec. 36–206) is repealed.

(6) Section 7 of such Act (D.C. Code, sec. 36–207) is renumbered section 6 and amended to read as follows:

"SEC. 6. The Board of Education is authorized to issue a theatrical permit to any minor under eighteen years of age authorizing and permitting said minor to appear on the stage of a licensed legitimate or vaudeville theater within the District of Columbia in any professional theatrical production or act, or in a musical or dance recital or concert, or to participate in a professional sports activity, circus, radio, or television program, or to appear as a fashion model: *Provided*, That such minor shall not appear in more than two performances in any one day, nor more than eight performances in any one week, and shall not appear in any performance after the hour of eleven-thirty in the evening. Application for a theatrical permit shall be made by the parent or guardian or agent of such minor to the Board of Education. The Board may issue such a permit if satisfied that the parent or guardian of the minor has made adequate provision for his educational instruction, for safeguarding his health, and for his proper supervision."

(7) Section 8 of such Act (D.C. Code, sec. 36–208) is renumbered section 7 and amended (A) by striking out "his employer procures and keeps on file and accessible to any attendance officer, inspector, or other person authorized to enforce this Act a work or vacation permit" and inserting in lieu thereof "he shall have obtained a certificate of eligibility", (B) by striking out "children" and inserting in lieu thereof "minors", and (C) by striking out "permit" and inserting in lieu thereof "certificate of eligibility".

(8) Section 9 of such Act (D.C. Code, sec. 36–209) is renumbered section 8 and amended (A) by striking out in the first sentence (i) "The work or vacation permit required by this Act shall be issued only by the director of the department of school attendance and work permits created under the board of education according to the provisions of the Act of Congress, approved February 4, 1925, entitled 'An Act to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes,' or by any person duly authorized by said director," and inserting in lieu thereof "The certificate of eligibility required by this Act shall be issued only by the Board of Education", and (ii) "sex, color," and "the grade last completed by said minor,", (B) by striking out in the second sentence "work or vacation permit" and inserting in lieu thereof "certificate of eligibility", (C) by striking out the third sentence, (D) by striking out in the fourth sentence "and shall be mailed to the employer by the issuing officer, and in no case given to the minor" and inserting in lieu thereof "and shall bear the signature of the parent or guardian if the minor is under sixteen years of age", (E) by amending the fifth sentence to read as follows: "An office record for each applicant containing the minor's name, date, and place of birth, evidence of age, residence, the name and address of the minor's parent, guardian, or custodian, and the grade and school last attended by the minor, shall be kept by the Board of Education.", and (F) by striking out the last sentence.

(9) Section 10 of such Act (D.C. Code, sec. 36–210) is renumbered section 9 and amended to read as follows:

"SEC. 9. The Board of Education shall issue a certificate of eligibility only upon the application in person of the minor desiring employment, accompanied, if the minor is under sixteen years of age and is withdrawing from school for purposes of employment, by his parent, guardian, or custodian, and upon submission to and approval by the Board of the following:

"(a) Evidence of age as provided in section 10 of this Act.

"(b) Written consent of the parent, guardian, or custodian, if the minor is under sixteen years of age, specifying permission for employment of such minor.

"(c) A school record, if the minor is under sixteen years of age, signed by the principal of the public, private, or parochial school last attended by the minor, or by a person duly authorized by said principal. The school record shall certify that the minor has completed the eighth grade or the equivalency thereof in a public school, or has regularly received in a private or parochial school, instruction deemed equivalent by the Board of Education to that prescribed for the completion of the eighth grade in the public schools of the District of Columbia. The school record shall contain also the full name, date of birth, grade last completed, and residence of the minor as shown on the records of the school."

(10) Section 11 of such Act (D.C. Code, sec. 36–211) is renumbered section 10 and amended (A) by striking out in paragraph (c) "director of the department of school attendance and work permits" and inserting in lieu thereof "Board of Education". (B) by striking out the colon and the provisos at the end of paragraph (c) and inserting in lieu thereof a period, (C) by striking out paragraph (d) and all that follows, and (D) by redesignating paragraphs (b) and (c), as amended by this section, as paragraphs (c) and (d), respectively, and adding after paragraph (a) the following new paragraph:

"(b) A record of age is given in the records of the school first attended by the minor, if obtainable, or in the earliest available school census."

(11) Section 12 of such Act (D.C. Code, sec. 36–212) is renumbered section 11 and amended (A) by striking out in the first sentence (i) "The director of the department of school attendance and work permits, or any person duly authorized by him, shall have authority to issue a vacation permit to a minor between the age of fourteen and sixteen years," and inserting in lieu thereof "The Board of Education is authorized to issue a certificate of eligibility to a minor under sixteen years of age", (ii) "11" and inserting in lieu thereof "10", and (iii) "work permit" and inserting in lieu thereof "certificate of eligibility", and (B) by striking out in the second sentence (i) "permits" and inserting in lieu thereof "certificates", and (ii) "work permit" and inserting in lieu thereof "certificate of eligibility".

(12) Section 13 of such Act (D.C. Code, sec. 36–213) is repealed.

(13) Section 14 of such Act (D.C. Code, sec. 36–214) is renumbered section 12 and amended (A) by striking out in the first sentence (i) "permit" and inserting in lieu thereof "certificate of eligibility", (ii) "work permit or vacation permit" and inserting in lieu thereof "certificate", and (iii) "minor's employer that such employer shall either furnish him within ten days the evidence required for a work permit showing that the minor is in fact eighteen years of age, or shall refuse to employ or permit or suffer such child to work" and inserting in lieu thereof "minor for his certificate of eligibility", and (B) by striking out "department enforcing "evidence is not furnished to such person within ten days after such demand," and inserting in lieu thereof "certificate of eligibility or proof of age is not furnished,".

(14) Section 15 of such Act (D.C. Code, sec. 36–215) is renumbered section 13 and amended (A) by striking out "14" each place it appears and inserting in lieu thereof "12", (B) by striking out "department enforcing the child labor law" and inserting in lieu thereof "Board of Education", and (C) by striking out "$200" and inserting in lieu thereof "$300".

(15) Section 16 of such Act (D.C. Code, sec. 36–216) is renumbered section 14 and amended (A) by striking out in the first sentence "director of the department of school attendance and work permits organized under the Board of Education of the District of Columbia and of the authorized inspectors and agents of said department" and inserting in lieu thereof "Board of Education", (B) by striking out in the second sentence (i) "director of the said department" and inserting in lieu thereof "Board of Education", and (ii) "work or vacation permits kept on file by the employer and such other" and inserting in lieu thereof "such", and (C) by striking out the third sentence.

(16) Section 17 of such Act (D.C. Code, sec. 36–217) is renumbered section 15 and amended by striking out in the first sentence

"boy" each place it appears and inserting in lieu thereof "minor".

(17) Section 18 of such Act (D.C. Code, sec. 36–218) is repealed.

(18) Section 19 of such Act (D.C. Code, sec. 36–219) is renumbered section 16 and amended (A) by striking out "boy" and inserting in lieu thereof "minor", (B) by striking out "17" and inserting in lieu thereof "15", and (C) by striking out "director of the department of school attendance and work permits, or some person duly authorized by him" and inserting in lieu thereof "Board of Education".

(19) Section 20 of such Act (D.C. Code, sec. 36–220) is renumbered section 17 and amended to read as follows:

"SEC. 17. The Board of Education shall issue a street-trades badge only upon the application of the minor desiring it, with the written consent of the parent, guardian, or custodian of such minor, and upon proof that the minor is of the age required by section 15 of this Act, which shall consist of the same evidence as is required for a certificate of eligibility under this Act. A certificate of eligibility issued as requred by this Act may be accepted in lieu of any other requirements for said badge."

(20) Section 21 of such Act (D.C. Code, sec. 36–221) is renumbered section 18 and amended (A) by inserting immediately after "minors" in the first sentence thereof "name,", (B) by striking out in the second sentence (i) "the height and weight of the minor," and (ii) "in the office of the director of the department of school attendance and work permits" and inserting in lieu thereof "by the Board of Education", and (C) by striking out the fourth sentence and all that follows.

(21) Section 22 of such Act (D.C. Code, sec. 36–222) is renumbered section 19 and amended to read as follows:

"SEC. 19. The Board of Education shall order any minor found to be engaged in any of the trades or occupations mentioned in section 15, in violation of any of the provisions of sections 15 through 21 of this Act, to cease and desist from engaging in such trade or occupation, and the parent, guardian, or custodian of such minor shall be notified by the Board of its order. The Board of Education may also revoke the badge or certificate of eligibility of any minor who violates any provision of this Act, or who fails to comply with all the legal requirements concerning school attendance, for such period as the Board may require. Upon revocation the Board shall so notify the parent, guardian, or custodian having such minor in charge, and it shall thereupon become the duty of said parent, guardian, or custodian to surrender or require said minor to surrender said badge or certificate of eligibility to the Board. After notice to the minor and his parent, guardian, or custodian of the revocation of such badge or certificate of eligibility, he shall be deemed to be in the same status as a minor without a badge."

(22) Section 23 of such Act (D.C. Code, sec. 36–223) is renumbered section 20 and amended (A) by striking out $200" and inserting in lieu thereof "$300", (B) by striking out "17 to 23" and inserting in lieu thereof "15 to 20", and (C) by striking out "$100" the second time it appears in the last sentence of such section and inserting in lieu thereof "$200".

(23) Section 24 of such Act (D.C. Code, sec. 36–224) is renumbered section 21 and amended to read as follows:

"SEC. 21. No minor under the age of sixteen years required by law to attend school shall be permitted by an owner or employee of any business establishment to loiter or remain around the premises of such establishments between the hours of the opening of school in the morning and the close of school in the afternoon on days when school is in session. Any owner or employee of any business establishment convicted of violating this section may be punished by a fine of not less than $25 nor more than $300 or by imprisonment for not less than ten days or more than thirty days."

(24) Section 25 of such Act (D.C. Code, sec. 36–225) is repealed.

(25) Section 26 of such Act (D.C. Code, sec. 36–228) is renumbered section 22 and amended to read as follows:

"SEC. 22. Prosecutions for violations of any of the provisions of this Act, or of any regulation made by the Board of Education under authority of this Act, shall be on information filed in the Superior Court of the District of Columbia in the name of the District of Columbia by the Corporation Counsel or any of his assistants."

(26) Sections 27 and 28 of such Act (D.C. Code, sec. 36–226) are renumbered sections 23 and 24, respectively.

(27) Section 29 of such Act (D.C. Code, sec. 36–227) is renumbered section 25 and amended to read as follows:

"SEC. 25. The Board of Education of the District of Columbia is hereby empowered to carry out and enforce the provisions of this Act, and is authorized to promulgate such regulations as may be necessary to effectuate the purposes of this Act. The Board of Education is further authorized to delegate the performance of any of its functions and duties under this Act to any officer, agent, or department of the Board."

(28) Such Act is amended by adding the following new section:

"SEC. 26. This Act may be cited as the 'District of Columbia Employment of Minors Act'."

SEC. 2. The amendments made by this Act shall take effect on the first day of the first month which begins thirty days after the date of its enactment.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

AMENDMENT OF DISTRICT OF COLUMBIA HEALING ARTS PRACTICE ACT

The Senate proceeded to consider the bill (H.R. 8589) to amend the Healing Arts Practice Act, District of Columbia, 1928, to revise the composition of the Commission on Licensure To Practice the Healing Arts, and for other purposes which had been reported from the Committee on the District of Columbia with amendments on page 1, at the beginning of line 3, strike out:

SECTION 1. (a) Section 4 of the Healing Arts Practice Act, District of Columbia, 1928 (D.C. Code, sec. 2, 103), is amended to read as follows:

"SEC. 4. (a) (1) There is established a commission to be known as the Commission on Licensure To Practice the Healing Art (hereafter in this Act referred to as the 'Commission'). The Commission shall be composed of eleven members. The Commissioner of the District of Columbia shall appoint nine members of the Commission as follows:

"(A) Three members shall be appointed from a panel of six physicians licensed under this Act who are in private practice in the District of Columbia and who are nominated by the Medical Society of the District of Columbia.

"(B) One member shall be appointed from a panel of two physicians licensed under this Act who are nominated by the dean of the Georgetown University Medical School.

"(C) One member shall be appointed from a panel of two physicians licensed under this Act who are nominated by the dean of the George Washington University Medical School.

"(D) One member shall be appointed from a panel of two physicians licensed under this Act who are nominated by the dean of the Howard University Medical School.

"(E) One member shall be appointed from a panel of two osteopathic physicians licensed under this Act who are nominated by the Association of Osteopathic Physicians of the District of Columbia, Incorporated.

"(F) Two members shall be appointed from persons who are not physicians and who represent the community at large.

"(2) The Corporation Counsel of the District of Columbia (or his delegate) and the Director of Public Health of the District of Columbia (or his delegate) shall be ex officio members of the Commission.

"(3) A vacancy in the Commission shall be filled in the same manner as the original appointment was made.

"(b) (1) Except as provided in paragraphs (2) and (3) of this subsection, members of the Commission (appointed under paragraph (1) of subsection (a)) shall be appointed for terms of three years.

"(2) Of the members first appointed to the Commission under such paragraph (1)—

"(A) three members shall be appointed for terms of one year,

"(B) three members shall be appointed for terms of two years, and

"(C) three members shall be appointed for terms of three years,

as designated by the Commissioner of the District of Columbia at the time of appointment.

"(3) Any member of the Commission appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member of the Commission may serve after the expiration of his term until his successor has taken office.

"(c) The Commission shall elect a President and a Vice President from among its members. The Director of Public Health of the District of Columbia (or his delegate) shall be the Secretary of the Commission.

"(d) The Commission shall make, and may alter, such rules as it deems necessary to conduct its business. The Commission shall adopt a common seal and from time to time may alter it. The courts shall take judicial notice of the seal."

(b) The Commissioner of the District of Columbia shall appoint the first nine members of the Commission on Licensure To Practice the Healing Art, established by section 4 of the Healing Arts Practice Act, District of Columbia, 1928 (as amended by this Act), not later than ninety days after the date of the enactment of this Act.

And, in lieu thereof, insert:

SECTION 1. (a) In the administration of the provisions of the Healing Arts Practice Act, District of Columbia, 1928 (D.C. Code, sec. 2–103), the Commissioner of the District of Columbia shall take such action as may be necessary to expand the Commission on Licensure To Practice the Healing Art in the District of Columbia by two additional members, such additional members to be appointed by the Commissioner of the District of Columbia from physicians and osteopathic physicians licensed under such Act.

(b) In the addition to the members authorized pursuant to subsection (a), the Commissioner is authorized to take such action as may be necessary to further expand

> such Commission by appointing such additional members thereto as he determines necessary to represent the changing needs of the District of Columbia and to reflect the views of the medical profession.

And, on page 9, after line 18, strike out:

> SEC. 5. (a) Section 50 of the Healing Arts Practice Act, District of Columbia, 1928 (D.C. Code, sec. 2-141), is repealed.
>
> (b) The amendments made by this Act shall not be construed as affecting any provision of Reorganization Plan Numbered 3 of 1967, except that the Commissioner of the District of Columbia and the District of Columbia Council shall exercise their respective functions under the Healing Arts Practice Act, District of Columbia, 1928, through the Commission on Licensure To Practice the Healing Art established by section 4 of such Act (as amended by this Act).
>
> (c) The members of the Commission on Licensure To Practice the Healing Art in office on the date of the enactment of this Act shall continue in office until at least four members have been appointed to that Commission under section (4)(1) of the Healing Arts Practice Act, District of Columbia, 1928 (as amended by this Act).

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar, beginning with "New Reports."

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar beginning with New Reports will be stated.

ATOMIC ENERGY COMMISSION

The second assistant legislative clerk read the nomination of James R. Schlesinger, of Virginia, to be a member of the Atomic Energy Commission.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The second assistant legislative clerk read the nomination of William Offutt Doub, of Maryland, to be a member of the Atomic Energy Commission.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

U.S. CUSTOMS COURT

The second assistant legislative clerk read the nomination of Nils A. Boe, of South Dakota, to be a judge of the U.S. Customs Court.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

AMBASSADOR

The second assistant legislative clerk read the nomination of Edwin W. Martin, of Maryland, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Union of Burma.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

AGENCY FOR INTERNATIONAL DEVELOPMENT

The second assistant legislative clerk read the nomination of James F. Campbell, of Maryland, to be an Assistant Administrator of the Agency for International Development.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—U.S. COAST GUARD

The second assistant legislative clerk proceeded to read sundry nominations in the U.S. Coast Guard.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are confirmed en bloc.

Mr. MANSFIELD. Mr. President, that concludes the call of the Executive Calendar. With the approval of the distinguished minority leader it is hoped we will be able to give consideration to Calendar No. 7, Executive A, 92d Congress, first session, the Convention for the Suppression of Unlawful Seizure of of Aircraft, if everything fits into place during the day.

Mr. SCOTT. Mr. President, I ask that the President be notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. The President will be so notified.

LEGISLATIVE SESSION

Mr. SCOTT. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

VIETNAM

Mr. SCOTT. Mr. President, our beloved Chaplain in the morning prayer referred to verses in the Book of Common Prayer, which reminds me of something which I wish to say at this time. He mentioned that we have left undone things we ought to have done and that we have done things we ought not to have done. I do not mean to have left undone things I ought to have done or to have done things I ought not to have done, but I see in this morning's Washington Post a paragraph which disturbs me because, while we do not yet have all the Record for yesterday, I believe the report does not convey what I was seeking to say. It was a long day and that may have led to the confusion.

The reference in the newspaper to the debate on the draft bill states that I suggested during the debate:

> The President's wording might imply that the administration is softening its insistence that South Vietnam be assured of a reasonable chance of defending itself before all the U.S. troops are withdrawn.

The article makes the point quite correctly that—

> The conference report specifies no such precondition of withdrawal.

That is right.

What I believe I said, and what I certainly intended to make clear was that there was obviously nothing to be read in the President's letter beyond the four corners of that letter to the distinguished chairman of the Committee on Armed Services, Mr. Stennis.

What I believe I said, and know I wanted to say, was that if the prisoners of war were returned there would be less lapse of time in the ultimate withdrawal of all our forces in Vietnam than would occur otherwise; and that the withdrawal, if it followed the release of the prisoners of war, would not take many months, in all probability, which is a good deal different from the report here.

I see that the Record has not yet arrived. If the Chair will indulge me for a moment perhaps I can find it in the first part of the Record.

Mr. President, that part of the debate has not yet arrived.

In any event, let me make clear there was no intention on my part whatever to imply any change in the administration position regarding withdrawal from Vietnam unless and until there is some change regarding prisoners of war.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Chair recognizes the distinguished Senator from Connecticut (Mr. Ribicoff) for 15 minutes.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that 10 minutes of my allotted time may be assigned to the distinguished Senator from Mississippi (Mr. Stennis).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. Ribicoff when he introduced S. 2460 are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I am especially grateful to the Senator from Connecticut for this courtesy and for this great assistance in yielding me this time.

Mr. RIBICOFF. Mr. President, I am

more than pleased to yield this time to my distinguished friend.

SENATE RESOLUTION 162—SUBMISSION OF A RESOLUTION RELATING TO THE HISTORY OF THE INVOLVEMENT OF THE UNITED STATES IN THE WAR IN VIETNAM

(Referred to the Committee on Rules and Administration.)

Mr. STENNIS. Mr. President, it is my privilege to introduce today a resolution, which is also cosponsored by the distinguished Senator from Montana (Mr. Mansfield) and the distinguished Senator from Pennsylvania (Mr. Scott), having to do with the treatment and analysis of the Pentagon papers and other papers related thereto by a selected group of noted historians and others qualified in that field.

I ask unanimous consent that the resolution be printed in full in the Record at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STENNIS. Mr. President, the recent publication of large portions of the "Pentagon papers," the court cases in which the documents were involved, and the transmittal of a full set of the documents to the Congress have produced a great many analyses, speculations, charges, and refutations about the responsibility for our involvement in Vietnam. Today I introduce a resolution to provide for a careful study of these documents together with related documents.

As I believe it will become clear, the method I suggest is one which will place initial responsibility for analyzing this range of important issues in the hands of trained historians. They are the professionals best equipped to establish, by careful research, what transpired during the difficult period covered by the 47 Pentagon volumes.

It is now quite clear that the analysis included in the Pentagon papers is not based on complete Government records. For example, the August 9 issue of Time magazine reports that the State Department's Bureau of Intelligence and Research has done a study covering the period. Moreover the coordinator of the Pentagon papers study has himself stated that that analysis was not prepared by men schooled in the techniques of historical research. It is therefore not surprising that the document is producing charges and recriminations.

The anonymous analysis and, to a lesser extent, the basic documents have received a good deal of attention in the press. But I believe one illustration will show that the press is no better able to give us an objective account of such a tangled and complex subject than the anonymous Pentagon analysts. The press, in its constant thirst for simple judgments and in the excitement of conflict, has extrapolated from partial quotations to assertions, from assertions to alleged facts, and from facts to headlines. On June 14, for example, a reporter from the New York Times, Mr. Neil Sheehan, took from a document part of the following sentence:

> If such larger decisions are required at any time by a change in the situation, they will be taken.

And reported that an anonymous Pentagon analyst interpreted this as a "general consensus" in September of 1964 that air attacks against North Vietnam would probably have to be launched. The newspaper report then goes on to assume that this conclusion is a fact by stating:

> That such a consensus had been reached as early as September is a major *disclosure* of the Pentagon study. (Emphasis added.)

I might add that two other publications—The Washington Post on June 20 and Newsweek on June 28—expressed reservations about this particular extrapolation. But the Times account shows how a cryptic conditional sentence is magnified first into an opinion, then a fact, and finally a major issue on the front pages.

As chairman of one of the interested committees, Mr. President, I hope I will offend no one if I suggest that planned House and Senate inquiries will not by themselves answer the public demand for a full, careful and dispassionate analysis of what actually transpired during the years covered by the Pentagon volumes. We should understand that, in this matter, we operate under two handicaps.

First of all, hard-pressed Members of the Congress have neither the time nor the resources for the research and reflection required. A few of our Members, such as the distinguished Senator from Wyoming (Mr. McGee) are trained professional historians. But a study of this magnitude would simply eclipse all other important responsibilities for all of us who were engaged in it.

Even more importantly, many of us have been involved in one way or another in decisions about the war in Vietnam. Our judgment, and the judgment of staffs who work for us, are not likely to be viewed as dispassionate and objective in the matter.

I do not mean to imply at all that Congress has no useful role to play in assessing our involvement in Vietnam. We of the Congress have certain legislative responsibilities which the Pentagon papers, and related investigations, may help us to fulfill. For my own part, I believe that congressional investigations will help us sort out the complications of the security classification problem. It is my belief that the current tendency to overclassify is dangerous in two ways: It makes it difficult for truly sensitive matters to be properly protected; and it denies the public and the Congress important information about other matters that have no need to be classified, or at least no need to be classified for long.

I also believe that investigations which have already been begun by our committees will help us come to terms with the important issue of making Congress' constitutional power to declare a war a reality in the 20th century. I have already introduced Senate Joint Resolution 95 dealing with this matter, and other Senators have made similar proposals. I believe that all of these proposals can be better evaluated after we have a more complete understanding of some of the events which led us into the Vietnam war, in particular the Gulf of Tonkin affair.

In these matters the congressional responsibility is very clear and explicit. The Pentagon papers, now available to us, should help us discharge our responsibilities, but without involving us in any attempt to write history—a task for which, as I have said, Congress has neither the time nor the resources.

There are Americans, however, who are uniquely equipped to write history: our professional historians. It is to them we should turn for an exhaustive and deliberate treatment of the U.S. involvement in Vietnam. In an excellent article in the Washington Post on July 7—inserted in the Congressional Record on July 7 by the distinguished Senator from Wyoming (Mr. McGee), at page 23725—Mr. Henry Owen compares our current public agonies over the Vietnam involvement to the charges which followed World Wars I and II. He asserts, and I believe the assertion is accurate, that for each war in which the United States has been involved, including both World War I and World War II, public opinion about the origin of the war is divided into three phases: Phase 1 in which the Government's picture of the conflict's origin is accepted; phase 2 in which some initial accounts showing conflicting views convince many people that the war was largely the fault of their own leaders; and phase 3 in which, as Mr. Owen puts it:

> Professional historians showed the truth to be a lot more complicated than any of these "devil" theories would suggest.

Mr. Owen goes on to say that we are now in phase 2 on Vietnam, and it is important that we move as quickly as possible to phase 3.

I believe there is much wisdom in this analysis, Mr. President. The longer we continue to deal with the origins of the Vietnam war in an atmosphere of anger, recrimination, and domestic politics, the deeper will be the wounds on our society. The sooner we can have an objective and disinterested account by professional researchers of the origins, the conduct, and the wide-ranging effects of the Vietnam war, the sooner we will be able to begin the healing that can only come from understanding.

I emphasize the importance of congressional investigations, analysis, and recommendations, but, in substance, what I am pointing out now is that the reach of the legislative bodies is not sufficient; analyses of the Pentagon papers are not sufficient; there must be a broader approach and a more deliberate approach, an inclusive approach by trained men and historians and fine analysts who can put the pieces together.

I am especially interested in these facts and they may help us get a clearer view of the need to return to the constitutional mandate that only Congress can declare war, only Congress can commit this Nation and its manpower and its resources to war.

I think that a full consideration, analysis, and a summary of all these facts will make a tremendous contribution in that field. This question about the declaration of war is not one that is going to be resolved in a few months. I think it is only the beginning of the issue that will go on perhaps for years and require full analysis.

I am delighted that the Senator from Montana (Mr. MANSFIELD) and the Senator from Pennsylvania (Mr. SCOTT) have joined in the effort to have this broader and additional consideration of this grave problem.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. MANSFIELD. I am delighted to join in the resolution under the distinguished leadership of the Senator from Mississippi, and I think it is long overdue, because the Congress has been allowing its powers to be diluted ever since the days of Franklin D. Roosevelt, going back more than four decades. There have been too many hasty improvisations such as the Gulf of Tonkin resolution to indicate that a "due process" under the Constitution is being followed when it absolutely is not. It is not being followed when an attempt is made to use the so-called SEATO Treaty as a means of justifying our intervention in Vietnam and Indochina, because nothing could be further from the truth.

As I indicated yesterday, there was a well-researched study of the Southeast Asia Treaty and its relation to our involvement in Vietnam put in the RECORD. Both the distinguished Senator from Mississippi and I were concerned with that treaty before it was ratified. But the study referred to left out a number of words noted in the treaty. Those words, included "due constitutional process," which mean, of course, that Congress should be consulted in line with its constitutional authority to put this Nation into war. Nothing should be done outside that constitutional line except in the greatest emergency—at which time a President should have the power to act instantaneously. These matters should come before Congress; due process should be invoked; the Constitution should be adhered to.

I am delighted, because this is another step in the return to constitutionality as between the executive and the legislative branches.

Mr. STENNIS. Mr. President, I heartily agree with the remarks of the Senator from Montana, and thank him again especially for his interest.

Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 2 additional minutes.

Mr. STENNIS. Mr. President, I had about concluded my remarks. Let me summarize the procedural matters.

This resolution, of course, will be referred to a committee, and there will be a further chance there to work out a detailed program of operations. I am not wedded to any particular plan. All I am interested in is getting results.

Of course, there are certain difficulties presented in attempting to write a history of a period so recent, using in large measure, classified information. It will take eminence, ability, trained men removed from the so-called political channels, to do this work. But there are also precedents for dealing with these problems. For example, immediately after World War II, virtually the entire U.S. Government Archives, for the years immediately preceding World War II, including classified information, were thrown open to two distinguished historians: William L. Langer, and S. Everett Gleason. They were given, in Mr. Langer's words, "full run of the State Department Archives, the papers of the Office of Strategic Services, and even, to a limited extent, of the records of the Joint Chiefs of Staff." In addition, they had access to the Roosevelt papers at Hyde Park, the Morganthau Diaries, and many other records. Moreover, British and other foreign data was made available to them as a matter of courtesy. Their manuscript was submitted to the State Department before publication, but only—and I emphasize the word "only"—for a security check. The two volumes they produced did much to increase our understanding of the origins of World War II during the period in which the reasons for our involvement were still a matter of passionate national debate.

I have referred to this historical study after World War II—when a similar plan was carried out by a noted historian, Mr. Langer, now professor of history emeritus at Harvard—because I believe it is a good model to follow. It is men of that kind—I am not referring to him personally as my choice; but he is the type that I am referring to—by whom I believe a tremendous job could be done.

I believe that our experience in this matter gives us a valuable indication of the way in which we should proceed to deal with the historical record of our involvement in Vietnam, I propose that an independent Board of Historians be established to direct a nonpartisan, professional historical study of our involvement in Vietnam—the origins, conduct, and effects of the war. This Board would do the following:

First, work out arrangements whereby the materials of the Federal Government and other materials which deal with with the period and subject of our involvement in Vietnam—from World War II through 1968—would be open to certain historians.

Second, arrange, with the cooperation of the relevant officials of the executive branch, for appropriate security review procedures.

Third, arrange for financing of the study. I am proposing an initial grant of $250,000 to finance organization of the project, and I would be favorably disposed toward additional grants if they are later required. However, I would hope that private funding would also be obtained so that the study would not be viewed as an authorized government version of the Vietnam history.

Fourth, establish such advisory and editorial boards as may be necessary.

The details of these arrangements I believe would best be worked out by the historians themselves and the revelant offices in the Government such as the Historical Division of the Department of State. I would hope that Congress would consider favorably any small additional requests for funds by such offices which might be required to facilitate the provision of documents or other services.

Many will ask how classified documents of recent vintage can be used in an historical study of this sort without damaging the national security. I believe there are three possible answers to this question.

First of all I would suggest that the number of historians associated with the project be relatively small and that their professional quality be high.

I believe that we will be able to insure that we will have a balanced group of responsible and objective men who would have no interest in harming the security of the United States.

Second, the arrangement by which Mr. Langer and Mr. Gleason worked on the pre-World War II archives was a good one. As I mentioned earlier, their manuscript was submitted to the Department of State for a security check, but only for a security check, before being published.

Finally, there may be certain documents in the archives dealing specifically with such matters as cryptography, for which special arrangements may have to be made and access would have to be denied to all but, say, one or two historians. I would leave such arrangements to the discretion of the relevant offices within the executive branch and the Board of Historians directing the study.

I do not believe the specific measures I have outlined in the resolution are the only possible avenues to the success of this project. Some may be changed as the Senate discusses this resolution. Many details must be worked out between the historians and the offices concerned. But I believe that, whatever the specific measures adopted, it is important that a study of this type be done—thorough, professional, nonpartisan, and disinterested.

Mr. President, many years ago the German historian, Ranke, father of modern historical scholarship, said it is history's task to tell what "actually happened." That appraisal has since come under fire from many historians who contend that a wholly objective analysis of events can never be achieved.

Objectivity will be especially difficult to achieve in any study of the Vietnam war. However, I do not believe there is any better way to approach a reasoned analysis of the Pentagon papers period than to assign the task to a group of competent historians and give them all possible assistance in obtaining all the pertinent data. A free and rational people will, I believe, be able and anxious to learn from that sort of disinterested history.

The **ACTING PRESIDENT** pro tempore. The resolution will be received and appropriately referred.

EXHIBIT 1

S. RES. 162

To provide for the writing of a history of the involvement of the United States in the war in Vietnam.

Whereas, it is a vital concern of the United States Senate that the people of the United States be thoroughly informed about important issues of foreign and defense policies; and

Whereas, it is in the interest of the people of the United States that a professional, objective account of the United States involvement in the war in Vietnam be prepared outside the framework of the Federal Government as soon as possible; and

Whereas, the demanding tasks of analyzing documents and writing history are best accomplished by trained professional academic historians of the highest caliber; and

Whereas, the publication of portions of the classified report of the Department of Defense entitled "United States—Vietnam Relations: 1945–1967" has focused public attention on the origins of the Vietnam War; and

Whereas, such classified report presents documents and analyses of the above subject matter which are necessarily incomplete:

Now, therefore, be it

Resolved, That in order to provide for an impartial, nonpartisan historical account of the United States' involvement in the war in Vietnam, the Librarian of Congress and the Director of the National Museum of History and Technology, Smithsonian Institution, are hereby requested to (1) establish a board to be known as the Vietnam War Historical Board (hereinafter referred to as the "Board"), (2) request the President and Council of the American Historical Association, the Council on Foreign Relations, and such other learned societies and organizations as may wish to do so, to nominate eminent historians to serve on the Board, and (3) appoint, from among those so nominated, five Members of the Board. The Librarian of Congress is further requested to disburse to the Board funds made available pursuant to this resolution for the purpose of assisting such Board in supervising the preparation and publication of a detailed history of the United States' involvement in Vietnam during the period from 1945 through the end of the U.S. commitment of ground forces, including the origins, conduct, and wide-ranging effects of the War; that portion of the history dealing with the period from 1945 through 1968 should be published, if possible, within five years after the date of adoption of this resolution.

SEC. 2. The President is requested to direct the Secretary of State and the Secretary of Defense, and the heads of such other departments and agencies of the Government as the President deems appropriate, to make available to the Board all records, documents, films, recordings, and other material and information pertaining to such involvement during that period, such records, documents, films, recordings, and other material and information to be made available under such procedures relating to the handling and disclosure of classified material as may be mutually agreeable to the department or agency concerned and the Board. Such procedures shall include but not necessarily be limited to, such requirements as may be necessary to insure that, (1) Only that number of historians necessary to complete the research, preparation, and publication of the history within the prescribed time will be granted access to classified material; (2) Secure facilities are maintained for the examination of classified material and, where necessary for security reasons, for conducting research and writing; (3) The final manuscript of the history will be submitted to the President for security clearance prior to publication; (4) There is no unauthorized publication or other unauthorized disclosure of material based on classified sources. All requests for security clearance for historians participating in the research and writing of the history should be processed expeditiously.

SEC. 3. The Board is urged and requested to consult with and seek the cooperation and advice of other individuals, institutions, and organizations which may have special knowledge of the period and events with which the Board is concerned or which have custody of records, documents, and information pertaining to such period and events.

SEC. 4. (a) To carry out the provisions of this resolution there shall be established in the Library of Congress a gift fund, and the initial donation to said fund shall be paid out of the contingent fund of the Senate in an amount not to exceed $250,000. Other institutions and individuals may contribute to this fund, as well as the Senate, and other sources may be used to supplement this fund.

(b) The Librarian is requested to require from the Board an appropriate accounting for the expenditure of any funds made available to it pursuant to this resolution.

(c) Because of the nature of the requirements and conditions set out and inherent in the purposes of this resolution and for which this fund is established, the sum in the fund shall be used for expenditures necessary to carry out those purposes without reference to general regulatory and prohibitory statutes applicable to public funds, but subject to the restrictions in subsection (b) above.

(d) The initial expenses of the Board and the administrative expenses of the Library of Congress for the project shall be paid out of this fund under procedures established by the Librarian.

The **ACTING PRESIDENT** pro tempore. At this time, in accordance with the previous order, the Chair recognizes the Senator from Wisconsin (Mr. PROXMIRE) for not to exceed 15 minutes.

WAGE-PRICE GUIDELINES BILL SHOULD BE PASSED IN THIS SESSION OF CONGRESS

Mr. PROXMIRE. Mr. President, I call upon Congress to pass a wage-price guidelines bill which requires the President to put guidelines into effect before adjournment this year. It is not enough merely to start a dialog on this subject as President Nixon proposed in his press conference on Wednesday. We should pass legislation now. Next year will be too late.

The Joint Economic Committee which I have the honor to chair, has advocated wage-price guidelines in its last two annual economic reports.

The support given Wednesday by a dozen Senate Republicans for mandatory—not permissive—action on wage-price guidelines means that the Congress can pass such a bill before this session adjourns. Whether it is my bill (S. 1970), which I introduced on June 1, or Senator BROOKE's bill introduced Wednesday, or a combination of the two is unimportant. The President has had authority for many months to put guidelines or controls or a freeze into effect, but has chosen not to do it. The important business before us is to move from talk to action and from discussion to legislation. While the President's new position of having an open mind on this issue is a welcome step forward, what we need now is his full, active, vigorous support. But even without it, a bill can be enacted this year.

While Senator SPARKMAN, Democrat of Alabama, chairman of the Senate Banking Committee, at my request has agreed to hold hearings on my bill (S. 1970) in early October, I am today urging him to make this the No. 1 matter before the committee when Congress reconvenes and to hold hearings in September instead.

CONGRESS MUST ACT ON INCOMES POLICY

Mr. President, we are all aware that the steel industry has just announced price increases averaging 8 percent. A week ago, two major automobile companies announced price increases of over 5 percent. These two actions are dramatic evidence of the continued presence of inflation. Further evidence is found in the recent behavior of the consumer price index, which advanced at an annual rate exceeding 6 percent during May and June.

This information is familiar to my colleagues and, indeed, there can be few people anywhere in the United States who are unaware that inflation is continuing at far too high a pace. Arthur Burns, the distinguished Chairman of the Federal Reserve Board, put the matter succinctly when he told the Joint Economic Committee:

> I wish I could report that we are making substantial progress in dampening the inflationary spiral. I cannot do so. Neither the behavior of prices nor the pattern of wage increases as yet provides evidence of any significant moderation in the advance of costs and prices.

WHY INFLATION AND UNEMPLOYMENT?

Why does this disastrous inflationary situation persist? How can we have so much inflation and so much unemployment at the same time? Economists have puzzled over this paradox. They have suggested a number of possible theoretical explanations. The real explanation, I think, is simple enough. Inflation has persisted because this administration has consistently refused to take the actions necessary to bring inflation to a halt. It is not a case of not knowing what should be done. It is a case of sheer unwillingness to do what we all know must be done. It is a case of a total policy vacuum.

HUGE BUDGET DEFICIT

For the record, let me summarize the administration rhetoric on inflation. The administration planned to control inflation by balancing the budget. Instead, they stood by and watched the economy slide into a recession, so that the tax receipts necessary to balance the budget did not materialize. Tax receipts in fiscal year 1971 were $26 billion below the full employment level. A similar situation is anticipated for fiscal 1972. So much for the balanced budget.

DELIBERATE POLICY OF UNEMPLOYMENT

The administration planned to control inflation by removing excess demand from the economy and letting the forces of competition work to hold prices down. Excess demand has been removed. Over two million people have been thrown out of work. But have the forces of competition been allowed to operate? What has this administration done to encourage an efficiently operating competitive economy? Have they removed the import restrictions on oil? On steel? We all know the answer. Instead of encouraging competition, they have devised new ways to protect and subsidize inefficiency like the Lockheed bailout.

In recent testimony before the Joint Economic Committee, Dr. Hendrik Houthakker, who served with distinction on President Nixon's Council of Economic Advisers until just a few weeks ago, admitted that this administration had often backed down on the free market approach to controlling inflation when powerful special interests began to feel the pinch. He told the committee:

> The fact is that in many cases where our anti-inflationary policy has had an effect on prices, the affected parties have come to the government with the requests for protection of one kind or another and as a result, we have not had the effect on prices which we might have expected . . . the kind of anti-inflationary policy which we have been pursuing the last two and a half years requires a willingness to expose people to a certain amount of temporary danger that has not always been present.

If we want the forces of competition to work for us in controlling inflation, we must let them work. We must stop protecting the special interest groups.

CONCENTRATIONS OF ECONOMIC POWER

But even when we have done this, we will have only partly cured inflation. The perfectly competitive economy is found only in textbooks of economics. The U.S. economy is not perfectly competitive, and it is never going to be. We are going to continue to have large industrial concentrations with the power to raise prices in the face of unfavorable market conditions. We are going to continue to have big labor unions with tremendous bargaining power. Why does the administration pretend that it is otherwise? Why cannot they admit that we must have Federal policies designed to deal with large concentrations of market power?

The question is what we do about this power to raise wages and prices that is not susceptible to changes in demand and supply.

Outside the present administration, this basic fact of life has now been widely recognized. The Joint Economic Committee has listened to a long procession of witnesses who recognize the need for an incomes policy to control inflation, some kind of wage-price guidelines, some kind of control and limitation on increases in wages and prices—that is, a policy to deal with this supra-market power that exceeds the strength of supply and demand, to bring it under control. We have heard distinguished economists, business leaders, labor leaders, consumer advocates, the Chairman of the Federal Reserve Board, and a number of my distinguished congressional colleagues advocate an incomes policy.

A number of my Republican colleagues in the Senate have this week introduced two pieces of legislation designed to create an incomes policy. I commend them for this. The administration has refused to act. Congress must move in to fill the vacuum. Congress must mandate an incomes policy. I have repeatedly, for many, many months, pleaded for just such a policy. I have introduced proposed legislation requiring it and have called for prompt hearings.

The Joint Economic Committee has long urged such a policy. The committee supported the price and wage guidepost policy developed during the Kennedy and Johnson administrations. We opposed its abandonment in 1967, and we have consistently urged its reinstatement.

GUIDEPOST MECHANISM

If we are to have guideposts, as I believe we must, we must have a mechanism for administering them. It does not matter too much what we call this mechanism. A year ago, the Joint Economic Committee urged the establishment of a "Productivity, Price, and Incomes Office." This year, in our annual report, we called for an "Incomes-Price Board." I will settle for either title. We can call it a board or an office or a commission. But we must move quickly to create an agency which will set guideposts; identify and publicize potential or actual violations of these guideposts; and vigorously bring pressure on industry and labor to comply with an equitable anti-inflationary policy.

Dr. Gardner Ackley has just published a most helpful study of incomes policies both here and in other countries. He was Chairman of the Council of Economic Advisers under President Johnson. He has spelled out in some detail just how he believes an incomes board could be set up and made to work. Dr. Ackley served on the Council of Economic Advisers from 1962 to 1968, and was its chairman during the last 4 of of those years. He is surely our most experienced practitioner when it comes to making guidelines work. He did make them work for a considerable time. I ask unanimous consent that portions of Mr. Ackley's study, "Stemming World Inflation," be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. PROXMIRE. The President has the authority to establish an incomes policy. He does not need to wait for further congressional action. But the President has not exercised his authority. Apparently, he will not. The President indicated this week that he has an "open mind," but he gave no indication that he would take any action. In the last session of Congress, I introduced legislation which would require the President to act. I reintroduced this legislation early in the present session. My bill is very simple. It would amend the Employment Act of 1946 to require that the President establish price and incomes guideposts. The first interim guideposts would be established as soon as the legislation is enacted. Subsequently, guideposts would become an integral part of the President's Economic Report each January.

FULL EMPLOYMENT WITHOUT INFLATION

My bill also requires the President to study thoroughly all the policy steps which may be necessary to restore full employment without inflation and to submit recommendations to Congress no later than next January. Thus, my bill leaves it up to the President to recommend what he believes to be the best administrative mechanism for continuing implementation of an incomes policy.

I realize that a number of other Senators have introduced bills which spell out in more detail the composition and responsibilities of an incomes board. Perhaps this has now become necessary. The totally negative attitude of the administration, their adamant refusal to make any effort to control inflation, suggests it may be pointless to leave them any discretion at all in this matter.

Whatever the administrative mechanism, an incomes policy will work best if the full authority and prestige of the President is behind it. It is difficult for Congress to act alone without the cooperation of the Executive. But it now seems that we have little choice. The administration refuses to act. They are willing to let the economy continue to stagnate; they are willing to see the unemployment rolls grow; but they are not willing to retreat from their dogmatic abhorrence of an effective antiinflation policy.

So it seems that Congress must act alone. We must mandate an incomes policy. We must force the executive branch to establish standards for responsible price and wage behavior. And Congress must act quickly. The country has tolerated inflation and unemployment long enough—far too long.

REQUEST FOR HEARINGS

In mid-June, I asked the chairman of the Banking Committee to schedule hearings on legislation to establish an incomes policy. On June 30, following the announcement by Secretary Connally that the administration would continue its "do-nothing" policy, I renewed my request to Senator SPARKMAN. I urged that hearings be held immediately. Unfortunately, because of Lockheed and other urgent matters, the Banking Committee was not able to schedule these hearings in July, and valuable time has been lost. We should lose no more time. I again urge that hearings be held on this legislation. It should be the first order of business when Congress returns in September.

The latest wholesale price figures were announced yesterday. The unemployment rate for July will be announced today. This morning, the Joint Economic Committee will receive testimony from Bureau of Labor Statistics experts on both the price and the employment statistics. These briefings are a valuable way of keeping the committee and the public informed, even though they are a poor substitute for the traditionally monthly press conferences which the present Secretary of Labor has abolished.

SITUATION OUT OF CONTROL

But one does not need these monthly briefings to know that both the price situation and the unemployment situation are totally unsatisfactory. We cannot solve one problem without solving the other. They must be approached in a coordinated fashion. To improve the employment situation, the Government must take certain stimulative fiscal actions. In the mid-year report of the Joint Economic Committee, which we will be releasing in a few days, we will spell out a program of fiscal and monetary action to restore full employment. But this program can be responsibly adopted only if it is coupled by firm action to slow the price spiral and dampen inflationary expectations. We must have both incomes policy and fiscal policy. At the present time we have neither. If we wait for the administration we will continue to have neither. If the administration will not act, then Congress must.

EXHIBIT 1

Excerpt from Gardner Ackley, "Stemming World Inflation," the Atlantic Institute, July 1971.

On balance, even in those countries where reliance on free markets has its greatest support, many students of the problem are coming to believe that if inflation remains as severe as it has recently been, and if public antipathy towards rising prices should reach the point which begins to threaten national morale or political stability, no weapon in the anti-inflation arsenal should be permanently proscribed, even compulsory controls. In early 1971, compulsory price controls were in effect in the Netherlands, Norway, Sweden, Denmark, and Iceland, and had recently been used in Finland and France. Wage "pauses" or conditions of severe wage restraint were in force in the Netherlands and Iceland, and had recently been in effect in Finland.

Since the present author has participated actively in US price and wage stabilization efforts (including the price-wage controls of World War II and the Korean War, plus membership in the Council of Economic Advisers during most of the period of the "guideposts"), it may be appropriate for him to add his own conclusions about incomes policy in the United States, without, however, taking the space to support or develop them. The first four relate basically to past experience (although with obvious implications for the future). The last four look only to the future.

1. A principal weakness of the 1962–68 "guideposts" was the failure sufficiently to involve the leadership of labour, business, and public opinion in their formulation and modification, and in plans for their "enforcement". The US labour movement and business communities are not sufficiently centralized either in power or influence—nor could they become so, even if that were desirable, in so vast and varied an economy—to permit the leadership on either side to enter into "agreements" committing its side to anything. But active participation of these groups in an advisory role to government in the formulation and modification of policy might have given the resulting policy somewhat greater "legitimacy", and increased at least modestly the understanding of the parties on both sides of the nature of the problems and their sympathy with the policy's objectives.

2. The economic arithmetic of the "guideposts" was impeccable, and must basically be respected in any incomes policy. However, the evolution (or the failure to evolve) of the guideposts placed too much stress on economic rationality as opposed to workability and acceptance. For example, it was no doubt a mistake to have continued to insist on guideposts which were consistent only with complete stability of the price level at a time when prices had already begun to rise more than nominally.

3. The guideposts—or, more broadly, the intervention through public and private persuasion—had a noticeable and useful impact on wages and prices, even during the period 1966–68 when demand-management policy was inappropriate and highly inflationary. There was (in this writer's judgment) no damage to the allocation of resources, nor appreciable inequity—both of which were frequently charged.

4. Locating the administration of the guideposts and related interventions primarily in the Council of Economic Advisers was not ideal. To be sure, since the policy was voluntary, it benefited from a close association with the prestige of the Presidency and from the President's personal intervention at a few crucial points. Neither the Secretary of Labor nor of Commerce would have been a suitable administrator, given his office, and, in any case, the incumbents during most of the period were not supporters of the policy. A merger of the two Departments, or the Cabinet reorganization proposed by President Nixon, would provide a more suitable office in the future.

5. Given the seriousness of the problem and the inherent limitations of a purely voluntary policy, the author favours the establishment, by legislation, of a Price-Wage Review Board, with limited powers (a) to require prior notice of wage and price changes, (b) to suspend such changes for a limited period, (c) to investigate them (including power to compel testimony), and (d) to report to the public with recommendations.[1] The Board should be authorized to study and recommend—and possibly even be given limited powers of control—with respect to certain features of price-setting or of wage contracts (e.g., the conditions under which escalator clauses could be used), or to certain trade or employment practices that tended to raise costs or reduce competition. It would not, however, have power ultimately to limit or control any price or wage.

6. The President (but not the Wage-Price Review Board) should have at all times standby authority for the compulsory control of wages and prices, wholly or in any part, with the requirement that any use of this authority be reviewed by the Congress under a procedure which would permit a Congressional veto of the President's action.

7. To the maximum extent possible, the existence of a price-incomes policy (although not, obviously, the details of the policy) should cease to be considered a partisan issue, but rather come to be regarded as a regular and permanent aspect of the U.S. stabilization system.

8. A well-developed incomes policy should be in place and working before the U.S. economy next returns to the zone of full employment.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, the Chair recognizes the distinguished junior Senator from Florida (Mr. CHILES), for not to exceed 15 minutes.

(The remarks of Mr. CHILES when he introduced S. 2458 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Chair recognizes the distinguished senior Senator from Kentucky (Mr. COOPER) for not to exceed 15 minutes.

ADDITIONAL COSPONSORS AND PROPOSED HEARINGS ON S. 2224, A BILL TO AMEND THE NATIONAL SECURITY ACT OF 1947, AS AMENDED

Mr. COOPER. Mr. President, I ask unanimous consent that Senators BAYH, BROOKE, CASE, EAGLETON, HARRIS, HART, HATFIELD, HUGHES, HUMPHREY, JAVITS, MATHIAS, MCGOVERN, PACKWOOD, PELL, RIBICOFF, ROTH, SCHWEIKER, STEVENSON, WILLIAMS be listed as cosponors of S. 2224, a bill to amend the National Security Act of 1947, as amended, to keep the Congress better informed on matters relating to foreign policy and national security by providing it with intelligence information obtained by the Central Intelligence Agency and with analysis of such information by such agency.

The PRESIDING OFFICER (Mr. CHILES). Without objection, it is so ordered.

Mr. COOPER. Mr. President, the distinguished chairman of the Foreign Relations Committee has approved my request to hold hearings after the recess on the bill. It is my expectation that among those who will testify are a number of former and present officials experienced in the field of intelligence and the analysis of facts obtained by the intelligence agencies.

In introducing the bill on July 7, I said that the facts and analyses of intelligence collected by the CIA and made available by law to the executive branch under the National Security Act of 1947 should by law be made available to the Congress.

A chief purpose of the hearings is to establish that the best intelligence must be made available to the appropriate committees of the Congress and through them to the Congress as the Congress make determinations respecting legislative authority and funding of policies and programs of the executive branch, in the field of foreign policy and security. It will also be the purpose of the hearings to consider proposals for establishing guidelines in matters of classification and declassification and in establishing for the Congress effective security procedures so that the material to the Congress would be responsibly used.

When the Senate returns from its recess in September, it is my intention to state in more detail the kinds of information that should be available to the Congress and to outline suggestions as to the way the appropriate committees would maintain security for the documents made available to the Congress.

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[1] The author made recommendations along these lines as early as 1958. See his paper in *The Relationship of Prices to Economic Stability and Growth* (Compendium of Papers Submitted by Panelists appearing before the Joint Economic Committee), 31 March 1958 (U.S. Government Printing Office), pp. 634–6 and *passim*.

It is my firm belief that this bill provides an effective and straightforward way—and I might say, legal way—based upon the sound precedent of the law which created the Joint Atomic Energy Committee and specified the duties of the Executive branch to keep; that Committee fully and currently informed, for the Congress to better carry out its responsibilities. It is a way to insure that the decisions made by the government of this country—both the executive and the legislative—on foreign policy and national security will be the result of the consideration of the best information obtainable.

I ask unanimous consent that my statement of July 7, 1971, be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

[From the Congressional Record, July 7, 1971]

By Mr. COOPER:

S. 2224. A bill to amend the National Security Act of 1947, as amended, to keep the Congress better informed on matters relating to foreign policy and national security by providing it with intelligence information obtained by the Central Intelligence Agency and with analysis of such information by such agency. Referred jointly to the Committees on Armed Services and Foreign Relations, by unanimous consent.

Mr. Cooper. Mr. President, the formulation of sound foreign policy and national security policy requires that the best and most accurate intelligence obtainable be provided to the legislative as well as the executive branch of our Government. The approval by the Congress of foreign policy and national security policy, which are bound together, whose support involves vast amounts of money, the deployment of weapons whose purpose is to deter war, yet can destroy all life on earth, the stationing of American troops in other countries and their use in combat, and binding commitments to foreign nations, should only be given upon the best information available to both the executive and legislative branches.

There has been much debate during the past several years concerning the respective powers of the Congress and the Executive in the formulation of foreign policy and national security policy and the authority to commit our Armed Forces to war. We have experienced, unfortunately, confrontation between the two branches of our Government. It is my belief that if both branches, executive and legislative, have access to the same intelligence necessary for such fateful decisions, the working relationship between the Executive and the Congress would be, on the whole, more harmonious and more conducive to the national interest. It would assure a common understanding of the purposes and merits of policies. It is of the greatest importance to the support and trust of the people. It is of the greatest importance to the maintenance of our system of government, with its separate branches held so tenuously together by trust and reason.

It is reasonable, I submit, to contend that the Congress, which must make its decisions upon foreign and security policy, which is called upon to commit the resources of the Nation, material and human, should have all the information and intelligence available to discharge properly and morally its responsibilities to our Government and the people.

I send to the table a bill amending the National Security Act of 1947, which, I hope, would make it possible for the legislative branch to better carry out its responsibilities.

I read the amendment at this point:

"To amend the National Security Act of 1947, as amended, to keep the Congress better informed on matters relating to foreign policy and national security by providing it with intelligence information obtained by the Central Intelligence Agency and with analysis of such information by such agency.

"That section 192 of the National Security Act of 1947, as amended (50 U.S.C. 403), is amended by adding at the end thereof the following new subsections:

"'(g) It shall also be the duty of the Agency to inform fully and currently, by means of regular and special reports to, and by means of special reports in response to requests made by, the Committees on Armed Services and Foreign Affairs of the House of Representatives and the Committees on Armed Services and Foreign Relations of the Senate regarding intelligence information collected by the Agency concerning the relations of the United States to foreign countries and matters of national security including full and current analysis by the Agency of such information.

"'(h) Any intelligence information and any analysis thereof made available to any committee of the Congress pursuant to subsection (g) of this section shall be made available by such committee, in accordance with such rules as such committee may establish, to any member of the Congress who requests such information and analysis. Such information and analysis shall also be made available by any such committee, in accordance with such rules as such committee may establish, to any officer or employee of the House of Representatives or the Senate who has been (1) designated by a Member of Congress to have access to such information and analysis, and (2) determined by the committee concerned to have the necessary security clearance for such access.'"

The bill would, as a matter of law, make available to the Congress, through its appropriate committees, the same intelligence, conclusions, facts, and analyses that are now available to the executive branch. At the present time, the intelligence information and analyses developed by the CIA and other intelligence agencies of the Government are available only to the executive as a matter of law. This bill would not, in any way, affect the activities of the CIA, its sources or methods, nor would it diminish in any respect the authority of already existing committees and oversight groups, which supervise the intelligence collection activities of the Government. My bill is concerned only with the end result—the facts and analyses of facts. It would, of course, in no way inhibit the use by the Congress of analyses and information from sources outside the Government. It is obvious that; with the addition of intelligence facts and their analyses, the Congress would be in a much better position to make judgments from a much more informed and broader perspective than is now possible.

The National Security Act of 1947 marked a major reorganization of the executive branch. This reorganization made it possible for the executive branch to assume more effectively the responsibilities of the United States in world affairs and the maintenance of our own national security. The National Security Act of 1947 created the Department of Defense and the unified services as we now know them.

Section 102 of the National Security Act of 1947, established the Central Intelligence Agency under a Director and Deputy Director, appointed by the President, by and with the advice and consent of the Senate. Under the direction of the National Security Council, it was directed to advise the National Security Council on matters relating to national security and "to correlate and evaluate intelligence relating to national security, and provide for the appropriate dissemination of such intelligence within the Government using where appropriate existing agencies and facilities."

The language does not specifically bar the dissemination of intelligence to the Congress, but it does not provide that Congress shall be informed as a matter of law.

I ask unanimous consent that "Title I—Coordination for National Security," sections 101 and 102, be printed in the Record at this point in my remarks.

TITLE I—COORDINATION FOR NATIONAL SECURITY

NATIONAL SECURITY COUNCIL

Sec. 101. (a) There is hereby established a council to be known as the National Security Council (hereinafter in this section referred to as the "Council").

The President of the United States shall preside over meetings of the Council: *Provided*, That in his absence he may designate a member of the Council to preside in his place.

The function of the Council shall be to advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security so as to enable the military services and the other departments and agencies of the Government to cooperate more effectively in matters involving the national security.

The Council shall be composed of the President; the Secretary of State; the Secretary of Defense, appointed under section 202; the Secretary of the Army, referred to in section 205; the Secretary of the Navy; the Secretary of the Air Force, appointed under section 207; the Chairman of the National Security Resources Board, appointed under section 103; and such of the following named officers as the President may designate from time to time: The Secretaries of the executive departments, the Chairman of the Munitions Board appointed under section 213, and the Chairman of the Research and Development Board appointed under section 214; but no such additional member shall be designated until the advice and consent of the Senate has been given to his appointment to the office the holding of which authorizes his designation as a member of the Council.

(b) In addition to performing such other functions as the President may direct, for the purpose of more effectively coordinating the policies and functions of the departments and agencies of the Government relating to the national security, it shall, subject to the direction of the President, be the duty of the Council—

(1) to assess and appraise the objectives, commitments, and risks of the Unted States in relation to our actual and potential military power, in the interest of national security, for the purpose of making recommendations to the President in connection therewith; and

(2) to consider policies on matters of common interest to the departments and agencies of the Government concerned with the national security, and to make recommendations to the President in connection therewith.

(c) The Council shall have a staff to be headed by a civilian executive secretary who shall be appointed by the President, and who shall receive compensation at the rate of $10,000 a year. The executive secretary, subject to the direction of the Council, is hereby authorized, subject to the civil-service laws and the Classification Act of 1923, as amended, to appoint and fix the compensation of such personnel as may be necessary to perform such duties as may be prescribed by the Council in connection with the performance of its functions.

(d) The Council shall, from time to time, make such recommendations, and such other reports to the President as it seems appropriate or as the President may require.

CENTRAL INTELLIGENCE AGENCY

SEC. 102. (a) There is hereby established under the National Security Council a Central Intelligence Agency with a Director of Central Intelligence, who shall be head thereof. The Director shall be appointed by the President, by and with the advice and consent of the Senate, from among the commissioned officers of the armed services or from among individuals in civilian life. The Director shall receive compensation at the rate of $14,000 a year.

(b) (1) If a commissioned officer of the armed services is appointed as Director then—

(A) in the performance of his duties as Director, he shall be subject to no supervision, control, restriction, or prohibition (military or otherwise) other than would be operative with respect to him if he were a civilian in no way connected with the Department of the Army, the Department of the Navy, the Department of the Air Force, or the armed services or any component thereof; and

(B) he shall not possess or exercise any supervision, control, powers, or functions (other than such as he possesses, or is authorized or directed to exercise, as Director) with respect to the armed services or any component thereof, the Department of the Army, the Department of the Navy, or the Department of the Air Force, or any branch, bureau, unit or division thereof, or with respect to any of the personnel (military or civilian) of any of the foregoing.

(2) Except as provided in paragraph (1), the appointment of the office of Director of a commissioned officer of the armed services, and his acceptance of and service in such office, shall in no way affect any status, office, rank, or grade he may occupy or hold in the armed services, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, office, rank, or grade. Any such commissioned officer shall, while serving in the office of Director, receive the military pay and allowances (active or retired, as the case may be) payable to a commissioned officer of his grade and length of service and shall be paid, from any funds available to defray the expenses of the Agency, annual compensation at a rate equal to the amount by which $14,000 exceeds the amount of his annual military pay and allowances.

(c) Notwithstanding the provisions of section 6 of the Act of August 24, 1942 (37 Stat. 555), or the provisions of any other law, the Director of Central Intelligence may, in his discretion, terminate the employment of any officer or employee of the Agency whenever he shall deem such termination necessary or advisable in the interests of the United States, but such termination shall not affect the right of such officer or employee to seek or accept employment in any other department or agency of the Government if declared eligible for such employment by the United States Civil Service Commission.

(d) For the purpose of coordinating the intelligence activities of the several Government departments and agencies in the interest of national security, it shall be the duty of the Agency, under the direction of the National Security Council—

(1) to advise the National Security Council in matters concerning such intelligence activities of the Government departments and agencies as related to national security;

(2) to make recommendations to the National Security Council for the coordination of such intelligence activities of the departments and agencies of the Government as relate to the national security;

(3) to correlate and evaluate intelligence relating to the national security, and provide for the appropriate dissemination of such intelligence within the Government using where appropriate existing agencies and facilities: *Provided*, That the Agency shall have no police, subpena, law-enforcement powers, or internal-security functions: *Provided further*, That the departments and other agencies of the Government shall continue to collect, evaluate, correlate, and disseminate departmental intelligence: *And provided further*, That the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure;

(4) to perform, for the benefit of the existing intelligence agencies, such additional services of common concern as the National Security Council determines can be more efficiently accomplished centrally;

(5) to perform such other functions and duties related to intelligence affecting the national security as the National Security Council may from time to time direct.

(e) To the extent recommended by the National Security Council and approved by the President, such intelligence of the departments and agencies of the Government, except as hereinafter provided, relating to the national security shall be open to the inspection of the Director of Central Intelligence, and such intelligence as relates to the national security and is possessed by such departments and other agencies of the Government, except as hereinafter provided, shall be made available to the Director of Central Intelligence for correlation, evaluation, and dissemination: *Provided, however*, That upon the written request of the Director of Central Intelligence, the Director of the Federal Bureau of Investigation shall make available to the Director of Central Intelligence such information for correlation, evaluation, and dissemination as may be essential to the national security.

(f) Effective when the Director first appointed under subsection (a) has taken office—

(1) the National Intelligence Authority (11 Fed. Reg. 1337, 1339, February 5, 1946) shall cease to exist; and

(2) the personnel, property, and records of the Central Intelligence Group are transferred to the Central Intelligence Agency, and such Group shall cease to exist. Any unexpended balances of appropriations, allocations, or other funds available or authorized to be made available for such Group shall be available and shall be authorized to be made available in like manner for expenditure by the Agency.

Mr. COOPER. The Congress has yet to fully organize itself to meet its responsibilities for foreign policy and national security. By following the general pattern taken by the executive branch in the National Security Act of 1947, the bill would enable the Congress to be better able to share with the executive its constitutional responsibilities in the making of our national security policies—policies for national security founded upon a proper ordering of priorities between our domestic and foreign policy needs.

The question of the security of classified information is important. To meet this issue, under my proposed bill, legislators and those members of Senate and congressional staffs working on national security matters would be subject to similar security requirements as those levied on the executive. Members of the Legislative branch should have the responsibility to maintain security as well as access to intelligence.

In this way, by making the best intelligence information available to both the legislative and the executive, the respective capabilities for reasoned judgments of both branches of Government, deemed so necessary by the framers of the Constitution to prevent authoritarian rule by either branch, can be strengthened. Experience has underlined this necessary provision for the legislature to meet its constitutional responsibilities.

In the Nation's interest it will make basic intelligence required for sound national security policy available to both the executive and the legislative, and it will do much to strengthen the balance of responsibility for foreign and security policy formulation between the two branches. It will help, I believe, to correct the present imbalances in our governmental structure and be of great assistance in developing the best possible foreign and national security policies. The bill does not touch directly upon the difficult constitutional questions which have recently been under consideration by the United States Supreme Court but, indirectly, if enacted into law, it would result, I believe, in much declassification of information for the Congress and the public as a whole.

At this point, I would interpolate that some members of the Supreme Court, in their separate opinions, pointed out that it was the responsibility of Congress to legislate in this field, and to provide standards. I think this measure follows that suggestion.

I ask unanimous consent that this bill be referred jointly to the Committees on Foreign Relations and Armed Services.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). Without objection, it is so ordered.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. SYMINGTON. Mr. President, I would hope that the Senate will give serious consideration to this legislation as proposed by the distinguished Senator from Kentucky. The able Senator has long been interested in this subject of adequate intelligence information being received by the Senate prior to its authorization and appropriation of taxpayers funds so as to carry on with our various activities all over the world.

No secret has been made of the fact that for some time we on such committees as Foreign Relations and Armed Services have not been satisfied with intelligence information we have been able to obtain.

May I add that it is a refreshing experience to serve on the Joint Atomic Energy Committee, where, under the law, it is the responsibility of the Atomic Energy Commission to keep the Joint Committee informed. The Committee does not have to go after the information because the information is volunteered.

Based on this rapidly changing world some new procedure could only be to the advantage of the country. Does not the Senator agree that under his proposed legislation, there would be more opportunity to obtain far more pertinent information?

Mr. COOPER. Yes, I wholly agree with the statement of the distinguished Senator from Missouri, who is in a unique position, with his responsibilities as the only member of the Senate who serves upon the Armed Services Committee, the Committee on Foreign Relations, and the Joint Committee on Atomic Energy, of having had the opportunity to compare the intelligence received by the three committees.

Also, I might say that the amendment which I have offered today grew out, in great measure, of the experience which I have had in serving on the Senator's subcommittee of the Committee on Foreign Relations to reviewing our commitments around the world. In the course of that investigation, wherein the Senator has so ably served as chairman, we found numerous commitments or quasi-commitments throughout the world which might not have been undertaken if full information had been made available to the Congress at the time. I think the Senator will agree with my statement.

Mr. SYMINGTON. No question about it.

Mr. COOPER. I would like to make this further comment: This amendment does not attempt to reach directly the larger constitutional questions which have recently been before the Supreme Court concerning information which shall be made available to the country as a whole. As I analyzed, as best I could, the holding of the Supreme Court, a majority of the members held that there is some limitation upon the first amendment with respect to national security. Some Justices called attention to the lack of standards, and suggested that Congress should act.

I have offered this amendment, not to attempt to deal primarily with that larger problem, but to deal with the specific problem of providing information to Congress, and particularly the appropriate committees—the Armed Services Committee in both bodies, the House Foreign Affairs Committee and the Senate Foreign Relations Committee, which deal with foreign policy and with national security policy, and which must recommend to the House and Senate, measures which commit our resources and in some cases our men, to war. It seems to be absolutely essential, that Congress have the facts—the best intelligence, when it is called upon to act.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, would the distinguished Senator from Kentucky yield to me the remainder of his time so I could suggest the absence of a quorum?

Mr. COOPER. I am very happy to do so.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business not to exceed 15 minutes with a limitation of 3 minutes on each Senator to be recognized.

The Chair recognizes the Senator from Indiana.

SENATE JOINT RESOLUTION 150—INTRODUCTION OF A JOINT RESOLUTION PROPOSING AN EQUAL RIGHTS AMENDMENT TO THE CONSTITUTION

(Read the first time; second reading objected to.)

Mr. BAYH. Mr. President, I send to the desk a joint resolution and ask unanimous consent that it be read twice.

Mr. ERVIN. Mr. President, I do not object to the Senator's sending the joint resolution to the desk and having it read the first time. As I understand it, the Senator has a right to send the joint resolution to the desk. However, I do object to its being read twice. I object to any further proceedings beyond the first reading.

The PRESIDING OFFICER. Does the Senator from North Carolina object to the first reading?

Mr. ERVIN. I do not object to the first reading.

A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ERVIN. Mr. President, the Senator from Indiana has a right under the Senate rules—at least, the power, I will put it, under the Senate rules—to send a proposed joint resolution to the desk and, as I understand it, it is automatically read the first time.

The PRESIDING OFFICER. The Senator has a right to introduce it and have it read a first time, notice having been given yesterday of his intention to introduce such a joint resolution.

Mr. ERVIN. And it automatically undergoes first reading, I am told, under the Senate rules. I do not object to that. However, I do object to anything beyond sending it to the desk and the automatic first reading.

The PRESIDING OFFICER. The clerk will read the joint resolution the first time.

The legislative clerk read as follows:

> The Senator from Indiana (Mr. Bayh) introduces a joint resolution as follows:
>
> "A Senate joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women."

Mr. ERVIN. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ERVIN. Mr. President, as I understand it, since I have interposed an objection to going beyond first reading, this matter will automatically go over until the next legislative day, which would be on reconvening of the Congress after the recess.

The PRESIDING OFFICER. The Senator is correct.

Mr. BAYH. Mr. President, if I may proceed, I understand I have the normal morning hour time.

The PRESIDING OFFICER. The Senator from Indiana has 3 minutes.

Mr. BAYH. Mr. President, today I am taking an action which all my colleagues know is unusual, a step which I take only with the greatest reluctance. Today, on behalf of myself, the Senator from Kentucky (Mr. Cook), the Senator from Florida (Mr. Gurney), and the Senator from California (Mr. Tunney), I am reintroducing the equal rights amendment, but I am taking action to make sure that this version of the amendment will not be referred so that it can die in committee; I will insist that it be placed immediately on the calendar pursuant to the provisions of rule 14.4. I realize this is not the normal procedure. I also realize that this maneuver circumvents the committee system. Of course, this body would soon be crippled in the absence of a committee system. But despite its advantages, the committee system is not without drawbacks. At times it can cause unnecessary delay; sometimes it enables a small group of men to thwart the will of a majority of this body.

While I firmly believe that in all but the most unusual circumstances, no bill should be considered until it has been studied by, and reported out of the relevant committee, I believe just as firmly that this bill should not be sent to committee. And in making this statement, I recognize explicitly that I am trying to avoid my own Constitutional Amendments Subcommittee.

Mr. President, I would like to explain in further detail just why I believe further committee action on the proposal is unwarranted.

First, there has been an exceedingly thorough and complete study of this proposal by the Congress. The amendment has been before the Congress for 48 years. It has been debated and studied many times. In the interest of brevity, I will recap only the most recent efforts. Slightly over a year ago my Constitutional Amendments Subcommittee held 3 days of hearings. We heard 42 witnesses, received 75 statements and insertions of additional material from other persons, and compiled a hearing record of 393 pages. This I believe would have been sufficient committee study. But there was more. Last August 10 the subcommittee met in executive session, debated the amendment, and ordered it reported favorably to the full committee. From there it would normally have been reported to the Senate floor. But due to the efforts of one member of the committee—who had totally ignored our earlier hearings—the full committee voted, despite my strong opposition, to hold its own, further set of hearings. I said then and I will repeat now that to my mind this action, which was almost without precedent, was a waste of legislative time and resources.

After the full committee finished 4 days and almost 500 pages of additional hearings, it never was allowed to come to a vote on the issue. Instead we debated the House passed amendment on the floor of the Senate for more than 2 weeks last fall. Even if there had been no hearings, that debate would have given each member a chance to form his own opinion as to the merits of the proposal.

This spring the House of Representatives also conducted hearings on the amendment, giving full and fair consideration to both sides. They held 6 days of sessions, listened to 31 witnesses, and received for the record 78 additional insertions of statement and related materials, for a total hearing record of over 720 pages. The same proposal has been before us and the subject of committee and floor consideration for 48 years now. We have had three sets of hearings in the last 15 months. This measure has already been debated in both Houses and once passed by the other body. I believe this history provides solid support for my assertion that further committee study is totally unnecessary.

I would not, however, be about to take this drastic step of attempting to avoid the committee structure were it not for the consistent and repeated pattern of deliberate delay which I have been faced with during the past 12 months. I have already recounted the stories of delay caused by needless hearings requested by a member who had never attended those conducted by a subcommittee he served on. This year, the problem has been even worse. On March 2, 1971, the subcommittee met and reported out the joint resolution proposing to lower the voting age to 18. At that time I asked the members if they would not also be willing to consider the equal rights amendment. They refused even to discuss it. I called another meeting for June 4. Only one other Senator showed up.

I do want to point out that the members did not fail to show up because they were out of town. The meeting was purposely scheduled at an early hour so there would be no other committee meetings conflicting. Immediately upon leaving my 9:30 meeting I went across the street to a 10 a.m. meeting of another Judiciary Subcommittee. Needless to say, I was somewhat surprised to see present at that committee meeting five of the six Senators needed to form a quorum at my constitutional amendments meeting. Still willing to believe that the members would at least meet to discuss this issue, I called a meeting for the end of July. Five members—an all-time high—showed up. At that time, I announced that I would hold one last meeting. That meeting took place yesterday. We did get a quorum but took no action because one member exercised his rights under the Judiciary Committee's rules and refused to let us come to any kind of a vote.

Mr. President, this has not happened by accident. Yesterday's filibuster tactics make it clear that at least one member of the Subcommittee on Constitutional Amendments is bound and determined—and fully able—to hold up progress on this proposal yet again. I think I have presented a picture of delay and obstruction on the part of a very few Senators, delay and obstruction paralleled only in the history of this amendment in earlier Congresses. The only way to avoid this delay and finally give the women of the country what they have deserved for so very long—a vote on the merits—is to place this measure on the calendar to be brought up at an appropriate time.

Mr. President, I deeply regret having been forced to subvert the normal Senate procedure. But as the majority leader showed last fall by refusing to allow the House-passed amendment to go to committee for burial, and insisting that it be placed on the calendar, there are times and circumstances which justify this type of unusual procedure. These times and circumstances are rare, but I firmly believe that they are presented here and now.

Mr. President, I do this with great reluctance, because of the importance of having this issue come before the Senate, and because of the tactics which have been resorted to in order to prevent the matter from ever seeing the light of day.

The matter before us is a constitutional amendment which would give all citizens equal rights under the law. It has been the subject of discussion for nearly 48 years. It has been the subject of discussion since I have been the chairman of the Subcommittee on Constitutional Amendments. Last year this measure reached the floor, but only because the distinguished majority leader stopped the bill, which had passed the House, at the desk and put in on the calendar.

During the debate, we were unable to summon up enough support to shut off the extended debate led by the distinguished Senator from North Carolina (Mr. ERVIN). At this session of Congress, we have started again. On four occasions I have been unable to have this matter discussed in my own Subcommittee on Constitutional Amendments. On three occasions, by design, a successful effort was made to prevent a quorum. Yesterday we finally did get a quorum, and the distinguished Senator from North Carolina made a motion that additional meetings be held. It is the position of the Senator from Indiana that additional hearings are not needed. Hearings have been held recently in the House; they were held last year both by the Subcommittee on Constitutional Amendments, of which I am the chairman; and then by the full Committee on the Judiciary, presided over by the Senator from North Carolina. It was a unique experience in the history of the committee that both the subcommittee and the full committee held hearings.

Yesterday the Senator from North Carolina took advantage of his rights and offered a motion that we hold further hearings on equal rights, but he was unwilling to let his own resolution be put to a vote. So six members of the Subcommittee on Constitutional Amendments listened to the distinguished Senator from North Carolina spend about 2 hours filibustering his own resolution, his own motion.

I think it is time that the Senate stood up to be counted on this question. If I thought there were any other way of convincing this body or convincing my subcommittee to take action, I would not resort to this very extraordinary parliamentary maneuver. But I am determined that we are going to be counted on this question, symbolically and really. I think it is time for us to see to it that a majority of our citizens; namely, the females of the country, have equal rights under the law.

The PRESIDING OFFICER. The 10 minutes yielded to the Senator from Indiana have expired.

Mr. ERVIN. Mr. President, the proponents of the proposed amendment do not want equal rights; they want superior rights. They want a bill that the Senate would not even be permitted to consider; on which it would not even be permitted to cross a "t" or dot an "i" or make an amendment. I think they are asking for superior rights. I am talking about the militants who demand that such an amendment be passed by the Senate without change and without the Senate giving consideration to the amendment.

Yesterday, I made a motion for further hearings. I thought I ought to argue that motion because, as has been pointed out by the New York Times, there has been a great change in the rulings of the court in this field since Congress was last in session. I then made a proposal, and I make it now, that I am willing to come back and attend the first meeting that the distinguished Senator from Indiana can hold in his subcommittee. I am willing to propose my amendments to the so-called equal rights amendment, and I am willing to agree to a limitation of not to exceed 20 minutes in the subcommittee on the amendments I desire to have adopted. I do not think the Senate wants to follow a procedure under which a committee is to be concluded from adequate consideration of a proposed constitutional amendment which would deprive Congress of the right to draft men unless it drafted women, and deprive Congress of the right to provide for the voluntary enlistment of men for combat service unless it provided for the voluntary enlistment of women for combat service, and would convert Annapolis, West Point and the Air Force Academy into coeducational war colleges.

I did not talk for 2 hours yesterday. In theory, the committee sat for 2 hours. Most of the time it did not have a quorum; and a large part of the rest of the time was taken by Members coming to the Chamber for rollcall votes.

Mr. BAYH. Did not the Senator from Indiana ask the Senator from North Carolina whether, if we spent 2 hours, 1 day, 2 days, 3 days, or 4 days debating his motion, that would be adequate? And did not the Senator say, No; that he thought he might have time if he could debate for a week, but that he would not give me a guarantee on that?

Mr. ERVIN. Yes, I believe I did facetiously say that.

Mr. BAYH. The Senator's actions speak louder than words.

Mr. ERVIN. I tell the Senator from Indiana again, now, that I will agree, here and now, to do the best I can to get a quorum for his committee right after the Senate returns from its August adjournment, and I will offer my amendments and agree to a limitation of 20 minutes for my viewpoint on each of them.

The PRESIDING OFFICER. The time of the Senator from North Carolina has expired.

Mr. BAYH. Mr. President, I ask unanimous consent that the Senator from North Carolina may have an additional 3 minutes.

Mr. BYRD of West Virginia. Mr. President, I object. If the Senator will yield, I will yield my 3 minutes to the Senator from North Carolina.

Mr. BAYH. Mr. President, I was hoping that the Senator from Indiana might have an additional minute and a half.

Mr. MANSFIELD. Mr. President, I should like to receive recognition. I think I can anticipate what is going to happen to me in the form of pressure because I know what happened in the last Congress, and I do not look forward with anticipation to what is being proposed. So I should like to be recognized to make my position clear.

The PRESIDING OFFICER. The Senator from Montana is recognized for 3 minutes.

Mr. MANSFIELD. Mr. President, the action taken today by the Senator from Indiana (Mr. BAYH) is fully within his rights under the rules of the Senate. It is an extraordinary parliamentary procedure, but I must admit that I know of no precedent where a Senate bill or Senate joint resolution that contained any matter under controversy was passed in this manner. I believe the procedure today does make a dramatic point; but it would not do the substance of the joint resolution and its hope of ultimate enactment any good to think that this procedure in itself will be effective. Even before it was done, it was vigorously protested that the Leadership would be blocked from bringing this measure that bypassed committees of both bodies to the floor. I think that support for the measure would be greatly weakened if this measure introduced today were actually brought before the Senate without a committee recommendation.

I strongly favor the proposal of the Senator from Indiana (Mr. BAYH), who has been a leader and a champion in this movement for a good many years. I wish to do all that will assure its enactment. I hope that the action today will dramatize the need to move on this matter.

If I interpreted correctly the statement made by the distinguished Senator from North Carolina (Mr. ERVIN), he seems to be moving in that direction. I hope that those who feel as strongly as Senator BAYH and I on this issue will communicate directly with the Judiciary Committee to urge that the identical proposal before that committee be given the highest priority. The leadership will give its assurances that the joint resolution will be brought to the Senate floor for consideration by the full Senate shortly after the joint resolution is reported from our Judiciary Committee. After the committee reports, there is no basis for undercutting the leadership in proceeding to its consideration swiftly and no reason to contest the validity of the proposal as being ill-considered or considered in a nondeliberative way.

Mr. BAYH. Mr. President, would the Senator from West Virginia care to share his time with the Senator from Indiana and the Senator from North Carolina? I am precluded from asking for additional time.

Mr. BYRD of West Virginia. Mr. President, how much time remains under the 15-minute order?

The PRESIDING OFFICER. Three minutes remain under the 15-minute order.

Mr. BYRD of West Virginia. Mr. President, I ask that the Senator from Indiana be recognized.

Mr. MANSFIELD. Mr. President, I do not intend to object, but I ask that the time for the transaction of routine morning business be extended 5 minutes because the Senator from Virginia (Mr. BYRD) has been standing, waiting patiently, to be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, I appreciate the courtesy of the Senator from West Virginia. I merely wish to say to the majority leader that I recognize the unusual nature of the parliamentary rights that I am exercising, and I realize that he, as one who strongly supports this measure, has been subjected to inexorable pressures. Although he is a man who is able to stand up under pressure, I am reluctant to subject him to others.

However, I think it is important for the record to show that we now have, despite the colloquy which has gone on now, a filibuster going on in my own subcommittee. A motion by the Senator from North Carolina to hold further hearings is being filibustered by the Senator from North Carolina. I appreciate his newfound concern for the speedy processing of this proposal. I only wish he had made such an offer during the meeting yesterday.

However, such an agreement would not solve all our problems. If this measure is passed out of that subcommittee, then the Senator from North Carolina has the right, under the rules of the full Judiciary Committee, to filibuster it there. There is no way we can invoke cloture, because each member has the full right of unlimited debate. Then when the matter is brought to the floor the Senator from North Carolina, as the Senator fully showed last year, is not only able but willing to debate this measure to its death.

I hope that by proceeding this way we can at least convince the subcommittee and the full committee that we are going to have to take action on this matter, and that we must act soon.

The Senator from North Carolina says I refuse to consider amendments. Frankly, I do not think it should be amended, but one cannot very well discuss the need for changes when the matter is being filibustered in the subcommittee. I am willing to hear the amendments, but I am not willing to let the matter be filibustered.

In the final analysis, let me say that each of us has his own responsibilities. Some of us who strongly support certain legislation and have particular responsibilities as chairman of various committees. If we cannot exercise that responsibility one way I think we have the duty to exercise it in another way. It is only because of those facts that I take advantage of this extraordinary procedural remedy.

Mr. ERVIN. Mr. President, I ask unanimous consent to have 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. Mr. President, the Senator from North Carolina has enough intelligence to know that the Senator from North Carolina cannot filibuster by himself. This bill had 83 cosponsors in the Senate last year when I made a speech against it and established it had many defects. Now I think it has about 35 cosponsors. So the Senator from North Carolina intends to use persuasion, and not filibuster, because the Senator from North Carolina has not enough physical strength to conduct a filibuster by himself. But the Senator from North Carolina thinks this resolution poses such threats to the constitutional system of this Government that if the Senator from North Carolina had the physical strength to do so, he would filibuster it after it got to the floor of the Senate. But I will do the best I can to expedite the consideration of all amendments in the committee.

INCREASE IN RELIEF ROLLS

Mr. BYRD of Virginia. Mr. President, on July 27 the Honorable Elliot L. Richardson, Secretary of Health, Education, and Welfare, appeared before the Senate Committee on Finance. In his prepared statement, Secretary Richardson said that during the decades of the 1960's the relief rolls increased by 147 percent. He further stated that in the year following the President's initial call for welfare reform in August 1969, the rolls increased an additional 50 percent.

In querying the Secretary of Health, Education, and Welfare, I quoted that statement—his own statement—saying the rolls had increased 50 percent in 1 year, and I suggested that perhaps that indicated a laxness of administration; perhaps that indicated that the Department of Health, Education, and Welfare is not interested in holding down the welfare rolls; and I made the assertion on the floor of the Senate.

Yesterday the Under Secretary of Health, Education, and Welfare telephoned me to say that the prepared statement by the Secretaty of Health, Education, and Welfare, Mr. Richardson, was in error; that the 50 percent increase in relief rolls from 1969 to 1970 occurred not over a 12 month period, but over an 18-month period.

So I am glad today to stand in the Senate and correct the RECORD. It was not my error. I read from the prepared statement of Secretary Richardson. Under Secretary Veneman called me and said that he recognized the statement I had made was an accurate statement, but the statement that Secretary Richardson made now appears to be inaccurate.

But I say that whether the relief rolls increased 50 percent over 12 months or 50 percent over 18 months is not too material.

I say again that suggests to me that Secretary Richardson and those in his Department are showing little interest in holding down the relief rolls and indeed seem to be encouraging the number of people going on relief.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, does the Senator want me to yield 1 minute to him?

Mr. BYRD of Virginia. I thank the Senator. I have completed my statement.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar Nos. 351 (S.J. Res. 72) and 353 (H.R. 4713).

The PRESIDING OFFICER. Without objection, it is so ordered.

RENEWAL OF INTERSTATE COMPACT TO CONSERVE OIL AND GAS

The Senate proceeded to consider the joint resolution (S.J. Res. 72) consenting to an extension and renewal of the interstate compact to conserve oil and gas which had been reported from the Committee on Interior and Insular Affairs with amendments on page 1, line 4, after the word "renewal", insert "for a period of three years from September 1, 1971, to September 1, 1974,"; on page 8, at the beginning of line 11, strike out "VII" and insert "VIII"; and, on page 11, line 1, after "SEC. 2.", strike out "The Attorney General of the United States shall continue to make an annual report to Congress, as provided in section 2 of Public Law 185, Eighty-fourth Congress; for the duration of the Interstate Compact to Conserve Oil and Gas as to whether or not the activities of the States under the provisions of such compact have been consistent with the purposes as set out in Article V of such compact." and insert "(a) The Attorney General of the United States shall make a report to Congress not later than two years after the date of enactment of this Act as to whether the activities of the States under the provisions of such compact have been consistent with the purposes as set out in Article V of such compact.

"(b) Section 2 of Public Law 185, Eighty-fourth Congress (69 Stat. 891) is hereby repealed."; so as to make the joint resolution read:

S.J. RES. 72

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to an extension and renewal for a period of three years from September 1, 1971, to September 1, 1974, of the interstate compact to conserve oil and gas, as amended, which was signed in its initial form in the city of Dallas, Texas, the 16th day of February 1935, by the representatives of Oklahoma, Texas, California, and New Mexico, and at the same time and place was signed by the representatives, as a recommendation for approval to the Governors and legislatures of the States of Arkansas, Colorado, Illinois, Kansas, and Michigan, and which, prior to August 27, 1935, was presented to and approved by the legislatures and Governors of the States of New Mexico, Kansas, Oklahoma, Illinois, Colorado, and Texas, and which so approved by the six States last above named was deposited in the Department of State of the United States, and thereafter was consented to by the Congress in Public Resolution Numbered 64, Seventy-fourth Congress, approved August 27, 1935, for a period of two years, and thereafter was extended by the representatives of the compacting States and consented to by the Congress for successive periods, without interruption, the last extension being for the period from September 1, 1969, to September 1, 1971, consented to by Congress by Public Law Numbered 91–158, Ninety-first Congress, approved December 24, 1969. The agreement to amend, extend, and renew said compact effective September 1, 1971, duly executed by representatives of the States of Alabama, Alaska, Arizona, Arkansas, Colorado, Florida, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Montana, Nebraska, Nevada, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah, West Virginia, and Wyoming has been deposited in the Department of State of the United States, and reads as follows:

"AN AGREEMENT TO AMEND, EXTEND AND RENEW THE INTERSTATE COMPACT TO CONSERVE OIL AND GAS

"Whereas, on the 16th day of February, 1935, in the City of Dallas, Texas, there was executed 'An Interstate Compact to Conserve Oil and Gas' which was thereafter formally ratified and approved by the States of Oklahoma, Texas, New Mexico, Illinois, Colorado and Kansas, the original of which is now on deposit with the Department of State of the United States;

"Whereas, effective as of September 1, 1971, the several compacting states deem it advisable to amend said compact so as to provide that upon the giving of Congressional consent thereto in its amended form, said Compact will remain in effect until Congress withdraws such consent;

"Whereas, the original of said Compact as so amended will, upon execution thereof, be deposited promptly with the Department of State of the United States, a true copy of which follows:

"'AN INTERSTATE COMPACT TO CONSERVE OIL AND GAS

"'ARTICLE I

"'This agreement may become effective within any compacting state at any time as prescribed by that state, and shall become effective within those states ratifying it whenever any three of the States of Texas, Oklahoma, California, Kansas and New Mexico have ratified and Congress has given its consent. Any oil-producing state may become a party hereto as hereinafter provided.

"'ARTICLE II

"'The purpose of this compact is to conserve oil and gas by the prevention of physical waste thereof from any cause.

"'ARTICLE III

"'Each state bound hereby agrees that within a reasonable time it will enact laws, or if the laws have been enacted, then it agrees to continue the same in force, to accomplish within reasonable limits the prevention of:

"'(a) The operation of any oil well with an inefficient gas-oil ratio.

"'(b) The drowning with water of any stratum capable of producing oil or gas, or both oil and gas, in paying quantities.

"'(c) The avoidable escape into the open air or the wasteful burning of gas from a natural gas well.

"'(d) The creation of unnecessary fire hazards.

"'(e) The drilling, equipping, locating, spacing or operating of a well or wells so as to bring about physical waste of oil or gas or loss in the ultimate recovery thereof.

"'(f) The inefficient, excessive or improper use of the reservoir energy in producing any well.

"'The enumeration of the foregoing subjects shall not limit the scope of the authority of any state.

"'ARTICLE IV

"'Each state bound hereby agrees that it will, within a reasonable time, enact statutes, or if such statutes have been enacted then that it will continue the same in force, providing in effect that oil produced in violation of its valid oil and/or gas conservation statutes or any valid rule, order or regulation promulgated thereunder, shall be denied access to commerce; and providing for stringent penalties for the waste of either oil or gas.

"'ARTICLE V

"'It is not the purpose of this compact to authorize the states joining herein to limit the production of oil or gas for the purpose of stabilizing or fixing the price thereof, or create or perpetuate monopoly, or to promote regimentation, but is limited to the purpose of conserving oil and gas and preventing the avoidable waste thereof within reasonable limitations.

"'ARTICLE VI

"'Each state joining herein shall appoint one representative to a commission hereby constituted and designated as THE INTERSTATE OIL COMPACT COMMISSION, the duty of which said Commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances, and conditions as may be disclosed for bringing about conservation and the prevention of physical waste of oil and gas, and at such intervals as said Commission deems beneficial it shall report its findings and recommendations to the several states for adoption or rejection.

"'The Commission shall have power to recommend the coordination of the exercise of the police powers of the several states within their several jurisdictions to promote the maximum ultimate recovery from the petroleum reserves of said states, and to recommend measures for the maximum ultimate recovery of oil and gas. Said Commission shall organize and adopt suitable rules and regulations for the conduct of its business.

"'No action shall be taken by the Commission except: (1) By the affirmative votes of the majority of the whole number of the compacting states represented at any meeting, and (2) by a concurring vote of a majority in interest of the compacting states at said meeting, such interest to be determined as follows: Such vote of each state shall be in the decimal proportion fixed by the ratio of its daily average production during the preceding calendar half-year to the daily average production of the compacting states during said period.

"'ARTICLE VII

"'No state by joining herein shall become financially obligated to any other state, nor shall the breach of the terms hereof by any state subject such state to financial responsibility to the other states joining herein.

"'ARTICLE VIII

"'This compact shall continue in effect until Congress withdraws its consent. But any state joining herein may, upon sixty (60) days' notice, withdraw herefrom.

"'The representatives of the signatory states have signed this agreement in a single original which shall be deposited in the archives of the Department of State of the United States, and a duly certified copy shall be forwarded to the governor of each of the signatory states.

"'This compact shall become effective when ratified and approved as provided in Article I. Any oil-producing state may become a party thereto by affixing its signature to a counterpart to be similarly deposited, certified, and ratified.

"'Done in the City of Dallas, Texas, this sixteenth day of February, 1935.'

"Whereas, the said 'Interstate Compact to Conserve Oil and Gas' in its initial form has heretofore been duly renewed and extended with the consent of the Congress to September 1, 1971; and

"Whereas, it is desired to amend said 'Interstate Compact to Conserve Oil and Gas' effective September 1, 1971, and to renew and extend said compact as so amended:

"Now, therefore, this writing witnesseth:

"It is hereby agreed that effective September 1, 1971, the Compact entitled 'An Interstate Compact to Conserve Oil and Gas' executed within the City of Dallas, Texas, on the 16th day of February, 1935, and now on deposit with the Department of State of the United States, be and the same is hereby amended by amending the first paragraph of Article VIII thereof to read as follows:

"'This compact shall continue in effect until Congress withdraws its consent. But any state joining herein may, upon sixty (60) days' notice, withdraw herefrom.'

and that said compact as so amended be, and the same is hereby renewed and extended. This agreement shall become effective when executed, ratified, and approved as provided in Article I of said compact as so amended.

"The signatory States have executed this agreement in a single original which shall be deposited in the archives of the Department of State of the United States and a duly certified copy thereof shall be forwarded to the Governor of each of the signatory States. Any oil-producing State may become a party hereto by executing a counterpart of this agreement to be similarly deposited, certified, and ratified.

"Executed by the several undersigned, States, at their several State capitols, through their proper officials on the dates as shown, as duly authorized by statutes and resolutions, subject to the limitations and qualifications of the acts of the respective State Legislatures.

"THE STATE OF ALABAMA
By ----------------------------, Governor
Dated: ---------------------------------
Attest: --------------------------------
Secretary of State (SEAL)

"THE STATE OF ALASKA
By ----------------------------, Governor
Dated: ---------------------------------
Attest: --------------------------------
Secretary of State (SEAL)

"THE STATE OF ARIZONA
By ----------------------------, Governor
Dated: ---------------------------------
Attest: --------------------------------
Secretary of State (SEAL)

"THE STATE OF ARKANSAS
By ----------------------------, Governor
Dated: ---------------------------------
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Secretary of State (SEAL)

"THE STATE OF COLORADO
By ----------------------------, Governor
Dated: ---------------------------------
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Secretary of State (SEAL)

"THE STATE OF FLORIDA
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Secretary of State (SEAL)

"THE STATE OF ILLINOIS
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"THE STATE OF INDIANA
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Secretary of State (SEAL)

"THE STATE OF KANSAS
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"THE STATE OF KENTUCKY
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"THE STATE OF LOUISIANA
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"THE STATE OF MARYLAND
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"THE STATE OF MICHIGAN
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"THE STATE OF NEBRASKA
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Secretary of State (SEAL)

"THE STATE OF NEW MEXICO
By ----------------------------, Governor
Dated: ---------------------------------
Attest: --------------------------------
Secretary of State (SEAL)

"THE STATE OF NEW YORK
By ----------------------------, Governor
Dated: ---------------------------------
Attest: --------------------------------
Secretary of State (SEAL)

"THE STATE OF NORTH DAKOTA
By ----------------------------, Governor
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Secretary of State (SEAL)

"THE STATE OF OHIO
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"THE STATE OF OKLAHOMA
By ----------------------------, Governor
Dated: ---------------------------------
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Secretary of State (SEAL)

"THE COMMONWEALTH OF PENNSYLVANIA
By ----------------------------, Governor
Dated: ---------------------------------
Attest: --------------------------------
Secretary of State (SEAL)

"THE STATE OF SOUTH DAKOTA
By ----------------------------, Governor
Dated: ---------------------------------
Attest: --------------------------------
Secretary of State (SEAL)

"THE STATE OF TENNESSEE
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Secretary of State (SEAL)

"THE STATE OF TEXAS
By ----------------------------, Governor
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Attest: --------------------------------
Secretary of State (SEAL)

"THE STATE OF UTAH
By ----------------------------, Governor
Dated: ---------------------------------
Attest: --------------------------------
Secretary of State (SEAL)

"THE STATE OF WEST VIRGINIA
By ----------------------------, Governor
Dated: ---------------------------------
Attest: --------------------------------
Secretary of State (SEAL)

"THE STATE OF WYOMING
By ----------------------------, Governor
Dated: ---------------------------------
Attest: --------------------------------
Secretary of State (SEAL)"

SEC. 2. (a) The Attorney General of the United States shall make a report to Congress not later than two years after the date of enactment of this Act as to whether the activities of the States under the provisions of such compact have been consistent with the purposes as set out in Article V of such compact.

(b) Section 2 of Public Law 185, Eighty-fourth Congress (69 Stat. 391) is hereby repealed.

SEC. 3. The right to alter, amend, or repeal the provisions of the first section of this joint resolution is hereby expressly reserved.

The amendments were agreed to.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

ENTITLEMENT OF COMMITTEES OF THE HOUSE OF REPRESENTATIVES TO THE USE OF CERTAIN CURRENCIES

The Senate proceeded to consider the bill (H.R. 4713) to amend section 136 of the Legislative Reorganization Act of 1946 to correct an omission in existing law with respect to the entitlement of committees of the House of Representatives to the use of certain currencies which had been reported from the Committee on Government Operations with amendments on page 3, after line 6, insert a new section, as follows:

SEC. 3. (a) The fifth sentence of section 133(g) of the Legislative Reorganization Act of 1946 (2 U.S.C. 190a(g)) is amended to read as follows: "Each such supplemental authorization resolution shall include a specification of the amount of all supplemental funds sought by that committee for expenditure by all subcommittees thereof under such resolution and the amount so sought for each such subcommittee. Each such supplemental authorization resolution shall amend the annual authorization resolution of such committee for that year unless the committee offered no annual authorization resolution for that year, in which case the committee's supplemental authorization resolution shall not be an amendment to any other resolution and any subsequent supplemental authorization resolution of such committee for the same year shall amend the first such resolution offered by the committee for that year. Each such supplemental resolution reported by such committee shall be accompanied by a report to the Senate specifying with particularity the purpose for which such authorization is sought and the reason why such authorization could not have been sought at the time of, or within the period provided for, the submission by such committee of an annual authorization resolution for that year."

(b) Section 133(g) of the Legislative Reorganization Act of 1946 (2 U.S.C. 190a(g)) is further amended by adding at the end thereof the following new sentence: "This subsection shall not apply to any resolution requesting funds in addition to the amount specified in such section 134(a) and which are to be expended only for the same purposes for which such amount may be expended."

(c) The amendments made by subsections (a) and (b) of this section are enacted by the Senate as an exercise of its rulemaking power, and such amendments are deemed a part of the Standing Rules of the Senate, superseding other individual rules of the Senate only to the extent that such amendments are inconsistent with those other individual Senate rules, subject to and with full recognition of the power of the Senate to enact or change any rule of the Senate at any time in its exercise of its constitutional right to determine the rules of its proceedings.

At the top of page 5, insert a new section, as follows:

SEC. 4. (a) The Secretary of the Senate shall, upon the written request of any individual whose compensation is disbursed by the Secretary, pay such compensation by sending a check to a financial organization designated by that individual and drawn in favor of such organization and by specifying the individual to whose account (including an account providing for the purchase of shares) the payment is to be credited. No reimbursement shall be required for the sending of any such check.

(b) If more than one individual making a request under subsection (a) of this section designates the same financial organization, the Secretary may pay such compensation by sending to the organization a check that is drawn in favor of the organization for the total amount designated by those individuals and by specifying the amount to be credited to the account of each of those individuals.

(c) Payment by the United States of a check, drawn in accordance with this section and properly endorsed, shall constitute a full acquittance for the amount due to the individual making any such request.

(d) The Secretary of the Senate is authorized to promulgate rules and regulations to carry out the provisions of this section.

(e) For purposes of this section, "financial organization" means any bank, savings bank, savings and loan association or similar institution, or Federal or State chartered credit union.

On page 6, after line 3, insert a new section, as follows:

SEC. 5. (a) Section 202(g) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(g)) is amended to read as follows:

"(g) In any case in which a request for the appointment of a minority staff member under subsection (a) or subsection (c) is made at any time when no vacancy exists to which the appointment requested may be made—

"(1) the person appointed pursuant to such a request under subsection (a) may serve in addition to any other professional staff members authorized by such subsection and may be paid from the contingent fund of the Senate until such time as such a vacancy occurs, at which time such person shall be considered to have been appointed to such vacancy; and

"(2) the person appointed pursuant to such a request under subsection (c) may serve in addition to any other clerical staff members authorized by such subsection and may be paid, until otherwise provided, from the contingent fund of the Senate."

(b) Section 202(j)(1) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a (j)(1)) is amended by adding at the end thereof the following new sentence: "Any joint committee of the Congress whose expenses are paid out of funds disbursed by the Secretary of the Senate, the Committee on Appropriations of the Senate, and the Majority Policy Committee and Minority Policy Committee of the Senate are each authorized to expend, for the purpose of providing assistance in accordance with paragraphs (2), (3), and (4) of this subsection for members of its staff in obtaining such training, any part of amounts appropriated to that committee."

On page 7, after line 9, insert a new section, as follows:

SEC. 6. Clause (2) of the first section of the joint resolution entitled "Joint Resolution relating to the payment of salaries of employees of the Senate", approved April 20, 1960 (2 U.S.C. 60c–1), is amended by inserting immediately after "holiday" the following: "(including any holiday on which the banks of the District of Columbia are closed pursuant to law)".

After line 16, insert a new section, as follows:

SEC. 7. (a) Subsection (b) of section 491 of the Legislative Reorganization Act of 1970 (2 U.S.C. 88b–1(b)) is amended to read as follows:

"(b) A person shall not serve as a page of the Senate or House of Representatives—

"(1) before he has attained the age of sixteen years; or

"(2) except in the case of a chief page, telephone page, or riding page, during any session of the Congress which begins after he has attained the age of eighteen years."

(b) Subsection (f) of such section is amended to read as follows:

"(f) Subsection (b) of this section shall become effective on January 3, 1971, but the provisions of such subsection limiting service as a page to any person who has attained the age of sixteen years shall not be construed to prohibit the continued service of—

"(1) any page of the House of Representatives appointed prior to the date of enactment of this Act; and

"(2) any page of the Senate appointed prior to the date of enactment of the section which enacted into law this clause."

On page 8, after line 14, insert a new section, as follows:

SEC. 8. Section 235 of the Legislative Reorganization Act of 1970 (31 U.S.C. 1175) is amended by adding at the end thereof the following new subsection:

"(c) A committee of the Senate, or a joint committee whose expenses are disbursed by the Secretary of the Senate, shall reimburse the General Accounting Office for the salary of each employee of that office for any period during which that employee is assigned or detailed to such committee or joint committee."

On page 9, at the beginning of line 1, change the section number from "3" to "9"; in the same line, after the amendment just above stated, insert "(a)"; and, in the same line, after the word "the", insert "first section, section 2, and section 5 of"; after line 3, insert:

(b) Sections 4 and 6 of this Act shall become effective as of July 1, 1971.

And, after line 5, insert:

(c) Section 8 of this Act shall become effective on March 1, 1972.

The amendments were agree to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended, so as to read: "A bill to amend section 136 of the Legislative Reorganization Act of 1946 to correct an omission in existing law with respect to the entitlement of the committees of the House of Representatives to the use of certain currencies, and for other purposes."

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, as soon as the distinguished Senator from New York clears the Gateway National Recreation Area measure sometime today, which I think is noncontroversial, it will be considered by the Senate before adjournment tonight, and also a bill to amend the Investment Company Act of 1940, for which some technical amendments are needed.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters which were referred as indicated:

Proposed Amendment to the Budget, 1972, for Susquehanna River Basin Commission (S. Doc. No. 92–35)

A communication from the President of the United States, transmitting a proposed amendment to the request for appropriations transmitted in the budget for the fiscal year 1972, in the amount of $137,000, for the Susquehanna River Basin Commission (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

Proposed Legislation Relating to Continuation of Price Support for Tung Nuts

A letter from the Under Secretary of Agriculture, transmitting a draft of proposed legislation to continue mandatory price support for tung nuts only through the 1976 crop (with an accompanying paper); to the Committee on Agriculture and Forestry.

Publication Entitled "Statistics of Publicly Owned Electric Utilities in the United States, 1969"

A letter from the Chairman, Federal Power Commission, transmitting, for the information of the Senate, a publication entitled "Statistics of Publicly Owned Electric Utilities in the United States, 1969" (with an accompanying document); to the Committee on Commerce.

Report of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Further Improvements Needed In Administration of The Small Business Investment Company Program", Small Business Administration, dated July 21, 1971 (with an accompanying report); to the Committee on Government Operations.

List of Reports of General Accounting Office

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a list of the reports of the General Accounting Office, for the month of July, 1971 (with accompanying papers); to the Committee on Government Operations.

Report of Secretary of the Senate

A letter from the Secretary of the Senate, transmitting, pursuant to law, a report on the receipts and expenditures of the Senate, from January 1, 1971, through June 30, 1971 (with an accompanying report); ordered to lie on the table and to be printed.

Report on Positions in the National Aeronautics and Space Administration

A letter from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, a report on positions in that Administration, as of June 30, 1971 (with an accompanying report); to the Committee on Post Office and Civil Service.

Proposed Legislation To Provide for Financing of Public Buildings

A letter from the Assistant Administrator of General Services submitting proposed legislation to amend the Public Buildings Act of 1959, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operation, and protection of public buildings, and for other purposes (with accompanying papers); to the Committee on Public Works.

ENROLLED BILLS SIGNED

The ACTING PRESIDENT pro tempore (Mr. ALLEN) announced that on today, August 6, 1971, the Vice President signed the enrolled bill (H.R. 9798) to authorize the Secretary of the Interior to establish the Lincoln Home National

Historic Site in the State of Illinois, and for other purposes, which had previously been signed by the Speaker of the House of Representatives.

The ACTING PRESIDENT pro tempore (Mr. Allen) announced that on today, August 6, 1971, the President pro tempore (Mr. Ellender) signed the enrolled bill (H.R. 4263) to add California-grown peaches as a commodity eligible for any form of promotion, including paid advertising, under a marketing order.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. CHILES:

S. 2458. A bill to authorize a temporary price-wage freeze pending the establishment of a National Price-Wage Stabilization Board, and to vest in such Board the power necessary to protect the public interest in price stability and the control of inflation. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. YOUNG:

S. 2459. A bill for the relief of Exequiel B. Cruz. Referred to the Committee on the Judiciary.

By Mr. RIBICOFF (for himself and Mr. Magnuson):

S. 2460. A bill to provide for the expansion of trade by a program of exchanges between the United States and countries with nonmarket economies, and for other purposes. Referred to the Committee on Commerce, by unanimous consent.

By Mr. ALLEN:

S. 2461. A bill to amend section 312 of title 38, United States Code, to increase the period of presumption of service connection for certain cases of tuberculous disease from three to five years. Referred to the Committee on Veterans' Affairs.

By Mr. COOK (for himself, Mr. Bayh, and Mr. Mathias):

S. 2462. A bill to amend section 5002 of title 18, United States Code. Referred to the Committee on the Judiciary.

By Mr. COOK (for himself, Mr. Bennett, Mr. Bellmon, Mr. Bible, Mr. Cranston, Mr. Mansfield, Mr. Packwood, Mr. Stevens, and Mr. Taft):

S. 2463. A bill to amend the Walsh-Healey Act and the Contract Work Hours Standards Act to permit certain employees to work a 10-hour day in the case of a four-day workweek, and for other purposes. Referred to the Committee on Labor and Public Welfare

By Mr. McGOVERN:

S. 2464. A bill to amend the Voting Rights Act of 1965 to require that persons eligible to register to vote in Federal elections shall be permitted to register as late as 30 days prior to the date of such an election. Referred to the Committee on Rules and Administration.

By Mr. CHILES (for himself and Mr. Jackson):

S. 2465. A bill to establish the Everglades-Big Cypress National Recreation Area in the State of Florida, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. ERVIN:

S. 2466. A bill to insure the separation of Federal powers and to preserve the constitutional rights of citizens. Referred to the Committee on the Judiciary.

By Mr. HOLLINGS:

S. 2467. A bill to amend the Natural Gas Act. Referred to the Committee on Commerce.

By Mr. BEALL:

S. 2468. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict. Referred to the Committee on Finance.

By Mr. MANSFIELD:

S. 2469. A bill for the relief of Mr. Kenneth J. Wolff. Referred to the Committee on the Judiciary.

By Mr. TAFT (for himself, Mr. Scott, and Mr. Saxbe):

S. 2470. A bill to amend the Act requiring evidence of certain financial responsibility and establishing minimum standards for certain passenger vessels in order to exempt certain vessels operating on inland rivers. Referred to the Committee on Commerce.

By Mr. BELLMON:

S. 2471. A bill to specifically authorize loans by the Small Business Administration to small business concerns engaged in farming operations to finance the production of agricultural commodities, and to permit national banks to invest in agricultural credit corporations. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. HART:

S. 2472. A bill to supplement the antitrust laws of the United States by providing for fair competitive practices in the termination of franchise agreements. Referred to the Committee on the Judiciary.

By Mr. BURDICK:

S. 2473. A bill to amend the Land and Water Conservation Fund Act of 1965 so as to authorize the development of indoor recreation facilities in certain areas. Referred to the Committee on Interior and Insular Affairs.

By Mr. HART:

S. 2474. A bill for the relief of Bogdan Bereznicki; and

S. 2475. A bill for the relief of Robert J. Ebbert and Design Products Corporation, Troy, Michigan. Referred to the Committee on the Judiciary.

S. 2476. A bill for the relief of Edward Anderson Mabin. Referred to the Committee on Veterans' Affairs.

By Mr. JACKSON (for himself and Mr. Magnuson):

S. 2477. A bill to protect environmental quality of the Nation's public lands administered by the Secretary of the Interior and other Federal agencies through establishment of an accelerated program of research in advanced timber harvesting techniques and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. CHURCH (for himself and Mr. Jordan of Idaho):

S. 2478. A bill to provide for the disposition of funds to pay a judgment in favor of the Shoshone-Bannock Tribes of Indians of the Fort Hall Reservation, Idaho, as representatives of the Lemhi Tribe, in Indian Claims Commission Docket No. 326–I, and for other purposes. Referred to the Committee on Interior and Insular Affairs .

By Mr. COOPER (for himself and Mr. Weicker):

S. 2479. A bill to amend the Public Buildings Act of 1959, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operation, and protection of public buildings, and for other purposes. Referred to the Committee on Public Works.

By Mr. PELL:

S. 2480. A bill to provide for mandatory wage and price controls. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. BENTSEN:

S. 2481. A bill to broaden and expand the powers of the Secretary of Agriculture to cooperate with countries in the Western Hemisphere to prevent or retard communicable diseases of animals, where the Secretary deems such action necessary to protect the livestock, poultry, and related industries of the United States. Referred to the Committee on Agriculture and Forestry.

By Mr. PELL (for himself, Mr. Jackson, Mr. Kennedy, Mr. Mondale, Mr. Metcalf, Mr. Allott, Mr. Fannin, and Mr. Burdick):

S. 2482. A bill to authorize financial support for improvements in Indian education and for other purposes. Referred to the Committee on Interior and Insular Affairs and the Committee on Labor and Public Welfare, jointly, by unanimous consent, to be reported not later than October 1, 1971.

By Mr. PELL:

S. 2483. A bill to provide a national program in order to make the International Metric System the official and standard system of measurement in the United States and to provide for converting to the general use of such system within ten years after the date of enactment of this Act. Referred to the Committee on Commerce.

By Mr. PROXMIRE:

S. 2484. A bill to amend title XI of the National Housing Act to provide for mortgage insurance for podiatric group practice facilities. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. BAYH:

S. J. Res. 150. A joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women. Second reading objected to.

By Mr. WEICKER:

S. J. Res. 151. A joint resolution to authorize and request the President to issue a proclamation designating the last full week of September of each year as "National Dog Week". Referred to the Committee on the Judiciary.

By Mr. WILLIAMS:

S. J. Res. 152. A joint resolution to authorize the President to proclaim annually the last Friday of April as "National Arbor Day." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CHILES:

S. 2458. A bill to authorize a temporary price-wage freeze pending the establishment of a National Price-Wage Stabilization Board, and to vest in such Board the power necessary to protect the public interest in price stability and the control of inflation. Referred to the Committee on Banking, Housing and Urban Affairs.

NATIONAL WAGE-PRICE STABILIZATION ACT

Mr. CHILES. Mr. President, since the Employment Act of 1946, this Nation has had three economic goals: Full employment; price and wage stability; and a satisfactory rate of economic growth. Recent major wage and price increases in our economy and persisting inflationary and unemployment trends illustrate clearly the failure of present economic policies to accomplish our goals. Action must be taken now by this Government to place brakes on the inflationary and unemployment spirals. Although this Congress has provided the President with the necessary tools to accomplish our economic goals—specifically, the Economic Stabilization Act recently extended by this Congress—he has failed to use those tools to provide an acceptable level of noninflationary unemployment at a satisfactory rate of overall economic growth. I, therefore, introduce in the Senate today a bill to authorize a temporary price wage freeze and the establishment of a National Price Wage Stabilization Board to protect the public interest in price stability and the control of inflation. Three major reasons have led me to the conclusion that wage/price control, at least on a temporary basis, is necessary for our economy:

First. The Failure of the President and of his chief advisers to understand the true nature of our economy

Second. The historical experience of our economy in combating unemployment and inflation since World War II.

Third. The support for some form of wage price control by many prominent economists and Government advisers.

FAILURE TO UNDERSTAND TRUE NATURE OF OUR ECONOMY

For many years—but especially since the great economic upheaval of the 1930's—Americans have debated vigorously the true nature of their economy. Debates have centered around whether the United States has a pure market economy, which needs no control, or a mixed economy, with elements of Government and private control.

Theoretically, the United States has a pure market economy. Competing demands for scarce resources—raw materials, labor, capital—are settled in an open marketplace by means of fluctuating prices which reflect the importance of demand for a resource in relationship to its supply. No external controls, such as Government-determined minimum wages or private cartel determined prices, are applied. Competition thus is "pure."

According to classical economic theory, the pure market economy, through the interaction of impersonal market forces, will arrive by itself at a production level which fully employs all laborers who wish to be employed. A pure market economy is thus said to be automatically a full-employment economy with some occasional short periods of adjustment which temporarily result in very small amounts of unemployment. The optimistic interpretations of classical economists also projected full employment of available capital and inherent economic growth.

Classical pure market theory does not adequately describe today's highly industrialized nations, such as the United States. Large-scale industrial development with its built-in economies of scale, has meant that prices and wages do not fluctuate directly in relationship to supply and demand as they do in classical theory. Instead, several large companies operate as cartels or oligopolies, dominate many major industries, and in effect control product prices. Other industries, such as communications, are monopolistically dominated by a single company. Large labor unions control labor supply, wages, and working conditions in many major industries. And the public sector—local, State, and Federal Govermnents—spends large amounts of money for noncompetitive services which are not priced according to classical supply and demand theory. The Government also regulates the economy by regulatory agencies, minimum wages, and taxation. Thus many segments of the U.S. economy are, in effect, controlled. Because all of the segments are not centrally and uniformly controlled and because some pockets of intense competition still exist, the United States is not characterized as a controlled or planned economy, but is called a mixed economy.

A mixed economy, unlike a classical pure market economy, has no inherent traits—theoretical or actual—which direct it toward full employment, general price and wage stability—noninflation—and a satisfactory rate of economic growth. Although the recognition of these facts has come slowly, the Government has attempted to influence economic change since World War II by changes in tax rates, expenditures, interest rates, and other devices.

Because the United States has a mixed economy, and not a pure market economy, and thus does not move automatically toward the achievement of desirable economic goals as outlined in the Employment Act of 1946, a case can be made for deliberate Government fiscal policy to influence the economy in some way. Actually, because of the very large public sector taxes and expenditures of the U.S. local, State and Federal Governments, government exerts an important economic influence on the private sector and on the total economy whether it acts consciously or not. It is only rational, therefore, to direct the activities of government in a deliberate manner toward achievement of its desired economic goals.

Unfortunately, the President and several of his chief advisers still seem to retain the myth of an American free market economy and thus object in principle to Government interference. In his Economic Report of January 1971, for instance, President Nixon stated:

> Free prices and wages are the heart of our economic system; we should not stop them from working even to cure an inflationary fever.

The President's actions have reflected his statements. He has followed anti-inflationary policies since he took office, first with a President Commission on Productivity, then with various reviews and rhetoric but higher unemployment and prices, and sluggish growth have resulted. Although the inflation alerts issued by the Council of Economic Advisers under the President's direction have strongly criticized large wage and price increases no direct action has been taken to control these inflationary decisions. The only positive actions taken by the President have been in relationship to the construction industry. His temporary suspension of the Davis-Bacon Act is so selective a device, however, as to be unfair to the construction industry, which, although important to the general economy, is only one important market segment. Thus the actions of the Nixon administration have reflected an opposition in principle to tampering with the so-called free market mechanism. The President has misread the true nature of the American economy.

HISTORICAL EXPERIENCE OF OUR ECONOMY SINCE WORLD WAR II

Inflation, unemployment and sluggish growth are not new to the U.S. economy. We have met three rounds of serious inflation since World War II and have successfully combated two of them. The third, which is closely associated with the Vietnam war, is still with us and traditional fiscal and monetary policies as applied by the President and his chief advisers are not working.

I ask unanimous consent to have printed in the RECORD an article from the Conference Board record of June 1971 by Dr. Michael E. Levy which analyzes succinctly the historical experience of the U.S. economy since World War II and give us insight into the tools which have successfully combated inflation in this country in the past.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. INFLATION AND WAGE-PRICE GUIDEPOSTS—PAST LESSONS AND PROSPECTS

(By Michael E. Levy)

During the last two decades the U.S. economy has suffered from three bouts of inflation; the first two were followed by several years of virtual price stability, whereas the most recent one—which dates back to the mid-1960's—has not yet come under control.

The question is being raised now whether traditional fiscal and monetary policies can control the most recent inflation without an exorbitant price of prolonged sluggish growth and high unemployment. Voices outside—and even within—the Administration are raised in favor of some form of "wage-price guideposts" or "incomes policies."

A review of the three U.S. postwar inflations of the last two decades sheds new light on this issue by placing it in historical perspective.

1950–1952 INFLATION: KOREA

The first inflation of the 1950's was closely associated with the Korean War (even though prices had begun to rise moderately during the first half of 1950). The entire Korean inflation ran its course within less than two years, from around mid-1950 through early 1952. Moreover, the main thrust of the inflation was sharper and much more short-lived—from around mid-1950 through early 1951. The consumer price index, which had risen by 9.4% between May 1950 and May 1951, continued to rise by only 1.9% from May 1951 to May 1952; thereafter, it advanced at an average annual rate of merely 0.5% between May 1952 and May 1956.

The sharp initial price thrusts were only partially attributable to expanding demand or to supply shortages; they reflected to a large extent expectational forces. In part, the increase in raw material prices anticipated future shortages and price controls; consumers stepped up their buying in anticipation of scarcities. This anticipatory consumer buying—triggered by World War II memories of scarcities of durable goods, and by real fears of a near-defeat after the entry of Red China into the war—differed dramatically from the pattern of consumer buying during subsequent postwar inflations.[1]

Economic policy responded promptly and effectively. Tighter credit controls on purchases of consumer durables and on mortgage credit were imposed by the Federal Reserve Board through its Regulations W and X. Increases in personal and corporate income taxes and the Defense Production Act of 1950 were enacted in quick succession. Selective price and wage controls of late 1950 gave way to a general price freeze under the General Ceiling Price Regulation imposed by the Office of Price Stabilization on January 25, 1951, and to general wage regulations by the Wage Stabilization Board. These con-

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Footnotes at end of article.

certed policies were largely responsible for undercutting the inflationary thrust and restoring price stability long before the end of the Korean War.

This rapid restoration of price stability in the face of the continuing war effort was all the more impressive because of the very low prevailing unemployment. The unemployment rate—which had declined rapidly from 6.5% in January 1950 to 3.7% in January 1951—continued to decline to 3.2% in January 1952 and to 2.9% in January 1953. By mid-1953, when the unemployment rate reached its postwar low of 2.5%, price controls had been terminated by President Eisenhower (in March 1953), yet the previous record of price stability was preserved. The consumer price index rose by 1.1% from March 1953 to March 1954 at about the same pace as during the preceding year. Moreover, the rise in the implicit price deflator of GNP slowed from 2% between the first quarter of 1952 and the first quarter of 1953 to only 1.2% from the first quarter of 1953 to the first quarter of 1954. In fact, in terms of the implicit price deflator, a high degree of price stability was preserved through 1955; the stability of the consumer price index extended well into 1956.

In reviewing the Korean and post-Korean experience, some economists have concluded that the combination of sharply increased taxation and selective credit, price, and wage controls can effect a favorable combination of low unemployment and relative price stability even under adverse conditions, especially if applied early and forcefully.

1956–1958 INFLATION AND ITS AFTERMATH

The causes of the 1956–1958 inflation, as well as the remedial economic policies, differed substantially from the Korean War period. The major causes included an investment boom in 1956, sharply rising food prices because of unfavorable supply conditions, and advances in labor costs well in excess of productivity gains which resulted in pronounced increases in unit labor cost. (Other cost increases, such as petroleum price hikes in the wake of the Suez crisis, were also contributing factors.)

Remedial action consisted largely of the gradual application of more restrictive fiscal and monetary policies. These policies contributed to the economic slowdown and the 1957–1958 recession. Yet, price advances were not quickly choked off even by the recession; they continued into late 1957 and early 1958.

This unusually "sticky" price behavior reflected to some extent the normal time lags in the adjustments of wages and prices; but it also led to a revival of earlier theories of "administered pricing" and gave rise to heated discussions of so-called cost-push inflation. (Essentially, proponents of the cost-push view maintained that wage claims in excess of productivity gains, as well as other cost increases, were producing inflationary price increases even at times when there was no excess demand and when the economy was operating well below full employment. This view often stressed monopolistic power of labor unions and of "big business" as the real forces behind cost-push inflation.) Questions were raised whether traditional fiscal and monetary policies could cope effectively with an inflation that was said to have been induced, or at least extended, through the application of monopolistic powers by large corporations and powerful labor unions, and by other postwar rigidities. More fundamentally, the basic issue was whether Western industrial society might have embedded in its economic structure elements of cost and price adjustments that would tend to impart a consistently inflationary bias to the economy.

In its *January 1959 Annual Report,* the Council of Economic Advisers stated the issue in even more basic terms that have remained relevant up to the present:

> "Clearly, severe reductions in the price level during a brief and moderate recession are not to be expected and would not be a proper objective of national economic policy. Indeed, such reductions might impede early recovery of the economy. Rather, the problem is how to achieve a reasonable stability of prices when economic activity is advancing and output and employment are high. The limited downward flexibility of prices in a moderate recession, and the upward movement even then of certain key prices and costs, highlight and emphasize the need for public and private policies that will produce the desired price stability at all times. (p. 20)"

The concern with cost-push inflation abated gradually during the following seven years as the U.S. economy experienced one of its longest periods of virtually stable prices. It is not, however, without significance that this seven-year stretch of price stability was associated with unemployment rates that were consistently high by historical standards, at least for periods comprising mainly the expansionary phases of the business cycle. During the economic expansion of 1958–1960 the unemployment rate dipped below 5% only once, in February 1960, when it reached its low of 4.8%. It rose rapidly during the 1960–1961 recession, reaching a cyclical peak of 7.1% in May 1961: Even though the unemployment rate receded gradually during the subsequent economic recovery and expansion, it had not yet declined below 5% by the end of 1964 (with the brief exception of two isolated months). Unemployment finally retreated below 5% in March 1965, and below 4½% in July 1965; by that time the seven-year stretch of price stability was giving way to the onsetting "Vietnam inflation."

Thus, while the 1956–1958 inflation was followed by about seven years of virtual price stability, the crucial issue was never resolved whether the U.S. economy could operate without inflation at full-employment—usually defined in terms of a 4% unemployment rate—without having recourse to price and wage controls, "guideposts," or some form of "income policy." In fact, the 1962 *Annual Report* of the Council of Economic Advisers established a set of *voluntary* "guideposts for noninflationary wage and price behavior" which first gained prominence during the April 1962 "steel conflict." [2] Subsequently, these "guideposts" were refined, modified, and supplemented by off-the-record "consultations." [3] But they faded away gradually during the 1965–1967 inflationary spiral and received their death-blow in the 5% wage and fringe settlement of August 19, 1967, which ended the strike of the International Association of Machinists.[4]

VIETNAM INFLATION, 1965

The latest inflationary bout was triggered by the rapidly accelerating military demands for the Vietnam War after mid-1965 which coincided, in the early stages, with an investment boom in the private sector of the economy. Moreover, because of the government's commitment to "guns and butter," many civilian programs continued to expand rapidly despite the escalating war costs. Unlike the Korean experience, no direct controls were imposed on consumer credit, wages, or prices. When a modest 10% surcharge on personal and corporate income taxes was finally enacted in 1968, it was clearly labeled a temporary measure of short duration. Not until early 1969 were both fiscal and monetary policies closely aligned in a coordinated effort of economic restraint.

The unemployment rate—which at last declined to 4% in December of 1965—stayed below 4% from February 1966 through January 1970 (with the single exception of May 1967). Moreover, between April 1968 and late 1969 the unemployment rate hovered around 3.5%—a relatively low level by historical standards. (Yet, during the Korean War, unemployment rates of 3% or less prevailed through most of 1952 and 1953 while prices remained remarkably stable.) These low unemployment rates were accompanied by a troublesome and accelerating price inflation. The consumer price index—which had risen at an average annual rate of only 1.3% during the six-year interval from January 1958 to January 1964—advanced at an average annual rate of 3.4% during the following six years, from January 1964 to January 1970. The implicit price deflator of GNP rose at an average rate of 3.4% during the latter period, as compared with a 1.4% during 1958–1964; and the wholesale price index rose at an average of 2.3% per annum from the beginning of 1964 to early 1970 after remaining virtually stable during the previous six years.

During the 1969–1970 recession, which was induced to an extent by restrictive fiscal and monetary policies, the unemployment rate gradually rose from 3.5% in November 1969 to 6.2% in December 1970; yet there were few indications of slower price advances and a return towards price stability. (From January 1970 to January 1971 the consumer price index rose by 5.2% and the wholesale price index by 2.3%.)

WHY "INCOMES POLICIES?"

It is in this setting that the issues of monopoly power, administered prices, wage- and cost-push of the late 1950's were revived. New to the discussion of the late 1960's was the increased emphasis on the so-called Phillips Curve trade-off between unemployment and inflation. The crucial question was whether unemployment rates of 4% or less are compatible with reasonable price stability, given the present structure of the U.S. economy.[5] Closely related to this question is the current debate whether selective economic policies may be desirable, or even essential, in order to improve the existing unemployment-inflation trade-off (*i.e.,* in order to achieve high employment with less inflation than would be possible without such policies). In this connection, attention has focused specifically on various forms of "wage-price guideposts," or more generally on all types of "incomes policies." Advocacy of some form of "incomes policy" has frequently been combined with recommendations for structural reforms designed to increase competition and reduce rigidities in various labor and product markets.

Most economists who favor at present the use of some form of "wage-price guideposts" or "incomes policies" believe that the current inflation is deeply embedded in the fiber of the economy and could be fully throttled by traditional fiscal and monetary policies only at the cost of prolonged sluggish growth and high unemployment. To come, additional controls would seem necessary only during the transition from inflation to price stability; others believe that the U.S. economy has become inherently more inflation prone and will require virtually permanent "incomes policies."

IS THE U.S. MORE INFLATION-PRONE?

Have there been basic structural, institutional, or policy changes which would tend to impart a greater inflationary bias to the U.S. economy in the 1970's? Those economists who answer this question in the affirmative have compiled an impressive list of factors. Some of these have been documented more extensively and convincingly than others. Among the major factors usually listed are the following: [6]

A potential shortage of savings and of capital.

A less-favorable composition of the labor force, with a larger proportion of young

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workers and women (who have lower productivity and higher unemployment rates than adult male workers).

Greater relaxation of balance-of-payments constraints, because Western Europe now faces similar problems of inflation.

A consumption mix that continues to shift more toward services (which normally show lower productivity gains and larger price advances than goods).

Greater expectations that the U.S. economy will never again suffer a serious depression because of greater economic knowledge and better application of stabilization policies.

Difficulties in providing both the quantity and quality of skilled workers that will be demanded.

Large and growing demands from the public sector which tend to result in full-employment budget deficits for years to come, unless great restraint is exercised by the Federal Government.

An unwillingness of the government, as well as the public, to make hard choices among meritorious competing goals which cannot all be satisfied simultaneously with the existing resource endowment.

THE NEED FOR STRUCTURAL REFORM

Not surprisingly, those economists who discern an increasing inflationary bias in the U.S. economy and who, therefore, view traditional fiscal and monetary policies as insufficient, favor some form of "wage-price guideposts" or "incomes policies." Whether they advocate such supplementary policy tools merely for a "transition period," or more permanently, they tend to stress almost invariably the need for supplementing an incomes policy with basic structural reforms designed to reduce rigidities and to increase competition within the economy. On this latter score, most proponents and opponents of incomes policies are in full agreement.

Proposals for structural reform often include the following recommendations:

Repeal of the Davis-Bacon Act (which essentially sets wage scales in Federal and Federally-assisted construction), and of the Jones Act (which requires construction in U.S. shipyards of all vessels engaged in domestic transportation or fishing).

Removal of import quotas and their replacement, where necessary, by a tariff system.

Elimination of the "Buy American" policy.

Repeal of the resale price maintenance laws.

Reexamination of union monopolies and improvements in the functioning of labor markets and in labor mobility.

Removal of competitive restrictions on banking and financial institutions.

Reevaluation of government programs that tend to raise prices or introduce rigidities in certain markets (*e.g.*, the farm price support program).

Elimination of minimum wage legislation, at least for young people with low skills.

Revisions of antiquated local building codes in order to permit the use of new materials and of factory-built housing.

Needless to say, not all economists would favor each and every one of these structural reforms, and most proposals on this list would be bound to encounter political difficulties.

OPPOSITION TO INCOME POLICIES

Opponents of guideposts and incomes policies comprise two distinct but overlapping camps: those who see no need for any new tools because they believe that traditional fiscal and monetary policies can do the job well; and those who recognize certain limitations of the traditional policy tools, but believe that guideposts and incomes policies simply do not work.[7]

Dominant among those economists who consider new policy tools unnecessary—even if they could be made to function—are some well-known monetarists. They consider inflation primarily a "monetary phenomenon," the offspring of "bad" monetary policy (*i.e.*, excessive financing through the "printing press"). Consequently, their proposed remedy is a simple one: avoid large fluctuations in the money supply and provide stable and moderate monetary growth over a long enough period to eliminate inflation.[8] However, this policy approach shows little concern over the crucial question whether its prescribed remedy might not now entail too long a period of sluggish growth and high unemployment to be socially and politically acceptable; or else it presumes that none of the other policy alternatives can succeed in restoring price stability.

In a slightly different formulation, this latter view has many more adherents who believe that incomes policies tamper with the market mechanism and distort resource allocation without achieving worthwhile restraint on wages and prices. But this group usually favors a more flexible and pragmatic approach; it does not rule out, altogether, selective measures designed to enhance wage and price competititon, or to restrain wage and price advances that may be attributable to "monopolistic market power" and to other "market imperfections."

So far, the position of the Nixon Administration has combined the diverse elements of opposition-in-principle to tampering with the free market mechanism and scepticism as to ultimate effectiveness with the pragmatism of selective measures.[9] President Nixon stated the Administration's approach succinctly in his *Economic Report* in February 1971:

"Free prices and wages are the heart of our economic system; we should not stop them from working even to cure an inflationary fever. I do not intend to impose wage and price controls which would substitute new, growing and more vexatious problems for the problems of inflation. Neither do I intend to rely upon an elaborate facade that seems to be wage and price control but is not. Instead, I intend to use all the effective and legitimate powers of Government to unleash and strengthen those forces of the free market that hold prices down. This is a policy of action, but not a policy of action for action's sake. (p. 7)"

The President went on to summarize past and impending actions on the wage-price front as follows:

"Actions were taken to augment the supply of lumber, and to deal with domestic copper prices that were out of line with world markets. To restrain increases in the price of crude oil, this Administration took steps to permit greater production on Federal offshore leases and to increase oil imports. Faced with inflationary price increases for some steel products, I have ordered a review of the conditions which permit or cause such increases, and threaten jobs in steel-using industries. We have been particularly concerned with increases in the costs of construction. It is now more critical than ever to check inflationary wage and price increases in an industry where unemployment is high. (p. 8)"

TOWARD A SELECTIVE "GUIDEPOST POLICY"?

A review of the Administration's selective anti-inflationary measures of the last nine months indicates an expansion in scope as well as in intensity. If this trend continues, the distinction between a policy of *ad hoc* specific measures and a more general, but selective, "guidepost policy" may become more and more blurred.

Except for two isolated instances of review and pressures designed to achieve price restraint in softwood lumber and plywood, and in copper in 1969, the recent selective anti-inflationary policies got slowly under way in mid-1970, first with a Presidential Commission, then reviews and exhortations, and finally with outright action. On June 17, 1970 President Nixon announced the appointment of a National Commission on Productivity, a 23-man group headed by George Shultz, Director of the Office of Management and Budget. While the Commission's main focus may be on longer-term measures to enhance productivity, its activities are not unrelated to the present fight against inflation.

On August 7, 1970 the Council of Economic Advisers issued its first "Inflation Alert" which summarized the historical relationship of wages, prices, and productivity and reviewed changes in the major wage and price indexes during the first half of 1970. The second "Inflation Alert," issued on December 11, 1970, was more strongly worded and criticized outsized union wage settlements, especially in the construction trades, and some recent price increases, especially in oil and gas. Subject to strong criticism also was the wage settlement between General Motors and the United Auto Workers. The third "Inflation Alert," issued on April 13, 1971, went one step further. It contained not only a critical review of past developments and general rules for desirable wage and price behavior in the future, but it also focused sharply on forthcoming wage-price decisions and emerging market problems, with particular emphasis on the steel wage negotiations that are due later this year.

Beyond these Inflation Alerts, the Administration exerted pressure and took actions affecting the oil industry, the steel industry, and the construction industry. In a speech on December 4, 1970 President Nixon announced a plan to permit greater production on Federal offshore leases and to increase oil imports in order to offset recent oil price increases.[10] On January 12, 1970 the President denounced a 12% across-the-board steel price increase proposed by Bethlehem Steel and several days later, under Administration pressure, a roll back to about 8% was obtained from the industry. On January 8, 1971 the President called on the Construction Industry Collective Bargaining Commission to develop a voluntary stabilization plan in order to contain outsized wage, cost, and price advances in this industry. When labor leaders were unable to commit their membership, President Nixon suspended the 1931 Davis-Bacon Act on February 23, 1971. Subsequently, labor and industry representatives accepted the President's proposal of a 12-man Construction Industry Stabilization Committee, headed by Professor John Dunlop, and consisting of four industry, four construction union, and four public representatives. The Committee met for the first time on April 6, and the provisions of the Davis-Bacon Act were restored by the Administration.

There can be no doubt as to the Administration's great reluctance to intervene in the wage-price process; nonetheless the most recent history reveals a crescendo of exhortations and selective measures and pressures. The coming year could well bring a further expansion of *ad hoc* provisions (even to the point where their consolidation into a more comprehensive "guidelines approach" may become unavoidable)—or else, standoff and their gradual dismantling. The choice between these two opposite paths may be decided not so much by economic convictions, but by economic performance. If rapid economic gains during the coming year induce a good-sized reduction in the recent 6% unemployment rate with further progress towards price stability, the entire "guidelines" issue would probably be obliterated. But if the forthcoming economic advance yields only modest reductions in unemployment without making substantial inroads on inflation, then pressures for intensified wage-price controls could well become irresistible.

FOOTNOTES

[1] During the following two U.S. inflations, consumers did not engage in "hedge buying" to beat price inflation. In this connection, see George Katona, "The Impact of Inflation on Consumer Attitudes and Behavior," *The RECORD*, March 1971.

[2] For the initial statement of the "guideposts," see *January 1962 Economic Report of the President*, pp. 185–190.

[3] For subsequent modifications by the CEA, see especially the *January 1965 Economic Report of the President*, pp. 108–110. A good example of the "consultation" approach was the roll back of molybdenum prices in January 1966 (see *The New York Times*, July 15, 1966).

[4] For empirical testing of the relative effectiveness of the guidepost policy 1962–1966, see George L. Perry, "Wages and the Guidepost," *American Economic Review*, September 1967, pp. 897–904.

[5] For a review of this issue and conclusions, see Michael E. Levy, "Full Employment and Inflation: A 'Trade-Off' Analysis." *THE RECORD*, December 1966; also "Full Employment Without Inflation: An Analysis of the U.S. 'Phillips Curves' and 'Target' Unemployment Rates," *ibid.*, November 1967.

[6] Each of these is mentioned at least by one contributor—and some are listed by several contributors—to *Containing Inflation in the Environment of the 1970's*, Michael E. Levy, ed., The Conference Board, 1971.

[7] Much skepticism as to the workability and effectiveness of such policies was contained in a conference transcript, *Guidelines, Informal Controls, and the Market Place*, George P. Shultz and Robert Z. Aliber, eds. (Chicago, The University of Chicago Press, 1966).

[8] Sometimes complementary fiscal restraint is also recommended (*e.g.*, James Meigs, "A Less Inflationary Environment," *The RECORD*, March 1971).

[9] It is worth noting that the Administration's position on this issue has by no means been monolithic. George Shultz, Director of the Office of Management and Budget, has been on record as a staunch opponent of any form of guideposts or incomes policies. Members of the Council of Economic Advisers, while intrinsically opposing such policies, have generally adopted a more flexible and pragmatic stance. Among high ranking officials favoring at least serious consideration of new policy measures are Murray Weidenbaum, Assistant Secretary of the Treasury for Economic Policy; Maurice Mann, a former Assistant Director of the Office of Management and Budget; and Paul Volcker, Under Secretary of the Treasury for Monetary Affairs. Recently, Arthur F. Burns, Chairman of the Federal Reserve Board has also given serious thought to the desirability of the *temporary* use of some form of incomes policies.

[10] Address to the National Association of Manufacturers in New York City.

Mr. CHILES. Mr. President, Dr. Levy concludes that lack of substantial change in unemployment and inflation will bring increased pressures for wage-price controls. Those conclusions are correct. The unemployment rate stands at 6.2 percent in June 1971. Inflation has risen to 5.9 percent in the fourth quarter of fiscal year 1971. The problems are indeed serious. Old fiscal and monetary policies are not working. The President has the tools, given to him in the Economic Stabilization Act of 1970 which recently has been extended until 1972, to control wages and prices and thus to provide lower unemployment rates, price and wage stability, and increased growth for our economy. Our most successful attempts to combat inflation, after the Korean inflationary period, consisted of wage and price controls as Dr. Levy points out in his article. Fiscal and monetary "gradualism" did not work as quickly as was necessary to prevent severe hardship in the late 1950's. Neither has gradualism worked in our most current experience with inflation. The consumer price index and general unemployment rates continue to rise. At the same time, our growth rate is sluggish and our Federal budget reflects a $23 billion deficit.

WIDESPREAD SUPPORT FOR WAGE/PRICE CONTROLS

Those who call for some form of wage price controls are not whistling in the dark. Prominent economists, both inside and outside of Government circles, are increasingly unanimous in their view that the economy needs tight control over wages and prices, at least for a temporary period. Recognizing that wage price control may be necessary, this Congress has given the President the necessary tools to do his job in the Economic Stabilization Act. Three economists who chaired the Council of Economic Advisers during the Kennedy and Johnson administrations have concluded that a wage-price policy is the missing link of our overall economic strategy. Members of the President's own party have recognized that wage price guidelines, with some form of Federal enforcement power, are necessary if we are to meet our economic goals. Members of the current Council of Economic Advisers seem to be more and more persuaded that some form of incomes policy is necessary. Every member of the Board of Governors of the Federal Reserve Board, including Chairman Arthur Burns, is publicly on record favoring wage-price constraints. Other prominent economists, including recent or current members of the administration, have called for wage-price controls, including Murray Weidenbaum, Maurice Mann, Henry C. Wallich, and others.

I ask unanimous consent to have printed in the RECORD an article from a recent issue of the National Journal which indicates the widespread support, within and outside of the administration, for changes in current administration policy toward wage price control. The article is entitled "Economic Report/Nixon Feeling Pressures to Adopt Incomes Policy," written by John M. Pearce.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ECONOMIC REPORT/NIXON FEELING PRESSURES TO ADOPT INCOMES POLICY

(By John M. Pearce)

Because of his reluctance to put firm pressure on industry and unions, President Nixon is being "jawboned" steadily toward more dramatic action to slow the rise of prices and wages.

Mr. Nixon's plans to weaken the power of construction unions and roll back recent oil price increases—announced Dec. 4 and, in the case of oil prices, implemented Dec. 22 by import quota increases of 100,000 barrels a day—softened the criticism inside the Administration. But they had little effect on outside calls for more and stiffer actions.

While most of the pressure on Mr. Nixon comes from Democratic politicians and economists who were associated with past Democratic Administrations, one of the most specific proposals so far has come from Arthur F. Burns. The 66-year-old chairman of the Federal Reserve Board, who was until a year ago the most prominent member of the Nixon economic team, suggested, among other initiatives, a wage-price review board.

And a detailed plan for a punitive income tax on corporations that agree to wage settlements above government-set guidelines has been submitted by Yale University professor Henry C. Wallich, who also is senior adviser to outgoing Treasury Secretary David M. Kennedy, and Sidney Weintraub, chairman of the economics department at the University of Waterloo, Ont., Canada. Weintraub is on leave from the University of Pennsylvania.

The other proposals range virtually along the entire gamut of possibilities, from guidelines for wage and price increases (such as the "guideposts" begun in 1962 during John F. Kennedy's Administration) to full, though temporary, wage-price freezes. (*For reports on earlier pressures for economic policy changes, see p. 744, 1124.*)

All call for some type of "incomes policy," a term usually applied to any government effort to change the way the national income pie is divided.

With the exception of John Kenneth Galbraith's judgment that the "new economics" has collapsed under the weight of big companies and big labor and that it must be succeeded by some system of permanent wage and price controls, pressure for formal controls has been conspicuously sparse.

Despite the rejection so far of formal federal guidelines, the issue remains very much under consideration.

"We know we are fallible," said Hendrik S. Houthakker, 45, a member of the Council of Economic Advisers. "If it turns out we are dead wrong and prices go up more strongly than ever, the Administration might well change its tune. We go by results."

GOVERNMENT ADVISERS

Mr. Nixon's new pressure against the higher oil prices and his decision to try to strengthen builders in contract bargaining were the boldest efforts of his Administration to influence prices and wages.

The efforts, outlined in a Dec. 4 speech to the National Association of Manufacturers in New York, reflected conflicting pressures from his principal economic advisers—the Council of Economic Advisers, especially chairman Paul W. McCracken and member Herbert Stein, both 54; and George P. Shultz, 50, director of the six-month-old Office of Management and Budget.

CEA: McCracken has said several times, most recently at a news conference Dec. 1, that he has "never been particularly allergic to jawboning, if by that one means the process by which one tries to make clear developments in the economy that have relevance to public policy."

Stein's position is less clear. He said in a *National Journal* interview that he has an open mind about incomes policies; but he indicated he thought of them only as a device for speeding up economic corrections, which must be brought about mainly by fiscal (budget) policy, as set by the President and Congress, and monetary policy, as set by the Federal Reserve System.

Shultz: Shultz could not be reached directly, but several fellow government economists offered their interpretations of his position. Most of them said he is becoming or has become the President's premier adviser on economic matters.

As a former dean of the University of Chicago graduate school of business, Shultz is closely associated with the "Chicago school" of minimum government interference with the economy and heavy reliance on monetary policy.

Several groups—One senior Administration official, who asked that he not be identified, confirmed that there are several schools of thought on incomes policies within Mr. Nixon's official family.

"I don't know if you would call them groups," he said. "Sometimes the group is one.

"I think Stein and Shultz would rather do nothing, but they see the political pressures. There are others, like Arthur Burns, that would want to set up a wage-price board."

Another government economist, who also asked anonymity, said the President gives considerable weight to the views of Shultz, McCracken and Burns. But, he said, "I would guess that Shultz is number one at this point. I have to add 'at this point,' because that varies."

Burns' remoteness—He said Burns has adopted "a more remote relationship" with Mr. Nixon since leaving his Cabinet-level job as counselor to the President.

But, this economist said, if Burns "makes a judgment on what's happening to the economy—I'm not saying a recommendation on economic policy—I think the President would give that considerable weight, because he's found Arthur's judgment on those matters quite good in the past."

Shultz' proximity—A member of the staff in Shultz' own agency, OMB, called his chief "obviously a heavyweight adviser to the President."

He and others consider it very important that Shultz' office in the West Wing of the White House is close to the President's.

"It takes Shultz maybe 13 seconds to get to the oval room (Mr. Nixon's principal office) if he doesn't use the elevator. None of the other economic advisers could get there in less than five minutes," the staff man said.

When Shultz was Secretary of Labor (1969–1970), he spoke out often on economic matters, rejecting time after time the suggestion that the Administration install some sort of incomes policy.

He has not commented publicly since July, when OMB was formed, but a remark he made last February before the Joint Economic Committee of Congress is typical. He rejected guidelines, saying they "did not work in this country, and they have been tried in nearly all the democratic countries of the world and haven't worked anywhere."

Troika activity—He was not then a member of the "troika"—the economic policy group consisting of the chairman of the CEA, the secretary of the treasury and the director of the Budget Bureau (now OMB)—but since he became head of OMB, he has been active in troika affairs.

One Treasury Department official said Shultz lately "has assumed a very important role and is fully exercising his role in the troika."

He said that because Treasury Secretary Kennedy "was not such a strong and forceful personality" in troika deliberations, much of the responsibility fell to McCracken, Stein and, more recently, Shultz.

Shultz, he said, "carries a great deal of weight because that's how he got picked. The President trusts him."

Kennedy: Kennedy's role in economic planning and policy making has been unclear for some time, and the question became moot when Mr. Nixon announced recently that he will be succeeded next year by John B. Connally, a Democrat, and former Texas Governor (1963–69) and Secretary of the Navy (1961).

But Kennedy's influence—and that of Treasury—was illustrated by the way the CEA's second "inflation alert" was cleared by high Administration officials on Nov. 27, a Friday. It was released the following Tuesday, Dec. 1.

Houthakker, the CEA member charged with early development of the alert, said in an interview that it was sent for clearance to three officials: Shultz, Labor Secretary James D. Hodgson, 56, and Commerce Secretary Maurice H. Stans, 62.

It was not sent to Kennedy, Houthakker said, because "Treasury doesn't really have a major responsibility in this area."

Burns: Although Fed Chairman Burns made it clear last May he thought some type of incomes policy—short of wage and price controls—might hasten reductions in price inflation, he got very specific in a Los Angeles speech Dec. 7.

"We are dealing, practically speaking, with a new problem—namely, persistent inflation in the face of substantial unemployment—and the classical remedies may not work well enough or fast enough in this case," Burns said. Among the possible steps he suggested was "establishment of a high-level price and wage review board" with the power to investigate, advise and recommend on wage and price changes.

Because of his background as a Presidential adviser and his reputation as an economist, Burns is a frequent visitor in the President's office. The substance of his discussions with Mr. Nixon is a carefully guarded secret, however.

However, one Fed official said, "He certainly wasn't speaking for Richard Nixon" when he said in Los Angeles, "We need to explore with an open mind what steps beyond monetary and fiscal policies may need to be taken by government to strengthen confidence of consumers and businessmen in the nation's future."

WEIDENBAUM: Internal pressures for some version of incomes policy first broke into the open last summer, when Murray L. Weidenbaum, 43, assistant secretary of the treasury for economic affairs, told a congressional subcommittee, "I think the time has come to give some serious consideration to some form of incomes policy."

Maurice Mann, an assistant director of the Office of Management and Budget, later added his voice to Weidenbaum's.

Mann has since left government to become executive vice president of a Philadelphia bank; Weidenbaum has turned his attention to securing congressional passage of his pet project, a plan to share federal revenues with cities and states.

CONGRESS

Mr. Nixon has been under pressure from Congress for a year, but the pressure has intensified since the CEA put out its second "inflation alert" Dec. 1 and the President made his economic address to the manufacturers' association Dec. 4.

Legislation: Congressional Democrats armed Mr. Nixon with two laws allowing him to clamp controls on credit and "stabilize." or freeze, wages, prices, salaries and rents. He has said repeatedly he does not want the authority and will not use it. The two laws are:

The Credit Control Act (83 Stat 376), passed a year ago, giving the President permanent authority to trigger credit controls which would then be administered by the Federal Reserve Board. HUD Secretary George Romney last May 11 advocated using credit controls to aid housing.

The Economic Stabilization Act (84 Stat 799), part of the Defense Production Act passed last August, giving the President authority to stabilize wages, prices, salaries and rents. He could freeze them across the board or selectively at any level back to where they were May 25.

The wage-price freeze authority is to expire next Feb. 28, but the House Banking and Currency Committee has approved a bill (HR 19828) extending it to the end of March, to enable the new Congress to make up its own mind about the need for this kind of authority.

Democrats: The Democratic leadership in both the House and Senate urged Mr. Nixon on Dec. 3, the day before his speech to the manufacturers' association, to freeze wages and prices for 30 to 60 days so that guidelines for voluntary restraint could be drawn up.

Senate Majority Leader Mike Mansfield, House Speaker John W. McCormack and House Majority Leader Carl Albert held a joint news conference to call for the temporary freeze to permit the government to work out guidelines with industry, unions and other groups.

Sen. William Proxmire, D-Wis., this month suggested that Mr. Nixon call upon labor and business leaders to determine what would be fair wage and price increases, and then impose guidelines to produce them. He said guidelines would be a workable alternative to rigid controls, which he said would be difficult to administer during a war which lacks wide public support. Economists' paper: The three economists who chaired the CEA during the Kennedy and Johnson Administrations reported in September, after a study for the Senate Democratic Policy Committee, that a "cooperative wage-price policy," enlisting the support of both business and labor, is the "missing link of economic policy."

The report, prepared by Walter Heller (1961–64), Arthur M. Okun (1968–69) and Gardner Ackley (1964–68), suggested that the Administration begin a "prudent but decisive shift toward the support of growth, designed to halt promptly the widening of the production gap and the rise of unemployment."

Mr. Nixon's own advisers have publicly endorsed a goal of more expansion in an effort to restore "full employment"—by definition, a situation in which the unemployment rate is 4 per cent or less—by July 1972.

ECONOMIST PRESSURES

Advice from economists outside government is almost universally in favor of stronger action: disagreement is on tactics rather than strategy. O'Leary: A plan similar to Burns' Los Angeles proposal has been advanced by James L. O'Leary, executive vice president and economist for the U.S. Trust Co. of New York.

"I think Mr. Nixon should go to what I would regard as being the absolute minimum he ought to do, and that is to appoint what Arthur Burns called a wage-price review board, or what I was calling a wage-price stabilization board," O'Leary told *National Journal*.

"I don't know exactly what Burns has in mind, but what I have in mind is a board that would have representation from labor, management and the general public," he said.

O'Leary advocated a board with its own staff and the authority to involve itself in negotiations in major industries and important disputes involving municipal services, such as public transportation.

Weintraub-Wallich: One plan Treasury is considering was developed independently by Weintraub and Wallich. They proposed that the government decide what wage level is inflationary, set a guideline, then penalize companies whose total wages increase more than that during a year.

The penalty would be added to an offending company's income tax.

Wallich said in an interview the guidepost could not be the long-term gain in productivity—the 3.2-per cent limit on wages and prices set during the Kennedy Administration—nor productivity plus the increase in the cost of living, for "then you validate the going rate of inflation."

Instead, Wallich recommended productivity plus half the current rate of inflation.

The guideline would be imposed only on wage increases. Weintraub and Wallich said that the certain knowledge that too-large wage increases would bring higher income taxes would stiffen management's back at the bargaining table.

Prices would remain under control, Wallich said, because business would find its production costs rising less rapidly. In addition, he said, "an increase in the income tax is very hard to shift, certainly in the short run."

Weintraub said he had considered several possibilities for beefing up the government's efforts to control inflation, and "this seems to be the most innocuous, in the sense of least interference and least bureaucracy." He said the plan "is surely not anti-union compared to any other recommendation, and above all it is not anti-labor."

Treasury Under Secretary Charles E. Walker, 47, confirmed that Weintraub, who was on Walker's Ph.D. examination committee at the University of Pennsylvania in 1955, had approached him about the plan and that it was being studied.

"We're going to examine it, but that gives no prejudice one way or the other as to what we might come out with," he said.

Roosa: One of the strongest and most detailed suggestions for a new incomes policy came from Robert V. Roosa, former under secretary of the treasury for monetary affairs (1961–64).

In testimony before the House Banking and Currency Committee on June 17 and again in a *National Journal* interview, Roosa called for a three-step plan to curb the upward spirals of prices and unemployment:

a temporary freeze on all wages, prices, rents and dividends;

an incomes policy worked out among government officials and key interest groups with which all would agree they could live;

a 1970 version of the Temporary National Economic Committee of the late 1930s, with authority to reexamine the nation's entire price and wage structure.

Roosa said he doubts voluntary freezes would work, because "very large wage increases" since his June 17 proposal had locked-in disparities.

"Wherever you try to put a brake on this, there are going to be at least half of the affected people who claim that they haven't caught up yet," he said. "So it may well be that if this is going to be halted it will require a compulsory freeze for an indefinite period—no more than six months, hopefully less."

After that, he said, the options would include "at the one extreme, the Wallich and Weintraub idea of a tax on the profits of firms who exceed some indicated guidepost figure, to, at the other, compulsory arbitration, which, at least for some industries, Burns mentioned in his speech."

Galbraith: The most pessimistic view and the most extreme suggestion comes from Galbraith, former ambassador to India (1961–63) and a Harvard University economics professor now teaching at Cambridge University in England.

Speaking to the Fabian Society in November, Galbraith declared the "new economics" dead.

What killed it, he said, is the immense power of trade unions and large corporations, which makes it possible for them to override any adjustments in the economy government may try to make.

He said the only way to deal with the situation is to establish a new system of permanent price and wage controls covering at least the strongest unions and companies.

INTEREST GROUPS

Interest groups are as close to unanimity as the economists in their calls for stronger Presidential action, although there is a wide range of motives.

Business Council: One of the most telling dissents from Mr. Nixon's economic game plan came three weeks before the November election from the Business Council, a group of 190 top corporate executives who meet every six months at Hot Springs, Va., to analyze government economic policy.

During an Oct. 17 panel discussion on the economy attended by several prominent government officials, including McCracken, the council agreed that present Administration policies could not stop inflation.

The panel discussion was closed to reporters—all Business Council sessions are closed—but it was summarized later by Fred J. Borch, 60, chairman of General Electric Co. and then chairman of the council. He has been succeeded by William M. Batten, chairman of J. C. Penney Co.

Reflecting five weeks later on the Business Council's decision to make its dissent public a day before its leaders met with the President, Borch said:

"I don't think we had much choice on that. It was the consensus of industrial corporations."

During an interview in his New York office Nov. 24, Borch said the council's position was "a little sensationalized by the press." The position, he said, had two major points:

There was "complete agreement that the Administration's monetary and fiscal policies are sound."

"As a secondary element," the government did not seem to understand that the inevitable labor cost increases of the next three years (most of which are frozen into contracts) are significant in terms of price stability.

At the news conference Oct. 17, Borch said the council panel thought the Administration "should explore other things rather than rely purely on monetary and fiscal restraints," the classical devices it has relied upon to stop the inflation.

However, Borch said, the council wanted no part of formal guidelines of wage and price controls. "The negatives were much clearer than the positives on this," he added.

Martin: A call for sterner action came from an unexpected direction Nov. 5, when William McChesney Martin Jr., Burns' predecessor as chairman of the Fed, urged the Administration to adopt an incomes policy.

Guidelines would put the government's sanction behind labor and management officials who try to resist inflationary increases, Martin said at a news conference after a speech to the Metropolitan Washington Board of Trade. He said. "I've had both labor and business people say to me, 'Why doesn't someone say what a reasonable level is?' "

Martin would not place the entire burden on the government, however. "I think it is necessary for businesses, bankers and individuals to show more restraint than they've been doing. We can't rely on fiscal and monetary policy alone."

CED: The Committee for Economic Development, a study group consisting mainly of prominent businessmen and former businessmen, recommended Nov. 23 that the government set up a three-man board on prices and incomes to develop "broad norms of appropriate noninflationary wage and price behavior that would give some guidance to business and labor groups."

The CED said the board should make public reports when increases deviate "substantially from such broad norms."

It urged that new wage-price policies not be rejected simply because their value cannot be proven in advance. The CED recommendation said:

"We do not believe that failing to develop and employ such policies would be warranted simply because their effectiveness cannot be predicted with certainty. If they should not prove to be very effective, any adverse effects are also likely to be small.

"But if they do help in reconciling high unemployment with reasonable price stability, the payoff from adopting them could be significant. On balance of considerations, therefore, we believe that the United States should include voluntary wage-price policies among its tools for reconciling price stability and high unemployment."

Labor: The reaction of organized labor to talk of formal controls has been lukewarm.

AFL–CIO President George Meany, 76, told a news conference Nov. 9:

"We don't advocate controls. However, if (Mr. Nixon) feels that the situation calls for it, we'll go along, provided it's equality of sacrifice on the part of all—not just wage and price controls—but wage and price controls and controls on all sorts of income, so that everybody would make a contribution to the solution of this problem."

The AFL–CIO's chief economist, research director Nathaniel Goldfinger, has judged the Nixon game plan a total failure.

"We think it's disastrous. It created recession and rising unemployment," he said in an interview.

International pressures: The economic staff of the Organization for Economic Cooperation and Development issued a report in Paris last month urging a concerted international attack on inflation and advocating a mixture of policies to combat it.

Among them was an incomes policy, so far resisted by the Nixon Administration in any stern form, and active manpower and antitrust policies, both of which were suggested by Burns in his Los Angeles speech.

OUTLOOK

Mr. Nixon and his advisers say they are dedicated to following expansionary economic policies to restore the economy's growth and bring unemployment down to the "full employment" level of about 4 per cent.

On the day Mr. Nixon told the manufacturers' association the Administration wanted to bring unemployment down, the unemployment rate was 5.8 per cent, the highest in seven years. Other indicators showed industrial production declined in November for the fourth consecutive month, although its decline of .7 per cent was less precipitous than its October decline of 2.1 per cent.

Recovery: Mr. Nixon outlined to the manufacturers three trends that he said should counteract the gloomy economic statistics:

Budget policy already has become expansionary. The fiscal 1972 budget, which must be submitted to Congress in January, will be balanced on a "full employment" basis: that is, it will be in balance if the government spends no more than it would take in if the economy were operating at capacity.

Fed Chairman Burns has assured the President that the Fed will "provide fully for the increasing monetary needs of the economy." Burns did not confirm the pledge in his speech in Los Angeles. The Fed so far is committed publicly only to a growth rate in the money supply (currency in circulation plus checking accounts in banks) of 5 per cent a year.

Interest rates are coming down as a result of "easier credit policies and curbing of inflationary psychology."

Stein: CEA member Stein told the Investment Bankers Association in a speech Dec. 3 that both fiscal policy and the money supply will have to expand more than they did during 1970 if the economy is to rise to its potential output in two years.

"To get the economy up to its potential in two years would require an increase of real output of about 12.5 per cent, or a little over 6 per cent a year," he had said Oct. 28.

"Even with reasonable success in reducing the inflation rate, one might perhaps count on average price increases of 3 per cent a year during this period—more at first and less at the end. This would mean average increases in the money value of Gross National Product of 9 per cent a year."

Stein's estimate of 3-per cent average price increases over the next two years is something that still must be achieved, since the Consumer Price Index rose at an annual rate of 4.2 per cent during July, August and September. In comparison, however, the rate for the final six months of 1969 was 5.9 per cent.

Next steps: Economists Roosa and O'Leary told *National Journal* that Mr. Nixon will have to move to a still stronger incomes policy if he is to realize his goals of full employment and diminishing inflation before the 1972 election campaign.

"I would think that within a rather limited period of time, we will see them move into something like this wage-price review board," O'Leary said. "I think that's the next big thing."

Roosa said he did not see how the President could avoid stronger economic policies.

"Barring a miracle," Roosa said, "the President is going to have unemployment above 6 per cent pretty soon, headed toward seven. In the face of that, and with a wish to try to check inflation, and at the same time being required to do an awful lot to stimulate the economy to stop that unemployment from rising, he's going to have to compromise by at least introducing some more direct form of compulsory fact-finding."

A government economist, who asked not to be identified by name, said he thought the odds were in favor of Mr. Nixon's moving further.

The NAM speech, he said, proved that the President is willing to take what action he thinks is necessary—although he said nobody in government now believes direct controls or wage-price freezes are necessary.

Mr. CHILES. Mr. President, support for wage-price controls is widespread. Those who object to at least temporary wage-price legislation do so, I believe, with the mistaken assumptions about the true nature of our economy and the real seriousness of our current inflationary situation. We must act now before our economy spirals out of control.

Mr. President, I ask unanimous consent that the full text of the bill and sundry other articles pertinent to the subject of my remarks be printed in the RECORD.

There being no objection, the bill and articles were ordered to be printed in the RECORD, as follows:

S. 2458

A bill to authorize a temporary price-wage freeze pending the establishment of a National Price-Wage Stabilization Board, and to vest in such Board the power necessary to protect the public interest in price stability and the control of inflation

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "National Price-Wage Stabilization Act".

FINDINGS, PURPOSE, AND INTENT

SEC. 2. The Congress finds that—

(1) the diminishing real purchasing power, high interest rates and insufficient job opportunities which result from the current combined inflation and recession are posing severe threats to the national welfare; and

(2) special measures to resist inflation arising from the exercise of market powers are required until such time as monetary and fiscal measures can return the national economy to its full potential without engendering further rapid inflation.

It is the purpose of this Act to provide the means for the effective control of inflation. It is the intent of the Congress that the authority conferred by this Act should be exercised with a view to maintaining the American system of competitive enterprise, including collective bargaining, and in a manner which will result in the application of only such controls as are imperative in the public interest.

TEMPORARY PRICE-WAGE FREEZE

SEC. 3. (a)(1) The President shall issue such orders and regulations as may be necessary to stabilize prices, rents, wages, and salaries at levels not less than those prevailing on July 15, 1971. Such orders and regulations may provide for the making of such adjustments as may be necessary to prevent gross inequities.

(2) Any order or regulation issued under paragraph (1) shall terminate on the date on which the National Price-Wage Stabilization Board (established under section 4) publishes the guidelines referred to in section 5. Such termination does not affect any proceeding under section 9(a) for a violation of any such order or regulation, or for the punishment for contempt committed in violation of any injunction issued under section 9(b), committed prior to such termination.

(b) The President may delegate the performance of any function under this section to such officers, departments, or agencies of the United States as he deems appropriate.

ESTABLISHMENT OF BOARD

SEC. 4. (a) There is hereby established an independent agency to be known as the National Price-Wage Stabilization Board (hereafter in this Act referred to as the "Board") which shall be composed of five members to be appointed by the President by and with the advice and consent of the Senate. The President shall appoint one member with extensive Government experience to serve as Chairman. The remaining members shall be appointed so as to maintain a fair balance in the remaining members among leaders drawn from business, labor, and consumers.

(b) The Chairman and the other members of the Board shall receive compensation at the rates prescribed for levels II and IV, respectively, of the Executive Schedule under subchapter II of chapter 53 of title 5, United States Code. Any vacancy in the Board may be filled in the manner in which the original appointment was made.

(c) Three members of the Board shall constitute a quorum.

(d) The Board may appoint and fix the compensation of such personnel as it deems advisable. Such personnel shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(e) The Board is authorized—

(1) to issue rules, regulations, and orders necessary to carry out its functions under this Act;

(2) to obtain the services of experts and consultants from private life in accordance with the provisions of section 3109 of title 5, United States Code; and

(3) to obtain directly from any department or agency of the Government such information or other data in the possession of such department or agency (other than information or data the release of which, in the opinion of the head of such department or agency, is inconsistent with the national interest or security) as may be necessary or appropriate, in the determination of the Board, to carry out its functions.

PUBLICATION OF GUIDELINES

SEC. 5. (a) The Board shall publish as soon after taking office as is feasible a set of basic guidelines for price and wage changes, including a set of specific exceptions from, or modifications of, the guidelines for any case in which adherence to the basic guidelines would create undue hardship.

(b) The Board shall consult with leaders of business, labor, and consumers in establishing such guidelines and specific exceptions and modifications.

(c) The Board shall include in the basic price guidelines provisions which take account of changes in unit costs, productivity, and profit margins, and of previous price changes. The Board shall include in the basic wage guidelines provisions which take account of increases in national productivity and living costs, and of previous changes in wage rates.

(d) If the Board publishes basic wage guidelines which call on employees to forego any part of the legitimate wage increases required by increases in living costs and national productivity, the basic price guidelines shall include a corresponding call on corporations to forego a comparable increase in prices due to an increase in costs.

(e) The Board may from time to time publish such amendments to the guidelines as it deems necessary.

REPORTS JUSTIFYING PRICE OR WAGE INCREASES

SEC. 6. (a)(1) The Board may by order or regulation require any corporation whose activities the Board determines may have a substantial inflationary impact on the economy to file with it an economic justification for any substantial price increase for any significant product. Such economic justification shall show that the price increase is consistent with the applicable guidelines or the way in which it departs from those guidelines.

(2) The Board shall prescribe regulations defining for purposes of this subsection the terms "significant product", and "substantial price increase".

(3) (A) The economic justification for a price increase which takes effect after the initial publication of guidelines under section 5 shall be filed with the Board thirty days before the date such increase takes effect, and no such price increase may take effect until the expiration of such thirty-day period.

(B) A justification shall be filed under this subsection with respect to any price increase which takes effect before such initial publication only if the Board requests such justification. Such justification shall be filed within thirty days of such request.

(C) No justification need be filed with respect to a price increase which takes effect more than one hundred and eighty days before the date of enactment of this Act.

(b) Each labor organization which bargains with any corporation to which subsection (a) applies (or with any multiemployer association which includes such corporation) and which obtains a wage increase for employees of such corporation which exceeds the amount indicated in the applicable wage guidelines shall within thirty days after it obtains such wage increase file with the Board an economic justification, which shall specify the amount by which such increase exceeds such guidelines. In addition, the Board may, by order or regulation, require any labor organization whose activities the Board determines may have a substantial inflationary impact on the economy to file with it an economic justification with respect to any wage increase obtained by such organization for employees it represents. Within thirty days of such request, such organization shall file with the Board an economic justification which shall specify the amount, if any, by which such increase exceeds the applicable wage guidelines.

(c) The Board shall require any corporation to which subsection (a) applies to file an economic justification for any wage increases granted to corporation executives which are in excess of the basic wage guidelines established by the Board.

(d) For purposes of this section—

(1) The term "corporation" includes a parent and all subsidiaries.

(2) The term "wages" include wages, salaries, fringe benefits, and other compensation.

(e) Whenever any person fails to file an economic justification required to be filed under this section, the Board may make application to the district court of the United States for any judicial district in which such person is found, resides or does business for an order to require such person to file such justification, and such court shall have jurisdiction to issue such order. Any failure to obey such order may be punished by the court as a contempt thereof.

STIMULATING VOLUNTARY ADHERENCE

SEC. 7. In order to stimulate adherence to the guidelines published under section 5, the Board may publish any economic justification filed with it, negotiate with corporations or unions where the guidelines appear likely to be breached, hold hearings, administer oaths to witnesses appearing before it, subpena witnesses and records, and announce findings and recommendations with respect to inflationary departures from the guidelines. In case of contumacy by, or refusal to obey a subpena served upon, any person referred to in this section, the district court of the United States for any district in which such person is found or resides upon application by the Board requiring such person to appear and give testimony or to appear and produce documents, or both; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

AUTHORITY TO IMPOSE MANDATORY PRICE AND WAGE RESTRAINTS

SEC. 8. If the Board determines, after fully utilizing the powers conferred by sections 5, 6, and 7, that inflationary forces within the economy cannot be controlled effectively through voluntary means, and that such forces severely threaten the national welfare, the Board may issue such orders and regulations as may be necessary to stabilize prices, rents, wages, and salaries at levels not less than those prevailing during the period in which orders and regulations issued by the President under section 3 were in effect. Orders and regulations issued by the Board under this section may provide for the making of such adjustments as may be necessary to prevent gross inequities.

SANCTIONS

SEC. 9. (a) Whoever willfully violates any order or regulation issued under section 3 or 8 of this Act shall be fined not more than $5,000.

(b) Whenever it appears to any agency of the United States authorized by the President to exercise the authority contained in section 3 that any person has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of any regulation or order issued by such agency under such section, or whenever it appears to the Board that any person has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of any regulation or order issued by the Board under section 8, such agency or the Board, as the case may be, is authorized to bring an action, in the proper district court of the United States or the proper United States court of any territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond. Upon application of the agency or the Board, as the case may be, any such court may also issue mandatory injunctions commanding any person to comply with any such regulation or order.

(c) No costs shall be assessed against the United States in any proceeding under this section. All litigation arising under this section shall be under the supervision and control of the Attorney General.

CREDIT CONTROLS

SEC. 10. Whenever regulations or orders stabilizing prices, rents, wages, and salaries are in effect under this Act, the Board of Governors of the Federal Reserve System shall exercise its authority under the Credit Control Act (title II of Public Law 91–151) to regulate and control extensions of credit.

ADMINISTRATIVE PROCEDURES

SEC. 11. The functions exercised under this Act are excluded from the operatiton of sections 551, 553–559, and 701–706 of title 5, United States Code.

REPEAL

SEC. 12. The Economic Stabilization Act of 1970 (title II of Public Law 91–379) is repealed.

TERMINATION

SEC. 13. This Act and all authority conferred thereunder shall terminate upon the expiration of one year after the date of its enactment. Such termination shall not operate to defeat any action, whether theretofore or thereafter commenced, with respect to any liability or offense committed prior to such termination date.

[From the New York Times, Aug. 5, 1971]

WAGE-PRICE RUNAROUND

With his anti-inflation program foundering, President Nixon seems to have decided that the best way to turn off the bipartisan clamor in Congress for action to halt the wage-price spiral is to make his critics demonstrate that they have foolproof remedies he can use. This hardly qualifies as leadership from a President who campaigned nearly three years ago on a pledge to couple price stability with low unemployment and has thus far failed to deliver either.

In a week that has brought a dismayingly big increase in steel prices, plus warnings of an equally unwelcome increase in railroad freight rates, both tied to overhigh wage settlements, the President says he is still waiting to be convinced that the Government ought to be doing something more than talk about restraint and responsibility by way of checking the runaway spiral.

It is certainly no contribution for Mr. Nixon to instruct Secretary of Labor Hodgson to alert him to all forthcoming negotiations in key industries so that he can use his persuasive powers to keep settlements in noninflationary bounds. That is exactly what the President tried to do in steel, only to discover that both the union and the industry were locked into a preset pattern which neither could hope to break in the absence of Administration moves to establish an effective national incomes policy.

The obvious hope in the White House is that it can bob and weave for a few more months until all the expensive dominoes fall into line on major contracts for 1971, including those still to be signed in the East and West Coast waterfronts and the coal mines. Then the Administration argument will be that 1972 is a year of relative quiet on the labor-management front, with few big contracts to be negotiated, so everyone can relax.

The only trouble with this let-time-cure-everything line of evasion is that the road never stops running uphill. The steel pattern was nailed down many months ago with the first settlement in the can industry. The railroad pattern, accepted this week by the United Transportation Union, was pushed up by the big increase Chicago truck drivers won a year ago with their breakaway strike against the initial national settlement in their industry. The rail pact must still run the gantlet or demands for higher pay from the militant shopcrafts and signalmen.

Even more disturbing is the spillover of inflationary wage expectations in the public service. The President is himself engaged in a fight with Congress and the unions representing 750,000 blue-collar employees in Federal agencies over pressure for pay increases that would exceed the prevailing rate in private industry.

In New York City, with its chronic fiscal problems and its equally chronic shortchanging in monetary aid from Washington and Albany, the skyrocketing cost of living and the high settlements in local industries combine to inflate the already swollen municipal payroll.

The city is obviously in no condition to give increases totaling 27 per cent over three years to its welfare administrative staff, as it has just agreed to do. Yet what equity would there be in telling them they cannot have what all other unionized workers are getting? Still unsettled are the contract talks covering policemen, firemen and sanitation workers. And not far behind them the transit employes, with the specter of a 50-cent fare.

The only hope for halting this endless procession lies in White House leadership. The very limited step the President took to stabilize construction costs is bearing useful fruit. A brief general wage freeze, tied to creation of a wage-price board, could mark a beginning toward similar progress for the total economy.

[From the Conference Board Record, Mar. 1971]

CONTAINING INFLATION III—THE IMPACT OF INFLATION ON CONSUMER ATTITUDES AND BEHAVIOR

(By George Katona)

Inflationary expectations have been widely discussed during the last few years. Occasionally they have been cited as a major factor bringing about price increases. Some data are available on these expectations and their influence on consumer behavior. These data call for a revision of certain frequently accepted notions.

Three findings seem particularly relevant for an understanding of the psychology of inflation. These findings, made in the 1950's as well as the 1960's, relate to matters with respect to which the American people's attitudes and opinions have remained practically unchanged during the past 25 years:

Inflation is viewed as an adverse development by the great majority of Americans. When people believe that prices have advanced fairly rapidly, pessimistic notions arise, while price stability or small price increases make for satisfaction and increase consumers' readiness to satisfy their wants.

Many people believe that if prices were to advance they would need to spend more on necessities, and therefore would have smaller resources at their disposal for the purchase of goods and services which are discretionary rather than necessary.

Income increases and price increases are viewed by most people as unrelated. When survey respondents are asked why they are making more money than they did five or ten years ago, they commonly refer to their own efforts, to increased experience and ability, and to progress in their careers, rather than to inflation or to activities of the government or trade unions.[1] Therefore inflation is viewed as "bad" even by people whose incomes rose much more than prices advanced: Inflation detracts from satisfaction with what is seen as well-deserved fruit of one's labor.

The Survey Research Center at the University of Michigan provides quarterly measures of changes in consumers' willingness to buy through its Index of Consumer Sentiment. The Index has consistently foreshadowed changes in major consumer expenditures. For example, the Index declined sharply in 1969, indicating the recession of 1970 in the purchases of automobiles and other discretionary items, as well as the increase in consumer saving. There was no recovery of consumer sentiment in 1970. Misgivings and pessimistic opinions originated in several factors, one of which was inflation. Dissatisfaction with past price increases and the expectation that they would continue was one important reason that many people turned pessimistic in 1969.

EXPECTED PRICE INCREASES

While a much greater proportion of consumers than either a year or two years earlier said in November 1970 that this is a bad time to buy because prices have gone up or because prices are high, consumers' opinions about the rate of expected price increases changed only moderately in this period of accelerated inflation. In November 1970 only 16% of the great majority with the definite opinion that prices will rise thought that the rate of price increase would exceed 5% in twelve months. In contrast, 39% expected price increases of less than 5%, and 36% predicted price increases of 5% (Table 1). Most consumers continue to expect slow and gradual rather than rapid price increases.

TABLE 1.—OPINIONS ABOUT EXPECTED PRICE INCREASES DURING THE NEXT 12 MONTHS

	May 1966	February 1969	September 1969	May 1970	November 1970
A. All families:					
Prices will go up by—					
1 to 2 percent	44	40	30	25	26
3 to 4 percent	11	16	11	10	13
5 percent	25	27	38	38	36
6 to 9 percent	3	3	5	6	6
10 percent or more	6	8	9	13	10
Don't know how much prices will increase	11	6	7	8	9
Total (expecting prices to go up)	100	100	100	100	100
B. Families with incomes of $10,000 and over:					
Prices will go up by—					
1 to 2 percent	48	35	27	22	25
3 to 4 percent	14	20	14	11	17
5 percent	21	34	40	40	40
6 to 9 percent	4	3	7	7	6
10 percent or more	6	6	9	16	9
Don't know how much prices will increase	7	2	3	4	3
Total (expecting prices to go up)	100	100	100	100	100

Note: The question, asked of the great majority of people with the definite opinion that prices in general ("I meant the prices of things you buy") will go up, was, "How large a price increase do you expect? Of course nobody can know for sure, but would you say that a year from now prices will be about 1 or 2 percent higher, or 5 percent, or closer to 10 percent higher than now, or what?"

Even when asked about the expected price level five years from now, only 30% said that prices will be a lot higher than in November 1970. In addition, 31% said that prices will be a little higher, 20% that they would be about the same as now, and 19% that they couldn't hazard a guess.

The findings on the relatively conservative price expectations of the American people and on the retardation of consumer demand brought about by inflation appear to contradict the widely held notion that consumers who expect prices to go up try to beat inflation by buying in advance and in excess of their needs. This theory, although confirmed in periods of hyper-inflation in some foreign countries, is not in line with the attitudes and behavior of American consumers. Nevertheless, the theory is widely held. (For instance, D. R. Francis, president of the Federal Reserve Bank of St. Louis, wrote recently of the "well-known fact that consumers, businessmen and labor unions do take into consideration anticipated price level changes when making decisions to purchase goods and services . . . in an attempt to protect their positions from the ravages of inflation."[2] Therefore, in the fall of 1969 and again in the summer of 1970, when fear of inflation was pronounced, we inserted into our surveys questions about consumer buying in advance.

First, survey respondents were asked what they could do to protect themselves against price increases. In reply most spoke of economizing, of buying less than usual, or of postponing certain purchases, while hardly anyone mentioned buying things before prices went up. The next question read as follows: "Did you or your family buy anything during the past few months because you thought that it would cost more later?" To this question—intentionally formulated so as to suggest an affirmative answer—12% of family heads, and likewise 12% of family heads with more than $10,000 family income, answered Yes, and 88% and No. When asked what they bought in advance, most respondents spoke of occasional purchases of a variety of small items.

There are indications that some business firms may have acted differently from consumers. Unfortunately, the problem was not studied in any survey of business executives in 1969 or 1970. Therefore I cannot do more than report occasional references by business executives to buying or investing before prices went up. Expectations of rising interest rates may also have induced some large firms to borrow larger amounts than actually needed.[3]

Insofar as consumers are reluctant to proceed with desired discretionary expenditures because of inflation, and insofar as they economize and cut down on some of their expenditures, they serve to counteract inflation rather than stimulate it. On the other hand, in some good years (not in 1969–70), consumers' behavior in incurring debt may have contributed to inflation. Many consumers were found to be impatient to improve their standard of living; they bought durable goods and many other goods and services on credit according to the resources they expected to have, in the future, rather than according to what they could afford at a given time. Installment buying, the major form of debt incurrence, is much more frequent in good times, when people are optimistic, than in bad times, when they are pessimistic. It is a sign of prosperity and contributes to it. To some extent, installment buying also adds to inflationary pressures. Yet this influence appears to be greater in the earlier stages of an upturn, when optimism is beneficial, than in the later stages.

DOES INFLATION HURT?

Some further findings are relevant to economic policy: How bad is inflation in the opinion of the American people? In 1969 and again in 1970 representative samples of family heads were asked which of various population groups in their opinion were hurt most or least by price increases. The final question in the series asked how much the respondents and their families were hurt by inflation. In reply, the majority said that they were hurt a little (Table 2).

[Table 2.]

OPINIONS ON DEGREE FAMILIES WERE HURT BY INFLATION

[In percent]

Said that they were hurt very much	16
Said that they were hurt much	12
Said that they were hurt a little	53
Said that they were not hurt at all	16
Did not know	3
	100

Note: Average frequencies from two surveys conducted in November 1969 and May 1970; the findings of the two surveys differed very little. The answers to this question, as well as to various other questions reported in this paper as obtained in 1969, were reported in the monograph, *1969 Survey of Consumer Finances* (Ann Arbor, Michigan, Survey Research Center, 1970).

Low-income people reported being hurt very much or much somewhat more frequently than high-income people, but the differences among income groups were quite small. Income changes had a much greater effect on the response. Respondents with sizable income increases constituted most of those who said that they were not hurt by inflation at all. But the number saying that inflation hurts them a little or not all, altogether 70%, is much larger than the number with income gains.

In spite of inflation, the American people's desire to save has not been impaired; the most preferred form of savings remained putting money into savings accounts with commercial banks, mutual savings banks, and savings and loan associations (including certificates of deposit and savings certificates). Many Americans were found to be aware of the fact that because of inflation the purchasing power of their savings deposits has been declining. But they found some compensation in the safety of their deposits—no possibility of capital losses—as well as in the interest received.

Because inflation hurts them only a little, most Americans are reluctant to make any sacrifices in order to slow down inflation. Overwhelmingly, the American people disagree with the proposition that income taxes should be raised for that purpose. (They are also opposed to higher interest rates to slow down inflation.)

In a recent survey it was suggested to the respondents that increases in people's incomes should be limited to whatever amount the cost of living goes up. Then they were asked, again in a rather pointed manner, "Would you personally be willing to have a limit like that placed on the amount of your next year's income?" In reply, among those whose income went up by at least 5% in the last year and who therefore probably would have been affected, only 24% said Yes, and 67% said No (9% said "it depends" or that they did not know).

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[1] In this respect there are great differences between the attitudes of Americans and Western Europeans; see G. Katona, B. Strumpel and E. Zahn. *Aspirations and Affluence,* Comparative Studies in the United States and Western Europe. (New York, McGraw-Hill, 1971). For earlier findings on American attitudes toward inflation, see G. Katona, *The Mass Consumption Society,* (New York, McGraw-Hill, 1964), ch. 14.

[2] Federal Reserve Bank of St. Louis *Review,* October, 1970, p. 9.

[3] Mr. Francis, in the article quoted above, also refers to such effects of inflationary expectations, without presenting any quantitive data.

Nevertheless, inflation is viewed as an evil. But is inflation considered the greatest threat that confronts us today? The conclusion emerges from a number of studies that inflation is just one among several major problems and threats of which the American people are aware.

OTHER THREATS

An economic threat other than inflation may be discussed first: unemployment and, more generally, the threat of occasional layoffs or of loss of overtime, or reduced income due to a recession or business slowdown. Most people are eager to raise their standard of living and therefore they believe that even stable real income is unsatisfactory. Obligations, contractual or felt, are so substantial that small declines in income are often seen as great calamities. Even people who have assured jobs, so that becoming unemployed is inconceivable to them, consider growing unemployment a catastrophe for the country. Therefore anti-inflationary measures which threaten to bring about unemployment are strongly opposed by most Americans.

The war in Vietnam worries very many people, and their concern with international affairs is closely related to current social problems of which they are well aware. People argue that because of Vietnam the government spends too little on what they see as the great problems of the day—poverty, race relations, violence and riots, inner city problems, crime and drugs, the alienation of the young and the misery of the old, as well as pollution of air and water. Needless to say, in the opinion of most people these are not purely economic problems. They cannot be solved by money alone, but many people believe that money would help. To mention just one instance, housing needs and dissatisfaction with housing prospects, aggravated by the current high interest rates, are thought to increase social unrest. The social problems, just like inflation, contribute to shaping people's economic attitudes and expectations; they detract from confidence and optimism both in the short run and over longer periods.

A QUESTION OF PRIORITIES

We may conclude that the American consumer wants a great deal all at the same time. He wants slower price increases than have occurred in the recent past. He wants a continuous increase in his real income and periods of upswing rather than of stagnation or recession. He desires concentrated and large-scale efforts to improve the social climate and especially to alleviate poverty and racial conflict.

Under these circumstances, setting government policy and economic priorities constitutes a very difficult task. But, clearly, giving the fight against inflation the highest priority is not justified. Runaway inflation must be avoided. For this reason, if necessary, incomes policy and even some forms of direct controls appear more acceptable than high unemployment and the neglect of the social problems of the day. The main points are (1) The relation of somewhat greater or somewhat smaller consumer demand to faster or slower price increases in tenuous. (2) The American consumer does not find life with a little inflation intolerable. The conclusion emerges that we may have gone too far in fighting inflation. Restoring vigorous growth to the economy must be given high priority.

[From Business Week, July 3, 1971]

NIXON'S TARGET: INFLATION, NOT UNEMPLOYMENT

President Nixon this week put a quick end to what threatened to be a heated intramural debate over economic policy. Without waiting for a full-scale midyear review, he flatly rejected tax cuts, spending increases, and any federal controls on wages and prices.

The decision, in effect, locks present policy in place for the rest of the year. Made in the face of a distinctly modest recovery (page 11), it represents a definite choice of inflation, rather than unemployment, as the No. 1 policy problem. And it was accompanied by a significant downgrading of the Council of Economic Advisers and of its chairman, Paul W. McCracken, who has been pushing hardest among Presidential advisers for more stimulation.

The timing of Nixon's hold-the-line decision caught even some of his advisers off guard. The President himself had implied earlier that there would be a full-scale review of economic policy beginning sometime this month, after the second-quarter gross national product figures were known. Officials at the CEA and the Treasury were expecting this review to bolster their recommendations for a more stimulative policy.

But one night last week, the President took an evening cruise on the Potomac aboard his yacht Sequoia, and the review was suddenly under way—a month early. With him were George P. Shultz, director of the Office of Management & Budget; John D. Ehrlichman, head of the Domestic Council, and Treasury Secretary John B. Connally. McCracken was conspicuously absent.

The discussions continued over Saturday and Sunday at Camp David, the President's retreat in the Catoctin Mountains of Maryland. McCracken was on hand Saturday, but the cruise members, plus Deputy OMB Director Caspar Weinberger, stayed the full weekend. Insiders say the most persuasive argument against further fiscal stimulus came, as usual, from Shultz. He pointed out that the budget deficit for fiscal 1971 will be about $22 billion and that, depending on the rate of economic recovery, it will top $20 billion and could reach $25 billion in fiscal 1972. Shultz added that unless there is some serious paring, the deficit in fiscal 1973 will top that of 1972.

In Nixon's mind, this evidently added up to as much stimulus—or red ink—as he was willing to accept. Coupled with the very rapid rate of expansion of the money supply in the first half of the year, the figures led Shultz to recommend to the President a course of what he called "steady as she goes."

Ignored. McCracken and his colleagues at the CEA wanted more stimulus, but nobody listened. Schultz still has the inside track with Nixon, and each decision went his way. And Connally took on new importance with his formal designation by Nixon as "chief economic spokesman."

The White House political staff has been unhappy for some time about the matter-of-fact way in which the CEA has reacted publicly to some less-than-ebullient economic indicators. When McCracken acknowledged in an interview a few days ago that the economy is not growing fast enough to ease into the 6.2% unemployment rate, the unhappiness became fury.

A "single loud voice" was needed to explain away all the arguments, such as the high unemployment rate, that might seem at odds with a decision to hold the line on more stimulus. Connally, who has been leaning toward more action on the fiscal side but did not push this view at Camp David, was tabbed as the obvious salesman. McCracken was told, in effect, to keep his mouth shut in the future.

"Our ears have been singed," complained one angry CEA official. "We carried the credibility banner for nearly two years. Saying something is good doesn't convince the guy in Des Moines that things are good," he continued. "The Administration may be asking for it when they politicize their economic announcements this way."

Mouthpiece. Connally turned in a virtuoso sales performance before reporters in announcing the President's decisions. "In the first place," he said, "I don't think there is any credible economist in this country who doesn't believe this economy is expanding." Accordingly, Connally said, the President "has come to the conclusion that, No. 1, he is not going to institute a wageprice review board; No. 2, he is not going to impose mandatory wage and price controls; No. 3, he is not going to ask the Congress for any tax relief; and No. 4, he is not going to increase . . . spending."

Nixon also vetoed a Democratic-sponsored $2-billion accelerated public works bill, saying that because of lags in getting projects started it "would not even make a real start on delivering its implied promise of jobs now, when jobs are needed." But he intends to sign another Democratic bill, modified to meet Administration demands, that will immediately provide up to 200,000 temporary public-service jobs and cost about $750-million. He had vetoed a similar bill last year.

Federal Reserve Board Chairman Arthur F. Burns was dismayed by Nixon's rejection of a wage-price review board, if not by the decision not to seek more stimulus. On Wednesday he told Congress' Joint Economic Committee, "If we are to restore price stability with high employment in our economy, I see no immediate alternative to a cogent incomes policy." Higher interest rates resulting from fear of inflation could threaten two sectors leading the recovery, housing and state and local government expenditures, Burns warned.

Representative Wilbur D. Mills (D–Ark.), House Ways & Means Committee chairman, says he will still wait at least until the second-quarter GNP figures are available before deciding whether to take the initiative and propose a tax cut, but the chances of his doing so appeared slim.

Patience. Meantime, the Administration's goals for lowering unemployment have slipped a bit, and Connally appeared to be redefining what, to the President, constitutes full employment. "We talk in terms of a norm of unemployment being 4%. This is a myth . . . 4% is not the norm. We have never achieved it except in wartime," the Treasury Secretary declared.

So what Connally has been designated to sell is just what the Administration has been selling since early 1969—patience. Connally stressed time and again that Nixon "is not in any sense of the word giving up the fight against inflation." And for the sake of that fight, it was clear the President was willing to tolerate unemployment close to present levels for some time to come.

[From Business Week, June 12, 1971]

STORM CLOUDS DO NOT CHANGE THE COURSE

President Nixon's top economic advisers continue to insist that the nation's economy needs no additional stimulation. If anything, they feel less inclined than a month ago toward a mid-course correction in economic policy.

"Given the basic course of expansion up to now," says Council of Economic Advisers Chairman Paul W. McCracken, "I don't see that a clear case can be made for additional stimulus."

The decision to stick to current policy is not based on confidence that the economy is tracing the path laid out last January in the Economic Report. It represents, in fact, a lowering of the Administration's ambitious goals for more economic growth and less unemployment.

Officials candidly admit that last month's rise in unemployment probably foreshadows further increases. They now appear to expect little reduction in the jobless rate before yearend, and they have explicitly downgraded their earlier target of unemployment "in the zone of 4.5% by mid-1972" to "less than 5%" by the same date. The White House apparently feels that this level will not be an overwhelming political burden if the rate is falling sharply by the time voters go to the polls.

While there are differences in tone, the "steady-as-you-go" feeling is reflected throughout top-level economic circles around the White House. For the moment, a balance appears to have been struck—and sold to President Nixon—between concern for rising unemployment and fears of continued inflation. Worries about the ultimate impact of five months of rapid growth in the money supply (page 25) have also made policymakers wary about throwing in more fiscal stimulus.

Soul-searching. The balance could be changed, however, if the report on second-quarter gross national product is disappointing. Officials will get a preliminary estimate late next week and a better look early in July. There appears to be general agreement in Washington that a gain significantly less than $20 billion would call for "some soul-searching." Although some technicians say there is a good possibility that the second quarter will come in below that mark, key officials appear relatively optimistic.

The new target, however, gives a far different profile than Administration economist had been sketching earlier. They are now ready to concede that the recovery has been distinctly modest, with no real enthusiasm on the part of either consumers or businessmen. With the third quarter clouded by a runoff in steel inventories with or without a strike, fall is the earliest the economy can be expected to find a solid footing.

The worry now along Pennsylvania Avenue is that things will come on with a rush. Administration economists view the puzzling behavior of inventories—substantial liquidation almost everywhere but in steel—less as a vote of no confidence in the recovery than as a storing up of demand that will hit sometime toward the end of the year. For unexplained reasons, the economy has been slow in reacting to definite nudges from Washington.

"People don't quite appreciate how stimulative policies are now," says one senior Administration official, pointing to the very high rate of growth in the money supply and the fact that the fiscal 1971 budget is winding up considerably deeper in the red than had been anticipated last January. "The more stimulus you inject, the more superboom you are storing up for sometime in the future—and you don't know when," he adds.

Another Administration argument against more stimulus is that such a move would increase the pressures for an incomes policy. "To the extent that your expansion is less than planned, you have less need for market restraint because markets are looser than you expected," says a top official.

FLEXIBILITY

In recent weeks, in fact, there has been a weakening of the earlier hardnosed attitude toward wage and price behavior. The original 6% guide on construction wages has been replaced by more flexible "equity" rules, and Presidential displeasure at the aluminum price hikes was relatively mild, though accompanied by another warning to the steel industry.

Beneath the surface, however, the pressures are still there. Federal Reserve Chairman Arthur F. Burns still loses no occasion to push for a wage-price review board, and within the Administration Treasury Secretary John Connally talks openly of the need for outright controls. This, apparently, has turned Management & Budget Director George Shultz away from the idea of rapid expansion.

Some Administration officials, including Connally, reportedly have a mild preference for early activation of the scheduled 1972 and 1973 tax cuts. But it is not strong enough for them to want to challenge Shultz on this point or to take the risk that a Democratic Congress will do more than they ask.

"JUST INSANE"

The White House line against more stimulus extends to government spending as well as tax cuts. The rise in unemployment gives Congressional Democrats another argument for the $5-billion public service employment bill. But, says one high official, "the President is just as committed to a veto as before."

So far, at least, President Nixon does not seem to be getting much heat from his own party. "There are some Republican worriers," says Representative Barber Conable (R-N.Y.), a ranking member of the House Ways & Means Committee. But they are not particularly strong, he says. Barring a sharp rise in unemployment, most GOP congressmen are inclined to let the Administration determine the line on economic policy.

On the other hand, Democrats are exhibiting a fairly sharp split. Liberals such as Senator Edmund Muskie (D-Me.), a Presidential hopeful, and Senator William Proxmire (D-Wis.) are calling for quick tax cuts. But House Ways & Means Chairman Wilbur D. Mills is waiting for the second-quarter GNP figures to make up his mind. "My judgment is that it will not be as dramatic . . . as the first quarter," he says, "but it may be of sufficient growth to obviate the necessity of doing anything else."

[From Business Week, June 12, 1971]

Unemployment as a Way of Life

Among the flesh-and-blood people represented by the neat print of unemployment statistics, the workers who suffer most are the long-term unemployed. These are men and women who have been jobless 27 weeks or longer, a group that numbered 542,000 last month—its highest total in eight years, and a fact of considerable political significance to the Nixon Administration.

Because of the way the Bureau of Labor Statistics collects its figures, no one can say precisely who or where these workers are, except that a sharply increased percentage of the long-term unemployed are adult males who formerly held manufacturing jobs. But severe slumps in aerospace and those consumer industries battered by imports suggest that a California aerospace engineer and a Massachusetts shoe worker may be close to typical.

Back to basics. Wilbur C. Middleton, 48, lost his $24,000-a-year job with McDonnell Douglas Corp. in Long Beach, Calif., during large-scale lay-offs last June. A PhD. in experimental psychology with 16 years' experience in research and engineering, Middleton had been a human factors engineer, employed in the design of cockpits for new aircraft.

He has spent the past year following up job leads that have led nowhere, withdrawing most of his $15,000 savings and borrowing on a real-estate trust deed to keep up monthly mortgage and property-tax payments on a $65,000 home and other property, and using his $65 weekly unemployment insurance benefit to pay grocery and utility bills.

The unemployment insurance benefit expired in April. The hillside home with its breathtaking view of Los Angeles has been sold. Unless one last engineering possibility comes through the job with Litton Industries' ship building division—Middleton and wife will go to work for a real-estate broker in San Diego; they both passed the qualifying exam for real-estate sales after studying during the long empty days since last June.

"I've accepted the fact that most of my education and training will go to waste," says Middleton. "The one thing that really troubles me is that selling real estate is mostly an evening and weekend job, and we have two young children."

NEW ROUTINE

Robert Papas, 56, lost a $2.75-an-hour job with the Kramer Shoe Co. of Haverhill, Mass., 23 months ago, when the company folded as a result of competition from low-cost imports. Papas had worked for Kramer as a lining cutter for 20 years. He dutifully made the rounds of a decreasing number of shoe plants (only four of the 12 operating in Haverhill in 1969 did survive), then settled into a routine of picking up surplus food at the U.S. Agriculture Dept. depot, smoking small cigars (36c a pack) instead of cigarettes (47c a pack), and ignoring the—from his teeth.

Dentist bills are out of the question he says, on the $54 weekly unemployment insurance benefit paid to his wife, also a jobless shoe worker. Mrs. Papas' benefit will soon expire even under Massachusetts' usually generous 39-week eligibility rule. His own ran out a long time ago.

"It could be worse, because my two daughters are grown up and married," Papas says. "I don't know what these younger fellows with families to raise do to get along." He is also grateful for his fully paid-up house, which he bought for $1,200 in 1940, and has no intention of tapping his small savings for badly needed repairs. He has no intention of going on welfare, either. "That would be the last resort," he says.

LOWERED SIGHTS

Papas' only glimmer of hope for future employment is the recent certification of Kramer Co. employees as eligible for a year's retraining and subsistence pay under a government program to aid workers who lose jobs as a direct result of imports. The Haverhill program hasn't begun yet and, at his age, Papas is not really enthusiastic about retraining. But he says he is willing to give anything a try—"just as long as it is steady and is non-polluting."

The Middletons, too, face the future in a different spirit than formerly. Even if the hoped-for Litton job materializes, Mrs. Middleton plans to supplement her husband's salary by selling real estate. "We never want to get caught without a second income again," she says. And whether they stay in Long Beach or move to San Diego, the home they buy will be far more modest than the one they occupied for six years. "We will be living conservatively from now on,' Middleton says.

The group reluctantly represented by Middleton and Papas has grown rapidly since 1969, when the May figure for long-term unemployed was 128,000 or 5.6% of the total unemployed. The 542,000 recorded last month represented 12.3% of the total jobless. The proportion of men 20 or over among the long-term unemployed also increased significantly—from 44.5% in May, 1969, to 58.3% last month. The proportion of women increased slightly—from 28.9% to 31%. And the proportion of teenagers dropped sharply—from 26.6% to 10.7%—because the number remained fairly stable while the totals for other ages rose. Manufacturing supplied most of the increase in long-term jobless. In May, 1969, 20.3% of the long-term unemployed had lost manufacturing jobs. Last month, the comparable figure was 38.9%.

Mr. CHILES. Mr. President, in conclusion, the bill I have introduced today would call for an immediate freeze on all wages and prices at the levels that they currently held on July 15, 1971. It would then call for the board to set up in the act to determine those businesses and factors of our economy which are contributing to this inflationary spiral.

They could then set forth the criteria for a wage and price index for those businesses.

Mr. President, if I have any time remaining, I yield it back.

By Mr. RIBICOFF (for himself and Mr. MAGNUSON):

S. 2460. A bill to provide for the expansion of trade by a program of exchanges between the United States and countries with nonmarket economies, and for other purposes. Referred to the Committee on Commerce, by unanimous consent.

EAST-WEST TRADE EXCHANGE ACT OF 1971

Mr. RIBICOFF. Mr. President, I am pleased to introduce today, with the cosponsorship of the distinguished chairman of the Commerce Committee, Senator MAGNUSON, a new kind of international exchanges bill.

This proposal, the East-West Trade Exchange Act of 1971, is designed to promote the economic strength of the United States by expanding trade between the United States and foreign nations with nonmarket economies, including those of Eastern Europe, the Soviet Union, and the People's Republic of China.

My bill is aimed at creating a body of expertise and experience in conducting international trade and operating joint ventures with countries with different economic systems. This would be accomplished through an exchange of people already involved in the various aspects of international trade in their own countries. Ultimately, people trained under these programs would help broaden commercial ties between the United States and other countries, thereby providing new opportunities for American business and jobs for American workers.

I returned from my visit to Eastern Europe in behalf of the Finance Committee last June convinced of the need for such an exchange program. Everywhere I went I saw Western businessmen—but almost no Americans.

Political winds may blow either hot or cold, but the trade winds between East and West have been sending a steady stream of orders to West Germany, France, Italy, and Great Britain. The scent of profits has already reached Japan, and ambitious plans are being made for joint Soviet-Japan exploitation of the mineral wealth of Siberia.

While the United States has placed restrictions on its economic relations with Communist nations, our NATO allies have displayed far fewer compunctions against trading across ideological lines. Total free world trade with the U.S.S.R. and Eastern Europe amounted to about $18 billion last year. Of this total, the share of the United States was $579 million, only 3 percent of the total Western trade with the East.

Even with this limited trade volume our country had a 2-to-1 ratio of exports to imports, and a $127 million surplus. Viewed in the light of our own Nation's high unemployment rate and our deteriorating balance of payments and trade position, this trade surplus points to the considerable future benefits for our economy from expanded trade with the East.

But if we are to have profitable commercial dealings with Communist countries, more Americans must be prepared to learn more about doing business with nations with nonmarket economies. In trading with these countries we are not dealing with a single economic entity. Once you have seen one socialist economy you have not seen them all. This diversity is reflected in the variety of management and financial methods now being employed by Eastern countries seeking to modernize and industrialize their societies.

The countries of Eastern Europe have reached a point of departure from economic dependence on the Soviet Union. By now they know quite well what the Soviet Union offers, but increasingly they want more of what the West and the United States offers.

Perhaps the clearest expressions of the failure of the application of Marxist theory to the problems of economic development in the second half of the 20th century have been the invitations in recent years by the Soviet Union to Fiat, IBM, and Mack Truck to build modern automobile, computer, and truck industries in Russia. The law of comparative advantage is no longer looked upon by Communist planners as a decadent capitalist philosophy, but as a working model for economic and industrial progress.

The need for increasing economic cooperation with the rest of the world is grudgingly being accepted as more Communist leaders realize the political perils of a mismanaged economy. In seeking historical precedent for this shift away from the goal of socialist self-sufficiency, Communist economic planners may recall that in 1938 the United States was the largest supplier of foreign goods to the U.S.S.R. This could be the case once more in 1978 if both nations permit commerce to develop in a less political atmosphere.

While I was in Bucharest, Rumanian officials told me of their desire to establish joint ventures with American firms. Last March, Rumania passed an investment law which would permit foreign firms to own up to 49 percent of the equity in these ventures, and which permits the repatriation of profits and capital.

Similarly in Hungary, a great interest was displayed in acquiring American products and processes.

Besides the obstacles of unreasonable export controls, lack of export credits and most-favored-nation treatment, there are also formidable communications and psychological barriers impeding the expansion of trade between the United States and the East. Basic differences exist between the operations of state-operated monopolies in a nonmarket economy, and the mechanisms used by banks and private corporations here. Unfamiliarity with methods and institutions breeds a built-in reluctance on both sides to embark on new commercial adventures with each other.

The purpose of my bill is to help achieve a better working knowledge on both sides of our different economic systems.

The bill makes provision for greater American participation in trade conferences, fairs, and seminars, and provides for research and all types of educational exchange in the trade field.

But the main purpose is to negotiate agreements for the interchange of people for a duration of up to 2 years. I envisage that participants in this program would include graduate-level university students and teachers, corporation executives and bankers from the United States; and students, teachers, foreign trade officials, and state trading monopoly representatives of Eastern countries. Their time would be spent both studying the theoretical aspects of East-West trade, and in actual on-the-job training. A grantee would have the opportunity of placing himself in his opposite number's shoes. This newly acquired expertise in a host country's actual methods of trading and carrying out international transactions could be used to good advantage in developing broader commercial ties when a grantee returns to his homeland.

I see no reason why such an exchange agreement could not be concluded with the People's Republic of China at an appropriate time in the evolution of our relations. Surely there is almost a complete lack of knowledge in our own country about how to do business with the Chinese.

The Secretary of Commerce would have primary responsibility for administering this act, with the appropriate assistance of the State Department. Where possible, counterpart funds would be used to defray the costs of the program which would be shared by all participating governments.

An annual report on the activities carried out, and expenditures made under the act would be submitted to both the President and the Congress. A 10-man Advisory Council on East-West Trade Exchanges would be established to advise the President and the Secretary of Commerce and to evaluate the effectiveness of the programs.

Through this act we will be establishing another important channel of fruitful contacts between East and West on a nonconfrontation level.

Traditional diplomatic negotiations are too cautious and are restricted by outmoded attitudes.

Cultural and educational exchanges do not reach into the very inner workings of a society—and are too fleeting or remote.

But exchanges of people for the purpose of producing tangible economic benefits for the nations involved offer the greatest opportunities for establishing more enduring ties and interdependence.

Only by broadening and deepening the base of relations between our own country and the nations of the East can the idea of peaceful coexistence be translated into reality.

By Mr. COOK (for himself, Mr. BAYH, and Mr. MATHIAS):

S. 2462. A bill to amend section 5002 of title 18, United States Code. Referred to the Committee on the Judiciary.

ADVISORY CORRECTIONS COUNCIL

Mr. COOK. Mr. President, today on behalf of myself, Senator BAYH, and Senator MATHIAS, I introduce legislation which substantially enlarges the scope of the Advisory Corrections Council found in section 5002 of title 18 of the United States Code.

At the present time, the Advisory Corrections Council is composed of three U.S. judges, the Chairman of the Board of Parole, the Chairman of the Youth Division, the Director of the Bureau of Prisons, and the Chief of Probation of the Administrative Office of the U.S. Courts. The legislation which I am introducing today basically retains the above membership of the Council while adding the Administrator of LEAA, the Secretary of Health, Education, and Welfare, the Secretary of Housing and Urban Development, the Director of the Office of Economic Opportunity, and the Secretary of Defense, or their respective designees.

It is important that representatives from all of the departments and agencies of Federal Government that are involved in the area of corrections be included in this Council. The President of the United States pointed out the great need for such a comprehensive coordinating body when he recommended the creation of an Interagency Council on Corrections. My proposal incorporates the outstanding features of the old Advisory Corrections Council, which has fallen into disuse the last several years, with the outstanding features of the present Interagency Council on Corrections. In addition, the legislation which I am introducing today provides for a much-needed staff to aid the Council in coordinating and integrating the policies of the Federal agencies in the area of corrections.

Mr. President, in view of the great diversity of correctional programs and the number of agencies involved, it is imperative that such a council be the result of legislative enactment. The present Interagency Council created by Executive request is indeed functioning well at the moment but there is no assurance that this body will continue to function in the years ahead. There is great need for a legislative mandate which will require that a coordinating council such as I am proposing today will continue to exist. This legislation insures that the Council will continue to function by requiring that there be at least four meetings a year. Also, this proposal adds two representatives from the Federal bench to the present makeup of the Interagency Council in order to insure that the judiciary has a voice in all matters before the Council regarding the correction of persons convicted of crime.

In view of the alarming fact that four out of five of the major crimes committed in the United States are committed by recidivists it is obvious that much more must be done to improve our correctional systems. By creating a continuing, comprehensive, Advisory Corrections Council, Congress will be taking a very significant step in the right direction.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2462

A bill to amend section 5002 of title 18 of United States code

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That 5002, of title 18, United States Code is amended to read as follows:

"5002. ADVISORY CORRECTIONS COUNCIL

"(a) There is hereby created an Advisory Corrections Council composed of two United States judges designated by the Chief Justice of the United States and ex officio, the Chairman of the Board of Parole, the Director of the Bureau of Prisons, the Chief of Probation of the Administrative Office of the United States Courts, the Administrator of Law Enforcement Assistance Administration or his designee at a policy level, the Secretary of Health, Education, and Welfare or his designee at a policy level, the Secretary of Labor or his designee at a policy level, the Commissioner of the Civil Service Commission or his designee at a policy level, the Secretary of Housing and Urban Development or his designee at a policy level, the Director of the Office of Economic Opportunity or his designee at a policy level, and the Secretary of Defense or his designee at a policy level. The judges first appointed to the Council shall continue in office for terms of three years from the date of appointment. Their successors shall likewise be appointed for a term of three years, except that any judge appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the unexpired term of such predecessor. The Chairman shall be designated annually by the Attorney General.

"(b) The Council shall meet quarterly and special sessions may be held from time to time upon the call of the Chairman.

"(c) The Council shall consider problems of treatment and correction of all offenders against the United States and shall make such recommendations to the Congress, the President, the Judicial Conference of the United States and other appropriate officials as may improve the administration of criminal justice and assure the coordination and integration of policies of the Federal agencies, private industry, labor, and local jurisdictions respecting the disposition, treatment, and correction of all persons convicted of crime. It shall also consider measures to promote the prevention of crime and delinquency and suggest appropriate studies in this connection to be undertaken by agencies both public and private. The members of the Council shall serve with compensation but necessary travel and subsistence expenses as authorized by law shall be paid from available appropriations of the Department of Justice.

"(d)(1) The Council shall appoint an Executive Secretary/Administrative Assistant and such other personnel as may be necessary to carry out its functions. The Executive Secretary/Administrative Assistant shall supervise the activities of persons employed by the Council and shall perform such other duties as the Council may direct.

"(2) The Council may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed $100 per day.

"(e) The Council is authorized to request from any department, agency, or independent instrumentality of the Government any information or records it deems necessary to carry out its functions, and each such department, agency, and instrumentality is authorized to cooperate with the Council and, to the extent permitted by law to furnish such information and records to the Council, upon request made by the Chairman or by any member when acting as Chairman.

"(f) The first meeting of the Council shall occur not later than 30 days after the enactment of this legislation.

"(g) There are hereby authorized to be appropriated such amounts as may be necessary to carry out the purposes of this section."

By Mr. COOK (for himself, Mr. BENNETT, Mr. BELLMON, Mr. BIBLE, Mr. CRANSTON, Mr. MANSFIELD, Mr. PACKWOOD, Mr. STEVENS, and Mr. TAFT):

S. 2463. A bill to amend the Walsh-Healey Act and the Contract Work Hours Standards Act to permit certain employees to work a 10-hour day in the case of a 4-day workweek, and for other purposes. Referred to the Committee on Labor and Public Welfare.

FOUR-DAY, 40-HOUR WEEK

Mr. COOK. Mr. President, on behalf of Senators MANSFIELD, STEVENS, PACKWOOD, BENNETT, BELLMON, TAFT, CRANSTON, and BIBLE, I introduce legislation to amend the Walsh-Healey Act of 1936 and the Contract Work Hours Standards Act of 1962. My bill will permit laborers to work a 9- or 10-hour day, 4-day, 40-hour week with no provision for overtime compensation for hours worked in excess of 8 in 1 day.

There can be little doubt that with each new decade, organized labor has initiated challenges to reduce the hours of work in the work week. In the past, laborers have actively petitioned the Government to provide a 16-hour day, then the 12-hour day, the 10-hour day, and finally have nestled into the 8-hour day provided for by the Fair Labor Standards Act of 1938. Again, the 1970's is witnessing a new crusade to restructure the work week. It is in the form of the 4-day, 40-hour work week.

At the present time, in excess of 350 firms are experimenting with the 4–40 plan in one form or another, while others are slowly becoming aware of its numerous advantages. Their operations encompass a wide spectrum, ranging from retailers and manufacturers to hospitals and police departments.

Although most of those adopting the shortened workweek employ between 100 to 500 laborers, several larger companies are adding the 4-day, 40-hour workweek to their bargaining goals of this year. Leonard Woodcock, the United Autoworkers president, recognizes that the 4–40 plan offers "exciting possibilities" and President I. W. Abel, of the United Steelworkers of America, has told his union's 15th constitutional convention that—

> A shorter workweek makes sense in the 1970's.

Although experiments with the 4–40 plan are in infancy stages among large unions, there appears to be a serious desire to adopt the shortened week as soon as several obstacles are removed. My bill is an attempt to do just that. Amending the Walsh-Healey and the Contract Work Hours Standards Acts will clear the way for firms with Government contracts exceeding $10,000 to allow for restructuring the workweek where both management and labor find it to be desirable.

As incentives for adopting the 4–40 plan, Riva Poor, in the most detailed study to date, cites a number of advantages. She even goes so far as to predict that—

> Within the next five years, a good 80 percent of industry will convert to the four day week or to similar flexible scheduling.

Paul A. Samuelson, the esteemed Nobel prize winning economist, calls the 4-day workweek—

> A momentous social invention . . . merely one facet in the steady sweep toward greater leisure and less life time toil.

The Honorable James D. Hodgson, likewise recognizes the importance and popularity of the current 4-day, 40-hour trend. In testimony on S. 1861 before the Senate Labor Subcommittee on May 26, 1971, he stated:

> The 8-hour requirement apparently poses serious scheduling problems for firms desiring to work more than 8 hours a day as part of their 4-day workweek plan.

At that time the Secretary of Labor further stated:

> In view of the growing interest in the 4-day workweek and the problems already being encountered with the 8-hour standards under the public contract laws, I believe that adoption of such a standard under the Fair Labor Standards Act, the Federal law with the greatest applicability to hours of work, would be inappropriate at this time.

Mr. President, the lucid implication of Secretary Hodgson's testimony recognizes the growing desire and evolving impetus to adopt the restructured workweek. I feel, as does the Secretary of Labor, that the 4–40 plan deserves a candid examination at this time, both by management and labor.

One cannot help but notice that adoption of provisions requiring time and one-half overtime compensation for hours worked in excess of 8 in 1 day is having significant adverse effects upon those weighing implementation of a 4-day, 40-hour workweek. Not only is flexibility in scheduling to meet specific needs eliminated, but also, the 8-hour provision unnecessarily forces a firm to become noncompetitive.

Let me take a minute to enumerate upon this latter point. Take, for example, employee X who works a 4-day, 40-hour schedule. He works 10 hours a day at straight pay. Let us also take, for example, employee Y who also works a 4-day, 40-hour week, but because of Federal regulations, he is paid straight pay for 8 hours and premium pay for the 9th and 10th hour. For the same amount of work, you can see that employee Y received 11 hours of pay for 10 hours work, while employee X received 10 hours pay for 10 hours work. In the course of 1 week, employee Y received 4 hours more pay and 200 hours more pay in 1 year than employee X. When hundreds of workers are affected, how obvious it is that an employer cannot realistically pay such wages and still expect to operate at a profit, like his competitor who does not operate under this law.

My bill is designed to allow those businesses and industries, and their employees, which deem change to be propitious, the opportunity to rearrange their workweek schedule and still remain competitive. I wish to make it very clear that by amending the Walsh-Healey and Contract Work Hours Standards Acts, by no means are the inserted provisions intended to absolutely alter management-labor relations. Adoption of my bill will neither have a deleterious nor ominous impact upon labor. Rather this permissive piece of legislation will benefit laborers and management alike. It is wholly designed to be voluntarily negotiated by those who clearly see changing the workweek structure as a step toward lucrative returns.

Riva Poor, in "4-days, 40-hours: Reporting a Revolution in Work and Leisure," documents what attracts companies to the restructured workweek. Upon examination of 27 firms implementing this innovative workweek at that time, Mrs. Poor noted the advantages over a 5-day, 40-hour week:

First. The 4-day week meant more time for hobbies, shopping, leisure, and family activities.

Second. Equipment could be used more efficiently with longer shifts.

Third. An extra day off was a considerable boost to morale.

Fourth. With the shorter workweek, absenteeism, turnover, recruitment activity, expenses and payroll for overtime were dramatically decreased.

Fifth. Productivity was increased, in most cases, considerably. Although employers, for the most part, are leading the way toward the revolutionary workweek, inauguration of the adjusted work schedule has brought an outpouring from laborers who wish their companies would adopt the 4–40 plan. The literally thousands of queries are indicative of the fact that this restructured workweek plan offers lucrative advantages over the present workweek, which has been our touchstone for more than 30 years.

Another important aspect of restructuring the workweek is that it will significantly help stave off the rising unemployment which is threatening the Nation today. The Bureau of Labor statistics reports that for the month of June, 5.5 million people were unemployed, representing 5.6 percent of the population, with no end in sight to the spiraling climb. However, I believe my bill will be a realistic way of cutting out the jobless chaos. Presently, those firms which cannot operate competitively due to Federal regulations requiring overtime compensation are struggling to operate at a profit. Some may even be forced to shut down their operations, causing layoffs of significant numbers of laborers. My bill, however, will eliminate this condition. It will permit industries to operate profitably, thus enabling them to retain workers, and in some cases where the margin of profit is significant, to open new branches and thereby spread job opportunities.

I raise one additional point before I close. This year, for the first time, this Nation's 85 million-plus labor force will automatically get a taste of the 3-day weekend, 4-day workweek. Under the new Federal Monday holiday law, five of our 10 national holidays will fall on Monday. This means that for 10 percent of the year, workers will be working a 4-day week. The effect of this law is that it has provided us with a preview of reactions for both management and labor. From all reports, their reactions seem to be favorable. The idea of added leisure time provided by Federal legislation seems to be an auspicious change. It also seems ludicrous for the Federal Government to manditorily provide for this concept in one instance, and discourage it in another.

Now, Mr. President, I do not want to pretend for one moment that this legislation will benefit all facets of industry. Certainly problems arise for companies utilizing three 8-hour shifts. Three 10-hour shifts just do not work very well in the 24-hour day, and I recognize this. But, for companies that see changing the workweek as a feasible alternative to poverty, it is not within the authority of this body to deny them that right.

Mr. President, for decades the workweek has been an immutable fact of life, and needlessly so. However, I see it as a variable, rather than a fixed element of business operations. It is time for Congress to be at the fore of change. I, therefore, urge immediate action on this bill.

By Mr. McGOVERN:

S. 2464. A bill to amend the Voting Rights Act of 1965 to require that persons eligible to register to vote in Federal elections shall be permitted to register as late as 30 days prior to the date of such an election. Referred to the Committee on Rules and Administration.

REGISTRATION FOR FEDERAL ELECTIONS

Mr. McGOVERN. Mr. President, in connection with the bill that we are introducing to allow registration for voting in Federal elections as late as 30 days prior to that election, Representative ABNER J. MIKVA and I have issued the following joint statement.

A serious gap exists in the present voting rights law which would not be remedied by any of the amendments proposed during the present session of the Congress.

Registration books in many States close well before elections are to take place. This is particularly the case for primary elections. In one State, for example, registration for a primary election which will take place in the summer is closed prior to the general election in the previous year. The effect of this provision is to reduce the franchise for the primary election by imposing a kind of additional residence requirement. In addition, a voter who is only dimly aware of the forthcoming primary campaign some 9 months before the primary election has no opportunity to register once that campaign is under way.

The purpose of voting laws should be to encourage and facilitate voting by the greatest number of citizens consistent with the safeguards necessary to prevent abuse of the franchise through such practices as double voting. But, all too often, voting laws serve as an impediment to the effective practice of democracy.

The purpose of this bill is to remove a major obstacle to maximum participation. It is particularly important as many young people join the voting population. Most of them are unaware of the intricacies of existing law and may find themselves disenfranchised in next year's primaries. This bill would help them.

This bill simply reduces the time required for registration prior to a Federal primary or general election to 30 days. It does not affect residence requirements which may be covered by State law or by present or future Federal law.

If we are sincere in our desire to make it easier for all citizens to vote, we should pass this bill.

Mr. President, I ask unanimous consent that the text of this legislation be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2464

A bill to amend the Voting Rights Act of 1965 to require that persons eligible to register to vote in Federal election shall be permitted to register as late as 30 days prior to the date of such an election

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Voting Rights Act of 1965 is amended by adding at the end thereof the following new title:

"TITLE IV—REGISTRATION TO VOTE IN CONGRESSIONAL ELECTIONS AND PRESIDENTIAL PRIMARY ELECTIONS

"DECLARATION OF PURPOSE

"SEC. 401. Pursuant to its authority under section 4 of Article I and other provisions of the Constitution, the Congress finds it necessary to prescribe certain uniform regulations with respect to the time that citizens may register to vote in Federal elections so that they may have an opportunity to register, if qualified to do so under law, as late as 30 days prior to the date of such an election.

"DEFINITION

"SEC. 402. As used in this title, the term—

"(1) 'Federal election' means a primary, general, or special election held to select presidential electors, or a Senator, Representative, or Delegate or Resident Commissioner to the Congress or a primary election held for the expression of a preference for the nomination of persons for election to the office of President or for the selection of delegates to a national nominating convention of a political party held to nominate candidates for the office of President.

"(2) 'State' means each of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

"REGISTRATION

"SEC. 403. (a) Each State and its political subdivisions shall permit any person eligible to register to vote in any Federal election to so register as late as 30 days preceding the date of such election.

"(b) This section shall not be construed to affect the duration or application of residency requirements imposed by any State or by Federal law upon the eligibility of an individual to vote in any Federal election.

"JUDICIAL RELIEF AND ENFORCEMENT

"SEC. 404. The provisions of this title shall be enforced by the Attorney General in accordance with the provisions of section 203 of this Act."

By Mr. CHILES (for himself and Mr. JACKSON):

S. 2465. A bill to establish the Everglades-Big Cypress National Recreation Area in the State of Florida, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

EVERGLADES-BIG CYPRESS NATIONAL RECREATION AREA

Mr. CHILES. Mr. President, I am today introducing legislation along with Senator JACKSON to permit the U.S. Government to purchase the Big Cypress watershed. During the past months I have studied the various alternatives available to protect this beautiful area of Florida and I have come to the conclusion that the direct acquisition of this land is a straightforward and fair approach and the most complete way of protecting a key link to the survival of the Everglades National Park.

The Big Cypress watershed can remain a viable resource complex from which its human residents and neighbors will gain enormous and lasting benefits; or it can be carelessly exploited for the immediate gain of a few—and an enduring disaster to many.

Maintained as a protected ecosystem, Big Cypress will provide major benefits which can be grouped in five broad categories:

As an entity in itself, considered apart from its surroundings, Big Cypress watershed is a distinctive community of highly diverse flora and fauna, including a number of endangered species, serving as a habitat for the continuing evolution of plant and animal species whose potential in an evolving world is as yet unexplored, and furnishing opportunities for hunting, fishing, and the appreciative forms of recreation in a natural setting of a kind that is increasingly scarce and elusive.

As a source of fresh water and essential nutrient supply to the estuaries of Everglades National Park and the Ten Thousand Islands, Big Cypress watershed is the key to survival of the far-reaching recreational and commercial fishing enterprises that depend upon those estuaries.

The entire food chain relationship that supports a major segment of Everglades National Park's plant and animal communities is dependent on maintenance of the continuing flow of Big Cypress water. The quality and quantity of the water, and the timing of its delivery into the park, must remain much the same as it is at present if the Everglades ecosystem and its wildlife are to survive.

The Big Cypress watershed serves as a natural "water conservation area," recharging the aquifer from which rapidly growing neighboring communities will draw much of their fresh water. Deprived of such recharge, the aquifer would be vulnerable to damaging salt water intrusion.

The natural cycles of Big Cypress' water flow, and the life cycles of the living things dependent on that flow, are integral and vital parts of the lives of the Miccosukee and Seminole Indians residing on and near the watershed.

The Big Cypress is threatened today. Already the water in the canals east of Naples contains iron, lead, and aluminum at levels greater than are found in natural waters from undrained areas nearby. Given sufficiently increased concentrations, these contaminants can detrimentally affect the quality of the water supplies in the aquifer. Further contamination by nutrients and organisms that affect public health, can be expected as a result of the use of septic tanks in the area, and in the event of further agricultural development in the Big Cypress. At the same time, irrigation needs will mount, putting additional demands on the waters of the Big Cypress

The report, "Environmental Problems in South Florida," made by the National Academy of Sciences/National Academy of Engineers in March of 1970, stated—

> It is clear that preservation of the Big Swamp as a natural water-conservation area would be most desirable relative to the Everglades National Park, and, as indicated in the section on water management, probably most desirable to orderly development of the South Florida region as a whole.

The Big Cypress is jeopardized by the pressure for progress based on sometimes well-intended, but too often ill-planned, development. Inevitably, the destiny of the Big Cypress is intricately interwoven with that of an enormous and widespread array of living and inanimate things. Within its boundaries, its natural components can provide an unending procession of rewarding human experiences, and great scientific benefit. The Big Cypress is an intricate mosaic of marsh and lowland forest types—a wilderness of sloughs, tree islands or hammocks, and bay and cypress heads. Cypress dominates and gives the area its name.

Mr. President, the fate of the broad, flat, very gently sloping watershed in southwest Florida hangs in precarious balance. In the extraordinary diversity and wealth of its natural resources, in the far-reaching effects of the uses to which it is put by man, and in its profound vulnerability to unwise uses, the Big Cypress has the potential for becoming the textbook or classic example of ecological ruin.

We cannot allow this area to become an ecological ruin, and this legislation will again put this Congress on record as dedicated to preservation of our environment. Time and time again we must echo this dedication by action in the positive—and the purchase of this natural wilderness before man has inflicted permanent damage, will be the mark of a Congress so dedicated.

I ask unanimous consent that a copy of this bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2465

A bill to establish the Everglades-Big Cypress National Recreation Area in the State of Florida, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to protect for the benefit, education and recreational use of present and future generations the unique environment found in the Big Cypress Swamp area of southwestern Florida, in order to preserve Everglades National Park, which is dependent for more than half its surface water supply on water flowing from the Big Cypress Swamp, in order to preserve the fresh water supply and estuarine dependent fisheries of south Florida, and in order to assure the economic well being and cultural integrity of the Miccosukee Tribe of Indians of Florida and Seminole Tribe of Florida, there is hereby established the Everglades-Big Cypress National Recreation Area (hereinafter referred to as the "recreation area"). The boundaries of the recreation area shall be as generally depicted on the map entitled "Everglades-Big Cypress National Recreation Area," numbered NRA–BC–91,000, and dated March 1971, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary of the Interior (hereinafter referred to as the "Secretary") may make minor adjustments in the boundary from time to time by publication of a revised map or other description in the Federal Register, but the total area within the recreation area shall not exceed 585,000 acres.

Sec. 2(a). Within the boundaries of the recreation area the Secretary is authorized to acquire lands, waters, and interests therein by donation, purchase with donated or appropriated funds, exchange, or transfer from any other Federal agency, except that property owned by the State of Florida or any political subdivision thereof may be acquired only with the consent of the owner. Federal property within the boundaries of the recreation area may, with the concurrence of the head of the agency having jurisdiction thereof, be transferred without reimbursement to the administrative jurisdiction of the Secretary for the purposes of this Act.

(b) Effective on the date of enactment of this Act, there is hereby vested in the United States all right, title, and interest in, and the right to immediate possession of, all real property, except real property owned by the State of Florida or any political subdivision thereof and except improved property as defined in this Act, within that part of the recreation area described as follows:

Beginning, from the section corner common to sections 11, 12, 13 and 14, T.53S., R.30E., FMP, northerly along the section lines approximately 10 miles to the section corner —— common to sections 23, 24, 25 and 26, T.51S., R.30E., thence west along the section lines approximately 3 miles to the section corner common to sections 20, 21, 28 and 29, T.51S., R.30E., thence north along the section lines approximately 7 miles to the section corner common to sections 16, 17, 20 and 21, T.50S., R.30E., thence east along the section lines approximately 3 miles to the section corner common to sections 13, 14, 23 and 24, T.50S., R.30E., thence north along the section lines approximately 3 miles to the intersection of the south right-of-way line of Alligator Alley, State Highway #84 which point is near the corner common to sections 35 and 36, T.49S., R.30E., and sections 1 and 2, T.50S., R.30E., thence generally east along said south right-of-way line of State Highway #84 approximately 8 miles to a point near the corner common to sections 31 and 32, T.49S., R.32E., and sections 5 and 6, T.50S., R.32E., thence south along the section lines approximately 1 mile to the corner common to sections 5, 6, 7 and 8, T.50S., R32E., thence east along section lines approximately 2 miles to the —— corner common to sections 3, 4, 9 and 10, T.50S., R.32E., thence south approximately 1 mile along section lines to the corner common to sections 9, 10, 15 and 16, T.50S., R.32E., thence east approximately 1 mile along section lines to the corner common to sections 10, 11, 14 and 15, T.50S., R.32E., thence south approximately 1 mile along section lines to section corner common to sections 14, 15, 22 and 23, T.50S., R.32E., thence east along section lines approximately 3 miles to the —— corner common to sections 17, 18, 19 and 20, T.50S., R.33E., thence south along section lines approximately 1 mile to the —— corner common to sections 19, 20, 29 and 30, T.50S., R.33E., thence east along section lines approximately 4 miles to the section corner common to sections 23, 24, 25 and 26, T.50S., R.33E., thence south along section lines approximately one mile to the —— corner common to sections 25, 26, 35 and 36, T50S., R.33E., thence east along section lines approximately 2 miles to the —— corner common to sections 29, 30, 31 and 32, T.50S., R.34E., thence south along section lines approximately 1 mile to the —— corner common to sections 31 and 32, T.50N., R.34E., and sections 5 and 6, T.51S., R.34E., thence east along section lines approximately 3 miles to the corner common to sections 34 and 35, T.50S., R.34E., and sections 2 and 3, T.51S., R.34E., thence south approximately 1 mile to the —— corner common to sections 2, 3, 10 and 11, T.51S., R.34E., thence east along section lines approximately 2 miles to the section corner common to sections 1 and 12, T.51S., R.34E., and sections 6 and 7, T.51S., R.35E., thence south along sections lines approximately 5 miles to the —— corner common to section 36, T.51S., R.34E., section 1, T.52S., R.34E., section 31, T.51S., R.35E., and section 6, T.52S., R.35E., thence east approximately 3 miles to the west right-of-way line of Levee of C28 Central and Southern Flood Control Project, thence generally south along said right-of-way line approximately 14 miles to the intersection north of the right-of-way line of the Tamiami Trail, thence south to the south right-of-way line which point is near the section corner common to sections 5, 6, 7 and 8, T.54S., R.35E., thence generally southeasterly along said right-of-way approximately 3 miles to the intersection with the north boundary of Everglades National Park near the location of a point known as Forty Mile Bend on the Tamiami Trail, thence along the North Boundary of Everglades National Park to the point of beginning, consisting of 505,600 acres more or less, which will include an area of legislative taking consisting of 262,700 acres more or less.

LEGISLATIVE TAKING

Beginning at the section corner common to sections 12 and 13, T.53S., R.30E., FPM, and sections 7 and 18, T.53S., R.31E., thence, north along section lines approximately 2 miles to a point that intersects with the east right-of-way of State Highway No. 840, said point being near the corner common to sections 36, T52S., T.30E., section 1, T.53S., R.30E., section 6, T.53S., R.31E., and section 31, T.52S., R.31E., thence, northerly along said right-of-way line approximately 3 miles to a point on said right-of-way line near the corner common to sections 13 and 24, T.52S, R.30E., and sections 18 and 19, T.52S., R31E., thence, east along section lines approximately 26 miles to the west right-of-way line of Levee of C–28, of the Central and Southern Florida flood control project, thence southerly along said right-of-way approximately 11 miles to the intersection north of the right-of-way line of the Tamiami Trail, State Highway No. 41, thence, due south across the Tamiami Trail, to the south right-of-way line which point is near the corner common to sections 5, 6, 7 and 8, T.54S., R.35E., thence, southeasterly along said right-of-way approximately 3 miles to the intersection with the north boundary of Everglades National Park near the location of a point known as Forty Mile Bend on the Tamiami Trail, thence, along the North Boundary of Everglades National Park to the point of beginning, consisting of 262,700 acres more or less.

(c) The United States will pay just compensation to the owner of any real property taken by subsection (b) of this section. Such compensation shall be paid either: (1) by the Secretary of the Treasury from money appropriated from the Land and Water Conservation Fund, including money appropriated to the Fund pursuant to section 2(c) of the Land and Water Conservation Fund Act of 1965, as amended, upon certification to him by the Secretary of the agreed negotiated value of such property, or the valuation of the property awarded by judgment, including interest at the rate of 6 per centum per annum from the date of taking the property to the date of payment thereof; or (2) by the Secretary, if the owner of the land concurs, with any federally owned property available to him or acquired by him for purposes of exchange pursuant to the provisions of section 4 of this Act; or (3) by the Secretary using any combination of such money or federally owned property. Any action against the United States for the recovery of just compensation for the land and interests therein taken by the United States by subsection (b) of this section shall be brought not later than two years from the effective date of this Act in the Court of Claims as provided in title 28, United States Code, section 1491.

(d) With respect to any property taken pursuant to subsection (b) which in the Secretary's judgment is not essential for the protection, or administration of the recreation area in accordance with the purposes of this Act, the Secretary may take appropriate action to revest title to such property in the former owner.

Sec. 3(a). The owner of improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for himself and his heirs and assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term of not more than twenty-five years or, in lieu thereof, for a term ending at the death of the owner or the death of his spouse, whichever is later. The owner shall elect the term to be reserved. Unless this property is wholly or partially donated to the United States, the Secretary shall pay the owner the fair market value of the property on the date of acquisition less the fair market value on that date of the right retained by the owner. A right retained pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercized in a manner inconsistent with the purposes of this Act, and it shall terminate by operation of law upon the Secretary's notifying the holder of the right of such determination and tendering to him an amount equal to the fair market value of that portion of the right which remains unexpired.

(b) As used in this Act the term "improved property" means a detached, one-family dwelling, construction of which was begun before January 1, 1971, which is used for noncommercial residential purposes, together with not to exceed three acres of the land on which the dwelling is situated, such land being in the same ownership as the dwelling, together with any structures accessory to the dwelling which are situated on such land.

Sec. 4. Notwithstanding any other provision of law, the Secretary may acquire, by any of the methods set forth in section 2(a) of this Act, lands, waters, and interests therein outside the boundaries of the recreation area but within the State of Florida and exchange such property for property of approximately equal value within the boundaries.

Sec. 5.(a) The Secretary shall administer the recreation area in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented, and in accordance with such other statutory authorities available to the Secretary for the conservation and management of natural resources to the extent that he finds such authorities will further the purposes of this Act. In administering the recreation area the Secretary shall make appropriate use of the authority in section 5(a) of the Act of July 15, 1968 (82 Stat. 354, 356), to convey property acquired for the purposes of this Act to former owners thereof.

(b) No additional access roads or canals shall be constructed within or leading to the recreation area, and no facilities for the care and accommodation of visitors shall be constructed or permitted other than on lands which, on the effective date of this Act, have been filled, dredged, built up, or otherwise permanently altered for construction purposes, it being the intention of this subsection that establishment of the recreation area shall in no way further adversely alter the natural ecology of the area.

SEC. 6. The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the recreation areas in accordance with applicable laws of the State of Florida and of the United States, except that he may designate zones where and establish periods when no hunting, fishing, or trapping may be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any regulations of the Secretary to carry out purposes of this section shall be issued only after consultation with the Florida Department of Natural Resources. Notwithstanding this section or any other provision of this Act, members of the Miccosukee Tribe of Indians of Florida and members of the Seminole Tribe of Florida may continue their usual and customary use and occupancy of lands and waters within the recreation area, including hunting, fishing, and trapping on a subsistence basis and traditional tribal ceremonials.

SEC. 7. Notwithstanding any other provision of law, the Secretary may enter into cooperative agreements with the recognized tribal governing bodies of the Miccosukee Tribe of Indians of Florida and the Seminole Tribe of Florida, for the construction and operation by such recognized Indian tribes, or their assigns, of revenue-producing facilities and services for visitors to the recreation area. Such agreements may provide that all or an appropriate portion of the net receipts may be retained by such Indian tribes or their assigns shall be subject to such standards, terms, and conditions as the Secretary may establish, and may be conducted only at locations designated by the Secretary. Before entering into any other contract for the provision of revenue-producing visitor services of facilities for the recreation area, the Secretary shall give the governing bodies of such Indian tribes recognized by the United States ninety days in which to enter into a cooperative agreement pursuant to this section for the provision of such visitor services or facilities.

SEC. 8. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, not to exceed, however, $——— (February 1971 prices) for development of the recreation area, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein.

By Mr. HOLLINGS:

S. 2467. A bill to amend the Natural Gas Act. Referred to the Committee on Commerce.

NATURAL GAS ACT AMENDMENTS OF 1971

Mr. HOLLINGS. Mr. President, I introduce for appropriate reference a bill, entitled the Natural Gas Act Amendments of 1971. This bill is one step toward alleviation of the natural gas supply shortage, a consumer problem of national importance.

This shortage is a national problem because a tremendous volume of natural gas is used in this country—for example 22 trillion cubic feet were consumed last year. Natural gas fires industrial boilers and furnaces, fuels electric power generating plants, and goes into 39 million homes and apartments and more than 3 million business establishments. It accounts for one-third of all U.S. energy consumption, and demand has been rising at the rate of 7 percent a year.

Consumption of natural gas no doubt would climb even faster if there were an adequate supply. However, the inescapable truth is that not enough gas is being produced in the United States to meet the constantly increasing demand.

For some years now, the gap between annual additions to proved gas reserves and withdrawals has been steadily narrowing. The crossover point was reached in 1968. In that year, for the first time in the history of the industry, more gas was consumed in the United States than was found, reducing the known reserves by 5.6 trillion cubic feet. In 1969, reserves were reduced by 12.3 trillion cubic feet, and in 1970, the deficit for the contiguous 48 States was 10.6 trillion cubic feet.

The supply crisis is now.

Many gas distributing companies already have notified customers that additional gas service will not be available until additional supplies are in sight. Major interstate pipeline companies virtually ruled out new customer attachments last winter. In April, the Federal Power Commission announced that, in order to deal with gas shortages expected next winter, pipeline companies will be required to curtail sales to industrial consumers so storage fields can be filled with gas for home heating and other domestic use.

This policy statement by the Federal Power Commission assumes added significance in view of the developing environmental crisis. A leading reason for the increased demand for natural gas is its ability to meet even the most stringent air quality regulations. However, industries denied natural gas will be compelled to use less clean-burning fuels, resulting in further air pollution, or if these fuels cannot meet existing air quality standards, the industry would be forced to shut down, or cut back on production.

Ironically, the growing demand for gas has been accompanied by a drastic slowdown in the search for new gas reserves. The legislation I am introducing represents an important step in attacking the root causes of this slowdown by restoring the incentive for producers to step up their efforts to bring in new reserves of natural gas.

Under existing regulations, the producers and the pipeline companies sign sales contracts covering volume of gas to be delivered, prices, and delivery terms, all of which must be approved by the Federal Power Commission. However, even after this approval and after the producer begins deliveries, every provision of his contract with the pipeline company is subject to change and revision by subsequent Commission action. The Commission may decide to change the prices stated in the contract, or to extend the terms of the contract, or to change the actual volumes of gas to be delivered—or all three. Hence, sanctity of contract, taken for granted in other fields of business, is absent here.

The practical effect of this situation is obvious. If the producer cannot know how much he will be paid for his gas, or how long he will be paid a specific price, or how much gas he must deliver, or how long he must continue to make deliveries, his incentive to search out new supplies of gas is inevitably lessened.

My bill would restore this incentive by making these sales contracts valid and binding. At the same time, the Federal Power Commission would retain its present control of natural gas prices at the wellhead.

All contracts covering gas deliveries commencing after the bill's effective date would be submitted to the Federal Power Commission, just as they are now. The Commission would then take one of three actions. It could approve the contract as submitted, in which case, the contract would become binding on all parties, and would not be subject to later change.

The second option open to the Commission would be to approve the contract subject to conditions stipulated by the Commission. If the parties to the contract accepted these conditions, the contract would become effective. If the conditions were not accepted, the contract would be void.

As a third option, the Commission could disapprove the contract, and in that case the contract would be void.

The effect of my bill would be simply to establish solid ground upon which controls can be formulated and exercised by the Commission and upon which plans can be made by producers for increased exploration and replenishment of our dwindling supply of natural gas.

My bill also would exempt small producers whose total sales in interstate commerce do not exceed 10,000,000 Mc. f. during a calendar year. The Commission itself has adopted this exemption by ruling, thus recognizing the wisdom of this approach. While exempting only a small amount of the gas sold in interstate commerce, it considerably reduces the paperwork load of the Commission. Further, since small producers customarily follow the pricing lead of larger producers, it will not affect gas prices.

No change would be made in the regulation of the price for gas sold under contracts in existence prior to enactment of this legislation except that once the Federal Power Commission approved a price for gas under these contracts, it could not reduce the price.

Mr. President, my State is a consumer, not a producer, of natural gas. As consumers, we are deeply concerned when interstate pipeline companies announce that they are unable to take on new customers or to sell additional gas to their present customers, or that they must curtail some deliveries.

We are concerned when gas supplies are held out of interstate commerce because operators prefer to function under State rules.

We are concerned when we learn that the United States may become dependent upon foreign sources for its fuel supply. Applications already have been filed with the Federal Power Commission for the importation of nearly 1½ billion cubic feet a day of liquefied natural gas.

Negotiations are underway for another 2 billion cubic feet a day. Most of this liquefied natural gas would come from the same turbulent areas of the world that previously demonstrated their unreliability as a source of oil. In addition, the price for such imported gas would be substantially higher than for domestically produced gas.

These are matters that concern all consumers of natural gas—more than 140 million Americans.

Unless the supply shortage crisis is averted, many of these consumers will suffer extreme hardship. While this legislation is not a total solution to the present energy fuel shortage, it will encourage location and development of new domestic gas reserves. We can no longer delay in this development. This is a time for positive action and this is a bill proposing positive action.

By Mr. BEALL:

S. 2468. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict. Referred to the Committee on Finance.

Mr. BEALL. Mr. President, I send to the desk a bill which would exempt from Federal income taxes the income of the entire amount of income of members of the Armed Forces who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict.

All Americans are deeply concerned about the welfare of our servicemen who are presently being held as prisoners of war in North Vietnam and those termed "missing in action" and presumed to be prisoners. Of equal concern is the emotional and financial strain placed upon the families of the soldiers and pilots who have been captive for over 7 years.

While every effort is being made to secure the release of the POW's, Congress has the responsibility of making life a little easier for the dependents of these men. One means of doing this would be to make the military income of America's servicemen missing in action or imprisoned in North Vietnam totally exempt from taxation by the Federal Government. At present, only enlisted men and warrant officers serving in a combat zone being held prisoner by the enemy receive such consideration; commissioned officers are given an exemption on only a part of their monthly pay. According to the Defense Department, as of May 15, 1971, of the 407 missing in action, approximately 95 percent are officers. Of the 378 captured in North Vietnam, approximately 99 percent are officers. Since the great majority of prisoners are officers, this measure would be a significant step in the right direction.

This bill would be similar to two other bills currently being considered by the House of Representatives. Relieving the families of the prisoners from the burden of taxation is the least we can do for men who have sacrificed so much as a result of their unselfish service to their country. The cost of this measure is small compared to what these men and their families have given. Until we can gain the release of these men, we must not be oblivious to the needs of their wives and children. I sincerely hope that Congress will act swiftly in approving this important legislation.

By Mr. TAFT (for himself, Mr. SCOTT, and Mr. SAXBE):

S. 2470. A bill to amend the act requiring evidence of certain financial responsibility and establishing minimum standards for certain passenger vessels in order to exempt certain vessels operating on inland rivers. Referred to the Committee on Commerce.

PERMANENT EXEMPTION FOR THE "DELTA QUEEN"

Mr. TAFT. Mr. President, I am today introducing on behalf of Senator SCOTT, Senator SAXBE, and myself, a bill to permanently exempt the steamboat *Delta Queen* from the 1966 safety at sea law. Such a measure is necessary and appropriate to protect an important and historic vessel. By definition and intent the *Delta Queen* should never have been included in the safety at sea law to begin with.

The *Delta Queen* is a shallow draft vessel and its operation is limited entirely the the inland rivers—specifically the Mississippi and its tributaries. It is only a few minutes from shore and never encounters the hazards of the open sea.

On three occasions the U.S. Senate and the House of Representatives have acknowledged the inappropriateness of the law as it relates to the *Delta Queen* and have voted to exempt her from the provisions of the safety at sea law. Most recently, after unanimous approval by the Senate, the House of Representatives voted 295 to 73 to exempt the *Delta Queen* from the safety at sea law until November 1, 1973.

During the *Delta Queen*'s layover last winter, her owners spent approximately $500,000 on repairs, renovation, and remodeling to make her safer and more comfortable. Safety improvements included removing 45 years' accumulation of oil base paints on the exterior and applying on the overheads and bulkheads of the superstructure three coats of fire-retardant and fire-resistant paint. The interiors of all staterooms were similarly treated. All canvas covered decks were stripped bare and covered with a fireproof flexible compound.

A complete new diesel electric generator system was installed. Now all auxiliary and support systems may be operated even in the event steam is shut off. New electrical pumps for the automatic sprinkler system and the fire mains can also be operated by the new diesel generator. There were numerous other safety improvements made during the winter layup including the installation of an automatic fire detection system in crew and work areas.

All these improvements, coupled with previously installed safety equipment such as the automatic sprinkler system have provided the *Delta Queen* with far more protection than you would expect of similarly constructed homes, apartment buildings and hotels on land.

The owners of the *Delta Queen* have conscienciously met every requirement set by the U.S. Coast Guard in annual and quartely inspections. Further they have met and exceeded safety recommendations by independent experts and the National Aeronautics and Space Administration.

Recognizing the fact that the *Delta Queen* is the last overnight steamboat operating on the Ohio, Mississippi, and Tennessee Rivers, the Department of the Interior has listed the *Delta Queen* in the National Register of Historic Places. Dedicated citizens and preservation groups such as the National Trust for Historic Preservation have widely acclaimed the *Delta Queen* as one of the few living monuments to a bygone era and have been most vocal in recommending to Senators and Congressmen that the vessel be permanently exempted from the safety at sea law.

This year thousands of Americans have booked the *Delta Queen* to capacity and the vessel is greeted all along the river by enthusiastic crowds who were instrumental last year in persuading their representatives to vote at least a temporary exemption for the *Delta Queen*. The same citizens have continued in their efforts to get a permanent exemption.

The owners of the *Delta Queen* have assured me that they will continue to upgrade and improve her facilities and safety equipment at every opportunity. As an example, the owners are now designing and making arrangements to install a modern sanitation system that will far exceed the recomendations proposed by the Environmental Protection Agency. If the present design criteria are practical, the *Delta Queen* may very well have the most sophisticated waste handling water system in the U.S. Merchant Marine. The expense to the owners is substantial but they believe it is important that the *Delta Queen* operation be above reproach in every way.

Mr. SCOTT. Mr. President, I welcome this opportunity to join with the distinguished Senator from Ohio (Mr. TAFT) as a cosponsor of his bill to permanently exempt the historic paddle-wheeler *Delta Queen* from Federal safety requirements now set for oceangoing vessels.

In effect, this legislation would extend indefinitely the 3-year exemption from the Safety at Sea Act which Congress last year granted for the *Delta Queen* and under which she is now sailing as the last of the overnight passenger riverboats to ply America's inland waters—a monument to a bygone era.

I am pleased to note that the people of my Commonwealth of Pennsylvania have a special interest in the *Delta Queen*. The steamer has been seen often in Pittsburgh during the several decades she has sailed on the Monongahela, Ohio, Tennessee, and Mississippi Rivers on trips terminating in New Orleans.

Recognizing the great popularity of the *Delta Queen*, Congress has acted on three occasions to extend its life as an overnight passenger vessel. With this bill, Congress now has an opportunity to finally settle this question once and for all.

At issue, Mr. President, is Public Law 89-777, the so-called Safety at Sea Act which Congress passed in 1966 to authorize the setting of Federal safety requirements for oceangoing passenger ships operating under the hazards of the open seas. There is every reason to believe, however, that the *Delta Queen* should never have been included, either by interpretation or intent, within the scope of this act.

In marked contrast to passenger ocean liners, the *Delta Queen* is a shallow draft vessel which sails in usually calm inland river waters, and which is never any great distance from shore. Most of her staterooms open on to outside decks for added safety advantage. It is worth noting that in the more than 80 years during which the *Delta Queen*'s owners have operated 28 riverboats, they have never experienced a single passenger fatality.

What in my opinion is even more impressive, however, is the fact that the *Delta Queen*'s owners have conscientiously lived up in good faith to the confidence which Congress implied in granting last year's 3-year exemption. Although not required to do so, the ship's owners subsequently invested nearly a half million dollars to make further safety improvements to the vessel.

During last winter's end-of-season layover, 45 years of accumulated oil-based paint were removed from the *Delta Queen*'s wooden superstructure and three new coats of fire-resistant paint were applied. The interiors of all staterooms were similarly treated. All canvas covered decks were stripped bare and were then covered with fireproof flexible compound.

A completely new diesel electric generator and new electrical pumps were installed to make sure that the ship's main and auxiliary fire sprinkler systems could continue to operate even in the event of a failure to the central steam system. In addition, automatic fire detection systems were installed in all crew and work areas. All of these improvements were designed to provide the *Delta Queen* with far more protection than one might expect to find in similarly constructed homes and apartments on land.

Further, the *Delta Queen*'s owners are now designing, and plan to install, entirely modern sanitation mechanisms which, they believe, will bring to the 45-year-old steamer one of the most sophisticated waste handling systems available in the U.S. merchant marine.

In short, the *Delta Queen*'s owners have assured me that they have made, and will continue to make, every possible effort to meet the requirements of the Coast Guard, the Environmental Protection Agency and other interested Federal authorities.

Therefore, Mr. President, I am pleased to support this legislation which will enable the *Delta Queen* to play a permanent role in America's passenger transportation system.

I believe there is an important matter of public policy at stake here. Those who ride the *Delta Queen* from Pittsburgh to New Orleans, and those who view her from the banks of rivers in 17 States through which she passes, are participating in a nostalgic and colorful chapter in our Nation's history, a remainder of less hurried and less troubled times.

Many feel that the *Delta Queen* ranks with Philadelphia's Independence Hall and with New York's Statue of Liberty as a national landmark, a fact which has won her official listing in the Department of the Interior's National Register of Historic Places. It is paradoxical that this vessel, which has been marked for preservation by one Federal agency, may yet be doomed by another.

I feel strongly that the Nation should not be deprived of what remains of the overnight riverboat's role in our American heritage, made famous by Mark Twain. With this in mind, I urge prompt and favorable consideration of this legislation.

By Mr. WILLIAMS:

S.J. Res. 152. A joint resolution to authorize the President to proclaim annually the last Friday of April as "National Arbor Day." Referred to the Committee on the Judiciary.

NATIONAL ARBOR DAY

Mr. WILLIAMS. Mr. President, today I introduce, for appropriate reference, a resolution that would authorize the President to proclaim annually the last Friday of April as "National Arbor Day."

In April 1972, this country will celebrate the 100th anniversary of the first observance of Arbor Day. For it was in 1872 that the State of Nebraska, hoping to relieve the problem of a shortage of woodland, encouraged its citizens to each plant a tree. The success of the project became so widely acclaimed that other States soon set aside special days for this particular event.

Mr. President, I believe that it would be especially appropriate for Congress to act quickly and favorably on this resolution so that all Americans may join in the centennial observance of Arbor Day.

By Mr. BELLMON:

S. 2471. A bill to specifically authorize loans by the Small Business Administration to small business concerns engaged in farming operations to finance the production of agricultural commodities, and to permit national banks to invest in agricultural credit corporations. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. BELLMON. Mr. President, last week the Senate took a major step toward meeting the growing credit needs of America's agricultural producers by the passage of the Farm Credit Act of 1971.

This legislation will do much to strengthen and modernize the farm credit system and make it possible for many additional farm operators, especially young farmers, to obtain the necessary capital to enter or stay in business.

While this act goes a long way toward improving farm credit by providing more flexibility in financing, eliminating some of the redtape and making government lending institutions more responsive to farmers' needs, additional improvements can and should be made.

Therefore, I am today introducing a bill to specifically authorize loans by the Small Business Administration for agricultural production enterprises and to permit national banks to invest in agriculture credit corporations.

This bill amends the Small Business Act to authorize the Small Business Administration to make loans to finance the production, as well as the processing, of agricultural commodities. At present, SBA loans are limited to agricultural processing.

It also amends the Banking Act to allow a number of small banks to go together in forming an agricultural credit corporation so they would have a capital structure large enough to make sizable farm loans. Agriculture has become big business and larger loans are necessary in order to purchase the necessary equipment, chemicals, fertilizer and other supplies. However, the average bank in a rural area is unable to make loans of sufficient size at present. There are limitations in the national banking laws that prevent a combination of banks for this purpose. This legislation is intended to modify such restrictions.

By Mr. HART:

S. 2472. A bill to supplement the antitrust laws of the United States by providing for fair competitive practices in the termination of franchise agreements. Referred to the Committee on the Judiciary.

FAIRNESS IN FRANCHISING ACT

Mr. HART. Mr. President, $1 out of every $4 a consumer spends for goods these days goes into the pocket of a franchised business.

This includes purchases ranging from gasoline to chicken, from automobiles to temporary office help.

All told, consumers spend more than $100 billion each year with franchised operations.

Obviously, franchising is a significant segment of our economy. Yet, because it really blossomed only in recent years and because it often has been more the subject of advertising puffery than of exacting scrutiny, few safeguards have been built into the system.

Let us face it, franchising was a distribution system developed for the benefit of entrepreneurs. It grew not from the grassroots up but from the central seats of power down.

Therefore, it should not be surprising that much in the system is feudal in concept. A glance at most of the more than 700 different franchise agreements floating around in this country will substantiate that.

"The franchisee shall" is the most common phrase throughout the contracts. And, unfortunately, it often is only after that "said franchisee" has been in business a while that it begins to dawn on him that the onus to perform is chiefly on him.

Franchisees are controlled by contract to such extents as source of supplies, hours of operation, cleaning techniques, number of employees, selection of vending machines, territories of operation, and sometimes even prices to be charged.

For this "independence," the franchisee is allowed to put up the capital and frequently to work hours far in excess of those any employee would legally be allowed.

As one franchise agreement spelled it out:

> In no event shall the franchisor ever be liable to franchisees for any claims of whatever nature.

The franchisee is kept in line with a very powerful weapon:

Cancellation—or the threat of cancellation.

Faced with the loss of his investment—or both money and time—plus the ignominy of failure, franchisees "go along in order to get along."

But, under the law as it stands today even "going along" and doing a very good job for the franchisor at the same time is no protection against losing the business.

Termination—or refusal to renew—is commonplace in franchising.

And sometimes the fellow who does the very best job for the parent company is most likely to lose his business. The plum of a lush business, built on the franchisee's capital and from his sweat, is often too tempting for the parent company. So, it simply terminates the franchisee and takes over the operation.

Although much of this sounds like a modern version of "Little Red Riding Hood and the Wolf," I can assure you that it is no fairy tale. Chapter and verse were spelled out before lengthy hearings of the Senate Antitrust and Monopoly Subcommittee.

The quandary is what to do to protect what is good in franchising—particularly the opportunity it can offer for competition at the retail level in an economy desperately in need of competition.

Also to be protected, realistically, are the honest, reputable franchisors who either from the beginning of their operations or as they became aware of the problems have been trying to make the contract more equitable for franchisees.

Mr. President, I think the answer lies along the lines of the fairness in franchising bill which I reintroduce today.

This bill does not seek to wed the franchisee and franchisor together so long as they both shall live. Nor does it reverse many franchise agreements so that they become "contracts of adhesion"—making the franchise system so abhorrent to parent companies that they would rather dump the system than comply.

The bill seeks to build equity in the system—on both sides. It does so by zeroing in on that potent weapon—the threat of cancellation—seeking to make the parting of the ways as equitable as it is possible.

In short, under the bill, any franchisor may cancel any franchisee for any reason that suits his fancy—or his business judgment.

It will be noted that the bill this year permits cancellation of a franchise for legitimate business reasons. This provision was not included in the bill last year; and, as a result, the fear was expressed that the bill would wed inextricably the franchisor to the franchisee. Many felt that such a harsh approach would simply extend the vertical integration of the franchisor into company owned operations. I am hopeful that this change will allay those fears.

However, if the termination comes through no fault of the franchisee—that is, if he has been living up to all reasonable expectations of the agreement—he shall be compensated for his loss.

So the franchisor could rid himself of the nonproducer and would be liable for no compensation. However, if he wants to take over or for any reason eliminate a viable concern which has been run in a proper manner, the franchisor—in effect—must buy out the franchisee.

That is what I mean by "equitable."

There is another face of the bill which I also think is most equitable. In section 5, it spells out that if companies fear excessive litigation under the bill, this can be avoided by a binding arbitration clause in their contracts which meet the specifications of the bill.

Another portion of the bill—section 6—would prohibit a franchisor from engaging in methods of competition which constitute unfair methods of competition within the meaning of the Federal Trade Commission Act. This is aimed at correcting the so-called predatory methods of competition such as sales by the franchisor at below cost in competition with his franchisee.

Mr. President, Congress has been talking about doing something to help franchisees with their problems since 1965. Surely it is time we delivered on that promise. This bill I introduce today, I think, would go a long way toward that goal. Hopefully, we will be able to move it quickly into law.

Mr. President, I ask unanimous consent that the text of the full bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2472

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Fairness in Franchising Act".

SEC. 2. As used in this Act—

(a) The term "person" means a sole proprietor, partnership, corporation, or any other form of business organization.

(b) The term "franchise" shall mean a contract or agreement, either expressed or implied, whether oral or written, between two or more persons, excluding credit or financing arrangements, relationships between manufacturers, agreements of a bona fide and express interm or trial nature requiring a relatively small new investment by the franchisee (as hereinafter described), and warranty, cooperative advertising, training, and other programs provided by one person to another person which other person receives his franchise from a third party—

(1) wherein a commercial relationship of definite duration or continuing indefinite duration is involved;

(2) wherein one person, hereinafter called the "franchisee", is granted the right to offer, sell, and distribute goods or services to the extent that they are manufactured, processed, distributed, or (in the case of services) organized and directed by the other person, hereinafter called the "franchisor";

(3) wherein the franchisee as an independent business constitutes a component of franchisor's distribution system;

(4) wherein the operation of franchisee's business franchise is substantially associated with a franchisor's trademark, service mark, trade name, advertising or other commercial symbol designating the franchisor; and

(5) wherein the operation of franchisee's business is substantially reliant on franchisor for the continued supply of goods or services.

(c) The term "goods" means any article or thing without limitation, or any part of such article or thing, including any article or thing used or consumed by a franchisee in rendering a service established, organized, directed, or approved by a franchisor.

(d) The term "commerce", as used herein, means trade or commerce among the several States or from foreign nations and any State or territory of the United States or the District of Columbia, or between the District of Columbia or any territory of the United States and any State or territory, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or territory of the United States or any insular possession or other place under the jurisdiction of the United States.

SEC. 3. It shall be a violation of this Act for any franchiser engaged in commerce, directly or through any officer, agent, or employee to terminate, cancel, or fail to renew a franchise for any reason whatsoever without having first given written notice of such termination, cancellation, or intent not to renew to the franchisee at least ninety days in advance of such termination, cancelation, or failure to renew.

SEC. 4. Notwithstanding the terms, provisions, or conditions of any franchise, and except as provided in section 5, it shall be a violation of this Act, unless done for good cause and for legitimate business reasons, for any franchiser engaged in commerce, directly or through any officer, agent, or employee to terminate, cancel, or fail to renew a franchise or threaten to terminate, cancel, or fail to renew a franchise. Any franchiser, engaged in commerce, who does terminate, cancel, fail to renew or who threatens to terminate, cancel, or fail to renew a franchise shall have the burden of proving that the termination, cancellation, failure to renew or threat of termination, cancellation, or failure to renew a franchise was done for good cause and for legitimate business reasons. For the purposes of this Act, good cause shall include:

(a) Failure by the franchisee to substantially comply with those requirements imposed upon him by the franchise which requirements are both essential and reasonable; or,

(b) Use of bad faith by the franchisee in carrying out the terms of the franchise.

For the purposes of this Act, legitimate business reasons shall include those Acts defined as good cause but shall not include:

(a) Any conduct which violates the antitrust laws, including section 5 of the Federal Trade Commission Act; or,

(b) Cancellation, termination, or failure to renew for the purpose of enabling the franchisor to take over the franchisee's business, unless reasonable compensation is paid for the value of the franchisee's business including goodwill.

SEC. 5. The provisions of section 4 of this Act shall not apply to any written franchise containing provisions for the binding arbitration of disputes concerning the items covered in section 4 in accordance with the rules of the American Arbitration Association or other similar rules: *Provided,* That the criteria for determining whether good cause and legitimate business reasons existed for the termination, cancellation, or refusal to renew the written franchise shall be no less than that outlined in section 4 of this Act: *And provided further,* That the allowable compensation to a franchisee terminated for other than good cause shall be no less than that provided in section 7.

SEC. 6. It shall be a violation of this Act for any franchisor engaged in commerce, directly or through any officer, agent, or employee to engage directly or indirectly in methods of competition with any franchisee that constitute unfair methods of competition within the meaning of the Federal Trade Commission Act.

SEC. 7. Any franchise may bring an action against a franchisor for violation of this Act in any district court of the United States in the district in which the franchisor resides or is found, or has an agent, or in which the cause of action arises, without respect to the amount in controversy, and shall recover the damages by him sustained by reason of the franchisor's failure to comply with this Act, together with the costs of the action, including reasonable attorney fees.

SEC. 8. Any action brought pursuant to this Act shall be forever barred unless commenced within two years after the cause of action shall have accrued.

SEC. 9. No provision of this Act shall repeal, modify, or supersede, directly or indirectly, any provision of the antitrust laws of the United States. This Act is and shall be deemed supplementary to, but not a part of, the antitrust laws of the United States.

SEC. 10. This Act shall become effective six months after the date of its enactment.

SEC. 11. This Act shall not invalidate any provision of the laws of any State except insofar as there is a direct conflict between an express provision of this Act and an express provision of State law which cannot be reconciled.

SEC. 12. If any provision of this Act or the application of such provision to any person or circumstances is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall be affected thereby.

By Mr. BURDICK:

S. 2473. A bill to amend the Land and Water Conservation Fund Act of 1965 so as to authorize the development of indoor recreation facilities in certain areas. Referred to the Committee on Interior and Insular Affairs.

Mr. BURDICK. Mr. President, I am introducing today a bill which would vastly increase the benefits received by the public through the Land and Water Conservation Fund Act of 1965.

The Land and Water Conservation Fund Act established a funding program for outdoor recreation agencies in the 50 States. Projects ranging from small parks and playgrounds to huge water recreation areas have been constructed. Yet, even greater recreational demands may be met if the scope of the act would be extended to include indoor recreation facilities as well as the outdoor facilities now receiving matching funds under the program.

The benefits of such an extension can easily be taken from my own State of North Dakota. Throughout the State, the construction of 21 outdoor swimming pools has been assisted by the Outdoor Recreation Agency since its inception in 1965. The Federal share for these projects was $825,040. As beneficial as this matching aid has been to the State of North Dakota in providing swimming pools for recreational purposes, this recreational program can only be utilized 3 months out of each 12 due to the climatic conditions of the State. Similar conditions restrict optimum usage of those recreation areas where the permanent facilities do not include winter accommodations. If these fine recreational endeavors were enclosed, a new vista would open to thousands who now utilize the facilities only in the summer.

For this reason, Mr. President, I have introduced a bill to amend the Land and Water Conservation Fund Act of 1965 to authorize the development of indoor recreation facilities when the unavailability of land, or climatic conditions, provide no feasible or prudent alternative to serve identified unmet demands for recreation resources; and when the increased public use thereby made possible, justifies the construction of such facilities.

I feel that this legislation will go a long way toward realizing the goal of optimum recreational resource development. I am not alone in this belief. Support for this type of legislation has already been indicated from eight States and I suspect that many more will support this legislation as the 92d Congress proceeds. Indicative of this support is a letter which I received from Mr. John Greenslit, North Dakota State liaison officer for the Outdoor Recreation Agency, and executive director of the National Association of State Outdoor Recreation Liaison Officers. I ask that this letter be printed in the RECORD following my comments.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NORTH DAKOTA STATE
OUTDOOR RECREATION AGENCY,
Bismarck, N. Dak., June 30, 1971.

Hon. QUENTIN N. BURDICK,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR BURDICK: I have just been made aware of your introduction of a bill to amend the Land and Water Conservation Fund Act of 1965. It appears this introduction is free of the undesirable aspects of other amendments which would be detrimental to North Dakota.

I know that our Agency, as well as the North Dakota Recreation and Parks Association, of which I am currently the President, would support this proposal. As you are well aware, numerous North Dakota cities could take immediate advantage of this amendment.

I am taking the liberty of forwarding a copy of your bill to each of the other 54 State Liaison Officers, and hope to gain their individual and collective support from the National Association of State Outdoor Recreation Liaison Officers.

It would be greatly appreciated if you will keep me informed as to potential hearing dates, time, committee assignments, and other pertinent information which might be supplied so North Dakota and national testimony might be entered into the record.

Sincerely,

JOHN GREENSLIT,
State Liaison Officer.

By Mr. JACKSON (for himself and Mr. MAGNUSON):

S. 2477. A bill to protect environmental quality of the Nation's public lands administered by the Secretary of the Interior and other Federal agencies through establishment of an accelerated program of research in advanced timber harvesting techniques and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, America is concerned about its environment, and it is equally concerned about its housing and other material needs. One of our problems, and a critical issue throughout the country, is providing adequate environmental protection while harvesting timber. It is a problem that we cannot avoid. It is especially important in the West on steep mountain slopes and areas of sensitive soils.

We must harvest timber to meet national needs. An estimated 50 percent of the total timber supply in the future must come from the West, with an additional 35 percent coming from the South. Thus, if we are to meet national housing goals we must harvest timber from mountainous areas where steep slopes exist, and where environmental values are high. This is not to suggest that we remove timber from protected reserves, noncommercial stands, or from areas without soils suitable for reproduction—only that we must do a better job of timber harvesting in areas already designated for that purpose. This need applies to State lands, industrial, and other private lands, as well as those administered by the Federal Government.

We must greatly accelerate the research and development of advanced concepts for timber harvesting systems. We must take new and innovative approaches to insure environmental protection. To move rapidly in this direction, I am introducing legislation to establish in the Forest Service an accelerated program of research and development of timber harvesting methods. The Falcon—forest, advanced logging and conservation—program will consist of accelerated research, development, and demonstration in the following areas, all of which show considerable promise when used singly or in combination with other methods:

Helicopter tests now underway with the S–61 and larger S–64 helicopters show that logs can indeed be lifted off mountain sides and delivered to loading decks. Research and development is needed to refine equipment and operations to achieve economically viable systems. New equipment must be designed and developed, and safety procedures also must be greatly improved.

Aerial cable systems, known as skylines, are light, long-span cable systems that are able to lift logs clear of the ground and transport them with little or no soil disturbance. These systems can remove timber with reduced environmental impact. Present systems must be improved to provide more flexibility of operation, and to provide greater protection for remaining trees.

Balloons are being tested on several logging operations in the West. They are used to provide the necessary lift to swing logs clear of the ground and transport them to a landing. Better, more durable balloons with improved aerodynamic qualities must be developed, and accessory equipment improved.

Advanced concept development will provide means for combining the above methods into optimum solutions for environmental protection and economical harvesting to meet a variety of management objectives.

The Forest Service has had a modest research effort devoted to the development of better harvesting methods, but it has not been adequate. This legislation would authorize a new effort combining research skill and know-how of the Federal Government forest resource management agencies with those of the States industries, and private landowners. The program would be under the guidance of an advisory council composed of members spanning a broad spectrum of interests in forest resources, including industry, environmentalists, and public agencies.

Today it is necessary to construct about 1 mile of road for each 100 acres of timber harvested, and each mile of permanent road takes over 5 acres out of future production. Five percent of the land surface is thus committed to roads. Road construction is also recognized as the most important single source of erosion and sedimentation of streams, and of esthetic impact where timber is harvested. In the Northwest, tractors and jammers disturb more than half the forest floor in logging, but aerial systems disturb less than 10 percent. Aerial systems applications will reduce road construction requirements, provide needed environmental protection, permit timber harvest, and better protect esthetic values.

Research breakthroughs in aerial logging methods would provide economical methods to harvest timber, help maintain stable lumber and plywood prices, reduce road construction needs, protect soils, water quality and esthetics, and increase timber supply to meet growing demands. They will permit economical thinning and partial cutting operations and removal of more of each tree for utilization.

Important too, will be the means to salvage some of the billions of board feet of timber killed each year by disease, insects, and fire—timber that is now wasted because it is scattered or inaccessible. Insect brood trees also could be removed before the new generation of insects matures to help achieve control of epidemics without the use of pesticides in the forest.

The support needed for this research and development program will be $9.6 million per year for 5 years. The accelerated rate of research and development should help us to overcome the most serious problems within this period. The effort would be centered in the Pacific Northwest where harvesting problems are most critical and where necessary aerospace talent is immediately available. Enactment of this bill and subsequent financing will be a major step forward in providing both environmental protection and adequate timber supplies.

Mr. President, I ask that the text of this legislation be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2477

A bill to protect environmental quality of the Nation's public lands administered by the Secretary of Interior and other Federal agencies through establishment of an accelerated program of research in advanced timber harvesting techniques and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds the multiple resources and benefits of our Nation's forest lands can be used and realized in a manner that recognizes, protects, and enhances their invaluable environmental qualities if special care and effort are taken to avoid or minimize adverse environmental impacts which could occur in connection with public use and utilization of these resources. To that end, there is an opportunity and an obligation on the part of the Federal Government to supplement forestry management activities and forestry research programs of the Department of Interior, the Department of Agriculture and other appropiate Federal agencies, in developing and applying new technology to forest management systems, particularly those relating to the harvesting and transportation of timber resources, so as to minimize environmental disturbance, avoid soil erosion and impairment of water quality, and protect scenic values. It is, therefore, the purpose of this Act to foster and accelerate research, development, and demonstration of advanced systems and techniques of timber harvesting and transportation which can be designed with special emphasis on protection and enhancement of environmental quality.

Sec. 2. To carry out the purposes of this Act the Secretary of Agriculture in cooperation with the Secretary of Interior is authorized and directed to carry out an accelerated program of research, development, testing, evaluation, and demonstration of methods and techniques of timber harvesting and transportation. Such accelerated program shall terminate five years from the date of enactment of this Act and shall include, but not be limited to, testing and evaluation of existing or modified helicopters for harvesting activities, and design, development and testing of balloon and cable systems.

Sec. 3. The Secretary of Agriculture is authorized to cooperate with the Secretary of Interior and other Federal Departments and Agencies, State and local governmental agencies, and with private corporations, organizations, and individuals in carrying out the purposes of this Act. He shall establish an advisory council to advise him concerning the scope and implementation of the accelerated research program authorized by this Act. The members of the said advisory council, who shall not exceed fifteen in number, shall be appointed by the Secretary of Agriculture and shall serve without compensation or expense to the Federal Government for a term of five years. The Secretary of Agriculture shall appoint the Chairman of the advisory council and shall select as members of the council persons with a demonstrated interest in the program authorized by this Act, including a member or members to represent (a) the Association of State Foresters, (b) timber or related industrial groups, (c) conservation organizations, and (d) private forest land owners.

Sec. 4. There are hereby authorized to be appropriated such sums as are necessary, which shall be available until expended, to carry out the purposes of this Act.

By Mr. CHURCH (for himself and Mr. Jordan of Idaho):

S. 2478. A bill to provide for the disposition of funds to pay a judgment in favor of the Shoshone-Bannock Tribes of Indians of the Fort Hall Reservation, Idaho, as representatives of the Lemhi Tribe, in Indian Claims Commission Docket No. 326–I, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. CHURCH. Mr. President, on behalf of myself and my distinguished colleague from Idaho (Mr. Jordan), I introduce for appropriate reference a bill to provide for the disposition of funds to pay a judgment in favor of the Shoshone-Bannock Tribes of Indians of the Fort Hall Reservation, Idaho, as representatives of the Lemhi Tribe, in Indian Claims Commission Docket No. 326–I, and for other purposes.

This bill, Mr. President, would authorize the use of funds now on deposit in the Treasury of the United States to the credit of the Shoshone-Bannock Tribes of Indians of the Fort Hall Reservation, Idaho, as representatives of the Lemhi Tribe, in satisfaction of a judgment in Indian Claims Commission Docket No. 326–I. The final judgment in that case was entered by the Indian Claims Commission on March 8, 1971, and was satisfied by the appropriation of funds by Public Law 92–18, signed by the President on May 25, 1971, and credited to the accounts of the plaintiffs in the Treasury of the United States. The judgment in the amount of $4,500,000 was in satisfaction of a claim for compensation for approximately 5,002,000 acres of land which the Indian Claims Commission held had been the aboriginal homeland of the Lemhi Tribe.

The Lemhi Tribe is part of the Shoshone-Bannock Tribes of Fort Hall, Idaho. In general, they reside on the Fort Hall Reservation and have participated in the assets of that reservation and have participated with rights as members of the Shoshone-Bannock Tribes.

By resolution dated June 15, 1971, the Fort Hall Business Council took the following action:

> Now, therefore, be it resolved by the Business Council of the Shoshone-Bannock Tribes, pursuant to the request and desires of the general council of the tribe, that the judgment funds from the Lemhi claim in the original principal sum of $4,500,000.00 be distributed as follows for the following purposes:
>
> (a) Seventy-five percent (75%) per capita distribution;
>
> (b) Twenty-five (25%) to be used for the purchase of fractionated heirship land interests to the end that the Shoshone-Bannock Tribes will be the vestee of said lands and to further eliminate the economic hardships and economic loss to the tribe created by the extensive fractioned interests in Indian lands.
>
> Be it further resolved that in the event the Congress fails to approve the amount of 75% for per capita distribution, that any reduction be added to use (b) above in the heirship land acquisition program.

I hope, Mr. President, that we can have favorable and early action by the committee and the Senate on this bill.

Mr. JORDAN of Idaho. Mr. President, I am pleased to join my colleague, Mr. Church, as a cosponsor of this legislation to authorize payment of the Lemhi claim of the Shoshone-Bannock Tribes of Fort Hall, Idaho.

These Indians have been waiting for a number of years for the payment of this and other claims, and I hope that the

Congress can act expeditiously on this bill. A bill to pay an earlier judgment to Shoshones from Idaho, Wyoming, and Utah has been delayed because of the inability of the three Indian units involved to agree on the allocation. A Senate hearing on this legislation, which has been delayed for 3 years, will be held September 15.

The two claims are not related, however, and this bill on the Lemhi judgment is supported by the Shoshone-Bannock Tribes at Fort Hall. I hope these funds can be moved from the bank and into the hands of the Indians and their tribal enterprises.

Our colleagues, Representatives JAMES A. McCLURE and ORVAL HANSEN, also have introduced a companion bill in the House.

By Mr. COOPER (for himself and Mr. WEICKER):

S. 2479. A bill to amend the Public Buildings Act of 1959, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operation, and protection of public buildings, and for other purposes. Referred to the Committee on Public Works.

Mr. COOPER. Mr. President, I introduce with the Senator from Connecticut (Mr. WEICKER), the ranking minority member of the Buildings and Grounds Subcommittee of the Public Works Committee to which it will be referred, at the request of the administration, a bill that would amend the Public Buildings Act of 1959. This proposal is designed to develop a method for rapidly reducing the large backlog of authorized but unconstructed Federal buildings, and then to establish a systematic method for financing future Federal construction.

I am informed by the General Services Administration that there are 62 authorized Federal buildings on which construction has not begun or will not begin during fiscal year 1972. Congressional approval of these buildings dates back as far as 1960.

While some of these buildings should and will be built in the normal course as Federal construction projects, I understand it would be the purpose of this proposal to reduce this large backlog quickly.

The bill would authorize the Federal Government to contract with private developers for the construction of many of these buildings on a lease-purchase arrangement. This feature would turn over the ownership of the building to the Federal Government at the end of the lease period, but utilize private capital in the meantime to assist GSA in reducing the backlog of unbuilt structures.

An alternative approach contained in this draft bill would permit the sale to a private contractor of land and plans for an authorized building. The contractor would then lease the facility back to the Federal Government, but retain ownership at the end of the leasing period.

No later than the end of the third full fiscal year following enactment of this legislation, the special leasing and lease-purchase authority would expire, according to the provisions of the administration bill. At that time, a new Federal revolving fund would be created to finance the future construction of Federal office facilities. This fund would be supported by fees GSA would charge Federal agencies for the office space provided to them in any Federal building. Such a fund, supported by these rents and other charges, would insure the availability of funds to support a continuing program of new Federal buildings as needed.

Several other significant and controversial changes are incorporated within this legislation. One change would permit leasing by the Federal Government of buildings for a period of as long as 30 years. Existing authority permits leasing for a maximum of 20 years. Another significant provision of the bill would lift the requirement that a new building prospectus must be submitted to the Congress for its approval if the structure's cost is increased substantially. Apparently, this provision only concerns structures authorized prior to enactment, although the language is unclear.

Mr. President, the existing lease-construction authority has been a most controversial one within our Committee on Public Works. Although the committee in recent years has approved several projects for lease-construction, the committee has done so with great reluctance. The argument against leasing is its high cost. GSA figures show that leasing often amounts to three times the cost of a similar facility built and financed entirely by the Federal Government. This is true even after inclusion of the interest cost to the Federal Government for the acquisition of funds to finance the construction.

I might also recall for my colleagues that lease-purchase, as distinguished from lease-build, was tried, but rescinded by the Congress. This authority existed for several years during the 1950's, before it was repealed in the Public Buildings Act of 1959.

While several of these provisions are likely to be controversial, I believe this bill merits consideration by the Committee on Public Works. Together with other bills before the Congress on the subject, it will prove a base for evaluating ways in which the existing need for Federal office space might be met, and of developing a rational system for meeting future needs.

Mr. President, I ask unanimous consent that a description of the bill prepared by the GSA, plus a copy of the legislation be printed at this point in the RECORD.

There being no objection, the description and bill were ordered to be printed in the RECORD, as follows:

GSA LEGISLATION

A major purpose of this legislative proposal is to amend both the Public Buildings Act of 1959, as amended (1959 Act), and the Federal Property and Administrative Services Act of 1949, as amended (Property Act), to require using agencies to budget and pay for the use of space and related services and to authorize the General Services Administration, subject to conventional Congressional and Executive controls, to finance its public buildings operations from the receipts arising therefrom.

Requiring all agencies to finance the cost of the space they occupy is consistent with the performance budgeting concept under which total program costs are reflected in the cost accounts of the program agency. Review of agency budgets internally by review authorities in the Executive Branch and by the Congress would be more realistic. This would be a significant change in the method of funding building operating and capital costs, but would be both practical and businesslike.

The new budgeting approach would enhance the ability of General Services Administration to provide faster and better service with respect to space needs of agencies, both by new construction and lease. Provision of funds for space would be directly related to the programs involved. Authorization would be based on better information and cost estimates. Funds for specific projects would be provided at one time in lieu of the present two or more budget requests for the same project each involving a full cycle.

Section 2 is essentially a combination of amendments required for economic or technical reasons, as follows:

(1) Section 4(b) of the 1959 Act exempts from the Committee approval required in section 7 any alteration, including any necessary acquisition of land needed to carry out the alteration, the total estimated maximum cost of which does not exceed $20,000. The reason for the increase in the dollar amount is explained in the comments with respect to paragraph (2) of this section 7 of the bill and to bring the amount in line with the changes made in section 7 of the 1959 Act.

(2) The 1959 Act requires that prospectuses for construction or acquisition projects in excess of $100,000 and alteration projects in excess of $200,000 be submitted by the General Services Administration to the Public Works Committees of both Houses of Congress. The project cannot be started until the prospectus is approved by these committees and an appropriation act is passed by Congress.

This bill proposes that the minimum dollar criteria for submission of both construction and acquisition prospectuses and alteration prospectuses be increased to $500,000 for any project.

Since the Act was passed in 1959, construction and alteration costs have more than doubled and land acquisition costs in choice locations have increased as much as 500 percent. By increasing the minimum dollar criteria, it will not be necessary for Congress to expend its time and attention on the smaller projects, but will allow it to devote its full attention to the larger ones. Additionally, the General Services Administration will have the flexibility to respond rapidly to project requirements of the various Government agencies which are below the minimum dollar criteria.

(3) Deletion of the words "and such approval has not been rescinded as provided in subsection (c) of this section" in subsection (a) of section 7 is a technical amendment necessitated by the subsequent repeal of subsection (c).

(4) Deletion of the word "maximum" in clause (2) of subsection (a) and the deletion of subsection (b) of section 7 of the 1959 Act, as provided for in amendments (4) and (5) of this section of the bill, would properly remove from the Act the concept that the established cost set forth in the prospectus, plus 10 percent escalation, is an absolute cost limit. While cost estimates should be included in the prospectuses, the description of the building and the housing plan constitute a more meaningful limitation assuring integrity of the scope and purpose of the project.

(5) Subsection (b) of section 7 of the 1959 Act permits the Administrator to escalate by 10 percent the established maximum cost of any approved project. Since the

word "maximum" has been deleted as previously noted, there is no longer need for the escalation.

Subsection (c) of section 7 of the 1959 Act provides that when a project has been approved by both the Committees on Public Works of the Senate and House for more than one year and no appropriation has been made within this one-year period, thereafter, but before an appropriation is actually made, either of the committees may rescind its approval.

Subsection (d) of section 7 of the 1959 Act prohibits the Public Works Committees from approving any new projects when the following situation exists: Whenever there are 30 or more approved projects which have been approved for more than one year and for which no appropriations have been made, until there have been either appropriations or recisions of approval resulting in the number of such approved projects dropping to less than 30, no further approvals are permitted.

Amendment (5) of this section of the bill also would repeal subsections (c) and (d) of section 7 of the 1959 Act. The authority prescribed in these two subsections has never been exercised by the Congress and, therefore, should be repealed as serving no useful purpose. The deletion of the "(a)" following "Sec. 7" is necessary since subsections will no longer exist.

The passage of time makes it essential that the maximum prospectus costs of approved projects not started as of the date of enactment be waived as would be accomplished by section 7 of the bill. This is consistent with the deletion of the word "maximum" with respect to new projects proposed in subsection (4) of section 2 above.

Section 3 of the bill would amend subsection (f) of the Property Act to establish a special fund and prescribe its composition. Principal income would accrue from user charges to be paid by occupying agencies.

Receipts covered into the fund would be available for real property management and related activities but only when specified in an appropriation act, thus permitting the Congress to exercise its traditional surveillance over the real property management program through the appropriation process. Unexpended balances in certain specified no-year appropriations or revolving funds would be transferred to the new fund to finance completion of the work previously authorized. The fund rightly should and does assume the liabilities, obligations, and commitments of the five appropriations to be incorporated in the fund, as well as those of two revolving funds.

A standby authorization is also included in section 3 to appropriate capital advances to the fund of such sums as may be necessary to provide a needed degree of flexibility in the event the national interests are best served by construction or alteration in any year at a level exceeding the norm which would be provided through regular income. However, such advance appropriations must be repaid to the Treasury within 30 years with interest at the long-term rate for Treasury securities. Also, funds appropriated for the direct Federal construction of public buildings after July 31, 1971, must be repaid with interest.

In addition, section 3 provides that funds may be deposited to miscellaneous receipts. This would allow transfer of money out of the fund should excessive surpluses accumulate.

This section also permits General Services Administration to continue the provision of certain special services, not included in the standard level user charge, on a reimbursable basis.

Section 4 would authorize the Administrator to establish such charges for the property management services provided other agencies. This would be accomplished by adding a new subsection (j)(1) to section 210 of the Property Act which concerns the operation of buildings and related activities.

Section 4 would also authorize other executive agencies providing building services to those furnished by GSA to charge fees therefor as approved by the Administrator of General Services for comparable services. Receipt from such fees could be credited to the appropriation or fund initially charged, except that amounts in excess of costs incurred would be credited to miscellaneous receipts unless otherwise authorized by law.

Section 4 also incorporates four additional paragraphs in new section 210(j) of the Property Act so as to embody into substantive law essential authorities which are now carried in annual appropriation acts.

Section 5 of the bill would authorize the Administrator to enter into purchase contracts with independent contractors for the purchase of buildings, payments to be made over a period, not less than 10 years, not more than 30 years. The authority granted under this section would expire at the end of 3 full fiscal years after enactment.

Section 6 of the bill would authorize the Administrator to sell Government sites, plans, and specifications for lease construction contracts if he finds that a purchase contract is not a feasible means for providing the required space. The authority granted would expire at the end of 3 full fiscal years after enactment.

Section 7 would waive the maximum cost of projects already approved by Congress since section 2(4) of the bill would eliminate the concept of established cost plus 10 percent under the Public Buildings Act of 1959.

Section 8 of the bill authorizes the Administrator of General Services to issue regulations after coordination with the Office of Management and Budget, to carry out the provisions of the bill, and provides that user charges established by the Administrator shall be approved by the Director of the Office of Management and Budget.

Section 9 of the bill authorizes agencies to use available funds to pay user charges for space and services.

While section 10, the last section, makes the legislation effective upon enactment, it recognizes the necessity for postponing the effective date of the user charges for a reasonable period after enactment to accommodate the budgetary process.

The General Services Administration recommends prompt and favorable consideration of this draft bill.

S. 2479

A bill to amend the Public Buildings Act of 1959, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operation, and protection of public buildings, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public Buildings Amendments of 1971".

Sec. 2. The Public Buildings Act of 1959 (73 Stat. 479), as amended (40 U.S.C. 601 *et seq.*), is amended as follows:

(1) delete the figure "$200,000," in subsection (b) of section 4 and insert the figure "$500,000" in lieu thereof;

(2) delete the figures "$100,000" and "$200,000" in subsection (a) of section 7, and insert in each case the figure "$500,000" in lieu thereof;

(3) delete "and such approval has not been rescinded as provided in subsection (c) of this section" in subsection (a) of section 7;

(4) delete the word "maximum" in clause (2) of subsection (a) of section 7;

(5) delete in such section all of subsections (b), (c), and (d), and "(a)" following "Sec. 7.";

(6) delete in subsection (a) of section 12 the following: "as he determines necessary,"; and

(7) in sections 11 and 12, delete "(a)" after "Section 7";

Sec. 3. Subsection (f) of section 210 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), is amended to read as follows:

"(f)(1) There is hereby established in the Treasury of the United States on such date as may be determined by the Administrator, a fund into which there shall be deposited the following revenues and collections:

"(a) User charges made pursuant to subsection (j)(1) of this section payable in advance or otherwise.

"(b) Proceeds with respect to building sites authorized to be leased pursuant to subsection (a) of this section, and proceeds with respect to building sites, plans and specifications authorized to be sold pursuant to subsection (h) of his section.

"(c) Receipts from carriers and others for loss of, or damage to, property belonging to the Fund."

"(2) Moneys deposited into the fund shall be available for expenditure of real property management and related activities in such amounts and for such purposes as specified in annual appropriation acts: *Provided*: That authorizations for capital expenditures may be made without regard to fiscal year limitations.

"(3) There are hereby merged with the fund established under this subsection, unexpended balances of (A) the Buildings Management Fund (including any surplus therein), established pursuant to this subsection prior to its amendment by the Public Buildings Amendments of 1971; (B) the Construction Services Fund, created by section 9 of the Act of June 14, 1946 (60 Stat. 259), as amended; and (C) any funds appropriated to General Services Administration under the headings 'Repair and Improvement of Public Buildings', 'Construction, Public Buildings Projects', 'Sites and Expenses, Public Buildings Projects', 'Construction, Federal Office Building No. 7, Washington, D.C.', and 'Additional Court Facilities', in any appropriation acts for the years prior to the fiscal year in which the fund becomes operational: *Provided*, That the fund shall assume all the liabilities, obligations, and commitments of the said (1) Buildings Management Fund, (2) Construction Services Fund, and (3) the appropriations specified in (C) hereof.

"(4) Advances are hereby authorized to be appropriated to the fund to carry out its purposes: *Provided*, That such advances shall, within thirty years, be repaid with interest at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining period to maturity comparable to the average maturities of such advances adjusted to the nearest one-eighth of one percentum, and; *Provided further*, That any appropriations made to the General Services Administration for the direct Federal construction of public buildings after July 31, 1971, shall, within thirty years from the date of obligation, be repaid as above.

"(5) In any fiscal year there may be deposited to miscellaneous receipts such amount as may be specified in the annual budget estimates for the fund.

"(6) Nothing in this section shall preclude the General Services Administration from providing special services not included in the standard level user charge, such as security guarding, alterations and space adjustments requested by and for the convenience of any agency, design and engineering services, and similar special services, in a reimbursable basis and such reimbursements may be credited to the fund established under this subsection."

Sec. 4. Section 210 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490), is amended by adding three new subsections reading as follows:

"(j) The Administrator is authorized—

"(1) to charge any eligible agency furnished services, space, quarters, maintenance, repair, or other facilities (hereinafter referred to as space and services), at rates to be determined by the Administrator from time to time and provided for in regulations issued by him. Such rates and charges shall approximate commercial charges for comparable space and services: *Provided*, That with respect to those buildings for which the Administrator of General Services is responsible for alterations only (as the term 'alter' is defined in section 13(5) of the Public Buildings Act of 1959 (73 Stat. 479), as amended (40 U.S.C. 612(5)), the rates charged the occupant agency or agencies for such services shall be fixed by the Administrator so as to recover only the approximate applicable cost incurred by him in providing such alterations. Agencies, or activities within agencies may be exempted from the charges provided by this subsection, if the Director of the Office of Management and Budget determines that such charges would be infeasible or impractical. To the extent any such exemption is granted, appropriations to the General Services Administration are authorized to reimburse the fund for any loss of revenue;

"(2) to alter Federal buildings;

"(3) to maintain, operate, and protect public buildings (as defined in the Public Buildings Act of 1959, as amended) and sites, and provide services related thereto, including demolition and improvement with respect to sites authorized to be leased pursuant to subsection (a) of this section, by contract or otherwise;

"(4) to rent space in buildings in the District of Columbia notwithstanding the provisions of the Act of March 3, 1877 (40 U.S.C. 34); and

"(5) to provide such fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to section 3056 of title 18, United States Code and the Act of June 6, 1968, 82 Stat. 170."

"(k) Any other Executive agency, in addition to General Services Administration, which provides to an eligible agency space and services set forth in subsection (j)(1) of this section, is authorized to charge the eligible agency for such space and services at rates approved by the Administrator of General Services and the Director of the Office of Management and Budget. Moneys derived by other agencies from such rates or fees shall be credited to the appropriation or fund initially charged for providing the service, except that amounts which are in excess of actual operating and maintenance costs of providing the service shall be credited to miscellaneous receipts unless otherwise authorized by law."

"(1) As used in this section—

"(1) The terms 'eligible agency' or 'eligible agencies' shall have the same meaning as the term 'Federal agency' as defined in section 3(b) of the Federal Property and Administrative Services Act, as amended (40 U.S.C. 472) and include mixed ownership corporations (as defined in the Government Corporation Control Act), the government of the District of Columbia, private persons, or organizations.

"(2) The term 'real property management and related activities' shall include the functions of acquisition, design, construction, alteration, renting, operation, maintenance, protection, moving, demolition, and other like functions which General Services Administration or other agencies are authorized by law to provide eligible agencies."

Sec. 5. The Public Buildings Act of 1959 (73 Stat. 479), as amended (40 U.S.C. 601), is amended by adding a new section 4 and renumbering the existing section 4 and subsequent sections appropriately. The new section 4 shall read as follows:

(a) Whenever the Administrator of General Services determines that the best interests of the United States will be served by taking action hereunder, he is authorized to provide space for an eligible agency (as defined in section 210(1) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490) by entering into purchase contracts, the terms of which shall not be less than ten or more than thirty years and which shall provide in each case that title to the property shall vest in the United States at or before the expiration of the contract term and upon fulfillment of the terms and conditions stipulated in each of such purchase contracts. Such terms and conditions shall include provision for the application to the purchase price agreed upon therein of installment payments made thereunder.

(b) Each such purchase contract shall include such provisions as the Administrator of General Services, in his discretion, shall deem to be in the best interests of the United States and appropriate to secure the performance of the obligations imposed upon the party or parties that shall enter into such agreement with the United States. No such purchase contract shall provide for any payments to be made by the United States in excess of the amount necessary, as determined by the Administrator, to—

(1) amortize the cost of improvements to be constructed plus the fair market value, on the date of the agreement, of the site, if owned or acquired by the contractor; and

(2) provide a reasonable rate of interest on the outstanding principal as determined under (1) above; and

(3) reimburse the contractor for the cost of any other obligations assumed by him under the contract, including (but not limited to) payment of taxes, costs of carrying appropriate insurance, and costs of repair and maintenance if so assumed by the contractor.

(c) Funds now or hereafter available for the payment of rent and related charges for premises, whether appropriated directly to the General Services Administration or to any other agency of the Government and received by said Administration for such purpose, may be utilized by the Administrator of General Services to make payments becoming due from time to time from the United States as current charges in connection with agreements entered into under authority of this section.

(d) With respect to any interest in real property acquired under the provisions of this section, the same shall be subject to State and local taxes until title to the same shall pass to the Government of the United States.

(e) For the purpose of purchase contracts provided for in this section for the erection by the contractor of buildings and improvements for the use of the United States, the Administrator is authorized to enter into agreements with any person, copartnership, corporation or other public or private entity, to effectuate any of the purposes of this section; and is further authorized to bring about the development and improvement of any land owned by the United States and under the control of the General Services Administration including the demolition of obsolete and outmoded structures situated thereon, by providing for the construction thereon by others of such structures and facilities as shall be the subject of the applicable purchase contracts, and by making available such plans and specifications for the construction of a public building thereon as the Government may possess: *Provided*, That projects heretofore approved pursuant to the provisions of the Public Buildings Act of 1959, as amended (40 U.S.C. 601 *et seq.*), and in which no substantial change in scope has been made, may be constructed under authority of this section without further approval, and the prospectuses submitted to obtain such approval shall for all purposes, be considered as prospectuses for the purchase of space.

(f) Except for previously approved prospectuses referred to in (e) above, no purchase contract shall be entered into pursuant to the authority of this section until a prospectus therefor has been submitted and approved in accordance with section 8 of this Act.

(g) No purchase contract shall be entered into under the authority granted under this section after a period of three full fiscal years from the date of enactment.

Sec. 6. Section 210 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490), is further amended by (1) deleting the word "twenty" in subsection 210(h)(1) and inserting the word "thirty" in lieu thereof; and (2) renumbering section 210(h)(2) as section 210 (h)(3), and adding a new paragraph (2) immediately after section 210(h)(1), as follows:

"(2) For the purpose of lease agreements providing for the erection by the lessor of buildings and improvements for the use of the United States, the Administrator may make the property of the United States to be used as a site for a public building (as defined in section 14(1) of the Public Buildings Act of 1959, as amended) available by sale to the lessor in such manner and upon such terms as the Administrator deems approporiate to the best interest of the United States, together with such plans and specifications for the contruction of a public building thereon as the Government may possess: *Provided*, That projects heretofore approved pursuant to the provisions of the Public Buildings Act of 1959, as amended (40 U.S.C. 601 *et seq.*), and in which no substantial change in scope has been made, may be constructed under the authority of this section 210(h) without further approval, and the prospectuses submitted to obtain such approval shall, for all purposes, be considered as prospectuses for the lease construction of space: *Provided further*, That in order to utilize the authority granted under this paragraph (2) with respect to such previously approved projects, the Administrator must find that a purchase contract as provided for in section 4 of the Public Buildings Act of 1959, as amended herein, is not a feasible means of providing the required space. Sections 202 and 203 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 483 and 484), shall not be applicable to property made available under this subsection. The authority granted under this paragraph (2) shall be in effect for a period of three full fiscal years from enactment and not thereafter.

Sec. 7. The maximum costs for projects heretofore approved by resolutions of the Public Works Committees of the Senate and the House of Representatives, construction of which has not yet started, are hereby waived, and the amounts so approved shall be considered as estimates at the time of approval only.

Sec. 8. To carry out the provisions of the Public Buildings Amendments of 1971, the Administrator of General Services shall issue such regulations as he deems necessary: *Provided*, That such regulations shall be coordinated with the Office of Management and the Budget, and the rates established by the Administrator of General Services pursuant to section 210(j)(1) of the Federal Property and Administrative Services Act of 1949, as amended, shall be approved by the Director of the Office of Management and Budget.

SEC. 9. Funds available to any eligible agency may be used to pay user charges established under section 210 (j) and (k) of the Federal Property and Administrative Services Act of 1949, as amended.

SEC. 10. This Act shall become effective upon enactment. The effective date of applying the rates to be charged pursuant to the regulations to be issued under subsections (j)(1) and (k) of section 210 of the Federal Property and Administrative Services Act of 1949, as amended, shall be as determined by the Administrator of General Services but in any event shall not be later than the beginning of the third full fiscal year subsequent to the enactment thereof.

By Mr. PELL:

S. 2480. A bill to provide for mandatory wage and price controls. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. PELL. Mr. President, a full year ago, the Congress, deeply concerned over continued strong inflationary trends in the economy, gave to the President the authority to impose wage and price controls.

During the past year, prices have continued to rise sharply, placing an increasingly heavy and unfair burden on the average American whose income simply cannot keep pace with price rises. The administration, however, has declined to use the power given to it to stabilize the economy.

I believe it is time for the Congress to assume the responsibility and take the leadership in ending this accelerating price and wage spiral.

I am, therefore, introducing today a bill that would, in effect, require the President to exercise the wage and price control powers the Congress has given him. The bill simply changes the discriminatory authority granted the President in the Economic Stabilization Act of 1970 to a congressional directive that wage and price controls be instituted.

To insure compliance, the bill provides that unless the executive branch has acted within 60 days, Federal agencies shall then be prohibited from expending funds for goods and services if the prices of those goods and services have increased at an inflationary rate since passage of the legislation.

Mr. President, we have had enough talk about economic game plans. I believe it is past the time for firm action.

By Mr. BENTSEN:

S. 2481. A bill to broaden and expand the powers of the Secretary of Agriculture to cooperate with countries in the Western Hemisphere to prevent or retard communicable diseases of animals, where the Secretary deems such action necessary to protect the livestock, poultry, and related industries of the United States. Referred to the Committee on Agriculture and Forestry.

Mr. BENTSEN. Mr. President, the bill I introduce today is one which should have been introduced and passed long ago.

The recent outbreak of Venezuelan equine encephalitis—VEE—in Texas and its tragic consequences have served to reveal a severe restriction on the U.S. Department of Agriculture. Existing laws severely limit the Secretary of Agriculture in his attempts to cooperate with other Western Hemisphere nations to control and eliminate communicable diseases in animals. Currently, the Secretary is limited to working with Mexico only in regard to foot-and-mouth disease, rinderpest and screw-worm and with Central America only in regard to foot-and-mouth disease and rinderpest.

Mr. President, my bill would broaden and expand the powers of the Secretary of Agriculture to cooperate with countries in the Western Hemisphere to prevent or retard communicable diseases of animals, where the Secretary deems such action necessary to protect the livestock, poultry, and related industries of the United States. If the Secretary had been granted such powers previously he might have been able to prevent the recent VEE outbreak from reaching the United States and as a result saved the lives of thousands of horses and the loss of millions of dollars.

I must emphasize, Mr. President, that this is simply a preventative measure and only broadens the limits within which the Secretary of Agriculture can work to prevent a recurrence of what has happened in Texas. The responsibility for failing to act quickly and effectively in meeting the latest VEE outbreak must lie squarely with the Secretary of Agriculture and the members of his Department, but the extension of authority I propose will help to eliminate the possibilities of such failures in the future.

Mr. President, I urge the Senate to give this matter prompt and favorable consideration.

By Mr. PELL:

S. 2483. A bill to provide a national program in order to make the international metric system the official and standard system of measurement in the United States and to provide for converting to the general use of such system within 10 years after the date of enactment of this act. Referred to the Committee on Commerce.

THE METRIC CONVERSION ACT OF 1971

Mr. PELL. Mr. President, article I, section 8 of the Constitution provides that—

> The Congress shall have power . . . to fix the standard of weights and measures.

I now introduce a bill to make the international system of metric measurement the official system of measurement for the United States within 10 years of the enactment of my bill.

Since 1962, I have been advocating, here in the Senate, the benefits of metric conversion. In 1968, the Congress enacted the Miller-Pell bill directing the Department of Commerce to conduct a comprehensive study of the advantages and disadvantages of metric conversion for the United States. As a result of that study, the administration recommended to Congress last week that the United States go metric through a coordinated national plan within a period of 10 years.

I do not believe I need elaborate further on the many metric speeches I have made before this body. The volumes of testimony included in the U.S. metric study report speak for themselves. The question is no longer shall we go metric, the question is, how shall we go metric.

We should no longer have to endure the irony of being the oldest democracy of the world and yet the last of the major countries to abandon the "imperial system," of measures.

We should no longer have to face the contradiction of being the most advanced technological nation in the world—one capable of landing men on the moon—and yet of being the one major nation still using an obsolete system of measures which creates confusion for citizens and which stands as an artificial barrier to exports of American-made goods.

The Congress has been considering metric conversion since 1790 when Thomas Jefferson first suggested it as a possibility. I think it is time for us to act. We should begin an orderly conversion to the metric system now.

I believe the Congress should not be hesitant in initiating deliberations on metric conversion. Business plans are made many years in advance. I believe it is important that we in the Congress provide as much advance warning to the private sector as is possible in regard to how the national process of metrication will proceed.

It is for this reason that I offer my bill today. I do not contend it necessarily represents the perfect legislative vehicle for metrication. It is an attempt to get the metrication ball rolling without further delay.

This bill incorporates the major recommendations made in the U.S. metric study.

Section 3 of my bill provides that the international system of metric measurement shall be the official U.S. system of measurement within 10 years of enactment of my bill.

Title I directs the Secretary of Commerce through the National Bureau of Standards to develop and implement a coordinated national plan of metric conversion.

This title also calls for the appointment of appropriate advisory groups from various sectors of the economy, requires the submission of a national conversion plan to Congress within 18 months of enactment of the law, and authorizes the Secretary of Commerce to implement the national plan through Government regulations and purchases. It requires also a major national education program and a program of technical assistance to business and labor.

Title II of the bill provides for a program of metric conversion assistance. It would allow machinery and other equipment purchased for metric conversion to be given, for tax purpose, a uselife life of one-half of the usual useful life of the machinery, provided the machinery is purchased within the United States.

This accelerated depreciation provision will provide a tremendous shot in the arm for our American machine tool industry and create a strong incentive for American manufacturers to go metric.

In my own State of Rhode Island, there are an estimated 20,000 persons employed as machinists and a significant additional number of unemployed machinists. This depreciation provision and the increased export potential of the machine tool industry as a metric industry could provide the basis for a resurgence of the economy of my State and other States.

Metric will mean more jobs for Rhode Islanders.

Under this bill, the Small Business Administration would be authorized to make grants to individuals, such as machinists and automobile mechanics, who must purchase new tools, because of metric conversion. Loans would also be authorized for small businesses whose economic viability might be adversely affected by the costs of metric conversion.

The Office of Education in consultation with the Department of Commerce would be authorized by this legislation to undertake a massive program of metric education in the United States. Since the administration has recommended that a metric education program be initiated immediately without awaiting any official decision to go metric I have also introduced this provision as an amendment to the higher education bill which was considered on the Senate floor yesterday. The Commerce Department study supports most of these proposals.

The Commerce Department's report suggested the need for accelerated depreciation for machinery and even investment tax credits. The Department also suggested changes in the antitrust laws to permit cooperation on metric conversion. It called for the provision of technical assistance and manpower training programs for business. To the extent that there is not provision in existing laws or in this bill for such assistance, I believe appropriate committees of the Congress should consider additional legislation.

Mr. President, we have been inching toward metric long enough. The metric study indicates that if, as the last remaining major country not on the metric system, we do nothing, we will be moved by the force of the world economy to go metric on a somewhat chaotic and costly, but voluntary, basis by the year 2000.

It seems to me that a planned metric conversion presents an opportunity for the United States to gain not only innumerable economic and technological benefits, but it presents a marvelous opportunity to incite a new industrial resurgence in this country.

As we know all too well, Japan and the major European countries built completely new industrial plants to replace those destroyed during World War II. These countries are now reaping the benefits of that investment. The United States, on the other hand, has been hindered in its economic expansion and in trade position by an industrial plant that is relatively aged. It seems to me that metric conversion could provide American industry with an incentive and opportunity for the modernization of its plant equipment. This could have implications far exceeding the direct benefits of metric conversion.

Mr. President, the metric message is simple. New jobs, increased exports, an incentive for economic expansion, greater facility of operation in commerce, consumers who can understand how much is in a package on a grocer's shelf when it is stated in metric terms rather than in pounds and ounces, children who learn measurements in school through logic rather than through memorization or irrationally conceived measurements. These are the benefits metric conversion can bring.

Let us now begin the work of metric conversion without further debate on its merits. The case has been made. Let us now focus our attentiton on how we can move to a metric system with the greatest ease and the maximum economic benefit.

I ask unanimous consent that the text of my bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2483

A bill to provide a national program in order to make the International Metric System the official and standard system of measurement in the United States and to provide for converting to the general use of such system within ten years after the date of enactment of this Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Metric Conversion Act of 1971".

FINDINGS

SEC. 2. The Congress finds that—

(1) the United States is the only major nation of the world that is not converting to the International Metric System;

(2) the adoption of such system would result in new jobs in the United States;

(3) the adoption of such system would enhance our position in world trade markets;

(4) the benefits of conversion would offset the costs of conversion;

(5) conversion to such system would be a stimulus to the economy and to new investment in plant equipment;

(6) the language and tools of our scientific community are already using such system;

(7) a common system of measurement would improve international communication;

(8) the nation is already heading toward such system slowly and haphazardly;

(9) such system is based on fundamental relationships and is easily understood and would be an aid to our educational system;

(10) small businesses and self-employed craftsmen would benefit from a coordinated conversion program; and

(11) new international standards are currently being developed into such system and the United States is not fully participating in such development.

STATEMENT OF POLICY AND PURPOSE

SEC. 3. (a) It is therefore declared to be the policy of the Federal government to adopt as the official and standard system of measurement for the United States the International Metric System and to provide for converting to the general use of such system within ten years from the date of enactment of this Act.

(b) It is the purpose of this Act to provide for the formulation and initial effectuation of a plan for such conversion, to provide certain assistance to businesses in bearing the cost of such conversion, and to provide for a national education program for the purpose of such conversion.

TITLE I—NATIONAL METRIC PLAN

SEC. 101. (a) The Secretary of Commerce through the National Bureau of Standards shall, within 18 months after the date of enactment of this Act, develop and report to the President and the Congress a national plan to carry out the policy stated in section 3(a) of this Act. Such plan—

(1) shall be developed making full use of studies and consultations carried out pursuant to the Act entitled "An Act to authorize the Secretary of Commerce to make a study to determine the advantages and disadvantages of increased use of the metric system in the United States", approved August 9, 1968 (82 Stat. 693);

(2) shall be developed after such additional consultations with other Federal, State, and local government agencies and with foreign governments and international organizations as may be appropriate;

(3) shall be developed with appropriate participation by representatives of United States industry, science, engineering, and labor who may be appointed by the President to advisory boards to assist in the development and implementation of a national plan;

(4) shall be put into effect to the extent possible under existing law after such 18 month period, and shall include recommendations for any legislation needed to further effectuate such plan;

(5) shall include proposed regulations, to be made effective pursuant to subsection (b), requiring such conversion in activities of the Federal government, including procurement, in accordance with an appropriate time schedule;

(6) shall include an appropriate program, including programs and projects carried out pursuant to section 203 of this Act, to educate the public for the purpose of such conversion; and

(7) shall include an appropriate program for the provision of technical assistance to industry and labor for the purpose of such conversion.

(b) The President is authorized to make effective regulations developed pursuant to clause (5) of subsection (a) of this section.

(c) Not later than two years after such plan is put into effect, and annually thereafter, the Secretary shall report to the President and the Congress with respect to (1) progress being made under such plan; (2) cost and benefits being incurred thereunder; and (3) any additional legislation needed to carry out the policy stated in section 3 (a).

APPROPRIATIONS AUTHORIZED

SEC. 102. There are authorized to be appropriated such amounts as may be necessary to carry out the provisions of this title.

TITLE II—METRIC CONVERSION ASSISTANCE

TAX ASSISTANCE

SEC. 201. (a) Section 167 of the Internal Revenue Code of 1954 (relating to depreciation) is amended by redesignating subsection (m) as (n) and by inserting after subsection (1) the following new subsection:

"(m) Property Necessary for Metric Conversion.—

"(1) Useful life.—At the election of the taxpayer, the useful life of property described in paragraph (2) shall, for purposes of this section other than for purposes of subsection (c), be one-half of the useful life determined without regard to this subsection.

"(2) Property to which applicable.—Paragraph (1) shall apply only to personal property which is—

"(A) manufactured in the United States and substantially all of the component parts of which are manufactured in the United States, and

"(B) placed in service in replacement of other property in order to carry out the requirements of the national plan for metric conversion submitted under the Metric Conversion Act of 1971.

"(3) Election.—An election under paragraph (1) with respect to any property shall be made at such time and in such manner as the Secretary or his delegate prescribes by regulations.

"(4) Regulations.—The Secretary or his delegate shall, after consultation with the Secretary of Commerce, prescribe regulations to carry out the purposes of this subsection."

(b) As soon as practicable after the submission of the national plan for metric conversion under title I of this Act, the Secretary of the Treasury shall submit to the Congress recommendations for additional changes in the Federal income tax laws which he considers necessary or desirable to assist in carrying out the national plan. Before submitting recommendations under this subsection the Secretary of the Treasury shall consult with the Secretary of Commerce and the Secretary of Labor, and with such other officers of the United States and such private individuals and organizations as he deems desirable.

CONVERSION ASSISTANCE TO BUSINESSES AND INDIVIDUALS

SEC. 202. (a) Section 7(b) of the Small Business Act is amended—

(1) by redesignating paragraph (5) (added by Public Law 91-597) as paragraph (6);

(2) by redesignating paragraph (6) (added by Public Law 91-596) as paragraph (7);

(3) by striking the period at the end of paragraph (7) (as redesignated by clause (2) of this subsection) and inserting ", and"; and

(4) by adding after such paragraph (7) a new paragraph as follows:

"(8) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration, in consultation with the Secretary of Commerce, determines to be necessary or appropriate to assist any business concern to make changes in its equipment, facilities, or methods of operation to conform to the national plan of metric conversion submitted under the Metric Conversion Act of 1971, if the Administration determines that such concern is likely to suffer substantial economic injury without assistance under this paragraph."

(b)(1) The Administrator of the Small Business Administration is authorized, under terms and conditions prescribed by him, to make grants to individuals to defray nonreimbursable expenses which must be incurred by them for the purpose of acquiring tools or instruments which are necessary to their continued employment in a trade or business and are required as the result of the implementation of the national plan of metric conversion submitted under the Metric Conversion Act of 1971. The amount of any such grant to any individual shall not exceed $2,000.

(2) There are authorized to be appropriated to the Small Business Administration such sums as may be necessary to carry out this subsection.

PUBLIC EDUCATION PROGRAMS

SEC. 203. (a) The Commissioner of Education, in consultation with the Secretary of Commerce, shall make grants to, and contracts with, institutions of higher education, State and local educational agencies, and other public and private nonprofit agencies, organizations, and institutions to develop and carry out programs of public education necessary to carry out the policy stated in section 3(a) of this Act.

(b) Financial assistance under this section may be made available only upon application to the Commissioner. Any such application shall be submitted at such time, in such form, and containing such information as the Commissioner shall prescribe by regulation and shall be approved only if it—

(1) provides that the activities and services for which assistance is sought will be administered by, or under the supervision of, the applicant;

(2) describes a program which holds promise of making a substantial contribution toward attaining the purposes of this section;

(3) sets forth such policies and procedures as will insure adequate evaluation of the activities intended to be carried out under the application;

(4) sets forth policies and procedures which assure that Federal funds made available under this section for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purposes described in this section, and in no case supplant such funds.

(5) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section; and

(6) provides for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require and for keeping such records, and for affording such access thereto as the Commisisoner may find necesary to assure the correctness and verification of such reports.

(c) Applications from local educational agencies for financial assistance under this section may be approved by the Commissioner only if the State educational agency has been notified of the application and been given the opportunity to offer recommendations.

(d) Amendments of applications shall, except as the Commissioner may otherwise provide by or pursuant to regulation, be subject to approval in the same manner as original applications.

(e) Federal assistance to any program or project under this section, shall not exceed — per centum of the cost of such program or project, including costs of administration, unless the Commissioner determines, pursuant to regulations establishing objective criteria for such determinations, that assistance in excess of such percentage is required in furtherance of the purposes of this section.

(f) There are authorized to be appropriated such amounts as may be necessary to carry out the provisions of this section.

By Mr. PROXMIRE:

S. 2484. A bill to amend title XI of the National Housing Act to provide for mortgage insurance for podiatric group practice facilities. Referred to the Committee on Banking, Housing and Urban Affairs.

QUALIFYING PODIATRISTS FOR FHA MORTGAGE INSURANCE

Mr. PROXMIRE. Mr. President, the legislation I introduce today proposes to qualify doctors of podiatric medicine for insured mortgage loans under the Federal Housing Administration's group practice facilities program. This program is designed to assure the availability of credit on reasonable terms to finance construction and equipment costs of group practice facilities. However, through an oversight, podiatrists are not included among those eligible for such mortgage insurance. Only doctors of medicine or osteopathy, dentistry and optometry can presently qualify as primary applicants for FHA mortgage insurance.

It is essential that the Nation continue its efforts to develop a sound, coordinated national health policy, one which assures all citizens the availability of comprehensive health care, including podiatric care. In pursuit of this goal, group practice represents one meaningful alternative in the delivery of health care services. Yet the initial capital requirements for constructing group practice facilities are substantial. For this reason, the FHA group practices facilities program was enacted to provide incentives for the construction of group practice facilities.

The fact that podiatrists do not independently qualify for such FHA mortgage insurance is inconsistent with the program's basic objective; namely, to encourage the provision and delivery of comprehensive health care for all citizens. This inconsistency is further evident when one considers the involvement of podiatrists in other important Federal health programs, including in part medicare and medicaid.

Alongside doctors of medicine, osteopathy, and dentistry, podiatrists are defined as physicians for purposes of medicare, part B, and fully participate in this vital health insurance program for the elderly. And when the Social Security Amendments of 1971 are enacted, added incentives for group practice development are fully expected to emerge, thus challenging all physicians, including podiatrists, to seek improved means of providing high quality, efficient health care services for medicare-medicaid beneficiaries.

Equally important are the numerous national health insurance (NHI) proposals now pending in the Congress. Many of these measures stress the importance of group practice and prescribe for it a prominent role in any future NHI program. Podiatrists' services, too, are integral parts of these same NHI measures. Yet podiatrists, unlike other health professionals, are handicapped by their inability to independently qualify for FHA mortgage insurance loans to develop group practice facilities.

I urge the Congress to correct this deficiency and thereby enable doctors of podiatric medicine to qualify for these essential FHA mortgage insurance benefits.

By Mr. WEICKER:

S.J. Res. 151. A joint resolution to authorize and request the President to issue a proclamation designating the last full week of September of each year as "National Dog Week." Referred to the Committee on the Judiciary.

NATIONAL DOG WEEK

Mr. WEICKER. Mr. President, it is fitting and proper that the Congress and the people of the United States pay respect to man's best friend and ally, the dog. Therefore, I am introducing today a joint resolution calling upon the President to declare the last full week in September of each year, "National Dog Week."

The objectives of "National Dog Week" would be to increase the public's awareness of the need to provide care and humane treatment of dogs and all other animals, wild and domestic, through a series of national, State, and local pet shows, obedience trials, and dogsled racing. The purpose would also be to encourage all dog owners to a greater consideration of others through increased awareness and observance of licensing, leashing, and curbing laws, and to instill in the public as a whole, a lasting feeling of kindness and humanity toward all animals and toward each other.

It is particularly appropriate that we choose the dog to honor in this manner, for he has a long and honored history of loyalty and friendship toward man. The dog was the first animal to be domesticated by man, and since those early days of his history, he has aided his master in innumerable ways: He stands foremost as a protector of man's life and property; he is the saver of lives in the mountains and guides the blind throughout the world. But most important, he is man's friend, stalwart, brave, and loyal under all forms of adversity.

Mr. President, the stories of famous dogs in history are endless, and these few unique animals have been honored in story and verse. But more fitting than the honors heaped upon a few, would be a general recognition by all the people of the dog's long history and man's attachment to his favorite pet. That is the purpose of this resolution: To honor all dogs.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 882 AND S. 883

At the request of Mr. WILLIAMS, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 882, a bill authorizing payment under medicare for services performed by a household aid; and S. 883, a bill to establish an Institute on Retirement Income.

S. 1012 THROUGH S. 1016

At the request of Mr. COOPER, the Senator from New Jersey (Mr. CASE) was added as a cosponsor of the bills (S. 1012 through S. 1016) relating to amendments of the Federal Water Pollution Control Act; the establishment of an Environmental Financing Authority; and the control of noise pollution.

S. 1032

At the request of Mr. McGOVERN, the Senator from Utah (Mr. MOSS) was added as a cosponsor of S. 1032, the Environmental Protection Act.

S. 1291

At the request of Mr. CASE, the Senator from Idaho (Mr. CHURCH) was added as a cosponsor of S. 1291, to facilitate the efficient preservation and protection of certain lands in Prince Georges and Charles Counties, Maryland, and for other purposes.

S. 1506

At the request of Mr. WILLIAMS, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1506, to update the Retirement Income Credit.

S. 1925 AND S. 1935

At the request of Mr. WILLIAMS, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1925, the Research on Aging Act; and S. 1935, the Housing for the Elderly Act.

S. 1985

At the request of Mr. WILLIAMS, the Senator from New Mexico (Mr. MONTOYA) and the Senator from California (Mr. TUNNEY) were added as cosponsors of S. 1985, the Truth in Food Labeling Act.

S. 2135

At the request of Mr. KENNEDY, the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2135, to amend title V of the Social Security Act.

S. 2223

At the request of Mr. TALMADGE, the Senator from Montana (Mr. MANSFIELD), the Senator from Arkansas (Mr. McCLELLAN), and the Senator from Illinois (Mr. STEVENSON) were added as cosponsors of S. 2223, a bill to amend the Consolidated Farmers Home Administration Act of 1961, and for other purposes.

At the request of Mr. BYRD of West Virginia, the Senator from Montana (Mr. MANSFIELD) was added as a cosponsor of S. 2223, a bill to amend the Consolidated Farmers Home Administration Act of 1961, and for other purposes.

At his request, Mr. McCLELLAN was added as a cosponsor of S. 2223, the Consolidated Farm and Rural Development Act.

S. 2224

At his request, Mr. ROTH was added as a cosponsor of S. 2224, a bill to keep the Congress better informed on matters relating to foreign policy and national security by providing it with intelligence information obtained by the Central Intelligence Agency and with analysis of such information by such agency.

S. 2261

At the request of Mr. WILLIAMS, the Senator from South Carolina (Mr. HOLLINGS), the Senator from South Dakota (Mr. McGOVERN), the Senator from Minnesota (Mr. MONDALE), and the Senator from New Mexico (Mr. MONTOYA) were added as cosponsors of S. 2261, the State and Metropolitan Development Agency Act of 1971.

S. 2304

At the request of Mr. TOWER, the Senator from Nebraska (Mr. HRUSKA) was added as a cosponsor of S. 2304, the Veterans' Allied Health Professions Training Act.

S. 2318

At the request of Mr. WILLIAMS, the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2318, the Longshoremen's and Harbor Workers' Compensation Act Amendments of 1971.

S. 2332

At the request of Mr. TOWER, the Senator from New York (Mr. JAVITS), the Senator from Tennessee (Mr. BROCK), and the Senator from Nevada (Mr. BIBLE) were added as cosponsors of S. 2332, a bill to permit a member of the U.S. Armed Forces to send mail matter without payment of postage if the member is performing duties at an overseas isolated or hardship area.

S. 2360

At the request of Mr. WILLIAMS, the Senator from Nevada (Mr. BIBLE) and the Senator from Rhode Island (Mr. PASTORE) were added as cosponsors of S. 2360, the Automobile Driver Education Act.

SENATE JOINT RESOLUTION 95

At his request, Mr. ROTH was added as a cosponsor of Senate Joint Resolution 95, relating to the authority of the President to use the Armed Forces of the United States in armed conflict.

SENATE JOINT RESOLUTION 135

At the request of Mr. TOWER, the Senator from Pennsylvania (Mr. SCHWEIKER) was added as a cosponsor of Senate Joint Resolution 135, establishing National Law Officers Appreciation Day.

SENATE RESOLUTION 163—SUBMISSION OF A RESOLUTION RELATING TO THE SEPARATION OF POWERS

(Referred to the Committee on the Judiciary.)

Mr. ERVIN submitted the following resolution:

S. RES. 163

A resolution expressing the sense of the Senate with respect to the doctrine of separation of powers as it applies to Executive Order 11605, dated July 2, 1971.

Whereas the first section of the first article of the Constitution states that "all legislative powers shall be vested in a Congress";

Whereas the second article imposes on the President the obligation to "faithfully execute" the laws enacted pursuant to article 1, section 1;

Whereas under the Constitution the President has no constitutional statutory powers to alter by executive order the content or effect of legislation enacted by Congress;

Whereas Congress, in exercise of its authority pursuant to article 1, section 1, has by statute invested in the Subversive Activities Control Board certain powers, functions, and duties as set forth in the Internal Security Act of 1950, as amended;

Whereas these functions, powers, and duties as established by law cannot be altered, amended, expanded, or restricted except pursuant to law enacted by Congress;

Whereas Executive Order 11605 purports to alter and expand the powers, duties, and functions conferred by statute on the Subversive Activities Control Board;

Whereas the first amendment to the Constitution guarantees the rights of all Americans to free speech, free thoughts, free expression, and free association;

Whereas the purpose of the first amendment is to make Americans politically, intellectually, and spiritually free;

Whereas these rights include the right of every American to advocate ideas no matter how foolish, how unwise, or how abhorrent to the government, the Congress, or to other Americans;

Whereas any governmental attempt to proscribe the advocacy of unpopular, unwise, or foolish ideas has the effect of restricting the right and ability of Americans to exercise their first amendment freedoms; and

Whereas the functions, powers, and duties purported to be conferred on the Subversive Activities Control Board by Executive Order 11605 are inconsistent with the Bill of Rights, and especially the first amendment: Now, therefore, be it

Resolved, That the Senate disapproves of Executive Order 11605 as an attempt to usurp the legislative powers conferred on Congress by the Constitution; and be it further

Resolved, That the Senate disapproves of Executive Order 11605 as an infringement of the first amendment rights of all Americans; and be it further,

Resolved, That the Senate calls on the President to revoke Executive Order 11605, or to amend or revise it to bring it into conformity with article 1, section 1 and the first amendment to the Constitution.

ADDITIONAL COSPONSORS OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 33

At the request of Mr. BROCK, the Senator from Virginia (Mr. SPONG) and the Senator from Maryland (Mr. MATHIAS) were added as cosponsors of Senate Concurrent Resolution 33, regarding the persecution of Jews and other minorities in Russia.

EQUAL RIGHTS FOR MEN AND WOMEN—AMENDMENTS

AMENDMENTS NOS. 400 THROUGH 409

(Ordered to be printed and to lie on the table.)

Mr. ERVIN submitted 10 amendments intended to be proposed by him to the joint resolution (S.J. Res. 150) proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

TOXIC SUBSTANCES CONTROL ACT OF 1971—AMENDMENT

AMENDMENT NO. 410

(Ordered to be printed and referred to the Committee on Commerce.)

PURE DRINKING WATER AMENDMENT

Mr. HART. Mr. President, on behalf of myself and the Senator from Washington (Mr. MAGNUSON), I introduce an amendment to the Toxic Substances Act.

The Environment Subcommittee is now considering the Toxic Substances Act which is designed to prevent further contamination of our environment. This amendment will provide the research and resources necessary to deal with the hazards which result from our failure to prevent the existing contamination of our Nation's environment. Today, thousands of toxic substances, organic and inorganic, flow into the homes of every citizen through the water systems of this country.

A great deal of legislative concern in recent years has been directed toward this Nation's water pollution problems, which result largely from an ever-increasing population and vigorous industrial development. At the same time, woefully little attention has been devoted to the problems which these same factors have created, with far more threatening implications for human health in the area of water supply.

Due to our reliance upon what we have come to realize is a fixed supply of ground and surface waters, the steadily increasing demand of industry and the general population for safe, pure water has compelled us to treat and reuse our available supplies over and over again.

Many municipal systems are already handicapped by insufficient supply, inadequate transmission or pumping capacity, and other deficiencies, which become acutely apparent during peak water demand periods. Furthermore, most of these systems, particularly those serving large metropolitan areas, are designed solely to remove the coliform bacteria which transmit waterborne communicable disease and do not remove or in any way affect the toxic properties of such proven drinking water contaminants as trace metals, synthetic organic chemicals, and viruses.

Confronted with the necessity of relying more and more upon the recycling of wastewaters to meet future demands, it is disturbing to realize that we possess neither adequate scientific knowledge about these toxic substances and their effects upon human health nor the purification technology to remove or reduce their toxic threat in ever more concentrated proportions.

Though wastewater control efforts are sorely needed to keep future pollution of our available source waters at a minimum, water pollution efforts alone cannot assure safe drinking water quality. A vigorous effort must now be undertaken in the area of water purification to obtain the research and development information which, when implemented in a comprehensive water supply program, can provide us with that assurance. I welcome the chance to cosponsor this amendment with the chairman of the Commerce Committee (Mr. MAGNUSON).

Mr. President, I ask unanimous consent that Mr. MAGNUSON's remarks be printed in the RECORD at this point, together with the summary of the Community Water Supply Study conducted by the Bureau of Water Hygiene, now a part of the Environmental Protection Agency.

There being no objection, the statement and study were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MAGNUSON

Mr. President, one of the most perplexing problems in the area of environmental quality today is that of continually expanding water use at a time of greatly increased pollution of our ground waters, streams, lakes and rivers.

Bacterial contamination of public water supplies has been recognized as a significant threat to public health since the latter part of the last century, and a concentrated effort by public and private water supply organizations since that time has virtually eliminated the threat of waterborne communicable disease epidemics. But our past successes in the water purification field have fostered a complacency which now obscures our vision of new impacts upon human health, resulting from introduction into the environment of hundreds of new substances each year, the byproducts of our advancing technology.

Increasing levels of heavy mental contamination and synthetic chemical residues have been documented in every medium of our environment and particularly in the water resources which must ultimately receive something of all the physical, chemical, and biological contamination with which man burdens the earth. Concurrently, ecologists and toxicologists have brought to light the complex interactions which these substances undergo in a dynamic environment and have warned us of the actual and potential adverse effects which exposure to these chemical substances may have upon human health. Yet while we have utilized our knowledge of these facts and principles in designing our approach to problems of water pollution, there has been almost no recognition accorded them in the potentially much more critical concerns of the water supply field.

We know very little about toxic threshold levels for metals and even less about the long term health effects of these and many other contaminants, which have been proven to pass untreated through conventional water purification systems. Better methods must yet be developed for sampling and analyzing water quality and for determining the contribution of a single source of contamination to the total body burden of that substance. Our present drinking water standards hardly mention viruses, neglect toxic inorganic chemicals, and gloss over persistent and toxic organic substances.

Clearly, a concentrated research effort in the area of water purity is called for at the earliest possible time to confront the critical need for more information and thereby more adequately justify the citizen's belief in the essential safety and goodness of his water supply.

Mr. President, I commend to my colleagues in the Senate a summary of the Community Water Supply Study published last year by the Bureau of Water Hygiene, for the startling report it contains on the present gross inadequacies of our national water supply network.

COMMUNITY WATER SUPPLY STUDY: SIGNIFICANCE OF NATIONAL FINDINGS

FOREWORD

The ecological crisis with which our Nation, and the world, are today confronted has been building for many years. Yet, for many, the magnitude of the damage which we have inflicted on our environment, in ignorance and carelessness, has come as a recent, stunning surprise. However, the urgency of our environmental problems can no longer be ignored or denied. President Nixon expressed the National mood about these sobering realities when he declared that "the nineteen seventies absolutely must be the years when America pays its debt to the past by reclaiming the purity of its air, its waters and our living environment."

Of special concern is the fact that the waste products of our highly urbanized and technological society—many of them not even identified—which pollute our land, air, and water, persist in the environment, and react, one with another, in complex and little understood ways, to affect the life cycles of plant, animal, and human organisms.

Our water resources, more perhaps than any other, illustrate the interaction of all parts of the environment, and also the recycling process that characterizes every resource of the biosphere. Everything that man injects into his environment—chemical, biological, or physical—can ultimately find its way into the earth's water and these contaminants must be removed, by nature or by man, before the water is again potable.

Concern for our water quality until quite recently has centered principally on the danger of bacteriological contamination from inadequately treated sewage discharged into our rivers and streams. Today we are confronted with the fact that chemical pollution of source waters poses additional, and possibly even more difficult, problems. Moreover, we deceive ourselves if we assume that even the most complete and effective treatment of municipal and industrial wastes can ever remove all threats of water contamination.

In a world subjected to growing burden of interacting pollutants, many other sources of contamination exist, so that the quality and safety of our drinking water must finally depend upon constant vigilance and application of the best techniques of water treatment and distribution.

That only recently has attention been focused on the problems of maintaining safe drinking water is illustrative of the dangerous complacency with which we have viewed the whole spectrum of environmental ills. This report by the Bureau of Water Hygiene, Environmental Health Service, represents the first real attempt to determine, on a nationwide basis, the efficacy of current practices in water treatment and to assess future prospects for maintaining safe, high quality drinking water.

It may be concluded, on the basis of the survey findings, that, while the overwhelming majority of the people of the United States can be assured that the water they drink today is safe, several million drink water containing potentially hazardous amounts of chemical or bacteriological contamination. Clearly there is an immediate need, in many localities, for upgrading present water treatment and distribution practices.

Moreover, as in so many other aspects of our environmental situation, the findings are not reassuring with regard to the future. It seems abundantly clear that we will need, in the years ahead, to give increasing attention to the broad problems of water supply in order to assure the public of an adequate supply of safe drinking water on a continuing basis. (Charles C. Johnson, Jr., Assistant Surgeon General, Administrator.)

PREFACE

Contemporary American society recognizes a host of interrelated factors that determine the quality of urban life. In addition to the basic needs—food, clothing and shelter—we have recently begun to recognize two other daily necessities that were heretofore thought to be of unquestionable quality and available in unlimited quantities; ample quantities of clean air, from moment to moment, and safe drinking water, from hour to hour.

The Community Water Supply Study concerns the current and future healthfulness and dependability of the drinking water supplied to over 150 million Americans by community water supply systems. The remaining population drinks from private supplies. The purpose of the study was to determine the quality of drinking water being delivered to the over 18 million people in the study areas and the health risk factors that enabled scientists and engineers to evaluate the ability of these systems to continue to provide adequate supplies of safe water now and in the future. The Analysis of National Survey Findings of the National Community Water Supply Study (July 1970) is based on a survey of 969 representative public water supply systems located in nine areas of the Nation. This statement attempts to place the technical findings into a national perspective. It seeks to answer two questions about the nation's water supplies: (1) Are well established standards of good practice being applied to assure the quality and dependability of water being delivered to consumers' faucets today? and, (2) What needs to be done to assure adequate quantities of safe drinking water in the future on a National scale? While our study has helped provide answers to these important questions, not all the discussion that follows in this statement is derived solely from the results of this single investigation.

BACKGROUND

Americans generally assume that the water from their faucets is healthful, and free of bacterial or chemical contaminants that can bring disease. Usually, the assumption is correct. The drinking water supplies in cities and towns of the United States rank in quality, on the average, among the best in the world. Nevertheless, there is cause for serious concern about our drinking water. There are two good reasons for this paradox.

To begin with, it cannot be maintained that all of our drinking water is safe. It is true that the classical communicable waterborne diseases of years past—typhoid fever, amoebic dysentery and bacillary dysentery—were brought under control by the 1930's. However, we still have outbreaks of communicable disease from sewage contamination of water supply systems in the United States. Recent outbreaks are discussed later in this report. As we shall see in this report, we found evidence of bacterially contaminated water being served to consumers in communities ranging in size from less than 500 to 100,000 persons.

Disturbing as it is to find such evidence, there is a second, more far reaching problem of considerable importance to the country. That problem is the ability of all our present municipal water supply systems to continue to deliver water of good quality and adequate quantity in the decades ahead to a rapidly rising population. This is made all the more difficult by the growing amount of chemical pollutants entering our lakes, streams and aquifers.

Current forecasts provide an indication of how much water we will be needing in the future. According to one calculation, we used 270 billion gallons of water per day in 1965 in support of industry, agriculture, and for domestic drinking purposes. By the year 2020, our water requirements are expected to exceed 1300 billion gallons each day. But hydrologists estimate that the total usable surface water supply from rainfall is only 700 billion gallons per day. Even today, when we return our used waters to streams or lakes we find ourselves using them over and over again. The need for multiple reuse of water will become greatly amplified in major sections of the country in years ahead. If the future population growth rate is only half of current projections, and even where desalinization of salt and brackish waters is a practical and economically feasible alternative, major sections of the country will find it increasingly necessary to practice multiple reuse in the years ahead. Much of the future problem relates to the need for having this reason, ground water has emerged as a significant source now accounting for more than 20 percent of the Nation's water supply requirements.

Where both surface and ground sources are insufficient it will become necessary to directly recycle our wastewaters. This means taking wastewaters and using them over again in a closed system without first discharging them into our streams and lakes. With our present technology we cannot use water in this fashion for drinking, recreation or other intimate uses. It is true that during the past decade, much has been learned about the treatment of wastewaters for removal of some organic substances and bacteria, and processes for renovating wastewaters for direct reuse have even proceeded to the pilot plant stage. But the reuse of wastewaters over and over again presents us with new problems; with present treatment processes, chemicals would be concentrated, and therefore, new treatment processes must be developed; fail-safe warning systems must be found; and new methods must be developed to detect and remove such impurities as the pesticides and viruses which currently are present in almost undetectable concentrations. Little is known about the concentrations of carcinogens, antibiotics or hormones present in wastewaters.

Even though wastewater control efforts will be expanded in the future and are sorely needed to minimize future pollution of our drinking water sources, it is clear that water pollution control efforts alone cannot assure a safe drinking water quality. It is highly unlikely that even the best conventional waste treatment will produce a discharge of drinking water quality. As such, treatment does not remove all of todays known potential toxicants or biological agents prior to discharge. In addition, there are pollutants which have an effect on source of drinking water which are not subject to waste treatment. Such pollutants are found in uncontrolled runoff from our fields and forests, and from chemicals spilled in transportation accidents. Both of these examples adversely affect quality at the community water treatment plant intake. Both today and in the future, delivery of adequate supplies of safer water at the consumer's tap will be dependent upon properly designed, constructed and operated municipal water treatment plants and distribution systems.

SCOPE OF THE STUDY

The National Community Water Supply Study was designed to cover a variety of natural and demographic situations across the country. It surveyed 969 public water systems—in the State of Vermont and in eight standard metropolitan statistical areas—New York, New York; Charleston, West Virginia; Charleston, South Carolina; Cincinnati, Ohio; Kansas City, Missouri-Kansas; New Orleans, Louisiana; Pueblo, Colorado; and San Bernardino-Riverside-Ontario, California. The survey investigated every public water system in each of the designated areas. Twenty-two big city systems in the study areas served over 13 million people. The remaning 947 systems served 5 million people in communities of less than 100,000 people and 760 of those 947 systems each served populations of less than 5,000 people.

The survey was not expected to provide a perfect random sample of water supply systems throughout the country, but the results are reasonably representative of the status of the water supply industry in the United States. As detailed in the Analysis of National Survey Findings, and in the mine supportive reports presenting findings for the specific study areas, the Public Health Service Drinking Water Standards of 1962 were used to evaluate both the current quality of drinking water and the health risks associated with the systems delivering that water.

Each water supply system was investigated to determine the quality of water being delivered to the consumer's tap, the adequacy of physical facilities and operating procedures, and the status of surveillance programs so necessary to the delivery of adequate quantities of safe water on a continuing basis consistent with the U.S. Public Health Service Drinking Water Standards. Two or more water samples, depending on the size of the community population, were analyzed for chemical, bacteriological and other constituents. Each sample indicated the quality of water at a particular point in time, and when all samples from a given system were evaluated together, the average quality of water being served during the study was determined.

The evaluation of each system was designed to identify deficiencies which could lead to a system failure in the future that, in turn, could lead to the delivery of potentially hazardous water quality to the consumer. Past records were studied to determine operational practices, including the frequency of past failures of equipment. The current condition of physical facilities was examined for such deficiencies as inadequate disinfection equipment in the event of an emergency, or finished water reservoirs poorly protected from contamination. The surveillance programs were reviewed with an eye on such problems as collection of bacteriological samples on a regular basis and the regular inspection of the distribution systems to prevent recontamination of the drinking water between the treatment plant and the consumer's tap.

FINDINGS IN THE STUDY AREAS

Drinking water quality defects and health risk problems involving poor operating procedures, inadequate physical facilities, and poor surveillance activities were found in both large cities and small towns irrespective of geographical location. In general, the larger systems, those serving in excess of 100,000 persons including the 10.4 million people in the cities of New York, Cincinnati, Kansas City, and New Orleans, were delivering an "average" acceptable water quality consistent with the Drinking Water Standards. On this *average basis*, 86 percent of the approximately 18 million people covered by this study, or about 15.5 million served by 59 percent of the 969 systems investigated, were receiving good water during the study. The larger systems also evidenced better operation of treatment and distribution facilities. While sanitary defects were found in larger systems, the overall health risk was generally judged to be low, even though improvements in operational procedures and physical facilities are believed warranted in many instances.

Conversely, 41 percent of the 969 systems were delivering waters of inferior quality to 2.5 million people. In fact, 360,000 persons in the study population were being served waters of a potentially dangerous quality. This was particularly true of community systems serving less than 100,000 persons. Even where average quality was good, occasional samples were found to contain fecal bacteria, lead, copper, iron, manganese and nitrate and a few even exceeded the arsenic, chromium, and selenium limits. After all, people do not drink "average" water. They drink "samples" of water from their kitchen faucets or a drinking fountain at work or play. It is particularly important to note that communities of less than 100,000 people evidenced a prevalence of the water quality deficiencies and health risk potential. Some of the very small communities were even drinking water on a day-to-day basis that exceeded one or more of the dangerous chemical limits, such as selenium, arsenic or lead.

The major findings from the study, in the light of today's water treatment technology are as follows:

Quality of water being delivered

36 percent of 2,600 individual tap water samples contained one or more bacteriological or chemical constituents exceeding the limits in the Public Health Service Drinking Water Standards.

9 percent of these samples contained bacterial contamination at the consumer's tap evidencing potentially dangerous quality.

30 percent of these samples exceeded at least one of the chemical limits indicating waters of inferior quality.

11 percent of the samples drawn from 94 systems using surface waters as a source of supply exceeded the recommended organic chemical limit of 200 parts per billion.

Status of physical facilities

56 percent of the systems evidenced physical deficiencies including poorly protected groundwater sources, inadequate disinfection capacity, inadequate clarification capacity, and/or inadequate system pressure.

In the eight metropolitan areas studied, the arrangements for providing water service were archaic and inefficient. While a majority of the population was served by one or a few large systems, each metropolitan area also contained small inefficient systems.

Operators' qualifications

77 percent of the plant operators were inadequately trained in fundamental water microbiology; and 46 percent were deficient in chemistry relating to their plant operation.

Status of community programs

The vast majority of systems were unprotected by cross-connection control programs, plumbing inspection programs on new construction, or continuing surveillance programs.

Status of State inspection and technical assistance programs

79 percent of the systems were not inspected by State or County authorities in 1968, the last full calendar year prior to the study. In 50 percent of the cases, plant officials did not remember when, if ever, a state or local health department had last surveyed the supply.

An insufficient number of bacteriological samples were analyzed for 85 percent of the water systems—and 69 percent of the systems did not even analyze half of the numbers required by the PHS Drinking Water Standards.

NATIONAL SIGNIFICANCE OF THE STUDY FINDINGS

Well established standards of good practice, in terms of the full application of existing technology, are not being uniformly practiced today to assure good quality drinking water. While most professionals hold the USPHS Drinking Water Standards in high esteem, the study shows that an unexpectedly high number of supplies, particularly those serving fewer than 100,000 people, exceeded either the mandatory or recommended constituent levels of bacterial or chemical content, and a surprisingly larger number of systems evidence deficiencies in facilities, operation and surveillance.

The National significance can be placed in perspective by considering the size-distribution of municipal water supply systems that were the subject of comprehensive facilities census conducted during 1963. At that time, 150 million Americans were being served by 19,236 public water supply systems including 73 million people dependent upon 18,837 small systems, each serving communities of less than 100,000 people. When these statistics are compared with the fact that over 40 percent of the small systems investigated during the current study evidenced current quality deficiencies *on the average* and both large and small communities were judged to be giving inadequate attention to quality control factors, there can be little doubt that this situation warrants major National concern.

Most of our municipal water supply systems were constructed over 20 years ago. Since they were built, the populations that many of them serve have increased rapidly—thus placing a greater and greater strain on plant and distribution system capacity. Many systems are already plagued by an insufficient supply, inadequate transmission or pumping capacity, and other known deficiencies that become most evident during peak water demand periods. Moreover, when these systems were built, not enough was known to design a facility for the removal of toxic chemical or virus contaminants. They were designed solely to treat raw water of high quality for the removal of coliform bacteria. Such facilities are rapidly becoming obsolete as demands rise for water. The task in the future for our water treatment plants can be visualized by examining our population trend. By the year 2000—only 30 years from now—our present population of about 205 million is expected to spurt to 300 million. By that time, it is expected that 187 million people (the total U.S. population just eight years ago) will be concentrated in four urban agglomerations—on the Atlantic Coast, the Pacific Coast, on the coast of the Gulf of Mexico and on the shores of the Great Lakes. Most of the remaining population will be living in cities of 100,000 or more.

In the past, communities and industries were in the favorable position of being able to select the best source of supply consistent with their quantity and quality requirements. The demand for more water to quench the thirst of a growing population and meet the needs of expanding industry have led many people to ask how future quantity requirements will be satisfied. Concurrently, expanding water use comes at a time of greatly increased pollution of ground water aquifers, as well as streams, lakes and rivers. Historically and traditionally, ground water coming from its natural environment has been considered of good sanitary quality—safe to drink, if palatable. Nevertheless, 9 percent of the wells sampled during this survey showed coliform bacterial contamination. It seems fair to say that a similar situation prevails nationwide.

Chemical contaminants in our environment have been on the increase for about 25 years, due to the dramatic expansion in the use of chemical compounds for agricultural, industrial, institutional and domestic purposes. There are about 12,000 different toxic chemical compounds in industrial use today, and more than 500 new chemicals are developed each year. Wastes from these chemicals—synthetics, adhesives, surface coatings, solvents and pesticides—already are entering our ground and surface waters, and this trend will increase. We know very little about the environmental and health impacts of these chemicals. For example, we know very little about possible genetic effects. We have difficulty in sampling and analyzing them—we have much greater difficulties in determining their contribution to the total permissible body burden from all environmental insults.

Consideration of the findings of this study leaves no doubt that many systems are delivering drinking water of marginal quality on the average, and many are delivering poor quality in one or more areas of their water distribution systems today. To add to this quality problem, the deficiencies identified with most water systems justifies real concern over the ability of most systems to deliver adequate quantities of safe water in the future.

RECOMMENDATIONS

Modern facilities operated by qualified personnel under adequate surveillance will provide high quality water with the lowest possible risk that current technology can offer. The following recommendations are made to those state and municipal officials concerned with the responsibility for safe, adequate water supply:

Apply available water treatment and distribution technology, more intensively.

Determine manpower needs of the state and county programs *now* in order to develop a program to provide technical assistance, training, and adequate surveillance to the Nation's numerous community water supply systems.

Upgrade the skills of personnel responsible for the operations and maintenance of the water supply systems themselves, particularly in the case of those systems serving fewer than 100,000 people, through short courses, seminars, and correspondence courses to employees presently employed in the field as well as those wishing to enter it.

Expand state laboratory resources to add the capability of routinely analyzing water samples for biological and chemical agents of health significance.

Provide educational opportunities in water hygiene at the university level to assure the availability of qualified personnel to meet existing and future needs.

In addition to defining the need for improvements at the state and community level, this study's findings also show a need for research, development and planning to improve current practices and to provide adequate supplies of safe water in the future. The study clearly evidences the need to develop:

Improved systems including surveillance procedures, to assure continuous and effective disinfection programs, particularly in smaller communities.

Additional engineering research to simplify and lower the cost of removing excess nitrates and fluorides.

Improved systems to control aesthetically undesirable concentrations of iron, manganese, hydrogen sulfide, and color, as well as taste and odor-causing organic constituents.

Analytical surveillance techniques and control procedures to eliminate the deterioration that is occurring in water quality between the time the water leaves the treatment plant and the time it reaches the consumer.

Improved planning to provide adequate quantities of safe water to the majority of our people who live in urban areas, and tc assure optimum resource development and utilization to meet the needs of major population complexes.

History gives ample evidence of the inescapable penalties paid by past civilizations which failed to provide for the safety of their drinking water systems. Modern history shows that such waterborne diseases as typhoid, dysentery, and cholera are controllable and, in fact, were all but eliminated in the United States by the 1930's by applying the principles identified in the Drinking Water Standards. This study demonstrates that we have begun to backslide, which in turn, explains why it is that waterborne disease persists as evidenced by the epidemic at Riverside, California in 1965 which affected 18,000 people, the 30 percent gastroenteritis attack rate in Angola, New York in 1968 due to a failure in the disinfection system, and the 60 percent infectious hepatitis attack rate which afflicted the Holy Cross football team in 1969 as a result of the ineffective cross-connection control procedures. These recent episodes, reinforced by the findings of the current study, provide ample evidence of the increasing potential for similar episodes unless we improve water system operations consistent with currently accepted standards of practice.

We must also recognize numerous voids in existing technology which do not allow measurement of the current effectiveness of existing procedures. The current Drinking Water Standards do little more than mention viruses, neglect numerous inorganic chemicals which are known to be toxic to man, and identify only one index that is supposed to cover the entire family of organic chemical compounds. These standards must be updated.

The need for knowledge about the health effects of waterborne contaminants is acute. Research is required, for example, to develop improved treatment control and surveillance procedures for viruses. The chronic long-term effects of chemical contaminants requires thorough investigation. For instance, we must determine the concentration levels at which numerous contaminants, such as mercury, molybdenum or selenium, cause adverse health effects. Similarly, we must mount a major attack on a host of synthetic organic chemicals which are growing at a rate of 500 new compounds per year. In addition to the threats posed by such well-publicized materials as pesticides, we now have to face a multitude of new organic chemical compounds. Recognizing our relatively fixed amount of ground and surface water supply, the increasing water needs of the general population and industry, and the need to reuse our available supplies to satisfy future demands, we can no longer afford to "wait and see what happens." We must begin to *investigate before we introduce* new compounds into the environment.

All this research is essential if we are to maintain at least the status quo for the current generation. These are issues confronting scientists and engineers today at all levels of government. But the overall water hygiene effort is this generation's responsibility to future generations. Indeed, answers to many of the currently identifiable research problems of today must be gained quickly if the current and future planners of our environment are to begin to formulate rational, economic and effective plans for the continued growth and development of our society.

SOCIAL SECURITY AMENDMENTS OF 1971—AMENDMENT

AMENDMENT NO. 411

(Ordered to be printed and referred to the Committee on Finance.)

Mr. GRIFFIN submitted an amendment intended to be proposed by him to the bill (H.R. 1) to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

AMENDMENT NO. 412

(Ordered to be printed and referred to the Committee on Finance.)

Mr. METCALF submitted an amendment intended to be proposed by him to H.R. 1, supra.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 318

At the request of Mr. Ribicoff, the Senator from Massachusetts (Mr. Kennedy) was added as a cosponsor of amendment No. 318 intended to be proposed to the bill (H.R. 1) to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

ADDITIONAL STATEMENTS

THE SENATE'S BRISK PACE AND SUBSTANTIAL ACCOMPLISHMENTS

Mr. MANSFIELD. Mr. President, several "administration spokesmen" have recently appraised the pace of the first session of the 92d Congress as "leisurely." With the front door to the White House controlled by one political party and Congress by another, it is to be expected that in a pre-presidential election year, some administration spokesmen will tend to inject into statements about Congress what might best be termed the polemics of politics.

The pace of the first session, far from being "leisurely," has, in fact, been steady and brisk. Moreover, the achievements of this Congress thus far have not been scant, as the spokesmen seem to suggest, but, on the contrary, the achievements have been substantial.

Since convening on January 21, the Senate has met on 116 days and has been in session a total of more than 675 hours. Not in more than a decade has the Senate, by August 6 in a first session of a Congress, spent more hours conducting business on the Senate floor. Through yesterday, I might add, the Senate had taken 185 rollcall votes. While pertinent records available to me date back only to 1933, those records show that in no first session of Congress since that year have there been as many rollcall votes by August 6. It seems reasonable to assume that never in any first session of any Congress has the Senate cast more rollcall votes by a similar date.

Also, I would point out that at this session the Senate has passed some 375 measures, given its advice and consent to the ratification of five treaties, and confirmed over 30,800 nominations.

The Senate's record of accomplishment stems from the cooperation of all Members of the Senate on both sides of the aisle, and to my colleagues I wish to express the Democratic leadership's deep thanks. I also wish to pay special tribute to the distinguished minority leader (Mr. Scott) for his understanding, reason, patience, and assistance in making it possible for the legislative program to move ahead expeditiously. I ask him, too, to indulge the "administration spokesmen" who would cast doubt on the formidable record of the Senate to which he and his colleagues on his side of the aisle have contributed so much.

Mr. President, I ask unanimous consent to have printed at this point in the Record a summary of major Senate legislative activity thus far in the first session of the 92d Congress. In my opinion, this summary shows beyond question that the Senate's achievements to date have been substantial, indeed.

There being no objection, the summary was ordered to be printed in the Record, as follows:

Senate Legislative Activity—92d Congress, 1st Session

(By Senate Democratic Policy Committee)

Symbols: P/H—Passed House; P/S—Passed Senate

Following is a brief summary of major Senate activity.

AGRICULTURE

Burley Tobacco.—Extended the time for proclamation of marketing quotas for burley tobacco for the 3 marketing years beginning October 1, 1971. Public Law 92–1.

Burley Tobacco—Poundage Quotas.—Provided for poundage quotas, without acreage allotments, for burley tobacco; provided for a referendum of burley tobacco growers to determine whether they favor or oppose the establishment of farm marketing quotas on a poundage basis for the next 3 crop years; increased to 15,000 pounds the amount of quotas a farmer may lease; provided that farm quotas cannot be reduced more than 5 percent in any year; prevented allotments of ½ acre or less from being cut more than 2½ percent in the years 1972 and 1973. Public Law 92–10.

California Peaches.—Added California-grown peaches to the list of commodities for which paid advertising provisions may be included in marketing orders under the Agricultural Adjustment Act. H.R. 4263. Public Law 92– .

Child Nutrition Programs.—Authorized the use of $35 million in section 32 funds for the National School Lunch Act in fiscal year 1971 and $100 million in section 32 funds to carry out the provisions of that act regarding free and reduced price meals to needy children in fiscal year 1972; extended the authorization for the school breakfast program for fiscal years 1972 and 1973 and authorized therefor $25 million for each fiscal year and the authorization for the special food assistance program for children for fiscal years 1972 and 1973 and authorized therefor $32 million for each fiscal year; authorized the use of up to $20 million of section 32 funds for the supplemental food program in fiscal year 1972; and contained other provisions. Public Law 92-32.

Citrus Exports.—Called on the President to promptly make every effort to obtain the removal of the discriminatory import preferences maintained by the European Economic Community (EEC) with respect to citrus fruits and, should such efforts not succeed, to exercise within 60 days his authority to increase United States import duties or impose other import restrictions against products entering the United States market from the EEC. S. Res. 89. Senate adopted April 1, 1971.

Consolidated Farmers Home Administration Act of 1971 Amendments—Amends the Consolidated Farmers Home Administration Act of 1971 to increase the maximum loan and grant under section 306 (for water or waste disposal facilities and other specified purposes) to $10 million (from $4 million); to extend the planning grant authority to all waste disposal systems (now limited to "sewer" systems); to extend the authority of the Secretary to insure loans to October 1, 1975 (from October 1, 1971); to increase the maximum amount of loans which may be made by the Secretary from the Agricultural Credit Insurance Fund and held by him at any one time for sale as insured loans to $500 million (from $100 million); to transfer the assets and liabilities of, and authorization applicable to, the direct loan account to the Agricultural Credit Insurance Fund (to permit loans made from the direct loan account to be sold as insured loans, and abolish the direct loan account; to authorize insurance of loans meeting the requirements of the Watershed Protection and Flood Prevention Act of title III of the Bankhead-Jones Farm Tenant Act; to increase the ceiling on operating loans to $50,000 (from $35,000); and to authorize insurance of operating loans (of the type now authorized to be made as direct loans). S. 1806. P/S May 11, 1971.

Cotton Ginners Reports—Amends the census law to provide that reports by cotton ginners as to the county in which each bale ginned is grown shall be made at the completion of the ginning season, but not later than the March canvass; rather than at the March canvass. S. 932. P/S May 11, 1971.

County Committees—Amends the Soil Conservation and Domestic Allotment Act to permit the Secretary of Agriculture to consolidate counties or parts of counties for county committee puposes; contains other provisions. S. 1670. P/S June 21, 1971.

Crop Insurance.—Requires Federal crop insurance to be made available to persons between 18 and 21 years of age. S. 1139. P/S July 25, 1971.

Egg Product Inspection Act Exemption.—Required the Secretary of Agriculture, through December 31, 1971, to exempt from specific provisions of the Act any plant processing egg products which is located in the noncontiguous areas of the United States where the owner has been unable, despite good faith effort, to bring the plant into full compliance with the act. H.R. 9020. Public Law 92- .

Eminent Domain Pool. Allotment.—Repeals the existing requirement that acreage allotments established from the eminent domain pool be "comparable with allotments determined for other farms in the same area." S. 1545. P/S June 21, 1971.

Farm Credit of 1971.—Provides further for the farmer-owned cooperative system through which credit is made available to farmers and ranchers and extends its operations to provide for housing loans to rural residents and loans to others providing services upon which farming operations are dependent in order to provide a modernized system to meet current and future rural credit needs; and contains other provisions. S. 1483. P/S July 29, 1971.

Farm Payment Subsidy Limitation.—Calls for a report to the Congress by the Secretary of Agriculture on his findings on the operation and administration of the current $55,000 farm subsidy payment limitation. S. Res. 153. Senate adopted July 15, 1971.

Feed Grain Bases or Domestic Wheat Allotments for Certain Sugar Producers: Wheat History Preservation.—Authorizes (1) the establishment of feed grain bases, or wheat domestic allotments, for sugar beet producers who have no processing plant available, because their former processing plant ceased operation on or after January 1, 1970, and (2) the Secretary of Agriculture to permit acreage planted to barley prior to November 30, 1970 to be considered as devoted to feed grains or wheat for the purpose of preserving acreage history. S. 795. P/S March 25, 1971.

Marketing Quota Review Committee Members.—Permits farm marketing quota review committee members to be appointed from any county in the State instead of from only the county in which the farm subject to the quota being reviewed is located or nearby counties. S. 1131. P/S May 11, 1971.

Meat and Poultry Inspection Costs.—Increases the maximum Federal contribution to the cost of any State meat or poultry inspection system from 50 to 80 percent. S. 1316. P/S July 29, 1971.

National Forest Law Enforcement.—Authorized the Secretary of Agriculture to cooperate with any State or political subdivision in the enforcement of local law on lands within the national forest system. H.R. 3146. Public Law 92- .

Peanut Allotments.—Amended the Agricultural Adjustment Act of 1938 to set new criteria for apportionment of acreage allotments among new peanut farms. Public Law 92-62.

Rural Telephone Bank.—Provided a source of supplementary financing to meet the growing capital need of rural telephone systems through establishment of a rural telephone bank to furnish assured and viable sources of supplementary financing, which bank shall originally be a wholly owned government corporation until 51 percent of the Class A stock has been retired and then to be a mixed-ownership government corporation, subject to annual government audit but not budgetary review. Public Law 92-12.

Wine Promotion Activities.—Amended section 402 of the Agricultural Trade Development and Assistance Act of 1954, as amended, to remove the restriction on foreign market promotion activities for domestic wine. Public Law 92-42.

APPROPRIATIONS

1971

Continuing Appropriations.—Continued, through June 30, 1971, funding for the Department of Transportation and related agencies, appropriating $2,404,134,605 in new budget authority for fiscal year 1971 and $150 million in fiscal year 1972 advance funding for the Washington Metropolitan Area Transit Authority. Public Law 92-7.

Second Supplemental, 1971.—Appropriated $7,028,195,973 in supplemental funds for fiscal year 1971. Public Law 92-18.

Supplemental-Labor.—Appropriated $50,675,000 for unemployment compensation for Federal employees and ex-servicemen. Public Law 92-4.

Urgent Supplemental.—Appropriated $1,037,872,000 for urgent supplemental appropriations for fiscal year 1971 for the Defense Department (claims, defense); the Veterans' Administration (compensation and pensions, and readjustment benefits); the Labor Department (Wage and Labor Standards Administration, salaries and expenses); Department of Health, Education and Welfare, Environment Health Service and Occupational Safety and Health Review Commission; the Small Business Administration (Disaster loan fund); funds appropriated to the President (Disaster relief). Public Law 92-11.

1972

Agriculture-Environmental and Consumer Protection.—Appropriated $13,276,900,050 for the Agriculture-Environmental and Consumer Protection programs. H.R. 9270. Public Law 92- .

Continuing Appropriations.—Made continuing appropriations for several departments, agencies, corporations, and other organizational units of the Government to avoid interruption of continuing government functions until the enactment into law of the regular annual appropriation bills for fiscal year 1972 or until the expiration of this joint resolution on August 6, 1971, whichever occurs first. Public Law 92-38.

Further Continuing Appropriations.—Further continuing appropriations for fiscal year 1972 for the period from August 6 to October 15, 1971, H.J. Res. 829. Public Law 92- .

Housing and Urban Development-Independent Offices.—Appropriated $18,339,738,000 for the Department of Housing and Urban Development and for space science, veterans, and certain other independent executive agencies, boards, commissions and offices. H.R. 9382. Public Law 92- .

Interior and Related Agencies.—Appropriated $2,223,980,035 for the Department of the Interior and related agencies. H.R. 9417. Public Law 92- .

Labor, and Health, Education and Welfare, and Related Agencies.—Appropriated $20,804,662,000 for the Department of Labor, the Department of Health, Education and Welfare, and related agencies. H.R. 10061. Public Law 92- .

Labor Department—Emergency Employment Assistance.—Appropriated $1 billion to the Department of Labor for emergency employment assistance. H.J. Res. 833. Public Law 92- .

Legislative Branch.—Appropriated $529,309,749 for the Legislative Branch. Public Law 92-51.

Office of Education and Related Agencies.—Appropriated $5,146,311,000 for the Office of Education and related agencies. Public Law 92-48.

Public Works—Atomic Energy Commission—Independent Offices.—Appropriated $4,716,922,000 for public works for water and power development, the Atomic Energy Commission, and related independent agencies and commission. H.R. 10090. P/H 7/29/71. P/S amended July 31, 1971.

State—Justice—Commerce—Judiciary.—Appropriated $4,067,116,000 for the Departments of State, Justice, and Commerce, the Judiciary and related agencies. H.R. 9272. Public Law 92- .

Transportation.—Appropriated $2,905,310,997 for the Department of Transportation and related agencies. H.R. 9667. Public Law 92- .

Treasury, Postal Service, and General Government.—Appropriated $4,752,789,690 for the Treasury Department, the U.S. Postal Service, the Executive Office of the President and certain independent agencies. Public Law 92-49.

Urgent Agriculture Appropriations—Appropriated $17 million to the Department of Agriculture for the summer program of the non-school feeding programs for children. Public Law 92-35.

ATOMIC ENERGY

Atomic Energy Commission Authorization.—Authorized $2,400,912,000 for the Atomic Energy Commission for fiscal year 1972. H.R. 9388. Public Law 92- .

CONGRESS

Commission on Art and Antiquities of the Senate.—Expands the authority of the Commission on Art and Antiquities of the United States Senate to enable it to acquire any work of art, historical object, document or material relating to historical matters, or exhibit for placement or exhibition in the Senate wing of the Capitol, the Senate Office Buildings, or in rooms, spaces or corridors thereof. S. Res. 95. Senate adopted April 1, 1971.

Federal Election Campaign Act of 1971.—Repeals the equal time requirement of Section 15 of the Federal Communications Act in regard to candidates for Federal office; requires broadcasters to charge all candidates (Federal and State) no more than the lowest unit rate in the same time period for 45 days before primaries and 60 days before general elections and applies the same requirement to candidates for Federal office only for non-broadcast media (Newspapers, magazines, periodicals and billboards); puts a separate limit on the amount Federal candidates may spend in primaries and general elections on broadcast media to be computed at the rate of 5 cents times the resident population of voting age in the State for candidates for the Senate, and the rate of 5 cents times the resident population of voting age of the district for candidates for the House of Representatives, with an identical limitation on non-broadcast media, with the provision that 20 percent of the allowable amount for either media may be spent on the other media; provides that the States may make the broadcasting spending limit applicable to Statewide elections, and makes the limitation applicable to any money spent by a candidate or on his behalf; requires broadcasters selling time on the behalf of a candidate to obtain a written certification that the amount to be spent will not put the candidate over the limitation, and applies the same requirement to spending for non-broadcast media; makes the Act applicable to every elective process, every candidate, and every political committee (national, state or local) which accepts contributions in a calendar year in excess of $1,000; approves the creation of a Federal Elections Commission, which will receive, compile, and publish financial statements of contributions and expenditures for every candidate and every political committee on a quarterly basis as well as on the 15th and 5th day before the date of every election, which will be made available for public inspection at the Commission's central office and the Clerk's office of every U.S. District Court; and contains other provisions. S. 382 P/S August 5, 1971.

Female Appointees.—Permits the appointment for the Senate of pages, elevator operators, post office employees, or Capital policemen without discrimination on account of sex. S. Res. 112. Senate adopted May 13, 1971.

Joint Committee on the Environment.—Provides for the establishment of a 22-member Joint Committee on the Environment to consist of 11 Members each of the Senate and the House. S.J. Res. 17. P/S March 16, 1971. H.J. Res. 3. P/H July 20, 1971.

CRIME-JUDICIARY

Additional Judicial District in Louisiana.—Creates an additional judicial district in Louisiana by dividing the present eastern district into two districts, the eastern and middle districts. S. 733. P/S July 23, 1971.

Civil Rights Commission Authorization.—Increased the annual authorization for the Commission on Civil Rights from $3.4 million to $4 million. Public Law 92–64.

Copyright Protection.—Extends until December 31, 1972 the duration of copyright protection in certain cases. S.J. Res. 132. P/S July 23, 1971.

Juvenile Delinquency Prevention and Control Act Amendments of 1971.—Extended the Act for 1 year, until June 30, 1972, and authorized $75 million for fiscal year 1972 for programs and projects under the Act; authorized an increase from 60 to 75 percent in the Federal share of funding for juvenile rehabilitation projects to make such funding consistent with funding in the Omnibus Crime Control and Safe Streets Act of 1968; authorized grants to assist juvenile rehabilitation projects sponsored by nonprofit, private agencies; and established an Interdepartmental Council to coordinate all Federal juvenile delinquency programs. Public Law 92–31.

Limited Copyright in Sound Recordings.—Provides for the creation of a limited copyright in sound recordings for the purpose of protecting against unauthorized duplication and piracy of sound recording. S. 646. P/S April 29, 1971.

Patent Office.—Provides for several miscellaneous amendments of title 35, United States Code, and for an adjustment of the organization of the Patent Office within the Department of Commerce. S. 1254. P/S April 22, 1971.

Patents and Trademarks.—Afforded patent and trademark applicants an opportunity to make a claim for a filing date earlier than the date on which the application was received by the Patent Office. Public Law 92–34.

Authorizes the United States to make voluntary contributions to such organizations as the United International Bureau for the Protection of Intellectual Property and the Committee for International Cooperation in Information Retrieval Among Patent Offices in order to defray the cost of studies and other projects in connection with international patent and trademark matters. S. 1253. P/S April 22, 1971.

United States District Court.—Authorizes the United States District Court for the Northern District of West Virginia to hold court at Morgantown, West Virginia. S. 230. P/S April 21, 1971.

DEFENSE

Disposals from National and Supplemental Stockpiles.—Authorizes disposal from the national and supplemental stockpiles of various materials, as follows:

Abaca: 25 million pounds. S. 776. Public Law 92– .

Amosite Asbestos: 32,839 short tons. S. 763. Public Law 92– .

Antimony: 6,000 short tons. S. 765. Public Law 92– .

Celestite: 12,270 short dry tons. S. 772. Public Law 92– .

Chromite, Chemical grade: 324,500 short dry tons. S. 768. Public Law 92– .

Chromium metal: 4,238 short tons. S. 762. Public Law 92– .

Columbium: 5,010,716 pounds. S. 770. Public Law 92– .

Diamond tools: 64,178 pieces. S. 761. Public Law 92– .

Industrial diamond crushing bort: 18,912,000 carats. S. 751. Public Law 92– .

Industrial diamond stones: 4,961,000 carats. S. 769. Public Law 92– .

Iridium: 256 troy ounces. S. 757. Public Law 92– .

Kyanite-Mullite: 4,820 short dry tons. S. 778. Public Law 92– .

Magnesium: 78,000 short tons. S. 775. Public Law 92– .

Manganese, battery grade: 4,805 short dry tons. S. 760. Public Law 92– .

Manganese, metallurgical grade: 4,424,840 short dry tons. S. 759. Public Law 92– .

Mica: 5,026,987 pounds. S. 758. Public Law 92– .

Quartz crystals: 330,000 pounds. S. 756. Public Law 92– .

Rare Earth materials: 8,233 short dry tons. S. 767. Public Law 92– .

Selenium: 475,000 pounds. S. 771. Public Law 92– .

Shellac: 2.9 million pounds. S. 755. Public Law 92– .

Silicon carbide: 166,453 short tons. S. 754. P/S June 21, 1971.

Sisal: 100 million pounds. S. 777. Public Law 92– .

Thorium: 210 short tons. S. 753. Public Law 92– .

Vanadium: 1,200 short tons. S. 774. Public Law 92– .

Vegetable tannin extracts: 46,263 long tons. S. 752. Public Law 92– .

Zinc: 515,200 short tons. S. 766. P/S June 21, 1971.

Health Care Benefits for Certain Surviving Dependents.—Permitted surviving military dependents of Armed Forces members who die while eligible for receipt of hostile fire pay, or from a disease or injury occurred while eligible for such pay, who are receiving benefits under the special program for the physically handicapped or mentally retarded provided the civilian health and medical program of the uniformed services (CHAMPUS) to continue to receive such benefit until they pass their 21st birthday. Public Law 92–58.

Military Construction Authorization.—Provides construction and other related authority for the military departments, and the office of the Secretary of Defense, within and outside the U.S.; provides authority for construction of facilities for the Reserve components, in the total amount of $2,008,652,000 ($2,000,641,000 in new authority and an increase in prior years' authorization of $6,011,000); and contains other provisions. H.R. 9844. Passed House July 22, 1971. Passed Senate amended August 5, 1971.

Military Selective Service—Military Pay.—Extends the military draft for 2 years until July 1, 1973; increases military pay; authorizes military active duty strengths for fiscal year 1972; declares it to be the policy of the United States to terminate all U.S. military operations in Indochina and to provide for the prompt and orderly withdrawal of all U.S. military forces 9 months after enactment subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government; contains other provisions. H.R. 6531. Passed House April 1, 1971. Passed Senate amended June 24, 1971. House adopted conference report August 4, 1971.

National Guard Technicians—Increased the ceiling for National Guard technicians from 42,500 to 49,200 in fiscal year 1972 and to 53,100 for fiscal year 1973 and beyond. S. 2296. Public Law 92–

DISTRICT OF COLUMBIA

Administration of Estates.—Amended the District of Columbia Code to increase the jurisdictional amount for the administration of small estates, to increase the family allowance, to provide simplified procedures for the settlement of estates, and to eliminate provisions which discriminate against women in administering estates. H.R. 7931. Public Law 92–

Assaults on D.C. Firemen—Provided the same criminal penalties for asasults on firemen in the District of Columbia, and for interfering with such firemen in the performance of their official duties, as are presently provided by law for assaults on and interference with police officers in the city. H.R. 5638. Public Law 92– .

Commission on the Organization of the Government of the District of Columbia—Extension—Extended the life of the Commission on the Organization of the Government of the District of Columbia 6 months (from September 22, 1971, to March 22, 1972). Public Law 92–25.

Decedents' Estates—Minor's Share—Facilitated the distribution of a minor's share in the personal property of an estate whenever such share is of the value of $1,000 or less, and the minor is not otherwise under a legal disability and does not have a duly appointed and qualified guardian. H.H. 2594. Public Law 92——.

District of Columbia Police Commendation—Commends the Chief of the Metropolitan Police Department and other law enforcement personnel for their efficient action during demonstrations in the Nation's Capital in May. S. Res. 119. Senate adopted May 10, 1971.

Healing Arts Practice Act Amendments.—Revises the makeup of the Commission on Licensure; provides for temporary licensure of certain physicians and osteopaths; and broadens the use of endorsement as a method of licensure, by eliminating the application of reciprocity as a barrier to the admission of competent physicians to practice in the District of Columbia. H.R. 8589. P/H June 14, 1971. P/S amended August 6, 1971.

Memorial to Mary McLeod Bethune.—Extended for 2 additional years the existing authority for the erection in the District of Columbia of a memorial to Mary McLeod Bethune, a prominent Negro educator, Public Law 92–57.

Metropolitan Police Department Band.—Permitted members of the District of Columbia Fire Department, the Executive Protective Service, and the United States Park Police force to participate in the activities of the Metropolitan Police Department band. H.R. 2596. Public Law 92– .

Paralyzed Veterans of America.—Granted a Federal charter of incorporation to the Paralyzed Veterans of America. H.R. 2894. Public Law 92– .

Payment of Medical Expenses for Police and Firemen Retired for Total Disability.—Authorized the District of Columbia government to pay the necessary costs of medical, surgical, hospital, or related health care services for officers and members of the Metropolitan Police force, the Fire Department of the District of Columbia, the United States Police force, the Executive Protection Service, and the United States Secret Service, who are retired subsequent to the date of enactment of this legislation for total disability incurred in line of duty and which expenses are incident to the injury or disease which is the cause of retirement. H.R. 8794. Public Law 92– .

Public Utilities.—Standardized procedures for the testing of utility meters; added a penalty provision to enable certification to meet the requirements of the Natural Gas Pipeline Safety Act of 1968; and authorized joint cooperative action by the D.C. Public Service Commission with State and Federal regulatory bodies on matters of joint interest. H.R. 2591. Public Law 92– .

Regulating Employment of Minors.—Extensively revises the existing child labor laws of the District of Columbia, enacted in 1928, to reflect present demands by youth for jobs, and to eliminate obsolete and restrictive provisions which hinder the employment of minors. H.R. 2592. P/H June 14, 1971. P/S amended August 6, 1971.

Retirement Benefits for Totally Disabled Policemen and Firemen.—Provided that former members of the Metropolitan Police force, the U.S. Park Police, the Executive Protective Service, the U.S. Secret Service, and the District of Columbia Fire Department who were retired prior to October 1, 1956, for service-incurred disability which was rated at 100% at the time of their retirement, shall have their annuities computed on the same basis as are those for members who retired for service-incurred disability subsequent to that date. H.R. 2600. Public Law 92– .

School Fare Subsidy.—Extended the subsidy for the transportation of school children in the District of Columbia for three years to August 1974. H.R. 6638. Public Law 92– .

ECONOMY-FINANCE

Adjustment of Outstanding Currency.—Permits the writeoff of Federal Reserve bank notes, national bank notes, and silver certificates issued after June 30, 1929 when the Secretary of the Treasury determines they have been lost or destroyed, or are held in collections and will never be presented for redemption. S. 670. P/S February 18, 1971.

Appalachian Regional Development Act and Public Works and Economic Development Act—Extensions.—Extended for 2 years until June 30, 1973 the Public Works and Economic Development Act and authorized therefor $800 million for each of fiscal years 1972 and 1973; authorized the continuation of the general program portions of the Appalachian program for an additional 4 years with biennial authorizations of $282 million for fiscal years 1972 and 1973 and $294 million for fiscal years 1974 and 1975; added a 4-year, $40 million Appalachian airport safety improvements program; and made other changes. S. 2317. Public Law 92– . (A similar bill—S. 575—but one which would have reactivated the Pubic Works Acceleration Act and authorized $2 billion for the fiscal years beginning after June 30, 1970, for grants for State and local public works, was vetoed by President Nixon on June 29, 1971. The Senate sustained the veto on July 14, 1971.

Assistance for U.S. Citizens Returned From Abroad—Continuation.—Extended for 2 years (to June 30, 1973) the authorization for the provision of temporary assistance to U.S. citizens returned from foreign countries under certain circumstances. Public Law 92–40.

Duty-Free Treatment of Certain Products.—Provides for the permanent duty-free treatment of calcined bauxite, bauxite ore, aluminum hydroxide and oxide, TNT and blends of TNT and ammonium nitrate, generally called Amatol, and tinned sheets used in the manufacture of maple sap evaporators. H.R. 4590. P/H 6/8/71. P/S amended July 20, 1971. House concurred in Senate amendments with an amendment August 3, 1971.

Duty Suspension on Certain Metal Scrap.—Continued for 2 years (until July 1, 1973) the existing suspension of duties on certain metal waste scrap provided by item 911.12 of the Tariff Schedules. Public Law 92–44.

Economic Disaster Relief Act of 1971.—Amends the Disaster Relief Act of 1970 to include economic as well as natural disasters; modifies the definitions of a "major disaster" to include the existence of an unemployment rate 50 percent above the national average for six of the preceding twelve months or a 100 percent increase over twelve months to a rate higher than 6 percent; provides expanded unemployment compensation benefits in a disaster area; provides relocation assistance to unemployed individuals in disaster areas; expands the aid to major sources of employment in such areas to include loans to certain enterprises; and contains other provisions. S. 2393. P/S August 5, 1971.

Emergency Loan Guarantee Act.—Authorized a maximum of $250 million for emergency loan guarantees to major business enterprises, designed in particular, for the Lockheed Aircraft Corporation, subject to the approval, under certain conditions, of an Emergency Loan Guarantee Board composed of the Secretary of the Treasury, the Chairman of the Board of Governors of the Federal Reserve System, and the Chairman of the Securities and Exchange Commission. H.R. 8432. Public Law 92– .

Export Administration Act.—Provided a temporary extension of the Export Administration Act to October 31, 1971. Public Law 92–37.

Export Expansion Finance Act of 1971.—Excluded the receipts and disbursements of the Export-Import Bank of the United States in the discharge of its functions from the totals of the budget of the U.S. Government and exempted the Bank's operations from any annual expenditure and net lending (budget outlays) limitations imposed on the budget of the U.S. Government; increased from $3.5 billion to $10 billion the amount of outstanding guarantees and insurance the Bank may charge on a fractional reserve basis against its overall limitation; increased the overall limitation on the amount of loans, guarantees, and insurance the Bank may have outstanding at any one time from $13.5 billion to $20 billion; extended the life of the Bank for 1 year to June 30, 1974; precluded the Bank from guaranteeing, insuring, extending credit, or participating in the extension of credit to any nation with respect to which the President determines that such transaction would be contrary to the national interest; directed the Bank to offer financing in support of U.S. exports that is competitive with that being offered by the government agencies of the other principal exporting nations; and contained other provisions. S. 581. Public Law 92– .

Investment Company Act Amendment.—Amends sec. 27(f) of the Investment Company Act of 1940, as amended, to provide that the refund rights contained in that section apply to any periodic payment plan other than a plan under which the amount of sales load deducted from any payment thereon does not exceed 9 percent of such payment. S. 2216. P/S August 6, 1971.

Interest Equalization Tax—Extension.—Extended the interest equalization tax for 2 years from March 31, 1971, to March 31, 1973; provided discretionary authority to the President to extend the tax to debt obligations with maturities of less than 1 year; restricted the tax-free rollover privilege of existing mutual funds to investments in the funds prior to March 24, 1971; and made other changes. Public Law 92–9.

Interest Rates and Cost-of-Living Stabilization—Temporary Extension.—Provided a temporary extension until June 1, 1971, of certain provisions of law relating to interest rates and cost-of-living stabilization. Public Law 92–8.

Lost or Stolen Securities.—Authorized the Secretary of the Treasury to replace for their owners lost or stolen bearer securities of the United States prior to their maturity. Public Law 92–19.

Public Debt and Interest Rate Limitations.—Increased the permanent debt limitation from $380 billion to $400 billion and provided for a temporary increase (until July 1, 1972) from $15 billion to $30 billion; provided that long-term U.S. obligations, in an aggregate amount not exceeding $10 billion, may be issued without regard to the statutory 4¼ percent limitation on the interest rate on long-term bonds; and provided that U.S. Government obligations issued after March 3, 1971 having a market value below face value cannot be redeemed at face or par value in payment of any U.S. tax. Public Law 92–5.

Purchase of U.S. Obligations by Federal Reserve Banks.—Extended for a 2-year period, from June 30, 1971 to June 30, 1973 the authority of the Federal Reserve banks to purchase U.S. obligations directly from the Treasury. Public Law 92–45.

Renegotiation Amendments of 1971.—Amended the Renegotiation Act of 1951 to extend the Act for 2 years until June 30, 1973, to modify the interest rates on excessive profits determinations and on refunds where excessive profits determinations are found to be erroneous, and to provide the Court of Claims with exclusive jurisdiction of renegotiation cases; and contained other provisions. Public Law 92–41.

Small Business Amendments Act of 1971.—

Expands existing Small Business Act (SBA) programs which encourage participation in the financing of small business by private capital; establishes a new program of grants to reduce interest costs to small business; amends the Small Business Investment Act to recognize the development of Minority Enterprise Small Business Investment Companies and to clarify SBA's guarantee authority with respect to debentures issued to Small Business Investment Companies; amends the SBA to establish four new programs to assist businesses which affect or are affected by environmental regulations and pollution; and provides reimbursement, on a limited basis, for certain out of pocket costs presently being met by volunteer groups. S. 1905. P/S May 21, 1971.

Small Business Act Amendment.—Amended the Small Business Act to increase by $900 million (from $2.2 billion to $3.1 billion) the amount of certain loans, guarantees, and other obligations or commitments outstanding in any one time from the business loan and investment fund of the Small Business Administration, thus permitting a continuation of five SBA programs through fiscal year 1972. Public Law 92–16.

Social Security Amendments.—Increased social security benefits by 10 percent across-the-board retroactive to January 1, 1971; increased by 5 percent special payments to certain persons age 72 and over; and provided for an increase in the taxable wage base from $7,800 to $9,000 effective January, 1972 and a 5.15 percent increase in the tax rates in 1976 and thereafter. Public Law 92–5.

Sugar Act Amendments.—Extends the Sugar Act through December 31, 1974 and fixes foreign quotas for 1972, 1973 and 1974; increases quotas for domestic producing areas; improves the effectiveness of the anti-confiscation provision; and contains other provisions. H.R. 8866. P/H June 10, 1971. P/S amended July 28, 1971. In conference.

Transfer of Trust Funds to the Philippines.—Provides for the transfer to the Philippine Government of money the Secretary of the Treasury holds in a special trust account to make principal and interest payments on outstanding matured bonds of the Philippines and its political subdivisions issued before 1934. S. 1330. P/S March 25, 1971.

Wage and Price Controls and Ceilings on Deposit Interest Rates—Extension of authority.—Extended until July 1, 1973, the authority of the Federal bank regulatory agencies to establish flexible ceilings on the rate of interest payable on time and savings deposits by commercial banks, mutual savings banks, and savings and loan associations; extended on a permanent basis the President's authority to initiate a program of voluntary credit controls; and extended for 1 year, until May 1, 1972, the President's authority to establish mandatory price and wage controls. Public Law 92–15.

EDUCATION

Education Amendments.—Revises the Higher Education Act of 1965 to constitute a single law including all continuing higher education financial asistance programs, and, in general, extends the authorizations for higher education programs through fiscal year 1975; amend the Vocational Education Act of 1963, and extends authorizations for funds for programs thereunder through fiscal year 1973; establishes an Education Division within the Department of Health, Education, and Welfare to include the present office of Education and the newly created National Foundation for Postsecondary Education and National Institute of Education; amends the Elementary and Secondary Education Act of 1965 and the Adult Education Act with regard to Indian education; and contains other provisions. S. 659. P/S August 6, 1971.

Emergency School Aid and Quality Integrated Education Act of 1971.—Authorizes $1.5 billion between the date of enactment and July 1, 1973 for a project grant program attempting to deal with problems arising out of minority group isolation in public schools. S. 1557. P/S April 26, 1971.

GENERAL GOVERNMENT

American Revolution Bicentennial Commission.—Authorized $670,000 for the American Revolution Bicentennial Commission for fiscal year 1971. Public Law 92–33.

Assistant Secretaries of the Interior.—Established within the Department of the Interior the position of an additional Secretary of the Interior to replace the now existing position of Assistant Secretary for Administration. Public Law 92–22.

Established within the Department of the Interior the position of an additional Assistant Secretary of the Interior intended to perform duties relating to Indian Affairs. S. 291. P/S August 5, 1971.

Civil Service Retirement.—Permits an employee or Member of Congress eligible for an immediate retirement annuity after a cost-of-living increase is effective, but before the next cost-of-living increase effective date, to retire and receive an annuity not less than it would have been had he been eligible and retired before the effective date; provides that the survivor annuity of an employee or Member who dies after the cost-of-living increase date would not be less than it would have been had it commenced on or before the effective date. S. 1681. P/S May 14, 1971. P/H amended May 17, 1971.

Commission on Government Procurement.—Provided the Commission on Government Procurement with additional time to complete its assigned mission by extending its final reporting date until December 31, 1972. Public Law 92–47.

Comprehensive Drug Abuse Prevention and Control Act of 1970 Amendment.—Amended the Act to provide an increase from $1 million to $4 million in the authorization for the Commission on Marihuana and Drug Abuse. Public Law 92–13.

Depository Libraries.—Authorizes the Public Printer to designate the library of the highest appellate court in each State as a depository library. S. 2227. P/S July 16, 1971.

Foreign Claims Settlement Commission—Changes the term of office of Commission members from 3 years to a term at the pleasure of the President and reduces the present full-time membership of 3 members to 1 full-time member and 2 part-time members. S. 1206. P/S June 23 1971.

Lowering the Voting Age to 18: Proposed an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older. S.J. Res. 7. Became effective as 26th amendment to the Constitution July 5, 1971.

Metric System Study: Authorizes $144,000 for fiscal year 1972 to complete the metric system study authorized by the act of August 9, 1968. S. 1257. P/S July 30, 1971.

National Advisory Committee on the Oceans and Atmosphere: Provides for the establishment of a 25-member National Advisory Committee on the Oceans and Atmosphere to be primarily responsible for advising on the progress of the efforts of the U.S. in the fields of marine and atmospheric sciences and to advise the Secretary of Commerce on National Oceanic and Atmospheric Administration programs. H.R. 2587. Public Law 92– .

National Science Foundation Authorization: Authorized for the National Science Foundation $655,500,000 for fiscal year 1972, including $3 million in foreign currencies for fiscal year 1972. H.R. 7960. Public Law 92– .

Postal Savings System.—Authorized the Secretary of the Treasury to distribute among the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, and Guam, their pro rata share of the balance of unclaimed postal savings deposits on hand. H.R. 135. Public Law 92– .

Railroad Retirement Annuities.—Amended the Railroad Retirement Act of 1937 to provide a temporary 10 percent increase in railroad retirement benefits retroactive to January 1, 1971, to terminate, along with the present 15 percent increase, on June 30, 1973, and to extend for 6 months, until December 31 1971, the date by which the Commission on Railroad Retirement is to submit its report to Congress and the President. Public Law 92–46.

Reorganization Plan No. 1 of 1971.—Established in the executive branch a new agency, ACTION, to be responsible for administering the following volunteer programs: Volunteers in Service to America, Auxiliary and Special Volunteer Programs now in the Office of Economic Opportunity, the National Student Volunteer Program, Foster Grandparents, Retired Senior Volunteer Program, Service Corps of Retired Executives, and Active Corps of Executives. Additional contemplated transfers to ACTION after its establishment are the Peace Corps program, the functions carried out by the Office of Voluntary Action, and the Teacher Corps. S. Res. 108 (disapproval resolution). Senate rejected June 3, 1971. Plan became effective June 4, 1971.

Spanish-Speaking People.—Authorized funds for the Cabinet Committee on Opportunities for Spanish-speaking People for the fiscal years 1972 and 1973. H.R. 7586. Public Law 92– .

Star Route Mail Contracts.—Clarifies the provisions of the Postal Reorganization Act of 1970 regarding the authority of the Postal Service to renew a star route contract for the transportation of mail to permit renewal of such contracts with subcontractors who are supplying services satisfactory to the Postal Service. S. 1989. P/S August 5, 1971.

Texas Land Addition.—Gave the consent of Congress to consider the land, acquired by the United States as a result of the Convention between the United States and the United Mexican States for the Solution of the Problem of the Chamizal, to be a geographical part of the State of Texas and that that State shall have civil and criminal jurisdiction over the land. Public Law 92–36.

Trust Territory of the Pacific Islands.—Authorized an ex gratia contribution of $5 million to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages arising out of hostilities of the Second World War, to provide for the payment of noncombat claims occurring prior to July 1, 1951; established a Micronesian Claims Commission to determine the validity of such claims; and authorized $20 million for claims payments. Public Law 92–39.

Virgin Islands—Amendment of Revised Organic Act.—Amended the Organic Act of the Virgin Islands to give the Attorney General discretionary authority to appoint more than one assistant U.S. attorney for the Virgin Islands. Public Law 92–24.

HEALTH

Cancer Conquest.—Amends the Public Health Service Act to establish a Conquest of Cancer Agency as an independent agency within the National Institute of Health under a Director reporting to the President. S. 1828. P/S July 7, 1971.

Health Professions Educational Assistance Amendments of 1971.—Amends title VII of the Public Health Service Act to extend the program for 5 years and to expand and improve the Nation's resources for the training of physicians and other professional health personnel and authorizes $5,948,000,000 for fiscal years 1972–76 for such purposes; consolidates, extends, and increases the scope of, grants for construction of health research, education, and library facilities and establishes an additional program of loan guarantees and interest subsidies for such construction; establishes awards based on enrollment to educational institutions covering one-third of the average per-student educational cost; extends and increases the maximum level of direct student loans and student scholarships and adds a program of loan guarantees; establishes awards based on enrollment for graduate medical and dental education; provides for grants to schools in financial distress; adds a new program of grants to health or educational entities for training in family medicine; and contains other provisions. H.R. 8629. P/H July 1, 1971. P/S amended July 14, 1971. In conference.

Health Professions Student loans and Scholarships — Extension. — Amended the Public Health Service Act to extend for 1 year, until June 30, 1972, the loan and scholarship provisions for students of the health professions. Public Law 92–52.

Nurse Training Act Amendments of 1971.—Amends title VIII of the Public Health Service Act to extend for 3 years the program of assistance to schools and students of professional nursing; authorizes a total of $1.1 billion for fiscal years 1972–74; extends and broadens the program of construction grants for nursing education facilities and adds authority for loan guarantees and interest subsidies; extends and broadens the authority for special project grants for improvement in nurse training; authorizes a new program of capitation grants to schools of nursing to replace the present formula grant authority; extends and broadens the authority for nursing scholarships for needy students; and contains other provisions. H.R. 8630. P/H July 1, 1971. P/S amended July 14, 1971. In conference.

Public Health Service Hospital and Outpatient Clinics.—Required that Public Health Service hospitals and clinics remain open and continue to perform their multiple responsibilities through fiscal year 1972, during which time the Secretary of Health, Education, and Welfare and Congress should explore how these facilities can best be used in the future to offer comprehensive health care to Federal beneficiaries to meet the needs for health services of the Nation at large, and particularly of medically underserved areas. S. Con. Res. 6. Senate adopted June 29, 1971. P/H amended August 2, 1971.

HOUSING AND URBAN DEVELOPMENT

Land Use Planning.—Increases authorizations for comprehensive planning grants and open space land grants from $420 million to $470 million and $560 million to $660 million, respectively. S.J. Res. 52. P/S July 15, 1971.

INDIANS

Blackfeet and Gros Ventre Tribes, Montana.—Authorizes division and disposition of judgment funds awarded to the Blackfeet Tribe of the Blackfeet Reservation, Montana, and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana. S. 671. P/S March 11, 1971.

Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana.—Authorizes disposition of judgment funds awarded to the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana. S. 602. P/S August 2, 1971.

Iowa Tribes of Oklahoma and of Kansas and Nebraska.—Authorized division and disposition of judgment funds awarded to the Iowa Tribes of Oklahoma, Kansas and Nebraska. Public Law 92–29.

Pembina Band of Chippewa Indians.—Authorized distribution of judgment funds awarded to the Pembina Band of Chippewa Indians. Public Law 92–59.

Sisseton and Wahpeton Tribes of Sioux Indians.—Authorizes distribution to the Sisseton and Wahpeton Tribes of Sioux Indians of their portion of judgment funds awarded to the Mississippi Sioux Indians. S. 1462. P/S June 8, 1971.

Shoshone-Bannock Tribe of Idaho; Shoshone Tribe of Wyoming; Bannock Tribe and the Shoshone Nation or Tribe.—Authorizes disposition and distribution of judgment funds awarded to the Shoshone-Bannock Tribes of Fort Hall, Idaho; the Shoshone Tribe of Indians of the Wind River Reservation, Wyoming; and the Bannock Tribe and the Shoshone Nation and Tribe of Indians, S. 101. P/S June 8, 1971.

Snohomish Tribe, Upper Skagit Tribe, and Snoqualmie and Skykomish Tribes.—Authorized distribution of judgment funds awarded to the Snohomish Tribe, the Upper Skagit Tribe, and the Snoqualmie and Skykomish Tribes. Public Law 92–30.

INTERNATIONAL

Passport fees.—Authorized the United States Postal Service to receive the fee of $2 for execution of an application for a passport. Public Law 92–14.

Northwest Atlantic Fisheries Act Amendment.—Brought the Northwest Atlantic Fisheries Act of 1950 into accord with two new protocols which amend the International Convention for the Northwest Atlantic Fisheries. H.R. 9181. Public Law 92– .

Peace Corps Authorization.—Authorizes $77,200,000 for the fiscal year 1972 operations of the Peace Corps. S. 2260. P/S August 2, 1971 H.R. 9166. H. Cal.

Radio Free Europe and Radio Liberty.—Authorizes $35 million for fiscal year 1972 to the Department of State for grants to Radio Free Europe and Radio Liberty. S. 18. P/S August 2, 1971.

Wheat Price Negotiations.—Requests the President to ask the International Wheat Council to request the Secretary General of UNCTAD to convene a negotiating conference with a view toward the negotiation of suitable provisions relating to the prices of wheat and to the rights and obligations of members in respect to international trade in wheat. S. Res. 136. Senate adopted July 12, 1971.

TREATIES

Additional Protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin America.—Designed for signature of states possessing nuclear weapons, the protocol commits the United States, subject to its clarifying interpretations, to respect the aims and provisions of the treaty, not to contribute in any way to the violation of the treaty, and not to use or threaten to use nuclear weapons against the Latin American States for which the treaty is in force. Ex. H. (91–2) Resolution of ratification agreed to April 19, 1971.

Bryan-Chamorro Treaty of 1914—Termination.—Ex. L. (91–2). Resolution of ratification agreed to February 17, 1971.

Extradition Treaty With Spain.—Covers 23 extraditable offenses, including aircraft hijacking and offenses relating to narcotic drugs. Ex. N. (91–2). Resolution of ratification agreed to February 17, 1971.

International Wheat Agreement, 1971.—Replaced the International Grains Arrangement of 1967, which expired on June 30, 1971, with a new Wheat Trade Convention to continue international cooperation in wheat trade and a new Food Aid Convention to continue the commitment whereby parties contribute food aid to developing countries. Ex. F (92–1). Resolution of ratification agreed to July 12, 1971.

Treaty With Mexico Providing for the Recovery and Return of Stolen Archaeological. Historical and Cultural Properties.—Ex. K. (91–2). Resolution of ratification agreed to Feburary 11, 1971.

LABOR

Blind and Other Severely Handicapped—Sale of Products and Services.—Amend the Wagner-O'Day Act to extend the special priority in the selling of certain products to the Federal Government now reserved for the blind to the other severely handicapped, assuring, however, that the blind will have first preference, and to expand the category of contracts under which the blind and other severely handicapped would have priority to include services as well as products, reserving to the blind first preference for 5 years after enactment; authorized $200,000 for each of fiscal years 1972, 1973, and 1974. Public Law 92–28.

Emergency Employment Act of 1971.—Provided for programs of public service employment for unemployed persons and authorized therefor $750 million for fiscal year 1972 and $1 billion for fiscal year 1973, which funds shall cease to be obligated when the national rate of unemployment recedes below 4.5 percent; established a Special Employment Assistance Program to be used for public service jobs in local areas where the unemployment rate is 6 percent or more and authorized therefor $250 million for each of fiscal years 1972 and 1973; and contained other provisions. Public Law 92–54.

Railway Labor-Management Dispute.—Designed to end a nationwide railroad strike by extending until October 1, 1971 the period for negotiations with respect to an existing railway labor-management dispute and by providing retroactive wage increases for employees concerned in the dispute. Public Law 92–17.

MEMORIALS AND TRIBUTES

Harry S. Truman.—Saluted President Harry S. Truman for his extraordinary record of national service, and extended the best wishes of the Senate for a happy eighty-seventh birthday. S. Res. 118. Senate adopted May 6, 1971. H. Res. 422. House adopted May 5, 1971.

President Nixon's Proposed Journey to the People's Republic of China.—Commend the President for his outstanding initiative in furtherance of U.S. foreign relations by deciding to undertake a "journey for peace" to the People's Republic of China and offers Congress' full support to him in seeking the normalization of relations with that country. S. Con. Res. 38. Senate adopted August 2, 1971.

PROCLAMATIONS

Human Development Month and Voluntary Overseas Aid Week.—Authorized the President to designate the week of May 9, 1971, as "Voluntary Overseas Aid Week" and the month of May, 1971 as "Human Development Month" in recognition of the 25th Anniversary of the American voluntary foreign aid programs and the International Walk for Development. S. Con. Res. 22. Senate adopted April 29, 1971. House adopted May 5, 1971.

Medical Library Association Day.—Authorized the President to issue a proclamation designating June 1, 1971 as Medical Library Association Day. Public Law 92–23.

National Moon Walk Day.—Requested the President to designate July 20, 1971, as "National Moon Walk Day." Public Law 92–55.

National Peace Corps Week.—Authorized the President to issue a proclamation designating the week beginning on May 30, 1971 and ending June 5, 1971 as "National Peace Corps Week" and to invite the Nation's Governors and mayors to issue similar proclamations. Public Law 92–20.

National Star Route Mail Carriers Week.—Authorized the President to designate the last full week in July of 1971 as "National Star Route Mail Carriers Week" and calls upon the Postal Service to observe such week with appropriate recognition to those carriers. Public Law 92–26.

National Week of Concern for Prisoners of War/Missing in Action.—Authorized the President to designate the week beginning March 21, 1971 as "National Week of Concern for Prisoners of War/Missing in Action." Public Law 92–6.

Trial Lawyers Week.—Designated the week commencing August 1, 1971, as "American Trial Lawyers Week." Public Law 92–61.

Volunteers of America Week—Authorized the President to proclaim the second week of March 1971 as "Volunteers of America Week." Public Law 92–3.

Year of World Minority Language Groups.—Authorized the President to designate 1971 as the "Year of World Minority Language Groups." S.J. Res. 105. Public Law 92– .

Youth Appreciation Week.—Provided for the observance of "Youth Appreciation Week" beginning the second Monday in November, 1971. Public Law 92–43.

RESOURCE BUILDUP

Arches National Park, Utah.—Provides for the establishment in Utah of the Arches National Park to consist of some 73,154 acres. S. 30. P/S June 21, 1971.

Buffalo National River.—Establishes the Buffalo National River in the State of Arkansas, said area to include not more than 95,732 acres. S. 7. P/S May 21, 1971.

Canyonlands National Park, Utah.—Provides for the extension of the boundaries of the Canyonland National Park in Utah to include certain superlative areas omitted when the park was established in 1964, by the addition of four additional tracts totaling approximately 79,618 acres. S. 26. P/S June 21, 1971.

Capitol Reef National Park, Utah.—Provides for the establishment of the Capitol Reef National Park in Utah, for a total park area of 241,671 acres. S. 29. P/S June 21, 1971.

Gateway National Recreation Area in New York and New Jersey.—Authorizes the Secretary of the Interior to establish in the vicinity of Metropolitan New York City the Gateway National Recreation Area to be comprised of not more than 26,250 acres. S. 1852. P/S August 6, 1971.

Glen Canyon National Recreation Area, Utah and Arizona.—Provides for the establishment of the Glen Canyon National Recreation Area in Arizona and Utah to comprise approximately 1,285,310 acres of land and water. S. 27. P/S June 21, 1971.

Horses and Burros.—Provides protection to wild free-roaming horses and burros on public lands; places the animals under the jurisdiction of the Secretary of the Interior for the purposes of management of the animals as components of the public lands; and contains other provisions. S. 1116. P/S June 29, 1971.

Interstate Compact to Conserve Oil and Gas.—Consents to an extension and renewal of the interstate compact to insure oil and gas. S.J. Res. 72. P/S August 6, 1971.

Kortes Unit, Missouri River Basin Project, Wyoming.—Permits the Secretary of the Interior to operate the Kortes unit so as to maintain sufficient flows in the North Platte River below Kortes Dam to enhance fisheries. S. 123. P/S July 31, 1971.

Lincoln Back Country, Lewis and Clark and Lolo National Forests, Montana.—Directs the Secretary of Agriculture to classify as wilderness the national forest lands known as the Lincoln Back Country, and parts of the Lewis and Clark and Lolo National Forests in Montana. S. 484. P/S April 5, 1971.

Lincoln Home National Historic Site, Illinois.—Authorized the Secretary of the Interior to acquire by donation, purchase with donated or appropriated funds, or exchange, the former home of Abraham Lincoln, in Springfield, Illinois. H.R. 9798. Public Law 92– .

Middle Snake River—Prohibition of Licensing of Hydroelectric Projects.—Suspends until September 30, 1978, the authority of the Federal Power Commission to accept applications or grant licenses or permits for construction of hydroelectric projects on the Middle Snake River below Hells Canyon Dam along the Idaho-Oregon and Idaho-Washington borders. This will provide time for studies of the highest and best future development of the Middle Snake River. S. 488. P/S June 28, 1971.

Minam River Canyon, Oregon, Wilderness Area.—Provides for adding approximately 80,000 acres of the Minam River Canyon area to the 220,000-acre Eagle Cap Wilderness, located in the northeastern section of the State of Oregon, which was established by the Wilderness Act of 1964. S. 493. P/S June 4, 1971.

Mining and Minerals Policy Act Amendments.—Amends the Act to support research and training centers through the authorization of matching grants to each State of $100,000 in fiscal year 1972, $150,000 in fiscal year 1973, $200,000 in fiscal year 1974, and $250,000 in fiscal year 1975 and succeeding fiscal years; authorizes additional funds for special mineral resource research projects; and contains other provisions. S. 635. P/S July 19, 1971.

Pine Mountain Wilderness, Arizona.—Establishes the Pine Mountain Wilderness within and as a part of the Prescott and Tonto National Forests, Arizona, comprising an area of 19,569 acres. S. 959. P/S August 2, 1971.

Preservation of historical and archeological data.—Amends a 1960 law under which the Secretary of the Interior, through the National Park Service, conducts archeological salvage programs at reservoir construction sites, to include within the scope of such activity all Federal or federally assisted or authorized construction projects, such as major airports, roads and public housing projects, and other construction which alters the terrain; authorizes construction agencies to use or transfer up to one percent of funds appropriated for a project to the Secretary for survey and salvage work; and contains other provisions. S. 1245. P/S August 5, 1971.

Reclamation investigation costs.—Makes the costs of investigations of potential Federal reclamation projects nonreimbursable. S. 24. P/S July 31, 1971.

Reclamation project feasibility studies.—Authorizes the Secretary of the Interior to undertake feasibility investigations of six Federal reclamation projects. S. 2248. P/S August 5, 1971.

Saline water conversion program.—Extended the Federal saline water conversion program for 5 fiscal years after fiscal year 1972 and authorized $27,025,000 for fiscal year 1972; redirected and extended the Federal research and development program; and contained other provisions. Public Law 92–60.

Santa Fe, Gila, Cibola, and Carson National Forest boundaries, New Mexico.—Extends the boundaries of the Santa Fe, Gila, Cibola, and Carson National Forests, New Mexico, to include certain public and private lands. S. 447. P/S August 2, 1971.

Small Reclamation Loan Program Act.—Removes the requirement that irrigation be the primary purpose of a project; increases the limit on the total cost of each eligible project; increases the amount of loan funds authorized for each proposal; and increases the total authorization for program appropriations from $200 million to $300 million. S. 1026. P/S July 31, 1971.

Sycamore Canyon Wilderness, Arizona.—Designates 46,500 acres as the Sycamore Canyon Wilderness within and as a part of the Coconino, Kaibab, and Prescott National Forests, Arizona. S. 960. P/S August 2, 1971.

Upper Snake River Reclamation Project.—Authorizes construction, operation and maintenance of the potential Salmon Falls division of the Upper Snake River reclamation project in south-central Idaho, which would provide irrigation water and minor fish and wildlife conservation benefits. S. 432. P/S June 28, 1971.

Washakie Wilderness and the Shoshone National Forest, Wyoming.—Designates the Stratified Primitive Area as a part of the Washakie Wilderness, heretofore known as the South Absaroka Wilderness, Shoshone National Forest, Wyoming. S. 166. P/S May 31, 1971.

Water Pollution Control.—Extended for 3 months (through September 30, 1971) authorizations for administration of the Federal Water Pollution Control Act. Public Law 92–50.

Water Resources Planning Act Amendments.—Placed an authorization ceiling of $1.5 million annually on administrative expenses of the Water Resources Council and retained the existing authorization ceiling of $6 million annually on funding for river basin commissions. Public Law 92–27.

Whales—Moratorium in Killing.—Requests the Secretary of State to call for an international moratorium of 10 years on the killing of all species of whales. S.J. Res. 115. P/S June 29, 1971.

SPACE

National Aeronautics and Space Administration Authorization.—Authorized $3,354,950,000 for NASA for fiscal year 1972 as follows: $2,603,200,000 for research and development; $58,400,000 for construction of facilities; and $693,350,000 for research and program management. H.R. 7109. Public Law 92– .

TRANSPORTATION AND COMMUNICATIONS

Amateur Radio Operators.—Amended the Communications Act of 1934 to permit the Federal Communications Commission to issue licenses for the operation of amateur radio stations by aliens who have filed a declaration of intention to become citizens of the United States. S. 485. Public Law 92– .

Boat Safety Act.—Provided a coordinated national boating safety program involving both the Federal Government and the States; required manufacturers to provide safer boats and boating equipment to the public through compliance with safety standards to be promulgated by the Secretary of Transportation; authorized federal grant-in-aid incentive payments to states which have an accepted state boating safety program or indicate an intention to establish such a program; and contained other provisions. H.R. 19. Public Law 92– .

Coast Guard Authorization.—Authorized $235,960,000 for fiscal year 1972 for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard; and contained other provisions. H.R. 5208. Public Law 92– .

High Speed Ground Transportation Act Extension.—Removes the ceiling and termination date on authorization for research and development in the field of high speed ground transportation. S. 979. P/S June 15, 1971.

Maritime Authorization, 1971.—Authorized $229,687,000 for acquisition, construction, or reconstruction of vessels and construction-differential subsidy and cost of national defense features incident to the construction, reconstruction, and reconditioning of ships; $239,145,000 for payment of obligations incurred for operating-differential subsidy; $25 million for research and development activities; $4,318,000 for reserve fleet expenses; $7.3 million for maritime training at the Merchant Marine Academy at Kings Point, N.Y.; and $2,370,000 for State marine schools. Public Law 92–53.

Maritime Lien.—Permitted a supplier who furnishes necessaries to a vessel to acquire a lien on a chartered vessel for such necessaries despite a "prohibition of lien" clause in the charter party. H.R. 6239. Public Law 92– .

Rail Passenger System Review.—Directs the National Railroad Passenger Corporation to make a study with respect to expanding the basic national rail passenger system; authorizes therefor $100,000; and requires a report thereon to Congress by June 15, 1971. S.J. Res. 92. P/S May 11, 1971.

Sonic Booms—Regulation.—Prohibits, with certain exceptions, operation of civil aircraft at a speed greater than sound (mach 1) over the United States except by authorization of the Federal Aviation Administration; provides that supersonic transport (SST) prototypes comply with existing noise standards applicable to new subsonic jets; and requires the Secretary of Transportation to submit to Congress and the public a report covering all aspects of the prototype program when it is completed. S. 1117. P/S March 19, 1971.

Supplemental Maritime Authorization.—Authorized an additional $80 million (from $193 million to $273 million) in supplemental appropriations for fiscal year 1971 for payment of obligations incurred for operating-differential subsidy by the Maritime Administration of the Commerce Department. Public Law 92–21.

Uniform Time Act of 1966 Amendment.—Permits a State split by time zones to exempt that area of the State lying within a given time zone from the provisions of the Uniform Time Act of 1966 providing for the advancement of time (daylight saving time) between 2:00 a.m. on the last Sunday in April and 2:00 a.m. on the last Sunday in October. S. 904. P/S May 18, 1971.

Vessel Bridge-to-Bridge Radiotelephone Act.—Required a radiotelephone on certain vessels in order to reduce vessel collisions and other mishaps. Public Law 92–63.

VETERANS

Group Mortgage Insurance.—Authorized the Administrator of Veterans' Affairs to purchase a commercial policy to provide mortgage protection life insurance for seriously disabled veterans—principally service-connected paraplegic and quadriplegic veterans—who have received grants for specially adapted housing. H.R. 943. Public Law 92– .

Medical Information Exchange Program.—Extended the authority of the Administrator of Veterans' Affairs to carry out a program of exchange of medical information and authorized such sums as may be necessary through fiscal year 1975. H.R. 4762. Public Law 92– .

Sale of Direct Loans.—Authorized the Administrator of Veterans' Affairs to sell at prices which he determines to be reasonable under prevailing mortgage conditions direct loans made to veterans pursuant to chapter 37, title 38, United States Code. H.R. 3344. Public Law 92– .

U.S. RELATIONS WITH MAINLAND CHINA

Mr. DOMINICK. Mr. President, Mr. George Watt, a citizen of Great Britain, was the site engineer for a British firm building a textile plant in Lanchow, capital of Kansu Province in mainland China. After arriving in Lanchow in December 1966, he was falsely arrested as a spy, subjected to Communist-style "trials," savagely beaten, and kept in various prisons for three and a half years. Just prior to the President's announcement that he would visit Peking, Mr. Watt arrived in the United States to testify before the Committee on Foreign Relations but was prevented from doing so by a rule preventing the testimony of foreign nationals.

I feel Mr. Watt's account of his tragic years in Communist China is of extreme interest and pertinent to the amount of attention at present surrounding our relations with mainland China. I ask unanimous consent that it be printed in the Record at the conclusion of my remarks.

Another matter of interest to all of those seeking a balanced view of our relationships in the Far East is the speech delivered by Ambassador James C. H. Shen of the Republic of China to the Commonwealth Club of San Francisco on July 28. Ambassador Shen offers an articulate evaluation of the ties which have bound the United States and Taiwan in friendship and cooperation since 1949, and I ask unanimous consent that this speech be printed in the Record following Mr. Watt's testimony.

There being no objection, the items were ordered to be printed in the Record, as follows:

Testimony Prepared for Presentation to the Senate Foreign Relations Committee, July 20, 1971, by George Watt, British Citizen and Prisoner of the Red Chinese for 3 Years

Mr. Chairman. I want to first thank you for giving me an opportunity to provide testimony today to you and other members of the Senate Foreign Relations Committee.

As some of you may know I was the British engineer who was imprisoned on a false spying charge by the Chinese Communists for three years. During that time, and this may be of some interest to you and the American people, I observed two and managed to speak with another of the American prisoners the Chinese Communists have held in solitary confinement under inhuman conditions for years and years on end.

It is my opinion that my years in China both inside and outside political prison walls gives me an unrivaled experience and knowledge necessary to respectfully offer my comments for your consideration on why the Red Chinese totalitarian regime should not be admitted to the United Nations.

It is *said* that the Chinese Communist regime is firmly established on the mainland and there is no evidence that it will soon be overthrown. It is *said* that it is a futile effort to ignore 750 million human beings and deny *them* a voice in the world organization.

But the devastating "Cultural Revolution"—a period of severe internal disorders is only now ebbing. Its total effects on the people and the country are yet to be measured. A military dictatorship under the direction of Lin Piao today controls Mainland China. And an increasingly frail Mao will be 78 in December. In the past few months more Chinese have attempted to escape to freedom in Hong Kong than East Germans have ever tried to go over or under the Berlin Wall since it was erected in 1961. The Chinese Communist Party is so uncertain of its power that it has been unable to decide on a new president since unseating and imprisoning Liu Shao-chi in November, 1968.

All of this indicates to many educated observers that the hunger for freedom still exists, that there are big cracks yet in the structure of the Communist regime, that the Communists are not necessarily *permanent* rulers of the Chinese people.

Let me add that I have heard that a big reason for "rapprochement" is the lure of trade with Red China. As a British businessman with some experience in this area I would say that the "lure" is unlikely to bring much in the way of concrete results—except to further enhance the economic power the Western World can give the Red Chinese government to hold the Chinese people in bondage.

With all of this as background it seems to me to be incredible to consider admitting Red China to the United Nations and thus firmly establish the Communist dictatorship in power. To do this would truly be to ignore the 750 million Chinese people and deny them the representation in the U.N. to which they are entitled under a government of their own choosing and representing their own interests, not a self-appointed bunch of Fascists that represents no one but itself.

But let me give you some background on myself—my career and my experiences in China.

I arrived at Lanchow a week before Christmas in 1966. I went to China to sincerely make a success of my mission, to carry out my work under which I knew from previous experience in underdeveloped countries would be under difficult conditions. But I was confident our offer of friendship towards the local people would be reciprocated and together with our joint efforts we would be successful.

Shortly after arrival it did not take me long to realize both from my conversations with my colleagues of various nationalities and by my own observations that law and order were completely broken down . . . and the masses of the Chinese people were in a state which I can only describe as a mixture of fear and bewilderment . . . I had previously discovered from my visit to the Soviet Union that people living under the Communist system are reluctant to accept responsibility and make decisions. And while I expected that this pattern would apply in Communist China, nevertheless I was surprised that it did in fact apply to a much greater extent. In Russia while people were reluctant to make decisions and accept responsibility they could be persuaded to do so. In Communist China, it was virtually impossible to so persuade them.

I was stopping at a hotel in Lanchow which the Chinese described as the "Friendship Hotel." There were some 20 other foreigners from several companies. They were in a state of anxiety because as I learned several days prior to my arrival the super sensitive revolutionary masses had discovered some alleged slight or insult and had burst into the hotel, assaulted engineers and their wives and beseiged the hotel as a howling crowd for ten days. The Occidentals were cowered into a small room at the end of a corridor with their wives and children and deprived of proper food for several days. The authorities did nothing about this situation.

Towards the end of my first week in Lanchow I was taking a Sunday stroll with a British Colleague, accompanied of course by my interpreter, Mr. Gin, along the road which led from the hotel to the city.

About a quarter of a mile from the hotel, near the bank of the Yellow River we saw a group of about a dozen Red Guard ahead of us. They were shouting, blowing whistles, and were obviously highly excited. One of them was carrying a bundle.

Suddenly he threw the bundle to the ground and they all gathered around, red books containing the thoughts of Mao raised above their heads, shouting.

Then they walked on still cheering.

The bundle was the nude body of a boy of about three years old. He was dead and had been badly burnt.

It was my first taste of the savagery which could be so suddenly unleashed in this frightening country. I felt physically sick.

The other Briton and I looked at each other with horror. Then I felt Mr. Gin pulling at my elbow and saying: "Come, come. No photographs," and then he held my camera.

Months later I was to learn that this was a fairly common form of action against "enemies of the people." A wife, husband, or child would be killed or badly maltreated to intimidate the offender's family.

Two senior Chinese engineers had invited all the Europeans at the Friendship Hotel to dinner. It was a much better meal than we usually had there and the wine flowed. One of our hosts, who could speak English, made a speech saying the dinner was to welcome us to China.

It was a couple of days later that Mr. Gin suggested that I might like to visit the curio and antique shop in the city. It is situated in a corner of a wide open space called Anti-Revisionist Square. When we approached the shop the square was filled with a howling mob.

Then I saw my host of two nights before. He was strung up by the neck to a lamppost and he was dead.

I turned to Mr. Gin in horror. "Why, why?" was all I could say.

Solemnly he told me: "He has been punished for a number of crimes. He has taken the capitalist road and has lorded it over his comrades by wasting public funds on high living and needlessly entertaining foreigners."

During mid-August 1967 I received permission from the Lanchow Security Bureau to leave the area and proceed to Hong Kong via Peking for a short holiday. My arrival in Peking coincided with the turn of the British diplomatic mission to have its officers destroyed and its staff violently assaulted by mobs of Red Guards. The local police stood idly by as the mobs ravaged the mission, its personnel and offices.

I associated with the diplomats at this period and was horrified that the mobs had dragged British girls by their ankles through the streets, assaulted them and had stolen their personal possessions. The British chargé d'affairs was badly beaten and bled profusely from a head wound.

Several hours later I was informed officially that I would not be permitted to leave Peking and would be held there indefinitely with my wife and children. They had arrived in Lanchow several weeks earlier and we had looked forward to our holiday together in Hong Kong. Actually, because of my fear of violence and my family's safety, we were planning to leave the country for good. I had, by an error in judgment, allowed them to enter China several weeks earlier when there was a temporary lull in the street fighting.

We were held under arrest in Peking at an old building. My wife and children were threatened daily with violence. I managed to make contact with groups of visiting Western Maoists. I explained my predicament to them. They in turn appealed to the Chinese to release my wife and children, as their threat of force did not conform with accepted principles of Western civilized conduct. The Chinese adhered to this request and permitted my wife and children to leave the country. But they continued to hold me as a hostage. After three more weeks I was placed under arrest by the Secret Police, returned to Lanchow where I was interrogated, threatened on numerous occasions with immediate execution and tortured until I signed a false confession under duress, that I was an imperialist spy. I still carry physical scars to this day of the inhuman treatment accorded me by the guards.

At the end of six months of interrogation I was taken to an open air mock trial where, after pronouncing sentence, the young female acted as a cheer leader for the thousands of screaming, hysterical people who danced around me, spitting, waving and beating me. I was then severely beaten before the public by soldiers with their rifle butts. Several days passed before I fully emerged out of the twilight of pain and found myself in Peking in what my political commissars described as an Ideological Remoulding Center.

I was incarcerated there for the remainder of my three year sentence, in solitary confinement. It was during this period that I was able to accidentally make contact with Americans, some of whom have been held under inhumane conditions in solitary confinement for 20 years and fed as I was—little more than slop out of a bucket with a ladle as our only utensil.

I managed to speak a number of times to a very brave American—a Major Philip Smith of your Air Force. Major Smith has suffered severe beatings but has an indomitable spirit and I believe will not let his spirit be broken after six years in Chinese Communist detention:

Unfortunately, the other two I saw—Richard Fecteau and John Downey—appeared to be completely broken, shuffling from their cells down the prison halls like zombies. They have been there, I understand, for some 20 years.

Gentlemen, when your President visits Peking and talks with the Communist leaders I would *hope*—I would *respectfully urge*—that he would demand that these American prisoners be released before any meaningful discussions take place. These imprisoned Americans must not suffer from the blind eye of officialdom and continue to be abandoned to their fate.

Mr. Chairman and members of this august committee, let me sum up for you, if I may, what I feel I learned as a result of my initial stay of nearly 10 months and then three years of imprisonment in Communist China.

1. The Chinese people are one thing—the Chinese Communist government is another and totally different thing. I was the victim of the inhumanity, the brutal indifference, the total callousness of the Chinese Communist government—not the Chinese people. It seems to me that the United States should be careful to make the same distinctions.

2. The Chinese Communists use whomever and whatever they can to attain their goals. As I have described, during the Cultural Revolution, I saw with my own eyes senseless, incredible acts of brutality, savagery, and destruction. Chou En-lai was the Premier of China presiding with Mao Tse-tung and Lin Piao over the excesses of the Cultural Revolution. He is the Premier now and Mao and Lin are still his superiors. It seems to me that the United States should be wary of accepting at face value a government and leaders like Chou En-lai who use any means to gain their ends.

3. The Chinese Communist government and the Mainland Chinese businessmen are one and the same. When you trade through a Communist country, you trade through a Communist-controlled corporation. There is *no* trade in a person to person way. Nor is "fair play" a normal part of the government's trade operations. We British should know. We have seen numbers of our businesses expropriated without compensation—my own company Vickers-Zimmer lost a plant worth three million pounds.

With this in mind I can not see how any Western entrepreneur would want to trade with the Communist Chinese. They will certainly gain further political and economic power from importing American metals, machinery, computers and turbines in exchange for pig bristles and ping pong balls.

It is well to keep in mind that our objective in "trade" is not quite the same as the Red Chinese. For them trade is just another technique to advance their political and economic control over 750 million Chinese.

4. Communist China is capable of cataclysmic and abrupt shifts from one extreme to the other—from the peak of violence of the Cultural Revolution of only two years ago to the smiling diplomacy of today. Is it not a fact that three months ago, on April 16, the *Peking Review*, the official English language publication of the Chinese Communist Party described your President as an "arch criminal" and "chief butcher?" Surely, such a government must be treated and approached with extreme caution.

5. The Chinese Communists do not have the same appreciation for human life and dignity, for individual freedom, that we in the West do. I shall never forget the countless small cruelties visited upon me and others by my captors—cruelties which apparently did not bother them or strike them as anything out of the ordinary. It seems to me that such a government has yet to demonstrate that it belongs and has earned a place in the family of nations.

6. The Chinese Communists understand and appreciate a tough, hard bargainer—in business as well as in diplomacy. President Nixon, of course, is famous for his toughness and shrewdness—we all remember his Kitchen Debate with Khrushchev. I hope and I pray that when he goes to Peking he will demand *quid pro quos* all down the line with Chou En-lai and Mao Tse-tung, including such vital questions as the security and integrity of the Republic of China; the cessation of subversion in Thailand, Laos and Cambodia; the cutting off of narcotics production, processing and distribution which has earned for Red China the reputation throughout Asia as the "drug pushers to the world."

Above all, Mr. Chairman, I hope that when Mr. Nixon goes to Peking he will demand the release of all the American prisoners whom I saw and those whom I did not see. Their imprisonment is an affront to international law and decency which cannot be forgiven. Their release should be a pre-condition, I feel, to any and all negotiations.

Finally, Mr. Chairman, may I say that I hope and pray that the day will soon come when there will be true and meaningful relations between my country and China, between your country and China. I look forward to returning to China one day with my family and visiting and talking with a free Chinese people. But I am obliged to say that I believe that meaningful relations will only come about and I will only return to mainland China when Communism no longer enslaves the Chinese people.

My imprisonment in Communist China has inspired me to read Chinese history, and of one thing I am sure, communism is anti-Chinese in its philosophy, its economics, its ethics. I, for one, do not believe that China can ever be truly China again until communism no longer rules. Because I want that day to come as soon as possible I am opposed to an act which would unquestionably delay that day—its admission to the United Nations.

Thank you very much indeed for this signal honor and for giving me the opportunity to share my thoughts and experiences with this distinguished committee.

THE CHINA STORY—TRUTH VS. TREACHERY

(By Ambassador James C. H. Shen)

It is indeed an honor and a great pleasure for me to have the opportunity to be here with you today, particularly because your gracious city was once my home and my mind is full of memories of those days. It is, of course, home to many of my countrymen, too. More than that, San Francisco is special to all freedom-loving Chinese because it was at one time the home of the father of the Republic of China—our George Washington—Dr. Sun Yat-sen.

The world has turned over many times since Dr. Sun left San Francisco to return to China to establish my country's first republic in 1911. Perhaps you are aware that nearby in St. Mary's Square there is a statue of him erected in 1937 by donations from the City Government and Chinese everywhere. A memorial to the ideals for which he fought and worked so hard to attain during his life—ideals which all enlightened people seek—Democracy, National Unity, and human welfare.

But in the more than sixty years that have passed since the founding of our Republic not only has there been enormous technological change, there has also been great human change. And the change is often so swift, that either we have not the time to absorb its impact and reflect on its meaning, or it is obscured in a deluge of more news and we are unable to remember it with any clarity.

I must admit that with regard to my country, a great deal of myth has grown up in the minds of Americans as to the reality of what exists on the mainland and what exists in the Republic of China's island province of Taiwan. And so today I thought I would talk to you on some aspects of this problem. It is a problem that affects your country and mine, perhaps as no other in the world today, and like so many problems, we must look at it first in its proper perspective from the point of view of the truth v. treachery. We shall be examining several treacherous myths and attempting to dispel some clouds of doubt by exposing them to the shining light of reality.

One of the first and also the earliest myths we might deal with right away is that Mao and his regime are agrarian reformers. That is, of course, preposterous. They liquidated all land-owners. If you really want to see an agrarian reform program that has worked magnificently—come to Taiwan. This program instituted years ago in a peaceful and orderly manner is recognized world-wide as an example which can be successfully emulated elsewhere.

Another myth that seems to cling in the western atmosphere is that the Chinese Communists fought the Japanese in World War II and that Government troops merely sat on their arms. That is a falsehood also. A careful study of the records will reveal that Communist troops spent more time fighting Government troops than fighting the Japanese. They conserved their strength, waiting until they could fight their own battle for domination of the mainland. That was how they were able to seize the country at the end of the war.

Recently a new myth has been making the rounds as fact, and it is to the effect that before the Korean War, the Chinese Communists sought the friendship of the United States and were coldly rebuffed in their efforts. Supposedly Mao Tse-tung and Chou En-lai were anxious to come to the United States and talk with your leaders but their offer was ignored. I wonder how those who consider this a serious policy mistake on the part of your government can reconcile the trust one allied government would have for another should it welcome those who seek the overthrow of its partner?

One of the great faults of well-meaning people is that they so forget the lessons of history. As the philosopher George Santayans has said: "Those who forget the mistakes of history are doomed to repeat them.'

What was the United States attitude toward the Mao regime when the latter seized power in 1949–50?

In 1950 when Mao Tse-tung had virtually completed his seizure of the Chinese mainland, the United States was very near to a decision to recognize Mao's government as the *de-facto* government of China. In that expectation, it had left some of its diplomatic officials in Manking and other mainland cities. It had kept its consulates open in others. India led the euphoric procession by recognizing Mao's government on December 30, 1949. Britain followed suit in January, 1950, quickly followed by Israel, Switzerland, Afghanistan and the Scandinavian countries. The United States had not yet clarified its thinking.

Then, with his incurable xenophobia, Mao Tse-tung slammed the door. He put the "imperialist" label upon the United States and declared that it was the enemy of his Red regime. He capped this performance by placing Angus Ward, U.S. Consul General in Mukden, under house arrest. Ward remained in that plight for an entire year, and then was jailed. Meanwhile, the U.S. Vice Consul in Shanghai was arrested by Mao's agents and badly beaten up.

On June 25, 1950, the North Koreans attacked South Korea, They were prompted by the Chinese Communists. In November 1950, the Red Chinese entered the war with 300,000 so-called volunteers and attacked United States forces. The United States found itself at war with the Mao regime. The break became complete when Washington placed the Seventh Fleet in the Taiwan straits to prevent a Communist attack upon the Republic of China, which had by then already re-established itself in Taiwan which is part of the Chinese territory.

From the beginning Mao has been a screaming and vitriolic hater of the United States. The basis of his hate is the almost psychopathic fanaticism of his type of Communism, hardened in recent years by his insistence that his followers deify him as a demi-god. United States leaders dealing with Mao will be well advised to recognize that they are dealing with a cloudy-minded man in Mao Tse-tung.

Let me give you a more recent example—Great Britain. The British, then under the Attlee government, believed that they could reap rich trade gains from the Chinese mainland. So they set about early to establish amicable relations with Peiping. Since they controlled Hong Kong they thought they would be in a favored position to do so, but they soon found out that they had reckoned without the unpredictability of Mao. All British investments on the Chinese mainland were confiscated in short order.

There was a more recent case. In 1967, a British concern won a concession to build a factory on the mainland in the city of Lanchow. Its site engineer was one George Watt—presently a visitor in this country. Without any advance warning he and his company were accused of "crimes against the state", the factory was confiscated, and Watt was thrown in prison, tortured and constantly questioned. He endured this for three and a half years—languishing in a communist prison. Finally he was released after signing a confession he never read, and enduring the spectacle of a mass trial. His plant became a $10 million dollar "gift" to the gang headed by Mao. Then there was the case of the Reuter correspondent in Peiping who was put under house arrest during the so-called Cultural Revolution.

Japan, which under normal circumstances, should be enjoying lucrative trade with the Chinese mainland has not fared much better. Peiping offers an opportunity for foreign traders to arrange trade deals at its annual fair in Canton. Many traders visit the fair, including the Japanese, with order books in hand. But since all trade with the Chinese Communists is nationalized, foreign traders find themselves negotiating with only one customer—the Communist regime. The Red Chinese regard trade as a plum to be held out as long as it can accomplish some political objective. Japanese traders have been required year after year to sign political declarations denouncing their own government as the price of trade.

Actually Japan now enjoys a larger volume of trade with the Republic of China on Taiwan than with the Chinese mainland. And, I might add, many many other nations deal with us freely and profitably.

Yet, in the face of such experience, there are many American businessmen who believe that recognition of the Mao regime will result in a plentiful flow of trade over the coming years. Their influence and, I believe unwarranted optimism has been an important factor in the emergence of a state of public opinion which apparently would welcome a new deal with Mao Tse-tung.

It should be noted that historically trade has never been a deterrent to hostilities. The Krupp empire sold steel to Britain right up to the opening of World War I, and this country sold oil and steel and scrap iron to Japan until some four months before Pearl Harbor.

But what is there to gain in this area? The myth is that mainland China is a fantastic market. One energetic market analyst said, "Just think of its 750 million new customers." But a realistic ending must be put on that assessment—Yes, 750 million customers, but all broke!

The most optimistic estimate of possible trade with the Chinese mainland is that it might total as much as $300 million a year in the long run. An estimate by an organization *friendly* to the Peiping regime—the National Committee for U.S.-China Relations, holds out the hope that by 1980's trade *might* reach a total of $650 *million* a year. Your total two-way trade in 1969 was over $74 *billion*. $650 million might easily be overlooked. That, gentlemen, is rather small reality to be chasing after so large a myth.

Now to some of the terms used by mythmakers. Terms such as the "great leap forward" and the "cultural revolution" are used as though they were developments that brought both material and social progress to people on the mainland. The myth-makers would like to have you accept these terms without examining what havoc they created. The term "cultural revolution" has a most important scientific and friendly sound. But I can assure you this was a very dark phase in the history of my people.

It is currently being reported by some newsmen who have recently been allowed to take the "guided tour" of the mainland that food is now plentiful there. Of course in the places they have been allowed to visit, it has been purposely made plentiful. That is an old Communist trick. But if food is so plentiful, why do escapees without exception describe its lack—describe the meager rations on which they must live while working a 16 hour day? Why is it then necessary for Chinese living in Hongkong to send food packages to their relatives on the mainland? Why is it people still try to escape from the mainland? Seven thousand of them did so since the beginning of the year.

The reality is that the Communist regime, which now rules through military control, has failed to improve the general welfare of its 750 million subjects. It has instead spent millions they could ill afford to acquire a small arsenal of nuclear weapons which they are using to blackmail neighboring countries, and which, I am afraid, may one day provoke a nuclear attack against our country.

If you should have doubts about the intentions of the Communist regime and its continuing adherence to doctrines of repression and hate, all you have to do is to tune in on Peking radio which broadcast the following message fifteen minutes after announcing the President Nixon's visit to Peking—"People of the world unite against the U.S. aggressors and all their running dogs." The message is clear, and if one should still believe the myth of the docile Red dragon, I would refer him to what happened in Korea in 1950, Tibet in 1960 and on the Indian border in 1962, in Indonesia in 1965 and the current training of Arab guerrillas for terror tactics in the Mid-East. You need not take my word for it. The Communists' own newspapers claim credit for training the youth of the National Liberation Movement—the Al Fatah.

As for the myth of non-aggression I think your former Secretary of State Dean Rusk summed it up very aptly when he said: "I am not the village idiot. I know Hitler was an Austrian and Mao is Chinese. I know all the other differences between this situation and the situation in the thirties. But what is common between the two situations is the phenomenon of aggression."

Perhaps I have been dwelling too long on the negatives. Let me take you into the realm of positive reality for a moment. To the existence of the Republic of China in our island province of Taiwan.

We are reality. We are preserving Chinese culture and the Chinese way of life. We have the highest rate of economic growth in Asia. We had 3 billion dollars worth of foreign trade last year. We have the highest per-capita income in Asia, next only to Japan. We provide nine years of free education for all our children. We have about the best living conditions in Asia. We have 600,000 men under arms and over a million in active reserve. As an ally we are making a contribution to collective security of the free world in the Western Pacific. And you may all consider this a personal invitation to come and see for yourselves—no need to make secret arrangements, you are all welcome. (And by the way may I lay to rest a continuing myth—the myth that we are being "propped up" by American dollars. We have received no direct foreign aid since 1965. There are no—and I repeat no—American combat troops on Taiwan. It is a fact that we continue to receive some indirect military aid but that is because we are your ally. We have a mutual defense pact between us.)

Now finally, to the sixty-four thousand dollar question—what about our position in the United Nations?

Well, the myth makers would like to ignore all the facts about Taiwan that I have just recited. They would just like for us to fold our tents and silently steal away.

Gentlemen, just as we participated in the creation of the United Nations as one of the founding members we are continuing to participate in its operation—and we intend to by right, and we believe there are still enough members in that body who care enough about the Charter and the continued existence of the UN to keep us there. We certainly do not intend just to go away. Incidentally our delegation there has just taken a ten year lease on office space in a nearby building in case anyone was wondering.

Contrary to much misinformed current discussion the United Nations was never conceived as a "universal" body. This point was painstakingly discussed in this city in 1945 when drafting the Charter, from which I quote Article4:

"Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the organization, are able and willing to carry out these obligations."

Does the Mao regime qualify under these definitions? I leave it for you to judge.

Is this the regime which some Americans of high reputation are backing for a seat in the peace-maintaining international apparatus? They are proposing a mirable linking of the lion and the lamb.

Have you ever heard the conditions Chen Yi, Peiping's foreign minister set down for their admission to the U.N.?

"The United Nations must rectify its mistake and undergo a thorough reorganization and reform. It must admit and correct all its past mistakes. It should cancel its resolution condemning China and the Democratic People's Republic of Korea as aggressors and adopt a resolution condemning the United States as the aggressor."

Now the issue of the United Nations may only be an academic exercise to you who are still secure—but I assure you it is a most serious matter to those of us who are in the front lines—in the trenches as it were—in Asia. We cannot afford to split philosophic hairs at this crisis in world history. The stakes are too high.

Gentlemen, I am saying to you as clearly as I know how, our backs are against the wall. So far as we are concerned there is no option of retreat or accommodation. Although we are small we are spirited.

In any case we are counting on the spirit of Americans who, for centuries have helped those who are willing to fight: for their freedom, to help us continue that battle. To help us keep alive the hope of our mainland brothers that the flame of freedom still burns brightly in our island province and in parts of the rest of the world.

We are taking a page from the history of your illustrious naval hero John Paul Jones. Gentlemen, do not fail us, for we too "have not yet begun to fight."

Thank you.

MENTAL HEALTH

Mr. WILLIAMS. Mr. President, on July 13, 1971, the distinguished junior Senator from California (Mr. Tunney), appeared before a Senate appropriations subcommittee to testify in favor of increased funding for programs for mental health. His statement presents, with great clarity, the nature of the problems of mental illness and need for a national resolve to act. I ask unanimous consent that the statement of Senator Tunney be printed at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

STATEMENT OF SENATOR JOHN V. TUNNEY

Mr. Chairman: The problems of mental illness and the quest for mental health are truly issues of national concern. Whether one focuses on the manifest disability and suffering associated with the major psychiatric disorders or looks more broadly at the psychological component of current social ills, these problems are seen to affect all segments of society. In sometimes distinct but always significant ways they are problems of infancy and old age, both sexes, the entire spectrum of economic and social conditions, and all racial and cultural groups.

MAJOR MENTAL ILLNESS

Some measure of the broad impact of mental illness upon the population of this country is suggested by the following statistical findings regarding major mental illness.

Nearly 40% of the hospital beds in the United States are occupied by individuals suffering from major and often still appallingly chronic mental illness.

Schizophrenia, the most common form of psychosis and clearly one of the world's most important health problems, accounts by itself for approximately one half of these beds, or the hospitalization of nearly 200,000 Americans on any given day. The social and economic impact of this tragic illness is underlined by the fact that its onset is most often during the most productive years of life. Three-fourths of all first-admission schizophrenic patients are between fifteen and forty-four years of age, and the median age is thirty-three years.

Severe *depression* led to the treatment, both in and out of hospitals, of more than 300,000 people in the United States during 1970. Of the approximately 19,000 deaths by *suicide* reported in this country each year, the great majority are related to depressive illness. Suicide again strikes forcefully at the prime of life, being the fourth most frequent cause of death in ages eighteen to forty-five and third most frequent cause of death among college students.

Current estimates indicate that there are more than five million *alcoholics* in the United States and an additional four to five million individuals for whom alcohol abuse is a serious problem. Alcohol is responsible for over two million arrests each year for public intoxication, disorderly conduct, and vagrancy. This represents 45% of all arrests. Somewhat more than one-half of the homicides in the United States annually are known to be alcohol-related, and one-third of American suicide victims have significant alcohol in their blood at death. Fifty percent of the 56,000 traffic fatalities each year involve alcohol. A conservative estimate of the drain on the national economy due to alcohol abuse is 15 billion dollars per year.

The incidence and growth of *drug abuse* in this country has recently received well-deserved attention. It is estimated that there are now 250,000 heroin addicts in the United States and death due to overdose or the physical complications of addiction has become the leading killer in ages fifteen to thirty-five in several of our larger cities. One-half of all crime in our cities is now committed by addicts, and estimates place the total value of goods stolen during the past year to support narcotic addictions at more than three billion dollars. In addition to narcotic drug addiction, an estimated half-million Americans chronically abuse other dangerous drugs, about whose long-term effects we know relatively little.

SOCIAL PROBLEMS

Although more difficult to define precisely, the psychological components of broader social problems take a no less real toll on the population of this country.

Our failure to understand and control the problem of human *aggression and violence* is a source of major concern to large segments of the population today. While we deplore the personal and social consequences to man's aggressiveness, far too little effort has been devoted to serious understanding of the complex biological, psychological, and cultural factors which predispose to violent behavior in times of stress. Soviety has traditionally delegated to the criminal justice system responsibility for the management of those individuals who exhibit violent and aggressive behavior but has often failed to provide sufficient resources or the breadth of expertise necessary to cope effectively with these problems. With our prisons frequently becoming schools for crime and rehabilitation efforts often weak or non-existent, further knowledge in this area must be sought and applied.

Under modern circumstances *adolescence* is the most dramatic example of the complex processes involved in negotiating a critical period of normal development. It illustrates the shifting interplay between biological, psychological, and cultural demands on the individual. In earlier times when the shift to adult social roles temporarily overlapped with the biologic change in status, there was but a single critical period in going from childhood to adulthood. Moreover, preparation for adult roles was typically gradual, extending over much of childhood, and the children had abundant opportunity for directly observing their parents and other adults performing the same adult roles which they would also adopt. In today's highly technological and rapidly changing world, we have arrived at a situation in which there are two, largely non-overlapping critical periods in the transition from childhood to adulthood. It is tragic that we are able to cite a normal phase of growth and development as a "social problem". Yet, for all too many young people today, adolescence has become a time of frustration and anxiety and a period in which to learn drug use, alienation, and aggressive modes of behavior. Again, far more must be learned about this crucial developmental phase and applied with skill to those in distress.

Progress toward the reduction of disability related to mental illness and the solution of complex social problems will require significant increases in available *manpower, facilities*, and *knowledge*.

MANPOWER

There are presently slightly more than 100,000 trained mental health professionals in the United States. Although this number is still woefully inadequate to meet the nation's needs, it is a vast improvement over the situation at the end of World War II. At that time, virtually all mental health treatment occurred in large state mental hospitals and was administered by approximately 3,000 relatively poorly trained psychiatrists and an even smaller number of clinical psychologists and psychiatric social workers. The very striking progress in both the quantity and quality of mental health personnel over the past two decades has been a direct result of the training programs developed and maintained by the National Institute of Mental Health. To cite but a single example, the NIMH Psychiatry Training Program has provided support for an increase from 3,000 psychiatrists in 1946 to nearly 25,000 today. Further, these men are no longer narrowly trained in hospital-based and largely custodial care, but rather are increasingly prepared to povide a broad range of community-based services and to seek the answers regarding cause and cure of mental illness.

Despite their record of achievement and clear evidence of present need, these NIMH training programs are currently under severe threat. The administration's budget for Fiscal Year 1972 proposes a 6.7 million dollar cut in support for psychiatric training, and elimination of the entire 34 million dollar program is projected over a three-year period. Elimination of this program will severely restrict the preparation of medically trained mental health specialists, cutting the number of psychiatrists in training by 36%, from 4,275 to 2,427. Further, the training institutions most drastically affected will be those based in medical schools and innovative community settings, while less progressive state, hospital-based training programs can more easily shift training costs to bed care charges. The NIMH budget for the training of other mental health professionals, including psychologists, social workers, and psychiatric nurses, has been held essentially level for the past three years, thus representing an inflationary reduction of approximately 7% each year. These programs are clearly targeted for cuts in the years ahead.

This documentation of the need for continued support of professional mental health training in no way reduces the importance of providing funds for the development of "new careers" and para-professional programs. The wisest course would seem to be the maintenance of support for training programs of proven effectiveness while providing the relatively small amount of additional funding required to launch carefully developed innovative training efforts.

FACILITIES

As mentioned above, prior to the late 1940's virtually all mental health care in this country took place in large public mental hospitals. These institutions were frequently old and in poor repair, usually overcrowded and understaffed, and most often remote from the homes and families of their patients. Such treatment as was available focused primarily on adjustment to life within the hospital and provided little incentive or support for the patient to resume a productive life. It is little wonder that hospitalizations were long, re-admissions frequent, and that the numbers of mentally ill confined to hospitals rose steadily. With the establishment of the National Institute of Mental Health in 1948, innovative programs of research, training, and patient care were promptly initiated to reverse these trends. Progress was initially slow, but in 1955 an historic turning point was reached. In that year the total mental hospital population reached 559,000, and in the following year it began to decline. This decline has continued in each of the following years, and by 1970 the patient population stood at 339,000. These dramatic results have been obtained in the face of rapid increase in the population at large and thus the number at risk of suffering mental illness. The present hospital census is even more dramatic when compared with the figure of 755,000 which is the number of Americans who would be in mental hospitals today had the earlier growth rate continued.

The development of effective and efficient mental health care received a major advance in the passage by the Congress of the Community Mental Health Centers Act of 1963 and Amendments of 1965. This far-sighted legislation provided Federal matching funds for the construction and staffing of community-based mental health facilities and set the ambitious goal of providing convenient and comprehensive mental health services for every American. The outstanding success of this program is documented by the fact that by the end of FY 1971 three hundred Centers were in operation and their services were available to 50 million people.

As was noted for training support, we again find that in the face of demonstrated past success and clear current need the Administration proposes to severely restrict the Community Mental Health Centers program. Against an authorization of 90 million dollars for construction grants in FY 1972 the Administration requests *no* new funds. Of the 105 million dollars requested in FY 1972 for staffing grants, 91 million dollars will be required simply to maintain on-going programs. The 13 million dollars available for new projects must be compared with the 63 projects totalling 24 million dollars which have been *fully approved* by the NIMH but remain unfunded from previous years. The argument that the Federal government has become excessively involved in the operational support of these programs seems singularly hollow since in FY 1969 Federal staffing grants provided only 20% of the operating costs of the Centers then functioning. A powerful multiplier effect thus acts upon Federal dollars allocated to the provision of mental health services.

The tragedy in the restriction of this program is further underlined when it is realized that those populations, particularly rural and central city, presently having the least access to mental health services are also those most in need of Federal funds to begin program development.

Finally, the restrictions proposed make extremely difficult the development of specialized services and innovative programs, and markedly reduce the chances for meaningful evaluation of operating Centers. Despite clear documentation of need for children's services in the Report of the Joint Commission on the Mental Health of Children and authorization of 20 million dollars in FY 1972 for this specialized care in the Community Mental Health Amendments of 1970, no funds for this purpose are requested. New programs for the community treatment of drug abuse and alcoholism must be developed and integrated into Mental Health Centers but again little funding is available for comprehensive approaches to these pressing problems. Funds for careful evaluative research on community mental health must be specifically appropriated rather than facing program administrators with the painful choice of deducting such funds from those needed and intended for patient care.

It seems clear that a minimum of an additional 35 million dollars in staffing funds and 25 million dollars in construction grants is required to maintain the viability and growth of the Community Mental Health Centers program. The importance of further development and refinement in this area actually extends far beyond the care of the mentally ill. The Centers provide a working model for comprehensive service delivery to geographically-defined populations and thus have broad implications for the effective provision of more general health and human services.

KNOWLEDGE

Problems of training and service can be only as sound as the knowledge upon which they are based. Beginning far behind other fields of medicine and science, mental health research has made very significant progress over the past two decades. Especially promising are recent advances in behavioral science. Increasing understanding of the fundamental biochemical events of the brain make it seem possible that the processes underlying depressive illness will soon be elucidated. Such knowledge allows a more rational approach to the drug treatment of this and other mental disorders. Broader appreciation of the complex biological and social forces involved in normal human development offers more specific clues when this development goes awry.

Despite the progress made in both understanding and the application of knowledge, many unsolved problems remain. The tasks in the field of mental health are in no sense *only* the technical ones of making available to larger population groups the modes of treatment so far developed.

The Administration request for NIMH research support in FY 1972 is 92 million dollars. This is essentially the same amount allocated in each year since FY 1969 and thus represents a significant real reduction over the past four years. An additional 10 million dollars could well be utilized in the present year, with emphasis on the broad-based and interdisciplinary study of the complex problems of mental illness.

MERIDEN, CONN.'S SPECIAL PEOPLE DAY

Mr. WEICKER. Mr. President, the critics of our day often ignore the many good things accomplished by our parents and grandparents. The Nation was built by men and women, young and old, who believed in excellence and worked hard to leave a better foundation than that which they inherited.

But there are two people—in fact, a whole town in my State—who have not forgotten that this is the generation of grandparents who found better ways to raise food, build homes, construct schools, and encourage scientific research and who harnessed the atom and sent man to the moon.

Charles Byron, physical education instructor at the Lincoln Middle School in Meriden, and Mrs. Mildred Newlon, director of the Golden Age Committee, headed up an all-day outing at Hubbard Park in Meriden—1,000 senior citizens enjoyed hot dogs, ice cream, and cold drinks served by Girl Scouts and students from Lincoln School under sunny skies on June 19.

Not only did Mr. Byron and Mrs. Newlon provide an active day for Meriden's "special people"—a day of addresses by public officials, a group-sing, and waltz and dance music—but they organized free bus transportation and even brought 27 crippled "special people" to the leafy park.

This is an outstanding example of a town that recognizes the needs of our wonderful generation of parents and grandparents, a town that not only recognizes the needs but opens its heart to provide its "special people" with special activities. I am proud that Mr. Byron and Mrs. Newlon of Meriden, Conn., are my constituents.

U.S. MILITARY PREPAREDNESS

Mr. TALMADGE. Mr. President, there is growing concern throughout America about the status of national security and the increasing attacks on the U.S. defense and military establishment. I share this concern, and I have had occasion to address myself to this subject in recent weeks in various appearances throughout Georgia.

The military has been put under severe attack. Our servicemen are ridiculed and scorned. Defense production, research, and development are filibustered in the Senate. In general, bad days have fallen upon the military defense establishment of our Nation. As a result, national security has been seriously jeopardized.

At the same time, there has been a decline in our military preparedness, while the Soviet Union continues to build her mighty army and navy and nuclear missile power. Red China, of course, is also moving ahead in these areas.

I have no doubt that much of the unrest in our country today against the defense establishment can be attributed to bitterness over the war in Vietnam. This war has been a curse on our Nation for the past decade. It has torn our people apart to the point that some people are ready to strike out at anything having to do with the military.

However, we cannot ignore the lessons of history. It has taught us that peace has almost always resulted from strength, while war has come from weakness. If we are to survive, the United States must at all times be ready to defend itself, whatever the cost.

The wisdom of U.S. involvement in Vietnam, past and present, can be debated. But national defense has never been debatable. It is not debatable now.

On August 5, 1971, the Washington Evening Star published an excellent editorial column written by James J. Kilpatrick on the decline of America's military power. I commend it to the attention of the Senate and ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

It's Time To Wake Up to Our Military Decline

(By James J. Kilpatrick)

Seven members of the U.S. Senate went to a good deal of trouble one day last week in an effort to voice a collective warning against the alarming decline in America's military power. They arranged a special order; they prepared their speeches with care; they released the text in advance; and they held the Senate floor for more than an hour.

But to judge from local reaction, they might with equal effectiveness have hurled their Catonian cries upon the summer wind. There was no local reaction. The national security has become, not a bore exactly, but a matter of sullen indifference. Members of Congress, by and large, do not want to talk about it; they do not want to hear about it. Their ears are numb and their senses dulled. They want to go home.

It will be small consolation, one of these days, to call a roll of those who were right in 1971. Unless their warnings are heeded—and not merely heeded, but acted upon swiftly—the United States assuredly will wind up as No. 2 among the powers of the world. The implications of that somber prospect cannot be precisely defined, but they can be vividly imagined.

These were the seven who spoke last Thursday: Thurmond of South Carolina, Byrd of Virginia, Dominick of Colorado, Gurney of Florida, Buckley of New York, Curtis of Nebraska and Brock of Tennessee. Other senators, of course, have spoken to the same effect on other days; one thinks especially of Henry Jackson of Washington, Barry Goldwater of Arizona, John Stennis of Mississippi.

The warnings they have delivered in the Senate have been buttressed by outside authorities. Nearly a year ago, the President's "Blue Ribbon Defense Panel" raised an urgent cry of alarm. The American Security Council has grown hoarse with protest. Such respected magazines as Life and Reader's Digest have devoted pages to expert analysis of the deteriorating situation. On the very day the seven senators spoke, the authoritative Jane's Fighting Ships released a chilling report on Soviet gains and American declines.

Yet the erosion continues. One is hard put to identify the reasons. The war in Vietnam—this exhausting, inconclusive, wretched war—doubtless is the primary cause; it has left death and debt and disenchantment in its wake. The high cost of preparedness is another factor, especially at a time of deficit finance and heavy obligations here at home. The anti-militarism of leading intellectuals and dissident youth surely has contributed. And the Pentagon itself, by creating an image of ineptitude and waste, has hurt its own cause.

It is not so important to fix the blame; but it is critically important that the American people understand what is happening. In terms of both offensive and defensive capability, the United States steadily is falling behind Russia.

In two classifications only—aircraft carriers and missile-launching submarines—the United States retains a superior position. There is not much comfort here. With its prodigious land mass, the Soviet Union has seen no reason to invest in mobile carriers. Our dominance in nuclear subs (we have 41 with Polaris-Poseidon missile capability) probably will be lost by 1975.

Everywhere else the picture is bleak. Curtis devoted his speech to the uncertain future of our new B1 manned bomber. It is intended eventually to replace the aging B52—but that eventuality is at least seven years in the future. "For some obscure reason," said Curtis, "every heavy bomber ever built by the United States has fought its stiffest battle in Congress." The B1 is no exception.

Dominick dispassionately reviewed the astonishing growth of the Soviet navy. Thurmond implored his colleagues to ponder the meaning of Soviet first-strike missile installations. Buckley pleaded that a whole "new strategy" is needed. Brock urged that the spectre of an "arms race" be disregarded: "How can there be a 'race,'" he asked, "when one of the contestants isn't even running?"

The long colloquy provoked no debate in the Senate. It drew scarcely a line in the local papers. What is required, one asks in despair, to wake up the Congress, to wake up the people?

TOWARD A NEW CONSENSUS IN FOREIGN POLICY

Mr. HUMPHREY. Mr. President, the Woodrow Wilson International Center for Scholars recently presented its first public program, a dialog on the theme, "Toward a New Consensus in Foreign Policy: Legislative and Executive Approaches." Participating in the program were our distinguished colleague from New York, Senator Jacob Javits, and the noted diplomat, George W. Ball, former Under Secretary of State. The discussion was moderated by Alton Frye, a charter fellow of the Wilson Center and of the Council on Foreign Relations.

The evening's dialog touched on many aspects of legislative-executive relations, and offered some illuminating insights into the necessity and difficulty of forging a collaborative relationship between the two branches of Government. As chairman of the board of the Wilson Center, now in its first year of operation as the Nation's living memorial to our 28th President, I believe my colleagues in the Senate and others will find the proceedings of interest.

I ask unanimous consent that an edited transcript of this useful discussion be printed in the Record.

There being no objection, the transcript was ordered to be printed in the Record, as follows:

Toward a New Consensus in Foreign Policy: Legislative and Executive Approaches

Moderator. Alton Frye, Fellow of the Council on Foreign Relations and the Woodrow Wilson International Center for Scholars

Participants. The Honorable Jacob K. Javits, senior Senator from the State of New York, and the Honorable George W. Ball, former Undersecretary of State and Ambassador to the United Nations.

Mr. Frye. Tonight's program addresses a theme which is crucial to the future prospects for American Government. How and under what circumstances can we find that lost consensus on foreign policy which has prevailed for much of the post-World War II period? Some, of course, will argue that we need less consensus and more of what we might call "dissensus" as the way to energize American foreign policy. We are prepared to entertain that view, and perhaps one or more of the panelists this evening will argue that case, so the program's title should not intimidate those in the audience who want to argue a contrary assumption to the goal of consensus we have stated.

But there is a powerful case which can be made, and which has been made since the beginning of this Government, that effective international action by the United States requires a reasonable degree of domestic agreement on the goals and ends and means and techniques of our foreign policy. Evidently the cold war consensus has decayed. Tonight we hope to illuminate some ideas about the kind of consensus we can seek in a new world and about the methods by which we might achieve it.

There is an old maxim in American Government that where you stand depends upon where you sit. That often applies with special force between the Legislative and the Executive Branches of Government. The quest for a new consensus must hinge largely on the reconciliation of these branches of Government. Both share major responsibilities in the field of foreign policy, and each has great power to frustrate the purposes of the other unless the course of action is agreed upon between the two. That kind of frustration can produce a dangerous deadlock, which in no way serves American national interest.

So our question for the evening is how to escape the current turmoil and frustration, the friction between the branches, and how can we establish that degree of domestic rapport which is essential to a constructive American presence in the world. It is my great pleasure to introduce Ambassador George Ball, who has for many years been a central figure in the shaping of American foreign policy. In and out of Government, as an official, an attorney, a banker dealing extensively abroad, he has been a diligent promoter of close ties between the United States and other members of the Atlantic Alliance. Prior to becoming Ambassador to the United Nations in 1968, Mr. Ball for six years served as Undersecretary of State in the Kennedy and Johnson administrations. In those roles, he was a clear and consistent voice of reason on a vast range of issues. He is not a man to say "I told you so", but others in a position to know recall that George Ball was a man grimly prophetic about the possible outcome of American intervention in Southeast Asia. Though he would not, himself, point to that as his major contribution in Government, it's one to note in passing, because there was no one more forcefully opposed to the major American military involvement in Vietnam than Secretary Ball in 1964 and 1965, and the case he put has come to be a very prophetic portent.

Mr. Ball, we're pleased to have you join us and we look forward to your perspective on the issue before us this evening.

Mr. BALL. Thank you very much, Mr. Frye.

Like so many other things today, the relative roles of the Legislative branch and of the Executive branch in the making and administration of foreign policy are being debated in a very special context. It is a context of our involvement in Southeast Asia. The principal question which is, therefore, uppermost in the minds of many of us and in the minds of the Congress, is the role that the members of the Congress, both houses may play in starting wars and in stopping them, and the contribution to a more orderly definition of the relative powers of Congress and the President. Senator Javits has put forward an interesting proposal which has to do with the powers of the President to deploy American forces overseas, and there have been several bills that have been introduced both in the House and the Senate by such distinguished Senators, for example, as Senator Stennis, which are directed at this same problem. I must say that I have great sympathy with the problems of anyone in the Senate or the House who faces the present involvement of the United States in Vietnam and who is seriously concerned with what he can usefully do about it.

I think this is a matter which we all have to concern ourselves with very much. My own view, however, is one of some skepticism. I doubt that there is any practical solution that would have much restraining effect on the President of the United States faced with a set of circumstances which he regarded as urgent that could be incorporated in legislation without weakening the political effectiveness of the President or without limiting his ability to react when he was confronted with a need for sudden decision. I want to say something more about this in the course of the evening. I think it's probably better to develop it as a matter of dialogue than for me to try to address it initially.

For the time being, I would prefer to comment on some of the broader aspects of the relations between the legislature and the executive with regard to our foreign policy, and our foreign relations, in an effort to respond to the theme of the evening which is the emphasis on a new consensus in foreign policy. The basic disenchantment in the Congress today with regard to its own role in foreign policy does not spring from any infirmities in the procedures, but from the fundamental divergence of view in the United States with regard primarily to Southeast Asia, but also with regard to some of the broader implications of policy. The divergence is felt throughout the whole national life of our country. It is not something that simply bisects Pennsylvania Avenue, it's something that's felt in every community.

By one of those accidents that stems from the mysterious workings of Congressional machinery, the leadership, the key committee in the Senate with regard to these matters is Senate Foreign Relations Committee, today represents a school of opinion with regard to Vietnam that, for the most part I think, fundamentally opposed to the position of the administration. Or for that matter, quite at variance with the opinions not merely of the present administration but with the last two administrations. I don't say this in any mood of criticism. I don't want to suggest that I'm taking sides with any of the individuals involved. I record it simply as a fact, something we have to deal with. The practical effect that results from this polarization of view, when the executive has one strongly felt opinion and the Senate Foreign Relations Committee has another, is that the committee has been effectively disabled in the performance of certain of its traditional duties—its duty, for example, of serving as an instrument not only for advising the administration but for transmitting to the other members of the Senate the information and the ideas which the administration would normally divulge almost on a day-to-day basis with a committee with which it had full sympathy. And when I say committee, I am speaking primarily of the leadership of this particular committee.

As a result, I detect in the Senate a kind of sense of isolation and I think this is true on both sides of the aisle, it's not partisan. A normal two-way conversation on foreign policy between the executive and the Senate has ground almost to a halt. This, it seems to me, is a very unhappy situation. The best way for Congress to make its views felt in foreign policy is by a constant interchange with the administration in power. And that, I suppose, is why the drafters of the Constitution were quite careful not to confer the conduct or administration of foreign policy on either one branch or the other. What the Constitution does, in fact, is to confer on the President certain powers by which he can effect our foreign relations while assigning still other powers to Congress and still others specifically to the Senate. And if the result has been to encourage a sort of institutional free enterprise, so that there is competition between the two coordinate branches, that competition has normally been restrained or at least cushioned by informal working arrangements between the President and the Congress. When, as in the case of the Senate today, those relationships are enfeebled by a fundamental disagreement with a key Senatorial committee, it just isn't going to work very well and in fact it is not working well. Positions at the moment are deeply dug in.

I don't think that we are going to be able to do anything about reaching a consensus in Vietnam. The process of withdrawal now under way will have to work itself out leaving some very difficult residual questions. But in the larger issues that America faces throughout the world, I would hope we could come more nearly to a common view, although I am not sure even on this one.

Fundamentally, the key to the foreign policy problems that face this country, the key depends on our making some very fundamental decisions as to just what kind of a world it is we live in. I am personally persuaded we live in a world still largely polarized between two super-powers, the United States and the Soviet Union, with our security still dependent on the maintenance of a fragile balance of power. Then our role is pretty well mapped out, although I would agree that we should play that role much more judiciously than we have in the past and certainly much more cautiously than we did in Southeast Asia. But there is certainly no consensus on this point. Indeed, a quite different school of thought is widely held in the Congress and particularly among the younger generation in this country.

In general terms, that school argues that the United States and the Soviet Union are two enormous nations both driven by the same kinds of ambitions and almost equally reprehensible in their tendency to interfere in the affairs of others. The Soviet Union, it is argued, wants to preserve its sphere of influence, primarily its position in Eastern Europe, just as we want to keep ours. But beyond that the Soviet Union, so this school of thought contends, is not expansionist and it is driven to the building of new armaments and the maintenance of huge military establishments only by fear of us, just as we are driven by fear of the Soviet Union. Thus all that is necessary to secure peace in the world is to banish fear and to establish mutual confidence and it is up to the United States to take the initiative,

This, in large part, was the underlying thinking of a number of proponents, I don't say all, but a number of the proponents, for example, of the Mansfield resolution, which would drastically have cut our troop deployment in Europe without consultation or agreement with our NATO allies. Apart from that, the Mansfield resolution reflects the inherent disabilities of Congress in trying to force a major change in our foreign policy. Foreign policy is by definition not a matter of unilateral action or an abrupt decision or ultimatum. It is a matter of accommodating our interests to those of other nations in order to preserve what is essential for us, and that can be achieved only by the most patient consultation, the most continuous discussion, the most painstaking negotiation. And these things manifestly are beyond the competence of any legislature.

In fact, legislation which would seek to alter a major policy position of the United States, a major doctrine of foreign policy, legislation that was enacted not at the request of but contrary to the views of the executive, would be a very blunt instrument, would be something which in my judgment we can use only very sparingly indeed. And this is quite well understood in Congressional circles since, while there is a great deal of talk about legislation that would impose lines of action on the President against his own judgment in the conduct of foreign policy, Congress usually draws back when put to the test. Thus there is no doubt at all that Congress could by its appropriation power compel the immediate withdrawal of all our forces from Vietnam. But it is very unlikely that it will take that action for a number of reasons.

Most members of Congress would hesitate for example, to accept the responsibility for all the consequences against the strong urging of the President who presumably is better informed than they, since they can't be certain at all of just what the consequences of such an action would be. In addition, I think most members of the Congress assume that to deprive the President of the instrument of power in Southeast Asia so abruptly would be to weaken his hand in the conduct of foreign policy all over the world.

Thus I suspect that Congress is, as a matter of practice, more reluctant to compel the President to do something he doesn't want to do in the area of foreign policy than it is to deny the President the possibility of doing something he does want to do. This latter kind of question constantly arises with respect, for example, to our foreign aid program where Congress has shown little hesitance in making its will felt. Questions of this kind also arise in connection with the ratification of treaties and indeed I think we shall witness a very important test later this year, when the treaty providing for the reversion of Okinawa comes before the Senate.

The handling of the Okinawa reversion issue deserves particular mention in connection with the relations between the executive and the Congress, not only as a substantive matter—it goes to the heart, after all, of our relations with Japan and indeed our whole Far Eastern policy—but also as a matter of procedure.

The method by which the United States concludes agreements with foreign governments raises two separate problems. The first is whether the President should deal with important international arrangements by executive agreement relying solely on his inherent powers, and with respect to this, I would only say that since it is a challenge to a cherished Congressional prerogative, this is something that can't be profitably discussed outside the context of a specific factual issue. But of much more practical importance tonight is the question whether the President should make a particular international commitment through treaty or by means of an executive agreement authorized by Congress. This question is not only a potential source of conflict between the executive and each house of Congress, but it may also stir up an intramural quarrel between the two wings of the Capitol since the House is obviously playing its role through executive agreement procedure while the Senate is quite jealous of its prerogative of being the instrument which, under the Constitution, recommends the ratification of treaties.

Apart from one's views, however, on Constitutional theology, there are, I think, some sound practical reasons in giving the President freedom of choice in this situation, provided he is prepared to risk some abrasive exchanges with the Senate Foreign Relations Committee of which Senator Javits is a distinguished member. A classic instance of this, a classic instance of where the President's ability to maneuver proved extremely useful, involved the annexation of Texas. On the first try at annexation, the treaty providing for annexation failed to obtain approval by two-third of the Senate, but when after the election of 1834, President Tyler submitted to the full Congress a joint resolution, in other words, went through the executive agreement route, authorizing annexation to be carried out by executive agreement, Texas became part of the Union. Now, any judgment as to the effect that action may have had on the Union is fortunately not on the agenda at this meeting tonight.

The Okinawa reversion question presents another situation in which the exercise of the President's tactical discretion may make a major difference in the success of our foreign policy. If the issue is presented, however it's presented, whether it's in the form of a treaty or a proposed executive agreement, the protectionist lobbyists, who have been very active in the past session, will almost certainly try to use the necessary Congressional action as a lever to exact further so-called voluntary restrictions from Japan with respect to textiles and other products. The fact that the President has now decided to pursue the treaty route thus may be interpreted to mean either that he believes that it is easier to obtain the affirmative vote of two-thirds of the Senate—which means really that 34 votes in the Senate can be a blocking minority—than the majority vote of both houses which is seen, in the abstract at least, to be doubtful, or that he is prepared to in the name of Constitutional orthodoxy or for reasons of domestic policy to run the risk of wrecking our relations with the third most powerful industrial nation in the world. What seems to be most likely is that the practical issue was not very carefully thought through before the decision to adopt the treaty route was made.

Whatever the reason for this procedural decision, what we should probably expect is a classical contest between politically powerful special interests with regard to a critically important measure of foreign policy. Unlike Vietnam, this is not a substantive issue on which the Senate Foreign Relations Committee is at odds with the administration. On the contrary, the chairman of the committee, Senator Fulbright, has promised to throw his full support behind this ratification. But certainly the outcome is not one we can take for granted nor should we be very relaxed about it. I could think of few things that would be more disastrous than for the United States to refuse to relinquish our military administration of a million Japanese citizens living on Japanese territory twenty-six years after the end of the war particularly when the President has already promised the Japanese Prime Minister that those territories would be returned to Japanese administration sometime in 1972. This issue is so heavily marked by emotion in Japan, as any of you who have been there recently well know. The failure of the Senate to ratify the treaty would almost certainly bring down the present Sato government and it could set in train forces that could fatally poison our relations with Japan and thus destroy the basis for our whole Far Eastern policy.

Now these are a few ideas I want simply to put in the domain of the discussion tonight, and I'm sure that Senator Javits will have many wise things to say about these comments I have made, as well as to discuss his own very interesting proposal with regard to some codification of the war power. Thank you.

Mr. FRYE. We are honored to have as our second speaker this evening Senator Jacob Javits, who is the senior Republican Senator from the state of New York. Senator Javits is nothing less than phenomenal, both in his unique capacity to find a Republican majority in the city of New York and in his remarkable record of building bi-partisan victories in the Senate. During a quarter-century in Congress, fourteen years in the Senate, Senator Javits has been a leading participant in most of the important foreign policy debates. Especially notable have been his efforts in the field of international economic policy, as a ranking member of the Joint Economic Committee. He has also long been active in NATO affairs, indeed since the inception of the alliance, and has taken an active role in American work within the United Nations. As Mr. Ball mentioned, Senator Javits is the principal legislative advocate of a statutory definition of the balance of war powers between the Presidency and the Congress.

Senator, we are pleased to have you with us.

Senator JAVITS. Thank you very much, Mr. Frye. I hope you will understand that nothing I say is intended to detract in the slightest from my enormous admiration for George Ball and my enormous respect for his view, gained the hard way, by outstanding service in the executive department. I do think that we can reveal to you different facets of our minds as they approach a common problem for our country. For I detect in what has been said something of the attitude which we in the Congress feel very deeply, and that is best expressed in two ideas put before you. Mr. Ball said most members of Congress would hesitate to accept the responsibility for all consequences, to wit, cutting off money for Vietnam, against the strong urging of the President, who is presumably better informed than they. Now there is something a little superior in that, and yet that's the attitude of the executive department, that they are better informed than we and that we'd better just be good boys and let them run it because they know more about it than we do.

And then the other idea, which is contained very briefly after this comment; he says, "Thus, I suspect that Congress is, as a matter of practice, more reluctant to compel the President to do something he doesn't want to do in the area of foreign policy than to deny the President the possibility of doing something he does want to do." So, that's the dog in the manger role. The general attitude of executive departments, who have their problems with Congress, has been, one, that we're relatively uninformed and that Daddy knows best, and second, that we're kind of dogs in the manger and you've got to find a way around us, whether it's by executive agreement in lieu of a treaty, or facing us with a fait accompli, and that the world is better served and our country is better served if the executive department does that.

Now these are extremes, very vivid, but true. The result of this thinking has been Vietnam. The result has been that we pursue a policy which is gravely lacking in public support of the real kind, even though it may command still a majority vote in one or both Houses of the Congress. This gets our country into terrible mischief, because nobody knows it all, not the President, not the Congress. We're lucky if we both know better together. Our margin of error will still be relatively very great. But nobody knows it all. And yet, that's the attitude, generally speaking, of the executive department on a whole range of issues. The President is a single man, and he's been elected by all the people, and he's charged under the Constitution with tremendous powers and he does have enormous sources of information. Therefore, all we have to do is kind of confirm what he thinks is best, and then everything will be nice and peaceful.

Now this way of doing business has not brought about the great and creative moments of American foreign policy. On the contrary, it has generally been the prelude to disaster. But the great moments of American foreign policy have been when a President contrives and leaders in the Congress contrive to work in harmony with mutual respect and give and take. That's why you have the United Nations and that's why you have NATO, and that's why you had Point IV, and that's why you had the Marshall Plan, and other great achievements, even though Congress might be in the control of a different party than the President's. There is a great need for Congress being scrappy about it when the interests of the country are at stake. As Eisenhower so truly said, "The greatest security is the security of the tomb." It's very irritating when the Foreign Relations Committee disagrees with a President. But what's the Foreign Relations Committee going to do about it, if it deeply feels the President's wrong? It's a duty to disagree, as well as its privilege.

Now an interesting illustration of this is found in two points mentioned by Mr. Ball. One was the Mansfield Resolution and the other is this question of why we don't just cut off the money for Vietnam. Well, it seems to me in both cases this is rather a paean of praise for the responsibility of Congress, rather than the other way. It is very noteworthy to me that because this is deeply inculcated in a man of the enormous attainment and the training of George Ball that he implied the Mansfield Resolution passed when he told you about it. The Mansfield Resolution didn't pass, notwithstanding that it was proposed by the majority leader, and notwithstanding the fact that it was designed to appeal to our worries about the balance of payments and our deep resentments about the fact that Europe wasn't doing its part in respect to NATO. But the arguments prevailed that this was not the path of wisdom or the path of responsibility, and our collective judgment in that regard was at least as good as the President's. The votes were not even very close.

And the same is true about cutting off money for Vietnam. I am for it, but I deeply respect the fact that a majority is against it. And the reason the majority is against it is precisely because it is very deeply responsible and even though it may know that we're pursuing a Vietnam war which is probably one of the most costly and terrible mistakes this country has ever made in all its history. We, nevertheless, value the structure of the government, the powers of the President, the prestige of our country, the hallowed blood which has been shed in Vietnam, so that we're straining, straining, straining to find some way out which will reconcile all of these values and not throw them overboard by the most drastic act of all which is a fund cut-off.

I think that's greatly to the credit of the Congress and shows that it's eligible for great responsibility Now, it is very doubtful and in this I thoroughly agree with George Ball, it is very doubtful that you can pass any law which can compel a President to do anything he doesn't want to do. But for that matter it is very doubtful that you can make us do anything we don't want to do. It's often not understood by the citizen and in a sophisticated atmosphere like Washington, it's very important to bring out this point. There is nothing in the Constitution that makes the Congress do anything. Let us never forget that. Indeed, the two-year term for members of the House, which has often been discussed and challenged on the grounds that it ought to be longer, notwithstanding that it was developed in the very early days of the Republic when it took so long to get from some far away place in the thirteen states to Washington, has the wonderful advantage that if the one House, a majority of one House, decided to sit on its hands, nothing would happen. Indeed, Government would grind to a halt. There would be no money and no authority. Our founding fathers understood that very well. So it's as broad as it's long

Sure, we can't make the President do something he doesn't want to do, but he can't make us do something we don't want to do, either. And that's the way it ought to be. In short, we have to find some way of reconciling our views, and that's to the best interest of the country, that collective judgment. We don't think we're any smarter than the President, but he mustn't think he's any smarter than we are. And that's been the big rub since the end of World War II in the U.S.A.

In one effort to deal with the problem which is so vividly shown by the Vietnam war, I have offered a bill by which, by statute, the Congress can have a technique for sharing its war power with the President. Now there is no question about the fact that we have war powers and our war powers are contained in the power to raise armies, the power to regulate armies, quite apart from the power to declare war, and the power which is granted by the Constitution in all these regards is certainly as great, or greater, than the power of the President to command our forces and to give them such instructions as are compatible with supreme command. I leave out completely the war-making power in terms of the President's Commander-in-Chief authority, which the Congress cannot and should not challenge, or the war-declaring power of the Congress which the President doesn't challenge—except to assert that it's quite "obsolescent." The Founding Fathers, in my view, were more careful to place the essential war powers in the hands of Congress than anything else in the Constitution. Read article I, section 8. I call your attention particularly to the final clause of that section—the "necessary and proper" clause which empowers Congress to enact laws to carry out all of its powers, and everybody else's, including the President.

The complexity and subtlety of modern war, both in front of and behind the lines, is such that it's very unlikely that you will see overt declarations of war unless there is some world conflagration equivalent to World War II. Yet our people have every right to be deeply dissatisfied with a situation in which 50,000 lives can be lost, 200,000 wounded can be suffered, the loss of $100 billion worth of treasure endured, and our country almost dismembered by this division over a war which has never been declared. So this is a new challenge to us. How do we architect this order, this society, so as to bring the best brains to bear upon a given point, to wit, either to restrain a war or fight one only if the nation is really back of it and really has the will to do it and isn't forced into it by some alleged attacks on destroyers in the Gulf of Tonkin or by some fancied fooling about pride and the flag and the United States has never been defeated or retired from any battlefield, and so you keep on and on and on in the bloody business even if it makes no sense.

Now I've made a suggestion on that score establishing a framework by which the elementary dangers which can come instantly in this world can be dealt with by the President, who does have the capacity to act as a single individual in immediate response. And these categories are four: to repel a sudden attack against the United States, its territories and possessions; to repel an attack against the armed forces of the United States on the high seas or lawfully stationed on foreign territory; to protect the lives of U.S. nationals abroad; and to comply with a national committment affirmatively undertaken by the Congress and the President, like NATO. Now, in those instances the President can immediately respond, but his response cannot last for more than 30 days without congressional concurrence. At the end of that time, he loses authority, unless we have acted in the Congress to confirm authority or to give directions or otherwise to manifest our approval of the continuing. This is a framework. There are lots of variations. Other brothers of mine in the Senate, Senator Stennis, Senator Eagleton, Senator Taft, have come up with different details, but they have accepted, and I'm deeply honored that they have, this fundamental framework.

This is a feasible way, without jeopardizing the immediate response capacity of the United States, to join the President and the Congress in the responsibility of a so-called undeclared war. Now, this, it seems to me, is the direction in which we have to go. If there are better ideas, no one would welcome them more than I. But certainly we need, having gone through the bitter experience we have, some codification of the practice on this score, and this is the best codification of which I'm capable.

Now, I'd like to close as follows, because as always happens with these matters, it's so much more exciting and interesting to have a discussion. In a democratic system, as I see it, there is no substitute for national consensus. Policies, and especially wars, which do not enjoy public understanding and public support are just not viable, and Vietnam has certainly demonstrated this. And it is precisely in this regard that Congress can make its greatest contribution. Over the past five years, it has been the Congress, and not the Presidency, which has demonstrated an awareness and a responsiveness to the national will and the national mood respecting Vietnam and the unpostponable need to reorder national priorities at home and in the world.

The charge has often been made that Congress lacks the knowledge, the sophistication and the statesmanship to play a leading role in our nation's foreign affairs. Yet it showed a high order of statesmanship, as I analyzed it a minute ago, in the handling of the recent Mansfield amendment. And I would like to add that I predict that the Congress will, notwithstanding the rhetoric, and the heat of the debate, separate Okinawa from trade policy, even though Japan, in my judgment, has been very unwise, to say the least, in her unwillingness to make a government to government agreement with the United States on textiles. I deeply believe that the Senate will separate the two and that the Okinawa treaty will be ratified by two-thirds of the Senate. Notwithstanding the rhetoric, it will not be held hostage to a trade pact.

I think the Congress, given the opportunity by such a law as I have suggested and by more intensive consultation by the President with the Congress, by less use of the executive privilege of withholding witnesses from the Congress, and by an understanding that our people are by no means dumb, Congress can play its proper and constructive role in foreign policy. People are willing to listen, and if you've established a reputation for having a reason for what you do, they are willing to accept the fact that you're a reasonable human being, even though they don't agree with you, and still give you political support. That is the value which the Congress can bring to any President. The fact is that its support is essential, and when gained is absolutely invaluable and indispensable, and even if not gained, at least you gain the respect of the Congress by being willing to submit to it what you do, as for example in this big imbroglio we're in right now about Laos. The Executive benefits from the public scrutiny and the debate of the Congress and the incisive judgment of many minds, not just its own. One thing we're learning in this world: that practically nothing is secret. How often have I gone to highly secret meetings of the Foreign Relations Committee, or the Foreign Affairs Committee when I served on that in the House, only to find that everything I read in the morning paper was the secrets which were being disclosed to us a few hours later—and I don't mean as a result of congressional leaks.

So I think that Congress will rise to the historic challenge facing it and the nation. There will be a struggle, and we're in it now, and we may reach the brink of a grave Constitutional crisis about Vietnam itself, for example, but I think that President Nixon and his successors will reach an accommodation with Congress in terms of sharing the war powers and greater openness as well as greater joint decisions about foreign policy matters. This doesn't exclude executive power or executive privilege or secrecy or things the President must and will do himself. We're talking about the grade, the quality of decision-making, not just the quantity. And I believe that if we can accomplish that, we can see a new era of full harmony where enormous achievements will be possible in terms of the good of our nation and the peace and prosperity of the world.

The President talked a few weeks ago about neo-isolationism in the Congress. Indeed, though he didn't directly use my name, he mentioned my name in connection with it, as a well-known and staunch "Atlanticist," he said. There's a great sentiment for prudence in the Congress, for a reordering of priorities and for a new style, and updated foreign policy goals. But that's not isolationism. That's just understanding the responsibilities, the difficulties and the dangers which are ahead. This is being questioned in many parts of the world, especially in Europe. It is my judgment that the United States is and will remain a world power, that we haven't lost our marbles, and we haven't lost our grip, and that we're not necessarily afraid even of war, but that it's going to be done providently and wisely and by concurrence of the Congress and the executive and not on the theory that we don't know enough to run our own lives, but we have to have them run for us by the single individual the people have elected as President of the United States. I am convinced that we will not retreat from our legitimate world responsibility attributable to our power, our location and our productivity, that we will utilize this vast power for maintenance of world peace and the establishment of a rule of law in place of the rule of force. And I look to a new birth of freedom, a new birth of enterprise, a new birth of boldness in the pursuit of peace, even taking risks that many people in the world think we will no longer take, once we get this terrible bone in our throat, called Vietnam, coughed up. Thank you.

Mr. **Frye**. I'm about to violate that ancient Chinese wisdom that "he who stands in middle of road gets run over from both directions." I'm sure with such gentlemen as these there'll be no apprehension about that. I do want to add one minor comment of context, as moderator. It's understandable that our discussion of great foreign policy issues in the 1960's and '70's has come to dwell upon Vietnam. I think it's worth reflecting, though, as we continue our discussion, that there are formidable changes which would have occurred in the absence of Vietnam. If there had been no crisis in Southeast Asia to drain this country, we would still have seen our consensus from the cold war era eroding.

To begin with, we would have seen the end of the monolithic Communist threat with the Sino-Soviet split developing in the 1960's. We would still be facing today, whether or not there had been Vietnam, a fantastically altered strategic relationship with the Soviet Union in which, for the first time strategic parity exists, and in some respects, Soviet superiority has come into being. We would still be in a world in which a resurgent Europe and a massively expanded Japanese economy will portend both opportunities for cooperation and the risks of greater competition between ourselves and our close associates. And I suspect that we might agree that, even without Vietnam, there would still be a fatigue in this country from bearing the international burdens which devolved upon the United States after World War II. There would certainly still be a demand for re-allocation of our resources to meet the important domestic needs which the riots, the poverty, the urban blight of recent years impress upon this country. I mention this only because I think it's worth our while, as we continue the discussion, to keep looking for the broader context in which, after Vietnam, we must still shape an American consensus on foreign policy.

Mr. Ball, with those observations regarding the altered world, I wonder if you have some notions about specific devices in regard to these issues and others which could facilitate a legislative-executive rapprochement in the foreign policy area.

Mr. **Ball**. Before I comment on that, I'd like to clarify the situation which has become a little obscure. What we witnessed in the last few minutes I think could very well make a contribution beyond the realm of foreign policy, even in the area of natural history, to which this building has been dedicated, because for the first time we find the tiger defending himself against the deer. Actually, I find myself put in a very strange light by what the Senator has observed. I don't think I'm a particular apologist for the executive branch of the Government. In fact, during the six years that I spent as Undersecretary, I received so many invitations from Congressional committees to appear before them that I had a feeling I had much more time on Capitol Hill than I did in Foggy Bottom.

In any event, I have deep respect for Congress and my regret is a rather different one than the Senator has suggested. My regret is that Congress hasn't been more assertive in the area of foreign policy. I think what happened was that both the executive and legislative branches of the Government got in rather slothful habits. There is a pattern of American conduct set up in the period after the war where the United States did feel obliged to appear in many areas around the world and this became a rather self-activating thing. On one occasion I was in the State Department when I received a rather alarming memorandum from the lower regions of the department suggesting that there had been a Communist presence established in a particular country which didn't seem to me to be a country that was vital to American security interests. So I sent a note down saying that, I've always understood that God had the obligation to look after every sparrow that may fall and I don't see quite why we should compete in this league. This was not universally respected and I must say I had as much trouble with the Congress over this issue as I did with the department, primarily I think because there was very much the same tendency on both ends of Pennsylvania Avenue, there was a feeling that we did have to get into every situation that developed and I think we spent our resources of prestige and our material resources more uncritically than we should have.

I had a feeling that we were doing it at the time and I only wish that the Congress had been a little more assiduous in keeping a watchful eye on the executive than they were. Actually there were many occasions where Congress, or the Senate particularly, with its responsibilities could have interrupted the process which brought us into deep involvement, which I think is a very unhappy one, if they'd made their views known earlier. We all went along down this road and to the extent that the role of Congress can be re-asserted and made much more forceful, I'm all for it. Rather than suggesting that I think the executive should have its head, I don't really believe it for a moment. In fact, if one looks back on almost the the most fruitful time in the modern period, where there has been an effective policy worked out between the Congress and the executive it was the period of Senator Vandenberg when he was chairman of the Senate Foreign Relations Committee. It is almost legendary now in our thinking of the kind of relationship which would produce the best results, and this was a period when many actions were taken by the United States that were with the full concurrence of the Senate and the House and they were expressions of a consensus.

What we have in this country, however, at the moment, is something that, as I suggested a little while ago, goes very far beyond any problems between the executive and the legislature. We have a situation right now where there is very deep uncertainty in the nation as a whole as to just what our foreign policy should be. The particular focus is on South Vietnam, but the issue goes very far beyond that, with the real question as to what the relationships of the United States should be with the rest of the world, whether it's necessary to think in the terms of maintaining a power balance, which has been the main theme of our policy ever since the war, or whether what we might do is to pull back drastically and take some chances and see if perhaps we could dissipate the fear that exists on both sides, if this would cure everything. I personally think the second formulation is a very dangerous one and I think it's quite wrong. But the fact that we have problems between the executive and legislature simply reflects more than anything else the fact that we have problems within the country as well as an inability to find exactly what our position should be.

So if Senator Javits suggests that it would be better if Congress were scrappy, I would say I'm all for it. I wish Congress would be scrappy. I wish that everything that the executive wants to do would be thoroughly challenged. But when I suggested that I thought many members of Congress held back because they thought the executive knew more, I wasn't necessarily suggesting that the executive did know more. There have been some areas, some expertise in the executive department that isn't available to Congress or easily available, but I simply don't put very much emphasis on this, and actually, as the Senator said, there are very few things that are really secret in this business. So the question that Mr. Frye asked me a moment ago, if I had any specific proposals, I really don't, and I think actually that to the extent that one tries to codify this relationship, which Senator Javits is proposing to do, that it's extremely difficult.

I think Senator Stennis, who has put forward a bill which is trying to achieve the same objective as Senator Javits' bill, suggests that this is a very important matter and perhaps it ought to be debated for the next two years. I don't think that's a bad suggestion. I don't think we're going to achieve anything by trying to work out a codification of the relative powers of the executive and the legislature with regard to the starting of wars, or even the stopping of wars, very quickly because this is a very subtle, complicated, difficult problem. Senator Javits' bill, I think, is very well drafted, a very thoughtful piece of proposed legislation. Having lived through the period of our involvement in Vietnam on a very intimate basis, I suggested to him not long ago that I thought that if his bill had been in effect that it wouldn't have made very much difference because everything that he put forward in the bill would have been rationalized in one way or another so that it would have come out just about the same way. I think this is right. I think it's very hard to codify these things and I'm not sure it's possible. I wouldn't be categorical about it. It's something that shouldn't be done quickly, this I'm quite clear about.

Mr. **Frye**. Senator, do you think that, had your legislation been law at the time, it would have had a bearing on our Vietnam policy?

Senator **Javits**. Yes I do, and as a matter of fact, that is shared by Senator Stennis himself. Let me first start from one of the points that George Ball made. Just as he's accepted the fact that Congress has to be scrappy, I accept the fact that Congress has not asserted itself in the last twenty years, and I think that we can thoroughly agree upon those propositions. Indeed foreign policy became so complex, I can give some examples of that . . . for example, how do you reconcile an admitted need for national security in terms of the security of a whole continent to the south of us and protection even of so elementary a thing as the Sixth Fleet in the Mediterranean with any relations with Franco or the military dictatorships in Latin America? This has bedeviled the Congress very, very deeply in these intervening years and has resulted in the Congress kind of shrugging it off as long as the executive was willing to make the decisions.

Now I come to my main point which relates to your question. We feel, I feel and co-sponsors of my bill feel and Senator Stennis feels, though it's a very different ideological point of view from mine, that if we had a responsibility, if we were stuck with the responsibility, in that the President could not proceed with war in Vietnam unless we had affirmatively concurred, then our sense of responsibility would have brought about some committee hearing and some profound consideration of the Gulf of Tonkin Resolution, and we wouldn't simply have whooped it through on the ground that well, you know, it wasn't our ballgame anyhow and the President commanded the Army, Navy and Air Force. He gave us certain information and this was his judgment and we went along with him, quote, unquote. This was pretty much the attitude. I was there when this was voted and I voted for it as did so many others. This was pretty much the attitude of the Congress without a recognition of the fact that we had an affirmative role to play and if an American boy was killed, then it was on our heads and our hands. It wasn't just the President we were going along with. He couldn't have done it unless we said yes. That's a very different feeling by men, and we're men and women just like all of the folks in the audience, than the idea that well, the President has done so and so and we're going along with him, we're backing him up, or whatever the colloquial words were that we used. And so I think that is a very grave and a very material difference and if we choose not to act, if we're irresolute, nothing will happen after thirty days.

Now you could say that you can't compel that on the President. He can still use the Army and Navy and Air Force which he commands. But I believe the American system is effective enough so that a President will not do that in the face of a clear mandate of law, any more than I think that we're going to refrain from appropriating the money to pay interest on the national debt, which we don't do of course, or anything like that in the face of a clear mandate of law, a clear obligation of the United States.

Now, one last word. I do think that there are a number of things we can do in the Congress, aside from this bill of mine, which I think will give a new vertebra to the relationship, in view of the fact that the relationship since Vandenberg's day has fallen apart so badly. I thoroughly agree with George that this was the halcyon day of accomplishment. It was the great day of executive-congressional cooperation. He had a very unique personality.

I think we have now had six closed door sessions of the Senate. Now I've been in every one of them and some of them have not been so hot in the sense that you wondered what we needed it for. But that's good, not bad. I'd rather overdo it than underdo it, because this is a way in which to share allegedly secret information, to deliberate without the glare of the Kleig lights, and to feel impressed upon us the solemn responsibility of life and death and war and peace and prosperity and depression. Another way which I think is extremely important is the possibility of interrogation. We may be able to find some way in which the excellent parliamentary system of questions directly to the Cabinet official responsible could be used. There could be some form of the committee as a whole or some other technique which could be employed in that way, and that I think would be another valuable asset. The techniques of consultation can be enormously fortified by a better codification which would be equally binding upon members of Congress as to what it means to breach national secrets. I see no reason why we, as members of Congress, should be free of the penalties of law where the security and future of our country are at stake, if we blab about it. Now these are some of the techniques which I believe are possible, and which could materially improve the American process which has been so very profoundly challenged.

Mr. Frye. I doubt that many members of the audience realize that the issue of secrecy reached a ludicrous pinnacle in the last year when background briefings given by senior executive officials, background briefings for the press, which were available to the Tass correspondent in Washington, were denied the Senate Foreign Relations Committee. This is the kind of unfortunate conundrum that gets created when common sense is hard to find.

I wondered, Mr. Ball, in groping for the points of agreements that both of you stated, if there is one formulation that you might comment on. If you both agree that there's a role for Congress in critically assessing foreign policy alternatives, is it not possible that a revised Congressional role, a strengthened Congressional role, is the shortest route to providing confidence in the country, ending the very malaise which you say is the underlying circumstance? Don't you think that once the country was persuaded that Congress was overseeing the executive branch more rigorously, a new basis for popular confidence in American foreign policy would exist?

Mr. Ball. I'm not sure. I think that there may be something in that. I think that the country, that the people would like to have the feeling that the Congress was watching with a very diligent eye on what the executive department was doing here. I think what the Senator said earlier was quite true, that by and large when the Senate and the Congress have been put to the test, they behave very well. For example, take the action on the Mansfield Resolution. I didn't mean to suggest at all that this was Congressional irresponsibility. I thought that the 61 votes against the Mansfield Resolution was a very great demonstration of Senatorial responsibility. I think this is reassuring.

I am puzzled by the particular problem which is posed by Senator Javits' legislation. I don't feel strongly against it. I would like to think that there could be some drafting that would result in exactly what he wants to achieve. On the thirty day provision, I have some doubts about it. I can just imagine the difficulty that Congress would feel after American troops had been deployed in a particular area to compel the President to say "Whoops, I'm sorry. I didn't mean to do this, boys; come on home." I don't think that the Congress would be more inclined to do this than they would to get us out of Vietnam, where we've got major commitments and where, as I suggested, they could get us out if they wanted to take the extreme of exercising their powers over appropriations.

The difficulty is that this is a dilemma and it's not an easy one to resolve. When there has been a conspicuous action taken by the United States involving such things as the deployment of troops, then Congress is faced with a very difficult choice. If it repudiates the President, it weakens him in a whole area of policy to an extent that signals to the world that the President, whatever he may say, isn't a man who can speak with any authority because the legislative branch is not going to support him. I also find very, very great reluctance on the part of Congress—and this is quite understandable simply because they are highly responsible—to take this kind of action.

Therefore, all I am suggesting is that having looked at a number of different drafts of legislation that was designed to accomplish what the Senator is seeking to do, I doubt very much if it can be done. I think that on the one hand it may be more formal than real. It may suggest that there are limitations on the President which the President necessarily might feel, or it could go beyond that to put restraints on the President, which I think the Congress probably wouldn't like him to be subject to. But I don't want to be categorical about it. I'm only saying that this is a problem that has to be looked at very carefully from all points of view and that it's something we shouldn't do very hastily.

Senator Javits. Well, George, I would like to make you an offer. I think you're a brilliant lawyer and I would like very much to have your redraft of my bill. I don't think it's even necessary to defend the 30-day business, although I think I could do a pretty good job. But I am really serious. I'd like to see your draft very much and I think it would be very helpful to the Congress.

Mr. Frye. The symbolism of a Javits-Ball collaboration is pretty tempting.

Ladies and gentlemen, we'd be happy to entertain questions from the floor. Either of the panelists would be happy to respond.

Mr. Ball, the lady's question is for you. "Is not our problem that we have had too much anti-communist consensus and that our elite leadership decided to take us into the Vietnam war because of its obsession with the alleged Soviet threat?"

Mr. Ball. Well, I'm fascinated by the suggestion that there was a decision by the elite leadership, whatever that may be. I'm always concerned by these particular phrases because they seem pretty stylized and not very precise. It was not an arbitrary decision that the Soviet Union was an enemy of the United States and therefore we had to resist the Soviet Union. I would suppose there have been plenty of demonstrations of the nature of the Soviet ambitions, and to say that this was what got us into Vietnam, I would rather modify that. I would suggest that the reason we got into Vietnam was because we had a kind of general framework of policy. The problem was how to apply that policy. There were some places where it was wise to intervene. There were other places where it was unwise to intervene.

I think that the tragedy of Vietnam was that we rather uncritically intervened in a situation where the expenditure of American lives and treasure was certainly incommensurate with the strategic interests that we had in that part of the world. To extend that, however, to say that this means that the whole policy in trying to maintain a balance with the Soviet Union is a mistake is nonsense. I think that anyone who has worked in the business becomes convinced very soon, particularly if they have had the problem of negotiating with the Soviet Union and trying to work out areas of common interest with the Soviet Union, that there is a very definite conflict of ambition here and that the Soviet Union by and large has very expansionist ambitions and if some restraints are not imposed, we will find ourselves in a world which none of us would find very attractive.

Mr. Frye. Senator, are you once burned and twice shy and evermore opposed to consensus?

Senator Javits. No. I think the lady has served us all very well by expressing a point of view which is very often expressed, but it leaps from one point to another with nothing intervening. The fact is that the world has moved and developed since 1944 and that the American people have had a whole series of Presidential elections and have made their choice, as they chose, and that there is no elitest government, except the government they have installed. And the question pre-supposes a point which I very profoundly challenge, that is, it accepts the USSR on an equal basis. Who is the USSR that we talk about. It's a regime composed of a party of nine million, at the most, in a population of well over 200 million, which tyrannizes everything and everybody around it. Now is that an equal? Is that a commensurate voice of another people? We have to remember that and as George so very properly said, we forget the lessons of Czechoslovakia and of Hungary and of Poland, of anybody who has the foolhardiness to misbehave once that collar is around their neck. We're not talking about illusions here, or euphoria. These are very real things. Now that doesn't mean we have to make violent war upon it, but it also doesn't mean "better red than dead". These are the issues which we have to face, so that I cannot accept these postulates that it's some elitest government. This is a government elected by the people and constantly re-elected.

Nor can I accept the fact that the American people are pursuing some ethic which is conflicting with that of the Russian people. We don't know what the Russian people want. For all we know, they want exactly what we do. And we are not going to run to get into Russia and try to change it. But at the same time, we're not going to let this particular point of view convince us on the theory that it represents some concordant opinion of many, many millions of people like we do.

Mr. FRYE. Another question from the floor for you, Mr. Ball. "How was it that after '65 and '66, when it appeared to the average man in the street, that the Vietnam Program was a mistake, such able people as Secretary McNamara and Secretary Rusk and yourself and other leaders at that time and the successors in the Nixon administration and the two presidents themselves, could perpetuate the Vietnam Program? And in particular, how did people of such high quality get involved in what appears now to have been an intentional hoodwinking of the Senate in the Gulf of Tonkin Resolution?"

Mr. BALL. What we had, so far as the Administration is concerned, was a process, a process in which one step was taken and then another and events intervened which required the steps be taken. It was always the hope on the part of some, I think, the conviction that a little increment of effort, a little addition of manpower, a few more tactical operations would bring about a changed situation. When great nations get into a situation of involvement of this kind, it's extremely difficult to change courses. I won't go into the personalities of my colleagues. I was involved in this and history is going to point this out and I don't think it's terribly important according to history just who was in favor of what. Let me tell you that as the situation appeared looking at it from the inside, the temptation to undertake some new initiative was always very, very great. What the military was proposing was usually initiatives very much larger than those that were undertaken. I have great sympathy for the position of the military because they felt that they were under great constraints, which they were; at the same time their obligation was to bring about a successful military conclusion. There was a decision made by the President on the basis of consultation with the top colleagues that if something was worth doing, there was always the tendency not to want to do it fully because of the implications that it might have for widening the war, and the process continued.

You ask about the Gulf of Tonkin Resolution. A certain mythology built up that this was an attempt to hoodwink the Congress. I don't think it was and I was there at the time. There were two attacks that were made or alleged to have been made, and I don't want to get into the argument as to whether they were attacks or whether people simply thought they were attacks. In any event I can assure you that as far at least as the first attack was concerned, there was a pretty general conviction that something had happened which did, in fact, jeopardize American lives on the destroyer and that this was an aggresive action. And so there was a decision made to go to the Congress and ask for some legislation which would authorize them to do what was necessary. Well, the Congress had a chance to look at this, and indeed they did look at it, not very carefully, I think, as most of them now feel. The Senate Foreign Relations Committee had a chance to look at it and Senator Fulbright himself finally managed the legislation on the floor of the Senate and carried all but two of his colleagues with him. I think that everyone has a lot of second thoughts about all of this, but it's rather easy to sit here now and look back on the events that occurred and be quite wise after the event.

When a country is involved in something, when the experts say look, there is a solution, all we need to do is work it out and things will improve greatly. There's a deep sense of anxiety to get on with it. There was the pattern of Korea which I think influenced a number of my colleagues who had been through the experience. We did come out not too badly in Korea. We came out with the result that we set out to achieve. There was a feeling that this was to some extent a replay of Korea. I think it wasn't but there was a feeling that it was. All of these things entered in and I would prefer to leave it to the more objective historians to chew over the responsibility that the individual personalities may have had.

Mr. FRYE. There is one point worth mentioning before we take the last question and that is: it's very easy to forget how gradually American opinion came to hold the view that we had made a mistake in Southeast Asia. For example, it was not until 1968 that a majority of American college students came to believe that Southeast Asia war policy was mistaken. Prior to that time, we had a majority of students from our campuses, the surveys show, actually in support of government policy. So the man in the street, I'm afraid, partly because of the obvious measure of confidence he wished to place in his government, the man in the street learned as belatedly as many of those in government.

The final question for both of you gentlemen: "Is not one of the basic errors to evaluate Vietnam and other problems in purely quantitative, computerized terms. Doesn't this permit the Defense Department to overwhelm the National Security Council meetings with expertise and to carry the day in ways which may be extremely harmful to the future of the United States?"

Mr. BALL. First of all, let me clear up one point. The National Security Council is surrounded by a great deal of mythology. I never knew, in my own experience under two Presidents, the National Security Council ever to make a serious decision on anything. It wasn't the body in which these things were discussed and I doubt that it is right now. There is a kind of assumption that the National Security Council is like a corporate board of directors can fire the President and the President can fire the National Security Council. Now, the fact was that most of the decisions that were made were made by the President after consultation with a relatively small handful of people because this was the habit of Presidents and I think it's the habit of any executive faced with these terrible responsibilities to talk to the people in whom he has most confidence. There was a tendency on the part of Secretary McNamara to think in quantitative terms which was his own background, his own discipline. On the other hand, there were those of us there who had quite different disciplines, quite different backgrounds and I would not suppose that these decisions were made merely on the basis of some kind of quantitative appraisal of the situation.

I may say, just as a minor footnote, that there was a time when I was practising law before my last experience in the government when I, as a lawyer, represented some of the agencies of the French Government and I lived with my French friends through some of their own experiences in Indo-China. One of the reasons I felt as I did about Indo-China was because they had exactly the same statistics. They look at the pure ratios and they looked at the body and they looked at all of exactly the same statistics and this is the convenient way you make these judgments in war.

I think all of us were quite aware of the fact that something like a body count was overstated by a factor of two or three. So there was a tendency to overstate these things. You know, I think what you say, there is an element of truth in it. I wouldn't be too concerned about it. I think that if there was a tendency to quantify things and make judgments on the basis of quantification, I think that the government rather largely got over that as time went on and it developed more experience. I don't know enough about the internal workings of the present government. For odd reasons I'm not privy to all their activities, but in any event, I would doubt that they're making decisions on this kind of a mechanistic basis.

Mr. FRYE. Senator, I'm not sure which aspect of the issue you'd like to comment on, but many members of the House and Senate have been concerned about the more extensive National Security Council mechanisms that have been created in the past few years and a tendency of this new mechanism to insulate certain key officials from Congressional oversight. Is that an issue you'd like to make a parting comment on?

Senator JAVITS. Well, I would first like to thank the Woodrow Wilson Center for Scholars for bringing us together today. It's always illuminating and helpful and I got myself a very high-priced lawyer.

I would like to comment on that. There's a lot of agitation in my committee about the invocation of executive privilege by White House assistants. Frankly I don't share this. I have a great measure of agreement with my chairman, but this is one thing that I don't particularly see eye to eye with him on. I think George is absolutely right. There is one man and that's the President and he's entitled to get all the help that he can whenever he wants it. But we're entitled to hold him responsible. We had a rather dramatic discussion on the floor of the Senate one day about who was really the Secretary of State, Dr. Kissinger or Bill Rogers. And I made the very serious point that it was none of our business and it shouldn't matter to us. We had one man to hold responsible, whether he got his advice from Kissinger or Rogers or anybody else, that was the President. And I think that's right.

But I do think that we, in turn, and I'd like to close on this note, have to insist on our authority and the right to exercise our responsibility. And we ought to profit from the existing experience, with the support of the people, using the very best brains that we have to establish a methodology in which we can give our input. Perhaps we're undercomputerized, but we certainly aren't computerized. And this touch is very essential when you're dealing with such life and death issues as we have. So I think the points made tonight bear out the urgent need not only for executive-Congressional collaboration but for a methodology and technique by which the responsibility can be so impressed upon the Congress that it will assume it equally with the President.

Mr. FRYE. Ladies and gentlemen, just one final note. Some years ago, and Senator Javits may know the story, there was a Russian visitor to the Congress and he was quite perplexed by the ways of the Senate debate. "It's all so confusing," he said, "a man gets up to speak, nobody listens—and then everybody disagrees." Fortunately, appearances are sometimes deceiving in that regard and while we can't guarantee agreement, it's clear that the kind of discussion we've had here this evening is prerequisite to the consensus to which we aspire. For helping us strive toward that goal, we are indebted to our distinguished guests. Senator Javits, and Mr. Ball, in behalf of the audience and the

Woodrow Wilson Center, thank you for being with us.

THE FARM CREDIT ACT OF 1971

Mr. NELSON. Mr. President, as a cosponsor of S. 1483, the Farm Credit Act of 1971, I was pleased that the Senate adopted this important legislation last week. In doing so, this body recognized the need to face up to the serious problems in the farm credit field that have been outlined by members of the independent, nationwide farm credit system.

The Senate Agriculture Committee was told by credit experts that by the end of this decade farmers will need twice as many loan dollars as are being used currently. This means that the $60 billion available for farm loans today must be increased to over $100 billion if the needs of agriculture are to be met.

Although the farm population has declined in recent decades, farm credit needs have risen sharply, because agriculture has shifted radically from a labor-intensive to a capital-intensive industry. With this shift have come tremendous demands for capital to cover costs of expensive machinery and services.

Despite a rising tide of rhetoric, farmers are coming to recognize the unfortunate reality that a serious disorder in our national priorities have left them far down on the list. The financial plight of the farmer, responsible for producing food and fiber for over 200 million people, continues to be critically serious.

It is clear that additional farm and farm-related loan funds must come from the private sector. The 1 million members of the cooperative farm credit system recognize this.

Two years ago the members of the system finished paying back, with interest, to the Treasury all Federal "seed money" which had been provided by the Congress to get the system standing on its own. Now the system's members have asked the Congress to provide for modernization of the 54-year-old farm credit system. With the requested improvements, the system's members believe they can provide their share of the sharp increases expected in farm credit needs in the coming years.

Unlike other bills that have come before the Congress, the Farm Credit Act approved by the Senate last week involves no Federal loan guarantees, no subsidies—no taxpayers' money. The act would permit farmers to obtain additional credit in the Nation's money markets where they will, of course, pay the going interest rate on borrowed money.

Even though interest rates have risen sharply in recent years, the farm credit system of raising funds has continued as an outstanding success. Farm credit securities are among the most respected by investors throughout the Nation and are included in many State government portfolios.

There are many features in the legislation adopted by the Senate that will benefit farmers in Wisconsin and elsewhere. The legislation would, for example, permit land bank mortgage loans to responsible—but credit-poor—young farmers. A young farmer who desires to acquire farmland today can obtain loans on only a little more than half of the normal farm value. Under the Farm Credit Act of 1971, young farmers could obtain loans on the basis of their ability in agriculture rather than solely on their ability to make an extremely high downpayment. At present, only about 5 percent of land bank loans are made available to young farmers. The Farm Credit Act of 1971 should help increase this percentage without any threat to the soundness of the land bank system.

And it should be noted that by removing restrictions on the system's land banks, we will be helping many established farmers who need additional land to create more efficient family farms but who do not have great sums available to tie up in large downpayments.

The Farm Credit Act of 1971 would boost rural development in Wisconsin and elsewhere by providing a limited amount of funds for nonfarm rural housing. The fact that two-thirds of all substandard housing is located in rural areas make it imperative that we confront this problem.

Another feature of the bill which is important to farmers is the provision for financially related services. This is based largely on the success of the Agrifax program.

Agrifax has 5,992 subscribers, of whom 4,592 are in the St. Paul farm credit district—Michigan, Wisconsin, Minnesota, and North Dakota—with 2,720 members in Wisconsin. Agrifax is the copyrighted term for the electronic farm record service developed in the St. Paul district.

There are more computer farm records subscribers in Wisconsin than in any other State. I am particularly pleased that the Farm Credit Act of 1971 would expand this service for those farmers, in Wisconsin and elsewhere, who request it.

Let me also comment on another feature of the act that would change the debt-to-net-worth ratio of the Banks for Cooperatives from 8 to 1 to 20 to 1.

As in farming itself, farmer cooperatives need and use a great deal of credit. It is not uncommon for a typical Wisconsin dairy-processing cooperative, for example, to have doubled its capital requirements during the past 5 years. The result is that the cooperatives cannot build ownership capital in their Bank for Cooperatives at the same rate as their need for borrowed capital. This means that the debt-to-net-worth ratio of the Banks for Cooperatives narrows.

A 20-to-1 ratio is entirely consistent with sound business principles. Adjusting the ratio for the Banks for Cooperatives would conform to ratios of the other banks of the farm credit system.

Another important feature of the Farm Credit Act of 1971 is the adjustment of the voting media requirement for eligible cooperative borrowers from 90 percent held by farmers to 66⅔ percent.

Many farmers who retire want to continue their membership in their cooperative to enable them to take advantage of the cooperative's services. But if a local farm supply cooperative is to retain very many retired farmers as members it may endanger its eligibility as a borrower of the Bank for Cooperatives. The cooperative's board of directors is faced with the difficult choice of dropping longtime members or losing a dependable credit source. It therefore seems reasonable to reduce the voting media requirement to 66⅔ percent.

By the end of 1970, over 30,000 Wisconsin farmers and 130 Wisconsin cooperatives had $467.3 million in outstanding loans from the farm credit system. Under the Farm Credit Act of 1971 it is anticipated that by 1980 Wisconsin farmers will be able to obtain around $1 billion in farm credit loans.

I am pleased, Mr. President, to speak on behalf of this important, forward-looking measure and I hope that the House will approve the Farm Credit Act of 1971 soon after the August recess.

IN MEMORIAM—DOROTHY ANDREWS KABIS

Mr. ROTH. Mr. President, recently we were all shocked and saddened to learn of the sudden passing of a dear friend and a great public servant, Mrs. Dorothy Andrews Kabis, the Treasurer of the United States.

On July 9, my predecessor, former Senator John J. Williams, of Delaware, delivered the eulogy at a special tribute for Mrs. Kabis at the National Presbyterian Church here in Washington. It was my privilege to read the message prepared by President Nixon at the ceremonies as well as to deliver a statement of my own in honor of Mrs. Kabis.

I ask unanimous consent that these three tributes—the eulogy of Senator Williams, the message of President Nixon, and my own statement—be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

STATEMENT OF SENATOR WILLIAM V. ROTH, JR.

To have known Dottie Kabis was to have loved her. Although petite in physical stature, her warm and vibrant personality and bright mind made her stand tall wherever she appeared. Like the popular song, she dared to dream the impossible dream—to right the unrightable wrong. But unlike Don Quixote, the Man of La Mancha, Dottie succeeded in reaching the unreachable stars.

She first became involved in politics when she dared to seek to eliminate vote fraud. To her mind, the vote was the single most important aspect of democracy. Without free elections, there could be no democracy. Consequently, her first year of political action was in helping bring about the use of the voting machine.

Once initiated into the realm of public affairs, Dottie followed that age-old American tradition of joining a political party. Her choice was the Republican Party and over the years she became a mainstay of Republicans in Delaware, as well as throughout our Nation. While Dottie was fiercely partisan, fighting with all her ability to elect Republicans, she was an excellent defender of our American heritage—the two-party system.

Dottie loved America and everything for which our great nation stands. To hear Dottie speak was like watching the stars and stripes march by. Dottie was religious, serving as a lay reader in her church. Dottie loved

Delaware, her farm in Odessa, and her friends and neighbors. She came to know the famous and the near famous, but wherever one met her—often than not—her conversation turned to Delaware.

Dottie loved her family, especially her mother who was by her side throughout these many years, and her great joy and happiness in her final months were in her husband, Walter Kabis, and his children.

Dottie meant so many things to so many people, but above all she symbolized the great American story: the young woman from an Odessa farm who went on to become the 33rd Treasurer of the United States. There was a lesson to be learned from the life of Dottie. By becoming involved, one can become influential in the affairs of our Nation. It is not easy, for it takes the dint of hard work, self sacrifice, and the will to succeed. All these traits were characteristics of Dottie.

We shall all miss Dottie not only for her leadership, but because of the warmth and vitality she brought into our lives. Dottie loved poetry and her favorite was one that personified her.

Why were the saints saints?
Because they were cheerful
When it was difficult to be cheerful,
Patient when it was difficult to be patient,
And because they pushed when they
Wanted to stand still, and kept silent
When they wanted to talk,
And were agreeable when they wanted to be
disagreeable.
That was all.
It was quite simple and always will be.

MESSAGE PREPARED BY PRESIDENT NIXON

I have the honor this afternoon, on behalf of President Nixon's personal representatives, Mrs. Virginia Knauer and Mrs. Patricia Hitt, to read the following message from the White House:

"The untimely death of Dorothy Andrews Kabis is a blow not only to her friends and associates, but to the country in whose service she lived and died.

"Her dedication to good government was unwavering, her organizational talents unsurpassed, her sense of humor unfailing. The eloquence, perseverance and tireless devotion of 'Dottie' Kabis to the important causes she espoused gave her immeasurable influence in countless areas of national endeavor.

"She provided the modern American woman a stirring example around which to build her life, and proved to all of us the unlimited potential for achievement by women in our society.

"The Republican Party is proud to claim her. But we are even prouder that she shared her talents with the nation. As we who worked with her and knew her best now memorialize the enduring good she did, we also set the tone for what will be a nation's lasting tribute. In our hearts, as in the hearts of her friends across the country, there will always be a special place for Dorothy Andrews Kabis.

"RICHARD NIXON."

DOROTHY ANDREWS KABIS

(Speech by John J. Williams)

The life span of man or woman is but a flickering moment in the passing of time, and yet in each generation there arise a few who as the result of their unselfish dedication to the service of their fellowman can leave a record that will live long after they have departed from this life.

Such a person was Dorothy Kabis.

Dorothy Kabis—or "Dottie" as she was known to her host of friends—loved her family. She loved America. She loved people, and her happiest moments were when she was rendering some service to a friend, her church, her community, or her country.

Born in Wilkes-Barre, Pennsylvania, in March 1917, Dottie became a Delawarean early in life. She soon became active in business and public affairs—gaining widespread recognition in both fields. She was the recipient of many national awards and honors, her career being climaxed in March 1969 when she was appointed Treasurer of the United States by President Nixon. She was the fifth woman to hold that high office—a position she was holding with distinction at the time of her death.

Dottie never considered herself a teacher, and yet her whole life was patterned after the example of that greatest of all teachers—The Master. She taught by setting an example for others.

As a public official she will be remembered as a dedicated public servant of high integrity.

As a private citizen she will be remembered throughout her state and country as a lady with compassion for others.

As a wife and mother she will be remembered for her devotion to family and for her high principles of morality.

No task was ever too menial for Dottie if she thought it meant rendering some service to a member of her family, a friend, her church, or her community.

Her sudden departure from this life came as a shock to her family, the members of her staff, and her host of friends in Delaware and throughout America, and our sympathy goes out to her mother, husband, and the other members of the family.

With the departure of Dottie our country has lost one of its valuable servants. Our state has lost one of its most highly respected citizens, and those of us who had the privilege of knowing Dottie as a person have lost a good friend.

But knowing Dottie I wonder if this is not the way she would want it. She was active and busy to the end.

Dottie had an unselfish religious belief, and I am sure her last prayer was patterned after that classic prayer of Bobby Richardson, former Yankee second baseman, who at a meeting of the Fellowship of Christian Athletes said:

"Dear God, Your will—nothing more—nothing less—and nothing else. Amen."

CONVENTION ON BIOLOGICAL WEAPONS

Mr. FULBRIGHT. Mr. President, yesterday, at the conference of the Committee on Disarmament in Geneva, the United States and the Soviet Union jointly proposed a draft Convention on Biological Weapons. The draft would prohibit the development, stockpiling, and acquisition of biological weapons and would require the destruction of the existing stockpiles of such weapons.

I commend the administration for this limited initiative which hopefully will lead to the prompt conclusion of a definitive treaty. Such a treaty would be a useful supplement to the Geneva protocol of 1925 and would represent another step toward containing the arms race.

One provision of the draft convention would require each signatory to negotiate "in good faith on effective measures for prohibiting the development, production, and stockpiling of chemical weapons and for their destruction." This recalls our attention to the administration's restrictive interpretation of the Geneva protocol as it relates to chemical weapons, a view which presumably applies with equal force to its interpretation of the term chemical weapons in the draft convention submitted at Geneva. The administration has indicated that it does not regard the protocol as prohibiting the use of tear gas and herbicides. In view of the strong dissent from that view which was expressed at the hearings on the protocol held by the Foreign Relations Committee, I sent a letter to the President requesting reconsideration of this interpretation. To date the committee has not received a substantive reply to that letter.

I presently expect that the Foreign Relations Committee will hold hearings on the draft convention and related issues following the forthcoming recess. Since the proposed treaty is still in draft form, hearings at this stage will enable the committee to consider it before the final version is crystallized. The committee will accordingly be in a position to discharge its constitutional responsibility to advise the executive branch on these issues at a time of optimum effectiveness.

At the hearing on the draft convention it will also be appropriate to consider Senate Resolution 154, introduced by Senator HUMPHREY, and Senate Resolution 158, introduced by Senator BROOKE, relating to the administration's restrictive interpretation of the Geneva protocol and the use of tear gas and herbicides. I would hope that by that time the administration could inform the committee as to the current status of the studies undertaken on this question and whether it has reconsidered its prior interpretation. It will also be an appropriate time to review the current status of the herbicide program in Vietnam and whether the administration has reversed its prior assurances to the committee that the program was being phased out.

U.S. COMMITMENT IN SOUTHEAST ASIA

Mr. STENNIS. Mr. President, it is clear that we are in the process of ending our direct-combat involvement in Vietnam. I think the people, here and in Vietnam, support and applaud President Nixon's determination to withdraw U.S. forces, but I must say that I have some new concerns about the way in which our Government and the Government of South Vietnam are approaching that goal.

In the first place, Mr. President, I have, as is well known, supported President Nixon in his determination that a non-Communist government in South Vietnam be given a "reasonable chance" of survival. My first concern, of course, is that our troop withdrawal go forward in an orderly manner so that the safety of U.S. units will be assured. I have long believed, in that connection, that a residual U.S. garrison would be required, for a while, as a part of an orderly transition to "Vietnamization."

I hope that President Nixon, when he reviews his withdrawal program this fall—if not before—will, at minimum, tell the congressional leadership and the appropriate congressional committees just how he foresees the transition period and the final removal of all U.S. military units.

Even after the transition period is ended, Mr. President, the people of South Vietnam will, according to administration spokesmen, require very substantial aid from the United States. I think it is, therefore, quite clear that an expeditious withdrawal of military forces will not mean that the United States is abandoning South Vietnam or abdicating its role as a Pacific power.

Indeed, Mr. President, it is the continuing nature of the overall U.S. commitment in Southeast Asia which gives rise to the second of the concerns which I want to discuss today. I want to say, Mr. President, that I am simply appalled by the recurrent charges of corruption in the Government of South Vietnam—especially as those charges involve the contemptible traffic in narcotics which menaces the young men we have sent to help that long-beleaguered nation.

Mr. President, I do not want to unjustly malign individuals or give substance to unproven charges. I do not know whether high officials in Saigon are profiting, directly or indirectly, from the narcotics traffic. I do know, however, that the charges are widely believed in Vietnam and in the United States. I also know that, as elections draw closer in Vietnam, these charges will proliferate and that the popular concern will increase.

I want to suggest, Mr. President, that the Saigon government has in its hands, the clear solution to this problem, the final answer in this dilemma. That government can, if it will, cooperate in a narcotics crackdown so forceful and so complete that there can be no question about the government's good faith and integrity. I earnestly hope that the Government of South Vietnam will act in just that way to put these stories to rest.

I do not mean to be unfairly critical. I am advised that, since May, when U.S. authorities stressed the gravity of the narcotics problem in talks with President Thieu, a good start has been made toward restricting the availability of heroin and other hard drugs. The seizure last week of large quantities of heroin and opium, through the cooperative efforts of Thai, South Vietnamese, and United States authorities, was an encouraging development.

From on-the-scene reports, however, I conclude that heroin and other hard drugs are still freely available throughout Vietnam—if not so instantly procurable, everywhere, as they were a few months ago. I am told that much of the anti-drug campaign to date has been focused on the street "pusher" at the retail level and that the effect has been to drive the drug traffic slightly underground.

Mr. President, I believe that this situation poses something of a test case for the Government of South Vietnam. Many Americans—not to mention many Vietnamese—will be watching to see whether the Saigon government now moves to follow the flow of heroin up the distribution chain to apprehend the wholesalers and entrepreneurs, whoever they may be. That is the sort of crackdown which is required if the availability of narcotics is to be materially restricted as U.S. military authorities act to restrict their use. I think the extent to which the American people, through their Congress, are willing to extend their already extensive commitment to the people of South Vietnam will depend, in large measure, on whether the Saigon government acts forcefully in this matter.

I want to say, Mr. President, that I shall be watching—along with each Member of the Senate and House—along with the people, in Vietnam and in the United States—I shall certainly be watching developments in this area, and I shall be expecting positive steps to curb this despicable traffic in human misery and reduce the hazards for our men in Southeast Asia.

ANOTHER "MANHATTAN" PROJECT TO SOLVE NATION'S DRUG PROBLEM

Mr. JAVITS. Mr. President, twice in the past, when we as a Nation have been faced by a pressing problem of major proportions, we have established special agencies to pursue all aspects of those problems. The Manhattan project gave us the atomic bomb, and NASA took us to the moon within 10 years.

Today, we are faced with another problem of crisis proportions, namely drug abuse, one which may prove to be a greater threat to our way of life than any problem we have yet faced as a Nation.

On July 6, the New York Law Journal published a front-page editorial entitled "Needed: Another 'Manhattan' Project To Solve Nation's Drug Problem." I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks. The editorial calls for a massive response, along the lines of the Manhattan project, to conquer the epidemic of drug abuse before it grows to defy all imagination.

Such an approach makes sense. It would mobilize the best talent the Nation has to offer, regardless of specialty, and would insure adequate financial support to carry out a program on the scale required. The Office of Drug Abuse headed by Dr. Jaffee in the executive office may well prove to be the beginning of such an approach as now proposed by the President.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Law Journal,
July 6, 1971]

An Editorial

NEEDED: ANOTHER "MANHATTAN" PROJECT TO SOLVE NATION'S DRUG PROBLEM

(By Jerry Finkelstein, publisher of the New York Law Journal)

Attention: President Nixon, All Leaders of Government and the Bar.

During World War II a secret project whose code name was "Manhattan" tackled every conceivable angle so that the United States could produce the atom bomb. After the war, Congress established the Atomic Energy Commission whose sole function is to study and develop new uses for the atom—and these studies have been conducted on an all-encompassing basis by all academic disciplines.

Similarly, when the United States embarked upon its space program, the National Aeronautics and Space Administration was set up to oversee the program. It was charged with every aspect of the nation's program, using not only engineers, but astronomers and historians, manufacturers and others who could contribute to every minute area of study.

Drug abuse has long since become a scourge that threatens the national character and fabric. No segment of our society is immune from the impact of this deadly plague. Our children at all levels of school have been infected. It is the major cause of soaring crime rates that undermine security in our homes and streets and parks. It has corroded the morale and discipline of our armed forces in Vietnam. It takes a huge toll out of the business activity in terms of absenteeism and poor employee performance. It clogs our court calendars.

It is tragic that a crisis of such magnitude has not stimulated a national response on the level of the "Manhattan Project" or NASA. If we had recognized the need for this approach three years ago, or five years ago, or ten years ago, perhaps there might not be a drug problem today. If the best brains of the nation were used to study the drug abuse problem—not only chemists, but educators, physicians, psychologists and psychiatrists, sociologists, clergy, attorneys and judges, legal enforcement agents and any other conceivable group that could shed light on the subject, perhaps today we might know whether marijuana is safe to use or not, or if it leads to the "hard stuff." If the nation had undertaken the massive response to the drug problem as it did to the atom and space, perhaps today there would not be a debate as to whether or not marijuana should be legalized. Nothing less, in our judgment, but this massive undertaking will put an end to drug addiction.

This same observation can be applied to methadone and other aspects of the drug abuse problem. Programs for treatment and rehabilitation of addicts and education programs to prevent addiction are inadequately financed and uncoordinated. But more important we are full of half-truths and ignorance in our nimble approaches to solving the problem.

What is urgently needed is a strongly financed, well-coordinated mobilization of the nation's resources to develop a comprehensive program to put an end to this national disaster and disgrace. Such a program should accelerate our research, to telescope the work which has not been done in the past five or ten years, so we may save our people and our nation.

The United States has attacked so many difficult problems—from polio to the atom—and found solutions through massive injections of money and talent. Drug abuse is more of a problem and should be approached in the same manner—not through some piecemeal program with miniscule funding. It requires a broad scope—from legislation to treaties with other nations—so no stone is left unturned.

The drug problem is a challenge which must be faced by the members of the American Bar Association. Drug and drug-related cases jam the courts and impede the legal profession's work. As civic and community leaders, members of the Bar can play a decisive role in prodding into action the White House, Congress, Governors and Legislatures to provide the initiative and financing needed to put an end to this major threat to our nation.

It is true that the White House has recognized the problem, and called the nation's attention to the dimensions of the national tragedy, but it has not attacked drug abuse in depth.

It is equally surprising that no "Mr. Anti-

Narcotics" has emerged like a Nader in the consumer protection field.

The time is long since past for us to talk about drugs, and hope it will blow away. It won't! It could eventually lead to the destruction of the civilization we have built and come to know.

Leadership taken by the Bar in mobilizing our national resources in this effort would be in the noblest traditions of the profession.

NEW DEVELOPMENTS IN HIGH-SPEED URBAN CORRIDOR TRANSPORTATION

Mr. PELL. Mr. President, in the past few weeks there have been a number of important rail developments on the regional level, on the national level, and on the international level which I wish to bring to the attention of the Senate.

As a result of the systems analysis of the Northeast Corridor's transportation problems undertaken through the high-speed ground transportation program, in which I have much paternal pride, the Department of Transportation in 1969 developed a number of alternative plans for relieving transportation congestion in the Northeast Corridor.

According to newspaper reports the Department of Transportation has finally chosen a specific plan of transportation improvement for the Northeast Corridor. According to the Wall Street Journal the Department of Transportation has recommended that a minimum of $1.5 billion be expended for improvements. I would urge the President to give favorable consideration to this much needed proposal. This proposal could not only improve transportation services on the east coast, but it could provide a strong stimulus to a faltering economy. I ask unanimous consent that the Wall Street Journal article be inserted in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, July 15, 1971]

TRANSPORT AGENCY WEIGHS $1.5 BILLION PLAN TO UPGRADE BOSTON-TO-MIAMI RAIL SERVICE

WASHINGTON.—The Transportation Department is considering a plan to upgrade rail service from Boston to Miami, Fla., by offering financial encouragement to railroads to improve roadbeds and track.

Under the plan, which must survive a series of administration and congressional reviews, the rail trip from Boston to New York by 1976 would take three hours, down from four, and the trip from New York to Washington would be shortened to two hours, down from three, for passenger trains, according to a Transportation Department official.

Improvements in the track between Washington and Miami would allow trains to travel between the cities at about 70 miles an hour, compared with a current average speed of about 40 miles an hour, according to the official. A spur would serve Atlanta.

The cost of the plan tentatively is set at a minimum of $1.5 billion, which would be spent by the railroads under federal grants or a loan guarantee program.

The money would go primarily for straightening curves, improving roadbeds and track and eliminating grade crossings where rail lines intersect with highways. The improvements would speed both freight and passenger transportation.

A transportation task force is expected to complete its study of the plan by the end of the month and send a recommendation to Secretary John A. Volpe. Clearance from the Office of Management and Budget and President Nixon also would be necessary before it could be sent to Congress.

Mr. PELL. A second development which I would like to bring to the attention of the Senate is the progress being made by the British Railways Board in the development of an advanced passenger train. This past Tuesday Mr. Paul Cautley, director of research marketing for the British Railways Board, made a presentation at the British Embassy in which he described the $3 million passenger train which the railways board has developed to run at speeds 50 percent higher than existing passenger train speeds without any need for costly roadbed improvements. In other words, if existing roadbeds can handle trains at a speed of 100 miles per hour, the British advanced passenger train could travel at 150 miles per hour.

Mr. President, I ask unanimous consent that a one-page description of the British advanced passenger train be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

ADVANCED PASSENGER TRAIN

Research and development on new forms of rolling stock has recently centred its efforts on the problems associated with operation at high speeds. These studies have led to the advanced passenger train project.

The Advanced Passenger Train (APT) is being developed as a high performance railway train capable of running at up to 155 mph on existing tracks. The capital cost will, therefore, be mainly that of the train, and no expensive modifications are necessary to the fixed installations of the railway system. The average speed between city centres can exceed 100 mph.

The APT embodies lightweight construction and refined aerodynamic shape and is powered by gas turbine driving the wheels through an electric transmission. The important technical feature is, however, the design of the suspension which allows smooth stable running at high speeds, particularly through curves. In the latter case use is made of a tilting system so that the body leans over in curves counteracting the centrifugal force.

Work on the project, which began just over two years ago, is on schedule and already the first power car and two passenger vehicles of a four-car experimental train—APT-E—are taking shape in the recently completed Advanced Projects Laboratory.

GOVERNOR OF MONTANA—FIRST ANNUAL ENVIRONMENTAL REPORT

Mr. MANSFIELD. Mr. President, Montana is a State which is deeply concerned about the protection of its environment. We have an abundance of natural resources, which singles it out as one of the most handsome States. The people of the Big Sky Country, are very protective of their forests, trees, prairies, and streams.

The State of Montana has acted quickly in cooperation with the Federal Government in the area of environmental control programs. Our Governor, Hon. Forrest H. Anderson, recently released his First Annual State of the Environment Report. This is a most comprehensive message, one that indicates what the people of Montana are doing to protect their resources. I ask unanimous consent that the Governor's report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

FIRST ANNUAL STATE OF THE ENVIRONMENT REPORT, 1971

(By Gov. Forrest H. Anderson)

The environmental movement is one of the greatest demonstration of public concern in the history of this country.

It is a popular revolution which will profoundly change America.

It is a new consciousness of the real meaning of life in our society.

Life in America has been dedicated to consumption.

The natural environment has been destroyed by the rage to extract resources and produce goods to satisfy the enormous appetite of the consumer economy.

Success is measured by possessions.

Hopes are expressed in statistics.

Dreams are regulated by advertising.

And beauty is manufactured.

The litany of the consumer economy—more and bigger and faster—has become the principal theme of life in America.

More than 150 years of uncontrolled industrialization has nearly embalmed many areas of this country.

The great American rivers and lakes have been suffocated by filthy effluents.

The skies are hung with poisonous curtains of smog.

Natural landscapes have been replaced by sterile concrete horizons.

The congested and deteriorated cities are virtually uninhabitable.

And a proud history and heritage have been packaged and sold.

The environmental movement is a popular reaction to these and other excesses that have severely deteriorated the quality of life in this country.

Americans finally realized that our society had gone too far in the wrong direction.

The environmental movement is the beginning of the long road back to reason.

This expression of public concern and demonstration of popular action transcends political and economic identities.

It is not the philosophic property of any specific faction.

It is an American movement ranging from individual efforts to control litter to massive corporate and government pollution control and reclamation projects.

The people involved are not all wild-eyed romanticists, as some suggest. The majority are concerned citizens working constructively to protect the environment on which life itself depends.

In Montana, we have not experienced the serious environmental problems that have ravaged other parts of the nation. There are pockets of pollution, torn up lands and dirty streams. But the vast expanse of this state is open and natural and clear.

Montanans have not, however, lost perspective. We live close to the land. And we deeply appreciate the unique environment of our state. This is important in our history and heritage. And I am convinced Montanans will resist any and all efforts to sacrifice portions of this state to create industrial wastelands.

Montana is a state of great topographical variation and natural beauty.

It is also a treasure house of natural resource wealth.

The geological forces that resulted in the towering mountains, rolling prairies and sculptured promontories also created the mineral and petroleum deposits buried beneath the land.

The climatic forces that resulted in the vast forests and grasslands also created ideal lumbering and agricultural conditions.

To extract Montana's valuable resources, we must disturb the natural beauty of the land.

This is the critical dilemma we face.

And the environmental and economic future of this state depends upon an adequate solution.

A year ago, during the Earth Day observaance at the University of Montana I said, "Environmental protection and economic development are not mutually exclusive." I also said I believe a sound economy could exist in a quality environment.

The purpose of this report is to detail the progress we have made in Montana toward achieving this essential compromise.

A year ago, I proposed a ten-point program for the protection of the environment and the improvement of the quality of life in Montana.

The first point was an annual State of the Environment Report including areas of both problems and progress.

This is that report.

We have obtained information from all state agencies involved in environmental control. And this report is intended to be a comprehensive appraisal of what has been done and what more must be done to assure a decent quality of life in Montana.

The second point proposed environmental education programs to convince people that preservation of the natural landscape, clean air and clear water is essential.

In the budget message I delivered to the last Legislature, I recommended that a supervisor of conservation education be added to the Department of Public Instruction. Environmental programs in the schools will be a vital part of the public information required to develop ecological consciousness among the people of this state. Creation of the position is pending legislative appropriation.

The Fish and Game Department, Board of Health, Water Resources Board, Department of Lands and Investments, as well as other state agencies have engaged in environmental information programs in the past year.

I believe these activities have significantly increased public awareness of the need to preserve the environment.

The third point called for pesticide control, to include classification and labeling to eliminate the possibility of accidental contamination.

I am pleased to report the Legislature passed and I signed into law a Model Pesticide Control Act during the last session. Beginning January 1, 1972, all pesticides must be registered before they are sold in Montana. Commercial applicators of pesticides will be licensed.

The fourth point was to define industry's responsibility to the environment to promote increased dedication and reductions in current levels of pollution.

I believe significant progress was achieved in this area during the past year. Most of the corporations operating refining and processing facilities in this state engaged in concentrated efforts to reduce and control pollution.

Anaconda, Hoerner-Waldorf, Humble Oil, Great Western Sugar, Knife River Coal and many other Montana companies spent millions last year on environmental programs. This application of new technology to control the excesses of existing technology will result in significant reductions in industrial pollution. And the enormous cash outlay is irrefutable evidence that these companies are dedicated to preservation of the environment.

The industrial community in this state has responded to the environmental movement. It is moving toward a balance between economic and environmental responsibilities.

The fifth point was the establishment of better land management policies to provide the means to control land usage and reduce degradation of the landscape.

During the past session House Bill 79 was enacted. This legislation provides cities and counties with the authority to engage in a wide range of local planning activities.

The Department of Planning and Economic Development will assist in formulating comprehensive development plans for all interested Montana cities and counties.

The Department of Lands and Investments is initiating a Resource Inventory Management System. This inventory will identify use potential and provide for better management of all state lands.

The sixth point stressed the need for selectivity and consideration of long range effects in industrial development.

Local planning and the resource inventory will provide the information necessary to locate new industrial facilities in areas advantageous to both commercial and environmental interests.

The seventh point called for continuation of the roadside park and rest area construction program to help enhance the environment and control litter.

Seven rest areas will be built along highways in Montana during the next year. We are constructing more campgrounds and initiating a signing program to enable people to easily locate these facilities.

The eighth point was expanded environmental research programs at the various units of the University System.

We are consulting with the colleges and applying the available expertise to environmental problems. However, budgetary restrictions may require some reduction in this overall effort.

The ninth point proposed a legislative program to write new laws to correct existing environmental problems and to provide protection for future contingencies.

The 42nd Legislature conscientiously responded to this challenge. During the past session Montana's existing environmental laws were strengthened. And new laws were written to deal with additional problems.

The Water Pollution Control Law was strengthened by consolidating the authority for enforcement within the Board of Health.

I proposed, and the Legislature appropriated $4 million in state funds to assist Montana communities to construct much-needed secondary sewage treatment facilities.

The Montana Clean Air Act of 1967 is an effective law. The Board of Health has proceeded with the implementation of this law by adopting ambient air and emission control standards. Time tables have been established for the control of all known sources of air pollution. And the Board has conducted public hearings in regard to variances requested by companies unable to comply immediately with the law.

The City of Great Falls has initiated a local air pollution control program. Billings and Missoula presently have effective programs.

Because of significant progress in air pollution control, Montana will have no difficulty in complying with the Federal Air Quality Act.

The Board of Health will soon conduct public hearings on a proposal to regulate animal feed lots. The feeding industry presents an excellent opportunity to improve the economy of the state. The Board is concerned only that feedlots be designed, located and operated properly to prevent water pollution and other environmental problems.

For the first time in the history of the state, Montana has effective mined-land reclamation laws.

The Legislature passed, and I signed into law two bills to provide for reclamation of lands damaged by surface and hard-rock mining operations.

The record of the 42nd Legislature could be the beginning of a new history of environmental protection in this state.

The past session paid philosophical homage to the need to protect the environment.

But the anarchy of the "bare bones budget" may yet subvert environmental laws and negate their practical effect.

It is political hypocrisy to write good environmental laws and then refuse to appropriate funds for adequate administration and enforcement.

I urge the people of this state who are concerned about protection of the environment to contact their legislators and demand adequate funding of environmental laws.

The tenth point called for progressive governmental programs to strive for, among other things, improved opportunities in employment and education, highway safety, improved institutional care and regional and national cooperation to improve the quality of life in Montana.

These intentions are the profile of a progressive state administration. And despite limited fiscal resources, we are making significant advances in many of these areas.

I believe the environmental movement achieved substantial progress in Montana during the last year.

The people, industry and government came to realize the need to protect our unique environment and maintain and improve the quality of life in this state.

This has been a very important year.

But we are only just beginning.

There are serious environmental and economic problems that require immediate action.

The need for comprehensive state and local planning is of particular importance at this time.

The population of Montana increased only 2.9 percent during the last 10 years.

I believe we can expect a much more rapid rate of growth than predicted for the next 10 years.

The population centers in this country are congested, polluted and afflicted with vicious social problems. People in these areas are beginning to re-examine their existence. And increasing numbers are migrating to the sparsely populated inland regions of the country.

They are coming to Montana.

And they will come in increasing numbers.

We must begin now to plan for this influx. This includes zoning and land use regulations to prevent degradation of the land and pollution of the streams.

Without adequate planning and effective control regulations severe environmental problems will be attendant to any significant population increases in rural Montana.

We cannot keep people out.

And I believe good land use regulations and sound planning will allow Montana to accommodate the refugees from the decayed cities.

Presently in Montana, there is a recreational land boom. Organizations and individuals from other parts of the country are buying recreational acreage and closing it off to the public forever.

I am convinced the State of Montana must engage in an aggressive recreational land purchase program. We must keep the waterways, forests and game ranges open for Montanans.

Open land is our heritage.

And if we don't act now, Montanans will be locked out.

We will be aliens in our own land.

There are environmental totalitarians in Montana who rail against any progress, economic development or industrial activity.

Their position is incompatible with history.

Montana has always been one of the most progressive states in the West.

The people of this state have long and actively supported public education, quality custodial institutions and numerous social and rehabilitative services.

The last Legislature demonstrated that all of the good intentions in the world are no substitute for money when it comes to providing government services.

Education throughout the state is threatened by the dynamic increase in costs and the static growth of the tax base.

Employees at the custodial institutions receive abysmal wages for their dedicated services.

Social and rehabilitative services are jeopardized by lack of funds.

And good environmental laws will be crippled by a shortage of funds for adequate research, staff and enforcement.

We must have development in Montana.

We must reduce unemployment.

We must increase per capita income.

And we must develop a tax base capable of funding a progressive government.

This government, a concerned people and conscientious industry can generate this development and at the same time maintain a healthy environment and decent quality of life.

As long as the national government continues to squander the wealth of this nation on foreign adventures, gross military expenditures and a bureaucratic confusion of other misguided programs, the states will be in trouble.

The federal government takes the majority of tax revenues in this country.

The state and local governments get what is left.

And until national priorities are adjusted, the states must lead the way in protecting the environment, supporting education and providing social and rehabilitative services.

This is why Montana must have development and an expanded tax base capable of financing a sound environmental program and other essential government services.

The economies of many Montana communities, such as Columbia Falls, East Helena and Anaconda, depend exclusively on a single industrial facility.

Most of these plants are marginal operations within a large corporation.

The expense of installing pollution control equipment to meet air quality standards often cannot be justified in a marginal operation.

There are then two alternatives.

Continued pollution.

Or closure of the plant.

If the plant closes, the employees who lose their jobs pay the full price of protecting the environment.

This is a vicious syndrome.

It will cost men their jobs.

It will destroy Montana communities.

And it does not have to happen.

I propose that the federal government make available low-interest, long-term loans to allow marginal industrial plants to install pollution control equipment to meet all local, state and federal environmental standards.

If this assistance is made available.

The environment will not be damaged.

Jobs will not be lost.

And towns will not be destroyed.

Montana is an enormous state that was changed from a wilderness by proud people.

A real Montanan is not a drug store cowboy in a checkered shirt posturing for tourists.

He is a worker and a builder and a dreamer.

He is a Butte copper miner, an eastern Montana farmer or rancher, a Hi-line railroader, a Williston Basin wildcatter, a timberman, a school teacher, a country doctor, a lawyer, or a businessman.

And if we can do nothing else, we must assure these people and their children the opportunity to live in this state as they know it—open and free and clear.

Forrest H. Anderson,
Governor, State of Montana.

THE INDIAN BUREAU'S INDIANS

Mr. McGOVERN. Mr. President, I have long stressed my belief that the solution to the Indian problem is Indian self-determination in place of programs designed at the Washington level and then administered through a sometimes heavy-handed bureaucracy to the Indians on the reservations. The result of such a policy is to give the Indians little voice in their own destiny and the mistaken conception on the part of some that the Indians have little concern.

Such a view in the past has led to such ill-advised programs as the disastrous termination policy and the equally ill-conceived relocation program.

Native Americans and American Indians are the heirs of a special status with the Federal Government, a relationship which they wish to maintain, and I sincerely believe we must, both morally and legally. This relationship affects the Indian and other native Americans in many ways, but there is perhaps no agency which has a closer day to day contact with the Indian than the Bureau of Indian Affairs.

When the Bureau of Indian Affairs was reorganized in 1934, it was wisely provided that Indians be given preferential hiring treatment in the BIA. At the time it was believe this preferential status would apply to promotions as well. But that is not the case. Indians employed by the BIA generally fill the lowest rungs of the civil service. We cannot realistically hope to achieve full Indian self-determination and self-government until Indians and native Americans are given every opportunity to fill positions of trust in the Bureau of Indian Affairs.

William Greider, in an article in the July 27 Washington Post, describes with considerable success the problems of Indian employment in the Bureau of Indian Affairs. He also points out that BIA Commissioner Louis R. Bruce is aware of the scope of the problem and is taking steps to rectify it. It is something long overdue, and I commend Commissioner Bruce for his interest for giving Indians preferential treatment in promotions as well as hiring.

We must keep in mind, however, that Indians are entitled by law to preference in promotions as well as hiring. It is my hope the Bureau of Indian Affairs will make this a key item on its agenda. Only then will the best qualified Indians seek out employment in the BIA, Indians will start to feel it is their own agency and not an intermediary between the Indian people and Washington. On July 2, I requested Commissioner Bruce make a study of preferential employment. As soon as it is available, I will insert it in the Record.

Because Mr. Greider has explained the problem of Indian hiring in the Bureau of Indian Affairs with a keen reportorial eye, I ask unanimous consent that his article, entitled "The Indian Bureau's Indians," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Indian Bureau's Indians

(By William Greider)

After ducking the issue for years, the Bureau of Indian Affairs is prepared to admit that the critics have been right—that the Indian agency's employment practices do discriminate against Indians.

BIA Commissioner Louis R. Bruce, a Mohawk-Sioux himself is preparing a new directive which will overturn three and a half decades of policy and begin applying "Indian preference" standards to the agency's promotions system, not just initial hiring.

"We may not end up in 30 years with an all-Indian bureau," Bruce said in an interview, "but we'll make some progress. We can't go on the assumption that we will throw every non-Indian out of the bureau. But it isn't right that so many Indians should be only in the lowest ranks. It isn't right."

The same complaint has been voiced again and again in recent years by Indian militants attacking the agency which oversees federal programs for 477,000 Indians who live on reservations. Around the country, they have filed lawsuits charging the bureau with job discrimination and picketed or seized BIA installations to dramatize their argument that Indian employees fill the bottom jobs, but only a few find room at the top.

When the Republicans appointed Bruce, the new commissioner broke with the past by filling more than 15 of his top staff jobs with Indians. Even so, the overall statistics on BIA employment still reflect the old picture.

Slightly more than half of the BIA's 16,000 employees are Indians—but the bulk of them fill the lowest ranks, janitors or bus drivers for bureau schools, clerks and secretaries, day laborers on reservation, road crews. More than 80 per cent of the jobs from GS 7 and above are held by non-Indians.

This pattern has persisted despite the existence since 1934 of an "Indian preference" law which directs the agency to give job preference to qualified Indians, a measure passed when the New Deal re-organized Indian programs to stimulate self-government. For years, Indian leaders have argued that the law should apply to promotions as well as hiring, but the bureau has always insisted that "Indian preference" referred only to the initial process of hiring, not the later steps up toward management positions.

Bruce directed a young Indian lawyer, F. Browning Pipestem, to research the issue and Pipestem discovered that 25 years ago Interior Department lawyers agreed with the broader interpretation. But the matter was buried and no change was made.

In his search of the files, Pipestem said he could find nothing in the BIA personnel files to explain or justify how the agency arrived at its narrow interpretation of the law. "The BIA is adhering to a fortuitous, unsubstantiated interpretation . . . frequent assertion has become fact and from this assertion, the law," the lawyer concluded.

Curiously, Pipestem discovered that the same question was raised in 1946. The Interior Department's Solicitor's Office, which acts as legal counsel for BIA, was asked for a formal opinion on whether "Indian preference" applies to promotions. The Solicitor replied in the affirmative. "Such preference extends to the filling of all vacancies within the service," the opinion said.

But nothing happened. Pipestem found in the files a proposed draft of a few policy dated November, 1946, but he could find no explanation for why it never surfaced.

According to Pipestem, the central argument behind "Indian preference" is not simply to give more jobs to Indians, but to strengthen Indian self-determination. BIA programs have enormous impact on reservation life and, historically, the law has regarded the scores of tribes as special legal entities—domestic dependent nations with inherent rights to self-government.

A preliminary draft shows that Bruce's new directive will continue all of the procedures of the agency's merit promotion program, but with this proviso:

"When the list of best qualified candidates includes an Indian, the Indian employee shall be given preference in the promotion. In no case will a minimally qualified Indian candidate date."

Pipestem's report notes that the bureau has an annual turnover in employees of 12.5 per cent, so that the new interpretation would not mean "ousting" non-Indians from jobs.

Bruce's superiors in the Interior Department, he said, have given their tentative approval.

The commissioner intends to order new training programs to help Indian employees qualify for the higher positions.

GENOCIDE: POWER AND VENGEANCE

Mr. PROXMIRE. Mr. President, when one nation accuses another nation of genocide, it is not unreasonable to expect that a war may soon follow. Genocide may have been the original issue, but it is not unusual for instances of unwarranted brutality to take place on both sides.

Nevertheless, we should keep in mind that some of the worst effects of war take place not during the course of actual hostilities, but after the war is over and the peace treaties are signed. The "spoils of victory" can be just as horrible and inhuman as the atrocities perpetrated in the heat of combat. After a sustained effort such as that required in the prosecution of a war, it seems almost reasonable for the triumphant forces to gloat over their achievements and condemn the defeated party for moral crimes such as genocide.

It is obvious that a certain degree of self-righteousness is necessary for the successful prosecution of a war; before risking huge expenditures of lives, property, and money, a nation must be deeply convinced that its cause or motivation justifies the possibility of defeat or destruction.

But after the war is over, this self-righteousness may lead to some difficulties. A defeated nation must be rebuilt, perhaps on the condition that several major components of its pre-war national life must be discarded. However, it has been the case too often that abstract principles such as justice and decency have been distorted and trampled upon by the victorious nation; the concept of war crimes and criminals is turned into a travesty, as the victorious nation seizes upon the judicial apparatus of punishment as a means of wreaking vengeance and serving out its righteousness.

I do not believe that the United States is susceptible to these charges. In my opinion, our Government has contributed much to the amazing economic recovery of Germany and Japan after the conclusion of the Second World War. But I hope that we can appreciate the great opportunities for capriciousness and exploitation which were available to us as a victorious power. In terms of the future, I think the United States should do all it can to see that the enormous power—at present left arbitrarily to the victor's discretion—is turned over to the jurisdiction of a neutral institution which could investigate and prosecute charges of genocide without vindictiveness.

Mr. President, the Genocide Convention would establish objective procedures for trying and punishing any persons charged with involvement or complicity in attempts to destroy a national, racial, ethnic, or religious group. If such a treaty were effective today, the world would not have to worry about the spectre of genocide—in times of war or peace.

That, Mr. President, is why I urge the Senate to ratify the Genocide Convention soon.

BAN ON BIOLOGICAL WEAPONS

Mr. MUSKIE. Mr. President, yesterday the United States and the Soviet Union presented a draft treaty banning biological weapons to the 25-nation disarmament conference at Geneva. As chairman of the Arms Control Subcommittee, I would like to express my own satisfaction, which I am sure is shared by the great majority of Senators, that the United States and Soviet delegates at Geneva have achieved this successful result.

Mr. President, I hope that this treaty will come into force and will be a first step to the wider goal of the elimination of chemical weapons as well. In this connection, I would like to call attention to article 8 of the treaty which obligates each party to negotiate in good faith toward this end.

I ask unanimous consent that the text of the draft treaty be printed into the RECORD.

There being no objection, the articles was ordered to be printed in the RECORD, as follows:

TEXT OF UNITED STATES-SOVIET DRAFT CONVENTION ON ELIMINATION OF BACTERIOLOGICAL ARMS

GENEVA, August 5.—Following is the text of a draft convention on biological arms submitted today by the United States and the Soviet Union to the 25-nation disarmament conference here:

The states parties to this convention.

Determined to act with a view to achieving effective progress towards general and complete disarmament including the prohibition and elimination of all types of weapons of mass destruction, and convinced that the prohibition of the development, production and stockpiling of bacteriological (biological) weapons and toxins intended for use as weapons and their elimination will facilitate the achievement of general and complete disarmament under strict and effective international control.

Desiring thereby, for the sake of all mankind, to exclude completely the possibility of bacteriological (biological) agents and toxins being used as weapons.

Convinced of the immense importance and urgent necessity of eliminating from the arsenals of states such dangerous weapons of mass destruction as weapons using bacteriological (biological) agents and toxins.

Desiring to contribute to the strengthening of confidence between peoples and the improvement of the international atmosphere.

Believing that scientific discoveries in the field of bacteriology (biology) must in the interests of all mankind be used solely for peacefull purposes.

Recognizing nevertheless that in the absence of appropriate prohibitions the development of scientific knowledge throughout the world would increase the risk of the use of bacteriological (biological) methods of warfare.

Convinced that such use would be repugnant to the conscience of mankind and that no efforts should be spared to minimize this risk.

Recognizing the important significance of the Geneva Protocol of 17 June 1925 for the prohibition of the use in war of asphyxiating, poisonous or other gases, and of bacteriological methods of warfare, and conscious also of the contribution which the said protocol has already made, and continues to make, to mitigating the horrors of war.

Reaffirming their adherence to the purposes and principles of that protocol and calling upon all states to comply strictly with them,

Recalling resolutions of the United Nations General Assembly, which has condemned all actions contrary to the principles and purposes of the Geneva Protocol of 17 June 1925,

Convinced that an agreement on the prohibition of bacteriological (biological) and toxic weapons will facilitate progress towards the achievement, of agreement on effective measures to prohibit the development, production and stockpiling of chemical weapons, on which negotiations will be continued,

Anxious to contribute to the realization of the purposes and principles of the Charter of the United Nations,

Have agreed as follows:

ARTICLE 1

Each state party to this convention undertakes not to develop, produce, stockpile or otherwise acquire or retain:

(1) microbial or other biological agents or toxins of types and in quantities that have no justification for prophylactic or other peaceful purposes.

(2) weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.

ARTICLE 2

Each state party to this convention undertakes to destroy, or to divert to peaceful purposes, as soon as possible but not later than 2 months after the entry into force of the convention all agents, toxins, weapons, equipment and means of delivery specified in Article 1 of the convention, which are in its possession or under its jurisdiction or control. In implementing the provisions of this article all necessary safety precautions shall be observed to protect the population and the environment.

ARTICLE 3

Each state party to this convention undertakes not to transfer to any recipient whatsoever, directly, or indirectly, and not in any way to assist, encourage, or induce any state, group of states or international organizations to manufacture or otherwise acquire any agent, toxin, weapon, equipment or means of delivery specified in Article 1 of the convention.

ARTICLE 4

Each state party to this convention shall, in accordance with its constitutional processes, take any necessary measures to prohibit and prevent development production, stockpiling, acquisition or retention of agents, toxins, weapons, equipment and means of delivery specified in Article 1 of the convention, within the territory of such state, under its jurisdiction or under its control anywhere.

ARTICLE 5

The states parties to the convention undertake to consult one another and to cooperate in solving any problems which may arise in the application of the provisions of this convention.

ARTICLE 6

(1) Each state party to the convention which finds that actions of any other state party constitute a breach of the obligations assumed under the provisions of this convention may lodge a complaint with the Security Council of the United Nations. Such a complaint should include all possible evidence confirming its validity, as well as a request for its consideration by the Security Council. The Security Council shall inform the states parties to the convention of the result of the investigation.

(2) Each state party to the convention undertakes to cooperate in carrying out any investigations which the Security Council may undertake, in accordance with the provisions of the United Nations Charter, on the basis of the complaint received by the Council.

ARTICLE 7

Nothing in this convention shall be interpreted as in any way limiting or detracting from the obligations assumed by any state under the Geneva Protocol of 17 June 1925 for the prohibition of the use in war of asphyxiating, poisonous or other gases, and of bacteriological methods of warfare.

ARTICLE 8

Each state party to this convention undertakes to conduct negotiations in good faith on effective measures for prohibiting the development, production and stockpiling of chemical weapons and for their destruction and on appropriate measures concerning the equipment and means of delivery specifically designed for the production or use of chemical weapons for warfare.

ARTICLE 9

(1) The states parties to the convention undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes.

(2) This convention shall be implemented in a manner designed to avoid hampering the economic or technological development of states parties to the convention or international cooperation in the field of peaceful bacteriological (biological) activities, including the international exchange of bacteriological (biological) agents and toxins and equipment for the processing, use or production of bacteriological (biological) agents and toxins for peaceful purposes in accordance with the provisions of this convention.

ARTICLE 10

Any state party may propose amendments to this convention. Amendments shall enter into force for each state party accepting the amendments upon their acceptance by a majority of the states parties to the convention and thereafter for each remaining state party on the date of acceptance by it.

ARTICLE 11

Five years after the entry into force of this convention, or earlier if it is requested by a majority of parties to the convention by submitting a proposal to this effect to the depositary governments, a conference of state parties to the convention shall be held at Geneva, Switzerland, to review the operation of this convention, with a view to assuring that the purposes of the preamble and the provisions of the convention, including the provisions concerning negotiations on chemical weapons, are being realized. Such review shall take into account any new scientific and technological developments relevant to this convention.

ARTICLE 12

(1) This convention shall be of unlimited duration.

(2) Each state party to this convention shall in exercising its national sovereignty have the right to withdraw from the convention if it decides that extraordinary events, related to the subject matter of this convention, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other states parties to the convention and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

ARTICLE 13

(1) This convention shall be open to all states for signature. Any state which does not sign the convention before its entry into force in accordance with Paragraph 3 of this article may accede to it at any time.

(2) This convention shall be subject to ratification by signatory states. Instruments of ratification and instruments of accession shall be deposited with the governments of ——— which are hereby designated the depositary governments.

(3) This convention shall enter into force after the deposit of the instruments of ratification ——— governments, including the governments designated as depositaries of the convention.

(4) For states whose instruments of ratification or accession are deposited subsequent to the entry into force of this convention, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

(5) The depositary governments shall promptly inform all signatory and acceding states of the date of each signature, the date of deposit of each instrument of ratification or of accession and the date of the entry into force of this convention, and of other notices.

(6) This convention shall be registered by the depositary governments pursuant to Article 102 of the Charter of the United Nations.

ARTICLE 14

This convention, the Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited in the archives of the depositary governments. Duly certified copies of this convention shall be transmitted by the depositary governments to the governments of the signatory and acceding states.

In witness whereof the undersigned, duly authorized, have signed this convention.

THE LYNDON BAINES JOHNSON LIBRARY

Mr. BENTSEN. Mr. President, the Lyndon Baines Johnson Library at the University of Texas has proven a very popular attraction to scholars of the Presidency and to the layman who is interested in his Government. We are very proud of the library, and we are grateful to President Johnson for his many, many contributions that made this finest of Presidential libraries possible.

The man and the Presidency are one, and the Texan who served as the Nation's 36th President of the United States is a man who gave of his enormous energies, talents, and abilities in public service to this Nation almost his entire adult life. History will be kind to this man, this Texan who has had major influences on the lives of our citizens as a strong leader in the Senate and as a strong President. His legacy is the legislative program which serves as the foundation for most of the Nation's major domestic programs in the field of health, education, manpower training, welfare, and human rights.

Mr. President, recently President Johnson and his gracious lady announced that they would be present to meet visitors to the L.B.J. Library. It was a highly successful day, and Sam Wood, editor of the Austin Statesman, enthusiastic over the occasion, wrote a front-page editorial in its issue of August 2. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THOUSANDS CONFIRM POPULARITY

On the second floor of the Lyndon B. Johnson library, with his back to the wall with its unusual half-tone etchings, and facing the broad stairway the former President of the United States scribbled his signature time after time Sunday, as fast as aides could place books, literature and pictures in front of him.

Grandparents, parents and children of all ages formed a line that for several hours seemed to be endless. It still looked that way after the first 7,500 persons had passed into the Library.

At the other end of the table Mrs. Johnson and their daughter, Luci Nugent, took turns adding their autographs to the papers that became treasured keepsakes and souvenirs of a memorable occasion. Several times the former President, to rest his hand, left the table to mix with the hundreds of visitors and play escort for his grandchildren.

Many of the Library visitors had come into Austin from the Central Texas area in response to the announcement that the Johnsons would be there to meet them. Johnson frequently drops in at the library and joins the tours for a few minutes, but Sunday's event was the first planned appearance since the opening in May.

Lyndon Johnson never looked better. He was happy and it showed.

He still is a very popular man, although there are vociferous LBJ haters (as there always have been) and even though a lot of political analysts are busy conducting postmortem examinations while their subject is still alive and kicking.

And why shouldn't he be happy? How many men can gather eight to ten thousand smiling people about them for a Sunday handshaking?

UNEMPLOYMENT RATE: THE PENALTY OF A DISASTROUS ECONOMIC POLICY

Mr. WILLIAMS. Mr. President, to say that the figure announced this morning for unemployment during the month of July is disappointing, would be a serious understatement. It is completely tragic. The fact that the national unemployment rate has climbed to 5.8 percent from 5.6 percent in June, reveals two extremely appalling situations facing our Nation. The most obvious, of course, is that there are now close to 6 million Americans, many with families and responsibilities, who are now desperately seeking work, and unable to find it, not to mention 1 or 2 million more who are so discouraged that they have dropped out of the labor force altogether and are not even included in these statistics. This unemployment rate also reveals the complete and utter bankruptcy of the Nixon economic game plan. The administration's plan to combat inflation has already taken an intolerable toll in unemployed workers, and as if to emphasize the futility of this tactic, the price indexes continue to rise and it becomes clearer than ever that inflation has not been halted.

Last month, when the jobless rate—seasonally adjusted—dipped from 6.2 percent in May to 5.6 percent in June, the administration was exuberant in its announcement of the fact, even though officials in the Bureau of Labor Statistics warned that the figure may have been a statistical quirk because the survey was taken a week earlier than usual, before the bulk of the June graduates had entered the labor force. Labor Secretary Hodgson issued a statement proclaiming this figure to be a sign that the economy was turning around, and predicting that this trend was expected to continue. We now have an indication of exactly how desperate administration planners are. To seize upon a statistic which even a slight amount of additional inquiry—even within the administration's own department—would have shown to be spurious, strikes me as grasping at straws.

It certainly indicates how little the administration is interested in a true confrontation of the problem of unemployment and how very interested it is in promoting the appearance of a rosy economic picture. I can well recall the action of the administration in canceling the press briefings in February which accompanied the release of unemployment statistics, because Department spokesmen made the mistake of describing the economy as "mixed." This sort of an "ostrich" philosophy toward unemployment—of pretending that a problem does not exist, has characterized the entire "game plan" of the administration.

I can only add, as a postmortem on this short-lived 1-month trend toward fuller employment, that unless the present administration begins to put aside its attempts to create a cosmetic effect upon the economy, when it is clear that major surgery is needed, severe economic dislocations are increasingly probable.

I have been constantly discouraged by the wide gap between administration reassurances and the actual performance of the economy. Once again, we are being told about the light at the end of the tunnel, that a solution is right around the corner. Yet, for the several millions out of work, the emptiness of this optimism is apparent enough.

Mr. President, we have been told back in the beginning of 1969 by Mr. Paul W. McCracken, Chairman of the Council of Economic Advisers, that President Nixon's anti-inflationary program could be pursued without pushing unemployment "substantially above the zone within which it has moved in recent years"—at that time between 3 and 4 percent. A year later, in February 1970, however, McCracken said that the unemployment for the year would be in the zone of 4.3 percent. In July, he rejected a suggestion that unemployment might hit 6 percent. We all know now, of course, that in actual fact, the unemployment rate hit 6.2 percent in December 1970, a 9-year high, and it has remained in that vicinity ever since.

The administration's other predictions are worthy of note as well. In January 1970, the administration announced their goal of a $1.3 billion surplus for fiscal year 1971. The administration's revised estimate a year ago projected a deficit of $1.3. In January 1971, a deficit of $18.6 billion was forecast, and on July 29, 1971, the administration announced the actual figure—a $23.2 billion deficit, the second highest since World War II.

The administration has also announced a target figure of $1,065 billion for the fiscal year 1972 gross national product, and an $11.6 billion deficit, figures which are greeted with almost universal skepticism by private economists. I cannot say I place much confidence in such figures, or in economic game plans based on such apparently flimsy statistical preparation.

Mr. President, I note with despair not only the increasing unemployment rate announced this morning, but also the growing intransigence of the administration as reflected in its refusal to consider such remedies as a tax cut, a wage-price board, or the release of Federal money in areas designed to stimulate employment.

While the administration continues to insist, in increasingly strident tones, that the economic picture is a rosy one, and would improve more quickly if only the criticism would cease and public confidence thus restored, millions more Americans are dropping out of the work force each quarter. In some areas of the country, such as my home State of New Jersey, where the raw unemployment rate recently soared to 8.1 percent in June, the situation is particularly severe, and in some sectors of the population, such as among teenagers, the unemployment rate is as high as 17.5 percent. For the unemployed man desperately seeking work to provide for his family, or for the teenager, disappointed in his or her initial quest for an employment situation, these are very troubled times. I have become seriously troubled by what I consider to be a rather calloused attitude of indifference toward the plight of these Americans. It cannot be tolerated much longer.

THE SITUATION IN CYPRUS

Mr. McGOVERN. Mr. President, from time to time our interest has focused on the nation of Cyprus where Greek and Turkish communities have been struggling to achieve a satisfactory and peaceful way of life. While we wish this nation well in the development of its own identity, it has been the proper course for the United States to avoid becoming involved in the internal situation of Cyprus.

Both Greece and Turkey have had an understandable interest in the development of Cyprus. Recently, we have seen reports that the Greek military regime was increasing its involvement in Cypriot affairs. This involvement was apparently not undertaken at the request of Greek Cypriots but as an extension of the Greek regime's own policies. Some Cypriots are reported to believe that the actions of the Greek regime are taken at the prompting of the United States.

The Athens regime remains one which does not merit the support of the United States. While we should maintain diplomatic relations with the Greek regime, we can only appear unwise when we continue to provide it with military and other aid. This is a repressive and undemocratic government. It repeatedly delays free elections. Just this week it tightened its control over the press, threatening its freedom.

Naturally, it is difficult from this vantage point to be fully and accurately informed of the activities of the Greek regime in Cyprus. But it would be entirely appropriate for the American Government to urge the Greek regime to refrain from any and all involvement in the internal affairs of Cyprus. We should make it clear that we disapprove any effort by the Greek regime to export its repressive policies to other countries. And our Government should make it clear that the United States adheres to its policy of noninvolvement in the affairs of Cyprus and it does not support action by other countries to intervene in that country's life.

Mr. President, I hope that the administration will undertake this action immediately.

"MOOD" DRUGS—THE NEWEST COP-OUT PILLS OFFER "CURE" TO ALL PROBLEMS

Mr. McINTYRE. Mr. President, for the past several years I have been very concerned about the increasing use of drugs in this country, and most recently in the alarming rise in the use of the so-called mood drugs.

Mr. President, at his time I ask unanimous consent to insert in the Record material from the text of my latest newsletter to the people of New Hampshire which takes up the problem with the abuse of these drugs.

Until recently I was under the impression that drug pushing is an illegal activity, punishable in every one of the 50 States. After recent testimony before a subcommittee of mine here in Washington, I have discovered that the more sophisticated forms of drug pushing are not only legal but flourishing in this country.

I am not talking about people who push drugs to support their own drug habit, but about people who push pills to boost corporate profits. I am talking about drug companies engaged in extensive advertising in medical journals, newspapers, and television in order to increase consumption of pills.

There are two parts to this problem. On the one hand, the advertising is directed at the Nation's doctors, urging them to write out more prescriptions. On the other hand, the ads are directed at each of us, trying to get us to buy more and more over-the-counter drugs—to relieve tension, wake up, or get to sleep.

PRESSURE ON DOCTORS

A quick glance at a medical journal while you are in your doctor's office, will give you a pretty good idea of how much pressure is put on doctors to prescribe a pill for every patient's problem.

"School, the dark, separation, dental visits, monsters," reads the headline over a picture of a small child with a tear running down her cheek. "The everyday anxieties of childhood sometimes get out of hand," continues the ad, which goes on to recommend Vistaril, "a more effective way to treat pediatric anxiety."

Ads like this are commonplace in medical journals.

One defines "Cyberneticide" as the "guilt, frustration and loss of self-esteem" which results from losing a job to a computer. The solution? The ad recommends the doctor prescribe a pill, Tofranil.

"What makes a woman cry?" asks another ad. "A man, another woman, three kids, no kids at all, wrinkles?" The solution? Petrofane, a pill.

WORRIED ABOUT AGING

"Am I old?" reads another ad, picturing an elderly woman staring gloomily at herself in the mirror. The solution to aging? Triavil, another pill.

Another ad invents a disease called "environmental depression," which is nothing more than anxiety over air and water pollution, noise and the frustrations of commuting to work. To relieve the "disease," the ad recommends Ritalin.

PILLS WITHOUT PRESCRIPTION

A few weeks back I received a letter from a friend in Dunbarton, N.H., which included an advertisement she cut out of her Sunday newspaper. It urged us all to use a "nonhabit-forming stimulant tablet that gives a quick life." It went on to tell the story of a middle-aged woman who said, "I was boring my husband to death" until she began taking stimulants, after which her life and marriage picked up.

I think this advertisement brought home to me clearly that it is not only prescription drugs we must worry about. The big guns of the drug industry, through advertising, are zeroing in on the general public as well.

I am sure the television, radio and newspaper ads are as familiar to you as they are to me.

ORDINARY PROBLEMS

Having trouble getting to sleep in 15 minutes? The television ad makes you feel abnormal and recommends a pill. Perhaps Sominex, Nytol, Mr. Sleep, Sleep-Eze or Excedrin PM.

Feel a little nervous tension? Try Cope, Compoz, or Control.

You see the advertisements every day. They suggest that for these pills you do not even have to bother seeing your doctor—just take a trip to the neighborhood drugstore.

What is ironic about many of these over-the-counter drugs is that in most cases they are completely ineffective. Recent testimony before a subcommittee of mine made it clear that some of the nonprescription drugs I have mentioned would help you no more than a sugar pill. In some instances, they might have dangerous side effects.

Even without possible side effects these commonly used pills are dangerous. They still give people the idea that one pill or another is the solution to any problem, and I cannot help feeling this kind of thinking is spreading rapidly.

The effect of such drug advertising on young people is especially frightening, for, as a man in North Sandwich, N.H., wrote me recently:

> When so many millions have been spent annually to sell the instant, painless, chemical solution to life's problems, can we wonder that the young find the "chemical feast" so appealing?

The development of drugs is turning out to be a mixed blessing. It has done much that is good, giving us a new tool to deal with true mental illness and relieve severe pain.

On the other hand, we cannot let the ordinary problems of life become an excuse for drug use. We all grow older. All of us feel tired sometimes. Our forefathers did not need pills to face these facts. If the environment bothers us, we should clean it up, not take pills to forget it. In the current jargon, turning to pills is merely "copping out."

FACING FACTS

Right away, Congress must look at stricter regulation of drug industry advertising—and this is happening. More importantly, all of us must face the fact that except in a few cases, these so-called mood drugs are no solution at all. They only take our attention away from the problems each of us has to face in life.

RECONFIRMATION OF FEDERAL JUDGES

Mr. BYRD of Virginia. Mr. President, the American Legion, Women's Post No. 118, of Norfolk, Va., has endorsed legislation—Senate Joint Resolution 106—that would require the reconfirmation of Federal judges every 8 years.

I deeply appreciate the support of my proposed amendment to the U.S. Constitution by the American Legion, Women's Post No. 118, of Norfolk, Va.

I ask unanimous consent that the text of the letter, signed by Mrs. Ava Fernald, post adjutant, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE AMERICAN LEGION,
WOMEN'S POST NO. 118,
Norfolk, Va., August 2, 1971.

Hon. Senator HARRY F. BYRD, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BYRD: On behalf of Women's Post 118 of the American Legion, I would like to express the unanimous support of the Post to your proposed amendment to the Constitution of the United States (S.J. Res. 106), with respect to reconfirmation of Federal judges after a term of eight years.

Sincerely,

MRS. AVA FERNALD,
Post Adjutant.

THE FEDERAL BUDGET AND THE STATE OF THE ECONOMY

Mr. FULBRIGHT. Mr. President, much has been said lately about the Federal budget and the state of the economy. Some of what has been said should rank as classic examples of confused, misleading, and unjustified optimism.

There have been two major news items recently about the economy. First was the announcement that in June, for the third straight month, the United States had a deficit in its international balance of trade. The Commerce Department reported imports exceeded exports by $363 million in June, giving the Nation a deficit from April through June of $803 million, the worst since we began recording seasonally adjusted trade figures in 1946.

Second was the disclosure of the $23.2 billion deficit in the Federal budget for fiscal 1971—the second largest deficit since World War II—and that the deficit for fiscal 1972 is currently estimated at $25 billion.

However, if one listened only to the statements made by the administration spokesmen and did not read the statistics, you would have thought we had reached the economic millennium.

The White House Press Secretary asserted that the mammoth budget deficit was a "healthy thing." The chairman of the Republican National Committee said:

> President Nixon is making impressive progress in fulfilling his goal to make 1971 a good year for the economy, and 1972 a very good year.

He said there was—

> Strong evidence that the economy is now moving steadily toward full employment without inflation.

Using the so-called full-employment budget, the administration actually claims a budget surplus. The administration seems to have a special penchant for the use of the word "surplus." Only 18 months ago the President was telling us there would be a $1.3-billion surplus in the fiscal 1971 budget—which now shows a $23.2-billion deficit, and that is figured under the so-called "unified" budget, which counts the surplus from trust funds against the deficit.

I am also reminded of the recent appearance of Dr. Paul W. McCracken, Chairman of the Council of Economic Advisers, before the Joint Economic Committee. In his statement Dr. McCracken referred to something called a "net merchandise import surplus."

I would like to quote briefly from the transcript of that July 8 hearing:

> Senator PROXMIRE. Senator Fulbright?
>
> Senator FULBRIGHT. Thank you Mr. Chairman.
>
> Mr. McCracken, on your statement on page 16 you say April and May the United States had "net merchandise import surplus." Is this the same thing as a deficit in our balance of trade?
>
> Dr. MCCRACKEN. Yes, sir; that it is. That could have been worded the other way, the net merchandise export deficit. In other words we have a net merchandise export deficit. In other words we have a net excess

> of imports over exports of roughly 200 million dollars in each month.
>
> Senator **Fulbright**. The word surplus has a more euphonious sound. Is that the reason why?
>
> (General laughter.)
>
> Senator **Fulbright**. It reminds me of the "protective reaction" strikes. That sounds better than a bombing raid. Do the same people rephrase these statements whether they are made in the Pentagon or CEA?
>
> Dr. **McCracken**. No; the CEA will take full responsibility for this line here.

Dr. McCracken is the same man who nearly every month for 2 years has solemnly announced that prosperity is just around the corner.

Mr. President, the simple truth is that the economy is not in good shape. Taxes are high, inflation continues, unemployment remains serious. We have an enormous budget deficit. Our international trade balance is floundering and the position of the dollar has been seriously weakened.

All the semantics about surpluses and full employment do not alter the ominous picture. Indeed, there is considerable irony in the administration's reliance on the "full employment budget," which shows the balance between what expenditures and revenues would be if the unemployment rate was only 4 percent instead of the actual 6 percent. Just last month Treasury Secretary Connally referred to talk of a 4-percent unemployment rate as "a myth."

Mr. President, I do not think many people have been deceived by this double talk. Most people are only too familiar with economic realities.

Certainly the editors of the Arkansas Gazette in Little Rock have not been fooled. As a Gazette editorial on July 31 stated:

> We trust that no one is left confused except, possibly, those represented in the six per cent unemployment group who are always complaining, unfeelingly, that it is easier to see a statistic than to be one.

Leland DuVall, the Gazette's perceptive business analyst, concludes that the rationale on the "surplus" in the full-employment budget is "an economic absurdity."

He writes:

> The rationalized justification for the full employment budget is the assumption that government spending—regardless of how it compares with tax collections in a given year—is not inflationary, so long as it totals no more than would have been collected if only 4 per cent of the work force were unemployed. Consequently, increased unemployment permits the government to slip deeper into the red without contributing to inflation. In the case of fiscal 1971, unemployment at 2 per cent more than the ideal figure is assumed to have given the government a free hand to go $23.2 billion into debt and left it with a $2.5 billion pad or "surplus" in the full employment budget.

Consider how well off we would have been if unemployment had climbed to 8 percent: A $25 billion surplus.

The conclusion, of course, is an economic absurdity.

Mr. DuVall also sets the record straight on some of the other Nixon claims. He recalls President Nixon's long-forgotten pledge of a balanced budget and contrasts that with today's huge deficits. He also notes that the "unitary" budget presents a rather distorted view of the actual Federal financial ledger. Mr. DuVall writes:

> It should be understood that the government juggles several concepts of the federal budget. Until a few years ago, the standard approach for the published budget was to consider the taxes collected from the regular sources against the oulays. The separate funds—such as Social Security—were divorced from the regular budget, despite the fact that the surplus money in these trust funds was invested in government bonds. President Johnson, who encountered difficulties of his own in the matter of managing the budget, decided to combine the funds with the regularly appropriated money and collected taxes to produce a unified budget. Since the Trust funds regularly took in more than they spent, the maneuver improved the budget picture considerably. Mr. Nixon's "balanced" budget for fiscal 1971, which was submitted in February 1970, was unified after the Johnson fashion. It would have been far out of balance if it had been on the blueprint followed by President Kennedy and his predecessors.

Mr. President, I ask unanimous consent to have printed in the **Record** Mr. DuVall's column of August 1, editorials from the Arkansas Gazette of July 31 and August 1, along with a column by Hobart Rowen, published in the Washington Post of July 11, and a column by Dennis Duggan, of Newsday, published in the Arkansas Democrat of July 30.

There being no objection, the items were ordered to be printed in the **Record**, as follows:

[From the Arkansas Gazette, July 31, 1971]

Economics Lesson

In mastering the new economics it is absolutely essential to keep up with the very latest definitions, or one cannot grasp the very latest applications of Keynes or Friedman or whatever school may be represented in current government policy.

Previously we have noted that the Council of Economic Advisers now describes an unfavorable trade balance as a "net merchandise import surplus." This sounds much more euphonious than a trade deficit, as Senator J. W. Fulbright of Arkansas has observed. Similarly, the Nixon administration has just announced that a $23.2 billion deficit in the federal budget for the fiscal year recently ended was, really, a surplus if you look at it realistically under the "full employment budget" concept, which is now in fashion.

The full employment budget is not really hard to understand, and once you understand it you can follow the government to its conclusion that a $23.2 billion deficit is a $2.5 billion surplus. Such a budget is measured not in terms of what is actually received and spent but rather in what the income *would be* if the level of national unemployment were at 4 percent rather than at six percent-plus, which latter figure happens to be what the country is experiencing.

That is enough for one day's lesson in the new economics. We trust that no one is left confused except, possibly, those represented in the six per cent unemployment group who are always complaining, unfeelingly, that it is easier to see a statistic than to be one.

The administration is missing a bet, however, in its application of the full employment budget principle: think what a handsome surplus the treasury would have if the F.E.B. benchmark were placed at the *three* per cent level!

[From the Arkansas Gazette, Aug. 1, 1971]

No New Direction in Economic Policy

The New York stock market lost 10 points Thursday in a drop that may not have meant much in itself but which symbolized perfectly the general public disenchantment with the administration's thesis that we are coming up out of the recession. As it happened the government's "leading economic indicators" had just turned down. Nothing much is turning up but the cost of living, which has reverted to the old half-a-percent a month pattern of increase.

In these circumstances many of the Republican leaders in Congress and elsewhere are growing restive over the administration's continued policy of "wait-and-see" before applying new remedies—notably tax reductions—to the economy. The administration is still confident, or seems to be confident, that a recovery is beginning or that, if it is not, the economy can be blasted into action on fairly short notice. This is an increasingly dangerous game, in the political context as in others, that the President and his "economic spokesman," Treasury's John Connally, are playing. The national elections are now only about 15 months away.

The Nixon-Connally assumptions are increasingly tenuous as the time shortens. The basic economic forces are themselves unpredictable enough and ponderous in their movement, but there are other short-term factors—strikes especially—that can throw a timetable off by months. A major strike, as in steel or the automotive industry, can be critically important if a government goal has been set for a time certain or a time approximate.

If one wanted to be cold-bloodedly philosophical about the issue, he could reflect that the continuation of recession for another year or 18 months would not be too high a price to pay for getting Richard Nixon and his administration out of power. In the long run for the republic, it might be a great bargain. Nevertheless, it would be Machiavellian and cynical not to contest Nixon's economic policies when they have brought so much disadvantage to the country and so much hardship to the unemployed.

What seems to be indicated (as Chairman Wilbur Mills of Ways and Means, among others, has recommended) is a new direction in policy, with tax stimulation to get business moving faster and an "income policy"—which covers a wide range of measures for wage and price control—to counteract inflation. There is no indication that the administration plans to set out in any such new direction, even though its existing policy appears to be sinking deeper into trouble all the while.

[From the Arkansas Gazette, Aug. 1, 1971]

Nixon's Concept Balances Budget Despite Deficit

(By Leland DuVall)

President Nixon may go into the history books as a "prophet without honor" in his own party, a status he already has achieved with the Democrats. The fate would be something of a tragedy for a man who, by all rights, should be credited with implementing a major economic discovery: How to balance the federal budget without increasing taxes or cutting spending.

Other presidents, at least back to Calvin Coolidge, have been struggling with the task of balancing the budget by any means available but they all lacked imagination. Hemmed in by traditional economic concepts, they believed the collection and spending sheets could be brought together only by increasing one or decreasing the other. Collect more or spend less.

Mr. Nixon has implemented a new method for balancing the federal budget. (For the record, he cannot be credited with inventing the concept. It dates back at least to the time when he was a freshman in the House but there is a good chance he never heard of it in those days. If he had, he probably would have written it off as an example of tricky Democratic bookkeeping, probably borrowed from the Russians.)

The new budget-balancing device is quite simple: Increase unemployment.

The full-employment concept of the budget is a matter of faith rather than logic and there is really no need to fool around with mathematics. All the true believer needs to do is accept the bald and unsupported statement (estimate) that the national income would have been at a certain level if only 4 per cent of the workers had been unemployed. Since unemployment has been running around 6 per cent, the two-point difference between the "actual" and the "ideal" is supposed to cancel out the $23.2 billion deficit in the not-so-old-fashioned budget and give the country a theoretical surplus of about $2.5 billion. In other words, a difference of 2 per cent in the unemployment rate can absorb the effects of a deficit of more than $25 billion.

Despite the unimportance of figures and the true significance of faith in the Mr. Nixon's concept, here is the budget picture of the recently-ended fiscal year:

When Mr. Nixon submitted the budget—in February 1970—he predicted that revenues would be $202.1 billion, compared with $194.2 billion the previous fiscal year. Spending was estimated at about $200.8 billion, which would have produced a surplus of $1.3 billion in the collecting-spending budget. At the time, he noted that he had pledged to the people that he would submit a balanced budget in 1971 and that he was living up to the promise. A few months later, after his recession-creating policies began to work, he revised the estimate and said there would be a $1.3 billion deficit but he apparently was still talking about the more traditional mathematical approach rather than the faith approach.

When the figures filtered through the computers, the experts found that revenues actually totaled only $183.3 billion, down $13.8 billion from the original estimate and even $5.4 billion below the previous year. Spending, meanwhile, had climbed to $211.6 billion or about $10.8 billion more than the original estimate.

With spending up, revenues down and the originally-projected surplus of $1.3 billion replaced with a deficit of more than $23.2 billion, there was an obvious need for an explanation. Somebody in the administration apparently remembered that there had been talk among theoretical economists some years earlier about a "full-employment" concept of the budget and a little investigation must have revealed that it would be handy. All the other concepts showed staggering imbalances. If the public could be induced to take this one on faith—meaning that if voters were willing to accept the administration's estimated figures on how much taxes would have been collected if unemployment had been 4 per cent instead of 6 per cent off the work force—Mr. Nixon still could show a balanced budget.

(It should be understood that the government juggles several concepts of the federal budget. Until a few years ago, the standard approach for the published budget was to consider the taxes collected from the regular sources against the outlays. The separate funds—such as Social Security—were divorced from the regular budget, despite the fact that the surplus money in these trust funds were invested in government bonds. President Johnson, who encountered difficulties of his own in the matter of managing the budget, decided to combine the funds with the regularly-appropriated money and collected taxes to produce a unified budget. Since the funds regularly took in more than they spent, the maneuver improved the budget picture considerably. Mr. Nixon's "balanced" budget for fiscal 1971, which was submitted in February 1970, was unified after the Johnson fashion. It would have been far out of balance if it had been on the blueprint followed by Kennedy and his predecessors.)

The rationalized justification for the full employment budget is the assumption that government spending—regardless of how it compares with tax collections in a given year—is not inflationary, so long as it totals no more than would have been collected if only 4 per cent of the work force were unemployed. Consequently, increased unemployment permits the government to slip deeper into the red without contributing to inflation. In the case of fiscal 1971, unemployment at 2 per cent more than the ideal figure is assumed to have given the government a free hand to go $23.2 billion into debt and left it with a $2.5 billion pad or "surplus" in the full-employment budget.

Consider how well off we would have been if unemployment had climbed to 8 per cent: A $25 billion surplus.

The conclusion, of course, is an economic absurdity.

In a $1 trillion economy, the demand for goods and services generated by a slight increase in government spending places no strain on the productive capacity of industry—particularly if factories are operating at three-quarter speed, as they have been during the recession. On the other hand, a deficit of $23 billion in the federal budget must be financed by the sale of government securities.

If the bonds and bills are sold to the public and to financial institutions, the transaction mops up money that might otherwise be spent for goods, services or capital improvements.

If the bonds are sold to the Federal Reserve, the result is an increase in the money supply, since payment is by checks that go into the banking system as deposits.

The absurdity of the argument that the transactions, one way or another, exert no influence on inflation should be apparent to everyone.

[From the Arkansas Democrat]

NEMESIS: IT WAS LBJ'S WAR, NOW NIXON'S ECONOMY

(By Dennis Duggan)

"This economy is to Richard Nixon what the Vietnam War was to Lyndon Johnson." That's how economist Pierre Rinfret, a one-time adviser to Nixon, views what now seems to be the present administration's most vexing problem.

Despite the administration's attempts to put a good face on gloomy economic figures—rising inflation, high unemployment, nationwide strikes, a whopping budget deficit and a dismal balance of payments deficit—there are clear signs of sharp disagreement in the White House.

Even an old Nixon friend and confidant, Arthur F. Burns, chairman of the Federal Reserve Board, is kept waiting in the White House anteroom. Burns reportedly infuriated the President by testifying July 23 before the Joint Economic Committee that there had been no "substantial progress against inflation."

Burns and many other economists, including John Kenneth Galbraith, want the administration to impose controls on wages and prices, something that Nixon repeatedly has said he would never do.

The President may find that such sensational moves as a trip to the People's Republic of China may have little political effect on an electorate beset by unemployment, high taxes and inflation. In fact, it now appears that a new domestic cold war is in the making—one that involves the administration, agencies such as the Federal Reserve Board, presidential aspirants and high-ranking economists.

Even Wall Streeters are disappointed by the administration's efforts to help the economy. "Over the next few months," says the vice president and economist of the brokerage house of Halsey, Stuart Co., Arnold Schumacher, "Mr. Nixon may be forced to look at the 'game plan' once more. A game plan," he adds bitterly, "is not especially helpful after you have lost the game."

This disenchantment with Nixon's economic policies has been aggravated by comments of his aides—for example, White House Press Secretary Ronald Ziegler's assertion that the fiscal 1971 budget deficit of more than $23 billion is a "healthy thing," and the attacks on White House critics by the chairman of the Council of Economic Advisers, Paul McCracken.

Furthermore, Nixon's own men seem to be turning on him. Burns is a Nixon appointee, but his growing disenchantment with the President's economic policies has virtually isolated him. A war of nerves between the White House and the relatively independent Federal Reserve Board has begun amid indications that Nixon wants to double the seven-man board, an action reminiscent of Franklin D. Roosevelt's unsuccessful attempt to pack the Supreme Court in the 1930s.

In Washington Thursday, the only black on the Federal Reserve Board, Andrew F. Brimmer, flatly declined to comment on the report that Nixon wants to double the board's membership. "I won't even acknowledge this phone call," he said, adding "Just as it's wise for a court to exercise judicial restraint, it is wise for members of this board to refrain from comments on such actions."

Galbraith saw the matter differently: "Andrew Brimmer is a close friend of mine, but I totally disagree with him. He is not a judge, and he should refrain from making judgments on these affairs. This is a good board, and we should be able to hear from it more often."

[From the Washington Post, July 11, 1971]

UNEMPLOYMENT DILEMMA STIRS CONNALLY TO MARXIAN RHETORIC

(By Hobart Rowen)

Who would have thought that John B. Connally, a Democrat and member of the Texas Establishment, would fall prey to Marxian economics? Until now, only the Communists have equated war and prosperity, insistent that the decadent democracies depend on the munitions makers to keep their economies going full blast.

But Connally last week bought this Communist shibboleth, in announcing that the President would do nothing further to stimulate the economy:

"We talk in terms of a norm of unemployed being 4 per cent," Connally said at a White House briefing. "This is a myth, it has never happened, it has never been on an annual basis (at that rate) . . . save in a wartime, not in the last quarter of a century.

"I don't think the American people are willing at this point to continue the war . . . in order to try to achieve a 4 per cent rate of unemployment."

The surface facts would seem to support Connally: low unemployment periods of the past 25 years or so have been associated with World War II, the Korean War, and then the Vietnam war; moreover, the 1970 recession can be traced directly to the decline of 16.5 per cent in defense output between July, 1969, and February, 1971 (while all other production was off only 3.2 per cent).

So is it three cheers for Marx, Engels, and Lenin? Connally's easy acceptance of the inevitability of high unemployment without war is a copout. It is an absolute contradiction of President Nixon's own statement Feb. 1, 1971, in his Economic Message to Congress:

"With the cooperation of the private sector, an expansionary public economic policy will achieve a goal we have not seen in the American economy in many years: full prosperity without war, full prosperity without inflation."

That high resolve now seems to be junked. The administration has thrown in the towel, and Economic Council Chairman Paul W. McCracken, who was over-ruled in his private recommendation for further fiscal stimulus, dutifully proceeded to Capitol Hill to announce that the economy is so far beneath the administration's projection of a $1,065 billion Gross National Product that it would now be "irresponsible" to try to achieve it.

The real fact, of course, is that the Nixon administration lays bare its inability to solve the pressing dilemma of our times—how to achieve full employment and relative price stability. What it should have learned from wartime experience is that it *is* possible to utilize fully the resources of the nation. The trick is to find out how to mobilize those resources for peaceful purposes—without excessive inflation—and the Republicans are proving no better at this job than were the Democrats, who failed on the same issue.

The most revealing confession of the current inadequacy of policy may be seen in Connally's plaintive argument that unemployment would be six-tenths of 1 per cent lower if Vietnam demobilization were not a factor. That's just another way of saying that the administration never made (and still has not made) the plans necessary to put those veterans to work. What was the Nixon economic advisory team doing while the President reduced troop commitments in Vietnam?

History of the post-World War II period shows conclusively that an acceptable combination of high employment and price stability is elusive. The old notion that by boosting aggregate economic activity, unemployment could be held to 4 per cent or less, while inflation could be limited to 2 or 2.5 per cent has proved wrong.

Walter Heller once said that economic growth "is both an end in itself and an instrumentality, both the pot of gold and the rainbow." But recent academic studies, notably those published by the Brookings Institution, shows that the task has become exceedingly difficult with more untrained teen-agers and women regularly in the labor force.

There appear to be three possible approaches to this knotty unemployment-inflation dilemma, and the Nixon administration has opted for the worst. The three routes are:

Fight inflation, while the country learns to live with high unemployment. (That's the option Nixon has taken; but even with the 6 per cent unemployment rate the administration now proposes to tolerate, inflation persists.)

Fight unemployment, while the country learns to live with inflation. (Some academics suggest this, with regular compensation to those on pensions, etc.)

Take a new approach, conceding that the above alternatives are not acceptable. This would require, in an effort to reduce the inflation-unemployment "trade-off": a wage-price control, or incomes policy; real attention to equal job opportunity for blacks; and effective manpower training programs.

Federal Reserve Chairman Arthur Burns and a host of conservative business and banking people have urged the latter approach, to no avail, on the administration.

One can only hope that on reflection, the administration will conclude that the abandonment of a long-range 4 per cent unemployment goal was too hasty. For one thing, the administration appears to have forgotten what that does to the "full employment budget" concept, which it has been trying to sell to Congress and the public since mid-1970.

So-called "full employment revenues," which Mr. Nixon takes as the upper permissible limit for real expenditures, are calculated by defining full employment as 4 per cent unemployment.

If Connally is raising the acceptable unemployment level to, say, 5 per cent, full employment revenues would be reduced from $6 to $10 billion (depending on the actual composition of the unemployed group).

Thus, to claim a "full employment balance," if the 4 per cent jobless goal is scrapped, the administration would have to slash actual spending by $6 to $10 billion. Manifestly, unless they plan to close the country down, that can't be done.

That's a problem that policy-maker George Shultz ought to take up with Connally before Attorney General Mitchell starts his investigation of the Treasury Secretary.

SYMPOSIUM ON PRODUCT QUALITY

Mr. NELSON. Mr. President, the speech by Gordon A. Christenson to the National Academy of Engineering Symposium on Product Quality, Performance, and Costs puts forth some excellent ideas for unifying Government policy on consumerism, both nationally and internationally. Christenson outlines eight particular areas of reform, which have as a central theme "more effective sharing of decision."

Mr. Christenson is a former Assistant General Counsel for Science and Technology, U.S. Department of Commerce, 1962–67; and former dean for educational development, State University of New York. He became dean of the American University Law School, Washington, D.C., on July 1, 1971.

His proposals are thought-provoking to anyone interested in improving the position of the consumer.

I ask unanimous consent that Mr. Christenson's speech be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

The Function of Governments in the Consumer Product Area—A New Approach to National and International Decision Making

(By Gordon A. Christenson)

After four years away from an active role in the consumer products arena, I find it strange to return expecting new dimensions of insight but finding many of the same issues before the Congress. There are other, stronger forces at work, however. We feel them invading the old ties between people and things. We see them questioning the Keynesian revelations in praise of an expanding economy. We note how they do not distinguish between man's technological assaults on the environment and the war in Vietnam. We observe them seeking to exorcise the devil, scientism, and his twin brother, technology. We see them challenging the sanctity of knowledge organized around the disciplines tenured to departments in institutions called universities. We can find them stirring young and old alike in new perceptions of injustice which turn not only against the inequities of war, but also against other inexpiable types of aggression and deprivation. We see much of this energy also taking the form of "consumerism", to reorder our priorities in production and consumption. But what is most significant of all is the inevitable counterreaction which is now occurring in many subtle ways.

The questions of product quality, performance and cost are extraordinarily important because they can easily confuse expanding consumption of higher quality products with "quality of life." The first order of business befitting this Academy must be to put the question properly: How do we set a proper balance between quality of life and increasing the consumption needed to generate wealth to sustain that quality?

President Nixon says he is now a Keynesian, seeking to increase the propensity to consume through reallocating public money and deficit spending. But the unorganized poor, the disadvantaged, the radical extremes and the general publics are finding themselves in agreement in rejecting the inflationary, expanding economy which demands constantly increasing consumption. Each does so for different reasons. The poor are hit hardest of all by rising prices and unemployment. The general public is upset by tax increases to support increasing demands for the dollar for essential services and welfare. The disadvantaged are either unorganized or have no effective power to compete with the demands of others through strikes or job actions. The young reject the system that forces us to consume and create an intolerable environment in order to survive for the wrong values. As economists have recently pointed out, businessmen are now turning to Keynesian notions for the obvious reason that profits depend on increasing consumption.

As I see it, the role of governments in the consumer product area is to safeguard an adequate national and international process by which decisions on product standards of performance, quality and cost can be made openly, fairly and in the public interest with participation from among those who are affected and for clear purposes. The public should control its choices concerning quality of life and the consumption of products. These choices depend on a national policy where the public interest intrudes in the mythical free market between consumers who buy and the sellers of the products of industrial technology. Let me hasten to distinguish between government's safeguarding an adequate process for deciding the public interest and government's deciding what particular standards for a product should be. In some cases, mainly health and safety, government may have an obligation to prescribe standards. In others, private parties would decide. In still others, some combination may be desirable. Standards always shape the basis of exchange.[1] The process of decision regarding standards would clarify who makes particular decisions, by what criteria, for what purpose and with whom participating. To be effective it must also answer the question of who represents "consumers" and by what means.

Standards-making processes, therefore, should be used as instruments of conscious policy, concerned with the balance between production and quality of our material environment. Through greater decentralization in decisions, we must seek harmony among production, distribution and consumption. The values that such processes should reflect are; [2]

Informing the public more fully about a product so that choice is made freer and less the result of manipulation.

Enhancing the sharing of wealth through reducing private, state, national and international trade barriers or deprivations in the production and distribution of products and services.

Encouraging desirable innovations.

Evaluating the second and third level effects of technology as reflected in end products or services and reporting them or providing for their solution in the cost of the product.

Footnotes at end of article.

Our national effort to develop a national policy for consumer products has been disastrous. We have all suffered from the excesses of consumption and the undue proliferation of products and information about products. We have all become victims of products or by-products that adversely affect our health, safety or welfare. We have all been confused about how standards of quality, performance and information have been established. There are at present at least 486 American organizations which consider standardization to be an important part of their work.[3] They are uncoordinated. They do not reflect a common process for developing standards. They have produced tens of thousands of standards varying in purpose and content. Many of these are obsolete. Most of them do not reflect performance criteria. The material aspects of our lives are very much in the hands of these "little laws" and the interests they reflect, which govern the goods and services that are produced and distributed.

At present, most standards work is done by industrial-technical professionals in major private corporations trade associations, professional associations, private testing laboratories and private standards organizations. Government experts also control standards. The proliferation of all these standards is so great and the responsibility for them so diffuse that we as a nation have virtually lost control over our ability to set conscious limits of quality and performance on the products of our industrial and technological age. Nor is there much incentive for individual companies to do so when they are competing with each other.

We have made some noble efforts in controlling the standards process for product quality and performance. The last successful effort was begun when Herbert Hoover was Secretary of Commerce in 1921. He then introduced a program of product simplification for the purpose of aiding industry in eliminating waste resulting from excessive varieties of manufactured products. In 1927, the program was expanded to develop quality requirements for products and "provide standards for sound manufacturing, distributing and buying practices as well as a means of giving reliable information concerning the products."[4] The National Bureau of Standards ran the program.

The need for controlling the excesses of the 20's was supplanted in the 30's by the need during the depression to encourage production and consumption. This shift in public need brought changes. Beginning in 1933, attempts were made to transfer the function of developing product standards to the private sector under control of the American Standards Association. Some trade organizations, using the National Bureau of Standards as a preferred means for arriving at standards voluntarily, resisted. In 1945, again the question of industrial control was raised and a Policy Committee on Standards of fifty high-level executives was set up under the chairmanship of Charles E. Wilson to study the matter. It recommended a compromise transfer of Hoover's program to an industry-oriented, promotional office of the Department of Commerce. The transfer was completed in 1950. The Wilson Committee further recommended the strengthening of the American Standards Association, a voluntary, privately funded body, as the predominant national organization concerned with product standards, including safety and engineering, and consumers' interests. From a top staff of sixty at its peak, the government office shrank in size and influence to fourteen in 1960. But the American Standards Association was scarcely more influential.

In 1960, a report of a special advisory committee of the National Academy of Sciences paradoxically found that while the recommendations of the Wilson Policy Committee on Standards were still sound, the national standards position had been further weakened. Reaffirming the role of the private American Standards Association, the report urged reconsideration and implementation of the 1945 proposals. It correctly stated that the National Bureau of Standards' product standards program of the 20's was designed for a different era. The report's exposure of gross confusion in the national standards process led to its forceful conclusion that the United States in reality had no national standards program.[5] So another attempt was made in 1963 to develop policy by the appointment of a Panel on Engineering and Commodity Standards of the Commerce Technical Advisory Board. Chaired by Francis LaQue and assembled by Assistant Secretary of Commerce J. Herbert Hollomon, the panel took its assumptions from the National Academy of Science's conclusions (and those of the Wilson Committee) and urged the transfer of control over national voluntary standards to a new "Institute" in which both public and private members would participate and pay dues to finance the operation. The Institute would seek a Federal charter and be authorized to represent United States' interests in international standards organizations. It would increase consumer participation. It would also coordinate all United States national standards and publish them as United States of America standards if they satisfied procedural requirements.[6]

The old American Standards Association sought to become that "Institute." It reconstituted itself without Federal charter as the United States of America Standards Institute and provided an elaborate membership structure and procedure purporting to treat consumers and small business fairly and include government experts. Legal analysis, however, as well as political response demonstrated that the same private control was there and that the procedure for standards-making did not meet either the requirements of the LaQue report or adequate public standards of procedural fairness or objectivity.[7] Legislation was introduced to give a Federal charter to the United States of America Standards Institute. The bill became suspect since it designated the Institute as *the* representative of the United States in international standards organizations and sought a Federal blessing on both its authority and Federal agency membership and support.[8] Certain trade organization opposition again arose—even more vigorously than before. Consumer opposition also developed. The Institute responded by reforming itself into the American National Standards Institute.

In the interim, it was clear that stronger public forces were at work especially to protect consumers. Beginning with its opposition to safety standards legislation in brake fluids and seat belts, the Commerce Department not only changed policy to support tire safety legislation, but initiated the Traffic Safety Act and in rapid succession sponsored consumer legislation in flammable fabrics, fire safety and international standards. The Commerce Department also took leadership in truth in packaging legislation, revised its own product standards procedures, favored the resolution establishing the National Commission on Product Safety and introduced the beginnings of a process for product standards review. Similar pressures arose from Health, Education and Welfare, the Labor Department and other agencies. And the public found a spokesman for consumer grievances not in government but in Ralph Nader.

I can now see, a few years later, that the postwar policies represented by the 1945 Wilson Committee and those of Herbert Hoover in an earlier age are inadequate for our present age. The disaster in national standards stems from our inability to define the role of governments in dealing fairly with private enterprise and the consuming public in the uncoordinated proliferation of standards for products. The National Commission on Product Safety was established in response to the safety aspects of this problem. It conducted extensive hearings. Although the Commission did not have within its jurisdiction a total process for all standards-making activities, it provided a healthy airing of grievances.[9]

The hearings by the Commission recorded the views of most of the major figures in product safety and standards-making. The private testing laboratories and standards organizations appeared. Francis LaQue and Ralph Nader appeared. Hundreds of complainants were heard. The National Bureau of Standards testified. The Commission's report issued last June following many published volumes of hearings included a draft Consumer Product Safety Act.[10] The exposure brought to light the fact that safety standards cannot be considered in isolation. There is a continuum in all standards, both national and international, for technology transcends national boundaries and interests. We cannot solve the safety problem without a complete national and international standards process that considers cost, anti-trust questions, quality and performance, as well as economic impact. Safety affects economies and cost. Cost is not measurable simply in terms of dollars. Social cost is also relevant. Standards on adequate information and performance criteria are related to both. Voluntary agreement on a desirable standard may, if cost is an element, result in antitrust problems.

President Nixon's consumer message seems to support the conclusions of the National Commission on Product Safety. Both provide ways for reliance on private standards-setting organizations. However, the two differ in approach. The President's message obviously accepts the assumptions of the Wilson Committee's 1945 recommendation for industry control. The proposal would permit "recognized" private standards-making bodies to undertake the development of safety standards which would be relied upon for subsequent rule-making. The legislation proposed by the National Commission on Product Safety would allow any competent person or group to develop a proposed safety standard but only under prescribed procedures. I take it that all 486 organizations listed by the National Bureau of Standards as engaged in standardization could claim special status under either proposal. However, "recognition" under the President's proposal is not as obvious as it seems, for the American Standards Association and its successors have claimed that it should be the only "recognized" national standards coordinating body in the United States. As the Commission proposes, the proper tests should be on competence and due process.

No proposal to date has succeeded in taking the emerging national policy to its full development. In 1967 Acting Undersecretary of Commerce Hollomon outlined a national policy for standards. In supporting but going beyond the LaQue report, he urged each private standards-making activity to strengthen its role in protecting the public interest through fair and open procedures with objective competence and impartial review.[11] In the meantime, the necessity for increasing consumption to aid the economy took a collision course with "consumerism" which sought to reorder our priorities and broaden the process for deciding the conditions of that expanding consumption.

The action within Congress and by the President reflects this demand for the people to have a voice better than the marketplace for the quality of our material lives. The political response to the excesses of production and consumption seems to reflect quite accurately the depth of the problem. Yet the dilemma of how to increase production while

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Footnotes at end of article.

slowing the intrusions on the environment, on public health and safety and on consumer manipulation remains unsettling.

The President's Consumer Message proposed what some have called a bureaucratic solution to "consumerism" through a "Buyers' Bill of Rights." This solution seeks to pacify the major political responses to consumer protection while protecting the productive capacity of free enterprise. The President's message is based on the assumption that the government's role in consumer products largely responds to the value of production and consumption. Thus, it proposes:

Banning products that do not meet minimum safety standards
Allowing damages for consumer frauds
Encouraging better procedures to resolve disputes arising from consumer transactions
Preventing deceptive warranties
Increasing the accuracy of information about complex consumer products
Improving consumer education

The "free marketplace" would still decide the kind and quality of consumer products until banned for safety. The consumer's choice is to buy or not to buy what is available. The economy needs him to buy. The bureaucratic solution thus patronizes the consumer. Especially under the consumer fraud proposal, consumers are wards of the government and have no standing of their own except for damage from consumer fraud after the Attorney General has completed his own action. This procedure is as ancient as Roman law where women and children were given rights only through the male head of the family. Even Rome, however, had the *tribuni plebis* who defended the common people against the patricians and the state. The President's proposal encourages something else. It would allow the government to deal with companies on behalf of consumers and presumably settle claims without any consumer participation.

The primary value underlying these proposals is purely economic. So long as the consumer consumes, the government and private enterprise can afford to agree to pay the consumer for any damages resulting from the need to speed up consumption. Deprivations are paid out of increasing productivity, but there is no way for the consumer to have much influence in shaping the standards governing the quality and performance of products as they are designed. And the role of the professional engineer in all of this is to design products which serve only the interests of his employer. Even the testing function serves the economic purpose of an expanding economy by the promotional aspects of the use of compliance certificates in advertising.

Newer perceptions of the problem, however, rest on notions which reject expanding consumption as a desirable end in itself. Skeptical of both business and government, these newer perceptions reject bureaucratic and piecemeal solutions—either public or private—and demand more effective representation in a decentralized process for deciding standards of performance and quality of consumer products. The acceptable role of governments, I think, is to give legitimacy to and safeguard this process.

The pieces of a coherent national policy are now lying about. Ranging from voluntary standards decisions to government protection of public health and safety and product liability laws, these pieces cross many public and private bureaucracies. There are many competing interests and collisions of values which will be brought to light. Yet, I think it is possible to provide a process that will maximize the sharing of the fruits of productivity without denying other equally important values. It will require, however, a thoroughgoing revamping of how prescriptions governing the performance, quality and cost of consumer products are decided. Let me propose such a reform.

My proposal consists of eight interrelated recommendations. The organizing theme running throughout stresses a wider, more effective sharing of decision. This theme is expressed best through strengthening various public, private and consumer groups and clarifying their functions.

1. An independent national consumer products agency should be established to prescribe and safeguard the process by which standards for consumer products are developed. Among its main duties would be to recognize organizations engaged in standards-making activities and prescribe the privileges and consequences as well as responsibilities associated with such recognition.[12]

The past fifty years of struggle for control of the national policy for consumer products standards between the government and industry have treated consumers interests as either wards of the government or as serfs in the marketplace.

The consumer is a fictional person not unlike the reasonable and prudent man of the common law. However, it is dangerous to think that he speaks with a single ideology. There are many different consumer's voices. This being desirable, the national interest requires a way in which private professional competence can more effectively advocate this variety of consumer interests. The proposed agency would create this opportunity through overseeing due process in standards-making which stands between production and consumption. Patterns of control and patterns of authority would be brought more closely together. Neither private industry nor the government bureaucracy would be dominant. Such a process is what the LaQue Panel of the Commerce Technical Advisory Board report groped for and what other political reactions in the form of legislative proposals in the Congress have stressed.

The country distrusts the stifling effects of government control over all consumer products but at the same time it equally distrusts the claims for dominance in standards of large business organizations which can best afford to sustain the private standards-making operation. The Congress should authorize the agency to recognize and legitimatize all standards-making functions wherever conducted affecting the interstate and foreign commerce of the United States. Not unlike the Securities and Exchange Commission, it would oversee these private activities but allow them to remain private.

2. Attached to the agency but independent from it should be a public advocate responsible for ensuring, through grants and contracts, adequate support for consumer and other public-interest advocates or firms throughout the standards-making process. This proposal would convert the proposed Office of Consumer Advocate from one of speaking with a single voice for consumers to one which would ensure many different points of view in the decentralized proceedings through licensed public interest firms or professional engineers. The agency would ensure an adequate process for reconciling these diverse interests.

3. The National Academy of Engineering should strengthen the role of the professional engineer wherever he is practicing through insisting on national standards for the exchange of engineering information and overseeing an effective system of professional ethics in relation to product development and standards-making.

4. Independent professional engineers should be supported by public funding through licensed interprofessional firms, by independent testing and certifying laboratories and by aiding small businesses. The role of the professional engineer in developing a better ethic of independent professional judgment and less servitude to interests of large organizations is obvious. Presently unemployed engineers could provide the main resources to independent research and testing laboratories if properly funded. These engineers would become public engineers highly skilled in developing quality and performance criteria for products. They would help the profession develop its own ethical standards which could free the engineer from superior orders which are against the public interest. A decision of this sort would use human resources now wasted by the SST and aerospace layoffs to ensure as much concern for humans on earth as for those in space.

5. The National Bureau of Standards should continue to preserve its integrity as a resource of highest national technical and scientific competence in relation to all standards. Its role in standards, however, should be clarified. It should safeguard the scientific and technical competence and independence of testing laboratories, government laboratories and product standards agencies. It should advise the regulatory agencies regarding such competence and establish criteria for performance testing and for evaluation of professional competence.

6. The agency should have authority to license interprofessional firms consisting of qualified engineers, lawyers, economists, or others to serve in privileged relationships in representing the consumer, small business and public interests before all national and international standards bodies or in appropriate product development.

7. Based on advice from the National Bureau of Standards, the agency would authorize independent testing laboratories to certify product quality and performance according to standards developed by recognized standardswriting agencies by prescribed procedures.

8. The agency should prescribe procedures for private standards-making bodies whether they are recognized or not.[13] These procedures should prescribe the minimum balance of interests including producers, consumers, distributors and testing laboratories to participate. Appropriate sanctions should be provided for failure to comply with the procedures. Procedures should also reflect the following criteria:

A. No standard should be developed without a clear determination of its purpose and the need for it by the participants, subject to review.

B. Standards should be based upon performance criteria unless there is sound justification otherwise and a determination to that effect is made with adequate participation of interests concerned.

C. The consensus principle should be broadened in effect to encourage collective negotiations and settlement. A process of appeal from a finding of consensus should always be open.

D. All standards should be subject to review ultimately by the Commission both for process and to ensure consistency with the public interest.

E. The agency should be authorized to prescribe its own standards not in conflict with other Federal regulatory agencies whenever it determines that a product presents an unreasonable risk of harm.[14] These standards would be prescribed only after adequate notice and hearing with the opportunity for all interested parties to participate.

F. Every standard should be updated or withdrawn periodically.

These eight recommendations would serve the national interest in establishing a national policy for consumer products. These principles should be incorporated in a national consumer products act with adequate appropriations authorized. In addition, I recommend that our government take steps to call for an international convention to

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Footnotes at end of article.

establish a comparable international standards organization. This organization would be a treaty organization comparable to the International Civil Aviation Organization, the World Health Organization or the World Meteorological Organization. It would differ from the present International Standards Organization which is nongovernmental in that it would have its own technical competence and would, as the International Labor Organization does for the labor movement, represent the arm of governments in reducing barriers to exchanging goods and services while protecting the international community from unsafe products.[15] It would, therefore, complement the General Agreement on Trade and Tariff. The international organization would seek to harmonize national standards, prescribe fair procedures for international standards and recommend enforcement procedures to national governments in areas affecting the health or safety of the international community. As in the ILO, the participation would not be solely by governments.[16]

Standards of quality, performance and cost control the entry or exclusion in the marketplace of the products of our technology. These standards now exist but they are in confusion and are not understood. They are seldom made relevant to people but they always affect people. They are justified on economic or other grounds. Yet often they tacitly serve other purposes among which are market dominance, creating barriers to competing products, preferring low cost to safety, excluding foreign products and proliferating the market with too many goods and services of the wrong kinds. While the national policy I have proposed would not of itself ensure a better quality of life. I think it would allow new voices to be heard for those who will live in our future world.

FOOTNOTES

[1] Hartman, Directory of United States Standardization Activities, NBS Misc. Publ. 288 (1967) at p. 1. "Every branch of industry and commerce recognizes that standards promote fair trade by providing a common language between buyer and seller and a basis for evaluating competitive vendors."

[2] See testimony of Christenson before National Commission on Product Safety, Feb. 18, 1969, 3A Hearings 355; Hollomon, before Subcommittee on Regulatory and Enforcement Agencies, Select Committee on Small Business, House of Rep., June 1, 1967.

[3] Op. cit., supra, n. 1.

[4] Report of the National Academy of Sciences, Special Advisory Committee on The Role of the Department of Commerce in Science and Technology, Mervin J. Kelly, Chairman, March 1, 1960, at 108.

[5] Id at 116.

[6] Report of the Panel on Engineering and Commodity Standards, Commerce Technical Advisory Board, Francis L. LaQue, Chairman, Feb. 18, 1965.

[7] A comprehensive critical analysis is found in Opala, The Anatomy of Private Standards-Making Process: The Operating Procedures of the USA Standards Institute, 22 Okla. L. Rev. 45 (1969).

[8] Opala summarizes the private attitude: "In short, the marketplace desires all the advantages 'officiality' can bring, but wants none of the consequences—be they immediate or quite remote." Id. at 52.

[9] See Hearings, National Commission on Product Safety (10 vols., 1970). The speaker's testimony before the Commission stressed the need for a national policy in safety standards based on the notion that only through standards can we introduce qualitative values into the products of technology.

[10] See Hearing before Committee on Commerce, United States Senate, 91st Cong., 2nd Sess. on National Commission on Product Safety, June 24, 1970, at 56.

[11] Hollomon, Standards and the Public Interest, Keynote Address before 17th National Conference of Standards, United States of America Standards Institute, Feb. 13, 1967.

[12] A similar suggestion was urged in relation to product safety. Also, the President is presently considering a recommendation of his Advisory Council on Executive Organization to create a new Federal Trade Practices Agency dealing exclusively with matters of consumer protection. Either proposal could be broadened to serve the function of my proposed agency, which differs substantially from them both.

[13] The proposed National Product Safety Act provides incentives for due process in private standards making but does not require them. A competent private person or group operating under adequate procedures, however, can offer to develop a safety standard within 30 days of notice of a Commission proceeding, and such proceeding will be suspended for 180 days for private development (Sec. 8 of the proposed Act). The broader procedures I propose would have similar incentives (and also sanctions), but for all kinds of standards development affecting foreign or interstate commerce.

[14] This provision is meant to incorporate into the total standards process the provisions of the recommendations of the National Commission on Product Safety.

[15] See, for example, Jenks, Social Justice in the Law of Nations: The ILO Impact after Fifty Years (1970); Lador-Lederer, International Group Protection: Aims and Methods in Human Rights (1968).

[16] A recommendation of the National Commission on Product Safety urged development of institutional framework. The current process generally functions through nongovernmental international organizations. See proceedings, Symposium on Technology and World Trade (afternoon session, Nov. 16, 1966: The Impact of International Measurement Conventions, Norms, and Standards on World Trade) pp. 37–63, for a comprehensive statement of the role of international standards. See also Hearings before ad hoc Subcommittee on Science and Astronautics, US House of Rep., 89th Cong., 2d Sess. on H.R. 17424 & H.R. 17598, to support International Commercial Standards Activities (1966).

HILL-BURTON COMMENDATION

Mr. DOMINICK. Mr. President, as the Hill-Burton Hospital Construction program approaches its 25th anniversary, let us pause to give recognition to a program which has a proud past. Over the years, it has been universally regarded as a prime example of Federal and State governments working in partnership with voluntary groups to achieve a common goal. As the result of this program, health services have been delivered to communities which heretofore never had a hospital. Thousands of communities throughout the land which have experienced health facility shortages have benefited from construction assistance as well as good sound advice on how to make their hospitals more up-to-date, covering a wide range of services.

I wish to congratulate the Department of Health, Education, and Welfare and the Health Services and Mental Health Administration for their excellent administration of the program on the Federal level and the State agencies for their fine work at the grassroots level.

ADDRESS BY JOSEPH BLATCHFORD

Mr. HUMPHREY. Mr. President, on June 12, 1971, Joseph P. Blatchford, director of the newly established Action agency for coordinating volunteer activities of the Federal Government, delivered an important commencement address at Bowling Green State University, Bowling Green, Ohio.

In this speech, Mr. Blatchford voiced some highly constructive criticisms of higher education. His basic thesis was that a truly higher education must be an education that brings the individual into an informed, useful relationship with his fellow man. He expressed a deep concern about the continuing frequent evidence that colleges—despite the recent youth revolution—and their students appear to be moving in opposite directions: The colleges reaffirming the status quo and insulating themselves from the community, while their students have reached out beyond the campus to extend a helping hand.

Mr. Blatchford proposed three new directions in higher education policies and programs to reverse this separatist trend. First, where the 4-year cycle of education is maintained, let there be ample provision for getting the student out of the campus sanctuary on a part-time basis to give of himself for service. He noted the extensive program of student part-time service at Michigan State University, in health centers, ghetto schools, neighborhood legal aid offices, YMCA's, juvenile court, and elsewhere.

Second, he called for programs to train young people for postgraduate human service. Noting the parallel with ROTC programs, he asked, "Why can't we do that same thing for peace, as we do for war?" He cited the great need for trained people in the vitally important fields of correctional rehabilitation and extensive projects to clean up the environment and build parks. And he suggested a model for meeting such needs in a Peace Corps college intern project, with academic credit, where students receive language training, a firsthand assignment orientation, and field experience practice for eventual work in agriculture or secondary education in a Latin American country.

Finally, Mr. Blatchford called for a full year of student education, away from the campus, in direct community service, and he noted that Action is currently negotiating such an experimental program with some 10 universities.

I firmly believe we must make education in America truly relevant to the actual needs of America's youth and their aspirations to serve in bringing about a better world for all people. But this requires planning and programs that are concrete and forward thinking. We must, therefore, adopt Alfred North Whitehead's maxim, quoted by Joseph Blatchford in his commencement address:

> The task of the university is to weld together imagination and experience.

It is precisely to this end that I have introduced two legislative proposals that I regard as having solid utility and simultaneously offering the vision of a new horizon of opportunity. One proposal, recently adopted by the Senate, would establish a student internship program to offer college students practical political involvement with elected officials on the local, State, and Federal levels of government. Operated by the U.S. Commissioner of Education through arrangements with appropriate non-profit agencies, institutions of higher education, and State and local governments as well as offices of Members of Congress, the interns for political leadership program would offer qualified and motivated students the opportunity, with academic credit, to learn how the political system works at first hand, and at the same time to evaluate and develop their leadership potential through direct involvement in the policymaking process.

My second proposal, currently embodied in legislation to extend Economic Opportunity Act programs, and now awaiting Senate action, would greatly expand the Neighborhood Youth Corps program. I believe we must go further, establishing an NYC program for disadvantaged youth that would provide jobs of great importance to our communities—for example, projects to provide a more livable environment and decent parks and playgrounds—and that would include a strong but flexible education program for those who have dropped out of school.

Mr. President, I find myself in complete agreement with the constructive and imaginative proposals made by Joseph Blatchford in his commencement address. I ask unanimous consent that Mr. Blatchford's address be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address by Joseph H. Blatchford

You are an impressive group of candidates—nearly 2,000, the largest number for a Bowling Green Commencement. That's impressive. I'm delighted to share this day with you and with President Moore, for whom this will be the first of many, many June commencements here at Bowling Green.

President Moore, I understand you have, in the course of the year thus far, given degrees to an equal number of candidates at earlier, smaller commencements. And I am impressed by that.

As I look out over this group of degree candidates, young men and women who will leave the campus today with their baccalaureates, their masters, their doctorates, something else also impresses me. I think you all have been here too long.

You've put in the time and you've picked up the credits—passed the exams—written the papers—taken the orals—done all the things you've been asked to do, so it's not completely your fault. But I come to you today, as your commencement speaker, with an urge to be honest with you and with your university. And I have to ask the graduates, "What took you so long?"

Now at this point, everyone becomes very defensive. The faculty is grumbling that most of you have only been awake half the time you've been here anyway, so what is all this nonsense about being in college too long? And the administration is upset because, after all, they have provided exactly the kind of education that the alumni, the state, and the Federal Government have prescribed.

And the parents. How could I attack them—attack their scrimping and saving, attack their value system, attack their desires only that their children "get the best" and really "make it" in this world? How could I?

I guess the main reason I have to offer—and it is not an apology—is simply this: These are unconventional times and the conventional wisdom doesn't really work. Erick Erikson has observed that "more than any young generation before, and with less reliance on a meaningful choice of traditional world images, the youth of today is forced to ask what is *universally relevant* in human life—in this technological age—at this junction of history."

The demands upon our nation, as well as upon each of us individually, are such that we can't blindly accept yesterday's pattern as today's answer to growing up in America.

"Business as usual" is the worst business of all. I contend that our colleges and universities, despite several years of trauma and turmoil on campus after campus, have barely moved beyond the "business as usual" boundaries of action.

Do you remember Sputnik? What an outcry from the people of this country against the failure of our educational systems. That over-reaction by the public was unjustified, but what a record was laid out in the open: hearings in the Congress, television debates, letters to the editor, a Niagara of alarmed rhetoric. Our institutions of higher education admitted that change was necessary and they stoutly promised to do something about it.

Almost four years later, John F. Kennedy, sensing the untapped potential of young people, spoke directly to them from his inaugural platform: "Ask not what your country can do for you, but what you can do for your country." He established the Peace Corps—to help meet the manpower needs of the developing countries but also a significant experience for most volunteers that surpassed in depth and meaning so much of their time spent in formal education.

Three years later, the nation declared a "War on Poverty," and once again young people were asked to give of themselves. They became VISTA volunteers.

It is seven years later, and we see hundreds of thousands of young people walk together to Washington for an idea; we see their planned, deliberate investment of self in something larger than self. Washington has been trying to make a worthy, creative response. The newest, I would add, is the organization of ACTION, which I am privileged to direct. Just one week old, ACTION does bring together a number of volunteer programs of government. We hope to give that great American urge to serve a new, bright focus within government; we would build on what young people themselves have already begun—graduating class by graduating class—for these past 14 or so years.

But during that period, we have seen no comparable effort on the part of education to seize new initiatives. Despite the National Defense Education Act of 1958 . . . despite the hundreds of millions of dollars that have gone into the programs we find that nearly seven million children are passed along from grade to grade each year, even though they cannot read.

Even in the name of National Defense, there is no real reform in American education. The institutions—the "system," as it is called—remains intact.

And during this exceptional decade, when young adults of colleges age have applied by the tens of thousands for a few hundred volunteer jobs here and a few hundred there, *higher* education has maintained its intellectual lockstep.

The pressures of the College Boards are as intense as ever, the tensions among high schoolers over which college will accept them have not subsided, and the endless round of exams during the standard four-year course of study has been barely interrupted.

Although young people in recent years have shown more spirit and independence than at any other time in our history, they remain nearly as "programmed" as ever. They follow an egg-crate curriculum presented in egg-crate schools. Margaret Mead scolds us for imposing what she calls "planned adolescence" upon Americans aged 14 through 22. And well she might, for each generation is raised according to the expectations of the generation before—not for what it can offer by itself, uniquely of itself.

Let me read to you from the Department of Health, Education and Welfare's 1971 Task Force "Report on Higher Education":

"We see disturbing trends toward uniformity in our institutions, growing bureaucracy, overemphasis on academic credentials, isolation of students and faculty from the world—a growing rigidity and uniformity of structure that makes higher education reflect less and less the interests of society."

After Sputnik and the Peace Corps, after VISTA and the War on Poverty, after the peace marches and the sit-ins, after the civil rights battles and the draft resistance, I am astounded that tough minded Americans can so charge our citadels of learning.

We know that it is true. We know the pressures for uniformity, the institutional rigidity, the isolation, the bureaucracy that has become American higher education. And we also know this has happened, paradoxically, in the period of the greatest renaissance of youth-centered culture since the London of Elizabeth the First.

If I have been hard on the leadership of higher education, it is certainly not to draw attention away from government. Even though government has asserted some real leadership in many areas, it has failed miserably in developing a rational policy toward youth.

Basically, government has provided young people with only two alternatives: stay in school or join the military. If either of these are rejected, the youth—and I am speaking now particularly of males—the youth ends up in a juvenile home or a jail. If he is fortunate and somehow escapes the long arm of law enforcement, he is relegated nevertheless to the trash heap of society. He has dropped out. He has no credentials, no "contacts," no fraternity pin, no service ribbons or unit patch—he has no connection to the world of "business as usual," as defined by an older generation.

For young women the situation is even harsher. Society has figured out only one choice of them—the simplest of all: stay in school or get married. The choice becomes permanent as well; for the wife and mother who did leave school and later wishes to return is faced by the rigidity and bureaucracy of the academic system.

One way or another, society chooses to "institutionalize" its young people from adolescence well into the twenties. You have done well, done your lessons, earned your degrees—all of you. But here at Bowling Green, as at colleges and universities throughout the country, young energy, hopes, imagination, zeal, fellow-feeling, instinct, these have been held within the walls of ivy for too long.

It's all very well to stand here at the rostrum and carp and criticize my friends in higher education. And I wouldn't doubt but that much of what I have said has already been discussed a number of times among faculty and the administration at this school as at others. I know that is true because it has been my privilege during the past year or so to be invited to some shirt-sleeve sessions with college presidents and deans and with student leader and alumni to talk about the disjunction between higher education and American life. We've talked about the isolation of the campus and the danger this represents to our institutions of learning. We are not a society that believes in the isolation of any group; we are a people who like to do things together and who feel a sense of personal responsibility for breaking the bonds of another's isolation. Yet, we have built a wall around our citadels of learning. The wall must come down.

While the institutions have strengthened their insulation from the community, their students have reached out beyond the campus to extend a helping hand. It hasn't always worked; the community has responded many times with suspicion. But even in the most negative of circumstances, a gesture nevertheless was made—made *first*—by our students.

Higher education has to loosen its embrace on the student body, it has to tear down the walls that keep the students in and the greater world out. I firmly believe that a truly "higher" education should be intellectually based, but not limited to papers and exams; it must also be an education that brings the individual into an informed, useful relationship with his fellow man. He knows he is a human being, knows where he comes from, makes his peace with where he is going, and is pleased to share the journey, brief as it is, with many others along the way.

In this age of color television, satellites, Teflon, and digital clocks, it may be difficult to accept the strong idealism of young people who also seem so comfortable in our material world. But this is genuine. And the challenge to higher education is to nourish and encourage it, not stifle it. Mahatma Ghandi once said his greatest concern was "the hardness of heart of the educated." That should remain as the university's concern today.

I would propose today that higher education make a better, more appropriate response to youth than it has exhibited thus far. I would suggest, for a beginning, that faculty, administrators, alumni, and students examine three kinds of programs to tear down the walls now isolating the campus from the "higher" learning in the outer world.

First, if we have to maintain the four-year—or its equivalent—cycle of higher education, let there be ample provision for getting the student out of the campus sanctuary on a part-time basis throughout the four-year period. The student should be offered the chance to go out into the community, work among children and the aged, in business, in government, or in some private but non-profit enterprise, to give of himself for service.

Only recently have some halting first steps been taken by a few universities to place working students into useful public service: as aides in juvenile court, as census-takers for community planning agencies, in social work and child care. The opportunities are not offered to those students who may have the time: Provision for such service is given to every student. The premise is not "Who needs the money?" but rather "How can everyone serve?"

The part-time student volunteer has been afforded a place of recognition in such places as Vermont and Michigan, Massachusetts, and California. In Michigan State University, for example, some 10,000 students have given time and energy on a routine but part-time basis to help out in health centers, ghetto schools, neighborhood legal aid offices, YMCA's, juvenile court, and elsewhere. It works. But the attempts to exploit part-time energy have been few and far between in higher education. That should change.

Second, we ought to start now to expand the character of your colleges and universities so that we begin to train young people for postgraduate human service. At first, that may sound rather strange; but stop and consider for a moment the ROTC. We have trained young men in military science, assembled faculty, buildings, and uniforms, arranged for field exercises and all the rest, so that this nation would have a complement of trained officer personnel for two years after graduation and to be always at the ready for years after that.

Why can't we do that same thing for peace, as we do for war? Why can't we find the time, the space, the people, and the field opportunities to train young people for national peacetime service after graduation? I think we can.

The range of society's need is vast—a portrait in reverse of the great sweep of our scientific and industrial achievements. For example, we are sorely in need of men and women to help extend health services to all our citizens. Nearly a half million more pairs of gentle, sure hands are needed—now—in health services, and much of the work requires at most a modern high school education.

We are short about 100,000 persons in parole and probation work, prison counseling, panel reform, prisoner rehabilitation and community after-care.

Another half-million individuals, full- or part-timers, are needed right now to build parks, to monitor our air and water, to plant trees, even to get the trash off the street.

These are just a few of the many fields in which the need for help is sharply evident. Planners, legislators, professionals in all fields are beginning to generate the hard data, to actually quantify the social needs of America. They are enormous. Even if they were in error by half—the size of our need for national service is still overwhelming.

Inevitably we must look to the Universities to help—for there reside the abilities and the energies to meet these needs. But can the universities be induced to start another ROTC—a peaceful one—to train a student to fulfill such a commitment?

At the Peace Corps we have a program which may serve as a model. During this past academic year, we have had 150 interns enrolled in programs on ten university campuses. The project will have 470 interns next academic year.

Let me cite the example of the State University College at Brockport, New York. Sophomores or juniors from all over the country apply. If accepted, they are given language training and culture orientation, plus academic training. Intensive summer training and simulated field experience also earn college credits. Interns and faculty fly to their Latin American country of assignment for a brief two-week orientation in the spring.

After graduation, the Brockport Peace Corps interns will go to their host country and serve in the planned project: agriculture or secondary education. Even then, the Peace Corps volunteers can earn up to 12 semester hours of credit toward a masters degree doing work supervised by the Brockport Graduate Faculty, either through the mail or at the time of the spring visits.

The Brockport plan and the others were designed to get at the problems of Peru and the Peace Corps. It isn't the whole answer to an ROTC-type program for our domestic problems. I would hope that the leadership of higher education would step in and show us how it can be done better.

The *third* and last variation I would offer today is a return to my opening comment. I said you've been around here too long. You've spent an extra year here that you probably could have spent more profitably somewhere else.

Let's take a closer look at today's college population. They are rovers and ramblers. Ft. Lauderdale, Woodstock, San Francisco, Rome, London, Acapulco. Whether flying the Atlantic or driving the Alcan Highway, young people today have great freedom of movement. Through television and the transistor radio, they have experienced vicariously a multitude of situations that would otherwise be beyond their years and their understanding.

By the time they reach college, in their nineteenth year, they are quite worldly—much more so than even their own college-educated parents may be. Then does it make any sense to enclose them in a youth environment for four unbroken years? Hardly. We see them sitting around talking to each other and after a while even turned off by each other's similar joys, doubts and hang-ups.

I think it is possible for higher education to re-think the four-year lockstep program and make room for a year away—not in Europe absorbing culture, not work-study but giving service. Getting academic credit. Catching onto the lives of other people—while they and you are still around to do it. We have broached this idea to a number of universities. I can tell you today that we are currently negotiating with no fewer than ten such institutions who will release some of their students for a full year of service with ACTION in a program designed to enrich their lives, broaden their own personal horizons, and to help their fellow man. That, to me, is aspiration . . . reaching up . . . that is truly "higher" education in the contemporary sense.

In many ways, you the youth of America are "older" than your parents and teachers: You don't have to live through a sham to recognize it as sham. Hence, preaching about learning more to earn more, the custodial attitude toward pupils and students, the unredeemable promises written across diplomas and degrees—they lack the depth, the substance, the credibility that youth expects of us.

Alfred North Whitehead, in "The Aims of Education," reminded the universities of the challenge they face in dealing with youth and youthful imagination about what the world ought to be like. Whitehead observed that:

'The tragedy of the world is that those who are imaginative have but slight experience, and those who are experienced have feeble imaginations. Fools act on imagination without knowledge; pedants act on knowledge without imagination. The task of the university is to weld together imagination and experience."

What better, more appropriate way can we choose than to interpret "experience" in the broad context of service . . . working with our aged, helping the children of our ghettos enter the world of learning with strength and hope, attacking the problem of drug abuse by being in the streets and the neighborhoods where the problem really exists, reviving libraries and other cultural services where they have been under-manned and under-funded. These are the experiences that temper knowledge and sharpen the imagination, that translate the term "society" from a concept to a reality.

So we must find new ways to tap the service ethic of our youth. Some of these ways can come by bending time—in small increments, in special studies, or in a whole year. But our ways are not the only ways. The leadership of the universities—the academician, the administrators and, now you, the alumni—can, and must, find many others. I hope you do. I believe you will, and in so doing, will find the rest of the country deeply in your debt.

HIGH SPEED PLAN FOR NEW ENGLAND

Mr. PELL. Mr. President, one of the key elements to any plan to revise the economy of New England is an improvement in the balance of transportation services.

New England highways are backed up with traffic. New England airways are overcrowded with commercial transportation. Community groups are resisting the construction of new roads and new jet ports. There is a real need for a dramatic plan for restructuring transportation services in New England.

Under the guidance of Mr. Robert Charles, The Geo-Transport Foundation of New England has developed exactly the plan which I believe is the key to the economic resurgence of the region.

Geo-Transport's proposal, which was recently presented to the New England Governors, would provide for 1 hour and 55-minute train service over a new roadbed between Boston and New York. Geo-Transport's proposal would require $691,000 for the construction of a new roadbed between Providence and New Haven.

I believe the implementation of the Geo-Transport plan should be approved by the New England Governors and be given a priority consideration for funding by the Federal Government under the northeast corridor proposal now being considered in the Office of Management and Budget as new legislation.

Mr. President, I commend Mr. Charles, and his able assistant, Mr. William Harsch, for their outstanding effort in developing a high speed plan for the consideration of the Governors of New England. I ask unanimous consent that Mr. Charles' presentation to the New England Governors be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE GEO-TRANSPORT FOUNDATION

Last December, at your meeting in Boston, I presented some findings and recommendations of Geo-Transport Foundation concerning inter-city passenger transportation in New England.

The findings were obvious: our over-reliance on highways and airlanes has created a serious imbalance in our transportation network, and has led to a long catalogue of disasters: clogged highways, congested airports, inner-city strangulation, air pollution, noise pollution, the preemption of large quantities of land where it is most scarce and also most needed for other purposes, travel delays, and increased costs. And yet the demand for inter-city travel continues to rise—a demand which, if met solely by more airports and highways, will only compound the problem. Significant increases in airway and highway capacity, particularly in the Boston-New York corridor, will bring more noise and pollution, will take more land, will be less efficient in handling masses of people, and will be extremely costly.

The recommended solution was high-speed rail. Such service would provide relief from congestion, delay, pollution and inordinate land use, could be provided at far less cost than equivalent airway or highway capacity, could take advantage of existing facilities, would be far more effective in handling large numbers of passengers, and would be safer and more dependable. But to attract sufficient patronage to be economically self-sufficient, such service must be time-competitive with air travel, city center to city center. This means, not four hours, not three hours, but two hours between downtown Boston and downtown New York.

Since then, Geo-Transport Foundation has completed a more thorough study of improved rail passenger service in this corridor. Concurrently, a special Task Force in Massachusetts has completed a study which concentrated on the problems of Boston, particularly of Logan Airport. And on July 8 Governor Sargent, in discussing inter-city travel to and from Boston, rejected "massive reliance on jet aircraft", and indicated that "high speed rail is the likeliest answer". I agree. He also said:

"We need hard data on cost-effectiveness, on realistic construction time required, and on environmental considerations.

"The men who say two-hour rail service between Boston and New York is practical are either hopeless dreamers or hard-nosed realists. It is time to *know* which they are."

I am here today to try to give you at least a preliminary answer to that very pertinent question.

But first, a word of caution. Our conclusions concerning the two-hour schedule, its capital cost, its operationally-ready date, its patronage, and its economic viability, are not guaranteed. They are based on what we believe to be reliable estimates. At the end of this presentation I will suggest ways to make them more reliable.

Our study confirms that rail has inherent advantages in such densely populated and congested corridors as Boston to New York. Its efficiency is dramatically illustrated by the fact that a single line of railway track can bring more than twice the number of passengers into a terminal like Penn Station, New York, than can be brought into an airport like La Guardia by all the airlines which serve it, even assuming each airliner carries 150 passengers, i.e., a new wide-bodied 250-passenger jet 60% full. The train creates far less atmospheric pollution and noise. Compared to other modes of transport, it is safer, more dependable, and less expensive. Much of the rail network which could beneficially be used in the corridor, and elsewhere in New England, is already in existence. This greatly reduces or eliminates the need for urban land condemnation and its associated social problems. Finally, the technology is available. To make the run in two hours requires an average speed about the same as Japan's "Hikari" express, and considerably slower than France's planned train between Paris or Lyon.

Let me now discuss the four elements which will determine the feasibility of a 2-hour train, namely: its implementation, its capital cost, its economic viability, and its timetable.

ITS IMPLEMENTATION

The Boston-New York corridor is composed essentially of three links: Boston-Providence, Providence-New Haven, and New Haven-New York. A program is already under way by New York and the State of Connecticut to upgrade the New Haven-New York link to 110 m.p.h. capability; and an estimated $300 million for improvements between Boston and Providence can bring that link to a capability of 150 m.p.h. for much of its length. With these upgradings, the aggregate time for the two end segments on a nonstop basis is about one hour and 18 minutes. This means that the middle segment—Providence to New Haven—must be covered in not more than 42 minutes in order to meet an overall schedule of two hours.

With respect to that middle segment—Providence to New Haven—the present Shore Line route is 112 miles long—half the entire Boston-New York distance. In the Foundation's judgment, the route cannot, except at prohibitively high cost, be upgraded to meet a running time of 42 minutes, which would require an average speed of 160 m.p.h. It contains numerous curves and bridges, and passes through established communities. The economic and social costs of acquiring land, destroying existing structures, and of new construction, would be far out of proportion to the resulting benefits.

In light of the above, the Foundation has concluded that a new direct high-speed line between Providence and New Haven is required, and is economically and socially justified. It would reduce the present distance by at least 20 miles. It would require the taking, in large part, of sparsely settled land—much of it not even being farmed—and it would permit the run to be made in 37 minutes, thereby producing a total nonstop running time of one hour and 55 minutes from Boston to New York. With five intermediate stops, for example Back Bay in Boston, Route 128, Providence, New Haven, and a New York suburban station, the time would be two hours and four minutes.

ITS CAPITAL COST

The total capital cost of providing such two-hour service, excluding the New York-New Haven link, is estimated to be just under $700 million in 1971 dollars, broken down as follows:

	Millions
Route improvements between Boston and Providence	$30
New line between Providence and New Haven	466
Interest during construction	113
Financing expenses	14
Seventeen 302-passenger trains	63
	691

Although $700,000,000 is a very substantial sum, it is far less than the capital cost of the alternate solution of additional airports and highways. For example, even if acceptable close-in sites could be found, two airports, one at each end of the Boston-New York corridor, are estimated to cost at least $2 billion.

ITS ECONOMIC VIABILITY

The financial success of a two-hour train depends, obviously, on three interacting variables: demand, fare structure, and cost. To estimate the demand, actual passenger travel figures between Boston and New York, by bus, rail, air and private automobile, for 1960, 1965, and 1968, were obtained from the Northeast Corridor Transportation Project Report of April 1970, and then extrapolated at a growth rate of 3% per year. The split between modes was then predicted by comparing the proposed travel time, schedule frequency, and fares for high-speed rail service with those of other modes. It assumed that, for two-hour service, the fare between Boston and New York would be $20 in coach and $30 in parlor car. This is 1/16th below coach, and slightly below first class, air fares, and yet is time-competitive. Under these circumstances we concluded, and we think conservatively, that dependable two-hour rail service would capture about 60% of the traffic that would otherwise go by air. There is another element of conservatism in these projections: we have assumed no inroads into the $10.45-fare bus market by virtue of the $20 rail coach fare. There is no reason, however, why some trains could not make more intermediate stops, use alternate routes to service communities on the present Shore Line and Inland routes, take a little more time like 3 hours, and charge $10.45 or less, and thereby capture a large share of the 4-hour bus market.

Based on the above projections of demand; and excluding any share of the bus market, we believe that the project's revenue-generating capacity will be sufficient to support long-term debt equal to the total capital cost of $700 million, that the project can break even in its first full year of service in terms of meeting all operating costs and interest on the debt, and that the debt can be amortized in less than 25 years thereafter. However, in view of current transportation problems, particularly among the railroads, and also in view of the novelty of this project, government guarantees will be required.

ITS TIMETABLE

The objective of two-hour train service can be realized in incremental stages. A four-hour running time by 1972 can be achieved with minor improvements in rolling stock, signal systems and track. Following this, a three-hour schedule by 1976 can be achieved by improvement of the Boston-Providence and New York-New Haven segments, plus further upgrading of the trains. Finally, the new link between Providence and New Haven can come into operation by 1979, and with it the two-hour schedule.

The proposed program, involving as it does a new track between Providence and New Haven, may create the fear that the present Shore Line and Inland routes will be abandoned. That fear is not, in my opinion, justified. On the contrary, I suspect that the surest way to guarantee the abandonment of those routes is *not* to build the 2-hour system; in which case the entire rail passenger system in New England will continue its present dreary downhill course. The only remedy is a healthy, economically-viable central spine, to which otherwise non-viable spurs and alternate routes can beneficially be attached. Thus a run from Springfield and Hartford could feed into the central spine at New Haven. Similarly, from New London, Westerly and Kingston, and for that matter from Portland, Concord and other northern communities. The key to good service to and from almost anywhere in New England is not a fragmented network of obsolete facilities which is doomed to wither and die, but a high speed central spine on as direct a route as possible from Boston to New York, which would nourish the entire region.

RECOMMENDED ACTION

We believe that there is no longer much question concerning the non-quantifiable benefits of high-speed inter-city rail, such as its relatively low environmental and social impact, its more sensible use of land, its ability to handle masses of people in safety, comfort, and with dependability, and its relief of overburdened airways and highways. We also believe that we are "hard-nosed realists" when we say a two-hour train is feasible, practical and economical. But we agree with Governor Sargent that it is time to be sure, and we recommend that steps be taken promptly to verify and refine our conclusions. We need much more accurate estimates concerning capital costs, demand, revenues, and other factors. For example, the earthwork for the proposed new Providence-New Haven link is estimated to cost, including contingencies, $270,000,000, or nearly 60% of the total estimated costs of $466,000,000 for that link. There are at least two weaknesses in this $270,000,000 estimate. First, it assumes maximum gradients of 1%. But the French are planning on maximum gradients of 3% on the proposed new high-speed line between Paris and Lyon. If such high gradients do not result in more-than-offsetting operating costs over the long term, then these earthwork costs can be substantially lower. Second, we do not yet know the exact location of the new route; and the location could increase or decrease the estimated cost.

Other areas which need refining are: How great is the demand? Will a two-hour schedule capture 60% of the airline market at slightly lower fares? How much of the bus market will be captured with slower schedules, alternate and spur routes, and much lower fares, thereby relieving our highways of some of that traffic and at the same time increasing the economic viability of the train? We must also tackle, which we have not yet done, the inner-city problems which are bound to arise when masses of passengers start using urban railroad stations again. How will parking near those stations be handled? Although the environmental impact would appear to be much less serious than would be created by other modes, we must consider the ecological effect of a new rail link between Providence and New Haven.

In conclusion, we believe that in New England there is now a unique opportunity, at one stroke, to reverse the imbalance in the region's passenger transportation system at low relative cost and with great social gains.

THE VICE PRESIDENT OF THE UNITED STATES

Mr. DOLE. Mr. President, it is time for Republicans to stop being defensive about the Vice President of the United States, about his trip around the world, about his standing as a great American and about his value to our party. Mr. President, SPIRO T. AGNEW is a plus as an American, a plus as a Republican and his trip was a plus for the cause of world peace and understanding.

EASY CRITICISM

It is all too easy for an unknowing press to criticize and it is even easier for those who read the press to echo—in complete ignorance—that criticism.

I do not recall that the press was called in to observe the meetings between the Vice President and the heads of state with whom he met on his journey. I do not even recall that they were at the golf games.

Surely, a press that did not know Henry Kissinger had gone to China is not necessarily aware either of what messages the Vice President carried or what assurances he gave or what ruffled feathers he soothed. And there was no Daniel Ellsberg along to betray a confidence or leak a story.

Mr. President, I have said before that I did not know the purpose of the Vice President's trip. I was not privy to the President's instructions. I do know, however, because it is public knowledge, that the Vice President talked to the leaders of many friendly and allied nations at a crucial and historic time—at a time when the most delicate of negotiations were being carried out—and announced between our Nation and Red China.

I believe it is fortunate and not altogether happenstance that the Vice President was abroad at that time to explain, to assure and to show a calm American presence in an excited world. Where could he have served better at that critical time?

STANDARD SPECULATION

Now, it is easy to join the press speculation that the Vice President will be replaced on the Republican ticket in 1972. Of course, it is a change from 4 years ago when there was open speculation that the President would be replaced on the Democrat ticket. But, Mr. President, let me say that I do not know what is in the mind of the Vice President or the President regarding 1972. Like my friend, HUBERT HUMPHREY, I am not a prophet. Nor am I a soothsayer.

But I do know from past experience that the press and politicians love to speculate, love to play a guessing game, delight in posing a hypothetical question and then answering as if that hypothetical question were real. "What if?" in our business and in the media too often is assumed to be fact.

We all recall the speculations of the middle 1950's that led to Harold Stassen's abortive effort to dump Mr. Nixon in 1956. We remember the speculation about Lyndon Johnson before the assassination of President Kennedy. Our colleague, the former Vice President, Mr. HUMPHREY, did not go unscathed in the perennial Capital guessing game. So, there is no reason to expect that SPIRO AGNEW could escape this kind of speculation. Least of all in fact would we expect SPIRO AGNEW to escape.

He is the most controversial Vice President of our times, largely because he has spoken his mind without regard for the tender feelings or political beliefs of those who write and speak the news. As a matter of fact, he has on occasion even dared to voice criticism of the news media.

Because of this it has been easy, in some news media quarters, for the wish to be the father of the thought, and this in turn has helped to spread the rumor and talk of a dump AGNEW movement throughout the Capital.

A WASHINGTON PASTIME

Mr. President, what passes for fact in Washington, D.C., is often less than that in Topeka, or Omaha, or Dallas or Seattle or Bangor, Maine.

Which is why we hear much about "dump AGNEW" in Washington and almost nothing about "dump AGNEW" in the rest of the country.

In the last 7 months I have traveled through most of the Nation. There is a little talk about getting rid of the Vice President; there is a lot of talk about getting him to speak at party functions. Out there, where the people are, SPIRO AGNEW is admired as a straight talker, a straight shooter, and a man of principle.

And I need not point out that out there where the people are is where the votes are, too.

Mr. President, it is not necessary for the Senator from Kansas to stand up here in long defense of the Vice President. He is capable of defending himself and, if necessary, of attacking.

UNCALLED-FOR CRITICISM

But it seems that the criticism of recent days, even from the opposition press, have been unduly snide, unfairly harsh and in more than one case, unbelievingly inaccurate.

This is the right and the privilege of a free press.

But those of who know and respect the Vice President have the right and the privilege to respond. I have attempted to do so today.

A GREAT AMERICAN

Mr. President, I am proud to call the Vice President a friend. In my opinion he is a great American, and as an American and as a Republican I am proud to support him now or at any time in the future.

As for his recent trip, let me close by pointing out that the President has said that the Vice President did a "fine job" in a substantive area of foreign affairs.

I have no reason to doubt the President's assessment and have seen from the critics no evidence to contradict it.

REVOLVING CREDIT ACCOUNTS

Mr. TAFT. Mr. President, during the last 2 days I have made two statements urging Congress to support the basic research program that we instigated when, as part of the truth in lending bill, we established the National Commission on Consumer Finance. My purpose in speaking in behalf of this new research effort sponsored by Congress is not to oppose the credit bills that have been introduced in both Houses but, rather, to caution against legislation that precedes information. The simple fact, as I have demonstrated in my two prior statements, is that we do not know enough to legislate wisely at this point. Another example of the paucity of our knowledge is now at hand.

It has been widely assumed that the 18-percent annual rate charged on so-called revolving credit accounts has produced a bonanza for retailers. In consequence, bills that have been introduced seek to regulate these allegedly exorbitant credit rates by one device or another. Now, however, we have some new and authoritative testimony from retailers themselves. This is what it shows.

Buffum's a multiunit California department store chain with an annual volume of $35.8 million, recently released these figures:

In the 1970 fiscal year Buffum's collected $1.09 million in service charge income.

They paid $675,432 to finance these receivables.

Their reserves for bad debts were $532,177.

The cost of administering the credit program was $440,736.

Buffum's net loss on credit operations was $557,114 or 2.4 percent of credit sales.

Even allowing for the fact that Buffum's operates primarily in an area where aerospace cutbacks have severely depressed the economy, their loss on credit operations—and particularly the size of that loss—is startling.

Buffum's is not alone. The Nation's largest retailer, Sears-Roebuck, says in its annual report that net installment account balances averaged $3.4 billion in 1970. Then they make this comment:

> If it were necessary to finance installment accounts entirely through borrowing, costs would have exceeded finance charge revenue. For 1970 our net revenue of $26 million (excluding any cost for equity used to finance receivables) amounted to less than one per cent on average assets employed in credit accounts compared with more than 10% earned on other assets.
>
> Installment credit is a competitive necessity in modern day retailing. It is this factor, rather than profit in the credit operation, which prompts the Company to provide credit services.

The Dayton-Hudson Corp., one of the Nation's major department store retailers—in a report certified by the nationally-known accounting firm, Ernst & Ernst—states that their service charge revenue in the year ended January 30, 1971 was $2,459,294. On this revenue they show a pre-tax loss of $734,302.

The J. C. Penney Co.—second in size only to Sears—has recently produced a full report on its 1970 credit operations. Two figures from this admirable and detailed disclosure make the same point. Penney's 1970 loss on credit sales was $20.5 million.

Still another major retailer—Montgomery Ward—recently said that its credit earnings in 1970 were "only one-half of one percent" on credit sales of more than a billion dollars. Significantly, in issuing the figures, Gordon R. Worley, Ward's financial vice president, made this comment on credit charges:

> In those states where retailers have been forced to reduce service charges, both credit and cash customers have been adversely affected. If retailers are to continue to offer credit, reduced revenues must be offset by increasing merchandise prices and reducing services provided to customers. Higher prices mean that cash customers must pay a substantial share of the cost of extending credit. In addition, credit will become less available, particularly to marginal and low-income customers.

The Worley statement summarizes my concerns in the whole area of credit legislation. At this point we simply do not comprehend the anatomy of credit. Thus, there is danger that, in pursuing the laudable course of consumer protection, we may really be legislating higher prices and lower credit availability. In short, we could well throw the baby out with the bath water.

That is why I again urge Congress to sit tight until the National Commission on Consumer Finance makes its report in July 1972. With the facts in hand we will then be in a much better position to see what, if anything, needs to be done about this important and sensitive issue.

SPEEDY TRIAL

Mr. ERVIN. Mr. President, of all the rights guaranteed to our citizens by the Constitution, few have been so neglected and ignored as the right to a speedy trial. I would hope that no Member of Congress need be reminded of the crowded jails, clogged court calendars, and chronic injustice that is bred by the denial of this basic constitutional right. These problems have become so serious that our entire system of criminal justice has itself been placed on trial.

Whether or not we are able to deal effectively with these problems will determine to a significant degree whether Americans can long remain a truly free people. For a constitution is worthless if it can be maligned or ignored at will; the laws are meaningless if those who violate them go unpunished; a so-called system of justice which is powerless to insure that justice is done is not worthy of respect. It breeds contempt for law, and contempt for law is a fatal illness for a democracy.

We are perilously close to seeing those very circumstances come to pass. Persons guilty of heinous crimes remain free while others presumed innocent languish indefinitely behind bars awaiting trial. Heavier caseloads plus 19th-century management techniques have overburdened many of our courts to the point of collapse.

Obviously, Congress cannot remain idle in the face of such a crisis. Moreover, our actions must be deliberate, prudent and wise. Our goal cannot be merely to halt the spread of crime in America; it must be to stem that tide while reaffirming our commitment to constitutional principles of government and our Nation's fundamental and traditional respect for the rights and freedoms of all its citizens.

Mr. President, just as the problem of crime is tremendously complex, so we should not expect its solution to be a simple matter. In dealing with criminals and criminal acts, neither the mailed fist nor the velvet glove is a satisfactory response. We must be especially wary of so-called panaceas which are often thrust before us as happened with no-knock searches and preventive detention in last year's District of Columbia crime bill. Such schemes cannot perform miracles in controlling crime. They contribute nothing but disappointment, frustration, and injustice. More seriously, while touted as an effort to sever the Hydra's head of crime from American society, such panaceas trample upon cherished constitutional guarantees and serve only to compound and multiply our problems.

To combat crime effectively in this country our sword must be double-edged. On the one hand, American society must be protected from the violence and depravity of its criminal element. No one believes this any more strongly than I do, having served 14 years as a judge in my home State of North Carolina. And, on the other hand, we must be meticulous in our efforts to insure that no citizen of the United States shall ever wrongly be deprived of the blessings of his freedom. If we are to have true justice in this land, we must commit ourselves equally to these two principles.

Mr. President, the ultimate objective of all criminal proceedings must always be equal justice under law. To assure that result we must address ourselves to each of the many complex and specific problems confronting the Federal judiciary and seek solutions for each of them Only in this manner may we truly reform our system of Federal criminal justice and provide society with an effective, viable apparatus for administering justice.

One such problem is the lack of speedy trials in Federal criminal cases. In response to this problem I, along with 48 cosponsors of both parties who represent the entire spectrum of views on the problem of crime, have introduced S. 895, a bill which would make speedy trials a reality. This bill does not force us to make that false choice we hear so much about—"the rights of criminals or the rights of society." Instead, the speedy trials the bill requires would fulfill the sixth amendment's guarantee to accused persons, and it would also protect the interests of the larger community by providing for the prompt disposition of criminal cases and greater supervision of defendants on bail while awaiting trial.

Despite its widespread support, S. 895 is no panacea, and it has never been touted as such. Speedy trial alone will not end crime in this country. But it is a necessary, reasonable, and long overdue step in the right direction. And while the principles embodied in S. 895 are eminently sound, the bill itself may need some refinement. S. 895 is intended to be a blueprint—a working document to be subjected to the scrutiny of judges, attorneys, and other legal experts for their comments and suggestions.

To further the process of revision, the Constitutional Rights Subcommittee held an initial 3 days of hearings on S. 895 in mid-July. Several of my colleagues in the Senate who share my vital concern about this matter appeared before the subcommittee or submitted statements for the record. In addition, several other distinguished and knowledgeable persons shared their ideas with the subcommittee. One such witness was Judge Albert Lee Stephens, Jr., chief judge of the U.S. District Court for the Central District of California, who testified that in the past year his district was able to dispose of criminal cases in an average of 56 days from the date of indictment. This commendable record clearly shows that speedy trial is not an impossible dream even in the busiest of our Federal districts.

Judge Stephens' testimony, plus that of other witnesses, demonstrates that while speedy trial is not going to be easy to achieve, neither is it an unreachable objective. It is, I am convinced, a goal we can and should start working toward now. It is far better to make the sixth amendment a reality now than to succumb to the lure of unconstitutional experiments with our liberties and vague promises of "reforms" that are even more obscure.

What the testimony demonstrates vividly is that where the will to achieve speedy trial exists, it can be achieved. With the same will to move constructively on this speedy trial legislation, we can give the courts the necessary encouragement and machinery to accomplish our goal. So far, all those who have appeared have made constructive contributions. It is my earnest hope and expectation that all concerned will continue in this same fine spirit.

The subcommittee will soon hold additional hearings on S. 895 so that a revised version of the bill may be brought to the Senate floor at the earliest possible date. A schedule for the further hearings will be announced in the near future. At that time we expect the Justice Department to have formulated its views on the problem of speedy trial and to present its recommendations for improving the bill, or its alternative draft bills.

In my statement opening the hearings on S. 895 on July 13, 1971, I outlined the background of the bill, the issues it raises, and my hopes for it in this Congress. I ask unanimous consent that those remarks be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR SAM J. ERVIN, JR.

Today the Subcommittee on Constitutional Rights opens the initial phase of hearings on S. 895, a bill designed to improve the quality of criminal justice in America. More precisely, S. 895 is a bill to give effect to the Sixth Amendment right to a speedy trial for persons charged with offenses against the United States and to reduce the danger of recidivism by strengthening the supervision over persons released pending their appearance to answer charges of pending appear.

These will be the first Senate hearings on any specific legislative proposal to bring about speedy trials for all Federal criminal suspects. Our primary objective is to eliminate the long and unnecessary delay between arrests and trials which has been exacting an unduly high price both from individuals accused of crime and from a society deprived of a swift, sure and fair system of criminal justice.

Title I of S. 895 seeks to achieve that goal by requiring each Federal District Court to establish a plan for holding trials within 60 days of an indictment or information. Departures from the 60-day requirements would be allowed but only on limited grounds such as a defendant's unavailability or a judicial finding that the ends of justice cannot otherwise be met.

The speedy trial provisions of this part of the bill apply in four stages: first, to those persons accused of serious felonies and not released prior to trial; second, to those accused of serious felonies and released prior to trial; third, to those accused of other felonies and not released; and finally, to all other persons accused of nonpetty offenses.

Title I requires each district court to establish plans for the implementation of the speedy trial requirements of the legislation and the Sixth Amendment. It also provides for the report to Congress of the funds and personnel needed to implement the speedy trial requirements.

The requirement of a plan and of a detailed report on the requirements needed to achieve speedy trial is possibly the most important part of the bill. It will for the first time require the executive and judicial branches to make a comprehensive assessment of their resources and their requirements for an efficiently functioning criminal justice system. They will then present to Congress their evaluation of the resources which they find lacking. Congress then will make its own comprehensive assessment of the resources necessary to assure speedy and fair administration of the criminal law. The choice then will be clear. If we desire a modern, efficient, and well-run judicial system—one which will truly and effectively perform its function of punishing and rehabilitating lawbreakers and deterring crime—we will know what it will cost and how much of an effort is required. If the Nation truly wants law and order, and not merely a panacea, it will pay that cost.

One certain result of providing speedy trials for all criminal suspects will be a reduction in pretrial crime. To reduce the danger of pretrial offenses even further, S. 895 contains a second title which would ensure closer and more effective supervision of persons released on bail.

The provisions of Title II are expressly designed to enhance operation of the Bail Reform Act of 1966. Title II would establish demonstration "Pretrial Services Agencies" in five districts, including the District of Columbia. The agencies would be responsible for making bail recommendations, for supervising and controlling persons released on bail, for assisting in the providing of medical, employment, and other services to these persons, and for performing other functions designed to ensure the reduction of pretrial crime, nonappearance for trial, and unnecessary pretrial detention.

Title II would implement important recommendations of the many committees which have examined the operation of the Bail Reform Act and would minimize the temptations to crime and future delinquency in the pretrial period. With its recently increased responsibilities and added personnel and resources, the D.C. Bail Agency might well be expanded into one such model pretrial services agency. I believe the provisions of this title, together with the speedy trial provisions of Title I, will substantially eliminate the problem of crime on bail.

S. 895 is virtually identical to a bill, S. 3936, which Senators Hart, Bayh, Hughes and former Senator Young and I introduced on June 9, 1970. The only difference is that the new bill does not provide for specific additional penalties for crimes committed while a defendant was released awaiting trial. That provision, Title II of S. 3936, received sufficient unfavorable comment last year from some of my colleagues in the Senate and from the experts whose comments we solicited to warrant its removal for separate study by the Constitutional Rights Subcommittee. In all other respects the bill remains unchanged.

The lesson we should have learned long before now on the need for speedy justice was stated many centuries ago by Ecclesiastes, the preacher, when he said:

"Because sentence against an evil deed is not excuted speedily, the heart of the sons of men is fully set to do evil."

Clearly, we ought to try those accused of evil deeds speedily and then punish with dispatch those who are actually found to have committed the evil deeds. I am confident that we can achieve this objective if we are willing to devote but a small measure of our energy, ingenuity, and resources to the job.

S. 895 is unique in that it offers us a concrete and workable proposal for breathing life into the Sixth Amendment speedy trial guarantee. It is not just another echo of a tired, empty slogan about that long-neglected constitutional right.

Many of the 25 Senators who ultimately joined in sponsoring S. 3936 last year and many of the 49 Senators who have already joined in sponsoring its successor, S. 895, believe that these legislative proposals offer a viable and clearly constitutional alternative to the unwise and unconstitutional scheme of preventive detention pushed so vigorously by the Justice Department last session. However, a number of other cosponsors of the speedy trial bills supported both the Justice Department's preventive detention experiment for the District of Columbia and speedy trial. Thus, there is no need to consider this bill in the emotionally charged context of preventive detention. No matter what one's views on preventive detention happen to be, we all recognize that achieving speedy trial is vital.

Rather than dwell on our differences, I think it is much more important to remember that within the Senate, both ardent opponents and staunch advocates of preventive detention are numbered among the cosponsors of S. 895. Irrespective of our views on preventive detention, we have found a common ground on which we can stand in the effort to achieve more effective criminal justice. I believe this united stand is possible because all of us share the basic conviction that the road to the solution to the problem of crime on bail and, indeed, to the general crime problem, lies in the speedy trial of all those accused and the swift and sure punishment of the guilty.

There are a number of encouraging signs on the horizon which lead me to believe that the time for speedy trial hearings has arrived. These signals also have convinced me that the time is at hand when we shall overcome the obstacles of trial delay which have been exacting an unduly high price from accused and society alike.

In the short space of time since S. 895 was introduced on February 22 of this year, a total of 48 Senators have joined in this significant effort to minister to the needs of our troubled criminal justice system. This indicates to me that the Senate and the people of this Nation sincerely want to solve one of the most urgent problems of our day. The Senate and the people want legislative action to enforce the Constitution and not just an empty slogan which perverts it.

Another encouraging sign is the tremendous unsolicited response from private individuals, groups, and newspapers across the land to the introduction of S. 3936 last session and S. 895 this session. That response shows that the people of our country have long been counting the cost to society of unreasonable delay. It demonstrates that they recognize the need for a major overhaul of our judicial machinery and that they are looking to us for the imaginative leadership necessary to achieve the task. Perhaps most important of all, it shows that they share our commitment to attain the goal of speedy trial. A selection of these letters, editorials and statements will be inserted in the hearing record.

Another encouraging signal lies in the overwhelmingly favorable response the Constitutional Rights Subcommittee received to its solicitation of views from a wide variety of experienced people in the criminal justice field. Endorsement of the objectives and principles embodied in the bill has often been accompanied by constructive suggestions for its improvement. For example, we have had recommendations for extension of the 60-day limit to 90 days, for a speedy indictment provision, for elimination of unnecessary delay in criminal appeals and for imposition of sanctions against unreasonably dilatory defense counsel. The Subcommittee has welcomed such comments and suggestions and will give all of them close and careful attention during the course of these hearings. A representative group of the many letters we have received will be included in the hearing record.

Fewer than three weeks after S. 895 was introduced, the President made plain his own commitment to speedy trial at the National Conference on the Judiciary, an assemblage of prominent judges, lawyers, and educators. On that occasion he said:

"The founders of this Nation wrote these words into the Bill of Rights: 'the accused shall enjoy the right to a speedy and public trial.' The word 'speedy' was nowhere modified or watered down. We have to assume they meant exactly what they said—a speedy trial.

"It is not an impossible goal. In criminal cases in Great Britain today, most accused persons are brought to trial within 60 days after arrest. Most appeals are decided within three months after they are filed."

He also said :

"Justice delayed is not only justice denied—it is also justice circumvented, justice mocked, and the system of justice undermined."

I am delighted to know that the President is firmly dedicated to both the principle and practice of speedy trial. His dedication will enhance our efforts to achieve a viable legislative solution to the problem.

In addition to the strong backing for speedy trial already displayed by the Senate and by the President of the United States, it is heartening to know that we also have the Chief Justice of the United States Supreme Court with us in the effort. In his address to the American Bar Association on the state of the Federal judiciary in August of last year, Chief Justice Burger said:

"If ever the law is to have genuine deterrent effect on the criminal conduct giving us immediate concern, we must make some drastic changes. The most simple and obvious remedy is to give the courts the manpower and tools—including the prosecutors and defense lawyers—to try criminal cases within 60 days after indictment and let us see what happens. I predict it would sharply reduce the crime rate.

"Efficiency must never be the controlling test of criminal justice but the work of the courts can be efficient without jeopardizing basic safeguards. Indeed the delays in trials are often one of the gravest threats to individual rights. Both the accused and the public are entitled to a prompt trial."

In declaring that criminal trials within 60 days would sharply reduce the crime rate and that both the accused and the public have a fundamental right to speedy trial, the Chief Justice plainly enunciated two consummate truths which neither the legislature, nor the judiciary, nor the executive can ignore any longer.

Recently, we have seen some encouraging signs emerge from within the judiciary both at Federal and State levels. On January 6, 1971, the Judicial Council of the Second Circuit Court of Appeals promulgated a series of new speedy trial rules for the Federal courts of the Second Circuit. This action assumes great significance when we consider the fact that the Second Circuit contains the Southern District of New York which is one of the busiest Federal district courts in the land.

The new rules require that the U.S. attorney must be ready for trial of an unconvicted, detained defendant within 90 days of detention. If not, the defendant is to be released, unless exceptional circumstances appear. The rules also require the Government to be ready for trial in all cases within 6 months from the date of arrest, service of summons, detention, or filing of a complaint or a formal charge, whichever is earliest. Otherwise, the case shall be dismissed upon motion of the defendant or the district court. The rules also give a clear priority generally to criminal cases and particularly to detained defendants and detained defendants believed to present unusual risks. In announcing the rules, the Circuit Judicial Council stated:

"The deterrence of crime by prompt prosecution of charges is frustrated whenever there is a delay in the disposition of a case which is not required for some good reason. The general observance of law rests largely upon a respect for the process of law enforcement. When the process is slowed down by repeated delays in the disposition of charges for which there is no good reason, public confidence is seriously eroded."

A copy of the Second Circuit rules and the statement of the Circuit Council will appear in the appendix of the hearing record.

In another development within the Federal judiciary, the Advisory Committee on Rules, appointed by the Chief Justice of the United States, has recommended two alternative proposals on speedy trial to the Judicial Conference Standing Committee on Rules of Practice and Procedure. On March 31, 1971 Judge Albert Maris, Chairman of the Standing Committee, circulated the two proposals to members of the bench and bar for comment and requested responses not later than July 1, 1971 because "the serious delay in the disposition of criminal . . . in many districts is rightly a matter of immediate concern to the Congress and the country at large. . . ." A final report is soon to be submitted to the Judicial Conference for its consideration.

I am delighted to see this manifestation of serious, if somewhat belated, concern about finding a practical solution to the sluggish operation of our criminal justice system.

Both of the recommended proposals would seek speedier trials by amending Rule 45 of the Federal Rules on Criminal Procedure. They follow the general pattern set forth in S. 895. The first one would require each district to conduct a study and prepare a plan for speedy disposition of criminal cases. While this version of the rules sets no time limits, it would require each district plan to include "rules relating to time limits." S. 895 would require each district to establish a claim suited to its own needs but goes beyond the proposed rule by setting an actual time limit and by providing a sanction in the event of non-compliance with the time limit.

The second alternative adopts the specific time limit approach of S. 895, although the periods are different and may be modified by each district. But again the proposed rule lacks firmness because it does not have the sanctions which would be imposed by S. 895 for non-compliance with the time limits.

While both proposals are lacking in an essential ingredient—sanctions for non-compliance—they nevertheless constitute an encouraging sign on the judicial horizon. A copy of the proposed changes in Rule 45 will be included in the hearing record.

At the State level, the New York Court of Appeals, the highest court in that State, has sought to set its own house in order by boldly following the pattern set by the Judicial Council of the Second Circuit Court of Appeals. It announced new rules in May which will require release on bail of nearly all defendants whose trials have not begun within 90 days of their arrest and the outright dismissal of defendants who have not been brought to trial, through no fault of their own, within 6 months of their arrest. In recognition of the immediate administrative and financial burden the rules would impose, the effective date for the new court rules is May of 1972. The New York rules will be inserted in the appendix.

Another development at the state level was reported in *The Washington Post* of Tuesday, July 6, 1971. The *Post* article related the beginning of a 90-day experiment for King County, Washington, which sets an outside time limit of 41 days from arrest to trial.

The experiment for King County, which includes the city of Seattle, has been pushed by Superior Court Judge David W. Soukup who has indicated that the new rules are sufficiently flexible to allow exceptions for complicated cases. The rules set forth a timetable for filing charges, arraignment, and preliminary hearing with trial occurring not later than the 41st day following arrest.

The stated objective of the new rules is to eliminate the problems which emanate from long delay, such as imprisonment of defendants not yet convicted, on the one hand, and crime by those released prior to trial, on the other. The *Post* article about the King County plan will be included in the record.

Concern about speedy trial here in the District of Columbia was brought sharply into focus within the past few months by a court judge's order for release on recognizance of a defendant formerly incarcerated without trial in the District of Columbia jail for two months. The judge said that "simple justice" demanded release even though he had some misgivings about the defendant's inclination to return for trial. He made it clear that the accused should not pay for the sins of others. The judge pointed an accusing finger for dilatory tactics in the direction of Government prosecutors, the Bureau of Narcotics and Dangerous Drugs and the court-appointed defense counsel. This action should serve as fair notice to all that the District of Columbia Superior Court intends to speed up the wheels of justice. With the increased number of judges provided by the recent District of Columbia court reorganization, the public and the Congress should tolerate nothing short of trials within 60 days.

In the U.S. District Court for the District of Columbia, we are fortunate to have as Chief Judge, Edward M. Curran, a staunch believer in the need for speedy trials. As a witness at Constitutional Rights Subcommittee hearings in February of 1969 and again in a letter to me on October 7, 1970, he said:

"There is no more effective deterrent to crime than a speedy trial and swift punishment for the guilty."

In his letter, he also advised me that he fully expected the Federal district courts here to meet a 60-day limit, without additional manpower, upon completion of local court reorganization.

In addition, many of our courts already have exemplary records in this field. For them, neither legislation nor court rules need be imposed. In a recent letter from Chief Judge Albert Stephens, Jr., of the U.S. District Court for the Central District of California, which includes the city of Los Angeles, I learned that for the first 7 months of fiscal year 1970–71, the average number of days elapsing from the date of arraignment to disposition was only 34.8 days. That commendable record shows that speedy trial can be a reality even in the busiest of districts. I shall include in the hearing record the information which Judge Stephens forwarded to me.

Concern on the part of the nation's judiciary is vital, for it is to the courts that we must look for ultimate enforcement of the constitutional guarantee as well as for strict application of the rules which may be laid down by Congress and state legislatures. The kind of initiative displayed by the Second Circuit Court of Appeals and by the New York Court of Appeals, the King County Court, some of our federal district courts, and others, will serve as a useful adjunct to the legislative efforts of the Congress and of State legislatures throughout the country who tackle the problem of trial delay.

But it is clear that Congress must also act, for there is a limit to what the judiciary can do on its own. Congress has been working to provide the leadership necessary to make speedy trial a reality. This leadership is being demonstrated in the House as well as in the Senate.

During the past four months, five bills have been introduced in the House: H.R. 6054 by Mr. Matsunaga; H.R. 7107 by Mr. Mikva with 16 other cosponsors; H.R. 7108, also by Mr. Mikva with 20 other cosponsors; H.R. 7524 by Mr. Charles Wilson; and H.R. 7789 by Mr. Mikva with 4 other cosponsors. I understand that hearings are planned by the House Judiciary Committee in the not too distant future.

I believe that all of these encouraging signs which I have just mentioned show that the time for action is at hand. The public confidence must be restored. We in the Congress can do much to restore it by setting the legislative machinery in motion with the objective of enacting a bill like S. 895. In so doing we can not only provide speedy trials for all Federal criminal suspects but also establish a model worthy of emulation by States experiencing similar problems.

To many people, and I include myself among them, it is a strange paradox that the untried, unconvicted suspects, presumed innocent, often seem to have the most difficult time of all those enmeshed in our criminal justice system. Life Magazine recently told the story of a defendant who had been in jail for ten months while awaiting trial. In a conversation with his lawyer, he was told that if he entered a guilty plea, the likely sentence was one year. With credit for his good behavior, the defendant could plead guilty, and, having already served his sentence, could walk out a free man. If, on the other hand, he maintained his innocence and insisted on trial, he would spend more time in jail prior to trial and would probably get a stiffer sentence if he should be found guilty. The baffled defendant could not believe his predicament. Life quoted him as saying:

"You mean if I'm guilty, I get out, but if I'm innocent I stay in jail?"

This is the strange paradox that often arises when a defendant is not given a speedy trial and is not allowed or cannot afford bail. It is like the discussion between two characters in a scene from "The Dutchess of Padua" by Oscar Wilde:

"FIRST CITIZEN. They will try him first, and sentence him afterwards, will they not, neighbor Anthony?

"SECOND CITIZEN. Nay, for he might 'scape his punishment then; but they will condemn him first so that he gets his desserts, and give him trial afterwards so that no injustice is done."

The great Learned Hand once said:

"If we are to keep our democracy, there must be one commandment: Thou shalt not ration justice."

I fear that we have come perilously close to rationing justice in this country. Unless we bring quick and effective improvements to our criminal justice system, I am certain that we shall soon see that commandment tragically broken.

I am convinced that we absolutely must find a way to accord the vast number of inmates who have been imprisoned without conviction their constitutional right to a speedy trial. In doing so we can effectively begin the difficult and urgent lack of correctional reform confronting the country.

I fear that there is more truth than fiction in the observation that tall prison walls better serve to keep outsiders from seeing the injustice within than to prevent the individuals within from fleeing or harming society. I believe that society itself commits a disgraceful crime when it stands idly by as a mute witness while the Sixth Amendment speedy trial guarantee is rendered meaningless for thousands languishing without trial in overcrowded prisons.

When Oscar Wilde poetically depicted prison life in "The Ballad of Reading Gaol," he was recording existing conditions in Berkshire some 75 years ago. In retrospect we can see that he not only gave us a poetic and historically interesting description of an English jail but also enunciated what has become a universal truth about American prisons when he said:

> "The vilest deeds like poison weeds
> Bloom well in prison air;
> It is only what is good in man
> That wastes and withers there.
> Pale Anguish keeps the heavy gate,
> And the warden is Despair."

Those of us who are sponsoring S. 895 propose to reduce the number of persons awaiting trial in that foul atmosphere by giving them their constitutional right to a speedy trial. It is indeed a pathetic commentary on the criminal justice system in our country that more than half of the inmates in city and county jails across the Nation are imprisoned without having been convicted of a crime. That startling fact was released just a few months ago after a study done for the Law Enforcement Assistant Administration to determine the present jail population of our country.

I am convinced that there is one effective path immediately available which provides the opportunity for Congress to combat crime and at the same time to display our fundamental concern for the individual rights guaranteed to all by the Constitution. Our unique opportunity lies in a return to the course set for us by the Founding Fathers who wrote the speedy trial guarantee into the Sixth Amendment.

Forty-eight of us in this body are now backing S. 895 because we believe that speedy trials and active pretrial services agencies offer a realistic, effective and constitutional approach to the problems before us. We are no longer willing to stand idly by while the critics say it cannot be done, for we know that it must be done. The bill provides the way for each Federal district to chart its own course for speedy trials and to communicate with Congress if it requires special assistance to carry out the bill's provisions. It is a vehicle through which we can bring the long overdue improvements into our system of criminal justice.

Those of us who have cosponsored S. 895 realize that it is not totally free of problems, but we are convinced that those problems can be successfully overcome. Indeed, they must be overcome if we are to have a speedy, fair and effective system of criminal justice in this country. We all share the firm conviction that S. 895 or similar legislation can make our criminal justice system more responsive to the needs of society in general and criminal suspects in particular.

At the hearings we begin today, S. 895 will serve as a focal point for our discussion of the problem posed by the lack of speedy trials. Initially, the problem will likely receive more attention than the specific solutions proposed in S. 895. We are more concerned with finding an appropriate solution to the problem than enacting S. 895 in its present form. Our minds are open and we shall closely examine the vital issues at hand and all constructive suggestions for changes in the bill. I fully expect that these initial hearings will demonstrate the need for additional hearings in the weeks ahead.

We look forward to hearings from the expert witnesses who have agreed to assist us in this important task. I am disappointed that the Justice Department will be unable to appear at this first round of hearings. I regret that I am unable even to reveal the Department's general feeling toward the problem of speedy trial because to date my letters to solocit its views and suggestion hase gone unanswered.

On September 17, 1970, I first wrote to the Attorney General to solicit the Department's views on S. 3936 and to invite suggestions for any changes it thought advisable. I requested a response by December 1, 1970, if possible.

On October 8, 170, I received a reply from Deputy Attorney General Kleindienst which informed me that the Department was then making a careful study and evaluation of the bill and that it would make every effort to send comments to me by December 1, 1970.

Having received no reply by January 25, 1971, I wrote to Mr. Kleindienst to tell him of my intention to reintroduce S. 3936 this session and to ask again for the Department's comments. To date I have had no response from Mr. Kleindienst.

Members of the Subcommittee staff have been advised by the Justice Department that the Attorney General and his representatives who are knowledgable in this area will all be abroad during this opening round of our hearing and will thus be unable to testify. We shall look forward to having them with us at our subsequent hearings. Perhaps the Attorney General and those of his assistants who are attending the American Bar Association meeting in London will learn how the English try virtually all of their criminal cases within 60 days.

Copies of my correspondence with the Justice Department about S. 3936, S. 895 and these hearings will be included in the Appendix of the record.

Despite the overwhelming support developing for this bill, the Subcommittee will give thorough and deliberate consideration to the entire problem. As I have said on other occasions in the past, in the critical area of criminal justice and constitutional law the temptation to gain quick political triumphs must be subordinated to the requirement of responsible legislative procedure.

In my judgment, the people whom we represent all across the country are looking to us for deeds instead of mere words. We must act now to insure the Sixth Amendment right to speedy trial for accused and society alike. I believe that all of us can unite with force and common purpose behind a carefully drawn proposal to give renewed vitality to that right. I hope these hearings will be the first of several major and prompt steps toward enactment of speedy trial legislation. Together, we can change a laudable but unattained ideal into a living, practical reality.

While I hope that these hearings will focus primarily on speedy trial and not become mired in the controversy over preventive detention, I believe it is necessary to bring the history of preventive detention up to date. I realize I take some risks in this, but while I would like to avoid transforming this into a preventive detention hearing, that does not mean we must ignore the context, or at least, part of the context of the overall problem.

On many prior occasions I have made clear my belief that speedy trial represents a plainly constitutional alternative to preventive detention. I have repeatedly voiced my objections to the Justice Department's efforts to have a preventive detention law enacted, and I have been particularly critical of the legislative chicanery in which its representatives engaged in securing passage of such a law for the District of Columbia.

While I do not wish to reopen wounds from prior battles, several facts should be noted about the operation of the preventive detention law in the District of Columbia. When the Department was seeking passage of its bill, the Congress was led to believe that such a law would virtually solve the District's crime problem and that there were neither constitutional nor practical problems for Congress to worry about. The facts during the past five and one-half months tell a somewhat different story.

Preventive detention became available to prosecutors and courts in the District of Columbia when the infamous District of Columbia crime bill took effect on February 1, 1971. Out of the first nine defendants against whom the Justice Department sought to use preventive detention only one was being preventively detained as of April 2, 1971. In all other cases some intervening factor precluded preventive detention notwithstanding the Justice Department's most determined efforts to use that provision.

Initially, the preventive detention hearings were open proceedings. It was then possible to begin an indispensable and thorough study of the Department's efforts to implement preventive detention. It has become progressively more difficult to conduct any such study, however, because of the tightened cloak of secrecy being imposed on preventive detention proceedings.

From the open public proceeding which prevailed at the first, and which very likely is required under the Sixth Amendment, the procedure has shifted to a secret hearing with information available only about the alleged crime and the result of the hearings. Thereafter, a Superior Court judge drew the curtain even tighter when he forbade the Government prosecutors, defense attorneys and court personnel from revealing any aspect of the hearing including the alleged crimes, name of defendants or the results of the hearing.

It was reprehensible, indeed, ever to begin this experiment with the civil liberties of District of Columbia citizens. It is unpardonable to carry out the experimentation in secret.

Notwithstanding the apparent decision of the District of Columbia Superior Court, the secrecy issue seems far from settled. In the only case thus far to get from the U.S. magistrate level or the District of Columbia Superior Court level up to the U.S. District Court for the District of Columbia, the judge there expressed some views showing considerable disagreement with the clandestine approach being used.

In that case a defendant had been ordered into preventive detention at a secret hearing. Two weeks later when the grand jury got the case it did not even find sufficient evidence to return an indictment. The defendant's counsel then sought release for his client by bringing a petition for a writ of habeas corpus to the Federal District Court.

At the hearing on that petition, the judge spoke out against the secret preventive detention hearings and said he feared they would grow and spread like a cancer. The judge doubted that a secret preventive detention hearing would comport with the Sixth Amendment guarantee of a public trial.

His criticism also reached several other practices apparently fostered by the U.S. Attorney's office and sanctioned by the lower courts. In addition to the cloak of secrecy, he specifically objected to the citation of prior criminal records without proof or documentation in the court; the reliance on hearsay evidence by the Government in trying to show prior conduct for detention; and the failure to give a defendant explicit instructions on whether any testimony he gives at the detention hearing may later be used against him.

A newspaper article in *The Washington Post* for Sunday, June 6, 1971, stated that the U.S. Attorney's office had sought to use the law a total of "about 15 times" since its effective date. It further indicated that D.C. Superior Court judges had approved preventive detention on only six occasions and that three of those were subsequently reversed. Of the three held the *Post* reported that one had escaped. I have also been informed that one of those detained was without counsel for more than two weeks because the Clerk's office mislaid papers appointing counsel for him.

What a shame it is that the unlimited time, effort, and money spent by the Justice Department in pushing preventive detention for the District of Columbia through the Congress and the untold manpower and resources already expended by the U.S. Attorney's office and the courts could not have been devoted to providing speedy trials for all criminal suspects in the District of Columbia.

It seems rather obvious to me that preventive detention has proved to be a wholly unsatisfactory approach to the crime problem in the District of Columbia. It is fraught with both constitutional and practical difficulties.

I hope the unsatisfactory experience with the D.C. law will do something that I have otherwise been unable to achieve—namely, persuade the Justice Department that preventive detention ought to be confined forever in some special branch of the Smithsonian Institution designed to house legal curiosities. I hope we can all now begin working together to bring new vitality and meaning to the Sixth Amendment speedy trial guarantee.

I am pleased to note that we have a distinguished list of witnesses to help us begin our legislative efforts on behalf of speedy trial. Numbered among them are a former assistant U.S. Attorney, Mr. Dan Rezneck, who combines an intimate knowledge of the criminal law with a keen appreciation of the demands of the Bill of Rights; Judge Leo Oxberger of Des Moines, Iowa, and Judge Albert Lee Stephens, Jr., of Los Angeles, California, both of whom have tried speedy trial in their own courts and have found it works; a well-known defense lawyer, Mr. Edward Bennett Williams, representing the American Bar Association; and other witnesses who have been active in trying to achieve workable speedy trial in our nation's courts.

I know we will gain much knowledge and understanding from their testimony.

FULL FUNDING FOR REGIONAL MEDICAL PROGRAMS

Mr. HOLLINGS. Mr. President, on July 13, 1971, the distinguished junior Senator from California (Mr. Tunney) appeared before a subcommittee of the Senate Appropriations Committee to testify in support of full funding for the regional medical program. His testimony pointed out with particular emphasis the tremendous accomplishments of this program, particularly in the State of California, toward improving the quality of health care in America. It is a particularly useful statement because it demonstrates the kind of health partnership which this program has launched throughout the country.

Mr. President, I ask unanimous consent that Senator Tunney's testimony be printed in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

THE REGIONAL MEDICAL PROGRAMS

(Statement of Senator John V. Tunney, Democrat, California, before the Senate Appropriations Subcommittee on Health Appropriations, July 13, 1971)

Mr. Chairman, one of the major priorities emerging in this Congress has to do with the health as well as the economic status of this country. Several bills pending before both Senate and House Committees speak to this issue and have been the subject of recent hearings. Although embodying many different approaches which call for varying Federal roles, most of these proposals share a common aspiration — that every citizen should have access to medical care when he needs it. This goal makes certain assumptions. One is that there are or will be adequate medical resources and manpower available to meet our needs when clearly this is not the case.

What troubles me is that existing channels for making meaningful progress are being ignored or severely hampered. The Administration's health budget provides only a modest increase over last year's level of appropriations, and slashes to the bone several programs which show the greatest promise of tackling many elements of the "health care crisis" referred to by President Nixon.

I refer specifically to Regional Medical Programs, known as RMP, over whose legislative birth under the Heart Disease, Stroke and Cancer Amendments of 1965 many of you presided. Through RMP and its medical school affiliates, new medical techniques and practices to combat these diseases have been extended into community hospitals and physician offices to improve patient care. The universality today of coronary care units manned by specially trained nurses and physicians is directly associated with the 55 RMP regions. Similar, though perhaps less dramatic strides, have been made in areas of stroke, cancer, radiology, respiratory diseases and other specialized areas.

Last year the RMP thrust began shifting in two respects. The program was redirected (from its categorical orientation) toward several goals: improved and expanded services by existing physicians, nurses, and other allied personnel; increased utilization of new types of allied health personnel; new and specific mechanisms that provide quality control and improved standards and decreased costs of care in hospitals, early detection of disease; implementation of the most efficient use of all phases of medical care technology, and support for consolidation or reorganization of health care activities to achieve maximum efficiency.

What makes RMP uniquely qualified to take on these responsibilities is its framework. The program boasts large numbers of physicians and related health professionals, all working together within a volunteer structure. This organizational pattern actively encourages local determination of needs and the pooling of community resources. In the California Region, for example, the RMP spans nine linking, but separate geographical areas. Each is served by its own program which is affiliated with one of the state's nine medical schools.

At the same time the RMP mission was

enlarged, the Department of Health, Education and Welfare instituted a sharp retrenchment program leading to a 12 percent slash across the board in all the 55 regions. In the budget before you the Administration requests only $52 million for RMP, representing a 50 percent reduction from the $106 million appropriated by Congress for Fiscal year 1971.

The implications of such sizeable cuts are far-reaching. This current Fiscal year the California Committee on Regional Medical Programs will have available only $6 million of the $11 million for which they were approved.

Mr. Chairman, I think it is patently wrong to mandate a program with so much potential to a token role at a time its accumulated expertise is desperately needed. In my own state RMP has responded with enthusiasm to its new challenges and despite such a brief interim has made visible progress.

This has been recognized by the National RMP Advisory Committee which described the California Region as "a valuable national laboratory for the solution of urban and rural medical care problems." This body singled out for special attention:

The Region's outstanding involvement of key members of the health power structure from voluntary health agencies, universities, medical schools to consumer participation.

Its wide range of activities at the community level and active and efficient pursuit in involving other Federal programs. Current progress as a result of vigorous efforts to come to grips with health problems where inadequate services exist, such as Watts-Willowbrook, Northeast San Fernando Valley, Richmond, and East Palo Alto.

Its imagination in developing and training new types of health manpower, including volunteers, to augment available resources and fill gaps where deficiencies exist.

Its enormous capacity for identification of problems, for their isolation and in the design of strategic planning for their solutions. Exciting examples of innovative and unique approaches to improvement of health delivery services throughout the Region.

Its "first-rate" leadership and staffing.

Last March in a position paper RMP coordinators outlined major efforts to which their programs could contribute, including helping to implement the Emergency Health Personnel Act recently passed by Congress, establishing new Area Health Education Centers as recommended by both the President and the Carnegie Commission on Higher Education, meeting the health manpower crisis and improving the accessibility of health care through regionalization of emergency medical services, expansion of urban and rural primary care and extension of rehabilitation and other specialized services.

The coordinators also noted:

"In their short life the RMP's have won the endorsement, support and active collaboration of the practicing medical professional and the other members of the health care team—the very professionals on whom the nation is dependent for delivery of health care."

In summary, RMP has reached the stage nationally where I believe it is fair to say that it enjoys the strongest willing partnership between government and the health providers. I believe the recently concluded meeting of the American Medical Association endorsing RMP shows that.

It seems ironic, then, that I am here to discuss Regional Medical programs at a time when the Congress, the Nation's health providers and their patients all wish to see RMP thrive and grow, and yet RMP is threatened by the puzzling attitude toward health exhibited by the current Administration.

In California, RMP has produced strong, positive results that have unquestionably benefited many thousands of patients. I would like to illustrate one specific and dramatic case. A year ago Charles Smith, a hard-driving 47-year old land developer from Santa Rosa, California, was in the middle of a full-scale heart attack, suffering so much pain that he felt "like a snake on a hot rock." His doctors knew he could die at any moment, but one of those doctors at Warreck Hospital had recently been involved in a training course conducted by the California Regional Medical Program. He got in touch with specialists in San Francisco, 50 miles away, and made arrangements for Mr. Smith to undergo a new and daring surgical operation. His operation was a success and he recovered. But, important as his case is, it demonstrates something even more vital about the RMP ability to put the right people in the right place at the right time to help save lives.

In California just in the first operational year Regional Medical Program procedures were used to screen almost 200,000 patients for high blood pressure, hundreds of doctors and nurses were trained to carry out highly skilled life-saving duties in coronary care units, and in Orange County 460 infants and young children were examined for suspected respiratory disease. In the first year following this RMP program, infant mortality dropped 50 percent. There were many other dramatic benefits from RMP.

These results in my home state, when multiplied by the good work of the other regions throughout the Nation, convince me that we would be endorsing a national tragedy—and a needless tragedy at that—if we were to allow the Regional Medical Programs to be cut back. I believe it imperative to provide RMP with the full $150 million authorized by the legislation.

Regional Medical Programs are no longer confined to the major categorical diseases. New directions are being pursued aggressively in health manpower training activities, in experimental health delivery systems, in health services for the inner city and rural poor and for deprived minority groups, and in other ways that make flexible and effective new use of patient care capabilities.

In California these new directions include the development of a region-wide plan to provide a comprehensive attack on the problems of kidney disease. This plan was drawn up under RMP auspices after several months of work by the top kidney disease experts in the State. They produced a blueprint for getting the best use of limited resources. This blueprint will prevent duplication of expensive equipment from one hospital district to the next. Teams of highly-trained kidney experts can be strategically placed, where they can make available to all patients who need them the new medical skills—including kidney transplantation and tissue typing—to control and turn back the crippling and tragic loss we now see for kidney patients. Under Regional Medical Programs the planning has been done, and the implementation is ready to begin. The implementation will be expensive, but if RMP is cut back, will we have the chance to make the progress we can see ahead?

In other new directions in California RMP has helped forge a partnership between Model Cities planners and the great talents that reside in our university system. The University of California is actively exploring with a consortium of inner-city leaders the possibility of establishing a new school for development of allied health workers.

In northern California Indian health aides are taking four-wheel drive vehicles over mountainous back roads to help isolated Indian families.

At the University of California at one of the State's newest medical schools has sent RMP advisors out to more than three-score rural hospitals—to all the hospitals in its district—to offer services that will help make patients get well more quickly and more comfortably.

Migrant farm workers are being screened by the thousands in the San Joaquin Valley under RMP-sponsored activities that have caused local government and volunteer agencies to set up store-front clinics and self-help programs in ghetto neighborhoods.

In the great Los Angeles basin, free clinics are being guided by RMP advice; health maintenance networks are being formed with RMP consultation and stimulus; new ways to use health manpower and barriers to new types of health manpower are being examined under RMP sponsorship—in Venice, in the earthquake-ravaged Northwest San Fernando Valley, in the San Pedro Harbor District, in the Indian free clinic in Compton and in scores of other settings.

In another experiment that may become a model for solving ghetto health problems across America, Regional Medical Programs has provided seed money for the establishment of the Charles R. Drew Postgraduate Medical School, to serve Watts and neighboring Los Angeles communities. The Drew School, a truly unique venture created by Regional Medical Programs, will be housed in the new Martin Luther King Jr. Hospital, where patients will soon be admitted for the first time.

In the barrios of East Los Angeles, a $725,000 U.S. Health Services Research and Development grant to improve health care for Spanish-speaking Americans, developed under the leadership of Regional Medical Programs, is about to get under way.

In San Francisco RMP will provide early leadership in the development of a community-based board of directors to operate an outpatient department improvement grant funded by the Office of Economic Opportunity.

These, then, are a few of the activities and projects being carried out in the California Regional Medical Program by an energetic and inventive health partnership. At its peak, California was funded at an annual level of $11,000,000. In common with all other Regional Medical Programs, California funding has been cut back twice in fiscal 1971 by this Administration. This decision must stand as a strangely callous and cavalier attempt to save money by sacrificing the good health of millions of Americans in order to satisfy the budget-makers.

The cutback in funding has already hurt RMP. A momentum for effective activities had been built up in the early part of the program. That momentum is beginning to falter now, as the anticipated funding levels are repeatedly cut back by the Administration. A quarter of a billion dollars have been spent to build up the RMP organization in five years; but the Administration seems content to gamble with a strong and magnificently functioning program that has shown repeatedly that it is improving the quality and quantity of the Nation's health care services. And haphazard approaches to health care needs will be far more expensive.

If RMP is not supported at its full $150 million authorized level for fiscal 1972, no one can predict who will suffer. But suffering—needless suffering—will surely result if the Administration's proposed cutbacks for RMP are allowed to go unchallenged. RMP represents one of the best efforts our nation has ever devised to bring better health care to our people. We must give it our strongest possible support.

Mr. Chairman, the vast potential of RMP simply cannot be sacrificed, particularly when we are at the threshold of an entire new system of financing health care through national health insurance. I urge this Committee to provide full funding at the full authorization level for the coming year.

A YOUNG MAN SPEAKS ON WAR AND PEACE

Mr. WEICKER. Mr. President, youth, and their parents, say they prefer an all-volunteer military service to the draft. Many young men, however, say they would not volunteer themselves.

What motivates a young man to volunteer, even though he has been accepted at college? What induces him to continue in the service today and to make the military his professional career?

What do parents think of their son's personal decision to volunteer?

What is the reaction of this young man's hometown to his appearance before them as a professional military man, when they knew him as a typical high school student only a few years before?

What can this young men say to his friends and neighbors—especially to his peers not in military uniform—about war and peace?

These questions are asked by families in all of our 50 States. Some of the answers were supplied by a class of 1965 graduates of New Canaan, Conn., High School.

Six years ago the townspeople had seen this 18-year-old boy go off to boot camp as a Marine infantry private. They knew he fought at Hue in the Tet offensive of 1968 as a platoon lieutenant.

This year the board of selectmen and the first selectman, the Honorable Charles F. Kelley, sought a young man with military service to deliver the Memorial Day address on May 31, 1971. They invited Capt. Douglas Caldwell, 24, a regular duty officer with force troops, Pacific, to return to his hometown to participate in the traditional ceremony in which he first took part as a 3-year-old boy.

I ask unanimous consent that Captain Caldwell's speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

WHAT CAN A YOUNG MAN SAY TO HIS NEIGHBORS ABOUT WAR AND PEACE?

(By Capt. Douglas Caldwell, U.S. Marine Corps)

The Reverend Clergy, The Honorable Public Officials, Guests, Fellow Citizens: This morning, you marched in the parade or watched it, which is just as much pleasure. You gave respect to the Colors. There were loud murmurs of approval for the delegations and their floats and the band. You waved to your children. They shyly returned the wave. All of you were just being your usual selves. You are optimistic, friendly, cheerful although at times you may feel battered around by the hassles of daily life. Somehow, all of you give off the feeling on Memorial Day that this is our country—and you feel pretty good about being a part of this country.

You see me in military uniform. I am proud to be a part of what the uniform stands for. I realize that not everyone in our town feels the same way. You know that I fought in South Vietnam. There are those who ask how I could have done that. You have just heard that I am making my career in the military. They wonder why any young man would even consider staying in the military today.

Well, as I see it, all of us hope that peace does come to the world. In that case, I want to be around to enjoy the good life just like everybody else. It seems to be overlooked by most everyone that young men and women now in the military want the same good things in life as you do. On the off-chance that things do not work out well, the military will be needed. *Nobody* wants to fight but somebody has to know how.

The military occupation is provided for in the Constitution, in the original Constitution as a matter of fact, and not in a later Amendment. The Congress, said the Founding Fathers, shall have the power to raise and support Armies and to provide and maintain a Navy, of which the Marine Corps is a combat element.

I am a Marine because I choose to be one. You might say that I am exercising my Constitutional rights. When I enlisted as a private in 1965 all options were open to me, including the 2-S draft deferment, which would have carried me all the way through the very worst years of the Vietnam war. The Marine recruiter offered me absolutely no inducements, except the one that counts: if you think you have what it takes to be a Marine—come see us!

You are familiar with the draftee and the Reservist. They serve a specified time and then they return to civilian life, free to exercise what is perhaps our most precious Constitutional right—the right of freedom of speech, as guaranteed in the First Amendment. But I am a Regular, which means that I expect to spend my adult life in the military. Regulars accept certain restrictions on their personal exercise of the right of freedom of speech. For example, you will not hear me criticise nor reply to those civilians, especially my peers, who criticize the military.

For me to criticise civilians would be self-serving—and it would erode the civilian supremacy over all government, which includes the military. It is not required, but I also forego another political right. I have not enrolled in a political party, but I am registered and do vote in New Canaan in general elections. I do not enroll in a political party because the military must not be a party to partisan political divisions. So I forego that right.

Have you ever wondered why young people wearing military uniforms—enlisted or officers—do not show up on your TV screens on the TV talk shows? There is a reason. That would be political activity. However, almost nightly you see my peers sing or dance or play on the TV talk shows and then they sit down and talk about the big political issues of the day. But these young men and women are civilians—and they are not only being paid to perform, but they are free to exercise their full freedom of speech. They have a great deal to say about all issues, including the military.

So what should a 24 year old young man on active duty—what should I say to my neighbors here in New Canaan about war and peace?

My concerns are the same concerns as those of my peers who have not worn the uniform. My peers in uniform and those not in uniform will be going through the same 50 years together. We can expect to live well beyond the year 2000 A. D. to put it another way, right now I expect to have two thirds of my life to live and I want to enjoy it with all the rest of you. My peer group, you can be sure, will be making its contribution—to what the Preamble says the Constitution is all about. The Preamble describes the role which each one of us is free to select as the one in which to specialize. However, it is the sum total of what each of us chooses to do—or prefers to do—which will determine what we do to carry out that Preamble. The Preamble says:

"We, the People . . ." establish the Constitution so as to "establish Justice, insure domestic tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity." I can only ask you to consider if my peers can leave out of their plans or ignore—one of the elements of the Constitution, as they plan for our mutual future?

Each of my peers will be doing his thing. Each of us will be doing what he or she conceives to be the best way each of us knows how to serve our nation. That is what democracy is all about. Democracy at times becomes noisy and unruly. But what better system of government is there for us? It would be personal arrogance for me to suggest that my place in the scheme of things is the only answer. I wear a uniform because that is how I believe that I can best serve our nation. My job is to be ready to fight. The Marine Corps has a special role to play. The Commandant of the Marine Corps, General Leonard F. Chapman, Jr., defines the role of the Marines as having "a hard, lean, fully combat-ready and professional force, with high quality, disciplined, and expertly trained and highly motivated personnel." To repeat: Nobody wants to fight, but somebody has to know how. Our idealistic goal is that all uniforms will fade away. In the meantime, we live in that world that really is.

The lives of three of my peers—young men who have a direct connection with New Canaan—illustrate the dilemma for all of us in New Canaan, and the dilemma for the nation as well:

The first one is dead. Second Lieutenant John Geyer Corr. He was age 23. Lt. Corr is buried at the top of the rise—over there in this cemetery. Lt. Corr and I met in a rice paddy in South Vietnam. For both of us that day it was a long walk in the rain. Four days later Lt. Corr was killed.

The second one is missing. Captain Charles David Austin. Then age 25. He is missing in action over North Vietnam since April, 1967. You saw Captain Austin's photograph in the May issue of *Reader's Digest*. For Captain Austin's parents on Valley Road there has been only silence. Captain Austin may be a prisoner of war. The P.O.W. issue directly affects New Canaan.

The third one is a prisoner. He is a prisoner at the Federal penitentiary at Lewisburg, Pa. He is a draft delinquent. Guy Porter Gillette. Now age 26. In New Canaan, 20 years ago Guy Porter Gillette and I played together at my home.

Guy Gillette refused to be inducted in the draft. Two years ago he sought conscientious objector status—he said he is a humanist opposed to the Vietnam war. He refused to flee to Canada, to Sweden or to Mexico. He took his appeal all the way to the Supreme Court. The Court ruled against him only last month. He lost by a vote of 8–1. Only Justice William O. Douglas voted in favor of Guy Gillette. Justice Douglas cited a selective conscientious objection case in the late 1930's of a professor at Yale University Divinity School. The petitioner at that time was Professor Douglas McIntosh. The Supreme Court ruled against Professor McIntosh. The vote was 5 to 4.

Professor McIntosh means a great deal to me personally. You see Professor McIntosh married my mother and father at Yale University just 31 years ago tomorrow, June 1. Seven years later I was born. Who could have predicted in 1940 that the only son of Eleanor Harper of Kansas and John Caldwell of Ohio would not only serve in South Vietnam, but would become a career military officer?

All of us are here today because of wars and the dead in wars. We come here to pause and to reflect on the folly of war. Groups such as ours are gathered this morning in 47 of our 50 states.

We have come together—all of those who took part in the parade and all of those who have watched the parade—to honor our military dead. In just a few more minutes, we will scatter, each of us going his separate way. For another moment while we are here, let us ponder silently to ourselves: Will man ever find the way to peace?

Then each of us will pick up the threads of our own lives. We simply go back to the job that we do. This is a job that contributes something to the society in which we live. Each of us likes to feel we play a vital role. Our policemen will resume their patrols. They hope nothing ill happens to anyone in our town. The firemen will take the trucks back to the firehouse. The drivers and the volunteers will be ready to respond to the fire bell. But they never want the fire bell to ring. We will stop in and pick up the daily newspapers. We will soon sit down to lunch with our families and friends. We will go play tennis. We will work around our boats. We will go for a drive. We may just sit and enjoy TV. You will telephone your children and grandchildren. All in all it is a very good life we live.

You are in civilian clothes—or you wear the uniforms of our civilian public services.

I wear the military uniform.

I wear the military uniform with pride.

I share your aspirations.

Herodotus, the Greek historian, was right many centuries before the Birth of Christ. Herodotus said:

> "No man is so foolish as to desire war more than peace,
> For in peace, sons bury their fathers.
> But in war, fathers bury their sons."

Let us have peace.

THE PRESIDENT'S VISIT TO CHINA

Mr. FULBRIGHT. Mr. President, the President is to be commended on his forthcoming "journey for peace" to Peking. This is a potentially important breakthrough which could lead to belated establishment of normal relations between China and the United States.

I say "belated" because of my belief, on the basis of evidence drawn from recent hearings before the Foreign Relations Committee, that we might have established normal relations with China 20 or more years ago. It is interesting—ironic—to recall that in 1945 Mao Tse-tung and Chou En-lai suggested to a representative of President Roosevelt that they visit him in Washington for exploratory talks in their capacity as leaders of a Chinese political party. In March 1945—so we were told by the well known authority on China, Professor Allen S. Whiting—Mao outlined a grand design for peaceful Chinese-American relations based on trade and capital investment. "America," Mao is reported to have said at the time, "is not only the most suitable country to assist this economic development of China: she is also the only country fully able to participate. For all these reasons there must not and cannot be any conflict, estrangement or misunderstanding between the Chinese people and American."

After two decades of frozen hostility—and two Asian wars which otherwise might have been avoided—our Government is taking a prudent initial step toward the establishment of normal relations with China. As the President well knows, a "journey for peace" will not of itself bring peace. There must also be substantive initiatives toward resolution of the two great issues which have set China and the United States against each other. I refer of course to Taiwan and to our continuing war in Indochina. Taiwan is a Chinese problem and the single most useful thing that the United States could do would be to recognize it as a Chinese problem. I take it for granted that the President will now repudiate the recent rumors suggesting the transfer of nuclear weapons from Okinawa to Taiwan.

Vietnam, on the other hand, is an American problem, not because it ought to be but because we have made it an American problem. I can think of nothing the President could more usefully do, not only toward ending the war in Vietnam but also toward establishing normal relations toward China, than to respond in a positive and flexible manner to the recent proposals made in Paris by the North Vietnamese and the National Liberation Front.

It is not my intent to anticipate problems and developments beyond the President's planned visit to China. I point to the difficult, substantive problems only in order to discourage excessive expectations of what may be expected to follow from the President's visit.

Of all these complexities, I have no doubt, the President is well aware. He will, no doubt, wish in the coming months to seek advice and counsel from all appropriate quarters. In all modesty and with all respect, I am moved to point out that the Committee on Foreign Relations not only has the constitutional responsibility to provide the President with pertinent advice but in fact has recently conducted a highly informative inquiry into the question of China and Chinese-American relations. Should the President wish, through his representatives, to consult with the committee, as I hope and expect he will, we will welcome the opportunity not only to receive detailed information on his own thoughts and plans but will also be pleased to provide him with the insights and information at our disposal.

A ROSE BY ANY OTHER NAME MAY BE DEFENSE RESEARCH

Mr. MANSFIELD. Mr. President a UPI release from Stanford, Calif., reveals a most startling development in the research being sponsored by the Department of Defense. The law requires that research sponsored by the Department of Defense have a direct and apparent relationship to its mission. In effect, the law requires some degree of relevancy to the work being sponsored by the Department of Defense. The law is only commonsense.

What has developed according to a study reported by UPI is a simple change in title by the researchers so that the title appears to reflect a relationship with the Defense Department. The research projects are the same as those being conducted prior to the 1969 passage of the law requiring relevancy. Talk about credibility.

This is the height of deception—those who are a party to this type of deception and fraud—be they on the academic campus or part of the Government—do a disservice to their professions. But especially those who teach in our universities and are charged with the responsibility of reflecting our generation to the younger generations should contemplate the full impact of their actions.

I ask unanimous consent that the news release be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A ROSE BY ANY OTHER NAME MAY BE DEFENSE RESEARCH

STANFORD, CALIF.—Congress' attempt to limit Defense Department research to projects with a "direct and apparent" use has brought about some "startling" title changes, according to a student report on military research at Stanford University.

In many of the 100 projects analyzed in a 340-page report by a team headed by Stanton A. Glantz of Toledo, Ohio, the official description differed greatly from the original description prepared by the campus researcher.

A statistician suggested a project entitled "Mathamatical Theory of Statistical Inference." The Defense Department called it "Weaponry—Sequential Evaluation."

A psychological study dealing with emotion arousal in the general population was renamed "Personnel Technology Factors Influencing Disruptive Behavior Among Military Trainees."

Most of the projects involved fundamental research. Under the 1970 Mansfield Amendment to the military budget, the Defense Department may only finance projects with a "direct and apparent relationship to a specific military function or operation."

OFFSHORE OIL DRILLING ON LONG ISLAND

Mr. JAVITS. Mr. President, the problem of offshore oil drilling and oil spills which has plagued the Pacific Coast shows sign of moving East. There have been indications that leases for offshore oil drilling in the Atlantic Ocean might be sold by the Department of the Interior. While this has not yet been done, Long Island residents have been understandably concerned about the possibility of oil drilling off the coast of Long Island. Representative NORMAN LENT, who is from Long Island, has discussed the situation cogently in an article published in Newsday of August 4, 1971.

Representative LENT, in this article suggests an amendment to the ocean dumping legislation pending in the House which would ban oil drilling in coastal waters off Long Island if those waters are designated as "marine sanctuaries." This amendment should be carefully considered.

I ask unanimous consent that Representative LENT's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

VIEWPOINTS—ONE WAY TO KEEP THE BEACHES UNOILED

(By Representative NORMAN F. LENT)

Long Island has been spared a major oil spill disaster such as the one in 1969 that blackened Santa Barbara, Calif., beaches—because offshore oil deposits have not been tapped. Mapping is under way, however, and before the tapping begins Rep. Norman F. Lent (R-East Rockaway) would like to impose a barrier. His plan, amending an ocean dumping bill that has collected imposing congressional opposition, would turn LI shores into sanctuaries.

Several weeks ago, Newsday wisely brought to public light the fact that the day may not be too far off when Long Islanders might look off their beaches to find oil rigs sprouting skyward.

Already a number of oil companies are actively exploring off Long Island in hopes of discovering huge pretroleum reserves—and it looks as if they may be onto something.

I recently met with Department of Interior officials to determine just what the extent of these activities are and came away with some very sobering replies. Fifty-eight exploratory permits have been issued for the entire Atlantic coast with 28 of these permits off Long Island shores alone.

The Department of the Interior has announced that a notice of public hearings for the sale of offshore drilling leases will go out next August and the lease sale could come as early as 1973.

Amazingly enough, all of this has materialized with little public knowledge of what is involved and what oil development might eventually mean to Long Island. For the last several weeks, I have been attempting to apply the brakes on what seems to be a breakneck pace in this race for oil off our shores.

Offshore drilling of oil is a relatively new concept and seaside petroleum production now accounts for one-sixth of America's total output. The inherent environmental dangers of this type of drilling were thrust before the public eye in 1969 when the massive Santa Barbara Channel blowout occurred, coating miles of shoreline with sludge and destroying flocks of birds and other wildlife.

$30,000,000 PRICE TAG

Life magazine portrayed the Santa Barbara blowout vividly, picturing local citizens teamed with conservation groups in an attempt to rescue the wildlife and clean the black slick from the shores. Cleanup costs for the Santa Barbara blow-out totaled approximately $30,000,000, not including the massive volunteer effort in both man-hours and money.

Another tragedy which drove home the calamity of massive oil spills was the Torrey Canyon incident of several years ago, when an imposing oil tanker broke up off the shores of England, resulting in a similar ecological imbroglio to the British.

The numerous instances of oil spills all over the world and the resulting sabotage of the shoreline have made it clear that we on Long Island must insure that a very scrutinizing look is taken at plans for oil drilling off our valuable beaches and wetlands.

A candid view of what has occurred off the Louisiana coast in the Gulf of Mexico might offer a fine comparison to what's in store for Long Island if oil reserves in the Atlantic live up to the oil firms' most hopeful expectations. The whole state of Connecticut could be placed in offshore areas already under lease for oil drilling off the Lousiana shore alone. Just since June of this year, four separate well blowouts have gushed thousands of barrels of crude oil into Gulf waters.

The oil lobby is one of the most powerful in our nation's capital. The American Petroleum Institute, the Washington-based father-protector of oil companies, lists among its staff divisions separate Public Relations, Public Affairs and Government Relations departments.

CONCERTED LOBBYING

Just several weeks ago, the Petroleum Institute spent a considerable sum for an ad in the Washington Post, the daily breakfast diet for most members of Congress, describing the critical energy crisis that will occur if more and more areas are not opened up to drilling. Free for the asking is a Petroleum Institute publication frighteningly entitled the "Energy Gap." Any schooled television viewer has already detected the change in tactics from the old "You Can Trust Your Car . . ." ads to the "We're Doing Something About the Environment" scheme.

All of these activities are geared to hypnotize the restive public into believing that expanded offshore oil drilling is imperative and/or of minimal ecological danger. The facts have established otherwise.

I nevertheless have an opportunity to press for a slower pace in the drilling race and some guaranteed safeguards. The Congress will soon begin debate on an important ocean-dumping bill which seeks to ban the pouring of harmful pollutants into our nation's coastal waters and oceans. An important provision of the legislation sets up the machinery for establishing recognized "marine sanctuaries" to be designated on the basis of their conservation, recreational, ecological and esthetic values. I believe the coastal waters off Long Island are logical for early consideration on the basis of their extensive beach and wetlands areas.

I will try to amend this ocean-dumping bill to ban oil drilling in those areas designated, or under study for possible designation as marine sanctuaries. The Lent Amendment would finally pull the reins on impending oil drilling off Long Island and at the same time ensure that we put this country's long-term environmental concerns rightfully in the forefront. I hope I'll be able to count on the support of all Long Islanders in this effort.

EXECUTIVE PRIVILEGE—SENATOR TUNNEY'S TESTIMONY BEFORE THE SUBCOMMITTEE ON SEPARATION OF POWERS

Mr. ERVIN. Mr. President, during the past 2 weeks the Subcommittee on Separation of Powers, of which I am the chairman, has been conducting a series of hearings on the use and abuse of the so-called doctrine of "executive privilege." Last Wednesday the distinguished junior Senator from California (Mr. TUNNEY) testified before the subcommittee and presented what I consider to be a masterly analysis of the problems which this doctrine presents to the ability of Congress to legislate responsibly. His presentation was thorough and incisive and presented a series of most useful case studies on the abuse of executive privilege in many of its various forms.

Mr. President, I ask unanimous consent that Senator TUNNEY's testimony be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR JOHN V. TUNNEY

Mr. Chairman and members of the Subcommittee. I appreciate the opportunity you have offered me to appear before you to testify on the issue of executive privilege. In my short time in the Senate and as a member of the Constitutional Rights Subcommittee, the problem of Congressional inability to obtain information from the Executive Branch has been brought home to me in a most vivid manner. I asked to appear before you today in order to present a case study of what I have seen over the past six months.

In relating my testimony, I am in a most unusual position. The distinguished chairman of this Subcommittee is, of course, also chairman of the Constitutional Rights Subcommittee. He knows better than any one else, and certainly better than that Subcommittee's most junior member, the events, the frustrations, and the excuses that the Subcommittee has faced in its long 18-month effort to uncover the full facts about Army spying and government data banks generally.

But I think that for the benefit of the other members of the Subcommittee, and for the American people, who will read this record, it is important to discuss at length the operation of executive privilege as it has applied to the Constitutional Rights Subcommittee investigation.

It is also important to present this information because the General Counsel of the Department of Defense, Mr. J. Fred Buzhardt, is a witness today, and obviously his testimony will be set against his actions as one of the protagonists in the case of Constitutional Rights Subcommittee v. Army Spying.

The Subcommittee's efforts to obtain information cover, as I have said, a period of 18 months. I will not relate the entire history of the Subcommittee's dealing with the Department of Defense and the Department of Justice, but will only select three examples which illustrate the problem the Subcommittee has faced. They are (1) the Missing Generals, (2) the Computer Printouts, and (3) the Elusive Memoranda.

The Missing Generals example began early this year as the Subcommittee undertook preparations for the hearings that began in late February. By letter of February 18, 1971, the Chairman asked that certain persons be present when the Department testified. Interestingly, the intent at this time—and it was made clear to the Department orally and in writing—was not to call these people to testify. It was to ensure that should questions arise which the Department witnesses were not able to answer out of their own knowledge, they could obtain the information from these people. In effect, the Subcommittee only wanted to make certain that the Department had proper back-up resources at the hearings.

This was particularly necessary because the Department witnesses, Mr. Robert F. Froehlke and Mr. Buzhardt had only recently been given responsibility in the Department for the program and the Congressional investigation. Only since mid-December—eight weeks earlier—had they been in charge. The Subcommittee wanted to avoid a common problem—or standard ploy, to be ungracious—of a Department sending an ignorant witness to avoid embarrassing truths. The witnesses the Chairman requested were:

Colonel John W. Downie, Director of Counterintelligence, OACSI.

Major General Joseph A. McChristian, ASCI.

William L. Parkinson, Deputy Chief, CIAD.

Stanley R. Resor, Secretary of Army.

Robert E. Jordan III, General Counsel, Department of Army.

General William H. Blakefield, former CG, USAINTC.

Bland West, Deputy General Counsel, Department of Army.

Major General William P. Yarborough, former ACST.

Lt. Col. William Mann, Jr., Chief, Civil Disturbance Branch, OACSI.

They all had direct personal knowledge of the events between 1967 and 1971. They did not appear.

Following the hearings it became clear that these persons not only were necessary as back-up witnesses, but that it was essential that they testify themselves. The issues raised and the questions opened at the hearings could only be satisfied if they could give personal testimony. The Subcommittee selected the three most important witnesses—the General in command of Army Intelligence between 1967 and 1971 and the Generals who were Assistant Chiefs of Staff for Intelligence. The others on the list were also important, and I think necessary, but the Chairman decided that only the three generals were essential. In any event, the Subcommittee's requests were refused.

This illustrates one Executive tactic—the resisting or ignoring of Senatorial requests for information until they are reduced to the bare essentials, which are then in turn refused.

A number of different reasons have been given for this refusal, and in fact, those reasons have varied from time to time.

The first formal rejection came from the General Counsel, Department of Defense on March 9. I quote from his letter:

As Mr. Froehlke advised the Subcommittee during his testimony, formal investigations are in progress in connection with the activities of two organizational units of the Army. It is quite possible that any one or perhaps all three of the general officers, whom you requested to appear before your Subcommittee on March 17, could be material witnesses in formal proceedings which might grow out of the current investigations. I am sure you will agree, that in order to protect the due process rights of any persons who might be the subject of criminal or administrative charges as a result of the current investigations, it would be inappropriate for Generals McChristian, Blakefield and Yarborough to testify before your Subcommittee on this subject at this time.

An additional reason given was that the Generals were presently stationed overseas.

The Chairman then sought to find out what courts-martial might be contemplated. The answer which came back on March 26 merely described the investigation in general terms. The relationship of the Generals to it was left obscure, and even more hypothetical than what was suggested in the earlier Department of Defense letter. I quote from the March 26 letter:

The formal investigations to which I referred in my letter to you of March 9 were initiated with respect to allegations that military personnel from Fort Carson units and from undetermined units in Texas had engaged in information collection activities on individuals not affiliated with the Department of Defense. The allegations were directed at personnel of other than the United States Army Intelligence Command. The initial purposes of the investigation are to determine which, if any, of the allegations are factually based, who participated and who directed the activities, if any, to be performed. Once these questions are answered, it will be necessary to determine, if such occurred, under what authority they were conducted, and whether any of the activities exceeded the authority vested in the commander who initiated them. These activities are being subjected to formal investigation because there is no present evidence that civilian authorities specifically authorized such activities or were aware of them. At this stage of the investigation, it is not possible to anticipate what might be the nature of the judicial or administrative actions, if any, that result.

At this point, the controversy over the General's appearance escalated another notch. The Secretary of Defense wrote the next letter. In his view the Generals were not the proper persons to speak for the Department on the "broader issues" the Subcommittee had addressed its attention to. They were "under the direct supervision and control of senior civilian officials."

Of course, one of the questions the Subcommittee wants to resolve is whether they were under control of the civilians. The other information it seeks relates to operations, the need for intelligence, how it is analyzed, and what use it was. These are questions which only the senior intelligence officers, by their experience, training, and command responsibility, are in a position to answer. Again for the record, I quote:

It was against this background that the Department of Defense decided that the proper spokesmen for the Department in these hearings should be the senior civilian officials directly responsible for the programs under review by your Subcommittee. As our General Counsel advised you, I designated the Assistant Secretary of Defense (Administration), Mr. Robert Froehlke, to represent me at the hearings and to provide you with an in-depth report of the events surrounding the counterintelligence role in the Military Departments. He was also directed to report to you the actions which have been taken to ensure that civilian control is maintained, and that adequate safeguards are instituted to ensure against violations of individual privacy. The Assistant Secretary and the General Counsel were completely candid in their evaluation of what transpired, and sought to give you a full and complete account of the organizational and policy changes which I had directed. The eighty-six page prepared statement by the Assistant Secretary was supplemented by that of the General Counsel of the Department of Defense, and in the closing part of the hearings by the General Counsel of the Department of the Army. Following the hearings, additional documents and information were collected and transmitted to your staff, and additional submissions will be forthcoming as a result of still further requests set forth in your March 30 letter.

Against this background of events, the request for the appearance of Major Generals McChristian, Blakefield and Yarborough before the Subcommittee is frankly disquieting. These individuals, while highly qualified in their area, cannot speak for the Department of Defense on the broader issues to which the Subcommittee has addressed its attention. These individuals do not occupy high level policy positions as they relate to central issues under discussion, but are instead under the direct supervision and control of senior civilian officials. Even though your invitation to these witnesses be based on a desire to review past events during the period 1967–1969, I believe this has been fully covered in the testimony and in the records submitted by the Department of Defense before, during and subsequent to the hearings. Consequently, I do not believe it appropriate that the general officers in question appear before your Subcommittee, but that any "desired testimony" as referred to in your March 30 letter, should be furnished by my designated representative, Mr. Robert Froehlke.

Another reasons for not presenting the Generals—one given orally—was that it is Executive Branch policy not to present intelligence personnel before congressional subcommittees. I do not know where this policy originated but certainly Mr. Hoover testifies regularly. Indeed, one of the Generals (General Yarborough) appeared briefly before the McClellan Committee April 25, 1968 to answer possible questions on Army spying. He made a brief statement, a copy of which I submit for the record. (see p. 57)

An interesting sidelight to this controversy is that the Department has made witnesses available on demand to staff members of another committee which made inquiries into Army spying. Apparently congressional staffs have privileges Senators do not. Perhaps when the Generals testify before the Constitutional Rights Subcommittee staff, the Chief Counsel will be kind enough to let the members listen in.

Another aspect of this controversy is very significant. One of the major reasons to have the generals appear is to get testimony on how the program was originated. Was it conceived by the generals and concealed from their civilian superiors, or was it in response to civilian orders?

Obviously, the civilian officials in the Department do not want to risk the chance that these generals might set forth the story in a way which differs from the carefully framed Department position. But at the same time, there is much political gain in shifting the responsibility to their predecessors in the Department who might be of a different political party. The solution in this case was a deliberate leak to the press, including documents which they have not sent to the Subcommittee. This leak, and I will ask to have it printed in the record, details the present Administration's political case against their predecessors. And as if such leaks were not sufficiently damning of themselves, the Secretary of Defense himself chose to lend the weight of his office to such charges by alleging in a statement quoted widely in the press that:

"Contrary to some of the public statements made by the former Attorney General, he had knowledge of this order [authorizing military surveillance of civilians] and it was circulated at the highest levels of our Government."

I know the Chairman wants to resolve the Army spying issue on a non-partisan basis, letting the chips fall where they may. But one cannot ignore the blatant political aspects of the Department of Defense behavior.

The upshot of the Missing Generals case is that the press and the public gets only the side of the story that the Department wants them to hear. But the Subcommittee does not get the witnesses it wants, and the public still does not get the information it needs about Army spying.

Mr. Chairman, my second example involves the computer print-outs produced by the computers which constituted the Army's data banks. One of the aspects of this inquiry is to determine why the Army spied, what standards it used, what information was deemed important, and how broad was the net. The best evidence of this is the actual print-out of the Army computers. Naturally, the Subcommittee requested the copies, and to my surprise if not the Chairman's, the print-outs were delivered to him.

But one of the important goals of the inquiry is to demonstrate to the Congress and the public what the results of the Army spying were. Unfortunately, the print-outs were all classified. Consequently, the chairman has sought to have the materials declassified. The Department has refused to do so. Its reason is that it wants to protect the privacy of the persons named in the reports. (March 19, 1971 letter)

Now, many people including myself find it noteworthy that the Department of Defense, which spent a number of years invading the privacy of thousands of American citizens by spying on their exercise of the right to free speech should give privacy as a reason for not letting Senator Ervin use these materials in his effort to protect privacy. The irony, however, seems to escape the Department.

To avoid jeopardizing anyone's privacy, the chairman asked the Subcommittee staff to prepare a report analyzing the print-outs. The report contains no one's name. My understanding is that the Chairman would not use a name unless he received permission from the individual concerned. Nonetheless, the Department has refused to declassify the Subcommittee report—Senator Ervin's own report. As a result, the Department's privacy remains protected, under a misuse of the classification rules, merely to protect it—and not the Americans it spied on—from an invasion of privacy.

Let me review briefly the reasons given by the Department of Defense for refusing to allow the Subcommittee's own report to be made public. This comes from a letter dated June 10, 1971, from the Department of Defense Counsel to the Subcommittee's Chief Counsel.

(1) Publication would be prejudicial to a lawsuit now in progress.

(2) Statements of an individual nature are contained in the report:

"It is one thing to put it in an investigative file, but quite another thing to publish it in a Committee report available to the public-at-large."

(3) Publication would be in contradiction to the conditions under which the print-outs were made public.

(4) The report is outdated.

(5) No useful purpose would be served since the programs have been discontinued.

(6) The report contains misstatements of fact, or omissions.

The short answers to each of these excuses are simple.

1. There is no rule prohibiting a congressional investigation when a lawsuit, and certainly not a civil suit, is in progress. That suit may go on for years.

2. All the descriptions of individuals in the report are carefully selected with names deleted so as to avoid identification with a specific person.

3. The condition—unilaterally imposed—was to protect individual privacy, not the Army's.

4. The report has been updated.

5. If the Subcommittee sees a useful purpose that is enough. The Defense Department does not control the Senate's investigations.

6. The report can be corrected.

Mr. Chairman, as you know, there is much more to your epic quest for information about Army surveillance. I would like to present for the record the full story, because I think it is a sorry story of Executive disregard—and I would even say contempt—for you, for the Subcommittee, for the Senate, and for the American public. However, that would take a good long time. More of the story can be found in the long, patient correspondence you have addressed to the Department over the past 18 months. If you have no objection. I would like to ask that this correspondence be placed in the hearing record.

Quite clearly the Congress can not legislate on this matter unless and until it has the full story. From the last letter the Chairman addressed to the Army, it is apparent that he has learned of entire new areas which must be explored. Since I know how little information he has been able to extract from the Army directly, I assume he has been forced to fall back on other sources. In this entire inquiry, the Army has provided only corroboration, and then grudgingly, to what the Chairman has found out elsewhere. My evaluation of this correspondence reveals quite clearly that the Army has kept from the Subcommittee the original materials and the fruits of its own inquiries. It has done this to limit and frustrate the Subcommittee's investigation. It apparently fears that Subcommittee access to witnesses and documents that can give undigested, raw facts will disclose information the Army would rather keep private. It much prefers to have only its interpretations of facts and events, carefully phrased and full of plausible denials and evasions, before the Congress. That is the real explanation for the attitude it has taken towards the Subcommittee's investigations and requests.

My last example is drawn from the Subcommittee's experience with representatives of the Justice Department concerning the nature and extent of surveillance by its various agencies and in particular, the existence or nonexistence of guidelines governing the conduct of such surveillance and the confidentiality of data collected. I have designated this example as the "Elusive Memoranda" for various reasons that should become obvious.

Beginning last June the Subcommittee wrote to thirty-two federal agencies inquiring into the existence and nature of data banks throughout the executive branch of the government. The responses of twenty-two agencies, describing such data banks in varying degrees of detail, were received by the Subcommittee. Of particular concern however, as might be expected, was the reply of the Justice Department, listing a variety of agencies which collect and assemble data in various forms on millions of citizens who have broken no laws and are not suspected of unlawful activity.

That reply was typical of the tactic which was to become most familiar to the Subcommittee in the months that followed: incomplete information justified by the narrowest possible reading of the Subcommittee's request, necessitating further injury by the Subcommittee.

As a result, a further request was made in the hope of obtaining a complete response on the nature and extent of data collection by the Justice Department. You may recall, Mr. Chairman, that in order to refresh the recollection of the Department, the Subcommittee in fact, listed some of the additional data banks discovered by the Subcommittee, but theretofore omitted from the Department's response.

Again, the reply was grudging, limited, and omitted any reference to the standards or guidelines governing these activities. It was therefore, of particular concern to the Subcommittee to determine from the appropriate officials of the Justice Department the existence and precise nature of the guidelines and safeguards governing the collection, assembly, and dissemination of information on law abiding citizens.

On March 17, 1971, the Subcommittee convened to hear Assistant Attorneys General William Rehnquist and Robert Mardian. What we witnessed was still another round of confusion, obfuscation, and evasion of direct response—an evasion I might add which continues to this day.

When asked by members of the Subcommittee to explain the authority for and controls governing data collection by the government, Mr. Mardian (after being reminded that the FBI was indeed an agency of the Justice Department) trotted out a four-year-old memorandum from a former Attorney General dealing with one limited program and quoted a single paragraph as the basis for data collection and surveillance on law abiding citizens by Justice Department agencies. When pressed by understandably incredulous members of the Subcommittee, Mr. Mardian hastened to assure us that indeed there *must* be additional guidelines covering, for example, the FBI. Yet the nature of those guidelines, the safeguards they contain—and frankly their very existence—continue to be in doubt despite the persistent requests of the Subcommittee for production of any of those documents. In fact, when the Subcommittee made further oral requests for those guidelines, the response of the Justice Department was in effect, "we don't know what you're talking about." Finally, the Subcommittee resorted to a formal letter quoting the testimony of Mr. Mardian claiming such guidelines existed and asked in effect—"whatever *you* were talking about is what we want to see."

In fact, the only directive governing surveillance by Justice Department agencies that I know of is one which came to our attention through the so-called "Media raid", which suggests that FBI efforts be concentrated to give the impression of having "an agent behind every mail box."

Further indication of the seriousness of the situation is the fact that nowhere in the response of the Justice Department to the Subcommittee's request for a listing of government data banks is there any mention of the so-called "Security Index" which reportedly contains entries on 25 million people! This despite the fact that the Department's response, coupled with the testimony of its witnesses, purported to be a complete inventory of all such collections.

Mr. Chairman, as you recall better than any of us, on March 17, 1971, the Subcommittee requested copies of the documents cited by Assistant Attorney General Mardian in his testimony—or rather claimed to exist by him. It is now August 4, 1971, almost five months since Mr. Mardian's testimony that there were guidelines and over a year after the initial requests to the Justice Department—and we have yet to receive any documents setting forth or describing the guidelines governing Justice Department data collection on individuals.

In the meantime, the Executive Branch has developed the theory that by executive order, without even the briefest pass through the Congress, it can even further expand its data gathering activities through an attempted end run with the Subversives Activities Control Board.

Mr. Chairman, I am deeply concerned with the results of these and innumerable other examples, examples with which every member of the House and Senate is familiar. We are witnessing an era in which the legislative branch of our government is being progressively sapped of the ability to legislate by the conscious and deliberate denial of the information upon which to base its decisions.

These denials are becoming pervasive and present a threat to the very basis of our government. Historic Constitutional principles of separation of powers and checks and balances are being persistently eroded to the point where they may soon be meaningless.

The information gap between the executive and the legislative branches has always been substantial even without the frankenstein growth of executive privilege. Time and again Senators and Representatives must make decisions based upon information developed by a legislative staff no larger than a half dozen persons at most. Contrast this with executive departments capable of producing hundreds of pages of documents (and classifying them) overnight.

But when we add the hydraheaded monster that executive privilege has become, the peril of the Congress is most acute.

Mr. Chairman, I fear for our ability to legislate responsibly if this trend continues. The examples I have described this morning are typical of the problem we face. People in this country are deeply concerned, and rightly so, about the nature and extent of governmental intrusions on their privacy. In many ways, the investigations we have begun in the Subcommittee place an even greater obligation upon us to bring them to a public resolution. For one thing, the public has the right to know whether we have seen anything more than the tip of the iceberg. More importantly, however, we must determine what guidelines and safeguards exist, whether more are necessary and what those safeguards should be. In short, we are being asked to act like responsible members of the legislative branch. Yet we continue to be denied the most essential component of the legislative process, the information upon which to make responsible judgments. I dread the day when Congress will be forced to govern by subpoena, but it would seem that that day is drawing ever nearer because of the stubborn refusal of the executive branch of our government to deal in an open and honest manner with the Congress.

MAXIMUM FUNDING AGAINST DRUG ABUSE

Mr. EAGLETON. Mr. President, on July 13, 1971, the distinguished junior Senator from California (Mr. Tunney) testified before Senate Appropriations Subcommittee in support of a massive increase in funds for drug-abuse treat-

ment, rehabilitation, and research. His statement, I believe, puts quite forcefully the case for a national commitment against drug abuse and I ask unanimous consent that it be printed at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

DRUG ABUSE: TREATMENT AND REHABILITATION

(Statement of Senator JOHN V. TUNNEY)

Mr. Chairman, on June 17th, the President declared that, in his judgment, the problem of drug abuse "has assumed the dimensions of a national emergency," and proposed additional appropriations and the establishment of a new Special Action Office for Drug Abuse Prevention, to co-ordinate the Federal response to that emergency. The papers have been filled with glowing reports of drug abuse programs to be funded with millions of dollars, promising quick relief for those ravaged by the habit. And yet, in spite of all the publicity in recent weeks, the drug abuse problem, heroin addiction particularly, continues to plague society to degrees never before imagined in our worst nightmares. While I applaud the President for his belated recognition of the magnitude of this problem, I feel we must critically examine the Administration's proposals because I believe there are still critical shortcomings in the Federal response.

The Administration has requested approximately $89 million for treatment and rehabilitation programs under the Department of Health, Education and Welfare. Although this represents a significant increase in the funding level for such programs, it is inadequate to meet the critical increase in problems now being reported by every hospital and clinic in the nation. In fact, the significance of the increase in the Administration's budget request is nearly lost when the size and rate of growth of the problem is considered.

One great source of concern to me is that the Administration has in large measure overlooked the use of the community mental health centers to treat drug addicts. I do not need to tell any of you here that drug addiction is as much a psychological as a physiological problem. While a new superagency may provide valuable assistance in coordinating Federal drug abuse activities and developing overall strategy, it cannot be expected to develop effective treatment centers at the community level, where the real solutions lie. This is the job of the community mental health centers, which is why I consider them to be of such paramount importance in any program of drug abuse treatment. Dr. Sherman N. Kieffer, the Associate Director of Patient Care of the National Institute of Mental Health, stated in testimony before Senator Hughes' Subcommittee on Alcoholism and Narcotics barely two months ago, that community-based treatment programs are the best, and perhaps the only means of providing help, particularly to young people with drug problems. Dr. Kieffer said, "Our emphasis has been on trying to beef up the resources the treatment capabilities within each community to handle these situations."

One thing should be made clear here; a community mental health center is not a *place*; it is rather an affiliative agreement between several institutions capable of offering comprehensive treatment to the drug addict. Such an organizational arrangement makes it possible for the patient to receive the full range of needed-treatment at affiliated local hospitals, vocational rehabilitation centers, and educational and consultation services, etc. Drug treatment must always be co-ordinated, or the chances for permanent cure will be virtually nil. The essential five services included in this comprehensive treatment are: (a) In-patient care; (b) out-patient care; (c) Partial hospitalization; (d) 24-hour emergency services; (e) Consultation and education services. The pattern of institutional affiliation used by the community mental health centers boasts a number of distinct advantages: (1) it assures continuity of care for the addict—as the patient is transferred, say, from a hospital to a rehabilitation center, his treatment record will follow him, making integrated treatment possible; (2) it assures a geographic comprehensiveness which does not currently exist in most cities—that is, an addict living within the community is guaranteed treatment, regardless of ability to pay; (3) the centers are flexible enough to be able to specialize in drug treatment, thus offering leadership in the field which standard institutions are incapable of generating on their own—city and county hospitals and mental health facilities, where they exist, generally find themselves so pressed for time and money that they rarely can devote the attention to treatment techniques that the community centers specialize in every day.

And yet, despite the admitted importance of these community mental health centers, funding for Fiscal Year 1972 is disappointingly meager. There are 60 major cities in this country with serious, serious heroin addiction and drug abuse problems, but treatment facilities are still woefully inadequate. Yet, as I stated earlier in my testimony, the Administration's request for Fiscal Year 1972 asks for only an additional $15 million, funds which will go toward supporting some new centers, but not for the expansion of any drug treatment operations.

For special staffing under the narcotics addicts treatment program of the community mental health centers, the Administration budget allocated only $14.6 million, all of which is for the continuation of current projects related to drug abuse treatment, but for new projects. Yet the demands for treatment at these centers is rapidly growing, as we all know. The number of addicts in the military services, for example, is more than six times the number that can be handled by the V.A. centers now established or planned. The community mental health centers must be able to cope with this overflow, as well as with substantial numbers of addicts from civilian life. Right now, unfortunately, most of the drug treatment centers at the community medical health centers have long waiting lists, large numbers of Vietnam veterans among them. The result of this conflict between pressing needs and staff resources available is tragic neglect. This sadness becomes all the more bitter when one hears of a staffing grant applied for by a center in San Francisco one-and-a-half years ago which was meritorious, but which was turned down because no funds were available. The treatment workers at the community level could see one-and-a-half years ago the rising trend in drug use which has led to the virtual epidemic which confronts us today. They could foresee the need for expanded staff and para-medical personnel to deal with that problem. But there were no funds available two years ago or one year ago, and there are none available today, to speak of. As the Hughes subcommittee hearings revealed, there are no new staffing projects or grants anticipated for Fiscal Year 1972 because there are no resources earmarked in the budget request.

There are phenomenal demands being made upon NIMH for new project grants in this area, but to little avail in many cases. The answer given is that while there has been much talk in Washington, the Administration and the Congress have been very slow in making a real commitment. The fact is that little in the way of federal funds for drug abuse control programs has actually reached the cities and communities where the problem exists. This problem was dramatized in Congressional hearings two months ago when NIMH officials, under cross-examination, revealed that they have for 1971 applications for three times as many grants as they can award, and yet they have not increased their budget request for grants for Fiscal 1972.

The funds earmarked for special projects, authorized under the Comprehensive Drug Abuse Prevention and Control Act of 1970 (P.L. 91–513) is a futher example of budgetary neglect in the face of desperate need. The Administration has requested $9 million to finance the operation of specialized drug treatment centers, i.e., centers which offer one of the five critical phases of drug treatment. This category of grant is particularly useful in avoiding duplication in cities where certain treatment facilities already exist. Of the $9 million request, however, $4 million worth of projects are being transferred from the Office of Equal Opportunity to the community mental health centers. This means that there is no real gain in funding, since Fiscal Year 1971 expenditure was at the $5 million level. And yet, grant requests pouring in from around the country total over $26 million for 1971. This is another example of how far the need outstrips the funds available in the field of drug abuse control today. Grant requests for special projects are more than five times greater than the amount available, yet no new funds are requested.

The education and training portion of the drug abuse control program has also received scant attention. Although the President is requesting an additional $10 million, thereby increasing the money available in this area to more than $24 million, these figures only gain meaning when examined in the context of the total problem. Education is our first line of defense in combatting the problem, and, therefore, is the real heart of our preventive effort. Our educational efforts must be extended not only to our school-aged children, but to parents, educators and community leaders alike. In the face of this need, drug education has received less priority in the HEW budget request than it deserves.

These problems will not be alleviated by rhetoric from Washington. As a matter of fact, every time there is a newspaper or television report of more federal money being proposed or authorized or allocated or approved there is a new rush of patients at the drug treatment centers in San Francisco and Los Angeles, looking desperately for help. The sad fact is that they are turned away, in California and across the nation, because the kind of money needed for widespread treatment programs simply hasn't been made available. It costs at least $1,000 a year to offer out-patient methadone-maintenance services to one addict, and that is a conservative estimate; if all addicts were so treated, the annual cost would mount to over $300 million a year. To treat one addict in a residential therapeutic community such as Synanon costs over $3,000 a year; such treatment for all addicts would cost well over $900 million. That kind of money simply is not available.

In Fiscal Year 1971, the NIMH budget for drug-related programs was $37 million. In Fiscal 1972, the original request was exactly the same, $37 million. The President's proposal will add $67 million, including $43 million for treatment programs particularly. However, in view of the figures discussed previously, this allocation is clearly inadequate. It seems obvious that twice or even three times that amount could be wisely spent. It is my profound conviction that until the Administration and this Congress make that sort of a commitment, the fight against drug abuse is doomed to be a losing battle.

The meager allocations proposed here by the Administration guarantee that location of treatment centers will be scattered and inadequate, or that resources will be concentrated in a handful of locations, to the complete neglect of the rest of the nation. Neither of these are responsible alternatives, and I respectfully urge you to reject them both by increasing the allocations provided by this legislation.

I would like to make two final comments which are peripheral to the actual drug treatment programs, but which are so important that they cannot be ignored. The first is that research in drug control is vital, more so now than ever. With a crushing problem confronting us on a daily basis, it is easy to overlook or forget the need and long-range benefits of research programs. And yet perhaps no effort is more urgently needed than full-scale medical investigations of the physiological and psychological impact of drug abuse. I strongly urge that this important research not be delayed another day, least of all for want of adequate budget allocations.

Finally, I alluded earlier in my testimony to what I consider to be a disastrous plan to phase-out the NIMH Psychiatry Training Program completely over the next three years. This cut will mean a significant decrease in the number of psychiatric residency slots currently available. Fewer residencies will mean fewer psychiatrists. Fewer psychiatrists will mean an even more critical shortage of trained personnel to staff drug treatment centers. Here, perhaps as nowhere else in this budget, it is possible to see how closely related are all of these programs. Taken alone, the cutbacks in the Psychiatry Training Program seem ill-advised; when viewed against the need for competent drug treatment personnel, it appears to be nothing short of nonsensical.

To combat the drug abuse problem that haunts our playgrounds, our parks, our suburbs, our high schools, our cities, we must give our full support—financial as well as moral—to a full-scale, comprehensive Federal program.

THE WARMAKING POWERS OF CONGRESS

Mr. ROTH. Mr. President, as the United States continues to extricate itself from the land war in which we became involved in Southeast Asia during the decade of the 1960's, many of us in Congress, as well as many private individuals have begun to give increasing attention to the vital question of the role of Congress in the decisionmaking process which led to that involvement.

This question, it seems to me, breaks into two equally important parts: one deals with the warmaking powers of Congress and the other with the problem of providing adequate information to Congress in order that it may intelligently deal with the substantial questions of war and peace on which we are expected to act.

It is because of my deep concern that the legislative branch of the Government regain its constitutional status of coequality with the executive branch in the matter of decisionmaking that I am pleased to join the distinguished Senator from Kentucky (Mr. Cooper) and the distinguished Senators from Mississippi (Mr. Stennis) and Montana (Mr. Mansfield) in sponsoring legislation pertaining to these areas.

The Cooper bill (S. 2224) is a direct outgrowth of the discussion and self-reflection which the publication of the so-called "Pentagon papers" stimulated earlier this summer. The revelations of these previously classified documents and the historic decision of the Supreme Court permitting their publication have engendered debate on topies of vital concern and lasting importance to the Congress.

The essential issue here, of course, is the problem of providing information to Congress. Complete and accurate information from all available sources, should be accessible to the Congress. As matters now stand, Congress is sometimes denied access to current intelligence information compiled by the CIA and the intelligence community.

The Senator from Kentucky (Mr. Cooper) has presented a timely and constructive bill that will make such intelligence information available to the Congress just as it is already available to the Executive. His proposal, which I was pleased to cosponsor, amends the National Security Act of 1947 by adding a section requiring the Central Intelligence Agency to provide individual Members of Congress, upon request, through the Committees on Armed Services and Foreign Affairs of the House of Representatives, and the Committees on Armed Services and Foreign Relations of the Senate, intelligence information and CIA's analysis thereof. The security of and access to the information provided to the Congress would be the responsibility of the committees, who would institute the necessary measures to provide clearances, secure areas, documents control, and so forth.

The National Security Act of 1947 does not specifically bar intelligence information from Congress, but neither does it provide for the dissemination of such information. This proposal makes intelligence information available to the proper committees as a matter of law. If the Congress is to fulfill its constitutional responsibilities in the formulation of foreign policy and national security policy, it must have available intelligence facts and their analysis. Although the Central Intelligence Agency has often provided such information to certain committees and Members of Congress in the past, this has been done only at the pleasure of the Executive, and the veil of secrecy has been extended to cover too much that is necessary to make legislative decisions of great substantive importance to the American people. Proper disclosure to appropriate committees is a vital safeguard against Government adoption of positions and policies of unknown and potentially dangerous implications. Congress cannot be expected to function effectively if it is not acquainted with information about a particular subject in essentially the same detail that is in fact in the possession of the Executive.

Adoption of this proposal, S. 2224, will make available to Congress information absolutely essential if we are to fulfill our obligation to the people of this country. It will strengthen the balance of responsibility between the Executive and the legislature by promoting trust and reasoned judgment on matters relating to the national interest.

The second proposal—the Stennis-Mansfield resolution, Senate Joint Resolution 95—is a reasoned and reasonable response to the other facet of the problem which I referred to earlier, namely the congressional responsibility in the warmaking process.

Senate Joint Resolution 95 does not in any way attempt to fix responsibility for the present tragedy in Southeast Asia on either the Democrats or the Republicans.

Instead, Senate Joint Resolution 95 attacks the heart of the whole 1971 problem. The fact that Congress has not declared war since the Second World War ended in 1945, despite the many conflicts and near conflicts we have engaged in, raises the question of who has the power to begin the wars we fight. Senate Joint Resolution 95 is not an attempt to rewrite the Constitution. The Constitution lodges in the Congress the power to declare war, and throughout our history the Congress has been recognized as the only branch which could declare wars. This power to declare war is not outmoded simply because we have grown from an America composed of Thirteen Colonies and separated from the rest of the world by an impenetrable sea barrier to an international leader, or which is outdated by modern warfare. As Senator Stennis stated when introducing this resolution.

> I remember I was standing at the desk which is behind me now when the news came into this Chamber that troops had been ordered to land in Korea. I knew that this was the first time in our history a deliberate decision had been made to land troops, an army, in a war against another nation without a declaration of war by the Congress of the United States.

Senate Joint Resolution 95 is an attempt to delineate more clearly the war powers of the executive and the legislative branches. At the same time, it would insure that the decision to go to war, a decision too massive and too important to be decided by one man, would again become the collective judgment of the President and the elected representatives of the American people. The resolution guards the powers of the President and the security of the Nation by outlining very carefully those emergency situations in which the President may commit American troops to combat abroad. At the same time, the resolution safeguards the right of the Congress to declare war by placing a time limit on this commitment of troops. The time limit, 30 days, is long enough to avert a disaster, but short enough so that if a full-scale war is to be begun, the Congress too will be required to authorize it.

Finally, in placing this resolution before the Congress, Senator Stennis has made a significant contribution to what ought to be a long, serious discussion, and a protracted study, by the Senate, the Congress, and in fact, the whole Nation, in what the future role of the Congress and the President ought to be in the declaration of war. It is a study which the Congress has long shoved aside, and which has not been resolved satisfactorily in the entire history of our Nation. The possibilities for total annihilation today, and the volatile and dangerous situation of the world today make a clear, final decision on this constitutional question imperative if we are to survive as the powerful Nation we are now.

Mr. President, I deem these two proposals—S. 2444 by Senator Cooper and Senate Joint Resolution 95 by Senators Stennis and Mansfield—major steps in providing answers to the complex, yet crucial questions which have arisen concerning the constitutional balance of power between the legislative and executive branches of the Government. They are questions which we can continue to ignore only at the peril of the continued viability of the intricate system of checks and balances which are so necessary to a stable government.

NEA ANNUAL CONVENTION, 1971

Mr. MONDALE. Mr. President, I had the good fortune recently to participate in and address the annual convention of the National Education Association held in Detroit, Mich., June 26 to July 2.

At this convention, Mrs. Helen Bain, the outgoing president, presented an eloquent and thoughtful address on the needs and responsibilities of education. Mrs. Bain—who in my judgment has provided the Senate with excellent advice and counsel on both legislative and appropriation questions concerning education during her past year in Washington—emphasized the need to reorder priorities and the need for educators to become involved in the political process.

I ask unanimous consent that her excellent address be printed in the Record.

I also ask unanimous consent that the very interesting and stimulating report of the NEA on governance and finance of public education be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Address by Mrs. Helen Bain

One arrives at this point in an NEA presidency with much to say and a concern that it be said adequately.

I began this year with a firm belief in the teachers of this country, with confidence in your ability, your courage, and your intelligence. I end this year with an even stronger conviction that teachers are the most important people in the world. You are my hope for a better future, and you are the hope of millions of people around this world as we work to improve society, both here and abroad.

The truism has become a necessity—education must solve our problems. It is apparent that education moves, changes, and improves best when teachers move it, change it, and improve it. Our profession through the National Education Association is a force to be reckoned with.

Teachers are on the move educationally and politically on the local, state, and federal levels. The influence which we have achieved is most encouraging. However, we are just beginning. We have not yet reached our full potential in serving the students and teachers of this nation. To reach that potential, we must continue to use our influence and to build our strength wisely.

Change enables us to meet the needs of teachers more effectively. The teachers have indicated their preference. The past year has been good for us, but bad for the AFT. We continue to score impressive representation election victories. During this last year, NEA affiliates won elections in Seattle, Portland, Cincinnati, Louisville, and New Orleans, and every one of fourteen elections held in Ohio. The AFT conducted at least four disastrous strikes . . . Newark, Hartford, East St. Louis, and Minneapolis. The two major organizational goals of the AFT during the last year were the State University of New York and the statewide election in Hawaii. The teachers in both cases showed their wisdom, and produced victories for themselves, their state affiliates, and the NEA.

These victories show that the NEA is the teachers' best bet.

However, we will not become complacent. We must continue to improve the NEA so that we may become a greater power for changing the status of education. The Constitutional Convention is indicative of the profession's determination to do this.

For those of us here who will be delegates to the Constitutional Convention, I wish success in our deliberations. My prayer for us is that we possess the courage and wisdom to devise a strong structure for the United Teaching Profession.

We are now a large and complex organization governed by the delegates to this Assembly, and by the elected members of the Board of Directors and the Executive Committee. This Assembly wisely saw the magnitude of that governance function when it approved full-time leave for the President, and then the President-Elect. We have taken many other positive steps in recent years in recognition of the size and complexity of our organization. Other actions must yet be taken. One, in particular, I call to you attention.

Immediate Past President George Fischer and President-Elect Don Morrison join me in recommending a two-year term for the NEA President. Each of us has seen something of the magnitude and of the responsibility of this position. We request this not for ourselves, but for the men and women who are yet to be elected. We know that the responsibilities grow each year, and the individuals who occupy this high office will find it increasingly difficult, if not impossible, to represent you adequately and carry out the duties of the office in one year. No one acts or speaks more often in your behalf than does your President. In the interest of continuity, it is time that we elected our president for a two-year term.

An area not waiting for ConCon is the involvement of the Student NEA in NEA policy making. We have given the SNEA President the right to deliberate with the NEA Executive Committee. The Board of Directors has done the same thing for five SNEA Members. You will have an opportunity to vote for an amendment which will give them delegates to our Representative Assembly. This is necessary for them to have meaningful involvement, and I urge you to vote for it.

This past year, they have made many significant gains. Their efforts contributed to the passage of the 18-year-old vote in Congress. Active student involvement is a positive step toward strengthening change within the American system. The students also want to work within the system of the professional association to produce changes in American education. We must be sure that the NEA has a sound, viable structure.

To maintain viability, the NEA must be kept on a sound financial basis. Our practice of spending an entire year's income within that year is not a wise practice. In some years, it has been necessary, but, as a practice, it has not allowed the development of reserves for the future, nor has it provided for emergencies within the year. This year's budget contains a modest beginning to establish such funds. I urge you to give your support to the need for such funds within a balanced budget.

I would like to share a new experience that I had this year. An employee strike against an employee organization though not unusual is always embarrassing, and the NEA is no exception. For the first time in my career, I found myself on the management side of the table. Your Executive Committee and I set the parameters for management before negotiations began, and we ratified the agreement after negotiations were completed. The role wasn't comfortable, but it was necessary. As officers, we had a responsibility to represent your interest and insure that your dues money was wisely spent.

The strike caused some confusion of roles, and I know this also occurred at the state and local level, but out of the confusion came learning. And, out of the impasse came resolution. Negotiations produced a settlement and contract satisfactory to both sides. You can be pleased with the contract which you have with your employees.

I have tried to serve as your president with a sense of responsibility that meets with the approval of the teachers of this nation. At this time, I am privileged to make this presidential report on our progress in achieving the priorities I placed before you in San Francisco last year. Events of this past year make the early achievement of these goals imperative.

Perhaps the greatest concerns of teachers throughout this country are the alleged oversupply of teachers and the inadequate financing of education.

Rising prices, generally poor economic conditions, and criticism of the schools are contributing to the serious cutbacks in school finance, which in turn forces teacher cutbacks. Our condition is properly called an underfunding of schools, not an oversupply of teachers.

There are many unmet needs:

Adequate early childhood education would call for far more teachers.

Vocational and technical teachers, and remedial teachers are greatly needed.

You and I know full well we need tens of thousands of additional teachers to reduce class size to manageable levels.

This year, teachers are not in oversupply, but schools are understaffed.

Teachers must take the lead in correcting these problems. Once again, the strength of public education depends upon a will and determination of the teachers to take the actions necessary to improve it. Fortunately, we have some means at our disposal to begin to take these steps.

First, you must this week give the NEA the authority necessary to act at the national level to correct the general underfunding of schools. The most significant single action you could take at this convention would be to direct the NEA to rejoin and resume leadership of the Emergency Committee for Full Funding. This spring, the NEA could not support the Hathaway amendment and it lost by four votes, and education lost 750 million dollars, 750 million dollars would go a long way toward the reemployment of our colleagues who are out of work.

Another significant way that we can help is through professional negotiations.

Last year, we identified as one of our priorities the securing of professional negotiation laws in every state. Although this has been an off year for many state legislatures, much has been accomplished. At the present time, approximately fifteen states are preparing to join the twenty-four which already have negotiation laws. Within the last two years, the number of locals with professional negotiation agreements has increased from less than 1,000 to 10,500, and the number of teachers covered by these agreements has increased eight times. These agreements have become increasingly important to teachers in establishing their salaries, conditions of teaching, involvement in the determination of curriculum, and in the current situation, the protecting of job rights. This leads me to our goal of self-governance of the teaching profession.

This profession is determined to establish its own system of who comes in, who stays, and who leaves. We intend to see that this is based on true educational achievement, classroom expertise, and the judgment of our peers. During the last year, extensive work has been done to develop model legislation for self-governance. The effort will be accelerated during the coming year. We must be in the forefront of this drive.

Last year, you asked for a reordering of our national priorities. Our first move to give education the dignity and the importance it merits was to call for a Cabinet Post for Education. If you come to think about it, it is an absurdity that we are probably the only nation on earth which does not have a cabinet post devoted to education. From Norway to New Zealand, from Burma to Britain, every country has a minister of education. We, on the other hand, created an unmanageable bureaucracy called HEW, whose head has the impossible and conflicting tasks of devoting his attention to three separate and distinct areas of national concerns: health, education, and welfare. It is my view that one of the many reasons for the existence of the welfare mess lies in the organizational monstrosity of HEW. A Cabinet Post for Education would mean not only that there would be a man—or woman!—at the President's council table whose sole advocacy and principal concern would be the cause of education in America, but it would also mean that responsibility could finally be put at the Cabinet level for federal educational policy.

This is not exactly a new idea. In 1921, a joint resolution passed by fourteen national organizations asked that "education be given recognition commensurate with its supreme importance to the Nation," and stated: "In view of the reorganization now pending, the present is a most opportune time for giving education its proper place in the Administrative Branch of the Government . . . we respectfully urge that the President of the United States use his great influence to bring about the creation of a Department of Education with a Secretary in the Cabinet." Some of the fourteen national organizations signing this resolution were the NEA, the American Federation of Labor, the American Library Association, the National Council of Jewish Women and the PTA.

That was 1921. The resolution expressed then is still appropriate today. A half century later, in 1971, we know that this resolution can be implemented only through political action.

The educational forces in this nation have mounted a nationwide campaign to achieve our goal. You met the leaders of these national organizations tonight. There are six others who have endorsed the idea, and several others will consider it at their national conventions. We are establishing statewide teams of our Big Six Coalition to be headed by our Board members in each state. You have already participated in two letter-writing campaigns.

With this kind of positive political action, I am convinced that we shall have a Secretary of Education before we reach our two hundredth birthday in 1976. That will insure that the federal government's share is more than the small fraction of the cost of public education which it is now paying—less than seven percent. It seems to me that by the time this nation is two hundred years old its federal government must be both willing and mature enough to pay for one-third of the cost of public schools. This will not only create a more just and equitable access to education, it will help drastically to reduce the mushrooming cost of welfare and correctional expenditures.

It may sound incredible, but it is true that in the City of New York last year, with its eight million people, there were as many homicides as in about a dozen European countries with a population of some 140 million. These countries include Sweden, Denmark, Norway, Finland, Austria, Switzerland, Holland, Spain, Portugal, and the United Kingdom, with huge metropolitan concentrations in London or Amsterdam or Stockholm or Copenhagen, and elsewhere.

We simply cannot tolerate the possibility that this land of ours become one of the least civilized and most unsafe places on earth. Decent educational and employment opportunities will mean a better quality of life throughout this land, and with greatly reduced public costs of nonproductive welfare and penal expenditures.

Last year, I urged political action as the way to achieve these priorities. You were magnificent in your response. Examples of teacher power in the political arena are countless. Let me just mention a few.

The teachers of California helped put John Tunney in the U.S. Senate and George Murphy went into public relations work. Wilson Riles became the state commissioner of education, and whatever happened to Max Rafferty?

The teachers of Alaska conducted the most intense campaign in their history. From local school boards through a seat in Congress, they made their mark. Nick Begich, a former educator and an ardent supporter of education, was moved from the state legislature to the U.S. Congress.

The teachers of Florida helped bring to an end to the reign of Claudis Maximus Kirk and Ruben Askew became governor. In the process, they took care of a hopeful named Carswell and an incument named Cramer.

The teachers of Washington State voted and won, and Congresswoman May learned that it doens't pay to oppose every piece of educational legislation. The district is now represented by Mike McCormack, who is a friend of schools.

The teachers of Ohio had had enough, so for the first time in their history they backed a candidate for governor. He won, and John Gilligan is pushing hard for better education.

Teachers worked for Republicans and Democrats, but always for education. NEA is a bipartisan organization. We are made up of good Democrats and good Republicans. Nothing would have pleased me more than to be able to report to you on the marvelous leadership in the cause of education by the President of the United States. This has clearly *not* been the case.

When I took office at this time last year, I felt that it would be in the best interest of education in this country for the NEA to make a real effort to work with Mr. Nixon's administration. As your president, I extended a friendly hand. It has remained extended and unwelcomed by him. My efforts in your behalf to confer with the President of the United States on the crucial educational needs for the millions of children in this nation were ignored. Further efforts to reach the President were made through Congressman Quie, George Schultz, Elliot Richardson, Sid Marland, Robert Finch, and many others.

One last effort was made in late April, when every member of the Board of Directors signed and sent to the President a letter requesting that he give us an opportunity to present our cause. As yet, there has been no acknowledgement of this request. The only word from the White House has been a refusal of the President to speak at this convention.

In this age of technological wonders, the lack of leadership, the lack of compassion, and the lack of creative solutions at the highest levels in our national government are frightening. A lion's share of the nation's ills, frustrations, and failures must be placed at the doorstep of Richard Nixon.

When we look at our nation's vast resources and the failure of this administration to mobilize them for the country's benefit, it is frightening. As we look back over the last year, during which we combined the highest interest rates in a century with the worst unemployment in a decade and the most appalling inflation in a generation, it is frightening.

We must not accept these conditions. What is called for is effective action within our system to get our priorities straight, to streamline the apparatus of our federal government, and to commit our resources to achieve our true national objectives.

This is the most anti-education administration this country has had in many years. This administration has repeatedly made statements which were calculated to reduce confidence in public education. On rare occasions, Mr. Nixon has asked educators to serve on such task forces as urban education, higher education, and student unrest. In each instance, he had discredited and ignored the reports. It seems that the administration attacks the schools because that is much cheaper than financing them.

Our concern for the adequate financing of education is shared by the Congress of the United States, which felt strongly enough to override the President's veto of education appropriations.

Mr. Nixon says we need to know more about learning. He was not aware of the things you and I learned shortly after we first started into a classroom: That a hungry child cannot learn: That children cannot learn in an overcrowded and understaffed school: That schools cannot function in a constant state of financial crisis.

In 1968, Congress appropriated 60 percent of the authorized aid to education. In 1969, the ratio was 46 percent. In 1970, 37 percent, and this year, 36 per cent. In other words, of the total amount authorized for education this year, only a little more than one-third will actually be spent.

Mr. Nixon's educational promises far exceed his educational performance. By definition, Mr. Nixon is an underachiever.

I do agree with Mr. Nixon on one thing, however. There should be accountability. This should include presidents, too. Any President who vetoes educational funds and calls them inflationary, and fights for obsolete weapon systems and calls them progress, should be held accountable. Mr. Nixon has called for our accountability for over thirty months. In November of 1972, we shall call for his.

For my conclusion, I have chosen one of our most important goals—the work in the area of human relations on local, national and international levels. I am very pleased with the activity and the movement in developing human relations programs and the considerable accomplishment of both our state and our local associations. There are now forty state associations with active human relations programs. We have over 2,000 local associations throughout this country which have established local human relations programs.

On a national level, we have had an active part in at least two significant decisions which have been made this year. We now have a rule from the highest court in this land concerning the integration of our schools. Many of the points made in the NEA brief presented in the Charlotte-Mecklenburg case were found in the final decision of the Supreme Court. We should take pride in having had a part in the establishment of this ruling, which clearly establishes the guidelines for the effective integration of our schools. We are all well aware that this is not a southern problem alone—it is a national problem. National leadership—strong, consistent, and just—is needed.

We also had an important role to play in designing major features in Senator Mondale's integration bill. Our efforts helped to bring the administration's proposal in line with more effective legislation.

Last year's action item No. 4 called for the invoking of sanctions and censure of any state or local school district which refused to terminate the misuse of the National Teacher Examination. I urge you to report any such violations to the President and to the Executive Committee.

For the first time at an NEA Convention, provisions have been made to accommodate minority caucuses. Those minority groups which have requested space for caucusing are Black, Mexican-American, American Indians, and Women. Although there are more women in education, they are in the minority in positions of leadership in the school system across this country.

In closing, I would like to urge you to accept a challenge to work with all teachers around the world in an effort to achieve world peace.

We must, as a nation, as well as individuals, learn to live and work together with one another in peace. As a nation, we must strive to live in peace with other nations. Every avenue of person-to-person contact should be explored. Teachers must not assume that someone else will do this. We must do our share. For these reasons, we paid an official visit to the Soviet Union last fall as guests of the Soviet teachers' organization. This spring, they returned the visit. Other exchanges are planned. Each is undertaken in the hope that some greater human understanding will result—that these exchanges will be, no matter how small, at least a positive contribution to world peace.

I had the opportunity to meet with a representative of the Provisional Revolutionary Government of South Vietnam to discuss treatment and release of our prisoners of war. We were seeking to make contact with the teachers of the People's Republic of China, even before the Ping-Pong event.

We must assume a responsibility to work actively for world peace. We are well aware of the horrible alternative. We educate children for the future. We must also work to insure that they have a future. We must give leadership in bringing all of the world's teachers together in order to improve the world's method of solving our problem.

We will live together better in this world if we start thinking more of people. This is one thing the students have been saying to us. We ought to listen and heed the message.

We must humanize our approach and our outlook. We must keep people in mind as we take our actions.

Let us this week turn our attention to the real issues of education and the human agenda of this nation and world.

NATIONAL FOUNDATION PROGRAM FOR EDUCATION

In 1976, the Nation will celebrate its 200th anniversary as a free republic. We as a nation should establish this as the target date for renewal of the Nation's commitment to education and extending the power of that commitment to the Nation's schools.

In recent years, schools in the United States have undergone radical changes in their use of materials, their physical environment, their use of the subject matter or content available to them, their staffing patterns, their clientele, and organization. They have shifted their emphasis from programs based on conventional wisdom to ones which find roots in knowledge. A basic and vital component of education, which many citizens are demanding be revised, relates to a rethinking of the purpose of schools and the values which direct the purpose.

EDUCATIONAL BIRTHRIGHT OF EVERY AMERICAN CHILD

Every American child must be prepared to live a happy, healthy, and productive life in this increasingly complex world. This is his birthright. It requires an educational program which stimulates his development of human understanding and guarantees his command of fundamental processes of learning.

These are the essential rights to be pursued through the public schools for every child:

Right to the development of skills and understanding of human relationships;

Right to the knowledge of basic principles of personal health and guidance in the formulation of good health habits;

Right to an understanding of his government and the relations with other nations and knowledge of how to participate as a citizen;

Right to attain the skills of communication, reading, writing, and arithmetic so that he functions in this age of daily newspapers, tax forms, consumer credit and the like;

Right to be prepared for gainful employment through continuous opportunity for career development;

Right to be prepared for personal fulfillment and worthy use of leisure.

A RENDERING OF EDUCATIONAL PRIORITIES

A newly recognized principle is emerging as a result of the concerted effort of educators, students, and community members. This principle, simply stated, is that schools should reflect the best of culture—its essentially humane nature. Some school-related implications can be noted in the following call for a humane program.

Instructional programs aimed at developing the full range of human capacities, not just the intellectual; evaluation for the purpose of improving instruction, not for comparing children; and school organization that frees the student and the teacher to focus on learning, not the clock or the semester—these are some of the components of a humane education, an education that gives every individual a personal vision of what he might become rather than forcing him to come up to standards devised in other days for purposes that are no longer pertinent.[1]

It is not enough for schools to function as sorting agencies. Nor is the complex social fabric served by a populace which has only facts and figures at its command. The concept of schooling most appropriate for the present is not the one that looks only at the past for its structure and content. Schools must move dramatically toward a climate which promises the learner and society that, indeed, there *is* a good life and that it is reflected in the schools of the United States. This good life is characterized by a set of values which guarantees the worth of the individual, promotes the benefits of freedom, respects individual and group decision-making as inherently human processes, and promises the development of potentials for all.

Education, therefore, has a double task: (1) to teach content-knowledge, skills, and values, and (2) to teach this in such a way that the student is motivated to use his developing ability to make decisions or choices that will lead him toward the realization of his full potential. In addition, the schools must be concerned with helping the student utilize his competency to reach his goals.

It is assumed that a basic purpose of our society is to provide maximum assistance and opportunity within a democratic structure for an individual to realize his full potential as a person. If this assertion is accepted, it follows that education, a formal institution of our society, should contribute toward this goal of self-realization. Self-realization implies that the individual must accept responsibility for his own fulfillment—that is, he must make the necessary choices, and he must choose what to him seems to be in the direction of self-realization.

To achieve a society based on this value position and, simultaneously to strengthen programs for achieving the traditional goals of learning will be a major undertaking for the nation's schools. Any such effort toward social change will be expensive. However, it will be less expensive in the long run than failure to achieve these goals.

This is a call to reorder educational priorities—to construct a humane system of schooling for all the nation's youth. This is a call for the national government to join with the state and local school systems to support a nationwide standard of education through a national foundation program.

A NATIONWIDE CRISIS

This call comes amid a nationwide crisis in education. In states where substantial increases in revenue are not forthcoming, schools are planning for cutbacks in programs and staff. Nationwide, many teachers and teacher aides are unemployed.

The crisis is seen in the frustrations of parents, pupils, and teachers as they recognize the slow pace by which we are meeting the objectives of education. It is evidenced in taxpayers' frustration with the rising costs of schools. State and local tax sources have not been able to underwrite the very real national needs for more and better education for an increasing number of pupils. The financial crisis stems, in part, from the inability or unwillingness of state and local educational agencies to effect meaningful changes because of political and provincial interests as well as because of insufficient financial resources. It stems from the failure of a nation to agree on the goals and objectives of an educational program and to price realistically the basic ingredients of an educational program to meet the national needs. The crisis will not be resolved without substantial federal support and without substantial federal intervention to stimulate change.

EDUCATION, A NATIONAL PRIORITY

The importance of improving education as a national priority is compelling.

Education is a significant factor in improving national economic growth by assuring the supply of a highly trained work force and stimulating the market for consumer goods.

Education is basic to the eradication of poverty and hunger, and to the improvement of health and physical fitness.

Education is a powerful tool to promote civic participation within the democracy and to preserve law, nationally and internationally.

Education is important to the development of man's ethical character and the enrichment and enlargement of his personality.

The school is one of the many important influences on youth today. Therefore, because the school is the one basic public institution which is concerned with the total development of child to maturity, the nation must commit its human and financial resources to school improvement.

TAX BASE IS REGRESSIVE

The state and local tax bases are constrained by mounting taxpaper resistance to further increases, especially in local property taxes.

Public schools are still supported largely from the most inelastic and regressive of the major tax sources, the property tax. The bases of sales and income taxes expand faster than the economy. The basis of the property tax does not expand automatically—it expands only when new buildings are added to the tax rolls. Otherwise, property must be reassessed to keep in line with rising property values. In 1971 more than one-half of school support came from the property tax. The impact of the property tax on family income is almost three times greater for the family with less than $2,000 per year than for the family with over $15,000 per year. All state and local taxes which provide more than 90 percent of public school support are regressive, with the burden on the lowest income family under $2,000 at about twice the burden on the highest income family (over $15,000). Among all tax sources, only the federal taxes are progressive—that is, the burden on low income families is about one-third of that on higher income families. Further support for needed improvements must come from largely federal tax sources.

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[1] *Schools for the 70's: A Call to Action.*

DEVELOPMENT OF STATE SUPPORT PROGRAM

Historically, local school systems carried the major financial burden of school support. In the 1930's every state provided significant financial aid to local schools. A pattern has evolved of relationships between the states and their local educational agencies which, simply stated, calls for setting educational program standards and the sharing of support based partly on the relative ability of the local taxing units. This pattern is called the state foundation program. The program sets forth the educational program to be financed, qualifications for professional staff, and, in some states, the salaries, numbers of pupils per teacher, numbers and kinds of special teachers, and other staff for supporting services, unit allowances for textbooks and other instructional materials, and standards for transporting pupils and maintaining and operating school facilities. The standards set represent a compromise between the standards of educational excellence and standards of educational deprivation. They are described as "an acceptable minimum," "a floor below which no school system can go," and they generally fall somewhere between the highest and the lowest in the range of practices which exist in a state.

Once accepted, these standards are priced and specific costs calculated—frequently on the basis of classroom units. The state's share generally consists of a flat amount or a percentage of the unit cost supplemented by the amount per classroom unit which is still lacking if the local agency makes a reasonable effort to support its own schools.

The elements and level of the state foundation program vary widely among the states, and no two states have exactly the same foundation program. However, there are common thrusts.

The foundation program sets a guaranteed amount of financial resources to purchase school services available to pupils in all school systems throughout the state. To this extent, it equalizes educational opportunity.

The foundation program shares state tax receipts, thus partially relieving the local property tax base. To the extent that the formula provides more funds to school systems with lower property tax paying ability, it equalizes the burden of school support among taxpaying communities.

The foundation program deals with the question of how—and if so, how far—a local educational agency can go beyond financing the standards set in the foundation program in terms of encouraging local leeway in some instances, and limiting leeway in others, by establishing tax rate, budget, or expenditure ceilings, and procedures for extending the ceilings.

The foundation program is a powerful lever for influencing the local educational agencies to undertake programs and reforms they would not otherwise do.

The processes some states use in developing state foundation programs are representative of the best in democratic procedures. A broadly representative study group is convened comprised of citizens, legislators, educational experts, and practitioners. All interested groups are heard. Experts are consulted. Findings and recommendations are disseminated and legislation introduced. The process is one of establishing a consensus on educational goals, standard, program objective, and willingness to pay the price.

The state education associations have played a dominant role in establishing, reforming, and increasing the state foundation programs. We now propose to extend this influence of professional educators to the federal level.

In recent years, the role of the federal government in supporting programs for public elementary and secondary education has been primarily to grant relatively small amounts of money for a large number of programs with the purpose of stimulating state and local educational agencies in their attempts to solve specific educational problems of national concern.

We propose that the dialogue and processes basic to establishing a National Educational Foundation Program begin now with a view to reaching agreement upon (a) the educational program essential to every American; (b) the basic components of an improved educational program; (c) a plan for sharing the costs between the federal government and the state and local governments; and (d) a plan for evaluating the total educational effort. We urge that the National Educational Foundation Program be operating and fully funded by 1976.

EXHIBIT A—WORKING PAPER NO. 1—OBJECTIVES OF A NATIONAL FOUNDATION PROGRAM

The proposed educational objectives of a National Educational Foundation Program on which the dialogue may begin are to:

1. equalize educational opportunity so that each student is provided a fair share of certain basic educational services and opportunities without wide variation caused by his residence in a rich or poor community or a rich or poor state;

2. integrate schools to relieve the social and intellectual handicaps of racial isolation;

3. provide early childhood education, including kindergarten for all five-year-olds, nursery school for three- and four-year-old children, day care centers for children without a parent at home during the day, and special education from birth for children with exceptional mental and physical handicaps;

4. modernize vocational programs to help youth be ready for employment;

5. provide modern school plants to facilitate the flexible educational programs needed in today's schools;

6. expand and strengthen programs of adult education in basic education, career development, and cultural and recreational enrichment;

7. consolidate inefficient school systems and promote multi-district arrangements to provide essential school services;

8. provide to needed numbers of qualified staff (classroom teachers, specialists, aides, and administrators) pay sufficient to support a moderately good standard of living;

9. increase development and use of technology to assist instruction and coordinate the efforts of isolated innovative programs toward achieving major impact on the nature of schooling;

10. provide programs of inservice teacher education based on the improvement of instruction within the concept of the school as a humanistically-oriented social institution;

11. provide for research, development, and evaluation necessary to the maintenance of a truly responsive relation between school and society.

Some standards for the operation of public school programs can be agreed upon as a basis for determining the cost of achieving the improved educational program which the objectives suggest. It is assumed that all pupils receive at least the basic elementary and secondary school program. In addition, five programs are identified where specialized and intensive services are required. These include early childhood education programs, programs for the severely mentally and physically handicapped, programs for pupils with severe social and emotional problems, remedial and compensatory programs, and vocational education. Two other programs, summer school and adult education, extend catch-up and enrichment opportunities to youth and adults.

A. Basic elementary and secondary program (grades 1 to 12):

1. Sufficient staff services including classroom teachers, teacher aides, specialists, administrators, and custodians and other nonprofessional school workers.

2. Compensation, fringe benefits, and civil and employment rights for school employees equal to those of comparable workers in private employment.

3. Free textbooks and access to adequate libraries, instructional materials, and technological support.

4. Adequate and safe school facilities permitting flexible teaching arrangements, laboratories, libraries, offices, gymnasiums, lunchrooms, auditoriums, etc.

5. Safe facilities for transporting pupils between home and school and between the school and the community.

6. Inservice training programs for instructional improvement and for institutional reform.

7. Extended day school programs for children without a parent at home during the day or as needed to provide wholesome recreation and enrichment opportunities for pupils.

B. Early childhood education:

1. A full session kindergarten for all five-year-olds.

2. Nursery or prekindergarten for three- and four-year-olds, in a program initially centrated on children from low-income concentrated on children from low-income

3. Day care centers for children without a parent at home to provide a safe, healthful, and stimulating environment for young children while parents are at work.

4. Special education programs for children with acute physical and mental handicaps who would benefit from early special education.

5. A parent education program where necessary to teach parents to understand and to guide child development.

C. Provision of educational services for mentally and physically handicapped pupils:

1. School housing and transportation facilities with special physical equipment to meet the needs of severely handicapped pupils.

2. Additional staff services of specialized persons.

3. Additional diagnostic and corrective treatment programs and facilities.

4. Family counselling and parent education as needed.

5. Provision of early vocational skill development programs.

D. Provision of educational services for pupils with severe social and emotional difficulties:

1. Provision of special schools for pupils who cannot be accommodated in programs in the regular schools.

2. Additional specialized services in diagnostic and therapeutic areas.

3. In-house custodial care where necessary.

4. Early vocational guidance and training.

E. Provision of remedial and compensatory programs:

1. Provision of additional services on an individual basis if necessary.

2. Increased diagnostic and corrective treatment services.

3. Provision of additional cultural enrichment experiences.

4. Provision of increased communication with parents and the community.

5. Early vocational guidance and training programs.

F. Career development:

1. Provision of modern facilities and equipment for vocational training.

2. Flexible scheduling to permit expanded work-study programs.

3. Increased vocational guidance and job placement services with follow-up in early job experiences.

4. Expanded curriculum to provide broad offerings in the high school.

Two additional programs warrant consideration for support in the National Educational Foundation Program.

Summer school programs for enrichment, acceleration, or remedial work are desirable extensions of the regular school year. Students can achieve a full year or a half year's work in one course in 30 days in summer school when longer class periods are scheduled. For example, a full year's reading course can be covered in summer school. The summer school program should be free to all youth.

Adult education programs provide instruction in subjects from basic language skills, crafts and arts, high school extension work for school dropouts, enrichment, and career development opportunities. Consideration must be given to subsidizing the cost of instruction in adult education programs lest adult education opportunities be denied to those citizens who need it most and are least able to meet the costs.

Under the pressures of personnel and financial shortages, state and local school systems have long neglected evaluation of existing educational programs and the development of improved programs. We propose to set aside 10 percent of the federal share of the foundation program to finance the evaluation of the existing and proposed school organizations, structures, programs, teaching methods and materials, testing, facilities, and teacher training, and to design and test improvements.

EXHIBIT B—WORKING PAPER NO. 2—ESTIMATED COST OF THE NATIONAL FOUNDATION PROGRAM FOR EDUCATION

The cost of a moderate standard of quality education in 1976 is estimated at $72.4 billion in current prices. This amount is 95 percent of the current annual outlay of $76.4 billion for national defense. The cost estimate includes:

Current expense and capital outlay and debt service for 48.4 million pupils in average daily attendance during the regular school year and 10 million each in summer school and adult education;

Programs for youth from nursery school through high school, summer school, and adult education programs;

Special programs for pupils with severe physical and mental handicaps, emotional maladjustments, and racial isolation;

Intensive vocational training beginning in the secondary schools;

Programs for pupils facing severe cultural and/or racial isolation.

Costs are estimated for target groups of pupils as follows:

1. A guaranteed basic elementary and secondary education in grades 1 to 12: 30 million pupils at $1,200 each, $36,000,000,000.

The estimated cost per pupil in average daily attendance for the basic elementary and secondary school program of $1,200 is calculated to provide an average of one professional staff person to 20 pupils and an average instruction staff salary of $10,500. It includes all current expenses, capital outlay, and debt retirement.

2. Early childhood education for children ages 3–5 years; 5 million pupils at $1,200 each, $6,000,000,000.

3. Education services for severely mentally and physically handicapped youth: 800,000 pupils at $2,400 each, $1,900,000,000.

4. Educational services for severely socially and emotionally maladjusted youth: 600,000 pupils at $2,400 each, $1,400,000,000.

5. Provision of remedial and compensatory education: 4,000,000 pupils at $2,000 each, $8,000,000,000.

6. Vocational education: 8,000,000 pupils at $1,900 each, $15,200,000,000.

7. Summer school programs for 50% of pupils enrolled in the school system: 24,000,000 pupils at $100 each, $2,400,000,000.

8. Adult education programs: 15,000,000 students at $100 each, $1,500,000,000.

Total cost of the National Educational Foundation Program, $72,400,000,000.

SHARING THE COST

The total cost of the National Educational Program is estimated at $72.4 billion. State and local outlays for public schools from state-local tax sources which now stand at $41.5 billion [2] would rise moderately to $48.3 billion by 1976 to meet the state-local share of two-thirds of the cost of the program. This proposal calls for a dramatic increase in the federal share to $24.1 billion—up from $2.9 billion today—to meet one-third of the total educational outlays.

ALLOCATION AMONG THE STATES

The proposed plan for distribution of $23.2 billion to the states is that one half of the federal funds be distributed on the basis of the states' share of the national total of pupils as follows:

1.0 times the number of pupils in nursery and kindergarden programs; plus 1.0 times the number of pupils in the basic elementary and secondary school program; plus 2.0 times the number of pupils needing programs for the severely mentally and physically handicapped youth; plus 2.0 times the number of pupils needing programs for the severely socially and emotionally handicapped youth; plus 1.7 times the number of pupils needing full-time remedial or compensatory programs for pupils from low-income families; plus 1.6 times the number of secondary school pupils in vocational training programs; plus 0.08 times the number of pupils enrolled in summer school; plus 0.08 times the number of pupils enrolled in adult education programs.

We propose that 40% of the funds be distributed to the states on a formula which combines the pupils in programs as weighted above; a state ability factor calculated by dividing personal income for the U.S. by the states' personal income; plus a state effort factor calculated by dividing the percent that the state's state-local revenues for schools are of state personal income by the national percent all states' state-local revenues for schools are of national personal income.

We propose that the remaining 10% of the federal funds be distributed to the states on the basis of unweighted pupils to be expended solely for research, development, evaluation of school programs, and dissemination of promising results.

APPROPRIATION OF FEDERAL FUNDS

We propose that the federal funds required be appropriated annually one year in advance and that a trust fund be established to assure periodic payment of amounts due the states.

We propose to delegate to the Secretary of Education the responsibility for the development of nationwide estimates of program cost factors and to charge the Secretary with the collection from the states of numbers of pupils enrolled in the program areas.

We propose to delegate to the Secretary school officer in each state to develop a plan for distributing the federal funds to local educational agencies which is based on the local agencies' needs for funds as measured by numbers of pupils in programs weighted by program costs and on the ability and effort of the local school agency to support the school program at the foundation amount of $1,200 per pupil from the available state and local resources.

We propose to require that the chief state school officer account annually to the Secretary of Education for the program enrollments, funds spent by target program areas, and progress made of the evaluation of ongoing programs and the development of improvements.

We propose to require full enforcement of Title V of the Civil Rights Act and full compliance with the orders of the Federal courts.

We propose to continue all existing federal grant programs until 1976 when the full federal share of the National Educational Foundation program is appropriated. From that date forward we proposed to continue only federal funds provided under PL 815 and 874.

VETERANS BILLS SIGNED BY PRESIDENT NIXON

Mr. **HUGHES**. Mr. President, I welcome the news that President Nixon has signed into law H.R. 3344, regarding direct home loans to veterans, and H.R. 943, providing group mortgage insurance for paralyzed veterans. Enactment of H.R. 3344 changes the conditions under which the Administrator of the Veterans' Administration sells loans on the commercial money market. This paves the way for resumption of the direct home loan program for veterans in credit-short areas which are mainly rural.

This direct home loan program is separate and distinct from the well-known GI loan guarantee law under which most veterans are eligible for a guarantee on their home loan. In counties where commercial credit is tight, veterans can apply for a direct loan from the Government when private financing is not available for the GI bill guarantee. The Veterans' Administration administers a revolving fund in which there is about $560 million available for lending.

I have expressed to the Senate earlier my conviction that this legislation, H.R. 3344, was not absolutely necessary for the VA to begin again their direct home loan program. But now that it has been signed into law by the President, I am confident that the VA will begin approving these loans, of which there are some 2,000 from all over the country backed up in the pipeline.

I am also gratified to learn that H.R. 943 has been signed into law. This program will provide Government financing for mortgage insurance for these veterans who live in specially adapted housing. It means that a paralyzed veteran will no longer have to suffer the mental anguish and uncertainty of not knowing whether his family will lose their house in the event of his death. If the veteran dies, the benefits of the policy would be payable to the holder of the mortgage loan clearing the title to the house for his family.

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[2] Includes current expenditures, capital outlay, interest and debt retirement less federal revenues.

Mr. President, both of these bills were considered by the Subcommittee on Housing and Insurance—Committee on Veterans' Affairs—and I am certain all members of the subcommittee appreciate the action of the President.

HILL-BURTON COMMENDATION

Mr. SCOTT. Mr. President, in the September 1970, issue of the American Journal of Public Health, an article entitled "Public Health and the Law," written by William J. Curran, began as follows:

> When the history of health legislation in the 20th century is written, the place of honor as the most significant single piece of Federal legislation may well be accorded to the Hill-Burton Hospital Survey and Construction Act of 1946.

We in Congress as well as persons in all walks of life who have had an involvement with the program can feel a sense of pride and accomplishment when Hill-Burton celebrates its 25th anniversary on August 13.

One of the program's unique features has been its success in creating a national partnership for health among local, State, and Federal governments, and among public and private nonprofit groups including hospitals, churches, civic organizations, and professional associations.

More than 10,700 projects involving hospitals and other facilities have received both financial and technical assistance through the Hill-Burton program. They stand as constant reminders of achievement through coordinated effort. With the new activities resulting from the 1970 amendments, even greater opportunities lie ahead in helping communities meet their ever-changing needs for health facilities.

NEED FOR A METRIC EDUCATION PROGRAM

Mr. PELL. Mr. President, this past week I submitted amendment No. 393 to encourage the Office of Education to institute a program to assist schools, colleges, and other bodies in informing the public about the metric system of measures.

I submitted this amendment in order that the administration's recommendation contained in the U.S. metric study be implemented.

Secretary of Commerce Maurice Stans recommended to Congress this past Friday that "early priority be given to educating every American schoolchild and the public at large to think in metric terms" notwithstanding whether the United States decides to go metric or not.

This recommendation had the support of the National Education Association and the near unanimous support of the participants in the U.S. metric study.

I do not plan to call up my amendment.

I am withdrawing my amendment, not because I do not believe the metric education program I have suggested is not necessary, but because I believe its objectives would be achieved by having the National Institute of Education, which is created in our bill, undertake the type of metric education program recommended by the U.S. metric study.

The authority already provided the national institute is sufficient to undertake such a metric education development program. It is my expectation that, once the institute is operational, it will undertake such a program in conjunction with the Department of Commerce.

WELFARE REFORM

Mr. TOWER. Mr. President, I have become more convinced over the past few months that the road to true welfare reform will not be realized through federalization of our welfare programs. Yet federalization is the solution which the House of Representatives has already adopted by passing H.R. 1.

I outlined my reasons for opposing the House-passed family assistance plan last June 17 when I announced my support and cosponsorship of the Revenue Sharing for Public Assistance Act. Opposition to the guaranteed annual income provision of the family assistance plan has grown at a steady pace since the revenue sharing alternative was introduced by Senator CARL CURTIS on June 10.

The bill which I support has picked up added support in the Senate while the Family Assistance plan has been received by the Senate Finance Committee under the able leadership of its chairman, Senator LONG, with a series of strong objections on the grounds that it actually represents welfare expansion rather than welfare reform. I am extremely confident that the committee will intelligently provide the Congress and the American people with the technical information relevant to the disastrous consequences that would result if the family assistance plan was enacted. Furthermore, I would hope that the Senate Finance Committee would consider S. 2037, the Revenue Sharing for Public Assistance Act as an alternative to the family assistance plan during its current deliberations on H.R. 1.

Mr. President, we all have recognized the need for welfare reform. I have joined in sponsoring S. 2037 because I believe it offers the most constructive welfare reform legislation yet presented to the Congress.

One of the major reasons I support S. 2037 is that it will enable the State governments through a revenue-sharing formula to control their own welfare programs on a basis that is fiscally manageable. I am strongly convinced that State government officials working together with local political subdivisions can control the spiraling costs of welfare if they possess the proper financial resources to administer a just and equitable welfare system.

Our local and State governments obviously do not have an adequate tax base to deal with this situation. For this reason, a revenue-sharing concept seems a rational alternative to both H.R. 1 and the present system.

The current dilemma in welfare has been caused because the Federal Government has promulgated a series of stringent standards under the aid to families with dependent children program. These standards must be adhered to and enforced under the law by the State governments. Meanwhile, there exists a double standard since the States must pay the largest share of the spiraling costs which have resulted from those standards laid down by the Department of Health, Education, and Welfare.

While studying this problem, it has become apparent to me that the Federal Government has no desire to cut welfare expenses. This remains one of my strongest objections to federalization of welfare as envisioned by the family assistance plan.

On the other hand, State governments are showing the greatest concern for the increase in welfare costs and are acting to curb the abuses in their welfare programs. Both large and small States are implementing programs to reduce expenses in the various aid programs while, at the same time, insuring that those who are truly in need will receive adequate care. I commend the Rockefeller and Reagan administrations in New York and California respectively for their attempts to reform their own programs. Many other States have embarked on a series of creative reform proposals despite continuing pressures from the Federal Government and such organizations as the National Welfare Rights Organization to relax those efforts.

My own State of Texas is initiating a vendor drug program in which the State government will pay directly to pharmacists certain medical expenses for welfare recipients. The results of this program will not be in for months, but I am hopeful that it will provide some form of fiscal relief.

Mr. President, many of us in the Congress have been making a great many statements about the need to revitalize our State government machinery. Welfare programs have traditionally been controlled by our State and local governments. Despite monumental cost increases growing primarily out of standards established by the Department of Health, Education, and Welfare and decisions emanating from the Supreme Court, these State governments are implementing a number of laudable programs to reform the welfare system.

I maintain that passage of the Family Assistance plan and the full federalization of welfare that goes along with that plan will put another nail on the coffins of our State governments by contributing to the decline of their power. It will mean a continuation of the process of erosion of the 50 State governments and territories. Therefore, instead of passing the Family Assistance plan, I believe the Senate should adopt a welfare revenue sharing plan to assist our State and local governments to continue implementing their reform programs.

Mr. President, a recent article in the August 9 issue of the U.S. News & World Report has highlighted the recent activities initiated by the States to curb welfare abuse and the spiraling costs of the Aid to Families with Dependent Children program.

I ask unanimous consent that this article and the accompanying tables and charts within the article be printed into the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Crackdown on Welfare Payments

Mounting demands by taxpayers across the country for a crackdown on soaring costs of welfare are beginning to get some results.

In State after State, actions to curb spending and hold down relief rolls are under way or are being given urgent consideration. The reason:

Since 1961, the number of welfare recipients in the U.S. has doubled—from 7.2 million to about 14.4 million. Costs to taxpayers have spiraled from 4.3 billion dollars a year to nearly 17 billion dollars.

Officials of some States and cities warn that the welfare burden is threatening financial disaster. It is this threat that is spurring efforts to stem the heavy drain on tax money.

National sentiment for drastic reform is pervasive. This is recognized at all levels of government.

Now before Congress is the Nixon Administration's Family Assistance Plan (FAP)—a program for massive overhaul of the welfare system. A key provision would place a federal floor under payments to poor people for the first time. Critics contend that the Administration's plan would add to relief rolls, not subtract from them. State legislatures appear increasingly determined to act on their own to bring runaway costs under control.

A nationwide survey by staff members of "U.S. News & World Report" shows a growing number of States launching attacks on the welfare mess.

Cutbacks on payments, stricter rules for eligibility, stepped-up drives to put able-bodied recipients to work, tough measures against cheats and frauds are among reforms now being implemented or strenuously advocated.

But it is slow going. In big cities, the sheer mass of the problem makes it difficult to tackle. Roadblocks include organized opposition by "welfare rights" groups to purges and reductions, court battles, political struggles. Unemployment is an inhibiting factor.

Other examples of measures enacted or being debated in various States are given in the reports that follow.

California. Governor Ronald Reagan has pared thousands from relief rolls by administrative action. New rules reduce the number of hours a person can work and still get aid. Stricter standards affect those with some outside income other than from jobs.

But the Governor's "get tough" regulations are being challenged in the courts by the California Welfare Rights Organization.

Meanwhile, a battle is being fought in the State legislature over proposed welfare-reform measures. This pits the Republican Governor against Democratic opponents in the legislature.

Mr. Reagan's proposals—which, along with administrative changes, were designed to save 800 million dollars annually in welfare costs—were rejected by the State senate's health and welfare committee. A compromise reform bill under Democratic sponsorship is unacceptable to the Governor.

Ceiling? The main point at issue is Governor Reagan's insistence that a rigid ceiling be set on Senate spending to support the needy, with cuts in cash grants when necessary to hold the line. His opponents demand continuation of welfare payments on a basis of need, even when over-all spending exceeds the amount set in the State budget.

In June, the number of recipients in California dropped for the third straight month. The June total of 2,199,157 getting cash grants was down almost 100,000 from the March total of 2,298,440. The decreases were the first since 1969. Robert B. Carleson, director of the State department of social welfare, had this comment:

"While three months is a relatively short period of time on which to base any solid projection, I believe the continuing decrease is the result of administrative changes—recently enacted by the State and implemented by the counties, in line with the Governor's reform program—as well as continuance of public discussion on the need for welfare reform."

PEOPLE ON RELIEF: THE BURDEN IN 26 CITIES

In areas where welfare departments serve only central cities	Number of people collecting relief	Percent of area's population
Baltimore	137,793	15.2
Denver	51,825	10.1
New Orleans	88,018	14.8
New York	1,181,310	15.0
Philadelphia	288,297	14.8
St. Louis	91,665	14.7
San Francisco	101,710	14.2
Washington	79,412	10.5
IN AREAS WHERE WELFARE DEPARTMENTS SERVE CENTRAL CITIES PLUS PART OF THE SUBURBS		
Boston	122,049	16.6
Chicago	485,233	8.1
Cleveland	152,247	8.8
Columbus	55,466	6.7
Dallas	66,080	5.0
Detroit	241,363	9.1
Houston	77,464	4.2
Indianapolis	27,116	3.4
Jacksonville	39,776	7.5
Kansas City, Mo	44,460	5.5
Los Angeles	894,659	12.7
Memphis	70,927	9.8
Milwaukee	69,794	6.2
Phoenix	38,642	4.0
Pittsburgh	112,526	7.0
San Antonio	55,623	6.7
San Diego	101,129	7.4
Seattle	60,312	5.2

Note: Relief rolls as of February 1971 latest available.

Source: U.S. Department of Health, Education, and Welfare.

Governor Reagan is among those who argue that President Nixon's Family Assistance Plan would be a move in the wrong direction, adding more persons to relief rolls.

Illinois. Governor Richard B. Ogilvie is pressing for a strong program to cut welfare costs. Key proposals: tightened work requirements for welfare recipients; creation of new jobs in public service; job-training facilities; day-care centers for working mothers; a clampdown on medical costs; more emphasis on birth control and family counseling; simplified administrative procedures.

Governor Ogilvie slashed 65 million dollars from the legislature's appropriation of $1,120,000,000 for welfare. Further cuts will be made, he warned, unless the increase in welfare case loans—which has been running at about 7,000 a month—is reduced to less than 4,000.

In Cook County—Chicago—the Illinois department of public aid is attempting to cut case loads by investigating eligibility of welfare recipients. The investigation—which eventually will extend throughout the State—was sparked by charges of widespread welfare fraud in the county.

Problems of residency. One aspect of reform that is drawing much attention is a one-year-residency requirement for relief applicants. Such a requirement was enacted by the New York State legislature this year, but its constitutionality is under challenge, and the State has been enjoined from enforcing it pending a court ruling.

Nevertheless, one-year-residency bills are pending in Illinois, Wisconsin, Michigan and Ohio. Backers say the States have now reached a point of "compelling interest" in their tribulations with welfare which may make the requirement valid, even though it was declared invalid by the federal courts in 1967.

Some States are imposing stiff reductions in relief grants. Kansas, for example, will cut its payments by 20 per cent, beginning September 1. This will slice the payment to a family of four with no outside income from $261 a month to $211.

Other actions to reduce costs, already taken in Kansas, include a slash from 10.5 per cent to 5 per cent in the profit allowance for pharmacists serving welfare recipients and a limit on what can be paid out of public-assistance funds to physicians who attend people on relief rolls. Medical fees are held to a maximum of 75 per cent of what the highest-priced doctors in the area charge. A move is afoot to reduce this to 50 per cent.

Alabama. A new method of determining eligibility and the amount of payment was put into effect in May. Welfare Commissioner Reuben K. King explained:

"This procedure does not affect families with no outside income, but it has reduced payments to persons with other income, and has caused some to be ineligible.

"The first month this plan was in effect, about 9,000 cases were closed, including about 6,900 cases of aid to families with dependent children, and 2,100 cases of aid to the permanently and totally disabled.

It is estimated further that, during the same month, more than 17,400 payments were reduced—4,400 in aid to the disabled and 13,000 in aid to families with dependent children."

Mr. King said he was not yet in a position to estimate dollar savings.

Texas. An attempt to liberalize public assistance by raising the State's constitutional ceiling on welfare funds was rejected by the voters last May.

Texas welfare officials—pointing out that relief rolls have been increasing at a rate of 12,000 monthly since last September—say they fear they will have to reduce the amount of the average relief check by next year. Under the payment rate now in effect, a mother with three dependent children draws $118.14 a month.

One thing pointing to a reduction in the size of individual payments, officials said, is a recent U.S. Supreme Court ruling that aliens who entered the country cannot be denied welfare solely on the basis of noncitizenship. This is expected to add up to 22,000 Latin-American aliens to the aid lists, with no additional funds available. So some others must be cut.

THE RECORD, STATE BY STATE—YEARLY COST OF BENEFIT PAYMENTS

[Dollar amounts in millions]

	1961	Latest	Percent increase
Alabama	$79.4	$277.1	249
Alaska	3.6	19.6	444
Arizona	24.7	48.2	95
Arkansas	45.8	118.3	158
California	495.8	2,822.5	469
Colorado	81.4	174.5	114
Connecticut	46.9	228.3	387
Delaware	4.4	27.1	516
District of Columbia	15.8	99.3	528
Florida	78.8	231.0	193
Georgia	87.3	309.9	255
Hawaii	7.1	47.4	568
Idaho	11.9	28.0	135
Illinois	236.5	996.3	321
Indiana	47.1	211.9	350
Iowa	57.2	122.7	115

THE RECORD, STATE BY STATE—YEARLY COST OF BENEFIT PAYMENTS—Continued

[Dollar amounts in millions]

	1961	Latest	Percent increase
Kansas	$46.2	$144.0	212
Kentucky	62.4	194.5	212
Louisiana	150.2	258.3	72
Maine	20.9	73.6	252
Maryland	29.2	249.2	753
Massachusetts	155.7	827.7	432
Michigan	169.9	792.4	366
Minnesota	86.9	304.9	251
Mississippi	50.2	128.3	159
Missouri	133.7	257.1	92
Montana	13.2	34.2	159
Nebraska	21.6	71.0	229
Nevada	5.9	16.2	175
New Hampshire	8.6	33.0	284
New Jersey	73.8	573.4	677
New Mexico	24.0	60.7	153
New York	353.8	3,547.2	903
North Carolina	70.1	216.9	209
North Dakota	13.2	29.8	126
Ohio	191.4	517.6	170
Oklahoma	128.8	231.6	80
Oregon	39.3	122.2	211
Pennsylvania	189.8	1,045.5	451
Puerto Rico	16.7	90.9	444
Rhode Island	20.9	97.6	367
South Carolina	27.8	72.2	160
South Dakota	13.3	32.2	142
Tennessee	53.9	175.2	225
Texas	169.4	613.8	262
Utah	17.2	48.1	180
Vermont	7.5	38.4	412
Virginia	26.6	182.0	584
Washington	106.5	281.4	164
West Virginia	38.6	80.8	100
Wisconsin	70.6	292.9	315
Wyoming	5.6	9.7	73

Note: State figures do not include administrative costs. Latest State totals are for March 1971, at an annual rate.

Source: U.S. Department of Health, Education, and Welfare.

Texas welfare rolls—now totaling about 640,000—have increased by more than 100,000 in the last year.

Pennsylvania. Cutbacks in the welfare budget are being considered by the State legislature, while administrators are working to root out inefficiency and to reduce theft or fraudulent use of welfare checks.

Investigations of possible fraud in counties where checks are repeatedly reported lost are being stepped up.

In Philadelphia, for instance, when anti-fraud procedures were tightened, issuance of duplicate checks to welfare recipients who claimed they hadn't received their payment showed a sharp drop.

State Welfare Secretary Helene Wohlgemuth noted that 3,900 duplicate checks were issued last January but, with new safeguards in effect, only 1,900 were issued in June.

Welfare officials in Pennsylvania are considering another step against fraud: issuance of photo-identification cards to welfare beneficiaries.

New Hampshire. An indication of the hardening attitude toward welfare money that is becoming evident in many States was seen here recently.

Until near the close of the State legislature's session, it appeared that the lawmakers would refuse to approve the 13-million-dollar welfare budget for the next two years. This would have forced a reduction of 48 per cent in all categories of public assistance to the State's needy, with only local and federal funds available.

At the last minute, welfare-department officials succeeded in convincing the legislators that the funding was essential. The money for the welfare budget was taken from funds that had previously been earmarked for the department of education.

This, in effect, transferred the State's share of welfare costs to New Hampshire's cities and towns, whose taxpayers must now pay more to support the schools.

According to the Council of State Governments, welfare spending in at least 20 States exceeded budgeted amounts in the year that ended June 30.

To save on costs through centralized operation, some States are moving toward a State-government take-over of welfare financing and administration from counties and cities or towns.

A number of measures are being taken to eliminate cheating. Nevada, for instance, now requires an investigation of welfare applicants before they can receive aid. Denial of benefits to recipients who dodge opportunities to work is a spreading pattern.

In Massachusetts, legislation authorizing prosecution of welfare cheats has been proposed by Governor Francis W. Sargent.

A look around the U.S. makes it clear that taxpayers are in revolt against the increasing oppressive burden of welfare—and that public officials are getting the message.

WHERE WELFARE WAS REFORMED

NEW YORK CITY.—Here, where huge numbers of the poor make the welfare crisis particularly acute, reforms are being put to the test.

About 1.2 million of New York City's 8 million people—more than 1 of every 7 residents—are on relief.

Annual costs of public assistance here have spiraled from about half a billion dollars in 1965 to close to 2 billion now.

Under pressure from taxpayers, the New York State legislature enacted some key reforms this year, at the urgent request of Governor Nelson A. Rockefeller.

This was a sharp change of attitude on the part of the "liberal" Republican Governor, who had long been a backer of expanded social-welfare programs.

The reforms included:

1. A flat 10 per cent cut in welfare grants under programs of Home Relief and of Aid to Families With Dependent Children. This affects 350,000 New York City families with 700,000 children. As an example, monthly payments to a family of four were reduced from $231 to $208.

2. A requirement that all welfare recipients classified as employable pick up their relief checks at offices of the New York State Employment Service instead of receiving them through the mail. The new law requires acceptance of "any kind of a job in which they are able to engage." Refusal to report to employment offices or to accept a job means cancellation of aid.

3. A one-year residency rule for welfare benefits. This change has been challenged in the courts, and its enforcement has been blocked pending a ruling on the constitutionality of the law.

According to New York City Social Services Commissioner Jule M. Sugarman, the 10 per cent cut in welfare grants will result in savings of 20 million dollars a year to the city and 20 million to the State. But, he said, this will be partially offset by a loss of 30 million dollars in matching federal funds.

The work-relief requirement affects 60,000 persons now classified as employable. In addition, all persons over 16 in the Home Relief program are being evaluated to determine whether they are able to work.

It is estimated that jobs on private payrolls can be found for about 10,000 welfare recipients. And the Emergency Employment Act recently passed by Congress is expected to provide about 5,000 public jobs in New York City.

As many of the others as possible are to be put to work for the city, drawing their relief checks as pay. Mr. Sugarman has set up projects to use "work relief" people in such tasks as maintenance workers in schools, parks and other facilities, security guards, and handymen in hospitals. They will perform services the city needs but has not been able to afford. No one now on the city payroll will be displaced.

Results of change.—Governor Rockefeller noted on July 23—three weeks after the work law went into effect—that about 18 per cent of those classed as employable were not picking up their welfare checks. This indicated, the Governor said, that "there may have been numbers of people formerly receiving checks in the mail who should not have been receiving welfare benefits."

For the first time in two years, New York City's welfare rolls showed decreases in April and May of this year.

Mr. Sugarman said that with the great migrations to New York City from the South and Puerto Rico tapering off, the welfare case load may have reached a plateau here.

The commissioner is hopeful that the reforms now being implemented will ease the welfare burden.

But, he said, the long-range solution lies in such "positive steps" as family planning to hold down the birth rate among the poor, more job training and better schools for slum children.

HOUSING FOR THE ELDERLY—OR A DEAD END FOR NONPROFITS?

Mr. WILLIAMS. Mr. President, appropriate committees in each House of Congress heard this week from Housing and Urban Development Secretary Romney.

His mission was to present new administration proposals for housing and community development legislation. One of his major points was that an interest subsidy program—established to stimulate financing of new units for lower moderate income Americans—be broadened.

While the Secretary was testifying, the Subcommittee on Housing of the Elderly for the Senate Committee on Aging was hearing witnesses who, one after the other, took issue with the interest subsidy program as it now exists, in terms of its costliness and its sometimes negative impact upon the provision of quality housing for older Americans.

Their testimony provided a timely and compelling warning against even greater reliance upon the interest subsidy mechanism than is now the case.

Furthermore, their testimony also sounded an alarm bell which should be heeded by anyone who is concerned about the housing needs of older Americans.

They said, in effect, that nonprofit sponsors—church organizations, labor unions, fraternal organizations, and others—are perilously close to withdrawal from any kind of involvement in Federal programs meant to provide housing for the elderly.

In addition, it was made abundantly clear that—just a few months before a White House Conference on Aging—the United States has no clear-cut goals in this area. In fact, HUD now has far less in the way of administrative resources for housing of aged persons than it did just a few short years ago. It is against this backdrop of aimlessness and downright confusion that the interest subsidy dispute should be viewed. As chairman of the subcommittee which heard testimony on the program, I intend to make further inquiries. For this interim report, however, I will summarize important points made at the hearings.

202 VERSUS 236

During the 1960's, the Congress established and funded a direct-loan program which allowed nonprofit sponsors to borrow money at 3 percent interest and pay it back over 50 years.

This section 202 program produced eminently livable quarters for many older persons. It has received warm support from the nonprofit sponsors which use the program. I have visited many of the individual projects established under 202. I have been impressed, time and time again, with the success of the sponsors in providing more than mere "living units." Quite often, they have produced an environment for fulfillment and satisfaction in later years; and they have done so at moderate cost. In addition, 202 projects generally have lived up to practical standards of livability. They are close to downtown shopping areas and services. They are part of the community, not isolated outposts.

Mr. President, I submit for the printing at the end of my comments a statement by the American Institute of Architects. It provides excellent arguments for the merits of 202, on several fronts.

Valuable and inspiring as these 202 projects are, they were first threatened, and now they have been superseded, by the section 236 program. This is the interest subsidy program to which I earlier referred.

Instead of providing loans which will eventually be paid back, 236 provides Federal funds to pay the difference between the 1 percent paid by the sponsor and the going market rate. In addition, the 236 program is not limited to housing for the elderly, as in 202. The Federal Housing Administration, which operates 236, applies the same standards to all housing under that program, whether meant for widows or for families with several children.

Just how useful, therefore, is 236 to potential sponsors of nonprofit housing? The witnesses from whom the subcommittee heard have grave reservations regarding its costs, its appropriateness to the elderly, and its burdensome redtape.

THE HIGH COST OF 236

One of the most informative statements provided to the subcommittee was made by Mr. Robert Renfrow, an attorney who has represented several church-sponsored, single-purpose, nonprofit corporations under 202 and, with far less success, under 236. I submit for printing at the end of my comments the full text of his statement. But I wish now to draw attention to one table prepared by Mr. Renfrow and submitted at the hearing. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the table is ordered to be printed in the RECORD, as follows:

SANTA MARIA DEL MAR, BILOXI, MISS., FHA PROJECT 065-44803 (SH-MISS-05) 211 DWELLINGS; INITIAL LOAN CLOSING APR. 28, 1970

	"202" program 3 percent interest; 50 years	"236" program 8½ percent interest; 40 years
Construction costs, including A. & E. fees	$2,687,900	$2,687,900
Title recording, land, consultant, insurance, legal organizational	212,500	212,500
Interest during construction	[1] 61,000	189,267
Interest during development on entire mortgage loan amount	[3] 45,750	0
Preliminary expenses	3,000	0
Project contingency	39,850	0
0.5 percent mortgage insurance (2 years)	0	33,40C
0.3 percent exam	0	10,020
0.5 percent inspection	0	16,700
2 percent financing	0	66,800
2 percent ampo (amount to make project operational)	0	66,800
1.75 percent FNMA/GNMA fee	0	58,450
Total mortgage loan amount	3,050,000	[4] 3,340,000
Cost to Government to repay $3,050,000 at 5 percent[5] over 50 years:		
Principal		3,050,000
Interest		5,258,200
Total		8,308,200
Repayment to Government $3,050,000 at 3 percent over 50 years:		
Principal		3,050,000
Interest		2,842,600
Total		5,892,600
Difference		2,415,600
Net cost to Government		8,138,520
Excess cost of 236 program over 202		−2,415,600
Equals		5,722,920

[1] 16 months at 3 percent (½).
[2] 16 months at 8½ percent (½).
[3] 6 months at 3 percent.
[4] Rounded down from $3,341,837.
[5] Interest paid by Government: 1969=4½ percent; 1970=4⅞ percent; 1971=5½ percent.

Note: Annual interest subsidy $203,463 for 40 years would total $8,138,520 over life of project. (This subsidy based on actual $3,250,000 "conversion" mortgage loan.)

Mr. WILLIAMS. Mr. President, Mr. Renfrow's table indicates that a $3.3 million project under 236 will result in Federal interest subsidies of more than $8 million over the 40-year life of the loan.

Under 202, even allowing generously for the cost to the Federal Government of borrowing money to provide the direct loans, the cost would be $2½ million less.

Thus serious questions arise about the fundamental mechanism of 236: the interest subsidy mechanism. The National Journal of July 24, 1971, has examined the costs of 236 and 235 in some depth and has pointed out the overall costs will reach hundreds of billions of dollars annually within a very few years. The Journal said that such subsidy programs are in trouble on four counts:

> They are costly and inefficient.
>
> They are triggering serious problems of social and political equity.
>
> They encourage shoddy building and irresponsible building practices.
>
> They are exacerbating the urban crisis.

Several of the points made at my hearing tend to confirm the broad criticisms expressed by the Journal. Among those points:

> 236 requires many costly "extras" in the way of fees that were not required under 202. One nonprofit sponsor said that he and his associates had to borrow on personal notes to pay more than $55,000 of such "extras" for a 236 project. He also said that his civic association could never again sponsor a 236—they simply cannot afford it.

On the subject of extra fees, another witness, Richard Fullerton, submitted the following list of costs "which can be arranged by the builder-broker entrepreneur." Mr. Fullerton also said that the list indicates that the builder-broker can "carry away 25 percent of the 100 financing without investing a dollar of risk capital."

The list, based upon a project of 200 units at a maximum cost of $4 million, follows:

Item allowable	Amount	Cost to broker/builder	Net "profit"
Financing fee	$80,000		$80,000
"Premium"	80,000		80,000
AMPO	80,000		80,000
Legal fee	20,000	$5,000	15,000
"Consultant"	27,500	7,500	20,000
Architect	150,000	40,000	110,000
B/S p.r.a	500,000		500,000
Land	150,000	100,000	50,000
Total			935,000

Note: 200 units at maximum: $4,000,000.

Delays in FHA processing may also cause extra costs to the nonprofit sponsor. A representative of the Trenton, N.J., Lutheran Corp., for example, told the subcommittee that because construction costs increased markedly during one such delay, his group has been forced to redesign the building to the point that it now resembles bare public housing.

The witness, Rev. F. Kenneth Shirk, also said:

> I cannot understand why the government would have to pay lending institutions an estimated $8.5 million in interest subsidy on the life of our building (which will cost about $3.6 million to build) or why we, as a sponsor, must borrow construction money at 7 percent, which amounts to $208,000. Finally, what services do the banks offer to deserve initial fees of $174,800? The last two items are, of course, passed on directly to the elderly tenant. There must be a cheaper and better way for our government to be involved in the housing field.

Nonprofit sponsors are also concerned about the imposition of ad valorem property taxes upon 236 projects. Under 202, they faced no such danger. Under 236, which also limited dividend as well as nonprofit sponsors, the threat is very real. The subcommittee was told that the tax problem is so severe that it may put rentals out of the reach of those the project was meant to serve, making many projects unfeasible.

Section 236 also provides the builder-developer with ample opportunity to take advantage of several tax shelters, encouraging use of cheap materials and short-lived equipment.

Mr. President, the costs of 236 are disturbing and intricate. They will continue to receive subcommittee attention. But the story cannot be told solely in terms of costs. We must also ask whether 236 is now providing, or is likely to provide, appropriate housing for the elderly. The answer, as seen by our witnesses, is "No."

HOW APPROPRIATE IS 236?

Through imposition of inflexible FHA standards, 236 is making it increasingly unlikely that nonprofit sponsors will produce housing of the kind really needed by many elderly persons. The most succinct description of this problem was provided by the Rt. Rev. Msgr. Edward E. Michelin, executive director of the Department of Community Services for the Diocese of Mississippi and president of several housing corporations established under 202 and other programs:

> Even though we have on hand favorable market studies and site availabilities, we have been told by our local FHA Insuring Office that no 236 funds will be used for the elderly over the 202/236 projects presently nearing completion. For us and others, not only is 202 dead but elderly housing also—swallowed up by 236. In addition, the same criteria for family-type housing is applied across the board, whether for family or for semi-infirm elderly. We seem to be slaves to rules and regulations covered with the mold of antiquity, instead of adapting rules to meet the needs of the people for whom they purport to serve. Such things as site locations, type of architecture, etc. cannot effectively serve such diverse needs of specialized housing with the same rules and regulations applying across the board. Involved in this is Hi-rise vs. Low-rise, inflexibility on parking areas, different social-recreational needs. 93 percent of our tenants do not have and cannot afford automobiles, yet land of sufficient volume and economical enough can only be obtained out in the country, away from shopping and other necessities. This not only creates an economic barrier but it also violates the social, moral concern for the elderly that demands they be kept in the mainstream of society and not be put out to pasture to die. They need now, in their declining years, to be close to their churches, stores, buses, and familiar accessible city conveniences.

Thus, 236 is not only costly; it imposes criteria which may be tolerable for a "young" elderly couple who can climb stairs and who have their own automobile to drive. Under 202, however, the average applicant had a median age of 72 to 76 years; 75 percent were widows or unmarried women; the median income was $2,500 to $3,000; and less than one in five had an automobile.

Mr. President, the dispute over 202 versus 236 is a very significant one which extends far beyond the limited, however compelling, problem of providing housing to one group of older Americans.

In his spirited defense of 236 at our hearings, FHA Director Eugene Gulledge said that his goal is to produce a maximum number of units in the shortest period of time, and that this is more likely to occur under 236 than 202. He said that, while he personally might prefer the direct loan device to interest subsidies, it seems more likely that 236 and similar programs will be relied upon to produce housing. Perhaps his reasoning was based upon the premise that the typical taxpayer—and possibly the Congress—is less likely to notice the higher costs of 236 because those costs will be spread out over many years, whereas under 202, the expenditures have a greater immediate budgetary impact.

Personally, I have more faith in the good sense of the American taxpayer and Congress. If we were too hasty in adopting the interest subsidy program the time has now come to reconsider. Already, evidence about the inadequacies of 236 are pouring in, and we should pay some attention to it.

In the face of such evidence, however, the administration, through the testimony given by Secretary Romney this week, has no intention at all of rethinking the perils of interest subsidy. Instead of restoring 202 or making 236 more readily applicable to the elderly, the administration proposes to establish an even broader program of interest subsidies. FHA will preside over a consolidated program which will encompass 236 and several other programs.

It is inevitable that housing for the elderly would, under such an arrangement, slip even lower in priority than it now is. It also is clear that the nonprofit sponsor would feel even more lost than he now is.

For these reasons I intend to consult with national organizations in the field of aging, with experts in housing and finance, and with others whose expertise can be tapped to help provide housing for older Americans. If we are unsuccessful in countering a trend which has already swept aside the most successful program which ever provided housing for the elderly—the 202—then we can expect only continual deterioration of the Federal commitment in this key area.

I ask unanimous consent that Mr. Renfrow's testimony be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY PRESENTED BEFORE THE SUBCOMMITTEE ON HOUSING FOR THE ELDERLY

(By Robert P. Renfrow)

I am an attorney licensed to practice law in North Carolina and Florida. For the past several years, I have specialized in representation of church-sponsored, single-purpose, non-profit corporations engaged in the construction and operation of housing and related care facilities for the elderly, utilizing Department of Housing and Urban Development housing assistance programs. Robert Lee Chapman, Jr., and I are sole stockholders and principals in Southeastern Housing Consultants, Inc.

Although we have worked successfully with the 221(d)(3)-Rent Supplement Program, Hill-Burton, and with the 236 program, the *bulk* of our experience has been with the Senior Citizens Housing Loan Program, better known as "202."

Displayed here are photographs of projects with which Bob Chapman and I have been associated. We were *not* involved in development of the single "231" project shown here. My partner, Bob Chapman, was retained as *management* consultant to help this in-default project get out of trouble. It's now in good shape and catching up on delinquent payments.

With rare exception, all of these projects and those not illustrated are church-sponsored. My view is that churches do not belong in the housing business. But for almost 2,000 years, and increasingly so in recent generations, churches have been concerned with human need. This is why there are so many church-sponsored hospitals, orphanages, homes for unwed mothers, extended care facilities.

Churches have come to recognize that the group perhaps most needful of social ministry is the aging, and most particularly the lower-moderate income aging.

The affluent elderly, the few that there are, generally enjoy balanced investment portfolios and are thus well insulated from the effects of inflation or deflation. The very *low* income elderly are eligible for various forms of welfare assistance and for residency in low-rent public housing. Although there is much wrong with the low-rent public housing program, a high volume of units at extremely low rents have been made available.

It is the lower-moderate income elderly of this nation who are getting a raw deal. These are the people who, during their working careers, were loyal, non-rioting, provident, pension earning, tax paying citizens, who constituted the stable middle-class element of our society. Inflation has eroded the purchasing power of their fixed retirement incomes and now that they, unlike younger people, are unable to improve their economic station, they have been deprived of the housing, security, independence and dignity which they *earned*. These buildings are merely tools, implements, to enable churches to respond to the needs of this forgotten segment of the aging population. Let me explain what I mean when I say that from the sponsor's viewpoint 202 was *not* a housing program, per se.

The most recent formal survey conducted by HUD of all in-occupant Section 202 projects disclosed these facts:

(1) The median age at admission to all projects was 72 to 76 years.

(2) The median income at admission was stated as a range from $2,500 per annum to $3,000 per annum, with 85% of the elderly households represented having an annual income to less than $4,000.

(3) Unmarried or widowed women constituted 75% of the total occupancy.

(4) 19.6%, less than one in five of the residents, maintained an automobile.

Thus, the typical 202 resident is female, single or widowed, in her mid-70's. The standard situation is one where a widow has continued to reside in a small home which she and her husband both occupied while he was alive. The husband died. Loneliness, insecurity, and the increasingly intolerable burden of house and yard maintenance and automobile ownership prompts the surviving spouse to seek the solace, companionship, physical and medical security, and the entire penumbra of unobtrusive care and concern which is offered by the church-sponsored 202 retirement facility. "Housing" in and of itself is not responsive to her very real and often desperate needs. I am not a minister and I do not want to sound like one, but there is, in fact, a tremendous compensation (an extra compensation in my case) when you visit a 202 and see the remarkable change that has taken place in the lives of these people . . . the shedding of years, the new vigor, interest and vitality that comes with freedom from financial, physical and emotional insecurity.

Your committee report evidences that you are well aware of the extraordinary success of the 202 program. More than 300 projects, and not a failure . . . unique among federally-assisted multi-housing programs.

Why was 202 successful? Why was it killed? Is Section 236 doing the job formerly being accomplished by 202? If so, are the costs comparable? And if not, what can be done? I'll offer what I believe to be the answers to these questions and, if in doing so, I make any statement which strikes you as illogical, unsupported by the facts, or requiring clarification, please demand that I document or explain my statement.

Why was 202 uniquely successful? The fundamental key to the success of the program was careful, painstaking qualification of sponsor groups. Potential sponsors were required to evidence the character, competence, intelligence, business judgement, and impeccable motivation to develop and operate a project which would be resident-orientated and not an exercise calculated to enrich a landowner, architect, builder, developer or anyone else. Two illustrations: The 202 loan officer generally meeting with the governing body of the church at their church would make it clearly understood that the sponsor did have a financial involvement in the project. That is, the sponsor would have to supply approximately $10,000 in non-mortgageable movable equipment. Also, he would be required to put up in escrow at time of initial loan closing approximately $25,000 to $30,000 as an operating contingency fund with the further requirement that even upon full or near-full occupancy at time the building was ready for occupancy, the sponsor would still have to underwrite any operational deficits for 5 years in an amount equal to the initial escrow deposit. The other illustration: In the South, the loan officer was particularly emphatic and detailed in explaining application of the Civil Rights Act.

In addition to careful and intelligent qualification of the potential sponsor, the 202 loan officer insisted on a site for the project which would offer pedestrian convenience to shopping, churches, public transportation, and other essential or desirable amenities. This resulted in a high frequency of center-of-downtown or adjacent-to-major-shopping-center project sites. An approach to architectural design was taken which inspired the best efforts of imaginative, creative architects rather than presenting the architect with a 5 pound manual and the ultimate challenge to negotiate the maze rather than do the best job of which he was professionally capable.

That, basically, is why 202 was successful: capable sponsors, responding to the housing and non-housing, needs of moderate-income elderly people in a vertical-oriented community so located as to offer pedestrian convenience and the feeling of being in the mainstream of life.

Section 202 was phased out . . . administratively, not by Congressional action. Why? Some people say the real and sinister reason was to gift the mortgage bankers with a bonanza. I think that's pure baloney. I suggest that the real reasons were twofold: First, there was concern about the immediate budgetary impact of the Direct Loan Program, and second, to provide a unitary, "one-window" approach to all housing programs. This concept of the one-window approach has great superficial validity. Unfortunately, it doesn't work, and I'd like to explain that statement a little later.

Has Section 236 *effectively* replaced 202? It has not, and may I please support that statement later. If 236 *can* do the same job as 202, what are the comparable costs? To provide the same units for housing elderly people of low-moderate income under Section 236 will cost the Federal Government (and therefore the taxpayers) approximately three times the cost of Section 202. That sounds like an outrageous statement. It's an outrageous fact! I have three exhibits to document the fact.

[Discussion of charts.]

(1) Capital Towers, Raleigh, North Carolina.

(2) Christopher Towers, Columbia, South Carolina.

(3) Santa Maria Del Mar, Biloxi, Mississippi.

The per-unit total loan cost on these projects substantially exceeds the average mortgage loan per unit for a typical Section 236 project. That's because the standard 236 project is for all ages, is low-rise, one-to-three stories, located on cheap land, generally well removed from center-city or shopping center complexes . . . which leads directly to explanation of why the 236 program does not and cannot fulfill the specialized function of the 202 program.

In March of this year, I accompanied the Bishop of the Catholic Diocese of Mobile to a meeting in Senator Sparkman's office. At this meeting, William Dockser (until recently, the Assistant Commissioner for Subsidized Housing, FHA) was in attendance and made several very frank, candid statements. He acknowledged that the 236 program, as presently administered, is oriented, and therefore favors, the development of garden-type apartment facilities built on relatively low-priced, large-sized suburban sites; also, that judgments relative to allowable construction costs per square foot were essentially keyed to this type of low-cost construction.

It inevitably follows, therefore, that a sponsor seeking to provide high-rise, downtown or shopping center apartment housing for the low-moderate income elderly is confronted presently with insurmountable hurdles in terms of FHA criteria promulgated at the Washington level, concerning the allowable number of dwelling units per acre, the land cost per square foot and per dwelling unit, the on-site parking requirements, land value and appraisals, and allowable construction costs per square foot and per unit. I mention the problem with land value appraisals. FHA staff appraisers, I am given to understand, are restricted to establishing value as to residential use despite the fact that the actual demonstrable *market* value of the center-city or adjacent-to-shopping-center site may be substantially in excess of the artificially restricted FHA appraisal. In this real world, you generally have to pay the real market price. One other very significant factor that negatives 236 fitness to do the 202 job is that ad valorem tax exemption is or can be made available to the 202 project, but not to 236 . . . California, South Carolina and Florida are examples where 202 projects are, *by statute*, singled out for property tax exemption. Legislators at the state level recognize that 202 is limited to non-profit ownership and operation, that it may not accept people whose income is over 135% of public housing maximums, and that it is absolutely restricted to residency by persons aged 62 or older. They likewise recognize that a 236, even if designed for elderly, may be profit-oriented and may include residency by higher income people, and is not absolutely restricted to older people. This single factor . . . property taxes from $5 to $35 per month per unit . . . can make a 236 *not feasible*, whereas 202 would be feasible.

Stated in over-simplified fashion, these are the reasons why the Section 236 program, as presently administered, is not an effective substitute for Section 202.

Very well, if 236 is not doing the job, what changes are necessary to enable it to effectively fill the 202 void . . . without regard to the cost? I used to believe the solution was very simple . . . that is, immediate development and publication of circulars setting forth instructions to FHA personnel for processing of applications for Section 236 Housing for the Elderly, utilizing special criteria (the same criteria which were so successfully employed by those responsible for administration of the 202 program). I no longer believe that that it a realistic solution. My pessimism in this regard is predicated on the agonizing and frustrating experience of attempting to complete development of projects which were originally filed or in an advance stage of pre-application development under the 202 program, designated "pipeline" proposals, and per Washington circulars, to be accorded the benefit of 202 criteria in processing by area and local FHA insuring offices for financing under 236. Please let me give you several examples which illustrate the point and then state what I consider to be logical conclusions. The examples concern a project under construction in Baton Rouge, Louisiana, and projects proposed for development in Tampa, Florida, and Trenton, New Jersey.

In early 1968, the Catholic Diocese of Baton Rouge and the First Presbyterian Church determined to jointly sponsor a Section 202 project. They had a pre-application conference with the 202 loan officer from the Fort Worth Regional Office and began work. During pre-application development, they were advised that the 202 program had been phased out and they were invited to seek funding under the 236 program. They went to the New Orleans FHA Office. The results of their meeting are indicated in this excerpt which I shall quote, from a letter written by Donald McAndrew, a Catholic layman who is also the Director of the Baton Rouge Parish Council on Aging. The letter is addressed to HUD Secretary, George Romney.

"Our project was originally considered for development under Section 202 of the Housing Act of 1959. Section 202 is being phased out and replaced by Section 236 of the Housing Act of 1968. We have been informed, however, by the New Orleans Office of FHA, that under the Section 236 program the building height cannot exceed two stories. The number of units is limited to 25 per acre and the land cost cannot exceed $.50 per square foot. These conditions, especially the land cost, excludes the locating of such a medium-rent housing project within the city limits. The local Public Housing Authority recently paid $1.60 per square foot for the site of a low-rent housing project at a distance two to three miles from the area of a desirable site for this proposed project. What we wish to point out to you is that while Section 236 of the Housing Act of 1968 sounds like a good possibility for providing housing for this neglected middle-income elderly group, the restrictions, in our opinion, make it of no practical value. We would appreciate your consideration of changes in these restrictions."

Three weeks later, Acting Assistant Secretary, William Ross, replying for Secretary Romney, wrote to Mr. McAndrew:

"The New Orleans Insuring Office informs me that the rental and cost estimates discussed with you during your previous meeting were for guidance purposes only and did not represent maximum or firm limitations. The determination as to whether or not a specific proposal is feasible can only be made upon a careful review of an application submitted by the sponsor which fully describes the proposal."

That *sounds* reasonable; however, there is only one form of application to FHA for 236 projects and that is on a Form 2013, which on its face states that the application cannot be considered unless as supporting documentation you evidence site control . . . meaning that you own the land, have it under option or contract *and* have obtained permissive zoning for the proposed project. Thus, in order to get a *meaningful* advisory opinion, you've got to first pay for an option on the land and, in almost every case, rezone the property or, at the very least, obtain zoning variances so as just to learn the *real* FHA parameters for the project proposal.

We were retained by Catholic-Presbyterian

Apartments, Inc., and Mr. McAndrew immediately forewarned us that the information given to him by New Orleans FHA was not in the form of general guidance. FHA stated these criteria as absolute maximum limits. Since so much pre-development work had been done prior to the 202 cut-off date, the sponsors requested Secretary Romney's permission that their proposal be treated as a conversion project to be processed at the Regional Office as a 202 and then transferred to FHA for closing and financing under 236. The waiver was granted. A 202 project application was filed with Fort Worth. The Fort Worth 202 people processed the application in an expeditious manner. The sponsors were comforted by a letter from the Assistant Regional Administrator for FHA, Fort Worth Regional Office, assuring that the application would be processed under Section 202 guidelines for funding with Section 236, subject to funds availability. After considerable wait, the project was funded and an FHA Feasibility Letter issued. On August 26, 1970, the Regional FHA Director wrote to advise that HUD was decentralizing; the project file was being transferred to New Orleans FHA; and all correspondence, reports and questions should be addressed to the Director of the New Orleans Office. The same letter included what turned out to be an unrealistic hope. "We fully expect this transfer of functions to be accomplished smoothly and without a break in the continuity."

By this time, we were under severe time pressure. Options on the assembled real estate parcels were about to expire and not all of them could be renewed. We promptly prepared and submitted architectural and other necessary materials to the New Orleans Office. Then followed a period of total frustration. We had apprised New Orleans FHA of our desperate time situation and offered to instantly supply any missing ingredient or clarification required by them. All the sponsors got was pure double-talk and run-around. It was rare to be able to speak to the same man twice. The file was always in some other section and "in process." Finally, in desperation, the sponsors, through the assistance of Senator Long's office, arranged for a summit conference with the New Orleans FHA Director, Mr. Seghers. Everybody involved attended that meeting in New Orleans . . . except Mr. Seghers. He was represented by Mr. Carl Geyer. By this time we already had a construction contract offer from the single qualified bidder we could find who was willing to undertake a major project in the city of Baton Rouge. The builder's bid was substantially in excess of the construction budget.

This summit meeting was delayed somewhat because no one could find the file. It was finally located in a cardboard box where it had obviously been sitting since received from Fort Worth! Mr. Geyer looked through the file. He asked me to repeat the amount of the builder's bid. I told him. Then, without further reflection or pause and *not* in a joking manner, he stated that he would agree to increase the loan to cover half the cost overrun! When we complained that the increased loan amount would put our rents beyond many of the people we were trying to serve, another FHA employee began studying our projected operational costs and suggesting a number of items where we could reduce our cost estimates so as to make the rent *appear* feasible. We could worry about adjusting the rents later!

Because we weren't working for the contractor nor for the architect, but only for the sponsor who was dedicated to providing something that would serve people, we said, "No we won't do it that way. Please give us the opportunity to redesign this building and to increase the number of units to the level we originally requested and try again. Which is what we did. The sponsor borrowed money to purchase the land outright. HUD made a market survey which verified the demand for the number of units we originally requested, and ultimately we finally got the loan closed . . . in February of 1971 . . . three years from when it all started.

I suggest that the experience on this project (and I've left out more than I've told) has been such that neither the Catholic Diocese or the First Presbyterian Church will have the temerity to undertake any other social ministry involving Federal financing unless, and until, some big changes are made.

The next example of why I do not believe 236 can do the job comes from Tampa, Florida.

The First Baptist Church in Tampa had done a great deal of predevelopment work preparatory to filing a 202 application. Then came the death of 202. Subsequently, the church was advised that its property had been deemed eligible for the 202/236 "pipeline," and therefore was eligible for funding under Section 236, with the benefit of certain 202/236 guidelines. We were retained by Tampa Baptist Manor, Inc., and on January 12, 1971, filed an application with the Tampa FHA Office. Included as part of our submission was a legal opinion from James L. Hearn, Regional Counsel for HUD, to the effect that this type of project was exempt from the payment of ad valorem taxes by Florida statute. We also included this footnote to our estimate of operational costs:

"For purposes of this application, we have estimated operational costs at a higher-than-expected figure. Since this is an elderly facility, certain normal apartment operational costs will not be experienced. The average number of occupants per apartment will be less than 1.5, average age will exceed 70 years. *We can supply exact operating costs for similar local facilities.*"

On March 10th, 58 days after the application had been filed, the sponsor received a letter from the FHA Director in Tampa, finding the project to be *not* feasible and stating:

"It would be inadvisable for you to pursue this project for the following reasons: The application indicates $4.15 per square foot for the site. We feel that a warranted price for the land would be approximately $2.10 per square foot. If the project had to pay real estate taxes, the basic rents would be approximately 140% above the maximum rents permitted by Section 236 projects in the Tampa area. If the project were exempt from real estate taxes, the basic rents would approximate 124% above the maximum allowable rents."

The sponsoring Baptists were shocked by this response, particularly at the estimate of land value. Before agreeing to a conditional contract for purchase of this land, prices for comparable surrounding parcels had been determined and the Board of Directors had satisfied itself that the market value of the site was equal to or in excess of the contract price. The sponsor asked Senator Lawton Chiles for help. Shortly thereafter, Mr. Charles Jagels, the Chief Appraiser in the Atlanta Regional Office, scheduled a conference in Tampa, where the sponsor, with its attorney, architect, and consultant would meet with FHA and discuss the project proposal. At that meeting, the sponsor offered documented comparable land sales to the Chief Appraiser. It was evident that Mr. Jagels, before coming to Tampa, had obtained actual operating cost data on completed and in-occupancy Section 202 projects in the Tampa area . . . the same information the sponsor had originally offered to supply.

In one week following this conference, the sponsor received a Feasibility Letter wherein Tampa FHA *now* found that the land value was essentially equal to the contract price and the projected rents (although higher than we had proposed) were still well within the 236 limits for Tampa. Moreover, the mortgage insurance commitment was for $165,000 *more* than applied for! We finally got a Conditional Commitment and the Conditional Commitment stated that completed working drawings and specifications for a proposed 240-unit, high-rise building must be completed and submitted, along with a firm offer to contract from a qualified builder, *within 30 days!* The mortgagee for the project, the official communication link to FHA, has requested a more reasonable period of time for completion of working drawings and obtaining a contract price. Whether Tampa will extend the unrealistic 30-day deadline, I don't know. That's where the project stands today. Perhaps it will get built; perhaps not.

The Trenton, New Jersey, story, as with Baton Rouge and Tampa, involves a 202/236 conversion project on which FHA is supposed to utilize 202 criteria essential to obtaining 236 feasibility.

I'll not detail this story because I know that your staff director has received a factually detailed, three-page summary from the project sponsor.

The essence of the story, which will suffice for purposes of illustration, is that it took 13 months to receive a Feasibility Letter from FHA, 4 months after that to get a Conditional Commitment, and the Firm Commitment has yet to be received. This project, sponsored by all of the Lutheran Churches in the State of New Jersey, through the Lutheran Welfare Association of New Jersey, had it been treated as a 202, would have been in construction at least 8 months ago.

The Newark FHA Office, to which the 202 file was transferred, at first claimed ignorance of the FHA circulars which outline the 202 criteria to be utilized. Even after we cited the publication number and the date of issuance on these circulars, Newark has persisted in ignoring them.

Section 202's in the Sate of New Jersey, are eligible, by statute, for tax abatement; 236's, even non-profits, and even those designed for the elderly, do not receive the same tax treatment. One of the legal documents involved in the initial loan closing of a 202/236 conversion is Form 3135–A, which limits project occupancy to those eligible for 202 . . . that is, no under-age or over-income people can be admitted. Although Form 3135–A is an FHA-printed document, we were unable (until recently) to convince Newark that the project would be eligible for tax abatement and, therefore, the rent levels projected would be sufficient to amortize the loan and pay the operating expenses. Now, Newark admits all this is true, and now admits that had they arrived at the same conclusion several months ago, they could have *at that time* issued the Firm Commitment. We *could* have closed the loan and been under construction with a construction contract which we supplied to FHA last March. We can't retrieve the price available in March and use it in August.

Whether this project does or does not get built, can you imagine what the attitude of the Lutherans in New Jersey is going to be to a suggestion that they work in partnership with the United States Department of Housing and Urban Development to minister to the needs of aging people?

Even where everything is seemingly just right and everybody, FHA included, is trying to help . . . its still nigh impossible to whittle 236 to fit the 202 void. One illustration:

I'm working on a Huntsville, Alabama, project sponsored by the Presbytery of Northern Alabama of the Southern Presbyterian Church. Their application is being processed as a 202/236 conversion. Jon Will Pitts, the Director of the Birmingham area HUD Office, and the key people who report to him, I think, genuinely want to see this proposed project built in Huntsville. But trying to make the project adhere to 236 basic limitations applicable to the Birmingham Area Office makes it a serious question as to whether we'll ever get from here to there. Although the Elderly Housing Specialist in Atlanta, the Area Director in Birmingham, and everyone else admits that this project has fundamental feasibility, excellent sponsorship, superior site, solid market demand and a probable construction cost well within the range of projects now under construction throughout the Southeast, it's still by no means certain that the project will get built. If it does, it will be on the basis of request and approval of any number of waivers from standard 236 guidelines. So, Birmingham illustrates the point that there isn't a conspiracy of evil (or incompetent) men who cause the 236 program to fail as a 202 substitute . . . and please do not mistake what I have said to be a blanket indictment of FHA or FHA people.

The question might well be asked, "If, as you claim, Section 236 cannot fulfill the 202 function, no matter how many 202-type criteria are employed to make it work, how do you explain this array of projects entitled 202/236 conversions?" I'm glad I asked me that question. Every 202/236 conversion project you see pictured, with the exception of Baton Rouge, was completely processed by 202 loan officers through final commitment and then, and only then, transferred to FHA for initial loan closing. These projects labeled conversions are, in fact 202's which have, in effect, been refinanced under Section 236 . . . and the only way we obtain ad valorem tax exemption on these facilities is to evidence to the taxing authority that, by virtue of an addendum to the Regulatory Agreement, these projects are, in fact, 202's.

The horror stories I've been reciting (Baton Rouge, Tampa and Trenton) had to do with conversion projects which were transferred to FHA offices for processing.

I maintain that FHA is incapable of administering a housing program for the low-moderate income elderly with the same knowledgeability, sensitivity and effectiveness as was done under 202. It's not that FHA is devoid of intelligent or properly motivated people. There are many excellent people, hamstrung by the apparently inevitable assemblage of "thou shalt nots" which have accreted over the 37 years of FHA's existence. Presently, FHA is such a monolithic, unwieldy, entrenched bureaucracy so imbued to thinking and behaving like a mortgage underwriter that it *cannot* overnight comfortably or effectively administer programs, such as 202, which are essentially social-service, resident-oriented undertakings.

The 202-type housing is in conception, location and design a much more complex and specialized creature than family housing. It requires people who have a depth and breadth of knowledge and understanding to properly administer it. In my opinion, the low-moderate income elderly people in this country can't wait long enough for FHA, if willing, to reorganize and to constitute one individual in each office, train him properly, and clothe him with the authority to make the same kind of intelligent, social-service oriented, but sound business decisions that were routinely made by the 202 loan officers.

Recommended solutions? This committee, in my opinion, has already recommended the right solutions. That is, restore and adequately fund the Section 202 program and make sure its administration is not under FHA. I know that Senator Percy and Senator Williams have introduced bills to establish a new position . . . Assistant Secretary of HUD for Elderly Housing. That, I think, is the ideal solution. Moreover, that's where the Congressionally-authorized Congregate Housing Program belongs also. Section 231, which is congregate housing for a higher income group of elderly, has been a scandal and a disaster under FHA.

As to funding, I'm not a United States Senator and don't have the responsibilities for balancing all the national needs against available resources. By way of suggestion, I would only point out that there is now substantially in excess of $40,000,000 in the revolving fund representing 202 repayments. This sum, which is growing every day, coupled with an annual appropriation of at least $150,000,000 for 202, would be a significant step in the right direction. If, in the wisdom of Congress and the Administration, it was determined that the desperate need of our low-moderate income aging must be met now, regardless of cost, then and only then I would encourage the provision for permissible conversion of 202-funded projects to 236 financing upon completion of construction of each project.

One obvious fact apparently escapes HUD analysis, and that is that monies allocated for construction of housing units for the low-moderate income elderly have a multiplier effect. As stated in your committee report, for most older Americans their home is their only asset. Two-thirds of the elderly own their own homes and 80% of these are free and clear of mortgages. A high percentage of individuals moving into a 202 facility do so directly from a small home owned by them. Thus, in a high percentage of cases, the availability of one Section 202 dwelling unit makes available a two- or three-bedroom house at a price within the range which 236 income eligible family groups can afford.

One other fringe, but important, side benefit to restoration of 202 is the fact that these high-quality, low-maintenance, long-lived, handsome buildings significantly contribute to revitalization of the center city. They help repopulate the area and they bring purchasing power where it's needed most.

Gentlemen, one thing is for certain, and that is what we have today is worse than nothing . . . because it holds out a promise, but an absolutely false promise, to capable, non-profit organizations that they can work in partnership with the Federal Government to use this 236 vehicle to effectuate their desire to minister to the needs of aging people. The taint of 231 was so bad that it took years to convince people that you could work with the Federal Government in housing programs and not get tarred with the same brush.

The talent and the energies and the good will of the churchmen and the benevolent groups of this country who want to do something is too precious a commodity to be wasted. Men of intelligence and good will in the Federal Government and outside of the Federal Government working together can do a magnificent and desperately needed job. That's what I want to see happen.

MCPL REPORT—MULTIPLE INDEPENDENTLY TARGETED REENTRY VEHICLE—MIRV

Mr. PROXMIRE. Mr. President, Members of Congress for Peace Through Law and its military spending subcommittee, have issued a series of reports this year on a variety of military spending matters. They include reports on the B–1 bomber, the F–14 fighter plane, military manpower, tactical nuclear weapons, troops in Europe, underground nuclear testing, and ULMS.

In addition, Senator HUBERT HUMPHREY and Representatives DONALD FRASER and MICHAEL HARRINGTON jointly authored a report on MIRV's. Senator HUMPHREY presented that report as a part of his testimony before the Subcommittee on Arms Control and International Organizations of the Committee on Foreign Relations.

There is no Member of the House or Senate whose background and experience qualify him to make such a report as the Senator from Minnesota, and former Vice President (Mr. HUMPHREY). In addition, the quality of the report meets the high expectations we all have when Senator HUMPHREY speaks on international issues and especially on international arms control.

Because of the quality of the report and the importance of the subject, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REPORT ON MULTIPLE INDEPENDENTLY TARGETED REENTRY VEHICLES—MIRV

(Testimony before the Subcommittee on Arms Control and International Organizations of the Foreign Relations Committee, presented by Senator HUBERT H. HUMPHREY for himself and Congressmen DONALD M. FRASER and MICHAEL HARRINGTON)

INTRODUCTION

On May 20, the President read a joint Soviet-American statement on the Strategic Arms Limitation Talks. The statement read that the governments of both countries had "agreed to concentrate this year on working out an agreement for the limitation of the deployment of antiballistic missiles." There was also an expressed agreement to agree on "certain measures with respect to the limitation of offensive weapons."

The main significance of this statement is that it indicates that both sides in the SALT talks are committed to an agreement. It indicates that both the United States and the Soviet Union are willing to negotiate a formula for limiting the deployment of the anti-ballistic missile.

Were this agreement to be put into effect within the next year, the implications for other weapons systems and the entire arms race would be enormous. Specifically with respect to the multiple independently targeted reentry vehicle (MIRV), the original purpose for which this weapons system was conceived would no longer be valid.

Not only would the original purpose be called into question but any future intent in support of a continuation of the MIRV program would be highly tenuous. It would be highly probable that the MIRV program would have to be completely reassessed.

While an agreement on ABM or on offensive weapons has not yet been worked out, there is every assurance that it will. What is necessary, therefore, during the period of negotiations is that both the governments of the United States and the Soviet Union exercise a supreme amount of self-restraint in order to create the climate most conducive to agreement.

MIRV is a highly destablizing weapons system which may become superfluous if agreements on ABM and offensive weapons ceilings are successfully concluded at SALT. It has been ascertained that the United States has at present a considerable lead time over the Soviet Union in its MIRV program, mainly because it began work on MIRV before the Soviet Union. The Soviet Union, on the other hand, could have an advantage if it were to continue to deploy the SS–9 missile installed with a MIRV system comparable to our own.

What can generally be determined through a comparative qualitative analysis of the strategic nuclear position of the United States and the Soviet Union is that the two countries have reached a position of nuclear parity. This situation coincides with what has been accepted as the basic aim of our strategic forces. In order for the United States to observe a policy of nuclear sufficiency, our forces must be able to maintain a second-strike capability and eliminate all incentive for the Soviet Union to strike the United States first. This study will show how continued testing and deployment of MIRV during this year does not contribute significantly to the criteria for a policy of nuclear sufficiency.

Sufficiency, with the rough balance in strategic nuclear weaponry that the word implies, has as a result become a measure of safety and should become the prime determinant for our defense needs in the future. Now that sufficiency has been achieved, it would be counter-productive for the United States to try to regain its former position of superiority, considering present Soviet capabilities. It is, therefore, in the interest of the United States and a speedy conclusion of an agreement or agreements on arms control that the United States halt the testing and deployment of MIRV.

COSTS

The Authorization bill for Military Procurement, Research and Development for FY 1972 calls for approximately $635 million for the Minuteman III MIRV program and $530 million for Poseidon conversion.

These figures do not include some parts of MIRV-related programs. The Department of Defense proposed FY 72 budget for "Continued procurement of Minuteman III and Minuteman force modernization is $839 million"; for "Conversion of SSBN's to Poseidon configuration, continued procurement of Poseidon missiles, and associated effort," the DOD budget proposal is $803 million.

The true figure for MIRV programs, therefore, lies somewhere in between. The DOD estimates the total system cost for MIRVing the Minuteman III at 5,997.8 million and the total cost for Poseidon at 6,855.5 million.

These figures by themselves are meaningful in that they show the enormous expenditures involved for a particular weapons system program.

Even more meaningful is the idea that these expenditures have provided us with little additional security. They have, on the contrary, proven to be considerably destabilizing with respect to our ability to halt the arms race.

This study proposes that funds authorized for MIRV in the proposed DOD budget for FY 1972 be placed in escrow for a given period. Putting funds in trust does not represent an immediate savings but the potential long-term effect could be far more significant.

An escrow arrangement would be a firm indication to the Soviet Union of the United States' willingness to halt its MIRV program. It makes MIRV more negotiable than at present. It, thus, becomes more feasible to end any further expenditures on MIRV.

THE CASE FOR MIRV

MIRV was originally designed to preserve our assured destruction capability by penetrating any Soviet ABM system. At present the Soviet Union does not seem to be building anything more than a Moscow-ABM defense. Until an agreement is formally worked out, we do not know whether or not through an upgrading of their SAM system, the Soviet Union is planning to change its ABM capability significantly. It is, therefore, assumed that MIRV, as a weapon capable of saturating any Soviet defense, might be necessary as a hedge against this possibility.

MIRV's second function is to guarantee our second-strike capabilities in the face of a Soviet attack. With the development of the SS–9 and the possibility that the SS–9 will be retrofitted with MIRV in the near future, the defense for MIRV would be that our own MIRV program would guarantee the survivability of our Minuteman missles.

Thirdly, to avoid nuclear blackmail it is assumed that MIRV preserves nuclear parity between the United States and the Soviet Union which would otherwise be lost.

Finally, a continuation of the MIRV program provides a bargaining chip in our negotiations with the Russians. The Russians have not shown a willingness to negotiate an agreement on MIRV and there is no reason that we should behave differently. Both the Soviet Union and the United States recognize the difficulty of identifying MIRVed missiles once MIRVs are installed. Both countries have gone sufficiently far in their MIRV program, so the argument goes, to make an agreement on the regulation of MIRV most impractical.

THE CASE AGAINST MIRV

What is the Soviet ABM threat? Soviet deployment of a line of air defense missiles and associated radars in the 1960s, the so-called Tallinn lines, was at first believed to be the beginning of a nation-wide ABM system. After lengthy debate, the U.S. intelligence community assessment, affirmed by Secretary Laird in 1969, was that the Tallinn system is an advanced bomber defense. Department of Defense officials, most notably research head Dr. John Foster, continue, nevertheless, to spread alarm about the Tallinn line by stating that it might have some ABM capability or could be upgraded to have such capability. The simple rejoinder to this view is to ask why the U.S. is not itself converting our Nike Hercules anti-aircraft defenses (SAMs) to ABMs, instead of dismantling them. If a Russian ABM defense of population is so easy, why have President Nixon and Secretary Laird repeatedly stated that with all U.S. technology we do not know how to build an ABM system which will protect population?

The actual Soviet ABM system consists of 64 Galosh ABM missiles constructed around Moscow between 1964 and 1968. In 1968 the Soviets ceased further ABM deployments but in April 1971 Secretary Laird announced that the Russians have apparently resumed ABM related construction in the Moscow area. The extent and nature of this new activity is as yet uncertain and may prove to be a false alarm. In any case such new deployment would have to be greatly enlarged and extended to many other areas before it would approach being an effective ballistic missile defense of Soviet urban areas.

It continues to remain true that the United States could deploy its MIRV more rapidly than the Soviet Union could construct a significant ABM system. It is unnecessary to deploy MIRV before the Soviet ABM is built and the U.S. does have considerable lead time over the Soviets in this regard, particularly because we have already completed development and testing of an effective MIRV system.

The Defense Department this year, however, has argued that "The lead time to convert to a MIRV from a non-MIRV configuration might possibly exceed the intelligence lead time we might have in connection with a Soviet ABM capability." (House Armed Services Committee 1971 hearings, p. 3682). In view of the progress that the U.S. has already made with MIRV and the substantial construction that would be required for the Soviets to deploy a nation-wide ABM system, DOD's argument seems implausible. It has, for example, been seven years since the Soviets began deploying the sites that they now have. The U.S., which has spent billions on various ABM concepts and which, according to Deputy Secretary of Defense David Packard, has better ABM technology, will not have its first fully complete SAFEGUARD ABM site until October 1974, at the earliest.

If it were really true that the U.S. does not have adequate intelligence to understand and verify Soviet ABM deployments then it would appear impossible for the U.S. to enter into an agreement with the Soviet Union on the limitation of ABMs. It would seem clear that it is *not* the position of the U.S. at the SALT Talks that we lack sufficient intelligence to maintain whatever lead time of U.S. MIRV over Soviet ABM is considered necessary in the interests of U.S. security.

The argument that MIRV guarantees the survivability of our land based missiles and thus enhances our second-strike capabilities is equally tenuous. In a statement to the Senate Armed Services Committee Secretary Laird said that the SS–9 program would pose a real threat by 1975–1976 to our Minuteman missiles when the SS–9's accuracy would be considerably improved.

Rather than continue with our MIRV deployment program which depends more on an apparent than a real threat, it is suggested that this program be halted on a provisional basis.

Any discussion of Soviet nuclear blackmail as a justification for MIRV rests on the assumption that the Soviet Union is in a far superior nuclear strategic position to the United States.

No evidence has been found to reach such a conclusion. While the SS–9, if deployed extensively, would give the Soviet Union a higher yield capacity than the United States has, it would not become a serious threat to our second-strike capacity until the Russians installed an accurate MIRV. A recent study by the Department of Defense and the CIA indicated that the multiple warheads which the Soviet Union has tested thus far are not accurate enough to wipe our Minuteman III missiles in a surprise attack. New estimates indicate that the Soviet Union is even farther behind in its MIRV program than United States officials originally assumed.

Aside from its MIRV position, the United States holds a lead in many other important areas of strategic weapons technology—missile accuracy, reliability and retargetability; solid-fueled rockets, submarine launched missiles and numerous penetration aids for bombers and missiles.

As long as we have and maintain our deterrent capabilities at the present level, the risk of a nuclear confrontation with the Soviet Union would be far too costly. There is no need at the moment, however, to expand these capabilities.

The recent SALT announcement by President Nixon confirmed progress at the SALT talks and indicated that a sharp limitation on ABMs in the near future is a reasonable expectation. It demonstrates confidence in the feasibility of a workable ABM agreement inspected by national means. The announcement also strips away whatever vestiges of urgency still cling to the continuation of U.S. MIRV deployment. The question of whether or not MIRV is negotiable has little meaning in the present context. With an ABM agreement and the possibility of placing a ceiling on SS–9 deployments, further deployment of MIRV could be voluntarily abandoned.

Thus, there are no adequate grounds for MIRV in the absence of an uncontrolled Soviet ABM program. The anticipated agreement of SALT will hopefully provide for the necessary limitation on both Soviet and American ABMs. There is no reason to spend billions more on a strategic system that we do not need. Furthermore, some concrete step should be taken to stop MIRV before it is too late. For these reasons this study makes the following recommendations.

RECOMMENDATIONS

1. All funds approved by Congress for MIRV testing and deployment should be placed in escrow.

2. These funds should not be released unless the President and Congress jointly determine that the USSR's testing and deployment of its own MIRV system and other actions would necessitate further testing and deployment of the United States' MIRV as a

guarantee of the United States' retaliatory capability.*

3. In the course of the SALT talks the United States should:

a. enter into a mutual freeze on the testing and deployment of both offensive and defensive nuclear weapons, including ABM and MIRV, pending the outcome of the talks.

b. continue to seek by treaty a total ban or a limit to a very low level on ABM deployment.

ATLANTA FEDERAL COURT DECISION ON BUSING

Mr. GAMBRELL. Mr. President, I ask unanimous consent that the complete text of the opinion of U.S. District Court for the Northern District of Georgia dated July 28, 1971, in the case of *Vivian Calhoun et al.* v. *Ed. S. Cook et al.* and the order entered therein be included in the RECORD at the end of my remarks.

The subject of the opinion is the court's latest judgment on the integration of the races in the public schools of Atlanta, Ga., including the court's conclusions on what has come to be known as "busing" of students to achieve integration.

The opinion and order were entered by Chief Judge Sidney O. Smith and Judge Albert M. Henderson, Jr., who are two of the ablest and most sensitive judges now serving in the Federal system. The opinion speaks for itself as to its inherent reasonableness. It has been widely hailed by members of both races throughout the Atlanta community. It would be well for Members of the Senate, officials of the Federal Government, and other judges and justices sitting in the Federal system to take heed of the lessons which this decision teaches.

The Atlanta school system has been a "unitary system" for over 10 years. The Atlanta School Board, under the direction of the Federal District Court, has made continuous and sincere efforts to comply with the evolution of judicial thinking in this complex field. In the course of this experience, the system has experimented with various forms of contrived integration of the races in the public schools.

The developments which have taken place, and the efforts of the school board and the court to deal with them are fully set forth in the opinion.

The history of school integration in Atlanta shows that, at best, courts can do little more than remove legal barriers which may prevent voluntary integration. As the court points out, a total community effort on many fronts, will be required to prevent total community resegregation, and the permanent changes in community life which take place in such event.

This decision, with its historical survey of the Atlanta situation demonstrates what should be obvious to any sensible observer. Artificial and contrived plans of integration, whether by court mandate, or simply as financed by the Federal dollar, cannot overcome the problem of voluntary segregation or resegregation. Any long-range integration of the races can only result from within a community in accordance with the necessities of the local situation.

The busing of students, unless initiated by the school system in accordance with local conditions, with the full support of the parents and students, will do little more than hasten resegregation.

I commend to Senators a careful study of this decision.

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

[From the Atlanta Constitution,
July 29, 1971]

COMPLETE TEXT OF BUSING DECISION

(NOTE.—Following is the text of the Atlanta school decision handed down Wednesday by the U.S. District Court in Atlanta)

[United States District Court, Northern District of Georgia, Atlanta Division]

Vivian Calhoun, et al., Plaintiffs v. *Ed S. Cook, et al.*, Defendants

This case in on remand from the Fifth Circuit with directions to require implementation of a pupil assignment plan in compliance with the principles of *Swann* v. *Charlotte-Mecklenburg Board of Education.* Specifically, it directs only two changes: (1) The provision for majority-to-minority transfer with transportation and space being guaranteed under the option and (2) The filing of semi-annual reports. After hearing on remand the court finds the following:

This case is now in its thirteenth year before this court, having been filed in 1958. Atlanta in 1961–62 was one of the first major southern cities officially abandoning the dual school system. In its court experience, the original desegregation order was one of the few unappealed and assented to. Periodically as each new specific to *Brown* v. *Topeka* was belatedly developed by the higher courts, the School Board has been returned to court and given new directions under such landmark cases as Jefferson, Green, Singleton, Montgomery County, and Orange County. Each has been accepted and promptly implemented. In the interim, the system voluntarily accelerated from the early concept of grade-by-grade annual integration to system-wide integration; it voluntarily and studiously located new schools and rezoned so as to maximize integration; it voluntarily liberalized its pupil-transfer plan; and in various ways increased responsibility for its black teaching personnel, principals, and area superintendents. Through court order, it has advanced from the initial requirement of two teachers of opposite race to each school to a computerized mathematical distribution of its faculty by race throughout the city; and from historical and traditional attendance zones to a court-supervised optimum Orange County plan. No one has successfully challenged the good faith of its elected Board of Education, the appointed Superintendent, Dr. John W. Letson, or of its administrative personnel throughout this uncertain decade. Its efforts were early described as "commendable" by the Supreme Court. Each change has produced convulsive implosions within the system and what has now become the annual agony of Atlanta has caused significant change in the character of the system, both physically and psychologically.

When this suit began, Atlanta had a pupil ratio of 70 per cent white and 30 per cent black and a predominantly white faculty; today, its racial complexion has reversed to 70 per cent black and 30 per cent white and its 4,800 teachers are 60 per cent black and 40 per cent white. From an enrollment of 115,000 students it has dropped to 100,000 in the school year 1970–71, during which it lost 7,000 whites and gained 1,000 blacks. The system itself covers an area approximately 16 miles long and 14 miles wide lying in Fulton and a portion of DeKalb counties. The Atlanta City School System is a so-called "independent system" in that it is separately organized and operated from the county systems, each receiving direct grants from the state, supplemented by local tax funds. It is one of the 31 remaining independent city systems within the state. As such, it receives no state funds for transportation. It has never transported students, owns no buses, and there is no school "bussing" available. Based on information furnished by each principal as to location and times, the private Atlanta Transit System arranges routes to accommodate students at reduced fares provided by each student individually. The system presently maintains 123 elementary-primary schools and 29 secondary schools, with two units to be opened this coming year.

The white students remaining are concentrated at the extreme northern and southern ends of the district, while the vast middle is a broad belt of industry and high-density solid black housing. The line between these areas is steadily creeping towards the ends, with increased black housing and diminished white housing. Since 1961, it has annually achieved substantial temporary integration by the establishment or construction of "line schools." However, 34 of those schools have gone from all-white to 90 per cent or more black during the period. This "tipping process" is so rapid that it sometimes occurs by the time a facility deliberately located to increase integration can be completed and occupied. Seldom does it last longer than two years. Since official desegregation in 1961, 24 new schools have been constructed, several of which have been especially built to serve federal housing developments in the inner city. Others were appropriated for such purposes. In spite of official laws and directives to the contrary, the bulk of such developments have been operated as all-black since inception. As a natural consequence, 29 schools provided for such "controlled situations" are substantially black. Enforcement of fair housing legislation under Jones v. Alfred H. Mayer Co., and Title VIII of the Civil Rights Act of 1968 will automatically integrate these zones.

The cause of such frustrating results lies in factors completely beyond the control of school authorities. Segregated housing, whether impelled by school changes or not, remains the unconquerable foe of the racial ideal of integrated public schools in the cities. The white flight to the suburbs and private schools continues. As far back as 1957, in an offshoot of this case involving the proposed construction of an all-black school in the heart of the black belt, the problem was accurately characterized by plaintiffs witnesses and the court as de facto rather than de jure. Griggs v. Cook. The problem is no longer how to achieve integration, but how to prevent resegregation. Only last year, the parties and Judge Hooper for this court exhaustingly investigated possible remedies for over seven weeks of trial, culminating in the orders involved in this appeal and remand. Some of the fruits of those "best efforts" have already slightly soured in the face of evolutional de facto changes. Through it all, the Atlanta system has maintained a traditional position of leadership in the public schools. It remains at the top of the state in pay scale, curriculum development, and innovative efforts in quality education.

HISTORY

In this litigation, the longtime standard of measurement has been the classification of schools in excess of 9 pct-10 pct enrollment by race as "integrated". Presently, 38 elementarary schools and 13 secondary schools meet this test in that they have integration in excess of 10 pct. (many at 50–50) of the minority race at such schools. Of the remainder of 101, all but 45 have either completely resegregated, serve special controlled housing situations, or have been built since official desegregation as previously discussed. Of some 46 schools in neither category, the information furnished the court reveals substantially the following.

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* An amendment to this effect has been introduced by Senator Hubert H. Humphrey.

24 have integration of less than 10 pct (ranging from 1 pct-7 pct black and 1 pct-5 pct white);

7 have only token integration (less than 10 students of the opposite race, ranging from 1–4 blacks and 3–9 whites;

15 are either all-black or all-white.

The closest schools with a majority of the opposite race are located as follows:

THE PRESENT SITUATION

Less than ¾ mile—1
¾ mile to 1½ miles—5
1½ miles to 2 miles—11
2 miles to 8½ miles—29

These distances are calculated in straight lines without regard to traffic patterns, transportation barriers, etc. In many instances, there is an intervening interstate highway, railroad, or similar artificial barrier.

Last year, 1140 students took advantage of the unlimited transfer option in effect. (Under the old freedom-of-choice provisions, an unusually large number of blacks by-passed closer white and black schools to attend a "prestige" black school; and white students by-passed closer white and Negro schools to attend a "prestige" white school.) There is, in fact, no serious problem of overcrowding at any facility. Annual zone changes and excellent modern portable classrooms are used to take care of increasing enrollments in either white or black schools. There are, proportionately, as many vacant classrooms at black schools as at white. The court is convinced that no device of packing is being used to preserve segregation. To the contrary, crowding at one school has been used to increase integration at another school. The Board assures the court there will be no problem of overcrowding at any school during 1971–72.

When the remand issued, the Board promptly agreed to the specifics required therein by formulating plans with the Atlanta Transit System to afford transportation by direct grants to the students taking advantage of the majority-to-minority transfer option. Prior thereto and following the issuance of Swann, it formed administrative task forces to study the possibilities of increasing integration by pairing, rezoning again, etc. All of those efforts have been reviewed by the court and representatives of the plaintiffs. Pairing or additional zone changes along the line either produce substantial hardship and * * * increases in travel time for the children involved or seriously imperils existing integration at one of the schools involved. In either event, the end result at best would accomplish only a temporary change soon to be wiped out in the historical pattern already established.

With the exception of an innovation in the transfer system, no single measure appears hopeful under the circumstances. There is evidence in the prior record that Atlanta has encouraged maximum majority-to-minority transfers on an individual basis. The court reasons that if such transfers could be effected on a bus-load basis, the prospects can be enhanced. The Atlanta Transit System is in dire straits itself. However, it has agreed to allow the Board to utilize the same total number of busses previously employed on an individual pick-up route basis for "group transfers". Thus, if a bus-load group of students in one area opt for a transfer to a particular school of the opposite race in another area, they can be transported at the same time in the same bus rather than individually along with the general public. The attached order so provides.

Additionally, the Board has agreed to make special efforts in the black area to encourage such group transfers through its area superintendents and other personnel stationed there. Already, it has given wide-publicity to the new transfer option through local newspapers, television, and radio. Over 100,000 bulletins have been placed in the neighborhood schools and a teacher is on duty to explain the plan to all interested parties. A central information center with a publicized telephone number has been establish to impart the details to anyone inquiring. Each pupil may readily apply for the new transfer at the school he last attended on a quarterly basis on or before two days before the quarter opening.

CONCLUSIONS

Other than the above, it is apparent that the only device which could effect any significant change is mass-bussing in an endeavor to achieve a 30 pct-70 pct ratio throughout the system. As seen, distances alone would require 40 minutes or more for each child transported and all of this would have to be achieved by a system which has no busses, no drivers, and no funds with which to acquire and operate them. The pairing of noncontiguous attendance zones is, under urban circumstances where a half-mile for a school child is a long distance to walk, but another term for bussing. The court has considered the possibility of requiring the transportation of black students from the center to the white ends. This move is opposed by a large group of blacks except on a voluntary basis as described. On the facts alone, the court concludes that wholesale bussing is neither "reasonable, feasible, or workable."

Of paramount significance, however, is the obvious result. Atlanta now stands on the brink of becoming an all-black city. A fruit-basket turnover through bussing to create a 30 per cent white-70 per cent black uniformity throughout the system would unquestionably cause such a result in a few months time. Intelligent black and white leadership in the community realizes and fears it. Responsible citizens both in and out of the school system are deeply concerned with preservation of the biracial identity of the city. Without it, the ultimate goal of equality in all its aspects is doomed and Atlanta's position of leadership is severely threatened.

The Atlanta School Board is made up of ten members, three of whom are black. Its chairman is Dr. Benjamin Mays, a respected black educator and civil rights leader. The Board deems it unrealistic to go further than stated and unwise to do so. The Biracial Committee appointed by this court is composed of ten outstanding civic and business leaders, five of each race. Its chairman is Mr. Lyndon Wade, the black Executive Secretary of the Urban League. A majority of 9 of its members have furnished the court with a resolution praising the Board's efforts and recommending no further action. (The tenth member was out of the city for an extended absence.) Short of mass bussing, the plaintiffs whose counsel and advisors have vast experience in such matters can offer no other alternatives. The Department of Health, Education and Welfare has long ago approved the present plans.

The remedy of mass bussing under these circumstances is rejected. Nor is it deemed required under Swann. "An objection to transportation of students may have validity when the time or distance of travel is so great as to risk either the health of the children or significantly impinge on the educational process."

The time and distance which would be involved is impractical, particularly for children in the primary and elementary grades. If the premise of Brown is correct and education in an all-black system is injurious, then certainly the results here would impinge the educational process for the children remaining. At least now there is complete integration administratively and substantial integration in pupil assignment. In a similar situation (Memphis), the Sixth Circuit in its post-Swann remand, indicated that the "extensive transportation of pupils to schools all over the city, regardless of distances involved in order to establish a fixed ratio in each school" is not required; and seemingly recommends that the trial court review all of those other devices already considered in Atlanta.

Swann holds that once de jure status is removed that a school district is not required to reintegrate continually due to de facto changes. "Neither school authorities nor district courts are constitutionally required to make year-by-year adjustments of the racial composition of student bodies once the affirmative duty to desegregate has been accomplished and racial discrimination through official action is eliminated from the system." On this basis, there is considerable merit to the position that this case ought to be dismissed forthwith. Atlanta's de jure status has long since been removed by Board action and by successive court decrees. Its present problems are entirely de facto. There is absolutely no evidence of any affirmative action by the board to increase segregation. To the contrary, all official action for many years has been to promote integration. It appears to be a unitary system "within which no person is to be effectively excluded from any school because of race or color." On such basis, Atlanta is entitled to a dismissal.

However, should Swann be considered as a starting point for such a goal, the present facts qualify. In essence, Swann holds that the essentials of any unitary system are the elimination of invidious racial distinctions in regard to (1) transportation, (2) faculty and supporting personnel, (3) extracurricular activities, (4) construction and site selection, and the presence of an (5) optional majority-to-minority transfer provision. To the extent that they apply, Atlanta has had such essentials for some time. With this order, the payment of public transportation and space guarantee has been added to the transfer provision. On pupil assignment, the Court, sitting in equity, may utilize any number of devices to achieve a "realistic and workable" plan for the district. All of the devices named, with the exception of mass bussing, have been considered by the Board and the Court and optimum results obtained. Insofar as one-race schools are concerned, the Board has satisfied its burden of showing that "their racial composition is not the result of present or past discriminatory action on their part."

As seen, on a school-by-school basis there is existing integration of some kind or there is a purely de facto situation occurring since official desegration in all but 15 all-black or all-white schools, or less than 10 pct. of the total facilities in operation. Accordingly, upon implementation of the attached order, the system will be judicially declared unitary and a dismissal will be directed on January 1, 1972, the court retaining the inherent jurisdiction to deal with future problems. (In this respect, it should be made clear that for the present, the Singleton-type faculty assignment ordered by the court on March 20, 1970, calls for an annual adjustment. See Carter v. West Feliciana Parish School Board, 432 F. 2d 875 (5th Cir. 1970). Implicit in the attached order is the admonition that it be so administered until further direction is received.) But, in the absence of a showing that either the school authorities or some other agency of the State has deliberately attempted to fix or alter demographic patterns to affect the racial composition of the schools, further intervention by a district court should not be necessary.

COMMENT

Looking ahead, the court is compelled to note that the critical point for public education in the City of Atlanta and its environs has been reached. The situation calls for a sweeping examination of its relationship to housing, planning, finances, rapid transit and all the other external factors which vitally affect its role in the community. Apparently, no serious effort has been expended on the question of consolidation of the Atlanta system with the Fulton County system. In terms of efficiency, taxes, and quality education, such consolidations normally produce long-range improvements. In terms of the current problem, such consolidation might well produce partial, even though not perfect, solutions. Certainly for many reasons connected and unconnected with this case, this one aspect ought to be studied without delay. In any such investigation, the proper vehicle should be community-wide, crossing lines of industry, goverment, and transportation as well as education. While the School Board should certainly participate, it cannot function successfully alone. A special Mayor's Committee of both races might be appropriate. The existing Biracial Committee might well be expanded to 20–30 members to undertake such a task. If so, the court would gladly entertain a motion by any party or the committee itself to add sufficient members to represent the other community aspects involved. Short of such critical re-evaluation, the Atlanta system faces a difficult task in merely "hanging on" to its present position, awaiting the uncertain reversal of white flight from its limits.

It is so ordered.

This the 28 day of July, 1971.

SIDNEY O. SMITH, Jr.,
U.S. District Judge.
ALBERT J. HENDERSON, Jr.,
U.S. District Judge.

TEXT OF THE COURT ORDER

[United States District Court, Northern District of Georgia, Atlanta Division]

Vivian Calhoun, et al., Plaintiffs vs. Ed S. Cook, et al., Defendants.

Upon consideration of this case under the remand of the Fifth Circuit, the defendant is ordered and directed as follows:

1. To abide by the previous decrees of this court regarding faculty and pupil assignment in the Atlanta public schools and specifically the orders of February 9, 1970; March 20, 1970; and August 31, 1970.

2. To provide for majority-to-minority transfers by application at the school last attended or at the central office each quarter of the school year at any time on or before the second day prior to the beginning of each quarter with space to be guaranteed each applicant at the school of his choice.

3. To provide for transportation for majority-to-minority transfers on the following basis:

(a) Where a sufficient number of students from a given community, zone, or point of origin will be traveling to a single destination, transportation will be provided by direct-billing contract with the Atlanta Transit System or some other carrier.

(b) Where the number of children moving to a given destination school is smaller than a bus load, transportation will be provided in the form of special bus tokens, distributed directly to the pupil involved on a weekly basis, to be used on regular Atlanta Transit System routes.

4. To furnish to the court and to the Biracial Committee through its chairman, reports on at least a semi-annual basis by October 1st and February 1st of each year containing the date set out in Appendix "B" of the district court order approved in United States v. Hindus County School Board, 433 F. 2d 611 (5th Cir. 1970). If such data is presently available in the existing monthly-quarterly reports published, such reports may be furnished in lieu of a special report.

5. To consult with the Biracial Committee, in its advisory capacity, in the areas of the promulgation and maintenance of school zone lines, in the selection of sites for new schools, in student transfer and school transportation policies, together with such additional matters as may be assigned to the Biracial Committee by the School Board for consultation and advice.

To the extent stated herein, relief is granted; otherwise, it is denied. The motion by plaintiffs to hire a professional consultant at the expense of defendant is rejected. Considering the experience of the parties and the court in these matters, and the obvious factual situation, such expense is deemed unnecessary. Moreover, such action would delay these proceedings several more weeks up to the projected opening of school.

It is so ordered.

This the 28th day of July, 1971.

SIDNEY O. SMITH, Jr.,
U.S. District Judge.
ALBERT J. HENDERSON, Jr.,
U.S. District Judge.

SCOUTING FOSTERS HUMAN UNDERSTANDING

Mr. FANNIN. Mr. President, it has been my privilege to be connected with scouting much of my life. Although most of my attention has been on the Boy Scouts, I am very much aware of the important work of the Girl Scouts.

In these days when youth is searching so hard for something to believe in and to work for, the Scouting movement is more important than ever before.

As evidence of the great work being done through Scouting to foster human understanding, I ask unanimous consent that an editorial published in the Phoenix Gazette of July 29, 1971, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FOR BRIGHTER TOMORROWS

Anyone not familiar with the Girl Scouts of America might think the organization's only work is providing pleasant diversion for young girls. But there is more to Girl Scouting than campfires, merit badges and song fests. Inside the well scrubbed child in the green uniform there is the citizen of tomorrow.

Proof that Girl Scouting is keeping pace with the times and preparing youths for tomorrow is found in a forthcoming meeting at Prescott College. Titled "Conference on Girl Scouting—Mexican-American Style," it will take place August 24–27 and will bring together 250 persons who will explore each others' cultures.

The conference will bring together the young and old, Scouts and non-Scouts, Mexican-Americans, Mexicans, Anglos and persons from other nations south of the border. Representatives will come from cities and farms and will be representative of the rich and poor. They come to Arizona to learn, each from the other.

The conferees will explore the bicultural, bilingual world as it relates to youth and to Scouting, explore women's role in the family with an eye to seeking and training Scouting leaders; and they will seek ways to create more interest in Scouting.

Every step toward promoting understanding between people of divergent backgrounds is important to brighter tomorrows.

ADMINISTRATION OIL POLICY INCREASES POWER OF MAJORS OVER INDEPENDENTS AND CONSUMERS

Mr. PROXMIRE. Mr. President, the announcement of July 30, 1971, by the Director of the Office of Emergency Preparedness, George A. Lincoln, that the authorized oil import quotas which were held back for contingencies would be allocated but that the importers would not be allowed to carry over their import tickets will only increase the power of the major oil companies which control east coast refineries have over the independent refiners. This will speed up the decline in competition in the oil industry and injure the consumers.

Under the proclamation issued by the President on December 22, 1970, overseas crude oil imports for 1971 were to average 863,000 barrels per day or total 315 million barrels for districts I–IV—the United States east of the Rockies. Although the total authorized level in the proclamation is 960,000 barrels per day, receipts from Puerto Rico, the Virgin Islands, and the allocation to the Defense Department must be subtracted to determine the refiner allocations.

Figures of the Oil Import Administration covering imports through April and subsequent ones of the American Petroleum Institute indicate that these imports came to 105.73 million barrels between January 1 and July 16, 1971. Had those imports been at 863,000 barrels per day, they would have totaled 172.6 million barrels. So, we were 66.87 million barrels short. If all of the permissible imports are to be brought in this year, the rate for the rest of the year would have to be 863,000 barrels per day plus 402,830 barrels per day to use up to 66 to 87 million barrels in the 166 days between July 16 and the end of the year—an average rate of 1,265,827 barrels per day. This is an extremely high rate. It exceeds the rate at which east coast refineries operate. Such a sustained import level would mean unemployment of a third or so of the U.S. tanker fleet in the gulf-east coast trade.

In any event, the automatic expiration will mean a severe distortion of production and transportation. Even if all import allocations are actually used, there will be disruptions which will occur to the advantage of the coastal majors. It is more likely that a considerable portion of the allocations, specifically those in the hands of inland refiners will go unused because east coast refiners will not want to exchange domestic crude oil for imports which inland refiners are authorized to import.

Now it is necessary to go back one step. The import level announced for 1971 was described as an increase of 100,000 barrels a day for districts I–IV. To date the administration has withheld more than the increase. The reason for the original holdback was to meet unexpected contingencies and for the conveniences of the Oil Import Appeals Board. In addition, the amounts allocated to refiners and petrochemical plants were lower than had been announced. Not withstanding the operation of more than a decade without a contingency kitty, the first program formulated by the Oil Policy Committee held back two-thirds of the announced increase for a kitty. No information was provided to define the expected contingencies. At the same time the set-aside for the Oil Import Appeals Board was increased manyfold. Was there any reason to believe that the board would make materially larger awards in 1971 than in 1970—especially in view of the continuation of the No. 2 oil program and the asphalt program? No. 2 oil and asphalt had accounted for the preponderance of awards made by the board. Even though it may have been tempting not to, it was decided to distribute the entire authorized import level.

Even in distributing the held-back oil the administration is distorting the program. According to the July 30 announcement, allocation for districts I–IV are being increased 25,000 barrels per day from Canada and 50,000 barrels per day from overseas. But the contingency holdback was under the portion of the proclamation which with the exception of decisions by the Oil Import Appeals Board has been used for overseas oil. This runs counter to the administration's assurance that the program provision authorizing the use of overseas tickets for Canadian imports would keep the Canadian pipeline working to capacity. Actually, there were no such switches.

What is the situation? Inland refiners where they exchange their overseas import allocations with east coast refiners who actually use the allocated oil only receive between 20 cents to 50 cents per barrel. The value of an overseas import allocation in districts I–IV depends on the difference between the cost of crude oil in the U.S. gulf coast plus tanker transportation to the east coast versus the cost of overseas oil plus the cost of tankering to the east coast. On July 22, 1969, Platt's Oilgram Price Service—the industry's publication of record—reported districts I–IV overseas crude oil allocations were worth $1.25 to $1.50 a barrel.

The average value of crude oil in districts I–IV was $3.17 a barrel—the Independent Petroleum Association of America; the spot tanker rate for moving crude oil from the gulf coast to the east coast was $2.99 a ton and the corresponding rate from the Persian gulf was $6.31. On July 22, 1971, the U.S. domestic crude oil price for districts I–IV was reported at $3.42 a barrel, an increase of 25 cents a barrel and the cost to producers of Persian gulf oil had increased by perhaps 27 cents a barrel. This should reduce the value of overseas allocations by 2 cents a barrel. In the same period the spot tanker rate from the Persian gulf went to $2.75 a ton, for a reduction of $3.56 a ton. With say, 7.1 barrels to the ton this should enhance the value of districts I–IV overseas allocations by just over 50 cents a barrel. The oil price and transportation changes together should increase the value of an allocation by 48 cents a barrel in July 1971 as compared with 1969.

Returning to Platt's Oilgram, this should mean ticket values in the range of $1.73 to $1.99 a barrel. Notwithstanding the clamor about foreign oil prices it is noteworthy that at the outset of mandatory oil import controls tickets were considered to be worth under $1 a barrel. In 1957 the difference between domestic and foreign oil delivered to Yorktown, Va., was 56 cents per barrel. This means that the total cost of the program has been mounting because of both increasing demand and a growing gap between United States and foreign oil prices. It may well be that the U.S. crude oil price increase of over 40 cents a barrel while foreign crude oil prices were stable had an important weight in stimulating OPEC price demands.

Although these computations are in terms of spot tanker rates, I recognize that they are not the full story. Foreign oil continued to be imported even when spot tanker rates made it appear that delivered foreign crude oil cost more than domestic crude oil. There is a complex of tanker rates and it is reasonable to compare periods at which the same tanker rates are in effect.

This approach is also applicable to district V, the Western States. On July 22, 1969, Platt's reported that district V tickets were worth 85 cents a barrel. Again, the domestic price of crude may be considered as going up 2 cents a barrel less than the foreign price. Coastal tanker rates are not significant for that region. As for overseas rates, there is not a regular spot quotation to that region. However, the rate from the Persian gulf to Japan can be considered applicable. On July 22, 1969, that rate was $3.81 a ton and decreased to $3.21 in 1971 for a reduction of 60 cents a ton or 8.4 cents a barrel. The aggregate of these effects should be to increase the value of district V allocations by 6.4 cents a barrel or to 91.4 cents a barrel. Something is wrong.

Why should districts I–IV allocations which are worth in the range of $1.73 to $1.99 going for 50 cents and in district V, where they would appear to be worth 91.4 cents a barrel, yield 10 to 20 cents a barrel? There is only one explanation—economic inbalance between major refiners who use foreign crude oil and refiners who do not. This economic power play is facilitated by the exchange system which is a throw-back to barter under conditions which favor large companies when there are major changes in oil transportation charges in the spot market. Most importantly, the requirement that all allocations for 1971 are void at the end of the year to the extent they are not used means that the power of the coastal majors is multiplied. The value of the allocations for those who ordinarily exchange is steadily approaching zero because of the clock. The inland refiners are being held in a vice which is tightening as December 31, 1971, approaches. The way out is to make all 1971 allocations good for the next 2 years. Then the inherent advantage of the large coastal refiners will disappear.

The difficulties with the use of import allocations received first public official attention in General Lincoln's announcement of August 11, 1970, that:

> The government did not plan to extend the validity of oil import licenses issued for 1970 beyond the end of 1970.

The release continued:

> Lincoln said that there was considerable speculation and some confusion about the government's intentions and he wanted to make them clear. The speculation was caused by the effect that increased spot tanker rates may have on the use of allocations for imports.

The only action taken to moderate the impact on 1970 allocations was to facilitate their use for the importation of Canadian crude oil into districts I–IV that was of negligible significance. Unused 1970 allocations and the attendant injustice was regarded as being beyond remedy and its correction fell victim to a notion of equity. As the second half of 1970 rolled away, a fairness notion interferred with the injustice and lack of national security justification in not permitting a carryover of unused 1970 allocations. It would not be fair to permit the carryover of unused tickets because some companies had exchanged oil on the assumption that there would not be a carryover. So far as can be ascertained, no computations were made on that account. One thing is certain, there were very few, if any, exchanges between August 11, the date of the announcement, and late in the year, say December 1, 1970.

Notwithstanding the lack of remedial action with regard to the use of allocations, concern regarding that type of result was expressed in relation to 1971 allocations. This was manifest in the rules proposed in the Federal Register of November 28, 1970. Introduced by an explanation that the purpose of the proposal was "to promote an orderly method of importation of overseas crude and unfinished oils into district I–IV and V" the proposal was to hold back part of the 1971 licenses from being effective until July 1, 1971. Each company would know its full year's authorized imports but those with allocations above 1.3 million barrels would receive the larger of that amount or 35 percent of their total. The remainder would become effective on July 1. The notion was that the large coastal refiners authorized to use only 35 percent of their allocations in approximately 50 percent of the year would be forced to obtain substantial quantities of foreign crude through exchange.

The 35 to 65 proposal was still under consideration when 1971 allocations were made and the Federal Register of January 5, 1971, related that, pending a decision on the proposal, the initial allocations would be in conformity with the November 28, 1970 notice. On February 12, a new proposal was published in the Federal Register. Now the held back quantities would become effective by March 2, 1971, and would expire August 31, 1971. The new theory was that the majors would not be able to bring in 65 percent of their allocations in the 6 months ending August 31, 1971, and having lost some allocations through expiration on August 31, 1971, would have to obtain foreign crude by exchanges in the last 4 months of 1971. The national security basis for causing some allocations to expire within the year without express provision in the proclamation was not raised, much less evaluated.

Finally, on March 16, the Federal Register carried the following:

> After a detailed comparison of both groups of comments and a thorough review and

> analysis of the oil import situation as it has developed during the first two months of 1971, it was decided that the proposal of November 28, 1970, should be adopted.

It would be informative to have the review and analysis. The review of the imports would be particularly interesting since the December 1970 import statistics were not published until May 17, 1971, and the January 1971 figures were not released until June 7. This is a continuation in the breakdown of oil Import Administration service. The December 1967 figures published on March 4, 1968; the December 1969 figures were published on April 13, 1970; and the December 1970 figures were not published until May 17, 1971.

As already specified, over 100,000 barrels per day of the authorized national security level of imports for districts I–V have not been allocated. There is every reason to expect that by the end of the year—more likely before the end of October—the full level will be allocated. Under ordinary circumstances all refiners and all petrochemical companies would be delighted to have the remainder of the import authorized. However, conditions are different at this juncture. The making of further allocations limited to use in 1971 will only increase the strangle hold of the coastal majors. It will mean more tickets to them on their own account which they are certain to use since they are free. At the same time the larger quantity of perishable tickets in the hands of inland refiners will enable the coastal refiners to operate at even greater advantage. The way out of this economic situation is to permit unused allocations to be carried over for up to 2 years. This will enable the inland refiners to obtain a more reasonable return per barrel exchanged as well as to exchange all of their allocations.

The effect of the administration's policy goes far beyond shifting around goodies. Operational and investment decisions are involved. There have been numerous reports of overseas crude being delivered to gulf coast, the U.S. surplus capacity region at the same time east coast refiners prefer to use more domestic crude from the gulf coast instead of exchanging with inland refiners. This is part of the whipsaw approach which is being applied by large coastal refiners. This means extra real costs in terms of oil qualities and in the use of transportation. Platt's Oilgram of July 27 reports that Cities Service is bringing Iranian oil to the gulf coast and then inland to Wood River, Ill. with its overseas crude oil allocation because that operation yields a higher return than the 50 cents a barrel which the exchange process would yield. Does it make economic sense for Iranian crude oil to move to Wood River when gulf coast oil is moving to the east coast? Only profound mismanagement and monopoly-like practices by major oil companies could lead to such abuses. This economic irrationality is not confined to oil import controls. On the domestic side there is the provision for a small refiner set-aside from Federal offshore production which is at capacity which is to be exchanged for oil production in areas where output is being held back by State controls. The State hold-up of production is a consequence of Federal concurrence. So—small refiners who cannot get oil because of limitations on State production must pay the Federal Government 1 percent of the value of the oil.

A major flaw in the operation of the program was to continue to control imports when the import level would in any event not reach the national security level. If there were a national security import fee or duty, it would make sense to suspend it under such circumstances. No doubt much of the difficulty in understanding this arises from placing exclusive emphasis on spot tanker rates. Assessment of how a tariff system might operate needs to be compared with how the quota system has actually functioned. The experience sketched here hardly reflect credit for the system. More fundamentally, there is no rationale for the quota system. Where are the why's for the steps of the scale and the percentages applied in each of them? It's all done with an arbitrary lottery and it does not matter whether it is derived with a pencil or electronically. The attraction of the quota method is that it enables executive administrators to exercise power, permits a slight marking of the costs of the program, and blunts the competitiveness of the market. These are not public interest features.

If the tariff alternative is no longer being considered, it is difficult to understand why it is necessary for the Office of Emergency Preparedness to continue its quantum jump of expenditures on oil import policy and energy related crisis management. Those figures, which are dominated by the oil import policy component went from $86,000 in fiscal year 1969; $214,000 in fiscal year 1970; $934,000 in fiscal year 1971 and $980,000 for fiscal year 1972.

Although this discussion has not touched on residual fuel oil prices, it is a matter which is always due attention While it may well be that east coast prices of residual correspond to world prices, there seem to be flaws in the generalization. Here again, Platt's Oilgram Price Service is the source. Computations are at 6.7 barrels to the metric ton. First low sulfur residual fuel oil: on December 1, 1970, 1 percent sulfur fuel oil averaged $3.18 a barrel in Rotterdam and $4.22 in Boston. On July 20, 1971 that product was listed at $2.28 a barrel in Rotterdam and $4.32 in Boston. For high sulfur residual fuel oil the December 1, 1970, quotation averaged $3.04 a barrel in Rotterdam and $4.03 in Boston. On July 20, 1971, Rotterdam averaged $1.87 a barrel and Boston had $3.65 a barrel.

These showings hardly suggest that the U.S. east coast prices are in line with world market developments.

Mr. President, it is time we returned to the principles of a free market. This is just one more example of what happens when the Federal Government intrudes into the marketplace on behalf of a special interest: the consumer pays and pays and pays.

IS AMERICA LOSING SELF-CONFIDENCE?

Mr. HANSEN. Mr. President, in his syndicated column, published by the Washington Post, Kevin P. Phillips prefaces his comments of August 5 with a question that should be asked by every real patriot in America:

> Is America in danger of entering a period of decay like that which characterized the declining years of Greece and Rome?

Phillips refers to two recent analyses which conclude that this great Nation may indeed be on the verge of the decline that will inevitably lead to our fall from greatness and leadership in the world. Phillips writes:

> Our national will, our sense of invincibility and historic mission, foundered in Vietnam. And in the last few years, it has all but been snuffed out by the permissiveness, and anarchism-cum-radicalism and guilt that has suffused the land as a corollary and result of our Southeast Asian disaster.

Peter Wiles, who holds the Chair of Russian Studies at the University of London sees the United States in deep trouble. In putting his theory into plain language, Phillips says that the United States is slipping into the hands of doubters and the denigrators, and we are losing historical self-confidence—and the guts—to maintain great power status.

Unfortunately, we are also losing confidence of another sort, Phillips contends, faith in the work ethic and confidence in the fairness of the competitive economic opportunities offered by our society. Guilt about the affluence of the majority is a major foundation of the Federal Government's guaranteed annual income—welfare—proposal. Never mind that it will detract from lower class willingness to work, and that it may well create a permanent welfare underclass.

Mr. President, in view of the current debate on various issues involved in the questions posed by Mr. Phillips and the hearings now underway on welfare legislation, I ask unanimous consent that Kevin Phillips column entitled "Is America Losing Self-Confidence?" be printed in the RECORD.

I believe that every Senator could well ponder this question and the conclusions reached in the two analyses on which Mr. Phillips based his column and his concluding observation that because of the present-day U.S. combination of welfarism, permissiveness, and anti-imperialism, we may already be "traveling on that crumbling Roman road."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IS AMERICA LOSING SELF-CONFIDENCE?

(By Kevin P. Phillips)

Is America in danger of entering a period of decay like that which characterized the declining years of Greece and Rome?

President Nixon himself has referred to the *possibility*. But according to two recent analyses, the time may already be at hand.

"The Declining Self-Confidence of the Super-Powers" is the theory of Peter Wiles, who holds the Chair of Russian Studies at the University of London. Unfortunately, Wiles sees the United States in greater trouble than the Soviet Union. His main theme, laid out in the spring 1971 issue of International Affairs (published by the Royal Institute of International Affairs), goes as follows:

"Self-confidence is the key. An imperialist government has to feel a great historic righteousness about what it does, and the citizens of its core nationality must share this feeling

. . . The will to mobilize, and the willingness to be mobilized, are (most) important, and since men are moral beings, that will rests upon self-righteousness."

This makes sense, and Wiles is correct in saying that we have lost that will. Gone are the days when the United States sent gunboats up the Yangtze (1937) and Marines into Lebanon (1958), caring not a whit for the howls of the so-called third World.

Our national will, our sense of invincibility and historic mission, foundered in Vietnam. And in the last few years, it has all but been snuffed out by the permissiveness, anarchism-cum-radicalism and guilt that has suffused the land as a corollary and result of our Southeast Asian disaster.

Now we are going back and rewriting our history, blackening our policy-makers, abandoning our military preparedness, and raking ourselves over the coals of guilt-complex liberalism. Publication of the Pentagon papers is the best example of remorseful historiography in action.

In contrast, the Russians are not questioning what their leaders did in Prague in 1968. Specialist Wiles says that the Soviet people are proud of their suppression of the Czechs, and also of their "aggressive racism" towards China.

Wiles sees the United States in deep trouble: "Historiography is so particularly important because it is the basis of imperialist remorse, which is the basis of imperialist decline." In plain language, the United States is slipping into the hands of the doubters and the denigrators, and we are losing historical self-confidence—and the guts—to maintain Great Power status.

Unfortunately, we are also losing confidence of an other sort—faith in the work ethic and confidence in the fairness of the competitive economic opportunities offered by our society. Guilt about the affluence of the majority is a major foundation of the federal government's guaranteed annual income (welfare) proposal. Never mind that it will detract from lower-class willingness to work, and that it may well create a permanent welfare underclass.

Writing in the August issue of Atlantic, social critic Irving Kristol argues that the principal cause of the welfare explosion has been welfarism itself—the bleeding-heart psychology that the poor deserve high welfare payments as a *right*.

This has been implemented, he says by the active recruitment of "clients," whom poverty workers advise to have pride in welfare and to spurn low-paying, "dead-end" jobs. Kristol notes—and congressional studies confirm—that many welfare recipients have abandoned low-income jobs.

Kristol sees welfare as robbing the low-income family head of his socio-economic function. "Welfare, it must be remembered, *competes* with his (usually low) earning ability; and the more generous the welfare program, the worse he makes out in this competition." He concludes by speculating that welfare itself is a major cause of low-income family disintegration and social unrest.

If the experiences of Sweden and Britain, once great world powers, are any example, the present-day U.S. combination of welfarism, permissiveness and anti-imperialism is fatal to national greatness—or at least it is a sure sign of decline and fall. We already seem to be traveling on that crumbling Roman road.

U.S. DEPENDENCE ON SOVIET UNION FOR CHROME ORE

Mr. BYRD of Virginia. Mr. President, the Senate Committee on Armed Services has added to the military procurement bill legislation designed to end the dependence of the United States on the Soviet Union for chrome ore—a material vital to the defense of this country.

The vote in the committee was 13 in favor; three Senators were absent.

The committee amendment was identical to S. 1404 which I introduced in the Senate on March 29.

The cosponsors of this legislation are the Senator from North Carolina (Mr. ERVIN), the Senator from Arizona (Mr. GOLDWATER), the Senator from Florida (Mr. GURNEY), and the Senior Senator from Arizona (Mr. FANNIN).

Hearings were held on S. 1404 by the African Affairs Subcommittee of the Senate Foreign Relations Committee.

Immediately after the hearing, the subcommittee chairman told the press he would recommend against S. 1404.

Subsequently, I put in the CONGRESSIONAL RECORD the text of the statements made by the various witnesses before the subcommittee—both those who opposed the legislation and those who favored.

I am determined that the Senate will have an opportunity to decide whether it is logical to vote billions of dollars for defense against possible Russian aggression, yet be dependent on Communist Russia for a vital defense material.

The Senate Armed Services Committee unanimously agreed—excepting the three absent members.

Now, a brief review of the legislation—and the need for it.

On March 29, I introduced S. 1404, a bill designed to end the dependence of the United States upon the Soviet Union for chrome ore—a material vital to the defense of this country.

The United States today faces an imminent and serious shortage of chrome. This material is essential in the manufacture of such critical defense items as jet aircraft, missiles and nuclear submarines.

The legislation is simple in structure. It would amend the United Nations Participation Act of 1945 to provide that the President could not prohibit imports of a strategic material from a free world country as long as the importation of the same material is permitted from a Communist-dominated country.

Almost identical legislation has been introduced in the House of Representatives by Congressman COLLINS of Texas. Hearings on Congressman COLLINS' bill were held June 17 and June 22 before the Subcommittee on International Organizations and Movements of the House Foreign Affairs Committee.

The bills sponsored by Congressman COLLINS and myself actually would apply to only one commodity, chrome ore, and to one nation, Rhodesia.

Late in 1966 the United Nations Security Council imposed selective sanctions on Rhodesia. The embargo later was made complete.

After the action by the Security Council, President Johnson ordered an embargo on trade between the United States and Rhodesia. This was done by unilateral executive action, without consulting the Congress.

Prior to the sanctions, Rhodesia was the largest single source of metallurgical chrome ore imported into the United States.

There is no domestic production of this commodity, so our country now has become dependent on the next largest supplier, the Soviet Union, for about 60 percent of its chrome ore.

Since becoming the prime source for chrome for the United States, the Soviet Union has increased the price per ton of this ore from $25 to $72. This is an increase of about 188 percent.

The increase in price is a disadvantage to the United States, but what concerns me most—and what prompted me to introduce S. 1404—is that the United States has placed itself in a position of dependence upon Russia for a strategic commodity. To me, this is illogical and dangerous.

I think it is important to review briefly the background of the present policy of the United Nations and the United States toward Rhodesia.

In my view, the imposition of sanctions on Rhodesia by the United Nations Security Council was not justified. The principal reasons given for the sanctions policy were three in number: First, Rhodesia unilaterally declared her independence from Great Britain; second, the Rhodesian government failed to provide for "an orderly transition to majority rule"; and third, Rhodesia represents "a threat to international peace and security."

As to the first point, the declaration of independence, that is rightly a matter to be settled between Great Britain and Rhodesia. It is not properly the business of the United Nations or of the United States.

The second charge is positively ludicrous. If the United Nations Security Council were to impose economic sanctions on every country ruled by a minority, it would have to begin with one of the most prominent members of the Council itself—the Soviet Union, where 24,000,000 people are ruled by a tiny handful of Communist party leaders.

Recent figures show that 37 members of the United Nations do not have a form of government based on majority rule, and that adherence to the majority rule principle is questionable in 25 other member countries.

Clearly, the existence of minority rule does not justify punitive action by the United Nations against any country.

Turning to the third charge made by the United Nations Security Council—namely, that Rhodesia threatens world peace—this is obviously absurd.

Whom has Rhodesia threatened? What nation has reason to fear an assault by this small African nation?

The answer, of course, is that no one actually believes that Rhodesia threatens the peace.

I am now and have been from the outset opposed to the policy of sanctions against Rhodesia as being unjust and contrary to the interests of the United States.

However, my legislation would not require that the United States abandon all sanctions against Rhodesia—much as I wish that this be done.

The only commodity affected by S. 1404 would be chrome ore.

The reason for singling out this commodity is clear and simple: It is the one item which could and should be imported from Rhodesia that is vital to the national security of the United States.

At the present time, there is pending in the Senate Armed Services Committee legislation supported by the administration which would authorize withdrawal from the national stockpile of approximately 30 percent of this Nation's strategic reserve of chrome ore. Release of this amount—approximately 1.3 million tons—would provide a short-range solution for the problems faced by American industry because of the present chrome shortage.

However, withdrawal from the stockpile clearly leaves the long-range problem unsolved. If the present rate of consumption of chrome ore continues, the amount to be disposed of would supply our requirements for less than 2 years. Obviously, we cannot go on reducing the stockpile indefinitely without jeopardizing national security.

Furthermore, withdrawals from the stockpile do nothing toward eliminating our dependence upon the Soviet Union for a large portion of the chrome needed for industry and defense.

I do not believe that it is logical for the United States to continue to be dependent on Communist Russia for a material vital to our national defense.

We are spending billions of dollars for weaponry as a protection against possible Russian aggression.

Russia is the No. 1 reason—and indeed almost the sole reason—for our huge defense expenditures.

I state again: the legislation addresses itself to only one material—namely chrome.

In summary, it does one thing and one thing only: It simply provides that the President could not prohibit imports of a strategic material from a free-world country if importation of the same material is permitted from a Communist-dominated country.

THE NATION'S CURRENT STRATEGIC POSITION

Mr. BROCK. Mr. President, last week several Senators joined on the floor of the Senate to voice our concern with the Nation's current strategic position. We agreed that the Nation must remain strong or it will lose at the bargaining table.

An article in the Jackson, Miss., Daily News of August 3 accurately summarizes our concern and highlights the comments of the Senator from Colorado (Mr. DOMINICK).

I ask unanimous consent that the article and also a column by James J. Kilpatrick, entitled "It's Time to Wake Up to Our Military Decline," be printed in the RECORD.

There bing no objecton, the items were ordered to be prinited in the RECORD, as follows:

RELENTLESS SOVIET ARMS BUILDUP NATIONAL THREAT

While this nation's critics, foreign and domestic, continue to fault our military forces and appeal for a unilateral disarmament, the Soviet Union continues to build its armed might to a frightening degree, a development that could well spell doom for our country.

The seriousness of the matter was discussed in recent debate in the Senate, proceedings which were pretty well ignored by the liberal news media. Here is what one senator had to say:

Senator Peter H. Dominick, R.-Colo., noted that, "It is a fact well known to the leaders of the U.S.S.R., although ignored by our own domestic critics, that the United States virtually halted any increase in strategic strength during the entire decade of the 1960's, while the Soviets devoted enormous sums and energy to the mushroom growth of their military power."

"In relative terms, the United States today is far weaker in relation to the Soviet Union than at anytime during the past 25 years and, as has been stated publicly by highly knowledgeable leaders in our government, at present growth rates the Soviets will have superior strategic strength in the near future," he warns.

Referring to definite deficiencies in the United States' forces, Dominick pointed out that, "The total number of Soviet operational strategic missile launchers exceeds those of the United States by about 400. They are currently producing SS–9s with an enormous megatonage and new Yankee-class nuclear submarines appear almost monthly. They are apparently preparing to test new ballistic missiles and a new strategic bomber. Thus, they are currently in a position to increase substantially their strategic offensive force levels during the next few years and at present show every indication of doing so."

Noting the increasing Soviet influence in the Mediterranean, the Suez Canal, the Red Sea, the Indian Ocean and the Straits of Gibralta, Dominick commented that, "The Soviets continue to build their strategic arsenal and have the capacity and visible intent to continue their expansionist policy backed by the 'muscle' of these forces."

"Soviet naval forces now range through the Indian Ocean, the Strait of Malacca, and the Atlantic and Pacific Oceans, unimpeded and unchallenged. Soviet submarines and warships equipped with missiles now operate off the coasts of the United States, as well as in the Caribbean. Through Cuba and the increasing Soviet influence along the west coast of South America, the Panama Canal is now well flanked," he said.

In answer to the criticism that the United States spends too much on national security, Dominick pointed out that, "The requests for defense outlays for FY 1972 total $76 billion. This $76 billion figure, when expressed as a percentage of GNP, is the lowest since 1951. This same $76 billion, when expressed as a percentage of total Federal spending is 32.1—down from the 42.5 percent of FY 68 and again the lowest since 1950. More than half of the $76 billion requests is for manpower, and so a relatively small amount is left for new equipment and Research and Development."

Dominick concluded by welcoming the SALT talks and the NATO negotiations on mutual troop reductions in the European theater, but added, "We cannot afford to let our strategic deterrent to become second rate if we are to avoid the increasing risk of nuclear crisis through Soviet adventurism."

IT'S TIME TO WAKE UP TO OUR MILITARY DECLINE

(By James J. Kilpatrick)

Seven members of the U.S. Senate went to a good deal of trouble one day last week in an effort to voice a collective warning against the alarming decline in America's military power. They arranged a special order; they prepared their speeches with care; they released the text in advance; and they held the Senate floor for more than an hour.

But to judge from local reaction, they might with equal effectiveness have hurled their Catonian cries upon the summer wind. There was no local reaction. The national security has become, not a bore exactly, but a matter of sullen indifference. Members of Congress, by and large, do not want to talk about it; they do not want to hear about it. Their ears are numb and their senses dulled. They want to go home.

It will be small consolation, one of these days, to call a roll of those who were right in 1971. Unless their warnings are heeded—and not merely heeded, but acted upon swiftly—the United States assuredly will wind up as No. 2 among the powers of the world. The implications of that somber prospect cannot be precisely defined, but they can be vividly imagined.

These were the seven who spoke last Thursday: Thurmond of South Carolina, Byrd of Virginia, Dominick of Colorado, Gurney of Florida, Buckley of New York, Curtis of Nebraska and Brock of Tennessee. Other senators, of course, have spoken to the same effect on other days; one thinks especially of Henry Jackson of Washington, Barry Goldwater of Arizona, John Stennis of Mississippi.

The warnings they have delivered in the Senate have been buttressed by outside authorities. Nearly a year ago the President's "Blue Ribbon Defense Panel" raised an urgent cry of alarm. The American Security Council has grown hoarse with protest. Such respected magazines as Life and Reader's Digest have devoted pages to expert analysis of the deteriorating situation. On the very day the seven senators spoke, the authoritative Jane's Fighting Ships released a chilling report on Soviet gains and American declines.

Yet the erosion continues. One is hard put to identify the reasons. The war in Vietnam—this exhausting, inconclusive, wretched war—doubtless is the primary cause; it has left death and debt and disenchantment in its wake. The high cost of preparedness is another factor, especially at a time of deficit finance and heavy obligations here at home. The anti-militarism of leading intellectuals and dissident youth surely has contributed. And the Pentagon itself, by creating an image of ineptitude and waste, has hurt its own cause.

It is not so important to fix the blame; but it is critically important that the American people understand what is happening. In terms of offensive and defensive capability, the United States steadily is falling behind Russia.

In two classifications only—aircraft carriers and missile-launching submarines—the United States retains a superior position. There is not much comfort here. With its prodigious land mass, the Soviet Union has seen no reason to invest in mobile carriers. Our dominance in nuclear subs (we have 41 with Polaris-Poseidon missile capability) probably will be lost by 1975.

Everywhere else the picture is bleak. Curtis devoted his speech to the uncertain future of our new B1 manned bomber. It is intended eventually to replace the aging B52—but that eventuality is at least seven years in the future. "For some obscure reason," said Curtis, "every heavy bomber ever built by the United States has fought its stiffest battle in Congress." The B1 is no exception.

Dominick dispassionately reviewed the astonishing growth of the Soviet navy. Thurmond implored his colleagues to ponder the meaning of Soviet first-strike missile installations. Buckley pleaded that a whole "new strategy" is needed. Brock urged that the spectre of an "arms race be disregarded: How can there be a 'race,' " he asked, "when one of the contestants isn't even running?"

The long colloquy provoked no debate in the Senate. It drew scarcely a line in the local papers. What is required, one asks in despair, to wake up the Congress, to wake up the people?

LIMITATION ON CAMPAIGN EXPENDITURES

Mr. TALMADGE. Mr. President, on Thursday, August 5, the Senate took what I believe to be an important step toward restoring the credibility of the American people in their elected Representatives. We have heard much in recent months about this loss of credibility. One of the primary complaints has been that America's elected officials are no longer readily accessible to Americans. This charge has been based on the idea that the skyrocketing cost of election campaigns has created a situation wherein the only way a candidate can raise enough money to run for office is by obligating himself to a dangerous degree to wealthy vested interest groups.

In limiting campaign expenditures and promulgating disclosure requirements, the Senate has gone a long way toward alleviating this problem. I endorse, therefore, the passage of this legislation with only one minor reservation.

Much has been said recently concerning the growing threat of Government interference in the private economic sector. The various outlets of the media who sell advertising time to candidates are obviously competitors in the economic arena. In enacting this legislation, we have been forced to compromise their interest somewhat to advance the interests of the general public.

But there is one area of this legislation in which I believe the Senate went too far in that direction. I refer to the so-called "lowest unit rate" requirement. Simply stated, this portion of the bill requires broadcasting stations to charge, "the lowest unit charge of the station of the same class and amount of time for the same period." This requirement would be in force for the 45 days preceding a primary and the 60 days before a general election.

This means that a candidate for office, by congressional decree, would be entitled to the best possible rate available on the advertising market.

The power to use the congressional licensing power to fix prices is one which should be exercised very carefully. In my judgment, it is appropriate only to combat inflation or to deal with some other serious national emergency. Clearly, there is no such situation present here. The immediate beneficiaries of this legislation are the candidates themselves.

Senator CARL CURTIS introduced an amendment to delete this provision, and I supported that amendment. The opponents of the amendment say that we are not fixing prices since the lowest unit rate is set by the individual station. This seems to me to be nothing more than playing with words. If we are not fixing prices, we are certainly regulating them, and we are doing so in our own self interest.

The opponents of the amendment also argue that the ultimate beneficiary of this provision is the general public. I would like to examine this for a moment in light of my own situation. According to the Bureau of the Census, in 1972 there will be some 3,111,000 Georgians of voting age. Using the formula contained in the legislation, I would be allowed to spend some $187,000 for advertising in the broadcast media in a 1972 Senatorial election campaign. In 1968, when there was no such lowest unit requirement, Vice President HUMPHREY spent some $6 million for broadcast advertising. I would thus be allowed to spend approximately 3 percent of what the Vice President spent. The Bureau of the Census also informs me that in 1972, there will be some 139.5 million Americans of voting age in 1972. In other words, I will be able to spend 3 percent of what the Vice President spent while attempting to reach only 2 percent as many voters as he did.

This demonstrates clearly that under the present provisions of the bill, the access of a candidate to the broadcast media would be more than adequate whether or not there is any requirement that the candidate be extended the lowest unit rate.

Therefore, while I was delighted to see the passage of this legislation, I was indeed distressed that the Senate saw fit to interfere in the private economic sector in an area in which I strongly feel that such interference was unnecessary.

VIETNAM EXPENDITURES

Mr. GRAVEL. Mr. President, it becomes increasingly apparent that there will be no more quick dividends from the winding down of Vietnam expenditures—if indeed there ever were any. If the present administration has its way, the price of maintaining our defenses is bound to balloon, for it has never adequately addressed itself to the issues of where the real interests of the United States lie and how the military requirements of true national defense differ from the demands imposed by continuing our present policy of garrisoning troops worldwide.

While the President makes much ado over his new policy of self-help for the countries of Asia, and while he speaks of shifting contingency planning from a posture of preparedness for 2½ to 1½ wars, he nonetheless avoids the hard decisions we must eventually face in reducing the scale of our worldwide commitments. Instead he continues to request troop strengths in excess of 2.5 million and to deploy them at farflung bases around the world despite the nominal retrenchment to a 1½ war strategy.

Nothing in the Nixon doctrine gives me any confidence that this administration has learned the real lessons of the war in Vietnam. It has learned only one kind of lesson: Do it differently next time. Do it by stealth; do it through the corruption of foreign officials. Wage war by air, but not on the ground. Do it by sending American troops, but in civilian clothes. Do it with the CIA—as in Laos—not with army regulars.

But the solution to worldwide military intervention is not disguising it, but stopping it. And the only way to stop it is to reconceive our whole scheme of worldwide objectives such that we do not invite involvement in war through the very means by which we purport to provide for the national defense. This means that we must reduce our troop commitments abroad and cease to play the world's policeman, realizing that certain events in the world—distressing though they may be—are of neutral significance to the well-being of the United States. The only other alternative is to come to be regarded as the world's most notorious outlaw.

What we require for the United States is a whole new concept of Foreign Policy which steers a prudent course of international risk-avoidance, instead of the courting of and preparation for improbable risks. It must bolster at every occasion our respect for, and reliance upon, International Law and Cooperation as peaceful means of settlement, rather than insisting on an American solution that leans heavily on the decisive and lonely use of force.

It is time to admit frankly that we cannot afford, and do not choose any longer to sustain, the role that a succession of presidents have chosen—or claim to have had thrust upon them. Tens of thousands of American dead, hundreds of thousands of Vietnamese dead, and more than $100 billion spent on destruction and devastation have taught us that much.

The dramatic reversal called for cannot, moreover, be bought with belated, piecemeal efficiencies. Such hopeless and half-hearted efforts will only see the so-called "peace dividends" counted on by the American people gobbled up by cost escalation of particular weapons systems, general inflation, and climbing service-pay scales. The only place to go for large savings is the conventional force structure.

First, we should realize that strategic forces—nuclear missiles, submarines, bombers, anti-missile systems, and air defense—though extremely expensive in absolute terms, are only a quarter of our total defense budget. For fiscal year 1972, for example, our total bill for strategic items, including the associated research and development, intelligence, and general overhead, will be about $20 billion out of $76 billion. Percentages are even lower in the manpower area. Strategic force strength for fiscal year 1972 is estimated to be only 139,000 men, or less than 10 percent of the total force level.

Even a fairly wide range of feasible options—ranging from a low posture, stressing a single, sea based retaliatory system, to a program of modernization of all three redundant systems—ICBM, SAC, and polaris—plus ABM and Air Defense—would run only about $6 billion to $8 billion in either direction from the $20 billion already budgeted for strategic defense.

On the other hand, general purpose forces—what we keep in our force structure to cope with threats to allies, to sea lanes, to our various interests in foreign countries, to our supposed interest in preventing political change in client states—are $56 billion. This breaks down to about $22 billion for NATO, about $19 billion for Asia besides Vietnam, about $9 billion for continuing Vietnam expenditures, and about $6 billion for the central strategic reserve and the rest of the world—the so-called "½ war" or "minor contingency."

Reducing our general purpose and support forces not only makes good budgetary sense; it is the only sane course to follow if we are not to become embroiled in future Vietnams. Already—before we have even succeeded in extracting ourselves from that first tragedy—documentation is becoming available which reveals our deepening involvement in hostilities in Laos.

We must begin now to withdraw from our wide-ranging commitments, to bring our troops home, and to deactivate them. The place to begin, of course, is with a prompt pullback of all our forces in Vietnam. But there are other areas as well where immediate, although more limited, reductions are possible: Air Force personnel in Thailand and Laos, support and headquarters units in Japan, tactical bombing and logistical units in Okinawa, excessive general purpose forces as well as those operating tactical nuclear weapons in Korea, refueling and intelligence units in Taiwan, Southeast Asian support units stationed in the Philippines, and excessive support troops in NATO.

Obviously, long range planning and consultation with our allies will be required for the intelligent paring of forces which we must undertake in order to return to the sane military posture we abandoned a quarter of a century ago. This is a project not of a few months or of a few years, but of a decade. In the next few months I will be developing a more comprehensive program for just such a staged withdrawal. However, this year, in fiscal year 1972, we can make a beginning with reductions in the areas I have already suggested.

What I contemplate for this year is an overall force reduction to a level slightly above 2 million men. Moreover, as of July 1, 1971 it is a requirement of law that these reductions in force strength be made. With the expiration of the draft law last month came also the expiration of the suspension of the military personnel ceiling, which has for a number of years now given the President a free hand in determining troop strength. This free rein of the President to employ, for all practical purposes, unlimited manpower in military adventures, together with his unbridled authority to compel through the draft whoever was unwilling to serve, is what made possible executive escalation and expansion of the war without congressional approval.

But now this suspension has expired, and the legal limit on average active-duty strength of the armed forces is as follows:

Army, 837,000 (10 USC 3201).
Navy, 500,000 (10 USC 5401).
Marine Corps, 400,000 (10 USC 5402).
Air Force, 502,000 (10 USC 8201).

The present force strengths, as preliminarily determined June 30, 1971, are:

Army	1,123,811
Navy	622,890
Marine Corps	212,306
Air Force	755,480

The total difference between these actual figures and the legally authorized levels is 663,181 men. But this figure is not the most relevant one, as the important comparison is between the authorized average strength actually in effect and the authorized average strength which would have been in effect had the draft bill passed before July 1. This comparison yields a somewhat smaller figure, with required service cuts as follows:

Army	137,309
Navy	113,619
Air Force	253,635

No change in Marine Corps Force levels would be necessary, as their present strength is below the authorization. Total cuts would consequently amount to 504,563 men. The remaining average active-duty troop strength would be about 2.05 million men, not as low as we eventually need to go, but a respectable beginning. It is only our relatively recent military excesses and overextensions which might lead some observers to regard this as an unduly low troop strength.

Between the two world wars the Congress limited the number of men who could be inducted or trained in peacetime to 900,000. Perhaps more important, persons inducted into the land forces of the United States during this period could not be employed beyond the limits of the western hemisphere except in the territories and possessions of the United States.

Again, after World War II the size of the peacetime force was severely limited by Congress. Whereas in 1945 active duty personnel had been at an all-time high of 12,124,418, by June 1947 their number was reduced to 1,582,999. Even as the cold war developed in 1947 and 1948, the Congress maintained control over the size of the Armed Forces, setting active-duty personnel ceilings of 837,000 for the Army, 666,000 for the Navy, and 502,000 for the Air Force. It was at the outbreak of the Korean war that these ceilings were suspended, and it was this suspension which remained in effect from 1950 until its expiration this past month.

Some may think that these lower troop levels today would not leave the United States sufficient flexibility to meet a true military emergency, but history does not support that view. On December 13, 1941, less than 1 week after Pearl Harbor was attacked, Congress suspended the 900,000 force ceiling previously in effect. Congressional response was almost as rapid with the outbreak of the Korean war, which began June 25, 1950.

By August 3 the force ceilings were once again suspended.

The more probable effect of scaling down our force levels and undertaking a thoughtful retrenchment in our commitments abroad would be a lessening of the tensions which today make use of our military might in one emergency or another a high probability. Once reduced, our Armed Forces would still be sufficient to meet any challenge to our own national integrity or to aid those allies with whom we truly share common interests. Troop levels of approximately 1.5 million men provided an adequate peacetime force 25 years ago, and there is no reason similar numbers cannot suffice in the era of the electronic battlefield, when military success is less than ever dependent upon how many bodies can be thrown onto the line.

The course I am suggesting is not a return to isolationism, with its refusal to accept responsibility for anyone but oneself. A continued commitment to our policy of worldwide military interventionism would in fact constitute the profoundest abdication of responsibility and resort to lawlessness. Whatever moral force we may have had in the world has been lost over the last two decades, and the only hope of regaining it rests with our decision to return to a policy of collective rather than unilateral military action.

In my estimation, the motive force behind the Mansfield amendment to reduce force levels in Europe was the conviction that unilateral troop cuts are safe, and in fact in our best interest. No Senator or Congressman would vote to place in jeopardy what he thought to be the core of his country's security.

There is the widespread feeling that, just as war preparations are unilateral, arms buildups are imitative, and military assistance levels are responsive, the same geometry applies to downside moves. There is not the perception that our adversaries are implacably aggressive, unappeasable, and unimpressionable.

The decisions we must make are political matters, not matters of expert estimation. They are rough matters, not matters of intricate force calculations. They are diplomatic matters, not strictly military matters. They are matters which we must decide here in the Senate, in the Congress, in order to return this country to a sane defense program and a realistic world posture.

FUNDING FOR OLDER AMERICANS ACT HIGHEST IN ITS HISTORY

Mr. CHURCH. Mr. President, earlier this year there was much gloom in the field of aging, and with justification.

The Administration on Aging—the Federal focal point for 20 million older Americans—was being systematically downgraded by reorganization moves which had the effect of dismantling this unit. Concern was expressed on several fronts about "foot dragging" in connection with preparatory activities for a once-a-decade White House Conference on Aging. And the budget request for programs under the Older Americans Act was cut beyond the bone, $2.5 million below the 1971 appropriation figure.

In March, the Committee on Aging, of which I am chairman, and the Subcommittee on Aging of the Labor and Public Welfare Committee conducted hearings on these issues.

A month later the administration rescinded its original budgetary request, and upped the ante by $10 million—to $39.5 million. Welcome as this action was, it still only represented about 38 percent of the authorized funding level.

In July, the ranking minority member of the Committee on Aging (Mr. PROUTY), several other Members of our committee, and I helped to lead a bipartisan effort to win additional funding under the Older Americans Act. This resulted in a $10.5 million increase by the Senate, raising the funding level to $50 million. Later this amount was pared down to $44.75 million in conference committee.

But the net impact of this action today is that this struggle, spanning 5 months, has resulted in a $15.25 million increase above the administration's original budgetary request of $29.5 million for the Older Americans Act. This represents a 52-percent raise above the initial budget estimate. And this represents the largest appropriation in the history of the Older Americans Act.

This action also has other far-reaching implications. It clearly demonstrates that the field of aging is far too dynamic to be shunted aside. And it also reveals that bipartisan congressional action can obtain more adequate funding for programs now serving more than a million older Americans.

Mr. President, I ask unanimous consent that a table describing the increases in funding for the Older Americans Act be printed in the Record.

There being no objection, the table was ordered to be printed in the Record, as follows:

OLDER AMERICANS ACT APPROPRIATIONS

[Dollars in thousands]

	Original fiscal year 1972 budget	Revised fiscal year 1972 budget	Fina appropriation
Community programs	$5,350	$9,000	$12,000
Planning and operations	4,000	4,000	4,000
Areawide model projects	4,000	5,200	5,200
Research and demonstration	1,800	2,800	2,800
Training	1,850	3,000	3,000
Retired senior volunteer program	5,000	5,000	5,000
Foster grandparents	7,500	10,500	12,750
Total	29,500	39,500	43,750

MIKE PETERSON, OF YATES CENTER, KANS.

Mr. DOLE. Mr. President, the State of Kansas has always had reason to be proud of its young men and has seen them recognized in many ways both within our State and throughout the Nation. The latest young Kansan to receive widespread attention is Mike Peterson, of Yates Center, who is the cover subject of this week's Sports Illustrated.

Mike's story is, I believe, more than just an account of an outstanding young man and his record of honors and achievements. It is also a story of the heartland of America and the people who make it such a wonderplace to live in and a source of great strength and vitality for the entire country.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From Sports Illustrated, Aug. 9, 1971]

THE GREATEST ATHLETE IN YATES CENTER, KANS.

(By William Johnson)

This is a story about a star and the galaxy in which he shines. It is about the very best all-round athlete in Yates Center, Kansas, the Hay Capital of the World.

You may ask—why? Well, one day a letter arrived at this magazine, unsolicited and buried deep in the envelope thickets of a mailbag, from a Yates Center barber. It was scrawled in ballpoint on lined paper torn from a spiral notebook, and it spoke glowingly of Michael Leon Peterson, 18, Yates Center's "once in a lifetime athlete." The barber wrote of how Mike Peterson, the football star, had been voted the most valuable player in the Tri-Valley League on both offense and defense, how he had scored 103 points and intercepted nine passes, how—as runner, passer, punter, placekicker and punt returner—he had led the Yates Center Wildcats to their first Tri-Valley League championship in history.

The barber wrote of Mike Peterson the basketball star; how he had averaged 21.2 points per game, how he had led Yates Center to its very first Tri-Valley League basketball championship, how Mike had subsequently made "everybody's" Class 2A All-State team in Kansas and was voted the most valuable Class 2A player in all of Kansas.

The barber told how Mike Peterson, the baseball star, last season led the Yates Center American Legion team to its third straight Class B state championship, how he was the No. 1 pitcher with a 9-2 record and a 1.21 ERA, how he batted .398 and how he was chosen to the All-Kansas team. The barber also threw in the fact that Mike Peterson ran a respectable, if not mind-blowing, 440 in track (51.8) and had been a member of Yates Center High School's record-breaking one-mile relay team. The barber failed to mention that Mike Peterson also played the saxophone and was president of the YCHS band.

Yates Center is out on the far prairies of southeast Kansas. It is about 100 miles from Wichita and at the end of an unremarkable two-hour drive from Kansas City, Mo. The roads to Yates Center pass many gnarled groves of blackjack oak and broad fields of soybeans, milo and, of course, hay—as well as a few billboards advertising a miracle fertilizer or plant food with the hardsell words "Put More Jack in Your Beanstalk." As for Yates Center itself, a brochure map of the village was printed some years ago to guide and encourage an onslaught of commerce and industry which never materialized, except for one jacket factory that employs about 90 women. The map indicates that Yates Center is "Midway U.S.A." in that it sits 800 miles from both the Canadian and Mexican borders, and 1,400 miles from both the Pacific and Atlantic shores. The brochure also notes that 17 of the country's 55 largest cities are within one-day trucking distance of Yates Center, and it describes the village as "Crossroads U.S.A." because it is spotted squarely at the intersection of U.S. 54, which streams northeast to Chicago and southwest to El Paso, and U.S. 75, which flows north to Winnipeg and south to Houston.

Inside Yates Center proper, U.S. 75 is called Fry Street and U.S. 54 is called Mary Street. If someday you happen to be motoring along Mary Street on your way from El Paso to Chicago, you may wish to take notice of a small grayish asbestos-shingled house set next to the Standard Oil station. That is the home of the best athlete in Yates Center. And if you happen to glimpse a young blond fellow adrift on the wooden swing dangling from the front porch ceiling, you may want to wave or honk your horn or stop and get his autograph, because that will be Mike Peterson.

Perhaps you will not be awed by him. He is pleasant enough and good-looking, but you will probably not feel overpowered by the physical presence of a living legend. Mike stands but a brave 5'10'' tall and weighs no more than a courageous 155 pounds. He is a lean and well-washed boy, with all that is open and innocent about the plains of Kansas showing in his face, in his summer-sky eyes and even in the comb-furrowed bangs that are that are bleached the color of corn from many blazing August days of helping in the hellish, itchy harvest of the celebrated local hay crop. He speaks in a high-pitched voice with the drawling twang of a plainsman. His grammar perhaps owes more to Wyatt Earp than to William Allen White. "It don't matter what game it is, I try to do as good as I can," says Mike Peterson.

They know that around Yates Center, all right. Mike is a paragon there. Some people—Gaylen Rodgers, the high school basketball coach, for one—offer him the ringing classic accolades such as, "If I had a son, I'd want him to be exactly like Mike Peterson." Some people, like Arylene Haynes, pretty wife of a state trooper and current president of the exuberant Yates Center Quarterback Club, are merely very, very complimentary: "Mike is a great player and an even greater person." Clarence Newton, assistant football coach and phys ed teacher at YCHS, awards him a kind of superstatus: "A boy with the talents and attitudes of a Mike Peterson might come along once in a man's coaching career—but more likely never at all." Dick Clasen, editor of the weekly *Yates Center News*, sees young Mike from an even broader perspective: "There is no doubt in my mind that Mike Peterson will be a legend around Yates Center and even Woodson County for years to come. The only thing that could ever stop it is his lack of The Big Head. The boy just will not brag about himself."

That is true. Mike is modest, very modest. In Yates Center that trait seems almost requisite to his prowess at sports: to hear people talk, the lack of The Big Head is perhaps third only behind godliness and cleanliness in the book of virtues. For example, Mike's widowed mother, Doris Peterson, a cheery matronly lady who works for the newspaper, said, "The veterinarian here in town said to me just the other day that to him the nicest thing about Mike is that his honors have not gone to his head. This is the best thing a mother could hear, of course." Jack Gibbs, a friendly sunburned fellow who is an engineer for the Kansas highway department in town, said that he had lived in perhaps half a dozen different towns in his life and that he had yet to see an athlete as modest as Mike Peterson. "Why, I've sat in the barbershop here time and time again," said Gibbs, "talking about things Mike did in games, with Mike setting right there, too. But he don't brag, he don't even help carry the conversation when you're talking about him. Yon can make him smile, but not talk about himself. The Big Head never hit Mike."

The Big Head is not unknown in Yates Center. Wayne Jaynes, an insurance man and P.A. announcer for 20 years at YCHS football games, recalls a classic pre-Peterson case. "This one boy—oh, he was a star, all right—he and his father used to call me up after games and bawl me out for not announcing the kid's plays with more excitement in my voice. They'd chew me out, too, for not giving the boy more adjectives in my write-ups in the paper. Oh, they were a surly lot. But Mike? He's the nicest, most modest boy in town."

Possibly he is. A stranger came to Yates Center recently in a rented car and drove through the green and leafy streets with Mike at his side. Almost everyone walking the sidewalks or driving by peered intently at the rented car, then waved enthusiastically at Mike. The visitor remarked to Mike that he must be a dazzling celebrity indeed if people sought him out even when he was concealed in a strange car. Mike flushed. "Naw, when a car they don't recognize comes into town, people look real close to see who's sittin' in it. When they seen me ridin' with you, they just waved. They'd do it for anyone in town."

Perhaps they would. Yates Center is a snug little island in the Kansas seas. There are 2,178 souls in residence, and their lives are pretty much directly focused on each other. The politico-socioeconomic center of town is the square, a grassy, tree-shadowed patch of ground graced by a fine old prairie-Victorian grandma of a building, the Woodson County Courthouse. It is a doughty, nostalgic, red-brick pile of the kind too often torn down now and replaced by a cold and up-to-date thing made of tinted glass and glazed beige bricks. The Woodson County Courthouse lends a style and dignity to Yates Center and to the shops and offices and stores lined up across the street around the square. The people on the streets do not hurry. Many of them are farmers in sun-clean bib overalls, lounging on benches at the edge of the square. And many of them *do* look up and scrutinize every car that cruises by.

Anonymity is unkown and privacy seems to exist more or less to be invaded. People say that locked doors are a rarity day or night, and most everyone has become accustomed to knowing an enormous amount of detail about everyone else. Yates Center knows who ate supper in the backyard last night, who had a new thermostat installed, who did or did not make his contribution to the Quarterback Club for buying films of the high school games, who takes cream in his coffee. Yates Center knew all about it a year or so ago when Mike Peterson temporarily quit going steady with cheerleader Rhonda Hanson because a friend told him that a steady girl might weaken his concentration on basketball. Yates Center knew all about it this spring when Mike road his beloved Honda motorcycle off a steep drop at the quarry and escaped with a few scratches. Yates Center knew all about it a few weeks ago when Mike's mother ordered him to get his hair cut because it had begun to crowd the tips of his ears.

It is probable that Yates Center would have known all these things even if Mike Peterson *weren't* the best athlete in town. But fame and acclaim have followed at his heels like a devout (though rather small) dog for most of the years of his life in Yates Center.

He began playing in the peewee baseball league at the age of seven, a year before he was really eligible. In his scrapbook there are yellowed clippings from days when Mike Peterson was a mere wisp of a child who still could lead the local midgets to a state baseball title by pitching the same game he won with a two-run homer. Mike has two older brothers, both fair athletes in their day, and two older sisters. His father, Paul Peterson, died three years ago, and the kids of the high school dedicated the yearbook to his memory. He had been many things in his life, the last few being a salesman of cemetery monuments, a school bus driver and the director of Yates Center's summer recreation program. "Paul Peterson was 10, 15 years ahead of his time," says Jack Gibbs. "He was a pitterer and he never cared much about money or having a big house in the suburbs. There are lots of pitterers now, they come out of college that way. They don't care to set the world on fire. Money don't matter. Paul Peterson was that way, a pitterer."

Especially since his father died, Mike Peterson has been the apple of Yates Center's eye, a boy to watch, a boy to emulate. And now his name has come to be a power among the children of the town. Many little boys can see no better future in all the years ahead than to become the world's next Mike Peterson. Some include his name in their prayers, and many young Yates Center mamas habitually use his name to persuade stubborn children to take their naps or wear their galoshes or swallow their rutabagas, because Mike Peterson takes, wears or eats *his*. Few men in town—preachers or politicians or the Rotarian dedicated—have had their pictures in the paper as often as Mike Peterson. There he is—No. 22 leaping for a rebound; No. 24 looking bemused yet rakish in football togs, eye lamp-black and the football Homecoming King's crown. There he is, the boy with the big grin behind the big trophy or the stiff and grim-looking fellow posing in the formal picture with his team. Perhaps no one in town has been talked about as much as Mike Peterson—in the barbershops, the gas stations, at morning coffee sessions in Baker's Drug Store, at lunch at Woody's.

Doesn't being in a constant spotlight bother him a little? No, it does not. "The pressure of being well-known don't get to me," says Mike. "I'm used to it. I know people used to watch me when I was settin' in the bleachers during B team games. They'd watch my leg to see if it was jigglin'. See, I got in the habit of jigglin' my leg before a game, and people'd look at it and they'd say 'Well, Mike's ready for a good game tonight because his leg's goin' real good.' That never bothered me. I just always try to be myself."

Mike's fame has spread, of course, beyond Yates Center. "Sometimes I go over to a town before a game, you know, and I'm on the street and kids I never seen before come up to me and say, 'Hey, why did you come here? We was hoping to win.'" In Garnett and Humboldt and Cherryvale, in Fredonia and Eureka and Neodesha, they know Mike well. His face is familar and so is his jump shot and his quick curve and his famed "limp leg" (not to be confused with his famed jiggling leg) which he used often to maneuver through broken fields for touchdowns. Mike even recalls, reluctantly and red-faced, the night someone from out of town asked him for his autograph. "It was over to Hutchinson during the state basketball tournament, and some kid—must've been a junior, even—come over and asked for an autograph, I tried to talk him out of it for a while, but then I give it to him. Then he said some guys had bet him 50¢ he didn't dare ask me for it. He said, 'But we all think you're a pretty good player, anyway.'"

Besides the clippings from the *Yates Center News*. Mike's scrapbook contains stories from the *Chanute Tribune*, the *Coffeyville Journal* and the *Iola Register*, as well as the *Witchita Eagle*, which relayed word throughout the state of Kansas that "with another player like Mike Peterson, Yates Center would be unstoppable." Among his most prized mementos is a collection of tape casettes, the broadcasts of Yates Center's basketball tournament games as they were beamed out last winter over KKOY in Chanute. Again and again, now in the hot, slow dog days of summer. Mike can sit dangling on his porch swing, his tape recorder blasting at his ear, gazing happily into the past as the authoritative voice of KKOY's Jerry Pryor shouts: ". . . the ball goes to Mike Peterson! He dribbles twice! He's in the corner! He jumps! He shoots. It's *good!* It's good, and *Yates Center regains the lead. . . .* "

So he is canonized in newsprint and on electronic tape. But being a Mike Peterson in a town like Yates Center goes farther than that. For Yates Center has a deep and abiding civic commitment to sports, even an obsession. "This town is so sports-oriented," says Arylene Haynes of the Quarterback Club, "that you'd think that's all there is to do—and maybe it is." Last year the *Yates Center News* frequently printed stories about its teams on Page One with thick black headlines that were two or three times bigger than other front-page headlines such as "Governor to be in County" or "Sheriff's Car Goes Out of Control" or "Horse Killed on Highway." "We print what we think is important," says Dick Clasen, "and even though we got some letters complaining about our empasis on sports stores, we felt they were *damn* important."

Indeed, the whole town habitually mobilizes as if it were going to war when a sports project is under way, and there are countless stories about the Jaycees building baseball bleachers and the Jaycees, the Lions and the American Legion playing benefit games to buy a new P.A. system and whole platoons of town fathers pitching in to carve a sleek new baseball diamond out of a rocky pasture. Just this spring the football coach, Marvin Dodd, let it be known that the team could use a new Gladiator weight-lifting machine—price: $2,575. No sooner said than the town turned out en masse to pick up metal beer cans that could be sold for reprocessing. In a short time there were 76,100 beer cans on the courthouse square, plus another 2,500 returnable beer and pop bottles and hundreds of aluminum TV dinner trays. "I know of no other community in Kansas," says Marvin Dodd, "that would show that kind of spirit in supporting its football team."

So it is no small thing to be a star like Mike Peterson in a town like Yates Center. Even now there are unofficial keepers of his legends all over town, each polishing some unforgettable tale of his prowess for retelling to the wondering children of some future generation. Some will tell of the 1970 football game against Neodesha when Mike, defensive halfback, stole a pass from an enemy's very fingertips and raced 85 yards for a touchdown. And then, in that same tense game, with only seconds remaining and Neodesha having just scored to slip into the lead 22–21, the enemy kicked off to Chuck Mossman, a fleet and sturdy Yates Center halfback who is ranked close to Mike for all-round heroics. Mossman tucked the ball to his chest, looked upfield and saw Mike calmly waving him to his side of the field. Mossman veered toward Mike and Mike set out ahead of him to throw one fierce block that felled the only man who could have put a finger on Chuck Mossman. Mike lay stunned on the ground, but Chuck streaked across for the touchdown that gave Yates Center a splendid 27–22 victory.

Some will tell of the night last winter in nearby Burlington when Mike turned into a blond tornado with a basketball and shattered Yates Center's alltime individual scoring record with 43 points, while the team, inspired, raced on to score 100, yet another record. Some will tell of last year's Legion baseball championship in Ransom when Mike batted 3 for 5 and pitched a seven-hit game to win the title.

Some will recall moments which simply reflect a small but brilliant facet of Mike's skill. Jack Steiner, the barber who wrote the letter about Mike, remembers: "He was a lefty, but the sonuvagun could play second base like a dream. And he was even a catcher! And we didn't have no left-handed mitt for him, so he'd catch wearing a right-handed mitt. He'd have to whip off the mitt to make a throw, but they never stole a base on him, not once."

Editor Dick Clasen recalls: "In a game against Sedan, Mike was the deep man on a punt, and the ball was short. It rolled and rolled. A bunch of their boys gathered around it, but the referee hadn't blown it dead. Suddenly Mike jumped in and—oh, his hands were *so* quick—he snatched up the ball, burst right out of that crowd and went for a touchdown. A little later the same thing happened with a punt and their boys gathered around it again. This time Mike just made a fast little fake toward the ball. My gosh, there must have been six or seven kids from Sedan all floundering around on the ball."

And Jack Gibbs tells in hushed tones of a certain baseball game he remembers: "Mike was playing center field and a guy hit a terrific smash out toward center and Mike started running. We didn't have no fence then and Mike run and run and run. He jumped a little ditch, run across a road, jumped *another* ditch and, by God, he caught that ball for an *out*. There was a light mist falling, too, as I remember. And, yes, I believe that game turned out to be a no-hitter for our pitcher after that, too."

If the village of Yates Center had sprung up in some earlier age of man, the legends of Mike Peterson would even now be depicted indelibly upon the walls of a cave or baked in pictures for all eternity upon the polished side of some great urn. But what now? Will the legend live only as it is passed on by word of mouth through Yates Center barbershops of the future?

Not entirely. There are still men who believe in recording history in a more endurable manner. The Woodson County Historical Society has a fine, sunny museum on Mary Street, not more than half a block east of Mike Peterson's own home. The museum is freshly painted white, and its antique displays sparkle as if they had just been put down by their original owners. The Osage Indian arrowheads and the great old hay sickles and the pie crimpers once manufactured in Yates Center, even the huge old turkey platter owned by town founder Abner Yates himself, all seem in mint condition. Lester Harding, the sun-wrinkled farmer who is president of the historical society, says, "A museum don't need to look like someone's attic, you know."

The society has seen fit to preserve, in framed photographs and monographs, certain events in the past of Woodson County—such as the birth of Buster Keaton in 1895 and the visit of President Rutherford B. Hayes in 1879 and the arrival in the county of Thurlow Lieurance, the composer of the song *Falling Leaves,* in 1885 and, most impressive of all perhaps, the sighting on the night of April 19, 1897 by Captain Alexander Hamilton of a brightly lighted, reddish airship with a cigar-shaped cabin 300 feet long. This, it is recorded, was "UFO #1" in the U.S. annals of unidentified flying objects, and Captain Hamilton swore that there were six "strange" beings aboard and that they dropped a red lasso over the neck of a 3-year-old heifer and floated away with the cow while the captain, his son and a tenant looked on helplessly. The heifer was later found butchered in a neighbor's pasture. At the time Captain Hamilton resided on a farm 10 miles outside of Yates Center, and several citizens of the village signed an affidavit testifying to his veracity shortly after he reported seeing the strange ship.

The collection at the Woodson County Historical Society is, then, maintained with an eye for thoroughness and a respect for detail. A few weeks ago Walter A. Bowers, 72, a member of the society's board of directors, added to the museum's collection a thick scrapbook filled with photographs and newspaper clippings of Mike Peterson's athletic career. Bowers said, "There is no doubt in my mind that Mike Peterson is the greatest athlete ever to perform in 100 years in Yates Center. I felt that we should capture his achievements right now and put him on record at the museum as being the best in our history."

Walter Bowers brings to that judgment of Mike's prowess a bit more insight than the average Yates Center citizen might be able to muster. For even though he is gray-haired and a bit paunchy now, with rimless spectacles and the dignified mien one might expect of a retired engineer from New York, Bowers was once a member of the University of Chicago's world-record two-mile-relay team that was coached by Amos Alonzo Stagg. He was an extremely gifted athlete in a number of other events, too. Indeed, in 1924, Bowers finished 11th in the U.S. Olympic trials for the decathlon.

"I considered myself perhaps the best 145-to-155-pound athlete in the world at that time," says Bowers, with a light, modest chuckle. "Since then I have developed many other interests besides sports, of course. For example, I am right now in the midst of preparing a paper on the life of Michelangelo for delivery to the Rotary Club next week. But I have enough background in sports, I think, to know that Mike Peterson is a brilliant young performer. I knew Red Grange when he was at the University of Illinois and I saw him play often. Mike Peterson has Red Grange's same unearthly capacity for breaking tackles. I saw Walter Eckersall play for the University of Chicago, and he was one of the greatest open-field runners ever to play the game. Mike Peterson has the same footsteps and the same tricks as Walter Eckersall. I have seen every basketball game Mike Peterson played, and many baseball games. There is no doubt in my mind that in the full century that Yates Center has existed there has never—*never*—been a better athlete. And I have seen to it that it is so recorded in the history of this village."

So much for the past. Now what of the future for Yates Center's greatest athlete? Well, despite the high marks issued by Walter Bowers and most everyone else in town, there was no heavy campaign from college recruiters to sign him up. Almost certainly that is because of his slight size. Mike will enroll in the fall at the Kansas State Teachers College at Emporia, and he plans to play basketball and baseball. "I hope someday to get to be a pro baseball player," he says. "I probably ain't fast enough to be a pitcher but I figure with some breaks I could make it as an outfielder. If I don't make that, I'd probably want to coach or something like that."

There is, of course, intense interest in Yates Center in what will happen to Mike now that the magic days of high school heroism are at an end. One fellow who could be a little closer to the truth of it all than others is Gary (Hutch) Dixon, 27, another barber in Yates Center. In 1963, Hutch Dixon was graduated from Yates Center High School, an athlete of great repute. As a quarterback he had made All-League, All-Southeast Kansas and honorable mention All-State. He was one of the few boys in the village ever to have won 17 letters from the sixth grade all through high school—a feat Mike Peterson accomplished, too, of course.

"Well, those were about the greatest years I can remember, those high school games and all," says Hutch. "I was going to go on to college, but things got tight and I decided on a trade school instead and I opened up my barbershop here. I've never regretted staying in Yates Center. Hell, I was Mike Peterson's first coach—in peewee baseball. I think Mike is going to do all right from now on. It'll be hard for him in college, maybe. He's never been away from home, you know. He's used to the way it is in Yates Center where everybody knows him and everybody remembers all his big moments in sports. Mike Peterson's a great man in Yates Center—even I tell my 4-year-old he's gotta take his nap because Mike Peterson takes naps. My little boy will do almost anything to be like Mike Peterson."

And that, whatever happens, is a particular slice of immortality that no one else can ever have. It is reserved for the greatest athlete in the history of the Hay Capital of the World.

AMTRAK IS ON THE TRACK

Mr. PELL. Mr. President, for many years I have been speaking before the Senate about the need to improve rail passenger service. It was because I believed that the public would support fast, efficient, clean rail passenger service that I promoted the high-speed ground transportation program in the mid-sixties.

While in the past Congress I was a strong supporter of congressional action to revitalize rail passenger service, I must admit I was somewhat skeptical about the ability of the National Rail Passenger Service Corporation to provide the level of passenger service that is required in our urban corridors.

I had feared that strain of providing long distance service would detract from the Corporation's efforts in the urban corridors. I was most concerned that trains would not be put where the people were.

I am receiving increasing reports that my initial skepticism was not well founded, and I delighted to note that Amtrak, as the National Rail Passenger Service Corporation is known, is doing an outstanding job in putting rail passenger service back on the track.

Scheduling and ticketing services have improved significantly. More trains are running on schedule, and Amtrak employees seem to imbibe a new spirit of enthusiasm.

Roger Lewis, president of Amtrak, is to be commended for the fine effort being made to revitalize rail passenger service.

AVAILABILITY OF CREDIT FOR RURAL REVITALIZATION

Mr. McCLELLAN. Mr. President, the availability of credit is one of the keys to rural revitalization. It can open the door of opportunity and the promise of the good life in America's heartland.

It can help the millions barely eking out a living there to regain the confidence they need to better their lot.

It can restore the faith of countless others who wish to bring about its renaissance.

Earlier this session, I introduced S. 10 to establish a national policy for rural development and Federal spending preferences to achieve that goal. Forty-three Senators have joined me in cosponsoring this measure, which looks toward industrial expansion and manpower training in areas without an adequate economic base for growth.

Credit is a vital adjunct to such growth. That is why I cosponsored S. 1483—the Farm Credit Act of 1971—which recently passed the Senate. For it would provide an enlarged source of capital for our farmers and modernize their special institutions of credit.

But a new momentary lifeline is needed for the millions of others who also live and work in rural America—and who have limited means of obtaining credit. That is why, Mr. President, I am cosponsoring S. 2223—the Consolidated Farm and Rural Development Act of 1971—which would furnish the sums critically needed for helping our economically withering, depressed countryside rebuild.

The credit system this legislation would create—like its farm counterpart in S. 1483—will help to bring about a national financial commitment needed to accomplish the monumental task of rural development.

NEW YORK STATE CONFERENCE ON ALCOHOLISM

Mr. JAVITS. Mr. President, alcoholism has a disastrous impact on our society. There are 9 million alcoholics and the disease now affects directly or indirectly 36 million Americans. Regrettably, it is the fourth leading cause of death in this country. The gap between need and services has been recognized by Governor Rockefeller and he has announced a statewide conference to focus attention on the seriousness of the alcoholism problem.

In conservative economic terms, the direct annual cost of the alcoholic public health problem is estimated at $15 billion and in human terms, the personal tragedy is immeasurable.

Among the tragic statistics of alcoholism are: Nearly 2 million arrests are made each year for public drunkenness, accounting for about 40 percent of all nontraffic related arrests; about 50,000 people age 15 and older are killed each year on highways, of which more than half have alcohol in their blood at the time of the accident and 20,000 have alcohol concentrations in their blood which substantially exceed that produced by usual social drinking; another 2 million people are disabled as a result of highway crashes of which at least 500,000 disabling injuries directly involve alcoholic problems; approximately one-third—7,300—of all homicides are alcohol related; and alcoholism is the stated cause of death annually on 11,000 death certificates.

New York State, like much of the Nation, suffers from the enormous personal, social, and economic cost of alcoholism. In New York City, alcoholism accounts for approximately one-third of the city's municipal hospital patients and for an even larger number of patients in mental and tuberculosis institutions.

I commend Governor Rockefeller's action and bring it to the attention of my colleagues and ask unanimous consent that a New York Times article of August 1, 1971, by John Darnton entitled "Governor Announces a Full Conference on Alcoholism" be printed in the Record at the conclusion of my remarks.

I believe that the convening of a statewide conference by Governor Rockefeller, which will include representatives from business, labor, major civic groups, and State agencies involved with the problem of alcoholism, can serve as a model to all States. I believe the concept of statewide alcoholism conferences merits the attention of all State governments.

There being no objection, the article was ordered to be printed in the Record as follows:

Governor Announces a Full Conference on Alcoholism

(By John Darnton)

Governor Rockefeller announced yesterday that he would convene a statewide conference this fall "to call attention to the seriousness of the problems of alcoholism."

Participants in the conference, to be held in New York City, will include representatives from business, labor, major civic groups and state agencies.

The Governor's action was taken in response to a voluminous report entitled "Alcohol Abuse and Alcoholism" prepared during the last year by the Citizens' Committee on the Problems of Alcohol, which was appointed by Mr. Rockefeller.

The study concludes that alcoholism is "a major health problem," wreacking enormous economic loss and personal suffering, that remains largely misunderstood, untreated and ignored.

"Who are these alcoholics? A recent national survey made by the Controller General estimated that 95 percent of them were employable, family-centered individuals and 5 percent persons from skid row. There were three men to every woman alcoholic.

"As concerns education, an estimated 50 percent have attended or graduated from college, an additional 37 percent attended high school and 13 percent more grammar school. As to employment, an estimated 45 percent were professional or managerial workers, 30 percent manual laborers and 25 percent white collar workers."—From a study by the Citizens Committee on the Problems of Alcohol.

It says that the number of alcohols in the state may run as high as 800,000, but concedes the figure is only a crude estimate. The number is based upon extrapolation, since the disease—socially acceptable in its early stages and socially stigmatized in its later stages—is basically unreportable.

The study presents a series of 14 recommendations, most of them concerned with mobilizing the forces of state and local governments in a coordinated effort to attack the illness.

Although alcoholism is difficult to report, the study finds, it is not difficult to trace: it figures in at least half of all highway fatalities, contributes to crime, clogs the jails and the courts, drains profits from industry, destroys marriages and causes suicides.

"The sheer size of the Alcoholism problem in New York State and the costs of all kinds to the alcoholic individual and his family as well as to the community and the employer combine to make alcoholism one of the top health problems in the state and the nation," the report says.

The study from the 27-member advisory committee was requested by the Governor after he voted a bill in April, 1970, that would have established a Temporary State Commission on Alcoholism, on the ground that it violated separation of powers between the executive and legislative branches.

BACKS CITY REPORT

The 208-page document reaches some of the same conclusions as a report on alcoholism in March by the city's Health Service Administration. The report said there might be as many as 300,000 alcoholics in the city alone.

A basic conclusion of the state report, and one which is gaining acceptance in the medical profession, is that alcoholism is an illness, one with psychological and social complications.

As such, the report maintains, it is treatable: it can be diagnosed, arrested and perhaps one day prevented with adequate financial and public support for rehabilitation facilities and research.

A major obstacle, the report makes clear, is an attitude that persists in viewing alcoholism as a "moral disease." This attitude is seen in employers who discharge alcoholics rather than establish program to help them and physicians who are reluctant to admit alcoholics to hospitals.

On a statewide level, the report finds that services for alcoholics are "both fragmentary and inadequate." A portrait emerges of a plethora of departments and agencies—correction, parole, health and welfare, motor vehicles—whose operations are vitally affected by alcoholism but contain little provision for its treatment.

Accordingly, the report concludes that an approach to the "core program" within a single state department, with united support from numerous other departments and complementing programs by local governmental and nongovernmental agencies.

It recommends that the Governor designate the Department of Mental Hygiene as "the single state agency" to coordinate the effort through an Alcoholism Prevention and Recovery Center. It calls for the establishment of a State Advisory Council on Alcoholism to work toward interagency collaboration.

GOALS DEFINED

Three basic goals are outlined: to move the handling of alcoholics into "the mainstream" of medical care, to undertake research into the prevention of alcoholism and to remove the alcoholic from the criminal judicial system into a therapeutic setting.

The committee reached its estimate of the number of alcoholics from a formula "of questionable value" devised in the nineteen-forties by Dr. E. M. Jellinek, who has since recommended its disuse. It applies the incidence of cirrhosis-of-the-liver deaths and a complex of other factors to large populations.

Applying the formula to 1970 census figures for the state population of 17,979,712, the figure reached is 791,107. It is, according to the report, a figure "so vast as to defy the possibility of being reached in treatment if they [the alcoholics] all wanted treatment now."

Statistics derived from reported cases of alcoholism are also unreliable and difficult to compare, the report cautions, because they vary with differences in detection and social acceptability. But more point to an increase.

In 1959, Harrison Trice of Cornell University, estimated alcoholics in the work force, where they are concentrated, at 3 percent. In 1968, the National Council on Alcoholism estimated that 5.3 percent of the work force, in the United States, excluding the military and the self-employed, was alcoholic. The cost to employers was put at $4,276,033,000.

The Rutgers Center of Alcohol Studies has shown a rise in per-capita alcohol consumption among the drinking-age population, from 2.03 gallons in 1947 to 2.45 in 1968. The comparable figures for New York State were 2.40 and 2.95.

The largest proportion of alcoholics, the report states, are "in the early and middle stages of their illness and are still a part of stable life," with both homes and jobs. Only 5 percent are of "the late-stage skid-row type."

But there are plenty of statistics to show the "destructive effect" of excessive drinking on many facets of their lives, such as the following:

An estimated one-fifth of all divorces are related to alcoholism. In one study, 23 to 27 percent of the alcoholics had broken marriages and 18 percent acknowledged a suicide attempt.

Nationally, alcohol is associated with 50 percent of all fatal motor-vehicle accidents. In 1965, 31 percen of close to five million arrests were for public drunkenness and another 10 percent for drunken driving.

TWO STRIKES AGAINST AGING

Mr. CHURCH. Mr. President, a few weeks ago, the House and Senate rejected Senate Resolution 108, which would have disapproved the administration's reorganization plan for establishing a new volunteer agency—ACTION.

The effect of this action was to bring under one umbrella such diverse programs as foster grandparents, Peace Corps, the retired senior volunteer program, Volunteers in Service to America, Active Corps of Executives, and Service Corps of Retired Executives.

For many in the field of aging, the transfer of RSVP and the foster grandparent program from the Administration on Aging to ACTION raised serious concern about the future existence of these programs. For others, this represented another in a series of moves toward the dismantling of AoA—an agency which has already been downgraded by other organizations.

Even though ACTION has come into being, a recent article by Cyril Brickfield, legislative counsel for National Retired Teachers Association-American Association of Retired Persons, has sounded a cautionary note about the low visibility of aging programs. His counsel, as well as the views expressed by Mr. Bernard Nash—executive director for NRTA-AARP—is worthy of heeding.

Mr. President, I commend the article, entitled "Two Strikes Against Aging", to the Senate and ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Two Strikes Against Aging

(By Cyril F. Brickfield)

Once again aging has suffered a defeat in Washington. The House of Representatives has approved the Administration's proposed governmental reorganization plan, a move dealing a double blow to the Administration on Aging. The Senate was expected to concur with this decision.

The new legislation means the transfer of the Foster Grandparent Program and the Retired Senior Volunteer Program from the Administration on Aging to the new National Volunteer Agency.

AARP Executive Director Bernard E. Nash expressed the Association's objections to the legislation in testimony before the House Government Operations Committee, which was exploring the reorganization plan as well as the inadequacy of support for the AoA. Mr. Nash said that from its inception, AoA has been unable to fulfill the provisions and goals the Congress set for it, through lack of money, manpower and executive branch support.

Mr. Nash said: "Congress intended that AoA should become a powerful, creative and independent agency within the Department of Health, Education and Welfare, providing a central voice within government to insure that older Americans, who have contributed so much to our society, might continue to participate fully in its benefits. That goal has not been achieved. Instead of renewed efforts to accomplish this goal, we have seen a syphoning away of funds, a reduction in status and now the proposed dismantling of the AoA structure by moving two of its most important programs to a new agency. What remains is a facade, a symbol of concern—an agency with an impressive title, Administration on Aging, but with very little to administer."

The Foster Grandparent Program today is the only identifiable program now operational within AoA with an amended budget request of $10.5 million. The Retired Senior Volunteer Program, which is not yet operational, has an amended budget request of $5 million. If they are placed in a new agency along with such programs as Peace Corps, Vista, Teachers Corps, SCORE, their potential impact and individual identity will be overshadowed by these larger programs, Mr. Nash asserted.

The Association opposes the removal of these two programs for numerous reasons, he continued. The Foster Grandparent Program is not a volunteer program: Those who participated are paid the minimum Federal wage in most facilities, which provides a sense of contribution as well as economic and psychological uplift. The program is highly regarded and universally applauded. It has received extensive coverage by the media and has been praised on the floor of Congress. If this program is submerged in a new department which encompasses such programs as the Peace Corps, Vista and the Teachers Corps, it will lose the advantage of the separate identity, both in terms of what it is doing for the older persons and for the special group of children the program serves.

Transferring it, Mr. Nash pointed out, will make it more difficult for the aging to feel acceptable in a multifunctional, multigenerational agency.

AoA needs operating programs if it is to be effective as a spokesman and as an instrument for coordinating programs of other governmental agencies.

The provision of services to and the utilization of older persons is a new and specialized area. Shortages of trained manpower was a subject for Congressional inquiry two years ago. Transferring AoA programs would require a duplication of staff and field structure that would greatly increase the operational costs of the program without an increase in its function.

Mr. Nash told the committee: "We stand ready to document any of the above statements or to give additional rationale for our position that it would be a grave mistake for both this Administration and our nation to transfer these programs at this time. The arguments submitted in previous years when consideration was being given to the transfer of the Foster Grandparent Program to OEO [Office of Economic Opportunity] and to the Labor Department are still valid. Both Congress and the operating agencies recognize the importance of consolidating and strengthening programs for the aging within AoA. Such moves were earlier considered and rejected. We trust this Administration will do likewise."

Many Congressmen sympathized with AARP's position, but they felt that the overall merits of the Administration's proposal outweighed the setbacks it would inflict upon the field of aging. In this light, the reorganization plan was approved.

THE LONGSHOREMEN'S STRIKE

Mr. PACKWOOD. Mr. President, the Northwest longshore strike, which has virtually crippled shipping into and out of my State of Oregon, is now entering its sixth week. Irreparable damage is being suffered by those industries which are dependent on shipping for their very existence, among which are our agricultural and lumber industries, the foundation of Oregon's economy. Every business and every person in the State is hurt either directly or indirectly, because of the snowball effect the work stoppage has had.

As a firm supporter of the free collective bargaining process, I have opposed Government intervention, and have been especially reluctant to see Congress step in on an ad hoc basis time after time after time. The Senate Labor Committee, on which I serve, has had before it for the last 18 months legislation to provide permanent procedures for dealing with emergency transportation labor disputes. I am sad to say that in that entire time, only 1 day of hearings has been held on this legislation, and as of now, no additional hearings have been scheduled.

I have personally written both Mr. Harry Bridges, president of the International Longshoremen's and Warehouseman's Union, and Mr. Edward Flynn, president of the Pacific Maritime Association, to urge their return to bargaining on the coastwide issues. I wrote these gentlemen again with 23 of my Senate colleagues, to emphasize my concern and to reiterate my hope that coastwide negotiations will be resumed immediately. Today I have written President Nixon to urge that he employ every means and authority at his disposal to bring the parties back to the bargaining table without further delay.

In response to this crisis, the Portland City Council has just passed resolution No. 30948, bringing to President Nixon's attention the irreparable loss to Oregon's economy resulting from the sustained dock strike, and urging his immediate action to bring the strike to a halt. Because of the timeliness and urgency of this situation, I ask unanimous consent to have the city council's resolution printed at this point in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Resolution No. 30948

From the Portland, Oregon, City Council to the President of the United States:

Mr. President:

Whereas, the entire Pacific Coast longshore and maritime industries have been paralyzed since July 1, 1971, by a strike growing out of a collective bargaining dispute between Pacific Maritime Association and International Longshoremen's and Warehousemen's Union, and

Whereas, the City of Portland and its Port is a major port facility on the Pacific Coast, is the leading dry cargo port on the Pacific Coast, and is involved in extensive foreign trade and commerce, and

Whereas, the Port of Portland is the major port facility for the storage and movement of grain, lumber, and other essential commodities moving in foreign commerce and is vital to the extensive international trade of the Pacific Northwest and of our Nation, and

Whereas, a bumper crop of grain is now being harvested in the Pacific Northwest, storage facilities are at or near maximum capacity because of the inability to ship such grain to regular foreign customers, which foreign markets are vital to the entire farming industry which comprises a major aspect of the economy of the region and of the Nation, and

Whereas, the current harvest of grain is in imminent danger of being lost because of the absence of storage facilities, and

Whereas, grain stock piles in foreign countries which normally purchase this grain are dangerously low, and

Whereas, such foreign markets may within a matter of days be forced to turn to sources in other countries on a potentially permanent basis, and

Whereas, no collective bargaining is scheduled between the parties to the current dispute and there is no immediate prospect that they will, or are attempting to, resolve their differences,

Now, therefore, be it resolved that the City Council of the City of Portland:

1. Respectfully calls to your attention the imminent and irreparable loss of the vast grain crop now in the field, the imminent and potentially permanent loss of foreign markets which are vital to the health and economy of an entire industry, to our regional economy, and to the balance of payments of our Nation, all of which therefore imperil the national health and safety; and

2. Urgently requests that you immediately invoke the powers available to you as President under Sections 206–210 of the Taft-Hartley Act by taking the following action:

(a) Immediately convening a Board of Inquiry to inquire into the issues involved in the dispute and to prepare a written report to you at once; and

(b) Upon receipt of such report, directing the Attorney General of the United States immediately to seek an injunction for the 60-day period prescribed in the Taft-

Hartley Act for the purpose of returning the parties to collective bargaining in order to settle their differences without further irreparable injury to an entire industry and the economy of the Pacific Northwest, and further imperiling the national health and safety.

ROCKETDYNE SELECTION FOR REUSABLE SPACE SHUTTLE

Mr. CHILES. Mr. President, events in the last few days concerning the NASA selection of Rocketdyne for negotiations leading to prime contract for the final design and manufacture of a reusable space shuttle engine have taken a turn that I feel warrants immediate congressional attention.

I ask unanimous consent that a copy of a telegram to the Comptroller General from Mr. Bruce N. Torell, president of Pratt & Whitney Aircraft Division, calling on GAO to investigate the selection of the award, be printed at this point in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

AUGUST 3, 1971.

ELMER B. STAATS,
Comptroller General,
General Accounting Office,
Washington, D.C.:

Pratt & Whitney Aircraft Division of United Aircraft Corporation hereby protests the selection of the Rocketdyne Division of North American Rockwell for negotiations leading to a prime contract for the final design and manufacture of a reusable space shuttle main engine pursuant to RFP SSME–70–1 issued by the National Aeronautics & Space Administration on March 1, 1971. The bases among others for this protest are briefly stated below. They will be elaborated on in a forthcoming statement to your office.

First, Pratt & Whitney believes that the source selection was based upon a disregard of the objective of the RFP which is as follows: "The objective of the space shuttle engine program is to provide a high performance, safe, reliable, cost-effective main engine for the reusable space shuttle vehicle."

Second, in view of the confirmed, very narrow margin between Pratt & Whitney and Rocketdyne engine proposals, NASA failed to conduct proper "written or oral discussions" within the meaning of 10 U.S.C. § 2304(g).

Thirdly, Pratt & Whitney believes that its technical proposal was clearly entitled to a superior technical evaluation to the technical proposal of Rocketdyne.

Fourth, and in addition to what it believes to be a superior technical proposal, Pratt & Whitney has been informed that the source evaluation board found Pratt & Whitney's proposed costs to be the lowest.

Fifth, NASA failed to give proper consideration to Pratt & Whitney's test-proven flight weight design and greater experience, thus substantially increasing technical and cost risks.

Pratt & Whitney requests that your office notify NASA immediately of this protest and that your office request NASA to withhold award of any contract pursuant to RFP SSME–70–1 until a decision on this protest has been rendered by your office. Copies of this telegram have been sent to the contracting officer and the Administrator, National Aeronautics & Space Administration.

Pratt & Whitney has retained Eldon H. Crowell and W. Stanfield Johnson of the Washington law firm of Reavis, Pogue, Neal & Rose to represent it in connection with this protest, Pratt & Whitney will file a detailed brief in support of this protest as soon as possible.

BRUCE N. TORRELL,
President, Pratt & Whitney Aircraft Division, United Aircraft Corp., East Hartford, Conn.

Mr. CHILES. Mr. President, my concern about the selection by NASA is shared by several other Members of the Senate. I ask unanimous consent to have printed at this point in the RECORD a letter signed by Senators GURNEY, SPARKMAN, ELLENDER, BAKER, EASTLAND, LONG, BROCK, and myself, calling on James C. Fletcher, the Administrator for NASA, to submit to a complete GAO review concerning the awarding of this contract.

I certainly feel that the enormity of such a contract warrants a thorough investigation to see that all procedures and requirements were fully complied with and adhered to.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LAWTON CHILES, U.S. SENATE,
Washington, D.C., August 3, 1971.

Hon. JAMES C. FLETCHER,
Administrator, National Aeronautics and Space Administration, Washington, D.C.

MY DEAR MR. FLETCHER: In further reference to the Space Shuttle engine procurement discussed in our letter of July 14, 1971, we are advised that Pratt & Whitney Aircraft has filed a protest with the General Accounting Office over the National Aeronautics and Space Administration's selection last month of Rocketdyne as its negotiating contractor for the Space Shuttle Engine. We are advised that NASA is presently engaged in negotiations with the selected source and that a contract award has not yet been made. We also understand that the source selection process is the subject of an investigation by the Comptroller General.

We believe that this NASA procurement, being of such extraordinary significance, should not be committed irrevocably to any offeror until a complete GAO review has been conducted. The award of a contract of such dimension (approximately $500 million) is too important to the competitors, to State and Regional economies, and the individuals whose employment may be at stake, to permit contractural commitments on the Governments' part without careful review.

In addition, in view of recent experiences with major procurements, we wish to be reassured that proper precautions are being taken to minimize the risk of a cost over-run. We believe that the General Accounting Office should have the opportunity—before the fact—to study this question.

Accordingly, we request that no award of the Space Shuttle engine contract be made until the General Accounting Office investigation is complete. Since approximately eight years of contract performance is projected and since your negotiations are not complete, the investment of a relatively short period of time for review and reconsideration seems prudent.

We would appreciate a response to this request at your earliest convenience.

Sincerely,
Edward J. Gurney, John J. Sparkman, Allen J. Ellender, Howard H. Baker, Jr., James O. Eastland, Lawton M. Chiles, James B. Allen, Russell B. Long, William E. Brock.

NEW YORK CITY DRUG PROGRAM

Mr. JAVITS. Mr. President, in order better to understand the need for an increased effort at the Federal level for funding the tragic problem of drug abuse and addiction in the United States, I commend to the attention of Senators portions of the excellent, constructive testimony of Graham S. Finney, commissioner of the Addiction Services Agency of the city of New York, before the Subcommittee on Alcoholism and Narcotics of the Committee on Labor and Public Welfare, of which I am the ranking minority member, on Wednesday, August 4, 1971. I ask unanimous consent that a summary of New York City's immediate requirements and their immediate capacity to utilize Federal funds for drug programs be included in the RECORD at the conclusion of my remarks.

Mr. President, these drug program proposals total $21 million. However, I wish Senators to realize that the city of New York currently budgets $90.9 million toward the treatment, rehabilitation, and prevention of drug abuse and the $21 million is the additional amount for drug programs which would immediately be effectively utilized. Of the currently budgeted $90.9 million, $5.94 million is Federal funds. Another $2.55 million comes to the city via the model cities program. The balance, $82.4 million, more than 90 percent of the total, represents city and State funds which cannot be stretched further even though efforts to curb and cure addiction are this city's No. 1 priority at the present time.

I would note that despite this effort New York City still reaches only a small percentage of its estimated addict population. Twenty thousand narcotics addicts and drug abusers are in treatment in all modalities out of a total population of more than five times that number, 100,000 addicts.

The urgent critical need for substantially increased Federal funding are substantiated by the numerous indicators of unmet demand:

Addicts continue to apply for welfare in growing numbers, roughly 1,000 new applicants per month.

Eight thousand unsolicited names are on the waiting list for methadone maintenance programs.

Two hundred individuals are being detoxified each week in our prison system where perhaps 50 percent of the total detained population has a severe drug problem.

Youth constantly seek entry into drug-free programs offering hope and rehabilitation.

Three thousand veterans are returned to New York each month with an estimated 300 of them likely carriers of dangerous drug habits.

In closing, it should be noted that more than 1,200 narcotics-related deaths occurred last year in New York City and narcotics deaths remain the largest single cause of death in the 15- to 35-year-old age group in our city.

Mr. President, the special tragedy of the veteran-addict has made addiction a national issue. It is urgent that Federal funding for drug programs receive the highest national priority.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

NEW YORK CITY PROPOSALS FOR FEDERAL FUNDING

1. Expansion of methadone maintenance program	$5.0 million
2. Expansion of drug-free community-based rehabilitation	3.0 million
3. Detoxification services (ambulatory narcotics detoxification, barbiturate detoxification)	5.3 million
4. Research and development	1.2 million
Drug antagonists	$500,000
Methadone leading to abstinence	500,000
Evaluation of the therapeutic community	200,000
5. Training and education	1.0 million
Training institute	750,000
Multi-media community education program	250.000
6. Job development, training, and supportive work for former addicts	.5 million
7. Veterans programs	5.0 million
Total	21.0 million

The question here is whether we can afford *not* to undertake a vigorous and substantially increased effort in the field of drugs. The question further is whether we do not need also to increase our commitments to the solutions of the problems which under-lie drug abuse.

Congressional leadership is required not only to reach a very quick verdict on an emergency program to combat drug abuse but also in building sensible approaches in the fields of housing, poverty, education, job training, and other areas which are part and parcel to the solution of drug problems.

As I say in my City, I hope mine will be the agency which disappears first. Short of a miracle, this will not, unfortunately, occur in the next three years. But let us take as our clear goal the eventual eradication of the Federal agency which we today would form and, with it, the drug scourge which threatens the very fabric of American society at the present time.

OPPOSITION TO COURT BAN ON "DIXIE"

Mr. ALLEN. Mr. President, on July 26, 1971, a U.S. district court judge in a case involving the S. R. Butler High School in Huntsville, Ala. banned display of the flag of the Confederate States of America in that school and in all schools under the jurisdiction of the Huntsville Board of Education. In addition, the judge prohibited the playing or singing the musical composition "Dixie" at school assemblies and pep rallies. The decisions, by its language and effect, also bans school use or display of "symbols," "regalia," and "indicia" of the Confederate States of America such as the nickname "Rebels" for athletic teams. If the court order is permitted to stand, the principles involved will have application in practically every school in the South.

The court based its decision on conclusions which are unsupported by factual evidence or by sound reasoning. For example, the judge jumped to these conclusions:

First. The Conferedate battle flag has become a symbol "of white racism in general."

Second. It has become "a symbol of resistance to school integration."

Third. The significance of the flag of the Confederate States of America is the same as the Black Panther flag. Therefore, "none of these flags are constitutionally permissible in a unitary school system where both white and black students attend school together."

Fourth. The display of Confederate flags, Confederate symbols, regalia, and indicia in a unitary school system "is no way to eliminate racial discrimination 'root and branch'."

Fifth. These symbols express, "the school board's or its employees' desire to maintain segregated schools," which desire is unorthodox and contrary to prescribed judicial dogma.

Sixth. Disturbances have arisen at S. R. Butler High School "because of use of Confederate regalia" presumably uniforms, "including the Confederate battle flag."

Mr. President, let us first consider the unsubstantiated charge and ridiculous conclusion that the Confederate battle flag has become a symbol of "white racism in general."

This "racism" charge is pure bunk. The people in the United States are getting fed up with this racist label. The Civil Rights Commission and other commisions and irresponsible individuals have charged that our Nation and all of its institutions are "racist." The term is a propaganda smear label and it has no place in serious discussions of school issues. But, if the charge were true, would not it follow that the U.S. flag is also a symbol of racism? Are we to believe that Federal district courts have the power to ban the display of the U.S. flag and playing and singing "America" in public schools because they are "racist" symbols. The proposition is absurd.

Mr. President, let us turn now to the ridiculous charge that the Confederate battle flag has become a symbol of resistance to school integration. Massive school integration, when effected by compulsory crosstown busing of children, is resisted throughout the United States. What symbols of resistance do they use in New York City where the ultraliberal New York Times magazine is objective enough to print a highly critical article on integration entitled "Close to Midnight for New York Schools." Quoting from this article, it was said that—

> And although ministers and rabbis whose own children go or have gone to private schools are now making the matter a moral issue, the parents who withdraw their children from the city public schools are not to be criticized for it. *There is nothing admirable or truly humanitarian about people who are prepared deliberately and consciously to sacrifice their children for the sake of their political principles.* (Emphasis supplied.)

The point is that resistance to unreasonable, irrational, school plans that dehumanize little children by treating them as lifeless digits in a mechanistic formula for mixing races in disregard of educational considerations, is not unreasonable. Neither is it unconstitutional. No court in the United States has the power to suppress opposition of citizens to brutal and dehumanizing court decrees effecting the health and welfare of children. It does not matter how that opposition is communicated—by words, symbols, songs, flags, banners, placards, speeches, peaceable assembly, petitions, or by votes. Since when did courts have the power to outlaw these means of communication.

Mr. President, what can be said of Federal judges who, by reason of ignorance or malice, equate the flag of the Confederate States of America with the Black Panther flag. I cannot find words to adequately express my contempt. But, to say that the flag of the Confederacy is not "constitutionally permissible" where white and black students attend school together is a monstrous, gratuitous, and contemptible insult and vicious judicial tyranny. There are only a very few schools remaining in the South where white and black students are not in attendance together. It is nauseating to think of Federal judges asserting the power to ban display of the Confederate flag and singing "Dixie" in schools located in the South and for that matter in all schools in the Nation where white and black students attend schools together.

In seeking a comparison for such a decree, one must turn to Hitler's Germany and Communist Russia where flags, symbols, books, portraits, statutes, customs, traditions, and beliefs were squelched by decree with the same impunity as Federal courts today squelch children within the grasp of their power. If this valid analogy does not serve to make U.S. citizens aware of the fangs of suppression inherent in the Federal judicial dictatorship, nothing will. The arrogance of some Federal judges hastens the day when the people will demand a constitutional amendment to make these supercilious, black-robed tyrants answerable to the people.

Now let us consider the silly "root and branch" mumbo-jumbo invoked by the court to mask the sadistic judicial underpinnings of the decree. The court states that retention of Confederate symbols, songs, regalia, and indicia in a unitary school system is no way to eliminate racial discrimination "root and branch." The converse being that to eliminate Confederate symbols, songs, regalia, and indicia is the way to eliminate racial discrimination "root and branch."

Mr. President, I think we may profit by examining just what might be included in the term Confederate regalia, symbol, and indicia. Hundreds of schools throughout the South are named to honor the memory of illustrious Confederate leaders such as Jefferson Davis, Robert E. Lee, and a host of others. These schools contain portraits of these men in their halls and their statues on the school grounds. Our state history textbooks recognize and pay homage to the courage, valor, leadership qualities, and exemplary lives of these leaders. Our states declare school holidays to honor and perpetuate the memory of these men. The athletic teams of these schools including the University of Mississippi and hundreds of high schools have adopted the nickname "Rebels," and their athletic teams and student bodies are inspired by the nickname. Any people who are not proud of their past have little to look forward to in the future.

If the ruling in the Huntsville, Ala. case, and the Louisiana case, upon which it is predicated, are constitutionally sound, it would mean that Federal judges have the power to proscribe names of public schools; to censor textbooks; to abolish Confederate holidays; to proscribe songs sung at pep rallies; to forbid school band members from wearing colorful Confederate type uniforms and Confederate regalia; and, of course, the courts could, as in the instant case, proscribe certain tunes and songs such as "Dixie," in the school assemblies and at athletic events sponsored by the schools.

Mr. President, let us dwell for just a moment on banning the tune "Dixie." It is interesting to note that the tune was composed by Daniel Decatur Emmett. He was born in Ohio and lived there most of his life. He composed the song "Dixie" in 1859 for performance in a minstrel show. It was originally known as the "Hurrah Song."

In this connection, it is also interesting to note that on April 10, 1865, following Lee's surrender at Appomatox, numerous citizens and several bands proceeded to the White House to serenade President Lincoln. On this occasion, Lincoln told the assemblage that he considered "Dixie" one of the best tunes he had ever heard. He claimed that the South had attempted to appropriate the tune but that it had been fairly captured and that it was now the lawful prize of the Union. He thereupon requested the bands to play "Dixie," which they did.

Mr. President, this decision is astounding. Such massive Federal censorship is downright frightening. Just a few weeks ago the U.S. Supreme Court cited with approval this statement of constitutional principle:

> If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion. . . . *Board of Education* v. *Barnette,* 319 U.S. 624, 642 (1943).

It is ironic that the principle was invoked to deny power in the Florida Legislature to require a schoolteacher to subscribe to the following affirmation:

> I do not believe in the overthrow of the government of the United States or of the State of Florida by force or violence.

But note the ironic contrast. Local school boards cannot deny employment to teachers who may believe in and advocate violent overthrow of the Government. Yet, they are compelled to suppress the use or display of words, dress, tunes, and songs which a Federal court may consider symbolic of mental or emotional opposition to certain Federal court decrees. From the standpoint of banning words such as the nickname "Rebels" on athletic jackets, compare the four-letter obscenity permitted on the jacket of one communicating his opposition to the draft. See Cohen against California, decided by the Supreme Court of the United States June 7, 1971.

Mr. President, I have been unable to find another instance in the history of our Nation where a Federal court has banned as unconstitutional the playing of any musical composition or singing any particular song.

Remember, all of the suppressions I have mentioned are based on the theory that they are necessary to abolish segregation in the schools, "root and branch." The order, therefore, applies to schools located in the southern region of the United States where roughly one-third of the population of our Nation resides.

Mr. President, will the real champions of freedom of speech and expression stand up? I hope that the U.S. Supreme Court believes in the substance and not the semantics in the statement:

> That no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion or other matters of opinion.

Mr. President, I have urged Gov. George C. Wallace to appeal this decision and I trust that Governors of all Southern States will join in getting this decision reversed by the Supreme Court of the United States.

EQUAL RIGHTS FOR WOMEN

Mr. MILLER. Mr. President, I ask unanimous consent to have printed in the Record the text of the joint resolution, which I introduced, proposing an amendment to the Constitution relating to equal rights for women.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 138

Proposing an amendment to the Constitution of the United States relating to equal rights for women.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"Article—

"Section 1. Equality of rights and responsibilities under the law with respect to opportunities and conditions of education and employment shall not be abridged by the United States or by any State on account of sex. Nor shall any State deny, on account of sex, the equal protection of its laws to any person within its jurisdiction. This article shall not impair the validity of any law of the United States or any State which is essential to enable women to exercise their rights or to perform their responsibilities as homemakers or mothers.

"Sec. 2. The Congress shall have power to enforce by appropriate legislation, the provisions of his article.

"Sec. 3. This amendment shall take effect one year after the date of ratification."

"JAP" INSCORE, OF MOSCOW, IDAHO

Mr. CHURCH. Mr. President, on July 25, Idaho lost one of its most colorful, prominent, and effective political figures, J. R. "Jap" Inscore of Moscow. I rise today to pay tribute to his memory.

In these days when campaigns are run by polls, computers, sloganeering, and media, Jap Inscore remained an authentic figure in the world of politics. To Jap, politics meant people—their problems, their needs, their dreams.

Yet Jap lived in a political world, and he understood power. Don Watkins, a commentator for the Intermountain Observer in Boise, summed it up well:

> Like all really effective, behind-the-scenes powers in politics, Jap was unassuming and always abided by the rules. His word was unquestioned. He understood all the subtleties and nuances so vital in the brutal political world of giant political egos. He worked hard at his avocation day in and day out through the year. He was always helping the "little guy" in the party.

Mr. President, I ask unanimous consent that Don Watkins' article from the Observer, two news articles, and an editorial from the Lewiston Morning Tribune be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the (Boise, Idaho) Intermountain Observer, July 31, 1971]

So-Long, Jap

(By Don Watkins)

J. R. (Jap) Inscore, who died Sunday in Moscow at 65, was the last of his political breed in Idaho.

He was an old-fashioned political "boss" in the best sense of the word. Two other practitioners who fell in this category were the late Tom Boise of Lewiston, a Democrat as was Jap, and Lloyd Adams, a Rexburg attorney and Republican.

None will be replaced. Modern-day political operatives play a different game with different rules and different values. They are media-oriented, vote manipulators. Jap and his counterparts were people-oriented.

To the last, though failing health slowed his mobility, Jap's political acumen was keen as ever.

Right up to last year's campaigns, no Democratic candidate would think of passing through northern Idaho without paying a vist to Jap. This includes Gov. Cecil D. Andrus, who this week said, "He was more like a father to me than a political ally." Nonetheless, Andrus is more aware than anyone of the votes Jap delivered not only in last fall's election, but also in the 1966 gubernatorial campaign.

Another close friend and political associate is former U.S. Congressman Compton I. White, who conducted Wednesday's funeral services for Inscore.

Not only candidates, but newsmen and political PR guys considered Jap a reliable political weather vane. His astute judgment and uncluttered mind made no allowance for fancifulness. He was realistic and thoroughly professional.

A total abstainer ("I've drunk your share and mine"), Jap was quick to pour a belt of bourbon for a visitor, but he stuck with copious quantities of black coffee and the solace of an always-lit pipe while he talked politics. He was soft-spoken, but given to cuss words picked up in his early days as a logging camp worker.

Like all really effective behind-the-scenes powers in politics, Jap was unassuming and always abided by the rules. His word was unquestioned. He understood all of the subtleties and nuances so vital in the brutal world of giant political egos. He worked hard at his avocation day in and day out through the year. He was always helping the "little people" in the party.

The list of presidents, senators, congressmen, governors and lesser officials who counted Jap Inscore as a friend and ally is a long one.

I, like dozens of others who love the game of politics, will miss those long, stimulating sessions over coffee and booze in the hospitable kitchen of Jap and Lillian Inscore.

[From the Lewiston (Idaho) Morning Tribune, July 26, 1971]

J. R. "Jap" Inscore Dies at Moscow

Moscow.—J. R. "Jap" Inscore, a Democratic party leader and power in north Idaho politics for some 35 years, died of a heart attack Sunday at 5:30 a.m. at Gritman Hospital where he was admitted Saturday night. He was 65.

Inscore, Democratic state committeeman from Latah County, was the acknowledged power in the Central Committee in recent years and previously held the same control in Benewah County.

He had suffered two heart attacks in recent years and had been in ill health since.

At Boise, Gov. Cecil D. Andrus said he felt "a keen personal loss" on learning of Inscore's death. "He was more like a father than a political ally," the Democratic governor said.

Although he never ran for public office, Inscore served as treasurer of the Benewah County Democratic Central Committee from 1940 to 1957. He became active in the party in 1935. After moving to Moscow in 1957 he was elected state committeeman from Latah County.

Born Sept. 10, 1905, at Mount Airy, N.C., Inscore came to north Idaho with his parents when he was 9. The family returned to North Carolina for a short time and returned to Benewah County when he was 12.

Young Inscore went to work as a flunkie in a logging camp at Sanders and then worked as a logger and in sawmills for a number of years.

In 1927 he was pilot of a logging boat on the Columbia River and was there during the time Grand Coulee Dam was under construction. He married Lillian Elliott at Spokane June 29, 1935. Inscore operated several businesses in the Tensed, Worley and Plummer areas of Benewah County for the next 22 years.

In 1957 Inscore moved to Moscow where he built the Hillcrest Motel and operated it until 1966, when he retired because of his health.

Last April he returned to business, purchasing and operating the Royal Motor Inn at Moscow.

He was a member of the Odd Fellows Lodge at Plummer and the Elks Lodge at St. Maries.

Survivors include his widow, at home; a son, David A. Inscore, and a daughter, Janet R. Inscore, both of Moscow; his mother, Mrs. Sena Inscore, Tensed; three sisters, Mrs. Antone (Ruth) Nelson, Tensed, Mrs. Bruce (Audrey) Scott, Spokane, and Mrs. Lynn Haynes, Enida.

The funeral will be Wednesday at 10 a.m. at Short's Chapel. Compton I. White Jr., Clark Fork, former Democratic congressman from Idaho's First District, will conduct the service.

Pallbearers will include Ondrus and State Sen. John Mix, D-Moscow. U.S. Senator Frank Church, D-Idaho, will be an honorary pallbearer.

Burial will be at Tekoa, Wash.

[From Lewiston (Ida.) Morning Tribune, July 29, 1971]

State's Democrats Pay Tribute To Lewiston Area Party Strong Man

(By Bill Hall)

Moscow.—There were two things that J. R. "Jap" Inscore of Moscow especially loved—Democrats and the sight of the patchwork Palouse hills spread out before the picture window of his split level home.

Wednesday some of the most prominent Democrats in Idaho—including Gov. Cecil D. Andrus—joined an affectionate caravan at Moscow for an hour's drive to a little country cemetery at Tekoa, just over the Idaho line into Washington. They buried Inscore there in a plot looking out over a Palouse panorama of rolling fields of ripe, bronze grain and patches of evergreen.

Inscore's only official title was that of Democratic state committeeman from Latah County. But from that base—and eariler in a similar Benewah County position—he was one of the movers and shapers who organized and campaigned for scores of Democratic candidates. He died Sunday of a heart ailment at the age of 65. And, one last time—Wednesday, the party faithful—many of them now in prominent public office—came to pay their respects.

Andrus, who described Inscore as "more like a father than a political ally," was a pallbearer. The other five pallbearers were Gordon Law of Moscow, former Latah County Democratic chairman; State Sen. John Mix of Moscow; Daniel Pilkington, immediate past Latah County chairman and now state purchasing agent under Andrus; plus friends Dennis Sumner and Roy L. Simons of Moscow.

Also present were Idaho Atty. Gen. Anthony Park, Idaho State Supt. D. F. Engelking, State Treasurer Marjorie Ruth Moon, all of Boise, and William Brauner of Caldwell, the unsuccessful Democratic candidate for First District Congress in the last election.

HONORARY PALLBEARERS

The honorary pallbears included, former Gov. Charles Gossett of Boise; Joe McCarter of Corral, state Democratic chairman; E. T. Waters, immediate past state Democratic chairman; Harry Wall of Lewiston, immediate past Democratic national committeeman; Calvin Wright of Boise, the 1950 Democratic candidate for governor and currently Idaho director of the Internal Revenue Service; former Latah County Sheriff R. C. Lange; former State Sen. Joe Garry of Tensed; John Bender of Boise, state commissioner of law enforcement; Ernest Gaffney of Plummer, a former legislator and former member of the State Highway Board; Dr. A. R. McCabe, St. Maries; Cecil Lovel, Moscow, and Cotty Lowry, Boise.

Idaho Democratic Sen. Frank Church and Boise attorney Carl Burke, who managed three statewide campaigns for Church, also were honorary pallbearers, but unable to attend. Church sent in his place his Boise office assistant, Mrs. Clareene Wharry.

REPUBLICAN

One prominent Republican was present, Eldon W. "Dick" Smith of Rexburg, former state senator, former member of the State Board of Education and a former candidate for Second District Congress and the governorship, flew to Moscow for the funeral. "I liked Jap," he explained. Former First Deputy District Democratic Congressman Compton I. White Jr. of Clarks Fork delivered the eulogy during services at Short's Funeral Chapel at Moscow. He explained that Inscore had heard him do the same thing at an earlier funeral and requested that the former congressman also speak for him.

White mentioned Inscore's special attention to young politicians trying to get elected on small budgets. He said that when he first ran for public office, he would find a $100 bill in his pocket every time he left Inscore's home.

"I don't know how it got there," White said, "but that was a lot of money and it would buy enough gas for a few more days of campaigning.

White said that Inscore worked and pleaded for projects in the area from Coeur d'Alene to Lewiston, "but never asked a personal favor."

White described Inscore as a kind man, noting that he once overheard him scolding his dog, Rusty, for misbehaving by threatening to unplug the dog's heating pad.

The former congressman mused that "if there is a political situation that can develop where he is now, he's going to be right in the middle of it." Dr. Stanley Thomas, director of the campus Christian Center at the University of Idaho, told the gathering at the funeral chapel that, "in a democracy, politics is the lifeblood of the country . . . and Jap Inscore was a basic cog in the wheel that helps our democracy run."

White put it another way: "No man ever loved a country more."

After the graveside services, Inscore's friends gathered at his home, with its view of the rolling Palouse hills and with the American flag flying from the porch railing where he used to raise it every day.

[From the Lewiston Morning Tribune, Lewiston, Idaho, Editorial, July 26, 1971.]

J. R. Inscore: Always In Control

The coffee pot was almost always perking in the Moscow kitchen of J. R. Inscore, the Democratic party's most powerful leader in that section of Idaho. And the coffee talk seldom varied from politics, for that was Jap Inscore's passion.

Jap Inscore, who died yesterday, used his political power quietly on the surface and, as his health failed, not as aggressively as he would have liked. But Democrats in Latah County, where he controlled the central committee for years, and in Benewah County, where he was a legend of patronage, always felt his presence. Even when there was an intra-party rift, his detractors had to acknowledge that Jap was in control.

Democrats in office at Boise and Washington, D.C., seldom passed through Moscow without making the Inscore coffee stop. They came not only to seek his advice and to test the political wind in his realm, but to recharge their own political juices when the campaign wasn't going too well. For in his presence the candidate always found enough optimism to make the serious game of politics seem worthwhile.

It was at the height of a campaign when the light would burn long into the night in the Inscore kitchen. When the Inscore passion was most intensely felt, and the Democratic party appeared invincible and eternal.—J.C.

THE NEED FOR EQUITY—WAGE BOARD LEGISLATION

Mr. PELL. Mr. President. I rise today, as I have many times in the past, to ask equity and justice for the 675,000 wage grade employees employed by the Federal Government and for a measure of relief for the nonappropriated fund employees working in the Department of Defense and the Veterans' Administration.

H.R. 9092, a bill to provide such an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, provides many of the sorely needed answers to the problems of the wage board workers in this State and the Nation.

Senators will recall that during the last session, the Congress enacted H.R. 17809, a similar bill which was a compromise reached in Conference between the House and Senate versions. Unfortunately, the President vetoed the bill.

The difficulties endured by the wage board workers in my own State of Rhode Island, as well as throughout the entire Nation have remained unresolved too long.

The ability of the wage board worker to effect his wages and working conditions is sorely limited. These workers also suffer from the same inflation, job insecurity, and spiraling prices as in other segments of the economy.

I do not believe Congress by delaying action on wage board reform legislation, should allow the wage board worker to become a sacrifice to the administration's ineffective effort to control inflation.

Mr. President, it would be my hope that the Post Office and Civil Service Committee would move H.R. 9092 to the Senate floor for our consideration in the fall.

The often forgotten wage board employee has waited long enough for long overdue improvements in the system used for setting his wages.

EMERGENCY EMPLOYMENT ACT

Mr. KENNEDY. Mr. President, I simply want to call the attention of the Senate to what I believe is the direct violation of the authorizing legislation under the Secretary of Labor's guidelines for the distribution of the funds for the Emergency Employment Act.

I think I should begin by noting that the administration pronouncements on behalf of the Emergency Employment Act since its passage contrast sharply with its refusal to endorse the measure before it had passed both Houses of Congress.

The Nation's unemployment hovered at the 6-percent mark for nearly the first 8 months of this year. Today, it rose once more from 5.6 percent to 5.8 percent and the administration has claimed a victory. In my own State of Massachusetts, industrial unemployment is at its highest point since the end of the depression in 1940 with a total of 184,600 out of work.

Yet throughout this session, the administration testified time and again in the Senate and in the House that it opposed the emergency legislation which I and other Senators had introduced to provide public service jobs for the unemployed. The Secretary of Labor testified in person at the first hearing of The Employment, Manpower, and Poverty Subcommittee that the President would in all likelihood veto such a bill.

That is the background of this administration's attitude toward aiding the more than 5.3 million persons who are out of work. That is the background of this administration's attitude toward the Emergency Employment Act. Only after the bill had passed both Houses of Congress and was in Congress did the administration announce that it would not veto the measure.

Now the Secretary of Labor has issued regulations and guidelines which may exceed his authority.

The law specifically includes among eligible applicants "units of Federal, State, and general local government." Yet, the Secretary has violated that mandate by announcing his intention to deny the status of eligible applicants to any city with less than a population of 75,000. And he has further opted to prejudice the interests of small towns by rejecting even the possibility that a consortium of small towns might apply as a single sponsor.

I find it hard to understand the Secretary's rationale for denying even this option to small towns and I find it even more difficult to understand how Public Law 54 gives him such an option.

However, the lateness of the session and the dire need to get some funds out to the unemployed means that there will be no time for a conference. For that reason, I have decided not to offer any amendment to this legislation but to indicate my strong feeling that the announced intentions of the Secretary unwisely and in an unauthorized manner prejudice the interest of local communities. I would hope that he would open the eligibility status to all cities that meet the other requirements of the law.

THE PUBLIC HOUSING PROGRAM

Mr. MONDALE. Mr. President, communities, large and small, are growing more and more concerned by a recent slowdown in activity by HUD's public housing program.

At this time 500,000 units have been applied for under the public housing program but no final action has been taken on any of these applications.

Long-standing delay in construction of badly needed units can be attributed primarily to the lack of funds which the administration has made available for this program.

But the recent slowdown appears to be related to a number of administrative factors such as the establishment of the HUD area offices, the freeze on available development funds, circular A–95 which requires clearance of all housing development to conform with comprehensive planning and a lack of personnel devoted to public housing production within the Department of Housing and Urban Development.

While community officials—and the poor—have been remarkably patient through all the delays resulting from the lack of funds and staff, they certainly do not want needless redtape to take up the scarce resources which are available.

And undoubtedly the overburdened taxpayer does not want to see his money wasted on a needless shuffling of papers.

Unfortunately, a new decision by HUD would recall all current public housing applications where a site has not been approved in accordance with the housing site guidelines.

In many large metropolitan areas, housing site guidelines are necessary to ensure the economic and social wellbeing of the community.

But for many smaller communities these guidelines do not apply at all. According to the newly announced HUD decisions, however, both small and large cities must resubmit their applications.

For local housing officials, this is an unnecessary waste of time and money. For HUD, it will mean more obstacles before any housing can be built.

In applications where the new site criteria is necessary I think there should be ways to include such without returning all applications to the local communities. The housing authorities could be asked to supply an addendum to the original application or else this could be taken care of when HUD reviews the site that has been selected.

Senator Proxmire, Senator Williams, Senator Cranston, and I have written to HUD about all of these matters. We think its important that public housing applications be moved along as quickly and efficiently as possible. Toward this end, we have asked that HUD consider the development of a separate, less complicated review process for small, nonmetropolitan housing authorities.

I would like to share with my colleagues in the Senate, our letter to HUD which fully describes these problems.

Mr. President, I ask unanimous consent that the letter be printed in full at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., August 6, 1971.

Hon. Eugene A. Gulledge,
Assistant Secretary for Mortgage Credit, FHA Commissioner, Department of Housing and Urban Development, HUD Building, Washington, D.C.

Dear Mr. Gulledge: Within the last few weeks we have become increasingly disturbed about what appears to be "slowing-down" in the production activity in the public housing program. Our constituents report to us that badly-needed construction for low income families is just not moving as it should. This report comes from both large and small communities.

The causes for this "slowing-down" appear to be related to the establishment of the HUD area offices, the freeze on available development funds, the issuance of the A–95 circular requiring clearance of all housing development for conformance with comprehensive planning—and most recently, the recall by HUD of all public housing applications where a site has not been approved to review them for conformance with the new housing site guidelines. Also, we note in the testimony of Secretary Romney in the House of Representatives last week and before the Senate Hearing and Urban Affairs Subcommittee this week, the statement that a major reason for not moving faster on public housing production is the lack of sufficient HUD personnel in the public housing production area.

We would like to express to you our serious concern about any slow down in public housing production activity. In particular, we would like to have your appraisal relative to the new site reviews, as to how much time such reviews will take; and what a local housing authority can anticipate in terms of a time schedule. We would like your judgment as to whether a separate, and perhaps less complicated site review process might be instituted for small communities in non-metropolitan areas.

We would greatly appreciate a response to us:

First, your judgment as to an adequate level of HUD personnel in the public housing production area, and your general judgment as to how fast the Department can move to implement the backlog of public housing production demand.

Second, your judgment as to the time which will be required to complete a site review for a local housing authority; and whether it might be feasible to develop a separate, less complicated review process for small, nonmetropolitan housing authorities.

We will look forward to your early response on these matters.

Sincerely yours,
Walter F. Mondale,
Alan Cranston,
William Proxmire,
Harrison A. Williams,
U.S. Senators.

NDEA TITLE VI FOREIGN LANGUAGE AND AREA STUDIES PROGRAM

Mr. EAGLETON. Mr. President, I am pleased that S. 659 authorizes the continuation of an educational program of great interest to me and of great value to the Nation—the NDEA title VI foreign language and area studies program. President Nixon's recent announcement of efforts to normalize relations with the People's Republic of China is illustrative of the fact that the United States is facing an era of increased involvement with other world areas, not only in terms of foreign affairs concerns, but in many of our basic activities as a nation—trade, education, science, business, cultural activities, and so forth. The United States must be prepared for this era by developing an adequate supply of highly trained foreign language and area studies scholars who can assist the government and the private and professional sectors in their international roles and activities. Equally important, a larger number of teachers and students at all levels, but especially at the undergraduate level, must be provided improved instruction in foreign area studies to become an informed and literate citizenry in world affairs.

The title VI program has been the most significant and catalytic element in the advances the United States has made in acquiring such foreign language and area studies expertise. The training of our limited numbers of experts in areas of critical importance to the country, such as Eastern Europe, the Soviet Union, and Asian areas, has been largely effected through the NDEA title VI program.

However, the country's needs in the international studies field are growing beyond this highly specialized cadre. Institutions that are concerned with the production and training of teachers and professionals in fields other than international studies need access to foreign language and area studies resources. These are often the smaller, undergraduate liberal arts institutions which cannot compete for the specialized funding of the traditional NDEA title VI program.

The need to apply international perspective to American educational curriculum as a whole, at all levels, is becoming increasingly clear. The education and study of minorities and subculture groups is a problem that is not unique to the United States. Much could be learned by applying a cross-cultural approach to a number of educational problems and issues. The need for international cooperation on major problems like the pollution of the oceans and the air, neither of which belong to any one nation, seems evident. What we could learn from foreign education systems, urban planners, and health planners could be of great value to U.S. professionals in these fields, as well as eliminating the duplication of work and research.

The development of foreign language and area studies and international studies at the undergraduate level may provide these future professionals—the lawyers, doctors, teachers, and businessmen—with perhaps the only opportunities they will have for training in, or exposure to, a foreign culture.

The need, therefore, is twofold, and S. 659 does address this need: First, to develop the highly trained and specialized cadre of foreign language and area studies scholars who serve the Nation and Government agencies by carrying out invaluable and critical research on foreign areas of the world; and two, to assist in the development of foreign language and area studies and international studies resources at a number of other areas of concern in the U.S. educational system—primarily in the undergraduate and teacher-training areas.

Support in S. 659 given to the undergraduate component of this program will enable a number of smaller, liberal arts institutions to have the opportunity to develop these resources and training capabilities. These are the institutions that produce a large number of the Nation's future teachers, Government agency employees and businessmen.

In addition, support of undergraduate level activities will serve to strengthen graduate level training in the foreign area and international studies field. It will give undergraduates an opportunity to begin their training and to become involved in the field at an earlier stage. They will be more adequately prepared for possible future graduate level training since it takes a number of years simply to acquire sufficient competence in the several languages usually required for the study of one world area.

Washington University in St. Louis, Mo., is one of the relatively few institutions which has received funds for both graduate and undergraduate activities in this field. It has been a leader in educating specialists at the Language and Area Studies Center for Chinese and Japanese Studies, under the direction of Dr. Stanley Spector, one of the Nation's most distinguished Asian scholars. However, Washington University has also provided undergraduates with fundamental training in these and other areas of foreign studies, and has worked extensively with other educational institutions and with world affairs groups in the St. Louis area. It aptly demonstrates the value of a broader title VI program as envisioned by S. 659.

Mr. President, at a time when we seek greater international understanding and when the interdependence of so many aspects of life ranging from commerce to the very air we breathe is becoming increasingly evident, the vital program embodied in NDEA title VI needs to be given more financial and legislative support. I believe S. 659 is well designed to accomplish that end.

THE PROBLEM OF DRUG ABUSE

Mr. THURMOND. Mr. President, it is encouraging to note that the great problem of drug abuse and addiction is receiving increased attention throughout our Nation. Solutions to this haunting dilemma are more apt to be found when more and more people are better informed.

I was pleased to see that a major newspaper in my home State, the Greenville, S.C., News, published a special section dealing with the drug problem.

The section opens with a nine-chapter introduction and an indepth analysis written by Alton Blakeslee, the Associated Press science editor. It is followed by articles written by Douglas Mauldin, of the Greenville News Columbia Bureau; Aubrey Bowie, the Greenville News editorial writer; Jack Norris, news staff writer; Dr. J. F. Hall, superintendent of the Greenville County School District; Margaret Williams, staff writer; and Stan Shealy, the Greenville News Greenwood Bureau.

Mr. President, this material was published in the Greenville News of July 30. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WHAT YOU CAN DO ABOUT DANGEROUS DRUGS

CHAPTER 1. DRUG SCENE CONTINUES TO CHANGE

(Once in a small town in Europe, it is said, a man told an untruth about a friend. He was repeating some slanderous gossip, which acquired more credence because he learned the gossip was untrue, and was repeating it. Then the man went to his friend and apologized and asked, "How can I make amends?" And his friend, whose reputation and business had been grievously injured, said: "Suppose you took a goose and pulled out all its feathers, and then let the wind carry away the feathers. Then, suppose you searched to find every single feather, and put each back exactly where it had been. Then, you would have made amends.—A fable, cited by Ellen Afterman, deputy director, Division of Community Organization, Illinois State Drug Abuse Program, concerning what irreparable harm can be done to youths if officials and adults tell either more or less than the truth about dangerous drugs.)

(A physician, treating an 18-year-old girl for hepatitis, a liver infection, and for a skin abscess, both caused by infection from a needle with which she had been shooting "speed," inquired: "Didn't anybody tell you this stuff was no good?" And she replied, "Yes, but they told me so much other garbage, who's going to believe it?"

(By Alton Blakeslee, Associated Press science editor)

It came along like an explosion—this spreading use and abuse of drugs that affect the human mind.

Suddenly, a few years ago, there rose a seeming popular rage among young people to smoke marijuana or "pot," to take "trips" with LSD, to shoot "speed" and heroin, to go on mental voyages with drugs named mescaline and peyote, and to "pop" pep pills, or to take "downers."

Puzzled parents, some frightened also, became confronted with a totally strange "drug scene." A few reacted hysterically; others sought to understand the appeal of mind-influencing drugs and to combat its dangers.

The drug scene continues, and continues to change.

Use of marijuana is still increasing. Attitudes toward it are changing, as indicated by a trend to reduce legal penalties for using it.

But—ominously—use of heroin, which can be really bad news, is increasing, including among high school and even some grammar school students. Each year hundreds of American teen-agers are dying from overdoses of heroin.

Heroin has moved to the suburbs. And the drug culture has spread to rural areas.

The real drug scene involves millions of Americans, not just youths taking hallucinogenic drugs, but also adults who are abusing alcohol and tobacco and sleeping and pep-pills and tranquilizers to get through their day. The line of difference between abuse of one chemical or another can be very thin indeed.

It also involves thousands of young people who are in or recently out of jail for having possessed or perhaps having pushed drugs, mainly marijuana, which they may have rightly or wrongly considered to be safe and acceptable.

On the positive side: Now there is much that parents and teachers and concerned communities can do to deal with the challenge of dangerous drugs, and to succor youthful drug casualties. This contrasts with the hand-wringing of a few years back when adults felt helpless, or made panicky jumps for quick solutions. Youths are helping each other, through "hot lines" and rap (talk) sessions, and community programs are stressing prevention and treatment in a variety of ways.

This Associated Press survey sought advice from authorities as to what can or should be done concerning dangerous drugs, particularly concerning some main questions:

How can you steer children away from dangerous drugs; how can you tell if someone is smoking marijuana or using other drugs; why did the great turn-on with drugs come along anyhow; just what are the different drugs; should marijuana or other drugs be legalized?

And they offer some advice, such as:

Scare techniques usually don't work. . . . Parents get innocently into trouble if they insist marijuana is a narcotic (which it isn't) because then children tend not to believe anything they say. . . . Many young people don't know as much as they think they do about different drugs, especially heroin. . . . Smoking pot is not an inevitable first step to shooting heroin. . . . nor is pot all so innocent as often depicted. . . .

To meet the drug challenge, those closest to the drug problem suggest:

Learn the facts about drugs . . . listen to what your children and other youths are really saying . . . keep your cool . . . learn about community resources . . . get involved . . . don't fib about drugs to make them out worse or better than they are . . . look upon drug use and abuse as a symptom and not the cause of some trouble in our society.

CHAPTER 2. HOW BIG IS THE DRUG SCENE?

They call it "horse" and "smack" and the "Big H" and by other names.

It is heroin, a derivative of opium. And its use and abuse are spreading now, even into grammar school. It is addictive. It is illegal and expensive, costing $5 to $50 or more a day to buy, and crime or prostitution are main sources to supply the money. It produces a feeling of sleepy contentment, until that wears off and the physical need arises to have it again.

Speaking frankly, authorities say they can only make guesses about the extent of abuse of various drugs—there simply are not accurate figures on such illegal activity.

But they can point to trends. One is that what becomes popular in college soon drifts down to high schools, and even into grammar schools where the very young may adopt a drug which the college students surrendered as being too dangerous—that word didn't come down yet along with the drug.

Other trends: Increasing drug abuse, as with alcohol, pep pills, barbiturates, and marijuana, in industry. And a not insignificant number of housewives take heroin, at least in parts of this country, and more are "diet freaks" abusing the amphetamines or pep pills to dull their appetite for food.

Here are some estimates of use of different drugs:

Heroin: Perhaps 200,000 Americans are now using it, possibly 100,000 of them in New York City alone, "but the figures could be higher," says John Finlator, deputy director of the Bureau of Narcotics and Dangerous Drugs. "We are seeing heroin all over, in affluent suburbs and in high schools. Kids still are very much ignorant about its dangers, like its addictive quality."

Marijuana: A survey conducted for the National Institute of Mental Health shows almost one-third of college students had tried pot, with some 14 percent using it regularly. Another estimate is that 12 million to 20 million Americans have tried marijuana at least once. The World Health Organization estimates that more than 200 million people around the world use marijuana regularly.

Marijuana is used by medical school students and by servicemen in Vietnam, where heroin also is indulged, say various reports. These drugs are said to be used on off-duty hours, not under combat situations.

LSD: Less use now on college campuses; more apparently than a couple of years ago in high schools, or even among younger students.

Barbiturates: Abuse reaching down more into grammar school.

Amphetamines: Widely abused, by adults and children. Some reports say "speed" or methamphetamine, a powerful drug, is a big problem.

There are some telltale signs when drugs are being used or abused. But authorities warn against anyone making himself a self-appointed, suspicious detective, since the same physical signs can also be produced by illness or by medicines properly prescribed.

One sign is a break in the usual pattern of a person's life, but again this could stem from other reasons such as the depressive feelings of adolescent years. Reddened eyes could indicate use of pot—or the eye infection conjunctivitis.

Pep pills can make a person highly active and gay—so can some good news. Barbituates may make the user appear drunk or more relaxed, good-humored. Heroin users often appear sleepy, lethargic.

But do not make yourself a snoop, attributing any of these physical signs to "drugs" before excluding other reasons—don't jump to easy conclusions.

CHAPTER 3. IMPORTANT FACTS ABOUT DRUGS

Wise parents should lead from strength of fact and knowledge in discussing drugs intelligently and effectively with their children.

To do so, they must know what the various mind-influencing drugs are, how they differ from one another, what each kind of drug does or doesn't do. Young people have raced far ahead of most parents in acquiring a lore of basic information, although many of them also have serious gaps in their information.

This survey is concerned with four main classes of drugs—those that produce hallucinations; the stimulant drugs; the depressant drugs, and narcotics.

Marijuana: As generally used in this country, marijuana is a mild drug producing a feeling of relaxed well-being, a "high," and sometimes fantasies. It is NOT a narcotic—although so classed under some law—and it does NOT lead to physical dependence or addiction to it. It may lead to psychological dependence, or desire, however.

Under influence of marijuana, time stretches out, distances and sounds are magnified, and reflexes are slowed, which could mean a hazard in driving a car.

It is not true that marijuana is a first step to going on to hard drugs like heroin. This sometimes happens, but nothing inherent in marijuana leads to stronger drugs. What may frequently happen is that pushers in a neighborhood are selling both types of drugs, so it's easier to experiment with a stronger one.

LSD: By far this is the most potent hallucinogen. With this synthetic chemical, a dose no larger than the point of a pin is enough to send most people off on amazing "trips" within their own minds, with emotional experiences and observations greatly magnified. Some people react with anxiety, and a few have been fatally injured in belief they were invulnerable to the real world. No physical dependence develops, but psychological dependence may.

Other hallucinogens include mescaline, from the button of a small cactus plant, peyote or mescal, whose effects are milder than those from LSD; peyote itself, which is milder than mescaline; psilocybin from a Mexican mushroom; morning glory seeds capable of producing some fantasy experiences; and synthetics such as DMT and STP.

Barbiturates and depressants: Many people become physically and psychologically dependent upon barbiturates for sleep, to combat anxiety or tensions, or to experience highs. Some say these drugs make them feel more alive, or capable of facing daily or special situations. A combination with alcohol can kill. These are the "downer" drugs. Prolonged use can impair judgment and intellectual performance.

Amphetamines and stimulants: Overuse and abuse of these pep-up pills induce a sense of good feeling, of boundless energy and of never feeling tired—but there comes a time of physical and emotional payoff. Methamphetamine or "speed" is especially potent, particularly when injected.

Heroin and other narcotics: Opium, used perhaps from Stone Age time, was an original drug to ease pain and block out emotional reactions. Then came morphine, a medical pain-killer, and then heroin, which has no medical use but which is one of the more awesome drugs of abuse now. It produces both physical and psychological dependence. Heroin users may become "hooked" after using the drug daily for a week or so.

Glue sniffing: Children may sniff airplane glue, gasoline or other toxic vapors, for the dizzy reaction they receive. What they don't know is that for many years, industries have gone to great pains to ventilate plants where products with such poisonous vapors are made, to protect the health of employes.

CHAPTER 4. FUSES OF TODAY'S DRUG EXPLOSION

"Our earth is degenerate . . . children no longer obey their parents."

This plaintive observation was inscribed in stone by an Egyptian priest 6,000 years ago. Every generation since then, parents have likely voiced similar complaints, objecting that youngsters are rude, unappreciative of their parents' contributions, or clucking over their tastes and styles in costumes and music—and hair.

Now parents have a new concern—why should so many youngsters be experimenting with if not adopting drugs that influence the mind?

There are no simple answers—it is a complex phenomenon. Various experts offer a variety of reasons and speculations, and a few suggest there are as many reasons for abusing drugs as there are people abusing them. Similarly, they think, there are just as varied reasons why some people become alcoholics, or stuff themselves with food.

The reasons, or excuses, for drug abuses vary widely . . . a form of rebellion . . . one manifestation of the uncertain, unsettled adolescent seeking to learn "Who am I?" . . . a way of forgetting worries and hurts, and boredom and frustration . . . a means to hit back at parents . . . a way of experiencing love for others . . . a mental and emotional adventure . . . a key to escape dismal reality . . . curiosity . . . pressure from one's peers and the need to go along and to belong and not to be "chicken" . . . doubts whether mankind has any future anyhow . . . the presence and voices of persuasive evangelists touting the attractions of different drugs . . .

American society is drug-obsessed. In 1970, physicians and pharmacists turned out more than 225 million prescriptions for drugs that affect the mind—stimulants, tranquilizers, antidepressants, sedatives and others—compared with 167 million in 1965, by one estimate.

Adults were the main consumers of these chemicals. * * *

CHAPTER 5. MIND DRUGS HAVE APPEAL

To cope intelligently with the problems of drugs, parents need to know more about the appeal they have for young people.

Here is how, in one survey, college students described their reactions to mind drugs.

"I could lose all my worries and imagine many things . . ."

"The mind is magnificently delighted by very simple situations or memoirs . . ."

Drug "are our only means of feeling love (in the general, perhaps Christian sense) in this debacle of self-destruction. It is a return to Eden."

"I have stopped taking drugs . . . It became all too easy to 'groove' on something . . . without ever coming to terms with real problems, without ever really thinking. The borders of illusion and reality became hazy . . ."

"I consider it now a part of the growing up process. It was an answer. It no longer is. I am still overwhelmed by the madness that is my country, but I must find another way of coming to terms with it."

For some users, "it is a way of hitting back at parents, to shock them, loosen them up a bit," says a West Coast college student. "Taking drugs marks an external rejection of middle class values and society in general."

A psychiatrist agrees that for some young people, including high schoolers, "it is fun to see their parents get put on. With drugs, they have something with which to get their parents enraged and incensed. The kids can send their parents into spasms. Taking drugs is one way of tweaking the old man's nose."

Many users of pot or other drugs simply find them enjoyable, as others do with alcohol. For some, it is a way of turning off emotional hurts, or for making up for feelings of inadequacy in school or at home. Some youngsters have low self-esteem and inability to establish close relationships, and adopt the attitude. "Why should I care if I hurt myself." say Jeanne Cherbenau who directs a drug education and treatment program out of the YMCA in San Diego, Calif.

Marijuana, LSD, and other drugs users say, also can offer escape from boredom, the complaint "there is nothing to do," even in the midst of plenty and affluence, or perhaps because of boredom with that affluence. "The world seems dull lots of times; we're overtitillated," a student remarks.

Dr. Mitchell Balter of the National Institute of Mental Health estimates that about one-third of those who use drugs experiment with them for kicks, another third out of curosity, and one-third because they seek or hope for insights into themselves, to be or to feel more creative.

"Many young people feel that options in life are not open to them. Drugs represent a kind of withdrawal from society, which is too impersonal to them," says Dr. Leonard S. Zegans, Yale University psychiatrist.

"Drugs represent a breakdown in or withdrawal from society's competitive emphasis. You just can't compete in the drug state. They don't want to get into the dominance game that marks our society. They would rather get pleasures in ways in which they don't have to compete against certain values."

And, says Dr. Charles Winick of the American Social Health Association, "a young man who may face the possibility of having his head blown off in Vietnam is hardly likely to be dissuaded from drug use by being told he will 'go out of his head' by taking hallucinogens."

"The 'now' generation does not want to delay its gratification, especially since it has little confidence in its ability to change the world in the future," Dr. Winick adds.

The appeal of LSD, say various users, is that it brings a much more heightened if distorted perception, one that promises deeper insights into the inner world of feeling and consciousness. Some call it "instant paradise" or "instant analysis" of one's self. Some users say they often feel more creative—even though they may create nothing or fail to paint or play music better than when not under the drug's influence.

CHAPTER 6. HUMAN COSTS OF MIND DRUGS

"I've had to pick up the pieces of boys and girls in trouble from drugs. It isn't pleasant," says Dr. Dana L. Farnsworth, psychiatrist and director of University Health Services at Harvard University.

One mother speaks: "I know what it is to talk my son down from a bad LSD trip, to have him sleep for three days straight after a high on speed . . . I know what it is to watch him become completely paranoid, to hold a 17-year-old 'child' in my arms and let him cry . . . all this from a boy who was outgoing, lovable, fun-loving . . ."

Just how many young people and adults also get into trouble through use of mind-influencing drugs is not known. Abuse of alcohol, the progenitor perhaps of drugs that affect the mind, has resulted in some 6,000,000 or more alcoholics in the United States alone.

Young people are more easily injured than their elders by hallucinogenic and other drugs, authorities agree. They have a "yet-uncrystallized system of personality," and some of those who turn to drugs "may have unstable personalities to begin with"—they might have gotten along all right if they hadn't added the burden of the influence of mind drugs.

People vary in susceptibility to diseases, like flu, and often "the kids who shouldn't use drugs are the ones most likely to do so and become hurt, to become odd man out," says Dr. Herbert D. Kleber of Yale University.

Measuring the real effects from drugs bought on the street is complicated by the fact they are very often adulterated, or vary in quality and potency. A stick of marijuana may be only alfalfa, or marijuana laced with LSD or strychnine.

One of the great harms concerning marijuana was that for decades it was misrepresented as being extremely dangerous and a cause of crime and rape and bizarre behavior. When young people discovered this was not true, they tended not to believe official warning about other drugs, like heroin and LSD, which are far more dangerous, and they tended to use them.

This is not to say that marijuana has never hurt anyone, as some of its advocates insist.

A recent assessment is given in the report, "Marijuana and Health," issued by the National Institute of Mental Health, with comments from Dr. Bertram S. Brown, director of NIMH:

"The bulk of healthy young people, with short-term use of the drug, will have no deleterious effects although a few of them will . . . and . . . in high enough doses, a psychotic episode can occur in everybody."

"The health picture with respect to marijuana must at present be regarded as fragmentary and clearly incomplete . . . Many of the most important questions regarding the implications of long-term, chronic use will require significant periods of time to answer."

No evidence yet links marijuana with birth defects of babies born to users, or with lung cancer from smoking pot.

Marijuana "is a relatively minor contributor to major crimes and violence in any country in the world in which it is used."

But there is "increasing evidence that frequent, heavy use of marijuana is correlated with a loss of interest in conventional goals and the development of a kind of lethargy."

"It is generally conceded that marijuana does not necessarily lead directly" to use of stronger drugs. "On a worldwide basis there is little evidence of a progression from the use of marijuana to that of opiates or hallucinogens."

The casualty rate from LSD is far higher and more apparent than any from marijuana. Bad trips of freak-outs have sent a small parade of youths to hospitals with panic reactions, or with psychotic episodes that last days, weeks or months.

LSD has driven some few persons to suicide, and LSD-inspired fantasies have led a few to death by jumping out windows or walking on a highway in the belief they could fly or where invisible.

Other drugs are not always as safe and innocent as devotees picture them. Morning glory seeds have been reported to have caused anxiety and psychotic reactions sometimes. Barbiturates can be lethal. Pep pills can take a toll of mind and body.

CHAPTER 7. LISTEN . . . LEARN . . . KEEP YOUR COOL

Now there is much the individual can do to prevent or reduce human injury from abuse of the mind drugs.

There are community and government programs, and teenagers themselves are taking constructive action through telephone "hot-lines" for consultation and advice.

Lessons have been learned from past mistakes, as, for example, relying on a one-shot warning about drugs in the school auditorium—the kids saw through that kind of rather superficial concern. Today there is less hysteria. and less moralizing on the very real drug problem.

Before looking at specific programs, consider some advice from specialists in various fields:

Keep your cool.

Listen, carefully, to what your children or young people are really saying.

Learn the facts about drugs, and share them with youngsters.

In discipline, be firm but fair.

If your children are actually becoming dependent or hooked on drugs, you likely need outside counsel and help.

Just possibly, drug abuse may be in part a passing fad. Certainly it's something middle class citizens paid little attention to until things like marijuana and heroin moved out of ghettos into the suburbs.

Just possibly, "the young themselves will lead us out, through some attitudinal change," says John Finlator, deputy director of the Bureau of Narcotics and Dangerous Drugs. "We may hope that the young people will take a more serious look at some of the really dangerous drugs, and make better judgments about them."

In concern over harmful drugs, set realistic goals, and "don't pretend you're going to wipe out drugs," says Peter Hammond, executive director of the National Coordinating Council on Drug Abuse Education and Information, Inc.

On things NOT to do, Finlator and others caution against spying on children, or monitoring their telephone conversations, for children will hate that, and you for doing it. They feel that trying to scare children away from drugs is not usually very effective either.

Listen to what children and youths are saying, discuss matters with them, and thus build stronger bridges of understanding with them, the specialists advise. It's pretty bad if your children become fearful to tell you their troubles—and turn to others to unburden—for fear you will criticize before trying to understand what happened, or to try to help them.

Talking with them, they add, doesn't mean you approve of what they did. As for taking of drugs, that action means something, and parents should try to fathom what it does mean, says Dr. Dana Farnsworth, Harvard University psychiatrist.

Beginning at a very young age, "we should teach children respect for drugs of all kinds, even aspirin (which can kill by overdose)," Finlator says. "We should teach them to take drugs only as needed. We cannot wait until children reach an age of decision about drugs. We should tell them that if they take marijuana, they may get into trouble, that taking LSD might put them in a hospital.

"It would be best if our schools developed programs teaching respect for drugs in general, or in particular. But if a high school, for example, suddenly puts on a program on drug abuse only, youngsters will laugh at it."

As for discipline, youths want authority but not tyranny, the specialists say. They tell, also, of many youths who say they would not have become addicted to heroin if they had felt their parents had really been concerned about them, and had set strict standards.

Dr. Richard Blum, Stanford University psychologists, thinks "we have to make parents comfortable in being parents, that it's all right at times to say, 'No.' If they go get flak at times when they say 'No' that's one price of being a parent."

Parents need to set examples. As one youth said, "I don't know why people get excited when I use drugs—my old man's been hung up on martinis for years."

CHAPTER 8. DRUG PROBLEMS: TAKING ACTION

"If you are not part of the solution, you are part of the problem."

Citing that saying, the National Center for Youth Outreach Workers in Chicago is doing what its name implies—seeking more effective ways of helping youngsters in or near trouble from drugs or other cause.

Founded by the National Board of the YMCA, Youth Outreach is recruiting and training youth workers who focus not upon a building but the neighborhood—in city, suburb or rural area—where the youths are, and enlist the support of all community agencies and resources. It stresses correction of causes of youthful difficulties.

It is one example of increasing action programs now to prevent tragedy from problems such as drug abuse, or to help those who have fallen into trouble. Your own community has or could have some of these same resources.

Like flowers blossoming in spring "hotlines" and crash pads and drop-in centers and free clinics have sprouted over the nation. They are mostly self-help units run by young people from teen-age up. Some have backup support from professionals in medicine, education and social agencies, churches, and service clubs. Some have the cooperative understanding of legal authorities. Other centers or facilities are harassed by local authorities in the suspicion sometimes that "hippies" are up to no good.

In New Haven, Conn., a private project called Number 9 is an easy-going, informal "youth crisis intervention center" run by young people. It's a storefront where youngsters can "rap" or talk about what interests or bothers them; it has a crash pad for drug users to sleep in emergencies, and an arts lab for painting and working with clay, leather or other materials.

"Basically, we've found that kids have an intuitive sense of how to help other kids," says Ted Clark who at 26 was a co-founder of Number 9, so named from a Beatles song, "Revolution Number 9."

"As examples of institutions for the young, self-help programs have implications for the primary prevention of drug abuse that may be more profound than any other effort including the expenditure of millions of dollars on drug education curricula in school systems," says Dr. Matthew Dumont, assistant commissioner for drug rehabilitation in Massachusetts. These programs are informal, readily accessible, not concerned with protocol, and their focus is on health and immediate needs, he points out.

Youngsters use "hotlines" not just to discuss drug problems, but other matters bothering them. And adults sometimes tune in, also, to learn from youths what they think the real problems are, or what the solutions might be, or what should be done.

Skipping across the country, one finds these among a wide variety of action programs in education or treatment of drug problems:

In Washington, D.C., the Black Man's Development Center, seeking to wean addicts off heroin and also the substitute drug, methadone, and to train them for jobs . . . In Phoenix, Ariz., an integrated approach—CODAC, standing for Community Organization for Drug Abuse Control—including a "hotline," a round-the-clock emergency center for help without fear of arrest, high school students explaining drug perils to still younger students, and an educational and talk-out program for parents.

In New York, Encounter seeks to prevent youths from graduating from soft or mild drugs to the hard drugs . . . In major cities are such treatment centers as Synanon, Daytop Village, Odyssey House, Phoenix House, Halfway Houses, Satori, to help heroin or other drug users quit through live-in or outpatient facilities or other programs offering phychotherapy, methadone, or combinations.

Multiple approaches are needed since reasons for drug addiction vary.

For helpful information on drugs and drug programs, there are the National Clearinghouse for Drug Abuse Information of the National Institute of Mental Health, Rockville, Md.; the National Coordinating Council on Drug Abuse Education and Information, Inc., Washington, D.C., and the Bureau of Narcotics and Dangerous Drugs, also in Washington.

CHAPTER 9. DRUG LAWS AND THE FUTURE

Laws governing use and abuse of mind drugs are changing. In general, they are reducing the penalty just for having marijuana, and they are hitting harder at drug pushers.

Until May 1971, simple possession of marijuana for personal use was a felony under federal law. Conviction mean a jail term of two to 10 years, and loss of voting rights, and a permanent blot on your record.

Now, simple possession on the first offense has been reduced to a misdemeanor. The youthful offender can be placed on probation and if conditions are properly fulfilled, there is no public record of the arrest. But repeated offenses bring terms in prison.

State laws vary widely, so parents should apprise themselves of what they are. They range from Nebraska's most lenient law now of seven days in jail for possession of marijuana to Texas where for years the sentence has been two years to life imprisonment. More than half the states have recently amended laws to be less severe about marijuana. In federal law, possession of LSD, which is far more potent a drug for personal use was in 1968 made a misdemeanor having before that been no federal crime at all.

The new federal laws slams down hard on the professional drug pusher, especially of hard narcotics. For the first offense, the sentence can be a minimum of 10 years, and a maximum of life imprisonment and a prescribed maximum fine of up to $100,000, and forfeiture of all profits from the illegal selling and the pusher might lose personal assets such as his house. The second offense sort of doubles the penalties—except of course that the pusher has only one life to serve up.

Meanwhile, a debate zips along whether marijuana should or shouldn't be made a legalized drug. Proponents argue that it is usually mild, that it isn't a narcotic nor an addictive drug, that one should be allowed to enjoy what he enjoys, that it offers a way to relax and fantasize, that content and quality could be legally controlled.

Opponents to legalizing marijuana say: Not enough is known of effects from long-term use; if we have six million alcoholics or rum-heads, why should we risk also having "X" millions of pot-heads? . . . Legalization might bring "quality control" as with other drugs but also the illegal invitation to sell something more potent at a premium . . . How many alcoholics, it is asked, would turn to pot instead of drink for the relief or rewards they find in drink?

What is agreed upon, from both points of view, is that pot most likely is here to stay.

The legalization argument extends to other drugs as well—as, for example, that there might be less crime if heroin were legally available for those hooked upon it, or wanting to be weaned from it. Here, a counter view is that more people might become dependent upon mind drugs, less attentive to their best roles in life.

Many more mind-influencing drugs are bound to come along, most from the continuing scientific search to develop drugs that truly can help people, others from bootleg laboratories, authorities predict.

Meanwhile, research continues to determine the long-term effects from using marijuana, and to fix the place in treating heroin addicts, or at least some of them, with methadone, a synthetic narcotic that appeases the hunger for opiates without producing the high that heroin brings. A search continues for other substitute or antagonist drugs. And so does research into many other phases of the total drug problem.

Questions and issues about most of the mind-influencing drugs burn in fires of emotion and opinion. Scientific research promises to produce the facts to help the public deal more effectively in the future with a plethora of drugs.

No Quick Remedy to Problem, Committee Says

(By Douglas Mauldin)

Columbia.—Nine men in South Carolina have been on drugs for nearly a year now with no hope of withdrawing any time soon.

The nine aren't hooked on drugs, but they are addicted to seeking information about them.

They are members of a special study committee created by the General Assembly and given permanent status just this year to make a "full and complete study" of the illicit drug traffic and use in South Carolina.

The committee is composed of three state senators, three state representatives and three gubernatorial appointees which include a prominent Columbia businessman, a black doctor and a college student.

With over 40 meetings under its belt and more down the road, the committee has set a legislative record in the number of sessions and in the zeal with which it has gone after the drug problem.

It has been to every corner of the state gathering information and material, listening to drug users, pushers, addicts, former addicts, convicts, psychiatrists, educators, medical doctors, and law enforcement officials.

They have had every angle of the drug problem under a microscope and still admit that they know very little about the growing problem.

In its interim report earlier this year to the legislature, ending an initial phase of its work, the committee reported that it was "enlightened but amazed and appalled at the extent of the drug abuse in South Carolina.

"Any preconceived panaceas held by members of the committee," the report stated, "were dispelled as they probed into the eerie and incredible environs of today's drug world and its inhabitants.

"As a result, the frustration level increased when it realized that no easy, quick remedy was available," the report said.

On the contrary, the committee said, it was confronted with a "complex, complicated and multifaceted problem to which it must supply new and comprehensive legislation, revised and innovative educational approaches and develop treatment and after-care programs that meet the needs and rehabilitation requirements of drug-dependent persons.

"The danger is no longer on the doorstep," the committee warned, "but is already in the home, in the school, in the community. . ."

Use of illegal drugs and misuse of legal drugs, the committee found, are "modern day stigmas, born out of a fast-paced technological world and its pressures and characteristics of a developing life style affecting every generation.

"Drug abuse," said the committee, "is like a cancerous growth which may be impossible to eradicate from society once its vicious tentacles are rooted within the communities."

The committee pointed an accusing finger at inadequate educational programs, a complete lack of facilities to treat drug addicts, a dearth of rehabilitation programs, disjointed efforts to deal with the drug problem at state and local levels and fragmented and disoriented law enforcement efforts in the control of drugs and narcotics.

The first committee recommendation calling for a complete and comprehensive redrafting of state drug and narcotic laws coupled with the repeal of existing drug acts dealing with stimulant and depressant drugs has already been carried out with little or no opposition.

The new drug act which emerged deals with the first time, experimental drug users and sellers more compassionately, while cracking down hard on the professional and persistent traffickers and tightening the avenues by which drugs can be obtained.

The new act, just now filtering down into the criminal justice system, also provides avenues for drug users and sellers to seek court-approved treatment and rehabilitation for their addiction problems.

The establishment in the governor's office of a commissioner of narcotics and controlled substances—another recommendation from the committee—is designed to bring coordination of effort in education, communications and law enforcement in the drug field at all levels of government.

The problem of drug education, the committee said, must be solved through administrative rather than legislative action and "total community concern and commitment.

"If there is any hope at all for this social problem," the committee observed, "it is by placing greater emphasis on the education and treatment rehabilitation approach."

A mammoth educational program to cut across all classes of society regardless of ethnic or economic characteristics was strongly urged by the committee.

"In today's fast-moving, highly industrialized and technocratic society," warned the committee, "any home at any time can be stunned into the realization that drugs, either the hard or the recreational variety is ominously present."

"It is doubtful," the study group went on, "that the traditional processes of education as we know it will secure the most satisfactory and effective results especially with young people."

The committee also dealt a critical word to those with simplistic and immediate answers to such a complex problem.

"In no other phase of the drug problem," said the committee, "has there been such a legion of experts so ready and eager to impart their instant wisdom on this most difficult and complex social problem."

The result has been, the report continued, that "well meaning purveyors have made more difficult the task of informed, knowledgeable and authoritative sources to convince, particularly young people of the nature and effect of all drugs and narcotics."

The committee called for central co-ordination of the dissemination of information on drugs and narcotics without further widening of any generation or credibility gaps.

Such information, said the committee, must be uniform, consistent and authoritative "unblemished by individual attitudes and biases."

"The purveyor must be credible and must be an individual who has the respect and confidence of his listeners."

In the field of treatment, the committee found there are few if any hospitals which admit drug addicts and none provide necessary after-care programs: to strengthen the addicts' ability to resist return to the habit.

Even the few compassionate physicians and psychiatrists who treat addicts in their offices have no follow-up programs and the addicts are turned out to repeat the tragic pattern, the committee said.

The committee is exploring various approaches to providing rehabilitation services in South Carolina "to supply socially accepted crutches to meet the needs of these varied inadequate personalities.

"Obviously intensive after care programs for drug dependent persons are vital if their confidence and self-reliance is to be restored," the committee concluded.

Concerning law enforcement, the committee found "efforts as they relate to drug and narcotic control quite fragmented and disoriented, often with only slight coordination and minimal cooperation."

The committee pointed to a "desperate and immediate" need for a central coordinator to whom the police network of the state at all levels would be responsive.

Creation of a special drug control unit within the South Carolina Law Enforcement Division (SLED) was the response to this criticism.

Without central direction, the committee said, "there is a deplorable waste of the available talent, resources and manpower to effectively combat the drug problem."

Heading up the drug committee has been hard driving chairman, Sen. Ralph Gasque, D-Marion. Rep. Nick A. Theodore, D-Greenville is vice chairman.

Legislative members also include Sens. Robert B. Scarborough, D-Charleston and James M. Morris, D-Clarendon, and Reps. Marshall C. Cain, R-Aiken and Butler C. Derrick, D-Edgefield.

Appointees of the governor are R. Roy Pearce, a Columbia food broker; Barry W. Knobel, a University of South Carolina law student from Anderson; and Dr. C. Eugene Stephenson of Columbia.

Senator Gasque Says of Drug Problem: It's Like Wrestling With a Sea Monster

(By Douglas Mauldin)

Columbia.—Coming to grips with the drug abuse problem in South Carolina is like wrestling with some giant sea monster, according to a veteran legislator who heads up a special legislative study committee on the subject.

"It's just like a damned octopus," observed frank-spoken Sen. Ralph Gasque, a 58-year-old Marion attorney. "It will swallow you up. You don't really know if you're doing any good or not. We hope we are."

Gasque has piloted the nine-member Drug Study Committee through over 40 investigative, probing sessions which has so far produced a new drug and narcotics control law and the first efforts to coordinate and direct a concerted attack against the drug problem.

The Marion Democrat, who surprised many legislative observers by his devotion to his drug committee duties said, "It's a very engrossing subject and it requires a lot of study to try to get yourself acquainted with the problem, to try to become knowledgeable to any degree at all."

Gasque sees a monumental task before his committee and before the state itself to come to grips with the drug octopus which is spreading its tentacles deeper into the social fiber, perhaps to the point, some fear that there will be no stopping it.

The first step in the assault on drugs, the senator believes and the committee concurred, will be a massive educational program involving all segments and institutions in society.

"Education should be the beginning point," Gasque said. "We have to educate everyone. We have no educational program at all, none at all to speak of. That should be the beginning point to try to deter these youngsters from drugs of all kinds."

But Gasque quickly points out that the parents of the youngsters must be educated first so they can teach their offspring.

"I don't think these parents can go out on Saturday night and get polluted on alcohol of any kind, and on Sunday morning tell Johnny that he shouldn't smoke pot (marijuana) because it's bad for you. How can a parent do that?" Gasque asks.

"Children already equate marijuana to beer. If daddy can get polluted on weekends with beer parties," the reasoning of the young people goes, "why can't they have pot parties?"

What educational tack the state should take is one of the problems that the Gasque committee wants to resolve as it continues its study of the drug problem.

"We are going to study the best educational programs in the United States and try to take the best of all of them and design one to fit the needs of South Carolina," Gasque said.

The committee will emphasize that education must come first, the chairman said, then treatment for the already hooked, vocational training for these needing it to return as productive members of soicety.

"We're going to have to educate to head this thing off," Gasque stresses. "If people want drugs and they are not educated, they're going to get them.

"We're not going to dry up the market. We're never going to be able to eliminate alcohol. We're never going to be able to eliminate drugs."

"Education and law enforcement won't stop it. In fact, I can't foresee any stoppage. We hope to contain it at the present level and turn it back. We don't want to see it continue to grow by leaps and bounds as it is growing."

Gasque said the goal should be to stop as many as possible from using drugs and have programs to point youngsters to and to tell them that drugs are bad and should be avoided either as a lark or as an experiment.

Gasque, neither drinks nor smokes and is fond of saying that he finds neither of those vices necessary for pleasure.

"Of course alcohol is the principal evil now by far," he offers, "but if drugs continue to gain as they have they could be the most serious thing that we have.

"Alcohol just affects the victim or immediate members of his family, but drugs affect us all in that they make criminals out of so many.

"Drugs make prostitutes out of fine young girls, robbers out of fine young men (to feed their habit) and the public becomes the victims of their crimes.

"It presents a real serious problem, one which we must cope with to the best of our ability."

"We on the committee want to treat the addicts, to eliminate the pushers from the streets, to punish and get rid of them, but we want to treat the addict and restore him to society if at all possible."

Gasque drops the blame for drug use among the young at the doorstep of parents who are "overpermissive" and "neglect" their children, who are inclined to give them too much too soon in a "society now that's looking for different kinds of thrills, looking for new kicks."

The senator rings up a "no sale" on the youthful view that marijuana can be equated to beer and that pot is not harmful or habit forming.

"Marijuana is definitely habit-forming and there is no question but that it leads to use of hard drugs," Gasque said.

When they don't continue to get the high or thrill off marijuana, Gasque reasons, "they then turn to other things. This has been the evidence before the committee.

"We are of the opinion that it leads on to other drugs and public crimes. It is something which we should not tolerate."

Intolerance, however, does not mean putting every youthful drug offender in jail, Gasque quickly adds, particularly in view of the absence of substantial medical evidence that marijuana is harmful to the users.

"Rather we should expunge the record, don't count it as criminal offenses and have them amend their ways and go on and straighten out," Gasque said, reflecting the enlightened view on drugs.

"If we reached out and grabbed all the boys and girls who smoke pot, we wouldn't have room in our prisons for them. We don't feel we are justified in making criminals out of them and blighting their future unless we had more evidence to go on than we have."

Gasque readily acknowledges that liquor is legal and has disastrous results on society while remaining socially acceptable, but he said it cannot be used as an argument or excuse for making use of grass legal.

"Presently alcohol is more of a detriment and more of a danger and more harmful than marijuana," Gasque argues, "but can we afford another evil such as alcoholics? Ten million alcoholics in the United States is enough. We don't need ten million dope addicts."

Of the committee's accomplishments thus far, Gasque is most proud of the new comprehensive law dealing with narcotics and drugs, hammered out in dozens of committee sessions and patterned somewhat after the new federal drug statutes.

Gasque feels the new act gives a great deal of protection to the public from drug pushers with severe penalties and upgrading of some offenses to felony proportions.

It also gives a great deal of protection to the youthful offenders who Gasque says "may just set out on a lark and get caught with a group of other people or using maybe marijuana for the first time or soft drugs.

"It would deal with them of course as first offenders and it would permit the court to expunge the record and keep a lot of young innocent people who are certainly not criminals and not drug addicts from having a criminal record which would follow them throughout their lives."

For other drug offenders, it would leave with the court the option of either sending them to prison or committing them to treatment centers either inside or outside the state.

Gasque said he is "definitely opposed" to legalizing marijuana although some of his committee members were "lukewarm" and not firmly convinced at first on this point.

The committee ended up, however, firmly convinced that pot should not be legalized.

South Carolina, like other states, was caught unprepared for the sudden surge in drug use, Gasque believes, and is just now beginning to take hold of the problem.

Heretofore, Gasque believes, the drug problem was swept under the carpet as long as it didn't touch the well-helled in the social fabric.

"We know heroin has been used by the blacks for a long time," Gasque comments. "As long as it stayed in the black community, as long as it stayed in the people in lower economic brackets, we didn't bother with it. But when it moved upstairs and when those in the upper income brackets, the children of lawyers, politicians, doctors, leading citizens, when their sons and daughters started using it, then we recognized the problem and not until then."

The state's naivete and unfamiliarity about drugs and its resultant unpreparedness to deal with the problem was reflected everywhere, even in law enforcement, Gasque said.

Law officers didn't know rabbit tobacco from marijuana as indeed vast numbers of the public and even members of the study committee itself didn't, Gasque said.

"It's just that none of us have been educated to the problem. It was thrust upon us before we were prepared for it."

Gasque has no quarrel with law enforcement in its efforts to date and says officers are working hard to control drugs, and when they are more knowledgeable and have more expertise will do a better job.

The Gasque committee feels it is helpless to do anything about the conditions which contribute to drug use, the abject poverty in the black ghettos and poor white communities and the harshness of life that prods the unstable into seeking escape from reality.

"We just don't have the funds to eliminate poverty so we can eliminate drugs," the senator said. "The state is doing a great deal to eliminate poverty, doing all it can reasonably do at the present time."

As for the committee, Gasque sees "no end to the challenge of the work which we will be required to do. We will continue to meet. There will be no lessening of our efforts. We have just commenced work and we've got a long ways to go."

McLeese Coordinates Program Aimed at Drug Control in S.C.

(By Douglas Mauldin)

COLUMBIA.—A road map to lead South Carolina to an effective drug control program is being drawn up by the state's newest and smallest units.

Donald G. "Ike" McLeese, the newly appointed commissioner of Narcotics and Controlled Substances is the chief mapper in an attempt to coordinate what has been a fragmented state approach to control of drug use and abuse.

McLeese, former home secretary for U.S. Sen. Ernest F. Hollings was tapped by Gov. John C. West to head up the new office within the State Planning and Grants Division, itself part of the governor's office.

The 26-year-old McLeese, a native of Anderson, was already working for West when he was given the newly created post last month.

"Our first priority," McLeese said, "is to put on paper a comprehensive statewide drug abuse plan. The function of each agency will be specifically detailed. That way we will know where we're going and how we're going to get there.

"Once we get the state plan—and we will have it by Aug. 1—we hope it will be as comprehensive and as explicit as there is in the nation."

McLeese has launched vigorously into his new job with an office in the Wade Hampton Office Building here and a staff of one assistant, Barry Knobel, a university law school student who serves on the Legislative Drug Study Committee.

McLeese had already spent a week in Washington to develop rapport with federal agencies concerned with drug control and to make appeals for available federal assistance.

Then he spent a week in Florida to study the workings of the Florida Drug Control Program hoping to pick up some pointers and to profit from any mistakes Florida made.

Creation of the Commissioner of Narcotics and Controlled Substances came out of a recommendation of the Drug Study Committee which had met with Governor West about the drug program.

The governor was known to be concerned about the lack of coordination about drug control and was not able to get seven state agencies concerned in one way or another to agree on which should coordinate it.

Involved were the Department of Corrections, Commission on Alcoholism, Vocational Rehabilitation, Mental Health Commission, State Department of Education, State Board of Health and the State Law Enforcement Division (SLED).

One of the first things McLeese did upon assuming his new role was to confer with heads of these agencies to discuss the direction—or lack of direction—the state was taking.

McLeese says the first year of his office will be mainly spent trying to coordinate the state effort in drug control including contacts with larger metropolitan areas like Greenville, to inform them of state services available and of the necessity to cooperate.

"There has got to be a smooth delivery of funds and services from Washington to Columbia and to Greenvile and other areas," he said.

A person who turns himself in for rehabilitation or vocational training must be able to get smooth handling, McLeese said.

The state plan now being prepared will deal with prevention, education (including mass communications) law enforcement, rehabilitation and overall coordination of administration.

"The purpose of the state plan is to systematically organize ourselves and overcome fragmentation and overlapping services and have a way of knowing where we are going and how we're going to get there and who's going to drive the vehicle," McLeese said.

McLeese, who got a degree in speech and drama at Anderson College prior to studying political science at the University of South Carolina, says he intends to keep his office small.

"I don't intend to build another state agency or bureaucracy," he promises. "We intend to use the in-house expertise of the other seven agencies and merely serve as the administrator and coordinator."

McLeese has asked the Law Enforcement Assistance Program (LEAP) under the Justice Department for an $85,000 grant to run his office, help set up a scholarship program at state universities and to conduct a test program to determine public attitudes toward drugs.

The Graduate program, for which some state funds will be requested will be aimed at getting students involved in the drug program and in using graduate level students to compile much needed research on drugs.

If the mass media program is successful, it will be expanded statewide to correct any misconceptions the public has about drugs.

McLeese considers it "unrealistic" to say drugs can be eliminated but says, "we're trying to look at it from the overall picture, both from the enforcement standpoint and from the prevention and rehabilitation standpoint."

One of the responsibilities given the commissioner was coordination of law enforcement from the local to the state level as far as drug laws are concerned.

The State Law Enforcement Division

(SLED) was assigned the job under the law of enforcing state drug laws, a duty formerly of the state Board of Health.

The Board of Health will retain an inspector to check on drugs at legal outlets such as drug stores, drug warehouses and other legitimate places where drugs are housed.

McLeese said SLED will continue its longstanding policy of cooridnating any moves into a city or county with local authorities.

"The Board of Health was spread out in trying to do enforcement work and trying to check hospitals, which was its primary mission," McLeese said.

Pickens Jaycees Sponsor Drug Education Program

Pickens.—"If drugs are bad for you then why do people take them?" That's a difficult question to answer; but suppose you were a police officer and giving a talk to a group of third graders and a nine year old asked that question.

It has happened more than once to Sgt. Randal Stewart of the Pickens County sheriff's office, who since last fall has been making the rounds at local high schools and elementary schools giving drug talks.

Stewart, who is also head of the Pickens County Drug Abuse Committee, does not claim to be "an expert" on drugs. He has had one correspondence course from the National Law Enforcement Academy on drug abuse. Since 1969 he has been a sheriff's deputy and since the fall he has been asked hundreds of questions about drugs.

Stewart, 30, says that even nine-year-olds show an interest in the drug culture and are quite knowledgeable about drugs. He said that for his experience the adults don't seem to know very much about the drug culture and the types of drugs.

His talks began as a local Jaycee project. During the past three years, the number of drug cases here have increased, making the 13th Judicial Circuit of which Pickens County is part, one of the leading drug abuse areas.

It was this infamous claim that spurred the jaycees here to sponsor a drug abuse education program. As a member of the Jaycees, Stewart found himself lecturing on drugs. He and Sheriff David Stone have appeared before hundreds of church, civic and school groups, showing drug movies, and giving brief talks about drugs.

Stewart says he trys to give only the facts about drug abuse, but this is often difficult because of the questions such as "How does marijuana taste? What is the difference between a yellow jacket pill and a black beauty pill? And why do people even take drugs?"

Stewart said that he believes that drug users begin as curiosity seekers looking for a new experience or they are young people in rebellion or defiance of their parents.

He said that drug cases have been made throughout the county and not just in the college town of Clemson.

The reasons for Stewart's work with drug talks is cited by the Pickens Jaycees as an effort to educate the public about drug abuse and to push for strong drug laws.

It was the Pickens chapter who introduced a measure at the state jaycee meeting to go out into the community and make the public aware of the drug problem and to instruct local chapters on how to pressure for stronger drug-control legislature.

Greenville May Be Becoming Illegal Drug Center

By Aubrey Bowie

Greenville has more than its share of the entire drug bag. Heroin, marijuana, LSD and a virtual rainbow of pills are all circulating widely in the Piedmont's major metropolitan area, and, according to the most informed sources, in increasing quantities.

The actual amount of illegal drug activity in the Greenville area is impossible to measure. Yet, there is enough solid evidence to indicate to law enforcement, the medical profession and other concerned citizens that a serious drug problem does exist locally.

The growing number of arrests involving drugs is one tangible signpost. Records in the circuit solicitor's office show that 135 drug cases were made by county officers last year. Corresponding figures for the City of Greenville alone list 97 persons arrested on 118 drug charges in 1970, as compared to 14 persons on 19 charges in 1968.

Through April of this year city officers already had arrested 47 individuals on 55 drug charges. And since then there have been several massive drug raids to place the number of arrests at mid-year well over 1970's total.

Law enforcement officers point out that the entire range of illegal drugs can be found on the local scene. Detective John Cooper of the City Narcotics Squad said, for example, that, marijuana has found its way into every Greenville high school and in 40 to 50 percent of the junior high schools.

The major concern of law enforcement, however, is over the growing sale and use of heroin. All the local officers involved in narcotics control agree that heroin traffic in the Greenville area is continuing to rise substantially.

They have good reason to be worried. "Crimes of theft increase in relation to the amount of heroin traffic," said Johnny Mack Brown, circuit criminal investigator. The officers view the rising local crime rate, higher last year than any other South Carolina city, as a direct result of the drug problem, especially heroin.

Brown said that heroin has the most direct relation to crime because of the cost involved in using it. A single bag sells in Greenville for $6 with the average addict needing from six to eight bags a day to feed his habit.

County Sheriff J. R. Martin and other officers are forced to admit by the weight of the evidence that Greenville is becoming a major dirtribution center for illegal drugs. Circuit Solicitor Thomas W. Greene is convinced that Greenville's geographical location between Charlotte and Atlanta and a lack of coordination among local narcotics agents are the prime reasons for the increase in Greenville's drug traffic.

Area doctors back up the opinion of law enforcement officials on the scope of the drug problem, and the fact that it has creeped from the black community into all stratas of life. One psychiatrist estimated that at least 150 persons "who have had some experience with heroin" went through medical channels in Greenville last year. He said most of his patients are from middle income families but "some of our worst cases are from high income families".

Dr. John P. Taylor, a leader in the Community Organization for Drug Abuse Control (CODAC), believes that as many as 10 to 15 percent of Greenville's young people—13 to 23 years old—have a serious problem with drugs, other than alcohol.

The young people themselves, interviewed in city parks and in area schools, concede that drugs are "very easy" to obtain. The most frequently mentioned items in a Sunday afternoon discussion of the local drug scene with a group of young people in Cleveland Park were "psychedelics," or hallucinogens, such as mescaline, LSD, psilocybin and marijuana. One girl noted that Greenville is famous for its scag, or heroin.

Heroin, however, apparently is not yet a staple drug of the park people. But neither is its use confined, as in previous years, to blacks. Observations by doctors indicate its spread into upper and middle income levels of the community.

Black leaders point out that while heroin has been the "heavy drug" among their people for years, use now runs the entire drug gamut from heroin to marijuana and pills. By any standard of measurement, the dilemma of what to do about drugs obviously has grown to the proportion of a community-wide problem.

And the community is slowly gearing up to deal with it. There are signs that concern over the problem may be moving from the talk to the action stage. Until recently numerous local efforts to provide treatment and education in the drug field have been disjointed and isolated.

The push by a number of local citizens, working together under CODAC, for a concerted anti-drug front have resulted in legislation to establish a Greenville County Commission for Drug Abuse Control. The commission will serve as a general overseer of drug-related projects with authority to receive and spend funds for a totally coordinated program.

The Greenville Area Mental Health Center has recently initiated a methadone withdrawal program, a first for this area, to aid addicts in ending their dependence on heroin and other narcotics. The program includes a two-week withdrawal eased by oral doses of methadone and supplemented by group therapy sessions. Cost to the individual addict is nominal.

In the area of law enforcement Solicitor Greene is continuing his efforts to establish a countywide narcotics unit, employing the present narcotics agents under one central umbrella. A committee has been set up to study the feasibility of such a unit, which Greene and other officers believe would obtain "phenomenal" additional results in the area of drug law enforcement.

The wheels are beginning to turn. The final result, of course, will have to be measured in terms of total community commitment to effectively crack down on drugs and the underlying social problems that promote their use.

Many doctors and specialists, such as radiologist Robert C. McLane, view drug abuse as a "symptom of a sickness of society." There appears to be opposing reasons which encourage drug use among young people from both high income and low income families.

In one case youngsters are no longer faced with the challenge of overcoming material insecurity. Because they "have it all" they seem to have lost the ability to find pleasure from ordinary experience.

In the other case, especially among many blacks, drugs offer an alternative to material security. For many low income youngsters in Greenville the lack of opportunity to achieve material success is a little easier to take when hidden behind a narcotics-induced fog.

The challenge to the Greenville community is in solving the social problems which produce a drug culture growing from these two extremes. It will not be easily or quickly accomplished because it involves a change of community attitudes, a reordering of priorities.

The hopeful sign, from the viewpoint of the drug-hooked young person is that the community cares enough to make the effort. The significant step is that the problem has been recognized and is being faced realistically.

A Junky Will Steal From Anybody

(By Jack Norris)

At 15 he smoked his first joint of marijuana.

At 17 he began to mainline heroin.

Now at 20 he's trying to shake heroin addiction.

For two weeks now, thanks to involvement in several programs of a rehabilitative nature, the last of which have utilized Methadone, he's been "clean;" not taking either heroin or Methadone.

"If you've got enough willpower and some outside help you can stop it. I'm going to stop it this time or else—!" he said.

He doesn't believe anybody should start taking drugs, but at present he says he doesn't regret his experience because he thinks he's now able to resist the craving, and that he's learned a great deal.

Did he ever start anyone else on the road to heroin addiction?

"Well, yes, I have passed a few bags for free to someone who hadn't used it," he said. "At the time you feel like it's the right thing to do for a friend, and besides they're running around with a crowd that's using it and pretty soon they're going to get some from somebody anyway. But now I wouldn't give some to a person who had never used it. I wouldn't even sell it to them."

He sat in a restaurant booth and talked with this reporter about heroin addiction recently because, he said, he really wants to prevent others from getting hooked.

He didn't answer many questions about those who sell heroin and about how many dealers there are in Greenville but said it's easy to buy it here.

"There are 10 who sell it in one group, but it might not be healthy to talk about things like that. There is a syndicate and the roots of the syndicate aren't here," he said.

He said marijuana, barbiturates, LSD, heroin and other drugs are sold in the Greenville area.

He prefers to use the term "dealer" and not "pusher" in referring to one who sells heroin. Besides, there is a difference and pushers operate only in the big cities, he said.

He said dealers in heroin respond only to the demand for the product, adding that the pusher will give it to a person until he becomes hooked.

"I first started taking it on weekends, then the weekends got longer and began to last through Monday, and pretty soon I was shooting it every day," he said.

He said that it takes a person who is mainlining (injecting a solution of heroin directly into a vein) three to four weeks to learn that he's become addicted and cannot stop taking herion.

He made a distinction between the heroin addict and the junky, explaining that he thinks the junky phase is the final stage of heroin addiction when a person loses all sense of right and wrong.

Admitting that he lost some character along the way, he said he never lost all of his moral sense.

"I became an addict but I never stole from my family or my friends. A junky will steal from anybody," he declared.

Discussing the sensations of heroin-taking, Joe reported that many users say the initial rush of the drug into the brain is the "best" part of taking it.

"It's like something suddenly is spinning you around," he asserted.

He said that some addicts compare the shooting of heroin to the pleasure of sex, but that because, in addition, the heroin user loses all sense of worry and frustration, many prefer heroin to sex.

He said there are a number of levels of being "stoned," and that another desired sensation comes after someone has had an overdose and been roused.

"Right after you're waked up you have a sort of ultimate feeling. You know you're stoned and you may be scared but you never felt better. When I've come out of an overdose somebody could be beating me to death with a baseball bat, but I wouldn't have known or minded it," he said.

He said he has had overdoses of heroin 13 times.

"Anyone who knows anything much about it will be with some other persons when he takes it, and I've seldom been with a group when somebody hadn't taken an overdose," he said.

"But you don't need to have a doctor or anything like that to treat you," he added. "You can press a person on the chest or inject a saline solution into a vein, or give artificial respiration. The thing about heroin is that it relaxes you utterly and completely."

"The heart is a muscle and it's possible but very unlikely that it will get so relaxed that it will just stop.

"Usually it takes a tremendous overdose to kill you. My best friend was killed from an overdose but he committed suicide that way."

He said that after a little experimentation an individual knows how much heroin to take in various circumstances. If you're working you just take a little so you can feel good; but if you've got some time off you can take enough to get stoned and really enjoy it, he said.

He said heroin does not, generally speaking, create mental images, rather depending on its ability to relax the individual utterly and take away all worries and frustrations.

"But as soon as one fix wears off you begin to worry about how and when you're going to get the "next one," he said.

"One psychiatrist told me a theory about how heroin works, that it's the only thing that ever activates a special 'pleasure center,' in the brain. Before you take heroin the 'pleasure center' has been dormant. But once you take it you always keep somewhere back in your mind the recollection of how activating that center makes you feel. Heroin is physically addictive, but more than that it's psychologically addictive," he said.

He belives that methadone given to the addict over a period of two weeks in steadily diminishing quantities can help break the addiction if supportive therapy is also given during the period, and additional therapy is furnished for an extended period, perhaps lasting for as long as two years.

He said that one can get a strong "high" on methadone, but that it is easier to "get off" methadone than heroin.

One essential thing the addict must do if he wants to stop using heroin is to cease association with everyone who is taking the drug or other drugs, he said.

"If you're trying to get off heroin and you continue to go around with junkies you just can't make it," he observed.

Efforts are being made here to operate programs where persons trying to stop taking heroin may get together regularly to help each other in controlling the addiction, he reported.

The program would be somewhat similar to that used by alcoholics (Alcoholics Anonymous) but could scarcely result in integrated groups as the heroin user would tend to "look down upon the alcoholic," he said.

He said he has been "wiped out," from drinking alcoholic beverages several times, but the sensation does not compare with being "stoned," on heroin.

He discussed the belief of many individuals that the use of marijuana may lead to the use of stronger drugs.

"I'm not saying that using marijuana leads to using other drugs," he said. "But the same people who sell it also sell the others. If you legalized marijuana it would take it out of the hands of the black market people. And if young persons could get marijuana without having to associate with these people I doubt that they would get on harder drugs."

After a person smokes marijuana he is frequently offered barbiturates or LSD by the same group who introduced him to marijuana, he added.

"Very few persons remain on LSD alone for long," he said.

The young man who nearly finished high school, and has been working for a company in Greenville almost a year, says it's fortunate that Greenville has programs now which can help the heroin addict who wishes to be able to resist if not cure his craving. But he knows that being "clean" for just two weeks isn't time enough to know if he can make it or not.

He works, hopes, and urges other young persons to never try the most addictive drug in the world.

New Commission To Guide Antidrug Fight

There has been a lot of talk and speculation about the desirability of unifying some of the efforts against drug abuse in Greenville County.

A number of local citizens have been working for more than a year to bring leaders of drug education, rehabilitation, treatment and law enforcement programs together in a coordinated drive.

Soon a brand new government commission will be taking on the tasks of guiding the multi-model efforts.

Appointment of a Greenville County Commission for Drug Abuse Control was authorized last month by the General Assembly.

The act requires the commission to cooperate in implementation of a state plan for control of narcotics and drug abuse in relation to law enforcement, drug education and treatment and rehabilitation of drug dependent persons. The commission also will formulate and administer a narcotic and drug education program for the community and "insure uniformity, reliability and credibility of drug information."

It may acquire land, spend money, cooperate with the Community Organization for Drug Abuse Control (CODAC) and support other drug-related programs other than alcohol programs, to further its purposes.

The nine commissioners, appointed upon recommendation of Greenville city and county councils and CODAC, will serve without compensation but may hire a director and other personnel to carry on full-time activities.

The commission approach was taken after CODAC and other community leaders determined that creation of an officially recognized body would be needed so that public funds could be used to hire personnel and provide programs and facilities.

The relationship between the commission, the director, CODAC and individual drug programs is under discussion.

Meanwhile, the City of Greenville approved use of the building that formerly housed the McBee Avenue branch of the library as the community's first permanent center for drug information, counseling and other activities.

The center will be operated under the auspices of Project Hope, a pioneer drug rehabilitation program in the community, and CODAC. The city allocated $5,000 to improve the building.

A suggestion by Circuit Solicitor Thomas Greene and action by county council have led to creation of a committee to study the feasibility of a countywide narcotics investigation unit. Some observers feel a countywide unit would result in better enforcement of drug laws.

Leaders in the program coordination movement are trying to enlist persons familiar with the drug scene from several vantage points into the process of plotting the community's strategy in combatting drug abuse.

Schools Stress Drug Education

(By Dr. J. F. Hall)

The School District of Greenville County has a definite commitment to the health education of the youth of our district and, recognizing the necessity of a well-planned prevention program in the area of drug abuse, has dedicated itself to developing and implementing an effective approach to drug education throughout the Greenville County schools.

When one seeks to examine the problem of drug abuse among school youth, he finds very little empirical data available. A major survey conducted in 1969 by Walter T. Kimes of the South Carolina Commission on Alcoholism indicated that drug abuse among Greenville senior high youth at that time was not yet a serious problem. Since that time the drug abuse picture in the total community has reflected an increase in the number of arrests related to drug violations and an increase in the number of persons seeking treatment for drug abuse problems. It is logical that overall community trends would be reflected in the student community. Parents, students and teachers voiced this concern and stated a need for drug education emphasizing prevention.

The school district responded to this community concern and in September 1970 initiated planning for a comprehensive drug education program. The district chose to take a "methodical approach" to drug abuse education, emphasizing integration of drug education into the existing curriculum rather than a "crash program." The Drug Education Steering Committee, representing all areas of instruction and including students, was appointed and given release time, to participate in a one-week drug education workshop sponsored by the State Department of Education.

The committee developed a seven session seminar project, funded by the board of trustees and the Appalachian Planning Commission, to train a drug education team in each of the secondary schools. These teams were charged with developing and implementing local school efforts. The school district also collaborated with Liberty Corporation in sponsoring a pilot program to evaluate the effectiveness of the Lockhead Drug Decision Program. The Drug Education Steering Committee has also worked closely with the Community Organization for Drug Abuse Control (CODAC). Many experts were consulted throughout the year as the district developed its drug education program.

In the fall a pilot program emphasizing small group techniques will be introduced in two schools. There will also be other experimental programs. The peer group and the family unit will be extremely important in our drug education efforts for the coming year.

We are vitally concerned with the welfare of the young people of our county and nation and hope that we can join with parents and other citizens in successfully dealing with these serious problems.

Representative Theodore Says: Lack of Knowledge Is Part of Drug Problem

(By Douglas Mauldin)

COLUMBIA.—Rep. Nick A. Theodore of Greenville says serving on the state Legislative Drug Study Committee has been "mind expanding" and left him with an acute awareness of the state's needs in this area.

"I can truthfully say that this has caused more thought and even anxiety than I would have ever anticipated," the committee vice-chairman said.

"During the sessions and even now," he said, "I can appreciate the problems which exist and confront the public today.

"In some instances where I have known the individuals who were arrested for violating drug laws, naturally my anxieties have become even more acute.

"I'd have to say that my experiences on the drug committee have been mind expanding, a result of a great deal of reflection about South Carolina and its people."

The Greenville insurance executive and veteran of many legislative study committees said serving on the drug group "would have to be the most revealing and enlightening experience I've ever had in my legislative career."

"From the time we began some 10 months ago, my impressions about the drug and narcotics problem in South Carolina have been greatly revised," Theodore said.

"Initially all of the substances in my mind were lumped together into one bag as actually our state law at the time also treated control of these substances.

"However, now that we have met over 40 times, I find that there are degrees of drugs and narcotics, and as the strength of the substance increases, so should the penalty and the treatment."

Theodore considers it "fortunate" that the new law passed at the behest of the committee assigns various drugs and narcotics to schedules.

"I truthfully feel that we can say now that the penalty fits the crime," the lawmaker said.

Theodore said the nine committee members all agreed that the drug pusher should have more severe penalties than the users "who in many cases are found to be a pawn in the hands of a mercenary individual."

Theodore feels that part of the problem in today's society is a lack of public knowledge and understanding of the drug threat.

A father himself with small children, Theodore observes, "it's difficult for parents and adults to advise young people about drugs when in many instances the younger citizen might have a greater in-depth knowledge of the problem."

Service on the committee, Theodore said, made him realize that South Carolina, like other states, does not have facilities to assist people with real drug hangups.

For that reason, he said, he feels it a challenge not only to the committee but to the legislature and to the public to provide avenues of assistance and rehabilitation to those genuinely needing it.

"We have to look at drug abuse intelligently and objectively," Theodore observes. "While I feel like certain individuals can be helped, the scope of correcting the problem is a multi-pronged attack.

"We need detoxification centers, resident houses where individuals can receive therapy in order to develop a new life style and centers where heroin addicts can kick their habits.

"In my judgment, we're behind the problem. However, I feel like now that we've written a new code for drugs and narcotics we can as a state proceed to educate people in hopes that the ounce of prevention will be enough to head off the pound of cure.

Theodore said the state is trying to improve the social climate and economic conditions so that people will not be dependent on drugs or other artificial aids to help them meet life head-on.

"We will always have problems and the individual will be compelled to encounter them day-by-day," Theodore said.

"Our most important task is to educate our people that the problem must be met without assistance from a false escape."

Mayor Heller Says Drugs Eating Away at Fiber of Nation

Greenville Mayor Max Heller has called for a total effort on the part of all citizens to combat the "tragic magic" of drugs.

"We must face this tragedy squarely," he said, "we cannot do it by wishful thinking."

Mayor Heller said drug abuse is "eating away at the very fiber of our nation."

"The problem," he asserted, "will not go away by itself. It will take more than a mayor and council. It will take more than a police department. It will take every man and woman, every church and synagogue, every civic organization, every teacher, every pupil, every school, every parent and every child.

"It will take us, every single one of us, to rid ourselves of the self-destruction of our young and old."

Laurens County Moves to Combat Problem

(By Margaret Williams)

LAURENS.—Most law enforcement officers, school officials, physicians and others concerned with the problem of drug abuse are in agreement that it does not exist in Laurens County to the extent that it does in more metropolitan areas of the state.

According to reliable sources, drugs can be obtained in Laurens County "with very little effort" by users. There have been no reported deaths from an overdose of drugs.

The police chiefs of Laurens and Clinton say there have been instances of violations of the state drug laws, but not to the extent that it is of major concern.

Chief B. B. Ballard of Clinton does not believe that the "soft" approach some groups are advocating for drug control is the answer to the problem, and he does not favor revising the drug laws.

When asked to what extent drug problems exist on the Presbyterian College campus, Ballard said, "There is drug use among the students. We have had some drug cases that have come from the college."

Chief Ballard said it would be hard to predict if the drug problem at colleges and universities has reached its peak. "This remains to be seen," he said.

Drug abuse has not been a "big problem" for Laurens police, Chief J. W. Power said. The city has made several cases against violators of the drug laws, the chief added, but drug abuse is not extensive in Laurens.

Chief Power thinks drug abuse will increase and that law enforcement officers must be trained to deal with drug users. The chief sees to it that the men on his force attend programs and take specialized courses that will better equip them to deal with the problem.

Sheriff R. Eugene Johnson said he considers drug abuse the number one problem facing law enforcement officers today. "Pushers of hard narcotics have been apprehended in Laurens County," he said. Drug abuse and crimes committed in conjunction with drug use are on the increase and are adding to the dilemma of law enforcement officers in their approach to drug control, he said. According to Sheriff Johnson, county officers are learning as much about drug abuse as fast as they can, and hope to keep drug traffic at a minimum in Laurens County.

An organized effort in the county to solve the drug problem through education has been undertaken by Carolina Educational Services, Incorporated, in Laurens. Gene Wilson, president, says, "Education is the answer, for it makes sense to eliminate the problem before it exists."

Most of the churches in Laurens County are involved individually in some type of educational or counseling programs concerning drugs. At the present the only available services for assistance to drug users is the family doctor, ministers, or the county health department.

Johnny Cash Talks About Drug Addiction

A poem written by singer Johnny Cash while he was struggling to overcome his addiction to drugs is published in the August issue of Redbook magazine.

Describing how it felt to be on drugs, Cash said, "There are all those beautiful visions, all right, and those realizations and feelings of love and awareness. But when you come down off it, you pass that line from ecstasy to horror.

"You go down the other side of that whole thing, and the going down ain't worth the coming up. Here's something. I wrote this poem when I was quitting that says the way I felt about it:

"Are there ruined regions of the mind
Where reasons didn't reach to draw the line.
Where the brain was pounded by some drug
And gave in a till a hole was finally dug?
And who can know what part is the hole
And who can say what it does to the soul?"

Cash said he still worries that he might have damaged his brain with pills and that he still has nightmares about them. "Even after three years off drugs, at least once a week I'll have a horrible nightmare . . . Kids say that drugs turn them on to love, but I'll tell you, there's no such thing as love when you're on drugs."

PHARMACIST SAYS DRUG FAD FADING, BUT MANY ADDICTS LEFT IN ITS WAKE

(By Stan Shealy)

GREENWOOD.—Pharmacists have the responsibility of knowing and keeping the public informed about the dangers of drug abuse, says John Hughes, chief pharmacist of Self Memorial Hospital.

But he believes "pharmacists in the state are not nearly doing the job."

Hughes says ministers can talk about it from the moral standpoint, and law enforcement officers can talk from the legal standpoint. But the pharmacist is the expert when it comes to drugs, and he is the one who should have the facts and present them to the public, Hughes says.

Hughes is a recent graduate of the University of South Carolina School of Pharmacy. During his senior year, his class of over 50 students made talks across the state about drug abuse.

They went out in groups of three. "We didn't try to scare people. We just gave them the facts," Hughes said. The groups made over 100 talks to students from the first grade, to high school, to college, and also to church groups, youth groups, PTA's and others.

Their message to children was simple—don't take drugs. Don't accept anything from strangers.

To the high school and college audiences the message was more complicated—explaining the types of drugs and their effects. They injected rats to illustrate the point. Most of the audiences were receptive to the information, Hughes said.

A question and answer period was conducted after the presentations. In the high schools, the questions were most pointed—questions such as "how can you tell us marijuana will hurt us if you've never tried it?"

Hughes explained that marijuana contains a chemical which remains in the body for eight days. "We don't know what it can do. We do know that the body has reverse tolerance to it. It takes less to get you high the more you smoke it."

Hughes says he won't moralize about drugs. "If we want to inform the people about drugs, we've get to talk facts. The 'now generation' won't listen to a bunch of bull. If you don't talk facts, they don't listen."

Although there is no way to measure how much good the talks did, Hughes feels that the public should be informed. He has been in Greenwood for only a month, but he says when he is more settled here, he plans to continue his talks on drug abuse, to any group wanting to hear it.

Hughes says that Greenwood is in "a precarious position" in the middle of drug abuse populous areas. It is only two and a half hours from Atlanta, which Hughes says is the center of drug traffic. It is only 50 minutes from Greenville, where drug traffic is increasing, and only an hour and twenty minutes from Columbia.

Hughes feels that the drug "fad is fading," that much of the glamour of taking drugs is gone. "But it has left behind thousands and thousands of addicts. And it's not only teenagers," Hughes said. Tranquilizers and pep pills are also being abused by the housewife and the businessman, he added.

"The first thing we've got to realize is that we've got a drug problem in South Carolina. It's not just something we read about. And I strongly feel that the pharmacist has a responsibility to go to the citizen and inform him. He should find out what the citizen wants to know and give him the facts."

Hughes said ignorance of drugs increases the danger. And he said the most dangerous thing is that youngsters who get illegal drugs have no idea what they're purchasing and taking.

NEW SOUTH CAROLINA DRUG LAW: PUSHERS FACE STIFFER PENALTIES

(By Douglas Mauldin)

COLUMBIA.—Anyone running afoul of South Carolina's new drug and narcotics control laws will find that the rules of the ball game have changed.

Generally the penalties for first time users and possessors of drugs and narcotics have been softened in an attempt to salvage the young from lives of continued use and possibly more serious criminal pursuits.

At the same time, the professional traffickers who sell drugs and narcotics for the pure profit in it will find themselves facing stiffer fines and longer jail terms.

Violations of the old drugs laws, which have been replaced by the new, were regarded as misdemeanors and there was a patchwork of punishments provided.

But under the new law, certain of the drug offenses have been classified as felonies, a more serious type of crime with accompanying severe sentences and in many cases no chance for suspension of sentences or for probationary terms by sympathetic judges.

Now the first-time marijuana offender may find that instead of going to jail or paying a fine as in the past, he may get the opportunity to redeem himself without being saddled with a criminal record for the rest of his life.

A first offense conviction of selling narcotics, LSD or heroin, however could mean a sentence of up to 15 years or a $25,000 fine or both in the judge's discretion.

The new act is intended, its framers say, to place South Carolina in a better position to combat drug abuse, a growing problem.

The act provides stiffened penalties for drug traffickers whose primary motivation is to make money while applying lesser penalties to offenders who are primarily users but not sellers.

The act classifies all narcotics and other types of drugs of abuse into five schedules, organizing according to the potential seriousness of abuse. Penalties for trafficking are graduated according to the classification of the drug involved.

The new act, recommended by a legislative study committee, was designed to complement a new federal act to provide an interlocking framework of federal and state laws which will permit more effective control of drug abuse problems.

The tougher penalties under the new law are for making, distributing, dispensing or possession with intent to distribute, dispense or make controlled substances. They now come under the heading of felonies.

A first offense involving narcotics or LSD can bring a defendant up to 15 years in jail or a $25,000 fine or both.

A second time loser faces not less than 5 years nor more than 30 years in jail or $50,000, or both. There could be no suspension of the sentence nor probated sentence.

For a third offense the violator could get from 15 to 30 years and-or a $50,000 fine without suspension or probation allowed.

Sale or distribution of narcotics or LSD to persons under 18 are felonies punishable by up to 20 years in jail and-or up to $30,000 fines. No suspension or probation is provided.

Selling or distributing other drugs to minors under 18 is classified now as a misdemeanor subject to prison terms of up to ten years and-or fines up to $10,000.

Jail terms range from five to 20 years and fines from $5,000 to $20,000 for possession, manufacture or dispensing of opiate type drugs which go from a misdemeanor for first offenses to felonies for second and subsequent offenses without benefit of suspension of the sentence of probation.

Simple possession of narcotics or LSD for one's own use calls for a first offense penalty of up to two years and-or a $5,000 fine. A second offense becomes a penalty punishable by three years or up to $5,000 or both while subsequent violations can bring up to four years and-or $10,000 fines.

Simple possession of other drugs for one's own use becomes a misdemeanor with prison time ranging from six months to a year and fines from $1,000 to $2,000, or both.

Possession of small quantities of marijuana or hashish are regarded by the new law as misdemeanors. A first offense penalty is up to three months or $100 or both, subsequent offenses go from up to six months or $200 or both.

One catch, however is that possession of more than one ounce of marijuana, usually smoked as cigarettes, or ten grams of hashish can bring sentences of up to five years.

Probation granted by the court to seek treatment and rehabilitation is possible for first time offenders of drug laws involving marijuana, stimulant, depressant or hallucinogenic drugs.

Another feature of the new law provides immunity from criminal prosecution for anyone addicted to or dependent upon narcotics or dangerous drugs as they seek advice for their problem.

Such persons would be free to seek treatment and rehabilitation from medical sources, hospitals, college or university counselors or guidance counselors in public schools without fear of arrest or of being reported to law enforcement authorities for prosecution as a drug law violator.

The new law also takes steps to close the sources of legal drugs destined for illegal use by clamping tighter restrictions on inspections of inventories of wholesale and retail drug outlets and such other sources as hospitals, doctor's offices and nursing homes where drugs are commonly stored.

HEROIN SUPPLY PLENTIFUL

WASHINGTON.—Despite recent large seizures here and abroad, the supply of heroin is still plentiful and prices have not changed appreciably, says the United States' top narcotics law enforcer.

John E. Ingersoll, director of the Bureau of Narcotics and Dangerous Drugs, said most of the heroin entering the country is processed in France from Turkish opium, but an increasing amount is coming from Southeast Asia.

CLEAR CUTTING IN NATIONAL FORESTS OF WYOMING

Mr. McGEE. Mr. President, for several years I have pressed for the appointment of a blue-ribbon commission to study clear cutting in the national forests of Wyoming. As my colleagues know, I have more recently become concerned with the entire scope of clear cutting—that is, the removal of substantially if not all of the trees in a given area—in all of our great national forests. The practice is one which needs more concentrated study. This fact, I believe, is borne out by a recently published study instituted by the Forest Service on four of the high mountain national forests of my State.

Repeatedly throughout this study, Mr. President, the special Wyoming Forest Study Team comments on the need for more information on which to base future value judgments. This is true, not only in the case of these four forests, but of all our public forest lands.

My bill (S. 1592) would authorize such a study by a special interdisciplinary commission equipped to get the data needed and make the judgments necessary. For now, however, I consider the Wyoming Forest Study Team's report, "Forest Management in Wyoming," to be an effective report, bearing some valid recommendations which should be acted upon, and soon.

I ask unanimous consent that the report of the Wyoming Forest Study Team be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

Forest Management in Wyoming

TIMBER HARVEST AND THE ENVIRONMENT ON THE TETON, BRIDGER, SHOSHONE, AND BIGHORN NATIONAL FORESTS

WYOMING FOREST STUDY TEAM

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R. Burton Litton, Jr. Landscape Architect, Pacific Southwest Forest and Range Experiment Station; Professor of Landscape Architecture, University of California, Berkeley, California

L. Jack Lyon, Wildlife Research Biologist, Intermountain Forest and Range Experiment Station, Ogden, Utah; stationed at Missoula, Montana

Paul E. Packer. Principal Forest Hydrologist, Intermountain Forest and Range Experiment Station, Ogden, Utah; stationed at Logan, Utah

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(Note.—Figures referred to are not printed in the Record.)

INTRODUCTION

In recent years, forest management practices, notably clearcutting, on four National Forests in Wyoming, have been a focus for controversy. Strong criticism has been heard in letters, news articles, and public statements. The issues are important for the owners of these lands—the American people—and for the Forest Service—the agency assigned to protect and manage them in the public interest.

In response to public concern, the Regional Foresters of Regions 2 and 4, who administer these four Wyoming Forests, appointed a team to analyze the various problems. We, the study team, all scientists or resource managers, are members of the Forest Service, but not directly responsible for on-the-ground management. Our charge was to review timber management practices on the Bighorn and Shoshone National Forests of Region 2, with headquarters in Denver, and on the Teton and Bridger National Forests of Region 4, with headquarters in Ogden. Our instructions were (1) to explore fully the concerns and apprehensions of individuals and organizations in Wyoming, (2) to conduct the study in accordance with section 102 of the National Environmental Policy Act of 1969 (Public Law 91–190, January 1, 1970), and (3) to report our findings candidly—to "tell it like it is"—and recommend any needed changes in management practices.

In making our analysis, we relied on two principal sources of information. One was a combination of the field examination, review of pertinent plans and policies, and gathering of statements from employees at Regional, Forest, and Ranger District levels. The other was verbal and written communication with individuals who spoke as representatives of a wide variety of organizations, companies, and local governments, and who also expressed their own strictly personal viewpoints. We also employed Mr. Arthur L. Roe, Consulting Forester and a member of the Forestry School Staff, University of Montana, to make an independent evaluation of silvicultural practices.

We made air and ground observations of timber management practices on all four Forests during July 1970, accompanied by Forest Service personnel. As a group, we spent about 2 hours air time and 2 or 3 days field travel on each Forest; some individual followup visits were also made.

Most of the Forest Service employees we talked to expressed strong attachment to the land and a personal and professional pride in striving toward excellence in stewardship. We encountered no attempt to disguise the existence or magnitude of land management errors. Our discussions and the written statements we received expressing individual points of view provided a broad and relatively unguarded critique of Forest Service management practices. Many of the criticisms in this report and the suggestions for needed changes came from Forest employees.

These first contacts with people—Forest Service people—gave us considerable insight into the depth of concern by individuals. Even so, we were not quite prepared for what developed during the next 2 months as we followed through in our contacts with people outside the Forest Service.

Our visits developed in a free and unstructured style. Outfitters, guides, doctors, lawyers, businessmen, politicians, home builders, artists, dude ranchers, government officials, retirees, newsmen, loggers, hunters, foresters, and a generous assortment of others gave their time and attention, and often their hospitality, to a study team with a seemingly impossible task. Opinions, facts, recommendations, and condemnations flowed from individuals and groups in great variety—motivated by a variety of concerns, emotions, and prejudices, including the prevailing mood of the nation to exercise the right to question. If all this could be put to music, there might be a horrendous discord, except for one common chord—the resolve to assure proper management of forest land resources.

This land of Wyoming is home to a hardy stock. Residents seemingly thrive on bucking the elements and on the physical exhaustion of back-country exploration. In communities throughout the study area sometimes hundreds of miles apart, but apparently still welded by the pioneer spirit, people spoke freely and repeatedly of their feeling for the land—"this is my country."

The concerned individuals were not always those of the "old guard." Young men and women—some in the early years of their careers, some just beyond apprenticeship in family enterprises, some still doing college and graduate work—vigorously participated in dialogues with us.

Opinions varied widely, even in groups representing a single organization. Although these opinions were frustrating to analyze, our encounters with people were refreshing. We were impressed by the independence we recognized in so many individuals.

This grassroots approach to problem examination gave us a sense of personal involvement. Corresponding with interested persons was the springboard to our learning the magnitude and depth of concerns. The written statements we received were accompanied by requests for person-to-person discussions. We visited with a kindly gentleman in a church, with a smartly dressed lady in a dingy hotel meeting room, with a mayor in the town hall, with a convalescent in a hospital solarium. We talked with dude ranchers out on the ranch, with conservation groups at "downtown" meetings, with timber industry men in the woods or at the plant site, with homeowners at their summer home sites, and with both appointed and elected officials at their offices or wherever we found them. Occasionally, these concerned people took us to see examples of the timber harvesting activities that had aroused their concern.

Not all the opinions expressed were in opposition to Forest Service timber management practices. Some fully supported past and recent management actions and current plans. Not all opposition protested the same forest management activities—some opposed clearcutting and roadbuilding, some opposed roadbuilding but not clearcutting, and some recommended intensive timber production on designated areas only. And not all expressions of discontent were related to Wyoming timber management—other National Forests, summer home permits, grazing management, recreation facilities, and wilderness management all came in for some comment. This wide range of interests and concerns we saw as part of an overriding issue—the people want the Forest Service to be sensitive to their needs, to their interests, and to their desire to participate in decisionmaking.

The views we heard were essential in giving us the necessary perspective on timber management practices on the four Forests. The impressions and testimony we gathered are synthesized to the best of our ability in the pages of this report. We recognize that the Forests have a wealth of resources important to people in Wyoming and elsewhere, in both consumptive and nonconsumptive values. There is little doubt that we have not explored all the ramifications of the problem of using these resources wisely. Knowledge and understanding of social, cultural, economic, and environmental forces are basic to achieving long-term multiple use benefits. Admittedly there are limits to our capabilities. We have not undertaken to evaluate the broad social and economic aspects of the National Forest System programs in Wyoming. We hope, nevertheless, to have clarified, within the scope of our combined competence, some specific problems of management. Thus we have taken a few steps toward the vital communication that is so necessary between a public agency and the people it serves.

Part I: People Are Concerned About Forest Values

Our investigation of forest management in Wyoming confirms that a confrontation has developed between residents of the State and the Federal agency charged with protecting the public interest in National Forest lands. In essence, the criticism we heard is that the Forest Service has given priority to timber production, whereas it should have given priority to watershed, wildlife, recreation, and scenic values; that is, to preserving the quality of the environment. This criticism is implicit in a variety of specific protests against Forest Service activities, such as clearcutting, road construction, handling of logging residues, and efforts at regeneration of harvested areas. Public confidence in the ability of the Forest Service to manage the Forests has suffered. The Service is accused of lack of knowledge, lack of understanding, and lack of response to the wishes of the people of Wyoming and of the Nation.

These accusations pose important questions: Has there been or is there likely to be permanent or avoidable temporary damage to a resource? Can the Forest Service involve people by informing them and using their abilities and thus increase public confidence? The solutions for these problems are not simple and cannot be stated briefly. An overview of the problems and certain broad recommendations are presented now, however, as a foundation for the discussions and more specific recommendations in Parts II and III.

HISTORICAL BACKGROUND

Dissatisfaction with Forest management in Wyoming is of recent origin. Until the late 1950's and early 1960's there was little timber management in the State. Forest Service management, beginning in the early 1900's, started with a fire protection program. Until the 1950's, timber cutting was chiefly for railroad crossties, sporadically harvested from many of the more accessible stands of lodgepole pine (the local term is "tie-hacking"). Small volumes of timber were also cut for lumber, posts, and poles. These were mostly "highgrading" operations using horses and small machines and removing only the bigger and better trees. Also, starting in the 1930's and continuing until the mid-1960's, insect control programs were carried out. Generally these were regarded as holding actions: their purpose—to protect timber values until market demands would permit harvesting and subsequent establishment of new stands of trees. These activities apparently had general public support; at least, they did not provoke criticism from noncommercial user groups.

By the late 1950's, new developments in harvesting and milling technology, together with increased demands for lumber supplies, altered the economic picture for lodgepole pine timber from these Forests. National Forest manager saw the opportunity to convert old deteriorating forests to young vigorous ones. Conversion would prevent further losses to insects and disease and at the same time contribute to the public welfare by creating new jobs and by helping to supply lumber needed for accelerated housing construction. Most people welcomed the changed social and economic outlook as an improvement. On this positive basis, the lumber industry, encouraged by the Forest Service, quickly built timber processing plants at key locations adjacent to these National Forests. Shortly thereafter, hundreds of acres of lodgepole pine and some spruce forests were being clearcut in large units, mills were operating at full capacity, and plans were being made to expand timber harvesting to the sustained yield levels indicated by timber inventory information.

By about 1965, the apparently unforeseen visual impacts of clearcut timber harvesting reached the public. The result was organized opposition. The belief became widespread that continued harvesting of timber in the high altitude forests of Wyoming would have serious adverse effects on soil, water, fish and wildlife, and landscape values. This belief took on special currency with the rapidly increasing public attention to environmental quality during the late 1960's.

Northern Wyoming is singularly blessed with magnificent landscapes and rich resources of water and wildlife; many residents consider these the essentials of a quality environment. For some, even minor change is degradation, and timber harvest produces more than minor changes.

In the view of many people in Wyoming, timber harvesting as practiced on the four Forests represents overemphasis on timber production goals at the expense of other resource values. We were told repeatedly that the wildlife and scenic resources of northern Wyoming are nationally significant, whereas the timber resource is only locally important.

THE DIRECTION OF CURRENT FOREST MANAGEMENT

Much of the criticism we heard was directed to specific logging practices. Nevertheless, it was evident that even if timber harvesting were done in the best possible way there would still be some public opposition to any timber harvest on these four Wyoming Forests. Opinions were confusingly contradictory. We were told that Forest Service timber sale programs respond to industry demands and mill capacities without regard to sustained yield, and conversely, that vast tracts of valuable timber are being wasted in locations where the Forest Service has restricted harvest to avoid conflicts with other resource uses. We heard that continuation of present cutting would cause a loss of tax base and jobs when the timber was gone. Then we heard that any cutback in sales volume would be a waste of valuable resources and cause reduced tax base and jobs. We were told that the Organic Act of 1897 and the Multiple Use Sustained Yield Act of 1960[1] require the Forest Service to authorize timber harvest on Forest lands; we heard also that timber havest in Wyoming is economically unsound regardless of its effect on other resource values. Attitudes crystallized into three main positions: (1) that Wyoming timber is already over-harvested, (2) that overreaction to criticism is causing underharvest, with serious economic effects and (3) that there should be no timber harvest in the Wyoming National Forests.

We believe that public concern about overharvest is an understandable reaction to visible evidence on the ground. The appearance of overharvest in many places is created by timber management practices that were uncoordinated or in conflict with the protection of other resource values, as we will illustrate in later sections of this report. We found much evidence of good management, but we also found indications of serious shortcomings. There was some evident damage to wildlife habitat and to soil stability. More frequently, a potential for such damage was clear, although no evidence of damage could be found. Damage to the scenic quality of the landscape, however, was unmistakable.

Four examples, one on each of the four Forests (figs. 1–4), are representative of what we found. The conflict between timber and other values is evident. These operations, carried out some years ago, have been roundly criticized, not only by the public but also by members of the timber industry and the Forest Service. Careless harvesting and incomplete rehabilitation have created the impression that only timber values were considered. We believe that there have been inadequacies in planning, in execution, and in evaluation of management actions on all four of the Wyoming Forests, and that the evidence justifies concern for the future. The results of present actions will not be clear for some years, and it is important that past errors should not be repeated.

The possibility of overreaction leading to underharvest is hard to evaluate. Undoubtedly, current multiple use planning is more comprehensive than past planning has been. As it brings greater concern for quality in land management, it will also make future timber sales more expensive. Whether added costs will bring about a reduction in the amount of wood harvested is not yet clear.

Finally, we believe that prohibition of timber harvest, although worthy of consideration, is neither necessary nor desirable. Each of the Forests has allowed logging in areas that would have been better left uncut; each has allowed some cutting with apparent disregard for other values and other resources; and each has experienced some regeneration failure. Nevertheless, each Forest has areas of timber production potential where management for wood production is proper. Moreover, even where the timber production potential is low, cutting can be a useful land management option. Timber harvesting cannot be done invisibly, but it need not be a desecration. Generally, harvesting can be done without impairing other values if management practices are appropriate. It can enhance other values. Timber harvest, including clearcutting, can be successfully used to improve wildlife habitat and water yield. Forests can be managed for environmental quality as well as for wood products.

THE SOURCES OF MANAGEMENT DEFICIENCIES

When citizens criticize the actions of public agencies, there is always a tendency to blame the administrators. Seldom, however, is this simplistic approach justified. We have no wish to gloss over or excuse management errors. Neverthless, we must point out that many of these resulted from conditions outside the control of the Regional Foresters and personnel of the individual Forests, or from policies believed to be in accord with public opinion at the time. Lack of information from research and lack of manpower for fact gathering and sale administration on the Forests were also contributing factors.

A primary target of protest, the apparent overharvest of timber, was partly a response to Federal law and USDA regulations that the Forest Service harvest timber to satisfy an obvious public need. It is apparent now that the estimates of allowable cut were partly based on over-optimistic assumptions as to the amount of growth on forested lands that was suitable, available, and economically feasible to harvest. Since much of the forested land in certain parts of Wyoming is unloggable under present technology, the cut was concentrated in the area that could be logged.

Concurrently, the use of timber cutting as a means of control of bark beetle infestation led to logging where no logging should have been done. The experience of the past 10 years has demonstrated that this logging was largely a vain effort but at one time it appeared to be a logical extension of Forest Service policies aimed at forest protection.

The frequent failure to apply the principles of landscape design in layout of cuttings is criticized in this report. Only a few training opportunities in landscape architecture related to forestry programs are now available, however. Although the Forest Service employs more landscape architects than any other Federal agency, none of these four Forests have them. The Forests cannot make completely effective use of the landscape architects in the Regional Offices because of distance and scheduling difficulties.

The most apparent cause of the management weaknesses we observed was the lack of adequate multiple use planning. Commonly this deficiency stemmed from the lack of basic inventory information about the land and about people's needs. Good multiple use plans can be prepared only when sound resource and ecological data, and reliable information about social, economic, and environmental values and needs are available.

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[1] The Multiple Use—Sustained Yield Act of 1960 (16 U.S.C. 528–531) provides that decisions be made ". . . with consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output." (Section 4(a)). It defines sustained yield as ". . . the achievement and maintenance in perpetuity of a high-level annual or regular periodic output of the various renewable resources of the national forests without impairment of the productivity of the land." (Section 4(b)).

Counsel from the public and interested organizations is an essential part of this information. Only on this basis can management objectives be properly established and coordinating decisions made in each facet of the management program.

Inadequate planning has sometimes been accompanied by inattention to existing guidelines for execution of management programs. Guidelines have been neglected in such matters as closure of temporary roads, treatment of logging residue, and efforts at insuring regeneration in cutover areas. We found frequently that problems could have been avoided had the man on the ground simply done "what ought to be done."

A search for the deeper cause of this kind of neglect brings us to the problem of staffing and financing. "We don't have enough well-trained people or enough money to do a quality job of timber management" was, in essence, the message we heard from on-the-ground Forest Service people. The basis for this contention was convincingly demonstrated. Job-load calculations on time requirements and judgments of level of competency needed to perform quality work have missed the mark. We learned that employees with inadequate training and experience in silviculture and multiple use coordination were making the field decisions on sale layouts and harvesting practices because Forest Service officers who have the proper background are burdened with too many other essential duties to give detailed attention to this work. In sale administration, we were told, and our observation confirmed, that competent people were overburdened with work, or inadequately prepared employees were doing this important job. Finally, we found that none of the Forests had an employee trained in landscape architecture, and that all were short handed in such important disciplines as wildlife biology, soils, and hydrology.

The staffing problem and the associated problem of frequent transfer of personnel on the Forests have led to another important weakness in management. Evaluation of past actions has been insufficient to detect errors, correct them promptly, and avoid their repetition. A man who has his hands full with future assignments is not likely to look closely at past actions. It is clear, however, that there has been a general failure to provide for the necessary time to look at what has been done and at the results after some years have passed. Especially in the area of regeneration was this deficiency noticeable: evaluation of past failures with natural regeneration would have led to planting in many areas that are still bare, and similar evaluations of plantings would also have been helpful.

Among the probable causes of management deficiencies we must also include timber sale policies and contract requirements that have led to harvest without adequate provision for land restoration and regeneration. We have made no specific evaluation of these except as they relate to forest practices discussed later in the report. It is clear, however, that land restoration and regeneration costs were sometimes not covered by the value of the timber sold.

THE FUTURE COURSE OF FOREST STEWARDSHIP

Obviously, some uncertainty exists in the public mind as to the future of the Forests. We must say, however, that to a large extent, management weaknesses are already recognized by the Forest Service and measures are being taken to correct them. This report evaluates these actions and suggests ways in which they should be speeded up and reinforced.

The two Regional Foresters have provided Multiple Use Management Guides. Within these frameworks, each of the four Forests has progressed in multiple use planning during the past decade. But, the rate of progress varies and no Forest has attained the refinement needed to assure that all values and needs are adequately reflected and properly blended.

The Forests are obviously responding to the need for improvement. But the lack of adequate staffing is a stumbling block in their efforts to accomplish the complex job of planning while carrying out current administrative and protective duties. We concluded that there is urgent necessity to refine, revise, and update existing multiple use plans. The effort to do this within the present organization and staffing framework cannot succeed without additional financing or some reduction in existing programs. Time and capability to evaluate and analyze forest management alternatives are simply not available.

The Forest Service must strive to increase public confidence and trust. This will not be achieved by rhetoric, but will require repeated demonstration that declarations for quality in management are actually appearing as physical accomplishment on the ground. Results of effective multiple use planning are beginning to show on the land in some places. The Forest Service should not expect, however, that confidence and trust will be strengthened quickly. Neither should the public expect that new management direction will appear instantly and completely in all activities. It is imperative, however, that open communication be maintained between the Forest Service and the public and that statements and actions of every Forest Service employee meet the highest standards of professional competence.

BASIC RECOMMENDATIONS

As a result of our investigations, we present the following broad recommendations for future action. In later sections, more specific recommendations are found following discussion of management practices.

The importance of wildlife, recreation, and scenic quality as key values should be recognized in every management decision on the National Forests of Wyoming.

Multiple use planning should be a team effort, using inputs from Forest Service specialists in all appropriate areas of knowledge, and from interested citizens and organizations as well. Therefore:

Plans reflecting these inputs should be clearly stated and announced to the public in an understandable form.

Agreed-upon plans should be fully implemented in a manner clearly evident to the public.

The effectiveness of planning should be periodically evaluated and the results reported to the public.

Needs for adequate staffing for the development, implementation, and evaluation of plans should be explicitly stated in Forest Service budget requests.

Every member of the Forest Service should be committed to the principles of high-quality multiple use management and to the urgent necessity for putting these principles into practice.

PART II: PEOPLE ARE CONCERNED ABOUT THE EFFECTS OF TIMBER HARVEST

In Part I, we have outlined the primary concerns of this report. In Part II we explore the problems more fully and specifically. Clear-cutting requires road construction, produces logging residue, and must be followed by regeneration. Although they are closely linked, the particular problems associated with these practices are conveniently discussed separately.

Our aim in this discussion is not to place blame for the mistakes of the past but to learn from them. This report would have little value, however, if specific illustrations were not given. Many of the examples cited here are negative, because these make their point most clearly and dramatically. Yet it would be inaccurate and an injustice to much excellent management on the Forests to report only negative observations. We found harvests that were made carefully and respected the surroundings and forest values other than timber. We found roads well designed and well related to desirable access for generalized use. We found logging areas that showed evidence of high-level cleanup of wood residues. We found cuttings on which regeneration has been good and forest cover is being returned. In short, we found a substantially higher quality of management than the public criticism implies.

CLEARCUTTING

Clearcutting, the harvesting method that has been used almost exclusively in lodgepole pine, and frequently in Engelmann spruce, is the overwhelming focal point of concern about National Forest management in Wyoming.

Almost without exception, critics protested the size of clearcuts. Forest Service personnel agreed that many cuts had been too large, and even the loggers, who would presumably benefit from large cuts, did not advocate the extensive openings created by some of the older timber sales. Another common theme was damage—real, potential, or suspected—that clearcuts might do to watersheds, wildlife habitats, recreational opportunities, and scenic values.

Criticism on purely esthetic grounds was also very common. Much objection was expressed to the devastated appearance of cutting areas, centering particularly on logging debris and roads. The shape and location of clearcuts also drew criticism.

A fairly large number of people stated that clearcutting was not really necesary and suggested that other harvest techniques might be used instead. Very commonly, we heard the concurrent observation that clearcutting can only be defended on economic grounds: it was said to be the only way the low-yield forests of Wyoming can be logged at a profit.

Many Forest Service employees participated in or suggested the criticisms we have described. In various ways, however, they also expressed another concern—that past misuse of the technique might result in the loss of clearcutting as a silvicultural option. Industrial foresters also voiced this concern. Better understanding of the real value of clearcutting is needed. At the same time, understanding of the proper use of this method is also needed to avoid undesirable consequences.

THE PLACE OF CLEARCUTTING IN WYOMING SILVICULTURE

Clearing is only one of the alternate harvest methods open to the forest manager. The choice among alternatives is dictated by many conditions.

SILVICULTURAL SYSTEMS

Over several centuries, foresters have developed two major silvicultural systems, even-aged and uneven-aged. Though devised mainly for timber production, these systems are based on the ecology of forest tree species. Hence they are also adaptable to other forest uses.

In the uneven-aged, or selection system, trees are harvested singly or in small groups throughout the forest on a regular schedule determined by growth rate. This system creates a forest that consists of all sizes of trees, from seedlings in new openings to fully mature trees ready for harvest. It simulates the process of death and replacement of trees in a forest free of major natural disturbances that interrupt successional stages of forest ecosystems.

Even-aged silviculture simulates the process of death and replacement after natural disturbances—fire, windthrow, or outbreaks of destructive pests. All trees on portions of the area, rather than individual scattered trees, are harvested on a schedule that permits the process to go on indefinitely. The basic idea is this—if 100 years are required for a tree to grow to a desired size, 1/100 of the forest acreage is harvested annually. Even-aged silviculture is not as simple in practice as it sounds. Variations in soil productivity and species composition affect growth rates and harvest schedules.

In both systems of management, prompt regeneration is critical. Slowness or failure of regeneration affects many values—production of timber, water yields, recreational opportunities, and scenic quality. In an uneven-aged system, a seed source is available from remaining trees, but regeneration must be left largely to chance because it is difficult or not feasible to prepare a favorable seedbed in the many small openings created by harvest cutting.

In even-aged systems, three basic methods of harvest cutting provide seed in different ways. In the seed-tree method, a few selected, high-quality trees are left in small groups or individually scattered over the harvested area. When the new stand is established, they may be removed or they may be left until a future cut in the new stand. The shelterwood method leaves several times as many trees per acre, and these are usually removed as soon as the new crop is established. The clearcut method removes all trees in patches or strips. Seed is provided by the surrounding forest walls or cone-bearing slash. The cutting pattern for each method permits seedbed preparation and other treatments to facilitate regeneration of the new stand.

THE BASIS FOR SILVICULTURAL PRESCRIPTIONS

An appropriate silvicultural system for any forest must satisfy management objectives for the land unit, must meet the ecological requirements of the tree species, and must recognize the condition of the forest stand and site. The ecological requirements of tree species differ, and a variety of stand and site conditions and management objectives call for different silvicultural prescriptions.

In Wyoming, lodgepole pine is the major commercial tree species. Engelmann spruce and subalpine fir are less important commercially, but they grow on much Wyoming forest land. Douglas-fir, aspen, and limber pine, though not commercially important here, must be considered in environmental management. Thus, the silvicultural prescription is normally determined chiefly by the ecology of lodgepole pine, Engelmann spruce, or subalpine fir.

Lodgepole pine

Lodgepole pine grows in a wide range of environmental conditions. In northwest Wyoming it is an important tree in at least five recognized habitat types: (1) subalpine fir—Engelmann spruce/dwarf huckleberry; (2) subalpine fir/pachistima; (3) subalpine fir/pyrola; (4) Douglas-fir/pinegrass; and (5) Douglas-fir/snowberry. In all five of these types, lodgepole pine is a seral or subclimax species: that is, it is strongly intolerant of shade and dependent on such disturbances as wildfire or blowdown for the successful establishment of a new stand. If wildfire or blowdown do not occur for a long time—300 years or more—it is replaced by subalpine fir or spruce in the first three types, and by Douglas-fir in the last two. Attacks by insects, especially the mountain pine beetle, can considerably hasten the succession and replacement of lodgepole pine—especially in the subalpine fir/pachistima and Douglas-fir/pinegrass habitats. Lodgepole pine stands are also commonly infected by dwarf mistletoe, a small parasitic plant whose sticky seeds spread the infection at about a foot a year, from tree to tree. It seldom completely kills a lodgepole pine stand, but it does cause severe reductions in growth rate, occasionally leading to death of individual trees.

To a degree depending on the past history of the stand with respect to fire and insect effects, lodgepole pine shows the genetic trait of cone serotiny—that is, cones may remain closed and in place on the tree for many years. Although the theory has not been fully verified, serotiny is generally assumed to be a hereditary trait that is passed on to the next generation when fire kills a stand of lodgepole pine and at the same time opens that segment of a cone crop that is normally closed. Cones of the succeeding stand are predominantly serotinous. In contrast, lodgepole pine stands with a history of insects and disease attacks are often predominantly nonserotinous. Regeneration in the openings in these stands came from the open-cone segment of annual cone crops—the absence of fire precluded or limited dispersal of seed from serotinous cones. Cone serotiny strongly influences the seed source for regeneration and, thus, the appropriate silvicultural prescription for harvest.

Lodgepole pine forests of Wyoming range from sound and thrifty young stands established after recent fires to stands over 300 years old, riddled by disease and insects. Most of these old stands are being replaced naturally by subalpine fir and Engelmann spruce. Where the forest management objective is to grow lodgepole pine rather than spruce or subalpine fir, the silvicultural prescription is to convert mature and overmature lodgepole pine stands to young and thrifty ones.

Clearcutting, well done, is one of the best means to achieve this end because it simulates the natural disturbances that create conditions favorable for lodgepole pine establishment. It is not, however, the only harvesting method that can be used in even-aged silviculture of lodgepole pine. Even-aged stands can be developed from shelterwood and seed-tree methods as well as by clearcutting. Stands not infested with mountain pine beetle and without serious dwarf mistletoe infections are usually suitable for shelterwood or seed-tree silvicultural treatments. We observed stands in each of the four Forests where one or the other of these two methods seemed applicable.

In shelterwood or seed-tree cutting, the potential loss by windthrow of the residual trees is a disadvantage, but both methods help to regenerate the cutover area. Both also, but shelterwood cutting in particular, have a much milder impact on the environment and on scenic values than does clearcutting.

Selection cutting, even in lodgepole pine stands infected with dwarf mistletoe, can be the most practical method where management objectives other than timber production are foremost. Many of the lodgepole stands we visited had been "tie-hacked" as long as 60 years ago. Such stands now consist of an overstory of trees from the original stand plus an understory of trees in several sizes and age classes. The existence of the understory trees is evidence that lodgepole pine will regenerate at some level of partial cutting.

Where stands have a natural shelterwood condition, another alternative is to remove the overstory, doing as little damage as possible to any advanced regeneration (understory trees) present. This method is most commonly used to convert an older stand into one of a younger age class or of a different combination of species. Overstory removal is most applicable to those lodgepole pine stands in which Engelmann spruce and subalpine fir dominate the understory. Removal of the lodgepole pine is the first major step in securing a different combination of species—species that can be managed as either even-aged or uneven-aged stands.

One final alternative, of course, is to do no timber cutting. This could fulfill the management objective for stands in which the forest cover, no matter how damaged by insects or disease, is best left untouched—in Wyoming even dead trees serve the utilitarian purpose of holding the scenery together.

Spruce-fir

Engelmann spruce and subalpine fir dominate a much smaller part of the four Forests than does lodgepole pine. As climax species and in the absence of fire, they replace lodgepole pine wherever it occurs in three habitat types: subalpine fir—Engelmann spruce/dwarf huckleberry, subalpine fir/pachistima, or subalpine fir/pyrola. Both spruce and fir are shade tolerant and can reproduce successfully under their own closed canopy or that of lodgepole pine. In relatively open forests, spruce-fir stands may be made up of a wide range of ages and sizes, from newly germinated seedlings to overmature trees. Engelmann spruce is highly susceptible to spruce bark beetle and to occasional attacks by spruce budworm. Subalpine fir is also susceptible to spruce budworm and is commonly infected with heart rot. Both lack wind firmness.

In Wyoming, Engelmann spruce and subalpine fir occur beneath lodgepole pine and together in both even-aged and all-aged stands, suggesting wide flexibility in selection of harvesting methods. More than three-quarters of the spruce and fir, however, is in overmature sawtimber stands that offer little opportunity for partial cutting because of their advanced age, slow growth, and likelihood of heavy windthrow. Where insects and disease are not important problems, the single-tree or group-selection methods (to develop an uneven-aged stand) are possible. Shelterwood cutting can also be used in favorable situations, but the cut must be light to minimize windthrow.

MANAGEMENT ALTERNATIVES FOR HARVEST

Many National Forest personnel still consider clearcutting the only way to harvest lodgepole pine economically. Recent Regional directives, particularly from Region 4, have instructed Supervisors, Rangers, and timber staffmen to consider alternative methods of harvest. We feel, however, that the confidence and imagination to carry out the instructions have been often lacking.

We believe that a light selection cutting, particularly on the low-yielding timber sites, should be considered a valid management alternative. Such harvest would remove some mature trees, and the method might best be classified as "pussyfoot logging" because the logger would leave few tracks. We envision no permanent roads, no site preparation for regeneration, and minimal slash disposal. This harvest method would have little or no detrimental impact on the environment. It would help to maintain or improve the vigor of the stand, and it would make available to industry raw material that would otherwise be lost to decay.

On a somewhat larger area of high-yield timberland, we believe the Forests should try some combination of selection cutting and sanitation salvage—the harvest of dead and dying trees. Neither of these methods may be economic individually, but with some imagination they could be included in timber sales calling for small clearcuts. For example, clearcuts of 5 to 10 acres might serve as yarding areas for selective or sanitation and salvage logging in the surrounding area. Although marginal economically, this type of logging makes the stand more vigorous and productive. Periodic thinning throughout the life of a stand will recover most of the wood that otherwise dies or rots (about one-third of total production). This system might offer an opportunity to reduce acreage of new clearcutting until much of the already cutover land develops into thriving young stands of replacement timber.

Until several years ago, forest managers usually practiced clearcutting in spruce-fir types. Their choice was often dictated by insect epidemics. Currently, because of many regeneration failures in the cutover areas, clearcutting of spruce and fir has been deferred in both Regions until satisfactory regeneration practices can be developed. Regeneration difficulties have also encouraged the use of some form of overstory removal where the advanced regeneration is considered adequate to fully stock a new stand. But this type of timber harvest is costly, because spruce-fir stands commonly contain an excessive amount of cull and dead material that contributes to the difficulty of logging and damages the residual understory.

THE PROFIT ELEMENT IN HARVEST METHODS

The economics of timber harvesting is such a complicated field that we can envision no way to discuss it adequately. On a strictly input-output basis, considering only land management costs and stumpage, it is fairly easy to demonstrate that timber can only be grown at a profit on the more productive sites with relatively short rotations. If the value of a processed product is used as output, the probability of reasonable profit from investment is considerably improved. If the social implications of employment in local industries and nationwide requirements for fiber and construction materials are considered, the problem enters the realm of socio-economic studies. We believe the subject deserves critical examination, but we have neither the professional training nor the information needed for such an analysis.

We can, however, comment on the assumption that clearcutting is the only way that the low-yield forest of Wyoming can be logged at a profit. The timber industry is concerned about the magnitude of the criticism directed against clearcutting. The industry feels that a reduction in the acreage of clearcutting would have two effects: The amount of raw material available for lumber and other wood products would be reduced; and alternative harvest methods would increase logging costs. There is no doubt that adjustments by both industry and the Forest Service are needed if environmental values are to be protected and a fair profit from timber realized. Adoption of management practices aimed at improving productivity will help. Such practices may include improvement cutting to increase timber growth, and treatment to insure prompt regeneration of cutover areas.

Much more research is needed to determine the true costs and benefits of management alternatives, including clearcutting. Such study must include some index for the elusive values of recreation, esthetic quality, water, and wildlife. The newly developing field of model simulation and sensitivity analysis in forest planning may open the door for playing computer "games" with synthesized data. But gathering on-the-ground data to evaluate the alternative uses of a forest environment is an awesome task, and accomplishment is years away.

RECOMMENDATIONS

Timber sale plans should include silvicultural prescriptions by qualified silviculturists and specific instructions for timber harvest; long-term evaluation of the effects of the prescription should be mandatory.

In lodgepole pine—

The Forests should continue to use clearcutting where it is a sound silvicultural harvesting method and in harmony with management objectives for the unit of land.

Alternatives to clearcuting, such as seedtree and shelterwood cutting and overstory removal, should be used where such methods are consistent with the ecological requirements and protection of the species or appropriate to other uses of the forest land.

Thinning and sanitation salvage should be used independently or in combination with clearcutting where economically feasible.

The present limitation on clearcutting in the Engelmann spruce—subalpine fir type should be continued until satisfactory regeneration practices have been developed.

The Forests should consider using a light selection cutting or "pussyfoot logging" on low-yield sites.

The Experiment Stations should vigorously carry out research to classify and define plant habitats and their ecological potential for both lodgepole pine and Engelmann spruce—subalpine fir forest types in Wyoming.

Forest Service Research and Administration should speed up action to develop systems for analyzing the true costs and benefits of forest management alternatives.

MODIFYING CLEARCUTTING METHODS TO PROTECT THE ENVIRONMENT

Even though clearcutting can be demonstrated to be the most generally useful method of timber harvest in the Wyoming National Forests, objections to it are not likely to disappear until clearcutting practices have been modified. In planning and executing clearcuts, the protection of other values must be much more evident than it has been. Primarily, such protection implies decisions on location and size of clearcuts and on details of operation that will reduce conflicts. Awareness of the nature of these conflicts is essential.

Our talks with Wyoming residents made clear that they are concerned that clearcutting may have damaged a variety of resources. Often they could not specifically document what had been changed or how the change occurred. Nevertheless, these charges cannot be ignored when appropriate studies have not been conducted to answer many of the questions posed. It is necessary to examine the areas of potential damage and determine ways of protecting the environment, and perhaps even improving it, through intelligent planning.

CHOOSING TIMBER HARVEST AREAS

Many of the planning errors that led to poor choice of timber harvest areas during the 1960's are now being corrected. Nevertheless, techniques of multiple use planning still vary between the two Regions, and criteria for weighing resource values and land use management alternatives are not yet satisfactory. During the 1960's, when timber harvest was accelerated, inadequate multiple use plans, together with incomplete assessment of key values as judged today, resulted in a variety of unacceptable management actions. The Forests are making progress in multiple use planning, and some of the plans are well conceived. Nevertheless, we do not believe that even current plans give proper weight to values other than timber production.

The methods used for selecting timber harvest areas must be modified to consistently recognize all relationships among adjacent drainages. Specific effort is needed to see that other management options are not eliminated by decisions to harvest timber. Truly productive timberland should be identified, but the value of areas that are important to wildlife, watershed, landscape, or recreation should also be properly assessed. Even though every timber sale includes provisions that minimize specific damage to other values, these are essentially compromises. There may be many areas in which there should be no compromise, and therefore no timber harvest.

DETERMINING SIZE OF CLEARCUTS

Decisions about size of clearcuts are basic to multiple use management. There is no simple formula for size, and choices must reflect the relative value of the resources to be protected.

All four Forests were observed to have examples of excessively large clearcuts. In some places, stands lying between or adjacent to large cuttings were removed, producing openings of over 1,000 acres. These are large by any standard, but we heard many diverse opinions concerning size. One opinion was that a small block was one of 10 acres or less, another 50 acres or less. Again, we heard that a 35-acre unit was very large.

Let us define some arbitrary size limitations so that we may talk about large, medium, or small units. Let us say units 5 acres or less are small, between 25 and 50 acres, medium, and 100 acres or more, large. The gaps in the categories seem necessary to emphasize contrasts between various units. The small units would thus have reasonably good correspondence with current group cuttings in subalpine fir and spruce. Medium units conform generally to current recommended or regulated size for lodgepole pine clearcutting. In some instances, large clearcuts may be acceptable by reason of their resemblance to natural openings in large-scale landscapes.

There is little justification for clearcuts ranging up to 1,000 acres. Most of the very large clearcuts we saw were a result of attempts to control insects and salvage infested stands. We observed excessively large clearcuts on the Moose Creek Sale on the Bridger Forest (fig. 5), the Wiggins Fork Sale on the Shoshone (fig. 6), and the East Fork Sale on the Bighorn (fig. 7). It was obvious to us that timber management planning on these older sales (late 1950's and early 1960's) was more concerned with controlling insects and salvaging trees than with the effect of clearcut size on landscapes, wildlife habitat, or regeneration prospects.

No 1,000-acre clearcuts are being made now. Timber management plans generally limit clearcuts to 35 to 40 acres. However, existing timber sale contracts call for larger clearcut blocks, and the limit will be exceeded until these older contracts expire or are modified.

We interpret the more recent timber management plans as an intention to eliminate large clearcuts. The aim is not only to aid natural regeneration, but also to allow flexibility in fitting timber harvest to variations in stand conditions, topography, and other land uses.

RECOMMENDATION

Clearcut size limits must be determined by the resource values to be considered and by the specific characteristics of the harvest area.

PROTECTING WATERSHEDS AND FISHERIES

The potential effects of clearcutting on watersheds and fisheries were variously described by Wyoming residents. Some people fear that clearcutting will increase spring peaks of snowmelt runoff and the resulting streambank erosion, thereby reducing the quality of water. Others believe that the volume of late summer and fall streamflow may be reduced sufficiently to damage fishery habitats. Still others believe that annual water yield may be decreased to the point where supplies are inadequate for irrigation and other uses. These fears are understandable in the absence of appropriate studies in any of the four Forests. Some valid inferences about streamflow behavior in these forests as a result of harvesting timber can be made, however, from research in lodgepole pine and spruce forests elsewhere.

Water yield characteristics

Unquestionably, the streamflow characteristics of a watershed can be changed by clearcutting. Hibbert (1967) reported results from worldwide research on effects of forest cutting and reforestation on water yields. Thirty-four studies were in the United States, and five of these in the southern and central Rocky Mountain areas. Both the worldwide and Rocky Mountain studies demonstrate conclusively that reduction of forest cover increases the total amount of water yielded as streamflow whereas reforestation decreases it. They indicate that the practical upper limit of water yield increase is about ⅙ area-inch per year for each percent reduction in forest cover, but most cutting treatments produce less than half this amount.

Strong evidence exists that streamflow response (increase) is proportional to change (decrease) in forest cover. As a new forest grows following cutting, the increase in streamflow declines. For example, 39 percent of the lodgepole pine timber was clearcut from a 714-acre watershed in Colorado that normally yielded 12 area-inches of runoff. As a result, annual streamflow was increased approximately 7.5 area-inches from the area of timber cut, an amount equivalent to 3 area-inches from the entire watershed. Most of this increase appeared during the spring snowmelt runoff period, but some also came in summer and early fall. Erosion and sediment production associated with these streamflow increases were negligible (Goodell 1958). Similar streamflow increases occurred from a 485,000-acre watershed in Colorado, where 80 percent of the spruce timber on 30 percent of the area was killed by bark beetles (Love 1955).

Some people expressed the opinion that the streamflow of the Wind River above Dubois, Wyoming, has been declining as a result of logging. The upper Wind River drainage above Dubois occupies 422,760 acres and yields an average annual streamflow of 341,900 acre-feet. This is equivalent to nearly 10 area-inches of water. During the period from 1963 through 1967, when most of the timber cutting occurred in this drainage, about 5,000 acres were clearcut. Assuming increases in water available for streamflow were comparable to those from high-elevation lodgepole pine and spruce forests in Colorado, this timber cutting in the Wind River drainage could be expected to increase the average annual streamflow for the first several years after cutting by approximately 3,100 acre-feet, or less than 1 percent. Consequently, it is not likely that clearcutting in the Wind River drainage during this period caused any decreases in streamflow. It is also highly unlikely that any streamflow increases that may have resulted from clearcutting were large enough to add measurably to streambed scouring or channel bank erosion on the main Wind River.

On the other hand, it is quite possible that spring snowmelt runoff from small tributary drainages that are a few hundred acres or less and are clearcut over substantial areas, could have been increased sufficiently to cause local scouring and streambank erosion. We recognize this possibility, but although we observed sediment entering tributary drainage channels as overland flow from roads, nowhere did we find tributary stream channel scouring or streambank erosion directly traceable to increased runoff from clearcut areas.

Recently, the four Forests restricted to 30 percent the proportion of a drainage that can be clearcut at any one time. Such a restriction is, no doubt a step in the right direction, but the 30 percent figure is largely just a guess. The sizes and conditions of watersheds to which this restriction should apply are still to be defined by research.

Many studies have been made to determine the effects of logging on the quality of streamflow from forests. This research has shown that undisturbed forests produce very small amounts of sediment and the streamflow is generally suitable for drinking. Further, except for possible increases in streamflow temperatures and some increases in streambank erosion caused by higher streamflow peaks, the simple felling of trees does not affect water quality adversely. On the other hand, skidding of logs from forests can sometimes increase sedimentation considerably, depending on the location of skid trails, how well they are drained, the erodibility of soils, and rapidity of recovery of vegetation on skid trails. We saw little actual sediment damage to water quality in streams as a result of logging *per se*. In several instances—for example, in Jules Bowl on the Shoshone National Forest (fig. 8)—we encountered potential for damage to streamflow quality in the form of logging residue clogging stream channels. Current timber sale operating requirements include leaving a strip of uncut forest along live stream channels, where possible, and keeping logging residue out of stream channels. These requirements should be strictly fulfilled.

The necessary knowledge about the kinds and sizes of areas and proportions of watersheds that can be logged without creating hydrologic damage will not be acquired overnight. Meantime, the technical knowledge that specialists in soil, hydrology, and other disciplines can furnish could be more effectively used than it has been in the past in planning timber management operations.

Research and experience in many places have shown that none of man's activities in forests contribute more to poor water quality in streams than roads, especially roads that are located too close to streams, built on too steep grades, and inadequately drained. Our observations confirmed that roads are the greatest man-caused source of stream sedimentation in the Forests. The problem is discussed more fully in the section "Roads."

FISHERIES

The biological characteristics of aquatic life and fish environments are very closely related to conditions in the surrounding watershed. Flow quantity and patterns, water temperature, chemical quality, and other conditions important to aquatic ecosystems and to fish are directly or indirectly affected by timber harvest activities. Shaw and Maga (1943) determined that the hatchability of trout and salmon eggs decreased from 16 percent to 1 percent as a result of 2 to 4 hours exposure to suspended sediment of 1,178 to 1,380 parts per million. Bartsch (1959) found that an increase in stream turbidity from 5 to 1,700 parts per million reduced bottom fish food to almost zero, but as turbidity decreased progressively downstream to 17 parts per million, fish food increased to normal levels. The direct effect of sediment damage to fisheries appears to be the killing of fish food and eggs. Less commonly known are the effects on aquatic ecosystems of oxygen-demanding organic matter that is adsorbed on sediment to create anerobic stream bottom conditions, or of eutrophication of streams that may result from increased movement of soluble mineral and organic nutrients away from forest sites where soil and vegetation have been disturbed by logging. These biological relations of forest uses to aquatic environment have only recently begun to be investigated. They need greatly increased research attention.

RECOMMENDATIONS

More and better use should be made of the knowledge that specialists in soil, hydrology, and related areas can furnish in planning timber management operations.

Timber sale contract requirements providing for protection of live stream channels from unnecessary disturbance and from clogging with logging residue should be strongly enforced.

Research should determine (a) the kinds and sizes of areas and proportions of watersheds that can be safely clearcut at one time without creating damaging changes in streamflow quantity, quality, or timing; and (b) the nature and magnitude of changes in onsite nutrient content and of eutrophication of streams that may result from soil and vegetation disturbances that attend timber harvesting.

PROTECTING WILDLIFE

In Wyoming the term "wildlife" describes both a large variety of species and incredible numbers of some species. In the comments we heard about damage done to wildlife resources, however, either fisheries or elk were usually implied. Here, and elsewhere in this report, discussion of specific problems of wildlife is concerned primarily with elk because they are the focal point of public interest. The welfare of elk, deer, and moose is important to the economic welfare of the State; business activity accompanying the hunting season has reached amazing proportions. At the same time, lesser creatures like the chipmunk and Canada jay are ecologically significant in the forest environment that attracts so many visitors to Wyoming. Even though our discussions are limited to big game, we believe concerns for wildlife properly extends over a broader spectrum that should be more generally recognized.

Damage to wildlife habitat from clearcutting could take a number of forms. Wild animals have only a few basic environmental requirements: food, water, and cover—including places suitable for feeding, hiding, resting, playing, and raising young. A productive habitat is one in which these requirements exist in proper juxtaposition and are available when needed. Any disturbance that destroys one of the requirements or the spatial relationships, or prevents habitat use by animals, can be considered detrimental to wildlife.

Whether clearcutting can create such disturbances is not clear. The evidence is inconclusive because job quality varies greatly and because timber harvest is accompanied by roads that could be detrimental even where cutting is potentially beneficial. The discussion presented here considers only logging with adequate cleanup. The additional problems of logging residue and roads are treated elsewhere in this report.

We can start with the basic premise that closed-canopy, mature forests do not support an abundance of wildlife (Schneider 1970, National Academy of Sciences 1970, and others). Much of the existing forest in Wyoming fits this description; understory vegetation is shade grown, sparse, and unproductive. Some overmature lodgepole pine stands, for example, produce no food and only marginal cover, and may be barriers to big game movement (fig. 9). Nevertheless, the total Wyoming forest environment is extremely productive because it includes an interspersion of natural grasslands, meadows, and parks. These openings provide a grass and forb diet favored by elk and within a short distance of cover. In Arizona, Reynolds (1962) found that elk actually spend more time in the openings than along the borders or in the adjacent forest. Juxtaposition of cover types is certainly not perfect in the Wyoming mosaic, but it would be extremely hard to cite a better example of naturally productive habitat for big game.

The question, then, is whether this already highly productive habitat can be improved or whether environmental manipulation simply adds unnecessary openings and destroys existing habitat relationships. We saw only a few large blocks of undisturbed timber with no natural or manmade openings. Where forest cover had been removed, however, forage production—in grass and forbs—was increased. Such benefit to big game has been documented in a wide variety of forest habitats.

It is extremely unlikely, however, that openings larger than about 40 acres can be considered an improvement for big game. Despite general use of meadows and open parklands by elk (Stevens, 1966) and historical records of elk migration to the plains (Murie, 1951) the favored openings in the forest are probably quite small. Reynolds (1966a, 1966b) found that openings larger than 20 acres in spruce-fir and 40 acres in ponderosa pine forests were used less frequently than smaller openings by both elk and mule deer in Arizona. A similar scale is suggested by Wallmo (1969) for Colorado mule deer. How far Wyoming elk will venture from cover must be determined from behavioral studies. It is probably reasonable to suggest, however, that until appropriate research has been done, clearcuts should be no larger than 40 acres and no closer than 200 feet to existing openings.

Properly designed clearcuts can be used to provide productive forage areas for big game and thereby increase the basic carrying capacity of Wyoming big game ranges. Past forest management has not been particularly sensitive to this potential or to the possible effects of removal of cover from existing habitat. Before the mid 1960's, wildlife was apparently not even a consideration in the attempts to control beetles by cutting. Clearcuts on the upper Wiggins Fork (see fig. 6), for example, funnel a normal elk migration route into a very narrow timber belt at the base of a rocky slope. If wildlife had been considered in planning, the increased vulnerability of these elk during the hunting season might have been recognized and a different sale layout chosen.

Another evidence of past failure to recognize wildlife values is the treatment of small potholes and ponds. Although the importance of such ponds to moose or elk is not well established, we believe they are desirable. We observed several of these ponds (see fig. 3) logged over and filled with debris. We were told that they are far too numerous to be located and protected. Our observations in the uncut strips confirmed their abundance, but with planning, the effort required to leave a patch of protective cover around ponds would not be prohibitive.

Clearcuts made in recent years reflect a constructive attitude of administrative personnel and improved multiple use guidelines. We examined a number of cutting areas in which blocks had been arranged, or stringers of timber left, to provide travel lanes for deer and elk. We saw a few timber sales in which uncut patches had been provided for escape cover, and we consider the current trend to smaller clearcuts beneficial to wildlife. A more direct and positive approach to wildlife protection is needed, however. There is an expressed desire to upgrade wildlife management on all Forests, but habitat manipulation in Wyoming is essentially mitigation of unfavorable effects rather than specific action to improve. Despite the extremely high value of the wildlife resource in Wyoming, it still holds a secondary position in some land management decisions. Lack of funds is one reason for this. The Forests, for example, make specific effort to protect calving areas and migration routes on the recommendation of Game Department or Forest biologists, but they are not currently financed to identify such areas in advance of timber harvest.

Forest personnel are acutely aware of both the potential for improving wildlife habitat and the lack of information to assist in realizing that potential. This is not a problem that can be solved by budget allocations alone. More than money and manpower, the Forests need information. Research already underway in Montana, Oregon, and elsewhere will help, but positive action by the Forests is also possible. We interpret the provisions of Title 1 of the Environmental Quality Act of 1970 and Executive Order 11514 to mean that timber management funds can be used in monitoring the effects of timber harvest on other resource values. The importance of the wildlife resource and the potential for conflict make such action mandatory.

RECOMMENDATIONS

Until more specific information becomes available, clearcuts in big-game habitats should be limited to 40 acres and should be no closer than 200 feet to existing openings.

Research and monitoring of wildlife behavior as affected by timber harvest should be encouraged in Federal and State agencies.

Unless wildlife budgets can be substantially increased, the costs of evaluating effects of timber harvest on wildlife should be properly considered a part of the timber harvest obligation.

PROTECTING RECREATIONAL OPPORTUNITIES

The unusual opportunities for outdoor recreation in Wyoming give the Forests special value. Any damage to the quality of the forest environment may adversely affect recreational values.

The management responsibility for recreational values is difficult to define. Recreation as a concern of National Forest administration is entering a new phase as increased population pressure brings new demands. It is clear that the protection of trees, water, soils, and wildlife will enhance recreational values. Of more direct concern, however, is the scenic quality of the landscape as seen from roads and trails and even from the air. Provision of recreational facilities is another necessary element in overall planning. The broad aim is to give the forest user the opportunity for a satisfying outdoor experience as he travels on foot, on horseback, or in a motor vehicle, depending on his taste and the kind of forest area he has chosen.

Grand Teton and Yellowstone National Parks absorb much of the tourist and camper traffic, but the Forests also receive a considerable share. The scenic quality of the landscape as seen from roads through the Forests and from the air is very evident to visitors and residents alike. More particularly, the Forests are highly attractive to those who prefer undeveloped areas for their forest experience. The four Forests have a larger percentage (34%) of Forest System in Wilderness and Primitive Areas than any other National Forests in the United States: nearly 2.4 million acres of undeveloped backcountry, including the tallest peak (Gannett Peak) and some of the most spectacular scenery in Wyoming.

Many residents believe that wild-country quality is being degraded by timber harvest. Since high-speed logging and large-scale cutting operations are relatively new, the recollection of how things once were is fresh in their minds. They tend to use the National Parks and Wilderness Areas in National Forests as standards of comparison for Wyoming wildlands. This leads to a strong conviction that timber harvest is destructive to recreational opportunity, even though the destructive processes are not clearly definable.

A citizens' group we met with in Jackson, Wyoming, held this view but could not define the kinds of damage sustained, or, after separating wildlife and scenery, define the activities they consider to be recreation. The confusion is widely shared. Forest Service estimates of number of visitor days are not sufficient to provide badly needed information on what outdoor recreation needs are, how those needs can be met, or what the management alternatives are. Such information is essential to quality recreation management.

There is some direct evidence that conflict of values has not been recognized adequately in management decisions affecting recreational opportunities. A specific complaint, commonly heard, was that clearcuts are detrimental to established trails used by hikers and riders. At Jim Creek (see fig. 2) and Willow Creek on the Bridger National Forest, at Jules Bowl on the Shoshone, and almost everywhere on the north side of Wind River Valley, we observed or heard about trail access that had been destroyed by clearcutting. Some trails were converted to roads that terminated in cutting blocks and slash piles; others were simply obliterated. Most commonly, however, the stand adjacent to an established trail was clearcut, and passersby were forced to observe the result.

On some sale areas, recreation values were coordinated with the timber harvest. On the Teton Forest, for example, the foot trail to Goodwin Lake starts at a trail head in the Curtis Canyon clearcuts. Hikers using this trail walk along the edge of a cutting block some 200 to 300 yards before entering the uncut forest. The Forest provided adequate parking space and cleaned up the logging residue along the trail (fig. 10). The hiker has a clean trail, forest on his left, and a pleasant meadow on his right. In a very few years this meadow will be converted into a young stand of lodgepole pine.

The major disadvantage of this technique is that cleanup must be very thorough if it is to be effective at all. From a scenic standpoint, the center is the very worst place from which to view a clearcut. The edge is somewhat better, but from a foot trail almost any close view is likely to be disheartening. A much better course would have been to use the landing area to provide parking but route the trail into the forest so the manmade meadow would be only perceived rather than endured.

Current multiple use plans do contain safeguards that recognize the potential conflicts between existing trails and timber harvest. Nevertheless, we are uncertain that the total magnitude of the problem has been recognized on any of the Forests. We believe the Forest Service recognizes the significance of recreation on the National Forests in Wyoming, but recognition alone has not provided proper coordination in management planning.

On several cuttings we observed, recreation was obviously not even considered when the timber harvest was planned. We received unconfirmed verbal reports of outfitters whose business had suffered substantially because the trails they had been using were logged out and no longer provided the kind of outdoor experience desired by their clients. It might be said that the loss by the outfitter was balanced by the gain by the logger, and the loss of the trail by the gain of a road accessible to vehicles. We question, however, whether such a trade-off was really necessary. Proper planning with recognition of key resource values should have made it possible to have all three: the timber, the road access, and, for those who prefer it, access by horseback. Recreation should be a key consideration in every land management decision on the four Forests.

The provision of recreational facilities, as a responsibility of the Forest administration, is a growing problem as population pressures rise. We found that recreation budgets on the Forests were of the same magnitude as the timber budgets, but this is apparently only adequate for maintenance. The Bighorn Forest has received no money for recreation construction in the last two years, and the other Forests are not much better off. On every one of the Forests we encountered "throw-down" campsites without adequate waste disposal facilities, water, or fireplaces. Such campsites are a source of environmental pollution and fire danger and create additional pressure on already strained recreation budgets.

Here the solution is not necessarily better planning, because the Forests do have plans for additional campgrounds. Construction money would be helpful, of course, but better understanding of the total picture is also needed. The Forests need more information describing saturation levels for people or tolerance of land for this kind of use. The campground problem is only one example of the lack of information necessary for comprehensive recreation management. The Forests also need basic survey information on trail use and its implications for the future. Most existing trails were designed for uses other than recreation. Trails could be so designed as to enhance recreational opportunity, including scenic quality, whatever their other uses might be. Some of our recommendations on design and construction of roads apply to this problem, but we know of no current research in this area.

Finally, we believe the lack of adequate recreation information prevents imaginative solutions to management problems. There are many situations in Wyoming where timber harvest is limited by topography to sites already occupied by trails or suitable for campgrounds. Once the timber harvest option is selected, other options may become quite limited. We do not believe the Forests always have information enough to make the best judgments of management alternatives. Too little is known about the desires and needs for recreationists and the components of recreation experience. In the absence of such information, even an acceptable decision may result in the loss of a better alternative.

RECOMMENDATIONS

Multiple use planning should give particular attention to the long-term effects of timber harvest in limiting the options for future recreational use of land.

The Regions should encourage research that will help the Forests to achieve comprehensive recreation management appropriate to the desires of people and the potential of the land.

PROTECTING SCENIC QUALITY

The protection of scenic quality in the landscape may seem to be totally incompatible with clearcutting. But if the cutting has been properly located, design, and carried out, the landscape can recover its pleasing aspect within a relatively short time.

The tendency of Wyoming residents to equate general landscape quality with wilderness quality is unrealistic. Parts of the four Forests have been altered and will be altered in the future, and this is a proper use of the forest resource. The aim must be to see that dominant characteristics of forest land remain intact, in spite of specific changes. Manmade intrusions, though evident, can be fitted into the framework of the landscape and express a basic sympathy for it. If a cutting is designed to correspond to or blend with the natural features of its surroundings, it need not dominate the landscape as an alien element.

This report emphasizes that a new kind of comprehensive planning is needed in which the integrity of the landscape is observed. The end products of timber harvest should be the result of intention and not chance. This concept can be expressed particularly in the visible landscape. Landscape architects can be helpful in presenting visualizations, including graphic representations, based on pooled professional knowledge. Unquestionably more professional help would strengthen this effort, and the need for special training is urgent. Such training should include making landscape (or scenic) inventories,[2] coordinating changes in landscape resources through design, and predicting, verbally and graphically, the visual impacts of alternative solutions upon the landscape.

Whatever the mistakes of the past, there is no reason why clearcutting must necessarily degrade the quality of the landscape. If the various attributes of clearcuts—size, shape, location, and dispersion—are handled with understanding, scenic values can be protected.

SIZE

Large size cuttings have been widely criticized, but under some circumstances they can be acceptable. Observed from a distance, a large cutting can fit the scale of the country, appearing as a placid element that draws little attention to itself (fig. 11).

There are obvious defects, however, in the appearance of large cut blocks as seen from a point close to or inside the block, as at Sheridan Creek (see fig. 1). In another example, the natural pattern of openings and forest stand combinations in the Bighorn happens to be one of large scale, suggesting that larger harvest areas are appropriate; but this is country with gentle, sloping terrain, and cuttings are seen close by rather than from a distance (fig. 12). From inside this clearcut, the landscape is dominated by slash, there is little evidence of regeneration, and nothing of interest is to be seen. Furthermore, the clearcut suffers by comparison with the large natural meadows of the Bighorn with their crisp forest edges.

In large cuttings, leaving groups of trees could result in improved visual effects, as well as lead to solution of associated problems of resource protection, as the Antelope Mountain timber harvest, Teton National Forest, suggests (fig. 13).

In clearcuts on all four Forests, tree clumps could have been left related to local features such as erratic boulder groups, outcrops, minor topographic eminences, ponds, or the like. Yet, typically these concentration points of visual interest were treated as though they did not exist (figs. 14, 15). It would have been better to recognize that such small features do contribute positively to the richness of the landscape. If an even-age management system is to be sensitively adjusted to the native nuances of the landscape, management must be more intensive than any yet to be seen in the four Forests.

Limitations of cuttings to medium size, although recommended for a variety of reasons (such as wildlife protection) can result in a complicated, pocklike effect, drawing attention away from the surrounding country. The cuttings in the Teton Forest, seen from Mount Baldy near Spread Creek (fig. 16) are an example. Their appearance approaches spottiness as relationships between cuttings and terrain become confused. Such harvest areas can be visually successful, however, when their size (and shape) can be clearly related to landform elements such as a whole hill, a ridge face, or a bowl. The size (medium or otherwise) should reflect an observed characteristic or vegetative pattern or terrain. Where a medium-size block is isolated in comparatively large-scale surroundings, it threatens unexpected dominance over the scene. Furthermore, even though a single clearcut may appear appropriately related, there is no assurance that a series will follow suit. The medium-size unit, presently encouraged by management, has a potential of greater disruption to the landscape then either large or small units. There is need for variety that intermediate-size units cannot provide alone.

Small cuttings have good likelihood of being visually "absorbed" in their surroundings. On moderately or gently sloping land surfaces, the chances are high that the floor of the cut will be screened by the vertical edge of the block. Where a honeycomb effect of numerous small openings occurs, the visual demand would be slight and subtle. Such a condition would closely resemble a sparse stand.

The problem of size is not solved by simply determining that large, medium, or small is good, bad, or indifferent. Under some circumstances, the large unit might well be the best-appearing unit; however, special steps must be used to overcome its disadvantages. If only medium-size units are used, problems of monotony and questionable fit to landscape may develop. The basic solution for esthetic and visual compatibility must come from variety, based upon careful observation and understanding of the landscape in which changes are to be made.

SHAPE

The shape of clearcuts has prompted almost as much public criticism as their size. In the clearcuts made during the mid-1950's, seldom, if ever, was there any specific harvest management plan for the reserved blocks. Convenient but arbitrary straight-line boundaries for cutting units were commonly used, resulting in rectangles or other shapes that largely ignored the relation of the cutting to landform, to windthrow, and to adjacent stands of timber that would be harvested in the future.

Rectangular clearcuts in the Fish Creek area on the Teton National Forest have called forth much comment (fig. 17). These cuttings are easily viewed from the air by travelers going to and from Jackson, and they dominate the landscape by their geometry and their extent. Their fault is not so much that they are obviously manmade as that they fail to fit the land and be sympathetic with it.

Geometric shapes are not all manmade nor are they necessarily in conflict with the land. Note the diagonal linear escarpment running on the shoulder of Lander Peak in the Bridger (fig. 18). Here much of the front forest margin is also straight. Several strip cuttings repeating the theme of the natural opening would appear coordinated with this particular landscape. Also in the Bridger, straight-edged avalanche paths, oriented perpendicular to slope, may be seen in figure 19. The avalanche paths constitute a model for the design of cuttings with a linear relation to the landscape. Here the pattern of cuttings is also well designed and dispersed. Such examples do not necessarily make straight-line geometric units right, but neither do they make them unacceptable.

Strong native patterns are encountered in the Rocky Mountain country, such as typical lens-shaped faces of open grass or sagebrush seen in contrast to densely forested faces. Furthermore, natural openings tend to be connected to one another or to repeat a characteristic relationship to topography or exposure. These characteristics have been little recognized as models for cutting patterns.

In all the Forests visited, we heard that the present model for cutting shape was "irregularity." This has no clear or simple meaning—shape has to be related in some satisfactory way to the land on which it occurs. Yet there is an indication here of promise, a step in the right direction. Irregularity and variety in cuttings suggests more than esthetic compatibility. Visually pleasing clearcuts may also prove to be ecologically sound with respect to wildlife habitat.

LOCATION

The more conspicuous a cutting is, the more perfectly it must be designed. A hierarchy of locations can be established to help predict how conspicuous cuttings will be.

The least obvious position for a cutting is at or near the visual base of a forest, especially if it is adjacent to and parallel with an existing bordeline between dissimilar plant communities (such as a tree-grass junction). An example is the "nibbling" technique used in the Teton Forest, Spread Creek country, in which certain of the cuttings are pared off timber stands adjacent to sage or aspen areas (fig. 20). Low visibility also results if a cutting is designed as perimeter enlargement of an existent opening or a type change.

Both "nibbling" and perimeter enlargement, however, may cause difficulty in regeneration since the cutting crosses the edges of dissimilar plant communities. The Copper Creek sale, Bighorn National Forest (fig. 21) was cut through to meet existing grassland. A brief botanical survey suggests that the former forest understory has been converted to grassland; such understory plants as arnica and huckleberry are almost completely replaced by grass-forb meadow components (fig. 22).

The second and more obvious position for a cutting is at the center of a forested face (see fig. 11). It is conspicuous because the lighter color of soil or grass-forb cover contrasts with the darker surrounding forest Winter snow emphasizes the difference even more strongly. Also, by its isolation, a cutting in a central position is more noticeable. The effect of isolation or strong contrast can be avoided if the cutting is connected with pre-existing lines or pattern edges, such as margins of different-aged stands or differing plant communities.

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[2] Elements of the scenic landscape can be concretely documented through the use of a number of inventory techniques. See Litton 1968.

The most conspicuous location for cuttings is along the upper parts of ridges and especially the skyline. At the skyline, there is maximum contrast between the dark landform contours and the light void of the sky (see fig. 4). The Cartridge Creek sale on the Shoshone National Forest (fig. 23) demonstrates at close hand how cutting lines stand out as they cross over a ridge. Scattered leave trees, perhaps damaged or leaning, are visually degrading on the sky silhouette, and should be removed. Frequently, a better solution is to leave a tree edge that comes down over the crown of the ridge. This treatment expresses the natural coordination between a timbered backslope and an open face or patch as exemplified in figure 24. The teardrop shape of the natural glade echoes the upper silhouette of the hill and the linear escarpment across it.

Cuttings are especially conspicuous in areas associated with water or scenic landform features. These special areas tend to be the focus of recreational use. Cuttings in such areas, unless done with the greatest care, suggest only disregard for esthetic and recreational values. Water assumes certain of the light qualities of the sky and is seen against the darker solidity of forest or land surface. This visual contrast is yet another reason to treat riparian and water-dominated areas with great care. A cutting in the Teton National Forest shows evidence of sensitive response to an existing pond (fig. 25). Scenic features such as Pinnacle Buttes near Brooks Lake, Shoshone National Forest (fig. 26), similarly make any cuttings in their vicinity more obvious.

Cuttings located near existing roads are, of course, highly conspicuous. No road exists in isolation from its surroundings; it also includes a visual corridor, the view seen from the road. Two examples, as seen from highways, suggest that there was no recognition in the planning stage of the potential effect on the landscape. On U.S. Highway 14, in the Bighorn, the Owens Creek cuttings are displayed in front of the driver as he moves along flat curves and straight stretches (see fig. 4). The cuts stand out on uptilted surfaces that are near the skyline. On the Teton Forest, the Curtis Canyon strip cuts were made during the period 1956–63. High visibility of the strips from U.S. Highway 26–187 through Jackson Hole was not taken into account in the sale layout. These cuttings dominate the scene because the vertical strips contrast with the horizontal ridges of the surroundings. In fact, had the strips been laid out parallel to the contour, they would not have been visible from the road.

The cuts were modified in 1970 to make them visually more compatible with the terrain forms and surface patterns of the larger landscape (fig. 27). The method followed in establishing the pattern-altering cuts should be noted because it suggests a type of control that needs to become routine in sale layout. One of the landscape architects from the Regional Office, working with the Forest timber management staff, produced a number of sketches indicating various ways in which alternatives would appear. Other drawings of visual alternatives were produced by the Pacific Southwest Forest and Range Experiment Station. A solution was selected that served the timber management objectives as well as the aim of compatibility with the visual environment. This kind of procedure should be a standard method rather than an unusual solution to a specifically annoying problem.

DISPERSION AND SUBORDINANCE

The question of proper dispersion of cuttings—the concurrent location of two or more units—requires clarification. Dispersion is a complex problem, involving relationships of size, shape, location, and even time, since design problems arise when one series of cuts is followed by a later series. Unless the whole harvest rotation is planned, the design of the first cutting may make it difficult or impossible to avoid poor visual images in the second or later cuttings.

In timber sales in the Meadow Cabin Creek area of the Bridger (see fig. 19), some five medium-size cuts were made below the crests of somewhat similar hill forms. The ovoid cuts are appropriately varied in size and shape so that they individually fit the spheroid hills. The immediate landscape thus contains a number of similar openings that contrast with forest cover. This manmade pattern, built upon repetition and variation of existing patterns in the surroundings, creates a desirable dispersion. The total effect is one of subordinating change to the characteristics seen in the landscape.

The shape of the block and strip cuts in Fish Creek, Teton Forest (see fig. 17) has been discussed; the dispersion of the strips also fails to establish any clear relationship to surroundings. Units are linear, suggesting a basketweave pattern with parts in 90° opposition; yet the landscape is essentially horizontal. To follow contours would have established a simple continuity with the dominant direction of skyline and bottom grass-tree line. Additionally, the amounts of cut openings and remaining tree cover are nearly equal. This is confusing visually since neither of the two elements is dominant. Esthetic stability is normally best served by a dominant-subordinate combination. In summary, the dispersion is unsatisfactory, and manmade changes are overpowering in the landscape.

RECOMMENDATIONS

The basic character of Wyoming wildlands should be kept dominant, and manmade alterations held subordinate, in design of clearcuttings. To do this

The design of cuttings, including size, shape, location, and dispersion, should respond directly and specifically to visual characteristics of the landscape.

Scenic inventories, recording at least dominant landscape resources, should be made to aid in planting and design.

Forest personnel should be given training to develop greater managerial sensitivity to landscape resource values.

ROADS

Intensive forest management requires roads. They are needed for timber harvest but they serve other purposes as well. Livestock are moved by truck to prevent land damage, and roads provide access to trial heads and campgrounds, as well as other recreational opportunities. During the past decade, road construction has increased on all four Forests. Nearly $14 million were allocated to the four Forests between 1961 and 1970 for construction and maintenance of transportation systems. The new roads built during this period have become a major source of public concern.

Objections to the Forest Service roadbuilding program were expressed to us in many ways. Some people charged that too many roads are being built, that most roads are designed only to tap new timber harvest areas; that roads are detrimental to soil stability, streamflow quality, and fisheries; that roads have adverse effects on big game populations; and, finally, that roads are ugly. As in objections to clearcutting, the belief was expressed that potential long-term irreversible effects of roads on resources other than timber are not receiving proper consideration by Forest managers.

Feelings on this matter are strongly expressed. A few critics classified road construction as an "epidemic disease." Others charged that roads are not planned except as a day-to-day response to industry demands for timber, and that recreation or resource values had been used to justify funding of roads for access to timber where the timber values were too low to justify construction costs.

A large percentage of the roads we examined were well constructed and maintained. As in other management areas, however, there is evidence of inadequate planning for road construction. There has been negligence in some instances. We saw portions of roads that could properly be criticized and we believe that some public concern is warranted.

To clarify the issues here, it will be helpful to examine the functions of forest roads. In general, two very different types of roads are built on National Forests: system roads and temporary roads.

System roads are the permanent transportation routes needed on a Forest to meet all resource management and protection objectives. Usually Forest engineers assist in the location and design of these roads and supervise construction to assure that multipurpose needs are served. The roads are built to standards determined by the resource uses for which they are intended. They may be constructed by the Forest Service or a private contractor. They receive periodic maintenance, and are usually open to the public in most situations.

Temporary roads are not part of the permanent transportation system. They are built to accomplish essentially one-time resource management activities, such as hauling timber from a particular part of a timber sale area or constructing a ski lift, pipeline, or powerline. Most often, these low-standard roads are located or approved by Forest Service officers and built by a private contractor. They are intended to be kept open only for the duration of the activity for which they were built, and then treated to prevent erosion and closed to all traffic.

We believe the discrepancy between principle and practice in the building and maintenance of roads has given rise to most criticism. Effective planning, scrupulous observance of responsibilities of execution, and careful review of management actions should solve most problems.

ROAD PLANNING AND MAINTENANCE

The roadbuilding associated with increased timber harvesting in the past 10 years has created special problems. These are primarily due to deficiencies in the planning process that should have controlled the roadbuilding. Planning is particularly important in several areas: the level of road density to be reached, the suitability of roads for the purposes they are to serve, and the status of roads as temporary or permanent.

DENSITY LEVEL

A summary of road data for the Forests (table 1) reveals some important facts. First, only about one-fifth of the mileage of existing system roads on these Forests was built during the 10-year period since 1960. Second, about three-fourths of the temporary roads were built during this same period. The difference largely reflects the increased density of temporary roads needed to remove logs from timber harvest areas. Third, nearly two-thirds of the total mileage of temporary roads ever built on these Forests still had not been closed to vehicular traffic by the fall of 1970. The fourfold increase in temporary roads since 1960 and the failure to close such a large proportion of these temporary roads are sufficient cause for public concern about Forest Service intentions regarding road density.

Each of the Forests has a transportation plan that responds to road needs for the various management functions. For several reasons, these plans seem confusing to us and they were reported to be confusing to the public. For example, some roads do not appear on transportation plans because they are classed as temporary and are not to be retained. This implies to the public, however, that the Forest Service is not aware of already existing roads. The plans also appear incomplete. None indicate a deliberate intent to halt road construction when some specified level of forest access is reached. Forest Service personnel were vague about setting any limit on eventual number and destination of system roads. Criteria for establishing such limits are lacking or not clearly defined. For example, in several places we were shown roads originally planned as temporary but now a part of the system of network simply because they were built to higher standards than needed and were considered "too good to close."

Finally, none of the transportation plans indicate a deliberate intent to manage some parts of a Forest without permanent roads. Neither do they indicate intent to close any of the system roads to public travel, even temporarily, in the interests of reducing or preventing conflicts in resource use. Decisions to manage some areas without roads, or with only minimum-level temporary roads and prompt closure, are reflected in multiple use plans on some of the Forests. These decisions, however, cannot be readily understood from a review of transportation plans.

SUITABILITY OF ROADS

The claim that most roads are designed only for timber harvest warrants careful consideration. Our conclusion is that many of the roads that serve timber harvest were planned to serve other needs as well. In some instances, however, the design of these roads has rendered them less suitable than they should be for recreational purposes. Attention to functional and structural elements outstripped concern with form and relation to the natural surroundings.

Roads in the Forests have tended to be engineered rather than designed. Selection of the corridor in which roads are located has been based mainly on road construction aspects, such as grade, alignment, and availability of roadbuilding materials. The relations between travelers and their environment have not been sufficiently investigated, so that some Forest roads are good for vehicles but not good for people. The qualities that determine the esthetic suitability of roads have not been precisely identified or defined.

TABLE 1.—SYSTEM AND TEMPORARY ROADS, FALL 1970, ON THE BIGHORN, SHOSHONE, TETON, AND BRIDGER NATIONAL FORESTS

[Miles]

National forest	Total system roads	Total temporary roads	System roads built since 1960	Temporary roads built since 1960	Closed temporary roads
Bighorn	260	189	114	160	70
Shoshone	857	169	117	131	93
Teton	386	175	99	123	36
Bridger	919	423	191	308	173
Total	2,422	956	521	722	372

Much of the criticism directed toward roads apparently constructed for single use could have been avoided by better location and design. Certain roads suggest single use rather than multiple use because they reveal insensitivity to the variations of the landscape.

Some right-of-way clearings are excessively wide for a one- or two-lane road; we observed widths of 100 feet to 200 feet or more. An example on the Fish Creek Sale (fig. 28) is on a gentle side slope, and grading for the cross section demands use of only a fraction of the total cleared width. The narrow road within the dominant opening is obviously detached from its surroundings. The avowed purpose of the wide clearing was to facilitate snowmelt on the road, but public suspicion is understandable that the road clearing is actually an elongated strip clearcut.

A road built through or alongside a large clearcut also creates an impression of single purpose. A central location is efficient during timber harvest, but it does not recognize the need for pleasing appearance after the harvest. On the Shoshone, a system road is routed through the heart of the 1,200-acre Sheridan Creek clearcut (made in 1953). Travelers on the road are forced to look at the logged area itself since there is nothing close by of greater interest to attract attention (fig. 29). Although slash cleanup is of quite high order, there is an overall impression of carelessness from the light scatter of charred slash, inconspicuous and sparse regeneration, and a ground plane that suggests deteriorated grassland.

Another road location that emphasizes logging is found in parts of the Wiggins Fork system road leading to an entrance to the Stratified Primitive Area. Characteristically, the road is threaded against the edge of certain clearcuts along the route. This has the distinct advantage of intimate linkage with the forest edge on one side as compared to a road that is central in a cut opening. In one place, however, a clearcut of several hundred acres, in which pole slash now visually dominates young reproduction, becomes the foreground against which the perimeter peaks and basin of the Stratified Primitive Area are viewed (see fig. 6). There are encouraging signs of future improvement, but at present the view at the entrance to a wilderness area is much degraded.

A more satisfactory relationship between a system road and a timber cutting exists in the spruce-fir group harvest units off the Enos Creek road, Shoshone National Forest. Rather than running the main road adjacent to the cut block—or hooking the two together with a broad opening—a "pigtail" spur connection is used (fig. 30). This short spur with curve or reverse curve effectively separates the small cut block from the roadway. The multiple purpose aspect of the road is maintained. Although this handling for a small-scale cut block cannot be directly compared with that of the large-scale Wiggins Fork blocks, the road access design is noted as a pattern worthy of more widespread application.

CLOSURE OF TEMPORARY ROADS

As previously indicated, two-thirds of the temporary roads ever built on all of these Forests still had not been closed to vehicular traffic by the fall of 1970. We recognize that it is necessary to leave temporary roads on timber sale areas open until after the logs have been hauled, slash disposed of, and any necessary planting completed. We question the need, however, for leaving such a high percentage of temporary forest roads open to traffic for such long periods of time. This conflicts with Forest Service policy on road closure.

Several Forest Service regional officials explained to use that it was difficult to get the Forests to follow the policy. On the other hand, some Forests reported that persistent recreational use of logging roads was a deterrent to planned closure. Closure problems on these four National Forests are further complicated by the relatively gentle slopes and natural openings that typify the terrain. Where physical closures were installed, it was very often possible simply to circumvent the barriers with a four-wheel-drive vehicle.

Although gentle terrain undoubtedly makes physical closure of roads difficult or impossible, we believe that any road designated for closure can be and should be closed by posting and policing if no other method seems practical.

RECOMMENDATIONS

Transportation plans should indicate the purpose of every proposed road—whether permanent or temporary, the disposition of each temporary road, and the maximum level of road construction needed to attain management objectives.

The transportation plan should be clear and logical, and presented in a form easily understandable to the public, and should specify drainages that will be exempt from any road construction or managed with temporary roads only.

The temporary roads still open should be carefully evaluated; those classified as temporary should be closed and all others reconstructed as required for maintenance as part of the permanent road system.

In road layout and design, the relation between the road and the landscape should be clearly established so as to avoid a result suggesting single use.

CONTROLLING ENVIRONMENTAL EFFECTS OF ROADS

The possibility of disturbance of the ecological balance in forests increases with use. The balance is extremely delicate in some areas, and failure to recognize the allowable limits of disturbance has led to serious resource management problems. Some forest areas can undergo severe treatment and remain relatively stable. Others deteriorate acutely after only slight disturbance. Road construction is one of the most severe disturbances that man can impose upon forest land. Roads expose raw mineral soil to erosion and alter the contours of the landscape; road access to forest land must inevitably disturb wildlife to some degree. Management practices that minimize the undesirable environmental effects of roads are essential.

WATERSHED

It has been charged that road planning and construction on the Wyoming Forests have been faulty, causing accelerated soil erosion, increased sedimentation in stream channels, and damaged fisheries. Experience and research in a number of places—from the Great Smoky Mountains of North Carolina, the Appalachians of West Virginia, and the White Mountains of New Hampshire through the Rocky Mountains of Arizona, Colorado, Idaho, and Montana to the Sierra Nevada of California and the Cascades of Oregon and Washington—confirm that roads are the main cause of reduced water quality in forested watersheds (Packer 1967). Much of this same research also shows that well-designed roads located away from water courses and provided with proper drainage need not cause damage to the quality of stream-flow. We saw evidence that a high degree of quality control can be obtained in road construction. Perhaps the best examples in this respect are the Antelope Mountains and Enos Creek roads on the Teton and Shoshone National Forests, respectively. These roads were designed, located, and built with the greatest regard for watershed and esthetic considerations (fig. 31).

Our observations strongly support research conclusions as to the importance of specific road design and construction criteria. In each of these Forests we encountered unstabilized road cuts and fills, poorly installed culverts, and sections of roads having improperly spaced drainage facilities. Of special importance are the many miles of temporary roads on which soil is being eroded because logging activities continued so far into the fall or winter that surface drainage facilities could not be installed in the frozen earth. These rather frequent occurrences of soil erosion and sediment movement from roads toward streams are reason for serious concern (fig. 32). Damage to watersheds and water quality from these sources has not yet been great, but there is urgent need to develop better quality control in roadbuilding and maintenance.

We did see several instances of road construction on unstable areas, threatening serious watershed damage. A review of the conditions on five of these areas illustrates several problems.

Leads Creek—Part of the main haul road was built through soil derived from glacial silt, which is highly susceptible to accelerated sheet and gully erosion. Excessively wide stretches of this road (fig. 33), coupled with inadequately spaced surface drainage and a few plugged culverts, have allowed sediment-laden runoff from the road to enter Leads Creek in several places (fig. 34).

Three Forks Creek—The upper portion of the main haul road traversed extremely steep slopes. Here again, an excessively wide road was built, resulting in high vertical cut banks that are now collapsing, and overly steep fill slopes that the sloughing away (fig. 35).

Cabin Creek—Portions of the main haul road were built across obviously unstable slopes ("slump topography") and potential landslip areas. As a result one entire section of road, several hundred feet long, has actually slipped down the hill into the drainage bottom, creating a new source of sediment during highwater periods (fig. 36).

Poison Creek—Portions of some of the temporary roads are on locations that do not allow good surface drainage. Overland flow down these road surfaces has concentrated to the point where large rills and small gullies have been eroded in the roadbed (fig. 37). We saw no direct evidence that sediment from these eroding surfaces had reached streams yet, but unless adequate surface drainage facilities are installed on these roads, it can be expected to do so eventually.

Brooks Lake (Jules Bowl)—Roads were constructed on relatively stable soils derived from variegated clay stone, shale, and sandstone, and from coarse glacial till. Some of the temporary roads were built at grades of more than 12 percent and some were excessively wide (fig. 38). Many of the fine soil fractions have already washed off these roads, leaving a rocky erosion pavement in places. Some poorly constructed cross-drains have broken through, permitting surface runoff to concentrate sufficiently to wash soil downslope. Fortunately, since most of the roads are far removed from Brooks Lake Creek, there is small probability that sediment will reach this live stream. Part of the Brooks Lake timber sale area is located on slump topography showing mass instability, especially when the soil mantle becomes saturated. In several places large amounts of logging residue, some from road construction, were left in small tributary stream channels, thereby slowing the normal drainage of water out of small basins and permitting the soil mantle to become locally saturated continuously. There is already evidence of increased mass soil slumping as a result of this.

These mistakes in road location and construction are not isolated instances and they are cause for concern for several reasons. First, the knowledge necessary to prevent them was available but not used. Second, they cannot be dismissed on the grounds that "we are no longer doing it this way." Some of the cited roads were built during the past 5 years. There is still not enough quality control of road construction for watershed protection.

RECOMMENDATIONS

The quality of design, location, and construction of roads, especially temporary ones, must be greatly improved to avoid unnecessary damage to soil and water.

Existing specifications that temporary roads should be maintained for adequate drainage before winter should be scrupulously observed.

Much greater use should be made of geologists, hydrologists, and soil scientists in planning and constructing roads.

WILDLIFE

The effects of roads on big game populations, specifically elk, are almost impossible to evaluate because there is no adequate information. The charge is made that road access makes elk more vulnerable to hunters and leads to year-round harassment by picnic parties, motorcyclists, Sunday drivers, and snowmobiles. As road densities increase, elk retreat from this disturbance until, eventually, there is no escape left. Game biologists all over the Rocky Mountain West have voiced this concern in recent years; as a result some roads have been closed, and a number of timber sales have been modified.

The claim is also made that logging can improve elk habitat. The literature does in fact report some significant improvement from logging, but the conclusions are based on forage production rather than animal behavior studies. The Jackson Hole herd and many other feeding operations can be cited as evidence of elk tolerance for close association with man, but these are unnatural situations.

We tend to agree that timber harvest could create a potential for harassment of elk during rutting and calving, and there is no question that easy access increases vulnerability to hunters. Nevertheless, there are no reports in the literature to demonstrate that roads and logging are necessarily detrimental to elk population levels. A description of elk management problems in the Wind River drainage is given at the end of this section to illustrate how increased access can complicate management decisions.

Although we cannot substantiate damage by roads to the wildlife resources of Wyoming, we believe this problem has very strong implications for management. First, even our brief examination of the northern Wyoming area confirms the value of the wildlife resource. The Jackson Hole elk herd has been world famous for over five decades. Elk harvests in northern Wyoming have averaged more than 11,000 animals annually in recent years. Second, the presence of the two National Parks, Yellowstone and Grand Teton, puts the surrounding National Forests in a unique position. Over a million tourists visit the two Parks each year. The thermal wonders of Yellowstone and the scenery of Grand Teton are major attractions; but the elk, moose, and bear are also extremely significant as a part of the total picture visitors expect to see.

We believe that an overriding consideration of land management on these National Forests should be the health of the elk herds. There is no positive evidence that roads destroy elk habitat, but neither is there proof they do not. Until definitive answers are produced by research, the possible loss of options should be an important consideration in all management decisions concerned with the development of roads. We saw little evidence that past timber management activity has given appropriate consideration to elk herds, but this may not be surprising since the potential conflict has only recently been recognized. There is encouraging indication that present planning does recognize the real value of the resource.

ELK IN THE WIND RIVER VALLEY

Elk hunting in the Wind River management until has been extremely important for many years. Each fall Dubois, Wyoming, becomes a hub of activity for a 6- to 8-week season in which a thousand or more hunters participate. In Dubois also is a large stud mill run by U.S. Plywood-Champion Corporation. Both activities contribute substantially to the welfare of Dubois, and the basic resources for both activities are derived from the nearby National Forests.

The Wind River Valley resembles a large horseshoe with the toe on the Continental Divide near Brooks Lake and Dubois in the middle (fig. 39). Commercial timber management is confined to a belt 6 to 10 miles wide on the circumference of the horseshoe, and most of the area north of the commercial forest belt is managed as wilderness.

Elk harvest and timber sale records for the Wind River drainage, from 1963 to 1967, are presented in table 2. Analysis of the elk kill demonstrates a significant change in harvest in all but two subdrainages. During the first 2 years of record, in the drainages with the heaviest logging activity, Wiggins Fork-Horse Creek produced a substandard harvest while Sheridan Creek-Brooks Lake and Warm Springs Creek were above average. In 1966–67, these latter subdrainages produced a harvest below expectation while Wiggins Fork-Horse Creek showed an increase. Thus, the Wind River elk harvest appears to fluctuate almost without regard to timber sales. As a further complication, total elk harvest had nearly doubled at the end of the 5-year period because the hunting seasons were changed from September 10-October 31 in 1963–65 to October 1-November 15 in 1966–67.

TABLE 2.—WIND RIVER ELK HARVEST AND TIMBER HARVEST, BY SUBDRAINAGES, 1963–67[1]

Subdrainage	Year 1963	1964	1965	1966	1967
Elk killed:					
East Fork, Bear Creek	[2]42−	55	61	111	136
Wiggins Fork, Horse Creek	51	[2]26−	46	110	118
DuNoir, Long Creek	45	46	42	76	95
Sheridan Creek, Brooks Lake	[2]32+	[2]28+	10	[2]14−	[2]15−
Warm Springs Creek	[2]26+	[2]27+	14	23	[2]23−
Jakeys Fork, Torrey Creek	13	[2]14+	[2]2−	15	11
Red Creek, Dinwoody	5	7	9	21	23
Total, Wind River	214	203	184	370	421
Acres cut:					
East Fork, Bear Creek					
Wiggins Fork, Horse Creeek	[3]900	58	103	300	70
DuNoir, Long Creek			35		457
Sheridan Creek, Brooks Lake	[3]478	765	112	472	149
Warm Springs Creek		78	368	541	
Jakeys Fork, Torrey Creek					
Red Creek, Dinwoody					
Total, Wind River	1,378	901	618	1,313	676

[1] Elk harvest compiled from Dubois check station records, Wyoming Game and Fish Department; timber harvest compiled from incomplete records of the Wind River Ranger District, Shoshone National Forest. Statistical data: chi-square=108.7, 24 degrees of freedom, 0.001>p.

[2] Indicates cell contribution is 3.5 or more to total chi-square.

[3] Up to 1963.

Note: Plus or minus indicates the direction of deviation from expected values.

We were told that this change in season dates was instituted to shift the harvest from resident to migratory elk within the Wind River drainage. Elk harvest totals for the area had declined from 362 in 1959 to 214 in 1963 and 184 in 1965. Biologists of the Wyoming Game and Fish Department examined the biweekly distribution of elk harvest. They found that in drainages north of the Wind River, the kill increased in the last half of the season, whereas south of the river a greater proportion of the total harvest was obtained in the early part of the season. From this observation and from tagging studies, Game Department biologists concluded that in the early season there was only a partial harvest of migratory animals coming out of the Teton Wilderness and down DuNoir Creek to winter range on the lower Wiggins Fork. They also believed the resident herd was being overharvested.

Accordingly, the October-November season was initiated in 1966—and the total number of animals harvested did increase substantially in drainages north of the Wind River. Like many management decisions, however, this one created a whole new series of questions. The 1967 biweekly count still shows over half the harvest taken in the last 2 week of the season in drainages north of the river. Moreover, Sheridan Creek-Brooks Lake still shows half the harvest in the first 2 weeks of the season. Does this indicate a still higher potential for harvest in the migratory herd? Or, does it simply indicate the movement of hunters from area to area as snow closes the high country?

There are also unanswered questions about nonmigratory elk. Has the total number of such animals been reduced by increased access and more efficient harvest? Has the harvest thereby been shifted to migratory elk? The data for Wiggins Fork-Horse Creek and Sheridan Creek-Brooks Lake (table 2) tend to support this contention if it is assumed that new roads will lead to an overharvest followed by a drop in the kill. Warm Springs Creek, on the other hand, produced the same pattern—but the high harvest came before logging started.

Thus, there is just enough information available to tantalize us. The correlations are suggestive but not statistically sound. The conclusion that the resident elk herd was reduced is balanced by evidence that a management decision actually produced an overall increase in the harvest. And, unfortunately, the decisions which must be made still depend on unsupported logic rather than scientific fact.

RECOMMENDATIONS

The Forest and Regions should actively encourage cooperative research to determine the impact of road systems on elk populations.

The Forest Service should carefully consider a slowdown in construction of new permanent roads until information is available concerning the effects of roads on elk.

LANDSCAPE QUALITY

Public concern about the visual effects of forest management practices was primarily directed toward clearcutting, but roads were a close second in importance. We observed some road design of commendable quality, yet in some timber sale areas we found design, location, and construction of roads that expressed insensitivity to forest resources other than timber.

RELATION OF ROADS TO LANDFORM

Road location is of critical importance because of the powerful capacity of a road to focus attention ahead, forming a "visual corridor" for the traveler. The Antelope Mountain road, Teton National Forest, was constructed basically for insect control and sanitation-salvage cutting, but it was designed with such good relationship to its surroundings that it is now also a scenic road of high quality. For example, one straight stretch is directed so that the Grand Teton Range is incorporated as a directly linked outview (fig. 40). Conversely, a straight piece of road can make more conspicuous a timber harvest pattern planned without recognition of landscape impact. The Owens Creek cuttings on the Bighorn Forest (see fig. 41) are conspicuous for the way they modify the appearance of nearby landforms. Had there been appreciation that a road also defines a visual corridor, more careful consideration could have been given and a better effect achieved.

A road can be conceived of as a physical-visual experience in a three-dimensional landscape. On the Antelope Mountain road, a curved segment is laid out so that it is complementary to a concave terrain form (fig. 41). Here the road conforms to the landscape and is subordinate to it. Quality suffers, however, if the relation of road to landform is unsatisfactory. On the Brooks Lake road, Shoshone Forest (fig. 42), the straight portion of the road between two curves cuts through a rounded spur ridge. Straight road and convex land surface do not match, and a visual break results. A curve of longer radius could have conformed directly to surface form, also maintaining visual continuity of the roadway. Other negative aspects of this road include an overly wide and uniform clearing line on the high side, windthrow, and incomplete slash cleanup. The positive aspects are the display of the stratified peak feature and the clearing variations tied to minor openings on the lower side. The visual quality of this road segment is mediocre, but additional attention to design and construction could have produced superior quality. Unqualified concern for the visual environment could have prevailed, but it did not.

The detailed adjustment of road layout to recognize local landscape variations and features is a way to integrate the road to its immediate surroundings. We observed both care and carelessness in this regard. Carelessness was most evident in roads alongside clearcuts or inside them (see figs. 1, 6). There is need for concurrent planning of roads and harvest layout. Care, in the form of sensitivity for small things, is shown in fig. 43 as the Antelope Mountain road passes close by a wolf tree and adjacent fence. This simple design linkage to an isolated tree and a human artifact suggests what can be done. We are convinced, however, that it cannot be generally accomplished without special bolstering and training of staffs. More flexible road design standards are needed, including standards for roads of smaller scale.

Cuts and fills indicate the degree to which the horizontal and vertical layout of the road fits the landscape. They are not undesirable as long as they are minimal and the road does not seem to disrupt the flow of land surface (fig. 44). Roads on the four Forests cannot be seriously criticized for excessive cuts or fills—largely because much of the roadbuilding is on gentle topography. More could be done, however, to modify cuts and fills through slope flattening and planting, for both erosion control and visual continuity with natural surroundings. Not enough is being done to finish up road construction with revegetated side slopes.

We envision that the design of all system roads in these four Forests will recognize that the quality of experience derived from road-based travel depends upon sensitive treatment of the relationships between road and landscape. The technical staff must be available and have the expertise to do this. We have commented elsewhere on the need for special staffing and training.

RECOMMENDATIONS

Road location and design should be better coordinated with the landscape than they are at present:

Planning and road design should routinely include thorough exploration of visual alternatives.

The visual corridors created by both existing and proposed highways and permanent forest roads should be recognized as requiring special attention.

More flexible road design standards, encouraging small-scale roads where they are appropriate, should be adopted.

LOGGING RESIDUE

The harvest of trees, like the harvest of other crops, leaves an unused residue, consisting mainly of foilage, limbs, treetops, roots, and stumps. Trees or portions of trees that are too defective, too small, too crooked, or of too low quality for any present practical use are also left on the ground. The volume of residual material depends primarily on the condition of the timber stand, the harvesting method, road right-of-way clearing, and the market demand for wood products.

Much of the criticism of timber harvest practices on the four Forests can be attributed to the inadequate, improper, or poorly timed treatment of logging residue. Unsightliness was most frequently mentioned. In addition there were frequent complaints about waste of apparently usable material, creation of barriers impassable to wildlife, air and water pollution, soil disturbance resulting from treatment, and excessive treatment costs. A substantial number of people also expressed concern about inconsistencies in residue treatment methods used on different Forests.

We observed on the ground the results of practices ranging from virtually total disposal of the residue (fig. 45) to no treatment whatever (fig. 45). We also found considerable variation in treatment methods, standards, and performance among the Forests and between the Regions. Each of the Forests has a backlog of unfinished treatment work to do.

The treatment of residue may include any one or, more often, a combination of such actions as burning, scattering, burying, piling, or crushing (rolling). Silviculturally, residue is treated to reduce fire hazard, help regenerate a new stand of trees, and, for some tree species, reduce insect hazard to the remaining trees. On many sites, residual woody material is needed to provide a microclimate favorable to the survival of tree seedlings, and to help protect soil from erosion. Other considerations are protection of scenic quality, prevention of mechanical obstruction to the movement of people and animals, and protection of air and water quality.

Several treatment methods have been or are now being used. No treatment—an alternative in which the residue is left untouched after the merchantable wood is removed—has been practiced with results such as those shown in figure 46.

Broadcast burning, now discontinued on the four Forests, consists of burning the residue where it falls without further handling. In practice, a fireline is constructed around a body of slash, and the area is then progressively fired in predetermined spots and and directions in such a manner that the area burns essentially all at the same time. Use of this method requires a sufficient volume of woody material to carry the fire and create sufficient heat to achieve desired levels of removal. Broadcast burning is usually confined to areas harvested by clearcutting (fig. 47).

The windrow and burn method utilizes tractors with brush blades to push residue into windrows preparatory to burning (fig. 48). Tractors usually work downhill, bunching the residue into continuous windrows at right angles to the slope, where it is burned. The method is usually restricted to areas harvested by clearcutting.

In the pile and burn method, the same kind of equipment is used except that the residue is pushed into piles rather than windrows before burning (fig. 49). This technique has more flexibility than the windrow and burn method and can be used following harvest by partial cutting as well as by clearcutting.

The roller-chopper method utilizes a large, heavy, ribbed metal drum, drawn by a tractor as shown in figure 50, to break and mash residue down onto the ground where it will decompose more rapidly. The drum is usually 8 feet or more long and 4 or 5 feet in diameter with square or diagonal cutting flanges welded to the exterior surface. The drum is hollow, but filled with some liquid for weight while working. The equipment is usable only on level or gently sloping ground and is fully effective only in areas of light concentrations of small-diameter residues (fig. 51). Larger logs and stumps reduce the efficiency of the method. Because of the size of the equipment, efficiency is low except on relatively large areas. Where patches of very heavy concentrations of residue ("jackpots") have accumulated, the material is often bunched into piles and burned.

The lop and scatter method employs manual labor using axes or power saws or both. Limbs are cut from felled trees and scattered on the ground to decompose by natural means. The method does not provide for adequate fire hazard reduction if residue volumes are large, and firebreaks are often installed at strategic locations to minimize the danger of fire spread. Also, as in the roller-chopper method, "jackpot" concentrations are usually bunched and burned.

RESIDUE TREATMENT ON THE FORESTS

An analysis of the effectiveness of past methods of treating logging residue reveals several deficiencies. There has been unwarranted optimism that successful regeneration would be achieved without proper residue treatment as indicated by timber stand conditions, including seed supply. This optimism stemmed partly from lack of adequate factual information, and partly from reliance on experience gained in other locations not really comparable to Wyoming. There is much evidence, too, that planned treatments were not accomplished on schedule or as intended. In some instances, shortage of manpower and money led to delays in treatment. Generally, administrators did not anticipate the strong public reaction to the unsightliness of untreated residues on logged areas. Whatever the reasons, there is much more untreated residue on the four Forests than sound timber management practices would dictate.

Many of the inadequacies and problems of logging residue management are now recognized. Significant changes have been made in an effort to avoid repetition of past errors. On the Bridger and Teton Forests, for example, current practice on clearcuts is to machine pile and burn the logging residue. Sale contracts on these Forests of Region 4 require that all slash from trees cut before August 15 be piled for burning by November 1. Burning is done no later than the following year. The appearance of harvested areas after these treatments is usually good, in a few of the areas where piling and burning were done, however, we question if enough of the residue remains to encourage regeneration and protect the soil. For selection or shelterwood cuttings, limbs are lopped and scattered and, where needed, concentrations of residue are piled and burned. Shortcomings common to the lop and scatter treatment are the lack of a desirable mineral seedbed (see the section "Regeneration"), and the disorderly appearance of the area.

On the Bighorn and Shoshone Forests of Region 2, treatment of logging residue reflects a variety of past and current policies. On selective and shelterwood harvest areas, residue is lopped and scattered. The inadequacies associated with this treatment are the same as noted above. On clearcuts, burning has been discontinued except for "jackpot" concentrations, and the logging residue is roller-chopped after one season of drying. Except on uncompleted sales, the Wind River District of the Shoreshone no longer has stands suitable for clearcutting. The lop and scatter treatment is commonly used on the small cutting units. These, together with the areas awaiting roller-chopper treatment, tend to give a general appearance of disorder.

People we talked to on Region 2 Forests generally praised the roller-chopper method, primarily on the basis that the chopped residue reduces soil moisture losses and provides shade for tree seedlings. There have been some successful results; for example, on parts of the Caribou Mesa sale (see fig. 51) young trees are numerous after this roller-chopping. But the technique is effective only on slopes of about 25 percent or less. From the available evidence, it does not seem to solve all the problems posed by logging residue.

Current objectives for managing the residue are major steps in the right direction, but we can give them only qualified endorsement. There are still some unanswered questions about current practices that require further study. For the most part, foresters are aware of the alternatives available and the reasons why timing, method, and proper followup action are needed. The treatment should be much more carefully chosen to fit the varied site and timber stand conditions before the timber harvest. Some available knowledge is not being used, and additional research and testing in the field are undoubtedly needed. Also, the backlog of untreated logging and road-clearing wood residues that exists on each of the Forests should be scheduled for treatment.

A problem that has aroused public comment is the apparently high volume of waste material on cutover areas on the Forests. Most of the harvest is in the lodgepole pine type, and yields and product values are relatively low. There was little management except for fire protection until recent years. Selective logging for railroad ties removed only the better trees. Thus, many stands now contain large quantities of poor quality wood.

Timber harvesting would be more acceptable to many critics, and logging residue management would be simplified, if more of the wood was removed and converted to useful products. Progress in reducing the residue would result in less waste, lessen the potential for air pollution from burning, reduce the possibility of stream pollution, and improve the esthetic effect of timber harvest. The cost of removing and processing more of the material may now be too high to attract buyers, but this phase of timber management practice deserves strong and continuing emphasis by the Forest Service and the timber industry.

The inconsistency between Forests in treatment of residue has drawn some public attention. Sound practice may require deviations from standards or guidelines to fulfill the requirements of a specific silvicultural prescription. On the other hand, from our observations it is hard to understand why one treatment method should be considered the only viable technique on the Teton Forest, whereas the Shoshone uses another. We believe training and written guidelines for residue treatment are currently inadequate, and that both need attention at Regional and Forest levels. Allowance should also be made for flexibility in the use of guidelines.

CONTROLLING ENVIRONMENTAL EFFECTS OF RESIDUE

The possible adverse effects of logging, as specifically related to logging residue and its treatment, have aroused concern for air and water quality, soil stability, and wildlife habitat, as well as scenic quality. No studies concerning these matters, specific to these four Forests, have been made, but some broad conclusions are possible from observation and information from other areas.

AIR AND WATER QUALITY

Our observations suggest that potential for air and water pollution on the four Forests is relatively low. As noted earlier, except for road right-of-way slash and some "jackpot" concentrations, logging residue is not burned on the Bighorn and Shoshone Forests. The Teton and Bridger Forests pile and burn on clearcut units. When residue is piled, options for time of burning are extended. It can be accomplished during periods when atmospheric conditions are favorable for dispersal of smoke. We did learn that burning is sometimes done when weather conditions may not be favorable. To avoid distraction and disturbance of tourists, the Teton Forest schedules burning for late fall when most of the tourists are gone. Beaufait's (1968) studies in Montana suggest that this may be a poor time of the year for such activity because of increased atmospheric stability. Temperature inversions are a common phenomenon of fall weather, and the probability of smoke collecting in the valleys is very high.

The question of whether decomposition of logging residue could contribute nutrients that become a source of chemical pollution in forest waters has been investigated on the Hubbard Brook Experimental Forest in New Hampshire (Likens et al. 1970). This research indicated marked increase in dissolved nutrients after clearcutting. The Federal Water Quality Administration's "Industrial Waste Guide—Logging Practices" (1970) identifies logging waste as a chemical pollution source in the Pacific Northwest.

The applicability of these data is not entirely clear, since our observations in Wyoming did not include collection of nutrient data in streams. The Hubbard Brook study was not identical with a timber harvest activity. None of the logged material was removed or burned, and all living plants on the site were killed, thus preventing natural uptake of nutrients from decomposing material. In the Northwest, a much larger volume of logging residue is commonly present to contribute dissolved nutrients. Considering the smaller amount of residue and the generally heavy growth of forbs and grasses on Wyoming clearcuts, pollution by chemical nutrients does not appear to be a significant threat. Research to determine the true magnitude of this problem is needed.

SOIL STABILITY

Logging residue treatment may or may not increase the soil erosion hazard, depending on the method used, and where and how it is applied. In our examinations of many sale areas we found little evidence of increased erosion resulting from logging residue treatments. The lop and scatter method used when partial cuts are made leaves all of the woody material as a protective cover on essentially undisturbed soil. The roller-chopper method, sometimes used on clearcuts, leaves all of the residue on or near the ground surface and causes only minor soil disturbance. Piling and burning disturbs far more of the soil, but when properly done leaves an adequate protective cover of small woody material and duff on or near the soil surface.

In a few instances we observed excessive removal of protective ground cover and unnecessary disturbance of soil as a result of bulldozer piling of logging residue, not only on gentle terrain, but also on slopes in excess of 35 percent.

These operations have undoubtedly created a potential for erosion and sediment production. We believe that logging residue disposal by bulldozer piling can and should be done in a manner that prevents baring of excessive amounts of soil. It should be limited to slopes of less than 35 percent.

WILDLIFE HABITAT

The public fear that logging residues can create barriers to the movement of big game is easy to understand. Walls of windrowed slash, as shown in fig. 52, could inhibit elk and deer movement. It is quite likely such a wall will persist a long time, but we saw only a few. We believe the creation of potential barriers should be avoided, but we also believe the degree of concern is out of proportion to the actual problem in Wyoming. The windrowed slash on clearcuts and road right-of-way clearings may present significant potential problems, but all of the Forests are making good progress in solving them. We also believe untreated slash is not likely to create barriers. After all, there are many lodgepole pine "jungles" (fig. 53) that are not much different from untreated logging slash; these seem to pose no barrier, as any elk hunter can testify.

SCENIC QUALITY

A disturbing visual effect is created by untreated logging residue, seen either alongside roads or trails, or in the cutting units from adjacent travel routes. This was observable in July 1970 along the road south of Fish Creek on the Teton Forest, where cutting had taken place in 1969. A wide right-of-way clearing connected a series of cut blocks, the combination producing the visual image of an excessively large timber harvest. Until cleanup is accomplished, that impression will reflect adversely upon management.

Logging is a "crude" operation in the visual chaos it creates. The standard practice is to delay residue treatment until after the merchantable material is removed. Although the condition may be temporary, when viewed at this stage by a casual visitor it often leaves a lasting unfavorable impression. Both windrowing and piling, as intermediate steps before burning, at least give an orderly appearance. Such steps are visual clues that management is coping with the problem.

The practical importance of immediate treatment may be open to question, but the visual problem should be recognized and dealt with accordingly. Roads and trails might be closed until treatment is complete. If closure is not feasible, signs might inform the public that rehabilitation measures will follow.

The prompt and complete cleanup and disposal of road right-of-way slash is especially important. At a roadside, even a small amount of partially burned slash must be considered detrimental as seen by the forest visitor (fig. 54). Roadsides are, in effect, display areas demanding the most complete treatment. The practice of accomplishing cleanup concurrently with road construction is good. The Bridger and Shoshone Forests, on the Mosquito Lake and Enos Creek roads, respectively, have done this job well.

RECOMMENDITIONS

Forest Service Research, National Forest Administration, and the timber industry should jointly explore possibilities for using more of the wood left after logging, and for treating the remaining residue to facilitate natural and artificial regeneration and reduce the unfavorable visual impact.

The Forest Service should establish exploratory studies to determine the effects of logging residue management on water quality.

The Forests should secure timely meteorological information, and require that logging residues be burned during periods when burning is least likely to affect air quality adversely.

The Forests should do a complete job of treating right-of-way clearing residues concurrent with construction of all roads open to public travel.

The Forests should eliminate the backlog of untreated residues as soon as possible.

REGENERATION

The critical importance of prompt regeneration to successful silviculture has been pointed out in earlier discussion. In Wyoming, this phase of management has become a focus of contention; many people do not believe a new tree crop is being established following clearcutting. We were told that the Forest Service does not have the technology to accomplish regeneration in Wyoming's harsh climate, and we were shown cutting after cutting in which no small trees were visible from the road.

The important Wyoming timber species do have individual requirements for regeneration. These must be understood before the results of efforts to establish new forests can be properly evaluated.

REGENERATION IN LODGEPOLE PINE

Successful natural regeneration of lodgepole pine depends upon three factors: (1) a good supply of viable seed widely dispersed over the cut area, (2) favorable seedbeds for germination and seedling survival, and (3) suitable moisture and temperature for seedling growth. Unless these conditions are met, natural reproduction may fail or may not become established for a long time.

SEED PRODUCTION AND DISPERSAL

The importance of cone serotiny—the closed cone habit—to regeneration of lodgepole pine has been described with reference to silvicultural prescriptions (see p. 13). Over much of its range, lodgepole pine produces predominantly serotinous cones, which hang in the tree crown, tightly closed, for years, thus preserving large quantities of viable seed. Recent studies show, however, that trees on extensive areas of the Teton, Bridger, Shoshone, and Bighorn National Forests are predominantly of the nonserotinous, or open-cone, habit. Seed is shed and disseminated by wind annually on these areas, so that little or no seed is stored in the crowns.

Where the cone habit is primarily serotinous, seed dissemination does not occur until heat breaks the resin seal that keeps the cones closed. On clearcuttings, cone-bearing slash scattered over the cut area distributes the seed very effectively, provided the cones are brought close enough to the ground to receive the radiated or convective heat needed to open them (Crossley 1956). A temperature of 113° F. is needed to break the resin seal. Cones within about 1 foot or less of the ground usually open and release most of their seed during the first summer season. Consequently, in stands with serotinous cones, seed dissemination does not restrict the size of the clearcutting.

The cone serotiny habit varies with elevation, habitat type, and stand history. In western Wyoming, at about 7,000 feet, serotiny and wildfire are common in the Douglas-fir/pinegrass habitat, but they are less so at 9,000 feet in the subalpine fir—Engelmann spruce/dwarf huckleberry habitat.

Stands that have predominantly open or nonserotinous cones cannot be regenerated naturally in large clearcuts. Seed disseminated by the wind in these stands is dispersed only about 200 feet into the openings. Therefore, strips wider than about 400 to 600 feet are not likely to receive sufficient seed to restock the entire cut. Prompt tree planting is indicated on those parts of the cuttings that are too remote from the seed source to be restocked naturally.

SEEDBED REQUIREMENTS

In most habitat types, lodgepole pine, like many other species, requires a well-prepared mineral soil seedbed for best seed germination and seedling survival. About 90 percent of the total reproduction is established in the first 2 years. Although some germinants appear in ensuing years, they usually balance the losses rather than increase the stocking.

Exposure of mineral soil and removal of competing vegetation provide the best seedbed for both germination and seedling survival. On exposed soils the roots of lodgepole pine seedlings penetrate to a more stable supply of soil moisture than is found in the organic surface material of the natural forest floor.

REGENERATION IN SPRUCE-FIR

In establishing Engelmann spruce in cutover areas, adequate site preparation and attention to quality, care, and handling of planting stock are the keys to success. Apparently, a determining element is the ecology of spruce and fir as they grow together to form high-elevation forests.

Mature Engelmann spruce, in association with subalpine fir, forms a relatively stable forest vegetation. The stands are not easily displaced by other vegetation, except when disturbed by logging, fire, or insect and disease attack. Complete removal of the stand by such disturbances results in drastic environmental changes that tend to favor establishment of species less tolerant to shade, such as aspen and lodgepole pine. Under natural conditions spruce becomes readily established only on mineral soil and rotten wood seedbeds, whereas fir is not exacting in its seedbed requirements. Furthermore, although spruce seedling survival is better in the shade than in the open, spruce cannot compete with fir under the low light intensities commonly associated with dense spruce-fir forests. Once established, however, spruce lives longer than fir (Alexander 1958).

Spruce seed is light and may disperse in adequate numbers as far as 600 feet from the timber edge. But even great quantities of seed will not stock a cut area in a harsh or incompatible environment. Drought and frost seriously jeopardize the establishment of seedlings after clearcutting. Perhaps the most drastic environmental change caused by the cutting is the increase in solar light intensity at the soil-air interface. Ronco (1970) has shown that high light intensities, typical at upper elevations, contribute to the high mortality of open-grown seedlings. He suggests that solarization—a phenomenon by which high light intensity inhibits photosynthesis—leads to irreversible tissue damage and subsequent death of open-grown seedlings.

High temperatures associated with high light intensity heat the soil surface, thereby increasing transpiration and evaporation. The increased water loss from both seedlings and soil, along with heat-caused lesions on seedling stems, combine to cause considerable additional mortality (Roe et al. 1970).

Many spruce-fir forests have an understory of advanced growth which, if protected from damage during removal of the overstory, may develop into a new stand. Advanced reproduction usually varies widely in age, composition, quality, and quantity, and its potential for further management must be carefully evaluated. Criteria for such evaluation and management guidelines for reproduction following cutting have been developed by Roe et al. (1970).

REGENERATION PRACTICES OF THE FORESTS

On all four Forests we inspected cutting after cutting in which a cursory observation would suggest no regeneration. Our close examination revealed, however, that many of these "regeneration failures" did indeed have adequate stocking of seedings—although the trees will not become readily visible from roads or trails for another 1 to 5 years. Nevertheless, the frequency of cuttings that must be rated unsatisfactory is considerably higher than it should be. The practices that have led to this condition need to be carefully evaluated.

NATURAL REGENERATION OF LODGEPOLE PINE

Regeneration plans usually called for planting if natural seeding failed. As a rule not only the natural seeding, but also many of the subsequent plantings did fail. Some, if not most, of the failures were predictable.

Earlier corrective measures could have been taken if the silvicultural requirements for regeneration (cone serotiny and frequency of good seed years) had been properly evaluated. Failure to recognize scarcity of serotinous cones was most damaging. Natural regeneration is bound to fail in a large clearcut where the supply of serotinous cones is inadequate.

Natural regeneration is easiest in small or narrow clearcuts. In stands with nonserotinous cones, clearcuts should be designed so that seed dispersal from border trees is adequate over the entire clearcut area. Decisions as to the size of such clearcuts, therefore, should take into account the commonly accepted 200-foot dispersal distance of lodgepole pine seed and the quality of seed trees along the cutting margin. The latter requirement, often overlooked, is essential to satisfactory natural regeneration.

Spotty coordination of regeneration factors has sometimes led to failure. Seed dispersal distance, preparation of seedbeds, and timing of harvest with a good seed crop form a chain of events culminating in a new stand of trees. We observed clearcuts where these requirements were met, but we suspect that such coordination is frequently accidental. The timing of harvesting with good seed years and the scheduling of seedbed preparation following logging are administrative activities easily controlled by man. Sampling techniques are available for estimating the total number of serotinous cones in a stand (Lotan 1963). The status of the cone crop of the stand can be determined before harvest by observing cone development and by seed trapping. Seeding experiments on each clearcut immediately after harvest can give early indications of problems of seed germination and seedling establishment. Close attention to all these factors entails considerable work, but may eliminate the need for costly subsequent site preparation and one or more repair plantings.

ARTIFICIAL REGENERATION OF LODGEPOLE PINE

Tree planting needs to be more than an afterthought. The present practice of supplementing natural regeneration from 3 to 5 years or longer after harvesting creates problems. Too often the site is occupied by other vegetation by the time natural regeneration failures are recognized. Planting then entails the added cost of preparing the site again for good results.

We viewed a potential regeneration failure on a recently completed lodgepole pine clearcut in the Fish Creek area (fig. 57). The area, referred to as the "potato field" because of a nearly complete cleanup of logging residue, was in excellent condition for tree planting. When we saw the tract, direct seeding was being tested and there was some germination of seed spots. The reluctance to plant trees at the same time as seeding was puzzling. The plan for direct seeding showed that the inadequacy of natural seed on the area was recognized. Waiting to see if seed-spot planting would adequately supplement natural regeneration seemed to us to risk loss of a favorable tree planting site to competing vegetation. This sample illustrates the obviously strong efforts to solve regeneration problems, but also points out how critical each step is in attaining regeneration. Seed-spot planting, the weak link in the chain here, would have been best employed as an exploratory trial included in plans for planting the area.

Mortality of lodgepole pine seedlings was high in some of the plantations we examined. Many of the live seedlings were poor in vigor. Causes included (1) a poor planting area, in which invading plants were well established and competing with the tree seedlings; (2) poor planting methods, such as digging shallow holes, which encourage doubled-over roots; (3) poor selection of spots to plant each seedling; (4) grazing or trampling by livestock or wildlife; and (5) allowing seedlings to break dormancy before being lifted and shipped from the nursery. In the last instance, the new shoots died and the future of the trees was often in doubt. Helpful measures would be to schedule the spring planting immediately after site preparation to avoid losing the site to other vegetation, and to supervise the planting more closely to avoid mistakes. Better coordination of the lifting of stock in the nursery and preparation of planting sites would also bring improvement. Provision could be made for conditioning at nurseries and cold storage facilities as necessary.

SPRUCE-FIR REGENERATION

In general, spruce-fir regeneration on the four Forests still appears to be a trial-and-error operation. The most important first step has been taken, however—a shift from large clearcuts to small openings. The timber management and silviculture staff of each Forest should now make a concerted effort to become familiar with data already available on the biological requirements for seed production, germination, and establishment of Engelmann spruce and subalpine fir. A monitoring program such as that we have suggested for lodgepole pine should then be carried out with the help of research personnel. Efforts to classify habitat type in the spruce-fir forest zone should be intensified and the information made available and applied in forest management.

GRAZING DAMAGE TO REGENERATION

Cattle were grazing in many of the tree plantations we observed. Forest Service personnel showed us that cattle were inflicting some damage on planted trees by browsing and trampling. In varying degree, this kind of damage occurs throughout each of the Forests and is cumulative over a period of years until the trees have grown out of danger. In places the damage eventually reduces survival to the point of plantation failure.

Clearcuts usually revegetate quickly with grasses, herbs, and shrubs, and consequently are attractive to grazing animals. Opinion varies throughout the four Forests as to the seriousness of the grazing problem. In some plantations, cattle are being excluded for a period of years. In others, it seems to us, grazing is almost encouraged. Grazing damage may be easily overlooked, but by examining individual trees we found sufficient evidence to confirm that it was significant. There is a need for more effective protection of regeneration from livestock grazing.

LOGGING RESIDUE TREATMENT AND REGENERATION

Logging residue can be both beneficial and detrimental to regeneration on a clearcut. The method of treatment is often critical in obtaining natural regeneration. Broadcast burning, a useful silvicultural tool in many situations, may destroy the seed in the slash and also damage any advanced reproduction that could otherwise contribute to restocking the area. If delayed too long, treatment by any method often destroys established seedlings.

Some of the merits and limitations of roller-chopping have been pointed out. On the 92-acre Caribou Mesa Sale on the Buffalo District of the Bighorn National Forest, natural regeneration of lodgepole pine following roller-chopping was spotty. Within 200 to 300 feet of the timber edge, the normal dissemination distance for nonserotinous cones, natural regeneration was satisfactory (see fig. 51). At greater distances from the timber edge it ranged from spotty to inadequate, indicating that nonserotinous cones predominated.

A trial of the roller-chopper on the Shale Creek Sale on the Bridger National Forest resulted in good natural regeneration over the entire unit, one having an apparently adequate natural seed source. On the limited basis of these two observations, we concluded that use of the roller-chopper improves the opportunities for natural regeneration when the area receives adequate seed. Advanced regeneration 1 to 2 feet tall was not usually destroyed. These trees, if not cut by the blades on the roller, would spring back to normal position.

We found that regeneration following the piling and burning technique used on the Teton and Bridger National Forests also was spotty. It appears that planting must always supplement natural regeneration to get the area fully stocked. Although the complete cleanup on recent clearcuts on these two National Forests does give the appearance that a workmanlike job is being done, we feel that it may be somewhat overdone—the first-year barrenness is uncomfortably obvious. This is not a criticism of the Forest personnel who have worked diligently to incorporate this degree of refinement in their timber sale operation, but rather a reflection on the state of the art of regenerating in lodgepole pine stands—how much cleanup is enough?

Given the wide range in results from success to complete failure, the need for considerably more research in regeneration is obvious. Logging residue has a marked impact on the success or failure of regeneration. A method somewhere between the complete cleanup accomplished on the Teton and Bridger National Forests and roller-chopping of slash done on the Bighorn might come closer than either to meeting regeneration needs. In general, the volume of residue left after the merchantable timber has been removed is the critical factor. Finding uses for more of the now unmerchantable wood will help. In addition, more of the residual material should be scattered to avoid concentrations. Then, the roller-chopper might be sufficient to prepare the site for both natural and artificial regeneration.

RECOMMENDATIONS

The silvicultural prescription for each stand should include surveys to determine degree of serotiny in the stand, and monitoring to forecast occurrence of seed crops and to estimate seed production.

A regeneration check list should be developed for each proposed timber sale, outlining (a) the sequence of events affecting regeneration, and (b) the treatments needed to obtain satisfactory regeneration, including backup treatments to compensate for failure of any one step.

Part III: People Are Concerned About the Quality of Forest Stewardship

The issues discussed so far in this report may be summed up in the concern that the quality of stewardship of the National Forest resources must be improved. People both in and out of the Forest Service believe that some important decisions are being made without adequate data about either forest resources or the demands of society. They believe administrative planning has not adequately considered the many consequences of management actions upon the land or the resources. Finally, they are dismayed by the discrepancies between planned, announced actions, and the results actually obtained on the ground.

The public must be assured that future land management decisions will be more firmly based on knowledge that allows reasonable prediction of the outcome of management actions. The Forests must also demonstrate a more unified approach to their common problems, and find more effective ways of actively involving the American people in management planning.

MAKING AND APPLYING MANAGEMENT DECISIONS

By Federal law and Department of Agriculture regulations, the Forest Service must manage the National Forests in accordance with the principles of multiple use and sustained yield. The Service is responsible for maintaining long-term productivity of Forest resources and achieving proper balance between social and economic needs in the use and protection of those resources. How the Forests meet their responsibilities depends on the soundness of their management decisions and the skill with which these decisions are applied on the land.

THE PLANNING PROCESS

For quality Forest stewardship, there must be, first of all, good planning, which requires adequate information, well-qualified personnel, and strong administrative support for the planning effort. Within the framework of the Multiple Use Management Guides provided by the Regional Foresters, planning on each of the Forests has progressed considerably over the past decade. Multiple use plans for National Forest System lands are and must be dynamic; each change results in more comprehensive consideration of the capacity of all resources to serve the needs of the people. The rate of progress varies, however, and none of the Forests has attained the required level of planning refinement.

This report has emphasized the role of planning inadequacies in the management errors we observed. Too frequently we found that management objectives were not clearly understood or defined. The decision to build a new road into a previously unroaded drainage, for example, was likely to be based on the use and protection of timber, without adequate consideration of other values. Opportunities were sought to "get the land under management," but action was often started before the Forest or District Staff had defined what they were going to manage for.

The goal of better balance in resource management is attainable, but it will require more effective participation of specialists in soils, hydrology, wildlife, landscape design, silviculture, engineering, and outdoor recreation. To achieve the high-quality management expected by the public, all the Forests must refine, revise, and update existing multiple use plans using an interdisciplinary approach. Plans must be based on adequate sociological, economic, and resource data, and to this end, planners should increase their efforts to seek the counsel of other agencies and interested lay groups.

THE USE OF AVAILABLE INFORMATION

Good planning requires adequate information. Some of this information is yet to be discovered through research, but much of it can be gathered from available sources.

RESOURCE INVENTORIES

Resource inventories were lacking on all four Forests when extensive logging was begun. At that time, the best information was the Timber Resource Inventory, but because equivalent data were not available about other resources, the Timber Resource Inventory was easily misinterpreted. Although it provided the factual base for calculating the allowable cut, in the absence of data about other important values the calculations did not fully take into account the needs of wildlife and fisheries, recreation, and scenic quality.

The necessary inventory information is now being accumulated, and the Forests, particularly the Teton and Bridger, are making good use of the data in the refinement of multiple use plans. Nevertheless, comprehensive inventories of the basic resources are still lacking. Urgently needed are surveys of soil stability, land suitability, landscape characteristics, hydrological characteristics of watersheds, and the ecological potential and limitations of the forest lands. Areas of special interests should be more thoroughly surveyed and inventoried. These include archeologic and historic sites, areas of importance to rare and endangered species, unique plant communities, unusual landforms or geologic formations, special scenic areas, and key wildlife areas. With this information the Forests could plan their programs for timber and other resources to minimize or avoid conflicts.

SCIENTIFIC AND TECHNICAL INFORMATION

The land manager seldom has all the scientific information he needs and wants, but we encountered several instances where existing helpful information was not used. It has long been known, for example, that the source of seed and timing of seed fall is extremely important in the regeneration of a forest stand. This fact has a critical bearing upon the harvest method, the size of clearcuts, and the method of slash disposal. Cone surveys will supply the needed information for lodgepole pine, but on all four Forests our questions about the seed source and seed potential on sale areas where cuttings were recent, current, or planned, could not be answered. No cone surveys had been made. The lack of adequate natural regeneration on many clearcuts, especially the large ones, reflects the failure to use this source of information to improve the probability of success.

Road construction provides another example. Specific criteria for locating and constructing temporary forest roads in the Rocky Mountain area to minimize soil erosion and prevent sedimentation of streams have been available for the past 10 to 15 years. On all four Forests, however, we observed some temporary roads that were improperly located and constructed, indicating a failure to use the available criteria and guides.

Where knowledge is available but is not being used, the problem is often one of communication. The often-heard claims that research scientists fail to disseminate their findings properly and management specialists fail to search out and apply published research results are still valid; though recognized for years, the information gap has not been closed.

The abilities of technical specialists in the Regional Offices are not fully used, and specialists are often lacking on the individual Forests. On each of the Forests, some poor management decisions might have been improved had the available information and guidance been used effectively. For example, we saw many logging roads built through unstable areas—errors that would probably have been avoided if the assistance of geologists, pedologists, and hydrologists had been used. Although regional specialists are available for consultation and advice, the Forests themselves are shorthanded in such important disciplines as wildlife, soils and hydrology, and landscape architecture.

Until more specialists are available, interim measures are possible. The "literature search" technique is helpful for compiling information on any and all phases of forest management. Professional foresters and land managers have not used this method adequately in Wyoming. At the same time, researchers should not feel that their job is done until they help the practicing forester apply new information on the ground. If the land manager and the researcher communicate as they should, preventable management errors can be significantly reduced.

RECORDS AND ADMINISTRATIVE STUDIES

Useful information is often buried because provision for administrative studies and record keeping is inadequate. Administrative studies should be a continuing part of management programs, as a means of evaluating past and current practices and adapting research findings to specific problems. Yet, at the Ranger District level, work schedules and planning seemed pointed toward present production and future accomplishment. Except for checks on regeneration, we saw little evidence that land management actions had been critically examined to determine causes for success or failure. Similarly, records of management actions are essential to the evaluation of results, but we found Forest personnel were often unsure of the past history of cuttings, road construction, and other management actions. It is understandable that those recently arrived on the scene could not have personal knowledge of such actions, but we did expect to find good records in the District files. Large-scale logging is relatively recent in Wyoming, but already there are some timber sale areas for which no records of sales volume, area cut, and residue treatment are available.

THE SEARCH FOR NEW KNOWLEDGE

Forest personnel readily agree that many past management decisions were made in the absence of much necessary information. This report has emphasized the need for further research in many areas, including resource capabilities. The research effort presently directed to solving these problems is not adequately financed. Support to the Forest and Range Experiment Stations must be substantially increased if the Forests are to receive the kind of assistance they require.

The Forests need more information, for example, on how to regenerate lodgepole pine throughout its altitudinal range and in a variety of habitat types. Similarly, regeneration of Engelmann spruce could be better understood. Without adequate and prompt regeneration of cutover areas, the entire concept of sustained yield is negated and any forest management program is doomed to failure.

The consequences of alternative management actions can only be predicted successfully from knowledge of the ecological relationships among tree species and of the potential of the site to produce vegetation of specific kinds and in specific amounts. Not enough research has been done to classify and define the habitat types common to the Wyoming forests. The land manager needs such tools to make sound decisions.

The Forests of northwestern Wyoming are nationally and even internationally famous for their recreational resources. A large service and supply industry has developed to accommodate the thousands of visitors from many parts of the world. Yet little information is available about what people want to do or see. Research studies are urgently needed to pinpoint the source of visitors, their contribution to the local economy, and their activity patterns. The changing desires and needs of the public should be examined, so that trends may be identified and future needs predicted.

Of all the forest resources, wildlife, the public contends, is least appreciated by the Forest Service. The need for additional information about the effects of logging and roads on elk populations and behavior has been discussed. Two studies, recently started, one in Montana and one in Oregon, may supply some of the needed information. But if the Forests are to provide the kind of positive recognition for wildlife we have recommended, they need something more than solutions to problems of big game management. The recreation experience in Wyoming includes chipmunks as well as moose, and chickadees as well as eagles. Until research provides appropriate information, the Forests can only guess which species are important to the public and how best to recogize that importance.

These comments suggest only a few of the possible lines of research in Wyoming. Others are mentioned in the text and recommendations, but many more could be added in a comprehensive survey of research needs.

For a revitalized forest management program, all available sources of knowledge must be fully used. These environmentally rich forest lands embody resources with potential for timber production and many other uses. But the information for determining priority of uses, or how to manage for the best mix of uses, is only partially known. Universities and the Wyoming Game and Fish Department should be actively encouraged to participate in research efforts coordinated with on-going forest management activities. These studies would provide guidance and new information for the improvement of management practices.

STAFFING AND FINANCING

Quality multiple use management takes time, information, and money. None of the Forest employees we interviewed believe that the total job they are asked to do is properly financed. Staffing is inadequate for the task of present administration and protection, still less for the additional effort needed for complex planning. Employees believe workload calculations for timber sale preparation and administration are unrealistic. As a result, the manpower available for timber sale planning is too limited to allow time for thorough study of the silvicultural conditions; once the sale is made, there is not enough time to administer the sale contracts properly. For example, on one District on the Bighorn, a man was administering a going sale, harvesting operations on another sale assigned to him were scheduled to start in a month, and he was preplanning two other sales. Such inadequate staffing does little to insure either quality planning or quality administration.

We share the concern of Forest personnel as to inadequacies and imbalance in manpower and money to do a quality land management job. The timber management function is now best financed, but it is still not fully adequate. In other resource areas, there are obvious shortages. We can find no fault with the premise that the economic needs of people in Wyoming and elsewhere should be served through judicious use of the timber resource of the National Forests. Historically, these lands were set aside for that purpose. We believe, however, that industrial harvest cutting should not be undertaken unless the funds and manpower are available to accomplish a complete, professional job. We also believe that there must be a better balance in the allocation of funds. Only in this way can the quality of multiple use and environmental protection expected by the public be achieved.

Our observations convinced us that future Forest Service management actions on these National Forests will show much more concern with environmental quality than they have in the past. The changes in management direction have not been in effect long enough, extensively enough, or uniformly enough, however, to convince the public that important improvements are already taking place. An expression of this changing direction toward a better-balanced quality management program appears in a recent statement of the Chief of the Forest Service. Here he emphasized the intent of the Forest Service to obtain better balance of natural resource uses, to recognize environmental needs more adequately, and to involve the public in management decisions. In essence, "we will go as far as we can in meeting quantity goals, but what we do must be done on a quality basis." [3]

PERSONNEL TENURE AND RESPONSIBILITY

Forest Service personnel and the public are concerned about the frequent transfer of employees in Forest and District positions, and its effect upon sound multiple use management. Transfers are generally made for career development, that is to give the employee wider experience or to promote him to a place of greater responsibility. We were told, however, that tenure in a particular position is sometimes so short that the employee never fully understands the management problems of the District or Forest, and does not come to know the people of the area. The claim was also made that the employee's responsibility is lessened because the person who makes a poor decision may be long gone before the consequences of his actions become obvious. Finally, we encountered a belief that promotional transfers have been based on ability to "get out the cut."

Short tenure, we must agree, is unlikely to lead to the kind of land stewardship that is sensitive to the intangible values represented by a bear or elk wallow or an inspiring view of an unscarred hillside. Without pretending to expertise in personnel management, we believe ways can be found to avoid most of the disadvantages of the policy without sacrificing its benefits. Transfers should be planned somewhat more critically than at present. Although the career development of the employee is important, so too are the needs of the land iself. Promotional transfers could be more clearly based on good stewardship than they appear to be at present.

The matter of responsibility or accountability is somewhat more difficult to evaluate and to correct. Management decisions or actions are rarely individual responsibilities; no one man alone develops a previously unroaded drainage or sets standards and criteria for road construction or timber harvesting. The management mistakes described in earlier pages of this report were not made in a day or year. Some occurred as long as 17 years ago and still have not been corrected. The questions arise: Why were so many of these mistakes in land management allowed to persist? Why was there no better recognition of the conflict they represent with the ethics of the profession? What happened to the inspection system of the Forest Service?

Surely, foresters in their on-the-ground reviews and the regular and periodic inspections from Regional and Washington offices should have picked up these mistakes long before the public outcry began. The fact is, they did not. Who, then, is accountable? The universities that train and educate foresters and land managers? The professional man on the ground following established guidelines too rigidly or, perhaps, not following them at all? The authors of the guidelines? The inspectors, for not identifying the mistakes earlier? Or all of them? These are not questions for which we have specific answers, but we believe that the internal inspection system used by the Forest Service can be constructively modified to prevent future land management errors.

Stewardship carries with it the responsibility for correcting mistakes as well as avoiding them. On the Wyoming Forests a start has been made toward this goal, but Forest Service credibility will not be re-established until the effects of past management errors have been adequately dealt with. Certain areas have drawn repeated criticism from the public; some examples are Sheridan Creek (fig. 1), Jim Creek (fig. 2), East Fork of the Tongue River (fig. 7), and Jules Bowl (fig. 8). A clearly evident effort to clean up the untreated slash, smooth out the bulldozer tracks, and stabilize loose soils with vegetation and trees will do more to demonstrate quality stewardship than the mere admission of past mistakes. In some areas, a concentrated "gardening" effort may be required. We believe this effort should be assigned a very high priority at both Forest and Regional levels.

RECOMMENDATIONS

The Regions and Forests must better define resource management and environmental protection goals for the Forest and refine and update multiple use plans to include decisions that meet these goals.

Resource inventories should be completed for all major resources.

The Forests and Regions should strive toward a balance of resource skills in the Forest staff.

More effective use should be made of existing information by (a) the forester, who should search the literature for usable ideas, and (b) the researcher, who should work more closely with the forester in putting new methods into practice.

Periodic evaluation of the results of management activities should be an integral part of the land management job.

The Forest Service should strengthen the current research effort in Wyoming and should explore ways of using abilities outside the Service to develop needed information without delay.

No industrial harvest should be undertaken unless adequate funds and manpower are available to do a complete, professional job.

Tenure and transfer policies should assure that quality land management is not itself sacrificed to provide land managers with the training and experience they need to achieve quality management.

Forest Service internal inspection procedures should be reviewed to determine why questionable practices were not detected before they provoked public criticism.

The Forests and Regions should evaluate timber harvest areas that have drawn repeated public criticism and begin major rehabilitation programs where necessary to improve the visual image and protect other resource values.

CORRELATING MANAGEMENT POLICIES

A variety of management actions on the four Forests have been criticized by the public as representing policies that are inconsistent from one Region or Forest to another. Differences have been most noticeable in the slash disposal techniques on the Shoshone and Teton Forests, discussed under "Logging Residue." Similar differences, however, can be observed in silvicultural methods, standards of road construction, and attitudes toward public participation in Forest management. In some instances, these differences have lead the public to believe that established plans were being violated. For example, the Teton Forest Supervisor has announced that clearcuts will be no larger than 40 acres. The Bighorn Forest has a similar policy, but continues to cut from 100 to 300 acres in single blocks as required by existing sale contracts.

We believe the public has the right to expect an underlying consistency in the policy decisions and land management practices of the Forest Service. This does not mean, however, that uniformity is either feasible or desirable. To recommend tighter control from the Washington Office through the Regions and Supervisors right down to the Ranger District would, we believe, only compound the problem. Some of the land management errors already described can be traced to overly specific guidelines that did not allow flexibility in descisionmaking as required by varying conditions on the ground. Every land management action proposed for a specific land unit requires an individual prescription prepared in conformity with the multiple use plan. Where planning is incomplete and key values unspecified, management actions are bound to be inconsistent.

The need for greater flexibility is evident also in the area of timber sale contracts. Generally, a contract is in force for 3 or 4 years from the time the planning is completed and the contract is prepared. During this period new standards of performance may become established, new information on what should be done to protect or enhance resource values may become known, or inadvertent errors in the planning may become evident. Any or all of these situations might require modification of the contract to correct these deficiencies.

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[3] "The Forest Service in the Seventies" by Edward P. Cliff, October, 1970.

Several foresters we talked to were concerned that the contract was not sufficiently flexible to permit such changes and that operations on the ground were, therefore, not always of a quality fully compatible with multiple use management objectives. Some typical situations involving conflict between timber values and other resource values were described. For example, a clearcut unit in an existing timber sale contract may be larger than is currently considered desirable. Or, it may be found that in logging out a clearcut, the upper edge of the cutting unit will be visible from a main highway, with poor effect. To correct this situation, the purchaser may suggest moving the unit boundary 100 feet downhill, thus protecting the scenic visual corridor related to the road, provided that he can obtain compensating volume on another side of the unit.

Although minor changes in cutting unit boundaries are permissible, any modification of contract must be held within the limits that reflect the intention of the original conditions of the sale. This may prevent making desirable changes and the resource suffers. In the second example, the change can be made only if the value of the timber included in any additions to compensate for excluded areas is less than $2,000.[4]

An example of hardship to the timber purchaser was also described. When the volume of timber harvested from a sale is less than the advertised estimate, the timber purchaser is unable to fully amortize his investment in the sale. A substantial reduction in volume can result in rather severe economic strain. Adjustment of the sale boundary by the forest officer to bring the cut volume up to advertised estimate is a violation of Federal regulations and the purchaser suffers.

The problems of contract modification are complex. Timber purchasers have worked with the Forest Service for many years to design a timber sale contract that is not subject to arbitrary change at the local level. This is reasonable. The wood industry, in general, is a high-risk business, and the purchaser needs to know that his expenses will be essentially as predicted at the beginning of the sale. On the other hand, Department of Agriculture regulations require that modification of a contract must be "to the advantage and benefit of the United States."[5] Again, this is reasonable. Benefit, however, is often interpreted in terms of deposits in the U.S. Treasury. When contracts cannot be modified to consider benefits not measured in dollars, good resource management becomes more difficult.

In general, the interpretation of laws and regulations that determine timber sale contract policy is outside the control of the Forest Service. We believe, however, that provision should be made for contracts that will benefit the Government, satisfy the purchaser, and above all, protect the resource. The Forest Service should explore this problem further and work toward solving it by obtaining statutory authority to make appropriate contract modifications.

RECOMMENDATIONS

The Regions and Forests should strive for an underlying consistency in policy through good planning, but should preserve the flexibility needed to insure that management practices are appropriate to site conditions.

The Forest Service should seek statutory authority to modify contracts to protect environmental values.

INVOLVING PEOPLE

The American people, as represented by those we talked to, have made it emphatically clear that they are concerned with the management of their National Forests. We believe the Forest Service is obligated to involve the public in every possible way, but particularly by more effectively seeking public opinion in the early stages of planning, long before management actions take place on the ground.

Past actions by the Forest Service have been judged by some critics to demonstrate an inability to grasp and respond to public opinion. This is not a fair judgment. The demand for greater public involvement is relatively recent and the Forest Service is, in fact, responding to criticism. It is true that the response has not kept pace with public demands, but forest management is a long-term obligation, and there is danger in too-rapid shifting with the winds of public opinion.

For the future, the Forest Service must find more reliable methods of predicting public wishes and public needs. These methods must assure that all segments of the public have the opportunity to be heard, and that their counsel is considered in management planning. It seems clear that public involvement will not be achieved simply by information and education programs. A completed plan in which the public has had no part places the Forest Service in a defensive position. On the other hand, the public cannot contribute constructively to the planning process unless they are provided with factual information upon which to make judgment and consider options.

Thus, the foundation for public involvement is the basic resource inventory we have called for as an essential element in management planning. With this information in hand, the Forests can consult with people in identifying management alternatives and can discuss the benefits and consequences of different management goals. The plans thus developed will reflect public demands as well as the technical and ecological realities that determine how and to what extent these demands can be met. Both the Forests and the public should recognize the need for continuing review and maintenance of flexibility in planning; and both should recognize that no amount of input by the public and no amount of planning can entirely eliminate conflict in multiple use management. Every decision is subject to criticism by some segment of the public. The very best the Forest Service can achieve is a reasonable balance of all the viewpoints presented.

RECOMMENDATIONS

The Forests should make every effort to involve the public in the planning process by (a) identifying appropriate land management alternatives through listening to people and giving them forest resource information, and, (b) assessing public opinion as to choice of alternatives.

SUMMARY OF RECOMMENDATIONS

This report of our investigation of management on the four Forests has recognized that changes are needed. Errors have been made; they should be corrected wherever possible and they should not be repeated. We have emphasized, however, that the need to preserve and enhance environmental quality is recognized in multiple use planning, a Forest Service policy that has been in effect for many years. The problem has been to translate policy into practice by changing traditional attitudes toward the dominant place of timber harvest in forest values. Change is always slow, but in forest management it must be speeded up if further errors and possible damage to the resource are to be prevented.

Overreaction to the criticism that prompted this investigation must be avoided, however. Ill-considered decision made to satisfy public demands will do harm rather than good. A reasonable course of action will concern itself with long-term progress in protection and improvement of environmental quality, concurrent with appropriate commodity utilization.

The following recommendations are taken from the text of the report. They should be considered in the light of the discussion of specific topics indicated in the headings.

BASIC RECOMMENDATIONS

The importance of wildlife, recreation, and scenic quality as key values should be recognized in every management decision on the National Forests of Wyoming.

Multiple use planning should be a team effort, using input from Forest Service specialists in all appropriate areas of knowledge, and from interested citizens and organizations as well. Therefore:

Plans reflecting these inputs should be clearly stated and announced to the public in an understandable form.

Agreed-upon plans should be fully implemented in a manner clearly evident to the public.

The effectiveness of planning should be periodically evaluated and the results reported to the public.

Needs for adequate staffing for the development, implementation, and evaluation of plans should be explicitly stated in Forest Service budget requests.

Every member of the Forest Service should be committed to the principles of high-quality multiple use management and to the urgent necessity for putting these principles into practice.

CLEARCUTTING

The place of clearcutting in Wyoming silviculture

Timber sale plans should include silvicultural prescriptions by qualified silviculturists and specific instructions for timber harvest; long-term evaluation of the effects of the prescription should be mandatory.

In lodgepole pine:

The Forests should continue to use clearcutting where it is a sound silvicultural harvesting method and in harmony with management objectives for the unit of land.

Alternatives to clearcutting such as seedtree and shelterwood cutting and overstory removal, should be used where such methods are consistent with the ecological requirements and protection of the species or appropriate to other uses of the forest land.

Thinning and sanitation salvage should be used independently or in combination with clearcutting where economically feasible.

The present limitation on clearcutting in the Engelmann spruce—subalpine fir type should be continued until satisfactory regeneration practices have been developed.

The Forests should consider using a light selection cutting or "pussyfoot logging" on low-yield sites.

The Experiment Stations should vigorously carry out research to classify and define plant habitats and their ecological potential for both lodgepole pine and Engelmann spruce—subalpine fir forest types in Wyoming.

Forest Service Research and Administration should speed up action to develop systems for analyzing the true costs and benefits of forest management alternatives.

Modifying clearcutting methods to protect the environment

Clearcut size limits must be determined by the resource values to be considered and by the specific characteristics of the harvest area.

More and better use should be made of the knowledge that specialists in soils, hydrology, and related areas can furnish in planning timber management operations.

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[4] Forest Service Manual, 2433.23

[5] Title 36, Code of Federal Regulations, *221.16*

Timber sale contract requirements providing for protection of live stream channels from unnecessary disturbance and from clogging with logging residue should be strongly enforced.

Research should determine (a) the kinds and sizes of areas and proportions of watersheds that can be safely clearcut at one time without creating damaging changes in streamflow quantity, quality, or timing; and (b) the nature and magnitude of changes in onsite nutrient content and of eutrophication of streams that may result from soil and vegetation disturbances that attend timber harvesting.

Until more specific information becomes available, clearcuts in big-game habitats should be limited to 40 acres and should be no closer than 200 feet to existing openings.

Research and monitoring of wildlife behavior as affected by timber harvest should be encouraged in Federal and State agencies.

Unless wildlife budgets can be substantially increased, the costs of evaluating effects of timber harvest on wildlife should be properly considered a part of the timber harvest obligation.

Multiple use planning should give particular attention to the long-term effects of timber harvest in limiting the options for future recreational use of land.

The Regions should encourage research that will help the Forests to achieve comprehensive recreation management appropriate to the desires of people and the potential of the land.

The basic character of Wyoming wildlands should be kept dominant, and manmade alterations held subordinate, in design of clearcuttings. To do this:

The design of cuttings, including size, shape, location, and dispersion, should respond directly and specifically to visual characteristics of the landscape.

Scenic inventories, recording at least dominant landscape resources, should be made to aid in planning and design.

Forest personnel should be given training to develop greater managerial sensitivity to landscape resource values.

ROADS

Road planning and maintenance

Transportation plans should indicate the purpose of every proposed road—whether permanent or temporary, the disposition of each temporary road, and the maximum level of road construction needed to attain management objectives.

The transportation plan should be clear and logical, and presented in a form easily understandable to the public, and should specify drainages that will be exempt from any road construction or managed with temporary roads only.

The temporary roads still open should be carefully evaluated; those classified as temporary should be closed and all others reconstructed as required for maintenance as part of the permanent road system.

In road layout and design, the relation between the road and the landscape should be clearly established so as to avoid a result suggesting single use.

Controlling environmental effects of roads

The quality of design, location, and construction of roads, especially temporary ones, must be greatly improved to avoid unnecessary damage to soil and water.

Existing specifications that temporary roads should be maintained for adequate drainage before winter should be scrupulously observed.

Much greater use should be made of geologists, hydrologists, and soil scientists in planning and constructing roads.

The Forests and Regions should actively encourage cooperative research to determine the impact of road systems on elk populations.

The Forest Service should carefully consider a slowdown in construction of new permanent roads until information is available concerning the effects of roads on elk.

Road location and design should be better coordinated with the landscape than they are at present:

Planning and road design should routinely include thorough exploration of visual alternatives.

The visual corridors created by both existing and proposed highways and permanent forest roads should be recognized as requiring special attention.

More flexible road design standards, encouraging small scale roads where they are appropriate, should be adopted.

LOGGING RESIDUE

Forest Service Research, National Forest Administration, and the timber industry should jointly explore possibilities for using more of the wood left after logging, and for treating the remaining residue to facilitate natural and artificial regeneration and reduce the unfavorable visual impact.

The Forest Service should establish exploratory studies to determine the effects of logging residue management on water quality.

The Forests should secure timely meteorological information, and require that logging residues be burned during periods when burning is least likely to affect air quality adversely.

The Forests should do a complete job of treating right-of-way clearing residues concurrent with construction of all roads open to public travel.

The Forests should eliminate the backlog of untreated residue as soon as possible.

REGENERATION

The silvicultural prescription for each stand should include surveys to determine degree of serotiny in the stand, and monitoring to forecast occurrence of seed crops and to estimate seed production.

A regeneration check list should be developed for each proposed timber sale, outlining (a) the sequence of events affecting regeneration, and (b) the treatments needed to obtain satisfactory regeneration, including backup treatments to compensate for failure of any one step.

FOREST STEWARDSHIP

Making and applying management decisions

The Regions and Forests must better define resource management and environmental protection goals for the Forests and refine and update multiple use plans to include decisions that meet these goals.

Resource inventories should be completed for all major resources.

The Forests and Regions should strive toward a balance of resource skills in the Forest staff.

More effective use should be made of existing information by (a) the forester, who should search the literature for usable ideas, and (b) the researcher, who should work more closely with the forester in putting new methods into practice.

Periodic evaluation of the results of management activities should be an integral part of the land management job.

The Forest Service should strengthen the current research effort in Wyoming and should explore ways of using abilities outside the Service to develop needed information without delay.

No industrial harvest should be undertaken unless adequate funds and manpower are available to do a complete, professional job.

Tenure and transfer policies should assure that quality land management is not itself sacrificed to provide land managers with the training and experience they need to achieve quality management.

Forest Service internal inspection procedure should be reviewed to determine why questionable practices were not detected before they provoked public criticism.

The Forests and Regions should evaluate timber harvest areas that have drawn repeated public criticism and begin major rehabilitation programs where necessary to improve the visual image and protect other resource values.

Unifying management policies

The Regions and Forests should strive for an underlying consistency in policy through good planning, but should preserve the flexibility needed to insure that management practices are appropriate to site conditions.

The Forest Service should seek statutory authority to modify contracts to protect environmental values.

Involving people

The Forests should make every effort to involve the public in the planning process by (a) identifying appropriate land management alternatives through listening to people and giving them forest resource information, and, (b) assessing public opinion as to choice of alternatives.

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A QUESTIONNAIRE FOR DELAWARE VOTERS

Mr. ROTH. Mr. President, in April of this year, I mailed my fifth annual general questionnaire to Delaware voters. The questionnaire covered a wide range of issues which have been before the Congress or will be coming before us in the months ahead.

Approximately 24,000 voters returned their questionnaires, and while the results in many instances were not particularly surprising, I do think it is significant to note that Delawareans support U.S. recognition of Communist China by a rather wide margin. The vote on that question was 55 percent yes, 28.5 percent no, and 16.5 percent undecided.

The most interesting aspect of that response was, I think, the fact that it reflects opinions which were held by the voters before President Nixon's dramatic diplomatic initiatives in the Far East.

It was also interested to note that Delawareans by a wide margin continue to support President Nixon's policy of withdrawing American troops from Vietnam by stages. More than 59 percent of those who responded said they favored the President's Vietnam policy, while only 9.2 percent favored publicly setting an absolute date for withdrawal, and 20.1 percent favored immediate withdrawal of all U.S. troops.

Delawareans continue to support—but in a lesser degree than last year—the imposition of wage and price controls as a means of fighting inflation. More than 55 percent said controls should be imposed, while 29 percent indicated opposition. The response to a similar question asked a year ago showed 63.7 percent in favor of controls and 27.6 percent opposed.

Mr. President, with the thought that other Senators may wish to review the results of this questionnaire, I ask unanimous consent that the tabulation be printed at this point in the RECORD.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

1971 GENERAL QUESTIONNAIRE RESULTS

	Delaware	Wilmington	New Castle	Kent	Sussex
1. Do you believe wage and price controls should be imposed today as a means of fighting inflation?					
Yes	55.4	61.0	53.3	59.1	59.6
No	29.0	25.1	30.9	26.0	25.2
Undecided	15.6	13.9	15.7	14.9	15.2
2. Would you favor increased Federal expenditures to control air and water pollution?					
Yes	74.3	75.1	76.3	70.3	66.0
No	19.2	16.8	18.1	22.3	25.8
Undecided	6.5	8.1	5.6	7.4	8.2
3. Would you approve an amendment to the U.S. Constitution which reads as follows: "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex"?					
Yes	66.9	66.3	68.2	66.2	61.8
No	23.6	22.3	23.1	24.1	27.3
Undecided	9.6	11.4	8.7	9.8	10.9
4. Do you favor recognition of Communist China by the United States?					
Yes	55.0	53.2	58.2	49.5	44.0
No	28.5	28.2	26.2	34.7	38.0
Undecided	16.5	18.6	15.6	15.8	18.0
5. Do you favor extending the draft for 2 years and increasing military pay by $2,700,000,000?					
Yes	41.5	40.9	40.8	45.1	44.7
No	42.5	42.0	43.2	41.4	40.1
Undecided	16.0	17.1	15.9	13.5	15.2
6. Do you favor an all-volunteer Army?					
Yes	51.5	48.2	52.8	50.5	49.6
No	35.9	37.3	35.2	37.2	37.3
Undecided	12.6	14.5	12.0	12.3	13.1
7. Do you favor the repeal of all laws forbidding the sale of sexually oriented materials to adults, as recommended by the Commission on Obscenity and Pornography?					
Yes	36.1	37.3	37.0	32.8	32.3
No	54.3	52.9	53.6	58.7	57.8
Undecided	9.6	9.8	9.4	8.5	9.9
8. Do you favor the legalization of the sale and use of marihuana?					
Yes	12.9	14.2	13.6	10.1	8.4
No	78.2	77.0	76.9	83.0	85.9
Undecided	8.9	8.8	9.5	6.8	5.8
9. Would you support a plan to have the Federal Government share Federal revenue with States and local governments?					
Yes	61.1	66.8	60.7	61.8	57.4
No	23.9	19.8	24.4	23.0	27.2
Undecided	15.0	13.4	15.0	15.2	15.3
10. Would you support a plan to have the Federal Government assume most of the costs and operation of welfare programs?					
Yes	38.7	43.2	39.2	38.2	31.3
No	46.2	40.8	45.8	49.6	53.2
Undecided	15.0	16.0	15.0	2.3	15.5
11. Do you believe that any welfare reform program should provide for government-operated day-care centers for those mothers who are able to work?					
Yes	56.4	58.0	59.0	47.9	47.7
No	31.4	29.5	29.1	40.6	40.0
Undecided	12.2	12.5	11.9	11.6	12.3
12. Do you think future social security benefit increases should be tied to cost-of-living increases?					
Yes	84.3	85.1	84.3	85.7	84.8
No	9.3	8.9	9.3	9.1	9.1
Undecided	6.4	6.0	6.4	5.2	6.1
13. A number of plans have been proposed to assist persons in meeting medical costs, Which one, if any, of the following would you select?					
(a) A national health insurance program for all Americans financed jointly by the Federal Government, individuals, and employers (costing between $53,000,000,000 and $77,000,000,000 per year)	23.8	27.0	24.4	22.7	16.9
(b) Federally financed insurance for the poor and a catastrophic insurance program for all other families (costing between $4,300,000,000 and $5,300,000,000 per year)	19.4	18.5	20.3	17.8	17.1
(c) Income tax credits to individuals for their payments for private health insurance (costing approximately $16,000,000,000 per year)	28.1	24.1	28.2	29.7	32.5
(d) None of the above	28.7	30.4	27.2	29.8	33.5

1971 GENERAL QUESTIONNAIRE RESULTS—Continued

	Delaware	Wilmington	New Castle	Kent	Sussex
14. What course do you favor in Vietnam?					
(a) The President's policy of withdrawing U.S. troops by stages while strengthening the South Vietnamese to assume responsibility for their own security	59.6	57.6	59.6	61.0	63.4
(b) Publicly setting an absolute date for withdrawal, regardless of events in the interim	9.2	9.4	9.7	8.2	6.9
(c) Immediate withdrawal of all U.S. troops	20.1	21.6	20.8	17.1	15.4
(d) Immediate military efforts to seek a military victory	8.0	7.9	7.2	10.8	10.4
(e) No response	3.2	3.5	2.8	2.9	3.9
15. In what areas do you feel the greatest effort should be made to combat crime?					
(a) Courts—More judges, prosecutors, and courtroom facilities should be made available to speed up court procedures	66.2	67.0	67.9	63.5	57.8
(b) Laws—Stronger laws should be enacted to provide more severe penalties for consistent offenders	65.3	66.6	63.7	70.5	70.5
(c) Police—Police forces should be upgraded, with higher pay and other benefits	54.0	55.7	54.5	51.5	51.7
(d) Prisons—The prison system should be expanded in order to attempt to rehabilitate inmates to prevent future crimes	29.3	31.8	30.0	26.5	24.5
(e) Sentencing—Judges should have greater leeway to impose rehabilitative sentences rather than being limited to disciplining offenders by fines, imprisonment, or death	39.8	42.0	39.8	38.6	37.9
(f) No opinion	3.6	3.4	3.3	3.3	4.8

16. HOW WOULD YOU RATE THE IMPORTANCE OF THE FOLLOWING PROBLEMS FACING OUR COUNTRY TODAY?

	Greatest	2d	3d	4th	5th	6th	7th	8th	9th	10th	11th	Least
DELAWARE												
Southeast Asia	26.0	10.0	8.1	6.9	6.5	6.2	5.9	5.3	5.1	5.0	4.3	4.2
Crime	19.6	18.2	14.7	11.6	9.1	7.0	5.2	4.1	2.9	2.2	.9	.2
Inflation	13.6	10.7	12.0	12.2	11.2	9.7	8.2	6.5	4.7	3.1	1.8	.8
Drug use	13.0	16.2	12.9	10.9	9.1	7.3	6.9	5.5	4.8	3.8	2.8	2.0
Pollution	9.0	10.4	10.7	10.5	9.2	8.6	7.8	7.5	6.9	6.3	4.3	2.5
Militancy	6.3	5.8	6.3	6.6	6.7	6.6	7.1	7.1	7.6	9.5	10.1	12.5
Population	5.0	4.9	4.3	4.6	4.7	5.1	5.4	6.4	7.6	9.9	13.2	20.9
Welfare costs	3.5	5.9	7.5	7.9	9.0	9.7	9.7	9.4	9.1	8.7	7.6	5.1
Unemployment	3.3	5.7	6.2	7.9	9.3	10.1	10.8	11.0	10.2	8.6	6.0	3.8
Racial discord	2.4	4.7	6.4	7.3	8.1	9.3	9.6	10.1	10.6	10.1	9.1	5.2
Defense spending	2.1	5.4	4.5	5.3	6.6	7.1	8.5	10.2	11.0	11.7	12.4	7.7
Transportation	.7	1.5	2.2	3.2	4.4	5.6	6.2	7.2	9.1	11.1	15.7	25.1
NEW CASTLE COUNTY												
Southeast Asia	28.1	10.4	8.0	7.0	6.2	6.2	5.9	5.0	5.0	4.9	4.3	4.0
Crime	17.6	17.6	15.2	11.9	9.5	7.5	5.7	4.6	3.3	2.4	1.0	.2
Inflation	13.7	11.2	12.3	12.3	11.5	9.6	8.4	6.2	4.6	2.9	1.8	.8
Drug use	11.8	15.7	12.8	11.2	9.2	7.5	7.2	5.9	5.0	4.1	3.1	2.3
Pollution	9.3	10.8	11.2	10.7	9.3	9.0	7.8	7.6	6.7	6.0	4.2	2.2
Militancy	6.0	5.6	6.2	6.4	6.7	6.3	7.1	7.0	7.6	9.8	10.6	14.0
Population	5.1	4.9	4.5	4.8	4.8	5.3	5.4	6.5	7.6	9.8	13.5	21.0
Unemployment	3.3	5.9	6.4	8.1	9.3	10.1	10.8	11.1	10.4	8.7	6.1	3.8
Welfare costs	3.0	5.3	7.0	7.6	8.9	9.9	9.7	9.7	9.5	9.5	8.3	5.5
Racial discord	2.2	4.6	6.1	7.1	8.5	9.4	9.7	10.3	10.8	10.5	9.1	5.2
Defense spending	2.2	5.8	4.8	5.5	6.3	7.2	8.2	10.3	11.2	11.6	12.3	8.2
Transportation	.7	1.4	2.4	3.4	4.9	6.0	6.6	7.7	9.5	11.2	15.6	23.8
KENT COUNTY												
Southeast Asia	22.4	9.8	8.8	7.2	7.0	6.7	6.0	6.4	6.0	5.1	4.2	4.0
Crime	19.3	19.3	14.4	12.1	9.8	7.3	5.4	3.7	2.5	1.7	.4	.2
Inflation	14.6	9.1	10.2	12.4	11.3	10.7	7.8	7.2	5.0	4.2	1.9	.5
Drug use	14.0	15.2	14.3	12.0	8.8	7.5	6.6	5.5	4.6	3.8	2.2	1.3
Pollution	9.8	9.2	9.9	11.0	8.6	8.4	7.9	6.8	7.7	7.5	3.8	3.2
Militancy	7.8	7.0	6.8	5.6	6.8	8.5	6.7	8.4	8.4	8.7	8.7	9.2
Welfare costs	5.2	8.2	10.0	9.2	10.2	8.5	8.9	8.1	8.4	7.1	6.9	4.0
Population	4.6	5.4	3.1	4.2	5.4	5.0	5.9	6.3	8.9	10.5	13.8	20.0
Unemployment	4.2	6.2	5.7	7.5	10.0	10.4	11.5	11.7	9.2	8.5	5.5	3.0
Racial discord	2.4	4.5	6.8	6.4	6.6	9.9	10.7	11.3	10.2	10.7	8.7	5.3
Defense spending	2.1	4.0	4.3	4.8	6.5	6.6	9.1	9.5	11.4	12.6	14.4	7.7
Transportation	.5	1.0	1.5	2.2	2.8	3.3	5.0	6.0	8.3	10.5	18.2	33.2
SUSSEX COUNTY												
Crime	25.2	20.1	14.7	11.7	7.4	5.9	3.4	2.6	1.6	1.5	.4	.2
Southeast Asia	19.1	9.5	8.3	7.3	7.5	6.7	6.4	6.1	5.2	5.6	4.5	4.7
Drug use	17.1	18.6	13.7	10.8	9.4	5.8	5.0	4.2	3.6	3.0	2.2	1.0
Inflation	14.1	9.7	12.0	12.5	11.2	9.7	7.2	6.7	4.3	2.7	1.5	.7
Pollution	7.9	10.4	9.1	8.6	4.4	7.5	9.2	7.9	7.2	6.8	4.7	3.0
Militancy	7.9	6.1	7.2	7.6	6.9	7.6	7.7	7.6	6.9	9.1	7.9	7.2
Population	5.1	4.4	4.3	4.0	4.5	5.4	5.5	6.4	7.5	11.2	13.3	17.5
Welfare costs	4.5	7.8	8.3	8.6	9.5	10.1	9.9	9.0	7.8	7.2	5.1	3.9
Unemployment	2.4	4.5	5.0	6.8	8.5	9.8	11.4	11.3	11.2	8.2	6.6	4.7
Racial discord	1.9	4.0	5.8	7.0	7.2	9.0	8.7	9.1	11.5	9.2	10.8	6.1
Defense spending	1.5	3.6	4.2	5.0	7.4	7.8	9.0	10.8	11.0	11.3	11.4	5.9
Transportation	.6	1.4	1.2	2.2	2.5	3.7	3.7	5.2	8.0	10.8	16.3	32.7
CITY OF WILMINGTON												
Crime	25.0	19.2	13.0	9.8	8.0	6.1	4.3	3.4	2.9	1.7	.9	.2
Southeast Asia	24.2	8.8	8.1	6.5	7.1	5.6	5.6	6.1	5.3	5.0	4.5	4.7
Drug use	14.9	17.6	11.8	9.1	8.2	7.0	6.8	5.0	4.8	3.2	2.6	1.9
Inflation	12.2	10.3	12.5	11.9	10.8	9.8	7.7	7.1	4.9	3.4	1.5	.7
Pollution	7.6	9.0	10.8	10.8	9.8	7.6	6.9	7.5	7.3	6.6	4.7	2.8
Militancy	5.2	6.0	6.2	6.9	6.4	6.5	7.5	6.5	7.5	9.0	10.4	11.6
Population	4.9	4.7	4.0	4.3	3.8	4.1	5.2	5.5	7.0	9.6	12.1	23.8
Unemployment	4.0	5.6	6.6	8.0	9.3	10.6	9.7	9.6	9.6	8.2	5.8	3.5
Welfare costs	3.7	6.1	7.6	7.9	8.4	9.7	9.5	9.9	8.4	7.2	7.2	5.2
Racial discord	3.4	5.8	7.4	8.9	7.7	9.3	8.8	9.3	9.1	8.5	7.8	4.3
Defense spending	2.2	5.4	3.6	5.2	7.1	6.5	9.0	9.9	10.2	12.2	12.0	6.5
Transportation	.9	1.9	2.8	3.8	4.8	6.3	6.8	7.1	8.6	11.1	14.6	20.7

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, does that conclude the morning business?

The PRESIDING OFFICER. The time for morning business has expired.

EDUCATION AMENDMENTS OF 1971

The PRESIDING OFFICER. Without objection the Chair lays before the Senate S. 659, which the clerk will read by title.

The legislative clerk read the bill by title, as follows: Calendar No. 342, S. 659, a bill to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, and related acts, and for other purposes.

The Senate proceeded to consider the bill, which had been reported by the

Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert:

That this Act, with the following table of contents, may be cited as the "Education Amendments of 1971".

TABLE OF CONTENTS

Sec. 2. General provisions.

TITLE I—HIGHER EDUCATION

PART A—COMMUNITY SERVICE AND CONTINUING EDUCATION PROGRAMS

Sec. 101. Extension of authorization of appropriations.
Sec. 102. Special programs and projects relating to national and regional problems.
Sec. 103. Metropolitan area programs.
Sec. 104. Evaluation of activities.

PART B—COLLEGE LIBRARY PROGRAMS

Sec. 111. Authorization of appropriations.
Sec. 112. Waiver of maintenance of effort requirement.
Sec. 113. Increase in maximum amount of supplemental grants.
Sec. 114. Authorization of appropriations for college and research library resources.
Sec. 115. Evaluation and report.

PART C—DEVELOPING INSTITUTIONS: EMERGENCY ASSISTANCE TO INSTITUTIONS OF HIGHER EDUCATION

Sec. 121. Extension of authorization for title III.
Sec. 122. Revision of title III (strengthening developing institutions).
Sec. 123. Emergency assistance for institutions of higher education.

PART D—STUDENT ASSISTANCE

Sec. 131. Revision of Part A of title IV (educational opportunity grants).
Sec. 132A. Insured student loans—extension of authorization.
Sec. 132B. Increase in loan limitation in exceptional cases.
Sec. 132C. Eligibility of institutions.
Sec. 133. Student loan marketing association.
Sec 134. Extension of the Emergency Insured Student Loan Act of 1969.
Sec. 135. College work study program—extension and selection of students for employment.
Sec. 136. Cooperative education.
Sec. 137. Direct loans to students in institutions of higher education.
Sec. 138. Eligibility for student assistance.
Sec. 139. Affidavit of educational purpose required.
Sec. 140. Postsecondary education study.

PART E—EDUCATION PROFESSIONS DEVELOPMENT

Sec. 141. Extension of authorization of appropriations.
Sec. 142. Functions of, and compensation for, the Director of the Teacher Corps.
Sec. 143. Retraining of teachers and employment of tutors and instructional assistants.
Sec. 144. Provision for administrative expenses for operation of State plan.
Sec. 145. Elimination of ceiling on expenditures for teaching aides.
Sec. 146. Training for teachers and aides in private schools.
Sec. 147. Improving training programs for the education of teachers and related educational personnel.
Sec. 148. Support of tutors and instructional assistants.
Sec. 149. Programs for teachers of migrant children.

PART F—INSTRUCTIONAL EQUIPMENT

Sec. 151. Extension of authorization of appropriations.

PART G—ACADEMIC FACILITIES

Sec. 161. Transfer of the provisions of the Higher Education Facilities Act of 1963.
Sec. 162. Extension of authorizations of appropriations for the Higher Education Facilities Act of 1963.
Sec. 163. State higher education commissions.

PART H—NETWORKS FOR KNOWLEDGE EXTENSION

Sec. 171. Extension of authorization of appropriations.
Sec. 172. Inclusion of law and graduate professional schools.

PART I—GRADUATE PROGRAMS AND COMMUNITY COLLEGE PROGRAMS

Sec. 181. Extension of title IX and X of the Higher Education Act of 1965.
Sec. 182. New title IX of the Higher Education Act of 1965 (graduate programs).
Sec. 183. Improvement of community colleges.
Sec. 184. Extension of titles IV and VI of the National Defense Education Act of 1958 and of the International Education Act of 1966.

PART J—LAW SCHOOL CLINICAL EXPERIENCE PROGRAMS

Sec. 191. Amendments to title XI of the Higher Education Act of 1965.

TITLE II—VOCATIONAL EDUCATION

Sec. 201. Special programs for the disadvantaged.
Sec. 202. Bureau of Occupational and Adult Education.
Sec. 203. Clarification of definition of vocational education with respect to industrial arts program; inclusion of volunteer firemen.
Sec. 204. Exemplary programs and projects.
Sec. 205. Residential vocational schools.
Sec. 206. Consumer and homemaking education.
Sec. 207. Cooperative vocational education.
Sec. 208. Work-study programs.
Sec. 209. Curriculum development.

TITLE III—ESTABLISHMENT OF A NATIONAL FOUNDATION FOR POSTSECONDARY EDUCATION AND A NATIONAL INSTITUTE OF EDUCATION

Sec. 301. Amendment to the General Education Provisions Act.

TITLE IV—INDIAN EDUCATION

PART A—REVISION OF IMPACTED AREAS PROGRAM AS IT RELATES TO INDIAN CHILDREN

Sec. 401. Amendments to Public Law 874, Eighty-first Congress.

PART B—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

Sec. 421. Amendment to title VII of the Elementary and Secondary Education Act of 1965.

PART C—SPECIAL PROGRAMS RELATING TO ADULT EDUCATION FOR AMERICAN INDIANS

Sec. 441. Amendments to the Adult Education Act.

PART D—BUREAU OF INDIAN EDUCATION

Sec. 461. Bureau of Indian Education.
Sec. 462. National Advisory Council on Indian Education.

PART E—MISCELLANEOUS PROVISIONS

Sec. 481. Amendment to title V of Higher Education Act of 1965.
Sec. 482. Amendment to the Elementary and Secondary Education Act of 1965.

TITLE V—MISCELLANEOUS

Sec. 501. Administration of programs and projects.
Sec. 502. Extension of authorization of appropriations of title III of the National Defense Education Act of 1958.
Sec. 503. Study and report on rules and regulations.
Sec. 504. Ethnic Heritage Studies Centers.
Sec. 505. Consumers' education.
Sec. 506. Land-grant status for the College of the Virgin Islands and the University of Guam.
Sec. 507. Amendments to the Elementary and Secondary Education Act of 1965 with respect to migratory children of migratory agricultural workers.
Sec. 508. Technical amendment with respect to neglected or delinquent children.
Sec. 509. Number of members of the National Commission on School Finance.

GENERAL PROVISIONS

SEC. 2. (a) As used in this Act—

(1) the term "Secretary" means the Secretary of Health, Education, and Welfare; and

(2) the term "Commissioner" means the Commissioner of Education;

unless the context requires another meaning.

(b) Unless otherwise specified, the redesignation of a section, subsection, or other designation by any amendment in this Act shall include the redesignation of any reference to such section, subsection, or other designation in any Act or regulation, however styled.

(c)(1) Unless otherwise specified, in any case where an amendment made by this Act is to become effective after a date set herein, it shall be effective with the beginning of the day which immediately follows the date after which such amendment is effective.

(2) In any case where the effective date for an amendment made by this Act is expressly stated to be effective after June 30, 1971, such amendment shall be deemed to have been enacted on July 1, 1971.

TITLE I—HIGHER EDUCATION

PART A—COMMUNITY SERVICE AND CONTINUING EDUCATION PROGRAMS

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS

SEC. 101. (a) Section 101 of the Higher Education Act of 1965 is amended by striking out all that follows "authorized to be appropriated" and inserting in lieu thereof the following: "$60,000,000 for the fiscal year ending June 30, 1972, and for each of the succeeding fiscal years ending prior to July 1, 1975.".

(b) The amendment made by subsection (a) shall be effective after June 30, 1971.

SPECIAL PROGRAMS AND PROJECTS RELATING TO NATIONAL AND REGIONAL PROBLEMS

SEC. 102. (a)(1) Sections 106, 107, 108, 109, 110, and 111 of the Higher Education Act of 1965, and all references thereto, are redesignated as sections 107, 108, 109, 110, 111, and 112, respectively. Title I of such Act is amended by inserting after section 105 the following new section:

"SPECIAL PROGRAMS AND PROJECTS RELATING TO NATIONAL AND REGIONAL PROBLEMS

"SEC. 106. (a) The Commissioner is authorized to reserve from the sums appropriated pursuant to section 101 for any fiscal year an amount not in excess of 10 per centum of the sums so appropriated for that fiscal year for grants pursuant to subsection (b).

"(b)(1) From the sums reserved under subsection (a), the Commissioner is authorized to make grants to, and contracts with, institutions of higher education (and combinations thereof) to assist them in carrying out special programs and projects, consistent with the purposes of this title, which are designed to seek solutions to national and regional problems relating to urbanization, technological and social changes, and environmental pollution.

"(2) No grant or contract under this section shall exceed 90 per centum of the cost of the program or project for which application is made.".

(2) Section 103(a) of such title I is amended by striking out that part of the language which precedes ", the Commissioner" and by inserting in lieu thereof "From the sums appropriated pursuant to section 101 for any fiscal year which are not reserved under section 106(a)".

(b) The amendments made by the second sentence of subsection (a) and by paragraph (2) of such subsection shall be effective after June 30, 1972, and then—

(1) only with respect to appropriations for title I of the Higher Education Act of 1965 for fiscal years beginning after June 30, 1972; and

(2) only to the extent that the allotment to any State under section 103(a) of such title is not less for any fiscal year than the allotment to that State under such section 103(a) for the fiscal year ending June 30, 1972.

METROPOLITAN AREA PROGRAMS

Sec. 103. (a) Sections 110, 111, and 112 (as so designated by section 102) of the Higher Education Act of 1965, and all references thereto, are redesignated as sections 111, 112, and 113, respectively. Title I of such Act is amended by inserting after section 109 the following new section:

"METROPOLITAN AREA PROGRAMS

"Sec. 110. (a) The Commissioner is authorized to make grants to institutions of higher education (and combinations thereof) which are located within, or adjacent to, Standard Metropolitan Statistical Areas to assist such institutions in planning, developing, and carrying out, consistent with the purposes of this title, comprehensive programs specifically designed to apply the resources of higher education to the problems of the urban communities within Standard Metropolitan Statistical Areas.

"(b) For the purposes of making grants under this section, there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1973, and for each of the succeeding fiscal years ending prior to July 1, 1975.".

(b) Section 1201 of the Higher Education Act of 1965 is amended by adding at the end thereof the following new paragraph:

"(1) The term 'Standard Metropolitan Statistical Area' means the area in and around a city of fifty thousand inhabitants or more as defined by the Director of the Office of Management and Budget.".

(c) The amendments made by subsection (a) shall be effective after June 30, 1972.

EVALUATION OF ACTIVITIES

Sec. 104. (a) During the period beginning with the date of enactment of this Act and ending July 1, 1974, the Commissioner shall conduct a review of the programs and projects carried out with assistance under title I of the Higher Education Act of 1965 prior to July 1, 1973. Such review shall include an evaluation of specific programs and projects with a view toward ascertaining which of them show, or have shown (1) the greatest promise in achieving the purposes of such title, and (2) the greatest return for the resources devoted to them. Such review shall be carried out by direct evaluations by the Commissioner, by the use of other agencies, institutions, and groups, and by the use of independent appraisal units.

(b) Not later than March 31, 1973, and March 31, 1975, the Commissioner shall submit to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives a report on the review conducted pursuant to subsection (a). Such report shall include (1) an evaluation of the program authorized by title I of the Higher Education Act of 1965 and of specific programs and projects assisted through payments under such title, (2) a description and an analysis of programs and projects which are determined to be most successful, and (3) recommendations with respect to the means by which the most successful programs and projects can be expanded and replicated.

(c) Sums appropriated pursuant to section 401(c) of the General Education Provisions Act for the purposes of section 402 of such Act shall be available to carry out the purposes of this section.

PART B—COLLEGE LIBRARY PROGRAMS

AUTHORIZATION OF APPROPRIATIONS

Sec. 111. (a) Sections 201 and 221 of the Higher Education Act of 1965 are each amended by striking out "for the fiscal year ending June 30, 1971" and inserting in lieu thereof "each for the fiscal years ending June 30, 1971, and June 30, 1972".

(b)(1) Title II of the Higher Education Act of 1965 is amended by striking out "Part A—College Library Resources" and by striking out all of section 201 and inserting in lieu thereof the following:

"COLLEGE LIBRARY PROGRAMS; TRAINING; RESEARCH

"Sec. 201. (a) The Commissioner shall carry out a program of financial assistance—

"(1) to assist and encourage institutions of higher education in the acquisition of library resources, including law library resources, in accordance with part A; and

"(2) to assist with and encourage research and training persons in librarianship, including law librarianship, in accordance with part B.

"(b) For the purpose of making grants parts A and B, there are authorized to be appropriated $130,000,000 for the fiscal year ending June 30, 1973, and for each of the succeeding fiscal years ending prior to July 1, 1975. Of the sums appropriated pursuant to the preceding sentence for any fiscal year, 70 per centum shall be used for the purposes of part A and 30 per centum shall be used for the purposes of part B, except that the amount available for the purposes of part B for any fiscal year shall not be less than the amount appropriated for such purposes for the fiscal year ending June 30, 1972.

"(c) For the purposes of this title—

"(1) the term 'library resources' means books, periodicals, documents, magnetic tapes, phonograph records, audiovisual materials, and other related library materials, including necessary binding; and

"(2) the term 'librarianship' means the principles and practices of the library and information sciences, including the acquisition, organization, storage, retrieval and dissemination of information, and reference and research use of library and information resources.

"PART A—COLLEGE LIBRARY RESOURCES"

(2)(A) Section 202 of such title II is amended by striking out that part of the first sentence which precedes "institutions of higher education" and inserting in lieu thereof the following: "From the amount available for grants under this part pursuant to section 201 for any fiscal year, the Commissioner shall make basic grants for the purposes set forth in section 201(a)(1) to".

(B) Section 203 of such title II is amended by striking out that part of the first sentence which precedes "supplemental grants" and inserting in lieu thereof the following: "From that part of the sums appropriated pursuant to section 201 for the purposes of this part for any fiscal year which remains after making basic grants pursuant to section 202, and which is not reserved for the purposes of section 204, the Commissioner shall make", and by striking out "section 201" where it appears after "set forth in" and inserting in lieu thereof "section 201(a)(1)".

(C)(i) Section 204(a)(1) of such title II is amended to read as follows:

"(1) From the sums appropriated pursuant to section 201 for the purposes of this part for any fiscal year, the Commissioner is authorized to reserve not to exceed 25 per centum thereof for the purposes of this section.".

(ii) Section 204(a)(2) of such title II is amended by striking out that part of the first sentence which precedes "may be used to make" and inserting in lieu thereof "sums reserved pursuant to paragraph (1)".

(iii) Section 204(a) of such title II is amended by striking out paragraph (3).

(3)(A) Part B of such title II is amended by striking out sections 221 and 222 and inserting in lieu thereof the following:

"TRAINING AND RESEARCH PROGRAMS

"Sec. 221. From the amount available for grants under this part pursuant to section 201 for any fiscal year, the Commissioner shall carry out a program of making grants in accordance with sections 222 and 223. Of such amount, 66⅔ per centum shall be available for the purposes of section 222 and 33⅓ per centum shall be available for the purposes of section 223.".

(B) Such part B is further amended by striking out section 225; and sections 223 and 224 of such part, and all references thereto (except those references thereto in section 221 of such part, as amended by subparagraph (A)), are redesignated as sections 222 and 223, respectively.

(c)(1) The amendments made by subsection (a) shall be effective on and after July 1, 1971.

(2) The amendments made by subsection (b) shall be effective after June 30, 1972, and only with respect to appropriations for the fiscal year ending June 30, 1973, and succeeding fiscal years.

WAIVER OF MAINTENANCE OF EFFORT REQUIREMENT

Sec. 112. (a) Section 202 of title II of the Higher Education Act of 1965 is amended by redesignating clauses (c) and (d), and all references thereto, as clauses (2) and (3), respectively, and by striking out clauses (a) and (b) and inserting in lieu thereof the following:

"(1) provides satisfactory assurance that the applicant will expend during the fiscal year for which the basic grant is sought, from funds other than funds received under this part—

"(A) for all library purposes (exclusive of construction), an amount not less than the average annual amount it expended for such purposes during the two fiscal years preceding the fiscal year for which assistance is sought under this part, and

"(B) for library resources, an amount not less than the average amount it expended for such resources during the two fiscal years preceding the fiscal year for which assistance is sought under this part,

except that, if the Commissioner determines, in accordance with regulations, that there are special and unusual circumstances which prevent the applicant from making the assurances required by this clause (1), he may waive that requirement for one or more of such assurances;".

(b)(1) The second sentence of such section 202 is amended by striking out "not exceed" and inserting in lieu thereof the following: ", for any fiscal year, be equal to the amount expended by the applicant for funds other than funds received under this library resources during that year from part, except that no basic grant shall exceed".

(2) Clause (1) of section 203(a) of such title II is amended by striking out that part thereof which follows "section 202" and inserting in lieu thereof a semicolon.

(c) The amendments made by this section shall be effective after, and only with respect to appropriations for fiscal years beginning after, June 30, 1971.

INCREASE IN MAXIMUM AMOUNT OF SUPPLEMENTAL GRANTS

Sec. 113. (a) Section 203(a) of the Higher Education Act of 1965 is amended by striking out "$10" and inserting in lieu thereof "$15."

(b) Such section 203(a) is amended by striking out "$15" and inserting in lieu thereof "$20".

(c)(1) The amendment made by subsection (a) shall be effective after, and only with respect to appropriations for fiscal years beginning after, June 30, 1972.

(2) The amendment made by subsection (b) shall be effective after, and only with respect to appropriations for fiscal years beginning after, June 30, 1974.

AUTHORIZATION OF APPROPRIATIONS FOR COLLEGE AND RESEARCH LIBRARY RESOURCES

Sec. 114. (a) Section 231 of the Higher Education Act of 1965 is amended by striking out "and the succeeding fiscal year" and inserting in lieu thereof "and $15,000,000 for each of the succeeding fiscal years ending prior to July 1, 1974".

(b) Such section 231 is further amended by striking out "enable the Commissioner to transfer funds to".

(c) The amendments made by subsections (a) and (b) shall be effective after June 30, 1971.

EVALUATION AND REPORT

Sec. 115. (a) Part C of title II of the Higher Education Act of 1965 is amended by adding at the end thereof the following new section:

"EVALUATION AND REPORT

"Sec. 232. No later than March 31 of each calendar year, the Librarian of the Congress shall transmit to the Committees on Education and Labor and on Rules and Administration of the House of Representatives, and the Committees on Labor and Public Welfare and on Rules of the Senate, and to the respective Committees on Appropriations of the Congress, a report evaluating the results and effectiveness of acquisition and cataloging work done under this part, based to the maximum extent practicable on objective measurements, including costs, together with recommendations as to proposed legislative action.".

(b) The amendment made by subsection (a) shall be effective after June 30, 1971.

Part C—Developing Institutions; Emergency Assistance to Institutions of Higher Education

EXTENSION OF AUTHORIZATION FOR TITLE III

Sec. 121. (a) Section 301(b)(1) of the Higher Education Act of 1965 is amended by inserting "each" after "$91,000,000" and by inserting after "1971," the following: "and the fiscal year ending June 30, 1972,".

(b) The amendments made by subsection (a) shall be effective after June 30, 1971.

REVISION OF TITLE III (STRENGTHENING DEVELOPING INSTITUTIONS)

Sec. 122. (a) Title III of the Higher Education Act of 1965 is amended to read as follows:

"TITLE III—STRENGTHENING DEVELOPING INSTITUTIONS

"AUTHORIZATION

"Sec. 301. (a) The Commissioner shall carry out a program of special assistance to strengthen the academic quality of developing institutions which have the desire and potential to make a substantial contribution to the higher education resources of the Nation but which are struggling for survival and are isolated from the main currents of academic life and which enroll a significant proportion of students who have been educationally deprived or who have limited English speaking ability.

"(b)(1) For the purpose of carrying out this title, there are authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1973, and each of the succeeding fiscal years ending prior to July 1, 1975.

"(2) Of the sums appropriated pursuant to this subsection for any fiscal year, (A) 24 per centum shall be available only for carrying out the provisions of this title with respect to developing institutions which are junior or community colleges, and (B) not less than 50 per centum shall be available only for carrying out the provisions of this title with respect to developing institutions which the Commissioner determines meet the criterion set forth in clause (D)(iii) of section 302(a)(1).

"ELIGIBILITY FOR SPECIAL ASSISTANCE

"Sec. 302. (a)(1) For the purpose of this title, the term 'developing institution' means an institution of higher education in any State which—

"(A) is legally authorized to provide, and provides within the State, an educational program for which it awards a bachelor's degree, or is so authorized as a junior or community college;

"(B) is accredited by a nationally recognized accrediting agency or association determined by the Commissioner to be reliable authority as to the quality of training offered or is, according to such an agency or association, making reasonable progress toward accreditation;

"(C) except as is provided in paragraph (2), has met the requirement of clauses (A) and (B) during the five academic years preceding the academic year for which it seeks assistance under this title; and

"(D) meets such other requirements as the Commissioner shall, with the advice of the Council, prescribe by regulation, which requirements shall include at least a consideration of whether the institution—

"(i) is making a reasonable effort to improve the quality of its teaching and administrative staffs and of its student services,

"(ii) is, for financial or other reasons, struggling for survival and is isolated from the main currents of academic life, and

"(iii) enrolls a significant proportion of students who may have had inadequate secondary school preparation or who come from educationally, culturally, or economically deprived backgrounds.

"(2) The Commissioner is authorized to waive the requirement set forth in clause (C) of paragraph (1) in the case of applications for grants under this title by junior or community colleges, or such institutions located on or near an Indian reservation if the Commissioner determines that such action will increase the availability of higher education to Indians, except that grants pursuant to such applications for any fiscal year may not involve an expenditure of funds in excess of 10 per centum of the amount designated by clause (A) of paragraph (2) of section 301(b).

"(b) Any institution desiring special assistance under the provisions of this title shall submit an application for eligibility to the Commissioner at such time, in such form, and containing such information, as may be necessary to enable the Commissioner to evaluate the need of the applicant for such assistance and to determine its eligibility to be a developing institution for the purposes of this title. The Commissioner shall, with the advice of the Council, approve any application for eligibility under this subsection, which indicates that the applicant is a developing institution meeting the requirements set forth in subsection (a). Not later than thirty days after the beginning of any fiscal year ending after June 30, 1972, the Commission shall, on the basis of applications submitted pursuant to the first sentence of this subsection, establish a list of developing institutions eligible for special assistance under the provisions of this title. Such list of developing institutions shall be published in the Federal Register as soon as possible after its establishment each year.

"(c) For the purposes of clause (A) of paragraph (1) and of paragraph (2) of subsection (a) of this section and of paragraph (2) of section 301(b), the term 'junior or community college' means an institution of higher education—

"(1) which does not provide an educational program for which it awards a bachelor's degree (or an equivalent degree);

"(2) which admits as regular students only persons having a certificate of graduation from a school providing secondary education (or the recognized equivalent of such a certificate); and

"(3) which does—

"(A) provide an educational program of not less than two years which is acceptable for full credit toward such a degree, or

"(B) offer a two-year program in engineering, mathematics, or the physical or biological sciences, which program is designed to prepare a student to work as a technician and at the semiprofessional level in engineering, scientific, or other technological fields, which fields require the understanding and application of basic engineering, scientific, or mathematical principles of knowledge.

"ADVISORY COUNCIL ON DEVELOPING INSTITUTIONS

"Sec. 303. (a) There is hereby established an Advisory Council on Developing Institutions (in this title referred to as the 'Council') consisting of nine members appointed by the Commissioner with the approval of the Secretary.

"(b) The Council shall, with respect to the program authorized by this title, carry out the duties and functions specified by part C of the General Education Provisions Act and, in particular, it shall assist the Commissioner—

"(1) in developing the criteria for defining developing institutions under clause (D) of section 302(a)(1);

"(2) in establishing the list described in section 302(b);

"(3) in identifying developing institutions through which the purposes of this title may be achieved; and

"(4) in establishing the priorities and criteria to be used in making grants under section 304(a).

"USES OF FUNDS: COOPERATIVE ARRANGEMENTS, NATIONAL TEACHING FELLOWSHIPS, AND PROFESSORS EMERITUS

"Sec. 304. (a) The Commissioner is authorized to make grants and awards, in accordance with the provisions of this title, for the purpose of strengthening developing institutions. Such grants and awards shall be used solely for the purposes set forth in subsection (b).

"(b) Funds appropriated pursuant to section 301(b) shall be available for—

"(1) grants to institutions of higher education to pay part of the cost of planning, developing, and carrying out cooperative arrangements between developing institutions and other institutions of higher education, and between developing institutions and other organizations, agencies, and business entities, which show promise as effective measures for strengthening the academic program and the administrative capacity of developing institutions, including such projects and activities as—

"(A) exchange of faculty or students, including arrangements for bringing visiting scholars to developing institutions,

"(B) faculty and administration improvement programs, utilizing training, education (including fellowships leading to advanced degrees), internships, research participation, and other means,

"(C) introduction of new curricula and curricular materials,

"(D) development and operation of cooperative education programs involving alternate periods of academic study and business or public employment, and

"(E) joint use of facilities such as libraries or laboratories, including necessary books, materials, and equipment;

"(2) National Teaching Fellowships to be awarded by the Commissioner to highly qualified graduate students and junior faculty members of institutions of higher education for teaching at developing institutions; and

"(3) Professors Emeritus Grants to be awarded by the Commissioner to professors retired from active service at institutions of higher education to encourage them to teach and to conduct research at developing institutions.

"(c)(1) An application for assistance for the purposes described in subsection (b)(1) shall be approved only if it—

"(A) sets forth a program for carrying out one or more of the activities described in subsection (b)(1), and set forth such policies and procedures for the administration of the program as will insure the proper and efficient operation of the program and the accomplishment of the purposes of this title;

"(B) sets forth such policies and procedures as will insure that Federal funds made available under this section for any fiscal year will be so used as to suppement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds be made available for the purposes of the activities described in subsection (b)(1), and in no case supplant such funds;

"(C) sets forth policies and procedures for the evaluation of the effectiveness of the project or activity in accomplishing its purpose;

"(D) provides for such fiscal control and fund accounting procedures as may be necessary to insure proper disbursement of an accounting for funds made available under this title to the applicant; and

"(E) provides for making such reports, in such form and containing such information, as the Commissioner may require to carry out his functions under this title, and for keeping such records and affording such access thereto, as he may find necessary to assure the correctness and verification of such reports.

The Commissioner shall, after consultation with the Council, establish by regulation criteria as to eligible expenditures for which funds from grants for cooperative arrangements under clause (1) of subsection (b) may be used, which criteria shall be so designed as to prevent the use of such funds for purposes not necessary to the achievement of the purposes for which the grant is made.

"(2)(A) Applications for awards described in clauses (2) and (3) of subsection (b) may be approved only upon a finding by the Commissioner that the program of teaching and research set forth therein is reasonable in the light of the qualifications of the applicant and of the educational needs of the institution at which the applicant intends to teach.

"(B) No application for a National Teaching Fellowship or a Professors Emeritus Grant shall be approved for an award of such a fellowship or grant for a period exceding two academic years, except that the award of a Professors Emeritus Grant may be for such period, in addition to such two-year period of award, as the Commissioner, upon the advice of the Council, may determine in accordance with policies of the Commissioner set forth in regulations.

"(C) Each person awarded a National Teaching Fellowship or a Professors Emeritus Grant shall receive a stipend for each academic year of teaching, as determined by the Commissioner upon the advice of the Council, plus, an additional allowance for each such year for each dependent of such person.

"ASSISTANCE TO DEVELOPING INSTITUTIONS UNDER OTHER PROGRAMS

"SEC. 305. (a) Each institution which has been placed on the list of eligible developing institutions under section 302(b) shall be eligible for priority consideration and waivers in accordance with subsection (b).

"(b)(1) Subject to, and in accordance with, regulations promulgated for the purpose of this section, in the case of any application by a developing institution for assistance under any program specified in paragraph (2), the Commissioner is authorized, if such application is otherwise approvable, to waive any requirement for a non-Federal share of the cost of the program or project, or, to the extent not inconsistent with other law, to give, or require to be given, priority consideration of the application in relation to applications from institutions which are not developing institutions.

"(2) The provisions of this section shall apply to any program authorized by title II, IV, VI, or VII of this Act.

"(c) The Commissioner shall not waive, under subsection (b), the non-Federal share requirement for any program for applications which, if approved, would require the expenditure of more than 10 per centum of the appropriations for that program for any fiscal year.

"LIMITATION

"SEC. 306. None of the funds appropriated pursuant to section 301(b)(1) shall be used for a school or department of divinity or for any religious worship or sectarian activity.".

(b) The amendment made by subsection (a) shall be effective after, and only with respect to appropriations made for fiscal years beginning after, June 30, 1972.

EMERGENCY ASSISTANCE FOR INSTITUTIONS OF HIGHER EDUCATION

SEC. 123. (a)(1) The Congress hereby finds and declares that—

(A) the Nation's institutions of higher education constitute a national resource which significantly contributes to the security, general welfare, and economy of the United States;

(B) considerable evidence has been advanced which indicates that many institutions of higher education are in financial distress resulting from many causes, including, among others, efforts on the part of such institutions to increase enrollments, to improve the quality of education and training, and to enlarge educational opportunities; and

(C) various proposals have been presented to the Congress, in response to such condition of financial distress, for providing financial assistance to the Nation's institutions of higher education but, except for that necessary to justify payments provided for reimbursement for part of the cost of instruction under subpart 5 of part A of title IV of the Higher Education Act of 1965 as added by section 131(b) of this Act, insufficient information is available on the basis of which the Congress can determine, with any degree of certainty, the nature and causes of such financial distress or the most appropriate means with which present and future conditions of financial distress may be dealt.

(2) It is the purpose of this section (A) to provide institutions of higher education, which are determined in accordance with this section to be in serious financial distress, interim emergency assistance to enable them to determine the nature and causes of such distress and the means by which such distress may be alleviated, and to improve their capabilities for dealing with financial problems using, to the extent appropriate, assistance authorized under the Higher Education Act of 1965 and all other sources of financial assistance, and (B) to authorize the Commissioner to obtain and make available to the Congress such information as may be necessary to enable the Congress to assess problems relating to financing of higher education, and to make decisions, to the extent that such problems exist, with respect to long-range solutions to such problems.

(b)(1) There is authorized to be appropriated for the period beginning with the date of enactment of this Act, and ending June 30, 1973, $150,000,000 for the purpose of making grants under this subsection. Sums so appropriated shall remain available for obligation and expenditures until expended.

(2)(A) The Commissioner is authorized to make grants to institutions of higher education which are in serious financial distress, as such term is defined in regulations of the Commissioner, in accordance with the provisions of this section.

(B) A grant under this subsection may be made only upon application therefor to the Commissioner. Such applications shall be submitted at such time, in such form, and containing such information, assurances, policies, and procedures as the Commissioner may require in order to enable him to carry out his functions under this section. The Commissioner shall not approve any such application unless he finds that—

(i) in the case of a public institution of higher education, the institution has submitted its application for emergency assistance under this subsection to the appropriate State agency, as provided by the law of the State in which it is located and in accordance with regulations of the Commissioner, if any such agency exists with respect to such State, and such State agency has made a finding, in accordance with criteria established by the Commissioner, that such institution is in serious financial distress and (I) is in need of financial assistance under this section to continue its operation, or (II) will have to discontinue or substantially curtail its academic programs to the detriment of the quality of education available to its students;

(ii) in the case of a nonpublic institution of higher education, the institution either has complied with the procedure set forth in clause (i) for public institutions, or has submitted an application directly to the Commissioner and the Commissioner has determined that the institution meets the condition set forth in either clause (i)(I) or (i)(II), and has submitted a copy to the appropriate State agency, as determined under the law of the State in which it is located and in accordance with regulations of the Commissioner, for comment;

(iii) such institution has developed, adopted, and submitted a plan which the Commissioner determines provides reasonable assurance that, if the institution receives the grant for which it is applying, such institution will be able, during and after the period covered by such grant, to continue the educational services, programs, and activities with respect to which such grant is sought;

(iv) such institution is making a major contribution to the overall higher educational system of the area of the State in which it is located, or of the Nation; and

(v) such institution has included in such application such policies and procedures for the use of funds received under the grant as will insure that such funds will not be used for a school or department of divinity or for any religious worship or sectarian activity, and as will insure that such funds will be solely used for the purposes for which the grant is made.

(C) An application shall be approved under this subsection only if it includes such information, terms, and conditions as the Commissioner finds necessary and reasonable to enable him to carry out his functions under this section, and as he determines will be in the financial interest of the United States, and the applicant agrees—

(i) to disclose such financial information as the Commissioner determines to be necessary to determine the sources or causes of its financial distress and other information relating to its use of its financial resources;

(ii) to conduct a comprehensive cost analysis study of its operation, including income-cost comparisons and cost per credit hour of instruction for each department, in accordance with uniform standards prescribed by the Commissioner; and

(iii) to consider, and either implement or give adequate reasons in writing for not doing so, any financial or operational reform recommended by the Commissioner for the improvement of its financial condition.

(D) The Commissioner shall not approve an application for a grant under this section without first obtaining the advice and recommendations of a panel of specialists who are not regular, full-time employees of the Federal Government and who are competent to evaluate the applications as to the relative degree of financial distress of the applying institutions.

(c) (1) In order to give the States and the Nation the information needed to assess the dimensions of and extent of the financial crisis confronting the Nation's institutions of higher education, the Commissioner shall make, or arrange for, a study of the financial conditions of such institutions to determine the need, if any, the desirability, and the form that additional governmental and private assistance should take. Such study shall include (A) an analysis of the various proposals presented to the Congress that provide assistance to institutions of higher education, as well as other viable alternatives which, in the judgment of the Commissioner, merit inclusion in such a study; (B) the costs, advantages and disadvantages, and the extent to which each proposal would preserve the diversity and independence of such institutions; and (C) the extent to which each would advance the national goal of making higher education accessible to all individuals having the desire and ability to continue their education.

(2) (A) The Commissioner shall, at the earliest practicable date after he has had an opportunity to review the suggested national uniform standards referred to in clause (5) of section 140(c), but not later than July 1, 1973, prescribe national uniform standards for determining average per-student costs to institutions of higher education for providing postsecondary education for students in attendance at such institutions.

(B) After the Commissioner has prescribed the national uniform standard required by subparagraph (A), he shall require, as a condition of approval of any application of any institution of higher education for any funds under a grant or contract authorized by the Higher Education Act of 1965, that such institution supply cost-of-education data determined in accordance with such national uniform standards.

(3) The Commissioner shall report the results of the study required by this subsection to the President and the Congress not later than December 31, 1972.

(d) (1) The Commissioner is authorized to make grants to—

(A) institutions of higher education which are receiving emergency assistance under subsection (b) for the purpose of enabling them to improve their planning and management capabilities, and

(B) other institutions of higher education to assist them in conducting research and demonstration projects having national significance for improving the planning and management capabilities of institutions of higher education.

(2) The maximum amount of a grant under this subsection, with respect to an institution for any fiscal year, shall not exceed—

(A) an amount equal to the full-time equivalent number of persons in enrollment at that institution multiplied by $5; or

(B) $15,000;

whichever is greater.

(3) There are authorized to be appropriated for the period beginning on the date of enactment of this Act, and ending June 30, 1974, such sums as may be necessary to carry out the purposes of this subsection.

(e) As used in this section—

(1) the term "institution of higher education" means an educational institution in any State which (A) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (B) is legally authorized within such State to provide a program of education beyond secondary education, (C) has been in existence for at least five years prior to the date upon which it makes application under this section, (D) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree, (E) is a public or other nonprofit institution, and (F) is accredited by a nationally recognized accrediting agency or association or, if not so accredited, (i) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (ii) is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution which is accredited, and, for the purpose of this clause, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authortiy as to the quality of training offered;

(2) the term "State" includes the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Island; and

(3) the term "school or department of divinity" means an institution or a department or a branch of an institution the program of instruction of which is designed for the education of students (A) to prepare them to become ministers of religion or to enter upon some other religious vocation (or to provide continuing training for any such vocation), or (B) to prepare them to teach theological subjects.

Part B—Student Assistance

REVISION OF PART A OF TITLE IV (EDUCATIONAL OPPORTUNITY GRANTS)

Sec. 131. (a) (1) (A) The first sentence of section 401(b) of the Higher Education Act of 1965 is amended by striking out that part which precedes "to enable the Commissioner" and inserting in lieu thereof: "There are hereby authorized to be appropriated $170,000,000 for the fiscal year ending June 30, 1972, and for each of the succeeding fiscal years ending prior to July 1, 1975,".

(B) Section 408 of such Act is amended by striking out "for the fiscal year ending June 30, 1971" and inserting in lieu thereof "each for the succeeding fiscal years ending prior to June 30, 1975".

(2) The amendments made by paragraph (1) shall be effective after June 30, 1971.

(b) (1) Part A of title IV of such Act is amended to read as follows:

"Part A—Grants to Students in Attendance at Institutions of Higher Education

"STATEMENT OF PURPOSE: PROGRAM AUTHORIZATION

"Sec. 401. (a) It is the purpose of this part to assist in making available the benefits of postsecondary education to qualified students in institutions of higher education by—

"(1) providing basic educational opportunity grants (hereinafter referred to as 'basic grants') to all eligible students;

"(2) providing supplemental educational opportunity grants (hereinafter referred to as 'supplemental grants') to those students of exceptional need who, for lack of such a grant, would be unable to obtain the benefits of a postsecondary education;

"(3) providing for payments to the States to assist them in making financial aid available to such students;

"(4) providing for special programs and projects designed (A) to identify and encourage qualified youths with financial or cultural need with a potential for postsecondary education, (B) to prepare students from low-income families for postsecondary education, and (C) to provide remedial (including remedial language study) and other services to students; and

"(5) providing for payments to institutions of higher education in connection with students receiving assistance pursuant to subpart 1 who are in attendance at such institutions.

"(b) The Commissioner shall, in accordance with subparts 1, 2, 3, 4, and 5, carry out programs to achieve the purposes of this part.

"Subpart 1—Basic Educational Opportunity Grants

"BASIC EDUCATIONAL OPPORTUNITY GRANTS: AMOUNT AND DETERMINATIONS; APPLICATIONS

"Sec. 411 (a) (1) The Commissioner shall, during the period beginning July 1, 1972, and ending June 30, 1975, pay to each student who has been accepted for enrollment in, or is in good standing at, an institution of higher education (according to the prescribed standards, regulations, and practices of that institution) for each academic year during which that student is in attendance at that institution, as an undergraduate, a basic grant in the amount for which that student is eligible, as determined pursuant to paragraph (2).

"(2) (A) (i) The amount of the basic grant for a student eligible under this subpart for any academic year shall be $1,400, less an amount equal to the amount determined under paragraph (3) to be the expected family contribution with respect to that student for that year.

"(ii) In any case where a student attends an institution of higher education on less than a full-time basis during any academic year, the amount of the basic grant to which that student is entitled shall be reduced in proportion to the degree to which that student is not so attending on a full-time basis, in accordance with a schedule of reductions established by the Commissioner for the purposes of this division. Such schedule of reductions shall be established by regulation and published in the Federal Register not later than February 1 of each year.

"(B) (i) The amount of a basic grant to which a student is entitled under this subpart for any academic year shall not exceed 50 per centum of the actual cost of attendance at the institution at which the student is in attendance for that year.

"(ii) For the purpose of this subparagraph the term 'actual cost of attendance' means, subject to regulations of the Commissioner, the actual per-student charges for tuition, fees, room and board (or expenses related to reasonable commuting), books, and an allowance for such other expenses as the Commissioner determines by regulation to be reasonably related to attendance at the institution at which the student is in attendance.

"(C) No basic grant shall be awarded to a student under this subpart if the amount of that grant for that student as determined under this paragraph for any academic year is less than $200. Pursuant to criteria established by the Commissioner by regulation, the institution of higher education may award a basic grant of less than $200 upon a determination that the amount of the basic grant is less than $200 because of the requirement of division (i) of subparagraph (B) and that due to exceptional circumstances the reduced grant should be made in order to enable the student to benefit from postsecondary education.

"(3)(A)(i) Not later than February 1 of each year the Commissioner shall publish in the Federal Register a schedule of expected family contributions for the succeeding academic year for various levels of family income, which, except as is otherwise provided in division (ii), together with any amendments thereto, shall become effective July 1 of that year. During the thirty-day period following such publication the Commission shall provide interested parties with an opportunity to present their views and make recommendations with respect to such schedule.

"(ii) The schedule of expected family contributions required by division (i) for each academic year shall be submitted to the President of the Senate and the Speaker of the House of Representatives not later than February 1 of that year. If either the Senate or the House of Representatives adopts, prior to May 1 of such year, a resolution of disapproval of such schedule, the Commissioner shall publish a new schedule of expected family contributions in the Federal Register not later than fifteen days after the adoption of such resolution of disapproval. Such new schedule shall take into consideration such recommendations as may be made in connection with such resolution and shall become effective, together with any amendments thereto, on July 1 of that year.

"(B)(i) For the purposes of this paragraph, the term 'family contribution' with respect to any student means the amount which the family of that student may be reasonably expected to contribute toward his postsecondary education for the academic year for which the determination under subparagraph (A) of paragraph (2) is made, as determined in accordance with regulations. In promulgating such regulations, the Commissioner shall follow the basic criteria set forth in division (ii) of this subparagraph.

"(ii) The basic criteria to be followed in promulgating regulations with respect to expected family contributions are as follows:

"(I) The amount of the effective income of the student or the effective family income of the student's family.

"(II) The number of dependents of the family of the student.

"(III) The number of dependents of the student's family who are in attendance in a program of postsecondary education and for whom the family may be reasonably expected to contribute for their postsecondary education.

"(IV) The amount of the assets of the student and those of the student's family.

"(V) Any unusual expenses of the student or his family, such as unusual medical expenses, and those which may arise from a catastrophe.

"(iii) For the purpose of clause (I) of division (ii) the term 'effective family income' with respect to a student means the annual adjusted family income, as determined in accordance with regulations prescribed by the Commissioner, received by the parents or guardian of that student (or the person or persons having an equivalent relationship to such student) minus Federal income tax paid or payable with respect to such income.

"(iv) For the purposes of this paragraph, one-half of veteran's benefits and payments under the Social Security Act received by a student or a student's family shall not be included in the determination of family contribution.

"(C) The Commissioner shall promulgate special regulations for determining the expected family contribution and effective family income in the case of students who are determined to be emancipated or self-supporting. Such special regulations shall be consistent with the basic criteria set forth in division (ii) of subparagraph (B).

"(4) (A) The period during which a student may receive basic grants shall be the period required for the completion of the undergraduate course of study being pursued by that student at the institution at which the student is in attendance, except that such period may not exceed four academic years unless—

"(i) the student is pursuing a course of study leading to a first degree in a program of study which is designed by the institution offering it to extend over five academic years; or

"(ii) the student is, or will be, unable to complete a course of study within four academic years because of a requirement of the institution of such course of study that the student enroll in a noncredit remedial course of study, in either which case such period may be extended for not more than one additional academic year.

"(B) For the purposes of clause (ii) of subparagraph (A), a 'noncredit remedial course of study' is a course of study for which no credit is given toward an academic degree, and which is designed to increase the ability of the student to engage in an undergraduate course of study leading to such a degree.

"(b)(1) The Commissioner shall from time to time set dates by which students must file applications for basic grants under this subpart.

"(2) Each student desiring a basic grant for any year must file an application therefor containing such information and assurances as the Commissioner may deem necessary to enable him to carry out his functions and responsibilities under this subpart.

"(3)(A) Payments under this section shall be made in accordance with regulations promulgated by the Commissioner for such purpose, in such manner as will best accomplish the purposes of this section.

"(B) If, during any period of any fiscal year, the funds available for payments under this subpart are insufficient to fully satisfy all entitlements under this subpart, the amount paid with respect to each such entitlement shall be ratably reduced. When sufficient funds become available for such purpose, the amount of payment to be applied to each holder of a basic grant shall be equal to the difference between the amount paid to that holder under the first sentence of this subparagraph and the amount determined under subsection (a) to be that to which that holder is entitled for that year. No method of computing or manner of distribution of payments shall be used which is inconsistent with this subparagraph.

"Subpart 2—Supplemental Educational Opportunity Grants

"PURPOSE; APPROPRIATIONS AUTHORIZED

"SEC. 413A. (a) It is the purpose of this subpart to provide, through institutions of higher education, supplemental grants to assist in making available the benefits of postsecondary education to qualified students who, for lack of financial means, would be unable to obtain such benefits without such a grant.

"(b)(1) For the purpose of enabling the Commissioner to make payments to institutions of higher education which have made agreements with the Commissioner in accordance with section 413C(b), for use by such institutions for payments to undergraduate students for the initial academic year of a supplemental grant awarded to them under this subpart, there are authorized to be appropriated $200,000,000 for the fiscal year ending June 30, 1973, and for each of the succeeding fiscal years ending prior to July 1, 1975. Funds appropriated pursuant to this paragraph shall be appropriated separate from any funds appropriated pursuant to paragraph (2).

"(2) In addition to the sums authorized to be appropriated by paragraph (1), there are authorized to be appropriated such sums as may be necessary for payment to institutions of higher education for use by institutions for making continuing supplemental grants under this subpart, except that no appropriation may be made pursuant to this paragraph for any fiscal year beginning more than three years after the last fiscal year for which an appropriation is authorized under paragraph (1). Funds appropriated pursuant to this paragraph shall be appropriated separate from any funds appropriated pursuant to paragraph (1).

"(3) Sums appropriated pursuant to this subsection for any fiscal year shall be available for payments to institutions until the end of the fiscal year succeeding the fiscal year for which they were appropriated.

"(4) For the purposes of this subsection, payment for the first year of a supplemental grant shall not be considered as an initial year payment if the grant was awarded for the continuing education of a student who—

"(A) had not previously awarded a supplemental grant under this subpart (whether by another institution or otherwise), and

"(B) had received payment for any year of that supplemental grant.

"AMOUNT AND DURATION OF GRANTS

"SEC. 413B. (a)(1) An institution which awards a supplemental grant to a student under this subpart shall, for the duration of the grant, pay, from the funds received under this subpart by such institution for such purpose, to that student, for each academic year during which he is in need of such grant to pursue a course of study at that institution, an amount determined pursuant to paragraph (2).

"(2)(A)(i) The amount of the payment to any student pursuant to paragraph (1) shall be equal to the amount determined by the institution to be needed by that student to enable him to pursue a course of study at the institution, except that such amount shall not exceed—

"(I) $1,000, or

"(II) one-half the sum of the total amount of student financial aid provided to such student by such institution,

whichever is the lesser.

"(ii) The $1,000 limitation set forth in clause (I) of division (i) shall be increased to $1,200 in the case of a student who, during the preceding academic year, is determined in accordance with regulations to have ranked in the upper half of his class at an institution of higher education.

"(iii) For the purposes of clause (II) of division (i), the term 'student financial aid' includes assistance payments to the student under subpart I of this part and parts C and E of this title, and any assistance provided to a student under any scholarship program established by a State or a private institution or organization, as determined in accordance with regulations, shall be deemed to be aid provided such student by the institution.

"(B) If the amount determined under division (i) of subparagraph (A) with respect to a student for any academic year is less than $200, no payment shall be made to that student for that year.

"(C) Subject to subparagraphs (A) and (B), the Commissioner shall prescribe, for the guidance of institutions, basic criteria and schedules for the determination of the amount of need to be determined under division (i) of subparagraph (A). Such criteria and schedules shall take into consideration the objective of limiting assistance under this subpart to students of financial need, and such other factors related to determining the need of students for financial assistance as the Commissioner deems relevant.

"(b) (1) (A) The duration of a supplemental grant awarded to a student under this subpart shall be the period required for the completion of the undergraduate course of study being pursued by the student to whom the grant is awarded at the institution awarding the grant.

"(B) The period of the duration of a supplemental grant under this subpart shall not exceed four academic years, less any such period with respect to which that student has previously received payments under this subpart pursuant to a prior award of a supplemental grant, whether such payments were made by the same or another institution, except that in the case of a student—

"(i) who is pursuing a course of study leading to a first degree in a program of study which is designed by the institution offering it to extend over five academic years, or

"(ii) who is, or will be, unable to complete a course of study within four academic years because of a requirement of the institution offering such course of study that the student enroll in a noncredit remedial course of study, such period may be extended for not more than one additional academic year. For the purposes of clause (ii), a 'noncredit remedial course of study' is a course of study for which no credit is given toward an academic degree, and which is designed to increase the ability of the student to engage in an undergraduate course of study leading to such a degree.

"(2) A supplemental grant awarded under this subpart shall entitle the student to whom it is awarded to payments pursuant to such grant only if—

"(A) that student is maintaining satisfactory progress in the course of study he is pursuing, according to the standards and practices of the institution awarding the grant, and

"(B) that student is devoting at least half-time to that course of study, during the academic year, in attendance at that institution.

Failure to be in attendance at the institution during vacation periods or periods of military service, or during other periods during which the Commissioner determines, in accordance with regulations, that there is good cause for his nonattendance, shall not render a student ineligible for a supplemental grant; but no payments may be made to a student during any such period of failure to be in attendance or period of nonattendance.

"SELECTION OF RECIPIENTS; AGREEMENTS WITH INSTITUTIONS

"SEC. 413C. (a) (1) An individual shall be eligible for the award of a supplemental grant under this subpart by an institution of higher education which has made an agreement with the Commissioner pursuant to subsection (b), if the individual makes application at the time and in the manner prescribed by that institution, in accordance with regulations of the Commissioner.

"(2) From among those who are eligible for supplemental grants through an institution which has an agreement with the Commissioner under subsection (b) for each fiscal year, the institution shall, in accordance with such agreement under subsection (b), and within the amount allocated to the institution for that purpose for that year under section 413D (b) select individuals who are to be awarded such grants and determine, in accordance with section 413B, the amounts to be paid to them. An institution shall not award a supplemental grant to an individual unless it determines that—

"(A) he has been accepted for enrollment as an undergraduate student at such institution or, in the case of a student already attending such institution, is in good standing there as an undergraduate;

"(B) he shows evidence of academic or creative promise and capability of maintaining good standing in this course of study;

"(C) he is of exceptional financial need; and

"(D) he would not, but for a supplemental grant, be financially able to pursue a course of study at such institution.

"(b) An institution of higher education which desires to obtain funds for supplemental grants under this subpart shall enter into an agreement with the Commissioner. Such agreement shall—

"(1) provide that funds received by the institution under this subpart will be used by it solely for the purposes specified in, and in accordance with, the provisions of this subpart and of section 463;

"(2) provide that, in determining whether an individual meets the requirements of clause (C) of paragraph (2) of subsection (a), the institution will—

"(A) consider the source of such individual's income and that of any individual or individuals upon whom he relies primarily for support, and

"(B) make appropriate review of the assets of the student and of such individuals;

"(3) provide that the institution, in cooperation with other eligible institutions where appropriate, will make vigorous efforts to identify qualified youths of exceptional financial need, and to encourage them to continue their education beyond secondary school through such programs and activities as—

"(A) establishing or strengthening close working relationships with secondary school principals and guidance and counseling personnel, with a view toward motivating students to complete secondary school and to pursue postsecondary school educational opportunities, and

"(B) making, to the extent feasible, conditional commitments for student financial aid by such institution to qualified secondary school students enrolled in grade 11 or lower grades who show evidences of academic or creative promise;

"(4) provide that the institution will meet the requirements of section 464;

"(5) include provisions designed to make grants under this subpart reasonably available, to the extent of available funds, to all eligible students in attendance at the institution;

"(6) include such other provisions as may be necessary to protect the financial interest of the United States.

"APPORTIONMENT AND ALLOCATION OF FUNDS

"SEC. 413D. (a) (1) (A) From the sums appropriated pursuant to section 413A(b) (1) for any fiscal year, the Commissioner shall apportion to each State an amount which bears the same ratio to such sums as the number of persons enrolled full-time and the full-time equivalent of the number of persons enrolled part time in institutions of higher education in such State bears to the total number of such persons in all the States.

"(B) If the Commissioner determines that the sums apportioned to any State under subparagraph (A) for any fiscal year exceed the aggregate of the amounts that he determines to be required under subsection (b) for that fiscal year for institutions of higher education in that State, the Commissioner shall reapportion such excess, from time to time, on such date or dates as he shall fix, to other States in such manner as the Commissioner determines will best assist in achieving the purposes of this subpart.

"(2) Sums appropriated pursuant to section 413A(b) (2) for any fiscal year shall be apportioned among the States in such manner as the Commissioner determines will best achieve the purposes for which such sums were appropriated.

"(b) (1) (A) The Commissioner shall, from time to time, set dates before which institutions in any State must file applications for allocation, to such institutions, of supplemental grant funds from the apportionment to that State (including any reapportionment thereto) for any fiscal year pursuant to subsection (a) (1).

"(B) (i) From the sums apportioned (or reapportioned) to any State, the Commissioner shall allocate amounts to institutions which have submitted applications pursuant to subparagraph (A).

"(ii) Allocations under division (i) by the Commissioner to such institutions shall be made in accordance with equitable criteria established by the Commissioner by regulation. Such criteria shall be designed to achieve such distribution of supplemental grant funds among such institutions within a State as will most effectively carry out the purposes of this subpart.

"(2) The Commissioner shall, in accordance with regulations, allocate to such institutions in any State, from funds apportioned or reapportioned pursuant to subsection (a) (2), funds to be used as the supplemental grants specified in section 413A(b) (2).

"(3) Payments shall be made from allocations under this subsection as needed.

"Subpart 3—Grants to States for State Scholarship Incentives.

"PURPOSE; APPROPRIATIONS AUTHORIZED

"SEC. 415A. (a) It is the purpose of this subpart to make grants available to the States to assist them in providing student incentive grants to eligible students in attendance at institutions of higher education.

"(b) (1) There are hereby authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1973, and for each of the succeeding fiscal years ending prior to July 1, 1975, for payments to the States for student incentive grants to individuals who have not previously been awarded such grants.

"(2) In addition to the sums authorized to be appropriated pursuant to paragraph (1), there is authorized to be appropriated such sums as may be necessary for making grants to individuals who have been awarded student incentive grants for previous years.

"(3) Sums appropriated pursuant to paragraph (1) for any fiscal year shall remain available for payments to States for the award of student incentive grants under this subpart until the end of the fiscal year succeeding the fiscal year for which such sums were appropriated.

"(4) For the purposes of this subsection, a payment on the first year of a student incentive grant with respect to any student who has not been awarded a student incentive grant during any previous year shall be considered, subject to regulations of the Commissioner, an initial award to be paid from appropriations pursuant to paragraph (1).

"ALLOTMENT AMONG STATES

"SEC. 415B. (a) (1) (A) From the sums appropriated pursuant to section 415A(b) (1) for any fiscal year, the Commissioner shall allot to each State an amount which bears the same ratio to such sums as the number of studentts in attendance at institutions of higher education in such State bears to the total number of such students in such attendance in all the States.

"(B) For the purposes of this paragraph, the number of students in attendance at institutions of higher education in a State and in all the States shall be determined by the Commissioner for the most recent year for which satisfactory data are available to him.

"(2) If the Commissioner determines that the amount allotted to any State under paragraph (1) for any fiscal year exceeds the amount he determines to be required for that fiscal year for the student incentive grant program of that State, such excess shall be reallotted among the other States, from time to time, on such date or dates as he shall fix, in such manner as he determines will best assist in achieving the purposes of this subpart.

"(b) Sums appropriated pursuant to section 415A(b) (2) for any fiscal year shall be allotted among the States in such manner as the Commissioner determines will best achieve the purposes for which such sums were appropriated.

"APPLICATIONS FOR STUDENT INCENTIVE GRANT PROGRAMS

"SEC. 415C. (a) A State which desires to obtain a payment under this subpart for any fiscal year shall submit an application therefor through the State agency administering its program of student incentive grants, at such time or times, and containing such information as may be required by, or pursuant to, regulation for the purpose of enabling the Commissioner to make the determinations required under this subpart.

"(b) From a State's allotment under this subpart for any fiscal year the Commissioner is authorized to make payments to such State for paying 50 per centum of the amount of student incentive grants pursuant to a State program which—

"(1) is administered by a single State agency;

"(2) provides that such grants will be in amounts not in excess of $1,500 per academic year for attendance on a full-time basis as an undergraduate at an institution of higher education;

"(3) provides for the selection of recipients of such grants on the basis of substantial financial need determined on the basis of criteria established by the Commissioner;

"(4) provides for the payment of the non-Federal portion of such grants from funds supplied by such State which represent an additional expenditure for such year by such State for grants for students attending institutions of higher education over the amount expended by such State for such grants during the second fiscal year preceding the fiscal year in which such State initially received funds under this subpart; and

"(5) provides (A) for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State agency under this subpart, and (B) for the making of such reports, in such form and containing such information, as may be reasonably necessary to enable the Commissioner to perform his functions under this subpart.

"(c) Upon his approval of any application for a payment under this subpart, the Commissioner shall reserve from the applicable allotment (including any applicable reallotment) available therefor, the amount of such payment, which (subject to the limits of such allotment or reallotment) shall be equal to the Federal share of the cost of the student incentive grants covered by such application. The Commissioner shall pay such reserved amount, in advance or by way of reimbursement, and in such installments as he may determine. The Commissioner's reservation of any amount under this section may be amended by him, either upon approval of an amendment of the application or upon revision of the estimated cost of the student incentive grants with respect to which such reservation was made, and in the event of an upward revision of such estimated cost approved by him he may reserve the Federal share of the added cost only from the applicable allotment (or reallotment) available at the time of such approval.

"ADMINISTRATION OF STATE PROGRAMS; JUDICIAL REVIEW

"SEC. 415D. (a) (1) The Commissioner shall not finally disapprove any application for a State program submitted under section 415C or any modification thereof, without first affording the State agency submitting the program reasonable notice and opportunity for a hearing.

"(2) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency administering a State program approved under this subpart, finds—

"(A) that the State program has been so changed that it no longer complies with the provisions of this subpart, or

"(B) that in the administration of the program there is a failure to comply substantially with any such provision,

the Commissioner shall notify such State agency that the State will not be regarded as eligible to participate in the program under this subpart until he is satisfied that there is no longer any such failure to comply.

"(b) (1) If any State is dissatisfied with the Commissioner's final action with respect to the approval of its State program submitted under this subpart or with his final action under subsection (a), such State may appeal to the United States court of appeals for the circuit in which such State is located. The summons and notice of appeal may be served at any place in the United States. The Commissioner shall forthwith certify and file in the court the transcript of the proceedings and the record on which he based his action.

"(2) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the transcript and record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(3) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in title 28, United States Code, section 1254.

"Subpart 4—Special Programs for Students From Disadvantaged Backgrounds

"PROGRAM AUTHORIZATION

"SEC. 417A. (a) The Commissioner shall, in accordance with the provisions of this subpart, carry out a program designed to identify qualified students from low-income families, to prepare them for a program of postsecondary education, and to provide special services for such students who are pursuing programs of postsecondary education.

"(b) For the purpose of enabling the Commissioner to carry out this subpart, there are authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1973, and for each of the succeeding fiscal years ending prior to July 1, 1975.

"AUTHORIZED ACTIVITIES

"SEC. 417B. (a) The Commissioner is authorized (without regard to section 3709 of the Revised Statutes (41 U.S.C. 5)) to make grants to, and contracts with, institutions of higher education, including institutions with vocational and career education programs, combinations of such institutions, public and private nonprofit agencies and organizations (including professional and scholarly associations), and, in exceptional cases, secondary schools and secondary vocational schools, for planning, developing, or carrying out within the States one or more of the services described in section 417A(a).

"(b) Services provided through grants and contracts under this subpart shall be specifically designed to assist in enabling youths from low-income families who have academic potential, but who may lack adequate secondary school preparation or who may be handicapped, to enter, continue, or resume a program of postsecondary education, including—

"(1) programs, to be known as 'Talent Search', designed to—

"(A) identify qualified youths of financial or cultural need with an exceptional potential for postsecondary educational training and encourage them to complete secondary school and undertake postsecondary educational training,

"(B) publicize existing forms of student financial aid, including aid furnished under this title, and

"(C) encourage secondary school or college dropouts of demonstrated aptitude to reenter educational programs, including postsecondary-school programs;

"(2) programs, to be known as 'Upward Bound', (A) which are designed to generate skills and motivation necessary for success in education beyond high school and (B) in which enrollees from low-income backgrounds and with inadequate secondary-school preparation participate on a substantially full-time basis during all or part of the programs;

"(3) programs, to be known as 'Special Services for Disadvantaged Students', of remedial and other special services for students with academic potential (A) who are enrolled or accepted for enrollment at the institution which is the beneficiary of the grant or contract, and (B) who, by reason of deprived educational, cultural, or economic background, or other handicap, are in need of such services to assist them to initiate, continue, or resume their postsecondary education; and

"(4) a program of paying up to 75 per centum of the cost of establishing and operating Educational Opportunity Centers which—

"(A) serve areas with major concentrations of low-income populations by providing, in coordination with other applicable programs and services—

"(i) information with respect to financial and academic assistance available for persons in such areas desiring to pursue a program of postsecondary education;

"(ii) assistance to such persons in applying for admission to institutions, at which a program of postsecondary education is offered, including preparing necessary applications for use by admission and financial aid officers; and

"(iii) counseling services and tutorial and other necessary assistance to such persons while attending such institutions; and

"(B) serve as recruiting and counseling pools to coordinate resources and staff efforts of institutions of higher education and of other institutions offering programs of postsecondary education, in admitting educationally disadvantaged persons.

The portion of the cost of any project assisted under clause (4) in the preceding sentence which is borne by the applicant shall represent an increase in expenditure by such applicant for the purposes of such project.

"Subpart 5—Payments to Institutions of Higher Education for Cost of Instruction

"COST OF INSTRUCTION ALLOWANCES

"SEC. 419. (a) Each institution of higher education at which a student who is the recipient of a basic grant under subpart 1 is in attendance, shall be entitled for each fiscal year to a cost-of-instruction allowance (hereinafter in this section referred to as 'allowance'), in accordance with the provisions of this section.

"(b) (1) (A) The amount of the allowance to which an institution shall be entitled under this section for a fiscal year shall be determined on the basis of the total number of students in attendance at the institution, and the number of students who are in attendance at such institution and who are also recipients of basic grants under this part, and shall be determined in accordance with the following table:

"If the total number of students in attendance is—	*The amount of the grant is—*
Not over 1,000	$500 for each recipient.
Over 1,000 but not over 2,500.	$400 for each recipient or, if the number of recipients is at least 100, $50,000, plus $400 for each recipient in excess of 100.
Over 2,500 but not over 5,000.	$300 for each recipient or, if the number of recipients is at least 250, $110,000, plus $300 for each recipient in excess of 250.
Over 5,000 but not over 10,000.	$200 for each recipient or, if the number of recipients is at least 500, $185,000, plus $200 for each recipient in excess of 500.
Over 10,000	$100 for each recipient or, if the number of recipients is at least 1,000, $235,000, plus $100 for each recipient in excess of 1,000.

"(B) In any case where a recipient of a basic grant under subpart 1 attends an institution receiving an allowance under this subpart on less than a full-time basis, the amount of the allowance to that institution with respect to that student shall be reduced in proportion to the degree to which that student is not attending on a full-time basis.

"(C) The Commissioner shall make a separate determination of the number of students in attendance at an institution of higher education and the number of recipients of basic grants at any such institution at each branch or separate campus of that institution located in a different community from the principal campus of that institution pursuant to criteria established by him.

"(2) An institution of higher education may receive an allowance in accordance with this section only upon application therefor. An application under this section shall be submitted at such time or times, in such manner, and containing such information as the Commissioner determines necessary to carry out his functions under this title, and shall—

"(A) set forth such policies, assurances, and procedures as will insure that—

"(i) the funds received by the institution under this section will be used solely to defray instructional expenses in academically related programs of the applicant;

"(ii) except as is authorized in paragraph (3), the applicant will not increase tuition with respect to the recipients of basic grants under this part above the rate charged by the applicant for undergraduate students for the academic year 1970–1971;

"(iii) the funds received by the institution under this section will not be used for a school or department of divinity or for any religious worship or sectarian activity;

"(iv) the applicant will expend, during the academic year for which a grant is sought for all academically related programs of the institution, an amount equal to at least the average amount so expended during the three years preceding the year for which the grant is sought; and

"(v) the applicant will submit to the Commissioner such reports as the Commissioner may require by regulation; and

"(B contain such other statement of policies, assurances, and procedures as the Commissioner may require by regulation in order to protect the financial interests of the United States.

"(3) In accordance with criteria established by regulations promulgated for the purposes of this paragraph, the Commissioner is authorized to permit increases in tuition in cases where failure to do so would result in undue hardship for an institution. Such criteria shall, among other factors, take into consideration increases in the cost-of-living index established by the Department of Labor.

"(c) (1) The Commissioner shall pay to each institution of higher education for each fiscal year the amount to which it is entitled under this section.

"(2) If during any period of any fiscal year the funds available for payments for entitlements established under this subpart are insufficient to fully satisfy all such entitlements the amount paid with respect to each such entitlement shall be ratably reduced. When sufficient funds become available for such period for such purpose the amount of payment from such funds to be applied to the entitled of each institution shall be equal to the difference between the amount paid to that institution under the first sentence of this paragraph and the amount of the entitlement for that institution as determined under paragraph (1) of subsection (a). No method of computing or no distribution of payments under this subpart shall be used which is inconsistent with this paragraph.".

(2) The amendment made by paragraph (1) shall be effective after June 30, 1972.

(3) There are authorized to be appropriated for each of the fiscal years ending prior to July 1, 1975, such sums as may be necessary for payment to institutions which have in effect agreements with the Commissioner entered into under section 407 of the Higher Education Act of 1965 before July 1, 1972, for use by such institutions for making educational opportunity grants under part A of title IV of such Act, as such part A is in effect on June 30, 1972, to undergraduate students for academic years other than the initial year of their educational opportunity grant under such part A.

(c) Section 461 of the Higher Education Act of 1965 is amended by striking out subsection (b) thereof and inserting in lieu thereof the following:

"(b) (1) For the purposes of this title, except for subpart 5 of part A, the term 'institution of higher education' includes any school of nursing; and any proprietary institution of higher education which has an agreement with the Commissioner containing such terms and conditions as the Commissioner determines to be necessary to insure that the availability of assistance to students at the school under this title has not resulted, and will not result, in an increase in the tuition, fees, or other charges to such students.

"(2) For the purposes of this subsection—

"(A) The term 'school of nursing' means a public or other nonprofit collegiate or associate degree school of nursing.

"(B) The term 'collegiate school of nursing' means a department, division, or other administrative unit in a college or university which provides primarily or exclusively an accredited program of education in professional nursing and allied subjects leading to the degree of bachelor of arts, bachelor of science, bachelor of nursing, or to an equivalent degree, or to a graduate degree in nursing.

"(C) The term 'associate degree school of nursing' means a department, division, or other administrative unit in a junior college, community college, college, or university which provides primarily or exclusively an accredited two-year program of education in professional nursing and allied subjects leading to an associate degree in nursing or to an equivalent degree.

"(D) The term 'accredited' when applied to any program of nurse education means a program accredited by a recognized body or bodies approved for such purpose by the Commissioner.

"(3) For the purposes of this subsection, the term 'proprietary institution of higher education' means a school (A) which provides not less than a six-month program of training to prepare students for gainful employment in a recognized occupation, (B) which meets the requirements of clauses (1) and (2) of section 1201(a), (C) which does not meet the requirement of section clause (4) of section 1201(a), (D) which is accredited by a nationally recognized accrediting agency or association approved by the Commissioner for this purpose, and (E) which has been in existence for at least two years. For purposes of this paragraph, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered.

"(c) For the purposes of this title—

"(1) the term 'academic year' shall be defined by the Commissioner by regulations; and

"(2) the term 'in attendance', when applied to a student, means a student who attends an institution of higher education at least on a half-time basis, as defined by the Commissioner by regulation.".

(d) (1) Section 1201 of the Higher Education Act of 1965 is amended by adding at the end thereof the following new paragraph:

"(m) The term 'school or department of divinity' means an institution or a department or a branch of an institution the program of instruction of which is designed for the education of students (A) to prepare them to become ministers of religion or to enter upon some other religious vocation (or to provide continuing training for any such vocation), or (B) to prepare them to teach theological subjects.".

(2) The Higher Education Act of 1965 is amended by striking out the following provisions:

(A) The second sentence of section 113;

(B) The second sentence of section 207;

(C) The second sentence of section 526;

(D) The second sentence of section 609; and

(E) The second sentence of section 923.

(e) No payments shall be paid on the basis of entitlements created by subpart 5 of part A of title IV of the Higher Education Act of 1965 for any fiscal year in which—

(1) the appropriations available for payments on the basis of entitlements created by subpart 1 of such part are insufficient to pay in full the amounts to which all students are entitled under such subpart 1 for that fiscal year; or

(2) the appropriation for grants under subpart 2 of such part for that fiscal year does not at least equal the appropriation for the purposes of part A of title IV of the Higher Education Act of 1965 for the fiscal year ending June 30, 1972; or

(3) the appropriation for grants under part C of such title IV for that fiscal year does not at least equal the appropriation for such part C for the fiscal year ending June 30, 1972; or

(4) the appropriation pursuant to section 461 of the Higher Education Act of 1965 (as added by section 137(b) of this Act) for that fiscal year does not at least equal the appropriation for contributions to loan funds under title II of the National Defense Education Act of 1958 for the fiscal year ending June 30, 1972.

INSURED STUDENT LOANS—EXTENSION OF PROGRAM

Sec. 132A. (a)(1) Section 424(a) of the Higher Education Act of 1965 is amended by striking out "three succeeding fiscal years" and inserting in lieu thereof "succeeding fiscal years ending prior to July 1, 1975".

(2) Such section 424(a) is further amended by striking out "June 30, 1975" and inserting in lieu thereof "June 30, 1979".

(b) Paragraph (4) of section 428(a) of such Act is amended (A) by striking out "June 30, 1971" and inserting in lieu thereof "June 30, 1979" and (B) by striking out "shall end at the close of June 30, 1975" and inserting in lieu thereof "shall end at the close of June 30, 1979".

(c) Section 433(c) of such Act is amended by striking out "two succeeding fiscal years" and inserting in lieu thereof "succeeding fiscal years ending prior to July 1, 1975".

(d) The amendments made by this section shall be effective after June 30, 1971.

INCREASE IN LOAN LIMITATION IN EXCEPTIONAL CASES

Sec. 132B. (a)(1) Section 425(a) of the Higher Education Act of 1965 is amended by inserting before the period at the end of the first sentence the following: ", except when the financial aid officer of the institution in which such student is enrolled or at which he has been accepted for enrollment determines (in accordance with general criteria prescribed by the Commissioner) that such student is in need of a larger total to continue his education, in which case such total may not exceed whichever is the lesser, $2,500 or such larger total".

(2) Section 428(b)(1)(A) of such Act is amended by inserting after "1,500" the following: "(except when the financial aid officer of the institution in which such student is enrolled or at which he has been accepted for enrollment determines, in accordance with general criteria prescribed by the Commissioner, that such student is in need of a larger amount to continue his education, in which case such total may not exceed which ever is the lesser, $2,500 or such larger amount)".

(b) The amendments made by subsection (a) shall be effective with respect to loans made after the enactment of this Act, and insured by the Commissioner under part B of title IV of the Higher Education Act of 1965, or by a State or non-profit private institution or organization with which the Commissioner has an agreement under section 428 (b) of such part.

ELIGIBILITY OF INSTITUTIONS

Sec. 132C. (a) Part B of title IV of the Higher Education Act of 1965 is amended by adding at the end thereof the following new section:

"ELIGIBILITY OF INSTITUTIONS

"Sec. 438. Notwithstanding any other provision of this part, the Commissioner is authorized to prescribe such regulations as may be necessary to provide for—

"(1) a fiscal audit of an eligible institution with regard to any funds obtained from a student who has received a loan insured under this part, or insured by a State or nonprofit private institution or organization with which the Commissioner has an agreement under section 428(b);

"(2) the establishment of reasonable standards of financial responsibility and appropriate institutional capability for the administration by an eligible institution of a program of student financial aid with respect to funds obtained from a student who has received a loan insured under this part, or insured by a State or nonprofit private institution or organization with which the Commissioner has an agreement under section 428(b);

"(3) the limitation, suspension, or termination of the eligibility under this part of any otherwise eligible institution, whenever the Commissioner has determined, after notice and affording an opportunity for hearing, that such institution has violated or failed to carry out any regulation prescribed under this part.".

(b) The amendment made by subsection (a) shall be effective on and after the sixtieth day following the enactment of this Act.

STUDENT LOAN MARKETING ASSOCIATION

Sec. 133. (a)(1) Part B of title IV of the Higher Education Act of 1965 is further amended by adding at the end thereof the following new section:

"STUDENT LOAN MARKETING ASSOCIATION

"Sec. 439. (a) The Congress hereby declares that it is the purpose of this section to establish a Government-sponsored private corporation which will be financed by private capital and which will serve as a secondary market and warehousing facility for insured student loans, insured by the Commissioner under this part or by a State or nonprofit private institution or organization with which the Commissioner has an agreement under section 428(b), and which will provide liquidity for student loan investments.

"(b)(1) There is hereby created a body corporate to be known as the Student Loan Marketing Association (hereinafter referred to as the 'Association'). The Association shall have succession until dissolved. It shall maintain its principal office in the District of Columbia and shall be deemed, for purposes of venue in civil actions, to be a resident thereof. Offices may be established by the Association in such other place or places as it may deem necessary or appropriate for the conduct of its business.

"(2) The Association, including its franchise, capital, reserves, surplus, mortgages, or other security holdings, and income shall be exempt from all taxation now or hereafter imposed by any State, territory, possession, Commonwealth, or dependency of the United States, or by the District of Columbia, or by any county, municipality, or local taxing authority, except that any real property of the Association shall be subject to State, territorial, county, municipal, or local taxation, to the same extent according to its value as other real property is taxed.

"(3) There is hereby authorized to be appropriated to the Secretary of Health, Education, and Welfare $5,000,000 for making advances for the purpose of helping to establish the Association. Such advances shall be repaid within such period as the Secretary may deem to be appropriate in light of the maturity and solvency of the Association. Such advances shall bear interest at a rate not less than (A) a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the maturity of such advances, adjusted to the nearest one-eighth of 1 per centum, plus (B) an allowance adequate in the judgment of the Secretary to cover administrative costs and probable losses. Repayments of such advances shall be deposited into miscellaneous receipts of the Treasury.

"(c)(1) The Association shall have a Board of Directors which shall consist of twenty-one persons, one of whom shall be designated Chairman by the Board members.

"(2) An interim Board of Directors shall be appointed by the President, one of whom he shall designate as interim Chairman. The interim Board shall consist of twenty-one members, seven of whom shall be representative of banks or other financial institutions which are insured lenders pursuant to this section, seven of whom shall be representative of educational institutions, and seven of whom shall be representative of the general public. The interim Board shall arrange for an initial offering of common and preferred stocks and take whatever other actions are necessary to proceed with the operations of the Association.

"(3) When in the judgment of the President, sufficient common stock of the Association has been purchased by educational institutions and banks or other financial institutions, the holders of common stock which are educational institutions shall elect seven members of the Board of Directors and the holders of common stock which are banks or other financial institutions shall elect seven members of the Board of Directors. The President shall appoint the remaining seven directors.

"(4) At the time the events described in paragraph (3) have occurred, the interim Board shall turn over the affairs of the Association to the regular Board so chosen or appointed.

"(5) The directors appointed by the President shall serve at the pleasure of the President and until their successors have been appointed and have qualified. The remaining directors shall each be elected for a term ending on the date of the next annual meeting of the common stockholders of the Association, and shall serve until their successors have been elected and have qualified. Any appointive seat on the Board which becomes vacant shall be filled by appointment of the President. Any elective seat on the Board which becomes vacant after the annual election of the directors shall be filled by the Board, but only for the unexpired portion of the term.

"(6) The Board of Directors shall meet at the call of its chairman. The Board shall determine the general policies which shall govern the operations of the Association. The Chairman of the Board shall, with the approval of the Board, select, appoint, and and compensate qualified persons to fill the offices as may be provided for in the bylaws, with such executive functions, powers, and duties as may be prescribed by the bylaws or by the Board of Directors, and such persons shall be the executive officers of the Association and shall discharge all such executive functions, powers, and duties.

"(d) (1) The Association is authorized, subject to the provisions of this section, pursuant to commitments or otherwise, to make advances on the security of, purchase, service, sell, or otherwise deal in, at prices and on terms and conditions determined by the Association, student loans which are insured by the Commissioner under this part or by a State or nonprofit private institution or organization with which the Commissioner has an agreement under section 428(b).

"(2) Any warehousing advance made under paragraph (1) of this subsection shall not exceed 80 per centum of the face amount of an insured loan. The proceeds from any such advance shall be invested in additional insured student loans.

"(e) The Association, pursuant to such criteria as the Board of Directors may prescribe, shall make advances on security, purchase, service, sell, warehouse, or otherwise deal in student loans pursuant to subsection (d) only after the Association is assured in each instance—

"(1) that the lender (A) did not discriminate against any particular class or category of students by (i) requiring that, as a candidate to the receipt of a loan, the student or his family maintain a business relationship with the lender, except that in the case of a loan made by a Federal credit union pursuant to this part, nothing contained in this section shall be construed to limit the customary obligation of membership in such credit union and (ii) refusing to make loans to such student for their freshman year of study, and (B) did not discriminate on the basis of sex, color, creed, or national origin; and

"(2) that the lender's institution is in the geographical vicinity of the student's legal residence, or the loan was obtained only after the student had exercised reasonable efforts to obtain a loan from eligible lenders in the geographical vicinity of the student's legal residence, or the student obtained the loan with a lender outside the geographical vicinity of the student's legal residence because the lender maintained a business relationship with the student or his family.

"(f) (1) The Association shall have common stock having a par value of $100 per share which may be issued only to lenders under this part, pertaining to guaranteed student loans, who are qualified as insured lenders under this part.

"(2) Each share of common stock shall be entitled to one vote with rights of cumulative voting at all elections of directors. Voting shall be by classes as described in subsection (c) (3).

"(3) The common stock of the Association shall be transferable only as may be prescribed by regulations of the Secretary of Health, Education, and Welfare, and, as to the Association, only on the books of the Association. The Secretary of Health, Education, and Welfare shall prescribe the maximum number of shares of common stock the Association may issue and have outstanding at any one time.

"(4) To the extent that net income in earned and realized, subject to subsection (g) (2), dividends may be declared on common stock by the Board of Directors. Such dividends as may be declared by the Board shall be paid to the holders of outstanding shares of common stock, except that no such dividend shall be payable with respect to any share which has been called for redemption past the effective date of such call.

"(g) (1) The Association is authorized, with the approval of the Secretary of Health, Education, and Welfare, to issue nonvoting preferred stock with a par value of $100 per share. Any preferred share issued shall be freely transferable, except that, as to the Association, it shall be transferred only on the books of the Association.

"(2) The holders of the preferred shares shall be entitled to such rate of cumulative dividends and such shares shall be subject to such redemption or other conversion provisions, as may be provided for at the time of issuance. No dividends shall be payable on any share of common stock at any time when any dividend is due on any share of preferred stock and has not been paid.

"(3) In the event of any liquidation, dissolution, or winding up of the Association's business, the holders of the preferred shares shall be paid in full at par value thereof, plus all accrued dividends, before the holders of the common shares receive any payment.

"(h) (1) The Association is authorized with the approval of the Secretary of Health, Education, and Welfare and the Secretary of the Treasury to issue and have outstanding obligations having such maturities and bearing such rate or rates of interest as may be determined by the Association. Such obligations may be redeemable at the option of the Association before maturity in such manner as may be stipulated therein.

"(2) The Secretary of Health, Education, and Welfare is authorized, within such limitations as may be specified in appropriations Acts, to guarantee payment when due of principal and interest on obligations issued by the Association in an aggregate amount determined by the Secretary in consultation with the Secretary of the Treasury.

"(3) To enable the Secretary of Health, Education, and Welfare to discharge his responsibilities under guarantees issued by him, he is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary of Health, Education, and Welfare with the approval of the Secretary of the Treasury but only in such amounts as may be specified from time to time in appropriations Acts. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the months preceding the issuance of the notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act, as amended, are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. There is hereby authorized to be appropriated to the Secretary of Health, Education, and Welfare such sums as may be necessary to pay the principal and interest on the notes or obligation issued by him to the Secretary of the Treasury.

(i) The Association shall have power—

"(1) to sue and be sued, complain and defend, in its corporate name and through its own counsel;

"(2) to adopt, alter, and use the corporate seal, which shall be judicially noticed;

"(3) to adopt, amend, and repeal by its board of directors, bylaws, rules, and regulations as may be necessary for the conduct of its business;

"(4) to conduct its business, carry on its operations, and have officers and exercise the power granted by this section in any State without regard to any qualification or similar statute in any State;

"(5) to lease, purchase, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with any property, real personal, or mixed, or any interest therein, wherever situated;

"(6) to accept gifts or donations of services, or of property, real, personal, or mixed, tangible or intangible, in aid of any of the purposes of the Association;

"(7) to sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of its property and assets;

"(8) to appoint such officers, attorneys, employees, and agent as may be required, to determine their qualifications, to define their duties, to fix their salaries, require bonds for them and fix the penalty thereof; and

"(9) to enter into contracts, to execute instruments, to incur liabilities, and to do all things as are necessary or incidental to the proper management of its affairs and the proper conduct of its business.

"(j) (1) The financial transactions of the Association shall be audited annually by the Secretary of the Treasury in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as he may prescribe. The audit shall be concluded at the place or places where the accounts are normally kept. The representatives of the Secretary shall have access to all books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Association and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents, and custodians.

"(2) The expenses of any audit performed under this section shall be borne out of appropriations to the Treasury Department, and appropriations in such sums as may be necessary are authorized. The Association shall reimburse the Department for the full cost of such audit as billed therefor by the Secretary, and the Department shall deposit the sums as reimbursed into the Treasury as miscellaneous receipts.

"(k) A report of each such audit for a fiscal year shall be made by the Secretary of the Treasury to the President and to the Congress not later than six months following the close of such fiscal year. The report shall set forth the scope of the audit and shall include a statement (showing intercorporate relations) of assets and liabilities, capital and surplus or deficit; a statement of surplus or deficit analysis; a statement of income and expense; a statement of sources and application of funds; and such comments and information as may be deemed necessary to keep the President and the Congress informed of the operations and financial condition of the Association, together with such recommendations with respect thereto as the Secretary may deem advisable, including a report of any impairment of capital or lack of sufficient capital noted in the audit. A copy of each report shall be furnished to the Secretary of Health, Education, and Welfare and to the Association.

"(1) All obligations issued by the Association shall be lawful investments, and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under authority or control of the United States or of any officer or officers thereof. All stock and obligations issued by the Association pursuant to this section shall be deemed to be exempt securities within the meaning of laws administered by the Securities and Exchange Commission, to the same extent as securities which are direct obligations of, or obligations guaranteed as to principal or interest by, the United States. The Association shall, for the purposes of section 14(b)(2) of the Federal Reserve Act, be deemed to be an agency of the United States.

"(m) In order to furnish obligations for delivery by the Association, the Secretary of the Treasury is authorized to prepare such obligations in such form as the Board of Directors may approve, such obligations when prepared to be held in the Treasury subject to delivery upon order by the Association. The engraved plates, dies, bed pieces, and so forth, executed in connection therewith shall remain in the custody of the Secretary of the Treasury. The Association shall reimburse the Secretary of the Treasury for any expenditures made in the preparation, custody, and delivery of such obligations.

"(n) The Association shall, as soon as practicable after the end of each fiscal year, transmit to the President and the Congress a report of its operations and activities during each year.".

(2) The authority of the Student Loan Marketing Association to make advances on the security of, purchase, service, sell, or otherwise deal in, student loans and to issue obligations shall terminate five years after the enactment of the Education Amendments of 1971. Upon the termination provided in this subsection, the Board of Directors of the Association shall proceed to liquidate its assets and take whatever other action is necessary to wind up its affairs. Thereupon the Association shall notify the President and the Congress that it is dissolved.

(b)(1) The sixth sentence of the seventh paragraph of section 5136 of the Revised Statutes, as amended (12 U.S.C. 24), is amended by inserting "or obligations or other instruments or securities of the Student Loan Marketing Association," immediately after "or obligations, participation, or other instruments of or issued by the Federal National Mortgage Association or the Government National Mortgage Association,".

(2) Section 5200 of the Revised Statutes, as amended (12 U.S.C. 84), is amended by adding at the end thereof the following new paragraph:

"(14) Obligations of the Student Loan Marketing Association shall not be subject to any limitation based upon such capital and surplus.".

(3) The first paragraph of section 5(c) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(c)), is amended by inserting "or in obligations or other instruments or securities of the Student Loan Marketing Association;" in the second proviso immediately after "any political subdivision thereof".

(4) Section 8(8)(E) of the Federal Credit Union Act, amended (12 U.S.C. 1757(8)(E)), is amended by inserting before the semicolon at the end thereof the following: ", or in obligations or other instruments or securities of the Student Loan Marketing Association".

EXTENSION OF THE EMERGENCY INSURED STUDENT LOAN ACT OF 1969

SEC. 134. (a) Section 2(a)(7) of the Emergency Insured Student Loan Act of 1969 is amended by striking out "July 1, 1971" and inserting in lieu thereof "July 1, 1973".

(b) The amendment made by subsection (a) shall be effective on and after July 1, 1971.

COLLEGE WORK STUDY PROGRAM—EXTENSION AND SELECTION OF STUDENTS FOR EMPLOYMENT

SEC. 135. (a)(1) Section 441(b) of the Higher Education Act of 1965 is amended by striking out "the fiscal year ending June 30, 1971" and inserting in lieu thereof "each of the succeeding fiscal years ending prior to July 1, 1975".

(2) The amendment made by subsection (a) shall be effective after June 30, 1971.

(b)(1) Clause (3)(A) of section 444(a) of the Higher Education Act of 1965 is amended by inserting immediately after "such institution" the following: "(taking into consideration the actual cost of attendance at such institution)".

(2) The amendment made by subsection (a) shall be effective on and after July 1, 1971, with respect to appropriations for fiscal years beginning on and after July 1, 1971.

COOPERATIVE EDUCATION

SEC. 136. (a)(1) Section 451(a) of the Higher Education Act of 1965 is amended by striking out "the fiscal year ending June 30, 1971" and inserting in lieu thereof "each of the succeeding fiscal years ending prior to July 1, 1975".

(2) Section 451(b) of such Act is amended by striking out "two succeeding fiscal years" and inserting in lieu thereof "succeeding fiscal years ending prior to July 1, 1975".

(b) The amendments made by subsection (a) shall be effective after June 30, 1971.

DIRECT LOANS TO STUDENT IN INSTITUTIONS OF HIGHER EDUCATION

SEC. 137. (a)(1) Section 201 of the National Defense Education Act of 1958 is amended by inserting "each" after "$375,000,000", and by inserting after "June 30, 1971," the following: "and for the fiscal year ending June 30, 1972,".

(2) The amendments made by paragraph (1) shall be effective after June 30, 1971.

(b) Title IV of the Higher Education Act of 1965 is amended by striking out part F. Part E and sections 461, 462, 463, 464, and 469 of such title IV, and all references thereto (except the reference to section 461 in section 131(e)(4), are redesignated as part F and sections 491, 492, 493, 494, and 499, respectively. Such title IV is further amended by inserting after part D the following new parts:

"PART E—DIRECT LOANS TO STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

"APPROPRIATIONS AUTHORIZED

"SEC. 461. (a) The Commissioner shall carry out a program of stimulating and assisting in the establishment and maintenance of funds at institutions of higher education for the making of low-interest loans to students in need thereof to pursue their courses of study in such institutions.

"(b)(1) For the purpose of enabling the Commissioner to make contributions to student loan funds established under this part, there are hereby authorized to be appropriated $375,000,000 for the fiscal year ending June 30, 1972, and for each of the succeeding fiscal years ending prior to July 1, 1975.

"(2) In addition, there are hereby authorized to be appropriated such sums for the fiscal year ending June 30, 1976, and each of the three succeeding fiscal years as may be necessary to enable students who have received loans for academic years ending prior to July 1, 1975, to continue or complete courses of study.

"(c) Any sums appropriated pursuant to subsection (b) for any fiscal year shall be available for apportionment pursuant to section 462 and for payments of Federal capital contributions therefrom to institutions of higher education which have agreements with the Commissioner under section 463. Such Federal capital contributions and all contributions from such institutions shall be used for the establishment, expansion, and maintenance of student loan funds.

"APPORTIONMENT OF APPROPRIATIONS

"SEC. 462. (a)(1) From the sums appropriated pursuant to section 461(b)(1) for any fiscal year, the Commissioner shall apportion to each State an amount which bears the same ratio to the amount so appropriated as the number of persons enrolled on a full-time basis in institutions of higher education, as determined by the Commissioner for the most recent year for which satisfactory data are available to him, in such State bears to the total number of persons so enrolled in all the States.

"(2) Any sums appropriated pursuant to section 461(b)(2) for any fiscal year shall be apportioned among institutions of higher education in such a manner as the Commissioner determines will best accomplish the purpose for which they were appropriated.

"(b)(1) Any institution of higher education desiring to receive payments of Federal capital contributions from the apportionment of the State in which it is located for any fiscal year shall make an agreement under section 463 and shall submit an application therefor to the Commissioner, in accordance with the provisions of this part. The Commissioner shall, from time to time, set dates before which such institutions must file applications under this section.

"(2) The Commissioner shall pay to each applicant under this subsection which has an agreement with him under section 463, from the amount apportioned to the State in which it is located, the amount requested in such application. Such payment may be made in such installments as the Commissioner determines will not result in unused accumulations of capital in the student loan fund of the applicant established under its agreement under section 463.

"(c)(1)(A) If the total amount of Federal capital contributions requested in the applications from a State for any fiscal year exceeds the amount apportioned to that State, the request from each institution shall be reduced ratably.

"(B) In case additional amounts become available for payments to student loan funds in a State in which requests have been ratably reduced under subparagraph (A), such requests shall be increased on the same basis as they were reduced, except that no request shall be increased above the request submitted under subsection (b)(1).

"(2) If the amount of an apportionment to a State for any fiscal year exceeds the total amount of Federal capital contributions requested in applications from that State, such excess shall be available for reapportionment from time to time on such date or dates as the Commissioner shall fix. From the aggregate of such excess for any fiscal year, the Commissioner shall reapportion to each State in which requests were reduced under subparagraph (A) of paragraph (1) an amount which bears the same ratio to such aggregate as the total amount of such reduction in that State bears to the total amount of such reductions in all the States.

"(d) The aggregate of the amounts of Federal capital contributions paid under this section for any fiscal year to proprietary institutions of higher education may not exceed the amount by which the sums appropriated pursuant to section 461(b)(1) for that fiscal year exceed $190,000,000.

"AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION

"SEC. 463. (a) An agreement with any institution of higher education for the payment of Federal capital contributions under this part shall—

"(1) provide for the establishment and maintenance of a student loan fund for the purposes of this part;

"(2) provide for the deposit in such fund of—

"(A) the Federal capital contributions,

"(B) a capital contribution by such institution in an ameount equal to not less than one-ninth of the amount of such Federal contributions,

"(C) collections of principal and interest on student loans made from such fund,

"(D) charges collected pursuant to regulations under section 464(c) (1) (G), and

"(E) any other earnings of the fund;

"(3) provide that such student loan fund shall be used only for—

"(A) loans to students, in accordance with the provisions of this part,

"(B) administrative expenses, as provided in subsection (b),

"(C) capital distributions, as provided in section 466, and

"(D) costs of litigation, and other collection costs authorized by the Commissioner by regulation in connection with the collection of a loan from the fund (and interest thereon) or a charge assessed pursuant to regulations under section 464(c) (1) (G); and

"(4) include such other provisions as may be necessary to protect the financial interest of the United States and promote the purposes of this part as are agreed to by the Commissioner and the institution.

"(b) An institution which has entered into an agreement under subsection (a) shall be entitled, for each fiscal year during which it makes student loans from a student loan fund established under such agreement, to a payment in lieu of reimbursement for its expenses in administering its student loan program under this part during such year. Such payment shall be made in accordance with section 493.

"TERMS OF LOANS

"SEC. 464. (a) (1) Loans from any student loan fund established pursuant to an agreement under section 463 to any student by any institution shall, subject to such conditions, limitations, and requirements as the Commissioner shall prescribe by regulation, be made on such terms and conditions as the institution may determine.

"(2) The total of such loans for any academic year made by institutions from student loan funds assisted under this part shall not exceed—

"(A) $2,500, in the case of any graduate student or professional student (as defined by regulation); or

"(B) $1,500, in the case of any other student. The aggregate of the loans for all years from such funds shall not exceed $10,000, in the case of any such graduate or professional student, or $7,500, in the case of any other student.

"(3) Regulations of the Commissioner under paragraph (1) shall be designed to prevent the impairment of the capital of student loan funds to the maximum extent practicable.

"(b) A loan from a student loan fund assisted under this part may be made only to a student who—

"(1) is in need of the amount of the loan to pursue a course of study at such institution;

"(2) is capable, in the opinion of the institution, of maintaining good standing in such course of study;

"(3) has been accepted for enrollment as an undergraduate, graduate, or professional student in such institution or, in the case of a student already in attendance at such institution, is in good standing; and

"(4) is carrying at least one-half the normal academic workload, as determined by the institution.

In any case in which a student has been determined to be eligible for a loan under the preceding sentence, and such student thereafter fails to maintain good standing, the eligibility of such student shall be suspended, and further payments to, or on behalf of, such student shall not be made until such student regains good standing.

"(c) (1) Any agreement between an institution and a student for a loan from a student loan fund assisted under this part—

"(A) shall be evidenced by a note or other written instrument which, except as is provided in paragraph (2), provides for repayment of the principal amount of the loan, together with interest thereon, in installments over a period (i) beginning nine months after the student ceases to carry at least one-half the normal full-time academic workload at an institution of higher education and (ii) ending ten years and nine months after such date;

"(B) shall include provision for acceleration of repayment of the whole, or any part, of such loan, at the option of the borrower;

"(C) may provide, at the option of the institution in accordance with regulations of the Commissioner, that during the repayment period of the loan, payments of principal and interest by the borrower with respect to all outstanding loans made to him from student loan funds assisted under this part shall be at a rate equal to not less than $30 per month;

"(D) shall provide that the loan shall bear interest, on the unpaid balance of the loan, at the rate of 3 per centum per annum, except that no interest shall accrue (i) prior to the beginning date of repayment determined under clause (A) (i), or (ii) during any period in which repayment is suspended by reason of paragraph (2);

"(E) unless the borrower is a minor and the note or other evidence of obligation executed by him would not, under applicable law, create a binding obligation, shall provide that the loan shall be made without security and without endorsement;

"(F) shall provide that no note or evidence of obligation may be assigned by the lender, except upon the transfer of the borrower to another institution participating under this part (or, if not so participating, is eligible to do so and is approved by the Commissioner for such purpose), to such institution; and

"(G) may, pursuant to regulations of the Commissioner, provide for an assessment of a charge with respect to the loan for failure of the borrower (i) to pay all or part of an installment when it is due or (ii) to file timely and satisfactory evidence of an entitlement of the borrower to a deferment of repayment benefit or a cancellation benefit provided under this part.

"(2) (A) No repayment of principal of, or interest on, any loan from a student loan fund assisted under this part shall be required during any period in which the borrower—

"(i) is carrying at least one-half the normal fulltime academic workload at an institution of higher education or at a comparable institution outside the United States which is approved for this purpose by the Commissioner;

"(ii) is a member of the Armed Forces of the United States;

"(iii) is in service as a volunteer under the Peace Corps Act; or

"(iv) is in service as a volunteer under title VIII of the Economic Opportunity Act of 1964.

The period during which repayment may be deferred by reason of clause (ii), (iii), or (iv) shall not exceed three years.

"(B) Any period during which repayment is deferred under subparagraph (A) shall not be included in computing the ten-year maximum period provided for in clause (A) of paragraph (1).

"(3) The Commissioner is authorized, when good cause is shown, to extend, in accordance with regulations, the ten-year maximum repayment period provided for in clause (A) of paragraph (1) with respect to individual loans.

"(4) The amount of any charge under clause (G) of paragraph (1) shall not exceed—

"(A) in the case of a loan which is repayable in monthly installments, $1 for the first month or part of a month by which such installment or evidence is late and $2 for each such month or part of a month thereafter; and

"(B) in the case of a loan which has a bimonthly or quarterly repayment interval, $3 and $6, respectively, for each such interval or part thereof by which such installment or evidence is late.

The institution may elect to add the amount of any such charge to the principal amount of the loan as of the first day after the day on which such installment or evidence was due, or to make the amount of the charge payable to the institution not later than the due date of the next installment after receipt by the borrower of notice of the assessment of the charge.

"(d) An agreement under this part for payment of Federal capital contributions shall include provisions designed to make loans from the student loan fund established pursuant to such agreement reasonably available (to the extent of the available funds in such funds) to all eligible students in such institution in need thereof.

"CANCELLATION OF LOANS FOR CERTAIN PUBLIC SERVICE

"SEC. 465. (a) (1) The per centum specified in paragraph (3) of this subsection of the total amount of any loan made after June 30, 1972, from a student loan fund assisted under this part shall be canceled for each complete year of service after such date by the borrower under circumstances described in paragraph (2).

"(2) Loans shall be canceled under paragraph (1) for service—

"(A) as a full-time teacher in a public or other nonprofit elementary or secondary school in a State, in an institution of higher education, or in an elementary or secondary school overseas of the Armed Forces of the United States;

"(B) as a full-time teacher in a public or other nonprofit elementary or secondary school in the school district of a local educational agency receiving assistance under title I of the Elementary and Secondary Education Act of 1965 if such school is determined (according to criteria established by regulation which shall permit such determination with respect to not more than 50 per centum of such schools in any State) to be serving an attendance area in which there is a high concentration of children from low-income families;

"(C) as a full-time teacher of handicapped children in a public or other nonprofit elementary or secondary school system; or

"(D) as a member of the Armed Forces of the United States.

For the purposes of this paragraph, (i) the term 'handicapped children' means children who are mentally retarded, hard of hearing, deaf, speech-impaired, visually handicapped, seriously emotionally disturbed, or other health-impaired children who by reason thereof require special education, and (ii) the term 'children from low-income families' means children from families with a family income which is not in excess of the low-income factor determined under section 103 of title I of the Elementary and Secondary Education Act of 1965.

"(3)(A) The per centum of a loan which shall be canceled under paragraph (1) of this subsection is—

"(i) in the case of service described in clause (A) of paragraph (2), not to exceed a total of 50 per centum of such loan at the rate of 10 per centum for each year of such service;

"(ii) in the case of service described in clause (B) or (C) of paragraph (2), 15 per centum for the first or second year of such service, 20 per centum for the third or fourth year of such service, and 30 per centum for the fifth year of such service; and

"(iii) in the case of service described in clause (D) of paragraph (2), not to exceed a total of 50 per centum of such loan at the rate of 12½ per centum for each year of consecutive service.

"(B) If a portion of a loan is canceled under this subsection for any year, the entire amount of interest on such loan which accrues for such year shall be canceled.

"(C) Nothing in this subsection shall be construed to authorize refunding any repayment of a loan.

"(4) For the purposes of this subsection, the term 'year' where applied to service as a teacher means academic year as defined by the Commissioner.

"(b) The Commissioner shall pay to each institution for each fiscal year an amount equal to the aggregate of the amounts of loans from its student loan fund which are canceled pursuant to this section for such year. None of the funds apportioned pursuant to section 461(b) shall be available for payments pursuant to this subsection.

"DISTRIBUTION OF ASSETS FROM STUDENT LOAN FUNDS

"SEC. 466. (a) After June 30, 1980, and not later than December 31, 1980, there shall be a capital distribution of the balance of the student loan fund established under this part by each institution of higher education as follows:

"(1) The Commissioner shall first be paid an amount which bears the same ratio to the balance in such fund at the close of June 30, 1980, as the total amount of the Federal capital contributions to such fund by the Commissioner under this part bears to the sum of such Federal contributions and the institution's capital contributions to such fund.

"(2) The remainder of such balance shall be paid to the institution.

"(b) After December 31, 1980, each institution with which the Commissioner has made an agreement under this part, shall pay to the Commissioner the same proportionate share of amounts received by the institution after June 30, 1974, in payment of principal and interest on student loans made from the student loan fund established pursuant to such agreement (which amount shall be determined after deduction of any costs of litigation incurred in collection of the principal or interest on loans from the fund and not already reimbursed from the fund or from such payments of principal or interest), as was determined for the Commissioner under subsection (a).

"(c) Upon a finding by the institution or the Commissioner prior to July 1, 1980, that the liquid assets of a student loan fund established pursuant to an agreement under this part exceed the amount required for loans or otherwise in the foreseeable future, and upon notice to such institution or to the Commissioner, as the case may be, there shall be, subject to such limitations as may be included in regulations of the Commissioner or in such agreement, a capital distribution from such fund. Such capital distribution shall be made as follows:

"(1) The Commissioner shall first be paid an amount which bears the same ratio to the total to be distributed as the Federal capital contributions by the Commissioner to the student loan fund prior to such distribution bear to the sum of such Federal capital contributions and the capital contributions to the fund made by the institution.

"(2) The remainder of the capital distribution shall be paid to the institution.".

(c)(1) Upon enactment of this Act, the program authorized by part E of title IV of the Higher Education Act of 1965 as added by subsection (b) is, and shall be deemed to be, a continuation of the program authorized by title II of the National Defense Education Act of 1958. In accordance with regulations of the Commissioner, all rights, privileges, duties, functions, and obligations under such title II prior to the enactment of this Act shall be deemed to be vested, as the Commissioner determines to be appropriate, under such part E. Any student loan fund established under an agreement under such title II shall, in accordance with regulations, be deemed to have been established under such part E; and any assets of any such student loan fund of any institution shall be deemed to be the assets of a student loan fund established under an agreement of that institution with the Commissioner under such part E.

(2) Title II of the National Defense Education Act of 1958 is amended by striking out section 206.

ELIGIBILTY FOR STUDENT ASSISTANCE

SEC. 138. (a) Part F of title IV of the Higher Education Act of 1965 is amended by inserting after section 494, the following new section:

"ELIGIBILTY FOR STUDENT ASSISTANCE

"SEC. 495. (a) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has been convicted by any court of record of any crime which was committed after June 30, 1972, and which involved the use of (or assistance to others in the use of) force, disruption, or the seizure of property under control of any institution of higher education to prevent officials or students in such institution from engaging in their duties or pursuing their studies, and that such crime was of a serious nature and contributed to a substantial disruption of the administration of the institution with respect to which such crime was committed, then the institution which such individual attends, or is employed by, shall deny for a period of two years any further payment to, or for the direct benefit of, such individual under any of the programs authorized under this title. If an institution denies an individual assistance under the authority of the preceding sentence of this subsection, then any institution which such individual subsequently attends shall deny for the remainder of the two-year period any further payment to, or for the direct benefit of, such individual under any program authorized by this title.

"(b) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has willfully refused to obey a lawful regulation or order of such institution after June 30, 1972, and that such refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution shall deny, for a period of two years, any further payment to, or for the direct benefit of, such individual under any program authorized by this title.

"(c)(1) Nothing in this section shall be construed to prohibit any institution of higher education from refusing to award, continue, or extend any financial assistance under this title to any individual because of any misconduct which in its judgment bears adversely on his fitness for such assistance.

"(2) Nothing in this section shall be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an independent, disciplinary proceeding pursuant to existing authority, practice, and law.

"(3) Nothing in this section shall be construed to limit the freedom of any student to verbal expression of individual views or opinions.".

(b) Effective July 1, 1972, section 504 of Public Law 90-575 is repealed.

AFFIDAVIT OF EDUCATIONAL PURPOSE REQUIRED

SEC. 139. (a) Part F of title IV of the Higher Education Act of 1965 is amended by inserting after section 495 the following new section:

"AFFIDAVIT OF EDUCATIONAL PURPOSE REQUIRED

"SEC. 496. (a) Notwithstanding any other provision of law, no grant, loan, or loan guarantee authorized under this title may be made unless the student to whom the grant, loan, or loan guarantee is made has filed with the institution of higher education which he intends to attend, or is attending, an affidavit stating that the money attributable to such grant, loan, or loan guarantee will be used solely for expenses related to attendance or continued attendance at such institution.

"(b) Whenever the institution of higher education determines, after notice and opportunity for hearing, that any student has violated the affidavit required by subsection (a) of this section, that student shall be obligated to return any assistance subject to the violation and shall not be eligible for any further assistance received under this title after the date of the violation.

"(c) Nothing in this section shall be construed to invalidate any loan guarantee made under this title.".

(b) The amendment made by subsection (a) of this section shall become effective after the sixtieth day after the date of enactment of this Act.

POSTSECONDARY EDUCATION STUDY

SEC. 140. (a) It is the purpose of this section to authorize a study of the impact of past, present, and anticipated private, local, State, and Federal support for postsecondary education, the appropriate role for the States in support of higher education (including the application of State law upon postsecondary educational opportunities), alternative student assistance programs, and the potential Federal, State, and private participation in such programs.

(b) The Secretary shall conduct a thorough study and investigation of the impact of past and present support and the appropriate level of future support for higher education from private sources and from Federal, State, and local governments.

(c) In conducting such investigation and study, the Secretary shall consider—

(1) alternative models of State and local support for postsecondary education;

(2) new Federal initiatives to complement alternative State and local programs; and

(3) alternative forms of student assistance, including—

(A) loan programs based on income contingent lending;

(B) loan programs which utilized fixed, graduated repayment schedules; and

(C) loan programs which provide for cancellation or deferment of part or all of repayment in any given year based on a certain level of a borrower's income;

(4) the potential Federal, State, local, and private participation in such programs; and

(5) suggested national uniform standards for determining the annual per student costs of providing postsecondary education for students in attendance at various types and classes of institutions of higher education.

(d) In order to carry out the provisions of this section, the Secretary is authorized to—

(1) enter into contracts with institutions of higher education and other appropriate individuals, public agencies and private organizations;

(2) appoint and fix the compensation of such personnel as may be necessary;

(3) employ experts and consultants in accordance with section 3109 of title 5, United States Code;

(4) utilize, with their consent, the services, personnel, information, and facilities of other Federal, State, local, and private agencies with or without reimbursement; and

(5) consult with the heads of such Federal agencies as he deems appropriate.

(e) Not later than December 31, 1972, the Secretary shall report to the President and Congress the results of the investigation and study authorized by this section, together with such recommendations, including recommendations for legislation, as he deems appropriate.

(f) There are authorized to be appropriated such sums, not to exceed $5,000,000, as may be necessary to carry out the provisions of this section.

PART E—EDUCATION PROFESSIONS DEVELOPMENT

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS

SEC. 141. (a)(1) Title V of the Higher Education Act of 1965 is amended—

(A) in section 511(b), by striking out "for the fiscal year ending June 30, 1971" and inserting in lieu thereof "each for the fiscal years ending June 30, 1971, and June 30, 1972";

(B) in sections 504(b), 518(b), 528, 532, and 543, by striking out "July 1, 1971" and inserting in lieu thereof "July 1, 1972" in each instance.

(2) The amendments made by paragraph (1) shall be effective after June 30, 1971.

(b)(1) Section 501 of the Higher Education Act of 1965 is amended by inserting "(a)" after "SEC. 501." and by adding at the end thereof the following new subsection:

"(b) For the purpose of carrying out the provisions of this title, there are authorized to be appropriated $600,000,000 for the fiscal year ending June 30, 1973, and for each of the succeeding fiscal years ending prior to July 1, 1975, of which—

"(1) not less than $500,000 shall be for the purposes of section 504;

"(2) not less than 25 per centum or $37,500,000, whichever is greater, shall be for the purposes of subpart 1 of part B;

"(3) not less than 5 per centum shall be for the purposes of part C;

"(4) not less than 5 per centum shall be for the purposes of part D;

"(5) not less than 5 per centum shall be for the purposes of part E;

"(6) not less than 10 per centum shall be for the purposes of part F; and

"(7) not less than 5 per centum of the amounts available for the purposes of part C or part D shall be used for the training of teachers for service in programs for children with limited English speaking ability.".

(2) The amendments made by paragraph (1) shall be effective after, and only with respect to appropriations for fiscal years beginning after, June 30, 1972.

(c)(1) Effective on and after July 1, 1972, title V of the Higher Education Act of 1965 is amended by striking out the following provisions:

(A) Section 502(f);

(B) Section 504(b);

(C) Section 511(b) and "(a)" where it appears after "SEC. 511.";

(D) Section 518(b) and "(a)" where it appears after "SEC. 518.";

(E) Section 528;

(F) Section 532;

(G) Section 543; and

(H) Section 555.

(2)(A)(i) The caption head of section 518 of such title V is amended to read as follows: "PROGRAM AUTHORIZED".

(ii) Such section 518 is amended by striking out "during the fiscal year ending June 30, 1969, and the succeeding fiscal year,".

(B) Effective on and after July 1, 1972, section 519(a) of such title V is amended by striking out that part of the first sentence which precedes ", the Commissioner" and inserting in lieu thereof the following: "From the amount available for grants under this subpart for any fiscal year".

(3) Section 525(b) of such Act is amended by striking out all that follows "federally supported programs" and inserting in lieu thereof a period.

(4) The Department of Health, Education, and Welfare shall, under the authority of section 401(c) and of part C of the General Education Provisions Act, submit to the Congress an estimate of the sums necessary to carry out section 502 of such title V.

FUNCTIONS OF, AND COMPENSATION FOR, THE DIRECTOR OF THE TEACHER CORPS

SEC. 142. (a) The second sentence of section 512 of the Higher Education Act of 1965 is amended to read as follows: "The Teacher Corps shall be headed by a Director who shall be compensated at the rate prescribed for grade 18 of the General Schedule set forth in section 5332 of title 5, United States Code, and a Deputy Director who shall be placed in grade 17 of such General Schedule; and such positions shall be in addition to the number of positions placed in those grades under section 5108 of such title 5.".

(b) The third sentence of such section 512 is amended by inserting before the period at the end thereof the following: ", except that (1) the Commissioner may delegate his functions under this subpart only to the Director, and (2) the Director and Deputy Director shall not be given any function authorized by law other than that granted by this subpart".

RETRAINING OF TEACHERS AND EMPLOYMENT OF TUTORS AND INSTRUCTIONAL ASSISTANTS

SEC. 143. (a)(1) Section 518 of the Higher Education Act of 1965 is amended (1) by striking out "to (1)" and inserting in lieu thereof "(1) to", (2) by striking out "to (1)" and inserting in lieu thereof "(2) to", and (3) and by adding the following before the period: ", (3) to employ high school and college students as tutors or instructional assistants for educationally disadvantaged children, (4) to compensate such tutors and instructional assistants at such rates as the Commissioner may determine to be consistent with prevailing practices under comparable federally supported work-study programs, and (5) to provide necessary training to teachers to enable them to teach other grades or other subjects in which such agencies have a teacher shortage".

(2) Section 520(a)(2) of such Act is amended (A) by striking out "and (C)" and inserting in lieu thereof "(C) programs of such agencies to employ high school and college students as tutors or instructional assistants for educationally disadvantaged children, (D) programs of such agencies to compensate such tutors and instructional assistants at such rates as the Commissioner may determine to be consistent with prevailing practices under comparable federally supported work-study programs, (E) programs of such agencies to provide necessary training to teachers to enable them to teach other grades or other subjects in which such agencies have a teacher shortage, and (F)".

(3) Section 520(a)(3) of such Act is amended by inserting "or for the retraining of teachers" immediately before the semicolon at the end thereof.

(b) The amendments made by subsection (a) shall be effective after, and only with respect to appropriations for fiscal years beginning after, June 30, 1972.

PROVISION FOR ADMINISTRATIVE EXPENSES FOR OPERATION OF STATE PLAN

SEC. 144. (a) Section 520(a)(2) of the Higher Education Act of 1965 is amended, in clause (F) thereof, by (1) striking out "3" and inserting in lieu thereof "5", and (2) by inserting before the semicolon: "or, $20,000, whichever is greater".

(b) The amendments made by subsection (a) shall be effective after, and only with respect to appropriations for fiscal years beginning after, June 30, 1972.

ELIMINATION OF CEILING ON EXPENDITURES FOR TEACHING AIDES

SEC. 145. (a) Section 520(a) of the Higher Education Act of 1965 is amended by striking out clause (5) thereof. Clauses (6) through (9) of such section 520(a), and all references thereto, are redesignated as clauses (5) through (8), respectively.

(b) The amendments made by subsection (a) shall be effective after, and only with respect to appropriations for fiscal years beginning after, June 30, 1972.

TRAINING FOR TEACHERS AND AIDES IN PRIVATE SCHOOLS

SEC. 146. (a) Clause (5) of section 520(a) of the Higher Education Act of 1965 is amended by inserting "is teaching, or" after "because he".

(b) The amendment made by subsection (a) shall be effective after, and only with respect to appropriations for fiscal years beginning after, June 30, 1972.

IMPROVING TRAINING PROGRAMS FOR THE EDUCATION OF TEACHERS AND RELATED EDUCATIONAL PERSONNEL

SEC. 147. (a)(1) Section 531(b) of the Higher Education Act of 1965 is amended by striking out the period at the end thereof and inserting in lieu thereof "; and", and by adding at the end thereof the following new clause:

"(11) programs or projects (including cooperative arrangements or consortia between institutions of higher education, junior and community colleges, or between such institutions and State or local educational agencies and nonprofit education associations) for the improvement of undergraduate programs for preparing educational personnel, including design, development, and evaluation of exemplary undergraduate training programs, introduction of high quality and more effective curricula and curricular materials, and the provision of increased opportunities for practical teaching experience for prospective teachers in elementary and secondary schools.".

(2) Section 531(c) of such Act is amended by striking out the "or" at the end of clause (1) and the period at the end of clause (2), by inserting a semicolon and "or" at the end of clause (2), and by adding the following new clause:

"(3) projects or programs to improve undergraduate or other programs for training educational personnel.".

(b) The amendments made by subsection (a) shall be effective after, and only with respect to appropriations for fiscal years beginning after, June 30, 1972.

SUPPORT OF TUTORS AND INSTRUCTIONAL ASSISTANTS

SEC. 148. (a)(1) Section 531(b) of the Higher Education Act of 1965 is amended by striking out the period at the end of clause (11) and inserting in lieu thereof a semicolon and the word "and", and by adding the following new clause:

"(12 programs or projects to employ

tutors or instructional assistants in preschool, elementary school, or secondary school classes, especially for educationally disadvantaged children, and children with limited English speaking ability.".

(2) Section 531(c) of such Act is amended by striking out "or" at the end of clause (2), by striking out the period at the end of clause (3) and inserting a semicolon and the word "or" in lieu thereof, and by adding the following clause:

"(4) compensating tutors and instructional assistants at such rates as the Commissioner may determine to be consistent with the prevailing practices under comparable federally supported work-study programs.".

(b) The amendments made by subsection (a) shall be effective after, and only with respect to appropriations for fiscal years beginning after, June 30, 1972.

PROGRAMS FOR TEACHERS OF MIGRANT CHILDREN

SEC. 149. (a)(1) Section 531(b) of the Higher Education Act of 1965 is further amended by striking out the word "and" after clause (11) and by striking out the period at the end of clause (12) and inserting in lieu thereof a semicolon, and by adding at the end thereof the following new clause:

"(13) programs and projects designed to meet the need for the training of teachers for participation in education programs for migratory children of migratory agricultural workers, including teacher exchange programs.".

(2) Section 531(c) of such Act is amended by striking out "or" at the end of clause (3), by striking out the period at the end of clause (4) and inserting in lieu thereof a semicolon and the word "or", and by adding at the end thereof the following new clause (5):

"(5) such activities as may be necessary to carry out the purposes of clause (13) of subsection (b), to the extent that such activities are not inconsistent with the other provisions of this part.".

(b) The amendments made by subsection (a) shall be effective after June 30, 1972.

PART F—INSTRUCTIONAL EQUIPMENT

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS

SEC. 151. (a) Subsections (b) and (c) of section 601 and the Higher Education Act of 1965 are each amended by striking out "two succeeding fiscal years" and inserting in lieu thereof "succeeding fiscal years ending prior to July 1, 1975".

(b) The amendments made by subsection (a) of this section shall be effective after June 30, 1971.

PART G—ACADEMIC FACILITIES

TRANSFER OF THE PROVISIONS OF THE HIGHER EDUCATION FACILITIES ACT OF 1963

SEC. 161. (a) Title VII of the Higher Education Act of 1965 is amended to read as follows:

"TITLE VII—CONSTRUCTION OF ACADEMIC FACILITIES

"PART A—GRANTS FOR THE CONSTRUCTION OF UNDERGRADUATE ACADEMIC FACILITIES

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 701. (a) The Commissioner shall carry out a program of grants to institutions of higher education for the construction of academic facilities in accordance with this part.

"(b) For the purpose of making grants under this part, there are hereby authorized to be appropriated $936,000,000 for the fiscal year ending July 30, 1972, and for each of the succeeding fiscal years ending prior to July 1, 1975.

"(c) Of the sums appropriated pursuant to section 701(b), not less than 24 per centum nor more than 33⅓ per centum, shall be reserved by the Commissioner and allotted among the States under section 702. The remainder of such sums shall be available for allotment among the States under section 703.

"PUBLIC COMMUNITY COLLEGES AND PUBLIC TECHNICAL INSTITUTES

"SEC. 702. (a) Sums reserved pursuant to the first sentence of section 701(c) shall be available for allotments to States for providing academic facilities for public community colleges and public technical institutes.

"(b) From the sums available for any fiscal year for the purposes of this section, the Commissioner shall allot to each State an amount which bears the same ratio to such sums as the product of—

"(1) the number of high school graduates of the State, and

"(2) the State's allotment ratio,

bears to the sum of the corresponding products for all the States, except that the amount allowed to any State shall not be less than $50,000.

"(c)(1) Except as is provided in paragraph (2), the amount allotted to a State under this section shall be available for the payment of the Federal share of the development cost of approved projects for the construction of academic facilities within such State for public community colleges and public technical institutes.

"(2) Any portion of a State's allotment under this section for any fiscal year for which applications from an institution qualified to receive grants under this section have not been received by the State Commission prior to January 1 of such fiscal year, shall, if the State Commission so requests, be available for payment of the Federal share of the development cost of approved projects under section 703.

"(d) All amounts allotted under this section for any fiscal year which are not reserved as provided in section 701(c) by the close of the fiscal year for which they are allotted shall be reallotted by the Commissioner, on the basis of such factors as he determines to be equitable and reasonable, among the States which, as determined by the Commissioner, are able to use without delay any amounts so reallotted for the purpose set forth in subsection (c) (1). Amounts reallotted under this subsection shall be available for reservation until the close of the fiscal year next succeeding the fiscal year for which they were originally allotted.

"(e) For the purposes of clause (2) of subsection (b), the 'allotment ratio' for any State shall be 1.00 less the product of (A) 0.50 and (B) the quotient obtained by dividing the income per person for the State by the income per person for all the States (not including Puerto Rico, the Virgin Islands, American Samoa, and Guam), except that (i) the allotment ratio shall in no case be less than 0.33⅓ or more than 0.66⅔, (ii) the allotment ratio for Puerto Rico, the Virgin Islands, American Samoa, and Guam shall be 0.66⅔, and (iii) the allotment ratio of any State shall be 0.50 for any fiscal year if the Commissioner finds that the cost of school construction in such State exceeds twice the median of such costs in all the States as determined by him on the basis of statistics and data as the Commissioner shall dean adequate and appropriate. The allotment ratios shall be promulgated by the Commissioner as soon as possible after June 30, 1972, and annually thereafter, on the basis of the average of the incomes per person of the State and of all the States for the three most recent consecutive calendar years for which satisfactory data are available from the Department of Commerce.

"INSTITUTIONS OF HIGHER EDUCATION OTHER THAN PUBLIC COMMUNITY COLLEGES AND PUBLIC TECHNICAL INSTITUTES

"SEC. 703. (a) Sums appropriated pursuant to section 701(b) which remain after the reservation provided for in the first sentence of section 701(c) for any fiscal year shall be available for allotments to States for providing academic facilities for institutions of higher education other than institutions eligible for grants under section 702.

"(b) Sums available for the purposes of this section for any fiscal year shall be allotted among the States as follows:

"(1) The Commissioner shall allot to each State an amount which bears the same ratio to 50 per centum of such sums as the number of students enrolled in institutions of higher education in such States bears to the number of students so enrolled in all the States; and

"(2) The Commissioner shall allot to each State an amount which bears the same ratio to 50 per centum of such sums as the number of students enrolled in grades nine through twelve (both inclusive) of schools in such State bears to the total number of students so enrolled in all the States.

The amount allotted to any State under the preceding sentence for any fiscal year shall not be less than $50,000.

"(c)(1) Any amount allotted to a State under this section for any fiscal year shall, except as provided in paragraph (2), be available, in accordance with the provisions of this title, for payment of the Federal share of the development cost of approved projects for the construction of academic facilities within such State for institutions of higher education which are not eligible for grants under section 702.

"(2) Any portion of a State's allotment under this section for any fiscal year for which applications from an institution qualified to receive grants under this section have not been received by the State Commission prior to January 1 of such fiscal year, shall, if the State Commission so requests, be available for payment of the Federal share of the development cost of approved projects under section 702.

"STATE PLANS

"SEC. 704. (a) Any State desiring to participate in the grant program authorized by this part for any fiscal year shall submit for that year to the Commissioner through the State Commission a State plan for such participation. Such plan shall be submitted at such time, in such manner, and containing such information as may be necessary to enable the Commissioner to carry out his functions under this part and shall—

"(1) provide that it shall be administered by the State Commission;

"(2) set forth objective standards and methods, which are consistent with basic criteria prescribed by regulations pursuant to section 706, for—

"(A) determining the relative priorities of eligible projects submitted by institutions of higher education within the State for the construction of academic facilities, and

"(B) determining the Federal share of the development cost of each such project;

"(3) provide that the funds apportioned for any fiscal year under section 702 or 703 shall be used only for the purposes set forth therein;

"(4) provide for—

"(A) assigning priorities solely on the basis of such criteria, standards, and methods to eligible projects submitted to the State Commission and found by it otherwise approvable under the provisions of this part, and

"(B) approving and recommending to the Commissioner, in the order of such priority, applications covering such eligible projects, and for certifying to the Commissioner the Federal share of the development cost of the project involved;

"(5) provide for affording to every applicant which has submitted a project to the State Commission an opportunity for a fair hearing before the State Commission as to the priority assigned to such project, or as to any other determination of the State Commission adversely affecting such applicant; and

"(6) provide for—

"(A) such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the State Commission under this part, and

"(B) making such reports, in such form and containing such information, as may be reasonably necessary to enable the Commissioner to perform his functions under this part.

"(b) The Commissioner shall approve any State plan submitted under this section if he determines that it complies with the provisions of this section and other appropriate provisions of this title.

"ELIGIBILITY FOR GRANTS

"SEC. 705. (a) Except as is provided in subsection (b), an institution of higher education shall be eligible for a grant under this part only if the State Commission determines, in accordance with criteria prescribed by regulation, that the construction project for which assistance is sought will, either alone or together with other construction to be undertaken within a reasonable time, result in—

"(1) a substantial expansion of, or

"(2) the creation of,

urgently needed (A) enrollment capacity, (B) the capacity to provide student health care or other student services, or (C) capacity to carry out extension and continuing education programs on the campus of such institution.

"(b) If the Commissioner determines, in accordance with criteria established by regulation, that the student enrollment capacity of an institution of higher education would decrease if an urgently needed academic facility is not constructed, the construction of such a facility may be considered, for the purposes of this section, to result in an expansion of the institution's student enrollment capacity.

"BASIC CRITERIA FOR DETERMINING PRIORITIES AND FEDERAL SHARE

"SEC. 706. (a) (1) The Commissioner shall, by regulation, prescribe basic criteria to which the provisions of State plans setting forth standards and methods for determining relative priorities of eligible construction projects, and the application of such standards and methods to such projects under such plans, shall be subject.

"(2) Such basic criteria shall, at least—

"(A) be such as will best tend to achieve the objectives of this part, while leaving opportunity and flexibility to State Commissions for the development of State plan standards and methods that will best accommodate the varied needs of institutions in the several States;

"(B) give special consideration to the expansion of undergraduate enrollment capacity; and

"(C) give consideration to the expansion of capacity to provide needed health care to students.

"(3) Subject to paragraph (2), such regulations may establish additional and appropriate basic criteria, including—

"(A) provision for considering the degree to which applicant institutions are effectively utilizing existing facilities;

"(B) provision for allowing State plans to group, or to allow grouping, in a reasonable manner, facilities or institutions according to functional or educational type for priority purposes; and

"(C) in view of the national objectives of this title, for considering the degree to which applicant institutions serve students from two or more States or from outside the United States.

"(4) In no event shall such basic criteria permit the readiness of an institution to admit out-of-State students to be considered as a priority adverse to such institution.

"(b) (1) The Commissioner shall prescribe, by regulation, the basic criteria for determining the Federal share of the development cost of any eligible project under this part within a State, to which criteria the applicable standards and methods set forth in the State plan for such State shall conform.

"(2) In no case shall such basic criteria permit the Federal share to exceed 50 per centum of the development cost of a project, except in the case of a developing institution approved pursuant to section 302(b) in which case such percentage may not be in excess of 66⅔ per centum.

"(c) Section 553 of title V, United States Code, shall apply to the prescription of regulations under this section, notwithstanding clause (2) of subsection (a) thereof.

"APPLICATIONS FOR GRANTS; AMOUNT OF GRANTS

"SEC. 707. (a) (1) Any institution of higher education which desires to receive a grant under this part shall submit an application therefor at such time or times, in such manner, and containing such information as the Commissioner shall prescribe by regulation.

"(2) The Commissioner shall approve an application for a construction project under this part if he determines that—

"(A) it meets the requirements prescribed under paragraph (1);

"(B) the project for which assistance is sought is an eligible project under section 705;

"(C) such project has been submitted through, and been approved and recommended by, the appropriate State Commission;

"(D) such State Commission has certified to the Commissioner, in accordance with the State plan, the Federal share of the development cost of the project, and sufficient funds to pay such Federal share are available from the applicable apportionment of the State;

"(E) such project has, pursuant to the State plan, been assigned a priority that is higher than that assigned to all other projects within the State which are chargeable to the same apportionment, and meet the requirements of this section, and for which Federal funds have not yet been reserved;

"(F) the construction to be carried out under the application will be undertaken in a timely and economic manner and will not be of elaborate or extravagant design or materials;

"(G) in the case of a student health care facility, no assistance will be provided for such facility under title IV of the Housing Act of 1950; and

"(H) the application contains assurances or is supported by satisfactory assurances—

"(i) that title to the site is in accordance with regulations of the Commissioner relating thereto,

"(ii) that Federal funds received by the applicant will be solely used for defraying the development cost of the project covered by the application,

"(iii) that sufficient funds will be available to meet the non-Federal portion of such cost and to provide for the effective use of the academic facility upon completion,

"(iv) that the facility will be used as an academic facility for at least the period of the Federal interest therein, as provided in section 781, and

"(v) that the plans for such facilities comply with such standards as the Secretary may prescribe, or approve, in order to insure that facilities constructed with the use of Federal funds appropriated under this part shall be, to the extent appropriate in view of the uses to be made of the facility, accessible to, and usable by, handicapped persons.

"(b) Amendments to applications submitted under this section shall, except as the Commissioner may otherwise provide by regulations, be subject to approval in the same manner as original applications.

"(c) (1) Upon his approval of any application under this section, the Commissioner shall reserve from the applicable allotment available therefor, the amount of such grant, which shall be equal to the Federal share of the development cost of the project covered by the application, and, in accordance with regulations, shall pay the amount reserved to the applicant.

"(2) Upon approval of an amendment of an application, or revision of the estimated development cost of a project, for which there has been a reservation made under paragraph (1), the Commissioner may adjust the amount so reserved, accordingly. If an adjustment under the first sentence of this paragraph results in a greater amount being reserved, he may reserve the Federal share of the added cost only from the applicable allotment available at the time of such approval.

"ADMINISTRATION OF STATE PLANS; JUDICIAL REVIEW

"SEC. 708. (a) (1) The Commissioner shall not finally disapprove any State plan submitted under this part, or any modification thereof, without first affording the State Commission submitting the plan reasonable notice and opportunity for a hearing.

"(2) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State Commission administering a State plan approved under this part, finds—

"(A) that the State plan has been so changed that it no longer complies with the provisions of section 704, or

"(B) that in the administration of the plan there is a failure to comply substantially with any such provision.

the Commissioner shall notify such State Commission that the State will not be regarded as eligible to participate in the program under this part until he is satisfied that there is no longer any such failure to comply.

"(b) (1) If any State is dissatisfied with the Commissioner's final action with respect to the approval of its State plan submitted under section 704, or with his final action under subsection (a), such State may appeal to the United States court of appeals for the circuit in which such State is located. The summons and notice of appeal may be served at any place in the United States. The Commissioner shall forthwith certify and file in the court the transcript of the proceedings and the record on which he based his action.

"(2) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the transcript and record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(3) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in title 28, United States Code, section 1254.

"PART B—GRANTS FOR CONSTRUCTION OF GRADUATE ACADEMIC FACILITIES

"AUTHORIZATION

"SEC. 721. (a) The Commissioner shall carry out a program of making grants to institutions of higher education to assist them in improving existing graduate schools and cooperative graduate centers, and in establishing graduate schools and cooperative graduate centers of excellence, in order to increase the supply of highly qualified personnel needed by communities, industries, and governments and for teaching and research.

"(b) For the purpose of making grants under this part, there are authorized to be appropriated $60,000,000 for each of the fiscal years ending June 30, 1972, and June 30, 1973, and $90,000,000 for each of the succeeding fiscal years ending prior to July 1, 1975.

"APPLICATION FOR, AND AMOUNT OF, GRANTS

"SEC. 722. (a) (1) Any institution of higher education desiring to receive a grant under this part shall submit an application therefor at such time, in such manner, and containing such information as the Commissioner may require.

"(2) In determining whether to approve applications under this section, the order in which to approve such applications, and the amount of grants, the Commissioner shall give consideration to the extent to which the projects for which assistance is sought will contribute toward achieving the objectives of this part, and the extent to which they will aid in attaining a wider distribution of graduate schools and cooperative graduate centers throughout the States. In no case shall the total of the payments from appropriations for any fiscal year pursuant to section 721 made with respect to projects in any State exceed an amount equal to 12½ per centum of such appropriations.

"(3) For the purposes of this section, the term 'institution of higher education' includes cooperative graduate center boards.

"(b) The Commissioner shall not approve any application under this section until he has obtained the advice and recommendations of a panel of specialists who are not regular full-time employees of the Federal Government and who are competent to evaluate such application.

"(c) No grant under this part may be in an amount in excess of 50 per centum of the development cost of the project covered by the application.

"PART C—LOANS FOR CONSTRUCTION OF ACADEMIC FACILITIES

"AUTHORIZATION

"SEC. 741. (a) (1) The Commissioner shall carry out a program of making and insuring loans, in accordance with the provisions of this part.

"(2) The Commissioner is authorized to make loans to institutions of higher education and to higher education building agencies, which, in the case of undergraduate facilities, have submitted approvable applications under part A, for the construction of academic facilities and to insure loans.

"(b) For the purpose of making payments into the fund established under section 744, there are hereby authorized to be appropriated $200,000,000 for the fiscal year ending June 30, 1972, and for each of the succeeding fiscal years ending prior to July 1, 1975. Sums appropriated pursuant to this subsection for any fiscal year shall be available without fiscal year limitations.

"ELIGIBILITY CONDITIONS, AMOUNTS, AND TERMS OF LOANS

"SEC. 742. (a) No loan pursuant to this part shall be made unless the Commissioner finds (1) that not less than 20 per centum of the development cost of the facility will be financed from non-Federal sources, (2) that the applicant is unable to secure the amount of such loan from other sources upon terms and conditions equally as favorable as the terms and conditions applicable to loans under this part, (3) that the construction will be undertaken in an economical manner and that it will not be of elaborate or extravagant design or materials, and (4) that, in the case of a project to construct an infirmary or other facility designed to provide primarily for outpatient care of students and institutional personnel, no financial assistance will be provided such project under title IV of the Housing Act of 1950.

"(b) A loan pursuant to this part shall be secured in such manner and shall be repaid within such period not exceeding fifty years, as may be determined by the Commissioner; and it shall bear interest at (1) a rate determined by the Commissioner which shall not be less than a per annum rate that is one-quarter of 1 percentage point above the average annual interest rate on all interest-bearing obligations of the United States forming a part of the public debt as computed at the end of the preceding fiscal year, adjusted to the nearest one-eighth of 1 per centum, or (2) the rate of 3 per centum per annum, whichever is the lesser.

"GENERAL PROVISION FOR LOAN PROGRAM

"SEC. 743. (a) Financial transactions of the Commissioner under this part, except with respect to administrative expenses, shall be final and conclusive on all officers of the Government and shall not be reviewable by any Court.

"(b) In the performance of, and with respect to, the functions, powers, and duties vested in him by this part, the Commissioner may—

"(1) prescribe such rules and regulations as may be necessary to carry out the purposes of this part;

"(2) sue and be sued in any court of record of a State having general jurisdiction or in any district court of the United States, and such district courts shall have jurisdiction of civil actions arising under this part without regard to the amount in controversy, and any action instituted under this subsection by or against the Commissioner shall survive notwithstanding any change in the person occupying the office of Commissioner or any vacancy in such office; but no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the Commissioner or property under his control, and nothing herein shall be construed to except litigation arising out of activities under this part from the application of sections 507(b) and 517 and 2679 of title 28, United States Code;

"(3) foreclose on any property or commence any action to protect or enforce any right conferred upon him by any law, contract, or other agreement, and bid for and purchase at any foreclosure or any other sale any property in connection with which he has made a loan pursuant to this part; and, in the event of any such acquisition (and notwithstanding any other provisions of law relating to the acquisition, handling, or disposal of real property by the United States), complete, administer, remodel and convert, dispose of, lease, and otherwise deal with, such property; except that (1) such action shall not preclude any other action by him to recover any deficiency in the amounts loaned and (2) any such acquisition of real property shall not deprive any State or political subdivision thereof of its civil or criminal jurisdiction in and over such property or impair the civil rights under the State or local laws of the inhabitants on such property;

"(4) sell or exchange at public or private sale, or lease, real or personal property, and sell or exchange any securities or obligations, upon such terms as he may fix;

"(5) subject to the specific limitations in this part, consent to the modification, with respect to the rate of interest, time of payment of any installment of principal or interest, security, or any other term of any contract or agreement to which he is a party or which has been transferred to him pursuant to this section; and

"(6) include in any contract or instrument made pursuant to this part such other covenants, conditions, or provisions (including provisions designed to assure against use of the facility, constructed with the aid of a loan under this part, for purposes described in section 782(1)), as he may deem necessary to assure that the purpose of this part will be achieved.

"REVOLVING LOAN FUND AND INSURANCE FUND

"SEC. 744. (a) There is hereby created within the Treasury a separate fund for higher education academic facilities loans and loan insurance (hereafter in this section called the 'fund') which shall be available to the Commissioner without fiscal year limitation as a revolving fund for the purposes of making loans and insuring loans under this part.

"(b) (1) The Commissioner shall transfer to the fund available appropriations provided under section 741(b) to provide capital for the fund. All amounts received by the Commissioner as interest payments or repayments of principal on loans, and any other moneys, property, or assets derived by him from his operations in connection with this part, including any moneys derived directly or indirectly from the sale of assets, or beneficial interests or participations in assets of the fund, shall be deposited in the fund.

"(2) All loans, expenses, and payments pursuant to operations of the Commissioner under this part shall be paid from the fund. including (but not limited to) expenses and payments of the Commissioner in connection with sale, under section 302(c) of the Federal National Mortgage Association Charter Act, of participations in obligations acquired under this part. From time to time, and at least at the close of each fiscal year, the Commissioner shall pay from the fund into the Treasury as miscellaneous receipts interest on the cumulative amount of appropriations paid out for loans under this part or available as capital to the fund, less the average undisbursed cash balance in the fund during the year. The rate of such interest shall be determined by the Secretary of the Treasury, taking into consideration the average market yield during the month preceding each fiscal year on outstanding Treasury obligations of maturity comparable to the average maturity of loans made from the fund. Interest payments may be deferred with the approval of the Secretary of the Treasury, but any interest payments so deferred shall themselves bear interest. If at any time the Commissioner determines that moneys in the fund exceed the present and any reasonably prospective future requirements of the fund, such excess shall be available for the purposes of part A and shall be deemed to have been appropriated pursuant to section 701(b).

"ANNUAL INTEREST GRANTS

"SEC. 745. (a) To assist institutions of higher education and higher education building agencies, which, in the case of undergraduate facilities, have an approvable application submitted under part A, to reduce the cost of borrowing from other sources for the construction of academic facilities, the Commissioner may make annual interest grants to such institutions and agencies.

"(b) Annual interest grants to an institution of higher education or higher education building agency with respect to any academic facility shall be made over a fixed period not exceeding forty years, and provision for such grants shall be embodied in a contract guaranteeing their payment over such period. Each such grant shall be in an amount not greater than the difference between (1) the average annual debt service which would be required to be paid, during the life of the loan, on the amount borrowed from other sources for the construction of such facilities, and (2) the average annual debt service which the institution would have been required to pay, during the life of the loan, with respect to such amounts if the applicable interest rate were the maximum rate specified in section 744(b) (2). The amount on which such grant is based shall be approved by the Secretary.

"(c)(1) There are hereby authorized to be appropriated to the Commissioner such sums as may be necessary for the payment of annual interest grants to institutions of higher education and higher education building agencies in accordance with this section.

"(2) Contracts for annual interest grants under this section shall not be entered into in an aggregate amount greater than is authorized in appropriation Acts; and in any event the total amount of annual interest grants which may be paid to institutions of higher education and higher education building agencies in any year pursuant to contracts entered into under this section shall not exceed $5,000,000 which amount shall be increased by $6,750,000 on July 1, 1969, and by $13,500,000 on July 1, 1970 and on July 1 of each of the four succeeding years.

"(d) Not more than 12½ per centum of the funds provided for in this section for grants may be used within any one State.

"(e) No annual interest grant pursuant to this section shall be made unless the Commissioner finds (1) that not less than 10 per centum of the development cost of the facility will be financed from non-Federal sources, (2) that the applicant is unable to secure a loan in the amount of the loan with respect to which the annual interest grant is to be made, from other sources upon terms and conditions equally as favorable as the terms and conditions applicable to loans under this title, and (3) that the construction will be undertaken in an economical manner and that it will not be of elaborate or extravagant design or materials. For purposes of this section, a loan with respect to which an interest grant is made under this section shall not be considered financing from a non-Federal source. For purposes of the other provisions of this title, such a loan shall be considered financing from a non-Federal source.

"ACADEMIC FACILITIES LOAN INSURANCE

"SEC. 746. (a)(1) In order to assist institutions of higher education and higher education building agencies to procure loans for the construction of academic facilities, the Commissioner may insure the payment of interest and principal on such loans if such institutions and agencies meet, with respect to such loans, criteria prescribed by or under section 745 for the making of annual interest grants under such section.

"(2) No loan insurance under paragraph (1) may apply to so much of the principal amount of any loan as exceeds 90 per centum of the development cost of the academic facility with respect to which such loan was made.

"(b)(1) The United States shall be entitled to recover from any institution or agency to which loan insurance has been issued under this section the amount of any payment made pursuant to that insurance, unless the Commissioner for good cause waives its right of recovery. Upon making any such payment, the United States shall be subrogated to all of the rights of the recipient of the payment with respect to which the payment was made.

"(2) Any insurance issued by the Commissioner pursuant to subsection (a) shall be incontestable in the hands of the institution or agency on whose behalf such insurance is issued, and as to any agency, organization, or individual who makes or contracts to make a loan to such institution or agency in reliance thereon, except for fraud or misrepresentation on the part of such institution or agency or on the part of the agency, organization, or individual who makes or contracts to make such loan.

"(c) Insurance may be issued by the Commissioner under subsection (a) only if he determines that the terms, conditions, maturity, security (if any), and schedule and amounts of repayments with respect to the loan are sufficient to protect the financial interests of the United States and are otherwise reasonable and in accord with regulations, including a determination that the rate of interest does not exceed such per centum per annum on the principal obligation outstanding as the Commissioner determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the United States. The Commissioner may charge a premium for such insurance in an amount reasonably determined by him to be necessary to cover administrative expenses and probable losses under subsections (a) and (b). Such insurance shall be subject to such further terms and conditions as the Commissioner determines to be necessary.

"PART D—ASSISTANCE IN MAJOR DISASTER AREAS

"AUTHORIZATION

"SEC. 761. (a) The Commissioner shall carry out a program of financial assistance to public institutions of higher education, in accordance with the provisions of this part.

"(b) There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the provisions of this part.

"ASSISTANCE FOR CONSTRUCTION OF ACADEMIC FACILITIES

"SEC. 762. (a) If the Director of the Office of Emergency Planning determines that a public institution of higher education is, in whole or in part, within an area which, after June 30, 1971, and before July 1, 1975, has suffered a disaster which is a major disaster, and if the Commissioner determines with respect to such institution that—

"(1) the academic facilities of such institution have been destroyed or seriously damaged as a result of the disaster;

"(2) such institution is exercising due diligence in availing itself of State and other financial assistance available for restoration or replacement of such facilities; and

"(3) the institution does not have sufficient funds available from such other sources including proceeds of insurance on the facilities, to provide for the restoration or replacement of such facilities;

the Commissioner is authorized to provide such assistance to such institution as is provided in subsection (b).

"(b)(1) Assistance under this section shall be a grant to an eligible institution, as determined under subsection (a), of an amount necessary to enable the institution to carry out the construction necessary to restore or replace the academic facilities determined under clause (1) of subsection (a) to be damaged or destroyed.

"(2) The maximum amount of a grant under this section shall not exceed the cost of construction incident to the restoration or replacement of the facilities determined to be damaged or destroyed under clause (1) of subsection (a) less the amount of additional assistance determined under clause (3) of subsection (a) to be available.

"(c)(1) Assistance under this section may include a grant of an amount necessary to enable the institution to lease, or otherwise obtain the use of, such facilities as are needed to replace, temporarily, facilities which have been made unavailable as a result of a major disaster.

"(2) An institution shall be eligible for assistance under this subsection if it qualifies for assistance under subsection (a), whether or not it receives assistance under subsection (b).

"EQUIPMENT AND SUPPLIES

"SEC. 763. If an institution is eligible for assistance under section 762(a), the Commissioner is authorized, whether or not such institution receives assistance under section 762(b), to make a grant to such institution of not in excess of an amount he determines necessary to replace equipment, maintenance supplies, and instructional supplies (including books, and curricular and program materials) destroyed or seriously damaged as a result of the major disaster.

"REPAYABLE ASSISTANCE IN LIEU OF A GRANT

"SEC. 764. If the Commissioner's determinations under clauses (2) and (3) of section 762(a) indicate that financial resources will become available to an institution otherwise qualified for assistance under section 762 at some future date or dates, he is authorized, subject to such terms and conditions as may be in the public interest, to extend assistance to such institution under section 762(b), 762(c), or 763 (or all such sections) with an agreement with such institution which provides that the institution will repay part or all of the funds received by it under this part.

"APPLICATIONS

"SEC. 765. No payment may be made to a public institution of higher education for academic facilities under this part unless an application therefor is submitted through the appropriate State Commission and is filed with the Commissioner in accordance with regulations prescribed by him. In determining the order in which such applications shall be approved, the Commissioner shall consider the relative educational and financial needs of the institutions which have submitted approvable applications. No payment may be made under section 762(b) unless the Commissioner finds, after consultation with the State Commission, that the project or projects with respect to which it is made are not inconsistent with overall State plans, submitted under section 704(a), for the construction of academic facilities. All determinations made by the Commissioner under this part shall be made only after consultation with the appropriate State Commission.

"DEFINITIONS

"SEC. 766. For the purposes of this part—

"(1) the term 'major disaster' means a disaster determined to be a major disaster as defined in section 2(a) of the Act of September 30, 1950 (42 U.S.C. 1855a(a)); and

"(2) an institution of higher education shall be deemed to be a 'public institution of higher education' if such institution is found by the Commissioner to be under public supervision and control.

"PART E—GENERAL

"RECOVERY OF PAYMENTS

"SEC. 781. (a) The Congress hereby finds and declares that, if a facility constructed with the aid of a grant or grants under part A or B of this title is used as an academic facility for twenty years following completion of such construction, the public benefit accruing to the United States from such use will equal in value the amount of such grant or grants. The period of twenty years after completion of such construction shall therefore be deemed to be the period of Federal interest in such facility for the purposes of this Act.

"(b) If, within twenty years after completion of construction of an academic facility which has been constructed in part with a grant or grants under part A or B of this title—

"(1) the applicant (or its successor in title or possession) ceases or fails to be a public or nonprofit institution, or

"(2) the facility ceases to be used as an academic facility, or the facility is used as a facility excluded from the term 'academic facility',

the United States shall be entitled to recover from such applicant (or successor) an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal grant or grants bore to the development cost of the facility financed with the aid of such grant or grants. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated.

"(c) Notwithstanding the provisions of subsections (a) and (b), no facility constructed with assistance under this title shall ever be used for religious worship or a sectarian activity or for a school or department of divinity.

"DEFINITIONS

"SEC. 782. The following definitions apply to terms used in this title:

"(1) (A) Except as provided in subparagraph (B) of this paragraph, the term 'academic facilities' means structures suitable for use as classrooms, laboratories, libraries, and related facilities necessary or appropriate for instruction of students, or for research, or for administration of the educational or research programs, of an institution of higher education, and maintenance, storage, or utility facilities essential to operation of the foregoing facilities. For purposes of parts A, C, and D, such term includes infirmaries or other facilities designed to provide primarily for outpatient care of students and instructional personnel.

"(B) The term 'academic facilities' shall not include (i) any facility intended primarily for events for which admission is to be charged to the general public, or (ii) any gymnasium or other facility specially designed for athletic or recreational activities, other than for an academic course in physical education or where the Commissioner finds that the physical integration of such facilities with other academic facilities included under this title is required to carry out the objectives of this title, or (iii) any facility used or to be used for sectarian instruction or as a place for religious worship, or (iv) any facility which (although not a facility described in the preceding clause) is used or to be used primarily in connection with any part of the program of a school or department of divinity, or (v) any facility used or to be used by a school of medicine, school of dentistry, school of osteopathy, school of pharmacy, school of optometry, school of podiatry, or school of public health as these terms are defined in section 724 of the Public Health Service Act, or a school of nursing as defined in section 843 of that Act.

"(2) The term 'construction' means (A) erection of new or expansion of existing structures, and the acquisition and installation of initial equipment therefor; or (B) acquisition of existing structures not owned by the institution involved; or (C) rehabilitation, alteration, conversion, or improvement (including the acquisition and installation of initial equipment, or modernization or replacement of built-in equipment) of existing structures; or (D) a combination of any two or more of the foregoing. For the purposes of the preceding sentence, the term 'equipment' includes, in addition to machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, all other items necessary for the functioning of a particular facility as an academic facility, including necessary furniture, except books, curricular and program materials, and items of current operating expense such as fuel, supplies, and the like; the term 'initial equipment' means equipment acquired and installed in connection with construction as defined in paragraph (2) (A) or (B) or, in cases referred to in paragraph (2) (C), equipment acquired and installed as part of the rehabilitation, alteration, conversion, or improvement of an existing structure, which structure would otherwise not be adequate for use as an academic facility; and the terms 'equipment', 'initial equipment', and 'built-in equipment' shall be more particularly defined by the Commissioner by regulation. For the purposes of clause (C) in the first sentence of this paragraph, the term 'rehabilitation, alteration, conversion, or improvement' includes such action as may be necessary to provide for the architectural needs of, or to remove architectural barriers to, handicapped persons with a view toward increasing the accessibility to, and use of, academic facilities by such persons.

"(3) (A) The term 'development cost', with respect to an academic facility, means the amount found by the Commissioner to be the cost, to the applicant for a grant or loan under this title, of the construction involved and the cost of necessary acquisition of the land on which the facility is located and of necessary site improvements to permit its use for such facility. There shall be excluded from the development cost—

"(i) in determining the amount of any grant under part A or B, an amount equal to the sum of (I) any Federal grant which the institution has obtained, or is assured of obtaining, under any law other than this title, with respect to the construction that is to be financed with the aid of a grant under part A or B, and (II) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant; and

"(ii) in determining the amount of any loan under part C, an amount equal to the amount of any Federal financial assistance which the institution has obtained, or is assured of obtaining, under any law other than this title, with respect to the construction that is to be financed with the aid of a loan under part C.

"(B) In determining the development cost with respect to an academic facility, the Commissioner may include expenditures for works of arts for the facility of not to exceed 1 per centum of the total cost (including such expenditures) to the applicant of construction of, and land acquisition and site improvements for, such facility.

"(4) The term 'Federal share' means, except as provided in section 706(b) (2), in the case of any project a percentage (as determined under the applicable State plan) not in excess of 50 per centum of its development cost.

"(5) The term 'higher education building agency' means (A) an agency, public authority, or other instrumentality of a State authorized to provide, or finance the construction of, academic facilities for institutions of higher education (whether or not also authorized to provide or finance other facilities for such or other educational institutions, or for their students or faculty), or (B) any corporation (no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual) (I) established by an institution of higher education for the sole purpose of providing academic facilities for the use of such institution, and (II) upon dissolution of which, all title to any property purchased or built from the proceeds of any loan made under part C will pass to such institution.

"(6) The term 'public community college and public technical institute' means an institution of higher education which is under public supervision and control, and is organized and administered principally to provide a two-year program which is acceptable for full credit toward a bachelor's degree, or a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge; and the term includes a branch of an institution of higher education offering four or more years of higher education which is located in a community different from that in which its parent institution is located.

"(7) The term 'cooperative graduate center' means an institution or program created by two or more institutions of higher education which will offer to the students of the participating institutions of higher education graduate work which could not be offered with the same proficiency or economy (or both) at the individual institution of higher education. The center may be located or the program carried out on the campus of any of the participating institutions or at a separate location.

"(8) The term 'cooperative graduate center board' means a duly constituted board established to construct and maintain the cooperative graduate center and coordinate academic programs. The board shall be composed of representatives of each of the institutions of higher education participating in the center and of the community involved. At least one-third of the board's members shall be community representatives. The board shall elect by a majority vote a chairman from among its membership.".

(b) (1) The programs authorized by title VII of the Higher Education Act of 1965 shall be deemed to be a continuation of the comparable programs authorized by the Higher Education Facilities Act of 1963.

(2) Effective July 1, 1972, the Higher Education Facilities Act of 1963 is amended by striking out titles I and II thereof.

(3) Effective July 1, 1971, such Act is amended by striking out section 306 thereof.

(4) The revolving fund created by section 744 of the Higher Education Act of 1965 shall be deemed to be a continuation of the revolving fund created by section 305 of the Higher Education Facilities Act of 1963. Any sums in the fund for higher education academic facilities created by such section 305 on the date of enactment of this Act shall be transferred to the fund created by section 744 of the Higher Education Act of 1965, and all such funds shall be deemed to have been made available for such fund. Notwithstanding any other provision of law, unless enacted in specific limitation of the provisions of this sentence, any sums appropriated pursuant to section 303(c) of the Higher Education Facilities Act of 1963 for any fiscal year ending prior to July 1, 1972, which have not been loaned under title III of that Act of 1963 shall be deemed to have been appropriated pursuant to section 741(b) of the Higher Education Act of 1965 for the fiscal year ending June 30, 1972.

EXTENSION OF AUTHORIZATIONS OF APPROPRIATIONS FOR THE HIGHER EDUCATION FACILITIES ACT OF 1963

SEC. 162. (a) Sections 101(b), 201, 303(c), and 408(a) of the Higher Education Facilities Act of 1963 are each amended by striking out "July 1, 1971" and inserting in lieu thereof "July 1, 1972".

(b) The amendments made by subsection (a) of this section shall be effective after June 30, 1971.

STATE HIGHER EDUCATION COMMISSIONS

SEC. 163. (a) Section 1202 of the Higher Education Act of 1965, having been superseded by section 425 of the General Education Provisions Act, is hereby repealed.

(b) Title XII of such Act is amended by adding after section 1201 the following new section:

"STATE HIGHER EDUCATION COMMISSIONS

"SEC. 1202. (a) (1) Any State desiring to participate, after June 30, 1972, in any program authorized by this Act which requires the use of a State Commission in the administration thereof shall designate, for such purpose, a State agency which is broadly representative of the public and of the public and private institutions of higher education (including public community colleges and public technical institutes) in the State. If, in the case of any State, no such State agency exists, such State shall create such an agency.

"(2) Each State Commission shall be authorized to, and shall carry out, such functions as may be required or authorized with respect to the program in which the State is participating. The Commissioner shall pay to each State Commission the amount necessary for the proper and efficient administration by such Commission of each State plan which is approved by him under a program authorized by this Act which requires the use of a State Commission in the administration of such program.

"(3) The Commissioner is authorized to make grants, upon such terms and conditions as the Commissioner determines will best further the purposes of title VII, to State Commissions for conducting comprehensive planning to determine construction needs of institutions of higher education.

"(b) (1) The Commissioner is authorized to make grants to State Commissions to enable them to make comprehensive inventories of, and studies with respect to, the postsecondary educational resources in the States and means by which such resources may be better planned and coordinated, improved, expanded, or altered in order to insure that all persons within the States who desire, and who can benefit from, postsecondary education may have an opportunity to do so.

"(2) The Commissioner is further authorized to make grants to State Commissions to enable them to conduct comprehensive planning for statewide postsecondary education systems which will achieve the purpose set forth in paragraph (1). Such planning shall include a consideration of a system of comprehensive public community colleges as a means of achieving such purpose.

"(c) There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.".

(c) (1) Unless a State otherwise creates or designates a State Commission for the purposes of section 1202 of the Higher Education Act of 1965 prior to June 30, 1972, the State Commission of any State, designated or established pursuant to that part of section 105(a) of the Higher Education Facilities Act of 1963 which precedes clause (1) thereof, which exists on June 30, 1972, shall become, and be deemed to be, the State Commission of that State pursuant to section 1202 of the Higher Education Act of 1965 for the purposes of such section 1202(a). The State Commissions under such section 1202 shall be successor State Commissions to those designated or established under such part of such section 105(a) for the purposes of such section 1202(a).

(2) On July 1, 1972, all functions, powers, duties, and responsibilities vested in any State Commission established pursuant to such part of such section 105(a) on June 30, 1972, shall be vested in their successor State Commissions.

(3) All orders, determinations, rules, procedures, or other decisions of State Commissions under such part of such section 105(a), which are in effect on June 30, 1972, shall continue to be in effect and shall be deemed to be orders, determinations, rules, procedures, or other decisions of their successor State Commissions until changed or modified, in accordance with law, by such successor State Commissions.

(4) All personnel, assets, liabilities, contracts, property, and records as are determined by the Commissioner to be necessary for the transitions required under this section, are, effective July 1, 1972, transferred to successor State Commissions.

(5) No successor State Commission under this subsection shall be eligible to receive a grant under section 1202(b) of the Higher Education Act of 1965, prior to sixty days after the end of the first legislative session of the State legislature of the State for which it is the State Commission which begins after the date of enactment of this Act.

Part H—Networks for Knowledge Extension

INCUSION OF LAW AND GRADUATE PROFESSIONAL SCHOOLS

SEC. 171. Section 802 of the Higher Education Act of 1965 is amended by inserting before the period at the end thereof "and for each of the succeeding fiscal years ending prior to July 1, 1975".

INCLUSION OF LAW AND GRADUATE PROFESSIONAL SCHOOLS

SEC. 172. (a) (1) Section 801(a) of the Higher Education Act of 1965 is amended by striking out the first sentence thereof and inserting in lieu thereof the following: "The Commissioner shall carry out a program of encouraging institutions of higher education (including law and other graduate professional schools) to share, to the optimal extent, their technical and other educational and administrative facilities and resources in accordance with this title. The Commissioner is authorized to make grants to, and contracts with, institutions of higher education to pay all or part of the cost of cooperative arrangements and of pilot or demonstration projects designed to accomplish the purpose set forth in the first sentence of this subsection.".

(2) Clause (1) (A) of section 801(b) of such Act is amended by inserting after "libraries" a comma and "including law libraries", and by inserting after "collections" a comma and "including law library collections,".

(b) The amendments made by subsection (a) shall be effective after June 30, 1972.

Part I—Graduate Programs and Community College Programs

EXTENSION OF TITLES IX AND X OF THE HIGHER EDUCATION ACT OF 1965

SEC. 181. (a) (1) The first sentence of section 925 of the Higher Education Act of 1965 is amended to read as follows: "There is authorized to be appropriated $13,000,000 for the fiscal year ending June 30, 1972.".

(2) The amendment made by paragraph (1) shall be effective after June 30, 1971.

(b) (1) Section 1002 of the Higher Education Act of 1965 is amended by striking out "for the fiscal year ending June 30, 1971" and inserting in lieu thereof "each of the fiscal years ending June 30, 1971, and June 30, 1972".

(2) The amendment made by paragraph (1) shall be effective after June 30, 1971.

NEW TITLE IX OF THE HIGHER EDUCATION ACT OF 1965 (GRADUATE PROGRAMS)

SEC. 182. (a) The Higher Education Act of 1965 is amended by striking out title IX and inserting in lieu thereof the following:

"TITLE IX—GRADUATE PROGRAMS

"Part A—Grants to Institutions of Higher Education

"PURPOSES; AUTHORIZATION

"SEC. 901. (a) It is the purpose of this part to make financial assistance available to institutions of higher education—

"(1) to strengthen and improve the quality of graduate and professional programs leading to an advanced degree in such institutions and to increase the number of such programs;

"(2) to establish, strengthen, and support graduate centers for the study of the languages and cultures of foreign countries, areas, or regions;

"(3) to establish, strengthen, and support graduate centers to serve as national and international resources for research and training in international studies;

"(4) to establish, strengthen, and improve programs designed to prepare graduate and professional students for public service; and

"(5) to assist in strengthening undergraduate programs of instruction in the areas described in clauses (2), (3), and (4), whenever the Commissioner determines that strengthened undergraduate programs of instruction will contribute to the purposes of such clauses.

"(b) The Commissioner shall carry out a program of making grants to institutions of higher education to carry out the purposes set forth in subsection (a).

"(c) There are authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1973, and for each of the succeeding fiscal years ending prior to July 1, 1975, for the purposes of this part.

"APPLICATIONS FOR GRANTS

"SEC. 902. (a) The Commissioner is authorized to make grants to institutions of higher education in accordance with the provisions of this part. An institution of higher education desiring to receive a grant under this part shall submit to the Commissioner an application therefor at such time or times, in such manner, and containing such information as the Commissioner may prescribe by regulation. Such application shall set forth a program of activities for carrying out one or more of the purposes set forth in section 901(a) in such detail as will enable the Commissioner to determine the degree to which such program will accomplish such purpose or purposes, and such other policies, procedures, and assurances as the Commissioner may require by regulation.

"(b) The Commissioner shall approve an application only if he determines—

"(1) that the application sets forth a program of activities which are likely to make substantial progress toward achieving the purposes of this part; and

"(2) that the approval of the application will result in a wider distribution of the programs described in section 901(a) throughout the States.

"AUTHORIZED ACTIVITIES

"SEC. 903. (a) The funds appropriated pursuant to section 901(c) may be used for such purposes as the Commissioner determines will best accomplish the purposes of this part.

"(b) Such funds may be used solely for the purposes set forth in an application approved under section 902 and solely for the purpose of accomplishing the purposes stated in section 901(a), and to that end such funds may be used for—

"(1) faculty improvement;

"(2) the expansion of graduate and professional programs of study;

"(3) the acquisition of appropriate instructional equipment and materials;

"(4) cooperative arrangements among graduate and professional schools; and

"(5) the strengthening of graduate and professional school administration.

"RESEARCH AND STUDIES

"SEC. 904. The Commissioner is authorized, directly or by contract, to conduct studies and research activities in connection with the need for, and improvement of, graduate programs in various fields of study in institutions of higher education throughout the United States.

"Part B—Federal Fellowships

"PROGRAM AUTHORIZED

"SEC. 921. (a) It is the purpose of this part to provide grants, to be known as Federal fellowships, to assist graduate students of exceptional ability, who also demonstrate a financial need, and graduate and professional students of ability who are from economically disadvantaged backgrounds, to complete their study toward an advanced degree, to the end that the flow of highly trained individuals from universities may be speeded. The demonstration of financial need shall be determined in accordance with regulations prescribed by the Commissioner.

"(b) (1) The Commissioner is authorized to award under the provisions of this part not to exceed 13,200 fellowships for the fiscal year ending June 30, 1973, 19,200 fellowships for the fiscal year ending June 30, 1974, and 25,200 fellowships for the fiscal year ending June 30, 1975.

"(2) In addition to the number of fellowships authorized to be awarded by paragraph (1), the Commissioner is authorized to award fellowships equal to the number previously awarded during any fiscal year under this part but vacated prior to the end of the period for which they were awarded, except that each fellowship awarded under this paragraph shall be for such period of graduate or professional work or research, not in excess of the remainder of the period for which the fellowship which it replaces was awarded, as the Commissioner may determine.

"(c) (1) Fellowships awarded under this part shall be for graduate and professional study leading to an advanced degree or research incident to the presentation of a doctoral dissertation. Such fellowships may be awarded for graduate and professional study and research at any institution of higher education, library, archive, or any other research center approved for such purpose by the Commissioner. Such fellowships shall be awarded for such periods as the Commissioner may determine, but not to exceed three years.

"(2) Fellowships awarded under this part shall be, among others—

"(A) for persons who are (i) interested in teaching, planning to teach, or continuing to teach, in institutions of higher education, and (ii) pursuing, or intending to pursue, a course of study leading to a degree of doctor of philosophy, or an equivalent degree; or

"(B) for graduate or professional study for persons who plan to pursue environmental careers, in such fields as ecology, hydrology, chemistry, biology, and engineering related to the protection of the environment and the control of environmental pollution; or

"(C) for persons planning to pursue a career in the public service, which term 'public service' means service as an officer or employee in any branch of local, State, or Federal Government;

"(D) for persons undertaking advanced study or training in any modern foreign language and in fields needed for a full understanding of the area, region, or country in which such language is commonly used;

"(E) for persons from disadvantaged backgrounds, as determined by the Commissioner, undertaking graduate or professional study in fields to which their backgrounds are particularly relevant; or

"(F) for persons undertaking advanced study in domestic mining, and mineral and mineral fuel conservation, including oil, gas, coal, oil shale, and uranium.

"AWARD OF FELLOWSHIPS

"Sec. 922. Recipients of fellowships under this part shall be—

"(1) persons who have been accepted by an institution of higher education for graduate study leading to an advanced degree or for a professional degree, or

"(2) persons who have completed all course work required for granting of a doctoral degree or an equivalent degree (except such course work credited on the dissertation) and comprehensive examinations where appropriate, and whose doctoral dissertation (or other equivalent dissertation) proposal has been approved by appropriate officials of an institution of higher education.

"DISTRIBUTION OF FELLOWSHIPS

"Sec. 923. In awarding fellowships under the provisions of this part, the Commissioner shall endeavor to provide an equitable distribution of such fellowships throughout the Nation, except that, to the extent he deems proper, to provide for those who are in greatest financial need of such fellowships.

"STIPENDS AND INSTITUTION OF HIGHER EDUCATION ALLOWANCES

"Sec. 924. (a) The Commissioner shall pay to persons awarded fellowships under this part such stipends as he may determine to be consistent with prevailing practices under comparable federally supported programs, except that the stipend shall not be less than $2,800 for each academic year of study. An additional amount of $300 for each such year shall be paid to each such person on account of each of his dependents, not to exceed the amount of $1,500 per academic year.

"(b) In addition to the amount paid to persons pursuant to subsection (a) there shall be paid to the institution of higher education at which each such person is pursuing his course of study an amount equal to 150 per centum of the amount paid to such person, less the amount paid on account of each of such person's dependents, to such person, less any amount charged such person for tuition.

"(c) The Commissioner shall reimburse any person awarded a fellowship pursuant to this part for actual and necessary traveling expenses of such person and his dependents from his ordinary place of residence to the institution of higher education, library, archive, or other research center where he will pursue his studies under such fellowship, and to return to such residence.

"LIMITATION

"Sec. 925. No fellowship shall be awarded under this part for study at a school or department of divinity.

"FELLOWSHIP CONDITIONS

"Sec. 926. (a) A person awarded a fellowship under the provisions of this part shall continue to receive the payments provided in section 924(a) only during such periods as the Commissioner finds that he is maintaining satisfactory proficiency in, and devoting essentially full time to, study or research in the field in which such fellowship was awarded, in an institution of higher education, and is not engaging in gainful employment other than part-time employment in teaching, research, or similar activities, approved by the Commissioner.

"(b) The Commissioner is authorized to require reports containing such information in such form and to be filed at such times as he determines necessary from any person awarded a fellowship under the provisions of this part. Such reports shall be accompanied by a certificate from an appropriate official at the institution of higher education, library, archive, or other research center approved by the Commissioner, stating that such person is making satisfactory progress in, and is devoting essentially full time to, the program for which the fellowship was awarded.

"APPROPRIATIONS AUTHORIZED

"Sec. 927. There are authorized to be appropriated such sums as may be necessary for the purposes of this part.".

(b) Of the sums appropriated pursuant to section 901(c) of the Higher Education Act of 1965 for any fiscal year at least $18,000,000 shall be for the purposes of sections 901(a) (2) and (3) of such Act.

(c) The amendment made by subsection (a) shall be effective after June 30, 1972.

IMPROVEMENT OF COMMUNITY COLLEGES

Sec. 183. (a) (1) Title X of the Higher Education Act of 1965 is amended to read as follows:

"TITLE X—IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES THROUGH COMMUNITY COLLEGES

"Part A—Statewide Plans for Community Colleges

"STATE PLANS

"Sec. 1001. (a) Each State Commission (established under section 1202) shall establish a committee. hereinafter in this section referred to as the committee, the membership of which shall include representatives of—

"(1) all State agencies having responsibility for, or an interest in postsecondary education;

"(2) the community colleges in the State and local agencies having responsibility for supervision or control of such colleges; and

"(3) the general public.

At least one-half of the members of the committee shall be persons with direct responsibility for the operation of a community college; one of which persons shall be designated by the Governor of the State as chairman of the committee.

"(b) (1) The committee shall develop and adopt a statewide plan for the expansion and improvement of postsecondary education programs in community colleges. Such plan shall—

"(A) designate areas of the State in which residents do not have access to at least two years of tuition-free or low-tuition postsecondary education within reasonable commuting distance;

"(B) designate areas of the State in which existing community colleges cannot meet the postsecondary educational needs of the residents;

"(C) set forth a comprehensive statewide plan for the establishment, expansion, and improvement of community colleges in order to achieve the goal of making available, within reasonable commuting distance, to all residents of the State an opportunity to attend a community college;

"(D) establish priorities for the use of financial and other resources in achieving the goal set forth in clause (C);

"(E) make recommendations wth respect to adequate State and local financial support, within the priorities set forth pursuant to clause (D), for community colleges;

"(F) set forth a statement analyzing the duplications of post secondary educational programs and make recommendations for coordination of such programs in order to eliminate such duplications;

"(G) set forth a plan for the use of existing and new educational resources in the State in order to achieve the goal set forth in clause (C), including recommendations for the modification of State plans for federally assisted vocational education, community services, and academic facilities as they may affect community colleges.

"(2) Each plan developed and adopted pursuant to paragraph (1) shall be submitted, through the State Commission of the State for which it is developed, to the Commissioner for his approval. The Commissioner shall not approve a plan submitted pursuant to this paragraph unless he determines that (A) the plan has been developed on the basis of hearings conducted throughout the State in which all interested parties have been given an opportunity to present their views and (B) each State and local agency responsible for postsecondary education has had an opportunity to review, and make recommendations with respect to, the plan.

"(c) (1) There is hereby authorized to be appropriated $15,700,000 during the period beginning July 1, 1972 and ending July 1, 1974, to carry out the provisions of this section.

"(2) Sums appropriated pursuant to paragraph (1) shall be allotted by the Commissioner equally among the States, except that the amount allotted to Guam, American Samoa, and the Virgin Islands shall not exceed $100,000 each. Such sums shall remain available until expended.

"(d) The State plan for federally assisted vocational education, community services, or academic facilities of each State shall be modified by June 30, 1976, in accordance with the plan the Commissioner has approved from that State submitted pursuant to subsection (b).

"PART B—ESTABLISHMENT AND EXPANSION OF COMMUNITY COLLEGES

"PURPOSE

"SEC. 1011. It is the purpose of this title to encourage and assist the States and localities in establishing and expanding community colleges in communities throughout the States in order that every American will have an opportunity to attend a community college within reasonable commuting distance of his residence.

"PROGRAM AUTHORIZATION

"SEC. 1012. (a) The Commissioner shall carry out a program of making grants to community colleges in order to improve educational opportunities through community colleges as provided in this title.

"(b) For the purpose of carrying out this part, there are authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1973, $75,000,000 for the fiscal year ending June 30, 1974, and $150,000,000 for the fiscal year ending June 30, 1975.

"APPORTIONMENT

"SEC. 1013. (a) From the sums appropriated pursuant to section 1012(b) for each fiscal year the Commissioner shall apportion not more than 5 per centum thereof among Puerto Rico, Guam, American Samoa, and the Virgin Islands according to their respective needs. From the remainder of such sums the Commissioner shall apportion to each State an amount which bears the same ratio to such remainder as the population aged eighteen and over in such State bears to the total of such population in all States. For the purpose of the second sentence of this subsection, the term 'State' does not include Puerto Rico, Guam, American Samoa, and the Virgin Islands.

"(b) The portion of any State's apportionment under subsection (a) for a fiscal year which the Commissioner determines will not be required, for the period such apportionment is available, for carrying out the purposes of this part shall be available for reapportionment from time to time, on such dates during such period as the Commissioner shall fix, to other States in proportion to the original apportionments to such States under subsection (a) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum which the Commissioner estimates such State needs and will be able to use for such period for carrying out such portion of its State application approved under this part, and the total of such reductions shall be similarly reapportioned among the States whose proportionate amounts are not so reduced. Any amount reapportioned to a State under this subsection during a year shall be deemed part of its apportionment under subsection (a) for such year.

"ESTABLISHMENT GRANTS

"SEC. 1014. (a) The Commissioner is authorized to make grants to new community colleges to assist them in planning, developing, establishing, and conducting initial operations of new community colleges in areas of the States in which there are no existing community colleges or in which existing community colleges cannot adequately provide postsecondary educational opportunities for all of the residents thereof who desire and can benefit from postsecondary education.

"(b) For the purposes of subsection (a), the term 'new community college' means a board of trustees or other governing board (or its equivalent) which is established by, or pursuant to, the law of a State, or local government, for the purpose of establishing a community college, as defined in section 1019 or any existing board so established which has the authority to create, and is in the process of establishing, a new community college.

"EXPANSION GRANTS

"SEC. 1015. The Commissioner is authorized to make grants to existing community colleges to assist them—

"(1) in expanding their enrollment capacities,

"(2) in establishing new campuses, and

"(3) in altering or modifying their educational programs,

in order that they may (A) more adequately meet the needs, interests, and potential benefits of the communities they serve, or (B) provide educational programs especially suited to the needs of educationally disadvantaged persons residing in such communities.

"APPLICATIONS; FEDERAL SHARE

"SEC. 1016. (a)(1) Grants under sections 1014 and 1015 may be made only upon application to the Commissioner. Applications for assistance under such sections shall be submitted at such time, in such manner and form, and containing such information as the Commissioner shall require by regulation.

"(2) No application submitted pursuant to paragraph (1) shall be approved unless the Commissioner determines that it is consistent with the plan approved by him from the State in which the applicant is located under section 1001.

"(b)(1) No application for assistance under section 1014 or 1015 shall be approved for a period of assistance in excess of four years.

"(2) The Federal share of carrying out the project for which assistance is sought in an application submitted pursuant to this section shall not exceed—

"(A) 40 per centum of such cost for the first year of assistance;

"(B) 30 per centum thereof for the second year of assistance;

"(C) 20 per centum thereof for the third year of assistance; and

"(D) 10 per centum thereof for the fourth year of assistance.

"(c)(1) Funds appropriated pursuant to section 1012 and granted under section 1014 or 1015 shall, subject to paragraph (2), be available for those activities the Commissioner determines to be necessary to carry out the purposes of such sections.

"(2) Such funds may be used (A) to remodel or renovate existing facilities, or (B) to equip men and existing facilities, but such funds may not be used for the construction of new facilities or the acquisition of existing facilities.

"LEASE OF FACILITIES

"SEC. 1017. (a) The Commissioner is authorized to make grants to community colleges to enable them to lease facilities, for a period of not to exceed five years, in connection with activities carried out by them under section 1014 or section 1015.

"(b) The Federal share of carrying out a project through a grant under this section shall not exceed—

"(1) 90 per centum of the cost of such project for the first year of assistance under this section;

"(2) 70 per centum thereof for the second such year;

"(3) 50 per centum thereof for the third such year;

"(4) 30 per centum thereof for the fourth such year; and

"(5) 20 per centum thereof for the fifth such year.

"PAYMENTS

"SEC. 1018. From the amount apportioned to each State pursuant to section 1013, the Commissioner shall pay to each applicant from that State which has had an application for assistance approved under this part the Federal share of the amount expended under such application.

"DEFINITION

"SEC. 1019. As used in this title, the term 'community college' means any junior college, technical institute, or any other educational institution (which may include a four-year institution of higher education or a branch thereof) in any State which—

"(1) is legally authorized within such State to provide a program of education beyond secondary education;

"(2) admits as regular students high school graduates or equivalent, or persons at least eighteen years of age;

"(3) provides a two-year postsecondary educational program leading to an associate degree, or acceptable for credit toward a bachelor's degree, and also provides programs of postsecondary veocational, technical, occupational, and specialized education;

"(4) is a public or other nonprofit institution;

"(5) is accredited as an institution by a nationally recognized accrediting agency or association, or if not so accredited—

"(A) is an institution that has obtained recognized preaccreditation status from a nationally recognized accrediting body, or

"(B) is an institution whose credits are accepted on transfer, by not less than three accredited institutions, for credit on the same basis as if transferred from an institution so accredited.

"COMMUNITY COLLEGE UNIT

"SEC. 1020. (a) There is established, in the Office of Education, a Community College Unit (hereinafter in this section referred to as the 'Unit') which shall have the responsibility for coordinating all programs administered by the Commissioner which affect, or can benefit, community colleges, including those authorized by this Act, and the Vocational Education Act of 1963.

"(b) The Unit shall be headed by a Director who shall be placed in grade 17 of the General Schedule set forth in section 5332 of title 5, United States code."

(2) The position created by section 1020 of the Higher Education Act of 1965 shall be in addition to the number of positions placed in that grade under section 5108 of title 5, United States Code.

(b) The amendment made by subsection (a) shall be effective after June 30, 1972.

EXTENSION OF TITLES IV AND VI OF THE NATIONAL DEFENSE EDUCATION ACT OF 1958 AND OF THE INTERNATIONAL EDUCATION ACT OF 1966

SEC. 184. (a)(1) Section 402(a) of the National Defense Education Act of 1958 is amended by striking out "seven succeeding fiscal years" and inserting in lieu thereof "eight succeeding fiscal years".

(2)(A) The first sentence of section 601 of such Act is amended by striking out "during the period beginning July 1, 1958, and ending with the close of June 30, 1971,".

(B) Section 603 of such Act is amended by striking out "for the fiscal year ending June 30, 1971," and inserting in lieu thereof "for each of the fiscal years ending June 30. 1971, and June 30, 1972,".

(b) The second sentence of section 105(a) of the International Education Act of 1966 is amended by striking out "July 1, 1971" and inserting in lieu thereof "July 1, 1972".

The amendments made by subsections (b) and (c) shall be effective after June 30, 1971.

PART J—LAW SCHOOL CLINICAL EXPERIENCE PROGRAMS

AMENDMENTS TO TITLE XI OF THE HIGHER EDUCATION ACT OF 1965

SEC. 191. (a) Title XI of the Higher Education Act of 1965 is amended by inserting "grant or" before "contract", and "grants or" before "contracts" wherever they appear.

(b)(1) Section 1101(a) of such Act is amended by striking out "The" where it appears at the beginning of such section, and inserting in lieu thereof the following: "In order to provide law students and experience, based on effective experimental programs, in dealing directly with the problems of the disadvantaged and other individuals and groups in society adversely affected by circumstances beyond their capacity to control, the".

(2) Such section 1101(a) is amended by inserting "for students" before "clinical", and striking out "to students in the practice of law, with preference being given to to programs providing such experience, to the extent practicable, in", and inserting in lieu thereof "in providing legal services and advice, including".

(c) Clause (5) of section 1101(b) of such Act is amended to read as follows:

"(5) equipment and library resources; and".

(d) Section 1101(d) of such Act is amended by striking out all that follows "association", and inserting in lieu thereof "listed by the Commissioner as a nationally recognized accrediting agency."

(e) Section 1103 of such Act is amended by striking out "$340,000 for the fiscal year ending June 30, 1969", and by striking out "fiscal years ending June 30, 1970, and June 30, 1971", and inserting in lieu thereof "succeeding fiscal years ending prior to July 1, 1975". Such section is further amended by striking out the second sentence.

(f) The amendments made by this section shall be effective after June 30, 1971.

TITLE II—VOCATIONAL EDUCATION

SPECIAL PROGRAMS FOR THE DISADVANTAGED

SEC. 201. Section 102(b) of the Vocational Education Act of 1963 is amended by inserting after "1972," the following: "and for the fiscal year ending prior to July 1, 1973,".

BUREAU OF OCCUPATIONAL AND ADULT EDUCATION

SEC. 202. (a)(1) The Vocational Education Act of 1963 is amended by inserting after section 104 the following new section:

"FEDERAL ADMINISTRATION

"SEC. 105. (a) There is established within the Office of Education a Bureau of Occupational and Adult Education, hereinafter in this section referred to as the 'Bureau', which shall be responsible for carrying out those responsibilities of the Commissioner which he is authorzed to delegate under ths Act, the Adult Education Act, and any other Act vesting authority in the Commissioner for vocational, occupational, or career education (including manpower training) or for adult or continuing education.

"(b)(1) The Bureau shall be headed by an Associate Commissioner, who shall be appointed by the Commissioner and who shall be compensated at the rate specified for grade 18 of the General Schedule set forth in section 5332 of title 5, United States Code.

"(2) Additional positions are created for, and shall be assigned to, the Bureau as follows:

"(A) Three positions to be placed in grade 17 of such General Schedule, one of which shall be filled by a person with broad experience in the field of junior and community college education.

"(B) Seven positions to be placed in grade 16 of such General Schedule, at least two of which shall be filled by persons with broad experience in the field of postsecondary-occupational education in community and junior colleges, at least one of which shall be filled by a person with broad experience in education in private proprietary institutions, and at least one of which shall be filled by a person with professional experience in occupational guidance and counseling.

"(c) The Commission is authorized to delegate any of his functions under this Act or under the Adult Education Act, except the approval of State plans under section 123 of this Act and section 306 of the Adult Education Act, to the Associate Commissioner."

(2) The positions created by section 105 (b) of the Vocational Education Act of 1963, as amended by paragraph (1), shall be in addition to the number of positions placed in the appropriate grades under section 5108 of title 5, United States Code.

(b) The amendment made by subsection (a) shall be effective July 1, 1972.

CLARIFICATION OF DEFINITION OF VOCATIONAL EDUCATION WITH RESPECT TO INDUSTRIAL ARTS PROGRAMS; INCLUSION OF VOLUNTEER FIREMEN

SEC. 203. (a) Section 108(1) of the Vocational Education Act of 1963 is amended by inserting at the end thereof the following new sentence: "Such term includes industrial arts education programs in cases where the Commissioner determines by regulation that such programs will accomplish or facilitate one or more of the purposes of the first sentence of this paragraph.".

(b) Such section 108(1) is further amended by inserting immediately after the word "employment" the first time it appears in such section the following: "(including volunteer firemen)".

EXEMPLARY PROGRAMS AND PROJECTS

SEC. 204. Section 142(a) of the Vocational Education Act of 1963 is amended by striking out "two" and inserting in lieu thereof "three".

RESIDENTIAL VOCATIONAL SCHOOLS

SEC. 205. (a) Section 151(b) of the Vocational Education Act of 1963 is amended by striking out "the succeeding fiscal year" and inserting in lieu thereof "each of the succeeding fiscal years ending prior to July 1, 1973".

(b) Section 152(a)(1) of such Act is amended by striking out "July 1, 1972" and inserting in lieu thereof "July 1, 1973".

(c) Section 153(d)(2) of such Act is amended by striking out "July 1, 1971" and inserting in lieu thereof "July 1 of each of the two succeeding fiscal years".

CONSUMER AND HOMEMAKING EDUCATION

SEC. 206. (a) Section 161(a)(1) of the Vocational Education Act of 1963 is amended by striking out "the fiscal year ending June 30, 1972" and inserting in lieu thereof "each of the succeeding fiscal years ending prior to July 1, 1973".

(b) Section 161(c) of such Act is amended by striking out "and the two succeeding" and inserting in lieu thereof "and the three succeeding".

COOPERATIVE VOCATIONAL EDUCATION

SEC. 207. Section 172(a) of the Vocational Education Act of 1963 is amended by striking out "the fiscal year ending June 30, 1972" and inserting in lieu thereof "each of the succeeding fiscal years ending prior to July 1, 1973".

WORK-STUDY PROGRAMS

SEC. 208. Section 181(a) of the Vocational Education Act of 1963 is amended by inserting after "June 30, 1972," the following: "and for each of the succeeding fiscal years ending prior to July 1, 1973,".

CURRICULUM DEVELOPMENT

SEC. 209. Section 191(b) of the Vocational Education Act of 1963 is amended by striking out "July 1, 1972" and inserting in lieu thereof "July 1, 1973".

TITLE III—ESTABLISHMENT OF A NATIONAL FOUNDATION FOR POSTSECONDARY EDUCATION AND A NATIONAL INSTITUTE OF EDUCATION

AMENDMENT TO THE GENERAL EDUCATION PROVISIONS ACT

SEC. 301. (a) The General Education Provisions Act (title IV of Public Law 90-247) is amended—

(1) by redesignating parts A, B, and C thereof, and all references thereto, as parts B, C, and D and redesignating sections 401, 402, 403, 404, 405, 406, 411, 412, 413, 414, 415, 416, 417, 421, 422, 423, 424, 425, 426, 431, 432, 433, 434, 435, 436, 437, 438, and all references thereto, as sections 400, 411, 412, 413, 414, 415, 421, 422, 423, 424, 425, 426, 427, 431, 432, 433, 434, 435, 436, 441, 442, 443, 444, 445, 446, 447, and 448, respectively; and

(2) by inserting after section 400 (as so redesignated by clause (1)) the following new part:

"PART A—EDUCATION DIVISION OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

"THE EDUCATION DIVISION

"SEC. 401. There shall be, within the Department of Health, Education, and Welfare, an Education Division which shall be composed of the Office of Education, the National Foundation for Postsecondary Education, and the National Institute of Education, and shall be headed by the Commissioner of Education.

"THE OFFICE OF EDUCATION

"SEC. 402. (a) The purpose and duties of the Office of Education shall be to collect statistics and facts showing the condition and progress of education in the United States, and to disseminate such information respecting the organization and management of schools and school systems, and methods of teaching, as shall aid the people of the United States in the establishment and maintenance of efficient school systems, and otherwise promote the cause of education throughout the country. Nothing in this section, or any other provision of law, shall be construed to grant the Office of Education any authority which is not expressly provided for by statute or implied therein.

"(b)(1) The management of the Office of Education shall, subject to the direction and supervision of the Secretary, be entrusted to a Commissioner of Education, who shall be appointed by the President by and with the advice and consent of the Senate, and who shall serve at the pleasure of the President.

"(2) There shall be a Deputy Commissioner of Education (referred to in this section as 'Deputy Commissioner') who shall be appointed by the President, by and with the advice and consent of the Senate, and shall serve at the pleasure of the President, and who shall perform such duties as the Commissioner may prescribe by regulation. The Deputy Commissioner shall serve as Commissioner during the absence or disability of the Commissioner or in the event of a vacancy in the Office of the Commissioner.

"(3) Persons holding the offices created by paragraphs (1) and (2) shall be compensated at the following rates specified for the Executive Schedule in subchapter II of title 5, United States Code:

"(A) The Commissioner shall be compensated at the rate provided for level IV under section 5315 thereof.

"(B) The Deputy Commissioner shall be compensated at the rate provided for level V under section 5316 thereof.

"(4) The Commissioner and the Deputy Commissioner may not engage in any other business, vocation, or employment while serving in any such position; nor may either of them, except with the express approval of the President in writing, hold any office in, or act in any capacity for, or have a financial interest in, any organization, agency, or institution to which the Office of Education makes a grant or with which it makes a contract or other financial arangement.

"(5) There are hereby created six additional positions wtihin the Office of Education which shall be placed in grade 18 of the General Schedule set forth in section 5332 of title 5, United States Code; and such positions shall be in addition to the number of positions placed in that grade under section 5108 of such title.

"NATIONAL FOUNDATION FOR POSTSECONDARY EDUCATION

"SEC. 403. (a) (1) The National Foundation for Postsecondary Education (referred to in this section as the 'Foundation'), shall consist of a Postsecondary Education Board (referred to in this section as the 'Board') and a Director. The Foundation shall have only such authority as may be vested therein by this section or delegated thereto by the Commissioner and shall be subject to the general regulations of the Commissioner promulgated for its management.

"(2) It shall be the purpose of the Foundation—

"(A) to encourage excellence, innovation, and reform in postsecondary education;

"(B) to provide assistance for the design and establishment of innovative structures for providing postsecondary education and innovative modes of teaching and learning therein;

"(C) to expand the ways and patterns of acquiring postsecondary education and to open opportunities for such education to individuals of all ages and circumstances;

"(D) to strengthen the autonomy, individuality, and sense of mission of postsecondary educational institutions, and to support programs which are distinctive or of special value to American society; and

"(E) to encourage postsecondary educational institutions to develop policies, programs, and practices responsive to social needs, and to provide an organization concerned with the rationalization of public policies toward postsecondary education.

"(b) (1) The Board shall consist of fifteen members, at least one of whom shall be a student at the time of his appointment, appointed by the President, by and with the advice and consent of the Senate, the Director, and such other ex officio members who are officers of the United States as the President may designate. Eight members (excluding ex officio members) shall constitute a quorum. The Chairman of the Board shall be designated by the President from among its appointed members. Ex officio members shall not have a vote on the Board.

"(2) The term of office of members of the Board (other than ex officio members) shall be six years, except that (A) any member appointed to fill a vacancy shall serve only such portion of a term as shall not have been expired at the time of such appointment, and (B) in the case of initial members, five shall serve for terms of four years and five for terms of two years. Any person, whose term of office is subject to this paragraph, who has been a member of the Board for six consecutive years shall thereafter be ineligible for appointment to the Board during the two-year period following the expiration of such sixth year.

"(3) Subject to general regulations of the Commissioner promulgated for the management of the Foundation, the Board shall—

"(A) establish general policies for, and review the conduct of, the Foundation;

"(B) meet at the call of the Chairman of the Board, except that it shall meet (i) at least four times during each fiscal year, or (ii) whenever one-third of the members request a meeting in writing, in which event one-third of the members (excluding ex officio members) shall constitute a quorum;

"(C) submit an annual report to the President on the activities of the Foundation and the status of postsecondary education in the United States, which (i) shall include such recommendations and comments as the Board may deem appropriate, and (ii) shall be submitted to the Congress not later than March 31 of each year;

"(D) make and submit to the President and the Congress such other reports as it may deem necessary.

"The Board shall have the responsibility for the general policies with respect to the powers, duties, and authorities vested in the Foundation under this section. The Director shall make available to the Board such information and assistance as may be necessary to enable the Board to carry out its functions.

"(c) (1) The Director of the Foundation (referred to in this section as the 'Director') shall be appointed by the President, by and with the advice and consent of the Senate, and shall serve at the pleasure of the President. The Director shall be compensated at the rate provided for level V of the Executive Schedule under section 5316 of title 5, United States Code, and shall perform such duties and exercise such powers as the Board, subject to general regulations of the Commissioner, may prescribe.

"(2) There shall be a Deputy Director of the Foundation (referred to in this section as the 'Deputy Director') who shall be appointed by the President and shall serve at the pleasure of the President. The Deputy Director shall be compensated at the rate provided for grade 18 of the General Schedule set forth in section 5332 of title 5, United States Code. The Deputy Director shall exercise such powers as the Director may prescribe and Deputy Director shall serve as Director during the absence or disability of the Director or in the event of a vacancy in the Office of Director. The position created by this paragraph shall be in addition to the number of positions placed in grade 18 of the General Schedule under section 5108 of title 5, United States Code.

"(3) There are hereby created three additional positions within the Foundation which shall be placed in grade 18 of the General Schedule set forth in section 5332 of title 5, United States Code; and such positions shall be in addition to the number of positions placed in that grade under section 5108 of such title.

"(d) The Foundation is authorized to make grants to, and contracts with, institutions of higher education (including combinations of such institutions) and other public and private educational institutions and agencies (except that no grant shall be made to an educational instiution or agency other than a nonprofit institution or agency) to improve postsecondary educational opportunities by providing assistance for—

"(1) encouraging the reform, innovation, and improvement of postsecondary education, and providing equal educational opportunity for all;

"(2) the creation of institutions and programs involving new paths to career and professional training, and new combinations of academic and experiential learning;

"(3) the establishment of institutions and programs based on the technology of communications;

"(4) the carrying out in postsecondary educational institutions of changes in internal structure and operations designed to clarify institutional priorities and purposes;

"(5) the design and introduction of cost-effective methods of instruction and operation;

"(6) the introduction of institutional reforms designed to expand individual opportunities for entering and reentering institutions and pursuing programs of study tailored to individual needs;

"(7) the introduction of reforms in graduate education, in the structure of academic professions, and in the recruitment and retention of faculties;

"(8) the creation of new institutions and programs for examining and awarding credentials to individuals, and the introduction of reforms in current institutional practices related thereto;

"(e) In carrying out this section, the Director shall have the authority—

"(1) to enter into contracts without performance or other bonds, and without regard to section 3709 of the Revised Statutes (41 U.S.C. 5);

"(2) to make advance, progress, and other payments without regard to the provisions of section 3648 of the Revised Statutes (31 U.S.C. 529);

"(3) to receive money and other property donated, bequeathed, or devised to the Foundation with or without a condition or restriction, including a condition that the Foundation use other funds for the purposes of the gift; and to use, sell, or otherwise dispose of such property for the purposes of this section;

"(4) to publish or arrange for the publication of information without regard to the provisions of section 501 of title 44, United States Code;

"(5) to accept and utilize the services of voluntary and uncompensated personnel, notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)), and to provide transportation and substitutence as authorized by section 5703 of title 5, United States Code, for persons serving without compensation;

"(6) to arrange with and reimburse the heads of other Federal agencies for the performance of any activity which the Foundation is authorized to conduct; and

"(7) to appoint, for terms not to exceed three years, and compensate without regard to the civil service or classification laws such technical or professional employees of the Foundation as he deems necessary to accomplish its functions, and also to appoint and compensate without regard to such laws not to exceed one-fifth of the number of full-time, regular technical or professional employees of the Foundation.

"(f) There is authorized to be appropriated, without fiscal year limitations, $250,000,000, in the aggregate, for the period beginning July 1, 1972, and ending June 30, 1975, to carry out the functions of the Foundation. Sums so appropriated shall, notwithstanding any other provision of law, unless enacted in express limitation of this subsection, remain available for the purposes of this section until expended.

"NATIONAL INSTITUTE OF EDUCATION

"SEC. 404. (a) (1) The National Institute of Education (hereinafter referred to as the 'Institute') shall consist of a National Council on Educational Research (hereinafter referred to as the 'Council') and a Director of the Institute (hereinafter referred to as the 'Director'). The Institute shall have only such authority as may be vested therein by this section and shall be subject to general regulations of the Commissioner promulgated for its management.

"(2) The Institute shall, in accordance with the provisions of this section, seek to improve education, including career education, in the United States through—

"(A) helping to solve or to alleviate the problems of, and achieve the objectives of American education;

"(B) advancing the practice of education, as an art, science, and profession;

"(C) the strengthening of the scientific and technological foundations of education; and

"(D) building an effective educational research and development system.

"(b) (1) The Council shall consist of fifteen members appointed by the President, by and with the advice and consent of the Senate, the Director, and such other ex officio members who are officers of the United States as the President may designate. Eight members of the Council (excluding ex officio members) shall constitute a quorum. The Chairman of the Council shall be designated from among its appointed members by the President. Ex officio members shall not have a vote on the Council.

"(2) The term of office of the members of the Council (other than ex officio members) shall be three years, except that (A) any member appointed to fill a vacancy shall serve only such portion of a term as shall not have been expired at the time of such appointment, and (B) in the case of initial members, five shall serve terms of two years and five shall serve terms of one year. Any appointed member who has been a member of the Council for six consecutive years shall thereafter be ineligible for appointment to the Council during the two-year period following the expiration of such sixth year.

"(3) Subject to general regulations of the Commissioner promulgated for the management of the Institute, the Council shall—

"(A) establish general policies for, and review the conduct of, the Institute;

"(B) review, and advise the 'Commissioner on the status of, educational research in the United States;

"(C) meet at the call of the Chairman, except that it shall meet (i) at least six times during each fiscal year, or (ii) whenever one-third of the members request a meeting in writing, in which event one-third of the members (excluding ex officio members) shall constitute a quorum;

"(D) submit an annual report to the President on the activities of the Institute, and on educational research in general, which (i) shall include such recommendations and comments as the Council may deem appropriate, and (ii) shall be submitted to the Congress not later than March 31 of each year; and

"(E) make and submit to the President and the Congress such other reports as it may deem necessary.

The council shall have the responsibility for the general policies with respect to the powers, duties, and authorities vested in the Institute under this section. The Director shall make available to the Council such information and assistance as may be necessary to enable the Council to carry out its functions.

"(c) (1) The Director of the Institute shall be appointed by the President, by and with the advice and consent of the Senate, and shall serve at the pleasure of the President. The Director shall be compensated at the rate provided for level V of the Executive Schedule under section 5316 of title 5, United States Code, and shall perform such duties and exercise such powers and authorities as the Council, subject to general regulations of the Commissioner, may prescribe.

"(2) There shall be a Deputy Director of the Institute (referred to in this section as the 'Deputy Director') who shall be appointed by the President and shall serve at the pleasure of the President. The Deputy Director shall be compensated at the rate provided for grade 18 of the General Schedule set forth in section 5332 of title 5, United States Code, and shall act for the Director during the absence or disability of the Director and exercise such powers and authorities as the Director may prescribe. The position created by this paragraph shall be in addition to the number of positions placed in grade 18 of the General Schedule under section 5108 of title 5, United States Code.

"(3) There are hereby created three additional positions within the Institute which shall be placed in grade 18 of the General Schedule set forth in section 5332 of title 5, United States Code; and such positions shall be in addition to the number of positions placed in that grade under section 5108 of such title.

"(d) (1) In order to carry out the objectives of the Institute, the Commissioner is authorized, through the Institute, to conduct educational research; collect and disseminate the findings of educational research; train individuals in educational research; assist and foster such research, collection, dissemination, or training through grants, or technical assistance to, or jointly financed cooperative arrangements with, public or private organizations, institutions, agencies, or individuals; promote the coordination of such research and research support within the Federal Government; and may construct or provide (by grant or otherwise) for such facilities as he determines may be required to accomplish such purposes. As used in this subsection, the term 'educational research' includes research, planning, survey, evaluations, investigations, experiments, developments, and demonstrations in the field of education (including career education).

"(2) The Commissioner may appoint, for terms not to exceed three years, and compensate without regard to the civil service or classification laws, such technical or professional employees of the Institute as he deems necessary to accomplish its functions and also appoint and compensate without regard to such laws not to exceed one-fifth of the number of full-time, regular technical or professional employees of the Institute.

"(e) There are hereby authorized to be appropriated, without fiscal year limitations, $550,000,000, in the aggregate, for the period beginning July 1, 1972, and ending June 30, 1975, to carry out the functions of the Institute. Sums so appropriated shall, notwithstanding any other provision of law unless enacted in express limitation of this subsection, remain available for the purposes of this subsection until expended.".

(b) (1) The amendments may by subsection (a) shall be effective after June 30, 1972.

(2) (A) Effective July 1, 1972, sections 516 and 517 of the Revised Statutes of the United States (20 U.S.C. 1, 2) are repealed.

(B) Effective July 1, 1972, section 422 of the General Education Provisions Act is amended by striking out "(as set forth in section 516 of the Revised Statutes (20 U.S.C. 1))" and inserting in lieu thereof "(as set forth in section 402(a) of this Act)".

(3) (A) Effective July 1, 1972, the functions of the Secretary of Health, Education, and Welfare administered through the Office of Education and the functions of the Commissioner of Education are transferred to the Commissioner of Education established pursuant to section 402 of the General Education Provisions Act.

(B) All orders, determinations, rules, regulations, procedures, or other decisions of the Commissioner of Education which are in effect on June 30, 1972, shall continue to be in effect and shall be deemed to be orders; determinations, rules, regulations, procedures, or other decisions of the Commissioner of Education established under section 402 of such Act until changed or modified in accordance with law. No suit, action, or other proceeding lawfully commenced by or against any office or officer of the United States acting in his official capacity shall abate by reason of any transfer made pursuant to this section, but the court, on motion or supplemental petition filed at any time within twelve months after such transfer takes effect, showing a necessity for a survival of such suit, action, or other proceeding to obtain a settlement of the questions involved, may allow the same to be maintained by or against the appropriate office or officer of the United States.

(C) All personnel, assets, liabilities, contracts, property, and records as are determined by the Commissioner to be necessary for the transitions required under this section, are, effective July 1, 1972, transferred to the Commissioner of Education established pursuant to section 402 of such Act.

(4) Effective July 1, 1972, the Cooperative Research Act is amended by striking out sections 2 and 3.

(5) Effective July 1, 1972, section 421 of the General Education Provisions Act (as redesignated by section 301(a) (1) of this Act) is amended by adding the following new subsection at the end thereof:

"(d) (1) The Commissioner is authorized to make grants to, or contracts with, any public or nonprofit private agency, institution, or organization or contracts with any private agency, institution, or organization for the dissemination of information, for surveys, for exemplary projects in the field of education, and for the conduct of studies related to the management of the Office of Education.

"(2) There are authorized to be appropriated for the fiscal year ending June 30, 1973, and for each of the succeeding fiscal years ending prior to July 1, 1975, $25,000,000 for the purposes of this subsection.

TITLE IV—INDIAN EDUCATION

PART A—REVISION OF IMPACTED AREAS PROGRAM AS IT RELATES TO INDIAN CHILDREN

AMENDMENTS TO PUBLIC LAW 874, EIGHTY-FIRST CONGRESS

SEC. 401. (a) The Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended by redesignating title III as title IV, by redesignating sections 301 through 303 and references thereto as sections 401 through 403, respectively, and by adding after title II the following new title:

"TITLE III—FINANCIAL ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES FOR THE EDUCATION OF INDIAN CHILDREN

"SHORT TITLE

"SEC. 301. This title may be cited as the 'Indian Elementary and Secondary School Assistance Act'.

"DECLARATION OF POLICY

"SEC. 302. (a) In recognition of the special educational needs of Indian students in the United States, Congress hereby declares it to be the policy of the United States to provide financial assistance to local educational agencies to develop and carry out elementary and secondary school programs specially designed to meet these special educational needs.

"(b) The Commissioner shall, in order to effectuate the policy set forth in subsection (a), carry out a program of making grants to local educational agencies which are entitled to payments under this title and which have submitted, and had approved, applications therefor, in accordance with the provisions of this title.

"GRANTS TO LOCAL EDUCATIONAL AGENCIES

"SEC. 303. (a) (1) For the purpose of computing the amount to which a local educational agency is entitled under this title for any fiscal year ending prior to July 1, 1975, the Commissioner shall determine the number of Indian children who were enrolled in the schools of a local educational agency, and for whom such agency provided free public education, during such fiscal year.

"(2) (A) The amount of the grant to which a local educational agency is entitled under this title for any fiscal year shall be an amount equal to (i) the average per pupil expenditure for such agency as determined under subparagraph (C) multiplied by (ii) the sum of the number of children determined under paragraph (1).

"(B) A local educational agency shall not be entitled to receive a grant under this title for any fiscal year unless the number of children under subsection (a), with respect to such agency, is at least ten or constitutes at least 50 per centum of its total enrollment.

"(C) For the purposes of this subsection, the average per pupil expenditure for a local educational agency shall be the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the computation is made, of all of the local educational agencies in the State in which such agency is located, plus any direct current expenditures by such State for the operation of such agencies (without regard to the sources of funds from which either of such expenditures are made), divided by the aggregate number of children who were in average daily enrollment for whom such agencies provided free public education during such preceding fiscal year.

"(b) In addition to the sums appropriated for any fiscal year for grants to local educational agencies under this title, there is hereby authorized to be appropriated for any fiscal year an amount not in excess of 5 per centum of the amount appropriated for payments on the basis of entitlements computed under subsection (a) for that fiscal year, for the purpose of enabling the Commissioner to provide financial assistance to schools on or near reservations which are not local educational agencies or have not been local educational agencies for more than three years, in accordance with the appropriate provisions of this title.

"USE OF FEDERAL FUNDS

"SEC. 304. Grants under this title may be used, in accordance with applications approved under section 305, for—

"(1) planning for and taking other steps leading to the development of programs specifically designed to meet the special educational needs of Indian children, including pilot projects designed to test the effectiveness of plans so developed; and

"(2) the establishment, maintenance, and operation of programs, including, in accordance with special regulations of the Commissioner, minor remodeling of classroom or other space used for such programs and acquisition of necessary equipment, specially designed to meet the special educational needs of Indian children.

"APPLICATION FOR GRANTS; CONDITIONS FOR APPROVAL

"SEC. 305. (a) A grant under this title, except as provided in section 303(b), may be made only to a local educational agency or agencies, and only upon application to the Commissioner at such time or times, in such manner, and containing or accompanied by such information as the Commissioner deems necessary. Such application shall—

"(1) provide that the activities and services for which assistance under this title is sought will be administered by or under the supervision of the applicant;

"(2) set forth a program for carrying out the purposes of section 304, and provide for such methods of administration as are necessary for the proper and efficient operation of the program;

"(3) in the case of an application for payments for planning, provide that (A) the planning was or will be directly related to programs or projects to be carried out under this title and has resulted, or is reasonably likely to result, in a program or project which will be carried out under this title, and (B) the planning funds are needed because of the innovative nature of the program or project or because the local educational agency lacks the resources necessary to plan adequately for programs and projects to be carried out under this title;

"(4) provide that effective procedures, including provisions for appropriate objective measurement of educational achievement, will be adopted for evaluating at least annually the effectiveness of the programs and projects in meeting the special educational needs of Indian children;

"(5) set forth policies and procedures which assure that Federal funds made available under this title for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the education of Indian children and in no case supplant such funds;

"(6) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the applicant under this title; and

"(7) provide for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this title and to determine the extent to which funds provided under this title have been effective in improving the educational opportunities of Indian children in the area served, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

"(b) An application by a local educational agency or agencies for a grant under this title may be approved only if it is consistent with the applicable provisions of this title and—

"(1) meets the requirements set forth in subsection (a);

"(2) provides that the program or project for which application is made—

"(A) will utilize the best available talents and resources (including persons from the Indian community) and will substantially increase the educational opportunities of Indian children in the area to be served by the applicant; and

"(B) has been developed—

"(i) in open consultation with parents of Indian children, teachers, and, where applicable, secondary school students, including public hearings at which such persons have had a full opportunity to understand the program for which assistance is being sought and to offer recommendations thereon, and

"(ii) with the participation and approval of a committee composed of, and selected by, parents of children participating in the program for which assistance is sought, teachers, and, where applicable, secondary school students, of which at least half the members shall be such parents; and

"(C) sets forth such policies and procedures as will insure that the program for which assistance is sought will be operated and evaluated in consultation with, and the involvement of, parents of the children and representatives of the area to be served, including the committee established for the purposes of clause (2)(B)(ii).

"(c) Amendments of applications shall, except as the Commissioner may otherwise provide by or pursuant to regulations, be subject to approval in the same manner as original applications.

"PAYMENTS

"SEC. 306. (a) The Commissioner shall, subject to the provisions of section 307, from time to time pay to each local educational agency which has had an application approved under section 305, an amount equal to the amount expended or to be expended by such agency in carrying out activities under such application.

"(b)(1) No payments shall be made under this title for any fiscal year to any local educational agency in a State which has taken into consideration payments under this title in determining the eligibility of such local educational agency in that State for State aid, or the amount of that aid, with respect to the free public education of children during that year or the preceding fiscal year.

"(2) No payments shall be made under this title to any local educational agency for any fiscal year unless the State educational agency finds that the combined fiscal effort (as determined in accordance with regulations of the Commissioner) of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than such combined fiscal effort for that purpose for the second preceding fiscal year.

"ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS

"SEC. 307. (a) If the sums appropriated for any fiscal year for making payments under this title are not sufficient to pay in full the total amounts which all local educational agencies are eligible to receive under this title for that fiscal year, the maximum amounts which all such agencies are eligible to receive under this title for such fiscal year shall be ratably reduced. In case additional funds become available for making such payments for any fiscal year during which the first sentence of this subsection is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

"(b) In the case of any fiscal year in which the maximum amounts for which local educational agencies are eligible have been reduced under the first sentence of subsection (a), and in which additional funds have not been made available to pay in full the total of such maximum amounts under the second sentence of such subsection, the Commissioner shall fix dates prior to which each local educational agency shall report to him on the amount of funds available to it, under the terms of section 306(a) and subsection (a) of this section, which it estimates, in accordance with regulations of the Commissioner, that it will expend under approved applications. The amounts so available to any local educational agency, or any amount which would be available to any other local education agency if it were to submit an approvable application therefor, which the Commissioner determines will not be used for the period of its availability, shall be available for allocation to those local educational agencies, in the manner provided in the second sentence of subsection (a), which the Commissioner determines will need additional funds to carry out approved applications, except that no local educational agency shall receive an amount under this sentence which, when added to the amount available to it under subsection (a), exceeds its entitlement under section 303.

"DEFINITION

"SEC. 308. As used in this title, the term 'Indian' means any individual who (1) is an enrolled member of a tribe, band, or other organized group of Indians, including those tribes, bands or groups terminated since 1940 and those recognized now or in the future by the State in which they reside, or who is a descendant, in the first or second degree, of any such enrolled member, or (2) is considered by the Secretary of the Interior to be an Indian for any purpose, or (3) is an Eskimo or Aleut or other Alaska Native, or (4) is determined to be an Indian under regulations promulgated by the Commissioner, after consultation with the National Advisory Council on Indian Education, which regulations shall further define the term 'Indian'.".

(b) Effective July 1, 1972, paragraph (1) of section 103(a) of title I of the Elementary and Secondary Education Act of 1965 is amended—

(A) by striking out subparagraph (B), and by striking out "(A)" where it appears after "SEC. 103. (a)(1)";

(B) in the fourth sentence thereof, by striking out "and the terms upon which payment shall be made to the Department of Interior"; and

(C) by striking out the third sentence thereof.

PART B—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

AMENDMENT TO TITLE VIII OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 421. (a) Title VIII of the Elementary and Secondary Education Act of 1965 is amended by adding to the end thereof the following new section:

"IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR AMERICAN INDIAN CHILDREN

"SEC. 810. (a) The Commissioner shall carry out a program of making grants for the improvement of educational opportunities for American Indian children—

"(1) to support planning, pilot, and demonstration projects, in accordance with subsection (b), which are designed to test and demonstrate the effectiveness of programs for improving educational opportunities for American Indian children;

"(2) to assist in the establishment and operation of programs, in accordance with subsection (c), which are designed to stimulate (A) the provision of educational services not available to American Indian children in sufficient quantity or quality, and (B) the development and establishment of exemplary educational programs to serve as models for regular school programs in which American Indian children are educated;

"(3) to assist in the establishment and operation of preservice and inservice training programs, in accordance with subsection (d), for persons serving Indian children as educational personnel; and

"(4) to encourage the dissemination of information and materials relating to, and the evaluation of the effectiveness of, education programs which may offer educational opportunities to American Indian children.

In the case of activities of the type described in clause (3), preference shall be given to the training of Indians.

"(b) The Commissioner is authorized to make grants to State and local educational agencies and other appropriate public and private educational and research agencies, organizations, and institutions (including federally supported elementary and secondary schools for Indian children) and to Indian tribes to support planning, pilot, and demonstration projects which are designed to plan for, and test and demonstrate the effectiveness of, programs for improving educational opportunities for American Indian children, including—

"(1) innovative programs related to the educational needs of educationally deprived children;

"(2) bilingual and bicultural education programs and projects;

"(3) special health and nutrition services, and other related activities, which meet the special health, social, and psychological problems of Indian children; and

"(4) coordinating the operation of other federally assisted programs which may be used to assist in meeting the needs of such children.

"(c) The Commissioner is also authorized to make grants to State and local educational agencies and to tribal and other Indian community organizations to assist and stimulate them in developing and establishing educational services and programs specifically designed to improve educational opportunities for American Indian children. Grants may be used—

"(1) to provide educational services not available to such children in sufficient quantity or quality, including—

"(A) remedial and compensatory instruction, school health, physical education, psychological, and other services designed to assist and encourage Indian children to enter, remain in, or reenter elementary or secondary school;

"(B) comprehensive academic and vocational instruction;

"(C) instructional materials (such as library books, textbooks, and other printed or published or audiovisual materials) and equipment;

"(D) comprehensive guidance, counseling, and testing services;

"(E) special education programs for handicapped;

"(F) preschool programs;

"(G) bilingual and bicultural education programs; and

"(H) other services which meet the purposes of this subsection; and

"(2) for the establishment and operation of exemplary and innovative educational programs and centers, involving new educational approaches, methods, and techniques designed to enrich programs of elementary and secondary education for Indian children.

"(d) The Commissioner is also authorized to make grants to institutions of higher education and to State and local educational agencies, in combination with institutions of higher education, for carrying out programs and projects—

"(1) to prepare persons to serve Indian children as teachers, teacher aides, social workers, and ancillary educational personnel; and

"(2) to improve the qualifications of such persons who are serving Indian children in such capacities. Grants for the purposes of this subsection may be used for the establishment of fellowship programs leading to an advanced degree, for institutes and, as part of a continuing program, for seminars, symposia, workshops, and conferences.

"(e) The Commissioner is also authorized to make grants to, and contracts with, public and private agencies, organizations, and institutions (except that no grant may be made to an agency, organization, or institution other than one which is nonprofit) for—

"(1) the dissemination of information concerning education programs, services, and resources available to Indian children, including evaluations thereof; and

"(2) the evaluation of the effectiveness of federally assisted programs in which Indian children may participate in achieving the purposes of such programs with respect to such children.

"(f) Applications for a grant under this section shall be submitted at such time, in such manner, and shall contain such information, and shall be consistent with such criteria, as may be established as requirements in regulations promulgated by the Commissioner. Such applications shall—

"(1) set forth a statement describing the activities for which assistance is sought;

"(2) in the case of an application for the purposes of subsection (c), subject to such criteria as the Commissioner shall prescribe, provide for the use of funds available under this section, and for the coordination of other resources available to the applicant, in order to insure that, within the scope of the purpose of the project, there will be a comprehensive program to achieve the purposes of this section;

"(3) in the case of an application for the purposes of subsection (c), make adequate provision for the training of the personnel participating in the project; and

"(4) provide for an evaluation of the effectiveness of the project in achieving its purposes and those of this section.

The Commissioner shall not approve an application for a grant under subsection (b) or (c) unless he is satisfied that such application, and any documents submitted with respect thereto, show that there has been adequate participation by the parents of the children to be served and tribal communities in the planning and development of the project, and that there will be such a participation in the operation and evaluation of the project. In approving applications under this section, the Commissioner shall give priority to applications from Indian educational agencies, organizations, and institutions.

"(g) For the purpose of making grants under this section there are hereby authorized to be appropriated \$25,000,000 for the fiscal year ending June 30, 1973, and \$35,000,000 for each of the two succeeding fiscal years.".

(b)(1) Effective after June 30, 1972, the Elementary and Secondary Education Act of 1965 is amended—

(A) in section 202(a)(1), by striking out "(A) the Secretary of the Interior the amount necessary for such assistance for children and teachers in elementary and secondary schools operated for Indian children by the Department of the Interior, and (B)" and by striking out "Secretary of the Interior and the".

(B) in section 302(a)(1), by striking out "(A) the Secretary of the Interior the amount necessary to provide programs and projects for the purpose of this title for individuals on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior, and (B)" and by striking out "Secretary of the Interior and the".

(2) Effective after June 30, 1972, the second sentence of paragraph (1) of section 612(a) of the Education of the Handicapped Act is amended to read as follows: "The Commissioner shall allot the amount appropriated pursuant to this paragraph among Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands, according to their respective needs.".

PART C—SPECIAL PROGRAMS RELATING TO ADULT EDUCATION FOR AMERICAN INDIANS

AMENDMENT TO THE ADULT EDUCATION ACT

SEC. 441. Title III of the Elementary and Secondary Education Amendments of 1966 (the Adult Education Act) is amended by redesignating sections 314 and 315, and all references thereto, as sections 315 and 316, respectively, and by adding after section 313 the following new section:

"IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR ADULT AMERICAN INDIANS

"SEC. 314. (a) The Commissioner shall carry out a program of making grants to State and local educational agencies and other appropriate public and private educational and research agencies, organizations, and institutions, Indian tribes and other Indian organizations, to support planning, pilot, and demonstration projects which are designed to plan for, and test and demonstrate the effectiveness of, programs for providing adult education for American Indians—

"(1) to support planning, pilot, and demonstration projects which are designed to test and demonstrate the effectiveness of programs for improving employment and educational opportunities for adult American Indians;

"(2) to assist in the establishment and operation of programs which are designed to stimulate (A) the provision of basic literacy opportunities to all nonliterate Indian adults, and (B) the provisions of opportunities to all Indian adults to qualify for a high school equivalency certificate in the shortest period of time feasible;

"(3) to support a major research and development program to develop more innovative and effective techniques for achieving the literacy and high school equivalency goals;

"(4) to provide for basic surveys and evaluations thereof to define accurately the extent of the problems of illiteracy and lack of high school completion on Indian reservations;

"(5) to encourage the dissemination of information and materials relating to, and the evaluation of the effectiveness of, education programs which may offer educational opportunities to Indian adults.

"(b) The Commissioner is also authorized to make grants to, and contracts with, public and private agencies, organizations, or institutions, Indian tribes and other Indian organizations (except that no grant may be made to an agency, organization, or institution other than one which is nonprofit) for—

"(1) the dissemination of information concerning educational programs, services, and resources available to Indian adults, including evaluations thereof; and

"(2) the evaluation of the effectiveness of federally assisted programs in which Indian adults may participate in achieving the purposes of such programs with respect to such adults.

"(c) Applications for a grant under this section shall be submitted at such time, in such manner, and contain such information, and shall be consistent with such criteria, as may be established as requirements in regulations promulgated by the Commissioner. Such applications shall—

"(1) set forth a statement describing the activities for which assistance is sought;

"(2) provide for an evaluation of the effectiveness of the project in achieving its purposes and those of this section.

The Commissioner shall not approve an application for a grant under subsection (a) unless he is satisfied that such application, and any documents submitted with respect thereto, indicate that there has been adequate participation by the individuals to be served and tribal communities in the planning and development of the project, and that there will be such a participation in the operation and evaluation of the project. In approving applications under subsection (a), the Commissioner shall give priority to applications from Indian educational agencies, organizations, and institutions.

"(d) For the purpose of making grants under this section there are hereby authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1973, and $8,000,000 for each of the two succeeding fiscal years.".

PART D—BUREAU OF INDIAN EDUCATION

BUREAU OF INDIAN EDUCATION

SEC. 461. (a) There is hereby established, in the Office of Education, a bureau to be known as the "Bureau of Indian Education" which, under the direction of the Commissioner, shall have the responsibility for administering the provisions of title III of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as added by this Act, section 810 of title VIII of the Elementary and Secondary Education Act of 1965, as added by this Act, and section 314 of title III of the Elementary and Secondary Education Amendments of 1966, as added by this Act. The Bureau shall be headed by a Deputy Commissioner of Indian Education, who shall be appointed by the Commissioner of Education from a list of nominees submitted to him by the National Advisory Council on Indian Education.

(b) The Deputy Commissioner of Indian Education shall be compensated at the rate prescribed for, and shall be placed in, grade 18 of the General Schedule set forth in section 5332 of title 5, United States Code, and shall perform such duties as are delegated or assigned to him by the Commissioner. The position created by this subsection shall be in addition to the number of positions placed in grade 18 of such General Schedule under section 5108 of title 5, United States Code.

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

SEC. 462. (a) There is hereby established the National Advisory Council on Indian Education (referred to in this title as the "National Council"), which shall consist of fifteen members who are Indians and Alaskan Natives appointed by the President of the United States. Such appointments shall be made by the President from lists of nominees furnished, from time to time, by Indian tribes and organizations, and shall represent diverse geographic areas of the country.

(b) The National Council shall—

(1) advise the Commissioner of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate from which they can benefit, including title III of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as added by this Act, and section 810, title VIII of the Elementary and Secondary Education Act of 1965, as added by this Act and with respect to adequate funding thereof;

(2) review applications for assistance under title III of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), section 810 of title VIII of the Elementary and Secondary Education Act of 1965, and section 314 of the Adult Education Act, and make recommendations to the Commissioner with respect to their approval;

(3) evaluate programs and projects carried out under any program in which Indian children or adults can participate or from which they can benefit, and disseminate the results of such evaluations;

(4) provide technical assistance to local educational agencies and to Indian educational agencies, institutions, and organizations to assist them in improving the education of Indian children;

(5) assist the Commissioner in developing criteria and regulations for the administration and evaluation of grants made under section 303(b) of the Act of September 30, 1950 (Public Law 814, Eighty-first Congress); and

(6) to submit to the Congress not later than March 31 of each year a report on its activities, which shall include any recommendations it may deem necessary for the improvement of Federal programs in which Indian children and adults participate, or from which they can benefit, which report shall include statement of the National Council's recommendations to the Commissioner with respect to the funding of any such programs.

(c) With respect to functions of the National Council stated in clauses (2), (3), and (4) of subsection (b), the National Council is authorized to contract with any public or private nonprofit agency, institution, or organization for assistance in carrying out such functions.

(d) From the sums appropriated pursuant to section 401(c) of the General Education Provisions Act which are available for the purposes of section 411 of such Act and for part C of such Act, the Commissioner shall make available such sums as may be necessary to enable the National Council to carry out its functions under this section.

PART E—MISCELLANEOUS PROVISIONS

AMENDMENT TO TITLE V OF HIGHER EDUCATION ACT OF 1965

SEC. 481. (a) Section 503(a) of the Higher Education Act of 1965 is amended by inserting after "and higher education," the following: "including the need to provide such programs and education to Indians,".

(b) Part D of title V of the Higher Education Act of 1965 is amended by adding after section 531 the following new section:

"TEACHERS FOR INDIAN CHILDREN

"SEC. 532. (a) Of the sums made available for the purposes of this part, not less than 5 per centum shall be used for grants to, and contracts with, institutions of higher education and other public and private nonprofit agencies and organizations for the purpose of preparing persons to serve as teachers of children living on reservations serviced by elementary and secondary schools for Indian children operated or supported by the Department of the Interior.

"(b) Nothing in this section shall be construed to authorize the transfer of funds available for the purposes of this part to the Secretary of the Interior.".

AMENDMENT TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 482. Section 706(a) of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

"(a) For the purpose of carrying out programs pursuant to this title for individuals on or from reservations serviced by elementary and secondary schools operated on or near such reservation for Indian children, a nonprofit institution or organization of the Indian tribe concerned which operates any such school and which is approved by the Commissioner for the purpose of this section, may be considered to be a local educational agency, as such term is used in this title.".

TITLE V—MISCELLANEOUS

ADMINISTRATION OF PROGRAMS AND PROJECTS

SEC. 501. Section 434 of the General Education Provisions Act (title IV of Public Law 90–247) is amended by—

(1) amending the caption head thereof to read "ADMINISTRATION OF EDUCATION PROGRAMS AND PROJECTS;

(2) striking out "(a)" after "SEC. 424." and inserting in lieu thereof "(a)(1)" and striking out "(b)" and inserting in lieu thereof "(2)";

(3) adding at the end thereof the following new subsection:

"(b) Each application for assistance under any applicable program, with respect to which the Commissioner determines that this subsection should apply, whether such application is approved by the Commissioner or by an agency administering a State plan approved by him and each State plan submitted to the Commissioner under any applicable program shall, as a precondition for approval—

"(1) provide for such methods of administration as are necessary for the proper and efficient administration of the program or project for which application is made;

"(2) set forth such policies and procedures as will insure that Federal funds made available under the application will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such funds, be available for the purposes of the program or project for which application is made, and in no case supplant such funds;

"(3) procedures have been adopted (A) for the periodic evaluation of the effectiveness of the programs to be supported under such title, and (B) for appropriate dissemination of the results of such evaluation;

"(4) make provision for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the applicant under the application; and

"(5) provide for making such reports as the Commissioner may require to carry out his functions.".

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS OF TITLE III OF THE NATIONAL DEFENSE EDUCATION ACT OF 1958

SEC. 502. (a) The first sentence of section 301 of the National Defense Education Act of 1958 is amended by striking out "for the fiscal year ending June 30, 1971" and inserting in lieu thereof "for each of the succeeding fiscal years ending prior to July 1, 1976".

(b) The second sentence of such section 301 is amended by striking out "July 1, 1971" and inserting in lieu thereof "July 1, 1976".

STUDY AND REPORT ON RULES AND REGULATIONS

SEC. 503. (a) The Commissioner shall conduct a study of all rules, regulations, guidelines, or other published interpretations or orders issued by him or by the Secretary of Health, Education, and Welfare (or any of their delegates) in connection with, or affecting, the administration of any program to which the General Education Provisions Act applies, which have been issued after June 30, 1965. Such study shall include a review of each such rule, regulation, guideline, interpretation, or order as it relates to the statutory or other legal authority upon which it is based, and to committee reports relating to such statutory authority.

(b) No later than 120 days after the

enactment of this Act, the Commissioner shall submit a report on the study conducted pursuant to subsection (a) to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives, which report shall include the specific legal authority of each section, or other division, of each rule, regulation, guideline, interpretation, or other order to which this section applies.

(c) Not earlier than one-hundred fifty days after the date of the enactment of this Act nor later than one-hundred eighty days after such date all rules, regulations, guidelines, interpretations, or other orders to which this section applies shall be published in the Federal Register. During the thirty-day period following such publication, the Commissioner shall provide interested parties an opportunity for a public hearing on the matters so published.

(d) After a study of comments and recommendations offered to the Commissioner during the thirty-day period specified in subsection (c), he shall submit a report to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives on such comments and recommendations, and any action he has taken as a result thereof, and he shall, not later than two-hundred ten days after the enactment of this Act, republish all rules, regulations, guidelines, interpretations and orders in the Federal Register, which shall supersede all preceding rules, regulations, guidelines, interpretations and orders issued in connection with, or affecting, any program to which the General Education Provisions Act applies, and become effective thirty days after such republication.

ETHNIC HERITAGE STUDIES CENTERS

SEC. 504. (a) The Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new title:

"TITLE IX—ETHNIC HERITAGE PROGRAMS

"STATEMENT OF POLICY

"SEC. 901. In recognition of the heterogeneous composition of the Nation and of the fact that in a multiethnic society a greater understanding of the contributions of one's own heritage and those of one's fellow citizens can contribute to a more harmonious, patriotic, and committed populace, and in recognition of the principle that all persons in the educational institutions of the Nation should have an opportunity to learn about the differing and unique contributions to the national heritage made by each ethnic group, it is the purpose of this title to provide assistance designed to afford to students opportunities to learn about the nature of their own cultural heritage, and to study the contributions of the cultural heritages of the ethnic groups of the Nation.

"ETHNIC HERITAGE STUDIES CENTERS

"SEC. 902. The Commissioner is authorized to make grants to, and contracts with, public and private nonprofit educational agencies, institutions, and organizations to assist them in planning, developing, establishing, and operating ethnic heritage studies centers, as provided in this title.

"ACTIVITIES OF ETHNIC HERITAGE STUDIES CENTERS

"SEC. 903. Each center assisted under this title shall—

"(1) develop curriculum materials for use in elementary and secondary schools and institutions of higher education relating to the history, geography, society, economy, literature, art, music, drama, language, and general culture of the groups with which the center is concerned, and the contributions of those ethnic groups to the American heritage;

"(2) disseminate curriculum materials to permit their use in elementary and secondary schools and institutions of higher education throughout the Nation;

"(3) provide training for persons using, or preparing to use, curriculum materials developed under this title; and

"(4) cooperate with persons and organizations in the communities being served by the center to assist them in promoting, encouraging, developing, or producing programs or other activities in such communities which relate to the history, culture, or traditions of ethnic groups.

"APPLICATIONS

"SEC. 904. (a) Any public or private nonprofit agency, institution, or organization desiring assistance to establish and operate a center under this title shall make application therefor in accordance with the provisions of this title and other applicable law and with regulations of the Commissioner promulgated for the purposes of this title. The Commissioner shall approve an application under this title only if he determines that—

"(1) the center for which the application seeks assistance will be operated by the applicant and that the applicant will operate such center in accordance with this title;

"(2) such center will be operated under the direction of a Director who will be selected by the Commissioner, in consultation with, and with the approval of, the applicant;

"(3) such center will carry out the activities described in section 903 and will offer programs and courses of study related to all ethnic groups represented in the area to be served; and

"(4) such center has been planned, and will be established and operated, in consultation with an advisory council which is representative of the ethnic groups in the area to be served and of the cultural and educational resources of such area and which is appointed in a manner prescribed by regulation.

"(b) In approving applications under this title, the Commissioner shall insure there is cooperation and coordination of efforts among the Ethnic Heritage Studies Centers assisted under this title, including the exchange of materials and information and joint projects where appropriate.

"ADMINISTRATIVE PROVISIONS

"SEC. 905. (a) In carrying out this title, the Commissioner shall make arrangements which will utilize (1) the research facilities and personnel of institutions of higher education, (2) the special knowledge of ethnic groups in local communities and of foreign students pursing their education in this country, (3) the expertise of teachers in elementary and secondary schools and institutions of higher education, and (4) the talents and experience of any other groups in the regional area to be served by centers assisted under this title such as foundations, civic groups, and fraternal organizations which would further the goals of the centers.

"(b) Funds appropriated to carry out this title may be used to cover all or part of the cost of establishing equipping, and operating the centers, including the cost of research materials and resources, academic consultants, and the cost of training of staff for the purpose of carrying out the purposes of this title. Such funds may also be used to provide stipends (in such amounts as may be determined in accordance with regulations of the Commissioner) to individuals receiving training in such centers, including allowances for dependents.

"NATIONAL ADVISORY COUNCIL

"SEC. 906. (a) There is hereby established a National Advisory Council on Ethnic Heritage Studies consisting of fifteen members appointed by the Secretary who shall be appointed, serve, and be compensated as provided in part D of the General Education Provisions Act.

"(b) Such Council shall, with respect to the program authorized by this title, carry out the duties and functions specified in part D of the General Education Provisions Act.

"APPROPRIATIONS AUTHORIZED

"SEC. 907. For the purposes of carrying out this title, there are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1972, and $20,000,000 for the fiscal year ending June 30, 1973. Sums appropriated pursuant to this section shall, notwithstanding any other provision of law unless enacted in express limitation of this sentence, remain available for expenditure and obligation until the end of the fiscal year succeeding the fiscal year for which they were appropriated."

(b) The amendment made by subsection (a) shall be effective after June 30, 1971.

SEC. 505. (a)(1) The Congress of the United States finds that there do not exist adequate resources for educating and informing consumers about their role as participants in the marketplace.

(2) It is the purpose of the amendment made by this section to encourage and support the development of new improved curricula to prepare consumers for participation in the marketplace to demonstrate the use of such curricula in model educational programs and to evaluate the effectiveness thereof; to provide support for the initiation and maintenance of programs in consumer education at the elementary and secondary and higher education levels; to disseminate curricular materials and other information for use in educational programs throughout the Nation; to provide training programs for teachers, other educational personnel; public service personnel, and community and labor leaders and employees, and government employees at State, Federal, and local levels; to provide for community consumer education programs; and to provide for the preparation and distribution of materials by mass media in dealing with consumer education.

(3) Title VIII of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new section:

"CONSUMERS' EDUCATION PROGRAMS

"SEC. 811. (a) There shall be within the Office of Education, a Director of Consumers' Education (hereafter in this section referred to as the 'Director') who, subject to the management of the Commissioner, shall have primary responsibility for carrying out the provisions of this section and who shall be placed in grade 17 of the General Schedule set forth in section 5332 of title 5, United States Code. The position created by this subsection shall be in addition to the number of positions placed in such grade 17 under section 5108 of title 5, United States Code.

"(b)(1)(A) The Director shall carry out a program of making grants to, and contracts with, institutions of higher education, State and local educational agencies, and other public and private agencies, organizations, and institutions (including libraries) to support research, demonstration, and pilot projects designed to provide consumer education to the public except that no grant may be made other than to a nonprofit agency, organization, or institution.

"(B) Funds appropriated for grants and contracts under this section shall be available for such activities as—

"(i) the development of curricula (including interdisciplinary curricula) in consumer education;

"(ii) dissemination of information relating to such curricula;

"(iii) in the case of grants to State and local educational agencies and institutions of higher education, for the support of education programs at the elementary and secondary and higher education levels; and

"(iv) preservice and inservice training programs and projects (including fellowship programs, institutions, workshops, symposiums, and seminars) for educational personnel to prepare them to teach in subject matter areas associated with consumer education.

In addition to the activities specified in the first sentence of this paragraph, such funds may be used for projects designed to demonstrate, test, and evaluate the effectiveness of any such activities, whether or not assisted under this section. Activities pursuant to this section shall provide bilingual assistance when appropriate.

"(C) Financial assistance under this subsection may be made available only upon application to the Director. Applications under this subsection shall be submitted at such time, in such form, and containing such information as the Director shall prescribe by regulation and shall be approved only if it—

"(i) provides that the activities and service for which assistance is sought will be administered by, or under the supervision of, the applicant;

"(ii) describes a program for carrying out one or more of the purposes set forth in the first sentence of paragraph (2) which holds promise of making a substantial contribution toward attaining the purposes of this section;

"(iii) sets forth such policies and procedures as will insure adequate evaluation of the activities intended to be carried out under the application;

"(iv) sets forth policies and procedures which assure that Federal funds made available under this section for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purposes described in this section, and in no case supplant such funds.

"(v) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section; and

"(vi) provides for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require and for keeping such records, and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

Applications from local educational agencies for financial assistance under this section may be approved by the Director only if the State educational agency has been notified of the application and been given the opportunity to offer recommendations.

"(C) Federal assistance to any program or project under this subsection, other than those involving curriculum development, dissemination of curricular materials, and evaluation, shall support up to 100 per centum of the cost of such program including costs of administration; contributions in kind are acceptable as local contributions to program costs.

"(d) Each recipient of Federal funds under this section shall make such reports and evaluations as the Commissioner shall prescribe by regulation.

"(e) There is authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1973; $25,000,000 for the fiscal year ending June 30, 1974; and $35,000,000 for the year ending June 3, 1975, for carrying out the purposes of this section.".

(b) The amendment made by this section shall be effective after June 30, 1972.

LAND-GRANT STATUS FOR THE COLLEGE OF THE VIRGIN ISLANDS AND THE UNIVERSITY OF GUAM

SEC. 506. (a) The College of the Virgin Islands and the University of Guam shall be considered land-grant colleges established for the benefit of agriculture and mechanic arts in accordance with the provisions of the Act of July 2, 1862, as amended (12 Stat. 503; 7 U.S.C. 301–305, 307, 308).

(b) (1) In lieu of extending to the Virgin Islands and Guam those provisions of the Act of July 2, 1862, as amended, relating to donations of public land or land script for the endowment and maintenance of colleges for the benefit of agriculture and the mechanic arts, there is authorized to be appropriated to the Virgin Islands and Guam an amount computed in accordance with paragraph (2). Amounts appropriated pursuant to this section shall be held and considered to have been granted to the Virgin Islands and Guam subject to the provisions of that Act applicable to the proceeds from the sale of land or land script.

(2) (A) The amounts authorized to be appropriated pursuant to paragraph (1) shall be computed in the following manner:

(i) In the case of the Virgin Islands, the amount so authorized shall be an amount which bears the same ratio to the population of the Virgin Islands at the beginning of the first calendar year which begins after the enactment of this section as $6,000,000 bore to the population of the State of Hawaii as determined by the census of 1950.

(ii) In the case of Guam, the amount so authorized shall be an amount which bears the same ratio to the population of Guam at the beginning of the first calendar year which begins after the enactment of this section as $6,000,000 bore to the population of the State of Hawaii as determined by the census of 1950.

(B) The population of the Virgin Islands and Guam at the beginning of the first calendar year which begins after the enactment of this section shall be estimated by the Commissioner on the basis of the most recent satisfactory data available to him. Estimates of such populations shall be published in the Federal Register as soon as practicable after the beginning of the first calendar year which begins after the enactment of this section.

(c) The Act of August 30, 1890 (26 Stat. 417; 7 U.S.C. 322–326) is amended—

(1) by striking out "and Territory" wherever it appears and inserting in lieu thereof the following: ", Puerto Rico, the Virgin Islands, and Guam";

(2) by striking out "and Territories" wherever it appears and inserting in lieu thereof the following: ", Puerto Rico, the Virgin Islands, and Guam";

(3) by striking out "or Territory" wherever it appears and inserting in lieu thereof the following: ", Puerto Rico, the Virgin Islands, or Guam";

(4) by striking out "or Territories" wherever it appears and inserting in lieu thereof the following: ", Puerto Rico, the Virgin Islands, or Guam"; and

(5) by striking out "or Territorial" where it appears.

(d) Section 22 of the Act of June 29, 1935, as amended (49 Stat. 439; 7 U.S.C. 329), is further amended—

(1) by striking out "and Puerto Rico" wherever it appears and inserting in lieu thereof the following: ", Puerto Rico, the Virgin Islands, and Guam";

(2) by striking out "$7,800,000" and inserting in lieu thereof the figure "$8,100,000"; and

(3) by striking out "$4,320,000" and inserting in lieu thereof the figure "$4,360,000".

(e) The Act of March 4, 1940 (54 Stat. 39; 7 U.S.C. 331) is amended—

(1) by striking out "and Territories" wherever it appears and inserting in lieu thereof the following: ", Puerto Rico, the Virgin Islands, and Guam";

(2) by striking out "or Territories" wherever it appears and inserting in lieu thereof the following: ", Puerto Rico, the Virgin Islands, or Guam"; and

(3) by striking out "State" wherever it appears in the third proviso of that Act and inserting in lieu thereof the following: "State, Puerto Rico, the Virgin Islands, or Guam".

(f) Section 207 of the Agricultural Marketing Act of 1946 (60 Stat. 1091; 7 U.S.C. 1626), is amended by striking out the period at the end of the section and inserting in lieu thereof the following: ", and the term 'State' when used in this chapter shall include the Virgin Islands and Guam.".

(g) Section 3 of the Act of May 8, 1914, as amended (38 Stat. 373; 7 U.S.C. 343), is further amended by redesignating subsection (b) as paragraph (1) of subsection (b), and adding a new paragraph (2) to subsection (b) to read as follows:

"(2) There is authorized to be appropriated for the fiscal year ending June 30, 1971, and for each fiscal year thereafter, for payment to the Virgin Islands and Guam, $100,000 each, which sums shall be in addition to the sums appropriated for the several States of the United States and Puerto Rico under the provisions of this section. The amount paid by the Federal Government to the Virginia Islands and Guam pursuant to this paragraph shall not exceed during any fiscal year, except the fiscal years ending June 30, 1971, and June 30, 1972, when such amount may be used to pay the total cost of providing services pursuant to this Act, the amount available and budgeted for expenditure by the Virgin Islands and Guam for the purposes of this Act.".

(h) Section 10 of the Act of May 8, 1914, is amended by striking out "and Puerto Rico" and inserting in lieu thereof the following: "Puerto Rico, the Virgin Islands, and Guam".

(i) Section 4 of the Act of October 10, 1962 (76 Stat. 806; 16 U.S.C. 582a–3), is amended by striking out the period at the end of the first sentence thereof and inserting in lieu thereof the following: ", except that for the fiscal years ending June 30, 1971, and June 30, 1972, the matching funds requirement hereof shall not be applicable to the Virgin Islands and Guam, and sums authorized for such years for the Virgin Islands and Guam may be used to pay the total cost of programs for forestry research.".

(i) Section 8 of the Act of October 10, 1962 (76 Stat. 807; 16 U.S.C. 582a–7), is amended by striking out the period at the end thereof and inserting in lieu thereof the following: ", the Virgin Islands, and Guam.".

(k) Section 1 of the Act of August 11, 1955 (7 U.S.C. 361a–361i), is amended by striking out the period at the end of the second sentence and inserting in lieu thereof the following: "Guam and the Virgin Islands," and striking out "and" between the words "Hawaii and Puerto Rico.".

(l) Section 3 of the Act of August 11, 1955 (7 U.S.C. 361a–361i) is amended by redesignating subsection (b) as paragraph (1) of subsection (b), and adding a new paragraph (2) to subsection (b) to read as follows:

"(2) There is authorized to be appropriated for the fiscal year ending June 30, 1973, and for each fiscal year thereafter, for payment to the Virgin Islands and Guam, $100,000 each, which sums shall be in addition to the sums appropriated for the several States of the United States and Puerto Rico under the provisions of this section. The amount paid by the Federal Government to the Virgin Islands and Guam pursuant to this paragraph shall not exceed during any fiscal year, except the fiscal years ending June 30, 1971, and June 30, 1972, when such amount may be used to pay the total cost of providing services pursuant to this Act, the amount available and budgeted for expenditure by the Virgin Islands and Guam for the purposes of this Act.".

(m) With respect to the Virgin Islands and Guam, the enactment of this section shall be deemed to satisfy any requirement of State consent contained in laws or provisions of law referred to in this section.

(n) The amendments made by this section shall be effective after June 30, 1970, and this section shall be deemed to have been enacted on such date.

AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 WITH RESPECT TO MIGRATORY CHILDREN OF MIGRATORY AGRICULTURAL WORKERS

SEC. 507. (a) Section 103(a)(6) of title I of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new sentence: "The Commissioner shall by regulation establish criteria for the allocation of funds within each State for which a State educational agency is eligible under this paragraph, after considering the areas of the State and local educational agencies of the State which have the highest concentrations of such children.".

(b) Section 141(c)(1) of such title I is amended by striking out the word "and" at the end of clause (B) of such section, by redesignating clause (C) of such section as clause (D), and by inserting immediately after clause (B) the following new clause (C):

"(C) that, effective after June 30, 1971, in planning and carrying out programs and projects, there has been adequate assurance that provision will be made for the preschool educational needs of migratory children of migratory agricultural workers, whenever such agency determines that compliance with this clause will not detract from the operation of programs and projects described in clause (A) of this paragraph after considering the funds available for this purpose; and".

(c) Section 141(3)(C) of such title I is amended by adding at the end thereof the following new sentence: "Such children who are presently migrant, as determined pursuant to regulations of the Commissioner, shall be given priority in the consideration of programs and activities contained in applications submitted under this section."

(d)(1) The Commissioner shall conduct a study of the operation of title I of the Elementary and Secondary Education Act of 1965 as such title effects the education of migratory children of migratory agricultural workers. Such study shall include an evaluation of the specific programs and projects assisted under such title I for such children, with a view toward the assessment of their effectiveness, and shall include a review of the administration of such programs and projects by the States.

(2) Not later than December 31, 1972, the Commissioner shall submit a report on the study required by paragraph (1), which report shall contain a statement with respect to the effectiveness of individual programs and projects assisted under such title I with respect to migrant children, an evaluation of State administration of such programs and projects, and make recommendations for the improvement of such programs and projects.

TECHNICAL AMENDMENT WITH RESPECT TO NEGLECTED OR DELINQUENT CHILDREN

SEC. 508. Section 103(a)(7) of title I of the Elementary and Secondary Education Act of 1965, is amended by striking out "for children in institutions for neglected or delinquent children" and inserting in lieu thereof the following: "for children in institutions for neglected or delinquent children or in adult correctional institutions, if such funds are used solely for delinquent children".

NUMBER OF MEMBERS OF THE NATIONAL COMMISSION ON SCHOOL FINANCE

SEC. 509. Section 809(d) of Public Law 91–230 is amended by striking out "fifteen members" and inserting in lieu thereof "eighteen members".

Mr. BAYH. Mr. President, a parliamentary inquiry.

Is it appropriate to call up amendments to the Higher Education Act at this time?

The PRESIDING OFFICER. Amendments are in order.

Mr. MANSFIELD. Mr. President, will the Senator withhold offering his amendment until the manager of the bill gets here, because a commitment has been made of 3 days' standing in which the Senator from New Hampshire would like to raise a few questions, which will take about 5 minutes.

AMENDMENT NO. 398

Mr. BAYH. Mr. President, I ask that my amendment No. 398 be read.

The PRESIDING OFFICER. The clerk will read the amendment.

Mr. BAYH. Mr. President, I ask unanimous consent that the amendment be considered as read.

Mr. DOMINICK. Mr. President, I object.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk proceeded to read the amendment.

Mr. BAYH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAYH. I submitted this amendment yesterday. Is there any rule or regulation that requires that it be read?

The PRESIDING OFFICER. When an amendment is called up it must be read.

Mr. BAYH. Even if it has been read when it was submitted?

The PRESIDING OFFICER. The amendment has no status until it is called up.

The clerk will proceed.

The legislative clerk read the amendment (No. 398) as follows:

At the end thereof, add the following new title:

TITLE VI—NONDISCRIMINATION ON THE GROUND OF SEX

NONDISCRIMINATION BY RECIPIENT INSTITUTIONS

SEC. 601. No person in the United States shall, on the ground of sex, be excluded from participation in, be denied the benefits of or be subject to discrimination under any program or activity conducted by a public institution of higher education, or any school or department of graduate education, which is a recipient of Federal financial assistance for any education program or activity. *Provided*, That this subsection shall not apply in regard to admissions for seven years from the date an educational institution begins the process of changing from being an institution which admits only students of one sex to being an institution which admits students of both sexes without discrimination, but only if it is carrying out a plan for such change, approved by the Commissioner of Education, which shall contain requirements for such reports to the Commissioner as will enable him to determine whether the plan is being carried out

SEC. 602. (a) The Secretary of Health, Education, and Welfare, in extending Federal financial assistance to any education program or activity subject to the provisions of section 601, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of section 601 with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the law authorizing the financial assistance in connection with which the action is taken. No such rule, regulation, or order shall become effective unless and until approved by the President.

(b) Compliance with any requirement adopted pursuant to subsection (a) may be effected (1) by the termination of or refusal to grant or to continue assistance to any recipient as to whom there has been an express finding on the record, after opportunity for hearing, of a failure to comply with such requirement, but such termination or refusal shall be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made and such noncompliance has been so found or (2) by any other means authorized by law: *Provided, however*, That no such action shall be taken until the Secretary has advised the appropriate person or persons of the failure to comply with the requirement and has determined that compliance cannot be secured by voluntary means.

(c) In the case of any action terminating, or refusing to grant or continue, assistance because of failure to comply with a requirement imposed pursuant to subsection (a), the Secretary shall file with the committees of the House and Senate having legislative jurisdiction over the program or activity involved a full written report of the circumstances and the grounds for such action. No such action shall become effective until thirty days have elapsed after the filing of such report.

SEC. 603. Any department or agency action taken pursuant to section 602 shall be subject to such judicial review as may otherwise be provided by law for similar action taken by any Federal department or agency on other grounds. In the case of action, not otherwise subject to judicial review, terminating or refusing to grant or to continue financial assistance upon a finding of failure to comply with any requirement imposed pursuant to section 602, any person aggrieved (including any State or political subdivision thereof and any agency of either) may obtain judicial review of such action in accordance with chapter 7 of title 5, United States Code, and such action shall not be deemed committed to unreviewable agency discretion within the meaning of the chapter.

SEC. 604. Nothing in this title shall add to or detract from any existing authority with respect to any education program or activity under which Federal financial assistance is extended by way of a contract of insurance or guaranty.

SUITS AND INTERVENTION BY THE ATTORNEY GENERAL

SEC. 605. Section 401(b), 407(a)(2), 410, and 902 of the Civil Rights Act of 1964 (42 U.S.C. 2000c(b), 2000c–6(a)(2), 2000c–9, 2000h–2), are each amended by inserting after "religion", the following: "sex,".

STUDY BY COMMISSIONER OF EDUCATION

SEC. 606. The Commissioner of Education shall conduct a survey of the higher educational institutions throughout the country, including both public and private educational institutions, at all levels, and institutions for technical and vocational training as well as academic institutions, in order to determine the extent to which equality of educational opportunity is being denied to citizens of the United States by reason of sex. Within twelve months from the date of enactment of this Act the Commissioner shall submit to Congress the results of his survey along with recommendations for legislation to guarantee equality of opportunity in postsecondary education between the sexes. There are authorized to be appropriated such funds as are necessary to carry out the purposes of this section.

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. Mr. President, I yield myself 2 minutes on the amendment, and yield to the Senator from New Hampshire.

Mr. COTTON. Mr. President, I think that under the unanimous-consent agreement I had 5 minutes.

Mr. MANSFIELD. That is right. The Senator from New York just yielded himself 2 minutes. I can yield additional time from this side.

Mr. JAVITS. I yield myself 5 minute under the amendment and yield them to the Senator from New Hampshire.

Mr. MANSFIELD. I yield the Senator five more.

Mr. COTTON. Mr. President, I note that this bill would add to title IV of the Higher Education Act two programs—a program for making basic educational opportunity grants to students and a program for paying cost of instruction allowances to institutions of higher education—and that the amounts to be paid under these programs to any particular student or institution are expressed in terms of "entitlements." Under the first program the Commissioner of Education would be required to pay a basic grant to each undergraduate student enrolled in, or accepted for enrollment at, an institution of higher education. Under the second program, the Commissioner would be required to pay to each institution of higher education, at which there is a student who is a recipient of a basic grant, and institutional allowance. Under both programs the bill prescribes the methods by which the amount of the grant would be determined.

The total cost of paying grants under the basic educational opportunity grant program—and may I say that these are estimates that I obtained from the Department of Health, Education, and Welfare—for only the first fiscal year—fiscal year 1973—is estimated at $940 million, and the total cost over the 3 fiscal years for which the grants are authorized is estimated to be close to $3 billion. The total cost of paying the cost of instruction allowances for the first fiscal year is $674 million, and the total cost over the 3 fiscal years for which the allowances are to be paid is estimated to be $2.1 billion.

In other words, Mr. President, there is a total of, I think, approximately $5.1 billion involved. In view of the amounts involved here, I would appreciate determining the intent of the committee in expressing these payments in terms of "entitlements."

Although the bill, throughout its course, refers to authorizations, as is customary, there is this use of a new term, "entitlements," and it would seem to me, after having the matter drawn to my attention, that it might mean something different from an authorization. The point that I would like to establish as a matter of legislative history is whether—and I address the question both to the distinguished Senator from New York and the distinguished manager of the bill—the use of the term "entitlements" is intended to establish a claim for these grants which will be legally enforceable against the Commissioner of Education and which would automatically require that Federal appropriation be made in amounts sufficient to pay in full all grants to all students and all institutions which met the requirements of the bill.

Mr. JAVITS. Mr. President, I am prepared to reply for the minority. First, however, I would like to yield to the manager of the bill, Senator PELL.

Mr. PELL. I thank the Senator.

In answer to the Senator's question, I would say that the Committee on Labor and Public Welfare carefully considered the cost of going to college and the need for assistance. The amount of entitlements in this bill embodies the most accurate assessment of need that our committee, or, in my opinion, any other committee, could make. Therefore, the committee expects the appropriation for the basic grants to be sufficient to satisfy all entitlements.

If the appropriation is sufficient to satisfy all entitlements, then of course the Commissioner could be sued if he were to fail to pay an entitlement. If, for some reason, the initial appropriation for any year is insufficient to pay all entitlements, a student would have a right to his pro rata share based on the amount appropriated. If, later in that year, say in a supplemental appropriations act, more funds are appropriated, then the student would have a right to an increased payment. To the extent that appropriations satisfy entitlements, students will have a right to enforce their claims against the Government. However, if no funds are appropriated, there is no claim on the basis of which a student could sue.

The PRESIDING OFFICER. The 5 minutes of the Senator from New Hampshire have expired.

Mr. PELL. I yield myself 2 minutes.

Mr. COTTON. Mr. President, before the distinguished Senator from New York summarizes the situation, I should like to ask a few more questions.

Mr. JAVITS. Mr. President, I yield 5 minutes on the bill.

Mr. COTTON. I want to make sure that I understand what the Senator from Rhode Island is saying. Incidentally, I showed him and the Senator from New York the inquiry I was going to make, and I was supplied, late last night, the answer he just read.

Of course, involved in this is the question of whether the appropriating process of Congress is in any way bypassed by this.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. COTTON. I yield.

Mr. YOUNG. May I ask one question? Can the Department spend or obligate more than the money appropriated?

Mr. COTTON. If the Senator will permit me to finish this question, I will bring that out.

If I correctly understand the answer of the distinguished Senator from Rhode Island, it means that if for the first year—I mean fiscal 1973—50 institutions qualified for entitlement and 1 million students qualified—or, in reverse, if 1 million students qualified, which would necessitate 50 institutions—but the appropriation recommended by the Appropriations Committee and enacted by Congress was only sufficient to take care of 25 institutions and a half million students, the very next appropriations made by Congress, whether in a supplemental the same year or the following year, would immediately create a claim against those appropriations. In other words, the appropriation could not be limited and 25 institutions cut out. The appropriation would immediately have to go to the remaining 25 institutions and the remaining half million students for that year, because it is a fixed obligation which, as soon as an appropriation is made for any purpose under title IV, would have to be satisfied.

Am I correct in interpreting the Senator's answer as meaning that?

Mr. PELL. I wish the Senator were correct, for I would like it to have priority. But, in fact, what it means is that it is an item in the appropriations bill, all the appropriated funds would go first to pay the basic grant to students once that is met the institutions can receive the institutional aid if enough funds are appropriated.

Mr. COTTON. The Senator has said:

> If, for some reason, the initial appropriation for any year is insufficient to pay all entitlements, a student would have a right to his pro-rata share based on the amount appropriated. If, later in that year, say in a supplemental appropriation Act, more funds are appropriated, then the student would have a right to an increased payment. To the extent that appropriations satisfy entitlements, students will have a right to enforce their claims against the Government. However, if no funds are appropriated, there is no claim on the basis of which a student could sue.

Mr. PELL. That is correct.

Mr. COTTON. But it seems to me that, according to the Senator's interpretation, we just cannot take care of part of it, as we frequently do, under the appropriation, and next year take care of more, because there is an unsatisfied obligation that has to be supplied first in any subsequent appropriations.

Mr. PELL. No. As the bill is written, it means that if the money appropriated under that item is the full amount, then obviously there is no problem. If it is half the amount, then the students will receive their pro rata share of one-half, then the institutions will not receive a dime. But if there is a supplemental appropriation for that fiscal year, that money goes to complete the student's entitlement and then the institution's would share.

We wrote it this way because we thought it might provide a gentle pressure on the Appropriations Committee to have the institutions at the end of the line pressing for the whole appropriation, which is what we hope will be given.

Mr. JAVITS. Mr. President, I adopt completely what Senator PELL has said.

When the student has been vested with an entitlement by the fact that he is the one admitted as an eligible student by his institution, then everything that Senator PELL has said springs into being.

The last point is this—and now I speak as a lawyer. There can be no debt without a debtor and a creditor. The creditor, once he gets the entitlement, is the student. But the limit of the debtor's liability is the allocated or apportioned part of the appropriation.

Thus, the Appropriations Committee is secure in the fact that, unlike other Federal appropriations—and I gather that is the thrust of the Senator's request—where there exists either a legal obligation, such as interest on the debt, where the Government has contracted to pay interest and if Congress does not appropriate, it has the power to refuse to give the money but it is in default, or in certain twilight zone situations, such as the public housing situation, where there is always the statement that the full faith and credit of the United States has been pledged and that we are deeply and morally in default if we do not appropriate, this creates yet another special category in which there is a responsibility which can be enforced once the United States has actually credited it by an appropriation to which that particular student has become entitled because he is the one picked by his institution.

Other than that, we do not automatically create, nor do we have a full faith and credit pledge that we will appropriate, the full amount.

That is the situation.

Mr. COTTON. Mr. President, will the Senator yield me 2 minutes?

Mr. JAVITS. I yield.

Mr. COTTON. Mr President, I thank both Senators for the light they have thrown on the matter.

I have served with the distinguished Senator from New York for almost a quarter century, with ever increasing respect and admiration for his legal ability, his skill, and his dedication to his principles, so that no matter how wide apart we might be philosophically, I always feel he is able to throw much light on these matters.

One of the favorite expressions of the Senator from New York, when he talks about similar problems, is "words of art." As a member of the Appropriations Committee, I will say frankly that I was somewhat alarmed at the term "entitlements." I felt that word was a word of art.

Now I should like to get down to brass tacks and ask the Senator in terms that can be understood by a country lawyer like the Senator from New Hampshire, and not a city lawyer like the Senator from New York: What is the distinction between an entitlement as used in the proposed bill, and an authorization, so far as the appropriating process is concerned?

Mr. JAVITS. I should like to speak to that. The entitlement gives a vested right to the individual student that if there is money, he will get as much of it as is his share. That is why it is called an entitlement. The word entitlement applies to the student, not to the United States. That is the distinction. The word entitlement applies to the student and not to the United States.

The student gets an entitlement in the sense that he has a vested right when he is the one chosen by his institution. But, what is the extent of his vested right, is the next question. The extent is the amount available. That depends on the appropriation. But the word entitlement is a proper word as it applies to the student.

Mr. COTTON. In other words, if the student is found to be entitled to $1,400 the first year, but the appropriation recommended by the Appropriations Committee and enacted by Congress gives him $1,000——

Mr. JAVITS. Then his entitlement is limited to the $1,000.

Mr. COTTON. Both distinguished Senators have talked about a vested interest or a claim against the Government—the Senator from New York has talked about a moral claim not a legal claim—but what is the status of that $400, as regards the debt of the Congress or the Government?

Mr. JAVITS. If money is available, his entitlement extends to the added $400 or so much as is available. If it is not available, then his entitlement does not have that content, nor does it have a right upon which he can sue and recover.

Mr. COTTON. In the next fiscal year, if Congress appropriates x number of dollars for the program, that student can step in and ask for his $400?

Mr. JAVITS. No. Then we have another class. We have a shift in the whole population which has the entitlement.

Mr. COTTON. In other words, I think this makes clear that the word "entitlement" does not change—I am not talking about the moral obligation—is not intending to change or take away from the appropriation committees of Congress the privilege of treating these as authorizations and appropriating as much of these as they see fit.

Mr. JAVITS. My answer to that, speaking for myself, and the Senator from Rhode Island will hear me, is that, on the part of the United States, the answer to that would be yes. On the part of the student, however, it is that particular student who will be able to collect the money, if there is money available—to wit, by the appropriation.

Mr. COTTON. I thank both Senators. I hope very much that this colloquy will serve to clarify the situation.

Mr. YOUNG. Mr. President, will the Senator from New York yield me 2 minutes?

Mr. JAVITS. I yield 2 minutes to the Senator from North Dakota.

The PRESIDING OFFICER (Mr. CHILES). The Senator from North Dakota is recognized for 2 minutes.

Mr. YOUNG. Mr. President, the Appropriations Committee is always being accused of appropriating money that is not authorized. I am not clear on this discussion yet.

Can anyone, under the program, obligate the Federal Government for more than the amount of money appropriated? It seems to me that it can, that the student would have a prior right on future funds to be appropriated.

If we followed that premise with the Defense Department, we would have a chaotic situation. It would be bad practice all through the Government if we did that.

Am I clear that the Federal Government is not obligated for funds beyond the amount appropriated for that 1 year, that no one has a prior right to funds to be appropriated next year?

Mr. JAVITS. The Senator is correct, but the Federal Government has no liability beyond what it appropriates. The only thing we have is the fact that within the year in which that appropriation first occurred, a particular student could have the right to collect up to the extent of his entitlement, if the appropriation made it possible.

I do not think there is an analogy with the Department of Defense because there is, here, a named student whom the institution verifies as eligible to be the recipient of as much as is available from appropriations up to the amount of his entitlement. That is the difference between this and the Department of Defense situation.

That particular student continues to have that right throughout the fiscal year. But that does not impose any new additional obligation on the United States or in respect of appropriations. Whatever the Appropriations Committee will appropriate, it will appropriate.

Mr. YOUNG. There is a difference in educational institutions as to how they administer a program. One may be liberal in allocating funds to students and they would have many students who would have a prior claim to the next appropriation. Another institution might try to keep within its allocation, and it would be thus penalized.

Mr. JAVITS. No. It is uniform for students in all institutions. So long as that student is in a position to go through with his education, that student, in that fiscal year, has the entitlement.

It is almost analogous to the fact that we may give someone the right to draw on a given fund, if the fund will stand it. We do that, for example, in the Foreign Claims Act. We have done exactly that. We have given the individual creditor on a foreign claim a vessel right to, say, $10,000. The Government may, for the moment, have only enough to pay him 40 cents on the dollar. But that does not mean that he gives up the 60 cents on the dollar. That does not mean that the Government is liable for the 60 cents on the dollar. It does mean that the 60 cents on the dollar, or any part thereof, if available, will go to the foreign claimant.

That is what this comes down to.

Mr. YOUNG. The problem of appropriation committees would be different if, say, $700 million were needed for the next fiscal year for this program and we had to provide for a prior claim of $100 million. We would be obligated for last year's student fund before we could help a future student. So in effect we would have to appropriate $800 million instead of $700 million?

Mr. JAVITS. The Senator from Rhode Island (Mr. PELL) has already made clear that this operation spans only a fiscal year. That is all. At the end of that fiscal year, there is a totally new arrangement regarding the entitlements, so long as it is confined to that fiscal year. I do not see how it complicates the appropriations committees.

Mr. YOUNG. I cannot help feeling it will be setting a precedent.

Mr. COTTON. May I make a statement. I want to say that I was informed after a review in response to the Senator from Rhode Island, that so far as they were concerned, they could live with this arrangement. But it is not entirely a question of whether the Department of HEW can live with it. It is a question of whether the Nation can live with it. If I interpret correctly we are continuing to build up funds that are in the uncontrollable category and not entirely subject to the appropriating process.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator from New York is recognized for an additional minute.

Mr. COTTON. Mr. President, the commitments are now to the point where a comparatively small percentage of the funds we will probably appropriate today in the appropriation bill on HEW are controllable. The President cannot impound them nor use the money. And that might be a desirable object. But the moment we create these direct obligations, even though the committee and Congress can defy them and not fulfill them, I think the more we can endanger our losing control of our fiscal house.

Mr. JAVITS. Mr. President, if I might address both Senators in this manner, let us pierce the legality question momentarily. What we are trying to do is to try to make it possible for young people who would not otherwise be able to do so, to get a college education because they rate an opportunity for it.

We have to give the young person who is going to do that some assurance consistent with the appropriations process. We have tried to do this. We have tried to give him the confidence that if he gets admitted into an eligible school he can, by and large probably have many of his needs met. But we knew that these questions demonstrated more pressure in this method than in the normal appropriations. Of course it will. There will be a lot of individuals involved. But this is not unusual. We are not giving the members of the committee a legal obligation of any new character. We are setting up 1 million young people, and they and their parents are going to be hot on the trail of the committee members to see that these appropriations are entitled. And what is wrong with that?

Mr. COTTON. There is nothing wrong with that. Here is one Senator who wants to vote for the bill. The Senator knows that however conservative I may be in many fields, I am not conservative in anything for the young and the old people and other matters that we take care of in the HEW and education bill.

I am somewhat assured by the statements of both Senators since they are on the legislative committee. I do not care how much pressure is put on us. It is a worthy cause to guarantee education to our youth.

My objective is to make sure that this matter does not have any concealed weapons in it which would deprive the Appropriations Committee, if approved by the Senate and the House, of controlling the budget.

Mr. JAVITS. Mr. President, the answer to the question of the Senator is that it has no concealed weapons other than the fact that there will be individuals who will be interested in doing their best to get the appropriations made. Other than that, we have no obligation.

Mr. COTTON. I thank the Senator.

Mr. COOPER. Mr. President, there is an entitlement of $1,400 in this and appropriations for that fiscal year of $1,000. Is the entitlement of the remaining $400 void at the end of the fiscal year?

Mr. JAVITS. It is void at the end of the fiscal year unless there has been some supplemental or other operation.

Mr. President, I would like to read the statutory provision that resulted in this debate.

It appears in the bill at page 164, line 17, through page 165, line 4.

It reads:

> (B) If, during any period of any fiscal year, the funds available for payments under this subpart are insufficient to fully satisfy all entitlements under this subpart, the amount paid with respect to each such entitlement shall be ratably reduced. When sufficient funds become available for such purpose, the amount of payment to be applied to each holder of a basic grant shall be equal to the difference between the amount paid to that holder under the first sentence of this subparagraph and the amount determined under subsection (a) to be that to which that holder is entitled for that year. No method of computing or manner of distribution of payments shall be used which is inconsistent with this subparagraph.

And the clear interpretation of the whole scheme of distribution is that it is "during any period of any fiscal year."

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. JAVITS. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 additional minutes.

Mr. COOPER. Mr. President, that is probably a matter for the determination of the student. The student has an entitlement to $1,400 and an appropriation is made which would provide $1,000. Would that be given to the student at the time or is it ratably distributed to him through the school year?

Mr. JAVITS. As to the actual distribution, I think that would be very likely distributed to him through the school year. That is the option of the Commissioner of Education who will establish the regulations.

Mr. COOPER. I ask that because there are always some who might take the money and blow it in.

Mr. JAVITS. I thank my colleague.

I am especially solicitous that the Senator from North Dakota is satisfied since he is the ranking minority member of the Appropriations Committee. I hope that as the debate goes on, if the Senator from North Dakota has any further questions, he feels free to ask them.

Mr. YOUNG. I thank the Senator from New York.

The PRESIDING OFFICER. Who yields time?

PRIVILEGE OF THE FLOOR

Mr. KENNEDY. Mr. President, would the Senator yield for a unanimous-consent request?

Mr. PELL. Mr. President, I yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask unanimous consent that Tom Susman, a member of the staff, be permitted to be on the floor of the Senate during the course of the debate on Higher Education.

Mr. JAVITS. Mr. President, I would like to make a similar request for Charles Warren.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, I understand that these individuals will not stay on the floor during the rollcall votes?

Mr. JAVITS. The Senator is correct.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAYH. Mr. President, is the amendment of the Senator from Indiana the pending business?

The PRESIDING OFFICER. It is the pending business.

Mr. BAYH. Mr. President, I send a minor modification of my amendment to the desk.

The PRESIDING OFFICER (Mr. BURDICK). The clerk will read the modification.

The assistant legislative clerk read as follows:

> The Senator from Indiana modifies his amendment as follows:
>
> I hereby modify my amendment number 398, on page 2, lines 6 and 7, by striking the words "Commissioner of Education" and substituting in lieu thereof the words "Secretary of Health, Education, and Welfare".

The PRESIDING OFFICER. The amendment is so modified. Who yields time?

Mr. BAYH. Mr. President, I ask unanimous consent to have the names of the distinguished Senator from Massachusetts (Mr. KENNEDY) and the distinguished Senator from Michigan (Mr. HART) as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. BAYH. Mr. President, I would be pleased to yield to the Senator from New York.

Mr. JAVITS. Mr. President, while the debate is going on, I would like to think, and I would hope that the Senator might think about the possibility of——

Mr. DOMINICK. Mr. President, would the Senator kindly talk so that the rest of us could hear him?

Mr. JAVITS. Mr. President, while the debate is going on, I would like to think, and I would like the Senator to think about this possibility which deals with the real practical problem. Might the Senator consider dividing into two parts the 7-year term for public institutions to become coeducational, reducing the seven to six, and giving 1 year before the amendment would take effect. That is, the amendment would take effect 1 year after the enactment of the bill. We do not know, since we are venturing into the field of thousands of institutions, what problems we may encounter which would vest if the law were immediately operative, although they have 7 years to carry it out.

In this way, if there are violent objections or somebody thinks we made a mistake it would give us an opportunity to do what they think we should do in this regard.

In view of the fact that this is a major measure and we are dealing with millions of students and hundreds of institutions, it seems to me the Senator should consider if that should not be a proper precaution. It would not extend the time further, but split the period in two, one part for the amendment to become operative, and the second part for time to conform.

Mr. BAYH. Mr. President, I think the suggestion is a good one. We do not want to impose any unnecessary hardships. We want these schools to have advance notice.

The Senator from New York (Mr. JAVITS) has been a leader in this matter, and the Senator from Indiana would not want this to be interpreted in such a way that present protections are taken away.

Mr. JAVITS. The Senator is correct.

Mr. BAYH. While we are discussing this amendment, I suggest that the staff can be working on adjustments.

Mr. JAVITS. I thank the Senator.

PRIVILEGE OF THE FLOOR

Mr. BAYH. Mr. President, I ask unanimous consent that Paul J. Mode, Jr., one of my staff members, be permitted on the floor during debate on this amendment.

The PRESIDING OFFICER (Mr. BURDICK). Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, does the Senator intend to make a statement in support of the amendment or is he amenable to questions at this time?

Mr. BAYH. I would like to make a brief statement.

Mr. DOMINICK. Fine.

Mr. BAYH. Mr. President, I wish to make a brief statement for the benefit of those Senators who are present and those who might read the RECORD.

Mr. President, the Senate is now considering the Higher Education Act of 1971. Under the able leadership of the distinguished Senator from Rhode Island (Mr. PELL), the committee has brought out a bill which promises to have a revolutionary impact of our American system of higher education.

While we have always looked to education as the ultimate answer to our national problems of poverty, discrimination, and development, never before have we sought to embody this belief in substantive public policy. Now we are attempting to establish access to higher education as a basic Federal right. By establishing a minimum level of scholarship assistance for each needy student who wishes to pursue postsecondary education, we hope to break forever the bonds that have tied generation upon generation to the ghettoes and economic backwaters of America.

But as we seek to help those who have been the victims of economic discrimination, let us not forget those Americans who have been subject to other, more subtle but still pernicious forms of discrimination. As we turn our attention to these provisions of the Higher Education Act, let us insure that no American will be denied access to higher education because of race, color, religion, national origin, or sex. Today I am submitting an amendment to this bill which will guarantee that women, too, enjoy the educational opportunity every American deserves.

The problem is greater than most of us realize. While over 50 percent of our population is female, there is no effective protection for them as they seek admission to and employment in educational facilities. The antidiscrimination provisions of the Civil Rights Act of 1964 do not deal with sex discrimination by our institutions of higher learning. Indeed, title IV of the act, dealing with discrimination in education, expressly provides that—

> Nothing in this title shall prohibit classification and assignment for reasons *other than* race, color, religion, or national origin.

We allow this gap in our civil rights laws to continue despite the fact that the evidence of sex discrimination is truly appalling. While racial discrimination has been explicitly prohibited for nearly 20 years, only a few months ago the Supreme Court summarily affirmed a lower court decision upholding the constitutionality of a State's maintenance of a branch of its public university system on a sexually segregated basis.

Between January 1970 and March 1971, the Women's Equity Action League found it necessary to file charges of sex discrimination against over 250 colleges and universities—fully 10 percent of all our institutions of higher learning. Among the respondents in this suit are the entire public college and university systems of Florida, California, and New Jersey.

How equal is educational opportunity when admissions brochures for a State university can explicitly state—as one did recently: "Admission of women on the freshmen level will be restricted to those who are especially well qualified"?

How can we possibly justify an arbitrary and compulsory ratio of 2½ men to every woman at a State university? How can we tolerate discrimination by a land-grant college that refuses all women admission to regular academic sessions unless they are related to employees or students and are pursuing a course of study otherwise unavailable?

Today women seeking employment in higher education face an array of obstacles almost as insuperable as those which used to face blacks. WEAL has compiled statistics indicating that Columbia University annually awards 24 percent of its doctorates to women, but that it has awarded 2 percent of its tenured faculty positions to females; and the last time the Department of Psychology at Berkeley hired a woman was in 1924. In short, just as in other professions an old axiom applies: the higher the rank, the fewer the women.

And this is not, I submit, because women are uninterested in pursuing such careers. Most female Ph. D.'s do not marry and give up their careers; 91 percent of the women with doctorates are working today. Moreover, in a study of 2,000 women 10 years after they have received their doctorates, 79 percent had yet to interrupt their careers. The diligence of these women is worthy of note: By way of contrast 10 percent more men than women had interrupted their careers within 10 years of completing their doctoral program.

If Congress is to solve this knotty problem, if the benefits of a free and open society are to be extended to all Americans, now is the time to act. Coming before us under the Pell bill is the most far-reaching program of Federal aid to higher education ever debated in this body. I support this bill wholeheartedly. But I also believe that constructive changes—such as the ones I am proposing today—can and should be adopted. I do hope that my colleagues will give this issue their most careful attention, and that, after having looked over the provisions of my amendment, they will lend their support to this important cause.

As one Member of this body who has been and is greatly concerned about the equality of opportunity for women, I would not want this argument to devolve into disputes of whether this would require equal restrooms or equal incarceration in penitentiaries. It seems to me that such disputes are merely strawmen to take our attention away from the real inequities that do in fact exist.

I doubt if most of our male citizens, in particular, male legislators, realize the degree to which these inequities exist.

I will ask unanimous consent to have printed in the RECORD information which shows the type discrimination to which I refer, but I shall quickly touch on it

In the 1968 period, there were 393,000 male degrees conferred and 279,000 female degrees conferred. As the quality or intensity of the degree increases the discrimination increased. Master's degrees for the same year show 114,000 men and 63,000 women. Among law students, only 5.9 percent were women, and among medical students, only 8.3 percent.

Mr. President, to depict in some small way what this means in terms of reducing our Nation's potential, I point out that when I toured the Soviet Union several years ago with my family I was impressed by the extent to which they are using female expertise to provide medical care.

If there is any area in which we have a shortage, and a problem with which we have been unable to come to grips, it is in providing adequate medical care to all of our people.

There are a number of measures pending before this body and Congress, and one is presently in the conference committee, but we will still not be able to deal with the problem of adequate medical care until we find a way to get additional medical technicians and doctors.

To the degree our educational system does not allow us to educate women for health services, we are falling short.

One of the ways we are falling short is in relation to admissions to medical schools. Only 7 percent of the students in our medical schools are women. Seventy-five percent are women in the Soviet Union.

I am not suggesting we open the doors of our medical schools simply to increase the number to 75 percent, but we do hope to wipe aside some of the discrimination that exists today intentionally or unintentionally. This is the thrust of the amendment.

My proposed amendment contains three major provisions, which I would like to describe briefly. First, nondiscrimination by recipient institutions. Section 601 expressly prohibits discrimination on account of sex—including the denial of admission or benefits—by any public institution of higher education or any institution of graduate education receiving Federal educational financial assistance.

In connection with the discussion with the Senator from New York (Mr. Javits) I certainly would not object to delaying the effective date to 1 year after enactment, and then providing 6 years for its implementation. This delay, let me hasten to add, would only apply in the case of an institution which is carrying out a plan approved and supervised by the Commissioner of Education, for changing from admitting only students of one sex to admitting students of both sexes.

If a public institution at the undergraduate level or any institution of graduate instruction professes to have a policy of equal access to all students, it seems to me there should be no necessity for a period of transition. However, if there is a public or private institution where there are either all male students or all female students, then the dramatic change to equal educational opportunity for both sexes would require some period of adjustment.

It is for that purpose we permitted the 1-year delay and 6-year transition as suggested by the Senator from New York.

Sections 602–604 contain enforcement, judicial review, and other technical provisions for the implementation of the section 601 prohibition. These provisions are similar to those provided under title VI of the 1964 Civil Rights Act—forbidding discrimination in federally assisted programs—which does not presently include a prohibition on sex discrimination.

Second, suits and intervention by Attorney General. Section 605 would amend title IV of the 1964 Civil Rights Act by adding discrimination by reason of sex to the present grounds—race, color, religion, or national origin—on which the Attorney General can initiate legal proceedings on behalf of individuals alleging that they have "been denied admission to or not permitted to continue in attendance at a public college." Title IV requires the Attorney General to believe that the claim is meritorious, that the complainants are otherwise unable to prosecute it, and that the institution of the action will materially further the orderly elimination of such discrimination. In order to conform with the changes described above, section 902 of the Civil Rights Act is also amended by extending to cases of sex discrimination the Attorney General's power to intervene, on behalf of the United States, in such litigation already commended by others. These amendments were recommended by President Nixon's Task Force on Women's Rights and Responsibilities in its report, "A Matter of Simple Justice," April 1970.

Third, study by Commissioner of Education. Section 606 requires the Commissioner of Education to conduct a nationwide survey of both public and private higher educational institutions—including institutions for technical and vocational training—to determine the extent to which equality of educational opportunity is being denied to citizens of the United States by reason of sex. Within 12 months from the date of enactment, the Commissioner must submit to Congress the results of his survey along with recommendations for legislation to guarantee equality of opportunity in higher education between the sexes. This amendment was also recommended by President Nixon's Task Force on Women's Rights and Responsibilities.

I urge the Senate to adopt this amendment, and to take a forward step, both in higher education and in protecting equal rights for all Americans.

I ask unanimous consent that the text of my amendment, a summary, and excerpts from President Nixon's task force report be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 659

At the end thereof, add the following new title:

TITLE VI—NONDISCRIMINATION ON THE GROUND OF SEX

NONDISCRIMINATION BY RECIPIENT INSTITUTIONS

Sec. 601. No person in the United States shall, on the ground of sex, be excluded from participation in, be denied the benefits of or be subject to discrimination under any program or activity conducted by a public institution of higher education, or any school or department of graduate education, which is a recipient of Federal financial assistance for any education program or activity, provided that this subsection shall not apply in regard to admissions for seven years from the date an educational institution begins the process of changing from being an institution which admits only students of one sex to being an institution which admits students of both sexes without discrimination but only if it is carrying out a plan for such change, approved by the Commissioner of Education, which shall contain requirements for such reports to the Commissioner as will enable him to determine whether the plan is being carried out.

Sec. 602(a) The Secretary of Health, Education, and Welfare, in extending Federal financial assistance to any education program or activity subject to the provisions of Section 601, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of section 601 with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the law authorizing the financial assistance in connection with which the action is taken. No such rule, regulation, or order shall become effective unless and until approved by the President.

(b) Compliance with any requirement adopted pursuant to subsection (a) may be effected (1) by the termination of or refusal to grant or to continue assistance to any recipient as to whom there has been an express finding on the record, after opportunity for hearing, of a failure to comply with such requirement, but such termination or refusal shall be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made and such noncompliance has been so found or (2) by any other means authorized by law provided: However, that no such action shall be taken until the Secretary has advised the appropriate person or persons of the failure to comply with the requirement and has determined that compliance cannot be secured by voluntary means.

(c) In the case of any action terminating, or refusing to grant or continue, assistance because of failure to comply with a requirement imposed pursuant to subsection (a), the Secretary shall file with the committees of the House and Senate having legislative jurisdiction over the program or activity involved a full written report of the circumstances and the grounds for such action. No such action shall become effective until thirty days have elapsed after the filing of such report.

Sec. 603. Any department or agency action taken pursuant to section 602 shall be subject to such judicial review as may otherwise be provided by law for similar action takèn by any Federal department or agency on other grounds. In the case of action, not otherwise subject to judicial review, terminating or refusing to grant or to continue financial assistance upon a finding of failure to comply with any requirement imposed pursuant to section 602, any person aggrieved (including any State or political subdivision thereof and any agency of either) may obtain judicial review of such action in accordance with chapter 7 of title 5, United States Code, and such action shall not be deemed committed to unreviewable agency discretion within the meaning of the chapter.

Sec. 604. Nothing in this title shall add to or detract from any existing authority with respect to any education program or activity under which Federal financial assistance is extended by way of a contract of insurance or guaranty.

SUITS AND INTERVENTION BY THE ATTORNEY GENERAL

Sec. 605. Sections 401(b), 407(a)(2), 410, and 902 of the Civil Rights Act of 1964 (42 U.S.C. 2000c(b), 2000c–6(a)(2), 2000c–9, 2000h–2) are each amended by inserting after "religion", the following: "sex,".

STUDY BY COMMISSIONER OF EDUCATION

Sec. 606. The Commissioner of Education shall conduct a survey of the higher educational institutions throughout the country, including both public and private educational institutions, at all levels, and institutions for technical and vocational training as well as academic institutions, in order to determine the extent to which equality of educational opportunity is being denied to citizens of the United States by reason of sex. Within 12 months from the date of enactment of this Act the Commissioner shall submit to Congress the results of his survey along with recommendations for legislation to guarantee equality of opportunity in post-secondary education between the sexes. There are authorized to be appropriated such funds as are necessary to carry out the purposes of this section.

Summary of Proposed Title VI—Nondiscrimination on the Ground of Sex

Nondiscrimination By Recipient Institutions. Section 601 expressly prohibits discrimination on account of sex—including the denial of admission or benefits—by any public institution of higher education or any institution of graduate education receiving Federal educational financial assistance. As to admissions the applicability of the section is delayed for up to seven years in the case of any institution carrying out a plan, approved and supervised by the Commissioner of Education, for changing from admitting only students of one sex to admitting students of both sexes.

Sections 602–604 contain enforcement, judicial review and other technical provisions for the implementation of the section 601 prohibition. These provisions are similar to those provided under Title VI of the 1964 Civil Rights Act—forbidding discrimination in federally assisted programs—which does not presently include a prohibition on sex discrimination.

Suits and Intervention By Attorney General. Section 605 would amend Title IV of the 1964 Civil Rights Act by adding discrimination by reason of sex to the present grounds (race, color, religion, or national origin) on which the Attorney General can initiate legal proceedings on behalf of individuals alleging that they have "been denied admission to or not permitted to continue in attendance at a public college." (Title IV requires the Attorney General to believe that the claim is meritorious, that the complainants are otherwise unable to prosecute it, and that the institution of the action will materially further the orderly elimination of such discrimination.) In order to conform with the changes described above, Section 902 of the Civil Rights Act is also amended by extending to cases of sex discrimination the Attorney General's power to *intervene*, on behalf of the United States, in such litigation already commenced by others. These amendments were recommended by President Nixon's Task Force on Women's Rights and Responsibilities in its report, "A Matter of Simple Justice," April 1970.

Study by Commissioner of Education. Section 606 requires the Commissioner of Education to conduct a nationwide survey of both public and private higher educational institutions (including institutions for technical and vocational training) to determine the extent to which equality of educational opportunity is being denied to citizens of the United States by reason of sex. Within 12 months from the date of enactment, the Commissioner must submit to Congress the results of his survey along with recommendations for legislation to guarantee equality of opportunity in higher education between the sexes. This amendment was also recommended by President Nixon's Task Force on Women's Rights and Responsibilities.

A Matter of Simple Justice

(Excerpts from: The Report of the President's Task Force on Women's Rights and Responsibilities, April 1970)

Presidential Task Force on Women's Rights and Responsibilities

Washington, D.C., December 15, 1969.

The President,
The White House, Washington, D.C.

Dear Mr. President: As President of the United States, committed to the principle of equal rights for all, your leadership can be crucial to the more than half our citizens who are women and who are now denied their full constitutional and legal rights.

The quality of life to which we aspire and the questioning at home and abroad of our commitment to the democratic ideal make it imperative that our nation utilize to the fullest the potential of all citizens.

Yet the research and deliberation of this Task Force reveal that the United States, as it approaches its 200th anniversary, lags behind other enlightened, and indeed some newly emerging, countries in the role ascribed to women.

Social attitudes are slow to change. So widespread and pervasive are discriminatory practices against women they have come to be regarded, more often than not, as normal. Unless there is clear indication of Administration concern at the highest level, it is unlikely that significant progress can be made in correcting ancient, entrenched injustices.

American women are increasingly aware and restive over the denial of equal opportunity, equal responsibility, even equal protection of the law. An abiding concern for home and children should not, in their view, cut them off from the freedom to choose the role in society to which their interest, education, and training entitle them.

Women do not seek special privileges. They do seek equal rights. They do wish to assume their full responsibilities.

Equality for women is unalterably linked to many broader questions of social justice. Inequities within our society serve to restrict the contribution of both sexes. We have witnessed a decade of rebellion during which black Americans fought for true equality. The battle still rages. Nothing could demonstrate more dramatically the explosive potential of denying fulfillment as human beings to any segment of our society.

What this Task Force recommends is a national commitment to basic changes that will bring women into the mainstream of American life. Such a commitment, we believe, is necessary to healthy psychological, social and economic growth of our society.

The leader who makes possible a fairer and fuller contribution by women to the nation's destiny will reap dividends of productivity measurable in billions of dollars. He will command respect and loyalty beyond measure from those freed from second-class citizenship. He will reaffirm, at a time of renewed worldwide emphasis on human rights, America's fitness for leadership in the community of nations.

His task will not be easy, for he must inspire and persuade government and the private sector to abandon outmoded attitudes based on false promises.

Without such leadership there is danger of accelerating militancy or the kind of deadening apathy that stills progress and inhibits creativity.

Therefore, this Task Force recommends that the President:

1. Establish an Office of Women's Rights and Responsibilities, whose director would serve as a special assistant reporting directly to the President.

2. Call a White House conference on women's rights and responsibilities in 1970, the fiftieth anniversary of the ratification of the suffrage amendment and establishment of the Women's Bureau.

3. Send a message to the Congress citing the widespread discriminations against women, proposing legislation to remedy these inequities, asserting Federal leadership, recommending prompt State action as a corollary, and calling upon the private sector to follow suit.

The message should recommend the following legislation necessary to ensure full legal equality for women:

a. Passage of a joint resolution proposing the equal rights amendment to the Constitution.

b. Amendment of Title VII of the Civil Rights Act of 1964 to (1) remove the burden of enforcement from the aggrieved individual by empowering the Equal Employment Opportunity Commission to enforce the law, and (2) extend coverage to State and local governments and to teachers.

c. Amendment to Titles IV and IX of the Civil Rights Act of 1964 to authorize the Attorney General to aid women and parents of minor girls in suits seeking equal access to public education, and to require the Office of Education to make a survey concerning the lack of equal educational opportunities for individuals by reason of sex.

d. Amendment of Title II of the Civil Rights Act of 1964 to prohibit discrimination because of sex in public accommodations.

e. Amendment of the Civil Rights Act of 1957 to extend the jurisdiction of the Civil Rights Commission to include denial of civil rights because of sex.

f. Amendment of the Fair Labor Standards Act to extend coverage of its equal pay provisions to executive, administrative, and professional employees.

g. Amendment of the Social Security Act to (1) provide benefits to husbands and widowers of disabled and deceased women workers under the same conditions as they are provided to wives and widows of men workers, and (2) provide more equitable retirement benefits for families with working wives.

h. Adoption of the liberalized provisions for child care in the family assistance plan and authorization of Federal aid for child care for families not covered by the family assistance plan.

i. Enactment of legislation to guarantee husbands and children of women employees of the Federal government the same fringe benefits provided for wives and children of male employees in those few areas where inequities still remain.

j. Amendment of the Internal Revenue Code to permit families in which both spouses are employed, families in which one spouse is disabled and the other employed, and families headed by single persons, to deduct from gross income as a business expense some reasonable amounts paid to a housekeeper, nurse, or institution for care of children or disabled dependents.

k. Enactment of legislation authorizing Federal grants on a matching basis for financing State commissions on the status of women.

4. The executive branch of the Federal government should be as seriously concerned with sex discrimination as with race discrimination, and with women in poverty as with men in poverty. Implementation of such a policy will require the following Cabinet-level actions:

a. Immediate issuance by the Secretary of Labor of guidelines to carry out the prohibition against sex discrimination by government contractors, which was added to Executive Order 11246 in October 1967, became effective October 1968, but remains unimplemented.

b. Establishment by the Secretary of Labor of priorities, as sensitive to sex discrimination as to race discrimination, for manpower training programs and in referral to training and employment.

c. Initiation by the Attorney General of legal actions in cases of sex discrimination under sections 706(e) and 707 of the Civil Rights Act of 1964, and intervention or filing of amicus curiae briefs by the Attorney General in pending cases challenging the validity under the 5th and 14th amendments of laws involving disparities based on sex.

d. Establishment of a women's unit in the Office of Education to lead efforts to end discrimination in education because of sex.

e. Collection, tabulation, and publication of all economic and social data collected by the Federal government by sex as well as race.

f. Establishment of a high priority for training for household employment by the

Secretary of Labor and the Secretary of Health, Education, and Welfare.

5. The President should appoint more women to positions of top responsibility in all branches of the Federal government, to achieve a more equitable ratio of men and women. Cabinet and agency heads should be directed to issue firm instructions that qualified women receive equal consideration in hiring and promotions.

Respectfully submitted,
VIRGINIA R. ALLAN,
Chairman.

Elizabeth Athanasakos, Ann R. Blackham, P. Dee Boersma, Evelyn Cunningham, Ann Ida Gannon, B.V.M., Vera Glaser, Dorothy Haener, Patricia Hutar, Katherine B. Massenburg, William C. Mercer, Alan Simpson, Evelyn E. Whitlow.

The President today announced the establishment of the Task Force on Women's Rights and Responsibilities, with Miss Virginia R. Allan, former President of the National Federation of Business & Professional Women's Clubs as the Chairman. The task force will review the present status of women in our society and recommend what might be done in the future to further advance their opportunities.

The members of the Task Force on Women's Rights and Responsibilities are:

Miss Virginia R. Allan, Executive Vice President, Cahalan Drug Stores, Inc., Wyandotte, Michigan.

Hon. Elizabeth Athanasakos, Municipal Court Judge and Practicing Attorney, Fort Lauderdale, Florida.

Mrs. Ann R. Blackham, President, Ann R. Blackham & Company, Winchester, Massachusetts.

Miss P. Dee Boersma, Student Govt. Leader, Graduate Student, Ohio State University, Columbus, Ohio.

Miss Evelyn Cunningham, Director, Women's Unit, Office of the Governor, New York, New York.

Sister Ann Ida Gannon, B.V.M., President, Mundelein College, Chicago, Illinois.

Mrs. Vera Glaser, Correspondent, Knight Newspapers, Washington, D.C.

Miss Dorothy Haener, International Representative, Women's Department, UAW, Detroit, Michigan.

Mrs. Laddie F. Hutar, President, Public Affairs Service Associates, Inc., Chicago, Illinois.

Mrs. Katherine B. Massenburg, Chairman, Maryland Commission on the Status of Women, Baltimore, Maryland.

Mr. William C. Mercer, Vice President, Personnel Relations, American Telephone & Telegraph Co., New York, New York.

Dr. Alan Simpson, President, Vassar College, Poughkeepsie, New York.

Miss Evelyn E. Whitlow, Attorney at Law, Los Angeles, California.

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Title IV and Title IX of the Civil Rights Act of 1964 should be amended to authorize the Attorney General to aid women and parents of minor girls in suits seeking equal access to public education, and to require the Office of Education to make a survey concerning the lack of equal educational opportunities for individuals by reason of sex

Discrimination in education is one of the most damaging injustices women suffer. It denies them equal education and equal employment opportunity, contributing to a second class self image.

There have been enough individual instances and limited surveys publicized recently to make it apparent that substantial discrimination does exist. For example, until forced to do so by legal action, the New York City Board of Education did not admit girls to the Stuyvesant High School,[2] a specialized high school for science with a national reputation for excellence. Legal action recently has forced the State of Virginia to admit women to the University College of Arts and Sciences at Charlottesville.[3]

Higher admission standards for women than for men are widespread in undergraduate schools and are even more discriminatory in graduate and professional schools. For this reason counselors and parents frequently guide young women into the "feminine" occupations without regard to interests, aptitudes and qualifications.

Only 5.9 percent of our law students and 8.3 percent of our medical students are women,[4] although according to the Office of Education women tend to do better than men on tests for admission to law and medical school.

Section 402 of Title IV, passed in 1964, required the Commissioner of Education to conduct a survey of the extent of discrimination because of race, religion, color, or national origin. Title IV should be amended to require a similar survey of discrimination because of sex, not only in practices with respect to students but also in employment of faculty and administration members.

Section 407 of Title IV authorizes the Attorney General to bring suits in behalf of persons denied equal protection of the laws by public school officials. It grants no new rights. While no case relating to sex discrimination in public education has yet reached the Supreme Court, discrimination based on sex in public education should be prohibited by the 14th amendment. The President's Commission on the Status of Women took this position in its 1963 report to the President.[5] Section 902 of the Civil Rights Act authorizes the Attorney General to intervene in cases of this kind after a suit is brought by private parties. Both section 407 and section 902 should be amended to add sex, and section 410 should be similarly amended.

FOOTNOTES

[1] * * *

[2] *De Rivera* v. *Fliedner*, Sup. Ct. N.Y. Civil Action, 00938–69. Resolved by administrative appeal.

[3] *Kirstein et al* v. *University of Virginia*, E. C. Va. Civil Action No. 22069–R.

[4] Executive Secretary, Association of American Law Schools, 1968. Association of American Medical Colleges, 1967.

[5] President's Commission on the Status of Women, *American Women*, p. 45, 1963.

Mr. BAYH. Mr. President, that summarizes quite well what we are trying to do, a task that is extremely important if we sincerely believe that educational opportunity should not be based on sex, just as we earlier said it should not be based on race, national origin, or some of the other discriminations.

Mr. DOMINICK. Mr. President, would the Senator from Indiana mind if I asked some questions and he replied? If he does not have time, I can get some time from the Senator from New York.

Mr. PELL. Mr. President, I will be glad to yield time to the Senator.

Mr. DOMINICK. The reason why I objected to dispensing with the reading of the amendment was that I could not find a printed copy of it. It is our understanding around here that unless we have printed copies, amendments are to be read, unless there is unanimous consent to do otherwise.

Mr. BAYH. I noticed that copies of the amendment were on the desks. It was submitted yesterday. Why the Senator did not receive a copy, I do not know, but I think it was appropriate that it be read.

Mr. DOMINICK. Having had it read and having had a chance to read it, I want to come to page 1, if I may. When the Senator starts out, he talks about a "public institution of higher education." Then he goes on—

> or any school or department of graduate education, which is a recipient of Federal financial assistance for any education program or activity.

I would presume, under that language, therefore, that Senator is talking about department of any university or college, whether it is private or public. Is that correct?

Mr. BAYH. That is correct.

Mr. DOMINICK. Just to give me some feel about this, what does the Senator do about institutions that feel they operate much better, let us say, if they have a ratio of 60 percent men and 40 percent girls, and they want to keep that ratio within their student bodies? How does the amendment deal with the kind of situation where we suddenly find that women want to go into that college because it is made up of 60 percent men students? They apply to enter the school, and their applications are perfectly all right, and then it gets to the 40-percent level. What is to be done then?

Mr. BAYH. Will the Senator define what he means when he says that they feel an institution operates best that way? How does he decide that?

Mr. DOMINICK. I am talking about the institutions themselves. There are a number of colleges and universities around the country which, I think, definitely try to keep a certain quota or a certain ratio as between male and female students, and they feel that their own university, wherever it may be or whatever it may be emphasizing, would provide better educational opportunities, in the broad sense of the word, if it kept that ratio than it would if it had a different mix.

Mr. BAYH. With all respect to the Senator from Colorado, that is the very thing this amendment is trying to prohibit.

Mr. DOMINICK. That is what I wondered about.

Mr. BAYH. That is exactly what this amendment intends to prohibit. It is well and good to say that an institution makes a determination that it operates better with a 60–40 percent ratio of men to women, but what happens if that institution makes the determination that the ratio should be 10 to 1? That is what happens in the medical schools, for example. It is the purpose that those schools should be open to all students on the basis of merit, without the question of sex being involved.

Mr. DOMINICK. We are talking about undergraduates as well as graduates. Just suppose this for a moment. Suppose for a long period of time a college or university has been operated on the basis of 40 percent men and 60 percent girls. I would imagine that there might be quite a few applications by men in view of that particular ratio. They might like that. All of a sudden the thing reverses because there are so many applicants, and there no longer is that ratio or mix.

Mr. BAYH. The amendment does not contain, nor does the Senator from Indiana feel it should contain, a quota which says there has to be a 50–50 ratio to meet the test.

Mr. DOMINICK. I understand what the Senator is trying to do. I am trying to see what the colleges and universities would do. What the Senator is saying is that under his amendment that cannot happen.

Mr. BAYH. Exactly.

Mr. DOMINICK. Presumably the mix between male and female in any particular college or university would depend upon what type of applications it had in any particular year. Is this going to create rather sharp financial problems for a university? Let us suppose there is a 40-percent male and 60-percent female mix in one year, and a great number of male applicants come in. They do very well and all of a sudden it turns around and the mix is the other way. Let us say it becomes 70-percent male and 30-percent female. Would there not be a problem in the facilities?

Mr. BAYH. I do not feel that would happen, it is because of the possibility that the transition from single-sex to equal admission policies might necessitate dramatic changes that the 7-year provision of the Senator from New York has been included in the amendment—the penalty and sanction in this amendment—would not be applicable as long as the institution involved could show that it has embarked upon a program now that will take not to exceed 6 years to remedy the situation.

Mr. DOMINICK. Let us take a private university or college, not a public one, for this question. Let us take a medical school, as the Senator did, which has been, we will say, historically male. What the Senator is saying here is that if a girl has the same applicable quality, she should be allowed in—with which I thoroughly and 100 percent agree.

But what about a divinity school? What does the Senator do about that? It is my understanding that in some religions, at least, members cannot be ordained within that sect who are of one classification or another—male or female.

Mr. BAYH. The authority given to the Secretary of Health, Education, and Welfare in section 602(a) would be, in my judgment, broad enough to take care of that. This is a matter of decision within the particular religion, and I think it could be handled most aptly by the Secretary.

Mr. DOMINICK. Is it the Senator's feeling or the Senator's intent that under section 602 the Secretary can provide waivers of this requirement?

Mr. BAYH. Yes; in this unique situation. I refer especially to a divinity school in which a student is studying to be a member of the clergy; I do not include all institutions which are financed solely by a religious denomination but only those that do not confine their curriculum to theology. There are a number of religious-sponsored schools at the graduate level that give graduate degrees in physics or medicine, and they should be treated just the same as other private institutions are.

Mr. DOMINICK. Let us be thoroughly specific here. Let us take Catholic University. Catholic University is not limited to Catholics. A number of students go to that university who are not Catholics. But where there is a university which is Catholic and is offering divinity courses in the Catholic religion, as far as I know no women would be admitted to them in the Catholic religion. Is this amendment going to require that they be admitted?

Mr. BAYH. Will the Senator from Colorado repeat his question? I could not hear it.

Mr. DOMINICK. Take a Catholic university which is offering a divinity school for priests. Is this amendment going to require that the university open its doors to everyone?

Mr. BAYH. No. I think the Senator is certainly wise in bringing up the question, but I think the rulemaking power of the Secretary of HEW would take care of that. I do not think it is wise for the Congress of the United States to determine whether or not men or women should be priests, preachers or religious figures in any church. That is for the church itself to decide.

Mr. DOMINICK. That is fine. I am trying to build a record; that is the reason why I raise some of these questions now.

Mr. JAVITS. Mr. President, will the Senator yield for a question?

Mr. BAYH. I yield.

Mr. JAVITS. One of the things that HEW wanted us to include was a statement that there could be a differential "where sex is a bona fide ground for such differential treatment."

This, as I read it—and we can get confirmation from the Senator from Indiana—relates to postgraduate institutions even if they are private.

Mr. BAYH. That is correct.

Mr. JAVITS. Does the Senator not think the record should be very clear, to carry out what the Senator has told us just now, that we understand that the Department may include in the rules and regulations orders of general applicability, which are the subject of section 602 (a), also a rule "where sex is a bona fide ground for such differential treatment"?

Then, if anyone complains that that is being abused, there is considerable case law on the subject, and the matter can be contested, but at least it would take care, in a generic way, of the kind of question the Senator from Colorado has raised.

That question is important. For example, it may be that a school does give a doctor of divinity a degree. It may give many other degrees. It could get no help from the Federal Government in connection with a degree of doctor of divinity, but it might get help with mathematics, physics, astronomy, or many other things.

So it would seem to me to be a useful precaution that the legislative history should declare that when we give the Secretary authority to make rules, regulations, or orders of general applicability which may deal with the kind of situation the Senator from Colorado is describing, he may deal with it under the discretionary rulemaking power, provided it is consistent with the objectives of the law.

Mr. BAYH. I agree generally with the Senator from New York. I would not like to see that specific language written into the bill, because all too often this is the hook on which discrimination can be hung. I think our colloquy should be interpreted in the most narrow sense, and that we should deal as narrowly with the specific and the related subjects as can be done. The example that was related by the Senator from Colorado I think the courts have interpreted in the past, and I think it should be interpreted the same way here, as far as sex is concerned.

Mr. DOMINICK. Mr. President, will the Senator yield for a few further questions?

Mr. BAYH. Surely.

Mr. DOMINICK. The provisions on page 1, under section 601, refer to the fact that no one shall be denied the benefits of any program or activity conducted, et cetera.

The words "any program or activity," in what way is the Senator thinking here? Is he thinking in terms of dormitory facilities, is he thinking in terms of athletic facilities or equipment, or in what terms are we dealing here? Or are we dealing with just educational requirements?

I think it is important, for example, because we have institutions of learning which, because of circumstances such as I have pointed out, may feel they do not have dormitory facilities which are adequate, or they may feel, as some institutions are already saying, that you cannot segregate dormitories anyway.

But suppose they want to segregate the dormitories; can they do it?

Mr. BAYH. The rulemaking powers referred to earlier, I think, give the Secretary discretion to take care of this particular policy problem. I do not read this as requiring integration of dormitories between the sexes, nor do I feel it mandates the desegregation of football fields. What we are trying to do is provide equal access for women and men students to the educational process and the extracurricular activities in a school, where there is not a unique facet such as football involved. We are not requiring that intercollegiate football be desegregated, nor that the men's locker room be desegregated.

Mr. DOMINICK. If I may say so, I would have had much more fun playing college football if it had been integrated.

Mr. BAYH. The Senator from Indiana will resist the temptation to remark further on that point.

Mr. DOMINICK. There are a couple of things that I think are worthwhile bringing up. When we get down to section 602 (b), the Senator says that compliance may be effected by the termination of or refusal to grant or to continue assistance to any recipient as to whom there has been an expressed finding on the record, and a failure to comply.

I gather that there is no particular formal hearing allowed on the charge of discrimination, other than the ones which might be set up under the Equal Opportunity Commission; is that correct?

Mr. BAYH. This is identical language, specifically taken from title VI of the 1964 Civil Rights Act, Public Law 88–352, Mr. DOMINICK. Right; I understand that.

Mr. BAYH. This title does require hearings and notice, and the normal administrative procedures are set out.

Mr. DOMINICK. Then the Senator is, in effect, contending that there would be hearings and the right to be heard, and all the usual procedures along that line?

Mr. BAYH. The same procedure that was set up and has operated with great success under the 1964 Civil Rights Act, and the regulations thereunder would be equally applicable to discrimination in this respect.

Mr. DOMINICK. What type of aid the recipient might be getting would be cut off? Let us suppose, for example, that they have guaranteed loans for construction. Let us suppose that they have research grants under the NIH. Let us suppose that they are doing graduate work in some programs authorized by the Defense Department. Just what type of aid are we cutting off here?

Mr. BAYH. We are cutting off all aid that comes through the Department of Health, Education, and Welfare, and as to the specific ones, the Senator has mentioned, I think they would all be included with the exception of research grants made through other departments such as the Department of Defense.

Mr. DOMINICK. The Senator is talking about every program under HEW?

Mr. BAYH. Let me suggest that I would imagine that any person who was sitting at the head of the Department of Health, Education, and Welfare, administering this program, would be reasonable and would use only such leverage as was necessary against the institution.

It is unquestionable, in my judgment, that this would not be directed at specific assistance that was being received by individual students, but would be directed at the institution, and the Secretary would be expected to use good judgment as to how much leverage to apply, and where it could best be applied.

The civil rights experience, as the Senator from Colorado knows, indicates that the very possibility of such a sanction has worked wonders.

The PRESIDING OFFICER. The time of the Senator from Indiana has expired.

Mr. JAVITS. Mr. President, I yield the Senator 5 minutes on the amendment, or on the bill if the manager is agreeable.

Mr. BAYH. Mr. President, the Senator from Indiana was not aware that all this time was coming out of his time. I suppose that I might prevail upon the Senator from Rhode Island for the little time we need.

Mr. DOMINICK. I have 3 hours on my amendment, and I will be glad to give the Senator some of that.

Mr. PELL. Mr. President, I would like to indicate to the Senator from Colorado and the Senator from Indiana that I believe this to be an excellent amendment, and when the time comes, I shall be willing to yield back my time and as floor manager of S. 659, accept it.

I yield the Senator from Indiana whatever time is necessary.

ORDER FOR YEAS OR NAYS ON LABOR-HEW CONFERENCE REPORT AND THE PUBLIC SERVICE JOBS PROGRAM

Mr. BYRD of West Virginia. Mr. President, will the Senator from Indiana yield for a unanimous-consent request?

Mr. BAYH. I yield.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that it be in order at this time to order the yeas and nays on both the Labor-HEW conference report and the $1 billion public service jobs program.

The PRESIDING OFFICER. Is there objection?

Mr. ALLOTT. Mr. President, reserving the right to object, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ALLOTT. The rule of the Senate is that one may not ask for the yeas and nays unless the matter is pending before the Senate.

The PRESIDING OFFICER. That is correct.

Mr. BYRD of West Virginia. That is correct.

Mr. ALLOTT. And the Senator now wants to ask for the yeas and nays on——

Mr. BYRD of West Virginia. On the final passage of the Labor-HEW conference report, and on final passage of the $1 billion public service employment bill.

Mr. ALLOTT. I have no objection.

Mr. DOMINICK. Mr. President, reserving the right to object, that would be for today. Is that correct? I do not want it to be for September.

Mr. BYRD of West Virginia. Hopefully, for today.

Mr. DOMINICK. If it is for September, I would have to object.

Mr. JAVITS. It is for today.

Mr. BYRD of West Virginia. I do not anticipate its being in September, I assure the Senator.

Mr. DOMINICK. Could the distinguished deputy leader restrict it for today's session?

Mr. BYRD of West Virginia. Yes.

Mr. President, I so modify my request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays on both measures mentioned.

The yeas and nays were ordered.

EDUCATION AMENDMENTS OF 1971

The Senate continued with the consideration of the bill (S. 659) to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, and related acts, and for other purposes.

Mr. BAYH. Mr. President, before I proceed further, I send to the desk another modification—suggested by the Senator from New York—so that it may be incorporated at this time.

Also, I ask unanimous consent that the name of the Senator from Kentucky (Mr. COOK) be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The modification will be stated.

The assistant legislative clerk read as follows:

> On page 2 lines 1 and 2, strike out the words "seven years from the date an educational institution begins" and substitute in lieu thereof "one year from the date of enactment, nor for six years thereafter in the case of an educational institution which has begun".

Mr. JAVITS. Mr. President, as does Senator PELL, I believe that we will shortly get to the stage where we will accept it.

Mr. DOMINICK. I am not going to be much longer, but I think we ought to raise some of these points so that we can get a history and a record behind it which may be helpful in the long run.

The next thing I am somewhat concerned about is the fact that we are taking here every private university in the country and putting them under the direction of the Secretary of Health, Education, and Welfare. What kind of reaction does the Senator think will result from that?

Mr. BAYH. Let me suggest to the Senator from Colorado that I think this colloquy has been helpful in trying to define what this means specifically.

I might point out that, so far as involvement or supervision by the Secretary of HEW is concerned, we really are not doing anything to the private school that is not now in the law under title VI of the 1964 Civil Rights Act, relating to discrimination in other areas.

We are saying that the power which now resides in the Federal Government over private institutions shall be extended. We are only adding the 3-letter word "sex" to existing law.

Mr. DOMINICK. I think it is also important to recognize that many private institutions—I do not know whether it is all of them—receive at least 50 percent of their operating costs from the Federal Government. So that, although we claim they are private, they are in fact receiving an enormous amount of help through one agency of Government or another, mostly through the HEW program. I think that also might add to the problem that I am sure will be raised.

Mr. BAYH. I doubt very much whether even one institution of higher education today, private or public, is not receiving some Federal assistance.

Mr. DOMINICK. I believe this colloquy has been very helpful, and I appreciate the frankness of the distinguished Senator from Indiana.

I do not intend to object to it, but I would have had to object if it were not for the Javits amendment. I think that is extremely important, because there will be problems within the next year which will be brought up, I am sure, and on which we may have to legislate in order to try to solve them.

Mr. BAYH. I appreciate the help of the Senator from Colorado. I think the Javits amendment, the amendment proposed by the Senator from New York, has been extremely helpful.

Certainly, we are not trying to penalize any institution, that is trying to deal with the problem of discrimination against women students. We are trying to zero in on those who refuse to move. I think the timetable that is now incorporated in the bill, is consistent with the type of timetable that has been set in the past by court decisions under title VI of the 1964 Civil Rights Act in other areas of discrimination.

The Senator from Indiana is satisfied with the provisions of this amendment. Insofar as they go. However, I, for one would like us to have dealt more forthrightly and perhaps have gone further in relation to private undergraduate schools. But I believe this is significant progress. It will make a tremendous impact, in my judgment, in the areas where there is obvious discrimination.

Mr. GURNEY. Mr. President, will the Senator yield for a question?

Mr. BAYH. I yield.

Mr. GURNEY. Let us consider the situation of a graduate school which has been predominantly male. Let us take, for example, a graduate school of forestry or one of mining, or even one of a technological nature, such as MIT or Rensselaer Polytech, where there is a split—I am using arbitrary figures, because I do not know the actual figures—of 90-percent men and 10-percent women. Would this bill require such an institution to file a plan with the Secretary of HEW to broaden that base to 50–50 or some other percentage that was different from 90–10?

Mr. BAYH. The plan required during the delay on effectiveness of these provisions does not apply to institutions which are presently admitting and educating students of both sexes.

Mr. GURNEY. Only to those that are all male or all female?

Mr. BAYH. Yes. It is meant to allow time for the mechanics of transition, the different facilities that are required to retain the rights of privacy, for example. If both sexes already are represented in classrooms, it seems to me that the problems presented by this type of transition are going to be minimal. If both sexes are not now represented in the classrooms, then it seems to me that we do need to permit some program and time for the transfer.

Mr. GURNEY. I think we may find places where it ought to apply. Some institutions may have a ratio now of 90–10, where they do favor males in place of females, and maintain their constant ratio, where perhaps it ought to be broadened. Does the bill do anything for that?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GURNEY. Mr. President, will the Senator yield me time?

Mr. PELL. I yield the Senator from Florida 5 minutes.

Mr. BAYH. The amendment is not designed to require specific quotas. The bill is designed to deal with the specific example to which the Senator from Florida referred. I do not see how a 90–10 ratio has any relevance. The basis for determining compliance would not be an arbitrary ratio but the qualifications of the students who have made application. That would be the question—how many qualified men students were admitted and whether the institution required significantly higher standards for women students.

Mr. GURNEY. I do not argue with that. I am for the proposal. I agree with it. I want to make sure that it does cover that.

Mr. BAYH. That is what it is designed for.

Mr. GURNEY. The answer is that it does cover institutions beyond those that are all male or all female.

Mr. BAYH. This applies to all public institutions of higher education and to all public and private institutions at the graduate level. The exception that has been discussed by the Senators from New York and Indiana applies only to those institutions that are now all of one sex.

Mr. GURNEY. I thank the Senator.

Mr. BYRD of Virginia. Mr. President, will the Senator from Rhode Island yield me 5 minutes?

Mr. PELL. I yield 5 minutes to the Senator from Virginia.

The PRESIDING OFFICER (Mr. BURDICK). The Senator from Virginia is recognized for 5 minutes.

Mr. BYRD of Virginia. May I query the Senator from Indiana on this point: How would the amendment affect the U.S. Military Academy, the U.S. Naval Academy, the Air Force Academy, and the Coast Guard Academy?

Mr. BAYH. So far the sanction is concerned, the amendment applies only to HEW funds. I have not investigated this but I would be surprised if the Academies were receiving substantial assistance from HEW. The thrust of the amendment, however, it seems to me, should be applied to those institutions, as well as others. Let me emphasize again that we are not requiring quotas. But as long as there are women in the U.S. Army and in other branches of the services, as long as there are women officers, and a woman was appointed general recently, it seems to me that we are not being equitable to the woman who serve in our Armed Forces if we do not give them an equal opportunity to gain that educational excellence that has traditionally eased promotion.

Mr. BYRD of Virginia. That is what is intended, then, that this should apply to all the U.S. military academies, West Point, Annapolis, the Coast Guard, and the Air Force?

Mr. BAYH. That is accurate.

Mr. BYRD of Virginia. That is the Senator's position?

Mr. BAYH. Yes. That is my position for the reason I mentioned earlier. If we are going to have women officers, then I think they should have equal opportunity for promotions.

Mr. BYRD of Virginia. In colloquy with the distinguished Senator from Florida, I understood the Senator from Indiana to say that the ratio in those colleges that now have a ratio of 90 to 10 is not enough and that it should be a different ratio. Is that not a quota system, so to speak?

Mr. BAYH. No. What we are saying is that we are striking down quotas. The thrust of the amendment is to do away with every quota. If there is an institution that has 90-percent men and 10-percent women, or vice versa, and if examination has shown that the ratio of the sexes is not based upon the objective qualifications of the students, this sanction may be applied. We are dealing here with a fact of life, that in most institutions of higher learning a woman, to be admitted, must score significantly higher on admissions tests. And, even if she scores significantly higher on the tests, she may then be confronted with arbitrary exclusion because the quota of women for that school has already been filled.

Mr. BYRD of Virginia. There are many very fine and long-established women's colleges throughout the country. If I understand the Senator's amendment correctly, those women's colleges could no longer be exclusively for women.

Mr. BAYH. Would the Senator care to name a specific college?

Mr. BYRD of Virginia. Well, I am not that familiar with women's colleges because—

Mr. BAYH. Let the Senator from Indiana respond to that and perhaps define what would be covered and what would not be covered.

If the institution to which the Senator from Virginia refers is a public institution, the answer to his question is yes. If it is a private institution, at the undergraduate level, the answer is no. If it is a private institution, at the graduate level, the answer is "Yes."

Mr. BYRD of Virginia. So it would be at the graduate level that it would be impossible to carry on the tradition of exclusivity so far as women students at a women's college are concerned.

Mr. BAYH. That is accurate.

Mr. BYRD of Virginia. Now let us get to some men's colleges. Since the Senator asks for a specific example, I can give him one with regard to men.

The State of Virginia has the Virginia Military Institute. It is entirely for men. It is a military college. Now, as I understand the Senator's amendment, the Virginia Military Institute could no longer be exclusively a military college for men; is that correct?

Mr. BAYH. I think the question raised by the Senator from Virginia, dealing with one of the excellent military or military-oriented institutions, would be similar to the question he raised on military academies.

I have been to the school the Senator from Virginia just mentioned. I neglected to ask him at the time, whether that is a private or a public institution?

Mr. BYRD of Virginia. It is a State-supported institution.

Mr. BAYH. As it is a public institution, it would be covered under the amendment we are discussing now.

Mr. BYRD of Virginia. Does not the Senator from Indiana feel that it is appropriate that there should be some military colleges in the United States to train men for the military services?

Mr. BAYH. I wish it were no longer necessary to have them, but as long as it is necessary, we have to recognize that.

Mr. BYRD of Virginia. I wish it were not necessary also, but I do not think we have reached the stage where we can dismantle our military establishments, although a great many people would like to do that now.

Mr. BAYH. The Senator from Indiana asks a question of the Senator from Virginia: Does he feel that we should continue the policy we now have, of having a significant number of women in the military services, many of whom are officers—one of whom has just been appointed to be a general in the Air Force, and two appointed to be generals in the Army?

Mr. BYRD of Virginia. Yes. I favor that, of course. I also favor the policy of permitting the Virginia Military Institute to carry on as it has carried on in the past, with the training of young men for our military services. I understand, however, that the Senator from Indiana takes a different view, that the Virginia Military Institute must make itself into a coeducational institution if this amendment is adopted.

Mr. BAYH. That is accurate.

Mr. BYRD of Virginia. The same way with the U.S. Military Academy, the U.S. Naval Academy, the Air Force Academy, and the Coast Guard Academy.

Mr. BAYH. This is a sensitive issue to my good friend from Virginia, I am sure, and I appreciate that.

I am not familiar with the curriculum of the Virginia Military Institute. I am familiar with the parallel he makes to the military academies. This amendment does not in any way require a military academy to have a 50–50 ratio of women to men students.

Mr. BYRD of Virginia. What would the ratio be?

Mr. BAYH. I think the rulemaking power of the Secretary of HEW would suggest that the admission of women students to military schools should be consistent with the need for those officers in the military.

This is an important provision. If a woman wants to make the military her life—and there is not a high percentage of women who do—and wishes to enter a branch of the service, she ought to have the opportunity to go up the ladder of promotion to the highest degree accessible to any graduate from a military academy or a recognized military school. If we do something that denies this opportunity, we are making it more difficult for her to compete when she might be able to do the job as well as a man

Mr. BYRD of Virginia. Mr. President, what is the Senator's attitude toward women serving on submarines or on other service ships?

Mr. BAYH. Do I understand the Senator to suggest that this amendment would require women to serve on submarines?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PELL. Mr. President, I yield 2 minutes on the bill to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana is recognized for an additional 2 minutes.

Mr. BYRD of Virginia. Mr. President, I understand the Senator's amendment would require the military academies to accept women if they are acceptable.

After graduation some of the graduates are assigned to submarine duty, some are assigned to destroyer duty, some are assigned to aircraft duty, to oiler transports, oilers, and so forth.

What is the Senator's attitude toward women serving on naval combat ships, and specifically submarines?

Mr. BAYH. The Senator from Indiana served only in the Army. I would rather let the Secretary of the Navy decide whether women ought to serve on a submarine or a destroyer.

I inform the Senator from West Virginia that this amendment is not remotely connected to the problems of assignment to which the Senator from West Virginia makes reference.

Mr. BYRD of Virginia. Mr. President, I am very proud of West Virginia. However, I happen to be from the State of Virginia.

Mr. BAYH. I was complimenting both the Senators who are present at this time. To give a specific example to the Senator from Virginia, there are significant numbers of women that enlist every day, every week, every month, and every year. These women are not assigned to submarines or to aircraft carriers.

Mr. BYRD of Virginia. Why should we discriminate?

Mr. BAYH. I say that if a woman is in the U.S. Navy, she ought to have equal opportunity for promotion.

I think the Secretary of the Navy could best determine in what numbers women should be admitted to Annapolis.

Mr. BYRD of Virginia. I would rather leave it to him than to the Secretary of HEW who should have no control over the matter.

Mr. JAVITS. Mr. President, I yield 2 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 2 minutes.

Mr. AIKEN. Mr. President, several months ago the distinguished majority leader, the Senator from Montana (Mr. MANSFIELD) and I introduced a constitutional amendment, and a very important one. The amendment would provide for a single 6-year term for the presidency.

We also introduced this proposed amendment in the 91st Congress but no hearings were held during that time.

I know there is a great deal of interest in this matter. I understand that constitutional amendments come before the subcommittee headed by the Senator from Indiana. I thought that at this time it would be well to ask him when he intends, if ever, to hold hearings upon the constitutional amendment proposed by the Senator from Montana and myself.

Mr. BAYH. Mr. President, I appreciate the fact that the Senator has asked that particular question. Two or three weeks ago I asked my staff to investigate this and some other proposals with a view to having hearings. The 6-year term was one of the prime matters of interest to us. Hopefully, we will be able to act before the end of this year.

Mr. AIKEN. Does the Senator feel he will have hearings on this proposed amendment some time this fall?

Mr. BAYH. I would like to have hearings held in the next few months.

Mr. AIKEN. Does it not rest with the Senator when he will have hearings?

Mr. BAYH. That is correct, if a Senator can tell what will happen within his own subcommittee. The Senator from North Carolina has been urging that we have additional hearings on another matter. There are quite a number of other issues pending before us. I think that we will have hearings before the end of the year.

Mr. AIKEN. I asked the question because I had not heard that other members of the subcommittee had been approached about hearings. I thought that it would be an excellent time to ask the chairman of the subcommittee.

Mr. BAYH. I think it is an excellent time to ask the question and to have it answered. And I have answered it. We will try to have some hearings before the end of this year.

Mr. AIKEN. The chairman of this subcommittee, the Senator from Indiana, says that hearings will be held on this proposed constitutional amendment sometime this fall.

Mr. BAYH. The Senator from Indiana has said we will try to have hearings on this matter before the end of the year.

Mr. AIKEN. Does not the Senator from Indiana feel that this is an important proposed constitutional amendment?

Mr. BAYH. I think it is worthy of consideration.

Mr. AIKEN. Well, I understand that the Senator from Indiana has blocked hearings on this proposed amendment and I thought this would be a good time to bring it into the open.

Mr. TALMADGE. Mr. President, would the Senator from New York yield me 1 minute?

Mr. BAYH. Mr. President, may the Senator from Indiana respond to the accusations of the Senator from Vermont?

The PRESIDING OFFICER. This is controlled time. Who yields time?

Mr. JAVITS. I yield 1 minute to the distinguished Senator from Indiana to respond to the Senator from Vermont.

Mr. BAYH. Mr. President, I respectfully suggest that I think the Senator from Vermont was slightly harsh in using the term "blocked." This is the first time the Senator from Vermont has discussed the matter with the Senator from Indiana. Our relationship is such that he knows I will do my best to hold hearings. I have not in any way tried to conduct the subcommittee in an arbitrary manner. When Senators have wanted hearings held, I have held hearings, even though I might have opposed the issue. I cannot, at this time, even say that I am opposed to the Senator's proposal. It may be a good one. I will be glad to consider his request, made for the first time today, as I would consider any other such request.

Mr. JAVITS. Mr. President, I yield 4 minutes to the Senator from West Virginia and will then yield to the Senator from South Carolina (Mr. THURMOND) and then to the Senator from Georgia (Mr. TALMADGE).

Mr. TALMADGE. I do not think the amendment is germane. I would like to make a point of order that it is not germane and we can proceed to something else.

Mr. JAVITS. Mr. President, I do not yield for that purpose at this time. I yield now 4 minutes to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, we hear today the arguments that we have been hearing through the years as to the inability of women to perform certain tasks in our society.

I am constantly reminded of the experiences of three women who were employed as copyists by the U.S. Patent Office in 1854. In the following year, when they were about to be dismissed, a Representative wrote to the Secretary of the Interior on behalf of one of them.

The Secretary replied:

> There is every disposition on my part to do anything for the lady in question except to retain her, or any of the other females who work in the rooms of the Patent Office. I have no objections to the employment of females in the performance of such duties as they are competent to discharge, but there is such obvious impropriety in the mixing of the sexes within the walls of a public office that I have determined to arrest the practice.

The three women were dismissed by the Secretary. And the woman on whose behalf the Member of Congress made an appeal was Clara Barton, who a few years later went to work on the Civil War battlefields and, as founder of the American Red Cross, became one of the most illustrious women in American history.

The contributions of women have been very great in all phases of our history. Very often, however, we attempt to cut them off summarily from the continuing and expanding productivity of American life.

I think it is very important that we realize that whether the amendment is germane or not is a matter for determination by the Chair. However, as a member of the Subcommittee on Education of the Committee on Labor and Public Welfare, I feel it is very necessary that we give consideration here today to a yea and nay vote to the amendment of the Senator from Indiana.

Mr. President, I close on a lighter note, perhaps. When the Senator from Indiana addressed the Senator from Virginia (Mr. BYRD) as the Senator from West Virginia, he did not take exception to that. The Senator from West Virginia said he was proud of both States. I am sure he had every right to do that because the distinguished father of the Senator, a former Member of this body, was born in West Virginia. So I do feel that even though the Senator from Virginia and I disagree on the amendment there is a continuing understanding between West Virginians and Virginians on matters—not particularly this amendment but of the concept of public service.

I repeat that I hope the Senate will come to grips with this subject of the amendment of the Senator from Indiana. Why do I say that? I say that because constantly we are putting off coming to grips with this subject matter one way or another.

Mr. President, I support very strongly the purposes of the pending amendment.

PROHIBITION AGAINST SEX DISCRIMINATION IN HIGHER EDUCATION

Mr. McGOVERN subsequently said: Mr. President, I had intended to call up for Senate action today my amendment prohibiting discrimination in higher education on grounds of sex. Since Senator BAYH is offering a similar amendment, I will instead throw my support behind his amendment. I think all of us who believe in equality should be disturbed by such statistics as the fact that only 9 percent of America's college professors are women, only 6 percent of our law school students are women and only 8 percent of our medical school students are women.

I hope the Senate will support the kind of legislation to correct this imbalance which Senator BAYH and I are offering. I ask unanimous consent that the text of my own amendment be printed at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

On page 310, between lines 13 and 14, insert the following new part:

"PART K—PROHIBITION AGAINST SEX DISCRIMINATION

"AMENDMENT TO TITLE XII OF THE HIGHER EDUCATION ACT OF 1965

"SEC. 196. (a) Title XII of the Higher Education Act of 1965 is amended by inserting after section 1205 thereof the following new section:

" 'PROHIBITION AGAINST SEX DISCRIMINATION'

"SEC. 1206. (a) The Secretary shall not make any grant, loan guarantee, or interest subsidy payment, nor shall the Secretary enter into any contract with any institution of higher education, or any other postsecondary institution, center, training center, or agencies representing such institutions unless the application, contract, or other arrangement for the grant, loan guarantee, interest subsidy payment, or other financial assistance contains assurances satisfactory to the Secretary that any such institution, center, or agency will not discriminate on the basis of sex in the admission of individuals to any program to which the application, contract, or other arrangement is applicable.

" '(b) (1) No person in the United States shall be excluded on the grounds of sex from participation in, be denied the benefits of, be subjected to discrimination under or be denied employment in connection with any program or activity assisted under this Act.

" '(2) The Secretary shall enforce the provisions of this subsection in the same manner and in accordance with the provisions of section 602 of the Civil Rights Act of 1964.

" '(c) Section 603 of the Civil Rights Act of 1964 shall apply in any action taken by the Secretary to enforce this section.

" '(d) The provisions of this section shall not be construed as affecting any other legal remedy that a person may have as a result from being excluded from participation on the grounds of sex from any program or activity assisted under this Act.

" '(e) Any institution or training center for women exclusive of men dedicated to the compensatory training and teaching of women are exempt from the provisions of this title until the representation of women in the respective professions approximates their proportion as citizens of the United States.'

"(b) The amendment made by subsection (a) of this section shall become effective with respect to any application, contract, or other arrangement entered into after the date of enactment of this Act."

Amend the table of contents by inserting immediately preceding the item entitled "Title II":

"PART K—PROHIBITION AGAINST SEX DISCRIMINATION

"Sec. 196. Amendments to title XII of the Higher Education Act of 1965."

Mr. COOK subsequently said: Mr. President, I rise to urge that S. 659, the Omnibus Education Amendments Act of 1971, be amended to prohibit sex biased educational policies. There is a gap in the laws protecting women from biased educational policies, a gap exposed by the House Special Subcommittee on Education in 1970. This legislative gap was also described by my distinguished colleagues from Maryland and Michigan, Senators MATHIAS and HART, on July 14, 1971—CONGRESSIONAL RECORD, page 25142.

> Many assumed that in the Civil Rights Act of 1964, we had safeguarded against discrimination against women, at least as to their admission to professional schools. The truth is that we have not . . . Title VII of the 1964 Civil Rights Act does not cover educational institutions although it does prohibit discrimination based upon sex. Title VI of the 1964 act bars discrimination on the basis of race, color, or national origin, but not on the basis of sex. Some have thought that Executive Order 11246 would remedy the situation by adding religion and sex to types of discrimination that are prohibited but it has been ruled that the executive order does not pertain to school admissions.

The Department of Health, Education, and Welfare, has also acknowledged the lack of legislation prohibiting sex biased policies found in higher education. At the hearings before the Special Subcommittee on Education of the House Committee on Education and Labor last summer, HEW Deputy Assistant Secretary Muirhead said:

> It is clear that the record of educational institutions . . . in affording to women equal opportunity, equal status, equal pay has been discouragingly poor . . . data on women in education is abundant enough to make it apparent that women have not achieved equal opportunity in education . . . we fully concur in your efforts to eliminate discrimination because of sex.

As Dr. Frances Norris, president of the WEAL Maryland State Chapter, advised me in a letter admissions quota systems, like that documented in her medical school testimony at the same House hearings I mentioned earlier, exist at many universities and colleges, either as official policy or unwritten policy, and in public, private, State or Federal programs. The Honorable Mrs. GREEN, who chaired the hearings, concluded:

> My concern is that, on the part of the Labor Department, the Justice Department, the compliance division, the Civil Service Commission, and the Civil Rights Commission, there has been little if any attention given to discrimination based on sex.

It was further noted that the Office of Education, the Government, by its policies, its programs and its guidelines, fails to condemn measures arbitrarily restricting potential women students.

Mr. President, the United States cannot afford to discriminate against one-half our population and deprive them of the opportunity to contribute to our society as equal citizens.

On July 14, the Senate agreed to the Mathias-Hart amendment, to prohibit sex discrimination in medical schools. This is only a small step in the right direction.

I urge the Senate to adopt the amendment introduced by the distinguished Senator from Indiana (Mr. BAYH).

Mr. JAVITS. Mr. President, I yield 5 minutes to the Senator from South Carolina.

The PRESIDING OFFICER (Mr. CANNON). The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I would like to make certain inquiries of the distinguished Senator from Indiana.

I would like to inquire of the Senator from Indiana if his amendment would require, for instance, The Citadel—and military college of South Carolina and the best military college in the United States next to the academies but on a parity with them—to become coeducational in order to get Federal funds? In other words, would it be the intent and purpose of this amendment to say to the State of South Carolina that they can no longer conduct a military college for men; that it would have to be coeducational or such action would be discriminatory?

Mr. BAYH. Is it a public or private institution?

Mr. THURMOND. It is a State institution, owned and operated by the State of South Carolina.

Mr. BAYH. The same rules as I suggested would apply to the military academies would apply there.

Mr. THURMOND. I would like to acquire of the distinguished Senator from Indiana whether or not the State of South Carolina can operate a college for women. We have a college at Rock Hill, S.C., known as Winthrop, the South Carolina College for Women. It admits women of all colors. Any female who is qualified is eligible for entry and there is no discrimination.

If this amendment were agreed to, would that college be denied Federal aid unless it became coeducational? I understand North Carolina has a similar college, the Greensboro, N.C., College of Women. Would that institution be denied Federal aid unless it became coeducational?

Mr. BAYH. If these are public institutions which deny men access to them, the answer is "Yes." The changes required will not be very great. There are not many such institutions across the country. I simply see no reason why sex should be a qualification for admission to a public college.

Mr. THURMOND. Then, is not the effect of this amendment for the Federal Government to dictate to the States the manner in which they shall run their institutions? Is not that the effect of this amendment? Does it not say to any State, "We are going to tell you if you can operate a men's college, a women's college, or the kind of institution you can operate in order to get Federal aid?"

Is that not concentrating more power in Washington and depriving States of their power under the Constitution?

Mr. BAYH. This is giving the Federal Government the same power—no more, no less—to prevent discrimination on the basis of sex that the Federal Government now has to prevent discrimination on the basis of race.

Mr. THURMOND. As the distinguished Senator from Indiana knows, I am one of the authors of the equal rights amendment for women. As far back as when I was Governor of South Carolina I favored equal rights for women and I so recommended it to the State legislature. At that time I appointed more women to public office than any previous Governor had appointed.

I certainly favor equal rights for women, but it seems to me the State should have the right to determine its own institutions in the manner in which they are operated. This is concentrating more power in the United States and in the Federal Government.

Mr. President, on that basis I oppose the amendment.

Mr. President, on that basis I make the point of order that the amendment is not germane and I ask for the ruling of the Chair.

Mr. BAYH. Mr. President, a parliamentary inquiry. Is it proper to make a parliamentary inquiry at this point?

The PRESIDING OFFICER. Is it proper for the Chair to entertain the parliamentary inquiry. The Senator will state it.

Mr. BAYH. Is it possible for the Senator from Indiana to appeal a ruling of the Chair and put the question to a vote in this body if the contention of the Senator from South Carolina is upheld?

The PRESIDING OFFICER. The decision of the Chair is always subject to appeal and subject to the wishes of this body, if they desire to overrule.

Mr. BAYH. The Senator from Indiana reluctantly does so. He feels that this amendment is germane and that the ruling is in error. The issue of whether women have access to educational opportunity is definitely as issue in the bill, which seeks to assure complete equality of access to educational opportunity.

The PRESIDING OFFICER. The Chair is ready to rule.

The Chair sustains the point of order. The unanimous-consent agreement requires that all amendments be germane. The pending amendment deals with discrimination on the basis of sex. There are no provisions in the bill dealing with sex.

Therefore, the amendment is not germane and not in order.

The Chair is advised by staff counsel for the committee that he agrees with the proposition that there is nothing in the bill relating to sex or any kind of discrimination.

Mr. BAYH. Mr. President, what is the parliamentary procedure so far as debating or appealing the ruling of the Chair as far as a time limitation?

The PRESIDING OFFICER. Under the unanimous-consent agreement there is time only for debate on amendments and the bill and, therefore, time for debate would have to be yielded by someone in control of time on the bill.

Mr. BAYH. Mr. President, with great reluctance——

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, I yield 1 minute on the bill to the Senator from Indiana.

Mr. BAYH. Mr. President, with great reluctance and out of deference to my friend, the Presiding Officer, as well as the Parliamentarian, I must appeal the ruling of the Chair.

This amendment relates directly to the central purpose of the bill being debated.

The bill deals with equal access to education. Such access should not be denied because of poverty or sex. If we are going to give all students an equal education, women must finally be guaranteed equal access to education. This is clearly germane. I simply cannot comprehend the basis for this ridiculous decision. I say that with respect for the Presiding Officer and the Parliamentarian.

It does not do any good to pass out hundreds of millions of dollars if we do not see that the money is applied equitably to over half our citizens.

The PRESIDING OFFICER. The question is: Shall the decision of the Chair stand as the judgment of the Senate?

The yeas and nays have been requested. Is there a sufficient second?

The yeas and nays were ordered.

Several Senators addressed the Chair.

Mr. JAVITS. Mr. President, I yield myself 1 minute on the bill.

The PRESIDING OFFICER. The ruling of the Chair did not go to the merits of the amendment but solely to the point of order on the germane issue alone.

Mr. JAVITS. Mr. President, I yield myself 1 minute on the bill and I yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I thank the Senator for yielding.

For the protection of the leadership on both sides of the aisle I would hope that this rollcall vote would not come before 12 o'clock noon; and I would ask unanimous consent, if it be necessary, to delay that rollcall vote until 12 o'clock noon to protect both the minority leader and the majority leader.

Mr. McGEE. Mr. President, will the Senator from New York yield to me for 20 seconds?

Mr. JAVITS. I yield.

Mr. McGEE. Mr. President, would there be some proposal to protect those of us who are here and who cannot be here at 12 o'clock?

Mr. BYRD of West Virginia. Yes.

Mr. McGEE. I understand they are downtown. I have been invited to a dinner at 12 o'clock at the Kennedy Center. It is a very attractive offer. Could we have a vote by 1:30 today? I came here at 8 o'clock this morning because we were called into session at 8 o'clock, and we have not had a vote yet.

Mr. JAVITS. Mr. President, to give my colleagues an opportunity to collect their thoughts, I wish to point out, in my duty as a Senator, that there is reference in the bill to discrimination on the ground of sex. It may be peripheral, but it is a reference, and that occurs in the section which deals with the Student Loan Marketing Association, on page 201 of the bill, lines 9, 10, and 11.

For the information of the Senate and the information of the parliamentarian, may I point out that this provision relates to a secondary market for student loan obligations, and it is part of the basis for qualifying a given lender, which is generally a bank but may be a school, to proceed in the secondary market operations. One of the elements is that the lender not discriminate on the basis of sex, color, creed, or national origin.

I do not express any opinion as to the ruling of the Chair even in the face of that provision, but I did think, as the Chair had proceeded upon a statement of fact, that it was my duty as a Senator not to sit silent if there was a contrary fact in the bill.

I say again I am not arguing the issue of germaneness, but simply that I think it is my duty to call to the attention of the Chair something which I know and which apparently the Chair did not.

The PRESIDING OFFICER (Mr. Cannon). The Senator is correct. The Chair was ill-advised by counsel for the committee, who advised the Parliamentarian that there was no reference to discrimination in the bill. So the Chair will consider the matter further, with the advice of the Parliamentarian, and will be prepared to make a ruling in the very near future.

Mr. JAVITS. Mr. President, I ask unanimous consent that we may call for a quorum without the time being charged to either side.

Mr. PELL. Mr. President, I would ask the Senator to withhold that request. Could we lay the business to one side and move on to a privileged matter which the Senator from Washington (Mr. Magnuson) has?

The PRESIDING OFFICER. Without objection, it would be proper to lay the matter aside and move on to something else.

Mr. JAVITS. Mr. President, I yield 1 minute to the Senator from Kentucky (Mr. Cook).

Mr. COOK. Mr. President, I draw the attention of the Senator from Indiana and of the acting President of the Senate and the Parliamentarian to page 201 of Senate bill 659, which is the bill before us, and I would like to read, starting on line 9, page 201:

> (B) did not discriminate on the basis of sex, color, creed, or national origin . . .

It was my understanding that the Presiding Officer had said in his ruling that there was no mention of sex in this bill, and one of the bases of the ruling that it was not germane was that at no place did the bill make any reference to sex.

The PRESIDING OFFICER. Discrimination on the ground of sex.

Mr. COOK. I would merely say that on page 201, referring to making loans to students for such use, it states:

> and (B) did not discriminate on the basis of sex, color, creed, or national origin . . .

I merely bring that to the attention of the Presiding Officer, the Parliamentarian, and the Senator from Indiana.

The PRESIDING OFFICER. The Chair appreciates that very much. However, that was the point that was just called to the attention of the Chair by the distinguished Senator from New York and on which the Chair said he would reserve the right to reconsider the matter and make a ruling at a later time. I thank the Senator from Kentucky, but that point was already discussed.

Mr. JAVITS. Mr. President, I yield myself 1 minute, and I yield to the Senator from West Virginia for a unanimous-consent request.

Mr. BYRD of West Virginia. Mr. President, the request I shall make I do not wish to make until Senators have fully addressed themselves to the situation before us. Have they concluded?

Mr. BAYH. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. BAYH. This measure has been before this body for about 3 days. We have already laid it aside once. The Senator from Indiana believes this matter is very important. And I think this matter has already been elucidated significantly with the help of the Senator from New York and the Senator from Kentucky. I do not want to be in the position of being arbitrary or capricious about this, but I am anxious to see that we get this matter disposed of because it is extremely important. I do not know how long the Senator from Washington wants. If it is a short period of time, I have no objection If it is going to be a long period of time——

Mr. MAGNUSON. Mr. President, if the Senator will yield, I agree with the Senator that this is an important matter, but if we talk about priorities, I think the most important thing before this body today is to get the HEW appropriation bill to the White House. It involves $29 billion. It involves higher education and all phases of health, education, and welfare. We are going to have a rollcall on it, because there have been some suggestions that the President may veto it. I would like to get that done.

Mr. JAVITS. Mr. President, I yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, has the Senator concluded his remarks on this matter?

Mr. MAGNUSON. Mr. President, I can wait. I myself have been here since 8 o'clock, and I can wait a little longer if the Senate wants to proceed to settle this matter, but I want to tell the Senate that many Senators are leaving and that we are going to have a rollcall on the conference report. Many Senators are leaving and they have come to me and said they wanted a chance to vote on the conference report.

Mr. BYRD of West Virginia. Mr. President, may I ask whether or not a unanimous-consent request to vacate the order for the yeas and nays on the point of order would be objected to?

Mr. THURMOND. Mr. President, I would agree to the unanimous consent if the Chair should decide to reverse its ruling; but if not, then I would ask for the order for the yeas and nays to stand.

Mr. BYRD of West Virginia. Does the Senator have any indication that the Chair is about to reverse its ruling?

Mr. THURMOND. No, he does not; but the Senator from South Carolina understood the Chair was considering the matter.

Mr. JAVITS. Mr. President, may we ask unanimous consent that a quorum call may be called, without the time being charged to either side?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, is the Chair prepared to rule?

The PRESIDING OFFICER (Mr. Cannon). The Chair is prepared to rule.

The Chair wishes to advise that the Chair, having been advised by the committee counsel that there was no reference to nondiscrimination on the basis of sex in the bill, issued its ruling accordingly. It has now been called to the attention of the Chair that there is a limited reference to nondiscrimination on the basis of sex on page 201, which relates to the Student Loan Marketing Association established under the bill, and provides that the association may guarantee loans on purchases under certain conditions, and one of those conditions is that the borrower is not discriminated against on the basis of sex, color, creed, or national origin in the making of the loan.

So this is a very limited reference, and the ruling of the Chair would now be that the point of order is well taken, in that the only reference to this subject matter is in the very limited area that has just been referred to by the Chair, whereas the pending amendment is a broad amendment relating to the whole field of education, and not relating specifically to the field of loan guarantees, and placing restrictions on schools generally.

Therefore, the ruling of the Chair is that the point of order is properly taken, just as previously stated and on the same general basis.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. In that case, the appeal is pending before the Senate, with the yeas and nays ordered?

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. And unless there is time yielded for further debate, the vote will immediately ensue?

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. Mr. President, I leave the rest of it to the manager of the bill.

Mr. BAYH. Mr. President, may I have 1 minute on this matter?

Mr. JAVITS. I yield the Senator from Indiana 1 minute.

Mr. BAYH. Mr. President, I find myself in a rather embarrassing position. Two times in one morning I have done more to abrogate the normal Senate procedure than I have done in the preceding 8½ years.

The Senate is about to vote on the most dramatic higher education bill in the history of this country. The Senator from Rhode Island, the Senator from New York, and the other members of the committee have really carved out a monument to this country's determination to see that its young people get quality higher education; and for the Senate to go on record now and suggest that we are going to pass a bill like this, without saying that those college and university doors should be open to men and women, black, white, brown, or whatever they are, that we are really giving everyone equal opportunity, is going to tarnish what is otherwise a shining example of what this body can do.

The PRESIDING OFFICER. The Chair would state that it is not the Chair that imposes this restriction on the body. A unanimous-consent agreement was entered into on the germaneness rule. Had Senators not desired to enter into the unanimous-consent agreement, they had the opportunity to object. Had that been done, this amendment would be proper, but there is a germaneness rule adopted by unanimous consent, under which the Chair is now operating. A single objection would have blocked the agreement relating to germaneness.

The Chair recognizes the Senator from New York.

Mr. JAVITS. I yield 1 minute to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I favor equal rights for women. I am the author of a constitutional amendment now pending before the subcommittee of the distinguished Senator from Indiana on the subject. But this is a far-reaching amendment. This amendment would permit young ladies to attend the Air Force Academy, the Naval Academy, the Military Academy, the Marine Academy, and the Coast Guard Academy. It would change the whole complexion of many institutions.

In my State, for instance, the Citadel is a military college for men. To agree to this amendment would change that, and make it coeducational, if we are to receive Federal funds.

This is a matter that, to me, deserves a great deal of consideration. There should be hearings on this broad spectrum which the Senator from Indiana now brings up. I think it is very unwise to offer such an amendment on this particular bill. After hearings are held, then the Senate can decide what to do.

I think the Chair is eminently correct in his ruling.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McGEE. Mr. President, I just want to recapitulate the setting here that has brought about this temporary impasse.

We had suddenly arise an appeal from the decision of the Chair, and the yeas and nays were ordered, and we were prepared to vote. But, apparently because of some preceding agreement that had been made, we could not vote at that time, because some of the Members of this body are downtown, at the White House. Therefore, I registered an objection. The reason I registered the objection is that what is good for the goose must be good for the gander, and we have operated under the simple rule that you take your chances wherever you are going to go.

I have been here since 8 o'clock this morning, as many other Members of this body have, and then to be confronted with a rollcall at 25 minutes to 12, and then to be told we could not vote then, after we have been waiting all morning, because some of the Members were not here, leads me to raise the propriety of making any kind of agreement about holding off rollcalls, or else to make it for all of us, so that when we take on some other commitment, we will avoid a rollcall until McGee gets back.

I thought we were playing according to the general new rules of the Senate—no postponement of votes. If that is the case, I want to alert the Senate that it has been breached here this morning.

Mr. MANSFIELD. Mr. President, I must take the responsibility for the agreement entered into, but this is the first time it has been done this year; and they say it is the exception which proves the rule. We are now in our eighth month.

I should think that when a meeting has been set up with the President of the United States to meet with the joint leadership, the rest of us, especially on the opposition side, ought to accord the President and the leaders that much in the way of courtesy. It has only happened once; it will happen very rarely. Sometimes we might find ourselves in a similar position and might like to be given the same consideration. I hope the Senator understands the situation.

Mr. McGEE. The Senator from Wyoming understands the situation and respects the propriety of it, but it is an uneven application from time to time. We find it can happen, and not to the minority, but to our colleagues. There were those who could get a vote deferred and those who could not. I thought we were operating under new rules of the Senate by which there were no exceptions.

Mr. MANSFIELD. We were. But, again, it is the exception which proves or makes the rule. But it has been applied to people out of town, who asked us to hold up for hours or a day or so. No request of that nature has been made this year, and that has been honored.

In view of the unusual circumstance, I felt free to go ahead and, on behalf of my colleagues on this side, at least, make the commitment.

Mr. McGEE. I think that is an important concession to make. I am wondering how the majority leader would rank, in the matter of priority, one's commitment to his wife to have an important luncheon. I am going to be in the soup.

Mr. MANSFIELD. I would say that our prime consideration should be to our wives, and to them we give the least consideration, unfortunately.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. I yield time to the Senator from Alabama (Mr. Allen). How much time does the Senator wish?

Mr. ALLEN. Two minutes.

Mr. PELL. I yield 2 minutes.

Mr. ALLEN. I thank the Senator from Rhode Island for yielding to me.

Mr. President, on the point of order, it is quite obvious that a majority of the Members of the Senate would vote for this amendment if that were the question. The question is not whether we are for the amendment. The question is whether the Chair has ruled properly. It is quite obvious that he has, because the only reference that has been made to the sex is in describing the lenders who are acceptable for the making of these student loans. It has to be a lender that has not discriminated on the basis of sex and other conditions. It has no reference to the college or the institution of higher learning.

Obviously, the Chair has ruled correctly. If we are going to have a Parliamentarian and a Chair to make rulings, we will have to decide the question on whether or not the Chair has made a proper ruling, not on the basis of whether or not we favor the amendment. The Chair should be sustained.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. I yield to the majority leader.

Mr. MANSFIELD. If the Senate would allow me, because we seem to be waiting for the hour of 12 o'clock, and with the permission of the distinguished Senator from Indiana, I would like at this time, out of order, under unanimous consent, in order to clear the calendar, to call up S. 341 and S. 340, in that order.

The PRESIDING OFFICER. Is there objection?

Mr. BAYH. Mr. President, reserving the right to object——

Mr. MANSFIELD. I withdraw the request, because we do not have the time.

The PRESIDING OFFICER. Who yields time?

Mr. BAYH. I should like to have a couple of minutes.

Mr. PELL. I yield 2 minutes to the Senator from Indiana; and at the hour of 12, I will stop yielding, and we will come to a vote.

Mr. BAYH. It seems to me that it is unfortunate that the U.S. Senate now finds itself involved in an effort to try to block this significant piece of legislation which deals with the concept of equal educational opportunity.

I must say, in response to my friend, the Senator from South Carolina, that if he now is a cosponsor of the equal rights amendment but is opposed to this amendment, and he says he is opposed on the merits, not just because of the germaneness question, then I believe that he ought to reassess his position on this amendment. I certainly hope that he will. The equal rights for men and women amendment is much broader in scope than the proposal that is before us now. And it would indelibly imprint the concept of equality in our Constitution. Thus I would hope that the Senator from South Carolina will favorably consider the narrower embodiment of that principle which is before us now.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. BAYH. When I have concluded my remarks, I will yield.

I think it is important for this body to realize the image it might well project, should the ruling of the chair be sustained. If we hide the question of germaneness and say that a unanimous consent agreement entered into some time ago is going to prohibit us from opening the doors of our colleges and universities to all deserving students, without discrimination, then we certainly do not speak well for the ability of this body to put the emphasis where the emphasis needs to be placed.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. PELL. I will yield 2 minutes to the Senator from South Carolina.

Mr. THURMOND. May I have 5 minutes?

Mr. PELL. No. We are going to vote at 12. I yield 2 minutes.

Mr. THURMOND. Mr. President, the Senator from South Carolina would like to say to the distinguished Senator from Indiana that he is proud to be a sponsor of the equal rights for women amendment. He has stood for this principle many, many years before the Senator from Indiana even entered public life.

The Senator from South Carolina would also like to ask the Senator from Indiana this question: How many institutions in this country would be affected by this amendment?

Mr. BAYH. All of them that are violating its provisions.

Mr. THURMOND. Again, the Senator from South Carolina asks the Senator from Indiana how many institutions in this country will be affected by this amendment.

Mr. BAYH. The Senator from Indiana does not know exactly how many institutions are discriminating. If they are discriminating, they will be dealt with. If they are not, they will not be penalized. However, my recollection is that there are less than 15 single-sex public institutions, out of a total 5,000, similar to those the Senator has mentioned.

Mr. THURMOND. Obviously, the answer of the Senator from Indiana is what I expected. He does not know. A full study made of this matter has not been made. The implications of the amendment are unknown. This is a matter that deserves a lot of careful consideration. There should be full hearings on this matter. If we are going to open the national academies—the Military Academy, the Naval Academy, the Marine Academy, and the Coast Guard Academy—to young ladies, a study should be made; we should know where we stand. If we are going to force the Citadel, in my State—

Mr. BAYH. Mr. President, will the Senator yield?

Mr. THURMOND. The Senator from South Carolina will not yield now. He will yield when he has finished.

Mr. BAYH. I thought the Senator was asking me a question.

Mr. THURMOND. I will be glad to have the Senator answer when I have finished.

Mr. BAYH. I thought the Senator was asking me a question.

Mr. THURMOND. In my State, I say again, we have the Citadel Military College. If it is to be forced to take girls, I think they ought to have a chance to come before the committee of the Senate and state their views as to how they stand on this question.

If the colleges in this country which now restrict their enrollment to women, but do not discriminate as to color, are to be affected, they should be allowed to come here and testify before the committees. It seems to me that we should know exactly what we are doing.

In my judgment, it is too broad an amendment to consider attaching to this particular bill. The Chair has held that the amendment is not germane and, in my judgment, the Chair is eminently correct and the Chair should be sustained.

The PRESIDING OFFICER (Mr. Cannon). The 2 minutes of the Senator have expired.

Mr. BAYH. Mr. President—Mr. President, may I have an additional 30 seconds, please?

Mr. PELL. Mr. President, I am very sorry, but I have made a commitment that I would yield no more time after 12 o'clock, and I must keep that commitment.

Mr. BAYH. Mr. President, let me just say that this is exactly what the equal rights amendment will do, it would prohibit single sex public institutions of higher education, as a matter of constitutional law.

The PRESIDING OFFICER (Mr. Cannon). The Chair would state again that the ruling of the Chair is not on the merits of the amendment. A similar ruling was invoked last evening on a worthwhile amendment, but one that was not germane to the pending bill. The ruling of the Chair, in this instance, is that the amendment pending is not germane to the bill.

When the unanimous-consent request was requested, and it was made and entered into, one objection by one Senator could have stopped the germaneness rule from applying and therefore made the amendment appropriate on the pending bill.

The question is, Shall the decision of the Chair stand as the judgment of the Senate?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

Mr. JAVITS. Mr. President, will the Chair please state the question so that Senators may know how to vote.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate, when the Chair ruled that the amendment is not germane to the bill?

Mr. JAVITS. A vote of "yea" will be to sustain the Chair.

The PRESIDING OFFICER. That is correct. A vote of "nay" will be to overrule the ruling of the Chair.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from California (Mr. Cranston), the Senator from Oklahoma (Mr. Harris), the Senator from Hawaii (Mr. Inouye), and the Senator from Utah (Mr. Moss), are necessarily absent.

I further announce that the Senator from Indiana (Mr. Hartke), the Senator from New Hampshire (Mr. McIntyre), and the Senator from Illinois (Mr. Stevenson), are absent on official business.

I further announce that, if present and voting, the Senator from Illinois (Mr. Stevenson), would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Utah (Mr. Bennett), the Senator from Arizona (Mr. Goldwater), the Senator from Kansas (Mr. Pearson), and the Senator from Vermont (Mr. Prouty), are necessarily absent.

The Senator from New Hampshire (Mr. Cotton), the Senator from Nebraska (Mr. Hruska), and the Senator from Illinois (Mr. Percy), are absent on official business.

The Senator from South Dakota (Mr. Mundt), is absent because of illness.

The Senator from New Jersey (Mr. Case), is detained on official business.

If present and voting, the Senator from Illinois (Mr. Percy), would vote "nay."

The result was announced—yeas 50, nays 32, as follows:

[No. 207 Leg.]

YEAS—50

Aiken
Allen
Allott
Beall
Bellmon
Bentsen
Bible
Boggs
Brock
Buckley
Byrd, Va.
Byrd, W. Va.
Cannon
Chiles
Cooper
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gambrell
Griffin
Gurney
Hansen
Hughes
Jordan, N.C.
Jordan, Idaho
Long
McClellan
Metcalf
Miller
Montoya
Randolph
Saxbe
Scott
Smith
Sparkman
Spong
Stennis
Symington
Taft
Talmadge
Thurmond
Tower
Weicker
Young

NAYS—32

Bayh
Brooke
Burdick
Church
Cook
Eagleton
Gravel
Hart
Hatfield
Hollings
Humphrey
Jackson
Javits
Kennedy
Magnuson
Mansfield
Mathias
McGee
McGovern
Mondale
Muskie
Nelson
Packwood
Pastore
Pell
Proxmire
Ribicoff
Roth
Schweiker
Stevens
Tunney
Williams

NOT VOTING—18

Anderson
Baker
Bennett
Case
Cotton
Cranston
Goldwater
Harris
Hartke
Hruska
Inouye
McIntyre
Moss
Mundt
Pearson
Percy
Prouty
Stevenson

So the decision of the Chair was sustained.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the decision of the Chair was sustained.

Mr. ERVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BEALL. Mr. President, as a member of the Education Subcommittee and as a cosponsor of S. 659, the education amendments of 1971, I strongly support this measure and urge its passage by the Senate.

This measure is both massive and monumental. It is not only for the moment but for the future. In his higher education message, President Nixon declared:

> No qualified student who wants to go to college should be bared for lack of money. That has long been a great American goal: I propose that we achieve it now.

This legislation is designed to help carry out the President's historic pledge and to help the Nation realize its great goal. I might point out, Mr. President, that considerable progress has been made in this country in expanding educational opportunities for our citizens and during this period of self-examination, we need to keep this, as well as unresolved problems, in sight. For example, the United States has an enviable record in providing higher education opportunities to those individuals described by Mr. Servan-Schreiber, the French author of the best seller, The American Challenge, as "children of manual laborers and less fortunate elements of the population." Comparing the record of the United States with other countries of the world, Mr. Servan-Schreiber comments:

> In France workers form 56% of the population, but their children represent only 12.6% of the students. The same is true in other Common Market countries: 11.5% in Belgium, 10% in Holland, and 7.5% in Germany. In the United States on the other hand from three to five times as many children of workers or farmers have access to higher education as in the Common Market countries.

Today in this country, among all family members enrolled in college, 61 percent are from families in which the head had not completed even 1 year of college.

To achieve this goal of making postsecondary education available to all with the ability and desire, the bill authorizes new student assistance programs, as well as continuation of present student assistance programs such as work-study, education opportunities grants, the national defense student loans, and the guarantee loan program. In addition, the legislation authorizes a program of Federal matching grants for State scholarship programs. The new student assistance program, basic educational opportunities grants, authorizes grants of $1,400 less the amount which can be reasonably expected to be contributed by the student and his or her family for postsecondary education. The grant may be up to 50 percent of the cost of attending the institution of the student's choice. Under this program, each year the Commissioner of Education will determine and issue regulations on the amounts families can be expected to contribute reasonably to the postsecondary education of their children. Families' contributions will include such criteria as family income, number of dependents, number of dependents in postsecondary education, assets of students and the families and any unusual expenses such as medical expenses. In general, no basic grant would be less than $200. I am pleased that the committee accepted an amendment offered by me which would allow the Commissioner of Education to waive this $200 limitation in unusual circumstances. Also, institutions at which a basic grant recipient is enrolled will receive a cost of institution allowance based on the number of students receiving basic grants. The amount of the payments to the institution would vary from $100 for each student receiving a basic grant at an institution having 10,000 or more students to a $500 payment for each eligible student at an institution having 1,000 or less students.

We know that additional resources are needed in higher education, and this bill will provide substantially more funds. Yet, we also know that money alone will not solve higher education problems. The administration recognizes this fact also and the committee has included two administration proposals which have the potential of having a profound effect on the American educational system. I am referring to the proposals for the establishment of a National Institute of Education and a National Foundation on Postsecondary Education.

The Foundation's focus would be on postsecondary education. Its purpose will be to foster excellence, innovation and reform. As the Labor and Public Welfare Committee noted in its report:

> The need is clear and the time is right for reform and innovation in postsecondary education.

The Carnegie Commission, the Newman report, and others have identified many of the problems facing higher education and has suggested a possible reform. In my discussion with many educators, I sense a willingness and determination to bring about the necessary changes. The Foundation, hopefully, will provide the leadership and impetus for some long overdue action and reform in postsecondary education.

The National Institute of Education is designed to redress the sorry state of educational research. A researcher from one of the Nation's leading universities, who has spent a lifetime in such work including a survey on the state of our knowledge regarding the reading and learning processes, concluded that we know very little about the learning process and how students really learn or learn to read. The President, in a similar vein, stated:

> We must stop pretending we understand the mystery of the process.

Our social problems and rising expectations underscore the need for a quantum leap in education research, development, and, equally important, dissemination of such results to the classroom.

The need for expanded research programs in education is evidenced by comparing additional research expenditures with industry and other fields.

Industry, for example, spends about 4 percent, or $8 billion of net sales on basic and applied research.

In the health area, we as a nation spend approximately 5 percent or $2.5 billion of the total national expenditures for health on research.

In agriculture, we spend an amount equivalent of about 6 percent, or $900 million annually, of the total net income from farming on research development and application by government agencies, colleges, and industry.

In the defense area, we spend approximately 3.87 percent or $7.8 billion a year for research and development.

Yet in education research expenditures only a few years ago were only about one-tenth of 1 percent of the total educational budget. Today research expenditures amount to about one-fourth of 1 percent or about $125 million a year.

Thus, there is little question that educational expenditures for research and development must be greatly expanded, and I am delighted that these two powerful vehicles for education change and reform, the Institute and the Foundation, are included in this legislation.

Mr. President, the public, students, and parents are demanding greater accountability in our schools. My State of Maryland is demonstrating a greater interest in the accountability concept. Certainly this is one area where the Institute will want to exercise leadership in helping to usher in the concept of accountability into the educational system.

Many other provisions of this measure are important, but they have been discussed at some length by the chairman of the Education Subcommittee (Mr. PELL) and others. I would ask unanimous consent, however, that the summary of the bill's provisions be included at the conclusion of my remarks.

I do want to discuss some of the amendments that I offered that were incorporated into the legislation. They included, first, a program to provide emergency interim assistance to institutions of higher education in serious financial distress. On June 24 I introduced the Emergency Higher Education Assistance Act of 1971 in response to the financial emergency facing institutions of higher learning. In my own State, St. Joseph College, a small, private institution with an excellent reputation, has announced its intentions to close. Since that announcement, a committee to save St. Joseph has been formed. I have met with representatives of this committee and they indicated to me they needed approximately $200,000 to stay in operation. The adoption of this provision would certainly assist St. Joseph and other institutions in similar difficulties. One of the Nation's more prestigious institutions, Johns Hopkins, is also in severe financial difficulties.

The second program authored by me authorizes grants to improve the planning and managing capabilities of institutions of higher education. Institutions qualifying under the interim emergency assistance just described will automatically be eligible for these grants.

In addition, other colleges and universities may receive demonstration grants for proposals having a national significance for improving the planning and management capabilities of institutions of higher learning.

The third proposal offered by me authorizes a study by the Commissioner of higher education financing. As the emergency program looks at the immediate and emergency problems of some colleges and universities, the study seeks to determine what the long-range response of all levels of government as well as private donors should be in financing higher education.

Mr. President, I ask unanimous consent that at this point in my remarks the committee report language describing these proposals be included in the Record.

Finally, I offered an amendment designed to make certain that elementary and secondary education funds could continue to be used for delinquents in adult correctional institutions. I ask unanimous consent that the committee explanation of this section be printed at this point in the Record, together with an article from the July 30, 1971, Baltimore Sun by Roger Twig describing what the loss of these funds would have meant to 1,000 young inmates of the Hagerstown Correctional Training Center and the State of Maryland. Naturally, I am pleased that these education funds, under the adopted amendment, will be able to be used by the State of Maryland in its adult correctional institutions.

Mr. President, I also ask unanimous consent that my introductory floor remarks when I introduced S. 2154 be printed in the Record, together with the actual language from S. 659 of the emergency assistance for institutions of higher education as included in the bill.

There being no objection, the items were ordered to be printed in the Record, as follows:

Brief Summary of S. 659

TITLE I—HIGHER EDUCATION

This title amends, revises, and extends the Higher Education Act of 1965. Portions of the National Defense Education Act of 1958, the Higher Education Facilities Act of 1963, and the International Education Act of 1966 are incorporated into the Higher Education Act of 1965 with the result that, if the Committee amendment is enacted, the Higher Education Act of 1965 would constitute a single Federal law which includes all continuing higher education financial assistance programs. In general, unless otherwise specified, title I extends the authorizations for higher education programs for four years, through fiscal year 1975, at the same level as those for fiscal year 1971.

Part A—Community Service and Continuing Education Programs

This part amends title I of the Higher Education Act of 1965. Such title I authorizes grants to States for assistance to institutions of higher education to enable them to help solve community problems through community service programs and continuing education programs. It is proposed that—

(1) title I be amended to authorize a reservation of appropriations for special projects designed to meet national and regional problems;

(2) title I be amended to authorize a special appropriation for projects designed to meet urban problems in Standard Metropolitan Statistical Areas;

(3) the Commissioner be required to conduct a special evaluation of title I and submit reports to the Congress on such evaluations.

Part B—College Library Programs

This part amends title II of the Higher Education Act of 1965. Such title II authorizes—

(1) grants to institutions of higher education for the acquisition of college library resources;

(2) grants and contracts for research and training in librarianship; and

(3) funds for the Library of Congress for cataloguing of library materials and distribution of cataloguing information.

The amendments made by part B—

(1) reorganize the authorizations of appropriations by providing for a single authorization for parts A and B of title II and a percentage division of the appropriation for specific purposes;

(2) authorize the Commissioner to waive maintenance of effort requirements for grants for the acquisition of library resources;

(3) increase the maximum amounts for supplemental grants; and

(4) require an annual evaluation of the program operation by the Library of Congress.

Part C—Developing Institutions; Emergency Assistance to Institutions of Higher Education

This part (1) amends title III of the Higher Education Act of 1965, and (2) contains a special authorization of appropriations for emergency interim assistance to institutions of higher education which are in serious financial distress, and (3) requires a study of financing higher education, including uniform cost accounting standards.

Such title III of the Higher Education Act of 1965 authorizes grants to developing institutions of higher education to enable them to strengthen their academic and administrative capacities. Part C revises such title III to improve the program of strengthening developing institutions and increase emphasis on institutions which serve a significant proportion of students who come from disadvantaged backgrounds.

Part D—Student Assistance

This part amends present law as it relates to financial assistance to students in institutions of higher education. The amendments made by this part—

(1) revise part A of title IV of the Higher Education Act of 1965 to authorize—

(A) a Basic Educational Opportunity Grant of $1,400 for any student minus the amount his or her family can reasonably be expected to contribute for his or her postsecondary education;

(B) a Supplemental Educational Opportunity grant (a continuation of the present educational opportunity grant program) for students who are in exceptional financial need and who would be unable to receive the benefits of a postsecondary education without such a grant, which grants are (i) to supplement the basic grants, and (ii) to aid students who are not eligible for basic grants but who are in need of financial assistance;

(C) matching grants to States to encourage the development and expansion of State scholarship programs;

(D) special services to encourage disadvantaged students to complete secondary school and to enter and continue programs of postsecondary education;

(E) cost-of-instruction allowance payments to institutions of higher education at which basic grant recipients are in attendance;

(2) modify the insured student loan program—

1. by permitting an increase in the maximum amount of student loans in exceptional cases, and

2. by authorizing the Commissioner to audit eligible institutions, to set reasonable standards of financial responsibility for such institutions, and suspend or terminate their eligibility:

(3) create a Student Loan Marketing Association for warehousing student loans and in order to create a secondary market for such loans;

(4) modify the determination of need under the College Work-Study Program by requiring that the actual cost of attendance at the institution be taken into consideration;

(5) transfer the provisions for direct student loans under title II of the National Defense Education Act of 1958 to title IV of the Higher Education Act of 1965, with minor modifications; and

(6) require an affidavit by students stating student assistance funds received by the student will be used for education related purposes.

Part D also requires the Secretary of Health, Education and Welfare to conduct a study of financing postsecondary education.

Part E—Education Professions Development Act

This part amends title V of the Higher Education Act of 1965, the Education Professions Development Act. The Education Professions Development Act authorizes the Teacher Corps and a variety of programs designed to improve the quality of teaching in elementary and secondary schools, vocational education programs, and in institutions of higher education. The amendments made by part E—

(1) combine the seven authorizations under the Education Professions Development Act into a single authorization with a percentage division of the appropriations among the programs authorized by the Act.

(2) clarify the status of the Teacher Corps; and

(3) together with minor and technical amendments, expand the scope of the training programs authorized by the Education Professions Development Act.

Part F—Instructional Equipment

This part extends title VI of the Higher Education Act of 1965. Such title VI authorizes financial assistance to institutions of higher education for the improvement of under graduate instruction. Funds may be used for the acquisition of instructional equipment and closed circuit television equipment.

Part G—Academic Facilities

This part transfers the provisions of the Higher Education Facilities Act of 1963 to title VII of the Higher Education Act of 1965, with modifications and a new authorization for mortgage insurance on facilities.

Part H—Networks for Knowledge

This part extends title VIII of the Higher Education Act of 1965, with technical and clarifying amendments. Such title VIII encourages cooperative arrangements among institutions of higher education for the joint use of facilities and resources to form networks for knowledge. The amendments make clear that law schools are to be included.

Part I—Graduate Programs and Community College Programs

This part creates two new titles IX and X, in lieu of the present titles IX and X of the Higher Education Act of 1965. The new title IX—

(1) in part A, combines a number of present graduate programs into a single program of assistance to strengthen graduate schools;

(2) in part B, combines various fellowship programs into a broad program of Federal fellowships.

The new title X provides for State wide plans for postsecondary educational opportunities through community colleges and authorizes grants for—

(1) the establishment of New Community Colleges;

(2) the expansion of present community colleges;

(3) the lease of facilities.

Part J—Law School Clinical Experience Programs

This part extends and makes minor changes in the program to encourage law schools to provide clinical experience in the law.

TITLE IV—INDIAN EDUCATION

This title amends Public Law 874, Eighty-first Congress and the Elementary and Secondary Education Act of 1965 with respect to Indian children. The title also amends the Adult Education Act to authorize special projects for Indians and makes miscellaneous amendments. Part D of title IV establishes, within the Office of Education, a Bureau of Indian Education to administer the newly established programs.

TITLE V—MISCELLANEOUS

This title, other than minor and technical amendments—

(1) provides for uniform application requirements;

(2) extends title III of the National Defense Education Act of 1958 for four years;

(3) requires a study of and report on regulations and guidelines issued by the Office of Education;

(4) amends the Elementary and Secondary Education Act of 1965, authorizing an Ethnic Studies Centers Program;

(5) establishes a Consumers' Education Program;

(6) makes the University of Guam and the College of the Virgin Islands land-grant colleges;

(7) amends title I of the Elementary and Secondary Education Act of 1965 with respect to migrant children.

STRENGTHENING DEVELOPING INSTITUTIONS

Title III of the Higher Education Act of 1965 authorizes assistance for strengthening developing institutions to enable them to increase their academic and administrative capabilities and the qualify of their student services. Such institutions have the desire and potential to make a substantial contribution to the higher education resources of the Nation, but, for financial and other reasons, are struggling for survival and are isolated from the main currents of academic life. Three types of assistance are available under the program: grants to encourage cooperative arrangements among institutions; National Teaching Fellowships; and Professors Emeritus Grants. Cooperative arrangements may be among developing institutions, or between developing institutions and stronger colleges and universities and business entities and industry. Such arrangements may include such projects as exchange of faculty or students, faculty and administration improvement programs, joint use of facilities, and the like. National Teaching Fellowships are awarded to outstanding graduate students and junior faculty members of colleges and universities to teach at developing institutions. Professors Emeritus Grants are awarded to professors retired from active service at institutions of higher education to encourage them to teach and conduct research at developing institutions.

In fiscal year 1971, 198 developing institutions received grants totaling $33,850,000. An additional 307 developing institutions were participating in consortia coordinated by the grantee institutions. Included in the grants were awards for 541 National Teaching Fellowships and 64 Professors Emeritus.

Revision of title III

Programs under this title have been of significant benefit to traditionally black institutions of higher education. In fiscal year 1971, nearly half of the grants made under title III were awarded to these institutions. These awards totaled nearly 60 percent of the funds available—more than $19.8 million.

In fiscal year 1972, $51.850 million was appropriated for the purpose of strengthening developing institutions, an increase of $18 million over the prior year's appropriation. It is expected that most of the increase will be awarded to black institutions.

The Committee amendment contains a revision of title III of the Higher Education Act of 1965. Title III has been and can be a solid source for strengthening institutions which have a great deal of potential for serving students, especially students from disadvantaged backgrounds and students from minority groups. The Committee was impressed with testimony in 1970 from representatives from predominately black institutions, which indicated that those institutions are taking up a special responsibility for providing minority group students with an opportunity for postsecondary education which would not be available under other circumstances. The financial crisis which has hit so many of the Nation's colleges and universities has been particularly difficult for developing institutions, especially those institutions which are serving substantial numbers of students from disadvantaged backgrounds. The Committee recommends that title III of the Higher Education Act of 1965 be revised in order to make the assistance available under that title and other Federal programs more nearly conform to specific needs of developing institutions.

EMERGENCY ASSISTANCE TO INSTITUTIONS OF HIGHER EDUCATION

In section 123 of the bill, the Committee recommends an authorization of appropriations of $150 million for emergency interim grants to institutions of higher education which are in such serious financial distress that without a grant they will either cease to operate or be found to curtail their academic programs to the detriment of the quality of education available to their students.

The Committee received evidence from many witnesses which indicated that literally hundreds of institutions of higher education are facing financial disaster, and that unless some type of emergency assistance is made available to preserve institutions of higher education which are now on the verge of bankruptcy, some of the options now available for the establishment of a national policy on the financing of higher education will be closed.

Many proposals for solving the financial crisis now facing institutions of higher education were advanced before the Committee; however, following the advice of some witnesses and of Administration representatives, the Committee recommends that a long-range policy on this matter be developed on the basis of more evidence and data than is now available. The Committee is confident that, within the next three years, such evidence and data will become available, through studies now being conducted and which will be conducted, as will enable the Congress to develop a sound long-range policy, reinforced with the funds necessary to carry out that policy.

In the meantime, the Committee is convinced that an emergency measure is necessary to preserve options until that long-range policy can be implemented.

In its December, 1970 report, the Carnegie Commission on Higher Education warned that—

> American colleges and universities are in the midst of a financial crisis, unmatched in its impact in any previous period of history.

The Association of American Colleges, in a survey reported early this year, indicated that the average private college and university in every region of the country was "firmly in the red", and that, taken collectively, the private institutions are in debt for over a quarter of the book value of their physical plants. The Committee learned that a growing number of institutions find it necessary to dip into their endowments in order merely to survive and avoid impending bankruptcy.

Endowments are limited—and for most schools are meager—and, while private contributions have increased, they still fall short of the need. Tuition fees, which are steadily rising, provide only a fraction of the institution's costs of education: approximately 20% for public institutions and about 62% for nonpublic colleges and universities. In addition, at many schools student fees have reached a point of diminishing returns—to further increase them is to price out of the market middle-income students and create a situation where only the very rich or the very poor (who are subsidized) can attend. This situation is further exacerbated by the pressure of inflationary increases in school costs.

To meet the dire financial crisis faced by colleges and universities, the Committee has included a provision for emergency assistance for institutions of higher education. Section 123(b) authorizes for the period of fiscal years 1972 and 1973 appropriations of $150 million for interim emergency assistance to institutions of higher education in serious financial distress and in need of additional assistance either (1) to continue operation of the institution or (2) to prevent substantial curtailment of academic programs to the detriment of the quality of education available to students.

In order to obtain assistance under section 123(b), an institution must submit an application to the Commissioner. In the case of any public institution, the application must be submitted through an appropriate State agency if such a State agency exists in the State in which the institution is located. The Commissioner will promulgate regulations for the determination of which State agencies are appropriate for the purposes of section 123(b). If State law provides for a State agency qualified for the purposes of section 123(b), then those regulations must define that agency as the appropriate agency. If no appropriate State agency exists, applications may be submitted directly to the Commissioner. It is expected that State Commissions created under section 1202 of the Higher Education Act of 1965 may often be found to be the most appropriate State agency.

In the case of nonpublic institutions the application procedure is the same as that for public institutions except that, if State law does not permit a State agency to deal with a nonpublic institution, such an institution may submit its application directly to the Commissioner.

In the case of applications submitted through State agencies, the State agency must determine—

(1) Whether the applicant is in serious financial distress, as such term is defined in regulations of the Commissioner; and

(2) Whether, as a result of such distress, the applicant is in need of financial assistance under section 123(b) in order to continue its operation or will have to discontinue or substantially curtail its academic programs with the result that the quality of education offered to its students will suffer.

All applications must be carefully reviewed by the Commissioner. Prior to his approval of an application the Commissioner must verify the correctness of the determinations of State agencies and he must determine—

(1) that the applicant has developed and adopted a plan which provides reasonable assurance that the institution, with section 123(b) assistance, will be able, both during and after the period covered by the grant, to continue to operate;

(2) that the applicant is making a major contribution to the overall higher education system of the area of the State in which it is located, or of the Nation; and

(3) that the application contains a statement of such policies and procedures for the use of section 123 funds as will insure that such funds will not be used for a school or department of divinity or for any religious worship or sectarian activity.

An institution receiving emergency assistance must agree to disclose such financial information as the Commissioner determines necessary to determine the sources or causes of the institution's financial distress. In addition, the institution must agree to conduct a cost analysis study of its operation, including income-cost comparisons and cost per credit hour of instruction for each department, and to implement any financial or operational reform recommended by the Commissioner, unless adequate reasons in writing are given for not doing so.

In making a determination as to the recipient of grants and as to the size of such grants, the Commissioner must consult with the appropriate State agency and must also obtain the advice and recommendations of a panel specialists who are competent to evaluate the applications as to the relative degree of financial distress among the applying institutions.

The Committee wishes to stress the special character of this program of institutional aid which, on an interim emergency basis, applies only to institutions experiencing dire financial stress. The Committee wishes to note that section 123 is not made a part of the Higher Education Act of 1961 because the emergency program is considered to be a temporary measure.

The Committee believes there is a great need to improve the planning and management capabilities of institutions of higher education. The Committee therefore recommends the enactment of section 123(d) which authorizes grants for planning and management capability improvement to institutions receiving emergency assistance and to other institutions for demonstration grants having national significance for improving the planning and management capabilities of institutions of higher learning. Grants for this purpose could not exceed the full-time equivalent enrollment multiplied by five dollars, or $15,000, whichever is greater.

Finally, of major importance, the Committee recommends section 123(c) which requires a study by the Commissioner of Education to further examine the financial crisis facing the Nation's institutions of higher education with a view toward determining what additional governmental and private assistance might be necessary and desirable and, if needed, what form it should take.

In including section 123 in the bill, the Committee is not unaware of recent decisions by the Supreme Court relative to the constitutionality of Federal programs of assistance to institutions of higher education. Since the emergency program envisioned by section 123 will be administered by the Commissioner, whose final decision will govern which institutions receive aid, the Committee wishes to emphasize that no grants shall be given which are, in any way, violative of the First Amendment to the Constitution or any other constitutional provision, and that, in preparing guidelines for such section, the Commissioner will have before him pertinent court interpretations.

PART D—STUDENT ASSISTANCE

Title II of the National Defense Education Act authorizes appropriations to (1) establish and develop capital funds at institutions of higher education to provide low interest, long-term loans to regularly enrolled financially needy students, (2) provide loans to institutions to help finance their contributions to the loan fund, and (3) make payments to the institutions to cover their share of the reduction in the student loan funds resulting from teacher cancellations.

The student borrower must be enrolled or accepted for enrollment on at least a half-time basis at an institution of higher education or at an institution providing at least a one-year program leading to gainful employment. He must also evidence a need for such financial assistance.

During fiscal year 1971, it is estimated that approximately 560,000 students received over $364 million in loans. The average loan per student was about $650.

For fiscal year 1972, $293 million was appropriated for NDEA loans, an increase of $50 million over the fiscal year 1971 level.

The College Work-Study Program is designed for students, particularly those from low-income families, who need a job to help pay for college expenses. Students may work an average of 15 hours a week while attending classes full-time. During summer or other vacation periods, students may work full-time (40 hours a week) under the College Work-Study Program. The college itself may employ the student or he may work for an off-campus agency. On-campus jobs may include work in libraries, laboratories, dining halls, and grounds maintenance. Off-campus jobs are assigned in public or nonprofit organizations, and include work in health, welfare, and recreation programs.

In fiscal year 1971, 2,369 institutions provided work-study opportunities for an estimated 430,000 students. In Fiscal Year 1972, approximately $237 million will be available to provide work-study opportunities for about 545,000 students.

The goal of the Educational Opportunity Grants Program is to make the benefits of higher education available to qualified high school graduates of exceptional financial need who, without this aid, would be unable to obtain these benefits. Grants are awarded to undergraduate students for up to four years of study, and may not exceed $1,000 per year or one-half of the amount provided the student from other sources of institutional aid, whichever is less.

In fiscal year 1971, an estimated 290,200 students at 2,100 institutions received EOG assistance. For fiscal year 1972, $175.3 million were appropriated for EOG's an increase of $7.6 million over the fiscal year 1971 level.

Under the Guaranteed Student Loan Program, a student may borrow money from a bank, savings and loan association, credit union, or other lender to attend either college or vocational school. If this adjusted family income is less than $15,000 per year, the Federal government will pay the full interest charged on the loan while he is attending school. An annual interest rate of 7% is charged during the repayment period, which begins nine–twelve months after he completes his course of study or leaves school. The maximum repayment period is ten years.

ESEA ELIGIBILITY FOR DELINQUENTS IN ADULT CORRECTIONAL INSTITUTIONS

This provision would amend 103(a)(7) of the Elementary and Secondary Education Act under which Elementary and Secondary Education funds are provided to States to meet the special education needs of delinquents incarcerated in adult correctional institutions. This provision was made necessary by a position recently taken by the Department of Health, Education, and Welfare which would disallow such funds to delinquent children in adult institutions because such institutions are not operated primarily for the care of delinquents.

The Committee is aware that many young people, although committing the same offenses, are handled differently from jurisdiction to jurisdiction depending on whether juvenile jurisdiction is waived.

The Committee believes that the test insofar as title I is concerned should be whether the funds are used to meet the special educational needs of delinquents, rather than any artificial distinction based on the kind of institution in which a delinquent is incarcerated.

The Committee, therefore, adopted this provision which would make available, as is the case today, Elementary and Secondary Education assistance to States for delinquents in adult correctional institutions provided such funds are used solely for delinquent children. This provision would enable delinquents in adult institutions to receive the same educational opportunities as those in juvenile institutions.

[From the Baltimore Sun, July 30, 1971]

CORRECTIONAL CENTER LOSES FEDERAL EDUCATION FUNDS

(By Roger Twigg)

The education of nearly 1,000 young inmates at the Hagerstown Correctional Training Center will be curtailed because of the elimination of federal financing for the program.

The funds to educate "youthful offenders" at the minimum security institution had been provided for the past three years under Title I of the Elementary and Secondary Education Act.

A spokesman for the U.S. Department of Health, Education and Welfare, which distributes the funds, said money for the Maryland program was cut off July 1—the start of the current fiscal year. The spokesman added, "they will have to refund the balance of unspent funds."

MONEY ORDERED RETURNED

The federal agency has ordered the state Division of Correction to return $90,000 of the $200,000 it received for the educational program this year.

According to an informed source, the federal agency has told the Division of Correction that "it was not the intent of Congress, when the Education Act was passed in 1965, to provide funds for educating juveniles in adult institutions."

The program was first authorized by Congress in 1965 to educate "youthful offenders in juvenile institutions," the source said.

AMENDED IN 1968

But, he added, the act was amended in 1968 to allow the Department of Health, Education and Welfare to, "at its own discretion provide funds for educating delinquent children 16 to 21 years of age whether or not they were housed in adult or juvenile institutions."

He said the lack of federal funds will seriously curtail—by as much as two-thirds—the education of nearly 1,000 young inmates at the training center.

The majority of the inmates, the source said, are 21 years old or younger and are serving terms for what police describe as "soft crimes," such as daylight burglary, larceny and auto theft.

He said nearly 80 per cent of the inmates at the training center have not completed public school education, while 50 per cent have less than a fifth-grade education. About 90 per cent of them "are out of the ghetto sections of Baltimore city," he added.

The federal spokesman said financing for such a program could be provided only to institutions which "house children who have been adjudicated to be delinquent." He said the age limit for the delinquent children is 21.

"I can assure you that this has been given very close scrutiny because of the very strong efforts of Maryland officials to maintain the program," the spokesman said. "For some reason or other, that institution does not fall under the guidelines or else the program would be continuing."

"STRINGENT GUIDELINES"

The informed source at the state Division of Correction accused the federal agency of applying "stringent guidelines to tie up, by bureaucratic red tape, funds which rightfully belong to the correctional institution."

However, Senator J. Glenn Beall, Jr. (R., Md.), in a letter to state officials last week, described the cut in funds as a "misunderstanding."

Senator Beall said he has introduced an amendment to the Education Act which would clarify use of the funds. He said he introduced the amendment in the Labor and Public Welfare Committee and that it was adopted and would be sent to the Senate floor.

WILL ALSO HALT STUDY

The Division of Correction source said the loss of federal funds will force the state agency to release 16 teachers, an administrator and a secretary from the training center unless "emergency state funds can be obtained."

The loss of federal financing also will halt a 5-year, $75,000 state-financed study by the Department of Vocational Education to develop a full-scale educational program for Maryland correctional institutions, the source said. The study presently is in its third year.

EMERGENCY ASSISTANCE FOR INSTITUTIONS OF HIGHER EDUCATION

SEC. 123. (a) (1) The Congress hereby finds and declares that—

(A) the Nation's institutions of higher education constitute a national resource which significantly contributes to the security, general welfare, and economy of the United States;

(B) considerable evidence has been advanced which indicates that many institutions of higher education are in financial distress resulting from many causes, including, among others, efforts on the part of such institutions to increase enrollments, to improve the quality of education and training, and to enlarge educational opportunities; and

(C) various proposals have been presented to the Congress, in response to such condition of financial distress, for providing financial assistance to the Nation's institutions of higher education but, except for that necessary to justify payments provided for reimbursement for part of the cost of instruction under subpart 5 of part A of title IV of the Higher Education Act of 1965 as added by section 131(b) of this Act, insufficient informaton is available on the basis of which the Congress can determine, with any degree of certainty, the nature and causes of such financial distress or the most appropriate means with which present and future conditions of financial distress may be dealt.

(2) It is the purpose of this section (A) to provide to institutions of higher education, which are determined in accordance with this section to be in serious financial distress, interim emergency assistance to enable them to determine the nature and causes of such distress and the means by which such distress may be alleviated, and to improve their capabilities for dealing with financial problems using, to the extent appropriate, assistance authorized under the Higher Education Act of 1965 and all other sources of financial assistance, and (B) to authorize the Commissioner to obtain and make available to the Congress such information as may be necessary to enable the Congress to assess problems relating to financing of higher education, and to make decisions, to the extent that such problems exist, with respect to long-range solutions to such problems.

(b) (1) There is authorized to be appropriated for the period beginning with the date of enactment of this Act, and ending June 30, 1973, $150,000,000 for the purpose of making grants under this subsection. Sums so appropriated shall remain available for obligation and expenditure until expended.

(2) (A) The Commissioner is authorized to make grants to institutions of higher education which are in serious financial distress, as such term is defined in regulations of the Commissioner, in accordance with the provisions of this section.

(B) A grant under this subsection may be made only upon application therefor to the Commissioner. Such applications shall be submitted at such time, in such form, and containing such information, assurances, policies, and procedures as the Commissioner may require in order to enable him to carry out his functions under this section. The Commissioner shall not approve any such application unless he finds that—

(i) in the case of a public institution of higher education, the institution has submitted its application for emergency assistance under this subsection to the appropriate State agency, as provided by the law of the State in which it is located and in accordance with regulations of the Commissioner, if any such agency exists with respect to such State, and such State agency has made a finding, in accordance with criteria established by the Commissioner, that such institution is in serious financial distress and (I) is in need of financial assistance under this section to continue its operation, or (II) will have to discontinue or substantially curtail its academic programs to the detriment of the quality of education available to its students;

(ii) in the case of a nonpublic institution of higher education, the institution either has complied with the procedure set forth in clause (i) for public institutions, or has submitted an application directly to the Commissioner and the Commissioner has determined that the institution meets the condition set forth in either clause (i) (I) or (i) (II), and has submitted a copy to the appropriate State agency, as determined under the law of the State in which it is located and in accordance with regulations of the Commissioner, for comment;

(iii) such institution has developed, adopted, and submitted a plan which the Commissioner determines provides reasonable assurance that, if the institution receives the grant for which it is applying, such institution will be able, during and after the period covered by such grant, to continue the educational services, programs, and activities with respect to which such grant is sought;

(iv) such institution is determined to be making a major contribution to the overall higher educational system of the area of the State in which it is located, or of the Nation; and

(v) such institution has included in such application such policies and procedures for the use of funds received under the grant as will insure that such funds will not be used for a school or department of divinity or for any religious worship or sectarian activity, and as will insure that such funds will be solely used for the purposes for which the grant is made.

(C) An application shall be approved under this subsection only if it includes such information, terms, and conditions as the Commissioner finds necessary and reasonable to enable him to carry out his functions under this section, and as he determines will be in the financial interest of the United States, and the applicant agrees—

(i) to disclose such financial information as the Commissioner determines to be necessary to determine the sources or causes of its financial distress and other information relating to its use of its financial resources;

(ii) to conduct a comprehensive cost analysis study of its operation, including income-cost comparisons and cost per credit hour of instruction for each department, in accordance with uniform standards prescribed by the Commissioner; and

(iii) to consider, and either implement or give adequate reasons in writing for not doing so, any financial or operational reform recomemnded by the Commissioner for the improvement of its financial condition.

(D) The Commissioner shall not approve an application for a grant under this section without first obtaining the advice and recommendations of a panel of specialists who are not regular, full-time employees of the Federal Government and who are competent to evaluate the applications as to the relative degree of financial distress of the applying institutions.

(c) (1) In order to give the States and the Nation the information needed to assess the dimensions of and extent of the financial crisis confronting the Nation's institutions of higher education, the Commissioner shall make, or arrange for, a study of the financial conditions of such institutions to determine the need, if any, the desirability, and the form that additional governmental and private assistance should take. Such study shall include (A) an analysis of the various proposals presented to the Congress that provide assistance to institutions of higher education, as well as other viable alternatives which, in the judgment of the Commissioner, merit inclusion in such a study; (B) the costs, advantages and disadvantages, and the extent to which each proposal would preserve the diversity and independence of such institutions; and (C) the extent to which each would advance the national goal of making higher education accessible to all individuals having the desire and ability to continue their education.

(2) (A) The Commissioner shall, at the earliest practicable date after he has had an opportunity to review the suggested national uniform standards referred to in clause (5) of section 140(c), but not later than July 1, 1973, prescribe national uniform standards for determining average per-student costs to institutions of higher education for providing postsecondary education for students in attendance at such institutions.

(B) After the Commissioner has prescribed the national uniform standard required by subparagraph (A), he shall require, as a condition of approval of any application of any institution of higher education for any funds under a grant or contract authorized by the Higher Education Act of 1965, that such institution supply cost-of-education data determined in accordance with such national uniform standards.

(3) The Commissioner shall report the results of the study required by this subsection to the President and the Congress not later than December 31, 1972.

(d) (1) The Commissioner is authorized to make grants to—

(A) institutions of higher education which are receiving emergency assistance under subsection (b) for the purpose of enabling them to improve their planning and management capabilities, and

(B) other institutions of higher education to assist them in conducting research and demonstration projects having national significance for improving the planning and management capabilities of institutions of higher education.

(2) The maximum amount of a grant under this subsection, with respect to an institution for any fiscal year, shall not exceed—

(A) an amount equal to the full-time equivalent number of persons in enrollment at that institution multiplied by $5; or

(B) $15,000;

whichever is greater.

(3) There are authorized to be appropriated for the period beginning on the date of enactment of this Act, and ending June 30, 1974, such sums as may be necessary to carry out the purposes of this subsection.

(e) As used in this section—

(1) the term "institution of higher education" means an educational institution in any State which (A) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (B) is legally authorized

within such State to provide a program of education beyond secondary education, (C) has been in existence for at least five years prior to the date upon which it makes application under this section, (D) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree, (E) is a public or other nonprofit institution, and (F) is accredited by a nationally recognized accrediting agency or association or, if not so accredited, (i) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (ii) is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution which is accredited, and, for the purpose of this clause, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered;

(2) the term "State" includes the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands; and

(3) the term "school or department of divinity" means an institution or a department or a branch of an institution the program of instruction of which is designed for the education of students (A) to prepare them to become ministers of religion or to enter upon some other religions vocation (or to provide continuing training for any such vocation), or (B) to prepare them to teach theological subjects.

By Mr. BEALL (for himself and Mr. Dominick):

S. 2154. A bill to establish a program of interim emergency financial assistance to institutions of higher education having the greatest need for such assistance, and to determine means of improving the financial position of all such institutions and their future needs for assistance. Referred to the Committee on Labor and Public Welfare.

Mr. Beall. Mr. President, on behalf of myself and Senator Dominick, I introduce today the "Emergency Higher Education Assistance Act of 1971." There has been considerable concern in the Congress and the country regarding the financial difficulties facing many of the Nation's colleges and universities.

In its December 1970 report, the Carnegie Commission on Higher Education warned that—

"American colleges and universities are in the midst of a financial crisis, unmatched in its impact in any previous period of history."

Maryland's institutions of higher learning have not escaped these financial difficulties as can be seen from the following:

St. Joseph's, a private institution, has already announced that it will have to close.

Johns Hopkins, one of the Nation's most prestigious institutions, faces severe and major financial problems.

The Maryland Legislature, in the last session, recognized these financial problems and passed legislation authorizing $500,000 for its hard-pressed private institutions.

In addition, I have corresponded with and have personally talked to many of Maryland's leaders in higher education. Many have emphasized to me the very serious financial problems that they face.

There are various pending proposals in the Congress. Congressman Quie's bill, for example, which would provide general assistance to institutions of higher learning based on the number of degrees granted by such institutions. Congresswoman Green's bill would provide general aid based on credits earned. The administration recently also proposed institutional aid which would provide for an add-on based on certain federally assisted student aid programs. I personally have considered introducing similar measures or variations thereon, but I was not really satisfied with any of the formulas that I considered. I believe it important that we make the right decision on the higher education aid question for such decision will probably significantly shape higher education programs for the next decade.

During recent hearings on institutional aid, I outlined to Secretary Richardson my proposal. The Secretary encouraged me to pursue this approach, feeling that it was important, as we search for the best approach to the problems of higher education, that we consider all the various alternatives and possibilities. It is in that spirit that I today introduce the Emergency Higher Education Assistance Act of 1971.

This bill will authorize $150 million for interim emergency assistance to the nation's institutions of higher learning which are in "serious financial distress" and in need of additional assistance either to continue its operation of the institution or to prevent "substantial curtailment" of its academic program to the detriment of the quality of education available to its students. In the case of public institutions, the appropriate state agency would have to make a finding that such institutions were in need of emergency financial assistance. In the case of private institutions, such findings could be made by either the appropriate State agency or by the Commissioner of Education.

Institutions receiving such assistance would be required to disclose certain financial information to enable the Commissioner to determine the causes and sources of their financial distress and agree to conduct cost analysis studies and to implement any needed financial or operational reform as indicated by such studies, or to give reasons in writing for not implementing such recommended reforms.

Our hearings have indicated that present accounting procedures in higher education are greatly inadequate. Our Education Subcommittee simply could not get adequate answers as we attempted to secure basic information with respect to higher education. Indications are that universities and colleges are becoming aware of these shortcomings and some are indeed attempting to secure the basic date and to experiment with financial innovation and reform.

For example, George Washington University is now requiring an income-cost-comparison and cost-per-credit hour for each of the school's departments. We know that programs at the college level have proliferated in recent years and certainly an examination of such programs, including their costs, would be useful information to the institution, and valuable in making cost comparisons among similar schools. As the president of George Washington University commented with respect to that institution's new budget procedures:

"We will know more about our actual cost and our income than 90% of the colleges and universities of the country."

Not "all of our decisions, or even half of our decisions ought to follow the financial lines revealed by this information. But, without this information, you are still flying by the seat of your pants." Similarly, on the West Coast the University of Southern California has implemented strict cost accounting procedures which I understand have paid off. According to the University of Southern California's Business Office, operation and maintenance costs have declined from 11 percent of their operating budget in 1959 to 5 percent at the present. I ask unanimous consent that the article entitled "Cost Accounting at George Washington and USC" which appeared in the Editorial Research Reports on February 24, 1971, be printed in the Record at the conclusion of my remarks.

The Presiding Officer (Mr. Chiles). Without objection, it is so ordered.

(see exhibit 1.)

Mr. Beall. Mr. President, both the financial crisis facing many schools plus the need to use our resources wisely demand that we stop this "flying by the seat of our pants."

Second, the measure authorizes a study or studies of higher education financing. Through this study, it is hoped that the Nation will be given the additional information that will better enable us to determine the dimensions and causes of the financial distress and the formula we should employ in response to such financial problems. Furthermore, the studies would recommend the optimum roles for the Federal, State, and local governments as well as private donors in response to these dire financial problems. Authority is given for the contracting out of all or part of such studies as the Commissioner deems necessary.

Finally, the measure authorizes grants to institutions of higher learning to improve their planning and management capabilities. This suggestion generally follows that suggested by Dr. Ben Lawrence of the Western Interstate Commission for Higher Education who has done some of the most creative thinking on the subject of institutional aid that I have examined.

I intend to examine all of the pending institutional aid proposals. I offer this measure today in the hope that it might further the discussion and interest in this subject. I realize that the measure I propose is not perfect and if the Congress desires to go this route, we will need to add a maintenance of effort provision. Also, I am aware of the number of higher education institutions that we have and the difficulties the Commissioner may have with respect to determining which institution should receive the emergency assistance. We would have to explore this problem in detail. We could, for example, employ the peer review mechanism used successfully by the National Institutes of Health. It might also be useful to establish an advisory committee to frame criteria for assistance under this title.

There is general agreement in the country that no capable youth interested in higher education should be denied the opportunity to receive such education because of financial reasons. The President repeated this pledge in his message of February 22, 1971:

"No qualified student who wants to go to college should be barred by lack of money."

Congress in recent years has instituted various forms of student aid to accomplish this objective and the Education Subcommittee is now in executive sessions studying even more complete and extensive legislation, including bills submitted by the President to carry out this commitment. It is an impressive record for according to the Office of Education figures—in 1968 this Nation appropriated $538 million to aid students in higher education. This appropriation was increased to $568 million in 1969, $633 million in 1970, and $784 million in 1971. As many as 1 million additional students could receive assistance under pending proposals. This is very commendable and it would seem that we are taking the necessary steps to meet our obligations and needs. I certainly endorse the President's historic commitment to assure that financial barriers do not exclude capable and interested students from pursuing their education.

I am concerned that our best intentions may fall short of the mark if we do not assist the Nation's institutions through this period of financial difficulty. All the forms of student aid will not assure the opportunity for higher education to those who merit it if the institutions are not available to them or if the colleges and universities cannot provide the services they seek. The facts are that many institutions of higher education are in a serious predicament, some even in desperate financial circumstances.

There are many reasons for the financial difficulties facing our colleges and universities. First, enrollment at our higher educational institutions has doubled during the last decade reaching 7 million last year. It is estimated by 1978 an additional 3 million students will be added raising the total enrollment to 10.3 million. Our colleges and universities are caught in a squeeze between increasing costs and declining revenues. Inflation has taken its toll on the colleges and universities as it has on other sectors of society. At the same time, the war babies were producing an unprecedented number in our college-age population. In addition, the trend toward a greater proportion of our population taking advantage of higher education continued. While I believe that the Nation's higher educational institutions have not given proper attention to cost effectiveness and I am convinced that greater productivity can indeed result in some areas, I am also aware that higher education is not an automobile for which mass production necessarily reduces the unit of costs. Then too, in recent years we have seen rather dramatic increases in faculty salaries as they became more competitive. Finally, with an increasing sense of responsibility higher education institutions have made extra efforts to attract and support disadvantaged and minority students.

Tuition fees have never paid for the whole cost of education. Federal and State and, private gifts, and endowment income must make up the difference. For a time the heightened appreciation of the importance of higher education to our national growth, especially to our scientific development, led to increases in these additional sources of revenue and enable the colleges and universities to absorb growing enrollment. But the need to cut expenditures and control inflation plus a decline in investment income brought a decrease in funds from these sources. The regular and rapid tuition fee increases have approached, particularly for the private schools, the saturation point and substantial further increases might price these colleges and universities out of the market.

Diversity among higher institutions of learning has always been valued in America and the recent Newman report expressed grave concern over the fact that our schools of higher learning had become "extraordinarily similar." Because private schools do offer independence and diversity and creativity, one must be concerned with developments taking place in this century which have been accelerating in recent years. For example, between 1900 and 1950, an equal number of students were attending public as private institutions. Siince 1950, the balance in enrollment between private and public schools has almost disappeared and today five out of every seven college students are enrolled in public institutions.

The percentage will continue to grow. Yet, our private institutions are vital to our whole system of higher education, without them our system of higher education could become stagnant and stale. They provide an important competition which improves the quality for all institutions of higher learning and I believe that we should insure their survival.

The measure I introduced today is designed to help the colleges and universities through this immediate period of difficulty and at the same time seek the information and support for a longer range policy.

Our institutions of higher education are a natural resource of immeasurable value. Despite higher education's problems, our colleges and universities have served the Nation well and have provided us with the leadership and talent absolutely essential for a leading nation in the world. As a member of the Education Subcommittee, I certainly will work with the administration, the committee, and educational leaders throughout the country in shaping a measure responsive to the financial needs of the education community and the educational needs of the country. It is my belief that the bill I introduced today will help contribute to the discussion that is taking place in the country with respect to institutional aid. The bill does address itself to the short term problem by providing immediate emergency aid, while requiring a study to find the long term answer to the financial plight of the Nation's colleges and universities. I am hopeful that this measure, perhaps in combination with some of the other proposals, might contribute to the finding of the proper approach. I ask unanimous consent that the text of this measure be printed in full in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Mr. BEALL. Mr. President, I find it interesting that the amending of the Higher Education Act of 1965 and the Vocational Education Act of 1963 have come to the floor as titles of the same bill. I sincerely hope the symbolism of this companioning is not lost.

For too long vocational education has been "for someone else's child." It has been relegated to the bottom of the educational priority heap. This is exceedingly unfortunate.

The Federal Government invests $14 in the Nation's institutions of higher learning for ever $1 it invests in vocational education; yet 80 percent of our job opportunities available in the United States today do not call for a college education, nor will they for the foreseeable future.

The Federal Government continues to invest nearly $4 in remedial manpower programs for every $1 it invests in preventive vocational education. Mr. President, what a fertile area for priority reordering.

Although title II of this bill is little beyond a straight extension of the existing vocational education laws, I look to a day quite soon when vocational education, or career education as some prefer to call it now, takes its rightful place, fully equal to, and alongside, higher education; not just symbolically as we have here.

I commend to the Senate a most remarkable report: the fifth of the National Advisory Council on Vocational Education. I ask unanimous consent that at this point in my remarks the report be printed in full.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

Fifth Report: National Advisory Council on Vocational Education. June 21, 1971

The National Advisory Council on Vocational Education was created by the Congress through the Vocational Education Amendments of 1968. It is composed of 21 persons, appointed by the President from diverse backgrounds in labor, management and education. It is charged by law to advise the Commissioner of Education concerning the operation of vocational education programs, make recommendations concerning such programs, and make annual reports to the Secretary of Health, Education, and Welfare for transmittal to Congress.

National Advisory Council on
Vocational Education,
Washington, D.C., June 21, 1971.

Hon. Elliot Richardson,
Secretary, Department of Health, Education and Welfare, Washington, D.C.

Dear Mr. Secretary: The National Advisory Council on Vocational Education is pleased to submit this, our Fifth Report, in support of the Administration's positive stance toward career education.

As we understand the history of vocational education in our nation, Commissioner Sidney P. Marland is the first chief administrator at the Office of Education to identify career education as the Number One priority in Education. We believe Vocational and Technical Education is an important part of this concept.

In this report we have attempted to recognize the various publics needing career education and have urged the policy makers in your department to assist the Commissioner in attaining his goal.

Sincerely,

Lawrence Davenport,
Chairman.

FIFTH REPORT: NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION

The values most Americans hold dear include that each man living under equality of opportunity should work at a job of his choice within the limits of his ability, and that economic well-being is indispensable to the freedom and dignity of the individual.

In its first four reports, the National Advisory Council on Vocational Education dealt with some of the reasons that our present educational system has failed us in achieving these goals. They dealt with the following major items in depth:

Report 1—Dealt with the national attitude toward vocational education as a system designed for someone else's child.

Report 2—Dealt with the approach of federal funding to reduce the flow of untrained manpower into the pool of unemployment.

Report 3—Dealt with employment as an integral part of education.

Report 4—Dealt with the problems involved in local support, state plans, the lack of federal initiative and the need for effective national planning for vocational education.

In this, our Fifth Report, the Council wishes to examine those forces which have prevented the adoption of some of the recommendations of the first four reports. While the mood of the National Advisory Council today is one of impatience, the Council senses the mood of the public as punitive.

Since the Council represents various publics, the question is being asked: Is anybody listening to the voices of the people—? Is anybody listening to:

The forty million elementary school children who need career orientation.

The seven and one-half million young people who seek employment after graduation.

The seven hundred and fifty thousand high school and college students who drop out each year, virtually all without marketable skills.

The unemployed, or soon to be unemployed, workers not expecting callback because of shifts in technology or shifts in labor market demand.

The highly motivated working poor stuck in low-skill, low-paying jobs, who need to hold two jobs to earn enough income to cover their family needs.

The mothers of school age children who need and want to re-enter the labor market.

The older workers involuntarily retired who want to continue to work, but need a marketable skill.

The over three hundred thousand mental

hospital patients discharged every year who need a marketable skill to sustain themselves.

The over two million veterans returning to civilian life.

The inmates in our prisons who need pre- and post-release skill training to cut down on the high rate of recidivism.

The disadvantaged and handicapped.

The reports from the State Advisory Councils on Vocational Education.

The taxpayer as he votes down bond issue after bond issue on his local educational level.

IS ANYBODY REALLY LISTENING? WE DO NOT THINK SO!

There is an "educational" consumer revolt developing in our land today. The public's limit of tolerance has been reached and they are on the verge of wresting control of the delivery of educational services from the managers of public education. Public officials responsible for education, both elected and appointed, need to be reminded of Alexander Hamilton's statement, "Here, sir, the people govern!"

Like the general public, we must ask, "Why is our educational system not responsive to the demands of our society?" Since 1917, Congress has registered its concern through legislation for the need to infuse vocational education into the spectrum of educational opportunities. The most recent congressional action being the Vocational Education Amendments of 1968. Whenever public officials—the governors, the state legislators, the congressmen, the mayors—seek elective office, they usually embrace the concept of sound vocational education programs. It is one subject about which there is no controversy. In view of this overwhelming demand, the National Advisory Council must ask why do the managers of our educational system continue to be so maladroit in implementing a policy which would effect positive change and meet the demands of the people.

Historically, various educational leader have written volumes which are replete with utterances advocating the implementation of career education programs.

The present Commissioner of Education has endorsed strongly the concept of career education. The Council is anxious to assist him in the development of a strong program in vocational and technical education as part of career education.

We ask the question, with all of this endorsement, where has vocational and technical education been?

On the list of budgetary priorities?—At the bottom.

On the organizational chart of U.S.O.E.?—At the bottom.

In the legislative goals of those advising the decision makers of the Department of Health, Education and Welfare?—At the bottom.

The Council has been reluctantly forced to the conclusion that the reason for the general educational system being kept bankrupt with respect to vocational education, is that the advisors to the educational policy makers have failed to provide the leadership and insight necessary to achieve the educational goals the people of our country demand.

Who are the keepers of the keys of the educational policy making establishment?

Leaders from the prestige universities.

Professional associations.

Educational associations.

Decision makers of educational policy at the state and local level.

The general educationally oriented bureaucrats.

We implore these influential decision makers to join the Commissioner in the active reorientation of our educational system to embrace the concept of a totally articulated vocational and technical education thrust.

To insure the intent of the people, the Congress, and the host of supporters of vocational and technical education, the Council recommends that programs in vocational and technical education continue to be legislated. The Department of Health, Education and Welfare must continue to be held accountable by the Congress under the law. Any new legislation must guarantee that vocational and technical education has parity in the organizational structure of the Department of Health, Education and Welfare.

An initial step in the implementation of this parity within the educational structure is the establishment of an Office responsible for vocational and technical education within the Office of the Secretary of Health, Education and Welfare to advance the Commissioner's stated goals for career education as a national policy. This Office should be charged with the responsibility of keeping such programs at the highest national priority in education. The Office should be headed by a person who is eminently well qualified in the fields of vocational and technical education as a part of career education and be accorded the rank of Assistant Secretary. He must have an adequate supportive staff to enable the Office to function effectively. The establishment of this Office with the appropriate level of leadership will provide visibility and continuity in addition to decision making responsibility on behalf of vocational and technical education at the top levels of education and government.

We urge Congress to accept the responsibility of appropriating the full authorizations that have been provided for down through the years for vocational and technical education. Funds must be provided for full implementation immediately, as well as providing the necessary funds for future needs.

The vast majority of the public in our nation live by a familiar vision of our public schools. They believe our schools have traditionally fulfilled a dual function—preparing young people for a career in adult life and serving as transmitters of our cultural heritage.

The Council implores our national educational policy makers to join in the full implementation of a viable educational program to provide for the full economic development of our human resources. To do anything less is to abandon positive educational leadership.

Respectfully submitted,

MEMBERS, NATIONAL ADVISORY COUNCIL

Lawrence Davenport, Chairman; Mrs. Louis Bachman, Daniel H. Beegan, Lowell A. Burkett, Frank Cannizzaro, Mrs. Joseph Coors, Jerry S. Dobrovolny, Marvin J. Feldman.

William Gellman, Jack Hatcher, Mrs. Hugh Hughes, John W. Letson, W. E. Lowry, Duane Lund, Donald N. McDowell.

Luis M. Morton, Jr., Thomas Pauken, George L. Ramey, Norman R. Stanger, Steve W. Stocks, Delfino Valdez; Calvin Dellefield, Executive Director.

Mr. FULBRIGHT. Mr. President, I am pleased to support S. 659 and commend the Senator from Rhode Island and his colleagues on the Committee on Labor and Public Welfare for their work on this significant and complex legislation.

I have always endeavored to support increased educational opportunities and improved educational standards. I continue to believe that this should be one of our highest priorities.

Mr. President, I have received a letter from Dr. David W. Mullins, president of the University of Arkansas, the largest institution of higher education in my State, indicating his support for this legislation. Dr. Mullins points out that this bill is of great importance to the colleges and universities in Arkansas. I ask unanimous consent that his letter be printed in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

University of Arkansas,
Fayetteville, July 30, 1971.

Hon. J. W. Fulbright,
U.S. Senator,
Senate Office Building,
Washington, D.C.

Dear Bill: It is my understanding that the Senate Committee on Labor and Public Welfare has unanimously reported S–659 which renews existing programs for higher education and adds certain new ones.

I hope you can give your wholehearted support to this bill. It means a great deal to the University of Arkansas and to other colleges and universities in the state.

Although there are some provisions in the bill, particularly with respect to the formula for general aid to colleges and universities, that I would like to see in somewhat different form, I hope you can support the bill on the floor of the Senate.

Should the Senate approve this legislation and the House should also approve the bill even though in a different form, I might want to urge you to support certain provisions in the Conference Committee of the House and the Senate that would provide in the final bill provisions more in line with what I think would be better for the University of Arkansas.

With all good wishes and personal regards.

Sincerely,

David W. Mullins,
President.

Mr. FULBRIGHT. Mr. President, I would like to touch briefly on one point in this bill—college library programs. I have recently had some correspondence with Dr. Carl Reng, president of Arkansas State University, on the problems his institution has encountered with this program. Dr. Reng has pointed out that a number of institutions, in addition to his own, have been denied funds for this program. Roughly 75 percent of those applying did not receive assistance.

In checking into this matter, I was informed by Mr. Ray M. Fry, Director, Division of Library Programs of the Office of Education, that the college library resources program "was redirected in 1971 in line with administration priorities and recommendations."

Mr. President, it seems to me that one of our highest priorities should be in assuring that our colleges have adequate library resources. I would agree with Dr. Reng that this program is not fulfilling its purpose when three-fourths of the applying colleges are denied assistance.

I notice in the committee's report on this bill that information submitted to the committee "indicates that college libraries are falling behind in meeting minimum standards."

I would concur with the committee's views that "we must increase our financial commitment accordingly in order to avoid further deterioration in the quality of our libraries."

I would like to quote a further statement from the committee's report, which bears out my own findings:

> Not only is the Committee concerned about the curtailment of recommended appropriations for the college library programs, but it

is concerned about what appears to be the attitude of the Department of Health, Education, and Welfare with respect to both the needs of colleges and universities for adequate library resources and to authorizing legislation enacted by the Congress. It appears from the justification for appropriations for fiscal year 1972 that the Department is carrying out a policy, with respect to the relationship between basic grants and supplemental grants, which is directly contrary to the intent behind title II.

It was, and is, intended that basic grants be made on the basis of matching expenditures of colleges and universities for library resources, and that supplemental grants be available in addition to basic grants for colleges and universities which can show special circumstances which are impeding, or will impede, the proper development of their library programs. The Commissioner is granted some discretion with respect to basic grants. Recent guidelines make it appear that the Department has used the discretion granted with respect to supplemental grants to limit basic grants. This is contrary to what has been, and is, the intent of the Committee with respect to the administration of title II.

Accordingly, the committee has recommended an increased emphasis on college library programs, which I strongly endorse. The language of the bill is such that the intent of Congress will be very clear.

The existing policies of the administration on this subject are only one more example of its defiance of congressional intent. Every effort should be made to see that this program is administered as approved by the Congress, and I commend the committee for the steps it has taken.

Mr. President, I ask unanimous consent that the letter I received from the president of Arkansas State University, and the letter from Mr. Fry be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Arkansas State University,
Jonesboro, July 1, 1971.

Senator J. W. Fulbright,
New Senate Office Building,
Washington, D.C.

Dear Senator Fulbright: During the past five years, Arkansas State University has participated in the Federal College Library Resources Program which has been authorized by Title II, Part A of the Higher Education Act of 1965. This university has been the recipient of basic and supplemental grants which have enabled us to expand and develop our libraries to meet the pressing needs of the students and population which we serve in Eastern Arkansas and surrounding states. This year Arkansas State University submitted to the U.S. Office of Education separate applications on behalf of its Jonesboro and Beebe campuses for basic and supplemental grants totalling $28,297. Recently, we were notified that both of our applications were disapproved.

As a result of a telephone inquiry to the USOE during which we requested an explanation as to the reason for the failure to fund our proposal, we were apprised that there were insufficient federal monies to support approximately 75% of the institutional applications that were received from throughout the nation. To be more specific, the following approximate figures were disclosed to us; namely, only 549 institutions of higher learning were funded out of 2,165 applicants. Whereas in the past the nation's limited appropriation for this program was prorated among all eligible applicants, this year the decision was made to provide 100% funding to each eligible applicant beginning with those who had the most points, according to a formula and to continue until all funds were used. The criteria in the formula are of questionable validity.

One component of the formula allows points for volume deficiencies in a library. While we concur with the inclusion of this criteria, it should be noted that those schools which in the past have been negligent in providing funds for the procurement of library materials benefited most under the current formula since they were able to evince a larger deficiency. Arkansas State University has conscientiously expanded its library acquisitions and its deficiency is not extensive; however, in selected areas we do have a significant inadequacy.

We of Arkansas State University respectfully urge that you and your Congressional colleagues foster further support for higher education by increasing the funds for the College Library Resources Program and other programs which have been designed to redress human degradation by strengthening and upgrading the nation's colleges and universities. Finally, we suggest that the USOE be called upon to revise their formula for the program cited herein so that 75% of the applicants will not be denied.

Your continued vigorous assistance to Arkansas's colleges and universities is anticipated and appreciated.

Thank you.

Sincerely yours,

Carl R. Reng,
President.

Department of Health, Education,
and Welfare,
Washington, D.C., July 19, 1971.

Hon. J. W. Fulbright,
U.S. Senate,
Washington, D.C.

Dear Senator Fulbright: In answer to your letter of July 12, I can say only that the college library resources program (Title II–A of the Higher Education Act) was redirected in 1971 in line with administration priorities and recommendations.

When the appropriation dropped from $25,000,000 in 1969 to $9,816,000 in 1970 the basic grants of $5,000 which had been awarded to about 2,000 institutions since 1966 were cut to $2,500. In 1970 basic grants were awarded to 2,201 institutions, with small supplemental grants to most of the applicants. The grants were considered to be too small to make much impact on most of the recipients, so a different approach was determined for 1971 in an effort to discover the neediest institutions and give them more significant grants. The criteria for scoring the applications were based chiefly on inadequacy of the size of an institution's library collection and the number of students enrolled from families with less than $5,000 annual income. The statistics mentioned by your constituent from Arkansas are correct. Only 532 institutions scoring 21 or more points received basic grants of $5,000 and supplemental grants related to the size of their enrollments. For 17 new institutions to open in the fall of 1971 basic grants of $5,000 were made.

Most of the 1971 awards were to community colleges, technical institutes and predominantly black colleges. These three categories of institutions are particularly deficient in library resources and are enrolling large numbers of economically disadvantaged students.

Sincerely yours,

Ray M. Fry,
Director, Division of Library Programs.

MEETING THE CRISIS IN HIGHER EDUCATION

Mr. TUNNEY. Mr. President, I believe that the preservation of our colleges and universities and the achievement of equal educational opportunity are among the most pressing matters which will confront the Senate this Congress. Institutions of higher education are struggling simply to maintain their current level of operation and they have reached a point of diminishing returns. They too have felt the effects of inflation and rising costs. Not much longer will they be able to accommodate increasing numbers of college students and be able to provide even an adequate education. Too many colleges have already dangerously overextended their facilities and faculties and some are actually on the brink of bankruptcy.

For some reason, people do not always take the financial plight of our educational institutions very seriously. Perhaps they assume that somehow our colleges will get by, because they always have in the past. This is ostrich mentality. It is a refusal to come to grips with the reality of the situation. The Carnegie Commission recently took a close look at the financial status of a number of colleges and universities and on the basis of that survey estimated that some 540 private and public institutions were "in financial difficulty" with another 1,000 institutions headed that way. The Commission appropriately called its survey "The New Depression in Higher Education."

A study of private colleges issued this past January by the Association of American Colleges seems to substantiate the seriousness of the financial problems of higher education. The association reports that nearly half of the private, accredited colleges surveyed expect operating deficits in the current fiscal year totaling about $87 million. They conclude that private institutions of higher education "will not long be able to serve higher education and the Nation with strength unless significant aid is soon forthcoming."

Mr. President, we must not underestimate the depth of this financial crisis in higher education. Private colleges as well as public colleges, large schools as well as small, and the educational giants as well as the small are confronted with possible financial disaster. Some of our most prestigious and well-endowed institutions are in this situation. The trustees of Columbia University, for example, recently approved a budget for fiscal year 1972 which provides for a deficit of approximately $10.8 million. This followed an announcement by the university that tuition would be increased by about $300 next September in most of its schools. New York University is facing a deficit of nearly $7 million next year. Princeton facing a possible $5.5 million deficit next year is also planning to raise tuition to $2,800 a year. Yale has an operating deficit which may well rise above $2 million this fiscal year and is expected to be even greater next year, in spite of a very healthy endowment income. Stanford University faces a deficit of $900,000 in academic year 1971–72. To meet this deficit Stanford has had to cut back on many desirable programs and raise tuition.

The President's higher education message did not address itself to the overriding financial problem of higher education. The administration's higher education proposals in the 92d Congress, with emphasis on student aid, particularly in the form of loans, betray a sad lack of appreciation of the problem. Student aid is vital to the insurance of equal educational opportunity and we have committed ourselves to the achievement of this goal. But it is not a goal we will achieve cheaply. Obviously, the expansion of existing forms of student aid will be required—not just loans, and not just insured loans. We must provide a flexible program of student aids which will help to meet the needs of a broad range of students.

The administration proposal also conveniently ignores the need for some form of institutional support for general operating expenses. Student aid without such support will only aggravate the financial problems of our colleges. It will also move us away from the goal of achieving equal educational opportunity for all students, because institutions without direct aid will be forced to increase tuition to obtain needed revenues. To what avail is student aid then? It makes little sense to open the doors to increased numbers of students to financially crippled colleges—colleges which must eliminate courses, leave faculty vacancies unfilled, enlarge teacher-student ratios, postpone or abandon new and innovative programs and curtail other educational services.

Higher education spokesmen have testified this year, as they did last year and in previous years, that they need Federal institutional support. The reports of the Carnegie Commission and the Association of American Colleges corroborate their testimony.

On March 9, 1971, Senator MONDALE introduced a well-designed proposal, S. 1161, which I cosponsored, which would cut both ways in helping to resolve the financial plight of higher education. This bill would assist students and institutions by expanding the educational opportunity grant program and by initiating a program of greatly needed cost-of-education allowance. Furthermore, it would provide special efforts to identify and encourage disadvantaged youths to resume or continue their educations. It would establish a higher education loan bank to make loans to students similar to the insured loans presently authorized by the Higher Education Act. The bill would also create a new program of Federal fellowships for graduate students of exceptional ability and demonstrated financial need.

If we are to keep college doors open and keep colleges solvent, we must wed increased levels of student aid with grants or allowances to institutions.

S. 659, which I have also cosponsored, has adopted many of these provisions and represents an important contribution toward higher education reform.

I wholeheartedly support S. 659, because I believe that it offers the most promising formula thus far for channeling Federal dollars where they will best assist colleges and students. I encourage the Members of this body to give S. 659 their careful consideration. Soon we must come to grips with the problem of survival for high quality, accessible higher education.

I would like to briefly touch on some of the major provisions of this bill.

Title I of S. 659 would substantially revise and expand federally assisted student financial aid programs and in addition consolidate into a single program the provisions of the Higher Education Facilities Act, the International Education Act, and the higher education aspects of the NDEA.

Part A of the bill would authorize grants to the States to assist and encourage colleges and universities in strengthening their community service programs so that they can assist communities in the solution of various problems such as housing, poverty, recreation, employment, youth opportunities, transportation, health, and land use. According to the committee report, California would receive $4,825,048 out of the $54 million authorized for this program.

Part B of title I would authorize a college library resources program, a library institute and fellowship and research program.

Part C of S. 659 would authorize assistance to strengthen developing institutions, to enable them to increase their academic and administrative capabilities and the quality of their student services.

This section authorizes $150 million for emergency interim grants to institutions of higher education which are in such serious financial distress that without a grant they would either cease to operate or be found to curtail their academic programs to the detriment of the quality of education available to their students.

Part D of this section makes major revision in student assistance programs. The committee has significantly moved Federal assistance programs away from permanent dependence upon the private money market. It is my hope that the Congress will move toward a full grant program in the near future.

S. 659 makes basic educational opportunity grants available to all eligible students, it provides supplemental educational opportunity grants to students of exceptional need, who would otherwise be unable to attend the institution of choices. It provides matching funds to States to act as incentives for State scholarship programs. It provides special programs and projects to make special services available for disadvantaged students. It provides for cost of instruction allowances to institutions of higher education in connection with students who receive basic educational opportunity grants. The bill also creates a new program of basic educational opportunity grants to all students in institutions of higher education for whom family contributions are insufficient to enable them to attend postsecondary educational institutions. For the first time, part-time students are eligible for basic grants. Part-time students comprise 2,680,000 of the 8,550,000 attending 2- and 4-year colleges.

The committee also authorizes $200 million for supplemental educational opportunity grants, out of which California is expected to receive $24,658,109. This program is designed to serve those students who are in need of assistance over and above that provided by basic grants, and those whose family contributions make the student ineligible for basic grants but who are in need of some financial assistance for their education.

In addition, the bill authorizes $50 million annually for matching grants to States to encourage the establishment of State financial assistance programs. According to the committee report, California would receive $7,303,521 under this program in fiscal year 1973. The committee has emphasized that these funds are intended to supplement, not supplant, existing programs. This is not a time for States to curtail funds for education.

S. 659 consolidates the talent search and upward bound programs, and the programs of special services for disadvantaged students, and authorizes their expansion. These programs are vitally important to areas with major concentrations of low-income population.

Subsection 5 of part A of the bill would entitle each institution of higher education, at which a basic grant recipient is in attendance, to a cost of instruction allowance. The amount of the allowance would be determined on the basis of the total number of undergraduate students enrolled and the number who are recipients of basic grants. This section is particularly important if tuition is to be kept within reasonable limits.

I believe that many students would like the opportunity to work while attending college. The committee has wisely expanded the eligibility under the work-study program and has authorized $320 million for the program. According to the committee report, California is expected to receive $26,453,554 under this authorization.

California is a leader in the development of a community college system. S. 659 provides grants for the development of new community colleges and for the expansion of existing community colleges. I was pleased to have been a cosponsor of this provision with Senator HARRISON WILLIAMS. California has 86 community colleges and by 1980 will need an additional 34. According to the committee report, California would receive $4,737,871 under this section.

The Congress has expressed its desire to improve the quality of higher education and postsecondary educational opportunities, especially for the disadvantaged. Comprehensive community colleges, with their flexible curriculums and traditionally lower tuitions, are considered by many to be an excellent vehicle to help achieve these goals. In its special report, "The Open-Door Colleges," the Carnegie Commission on Higher Education underscores the role of the 2-year college in providing greater access to postsecondary education and recommends that every potential student have a community college within commuting distance except in sparsely populated areas. The Commission estimates that this would require approximately 230 to 280 new public community colleges and could require as many as 400 to 450 new community colleges by 1980.

The development and construction of new community colleges would require new levels of support from both State and Federal Government. The Carnegie Commission has recommended and representatives of junior colleges have requested Federal assistance for planning, construction, and other purposes. S. 659 would begin to provide such assistance.

Specific legislation is required to focus Federal funds on the needs of community colleges and to give them a more equitable share of Federal financial assistance for postsecondary education. The national need for additional 2-year colleges and need of 2-year colleges for additional Federal assistance suggests that specific legislation would be more desirable than forcing junior colleges to compete with other institutions of higher education for funds in a more general higher education proposal.

Mr. President, I wish to conclude by commenting upon a very important aspect of this bill, the Indian education section, an amendment to S. 659 which I cosponsored. The unique needs and status of the American Indian justify this special education section. Existing Federal legislation does not meet the special educational needs of the American Indian. No other American minority group has had "reservations," a separate Federal school system and the complexities of dual legal systems, although other minorities have faced de facto, nearly the same situation. As a result, the American Indian needs the focused attention and the broadened infusion of Federal assistance provided through this section in order to effectively resolve its unique educational problems.

Extensive hearings by the special Subcommittee on Indian Education in the 90th and 91st Congress revealed that the present Federal Indian education policies are most inadequate. Not only are many Indians excluded from Federal programs, because they are not Federal ward Indians, but the provisions and administration of existing programs does not effectively meet the educational needs of those Indians who are served.

Title IV of S. 659 is designed to rectify the present inadequacies in American Indian education and, although the section is not perfect, it is based on many of the recommendations of the Indians themselves, educators and legislators and is superior to the status quo.

Mr. TOWER. Mr. President, I intend to support final passage of S. 659, the Education Amendments of 1971.

As a U.S. Senator representing one of the largest States in the Nation, I have long supported legislation which will enable any individual the opportunity to pursue his or her studies on a postsecondary school basis regardless of the particular financial situation if that student has the ability and desire to do so.

In the past, I have introduced and cosponsored legislation that would allow for tax credits and tax deductions for the direct and indirect support of higher education. I believe that the tax incentive mechanism has many advantages and should be part of an integrated effort to achieve our overall objective. I intend to push for this concept in the future if it becomes apparent that it can make a positive contribution toward providing the economic means to achieve our national goal in this area.

Before making some comments on a number of provisions in this bill, I would like to make this general statement: This bill has the potential of affecting almost everyone in the United States, either directly or indirectly. It authorizes the Federal Government to spend approximately $19 billion for support of various postsecondary initiatives. I agree with my colleagues who in their opening statements on the bill called it a landmark piece of legislation.

I will vote for the bill because in general it has the potential to make vast improvements in certain areas of financing postsecondary education. The Labor and Public Welfare Committee has obviously worked very hard on this bill and has received excellent cooperation from the administration. It is truly a bipartisan effort and should be recognized as such.

The bill includes a provision which would establish an independent Student Loan Marketing Association which would act as a secondary market to assist students in receiving guaranteed student loans. The Student Loan Marketing Association will be a Government-sponsored private cooperation much like the Federal National Mortgage Association. It will assist banks which participate in the Government-backed loan program by providing additional liquidity so that they might expand their participation in the program. It will also be able to attract private resources to greatly strengthen the student loan program.

I also would like to give my full support to the section of the bill authorizing interim emergency assistance to institutions of higher education. This provision will allow for immediate assistance to those schools facing critical financial difficulties by utilizing a carefully drawn formula determined by an Office of Education review. The Carnegie Commission on Higher Education, as well as other similar studies, has clearly documented the need for such assistance, and I believe that this section which provides immediate aid based upon a definitive formula will be very helpful.

Furthermore, the provisions in the bill relating to the establishment of a National Foundation for Higher Education and a National Institute of Education have the potential to coordinate our educational policies in the future. I am hopeful these proposed organs of the public domain will be able to research and reevaluate our programs in this field and will not degenerate into yet another stagnant bureaucracy.

Perhaps the most important aspect of this bill is its recognition that postsecondary education can be something other than 4 years spent on a major university campus. For example, the number of junior colleges in the country has grown from 678 to 1,091 over the past 10 years. The number of students enrolled in these schools has risen by nearly 400 percent over that same timespan. As we all know, these schools serve as stepping stones toward a professional career and as training grounds for employment in a number of technical or vocational fields.

The administration has spearheaded the drive for a larger recognition of career and technical education programs. I would hope that the increased assistance to these schools and related programs in the bill will instill a greater awareness for the priority of higher education.

Mr. President, before concluding my remarks on this bill, I would like to associate myself with the individual views of my distinguished colleague from Colorado (Mr. DOMINICK). My colleague has raised some pertinent questions in his remarks which appear at the end of the committee report. I must admit that higher education has gone through a number of rapid changes since I departed from the ranks of academic university life 11 years ago. The need to attend the university of today has become a conditioned social reflex. From my talks with students throughout the Nation, I have become convinced that many of the problems associated with higher education have resulted from the presence of many students on campus that neither psychologically nor intellectually belong in such an environment.

I have wondered whether this condition in our schools has not fostered the spirit of restlessness and destruction that now pervades many of our Nation's universities. Meanwhile, many of those students who do make it through their university studies in the computer-like atmosphere that is so prevalent today find out when they leave that much of what they learned cannot be applied outside of the academic environment. It is easily understood that the many unemployed people with various education degrees find themselves in this condition, because of our society's belief that if you do not attend a university you will not make anything out of your life.

I make this feeling known not as a means to oppose this bill but as a sincere belief concerning the direction of our society. Legislation cannot really remove a certain tendency of society. The Nation must do this on its own, and I am somewhat optimistic that some sort of reversal will slowly but surely occur.

This legislation should be supported, because of its goal to insure that everyone who wants to attend a postsecondary educational institution will not be denied entrance solely on the grounds of financial inability.

FURTHER CONTINUING APPROPRIATIONS, 1972

Mr. ELLENDER. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside and that the Senate proceed to the immediate consideration of Calendar No. 350, House Joint Resolution 829, making further continuing appropriations for the fiscal year 1972, and for other purposes.

The PRESIDING OFFICER (Mr. BENTSEN). The joint resolution will be stated.

The joint resolution was read as follows:

A joint resolution (H.J. Res. 829) making further continuing appropriations for the fiscal year 1972, and for other purposes.

The PRESIDING OFFICER. Is there

objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. ELLENDER. Mr. President, the House approved the resolution last Monday. An extension of the——

Mr. BYRD of West Virginia. Mr. President, may we have order? We cannot hear the Senator.

The PRESIDING OFFICER. The Senate will be in order. Senators will please cease their conversations so the Senator from Louisiana can be heard.

The Senator from Louisiana may proceed.

Mr. ELLENDER. Mr. President, the House of Representatives approved this resolution Monday night, which is simply an extension of the expiration date of the current resolution from August 6 until October 15, 1971. As Members know, the purpose of these continuing resolutions is to enable the departments and agencies of the Federal Government to function in the absence of new obligational authority for the current fiscal year 1972.

As stated in the report, all appropriation bills—both supplemental bills for fiscal year 1971 and regular annual appropriation bills for fiscal year 1972—which have been referred to the Senate committee this calendar year have been considered and reported by the committee, and have passed the Senate. Four regular annual appropriation bills—the military construction, District of Columbia, foreign assistance, and Department of Defense appropriation bills—have not as yet been received in the Senate, and it is my understanding that the House Committee on Appropriations is awaiting action on necessary authorizing and revenue legislation before reporting these bills to the House of Representatives.

Although every effort has been made by the Senate committee to process the bills referred to it as expeditiously as possible, it is obvious that these four remaining bills cannot be enacted before the termination date of the present continuing resolution and, therefore, an extension is required in order to assure the continuation of the programs and activities funded in these bills. In addition, the final supplemental appropriation bill for fiscal year 1972 will have to clear both Houses before the business of this session is concluded.

Further in these remarks, I will make a more detailed report on the statute of the appropriation bills.

In a few of the regular annual appropriation bills, language has been written into the appropriation paragraph stipulating that the appropriations are available only upon enactment into law of authorizing legislation. In the report filed by the House Committee on Appropriations, reference is made to this matter, and examples would be the Office of Saline Water in the Department of the Interior and related agencies appropriation bill and the activities relating to waste treatment construction grants, water quality, child nutrition, and certain other activities in the agriculture-environmental and consumer protection appropriation bill. These are ongoing programs which have been continued in operation since July 1 under the terms of the continuing resolution, and would be continued further until October 15 by this joint resolution.

Mr. President, I move the adoption of House Joint Resolution 829.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. YOUNG. Mr. President, I support the continuing resolution. It was approved unanimously by the Committee on Appropriations of the Senate. It is absolutely necessary to finance the departments of Government in those instances where appropriations have not been cleared by Congress as yet. As I understand it, these departments will be funded at the level of last year's appropriations or the budget extended for fiscal year 1972, whichever is lower. That sum will be somewhat less than if their new appropriations had been passed. I see no alternative but to pass the continuing resolution.

Mr. ELLENDER. The Senator is correct.

Mr. JAVITS. Mr. President, once again I find it necessary to direct the attention of my colleagues to that portion of the continuing resolution which appropriates funds for the continuing operation of the emergency school assistance program. The last time that this body considered a similar resolution, on June 29, I expressed reservations about a continuation of ESAP, principally because of my fears that a reopening of the pipeline to districts which had received ESAP funds last year, mostly in the South, would reduce the chances of expedient House action on the $1.5 billion Nationwide Emergency School Aid and Quality Integrated Education Act. At that time, I was reassured by a letter from the Secretary of Health, Education, and Welfare that the money appropriated would be used in a limited number of districts where an imminent emergency stemming from the Supreme Court decision in Swann against Charlotte-Mecklenburg Board of Education existed. I ask unanimous consent that this letter again be printed in the Record.

There being no objection, the letter ordered to be printed in the Record, as follows:

The Secretary of Health,
Education, and Welfare,
Washington, D.C.

Hon. Jacob K. Javits,
United States Senate,
Washington, D.C.

Dear Senator Javits: I thought it would be helpful to provide you with some background on the Department's request to continue the emergency school assistance program.

As you know, early in this session of Congress, the President submitted the proposed Emergency School Aid designed to help school districts carry out successful desegregation programs. The Administration feels that legislation of this nature is of the greatest importance, and we hope that a bill acceptable to both Houses of Congress will be approved in the very near future.

Essentially, our current dilemma is that with the opening of the 1971–72 school year, a number of school districts are faced with additional desegregation requirements, and there is very little likelihood that the Emergency School Aid Act or similar legislation will be enacted in time to meet their immediate and critical needs.

The continuing resolution (H.J. Resolution 742) now before the Senate would continue emergency school assistance funding provided in the fiscal year 1971 Office of Education Appropriations Act.

The authority proposed in the continuing resolution becomes very important given the Supreme Court's decision in *Swann* v. *Charlotte-Mecklenburg Board of Education* and in companion cases handed down on April 20, 1971. The effect of the *Swann* ruling is to impose additional desegregation requirements on those school systems which do not now meet the Constitutional standards set forth in that decision. At the moment and until the Emergency School Aid Act or its equivalent becomes law, the only authority to provide emergency assistance to school districts is that which is embodied in the continuing resolution as proposed by the Senate Committee.

We should point out that, under the Continuing Resolution, we would be providing such emergency assistance only to school districts which must make significant adjustments this fall in response to the Supreme Court's *Swann* decision. Revised program regulations to this effect will be issued shortly in the event the Congress approves the continuing resolution. The statutory provisions applicable to the present program will, of course, remain in force. Our purpose under the resolution is to assist comprehensive desegregation programs, including activities such as teacher training, curriculum revision, and support services.

As I have indicated, we anticipate that a considerably smaller number of districts will be eligible to participate in the program during the period of the continuing resolution. This will facilitate a more thorough review of each application in light of the lessons we have learned in administering the funds during the course of the 1970–71 academic year.

This interim action under the continuing resolution would, of course, continue only for such time as the continuing resolution remains in effect or until such time as the Emergency School Aid Act or its equivalent becomes law.

Again, let me emphasize that a continuation of this limited emergency measure in no way preempts the larger scope and purpose of the school aid legislation now being considered by the House.

The President's objective is to encourage all school districts to deal affirmatively with the problems of minority group isolation in the schools and the funds provided by the continuing resolution will not meet this vital objective. I urge the Congress to act on this crucial legislation.

With kindest regards,
Sincerely,
Elliot Richardson, *Secretary.*

Mr. JAVITS. Mr. President, although I would have hoped that the other body would have acted more quickly on its version of the emergency school aid act, I am heartened that the general education subcommittee of the House, chaired by Mr. Pucinski, reported a bill to the full committee last week, and that action by the entire House of Representatives can now be anticipated shortly after the recess.

Comment on this resolution would not be necessary at all, were it not for what may be an indication of a change in policy by the administration in recent weeks on school desegregation and the impact of such a change both on ESAP and the pending $1.5 billion bill. Following the Secretary's letter, the Department of Health, Education, and Welfare issued new regulations for the administration of ESAP under the continuing resolution. By and large, the new regulations represented a considerable refinement and improvement over those previously in effect. They did, however, provide for a broadening of the eligibility criteria which had been indicated in the Secretary's letter. I ask unanimous consent that section 181.3(a) of the amended regulations be printed at this point in the RECORD.

There being no objection, the regulation was ordered to be printed in the RECORD, as follows:

§ 181.3 Eligibility

(a) (1) Assistance under the program may be made available to a local educational agency which is implementing a plan for the desegregation of its schools, which plan (i) has been undertaken pursuant to a final order of a court of the United States or of any State, or of a State administrative agency of competent jurisdiction, issued or modified on or after April 20, 1971, pursuant to constitutional requirements as set forth by the United States Supreme Court in *Swann* v. *Charlotte-Mecklenburg Board of Education*, and its companion cases, or (ii) has been approved by the Secretary, on or after such date as adequate under Title VI of the Civil Rights Act of 1964, and (iii) imposes new or additional desegregation requirements for the 1971–1972 school year over and above those implemented by the school district in any prior year. (20 U.S.C. 1119–1119a, 20 U.S.C. 331–332b, 42 U.S.C. 2000c–2000c–9, 20 U.S.C. 887, 20 U.S.C. 1222, 42 U.S.C. 2781–2837, P.L. 91–380, and H.J. Res. 742.)

(2) Commencing thirty days after the effective date of this amendment, assistance may also be made available to a local educational agency which is implementing a plan for the desegregation of its schools, which plan would have made the local educational agency eligible for assistance under paragraph (1) of this section but for the fact that the applicable court order or Title VI approval was issued prior to April 20, 1971: *Provided however*, That in any State a local educational agency which is eligible for assistance under subparagraph (1) of this paragraph shall be accorded priority over such an agency in that State which is eligible therefor under this subparagraph (2)

(3) Commencing thirty days after the effective date of this amendment, such assistance may also be made available to a local educational agency which is implementing a plan for the desegregation of its schools with respect to which plan assistance was furnished (and not terminated) under this program prior to July 1, 1971: *Provided however*, That in any State a local educational agency which is eligible for assistance under subparagraph (1) or (2) of this paragraph shall be accorded priority over such an agency in that State which is eligible under this subparagraph (3).

Mr. JAVITS. Mr. President, thus, not only districts affected by the Swann case, but those which had received funds last year and were undertaking no new desegregation could become eligible for funding. It seemed to me that this additional eligibility category discriminated against Northern school districts in the process of voluntary desegregation, but I was constrained not to object because I was assured by the administration that it was unlikely any funds would remain for third priority districts, and, in any event, I was confident that under the other amended regulations, the program would be administered wisely and efficiently.

Subsequently, in an exchange of correspondence, with the Assistant Secretary of Health, Education, and Welfare for Legislation, concluded on July 29, 1971, I learned that the administration interpreted the continuing resolution presently before us to provide $65.1 million for ESAP activities through October 15, over 85 percent of the entire appropriation for the last fiscal year. This broadened my fears that moneys appropriated would not be concentrated in the school districts facing the greatest emergencies, but dispersed in much the same manner as last year's appropriation.

I ask unanimous consent that the correspondence be printed in the RECORD.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

JULY 27, 1971.

Mr. STEPHEN KURZMAN,
Assistant Secretary for Legislation, Department of Health, Education and Welfare—Washington, D.C.

DEAR MR. KURZMAN: In anticipation of another request by the Administration to the Congress for a continuing resolution which would appropriate funds for the Emergency School Assistance Program beyond its present termination date of August 6, 1971, we would appreciate your answer to the following questions:

1. How much money was made available for the purposes of emergency school assistance by the passage of H.J. Res. 742 on June 29, 1971?

2. How much of this money has the Department of Health, Education and Welfare already committed?

3. How much do you anticipate will be committed by August 6, 1971?

4. In the event the Congress does not act to continue ESAP appropriations, will the funds appropriated by H.J. Res 742 be available to the Department after August 6, 1971?

5. In the event the Congress does pass a second continuing resolution which appropriates funds for ESAP activities, how much money will the Department have available, in toto, for commitment to such activities?

We are looking forward to hearing from you.

With best regards,
Sincerely,

JACOB K. JAVITS.
WALTER F. MONDALE.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., July 29, 1971.

Hon. JACOB K. JAVITS,
United States Senate,
Washington, D.C.

DEAR SENATOR JAVITS: Thank you for your letter of July 27, 1971, jointly signed by Senator Mondale, requesting information on the availability of funds under the continuing resolution, H.J. Res. 742, for the Emergency School Assistance Program. The following information corresponds with the numbered questions in your letter:

1. It is our opinion that $18.6 million was made available for obligation under ESAP by virtue of the passage of H.J. Res. 742. That figure was derived by determining the amount of funds expended during the first three months of the program in 1970 ($55.8 million) and by averaging to arrive at a one-month figure. However, as you know, under Section 421 of P.L. 91–230 we are unable to obligate funds until 30 days after publication of program regulations. Since the regulations were published on July 10, 1971, no funds will be obligated prior to the expiration of H.J. Res. 742 on August 6, 1971.

2. As noted, no funds have as yet been committed under ESAP.

3. No funds will be committed prior to August 6, 1971.

4. In the event that the Congress fails to act to continue the ESAP appropriation, it is our view that we will be unable to obligate or expend any of the $18.6 million appropriated under H.J. Res. 742.

5. At this time we are, of course, unable to determine what expiration date might be contained in a second continuing resolution since no such resolution has as yet been introduced in the Congress. However, if a resolution were adopted to extend the program through October 15, 1971, for example, we believe that the program would have available a total of $65.1 million during the period beginning on August 10, 1971 and ending on October 15, 1971. Of that total, $18.6 million would not be available for obligation until after September 1, 1971, and $9.3 million would not be available until after October 1, 1971. In any event, as Secretary Richardson pointed out in his recent letter to you, we would cease the obligation of funds under ESAP when the Emergency School Aid bill became effective.

Please let me know if I can be of further assistance on this matter.

Sincerely,

STEPHEN KURZMAN,
Assistant Secretary for Legislation.

Mr. JAVITS. Mr. President, doubts were further compounded by a memorandum written on July 30, 1971, by the Associate Commissioner of Education for Equal Educational Opportunity to State education officials and school superintendents. This memorandum asserted that transportation costs would be given a "very low funding priority" by ESAP administrators. I ask unanimous consent that this memorandum be printed at this point in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
OFFICE OF EDUCATION,
Washington, D.C., July 30, 1971.

To: Offices of the Governers
Chief State School Officers
Regional Commissioners
Title IV Regional Senior Program Officers
Chairman of State Advisory Committees
Assistant Commissioner, Office of Regional Office Coordination
Superintendents of Schools

Subject: Policy on Funding Transportation Costs for Emergency School Assistance Program

As a result of a recent policy clarification by the Department of Health, Education, and Welfare, I have been asked to emphasize to you that transportation costs will be given very low funding priority under the Emergency School Assistance Program. Districts applying should request funds for direct educational purposes since these areas will be given the highest priority. Local education agencies are expected to fund their transportation needs through State and local resources.

Thank you for your cooperation.

Sincerely,

HERMAN R. GOLDBERG,
Associate Commissioner,
Equal Educational Opportunity.

Mr. JAVITS. Mr. President, this memo would seem to contradict that portion of the amended regulations, already inserted in the RECORD, which makes eligibility for assistance under ESAP dependent upon new desegregation requirements stemming from the Swann case. One does not have to be a lawyer to know that the principal thrust of the Swann case is in the area of transportation; and that its chief mandate can only be fulfilled through busing school children in order to desegregate schools.

In a press release dated July 27, 1971, the Secretary of Health, Education, and Welfare indicated that less than 3 percent of the moneys expended in ESAP's first year of operation had been used in connection with transportation services. I ask unanimous consent that that press release be inserted in the RECORD at this point.

There being no objection, the press release ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH,
EDUCATION AND WELFARE,
OFFICE OF PUBLIC AFFAIRS,
Washington, D.C., July 27, 1971.

HEW Secretary Elliot L. Richardson today strongly disagreed with critics of the Administration's proposed $1.5 billion Emergency School Assistance Act who claim that most of the money will be used to buy busses.

"The record is clear on this gross inaccuracy," the Secretary said. "Last year we awarded $75 million to 900 school districts under Federal requirements to desegregate. Of this amount, about $2 million—less than three percent—was spent on busses and related services."

Purpose of the proposed legislation is to help school districts to desegregate as required by Federal law, or to assist them in voluntarily reducing or eliminating racial isolation in schools.

Secretary Richardson said more than 40 percent of the Nation's schools transport students to and from school each day.

"If a desegregating school district urgently needs transportation support, we would view its request sympathetically," he said. "This in no way justifies the irresponsible charge that virtually all of the $1.5 billion—or anything remotely approaching it—would go for transportation," he added.

The Secretary said he was responding to the inaccuracy because of the great importance the Administration attaches to the bill. "I consider it vital to the future of public education. The public deserves a fair hearing."

Mr. JAVITS. Mr. President, subsequently, in a letter to the Speaker of the House of Representatives, the Secretary declared that existing Department policy "has been to avoid the use of Federal funds for the transportation aspects of the (desegregation) plan." I ask unanimous consent that this letter, dated August 3, 1971, be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., August 3, 1971.
Hon. CARL ALBERT,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I was notified yesterday of the adoption of H. Res. 539. Inasmuch as the resolution may reflect a fundamental misunderstanding of the programs administered by this Department, I felt that I should give you an immediate response.

The resolution asks two things of me. First, it asks for a list of school districts which, between August 1, 1971 and June 30, 1972, "will be receiving Federal funds and will be engaging in the busing of schoolchildren to achieve racial balance." Since there is no program administered by this Department either designed or used to support, promote or require the busing of school children to achieve racial balance, we have no reason to obtain information regarding such busing. Local educational agencies that may be transporting students to alleviate racial isolation in the schools or to achieve racial balance among their schools would be doing so, not pursuant to any Federal requirement nor as a result of any federally supported program, but solely as a result of State or local policy. We could, of course, furnish you a list of all school districts that will be receiving Federal funds between August 1, 1971 and June 30, 1972. However, such a list would include virtually all school districts in the United States and I assume would serve little purpose. I know of no way to identify from among those districts those that may be engaging in the busing of school children to achieve racial balance other than by direct inquiry to all of these many thousand districts. I assume that you are not requesting that I conduct such a massive survey for this purpose.

Second, H. Res. 539 calls for "any documents respecting the rules and regulations of the Department of Health, Education, and Welfare with respect to the use of any Federal funds administered by the Department for the busing of schoolchildren to achieve racial balance." As I have said, this Department administers no such funds. Accordingly, we have no such documents as described in the resolution.

The Administration, as the President said in his March 24, 1970 statement on school desegregation, is opposed to the busing of children to achieve racial balance. Even where local educational agencies have used the transportation of students, not to achieve racial balance but as one means of implementing a constitutionally required desegration plan, our policy has been to avoid the use of Federal funds for the transportation aspects of the plan. The Office of Education has recently emphasized the importance of this policy in connection with the continuation of our interim Emergency School Assistance Program. A copy of the relevant memorandum is enclosed.

In order to make our policy perfectly clear in this respect, I am transmitting herewith an Administration amendment to the proposed Emergency School Aid Act, now pending before the House Committee on Education and Labor. This amendment would prohibit the use of any funds under this Act for the transportation of students to or from school, whatever the reasons might be for such transportation.

The Office of Management and Budget advises that enactment of this proposed legislation would be in accord with the program of the President.

With kindest regards,
Sincerely,
ELLIOT L. RICHARDSON,
Secretary.

Mr. JAVITS. Mr. President, I do not know whether 3 percent constitutes "avoidance" of the use of funds for transportation. But I will remind the administration that its 3-percent figure was based on grants made before the legal requirements of Swann were set out by the Supreme Court. The transportation needs of many districts have now increased markedly, and I urge the administration to reconsider its policies with regard to helping districts meet their responsibilities.

I spoke in this Chamber 2 days ago about my chagrin with the President's statement on busing released on August 3. I regret that the President has seen fit to send this communication; the Emergency School Aid Act which he originally sent to the Congress made clear provision for the funding of transportation services in order to facilitate desegregation.

I am most concerned that in refunding ESAP today, we will not be meeting the needs of America's schoolchildren under the administration's new ground rules, and that we will give the impression of acquiescence in this most unfortunate change of policy. Nevertheless, at this late hour, I cannot in good conscience attempt to obstruct a measure so important to the entire functioning of government as this continuing resolution.

The PRESIDING OFFICER. The joint resolution is open to amendment.

Mr. JAVITS. Mr. President, what is the time situation? Is there any time limit?

The PRESIDING OFFICER. There is no time limitation.

Mr. JAVITS. I thank the Presiding Officer.

In the Emergency School Aid and Quality Integrated Education Act, $1.5 billion was authorized by the Senate in a bill which is now in the other body; a bill is progressing through the other body. It is this bill, that is, the new bill, with respect to which the President has expressed himself on the busing issue.

In this particular case I do not agree with the President. I believe busing is often absolutely an essential and integral element of the intention to desegregate schools and to provide quality education. I think the recent decision of the Supreme Court in the case of Swann against Charlotte-Mecklenburg makes clear that unless we are going to help busing we cannot be sincere about our desire to achieve school desegregation; and the whole red herring of busing simply brought us to the fact that 40 percent of the children in this country are bused and that the little red schoolhouse was not by any means an ideal place in educational terms; it was not suited to give children the best education possible in this modern day.

I can understand the President's feeling about involuntary busing, and obviously it is only going to be had, and only should be had, in response to court decree or the judgment of the local educational agencies that it is really in the highest interest of the education of the children. But, Mr. President, the important point I wish to make now is this: The fact that the continuing resolution will extend a rather substantial amount of money for this purpose in the days ahead should in no way slow up the enactment of the Emergency School Aid and Quality Integrated Education Act. This is in the interest of everybody in the country, those who are, in a sense, being made to desegregate, and those who are seeking an end to racial isolation as it affects education and educational opportunity.

I hope very much this caveat, as we lawyers put it, may be clear in the RECORD in my joining in what the Senator from Louisiana (Mr. ELLENDER) has said we must do in order to function. There would be no good, at such a late time in the session, in trying to introduce amendments which will muck up the works.

I wish to make clear that we will continue, by every means we have at hand, to press for the enactment of the Emergency School Aid and Quality Integrated Education Act, and that the superficial idea that "they are getting the money; that will take the heat off for the enactment of the Emergency School Aid Act" demeans the whole proposition. Whereas this is an effort to get started with the necessary process and paying some amount to get it off the ground, the Emergency School Aid Act, in the terms and definitions and in the amount provided, is the definitive way to proceed, in justice to the schoolchildren and parents.

With that reservation, I shall, of course, favor passage of the continuing resolution.

Mr. ELLENDER. Mr. President, I want to give assurance to the Senator from New York that it is my purpose, when we return, to have all the authorizing legislative measures taken care of so that we can complete action on all the appropriations. The subject he is referring to may have to be dealt with in a supplemental appropriation. I want to give him assurance that when we get back, I will do all I can to have all the appropriation bills enacted, as well as the supplemental bills.

Mr. JAVITS. Mr. President, I have learned from long experience two things about the Senator from Louisiana (Mr. ELLENDER): One, never to forget the first and major bill I was permitted to introduce in the other body, the Taft-Ellender Housing Act, and so one must never forget the very fine record that the Senator has in this general field; and, second, I know of no man in this body who has less intention of cheating the legislative process, whether he agrees or disagrees. If Congress has spoken, he will give us an honest break on the appropriations.

Mr. ELLENDER. I thank the Senator.

The PRESIDING OFFICER. If there be no amendment to be offered, the question is on the third reading of the joint resolution.

The joint resolution was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall it pass?

The joint resolution, House Joint Resolution 829, was passed.

STATUS REPORT ON APPROPRIATION BILLS

Mr. ELLENDER. Mr. President, at this point, I desire to make a brief status report on the appropriation bills for this session of Congress.

The Congress convened for its 92d meeting on January 21, 1971, and the President submitted his budget on January 29, 1971. Soon after the Committee on Appropriations was organized and I was selected as chairman in early February, I arranged for the full committee to conduct hearings on the budget which had been submitted by the President. We held 2 days of hearings, beginning February 18. Eleven witnesses appeared before the committee, including the Secretary of the Treasury, the Chairman of the Council of Economic Advisers, and the Director of the Office of Management and Budget. It was a most informative hearing and served as a basis for laying broad guidelines for the various subcommittees.

The first appropriation bill which the Senate received from the House of Representatives was the Urgent Labor Supplemental Appropriation bill. It was received in the Senate on March 16 and was reported back to the Senate the same day.

The committee handled the Continuing Resolution for the Department of Transportation Appropriation bill, 1971, the same way—reporting it back to the Senate the day it was received, despite the controversy over the SST. Prior to this, the committee had held 2 days of hearings and heard 43 witnesses.

The first large appropriation bill for this session was the Second Supplemental Appropriation bill for fiscal year 1971. It totaled almost $8 billion. The Committee on Appropriations held 25 days of hearings and 382 witnesses appeared before the committee. The bill was received from the House of Representatives on May 13. Since we had laid the groundwork earlier—that is, by holding the hearings and marking up in the subcommittees—it was possible for us to report the bill back to the Senate the same day, May 13.

The first regular annual appropriation bill—the Office of Education Appropriation bill for fiscal year 1972—was reported to the Senate on June 8; the Legislative Branch Appropriation bill was reported to the Senate on June 18; and the Treasury-Postal Service-General Government Appropriation bill was reported to the Senate on June 28. All three bills passed the Senate before the beginning of the new fiscal year on July 1.

The Treasury-Postal Service-General Government Appropriation Bill was reported back to the Senate June 28, the same day we received it from the House of Representatives. It passed the Senate the following day, June 29. This allowed the newly-created Postal Service to have its regular annual appropriation figures when it formally became effective on July 1, 1971.

The committee reported the Agricultural Appropriation bill on July 14. It passed the Senate the next day.

On July 15, the Committee reported three bills — the State - Justice - Commerce-Judiciary Appropriation bill, the Interior Appropriation bill, and the Housing and Urban Development-Space-Science Appropriation bill. It has been a long time since the committee has reported three bills on the same summer day. The Transportation Appropriation bill was reported July 20, after having been received in the Senate on July 15. The Labor-Health, Education, and Welfare Appropriation bill was reported to the Senate on July 29, 1 day after it was received from the House of Representatives. It passed the Senate on July 30. And the conference report will, I hope, be adopted in the next few minutes.

The Public works Appropriation bill was received in the Senate on July 30, and the Committee reported it back to the Senate the same day. It passed the Senate July 31.

So far this year, we have been able to report nine of our 1971 and 1972 fiscal year bills to the Senate either on the same day that they came over from the House, or 1 day later.

Four of the regular annual appropriation bills have not been received from the House of Representatives. The Department of Defense, Military Construction, and Foreign Assistance Appropriation bills are all in the House Committee on Appropriations awaiting authorizing legislation, and the District of Columbia Appropriation bill is also in the House Committee on Appropriations, awaiting legislation with respect to additional revenues for the District of Columbia. The Senate Committee on Appropriations has completed hearings on all four of these bills and is most anxious to receive them from the House so that we can consider them. I am very hopeful that the authorizing committees will pass the authorizing legislation so that these four appropriation bills can be processed soon after we return from the August recess.

I have a table which reflects the number of days of hearings on each of the bills, the dates the bills were received and referred in the Senate, reported to and passed by the Senate, and the number of witnesses which were heard. I ask unanimous consent that this summary be included in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SUMMARY OF APPROPRIATION BILLS IN THE SENATE (JAN. 21–AUG. 5, 1971)

Hearing	Number of days of hearings	1st date of hearings	Number of witnesses	Date bill received from House and referred by Senate to committee	Date bill reported to Senate from committee	Date bill passed Senate
Labor Supplemental, 1971	1	Mar. 15	6	Mar. 16	Mar. 16	Mar. 16
Continuing Resolution (SST)	2	Mar. 10	43	Mar. 19	Mar. 19	Mar. 24
Urgent Supplemental, 1971	6	Mar. 15	30	Apr. 22	Apr. 23	Apr. 23
2d Supplemental, 1971	25	Mar. 31	382	May 13	May 13	May 19
The Budget of the United States, 1972	2	Feb. 18	--------	--------	--------	--------
Education, 1972	13	Mar. 30	163	Apr. 14	June 8	June 10
Legislative, 1972	3	June 7	55	June 7	June 18	June 21
Agriculture, 1972	16	Mar. 30	390	June 24	July 14	July 15
Urgent Agriculture, 1972	11	--------	11	do	June 25	June 28
State, Justice, Commerce, Judiciary, 1972	8	June 24	[1] 139	June 28	July 15	July 19
Treasury, Postal Service, 1972	11	Apr. 27	73	do	June 28	June 29
Interior, 1972	19	Feb. 19	221	June 30	July 15	July 16
Housing and Urban Development, Space Science, 1972	10	May 18	113	July 6	do	July 20
Transportation, 1972	6	June 12	162	July 15	July 20	July 22
Labor-Health, Education, and Welfare, 1972	[1] 22	June 9	[1] 248	July 28	July 29	July 30
Public Works-Atomic Energy Commission, 1972	38	Mar. 9	1,160	July 30	July 30	July 31
Emergency Employment Assistance, 1972	1	July 27	6	Aug. 5	Aug. 5	--------
Total	183		3,202			

[1] Estimated.

Mr. ELLENDER. Mr. President, the Committee on Appropriations of the Senate has been very diligent and has expeditiously handled and reported these bills to the Senate soon after their receipt from the House of Representatives. The committee and its subcommittees have held 183 days of hearings on these bills and 3,202 witnesses have appeared before the committee. Mr. President, the Committee on Appropriations was able to make this record, which I believe is an excellent one, because of the splendid cooperation of all of the members of the committee. I desire at this point to express my commendation and appreciation to all of the members.

I would also like to congratulate the Senate on doing an excellent job of clearing the 1972 appropriation bills. So far the Senate has passed seven bills ahead of last year's schedule. In fact, if you add up the time saved on those seven bills, we are runing 302 days ahead of last year.

So far we are behind last year's schedule on three bills, totaling 34 days.

That puts us ahead of last year's schedule by a net total of 268 days on 10 bills.

Of the remaining four 1972 fiscal bills, we are behind last year's schedule on just one of them. That is the District of Columbia appropriation bill, which is still in the House.

But the other three remaining bills—Defense, Military Construction, and Foreign Assistance—were not passed last year until October, November, and December. With the continued cooperation of the membership, I am confident that we can beat those schedules and finish with a total savings of more than 300 days on the 14 different bills.

Mr. President, I have a tabulation which gives the budget estimates, the House-approved figures, the amounts approved by the Senate, and the final conference figures on all of the bills handled so far at this session of Congress except the Public Works-Atomic Energy Commission appropriation bill, upon which there has been no conference.

I have done my level best to arrange a conference on the Public Works-AEC bill, and I am disappointed that it was not possible to do so.

I ask unanimous consent that the tabulation be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

COMMITTEE ON APPROPRIATIONS, U.S. SENATE—BUDGET ESTIMATES OF NEW BUDGET AUTHORITY CONSIDERED IN APPROPRIATION BILLS, 92D CONG., 1ST SESS., AS OF AUG. 6, 1971

[Does not include budget or contract authority in legislative bills; or any permanent (Federal or trust) authority, under earlier or "permanent law," [1] without further or annual action by the Congress]

Bill and fiscal year (1)	Budget requests considered by House (2)	Approved by House (3)	Budget requests considered by Senate (4)	Approved by Senate (5)	Enacted (6)	(+) or (−), enacted compared with budget requests (7)
A. Bills for fiscal 1972:						
1. Education (H.R. 7016)	$5, 068, 343, 000	$4, 800, 088, 000	$5, 153, 186, 000	$5, 615, 918, 000	$5, 146, 311, 000	[2] −$6, 875, 000
2. Legislative (H.R. 8825)	455, 744, 595	449, 899, 605	535, 349, 607	532, 297, 749	529, 309, 749	−6, 039, 858
3. Agriculture—environmental and consumer protection (H.R. 9270)	12, 104, 813, 850	12, 423, 896, 050	12, 104, 813, 850	13, 621, 677, 050	13, 276, 900, 050	+1, 172, 086, 200
4. State—Justice—Commerce—Judiciary (H.R. 9272)	4, 204, 997, 000	[3] 3, 684, 183, 000	4, 216, 802, 000	4, 098, 083, 000	4, 067, 116, 000	−149, 686, 000
5. Treasury—Postal Service—General Government (H.R. 9271)	4, 780, 576, 000	4, 487, 676, 190	4, 809, 216, 000	4, 752, 789, 690	4, 528, 986, 690	−280, 229, 310
6. Interior (H.R. 9417)	2, 164, 569, 035	2, 159, 508, 035	2, 194, 594, 035	2, 226, 023, 035	2, 223, 980, 035	+29, 386, 000
7. HUD—space—science—veterans (H.R. 9382)	17, 457, 017, 000	18, 115, 203, 000	17, 457, 017, 000	18, 698, 518, 000	18, 339, 738, 000	[4] +882, 721, 000
8. Transportation (H.R. 9667)	3, 007, 550, 997	2, 733, 369, 997	2, 860, 327, 997	2, 958, 929, 997	2, 905, 310, 997	+44, 983, 000
Fiscal year 1972 amounts only	(2, 833, 229, 997)	(2, 559, 048, 997)	(2, 686, 006, 997)	(2, 784, 608, 997)	(2, 730, 989, 997)	(+44, 983, 000)
9. Labor—HEW (H.R. 10061)	19, 942, 996, 000	20, 361, 247, 000	20, 123, 637, 000	21, 018, 317, 000	20, 704, 662, 000	+581, 025, 000
10. Public works—AEC (H.R. 10090)	4, 615, 945, 000	4, 576, 173, 000	4, 615, 945, 000	4, 716, 922, 000		[5] +100, 977, 000
11. Emergency employment assistance (H.J. Res. 833)	1, 000, 000, 000	1, 000, 000, 000	1, 000, 000, 000	1, 000, 000, 000	1, 000, 000, 000	
12. Summer feeding programs for children (H.J. Res. 744)		17, 000, 000		17, 000, 000	17, 000, 000	+17, 000, 000
Total, bills for fiscal 1972	[6] 74, 802, 552, 477	74, 808, 243, 877	[6] 75, 070, 888, 489	79, 256, 475, 521	72, 739, 314, 521	+2, 385, 348, 032
B. Bills for fiscal 1971:						
1. Supplemental, Department of Labor (H.J. Res. 465)	50, 675, 000	50, 675, 000	50, 675, 000	50, 675, 000	50, 675, 000	
2. Continuing resolution (transportation) (H.J. Res. 468)	(7)	[7] −55, 000, 000	(7)	[7] −55, 000, 000	[7] −55, 000, 000	[7] −55, 000, 000
3. Urgent supplemental (H.J. Res. 567)	1, 042, 294, 000	1, 037, 872, 000	1, 042, 294, 000	1, 037, 872, 000	1, 037, 872, 000	−4, 422, 000
4. 2d supplemental (H.R. 8190)	[8] 7, 746, 078, 149	[8] 6, 889, 152, 545	[8] 7, 879, 740, 077	[8] 7, 285, 468, 973	[8] 7, 028, 195, 973	−851, 544, 104
Total, bills for fiscal 1971	8, 839, 047, 149	7, 922, 699, 545	8, 972, 709, 077	8, 319, 015, 973	8, 061, 742, 973	−910, 966, 104
C. Total for the session to Aug. 6, 1971	83, 641, 599, 626	82, 730, 943, 422	84, 043, 597, 566	87, 575, 491, 494	80, 801, 057, 944	+1, 474, 381, 928

[1] The budget for 1972, as submitted Jan. 29, estimated total new budget authority for 1972 at $267,437,000,000 gross ($248,965,000,000 net of some $18,472,000,000 interfund and intergovernmental transactions and certain so-called proprietary receipts handled as offsets for budget summary purposes only). Of this total, an estimated $97,946,000,000 does not require current action by Congress; it involves so-called permanent appropriations such as interest, various trust funds, etc. already provided for in various basic laws. The remainder, $169,491,000,000 is for consideration at this session (mostly in the appropriation bills). About $17,200,000,000 of the $169,500,000,000 was shown in the January budget as being "for later transmittal" for new or expanded legislation, pay increases, and contingencies, and about $38,114,000,000 of the remainder requires legislative reauthorization through various annual authorization bills or where the authorization expires periodically.

[2] As passed by both House and Senate, the education appropriation bill did not include $400,000,000 requested in the budget for purchase of student loan notes from colleges and universities, contingent upon legislative authority not yet enacted. If the $400,000,000 is excluded from all of the figures shown, the amount in the House-approved bill is in effect a net increase of $131,745,000 over the budget requests considered by the House; the Senate-approved bill on the same basis is $862,732,000 over the budget requests considered by the Senate; and the enacted bill on the same basis is $393,125,000 over the budget requests considered.

[3] Excludes $352,715,000 because all maritime programs and 1 judiciary item were struck by House floor points of order.

[4] Taking into account $850,000,000 in the budget as a proposed supplemental for special revenue sharing or ½ year funding in certain housing and urban development programs, the House bill is $191,814,000 below the budget requests; the Senate bill is $391,501,000 above the requests; and the enacted figure is $32,721,000 above the requests.

[5] Latest action compared with budget estimate to Senate.

[6] Does not include budget estimates of new budget authority for—

Department of Defense	$73, 360, 259, 000
District of Columbia	233, 172, 000
Foreign operations	4, 092, 635, 000
Military construction	2, 313, 375, 000

[7] The budget requests for fiscal 1971, as reflected in the 1971 transportation appropriation bill considered by the Congress during the 2d sess., 91st Cong., of $2,553,816,437, were reduced by $95,681,832 by actions of Congress during the 2d sess., 91st Cong. The amount carried in the fiscal 1972 budget for the 1971 transportation appropriation bill reflected such reductions. It is estimated that congressional action at the current session on 1971 appropriations for the Department of Transportation (killing the SST in H.J. Res. 468) further reduced the amount available for fiscal 1971 by $55,000,000.

[8] Includes advance appropriations of $100,000,000 for 1972 for cancer research.

Mr. YOUNG. Mr. President, I salute the distinguished chairman, Mr. ELLENDER for his great record in handling appropriations bills. The Senate Appropriations Committee has considered and reported to the Senate, all the appropriations bills that have come from the House, during the present session of the Congress.

I have been a member of the Senate Appropriations Committee for 24 years and at no time during that period, do I recall a session in which the committee, once it received the appropriations bills from the House, has worked so expeditiously to report them to the floor.

The credit for this must be attributed to the driving force of the chairman of the committee, the senior Senator from Louisiana, who, early in the session, stated that he would do everything in his power, to accelerate the passage of appropriations. He has more than lived up to his word.

His zealous attention to the work of the committee, and his refusal to permit any obstructions, to hinder the progress of the bills, have made this commendable record possible. He deserves the commendation of all who recognize the need, for timely appropriations action.

At the same time, I wish to point out that this has not been done at the expense of careful deliberation by the subcommittees and the full committee. The 183 days of hearings, during which 3,202 witnesses have been heard, attest to the thoroughness of consideration of the bills.

In addition, I will say that, although he has pressed hard to maintain a rigorous schedule, he has always been most cooperative, most courteous, most understanding of the desires, of his colleagues. And through it all, he has given unsparingly of his own energies, his own knowledge, and experience.

At this present moment, there are no appropriations bills awaiting action by the Senate committee. I believe recognition of this fact, in itself, is probably the most glowing tribute, one can make, in regard to the accomplishments of the chairman of the committee. I congratulate him again for his signal achievement.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. YOUNG. I am happy to yield.

Mr. MANSFIELD. Mr. President, I not only wish to join in the well-deserved commendation of the chairman of the Appropriations Committee, but also in commending its ranking Republican member. I think both of them have worked well as a team, and their achievement has been outstanding.

I am reminded of remarks made by a White House attaché a couple of days ago to the effect that Congress was laggard. As a matter of fact, we are up with the House of Representatives on appropriations, and waiting for them to send over other additional appropriation bills. The only place we are behind at this time is in such matters as welfare reform, which just came to the Senate last week from the House of Representatives—we could not act on it until the House had completed action—and revenue sharing, on which the House of Representatives has not yet acted upon.

I wish to say, on behalf of Senators on both sides, that we have performed remarkably well up to this time.

Mr. YOUNG. Mr. President, I thank the majority leader.

Mr. BYRD of West Virginia. Mr. President, I wish to emphasize the importance of the remarks just made by the greatly esteemed chairman of the Senate Committee on Appropriations, the senior Senator from Louisiana (Mr. ELLENDER).

We are all aware of the necessity of providing appropriations in an orderly and expeditious manner. And most of us are also aware of the countless difficulties, the roadblocks, the vexatious problems that hinder progress along that path. The hearings in themselves eat up time voraciously. The decisionmaking process, when faced with frequent divergent views, is also time consuming. Just the mere machinery of the work of the committee requires an enormous amount of effort and cooperation. When viewed from these aspects, the startling record that the chairman has just recited is something in which he may take great pride.

In some respects, the record is even more amazing than the chairman has indicated. Of the 16 bills which have been referred to the Senate Appropriations Committee to date, over half have been reported to the Senate floor from the committee on either the same day they were received by the committee or on the following day. One of those bills that was reported on the very day it was messaged over from the House was the second supplemental appropriation bill for fiscal year 1971. As a former chairman of the subcommittee handling supplemental bills, I can vouch for the complexities involved in the consideration, the length of the hearings, the multitude of witnesses who must be given full opportunity to present their requests, the careful scrutiny and coordination required preliminary to making recommendations to the Senate. This bill was no exception. It contained requests for almost $8 billion. It required 25 days of testimony, during which time 382 witnesses were heard. Yet, as a result of the foresight and planning of the chairman of the committee, the bill was reported out of the committee on the very day it was received from the House. I view this accomplishment as little short of phenomenal, yet it is but one of many examples of the chairman's ability to expedite the work of the committee and through that, the work of the Senate. As a result, the whole country has benefited by the steady flow of appropriations.

Very early in the year, as I recall, the chairman promised to do everything in his power to speed up the appropriations process. The facts speak for themselves. He has lived up to his word by compiling an unprecedented record. Never in my memory have we witnessed such a remarkable achievement.

For this we must, in great measure, thank the chairman of the committee. His foresight, his meticulous planning, his constant urging to have each subcommittee push forward to its goal, his own hard work and boundless energy—all combined to produce a result that is truly amazing.

I congratulate him for his achievement. Not only the Government but also the people of the country owe him a vote of thanks. He has set a record that will be most difficult to emulate.

I also commend and thank all the chairmen of the subcommittees and the ranking minority members—and all other members thereof—for their effective work and good cooperation in making this record achievement possible.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar Nos. 341 and 340, in that order.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF INVESTMENT COMPANY ACT

The bill (S. 2216) to amend the Investment Company Act of 1940, as amended, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 27(f) of the Investment Company Act of 1940, as amended (15 U.S.C. 80a–27(f)), is amended to read as follows:

"(f) With respect to any periodic payment plan (other than a plan under which the amount of sales load deducted from any payment thereon does not exceed 9 per centum of such payment), the custodian bank for such plan shall mail to each certificate holder, within sixty days after the issuance of the certificate, a statement of charges to be deducted from the projected payments on the certificate and a notice of his right of withdrawal as specified in this section. The Commission may make rules specifying the method, form, and contents of the notice required by this subsection. The certificate holder may within forty-five days of the mailing of the notice specified in this subsection surrender his certificate and receive in payment thereof, in cash, the sum of (1) the value of his account, and (2) an amount, from the underwriter or depositor, equal to the difference between the gross payments made and the net amount invested. The Commission may make rules and regulations applicable to underwriters and depositors of companies issuing any such certificates specifying such reserve requirements as it deems necessary or appropriate in order for such underwriters and depositors to carry out the obligations to refund sales charges required by this subsection."

GATEWAY NATIONAL RECREATION AREA

The Senate proceeded to consider the bill (S. 1852) to provide for the establishment of the Gateway National Recreation Area in the States of New York and New Jersey, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 2, line 2, after the word "Map", to strike out "Proposed"; in line 3, after the word "Area", strike out "numbered 951–40,001–A sheets 1 through 3, and dated April 1971" and insert "numbered NJ–NY 951–40,003, and dated July 1971"; in line 15, after the word "exceed", strike out "twenty-five thousand" and insert "twenty-six thousand two hundred and fifty"; at the beginning of line 22, strike out "exchange." and insert "exchange: *Provided, however,* That any lands, waters, or interests therein owned by any State or political subdivision thereof may be acquired only by donation."; on page 4, line 7, after the word "this", strike out "Act." and insert "Act: *Provided,* That the Secretary shall administer and protect the islands and waters within the Jamaica Bay Unit as generally depicted on the map numbered 951–40,003 with the primary aim of conserving the natural resources, fish, and wildlife located therein and shall permit no development or use of this area which is incompatible with this purpose."; in line 14, after "(b)", insert "(1)"; in line 21, after the word "bids." insert "The Secretary shall make every effort to provide public access to the Gateway National Recreation Area by means of mass transit and water transportation in order to minimize the impact of automotive transit on the environment within the Gateway National Recreation Area and to increase the opportunities for access by the populations of nearby urban areas."; on page 5, after line 2, insert:

(2) The Secretary of Transportation is authorized and directed to assist the Secretary in developing a plan for a water-based rapid transit demonstration project designed to provide rapid and economical transportation to the areas established by this Act.

After line 13, insert:

(d) Notwithstanding any other provision of law, the Secretary is authorized to accept donations of funds from individuals, foundations, or corporations for the purpose of providing services and facilities which he deems consistent with the purposes of this Act.

In line 19, after "SEC. 4.", insert "(a)"; on page 6, after line 5, insert:

(b) The Secretary shall permit hunting, fishing, shellfishing, trapping, and the taking of specimens on the lands and waters under his jurisdiction within the Gateway National Recreation Area in accordance with the applicable laws of the United States and the laws of the States of New York and New Jersey and political subdivisions thereof, except that the Secretary may designate zones where and establish periods when these activities may not be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment.

At the top of page 7, insert a new section, as follows:

SEC. 6. (a) There is hereby established a Gateway National Recreation Area Advisory Commission (hereinafter referred to as the "Commission"). Said Commission shall terminate ten years after the date the recreation area is established under section 1 of this Act.

(b) The Commisison shall be composed of twelve members each appointed for a term of two years by the Secretary as follows:

(1) Four members to be appointed from recommendations made by the Governor of the State of New York;

(2) Four members to be appointed from recommendations made by the Governor of the State of New Jersey;

(3) Two members to be appointed from recommendations made by the mayor of New York City; and

(4) Two members to be appointed from recommendations made by the mayor of Newark, New Jersey.

(c) The Secretary shall designate one member to be Chairman. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(d) A member of the Commission shall serve without compensation as such. The Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibilities under this Act upon vouchers signed by the Chairman.

(e) The Commission established by this section shall act and advise by affirmative vote of a majority of the members thereof.

(f) The Secretary or his designee shall, from time to time, consult with the members of the Commissions with respect to matters relating to the development of the Gateway National Recreation Area.

On page 8, at the beginning of line 10, change the section number from "6" to "7"; and, in line 17, after the word "involved", strike out "herein." and insert "herein and not to exceed $40,000,000 for acquisition of lands, waters, and interests therein."; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve and protect for the use and enjoyment of present and future generations an area possessing outstanding natural and recreational features, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to establish the Gateway National Recreation Area (hereinafter referred to as the "recreation area"). There shall be included within the boundaries of the recreation area those lands, marshes, and submerged lands in the New York Harbor area generally depicted on the map entitled "Boundary Map Gateway National Recreation Area" numbered NJ-NY 951-40,003, and dated July 1971, which map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary shall establish the recreation area by publication of a notice to that effect in the Federal Register at such time as he determines that lands, waters, and interests therein sufficient to constitute an efficiently administrable recreation area have been acquired for administration in accordance with the purposes of this Act. The Secretary may from time to time make corrections in the boundaries of recreation area, but the total area within the boundaries shall not exceed twenty-six thousand two hundred and fifty acres of land, marsh, and submerged land.

SEC. 2. (a) Subject to the provisions of subsection (c), the Secretary may acquire lands and waters or interests therein within the boundaries of the recreation area by donation, purchase with donated or appropriated funds, or exchange: *Provided, however,* That any lands, waters, or interests therein owned by any State or political subdivision thereof may be acquired only by donation. With the concurrence of the agency having custody thereof, any Federal property within the boundaries of the recreation area may be transferred without consideration to the administrative jurisdiction of the Secretary for administration as part of the recreation area.

(b) The Secretary may also acquire, by any of the methods set forth in subsection (a), lands and interests therein on the shore of Sandy Hook Bay, which he deems necessary or desirable to provide docking or other access facilities, and related administrative and public use facilities, for the units of the recreation area. The Secretary may contract for the rental of such facilities, and any rental payments for such facilities for the purposes of this subsection shall be deemed to be part of the annual operating costs of the recreation area.

(c) With the exception of the Breezy Point Beach, as depicted on the map referred to in section 1 of this Act, the Secretary may acquire lands, waters, and interests therein within the Breezy Point unit of the national recreation area only with the consent of the owner. The provisions of the foregoing sentence shall not apply, however, to the property within the Breezy Point unit which the Secretary deems necessary to assure adequate public access to public beaches therein.

SEC. 3. (a) Prior to the establishment of the recreation area and thereafter, the Secretary shall administer the lands, waters, and interests therein acquired for the recreation area in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4), as amended and supplemented, except that the Secretary may utilize such statutory authority available to him for the conservation and management of wildlife and natural resources as he deems appropriate to carry out the purposes of this Act: *Provided,* That the Secretary shall administer and protect the islands and waters within the Jamaica Bay Unit as generally depicted on the map numbered 951-40,003 with the primary aim of conserving the natural resources, fish, and wildlife located therein and shall permit no development or use of this area which is incompatible with this purpose.

(b) (1) Notwithstanding any other provision of law, the Secretary may provide such services and facilities, including the purchase or rental of ferry services and docking facilities, as he deems necessary or desirable for access to the recreation area. The Secretary may provide such services and facilities directly, or by negotiated contract with public or private agencies or persons without advertising and without securing competitive bids. The Secretary shall make every effort to provide public access to the Gateway National Recreation Area by means of mass transit and water transportation in order to minimize the impact of automotive transit on the environment within the Gateway National Recreation Area and to increase the opportunities for access by the populations of nearby urban areas.

(2) The Secretary of Transportation is authorized and directed to assist the Secretary in developing a plan for a water-based rapid transit demonstration project designed to provide rapid and economical transportation to the areas established by this Act.

(c) The Secretary is authorized to enter into cooperative agreements with the States of New York and New Jersey, or any political subdivision thereof, for the rendering, on a reimbursable basis, of rescue, firefighting, and law enforcement services and cooperative assistance by nearby law enforcement and fire preventive agencies.

(d) Notwithstanding any other provision of law, the Secretary is authorized to accept donations of funds from individuals, foundations, or corporations for the purpose of providing services and facilities which he deems consistent with the purposes of this Act.

SEC. 4. (a) The authority of the Secretary of the Army to undertake or contribute to water resource developments, including shore erosion control, beach protection and navigation improvements on land and/or waters within the Gateway National Recreation Area in the States of New York and New Jersey shall be exercised in accordance with plans which are mutually acceptable to the Secretary of the Interior and the Secretary of the Army and which are consistent with both the purpose of this Act and the purpose of existing statutes dealing with water and related land resource development.

(b) The Secretary shall permit hunting, fishing, shellfishing, trapping, and the taking of specimens on the lands and waters under his jurisdiction within the Gateway National Recreation Area in accordance with the applicable laws of the United States and the laws of the States of New York and New Jersey and political subdivisions thereof, except that the Secretary may designate zones where and establish periods when these activities may not be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment.

SEC. 5. The authority of the Secretary of Transportation to maintain and operate existing airway facilities and to install necessary new facilities within the Gateway National Recreation Area in the States of New York and New Jersey shall be exercised in accordance with plans which are mutually acceptable to the Secretary of the Interior and the Secretary of Transportation and which are consistent with both the purpose of this Act and the purpose of existing statutes dealing with the establishment, maintenance, and operation of airway facilities.

SEC. 6. (a) There is hereby established a Gateway National Recreation Area Advisory Commission (hereinafter referred to as the "Commission"). Said Commission shall terminate ten years after the date the recreation area is established under section 1 of this Act.

(b) The Commission shall be composed of twelve members each appointed for a term of two years by the Secretary as follows:

(1) Four members to be appointed from recommendations made by the Governor of the State of New York;

(2) Four members to be appointed from recommendations made by the Governor of the State of New Jersey;

(3) Two members to be appointed from recommendations made by the mayor of New York City; and

(4) Two members to be appointed from recommendations made by the mayor of Newark, New Jersey.

(c) The Secretary shall designate one member to be Chairman. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(d) A member of the Commission shall serve without compensation as such. The Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibilities under this Act upon vouchers signed by the Chairman.

(e) The Commission established by this section shall act and advise by affirmative vote of a majority of the members thereof.

(f) The Secretary or his designee shall, from time to time, consult with the members of the Commission with respect to matters relating to the development of the Gateway National Recreation Act.

SEC. (7). There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, not to exceed, however, $98,148,000 (July 1971 prices) for development of the recreation area, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering costs indexes applicable to the type of construction involved herein and not to exceed $40,000,000 for acquisition of lands, waters, and interests therein.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the committee amendments are considered and agreed to en bloc.

The bill is open to further amendment.

Mr. JAVITS. Mr. President, I send to the desk an amendment, which I have discussed with the Senator from Nevada (Mr. BIBLE) and the Senator from Colorado (Mr. ALLOTT). I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 3, line 23, strike the period and insert the following: "or which depart substantially from its present uses".

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

Mr. JAVITS. The Senate passage of legislation establishing the Gateway National Recreation Area is an historic step in the process of making available urban parks to serve our vital metropolitan centers. The future benefit to New York State and the Nation from this project are inestimable.

This legislation is a combination of the Nixon administration's bill, S. 1852, and S. 1193, the bill introduced by me together with Senators BUCKLEY and WILLIAMS. I believe the Senate Interior Committee has done a fine job in expediting the measure through the Senate.

Recreation areas are among our most precious assests and as the population of this country continues to grow, these recreation areas become even more valuable to those who wish to escape, albeit for a time, from our urban areas where 70 percent of the population lives. Unfortunately, there are relatively few beaches and recreation areas near great population centers, and those that are within reasonable distance are taxed to the fullest extent. Anyone who has seen the beaches at Coney Island—or at Jones Beach—on a hot summer day will get a vivid picture of what it means for the millions who try to use limited facilities. This is why the Gateway National Recreation Area is so important to the New York metropolitan region and indeed for the whole country.

Approximately 15 million people live in the New York metropolitan area and this population is expected to grow to 30 million by the year 2000. It is estimated that 20 million people are within 2 hours driving distance of the Gateway Recreation Area. Because of the proximity of such a large share of America's population, Gateway is expected to accommodate more visitors than are now served by the six existing national seashores.

Because of the fact that many people living within reach of the Gateway do not have automobiles and because it is important not to encourage too much automobile traffic in the recreation area, it will be vital to develop adequate mass transportation to carry people back and forth to the recreation area. Without this transportation the recreation area will not have meaning for many in the New York metropolitan area, especially those residents living in the ghettos who should be encouraged to come out and enjoy the recreation area. I would hope that maximum use would be made of the existing subway systems and that this will be augmented by special bus systems and ferry systems which can carry large numbers of people to the various recreation areas within the project. I think that the most important feature of this mass transportation should be its low cost to the public so that large numbers of people, especially low-income people, will be able to enjoy the recreation area.

This project offers us a unique opportunity to establish a recreation area that will serve more people than any other area that could be developed in the Nation. It will enable many who would have no chance to get near a beach and water to avail themselves of such an opportunity. It is important that Gateway be approved by the Congress as soon as possible so this critical project can be implemented.

Mr. CASE. The Senate today is faced with an unprecedented opportunity to provide recreational facilities for almost 10 percent of the Nation's population who live in the most highly urbanized area of the Nation, an area where recreational space is at a premium.

Under the proposal before us, the Sandy Hook area in New Jersey and the Great Kills, Breezy Point, Floyd Bennett Field, and Jamaica Bay areas in New York will be combined into the Gateway National Recreation Area.

The composite area will serve more than 20 million persons who live within a 2-hour drive of the facilities. This exceeds the 15.2 million persons currently served by all six existing national seashore recreation areas in other parts of the Nation.

For many of those who will be served by the Gateway project, it will represent a rare opportunity to play and relax on the beaches and in the ocean.

More than 35 percent of those who live within 2 hours of the Gateway beaches are members of households with incomes of $5,000 or less.

We in New Jersey, of course, are most interested in the Sandy Hook component of the Gateway area.

Sandy Hook is a peninsula bounded by the Atlantic Ocean on one side and Sandy Hook Bay on the other. It consists of 1,634 acres. From 1846 until about 8 years ago, the entire complex was a military reservation known as Fort Hancock.

Early in 1962 it was determined that about 1,200 acres of Sandy Hook were no longer needed for military purposes. The Department of the Army leased 745 acres to the State of New Jersey for a State park.

In January 1967, the Department of Defense announced it would turn over to the General Services Administration for disposal that area no longer needed for military purposes, including the portion leased to the State.

Early this year, the General Services Administration, after screening Federal agencies, notified the State of New Jersey that 1,033 acres of this land were being made available for disposal.

In order to preserve Sandy Hook for recreational purposes, New Jersey Governor Cahill announced that the State was prepared to take title to the surplus property. But the State made it clear that it preferred to have the Federal Government develop Sandy Hook for recreational purposes because the State would find it extremely difficult to do so in light of its financial situation.

In a letter I received today, the Department of the Interior says it has programed $643,000 for development, including erosion control, and $865,700 for operating costs at the Sandy Hook unit during the firsts year after authorization of the Gateway National Recreation Area.

While I favor greater resources devoted to erosion control at Sandy Hook, I recognize that funds for acquisition of land under the project will come from the land and water conservation fund, which was established by a 1965 act for the sole purpose of acquiring land for park use, not for development.

The ecology of Sandy Hook is more fragile and more diversified than that of such components of Gateway as Breezy Point. Because of this, the proper development of the area calls for use of Sandy Hook primarily for environmental and nature studies, hiking, and similar activities.

Inland from the beaches of Sandy Hook, a series of relatively unaltered dunes, interspersed with fresh and salt water marshes, provides an excellent opportunity for these activities, which are rare in urban areas.

I have been assured by the Interior Department that Sandy Hook will be maintained in a manner which will protect its ecological and educational values and that work in this direction will begin as soon as funds are available under the Gateway project. I will bend every effort toward that end as development of the recreational area proceeds.

At the same time, I am happy that development of the other components of Gateway will proceed without undue delay so that there will be a greater area available and no single area will suffer extreme overcrowding.

In this connection, I am particularly pleased that the Great Kills area has been included in the bill we are considering. This gives the heavily urbanized area of northern New Jersey another access point to the recreational area. At the same time, the inclusion of Floyd Bennett Field provides additional space to help prevent overcrowding.

It is my hope that at least one additional area, Liberty State Park, which provides an excellent view of the Statue of Liberty and another access point for New Jerseyites, will be added to the Gateway National Recreation Area in the future.

The recreational opportunities offered by the Gateway project are urgently needed and I hope that this bill can be enacted into law quickly so that development can begin in the near future.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. JAVITS. I move to reconsider the vote by which the bill (S. 1852) was passed.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the following concurrent resolutions, in which it requested the concurrence of the Senate:

H. Con. Res. 319. Concurrent resolution to provide for the printing of 2,000 additional copies of the hearings before the Select Subcommittee on Education of the Committee on Education and Labor entitled "Comprehensive Preschool Education and Child Day-Care Act of 1969";

H. Con. Res. 320. Concurrent resolution to provide for the printing of 600 additional copies of the hearings before the Select Committee on Education of the Committee on Education and Labor entitled "Environmental Quality Education Act of 1970";

H. Con. Res. 337. Concurrent resolution to provide for the printing of 500 copies each of parts 1 and 2 of the hearings before the Select Subcommittee on Education of the Committee on Education and Labor entitled "Drug Abuse Education Act of 1969";

H. Con. Res. 359. Concurrent resolution to provide for the reprinting of the prayers offered by the Chaplain;

H. Con. Res. 365. Concurrent resolution to print as a House document the Constitution of the United States; and

H. Con. Res. 367. Concurrent resolution authorizing the printing of the pocket-size edition of "The Constitution of the United States of America" as a House document, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

S. 581. An act to amend the Export-Import Bank Act of 1945, to eliminate certain export credit controls, and for other purposes; and

S. 2296. An act to amend sections 107 and 709 of title 32, United States Code, relating to appropriations for the National Guard and to National Guard technicians, respectively.

The enrolled bills were subsequently signed by the President pro tempore.

HOUSE CONCURRENT RESOLUTIONS REFERRED

The following concurrent resolutions were referred to the Committee on Rules and Administration:

H. Con. Res. 319. Concurrent resolution to provide for the printing of 2,000 additional copies of the hearings before the Select Subcommittee on Education of the Committee on Education and Labor entitled "Comprehensive Preschool Education and Child Day Care Act of 1969";

H. Con. Res. 320. Concurrent resolution to provide for the printing of 600 additional copies of the hearings before the Select Subcommittee on Education of the Committee on Education and Labor entitled "Environmental Quality Education Act of 1970";

H. Con. Res. 337. Concurrent resolution to provide for the printing of 500 copies each of parts 1 and 2 of the hearings before the Select Subcommittee on Education of the Committee on Education and Labor entitled "Drug Abuse Education Act of 1969";

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H. Con. Res. 367. Concurrent resolution authorizing the printing of the pocket-size edition of "The Constitution of the United States of America" as a House document, and for other purposes.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATION BILL, 1972—CONFERENCE REPORT

Mr. MAGNUSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10061) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1972, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. BENTSEN). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of August 5, 1971, at pp. 29798–29799.)

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the requirement that the conference report on Labor-Health, Education, and Welfare and related agencies be printed as a Senate report be waived, inasmuch as, under the rules of the House, it has been printed as a report of the House of Representatives, and the reports are identical.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, I shall make only a few brief remarks.

The total appropriations allowed in conference for the Departments of Labor, Health, Education, and Welfare is $20,804,662,000, an increase of $3,149,983,500 over last year, on a comparable basis $313,655,000 under the total sum recommended by the Senate, and $343,415,000 above the amount allowed by the

House. This is $581,025,000 over the budget estimate.

In my judgment, it is a good bill; the amounts provided for some items are not entirely to my satisfaction; however, in the main, there will be adequate funds to meet necessary expenses of the Departments of Labor, and Health, Education, and Welfare, and related agencies in fiscal year 1972.

As Senators know, these programs have been operating since July 1 under a continuing resolution of Congress.

Major items that were increased by the Senate and were reduced in conference are the following:

DECREASES FROM SENATE

	House	Senate	Conference	Decrease
Department of Labor	$1, 310, 913, 000	$1, 322, 163, 000	$1, 315, 913, 000	−$6, 250, 000
Health, Education, and Welfare:				
Health Services and Mental Health Administration	1, 886, 874, 000	2, 134, 670, 000	1, 993, 489, 000	−141, 181, 000
National Institutes of Health	1, 447, 055, 000	1, 821, 940, 000	1, 683, 229, 000	−138, 711, 000
Social and Rehabilitation Service	12, 540, 065, 000	12, 557, 701, 000	12, 533, 780, 000	−23, 921, 000
Other HEW	14, 251, 000	17, 843, 000	14, 251, 000	−3, 592, 000

Mr. President, as usual this was a difficult conference—and Senator COTTON, the ranking Republican and myself worked hard—as did all the Senate conferees—in providing as much of the Senate increases as were possible in the areas of greatest need. We were pitted against both the House conferees and the administration as they pressed for figures that were much lower than ours. We were also trying to arrive at a total figure that would be acceptable to the President, a figure in the bill that the President would sign and not veto as he has done with two bills this committee has previously agreed to in conference.

We believe this bill should be acceptable to the President.

We believe the President should sign this bill, so everyone affected can get their money and we can proceed in providing job opportunities, health-care services to millions of Americans, research that will sustain the lives of people around the world that now die from the major killers such as cancer and heart disease, and also that the welfare and well-being of our aged and our young can be sustained and improved upon.

We are just as disappointed as some Members are that we could not do better in providing a larger sum in some areas.

In the Department of Labor, we were able to get a little more money for improving safety and other working conditions of workers.

In the area of health and rehabilitation, the following Senate increases prevailed:

Mental Health:	
Hospital improvement grants	+$1, 000, 000
Alcoholism project grants	+20, 000, 000
Alcoholism formula grants	+5, 000, 000
Community Mental Health Center Construction grants	+5, 000, 000
Comprehensive Health Planning:	
Comprehensive Health Centers	+4, 500, 000
Migrant Health Services	+950, 000
National Health Service Corps	+2, 500, 000
Maternal and Child Health:	
Crippled Children grants	+1, 872, 000
Maternity and infant care grants	+1, 050, 000
Intensive infant care	+258, 000
Dental health of children	+$320, 000
Regional Medical Programs:	
Health maintenance, kidney disease and pediatric pulmonary programs	+20, 000, 000
Disease Control:	
Lead base paint poisoning prevention	+2, 500, 000
Occupational health	+1, 200, 000
Arctic Health Research Center	+415, 000
Medical Facilities Construction:	
Hospital construction grants	+25, 0000 ,00
Hospital experimentation projects	+15, 000, 000
National Institutes of Health:	
Biologics standards	+249, 000
Heart and lung	+20, 483, 000
Dental research	+1, 560, 000
Arthritis and metabolic diseases	+4, 960, 000
Neurological diseases and stroke	+8, 000, 000
Allergy and infectious diseases	+2, 048, 500
General medical sciences	+5, 025,000
Child health and human development	+7, 165, 000
Eye	+1, 233, 500
Research resources	+3, 000, 000
Fogarty Center	+525, 000
Health Manpower:	
Authorized health manpower programs, primarily student assistance	+180, 620, 000

Included in the increase of $11,890,000 over the budget request is institutional support for schools of public health. It is our intent that this $500,000 increase be allocated to formula grants to schools of public health.

In reference to health manpower—I want to stress that all of us on the conference committee agreed that we would reexamine all of these programs when the Department submits its supplemental requests for institutional support and construction.

We expect to give special attention at that time to allied health which includes all of the auxiliary health personnel—the physicians and dental assistants—and all kinds of technicians being trained in community colleges.

We will give all these health manpower programs at NIH close attention when that supplemental comes up after the enactment of authorizing legislation that is now in conference.

National Library of Medicine	+$1, 305, 000
Rehabilitation Services and Facilities:	
University affiliated facilities	+4, 250, 000
Special programs for the aging:	
Community programs	+3, 000, 000
Foster Grandparents	+2, 250, 000
Youth development and delinquency prevention:	
This is the full budget request for this item in which the House did not consider	+10, 000, 000
Related agencies:	
National Commission on Libraries and Information Science	+200, 000
National Commission on Marihuana and Drug Abuse	+1, 228, 000
Commission on Railroad Retirement	+483, 000

Mr. President, the committee understands that a question has arisen as to the interpretation of language in Senate Amendment No. 30 to the Labor, Health Education, and Welfare and Related Agencies Appropriation bill, H.R. 10061.

It was the intention of the Committee on Conference that the amendment apply so as to extend the availability of the Health Manpower appropriation coextensively with the extension of the continuing resolution as approved by the Senate today; that is, the appropriation now would be available until October 15, 1971; if the continuing resolution should later be amended to provide a different date, this appropriation would be available until whatever date might be specified in such further amendment.

So, Mr. President, the Senate conferees did manage to persuade our counterparts in the House to accept an additional $343,415,000 that was not in the House bill for these programs that are so important to our Nation.

Although that is a significant sum, it should not be considered inflationary. It should be carefully noted that the $343 million increase we brought back from conference will result in only a $55 million increase over budgeted expenditures during fiscal year 1972—hardly too high a price to pay or too large an investment to make in the health and well-being of the American people.

CONCLUSION

Mr. President, in closing, let me state that I thought the Senate bill was a good one. The conference report provides for a good bill. However, the health industry is destined to become the Nation's largest employer in the next few years, and today it faces too many problems.

There is a severe shortage of trained personnel, lack of adequate facilities, and many arguments about the way it organizes and delivers health care. But its most severe problem is sharply rising health costs—so evident in the medicare and medicaid programs.

The administration, the Congress, the State, and local governments, the insurance industry, the consumer, and, yes, the health industry itself must all show an increasing concern with solving the problems and the issues. This may require a stronger commitment—a rearranging of priorities if we are to provide for goals of excellence in health care.

The United States was once third in life expectancy among major Nations of the world. We have slipped to 13th now in this ranking.

Infant mortality continues to be a national embarrassment.

Government outlays have been increasing for the aged and poor, but these programs are far from being perfected and the burden on the taxpayer is being sorely felt.

There is an old adage that says "the sick get poorer, the poor get sicker."

My point is, Mr. President, that unless we all do more, this adage could well apply to too many Americans in a short period of time. It applies to too many now—here and around the world. Perhaps—just perhaps—we did not do enough in this bill.

Mr. President, I move the adoption of the conference report.

Have the yeas and nays been ordered, may I inquire of the Senator from West Virginia?

Mr. BYRD of West Virginia. Yes.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. MAGNUSON. I see the distinguished former Secretary of HEW in the Chamber, and I think he will agree thoroughly with this statement: This is the most complex, confusing, and frustrating bill that appears before Congress.

Mr. RIBICOFF. Not only that—I think the time has come for the Appropriation Committee, as well as the other basic committees, to start evaluating many of the programs that are involved in this report.

What disturbs me—with each passing year, I am more and more disturbed—is whether or not the bills and the programs we pass here are really accomplishing the objectives we believe they are. I think one of the tragedies is our failure to ever repeal a law that has been passed. Instead, we continue to pass more and more such laws.

This problem has been brought home to me as we consider in the Finance Committee the problems of H.R. 1—welfare and poverty. I have been very intrigued by a study that my staff and I have made to find that we have 168 poverty programs in this country and that we will spend some $31 billion on these poverty programs in 1972. And yet it is questionable whether any of these programs have removed a single person from poverty.

We have done a little arithmetic, and it might be intriguing for Senators to contemplate that, if we eliminated all these programs and bureaucracies and divided that $31 billion among the people who are now under the poverty line, every family of 4 would receive a total of $4,800, almost $1,000 over the poverty line. We would eliminate poverty completely in America. If we took $11.4 billion out of that $31 billion, we would bring every American up to the poverty line.

Perhaps the time has come for all of us to start taking a very hard look at these programs instead of automatically continuing them. I say this as a former Secretary of HEW who has been a strong advocate of many of these activities. Many of these programs started under my aegis. But with each passing year, I am more and more convinced that it is incumbent upon us in the Senate to be much more critical of the actual performance of many of the programs we pass.

Mr. MAGNUSON. I could not agree more with the Senator.

I just want to make one statement. At the present time, approximately 750,000 people are employed by HEW and in the many programs administered by HEW. It is difficult to get the exact figures. The bill now before the Finance Committee probably would add 25 to 27 million on welfare. Is that correct?

Mr. RIBICOFF. At present, some 11 million people are on welfare. It is estimated that with the new bill, if it is passed, anywhere from 25 million to 27 million will receive some welfare assistance.

Mr. MAGNUSON. That means, if we divide the population of 200 million by the 100 million who can be productive—the rest are children and others who are not productive—two people will be working like the dickens to take care of one. This is what is going to happen.

Mr. RIBICOFF. Since, as the Senator has raised this question—he and I have had informal discussions, and I see one of the most able Members of this body, who is a member of the Finance Committee, in the Chamber—I have asked the Secretary of HEW, the Secretary of Agriculture, the Secretary of Labor, the head of the OEO, and the Director of the Office of Management and Budget to list, by the time the Finance Committee returns after the recess, the 168 poverty programs, in an order of priorities, from the most effective and desirable programs to the least.

The Senator might be interested to know that, in the past 5 years, OEO has contracted with outside contractors for some $600 million to evaluate programs. So far as I know, the findings of these evaluations have never been made public. If they are adverse, they are stamped "top secret" or "confidential" and have never been made available to the public.

I have also asked the executive branch to submit to the Finance Committee all evaluations that have been made of these 168 programs.

I am willing to do my part in the Finance Committee to analyze this matter, but I think much of the responsibility eventually will have to rest on the shoulders of the distinguished chairman of the Appropriations Committee. I will be pleased to turn over to him the list of the rankings and evaluations I receive from the administration. I am very curious whether the executive branch will submit that list to me. I do not see how the Finance Committee really can make any judgments without this list.

Mr. MAGNUSON. I do not see how we can operate unless we get it.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. TALMADGE. I would like to ask a question or two about the program.

The Senator will recall that Congress passed S. 43, authorizing funds for municipalities and counties to aid in hardship and unemployment. My information is that the Department of Labor, which administers that program, is making plans to disburse funds to all counties and all municipalities that have a population of 75,000 or more; but, insofar as I have been able to determine, they expect the States to administer the distribution of the funds to counties with a population of less than 75,000 and to municipalities with a population less than 75,000.

I have heard from the Georgia Municipal Association this morning. They are somewhat concerned because they say that the State of Georgia has no machinery to administer the funds.

I would appreciate some comment from the distinguished floor manager of the bill with respect to the regulations the department is making and how it is expected that that will be handled.

Mr. MAGNUSON. That is the next bill we are going to bring up. It is not included in the Labor-HEW appropriation bill.

Mr. TALMADGE. It is not included in this appropriation bill.

Mr. MAGNUSON. Several Senators have asked me about the emergency employment assistance appropriation. I hope that when we vote on this conference report, and then bring up the next bill, we may be able to clear this up. The matter the Senator from Georgia refers to is not in the law. It is a proposed regulation.

Mr. TALMADGE. That is correct. I would hope that the distinguished chairman of the Appropriations Subcommittee having jurisdiction on this matter would inquire into it fully, to see that all the municipalities and all the counties, regardless of population, will have their pro rata share of the funds.

Mr. MAGNUSON. I agree that it is an arbitrary figure. If a county or a municipality or a town happens to have 25,000 or 20,000, they are eligible, and they should not have to go with hat in hand to their State capitol.

Mr. TALMADGE. Particularly if the State capitol has no machinery for the administration of that particular fund. I appreciate very much the Senator's clarification. I am grateful to him, indeed.

Mr. COOK. Mr. President, I do not intend to labor the point very long, except to say that I think Members of the Senate are aware of the fact the Senate Appropriations Committee increased the appropriation to the Juvenile Delinquency Division of HEW from $10 million to $15 million. The original authorization for the Juvenile Delinquency Division was $75 million. It has never been adequately funded.

The distinguished Senator from Indiana (Mr. BAYH) and I held extensive hearings on whether, in fact, the Juvenile Delinquency Division within HEW should be continued, or whether it should be combined with LEAA at the Justice Department, since LEAA was getting such tremendous appropriations. As a matter of fact, out of the appropriations last year, it expended almost $70 million in the juvenile delinquency field, when the real agency with the true authority to handle juvenile delinquency problems throughout the country is the Juvenile Delinquency Division in HEW, the Youth Development and Delinquency Prevention Administration.

The distinguished manager of the bill, the Senator from Washington (Mr. MAGNUSON), agreed to an amendment of mine which added $5 million to that $15 million figure, so that the programs presently in existence throughout the United States would be continued at the 1970 funding level, and so new ones could be created in States denied the privilege of such comprehensive programs.

We find now, unfortunately, that the Senate could not even prevail with its $15 million. Not only that, it gave up the $5 million that I was privileged to add to the bill for programs that are absolutely necessary, and it gave up the additional $5 million appropriation that the committee itself thought was needed.

We held hearings on the continuation of the Juvenile Delinquency Division within HEW, with the understanding that if, in fact, it was not going to be adequately funded, it should be abandoned as a Division of HEW and should be added to LEAA.

I am extremely disappointed at House Members who stand up and make long and impassioned speeches about juvenile delinquency problems in the United States, who harp hour after hour within their congressional districts that something should be done about delinquency but in the final analysis they seem to be unable to understand the high percentage of the crime figures now attributable to that division of our population since they proceeded to cut the Senate appropriation from $20 million to $10 million.

I suspect that this will seal the doom of the Juvenile Delinquency Division within HEW because in all likelihood there will be no enthusiasm on the part of the members of the Committee on Juvenile Delinquency in the Senate to renew this Division within HEW at the end of its present term.

It is most unfortunate that there are in the House those who feel, somehow or other, that this is apparently not a problem in their congressional district, and that if it does not happen to be a problem in their congressional district, it is not a problem anywhere else in the United States.

It is a great shame.

I want to thank the distinguished Senator from Washington for giving me this opportunity to express my opinions on this matter, because I think that the Senate tried to do the job it thought it could live with in conference, and it tried to increase it on the floor of the Senate.

We found, once again, that we had no other alternative than to knuckle under to a legislative body that, for some reason, does not understand the magnitude of the delinquency problem in the United States.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that a summary of the bill as agreed to by the conferees and adopted by both bodies be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE AND RELATED AGENCIES

TITLE I U.S. DEPARTMENT OF LABOR

Agency (1)	1971 comparable [1] [2] appropriation (2)	1972 Budget estimate [3] (3)	House allowance (4)	Senate allowance (5)	Conference action (6)
MANPOWER ADMINISTRATION, SALARIES AND EXPENSES [4]					
Planning, research and evaluation	$4,628,500	$5,034,030	$4,685,000	$4,685,000	$4,685,000
Training program development and administration:					
Training and employment	18,575,455	34,641,900	9,554,800	9,554,800	9,554,800
Trust fund transfer	(13,023,700)		(13,547,500)	(13,547,500)	(13,547,500)
Job Corps direction	10,059,800	10,292,600			
Institutional training administration	2,711,200	2,784,300	2,784,300	2,784,300	2,784,300
Apprenticeship services	7,408,686	8,150,800	8,150,800	8,150,800	8,150,800
Unemployment insurance	81,700	7,485,500	491,500	491,500	491,500
Trust fund transfer	(5,629,000)		(6,994,000)	(6,994,000)	(6,994,000)
Civil Rights compliance	88,900	833,500	85,400	85,400	85,400
Trust fund transfer	(672,700)		(716,700)	(716,700)	(716,700)
Executive direction:					
General administration	3,925,600	4,383,400	2,332,700	2,332,700	2,332,700
Trust fund transfer	(420,300)		(596,100)	(596,100)	(596,100)
Financial and management services	4,792,159	7,582,100	3,146,400	3,146,400	3,146,400
Trust fund transfer	(2,476,100)		(2,267,600)	(2,267,000)	(2,267,000)
Manpower management data systems	3,597,600	8,533,600	6,337,100	6,337,100	6,337,100
Trust fund transfer	(1,633,200)		(1,725,100)	(1,725,100)	(1,725,100)
Total, Manpower Administration, salaries and expenses	55,869,600	[23] 89,722,000	[37] 37,568,000	[37] 37,568,000	[37] 37,568,000
Total, trust fund transfers	(23,855,000)		(25,847,000)	(25,847,000)	(25,847,000)
Total available	79,724,600	89,722,000	63,415,000	63,415,000	63,415,000
Emergency Employment Assistance:					
Emergency employment assistance		983,419,000			
Federal support		16,581,000			
Total, emergency employment assistance		1,000,000,000	(44)	(44)	(44)
Manpower training services [5]:					
Private sector, on-the-job-training	260,700,000	260,500,000	260,500,000	260,500,000	260,500,000
Public sector, on-the-job training	126,800,000	125,800,000	35,400,000	35,400,000	35,400,000
Institutional training:					
Regular	327,576,000	324,852,000	324,852,000	324,852,000	324,852,000
Job Corps	156,735,000	197,197,000			
Inschool work support	329,800,000	235,500,000			
Postschool work support:					
Operation mainstream	38,800,000	38,800,000			
Out of school	127,000,000	127,000,000			
Special targeting	177,900,000	172,800,000	52,000,000	52,000,000	52,000,000
Computerized job placement	22,274,000	22,274,000	22,274,000	22,274,000	22,274,000
Program support	55,412,000	61,673,000	53,773,000	53,773,000	53,733,000
Total, manpower training services	[7] 1,622,997,000	[10] 1,566,396,000	[38] 748,799,000	[38] 748,799,000	[38] 748,799,000
Federal unemployment benefits and allowances: [6]					
Payments to Federal employees	84,400,000	80,000,000	80,000,000	80,000,000	80,000,000
Payments to ex-servicemen	220,775,000	174,500,000	174,500,000	174,500,000	174,500,000
Trade adjustments assistance	11,905,000	20,000,000	20,000,000	20,000,000	20,000,000
Total, Federal unemployment benefits and allowances	[7] 317,080,000	274,500,000	274,500,000	274,500,000	274,500,000

Footnotes at end of table.

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE AND RELATED AGENCIES—Continued

TITLE I U.S. DEPARTMENT OF LABOR—Continued

Agency (1)	1971 comparable [1] [2] appropriation (2)	1972 Budget estimate [3] (3)	House allowance (4)	Senate allowance (5)	Conference action (6)
MANPOWER ADMINISTRATION, SALARIES AND EXPENSES [4]—Continued					
Limitation on Grants to States for Unemployment Insurance and Employment Services [5]:					
Unemployment insurance service	($369,047,000)	($411,000,000)	($411,000,000)	($411,000,000)	($411,000,000)
Employment Service	(374,453,000)	(395,000,000)	(395,000,000)	(395,000,000)	(395,000,000)
Total, limitation on grants to states for unemployment insurance and employment services	(743,500,000)	(806,000,000)	(806,000,000)	(806,000,000)	(806,000,000)
Subtotal, Manpower Administration—Federal funds	[7] 1,995,946,600	2,930,618,000	1,060,867,000	1,060,867,000	1,060,867,000
Subtotal, Manpower Administration—trust	(767,355,000)	(806,000,000)	(831,847,000)	(831,847,000)	(831,847,000)
Total, Manpower Administration	2,763,301,600	3,736,618,000	1,892,714,000	1,892,714,000	1,891,714,000
LABOR-MANAGEMENT SERVICES ADMINISTRATION					
Labor-management relations services	536,000	788,000	788,000	788,000	788,000
Labor-management policy development	1,015,100	1,363,300	1,363,300	1,363,300	1,363,300
Administration of reporting and disclosure laws	11,173,111	12,938,778	12,938,778	12,938,778	12,938,778
Veterans' reemployment rights	1,744,527	2,042,229	2,042,229	2,042,229	2,042,229
Federal labor-management relations	1,937,000	4,274,373	4,274,373	4,274,373	4,274,373
Executive direction and administrative services	1,228,120	1,391,320	1,391,320	1,391,320	1,391,320
Total, Labor-Management Services Administration	[7] 17,634,758	22,798,000	22,798,000	22,798,000	22,798,000
WORKPLACE STANDARDS ADMINISTRATION					
Improving and protecting wages of the Nation's workers	25,831,316	28,157,000	28,157,000	28,157,000	28,157,000
Government contract wage standards	2,283,900	2,664,800	2,664,800	2,664,800	2,664,800
Improving safety and other working conditions of workers	14,778,396	32,541,300	32,541,300	42,541,300	37,541,300
Advancing opportunities and status of women	1,177,200	1,294,900	1,394,900	1,394,900	1,394,900
Federal contract compliance	1,604,900	2,705,800	2,705,800	2,705,800	2,705,800
Workmen's compensation	[8] 7,337,000	8,184,400	8,184,400	8,184,400	8,184,400
Program development and administration	5,020,400	5,742,800	5,742,800	5,742,800	5,742,800
Total, Workplace Standards Administration	[7] 58,033,112	81,391,000	81,391,000	91,391,000	86,391,000
FEDERAL WORKMEN'S COMPENSATION BENEFITS					
Federal civilian employees benefits	95,627,200	75,600,000	75,600,000	75,600,000	75,600,000
Armed Forces reservists benefits	10,775,000	9,500,000	9,500,000	9,500,000	9,500,000
War Claims Act benefits	400,000	400,000	400,000	400,000	400,000
Other benefits	2,997,800	4,500,000	4,500,000	4,500,000	4,500,000
Total, Federal workmen's compensation benefits	109,800,000	90,000,000	90,000,000	90,000,000	90,000,000
BUREAU OF LABOR STATISTICS					
Manpower and employment	10,036,200	12,521,500	11,271,500	12,521,500	11,271,500
Prices and cost of living	4,476,300	5,594,000	5,119,000	5,119,000	5,119,000
Wages and industrial relations	4,266,200	5,841,800	5,430,800	5,430,800	5,430,800
Productivity, technology and growth	1,831,500	2,003,200	2,003,200	2,003,200	2,003,200
Foreign labor and trade	548,300	590,500	590,500	590,500	590,500
Executive direction and staff services	5,417,600	6,775,500	6,775,000	6,775,000	6,775,000
Revision of the consumer price index	1,587,100	4,309,050	4,310,000	4,310,000	4,310,000
Total, Bureau of Labor Statistics	28,163,200	[24] 37,636,000	35,500,000	36,750,000	35,500,000
BUREAU OF INTERNATIONAL LABOR AFFAIRS					
International organizations affairs	237,200	258,400	258,400	258,400	258,400
Foreign labor and manpower policy and program development	389,900	439,900	439,900	439,900	439,900
Labor and manpower technical services	150,100	203,800	203,800	203,800	203,800
Trade negotiations and economic policy development	586,400	630,300	630,300	630,300	630,300
Executive direction and management services	426,200	463,600	463,600	463,600	463,600
Total, Bureau of International Labor Affairs	1,789,800	1,996,000	1,996,000	1,996,000	1,996,000
SPECIAL FOREIGN CURRENCY					
Overseas labor conference support	75,000	300,000	100,000	100,000	100,000
Overseas labor and manpower technical cooperation		225,000			
Total, Special Foreign Currency	75,000	525,000	100,000	100,000	100,000
OFFICE OF THE SOLICITOR					
Fair labor standards	681,400	725,010	725,010	725,010	725,010
General legal services	904,860	960,146	960,146	960,146	960,146
Manpower legal services	551,300	746,220	589,220	589,200	589,220
Trust fund transfer	(157,000)		(157,000)	(157,000)	(157,000)
Legislation and legal counsel	396,040	421,894	421,894	421,894	421,894
Labor-management laws	446,140	479,464	479,464	479,464	479,464
Labor relations and civil rights	732,400	772,220	772,220	772,220	772,220
Field legal services	2,826,940	3,211,794	3,211,794	3,211,794	3,211,794
Administrative and management services	479,520	534,252	534,252	534,252	534,252
Total, Office of the Solicitor, salaries and expenses	7,018,600	7,851,000	7,694,000	7,694,000	7,694,000
Total, trust fund transfers	(157,000)		(157,000)	(157,000)	(157,000)
Total available	7,175,600	7,851,000	7,851,000	7,851,000	7,851,000
OFFICE OF THE SECRETARY					
Executive direction	3,009,700	3,458,600	3,458,600	3,458,600	3,458,600
Management and central services	7,224,411	6,666,000	6,051,000	6,051,000	6,051,000
Trust fund transfer	(615,000)		(615,000)	(615,000)	(615,000)
Appeals from determinations of Federal employee claims	187,700	197,400	197,400	197,400	197,400
Promoting employment of the handicapped	722,000	760,000	860,000	860,000	860,000
Total, Office of the Secretary, salaries and expenses	11,143,811	11,082,000	10,567,000	10,567,000	10,567,000
Total, trust fund transfers	(615,000)		(615,000)	(615,000)	(615,000)

Footnotes at end of table.

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE AND RELATED AGENCIES—Continued

TITLE I U.S. DEPARTMENT OF LABOR—Continued

Agency (1)	1971 comparable [1] [2] appropriation (2)	1972 Budget estimate [3] (3)	House allowance (4)	Senate allowance (5)	Conference action (6)
OFFICE OF THE SECRETARY—Continued					
Total available	$11,758,811	$11,082,000	$11,182,000	$11,182,000	$11,182,000
Total appropriations, Department of Labor	[7] 2,229,604,881	[10] 3,183,897,000	1,310,913,000	1,322,163,000	1,314,913,000
Total trust funds	(768,127,000)	(806,000,000)	(832,619,000)	(832,619,000)	(832,619,000)

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Agency (1)	1971 comparable [1] [2] appropriation (2)	1972 Budget estimate [3] (3)	House allowance (4)	Senate allowance (5)	Conference action (6)
HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION					
Mental health:					
1. Research:					
(a) Grants	$90,600,000	$92,400,000	$92,400,000	$94,400,000	$93,400,000
(b) Direct operations	26,573,000	28,059,000	28,059,000	28,059,000	28,059,000
Subtotal	117,173,000	120,459,000	120,459,000	122,459,000	121,459,000
2. Manpower development:					
(a) Grants	116,350,000	113,300,000	120,050,000	120,050,000	120,050,000
(b) Direct operations	5,832,000	6,365,000	6,365,000	6,365,000	6,365,000
Subtotal	122,182,000	119,665,000	126,415,000	126,415,000	126,415,000
3. State and community assistance:					
(a) Community mental health centers:					
(1) Construction			10,000,000	20,000,000	15,110,000
(Obligations)	(27,678,000)		(10,000,000)	(20,000,000)	(15,000,000)
(2) Staffing	90,100,000	105,100,000	135,100,000	145,100,000	135,100,000
Subtotal	90,100,000	105,100,000	145,100,000	165,100,000	150,100,000
(b) Narcotic addiction and alcoholism programs	21,595,000	45,193,000	70,193,000	125,193,000	95,193,000
(c) Mental health of children			10,000,000	10,000,000,	10,000,000
(d) Direct operations	3,478,000	6,459,000	6,459,000	6,459,000	6,459,000
Subtotal	115,173,000	156,752,000	231,752,000	306,752,000	261,752,000
4. Drug abuse initiative		67,000,000	67,000,000	67,000,000	67,000,000
5. Rehabilitation of drug abusers	20,584,000	21,323,000	21,323,000	21,323,000	21,323,000
6. Program support	13,460,000	14,252,000	14,252,000	14,252,000	14,252,000
Total, mental health	388,572,000	[25] 499,451,000	581,201,000	658,201,000	612,201,000
Saint Elizabeths Hospital (indefinite)	22,848,000	23,144,000	23,144,000	23,144,000	23,144,000
(Obligations)	(45,327,000)	(49,709,000)	(49,709,000)	(49,709,000)	(49,709,000)
Health services research and development	57,678,000	62,070,000	62,070,000	62,070,000	62,070,000
Comprehensive health planning and services:					
1. Partnership for health:					
(a) Grants:					
(1) Planning	22,000,000	25,000,000	25,000,000	25,000,000	25,000,000
(2) Formula	90,000,000	100,000,000	90,000,000	95,000,000	90,000,000
(3) Project	108,813,000	133,713,000	153,713,000	164,713,000	158,213,000
Subtotal	220,813,000	258,713,000	268,713,000	284,713,000	273,213,000
(b) Direct operations	8,234,000	10, 19,000	10,919,000	10,919,000	10,919, 00
Subtotal	229,047,000	269,632,000	279,632,000	295,632,000	284,132,000
2. Migrant health	15,062,000	18,101,000	18,101,000	20,000,000	19,051,000
3. National Health Service Corps	3,000,000	10,000,000	10,000,000	15,000,000	12,500,000
4. Medical care standards and implementation	6,691,000	7,068,000	7,068,000	7,068,000	7,068,000
5. Program direction and management services	2,395,000	2,471,000	2,471,000	2,471,000	2,471,000
Total	256,195,000	307,272,000	317,272,000	340,171,000	325,222,000
Less, trust fund transfer	−4,519,000	−4,519,000	−4,519,000	−4,519,000	−4,519,000
Total appropriation	251,676,000	[26] 203,753,000	312,753,000	335,652,000	320,703,000
Maternal and child health:					
1. Formula grants	117,850,000	119,650,000	119,650,000	123,394,000	121,522,000
2. Project grants	83,350,000	99,380,000	90,380,000	99,636,000	92,008,000
3. Research and training	16,935,000	21,106,000	21,106,000	21,106,000	21,106,000
4. Program management	4,083,000	4,477,000	4,477,000	4,477,000	4,477,000
5. Family planning services:					
(a) Grants and contracts	37,765,000	88,815,000	88,815,000	88,815,000	88,815,000
(b) Direct operations	1,510,000	2,223,000	2,223,000	2,223,000	2,223,000
Subtotal	39,275,000	91,038,000	91,038,000	91,038,000	91,038,000
Total	261,493,000	326,651,000	326,651,000	339,651,000	330,151,000
Regional medical programs:					
1. Grants	99,500,000	40,500,000	70,500,000	110,500,000	90,500,000
(Obligations)	(70,298,000)	(75,104,000)	(115,104,000)	(115,104,000)	(135,104,000)
2. Technical assistance and disease control	8,811,000	8,883,000	8,883,000	8,883,000	8,883,000
3. Program management	3,297,000	3,388,000	3,388,000	3,388,000	3,388,000
Total	111,608,000	52,771,000	82,771,000	122,771,000	102,771,000
Disease control:					
1. Prevention and control	39,496,000	38,500,000	38,500,000	38,500,000	38,500,000
2. Laboratory improvement	7,461,000	7,788,000	7,788,000	7,788,000	7,788,000
3. Occupational health	17,662,000	25,216,000	25,216,000	26,966,000	26,466,000
4. Radiological health	10,377,000	11,574,000	11,574,000	11,574,000	11,574,000
5. Community environmental management	4,962,000	5,875,000	8,875,000	20,040,000	11,790,000
6. Program direction	2,392,000	2,472,000	2,472,000	2,472,000	2,472,000
7. Tuberculosis control grants				6,000,000	
Total	82,340,000	[27] 91,425,000	94,425,000	113,340,000	98,590,000

Footnotes at end of table.

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE AND RELATED AGENCIES—Continued

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

Agency (1)	1971 comparable[1][2] appropriation (2)	1972 Budget estimate[3] (3)	House allowance (4)	Senate allowance (5)	Conference action (6)
HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION—Continued					
Medical facilities construction:					
1. Construction grants:					
(a) Hospitals and public health centers	$16,400,000		$16,400,000	$66,400,000	$41,400,000
(b) Long-term care facilities	20,800,000		20,800,000	20,800,000	20,800,000
(c) Outpatient facilities	70,000,000	$70,000,000	70,000,000	70,000,000	70,000,000
(d) Rehabilitation facilities	15,000,000	15,000,000	15,000,000	15,000,000	15,000,000
(e) Modernization	50,000,000		50,000,000	50,000,000	50,000,000
Subtotal	172,200,000	85,000,000	172,200,000	222,200,000	197,200,000
2. Direct loans	30,000,000	30,000,000	30,000,000	30,000,000	30,000,000
3. Interest subsidies	5,000,000	20,300,000	20,300,000	20,300,000	20,300,000
(New loans subsidized)	(500,000,000)	(500,000,000)	(500,000,000)	(500,000,000)	(500,000,000)
4. District of Columbia medical facilities	15,000,000		40,627,000	55,627,000	55,627,000
5. Administration and technical assistance	3,154,000	3,577,000	3,577,000	3,577,000	3,577,000
Total	225,354,000	138,877,000	266,704,000	331,704,000	306,704,000
Patient care and special health services	85,730,000	71,682,000	85,700,000	96,682,000	85,700,000
National health statistics	13,052,000	15,900,000	15,900,000	15,900,000	15,900,000
Retirement pay and medical benefits for commissoned officers (indefinite)[14]	19,501,000	23,195,000	23,196,000	23,196,000	23,196,000
Buildings and facilities					
(Obligations)	(11,052,000)	(3,127,000)	(3,127,000)	(3,127,000)	(3,127,000)
Office of the Administrator	11,892,000	12,359,000	12,359,000	12,359,000	12,359,000
Total, Health Services and Mental Health Administration	1,531,744,000	1,620,279,000	1,886,874,000	2,134,670,000	1,993,489,000
National Institutes of Health					
Research institutes (analysis by appropriation):					
Biologics Standards	8,725,000	8,956,000	8,956,000	9,755,000	9,205,000
National Cancer Institute	230,462,000	[17] 234,338,000	[39] 237,531,000	[39] 258,233,000	237,531,000
National Heart and Lung Institute	191,627,000	195,492,000	211,624,000	252,590,000	232,107,000
National Institute of Dental Research	34,703,000	38,829,000	41,828,000	44,948,000	43,388,000
National Institute of Arthritis and Metabolic Diseases	134,425,000	135,433,000	148,204,000	163,629,000	153,164,000
National Institute of Neurological Diseases and Stroke	99,482,000	96,521,000	108,590,000	139,187,000	116,590,000
National Institute of Allergy and Infectious Diseases	98,124,000	99,342,000	106,662,000	112,979,000	108,710,500
National Institute of General Medical Sciences	154,527,000	150,400,000	168,490,000	179,318,000	173,515,000
National Institute of Child Health and Human Development	93,676,000	103,232,000	109,668,000	126,093,000	116,833,000
National Eye Institute	30,406,000	32,639,000	36,022,000	40,187,000	37,255,500
National Institute of Environmental Health Sciences	19,990,000	25,271,000	26,436,000	31,991,000	26,436,000
Research Resources	66,431,000	68,069,000	71,948,000	75,948,000	74,948,000
John E. Fogarty International Center for Advanced Study in the Health Sciences	3,682,000	3,319,000	3,763,000	4,288,000	4,288,000
Special Cancer Research Initiative		100,000,000	100,000,000	100,000,000	100,000,000
Total	1,166,260,000	1,291,841,000	1,379,722,000	1,539,146,000	1,433,971,000
Health manpower:					
1. Medical, dental, and related health professions:					
(a) Institutional support	147,350,000	256,358,000			
(1) Family practice of medicine				5,000,000	
(b) Student assistance:					
(1) Direct loans	25,000,000	25,000,000		30,000,000	30,000,000
(2) Scholarships	15,500, 00	15,500,000		18,500,000	15,500,000
Subtotal	40,500,000	[15] 40,500,000		[43] 48,500,000	45,500,000
(c) Construction	131,600,000	98,000,000			
(d) Educational grants and contracts and direct operatons	14,924,000	17,050,000		17,050,000	17,050,000
Subtotal	334,374,000	411,908,000		70,550,000	62,550,000
2. Nursing:					
(a) Institutional support	11,500,000	18,837,000			
(b) Student assistance:					
(1) Direct loans	17,110,000	17,110,000		21,000,000	21,000,000
(2) Scholarships	17,000,000	17,000,000		22,000,000	19,500,000
(3) Traineeships	10,470,000	10,470,000		12,470,000	10,470,000
Subtotal	44,580,000	44,580,000		55,470,000	50,970,000
(c) Construction	9,500,000				
(d) Educational grants and contracts and direct operations	9,196,000	10,720,000		10,720,000	10,720,000
Subtotal	74,776,000	74,137,000		66,190,000	61,690,000
3. Public health:					
(a) Institutional support	9,571,000	9,571,000		15,571,000	10,071,000
(b) Traineeships	8,400,000	8,400,000		10,400,000	8,400,000
(c) Direct operations	530,000	573,000		573,000	573,000
Subtotal	18,501,000	18,544,000		26,544,000	19,044,000
4. Allied health:					
(a) Institutional support	9,750,000	10,000,000		15,000,000	10,000,000
(b) Traineeships	3,750,000	3,750,000		7,750,000	3,750,000
(c) Educational grants and contracts and direct operations	5,987,000	16,904,000		20,000,000	16,904,000
Subtotal	19,487,000	30,654,000		42,750,000	30,654,000
5. Program direction and manpower analysis	5,272,000	6,682,000		5,272,000	6,682,000
Total	452,410,000	[15][16] 541,925,000	([40])	[40] 211,306,000	180,620,000
National Library of Medicine	21,510,000	21,981,000	22,781,000	25,086,000	24,086,000
Buildings and facilities		3,565,000	3,565,000	5,065,000	3,565,000
(Obligations)	(6,715,000)	(6,981,000)	(6,981,000)	(8,481,000)	(6,981,000)
Office of the director	10,886,000	11,442,000	11,442,000	11,792,000	11,442,000
Scientific activities overseas (special foreign currency program)	28,944,000	25,545,000	25,545,000	25,545,000	25,545,000
Health education loans:					
Payment of sales insufficiencies and interest losses	3,083,000	4,000,000	4,000,000	4,000,000	4,000,000
Total, National Institutes of Health	1,683,093,000	1,900,299,000	1,447,055,000	1,821,940,000	1,683,229,000

Footnotes at end of table.

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE AND RELATED AGENCIES—Continued

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

Agency (1)	1971 comparable [1] [2] appropriation (2)	1972 Budget estimate [3] (3)	House allowance (4)	Senate allowance (5)	Conference action (6)
OFFICE OF EDUCATION					
School assistance in Federally affected areas (Emergency School Construction)				$1,592,000	
Social and Rehabilitation Service					
Grants to States for public assistance:					
1. Maintenance assistance	$5,167,189,000	$6,655,321,000	$6,655,321,000	$6,655,321,000	$6,655,321,000
2. Assistance to repatriated U.S. nationals	770,000	687,000	687,000	687,000	687,000
3. Medical assistance	3,216,142,000	3,827,619,000	3,827,619,000	3,827,619,000	3,827,619,000
4. Social services	756,886,000	838,200,000	838,200,000	838,200,000	838,200,000
5. State and local training	45,070,000	43,866,000	43,866,000	43,866,000	43,866,000
Subtotal, noncontrollable	9,636,057,000	11,365,693,000	11,365,693,000	11,365,693,000	11,365,693,000
6. Child welfare services	46,000,000	46,000,000	46,000,000	46,000,000	46,000,000
Total	[18] 9,682,057,000	[15] [19] 11,411,693,000	*11,411,693,000	*11,411,693,000	*11,411,693,000
Work incentives:					
1. Training and incentives	71,780,000	196,136,000	181,136,000	181,136,000	181,136,000
2. Child care	26,400,000	78,000,000	78,000,000	78,000,000	78,000,000
Total	98,180,000	275,136,000	259,136,000	259,136,000	259,136,000
Rehabilitation services and facilities:					
1. Basic State grants	503,000,000	518,000,000	575,000,000	560,000,000	560,000,000
2. Innovation	3,200,000				
3. Rehabilitation service projects	27,650,000	52,210,000	57,210,000	57,210,000	54,710,000
4. Vocational rehabilitation facilities	1,750,000		3,051,000	3,051,000	3,051,000
5. Grants for the developmentally disabled:					
(a) Formula grants	11,215,000	11,215,000	30,000,000	21,715,000	21,715,000
(b) Service project grants	23,575,000	23,575,000	23,575,000	23,575,000	23,575,000
(c) University affiliated facilities				8,500,000	4,250,000
Subtotal	34,790,000	34,790,000	53,575,000	50,299,000	49,540,000
Total	570,390,000	605,000,000	688,836,000	674,051,000	667,301,000
Special programs for the aging: [20]					
1. State planning and service grants:					
(a) Community programs	9,000,000	9,000,000	9,000,000	15,000,000	12,000,000
(b) Areawide projects	2,200,000	5,200,000	5,200,000	5,200,000	5,200,000
(c) Planning and operations	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000
Subtotal	15,200,000	18,200,000	18,200,000	24,200,000	21,200,000
2. Foster grandparents	10,500,000	10,500,000	10,500,000	15,000,000	12,750,000
3. Retired senior volunteer program	500,000	5,000,000	5,000,000	5,000,000	5,000,000
4. White House Conference on Aging	1,650,000				
Total	27,850,000	[28] 33,700,000	33,700,000	44,200,000	38,950,000
Youth development and delinquency prevention [21]	15,000,000	10,000,000	([43])	20,000,000	10,000,000
Research and training:					
1. Research:					
(a) Social and rehabilitation projects	29,257,000	24,125,000	29,257,000	29,257,000	29,257,000
(b) Income maintenance projects	9,000,000	11,000,000	11,000,000	11,000,000	11,000,000
(c) Special centers	14,918,000	12,375,000	13,941,000	14,918,000	13,941,000
Subtotal	53,175,000	47,500,000	54,198,000	55,175,000	54,198,000
2. Training:					
(a) Rehabilitation	33,065,000	14,650,000	33,065,000	33,065,000	33,065,000
(b) Community services	8,900,000	4,000,000	8,900,000	8,900,000	8,900,000
(c) Aging	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000
Subtotal	44,965,000	21,650,000	44,965,000	44,965,000	44,965,000
Total	98,140,000	[29] 69,150,000	99,164,000	100,140,000	99,163,000
Social and rehabilitation activity overseas (special foreign currency program)	4,000,000	10,000,000	8,000,000	8,000,000	8,000,000
Salaries and expenses	36,272,000	40,881,000	39,937,000	40,881,000	39,937,000
Less, trust fund transfer	−390,000	−400,000	−400,000	−400,000	−400,000
Total appropriation	35,882,000	[30] 40,481,000	39,537,000	40,481,000	39,537,000
Total, Social and Rehabilitation Service	10,531,499,000	12,455,160,000	12,540,065,000	12,557,701,000	12,533,780,000
SOCIAL SECURITY ADMINISTRATION					
Federal Funds					
Payments to social security trust funds:					
1. Matching payments for supplementary medical insurance	1,245,282,000	1,376,400,000	1,376,400,000	1,376,400,000	1,376,400,000
2. Hospital insurance for the uninsured	878,688,000	503,351,000	503,351,000	503,351,000	503,351,000
3. Military service credits	105,000,000	235,000,000	235,000,000	235,000,000	235,000,000
4. Retirement benefits for certain uninsured persons	370,916,000	350,546,000	350,546,000	350,546,000	350,546,000
Total	2,599,886,000	2,465,297,000	2,465,297,000	2,465,297,000	2,465,297,000
Special benefits for disabled coal miners [41]		[41] 644,249,000	[41] 644,249,000	[41] 644,249,000	[41] 644,249,000
Definite		(384,615,000)	(384,615,000)	(384,615,000)	(384,615,000)
Indefinite		(259,634,000)	(259,634,000)	(259,634,000)	(259,634,000)
Total		644,249,000	644,249,000	644,249,000	644,249,000
Social security activities overseas (special foreign currency program)		750,000			
Total, Federal Funds	2,599,886,000	3,110,296,000	3,109,546,000	3,109,546,000	3,109,546,000

Footnotes at end of table.

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE AND RELATED AGENCIES—Continued

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

Agency (1)	1971 comparable [1] [2] appropriation (2)	1972 Budget estimate [3] (3)	House allowance (4)	Senate allowance (5)	Conference action (6)
SOCIAL SECURITY ADMINISTRATION—Continued					
Federal Funds—Continued					
Trust funds					
Limitation on salaries and expenses	($1,044,708,000)	($1,134,640,000)	($1,134,640,000)	($1,134,640,000)	($1,134,640,000)
Limitation on construction	(2,800,000)	(18,194,000)	(18,194,000)	(18,194,000)	(18,194,000)
(Obligations)	(20,357,000)	(13,314,000)	(13,314,000)	(13,314,000)	(13,314,000)
Total, Social Security Administration	2,599,886,000	3,110,296,000	3,109,546,000	3,109,546,000	3,109,546,000
OFFICE OF CHILD DEVELOPMENT [22]					
1. Research and demonstrations	5,500,000	13,500,000	11,500,000	13,500,000	11,500,000
2. White House Conference on Children and Youth	2,541,000	304,000	304,000	304,000	304,000
Subtotal	8,041,000	13,804,000	11,804,000	13,804,000	11,804,000
3. Head Start:					
(a) Full year programs	278,308,000	290,552,000			
(b) Experimental programs	3,200,000	3,200,000			
(c) Summer programs	46,579,000	48,920,000			
(d) Career development and technical assistance	18,000,000	18,000,000			
(e) Evaluation	2,500,000	3,000,000			
(f) Parent and child centers	5,000,000	5,792,000			
Subtotal	353,587,000	369,464,000			
4. Salaries and expenses	8,321,000	9,800,000	2,447,000	2,447,000	2,447,000
Total	369,949,000	[15] 393,068,000	[42] 14,251,000	[42] 16,251,000	14,251,000
DEPARTMENTAL MANAGEMENT					
Office for Civil Rights	9,640,000	11,879,000	11,879,000	11,879,000	11,879,000
Less, trust fund transfer	−947,000	−1,049,000	−1,049,000	−1,049,000	−1,049,000
Total appropriation	8,693,000	10,830,000	10,830,000	10,830,000	10,830,000
Departmental management:					
1. Executive direction	9,838,000	8,251,000	8,251,000	8,251,000	8,251,000
2. Public information	784,000	808,000	808,000	808,000	808,000
3. Community and field services	5,835,000	6,469,000	6,469,000	6,469,000	6,469,000
4. Legal services	4,969,000	5,235,000	5,235,000	5,235,000	5,235,000
5. Financial management:					
(a) Audit	13,607,000	14,604,000	14,604,000	14,604,000	14,604,000
(b) Other	2,675,000	2,844,000	2,844,000	2,844,000	2,844,000
Subtotal	16,282,000	17,448,000	17,448,000	17,448,000	17,448,000
6. Facilities engineering and construction	6,437,000	6,755,000	6,755,000	6,755,000	6,755,000
7. Administrative management	6,471,000	6,982,000	6,982,000	6,982,000	6,982,000
8. Surplus property utilization	1,519,000	1,577,000	1,577,000	1,577,000	1,577,000
Total	52,135,000	53,525,000	53,525,000	53,525,000	53,525,000
Less, trust fund transfer	−5,725,000	−5,955,000	−5,955,000	−5,955,000	−5,955,000
Total appropriation	46,410,000	[21] 47,570,000	47,570,000	47,570,000	47,570,000
Total, Departmental Management	55,103,000	58,400,000	58,400,000	58,400,000	58,400,000
Total, new budget (obligational) authority. Department of Health, Education, and Welfare	[18] 16,771,274,000	[15] [19] 19,537,502,000	19,056,191,000	19,700,100,000	19,392,695,000
Limitation of trust fund transfers	(1,059,089,000)	(1,164,757,000)	(1,164,757,000)	(1,164,757,000)	(1,164,757,000)
Consisting of—					
Definite appropriations	16,728,925,000	19,231,528,000	18,750,217,000	19,394,126,000	19,086,721,000
Indefinite appropriations	42,349,000	305,974,000	305,974,000	305,974,000	305,974,000

TITLE III—RELATED AGENCIES

Agency (1)	1971 comparable [1] [2] appropriation (2)	1972 Budget estimate [3] (3)	House allowance (4)	Senate allowance (5)	Conference action (6)
RELATED AGENCIES					
National Commission on Libraries and Information Science		[32] $200,000	(43)	$200,000	$200,000
National Commission on Marihuana and Drug Abuse	$$700,000	[33] 1,228,000	(43)	1,228,000	1,228,000
National Labor Relations Board	41,827,000	[34] 48,468,000	$48,468,000	48,468,000	48,468,000
National Mediation Board	2,454,000	2,796,000	2,796,000	2,796,000	2,796,000
Railroad Retirement Board:					
Payment for military service credit	19,969,000	20,757,000	20,757,000	20,757,000	20,757,000
Limitation on salaries and expenses	(19,160,000)	(18,838,000)	(18,838,000)	(18,838,000)	(18,838,000)
Commission on Railroad Retirement	300,000	[35] 483,000	(43)	483,000	483,000
Federal Mediation and Conciliation Service	9,722,000	10,289,000	10,289,000	10,289,000	10,289,000
U.S. Soldiers' Home (trust fund appropriation):					
Operation and maintenance	10,557,000	11,353,000	11,353,000	11,353,000	11,353,000
Capital outlay	128,000	80,000	80,000	80,000	80,000
Office of Economic Opportunity	894,268,000	[36] 780,410,000	(43)		
President's Council on Youth Opportunity	300,000				
Cabinet Committee on Opportunities for Spanish-Speaking People	725,000	890,000	(43)		
Occupational Safety and Health Review Commission	75,000	400,000	400,000	400,000	400,000
Total, related agencies	981,025,000	877,354,000	94,143,000	96,054,000	96,054,000
Limitation on trust fund transfers	(19,160,000)	(18,838,000)	(18,838,000)	(18,838,000)	(18,838,000)
Grand total	19,981,903,881	23,598,753,000	20,461,247,000	21,118,317,000	20,804,662,000
Limitation on trust fund transfers	(1,846,376,000)	(1,989,595,000)	(2,016,214,000)	(2,016,214,000)	(2,016,214,000)
Consisting of—					
Definite appropriations	19,939,554,881	23,292,779,000	20,155,273,000	20,812,343,000	20,498,688,000
Indefinite appropriations	42,349,000	305,974,000	305,974,000	305,974,000	305,974,000

Footnotes on following page.

[1] 1971 appropriations are adjusted to be comparable to the 1972 estimates and to reflect the limitation contained in sec. 410 of the Public Law 91-204.

[2] Includes 1971 supplemental appropriations to finance pay act costs in 1971. Authority to transfer funds between appropriations was granted thereby permitting absorption of the increased pay costs in addition to supplemental appropriations provided. (Public Law 92-18).

[3] Includes budget amendments for 1972 increased pay costs (H. Doc. 92-93) as follows:

Department of Labor	$12, 063, 000
Department of HEW	63, 715, 000
Related agencies	4, 066, 000
Total	79, 844, 000

[4] Formerly titled "Manpower Administration, salaries and expenses," "Bureau of Apprenticeship and Training, salaries and expenses," and "Limitation on Unemployment Insurance Service, salaries and expenses."

[5] Formerly titled "Manpower training activities."

[6] Formerly titled "Unemployment compensation for Federal employees and exservicemen and trade adjustment activities."

[7] Includes supplemental appropriations for program costs in 1971 in the following amounts:

Manpower training services	$105, 000, 000
Federal unemployment benefits and allowances	50, 675, 000
Labor Management Services Administration: Salaries and expenses	500, 000
Workplace Standards Administration: Salaries and expenses	9, 218, 000
Total	165, 393, 000

[8] Formerly titled "Limitation on grants to States for unemployment compensation and employment service administration."

[9] Formerly titled "Employees' compensation claims and expenses."

[10] Funding in 1972 for manpower activities provided for under the Economic Opportunity Act of 1964, contingent upon enactment of proposed legislation, is included in the President's budget estimates (amounts included are not specified in the President's budget).

[11] Funds formerly included in Environmental Health Service, "Air Pollution Control" and "Office of the Administrator" are included under appropriations for the Environmental Protection Agency in the 1972 estimates.

[12] Funds formerly included in Environmental Health Service, "Environmental Control" are included under appropriations for the Environmental Protection Agency, "Disease control," and "Departmental management" within the Department of Health, Education, and Welfare in the 1972 estimates. In 1971, $28,385,000 of this appropriation was transferred to other accounts within the Department of Health, Education, and Welfare. All of balance of the 1971 appropriations under the heading "Environmental Health Service" was transferred to the Environmental Protection Agency.

[13] Formerly titled "Communicable diseases."

[14] Formerly titled "Retired pay of commissioned officers."

[15] The following amounts for 1972, contingent upon enactment of proposed legislation, are included in the President's budget estimates:

Health manpower	$458, 275, 000
Grants to States for public assistance	225, 000
Youth development and delinquency prevention	10, 000, 000
Child development	376, 817, 000
Total	845, 317, 000

[16] "Dental Health" and "Construction of Health, Educational Research, and Library Facilities" are included in "Health Manpower" in the 1972 estimates.

[17] Does not include 1971 supplemental appropriation for program costs in 1972 in the following amounts:

Cancer research initiatives	$100, 000, 000

[18] Includes supplemental appropriation for program costs in 1971 in the following amount:

Grants to States for public assistance	$1, 047, 587, 000

[19] The President's budget indicates that supplemental appropriations will be requested in the following amounts for 1972 if proposed legislation is enacted:

Grants to States for public assistance	—$495, 000, 000
Welfare reform	580, 744, 000
Community assistance	162, 000, 000
Total	247, 744, 000

[20] Formerly titled "Programs for the Aging."

[21] Formerly titled "Juvenile Delinquency Prevention and Control."

[22] Formerly titled "Office of Child Development."

[23] Reflects proposed budget amendment of —$260,000 reducing the estimate by this amount which was formerly budgeted for reimbursement to HEW for State Merit System activities now transferred to the Civil Service Commission. (H. Doc. 92-93.)

[24] Includes proposed budget amendment of $2,625,000 to provide for improvements in statistical measures of economic activity, including employment, prices, and wages. (H. Doc. 92-130.)

[25] Includes proposed budget amendment of $7,000,000 for prevention and treatment of alcohol abuse and alcoholism (H. Doc. 92-93) and $67,000,000 to combat the drug abuse problem (H. Doc. 92-133.)

[26] Includes proposed budget amendments of $15,000,000 to set up family health center programs to deliver health care in medically underserved areas. (H. Doc. 92-93), $10,000,000 to initiate the Emergency Health Personnel Act (National Health Service Corps) of 1970 (H. Doc. 92-93), $10,000,000 for block formula grants for public health services to support local efforts to control venereal disease and community immunization activities (H. Doc. 92-130), and $15,000,000 for the continuation of the rodent control program at the same level as 1971 (H. Doc. 92-130).

[27] Includes proposed budget amendment of $8,435,000 to fund functions of the National Institute for Occupational Safety and Health, as authorized by the Occupational Safety and Health Act of 1970 (H. Doc. 92-93), and $2,000,000 to implement the Lead-Based Paint Poisoning Prevention Act, Public Law 91-695 (H. Doc. 92-130).

[28] Includes proposed budget amendment of $7,850,000 to maintain and expand the 1971 level of operations (H. Doc. 92-117).

[29] Includes proposed budget amendment of $2,150,000 for research and training activities under the Older Americans Act, Public Law 89-73, to continue at the 1971 level of operations (H. Doc. 92-117).

[30] Includes proposed budget amendment of $1,800,000 to finance the cost of 55 additional positions to operate a revised quality control system in the administration of maintenance payments to public assistance recipients. (H. Doc. 92-93).

[31] Reflects proposed budget amendment of —$651,000 reducing the estimate by this amount due to the transfer of the Office of State Merit Systems from HEW to the Civil Service Commission (H. Doc. 92-93).

[32] This amount is a proposed budget amendment to provide for initial costs for 1972 for this new Commission established by Public Law 91-345. (H. Doc. 92-130.)

[33] This amount is a proposed budget amendment to provide for the expansion of the marijuana and drug abuse study currently underway by the Commission in accordance with the recently enacted amendment authorizing additional appropriations. (H. Doc. 92-139.)

[34] Includes proposed budget amendment of $2,450,000 to provide funds to handle unanticipated workload due to large increases in number of cases filed under the National Labor Relations Act. (H. Doc. 92-130.)

[35] Includes proposed budget amendment of $483,000 to provide funds for the Commission to carry out study of the benefit and financing structure of the railroad retirement system for report to Congress as directed by Public Law 91-377 in order to put system on a sound actuarial basis. This proposal replaces previous request (S. Doc. 92-18) for 1971 supplemental appropriation not acted on due to late transmission. (H. Doc. 92-130).

[36] Contingent upon enactment of proposed legislation.

[37] House bill authorizes transfer of $25,847,000 from unemployment trust fund for which no request was made in the budget and defers action on $26,207,000 included in the budget for activities previously authorized by the Economic Opportunity Act which expired on June 30, 1971. Thus, the only change in the House bill from the budget request is a reduction of $100,000 for planning, evaluation, and research.

[38] Represents full budget request minus $817,597,000 authorized by the expired OEO Act.

[39] Does not include $100,000,000 advance appropriation for fiscal year 1972 for the National Cancer Institute contained in the Second Supplemental.

[40] The House did not consider this item because authorizing legislation for most of the appropriation has not been passed. The Senate Committee has included funds for those health manpower activities for which authorizing legislation exists.

[41] Covers estimated obligations for 3 fiscal years as follows: 1970—$6,734,000; 1971—$252,900,000; 1972—$384,615,000.

[42] The House and Senate did not consider an estimate of $376,817,000 for Head Start which is dependent on proposed legislation.

[43] The House did not consider this item.

[44] Not considered by the House and Senate in this appropriation bill. To be considered in a special and separate appropriation bill.

[45] Includes $11,841,000 for activities of the Division of Dental Health.

*The proposed general provision limiting social services, administration, and training to 110 percent of the 1971 budget estimate was deleted by the House Committee; according to the May State estimates the cost of dropping this limitation is about $232,000,000. The Senate Committee concurred with the House action.

The PRESIDING OFFICER (Mr. BENTSEN). The question is on agreeing to the conference report on H.R. 10061.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from California (Mr. CRANSTON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Hawaii (Mr. INOUYE), the Senator from Wyoming (Mr. MCGEE), the Senator from Utah (Mr. MOSS), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that the Senator from Indiana (Mr. HARTKE), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Illinois (Mr. STEVENSON) are absent on official business.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Illinois (Mr. STEVENSON), the Senator from California (Mr. TUNNEY), and the Senator from Utah (Mr. MOSS) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. GOLDWATER), the Senator from Kansas (Mr. PEARSON), and the Senator from Vermont (Mr. PROUTY) are necessarily absent.

The Senator from New Hampshire (Mr. COTTON), the Senator from Nebraska (Mr. HRUSKA), and the Senator from Illinois (Mr. PERCY) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from New Jersey (Mr. CASE) is detained on official business.

If present and voting, the Senator from Illinois (Mr. PERCY) would vote "yea."

The result was announced—yeas 79, nays 0, as follows:

[No. 208 Leg.]

YEAS—79

Aiken
Allen
Allott
Beall
Bellmon
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Chiles
Church
Cook
Cooper
Curtis
Dole
Dominick
Eagleton
Ellender
Ervin
Fannin
Fong
Fulbright
Gambrell
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hatfield
Hollings
Hughes
Humphrey
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGovern
Metcalf
Miller
Mondale
Montoya
Muskie
Nelson
Packwood
Pastore
Pell
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Symington
Taft
Talmadge
Thurmond
Tower
Weicker
Williams
Young

NAYS—0

NOT VOTING—21

Anderson
Baker
Bayh
Bennett
Case
Cotton
Cranston
Eastland
Goldwater
Hartke
Hruska
Inouye
McGee
McIntyre
Moss
Mundt
Pearson
Percy
Prouty
Stevenson
Tunney

So the report was agreed to.

The PRESIDING OFFICER. The clerk will state the amendments in disagreement.

The legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 30 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

"Health Manpower

"The carry out, to the extent not otherwise provided, sections 301, 306, 309, 311, and 422 with respect to training grants, title VII, and Title VIII of the Public Health Service Act, $180,620,000: *Provided*, That, in addition, any projects or activities not provided for herein which were conducted during the fiscal year 1971 but for which legislative authorization has expired, may be continued at a rate for operations not to exceed the current rate or the rate provided for in the budget estimate, whichever is lower, until the date specified in section 102(c) of Public Law 92–33, approved July 1, 1971, as hereafter amended; and expenditures made pursuant to this proviso shall be charged to the applicable appropriation whenever a bill containing such applicable appropriation is enacted into law."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 37 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the sum proposed, insert: "$667,301,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 41 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the sum named in said amendment, insert: "$4,250,000."

Mr. MAGNUSON. Mr. President, I move that the Senate concur in the amendments of the House to the amendments of the Senate numbered 30, 37, and 41.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Washington.

The motion was agreed to.

EMERGENCY EMPLOYMENT ASSISTANCE APPROPRIATION, 1972

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 352, House Joint Resolution 833.

The PRESIDING OFFICER (Mr. HUGHES). The joint resolution will be stated.

The joint resolution was read as follows:

A joint resolution (H.J. Res. 833) making an appropriation for the Department of Labor for the fiscal year 1972, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. GRIFFIN. Mr. President, I ask for the yeas and nays on final passage.

Mr. BYRD of West Virginia. They have been ordered already.

Mr. GRIFFIN. I thank the Senator.

Mr. MAGNUSON. Mr. President, the purpose of House Joint Resolution 833 is to appropriate funds to implement Public Law 92–54, the Emergency Employment Assistance Act of 1971. This act provides during times of high unemployment for programs of public service employment for unemployed persons and assistance to States and local communities in providing needed public services. When the basic authorizing legislation was originally before the Senate, it was passed by a vote of 62 to 10. In conference, the basic authorizing legislation was revised and on June 29 the Senate adopted the conference report. The vote was 75 to 11.

The Emergency Employment Assistance Act of 1971 was signed into law by the President on July 12, and on the next day the President requested a $1 billion appropriation. This is the full amount authorized for fiscal year 1972 and this joint resolution appropriates the full amount of the budget request.

The jobs which will be provided under the emergency employment program will help to fill the unmet needs for public service in a variety of fields. These fields include environmental quality, health, education, public safety, crime prevention and control, transportation, park maintenance, recreation, rural development, and sanitation. Specific jobs to be funded include such positions as policemen, teachers, nurses, firemen, and other jobs recognized as necessary and permanent in nature.

It is estimated that this appropriation will provide jobs to between 100,000 to 150,000 people in the first year of this 2-year program. The highest amount of pay that could be given to any unemployed person employed under this program is $12,000. The legislation provides that not more than one-third of the employees under the program can be of the professional type. The proposed appropriation is composed of two principal parts, $750 million to carry out the provisions of section 5 and $250 million to carry out the provisions of section 6.

The committee was told during the hearings that under section 5, $600 million would be allocated on a two-part formula in which both the absolute numbers of unemployed persons and the relative severity of unemployment would be given equal weight. The funds will be apportioned among States, based on the number of unemployed persons in the State as a percentage of the number of persons unemployed nationwide, and on the number of the State's unemployed in excess of 4.5 percent as a percentage of national unemployment in excess of 4.5 percent. No State will be allocated less than $1,500,000 regardless of its unemployment status, as the law prescribes. The Secretary is given discretion in allocating the remainder of the $750 million, which also includes the funds for administrative expenses and program direction.

The funds under section 6 are not allocated by State under a formula, as is the case with section 5 funds, but are reserved for areas of substantial unemployment. "An area of substantial unemployment" is defined by the act as "any area of sufficient size and scope to sustain a public service employment program and which has a rate of unemployment equal to or in excess of 6 percent for 3 consecutive months as determined by the Secretary."

The Senate Committee on Appropriations, in considering this matter, concurs in the House action to limit the availability for program direction and support, administration of the program at the local level and for agent assistance and statistics to $50 million.

The administration requested $99 million. The House cut it down, and we agreed with the House.

The heads of local units of government, such as cities, counties, and States, will be the principal agents of the Secretary of Labor in carrying out the act at these levels.

The committee agrees that administrative cost should be held down in order to make more money available for jobs. This $50 million limitation will increase funds for wages and benefits from $864,119,000 to $908,200,000, and for training and manpower services from $36,800,000 to $41,800,000.

Mr. President, the Congress has passed the Emergency Employment Assistance Act by an overwhelming margin and I urge that this joint resolution to provide the funds to implement this act be passed.

Before yielding, Mr. President, I ask unanimous consent to include in the RECORD a letter from the Secretary of Labor appealing the limitation of $50 million for administration of the program. The appeal was before the committee when it concurred in the House action, but we unanimously agreed that we would limit it to the $50 million.

I also ask unanimous consent to include in the RECORD a table furnished by the Department of Labor showing the tentative apportionment of section 5 funds by State.

There being no objection, the letter and table were ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF LABOR,
Washington, D.C., August 4, 1971.

Hon. WARREN G. MAGNUSON,
Chairman, Appropriations Subcommittee for Labor and Health, Education, and Welfare, U.S. Senate, Washington, D.C.

DEAR SENATOR MAGNUSON: The House has approved the request of $1,000,000,000 for the Emergency Employment Assistance program as authorized by P.L. 92–54 but has put a limitation of $50,000,000 on funds available for administrative implementation of the program by addition of language that says, ". . . of which not to exceed $50,000,000 shall be available for program direction and support, administration of the program at the local level, and for agent assistance and statistics." This will be a reduction of $49,081,000 (almost 50 percent) from the amount requested for these activities as follows:

[In thousands of dollars]

	Budget estimate	House action	Difference
Local administration	43,500	31,000	−12,500
Agent assistance and statistics	39,000	6,000	−33,000
Federal program direction	16,581	13,000	−3,581
Subtotal	99,081	50,000	−49,081
Wages and benefits	864,119	908,200	+44,081
Training and manpower services	36,800	41,800	+5,000
Subtotal	900,919	950,000	+49,081
Total	1,000,000	1,000,000	

This action by the House will have a serious effect upon the program by slowing its implementation and by reducing the effectiveness with which it can be maintained. Although the program is quite new and we do not know precisely how much will be required in each of these areas, our experience with other manpower programs has given us a good benchmark against which to estimate. It is our announced intention to maintain the lowest possible level of administrative costs within the amounts requested and to divert all possible funds from these sources into wages, benefits and training as soon as an optimum level is reached. It would seem imprudent, however, to try to mount so massive a program with inadequate guidance to the local agents, an inadequate statistical base for further distribution of funds and too small an effort to help the agents run a useful program.

The reduction in local administration amounts to $12,500,000 from the request of $43,500,000. A reduction of this magnitude will seriously hamper the speed and effectiveness of implementing the program in the States and communities. It will mean that the local agents will be unable quickly to bring on staff needed to develop program plans. This will delay getting the plans approved and the program in operation. It will also limit the capability of public employers to effectively manage additional employees drawn from the groups to be served by the Act. The rapid impact of the program, which has been the objective of the President and the Congress, will not take place. Local administration for our other (regular) manpower programs generally ranges around 15% of the cost of the program as opposed to the 4.4% estimated for this program. It is felt that less than the normal amount will be needed here for two reasons. First, because the agents will have to furnish equipment etc. out of their own resources as provided by the law and, second, because a few of the lesser administrative functions will be available from on-going efforts.

The reduction of $33,000,000 from the $39,000,000 requested for agent assistance and statistics will also have the effect of slowing the impact and reducing its effectiveness. The lack of needed statistical data will make it difficult to distribute funds equitably to the localities in greatest need. This is especially true of the special program for areas with over 6 percent unemployment. It will also be necessary to greatly limit assistance to the local agents who are faced with implementing a major program with little experience in mounting an effort of this nature. The Manpower Development and Training Act as amended sets a statutory amount of 2 percent each (a total of 4 percent) for technical assistance and for labor market information. This estimate provides just under 4 percent in a program that may well have greater need for both because of its newness and complexity.

Finally, the reduction $3,581,000 from the $16,581,000 requested for Federal program direction and management will also tend to delay the implementation of the program. In order to stay within the budget constraint, Federal staff will be hired at a slower rate than needed. This staff is needed initially to develop the program design and procedures at the national level and implement the program at the local level. As the program matures, there will need to be sufficient Federal staff (mostly in the field) to monitor and assist in seeing that the many and complex provisions of the law are met. Our estimates provide for only 1.6 percent of the program cost to be used for a minimum for Federal administration. For MDTA our comparable costs run about 5 percent.

As I have indicated above, the limitation imposed by the House will seriously delay the implementation of the program—a program which must have an immediate impact if it is to realize the purposes for which it was enacted. I strongly recommend that the Senate remove the House limitation and approve the amounts requested in the Administration's estimate.

Sincerely,

J. D. HODGSON,
Secretary of Labor.

TENTATIVE APPORTIONMENT OF SECTION 5 EEA FUNDS BY STATE

[Thousands of dollars]

U.S. total	$600,000
Alabama	5,000
Alaska	3,150
Arizona	2,680
Arkansas	5,350
California	100,450
Colorado	2,440
Connecticut	18,090
Delaware	1,500
District of Columbia	2,680
Florida	7,730
Georgia	4,760
Hawaii	1,670
Idaho	2,440
Illinois	17,910
Indiana	15,230
Iowa	4,220
Kansas	6,840
Kentucky	8,750
Louisiana	11,010
Maine	4,580
Maryland	4,700
Massachusetts	24,520
Michigan	44,690
Minnesota	11,070
Mississippi	4,160
Missouri	13,510
Montana	3,990
Nebraska	2,200
Nevada	1,840
New Hampshire	1,610
New Jersey	30,230
New Mexico	3,450
New York	46,950
North Carolina	6,130
North Dakota	1,900
Ohio	19,820
Oklahoma	4,050
Oregon	9,940
Pennsylvania	24,160
Rhode Island	4,220
South Carolina	4,520
South Dakota	1,500
Tennessee	7,440
Texas	11,780
Utah	3,990
Vermont	1,780
Virginia	4,460
Washington	29,870
West Virginia	7,020
Wisconsin	13,030
Wyoming	1,500
Puerto Rico	18,570
Indian tribes on Federal or State reservations	3,420
Virgin Islands, Guam, American Samoa, Trust Territory of the Pacific Islands	1,500

Mr. MAGNUSON. Now I am glad to yield for questions.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. MAGNUSON. The Senator from Vermont was standing on his feet.

Mr. AIKEN. The Senator from North Dakota is on the committee.

Mr. YOUNG. Mr. President, this is a very necessary program. It was supported unanimously by the committee. The allowance for administrative costs was cut by the House from approximately 10 to 5 percent. I do not know of any other new program of this magnitude in which the administrative costs have been cut to that low a figure. This is the first time I knew that the administration had made an appeal. It said nothing to me about wanting more money for administrative costs.

Mr. MAGNUSON. The administration said nothing to me either. I received the letter yesterday and it was before the committee when we met.

Mr. YOUNG. If the administration needs more money and makes a case, I for one would certainly consider it in a supplemental appropriation.

Mr. MAGNUSON. Yes, they can come back. As a matter of fact, if we changed the amount in the Senate, we would have to go to conference with the House, and there would be no bill at all.

I yield now to the Senator from Vermont.

Mr. AIKEN. According to the testimony before the committee, which I have just been reading, it would seem the Department of Labor had first recommended that this program be applicable only to communities of 75,000 population and up, regardless of the need of smaller communities. Several States have no communities of 75,000 population and up, and had the original proposal been accepted by the committee, they, of course, would have been left out in the cold.

I understand that the House and Senate committees both agreed that a community in any State will be eligible regardless of population. I think that is a fair thing to do, but I want to make sure that that is the understanding of the chairman.

Mr. MAGNUSON. There is nothing in the authorizing legislation that says how the funds are to be divided within a State; it is merely a method chosen by the Department of Labor to allocate the funds quickly and to deal with a lesser number of people. I will read, for the benefit of the Senate, and so that the legislative record will be clear, from the hearing. We had before us Mr. Lovell, who will be in charge of this program, and who is the Assistant Secretary of Labor for Manpower Administration. He said, as appears on page 4 of the hearing record:

> Also, there is nothing in the act that says how the money is to be divided within a State other than it is to be divided within a State. So we have chosen units of government, governmental units, cities and counties of 75,000 or more. We could have used 250,000, or we could have used 50,000. It was a judgment we made so we could allocate the money quickly and not have so many people that we are dealing with at one time that it would impair our ability to get the money out in a rapid fashion. So we are allocating this money to be used in these areas.

He goes on to say:

> Now, areas that do not have a population of 75,000 fall into what we call a balance of the State. They get an amount which is computed on the same basis as the other areas and that money is to be used by these smaller areas. The amount they get is based on their unemployment above 4½ percent. So I would say generally across the nation about 20 percent, perhaps, of the money will go to this balance—

He calls it a balance.

> Of the States. In other words, about 75 or 80 percent of the people in the United

> States live in cities or counties, so this balance of the State is not Governors' money but is for use in those areas smaller than 75,000.

Now, this is a little vague, and it is the opinion, I think, of both the distinguished chairman and the ranking minority member of the committee—we did this in some haste, as the Senator understands.

Mr. AIKEN. I know.

Mr. MAGNUSON. That they should not have any limitation here at all.

Mr. AIKEN. That is right.

Mr. MAGNUSON. Seventy-five, or 50, or any figure. And surely I hope the RECORD will make it clear that if it is a smaller community—it might be 30,000, or it might be a county of less than 75,000 or 50,000—that they can make their application, and the allocations will be made to them just as if they did not have to go into this balance.

Mr. AIKEN. Yes.

Mr. MAGNUSON. And that they would not have to go down to the Governor's office with their hats in their hands to get their allocation, because this bill is not intended for that.

This method of allocation is not in the law. It is a kind of picked-out-of-the-air regulation. They had a problem about this balance of State that is true. But we are talking about 20 percent of the money, and I think the smaller areas ought to be able to apply directly, by themselves, consistent with their own condition, whatever it may be, whether they are 5,000, 10,000, or 200,000.

Mr. AIKEN. Yes. I think——

Mr. MAGNUSON. We have several counties out West that do not have 75,000 people.

Mr. AIKEN. We have the town system in New England.

I think the intent of both Houses of Congress is perfectly clear, as I understand it, and the intent of the chairman of the committee, the Senator from Washington, is perfectly clear. I presume that the Department of Labor could arbitrarily allocate or reallocate this fund in a different manner, but I think it would be very unwise if the Labor Department did allocate it in a manner contrary to the intent of Congress, and I do not believe it would want to do that anyway.

Mr. MAGNUSON. Or cut it off at a certain population.

Mr. AIKEN. The program is one to apply where the need is, regardless of whether it is in a community of 5,000, 10,000 or 10 million.

Mr. MAGNUSON. That is the intent of both the House of Representatives and Senate Appropriations Committees, and I hope the record is clear on it now.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. DOMINICK. Mr. President, I have had an interest in this bill for some time. As the Senator from Washington will remember, I was asked, and did fight it in committee. It was reported on the floor, and I was then told that instead of fighting it, they were going to take it to their bosoms on behalf of the administration. So as a result of this shift in style, I did not go to conference, I did not sign the conference report, and I fought against the conference report when it came to the floor of the Senate.

The basis of my fight and my objection is that it is held out as a temporary employment measure, but it is no more temporary than this Senate is. If there is anyone in this body who does not agree with this, I shall be amazed. Every locality in the country with unemployment is going to come in and ask that their unemployed be put to work in their own bureaucracy, at Federal Government expense—90 percent of their salaries are going to be paid by the Federal Government, so they can expand like a mushroom all over the country, and not have to pay more than 10 percent of the cost of the added personnel they are bringing in.

We are getting further and further and further away from a republic in this country, and more and more into a centralized democracy such as has been the bane of every European country and every other country in this world. If we keep on going the way we are going, we are going to find ourselves in such a substantial problem that this whole governmental system from Washington down is going to fall in a heap.

Listen to what the chairman himself said:

> One-third of the money is to be used for permanent-type jobs.

Not temporary jobs, permanent-type jobs. So all of a sudden, we are going to be pouring in a billion dollars this year, with an authorization of $1.25 billion for next year, and then they are going to be there, they are going to be on the payrolls, and when someone comes in and says the authorization will expire——

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. DOMINICK. In just a minute.

When someone comes in and says the authorization will expire, they will say, "Oh, you can't throw those people out of a job, they are just beginning to do it right now."

So we go ahead and pass a new law.

Mr. MAGNUSON. Mr. President, I think the Senator misunderstood me. I said one-third for professional jobs, not permanent jobs.

Mr. DOMINICK. Very well; I take it all back.

Mr. MAGNUSON. The word in my prepared statement is "professional." If the Senator heard the word "permanent," I will take that out of the RECORD fast, because I thoroughly agree with the Senator on that.

Mr. DOMINICK. At the very beginning of the Senator's statement, he said that permanent-type jobs were going to be created, such as policemen, teachers, garbage collectors, and the rest.

Mr. MAGNUSON. That is right.

Mr. DOMINICK. And I can assure the Senate they will. There will be a lot of them. And at the end of the 2-year period, they will come along and say, "We cannot afford to keep these people on our own, they have a job here, we need them desperately, the Federal Government is going to have to pay for them again."

Over and over this is going to go on, and the local taxpayers in those areas have never had a right to vote on whether they want their own local bureaucracy to increase in this type of scope and size.

I understand the pressure my distinguished friend was under. I understand the problems he has in Washington, and I sympathize deeply with him. I was on his side, as he knows, on the SST, on this very basis, and fought for it like mad.

What I am saying here, however, is that we should not let isolated problems of this nature put us into a permanent program which is going to go all over the country, regardless of whether or not we have a sudden crisis situation like they had in Seattle.

I think it is wrong, Mr. President, and I think it is so wrong that I fully intend to vote against the appropriation, and I want the RECORD to show why I am doing it.

If we are going to do something on unemployment, to try to be able to provide the necessary jobs for the people who are out of work at the present time, the way we should go about it is through the manpower training programs which have been suggested, but on which we have had no hearings. What we should do is go into the revenue-sharing projects, so that the communities themselves can determine whether they are going to use the money, and what we should do above all is try to give some sense of encouragement to the associations, the businesses, and the individual people who are working in this country to try to provide the jobs which are needed.

We have more people at work right now than we have ever had in the history of the country. You do not hear that. You hear about the unemployed. We have more people working right now than we have ever had before in the history of the country. You do not hear hear it. Why? Because you hear only the cry of those who are out of jobs, and I do not blame them. I may be out of a job myself, and be screaming. It is entirely possible.

What I am saying is that we should not let ourselves—and I think we have been—be bamboozled into trying to make a totally federally controlled economy out of this country. That is where we are going right now.

Mr. BUCKLEY. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield to the Senator from New York.

Mr. BUCKLEY. First, I associate myself with the remarks of the Senator from Colorado. We are not dealing so much, in a sense, with the need we all recognize to help people get employment, but in setting new precedents that may come to haunt us.

I would like to ask the Senator from Colorado if it is true that this particular legislation will require that participating communities qualify these temporary employees for certain pension benefits, and so forth.

Mr. DOMINICK. Yes. Under the authorizing legislation, they have to fit into the existing retirement and other benefit and privilege systems that may be in effect for comparable employees in that area.

Mr. BUCKLEY. Is it also true that these local communities will be required to meet national minimum wage standards for these employees?

Mr. DOMINICK. On that, I would have to ask the Senator from New York or the Senator from Washington. I am not sure.

If I could have the attention of the Senator from Washington, I was asked a question as to whether or not they have to meet national minimum wage standards. I believe they do, do they not?

Mr. BUCKLEY. With respect to these special temporary employees.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. JAVITS. They do, but our general view was that overall that is well within the context of the wage structures of individual municipalities and States, anyhow. Therefore, I do not think the Senator will find any appreciable forcing of the wage level on that account.

Mr. MAGNUSON. That is correct.

Mr. BUCKLEY. It had been my understanding that certain communities did not themselves match the Federal standard for their own employees.

Mr. JAVITS. I have little doubt that that is true; but, taken overall, I think the Senator will find that there will not be any great inflationary pressure in that.

Mr. BUCKLEY. In any event, in order to qualify for a 90 percent contribution, some communities will have to restructure their entire civil service pay schedules.

Mr. JAVITS. We were very careful to eliminate everything that would compel that. I think the Senator will find as a practical matter that, by simply adjusting at the very lowest levels to that necessity, they will comply and will not have to go through a complete revision.

Mr. DOMINICK. If I may say to the senior Senator from New York and to the junior Senator from New York, I think the junior Senator from New York is right in this case, because the bill provides that they can be put into jobs up to $12,000 a year. When that is done, they are not being put in at the low category of governmental level. They are being put at least into the average and in some cases into the high category. I do not care whether it is in Florida or New York City or the Delta area of Mississippi—a salary of that kind is pretty high up in the local governmental structure. They will have to restructure the remainder of their employees to fit in with that they are going to do here.

Mr. MAGNUSON. Mr. President, how much time do I have remaining on the bill? We have a time limitation.

The PRESIDING OFFICER. The Senator from Washington has 10 additional minutes.

Mr. DOMINICK. Are we under a time limit?

Mr. MAGNUSON. Yes.

Mr. JAVITS. There is an hour on amendments.

Mr. MAGNUSON. I will take my 10 minutes now.

Mr. DOMINICK. I thank the Senator for yielding. I did not realize that we were under a time limit.

Mr. MAGNUSON. I need only 10 minutes.

The junior Senator from New York and the Senator from Colorado are talking about the authorizing bill which has been passed by the Senate. We are only talking about the appropriation. I did not concoct this idea myself. The authorization came out of the legislative committees, and I have to deal with what the President urgently requested—the amount of money to implement the act.

I agree with a great deal of what the Senator from Colorado has said. I recall being in a courthouse during the depression days when we hired people temporarily. I still greet some of them there when I go home.

The President adopted this policy. This is not for the State of Washington, particularly. We are going to share in an amount. I put into the RECORD the amount each State will receive. Colorado gets $2.4 million, and New York gets $46 million.

I would have preferred having both accelerated public works and this bill. The Accelerated Public Works Act would have created more jobs—not only in my State—public works that are planned, ready and that could be started in 30 days. Then you have something to look at. It is there. It is worthwhile.

Last year, the President vetoed the emergency employment bill. He had intimated that we ought to have more public works. This year, he vetoed the public works and signed this bill. That is consistent with changing hats at 1600 Pennsylvania Avenue.

This is not my bill. But inasmuch as this is all we have with which to help the unemployment situation, the Appropriations Committee decided that it would appropriate the amount requested.

What the two Senators are talking about is what they discussed in committee and what they did not like about the bill. But the bill has been passed. The bill was passed by a vote of 62 to 10, I believe.

Mr. BUCKLEY. Mr. President, will the Senator yield?

Mr. MAGNUSON. I am just talking about the appropriation and the way the Labor Department says they are going to allocate the funds. This is going to be helpful. It is for 2 years. It expires at the end of 2 years. Some of them will be permanent jobs, because there is an attrition rate. Let us say a person wants to become a fireman or that cities and counties need extra firemen or policemen or recreation people in the parks. Then, perhaps in the 2-year period there will be a vacancy, and he will have that experience.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. PASTORE. It is my understanding that there is an allotment of $1.5 million to each State, no less than that, and the rest of the money is in the discretion of the administration.

Mr. MAGNUSON. It is allocated by a formula of unemployment. But they made the formula; we did not.

Mr. PASTORE. That is what I am talking about.

Mr. NELSON. Mr. President, will the President yield?

Mr. MAGNUSON. I yield such time as I have.

The PRESIDING OFFICER. The Senator from Washington has 7 minutes remaining; and the Senator from North Dakota has 30 minutes remaining.

Mr. YOUNG. How much times does the Senator wish?

Mr. NELSON. Three minutes.

Mr. YOUNG. I yield 3 minutes to the Senator.

Mr. NELSON. There is some misunderstanding as to the effect the bill might have upon the pay scales of a municipality or a State or any employing agency. It will have no effect at all—none. It cannot force any municipality or any State to make any changes. It simply says that if an employee is hired by a municipality or by a State agency, that employee must be paid the prevailing wage of the job he occupies, for which he is hired, and that the rate for that job may not be below $1.60.

All that happens there is that they will not hire anybody at the minimum wage. They will hire him at a slot classification in which the prevailing wage is $1.60 or above that. So it does not force any change in pay scales.

The PRESIDING OFFICER. Who yields time?

Mr. BUCKLEY. Mr. President, will the Senator yield me 1 minute?

Mr. YOUNG. I yield 1 minute to the Senator.

Mr. BUCKLEY. I appreciate the clarifications which my colleagues have given.

Of course, I am aware that this is an appropriation measure and not a discussion on the merits of the bill that has already been passed. But I did want to make clear in the RECORD that I had some very basic concerns about the direction in which this seems to be taking us, of one more area in which the Federal Government, softly now, but more directly later, will be dictating the smallest areas of employment practices of the States.

It is because of this, reluctant as I am to vote against an appropriation bill, that I shall do so, just to dramatize this point.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. YOUNG. I yield 5 minutes to the Senator.

Mr. JAVITS. Mr. President, I had no intention of debating this matter. I am entirely for the measure before the Senate. But the debate which seems to have been triggered brings me to my feet.

I am the coauthor, with Senator NELSON, of this bill, and I certainly support the action of the Committee on Appropriations.

As it is a substantial amount of money for a new authority, I think that the Senate is entitled to be assured on the extent to which that amount is required by the situation, and how the law is tailored to accept these funds and funnel them to their mark.

The act is excellently designed, in my opinion, to respond to five basic aspects of the current unemployment situation which the Nation now faces, and which we know is very serious.

First, we have the unemployment crisis generally—with the national level holding at around the 6 percent level—and its effects being felt not only by the disadvantaged—who suffer even in times of so-called "acceptable" unemployment—but by all socioeconomic groups, many of which have been affected also by cutbacks in defense and aerospace expenditures. The act would help to meet this general unemployment crisis through an authorization of $750 million for fiscal year 1972, as well as $1 billion for fiscal year 1973 for public service employment programs and related training and services—amounts which could create as many as 150,000 jobs annually. These would be available only so long as national unemployment remains above 4.5 percent—the benchmark included in a similar "trigger" provision first proposed in the administration's own Manpower Training Act of 1969. These basic provisions are set forth in section 5 of the act.

Second, we have the particular crisis of local areas where unemployment is continuing substantially above the national average, for example, in poverty areas such as Bedford-Stuyvesant in Brooklyn, N.Y., where the unemployment among certain groups—for example, black teenagers, may be as high as 45 percent. To meet the special needs of particular urban and rural geographic areas, section 6 of the act contains a special provision for special emergency employment assistance to zero-in on areas of unemployment equal to or in excess of 6 percent with an authorization of $250 million for each fiscal year.

Third, we have the individual employment crisis which faces the returning veteran. As was noted in the conference report on the bill, an average of 375,000 veterans 20 to 29 years of age were unemployed each month during the first quarter of this year. While there are many groups in our society which face employment difficulties, the situation of the veteran is an especially tragic one. The act requires that "special consideration" in filling jobs be given to persons who served in the Armed Forces in Indochina or Korea on or after August 5, 1964. This provision, coupled with the other programs which the President has announced, should provide an important tool to deal with the current situation as it affects this important group.

Fourth, we have the all too familiar welfare crisis—with the welfare rolls almost doubling in the last decade. This crisis can be significantly met by the President's proposed Family Assistance Act, but even upon enactment, it will not go into effect at the earliest until the middle of next year and we need to provide opportunities in the meantime.

If we are going to encourage people to work, then we have to be sure they find work. The act, insures that the Secretary can utilize funds to provide financial assistance on an equitable basis among welfare recipients as well as other segments of the population of unemployed and underemployed persons.

Fifth, related to the welfare crisis is the fiscal crisis with States and cities unable to meet new staggering social and environmental needs—and in many cases unable even to maintain past efforts.

There are two substantial assurances that the funds made available under this act will be put into meaningful jobs. The act contains a number of provisions against "make-work" jobs, for example, paragraph (8) of section 7(c) which requires applicants to set forth "a description of needs." A second lies in the fact that the act can meet less than one-eleventh of the more than 4.3 million real jobs which studies have indicated could be filled in the public service, and we can assume that public sponsors will direct their efforts to the greatest need.

Mr. President, I think that the Senate is entitled to know also that these funds will have an effect beyond the fiscal year in question.

In this connection, it is important to note that the assistance given to individuals under the act is provided in such a way as to encourage movement into "regular" employment at the earliest meaningful opportunity, thus limiting the possibility that appropriations as to these particular individuals will have to be made in subsequent years.

The act expressly states that the purpose of the act is:

> To provide unemployed and underemployed persons with transitional employment in jobs providing needed public services . . . and wherever feasible, related training and manpower services to enable such persons to move into employment or training not supported under this Act.

As was noted in the joint explanatory statement of the committee of conference, the term "transitional" refers both to the fact that we are dealing with a short term 2-year program, and as to the individual that public service employment opportunities are to lead wherever possible to positions in the public or private sector not suported under the act.

Mr. President, the act contains a number of other provisions—many of which were first included by myself and other members of the minority in the Senate bill. These include substantial training provisions and a very key provision contained in section 11 of the bill.

This provision which we were not successful in including in the Employment and Manpower Act which was vetoed last year, clearly directs the Secretary of Labor to establish procedures for periodic review of the status of public service employees to insure that "maximum efforts" are made to locate other training or employment opportunities not supported under the act.

Mr. President, we spent a great deal of time yesterday talking about the unemployment crisis. That crisis triggered the tremendous vote here on a bill which had openings as large as barn doors, because we felt there was a general climate, and we were trying to establish an emergency with respect to unemployment. Now here is a bill that actually and directly seeks to do something about it. Many of us, I think, with all respect to our President, impressed him deeply with the fact that he should sign this one, even if he vetoed the accelerated public works legislation where we sustained his veto, although many of us did so with no great joy. It represented immediacy. If we do not act today, there will be no immediacy. The guidelines have already been issued generally by the Labor Department.

Mr. President, I ask unanimous consent to have printed in the RECORD a description of those guidelines insofar as they have gone.

There being no objection, the guidelines were ordered to be printed in the RECORD, as follows:

HODGSON SETS GUIDELINES FOR PUBLIC SERVICE EMPLOYMENT PROGRAM

Responding to President Nixon's desire for fast action, Secretary of Labor J. D. Hodgson today announced initial decisions implementing the Emergency Employment Act signed by the Persident July 12.

On July 13 the President asked the Congress to move as expeditiously as possible to appropriate the full $1 billion authorized by the Act for this fiscal year.

The Secretary said the President had directed him to make plans to move as soon as the Congress has acted to distribute funds to States and localities.

Hodgson announced:

The formula under which $600 million will be made available for use in approximately 700 governmental units.

That all governmental units would be eligible to receive funds either as agents directly designated to act for the Labor Department, such as a governor, mayor, city manager, or county executive, or through such an agent.

That "start-up" grants would be made available immediately for distribution upon approval by Congress of the requested appropriation.

Hodgson said the 700 governmental units will be composed of States, cities with a population of at least 75,000, counties with a population of 75,000 but not counting the population of a designated city within the county. Indian reservations also are eligible.

The Secretary said, "I urge these governmental units to begin planning immediately for the jobs to be filled by unemployed persons in their jurisdictions." Additional guidelines are being developed and will be issued shortly to expedite the creation of jobs for the unemployed, he said.

The bill signed by the President authorizes the expenditure of $2.5 billion over a two-year period to enable governmental units to hire more than 150,000 unemployed persons for transitional public service jobs.

Of this amount $250 million is for a special program to aid communities with more than 6 percent unemployment. Hodgson said guidelines for this program are in process of formulation. The law requires that 80 percent or $600 million of the remaining $750 million be apportioned to States and communities.

The Secretary said, "We are moving as rapidly as we prudently can to put this public service program into operation. The President is acutely aware of the pressing needs of those who want to work but cannot find a job and of the strong need of State and local governments for additional personnel."

Secretary Hodgson noted that in signing the Act President Nixon said that "America needs more jobs, and it needs them now." The Act "will be speedy in its relief," the President declared, and the jobs it creates "will be real and steadying."

Funds will be distributed among States and designated areas on a two-part formula in which both the absolute numbers of unemployed persons and the relative severity of unemployment will be given equal weight, Hodgson explained.

The funds will be apportioned among States based on the number of unemployed persons in the State as a percentage of the number of persons unemployed nationwide, and on the number of the State's unemployed in excess of 4.5 percent as a percentage of national unemployment in excess of 4.5 percent. No State will be allocated less than $1,500,000, regardless of its unemployment status, as the law prescribes.

Both the general and the special assistance sections of the Public Service Employment program became effective upon enactment of the law.

Obligation of funds for the $750 million general section of the Act terminates when the national unemployment rate drops below 4.5 percent for three consecutive months. Projects which have been funded will continue until complete however.

The $250 million special assistance program designed for areas with more than 6 percent unemployment would continue regardless of the drop below 4.5 percent in the national rate.

Attached is a list of the tentative State allocations which would be available if Congress passes the appropriation of $1 billion authorized by the Act and requested by the President. The funds listed for each State is the amount to be spent within the geographic area of the State, by eligible governmental units.

The amounts into which these State apportionments will be divided for use in designated areas within each State will be made available as soon as the unemployment calculations are completed.

TENTATIVE APPORTIONMENT OF SECTION 5 EEA FUNDS BY STATE

(In thousands of dollars)

U.S. total	$600,000
Alabama	5,000
Alaska	3,150
Arizona	2,680
Arkansas	5,350
California	100,450
Colorado	2,440
Connecticut	18,090
Delaware	1,500
District of Columbia	2,680
Florida	7,730
Georgia	4,760
Hawaii	1,670
Idaho	2,440
Illinois	17,910
Indiana	15,230
Iowa	4,220
Kansas	6,840
Kentucky	8,750
Louisiana	11,010
Maine	4,580
Maryland	4,700
Massachusetts	24,520
Michigan	44,690
Minnesota	11,070
Mississippi	4,160
Missouri	13,510
Montana	3,990
Nebraska	2,200
Nevada	1,840
New Hampshire	1,610
New Jersey	30,230
New Mexico	3,450
New York	46,950
North Carolina	6,130
North Dakota	1,900
Ohio	19,820
Oklahoma	4,050
Oregon	9,940
Pennsylvania	24,160
Rhode Island	4,220
South Carolina	4,520
South Dakota	1,500
Tennessee	7,440
Texas	11,780
Utah	3,990
Vermont	1,780
Virginia	4,460
Washington	$29,870
West Virginia	7,020
Wisconsin	13,030
Wyoming	1,500
Puerto Rico	18,570
Indian Tribes on Federal or State reservations	3,420
Virgin Islands, Guam, American Samoa, Trust Territory of the Pacific Islands	1,500

Mr. JAVITS. Finally, Mr. President, I think it is important that I comment briefly upon two aspects of the plans already announced by the Department of Labor in respect to the distribution of a substantial portion of these funds—specifically $600 million of the $750 million to be made available under section 5 of the act; it is my understanding that guidelines regarding the $250 million under section 6 will be available shortly.

First, the Department of Labor has indicated that units of general local government of a population of 75,000 or more will act as agents for their areas; while State governments will cover other areas. Under the act, the Governor, in addition to serving as agent for these areas, is to be given the opportunity to submit comments with respect to the applications of units of local government.

The relationship between State government on the one hand and local general government on the other has been carefully worked out in this legislation so as to grant maximum autonomy to the local areas to determine what is in their own interest, while recognizing the need for coordination; accordingly, I take this occasion to urge State and local units of government to work together well in this framework.

Second, the act limits eligibility to sponsors to State, county, and municipal governments; the Senate bill had included also nonprofit organizations such as community action agencies, community development corporations, opportunities industrialization centers, and other indiginous groups to serve a prime sponsorship role.

As I stated when the conference report was acted upon by the Senate, my support for this limitation was based solely on the necessity of reaching an agreement on the emergency legislation.

As I noted, the administration, in accordance with the act, has indicated its intention to administer this act through governmental units as "agents."

But I urge those governmental agents, and the administration in reviewing plans, to insure that nonprofit organizations—which are so often closest to the unemployed and most aware of their needs—are fully considered as subcontractors for these programs.

We will soon be considering the administration's proposed Manpower Revenue Sharing, which also seeks to insure local autonomy and would rely heavily upon State and local governmental units; the experience under the Emergency Employment Act of 1971 will provide an indication as to whether those units are willing to share their responsibilities with each other and with nonprofit organizations that have to date contributed so much in the manpower training area, and this will be very crucial in our consideration of comprehensive legislation.

Mr. PASTORE. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. PASTORE. Could it mean the hiring of veterans returning from Vietnam for the police departments better to protect our streets?

Mr. JAVITS. Of course. There is no question about that. That is exactly what the Senator from Washington (Mr. MAGNUSON) meant when he spoke about professional jobs.

Then we have periodic maximum efforts to put the people in permanent slots. Let me clarify that "permanent slot" business. It is proper that if a man wants a transitional program and can get into a permanent slot, why not? That is what we want. That is as permanent as private employment. We are not objecting to that. The point is, the bill does not create that permanent slot. It carries the fellow over to the time when the local economy or the local taxpayers' ability are good enough so that they can finance that permanent slot. More power to them. That is why we should pass this bill.

Mr. President, I do not want to detain the Senate any longer, but I wish to emphasize that this bill is extremely well articulated, that President Nixon would never have signed it if he did not feel its 2-year term plus a host of precautions which I cranked in, as the Senator from Wisconsin (Mr. NELSON) will attest, with lots of work, blood, and tears to get it that way so that the President would sign it. He has signed it. The country needs it. I hope that we will pass the bill in a short time.

Mr. BYRD of Virginia. Mr. President, this appropriation, if approved, is bound to be a permanent proposition, I do not care what might be said here on the floor today about it. It will be permanent. It is a new program. It will cost $1 billion.

I am sympathetic with the problem that is faced in many areas of the Nation, but Congress has gotten to the point where it thinks it can solve all the problems, everywhere, every time, just by spending more of the taxpayers' money.

As I say, this is a new program. It is one that, once initiated, is bound to become permanent, is bound to be expensive, and a heavy drain on the Government's revenues.

It will further centralize power. The distinguished Senator from Colorado made an excellent case in opposition to it.

I note in the press today that Secretary of the Treasury Connally is astonished that interest rates are increasing.

Well, the only thing surprising to me about that is the able Secretary of the Treasury should be astonished that interest rates are increasing. They are bound to increase as long as the Government continues its reckless spending programs. By the Government, I mean the Congress and the President together.

The interest rates the Government must pay now on its bonds and in its short-term notes are 7 percent. The Government even borrowed money from West Germany at 6.65 percent.

Yet we come along here continually passing new programs, and this particular program that will be very costly and will be a long, long time on the statute books of the U.S. Government.

Now, Mr. President, I want to pay tribute at this point in my remarks to seven members of the Virginia delegation in the House of Representatives who had the courage to vote against this appropriation.

They are:

Representative W. C. DANIEL of the Fifth Congressional District.

Representative THOMAS N. DOWNING of the First Congressional District.

Representative DAVID E. SATTERFIELD of the Third Congressional District.

All are Democrats.

Representative G. WILLIAM WHITEHURST of the Second Congressional District.

Representative J. KENNETH ROBINSON of the Seventh Congressional District.

Representative RICHARD H. POFF of the Sixth Congressional District.

Representative WILLIAM L. SCOTT of the Eighth Congressional District.

All of these are Republicans.

Mr. President, those seven Members of the House of Representatives, I feel, were voting the convictions of the people of Virginia.

This is a new program and a costly program. We are already in debt, with a $30 billion deficit, and another deficit of $30 billion forecast for this fiscal year. Yet we are piling on new programs. I think it is not justified and very unwise.

Mr. President, I ask unanimous consent to have printed in the RECORD two tables that I have worked up. One is entitled "U.S. Gold Holdings, Total Reserve Assets, and Liquid Liabilities to Foreigners."

The second table is entitled "Deficits in Federal Funds and Interest on the National Debt, 1961–72 Inclusive."

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

FISCAL TABLES

TABLE 1.—U.S. GOLD HOLDINGS, TOTAL RESERVE ASSETS, AND LIQUID LIABILITIES TO FOREIGNERS

[Selected periods, in billions of dollars]

	Gold holdings	Total assets	Liquid liabilities
End of World War II	20.1	20.1	6.9
1957	22.8	24.8	15.1
1965	13.7	15.5	29.3
1970	10.7	14.5	43.0
June 1971	10.5	13.5	[1] 48.8

[1] Estimated figure.

Source: U.S. Treasury Department.

TABLE 2.—DEFICITS IN FEDERAL FUNDS AND INTEREST ON THE NATIONAL DEBT, 1961-72 INCLUSIVE

[In billions of dollars]

	Receipts	Outlays	Deficit (−)	Debt interest
1961	75.2	79.3	−4.1	9.0
1962	79.7	86.6	−6.9	9.2
1963	83.6	90.1	−6.5	10.0
1964	87.2	95.8	−8.6	10.7
1965	90.9	94.8	−3.9	11.4
1966	101.4	106.5	−5.1	12.1
1967	111.8	126.8	−15.0	13.5
1968	114.7	143.1	−28.4	14.6
1969	143.3	148.8	−5.5	16.6
1970	143.2	156.3	−13.1	19.3
1971	133.6	163.8	−30.2	20.8
1972 [1]	150.0	180.0	−30.0	21.2
12-year total	1,314.6	1,471.9	−157.3	168.4

[1] Estimated figures.

Source: Office of Management and Budget, except 1972 estimates.

Mr. BYRD of Virginia. Mr. President, in regard to the interest rates, apropos the astonishment the Secretary of the Treasury seems to evidence as a result of the upward increase of interest rates, I ask unanimous consent to have printed in the RECORD a speech I made in the Senate on February 18, 1971, in which I predicted that under the Government's own policy, interest rates were bound to increase.

That is exactly what interest rates have done since February, and that is what they will continue to do, in my judgment.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

INTEREST RATES

Mr. BYRD of Virginia. Mr. President one of the most encouraging signs in the economy during recent months has been the decline in interest rates.

Prime rates, which stood at 8½ percent in 1969, have now fallen to the point where many banks are offering 6 percent. The prime rate is generally taken to be the barometer of commercial banking.

It may be, however, that the fiscal policies of the Federal Government are working toward a reversal of the recent downward trend in interest rates.

I note that during the 4-month period from October 15, 1970, to February 15 of this year, the Government has sold $32 billion in short-term bonds and tax anticipation bill offerings.

A comparison of that figure with the figures for the corresponding periods of 1 year ago and 2 years ago makes an interesting pattern.

From October 15, 1968, to February 15, 1969, short-term bond issues by the Treasury totaled $29 billion.

That meant that the Government bid that much money out of the market, and that much less was available to meet private demand.

The interest rate picture during that period was this: from a level of 6½ percent in November 1968, the prime rate went up to 8½ percent by mid-1969.

A year later, the Government took a much smaller amount of money out of the market: from October 15, 1969, to February 15, 1970, the short-term bond issue total was only $15 billion.

And during the months following, interest rates declined, until today they are at 6 percent—lower than before the steep climb of 1968–69 began.

But the October-to-February bond issues of the Government for the current 1970–71 period were even greater than they were 2 years ago, when the drastic interest rate increases started.

The total of $32 billion for the period from October 15, 1970, to February 15, 1971, was $3 billion higher than the issues 2 years earlier—and it was nearly $18 billion greater than the period 1 year earlier.

Does that mean there will be a reversal in the downward trend of interest rates?

I do not know. I do not pretend to be an expert in high finance.

But I do know that economists consider that interest rates are the unmistakable and reliable barometer of inflation. Many economists consider them more reliable than the cost-of-living index.

I know, too, that if the law of supply and demand still is in effect, the withdrawal of $32 billion from the money market by the Federal Government certainly will not help to keep rates down.

Of course the reason for this heavy borrowing is the huge deficit we are incurring in Federal finances this year.

President Nixon has acknowledged that it will exceed $18 billion—and that is under the so-called unified budget, which unjustifiably includes trust fund surpluses in the general fund picture.

The real deficit for the current fiscal year, leaving the trust funds out, will be $25 billion—as great as the deficit incurred by the Johnson administration in fiscal 1968.

It is imperative that the Government put its financial house in order. If we are to make progress against inflation, we must control deficit spending.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. (Mr. STEVENSON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. YOUNG. Mr. President, I yield 2 minutes to the Senator from New York.

The PRESIDING OFFICER (Mr. BEALL). The Senator from New York is recognized for 2 minutes.

Mr. JAVITS. Mr. President, my reason for taking this brief time is to make the point, which is important, if we are going to be fair to the Department that will administer this act, that the other body has restricted the administration expenses to $50 million. The Department feels that this may not be adequate if it is really going to do the job required. However, they are doing their utmost to live within it and they want to put these funds into effect. They do not want to get into a conference now.

The Senator should know there is serious concern on their part about it and they may have to approach us again in a supplemental or otherwise in order to do the job we want them to do. However, the $50 million is acceptable.

Another point is very important. The Senator from North Dakota (Mr. YOUNG), in order to save time, has asked me to point out that the report accompanying the bill says specifically that the committee directs that special consideration be given to Vietnam veterans in filling the public service jobs provided by this appropriation.

That is critically important. It deals with two points; first, that veterans get the jobs; and, second, it gives the priority we wish them to have.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. YOUNG. Mr. President, I yield 2 minutes to the Senator from Virginia.

Mr. BYRD of Virginia. Mr. President, I would not have asked for additional time except that the Senator from New York made a very interesting and, I think, important point. He raises it here on the floor before the bill is even passed to warn the Senate that the administrators will probably not adhere to the $50 million limitation on administrative expenses. I think he is right.

Mr. President, I do not think they will adhere to it. The Senator from New York wants to make a record so that he can come in here later on and open up the gates so that there would actually be no ceiling on administrative costs. That the higher the administrative costs the less money there will be for the people that Congress claims it is trying to help.

I think it is a very interesting point that the Senator from New York has made. I am glad he made it. It dramatizes, in my mind, that this program will be far more costly than the public is being led to believe. It is creating another bureaucracy—and a costly one.

The **PRESIDING OFFICER**. Who yields time?

Mr. **MAGNUSON**. Mr. President, I am willing to yield back my time.

Mr. **DOMINICK**. Mr. President, is there any time that the Senator from North Dakota could yield to me?

The **PRESIDING OFFICER**. The Senator from North Dakota has 13 minutes remaining.

Mr. **YOUNG**. Mr. President, the Senator from West Virginia was on his feet first. I yield 2 minutes to the Senator from West Virginia.

The **PRESIDING OFFICER**. The Senator from West Virginia is recognized for 2 minutes.

EXECUTIVE SESSION

Mr. **BYRD** of West Virginia. Mr. President, I ask unanimous consent that the Senate go into executive session to consider Calendar No. 7, under treaties.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

CONVENTION FOR THE SUPPRESSION OF UNLAWFUL SEIZURE OF AIRCRAFT

Mr. **BYRD** of West Virginia. Mr. President, I ask unanimous consent that the Chair lay before the Senate, Executive A (92d Congress, first session).

The **PRESIDING OFFICER**. Is there objection?

There being no objection, the Senate as in the Committee of the Whole, proceeded to consider Executive A (92d Congress, first session), the Convention for the Suppression of Unlawful Seizure of Aircraft, which was read the second time, as follows:

CONVENTION FOR THE SUPPRESSION OF UNLAWFUL SEIZURE OF AIRCRAFT

PREAMBLE

The States Parties to this Convention

Considering that unlawful acts of seizure or exercise of control of aircraft in flight jeopardize the safety of persons and property, seriously affect the operation of air services, and undermine the confidence of the peoples of the world in the safety of civil aviation;

Considering that the occurrence of such acts is a matter of grave concern;

Considering that, for the purpose of deterring such acts, there is an urgent need to provide appropriate measures for punishment of offenders;

Have agreed as follows:

ARTICLE 1

Any person who on board an aircraft in flight:

(*a*) unlawfully, by force or threat thereof, or by any other form of intimidation, seizes, or exercises control of, that aircraft, or attempts to perform any such act, or

(*b*) is an accomplice of a person who performs or attempts to perform any such act commit an offense (hereinafter referred to as "the offence").

ARTICLE 2

Each Contracting State undertakes to make the offence punishable by severe penalties.

ARTICLE 3

1. For the purposes of this Convention, an aircraft is considered to be in flight at any time from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation. In the case of a forced landing, the flight shall be deemed to continue until the competent authorities take over the responsibility for the aircraft and for persons and property on board.

2. This Convention shall not apply to aircraft used in military, customs or police services.

3. This Convention shall apply only if the place of take-off or the place of actual landing of the aircraft on board which the offence is committed is situated outside the territory of the State of registration of that aircraft; it shall be immaterial whether the aircraft is engaged in an international or domestic flight.

4. In the cases mentioned in Article 5, this Convention shall not apply if the place of take-off and the place of actual landing of the aircraft on board which the offence is committed are situated within tht territory of the same State where that State is one of those referred to in that Article.

5. Notwithstanding paragraphs 3 and 4 of his Article, Articles 6, 7, 8 and 10 shall apply whatever the place of take-off or the place of actual landing of the aircraft, if the offender or the alleged offender is found in the territory of a State other than the State of registration of that aircraft.

ARTICLE 4

1. Each Contracting State shall take such measures as may be necessary to establish its jurisdiction over the offence and any other act of violence against passengers or crew committed by the alleged offender in connection with the offence, in the following cases:

(*a*) when the offence is committed on board an aircraft registered in that State;

(*b*) when the aircraft on board which the offence is committed lands in its territory with the alleged offender still on board;

(*c*) when the offence is committed on board an aircraft leased without crew to a lessee who has his principal place of business or, if the lessee has no such place of business, his permanent residence in that State.

2. Each Contracting State shall likewise take such measures as may be necessary to establish its jurisdiction over the offence in the case where the alleged offender is present in its territory and it does not extradite him pursuant to Article 8 to any of the States mentioned in paragraph 1 of this Article.

3. This Convention does not exclude any criminal jurisdiction exercised in accordance with national law.

ARTICLE 5

The Contracting States which establish joint air transport operating organizations or international operating agencies, which operate aircraft which are subject to joint or international registration shall, by appropriate means, designate for each aircraft the State among them which shall exercise the jurisdiction and have the attributes of the State of registration for the purpose of this Convention and shall give notice thereof to the International Civil Aviation Organization which shall communicate the notice to all States Parties to this Convention.

ARTICLE 6

1. Upon being satisfied that the circumstances so warrant, any Contracting State in the territory of which the offender or the alleged offender is present, shall take him into custody or take other measures to ensure his presence. The custody and other measures shall be as provided in the law of that State but may only be continued for such time as is necessary to enable any criminal or extradition proceedings to be instituted.

2. Such State shall immediately make a preliminary enquiry into the facts.

3. Any person in custody pursuant to paragraph 1 of this Article shall be assisted in communicating immediately with the nearest appropriate representative of the State of which he is a national.

4. When a State, pursuant to this Article, has taken a person into custody, it shall immediately notify the State of registration of the aircraft, the State mentioned in Article 4, paragraph 1(*c*), the state of nationality of the detained person and, if it considers it advisable, any other interested States of the fact that such person is in custody and of the circumstances which warrant his detention. The State which makes the preliminary enquiry contemplated in paragraph 2 of this Article shall promptly report its findings to the said States and shall indicate whether it intends to exercise jurisdiction.

ARTICLE 7

The Contracting State in the territory of which the alleged offender is found shall, if it does not extradite him, be obliged, without exception whatsoever and whether or not the offence was committed in its territory, to submit the case to its competent authorities for the purpose of prosecution. Those authorities shall take their decision in the same manner as in the case of any ordinary offence of a serious nature under the law of that State.

ARTICLE 8

1. The offence shall be deemed to be included as an extraditable offence in any extradition treaty existing between Contracting States. Contracting States undertake to include the offence as an extraditable offence in every extradition treaty to be concluded between them.

2. If a Contracting State which makes extradition conditional on the existence of a treaty receives a request for extradition from another Contracting State with which it has no extradition treaty, it may at its option consider this Convention as the legal basis for extradition in respect of the offence. Extradition shall be subject to the other conditions provided by the law of the requested State.

3. Contracting States which do not make extradition conditional on the existence of a treaty shall recognize the offense as an extraditable offence between themselves subject to the conditions provided by the law of the requested State.

4. The offence shall be treated, for the purpose of extradition between Contracting States, as if it had been committed not only in the place in which it occurred but also in the territories of the States required to establish their jurisdiction in accordance with Article 4, paragraph 1.

ARTICLE 9

1. When any of the acts mentioned in Article 1(*a*) has occurred or is about to occur, Contracting States shall take all appropriate measures to restore control of the aircraft to its lawful commander or to preserve his control of the aircraft.

2. In the cases contemplated by the preceding paragraph, any Contracting State in which the aircraft or its passengers or crew are present shall facilitate the continuation of the journey of the passengers and crew as soon as practicable, and shall without delay return the aircraft and its cargo to the persons lawfully entitled to possession.

ARTICLE 10

1. Contracting States shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of the offence and other acts mentioned in Article 4. The law of the State requested shall apply in all cases.

2. The provisions of paragraph 1 of this article shall not affect obligations under any other treaty, bilateral or multilateral, which governs or will govern, in whole or in part, mutual assistance in criminal matters.

ARTICLE 11

Each Contracting State shall in accordance with its national law report to the Council of the International Civil Aviation Organization as promptly as possible any relevant information in its possession concerning:

(*a*) the circumstances of the offence;

(*b*) the action taken pursuant to Article 9;

(*c*) the measures taken in relation to the offender or the alleged offender, and, in particular, the results of any extradition proceedings or other legal proceedings.

ARTICLE 12

1. Any dispute between two or more Contracting States concerning the interpretation or application of this Convention which cannot be settled through negotiation, shall at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State may at the time of signature or ratification of this Convention or accession thereto, declare that it does not consider itself bound by the preceding paragraph. The other Contracting States shall not be bound by the preceding paragraph with respect to any Contracting State having made such a reservation.

3. Any Contracting State having made a reservation in accordance with the preceding paragraph may at any time withdraw this reservation by notification to the Depositary Governments.

ARTICLE 13

1. This Convention shall be open for signature at The Hague on 16 December 1970, by States participating in the International Conference on Air Law held at The Hague from 1 to 16 December 1970 (hereinafter referred to as The Hague Conference). After 31 December 1970, the Convention shall be open to all States for signature in Moscow, London and Washington. Any State which does not sign this Convention before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Convention shall be subject to ratification by the signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, which are hereby designated the Depositary Governments.

3. This Convention shall enter into force thirty days following the date of the deposit of instruments of ratification by ten States signatory to this Convention which participated in The Hague Conference.

4. For other States, this Convention shall enter into force on the date of entry into force of this Convention in accordance with paragraph 3 of this Article, or thirty days following the date of deposit of their instruments of ratification or accession, whichever is later.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession, the date of entry into force of this Convention, and other notices.

6. As soon as this Convention comes into force, it shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations and pursuant to Article 83 of the Convention on International Civil Aviation (Chicago, 1944).

ARTICLE 14

1. Any Contracting State may denounce this Convention by written notification to the Depositary Governments.

2. Denunciation shall take effect six months following the date on which notification is received by the Depositary Governments.

In witness thereof the undersigned Plenipotentiaries, being duly authorized thereto by their Governments, have signed this Convention.

Done at The Hague, this sixteenth day of December, one thousand nine hundred and seventy, in three originals, each being drawn up in four authentic texts in the English, French, Russian and Spanish languages.

Mr. BYRD of West Virginia. Mr. President, the Committee on Foreign Relations recommends that the Senate give its advice and consent to ratification of Executive A, 92d Congress, first session, the so-called Aircraft Hijacking Convention. This convention was negotiated at The Hague in December 1970 and signed by representatives of 50 nations, including the United States. It was submitted to the Senate on April 15, 1971.

I wish to summarize briefly the major provisions at this point:

In effect, article 1 states that in order for hijacking to be an offense covered by the convention, it must take place on board an aircraft "in flight." In this connection, pursuant to the provisions of article 3, an aircraft is considered to be "in flight" from the moment its doors are closed following embarkation until any door is opened for disembarkation. It should be added, however, that the convention applies only if the place of takeoff or the place of landing of the aircraft on board which the offense is committed is situated outside the territory of the country in which the aircraft is registered. Moreover, the convention does not apply to aircraft used in military, customs, or police services.

Article 2 provides that each contracting state undertakes to make hijacking punishable by "severe" penalties. This article is not defined, but it is understood that it is designed to encourage all parties to the convention—who have not already done so—to enact implementing legislation with strong penalty clauses which, hopefully, will have the effect of deterring hijackers.

Article 4 provides that each contracting state shall take "such measures as may be necessary" to establish its jurisdiction over the hijacker when the offense is committed on board an aircraft registered in that state; when the aircraft lands in its territory with the alleged offender still on board; and when the offense is committed on board a leased aircraft—without crew—to a lessee who has his principal place of business or permanent residence in that state. Article 4 also states that the convention "does not exclude any criminal jurisdiction exercised in accordance with national law."

One of the key provisions of the convention is contained in article 7, which provides that if the state where the hijacker is found does not extradite him, it shall be obliged "without exception whatsoever and whether or not the offense was committed in its territory" to submit the case to its authorities for prosecution. The effect of this provision is to insure that the hijacker will not escape prosecution, even though the offense may have been politically motivated—for example, an individual who hijacks an airplane to seek political asylum.

Article 8, another key provision, states that hijacking "shall be deemed to be included as an extraditable offense in any extradition treaty existing between contracting states." In other words, there will be no need for the United States to renegotiate existing extradition treaties we have with parties to this convention in order to cover the crime of hijacking. In cases where the parties to the convention do not have extradition treaties, they are obliged to include hijacking as an extraditable offense in any future treaties concluded between them. In addition, in the absence of an extradition treaty between parties to the convention they may consider the convention itself as the legal basis for extradition in hijacking cases.

Article 9 provides that when a hijacking has occurred the parties to the Convention "shall take all appropriate measures to restore control of the aircraft to its lawful commander." Each Contracting state is also required to facilitate the continuation of the journey of the passengers and crew as soon as practicable and return the aircraft and its cargo to the person lawfully entitled to possession.

Under the provisions of Article 12, any dispute between two or more parties concerning the interpretation or application of the Convention which cannot be settled through negotiation shall—at the request of one of them—be submitted to arbitration. If the parties are unable to agree on the organization of the arbitration within 6 months from the date of the request, any one of the parties may refer the dispute to the International Court of Justice. Any State is permitted to declare that it does not consider itself bound by this provision.

Pursuant to the provisions of Article 13, the Convention is presently open for signature to all States—irrespective of whether they attended The Hague Conference or are members of the United Nations—at London, Moscow, and Washington. The Convention will enter into force 30 days after 10 States which participated in the conference at The Hague have deposited their instruments of ratification. Any State may denounce the Convention by giving 6 months' notice to each of the above depositary governments.

The Committee on Foreign Relations held a public hearing on June 7 at which it heard testimony from representatives of the Department of State, Department of Transportation, and the Federal Aviation Administration, as well as industry representatives. The lack of the Cuban adherence to the convention was further explored in executive session on July 20, 1971, at which time the committee, by voice vote, ordered the convention reported favorably to the Senate.

Mr. President, I ask unanimous consent that Executive A (92d Congress, first session) be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will read the resolution of ratification.

The assistant legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on December 16, 1970 (Ex. A, 92-1).

Mr. BYRD of West Virginia. Mr. President, I do this with the authorization of the distinguished majority leader, the distinguished minority leader, and the distinguished chairman of the Senate Foreign Relations Committee (Mr. FULBRIGHT).

Mr. President, I ask for the yeas and nays on the treaty.

The yeas and nays were ordered.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate now return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

EDUCATION AMENDMENTS OF 1971

The Senate continued with the consideration of the bill (S. 659) to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, and related acts, and for other purposes.

The PRESIDING OFFICER. Who yields time?

Mr. YOUNG. Mr. President, I yield 1 minute to the Senator from Colorado (Mr. ALLOTT).

The PRESIDING OFFICER. The Senator from Colorado is recognized for 1 minute.

Mr. ALLOTT. Mr. President, just so that the Senate will be informed, there is a procedural matter with respect to title IV of the education bill pending before the Senate, S. 659. Since here are many Senators who are interested in this matter, I would just like to put the Senate on notice that it is my intention, if I can get time—and I think I can—immediately after the disposition of this matter, to raise this question so that the Senators can be informed on it and vote on it.

EMERGENCY EMPLOYMENT ASSISTANCE APPROPRIATION, 1972

The Senate resumed the consideration of the joint resolution (H.J. Res. 833) making an appropriation for the Department of Labor for the fiscal year 1972, and for other purposes.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. Mr. President, would the Senator from North Dakota yield me 4 minutes?

Mr. YOUNG. Mr. President, I yield 4 minutes to the Senator from North Dakota.

Mr. DOMINICK. Mr. President, I think that some of the comments made by the distinguished Senator from Virginia (Mr. BYRD) are particularly appropriate. There is not any doubt in my mind that the $50 million will just be a nothing from the point of view of how much it will cost to administer this.

Let us keep in mind that there will be applications from all over the country from every person who thinks he has a friend that wants to be on the public payroll. I do not think there is any doubt about it. We might as well face up to it.

Second, we will have an enormous number of problems in trying to show each locality that is asking for technical assistance how it should go ahead in preparing the applications and figure out how it can put relatives on the payroll.

Third, there is nothing in the bill that I can see that would prevent the Federal Government from paying salaries for positions at the State or local level, and the people who hold those positions can then decide to run for office.

I may be wrong on this. I will ask the senior Senator from New York if he has any recollection concerning a prohibition against this kind of activity.

Let us say that we take someone who is unemployed and put him on the payroll as a policeman and he decides to run for mayor. Do we pay his salary while he is doing that? Suppose he decides to run for Congress. Suppose that he is a State meat inspector and decides to run for Governor or Lieutenant Governor. Do we pay his salary so that he can do that?

Is there any prohibition in the bill against that? I do not think there is.

Mr. JAVITS. Mr. President, if I might say to my friend, the Senator from Colorado, they have put us on an even bigger salary and we run for reelection. I know of no prohibition in the bill. If there was, I would probably be against it. I do not think that one of the qualifications for running for office is that one has to be unemployed.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. DOMINICK. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Colorado (Mr. DOMINICK) proposes an amendment as follows:

On page 2, line 9, insert the following:

After the period, insert the following: "None of the funds appropriated herein may be paid to any political office holder or candidate for political office."

Mr. MAGNUSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MAGNUSON. Mr. President, how much time do we have under the time limitation on each amendment?

The PRESIDING OFFICER. Thirty minutes to the amendment, 15 minutes to the side, and 20 minutes on an amendment to an amendment.

Mr. DOMINICK. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 5 minutes.

Mr. DOMINICK. Mr. President, I bring this up because I think there are a great number of problems connected with this bill which have really not been considered in the heat of emotion, in the heat of all kinds of allegations that there is tremendous unemployment, in the heat of trying to figure out available jobs for veterans. There is not anyone who wants to do that more than I do. However, we are referring to a program that will come down like a blanket all over the country.

I have said over and over again, as the Senator from Virginia and the Senator from New York have said, that this is not a temporary program. There is not any way to keep this program as a temporary program and hold it at the 2-year structure contained in the original bill.

Furthermore, we have given everyone a chance in the local community if they want to ask for five times the number of policemen, five times the number of school teachers in the school district, to do so. They have not been permitted to vote on it. The Senate passes it. We say it is temporary. They can put on their relatives and everyone else that is sponging on us and put them on the public payroll. And if a Senator thinks it will not be done, I tell him that it will be done all over this country.

Mr. President, it is going to be done all over this country. Having said that, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. MAGNUSON. I ask unanimous consent to place in the RECORD a factual statement regarding the economic condition of Washington State and the need for public service jobs.

This bill will provide money for jobs and, believe me, my State needs them.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT REGARDING ECONOMIC CONDITIONS

Mr. President, I would like to review certain economic facts that lead any observer to the conclusion that Washington State needs the jobs provided in this bill.

The following figures were compiled in May, 1971:

Total number of insured unemployed is 182,000;

The number of those unemployed who have exhausted both regular and extended unemployment benefits (January-May) totals 25,000; 40,000 more will exhaust all benefits by December 31, 1971.

Actual unemployment statewide is estimated at between 15 and 20 percent.

Insured unemployment statewide is 11.6 percent.

(King-Snohomish-Seattle), 15.2 percent.
(Pierce-Tacoma), 13.6 percent.
(Spokane), 10.3 percent.

20 of the State's 39 counties have unemployment double the national average.

In May, about 91,000 households—over 263,000 people—in the State were receiving food stamps. (State authorities estimate that at least 40% of those eligible for food stamps are not yet participating in the program.)

The Neighbors in Need Program: This is the church feeding program in King County, that distributes donated food to anyone who says he is in need. They feed 8,000 persons a week and estimate that with sufficient food they could feed 20,000 persons a week.

The Seattle area office of the Department of Housing and Urban Development has reported to me that during the calendar year 1970, it acquired 1,836 single family properties and that between January 1, 1971 to June 15, 1971, the Seattle area office acquired, through mortgage default, 1,612 properties. The current inventory of single family properties is 2,639.

The State's Unemployment Compensation Fund, which started at $302 million in June, 1970, has now been reduced to $122 million. *It is expected to be entirely depleted in less than a year.* There are nearly 7000 delinquencies of F.H.A. single family housing units of which about 3500 will be repossessed by the end of 1971.

Aerospace employment in Washington since January 1969 has fallen by 59,000, a drop of 99,000 to 40,000. Nearly 10,000 aerospace employees are to be laid off by the end of the year.

Business failures in Washington for the first five months of 1971 were running at a rate of nearly three times the rate of the same period in 1970. Total liabilities represented in these 1971 failures were in excess of $17 million, compared to less than $6 million in failures during the first five months of 1970.

Mr. President, these facts are very grim and represent what my state is facing. These facts also present a case that cries out for relief.

This bill provides jobs—the key ingredient to recovery.

Mr. MAGNUSON. Mr. President, if the Senator from North Dakota is ready to yield back his time, I am ready to yield back my time.

The PRESIDING OFFICER. All time is yielded back.

If there be no further amendment to be proposed, the question is on the third reading of the joint resolution.

The joint resolution (H.J. Res. 833) was ordered to a third reading, and was read the third time.

The PRESIDING OFFICER. Do the Senators yield back their time on the bill?

Mr. MAGNUSON. Mr. President, I yield back the balance of my time, and I am sure the Senator from North Dakota yields back his time.

The PRESIDING OFFICER. All time having been yielded back, the question is, shall it pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from California (Mr. CRANSTON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Hawaii (Mr. INOUYE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Alabama (Mr. SPARKMAN), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that the Senator from Indiana (Mr. HARTKE), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Illinois (Mr. STEVENSON) are absent on official business.

I further announce that, if present and voting, the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Illinois (Mr. STEVENSON), the Senator from California (Mr. TUNNEY) the Senator from New Mexico (Mr. MONTOYA), the Senator from Indiana (Mr. BAYH), and the Senator from Alabama (Mr. SPARKMAN) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Utah (Mr. BENNETT), the Senator from Connecticut (Mr. WEIKER), the Senator from Arizona (Mr. GOLDWATER), the Senator from Kansas (Mr. PEARSON), and the Senator from Vermont (Mr. PROUTY) are necessarily absent.

The Senator from New Hampshire (Mr. COTTON), the Senator from Nebraska (Mr. HRUSKA), and the Senator from Illinois (Mr. PERCY) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Illinois (Mr. PERCY) would vote "yea."

The result was announced—yeas 68, nays 10, as follows:

[No. 209 Leg.]

YEAS—68

Aiken
Allott
Beall
Bellmon
Bentsen
Bible
Boggs
Brooke
Burdick
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cooper
Dole
Eagleton
Ellender
Ervin
Fong
Fulbright
Gambrell
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hatfield
Hughes
Humphrey
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
Metcalf
Miller
Mondale
Muskie
Nelson
Packwood
Pastore
Pell
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Spong
Stevens
Symington
Taft
Talmadge
Tower
Williams
Young

NAYS—10

Allen
Brock
Buckley
Byrd, Va.
Curtis
Dominick
Fannin
Hollings
Stennis
Thurmond

NOT VOTING—22

Anderson
Baker
Bayh
Bennett
Cotton
Cranston
Eastland
Goldwater
Hartke
Hruska
Inouye
McIntyre
Montoya
Moss
Mundt
Pearson
Percy
Prouty
Sparkman
Stevenson
Tunney
Weicker

So the joint resolution (H.J. Res. 833) was passed.

Mr. BYRD of West Virginia. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution:

H.R. 135. An act to provide for periodic pro rata distribution among the States and other jurisdictions of deposit of available amounts of unclaimed postal savings system deposits, and for other purposes;

H.R. 2587. An act to establish the National Advisory Committee on the Oceans and Atmosphere;

H.R. 2596. An act to amend the act of July 11, 1947, to authorize members of the District of Columbia Fire Department, the U.S. Park Police force, and the Executive Protective Service, to participate in the Metropolitan Police Department Band, and for other purposes;

H.R. 2600. An act to equalize the retirement benefits for officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia who are retired for permanent total disability;

H.R. 5208. An act to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard, and to authorize the annual active duty personnel strength of the Coast Guard;

H.R. 7718. An act to exempt from taxation by the District of Columbia certain property in the District of Columbia which is owned by the Supreme Council (Mother Council of the World) of the Inspectors General Knights Commanders of the House of the Temple of Solomon of the Thirty-third Degree of the Ancient and Accepted Scottish Rite of Free Masonry of the Southern Jurisdiction of the United States of America;

H.R. 8794. An act to provide for the payment of the cost of medical, surgical, hospital, or related health care services provided certain retired, disabled officers and members of the Metropolitan Police force of the District of Columbia, the Fire Department of the District of Columbia, the U.S. Park Police force, the Executive Protective Service, and the U.S. Secret Service, and for other purposes;

H.R. 10061. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1972, and for other purposes;

H.J. Res. 829. Joint resolution making further continuing appropriations for the fiscal year 1972, and for other purposes; and

H.J. Res. 833. Joint resolution making an appropriation for the Department of Labor for the fiscal year 1972, and for other purposes.

The enrolled bills and joint resolution were subsequently signed by the President pro tempore.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on August 5, 1971, the President had approved and signed the act (S. 2317) to extend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965.

REPORT OF THE COUNCIL ON ENVIRONMENTAL QUALITY — MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. BEALL) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred jointly to the Committees on Agriculture and Forestry, Commerce, Interior, and Insular Affairs, and Public Works:

To the Congress of the United States:

The First Annual Report of the Council on Environmental Quality, which I submitted to the Congress one year ago, described our principal environmental problems and set out in broad outline the directions in which I felt we should be moving. Now, as I submit to the Congress this second annual report, I am pleased to be able to say that we have made considerable progress towards achieving our environmental objectives during the past 12 months.

During the past year we have launched many initiatives to implement the broad recommendations contained in the first annual report. At the Federal level we have proposed sweeping legislative programs to the Congress, we have taken vigorous actions within the executive branch, and we have achieved increasingly effective cooperation with other nations. The States have likewise moved to meet environmental challenges with wide-ranging institutional changes and more effective laws.

While we still have a long way to go before we meet our ultimate objectives, it is important to emphasize that we are making substantial progress. For example, there is evidence that the air in many of our cities is becoming less polluted, although the data is still incomplete. Total emissions from automobiles and the use of persistent pesticides are going down. On the other hand, there is no basis for complacency, as the level of total pollutants in our environment is still rising.

We will continue to face difficult obstacles as we work to make our surrounding more liveable and more enriching. But even now we are demonstrating that our institutions can be made responsive to the need for environmental reform and that the quality of our environment can be substantially improved, if only we go about that task with sufficient will and sufficient energy.

1. REFORMING INSTITUTIONS—THE FIRST STEP

The barriers to long-range progress in the field of environmental improvement are serious and complex and varied. Some are technological, some are economic, some are social, some are political. But among the most substantial barriers to progress in this area are those which are institutional in nature.

In my environmental messages of 1970 and 1971 and in my message accompanying the Council's first annual report, I emphasized the pressing need to reform the machinery through which government carries out its environmental programs. These reforms have been progressing rapidly at the Federal level. In the Executive Office of the President, environmental policy is now being developed by the Council on Environmental Quality, a group which has been working effectively to broaden our perspectives and sharpen our insights concerning the underlying causes of environmental problems and the best methods of solving them. The Council is also responsible for coordinating all Federal environmental programs and for seeing that environmental values are given full consideration by all Federal agencies as they make their own policy decisions.

To administer and enforce our pollution control laws, we have established a new Environmental Protection Agency, giving new muscle—on a day-by-day basis—to our commitment to a cleaner environment. EPA brings together under unified direction our air and water pollution programs and our efforts in the fields of solid waste management, noise abatement, pesticide regulation, and radiation standard-setting. Already, during the first half-year of its existence, EPA has provided vigorous new leadership in all these areas. Together, the Environmental Quality Council and the Environmental Protection Agency provide a forceful institutional team for Federal environmental actions.

Finally, I have recommended to the Congress a new department of natural resources with unified responsibility for energy, water and natural resource programs. Pollution control is not the only solution to the difficulties of our environment. We must also provide wide and coordinated management of all our natural resources so that man can live and work in greater harmony with the natural systems of which he is a part. I consider the department of natural resources an integral element in our reform program and I again urge the Congress to approve this high priority proposal.

State governments are likewise moving boldly. From New York to Illinois to the State of Washington, the machinery for policymaking and for administration of environmental programs has been reformed and strengthened. As expected, the diversity of our country has been reflected in the many unique and innovative approaches that various States have taken to meet environmental challenges. Vermont, for example, has already adopted a program of Statewide land use authorities and it plans to supplement its water pollution controls with effluent charges. New York, Washington and Illinois have created new agencies and combined old ones in an effort to relate more effectively the functions of government to the problems of the environment. Other States are also moving to approach environmental issues in a new way.

2. FEDERAL DECISIONMAKING—THE NEW GROUND RULES

The National Environmental Policy Act requires that Federal agencies take environmental factors into full account in all their planning and decisionmaking. It requires agencies to describe in writing the environmental impact of their major decisions—along with alternatives to these decisions—and to make these assessments public. This process has fostered a wide range of basic reforms in the way Federal agencies make their decisions. And while some agencies still have considerable room for improvement in the environmental field, many are doing an excellent job of responding to environmental concerns.

It is critically important that these new environmental requirements not simply produce more red tape, more paperwork and more delay. Nor is there any reason why this should happen. In fact, the efficiency and responsiveness of Government is enhanced when environmental considerations are an integral part of decisionmaking from the time when a project is first considered and not merely added as after-thoughts when most matters have already been decided.

In some cases, of course, environmental considerations will require the modification or termination of a project. This is why, for example, I ordered a halt to further construction on the Cross Florida Barge Canal, despite the fact that some $50 million had already been spent on this project. I concluded, after receiving the advice of the Council on Environmental Quality, that the environmental damage which would result from its completion would outweigh its potential economic benefits.

In the final analysis, the foundation on which environmental progress rests in our society is a responsible and informed citizenry. My confidence that our Nation will meet its environmental problems in the years ahead is based in large measure on my faith in the continued vigilance of American public opinion and in the continued vitality of citizen efforts to protect and improve the environment.

The National Environmental Policy Act has given a new dimension to citizen participation and citizen rights—as is evidenced by the numerous court actions through which individuals and groups have made their voices heard. Although these court actions demonstrate citizen interest and concern, they do not in themselves represent a complete strategy for assuring compliance with the Act. We must also work to make Government more responsive to public views at every stage of the decisionmaking process. Full and timely public disclosure of environmental impact statements is an essential part of this important effort.

3. THE WORLD COMMUNITY—NEW COOPERATION

In transmitting my second annual "Foreign Policy for the 1970's" message to the Congress, I said: "We know that we must act as one world in restoring the world's environment, before pollution of the seas and skies overwhelms every nation." I continue to believe that this challenge presents a great opportunity for United States leadership in international affairs.

The environmental concern that has been growing in this country has its counterpart in other nations. We have been encouraged to find that other governments are now acting to improve and expand their environmental activities and we have moved to cooperate with such activities whenever possible.

With Canada, for example, we are working to clean up the Great Lakes—and our joint efforts there may well become a model for regional cooperation in other areas of the world. With other nations, such as Japan and Mexico, we have also developed bilateral environmental initiatives. Within NATO's Committee on the Challenges of Modern Society we have reached agreement on the control of oil discharged by ships on the high seas. And in other international bodies—including the Organization for Economic Cooperation and Development, the Intergovernmental Maritime Consultative Organization and the Economic Commission for Europe—we are actively engaged in similar efforts.

The United States is playing an active role in the preparation for the 1972 United Nations Conference on the Human Environment. This conference will bring the nations of the world together for the first time to develop global programs for environmental protection. It is our hope that this gathering will produce an important agreement on marine pollution, as well as the beginning of an effective international environmental monitoring effort. The conference will provide an important opportunity for bringing all nations into the attack on the environmental problems of modern society and it will offer an especially important opportunity for helping developing nations cope with the environmental problems associated with industrialization and urban growth.

4. THE CONGRESS AND THE EXECUTIVE—A PARTNERSHIP FOR THE ENVIRONMENT

It is vitally important that the Congress and the administration work together to develop better environmental legislation, repairing old laws and creating new ones. I am pleased and gratified that many of the environmental programs which I have proposed to the Congress have been approved and are now being implemented.

The Congress presently has before it a number of separate bills and treaty actions which I discussed in my environmental message of February 8, 1971. In my judgment, these proposals represent the most wide-ranging and comprehensive legislative program for the environment in our entire history.

They include:

MEASURES TO STRENGTHEN POLLUTION CONTROL PROGRAMS

—Charges on sulfur oxides and a tax on lead in gasoline to supplement regulatory controls on air pollution.

—More effective control of water pollution through a $12 billion national program and strengthened standard-setting and enforcement authorities.

—Comprehensive improvement in pesticide control authority.

MEASURES TO CONTROL EMERGING PROBLEMS

—Regulation of toxic substances.

—Regulation of noise pollution.

—Controls on ocean dumping

MEASURES TO PROMOTE ENVIRONMENTAL QUALITY IN LAND

—A national land use policy.

—A new and greatly expanded open space and recreation program, bringing parks to the people in urban areas.

—Preservation of historic buildings through tax policy and other incentives.

—Substantial expansion of the wilderness areas preservation system.

—Advance public agency approval of power plant sites and transmission line routes.

—Regulation of environmental effects of surface and underground mining.

FURTHER INSTITUTIONAL IMPROVEMENT

—Establishment of an environmental institute to conduct special studies and recommend policy alternatives.

TOWARD A BETTER WORLD ENVIRONMENT

—Expanded international cooperation.

—A world heritage trust to preserve parks and areas of unique cultural value throughout the world.

This program is designed both to reinforce existing efforts and to attack newly emerging problems such as noise pollution and the dispersion of toxic substances. One particularly important feature of this package of proposals is that it is geared to meet problems, such as ocean dumping, before they reach crisis proportions. It also seeks to supplement our present regulatory approaches by creating new economic incentives for the reduction of pollution. In addition, it emphasized strengthened efforts by State government.

Some of these initiatives already have been the subject of congressional hearings, but none have yet been approved by the Congress. I again urge the Congress to act expeditiously and favorably on these important measures. The problems will not wait and we dare not drag our feet as we move to meet them.

Even while this administration has been asking the Congress for strengthened enforcement authority, we have also been taking a number of other actions to crack down on pollution by using existing authority. In the course of this effort, we have moved against a wide range of polluters, including cities and towns, companies and individuals.

Operating under authority granted by the Refuse Act, for example, I have instituted a program requiring a permit for all industrial discharges into the Nation's waters. The issuance of such a permit is conditioned upon assurance that water quality standards will be achieved. I believe this mechanism represents an important new tool for achieving our national water quality objectives.

We are also requiring that Federal agencies spend the necessary funds to avoid pollution as a result of their own activities and, where necessary, to provide abatement facilities. Some 250 million dollars is included in my 1972 budget request for this purpose.

I have also consistently urged a stronger effort to encourage the better conservation and management of our natural resources. As one step in this effort, we have redirected Government procurement policies to encourage the increased use of recycled paper. And we are actively considering other, similar changes in procurement policy. Meanwhile, to help keep the evidence of our history intact for future generations, I have issued an Executive order requiring the protection of historic properties by Federal agencies.

5. A SENSE OF REALISM

All of these actions will help make our country a better place to live. But we should not expect environmental miracles. Our efforts will be more effective if we approach the challenge of the environment with a strong sense of realism. We should not be surprised or disheartened, for example, if some problems grow even more acute in the immediate future.

We must recognize that the goal of a cleaner environment will not be achieved by rhetoric or moral dedication alone. It will not be cheap or easy and the costs will have to be borne by each citizen, consumer and taxpayer. How clean is *clean enough* can only be answered in terms of how much we are willing to pay and how soon we seek success. The effects of such decisions on our domestic economic concerns—jobs, prices, foreign competition—require explicit and rigorous analyses to permit us to maintain a healthy economy while we seek a healthy environment. It is essential that we have both. It is simplistic to seek ecological perfection at the cost of bankrupting the very tax-paying enterprises which must pay for the social advances the nation seeks.

We must develop a realistic sense of what it will cost to achieve our national environmental goals and choose a specific level of goal with an understanding of its costs and benefits. One of the strengths of the accompanying report, in my view, is that it sets out—clearly and candidly—both the costs and the benefits of environmental protection as they are now understood.

The work of environmental improvement is a task for all our people. It should unite all elements of our society—of all political persuasions and all economic levels—in a great common commitment to a great common goal. The achievement of that goal will challenge the creativity of our science and technology, the enterprise and adaptability of our industry, the responsiveness and sense of balance of our political and legal institutions, and the resourcefulness and the capacity of this country to honor those human values upon which the quality of our national life must ultimately depend.

RICHARD NIXON.

THE WHITE HOUSE, *August 6, 1971*.

EDUCATION AMENDMENTS, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate return to the consideration of S. 659.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

Calendar No. 342, a bill (S. 659) to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, and related acts, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate resumed the consideration of the bill.

AMENDMENT NO. 385

Mr. RIBICOFF. Mr. President, I call up my amendment No. 385.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. RIBICOFF. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIBICOFF's amendment (No. 385) is as follows:

TITLE VI—YOUTH CAMP SAFETY

SEC. 601. This title shall be cited as the "Youth Camp Safety Act".

STATEMENT OF PURPOSE

SEC. 602. It is the purpose of this title to protect and safeguard the health and well-being of the youth of the Nation attending day camps, resident camps, and travel camps, by providing for the establishment of Federal standards for safe operation of youth camps, and to provide Federal assistance and leadership to the States in developing programs for implementing safety standards for youth camps, thereby providing assurance to parents and interested citizens that youth camps meet minimum safety standards.

DEFINITIONS

SEC. 603. As used in this title—

(a) The term "youth camp" means:

(1) any parcel or parcels of land having the general characteristics and features of a camp as the term is generally understood, used wholly or in part for recreational or educational purposes and accommodating for profit or under philanthropic or charitable auspices five or more children under eighteen years of age, living apart from their relatives, parents, or legal guardians for a period of, or portions of, five days or more, and includes a site that is operated as a day camp or as a resident camp; and

(2) any travel camp which for profit or under philanthropic or charitable auspices, sponsors or conducts group tours within the United States, or foreign group tours originating or terminating within the United States, for educational or recreational purposes, accommodating within the group five or more children under eighteen years of age living apart from their relatives, parents, or legal guardians for a period of five days or more.

(b) The term "person" means any individual, partnership, corporation, association, or other form of business enterprises.

(c) The term "safety standards" means criteria directed toward safe operation of youth camps, in such areas as—but not limited to—personnel qualifications for director and staff; ratio of staff to campers; sanitation and public health; personal health, first aid, and medical services; food handling, mass feeding, and cleanliness; water supply and waste disposal; water safety including use of lakes and rivers, swimming and boating equipment and practices; vehicle condition and operation; building and site design; equipment; and condition and density of use.

(d) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(e) The term "State" includes each of the several States and the District of Columbia.

GRANTS TO STATES FOR YOUTH CAMP SAFETY STANDARDS

SEC. 604. From sums appropriated pursuant to section 610 of this Act, but not to exceed $2,500,000 of such appropriation for any fiscal year, the Secretary is authorized to make grants to States which have State plans approved by him under section 606 to pay up to 50 per centum of the cost of developing and administering State programs for youth camp safety standards.

SEC. 605. In developing Federal standards for youth camps, the Secretary shall—

(a) undertake a study of existing State and local regulations and standards, and standards developed by private organizations, applicable to youth camp safety, including the enforcement of such State, local, and private regulations and standards;

(b) establish and publish youth camp safety standards within one year after enactment of the title, after consultation with State officials and with representatives of appropriate private and public organizations after opportunity for hearings and notification published in the Federal Register; and

(c) authorize and encourage camps certified by the States as complying with the published Federal youth camp standards to advertise their compliance with minimum safety standards.

STATE PLANS

SEC. 606. (a) Any State desiring to participate in the grant program under this title shall designate or create an appropriate State agency for the purpose of this section, and submit, through such State agency, a State plan which shall—

(1) set forth a program for State supervised annual inspection of, and certification of compliance with, minimum safety standards developed under the provisions of sections 605 and 609(a) of this title, at youth camps located in such State;

(2) provide assurances that the State will accept and apply such minimum youth camp safety standards as the Secretary shall by regulations prescribe;

(3) provide for the administration of such plan by such State agency;

(4) provide for an advisory committee, to advise the State agency on the general policy involved in inspection and certification procedures under the State plan, which committee shall include among its members representatives of other State agencies concerned with camping or programs related thereto and persons representative of professional or civil or other public or nonprofit private agencies, organizations, or groups concerned with organized camping;

(5) provide that such State agency will make such reports in such form and containing such information as the Secretary may reasonably require;

(6) provide assurance that the State will pay from non-Federal sources the remaining cost of such program; and

(7) provide such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting of funds received under this title.

(b) Any State desiring to enable youth camps in the State to advertise compliance with Federal youth camp standards, but which does not wish to participate in the grant programs under this title, shall designate or create an appropriate State agency for the purpose of this section, and submit, through such State agency a State plan which shall accomplish the steps specified in (a) (1) through (3) of this section, and which provides for availability of information so that the Secretary may be assured of compliance with the standards.

(c) The Secretary shall not finally disapprove any State plan submitted under this title or any modification thereof, without first affording such State agency reasonable notice and opportunity for a hearing.

DETERMINATION OF FEDERAL SHARE; PAYMENTS

SEC. 607. (a) The Secretary shall determine the amount of the Federal share of the cost of programs approved by him under section 606 based upon the funds appropriated therefor pursuant to section 610 for that fiscal year and upon the number of participating States; except that no State may receive a grant under this title for any fiscal year in excess of $50,000.

(b) Payments to a State under this title may be made in installments and in advance or by way of reimbursement with necessary adjustments on account of overpayments or underpayments.

OPERATION OF STATE PLANS; HEARINGS AND JUDICIAL REVIEW

SEC. 608. (a) Whenever the Secretary, after reasonable notice and opportunity for hearing to the State agency administering a State plan approved under this title, finds that—

(1) the State plan has been so changed that it no longer complies with the provisions of section 606, or

(2) in the administration of the plan there is a failure to comply substantially with any such provision,

the Secretary shall notify such State agency that no further payments will be made to the State under this title (or in his discretion, that further payments to the State will be limited to programs or portions of the State plan not affected by such failure), until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, no further payments may be made to such State under this title (or payment shall be limited to programs or portions of the State plan not affected by such failure).

(b) A State agency dissatisfied with a final action of the Secretary under section 606 or subsection (a) of this section may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary or any officer designated by him for that purpose. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part, temporarily or permanently, but, until the filing of the record, the Secretary may modify or set aside his order. The findings of the Secretary as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Secretary's action.

ADVISORY COUNCIL ON YOUTH CAMP SAFETY

SEC. 609. (a) The Secretary shall establish in the Department of Health, Education, and Welfare an Advisory Council on Youth Camp Safety to advise and consult on policy matters relating to youth camp safety, particularly the promulgation of youth camp safety standards. The Council shall consist of the Secretary, who shall be Chairman, and eighteen members appointed by him, without regard to the civil service laws, from persons who are specially qualified by experience and competence to render such service. Prior to making such appointments, the Secretary shall consult with appropriate associations representing organized camping.

(b) The Secretary may appoint such special advisory and technical experts and consultants as may be necessary in carrying out the functions of the Council.

(c) Members of the Advisory Council, while serving on business of the Advisory Council, shall receive compensation at a rate to be fixed by the Secretary, but not exceeding $100 per day, including traveltime; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5706 of title 5, United States Code, for persons in the Government service employed intermittently.

ADMINISTRATION

SEC. 610. (a) The Secretary shall prepare and submit to the President for transmittal to the Congress at least once in each fiscal year a comprehensive and detailed report on the administration of this title.

(b) The Secretary is authorized to request directly from any department or agency of the Federal Government information, suggestions, estimates, and statistics needed to carry out his functions under this title; and such department or agency is authorized to furnish such information, suggestions, estimates, and statistics directly to the Secretary.

(c) Nothing in this title or regulations issued hereunder shall authorize the Secretary, a State agency, or any official acting under this law to restrict, determine, or influence the curriculum, program, or ministry of any youth camp.

AUTHORIZATION

SEC. 611. There are authorized to be appropriated to carry out the provisions of this Act the sum of $3,000,000 for the fiscal year ending June 30, 1972, and for each of the five succeeding fiscal years.

Mr. RIBICOFF. Mr. President, by the time school starts again this fall, nearly 7½ million boys and girls will have spent part or all of their summer vacation at camp. For the vast majority of these youngsters, it will have been an experience they will long remember. For a few, however, it has meant injury or death—a nightmare neither child nor parent can ever forget.

The basic reason for these tragedies is the almost complete lack of safety standards for our Nation's 10,000 camps. Undoubtedly thousands of camps are safe and we would not hesitate sending our children or grandchildren to them. The problem is how to find the safe camps.

Most States provide little or no supervision to protect children from the kind of accidents that can cripple or kill. Based on the best information available, the leading cause of camp fatalities is drowning, which kills an estimated 40 youngsters each summer. Yet 40 States have no requirements for counselors who oversee water activities.

Twenty-four States require no license or set no standards for camps. Only 15 States have any camp safety legislation. Only 26 regulate sanitation and 46 have no laws concerning personnel.

This almost complete absence of State regulations has meant that private camping organizations have had to establish and police their own standards. The American Camping Association, the scouting organizations, the Association of Private Camps and church-orientated groups have all made a substantial contribution to better camping. These organizations are to be commended for taking the initiative where the Government has failed.

Too many camps across the Nation, however, do not belong to any of these organizations and do not follow their advice. Even if a camp does belong to one of the organizations, the organization can do little to enforce its standards.

The failure to establish adequate standards for many of our camps has had tragic consequences across the Nation. Ever since I became active in this field, I have heard enough horror stories to convince me that governmental protection for our youngsters is an absolute necessity.

Three years ago in California, four children were killed and 58 others injured when the flatbed truck they were riding on overturned on an expressway.

One warm day in July a few years ago a group of touring youngsters from an American camp paused on their way up an 11,000-foot mountain in Canada's snowcapped Rockies. At 8,600 feet their adult leader dropped out of the climb, but he gave the boys permission to scale the peak that is shunned even by skilled alpinists in warm weather.

Clad lightly, 11 of the 16 youths had struggled to 9,500 feet when sun-softened snow rumbled above them for an instant and then swept seven boys to their deaths 1,000 feet down the mountain.

Just last summer a schoolbus carrying day campers from Long Island overturned in western Pennsylvania killing seven and seriously injuring 51 others. The truck was driven by a man who did not even have a driver's license.

Accidents such as these get headlines in the press, but are soon forgotten. We are never told of the thousands of individual injuries, some fatal, which occur each summer. In fact, no one really knows how many youngsters are injured.

The only real camp safety survey took place 42 years ago when a group of distinguished youth leaders and camping enthusiasts met in New York City to discuss camping in general. It was the consensus of this group that the time had come to establish minimum standards for camp health and safety.

The group commissioned a nationwide camp safety study which remains today the only full study of the situation. The report concluded that 65 percent of all accidents at camp could have been prevented by better supervision or higher standards of camp maintenance and administration. Only a quarter of the accidents were attributable to the camper's negligence, and half of these could have been prevented with more adequate supervision.

A high percentage of the injuries covered by this report were due to faulty structures, dangerous pathways, and the very location of the camp itself. Despite this report, however, the call for action issued in 1929 has never been answered.

This deplorable situation was brought to my attention by Mitch Kurman, a constituent of mine from Westport, Conn. In 1965, Mr. Kurman chose an upstate New York camp which offered canoe trips for his 15-year-old son. Like every other parent, he simply assumed the camp was safe and that his boy would have a wonderful summer.

One night he received word that his son had drowned in a canoeing accident on a branch of the Penobscot River in Maine. On checking into what was first considered to be an unfortunate accident, he learned from other campers on the trip and from Ontario and Maine police that his son's young counselor had previously had a narrow escape on a river he had been warned against and that a forest ranger had specifically warned the same counselor not to challenge the Penobscot. The counselor ignored all these warnings and led his charges down a stretch of river which has been described as "wilder than the Niagara gorge" in canoes that lacked fast water safety equipment such as life presevers or ropes.

Since that time Mr. Kurman has become a crusader for greater camp safety. He has been a vigorous supporter of the amendment I introduce today as part of his unceasing efforts to insure that no more parents have to face the agony he experienced.

It has been 6 years since Mr. Kurman's son died. The question which must be asked is how many other youngsters have also perished in camping accidents in those 6 years and how many more will die before we take action.

We can no longer play Russian roulette with the health and safety of our children and grandchildren. The camping industry has done its utmost to police itself, but has found it to be an impossible task. The industry supports the amendment, concerned parents support the amendment, and I would hope that the U.S. Senate will support the amendment.

Under my proposal, the Secretary of Health, Education, and Welfare, in consultation with camping and safety experts, would establish camp safety standards after surveying existing safety standards published by State and private organizations and the effects of these standards.

The Federal Government will not itself certify camps. This will be done by the States.

After publication of the standards, each State will be encouraged to establish its own camp safety program.

If the State's plan meets Federal standards, the Secretary is authorized to pay up to 50 percent of the cost—but not exceeding $50,000 per fiscal year—of developing and administering the program.

A camp certified by the States as complying with the Federal standards will be authorized to advertise such compliance. This will allow parents to choose with certainty a safe camp for their children.

If, after appropriate notice and hearings, the Secretary disapproves a State's plan or withdraws his approval of a plan, the State has the right to appeal to the U.S. Court of Appeals.

The cost of this program will be minimal—especially when compared to the cost in unfulfilled lives which will otherwise result.

I hope that the Senate will accept this important amendment which was cosponsored as S. 922 by the distinguished chairman of the Labor and Public Welfare Committee (Mr. Williams) and the distinguished chairman of the Subcommittee on Education (Mr. Pell) and by Senators Bayh, Case, Inouye, Javits, McIntyre, Magnuson, Muskie, and Weicker.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, speaking as the manager of the bill, we have discussed this amendment with the Senator from Connecticut and also within the committee, and while it does not deal with the field of higher education, it would seem most acceptable to us. In fact, the chairman of our full committee Senator Williams, the ranking minority member Mr. Javits, and I are cosponsors of the bill. Accordingly, depending on the wishes of the ranking members of the minority, I would be inclined to accept the amendment.

Mr. JAVITS. Mr. President, I agree with the Senator from Rhode Island on the acceptance of the amendment. Although it is not precisely and exactly related to higher education, it does relate to the client population, if you will, and in view of the fact that it seems not to be arousing any opposition or objections in the Senate, I hope we may take it to conference.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. I yield back the remainder of my time.

Mr. RIBICOFF. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. Beall) All remaining time having been yielded back, the question is on agreeing to the amendment (No. 385) of the Senator from Connecticut.

The amendment was agreed to.

AMENDMENT NO. 384

Mr. DOMINICK. Mr. President, I call up my amendment No. 384, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

Amendment No. 384

TITLE VI—FOREIGN SERVICE SCHOLARSHIP PROGRAM

Sec. 601. (a) This title may be cited as the "United States Foreign Service Scholarship Program Act."

(b) The Higher Education Act of 1965 is amended (1) by redesignating title XII and sections 1201, 1202, 1204, and 1205, and all references thereto, as title XIII and sections 1301, 1302, 1303, and 1304, respectively, and (2) by inserting after title XI a new title as follows:

"TITLE XII—UNITED STATES FOREIGN SERVICE SCHOLARSHIP PROGRAM

"ESTABLISHMENT OF SCHOLARSHIP PROGRAM

"Sec. 1201. The Congress recognizes that the world and the universe are growing smaller in terms of time and space which necessitates now, and will demand in the future, constant informed contact, knowledge, and understanding among all the peoples of the world in diplomatic, cultural, and commercial exchanges. The success of these exchanges and the survival of the world may depend upon the ability, education, training, and intelligence of the men and women charged with responsibilities relating to the foreign affairs of the United States. To assure that there is adequate opportunity for the young men and women of the United States to enter this vast field with the best possible training of their natural abilities and to advance the professional education and training of the officers and employees of the Government currently engaged in the field of foreign affairs, there is hereby established, as provided in the succeeding provisions of this title, a United States Foreign Services Scholarship Program (hereinafter refered to as the 'Program'). The members of the Program shall be all students admitted to the Program under section 1205, and all officers and employees of the Government admitted to the Program under section 1207, who are enrolled in a program of education, training, or research, or a course of study, approved by the Board under section 1204.

"DEFINITIONS

"Sec. 1202. As used in this title—

"(a) 'Government' means the Government of the United States;

"(b) 'non-Federal institution of higher education' means an institution of higher education which is not owned or substantially controlled by the Government of the United States;

"(c) 'Board' means the Board of Trustees of the Program;

"(d) 'department or agency' means an executive department, a military department, an independent establishment, or a Government corporation as specified in chapter 1 of title 5, United States Code;

"(e) 'training month' means any month during which a member of the Program admitted under section 1205 is taking at least the minimum level of credit hours in a full-time course of study prescribed by the Board, or is taking field training as assigned by the Board; and

"(f) 'dependent', when used in relation to a dependent of a member of the Program admitted under section 1205, means an individual who qualifies as a dependent of such member under section 152 of the Internal Revenue Code of 1954, as amended.

"BOARD OF TRUSTEES

"Sec. 1203. (a) The management and supervision of the Program shall be vested in a Board of Trustees. The Board shall develop and support, as provided hereinafter, programs of education, training, and research in the field of foreign affairs, designed to prepare, or advance the qualifications of, members of the Program for service with the United States in positions or programs related to such field.

"(b) The Board shall consist of the Secretary of State, four persons experienced in higher education or training and education in foreign affairs, to be appointed by the President, two members of the United States Senate to be appointed by the Vice President, and two members of the House of Representatives to be appointed by the Speaker of the House of Representatives. Not more than one of the trustees appointed from the Senate nor one of the trustees appointed from the House of Representatives shall be of the same political party.

"(c)(1) The term of each member of the Board appointed from the Senate and the House of Representatives shall be two years.

"(2) The term of each member of the Board appointed by the President shall be four years; except that of the first four persons appointed by the President two shall be designated to serve for two years and two shall be designated to serve for four years.

"(3) Members of the Board shall be eligible for reappointment.

"(d) Vacancies created by death or resignation shall be filled in the same manner in which the original appointment was made, except that the person appointed to fill the vacancy shall be appointed only for the unexpired term of the trustee whom he shall succeed.

"(e) Members of the Board shall serve without pay, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of their duties.

"ESTABLISHMENT OF SCHOLARSHIP PROGRAMS

"Sec. 1204. (a) In order to carry out the purposes of this title, the Board is authorized and directed to make arrangements with qualified non-Federal institutions of higher education providing for the admission of qualified members of the Program to such institutions for their enrollment in programs operated by and at such institutions which are designed to—

"(1) enable qualified students who are admitted to the Program pursuant to section 1205 to pursue full-time courses of study relating to the field of foreign affairs and leading to the granting of an undergraduate or graduate degree;

"(2) enable qualified officers and employees of the Government having duties or responsibilities in the field of foreign affairs who are admitted to the Program pursuant to section 1207 to pursue, on a voluntary basis and on such terms and conditions as the Board may prescribe, professional education, training, and research activities relating to the field of foreign affairs, including selected subjects from a general curriculum, or to pursue full-time courses of study relating to the field of foreign affairs and leading to an undergraduate or graduate degree; and

"(3) enable selected members of the Program to engage in research activities approved by the Board relating to the field of foreign affairs.

In addition, such arrangements shall provide for a program of appropriate orientation and language training by and at such institutions for members of the families of persons admitted to the Program or of officers and employees of the Government who are not members of the Program, but have duties or responsibilities in the field of foreign affairs, in anticipation of, or on account of, the assignment of such members of the Program or officers or employees of the Government to a foreign country or area.

"(b) In carrying out its functions under subsection (a), the Board shall not enter into any arrangement with a non-Federal institution of higher education unless such arrangement provides that such institution will offer to members of the Program, as a part of its curriculum, courses of study or activities of education, training, or research in the field of foreign affairs approved by the Board as satisfactory of, in order to prepare, or advance the qualifications of, members of the Program for service with the United States in positions or programs related to the field of foreign affairs.

"(c) The Board shall, pursuant to guidelines established after consultation with departments and agencies of the Government concerned with future personnel needs in the field of foreign affairs, determine the number of persons who may receive instructions and training under the Program. Not more than three thousand five hundred students may be admitted under section 1205 as new members of the Program in any academic year for the purpose of pursuing courses of study leading to an undergraduate degree, and not more than fifteen hundred students may be admitted under section

1205 as new members of the Program in any academic year for the purpose of pursuing courses of study leading to a graduate degree.

"NOMINATION AND ADMISSION OF STUDENTS INTO PROGRAM

"SEC. 1205. (a) The Board shall provide for the holding of annual competitive undergraduate and graduate examinations to determine the admission of applicants into the Program from among students who are nominated pursuant to subsection (c). Such examinations shall test the intellectual capacities and training of the applicant and his aptitude for service in the field of foreign affairs. The Board shall develop such examinations in consultation with non-Federal institutions of higher education with which it has made arrangements under section 1204.

"(b) Applicants for the annual undergraduate examination held by the Board shall be citizens of the United States who are graduate of, or attending, a public secondary school in, or any private secondary school accredited by, a State, or a public or private secondary school in a foreign country which in the judgment of the Board provides an educational program for which it awards a certificate of graduation generally accepted as constituting the equivalent of that awarded by secondary schools accredited by a State. Applicants for the annual graduate examination held by the Board shall be citizens of the United States who are graduates of, or attending, an institution of higher education in the United States or of an institution of higher education in a foreign country which provides an educational program for which it awards a degree which in the judgment of the Board is generally accepted as constituting the equivalent of a bachelor's degree awarded by similar institutions in the United States. No applicant shall be eligible to take any such examination unless he has first been nominated pursuant to subsection (c).

"(c)(1) A total of eight thousand four hundred and twenty-four applicants shall be nominated each year to take the annual competitive examinations held by the Board as follows:

"(A) two hundred and twenty from the United States at large as follows:

"(i) one hundred nominated by the President,

"(ii) sixty-six nominated by the Vice President, and

"(iii) fifty-four nominated by the Secretary of State;

"(B) thirty from each State, fifteen nominated by each Senator from the State;

"(C) fifteen from each congressional district, nominated by the Representative from the district;

"(D) three from each State nominated by the Governor of the State;

"(E) seven from the Commonwealth of Puerto Rico, nominated by the Resident Commissioner from Puerto Rico;

"(F) ten from the District of Columbia, nominated by the Commissioner of the District of Columbia;

"(G) three from the Virgin Islands, nominated by the Governor of the Virgin Islands;

"(H) three from American Samoa, nominated by the Governor of American Samoa;

"(I) three from Guam, nominated by the Governor of Guam; and

"(J) three from the Canal Zone, nominated by the Governor of the Canal Zone.

"(2) No person may be nominated under clauses (B) through (I), inclusive, of paragraph (1) unless such person is domiciled in the State, or in the congressional district, from which such person is nominated, or in the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, or Guam if nominated from one of those places. To be eligible for nomination by the Governor of the Canal Zone, a person must be a resident of the Canal Zone, or a member of the family of a resident of the Canal Zone, or a member of the family of a civilian officer or employee of the United States or the Panama Canal Company residing in the Republic of Panama.

"(3) After the initial three years of operation of the Program, if the Board determines that the total number of applicants who will be qualified and admitted as new members in the Program prior to the beginning of any academic year under this section for the purpose of pursing courses of study during such academic year leading to undergraduate or graduate degrees, respectively, will be below the total number of applicants who may be so admitted to the Program in accordance with section 1204(c), the Board may nominate to take a competitive examination held prior to such academic year, and select for admission to the Program, in the order of merit established by such examination, such additional number of eligible applicants as the Board finds will be necessary to meet the needs of the Program in such academic year and will not exceed the limitations set forth in section 1204(c).

"(d) Applicants under this section shall be selected for membership in the Program in the order of merit established by the annual examinations held by the Board pursuant to this section, but no person shall be eligible for admission as a member of the Program unless he is a graduate of a public or private secondary school described in subsection (b) in the case of a student intending to pursue a course of study leading to an undergraduate degree or a graduate of an institution of higher education described in subsection (b) in the case of a student intending to pursue a course of study leading to a graduate degree.

"(e) Except as provided in this section, no competitive or other similar examination shall be required for admission of any person as a member of the Program under this section.

"COMPENSATION AND REPAYMENT OF EXPENSES AND SUBSISTENCE FOR STUDENT MEMBERS

"SEC. 1206. (a) Members of the Program who are admitted under section 1205 and are maintaining satisfactory progress in, and taking at least the minimum level of credit hours in, full-time courses of study as prescribed by the Board shall be compensated for tuition, texts, laboratory fees and associated course materials, and shall receive subsistence payments as provided in this section. No compensation or payments shall be made except in accordance with procedures established by the Board to assure their accuracy and appropriateness.

"(b) The subsistence payments which shall be payable under this section are as follows:

"(1) A single student member shall receive $200 subsistence pay per training month.

"(2) A married student member having a dependent spouse shall receive $250 subsistence pay per training month, and if they have a dependent child or children and additional allowance of $30 for each dependent child shall be paid per training month.

"(3) Where both a husband and wife member are students under the Program and are cohabiting, their joint subsistence pay shall be $300 per training month, and if they have a dependent child or children an additional allowance of $30 for each dependent child shall be paid per training month.

"(4) Where both a husband and a wife member are students under the Program and are legally separated they each shall receive the same subsistence pay per training month as would a single student, but if either spouse has a dependent child or children an additional allowance of $30 per training month shall be paid to the entitled spouse for each dependent child.

"(5) Student members shall be granted an additional allowance of $30 per training month for each dependent not a spouse or a child of such student member.

"ADMISSION OF GOVERNMENT OFFICERS AND EMPLOYEES INTO THE PROGRAM; EXPENSES AND COMPENSATION

"SEC. 1207. (a) The head of each Government department or agency is authorized (1) to select officers and employees of such department or agency who may volunteer to be admitted to the Program to pursue education, training, or research or a course of study within the Program, (2) to pay all or any part of the pay (except overtime, holiday, or night differential pay) of any such officer or employee so selected for the period of such education, training or research, or course of study, as a member of the Program, and (3) to pay or reimburse such officer or employee for all or part of the necessary expenses of such education, training, or research, or course of study, without regard to section 529 of title 31, United States Code, including the necessary costs of (A) the travel expenses of such officer or employee and the transportation expenses of his immediate family, (B) the expenses of packing, crating, transporting, and temporarily storing, draying, and unpacking his household goods and personal effects to the extent authorized by section 5724 of title 5, United States Code, (C) purchase or rental of books, materials, and supplies, and (D) all other services or facilities directly related to the education, training, or research, or course of study of such officer or employee within the Program. The head of each Government department or agency shall prescribe, with the approval of the Board, limitations concerning the number of officers and employees of such department or agency who may be selected for admission to the Program at the same time and the period of time which may be spent by such officers and employees in study, training, or research, or a course of study within the Program. The provisions of section 1206 shall not apply to any Government officers or employees admitted to the Program under this section.

"(b) Appropriations made available to any Government department or agency or the payment of salaries and expenses of officers and employees of such department or agency shall be available for making payments under this section to members of the Program selected from such department or agency.

"(c) During any period for which any Government officer or employee who is admitted to the Program under this section is separated from his usual duties of employment with any Government department or agency for the purpose of education, training, or research or a course of study within the Program, such officer or employee shall be considered to have performed service, as an officer or employee of such department or agency at the rate of compensation received immediately prior to commencing such education, training, or research or course of study (including any increase in compensation provided by law during the period of such activity) for the purposes of (1) retirement pensions including when applicable civil service retirement pensions as provided in subchapter III of chapter 83 of title 5, United States Code, (2) life insurance including when applicable Federal employees group life insurance as provided in chapter 87 of title 5, United States Code, and (3) health insurance including when applicable Federal employees group health insurance as provided in chapter 89 of title 5, United States Code.

"(d) Each Government officer or employee who is admitted to the Program under this section shall, on completion of the period of education, training, or research or a course of study within the Program, be entitled to continue service in his former position or a position of at least like seniority and status in the department or agency from which he was selected for such education, training, or research or course of study and shall be entitled to at least the rate of basic pay to which he would have been entitled had he continued in his usual service with such department or agency. On resumption of his usual duties with such department or agency, the department or agency shall restore such officer's or employee's sick leave account, by credit or charge, to its status at the time he commenced education, training, or research or a course of study within the Program.

"AGREEMENT TO ENTER INTO OR CONTINUE GOVERNMENT SERVICE AFTER COMPLETING THE SCHOLARSHIP PROGRAM

"SEC. 1208. The Board shall obtain from each person admitted to the Program, other than members of a family receiving orientation or language training under section 1204(a), such agreement as the Board may deem necessary to assure that such person will accept employment with the United States, unless already so employed, and will remain in the employ of the United States, wherever assigned by the employing department or agency, for such period after completion of their education, training, research, or course of study within the Program as is prescribed by (1) the Board in the case of students admitted to the Program under section 1205, or (2) the head of the employing department or agency in the case of Government officers and employees selected for admission to the Program from such department or agency under section 1207.

"ASSIGNMENT OF STUDENT MEMBERS FOR FIELD TRAINING AND GOVERNMENT SERVICE

"SEC. 1209. (a) During the course of study leading to an undergraduate or graduate degree, each student admitted to the Program under section 1205 may be assigned at the discretion of the Board for field training with any program of the Government relating to the field of foreign relations conducted by any department or agency of the Government. The period of field training assignment for a member of the Program under this subsection may not exceed two consecutive months in any calendar year during the first three years of undergraduate study, nor more than six consecutive months during the fourth year of undergraduate study or any academic year of graduate study.

"(b) Except as otherwise provided by any law of the United States or regulation prescribed by the Board, each student admitted to the Program under section 1205 shall, upon satisfactory completion of his course of study leading to an undergraduate or graduate degree, or within such period of time thereafter as the Board finds to be reasonable to prepare and submit any thesis or dissertation related to his course of study, be available for assignment in the discretion of and by the Board (1) for hiring or appointment by the United States in connection with any program of the Government relating to the field of foreign affairs conducted by any department or agency of the Government, or (2) if such member has completed a course of study leading to a graduate degree, for one year of specialized study in a particular foreign country or area in which he may later be assigned for Government service.

(c) Prior to making any assignments under this section, the Board shall consult with interested departments and agencies of the Government to determine the personnel requirements of their programs relating to the field of foreign affairs. To the extent practicable, members of the Program shall be assigned in accordance with their preferences for a particular Government program.

"ROTATION FOR SERVICE IN THE UNITED STATES

"SEC. 1210. All members of the Program who have satisfactorily completed their education, training, or research, or course of study within the Program and are employed by, or remain in the employment of, the United States under this title shall be assigned to Government duties within the United States for a minimum of one year during every five that they are employed in any Government program in the field of foreign affairs; except that the provisions of this subsection may be waived when the United States is at war as declared by Congress.

"STAFF OF BOARD

"SEC. 1211. (a) The Board may appoint and fix the compensation of a staff consisting of not more than five professional staff members and such clerical staff members as may be necessary. Such appointments shall be made and such compensation shall be fixed in accordance with the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(b) The Board may designate one member from the professional staff who shall serve as the chief staff officer of the Board and shall exercise, under the supervision and in accordance with the policies of the Board, such of the powers and duties granted to the Board as it deems appropriate.

"(c) The Board may procure such temporary and intermittent services as are authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals.

"ACQUISITION OF REAL OR PERSONAL PROPERTY BY BOARD

"SEC. 1212. The Board shall have the power to acquire and hold property, real or personal, and to receive and accept money or other property, real or personal, bequeathed, devised, or donated, and to use, sell, or otherwise dispose of such property for the purpose of carrying out this title.

"PROHIBITION AGAINST ESTABLISHMENT OF ACADEMY

"SEC. 1213. Nothing in this title shall be construed to authorize the Board to establish any educational institution, or to appoint or hire any person to serve on the faculty or staff of any educational institution.

"AUTHORIZATION

"SEC. 1214. There are hereby authorized to be appropriated to the Board to carry out the purposes of this title (other than section 1207), $15,000,000 for the fiscal year ending June 30, 1972; $30,000,000 for the fiscal year ending June 30, 1973; $45,000,000 for the fiscal year ending June 30, 1974; and $60,000,000 for the fiscal year ending June 30, 1975."

The PRESIDING OFFICER. Is this the Senator's 3-hour amendment?

Mr. DOMINICK. Yes, it is, and I want to say to my colleagues that I hope to be taking no more than 10 minutes of the total time, and perhaps not that much.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. DOMINICK. In just a moment. First of all, I ask that the amendment be modified with respect to the title, to make it title VII, in order not to overrule the Ribicoff amendment which has just been agreed to as title VI.

The PRESIDING OFFICER. The amendment will be so modified.

Mr. DOMINICK. I am happy to yield to the Senator from New York.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may have, to assist me on the floor, Mr. Charles Warren, for the remainder of the day. He is on all the bills I am involved in. I also ask unanimous consent to have present in the Chamber on this particular bill Roy H. Millenson of the committee staff.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, what was the Senator's request?

Mr. JAVITS. Not for rollcalls. Just the same people I had this morning.

Mr. BYRD of West Virginia. Not for rollcall calls? I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, this amendment is entitled the "U.S. Foreign Service Scholarship Program," and it represents bills which have been reported favorably out of the Committee on Labor and Public Welfare three times, but have not yet been acted on by the Senate as a whole.

During the course of hearings on the bill, it was endorsed by approximately 40 prominent educators and experts in the field of national affairs and foreign policy. The U.S. Foreign Service program, hereinafter referred to as the program, received such comments as:

Dr. Philip Mosley, associate dean, faculty of international affairs, Columbia University:

> It is excellent in both its broad purposes and its realistic provisions for execution of the program. Because of the strenuous efforts made since 1945 by universities and colleges, and by several foundations, the institutions of the country offer a wide range of intensive programs on international affairs generally and on the intensive study of most of the areas of the world. Your bill provides a flexible and efficient way of tapping these large resources of training and research. . . . It could make a tremendous difference in the awareness of our people about our responsibilities in world affairs and in the effectiveness of both the study and the conduct of our foreign policy in its very wide ramifications.

William Langer, professor of history, Harvard University, and former member of the Advisory Board of the Foreign Service Institute:

> I am well acquainted with the problems of training for service abroad. I have therefore read your bill with great interest. I think it is an excellent bill that will do much to strengthen our staffs abroad. I trust that it will soon be enacted into law.

Dr. Gerard J. Mangone, Woodrow Wilson International Center for Scholars, Washington, D.C.:

> Having trained young American men and women for the Peace Corps, having interviewed them in India, Tanzania, Afghanistan, Nigeria, and Peru, I would maintain that Congress had wisely approved Peace Corps legislation that enormously enriched the United States; not in narrow monetary or vocational terms, but in strengthening the imagination, logic, and compassion of tens of thousands of young people who now bear the responsibility for the future of the United States. Yet when I traveled around the world in 1961, the professionals in the American missions were appalled at the idea of hundreds of young people arriving in the developing countries to assist in teaching, health, agriculture, and marginal economic productivity tasks.
>
> Similarly fellowships for foreign service education will benefit the United States not only by preparation for a professional career, but by endowing tens of thousands of bright Americans with the liberal ideas that underlie this republic.

Dr. Mangone continues:

> Surely there can be no doubt of the need for public support in this area. The United States has already veered its national policy and educational system inward. Private support for foreign study and international relations has been dropping. And the high costs of college education cruelly discriminate against the poor. Eighty per cent of those children whose parents earn above $15,000 a year go to college; only 50 per cent of those children whose parents earn from $7,500 to $10,000 a year go to college; and at $4,000 the figure drops to 30 per cent. Education for foreign service is an excellent medium to enhance the selection of future leadership in a republic and to replenish the reservoir of liberally-educated persons in a democratic society. I respectfully urge favorable consideration of Senate bill 390.

Samson B. Knoll, dean of the faculty, the Monterey Institute of Foreign Studies, Monterey, Calif.:

> I shall like to speak not as one professionally engaged in training students for foreign service, but as a teacher and educator concerned with the welfare and the future of this nation. To me, one of the most vital aspects of the proposed bill is the provision that the program be supported in educational institutions throughout our country. This will prevent rigidity and formality which always threaten training for a specific purpose. Enabling the recipients of Foreign Service Scholarships to take their training at institutions of their choice (which, of course, must qualify), will ever bring fresh ideas and fresh approaches to the study, and thereby to the conduct of foreign affairs.

Peter F. Krogh, dean, Georgetown University, School of Foreign Service, Washington, D.C.:

> There is a great and urgent need for a scholarship program which would assist a representative and highly motivated group of United States citizens to gain a higher education in international relations. The need is great for the reasons set forth in the first section of the bill (1201) to which could be added the statement of Dr. Robert Hutchins that all problems are now world problems and what the world needs is citizens to solve them. The need is urgent because we are in danger, in this country at this time, of precipitously turning our backs on foreign affairs in favor of exclusive concentration on domestic problems. The provision of scholarship assistance to students of international relations could help to keep us looking outward. It could prevent the country from putting on international blinders at a time when it needs all the lateral vision it can command.

Essentially what my amendment would do is provide education and training of our most valuable international commodity—our international representatives—through undergraduate and graduate scholarships, and inservice training, education and research programs. It would complement the institutional grants of section 182 of S. 659 by providing qualified students to study at the federally supported international centers. More importantly, the amendment would represent a step toward and a national commitment to bettering our international knowledge and understanding.

The scope of our increasing involvement in international relations is best illustrated by U.S. Civil Service Commission figures of January 1971, which indicate that a total of 59,832 Federal civilian employees represented our Government overseas, 35,831 serving in foreign countries and 24,001 serving in U.S. territories. Additionally, recent information obtained from the major agencies indicate that approximately 6,000 Federal employees working stateside hold positions requiring continuous contact with foreign countries and foreign nationals. Thus, approximately 66,000 Federal employees hold positions demanding varying degrees of foreign affairs-related training.

My amendment would furnish qualified persons for replacement and expansion of this Federal diplomatic work pool by utilizing the existing facilities and expertise of U.S. educational institutions, public and private. There are presently 77 institutions located in 31 States, the District of Columbia, and Puerto Rico offering curriculums in international relations and 41 institutions in 21 States and the District of Columbia having Foreign Service and diplomacy curriculums. Once these institutions receive Board approval, they would be able to enroll eligible students under the undergraduate and graduate scholarships of the program.

If the resources of these institutions are properly tapped by the program, the Federal Government will be the recipient of educations and philosophies shaped by a variety of educational backgrounds from diverse sectors of American life which will expand our whole concept of foreign affairs education and practice.

The major strength of the Foreign Service scholarship program is that it is just that—a scholarship program. As such, it is not an academy program requiring large capital outlays for buildings, grounds, and equipment rather than availing the money for investment in students at existing institutions. In fiscal year 1967, the cost of commissioning an officer from a service academy varied from $40,200 at the Naval Academy to $50,993 at the Air Force Academy. During the same year, a scholarship program similar to S. 390, the ROTC program, graduated Regular officers at a cost of $6,000 per officer for the Air Force and $11,201 for the Navy. Additionally, academy training would provide excellent specialists in limited fields but would be unable to provide the breadth of curriculum necessary to train persons for our own divergent foreign affairs needs.

Equally important is the program's statement of national commitment to a program of bettering the Nation's foreign affairs personnel. The amendment would place international diplomacy on an educational scale of importance equal to that of training doctors, teachers, military officers, and football players. This recognition is particularly important because governmental positions in foreign affairs have traditionally required a level of education or training comparable to at least that of a college graduate. In the past, there has been no federally supported undergraduate scholarship programs for foreign affairs students. This has severely limited Government recruitment in this area, because today many of the Nation's most able young people begin to acquire a sense of direction and purpose and commitment toward lifetime careers while they are still in high school. Most professional and vocational fields are competing for these students through undergraduate scholarship programs leading to careers in those fields. But the young man or woman at this 18- to 20-year-age level, who aspires for a career in foreign affairs, has never heretofore been able to see any educational programs which would lead in this direction, or any forms of scholarship assistance, indicating that the Nation attaches a high priority to careers of this kind. The Government should not be limited to competing for a graduate-level talent pool depleted by those students who committed themselves earlier in their educational process.

The Foreign Service scholarships would also provide access to those talented, economically disadvantaged, high school students who, in the past, have never had the opportunity to either enter or complete college.

The net effect of the student scholarship programs of the amendment is to make a foreign affairs career in some governmental department or agency a reality to not just a selected few, but to all qualified students. The beneficiary of such an expanded talent pool will be the United States and those countries that deal with her.

In addition to being favorably reported out of the Committee on Labor and Public Welfare on three occasions, the predecessor of this amendment, S. 390, was unfavorably reported out of the Committee on Foreign Relations on June 24, 1971. The primary reason for the committee's unfavorable report was the State Department's strong opposition to the bill. The State Department opposed the bill, despite great enthusiasm for the program by two of the State Department's eminent former directors of the Foreign Service Institute.

Last January, Ambassador Parker Hart, president of the Middle East Institute, testified that—

> I support the bill, particularly because the Foreign Service does not have, at the present time, a real constituency in the United States.

Ambassador Hart submitted a general statement of support for the hearing record of June 18, 1971, also. Ambassador George Allen, prior to his untimely death, testified on behalf of the 91st session bill, S. 939, and was an active supporter of it. He was particularly attracted to the wide participation of American colleges and universities available under the bill and thought that it offered a viable remedy to the defect that "the Foreign Service is already rather inclined to be cliquish." Also, Ambassador Allen thought that a 4-year academic testing period offered a better procedure of Foreign Service officer selection than through a 1-hour examination.

The State Department's opposition to the program is somewhat suspect in view of what Deputy Director General of the Foreign Service, Howard Mace, told the Education Subcommittee last January. Mr. Hace testified that—

> First of all, we don't believe that it is necessary to have an additional authority to obtain qualified younger officers for the Foreign Affairs community in that we find that

> there are ample applicants among the university graduates, including graduate students, to compete for the present competitive examinations for appointment.

This is particularly confusing in view of the State Department's traditionally defective recruitment of minorities. As of November 1967, only 19 Negroes, 16 Spanish Americans, nine orientals, and no American Indians were in the Foreign Service Officer Corps of 3,453 officers.

The State Department Task Force report completed last year, "Diplomacy for the 70's: A Program of Management Reform for the Department of State," found that—

> Conventional recuritment methods are not successful in attracting minorities to the Foreign Service. For example, college recruiters were sent to 19 predominantly black colleges in the fall of 1969 to encourage black students to take the FSO written examination. Only 13 students from these schools took the written examination. Six passed.
>
> Highly capable minority candidates are difficult to recruit because few have had any exposure to the Foreign Service as a career possibility and because the best of such candidates receive job offers from other employers who have aggressive minority programs and who offer better salaries and at least comparable responsibility. Also, other able minority candidates who for cultural or educational reasons are unable to pass the written or oral examinations must be identified, encouraged, trained and their skills developed.

To improve minority recruitment practices, the task force recommends, among other things:

> For those minority candidates who exhibit high potential but who might need a training program to make them competitive with other candidates, a combined work and study program be instituted. It would emphasize improving communications skills, and include courses in international affairs, American history, government and culture, all aimed at correcting gaps in the candidate's academic preparation.

Perhaps sufficient qualified applicants are available for State Department positions, but quite obviously there are not enough qualified applicants representative of our whole varied society to compete for the positions. It is incomprehensible to me how the State Department can oppose a bill which would provide exactly the academic preparation for qualified, representative applicants that the task force recommends.

I singled out the State Department only because of what I considered to be unwarranted criticism of the program. I am certain that the same need for educationally qualified, representative applicants exists in all other agencies also. My amendment is directed toward training and educating all present and potential foreign affairs-related Federal personnel and not just those 3,400 active Foreign Service officers, or just those 9,946 State Department employees involved in international relations.

The mechanics of the program are quite simple. Management and supervision of the program would be vested in a nine-member Board of Trustees composed of the Secretary of State, four persons with education and foreign relations backgrounds appointed by the President, and two members each from the Senate and the House. The Board would make arrangements with qualified non-Federal institutions of higher learning to provide for the admission of qualified members of the program to such institutions to pursue approved courses of study or research activities in the field of foreign affairs. The undergraduate and graduate scholarship programs would provide compensation for tuition, texts, laboratory fees, and subsistence payments for qualified students pursuing full-time courses of study relating to foreign affairs and leading to a degree at a Board-approved institution. Students would be selected for admission to the program through an annual nomination and competitive examination process. As many as 3,500 undergraduate and 1,500 graduate students could be admitted to the program each academic year from 8,424 applicants nominated. The maximum admission figures of 3,500 undergraduate students and 1,500 graduate students per year represent absolute ceilings. I would anticipate a smaller actual admission rate determined by personnel needs reflected by Board-set guidelines under section 1204(c) authority.

The nomination formula provides for 8,424 nominees to be chosen, most geographically, by various governmental officials. Some nominees would be selected from the United States at large. Others would be nominated by the Governors of each State, the Virgin Islands, Guam, American Samoa, the Canal Zone, and by the Commissioners of the District of Columbia and Puerto Rico. The greater number of nominations would come from each State where each Senator and Representative would nominate 15 students.

Once nominated, applicants would be selected for membership in the program in the order of merit established by the competitive examination. Once admitted, the students would be required to maintain satisfactory progress in at least a minimum level of full-time credit courses.

Government officers and employees having duties or responsibilities in the field of foreign affairs and selected by their department or agency heads would be admitted to approved institutions on a part-time basis to pursue education, training, and research activities relating to the field of foreign affairs, or to pursue a full-time course of study leading to an undergraduate or graduate degree. The Government department or agency enrolling officers and employees in the program would be authorized to continue paying such officers and employees their regular salaries as well as reimbursing them for necessary education, transportation, packing, storing, and other expenses incurred.

Each person admitted to the program would be required to make such agreement as the Board deemed necessary to insure that after completion of education, training or research within the program, such person would accept Federal employment or remain in Federal employment for a period of time as determined by the Board, in the case of the students, and the head of the employing department or agency in the case of Government officers and employees.

I believe that I should clarify a misconception, Mr. President, which might arise concerning the application of the program. The inservice training, education, and research programs contained in section 1207 are not intended to nor should they conflict with or supersede present inservice training provided by the Foreign Service Institute. State Department charts of Foreign Service enrollments for fiscal year 1970 substantiate what has been the traditional function of FSI, that of training State Department personnel—59.2 percent of total enrollment—and providing concentrated language courses—3,581 of the 6,023 non-State Department students took a language studies course. It is also interesting to note that 5,641 of the 14,748 FSI enrollments in fiscal year 1970 were for overseas classes. The chief function of section 1207 is not to provide either a concentrated language course or to train State Department personnel generally and Foreign Service officers specifically; rather, it is to utilize the diverse facilities available at our potentially eligible 118 institutions for the benefit of all 66,000 foreign affairs-related Federal civilian employees.

Mr. President, it is time that the United States adopt a national commitment to wage international understanding and cooperation rather than war. My amendment would effectively meld our greatest resources—our students, our educators and our educational institutions—toward this end. I urge its adoption.

Mr. PELL. I yield 5 minutes to the Senator from Kentucky.

Mr. COOPER. Mr. President, I may say that I am reasonably familiar with this matter. I know that the Senator from Colorado has been interested in it for a long time.

The bill was referred to the Committee on Foreign Relations after its consideration by the Committee on Labor and Public Welfare.

The chairman of the Foreign Relation Committee is not in the Chamber at this time, and other than the Senator from New York and the Senator from Rhode Island, I do not see any members of the Committee on Foreign Relations, so I would like to report what was done in the committee.

I realize that the Senator from Colorado is trying, among other things, to secure larger educational opportunities in the field of foreign affairs. He has suggested there is a kind of elite from which Foreign Service officers are selected. His purpose must be to try to spread scholarships across the country, to many schools, and to give opportunity to a larger number of persons, and perhaps from a broader base in our society.

I would point out that the committee, with the exception, I believe, of three members, recommended that the bill, now in the form of an amendment not be approved in its present form. The amendment provides that more than 8,000 students would be nominated each year to attend schools for study in the field of foreign relations, and that all expenses and subsistence shall be paid. In addition to tuition, and other fees, as I recall, a subsistence allotment of $200 a month for a single student, and if married and there are children, additional subsistence sums would be provided. It would be a very expensive program to begin, for 8,000 students each year.

I might say there are not enough positions in the State Department. Foreign Service officers have been retired at the age of 45, and as I understand, and they cannot secure their retirement benefits until they are 60. So it is a problem now. The field is overcrowded.

I realize that the training that many would secure may be valuable in other fields—in the fields of teaching and business. It has some advantage in that respect.

But, because of the opposition in our committee and because there is such a small number here to consider the proposal of establishing 8,000 scholarships in the field of foreign relations, I oppose the amendment in its present form.

I do want to let the Senate know that we are voting for 8,000 scholarships a year when, at least in the Government, only a few positions would be available. This program calls for $30 million, $40 million, and $50 million a year. It deserves fuller consideration. I shall have to vote against it.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, I am very familiar with this bill, being both a member of the Committee on Foreign Relations and of the Committee on Labor and Public Welfare. Hearings were held in the Committee on Labor and Public Welfare, and the Senator from Colorado made a very good case for his bill. He brought in many knowledgeable and prestigious witnesses. We in the committee respected his sincerety and interest in this matter, and the bill was reported with no adverse votes. Then we sent it to the Committee on Foreign Relations, with a time certain for reporting.

As the manager of the bill and as chairman of the subcommittee that reported Senator DOMINICK's bill favorably before, I would be inclined to recommend to my colleagues that we accept the amendment of the Senator from Colorado.

Mr. JAVITS. Mr. President, as is the Senator from Rhode Island, I am a member of the Committee on Foreign Relations; and I have listened with great sympathy—as I always do—to the views of the Senator from Kentucky (Mr. COOPER).

It is a fact that there is very deep disquiet about this program and this plan on the ground that it may be some recreation of a measure which was here and was the great favorite of and represented a great deal of attention by the Senator from South Dakota (Mr. MUNDT). Hence, the feelings on both sides sort of carried over to Senator DOMINICK's program.

But, Mr. President, I believe that now having cast this program in terms of scholarships in existing institutions, so that, unlike the so-called Freedom Academy, we no longer have the concern about some institutional ideological character to the program, for myself, I believe that Senator DOMINICK has surmounted the most potent argument of the opposition to the Freedom Academy.

I should also like to point out that, as is the case with other members of the Appropriations Committee—when I was a member of it—I have gone through a terrible trial in trying to get appropriations for the international education program of the United States, which for years has gone unfunded, as the International Education Act of 1966. Every once in a whole we try to take a poke at it with a small amount of money, but we really have not done anything about it. With the United States' role in the world what it is, I believe we have to be more creative than we are now about the few institutions, such as the Woodrow Wilson School and others at the various universities, which deal with this problem.

More in the nature of presenting the problem to us—House and Senate—so that we may creatively act on it, because I think Senator DOMINICK has presented to us a concrete proposal in an area in which action is needed, I would join Senator PELL in his willingness to take this title to conference.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. BROOKE. This is certainly an excellent proposal by the distinguished Senator from Colorado. I do not have the amendment before me, but I do have his summary of the amendment.

As I understand it, under this program scholarship money would be available, as well as subsistence and book money, for a full-time course of study leading to an undergraduate or graduate degree.

Mr. DOMINICK. The Senator is correct.

Mr. BROOKE. Is it the intention of the Senator from Colorado that, after obtaining a graduate or undergraduate degree, the student would have to come back and work in the Foreign Service?

Mr. DOMINICK. Yes. In view of the money that would have been advanced by the Government, he would be making at least a moral commitment to come ahead and take a job if one is available. Obviously, if there are no provisions such as this, he could go into what other field he wanted. The board would determine, in each year, how many scholarships they would give out.

Mr. BROOKE. This differs from, say, a medical scholarship, where the medical student, after graduation, would have to spend x number of years in the military service. In this case, a pool of Foreign Service people would be created; and they may or may not, depending upon the availability of jobs, come into the Foreign Service even after they have received education totally at the expense of the Federal Government.

Mr. DOMINICK. That would be correct, except that the option is the Government's, not the individual's. In other words, if there are provisions to call them in and say, "You have this obligation—"

Mr. BROOKE. There would be a moral obligation, then, to accept if the job were offered. But if, after a student received his academic degree, he decided he did not want to stay in the field of foreign service but might want to go on into law school and practice law, he would then have received training by the Federal Government and yet have no legal obligation to come into the Foreign Service.

Mr. DOMINICK. I would say to my very good friend that he has raised a very good point. The difficulty in answering his question is that I do not think we can force anyone to take on any kind of job. Under the law of contracts, as the Senator knows better than I do, there is no contractual business arrangement by which we can force a person to perform, or even to get damages from them in the event they do not. That is why I refer to the moral obligation. They do have to serve if there are jobs available, but the question is, If they do not, what can we do about it? That is what I was saying, in the process of my colloquy with the Senator, of its being a moral obligation as opposed to a legal obligation. We can throw them into the draft or do something like that, but they do not get draft deferments at this point, under the present selective service, or the proposed one, if that passes. We could decide to have them perform an alternate service, but does that accomplish what we are trying to do? What we are trying to say is that the money we have spent on them shall be worth while. I would say it probably will be worth while, regardless of whether they go into the service or not, because we are talking about fields in agriculture, commerce, Federal aviation, and all the branches of Government that move in this field, not just international relations.

Mr. BROOKE. I thank the Senator. I said initially that I thought it was an excellent proposal. I know that we need persons with special training in the Foreign Service. I hope that the colloquy in which we are engaging will serve the purpose of indicating clearly that this legislation is designed to produce actual benefits to the Federal Government in the form of a foreign service commitment. I am concerned, with the question of why we should train students to go into the foreign service field when we are not training students to go into other fields needed in the Nation as well, which are comparable to Foreign Service.

We talked, for example, about draft deferments for lawyers who, after they had been given the deferment to study law would commit themselves to practice, say, in a rural or an urban poverty area. Of course, there would be some clout there because if they did not, they would be drafted. But if they did, they would serve in those areas where the Nation needs good legal advice and counsel.

Mr. DOMINICK. As the Senator remembers, we did not pass the amendment, either.

Mr. BROOKE. I know that we did not

pass the amendment, but what I am saying is, it seems to me there may be some merit to the Federal Government's training students in a particular field that would benefit the Government equally as well as in the field of foreign affairs and offering special incentives for their participation.

I would hope that the legislative history, at least, will show the Senator's intent, that after the Federal Government has spent all this money, for full scholarships, books, and subsistence, there should be some benefit accruing to this country in return.

And also, if we are going to make such a program available in foreign affairs, we should consider the benefits to be derived by the Federal Government of doing this in other fields as well. I am certainly not opposed to the education of everyone who wants an education. That is a commendable goal. This is also a commendable goal in the field of foreign affairs. But I hope that we can write this legislation so as to be sure that the Federal Government will derive the maximum benefits from the money it will spend. The idea of a pool from which offices can be drawn in good. It is good to have a pool available. But the Senator and I both know that there are only so many jobs—6,500 jobs, is it?

Mr. DOMINICK. A little more than that.

Mr. BROOKE. More than that.

Mr. DOMINICK. It is in that neighborhood.

Mr. BROOKE. It is in that neighborhood of jobs available.

Mr. DOMINICK. On the present turnover.

Mr. BROOKE. I beg the Senator's pardon?

Mr. DOMINICK. On the present turnover in that field.

Mr. BROOKE. Yes.

Mr. DOMINICK. I share the sentiments expressed by the very distinguished Senator from Massachusets. It certainly is the intent that wherever there is a job available, they will go ahead and serve in that capacity; but basically, what I am trying to do is to give the international field, where the United States is the leader of the world and has contacts with all kinds of nations all the time in a variety of ways—agriculture, technical assistance, education, administration—many other fields—to be able to give these people an education that will put them on a scale of importance equal in many ways at least to that of doctors, teachers, military officers—even football players—they do not get a Federal subsidy, of course, but they do from universities—that is all worth it.

One of the things that intrigued me with it is that in the State Department and this alone—I am just talking about that—as of November 1967, which is the last date they had, only 19 Negroes, 16 Spanish-Americans, nine Orientals, and no American Indians were in the Foreign Service Officer Corps of 3,453 officers.

I think we can vastly improve on that by the nomination procedure which is in the bill and by giving the disadvantaged and the handicapped further opportunities in this field.

Mr. BROOKE. I am very glad the Senator has cleared this up. The legislative history may be helpful.

Let me say that I remember the days of the sputnik, when the Federal Government was encouraging the best brains in the country and in the high schools particularly, to go to college and pursue engineering and scientific careers. Many of them did. We have many of them in my State of Massachusetts along what is called Route 128 in the field of electronics. But now the Federal Government has changed its policy and has cut back on space. I am very grateful for that because we need to rearrange the priorities of the Nation.

But we have an abundance, a surplus of engineers and scientists who have been trained, at Government insistence, to go into a field and a policy which we were pursuing at that time. And many of them are without jobs.

Now if we train x number of thousands of persons for the Foreign Service, I want to be sure that we have enough jobs for them, or at least that they will be able to do some work and earn a living, and not have foreign experts going around the country with no jobs in which they can utilize their training.

Mr. DOMINICK. The Senator from Massachusetts has made a great point.

I want to make two observations on the scientists and engineers the Senator was talking about. In my opinion, these scientists and enginers will be totally involved in trying to solve our environmental problems, and they will be doing it shortly.

Mr. BROOKE. Can the Senator give me a timetable on that?

Mr. DOMINICK. I think they could start within the year and do these things, because we need it, heaven knows, and we had better get active on them quickly.

The other point I should like to comment on is that the board of trustees of this particular program will, as I say, have the right to determine how many scholarships will be given in any year, so that it is not a fixed amount. By virtue of this, they will be able to govern the outflow from the 4-year and the 2-year, whichever it may be, on the programs involved, to fit what available openings they can in the foreign service itself. So I think that will be helpful.

Mr. BROOKE. I thank the Senator and I am pleased to support his amendment.

Mr. DOMINICK. I thank the Senator from Massachusetts.

Mr. President, if there are no more questions, I am ready to yield back the remainder of my time.

Mr. PELL. Mr. President, I yield to the distinguished Senator from Arkansas as much time as he desires.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

FOREIGN SERVICE SCHOLARSHIP PROGRAM

Mr. FULBRIGHT. Mr. President, on June 23, the Committee on Foreign Relations voted 10 to 2 against the proposal to establish a Foreign Service scholarship program.

This is the latest in a series of proposals made since World War II to do something about recruitment and training of Government employees to serve overseas. Each time that the Foreign Relations Committee has looked into such proposals in depth it has come to the same conclusion; namely, that a regimented approach to such a service is not in the interests of the U.S. Government. It has come to the same conclusion with regard to S. 390, which is the substance of the pending amendment, and which was reported adversely by the committee on June 24.

The committee's hearings and report are available to Members and I will only summarize the principal objections.

First of all, the bill is quite unnecessary. There is no dearth of qualified applicants for the positions that are involved here. Indeed, there would appear to be a glut. The Civil Service Commission has on its register over 50,000 eligible applicants who have passed the Federal services entrance examination. However, the Department of State reports that it had over 9,700 person applying to take the Foreign Service and Foreign Information Service examinations last December, when the number of appointments that could be made were in the neighborhood of 100 to 200.

With respect to those provisions of the amendment that relate to training of persons already in Federal employ, both the Civil Service and State Department report that sufficient authorities already exist to do what the amendment proposes to do.

In the second place, the program is undesirable in several respects. It would minimize the open competition existing for Government employment by giving scholarship recipients a competitive advantage. This would bring in an element of preferment that is bad public policy. The fact that it will tend to create an elite group of applicants brings me to a more fundamental criticism. To the extent that there is anything wrong with the Foreign Service, it is that it is too ingrown, too much of a closed society. This amendment would tend to make it only more so. The scholars would follow a curriculum of "study or activities of education, training, or research in the field of foreign affairs approved by the Board of Trustees." The uniformity of educational backgrounds that might result is not desirable, and will have an adverse effect on the Government.

Third, the program is uneconomical. It is estimated to cost $60,000,000 a year by fiscal year 1975. And the Department of State points out:

> It seems probable to us that students interested in foreign affairs as a career who are now going to college would be the ones to seek nomination for the proposed scholarships. . . . Certainly to the extent that this is true, there would be no enlargement of the pool from which candidates for foreign affairs positions are selected. There would merely be a transfer from the private sector to the public sector of the expense for educating future candidates.

In other words, the Government would probably be paying the bills for students who would otherwise finance their own education in foreign affairs.

Fourth, this program is untimely. There are many more urgent needs now and in the foreseeable future that could warrant an expenditure of $60,000,000 a year. This is just not the time to embark on a costly new program to meet an unproven need. Indeed, it could be regarded as a subsidy to selected institutions of higher learning and it does not surprise me that the academic community has shown a certain degree of support for this proposal. As one of their witnesses stated: "Universities need financial support." I am not going to argue about the merits of that proposition except to say that we should not be given such support under the guise of a foreign service scholarship program.

Lastly, the provisions of the amendment relating to the board of trustees and to the nominating procedure are unrealistic and cumbersome, while other provisions such as those relating to agreement to accept Government employment are too vague and nonspecific. Too much is left to be spelled out in reguations to be made by a high ranking board, including the Secretary of State, Senators, and Congressmen, who would have time to give the program no more than their fleeting attention. I might add also, that the Civil Service Commission uses the terms "technical defective," "inappropriate," and "objectionable" in connection with specific provisions of the amendment. In fact, it should be noted that not only have the State Department and Civil Service Commission opposed enactment of this proposal, but the Department of Health, Education, and Welfare, the Bureau of the Budget, the Department of Labor, and the Agency for International Development are also similarly on record.

On behalf of the Committee on Foreign Relation, therefore, I call on the Senate to reject this proposal on the grounds that it is unnecessary, undesirable, uneconomic, and untimely.

Mr. President, I deeply regret that in the last moments of this first session a bill of this consequence is brought before the Senate, a proposal that has been considered, as I have said, at length on various other occasions.

I think there is much criticism, of course, to be made of our foreign policy. However, that is not due to the fact that our Foreign Service members have not had ample educational opportunities.

It would appear to me, not only in this proposal, but also in its predecessors which have been opposed before, that there is an effort to try to get people in the Foreign Service who conform to preconceived ideas of what our policies ought to be.

I think one lesson that one can draw tentatively from the Pentagon papers is that the decisions of the military establishment—many of which are not made by the Foreign Service offices, in fact, very little of it is by Foreign Service offices—are much too ingrown and too conformist; in fact, there is almost no dissent discernible in reading these papers among the members of the executive branch who are charged with the responsibility for decisionmaking.

To impose upon that situation now Foreign Service officers who have been carefully screened by the same people so that they could eliminate insofor as possible any news ideas would, it seems to me, be counterproductive. It would certainly be counterproductive to the interests of the United States.

It is very significant that both the State Department and the Civil Service Commission are so positive in their views about the lack of any necessity for scholarships of this kind.

When this kind of proposal was first proposed, it was called a Freedom Academy, back about 10 or 15 years ago. It was then proposed to set up a special academy comparable to the Military Academies at Annapolis and West Point. I submit there is nothing in common with the objectives of the Academies at West Point and Annapolis and the proposed Foreign Service scholarships.

By and large the Foreign Service has performed extremely well; they have performed very well. They have not, as I have said, made decisions which have involved this country in disastrous wars. Those wars are not a result of Foreign Service decisions. However, in the carrying out of our policies I think that on the whole we have had some very fine people.

Some most interesting and provocative things I have read in recent months were in some of the reports of our Foreign Service officers which went unnoticed and unheeded by the executive branch in Washington.

The Foreign Service officers rendered some reports that, had they been taken seriously and evaluated properly, could well have led to a different policy on the part of our country.

That is attributable to the fact, I think, that many of the Foreign Service officers have not been put through a program such as is envisioned here in which they are selected and screened by a board, which I assume would have the responsibility to see that they are in agreement with whatever preconceived ideas the Government at the time might have. I think that would inevitably be the result of this.

I do not think the Senate, if it should vote on this, understands clearly the implications of it. I am afraid Members will come in at the last moment without the knowledge that the principal agencies of Government with responsibility for the personnel in our Foreign Service have opposed very vigorously creation of this program at this time.

I would hope that this would not be pushed and that it could go over so that there would be an opportunity for the Senate as a whole to become acquainted with the facts as reported in the report of the Committee on Foreign Relations on June 24.

I would like to ask the manager of the bill if this same provision was voted on and what the vote was in the Committee on Education and Labor.

Mr. PELL. My recollection was that it was reported without objection of the subcommittee and also without objection in the full committee.

Mr. FULBRIGHT. Was it submitted for a record vote or was it done just on a voice vote?

Mr. PELL. In both cases it was a voice vote.

Mr. FULBRIGHT. Was a quorum of the committee present at the time the vote was taken?

Mr. PELL. The committee seeks to be punctilious in these matters and I am sure there was a quorum.

Mr. FULBRIGHT. Mr. President, in a matter of this consequence, it is most unusual, at least in most committees of which I have been a member, that the committee did not take a record vote on a matter of this consequence. This indicates to me again that the committee did not take this proposal very seriously. It reported a program that would amount to substantially more money than the existing exchange program, which is funded in the current year at about $40 million and which has been subjected to enormous examinations by the Committee on Appropriations and by the legislative committees. This program has had over 100,000 direct participants and about 50,000 who have had short-term grants under that program. It has been a very substantial program. From those Americans who participated in that program with actual experience abroad have come many applicants to the foreign service in the various branches.

It is inconceivable to me that we could be so casual about a program like this foreign service scholarship program that comes from the committee without a record vote.

In the Committee on Foreign Relations we had a record vote. And the vote was 10 against this measure and two for it. This has been about the proportion whenever these matters have come up over the past several years.

I think it is most unfortunate that this proposal has been brought up here in the last hours before the summer recess when it is impossible to gain the attention of any more than a handful of Senators, Senators are going to be forced to vote on a measure about which they know practically nothing. I see no need whatever under these circumstances of proceeding to vote upon it. I had hoped and I hope that it will not be brought up under these circumstances.

The Department of Defense has more people overseas than any other branch. It is inconceivable to me that the Department of Defense needs any money for training of its people.

I wish to read just a part of the report with regard to the executive branch position because I know very few people will have the opportunity to read it:

EXECUTIVE BRANCH POSITION

Both the United States Civil Service Commission and the Department of State are opposed to the enactment of S. 390. In summary, the Civil Service Commission feels that the training provisions of the bill with respect to Federal employees are unnecessary and objectionable. Moreover, the Commission believes that there presently exists a surplus of well-qualified candidates seeking appointment to the Foreign Service. According to the Commission, "it would be a disservice to the thousands of young people planning for the best use of their years available for education to encourage them to devote themselves to preparing for careers that cannot be made available to them."

Lastly, the Commission feels that the provisions of the bill granting the Board of Trustees "a vague kind of assignment authority" to place students and graduates in Government agencies is "inappropriate and objectionable." In the words of the Commission, it believes these provisions conflict with the proper appointment authority of each agency head.

The Department of State feels there is no need for a Government program along the lines contemplated by S. 390. According to the Department, sufficient authority already exists for training Government employees and their families assigned overseas (title VII of the Foreign Service Act of 1946, as amended). In addition, the Department points out that there is an ample number of students interested in foreign affairs as a career and it is unnecessary to provide special Government incentives to attract candidates. The State Department also points out that the Department of Defense, which is the largest employer of American citizens abroad, "reports no difficulty in recruiting qualified persons for their overseas positions * * *." The Department's letter also states that the Civil Service Commission has over 50,000 eligible applicants on its register.

The Department of State also states:

> We are concerned with the provision of the bill which limits participation in the program to educational institutions that offer, as part of their curriculum, "courses of study or activities of education, training, or research in the field of foreign affairs *approved by the Board* . . ." [Italic supplied.] This could lead to undesirable uniformity and standardization of "foreign affairs" courses offered by educational institutions throughout the country.

Mr. President, that is a most insidious aspect of this program.

Mr. DOMINICK. Mr. President, will the Senator yield at that point?

Mr. FULBRIGHT. I yield to the Senator.

Mr. DOMINICK. With reference to the language the Senator just read, and the phrase "approved by the board," that objection has been met, and this was never intended to begin with.

Mr. FULBRIGHT. How is money going to be distributed unless it is approved by someone? Who, instead of the board, is going to approve who will receive the grants?

Mr. DOMINICK. The Senator was talking about the curriculum. The institution will decide what the courses will be.

Mr. FULBRIGHT. This board would approve only those institutions they think adequate and proper in accordance with what their views would be.

Mr. DOMINICK. The objection entered by the State Department and reported in the Senator's committee is that "courses of study or activities of education, training, or research in the field of foreign affairs"—and then there is the phrase "approved by the board"—we took that out so that it would not lead to this so-called uniformity, which was not intended in the first place.

I think the statement of the State Department leads the Senator to a conclusion which was not intended and which we cleared up.

Mr. FULBRIGHT. As I said, this is not a new proposal that has been dressed up. It is not unlike what happened in many of our institutions. We have given Mr. Foster and the Defense Department, under its research and development program, vast sums of money, millions of dollars. They have selected institutions around the country for their special favor. Some of them received as much as $100 million of so-called research money in a year. This is one of the reasons the student riots were precipitated. It contributed to them.

The protests of the students, for example, at MIT was based to some extent, as they stated, upon their feeling that their university had been taken over, in effect, and directed by the Defense Department. Other institutions had similar reactions. There was a feeling—and it was a justified feeling—on the part of many students that the Federal Government, in this case through the Defense Department, had taken over the direction and subverted the independence of their respective institutions.

I certainly sympathize with that point of view. I do not think it is a proper function of the Federal Government to take over the direction of our institutions of higher learning. I think the diversity which exists among these institutions is one of their greatest qualities.

It is a very strange thing, in so many ways, how we preach one doctrine and then try to practice another. We preach the doctrine of intellectual freedom, and then we persist in setting up procedures by which it can be curbed; this amendment would have the effect of doing that by delegating to a board the right to parcel out up to $60 million in grants to various institutions in accordance with their judgment—I am quite sure in accordance with their judgment—of whether these institutions fit their ideas of how to teach people for foreign service.

I think inevitably the board would have to adopt some criteria of its own, and there would be applied across the board. The very principle, it strikes me, is wrong, especially as a way to approach people in civilian life. That is the distinction between civilians and the military establishment. Of course, the men who compose our Armed Forces have to have conformity. They have to march in line. They cannot all be marching in every direction and out of step. It is the nature of the military to teach conformity to the rules and regulations of the establishment. Discipline is absolutely essential if we are to have a military establishment.

But it seems to me this is directly contrary to the ideas that we would use in training civilian employees for our Government. Diversity, different views, originality—this is supposed to be one of the greatest merits and virtues of our whole system. It is a very strange thing to me that while we pride ourselves on this freedom of diversity, we are constantly having proposals made in the opposite direction. I am quite sure that would be the case in this instance.

I do not understand the comment about the approval by the board. On page 7, unless it has been amended, the amendment reads, beginning on line 2:

> the Board shall not enter into any arrangement with a non-Federal institution of higher education unless such arrangement provides that such institution will offer to members of the Program, as a part of its curriculum, courses of study or activities of education, training, or research in the field of foreign affairs approved by the Board . . .

And so forth.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. DOMINICK. If the Senator will look at Amendment No. 384, he will find, in answer to his statement, that we took out the language about approval of the board.

Mr. FULBRIGHT. Well, that may be the intention. If that language was taken out, on what criteria are they going to make the grants? It will still be by some criteria approved by the board, I imagine, or what other function can the board perform?

These objections cannot be met just by words in this act. If there is a board of nine men appointed by the President, of course those men are going to have to meet the approval of the President, whoever he may be, and therefore they are quite likely to be uniform, I suspect, in general approach to his public policy. After the board is appointed, whether that language is in the bill or not, when it surveys the institutions to give the money to, these are going to have to meet the criteria of that board as to whether or not they are in conformity with the views of the board as to what public policy ought to be. I do not know how one can possibly get around that.

I object to the very concept of turning over to the board a vast sum of money—and it is; it will be $60 million in 1975—to go out and influence and make institutions all over this country conform to that board's views. It has to do that. There is no compulsion on the board to give the money to any institution. The board makes the choice, whether this language is left in the bill or not. There is no alternative. It is not going to do it by lot, surely.

If there were put into the language the requirement that the board would make the selections by a toss of the coin or by a roll of the dice, we might get away with it to some extent, but I do not think that it going to be done, and I cannot conceive of any board that is going to do that. The board is going to make the decision, and it will pick those institutions that conform to its views of what the educational program will be like. No doubt it will pick institutions whose leading professors conform to its views of what our foreign policy will be.

All of that inheres in the nature of setting up a board to determine what institutions will receive the money.

I realize that, after there has been so much complaint on the part of students and others about the undue influence of the military establishment on our liberal arts institutions particularly, that they have cut down on those institutions particularly, that they have cut down on those sums. The Senate very wisely, in my opinion, has cut back slightly—not very much, but it has cut back somewhat—the research program of the Department of Defense, especially of the part that had nothing to do with defense. Social science and liberal arts research of various kinds has been cut back to some extent.

I noticed a piece in the papers recently that they are avoiding meeting that requirement by giving it new titles. Instead of calling it social science research, they use a title with military implications, thereby evading the requirements of the Mansfield amendment which said, in effect, that these programs had to have some relation to military affairs. So they are beginning to make the relationship only in the title; the rest of the program proceeds as usual.

I do not approve of the program, because it subverts the institution, the individual, and the universities, which remain one of the most useful parts of our society—useful if we wish to preserve a democratic system.

To move into this field I think is very dangerous and sets a precedent. If it is passed and enacted into law, there will not be the slightest chance of throwing it out. It will be one of the programs we create again and again and are hardly able to get rid of. We have such institutions, for example, Radio Free Europe, which has outlived its purpose. It was created at a different time, under different circumstances, but it is almost impossible to terminate.

I am sure that if this bill is enacted now, in the last days of this session, when there are, I believe, about 10 Senators present, it is very likely to be voted in without there being any real understanding of its implications, and then we will never be able to get rid of it. It will go on and on. It is money. The schools are hard up. So each one will be able to subvert its program in the way the Board wants in order to get a grant. So we will have 60 or more institutions getting more and more alike, with less and less individual initiative or innovation.

We have prided ourselves on not being intellectually regimented. Some of our writers take great pride in contrasting the freedom of our people with that of the Russian people, who are muzzled by their government. Well, this is muzzling in a different way. Instead of taking them directly and putting them in jail, it takes our young and exposes them only to approved courses in certain universities. Instead of threatening them, the Board will give money to an institution and say, "Here is a million dollars if you follow our ideas of how you ought to train young people."

That is what this will eventually come down to. It will be a gradual process. Nobody can put his finger on exactly why that is, that our Foreign Service officers are all alike and have no imagination. They all follow the leader like a bunch of sheep. It will come about very gradually, and no one can point his finger to any one particular thing. That will be the course of this kind of program.

This country has avoided from the beginning the centralization of control of its education. One of the fundamental concepts of the people of this country from the beginning was that education was a local affair. It has only been because of this continuing warfare, the dissipation of our resources, and the rate of taxation, that the poor schools have had to come, to survive, to the government for Federal aid to education.

We have tried, however, in nearly every instance, to go as far as we could toward preserving the independence of the local schools in the direction of their own affairs. There have come in such things as racial matters, which have caused the Federal Government to interfere. But we have kept that to a minimum. It has not and is not now the practice of the Federal Government to dictate policies to schools that receive Federal aid to education. The only dictation has related to such constitutional matters as racial discrimination.

I think this kind of program is a very insidious injection of the Federal Government's dictation on the curricula, on what they teach. It would involve too much the standards of this board of nine men, the nine men who will be appointed by the President, of course, as in all of these programs; and Presidents are busy men. They will respond to the pressures of those who are most aggressive, I suppose, as they usually do. The program will develop, I think, a very ingrown and very narrow outlook under the direction of a board of nine men to the extent that this bill would provide it.

Yes, one can say that $60 million is not much money. It is not much money compared to the total amount that is spent on education. But in the field of higher education, this amount can make a great deal of difference to universities which are now in such desperate straits that a gift of a million dollars, or even $500,000, is a great incentive to them to conform to whatever the board may think is the proper standard to be followed in the curricula of the respective institutions.

The bill provides that the board, unless the provision has been changed by amendment, shall consist of the Secretary of State, four persons experienced in higher education or training and education in foreign affairs to be appointed by the President, two Members of the U.S. Senate to be appointed by the Vice President, and two Members of the House of Representatives to be appointed by the Speaker of the House of Representatives. Not more than one of the trustees appointed from the Senate nor one of the trustees appointed from the House of Representatives shall be of the same political party.

Not one of these members has any special interest in education as such. The Secretary of State: When I think of the Secretaries of State that I have known. I cannot imagine people who have less time or less qualification to be concerned with the direction of the curriculums and the kind of education that should be provided to citizens of a free country. They have been seeking to maintain a foreign service, not only in the purely diplomatic, but in every other area, of sufficient originality and sufficient intelligence to represent our country properly.

What I think this will come out to is simply a board to enforce conformity upon all those who are to enter our public service in the foreign field. That was the purpose of the original proposal. It was then a little plainer as to its purpose, which was to teach people how to fight communism.

Here is another example of how times have passed on. The President of the United States has now changed his attitude; at least he has taken the first step. He has taken a public step which has been interpreted widely as meaning that he intends to move away from the cold war philosophy of basing our policy entirely upon the simple proposition of containment of communism. Why else would he go to China, if he still harbored the same sentiments which were behind the introduction of a similar kind of proposal to create an academy to teach these people some several years ago?

I would say the times have already changed sufficiently to have made the concept obsolete. The President, I hope—and at every opportunity I have, I encourage him—is in the process of changing his mind about a policy which has resulted in deterioration of our society, I think, more greatly, certainly, than either World War II or World War I. Our general financial condition is the worst it has been, I believe, in our history—certainly since the Civil War. Our domestic budget is in worse condition; all of this, in my view, going back primarily to a misguided policy that involved us in a process of containment, which was poorly designed to achieve its announced purpose.

These things have a way of catching up with us many years later. But during that course, in the height of the cold war, the idea of training people to fight communism originated and was proposed, and it has been rejected. Now it is presented to us in a little different form.

How does the Secretary of State have either the time or the inclination—any Secretary of State, and particularly those that I have been acquainted with—for doing what the bill requires him to do? Some of them may be very good Secretaries of State, but imagine giving the Secretary of State the duty of supervising the higher educational curriculum of the people of this country.

What will happen, of course, is that since all of these people mentioned here are busy—imagine how much time the Senators will have to give to this kind of activity, and how active they will be—what it will amount to is that appointees, clerks, assistants of the Secretary way down the line, will be delegated the duty of acting for and advising him on this board. They will all get together and make the policy, and they will select the institutions, and it will give them a feeling of great power to be able to say, "University A will be given $1 million"—of course, if University A is very careful to set up its curriculum and to announce policies that are in accord with the view of the Assistant to the Secretary of State. The same can be said as to the Vice President and the Members of the House of Representatives who will be appointed by the Speaker of the House of Representatives. The Senators will be appointed by the Vice President.

I must say I think this is a most unusual and a most unorthodox way of establishing a board to begin the process of bringing conformity into higher education in the United States. It is directly contrary, in my opinion, to the whole historical policy of this country with regard to education. Its tendency is bound to be to limit the freedom of action of many universities. They will be in such need of money that they will be willing to abide by whatever regulations or standards the board decides are in the national interest.

Mr. President, I cannot overstate my objection to this kind of approach to the field of education. I am amazed that the Subcommittee on Education approved such a program. The only way I can explain it is that they did not know what they were doing. It is very significant to me that they did not bother to take a vote; they just passed it out on a voice vote, just as we pass out here the unobjected to bills as to which the majority of the Members of this body, properly I think, do not need to be fully informed, at least not on every private bill. So we pass bills on the call of the calendar without taking a vote.

But anything that goes to the educational system of this country, which means developing and shaping the minds, the views, and the intelligence of future generations, does seem to me to be worthy of a record vote, so that the members of the committee at least would take responsibility for injecting into our educational system this kind of control by a central board.

Mr. PELL. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. PELL. I have listened with great interest to many of the Senators' arguments, which have a good deal of validity.

I recall being one of those on the Foreign Relations Committee who submitted a memorandum to the Foreign Relations Committee opposing the Freedom Academy, which I understand played a certain role in the consideration of that academy, a project of which I would never approve.

The bill as originally proposed by Senator DOMINICK had elements that we thought went too far, and he compromised and removed some of them. One of the points that bothered me personally very much was the idea of Senators and Representatives appointing these people.

Actually, we had a rollcall vote in the previous Congress on this very point, and I was overruled, I think, almost unanimously—everyone but me.

My recollection also is—I am trying to check this—that in the previous Congress we did have a rollcall vote—or a formal vote, at least—on this and referred it to the Foreign Relations Committee, where it resided inconspicuously and was not reported. This time, as a matter of courtesy to our colleague in the committee, since it was the same bill that had been reported in the previous Congress, we did report it.

As I told the author of the bill, my enthusiasm for it was somewhat muted, but he is a member of our committee, we worked hard on it, and he did make these compromises. I also knew that I had been defeated when I tried to knock out the appointing provisions, which give the Senator from Rhode Island just as much of a problem as they do the Senator from Arkansas.

Mr. FULBRIGHT. I simply do not believe that the members of this body are prepared to accept a proposal which delegates to a board of this character this much influence upon the educational institutions of this country. The term of the members is 2 years. I do not know of any Senator, unless he is the very newest Senator, who has not yet been assigned his office, nor even assigned to a committee, who would be interested in serving; because we all serve on committees that take up all our time.

It strikes me that this is put in here with the idea that it is going to be attractive because possibly a Senator may be on this board and it will give him some prestige. But there would be just two Members of the Senate. A Senator's chances of being one of the members is very slim. A senior Senator would not want to be a member, because he does not have the time. A new Senator, who has no responsibilities of management of a committee and is on very restricted committees—almost all of us have served our apprenticeship, in a sense, in that capacity—might have time. But I submit that it would not be a very useful board. The term is for 2 years.

I must say that, to me, this has a feel about it that is quite unrealistic. It is perfectly obvious that this board would be run by a staff with which this body would have nothing whatever to do. A staff would be created. The duty of influencing the kind of institutions we have by the disbursal of $60 million a year would finally end up in the hands of a staff of three or four men, probably one staff director, who would make the decisions as to what kind of higher educational institution we have in this country. It is inconceivable to me that Congress wants to delegate to a board of this kind or to its staff this kind of power or money.

I am reminded of the difficulty and the care and the thought that has gone into the Board of Foreign Scholarships that is already in being. It is appointed by the President. It does not have the Secretary of State or anyone else such as that. They are all leading individuals in the field of education. The chairmen usually have been commissioners of education, the presidents of important educational institutions. A member, by specification, is the Commissioner of Education, who is usually a very outstanding man in that field. I know of nothing comparable to this board in the whole field of education. This is the most casual way to create a board and turn over $60 million to dispense as it sees fit to influence the universities of this country.

This is the 25th anniversary of the foreign scholarships. It has only $40 million for fiscal 1972 after all these years. It started out very modestly with $2 million or $3 million 25 years ago, and it is now $40 million, of which some $4.5 million is foreign currency. In other words, in dollars, it actually has only about $36 million. It is a very substantial program, very carefully administered.

If anything of this character is to be done, I submit that certainly we should have a board with more qualifications. Qualifications have nothing to do with individuals; but to choose a board from among people as busy as the Secretary of State, and have him on a board of this character, seems to me to be utterly inappropriate. The Secretary of State is so busy that it is very rare these days that he can find time even to visit the Senate committees. I think he has been before the Committee on Foreign Relations only three times this year.

I do not know how in the world he would have time to administer this board or give it the slightest attention. I am quite sure in my own mind that he would not. He would delegate it, as I have said, to a secretary who would have the responsibility of seeing whether Harvard is behaving or whether the University of Rhode Island or Brown University are behaving. If Brown University will do exactly as the Secretary says—if he approves of the professor of political science there—he might give them $500,000. However, if they should speak independently, as the Senator does sometimes, he would not give them anything. If they are hard up, they will come around and want a little money and will say, "Mr. Secretary, we are very sorry. We will not do it again. We will do what you say." This is the way human nature works when you have money to hand out.

So I submit, Mr. President, that this is a very improvident proposal, very unwise. It is subversive of all the established principles we have with regard to the independence and diversity of our educational institutions. I would be most reluctant to see this go into effect.

I ask the Senator from Rhode Island, has the House passed upon this measure?

Mr. PELL. I do not believe so. I think it has not passed the House.

Has it been introduced in the committee there?

Mr. DOMINICK. I do not think so.

Mr. PELL. We do not believe it has been introduced into the committee there. This is very much a creature very dear to the Senator from Colorado.

Mr. FULBRIGHT. Since it got through the Subcommittee on Education without a record vote, I suppose it would be very desirable if we could pass it now without a record vote.

The Senator does not want a record vote, does he?

Mr. PELL. I am considerate of my colleagues, and, as a matter of record, I never ask for a record vote.

Mr. FULBRIGHT. That is what I thought the Senator had in mind—that at 4 o'clock in the afternoon—on the day of recess, with many people gone—he would not want this proposal adopted on a record vote.

Mr. President, I would like to have a record vote, and I ask for the yeas and nays at this time.

The yeas and nays were ordered.

Mr. FULBRIGHT. Mr. President, how much time remains on this amendment?

The PRESIDING OFFICER. The proponents have 67 minutes remaining, and the opponents have 40 minutes remaining.

Mr. FULBRIGHT. Mr. President, I should like to suggest the absence of a quorum, because I would hate to see a vote taken without anyone being here to know what this is all about.

The PRESIDING OFFICER (Mr. FANNIN). Does the Senator from Rhode Island yield time for that purpose?

Mr. PELL. Mr. President, I yield on my time for the quorum call.

Mr. DOMINICK. Mr. President, on the time of my opponents, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMINICK. I thank the Chair.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, will my colleague from Rhode Island yield me 2 minutes on another matter?

Mr. PELL. I am happy to yield for that purpose.

FCC REGULATION OF COMMUNITY ANTENNA SYSTEMS

Mr. PASTORE. Mr. President, during the past year, I have been contacted by many Senators—35 Senators, to be more exact—with regard to the question of the Federal Communications Commission's regulation of community antenna systems and the need for a congressional policy in this area.

On June 15 the members of the FCC appeared before my committee to discuss this subject. Many questions were asked and quite a number were left unanswered. However, the chairman of the FCC indicated that the Commission would complete its deliberations and submit to the committee the Commission's proposals prior to the August recess of Congress.

Under date of August 5—which was yesterday—such a document was delivered to the committee.

In view of the wide interest, I ask unanimous consent that the document be printed in the RECORD for the convenience and study of all Members of the Senate.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

SUMMARY SUBMITTED TO COMMITTEE, AUGUST 5, 1971

Dear Mr. Chairman, in accordance with our commitment in my testimony before the Senate Communications Subcommittee on June 15, 1971—reiterated before the House Communications and Power Subcommittee on July 22, 1971—we are submitting this summary of the Commission's proposals for the near-term regulation of cable television.

The Commission has been intensively engaged in the process of reviewing its cable policies since the summer of 1968, when the Supreme Court affirmed the Commission's authority to regulate the industry. In recent months, very nearly full time has been spent trying to find a satisfactory resolution of the difficult problems involved. Ample opportunity has been afforded all interested persons to present their views on the subject. The policies put forward here result from an intensive study of the issues, balancing all the equities, and represent our best judgment on the regulatory course that should be followed.

As set forth in our previous Statements to the Congress, our objective throughout has been to find a way of opening up cable's potential to serve the public without at the same time undermining the foundation of the existing over-the-air broadcast structure. We believe both these "goods" can be achieved and that cable can make a significant contribution toward improving the nation's communications system—providing additional diversity of programming, serving as a communications outlet for many who previously have had little or no chance of ownership or of access to the television broadcast system, and creating the potential for a host of new communications services. We believe the policies set out here will achieve these results. But we intend to monitor very closely the growth of the cable television industry and remain prepared to take such further action as may be called for on the basis of experience. We are proposing to break new ground, largely unexplored. As a consequence, we must and will proceed with caution. But further delay, in our view, would disserve the public and deny the nation tangible benefits.

It has been argued that the Commission should delay the next phase of cable's evolution until new copyright legislation is passed. We fully recognize that the continued economic health of those who create program material is crucial to both broadcasting and cable, but we have come to the conclusion that copyright policy is most appropriately left to the Congress and the courts. We therefore strongly urge and hope that the Congress will enact a copyright law—indeed, prompt action seems to us essential. In this connection, we note the present efforts of the principals to reach an agreement and hope that these efforts will be fruitful.

In short, we believe that the two matters—cable regulation and copyright—can be separately considered; that the Commission, with appropriate review by the Congress, can resolve the regulatory matter; and that this will provide necessary background for Congressional resolution of the copyright issue. It seems to us that our approach promotes and facilitates an informed resolution of cable copyright. The Copyright Office and the Department of Justice have also recommended that this approach be followed. We intend, however, to keep a close watch on how the new regulatory program detailed here works out, and to revisit the copyright question within two years if the problem has not in the meantime been resolved.

In this connection, we note that the matter of program exclusivity, as it is affected by cable carriage, is a matter that has both copyright and regulatory implications. Thus, we intend to study whether present or future considerations call for altering our existing CATV program exclusivity rule (Section 74.1103), which in effect protects only the network programming of network affiliates. We have also in progress a rule making proceeding (*Further Notice of Proposed Rule Making in Docket 18179*, 27 FCC 2d 13 (1971)) concerning the exclusivity practices of broadcast stations in terms of both time and geography and the impact of these practices on the ability of UHF broadcasters and cable operators to obtain programming.

The specific policies on which agreement has been reached, described in detail below, are the result of a number of interlocking proceedings. The policies are designed to be part of a single package because each has an impact on all the others, but they may generally be divided into four main areas:

I: television broadcast signal carriage;

II: access to, and use of nonbroadcast cable channels, including minimum channel capacity;

III: technical standards;

IV: appropriate division of regulatory jurisdiction between the federal and state-local levels of government.

We are continuing our work on the final documents. Our time table is such that we will not release these documents until the latter part of the year. Thus, there will be an ample opportunity during the present session of the 92nd Congress for your Subcommittee as well as other committees and the Congress to consider our proposals. During this time we also expect to have available the results of other studies of cable television currently in progress, and will, of course, take them into account. As we now project the time table, therefore, rules will be promulgated by the end of the year, with an effective date of March 1, 1972.

Before turning to a discussion of the policies, we should stress that while these policies will generally govern our disposition of cable matters as they come before us, there are always exceptional situations that call for exceptional actions. The very purpose of an administrative agency is to insure flexibility to act in the public interest in particular situations. In this area of operation under new policies, we will be alert to such special situations as they arise and will tailor our actions accordingly.

I. TELEVISION BROADCAST SIGNAL CARRIAGE

Our basic objective is to get cable moving so that the public may receive its benefits and to do so without, at the same time, jeopardizing the basic structure of over-the-air television. The fundamental question is the number of signals that cable should be permitted to carry to meet that objective. In attempting to resolve this question, we have agreed on a formula that we are persuaded will achieve the following purposes:

(1) Assure that cable viewers will receive all television signals significantly viewed in their community.

(2) Assure that cable viewers will receive at least a minimum level of television service.

(3) Permit cable carriage of a limited number of distant signals in those markets where we believe this can be done without undue impact on local television stations.

This approach would replace the retransmission consent (*Notice of Proposed Rule Making and Notice of Inquiry in Docket 18397*, 15 FCC 2d 417 (1968)) and commercial substitution (*Second Further Notice of Proposed Rule Making in Docket 18397–A*, 24 FCC 2d 580 (1970)) proposals that, we have concluded, simply will not wash. We propose to act in a conservative, pragmatic fashion—in the sense of protecting the present system and adding to it in a significant way, taking a sound and realistic first step, and then evaluating our experience.

We have determined to restrict the carriage of distant signals to a relatively small number and hope thus to serve two purposes: first, to minimize the possibility of adverse impact on the existing broadcast structure and, second, to spur the development of the variety of nonbroadcast services that represent the long-term promise of cable. We believe that the overall approach described will allow the integration of cable service into the nation's communications structure without undue disruption.

The television signal carriage rules would divide all signals into three classifications:

(1) *Mandatory carriage*—signals that a cable system must carry.

(2) *Minimum service*—a minimum number of signals that, taking television market size into account, a cable system may carry.

(3) *Additional service*—signals that some systems may carry in addition to those required or permitted in the two above categories.

Before proceeding to a discussion of these classifications, it is necessary to establish the frame of reference in which the rules would operate.

First, the signal carriage rules would be tailored in their application to markets of varying size in accordance with the estimated ability of these markets to withstand additional distant signal competition.

The rules would vary according to whether the cable system is in the top 50 television markets, in markets 51–100, in a market below 100, or not in a television market at all. Appendix A contains an alphabetical list of markets 1–50 and 51–100, and this list would become a permanent part of the rules. The list is derived largely from the American Research Bureau's 1970 prime time households ranking. Earlier, television markets were ranked according to the net weekly circulation of the largest station in each market, but we have now concluded that the prime time households ranking would serve as a more appropriate base. It more nearly measures the strength of each market, rather than just the circulation of the largest station in the market.

Second, it is necessary to delineate the area within each market to which the particular rules will be applicable. We have decided to define that area as a zone of 35 miles radius surrounding a specified reference point in each designated community in the market. A set of reference points fixing the center of the community to which each station is licensed would be included in the rules. For new television stations where reference points have not been specified, the 35 mile zone would be drawn from the central post office in the television station community. The purpose of drawing these zones is not to encompass the entire geographical area that stations in the market serve but rather to carve out the market's central city, suburbs, and nearby communities on which stations generally rely for their principal audience support.

Cable systems in communities partially within a 35 mile zone would be treated as if they were entirely within the zone. There is, however, one exception to this rule: namely, a top 100 market designated community (Appendix A) would be treated as within the zone of another market only if its reference point were within the 35 mile zone of the latter market. In those instances where there is an overlapping of zones to which different carriage rules are applicable, the rules governing the larger market would be followed. Authorized stations with construction permits, but which have not yet commenced broadcasting, would be treated as having a zone, and as operational for purposes of the minimum service rules, for a period of 18 months following the grant of permit.

Mandatory carriage signals

Existing rules contain a requirement that, on request, a cable system must carry all Grade B signals covering its community. This requirement has been a part of the Commission's CATV rules from the first, but its practical operation has been complicated as a result of footnote 69 to the *Second Report and Order in Docket 14895 et al.*, 2 FCC 2d 725, 786 (1966), in which questions were raised as to whether a Grade B signal coming from one major market into another major market should be treated as a distant rather than a local signal. Two changes are to be made in this existing (Grade B) carriage rule.

The first is a requirement that all cable systems must carry the signals of all stations licensed to communities within 35 miles of the cable system's community. This requirement, based on policy considerations similar to those underlying existing carriage rules, is intended to aid stations—generally UHF—whose Grade B contours are limited. (In markets smaller than the top 100, systems would be required to carry all stations within 35 miles and, on request, all Grade B signals from other small markets.)

The second change concerns the overlapping market or footnote 69 situation and takes into account the circumstance that some Grade B signals, while theoretically available over-the-air, are not actually viewed to any significant extent in some parts of their service area. Our earlier proposal in Docket 18397 would have regulated this situation by the use of fixed mileage zones. Under that proposal, a cable system in the top 100 markets (i.e., within the 35 mile zone of a designated top 100 community) could carry the Grade B signal of a station from another top 100 market only if the system were located wholly within 35 miles of the latter market. We have decided to retain this concept but with an important qualification to reflect actual viewing patterns—which is, after all, the heart of the matter. Thus, the rule would require carriage of a signal from one market into another if that signal were found to have significant over-the-air viewing in the cable system's community. Further, its application—which has been limited to overlaps between major markets—would be extended to overlaps between major and smaller markets.

The standard as to what constitutes "significant viewing" can reasonably be drawn at several points. After studying the various alternatives, we have concluded that an out-of-market network affiliate should be considered to be significantly viewed if it obtains at least a 3% share of the viewing hours in the television homes in the community and has a net weekly circulation in the community of 25% or more.[1] For independent stations, the test of significant viewing would be a 1% share of viewing hours and a net weekly circulation of at least 5%. The lower figures for independent stations are intended to reflect the smaller audiences that these stations generally attract even in their home markets and, because so many of them are UHF, to afford them a practical boost by virtue of cable carriage. You will note that, in contrast with the standard set forth in our House testimony, the test is now formulated so that both its components (audience share and net weekly circulation) must be met. This more rigorous test gives greater assurance that a signal thus carried is in fact "significantly viewed."

We will include in the rules a list of counties in all market zones, showing which out-of-market signals are significantly viewed. This list will be based on ARB's 1971 Television Circulation/Share study which will be available shortly. For those counties that already have 10 percent or more cable penetration, a special ARB tabulation will be used. Because these new tabulations are not yet available, we have had to use most recent available county data in preparing attached Appendix B. This chart illustrates the approximate number of signals that may be carried in designated cities in the top 100 television markets.

Those wishing to make supplemental showings as to significant viewing of additional stations in specific cable communities would also be permitted to do so. Any survey data submitted, however, must be obtained from an independent research organization and include a sufficient sample of off-the-air television households to assure that the results lie at least two standard errors (95 percent confidence limits) above the required viewing level.

Minimum Service

Consistent with other public interest considerations, cable viewers should have at least a minimum number and choice of signals. It would, of course, be desirable to adopt one nationwide standard. However, again to act conservatively with respect to the possible impact on local broadcasting, we have decided to establish minimum standards of adequate television service that would vary with market size. (Noncommercial educational and non-English language stations are not included in these minimum standards but are discussed separately below.) The minimum service standards would be as follows:

(1) *In television markets 1–50:* three full network stations and three independent stations.

(2) *In markets 51–100:* three full network stations and two independent stations.

(3) *In smaller television markets (below 100):* three full network stations and one independent station.

If after carriage of stations within thirty-five miles, those from the same market, and those meeting the viewing test, minimum service is still not being supplied, distant signals would be permitted to be carried as needed to make up the defined minimum of service.

Additional Service

Cable systems in the top 100 markets would in any case be permitted to carry two signals beyond those whose carriage would be required under the mandatory carriage rules. Distant and out-of-market signals carried to provide minimum service would be counted against these additional signals so that if, for example, two distant signals were carried to provide minimum service, no additional signals could be carried. Cable systems in smaller markets (below 100) would not be permitted to import network or independent television signals beyond the minimum service level. Noncommercial educational and non-English language stations could also be carried in accordance with the policies outlined below.

The rationale for the foregoing may be simply stated. It would appear that the minimum number of distant signals that might reasonably open the way for cable development is two additional signals not available in the community. We will therefore permit this amount in the larger markets where it is necessary and feasible in terms of impact on broadcasting. In this connection, we stress again our recognition of the need for *ad hoc* actions in some situations. Thus, if a system has available for carriage a great number of signals meeting the "significant viewing" test, this may be sufficient to facilitate its growth and may make unnecesary the provision of two additional distant signals. This question can only be resolved on the basis of the facts of each case (e.g., the number of "significantly viewed" signals; the extent, if any, to which those signals exceed the minimum test; and the nature of the market, including the financial position of the stations in the market). Similarly, in the second 50 markets there could be anomalous situations that call for separate treatment—perhaps permitting only one imported signal, or even none. On the attached chart (Appendix B) we have designated markets that might receive such special treatment.

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[1] Share of viewing hours. the total hours all television households viewed the subject station during the week, as a percentage of the total hours these households viewed all stations during the period.

Net weekly circulation: the number of television households that viewed the station for 5 minutes or more during the entire week.

But generally, we will act in the above described fashion. We have therefore, in the same chart, indicated the effect of our policies in the designated cities of the top 100 markets. We cannot claim that it is mathematically certain in every detail—e.g., some "significantly viewed" signals might be added on an appropriate showing or, in some areas, as a result of the forthcoming ARB cable-controlled sweep, some signals that we have included might not meet the requisite standards. A foreign language or educational signal (or signals) might also be carried, although we believe such carriage would at most have minimal impact on local commercial broadcasters. But even with these qualifications, we believe the chart illustrates the scope and effect of our policies and thus gives a picture of the overall plan in practice.

Carriage rules for cable communities outside any television market

Cable systems in communities entirely outside the zone of any commercial television station would be permitted to carry television signals without restriction as to number or point of origin, but must carry all Grade B signals.

Impact

We have carefully considered the question of cable's impact on the continued viability of over-the-air broadcasting. Broadcasters argue that any distant signal cable policy will have a disastrous impact on already shaky UHF stations. On the other hand, we have independent studies such as those submitted by the Rand Corporation suggesting that UHF will be likelier helped than hurt by cable—because UHF is still handicapped by reception problems, and these problems disappear with carriage on cable. Our own study of the matter has persuaded us that it would be wrong to halt cable development on the basis of conjectures as to its impact on UHF stations. We believe the improvements that cable will make in clearer UHF pictures and wider UHF coverage will at least offset the inroads on UHF audiences made by the limited number of distant signals that our rules would permit to be carried.

As to similar arguments concerning cable's impact on VHF in the smaller markets, it is our judgment—considering such factors as cable's rate of penetration and the growth of broadcast revenues—that the approach we propose will not undermine these stations in their ability to serve the public. Of course, as in any general policy, there may well be exceptional cases—as to a particular market or, more likely, a particular station in that market. In such an event, we would be prepared to take appropriate action.

The viewing patterns in off-the-air and cable homes would soon become apparent and serve as an index of cable's impact on local broadcast service. We intend to obtain early and continuing reports from representative communities, and broadcasters would be free to submit such reports at any time. If these reports and the financial data from operating stations were to show the need for remedial action, we could and would take prompt action. The range of possibilities here is broad. Effective non-network nonduplication protection might be afforded to affected stations. Or, we might consider halting cable's growth with distant signals at discrete areas within the community—something we have done on occasion in the past. The Commission has the flexibility to handle injury problems in a variety of way, should such problems in fact arise.

Leapfrogging

We have concluded that it is appropriate to adopt leapfrogging rules regulating which signals may be carried. These rules, while providing cable systems with some flexibility of choice, are also designed to give an expanded market to stations that might otherwise be passed over. In particular, priority would be given to carriage of UHF independent stations in order to improve their competitive position. This policy would be implemented by a rule requiring cable systems in the top 100 markets carrying distant independent television signals to carry, as a first priority, one UHF independent station from within 200 miles. If there is no such UHF station, any VHF station within 200 miles or any VHF station within 200 miles or any UHF station could be carried. The second distant signal in these top 100 markets would be free from restrictions as to point of origin. With respect to systems below the top 100 market system restricted to carriage of only one independent distant signal, such carriage would also be free from restrictions as to point of origin.

Finally, in those few markets where a third independent may be brought in, that signal must be in-state or one within 200 miles; if no such signals are available, there would be no restriction as to point of origin.

The cable system may vary the distant signals to be presented in any fashion it wants, so long as it does not exceed the number to be imported and meets the leapfrogging requirements. In the event an *independent* signal is blacked out at times because of some nonduplication requirement imposed by the Commission, the system might substitute other distant signal programming in line with the same pattern of priorities. The system might even bring in network-affiliated stations as a part of its "additional two signals"—again, consistent with these priorities and, of course, our nonduplication rules.

Any system within a market zone adding an additional network or noncommercial educational station would be required to carry the closest station of that type or, if the closest station were not from the same state, then the closest instate signal.

Educational Stations

The unregulated importation of distant educational signals might both threaten existing local educational stations and also abort construction of new educational stations. We have, therefore, always provided educational stations and other educational television interests an opportunity to object to importation of distant educational television stations. In our cable deliberations, the filings concerning carriage of distant educational television stations generally argued in favor of simplified procedures—to lighten the burden on educational broadcasters and to protect their interests in providing local educational programming whenever possible.

We have settled on the following rules: a cable system must carry educational stations within 35 miles and, on request, those that provide a predicted Grade B contour over the cable system's community. The Commission will attempt to settle disputes involving educational stations on the basis of a showing from the objecting party and the response of the cable system involved. While all objections to educational station carriage will be considered, we would not anticipate precluding carriage of tax-supported stations from the same state as the cable system. In order to insure that educational interests have adequate notice of proposed importation, we would retain our requirement that the cable system serve notice of its intention to carry any educational station upon the local school superintendent, all educational stations placing a predicted Grade B contour over the cable system's community, and any local or state educational television authority. Finally, we recognize that educational stations are unlikely to develop in some areas and that cable carriage of distant educational signals is unlikely to have any appreciable impact on commercial broadcast stations. Consequently, we will allow a cable system to carry any number of educational signals, local or distant, in the absence of objection.

Foreign language stations

Many communities have an interest in non-English language programming. For the most part, the communities involved are situated near the Canadian or Mexican borders and have populations with a high interest in French or Spanish language programming. This phenomenon is also apparent in other cities with foreign language populations—e.g., New York City, Miami, Los Angeles. In addition, there are citizens and non-citizen residents and visitors to this country not conversant in English who remain essentially without adequate television service. To serve these minorities more effectively, we would permit cable systems to import non-English language programming. In order to encourage the carriage of such programming, we would not count against the quotas discussed previously the distant signal of a non-English language station when carrying these programs.

The non-English language stations are similar to educational stations in that they generally attract select, small audiences, yet serve a salient need. We do not anticipate that this undertaking will be detrimental to local television service because of the small number of viewers such stations generally attract. Again, there could be exceptions to this general proposition. We would, of course, act on any showing of adverse consequences to local television service caused by non-English language signal importation.

We believe that the choice of the station or stations to be carried should be left to the cable operator. He would be free to choose non-English language stations from those available in the United States or might choose foreign stations not programmed in English. If a non-English language station is available locally, the cable operator would be allowed to import a foreign language station programming in another language without counting against the distant signal quota.

Sports

Sports events stand on a separate footing from other programming presented on commercial television. Public Law 87–331, among other things, exempts professional sports from the anti-trust laws for the purpose of allowing professional football, baseball, basketball, and hockey to enter into pooled or league television agreements with networks, and to black out television broadcasts of home games within the "home territory" of the team concerned. Certainly, cable systems should not be permitted to circumvent the purpose of the law by importing the signal of a station carrying the home game of a professional team if that team has elected to black out the game in its home territory. For example, if the Washington Redskins were playing the New York Giants in Washington, D.C., and the game were blacked out there, a cable system in Washington, D.C. would not be permitted to bring in a New York City station televising the game.

We will follow the spirit and letter of Public Law 87–331, since it represents Congressional policy in this important area. We intend to issue very shortly a notice of proposed rule making directed to this specific area, in order to ascertain the full thrust and purposes of 87–331 and how best we can formulate a rule to implement these purposes. We will give this proceeding expedited treatment, so that it is concluded before the significant emergence of new systems under these rules. In any event, a system may carry any sporting event if it is televised on a station that must be carried under the mandatory carriage rules. In effect, then, cable systems will be able to carry whatever sports events are carried locally—including those on stations meeting the "significant viewing" test.

Another aspect of concern involving sports programming is the possibility that such programming now presented on broadcast television might be siphoned off to cable. Our current rules (Section 74.1121) prevent cable systems from showing sports events for a separate per program or per channel charge unless these events have not been televised live on a regular basis on broadcast television at no direct charge to viewers during the two years preceding the proposed subscription showing. The Commission has also initiated proposed rule making looking to a ban on the showing of sports events on cable systems on a subscription basis if the events were televised in the community of the system during any one year in the five years preceding the proposed subscription showing.

These rules, of course, do not take into account the circumstance that cable systems, on an interconnected basis, might outbid broadcast networks for the right to sports events to be shown on a non-subscription basis on cable systems. In such a case, off-the-air viewers would not be able to receive the event. This situation would be different from that of a cable system providing its subscribers with sports programming that is not currently being broadcast: for example, some cable systems currently carry the blacked out home games of sports teams to their subcribers pursuant to a contract with the team involved. Sports teams apparently enter such agreements when they are playing to capacity crowds and the number of cable subscribers would not hurt the home gate but would provide additional revenue through the sale of cable carriage rights. In the latter instance, cable is performing a valuable public service to its subscribers in presenting sports programming that was previously unavailable to *any* television viewer.

We are not unmindful of the possibility that a nationwide interconnected cable network, whether achieved by terrestrial or satellite technology, could remove sports programming from conventional broadcast television by offering sports teams more favorable terms than broadcast interests might be willing to pay. This would carry the risk of adverse public consequences by depriving off-the-air viewers of accustomed sports programming. But, in our judgment, this problem—if it arises at all—is far from imminent. The type of interconnection and, most important, the cable penetration levels necessary to permit the formation of a network capable of outbidding broadcast networks are far in the future. We intend to keep a close watch on this question and to take whatever action is called for within our jurisdiction. We would, of course, welcome congressional guidance in this area of national concern. It may be that the scope of the issue is so complex—involving not only communications policy, but also antitrust and other considerations—that legislation may be the ultimate answer if, in fact, sports siphoning were found to be an imminent danger, contrary to the public interest.

Procedural matters

Our experience with the notification requirements of our existing rules has uncovered certain practical difficulties. First, it has not been feasible regularly to review notifications for adequacy and consistency with our signal carriage and other rules. Second, the existing requirement of notification has not effectively given public notice of pending proposals. Finally, the notices have not provided us with sufficient information on a number of matters relevant to the settlement of disputes. Consequently, we would revise our rules to cure these deficiencies as to all cable systems proposing either to start up new operations or to add local or distant stations after the effective date of our new proposals.

Before instituting service, a cable system would be required to file with the Commission a request for certification of compliance. The application would have to contain (1) a copy of the franchise, license, permit, or certificate granted by the appropriate governmental source to construct and to operate a cable system in the community; (2) a list of the broadcast stations intended to be carried (including any survey made of signals meeting the significant viewing test); (3) an affidavit showing service on all television broadcast stations placing a predicted Grade B contour over the community of the system, on the superintendent of schools in the community in which the system will operate, and any local or state educational television authorities; and (4) a completed copy of FCC Form 325 (Annual Report of CATV Systems). Form 325 would contain information concerning the cable system's operation—location, ownership, number of subscribers, signals carried, channel capacity, and extent of program originations. When a cable system proposed to add local or distant signals to an existing system, the franchise and Form 325 would not have to be refiled but the other procedures related above would be required. The Commission would issue public notices of all petitions for authorization accepted for filing.

Interested persons would be permitted to object to proposed cable service within 30 days after the Commission gives public notice. Whether or not an objection is filed, a cable system would not be permitted to commence new service without receipt of a certificate of compliance from the Commission. Absent special situations or showings, petitions consistent with our rules would receive prompt certification. The rules are meant to operate on a "go, no-go" basis. For example, the carriage rules reflect our determination of what is, at this time, in the public interest *vis-a-vis* cable carriage of local and distant signals.

Grandfathering

Cable systems already in operation on the effective date of the rules would be permitted to continue operation and to provide the existing lineup of signals without regard to the new requirements of signal carriage if that service had been previously grandfathered in the *Second Report and Order in Dockets 14895 et al., supra,* or if the service were commenced in compliance with the rules after December 20, 1968 and was then consistent with the rules proposed in Docket 18397. For those systems now limited to discrete areas in their communities by Commission order, any expansion beyond those areas would have to be consistent with the new rules.

II. NON-BROADCAST CHANNELS (ACCESS)

In our July 1, 1970 *Notice of Proposed Rule Making in Docket 18397–A,* we stated:

"The structure and operation of our system of radio and television broadcasting affects, among other things, the sense of "community" of those within the signal area of the station involved. Recently governmental programs have been directed toward increasing citizen involvement in community affairs. Cable television has the potential to be a vehicle for much needed community expression."

Confronted with the need for more channels available for community expression on the one hand and, on the other, with the promised emergence of cable television's capacity to provide an abundance of such channels, we stated in our July 1, 1970 *Notice* the principle that the Commission ". . . must make an effort to ensure the development of sufficient channel availability on all new CATV systems to serve specific recognized functions." We will seek to serve these purposes through a number of interrelated requirements spelled out in the following discussion.

We will tailor our actions to take into account the public interest considerations stemming from possible impact of cable on broadcast services. We recognize that in any matter involving future projections, there are necessarily some risks. As we have also stated, what makes those risks so clearly worth taking is the chance of obtaining great benefits to the public from cable's new services It follows that along with making distant or overlapping signals available for the first time in specified markets, we should act to require a bandwidth that will ensure the availability of these new services. Otherwise, some cable operators might construct systems adequate only to the carriage of broadcast signals, or might long postpone the availability of non-broadcast channels. We believe this would be a most unwise decision, since the use of non-broadcast bandwidth is of high public promise and can be profitable to the cable owner. Indeed, it may be the critical factor making for cable's success. The public interest, as well as the cable industry's economic interest, may well be found in reducing subscriber fees and relying proportionately more for revenue on the income from channel leasing. *In sum, we emphasize that the cable operator cannot accept the distant or overlapping signals that will be made available without also accepting the obligation to provide for substantial non-broadcast bandwidth. The two are integrally linked in the public interest judgment we have made.*

Channel capacity (bandwidth)

We envision a future for cable in which the principal services, channel uses, and potential sources of income will be other than over-the-air signals. We note that 40, 50, and 60 channel systems are currently being installed. The cost difference between installing 12 and 20 channel capacity would not appear to be substantial. We urge cable operators to consider that future demand may significantly exceed current projections, and we put them on notice that it is our intention to insist on the expansion of cable systems to accommodate all reasonable demand.

At the same time, we do not want to impose unreasonable economic burdens on cable operators. Accordingly, we will not immediately require a minimum channel capacity in any except the top 100 markets. In those markets we believe a 20 channel capacity (actual or potential) is the minimum consistent with the public interest.

We will also adopt a rule that for each broadcast signal carried, cable systems must provide equivalent bandwidth for non-broadcast uses. This seems a reasonable way to obtain the necessary minimum channel capacity and yet gear it to particular community needs. Finally, the "N+1" availability concept, discussed below, is also pertinent to the question of channel capacity.

Public access, educational, and government channels

Broadcast signals are being used as a crucial component in the establishment of cable systems, and it therefore seems appropriate that certain basic goals of the Communications Act be furthered by cable's advent—the opening up of new outlets for local expression, the promotion of added diversity in television programming, the advancement of educational and instructional television, and the increased information services of local governments. Accordingly, we will require that there be one free, dedicated, noncommercial, public access channel available at all times on a non-discriminatory basis. In addition, we will require that one channel be set aside for educational use and one channel for state and local government use on a developmental basis and that, upon completion of the basic trunk line, for the first five years thereafter these two channels will be made available free. After this developmental phase—designed to encourage sophisticated educational and governmental innovation in the use of local television—we will then be in a more informed position to determine, in consultation with state and local authorities, whether to expand or curtail the free use of channels for such purposes or, indeed, whether we should continue the developmental period for a further time. We do not want the free uses described above to constitute an unreasonable economic burden on cable system operators and subscribers. Therefore, a system operator will be obliged to provide only use of the cable channel on a free basis; production costs (aside from brief live studio presentations not exceeding five minutes in duration) may be charged to users.

Leased channels

After cable systems have satisfied the priority of providing one free public access channel as well as the free developmental channels for education and government, they may make available for leased uses the remainder of the required bandwidth and any other available bandwidth (e.g., if a channel carrying broadcast programming is blacked out because of our non-duplication requirement or is otherwise not in use, that channel also may be used for leased programming). Indeed, to the extent that the public access, educational, and governmental channels are not being used, these channels may also be used for leased operation. But such operations may only be undertaken with the express understanding that they are subject to immediate displacement if there is a demand to use the channel for the dedicated purpose.

Expansion of capacity

Our basic goal is to encourage experimentation that will lead to constantly expanding channel capacity. Cable systems will therefore be required to make an additional channel available for use as the demand arises.

There are many ways of administering this general goal. Experience will be valuable to users, systems, and the Commission alike. Initially, however, we propose to use the following factor to determine when a new channel must become operational: Whenever all operational channels are in consistent use during 80% of the weekdays (Monday-Friday), for 80% of the time during any three-hour period for six weeks running. The system will then have six months in which to make a new channel available. Such an N+1 availability should encourage use of the channels, with the knowledge that channel space will always be available, and also encourage the cable operator continually to expand and update his system. We contemplate that at least one of the leased channels will give priority to part-time users; the remaining leased channel capacity may be used by full-time lessees.

As mentioned above, we are aware of the risks inherent in the N+1 formula. A cable owner has an obvious economic incentive to devote his bandwidth to profitable channel leasing activities, and might thus be motivated to restrict use of the access channels to avoid triggering the N+1 availability. A whole variety of techniques might, quite obviously, be employed. While it would not appear to constitute any problem in the immediate future, we intend to institute now a proceeding to assure that the N+1 concept is not frustrated at some later date through rate manipulation; this proceeding will deal with appropriate future regulatory policies as to the rates charged for these leased channel operations for interstate services. We are also aware that the formula may be too rigorous and impose economic burdens on operators.

The six-month period allowed for activation of new channels, for example, contemplates the relatively modest effort needed to convert existing potential capacity into actual capacity. Obviously, if it were necessary to rebuild or add extensive new plant, this could not reasonably be expected within any six-month period. The latter consideration again points up the necessity of building now with a potential that takes the future into account. In the new proceeding referred to above, we will also explore this aspect of possible rebuilding or extensive new construction that might be required under our rules. In sum, we adopt the 80% figure only as a general formula. Inasmuch as this area of regulation is new, we will reexamine the N+1 concept at an early time if unanticipated problems develop.

Two-way capacity

After studying the comments received and our own engineering estimates, we have decided to require that there be built into cable systems the capacity for two-way communication. This is apparently now feasible at a not inordinate additional cost, and its availability is essential for many of cable's public services. Such two-way communication, even if rudimentary in nature, can be useful in a host of ways—for surveys, marketing services, burglar alarm devices, educational feed-back, to name a few. Of course, viewers should also have a capability enabling them to choose whether or not the feed-back is activated.

Regulations applicable to public access, educational, government, and leased channels presenting non-broadcast programming

Having provided for these access channels, we turn to the question of the regulation of the public access and other channels presenting non-broadcast programming. First, we believe that such regulation is properly the concern of this Commission. This is so not just because we have required the creation of such channels and specified their initial or continuing priority. As stated, the channels are designed to fulfill Communications Act purposes and are integrally bound up with the broadcast signals being carried over the system. It is by no means clear that the viewing public will be able to distinguished between a broadcast program and an access program; rather, the subscriber will simply flick across the dial from broadcast channels to public access or leased channel programming, much as he now selects television fare. Further, the leased channels will undoubtedly involve interconnected programming, via satellite or interstate terrestrial facilities, matters that are within the Commission's jurisdiction. Similarly, it is this Commission that must make the decisions as to conditions to be imposed on the operation of pay channels, and we have already taken steps in that direction. (See Section 74.1121.)

Federal regulation is thus clearly called for. The issue is whether also to permit local regulation of these channels, if not inconsistent with Federal purposes. We think that in this area this dual form of regulation would be confusing and impracticable.

Further, we do not believe that the purposes we seek to advance would be served by detailed regulations at this time; rather as set forth more fully below, we think it is important to allow a period of considerable experimentation. Thus, we believe that, except for the government channel, local regulation of access channels carrying programming is precluded, at least at this time. We stress that if experience and considerations brought forth in the further proceeding indicate the need or desirability therefor, we can then delineate an appropriate local role.

Similarly, aside from channels for government uses, we do not believe that local entities should be permitted to require that other channels be assigned for particular uses. As stated above, this in our view is peculiarly a matter of federal concern. We stress again that we are entering into an experimental or developmental period. Thus, where the cable operator and the franchising authority seek to experiment by providing additional channel capacity for such purposes as public access, educational, and governmental—on a free basis or at reduced charges—we will entertain petitions and consider the appropriateness of authorizing such experiments, to gain further data and insight and to guide future courses of action. For the same reasons, we will permit existing systems to continue operating under more "generous" specifications than those described in this section.

The question of what regulations we should impose at this time is a most difficult one. We simply do not know how these services will evolve. The comments received while helpful and well-intentioned, understandably could not now supply definitive standards. We believe that our best course is to facilitate use of these channels on a first-come, first-served nondiscriminatory basis with only the most minimal regulations, in order to obtain experience, and on the basis of that experience and the comments received in a new proceeding, to lay down more specific regulations. We stress, therefore, that the regulatory pattern here dscribed is interim in nature—that we may make minor or indeed major changes as we gain the necessary insight.

Turning to our interim rules, we are guided by two main policy considerations: (1) to allow maximum experimentation and (2) to prevent, particularly during this critical early period and probably at all times, one entity sitting astride all this channel capacity and deciding what programming should or should not enter subscriber homes.

We will authorize the commencement of cable service and, with that commencement, require the offering of these services. We will further require that, in accordance with our regulations, the cable system promulgate rules to apply to these services, and will require that the rules be kept on public file at the system's headquarters and with the Commission. What matters during this experimental period is not form but substance, and we will lay down the substantive guides that we believe are appropriate at this time. We believe that we have full discretion to act in this fashion. See *Philadelphia Television Broadcasting Co.* v. *F.C.C.*, 123 U.S. App. D.C. 298, 359 F. 2d 282 (1966).

With respect to the public access channel, the rules to be promulgated by the system must specify nondiscriminatory access on a first-come, first-served basis during this interim period. It also follows that, during this interim period, the cable operator must not censor or exercise program content control of any kind over the material presented on the public access channel. However, his rules shall proscribe the presentation of any advertising material (including political advertising spots), of lotteries, and, in terms identical to 18 U.S.C. § 1464, of obscene or indecent matter. The regulations shall also specify that persons or groups seeking access be identified, and their addresses obtained; these are reasonable requirements, and this information should be publicly available.

We do not envision any other proscriptions during this experimental period. We recognize that open access carries with it certain risks. But some amount of risk is inherent in a democracy committed to fostering "uninhibited, robust, and wide-open" debate on public issues. (*New York Times Co.* v. *Sullivan*, 376 U.S. 254, 270 (1964)). In any event, further regulation in this sensitive area should await experience and the outcome of the proceeding we expect to initiate. For example, we intend to explore whether it would be feasible or desirable to provide subscribers a locked switch to cut off the public access or leased channels, should parents wish to control their children's viewing.

In short, we recognize that the public access channel requirements may result in many problems for the cable operator, especially during the break-in period. Effective operational procedures can evolve only from trial and error, and it is probable that different systems will have diverse problems not presently capable of being solved by uniform regulation. We note, for example, the need to decide how applications for access time shall be made, who must make them, what overall time limitations might be desirable, how copyrighted material will be protected, how production facilities will be provided, how the public can get some advance notice of what is to be presented, and so on. All these questions will probably be answered by cable systems in a number of different ways. Again, we will require that the rules adopted by cable systems in these respects be filed with us and made available to the public. But experimentation appears to be the best way to determine what will be workable for the long run. Only with experience will we be able to tell what further general rules, if any, are called for.

The cable operator, except for channels programmed by the system itself, similarly must not censor or exercise program content control of any kind over the material presented on the leased channels. Specifically, his rules shall provide for nondiscriminatory access on a first-come, first-served basis with the appropriate rate schedule specified. Again, he shall obtain the names and addresses of the persons or groups seeking access, and shall adopt rules proscribing the presentation of obscene or indecent matter (in the precise terms of 18 U.S.C. § 1464), lotteries, and advertising material not containing the necessary commercial identification. Finally, in contrast with existing cablecasting rules (Section 74.1117), we will not require commercials only at natural breaks on these channels. It is our expectation that there will be experimentation in this respect, with some channels used entirely for advertising, some following the pattern of present commercial broadcasts, and others that of Section 74.1117. We do not wish to inhibit in any way the presentation of new materials over these channels during this critical introductory period. Again, we leave to the rule-making proceeding such questions as dealing with false and misleading advertising, some possible modified fairness or personal attack requirements, and the like.

Liability

Many cable operators are concerned about potential civil and criminal liability resulting from use of these public access and leased channels. There is little if any possibility of a criminal suit in a situation where the system has no right of control and thus no specific intent to violate the law. *See*, e.g., *Baird* v. *Arizona State Bar*, 401 U.S. 1 (1971); *In Re Stolar*, 401 U.S. 23 (1971); *Law Students Civil Rights Research Council* v. *Wadmont*, 401 U.S. 154 (1971); *Yates* v. *United States*, 354 U.S. 298 (1957).

The cable operator's real fears seem, in fact, to center mainly around potential libel suits. The possible number and scope of such actions is, however, severely limited. In *Rosenbloom* v. *Metromedia, Inc.*, 39 U.S. L.W. 4694 (1971), the Court extended the "actual malice" rule of *New York Times Co.* v. *Sullivan, supra.*, to cover any situation where "the utterance involved concerns a matter of public or general interest." Since most users will presumably air opinions on matters that are of at least as much "public or general interest" as in the *Rosenbloom* case, it seems likely that their speech would come within the "actual malice" rule. No such malice could be imputed to a cable operator who had no control over the given program's content.

In the unlikely event that some material presented on these non-broadcast channels were to fall outside the broad scope of the Court's recent decisions such as *Rosenbloom*, this would not necessarily mean that the system is liable. (Of course, the programmer would remain fully liable.) We have adopted the no-censorship requirement in order to promote "robust, wide-open debate" and for the policy reasons set out above; these are, we believe, valid regulations having "the force of law." While the matter is of course one for resolution by the courts (as also would be the due process issues raised), we suggest that state law imposing liability on a system that has no control over these channels would frustrate federal purposes. In any event, if any problem should develop in this respect, it is readily remedied by Congress and, in this connection, we would welcome clarifying legislation. *Cf. Farmers Educational and Cooperative Union* v. *WDAY*, 360 U.S. 525 (1959).

Production facilities

It is obvious that our goal of creating a low-cost, nondiscriminatory means of channel access cannot be attained unless members of the public have available some reasonable production facilities. We expect that many cable systems will have facilities with which to originate programming, and such facilities should also be available to produce program material for public access. Hopefully, colleges and universities, high schools, recreation departments, churches, unions, and other community sources will have low-cost video-taping equipment available to the public. Whatever sources are available, however, we will require that the cable operator maintain at least minimal production facilities for public use within the franchise area.

In this experimental stage, when cablecasting material may well come from diverse sources, it could be self-defeating to require a cable operator to carry this material and at the same time to meet stringent technical standards. We note specifically that the use of half-inch video tape is a growing and hopeful indication that low-cost video tape recording equipment can and will be made available to the public. While such equipment does not now meet our technical standards for broadcasting, the prospects for its improvement and refinement are excellent. Further, since it provides an inexpensive means of program production, we see no reason why its development should not be encouraged for use on cable channels.

Many elaborate suggestions have been made for comprehensive community control plans such as neighborhood origination centers, mobile communications vehicles, and neighborhood councils to oversee access channels. Here again the Commission will encourage experimentation rather than trying to enforce a more formal structure at this time.

Applicability

These access rules will be applicable to all new systems that become operational in the top 100 markets (as defined in Section I above). Currently operating systems in the top 100 markets would have five years to comply with this section. Existing systems in markets below the top 100 would be required to meet these access rules when and as the system is substantially rebuilt.

Our reasons for focusing on the top 100 markets may be briefly stated. We have delineated these markets (within 35 mile zones) as the recipients of special benefits in order to stimulate cable growth. But, correspondingly, that growth should be accompanied by these access requirements or the public will not fully receive the benefits we seek To the extent that this may pose some problems for systems operating in relatively small communities in these markets, such systems are free to meet their obligations through joint building and related programs with cable operators in the larger core areas.

Finally, if these requirements should impose an undue burden on some isolated system, that is a matter that can be dealt with in a waiver request, with an appropriate detailed showing.

III. TECHNICAL STANDARDS

Our objective in determining for the first time what technical standards should be made applicable to cable television systems has been to devise rules that assure the subscriber at least a minimum standard of reception quality, while at the same time permitting the continuation of technical experimentation. Thus, unlike our regulatory approach in broadcasting, we do not specify standards prescribing either the methods for measuring transmission performance or specifying the types of equipment that cable systems must use. Instead, the thrust of our rules is to require that a signal must meet certain standards of minimum technical performance on its arrival at any subscriber's terminal.

At this time our requirements would apply only to the carriage of standard television signals. We expect, however, that there will be need for technical standards—in some measure possibly different—for carriage of cable originated programs, return (two-way) communication, and various miscellaneous cable services as they develop. While appropriate standards for these services and other technical aspects of cable are under study, it will be necessary to call on the various technical industries for advice and consultation, and we plan soon to announce the formation of a task force of experts to advise us in designated areas. We intend to continue the rule-making process and to request comments on such matters as limitations on permissible cross-modulation, ghosting, measurement techniques, carriage of aural broadcast signals, and a requirement for synchronous delivery of VHF stations.

In anticipation of the various uses of cable television—some of which are already beginning to be realized—we are defining four classes of cable television channels. Class I channels will be those segments of bandwidth used for carriage of standard television signals. It is only to Class I channels that our technical standards would apply initially. Class II will be used for cable originated programming, including public and educational access services. Class III channels will be for non-television miscellaneous services and printed message material. And Class IV channels will be those used for return communication. Our purpose in defining four classes of channels is to recognize that the varied services expected to be provided by a cable system will use different amounts of bandwidth or require different technical parameters, some "channels" requiring a full 6 MHz of bandwidth, others more or less. As suggested above, different technical standards may well be needed for different cable services, and we have therefore fixed on these separate channel definitions to facilitate whatever standards we adopt.

At this time our technical standards will include specifications for frequency boundaries, visual carrier frequency levels, aural carrier frequency levels, channel frequency response, terminal isolation, and system radiation. We will provide, however, that systems of unusual design that cannot comply with one or more of the technical specifications will be permitted to operate on an adequate showing that the public interest is benefited thereby. The Commission will reserve the right in such instances to prescribe special technical standards to ensure that subscribers will be provided with good service quality.

Responsibility for designing, installing, maintaining, and operating cable systems to ensure that our standards are met will be placed on system operators. We will require that every cable system operator conduct complete performance tests of his system at least once a year and keep the results of such tests on public file for five years. The performance tests will compel measurements made at no less than three widely separated points on the system, at least one of which would be representative of terminals most distant from the system input. We will, of course, require that the operator record a description of the instruments and procedures used in making such measurements and a statement of the qualifications of the person performing the tests.

We will also require that the operator of each system maintain a current listing of channels delivered to subscribers and the station or stations whose signals are delivered on each Class I cable channel.

Each system operator will have to be prepared at any time to show, on reasonable request from the Commission, that his system does in fact comply with the technical standards. Additionally, it should be noted that successful completion of the performance tests will not relieve the system operator of the obligation to meet the technical standards at each subscriber terminal. The implementation of these rules would generally eliminate the degradation of local broadcast signals. We will also reserve the right to require additional tests at specific terminals.

We consider it important that the cable industry move forward as quickly as possible with a program to obtain compliance with the technical standards we plan to adopt. Thus, we will require that new systems and those that may now be in the planning or construction phase and have not delivered programs to subscribers on the effective date of these rules will have to comply with the technical standards within one year. For existing systems, however, we envision a five-year compliance period.

IV. FEDERAL-STATE/LOCAL RELATIONSHIPS

In the *Notice of Proposed Rule Making in Docket No. 18892*, 25 FCC 2d 50 (1970), we stated that we favored federal regulation of some aspects of cable television and local—i.e., state or municipal—regulation of others under a federal prescription of standards. The comments generally agreed that certain areas of cable regulation can best be dealt with at the federal level because states and municipalities lack the necessary resources for effective regulation. We are also persuaded that, absent affirmative Commisison action, state and local bodies would be free in other areas of regulation to style cable growth in a manner at odds with the Commission's nationwide regulatory plan. Accordingly, it is our view that federal regulation is clearly indicated in such areas as signals carried, technical standards, program origination, cross-ownership of cable and other media, and equal employment opportunities. And federal regulation of matters directly affecting programs and signals carried is, of course, entirely consistent with *United States* v. *Southwestern Cable Co.*, 392 U.S. 157 (1968).

The comments generally advanced persuasive arguments against federal licensing. We agree with the contention that federal licensing at this time would place an unmanageable administrative burden on the Commission. Accordingly, we will not now take that step. Furthermore, local governments are markedly involved, since cable must make use of streets and alleys, and local authorities are able to bring to bear a special expertness on such matters, for example, as how best to parcel a large urban area into cable districts. Local authorities are also in a more effective position to follow up on service complaints.

Accordingly, we will leave a number of areas to local regulation, but will take steps to insure efficient nationwide communications service with adequate facilities at reasonable charges. And we will expand to accomplish this by specifying minimum requirements in the local franchising process.

Basic qualifications—choice of franchisee and service area

We will require that the cable system, before commencing operation with broadcast signals, file a copy of its franchise with us and a certificate showing that the franchising authority in a public proceeding has considered the system operator's legal and financial qualifications, and the adequacy and feasibility of his construction arrangements.[2] We are authorizing the use of broadcast signals in order to obtain new benefits for the public, and no such benefits will be forthcoming if the cable applicant is legally, financially, or technically unable to operate. The character of the cable applicant takes on added significance because he may well be engaged in program origination. Nor does this consideration rest on the validity of the Commission's *First Report and Order in Docket 18397*—a matter now before the Courts—since in any event the cable system is free to originate, and may well do so in order to promote its growth. Some governmental body must ensure character consistent with the public interest and, in the circumstances, that body will be the local entity authorized to do so by state law.

While local authorities must examine the above aspects of eligibility and certain others to be discussed, we do not believe it is appropriate to set out comparative criteria to govern the selection process. This is a new realm and we think it best to allow for a variety of experiments and approaches. We do intend to collect and publish data on the various methods used, so that we may review the matter and also be of assistance to the many franchising entities involved.

The local entity must also make the determination whether to divide up the city, county, or state, and, if so, how. We would only stress the obvious—that it must make provision that the franchisee extend service equitably to all parts of the franchise area. A plan that would bring cable only to the more affluent parts of a city, ignoring the poorer areas even though dense in population, simply could not stand. No broadcast signals would be made available in such circumstances. We emphasize however that, barring such inequity, we do not intend to supervise the manner of dividing up political subdivisions. There are obviously a variety of reasonable ways to proceed here, and the matter is one uniquely for the judgment of the local entity.

Construction timetable—franchise duration

We will require that the local franchising authority set reasonable deadlines for construction and operation of systems to ensure that franchises do not lie fallow or become the object of trafficking. Specifically, we will provide that the franchise require that the cable system have an operable head-end within one year after this Commission grants a certificate of compliance, and that thereafter it meet substantial percentage figures for extension of energized trunk cable, such figures to be set by the local authority. This represents neither an innovation nor a hardship for local franchising authorities, since many already impose similar requirements. We believe, in general, that the cable franchisee should be required to extend energized trunk cable to 20 percent of the franchise area per year, for its first five years of operation, with the extension to begin within one year after the Commission issues its certificate of compliance. But we will not lay this down as an inflexible rule, recognizing that particular local circumstances may vary.

We will require the franchising authority to place a reasonable limit on the duration of the franchise, and its renewal. This obviously requires striking a balance between a sufficient time scale to attract venture capital and, in effect, a franchise in perpetuity. The latter is unsatisfactory to state and local regulatory authorities and would be an invitation to obsolescence, because of cable's explosive technological development. We think that, generally speaking, a franchise should not exceed 15 years, with a reasonable renewal period. The economics of cable operation would appear to allow for amortization of initial investment over a 15-year period, and efficient operators can reasonably expect their franchises to be renewed. In short, while we will set out the 15-year period as a general guide, we recognize that the local franchising authority may decide to vary the period based on particular circumstances. For example, an applicant proposing to wire inner-city areas free or at reduced rates might be given a longer franchise.

Subscriber rates—service standards

We will require that the franchising or other governmental authority specify or approve initial subscriber rates for services furnished by the franchisee; that a program be instituted for the review and, as necessary, adjustment of such rates; and that reasonable advance notice be given to the public of all proposed rate changes with the right of the affected members of the public to be heard. The appropriate standard here is the maintenance of rates that are fair to the system and to the subscribing public—a matter that once again will turn on the facts of each particular case and, in the next years, the accumulated experience of other communities with cable. Finally, while we will specify general technical standards, the franchising authority must have a program to ensure quality of service and to review service complaints. Once again our provisions will be designed to impose a general standard of franchisee responsibility while leaving specific substantive decisions to local authorities.

Franchise fees

We proposed a two percent limitation on local franchise fees in our *Notice of Proposed Rule Making in Docket 18892, supra.* While we have decided against adoption of this specific limitation, we believe that some provision to ensure reasonableness in this respect is necessary for a variety of reasons.

First, many local authorities have—understandably but unfortunately—exacted high franchise fees for revenue-raising rather than regulatory purposes. Though most fees seem to run about five percent, some have been known to run as high as 36 percent. The ultimate effect of any revenue-raising fee is to levy an indirect and regressive tax on cable subscribers, and our further concern is that the combination of high local franchise fees and cable's other financial responsibilities may so burden the industry that it will be unable to carry out its part of an integrated national communications program.

We must also take into account the likelihood that cable systems may, in the near future, be subject to Congressionally-imposed copyright fees. We are, of course, aware that cable has in many places achieved public acceptance, but there are limits on the number of different directions in which cable revenues can be stretched. As we indicated in our above *Notice*, our goal is to strike a balance that permits the achievement of federal goals and at the same time allows adequate revenues for the maintenance of an appropriate local regulatory program.

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[2] While we are not at this time instituting rules concerning the franchise selection process, we do strongly suggest that the local franchising authority require a public invitation to all who might want to compete for a local franchise, that all bids be placed on public file and reasonable public notice be given, that a public hearing be held to afford all interested persons an opportunity to testify on the merits or demerits of the various applicants, and finally that the franchising authority release a public report setting forth the basis for its action.

This Commission imposes a fee to finance its own cable regulatory program. The regulatory program to be carried out by the local entity is different in scope and indeed may differ from jurisdiction to jurisdiction. While we think that generally franchise fees should run between three and five percent as a maximum, we believe it more appropriate to specify a general standard to be implemented within the specific local context. Thus, we will simply require that the franchise fee must be a reasonable one that does not interfere with the effectuation of federal goals. But when the fee is in excess of three percent (including all forms of consideration, such as initial lump sum payments), the franchising authority shall submit a showing of the appropriateness of the fee specified, particularly in light of the planned local regulatory program. The franchisee shall also set forth a showing that the fee specified does not interfere with achievement of his responsibilities as defined in relevant Commission rules and documents. As we gain more experience in this area, we will doubtless take further action and may well issue a further notice of inquiry or proposed rule making when our cable rules go into effect.

Grandfathering

We will apply generous grandfathering provisions. An existing cable system will be required to certify that its franchise includes the above provisions within five years of adoption of our rules or upon renewal of its franchise, whichever occurs first. This delay should relieve both cable systems and local authorities of whatever minor dislocations the new rules might cause.

Advisory Committee

The provisions of this Section of the document represent the bare minimum needed to get cable under way, and some matters are best left to *ad hoc* consideration. We believe that a special committee composed of Commission representatives, and representatives of state and municipal entities, the cable industry, and of public interest groups would be most helpful, and we propose in the near future to create such a committee. This committee, through its Commission representative, can then report to and advise the full Commission as to the next appropriate steps in this important area. For, as we gain experience and data, we must be alert to take such further action as will promote the public interest. We intend also to make available to local entities the information garnered through proceedings of the Commission and the proposed committee, so that such local entities may be better informed as to pertinent approaches and data in this dynamic field.

V. FURTHER QUESTIONS

Despite the length of this document, you will appreciate that it does not contain as full a treatment of every aspect of cable development as will be included in our *Final Report and Order*. But it does set out the essence of our proposals, and our rules will follow directly for them.

We also want to make clear that there is much unfinished business in the cable field. For example, there is the outstanding proceeding dealing with cross and multiple ownership problems. Clearly, this federal matter must be resolved without undue delay so that threshold eligibility questions are laid to rest. To cite just one instance, strong arguments have been advanced that local ETV station operators should not be barred from any and all ownership participation in cable systems in their communities; and, as a matter of equity, these arguments should be dealt with before franchises are awarded in the markets that we are now proposing to open for cable penetration. We will therefore split out matters such as this for resolution before our new rules become effective.

This document itself refers to several new proceedings to deal further with a number of difficult problems. In the access area, for example, there will be a proceeding to consider the shape of new regulations (if any) on the access and leased channels; and this will reach to the important issue of preventing abuses, particularly with respect to rates, that might thwart the fullest possible provision and use of such channels.

In the federal-state/local area, there will be a proceeding to consider various aspects of matters treated here only in a preliminary way. This will include the difficult issue of delineating which services are interstate in nature and which intrastate and, even if the former, whether federal regulation should be exclusive.

Possible problems concerning carriage of radio station signals have not been treated here although some of the same issues raised by carriage of television signals may also be raised by radio signal carriage. Further inquiry and proceedings in this area will be required.

We have also been asked by the cable television industry to take action to encourage the manufacture and sale of television receivers specifically designed for use with high capacity cable systems, eliminating the need for set-top converters, improving reception of adjacent channels, and reducing direct pick-up interference. Inquiry in this area is clearly indicated and it will be an item on the agenda of the industry task force we propose to establish to assist us in formulating further technical standards.

Additionally, it may become necessary in the future to adopt a uniform set of cable accounting standards to aid in the implementation of effective regulatory programs. We will, therefore, issue a *Notice of Proposed Rule Making* to explore the need for and possible form of such standards. At this comparatively early point, however, the NCTA's *Accounting Manual for Cable Television* can serve as a useful focal point for discussion of this issue.

Our continued attention will also be required to ascertain whether existing rules to prevent the siphoning of programming from over-the-air broadcasting are effective or whether further regulations are indicated. We have referred to this at greater length in our discussion of sports events under "Television Broadcast Signal Carriage," above. We intend to keep a close watch on this whole question and will be receptive, as we indicated earlier, to Congressional guidance in this vital area of national concern.

Underlying all these issues is the fundamental fact that cable is not static but rather is an emerging technology, with a host of possible services still to come. It follows that our regulatory pattern must evolve as cable evolves—and no one can say, at this stage, what the precise direction will be. Many of those who testified at our hearings urged that cable's tendency will and indeed should be more and more toward a common carrier concept. And that, of course, would have profound regulatory consequences for which the Commission and the Congress must be prepared.

This document signifies the amount and the substance of regulation that we believe is essential now for the orderly development of the cable industry. But its ability to survive and prosper will ultimately, in our view, be tested in the market place. We have, in short, proposed first steps—long overdue. We welcome your participation in this most important matter and, in effect, a continuing partnership. Our objective and yours is surely the same—to bring to the American people an effective and a diverse communications system, in accordance with the mandate of the Communications Act of 1934.

This letter was adopted by the Commission on August 3, 1971, Commissioners Burch (Chairman), Bartley, R. E. Lee, Johnson, H. R. Lee, and Houser voting for adoption of the document, and Commissioner Wells dissenting (separate statement attached hereto).

By direction of the Commission.

DEAN BURCH,
Chairman.

DISSENTING STATEMENT OF COMMISSIONER ROBERT WELLS

I would have preferred to concur in the action of the majority in the adoption of this document for we all have the same goals. Our objective is to provide for the further development of cable television systems, done in such a manner that we do not disrupt or diminish the service now being brought to the public by the broadcasting industry. Since we all wanted to achieve this goal, most of our differences are matters of degree.

However a segment of the action taken by the majority represents another example of over regulation at the Federal level. It was done without local franchising authorities having an adequate opportunity to demonstrate their ability or inability in this complex field.

We do not have before us a case of federal funding where some federal controls are inevitable. We have preempted jurisdiction where for various reasons the basic requirements for these systems vary from one franchise area to another. Rather gratuitously the majority has assumed that *all* expertise in this matter is at the Federal Communications Commission. It is true that the Commission has held many hours of hearings and discussions on cable television and should be more informed than most local fanchising authorities in many aspects. This does not mean that the Commission has acquired the necessary skills required to deal with local problems which reasonably can be expected to arise in such a complex field. The rationale for assuming our expertise in local situations, which is thought to be so great so as to preclude even giving local authorities any control over what is needed in the way of local access channels, escapes me.

While I would favor a nationwide interconnected cable television network, at this time. I oppose allowing signals to be imported from any distance as is proposed in the document before us. The possibility of adverse impact by such signals upon existing broadcast services is of grave concern. I would have been more cautious now, hoping that experience would permit us to come to the point where all restrictions might be abolished.

Stating my objections briefly, I believe we could have given cable systems less in distant signal importation and still stimulated its growth. On the other hand, I would not have the Commission burdening cable operators with what could prove to be excessive capital outlays because of our proposals for non-broadcast channel capacity. I am sure that in some cases our channel capacity requirements will prove to be quite reasonable. The local franchising authorities are in the best position to make that determination and I would leave the matter of access channels entirely to them. Neither would I make any reference to franchise fees or subscriber rates for these again should be left to the judgment of the local authority, and the Commission should not preempt this jurisdiction.

Although I realize any distinction between markets by size is purely arbitrary, I would have preferred a figure other than markets

1-50. For the purpose of this subject, the placing of Wilkes-Barre, Pennsylvania in the same category as New York City is not logical when one considers the question of the ability of the Wilkes-Barre market to withstand the impact of additional distant signal competition. Again, I realize any figure is open to argument, but I do feel we could have arrived at a better division.

I also see the Commission's action as one which will result in a substantial number of requests for waivers from the cable television systems in the many different areas covered by these proposals. Such requests would, in my judgment, have been far fewer in number if local issues had remained for the local authorities' determination, and decisions could be handled far more expeditiously.

On a matter as complex as this one, I could write a lengthy document. I do not choose to belabor all the details. Although I agree with the motives, I disagree with many of the principles involved in our federal-state relationship and have stated some of these objections. Most of my other differences are matters of degree. In the final analysis, I disagree with such a substantial amount of this document that I have no alternative but to dissent.

APPENDIX A. THE MAJOR TELEVISION MARKETS AND THEIR DESIGNATED COMMUNITIES

(Numbers in parentheses indicate market ranking)

FIRST FIFTY MAJOR MARKETS

Albany-Schenectady-Troy, N.Y. (34).
Atlanta, Ga. (18).
Baltimore, Md. (14).
Birmingham, Ala. (40).
Boston-Cambridge-Worcester, Mass. (6).
Buffalo, N.Y. (24).
Charleston-Huntington, W. Va. (36).
Charlotte, N.C. (42).
Chicago, Ill. (3).
Cincinnati, Ohio-Newport, Ky. (17).
Cleveland-Lorain-Akron, Ohio (8).
Columbus, Ohio (27).
Dallas-Fort Worth, Tex. (12).
Dayton-Kettering, Ohio (41).
Denver, Colo. (32).
Detroit, Mich. (5).
Greensboro-High Point-Winston-Salem, N.C. (47).
Greenville-Spartanburg-Anderson, S.C.-Asheville, N.C. (46).
Hartford-New Haven-New Britain-Waterbury, Conn. (19).
Houston, Tex. (15).
Indianapolis-Bloomington, Ind. (16).
Kalamazoo-Grand Rapids-Muskegon-Battle Creek, Mich. (37).
Kansas City, Mo. (22).
Los Angeles-San Bernardino-Corono-Fontana, Cal. (2).
Louisville, Ky. (38).
Memphis, Tenn. (26).
Miami, Fla. (21).
Milwaukee, Wis. (23).
Minneapolis-St. Paul, Minn. (13).
Nashville, Tenn. (30).
New Orleans, La. (31).
New York, N.Y.-Linden-Paterson, N.J. (1).
Norfolk-Newport News-Portsmouth-Hampton, Va. (44).
Oklahoma City, Okla. (39).
Philadelphia, Pa.-Burlington, N.J. (4).
Phoenix-Mesa, Ariz. (43).
Pittsburgh, Pa. (10).
Portland, Ore. (29).
Providence, R.I.-New Bedford, Mass. (33.)
Sacramento-Stockton-Modesto, Cal. (25).
Salt Lake City, Utah (49).
San Antonio, Tex. (45).
San Francisco-Oakland-San Jose, Cal. (7).
Seattle-Tacoma, Wash. (20).
St. Louis, Mo. (11).
Syracuse, N.Y. (35).
Tampa-St. Petersburg, Fla. (28).
Washington, D.C. (9).
Wichita-Hutchinson, Kan. (48).
Wilkes-Barre-Scranton, Pa. (50).

SECOND FIFTY MAJOR MARKETS

Albuquerque, N. Mex. (81).
Amarillo, Tex. (95).
Baton Rouge, La. (87).
Beaumont-Pt. Arthur, Tex. (88).
Cape Girardeau, Mo.-Paducah, Ky.-Harrisburg, Ill. (69).
Cedar Rapids-Waterloo, Iowa (66).
Chattanooga, Tenn. (78).
Columbia, S.C. (100).
Columbus, Ga. (94).
Davenport, Iowa-Rock Island-Moline, Ill. (61).
Des Moines-Ames, Iowa (67).
Duluth-Superior, Minn. (89).
Evansville, Ind. (86).
Fargo-Grand Forks-Valley City, N.D. (98).
Flint-Bay City-Saginaw, Mich. (62).
Fort Wayne-Roanoke, Ind. (82).
Fresno, Cal. (72).
Green Bay, Wis. (63).
Greenville-Washington-New Bern, N.C. (84).
Harrisburg-Lebanon-Lancaster-York, Pa. (58).
Huntsville-Decatur, Ala. (96).
Jackson, Miss. (77).
Jacksonville, Fla. (68).
Johnstown-Altoona, Pa. (74).
Knoxville, Tenn. (71).
Lansing-Onondaga, Mich. (92).
Lincoln-Hastings-Kearney, Neb. (91).
Little Rock, Ark. (51).
Madison, Wis. (93).
Mobile, Ala.-Pensacola, Fla. (60).
Monroe, La.-El Dorado, Ark. (99).
Omaha, Neb. (54).
Orlando-Daytona Beach, Fla. (56).
Peoria, Ill. (83).
Portland-Poland Spring, Me. (75).
Raleigh-Durham, N.C. (73).
Richmond-Petersburg, Va. (64).
Roanoke-Lynchburg, Va. (70).
Rochester, N.Y. (57).
Rockford-Freeport, Ill. (97).
San Diego, Cal. (52).
Sioux Falls-Mitchell, S.D. (85).
South Bend-Elkhart, Ind. (80).
Spokane, Wash. (76).
Springfield-Decatur-Champaign-Jacksonville, Ill. (65).
Texarkana, Tex.-Shreveport, La. (59).
Toledo, Ohio (53).
Tulsa, Okla. (55).
Wheeling, W. Va.-Steubenville, Ohio (90).
Youngstown, Ohio (79).

APPENDIX B. CABLE SIGNAL CARRIAGE IN MAJOR MARKETS

The attached chart depicts the number of signals that cable would be permitted to carry under our new rules in the designated cities of the top 100 television markets. For each market:

Column I shows stations authorized in the market

Column II lists signals meeting the viewing test

Column III shows distant signals permitted to be added

Column IV totals the above three columns and gives the total number of signals available under our rules in each of the designated cities

Additionally, the "Overlapping Market Comparison" in Column V shows how many signals from out of the market would be available under our existing rule which (other than in special footnote 69 situations) requires the carriage of all Grade B signals and compares it with the comparable number that will be available under our new viewing test, restricting carriage of out of market signals to those that are significantly viewed in the home market (the "Viewing Test" entries in Column V are the same as the entries in Column II). In all cases, noncommercial educational stations and foreign language stations are not included.

In calculating signals available under the viewing test (Columns II and V), audience survey information has been used which includes data on cable subscriber viewing in the home county. Since cable viewing of out of market signals may conceivably distort off-the-air viewing patterns, we have undertaken a special survey to be conducted by ARB of the counties where there is substantial cable penetration (more than 10%). Viewing test results in Columns II and V are, therefore, subject to adjustment when the survey results become available. In overlapping market situations where out of market network stations meet the significant viewing test, those stations would, of course, be required to be deleted when presenting programs which duplicate the programming of the home market network stations.

EXPLANATORY NOTES

* Indicates certain markets that do not follow the usual pattern and where special treatment might, on further consideration, be appropriate. These include markets in which a great number of overlapping market signals meet the significant viewing test and markets below the top 50 in which an independent television station already exists.

[a] Market includes a foreign station.

[b] Indicates there is a non-operational station in the market with a construction permit less than 18 months old.

Market	(I) Market signals		(II) Viewing test signals		(III) Additional signals		(IV)	(V) Overlapping market comparison, new viewing test vs. existing rule	
	Net	Ind.	Net	Ind.	Net	Ind.	Total	Viewing test	Out of market grade B's
1. New York, N.Y.-Linden-Patterson, N.J	3	5				2	10		5
2. Los Angeles-San Bernardino-Corona-Fontana, Calif	3	8				2	13		
3. Chicago, Ill	3	4				2	9		
4. Philadelphia, Pa.-Burlington, N.J	3	3				2	8		3
5. Detroit, Mich	3	3				2	8		4
6 Boston-Cambridge-Worcester, Mass	3	3				2	8		7
7. San Francisco-Oakland-San Jose, Calif	4	4				2	10		5
8. Cleveland-Lorain-Akron, Ohio	4	2				2	8		3
9 Washington, D.C	3	3				2	8		4
10 Pittsburgh, Pa	4	1				2	7		3

	(I)		(II)		(III)		(IV)	(V)	
	Market signals		Viewing test signals		Additional signals			Overlapping market comparison, new viewing test vs. existing rule	
Market	Net	Ind.	Net	Ind.	Net	Ind.	Total	Viewing test	Out of Market grade B's
11. St. Louis, Mo	3	2				2	7		
12. Dallas-Ft. Worth, Tex	3	2				2	7		
13. Minneapolis-St. Paul, Minn	3	1				2	6		
14. Baltimore, Md	3	2		1		2	8	1	6
15. Houston, Tex	3	1				2	6		
16. Indianapolis	3	2				2	7		
Bloomington, Ind	3	2	2			2	9	2	2
17. Cincinnati, Ohio-Newport, Ky	3	1				2	6		5
18. Atlanta, Ga	3	2				2	7		
19 Hartford	6	1				2	9		3
New Haven	4	1	2	3		2	12	5	4
New Britain	6	1				2	9		2
Waterbury, Conn	4	1	2	3		2	12	5	2
20. Seattle	3	2				2	7		1
Tacoma, Wash	3	2				2	7		
21. Miami, Fla	3	2				2	7		2
22. Kansas City, Mo	3	1				2	6		1
23. Milwaukee, Wis	3	1				2	6		1
24. Buffalo, N.Y	3	1		1		2	7	1	2
25. Sacramento	3	2				2	7		4
Stockton	3	2		1		2	8	1	8
Modesto, Calif	3	2		1		2	8	1	6
26. Memphis, Tenn	3					3	6		
27. Columbus, Ohio	3					3	6		
28. Tampa-St. Petersburg, Fla	3	1				2	6		
29. Portland, Oreg	3	1				2	6		1
30. Nashville, Tenn	3	1				2	6		
31. New Orleans, La	3	1				2	6		2
32. Denver, Colo	3	1				2	6		2
33. Providence, R.I	3		3			2	8	3	7
New Bedford, Mass	3		3	1		2	9	4	6
34. Albany	3					3	6		1
Schenectady	3					3	6		1
Troy, N.Y	3					3	6		
35. Syracuse, N.Y	3					3	6		3
36. Charleston	3					3	6		1
Huntington, W. Va	3					3	6		
37. Kalamazoo	4	1				2	7		6
Grand Rapids	4	1				2	7		1
Muskegon	4	1				2	7		
Battle Creek, Mich	5	1	1	1		2	10	2	3
38. Louisville, Ky	3	1				2	6		1
39. Oklahoma City, Okla	3					3	6		1
40. Birmingham, Ala	3					3	6		
41. Dayton-Kettering, Ohio	3	1	3			2	9	3	4
42. Charlotte, N.C	3	1				2	6		5
43. Phoenix-Mesa. Ariz	3	2				2	7		
44. Norfolk	3	1				2	6		1
Newport News	3	1				2	6		3
Portsmouth	3	1				2	6		1
Hampton, Va	3	1				2	6		1
45. San Antonio, Tex	3	1				2	6		
46. Greenville	5	1				2	8		
Spartanburg	5	1	1			2	9	1	1
Anderson, S.C	5	1				2	8		
Asheville, N.C	5	1				2	8		3
47. Greensboro	3					3	6		4
High Point	3		2			3	8	2	3
Winston-Salem, N.C	3					3	6		5
48. Witchita	3					3	6		
Hutchison, Kans	3					3	6		
49. Salt Lake City, Utah	3					3	6		
50. Wilkes-Barre	3					3	6		1
Scranton, Pa	3					3	6		2
51. Little Rock, Ark	3					2	5		
52. San Diego, Calif	3	1	1	4		2	11	5	6
53. Toledo, Ohio	3		3	2		2	10	5	5
54. Omaha, Nebr	3					2	5		1
55. Tulsa, Okla	3					2	5		
56. Orlando-Daytona Beach, Fla	3					2	5		
57. Rochester, N.Y	3					2	5		4
58. Harrisburg	5			1		2	8	1	1
Lebanon	5		2	1		2	10	3	5
Lancaster	5		3	2		2	12	5	9
York, Pa	5		3	1		2	11	4	3
59. Texarkana, Tex., Shreveport, La	3	1				2	6		
60. Mobile, Ala	3					2	5		1
Pensacola, Fla	3					2	5		
61. Davenport, Iowa-Rock Island-Moline, Ill	3					2	5		
62. Flint	3		4	2		2	11	6	8
Bay City	3					2	5		1
Saginaw, Mich	3					2	5		1
63. Green Bay, Wis	3					2	5		1
64. Richmond	3					2	5		
Petersburg, Va	3					2	5		4
65. Springfield-Decatur-Champaign	5					2	7		
Jacksonville, Ill	5		3	1		2	11	4	1
66. Cedar Rapids	3					2	5		
Waterloo, Iowa	3					2	5		1
67. Des Moines-Ames, Iowa	3					2	5		
68. Jacksonville, Fla	3					2	5		
69. Cape Girardeau, Mo,-Paducah, Ky.-Harrisburg, Ill	3	1				2	6		
70. Roanoke-	4					2	6		2
Lynchburg, Va	4					2	6		1
71. Knoxville, Tenn	3					2	5		--
72. Fresno, Calif	3	1				2	6		4
73. Raleigh-	2	1			2	2	7		2
Durham, N.C	2	1	1		1	2	7	1	4
74. Johnstown-	3		2			2	7	2	--
Altoona, Pa	3		1			2	6	1	
75. Portland-Poland Springs, Maine	3					2	5		
76. Spokane, Wash	3					2	5		
77. Jackson, Miss	3					2	5		1
78. Chattanooga, Tenn	3					2	5		2
79. Youngstown, Ohio	3					2	5		11
80. South Bend	3			1		2	6	1	
Elkhart, Ind	3					2	5		1
81. Albuquerque, N. Mex	3					2	5		
82. Fort Wayne-Roanoke, Ind	3					2	5		1
83. Peoria, Ill	3					2	5		3
84. Greenville	3					2	5		2
Washington	3					2	5		
New Berne, N.C	3					2	5		
85. Sioux Falls	3		1			2	6	1	2
Mitchell, S.D	3					2	5		
86. Evansville, Ind	3					2	5		
87. Baton Rouge, La	2				3	2	7		3
88. Beaumont-Port Arthur, Tex	3					2	5		1
89. Duluth-Superior, Minn	3					2	5		
90. Wheeling, W. Va	2		3			2	7	3	4
Steubenville, Ohio	2		3	1		2	8	4	4
91. Lincoln	3	1	3			2	9	3	4
Hastings	3	1				2	6		
Kearney, Nebr	3	1				2	6		
92. Lansing	2		3			2	7	3	8
Onondaga, Mich	3		3			2	8	3	9
93. Madison, Wis	3					2	5		1
94. Columbus, Ga	3					2	5		
95. Amarillo, Tex	3					2	5		
96. Huntsville	3					2	5		
Decatur, Ala	3		2			2	7	2	
97. Rockford	3					2	5		5
Freeport, Ill	3					2	5		5
98. Fargo-Grand Forks-Valley City, N.D	3					2	5		
99. Monroe, La	2	1			1	2	6		
El Dorado, Ark	2	1	4			2	9	4	2
100. Columbia, S.C	3					2	5		2

Mr. PASTORE. Mr. President, today I have written a letter to the Honorable Clay T. Whitehead, Director of the Office of Telecommunications Policy at the White House, and I want to read it to the Senate:

DEAR MR. WHITEHEAD: The Federal Communications Commission's recent letter to the Commerce Committee regarding its proposed actions in the cable television field involves many fundamental complex policy matters of national importance.

The Committee will, of course, analyze the document thoroughly in view of its legislative responsibilities and the concern and interest expressed by so many members of Congress.

Since you are the Administration's spokesman on matters of telecommunications policy, and Chairman of the special Administration committee to develop proposals for a comprehensive policy with regard to cable television, it would be helpful if you would give the Committee as soon as possible your views on the proposals as well as any recommendations of your group. The views of your group are essential so that the Committee can weigh the Commission's proposals alongside of yours in determining the course it is to follow.

Sincerely yours,
JOHN O. PASTORE,
U.S. Senator.

Mr. PASTORE. Mr. President if any Senators have any questions, will they kindly let me know.

MESSAGE FROM THE HOUSE—ENROLLED BILL AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution:

H.R. 10061. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1972, and for other purposes; and

H.J. Res. 833. Joint resolution making an appropriation for the Department of Labor for the fiscal year 1972, and for other purposes.

The enrolled bill and joint resolution were subsequently signed by the President pro tempore.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, August 6, 1971, he presented to the President of the United States the following enrolled bills:

S. 581. An act to amend the Export-Import Bank Act of 1945, to eliminate certain export credit controls, and for other purposes; and

S. 2296. An act to amend sections 107 and 709 of title 32, United States Code, relating to appropriations for the National Guard and to National Guard technicians, respectively.

EDUCATION AMENDMENTS OF 1971

The Senate continued the consideration of the bill, S. 659, to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, and related acts, and for other purposes.

PRIVILEGE OF THE FLOOR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the following staff assistants be granted the privilege of the floor during the consideration of the pending bill: Roy Millenson, Sidney Johnson, Kevin McKenna, Stephen Wexler, Richard Smith, Nik Edes, Robert Nagel, and Bertram Carp.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, I should like to ask the Senator from Colorado if he would take the time to answer a few questions.

Mr. DOMINICK. I shall be glad to do so, but first I yield myself 10 minutes of my own time.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 10 minutes.

Mr. DOMINICK. Mr. President, I have listened with interest to the distinguished Senator from Arkansas. I must say that I have never heard such a parade of horrors as he has recited. The Senator's interpretation indicates that we are trying to overturn the whole educational system of the country.

This is very interesting, because I have worked with the educators all the way through in developing the bill. A great number of the provisions which they suggest have been incorporated in the bill. My desire, instead of trying to centralize international education programs, is to disperse it to all eligible institutions throughout the country.

My previous citations of support from educators and foreign affairs experts indicates the breadth of support my amendment enjoys.

As I previously pointed out there are 118 eligible institutions around the country, in the District of Columbia and in Puerto Rico, all offering courses in international relations, foriegn service and diplomacy.

All that the Board has to do is to approve the institution as the bill states.

So, instead of the education being centralized and standardized, it is dispersed and varied. Instead of trying to maintain control of the source of our foreign service personnel, my amendment provides for geographical dispersion through a nomination procedure in which every Representative, every Senator, the President, the Vice President, and the Secretary of State make nominations of the people who will be eligible for the scholarship examination.

Therefore, it is not a patronage situation except insofar as the original nomination is concerned. After that selection is based on a purely competitive basis. It is similar to the Navy ROTC plan.

I cannot visualize for the life of me, when we are dealing with 118 diverse institutions, and a very limited authority in the Board to set manpower requirement needs, how this will create a federally controlled course of instruction. In fact, the university people say exactly the opposite. Because of the concern of the distinguished chairman of the Foreign Relations Committee, the Senator from Arkansas, we eliminated from last year's bill the Foreign Service Institute. We further eliminated from the bill the words "approved by the board" after the words "curricula and courses of study."

What we have tried to do from the very beginning, despite the characterizations that have been heaped upon us, is to maintain a scholarship program which will give young men and women interested in foreign affairs the same opportunity to get an education in those fields as are given to lawyers, doctors, and other scientists, all of which is at Federal expense, and none of which I have ever heard the Senator from Arkansas complain about prior to this time. I cannot understand the objections he is raising at this time. I do not think they are valid.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. DOMINICK. I am happy to yield.

Mr. FULBRIGHT Mr. President, I believe the Senator has stated that the Board has no power. Is it not a fact that the Board has the power to approve the allocation of the funds to be made available?

Mr. DOMINICK. The Board picks the institutions that will be available. Then, when the young men and women take the competitive examinations—and they are similar to the Holloran program in the ROTC—they apply for the institution. And it is approved if they have any available room. That is where they can go.

Mr. FULBRIGHT. Mr. President, I believe the Senator has just said that there are 77 institutions in 31 States.

Mr. DOMINICK. That is correct and they will be given degrees in international affairs.

Mr. FULBRIGHT. Does that mean that an institution which does not give a degree in international affairs would automatically be ineligible for this money?

Mr. DOMINICK. Probably originally it would be, if anyone wanted to go there, but——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMINICK. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for an additional 5 minutes.

Mr. DOMINICK. There are also 41 institutions in 21 States giving foreign service diplomas and curriculums. We have a wide range of institutions.

Mr. FULBRIGHT. There are over 1,500 or 2,000 institutions.

Mr. DOMINICK. The Senator is correct.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. FULBRIGHT. But the fact remains that the Board has the discretion of determining whether the institution is worthy of it.

Mr. DOMINICK. The Senator is correct. I would say to the distinguished Senator that if a young man or woman who is going to go in the Foreign Service, from the State Department viewpoint, they would want to send them to an institution of that kind. If the person is going to be in agriculture, they may want to send the person to an agricultural university or to a land-grant university.

Mr. FULBRIGHT. We have about 8,000 applicants for 100 or 200 places from these same institutions. There is no dearth of student graduates from the institutions to which the Senator referred.

I cannot see what possible advantage this is other than to give the Board——

The PRESIDING OFFICER. Will Senators please be seated. The Senate is not in order.

The Senator from Arkansas may proceed.

Mr. FULBRIGHT. Mr. President, I do not see at all what the object is other than to give the Board the power to influence the kind of training, and so forth, that the institution shall give. This is what I meant by centralization. If the Board has the power to make the selection of students, it has the power, therefore, to make the selection of the curriculum that is appropriate.

I come back again to the members of the Board and the members to be appointed by the Vice President. Since the Vice President is appointed by the President, for all practical effects, it might be said that seven out of the nine would fit into that category leaving only two members appointed by the Speaker. But these men obviously cannot give attention to this kind of matter. There will be a staff and the bill provides for the staff.

Does the Senator think the decision to determine what institutions are eligible, which means the judgment of the curriculums, will not finally devolve upon the staff of the Board?

Mr. DOMINICK. I do not agree with the Senator, just as I do not agree with most of the argument he has made.

This is what would happen in this situation. The university would like to accept the person on this kind of scholarship. Some will say that they want one or two and some will say we do not want any. It happens in connection with the ROTC and in all kinds of programs. They might say, "No, we do not want to take that kind of program."

All they have to do is find the institution to supply ordinary courses in this field which will be of assistance to the person after graduation in the field he is seeking.

For the life of me, I cannot understand the position of the Senator. The more I look at it, the better I think the idea is. I cannot understand why the Senator from Arkansas takes the position he does.

Mr. FULBRIGHT. I think it is wholly unnecessary. The State Department and HEW also think it is wrong. It is not just me. I can assure the Senator all these departments of Government are against it.

The State Department is primarily interested in this area. HEW has said it is wrong.

I shall read one paragraph from a letter from the Civil Service Commission Chairman:

> In addition to training people greatly in excess of need, the Commission finds that the bill is inapppropriate and objectionable with respect to the provisions of section 1209(a) (b) and (c) granting the Board of Trustees a vague kind of assignment authority to place students and graduates in Government agencies. The Commission believes these provisions conflict with the proper appointment authority of each agency head. This authority and related management control should not be subjected to the interference of an outside body with no responsibility for the achievement of the agency mission. The provisions for consultation do not cure this basic flaw and conflict of authority.

He is referring to that provision which would seem to give the Commission a right when a student has been receiving a scholarship, to assign him to a Government agency.

Is that the way the Senator interprets the bill?

Mr. DOMINICK. I did not understand the Senator.

Mr. FULBRIGHT. Did the Senator hear the part I read from the letter of the Chairman of the Civil Service Commission?

Mr. DOMINICK. I was there when he testified.

Mr. FULBRIGHT. This is his letter to me.

Mr. DOMINICK. What date?

Mr. FULBRIGHT. June 3, 1971. He stated:

> In addition to training people greatly in excess of need, the Commission finds that the bill is inappropriate and objectionable with respect to the provisions of section 1209 (a), (b), and (c) granting the Board of Trustees a vague kind of assignment authority to place students and graduates in Government agencies. The Commission believes these provisions conflict with the proper appointment authority of each agency head.

He has a reference to section 1209 in the bill which is on pages 17 and 18. At the top of page 18 where it is stated:

> Except as otherwise provided by any other law of the United States or regulation prescribed by the board, each student admitted to the program under section 1205 shall, upon satisfactory completion of his course of study leading to an undergraduate or graduate degree, or within such period of time thereafter as the board finds to be reasonable to prepare and submit any thesis or dissertation related to his course of study, be available for assignment in the discretion of and by the board.

Then, it is stated on page 18:

> (1) for hiring or appointment by the United States in connection with any program of the government relating to the field of foreign affairs conducted by any department or agency of the government.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMINICK. Mr. President, I yield myself 3 additional minutes; then, if the Senator wants to continue, he can do it on the other time.

I am going to answer what the Senator is saying.

On page 18(c) it states:

> Prior to making any assignments under this section, the board shall consult with interested departments and agencies of the government to determine the personnel requirements of their programs relating to the field of foreign affairs.

So we are not trying to shove anybody at anybody's throat or overfill the positions. We are trying to give young men and women an opportunity to have a career in international relations. I cannot understand what is so horrible about that.

Mr. FULBRIGHT. The Civil Service Commission has responsibility. They interpret this language. I have placed in the RECORD what they say about this matter of assignment authority. They interpret this to mean the Board has the authority to assign.

Mr. PASTORE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Arkansas yield to himself time from the time of the Senator from Rhode Island (Mr. PELL)?

Mr. FULBRIGHT. I yield to the Senator from Rhode Island on the time of the junior Senator from Rhode Island (Mr. PELL).

Mr. PASTORE. Mr. President, as I look at this program it is more or less comparable to the program we have for our military academies—more or less. The only thing that puzzles me is this, and I hope someone will explain it. If a person attends West Point, when he graduates he is given a commission. He is guaranteed a commission in the Army.

Mr. FULBRIGHT. The Senator is correct.

Mr. PASTORE. When one goes to the Air Academy he automatically gets a commission in the Air Force.

Mr. FULBRIGHT. The Senator is correct.

Mr. PASTORE. And when a person goes to Annapolis to the Naval Academy he gets a commission in the Navy.

If a boy or girl is trained for the Foreign Service does that boy or girl automatically get a commission in the Foreign Service?

Mr. FULBRIGHT. That is the very point, and it is a vague point. This assignment power is given to the Board of nine men, appointed by the President, and the Vice President, together with two Congressmen.

The Senator knows what will happen to that Board. The Senator knows how busy he is. There would be the staff that has the responsibility for assignment. But apparently the Civil Service Commission thinks it will work as I stated earlier.

They have 50,000 on the waiting list or on the eligible list, but the Board has the authority to say, "You take this man or this woman." This is the letter which raises the question about the right of assignment. In the letter they pointed out the great excess of applicants.

Mr. PASTORE. I did not understand it that way. I understand the objection of the Civil Service Commission to be while they might have the right to assign, there would be nothing to assign them to.

Mr. FULBRIGHT. On both grounds. There is a great excess of applicants. I read previously the figures we had in the report. I think it said 50,000 people qualified for employment under civil service examination. There were 8,000 applicants for the State Department.

Mr. PASTORE. The only reason why I raised the question, if the Senator will yield to me, is that I have received letters from young people who have been trained for Foreign Service and they cannot get jobs.

Mr. FULBRIGHT. That is correct.

Mr. PASTORE. I wrote to the Secretary of State, and he said there were no jobs for them.

Mr. FULBRIGHT. That is correct.

Mr. PASTORE. If we spend a lot of money to train people in the hope that those people will get jobs, and then they cannot get jobs, does not that lead to frustration?

Mr. FULBRIGHT. That is correct.

Mr. PASTORE. What guarantee is there that after we spend this money to train them for Foreign Service they will get jobs there?

Mr. FULBRIGHT. That is one aspect of the problem. There are only a little over 3,000 in the Foreign Service. There are others with the Service in the foreign field. When I say "Foreign Service" I mean those in the Foreign Service who are accredited by the Department of State. There are people in the Department of Agriculture who go to the Embassy in Rome, for example, for work in the field of agriculture. Such persons are trained in agriculture, not foreign policy. The original proposal was not to train a man in agriculture, but to train him to be a diplomat. It was to train such persons in diplomacy to fight communism. That was the origin of the proposal. Because that was objectionable, it has been changed into this form at the present time.

As I have said, there is no need for it.

A further point is, are we, in this really very casual way, going to delegate to this Board and its staff the right to make an assignment in X agency, in HEW, Agriculture, or what have you, and say to the Secretary of Agriculture, "You have to take Mr. Jones. He has a degree from a university on our scholarship"? A further question is raised: Is that going to be done without overriding his authority? That is one aspect of it.

There is one rather curious provision

with regard to scholarships on page 13 of the amendment which reads:

> Where both a husband and wife member are students under the Program and are cohabiting, their joint subsistence pay shall be $300.

I suppose the board is going to have to go around and inspect them to make sure they are cohabiting before they give them $300. What a provision to have in the law—that it would be illegal for them to get the $300 if they were not cohabiting. Who is going to be inspecting the students who are in the various universities to be sure they comply with that provision of the law? It is a rather curious provision. You see, Mr. President, they have to cohabit in order to get the $300. If they are not, they get $250.

Mr. PASTORE. And they have to go to the same university in order to cohabit; do they not?

Mr. FULBRIGHT. That is correct.

Mr. PASTORE. They cannot go to different universities.

Mr. FULBRIGHT. They cannot go to different universities. Talk about supervision of the lives of students. And then the proponents say that this is free and there is diversity. This is Big Brother in a university.

What is going to happen when they approach a professor in a school—all of which are in bad shape financially. That is what the purpose of the bill is—to help finance them. But if they approach a dean and he is asked, "How would you like a program that will give you some money?" Of course, he is going to be in favor of it. I will wager that the deans have not studied the bill. The bill to some extent, from time to time, has been changed since it was originally introduced. It will be easy to approach a professor and offer him this program, especially if it is in his field; and they can go to practically any school, because they are all overcrowded. There are many applications in every institution of higher education in this country for every particular place, except in some of the poorer places, small and neglected, without staff or reputation; but even those have applicants to the extent that they can take care of. But take schools like Yale and Washington Universities. I was told Yale University not long ago had 3,600 applicants for 300 places in the law school—10 to 1.

When one goes to these schools, he finds they are looking not for students; they are looking for money. If they can find ways to give them money, or they think they can get money, they are open to persuasion. Take what happened at MIT, certainly one of the greatest technical universities in this country. It became almost a bureau of the Pentagon. It was receiving at one time $100 million. What did it lead to? The students felt—I think correctly—that the whole institution was being subverted for the purposes of the Pentagon rather than for the training of students, and that caused great trouble up there.

On balance, and in a general way, I do not believe the Federal Government should inject itself into this very sensitive area of the training of our students for civilian life. I think there is a great distinction to be made between this and training men to perform in an area where they must be under discipline and the same discipline for everyone—where they have to abide by the same rules of war and regulations. That is acceptable there, but to try to educate a group of civilians to represent us abroad in this field and make them all the same seems to me to be contrary to the very basic assumptions of our society.

We do not want all our Senators to be the same, or all Members of Congress to be the same. If we are going to do this for the Foreign Service, why do we not have a school for Senators, to which every Senator must go in order to be eligible to be a Senator? They would all have to take the same course. They would all have to think the same about everything. They would all have to be free traders or high tariff advocates.

This seems to be a ridiculous discipline to apply to this field. It might be appropriate, we used to think, to a communistic, authoritarian country. They may have provisions of this kind. I am not sure whether the Russians have gone so far as to require their foreign service people to take the same kind of training. They may have, but that would at least be more consistent with their concept of how to organize a society. I think it is directly contrary to our idea of the way to have the most effective society.

What do we have in big business? We had a big argument the other day—and it was a close decision—about whether we were going to subsidize big business through the Federal Government. It was a very controversial subject. Due to the efforts of the Senator from Wisconsin, the subject was discussed to the point where Senators knew what they were voting on, at least. They had heard it talked about long enough so that they knew what it was about. Although I regret the decision, it was a very close decision, but there was a very lively debate.

What I am afraid of in this case is that there has been no debate on this proposal. I had no notice that it was going to come up until this afternoon. As I said, the Foreign Relations Committee voted adversely on this, and reported 10 to 2 against it.

I would call attention again to the fact that the education committee did not take it seriously enough to have any vote on it. It just voted it out on a voice vote, the way we call the calendar.

But to set up a board which is going to run this program, it seems to me, deserves a lot more attention than that. We made a big fuss over the Subversive Activities Control Board, and that involved only $500,000. Here is $60 million that will be at the disposal of a Board of nine men, all with completely full-time jobs such as Senators and Secretaries of State, which is expected to go around and evaluate the universities of this country that are offering courses in foreign affairs.

Imagine how well informed they will be. How much time does the Secretary of State have to visit 71 institutions located in 31 States? Again, all this means is that a staff will be appointed—five men, I believe it provides—and that staff will be the disappointed administrative assistants of Senators who could not appoint them elsewhere. They will determine the policy for this Board, and that is about the way it will finally end up.

There is another thing about this matter that I had on my mind: the broad authority that they are given about hiring consultants. This has within it the making of a real empire. They would give this Board the authority to hire—page 19, staff of the Board, section (c):

> The Board may procure such temporary and intermittent services as are authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals.

I ask you, how many of them can they hire for $100 a day, and for how long?

This is quite a power to give to a Board of nine men appointed in the fashion which I have already mentioned. This is quite a nice little bit of patronage to turn over to this Board, but I still think it is utterly improper in the field of education.

I sometimes question the wisdom of the patronage appointment of young men to run the elevators here. They interfere with the automatic elevators; the elevators run better without them. But I cannot bring myself to complain about it, because I think it is perfectly all right to help them through school. I would only prefer that they leave the elevators alone and spend all their time reading their books, and both they and we would get more out of it, because they inhibit the efficiency of the elevators.

But this kind of patronage is much more dangerous. If you put them on the elevators, the worst that may happen is that the elevator may not work; but if you start meddling with our institutions of higher education, and induce a degree of uniformity in the curriculums they offer the young people who are going to represent this country, you have done incalculable harm to the future of the country. If we do so, we will have really injured it, I think, in a way that will be extremely difficult to undo.

I also point out that the Board, which is the core of this idea, is appointed at the discretion of the President and the Vice President. It is not confirmed by the Senate. A member obviously can be any disappointed office seeker that they have got to put somewhere.

I have forgotten what they pay the members of the Board. I think that they cannot be paid, because they are all paid as Members of the Senate, the House of Representatives, and as the Secretary of State, already. But they can pay the staff, and of course it will be the staff which will make the decisions in the long run. With a Board of this character, that is almost inevitable, it is almost impossible for Members of Congress and the Secretary of State to give attention to it. I presume that the pay for the staff would be a nice amount, probably comparable to that of the Subversive Activities Control Board, and no doubt with almost the same amount of duties.

I would hope that the Senate would

defer this matter. I would like to suggest, Mr. President, that it go over, but I suppose the manager of the bill would not be willing to do that. Would he support a motion to lay on the table, so that this matter could have further consideration at a time more propitious, when more Senators are present?

Mr. PELL. Mr. President, as manager of the bill, I would like to go ahead with a vote, as the Senator from Arkansas can well imagine. On the other hand, a motion to lay on the table is always in order, and the Senator can make the motion himself.

Mr. PASTORE. Mr. President, will the Senator yield so that I can ask several questions?

Mr. FULBRIGHT. I yield.

Mr. PASTORE. I am referring now to page 18 of the amendment. I do not see anything wrong with this program, really, if we have the places to put these people once we educate them, because I think when it comes to international affairs, we ought to have the best educated people in the world.

But what puzzles me here is the fact that we may spend a lot of money to train a certain individual in the hope that he will get a certain assignment in the Federal Government in a particular job for which he has studied so hard. But as I read page 18, all it amounts to is that once you are graduated, you become eligible for assignment. Is there a guarantee here that you will have a job? And who determines the giving of that guarantee?

Mr. PELL. My understanding is that there is no such guarantee, but the author of the amendment could reply more accurately.

Mr. DOMINICK. The Senator from Rhode Island is correct; there is no such guarantee, but the Secretary may determine how many scholarships he is going to give out. He can determine whether to make it a thousand a year, or 500.

Mr. PASTORE. The only trouble is this: The period of time from the determination of the number of scholarships to graduation after taking the course is 4 years. If it is a graduate course, it may be 6 or 7 years. This is the thing that bothers me, because we have so many young people today who are encouraged, for example, to take a premedical course, and after they have taken the premedical course there is no medical school for them to go to.

I am telling you, that is about the worst thing we could do to a young man or young woman. We have given them the encouragement that if they take a premedical course, they are going some day to be a doctor. Then when they complete the course and apply to a medical school, there are not enough medical schools around to take them in, and some of them have to go to Canada, Italy, France, or some other foreign country to be taken in. I know a lot of them that have had to switch to something else, because they could not get into a medical school.

The same thing is true here. Here we are encouraging—and I think it is a good thing, as we have the opening. We ought to do what the British do. They really educate their foreign service officers so that they are qualified and competent. We have not done it exactly that way, and maybe an improvement ought to be made.

But the thing that puzzles me here is, do we have the documentation that there is a paucity of these applicants today, and that for that reason we ought to inspire and encourage young men to become proficient in that area, so that they can one day serve their government, and is a job guaranteed to them?

Mr. ALLOTT. Mr. President, will the Senator yield for a question?

Mr. PASTORE. I do not have the floor. I am asking the question, really.

Mr. DOMINICK. Mr. President, I shall be happy to give a brief answer, and then let my colleague make another one. The purpose of this amendment is to try to get a much broader diversification of opportunity for young men and women in a number of fields. This is not restricted to the so-called Foreign Service Corps; it takes in Foreign Service people, Federal Aviation Authority people, and people who would like to work in the Foreign Service of this country in one field or another as they get through their educational careers.

There are, at the present time, about 66,000 positions in this particular field, and there are *x* number of vacancies, on a regular basis, that would occur each year. I think they have some 5,000 or 6,000 a year average turnover.

We are going to have a continuing turnover in this area, if the United States stays, hopefully, economically strong and remains a part of the free world, and I would say one of the important things that we are going to have to do, as we start, hopefully, withdrawing our military forces, is to be able to maintain our degree of expertise in other fields, to maintain our relationships with our allies, and to continue negotiating with potential enemies.

So I do not see any prospect, from the long-range viewpoint, of cutting down on the number of people we are going to need here. I think the need will probably increase. But in any event, you can take a sample project, and what has been going on over a period of years, and then build in this scholarship program for that purpose.

Mr. PASTORE. The thing that disturbs me is this. It would strike me that the Secretary of State would want the best educated people in international affairs to enter the Foreign Service. It strikes me that the Civil Service Commission would want the best qualified people in Government. Why do the Secretary of State and the Civil Service Commission object to this proposal?

Mr. DOMINICK. They largely objected to it, as far as I can find out from listening to their testimony and reading it, on two grounds: First, they have more applications than there are now available positions. The question is, Were they qualified? How highly qualified are they? What kind of training? Where do they come from? These figures are unavailable at the moment. Second, the objection they raise, as put into their report, the only other objection—I have all kinds of support behind this bill from all over the country—is that the Board was to approve the curriculum. That was never the intention of the author of the bill; and in order to avoid any such implication, we have taken out the words "approved by the Board," insofar as curriculum is concerned. That has been eliminated.

We are left with the one thing that the Senator has brought up. The question is, Are we going to get more graduates than we need? The answer to that is, I do not know. Hopefully, we will get an input from around the country of different kinds of people who will be available for these jobs in different specialties or different generalities, who will be highly educated, to go into this field.

I see no reason why the Board cannot program this out slowly in order to determine whether they are going to have 500 or 750 or something like that. Certainly, that number of people can be educated and put into Government service.

Mr. PASTORE. We already have Foreign Service schools. We have Georgetown; we have other schools throughout the country.

Mr. DOMINICK. Georgetown, incidentally, is very much in favor of this bill.

Mr. PASTORE. I know that. I can understand why—because a certain number of students who will be taken in from now on will be supported by Federal money. That is a legitimate reason. I can understand it. The fact remains that we do have institutions today that are doing precisely what this bill does for the students who take this examination, and the fact remains that today we have more jobs than graduates.

I think we ought to establish, first, that there is a need for more of these graduates, that a demand is being made by the State Department for more of them; that a demand is being made by the Agriculture Department for more of them. All that has not been substantiated.

I think that academically this is a marvelous idea. I believe the Senator from Missouri made a suggestion at one time that we ought to have a Foreign Service school as we have a military academy.

Frankly, at first blush, I thought it was a pretty good idea, if we needed to do it. Now we are being told that the Secretary of State does not think it is important, that the Commission does not think it is important.

Does not the Senator think that we are embarking on something that nobody wants except the institutions that are going to get this money?

Mr. DOMINICK. No, I really do not, I may say to the distinguished Senator, for whom I have enormous respect.

The difficulty we have now is that the people who apply for these jobs are those who have not had a career incentive or ability to embark on a career early. So what we are faced with is a pool of people who have not been led into this, but decide that this is what they want to do after they are through. There is no career opportunity in the Foreign Service field, in the educational field of the Foreign Service, at this point.

We cannot take a young person from high school and say, "Here is an opportunity for you to do something. This is your bet and we give you a chance." At the moment, they are siphoned off into the scientific field, into the medical field, into the teaching field, into all the other fields that are being funded by the Federal Government. This is not being funded, and we are waiting until we get through.

The result has been, as a task force of the State Department has pointed out, as I stated in my prepared statement, that they have had great difficulty in getting any minorities into the Foreign Service. We need a great many of these people, with the world as small as it is today.

I read from their report:

> For example, college recruiters were sent to 19 predominantly black colleges in the fall of 1969 to encourage black students to take the FSO written examination. Only 13 students from these school took the written examinations. Six passed.
>
> Highly capable minority candidates are difficult to recruit because few have had any exposure to the Foreign Service as career possibility—

This is the point I make.

> And because the best of such candidates receive job offers from other employers who have aggressive minority programs and who offer better salaries and at least comparable responsibility.

If we start the type of program I am proposing, we will get the career possibilities opening up early, so that they can assess this as against whatever else they may be able to do and decide that if this is what their career desires are, they can move forward in that field. I think it is of great significance.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a clarification?

Mr. DOMINICK. On the time of the Senator from Arkansas.

Mr. FULBRIGHT. I thought the Senator said there were 66,000 positions. In the table that the Senator put in the Record, it does not look that way to me. Did the Senator say there were 66,000 places for American citizens abroad?

Mr. DOMINICK. There are 59,832 Federal civilian employees representing our Government overseas: 35,831 serve in foreign countries, and 24,001 serve in U.S. territories. In addition, recent information from the major agencies indicates that approximately 6,000 Federal employees working here hold positions requiring continuous contact with foreign countries and foreign nationals.

Mr. FULBRIGHT. I wanted to clarify that. According to the Senator's own table on page 17 of the hearing, there are only 35,831 U.S. citizens in foreign countries. Of that amount, 22,769 are in the Defense Department, which has very special requirements. They could hardly be considered as needing the usual traditional Foreign Service. So it leaves only 15,000 places. Of that, the State Department, including AID and the Peace Corps, have 9,932.

Surely one would hardly want the Peace Corps to go through this program. Under the original concept of the Peace Corps, it is true, the members were trained as technicians, but not as diplomats. They are selected now as carpenters, plumbers, good agriculturalists, and so on. But there is a very small, a relatively small, number of opportunities, far less than 66,000.

The PRESIDING OFFICER. All time of the Senator from Rhode Island has expired. Who yields time?

Mr. FULBRIGHT. Is there any time on the bill?

Mr. PELL. How much more time would the Senator from Arkansas like?

Mr. FULBRIGHT. Fifteen or twenty minutes.

Mr. PELL. I would rather not yield that much time.

Mr. FULBRIGHT. Since the time has lapsed, I think the proper thing to do would be to move to lay the amendment on the table.

The PRESIDING OFFICER. The time of the Senator from Colorado has not expired.

Mr. FULBRIGHT. I thought that the Senator said a moment ago he was prepared to yield back the remainder of his time.

Mr. DOMINICK. I am prepared to yield back the remainder of my time.

Mr. FULBRIGHT. I move to lay the amendment on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arkansas to table the amendment.

Mr. DOMINICK. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

The PRESIDING OFFICER. On this amendment, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Indiana (Mr. Bayh), the Senator from Nevada (Mr. Bible), the Senator from Nevada (Mr. Cannon), the Senator from Florida (Mr. Chiles), the Senator from Idaho (Mr. Church), the Senator from California (Mr. Cranston), the Senator from Mississippi (Mr. Eastland), the Senator from Louisiana (Mr. Ellender), the Senator from North Carolina (Mr. Ervin), the Senator from South Carolina (Mr. Hollings), the Senator from Hawaii (Mr. Inouye), the Senator from Washington (Mr. Jackson), the Senator from South Dakota (Mr. McGovern), the Senator from New Mexico (Mr. Montoya), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. Muskie), the Senator from Connecticut (Mr. Ribicoff), the Senator from Alabama (Mr. Sparkman), the Senator from Georgia (Mr. Talmadge), and the Senator from California (Mr. Tunney) are necessarily absent.

I also announce that the Senator from Indiana (Mr. Hartke), the Senator from New Hampshire (Mr. McIntyre), and the Senator from Illinois (Mr. Stevenson) are absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. Jackson), the Senator from Illinois (Mr. Stevenson), and the Senator from California (Mr. Tunney) would each vote "nay."

I further announce that, if present and voting, the Senator from Idaho (Mr. Church) and the Senator from South Dakota (Mr. McGovern) would vote "yea."

Mr. GRIFFIN. I announce that the Senators from Tennessee (Mr. Baker and Mr. Brock), the Senator from Utah (Mr. Bennett), the Senator from Arizona (Mr. Goldwater), the Senator from Kansas (Mr. Pearson), and the Senator from Vermont (Mr. Prouty) are necessarily absent.

The Senator from New Hampshire (Mr. Cotton), the Senator from Nebraska (Mr. Hruska), the Senator from Idaho (Mr. Jordan), and the Senator from Illinois (Mr. Percy) are absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

Also, the Senator from Delaware (Mr. Boggs), the Senator from Kentucky (Mr. Cook), the Senator from Oregon (Mr. Hatfield), the Senator from Ohio (Mr. Saxbe), the Senator from Connecticut (Mr. Weicker), and the Senator from North Dakota (Mr. Young) are necessarily absent.

If present and voting, the Senator from Illinois (Mr. Percy) would vote "yea."

The result was announced—yeas 21, nays 38, as follows:

[No. 210 Leg.]

YEAS—21

Allen
Bentsen
Burdick
Byrd, W. Va.
Case
Cooper
Fulbright
Gambrell
Gravel
Harris
Hart
Jordan, N.C.
Long
Magnuson
Mansfield
McClellan
McGee
Pastore
Proxmire
Spong
Symington

NAYS—38

Aiken
Allott
Beall
Bellmon
Brooke
Buckley
Byrd, Va.
Curtis
Dole
Dominick
Eagleton
Fannin
Fong
Griffin
Gurney
Hansen
Hughes
Humphrey
Javits
Kennedy
Mathias
Metcalf
Miller
Mondale
Nelson
Packwood
Pell
Randolph
Roth
Schweiker
Scott
Smith
Stennis
Stevens
Taft
Thurmond
Tower
Williams

NOT VOTING—41

Anderson
Baker
Bayh
Bennett
Bible
Boggs
Brock
Cannon
Chiles
Church
Cook
Cotton
Cranston
Eastland
Ellender
Ervin
Goldwater
Hartke
Hatfield
Hollings
Hruska
Inouye
Jackson
Jordan, Idaho
McGovern
McIntyre
Montoya
Moss
Mundt
Muskie
Pearson
Percy
Prouty
Ribicoff
Saxbe
Sparkman
Stevenson
Talmadge
Tunney
Weicker
Young

So the motion to table Mr. Dominick's amendment was rejected.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. Beall) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

EDUCATION AMENDMENTS OF 1971

The Senate continued the consideration of the bill (S. 659) to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, and related acts, and for other purposes.

Mr. **FULBRIGHT.** Mr. President, I move to strike subsection 3 of section 1206, appearing on page 13, lines 3 to 8, inclusive.

The PRESIDING OFFICER. The amendment will be stated.

Mr. PELL. Mr. President, will the Senator from Arkansas withhold so that I may yield to the Senator from Montana?

Mr. FULBRIGHT. Yes.

Mr. PELL. Mr. President, I yield to the Senator from Montana.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, there have been a good many meetings yesterday and today relative to a unanimous-consent agreement which I am about to propose. It has been cleared with all interested parties, and with the distinguished Republican leader and the distinguished deputy Republican leader, as well.

Mr. President, I ask unanimous consent that title IV of S. 659, now pending before the Senate be stricken, and that the said language of title IV be introduced as a bill, and that the bill be jointly referred to the Committee on Interior and Insular Affairs and the Committee on Labor and Public Welfare with instructions that the bill be reported back to the Senate not later than October 1, 1971. I ask further that when the bill is reported it be in order to proceed to its consideration at the discretion of the majority and minority leaders with time for the debate thereon to be limited to 3 hours to be equally divided and controlled by the Senator from Rhode Island (Mr. PELL) and the Senator from Washington (Mr. JACKSON), and that debate on any amendment, motion, or appeal, except a motion to table be limited to 1 hour to be equally divided between the mover of the amendment and Senators PELL and JACKSON, and any amendment must be germane, and further that any amendments to amendments be limited to one-half hour time to be similarly divided and controlled.

Mr. ALLOTT and Mr. METCALF addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLOTT. Mr. President, reserving the right to object, and I shall not object, before the unanimous-consent request is granted, I would like to lay the foundation for some legislative history on this matter. I refer to rule XXV of the Senate, subsection (k), paragraph (16), which refers to the Committee on Interior and Insular Affairs.

Mr. President, may we have order, please?

The PRESIDING OFFICER. Will Senators refrain from carrying on conversations? Will the Senators please resume their seats? The Senate will not proceed until the Senate is in order.

The Senator from Colorado may proceed.

Mr. ALLOTT. Mr. President, I thank the Presiding Officer.

Paragraph (k), subsection 16 of rule XXV reads as follows:

> (k) Committee on Interior and Insular Affairs, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:
>
> * * * * *
>
> 16. Measures relating to the care, education, and management of Indians, including the care and allotment of Indian lands and general and special measures relating to claims which are paid out of Indian funds.

The only point I make, and I make it on behalf of the distinguished Senator from Washington, the chairman of the committee, as well as myself and for the other minority members of the committee, and some of the majority members, by the way, is that it is understood and agreed, as a matter of legislative history that in agreeing to this unanimous consent request the Committee on Interior and Insular Affairs is not, by acceding to this request, ceding any of its jurisdiction it now has under the rules of the Senate.

I think the Senator from Rhode Island, perhaps, should reply.

Mr. PELL. Mr. President, the Senator from Colorado is absolutely correct. But I would add: The Committee on Labor and Public Welfare is not ceding any of its jurisdiction making an arrangement arrived at for the convenience of the Senate—specifically with respect to any laws amended by the bill, so there will be no change in jurisdiction.

Mr. ALLOTT. I thank the Senator. This is very important. I will not object.

Mr. MANSFIELD. Mr. President, I yield to my colleague from Montana.

Mr. METCALF. Mr. President, the amendment that Senator MANSFIELD and I have introduced to the education bill (S. 659) is to aid the most neglected of all Indian children—those who live with their parents, not in the settlement which usually clusters around the BIA agency offices, but rather on the borders of the reservation, where their families eke out a living in ranching and farming. These children attend small schools along with the children of non-Indian ranchers whose land is adjacent to the reservation. There are virtually no passable winter roads, so they cannot be bussed into the larger community. In periods of inclement weather, busing may take several hours a day. There are also small numbers of Indian children who attend high school in non-Indian towns near the reservations. There are at least 17 such schools in Montana, according to the Montana State Superintendent of Public Instruction. There are similar situations in other States with large Indian populations.

Mr. President, there is no question here of the general excellence of S. 659. If we look just at the special programs contemplated for urban Indian children, we can only rejoice that a need many of us have long perceived will be met in this bill.

In addition to special programs for Indian children in public schools throughout the Nation, and programs for teacher training, the bill involves Indian parents in the education of their children as was done with such success in the demonstration project at Rough Rock in Arizona.

I again congratulate the distinguished chairman of the Subcommittee on Education and his colleagues and the distinguished chairman of the Committee on Labor and Public Welfare and other Members. They have skillfully put together a bill that holds great promise in many areas. The student aids for higher education in S. 659 are first rate and I enthusiastically approve of the elevation of the Commissioner of Education to the level of Assistant Secretary. I hope this will be the first step to the establishment of a separate Cabinet post for education. I also think the ethnic heritage studies program is excellent.

Mr. President, I also note that the senior Senator from Minnesota (Mr. MONDALE) has displayed laudable expertise and leadership on issues concerning Indian education. The Senator from Minnesota has been cooperative, gracious, and fair, as has his assistant, Mr. Bert Carp.

Mr. President, this is excellent legislation. What Senator MANSFIELD and I seek is the adoption of an amendment that will enhance the high purpose of the bill's provisions for Indian children living near the reservations. We believe it was clearly not intended that the bill before us should do less. It is intended to do more for Indian children regardless of where they live. Its purpose is in "recognition of the special educational needs of Indian children."

As I previously stated, our amendment concerns those Indian children who live not in the Indian settlements but rather on the edges of the reservation. These are the children who attend small schools along with non-Indian children whose homes are adjacent to the reservation.

In these small schools the Indian children constitute less than 50 percent of the enrollment and number less than 10. Our amendment would make it possible to provide the benefits of title IV of S. 659 to most of these isolated schools. It would have a minimal effect on the overall purposes of title IV of S. 659, but it is of immense importance to these isolated Indian children. I have here, Mr. President, as examples, a list of seven of these schools. The total enrollment in each of these schools ranges from a low of 15 students to a high of 178 students. In each case, the number of Indian students is less than 10, ranging from three through nine. As the bill is presently drafted, none of these schools will be eligible to participate in the special programs provided by title IV, for title IV, section 303(a)(2)(b) requires that the Indian enrollment consists of at least 10 children or constitutes more than 50 percent of the total enrollment. I ask that this list of schools be inserted in the Record at this point.

There being no objection, the table was ordered to be printed in the Record, as follows:

SOME EXAMPLES OF MONTANA SCHOOLS ADJACENT TO OR ON INDIAN RESERVATIONS

School	Total enrollment	Indian enrollment
Edgar Elementary School	65	9
Nashua Elementary School	178	7
Nashua High School	114	3
Culbertson High School	113	5
Charlo High School	121	7
Proctor Elementary	15	3
Dayton Elementary	32	8

Mr. METCALF. The report of the Special Subcommittee on Indian Education indicates the large numbers of Indian children who are high school dropouts. The Indian dropout rate is twice the national average—in some schools it approaches 100 percent. Senator Mansfield and I believe that if the schools listed above and similar schools in other States are able to provide the special Indian education programs contemplated by this bill, the dropout problem will be greatly reduced. The schools will be attractive to the Indian youth, who now find the curriculum irrelevant to their interests.

Mr. President, our amendment will affect very few Indian youths, but they are the very ones most apt to become the leaders on the reservations if they are encouraged to stay in school. The effect of our amendment is minor in terms of dollars, but major in terms of human life.

Mr. President, I have a telegram from the National Education Association endorsing our amendment, which I ask to insert in the Record at this point, together with the text of our amendment.

There being no objection, the telegram and amendment were ordered to be printed in the Record, as follows:

[Telegram]

Hon. Lee Metcalf,
Cannon House Office Building,
Washington, D.C.:

The National Education Association urges the adoption of your amendment to revise the eligibility for entitlement for aid to Indian children under Title IV of S. 659. This is of major importance to rural isolated schools on or near Indian reservations which enroll Indian pupils along with non Indian children. Special Indian education programs in these schools will motivate more Indian pupils to attend high school.

Sincerely,

Stanley J. McFarland,
Assistant Executive Secretary, Government Relations and Citizenship.

S. 659

On page 334, line 8, before the period insert a comma and the following: "except that the requirements of this subparagraph shall not apply to any such agency located on or adjacent to an Indian reservation".

Mr. METCALF. Mr. President, I want to make doubly sure that when the bill is referred to the committees, if I do not succeed in getting these amendments in committee, I will have an opportunity to offer them on the floor of the Senate.

Mr. MANSFIELD. Yes, indeed; we will do it together.

Mr. KENNEDY. Mr. President, I believe that the dual referral of title IV to the Labor and Interior Committees presents us with a unique opportunity of recent times: two committees, both with longstanding interest and involvement in Indian education, will be working together to provide a comprehensive Indian education package.

I am, of course, deeply disappointed that we could not act on this legislation today. We have had excellent support and interest on the part of many Indian people, tribes, and organizations in title IV to S. 659. I think the record ought to show some of the recent indications of support on this, and I ask unanimous consent that the telegrams received on title IV this week be included in the Record.

There being no objection the telegrams were ordered to be printed in the Record, as follows:

St. Paul, Minn.,
August 4, 1971.

Senator Walter Mondale,
U.S. Senate,
Washington, D.C.

The National Indian Education Association urges the Senate passage of the Kennedy-Mondale bill of Indian education as revised under title four of higher education. NIEA urges the Congress of the United States to provide reform for Indian education. The bill before the Senate today begins an era of Indian education reform for both reservation and nonreservation citizens. NIEA urged passage of this bill.

Will Antell, *President.*

Ketchikan, Alaska,
August 5, 1971.

Hon. Edward Kennedy,
U.S. Senate, Washington, D.C.:

S. 659 needed immediately to take advantage of movement in Indian education. We back you.

Alaska Native Brotherhood.

United Southeastern Tribes,
Sarasota, Fla.,
August 5, 1971.

Senator Edward Kennedy,
Old Senate Office Building,
Washington, D.C.

Dear Senator Kennedy: This is to reemphasize our support of Senate Bill 659, the Higher Education Act, Indian Education Title IV, with its emphasis on special Indian education programs to public schools where Indians are enrolled in special demonstration projects in curriculum development, Indian language courses, teacher training, handicap programs, and adult education programs. A special office of education to administer these programs with an advisory council appointed by the President are all in agreement with United Southeastern Tribes, self-determination policy.

We feel strongly that Senate Bill 659, Title IV, will fill the void in Indian Education and go a long way toward improved educational opportunities for our American Indian youth throughout the Nation.

Very truly yours,

Wayne V. Zunigha,
Executive Director, United Southeastern Tribes, Inc.

National Tribal
Chairman's Association,
Washington, D.C.

Senator Edward Kennedy,
Old Senate Office Building,
Washington, D.C.

We are in total support of Title IV of the Higher Education Act (the Indian Education title).

It would be tragic and a great mistake if the Indian education provisions of the Higher Education Act were not acted upon promptly and favorably by the United States Senate. Any delay would be a serious disservice to Indian children throughout the United States. Please accept our best wishes and appreciation for your support and the support of your brother Robert on behalf of our children and the best interests of our people throughout the Nation.

Sincerely,

Donald R. Wright,
Chairman.

(Also president of Alaska Federation of Natives.)

California Indian
Education Association,
Roseville, Calif.

Senator Edward Kennedy,
Washington, D.C.

The California Indian Education Association board of directors have taken official action in support of the Indian Education Act (amendment 6 to S. 659). This bill as amended provides the American Indian people with the greatest opportunity in years to improve the education of Indian children throughout the United States.

Morgan Otis,
President.

Small Tribes Organization of
Western Washington.

Senator Edward Kennedy,
Washington, D.C.

I understand that our suggestions for S. 659 have been included in the hearing records. We support this and urge passage of Senator Kennedy's bill for Indian education.

Virginia Brown.

National Indian Training and
Research Center,
Tempe, Ariz., August 5, 1971.

Senator Edward Kennedy,
Washington, D.C.

Indian education legislation as amended introduced by you and Senator Mondale will provide greater opportunities for the education of American Indian children. I urge the adoption of this legislation.

Frances McKinley,
Executive Director.

Cortez, Colo.,
August 5, 1971.

Senator Edward Kennedy,
Senate Office Building,
Washington, D.C.:

Support your efforts to improve Indian education. Trust bill will meet with approval of committee. Interest and support for Indian education must be broad and national in scope. Urge committee to recognize its responsibility to Indian education. Both Labor and Education Committee and Interior Committee must share responsibility for the improvement of Indian education. Communication and cooperation with Interior Committee will result in maximum progress in Indian education. Proprietory interest on part of any committee or individual cannot result in maximum benefit America's first inhabitants.

Robert A. Roessel.

SOUTHWESTERN COOPERATIVE EDUCATIONAL LABORATORY,
Albuquerque, N. Mex., August 5, 1971.
Senator EDWARD KENNEDY,
U.S. Senate,
Washington, D.C.:

As the director of the Indian Division of OEO for six years, as a member of the National Indian Education Advisory Committee and now as executive director of the Southwestern Co-operative Educational Laboratory I fully support the passage of S–659 with title IV intact.

DR. JAMES J. WILSON,
Executive Director.

ROUGH ROCK DEMONSTRATION SCHOOL,
Chinle, Ariz., August 5, 1971.
Senator EDWARD KENNEDY,
Senate Office Building,
Washington, D.C.:

Please be assured of widespread support from Indian people for Senate Bill Number 659 the Indian Education Act what this bill is trying to accomplish is much needed by Indian people. If any progress is to be made in putting a breath of life into a stultifying bureaucracy which has provoked remarkably ineffective in providing educational opportunities for Indians.

DILLON PLATERO,
Director.

NEAH BAY, WASH.,
August 5, 1971.
Senator TED KENNEDY,
Washington, D.C.:

We strongly urge the passage of education bill title 4–S659. This bill will provide an opportunity for the American Indian to better prepare themselves for their role in self determination.

EDWARD E. CLAPLANHOO,
Chairman National Indian Council and member of Board of Directors of National Tribal Chairman Association.

MIAMI, FLA., *August 4, 1971.*
Senator TED KENNEDY,
Senate Office Building,
Washington, D.C.:

McCosukee tribe of Indians of Florida fully support Senate bill 659 and title 4, Indian Education Act. This bill is for the benefit of all Indians throughout our country and should be acted upon promptly without delay.

BUFFALO TIGER,
Chairman McCouskee Tribe of Indians of Florida (Acting President, United Southeastern Tribes).

BOSTON, MASS., *August 4, 1971.*
Senator EDWARD KENNEDY,
Old Senate Office Building,
Washington, L.C.:

The Tonawa Tribe of Oklahoma supports Senate bill S. 659—title 4 specifically supplemental aid to Indian education. We further support the provision of the deputy commissioner for this titled program to be appointed by the commissioner of O.E. from a list submitted by the advisory board. We support the bill as is written. In the selection of the advisory board by the President from a list submitted by Indian tribes and organization, preferably tribal council recommendations.

HENRY W. ALLEN,
President, Ponkawa Tribe of Oklahoma.

NEAH BAY, WASH., *August 4, 1971.*
Senator TED KENNEDY,
Washington, D.C.:

Makah Indian Tribe strongly supports the entire Indian education bill (S. 659, title 4) without qualifications as presented by Senator Ted Kennedy.

MACAH TRIBAL COUNCIL,
EDWARD E. CLAPLANAHOO,
Chairman.

BANGOR, MAINE, *August 5, 1971.*
Senator EDWARD KENNEDY,
Senate Building,
Washington, D.C.:

It is imperative that you pass the Indian Education Act, title 4 to Sec. 659. I am in full support of passage of the bill.

GOV. JOHN STEVENS.

PONCA CITY, OKLA., *August 5, 1971.*
Senator EDWARD KENNEDY,
Old Senate Office Building,
Washington, D.C.:

Strongly urge the support of Senate bill 659, title one.

LEONARD BIGGOOSE,
Chairman, Ponca Tribal Council.

PEMBROKE, N.C.,
August 5, 1971.
Hon. TED M. KENNEDY,
U.S. Congress,
Washington, D.C.

DEAR SENATOR KENNEDY: We feel it is imperative that the proposed legislation title 4 to S. 659 be placed before the Senate today and passed. As chairman of the Board of Lumbee Regional Development Association, Inc. I would like to thank you for myself and for the 40,000 Lumbee Indians that the Lumbee Regional Development Association represents.

A. BRUCE JONES,
Chairman of the Board, L.R.D.A.

FAIRBANKS, ALASKA,
August 5, 1971.
Senator EDWARD KENNEDY,
Washington, D.C.:

As 659 title 4 should fit the future of Alaska best I hope it will receive favorable consideration.

RONALD SENUNGETUK.

BAR HABROR, MAINE,
August 5, 1971.
Senator EDWARD M. KENNEDY,
Senate Office Building,
Washington, D.C.:

I am in full support of the Indian Education Act. It is imperative that it be passed in this session of Congress. Bill reference is title 4. I am sending copies of this telegram to Senator EDMUND S. MUSKIE and Senator MARGARET C. SMITH.

WAYNE A. NEWELL.

KETCHIKAN, ALASKA,
August 5, 1971.
Hon. EDWARD KENNEDY,
U.S. Senate,
Washington, D.C.:

Alaskans back your efforts re title 4, S. 659. Critical that we have this tool.

RICHARD WHITTAKER,
Alaska State Representative.

PEMBROKE, N.C., *August 5, 1971.*
Hon. TED F. KENNEDY,
U.S. Congress,
Washington, D.C.

DEAR SENATOR KENNEDY: We feel it is imperative that the proposed legislation title 4 to S. 659 be placed before the Senate today and passed. As secretary and treasurer of the Lumbee Indian Concerned Parents Organization I would like to thank you for myself and for the 40,000 Lumbee Indians that the Lumbee Indian Concerned Parents Organization represents.

REV. JAMES H. WOODS,
Secretary Treasurer of Lumbee Indian Parents Organization.

PEMBROKE, N.C., *August 5, 1971.*
Hon. TED KENNEDY,
U.S. Congress,
Washington, D.C.

DEAR SENATOR KENNEDY: We feel it is imperative that the proposed legislation title 4 to S. 659 be placed before the Senate today and passed. As president of the Independent Americans for Progress, I would like to thank you for myself and for the 40,000 Lumbee Indians that the Independent Americans for Progress represents.

MR. JAMES BREWINGTON,
President Independent Americans for Progress.

KETCHIKAN, ALASKA,
August 5, 1971.
Senator TED KENNEDY,
U.S. Senate,
Washington, D.C.:

Urge maximum effort to move Title 4, S. 659. Indian education badly needs provision of bill.

CLARENCE JACKSON,
President, Southeast Alaska Community Action.

KETCHIKAN, ALASKA,
August 5, 1971.
Senator KENNEDY,
U.S. Senate,
Washington, D.C.:

Indian education efforts badly needed. Please push S. 659, Title 4.

JOE WILLIAMS,
Mayor, City of Saximan, Alaska.

ALBUQUERQUE, N. MEX.,
August 5, 1971.
Senator EDWARD M. KENNEDY:

This is to reaffirm the strong support of each of our organizations for your Indian education amendment to S. 659.

California Indian Education Assn. California Indian Legal Services Deganawidah Quetzalcoatl University.

DEGANAWIDAH QUETZALCOATL UNIVERSITY.

MINNEAPOLIS, MINN., *August 5, 1971.*
Senator EDWARD KENNEDY,
Washington, D.C.:

I wish to advise of my full support for title 4 to S. 659. It fully supports a policy for Indian determinism.

ELIZABETH WHITEMAN,
Crow Indian from Montana.

ST. PAUL, MINN., *August 5, 1971.*
Senator EDWARD KENNEDY,
Washington, D.C.:

We respectfully urge the passage of the Indian education bill presently before the Congress. It is badly needed to make the Indian truly a first-class citizen.

ARTLEY M. SKENANDORE,
Executive Director Minnesota Indian Affairs Commission.

ALBUQUERQUE, N. MEX., *August 5, 1971.*
Senator EDWARD KENNEDY,
Washington, D.C.:

The American Indian Law Students Association supports the efforts of Senator Kennedy to block recommitment of Senate bill 659, title 4, part A, to committee. We strongly urge consideration of NCAI's criticism in the form of an amendment.

THE AMERICAN INDIAN LAW STUDENTS ASSOCIATION.

ALBUQUERQUE, N. MEX., *August 5, 1971.*
Senator KENNEDY,
Old Senate Office Building,
Washington, D.C.:

We support Indian education bill S. 659 and urge that title 4, part A, be amended to include the IA schools.

Victor Palmer, Kiowa, Fred Lewis, Pima, Claudine Bates, Navajo, Henry Oxendine, Lumbee, E. K. Chavis, Lumbee, Horace Locklear, Lumbee, William Farrison, Papago, John Fritz, Cherokee, Mitchell Fowler, Navajo, Chet Foyer, Laguna, Mario Gonzales, Sioux.

Gerald Brown, Flathead, Darrel Collins, Indian law student, John Hunt, Indian law student, Genevieve Chaeo, Indian law student, Leo McClear, Indian law student and council member, Mucklekoset, Yvonne Knight, Ponca, Terry Pechota, Indian law student, Ada Deer, Menominee, Marble Antoine, tribal judge Papago.

CAMBRIDGE, MASS., *August 6, 1971.*
Senator KENNEDY,
Washington, D.C.:

We support your bill concerning American Indians.

Charles Poitras, Chippewa, Sac and Fox; Ramona Suetopka, Navajo, Hopi; Mary Helen Taptta, Navajo; Karen Rice, Mohawk.

Mr. KENNEDY. Mr. President, it is hard to ask the Indian people to wait again before Congress takes action on legislation to benefit their children. But I am confident that the result from both committees working together will effect a doubled commitment and a doubled effort on the part of the U.S. Senate to bring excellence to Indian education.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Montana? The Chair hears no objection, and it is so ordered.

Mr. FANNIN. Mr. President, in referring to the deletion of title IV from S. 659 I wish to comment.

The 92d Congress stands on the threshold of opening new doors for the Indian people. The administration and Congress have both espoused a new policy in Indian affairs—"self-determination without termination." We stand ready to deliver Indian legislation this session of Congress which will implement this new policy. A new policy which will open opportunities heretofore denied our Indian people—a policy which should cross and eliminate bureaucratic inroads—a policy, Mr. President, which will bring the American Indian into his own. This policy is based on the fact that there are Indian people who are sophisticated and intelligent so as to be capable of directing Indian affairs. Now as we prepare to move forward to implement this policy we are being asked to act on a $185 million Indian education reform measure with which we are not familiar. We all agree that the time has come for complete reform of Indian education programs. However, Mr. President, if we truly mean to foster self-determination among the Indian people we must start now. Start by giving the Indian himself the opportunity to express his desires and needs. We should work with the Indian himself in an effort to obtain an education bill which the Indians themselves feel is viable. The measure we are being asked to consider today is not understood by the Indians.

Today the NCAI advised my office that they were still concerned about the bill and object to the action contemplated.

So will be pleased title IV will be deleted from S. 659 in order that hearings before the Interior and Insular Affairs Committee as well as further hearings before the Labor and Public Welfare Committee will be held.

It is understood the referral to the Labor and Public Welfare Committee does not in any way effect the question of jurisdiction in respect to Indian education:

Mr. MANSFIELD. Mr. President, it is my understanding that the distinguished Senator from Alabama has an amendment which will be acceptable to the committee.

Mr. PELL. The Senator is correct.

Mr. MANSFIELD. I understand the distinguished Senator from Virginia will speak briefly after third reading and that the distinguished Senator from Washington (Mr. MAGNUSON) may consider the possibility of speaking after third reading.

Mr. MAGNUSON. After third reading.

Mr. FULBRIGHT. I shall have several amendments.

Mr. MANSFIELD. Fine. Would the Senator, in the interest of the situation in which we find ourselves, be willing to consider a time limitation on his amendments, for the benefit of the Senate?

Mr. FULBRIGHT. If Senators will stay here and really give attention to some brief statements, I would be willing to have a vote on it. I do not think many Senators are acquainted with the facts connected with this amendment. Only 8 or 10 were here while I was discussing it.

Mr. MANSFIELD. If I may object at that point, I happened to be in the Chamber when the Senator said there were 10 Senators present. I counted at that time and there were 23 Senators, which is a good attendance at this time of day and year.

Mr. FULBRIGHT. I am not complaining about that. I am saying a good many Senators do not know about this amendment. It has not been well publicized and the facts about it are not known. I am not talking about the main bill; I am talking about the amendment which was offered.

Mr. MANSFIELD. I thought we had disposed of that.

Mr. FULBRIGHT. No, we have not disposed of it. It has not been tabled. There will be a vote on it. I am offering an amendment to it.

Mr. MANSFIELD. I see. Would the Senator, in view of the fact that there has been much debate on it up to this time——

Mr. FULBRIGHT. There has been very poor attendance. If Senators are willing to stay here and listen we may be able to move to a vote on the amendment itself. I am not making a commitment now. It depends on whether there is any disposition to listen to the facts about the amendment.

Mr. MANSFIELD. Speaking personally, the Senator from Montana really does not care.

Mr. FULBRIGHT. I know, and a lot of other people do not care.

Mr. MANSFIELD. But I do think of the other Senators and I hope we could be reasonable in this respect.

Mr. FULBRIGHT. I say to the Senator that this amendment involves $60 million. It is brought up at the very last minute in connection with this bill. If it goes over and there is a reasonable opportunity to discuss it, I would have no objection. But this is a new program which has been disapproved by all the agencies of Government. The State Department opposes it, the Civil Service Commission opposes it, HEW opposes it; none of them approve it.

Mr. MANSFIELD. Has the Senator offered his amendment?

Mr. FULBRIGHT. I have offered my amendment. I withheld it because of the request of the Senator from Montana.

Mr. MANSFIELD. Offer it now.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 13 of the Dominick amendment beginning with line 3 strike the language down to and including line 8.

Mr. FULBRIGHT. One of the basic lacks of understanding about the amendment is that the agencies of this administration disapprove of it. It involves $60 million by 1975. It provides for approximately 8,000 scholarships. What is significant—and I want to emphasize this—is that there is no great need for it. There is a great illusion about the opportunity for Americans to serve abroad outside this country. From the hearings of the committee itself, I call attention to the fact that the number of Americans serving in foreign countries as citizens of the United States is 35,380. Of that total, 22,769 are in the Defense Department. I do not think anyone can reasonably consider that the training offered under this bill for scholarships is designed to train a man for foreign service in the Defense Department. That is a special purpose. They have their own training for that.

What is left? Nine thousand nine hundred and thirty-two in the State Department, including AID and the Peace Corps. We are not trying to expand the AID program. We have just confirmed the deputy head of AID, and he said they are doing their best to restrict that program. I am in favor of that. That is not an agency that is going to grow; rather, it is going to decrease.

Subtract that number and there are 6,000 in the State Department. These are the ones the proponents are really thinking about. Of that number, this table shows there are 362 in the Peace Corps. That is in administration of the Peace Corps; it does not include the actual Peace Corps volunteers. That program is going through a great change; it was recently merged with another program called ACTION. But there are, roughly 6,000 positions. The State Department reports that there are a little over 8,000 applicants already for which there are no jobs.

In the civil service, there are over 50,000 that are qualified for civil service positions, and I assume that that would include the Departments of Agriculture, Justice, Treasury, and everything else. There are only 6,000 positions in the State Department. So there is a difference between 6,000 and 50,000. Fifty thousand applicants already are qualified, are on the rolls, and are eligible for appointment to these jobs.

Here an amendment is being proposed that would provide enough money to give 8,000 scholarships a year. Where are we going to put them? They are given scholarships. There is a provision here which gives them $300 a month to go to school. Senators are going to have an opportunity to make appointments. They will think this is a great attraction. Each Senator will be able to nominate 15 each year. A Senator will nominate them from his State, and in 4 years he will have

60 people qualified. The Senator is going to have to find them jobs. Where are Senators going to find jobs for them?

When we nominate people to the Naval Academy, for example, a Senator does not have to worry; but after he nominates a person to this scholarship and that person graduates, a Senator is going to have to worry about where he is going to be assigned. That person will say to him, "Look, you have to find me a job." That will put a Senator in a difficult position. It is ridiculous.

When a Senator nominates someone to West Point, for example, we do not have to worry about getting him a job; he is automatically given a commission.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. SYMINGTON. Some years ago some of us thought it would be a good idea to have a Foreign Service Academy. The basis was that if we can afford three academies to train our youth for the hot war that we pray never comes in this nuclear age, surely we can afford one academy to train our youth for the cold war we are now in. Of course, that would have included an opportunity for women to go into the Foreign Service.

For many reasons, that bill—which, incidentally, was backed by what I consider the finest group of citizens, from all walks of life, that ever backed a bill presented to the Congress—was defeated. One of the reasons why it was defeated was that some of the Foreign Service officers of the old guard were able to reverse the position of the Secretary of State and influence Congress, and the bill went down the drain.

They said the primary reason they did not like it was that it was not going to be run by the State Department; in other words, it would be outside their influence, like any other university.

With respect to this particular type and character of suggested academy, I would ask the chairman of the Foreign Relations Committee who is going to be responsible for setting the rules as to what these students will study and what their curricula will be, and so forth?

Mr. FULBRIGHT. This would not create an academy. It would create a board, so-called.

Mr. SYMINGTON. That is what I am getting at. Who appoints the board?

Mr. FULBRIGHT. There will be nine of them on the board. Four will be appointed by the President, then the Secretary of State, and two Members of the Senate and two Members of the House, all without confirmation by the Senate. In other words, the Secretary of State will be one member, four members will be appointed by the President, and then there will be two Senators and two Members of the House.

I think the very idea of creating a board of this kind, putting on it Senators and Members of the House who cannot find time now to do all we ought to do in our own committees, it seems to me, is bad. Just as in the subversive activities control board, it will be the staff of the board that will do the work, and they will set the policy and accredit the universities. They will have the power to say to a university, "You put this kind of curriculum in" or "We want that put in," to the university in order to get $1 million or $5 million. They will be able to say, "Sorry; you do not come up to our standards." "What are your standards?" "Well, we set the standards." So the staff of this board will set the kind of program which will take place in independent educational institutions in the United States.

Let me add there is no comparison between the Foreign Service and the Army. In the Army, all are subject to conforming to the same rules and marching in step.

Another reason that the earlier measure the Senator from Missouri referred to was defeated was that we did not want them all thinking alike, and having no original ideas.

Let me go to another point, and that is that foreign policy is set by people who are subject to confirmation. Is there any reason to believe that they will be benefited by these scholarships? The Senator knows where these policies are made. The officers who serve abroad are diplomats who make reports. They have no policy-making positions.

Mr. SYMINGTON. The policy will be set as to what the curriculums will be——

Mr. FULBRIGHT. By the board.

Mr. SYMINGTON. And the board will be appointed by the President and Vice President, or at least they will have control.

Mr. FULBRIGHT. That is correct.

Mr. SYMINGTON. The Senator has answered my question.

Mr. FULBRIGHT. One can imagine how much time the Secretary will give to this matter. It is going to be delegated to a staff. I think it is improvident for us to establish a board that can dispose of $60 million by 1975 to educate 8,000 qualified persons for jobs for which will not be there; and I see no prospect in the President's policy that will result in an expansion. If anything, his policy means we are going to pull in our horns and not expand our foreign service. That is what he says. The Nixon doctrine in the diplomatic field says there is not going to be a great need for more Foreign Service officers.

We have already far more of them than we can place, and all we will do here is set up a program to produce more unemployed, highly trained people, who will be the most dissatisfied people you could find. They are the kind of people in all countries who cause a great deal of trouble, and rightly so.

If this were a program for training nurses, for example, everyone knows we need nurses and doctors. There are professions we need. But you cannot go anywhere in this country and find an occupation in which there is a greater oversupply than in people qualified to serve in the foreign field, under existing conditions. As I have said, there are 50,000 applicants qualified by the Civil Service Commission, overall, and some 8,000 applicants for State Department positions. So there is no need for the amendment at all. I think it is utterly untimely. I only emphasize that this is not just my view, it is the view of the administration, the State Department, HEW, the Civil Service Commission—all those who have any interest in it.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. MAGNUSON. Is it not also true that nearly every study—at least those I have read—having to do with personnel in the Foreign Service, have all come to the conclusion that we have too many people there now?

Mr. FULBRIGHT. Exactly.

Mr. MAGNUSON. We do not need as many people as we have, and because there is this pressure, and the availability, as the Senator says, of a great number of people, I think in many embassies they are putting people in foreign service jobs they would not need, because of the pressure to take care of them, as the military takes care of its colonels who are about ready to retire by putting them in places they are not needed. This is also true of the Navy.

Every study I have ever read about foreign service staffs, whether they be here or abroad, has concluded that we have too many people, and every report I have ever heard from Congress, the Appropriations Committee, or the State Department, is that it is felt that there are too many people in some of the embassies. This is the usual conclusion.

Mr. FULBRIGHT. Ambassadors feel that way, too.

Mr. MAGNUSON. Ambassadors feel that way, too.

Mr. FULBRIGHT. And the Senator is quite correct.

Mr. MAGNUSON. So we would just have the problem aggravated.

Mr. FULBRIGHT. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator from Arkansas has 1 minute remaining.

Mr. FULBRIGHT. Mr. President, I will use that 1 minute to conclude by emphasizing again that this measure is unnecessary, it is unduly extravagant, and I think it is obviously contrary to the policy of the present administration, as it was to that of previous administrations. Every time a similar idea has been presented, it has been disapproved by the executive agencies, not just this time but going back some 10 or 12 years.

So this is not a new attitude on their part. It is dressed up a little differently.

This proposal of having Senators able to appoint 15 candidates was thought to be attractive. I think it would prove to be a great problem for Senators and Members of the House of Representatives, if they take that responsibility and then are unable to place the men who have been given these scholarships.

The ACTING PRESIDENT pro tempore. The time of the Senator from Arkansas has expired.

Mr. DOMINICK. Mr. President, I gather that the Senator from Arkansas is not too concerned about the specifics of the subject matter, because his amendment is not concerned with that at all. The provision he would strike would add $50 for a married couple each month, so that they can both be together.

But as far as the rest of it is concerned, I would also like to add this—could I have the attention of the Senator from Missouri for just a moment? I just want to say to the Senator from Missouri that when we originally put this bill together, we did not have the Secretary of State in it, and the first objection I got from the staff of the Committee on Foreign Relations was that we ought to have the Secretary of State in it. We agreed that this was probably a reasonable idea, so we put him back in again.

It seems to me that if we are going to have a program which involves the various agencies, but also involves foreign affairs, we are going to have to have some liaison with the Secretary of State, regardless of who he is or what party he is. So now what we have is a nonoperating board; all they do is say "these are the institutions which are available, these are the places where the fellows can go, and after they have taken the competitive examinations and have applied, we will let them get in." as I say, it is a nonoperating board; that is what I want to be perfectly clear.

We have a board consisting of two Representatives, two Senators, the Secretary of State, and four very highly qualified educators in the field, and these people serve, and obviously all they have to do is set the program up and it runs more or less by itself, and it does not need a lot of expense.

So far as the money is concerned, the first year's authorization—and all we are talking about here is authorizations—is only $15 million. It goes to $30 million the second year, $45 million the third year, and $60 million the last, but if they do not need that many scholarships, we do not spend that much money.

The board is the entity that determines what the flow in and flow out of the agencies is, so that they can determine how many are needed. That is their main function.

Mr. SYMINGTON. Mr. President, will the Senator yield?

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. DOMINICK. I yield to the Senator from Missouri.

Mr. PELL. Excuse me. The time is mine, I think. This is the amendment of the Senator from Arkansas (Mr. Fulbright), and I am told by the Presiding Officer that time of the Senator from Arkansas on the amendment has expired.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is in charge of time in opposition of the amendment.

Mr. PELL. How much time does the Senator require?

Mr. SYMINGTON. Just enough to make an observation and ask a question.

Mr. PELL. I yield the Senator 2 minutes, and then I hope we can come to a vote.

Mr. SYMINGTON. My question to the Senator from Colorado is, if the President appoints five and the Vice President two out of the nine-man board, will it or will it not be possible for that board to set standards of curricula comparable to the standards that have been set by the Department of Defense at various universities, where a great deal more money is involved?

The reason I ask the question is that time and time again, when weapons systems come to Congress for approval, the people who back those weapons systems—some of which I think have merit and some of which do not—are the professors they take out of the universities which are given these gigantic sums of money every year, far greater than what we are talking about today.

If that is true, my question is, will it not also be true that this board, which would have control of whether these students would get jobs afterwards, would control the curriculums that would be specified in order for the institutions to get the money?

Mr. DOMINICK. The answer is, no; they would not.

Mr. FULBRIGHT. Mr. President, may I ask the Senator from Rhode Island a question?

The ACTING PRESIDENT pro tempore. The time of the Senator from Arkansas has expired.

Mr. FULBRIGHT. Will the Senator from Rhode Island yield so that I may ask him a question?

Mr. PELL. I yield the Senator 2 minutes.

Mr. FULBRIGHT. On the motion to strike, does not the Senator think it a little odd to put in the language that where both husband and wife are students under the program, they are required to be cohabiting? Would that not seem to put upon the board the duty of investigating before they dispense the $300 a month to determine whether they are actually cohabiting? Why is this in the bill, and why is not the Senator willing to strike that provision?

Mr. PELL. I would defer to the Senator from Colorado to explain that part of his amendment.

Mr. FULBRIGHT. I wonder if the committee really read the bill before they reported it.

Mr. DOMINICK. The impetus for this was from the educators. They said that in order to get the extra money, oftentimes people would say they were married when in fact they were not. I do not think the words "and are cohabiting" mean a thing, really. It is just designed to mean, technically, that they are living at the same place together.

Mr. FULBRIGHT. I had always thought those words had some meaning.

Mr. DOMINICK. At least that they are living at the same place together.

Mr. PELL. Mr. President, I yield back the remainder of my time.

Mr. FULBRIGHT. I yield back my time, and I ask for the yeas and nays, Mr. President.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore (Mr. Metcalf). The question is on agreeing to the motion of the Senator from Arkansas (Mr. Fulbright). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Indiana (Mr. Bayh), the Senator from Nevada (Mr. Bible), the Senator from North Dakota (Mr. Burdick), the Senator from Nevada (Mr. Cannon), the Senator from Florida (Mr. Chiles), the Senator from Idaho (Mr. Church), the Senator from California (Mr. Cranston), the Senator from Mississippi (Mr. Eastland), the Senator from Louisiana (Mr. Ellender), the Senator from North Carolina (Mr. Ervin), the Senator from Georgia (Mr. Gambrell), the Senator from Oklahoma (Mr. Harris), the Senator from South Carolina (Mr. Hollings), the Senator from Hawaii (Mr. Inouye), the Senator from California (Mr. Tunney), the Senator from Washington (Mr. Jackson), the Senator from South Dakota (Mr. McGovern), the Senator from New Mexico (Mr. Montoya), the Senator from Utáh (Mr. Moss), the Senator from Maine (Mr. Muskie), the Senator from Connecticut (Mr. Ribicoff), the Senator from Alabama (Mr. Sparkman), the Senator from Georgia (Mr. Talmadge), are necessarily absent.

I also announce that the Senator from Indiana (Mr. Hartke), the Senator from New Hampshire (Mr. McIntyre), and the Senator from Illinois (Mr. Stevenson), are absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. Jackson), and the Senator from Illinois (Mr. Stevenson) would each vote "nay."

Mr. GRIFFIN. I announce that the Senators from Tennessee (Mr. Baker and Mr. Brock), the Senator from Oklahoma (Mr. Bellman), the Senator from Utah (Mr. Bennett), the Senator from Delaware (Mr. Boggs), the Senator from Kentucky (Mr. Cook), the Senator from Arizona (Mr. Goldwater), the Senator from Oregon (Mr. Hatfield), the Senators from Kansas (Mr. Pearson, and Mr. Dole) the Senator from Vermont (Mr. Prouty), the Senator from Ohio (Mr. Saxbe), the Senator from Connecticut (Mr. Weicker) and the Senator from North Dakota (Mr. Young) are necessarily absent.

The Senator from New Hampshire (Mr. Cotton), the Senator from Nebraska (Mr. Hruska), the Senator from Idaho (Mr. Jordan), and the Senator from Illinois (Mr. Percy) are absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Illinois (Mr. Percy) would vote "nay."

The result was announced—yeas 22, nays 32, as follows:

[No. 211 Leg.]

YEAS—22

Allen
Bentsen
Byrd, Va.
Byrd, W. Va.
Cooper
Fulbright
Gravel
Hart
Jordan, N.C.
Long
Magnuson
Mansfield
McClellan
McGee
Metcalf
Miller
Nelson
Pastore
Proxmire
Spong
Stennis
Symington

NAYS—32

Aiken
Allott
Beall
Brooke
Buckley
Case
Curtis
Dominick
Eagleton
Fannin
Fong
Griffin
Gurney
Hansen
Hughes
Humphrey
Javits
Kennedy

Mathias
Mondale
Packwood
Pell
Randolph
Roth
Schweiker
Scott
Smith
Stevens
Taft
Thurmond
Tower
Williams

NOT VOTING—46

Anderson
Baker
Bayh
Bellmon
Bennett
Bible
Boggs
Brock
Burdick
Cannon
Chiles
Church
Cook
Cotton
Cranston
Dole
Eastland
Ellender
Ervin
Gambrell
Goldwater
Harris
Hartke
Hatfield
Hollings
Hruska
Inouye
Jackson
Jordan, Idaho
McGovern
McIntyre
Montoya
Moss
Mundt
Muskie
Pearson
Percy
Prouty
Ribicoff
Saxbe
Sparkman
Stevenson
Talmadge
Tunney
Weicker
Young

So Mr. FULBRIGHT's amendment was rejected.

The ACTING PRESIDENT pro tempore. The Senator from Colorado is recognized.

Mr. DOMINICK. Mr. President, I yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Dominick amendment be laid aside temporarily and that the Chair recognize the distinguished Senator from Alabama (Mr. ALLEN).

The ACTING PRESIDENT pro tempore. Without objection, the Dominick amendment will be laid aside so that an amendment can be offered by the Senator from Alabama.

Mr. ALLEN. Mr. President, I send the amendment to the desk and ask that it be stated.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The assistant legislative clerk proceeded to state the amendment.

Mr. ALLEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, I ask unanimous consent that the amendments may be considered en bloc. What it does is to exchange certain figures.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendments read as follows:

On page 310, line 18, strike out "fiscal year ending prior to July 1, 1973" and insert in lieu thereof "succeeding fiscal years ending prior to July 1, 1975".

On page 313, line 7, strike out "three" and insert in lieu thereof "five".

On page 313, line 12, strike out "1973" and insert in lieu thereof "1975".

On page 313, line 15, strike out "1973" and insert in lieu thereof "1975".

On page 313, line 18, strike out "two" and insert in lieu thereof "four".

On page 313, line 24, strike out "1973" and insert in lieu thereof "1975".

On page 314, line 2, strike out "three" and insert in lieu thereof "five".

On page 314, line 7, strike out "1973" and insert in lieu thereof "1975".

On page 314, line 12, strike out "1973" and insert in lieu thereof "1975".

On page 314, line 16, strike out "1973" and insert in lieu thereof "1975".

On page 314, after line 16, insert the following:

NATIONAL ADVISORY COUNCIL

SEC. 210. Section 104(a)(4) of the Vocational Education Act of 1963 is amended by striking out "two" and inserting in lieu thereof "five".

Mr. ALLEN. Mr. President, the purpose of the amendment is to extend for 3 years those provisions of the Vocational Education Amendments of 1968, where authorizations expire at the end of the current fiscal year. The bill now before the Senate, S. 659, provides for a 1-year extension. This amendment simply extends this authorization for an additional 2 years.

The Vocational Education Amendments of 1968 not only increased the basic grants to the States, but also provided for a variety of new approaches and created new programs to aid State and local school systems in their efforts to provide access to vocational education for more students, both youth and adults. As a result of the comprehensive planning for vocational education at State and local levels, we are now witnessing almost unprecedented expansion and demands for vocational education programs.

With the late funding which occurred in the first fiscal year under the 1968 act, we have had only 2 years of actual operation of some of these new programs in vocational education. With enactment of this year's appropriation bill, several of these important programs have now been funded for the last time. The Congress must approve new authorizing language this year, or we stand to lose much momentum that is now underway in vocational education. If we approve only a 1-year extension at this time, we will be back next January faced with the necessity to again legislate new authorizations if these important and vital programs are to be included in the budgeting process in an orderely fashion. As a matter of fact, the budget for fiscal year 1973 is now being prepared; therefore, there is some urgency for us to act on this important matter to the end that these vital programs of education be continued.

Mr. President, this amendment will extend for 3 additional years—fiscal year 1973–1975—these sections of the Vocational Education Amendments of 1968:

Section 102(B)—Authorization for each of the 3 fiscal years to provide vocational education programs for disadvantaged students. These grants to State education agencies are for the purpose of meeting the special needs of disadvantaged students. The States have estimated that in fiscal year 1971 some 1,148,533 students can be helped through the special assistance made available under these programs. This specialized help provided through our regular school system should prevent some of the high costs of remediation that surely will be necessary if we allow the continual flow of thousands of our citizens into the pools of unemployment and welfare. The sums provided in this amendment are meager indeed when compared to the amounts we appropriate to train the hard-core unemployed or to maintain our welfare system. This educational program is preventive in nature, and I believe it is worthy of the support of every member of the Senate.

The amendment authorizes a 3-year extension of section 142(a)—part D—of the Vocational Education Amendments of 1968.

Funds under this section of the act have been used very effectively in elementary and junior high schools to acquaint students with the world of work. Career guidance, work experience, and occupational exploration have been developed so that students can be made more aware of the wide range of occupational choices available to them. Through work experience, students have an opportunity to learn about their own aptitudes and special abilities, and these experiences form the basis for taking additional vocational training at the secondary and postsecondary levels. Such programs also recognize career development as a major emphasis in education, and they are helping to bring about needed changes in school curriculum. We must continue this vital support for those school systems that are already implementing the career education concept about which the U.S. Commissioner of Education speaks so eloquently. Commissioner Marland is giving a high priority to career education and my amendment gives financial support for this purpose.

My amendment renews section 151(b) and section 152(a)(1) of the act to provide assistance to the States for residential vocational education facilities. Although these sections of the act have not yet been funded, I include them in my amendment in order to keep this issue before the Budget Bureau and the appropriating committees of the Congress. We must not continue our sad neglect of thousands of students who do not have access to vocational education opportunities, more often than not simply because of their geographical location. With adequate funding, these provisions will make it possible for existing training facilities to add dormitories, or will make possible the establishment of entirely new facilities. A nation that can afford to build residential facilities for millions of college students can surely afford one residential vocational education facility in every State of this Nation. We simply must have these facilities sometime soon. My amendment authorizes funding for this program for each of 3 fiscal years.

My amendment will also extend for 3 years the programs of consumer and homemaking education—part F.

Home economics education has been a part of vocational education for many years. Through this educational activity, parents, students and teachers have worked together to create a curriculum to focus on preparing students for their roles as homemakers and members of families. The 1968 amendments, through part F, have made it possible to give greater emphasis to consumer education and also stressed that priority be given to the needs of disadvantaged youth and adults.

At the present time approximately 40 percent of our high school students enroll in home economics. While the vast majority of these are girls, I believe that this program is one that should be available to all students. Family roles and structures are changing. More often than not, the mother and father both work outside the home to contribute economic support for the family; they likewise both contribute to the work of the home. Boys and girls need adequate preparation for these roles and home economics teachers have both the content and educational process to accomplish this purpose. While it is important that we prepare persons for jobs, it is just as important to give students opportunities through organized educational programs to acquire those personal values and skills necessary for homemakers of the future.

One of the outstanding activities developed as an integral part of the program of instruction in home economics is Future Homemakers of America. In 1971 some 538,727 students joined this organization which gives them the opportunity to develop their abilities as leaders. Through a program of work developed by the students, they make many contributions to their homes, their schools, and their communities. I was very pleased to note that at the recent National FHA Convention in Kansas City, Miss Lynn Limbaugh of Childersburg, Ala., was elected as a national officer of FHA. This outstanding national organization can continue its activities if the Senate adopts my amendment to extend funding authorizations for consumer and homemaking education.

My proposed amendment to S. 659 will also extend cooperative vocational education programs—part G—for an additional 3 years.

This program last year enrolled 166,664 students throughout the Nation. Without question, it is one of the most successful programs in vocational education. Students are placed in jobs where they receive training. A teacher—coordinator provides related classroom instruction. Job placement is almost assured for every graduate of this program. While receiving education and training, students also earn money for their work. Studies have shown that taxes paid on the earnings of cooperative vocational education students exceeds the amount invested in the program by taxpayers. In short, this program pays its way and it has built-in factors that make it highly successful. Its potential for serving many more students is virtually untapped. It must be continued.

The vocational education work study program—part H—is designed to give financial aid to students who need assistance in order to stay in school. This amendment extends this program for 3 years.

Work study programs help students help themselves. Although funding is at a minimum level, work study programs last year enabled 89,434 students to continue their studies in vocational education. In return for financial assistance, students performed some type of useful and productive work.

A final provision of my amendment extends for 3 years the provisions of the 1968 act—Part I—relating to curriculum development.

Curriculum funds should enable the U.S. Office of Education to develop materials to aid State and local communities in implementing programs of career development. Given the constant changes in technology and the new and emerging occupational fields, curriculum development in vocational education is a continuing and ever increasing necessity. The U.S. Office of Education must have the necessary resources to provide assistance on a National basis and coordinate an overall effort to assist vocational educators in keeping their programs up-to-date.

Mr. President, the legislative history of vocational education shows already strong support in the U.S. Congress. The 1968 amendments were approved unanimously by this body as well as by our colleagues in the House of Representatives. I believe Congress supports vocational education because it gives reality to our belief in the importance of work; to our belief that every American citizen must have access to educational training that will prepare him for entry into and advancement in employment; and to our belief that education should prepare us of our roles as citizens and as family members. All these goals, as well as others, are accomplished through vocational education.

The latest figures available from the U.S. Office of Education show that in 1971 some 9.7 million youth and adults were enrolled in vocational education. Since enactment of the 1968 amendments, vocational education enrollments have increased by almost 23 percent. This is encouraging, but we have not yet made the dramatic breakthrough that must come if education is to become more relevant for the majority of students. A statistic that should be constantly in the forefront of our thinking while we are considering S. 659 is this: Twenty percent of our population will continue to graduate from colleges and universities; the other 80 percent must, therefore, be prepared for jobs through programs of vocational education.

There is another statistic that confronts me as a Senator and I find it somewhat alarming. The National Advisory Council on Vocational Education has reported that the Federal Government invests $14 in higher education—colleges and universities—for every $1 that it invests in vocational education. I say that the time is here for a corrective force to be applied and my amendment strikes in this direction. I also remind my colleagues that unemployment among college graduates is growing at a fast pace. We are turning out college graduates at a faster rate than professional jobs are developed in our economy. At the same time, we face manpower shortages in the health fields, in the service occupations, and in other occupational categories.

I conclude, Mr. President, by urging support for this important amendment to S. 659. We must continue the authorizations for these vital programs. By acting now, we can give some assurance to State and local educational agencies that their plans for these important programs can be both continued and implemented.

I have discussed the amendment with the manager of the bill and I hope that it will be acceptable.

Mr. PELL. Mr. President, the Senator from Alabama and I have discussed this proposal which is actually almost identical with the provisions of the original bill. I would very much hope that the Senators would accept this proposal. However, I await the advice of the ranking minority member of the committee.

Mr. JAVITS. Mr. President, the reason for the extension for 1 year is in view of the need to obtain a comprehensive review of the vocational education reform bill, Vocational Education Act of 1968.

I appreciate, as does the Senator from Rhode Island, the desirability of the program. I will join with him in agreeing to take the amendment to conference.

Mr. PELL. Mr. President, I yield back the remainder of my time.

Mr. ALLEN. Mr. President, I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. All time having expired, the question is on agreeing to the amendments of the Senator from Alabama.

The amendments were agreed to.

Mr. JAVITS. Mr. President, I yield myself 1 minute on the bill to explain that there is a series of technical amendments which the manager of the bill and the minority agree may be offered to the bill at this time. I ask unanimous consent that the amendment of the Senator from Colorado, with his approval. I hope, may be held in abeyance for this purpose.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. PELL. Mr. President, I send an amendment to the desk and ask that it be stated.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The assistant legislative clerk proceeded to state the amendment.

Mr. PELL. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PELL. I ask unanimous consent that the amendments be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendments read as follows:

On page 359, line 25, strike out "1976" and insert in lieu thereof "1975".

On page 360, line 3, strike out "1976" and insert in lieu thereof "1975".

On page 368, line 2, strike out the word "member" and insert in lieu thereof the word "number".

On page 370, line 22, strike out "(C)" and insert in lieu thereof "(2)".

On page 371, line 3, strike out "(b)" and insert in lieu thereof "(c)".

On page 371, line 6, strike out "(e)" and insert in lieu thereof "(d)".

Mr. PELL. Mr. President, I yield back my time on the amendment and on the bill.

Mr. JAVITS. Mr. President, I should represent that these technical amendments have been gone over with the minority and they are agreeable to this.

The ACTING PRESIDENT pro tempore. All time having expired, the question is on agreeing to the amendments of the Senator from Rhode Island.

The amendments were agreed to.

Mr. MANSFIELD. Mr. President, I am about to make a suggestion which I hope will be acceptable to the Senator from Colorado and to the Senate as a whole.

The Senator from Colorado has a bill on the calendar, Calendar No. 229, S. 390, which the leadership has not called up. I have not called it up because I had not received a request that it be considered. However, in view of the situation which has developed, and after discussing it with the distinguished minority leader, I would like to make the suggestion. If the Senator from Colorado would withdraw his amendment, it would be the desire of the leadership to call up the bill on the calendar at a time mutually agreeable to the distinguished Senator from Colorado and the joint leadership.

Mr. DOMINICK. Mr. President, will the Senator yield me some time on the bill?

Mr. JAVITS. Mr. President, I yield 5 minutes to the Senator from Colorado.

Mr. DOMINICK. Mr. President, I find myself in a very difficult position. This is the second time we have had the bill attached to a education bill of one sort or another. In the first case it was attached to the vocational education bill by unanimous consent of the committee. We were then in a similar time bind of an impending recess. On the previous occasion the Senator from Arkansas claimed that the Committee on Foreign Relations had jurisdiction over it. In order to get the vocational education bill through at that time, I withdrew my amendment and let it go through.

The same thing is happening again. I find it very difficult to determine why it should always be this measure that gets caught between the time bind and the Senator from Arkansas; particularly a bill which I think would do such an enormous amount of good for the young people of this country. In view of the assurances of the leadership—and I know how exacting they are in fulfilling their assurances—if they will assure me that there will be an opportunity sometime between the 1st of October and the end of the year to bring the bill up to the floor for consideration, I would be willing to withdraw the amendment on that basis If they are unable to tell when it will come up, I am afraid that I cannot do it.

Mr. MANSFIELD. Mr. President, the Senator from Colorado has our word that it will be at a time propitious to the joint leadership and the author of the bill on the calendar. We will get together, and I am quite sure we can reach an amicable agreement.

Mr. JAVITS. Mr. President, in fairness to the Senator from Colorado, he has in my judgment done something that is most creditable and highly motivated. This bill before us is one that is important to millions of young people. The Senator from Colorado, in view of this, has agreed to see the bill through and get the final judgment of the Senate on it.

Mr. MANSFIELD. There is no question about that.

Mr. SCOTT. Mr. President, I think we ought to have the record show that it will not be brought up in the closing days of the session when it might be lost in the pressure of time. In all fairness to the Senator from Colorado, it should be brought up at a time when an adequate time limitation could be worked out that would be satisfactory to the Senator.

Mr. DOMINICK. Mr. President, I thank the Senator. I have been caught in this bind twice. I do not want to have it happen again. Mr. President, under those circumstances, I ask unanimous consent at this point to vacate the yeas and the nays which have been ordered and to withdraw my amendment.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The bill is open to further amendment. If there be no further amendment to be proposed, the question now occurs on the committee amendment in the nature of a substitute.

The amendment was agreed to.

The ACTING PRESIDENT pro tempore. The question is on the engrossment and third reading of the bill.

The bill is ordered to be engrossed for third reading and was read the third time.

The PRESIDING OFFICER (Mr. HART). Do Senators yield back the remainder of their time?

Mr. TOWER. I yield back the remainder of our time.

Mr. MAGNUSON. Mr. President, I had told the distinguished majority leader I would like to have 3 or 4 minutes. I would like to ask the manager of the bill a few questions.

Mr. PELL. I yield to the Senator from Washington.

The PRESIDING OFFICER. May we have order in the Senate so we can hear the Senator?

Mr. MAGNUSON. I wish to ask the manager of the bill how much is authorized and how much this bill will cost?

Mr. PELL. The total authorization is approximately $18 billion for 3 fiscal years, starting with fiscal year 1973.

Mr. MAGNUSON. Approximately $6 billion a year?

Mr. PELL. Yes. It starts at just under $6 billion in fiscal year 1973 and it is just over $6 billion in fiscal year 1975.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. PELL. I yield.

Mr. DOMINICK. That is not counting the youth camp safety program and the 2-year vocational education item. It is much more than that.

Mr. PELL. And it does not include the Senator's Foreign Service program or the Indian education program.

Mr. MAGNUSON. That might make it $20 billion.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. PELL. I yield.

Mr. JAVITS. One must assume that the roughly $1.5 billion a year we are now spending on higher education from Office of Education program alone has to be computed. This is not all the money. We are codifying higher education. We spend billions of dollars. It is a big bill, but we are running a big bill now.

Mr. MAGNUSON. I thought the record should show the $18 billion that is authorized after this bill is passed. Then, Senators will know who has all the trouble coming.

Mr. JAVITS. I know.

Mr. MAGNUSON. Then, the full funding people show up. I just wanted to have the record show the authorization of $18 billion a year. The members of the Committee on Labor and Public Welfare are great authorizers. I do not know the total figure, that it goes into billions of dollars. Then they will be looking for the Senator from Washington, the Senator from New Hampshire, and the rest of us on the committee.

Mr. JAVITS. They used to look for the Senator from Washington and the Senator from New York.

Mr. MAGNUSON. We take all the problems and the full funding people stand in the doorway.

I want it known when the word goes out that the people who are running these great universities and the people in higher education should not start planning right now on $18 billion to spend because under present conditions they will not get that much.

Mr. PELL. We are hopeful.

Mr. MAGNUSON. The Senator is hopeful.

The higher education portion of the 1972 Office of Education appropriations was $1,341,784,000. The Office of Education bill total was $5,024,000,000. Which of course includes all of Elementary-Secondary and Vocational Education.

Ten years ago the total for the Office of Education bill was only $481 million. I was not for that and I am one who constantly tried to move it up and up.

Public outlays for education have risen over 500 percent in 20 years, twice the rate of the gross national product. I do not say that is wrong.

Public outlays for education now represent an amount equivalent to almost 5 percent of the gross national product, compared to less than 3 percent in 1950.

Federal contributions to elementary-secondary education amount to between 6 and 7 percent of the total. The Federal contributions toward postsecondary education, primarily higher education, are over 20 percent this year.

That may well be too little but I wanted it clear when this bill is passed, and I am going to vote for it, that there is another story when we get down to the problem of annual appropriations.

Some day I am going to place in the RECORD the total amount of authorizations from the Committee on Labor and Public Welfare. I am just as much at fault. I voted for all those bills, but they do run into billions of dollars. Some day we should take a look at it. I think we have to take a better look at higher education. This is only a ceiling. We cannot go above this but we can go below it.

Mr. PELL. Alas.

SEVERAL SENATORS. Vote! Vote! Vote!

Mr. SCHWEIKER. Mr. President, today, the Senate has voted its approval of the "Ethnic Heritage Studies Centers Act of 1971," which I originally introduced in January of this year as S. 23, and which is now included as section 504 of S. 659, the "Education Amendments of 1971."

The legislative form of this idea is not important, but the concept of official Federal recognition of the importance of the studies of the ethnic heritages of the many various peoples that make up our Nation is crucial. It has been a privilege for me to work closely with many leaders of ethnic, racial, and religious groups, and with many educators and sociologists, in developing the language which has been adopted today to authorize Ethnic Heritage Studies Centers. I believe that we have approved a workable bill which can grow into a most significant educational and social program.

As the committee report, 92–346 states, passage of this measure alone will not guarantee the success of this program. The active cooperation and coordination of the many individuals and groups who will be pursuing ethnic studies and ethnic programs through the Ethnic Heritage Studies Centers authorized by this bill will be necessary, and I urge all such interested individuals and groups to begin the implementation of these centers in this spirit of conciliation.

I feel strongly that a deep national resource which has not been effectively utilized in America is the strong feeling of self-pride surrounding each individual's ethnic heritage and background. The purpose of this bill is to help provide the opportunity for this resource to be generated in a positive and constructive fashion throughout our Nation. The self-assurance, the dignity, the community solidarity, and the mutual cooperation that can result can be a significant step in helping us truly achieve the goals of social communication and justice which have been the guiding light of America since the days of the American Revolution. In just 5 years, we will be celebrating the 200th anniversary of our country, our goals, and our liberty, and it is my fervant hope that this positive emphasis on ethnic heritages can help us fully realize these goals by 1976

Mr. President, I appreciate the cooperation of the chairman of the Senate Labor and Public Welfare Committee, Mr. Williams, and the chairman of the Subcommittee on Education, Mr. Pell, and the ranking minority member of this committee, Mr. Javits, in approving this important measure in committee, as well as the approval of this bill by the full Senate today, and am confident that the Ethnic Heritage Studies Centers will play a significant role in American society.

Mr. MONDALE. Mr. President, I commend the distinguished and able chairman of the Education Subcommittee, the Senator from Rhode Island (Mr. Pell). S. 659, the Education Amendments of 1971, which he introduced and guided through subcommittee and committee, embodies exceedingly progressive, and thoughtful new educational initiatives.

In the area of student assistance for higher education, for example, this bill authorizes a new financial aid program of basic educational opportunity grants—and a strengthened program of supplementary educational opportunity grants—that, if fully funded, would go far toward providing every high school graduate with full opportunity to continue his education in college or vocational school. The bill also includes an innovative and long overdue cost-of-instruction allowance that will provide desperately needed financial help to the colleges and universities these students attend.

In addition, the bill would establish a student loan marketing association—or a secondary market for student loans—to provide the liquidity needed for banks to increase their participation in student loan programs.

The major new initiatives in the areas of student assistance and institutional aid offer real promise of reducing the financial crisis that colleges and universities, as well as students and their parents, are facing.

Among its other important provisions, the bill would establish a National Institute of Education to coordinate and carry out the full range of experimentation and development essential to improvement of our educational system; continue the broad range of successful existing higher education programs—including Education Professions Development, Strengthening Developing Institutions, College Library Assistance, Higher Education Facilities, and Law School Clinical Experience; and expand and extend authority under the Vocational Educational Act.

The Senator from Rhode Island deserves the appreciation of all of us, as well as millions of American students and their families, for his creative and tireless leadership on this bill. I personally want to express my gratitude for his patient and constructive work.

Mr. JAVITS. Mr. President, as ranking minority member of the committee, I would be remiss if appreciation were not expressed to the majority staff for their cooperation and hard work on the complex 260-page text before us, particularly Steve Wexler, counsel of the Education Subcommittee, and Richard Smith, associate counsel of the subcommittee and Roy Millenson, minority staff—these gentlemen are master legislative craftsmen.

I should also wish to express appreciation to Steve Rand, legislative assistant for education to the ranking member of the Education Subcommittee, Senator Prouty, who was most helpful in finding solutions to particularly nettling difficulties which beset the subcommittee during its deliberations. His predecessor in the education post, Judith Miller, is now in the Office of the Assistant Secretary of HEW for Legislation—to her also goes our thanks.

Next, I should particularly like to note the efforts of others of the executive department staff whose technical skills and patience were most helpful; namely, Chris Cross, Deputy Assistant Secretary of HEW; Charles Saunders, now Deputy Commissioner of Education; Mrs. John Frohlicher, a gifted attorney in the Office of Education; Richard Hastings, whose aid in obtaining statistics and other data was invaluable; and their associates.

Finally, I wish to mention the minority staff, Roy Millenson, minority staff director, and Paul Haklisch, a summer intern who is a student at Williams College and a resident of Rye, N.Y., who devoted many hours to the tedious labors of helping prepare the lengthy section of the report devoted to changes in the law. Another intern, Dr. Elisabeth Hansot, an assistant professor of political science at Columbia University, was very helpful, especially in the preparation of the legislation and report dealing with the National Institute of Education.

Mr. PELL. Mr. President, as we close debate on S. 659, I again wish to point out to the Senate the great good that will accrue to each individual in our land should S. 659 become law.

For the first time in the history of our Nation, there will be established the right to a postsecondary education. An individual will be able to develop fully his intellectual abilities, something which up to now has been limited by his economic circumstances. I am often struck by the praise which everyone gives to the Second World War GI bill. To my mind, S. 659 is a GI bill for all Americans.

It should also be pointed out to the Senate that this legislation is not only concerned with students, but also seeks to provide a measure of institutional support. Indeed, it has gathered the support of institutions of higher education around the country, and I ask, at this point, that copies of letters to me be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Tuskegee Institute,
July 28, 1971.

Hon. Claiborne Pell,
Chairman, Subcommittee on Education,
Washington, D.C.

Dear Senator Pell: I want to express deep appreciation to you for your role in developing S659, which is a major step forward in financing higher education for the citizens of this country.

Kind regards.

Sincerely yours,

L. H. Foster,
President.

Arkansas College,
Batesville, Ark., July 28, 1971.

Senator Claiborne Pell,
Chairman, Subcommittee on Education,
Senate Office Building, Washington, D.C.

Dear Senator Pell: I have just read a summary of your generous Bill for higher education and feel that you certainly are on the right track to help continue the strong support of higher education in America for the future.

We will be watching with much interest the development of this Bill in the next few weeks.

Sincerely,

R. W. Wygle,
President.

Northrop Institute of Technology,
Inglewood, Calif., July 20, 1971.

Hon. Claiborne Pell,
Senate Office Building,
Washington, D.C.

Dear Senator Pell: I am pleased to see the progress made on S–659, which I believe to be of critical importance for the preservation of private higher education in this country.

I hope the Senate will support the action of the Committee on Labor and Public Welfare.

Sincerely,

Homer Grant,
President.

Augusta College,
Augusta, Ga., July 28, 1971.

Hon. Claiborne Pell,
Chairman, Subcommittee on Education, New Senate Office Building, Washington, D.C.

Dear Senator Pell: It was a distinct pleasure for me to be present last Tuesday when you met with the ACPRA to discuss Senate Bill 659. I commend you on your willingness to participate in the program and I thank you for your sincere interest in education.

Your bill is a valuable milestone in the development of educational opportunities and all of us here at Augusta College do commend you for your efforts.

Someone once said that the noblest thing a man could do is to plant a tree that will shade generations as yet unborn. This you have done with your work on S659.

Sincerely yours,

William H. Rodiman,
Director, College and Public Services.

La Grange College,
La Grange, Ga., August 2, 1971.

Senator Claiborne Pell,
New Senate Office Building,
Washington, D.C.

Dear Senator Pell: Your bill S659 As Reported is the finest aid to students and colleges that yet has been presented to the Senate. It is our earnest hope that the Senate and the House will enact legislation providing the services which are indicated. We trust that you will receive the kind of support necessary to achieve your ends. We are grateful.

Sincerely,

Waights G. Henry, Jr.,
President.

Millikin University,
Decatur, Ill., July 26, 1971.

Hon. Claiborne Pell,
Chairman, Subcommittee on Education,
Washington, D.C.

Dear Senator Pell: We have been following development on S659 with interest, and were pleased to learn of its passage by the Senate Labor and Public Welfare Committee earlier this month. We have been aware, too, of your personal interest in this legislation and are deeply appreciative of your efforts to effect its favorable passage.

Here in Illinois, the Governor recently signed new legislation which provides per capita grants on a formula agreed to in compromise by the Senate and General Assembly. The formula is tied in part to the monetary award recipients of the scholarships and grants program administered by the Illinois State Scholarship Commission.

Such a formula, it seems to me, recognizes the difference in what the student pays and the actual cost of his education, and for this reason, grants related to enrollment are especially important to private colleges and universities.

Traditional sources of funds used by private institutions to underwrite this gap in financing are more difficult to find or have decreased their support of educational institutions. New sources of support are needed, or reports that predict the demise of a number of private colleges and universities during this decade will come true. Our system of higher education is made stronger, in my opinion, by continued support of private institutions along with the large, multi-purpose system of public universities.

The continued support of the Educational Opportunity Grant concept is important because it extends the chance for a college education to many students who could not undertake college work without a monetary helping hand. The development of the cost-of-instruction allowance as contained in S659 underscores the importance of the EOG program, and helps the institution meet the gap in actual dollars charged the student and the cost of his education.

We applaud your work in the development of this bill, and in the concern you show for its successful passage. On behalf of one institution which could benefit from such legislation, our sincere thanks and warm support.

Respectfully yours,

Gerald A. Radford,
Assistant to the President.

Roosevelt University,
Chicago, Ill., July 29, 1971.

Senator Claiborne Pell,
Chairman, Subcommittee on Education,
Washington, D.C.

Dear Senator Pell: I want to commend you and the Senate Subcommittee for the outstanding Senate Education Bill which was reported out recently. It is a thoughtful and creative approach to the problems plaguing higher education in this country. Its enactment would be of great assistance to Roosevelt University and to the students in the Chicago Metropolitan area served by this University. The proposed student assistance program and the cost-of-instruction allowance provide a means of giving general support to institutions of higher education and at the same time serves the important need of helping to provide a college or university education for a greater number of economically disadvantaged students.

Roosevelt University has served economically and culturally disadvantaged students since its inception in 1945. We are keenly aware of the problems connected with education for the disadvantaged. The Senate Bill goes a long way towards resolving these problems since it provides for basic financial assistance to the individual students, including (importantly) part-time students, and it also recognizes that an institution attempting to provide higher education for low-income students incurs greater instructional and administrative costs. This is the case with students from middle- and upper-income families.

I sincerely hope that the Senate Bill will be enacted and that funds will be appropriated for its implementation.

Sincerely yours,

Rolf A. Weil,
President.

Saint Joseph's College,
Rensselaer, Ind., July 27, 1971.

Hon. Claiborne Pell,
Chairman, Subcommittee on Education,
Washington, D.C.

Dear Senator Pell: Last week several of our college public relations personnel attended a meeting of the American Alumni Council in Washington and brought back to me reports with a brief summary of the bill you have prepared and that has been reported out on July 15. The reports are brief but even in their brevity it seems you have prepared a bill that shows a deep insight and understanding of the needs of higher education in the United States today. We wish to commend you for this bill and pledge our willingness to rally whatever support is needed to see this bill's passage.

Sincerely yours,

Charles Banet, C.PP.S.,
President.

Coe College,
Cedar Rapids, Iowa., August 2, 1971.

Hon. Claiborne Pell,
U.S. Senate,
Washington, D.C.

Sir: I write to commend you and your Senate colleagues for the excellent and generous bill (S. 659) designed to help higher education in a number of ways.

The future of private higher education in this country, of necessity, is dependent upon various types of support from public sources. It is my opinion that the continuation of strong and vigorous colleges and universities in the private sector is absolutely essential for the maintenance of the variety and quality of our national program of higher education. I, and my colleagues at Coe College, are grateful for this kind of bill which represents a large vision concerning the essential nature of higher education.

Sincerely yours,

Leo L. Nussbaum,
President.

Luther College,
Decorah, Iowa, July 27, 1971.

Hon. Claiborne Pell,
U.S. Senate, Chairman, Subcommittee on Education, Washington, D.C.

Dear Senator Pell: You deserve the thanks of all in the education community for the tremendous effort you have put into getting the unanimous approval of Senate Bill S659. I am impressed with the comprehensiveness of the bill and in particular with the efforts you have made to correct many deficiencies in the present Federal Program of Aid to Higher Education. The proposed Student Assistance Program with the Cost of Instruction Allowance for Institutions is the type of program that has long been needed.

I am much impressed with the bipartisan support that you have had and hope such support continues as the bill is brought before the Senate. I also hope that the members of the House will agree to the provisions within the substance of the bill.

Sincerely,

E. D. Farwell,
President.

St. Ambrose College,
Davenport, Iowa, July 28, 1971.

Hon. Claiborne Pell,
Chairman, Subcommittee on Education, New Senate Office Building, Washington, D.C.

Dear Senator Pell: I want to express my appreciation and thanks for your efforts and understanding for the cause of education as expressed in the Pell Bill, "S659 as Reported".

Sincerely yours,

Rt. Rev. S. G. Menke,
President.

Sacred Heart College,
Wichita, Kans., July 27, 1971.

Hon. Claiborne Pell,
Chairman, Subcommittee on Education,
Washington, D.C.

My Dear Senator Pell: I have just read a brief summary of "S659 As Reported" and wished to commend you for the work that you put forth in bringing about the Bill.

It is a comprehensive piece of legislation which touches so many of the needs of higher education in this country. Hopefully your colleagues will see the same merit in the Bill.

Sincerely,

Rev. Roman S. Galiardi,
President.

Saint Mary College,
Xavier, Kans., July 27, 1971.

Hon. Claiborne Pell,
Chairman, Subcommittee on Education,
Washington, D.C.

Dear Senator Pell: In behalf of this particular college and its students, may I thank you and the members of your committee for Senate Bill 659. It is one of the best witnesses we have had in these last few years in the higher education community of the kind of enlightened concern with higher education that surely should mark our country's leadership. We thank you heartily.

Sincerely yours,

Sister Mary Janet.

Saint Francis College,
Biddeford, Maine, July 27, 1971.
Hon. Claiborne Pell,
Chairman, Subcommittee on Education,
Washington, D.C.

Dear Senator Pell: I wish to commend you for your education bill—S659 As Reported—and for your expressed support of higher education programs and activities. The concern of your Subcommittee on Education is especially gratifying to those of us who share responsibility in the financial management of colleges and universities.

We thank you for your efforts, past and present, in behalf of higher education.

Sincerely,
Ernest R. Therrien,
Acting President.

Goucher College,
Towson, Md., July 27, 1971.
Hon. Claiborne Pell,
U.S. Senate,
Washington, D.C.

Dear Senator Pell: On behalf of independent higher education in Maryland, I am expressing our appreciation for your efforts in reporting out S–659 recently. This measure will go a long way toward promoting postsecondary education for all Americans.

We who represent the independent sector of higher education want to assure you that every effort is being taken to insure that the best, most comprehensive and versatile advanced educational opportunities are made available to everyone. S–659 will greatly assist in this endeavor.

With every good wish.

Sincerely yours,
Richard H. Francis.

Anna Marie College,
Paxton, Mass., July 29, 1971.
Hon. Claiborne Pell,
Chairman, Subcommittee on Education,
Washington, D.C.

Dear Senator Pell: I wish to commend you for your generous bill, S 659, which has recently been reported out of the Senate Labor and Public Welfare Committee.

Legislation such as this provides higher education with a sound hope that the financial crisis of so many private institutions will soon be alleviated. I believe it is in the national interest that every college or university remain open to assure the diversity characteristic of the American way of life and to relieve the burden on the taxpayers by utilizing fully the billions of dollars already invested in plant funds.

Very sincerely,
Sister Irene Socquet, S.S.A.,
President.

Springfield College,
Sringfield Mass., July 29, 1971.
Senator Claiborne Pell,
Chairman, Subcommittee on Education,
Washington, D.C.

Dear Senator Pell: I am writing you to commend you on Senate Education Bill—"S659 As Reported". I have read with interest material sent me by the Association of American Colleges.

We in private higher education, especially Springfield College, are desperately attempting to keep our budget in balance and to resist as much as possible attempts to raise our tuition rates. As a College whose tradition is the education of young men and women for the human helping professions, we draw mainly from homes of modest means. Any drastic increase in tuition would price us out of the market for the type of young people attracted to these careers of helping others.

It is our opinion that private higher education will need support from state and national sources if we are to maintain our historic programs.

Again I commend you for this most needed Bill.

Sincerely,
Calvin J. Martin.

The University of Michigan,
Ann Arbor, Mich., July 20, 1971.
Hon. Claiborne Pell,
U.S. Senate,
Senate Office Building,
Washington, D.C.

Dear Senator Pell: I write to express my personal appreciation, and that of my institution, for the devoted consideration which you have given to the problems of higher education during the current session. S. 659 will be enormously helpful to us, and I hope that the Senate, and later the House, can agree upon it.

We shall be watching the progress of the bill with great interest and support.

Sincerely,
R. W. Fleming.

Wayne State University,
Detroit, Mich., August 2, 1971.
Hon. Robert P. Griffin,
U.S. Senate,
Washington, D.C.

Dear Senator Griffin: I wish to express my strong support for the "Education Amendments of 1971" (S. 659), recently reported favorably by the Senate Labor and Education Committee. While we do not agree with every detail of the law, Wayne State University feels there is great merit to the sum total of this legislative package. There is no question in our minds about the need to expand the range of activities in this country. This act gives us that opportunity.

I hope you will seek to move this legislation through the Senate as quickly as seems appropriate in view of the magnitude of the bill and its importance to the nation.

Sincerely,
George E. Gullen, Jr.,
Acting President.

Minnesota Private College Council,
St. Paul, Minn., July 28, 1971.
Sen. Claiborne Pell,
Chairman, Subcommittee on Education,
Washington, D.C.

Dear Senator Pell: The higher education bill which your Committee has voted out unanimously, S 659, is a genuinely epoch-making proposal, for which you and the members of your committee deserve great credit. It has in it many features which are highly important to the entire educational community, many of them breaking new ground.

In particular the proposal for basic opportunity grants in the amount of $1400 less family contribution is of landmark importance. This is all the more clear if it is intended as an "entitlement" for which appropriations are mandated. The same is the case with the "cost of instruction allowances" which I understand are also mandated. The determination to set up the basic opportunity grants as the first block in the financial aid structure, to which other financial aid may be added, I am sure reflects your own judgment and initiative in a particular way. All of us are indebted to you for it.

The utilization of federal financial aid to students to stimulate state programs of student aid is very important and will have the effect of equalizing educational opportunity through stimulating state programs. I like also the acceptance of a measure of public responsibility for the financial viability of educational institutions reflected in the emergency provisions for financing educational institutions that are in financial difficulty.

While I am sure we will want to evaluate the various components of S 659 with proposals that will emerge in the House bill we are greatly encouraged by the positive and original proposals which your Committee has made.

May I again express my appreciation for the privilege of appearing before your Committee as a part of the Minnesota delegation. It is gratifying to have had even so small a part in the development of such a significant piece of legislation.

Sincerely yours,
Edgar M. Carlson,
Executive Director.

University of Minnesota,
Minneapolis, Minn., July 21, 1971.
Hon. Walter F. Mondale,
U.S. Senate,
Washington, D.C.

Dear Senator: I have received a summary of S. 659 recently reported by the Senate Labor and Public Welfare Committee. I am pleased to offer my observations on the meaning of this legislation to the universities and colleges of this nation.

It represents an important step forward. While the student aid provisions of the bill are not as broadly based as S. 1161, which you introduced, and which I suggested in earlier testimony before Senator Pell's Subcommittee, it does establish the essential principle of institutional aid. It is apparent to all of us involved in the process that we cannot effectively meet our responsibilities to the disadvantaged student if the Federal input is limited to the Basic Opportunity Grant. The cost of higher education is greater than the cost of tuition and fees, and the disadvantaged student requires the investment of institutional resources beyond those direct costs if he is to have an equal chance of success with his fellows.

I am particularly supportive of the 50–50 matching program to stimulate greater state investment in their student assistance programs. The Minnesota legislature has acted to significantly expand the Minnesota scholarship and grant-in-aid program during the 1971 session. Passage of S. 659 would constitute a major additional incentive to all the states to assume a larger share of the fiscal burden.

I was also pleased to see provision for continuity for many of the well established programs so vital to higher education. For example, library support, instructional equipment, and graduate fellowships. The provisions for a new National Foundation for Post Secondary Education, and a new National Institute for Educational Research are excellent innovations.

In many ways, higher education is in financial trouble because we have sought with shrinking resources to be more responsive to the educational needs of our society. I believe S. 659 recognizes that the next critical commitment, if we are to realize our goals, is for the federal government to assist both the institutions and the states in meeting these rising costs. I hope it passes.

Thank you for giving me the opportunity to offer these judgments both in writing now and before Senator Pell's subcommittee last winter.

Sincerely,
Donald K. Smith,
Vice President, Administration.

College of Saint Teresa,
Winona, Minn., July 27, 1971.
Hon. Claiborne Pell,
Chairman, Subcommittee on Education,
New Senate Office Building,
Washington, D.C.

Dear Senator Pell: I have just received information on Senate Education Bill 659, as reported out of committee. I am most appreciative of the generosity and concern which is manifested in this bill. Prepared in truly bipartisan fashion, I understand, and voted out of your subcommittee unanimously it represents one of the finest efforts to relieve the situation in higher education that I have seen in a long time.

Thank you for all you are doing and have done for us.

Very sincerely yours,
Sister M. Joyce Rowland, O.S.F.,
President.

College of St. Scholastica,
Duluth, Minn., July 28, 1971.
Hon. Claiborne Pell,
Chairman, Subcommittee on Education,
New Senate Office Building,
Washington, D.C.

Dear Senator Pell: Higher education is fortunate in having a friend like you. I am sure you know how much we appreciate your exceptional efforts in our behalf, but it won't hurt to repeat it. We are deeply and genuinely grateful for your support.

We think S659 is a generous bill. Thank you.

Sincerely,
Rex Hudson,
Vice President for Development.

Upsala College,
East Orange, N.J., July 28 1971.
Senator Claiborne Pell,
Chairman, Subcommittee on Education,
Washington, D.C.

Dear Senator Pell: Congratulations on your hard work on behalf of higher education! The work that you and your Subcommittee on Education have done has developed provocative alternatives and suggestions for higher education.

Please send me a copy of the Senate Education Bill–S659.

Sincerely yours,
Charles F. Pierce, Jr.,
Executive Assistant.

Clarkson College of Technology,
Potsdam, N.Y., July 27, 1971.
Hon. Claiborne Pell,
Chairman, Subcommittee on Education,
Washington, D.C.

Dear Senator Pell: I have seen a summary of Education Bill S659 and am very favorably impressed concerning it. It has the desired objectives of perpetuating on-going, proven programs as well as plowing new ground, especially with respect to student assistance and the cost-of-instruction allowance. As far as Clarkson College is concerned, these last two areas are of vital importance for our survival as an independent, vital institution.

We hope the Senate will act on the Bill favorably, and that the House Bill, when it comes out of committee, will be equally comprehensive and far-seeing.

Sincerely,
John W. Graham, Jr.

Colgate University,
Hamilton, N.Y., August 3, 1971.
Senator Claiborne Pell,
Chairman, Subcommittee on Education,
Washington, D.C.

Dear Senator Pell: I should like to express my appreciation of your efforts and leadership in devising and reporting out the Senate Education Bill S659. The understanding and foresight of the members of your subcommittee with regard to the financial problems of college students and the institutions which they attend is heartening to all of us in higher education.

Sincerely,
Thomas A. Bartlett.

Dowling College,
Oakdale, N.Y., August 2, 1971.
Senator Claiborne Pell,
Chairman, Subcommittee on Education,
Washington, D.C.

Dear Senator Pell: This letter is to indicate my support for the Senate Bill S659 as reported. The bill has many outstanding features which are important for Dowling College as we continue to serve the higher education needs of Western Suffolk County.

The bill has many features which are very important for private institutions of higher education. The bill indicates a lot of thoughtful consideration of the problems that colleges have in many areas and the bill is very comprehensive in its approach toward meeting these problems. In particular, I am impressed with the Title I—Higher Education Revisions of the Bill—in the areas of continuing education (Part A), College library program (Part B), strengthening developing institutions (Part C), and student assistance (Part D). It is particularly important that the bill include the cost of education allowance for institutions of higher education. This is particularly needed by all institutions of higher education.

Congratulations for your work on this excellent bill, and I wish you success as the bill goes through the process of becoming final legislation.

Sincerely,
Allyn P. Robinson,
President.

Buffalo, N.Y.,
July 30, 1971.
Senator Pell,
Senate Office Building,
Washington, D.C.:

Urge continued and strong support for S. 659. Community college most effective institution for bringing higher education to all citizens at minimum expense to student and taxpayer. Erie Community College embarking on a three campus system to better serve all persons of Erie County.

James E. Shenton,
President.
Edward J. Wegman,
Chairman, Board of Trustees.

La Roche College,
Allison Park, Pa., July 27, 1971.
Senator Claiborne Pell,
Chairman, Subcommittee on Education,
Washington, D.C.

Dear Senator Pell: I would like to thank you for the work you have done and the part you played in bringing Education Bill S659 to its present status. The passage of this bill vital to the continuation of a healthy and effective dual system of education in our country.

I feel sure that you are committed to the educational traditions of America or you would not have expended the efforts you have in working for this bill.

Best wishes for your continued success.

Sincerely,
Sister de la Salle Mahler,
President.

Manhattanville College,
Purchase, N.Y., July 27, 1971.
Hon. Claiborne Pell,
U.S. Senate,
Washington, D.C.

Sir: Would you be kind enough to send me a copy of Bill S 659 as soon as it is available, as well as any other material pertinent to the bill.

May I take this opportunity to thank you for the presentation of the bill which you gave members of the American College Public Relations Association last week.

Yours truly,
Peggy Rice,
New Director.

New York University,
New York, N.Y., July 16, 1971.
Hon. Claiborne Pell,
Old Senate Office Building,
Washington, D.C.

Dear Senator Pell: Thank you for your thoughtful letter with respect to the task force report to the Subcommittee on Education. I was happy to join Glenn Ferguson and Jim Hester in this project in my capacity as President-elect of Reed College.

My colleagues and I appreciate your interest in higher education and your pioneering proposals to keep our colleges and universities strong to serve the nation and our citizens. Please feel free to call upon me at any time you think I can be helpful.

Sincerely,
Paul E. Bragdon.

North Country Community College,
Saranac Lake, N.Y., July 30, 1971.
Hon. Claiborne Pell,
U.S. Senate,
Washington, D.C.

Dear Senator Pell: This is just to inform you that all of us here at NCCC are immensely interested in supporting the Title X—Improvement of Educational Opportunities through Community Colleges legislation which you, Sen. Williams and Sen. Javits are sponsoring. We also wish to commend you for your interest and support of this legislation

We believe it is the only real answer for the future of these colleges which, as you well know, are doing a tremendously important job in higher education in the country. They need coordinated help such as this bill offers, however, to be able to continue to do that job.

If we can do anything to help in its promotion, please let us know.

Yours sincerely,
George Hodson,
President.

Otterbein College,
Westerville, Ohio, July 29, 1971.
Hon. Claiborne Pell,
U.S. Senator, Chairman, Subcommittee on Education, Senate Office Building, Washington, D.C.

Dear Senator Pell: Let me commend you for your role in the drafting and reporting out of S659. Federal programs which directly or indirectly aid higher education are of critical importance. We at Otterbein College will continue our efforts to justify your confidence in higher education through programs which meet the needs of our students and society.

Sincerely yours,
Thomas J. Kerr,
President.

Rosary Hill College,
Buffalo, N.Y., August 3, 1971.
Hon. Clairborne Pell,
Chairman, Subcommittee on Education,
Washington, D.C.

Dear Senator Pell: Please accept my sincere commendation with regard to the Senate Education Bill "S659 As Reported." The assistance it will provide for higher education is badly needed.

May I wish you continued success with this and similar Bills.

Sincerely,
Mary Angela Canavan, O.S.F.,
President.

Rosemont College,
Rosemont, Pa., July 27, 1971.
Hon. Clairborne Pell,
Chairman, Subcommittee on Education,
Washington, D.C.

Dear Senator Pell: Recent communications received from the Association of American Colleges included a brief summary of bill S659 which is designed to assist higher education.

On behalf of Rosemont College, I am writing to commend you for this bill and to express our appreciation of the provisions for institutional aid so essential in this time of serious financial difficulty for institutions of higher education.

Sincerely yours,
Mary George O'Reilly, S.H.C.J.,
President.

Wofford College,
Spartanburg, S.C., July 29, 1971.
Senator Claiborne Pell,
Chairman, Subcommittee on Education,
Washington, D.C.

Dear Senator Pell: I have just read with keen interest and deep appreciation a brief summary of the Pell bill. I want to thank you for lending your thought, energy, and effort to such a fine piece of legislation.

Recent years have found many Americans "up tight" about higher education. This tension has caused some state legislators and many individual supporters of higher education to pull back. Thank goodness our national congress has continued to support higher education.

All of us are indebted to you and to your colleagues on the Senate Labor and Welfare Committee.

Sincerely,

Paul Hardin III,
President.

Dakota Wesleyan University,
Mitchell, S.D., July 30, 1971.

Hon. Claiborne Pell,
U.S. Senator,
Senate Office Building,
Washington, D.C.

Dear Senator Pell: Thank you for your leadership in developing S. 659 as reported. These are critical times for our education, both public and private. We need all the help you can give.

Sincerely,

Donald E. Messer.

Vanderbilt University,
Nashville, Tenn., July 14, 1971.

Hon. Claiborne Pell,
Chairman, Subcommittee on Education,
U.S. Senate,
Washington, D.C.

Dear Senator Pell: Thank you for your note of June 25 regarding the report of the Task Force headed by Glenn Ferguson.

We are all grateful to you for the enlightened labor you perform on behalf of higher education and for giving us the opportunity to offer some suggestions about public policy affecting higher education.

With best wishes.

Sincerely yours,

Alexander Heard.

Bennington College,
Bennington, Vt., July 28, 1971.

Hon. Claiborne Pell,
Chairman, Subcommittee on Education,
Washington, D.C.

Dear Senator Pell: I have just had the opportunity to read an advance summary of S. 659 and I wish, on behalf of Bennington College and on my own behalf, to commend you for the preparation of such a farsighted document.

Bennington is deeply concerned to continue its ability to innovate in such a way that the effect on all higher education is out of proportion to size. It costs more to provide such a laboratory. It is particularly important to open such educational opportunities to the disadvantaged and this must be done at a premium. I know that you and Mrs. Pell are particularly aware of the merit and high costs of independent "research and development" such as ours. It is of great importance to retain a place in higher education for the Benningtons of this country.

Sincerely,

Edward J. Bloustein,
President.

Mary Baldwin College,
Staunton, Va., July 27, 1971.

Senator Claiborne Pell,
Chairman, Subcommittee on Education,
Washington, D.C.

Dear Senator Pell: Along with many colleagues at other institutions, I have followed with great interest the measures being considered in both the House and the Senate for a new higher education bill. I am particularly impressed with the bill now produced through your subcommittee, because it attempts to take into account the primary needs of both deserving students who are finding it difficult to pay for their undergraduate education, and it also recognizes the rising costs which must be borne by the institutions themselves as they seek ways to become more responsive to these needy students.

Our situation at Mary Baldwin College graphically demonstrates the scope of this problem. Our total financial aid budget this coming year will be over $300,000 in a total $3 million operating budget for a student body of 750. This is a difficult burden for us to carry, but we feel that we must in order to continue competing for the caliber student we want at this liberal arts institution. About one out of three students at Mary Baldwin is on some form of financial aid, but under past measures only about $70,000 of this total financial aid budget is derived from Federally sponsored sources. The remainder has to be budgeted by the college, and this is becoming ever more difficult in an era of spiraling operational costs.

A recent editorial in The Washington Post commended your bill but suggested that the present version is "excessively favorable to small colleges". I strongly suspect this is not the case, but even if it were, I think a strong argument could be made in favor of additional support for many of the smaller, private colleges which are making such a determined effort to educate many deserving young men and women. They provide an important alternative for many students who can progress so much better in this kind of educational environment.

Again, I commend you and your colleagues for your splendid attempts to set forth an excellent bill.

With all best wishes for success in further discussion in the weeks ahead.

Sincerely,

William W. Kelly.

Bethany College,
Bethany, W. Va., July 28, 1971.

Senator Claiborne Pell,
Chairman, Subcommittee on Education,
Washington, D.C.

Dear Senator Pell: I have just read a brief summary of the higher education bill, "S659 As Reported". It looks like a fine bill and I commend your Committee on the proposal. May I have a copy of the completed bill for further study?

Sincerely yours,

Robert A. Sandercox,
Vice President and Dean of Students.

Northwestern Mutual Life Insurance Co., Milwaukee,
Yankton, S. Dak., July 29, 1971.

Re Senate education bill (S. 659 as reported).
Senator Claiborne Pell,
Chairman, Subcommittee on Education,
Washington, D.C.

Dear Senator Pell: Congratulations on developing the type of legislation which will be of some help to higher education efforts. Keep up the good work. I hope the unanimous support of the committee will be taken seriously by your fellow legislators.

Best regards.

Elton E. Bertsch.

Mr. PELL. Mr. President, in closing, I urge the Senate to support S. 659.

The PRESIDING OFFICER. Is all time yielded back?

Mr. PELL. I yield back the remainder of our time.

The PRESIDING OFFICER. The question is on final passage.

Mr. DOMINICK. I ask for the yeas and nays.

Mr. MANSFIELD. Would the Senator reconsider?

Mr. DOMINICK. Does the Senator mean we are going to vote on an $18 billion bill without a yea-and-nay vote?

Mr. MANSFIELD. Very well.

The PRESIDING OFFICER. There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time has been yielded back. The question is, Shall the bill pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Indiana (Mr. Bayh), the Senator from Nevada (Mr. Bible), the Senator from North Dakota (Mr. Burdick), the Senator from Nevada (Mr. Cannon), the Senator from Florida (Mr. Chiles), the Senator from Idaho (Mr. Church), the Senator from California (Mr. Cranston), the Senator from Mississippi (Mr. Eastland), the Senator from Louisiana (Mr. Ellender), the Senator from North Carolina (Mr. Ervin), the Senator from Georgia (Mr. Gambrell), the Senator from Oklahoma (Mr. Harris), the Senator from South Carolina (Mr. Hollings), the Senator from Hawaii (Mr. Inouye), the Senator from Washington (Mr. Jackson), the Senator from Massachusetts (Mr. Kennedy), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from Minnesota (Mr. Mondale), the Senator from New Mexico (Mr. Montoya), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. Muskie), the Senator from Connecticut (Mr. Ribicoff), the Senator from Alabama (Mr. Sparkman), the Senator from Georgia (Mr. Talmadge), and the Senator from California (Mr. Tunney) are necessarily absent.

I also announce that the Senator from Indiana (Mr. Hartke), the Senator from New Hampshire (Mr. McIntyre), and the Senator from Illinois (Mr. Stevenson) are absent on official business.

I further announce that if present and voting, the Senator from Indiana (Mr. Bayh), the Senator from North Dakota (Mr. Burdick), the Senator from Florida (Mr. Chiles), the Senator from Idaho (Mr. Church), the Senator from California (Mr. Cranston), the Senator from Louisiana (Mr. Ellender), the Senator from Georgia (Mr. Gambrell), the Senator from Oklahoma (Mr. Harris), the Senator from Washington (Mr. Jackson), the Senator from Massachusetts (Mr. Kennedy), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Minnesota (Mr. Mondale), the Senator from New Mexico (Mr. Montoya), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. Muskie), the Senator from Connecticut (Mr. Ribicoff), the Senator from Alabama (Mr. Sparkman), the Senator from Illinois (Mr. Stevenson), and the Senator from California (Mr. Tunney) would each vote "yea."

Mr. GRIFFIN. I announce that the Senators from Tennessee (Mr. Baker and Mr. Brock), the Senator from Oklahoma (Mr. Bellmon), the Senator from Utah (Mr. Bennett), the Senator from Delaware (Mr. Boggs), the Senator from Kentucky (Mr. Cook), the Senator from

Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), the Senators from Kansas (Mr. PEARSON and Mr. DOLE), the Senator from Vermont (Mr. PROUTY), the Senator from Ohio (Mr. SAXBE), the Senator from Connecticut (Mr. WEICKER), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

The Senator from New Hampshire (Mr. COTTON), the Senator from Nebraska (Mr. HRUSKA), the Senator from Idaho (Mr. JORDAN), and the Senator from Illinois (Mr. PERCY) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Oregon (Mr. HATFIELD), the Senator from Illinois (Mr. PERCY), and the Senator from Connecticut (Mr. WEICKER) would each vote "yea."

The result was announced—yeas 51, nays 0, as follows:

[No. 212 Leg.]

YEAS—51

Aiken
Allen
Allott
Beall
Bentsen
Brooke
Buckley
Byrd, Va.
Byrd, W. Va.
Case
Cooper
Curtis
Dominick
Eagleton
Fannin
Fong
Fulbright
Gravel
Griffin
Gurney
Hansen
Hart
Hughes
Humphrey
Javits
Jordan, N.C.
Long
Magnuson
Mansfield
Mathias
McClellan
Metcalf
Miller
Nelson
Packwood
Pastore
Pell
Proxmire
Randolph
Roth
Schweiker
Scott
Smith
Spong
Stennis
Stevens
Symington
Taft
Thurmond
Tower
Williams

NAYS—0

NOT VOTING—49

Anderson
Baker
Bayh
Bellmon
Bennett
Bible
Boggs
Brock
Burdick
Cannon
Chiles
Church
Cook
Cotton
Cranston
Dole
Eastland
Ellender
Ervin
Gambrell
Goldwater
Harris
Hartke
Hatfield
Hollings
Hruska
Inouye
Jackson
Jordan, Idaho
Kennedy
McGee
McGovern
McIntyre
Mondale
Montoya
Moss
Mundt
Muskie
Pearson
Percy
Prouty
Ribicoff
Saxbe
Sparkman
Stevenson
Talmadge
Tunney
Weicker
Young

So the bill (S. 659) was passed, as follows:

S. 659

An Act to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, the General Education Provisions Act (creating a National Foundation for Postsecondary Education and a National Institute of Education), the Elementary and Secondary Education Act of 1965, Public Law 874, Eight-first Congress, and related Acts, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, with the following table of contents, may be cited as the "Education Amendments of 1971".

TABLE OF CONTENTS

SEC. 2. General provisions.

TITLE I—HIGHER EDUCATION

PART A—COMMUNITY SERVICE AND CONTINUING EDUCATION PROGRAM

SEC. 101. Extension of authorization of appropriations.
SEC. 102. Special programs and projects relating to national and regional problems.
SEC. 103. Metropolitan programs.
SEC. 104. Evaluation of activities.

PART B—COLLEGE LIBRARY PROGRAMS

SEC. 111. Authorization of appropriations.
SEC. 112. Waiver of maintenance of effort requirement.
SEC. 113. Increase in maximum amount of supplemental grants.
SEC. 114. Authorization of appropriations for college and research library resources.
SEC. 115. Evaluation and report.

PART C—DEVELOPING INSTITUTIONS: EMERGENCY ASSISTANCE TO INSTITUTIONS OF HIGHER EDUCATION

SEC. 121. Extension of authorization for title III.
SEC. 122. Revision of title III (strengthening developing institutions).
SEC. 123. Emergency assistance for institutions of higher education.

PART D—STUDENT ASSISTANCE

SEC. 131. Revision of Part A of title IV (educational opportunity grants).
SEC. 132A. Insured student loans—extension of authorization.
SEC. 132B. Increase in loan limitation in exceptional cases.
SEC. 132C. Eligibility of institutions.
SEC. 133. Student loan marketing association.
SEC. 134. Extension of the Emergency Insured Student Loan Act of 1969.
SEC. 135. College work study program—extension and selection of students for employment.
SEC. 136. Cooperative education.
SEC. 137. Direct loans to students in institutions of higher education.
SEC. 138. Eligibility for student assistance.
SEC. 139. Affidavit of educational purpose required.
SEC. 140. Postsecondary education study.

PART E—EDUCATION PROFESSIONS DEVELOPMENT

SEC. 141. Extension of authorization of appropriations.
SEC. 142. Functions of, and compensation for, the Director of the Teacher Corps.
SEC. 143. Retraining of teachers and employment of tutors and instructional assistants.
SEC. 144. Provision for administrative expenses for operation of State plan.
SEC. 145. Elimination of ceiling on expenditures for teaching aides.
SEC. 146. Training for teachers and aides in private schools.
SEC. 147. Improving training programs for the education of teachers and related educational personnel.
SEC. 148. Support of tutors and instructional assistants.
SEC. 149. Programs for teachers of migrant children.

PART F—INSTRUCTIONAL EQUIPMENT

SEC. 151. Extension of authorization of appropriations.

PART G—ACADEMIC FACILITIES

SEC. 161. Transfer of the provisions of the Higher Education Facilities Act of 1963.
SEC. 162. Extension of authorizations of appropriations for the Higher Education Facilities Act of 1963.
SEC. 163. State higher education Commissions.

PART H—NETWORKS FOR KNOWLEDGE EXTENSION

SEC. 171. Extension of authorization of appropriations.
SEC. 172. Inclusion of law and graduate professional schools.

PART I—GRADUATE PROGRAMS AND COMMUNITY COLLEGE PROGRAMS

SEC. 181. Extension of title IX and X of the Higher Education Act of 1965.
SEC. 182. New title IX of the Higher Education Act of 1965 (graduate programs).
SEC. 182A. Interns for political leadership program.
SEC. 183. Improvement of community colleges.
SEC. 184. Extension of titles IV and VI of the National Defense Education Act of 1958 and of the International Act of 1966.

PART J—LAW SCHOOL CLINICAL EXPERIENCE PROGRAMS

SEC. 191. Amendments to title XI of the Higher Education Act of 1965.

TITLE II—VOCATIONAL EDUCATION

SEC. 201. Special programs for the disadvantaged.
SEC. 202. Bureau of Occupational and Adult Education.
SEC. 203. Clarification of definition of vocational education with respect to industrial arts program; inclusion of volunteer firemen.
SEC. 204. Exemplary programs and projects.
SEC. 205. Residential vocational schools.
SEC. 206 Consumer and homemaking education.
SEC. 207. Cooperative vocational education.
SEC. 208. Work-study programs.
SEC. 209. Curriculum development.
SEC. 210. National Advisory Council.

TITLE III—ESTABLISHMENT OF A NATIONAL FOUNDATION FOR POSTSECONDARY EDUCATION AND A NATIONAL INSTITUTE OF EDUCATION

SEC. 301. Amendment to the General Education Provisions Act.

TITLE IV—MISCELLANEOUS

SEC. 401. Administration of programs and projects.
SEC. 402. Extension of authorization of appropriations of title III of the National Defense Education Act of 1958.
SEC. 403. Study and report on rules and regulations.
SEC. 404. Ethnic Heritage Studies Centers.
SEC. 405. Consumers' education.
SEC. 406. Land-grant status for the College of the Virgin Islands and the University of Guam.
SEC. 407. Amendments to the Elementary and Secondary Education Act of 1965 with respect to migratory children of migratory agricultural workers.
SEC. 408. Technical amendment with respect to neglected or delinquent children.
SEC. 409. Number of members of the National Commission on School Finance.

TITLE V—YOUTH CAMP SAFETY

SEC. 501. Short title.
SEC. 502. Statement of purpose.
SEC. 503. Definitions.
SEC. 504. Grants to States for youth camp safety standards.
SEC. 505. Developing Federal standards.
SEC. 506. State plans.
SEC. 507. Determination of Federal share; payments.
SEC. 508. Operation of State plans; hearings and judicial review.
SEC. 509. Advisory Council on Youth Camp Safety.
SEC. 510. Administration.
SEC. 511. Authorization.

GENERAL PROVISIONS

SEC. 2. (a) As used in this Act—

(1) the term "Secretary" means the Secretary of Health, Education, and Welfare; and

(2) the term "Commissioner" means the Commissioner of Education;

unless the context requires another meaning.

(b) Unless otherwise specified, the redesignation of a section, subsection, or other designation by any amendment in this Act shall include the redesignation of any reference to such section, subsection, or other designation in any Act or regulation, however styled.

(c) (1) Unless otherwise specified, in any case where an amendment made by this Act is to become effective after a date set herein, it shall be effective with the beginning of the day which immediately follows the date after which such amendment is effective.

(2) In any case where the effective date for an amendment made by this Act is expressly stated to be effective after June 30, 1971 such amendment shall be deemed to have been enacted on July 1, 1971.

TITLE I—HIGHER EDUCATION

PART A—COMMUNITY SERVICE AND CONTINUING EDUCATION PROGRAMS

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS

SEC. 101. (a) Section 101 of the Higher Education Act of 1965 is amended by striking out all that follows "authorized to be appropriated" and inserting in lieu thereof the following: "$60,000,000 for the fiscal year ending June 30, 1972, and for each of the succeeding fiscal years ending prior to July 1, 1975.".

(b) The amendment made by subsection (a) shall be effective after June 30, 1971.

SPECIAL PROGRAMS AND PROJECTS RELATING TO NATIONAL AND REGIONAL PROBLEMS

SEC. 102. (a) (1) Sections 106, 107, 108, 109, 110, and 111 of the Higher Education Act of 1965, and all references thereto, are redesignated as sections 107, 108, 109, 110, 111, and 112, respectively. Title I of such Act is amended by inserting after section 105 the following new section:

"SPECIAL PROGRAMS AND PROJECTS RELATING TO NATIONAL AND REGIONAL PROBLEMS

"SEC. 106. (a) The Commissioner is authorized to reserve from the sums appropriated pursuant to section 101 for any fiscal year an amount not in excess of 10 per centum of the sums so appropriated for that fiscal year for grants pursuant to subsection (b).

"(b) (1) From the sums reserved under subsection (a), the Commissioner is authorized to make grants to, and contracts with, institutions of higher education (and combinations thereof) to assist them in carrying out special programs and projects, consistent with the purposes of this title, which are designed to seek solutions to national and regional problems relating to urbanization, technological and social changes, and environmental pollution.

"(2) No grant or contract under this section shall exceed 90 per centum of the cost of the program or project for which application is made.".

(2) Section 103(a) of such title I is amended by striking out that part of the language which precedes ", the Commissioner" and by inserting in lieu thereof "From the sums appropriated pursuant to section 101 for any fiscal year which are not reserved under section 106(a)".

(b) The amendments made by the second sentence of subsection (a) and by paragraph (2) of such subsection shall be effective after June 30, 1972, and then—

(1) only with respect to appropriations for title I of the Higher Education Act of 1965 for fiscal years beginning after June 30, 1972; and

(2) only to the extent that the allotment to any State under section 103(a) of such title is not less for any fiscal year than the allotment to that State under such section 103(a) for the fiscal year ending June 30, 1972.

METROPOLITAN AREA PROGRAMS

SEC. 103. (a) Sections 110, 111, and 112 (as so designated by section 102) of the Higher Education Act of 1965, and all references thereto, are redesignated as sections 111, 112, and 113, respectively. Title I of such Act is amended by inserting after section 109 the following new section:

"METROPOLITAN AREA PROGRAMS

SEC. 110. (a) The Commissoner is authorized to make grants to institutions of higher education (and combinations thereof) which are located within, or adjacent to, Standard Metropolitan Statistical Areas to assist such institutions in planning, developing, and carrying out, consistent with the purposes of this title, comprehensive programs specifically designed to apply the resources of higher education to the problems of the urban communities within Standard Metropolitan Statistical Areas.

"(b) For the purposes of making grants under this section, there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1973, and for each of the succeeding fiscal years ending prior to July 1, 1975.".

(b) Section 1201 of the Higher Education Act of 1965 is amended by adding at the end thereof the following new paragraph:

"(l) The term 'Standard Metropolitan Statistical Area' means the area in and around a city of fifty thousand inhabitants or more as defined by the Director of the Office of Management and Budget.".

(c) The amendments made by subsection (a) shall be effective after June 30, 1972.

EVALUATION OF ACTIVITIES

SEC. 104. (a) During the period beginning with the date of enactment of this Act and ending July 1, 1974, the Commissioner shall conduct a review of the programs and projects carried out with assistance under title I of the Higher Education Act of 1965 prior to July 1, 1973. Such review shall include an evaluation of specific programs and projects with a view toward ascertaining which of them show, or have shown (1) the greatest promise in achieving the purposes of such title, and (2) the greatest return for the resources devoted to them. Such review shall be carried out by direct evaluations by the Commissioner, by the use of other agencies, institutions, and groups, and by the use of independent appraisal units.

(b) Not later than March 31, 1973, and March 31, 1975, the Commissioner shall submit to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives a report on the review conducted pursuant to subsection (a). Such report shall include (1) an evaluation of the program authorized by title I of the Higher Education Act of 1965 and of specific programs and projects assisted through payments under such title, (2) a description and an analysis of programs and projects which are determined to be most successful, and (3) recommendations with respect to the means by which the most successful programs and projects can be expanded and replicated.

(c) Sums appropriated pursuant to section 401(c) of the General Education Provisions Act for the purposes of section 402 of such Act shall be available to carry out the purposes of this section.

PART B—COLLEGE LIBRARY PROGRAMS

AUTHORIZATION OF APPROPRIATIONS

SEC. 111. (a) Sections 201 and 221 of the Higher Education Act of 1965 are each amended by striking out "for the fiscal year ending June 30, 1971" and inserting in lieu thereof "each for the fiscal years ending June 30, 1971, and June 30, 1972".

(b) (1) Title II of the Higher Education Act of 1965 is amended by striking out "PART A—COLLEGE LIBRARY RESOURCES" and by striking out all of section 201 and inserting in lieu thereof the following:

"COLLEGE LIBRARY PROGRAMS; TRAINING; RESEARCH

"SEC. 201. (a) The Commissioner shall carry out a program of financial assistance—

"(1) to assist and encourage institutions of higher education in the acquisition of library resources, including law library resources, in accordance with part A; and

"(2) to assist with and encourage research and training persons in librarianship, including law librarianship, in accordance with part B.

"(b) For the purpose of making grants under parts A and B, there are authorized to be appropriated $130,000,000 for the fiscal year ending June 30, 1973, and for each of the succeeding fiscal years ending prior to July 1, 1975. Of the sums appropriated pursuant to the preceding sentence for any fiscal year, 70 per centum shall be used for the purposes of part A and 30 per centum shall be used for the purposes of part B, except that the amount available for the purposes of part B for any fiscal year shall not be less than the amount appropriated for such purposes for the fiscal year ending June 30, 1972.

"(c) For the purposes of this title—

"(1) the term 'library resources' means books, periodicals, documents, magnetic tapes, phonograph records, audiovisual materials, and other related library materials, including necessary binding; and

"(2) the term 'librarianship' means the principles and practices of the library and information sciences, including the acquisition, organization, storage, retrieval and dissemination of information, and reference and research use of library and information resources.

"PART A—COLLEGE LIBRARY RESOURCES".

(2) (A) Section 202 of such title II is amended by striking out that part of the first sentence which precedes "institutions of higher education" and inserting in lieu thereof the following: "From the amount available for grants under this part pursuant to section 201 for any fiscal year, the Commissioner shall make basic grants for the purposes set forth in section 201(a) (1) to".

(B) Section 203 of such title II is amended by striking out that part of the first sentence which precedes "supplemental grants" and inserting in lieu thereof the following: "From that part of the sums appropriated pursuant to section 201 for the purposes of this part for any fiscal year which remains after making basic grants pursuant to section 202, and which is not reserved for the purposes of section 204, the Commissioner shall make", and by striking out "section 201" where it appears after "set forth in" and inserting in lieu thereof "section 201 (a) (1)".

(C) (i) Section 204(a) (1) of such title II is amended to read as follows:

"(1) From the sums appropriated pursuant to section 201 for the purposes of this part for any fiscal year, the Commissioner is authorized to reserve not to exceed 25 per centum thereof for the purposes of this section.".

(ii) Section 204(a) (2) of such title II is amended by striking out that part of the first sentence which precedes "may be used to make" and inserting in lieu thereof "sums reserved pursuant to paragraph (1)".

(iii) Section 204(a) of such title II is amended by striking out paragraph (3).

(3) (A) Part B of such title II is amended by striking out sections 221 and 222 and inserting in lieu thereof the following:

"TRAINING AND RESEARCH PROGRAMS

"SEC. 221. From the amount available for grants under this part pursuant to section 201 for any fiscal year, the Commissioner shall carry out a program of making grants in accordance with sections 222 and 223. Of such amount, 66 per centum shall be available for the purposes of section 222 and 33⅓ per centum shall be available for the purposes of section 223.".

(B) Such part B is further amended by striking out section 225; and sections 223 and 224 of such part, and all references thereto (except those references thereto in section 221 of such part, as amended by subparagraph (A)), are redesignated as sections 222 and 223, respectively.

(c)(1) The amendments made by subsection (a) shall be effective on and after July 1, 1971.

(2) The amendments made by subsection (b) shall be effective after June 30, 1972, and only with respect to appropriations for the fiscal year ending June 30, 1973, and succeeding fiscal years.

WAIVER OF MAINTENANCE OF EFFORT REQUIREMENT

SEC. 112. (a) Section 202 of title II of the Higher Education Act of 1965 is amended by redesignating clauses (c) and (d), and all references thereto, as clauses (2) and (3), respectively, and by striking out clauses (a) and (b) and inserting in lieu thereof the following:

"(1) provides satisfactory assurance that the applicant will expend during the fiscal year for which the basic grant is sought, from funds other than funds received under this part—

"(A) for all library purposes (exclusive of construction), an amount not less than the average annual amount it expended for such purposes during the two fiscal years preceding the fiscal year for which assistance is sought under this part, and

"(B) for library resources, an amount not less than the average amount it expended for such resources during the two fiscal years preceding the fiscal year for which assistance is sought under this part,

except that, if the Commissioner determines, in accordance with regulations, that there are special and unusual circumstances which prevent the applicant from making the assurances required by this clause (1), he may waive that requirement for one or more of such assurances;".

(b)(1) The second sentence of such section 202 is amended by striking out "not exceed" and inserting in lieu thereof the following: ", for any fiscal year, be equal to the amount expended by the applicant for library resources during that year from funds other than funds received under this part, except that no basic grant shall exceed".

(2) Clause (1) of section 203(a) of such title II is amended by striking out that part thereof which follows "section 202" and inserting in lieu thereof a semicolon.

(c) The amendments made by this section shall be effective after, and only with respect to appropriations for fiscal years beginning after, June 30, 1971.

INCREASE IN MAXIMUM AMOUNT OF SUPPLEMENTAL GRANTS

SEC. 113. (a) Section 203(a) of the Higher Education Act of 1965 is amended by striking out "$10" and inserting in lieu thereof "$15".

(b) Such section 203(a) is amended by striking out "$15" and inserting in lieu thereof "$20".

(c)(1) The amendment made by subsection (a) shall be effective after, and only with respect to appropriations for fiscal years beginning after, June 30, 1972.

(2) The amendment made by subsection (b) shall be effective after, and only with respect to appropriations for fiscal years beginning after, June 30, 1974.

AUTHORIZATION OF APPROPRIATIONS FOR COLLEGE AND RESEARCH LIBRARY RESOURCES

SEC. 114. (a) Section 231 of the Higher Education Act of 1965 is amended by striking out "and the succeeding fiscal year" and inserting in lieu thereof "and $15,000,000 for each of the succeeding fiscal years ending prior to July 1, 1974".

(b) Such section 231 is further amended by striking out "enable the Commissioner to transfer funds to".

(c) The amendments made by subsections (a) and (b) shall be effective after June 30, 1971.

EVALUATION AND REPORT

SEC. 115. (a) Part C of title II of the Higher Education Act of 1965 is amended by adding at the end thereof the following new section:

"EVALUATION AND REPORT

"SEC. 232. No later than March 31 of each calendar year, the Librarian of the Congress shall transmit to the Committees on Education and Labor and on Rules and Administration of the House of Representatives, and the Committees on Labor and Public Welfare and on Rules of the Senate, and to the respective Committees on Appropriations of the Congress, a report evaluating the results and effectiveness of acquisition and cataloging work done under this part, based to the maximum extent practicable on objective measurements, including costs, together with recommendations as to proposed legislative action.".

(b) The amendment made by subsection (a) shall be effective after June 30, 1971.

Part C—Developing Institutions; Emergency Assistance to Institutions of Higher Education

EXTENSION OF AUTHORIZATION FOR TITLE III

SEC. 121. (a) Section 301(b)(1) of the Higher Education Act of 1965 is amended by inserting "each" after "$91,000,000" and by inserting after "1971," the following: "and the fiscal year ending June 30, 1972,".

(b) The amendments made by subsection (a) shall be effective after June 30, 1971.

REVISION OF TITLE III (STRENGTHENING DEVELOPING INSTITUTIONS)

SEC. 122. (a) Title III of the Higher Education Act of 1965 is amended to read as follows:

"TITLE III—STRENGTHENING DEVELOPING INSTITUTIONS

"AUTHORIZATION

"SEC. 301. (a) The Commissioner shall carry out a program of special assistance to strengthen the academic quality of developing institutions which have the desire and potential to make a substantial contribution to the higher education resources of the Nation but which are struggling for survival and are isolated from the main currents of academic life and which enroll a significant proportion of students who have been educationally deprived or who have limited English speaking ability.

"(b)(1) For the purpose of carrying out this title, there are authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1973, and each of the succeeding fiscal years ending prior to July 1, 1975.

"(2) Of the sums appropriated pursuant to this subsection for any fiscal year, (A) 24 per centum shall be available only for carrying out the provisions of this title with respect to developing institutions which are junior or community colleges, and (B) not less than 50 per centum shall be available only for carrying out the provisions of this title with respect to developing institutions which the Commissioner determines meet the criterion set forth in clause (D)(iii) of section 302(a)(1).

"ELIGIBILITY FOR SPECIAL ASSISTANCE

"SEC. 302. (a)(1) For the purposes of this title, the term 'developing institution' means an institution of higher education in any State which—

"(A) is legally authorized to provide, and provides within the State, an educational program for which it awards a bachelor's degree, or is so authorized as a junior or community college;

"(B) is accredited by a nationally recognized accrediting agency or association determined by the Commissioner to be reliable authority as to the quality of training offered or is, according to such an agency or association, making reasonable progress toward accreditation;

"(C) except as is provided in paragraph (2), has met the requirement of clauses (A) and (B) during the five academic years preceding the academic year for which it seeks assistance under this title; and

"(D) meets such other requirements as the Commissioner shall, with the advice of the Council, prescribe by regulation, which requirements shall include at least a consideration of whether the institution—

"(i) is making a reasonable effort to improve the quality of its teaching and administrative staffs and of its student services,

"(ii) is, for financial or other reasons, struggling for survival and is isolated from the main currents of academic life, and

"(iii) enrolls a significant proportion of students who may have had inadequate secondary school preparation or who come from educationally, culturally, or economically deprived backgrounds.

"(2) The Commissioner is authorized to waive the requirements set forth in clause (C) of paragraph (1) in the case of applications for grants under this title by junior or community colleges, or such institutions located on or near an Indian reservation if the Commissioner determines that such action will increase the availability of higher education to Indians, except that grants pursuant to such applications for any fiscal year may not involve an expenditure of funds in excess of 10 per centum of the amount designated by clause (A) of paragraph (2) of section 301(b).

"(b) Any institution desiring special assistance under the provisions of this title shall submit an application for eligibility to the Commissioner at such time, in such form, and containing such information, as may be necessary to enable the Commissioner to evaluate the need of the applicant for such assistance and to determine its eligibility to be a developing institution for the purposes of this title. The Commissioner shall, with the advice of the Council, approve any application for eligibility under this subsection, which indicates that the applicant is a developing institution meeting the requirements set forth in subsection (a). Not later than thirty days after the beginning of any fiscal year ending after June 30, 1972, the Commission shall, on the basis of applications submitted pursuant to the first sentence of this subsection, establish a list of developing institutions eligible for special assistance under the provisions of this title. Such list of developing institutions shall be published in the Federal Register as soon as possible after its establishment each year.

"(c) For the purposes of clause (A) of paragraph (1) and of paragraph (2) of subsection (a) of this section and of paragraph (2) of section 301(b), the term 'junior or community college' means an institution of higher education—

"(1) which does not provide an educational program for which it awards a bachelor's degree (or an equivalent degree);

"(2) which admits as regular students only persons having a certificate of graduation from a school providing secondary education (or the recognized equivalent of such a certificate); and

"(3) which does—

"(A) provide an educational program of not less than two years which is acceptable for full credit toward such a degree, or

"(B) offer a two-year program in engineering, mathematics, or the physical or biological sciences, which program is designed to work as a technician and at the semiprofessional level in engineering, scientific, or other technological fields, which fields require the understanding and application of basic engineering, scientific, or mathematical principles of knowledge.

"ADVISORY COUNCIL ON DEVELOPING INSTITUTIONS

"SEC. 303. (a) There is hereby established an Advisory Council on Developing Institutions (in this title referred to as the 'Council') consisting of nine members appointed by the Commission with the approval of the Secretary.

"(b) The Council shall, with respect to the program authorized by this title, carry out the duties and functions specified by part C of the General Education Provisions Act and, in particular, it shall assist the Commissioner—

"(1) in developing the criteria for defining developing institutions under clause (D) of section 302(a)(1);

"(2) in establishing the list described in section 302(b);

"(3) in identifying developing institutions through which the purposes of this title may be achieved; and

"(4) in establishing the priorities and criteria to be used in making grants under section 304(a).

"USE OF FUNDS: COOPERATIVE ARRANGEMENTS, NATIONAL TEACHING FELLOWSHIPS, AND PROFESSORS EMERITUS

"SEC. 304. (a) The Commissioner is authorized to make grants and awards, in accordance with the provisions of this title, for the purpose of strengthening developing institutions. Such grants and awards shall be used solely for the purposes set forth in subsection (b).

"(b) Fund appropriated pursuant to section 301(b) shall be available for—

"(1) grants to institutions of higher education to pay part of the cost of planning, developing, and carrying out cooperative arrangements between developing institutions and other institutions of higher education, and between developing institutions and other organizations, agencies, and business entities, which show promise as effective measures for strengthening the academic program and the administrative capacity of developing institutions, including such projects and activities as—

"(A) exchange of faculty or students, including arrangements for bringing visiting scholars to developing institutions,

"(B) faculty and administration improvement programs, utilizing training, education (including fellowships leading to advanced degrees), internships, research participation, and other means,

"(C) introduction of new curricula and curricular materials,

"(D) development and operation of cooperative education programs involving alternate periods of academic study and business or public employment, and

"(E) joint use of facilities such as libraries or laboratories, including necessary books, materials, and equipment;

"(2) National Teaching Fellowships to be awarded by the Commissioner to highly qualified graduate students and junior faculty members of institutions of higher education for teaching at developing institutions; and

"(3) Professors Emeritus Grants to be awarded by the Commissioner to professors retired from active service at institutions of higher education to encourage them to teach and to conduct research at developing institutions.

"(c)(1) An application for assistance for the purposes described in subsection (b)(1) shall be approved only if it—

"(A) sets forth a program for carrying out one or more of the activities described in subsection (b)(1), and set forth such policies and procedures for the administration of the program as will insure the proper and efficient operation of the program and the accomplishment of the purposes of this title;

"(B) sets forth such policies and procedures as will insure that Federal funds made available under this section for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds be made available for the purposes of the activities described in subsection (b)(1), and in no case supplant such funds;

"(C) sets forth policies and procedures for the evaluation of the effectiveness of the project or activity in accomplishing its purpose;

"(D) provides for such fiscal control and fund accounting procedures as may be necessary to insure proper disbursement of and accounting for funds made available under this title to the applicant; and

"(E) provides for making such reports, in such form and containing such information, as the Commissioner may require to carry out his functions under this title, and for keeping such records and affording such access thereto, as he may find necessary to assure the correctness and verification of such reports.

The Commissioner shall, after consultation with the Council, establish by regulation criteria as to eligible expenditures for which funds from grants for cooperative arrangements under clause (1) of subsection (b) may be used, which criteria shall be so designed as to prevent the use of such funds for purposes not necessary to the achievement of the purposes for which the grant is made.

"(2)(A) Applications for awards described in clauses (2) and (3) of subsection (b) may be approved only upon a finding by the Commissioner that the program of teaching and research set forth therein is reasonable in the light of the qualifications of the applicant and of the educational needs of the institution at which the applicant intends to teach.

"(B) No application for a National Teaching Fellowship or a Professors Emeritus Grant shall be approved for an award of such a fellowship or grant for a period exceeding two academic years, except that the award of a Professors Emeritus Grant may be for such period, in addition to such two-year period of award, as the Commissioner, upon the advice of the Council, may determine in accordance with policies of the Commissioner set forth in regulations.

"(C) Each person awarded a National Teaching Fellowship or a Professors Emeritus Grant shall receive a stipend for each academic year of teaching, as determined by the Commissioner upon the advice of the Council, plus an additional allowance for each such year for each dependent of such person.

"ASSISTANCE TO DEVELOPING INSTITUTIONS UNDER OTHER PROGRAMS

"SEC. 305. (a) Each institution which has been placed on the list of eligible developing institutions under section 302(b) shall be eligible for priority consideration and waivers in accordance with subsection (b).

"(b)(1) Subject to, and in accordance with, regulations promulgated for the purpose of this section, in the case of any application by a developing institution for assistance under any program specified in paragraph (2), the Commissioner is authorized, if such application is otherwise approvable, to waive any requirement for a non-Federal share of the cost of the program or project, or, to the extent not inconsistent with other law, to give, or require to be given, priority consideration of the application in relation to applications from institutions which are not developing institutions.

"(2) The provisions of this section shall apply to any program authorized by title II, IV, VI, or VII of this Act.

"(c) The Commissioner shall not waive, under subsection (b), the non-Federal share requirement for any program for applications which, if approved, would require the expenditure of more than 10 per centum of the appropriations for that program for any fiscal year.

"LIMITATION

"SEC. 306. None of the funds appropriated pursuant to section 301(b)(1) shall be used for a school or department of divinity or for any religious worship or sectarian activity.".

(b) The amendment made by subsection (a) shall be effective after, and only with respect to appropriations made for fiscal years beginning after, June 30, 1972.

EMERGENCY ASSISTANCE FOR INSTITUTIONS OF HIGHER EDUCATION

"SEC. 123. (a)(1) The Congress hereby finds and declares that—

(A) the Nation's institutions of higher education constitute a national resource which significantly contributes to the security, general welfare, and economy of the United States;

(B) considerable evidence has been advanced which indicates that many institutions of higher education are in financial distress resulting from many causes, including, among others, efforts on the part of such institutions to increase enrollments, to improve the quality of education and training, and to enlarge educational opportunities; and

(C) various proposals have been presented to the Congress, in response to such conditions of financial distress, for providing financial assistance to the Nation's institutions of higher education but, except for that necessary to justify payments provided for reimbursement for part of the cost of instruction under subpart 5 of part A of title IV of the Higher Education Act of 1965 as added by section 131(b) of this Act, insufficient information is available on the basis of which the Congress can determine, with any degree of certainty, the nature and causes of such financial distress or the most appropriate means with which present and future conditions of financial distress may be dealt.

(2) It is the purpose of this section (A) to provide to institutions of higher education, which are determined in accordance with this section to be in serious financial distress, interim emergency assistance to enable them to determine the nature and causes of such distress and the means by which such distress may be alleviated, and to improve their capabilities for dealing with financial problems using, to the extent appropriate, assistance authorized under the Higher Education Act of 1965 and all other sources of financial assistance, and (B) to authorize the Commissioner to obtain and make available to the Congress such information as may be necessary to enable the Congress to assess problems relating to financing of higher education, and to make decisions, to the extent that such problems exist, with respect to long-range solutions to such problems.

(b)(1) There is authorized to be appropriated for the period beginning with the date of enactment of this Act, and ending June 30, 1973, $150,000,000 for the purpose of making grants under this subsection. Sums so appropriated shall remain available for obligation and expenditure until expended.

(2)(A) The Commissioner is authorized to make grants to institutions of higher education which are in serious financial distress, as such term is defined in regulations of the Commissioner, in accordance with the provisions of this section.

(B) A grant under this subsection may be made only upon application therefor to the Commissioner. Such applications shall be submitted at such time, in such form, and containing such information, assurances, policies, and procedures as the Commissioner may require in order to enable him to carry out his functions under this section. The Commissioner shall not approve any such application unless he finds that—

(i) in the case of a public institution of higher education, the institution has submitted its application for emergency assistance under this subsection to the appropriate State agency, as provided by the law of the State in which it is located and in accordance with regulations of the Commissioner, if any such agency exists with respect to such State, and such State agency has made a finding, in accordance with criteria established by the Commissioner, that such institution is in serious financial distress and (I) is in need of financial assistance under this section to continue its operation, or (II) will have to discontinue or substantially curtail its academic programs to the detriment of the quality of education available to its students;

(ii) in the case of a nonpublic institution of higher education, the institution either has complied with the procedure set forth in clause (i) for public institutions, or has submitted an application directly to the Commissioner and the Commissioner has determined that the institution meets the condition set forth in either clause (i) (I) or (i) (II), and has submitted a copy to the appropriate State agency, as determined under the law of the State in which it is located and in accordance with regulations of the Commissioner, for comment;

(iii) such institution has developed, adopted, and submitted a plan which the Commissioner determines provides reasonable assurance that, if the institution receives the grant for which it is applying, such institution will be able, during and after the period covered by such grant, to continue the educational services, programs, and activities with respect to which such grant is sought;

(iv) such institution is making a major contribution to the overall higher educational system of the area of the State in which it is located, or of the Nation; and

(v) such institution has included in such application such policies and procedures for the use of funds received under the grant as will insure that such funds will not be used for a school or department of divinity or for any religious worship or sectarian activity, and as will insure that such funds will be solely used for the purposes for which the grant is made.

(C) An application shall be approved under this subsection only if it includes such information, terms, and conditions as the Commissioner finds necessary and reasonable to enable him to carry out his functions under this section, and as he determines will be in the financial interest of the United States, and the applicant agrees—

(i) to disclose such financial information as the Commissioner determines to be necessary to determine the sources or causes of its financial distress and other information relating to its use of its financial resources.

(ii) to conduct a comprehensive cost analysis study of its operation, including income-cost comparisons and cost per credit hour of instruction for each department, in accordance with uniform standards prescribed by the Commissioner; and

(iii) to consider, and either implement or give adequate reasons in writing for not doing so, any financial or operational reform recommended by the Commissioner for the improvement of its financial condition.

(D) The Commissioner shall not approve an application for a grant under this section without first obtaining the advice and recommendations of a panel of specialists who are not regular, full-time employees of the Federal Government and who are competent to evaluate the applications as to the relative degree of financial distress of the applying institutions.

(c) (1) In order to give the States and the Nation the information needed to assess the dimensions of and extent of the financial crisis confronting the Nation's institutions of higher education, the Commissioner shall make, or arrange for, a study of the financial conditions of such institutions to determine the need, if any, the desirability, and the form that additional governmental and private assistance should take. Such study shall include (A) an analysis of the various proposals presented to the Congress that provide assistance to institutions of higher education, as well as other viable alternatives which, in the judgment of the Commissioner, merit inclusion in such a study; (B) the costs, advantages and disadvantages, and the extent to which each proposal would preserve the diversity and independence of such institutions; and (C) the extent to which each would advance the national goal of making higher education accessible to all individuals having the desire and ability to continue their education.

(2) (A) The Commissioner shall, at the earliest practicable date after he has had an opportunity to review the suggested national uniform standards referred to in clause (5) of section 140(c), but not later than July 1, 1973, prescribe national uniform standards for determining average per-student costs to institutions of higher education for providing postsecondary education for students in attendance at such institutions.

(B) After the Commissioner has prescribed the national uniform standard required by subparagraph (A), he shall require, as a condition of approval of any application of any institution of higher education for any funds under a grant or contract authorized by the Higher Education Act of 1965, that such institution supply cost-of-education data determined in accordance with such national uniform standards.

(3) The Commissioner shall report the results of the study required by this subsection to the President and the Congress not later than December 31, 1972.

(d) (1) The Commissioner is authorized to make grants to—

(A) institutions of higher education which are receiving emergency assistance under subsection (b) for the purpose of enabling them to improve their planning and management capabilities, and

(B) other institutions of higher education to assist them in conducting research and demonstration projects having national significance for improving the planning and management capabilities of instiutions of higher education.

(2) The maximum amount of a grant under this subsection, with respect to an institution for any fiscal year, shall not exceed—

(A) an amount equal to the full-time equivalent number of persons in enrollment at that institution multiplied by $5; or

(B) $15,000;

whichever is greater.

(3) There are authorized to be appropriated for the period beginning on the date of enactment of this Act, and ending June 30, 1974, such sums as may be necessary to carry out the purposes of this subsection.

(e) As used in this section—

(1) the term "institution of higher education" means an educational institution in any State which (A) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (B) is legally authorized within such State to provide a program of education beyond secondary education, (C) has been in existence for at least five years prior to the date upon which it makes application under this section, (D) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree, (E) is a public or other nonprofit institution, and (F) is accredited by a nationally recognized accrediting agency or association or, if not so accredited, (i) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (ii) is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution which is accredited, and, for the purpose of this clause, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered;

(2) the term "State" includes the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands; and

(3) the term "school or department of divinity" means an institution or a department or a branch of an institution the program of instruction of which is designed for the education of students (A) to prepare them to become ministers of religion or to enter upon some other religious vocation (or to provide continuing training for any such vocation), or (B) to prepare them to teach theological subjects.

Part D—Student Assistance

REVISION OF PART A OF TITLE IV (EDUCATIONAL OPPORTUNITY GRANTS)

Sec. 131. (a) (1) (A) The first sentence of section 401(b) of the Higher Education Act of 1965 is amended by striking out that part which precedes "to enable the Commissioner" and inserting in lieu thereof: "There are hereby authorized to be appropriated $170,000,000 for the fiscal year ending June 30, 1972, and for each of the succeeding fiscal years ending prior to July 1, 1975,".

(B) Section 408 of such Act is amended by striking out "for the fiscal year ending June 30, 1971" and inserting in lieu thereof "each for the succeeding fiscal years ending prior to June 30, 1975".

(2) The amendments made by paragraph (1) shall be effective after June 30, 1971.

(b) (1) Part A of title IV of such Act is amended to read as follows:

"Part A—Grants to Students in Attendance at Institutions of Higher Education

"STATEMENT OF PURPOSE; PROGRAM AUTHORIZATION

"Sec. 401. (a) It is the purpose of this part to assist in making available the benefits of postsecondary education to qualified students in institutions of higher education by—

"(1) providing basic educational opportunity grants (hereinafter referred to as 'basic grants') to all eligible students;

"(2) providing supplemental educational opportunity grants (hereinafter referred to as 'supplemental grants') to those students of exceptional need who, for lack of such a grant, would be unable to obtain the benefits of a postsecondary education;

"(3) providing for payments to the States to assist them in making financial aid available to such students;

"(4) providing for special programs and projects designed (A) to identify and encourage qualified youths with financial or cultural need with a potential for postsecondary education, (B) to prepare students from low-income families for postsecondary education, and (C) to provide remedial (including remedial language study) and other services to students; and

"(5) providing for payments to institutions of higher education in connection with students receiving assistance pursuant to subpart 1 who are in attendance at such institutions.

"(b) The Commissioner shall, in accordance with subparts 1, 2, 3, 4, and 5, carry out programs to achieve the purposes of this part.

"Subpart 1—Basic Educational Opportunity Grants

"BASIC EDUCATIONAL OPPORTUNITY GRANTS: AMOUNT AND DETERMINATIONS; APPLICATIONS

"SEC. 411. (a) (1) The Commissioner shall, during the period beginning July 1, 1972, and ending June 30, 1975, pay to each student who has been accepted for enrollment in, or is in good standing at, an institution of higher education (according to the prescribed standards, regulations, and practices of that institution) for each academic year during which that student is in attendance at that institution, as an undergraduate, a basic grant in the amount for which that student is eligible, as determined pursuant to paragraph (2).

"(2) (A) (i) The amount of the basic grant for a student eligible under this subpart for any academic year shall be $1,400, less an amount equal to the amount determined under paragraph (3) to be the expected family contribution with respect to that student for that year.

"(ii) In any case where a student attends an institution of higher education on less than a full-time basis during any academic year, the amount of the basic grant to which that student is entitled shall be reduced in proportion to the degree to which that student is not so attending on a full-time basis, in accordance with a schedule of reductions established by the Commissioner for the purposes of this division. Such schedule of reductions shall be established by regulation and published in the Federal Register not later than February 1 of each year.

"(B) (i) The amount of a basic grant to which a student is entitled under this subpart for any academic year shall not exceed 50 per centum of the actual cost of attendance at the institution at which the student is in attendance for that year.

"(ii) For the purpose of this subparagraph the term 'actual cost of attendance' means, subject to regulations of the Commissioner, the actual per-student charges for tuition, fees, room and board (or expenses related to reasonable commuting), books, and an allowance for such other expenses as the Commissioner determines by regulation to be reasonably related to attendance at the institution at which the student is in attendance.

"(C) No basic grant shall be awarded to a student under this subpart if the amount of that grant for that student as determined under this paragraph for any academic year is less than $200. Pursuant to criteria established by the Commissioner by regulation, the institution of higher education may award a basic grant of less than $200 upon a determination that the amount of the basic grant is less than $200 because of the requirement of division (i) of subparagraph (B) and that due to exceptional circumstances the reduced grant should be made in order to enable the student to benefit from postsecondary education.

"(3) (A) (i) Not later than February 1 of each year the Commissioner shall publish in the Federal Register a schedule of expected family contributions for the succeeding academic year for various levels of family income, which, except as is otherwise provided in division (ii), together with any amendments thereto, shall become effective July 1 of that year. During the thirty-day period following such publication the Commission shall provide interested parties with an opportunity to present their views and make recommendations with respect to such schedule.

"(ii) The schedule of expected family contributions required by division (i) for each academic year shall be submitted to the President of the Senate and the Speaker of the House of Representatives not later than February 1 of that year. If either the Senate or the House of Representatives adopts, prior to May 1 of such year, a resolution of disapproval of such schedule, the Commissioner shall publish a new schedule of expected family contributions in the Federal Register not later than fifteen days after the adoption of such resolution of disapproval. Such new schedule shall take into consideration such recommendations as may be made in connection with such resolution and shall become effective, together with any amendments thereto, on July 1 of that year.

"(B) (i) for the purposes of this paragraph, the term 'family contribution' with respect to any student means the amount which the family of that student may be reasonable expected to contribute toward his postsecondary education for the academic year for which the determination under subparagraph (A) of paragraph (2) is made, as determined in accordance with regulations. In promulgating such regulations, the Commissioner shall follow the basic criteria set forth in division (ii) of this subparagraph.

"(ii) The basic criteria to be followed in promulgating regulations with respect to expected family contributions are as follows:

"(I) The amount of the effective income of the student or the effective family income of the student's family.

"(II) The number of dependents of the family of the student.

"(III) The number of dependents of the student's family who are in attendance in a program of postsecondary education and for whom the family may be reasonably expected to contribute for their postsecondary education.

"(IV) The amount of the assets of the student and those of the student's family.

"(V) Any unusual expenses of the student or his family, such as unusual medical expenses, and those which may arise from a catastrophe.

"(iii) For the purposes of clause (I) of division (ii) the term 'effective family income' with respect to a student means the annual adjusted family income, as determined in accordance with regulations prescribed by the Commissioner, received by the parents or guardian of that student (or the person or persons having an equivalent relationship to such student) minus Federal income tax paid or payable with respect to such income.

"(iv) For the purposes of this paragraph, one-half of veteran's benefits and payments under the Social Security Act received by a student or a student's family shall not be included in the determination of family contribution.

"(C) The Commissioner shall promulgate special regulations for determining the expected family contribution and effective family income in the case of students who are determined to be emancipated or self-supporting. Such special regulations shall be consistent with the basic criteria set forth in division (ii) of subparagraph (B).

"(4) (A) The period during which a student may receive basic grants shall be the period required for the completion of the undergraduate course of study being pursued by that student at the institution at which the student is in attendance, except that such period may not exceed four academic years unless—

"(i) the student is pursuing a course of study leading to a first degree in a program of study which is designed by the institution offering it to extend over five academic years; or

"(ii) the student is, or will be, unable to complete a course of study within four academic years because of a requirement of the institution of such course of study that the student enroll in a noncredit remedial course of study,

in either which case such period may be extended for not more than one additional academic year.

"(B) For the purposes of clause (ii) of subparagraph (A), a 'noncredit remedial course of study' is a course of study for which no credit is given toward an academic degree, and which is designed to increase the ability of the student to engage in an undergraduate course of study leading to such a degree.

"(b) (1) The Commissioner shall from time to time set dates by which students must file applications for basic grants under this subpart.

"(2) Each student desiring a basic grant for any year must file an application therefor containing such information and assurances as the Commissioner may deem necessary to enable him to carry out his functions and responsibilities under this subpart.

"(3) (A) Payments under this section shall be made in accordance with regulations promulgated by the Commissioner for such purpose, in such manner as will best accomplish the purposes of this section.

"(B) If, during any period of any fiscal year, the funds available for payments under this subpart are insufficient to fully satisfy all entitlements under this subpart, the amount paid with respect to each such entitlement shall be ratably reduced. When sufficient funds become available for such purpose, the amount of payment to be applied to each holder of a basic grant shall be equal to the difference between the amount paid to that holder under the first sentence of this subparagraph and the amount determined under subsection (a) to be that to which that holder is entitled for that year. No method of computing or manner of distribution of payments shall be used which is inconsistent with this subparagraph.

"Subpart 2—Supplemental Educational Opportunity Grants

"PURPOSE; APPROPRIATIONS AUTHORIZED

"SEC. 413A. (a) It is the purpose of this subpart to provide, through institutions of higher education, supplemental grants to assist in making available the benefits of postsecondary education to qualified students who, for lack of financial means, would be unable to obtain such benefits without such a grant.

"(b) (1) For the purpose of enabling the Commissioner to make payments to institutions of higher education which have made agreements with the Commissioner in accordance with section 413C(b), for use by such institutions for payments to undergraduate students for the initial academic year of a supplemental grant awarded to them under this subpart, there are authorized to be appropriated $200,000,000 for the fiscal year ending June 30, 1973, and for each of the succeeding fiscal years ending prior to July 1, 1975. Funds appropriated pursuant to this paragraph shall be appropriated separate from any funds appropriated pursuant to paragraph (2).

"(2) In addition to the sums authorized to be appropriated by paragraph (1), there are authorized to be appropriated such sums as may be necessary for payment to institutions of higher education for use by such institutions for making continuing supplemental grants under this subpart, except that no appropriation may be made pursuant to this paragraph for any fiscal year beginning more than three years after the last fiscal year for which an appropriation is authorized under paragraph (1). Funds appropriated pursuant to this paragraph shall be appropriated separate from any funds appropriated pursuant to paragraph (1).

"(3) Sums appropriated pursuant to this subsection for any fiscal year shall be available for payments to institutions until the end of the fiscal year succeeding the fiscal year for which they were appropriated.

"(4) For the purposes of this subsection, payment for the first year of a supplemental grant shall not be considered as an initial year payment if the grant was awarded for the continuing education of a student who—

"(A) had been previously awarded a supplemental grant under this subpart (whether by another institution or otherwise), and

"(B) had received payment for any year of that supplemental grant.

"AMOUNT AND DURATION OF GRANTS

"SEC. 413B. (a) (1) An institution which awards a supplemental grant to a student under this subpart shall, for the duration of the grant, pay, from the funds received under this subpart by such institution for such purpose, to that student, for each academic year during which he is in need of such grant to pursue a course of study at that institution, an amount determined pursuant to paragraph (2).

"(2) (A) (i) The amount of the payment to any student pursuant to paragraph (1) shall be equal to the amount determined by the institution to be needed by that student to enable him to pursue a course of study at the institution, except that such amount shall not exceed—

"(I) $1,000, or

"(II) one-half the sum of the total amount of student financial aid provided to such student by such institution,

whichever is the lesser.

"(ii) The $1,000 limitation set forth in clause (I) of division (i) shall be increased to $1,200 in the case of a student who, during the preceding academic year, is determined in accordance with regulations to have ranked in the upper half of his class at an institution of higher education

"(iii) For the purpose of clause (II) of division (i), the term 'student financial aid' includes assistance payments to the student under subpart 1 of this part and parts C and E of this title, and any assistance provided to a student under any scholarship program established by a State or a private institution or organization, as determined in accordance with regulations, shall be deemed to be aid provided such student by the institution.

"(B) If the amount determined under division (i) of subparagraph (A) with respect to a student for any academic year is less than $200, no payment shall be made to that student for that year.

"(C) Subject to subparagraphs (A) and (B), the Commissioner shall prescribe, for the guidance of institutions, basic criteria and schedules for the determination of the amount of need to be determined under division (i) of subparagraph (A). Such criteria and schedules shall take into consideration the objective of limiting assistance under this subpart to students of financial need, and such other factors related to determining the need of students for financial assistance as the Commissioner deems relevant.

"(b) (1) (A) The duration of a supplemental grant awarded to a student under this subpart shall be the period required for the completion of the undergraduate course of study being pursued by the student to whom the grant is awarded at the institution awarding the grant.

"(B) The period of the duration of a supplemental grant under this subpart shall not exceed four academic years, less any such period with respect to which that student has previously received payments under this subpart pursuant to a prior award of a supplemental grant, whether such payments were made by the same or another institution, except that in the case of a student—

"(i) who is pursuing a course of study leading to a first degree in a program of study which is designed by the institution offering it to extend over five academic years, or

"(ii) who is, or will be, unable to complete a course of study within four academic years because of a requirement of the institution offering such course of study that the student enroll in a noncredit remedial course of study,

such period may be extended for not more than one additional academic year. For the purposes of clause (ii), a 'noncredit remedial course of study' is a course of study for which no credit is given toward an academic degree, and which is designed to increase the ability of the student to engage in an undergraduate course of study leading to such a degree.

"(2) A supplemental grant awarded under this subpart shall entitle the student to whom it is awarded to payments pursuant to such grant only if—

"(A) that student is maintaining satisfactory progress in the course of study he is pursuing, according to the standards and practices of the institution awarding the grant, and

"(B) that student is devoting at least half-time to that course of study, during the academic year, in attendance at that institution.

Failure to be in attendance at the institution during vacation periods or periods of military service, or during other periods during which the Commissioner determines, in accordance with regulations, that there is good cause for his nonattendance, shall not render a student ineligible for a supplemental grant; but no payments may be made to a student during any such period of failure to be in attendance or period of nonattendance.

"SELECTION OF RECIPIENTS; AGREEMENTS WITH INSTITUTIONS

"SEC. 413C. (a) (1) An individual shall be eligible for the award of a supplemental grant under this subpart by an institution of higher education which has made an agreement with the Commissioner pursuant to subsection (b), if the individual makes application at the time and in the manner prescribed by that institution, in accordance with regulations of the Commissioner.

"(2) From among those who are eligible for supplemental grants through an institution which has an agreement with the Commissioner under subsection (b) for each fiscal year, the institution shall, in accordance with such agreement under subsection (b), and within the amount allocated to the institution for that purpose for that year under section 413D(b) select individuals who are to be awarded such grants and determine, in accordance with section 413B, the amounts to be paid to them. An institution shall not award a supplemental grant to an individual unless it determines that—

"(A) he has been accepted for enrollment as an undergraduate student at such institution or, in the case of a student already attending such institution, is in good standing there as an undergraduate;

"(B) he shows evidence of academic or creative promise and capability of maintaining good standing in this course of study;

"(C) he is of exceptional financial need; and

"(D) he would not, but for a supplemental grant, be financially able to pursue a course of study at such institution.

"(b) An institution of higher education which desires to obtain funds for supplemental grants under this subpart shall enter into an agreement with the Commissioner. Such agreement shall—

"(1) provide that funds received by the institution under this subpart will be used by it solely for the purposes specified in, and in accordance with, the provisions of this subpart and of section 463;

"(2) provide that, in determining whether an individual meets the requirements of clause (C) of paragraph (2) of subsection (a), the institution will—

"(A) consider the source of such individual's income and that of any individual or individuals upon whom he relies primarily for support, and

"(B) make appropriate review of the assets of the student and of such individuals;

"(3) provide that the institution, in cooperation with other eligible institutions where appropriate, will make vigorous efforts to identify qualified youths of exceptional financial need, and to encourage them to continue their education beyond secondary school through such programs and activities as—

"(A) establishing or strengthening close working relationships with secondary school principals and guidance and counseling personnel, with a view toward motivating students to complete secondary school and to pursue postsecondary school educational opportunities, and

"(B) making, to the extent feasible, conditional commitments for student financial aid by such institution to qualified secondary school students enrolled in grade 11 or lower grades who show evidences of academic or creative promise;

"(4) provide that the institution will meet the requirements of section 464;

"(5) include provisions designed to make grants under this subpart reasonably available, to the extent of available funds, to all eligible students in attendance at the institution;

"(6) include such other provisions as may be necessary to protect the financial interest of the United States.

"APPORTIONMENT AND ALLOCATION OF FUNDS

"SEC. 413D. (a) (1) (A) From the sums appropriated pursuant to section 413A(b) (1) for any fiscal year, the Commissioner shall apportion to each State an amount which bears the same ratio to such sums as the number of persons enrolled full-time and the full-time equivalent of the number of persons enrolled part time in institutions of higher education in such State bears to the total number of such persons in all the States.

"(B) If the Commissioner determines that the sums apportioned to any State under subparagraph (A) for any fiscal year exceed the aggregate of the amounts that he determines to be required under subsection (b) for that fiscal year for institutions of higher education in that State, the Commissioner shall reapportion such excess, from time to time, on such date or dates as he shall fix, to other States in such manner as the Commissioner determines will best assist in achieving the purposes of this subpart.

"(2) Sums appropriated pursuant to section 413A(b) (2) for any fiscal year shall be apportioned among the States in such manner as the Commissioner determines will best achieve the purposes for which such sums were appropriated.

"(b) (1) (A) The Commissioner shall, from time to time, set dates before which institutions in any State must file applications for allocation, to such institutions, of supplemental grant funds from the apportionment to that State (including any reapportionment thereto) for any fiscal year pursuant to subsection (a) (1).

"(B) (i) From the sums apportioned (or reapportioned) to any State, the Commissioner shall allocate amounts to institutions which have submitted applications pursuant to subparagraph (A).

"(ii) Allocations under division (i) by the Commissioner to such institutions shall be made in accordance with equitable criteria established by the Commissioner by regulation. Such criteria shall be designed to achieve such distribution of supplemental grant funds among such institutions within a State as will most effectively carry out the purposes of this subpart.

"(2) The Commissioner shall, in accordance with regulations, allocate to such institutions in any State, from funds apportioned or reapportioned pursuant to subsection (a) (2), funds to be used as the supplemental grants specified in section 413A(b)(2).

"(3) Payments shall be made from allocations under this subsection as needed.

"Subpart 3—Grants to States for State Scholarship Incentives

"PURPOSE; APPROPRIATIONS AUTHORIZED

"SEC. 415A. (a) It is the purpose of this subpart to make grants available to the States to assist them in providing student incentive grants to eligible students in attendance at institutions of higher education.

"(b)(1) There are hereby authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1973, and for each of the succeeding fiscal years ending prior to July 1, 1975, for payments to the States for student incentive grants to individuals who have not previously been awarded such grants.

"(2) In addition to the sums authorized to be appropriated pursuant to paragraph (1), there is authorized to be appropriated such sums as may be necessary for making grants to individuals who have been awarded student incentive grants for previous years.

"(3) Sums appropriated pursuant to paragraph (1) for any fiscal year shall remain available for payments to States for the award of student incentive grants under this subpart until the end of the fiscal year succeeding the fiscal year for which such sums were appropriated.

"(4) For the purposes of this subsection, a payment on the first year of a student incentive grant with respect to any student who has not been awarded a student incentive grant during any previous year shall be considered, subject to regulations of the Commissioner, an initial award to be paid from appropriations pursuant to paragraph (1).

"ALLOTMENT AMONG STATES

"SEC. 415B. (a)(1)(A) From the sums appropriated pursuant to section 415A(b)(1) for any fiscal year, the Commissioner shall allot to each State an amount which bears the same ratio to such sums as the number of students in attendance at institutions of higher education in such State bears to the total number of such students in such attendance in all the States.

"(B) For the purposes of this paragraph, the number of students in attendance at institutions of higher education in a State and in all the States shall be determined by the Commissioner for the most recent year for which satisfactory data are available to him.

"(2) If the Commissioner determines that the amount allotted to any State under paragraph (1) for any fiscal year exceeds the amount he determines to be required for that fiscal year for the student incentive grant program of that State, such excess shall be reallotted among the other States, from time to time, on such date or dates as he shall fix, in such manner as he determines will best assist in achieving the purposes of his subpart.

"(b) Sums appropriated pursuant to section 415(A)(b)(2) for any fiscal year shall be allotted among the States in such manner as the Commissioner determines will best achieve the purposes for which such sums were appropriated.

"APPLICATIONS FOR STUDENT INCENTIVE GRANT PROGRAMS

"SEC. 415C. (a) A State which desires to obtain a payment under this subpart for any fiscal year shall submit an application therefor through the State agency administering its program of student incentive grants, at such time or times, and containing such information as may be required by, or pursuant to, regulation for the purpose of enabling the Commissioner to make the determinations required under this subpart.

"(b) From a State's allotment under this subpart for any fiscal year the Commissioner is authorized to make payments to such State for paying 50 per centum of the amount of student incentive grants pursuant to a State program which—

"(1) is administered by a single State agency;

"(2) provides that such grants will be in amounts not in excess of $1,500 per academic year for attendance on a full-time basis as an undergraduate at an institution of higher education;

"(3) provides for the selection of recipients of such grants on the basis of substantial financial need determined on the basis of criteria established by the Commissioner;

"(4) provides for the payment of the non-Federal portion of such grants from funds supplied by such State which represent an additional expenditure for such year by such State for grants for students attending institutions of higher education over the amount expended by such State for such grants during the second fiscal year preceding the fiscal year in which such State initially received funds under this subpart; and

"(5) provides (A) for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State agency under this subpart, and (B) for the making of such reports, in such form and containing such information, as may be reasonably necessary to enable the Commissioner to perform his functions under this subpart.

"(c) Upon his approval of any application for a payment under this subpart, the Commissioner shall reserve from the applicable allotment (including any applicable reallotment) available therefor, the amount of such payment, which (subject to the limits of such allotment or reallotment) shall be equal to the Federal share of the cost of the student incentive grants covered by such application. The Commissioner shall pay such reserved amount, in advance or by way of reimbursement, and in such installments as he may determine. The Commissioner's reservation of any amount under this section may be amended by him, either upon approval of an amendment of the application or upon revision of the estimated cost of the student incentive grants with respect to which such reservation was made, and in the event of an upward revision of such estimated cost approved by him he may reserve the Federal share of the added cost only from the applicable allotment (or reallotment) available at the time of such approval.

"ADMINISTRATION OF STATE PROGRAMS; JUDICIAL REVIEW

"SEC. 415D. (a)(1) The Commissioner shall not finally disapprove any application for a State program submitted under section 415C, or any modification thereof, without first affording the State agency submitting the program reasonable notice and opportunity for a hearing.

"(2) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency administering a State program approved under this subpart, finds—

"(A) that the State program has been so changed that it no longer complies with the provisions of this subpart, or

"(B) that in the administration of the program there is a failure to comply substantially with any such provision,

the Commissioner shall notify such State agency that the State will not be regarded as eligible to participate in the program under this subpart until he is satisfied that there is no longer any such failure to comply.

"(b)(1) If any State is dissatisfied with the Commissioner's final action with respect to the approval of its State program submitted under this subpart or with his final action under subsection (a), such State may appeal to the United States court of appeals for the circuit in which such State is located. The summons and notice of appeal may be served at any place in the United States. The Commissioner shall forthwith certify and file in the court the transcript of the proceedings and the record on which he based his action.

"(2) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the transcript and record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(3) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in title 28, United States Code, section 1254.

"Subpart 4—Special Programs for Students From Disadvantaged Backgrounds

"PROGRAM AUTHORIZATION

"SEC. 417A. (a) The Commissioner shall, in accordance with the provisions of this subpart, carry out a program designed to identify qualified students from low-income families, to prepare them for a program of postsecondary education, and to provide special services for such students who are pursuing programs of postsecondary education.

"(b) For the purpose of enabling the Commissioner to carry out this subpart, there are authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1973, and for each of the succeeding fiscal years ending prior to July 1, 1975.

"AUTHORIZED ACTIVITIES

"SEC. 417B. (a) The Commissioner is authorized (without regard to section 3709 of the Revised Statutes (41 U.S.C. 5)) to make grants to, and contracts with, institutions of higher education, including institutions with vocational and career education programs, combinations of such institutions, public and private nonprofit agencies and organizations (including professional and scholarly associations), and, in exceptional cases, secondary schools and secondary vocational schools, for planning, developing, or carrying out within the State one or more of the services described in section 417A (a).

"(b) Services provided through grants and contracts under this subpart shall be specifically designed to assist in enabling youths from low-income families who have academic potential, but who may lack adequate secondary school preparation or who may be handicapped, to enter, continue, or resume a program of postsecondary education, including—

"(1) programs, to be known as 'Talent Search,' designed to—

"(A) identify qualified youths of financial or cultural need with an exceptional potential for postsecondary educational training and encourage them to complete secondary school and undertake postsecondary educational training,

"(B) publicize existing forms of student financial aid, including aid furnished under this title, and

"(C) encourage secondary-school or college dropouts of demonstrated aptitude to reenter educational programs, including postsecondary-school programs;

"(2) programs, to be known as 'Upward Bound', (A) which are designed to generate skills and motivation necessary for success in education beyond high school and (B) in which enrollees from low-income backgrounds and with inadequate secondary-school preparation participate on a substantially full-time basis during all or part of the program;

"(3) programs, to be known as 'Special Services for Disadvantaged Students,' of remedial and other special services for students with academic potential (A) who are enrolled or accepted for enrollment at the institution which is the beneficiary of the grant or contract, and (B) who, by reason of deprived educational, cultural, or economic background, or other handicap, are in need of such services to assist them to initiate, continue, or resume their postsecondary education; and

"(4) a program of paying up to 75 per centum of the cost of establishing and operating Educational Opportunity Centers which—

"(A) serve areas with major concentrations of low-income populations by providing, in coordination with other applicable programs and services—

"(i) information with respect to financial and academic assistance available for persons in such areas desiring to pursue a program of postsecondary education;

"(ii) assistance to such persons in applying for admission to institutions, at which a program of postsecondary education is offered, including preparing necessary applications for use by admission and financial aid officers; and

"(iii) counseling services and tutorial and other necessary assistance to such persons while attending such institutions; and

"(B) serve as recruiting and counseling pools to coordinate resources and staff efforts of institutions of higher education and of other institutions offering programs of postsecondary education, in admitting educationally disadvantaged persons.

The portion of the cost of any project assisted under clause (4) in the preceding sentence which is borne by the applicant shall represent an increase in expenditure by such applicant for the purposes of such project.

"Subpart 5—Payments to institutions of higher education for cost of instruction

"COST-OF-INSTRUCTION ALLOWANCES

"SEC. 419. (a) Each institution of higher education at which a student who is the recipient of a basic grant under subpart 1 is in attendance, shall be entitled for each fiscal year to a cost-of-instruction allowance (hereinafter in this section referred to as 'allowance'), in accordance with the provisions of this section.

"(b)(1)(A) The amount of the allowance to which an institution shall be entitled under this section for a fiscal year shall be determined on the basis of the total number of students in attendance at the institution, and the number of students who are in attendance at such institution and who are also recipients of basic grants under this part, and shall be determined in accordance with the following table:

"If the total number of students in attendance is—	The amount of the grant is—
Not over 1,000	$500 for each recipient.
Over 1,000 but not over 2,500.	$400 for each recipient or, if the number of recipients is at least 100, $50,000, plus $400 for each recipient in excess of 100.
Over 2,500 but not over 5,000.	$300 for each recipient or, if the number of recipients is at least 250, $110,000, plus $300 for each recipient in excess of 250.
Over 5,000 but not over 10,000.	$200 for each recipient or, if the number of recipients is at least 500, $185,000, plus $200 for each recipient in excess of 500.
Over 10,000	$100 for each recipient or, if the number of recipients is at least 1,000, $235,000, plus $100 for each recipient in excess of 1,000.

"(B) In any case where a recipient of a basic grant under subpart 1 attends an institution receiving an allowance under this subpart on less than a full-time basis, the amount of the allowance to that institution with respect to that student shall be reduced in proportion to the degree to which that student is not attending on a full-time basis.

"(C) The Commissioner shall make a separate determination of the number of students in attendance at an institution of higher education and the number of recipients of basic grants at any such institution at each branch or separate campus of that institution located in a different community from the principal campus of that institution pursuant to criteria established by him.

"(2) An institution of higher education may receive an allowance in accordance with this section only upon application therefor. An application under this section shall be submitted at such time or times, in such manner, and containing such information as the Commissioner determines necessary to carry out his functions under this title, and shall—

(A) set forth such policies, assurances, and procedures as will insure that—

"(i) the funds received by the institution under this section will be used solely to defray instructional expenses in academically related programs of the applicant;

"(ii) except as is authorized in paragraph (3), the applicant will not increase tuition with respect to the recipients of basic grants under this part above the rate charged by the applicant for undergraduate students for the academic year 1970–1971;

"(iii) the funds received by the institution under this section will not be used for a school or department of divinity or for any religious worship or sectarian activity;

"(iv) the applicant will expend, during the academic year for which a grant is sought, for all academically related programs of the institution, an amount equal to at least the average amount so expended during the three years preceding the year for which the grant is sought; and

"(v) the applicant will submit to the Commissioner such reports as the Commissioner may require by regulation; and

"(B) contain such other statement of policies, assurances, and procedures as the Commissioner may require by regulation in order to protect the financial interests of the United States.

"(3) In accordance with criteria established by regulations promulgated for the purposes of this paragraph, the Commissioner is authorized to permit increases in tuition in cases where failure to do so would result in undue hardship for an institution. Such criteria shall, among other factors, take into consideration increases in the cost-of-living index established by the Department of Labor.

"(c)(1) The Commissioner shall pay to each institution of higher education for each fiscal year the amount to which it is entitled under this section.

"(2) If during any period of any fiscal year the funds available for payments for entitlements established under this subpart are insufficient to fully satisfy all such entitlements the amount paid with respect to each such entitlement shall be ratably reduced. When sufficient funds become available for such period for such purpose the amount of payment from such funds to be applied to the entitled of each institution shall be equal to the difference between the amount paid to that institution under the first sentence of this paragraph and the amount of the entitlement for that institution as determined under paragraph (1) of subsection (a). No method of computing or no distribution of payments under this subpart shall be used which is inconsistent with this paragraph.".

(2) The amendment made by paragraph (1) shall be effective after June 30, 1972.

(3) There are authorized to be appropriated for each of the fiscal years ending prior to July 1, 1975, such sums as may be necessary for payment to institutions which have in effect agreements with the Commissioner entered into under section 407 of the Higher Education Act of 1965 before July 1, 1972, for use by such institutions for making educational opportunity grants under part A of title IV of such Act, as such part A is in effect on June 30, 1972, to undergraduate students for academic years other than the initial year of their educational opportunity grant under such part A.

(c) Section 461 of the Higher Education Act of 1965 is amended by striking out subsection (b) thereof and inserting in lieu thereof the following:

"(b)(1) For the purposes of this title, except for subpart 5 of part A, the term 'institution of higher education' includes any school of nursing; and any proprietary institution of higher education which has an agreement with the Commissioner containing such terms and conditions as the Commissioner determines to be necessary to insure that the availability of assistance to students at the school under this title has not resulted, and will not result, in an increase in the tuition, fees, or other charges to such students.

"(2) For the purposes of this subsection—

"(A) The term 'school of nursing' means a public or other nonprofit collegiate or associate degree school of nursing.

"(B) The term 'collegiate school of nursing' means a department, division, or other administrative unit in a college or university which provides primarily or exclusively an accredited program of education in professional nursing and allied subjects leading to the degree of bachelor of arts, bachelor of science, bachelor of nursing, or to an equivalent degree, or to a graduate degree in nursing.

"(C) The term 'associate degree school of nursing' means a department, division, or other administrative unit in a junior college, community college, college, or university which provides primarily or exclusively an accredited two-year program of education in professional nursing and allied subjects leading to an associate degree in nursing or to an equivalent degree.

"(D) The term 'accredited' when applied to any program of nurse education means a program accredited by a recognized body or bodies approved for such purpose by the Commissioner.

"(3) For the purposes of this subsection, the term 'proprietary institution of higher education' means a school (A) which provides not less than a six-month program of training to prepare students for gainful employment in a recognized occupation, (B) which meets the requirements of clauses (1) and (2) of section 1201(a), (C) which does not meet the requirement of section clause (4) of section 1201(a), (D) which is accredited by a nationally recognized accrediting agency or association approved by the Commissioner for this purpose, and (E) which has been in existence for at least two years. For purposes of this paragraph, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered.

"(c) For the purposes of this title—

"(1) the term 'academic year' shall be defined by the Commissioner by regulations; and

"(2) the term 'in attendance', when applied to a student, means a student who attends an institution of higher education at least on a half-time basis, as defined by the Commissioner by regulation.".

(d) (1) Section 1201 of the Higher Education Act of 1965 is amended by adding at the end thereof the following new paragraph:

"(m) The term 'school or department of divinity' means an institution or a department or a branch of an institution the program of instruction of which is designed for the education of students (A) to prepare them to become ministers of religion or to enter upon some other religious vocation (or to provide continuing training for any such vocation), or (B) to prepare them to teach theological subjects.".

(2) The Higher Education Act of 1965 is amended by striking out the following provisions:

(A) The second sentence of section 113;

(B) The second sentence of section 207;

(C) The second sentence of section 526;

(D) The second sentence of section 609; and

(E) The second sentence of section 923.

(e) No payments shall be paid on the basis of entitlements created by subpart 5 of part A of title IV of the Higher Education Act of 1965 for any fiscal year in which—

(1) the appropriations available for payments on the basis of entitlements created by subpart 1 of such part are insufficient to pay in full the amounts to which all students are entitled under such subpart 1 for that fiscal year; or

(2) the appropriation for grants under subpart 2 of such part for that fiscal year does not at least equal the appropriation for the purposes of part A of title IV of the Higher Education Act of 1965 for the fiscal year ending June 30, 1972; or

(3) the appropriation for grants under part C of such title IV for that fiscal year does not at least equal the appropriation for such part C for the fiscal year ending June 30, 1972; or

(4) the appropriation pursuant to section 461 of the Higher Education Act of 1965 (as added by section 137(b) of this Act) for that fiscal year does not at least equal the appropriation for contributions to loan funds under title II of the National Defense Education Act of 1958 for the fiscal year ending June 30, 1972.

INSURED STUDENT LOANS—EXTENSION OF PROGRAM

SEC. 132A. (a) (1) Section 424(a) of the Higher Education Act of 1965 is amended by striking out "three succeeding fiscal years" and inserting in lieu thereof "succeeding fiscal years ending prior to July 1, 1975".

(2) Such section 424(a) is further amended by striking out "June 30, 1975" and inserting in lieu thereof "June 30, 1979".

(b) Paragraph (4) of section 428(a) of such Act is amended (A) by striking out "June 30, 1971" and inserting in lieu thereof "June 30, 1979" and (B) by striking out "shall end at the close of June 30, 1975" and inserting in lieu thereof "shall end at the close of June 30, 1979".

(c) Section 433(c) of such Act is amended by striking out "two succeeding fiscal years" and inserting in lieu thereof "succeeding fiscal years ending prior to July 1, 1975".

(d) The amendments made by this section shall be effective after June 30, 1971.

INCREASE IN LOAN LIMITATION IN EXCEPTIONAL CASES

SEC. 132B. (a) (1) Section 425(a) of the Higher Education Act of 1965 is amended by inserting before the period at the end of the first sentence the following: ", except when the financial aid officer of the institution in which such student is enrolled or at which he has been accepted for enrollment determines (in accordance with general criteria prescribed by the Commissioner) that such student is in need of a larger total to continue his education, in which case such total may not exceed whichever is the lesser, $2,500 or such larger total".

(2) Section 428(b)(1)(A) of each Act is amended by inserting after "$1,500" the following: "(except when the financial aid officer of the institution in which such student is enrolled or at which he has been accepted for enrollment determines, in accordance with general criteria prescribed by the Commissioner, that such student is in need of a larger amount to continue his education, in which case such total may not exceed whichever is the lesser, $2,500 or such larger amount)".

(b) The amendments made by subsection (a) shall be effective with respect to loans made after the enactment of this Act, and insured by the Commissioner under part B of title IV of the Higher Education Act of 1965, or by a State or non-profit private institution or organization with which the Commissioner has an agreement under section 428(b) of such part.

ELIGIBILITY OF INSTITUTIONS

SEC. 132C. (a) Part B of title IV of the Higher Education Act of 1965 is amended by adding at the end thereof the following new section:

"ELIGIBILITY OF INSTITUTIONS

"SEC. 438. Notwithstanding any other provision of this part, the Commissioner is authorized to prescribe such regulations as may be necessary to provide for—

"(1) a fiscal audit of an eligible institution with regard to any funds obtained from a student who has received a loan insured under this part, or insured by a State or nonprofit private institution or organization with which the Commissioner has an agreement under section 428(b);

"(2) the establishment of reasonable standards of financial responsibility and appropriate institutional capability for the administration by an eligible institution of a program of student financial aid with respect to funds obtained from a student who has received a loan insured under this part, or insured by a State or nonprofit private institution or organization with which the Commissioner has an agreement under section 428(b);

"(3) the limitation, suspension, or termination of the eligibility under this part of any otherwise eligible institution, whenever the Commission has determined, after notice and affording an opportunity for hearing, that such institution has violated or failed to carry out any regulation prescribed under this part".

(b) The amendment made by subsection (a) shall be effective on and after the sixtieth day following the enactment of this Act.

STUDENT LOAN MARKETING ASSOCIATION

SEC. 133. (a) (1) Part B of title IV of the Higher Education Act of 1965 is further amended by adding at the end thereof the following new section:

"STUDENT LOAN MARKETING ASSOCIATION

"SEC. 439. (a) The Congress hereby declares that it is the purpose of this section to establish a Government-sponsored private corporation which will be financed by private capital and which will serve as a secondary market and warehousing facility for insured student loans, insured by the Commissioner under this part or by a State or nonprofit private institution or organization with which the Commissioner has an agreement under section 428(b), and which will provide liquidity for student loan investments.

"(b) (1) There is hereby created a body corporate to be known as the Student Loan Marketing Association (hereinafter referred to as the 'Association'). The Association shall have succession until dissolved. It shall maintain its principal office in the District of Columbia and shall be deemed, for purposes of venue in civil actions, to be a resident thereof. Officers may be established by the Association in such other place or places as it may deem necessary or appropriate for the conduct of its business.

"(2) The Association, including its franchise, capital, reserves, surplus, mortgages, or other security holdings, and income shall be exempt from all taxation now or hereafter imposed by any State, territory, possession, Commonwealth, or dependency of the United States, or by the District of Columbia, or by any county, municipality, or local taxing authority, except that any real property of the Association shall be subject to State, territorial, county, municipal, or local taxation to the same extent according to its value as other real property is taxed.

"(3) There is hereby authorized to be appropriated to the Secretary of Health, Education, and Welfare $5,000,000 for making advances for the purpose of helping to establish the Association. Such advances shall be repaid within such period as the Secretary may deem to be appropriate in light of the maturity and solvency of the Association. Such advances shall bear interest at a rate not less than (A) a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the maturity of such advances, adjusted to the nearest one-eighth of 1 per centum, plus (B) an allowance adequate in the judgment of the Secretary to cover administrative costs and probable losses. Repayments of such advances shall be deposited into miscellaneous receipts of the Treasury.

"(c) (1) The Association shall have a Board of Directors which shall consist of twenty-one persons, one of whom shall be designated Chairman by the Board members.

"(2) An interim Board of Directors shall be appointed by the President, one of whom he shall designate as interim Chairman. The interim Board shall consist of twenty-one members, seven of whom shall be representative of banks or other financial institutions which are insured lenders pursuant to this section, seven of whom shall be representative of educational institutions, and seven of whom shall be representative of the general public. The interim Board shall arrange for an initial offering of common and preferred stocks and take whatever other actions are necessary to proceed with the operations of the Association.

"(3) When in the judgment of the President, sufficient common stock of the Association has been purchased by educational institutions and banks or other financial institutions, the holders of common stock which are educational institutions shall elect seven members of the Board of Directors and the holders of common stock which are banks or other financial institutions shall elect seven members of the Board of Directors. The President shall appoint the remaining seven directors.

"(4) At the time the events described in paragraph (3) have occurred, the interim Board shall turn over the affairs of the Association to the regular Board so chosen or appointed.

"(5) The directors appointed by the President shall serve at the pleasure of the President and until their successors have been appointed and have qualified. The remaining directors shall each be elected for a term ending on the date of the next annual meeting of the common stockholders of the Association, and shall serve until their successors have been elected and have qualified. Any appointive seat on the Board which becomes vacant shall be filled by appointment of the President. Any elective seat on the Board which becomes vacant after the annual election of the directors shall be filled by the Board, but only for the unexpired portion of the term.

"(6) The Board of Directors shall meet at the call of its chairman. The Board shall determine the general policies which shall govern the operations of the Association. The Chairman of the Board shall, with the approval of the Board, select, appoint, and compensate qualified persons to fill the offices as may be provided for in the bylaws, with such executive functions, powers, and duties as may be prescribed by the bylaws or by the Board of Directors, and such persons shall be the executive officers of the Association and shall discharge all such executive functions, powers, and duties.

"(d)(1) The Association is authorized, subject to the provisions of this section, pursuant to commitments or otherwise, to make advances on the security of, purchase, service, sell, or otherwise deal in, at prices and on terms and conditions determined by the Association, student loans which are insured by the Commissioner under this part or by a State or nonprofit private institution or organization with which the Commissioner has an agreement under section 428(b).

"(2) Any warehousing advance made under paragraph (1) of this subsection shall not exceed 80 per centum of the face amount of an insured loan. The proceeds from any such advance shall be invested in additional insured student loans.

"(e) The Association, pursuant to such criteria as the Board of Directors may prescribe, shall make advances on security, purchase, service, sell, warehouse, or otherwise deal in student loans pursuant to subsection (d) only after the Association is assured in each instance—

"(1) that the lender (A) did not discriminate against any particular class or category of students by (i) requiring that, as a candidate to the receipt of a loan, the student or his family maintain a business relationship with the lender, except that in the case of a loan made by a Federal credit union pursuant to this part, nothing contained in this section shall be construed to limit the customary obligation of membership in such credit union and (ii) refusing to make loans to such students for their freshman year of study, and (B) did not discriminate on the basis of sex, color, creed, or national origin; and

"(2) that the lender's institution is in the geographical vicinity of the student's legal residence, or the loan was obtained only after the student had exercised reasonable efforts to obtain a loan from eligible lenders in the geographical vicinity of the student's legal residence, or the student obtained the loan with a lender outside the geographical vicinity of the student's legal residence because the lender maintained a business relationship with the student or his family.

"(f)(1) The Association shall have common stock having a par value of $100 per share which may be issued only to lenders under this part, pertaining to guaranteed student loans, who are qualified as insured lenders under this part.

"(2) Each share of common stock shall be entitled to one vote with rights of cumulative voting at all elections of directors. Voting shall be by classes as described in subsection (c)(3).

"(3) The common stock of the Association shall be transferable only as may be prescribed by regulations of the Secretary of Health, Education, and Welfare, and, as to the Association, only on the books of the Association. The Secretary of Health, Education, and Welfare shall prescribe the maximum number of shares of common stock the Association may issue and have outstanding at any one time.

"(4) To the extent that net income in earned and realized, subject to subsection (g)(2), dividends may be declared on common stock by the Board of Directors. Such dividends as may be declared by the Board shall be paid to the holders of outstanding shares of common stock, except that no such dividend shall be payable with respect to any share which has been called for redemption past the effective date of such call.

"(g)(1) The Association is authorized with the approval of the Secretary of Health, Education, and Welfare, to issue nonvoting preferred stock with a par value of $100 per share. Any preferred share issued shall be freely transferable, except that, as to the Association, it shall be transferred only on the books of the Association.

"(2) The holders of the preferred shares shall be entitled to such rate of cumulative dividends and such shares shall be subject to such redemption or other conversion provisions, as may be provided for at the time of issuance. No dividends shall be payable on any share of common stock at any time when any dividend is due on any share of preferred stock and has not been paid.

"(3) In the event of any liquidation, dissolution, or winding up of the Association's business, the holders of the preferred shares shall be paid in full at par value thereof, plus all accrued dividends, before the holders of the common shares receive any payment.

"(h)(1) The Association is authorized with the approval of the Secretary of Health, Education, and Welfare and the Secretary of the Treasury to issue and have outstanding obligations having such maturities and bearing such rate or rates of interest as may be determined by the Association. Such obligations may be redeemable at the option of the Association before maturity in such manner as may be stipulated therein.

"(2) The Secretary of Health, Education, and Welfare is authorized, within such limitations as may be specified in appropriations Acts, to guarantee payment when due of principal and interest on obligations issued by the Association in an aggregate amount determined by the Secretary in consultation with the Secretary of the Treasury.

"(3) To enable the Secretary of Health, Education, and Welfare to discharge his responsibilities under guarantees issued by him, he is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary of Health, Education, and Welfare with the approval of the Secretary of the Treasury but only in such amounts as may be specified from time to time in appropriations Acts. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the months preceding the issuance of the notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act, as amended, are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. There is hereby authorized to be appropriated to the Secretary of Health, Education, and Welfare such sums as may be necessary to pay the principal and interest on the notes or obligations issued by him to the Secretary of the Treasury.

"(i) The Association shall have power—

"(1) to sue and be sued, complain and defend, in its corporate name and through its own counsel;

"(2) to adopt, alter, and use the corporate seal, which shall be judicially noticed;

"(3) to adopt, amend, and repeal by its board of directors, bylaws, rules, and regulations as may be necessary for the conduct of its business;

"(4) to conduct its business, carry on its operations, and have officers and exercise the power granted by this section in any State without regard to any qualification or similar statute in any State;

"(5) to lease, purchase, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with any property, real, personal, or mixed, or any interest therein, wherever situated;

"(6) to accept gifts or donations of services, or of property, real, personal, or mixed, tangible or intangible, in aid of any of the purposes of the Association;

"(7) to sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of its property and assets;

"(8) to appoint such officers, attorneys, employees, and agent as may be required, to determine their qualifications, to define their duties, to fix their salaries, require bonds for them and fix the penalty thereof; and

"(9) to enter into contracts, to execute instruments, to incur liabilities, and to do all things as are necessary or incidental to the proper management of its affairs and the proper conduct of its business.

"(j)(1) The financial transactions of the Association shall be audited annually by the Secretary of the Treasury in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as he may prescribe. The audit shall be conducted at the place or places where the accounts are normally kept. The representatives of the Secretary shall have access to all books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Association and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents, and custodians.

"(2) The expenses of any audit performed under this section shall be borne out of appropriations to the Treasury Department, and appropriations in such sums as may be necessary are authorized. The Association shall reimburse the Department for the full cost of such audit as billed therefor by the Secretary, and the Department shall deposit the sums as reimbursed into the Treasury as miscellaneous receipts.

"(k) A report of each such audit for a fiscal year shall be made by the Secretary of the Treasury to the President and to the Congress not later than six months following the close of such fiscal year. The report shall set forth the scope of the audit and shall include a statement (showing intercorporate relations) of assets and liabilities, capital and surplus or deficit; a statement of surplus or deficit analysis; a statement of income and expense; a statement of sources and application of funds; and such comments and information as may be deemed necessary to keep the President and the Congress informed of the operations and financial condition of the Association, together with such recommendations with respect thereto as the Secretary may deem advisable, including a report of any impairment of capital or lack of sufficient capital noted in the audit. A copy of each report shall be furnished to the Secretary of Health, Education, and Welfare and to the Association.

"(l) All obligations issued by the Association shall be lawful investments, and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under authority or control of the United States or of any officer or officers thereof. All stock and obligations issued by the Association pursuant to this section shall be deemed to be exempt securities within the meaning of laws administered by the Securities and Exchange Commission, to the same extent as securities which are direct obligations of, or obligations guaranteed as to principal or interest by, the United States. The Association shall, for the purposes of section 14(b)(2) of the Federal Reserve Act, be deemed to be an agency of the United States.

"(m) In order to furnish obligations for delivery by the Association, the Secretary of the Treasury is authorized to prepare such obligations in such form as the Board of Directors may approve, such obligations when prepared to be held in the Treasury subject to delivery upon order by the Association. The engraved plates, dies, bed pieces, and so forth, executed in connection therewith shall remain in the custody of the Secretary of the Treasury. The Association shall reimburse the Secretary of the Treasury for any expenditures made in the preparation, custody, and delivery of such obligations.

"(n) The Association shall, as soon as practicable after the end of each fiscal year, transmit to the President and the Congress a report of its operations and activities during each year.".

(2) The authority of the Student Loan Marketing Association to make advances on the security of, purchase, service, sell, or otherwise deal in, student loans and to issue obligations shall terminate five years after the enactment of the Education Amendments of 1971. Upon the termination provided in this subsection, the Board of Directors of the Association shall proceed to liquidate its assets and take whatever other action is necessary to wind up its affairs. Thereupon the Association shall notify the President and the Congress that it is dissolved.

(b)(1) The sixth sentence of the seventh paragraph of section 5136 of the Revised Statutes, as amended (12 U.S.C. 24), is amended by inserting "or obligations or other instruments or securities of the Student Loan Marketing Association," immediately after "or obligations, participation, or other instruments of or issued by the Federal National Mortgage Association or the Government National Mortgage Association,".

(2) Section 5200 of the Revised Statutes, as amended (12 U.S.C. 84), is amended by adding at the end thereof the following new paragraph:

"(14) Obligations of the Student Loan Marketing Association shall not be subject to any limitation based upon such capital and surplus.".

(3) The first paragraph of section 5(c) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(c)), is amended by inserting "or in obligations or other instruments or securities of the Student Loan Marketing Association;" in the second proviso immediately after "any political subdivision thereof".

(4) Section 8(8)(E) of the Federal Credit Union Act, amended (12 U.S.C. 1757(8)(E)), is amended by inserting before the semicolon at the end thereof the following: ", or in obligations or other instruments or securities of the Student Loan Marketing Association".

EXTENSION OF THE EMERGENCY INSURED STUDENT LOAN ACT OF 1969

SEC. 134. (a) Section 2(a)(7) of the Emergency Insured Student Loan Act of 1969 is amended by striking out "July 1, 1971" and inserting in lieu thereof "July 1, 1973".

(b) The amendment made by subsection (a) shall be effective on and after July 1, 1971.

COLLEGE WORK STUDY PROGRAM—EXTENSION AND SELECTION OF STUDENTS FOR EMPLOYMENT

SEC. 135. (a)(1) Section 441(b) of the Higher Education Act of 1965 is amended by striking out "the fiscal year ending June 30, 1971" and inserting in lieu thereof "each of the succeeding fiscal years ending prior to July 1, 1975".

(2) The amendment made by subsection (a) shall be effective after June 30, 1971.

(b)(1) Clause (3)(A) of section 444(a) of the Higher Education Act of 1965 is amended by inserting immediately after "such institution" the following: "(taking into consideration the actual cost of attendance at such institution)".

(2) The amendment made by subsection (a) shall be effective on and after July 1, 1971, with respect to appropriations for fiscal years beginning on and after July 1, 1971.

COOPERATIVE EDUCATION

SEC. 136 (a)(1) Section 451(a) of the Higher Education Act of 1965 is amended by striking out "the fiscal year ending June 30, 1971" and inserting in lieu thereof "each of the succeeding fiscal years ending prior to July 1, 1975".

(2) Section 451(b) of such Act is amended by striking out "two succeeding fiscal years" and inserting in lieu thereof "succeeding fiscal years ending prior to July 1, 1975".

(b) The amendments made by subsection (a) shall be effective after June 30, 1971.

DIRECT LOANS TO STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

SEC. 137. (a)(1) Section 201 of the National Defense Education Act of 1958 is amended by inserting "each" after $375,000,000", and by inserting after "June 30, 1971," the following: "and for the fiscal year ending June 30, 1972,".

(2) The amendments made by paragraph (1) shall be effective after June 30, 1971.

(b) Title IV of the Higher Education Act of 1965 is amended by striking out part F. Part E and sections 461, 462, 463, 464, and 469 of such title IV, and all references thereto (except the reference to section 461 in section 131 (e)(4)), are redesignated as part F and sections 491, 492, 493, 494, and 499, respectively. Such title IV is further amended by inserting after part D the following new parts:

"PART E—DIRECT LOAN TO STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

"APPROPRIATIONS AUTHORIZED

"SEC. 461. (a) The Commissioner shall carry out a program of stimulating and assisting in the establishment and maintenance of funds at institutions of higher education for the making of low-interest loans to students in need thereof to pursue their courses of study in such institutions.

"(b)(1) For the purpose of enabling the Commissioner to make contributions to students loan funds established under this part, there are hereby authorized to be appropriated $375,000,000 for the fiscal year ending June 30, 1972, and for each of the succeeding fiscal years ending prior to July 1, 1975.

"(2) In addition, there are hereby authorized to be appropriated such sums for the fiscal year ending June 30, 1976, and each of the three succeeding fiscal years as may be necessary to enable students who have received loans for academic years ending prior to July 1, 1975, to continue or complete courses of study.

"(c) Any sums appropriated pursuant to subsection (b) for any fiscal year shall be available for apportionment pursuant to section 462 and for payments of Federal capital contributions therefrom to institutions of higher education which have agreements with the Commission under section 463. Such Federal capital contributions and all contributions from such institutions shall be used for the establishment, expansion, and maintenance of student loan funds.

"APPORTIONMENT OF APPROPRIATIONS

"SEC. 462. (a)(1) From the sums appropriated pursuant to section 461(b)(1) for any fiscal year, the Commissioner shall apportion to each State an amount which bears the same ratio to the amount so appropriated as the number of persons enrolled on a full-time basis in institutions of higher education, as determined by the Commissioner for the most recent year for which satisfactory data are available to him, in such State bears to the total number of persons so enrolled in all the States.

"(2) Any sums appropriated pursuant to section 461(b)(2) for any fiscal year shall be apportioned among institutions of higher education in such a manner as the Commissioner determines will best accomplish the purpose for which they were appropriated.

"(b(1) Any institution of higher education desiring to receive payments of Federal capital contributions from the apportionment of the State in which it is located for any fiscal year shall make an agreement under section 463 and shall submit an application therefor to the Commissioner, in accordance with the provisions of this part. The Commissioner shall, from time to time, set dates before which such institutions must file applications under this section.

"(2) The Commissioner shall pay to each applicant under this subsection which has an agreement with him under section 463, from the amount apportioned to the State in which it is located, the amount requested in such application. Such payment may be made in such installments as the Commissioner determines will not result in unused accumulations of capital in the student loan fund of the applicant established under its agreement under section 463.

"(c)(1)(A) If the total amount of Federal capital contributions requested in the applications from a State for any fiscal year exceeds the amount apportioned to that State, the request from each institution shall be reduced ratably.

"(B) In case additional amounts become available for payments to student loan funds in a State in which requests have been ratably reduced under subparagraph (A), such requests shall be increased on the same basis as they were reduced, except that no request shall be increased above the request submitted under subsection (b)(1).

"(2) If the amount of an apportionment to a State for any fiscal year exceeds the total amount of Federal capital contributions requested in applications from that State, such excess shall be available for reapportionment from time to time on such date or dates as the Commissioner shall fix. From the aggregate of such excess for any fiscal year, the Commissioner shall reapportion to each State in which requests were reduced under subparagraph (A) of paragraph (1) an amount which bears the same ratio to such aggregate as the total amount of such reduction in that State bears to the total amount of such reductions in all the States.

"(d) The aggregate of the amounts of Federal capital contributions paid under this section for any fiscal year to proprietary institutions of higher education may not exceed the amount by which the sums appropriated pursuant to section 461(b)(1) for that fiscal year exceed $190,000,000.

"AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION

"SEC. 463. (a) An agreement with any institution of higher education for the payment of Federal capital contributions under this part shall—

"(1) provide for the establishment and maintenance of a student loan fund for the purposes of this part;

"(2) provide for the deposit in such fund of—

"(A) the Federal capital contributions,

"(B) a capital contribution by such institution in an amount equal to not less than one-ninth of the amount of such Federal contributions,

"(C) collections of principal and interest on student loans made from such fund,

"(D) charges collected pursuant to regulations under section 464(c)(1)(G), and

"(E) any other earnings of the fund;

"(3) provide that such student loan fund shall be used only for—

"(A) loans to students, in accordance with the provisions of this part,

"(B) administrative expenses, as provided in subsection (b),

"(C) capital distributions, as provided in section 466, and

"(D) costs of litigation, and other collection costs authorized by the Commissioner by regulation in connection with the collection of a loan from the fund (and interest thereon) or a charge assessed pursuant to regulations under section 464(c)(1)(G); and

"(4) include such other provisions as may be necessary to protect the financial interest of the United States and promote the purposes of this part as are agreed to by the Commissioner and the institution.

"(b) An institution which has entered into an agreement under subsection (a) shall be entitled, for each fiscal year during which it makes student loans from a student loan fund established under such agreement, to a payment in lieu of reimbursement for its expenses in administering its student loan program under this part during such year. Such payment shall be made in accordance with section 493.

"TERMS OF LOANS

"SEC. 464. (a)(1) Loans from any student loan fund established pursuant to an agreement under section 463 to any student by any institution shall, subject to such conditions, limitations, and requirements as the Commissioner shall prescribe by regulation, be made on such terms and conditions as the institution may determine.

"(2) The total of such loans for any academic year made by institutions from student loan funds assisted under this part shall not exceed—

"(A) $2,500, in the case of any graduate student or professional student (as defined by regulation); or

"(B) $1,500, in the case of any other student. The aggregate of the loans for all years from such funds shall not exceed $10,000, in the case of any such graduate or professional student, or $7,500, in the case of any other student.

"(3) Regulations of the Commissioner under paragraph (1) shall be designed to prevent the impairment of the capital of student loan funds to the maximum extent practicable.

"(b) A loan from a student loan fund assisted under this part may be made only to a student who—

"(1) is in need of the amount of the loan to pursue a course of study at such institution;

"(2) is capable, in the opinion of the institution, of maintaining good standing in such course of study;

"(3) has been accepted for enrollment as an undergraduate, graduate, or professional student in such institution or, in the case of a student already in attendance at such institution, is in good standing; and

"(4) is carrying at least one-half the normal academic workload, as determined by the institution.

In any case in which a student has been determined to be eligible for a loan under the preceding sentence, and such student thereafter fails to maintain good standing, the eligibility of such student shall be suspended, and further payments to, or on behalf of, such student shall not be made until such student regains good standing.

"(c)(1) Any agreement between an institution and a student for a loan from a student loan fund assisted under this part—

"(A) shall be evidenced by a note or other written instrument which, except as is provided in paragraph (2), provides for repayment of the principal amount of the loan, together with interest thereon, in installments over a period (i) beginning nine months after the student ceases to carry at least one-half the normal full-time academic workload at an institution of higher education and (ii) ending ten years and nine months after such date;

"(B) shall include provision for acceleration of repayment of the whole, or any part, of such loan, at the option of the borrower;

"(C) may provide, at the option of the institution in accordance with regulations of the Commissioner, that during the repayment period of the loan, payments of principal and interest by the borrower with respect to all outstanding loans made to him from student loan funds assisted under this part shall be at a rate equal to not less than $30 per month;

"(D) shall provide that the loan shall bear interest, on the unpaid balance of the loan, at the rate of 3 per centum per annum, except that no interest shall accrue (i) prior to the beginning date of repayment determined under clause (A)(i), or (ii) during any period in which repayment is suspended by reason of paragraph (2);

"(E) unless the borrower is a minor and the note or other evidence of obligation executed by him would not, under applicable law, create a binding obligation, shall provide that the loan shall be made without security and without endorsement;

"(F) shall provide that no note or evidence of obligation may be assigned by the lender, except upon the transfer of the borrower to another institution participating under this part (or, if not so participating, is eligible to do so and is approved by the Commissioner for such purpose), to such institution; and

"(G) may, pursuant to regulations of the Commissioner, provide for an assessment of a charge with respect to the loan for failure of the borrower (i) to pay all or part of an installment when it is due or (ii) to file timely and satisfactory evidence of an entitlement of the borrower to a deferment of repayment benefit or a cancellation benefit provided under this part.

"(2)(A) No repayment of principal of, or interest on, any loan from a student loan fund assisted under this part shall be required during any period in which the borrower—

"(i) is carrying at least one-half the normal full-time academic workload at an institution of higher education or at a comparable institution outside the United States which is approved for this purpose by the Commissioner;

"(ii) is a member of the Armed Forces of the United States;

"(iii) is in service as a volunteer under the Peace Corps Act; or

"(iv) is in service as a volunteer under title VIII of the Economic Opportunity Act of 1964.

The period during which repayment may be deferred by reason of clause (ii), (iii), or (iv) shall not exceed three years.

"(B) Any period during which repayment is deferred under subparagraph (A) shall not be included in computing the ten-year maximum period provided for in clause (A) of paragraph (1).

"(3) The Commissioner is authorized, when good cause is shown, to extend, in accordance with regulations, the ten-year maximum repayment period provided for in clause (A) of paragraph (1) with respect to individual loans.

"(4) The amount of any charge under clause (G) of paragraph (1) shall not exceed—

"(A) in the case of a loan which is repayable in monthly installments, $1 for the first month or part of a month by which such installment or evidence is late and $2 for each such month or part of a month thereafter; and

"(B) in the case of a loan which has a bimonthly or quarterly repayment interval, $3 and $6, respectively, for each such interval or part thereof by which such installment or evidence is late.

The institution may elect to add the amount of any such charge to the principal amount of the loan as of the first day after the day on which such installment or evidence was due, or to make the amount of the charge payable to the institution not later than the due date of the next installment after receipt by the borrower of notice of the assessment of the charge.

"(d) An agreement under this part for payment of Federal capital contributions shall include provisions designed to make loans from the student loan fund established pursuant to such agreement reasonably available (to the extent of the available funds in such funds) to all eligible students in such institution in need thereof.

"CANCELLATION OF LOANS FOR CERTAIN PUBLIC SERVICE

"SEC. 465. (a)(1) The per centum specified in paragraph (3) of this subsection of the total amount of any loan made after June 30, 1972, from a student loan fund assisted under this part shall be canceled for each complete year of service after such date by the borrower under circumstances described in paragraph (2).

"(2) Loans shall be canceled under paragraph (1) for service—

"(A) as a full-time teacher in a public or other nonprofit elementary or secondary school in a State, in an institution of higher education, or in an elementary or secondary school overseas of the Armed Forces of the United States;

"(B) as a full-time teacher in a public or other nonprofit elementary or secondary school in the school district of a local educational agency receiving assistance under title I of the Elementary and Secondary Education Act of 1965 if such school is determined (according to criteria established by regulation which shall permit such determination with respect to not more than 50 per centum of such schools in any State) to be serving an attendance area in which there is a high concentration of children from low-income families;

"(C) as a full-time teacher of handicapped children in a public or other nonprofit elementary or secondary school system; or

"(D) as a member of the Armed Forces of the United States.

For the purposes of this paragraph, (i) the term 'handicapped children' means children who are mentally retarded, hard of hearing, deaf, speech-impaired, visually handicapped, seriously emotionally disturbed, or other health-impaired children who by reason thereof require special education, and (ii) the term 'children from low-income families' means children from families with a family income which is not in excess of the low-income factor determined under section 103 of title I of the Elementary and Secondary Education Act of 1965.

"(3)(A) The per centum of a loan which shall be canceled under paragraph (1) of this subsection is—

"(i) in the case of service described in clause (A) of paragraph (2), not to exceed a total of 50 per centum of such loan at the rate of 10 per centum for each year of such service;

"(ii) in the case of service described in clause (B) or (C) of paragraph (2), 15 per centum for the first or second year of such service, 20 per centum for the third or fourth year of such service, and 30 per centum for the fifth year of such service; and

"(iii) in the case of service described in clause (D) of paragraph (2), not to exceed a total of 50 per centum of such loan at the rate of 12½ per centum for each year of consecutive service.

"(B) If a portion of a loan is canceled under this subsection for any year, the entire amount of interest on such loan which accrues for such year shall be canceled.

"(C) Nothing in this subsection shall be construed to authorize refunding any repayment of a loan.

"(4) For the purposes of this subsection, the term 'year' where applied to service as a teacher means academic year as defined by the Commissioner.

"(b) The Commissioner shall pay to each institution for each fiscal year an amount equal to the aggregate of the amounts of loans from its student loan fund which are canceled pursuant to this section for each year. None of the funds appropriated pursuant to section 461(b) shall be available for payments pursuant to this subsection.

"DISTRIBUTION OF ASSETS FROM STUDENT LOAN FUNDS

"SEC. 406. (a) After June 30, 1980, and not later than December 31, 1980, there shall be a capital distribution of the balance of the student loan fund established under this part by each institution of higher education as follows:

"(1) The Commissioner shall first be paid an amount which bears the same ratio to the balance in such fund at the close of June 30, 1980, as the total amount of the Federal capital contributions to such fund by the Commissioner under this part bears to the sum of such Federal contributions and the institution's capital contributions to such fund.

"(2) The remainder of such balance shall be paid to the institution.

"(b) After December 31, 1980, each institution with which the Commissioner has made an agreement under this part, shall pay to the Commissioner the same proportionate share of amounts received by the institution after June 30, 1974, in payment of principal and interest on student loans made from the student loan fund established pursuant to such agreement (which amount shall be determined after deduction of any costs of litigation incurred in collection of the principal or interest on loans from the fund and not already reimbursed from the fund or from such payments of principal or interest), as was determined for the Commissioner under subsection (a).

"(c) Upon a finding by the institution or the Commissioner prior to July 1, 1980, that the liquid assets of a student loan fund established pursuant to an agreement under this part exceed the amount required for loans or otherwise in the foreseeable future, and upon notice to such institution or to the Commissioner, as the case may be, there shall be, subject to such limitations as may be included in regulations of the Commissioner or in such agreement, a capital distribution from such fund. Such capital distribution shall be made as follows:

"(1) The Commissioner shall first be paid an amount which bears the same ratio to the total to be distributed as the Federal capital contributions by the Commissioner to the student loan fund prior to such distribution bear to the sum of such Federal capital contributions and the capital contributions to the fund made by the institution.

"(2) The remainder of the capital distribution shall be paid to the institution.".

(c)(1) Upon enactment of this Act, the program authorized by part E of title IV of the Higher Education Act of 1965 as added by subsection (b) is, and shall be deemed to be, a continuation of the program authorized by title II of the National Defense Education Act of 1958. In accordance with regulations of the Commissioner, all right, privileges, duties, functions, and obligations under such title II prior to the enactment of this Act shall be deemed to be vested, as the Commissioner determines to be appropriate, under such part E. Any student loan fund established under an agreement under such title II shall, in accordance with regulations, be deemed to have been established under such part E; and any assets of any such student loan fund of any institution shall be deemed to be the assets of a student loan fund established under an agreement of that institution with the Commissioner under such part E.

(2) Title II of the National Defense Education Act of 1958 is amended by striking out section 206.

ELIGIBILITY FOR STUDENT ASSISTANCE

SEC. 138. (a) Part F of title IV of the Higher Education Act of 1965 is amended by inserting after section 494, the following new section:

"ELIGIBILITY FOR STUDENT ASSISTANCE

"SEC. 495. (a) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has been convicted by a court of record of any crime which was committed after June 30, 1972, and which involved the use of (or assistance to others in the use of) force, disruption, or the seizure of property under control of any institution of higher education to prevent officials or students in such institution from engaging in their duties or pursuing their studies, and that such crime was of a serious nature and contributed to a substantial disruption of the administration of the institution with respect to which such crime was committed, then the institution which such individual attends, or is employed by, shall deny for a period of two years any further payment to, or for the direct benefit of, such individual under any of the programs authorized under this title. If an institution denies an individual assistance under the authority or the preceding sentence of this subsection, then any institution which such individual subsequently attends shall deny for the remainder of the two-year period any further payment to, or for the direct benefit of, such individual under any program authorized by this title.

"(b) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has willfully refused to obey a lawful regulation or order of such institution after June 30, 1972, and that such refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution shall deny, for a period of two years, any further payment to, or for the direct benefit of, such individual under any program authorized by this title.

"(c)(1) Nothing in this section shall be construed to prohibit any institution of higher education from refusing to award, continue, or extend any financial assistance under this title to any individual because of any misconduct which in its judgment bears adversely on his fitness for such assistance.

"(2) Nothing in this section shall be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an independent, disciplinary proceeding pursuant to existing authority, practice, and law.

"(3) Nothing in this section shall be construed to limit the freedom of any student to verbal expression of individual views or opinions.".

(b) Effective July 1, 1972, section 504 of Public Law 90-575 is repealed.

AFFIDAVIT OF EDUCATIONAL PURPOSE REQUIRED

SEC. 139. (a) Part F of title IV of the Higher Education Act of 1965 is amended by inserting after section 495 the following new section:

"AFFIDAVIT OF EDUCATIONAL PURPOSE REQUIRED

"SEC. 496. (a) Notwithstanding any other provision of law, no grant, loan, or loan guarantee authorized under this title may be made unless the student to whom the grant, loan, or loan guarantee is made has filed with the institution of higher education which he intends to attend, or is attending, an affidavit stating that the money attributable to such grant, loan, or loan guarantee will be used solely for expenses related to attendance or continued attendance at such institution.

"(b) Whenever the institution of higher education determines, after notice and opportunity for hearing, that any student has violated the affidavit required by subsection (a) of this section, that student shall be obligated to return any assistance subject to the violation and shall not be eligible for any further assistance received under this title after the date of the violation.

"(c) Nothing in this section shall be construed to invalidate any loan guarantee made under this title.".

(b) The amendment made by subsection (a) of this section shall become effective after the sixteenth day after the date of enactment of this Act.

POSTSECONDARY EDUCATION STUDY

SEC. 140. (a) It is the purpose of this section to authorize a study of the impact of past, present, and anticipated private, local, State, and Federal support for postsecondary education, the appropriate role for the States in support of higher education (including the application of State law upon postsecondary educational opportunities), alternative student assistance programs, and the potential Federal, State, and private participation in such programs.

(b) The Secretary shall conduct a thorough study and investigation of the impact of past and present support and the appropriate level of future support for higher education from private sources and from Federal, State, and local governments.

(c) In conducting such investigation and study, the Secretary shall consider—

(1) alternative models of State and local support for postsecondary education;

(2) new Federal initiatives to complement alternative State and local programs; and

(3) alternative forms of student assistance, including—

(A) loan programs based on income contingent lending;

(B) loan programs which utilized fixed, graduated repayment schedules; and

(C) loan programs which provide for cancellation or deferment of part or all of repayment in any given year based on a certain level of a borrower's income;

(4) the potential Federal, State, local, and private participation in such programs; and

(5) suggested national uniform standards for determining the annual per student costs of providing postsecondary education for students in attendance at various types and classes of institutions of higher education.

(d) In order to carry out the provisions of this section, the Secretary is authorized to—

(1) enter into contracts with institutions of higher education and other appropriate individuals, public agencies and private organizations;

(2) appoint and fix the compensation of such personnel as may be necessary;

(3) employ experts and consultants in accordance with section 3109 of title 5, United States Code;

(4) utilize, with their consent, the services, personnel, information, and facilities of other Federal, State, local, and private agencies with or without reimbursement; and

(5) consult with the heads of such Federal agencies as he deems appropriate.

(e) Not later than December 31, 1972, the Secretary shall report to the President and Congress the results of the investigation and study authorized by this section, together with such recommendations, including recommendations for legislation, as he deems appropriate.

(f) There are authorized to be appropriated such sums, not to exceed $5,000,000, as may be necessary to carry out the provisions of this section.

Part E—Education Professions Development

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS

Sec 141. (a) (1) Title V of the Higher Education Act of 1965 is amended—

(A) in section 511(b), by striking out "for the fiscal year ending June 30, 1971" and inserting in lieu thereof "each for the fiscal years ending June 30, 1971, and June 30, 1972";

(B) in sections 504(b), 518(b), 528, 532, and 543, by striking out "July 1, 1971" and inserting in lieu thereof "July 1, 1972" in each instance.

(2) The amendments made by paragraph (1) shall be effective after June 30, 1971.

(b) (1) Section 501 of the Higher Education Act of 1965 is amended by inserting "(a)" after "Sec. 501." and by adding at the end thereof the following new subsection:

"(b) For the purpose of carrying out the provisions of this title, there are authorized to be appropriated $600,000,000 for the fiscal year ending June 30, 1972, and for each of the succeeding fiscal years ending prior to July 1, 1975, of which—

"(1) not less than $500,000 shall be for the purposes of section 504;

"(2) not less than 25 per centum or $37,-500,000, whichever is greater, shall be for the purposes of subpart 1 of part B;

"(3) not less than 5 per centum shall be for the purposes of part C;

"(4) not less than 5 per centum shall be for the purposes of part D;

"(5) not less than 5 per centum shall be for the purposes of part E;

"(6) not less than 10 per centum shall be for the purposes of part F; and

"(7) not less than 5 per centum of the amounts available for the purposes of part C or part D shall be used for the training of teachers for service in programs for children with limited English speaking ability.".

(2) The amendments made by paragraph (1) shall be effective after, and only with respect to appropriations for fiscal years beginning after, June 30, 1972.

(c) (1) Effective on and after July 1, 1972, title V of the Higher Education Act of 1965 is amended by striking out the following provisions:

(A) Section 502(f);

(B) Section 504(b);

(C) Section 511(b) and "(a)" where it appears after "Sec. 511.";

(D) Section 518(b) and "(a)" where it appears after "Sec. 518.";

(E) Section 528;

(F) Section 532;

(G) Section 543; and

(H) Section 555.

(2) (A) (i) The caption head of section 518 of such title V is amended to read as follows: "PROGRAM AUTHORIZED".

(ii) Such section 518 is amended by striking out "during the fiscal year ending June 30, 1969, and the succeeding fiscal year,".

(B) Effective on and after July 1, 1972, section 519(a) of such title V is amended by striking out that part of the first sentence which precedes ", the Commissioner" and inserting in lieu thereof the following: "From the amount available for grants under this subpart for any fiscal year".

(3) Section 525(b) of such Act is amended by striking out all that follows "federally supported programs" and inserting in lieu thereof a period.

(4) The Department of Health, Education, and Welfare shall, under the authority of section 401(c) and of part C of the General Education Provisions Act, submit to the Congress an estimate of the sums necessary to carry out section 502 of such title V.

FUNCTIONS OF, AND COMPENSATION FOR, THE DIRECTOR OF THE TEACHER CORPS

Sec. 142. (a) The second sentence of section 512 of the Higher Education Act of 1965 is amended to read as follows: "The Teacher Corps shall be headed by a Director who shall be compensated at the rate prescribed for grade 18 of the General Schedule set forth in section 5332 of title 5, United States Code, and a Deputy Director who shall be placed in grade 17 of such General Schedule; and such positions shall be in addition to the number of positions placed in those grades under setcion 5108 of such title 5.".

(b) The third sentence of such section 512 is amended by inserting before the period at the end thereof the following: ", except that (1) the Commissioner may delegate his functions under this subpart only to the Director, and (2) the Director and Deputy Director shall not be given any function authorized by law other than that granted by this subpart".

RETRAINING OF TEACHERS AND EMPLOYMENT OF TUTORS AND INSTRUCTIONAL ASSISTANTS

Sec. 143. (a) (1) Section 518 of the Higher Education Act of 1965 is amended (1) by striking out "to (1)" and inserting in lieu thereof "(1) to", (2) by striking out "and (2)" and inserting in lieu thereof "(2) to", and (3) and by adding the following before the period: ", (3) to employ high school and college students as tutors or instructional assistants for educationally disadvantaged children, (4) to compensate such tutors and instructional assistants at such rates as the Commissioner may determine to be consistent with prevailing practices under comparable federally supported work-study programs, and (5) to provide necessary training to teachers to enable them to teach other grades or other subjects in which such agencies have a teacher shortage".

(2) Section 520(a) (2) of such Act is amended (A) by striking out "and (C)" and inserting in lieu thereof "(C) programs of such agencies to employ high school and college students as tutors or instructional assistants for educationally disadvantaged children, (D) programs of such agencies to compensate such tutors and instructional assistants at such rates as the Commissioner may determine to be consistent with prevailing practices under comparable federally supported work-study programs, (E) programs of such agencies to provide necessary training to teachers to enable them to teach other grades or other subjects in which such agencies have a teacher shortage, and (F)".

(3) Section 520(a) (3) of such Act is amended by inserting "or for the retraining of teachers" immediately before the semicolon at the end thereof.

(b) The amendments made by subsection (a) shall be effective after, and only with respect to appropriations for fiscal years beginning after, June 30, 1972.

PROVISION FOR ADMINISTRATIIVE EXPENSES FOR OPERATION OF STATE PLAN

Sec. 144. (a) Section 520(a) (2) of the Higher Education Act of 1965 is amended, in clause (F) thereof, by (1) striking out "3" and inserting in lieu thereof "5", and (2) by inserting before the semicolon: "or, $20,-000, whichever is greater".

(b) The amendments made by subsection (a) shall be effective after, and only with respect to appropriations for fiscal years beginning after, June 30, 1972.

ELIMINATION OF CEILING ON EXPENDITURES FOR TEACHING AIDES

Sec. 145. (a) Section 520(a) of the Higher Education Act of 1965 is amended by striking out clause (5) thereof. Clauses (6) through (9) of such section 520(a), and all references thereto, are redesignated as clauses (5) through (8), respectively.

(b) The amendments made by subsection (a) shall be effective after, and only with respect to appropriations for fiscal years beginning after, June 30, 1972.

TRAINING FOR TEACHERS AND AIDES IN PRIVATE SCHOOLS

Sec. 146. (a) Clause (5) of section 520(a) of the Higher Education Act of 1965 is amended by inserting "is teaching, or" after "because he".

(b) The amendment made by subsection (a) shall be effective after, and only with respect to appropriations for fiscal years beginning after, June 30, 1972.

IMPROVING TRAINING PROGRAMS FOR THE EDUCATION OF TEACHERS AND RELATED EDUCATIONAL PERSONNEL

Sec. 147. (a) (1) Section 531(b) of the Higher Education Act of 1965 is amended by striking out the period at the end thereof and inserting in lieu thereof "; and", and by adding at the end thereof the following new clause:

"(11) programs or projects (including cooperative arrangements or consortia between institutions of higher education, junior and community colleges, or between such institutions and State or local educational agencies and nonprofit education associations) for the improvement of undergraduate programs for preparing educational personnel, including design, development, and evaluation of exemplary undergraduate training programs, introduction of high quality and more effective curricula and curricular materials, and the provision of increased opportunities for practical teaching experience for prospective teachers in elementary and secondary schools."

(2) Section 531(c) of such Act is amended by striking out the "or" at the end of clause (1) and the period at the end of clause (2), by inserting a semicolon and "or" at the end of clause (2), and by adding the following new clause:

"(3) projects or programs to improve undergraduate or other programs for training educational personnel.".

(b) The amendments made by subsection (a) shall be effective after, and only with respect to appropriations for fiscal years beginning after, June 30, 1972.

SUPPORT OF TUTORS AND INSTRUCTIONAL ASSISTANTS

Sec. 148. (a) (1) Section 531(b) of the Higher Education Act of 1965 is amended by striking out the period at the end of clause

(11) and inserting in lieu there of a semicolon and the word "and", and by adding the following new clause:

"(12) programs or projects to employ tutors or instructional assistants in preschool, elementary school, or secondary school classes, especially for educationally disadvantaged children, and children with limited English speaking ability".

(2) Section 531(c) of such Act is amended by striking out "or" at the end of clause (2), by striking out the period at the end of clause (3) and inserting a semicolon and the word "or" in lieu thereof, and by adding the following clause:

"(4) compensating tutors and instructional assistants at such rates as the Commisioner may determine to be conistent with the prevailing practices under comparable federally supported work-study programs.".

(b) The amendments made by subsection (a) shall be effective after, and only with respect to appropriations for fiscal years beginning after, June 30, 1972.

PROGRAMS FOR TEACHERS OF MIGRANT CHILDREN

SEC. 149. (a)(1) Section 531(b) of the Higher Education Act of 1965 is further amended by striking out the word "and" after clause (11) and by striking out the period at the end of clause (12) and inserting in lieu thereof a semicolon, and by adding at the end thereof the following new clause:

"(13) programs and projects designed to meet the need for the training of teachers for participation in education programs for migratory children of migratory agricultural workers, including teacher exchange programs.".

(2) Section 531(c) of such Act is amended by striking out "or" at the end of clause (3), by striking out the period at the end of clause (4) and inserting in lieu thereof a semicolon and the word "or", and by adding at the end thereof the following new clause (5):

"(5) such activities as may be necessary to carry out the purposes of clause (13) of subsection (b), to the extent that such activities are not inconsistent with the other provisions of this part.".

(b) The amendments made by subsection (a) shall be effective after June 30, 1972.

PART F—INSTRUCTIONAL EQUIPMENT

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS

SEC. 151. (a) Subsections (b) and (c) of section 601 and the Higher Education Act of 1965 are each amended by striking out "two succeeding fiscal years" and inserting in lieu thereof "succeeding fiscal years ending prior to July 1, 1975".

(b) The amendments made by subsection (a) of this section shall be effective after June 30, 1971.

PART G—ACADEMIC FACILITIES

TRANSFER OF THE PROVISIONS OF THE HIGHER EDUCATION FACILITIES ACT OF 1963

SEC. 161. (a) Title VII of the Higher Education Act of 1965 is amended to read as follows:

"TITLE VII—CONSTRUCTION OF ACADEMIC FACILITIES

"PART A—GRANTS FOR THE CONSTRUCTION OF UNDERGRADUATE ACADEMIC FACILITIES

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 701. (a) The Commissioner shall carry out a program of grants to institutions of higher education for the construction of academic facilities in accordance with this part.

"(b) For the purpose of making grants under this part, there are hereby authorized to be appropriated $936,000,000 for the fiscal year ending June 30, 1972, and for each of the succeeding fiscal years ending prior to July 1, 1975.

"(c) Of the sums appropriated pursuant to section 701(b), not less than 24 per centum nor more than 33⅓ per centum, shall be reserved by the Commissioner and allotted among the States under section 702. The remainder of such sums shall be available for allotment among the States under section 703.

"PUBLIC COMMUNITY COLLEGES AND PUBLIC TECHNICAL INSTITUTES

"SEC. 702. (a) Sums reserved pursuant to the first sentence of section 701(c) shall be available for allotments to States for providing academic facilities for public community colleges and public technical institutes.

"(b) From the sums available for any fiscal year for the purposes of this section, the Commissioner shall allot to each State an amount which bears the same ratio to such sums as the product of—

"(1) the number of high school graduates of the State, and

"(2) the State's allotment ratio,

bears to the sum of the corresponding products for all the States, except that the amount allowed to any State shall not be less than $50,000.

"(c)(1) Except as is provided in paragraph (2), the amount allotted to a State under this section shall be available for the payment of the Federal share of the development cost of approved projects for the construction of academic facilities within such State for public community colleges and public technical institutes.

"(2) Any portion of a State's allotment under this section for any fiscal year for which applications from an institution qualified to receive grants under this section have not been received by the State Commission prior to January 1 of such fiscal year, shall, if the State Commission so requests, be available for payment of the Federal share of the development cost of approved projects under section 703.

"(d) All amounts alloted under this section for any fiscal year which are not reserved as provided in section 701(c) by the close of the fiscal year for which they are allotted shall be reallotted by the Commissioner, on the basis of such factors as he determines to be equitable and reasonable, among the States which, as determined by the Commissioner, are able to use without delay any amounts so realloted for the purpose set forth in subsection (c)(1). Amounts reallotted under this subsection shall be available for reservation until the close of the fiscal year next succeeding the fiscal year for which they were originally allotted.

"(e) For the purposes of clause (2) of subsection (b), the 'allotment ratio' for any State shall be 1.00 less the product of (A) 0.50 and (B) the quotient obtained by dividing the income per person for the State by the income per person for all the States (not including Puerto Rico, the Virgin Islands, American Samoa, and Guam), except that (i) the allotment ratio shall in no case be less than 0.33⅓ or more than 0.66⅔, (ii) the allotment ratio for Puerto Rico, the Virgin Islands, American Samoa, and Guam shall be 0.66⅔, and (iii) the allotment ratio of any State shall be 0.50 for any fiscal year if the Commission finds that the cost of school construction in such State exceeds twice the median of such costs in all the States as determined by him on the basis of statistics and data as the Commissioner shall deem adequate and appropriate. The allotment ratios shall be promulgated by the Commissioner as soon as possible after June 30, 1972, and annually thereafter, on the basis of the average of the incomes per person of the State and of all the States for the three most recent consecutive calendar years for which satisfactory data are available from the Department of Commerce.

"INSTITUTIONS OF HIGHER EDUCATION OTHER THAN PUBLIC COMMUNITY COLLEGES AND PUBLIC TECHNICAL INSTITUTES

"SEC. 703. (a) Sums appropriated pursuant to section 701(b) which remain after the reservation provided for in the first sentence of section 701(c) for any fiscal year shall be available for allotments to States for providing academic facilities for institutions of higher education other than institutions eligible for grants under section 702.

"(b) Sums available for the purposes of this section for any fiscal year shall be allotted among the States as follows:

"(1) The Commissioner shall allot to each State an amount which bears the same ratio to 50 per centum of such sums as the number of students enrolled in institutions of higher education in such States bears to the number of students so enrolled in all the States; and

"(2) The Commissioner shall allot to each State an amount which bears the same ratio to 50 per centum of such sums as the number of students enrolled in grades nine through twelve (both inclusive) of schools in such State bears to the total number of students so enrolled in all the States.

The amount allotted to any State under the perceding sentence for any fiscal year shall not be less than $50,000.

"(c)(1) Any amount allotted to a State under this section for any fiscal year shall, except as provided in paragraph (2), be available, in accordance with the provisions of this title, for payment of the Federal share of the development cost of approved projects for the construction of academic facilities within such State for institutions of higher education which are not eligible for grants under section 702.

"(2) Any portion of a State's allotment under this section for any fiscal year for which applications from an institution qualified to receive grants under this section have not been received by the State Commission prior to January 1 of such fiscal year, shall, if the State Commission so requests, be available for payment of the Federal share of the development cost of approved projects under section 702.

"STATE PLANS

"SEC. 704. (a) Any State desiring to participate in the grant program authorized by this part for any fiscal year shall submit for that year to the Commissioner through the State Commission a State plan for such participation. Such plan shall be submitted at such time, in such manner, and containing such information as may be necessary to enable the Commissioner to carry out his functions under this part and shall—

"(1) provide that it shall be administered by the State Commission;

"(2) set forth objective standards and methods, which are consistent with basic criteria prescribed by regulations pursuant to section 706, for—

"(A) determining the relative priorities of eligible projects submitted by institutions of higher education within the State for the construction of academic facilities, and

"(B) determining the Federal share of the development cost of each such project;

"(3) provide that the funds apportioned for any fiscal year under section 702 or 703 shall be used only for the purposes set forth therein;

"(4) provide for—

"(A) assigning priorities solely on the basis of such criteria, standards, and methods to eligible projects submitted to the State Commission and found by it otherwise approvable under the provisions of this part, and

"(B) approving and recommending to the Commissioner, in the order of such priority, applications covering such eligible projects, and for certifying to the Commissioner the Federal share of the development cost of the project involved;

"(5) provide for affording to every applicant which has submitted a project to the State Commission an opportunity for a fair hearing before the State Commission as to the priority assigned to such project, or as to any other determination of the State

Commission adversely affecting such applicant; and

"(6) provide for—

"(A) such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the State Commission under this part, and

"(B) making such reports, in such form and containing such information, as may be reasonably necessary to enable the Commissioner to perform his functions under this part.

"(b) The Commissioner shall approve any State plan submitted under this section if he determines that it complies with the provisions of this section and other appropriate provisions of this title.

"ELIGIBILITY FOR GRANTS

"SEC. 705. (a) Except as is provided in subsection (b), an institution of higher education shall be eligible for a grant under this part only if the State Commission determines, in accordance with criteria prescribed by regulation, that the construction project for which assistance is sought will, either alone or together with other construction to be undertaken within a reasonable time, result in—

"(1) a substantial expansion of, or

"(2) the creation of,

urgently needed (A) enrollment capacity, (B) the capacity to provide student health care or other student services, or (C) capacity to carry out extension and continuing education programs on the campus of such institution.

"(b) If the Commission determines, in accordance with criteria established by regulation, that the student enrollment capacity of an institution of higher education would decrease if an urgently needed academic facility is not constructed, the construction of such a facility may be considered, for the purposes of this section, to result in an expansion of the institution's student enrollment capacity.

"BASIC CRITERIA FOR DETERMINING PRIORITIES AND FEDERAL SHARE

"SEC. 706. (a) (1) The Commissioner shall, by regulation, prescribe basic criteria to which the provisions of State plans setting forth standards and methods for determining relative priorities of eligible construction projects, and the application of such standards and methods to such projects under such plans, shall be subject.

"(2) Such basic criteria shall, at least—

"(A) be such as will best tend to achieve the objectives of this part, while leaving opportunity and flexibility to State Commissions for the development of State plan standards and methods that will best accommodate the varied needs of institutions in the several States;

"(B) give special consideration to the expansion of undergraduate enrollment capacity; and

"(C) give consideration to the expansion of capacity to provide needed health care to students.

"(3) Subject to paragraph (2), such regulations may establish additional and appropriate basic criteria, including—

"(A) provision for considering the degree to which applicant institutions are effectively utilizing existing facilities;

"(B) provision for allowing State plans to group, or to allow grouping, in a reasonable manner, facilities or institutions according to functional or educational type for priority purposes; and

"(C) in view of the national objectives of this title, provision for considering the degree to which applicant institutions serve students from two or more States or from outside the United States.

"(4) In no event shall such basic criteria permit the readiness of an institution to admit out-of-State students to be considered as a priority adverse to such institution.

"(b) (1) The Commissioner shall prescribe, by regulation, the basic criteria for determining the Federal share of the development cost of any eligible project under this part within a State, to which criteria the applicable standards and methods set forth in the State plan for such State shall conform.

"(2) In no case shall such basic criteria permit the Federal share to exceed 50 per centum of the development cost of a project, except in the case of a developing institution approved pursuant to section 302(b) in which case such percentage may not be in excess of 66⅔ per centum.

"(c) Section 553 of title V, United States Code, shall apply to the prescription of regulations under this section, notwithstanding clause (2) of subsection (a) thereof.

"APPLICATIONS FOR GRANTS; AMOUNT OF GRANTS

"SEC. 707. (a) (1) Any institution of higher education which desires to receive a grant under this part shall submit an application therefor at such time or times, in such manner, and containing such information as the Commissioner shall prescribe by regulation.

"(2) The Commissioner shall approve an application for a construction project under this part if he determines that—

"(A) it meets the requirements prescribed under paragraph (1);

"(B) the project for which assistance is sought is an eligible project under section 705;

"(C) such project has been submitted through, and been approved and recommended by, the appropriate State Commission;

"(D) such State Commission has certified to the Commissioner, in accordance with the State plan, the Federal share of the development cost of the project, and sufficient funds to pay such Federal share are available from the applicable apportionment of the State;

"(E) such project has, pursuant to the State plan, been assigned a priority that is higher than that assigned to all other projects within the State which are chargeable to the same apportionment, and meet the requirements of this section, and for which Federal funds have not yet been reserved;

"(F) the construction to be carried out under the application shall be undertaken in a timely and economic manner and will not be of elaborate or extravagant design or materials;

"(G) in the case of a student health care facility, no assistance will be provided for such facility under title IV of the Housing Act of 1950; and

"(H) the application contains assurances or is supported by satisfactory assurances—

"(i) that title to the site is in accordance with regulations of the Commissioner relating thereto,

"(ii) that Federal funds received by the applicant will be solely used for defraying the development cost of the project covered by the application,

"(iii) that sufficient funds will be available to meet the non-Federal portion of such cost and to provide for the effective use of the academic facility upon completion,

"(iv) that the facility will be used as an academic facility for at least the period of the Federal interest therein, as provided in section 781, and

"(v) that the plans for such facilities comply with such standards as the Secretary may prescribe, or approve, in order to insure that facilities constructed with the use of Federal funds appropriated under this part shall be, to the extent appropriate in view of the uses to be made of the facility, accessible to, and usable by, handicapped persons.

"(b) Amendments to applications submitted under this section shall, except as the Commissioner may otherwise provide by regulations, be subject to approval in the same manner as original applications.

"(c) (1) Upon his approval of any application under this section, the Commissioner shall reserve from the applicable allotment available therefor, the amount of such grant, which shall be equal to the Federal share of the development cost of the project covered by the application, and, in accordance with regulations, shall pay the amount reserved to the applicant.

"(2) Upon approval of an amendment of an application, or revision of the estimated development cost of a project, for which there has been a reservation made under paragraph (1), the Commissioner may adjust the amount so reserved, accordingly. If an adjustment under the first sentence of this paragraph results in a greater amount being reserved, he may reserve the Federal share of the added cost only from the applicable allotment available at the time of such approval.

"ADMINISTRATION OF STATE PLANS; JUDICIAL REVIEW

"SEC. 708. (a) (1) The Commissioner shall not finally disapprove any State plan submitted under this part, or any modification thereof, without first affording the State Commission submitting the plan reasonable notice and opportunity for a hearing.

"(2) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State Commission administering a State plan approved under this part, finds—

"(A) that the State plan has been so changed that it no longer complies with the provisions of section 704, or

"(B) that in the administration of the plan there is a failure to comply substantially with any such provision,

the Commissioner shall notify such State Commission that the State will not be regarded as eligible to participate in the program under this part until he is satisfied that there is no longer any such failure to comply.

"(b) (1) If any State is dissatisfied with the Commissioner's final action with respect to the approval of its State plan submitted under section 704, or with his final action under subsection (a), such State may appeal to the United States court of appeals for the circuit in which such State is located. The summons and notice of appeal may be served at any place in the United States. The Commissioner shall forthwith certify and file in the court the transcript of the proceedings and the record on which he based his action.

"(2) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the transcript and record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(3) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in title 28, United States Code, section 1254.

"PART B—GRANTS FOR CONSTRUCTION OF GRADUATE ACADEMIC FACILITIES

"AUTHORIZATION

"SEC. 721. (a) The Commissioner shall carry out a program of making grants to institutions of higher education to assist them in improving existing graduate schools and cooperative graduate centers, and in establishing graduate schools and cooperative graduate centers of excellence, in order to increase the supply of highly qualified personnel needed by communities, industries, and governments and for teaching and research.

"(b) For the purpose of making grants under this part, there are authorized to be appropriated $60,000,000 for each of the fiscal years ending June 30, 1972, and June 30, 1973, and $90,000,000 for each of the succeeding fiscal years ending prior to July 1, 1975.

"APPLICATION FOR, AND AMOUNT OF, GRANTS

"Sec. 722. (a) (1) Any institution of higher education desiring to receive a grant under this part shall submit an application therefor at such time, in such manner, and containing such information as the Commissioner may require.

"(2) In determining whether to approve applications under this section, the order in which to approve such applications, and the amount of grants, the Commissioner shall give consideration to the extent to which the projects for which assistance is sought will contribute toward achieving the objectives of this part, and the extent to which they will aid in attaining a wider distribution of graduate schools and cooperative graduate centers throughout the States. In no case shall the total of the payments from appropriations for any fiscal year pursuant to section 721 made with respect to projects in any State exceed an amount equal to 12½ per centum of such appropriations.

"(3) For the purposes of this section, the term 'institution of higher education' includes cooperative graduate center boards.

"(b) The Commissioner shall not approve any application under this section until he has obtained the advice and recommendations of a panel of specialists who are not regular full-time employees of the Federal Government and who are competent to evaluate such application.

"(c) No grant under this part may be in an amount in excess of 50 per centum of the development cost of the project covered by the application.

"Part C—Loans for Construction of Academic Facilities

"AUTHORIZATION

"Sec. 741. (a) (1) The Commissioner shall carry out a program of making and insuring loans, in accordance with the provisions of this part.

"(2) The Commissioner is authorized to make loans to institutions of higher education and to higher education building agencies, which, in the case of undergraduate facilities, have submitted approvable applications, under part A, for the construction of academic facilities and to insure loans.

"(b) For the purpose of making payments into the fund established under section 744, there are hereby authorized to be appropriated $200,000,000 for the fiscal year ending June 30, 1972, and for each of the succeeding fiscal years ending prior to July 1, 1975. Sums appropriated pursuant to this subsection for any fiscal year shall be available without fiscal year limitations.

"ELIGIBILITY CONDITIONS, AMOUNTS, AND TERMS OF LOANS

"Sec. 742. (a) No loan pursuant to this part shall be made unless the Commissioner finds (1) that not less than 20 per centum of the development cost of the facility will be financed from non-Federal sources, (2) that the applicant is unable to secure the amount of such loan from other sources upon terms and conditions equally as favorable as the terms and conditions applicable to loans under this part, (3) that the construction will be undertaken in an economical manner and that it will not be of elaborate or extravagant design or materials, and (4) that, in the case of a project to construct an infirmary or other facility designed to provide primarily for outpatient care of students and institutional personnel, no financial assistance will be provided such project under title IV of the Housing Act of 1950.

"(b) A loan pursuant to this part shall be secured in such manner and shall be repaid within such period not exceeding fifty years, as may be determined by the Commissioner; and it shall bear interest at (1) a rate determined by the Commissioner which shall not be less than a per annum rate that is one-quarter of 1 percentage point above the average annual interest rate on all interest-bearing obligations of the United States forming a part of the public debt as computed at the end of the preceding fiscal year, adjusted to the nearest one-eighth of 1 per centum, or (2) the rate of 3 per centum per annum, whichever is the lesser.

"GENERAL PROVISION FOR LOAN PROGRAM

"Sec. 743. (a) Financial transactions of the Commissioner under this part, except with respect to administrative expenses, shall be final and conclusive on all officers of the Government and shall not be reviewable by any Court.

"(b) In the performance of, and with respect to, the functions, powers, and duties vested in him by this part, the Commissioner may—

"(1) prescribe such rules and regulations as may be necessary to carry out the purposes of this part;

"(2) sue and be sued in any court of record of a State having general jurisdiction or in any district court of the United States, and such district courts shall have jurisdiction of civil actions arising under this part without regard to the amount in controversy, and any action instituted under this subsection by or against the Commissioner shall survive notwithstanding any change in the person occupying the office of Commissioner or any vacancy in such office; but no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the Commissioner or property under his control, and nothing herein shall be construed to except litigation arising out of activities under this part from the application of sections 507(b) and 517 and 2679 of title 28, United States Code;

"(3) foreclose on any property or commence any action to protect or enforce any right conferred upon him by any law, contract, or other agreement, and bid for and purchase at any foreclosure or any other sale any property in connection with which he has made a loan pursuant to this part; and, in the event of any such acquisition (and notwithstanding any other provisions of law relating to the acquisition, handling, or disposal of real property by the United States), complete, administer, remodel and convert, dispose of, lease, and otherwise deal with, such property; except that (1) such action shall not preclude any other action by him to recover any deficiency in the amounts loaned and (2) any such acquisition of real property shall not deprive any State or political subdivison thereof of its civil or criminal jurisdiction in and over such property or impair the civil rights under the State or local laws of the inhabitants on such property;

"(4) sell or exchange at public or private sale, or lease, real or personal property, and sell or exchange any securities or obligations, upon such terms as he may fix;

"(5) subject to the specific limitations in this part, consent to the modification, with respect to the rate of interest, time of payment of any installment of principal or interest, security, or any other term of any contract or agreement to which he is a party or which has been transferred to him pursuant to this section; and

"(6) include in any contract or instrument made pursuant to this part such other covenants, conditions, or provisions (including provisions designed to assure against use of the facility, constructed with the aid of a loan under this part, for purposes described in section 782(1)), as he may deem necessary to assure that the purpose of this part will be achieved.

"REVOLVING LOAN FUND AND INSURANCE FUND

"Sec. 744. (a) There is hereby created within the Treasury a separate fund for higher education academic facilities loans and loan insurance (hereafter in this section called the 'fund') which shall be available to the Commissioner without fiscal year limitation as a revolving fund for the purposes of making loans and insuring loans under this part.

"(b) (1) The Commissioner shall transfer to the fund available appropriations provided under section 741(b) to provide capital for the fund. All amounts received by the Commissioner as interest payments or repayments of principal on loans, and any other moneys, property, or assets derived by him from his operations in connection with this part, including any moneys derived directly or indirectly from the sale of assets, or beneficial interests or participations in assets of the fund, shall be deposited in the fund.

"(2) All loans, expenses, and payments pursuant to operations of the Commissioner under this part shall be paid from the fund, including (but not limited to) expenses and payments of the Commissioner in connection with sale, under section 302(c) of the Federal National Mortgage Association Charter Act, of participations in obligations acquired under this part. From time to time, and at least at the close of each fiscal year, the Commissioner shall pay from the fund into the Treasury as miscellaneous receipts interest on the cumulative amount of appropriations paid out for loans under this part or available as capital to the fund, less the average undisbursed cash balance in the fund during the year. The rate of such interest shall be determined by the Secretary of the Treasury, taking into consideration the average market yield during the month preceding each fiscal year on outstanding Treasury obligations of maturity comparable to the average maturity of loans made from the fund. Interest payments may be deferred with the approval of the Secretary of the Treasury, but any interest payments so deferred shall themselves bear interest. If at any time the Commissioner determines that moneys in the fund exceed the present and any reasonably prospective future requirements of the fund, such excess shall be available for the purposes of part A and shall be deemed to have been appropriated pursuant to section 701(b).

"ANNUAL INTEREST GRANTS

"Sec. 745. (a) To assist institutions of higher education and higher education building agencies, which, in the case of undergraduate facilities, have an approvable application submitted under part A, to reduce the cost of borrowing from other sources for the construction of academic facilities, the Commissioner may make annual interest grants to such institutions and agencies.

"(b) Annual interest grants to an institution of higher education or higher education building agency with respect to any academic facility shall be made over a fixed period not exceeding forty years, and provision for such grants shall be embodied in a contract guaranteeing their payment over such period. Each such grant shall be in an amount not greater than the difference between (1) the average annual debt service which would be required to be paid, during the life of the loan, on the amount borrowed from other sources for the construction of such facilities, and (2) the average annual debt service which the institution would have been required to pay, during the life of the loan, with respect to such amounts if the applicable interest rate were the maximum rate specified in section 744(b) (2). The amount on which such grant is based shall be approved by the Secretary.

"(c) (1) There are hereby authorized to be appropriated to the Commissioner such sums as may be necessary for the payment of annual interest grants to institutions of higher education and higher education building agencies in accordance with this section.

"(2) Contracts for annual interest grants under this section shall not be entered into in an aggregate amount greater than is authorized in appropriation Acts; and in any event the total amount of annual interest grants which may be paid to institutions of higher education and higher education building agencies in any year pursuant to contracts entered into under this section shall not exceed $5,000,000 which amount shall be increased by $6,750,000 on July 1, 1969, and by $13,500,000 on July 1, 1970 and on July 1 of each of the four succeeding years.

"(d) Not more than 12½ per centum of the funds provided for in this section for grants may be used within any one State.

"(e) No annual interest grant pursuant to this section shall be made unless the Commissioner finds (1) that not less than 10 per centum of the development cost of the facility will be financed from non-Federal sources, (2) that the applicant is unable to secure a loan in the amount of the loan with respect to which the annual interest grant is to be made, from other sources upon terms and conditions equally as favorable as the terms and conditions applicable to loans under this title, and (3) that the construction will be undertaken in an economical manner and that it will not be of elaborate or extravagant design or materials. For purposes of this section, a loan with respect to which an interest grant is made under this section shall not be considered financing from a non-Federal source. For purposes of the other provisions of this title, such a loan shall be considered financing from a non-Federal source.

"ACADEMIC FACILITIES LOAN INSURANCE

"SEC. 746. (a) (1) In order to assist institutions of higher education and higher education building agencies to procure loans for the construction of academic facilities, the Commissioner may insure the payment of interest and principal on such loans if such institutions and agencies meet, with respect to such loans, criteria prescribed by or under section 745 for the making of annual interest grants under such section.

"(2) No loan insurance under paragraph (1) may apply to so much of the principal amount of any loan as exceeds 90 per centum of the development cost of the academic facility with respect to which such loan was made.

"(b) (1) The United States shall be entitled to recover from any institution or agency to which loan insurance has been issued under this section the amount of any payment made pursuant to that insurance, unless the Commissioner for good cause waives its right of recovery. Upon making any such payment, the United States shall be subrogated to all of the rights of the recipient of the payment with respect to which the payment was made.

"(2) Any insurance issued by the Commissioner pursuant to subsection (a) shall be incontestable in the hands of the institution or agency on whose behalf such insurance is issued, and as to any agency, organization, or individual who makes or contracts to make a loan to such institution or agency in reliance thereon, except for fraud or misrepresentation on the part of such institution or agency or on the part of the agency, organization, or individual who makes or contracts to make such loan.

"(c) Insurance may be issued by the Commissioner under subsection (a) only if he determines that the terms, conditions, maturity, security (if any), and schedule and amounts of repayments with respect to the loan are sufficient to protect the financial interests of the United States and are otherwise reasonable and in accord with regulations, including a determination that the rate of interest does not exceed such per centum per annum on the principal obligation outstanding as the Commissioner determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the United States. The Commissioner may charge a premium for such insurance in an amount reasonably determined by him to be necessary to cover administrative expenses and probable losses under subsections (a) and (b). Such insurance shall be subject to such further terms and conditions as the Commissioner determines to be necessary.

"PART D—ASSISTANCE IN MAJOR DISASTER AREA

"AUTHORIZATION

"SEC. 761. (a) The Commissioner shall carry out a program of financial assistance to public institutions of higher education, in accordance with the provisions of this part.

"(b) There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the provisions of this part.

"ASSISTANCE FOR CONSTRUCTION OF ACADEMIC FACILITIES

"SEC. 762. (a) If the Director of the Office of Emergency Planning determines that a public institution of higher education is, in whole or in part, within an area which, after June 30, 1971, and before July 1, 1975, has suffered a disaster which is a major disaster, and if the Commissioner determines with respect to such institution that—

"(1) the academic facilities of such institution have been destroyed or seriously damaged as a result of the disaster;

"(2) such institution is exercising due diligence in availing itself of State and other financial assistance available for restoration or replacement of such facilities; and

"(3) the institution does not have sufficient funds available from such other sources, including proceeds of insurance on the facilities, to provide for the restoration or replacement of such facilities;

the Commissioner is authorize to provide such assistance to such institution as is provided in subsection (b).

"(b) (1) Assistance under this section shall be a grant to an eligible institution, as determined under subsection (a), of an amount necessary to enable the institution to carry out the construction necessary to restore or replace the academic facilities determined under clause (1) of subsection (a) to be damaged or destroyed.

"(2) The maximum amount of a grant under this section shall not exceed the cost of construction incident to the restoration or replacement of the facilities determined to be damaged or destroyed under clause (1) of subsection (a) less the amount of additional assistance determined under clause (3) of subsection (a) to be available.

"(c) (1) Assistance under this section may include a grant of an amount necessary to enable the institution to lease, or otherwise obtain the use of, such facilities as are needed to replace, temporarily, facilities which have been made unavailable as a result of a major disaster.

"(2) An institution shall be eligible for assistance under this subsection if it qualifies for assistance under subsection (a), whether or not it receives assistance under subsection (b).

"EQUIPMENT AND SUPPLIES

"SEC. 763. If an institution is eligible for assistance under section 762(a), the Commissioner is authorized, whether or not such institution receives assistance under section 762(b), to make a grant to such institution of not in excess of an amount he determines necessary to replace equipment, maintenance supplies, and instructional supplies (including books, and curricular and program materials) destroyed or seriously damaged as a result of the major disaster.

"REPAYABLE ASSISTANCE IN LIEU OF A GRANT

"SEC. 764. If the Commissioner's determinations under clauses (2) and (3) of section 762(a) indicate that financial resources will become available to an institution otherwise qualified for assistance under section 762 at some future date or dates, he is authorized, subject to such terms and conditions as may be in the public interest, to extend assistance to such institution under section 762(b), 762(c), or 763 (or all such sections) with an agreement with such institution which provides that the institution will repay part or all of the funds received by it under this part.

"APPLICATIONS

"SEC. 765. No payment may be made to a public institution of higher education for academic facilities under this part unless an application therefor is submitted through the appropriate State Commission and is filed with the Commissioner in accordance with regulations prescribed by him. In determining the order in which such applications shall be approved, the Commissioner shall consider the relative educational and financial needs of the institutions which have submitted approvable applications. No payment may be made under section 762(b) unless the Commissioner finds, after consultation with the State Commission, that the project or projects with respect to which it is made are not inconsistent with overall State plans, submitted under section 704(a), for the construction of academic facilities. All determinations made by the Commissioner under this part shall be made only after consultation with the appropriate State Commission.

"DEFINITIONS

"SEC. 766. For the purposes of this part—

"(1) the term 'major disaster' means a disaster determined to be a major disaster as defined in section 2(a) of the Act of September 30, 1950 (42 U.S.C. 1855a(a)); and

"(2) an institution of higher education shall be deemed to be a 'public institution of higher education' if such institution is found by the Commissioner to be under public supervision and control.

"PART E—GENERAL

"RECOVERY OF PAYMENTS

"SEC. 781. (a) The Congress hereby finds and declares that, if a facility constructed with the aid of a grant or grants under part A or B of this title is used as an academic facility for twenty years following completion of such construction, the public benefit accruing to the United States from such use will equal in value the amount of such grant or grants. The period of twenty years after completion of such construction shall therefore be deemed to be the period of Federal interest in such facility for the purposes of this Act.

"(b) If, within twenty years after completion of construction of an academic facility which has been constructed in part with a grant or grants under part A or B of this title—

"(1) the applicant (or its successor in title or possession) ceases or fails to be a public or nonprofit institution, or

"(2) the facility ceases to be used as an academic facility, or the facility is used as a facility excluded from the term 'academic facility',

the United States shall be entitled to recover from such applicant (or successor) an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal grant or grants bore to the development cost of the facility financed with the aid of such grant or grants. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated.

"(c) Notwithstanding the provisions of subsections (a) and (b), no facility constructed with assistance under this title shall ever be used for religious worship or a sectarian activity or for a school or department of divinity.

"DEFINITIONS

"SEC. 782. The following definitions apply to terms used in this title:

"(1) (A) Except as provided in subparagraph (B) of this paragraph, the term 'academic facilities' means structures suitable for use as classrooms, laboratories, libraries, and related facilities necessary or appropriate for instruction of students, or for research, or for administration of the educational or research programs, of an institution of higher education, and maintenance, storage, or utility facilities essential to operation of the foregoing facilities. For purposes of parts A, C, and D, such term includes infirmaries or other facilities designed to provide primarily for outpatient care of students and instructional personnel.

"(B) The term 'academic facilities' shall not include (i) any facility intended primarily for events for which admission is to be charged to the general public, or (ii) any gymnasium or other facility specially designed for athletic or recreational activities, other than for an academic course in physical education or where the Commissioner finds that the physical integration of such facilities with other academic facilities included under this title is required to carry out the objectives of this title, or (iii) any facility used or to be used for sectarian instruction or as a place for religious worship, or (iv) any facility which (although not a facility described in the preceding clause) is used or to be used primarily in connection with any part of the program of a school or department of divinity, or (v) any facility used or to be used by a school of medicine, school of dentistry, school of osteopathy, school of pharmacy, school of optometry, school of podiatry, or school of public health as these terms are defined in section 724 of the Public Health Service Act, or a school of nursing as defined in section 843 of that Act.

"(2) The term 'construction' means (A) erection of new or expansion of existing structures, and the acquisition and installation of initial equipment therefor; or (B) acquisition of existing structures not owned by the institution involved; or (C) rehabilitation, alteration, conversion, or improvement (including the acquisition and installation of initial equipment, or modernization or replacement of built-in equipment) of existing structures; or (D) a combination of any two or more of the foregoing. For the purposes of the preceding sentence, the term 'equipment' includes, in addition to machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, all other items necessary for the functioning of a particular facility as an academic facility, including necessary furniture, except books, curricular and program materials, and items of current operating expense such as fuel, supplies, and the like; the term 'initial equipment' means equipment acquired and installed in connection with construction as defined in paragraph (2) (A) or (B) or, in cases referred to in paragraph (2) (C), equipment acquired and installed as part of the rehabilitation, alteration, conversion, or improvement of an existing structure, which structure would otherwise not be adequate for use as an academic facility; and the terms 'equipment', 'initial equipment', and 'built-in equipment' shall be more particularly defined by the Commissioner by regulation. For the purposes of clause (C) in the first sentence of this paragraph, the term 'rehabilitation, alteration, conversion, or improvement' includes such action as may be necessary to provide for the architectural needs of or to remove architectural barriers to, handicapped persons with a view toward increasing the accessibility to, and use of, academic facilities by such persons.

"(3) (A) The term 'development cost', with respect to an academic facility, means the amount found by the Commissioner to be the cost, to the applicant for a grant or loan under this title, of the construction involved and the cost of necessary acquisition of the land on which the facility is located and of necessary site improvements to permit its use for such facility. There shall be excluded from the development cost—

"(i) in determining the amount of any grant under part A or B, an amount equal to the sum of (I) any Federal grant which the institution has obtained, or is assured of obtaining, under any law other than this title, with respect to the construction that is to be financed with the aid of a grant under part A or B, and (II) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant; and

"(ii) in determining the amount of any loan under part C, an amount equal to the amount of any Federal financial assistance which the institution has obtained, or is assured of obtaining, under any law other than this title, with respect to the construction that is to be financed with the aid of a loan under part C.

"(B) In determining the development cost with respect to an academic facility, the Commissioner may include expenditures for works of arts for the facility of not to exceed 1 per centum of the total cost (including such expenditures) to the applicant of construction of, and land acquisition and site improvements for, such facility.

"(4) The term 'Federal share' means, except as provided in section 706(b)(2), in the case of any project a percentage (as determined under the applicable State plan) not in excess of 50 per centum of its development cost.

"(5) The term 'higher education building agency' means (A) an agency, public authority, or other instrumentality of a State authorized to provide, or finance the construction of, academic facilities for institutions of higher education (whether or not also authorized to provide or finance other facilities for such or other educational institutions, or for their students or faculty), or (B) any corporation (no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual) (I) established by an institution of higher education for the sole purpose of providing academic facilities for the use of such institution, and (II) upon dissolution of which, all title to any property purchased or built from the proceeds of any loan made under part C will pass to such institution.

"(6) The term 'public community college and public technical institute' means an institution of higher education which is under public supervision and control, and is organized and administered principally to provide a two-year program which is acceptable for full credit toward a bachelor's degree. or a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge; and the term includes a branch of an institution of higher education offering four or more years of higher education which is located in a community different from that in which its parent institution is located.

"(7) The term 'cooperative graduate center' means an institution or program created by two or more institutions of higher education which will offer to the students of the participating institutions of higher education graduate work which could not be offered with the same proficiency or economy (or both) at the individual institution of higher education. The center may be located or the program carried out on the campus of any of the participating institutions or at a separate location.

"(8) The term 'cooperative graduate center board' means a duly constituted board established to construct and maintain the cooperative graduate center and coordinate academic programs. The board shall be composed of representatives of each of the institutions of higher education participating in the center and of the community involved. At least one-third of the board's members shall be community representatives. The board shall elect by a majority vote a chairman from among its membership.".

(b) (1) The programs authorized by title VII of the Higher Education Act of 1965 shall be deemed to be a continuation of the comparable programs authorized by the Higher Education Facilities Act of 1963.

(2) Effective July 1, 1972, the Higher Education Facilities Act of 1963 is amended by striking out titles I and II thereof.

(3) Effective July 1, 1971, such Act is amended by striking out section 306 thereof.

(4) The revolving fund created by section 744 of the Higher Education Act of 1965 shall be deemed to be a continuation of the revolving fund created by section 305 of the Higher Education Facilities Act of 1963. Any sums in the fund for higher education academic facilities created by such section 305 on the date of enactment of this Act shall be transferred to the fund created by section 744 of the Higher Education Act of 1965, and all such funds shall be deemed to have been made available for such fund. Notwithstanding any other provision of law, unless enacted in specific limitation of the provisions of this sentence, any sums appropriated pursuant to section 303(c) of the Higher Education Facilities Act of 1963 for any fiscal year ending prior to July 1, 1972, which have not been loaned under title III of that Act of 1963 shall be deemed to have been appropriated pursuant to section 741(b) of the Higher Education Act of 1965 for the fiscal year ending June 30, 1972.

EXTENSION OF AUTHORIZATIONS OF APPROPRIATIONS FOR THE HIGHER EDUCATION FACILITIES ACT OF 1963

SEC. 162. (a) Sections 101(b), 201, 303(c), and 408(a) of the Higher Education Facilities Act of 1963 are each amended by striking out "July 1, 1971" and inserting in lieu thereof "July 1, 1972".

(b) The amendments made by subsection (a) of this section shall be effective after June 30, 1971.

STATE HIGHER EDUCATION COMMISSIONS

SEC. 163. (a) Section 1202 of the Higher Education Act of 1965, having been superseded by section 425 of the General Education Provisions Act, is hereby repealed.

(b) Title XII of such Act is amended by adding after section 1201 the following new section:

"STATE HIGHER EDUCATION COMMISSIONS

"SEC. 1202. (a) (1) Any State desiring to participate, after June 30, 1972, in any program authorized by this Act which requires the use of a State Commission in the administration thereof shall designate, for such purpose, a State agency which is broadly representative of the public and of the public and private institutions of higher education (including public community colleges and public technical institutes) in the State. If, in the case of any State, no such State agency exists, such State shall create such an agency.

"(2) Each State Commission shall be authorized to, and shall carry out, such functions as may be required or authorized with respect to the program in which the State is participating. The Commissioner shall pay to each State Commission the amount necessary for the proper and efficient administration by such Commission of each State plan which is approved by him under a program authorized by this Act which requires the use of a State Commission in the administration of such program.

"(3) The Commissioner is authorized to make grants, upon such terms and conditions as the Commissioner determines will best further the purposes of title VII, to State Commissions for conducting comprehensive planning to determine construction needs of institutions of higher education.

"(b)(1) The Commissioner is authorized to make grants to State commissions to enable them to make comprehensive inventories of, and studies with respect to, the postsecondary educational resources in the States and means by which such resources may be better planned and coordinated, improved, expanded, or altered in order to insure that all persons within the States who desire, and who can benefit from, postsecondary education may have an opportunity to do so.

"(2) The Commissioner is further authorized to make grants to State Commissions to enable them to conduct comprehensive planning for statewide postsecondary education systems which will achieve the purpose set forth in paragraph (1). Such planning shall include a consideration of a system of comprehensive public community colleges as a means of achieving such purpose.

"(c) There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.".

(c)(1) Unless a State otherwise creates or designates a State Commission for the purposes of section 1202 of the Higher Education Act of 1965 prior to June 30, 1972, the State Commission of any State, designated or established pursuant to that part of section 105(a) of the Higher Education Facilities Act of 1963 which precedes clause (1) thereof, which exists on June 30, 1972, shall become, and be deemed to be, the State Commission of that State pursuant to section 1202 of the Higher Education Act of 1965 for the purposes of such section 1202 (a). The State Commissions under such section 1202 shall be successor State Commissions to those designated or established under such part of such section 105(a) for the purposes of such section 1202(a).

(2) On July 1, 1972, all functions, powers, duties, and responsibilities vested in any State Commission established pursuant to such part of such section 105(a) on June 30, 1972, shall be vested in their successor State Commissions.

(3) All orders, determinations, rules, procedures, or other decisions of State Commissions under such part of such section 105(a), which are in effect on June 30, 1972, shall continue to be in effect and shall be deemed to be orders, determinations, rules, procedures, or other decisions of their successor State Commissions until changed or modified, in accordance with law, by such successor State Commissions.

(4) All personnel, assets, liabilities, contracts, property, and records as are determined by the Commissioner to be necessary for the transitions required under this section, are, effective July 1, 1972, transferred to successor State Commissions.

(5) No successor State Commission under this subsection shall be eligible to receive a grant under section 1202(b) of the Higher Education Act of 1965, prior to sixty days after the end of the first legislative session of the State legislature of the State for which it is the State Commission which begins after the date of enactment of this Act.

PART H—NETWORKS FOR KNOWLEDGE EXTENSION

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS

SEC. 171. Section 802 of the Higher Education Act of 1965 is amended by inserting before the period at the end thereof "and for each of the succeeding fiscal years ending prior to July 1, 1975".

INCLUSION OF LAW AND GRADUATE PROFESSIONAL SCHOOLS

SEC. 172. (a)(1) Section 801(a) of the Higher Education Act of 1965 is amended by striking out the first sentence thereof and inserting in lieu thereof the following: "The Commissioner shall carry out a program of encouraging institutions of higher education (including law and other graduate professional schools) to share, to the optional extent, their technical and other educational and administrative facilities and resources in accordance with this title. The Commissioner is authorized to make grants to, and contracts with, institutions of higher education to pay all or part of the cost of cooperative arrangements and of pilot or demonstration projects designed to accomplish the purpose set forth in the first sentence of this subsection.".

(2) Clause (1)(A) of section 801(b) of such Act is amended by inserting after "libraries" a comma and "including law libraries", and by inserting after "collections" a comma and "including law library collections,".

(b) The amendments made by subsection (a) shall be effective after June 30, 1972.

PART I—GRADUATE PROGRAMS AND COMMUNITY COLLEGE PROGRAMS

EXTENSION OF TITLES IX AND X OF THE HIGHER EDUCATION ACT OF 1965

SEC. 181. (a)(1) The first sentence of section 925 of the Higher Education Act of 1965 is amended to read as follows: "There is authorized to be appropriated $13,000,000 for the fiscal year ending June 30, 1972.".

(2) The amendment made by paragraph (1) shall be effective after June 30, 1971.

(b)(1) Section 1002 of the Higher Education Act of 1965 is amended by striking out "for the fiscal year ending June 30, 1971" and inserting in lieu thereof "each for the fiscal years ending June 30, 1971, and June 30, 1972".

(2) The amendment made by paragraph (1) shall be effective after June 30, 1971.

NEW TITLE IX OF THE HIGHER EDUCATION ACT OF 1965 (GRADUATE PROGRAMS)

SEC. 182. (a) The Higher Education Act of 1965 is amended by striking out title IX and inserting in lieu thereof the following:

"TITLE IX—GRADUATE PROGRAMS

"PART A—GRANTS TO INSTITUTIONS OF HIGHER EDUCATION

"PURPOSES; AUTHORIZATION

"SEC. 901. (a) It is the purpose of this part to make financial assistance available to institutions of higher education—

"(1) to strengthen and improve the quality of graduate and professional programs leading to an advanced degree in such institutions and to increase the number of such programs;

"(2) to establish, strengthen, and support graduate centers for the study of the languages and cultures of foreign countries, areas, or regions;

"(3) to establish, strengthen, and support graduate centers to serve as national and international resources for research and training in international studies;

"(4) to establish, strengthen, and improve programs designed to prepare graduate and professional students for public service; and

"(5) to assist in strengthening undergraduate program of instruction in the areas described in clauses (2), (3), and (4), whenever the Commissioner determines that strengthened undergraduate programs of instruction will contribute to the purposes of such clauses.

"(b) The Commissioner shall carry out a program of making grants to institutions of higher education to carry out the purposes set forth in subsection (a).

"(c) There are authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1973, and for each of the succeeding fiscal years ending prior to July 1, 1975, for the purposes of this part.

"APPLICATIONS FOR GRANTS

"SEC. 902. (a) The Commissioner is authorized to make grants to institutions of higher education in accordance with the provisions of this part. An institution of higher education desiring to receive a grant under this part shall submit to the Commissioner an application therefor at such time or times, in such manner, and containing such information as the Commissioner may prescribe by regulation. Such application shall set forth a program of activities for carrying out one or more of the purposes set forth in section 901(a) in such detail as will enable the Commissioner to determine the degree to which such program will accomplish such purpose or purposes, and such other policies, procedures, and assurances as the Commisioner may require by regulation.

"(b) The Commissioner shall approve an application only if he determines—

"(1) that the application sets forth a program of activities which are likely to make substantial progress toward achieving the purposes of this part; and

"(2) that the approval of the application will result in a wider distribution of the programs described in section 901(a) throughout the States.

"AUTHORIZED ACTIVITIES

"SEC. 903. (a) The funds appropriated pursuant to section 901(c) may be used for such purposes as the Commissioner determines will best accomplish the purposes of this part.

"(b) Such funds may be used solely for the purposes set forth in an application approved under section 902 and solely for the purpose of accomplishing the purposes stated in section 901(a), and to that end such funds may be used for—

"(1) faculty improvement;

"(2) the expansion of graduate and professional programs of study;

"(3) the acquisition of appropriate instructional equipment and materials;

"(4) cooperative arrangements among graduate and professional schools; and

"(5) the strengthening of graduate and professional school administration.

"RESEARCH AND STUDIES

"SEC. 904. The Commissioner is authorized, directly or by contract, to conduct studies and research activities in connection with the need for, and improvement of, graduate programs in various fields of study in institutions of higher education throughout the United States.

"PART B—FEDERAL FELLOWSHIPS

"PROGRAM AUTHORIZED

"SEC. 921. (a) It is the purpose of this part to provide grants, to be known as Federal fellowships, to assist graduate students of exceptional ability, who also demonstrate a financial need, and graduate and professional students of ability who are from economically disadvantaged backgrounds, to complete their study toward an advanced degree, to the end that the flow of highly trained individuals from universities may be speeded. The demonstration of financial need shall be determined in accordance with regulations prescribed by the Commissioner.

"(b) (1) The Commissioner is authorized to award under the provisions of this part not to exceed 13,200 fellowships for the fiscal year ending June 30, 1973, 19,200 fellowships for the fiscal year ending June 30, 1974, and 25,200 fellowships for the fiscal year ending June 30, 1975.

"(2) In addition to the number of fellowships authorized to be awarded by paragraph (1), the Commissioner is authorized to award fellowships equal to the number previously awarded during any fiscal year under this part but vacated prior to the end of the period for which they were awarded, except that each fellowship awarded under this paragraph shall be for such period of graduate or professional work or research, not in excess of the remainder of the period for which the fellowship which it replaces was awarded, as the Commissioner may determine.

"(c) (1) Fellowships awarded under this part shall be for graduate and professional study leading to an advanced degree or research incident to the presentation of a doctoral dissertation. Such fellowships may be awarded for graduate and professional study and research at any institution of higher education, library, archive, or any other research center approved for such purpose by the Commissioner. Such fellowships shall be awarded for such periods as the Commissioner may determine, but not to exceed three years.

"(2) Fellowships awarded under this part shall be among others—

"(A) for persons who are (i) interested in teaching, planning to teach, or continuing to teach, in institutions of higher education, and (ii) pursuing, or intending to pursue, a course of study leading to a degree of doctor of philosophy, or an equivalent degree; or

"(B) for graduate or professional study for persons who plan to pursue environmental careers, in such fields as ecology, hydrology, chemistry, biology, and engineering related to the protection of the environment and the control of environmental pollution; or

"(C) for persons planning to pursue a career in the public service, which term 'public service' means service as an officer or employee in any branch of local, State, or Federal Government;

"(D) for persons undertaking advanced study or training in any modern foreign language and in fields needed for a full understanding of the area, region, or country in which such language is commonly used;

"(E) for persons from disadvantaged backgrounds, as determined by the Commissioner, undertaking graduate or professional study in fields to which their backgrounds are particularly relevant; or

"(F) for persons undertaking advanced study in domestic mining, and mineral and mineral fuel conservation, including oil, gas, coal, oil shale, and uranium.

"AWARD OF FELLOWSHIPS

"SEC. 922. Recipients of fellowships under this part shall be—

"(1) persons who have been accepted by an institution of higher education for graduate study leading to an advanced degree or for a professional degree, or

"(2) persons who have completed all course work required for granting of a doctoral degree or an equivalent degree (except such course work credited on the dissertation) and comprehensive examinations where appropriate, and whose doctoral dissertation (or other equivalent dissertation) proposal has been approved by appropriate officials of an institution of higher education.

"DISTRIBUTION OF FELLOWSHIPS

"SEC. 923. In awarding fellowships under the provisions of this part, the Commissioner shall endeavor to provide an equitable distribution of such fellowships throughout the Nation, except that, to the extent he deems proper, to provide for those who are in greatest financial need of such fellowships.

"STIPENDS AND INSTITUTION OF HIGHER EDUCATION ALLOWANCES

"SEC. 924. (a) The Commissioner shall pay to persons awarded fellowships under this part such stipends as he may determine to be consistent with prevailing practices under comparable federally supported programs, except that the stipend shall not be less than $2,800 for each academic year of study. An additional amount of $300 for each such year shall be paid to each such person on account of each of his dependents, not to exceed the amount of $1,500 per academic year.

"(b) In addition to the amount paid to persons pursuant to subsection (a) there shall be paid to the institution of higher education at which each such person is pursuing his course of study an amount equal to 150 per centum of the amount paid to such person, less the amount paid on account of each of such person's dependents, to such person, less any amount charged such person for tuition.

"(c) The Commissioner shall reimburse any person awarded a fellowship pursuant to this part for actual and necessary traveling expenses of such person and his dependents from his ordinary place of residence to the institution of higher education, library, archive, or other research center where he will pursue his studies under such fellowship, and to return to such residence.

"LIMITATION

"SEC. 925. No fellowship shall be awarded under this part for study at a school or department of divinity.

"FELLOWSHIP CONDITIONS

"SEC. 926. (a) A person awarded a fellowship under the provisions of this part shall continue to receive the payments provided in section 924(a) only during such periods as the Commissioner finds that he is maintaining satisfactory proficiency in, and devoting essentially full time to, study or research in the field in which such fellowship was awarded, in an institution of higher education, and is not engaging in gainful employment other than part-tme employment in teaching, research, or similar activities, approved by the Commissioner.

"(b) The Commissioner is authorized to require reports containing such information in such form and to be filed at such times as he determines necessary from any person awarded a fellowship under the provisions of this part. Such reports shall be accompanied by a certificate from an appropriate official at the institution of higher education, library, archive, or other research center approved by the Commissioner, stating that such person is making satisfactory progress in, and is devoting essentially full time to, the program for which the fellowship was awarded.

"APPROPRIATIONS AUTHORIZED

"SEC. 927. There are authorized to be appropriated such sums as may be necessary for the purposes of this part.".

(b) Of the sums appropriated pursuant to section 901(c) of the Higher Education Act of 1965 for any fiscal year at least $18,000,000 shall be for the purposes of sections 901(a) (2) and (3) of such Act.

(c) The amendment made by subsection (a) shall be effective after June 30, 1972.

INTERNS FOR POLITICAL LEADERSHIP PROGRAM

SEC. 182A. (a) Title IX of the Higher Education Act of 1965 is amended by adding at the end thereof the following new part:

"PART C—INTERNS FOR POLITICAL LEADERSHIP

"PROGRAM AUTHORIZED

"SEC. 931. The Commissioner is authorized to plan, develop, and carry out an internship program under which students will be provided practical political involvement with elected officials in the performance of their duties at all levels of government through internships in their offices. Such internship program shall be carried out through arrangements with such nonprofit agencies as are appropriate, with institutions of higher education, and with State and local governments. Under such program the interns, who are students in their third and fourth years of study at any institution of higher education will be assigned duties in offices of State and local elected officials, which will give them an insight into the problems and operations of the different levels of government, as well as an opportunity for research and for involvement in the policymaking process. Such arrangements shall provide for coordination between the on-campus educational programs of the persons selected and their activities as interns, with commensurate credit given for their work and achievement as interns. Such internship program shall also provide opportunities for students who have participated in the internship program at State and local levels to become interns in the offices of Members of Congress, who wish to participate, for up to three months during the first year following the receipt of their bachelor's degree.

"SELECTION OF STUDENTS FOR PARTICIPATION

"SEC. 932. The students who are to participate in the internship program provided for in this part shall be selected from among students whose names are proposed by participating institutions of higher education. Internships shall be distributed among the States so that insofar as practicable the number for each State bears the same ratio to the total number as the number of Members of Congress from that State bears to the total number of Members of Congress.

"FEDERAL SHARE

"SEC. 933. The Federal share of the cost of carrying out the program provided for in this part may not exceed 50 per centum.

"ADMINISTRATION

"SEC. 934. The Commissioner shall prescribe the stipends to be paid to the interns participating in the program provided for in this part, and the duration and other terms and conditions of such internships. The cost of administration of a program may be paid by the Commissioner.

"APPROPRIATIONS AUTHORIZED

"SEC. 935. There is authorized to be appropriated to carry out this part the sum of $10,000,000 for the fiscal year 1972 and for each of the two succeeding fiscal years.

"DEFINITION

"SEC. 936. For the purpose of this part, the term 'State' as used in this part means the fifty States, Puerto Rico, and the District of Columbia. For purposes of the distribution of internships among the States, in determining the number of Members of Congress for purposes of section 932, the Resident Commissioner for Puerto Rico and the Delegate from the District of Columbia shall be considered Members of Congress, and interns in the offices of Members of Congress shall be attributed to the State of the Member in whose office they are serving."

(b) The amendment made by subsection (a) shall be effective after June 30, 1972.

IMPROVEMENT OF COMMUNITY COLLEGES

SEC. 183. (a) (1) Title X of the Higher Education Act of 1965 is amended to read as follows:

"TITLE X—IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES THROUGH COMMUNITY COLLEGES

"PART A—STATEWIDE PLANS FOR COMMUNITY COLLEGES

"STATE PLANS

"SEC. 1001. (a) Each State commission (established under section 1202) shall establish a committee, hereinafter in this section referred to as the committee, the membership of which shall include representatives of—

"(1) all State agencies having responsibility for, or an interest in postsecondary education;

"(2) the community colleges in the State and local agencies having responsibility for supervision or control of such colleges; and

"(3) the general public.

At least one-half of the members of the committee shall be persons with direct responsibility for the operation of a community college; one of which persons shall be designated by the Governor of the State as chairman of the committee.

"(b)(1) The committee shall develop and adopt a statewide plan for the expansion and improvement of postsecondary education programs in community colleges. Such plan shall—

"(A) designate areas of the State in which residents do not have access to at least two years of tuition-free or low-tuition postsecondary education within reasonable commuting distance;

"(B) designate areas of the State in which existing community colleges cannot meet the postsecondary educational needs of the residents;

"(C) set forth a comprehensive statewide plan for the establishment, expansion, and improvement of community colleges in order to achieve the goal of making available, within reasonable commuting distance, to all residents of the State an opportunity to attend a community college;

"(D) establish priorities for the use of financial and other resources in achieving the goal set forth in clause (C);

"(E) make recommendations with respect to adequate State and local financial support, within the priorities set forth pursuant to clause (D), for community colleges;

"(F) set forth a statement analyzing the duplications of postsecondary educational programs and make recommendations for coordination of such programs in order to eliminate such duplications;

"(G) set forth a plan for the use of existing new educational resources in the State in order to achieve the goal set forth in clause (C), including recommendations for the modification of State plans for federally assisted vocational education, community services, and academic facilities as they may affect community colleges.

"(2) Each plan developed and adopted pursuant to paragraph (1) shall be submitted, through the State Commission of the State for which it is developed, to the Commissioner for his approval. The Commissioner shall not approve a plan submitted pursuant to this paragraph unless he determines that (A) the plan has been developed on the basis of hearings conducted throughout the State in which all interested parties have been given an opportunity to present their views and (B) each State and local agency responsible for postsecondary education has had an opportunity to review, and make recommendations with respect to, the plan.

"(c)(1) There is hereby authorized to be appropriated $15,700,000 during the period beginning July 1, 1972 and ending July 1, 1974, to carry out the provisions of this section.

"(2) Sums appropriated pursuant to paragraph (1) shall be allotted by the Commissioner equally among the States, except that the amount allotted to Guam, American Samoa, and the Virgin Islands shall not exceed $100,000 each. Such sums shall remain available until expended.

"(d) The State plan for federally assisted vocational education, community services, or academic facilities of each State shall be modified by June 30, 1976, in accordance with the plan the Commissioner has approved from that State submitted pursuant to subsection (b).

"PART B—ESTABLISHMENT AND EXPANSION OF COMMUNITY COLLEGES

"PURPOSE

"SEC. 1011. It is the purpose of this title to encourage and assist the States and localities in establishing and expanding community colleges in communities throughout the States in order that every American will have an opportunity to attend a community college within reasonable commuting distance of his residence.

"PROGRAM AUTHORIZATION

"SEC. 1012. (a) The Commissioner shall carry out a program of making grants to community colleges in order to improve educational opportunities through community colleges as provided in this title.

"(b) For the purpose of carrying out this part, there are authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1973, $75,000,000 for the fiscal year ending June 30, 1974, and $150,000,000 for the fiscal year ending June 3, 1975.

"APPORTIONMENTS

"SEC. 1013. (a) From the sums appropriated pursuant to section 1012(b) for each fiscal year the Commissioner shall apportion not more than 5 per centum thereof among Puerto Rico, Guam, American Samoa, and the Virgin Islands according to their respective needs. From the remainder of such sums the Commissioner shall apportion to each State an amount which bears the same ratio to such remainder as the population aged eighteen and over in such State bears to the total of such population in all States. For the purpose of the second sentence of this subsection, the term 'State' does not include Puerto Rico, Guam, American Samoa, and the Virgin Islands.

"(b) The portion of any State's apportionment under subsection (a) for a fiscal year which the Commissioner determines will not be required, for the period such apportionment is available, for carrying out the purposes of this part shall be available for reapportionment from time to time, on such dates during such period as the Commissioner shall fix, to other States in proportion to the original apportionments to such States under subsection (a) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum which the Commissioner estimates such State needs and will be able to use for such period for carrying out such portion of its State application approved under this part, and the total of such reductions shall be similarly reapportioned among the States whose proportionate amounts are not so reduced. Any amount reapportioned to a State under this subsection during a year shall be deemed part of its apportionment under subsection (a) for such year.

"ESTABLISHMENT GRANTS

"SEC. 1014. (a) The Commissioner is authorized to make grants to new community colleges to assist them in planning, developing, establishing, and conducting initial operations of new community colleges in areas of the States in which there are no existing community colleges or in which existing community colleges cannot adequately provide postsecondary educational opportunities for all of the residents thereof who desire and can benefit from postsecondary education.

"(b) For the purposes of subsection (a), the term 'new community college' means a board of trustees or other governing board (or its equivalent) which is established by, or pursuant to, the law of a State, or local government, for the purpose of establishing a community college, as defined in section 1019 or any existing board so established which has the authority to create, and is in the process of establishing, a new community college.

"EXPANSION GRANTS

"SEC. 1015. The Commissioner is authorized to make grants to existing community colleges to assist them—

"(1) in expanding their enrollment capacities,

"(2) in establishing new campuses, and

"(3) in altering or modifying their educational programs,

in order that they may (A) more adequately meet the needs, interests, and potential benefits of the communities they serve, or (B) provide educational programs especially suited to the needs of educationally disadvantaged persons residing in such communities.

"APPLICATIONS; FEDERAL SHARE

"SEC. 1016. (a)(1) Grants under sections 1014 and 1015 may be made only upon application to the Commissioner. Applications for assistance under such sections shall be submitted at such time, in such manner and form, and containing such information as the Commissioner shall require by regulation.

"(2) No application submitted pursuant to paragraph (1) shall be approved unless the Commissioner determines that it is consistent with the plan approved by him from the State in which the applicant is located under section 1001.

"(b)(1) No application for assistance under section 1014 or 1015 shall be approved for a period of assistance in excess of four years.

"(2) The Federal share of carrying out the project for which assistance is sought in an application submitted pursuant to this section shall not exceed—

"(A) 40 per centum of such cost for the first year of assistance;

"(B) 30 per centum thereof for the second year of assistance;

"(C) 20 per centum thereof for the third year of assistance; and

"(D) 10 per centum thereof for the fourth year of assistance.

"(c)(1) Funds appropriated pursuant to section 1012 and granted under section 1014 or 1015 shall, subject to paragraph (2), be available for those activities the Commissioner determines to be necessary to carry out the purposes of such sections.

"(2) Such funds may be used (A) to remodel or renovate existing facilities, or (B) to equip new and existing facilities, but such funds may not be used for the construction of new facilities or the acquisition of existing facilities.

"LEASE OF FACILITIES

"SEC. 1017. (a) The Commissioner is authorized to make grants to community colleges to enable them to lease facilities, for a period of not to exceed five years, in connection with activities carried out by them under section 1014 or section 1015.

"(b) The Federal share of carrying out a project through a grant under this section shall not exceed—

"(1) 90 per centum of the cost of such project for the first year of assistance under this section;

"(2) 70 per centum thereof for the second such year;

"(3) 50 per centum thereof for the third such year;

"(4) 30 per centum thereof for the fourth such year; and

"(5) 20 per centum thereof for the fifth such year.

"PAYMENTS

"SEC. 1018. From the amount apportioned to each State pursuant to section 1013, the Commissioner shall pay to each applicant from that State which has had an application for assistance approved under this part the Federal share of the amount expended under such application.

"DEFINITION

"SEC. 1019. As used in this title, the term 'community college' means any junior college, technical institute, or any other educataional institution (which may include a four-year institution of higher education or a branch thereof) in any State which—

"(1) is legally authorized within such State to provide a program of education beyond secondary education;

"(2) admits as regular students high school graduates or equivalent, or persons at least eighteen years of age;

"(3) provides a two-year postsecondary educational program leading to an associate degree, or acceptable for credit toward a bachelor's degree, and also provides programs of postsecondary vocational, technical, occupational, and specialized education;

"(4) is a public or other nonprofit institution;

"(5) is accredited as an institution by a nationally recognized accrediting agency or association, or if not so accredited—

"(A) is an institution that has obtained recognized preaccreditation status from a nationally recognized accrediting body, or

"(B) is an institution whose credits are accepted on transfer, by not less than three accredited institutions, for credit on the same basis as if transferred from an institution so accredited.

"COMMUNITY COLLEGE UNIT

"SEC. 1020. (a) There is established, in the Office of Education, a Community College Unit (hereinafter in this section referred to as the 'Unit') which shall have the responsibility for coordinating all programs administered by the Commissioner which affect, or can benefit, community colleges, including those authorized by this Act, and the Vocational Education Act of 1963.

"(b) The Unit shall be headed by a Director who shall be placed in grade 17 of the General Schedule set forth in section 5332 of title 5, United States Code.".

(2) The position created by section 1020 of the Higher Education Act of 1965 shall be in addition to the number of positions placed in that grade under section 5108 of title 5, United States Code.

(b) The amendment made by subsection (a) shall be effective after June 30, 1972.

EXTENSION OF TITLES IV AND VI OF THE NATIONAL DEFENSE EDUCATION ACT OF 1958 AND OF THE INTERNATIONAL EDUCATION ACT OF 1966

SEC. 184. (a) (1) Section 402(a) of the National Defense Education Act of 1958 is amended by striking out "seven succeeding fiscal years" and inserting in lieu thereof "eight succeeding fiscal years".

(2) (A) The first sentence of section 601 of such Act is amended by striking out "during the period beginning July 1, 1958, and ending with the close of June 30, 1971,".

(B) Section 603 of such Act is amended by striking out "for the fiscal year ending June 30, 1971," and inserting in lieu thereof "for each of the fiscal years ending June 30, 1971, and June 30, 1972,".

(b) The second sentence of section 105(a) of the International Education Act of 1966 is amended by striking out "July 1, 1971" and inserting in lieu thereof "July 1, 1972".

The amendments made by subsections (b) and (c) shall be effective after June 30, 1971.

PART J—LAW SCHOOL CLINICAL EXPERIENCE PROGRAMS

AMENDMENTS TO TITLE XI OF THE HIGHER EDUCATION ACT OF 1965

SEC. 191. (a) Title XI of the Higher Education Act of 1965 is amended by inserting "grant or" before "contract", and "grants or" before "contracts" wherever they appear.

(b) (1) Section 1101(a) of such Act is amended by striking out "The" where it appears at the beginning of such section, and inserting in lieu thereof the following: "In order to provide law students with experience, based on effective experimental programs, in dealing directly with the problems of the disadvantaged and other individuals and groups in society adversely affected by circumstances beyond their capacity to control, the".

(2) Such section 1101(a) is amended by inserting "for students" before "clinical", and striking out "to students in the practice of law, with preference being given to programs providing such experience, to the extent practicable, in", and inserting in lieu thereof "in providing legal services and advice, including".

(c) Clause (5) of section 1101(b) of such Act is amended to read as follows:

"(5) equipment and library resources; and".

(d) Section 1101(d) of such Act is amended by striking out all that follows "association", and inserting in lieu thereof "listed by the Commissioner as a nationally recognized accrediting agency."

(e) Section 1103 of such Act is amended by striking out "$340,000 for the fiscal year ending June 30, 1969", and by striking out "fiscal years ending June 30, 1970, and June 30, 1971", and inserting in lieu thereof "succeeding fiscal years ending prior to July 1, 1975". Such section is further amended by striking out the second sentence.

(f) The amendments made by this section shall be effective after June 30, 1971.

TITLE II—VOCATIONAL EDUCATION

SPECIAL PROGRAMS FOR THE DISADVANTAGED

SEC. 201. Section 102(b) of the Vocational Education Act of 1963 is amended by inserting after "1972," the following: "and for the succeeding fiscal years ending prior to July 1, 1975,".

BUREAU OF OCCUPATIONAL AND ADULT EDUCATION

SEC. 202. (a) (1) The Vocational Education Act of 1963 is amended by inserting after section 104 the following new section:

"FEDERAL ADMINISTRATION

"SECTION 105. (a) There is established within the Office of Education Bureau of Occupational and Adult Education, hereinafter in this section referred to as the 'Bureau', which shall be responsible for carrying out those responsibilities of the Commissioner which he is authorized to delegate under this Act, the Adult Education Act, and any other Act vesting authority in the Commissioner for vocational, occupational, or career education (including manpower training) or for adult or continuing education.

"(b) (1) The Bureau shall be headed by an Associate Commissioner, who shall be appointed by the Commissioner and who shall be compensated at the rate specified for grade 18 of the General Schedule set forth in section 5332 of title 5, United States Code.

"(2) Additional positions are created for, and shall be assigned to, the Bureau as follows:

"(A) Three positions to be placed in grade 17 of such General Schedule, one of which shall be filled by a person with broad experience in the field of junior and community college education.

"(B) Seven positions to be placed in grade 16 of such General Schedule, at least two of which shall be filled by persons with broad experience in the field of postsecondary-occupational education in community and junior colleges, at least one of which shall be filled by a person with broad experience in education in private proprietary institutions, and at least one of which shall be filled by a person with professional experience in occupational guidance and counseling.

"(c) The Commission is authorized to delegate any of his functions under this Act or under the Adult Education Act, except the approval of State plans under section 123 of this Act and section 306 of the Adult Education Act, to the Associate Commissioner.".

(2) The positions created by section 105(b) of the Vocational Education Act of 1963, as amended by paragraph (1), shall be in addition to the number of positions placed in the appropriate grades under section 5108 of title 5, United States Code.

(b) The amendment made by subsection (a) shall be effective July 1, 1972.

CLARIFICATION OF DEFINITION OF VOCATIONAL EDUCATION WITH RESPECT TO INDUSTRIAL ARTS PROGRAMS; INCLUSION OF VOLUNTEER FIREMEN

SEC. 203. (a) Section 108(1) of the Vocational Education Act of 1963 is amended by inserting at the end thereof the following new sentence: "Such term includes industrial arts education programs in cases where the Commissioner determines by regulation that such programs will accomplish or facilitate one or more of the purposes of the first sentence of this paragraph.".

(b) Such section 108(1) is further amended by inserting immediately after the word "employment" the first time it appears in such section the following: "(including volunteer firemen".

EXEMPLARY PROGRAMS AND PROJECTS

SEC. 204. Section 142(a) of the Vocational Education Act of 1963 is amended by striking out "two" and inserting in lieu thereof "five".

RESIDENTIAL VOCATIONAL SCHOOLS

SEC. 205. (a) Section 151(b) of the Vocational Education Act of 1963 is amended by striking out "the succeeding fiscal year" and inserting in lieu thereof "each of the succeeding fiscal years ending prior to July 1, 1975".

(b) Section 152(a) (1) of such Act is amended by striking out "July 1, 1972" and inserting in lieu thereof "July 1, 1975".

(c) Section 153(d) (2) of such Act is amended by striking out "July 1, 1971" and inserting in lieu thereof "July 1 of each of the four succeeding fiscal years".

CONSUMER AND HOMEMAKING EDUCATION

SEC. 206. (a) Section 161(a) (1) of the Vocational Education Act of 1963 is amended by striking out "the fiscal year ending June 30, 1972" and inserting in lieu thereof "each of the succeeding fiscal years ending prior to July 1, 1975".

(b) Section 161(c) of such Act is amended by striking out "and the two succeeding" and inserting in lieu thereof "and the five succeeding".

COOPERATIVE VOCATIONAL EDUCATION

SEC. 207. Section 172(a) of the Vocational Education Act of 1963 is amended by striking out "the fiscal year ending June 30, 1972" and inserting in lieu thereof "each of the succeeding fiscal years ending prior to July 1, 1975".

WORK-STUDY PROGRAMS

SEC. 208. Section 181(a) of the Vocational Education Act of 1963 is amended by inserting after "June 30, 1972," the following: "and for each of the succeeding fiscal years ending prior to July 1, 1975,".

CURRICULUM DEVELOPMENT

SEC. 209. Section 191(b) of the Vocational Education Act of 1963 is amended by striking out "July 1, 1972" and inserting in lieu thereof "July 1, 1975".

NATIONAL ADVISORY COUNCIL

SEC. 210. Section 104(a) (4) of the Vocational Education Act of 1963 is amended by striking out "two" and inserting in lieu thereof "five".

TITLE III—ESTABLISHMENT OF A NATIONAL FOUNDATION FOR POSTSECONDARY EDUCATION AND A NATIONAL INSTITUTE OF EDUCATION

AMENDMENT TO THE GENERAL EDUCATION PROVISIONS ACT

SEC. 301. (a) The General Education Provisions Act (title IV of Public Law 90–247) is amended—

(1) by redesignating parts A, B, and C thereof, and all references thereto, as parts B, C, and D and redesignating sections 401, 402, 403, 404, 405, 406, 411, 412, 413, 414, 415, 416, 417, 421, 422, 423, 424, 425, 426, 431, 432, 433, 434, 435, 436, 437, 438, and all references thereto, as sections 400, 411, 412, 413, 414, 415, 421, 422, 423, 424, 425, 426, 427 431, 432, 433, 434, 435, 436, 441, 442, 443, 444, 445, 446, 447, and 448, respectively; and

(2) by inserting after section 400 (as so redesignated by clause (1)) the following new part:

"PART A—EDUCATION DIVISION OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

"THE EDUCATION DIVISION

"SEC. 401. There shall be, within the Department of Health, Education, and Welfare, an Education Division which shall be composed of the Office of Education, the National Foundation for Postsecondary Education, and the National Institute of Education, and shall be headed by the Commissioner of Education.

"THE OFFICE OF EDUCATION

"SEC. 402. (a) The purpose and duties of the Office of Education shall be to collect statistics and facts showing the condition and progress of education in the United States, and to disseminate such information respecting the organization and management of schools and school systems, and methods of teaching, as shall aid the people of the United States in the establishment and maintenance of efficient school systems, and otherwise promote the cause of education throughout the country. Nothing in this section, or any other provision of law, shall be construed to grant the Office of Education any authority which is not expressly provided for by statute or implied therein

"(b) (1) The management of the Office of Education shall, subject to the direction and supervision of the Secretary, be entrusted to a Commissioner of Education, who shall be appointed by the President by and with the advice and consent of the Senate, and who shall serve at the pleasure of the President.

"(2) There shall be a Deputy Commissioner of Education (referred to in this section as 'Deputy Commissioner') who shall be appointed by the President, by and with the advice and consent of the Senate, and shall serve at the pleasure of the President, and who shall perform such duties as the Commissioner may prescribe by regulation. The Deputy Commissioner shall serve as Commissioner during the absence or disability of the Commissioner or in the event of a vacancy in the Office of the Commissioner.

"(3) Persons holding the offices created by paragraphs (1) and (2) shall be compensated at the following rates specified for the Executive Schedule in subchapter II of title 5, United States Code:

"(A) The Commissioner shall be compensated at the rate provided for level IV under section 5315 thereof.

"(B) The Deputy Commissioner shall be compensated at the rate provided for level V under section 5316 thereof.

"(4) The Commissioner and the Deputy Commissioner may not engage in any other business, vocation, or employment while serving in any such position; nor may either of them, except with the express approval of the President in writing, hold any office in, or act in any capacity for, or have a financial interest in, any organization, agency, or institution to which the Office of Education makes a grant or with which it makes a contract or other financial arrangement.

"(5) There are hereby created six additional positions within the Office of Education which shall be placed in grade 18 of the General Schedule set forth in section 5332 of title 5, United States Code; and such positions shall be in addition to the number of positions placed in that grade under section 5108 of such title.

"NATIONAL FOUNDATION FOR POSTSECONDARY EDUCATION

"SEC. 403. (a) (1) The National Foundation for Postsecondary Education (referred to in this section as the 'Foundation'), shall consist of a Postsecondary Education Board (referred to in this section as the 'Board') and a Director. The Foundation shall have only such authority as may be vested therein by this section or delegated thereto by the Commissioner and shall be subject to the general regulations of the Commissioner promulgated for its management.

"(2) It shall be the purpose of the Foundation—

"(A) to encourage excellence, innovation, and reform in postsecondary education;

"(B) to provide assistance for the design and establishment of innovative structures for providing postsecondary education and innovative modes of teaching and learning therein;

"(C) to expand the ways and patterns of acquiring postsecondary education and to open opportunities for such education to individuals of all ages and circumstances;

"(D) to strengthen the autonomy, individuality, and sense of mission of postsecondary educational institutions, and to support programs which are distinctive or of special value to American society; and

"(E) to encourage postsecondary educational institutions to develop policies, programs, and practices responsive to social needs, and to provide an organization concerned with the rationalization of public policies toward postsecondary education.

"(b) (1) The Board shall consist of fifteen members, at least one of whom shall be a student at the time of his appointment, appointed by the President, by and with the advice and consent of the Senate, the Director, and such other ex officio members who are officers of the United States as the President may designate. Eight members (excluding ex officio members) shall constitute a quorum. The Chairman of the Board shall be designated by the President from among its appointed members. Ex officio members shall not have a vote on the Board.

"(2) The term of office of members of the Board (other than ex officio members) shall be six years, except that (A) any member appointed to fill a vacancy shall serve only such portion of a term as shall not have been expired at the time of such appointment, and (B) in the case of initial members, five shall serve for terms of four years and five for terms of two years. Any person, whose term of office is subject to this paragraph, who has been a member of the Board for six consecutive years shall thereafter be ineligible for appointment to the Board during the two-year period following the expiration of such sixth year.

"(3) Subject to general regulations of the Commissioner, promulgated for the management of the Foundation, the Board shall—

"(A) establish general policies for, and review the conduct of, the Foundation;

"(B) meet at the call of the Chairman of the Board, except that it shall meet (i) at least four times during each fiscal year, or (ii) whenever one-third of the members request a meeting in writing, in which event one-third of the members (excluding ex officio members) shall constitute a quorum;

"(C) submit an annual report to the President on the activities of the Foundation and the status of postsecondary education in the United States, which (i) shall include such recommendations and comments as the Board may deem appropriate, and (ii) shall be submitted to the Congress not later than March 31 of each year;

"(D) make and submit to the President and the Congress such other reports as it may deem necessary.

The Board shall have the responsibility for the general policies with respect to the powers, duties, and authorities vested in the Foundation under this section. The Director shall make available to the Board such information and assistance as may be necessary to enable the Board to carry out its functions.

"(c) (1) The Director of the Foundation (referred to in this section as the 'Director') shall be appointed by the President, by and with the advice and consent of the Senate, and shall serve at the pleasure of the President. The Director shall be compensated at the rate provided for level V of the Executive Schedule under section 5316 of title 5, United States Code, and shall perform such duties and exercise such powers as the Board, subject to general regulations of the Commissioner, may prescribe.

"(2) There shall be a Deputy Director of the Foundation (referred to in this section as the 'Deputy Director') who shall be appointed by the President and shall serve at the pleasure of the President. The Deputy Director shall be compensated at the rate provided for grade 18 of the General Schedule set forth in section 5332 of title 5, United States Code. The Deputy Director shall exercise such powers as the Director may prescribe and Deputy Director shall serve as Director during the absence or disability of the Director or in the event of a vacancy in the Office of Director. The position created by this paragraph shall be in addition to the number of positions placed in grade 18 of the General Schedule under section 5108 of title 5, United States Code.

"(3) There are hereby created three additional positions within the Foundation which shall be placed in grade 18 of the General Schedule set forth in section 5332 of title 5, United States Code; and such positions shall be in addition to the number of positions placed in that grade under section 5108 of such title.

"(d) The Foundation is authorized to make grants to, and contracts with, institutions of higher education (including combinations of such institutions) and other public and private educational institutions and agencies (except that no grant shall be made to an educational institution or agency other than a nonprofit institution or agency) to improve postsecondary educational opportunities by providing assistance for—

"(1) encouraging the reform, innovation, and improvement of postsecondary education, and providing equal educational opportunity for all;

"(2) the creation of institutions and programs involving new paths to career and professional training, and new combinations of academic and experiential learning;

"(3) the establishment of institutions and programs based on the technology of communications;

"(4) the carrying out in postsecondary educational institutions of changes in internal structure and operations designed to clarify institutional priorities and purposes;

"(5) the design and introduction of cost-effective methods of instruction and operation;

"(6) the introduction of institutional reforms designed to expand individual opportunities for entering and reentering institutions and pursuing programs of study tailored to individual needs;

"(7) the introduction of reforms in graduate education, in the structure of academic professions, and in the recruitment and retention of faculties; and

"(8) the creation of new institutions and programs for examining and awarding credentials to individuals, and the introduction of reforms in current institutional practices related thereto;

"(e) In carrying out this section, the Director shall have the authority—

"(1) to enter into contracts without performance or other bonds, and without regard to section 3709 of the Revised Statutes (41 U.S.C. 5);

"(2) to make advance, progress, and other payments without regard to the provisions of section 3648 of the Revised Statutes (31 U.S.C. 529);

"(3) to receive money and other property donated, bequeathed, or devised to the Foundation with or without a condition or restriction, including a condition that the Foundation use other funds for the purposes of the gift; and to use, sell, or otherwise dispose of such property for the purposes of this section;

"(4) to publish or arrange for the publication of information without regard to the provisions of section 501 of title 44, United States Code;

"(5) to accept and utilize the services of voluntary and uncompensated personnel, notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)), and to provide transportation and subsistence as authorized by section 5703 of title 5, United States Code, for persons serving without compensation;

"(6) to arrange with and reimburse the heads of other Federal agencies for the performance of any activity which the Foundation is authorized to conduct; and

"(7) to appoint, for terms not to exceed three years, and compensate without regard to the civil service or classification laws such technical or professional employees of the Foundation as he deems necessary to accomplish its functions, and also to appoint and compensate without regard to such laws not to exceed one-fifth of the number of full-time, regular technical or professional employees of the Foundation.

"(f) There is authorized to be appropriated, without fiscal year limitations, $250,000,000, in the aggregate, for the period beginning July 1, 1972, and ending June 30, 1975, to carry out the functions of the Foundation. Sums so appropriated shall, notwithstanding any other provision of law, unless enacted in express limitation of this subsection, remain available for the purposes of this section until expended.

"NATIONAL INSTITUTE OF EDUCATION

"SEC. 404. (a)(1) The National Institute of Education (hereinafter referred to as the 'Institute') shall consist of a National Council on Educational Research (hereinafter referred to as the 'Council') and a Director of the Institute (hereinafter referred to as the 'Director'). The Institute shall have only such authority as may be vested therein by this section and shall be subject to general regulations of the Commissioner promulgated for its management.

"(2) The Institute shall, in accordance with the provisions of this section, seek to improve education, including career education, in the United States through—

"(A) helping to solve or to alleviate the problems of, and achieve the objectives of American education;

"(B) advancing the practice of education as an art, science, and profession;

"(C) the strengthening of the scientific and technological foundations of education; and

"(D) building an effective educational research and development system.

"(b)(1) The Council shall consist of fifteen members appointed by the President, by and with the advice and consent of the Senate, the Director, and such other ex officio members who are officers of the United States as the President may designate. Eight members of the Council (excluding ex officio members) shall constitute a quorum. The Chairman of the Council shall be designated from among its appointed members by the President. Ex officio members shall not have a vote on the Council.

"(2) The term of office of the members of the Council (other than ex officio members) shall be three years, except that (A) any member appointed to fill a vacancy shall serve only such portion of a term as shall not have been expired at the time of such appointment, and (B) in the case of initial members, five shall serve terms of two years and five shall serve terms of one year. Any appointed member who has been a member of the Council for six consecutive years shall thereafter be ineligible for appointment to the Council during the two-year period following the expiration of such sixth year.

"(3) Subject to general regulations of the Commissioner promulgated for the management of the Institute, the Council shall—

"(A) establish general policies for, and review the conduct of, the Institute;

"(B) review, and advise the Commissioner on the status of, educational research in the United States;

"(C) meet at the call of the Chairman, except that it shall meet (i) at least six times during each fiscal year, or (ii) whenever one-third of the members request a meeting in writing, in which event one-third of the members (excluding ex officio members) shall constitute a quorum;

"(D) submit an annual report to the President on the activities of the Institute, and on educational research in general, which (i) shall include such recommendations and comments as the Council may deem appropriate, and (ii) shall be submitted to the Congress not later than March 31 of each year; and

"(E) make and submit to the President and the Congress such other reports as it may deem necessary. The Council shall have the responsibility for the general policies with respect to the powers, duties, and authorities vested in the Institute under this section. The Director shall make available to the Council such information and assistance as may be necesary to enable the Council to carry out its functions.

"(c)(1) The Director of the Institute shall be appointed by the President, by and with the advice and consent of the Senate, and shall serve at the pleasure of the President. The Director shall be compensated at the rate provided for level V of the Executive Schedule under section 5316 of title 5, United States Code, and shall perform such duties and exercise such powers and authorities as the Council, subject to general regulations of the Commissioner, may prescribe.

"(2) There shall be a Deputy Director of the Institute (referred to in this section as the 'Deputy Director') who shall be appointed by the President and shall serve at the pleasure of the President. The Deputy Director shall be compensated at the rate provided for grade 18 of the General Schedule set forth in section 5332 of title 5, United States Code, and shall act for the Director during the absence or disability of the Director and exercise such powers and authorities as the Director may prescribe. The position created by this paragraph shall be in addition to the number of positions placed in grade 18 of the General Schedule under section 5108 of title 5, United States Code.

"(3) There are hereby created three additional positions within the Institute which shall be placed in grade 18 of the General Schedule set forth in section 5332 of title 5, United States Code; and such positions shall be in addition to the number of positions placed in that grade under section 5108 of such title.

"(d)(1) In order to carry out the objectives of the Institute, the Commissioner is authorized, through the Institute, to conduct educational research; collect and disseminate the findings of educational research; train individuals in educational research; assist and foster such research, collection, dissemination, or training through grants, or technical assistance to, or jointly financed cooperative arrangements with, public or private organizations, institutions, agencies, or individuals; promote the coordination of such research and research support within the Federal Government; and may construct or provide (by grant or otherwise) for such facilities as he determines may be required to accomplish such purposes. As used in this subsection, the term 'educational research' includes research, planning, surveys, evaluations, investigations, experiments, developments, and demonstrations in the field of education (including career education).

"(2) The Commissioner may appoint, for terms not to exceed three years, and compensate without regard to the civil service or classification laws, such technical or professional employees of the Institute as he deems necessary to accomplish its functions and also appoint and compensate without regard to such laws not to exceed one-fifth of the number of full-time, regular technical or professional employees of the Institute.

"(e) There are hereby authorized to be appropriated, without fiscal year limitations, $550,000,000, in the aggregate, for the period beginning July 1, 1972, and ending June 30, 1975, to carry out the functions of the Institute. Sums so appropriated shall, notwithstanding any other provision of law unless enacted in express limitation of this subsection, remain available for the purposes of this subsection until expended.".

(b)(1) The amendments made by subsection (a) shall be effective after June 30, 1972.

(2)(A) Effective July 1, 1972, sections 516 and 517 of the Revised Statutes of the United States (20 U.S.C. 1, 2) are repealed.

(B) Effective July 1, 1972, section 422 of the General Education Provisions Act is amended by striking out "(as set forth in section 516 of the Revised Statutes (20 U.S.C. 1))" and inserting in lieu thereof "(as set forth in section 402(a) of this Act)".

(3)(A) Effective July 1, 1972, the functions of the Secretary of Health, Education, and Welfare administered through the Office of Education and the functions of the Commissioner of Education are transferred to the Commissioner of Education established pursuant to section 402 of the General Education Provisions Act.

(B) All orders, determinations, rules, regulations, procedures, or other decisions of the Commissioner of Education which are in effect on June 30, 1972, shall continue to be in effect and shall be deemed to be orders, determinations, rules, regulations, procedures, or other decisions of the Commissioner of Education established under section 402 of such Act until changed or modified in accordance with law. No suit, action, or other proceeding lawfully commenced by or against any office or officer of the United States acting in his official capacity shall abate by reason of any transfer made pursuant to this section, but the court, on motion or supplemental petition filed at any time within twelve months after such transfer takes effect, showing a necessity for a survival of such suit, action, or other proceeding to obtain a settlement of the questions involved, may allow the same to be maintained by or against the appropriate office or officer of the United States.

(C) All personnel, assets, liabilities, contracts, property, and records as are determined by the Commissioner to be necessary for the transitions required under this section, are, effective July 1, 1972, transferred to the Commissioner of Education established pursuant to section 402 of such Act.

(4) Effective July 1, 1972, the Cooperative Research Act is amended by striking out sections 2 and 3.

(5) Effective July 1, 1972, section 421 of the General Education Provisions Act (as redesignated by section 301 (a)(1) of this Act) is amended by adding the following new subsection at the end thereof:

"(d)(1) The Commissioner is authorized to make grants to, or contracts with, any public or nonprofit private agency, institution, or organization or contracts with any private agency, institution, or organization for the dissemination of information, for surveys, for exemplary projects in the field of education, and for the conduct of studies related to the management of the Office of Education.

"(2) There are authorized to be appropriated for the fiscal year ending June 30, 1973, and for each of the succeeding fiscal years ending prior to July 1, 1975, $25,000,000 for the purposes of this subsection.

TITLE IV—MISCELLANEOUS

ADMINISTRATION OF PROGRAMS AND PROJECTS

Sec. 401. Section 434 of the General Education Provisions Act (title IV of Public Law 90–247) is amended by—

(1) amending the caption head thereof to read

"ADMINISTRATION OF EDUCATION PROGRAMS AND PROJECTS";

(2) striking out "(a)" after "Sec. 424." and inserting in lieu thereof "(a)(1)" and striking out "(b)" and inserting in lieu thereof "(2)";

(3) adding at the end thereof the following new subsection:

"(b) Each application for assistance under any applicable program, with respect to which the Commissioner determines that this subsection should apply, whether such application is approved by the Commissioner or by an agency administering a State plan approved by him and each State plan submitted to the Commissioner under any applicable program shall, as a precondition for approval—

"(1) provide for such methods of administration as are necessary for the proper and efficient administration of the program or project for which application is made;

"(2) set forth such policies and procedures as will insure that Federal funds made available under the application will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such funds, be available for the purposes of the program or project for which application is made, and in no case supplant such funds;

"(3) procedures have been adopted (A) for the periodic evaluation of the effectiveness of the programs to be supported under such title, and (B) for appropriate dissemination of such evaluation;

"(4) make provision for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the applicant under the application; and

"(5) provide for making such reports as the Commissioner may require to carry out his functions.".

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS OF TITLE III OF THE NATIONAL DEFENSE EDUCATION ACT OF 1958

Sec. 402. (a) The first sentence of section 301 of the National Defense Education Act of 1958 is amended by striking out "for the fiscal year ending June 30, 1971" and inserting in lieu thereof "for each of the succeeding fiscal years ending prior to July 1, 1975".

(b) The second sentence of such section 301 is amended by striking out "July 1, 1971" and inserting in lieu thereof "July 1, 1975".

STUDY AND REPORT ON RULES AND REGULATIONS

Sec. 403. (a) The Commissioner shall conduct a study of all rules, regulations, guidelines, or other published interpretations or orders issued by him or by the Secretary of Health, Education, and Welfare (or any of their delegates) in connection with, or affecting, the administration of any program to which the General Education Provisions Act applies, which have been issued after June 30, 1965. Such study shall include a review of each such rule, regulation, guideline, interpretation, or order as it relates to the statutory or other legal authority upon which it is based, and to committee reports relating to such statutory authority.

(b) No later than 120 days after the enactment of this Act, the Commissioner shall submit a report on the study conducted pursuant to subsection (a) to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives, which report shall include the specific legal authority of each section, or other division, of each rule, regulation, guideline, interpretation, or other order to which this section applies.

(c) Not earlier than one-hundred fifty days after the date of the enactment of this Act nor later than one-hundred eighty days after such date all rules, regulations, guidelines, interpretations, or other orders to which this section applies shall be published in the Federal Register. During the thirty-day period following such publication, the Commissioner shall provide interested parties an opportunity for a public hearing on the matters so published.

(d) After a study of comments and recommendations offered to the Commissioner during the thirty-day period specified in subsection (c), he shall submit a report to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives on such comments and recommendations, and any action he has taken as a result thereof, and he shall, not later than two-hundred ten days after the enactment of this Act, republish all rules, regulations, guidelines, interpretations and orders in the Federal Register, which shall supersede all preceding rules, regulations, guidelines, interpretations and orders issued in connection with, or affecting, any program to which the General Education Provisions Act applies, and become effective thirty days after such republication.

ETHNIC HERITAGE STUDIES CENTERS

Sec. 404. (a) The Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new title:

"TITLE IX—ETHNIC HERITAGE PROGRAMS

"STATEMENT OF POLICY

"Sec. 901. In recognition of the heterogeneous composition of the Nation and of the fact that in a multiethnic society a greater understanding of the contributions of one's own heritage and those of one's fellow citizens can contribute to a more harmonious, patriotic, and committed populace, and in recognition of the principle that all persons in the educational institutions of the Nation should have an opportunity to learn about the differing and unique contributions to the national heritage made by each ethnic group, it is the purpose of this title to provide assistance designed to afford to students opportunities to learn about the nature of their own cultural heritage, and to study the contributions of the cultural heritages of the ethnic groups of the Nation.

"ETHNIC HERITAGE STUDIES CENTERS

"Sec. 902. The Commissioner is authorized to make grants to, and contracts with, public and private nonprofit educational agencies, institutions, and organizations to assist them in planning, developing, establishing, and operating ethnic heritage studies centers, as provided in this title.

"ACTIVITIES OF ETHNIC HERITAGE STUDIES CENTERS

"Sec. 903. Each center assisted under this title shall—

"(1) develop curriculum materials for use in elementary and secondary schools and institutions of higher education relating to the history, geography, society, economy, literature, art, music, drama, language, and general culture of the groups with which the center is concerned, and the contributions of those ethnic groups to the American heritage;

"(2) disseminate curriculum materials to permit their use in elementary and secondary schools and institutions of higher education throughout the Nation;

"(3) provide training for persons using, or preparing to use, curriculum materials developed under this title; and

"(4) cooperate with persons and organizations in the communities being served by the center to assist them in promoting, encouraging, developing, or producing programs or other activities in such communities which relate to the history, culture, or traditions of ethnic groups.

"APPLICATIONS

"Sec. 904. (a) Any public or private nonprofit agency, institution, or organization desiring assistance to establish and operate a center under this title shall make application therefor in accordance with the provisions of this title and other applicable law and with regulations of the Commissioner promulgated for the purposes of this title. The Commissioner shall approve an application under this title only if he determines that—

"(1) the center for which the application seeks assistance will be operated by the applicant and that the applicant will operate such center in accordance with this title;

"(2) such center will be operated under the direction of a Director who will be selected by the Commissioner, in consultation with, and with the approval of, the applicant;

"(3) such center will carry out the activities described in section 903 and will offer programs and courses of study related to all ethnic groups represented in the area to be served; and

"(4) such center has been planned, and will be established and operated, in consultation with an advisory council which is representative of the ethnic groups in the area to be served and of the cultural and educational resources of such area and which is appointed in a manner prescribed by regulation.

"(b) In approving applications under this title, the Commissioner shall insure there is cooperation and coordination of efforts among the Ethnic Heritage Studies Centers assisted under this title, including the exchange of materials and information and joint projects where appropriate.

"ADMINISTRATIVE PROVISIONS

Sec. 905. (a) In carrying out this title, the Commissioner shall make arrangements which will utilize (1) the research facilities and personnel of institutions of higher education, (2) the special knowledge of ethnic groups in local communities and of foreign students pursuing their education in this country, (3) the expertise of teachers in elementary and secondary schools and institutions of higher education, and (4) the talents and experience of any other group in the regional area to be served by centers assisted under this title such as foundations, civic groups, and fraternal organizations which would further the goals of the centers.

"(b) Funds appropriated to carry out this title may be used to cover all or part of the cost of establishing, equipping, and operating the centers, including the cost of research materials and resources, academic consultants, and the cost of training of staff for the purpose of carrying out the purposes of this title. Such funds may also be used to provide stipends (in such amounts as may be determined in accordance with regulations of the Commissioner) to individuals receiving training in such centers, including allowances for dependents.

"NATIONAL ADVISORY COUNCIL

"SEC. 906. (a) There is hereby established a National Advisory Council on Ethnic Heritage Studies consisting of fifteen members appointed by the Secretary who shall be appointed, serve, and be compensated as provided in part D of the General Education Provisions Act.

"(b) Such Council shall, with respect to the program authorized by this title, carry out the duties and functions specified in part D of the General Education Provisions Act.

"APPROPRIATIONS AUTHORIZED

"SEC. 907. For the purpose of carrying out this title, there are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1972, and $20,000,000 for the fiscal year ending June 30, 1973. Sums appropriated pursuant to this section shall, notwithstanding any other provision of law unless enacted in express limitation of this sentence, remain available for expenditure and obligation until the end of the fiscal year succeeding the fiscal year for which they were appropriated.".

(b) The amendment made by subsection (a) shall be effective after June 30, 1971.

CONSUMERS' EDUCATION

SEC. 405. (a) (1) The Congress of the United States finds that there do not exist adequate resources for educating and informing consumers about their role as participants in the marketplace.

(2) It is the purpose of the amendment made by this section to encourage and support the development of new improved curricula to prepare consumers for participation in the marketplace to demonstrate the use of such curricula in model educational programs and to evaluate the effectiveness thereof; to provide support for the initiation and maintenance of programs in consumer education at the elementary and secondary and higher education levels; to disseminate curricular materials and other information for use in educational programs throughout the Nation; to provide training programs for teachers, other educational personnel, public service personnel, and community and labor leaders and employees, and government employees at State, Federal, and local levels; to provide for community consumer education programs; and to provide for the preparation and distribution of materials by mass media in dealing with consumer education.

(3) Title VIII of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new section:

"CONSUMERS' EDUCATION PROGRAMS

"SEC. 811. (a) There shall be within the Office of Education, a Director of Consumers' Education (hereafter in this section referred to as the 'Director') who, subject to the management of the Commissioner, shall have primary responsibility for carrying out the provisions of this section and who shall be placed in grade 17 of the General Schedule set forth in section 5332 of title 5, United States Code. The position created by this subsection shall be in addition to the number of positions placed in such grade 17 under section 5108 of title 5, United States Code.

"(b) (1) (A) The Director shall carry a program of making grants to, and contracts with, institutions of higher education, State and local educational agencies, and other public and private agencies, organizations, and institutions (including libraries) to support research, demonstration, and pilot projects designed to provide consumer education to the public except that no grant may be made other than to a nonprofit agency, organization, or institution.

"(B) Funds appropriated for grants and contracts under this section shall be available for such activities as—

"(i) the development of curricula (including interdisciplinary curricula) in consumer education;

"(ii) dissemination of information relating to such curricula;

"(iii) in the case of grants to State and local educational agencies and institutions of higher education, for the support of education programs at the elementary and secondary and higher education levels; and

"(iv) preservice and inservice training programs and projects (including fellowship programs, institutes, workshops, symposiums, and seminars) for educational personnel to prepare them to teach in subject matter areas associated with consumer education.

In addition to the activities specified in the first sentence of this paragraph, such funds may be used for projects designed to demonstrate, test, and evaluate the effectiveness of any such activities, whether or not assisted under this section. Activities pursuant to this section shall provide bilingual assistance when appropriate.

"(C) Financial assistance under this subsection may be made available only upon application to the Director. Applications under this subsection shall be submitted at such time, in such form, and containing such information as the Director shall prescribe by regulation and shall be approved only if it—

"(i) provides that the activities and service for which assistance is sought will be administered by, or under the supervision of, the applicant;

"(ii) describes a program for carrying out one or more of the purposes set forth in the first sentence of paragraph (2) which holds promise of making a substantial contribution toward attaining the purposes of this section;

"(iii) set forth such policies and procedures as will insure adequate evaluation of the activities intended to be carried out under the application;

"(iv) sets forth policies and procedures which assure that Federal funds made available under this section for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purposes described in this section, and in no case supplant such funds.

"(v) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section; and

"(vi) provides for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require and for keeping such records, and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports .

Applications from local educational agencies for financial assistance under this section may be approved by the Director only if the State educational agency has been notified of the application and been given the opportunity to offer recommendations.

"(2) Federal assistance to any program or project under this subsection, other than those involving curriculum development, dissemination of curricular materials, and evaluation, shall support up to 100 per centum of the cost of such program including costs of administration; contributions in kind are acceptable as local contributions to program costs.

"(c) Each recipient of Federal funds under this section shall make such reports and evaluations as the Commissioner shall prescribe by regulation.

"(d) There is authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1973; $25,000,000 for the fiscal year ending June 30, 1974; and $35,000,000 for the year ending June 30, 1975, for carrying out the purposes of this section.".

(b) The amendment made by this section shall be effective after June 30, 1972.

LAND-GRANT STATUS FOR THE COLLEGE OF THE VIRGIN ISLANDS AND THE UNIVERSITY OF GUAM

SEC. 406. (a) The College of the Virgin Islands and the University of Guam shall be considered land-grant colleges established for the benefit of agriculture and mechanic arts in accordance with the provisions of the Act of July 2, 1862, as amended (12 Stat. 503; 7 U.S.C. 301–305, 307, 308).

(b) (1) In lieu of extending to the Virgin Islands and Guam those provisions of the Act of July 2, 1862, as amended, relating to donations of public land or land script for the endowment and maintenance of colleges for the benefit of agriculture and the mechanic arts, there is authorized to be appropriated to the Virgin Islands and Guam an amount computed in accordance with paragraph (2). Amounts appropriated pursuant to this section shall be held and considered to have been granted to the Virgin Islands and Guam subject to the provisions of that Act applicable to the proceeds from the sale of land or land script.

(2) (A) The amounts authorized to be appropriated pursuant to paragraph (1) shall be computed in the following manner:

(i) In the case of the Virgin Islands, the amount so authorized shall be an amount which bears the same ratio to the population of the Virgin Islands at the beginning of the first calendar year which begins after the enactment of this section as $6,000,000 bore to the population of the State of Hawaii as determined by the census of 1950.

(ii) In the case of Guam, the amount so authorized shall be an amount which bears the same ratio to the population of Guam at the beginning of the first calendar year which begins after the enactment of this section as $6,000,000 bore to the population of the State of Hawaii as determined by the census of 1950.

(B) The population of the Virgin Islands and Guam at the beginning of the first calendar year which begins after the enactment of this section shall be estimated by the Commissioner on the basis of the most recent satisfactory data available to him. Estimates of such populations shall be published in the Federal Register as soon as practicable after the beginning of the first calendar year which begins after the enactment of this section.

(c) The Act of August 30, 1890 (26 Stat. 417; 7 U.S.C. 322–326) is amended—

(1) by striking out "and Territory" wherever it appears and inserting in lieu thereof the following: ", Puerto Rico, the Virgin Islands, and Guam";

(3) by striking out "or Territory" wherever it appears and inserting in lieu thereof the following: ", Puerto Rico, the Virgin Islands, or Guam";

(4) by striking out "or Territories" wherever it appears and inserting in lieu thereof the following: ", Puerto Rico, the Virgin Islands, or Guam"; and

(5) by striking our "or Territorial" where it appears.

(d) Section 22 of the Act of June 29, 1935, as amended (49 Stat. 439; 7 U.S.C. 329), is further amended—

(1) by striking out "and Puerto Rico" wherever it appears and inserting in lieu

thereof the following: ", Puerto Rico, the Virgin Islands, and Guam";

(2) by striking out "$7,800,000" and inserting in lieu thereof the figure "$8,100,000"; and

(3) by striking out "$4,320,000" and inserting in lieu thereof the figure "$4,360,000".

(e) The Act of March 4, 1940 (54 Stat. 39; 7 U.S.C. 331) is amended—

(1) by striking out "and Territories" wherever it appears and inserting in lieu thereof the following:

", Puerto Rico, the Virgin Islands, and Guam";

(2) by striking out "or Territories" wherever it appears and inserting in lieu thereof the following: ", Puerto Rico, the Virgin Islands, or Guam"; and

(3) by striking out "State" wherever it appears in the third proviso of that Act and inserting in lieu thereof the following: "State, Puerto Rico, the Virgin Islands, or Guam".

(f) Section 207 of the Agricultural Marketing Act of 1946 (60 Stat. 1091; 7 U.S.C. 1626), is amended by striking out the period at the end of the section and inserting in lieu thereof the following: ", and the term 'State' when used in this chapter shall include the Virgin Islands and Guam.".

(g) Section 3 of the Act of May 8, 1914, as amended (38 Stat. 373; 7 U.S.C. 343), is further amended by redesignating subsection (b) as paragraph (1) of subsection (b), and adding a new paragraph (2) to subsection (b) to read as follows:

"(2) There is authorized to be appropriated for the fiscal year ending June 30, 1971, and for each fiscal year thereafter, for payment to the Virgin Islands and Guam, $100,000 each, which sums shall be in addition to the sums appropriated for the several States of the United States and Puerto Rico under the provisions of this section. The amount paid by the Federal Government to the Virgin Islands and Guam pursuant to this paragraph shall not exceed during any fiscal year, except the fiscal year ending June 30, 1971, and June 30, 1972, when such amount may be used to pay the total cost of providing services pursuant to this Act, the amount available and budgeted for expenditure by the Virgin Islands and Guam for the purposes of this Act.".

(h) Section 10 of the Act of May 8, 1914, is amended by striking out "and Puerto Rico" and inserting in lieu thereof the following: ", Puerto Rico, the Virgin Islands, and Guam".

(i) Section 4 of the Act of October 10, 1962 (76 Stat. 806; 16 U.S.C. 582a–3), is amended by striking out the period at the end of the first sentence thereof and inserting in lieu thereof the following: ", except that for the fiscal years ending June 30, 1971, and June 30, 1972, the matching funds requirement hereof shall not be applicable to the Virgin Islands and Guam, and sums authorized for such years for the Virgin Islands and Guam may be used to pay the total cost of programs for forestry research.".

(j) Section 8 of the Act of October 10, 1962 (76 Stat. 807; 16 U.S.C. 582a–7), is amended by striking out the period at the end thereof and inserting in lieu thereof the following: ", the Virgina Islands, and Guam.".

(k) Section 1 of the Act of August 11, 1955 (7 U.S.C. 361a–361i), is amended by striking out the period at the end of the second sentence and inserting in lieu thereof the following: "Guam and the Virgin Islands," and striking out "and" between the words "Hawaii and Puerto Rico.".

(l) Section 3 of the Act of August 11, 1955 (7 U.S.C. 361a–361i) is amended by redesignating subsection (b) as paragraph (1) of subsection (b), and adding a new paragraph (2) to subsection (b) to read as follows:

"(2) There is authorized to be appropriated for the fiscal year ending June 30, 1973, and for each fiscal year thereafter, for payment to the Virgin Island and Guam, $100,000 each, which sums shall be in addition to the sums appropriated for the several States of the United States and Puerto Rico under the provisions of this section. The amount paid by the Federal Government to the Virgin Island and Guam pursuant to this paragraph shall not exceed during any fiscal year, except the fiscal years ending June 30, 1971, and June 30, 1972, when such amount may be used to pay the total cost of providing services pursuant to this Act, the amount available and budgeted for expenditure by the Virgin Islands and Guam for the purposes of this Act.".

(m) With respect to the Virgin Islands and Guam, the enactment of this section shall be deemed to satisfy any requirement of State consent contained in laws or provisions of law referred to in this section.

(n) The amendments made by this section shall be effective after June 30, 1970, and this section shall be deemed to have been enacted on such date.

AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 WITH RESPECT TO MIGRATORY CHILDREN OF MIGRATORY AGRICULTURAL WORKERS

SEC. 407. (a) Section 103(a)(6) of title I of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new sentence: "The Commissioner shall be regulation establish criteria for the allocation of funds within each State for which a State educational agency is eligible under this paragraph, after considering the areas of the State and local educational agencies of the State which have the highest concentrations of such children."

(b) Section 141(c)(1) of such title I is amended by striking out the word "and" at the end of clause (B) of such section, by redesignating clause (C) of such section as clause (D), and by inserting immediately after clause (B) the following new clause (C):

"(C) that, effective after June 30, 1971, in planning and carrying out programs and projects, there has been adequate assurance that provision will be made for the preschool educational needs of migratory children of migratory agricultural workers, whenever such agency determines that compliance with this clause will not detract from the operation of programs and projects described in clause (A) of this paragraph after considering the funds available for this purpose; and".

(c) Section 141(3)(C) of such title I is amended by adding at the end thereof the following new sentence: "Such children who are presently migrant, as determined pursuant to regulations of the Commissioner, shall be given priority in the consideration of programs and activities contained in applications submitted under this section."

(d)(1) The Commissioner shall conduct a study of the operation of title I of the Elementary and Secondary Education Act of 1965 as such title effects the education of migratory children of migratory agricultural workers. Such study shall include an evaluation of the specific programs and projects assisted under such title I for such children, with a view toward the assessment of their effectiveness, and shall include a review of the administration of such programs and projects by the States.

(2) Not later than December 31, 1972, the Commissioner shall submit a report on the study required by paragraph (1), which report shall contain a statement with respect to the effectiveness of individual programs and projects assisted under such title I with respect to migrant children, an evaluation of State administration of such programs and projects, and make recommendations for the improvement of such programs and projects.

TECHNICAL AMENDMENT WITH RESPECT TO NEGLECTED OR DELINQUENT CHILDREN

SEC. 408. Section 103(a)(7) of title I of the Elementary and Secondary Education Act of 1965, is amended by striking out "for children in institutions for neglected or delinquent children" and inserting in lieu thereof the following: "for children in institutions for neglected or delinquent children or in adult correctional institutions, if such funds are used solely for delinquent children".

NUMBER OF MEMBERS OF THE NATIONAL COMMISSION ON SCHOOL FINANCE

SEC. 409. Section 809(d) of Public Law 91–230 is amended by striking out "fifteen members" and inserting in lieu thereof "eighteen members".

TITLE V—YOUTH CAMP SAFETY

SHORT TITLE

SEC. 501. This title shall be cited as the "Youth Camp Safety Act".

STATEMENT OF PURPOSE

SEC. 502. It is the purpose of this title to protect and safeguard the health and well-being of the youth of the Nation attending day camps, resident camps, and travel camps, by providing for the establishment of Federal standards for safe operation of youth camps, and to provide Federal assistance and leadership to the States in developing programs for implementing safety standards for youth camps, thereby providing assurance to parents and interested citizens that youth camps meet minimum safety standards.

DEFINITIONS

SEC. 503. As used in this title—

(a) The term "youth camp" means:

(1) any parcel or parcels of land having the general characteristics and features of a camp as the term is generally understood, used wholly or in part for recreational or educational purposes and accommodating for profit or under philanthropic or charitable auspices five or more children under eighteen years of age, living apart from their relatives, parents, or legal guardians for a period of, or portions of, five days or more, and includes a site that is operated as a day camp or as a resident camp; and

(2) any travel camp which for profit or under philanthropic or charitable auspices, sponsors or conducts group tours within the United States, or foreign group tours originating or terminating within the United States, for educational or recreational purposes, accommodating within the group five or more children under eighteen years of age living apart from their relatives, parents, or legal guardians for a period of five days or more.

(b) The term "person" means any individual, partnership, corporation, association, or other form of business enterprises.

(c) The term "safety standards" means criteria directed toward safe operation of youth camps, in such areas as—but not limited to—personnel qualifications for director and staff; ratio of staff to campers; sanitation and public health; personal health, first aid, and medical services; food handling, mass feeding, and cleanliness; water supply and waste disposal; water safety including use of lakes and rivers, swimming and boating equipment and practices; vehicle condition and operation; building and site design; equipment; and condition and density of use.

(d) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(e) The term "State" includes each of the several States and the District of Columbia.

GRANTS TO STATES FOR YOUTH CAMP SAFETY STANDARDS

SEC. 504. From sums appropriated pursuant to section 610 of this Act, but not to exceed $2,500,000 of such appropriation for any fiscal year, the Secretary is authorized to make grants to States which have State plans approved by him under section 606 to pay up to 50 per centum of the cost of developing and administering State programs for youth camp safety standards.

DEVELOPING FEDERAL STANDARDS

SEC. 505. In developing Federal standards for youth camps, the Secretary shall—

(a) undertake a study of existing State and local regulations and standards, and standards developed by private organizations, applicable to youth camp safety, including the enforcement of such State, local, and private regulations and standards;

(b) establish and publish youth camp safety standards within one year after enactment of the title, after consultation with State officials and with representatives of appropriate private and public organizations after opportunity for hearings and notification published in the Federal Register; and

(c) authorize and encourage camps certified by the States as complying with the published Federal youth camp standards to advertise their compliance with minimum safety standards.

STATE PLANS

SEC. 506. (a) Any State desiring to participate in the grant program under this title shall designate or create an appropriate State agency for the purpose of this section, and submit, through such State agency, a State plan which shall—

(1) set forth a program for State supervised annual inspection of, and certification of compliance with, minimum safety standards developed under the provisions of sections 605 and 609(a) of this title, at youth camps located in such State;

(2) provide assurances that the State will accept and apply such minimum youth camp safety standards as the Secretary shall by regulations prescribe;

(3) provide for the administration of such plan by such State agency;

(4) provide for an advisory committee, to advise the State agency on the general policy involved in inspection and certification procedures under the State plan, which committee shall include among its members representatives of other State agencies concerned with camping or programs related thereto and persons representative of professional or civic or other public or nonprofit private agencies, organizations, or groups concerned with organized camping;

(5) provide that such State agency will make such reports in such form and containing such information as the Secretary may reasonably require;

(6) provide assurance that the State will pay from non-Federal sources the remaining cost of such program; and

(7) provide such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting of funds received under this title.

(b) Any State desiring to enable youth camps in the State to advertise compliance with Federal youth camp standards, but which does not wish to participate in the grant programs under this title, shall designate or create an appropriate State agency for the purpose of this section, and submit, through such State agency a State plan which shall accomplish the steps specified in (a) (1) through (3) of this section, and submit, through the State agency a State plan which shall accomplish the steps specified in (a) (1) through (3) of this section, and which provides for availability of information so that the Secretary may be assured of compliance with standards.

(c) The Secretary shall not finally disapprove any State plan under this title or any modification thereof, without first affording such State agency reasonable notice and opportunity for a hearing.

DETERMINATION OF FEDERAL SHARE: PAYMENTS

SEC. 507. (a) The Secretary shall determine the amount of the Federal share of the cost of programs approved by him under section 606 based upon the funds appropriated therefor pursuant to section 610 for that fiscal year and upon the number of participating States; except that no State may receive a grant under this title for any fiscal year in excess of $50,000.

(b) Payments to a State under this title may be made in installments and in advance or by way of reimbursement with necessary adjustments on account of overpayments or underpayments.

OPERATION OF STATE PLANS; HEARINGS AND JUDICIAL REVIEW

SEC. 508. (a) Whenever the Secretary, after reasonable notice and opportunity for hearing to the State agency administering a State plan approved under this title, finds that—

(1) the State plan has been so changed that it no longer complies with the provisions of section 606, or

(2) in the administration of the plan there is a failure to comply substantially with any such provision, the Secretary shall notify such State agency that no further payments will be made to the State under this title (or in his discretion, that further payments to the State will be limited to programs or portions of the State plan not affected by such failure), until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, no further payments may be made to such State under this title (or payment shall be limited to programs or portions of the State plan not affected by such failure).

(b) A State agency dissatisfied with a final action of the Secretary under section 606 or subsection (a) of this section may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary or any officer designated by him for that purpose. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part, temporarily or permanently, but, until the filing of the record, the Secretary may modify or set aside his order. The findings of the Secretary as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Secretary's action.

ADVISORY COUNCIL ON YOUTH CAMP SAFETY

SEC. 509. (a) The Secretary shall establish in the Department of Health, Education, and Welfare an Advisory Council on Youth Camp Safety to advise and consult on policy matters relating to youth camp safety, particularly the promulgation of youth camp safety standards. The Council shall consist of the Secretary, who shall be Chairman, and eighteen members appointed by him, without regard to the civil service laws, from persons who are specially qualified by experience and competence to render such service. Prior to making such appointments, the Secretary shall consult with appropriate associations representing organized camping.

(b) The Secretary may appoint such special advisory and technical experts and consultants as may be necessary in carrying out the functions of the Council.

(c) Members of the Advisory Council, while serving on business of the Advisory Council, shall receive compensation at a rate to be fixed by the Secretary, but not exceeding $100 per day, including traveltime; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

ADMINISTRATION

SEC. 510. (a) The Secretary shall prepare and submit to the President for transmittal to the Congress at least once in each fiscal year a comprehensive and detailed report on the administration of this title.

(b) The Secretary is authorized to request directly from any department or agency of the Federal Government information, suggestions, estimates, and statistics needed to carry out his functions under this title; and such department or agency is authorized to furnish such information, suggestions, estimates, and statistics directly to the Secretary.

(c) Nothing in this title or regulations issued hereunder shall authorize the Secretary, a State agency, or any official acting under this law to restrict, determine, or influence the curriculum, program, or ministry of any youth camp.

AUTHORIZATION

SEC. 511. There are authorized to be appropriated to carry out the provisions of this Act the sum of $3,000,000 for the fiscal year ending June 30, 1972, and for each of the five succeeding fiscal years.

The title was amended so as to read: "A bill to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, the General Education Provisions Act (creating a National Foundation for Postsecondary Education and a National Institute of Education), the Elementary and Secondary Education Act of 1965, Public Law 874, Eighty-first Congress, and related Acts, and for other purposes.".

Mr. PELL. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PELL. Mr. President, I should like to express my very deep gratitude to all the members of our committee, because this was a bill in which partisanship did not play a role. It is a bill to which every member of the committee contributed. The staffs worked together as a team, both on the majority and the minority sides.

I thank my colleagues on the committee and the staffs of both parties for their help.

In my opening statement on S. 659, I stated that this was a bill for which no one person could take individual credit. However, I would like to thank certain members of the Committee on Labor and Public Welfare, for without their assistance, S. 659 in its present form could never have been before us today; and here I am thinking of Senator WILLIAMS, chairman of the full committee, Senator JAVITS, ranking minority member of the full committee, and Senator PROUTY, ranking minority member of the subcommittee. I would like to thank the staff of the minority, especially Roy Millenson and Stephen Hand, for their cooperation and hard work. I should also like to thank Blair Crownover of the Office of Legislative Counsel, whose assistance is often taken for granted, and express my appreciation to Richard Hastings and Mrs. Jean Frohlicher of the Office of Education, who provided the committee with technical assistance. And I particularly thank the staff of the majority, Stephen J. Wexler and Richard D. Smith, and their secretaries, Mrs. Anne Price and Miss Arabella Craddock, who were and are of inestimable help to me.

Mr. JAVITS. Mr. President, I thank the Senator.

I think it is appropriate to say that Senator PELL, as chairman of the subcommittee, has for months shown the most gifted and dedicated leadership in respect of this monumental and historic bill, and that has been a collaborative effort between us. He is on his feet, and I know just what he will say. But not for one moment should we derogate from the high order of skill and especially the dedication and perseverance and the real feeling for this monumental advance in respect of Federal aid to higher education which was represented by his work.

Mr. PELL. I thank the Senator very much; but I should add that if it were not for his words of art and contributions to the legislative process in bringing together the different views, this bill would not have emerged as it did.

Mr. WILLIAMS. Mr. President, earlier in the debate I indicated, as chairman of the full committee, the appreciation I feel for the work of the Senator from Rhode Island (Mr. PELL) and the ranking minority member of the committee, the Senator from New York (Mr. JAVITS).

Now we have the proper focus on higher education in one bill. This is the first time all parts of our efforts in higher education have been brought within one piece of legislation.

Some concern has been expressed by the chairman of the subcommittee handling it and the Appropriations Committee that it is a great amount of money. Yes, it is. A great amount of money could not be spent in a more worthy fashion than for the education of the people of this country.

AUTHORIZATION FOR PROGRAMS UNDER THE ECONOMIC OPPORTUNITY ACT OF 1964

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 328, S. 2007. I do this so that the bill will become the pending business, for consideration following the recess.

The PRESIDING OFFICER. The bill will be read by title.

The second assistant legislative clerk read as follows:

A bill (S. 2007) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Economic Opportunity Amendments of 1971".

EXTENSION OF ECONOMIC OPPORTUNITY ACT

SEC. 2. Sections 171, 245, 321, 408, 615, and 835 of the Economic Opportunity Act of 1964, as amended, are each amended by striking out "five succeeding fiscal years" and inserting in lieu thereof "seven succeeding fiscal years".

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. (a) (1) For the purpose of carrying out parts A, B, and E of title I (relating to work and training) of the Economic Opportunity Act of 1964, there are authorized to be appropriated $900,000,000 for the fiscal year ending June 30, 1972, and such amounts as the Congress may determine to be necessary for the fiscal year ending June 30, 1973.

(2) For the purpose of carrying out Neighborhood Youth Corps programs under paragraphs (1) and (2) of section 123(a) of such Act, there is further authorized to be appropriated $500,000,000 for the fiscal year ending June 30, 1972. No State shall receive less than $3,000,000 of the amounts appropriated pursuant to this paragraph or six-tenths of 1 per centum of the amounts so appropriated, whichever is less.

(b) For the purpose of carrying out the Project Headstart program described in section 222(a) (1) of the Economic Opportunity Act of 1964 and the Follow Through program described in section 222(a) (2) of such Act, there is authorized to be appropriated $500,000,000 for the fiscal year ending June 30, 1972.

(c) (1) For the purpose of carrying out titles II, III, VI, VII, VIII, and IX of the Economic Opportunity Act of 1964, there are authorized to be appropriated $950,000,000 each for the fiscal year ending June 30, 1972, and for the succeeding year.

(2) Notwithstanding any other provision of law, unless expressly in limitation of the provisions of this section, of the amounts appropriated pursuant to paragraph (1) of this subsection for each fiscal year, the Director of the Office of Economic Opportunity shall for each such fiscal year reserve and make available not less than $328,900,000 for programs under sections 221, 226, and 227 of the Economic Opportunity Act of 1964 and not less than $61,000,000 for Legal Services programs under section 222(a) (3) and title IX of such Act, and the remainder of such amounts shall be allocated and made available, subject to the provisions of section 616 of such Act, in such a manner that for each such fiscal year—

(A) $363,900,000 shall be for the purpose of carrying out title II of which $114,000,000 shall be for the purpose of carrying out the Comprehensive Health Services program described in section 222(a) (4), $62,500,000 shall be for the purpose of carrying out the Emergency Food and Medical Services program described in section 222(a) (5), $25,000,000 shall be for the purpose of carrying out the Family Planning program described in section 222(a) (6), $8,800,000 shall be for the purpose of carrying out the Senior Opportunities and Services program described in section 222(a) (7), $18,000,000 shall be for the purpose of carrying out the Alcoholic Counseling and Recovery program described in section 222(a) (8), $18,000,000 shall be for the purpose of carrying out the Drug Rehabilitation program described in section 222 (a) (9), and $117,600,000 shall be for the purpose of carrying out programs and activities authorized under sections 230, 231, 232, and 233 of such title;

(B) $38,000,000 shall be for the purpose of carrying out part B of title III (relating to assistance for migrant and seasonal farmworkers);

(C) $18,000,000 shall be for the purpose of carrying out title VI (relating to administration and coordination);

(D) $58,000,000 shall be for the purpose of carrying out title VII (relating to community economic development); and

(E) $45,000,000 shall be for the purpose of carrying out part A of title VIII (relating to VISTA).

If the amounts appropriated pursuant to paragraph (1) of this subsection for any fiscal year are not sufficient to assure that the full amount specified for each of the purposes set forth in clauses (A) through (E) of this paragraph will be provided for each such fiscal year, then the amount specified for each such purpose in each such clause (after deducting from any amount so specified any amount otherwise specifically provided for such purpose by an appropriation act for that fiscal year) shall be prorated to determine the allocation required for each such purpose.

(3) In addition to the amounts authorized to be appropriated and allocated pursuant to paragraphs (1) and (2) of this subsection, there are further authorized to be appropriated for carrying out such Act the following sums:

(1) $2,000.000 for the fiscal year ending June 30, 1972, and $62,000,000 for the fiscal year ending June 30, 1973, to be used for the Community Economic Development program under title VII;

(2) $79,000.000 for the fiscal year ending June 30, 1972, and $109.000.000 for the fiscal year ending June 30, 1973, to be used for the Legal Services program under title IX.

TRANSFER OF FUNDS

SEC. 4. (a) Section 616 of the Economic Opportunity Act of 1964 is amended by inserting after "July 1, 1970," the following: "and not to exceed 20 per centum for fiscal years beginning after July 1, 1970, and ending prior to June 30, 1972," and by striking out "15 per centum" and inserting in lieu thereof "25 per centum".

(b) Section 616 of such Act is amended by striking out the semicolon therein and all matter thereafter through "$10,000,000", the second time it appears in such section.

COMMUNITY ACTION BOARDS

SEC. 5. The last sentence of section 211(b) of the Economic Opportunity Act of 1964 is amended by striking out "three" and inserting in lieu thereof "six" and by striking out "six" and inserting in lieu thereof "twelve".

CHILD DEVELOPMENT

SEC. 6. (a) Title V of the Economic Opportunity Act of 1964 is amended to read as follows:

"TITLE V—CHILD DEVELOPMENT PROGRAMS

"STATEMENT OF FINDINGS AND PURPOSE

"SEC. 501. (a) The Congress finds that—

"(1) millions of children in the Nation are suffering unnecessary harm from the lack of adequate child development services, particularly during early childhood years;

"(2) comprehensive child development programs, including a full range of health, education, and social services, are essential to the achievement of the full potential of the Nation's children and should be available as a matter of right to all children regardless of economic, social, and family backgrounds;

"(3) children with special needs must receive full and special consideration in planning any child development programs and, pending the availability of such programs for all children, priority must be given to preschool children with the greatest economic and social need;

"(4) while no mother may be forced to work outside the home as a condition for using child development programs, such programs are essential to allow many parents to undertake or continue full- or part-time employment, training, or education;

"(5) comprehensive child development programs not only provide a means of delivering a full range of essential services to children, but can also furnish meaningful employment opportunities for many individuals, including older persons, parents, young persons, and volunteers from the community; and

"(6) it is essential that the planning and operation of such programs be undertaken as a partnership of parents, community, and State and local government with appropriate assistance from the Federal Government.

"(b) It is the purpose of this title to provide every child with a fair and full opportunity to reach his full potential by establishing and expanding comprehensive child development programs, and services designed to assure the sound and coordinated development of these programs, to recognize and build upon the experience and success gained through the Headstart program and similar efforts, to furnish child development services for those children who need them most, with special emphasis on preschool programs for economically disadvantaged children, and for children of working mothers and single parent families, to provide that decisions on the nature and funding of such programs be made at the community level with the direct participation of parents of the children and other individuals and organizations in the community interested in child development served in the development, conduct, and overall direction of programs at the community level, and to establish the legislative framework for the future expansion of such programs to universally available child development services.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 502. (a) For the purpose of carrying out this title, there is authorized to be appropriated $2,000,000,000 for the fiscal year ending June 30, 1973. Any amounts appropriated for such fiscal year which are not obligated at the end of such fiscal year may be obligated in the succeeding fiscal year.

"(b) For the purpose of providing training, technical assistance, planning, and such other activities as the Secretary deems necessary and appropriate to prepare for the implementation of this title, there is authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1972.

"ALLOCATION OF FUNDS

"SEC. 503. (a) The amounts appropriated for carrying out this title for any fiscal year after June 30, 1972, shall be made available in the following manner:

"(1) $500,000,000 shall be used for the purpose of providing assistance under parts A, B, and D of this title for child development programs focused upon young children from low-income families, giving priority to continued financial assistance for Headstart projects;

"(2) not to exceed 10 per centum of the remaining amounts so appropriated shall be used for the purpose of carrying out parts B, C, D, and E of this title, as the Secretary deems appropriate; and

"(3) the remainder of such amounts shall be used for the purpose of carrying out part A of this title.

"(b)(1) From the amounts available for carrying out comprehensive child development programs under part A of this title, the Secretary shall reserve the following:

"(A) not less than that proportion of the total amount available for carrying out such part A as is equivalent to that proportion which the total number of children of migrant agricultural workers bears to be total number of economically disadvatnaged children in the United States, which shall be apportioned among programs serving children of migrant agricultural workers on an equitable basis, and to the extent practicable in proportion to the relative numbers of children served in each such program;

"(B) not less than that proportion of the total amount available for carrying out such part A as is equivalent to that proportion which the total number of children on Federal and State Indian reservations bears to the total number of economically disadvantaged children in the United States, which shall be apportioned among programs serving children on Federal and State Indian reservations on an equitable basis, and to the extent practicable in proportion to the relative numbers of children residing on each such reservation;

"(C) not less than 10 per centum of the total amount available for carrying out this title, which shall be made available for the purposes of section 512 (2)(I) of such part (relating to special activities for handicapped children);

"(D) not to exceed 5 per centum of the total amount available for carrying out such part A, which shall be made available under section 513(f)(3) of such part (relating to model programs).

"(2) The remainder of the amount available for carrying out part A of this title shall be allocated by the Secretary on an equitable basis, and to the extent practicable such funds shall be apportioned in such a manner that—

"(A) 50 per centum of such remainder shall be apportioned among the States and localities within each State in proportion to the relative numbers of economically disadvantaged childrne in each such State and locality, respectively;

"(B) 25 per centum of such remainder shall be apportioned among the States and localities within each State in proportion to the relative numbers of children who have not attained six years of age in each such State and locality, respectively;

"(C) 25 per centum of such remainder shall be apportioned among the States and localities within each State in proportion to the relative numbers of children of working mothers and single parents in each such State and locality, respectively.

For the purposes of clauses (A), (B), (C) of this paragraph, there shall be excluded those children who are counted under clauses (A) and (B) of subsection (b)(1) of this section.

"(3) In determining the numbers of children for purposes of allocating and apportioning funds under this section, the Secretary shall use the most recent satisfactory data available to him.

"(c) Not to exceed 5 per centum of the total funds apportioned for use within a State pursuant to subsection (b)(2) may be made available for grants to the State to carry out the provisions of section 517 of this title.

"(d) As soon as practicable after funds are appropriated to carry out this title for any fiscal year, the Secretary shall publish in the Federal Register the apportionments required by this section.

"PART A—COMPREHENSIVE CHILD DEVELOPMENT PROGRAMS

"FINANCIAL ASSISTANCE

"SEC. 511. The Secretary of Health, Education, and Welfare shall provide financial assistance for carrying out child development programs under this part to prime sponsors and to other public and private nonprofit agencies and organizations pursuant to plans and applications approved in accordance with the provisions of this part.

"USES OF FUNDS

"SEC. 612. Funds available for this part may be used (in accordance with approved applications) for the following services and activities:

"(1) planning and developing child development programs, including the operation of pilot programs to test the effectiveness of new concepts, programs, and delivery systems;

"(2) establishing, maintaining, and operating child development programs, which may include—

"(A) comprehensive physical and mental health, social, and cognitive development services necessary for children participating in the program to profit fully from their educational opportunities and to attain their maximum potential;

"(B) food and nutritional services (including family consultation);

"(C) rental, remodeling, renovation, alteration, construction, or acquisition of facilities, including mobile faciilties, and the acquistion of necessary equipment and supplies;

"(D) programs designed (i) to meet the special needs of minority group, Indian, and migrant children with particular emphasis on the needs of children from bilingual families for the development of skills in English and another language spoken in the home, and (ii) to meet the needs of all children to understand the history and cultural backgrounds of minority groups which belong to their communities and the role of members of such minority groups in the history and cultural development of the Nation and of the region in which they reside;

"(E) a program of daily activities designed to develop fully each child's potential;

"(F) other specially designed health, social, and educational programs (including after school, summer, weekend, vacation, and overnight programs);

"(G) medical, dental, psychological, educational, and other appropriate diagnosis, identification, and treatment of visual, hearing, speech, nutritional, and other physical, mental, and emotional barriers to full participation in child development programs, including programs for preschool and other children who are emotionally disturbed;

"(H) prenatal and other medical services to expectant mothers who cannot afford such services, designed to help reduce malnutrition, infant and maternal mortality, and the incidence of mental retardation and other handicapping conditions, and postpartum and other medical services (including family planning information) to such recent mothers;

"(I) incorporation within child development programs of special activities designed to identify and ameliorate identified physical, mental, and emotional handicaps and special learning disabilities and, where necessary because of the severity of such handicaps, establishing, maintaning, and operating separate child development programs designed primarily to meet the needs of handicapped children, including emotionally disturbed children;

"(J) preservice and inservice education and other training for professional and paraprofessional personnel;

"(K) dissemination of information in the functional language of those to be served to assure that parents are well informed of child development programs available to them and may participate in such programs;

"(L) services, including in-home services, and training in the fundamentals of child development, for parents, older family members functioning in the capacity of parents, youth, and prospective parents;

"(M) use of child advocates, consistent with the provisions of this title, to assist children and parents in securing full access to other services, programs, or activities intended for the benefit of children;

"(N) programs designed to extend comprehensive prekindergarten early childhood education techniques and gains (particularly parent participation) into kindergarten and early primary grades (one through three), in cooperation with local educational agencies, including the use of former assistant Headstart teachers or similar early childhood education teachers as instructional aides (in addition to those employed by the schools involved) working closely with classroom teachers in the kindergarten and such early primary grades in which are enrolled children they taught in Headstart or other early childhood education programs, providing for full participation of parents of the children involved in program planning, implementation, and decisionmaking and for career development opportunities and advancement through continuing education and training for the instructional aides involved (including teaching salaries, educational stipends for tuition, books, and tutoring, career counseling, arrangements for academic credit for independent study, fieldwork based on their teaching assignments, and preservice and inservice training) and for the classroom teachers and principals involved; and

"(O) such other services and activities as the Secretary deems appropriate in furtherance of the purposes of this part; and

"(3) staff and other administrative expenses of child development councils established and operated in accordance with this part.

"PRIME SPONSORS OF CHILD DEVELOPMENT PROGRAMS

"SEC. 513.(a) In accordance with the provisions of this section, a State, locality, combination of localities, Indian tribe on a Federal or State reservation, or public or private of this part may be designated by the Secretary as a prime sponsor for the purpose of entering into arrangements to carry out child development programs under this part, upon the approval by the Secretary of a prime sponsorship plan which includes provisions—

"(1) describing the prime sponsorships area to be served;

"(2) setting forth satisfactory provisions for establishing and maintaining a Child Development Council which meets the requirements of section 514;

"(3) providing that the Child Development Council shall be responsible for developing and preparing a comprehensive child development plan for each fiscal year and any modifications thereof;

"(4) setting forth arrangements under which the Child Development Council will be responsible for planning, supervising, coordinating, monitoring, and evaluating child development programs in the prime sponsorship area;

"(5) providing adequate assurances that staff and other administrative expenses for the Child Development Council under paragraph (3) of section 512 will not exceed 5 per centum of the total cost of comprehensive child development programs administered by the prime sponsor unless such per centum limitation is increased to give special consideration to initial costs in the first operational year or to other special needs, in accordance with regulations which the Secretary shall prescribe; and

"(6) providing assurances, to the extent necessary to carry out comprehensive child development programs in the area to be served, of the capacity to provide, or to enter into arrangements with appropriate State or local or other agencies for linkages to provide—

"(A) related family, social, and rehabilitative services;

"(B) coordination with educational agencies and providers of educational services;

"(C) health (including family planning) and mental health services;

"(D) nutrition services; and

"(E) training of professional and paraprofessional personnel.

"(b) The Secretary shall approve a prime sponsorship plan submitted by a locality which is a (1) city, (2) county, or (3) other unit of general local government, if he determines that the plan so submitted meets the requirements of subsection (a) of this section and includes adequate provisions for carrying out comprehensive child development programs in the area of such locality. In the event that the area under the jurisdiction of a unit of general local government described in clause (1), (2), or (3) of the preceding sentence includes any common geographical area with that covered by another such unit of general local government, the Secretary shall designate to serve such area the unit of general local government which he determines has the capability of more effectively carrying out the purposes of this part with respect to such area and which has submitted a plan which meets the requirements of this section and includes adequate provisions for carrying out comprehensive child development programs in such area.

"(c)(1) In the event that the Secretary determines that a locality fails to meet the requirements for designation as a prime sponsor under subsection (b) of this section for the reason that it lacks the capability of meeting the requirements of clause (5) (concerning the limitation on administrative expenses for Child Development Councils) or clause (6) (concerning the capacity to provide or to enter into arrangements for linkages to provide services related to child development) of subsection (a), he shall take steps to encourage the submission of a prime sponsorship plan, covering the area of such locality, by a combination of localities which are adjoining and possess a sufficient commonality of interest.

"(2) The Secretary shall approve a prime sponsorship plan submitted by a combination of localities if he determines that the plan so submitted meets the requirements of subsection (a) of this section and includes adequate provisions for carrying out comprehensive child development programs in the area covered by the combination of such localities.

"(d) The Secretary shall approve a prime sponsorship plan submitted by an Indian tribe on a Federal or State reservation if he determines that the plan so submitted meets the requirements of subsection (a) of this section and includes adequate provisions for carrying out comprehensive child development programs in the area to be served.

"(e) In the event that the Secretary determines, with respect to the area of a particular locality, that a prime sponsorship plan meeting the requirements of this section has not been submitted by a locality or combination of localities covering such area, or by an Indian tribe on a Federal or State reservation, or in the event that prime sponsorship designation has been withdrawn in accordance with subsection (h) of this section, the Secretary may, with respect to the impending fiscal year when no such prime sponsorship designation will be in effect, approve a plan submitted by the State which meets the requirements of subsection (a) of this section and includes adequate provisions for carrying out comprehensive child development programs in each such area.

"(f) The Secretary may approve a prime sponsorship plan submitted by a public or private nonprofit agency, including but not limited to a community action agency, single-purpose Headstart agency, community development corporation, parent cooperative, organization of migrant agricultural workers, organization of Indians, employer organization, labor union, employee or labor-management organization, or public or private educational agency or institution, if he determines that the plan so submitted meets the requirements of subsection (a) of this section and includes—

"(1) provisions setting forth arrangements for serving children in a neighborhood or other area possessing a commonality of interest in the area of any locality with respect to which there is no prime sponsorship designation in effect, or with respect to any portion of an area where the prime sponsor is found not to be satisfactorily implementing child development programs which adequately meet the purposes of this part, or for making available special services, in accordance with criteria established by the Secretary, designed to meet the needs of economically disadvantaged or preschool children; or

"(2) arrangements for providing comprehensive child development programs on a year-round basis to children of migrant agricultural workers and their families; or

"(3) arrangements for carrying out model programs especially designed to be responsive to the needs of economically disadvantaged, minority group, or bilingual preschool children.

"(g) The Governor of the State shall, in accordance with regulations which the Secretary shall prescribe, be given a reasonable opportunity to review and offer recommendations to any applicant submitting a plan for prime sponsorship designation under this section, and to submit comments to the Secretary with respect to any plan so submitted.

"(h) A prime sponsorship plan submitted under this section may be disapproved or a prior designation of a prime sponsor may be withdrawn only if the Secretary, in accordance with regulations which he shall prescribe, has provided (1) written notice of intention to disapprove such plan, including a statement of the reasons, (2) a reasonable time in which to submit corrective amendments to such plan or undertake other necessary corrective action, and (3) an opportunity for a public hearing upon which basis an appeal to the Secretary may be taken as of right.

"(i)(1) If any party is dissatisfied with the Secretary's final action under subsection (h) with respect to the disapproval of its plan submitted under this section or the withdrawal of its prime sponsorship designation, such party may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such party is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

"(2) The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"CHILD DEVELOPMENT COUNCILS

"SEC. 514. (a) Each prime sponsor designated under section 513 shall establish and maintain a Child Development Council consisting of not less than ten members, comprised as follows—

"(1) not less than half of the members of such Council shall be parents of children served in child development programs under this part; and

"(2) the remaining members of such Council shall be appointed by the chief executive officer or officers of the prime sponsor to represent the public, but (A) not less than half of such members shall be persons who are broadly representative of the general public, including government agencies, public and private agencies and organizations in such fields as economic opportunity, health, education, welfare, employment and training, **business or financial organizations or institutions, labor unions, and employers, and who are approved by the parent members described in paragraph (1), and (B) the remaining members, the number of which shall** be either equal to or one less than the number of members appointed under clause (A), shall be persons who are particularly skilled by virtue of training or experience in child development, child health, child welfare, or other child services, except that the Secretary may waive the requirement of this clause (B) to the extent that he determines, in accordance with regulations which he shall prescribe, that such persons are not available to the area to be served.

"(b) In accordance with procedures which the Secretary shall establish pursuant to regulations, each prime sponsor designated under section 513 shall provide, with respect to the Child Development Council established and maintained by such prime sponsor, that—

"(1) the parent members described in paragraph (1) of subsection (a) of this section shall be chosen by the membership of Headstart policy committees where they exist, and, at the earliest practicable time, by project policy committees established pursuant to section 516(a)(2) of this part;

"(2) not less than one-fourth of the total membership of such Council shall be persons broadly representative of the economically disadvantaged;

"(3) the terms of office and any other policies and procedures of an organizational nature, including nomination and election procedures, are appropriate in accordance with the purposes of this part;

"(4) such Council shall have responsibility for approving basic goals, policies, actions, and procedures for the prime sponsor, including policies with respect to planning, general supervision and oversight, overall coordination, personnel, budgeting, funding of projects, and monitoring and evaluation of projects; and

"(5) such Council shall, upon its own initiative or upon request of a project applicant or any other party in interest, conduct public hearings before acting upon applications for financial assistance submitted by project applicants under this part.

"COMPREHENSIVE CHILD DEVELOPMENT PLANS

"SEC. 515. (a) Financial assistance under this part may be provided by the Secretary for any fiscal year to a prime sponsor designated pursuant to section 513 only pursuant to a comprehensive child development plan which is submitted by such prime sponsor and approved by the Secretary in accordance with the provisions of this part. Any such plan shall set forth a comprehensive program for providing child development services in the prime sponsorship area which—

"(1) identifies all child development needs and goals within the area and describes the purposes for which the financial assistance will be used;

"(2) meets the needs of children in the prime sponsorship area, to the extent that available funds can be reasonably expected to have an effective impact, including infant care and before and after school programs for children in school with priority to children who have not attained six years or age;

"(3) gives priority to meeting the special needs of economically disadvantaged children by providing that not less than 65 per centum of the total cost of programs receiving financial assistance under section 503(b) shall be for child development programs and services for economically disadvantaged children;

"(4) gives priority thereafter to providing child development programs and services to children of single parents and working mothers not covered under paragraph (3);

"(5) provides procedures for the approval of project applications submitted in accordance with section 516;

"(6) provides, in the case of a prime sponsor located within or adjacent to a metropolitan area, for coordination with other prime sponsors located within such metropolitan area, and arrangements for cooperative funding where appropriate, and particularly for such coordination where appropriate to meet the needs for child development services of children of parents working or participating in training or otherwise occupied during the day within a prime sponsorship area other than that in which they reside;

"(7) provides that, to the extent feasible, each program within the prime sponsorship area will include children from a range of socioeconomic backgrounds;

"(8) provides comprehensive services (A) to meet the special needs of minority group children of migrant agricultural workers with particular emphasis on the needs of children from bilingual families for development of skills in English and in the other language spoken in the home, and (B) to meet the need of all children to understand the history and cultural background of minority groups which belong to the communities and the role of members of such minority groups in the history and cultural development of the Nation and the region in which they reside;

"(9) provides equitably for the child development needs of children from each minority group or significant segment of the economically disadvantaged residing within the area served;

"(10) provides, insofar as possible, for coordination of child development programs so as to keep family units intact or in close proximity during the day;

"(11) provides that, insofar as possible, unemployed or low-income persons residing in communities served by such projects will receive jobs providing career ladder opportunities, including in-home and part-time jobs, and opportunities for training in programs assisted under part B of this title;

"(12) provides for the regular and frequent dissemination of information in the functional language of those to be served, to assure that parents and interested persons in the community are fully informed of the activities of the Child Development Council and of delegate agencies;

"(13) assures that procedures and mechanisms for coordination have been developed in cooperation with preschool program administrators and administrators of local educational agencies and nonpublic schools, at the local level, to provide continuity between programs for preschool and elementary school children and to coordinate programs conducted under this part and programs conducted pursuant to section 222(a)(2) of the Economic Opportunity Act of 1964 and the Elementary and Secondary Education Act of 1965;

"(14) establishes arrangements in the area served for the coordination of programs conducted under the auspices of or with the support of business or financial institutions or organizations, industry, labor, employee and labor-management organizations, and other community groups;

"(15) contains any arrangements for the delegation, under the supervision of the Child Development Council, to any public or private nonprofit agencies, institutions, or organizations, of responsibilities for the delivery of programs, services, and activities for which financial assistance is provided under this part, or for any planning or evaluation services to be made available with respect to programs under this part; and

"(16) contains plans for regularly conducting surveys and analyses of needs for child development programs in the prime sponsorship area and for submitting to the Secretary a comprehensive annual report and evaluation in such form and containing such information as the Secretary shall require by regulation.

"(b) No comprehensive child development plan or modification thereof submitted by a prime sponsor under this section shall be approved by the Secretary unless he determines, in accordance with regulations which the Secretary shall prescribe, that—

"(1) each community action agency or single-purpose Headstart agency in the area to be served previously responsible for the administration of programs under this part or under section 222(a)(1) of the Economic Opportunity Act of 1964 has had an opportunity to submit comments to the prime sponsor and to the Secretary;

"(2) the local educational agency for the area to be served, and other appropriate educational and training agencies and institutions, have had an opportunity to submit comments to the prime sponsor and to the Secretary; and

"(3) the Governor of the State has had an opportunity to submit comments to the prime sponsor and to the Secretary.

"(c) A comprehensive child development plan submitted under this section may be disapproved or a prior approval withdrawn only if the Secretary, in accordance with regulations which he shall prescribe, has provided (1) written notice of intention to disapprove such plan, including a statement of the reasons, (2) a reasonable time to submit **corrective amendments to such plan or undertake** other necessary corrective action, and (3) an opportunity for a public hearing upon which basis an appeal to the Secretary may be taken as of right.

"(d) In order to contribute to the effective administration of this title, the Secretary shall establish appropriate procedures to permit prime sponsors to submit jointly a single comprehensive child development plan for the areas served by such prime sponsors.

"PROJECT APPLICATIONS

"SEC. 516. (a) Financial assistance under this part may be provided to a project applicant for any fiscal year only pursuant to a project application which is submitted by a public or private agency and which provides that—

"(1) funds will be provided for carrying out any child development program under this part only to a qualified public or private agency or organization, including but not limited to a community action agency, single-purpose Headstart agency, community development corporation, parent cooperative, organization of migrant agricultural workers, organization of Indians, private organization interested in child development, employer or business organization, labor union, employee or labor-management organization, or public or private educational agency or institution;

"(2) project policy committees shall be established and maintained, consisting of not less than ten members, composed so that (A) not less than half of the members of each such committee shall be parents of children served in such projects, and (B) the remaining members of such committee shall be comprised (i) of persons who are representative of the community and who shall be approved by the parent members, and (ii) of persons, the number of which shall be not less than one-third nor more than one-half **of the number of members appointed under** clause (i), who are particularly skilled by virtue of training or experience in child development, child health, child welfare, or other child services, except that the Secretary may waive the requirement of this clause (ii) to the extent that he determines in accordance with regulations which he shall prescribe, that such persons are not available to the area to be served;

"(3) provision will be made for direct participation of such policy committees in the development and preparation of project applications under this part;

"(4) adequate provision will be made for training and other administrative expenses of such policy committees (including necessary expenses to enable low-income members to participate in council or committee meetings);

"(5) project policy committees shall have responsibility for approving basic goals, policies, actions, and procedures for the project applicant, including policies with respect to planning, overall conduct, personnel, budgeting, location of centers and facilities, and direction and evaluation of projects;

"(6) programs assisted under this part will provide for such comprehensive, health, nutritional, education, social, and other services, as are necessary for the full cognitive, emotional and physical development of each participating child;

"(7) adequate provision will be made for the regular and frequent dissemination of information in the functional language of those to be served, to assure that parents and interested persons are fully informed of project activities;

"(8) (A) no charge for services provided under a child development program will be made with respect to any child who is economically disadvantaged, except to the extent that payment will be made by a third party (including a public agency) which is authorized or required to pay for such services; and (B) such charges will be made with respect to a child who is not economically disadvantaged in accordance with an appropriate fee schedule which shall be established by the Secretary by regulation and which is based upon the ability of the family to pay for such services, including the extent to which any third party (including a public agency) is authorized or required to make payment for such services;

"(9) children will in no case be excluded from the programs operated pursuant to this part because of their participation in nonpublic preschool or school programs or because of the intention of their parents to enroll them in nonpublic schools when they attain school age;

"(10) programs will, to the extent appropriate, employ paraprofessional aides and volunteers, especially parents, older children, students, older persons, and persons preparing for careers in child development programs

"(11) no person will be denied employment in any program solely on the ground that he fails to meet State or local teacher certification standards;

"(12) there are assurances satisfactory to the Secretary that the non-Federal share requirements will be met; and

"(13) provision will be made for such fiscal control and fund accounting procedures as the Secretary shall prescribe to assure proper disbursement of and accounting for Federal funds.

"(b) A project application submitted in accordance with subsection (a) of this section may be approved by the Secretary upon his determination that it meets the purposes of this part.

"SPECIAL GRANTS TO STATES

"SEC. 517. Upon application submitted by any State, the Secretary is authorized to provide financial assistance for use by such State for carrying out activities for the purposes of—

"(1) identifying child development goals and needs within the State;

"(2) assisting in the establishment of Child Development Councils and strengthening the capability of such Councils to effectively plan, supervise, coordinate, monitor, and evaluate child development programs;

"(3) encouraging the cooperation and participation of State agencies in providing child development and related services, including health, family planning, mental health, education, nutrition, and family, social and rehabilitative services where requested by appropriate prime sponsors in the development and implementation of comprehensive child development plans;

"(4) encouraging the full utilization of resources and facilities for child development programs within the State;

"(5) disseminating the results of research on child development programs;

"(6) conducting programs for the exchange of personnel involved in child development programs within the State;

"(7) assisting public and private nonprofit agencies and organizations in the acquisition or improvement of facilities for child development programs;

"(8) assessing State and local licensing codes as they relate to child development programs within the State; and

"(9) developing information useful in reviewing prime sponsorship plans under section 513(g) and of Comprehensive Child Development Plans under section 515(b) (3).

"ADDITIONAL CONDITIONS FOR PROGRAMS INCLUDING CONSTRUCTION

"SEC. 518. (a) Applications for financial assistance for projects including construction may be approved only if the Secretary determines that construction of such facilities is essential to the provision of adequate child development services, and that rental, renovation, remodeling, or leasing of adequate facilities is not practicable.

"(b) If any facility assisted under this part shall cease to be used for the purposes for which it was constructed, the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds, unless the Secretary determines in accordance with regulations that there is good cause for releasing the applicant or other owner from the obligation to do so. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated.

"(c) All laborers and mechanics employed by contractors or subcontractors on all construction, remodeling, renovation, or alteration projects assisted under this part shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5). The Secretary of Labor shall have with respect to the labor standard specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"(d) Any Federal assistance for construction shall be in the form of grants, and shall not be paid to other than public or private nonprofit agencies and organizations. Not more than 15 per centum of the total financial assistance provided to a prime sponsor under this part shall be used for construction of facilities.

"USE OF PUBLIC FACILITIES FOR CHILD DEVELOPMENT PROGRAMS

"SEC. 519. (a) The Secretary, after consultation with other appropriate officials of the Federal Government, shall within sixteen months after enactment of this title report to the Congress with respect to the extent to which facilities owned or leased by Federal departments, agencies, and independent authorities could be made available to public and private nonprofit agencies and organizations, through appropriate arrangements, for use as facilities for child development programs under this title during times and periods when not utilized fully for their usual purposes, together with his recommendations (including recommendations for changes in legislation) or proposed actions for such use.

"(b) The Secretary may require, as a condition to the receipt of assistance under this part, that any prime sponsor under this part agree to conduct a review and provide the Secretary with a report as to the extent to which facilities owned or leased by such prime sponsor, or by other agencies in the prime sponsorship area, could be made available, through appropriate arrangements, for use as facilities for child development programs under this title during times and periods when not utilized fully for their usual purposes, together with the prime sponsor's proposed actions for such use.

"PAYMENTS

"SEC. 520. (a) In accordance with this section, the Secretary shall pay from the applicable allocation or apportionment under section 503 the Federal share of the costs of programs, services, and activities, in accordance with plans or applications which have been approved as provided in this part.

"(b) (1) Except as provided in paragraphs (2) and (3) of this subsection, the Secretary shall pay an amount not in excess of 80 per centum of the cost of carrying out programs, services, and activities under this part. The Secretary may, in accordance with such regulations as he shall prescribe, approve assistance in excess of such percentage if he determines that such action is required to provide adequately for the child development needs of economically disadvantaged children.

"(2) The Secretary shall pay an amount equal to 100 per centum of the costs of providing child development programs for children of migrant agricultural workers and their families under this part.

"(3) The Secretary shall pay an amount equal to 100 per centum of the costs of providing child development programs for children on Federal or State Indian reservations under this part.

"(c) The non-Federal share of the costs of programs, services, and activities assisted under this part may be provided through public or private funds and may be in the form of cash, goods, services, or facilities (or portions thereof that are used for program purposes), reasonably evaluated, and employee and employer contributions.

"(d) Fees collected for services pursuant to section 516(a) (8) shall be deemed financial assistance for purposes of section 515 (a) (3).

"(e) If, with respect to any fiscal year, a prime sponsor or project applicant provides non-Federal contributions for any program, service, or activity exceeding its requirements, such excess may be applied toward meeting the requirements for such contributions for the subsequent fiscal year under this part.

"(f) No State or locality shall reduce its expenditures for child development or day-care programs by reason of assistance under this part.

"PART B—TRAINING, TECHNICAL ASSISTANCE, PLANNING, AND EVALUATION

"PRESERVICE AND INSERVICE TRAINING

"SEC. 531. The Secretary is authorized to make payments to provide financial assistance to enable individuals employed or preparing for employment in child development programs assisted under this title, including volunteers, to participate in programs of preservice or inservice training for professional and nonprofessional personnel, to be conducted by any agency carrying out a child development program, or any institution of higher education, including a community college, or by any combination thereof.

"TECHNICAL ASSISTANCE AND PLANNING

"Sec. 532. The Secretary shall, directly or through grant or contract, make technical assistance available to prime sponsors and to project applicants participating or seeking to participate in programs assisted under this title on a continuing basis to assist them in planning, developing, and carrying out child development programs.

"EVALUATION

"Sec. 533. (a) The Secretary shall make an evaluation of Federal involvement in child development activities and services, which shall include—

"(1) enumeration and description of all Federal activities which affect child development;

"(2) analysis of expenditures of Federal funds for such activities and services;

"(3) determination of the effectiveness of such activities and services;

"(4) the extent to which preschool, minority group, and economically disadvantaged children and their parents have participated in programs under this title; and

"(5) such recommendations to Congress as the Secretary may deem appropriate.

"(b) The results of the evaluation required by subsection (a) of this section shall be reported to Congress not later than two years after enactment of this title.

"(c) The Secretary shall establish such procedures as may be necessary to conduct an annual evaluation of Federal involvement in child development programs, and shall report the results of each such evaluation to Congress.

"(d) Prime sponsors and project applicants assisted under this title and departments and agencies of the Federal Government shall, upon request by the Secretary, make available, consistent with other provisions of law, such information as the Secretary determines is necessary for purposes of making the evaluation required under subsection (c) of this section.

"(e) The Secretary may enter into contracts with public or private agencies, organizations, or individuals to carry out the provisions of this section.

"(f) The Secretary shall reserve for the purposes of this section not less than 1 per centum, and may reserve for such purposes not more than 2 per centum, of the amounts available under paragraphs (2) and (3) of section 503(a) of this title for any fiscal year.

"FEDERAL STANDARDS FOR CHILD DEVELOPMENT SERVICES

"Sec. 534. (a) Within six months after the enactment of Economic Opportunity Amendments of 1971, the Secretary shall, after consultation with other Federal agencies and with the committee established pursuant to subsection (b) of this section, promulgate a common set of program standards which shall be applicable to all programs providing child development services with Federal assistance under this title, to be known as the Federal Standards for Child Development Services. If the Secretary disapproves the committee's recommendations, he shall state the reasons therefor.

"(b) The Secretary shall, within sixty days after enactment of this title, appoint a Special Committee on Federal Standards for Child Development Services, which shall include parents of children enrolled in child development programs, representatives of public and private agencies administering child development programs, and organizations, specialists, and others interested in the development of children. Not less than one-half of the membership of the Committee shall consist of parents of children participating in programs conducted under part A of this title and section 222 (a) (1) of this Act. Such Committee shall participate in the development of Federal Standards for Child Development Services and modifications thereof as provided in subsection (a).

"DEVELOPMENT OF UNIFORM MINIMUM CODE FOR FACILITIES

"Sec. 535. (a) The Secretary shall, within sixty days after enactment of the Economic Opportunity Amendments of 1971, appoint a special committee to develop a uniform minimum code for facilities, to be used in licensing child development facilities. Such standards shall deal principally with those matters essential to the health, safety, and physical comfort of the children and the relationship of such matters to the Federal Standards for Child Development Services under section 534.

"(b) The special committee appointed under this section shall include parents of children participating in child development programs and representatives of State and local licensing agencies, public health officials, fire prevention officials, the construction industry and unions, public and private agencies or organizations administering child development programs, and national agencies or organizations interested in the development of children. Not less than one-third of the membership of the committee shall consist of parents of children enrolled in programs conducted under part A of this title and section 222(a) (1) of this Act.

"(c) Within one year after its appointment, the special committee shall complete a proposed uniform minimum code for facilities and shall hold public hearings on the proposed code prior to submitting its final recommendations to the Secretary for his approval.

"(d) After considering the recommendations submitted by the special committee in accordance with subsection (c), the Secretary shall promulgate standards which shall be applicable to all facilities receiving Federal financial assistance under this title or in which programs receiving Federal financial assistance under this title are operated. If the Secretary disapproves the committee's recommendations, he shall state the reasons therefor. The Secretary shall also distribute such standards and urge their adoption by States and local governments. The Secretary may from time to time modify the uniform code for facilities in accordance with procedures set forth in this section.

"Part C—Model Federal Government Child Development Programs

"PROGRAM AUTHORIZED

"Sec. 541. (a) The Secretary is authorized to provide financial assistance for the purpose of establishing and operating model child development programs (including the lease, rental, or construction of necessary facilities and the acquisition of necessary equipment and supplies) for the children of civilian employees of the Federal Government.

"(b) Civilian employees of any Federal agency or group of such agencies employing eighty working parents of young children who desire to participate in a program eligible for assistance under this part shall—

"(1) designate or create for such purpose an agency committee, the membership of which shall be broadly representative of the working parents interested in utilizing these services who are employed by the agency or agencies; and

"(2) submit to the Secretary a plan approved by the official in charge of such agency or agencies, which:

"(A) provides that the child development program shall be administered under the direction of the agency committee;

"(B) provides that the program will meet the Federal Standards for Child Development Services approved pursuant to section 534 and the uniform minimum code for facilities approved pursuant to section 535;

"(C) provides a means of determining priority of eligibility among parents wishing to use the services of the program;

"(D) provides for a scale of fees based upon the parents' financial status; and

"(E) provides for competent management, staffing, and facilities for such program.

"(c) The Secretary shall not make payments under this section unless he has received approval of the plan from the official in charge of the agency whose employees will be served by the child development program.

"PAYMENTS

"Sec. 542. (a) Not more than 80 per centum of the total cost of child development programs under this part shall be paid from Federal funds available under this title.

"(b) The share of the total cost not available under paragraph (a) may be provided through public or private funds and may be in the form of cash, goods, services, or facilities (or portions thereof that are used for program purposes), reasonably evaluated, fees collected from parents, and union and employer contributions.

"(c) If, with respect to any fiscal year, a program under this part provides contributions exceeding its requirements under this section, such excess may be used to meet the requirements for such contributions for the subsequent fiscal year.

"Part D—Research and Demonstrations

"DECLARATION OF PURPOSES

"Sec. 551. The purposes of this part are to focus national research efforts to attain a fuller understanding of the processes of child development and the effects of organized programs upon these processes; to develop effective programs for research into child development; and to assure that the result of research and development efforts are reflected in the conduct of programs affecting children through the improvement and expansion of child development and related programs.

"RESEARCH AND DEMONSTRATION PROJECTS

"Sec. 552. (a) In order to further the purposes of this part, the Secretary shall carry out a program of research and demonstration projects, which shall include but not be limited to—

"(1) research to determine the nature of child development processes and the impact of various influences upon them, to develop techniques to measure and evaluate child development, to develop standards to evaluate professional and paraprofessional child development personnel, and to determine how child development and related programs conducted in either home or institutional settings affect child development processes;

"(2) research to test alternative methods of providing child development and related services, and to develop and test innovative approaches to achieve maximum development of children and programs for training adolescent youth in child development;

"(3) evaluation of research findings and the development of these findings and the effective application thereof; and

"(4) dissemination and application of research and development efforts and demonstration projects to child development and related programs and early childhood education, using regional demonstration centers and advisory services where feasible.

"(b) In order to carry out the program provided for in subsection (a), the Secretary is authorized to make grants to or enter into contracts or other arrangements with public or private nonprofit agencies (including other Government agencies), organizations, and institutions, and to enter into contracts with private agencies, organizations, institutions, and individuals.

"COORDINATION OF RESEARCH

"SEC. 553. (a) Funds available to any Federal department or agency for the purposes stated in section 551 or the activities stated in section 552(a) shall be available for transfer, with the approval of the head of the department or agency involved, in whole or in part, to the Secretary for such use as is consistent with the purposes for which such funds were provided, and the funds so transferred shall be expendable by the Secretary for the purposes for which the transfer was made.

"(b) The Secretary shall coordinate, through the Office of Child Development, established under section 582 of this title, all child development research, training, and development efforts conducted within the Department of Health, Education, and Welfare and, to the extent feasible, by other agencies, organizations, and individuals.

"(c) A Child Development Research Council, consisting of a representative of the Office of Child Development established under section 582 of this title (who shall serve as chairman), and representatives from the Federal agencies administering the Social Security Act and the Elementary and Secondary Education Act of 1965 and from the National Institute of Mental Health, the National Institute of Child Health and Human Development, the Office of Economic Opportunity, the Department of Labor, and other appropriate agencies, shall meet at least annually and at such more frequent times as they may deem necessary, in order to assure coordination of child development and related activities under their respective jurisdictions and to carry out the provisions of this part so as to assure—

"(1) maximum utilization of available resources through the prevention of duplication of activities;

"(2) a division of labor, insofar as is compatible with the purposes of each of the agencies or authorities specified in this paragraph, to assure maximum progress toward the achievement of the purposes of this part; and

"(3) recommendation of priorities for federally funded research and development activities related to the purposes of this part and those stated in section 501.

"PART E—NATIONAL CHILD ADVOCACY PROJECTS

"STATEMENT OF PURPOSE

"SEC. 561. It is the purpose of this part, through the conduct of demonstration projects, to explore the feasibility of the establishment of a national child advocacy system which will—

"(1) focus the Nation's resources on the healthy development of children, with special attention to very young children;

"(2) create a focal point of responsibility at every level in American society to guarantee that children and the families of which children are members receive the services needed to prevent, and to cope with, mental and physical disabilities; and

"(3) evaluate existing programs for children and develop better ways of providing services for children.

"DEMONSTRATION GRANTS

"SEC. 562. (a) In order to carry out the purposes of this part, the Secretary is authorized, in accordance with the provisions of this part, to make grants to public or private nonprofit agencies or organizations for the establishment and operation of not more than twenty Neighborhood Offices of Child Advocacy.

"(b) Neighborhood Offices of Child Advocacy established under this part shall be distributed in such manner as to assure, to the maximum extent feasible, that such offices will be located in various geographical regions of the Nation, on an Indian reservation, and in rural areas, and that persons served by such offices will be representative of the various racial, ethnic, and economic groups in the Nation.

"PLANNING ASSISTANCE

"SEC. 563. The Secretary is authorized to make planning grants to and provide technical and other assistance to any public or private nonprofit agency or organization which desires to establish a Neighborhood Office of Child Advocacy.

"DUTIES AND FUNCTIONS OF NEIGHBORHOOD OFFICES OF CHILD ADVOCACY

"SEC. 564. (a) It shall be the duty and function of each Neighborhood Office of Child Advocacy (hereinafter in this part referred to as the 'Office') to—

"(1) provide an assessment of the needs of children who reside in the neighborhood served by such Office;

"(2) publicize its services to all residents of the neighborhood served by the Office and to all professionals and organizations providing services affecting children in such neighborhood;

"(3) provide counseling to any family with children residing within the neighborhood served by such Office which desires counseling assistance;

"(4) provide to any such family appropriate referrals and, in exceptional cases, purchase such services as are determined to be otherwise unavailable and necessary or proper after assessment of needs and counseling;

"(5) collect data and maintain current records regarding its activities and the services provided by it; and

"(6) provide training and related services;

"(b)(1) All purchases of services under subsection (a)(4) of this section shall be reviewed from time to time and at least once every six months to determine the effectiveness and need for continuation of the services.

"(2) No services shall be purchased under subsection (a)(4) for more than twelve months unless a report is submitted to the Secretary. Such report shall state, but shall not be limited to, (A) the reason the purchase was originally necessary, (B) the number of persons in the neighborhood who need or receive similar services, and (C) the steps being taken by such Office and by State and local authorities to relieve the need for such purchase.

"(3) In arranging for purchases of services under subsection (a)(4), the Office shall insure that the family or guardian of the child has been fully involved in the decision to seek services and agrees with the services chosen to meet the child's needs.

"(c) Each such Office shall make maximum use of volunteer workers and shall attempt to assure the utilization of young people and older persons in carrying out its functions with respect to children (or the families of children) who are in need of services provided by such Office.

"NEIGHBORHOOD COUNCILS ON CHILD DEVELOPMENT

"SEC. 565. (a)(1) Each agency or organization establishing a Neighborhood Office of Child Advocacy under this part shall form a Neighborhood Council on Child Advocacy to serve as the governing body of any such Office and to be composed of not less than nine or more than twenty-one members, who may be either elected or appointed, or a combination thereof, for terms not in excess of three years.

"(2) At least half of the members of any such Council shall be individuals representing residents of the neighborhood served by the Office governed by such Council. One member shall be such an individual who has not attained the age of twenty-one but who has attained the age of fifteen.

"(b) The duties and responsibilities of any such Council shall include—

"(1) the selection and employment of an individual to serve as Director of the Office governed by such Council, which Director shall have authority to secure (through employment or contract) such additional personnel as may be necessary to carry out the duties of such Office;

"(2) the development for the neighborhood served by the Office of a comprehensive plan to provide services for the children of such neighborhood designed to meet, in accordance with priorities contained in the plan, the needs of such children, and to develop new and improve existing services to meet the needs of such children;

"(3) the maintenance of the fiscal responsibility of the Office which it governs;

"(4) the establishment of personnel policies;

"(5) acting as an appeals body for parents who are dissatisfied with services provided for their children by the Office governed by such Council;

"(6) the assumption of responsibility for coordinating and encouraging the development of services for children;

"(7) otherwise taking such actions as may be appropriate to carry out the purposes of this part.

"AUTHORIZATION OF FUNDS

"SEC. 566. For the purpose of carrying out the provisions of this part, the Secretary is authorized to use not to exceed $10,000,000 of the amounts appropriated to carry out this title for any fiscal year.

"ACCEPTANCE OF SERVICES TO BE ON VOLUNTARY BASIS

"SEC. 567. No Neighborhood Office of Child Advocacy shall in any way coerce any family to accept services provided by the Office, but each Office shall actively encourage all eligible residents of the neighborhood served by the Office to accept the services provided by the Office and all interested residents of such neighborhood to participate as volunteer workers in carrying out the activities of the Office.

"CONFIDENTIALITY OF RECORDS

"SEC. 568. (a)(1) Each Neighborhood Office of Child Advocacy shall treat as confidential all records pertaining to children and families who are receiving or have received services provided by the Office and shall maintain such records in such manner as to protect the privacy of individuals with respect to whom such records pertain.

"(2) Such records pertaining to any child shall be available for inspection and review by the parents or guardian of such child. The Office shall make information contained therein available to other persons (including any public or private agency or individual) upon receipt of written agreement to such release from the parent or guardian of such child.

"(b) If any individual divulges, in contravention of the provisions of subsection (a), information referred to in such subsection pertaining to any person, such person may (without regard to the amount in controversy) bring in the appropriate district court of the United States an action against such individual for the recovery of whichever of the following amounts is greater—

"(1) $500, or

"(2) an amount equal to three times the actual damages (if any) sustained by such person by reason of the action of such individual in divulging such information.

"(c) Whenever any person has reasonable cause to believe that any individual is preparing to take any action which would, in contravention of the provisions of subsection (a), divulge information referred to in such subsection pertaining to such person, such person may bring a civil suit in the appropriate district court of the United States to enjoin such individual from taking such action.

"PART F—GENERAL PROVISIONS

"DEFINITIONS

"SEC. 581. As used in this title, the term—

"(1) 'Secretary' means the Secretary of Health, Education, and Welfare;

"(2) 'State' means the several States and the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

"(3) 'child development programs' means programs provided on a full-day or part-day basis which provide the educational, nutritional, social, medical, psychological, and physical services needed for children to attain their full potential;

"(4) 'children' means individuals who have not attained the age of fifteen;

"(5) 'economically disadvantaged children' means any children of a family having an annual income below the lower living standard budget (adjusted for regional and metropolitan, urban, and rural differences, and family size), as determined annually by the Bureau of Labor Statistics of the Department of Labor;

"(6) 'handicapped children' includes mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children or children with specific learning disabilities who by reason thereof require special education and related services;

"(7) 'program' includes any program, service, or activity, which is conducted full or part time, day or night, in child development facilities, in schools, in neighborhood centers, or in homes, or which provides child development services for children whose parents are working or receiving education or training;

"(8) 'locality' means any city or other municipality or any county or other political subdivision of a State having general governmental powers, or any combination thereof;

"(9) 'parent' means any person who has day-to-day parental responsibility for any child;

"(10) 'single parents' means any person who has sole day-to-day parental responsibility for any child;

"(11) 'working mother' means any mother who requires child development services under this title in order to undertake or continue full- or part-time work, training, or education outside the home;

"(12) 'minority group' means persons who are Negro, American Indian, Spanish-surnamed American, Portuguese, or Oriental, and, as determined by the Secretary, children who are from environments in which a dominant language is other than English and who, as a result of language barriers, do not have an equal educational opportunity, and, for the purpose of this paragraph, Spanish-surnamed Americans include persons of Mexican, Puerto Rican, Cuban, or Spanish origin or ancestry;

"(13) 'bilingual' refers to persons who are Spanish surnamed, American Indian, Oriental, Portuguese, or others who have learned during childhood to speak the language of the minority group of which they are members and who, as a result of language barriers, do not have an equal educational opportunity;

"(14) 'local educational agency' means any such agency as defined in section 801(f) of the Elementary and Secondary Education Act of 1965;

"(15) 'institution of higher education' means any such institution as defined in section 1201(a) of the Higher Education Act of 1965.

"OFFICE OF CHILD DEVELOPMENT

"SEC. 582. The Secretary shall take all necessary action to coordinate child development programs under his jurisdiction. To this end, he shall establish within the Department of Health, Education, and Welfare an Office of Child Development, administered by a Director, which shall be the principal agency of the Department for the administration of this title and for the coordination of programs and other activities relating to child development.

"NUTRITION SERVICES

"SEC. 583. In accordance with the purposes of this title, the Secretary of Health, Education, and Welfare shall establish procedures to assure that adequate nutrition services will be provided in child development programs under this title. Such services shall make use of the Special Food Service Program for children as defined under section 13 of the National School Lunch Act of 1946 and the Child Nutrition Act of 1966, to the fullest extent appropriate and consistent with the provisions of such Acts.

"SPECIAL PROVISIONS

"SEC. 584. (a) The Secretary may make such grants, contracts, or agreements, establish such procedures, policies, rules, and regulations, and make such payments, in installments and in advance or by way of reimbursement, or otherwise allocate or expend funds made available under this title, as he may deem necessary to carry out the provisions of this title, including necessary adjustments in payments on account of overpayments or underpayments. Subject to the provisions of section 585, the Secretary may also withhold funds otherwise payable under this title in order to recover any amounts expended in the current or immediately prior fiscal year in violation of any provision of this title or any term or condition of assistance under this title.

"(b) The Secretary shall prescribe regulations to assure that programs under this title have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, and other policies as may be necessary to promote the effective use of funds.

"(c) The Secretary shall not provide financial assistance for any program or activity under this title unless he determines that persons employed in the programs under this title shall be paid wages which shall not be lower than whichever is the highest of (A) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (B) the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rates of pay for persons employed in similar occupations by the same employer.

"(d) The Secretary shall not provide financial assistance for any program under this title unless the grant, contract, or agreement with respect thereto specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any program participant or any applicant for participation in such program because of race, creed, color, national origin, sex, political affiliation, or beliefs.

"(e) The Secretary shall not provide financial assistance for any program under this title which involves political activities; and neither the program, the funds provided therefor, nor personnel employed in the administration thereof, shall be, in any way or to any extent, engaged in the conduct of political activities in contravention of section 603 of this Act.

"(f) The Secretary shall not provide financial assistance for any program under this title unless he determines that no funds will be used for, and no person will be employed under the program on, the construction, operation, or maintenance of so much of any facility as is for use for sectarian instruction or as a place for religious worship.

"(g) A child participating in a program assisted under this title shall not be required to undergo medical or psychological examination (except to the extent related to learning ability), immunization (except to the extent necessary to protect the public from epidemics of contagious diseases), or treatment, if his parent or guardian objects thereto in writing on religious grounds.

"WITHHOLDING OF GRANTS

"SEC. 585. Whenever the Secretary, after reasonable notice and opportunity for a hearing to any prime sponsor or project applicant, finds—

"(1) that there has been a failure to comply substantially with any requirement set forth in the plan of any such prime sponsor approved under section 515; or

"(2) that there has been a failure to comply substantially with any requirement set forth in the application of any such project applicant approved pursuant to section 516; or

"(3) that in the operation of any program or project carried out by any such prime sponsor or project applicant under this title there is a failure to comply substantially with any applicable provision of this title or regulation promulgated thereunder;

the Secretary shall notify such prime sponsor or project applicant of his findings and that no further payments may be made to such sponsor or applicant under this title (or in his discretion that any such prime sponsor shall not make further payments under this title to specified project applicants affected by the failure) until he is satisfied that there is no longer any such failure to comply, or the noncompliance will be promptly corrected. The Secretary may authorize the continuation of payments with respect to any project assisted under this title which is being carried out pursuant to such plan or application and which is not involved in the noncompliance.

"PUBLIC INFORMATION

"SEC. 586. Applications for designation as prime sponsors, comprehensive child development plans, project applications, and all written material pertaining thereto shall be made readily available without charge to the public by the prime sponsor, the applicant, and the Secretary."

(b) In order to achieve, to the greatest degree feasible, the consolidation and coordination of programs providing child development services, while assuring continuity of existing programs during transition to the programs authorized under this title, the following provisions of law are amended, effective July 1, 1973:

(1) Section 222(a)(1) of the Economic Opportunity Act of 1964 is repealed.

(2) Section 162(b) of the Economic Opportunity Act of 1964 is amended by striking out "day care for children" and inserting in lieu thereof "assistance in securing child development services for children but not operation of child development programs for children".

(3) Section 123(a)(6) of the Economic Opportunity Act of 1964 is amended by striking out "day care for children" and inserting in lieu thereof "assistance in securing child development services for children", and adding after the word "employment" the phrase "but not including the direct operation of child development programs for children".

(4) Section 312(b)(1) of the Economic Opportunity Act of 1964 is amended by striking out "day care for children,".

COMMUNITY ECONOMIC DEVELOPMENT

SEC. 7 (a) The Economic Opportunity Act is amended by inserting immediately after title VI of the following new title:

"TITLE VII—COMMUNITY ECONOMIC DEVELOPMENT

"STATEMENT OF PURPOSE

"SEC. 701. The purpose of this title is to encourage the development of special programs by which the residents of urban and rural low-income areas may, through self-help and mobilization of the community at large with appropriate Federal assistance, improve the quality of their economic and social participation in community life in such a way as to contribute to the elimination of poverty and the establishment of permanent economic and social benefits.

"PART A—SPECIAL IMPACT PROGRAMS

"STATEMENT OF PURPOSE

"SEC. 711. The purpose of this part is to establish special programs of assistance to private locally initiated community development corporations and related nonprofit agencies or organizations conducting activities which (1) are directed to the solution of the critical problems existing in particular communities or neighborhoods (defined without regard to political or other subdivisions or boundaries) within those urban and rural areas having concentrations or substantial numbers of low-income persons; (2) are of sufficient size, scope, and duration to have an appreciable impact in such communities, neighborhoods, and rural areas in arresting tendencies toward dependency, chronic unemployment, and community deterioration; and (3) hold forth the prospect of continuing to have such impact after the termination of financial assistance under this title.

"ESTABLISHMENT OF PROGRAMS

"SEC. 712. (a) The Director is authorized to provide financial assistance to community development corporations and to nonprofit agencies in conjunction wilh qualifying community development corporations for the payment of all or part of the costs of programs which are designed to carry out the purposes of this part. Such programs shall be restricted in number so that each is of sufficient size, scope, and duration to have an appreciable impact on the area served. Such programs may include—

"(1) economic and business development programs, including programs which provide financial and other assistance (including equity capital) to start, expand, or locate businesses in or near the areas served so as to provide employment and ownership opportunities for residents of such areas, and programs including those described in title IV of this Act for small businesses in or owned by residents of such areas;

"(2) community development and housing activities which create new training, employment, and ownership opportunities and which contribute to an improved living environment; and

"(3) manpower training programs for unemployed or low-income persons which support and complement economic, business, housing, and community development programs, including without limitation activities such as those described in part B of title I of this Act.

"(b) The Secretary shall conduct programs assisted under this part so as to contribute, on an equitable basis between urban and rural areas, to the elimination of poverty and the establishment of permanent ecnomic and social benefits in such areas.

"REQUIREMENTS FOR FINANCIAL ASSISTANCE

"SEC. 713. (a) The Director, under such regulations as he may establish, shall not provide financial assistance for any program or component project under this part unless he determines that—

"(1) such community development corporation is responsive to residents of the area under guidelines established by the Director;

"(2) all projects and related facilities will, to the maximum feasible extent, be located in the area served;

"(3) projects will, where feasible, promote the development of entrepreneurial and management skills and the ownership or participation in ownership of assisted businesses and housing by residents of the area served;

"(4) projects will be planned and carried out with the maximum participation of local businessmen and financial institutions and organizations by their inclusion on program boards of directors, advisory councils, or through other appropriate means;

"(5) the program will be appropriately coordinated with local planning under this Act, the Demonstration Cities and Metropolitan Development Act of 1966, and with other relevant planning for physical and human resources of the areas served;

"(6) the requirements of subsections 122 (e) and 124(a) of this Act have been met;

"(7) preference will be given to low income or economically disadvantaged residents of the areas served in filling jobs and training opportunities; and

"(8) training programs carried out in connection with projects financed under this part shall be designed wherever feasible to provide those persons who successfully complete such training with skills which are also in demand in communities, neighborhoods, or rural areas, other than those for which programs are established under this part.

"(b) Financial assistance under this section shall not be extended to assist in the relocation of establishments from one location to another if such relocation would result in an increase in unemployment in the area of original location.

"(c) The level of financial assistance for related purposes under this Act to the area served by a special impact program shall not be diminished in order to substitute funds authorized by this part.

"APPLICATION OF OTHER FEDERAL RESOURCES

"SEC. 714. (a) SMALL BUSINESS ADMINISTRATION PROGRAMS.—

"(1) Funds granted under this part which are invested, directly or indirectly, in a small business investment company or a local development company shall be included as 'private paid-in capital and paid-in surplus,' and 'paid-in capital and paid-in surplus,' and 'paid-in capital' for purposes of sections 302, 303, and 502, respectively, of the Small Business Investment Act of 1958.

"(2) Within ninety days of the enactment of the Economic Opportunity Amendments of 1971, the Administrator of the Small Business Administration, after consultation with the Director, shall prescribe such regulations as may be necessary and appropriate to ensure the availability to community development corporations of such programs as shall further the purposes of this part.

"(b) ECONOMIC DEVELOPMENT ADMINISTRATION PROGRAMS.—

"(1) Areas selected for assistance under this part shall be deemed 'redevelopment areas' within the meaning of section 401 of the Public Works and Economic Development Act of 1965, and shall qualify for assistance under the provisions of title I and title II of that Act and shall be deemed to fulfill the overall economic development planning requirements of section 202(b) (10) thereof.

"(2) Within ninety days of the enactment of the Economic Opportunity Amendments of 1971, the Secretary of Commerce, after consultation with the Director, shall prescribe such regulations as may be necessary and appropriate to ensure the availability to community development corporations of such programs as shall further the purposes of this part.

"(c) PROGRAMS OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.—The Secretary of Housing and Urban Development, after consultation with the Director, shall take all necessary steps (1) to assure that community development corporations assisted under this part, or their subsidiaries, shall qualify as sponsors under section 106 of the Housing and Urban Development Act of 1968, and sections 221, 235, and 236 of the National Housing Act of 1949; (2) to assure that land for housing and business location and expansion is made available under title I of the Housing Act of 1949 as may be necessary to carry out the purposes of this part; and (3) to assure that funds are available under section 701(b) of the Housing Act of 1954 to communuity development corporations assisted under this part.

"(d) COORDINATION AND COOPERATION.—The Director shall take such steps as may be necessary and appropriate, in coordination and cooperation with the heads of other Federal departments and agencies, so that contracts, subcontracts, and deposits made by the Federal Government or in connection with programs aided with Federal funds are placed in such a way as to further the purposes of this part.

"(e) REPORTING ON OTHER FEDERAL RESOURCES.—On or before six months after the date of enactment of the Economic Opportunity Amendments of 1971, and annually thereafter, the Director shall submit to the Congress a detailed report setting forth a description of all Federal agency programs which he finds relevant to achieving the purposes of this part and the extent to which such programs have been made available to community development corporations receiving financial assistance under this part including specifically the availability and effectiveness of programs referred to in subsections (a), (b), and (c) of this section. Where appropriate, the report required under this subsection also shall contain recommendations for the more effective utilization of Federal agency programs for carrying out the purposes of this part.

"FEDERAL SHARE

"SEC. 715. Federal grants to any program carried out pursuant to this part, including grants used by community development corporations for capital investments, shall (1) not exceed 90 per centum of the cost of such program including costs of administration unless the Director determines that assistance in excess of such percentage is required in furtherance of the purposes of this part, and (2) be made available for deposit to the grantee, under conditions which the Director deems appropriate, within thirty days following approval by the Director and the local community development corporation of the grant agreement. Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, and services. Capital investments made with funds granted as a result of the Federal share of the costs of programs carried out under this part, and the proceeds from such capital investments, shall not be considered Federal property.

"PART B—RURAL PROGRAMS

"STATEMENT OF PURPOSE

"SEC. 721. It is the purpose of this part to meet the special economic needs of rural communities or areas with concentrations or substantial numbers of low-income persons by providing support to self-help programs which promote economic development and independence. Such programs should encourage low-income families to pool their talents and resources so as to create and expand rural economic enterprise.

"FINANCIAL ASSISTANCE

"SEC. 722. (a) The Director is authorized to provide financial assistance, including loans having a maximum maturity of 15 years and in amounts not resulting in an aggregate principal indebtedness of more than $3,500 at any one time, to any low-income rural family where, in the judgment of the Director, such financial assistance has a reasonable possibility of affecting a permanent increase in the income of such families, or, in the case of the elderly, will contribute to the improvement of their living or housing conditions, by assisting or permitting them to—

"(1) acquire or improve real estate or reduce encumbrances or erect improvements thereon;

"(2) operate or improve the operation of farms not larger than family sized, including but not limited to the purchase of feed, seed, fertilizer, livestock, poultry, and equipment; or

"(3) participate in cooperative associations, or to finance nonagricultural enterprises which will enable such family to supplement their income.

"(b) The Director is authorized to provide financial assistance to local cooperative associations in rural areas containing concentrations or substantial numbers of low-income persons for the purpose of defraying all or part of the costs of establishing and operating cooperative farming, purchasing, marketing, and processing programs. Costs which may be defrayed shall include but not be limited to—

"(1) administrative costs of staff and overhead;

"(2) costs of planning and developing new enterprises;

"(3) costs of acquiring technical assistance;

"(4) initial capital where it is determined by the Director that the poverty of the families participating in the program and the social conditions of the rural area require such assistance.

"LIMITATIONS ON ASSISTANCE

"SEC. 723. (a) No financial assistance shall be provided under this part unless the Director determines that—

"(1) any cooperative association receiving assistance has a minimum of fifteen active members, a majority of which are low-income rural persons;

"(2) adequate technical assistance is made available and committed to the programs being supported;

"(3) such financial assistance will materially further the purposes of this part; and

"(4) the applicant is fulfilling or will fulfill a need for services, supplies, or facilities which is otherwise not being met.

"(b) The level of financial assistance for related purposes under this Act to the area served by a program under this part shall not be diminished in order to substitute funds authorized by this part.

"PART C—SUPPORT PROGRAMS

"TRAINING AND TECHNICAL ASSISTANCE

"SEC. 731. (a) The Director shall provide directly or through grants, contracts, or other arrangements such technical assistance and training of personnel as may be required to effectively implement the purposes of this title. No financial assistance shall be provided to any public or private organization under this section unless the Director provides the beneficiaries of these services with opportunity to participate in the selection of and to review the quality and utility of the services furnished them by such organization.

"(b) Technical assistance to community development corporations and rural cooperatives may include planning, management, legal, preparation of feasibility studies, product development, marketing, and the provision of stipends to encourage skilled professionals to engage in full-time activities under the direction of a community organization financially assisted under this title.

"(c) Training for employees of community development corporations and for employees and members of rural cooperatives shall include, but not be limited to, on-the-job training, classroom instruction, and scholarships to assist them in development, managerial, entrepreneurial, planning, and other technical and organizational skills which will contribute to the effectiveness of programs assisted under this title.

"DEVELOPMENT LOAN FUND

"SEC. 732. (a) The Director is authorized to make or guarantee loans (either directly or in cooperation with banks or other organizations through agreements to participate on an immediate or deferred basis) to community development corporations eligible for financial assistance under section 712 of this title, to families under section 722(a), and to local cooperatives in rural areas elegible for financial assistance under section 722(b) for business, housing, and community development projects which the Director determines will carry out the purposes of this title. No loans, guarantees, or other financial assistance shall be provided under this section unless the Director determines that—

"(1) there is reasonable assurance of repayment of the loan;

"(2) a loan is not otherwise available on reasonable terms from private sources or other Federal, State, or local programs; and

"(3) the amount of the loan, together with other funds available, is adequate to assure completion of the project or achievement of the purposes for which the loan is made.

Loans made by the Director pursuant to this section shall bear interest at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the average market yield on outstanding Treasury obligations of comparable maturity, plus such additional charge, if any, toward covering other costs of the program as the Director may determine to be consistent with its purposes, except that, for the five years following the data on which funds are initially available to the borrower, the rate of interest shall be set at a rate considered appropriate by the Director in light of the particular needs of the borrower, which rate shall not be lower than 1 per centum. All such loans shall be repayable within a period of not more than thirty years.

"(b) The Director is authorized to adjust interest rates, grant moratoriums on repayment of principal and interest, collect or compromise any obligations held by him, and to take such other actions in respect of such loans as he shall determine to be necessary or appropriate, consistent with the purposes of this section.

"(c)(1) To carry out the lending and guaranty functions authorized under this part, there shall be established a Development Loan Fund consisting of two separate accounts, one of which shall be a revolving fund called the Rural Development Loan Fund and the other of which shall be a revolving fund called the Community Development Loan Fund. The capital of each such revolving fund shall remain available until expended.

"(2) The Rural Development Loan Fund shall consist of (A) repayments of principal and interest and other receipts from the lending and guaranty operations of such revolving fund and the revolving fund previously established under section 306 of this Act, the assets and liabilities of which shall be transferred to the Rural Development Loan Fund, effective July 1, 1972, and (B) such amounts as may be deposited in such Fund by the Director out of funds made available from appropriations for the purposes of carrying out this title.

"(3) The Community Development Loan Fund shall consist of (A) repayments of principal and interest and other receipts from the lending and guaranty operations of such revolving fund, and (B) such amounts as may be deposited in such fund by the Director out of funds made available from appropriations for the purpose of carrying out this title for any fiscal year in excess of $60,000,000 which shall be available only for grants to community development corporations.

"EVALUATION AND RESEARCH

"SEC. 733. (a) Each program for which grants are made under this title shall provide for a thorough evaluation of the effectiveness of the program in achieving its purposes, which evaluation shall be conducted by such public or private organizations as the Director may designate, and all or part of the costs of evaluation may be paid from funds appropriated to carry out this part. The results of such evaluations, together with the Director's findings and recommendations concerning the program, shall be included in the report required by section 608 of this Act.

"(b) The Director shall conduct, either directly or through grants or other arrangements, research designed to suggest new programs and policies to achieve the purposes of this title in such ways as to provide opportunities for employment, ownership, and a better quality of life for low-income residents. The Director shall particularly investigate the feasibiltiy and most appropriate manner of establishing development banks and similar institutions and shall report to the Congress on his research findings and recommendations not later than June 30, 1973.

"PART D—GENERAL

"PROGRAM DURATION AND AUTHORITY

"SEC. 741. The Director shall carry out programs provided for in this title during the fiscal year ending June 30, 1972, and for the two succeeding fiscal years. For each fiscal year only such sums may be appropriated as the Congress may authorize by law."

(b) Part D of title I of the Economic Opportunity Act of 1964 is repealed.

(c) Effective after June 30, 1972, part A of title III of the Economic Opportunity Act of 1964 is repealed.

LEGAL SERVICES PROGRAM

SEC. 8. (a) The Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new title:

"TITLE IX—NATIONAL LEGAL SERVICES CORPORATION

"DECLARATION OF POLICY

"SEC. 901. The Congress hereby finds and declares that—

"(1) it is in the public interest to provide greater access to attorneys and appropriate institutions for the orderly resolution of grievances and as a means of securing orderly change, responsiveness, and reform:

"(2) many low-income persons are unable to afford the cost of legal services or of access to appropriate institutions;

"(3) access to legal services and appropriate institutions for all citizens of the United States not only is a matter of private and local concern, but also is of appropriate and important concern to the Federal Government;

"(4) the integrity of the attorney-client relationship and of the adversary system of justice in the United States require that there be no political interference with the provision and performance of legal services;

"(5) existing legal services programs have provided economical, effective, and comprehensive legal services to the client community so as to bring about a peaceful resolution of grievances through resort to orderly means of change;

"(6) a private nonprofit corporation should be created to encourage the availability of legal services and legal institutions to all citizens of the United States, free from extraneous interference and control.

"ESTABLISHMENT OF CORPORATION

"SEC. 902. (a) There is established a nonprofit corporation, to be known as the "National Legal Services Corporation' (hereinafter referred to as the 'Corporation') which shall not be an agency or establishment of the United States Government. The Corporation shall be subject to the provisions of this title, and, to the extent consistent with this title, to the District of Columbia Nonprofit Corporation Act. The right to repeal, alter, or amend this title is expressly reserved.

"(b) No part of the net earnings of the Corporation shall inure to the benefit of any private person, and it shall be treated as an organization described in section 170(c)(2)(B) of the Internal Revenue Code of 1954 and as an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 which is exempt from taxation under section 501(a) of such Code.

"PROCESS OF INCORPORATION AND ORGANIZATION

"Sec. 903. (a) There shall be a transition period of six months following the date of enactment of the Economic Opportunity Amendments of 1971 for the process of incorporation and initial organization of the Corporation.

"(b) There is established an incorporating trusteeship composed of the following persons or their designees: the president of the American Bar Association, the president of the National Legal Aid and Defenders Association, the president of the Association of American Law Schools, the president of the American Trial Lawyers Association, and the president of the National Bar Association. The incorporating trusteeship shall meet within 30 days after the enactment of the Economic Opportunity Amendments of 1971 to carry out the provisions of this section.

"(c)(1) Not later than sixty days after the enactment of the Economic Opportunity Amendments of 1971, the incorporating trusteeship, after consulting with and receiving the recommendations of national organizations of persons eligible for assistance under this title, shall establish the initial Clients Advisory Council to be composed of eleven members selected, in accordance with procedures established by the incorporating trusteeship, from among individuals eligible for assistance under this title.

"(2) Not later than sixty days after the enactment of the Economic Opportunity Amendments of 1971, the incorporating trusteeship, after consulting with and receiving the recommendations of associations of attorneys actively engaged in conducting legal services programs, shall establish the initial Project Attorney Advisory Council to be composed of eleven members selected, in accordance with procedures established by the incorporating trusteeship, from among attorneys who are actively engaged in providing legal services under any existing legal services program.

"(3) To assist in carrying out the provisions of this subsection, the Director of the Office of Economic Opportunity shall compile a list of all legal services programs publicly funded during the fiscal year ending June 30, 1971, and the subsequent fiscal year and furnish such list to the incorporating trusteeship. In order to carry out the provisions of this subsection, the Director of the Office of Economic Opportunity shall make available to the incorporating trusteeship such administrative services and financial and other resources as it may require.

"(d) Not later than ninety days after the enactment of the Economic Opportunity Amendments of 1971, the Clients Advisory Council and the Project Attorneys Advisory Council shall each meet and each shall submit a list of individuals as provided in section 904(a) to serve on the initial board of directors.

"(e) During the ninety-day period of incorporation of the Corporation the incorporating trusteeship shall take whatever actions are necessary to incorporate the Corporation, including the filing of articles of incorporation under the District of Columbia Nonprofit Corporation Act, and to prepare for the first meeting of the board of directors, except the selection of the executive director of the Corporation.

"(f) During the ninety-day period immediately following the period specified in subsection (e) of this section the board shall take whatever action is necessary to prepare to begin to carry out the activities of the Corporation six months after the enactment of the Economic Opportunity Amendments of 1971.

"DIRECTORS AND OFFICERS

"Sec. 904. (a) The Corporation shall have a board of directors consisting of fifteen individuals, one of whom shall be elected annually by the board to serve as chairman. Members of the board shall be appointed as follows:

"(1) Public Members.—One member of the board shall be appointed by the Chief Justice of the United States after consultation with the Judicial Conference of the United States. Nine members of the board shall be appointed by the President, by and with the advice and consent of the Senate as follows—

"(A) four members shall be appointed from among individuals in the general public;

"(B) three members shall be appointed from among individuals who are eligible for assistance under this title whose names are submitted by the Clients Advisory Council;

"(C) two members shall be appointed from among individuals whose names are submitted by the Project Attorneys Advisory Council.

Appointments under clause (B) shall be made from a list of ten individuals submitted by the Clients Advisory Council for any year, and appointments under clause (C) shall be made from a list of ten individuals submitted by the Project Attorneys Advisory Council for any year.

"(2) Legal Organization Members.—Five individuals shall be members of the board by virtue of holding the following offices:

"(A) the president of the American Bar Association or his designee;

"(B) the president of the National Legal Aid and Defender Association or his designee;

"(C) the president of the Association of American Law Schools or his designee;

"(D) the president of the American Trial Lawers Association or his designee;

"(E) the president of the National Bar Association or his designee.

"(b)(1) The directors appointed under paragraph (1) of subsection (a) shall be appointed for terms of three years except that—

"(A) the terms of the directors first taking office shall be effective on the ninety-first day after the enactment of the Economic Opportunity Amendments of 1971;

"(B) the term of the director first taking office appointed by the Chief Justice shall expire at the end of one year;

"(C) the terms of the director first taking office appointed by the President shall expire, as designated by the President at the time of appointment, (i) in the case of directors from the general public appointed under clause (A) of subsection (a)(1), two at the end of one year, one at the end of two years, and one at the end of three years, (ii) in the case of directors whose names are submitted by the Clients Advisory Council under clause (B) of subsection (a)(1), one at the end of one year, one at the end of two years, and one at the end of three years, and (iii) in the case of directors whose names are submitted by the Project Attorneys Advisory Council under clause (C) of subsection (a)(1), one at the end of two years and one at the end of three years; and

"(D) any director appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

"(2) The directors selected under paragraph (2) of subsection (a) of this section shall serve for the term of office for which they are elected and by virtue of which they become members of the board except in no case shall a term exceed three years. If any of the legal organization members' terms will exceed three years by virtue of holding an office for more than three years, the board shall provide for the appointment of a successor by the appropriate organization.

"(c) The Corporation shall have an executive director, who shall be an attorney, and such other officers, as may be named and appointed by the board of directors at rates of compensation fixed by the board, who shall serve at the pleasure of the board. No individual shall serve as executive director of the Corporation for a period in excess of six years. The executive director shall serve as a member of the board ex officio and shall serve without a vote.

"(d) No political test or qualification shall be used in selecting, appointing, or promoting any officer, attorney, or employee of the Corporation. No officers or employees of the Corporation shall receive any salary from any source other than the Corporation during the period of employment by the Corporation.

"(e) All meetings of the board, executive committee of the board, and advisory councils shall, whenever appropriate, be open to the public, and proper notice of such meetings shall be provided to interested parties and the public a reasonable time prior to such meetings.

"(f) No member of the board may participate in any decision, action, or recommendation with respect to any matter which directly benefits that member or any firm or organization with which that member is then currently associated.

"(g) Any board after the initial board shall, in consultation with the respective advisory councils, provide for rules with respect to the subsequent meetings of the Clients Advisory Council and the Project Attorneys Advisory Council.

"ADVISORY COUNCILS; EXECUTIVE COMMITTEE

"Sec. 905. (a) The board, after consulting with and receiving the recommendations of national organizations of persons eligible for assistance under this title, shall provide for the selection of a Clients Advisory Council subsequent to the first such council established under section 903(c)(1) of this title to be composed of not more than eleven members selected in accordance with procedures established by the board, including terms of office, qualifications, and method of selection and appointment, from among individuals who are eligible for assistance under this title. Such procedures must insure that all areas of the country and significant segments of the client population are represented, and in no event may more than one representative on such council be from any one State. The Clients Advisory Council shall advise the board of directors and the executive director on policy matters relating to the needs of the client community and may act as liaison between the client community and legal services programs through such activities as it deems appropriate, including informational programs in languages other than English. The Clients Advisory Council shall submit the list of individuals for appointment as members of the board in accordance with clause (B) of section 904(a)(1).

"(b) The board, after consulting with and receiving the recommendations of associations of attorneys actively engaged in conducting legal services programs, shall provide for the selection of a Project Attorneys Advisory Council subsequent to the first such council established under section 903(c)(2) of this title to be composed of not more than eleven members selected in accordance with procedures established by the board, including terms of office, qualifications, and method of selection and appointment, from among attorneys who are actively engaged in providing legal services under this title. Such procedures must ensure that all areas of the country are represented, and in no event may more than one representative on such council be from any one State. The Project Attorneys Advisory Council shall advise the board of directors and the executive director on policy matters relating to the furnishing of legal services to members of the client community. The Project Attorneys Advisory Council shall submit the list of individuals for appointment as members of the board in accordance with clause (C) of section 904 (a) (1).

"(c) The board shall provide for sufficient resources for each Advisory Council in order to pay such reasonable travel costs and expenses as the board may determine.

"(d) The board may establish an executive committee of not less than five members nor more than seven members which shall consist of the chairman of the board, the executive director of the Corporation, one director appointed pursuant to clause (A) of section 904(a) (1), one director appointed pursuant to clause (B) or (C) of section 904(a), and one director appointed pursuant to section 904(a) (2).

"ACTIVITIES AND POWERS OF THE CORPORATION

"SEC. 906. (a) Effective six months after the enactment of the Economic Opportunity Amendments of 1971, in order to carry out the purposes of this title, the Corporation is authorized to—

"(1) provide financial assistance to qualified programs furnishing legal services to members of the client community;

"(2) provide financial assistance to pay the costs of contracts or other agreements made pursuant to section 903 of this title;

"(3) carry out research, training, technical assistance, experimental, legal paraprofessional and clinical assistance programs;

"(4) through financial assistance and other means, increase opportunities for legal education among individuals who are members of a minority group or who are economically disadvantaged;

"(5) provide for the collection and dissemination of information designed to coordinate and evaluate the effectiveness of the activities and programs for legal services in various parts of the country;

"(6) offer advice and assistance to all programs providing legal services and legal assistance to the client community conducted or assisted by the Federal Government including—

"(A) reviewing all grants and contracts for the provision of legal services to the client community made under other provisions of Federal law by any agency of the Federal Government and making recommendations to the appropriate Federal agency;

"(B) reviewing and making recommendations to the President and Congress concerning any proposal, whether by legislation or executive action, to establish a federally assisted program for the provision of legal services to the client community; and

"(C) upon request of the President, providing training, technical assistance, monitoring, and evaluation services to any federally assisted legal services program;

"(7) establish such procedures and take such other measures as may be necessary to assure that attorneys employed by the Corporation and attorneys paid in whole or in part from funds provided by the Corporation carry out the same duties to their clients and enjoy the same protection from interference as if such an attorney was hired directly by the client;

"(8) establish standards of eligibility for the provision of legal services to be rendered by any grantee or contractee of the Corporation with special provision for priority for members of the client community whose means are least adequate to obtain private legal services;

"(9) establish policies consistent with the best standards of the legal profession to assure the integrity, effectiveness, and professional quality of the attorneys providing legal services under this title; and

"(10) carry on such other activities as would further the purposes of this title.

"(b) In the performance of the functions set forth in subsection (a), the Corporation is authorized to—

"(1) make grants, enter into contracts, leases, cooperative agreements, or other transactions, in accordance with bylaws established by the board of directors appropriate to conduct the activities of the Corporation;

"(2) accept unconditional gifts or donations of services, money, or property, real, personal, or mixed, tangible or intangible, and use, sell, or otherwise dispose of such property for the purpose of carrying out its activities;

"(3) appoint such attorneys and other professional and clerical personnel as may be required and fix their compensation in accordance with the provision of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule rates;

"(4) promulgate regulations containing criteria specifying the manner of approval of applications for grants based upon the following considerations—

"(A) the most economical, effective, and comprehensive delivery of legal services to the client community;

"(B) peaceful resolution of grievances and resort to orderly means of seeking change; and

"(C) maximum utilization of the expertise and facilities of organizations presently specializing in the delivery of legal services to the client community;

"(5) establish and maintain a law library;

"(6) establish procedures for the conduct of legal services programs assisted by the Corporation containing a requirement that the applicant will give assurances that the program will be supervised by a policymaking board on which the members of the legal profession constitute a majority (except that the Corporation may grant waivers of this requirement in the case of a legal services program which, upon the date of enactment of the Economic Opportunity Amendments of 1971, has a majority of persons who are not lawyers on its policymaking board) and members of the client community constitute at least one-third of the members of such board.

"(c) In any case in which services are performed for the Federal Government by the Corporation, the Corporation shall be reimbursed for the cost of such services pursuant to an agreement between the executive director of the Corporation and the head of the agency of the Federal Government concerned.

"(d) The Corporation shall ensure that attorneys employed full time in programs funded by the Corporation refrain from any outside practice of law unless permitted as pro bono publico activity pursuant to guidelines established by the Corporation.

"(e) The Corporation shall ensure (1) that all attorneys who are not representing a client or group of clients refrain, while engaged in activities carried on by legal services programs funded by the Corporation, from undertaking to influence the passage or defeat of any legislation by the Congress or State or local legislative bodies by representations to such bodies, their members, or committees, unless such bodies, their members, or their committees request that the attorney make representations to them, and (2) that no funds provided by the Corporation shall be utilized for any activity which is planned and carried out to disrupt the orderly conduct of business by the Congress or State or local legislative bodies, for any demonstration, rally, or picketing aimed at the family or home of a member of a legislative body for the purpose of influencing his actions as a member of that body, and for conducting any campaign of advertising carried on through the commercial media for the purpose of influencing the passage or defeat of legislation.

"(f) The Corporation shall establish guidelines for consideration of possible appeals to be implemented by each grantee or contractee of the Corporation to ensure the efficient utilization of resources. Such guidelines shall in no way interfere with the attorney's responsibilities and obligations under the Canons of Professional Ethics and the Code of Professional Responsibility.

"(g) The board shall establish a graduated schedule of fees requiring a client whose income is above the level of poverty to pay all or a portion of the cost of services, but only in the event that such client is financially able to do so.

"(h) No funds made available by the Corporation pursuant to this title shall be used to provide legal services with respect to any criminal proceeding (including any extraordinary writ, such as habeas corpus or coram nobis, designed to challenge a criminal proceeding) except, pursuant to guidelines established by the Corporation, to provide services not otherwise adequately available.

"NONPROFIT AND NONPOLITICAL NATURE OF THE CORPORATION

"SEC. 907. (a) The Corporation shall have no power to issue any shares of stock, or to declare or pay any dividends.

"(b) No part of the income or assets of the Corporation shall inure to the benefit of any director, officer, employee, or any other individual except as reasonable compensation for services.

"(c) The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

"(d) The Corporation shall insure that all employees of legal services programs funded by the Corporation, while engaged in activities carried on by legal services programs, refrain (1) from any partisan political activity associated with a candidate for public or party office, and (2) from any voter registration activity other than legal representation or any activity to provide voters or prospective voters with transportation to the polls.

"ACCESS TO RECORDS AND DOCUMENTS RELATED TO THE CORPORATION

"SEC. 908. (a) Copies of all records and documents pertinent to each grant and contract made by the Corporation shall be maintained in the principal office of the Corporation in a place readily accessible and open to public inspection during ordinary working hours for a period of at least five years subsequent to the making of such grant or contract.

"(b) Copies of all reports pertinent to the evaluation, inspection, or monitoring of grantees and contractees shall be maintained for a period of at least three years in the principal office of the Corporation subsequent to such evaluation, inspection, or monitoring visit. Upon request, the substance of such reports shall be furnished to the grantee or contractee who is the subject of the evaluation, inspection, or monitoring visit.

"(c) The Corporation shall afford notice and reasonable opportunity for comment to interested parties prior to issuing regulations and guidelines, and it shall publish in the Federal Register on a timely basis all its bylaws, regulations, and guidelines.

"(d) The Corporation shall be subject to the provisions of the Freedom of Information Act.

"FINANCING OF THE CORPORATION

"SEC. 909. In addition to any funds reserved and made available for payment to the Corporation from appropriations for carrying out the Economic Opportunity Act of 1964 for any fiscal year, there are further authorized to be appropriated for payment to the Corporation such sums as may be necessary for any fiscal year. Funds made available to the Corporation from appropriations for any fiscal year shall remain available until expended.

"RECORDS AND AUDIT OF THE CORPORATION AND THE RECIPIENTS OF ASSISTANCE

"SEC. 910. (a) The accounts of the Corporation shall be audited annually in accordance with generally accepted auditing standards by any independent licensed public accountant certified or licensed by a regulatory authority of a State or political subdivision. Each such audit shall be conducted at the place or places where the accounts of the Corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Corporation and necessary to facilitate the audit shall be made available to the person conducting the audit, consistent with the necessity of maintaining the confidentiality required by the best standards of the legal profession, and full facilities for verifying transactions with the balance, or securities held by depositories, fiscal agents, and custodians shall be afforded to any such person. The report of each such independent audit shall be included in the annual report required under this title. The audit report shall set forth the scope of the audit and include such statements as are necessary to present fairly the assets and liabilities, and surplus or deficit of the Corporation, with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the income and expenses of the Corporation during the year, and a statement of the sources and application of funds, together with the opinion of the independent auditor of those statements.

"(b) (1) The financial transactions of the Corporation for any fiscal year during which Federal funds are available to finance any portion of its operations may be audited annually by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States, consistent with the necessity of maintaining the confidentiality required by the best standards of the legal profession. Any such audit shall be conducted at the place or places where accounts of the Corporation are normally kept. The representative of the General Accounting Office shall have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or in use by the Corporation pertaining to its financial transactions and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of the Corporation shall remain in the possession and custody of the Corporation.

"(2) A report of each such audit shall be made by the Comptroller General to the Congress. The report to the Congress shall contain such comments and information as the Comptroller General may deem necessary to inform Congress of the financial operations and condition of the Corporation, together with such recommendations with respect thereto as he may deem advisable. The report shall also show specifically any program, expenditure, or other financial transaction or undertaking observed in the course of the audit, which in the opinion of the Comptroller General, has been carried on or made without authority of law. A copy of each report shall be furnished to the executive director and to each member of the board at the time submitted to the Congress.

"(e) (1) Each grantee or contractee, other than a recipient of a fixed price contract awarded pursuant to competitive bidding procedures, under this title shall keep such records as may be reasonably necessary to fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(2) The Corporation or any of its duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under this title. The Comptroller General of the United States, or any of his duly authorized representatives shall also have access thereto for such purpose during any fiscal year for which Federal funds are available to the Corporation.

"REPORTS TO CONGRESS

"SEC. 911. The Corporation shall prepare an annual report for transmittal to the President and the Congress on or before the 30th day of January of each year, summarizing the activities of the Corporation and making such recommendations as it may deem appropriate. This report shall include findings and recommendations concerning the preservation of the attorney-client relationships and adherence to the Code of Professional Responsibility of the American Bar Association in the conduct of programs supported by the Corporation. The report shall include a comprehensive and detailed report of the operations, activities, financial condition, and accomplishments of the Corporation, together with the additional views and recommendations, if any, of members of the board.

"DEFINITIONS

"SEC. 912. As used in this title, the term—

"(1) 'State' means the several States and the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

"(2) 'Corporation' means the National Legal Services Corporation established pursuant to this title;

"(3) 'client community' means individuals unable to obtain private legal counsel because of inadequate financial means;

"(4) 'member of the client community' includes any person unable to obtain private legal counsel because of inadequate financial means;

"(5) 'representative of the client community' includes any person who is selected by members of the client community whether or not a member of that community;

"(6) 'legal services' includes legal advice, legal representation, legal research, education concerning legal rights and responsibilities, and similar activities (including in areas where a significant portion of the client community speaks a language other than English as the predominant language, or is bilingual, services to those members of the client community in the appropriate language other than English);

"(7) 'legal profession' refers to that body composed of all persons admitted to practice before the highest court of at least one State of the United States;

"(8) 'nonprofit', as applied to any foundation, corporation, or association means a foundation, corporation, or association, no part of the net earnings of which inures, or may lawfully inure to the benefit of any private shareholder or individual.

"PROHIBITION ON FEDERAL CONTROL

"SEC. 913. Nothing contained in this title shall be deemed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the Corporation or any of its grantees or contractors or employees, or over the charter or bylaws of the Corporation, or over the attorneys providing legal services pursuant to this title, or over the members of the client community receiving legal services pursuant to this title.

"SPECIAL LIMITATIONS

"SEC. 914. The board shall prescribe procedures to ensure that—

"(1) financial assistance shall not be suspended for failure to comply with applicable terms and conditions, except in emergency situations, unless the grantee or contractee has been given reasonable notice and opportunity to show cause why such action should not be taken;

"(2) financial assistance shall not be terminated, an application for refunding shall not be denied, and an emergency suspension of financial assistance shall not be continued for longer than thirty days, unless the grantee or contractee has been afforded reasonable notice and opportunity for a timely, full, and fair hearing.

"COORDINATION

"SEC. 915. The President may direct that particular support functions of the Federal Government, such as the General Services Administration, the Federal telecommunications system, and other facilities, be utilized by the Corporation or its grantees or contractees to the extent not inconsistent with other applicable law.

"TRANSFER MATTERS

"SEC. 916. (a) Notwithstanding any other provision of law, on and after the date of enactment of the Economic Opportunity Amendments of 1971, all rights of the Office of Economic Opportunity to capital equipment in the possession of legal services programs assisted pursuant to sections 222(a) (3), 230, 232, or any other provision of the Economic Opportunity Act of 1964, shall become the property of the National Legal Services Corporation.

"(b) Effective six months after the date of enactment of the Economic Opportunity Amendments of 1971, all personnel, assets, liabilities, property, and records as determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with any function of the Director under section 222 (a) (3) of this Act shall be transferred to the Corporation. Personnel transferred (except personnel under schedule A of the excepted service) under this subsection shall be transferred in accordance with applicable laws and regulations and without reduction in classification or compensation for one year after such transfer. The Director shall take whatever action is necessary and reasonable to find suitable employment for personnel to be transferred pursuant to this subsection who do not wish to transfer to the Corporation.

"(c) Collection bargaining agreements in effect on the date of enactment of the Economic Opportunity Amendments of 1971 covering employees transferred pursuant to subsection (b) of this section shall continue to be recognized by the Corporation until altered or amended pursuant to law."

(b) During the fiscal year 1972 the Director of the Office of Economic Opportunity shall take such action as may be necessary, in cooperation with the executive director of the National Legal Services Corporation, to arrange for the orderly continuation by such corporation of financial assistance to—

legal services programs assisted pursuant to sections 222(a)(3), 230, 232, or any other provision, of the Economic Opportunity Act of 1964. Whenever the Director of the Office of Economic Opportunity determines that an obligation to provide financial assistance pursuant to any contract or grant agreement for such legal services will extend beyond six months after the date of enactment of this Act, he shall include in any such contract or agreement provisions to assure that the obligation to provide such financial assistance may be assumed by the National Legal Services Corporation, subject to such modifications of the terms and conditions of that contract or grant agreement as the corporation determines to be necessary.

(c) Effective six months after the date of enactment of this Act, section 222(a)(3) of the Economic Opportunity Act of 1964 is repealed.

(d) Notwithstanding any other provision of law, after the enactment of this Act but prior to the enactment of appropriations to carry out the Economic Opportunity Act of 1964 for the fiscal year ending June 30, 1972, the Director of the Office of Economic Opportunity shall, out of appropriations then available to him, make funds available to assist in meeting the organizational expenses of the Corporation and in carrying out its activities.

(e) Title VI of the Economic Opportunity Act of 1964 is amended by inserting after section 622 thereof the following new section:

"INDEPENDENCE OF NATIONAL LEGAL SERVICES CORPORATION

"SEC. 623. Nothing in this Act, except title IX, and no reference to this Act unless such reference refers to title IX, shall be construed to affect the powers and activities of the National Legal Services Corporation."

SPECIAL PROGRAMS AUTHORIZED

SEC. 9. Part B of title II of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new sections:

"DESIGN AND PLANNING ASSISTANCE GRANTS

"SEC. 226. (a) The Director shall make grants or enter into contracts to provide financial assistance for the operating expenses of programs conducted by community-based design and planning organizations to provide technical assistance and professional architectural and related services relating to housing, neighborhood facilities, transportation and other aspects of community planning and development to persons and community organizations or groups not otherwise able to afford such assistance. Such programs shall be conducted with maximum use of the voluntary services of professional and community personnel. In providing assistance under this section, the Director shall afford priority to persons in urban or rural poverty areas with substandard housing, substandard public service facilities, and generally blighted conditions. Design and planning services to be provided by such organizations shall include—

"(1) comprehensive community or area planning and development,

"(2) specific projects for the priority planing and development needs of the community; and

"(3) educational programs directed to local residents emphasizing their role in the planning and development process in the community.

"(b) No assistance may be provided under this section unless such design and planning organization—

"(1) is a nonprofit organization located in the neighborhood or area to be served with a majority of the governing body of such organization comprised of residents of that neighborhood or area; and

"(2) has as a primary function the goal of bringing about, through the involvement of the appropriate community action agency or otherwise, maximum feasible participation of local residents, especially low-income residents, in the planning and decisionmaking regarding the development of their community.

"(3) will carry out its design and planning services principally through the voluntary participation of professional and community personnel (including, where available, VISTA volunteers).

"(c) Design and planning organizations receiving assistance under this section shall not subcontract with any profitmaking organization or pay fees for architectural or other professional services.

"(d) The Director shall make whatever arrangements are necessary to continue pilot or demonstration projects of demonstrated effectiveness of the type described in this section receiving assistance under section 232 of this Act during the fiscal year ending June 30, 1971.

"YOUTH RECREATION AND SPORTS PROGRAM

"SEC. 227. (a) In order to provide to disadvantaged youth recreation and physical fitness instruction and competition with high-quality facilities and supervision and related educational and counseling services (including instruction concerning study practices, career opportunities, job responsibilities, health and nutrition, and drug abuse education) through regular association with college instructors and athletes and exposure to college and university campuses and other recreational facilities, the Director shall make grants or enter into contracts for the conduct of an annual Youth Recreation and Sports Program concentrated in the summer months and with continued activities throughout the year, so as to offer disadvantaged youth living in areas of rural and urban poverty an opportunity to receive such recreation and educational instruction, information, and services and to participate in such physical fitness programs and sports competitions.

"(b) No assistance may be provided under this section unless satisfactory assurances are received that not less than 90 per centum of the youths participating in each program to be assisted under this section are from families with incomes below the poverty level, as determined by the Director, and that such participating youths and other neighborhood residents, through the involvement of the appropriate community action agency or otherwise, will have maximum participation in program planning and operation.

"(c) Programs under this section shall be administered by the Director, through grants or contracts with any qualified organization of colleges and universities. Each such grant or contract and subcontract with participating institutions of higher education shall contain provisions to assure that the program to be assisted will provide a non-Federal contribution (in cash or in-kind) of no less than 20 centum of the direct costs necessary to carry out the program. Each such grant, contract, or subcontract shall include provisions for—

"(1) providing opportunities for disadvantaged youth to engage in competitive sports and receive sports skills and physical fitness instruction and education in good health and nutrition practices;

"(2) providing such youth with instruction and information regarding study practices, career opportunities, job responsibilities, and drug abuse;

"(3) carrying out continuing related activities throughout the year;

"(4) meeting the requirements of subsection (b) of this section;

"(5) enabling the contractor and institutions of higher education located conveniently to such areas of poverty and the students and personnel of such institutions to participate more fully in community life and in solutions of community problems; and

"(6) serving metropolitan centers of the United States and rural areas, within the limits of program resources."

FUNCTIONS OF DIRECTOR

SEC. 10. Notwithstanding any other provision of law, unless enacted hereafter in limitation of the provisions of this section, no new transfers or delegations of programs administered by the Director of the Office of Economic Opportunity under titles II, III, VI, and VII of the Economic Opportunity Act of 1964, as amended, shall be made to the head of any other agency, during the fiscal year ending June 30, 1972, and the succeeding fiscal year.

PUERTO RICO

SEC. 11. (a) Notwithstanding any other provision of law, the Director of the Office of Economic Opportunity shall reserve, for the purpose of section 225(a) of the Economic Opportunity Act of 1964, not more than 4 per centum of the appropriated sums for the fiscal year ending June 30, 1972, for Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands, according to their respective needs.

(b) Effective after June 30, 1972, section 225(a) of such Act is amended by striking out "Puerto Rico,".

(c) Effective after June 30, 1972, the first sentence of paragraph (1) of section 609 of such Act is amended by striking out the word "or" the second time it appears in such sentence and inserting in lieu thereof a comma and the following: "Puerto Rico, or".

TECHNICAL PROVISIONS

SEC. 12. (a) The application of the formula prescribed by section 225(a) of the Economic Opportunity Act of 1964 for the allotment of funds among the States may be waived by the Director to the extent he deems necessary to prevent hardship in the allotment of funds for programs under title II of such Act resulting from the discontinuance of the authorization for section 222(a)(1) of such title by this Act.

(b) The Director may extend assistance under sections 221 and 222(a) of the Economic Opportunity Act of 1964 to a community action agency or other agency which is in excess of the maximum prescribed in section 225(c) of such Act, if he determines, in accordance with such regulations as he shall prescribe, that the ability of such agency to provide its share of the program costs pursuant to such section 225(c) has been impaired by virtue of the discontinuance of the authorization for section 222(a)(1) of such Act to an extent which justifies such additional assistance.

WELFARE REFORM—OR IS IT?

Mr. LONG. Mr. President, the present welfare program has been universally described as a mess. It is fair to say, however, that no one really contends that this is true of the old age assistance program, the aid to the blind, and the aid to disabled persons categories. These adult programs were soundly conceived and, while they could undoubtedly be improved by closer supervision or by merging some of them with parallel social insurance programs having the same general purpose in view, no one contends in any serious way that they are a mess. They make sense, they meet needs of people, they assure social and economic justice.

It is in the program to assist families with dependent children that the welfare program has gone astray so badly that the children are described as its victims rather than its beneficiaries. It is this program that has mushroomed without planning, grown like Topsy until it has caused the entire program, including those soundly-conceived, well-administered adult categories, to take on the appellation of the "Welfare Mess."

As one who has labored for 24 years to help construct the programs for the aged and disabled, I am determined to do what I can to bring about the resurrection of the program to aid little children. I am frank to say, after a 2-year study of the President's Family Assistance plan, that it does not constitute welfare reform at all. It has every prospect of being just the opposite.

First, let us look at the way in which the program for AFDC has burgeoned in comparison with other welfare categories.

Mr. President, I ask unanimous consent to have printed in the RECORD a table showing the number of recipients and the dollar cost in selected years.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

WELFARE RECIPIENTS, DECEMBER OF SELECTED YEARS

Year	Aid to families with dependent children		Aid to the aged, blind, and disabled	
	Number of recipients	Percent increase since 1960	Number of recipients	Percent increase since 1960
1940	1, 222, 000		2, 143, 000	
1945	943, 000		2, 128, 000	
1950	2, 233, 000		2, 952, 000	
1955	2, 192, 000		2, 883, 000	
1960	3, 073, 000		2, 781, 000	
1961	3, 566, 000	+16	2, 721, 000	−2
1962	3, 789, 000	+24	2, 710, 000	−3
1963	3, 990, 000	+28	2, 713, 000	−3
1964	4, 219, 000	+38	2, 725, 000	−2
1965	4, 396, 000	+44	2, 729, 000	−2
1966	4, 666, 000	+52	2, 745, 000	−1
1967	5, 309, 000	+73	2, 802, 000	+1
1968	6, 086, 000	+98	2, 810, 000	+1
1969	7, 313, 000	+138	2, 958, 000	+6
1970	9, 660, 000	+215	3, 098, 000	+8

Mr. LONG. Mr. President, in the late 1960's the burgeoning welfare rolls reflect the work of welfare activists, including the Government-paid corps of attorneys for the Office of Economic Opportunity. The poverty lawyers scored their greatest victories in loading down the welfare rolls with millions of persons who were never intended to be there.

The two greatest victories of these OEO lawyers to misconstrue the intent of Congress involved the so-called man-in-the-house rule and the residency requirement, which the Supreme Court abolished.

The most obvious threat of the so-called welfare reform is that it would start by doubling the welfare rolls and set an irresistible foundation to redouble, and then to double again, the list of recipients.

The family assistance plan tries to proceed upon the theory that every family of four should be assured of at least $2,400 per year incomes if they do nothing.

To begin with, the program would increase the number of beneficiaries under the children's program from the present 10 million to 19 million. It would increase the total number of people on welfare from the present 13 million to 26 million. But the advocates of the program freely admit, and even apologized in the beginning, that the program does not take the needy out of poverty. It is merely a step in that direction. They agree that the program should indeed move all people out of poverty but that such an objective is too expensive and that the guarantee of $2,400 for a family of four is all that can be afforded while the burden of a war in Vietnam is on our hands.

Once we accept the logic that each family should be assured enough income to lift it out of poverty, there is no logical excuse for permitting persons to stay in poverty when it is within the resources of the Federal Government to correct that situation. Where the program starts out by guaranteeing everyone $2,400, it will be politically impossible to vote against a starting point of $3,900 instead of $2,400 for the simple reason that the very administration proposing the program defines poverty level for a family of four at $3,900.

Once we adopt a $3,900 poverty level as a guaranteed income for a family of four, we will have some 35 million people receiving welfare benefits. It will be a welfare program for more than one-sixth of the entire population. Already the National Welfare Rights Organization, which is becoming increasingly powerful across this Nation, is demanding $6,500 for a family of four, with benefits for single persons and childless couples as well as families. Such a program, which could place 112 million persons on welfare, would inevitably follow the one which would place 35 million people on welfare. It is difficult enough for a person to resist the political appeal of higher and higher welfare benefits when the number of beneficiaries totals 13 million, with most of them being children ineligible to vote. When those rolls total 26 million, it will be much more difficult. Welfare beneficiaries at the next election will be asking but a single question: "How did this Senator or that Congressman vote when our welfare increase was before the Congress?"

The best evidence of the irresistible nature of the downhill drift into a welfare state can be illustrated by the fact that at this very moment we have a Republican President fighting for such a program—although probably less than 10 percent of the people involved voted for him at the last election—in the hope that he can persuade some of those people to join the ranks of his supporters at the next election. All he has achieved is the guaranteed assurance that every Democratic challenger is likely to advocate an even higher figure than the Republican President is now offering. Even before the bill has passed, it has already developed into a political version of the once popular radio program, "Can You Top This?"

One of my Republican friends described it this way: He said it will be like a poker game where the contenders for office will say, "I'll call your hundred and raise you a hundred," and the next candidate will say, "I call that bet and raise you by a hundred," with the next one saying, "I call that bet and raise you a hundred."

Once we launch our National Government on this course, I can foresee no end to it until the whole Government comes down in shambles.

Mr. President, I ask unanimous consent to have printed in the RECORD the projected increase in numbers and costs of the program provided to me by the Department of Health, Education, and Welfare.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

RECIPIENTS AND COSTS OF VARIOUS WELFARE PLANS

Guaranteed minimum income level	Number of recipients (millions)	Annual payments (billions)
$2,400	19	$6
$3,900	35	15
$6,500	[1] 112	72

[1] Include single and childless couples.

THE REFORM FIASCO

Mr. President, any good welfare reform measure should remove from the rolls millions of recipients who have no business being there in the first instance. That is what comes to the minds of most people who have never enjoyed any benefits from the program, either directly or indirectly, but who must pay taxes to support it.

Let me give but two illustrations of the welfare mess which would not be improved but which would become worse if H.R. 1 were to be enacted as it passed the House.

Let us assume a situation in which a father is unmarried to the mother of his children and is making $7,000 a year.

Theoretically, he is unavailable to help support the mother of his three children—although as a practical matter he is. The benefits to which she would be entitled vary according to the State. In New York City or Chicago, she would be entitled to cash benefits of $3,800, plus medicaid with a value of $900. The total family income for these five people is, therefore, $11,700, and the bonus not to marry is $4,700.

I ask unanimous consent to have printed in the RECORD a table entitled "Family income and marital status under H.R. 1 in Chicago, Ill."

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Family income and marital status under H.R. 1 in Chicago, Ill.

Father not married to mother:	
Father's earnings	$7, 000
Welfare payment to mother and 3 children	3, 800
Value of medicaid benefits	900
Total	11, 700
Father married to mother:	
Father's earnings	7, 000
Welfare payment to mother and 3 children	0
Value of medicaid benefits	0
Total	7, 000
Bonus for not marrying	4, 700

Mr. LONG. Mr. Preisdent, if the authorities were to legally establish that the father is, in fact, available to help support his three children, the family unit would be entitled to zero welfare benefits. Assume, for the sake of argument, that the mother and children are living next door to a family in which the mother and father are married, and the father is faithfully bringing home his paycheck of $7,000 per year. The latter family is entitled to no benefits whatever, but they pay more than $700 a year in Federal taxes. This is a typical example of the welfare mess. Similar situations are common and people are outraged about it. They are not demanding welfare payments for themselves; they do not expect it. But they do feel entitled to a law under which those who have no right to be on welfare would no longer be paid Federal and State money taxed away from the hard-earned incomes of those who toil for a living.

What kind of example does this set for the children? If the mother admits that she knows the whereabouts and identity of the father, the family income is reduced. Therefore, she does not admit it. If the father admits that he is the father, the family income is reduced. Therefore, he does not admit it. Mother tells the children, "That man over there is your father, but do not tell anybody. Keep it a secret because if the Government finds out about it, we will lose our welfare money."

The children are taught to lie and deceive from the moment they are able to understand. They learn to cheat and to bend the welfare rules to their advantage. Welfare becomes a way of life, and a welfare subculture is being built upon it.

Let me state how the situation I have described works out today in Louisiana and how it would work under the so-called welfare reform measure. In my State the disparity between the deserving and the undeserving would be increased; the social and economic injustice would be broadened.

One reason the payments are low in Louisiana is that the Supreme Court has required the State to load the welfare rolls down with people whom the State thought to be ineligible. Because of limited State resources, the result has been to reduce welfare payments to the truly needy in order to accommodate the rolls to large numbers of undeserving persons. In Louisiana, let us assume that a father is earning $5,000 per year. The mother and three children would be receiving approximately $1,250 in welfare payments, and approximately $250 of medicaid benefits. If the father and mother were married, the mother and children would not be receiving welfare payments. Under the Family Assistance plan, the unwed mother would receive $2,650 in welfare as illustrated by the chart—the incentive to immorality would be further widened.

Mr. President, I ask unanimous consent to have printed in the RECORD a table entitled "Family Income and Marital Status Under H.R. 1 in Louisiana."

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Family income and marital status under H.R. 1 in Louisiana

Father not married to mother:	
Father's earnings	$5,000
Welfare payment to mother and 3 children	$2,400
Value of medicaid benefits	250
Total	7,650
Father married to mother:	
Father's earnings	5,000
Welfare payment to mother and 3 children	0
Value of medicaid benefits	0
Total	5,000
Bonus for not marrying	2,650

Mr. LONG. Mr. President, advocates of the family assistance plan will describe situations in which the gap between the deserving family and the undeserving family would be narrowed. Invariably, however, the family in which the employed father does not marry the mother would receive more when any fair application of law would require that they not be given a monetary bonus for not marrying.

Oratorical splendor dictates that advocates of the family assistance plan describe the present welfare system as one which encourages a father to desert his family. They well know that this is not the big part of the problem. The big part of the problem is that the family unit is not forming to begin with. The family assistance plan, like the welfare mess it would supplant, just would not deal with this basic problem. True, in some cases, the bonus for not getting married, the subsidy for illegitimacy, might be narrowed but it would not be eliminated. The cash incentive would still be against marriage and against the legitimate birth of children.

It is fundamental that when you subsidize an act, people are led to believe that this is what they should do. When you tax them heavily for doing another act, they are led to believe that it is something they should not do.

Patrick Moynihan has generally been regarded as the architect of the family assistance plan—the chief adviser of it at the White House. It would be well to note what Mr. Moynihan had to say about the advantages of remaining single among the working poor today.

> While minority group spokesmen are increasingly protesting the oppressive features of the welfare system and liberal scholars are actively developing the concept of the constitutional rights of welfare recipients with respect to such matters as man in the house searches, it is nonetheless the fact that the poor of the United States today enjoy a quite unprecedented de facto freedom to abandon their children in the certain knowledge that society will care for them, and what is more, in a State such as New York, to care for them by quite decent standards. Through most of history a man who deserted his family pretty much assured that they would starve or near to it if he was not brought back, and that he would be horse-whipped if he were. Much attention is paid the fact that the number of able-bodied men receiving benefits under the AFDC program is so small.
>
> In February 1966, Robert H. Mugge of the Bureau of Family Services of HEW reported that of the 1,081,000 AFDC parents there were about 56,000 unemployed, but employable, fathers. But in addition to the 110,000 incapacitated fathers, there were some 900,000 mothers of whom by far the greatest number had been divorced or deserted by their presumably able-bodied husbands.
>
> Now, a working-class or middle-class American who choses to leave his family is normally required first to go through elaborate legal proceedings and thereafter to devote much of his income to supporting them. Normally speaking, society gives him nothing. The fathers of AFDC families, however, simply disappear. Only a person invincibly prejudiced on behalf of the poor would deny that there are attractions in such freedom of movement.

To put it in simple, everyday language, if a man can enjoy larger income by remaining single and, indeed if the combined income of himself and the mother of his children will be far larger if the two remain single, why should he marry? Furthermore, when the father can put on his hat and leave without the hazard of a court order or a legal summons to return and provide support for his dependents, why should he give up his freedom and accept the burdens that go with marriage and the status of a husband if the result is going to be a large loss of overall income?

In other words, Mr. President, while this society claims to believe in the family unit and the institution of marriage—it is pouring out dollars by the billions to bring about the opposite result. The family assistance plan does virtually nothing to discourage this kind of illicit family relations.

THE WORK DISINCENTIVE

Now, let us analyze the problem of work incentive.

Due to the already high welfare benefits, the family assistance plan finds it necessary to sharply curtail the amount of earnings that a person can retain when he goes to work. Otherwise, the mathematics of the plan makes it cost prohibitive. The administration-supported formula would reduce the overall family income by $2 for every $3 earned. In many cases, after one considers the increase in social security taxes paid, the loss of medicaid benefits, and especially if the family is enjoying the benefit of subsidized public housing, the family income would be reduced by more than 100 percent of every dollar that a father or mother proceeded to earn.

I ask unanimous consent to have printed in the RECORD various tabulations and material explaining this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHART 12.—H.R. 1: WHAT EACH DOLLAR EARNED WILL COST A FAMILY OF 4 IN WILMINGTON, DEL. (MOTHER WITH 3 CHILDREN)

	Range of earnings			
	0 to $1,000	$1,000 to $2,000	$2,000 to $3,000	$3,000 to $4,000
Welfare reduction	$0.19	$0.67	$0.67	$0.67
Social security tax	.06	.06	.06	.06
State, Federal income tax			.01	.02
Medicaid deductible increase	.09	.33	.33	.33
Subtotal	.34	1.06	1.07	1.08
Increase in public housing rent	.15	.06	.06	.06
Total cost to family for each dollar earned	.49	1.12	1.13	1.14

H.R. 1: WHAT EACH DOLLAR EARNED WILL COST A FAMILY OF FOUR IN WILMINGTON, DEL.

Under H.R. 1, a family's assistance payment would be reduced by two-thirds of any earnings in excess of $720 per year. Looked at in isolation, this appears to permit families to keep, as an incentive for increasing their earnings, the first $720 per year of such earnings plus 33 cents out of every dollar above $720. In practice, however, increased earnings would result in many other costs to the family in addition to the partial reduction in their assistance payments. This chart shows some of these costs as they would affect a family in Wilmington, Del., composed of a mother and three children. The four columns show for various earnings levels how much each additional dollar will cost the family in reduced assistance benefits, increased payments for social security and income taxes, an increase in the medicaid deductible under the provisions of H.R. 1, and the increased rent a family would have to pay for public housing under the administration's proposed housing legislation.

In the $0 to $1,000 range of earnings, the reductions are rather modest because the first $720 of annual earnings is not taken into account in determining either the assistance payment or the medicaid deductible. Each additional $1,000 of earnings, however, results in costs to the family which average more than $1 in added cost for each $1 of added earnings. For example, a family increasing its annual earnings from $2,000 to $3,000 would have to pay out $1.07 for every dollar of additional earnings. If the family lived in public housing, the total added cost for each dollar of earnings would be $1.13. In other words, it would cost the family $1,130 to increase its earnings from $2,000 to $3,000. This would be a net loss to the family of $130.

The data in this chart with respect to the reduction in assistance, income taxes, and public housing rent are based on computations by the Department of Health, Education, and Welfare which assume that Delaware will supplement the basic Federal assistance payment of $2,400 per year by $216 which would maintain Delaware's existing payment level with an increase to compensate for the fact that food stamps or surplus commodities would no longer be available. The medicaid deductible would affect families to the extent that they have medical expenses. It is computed on the assumption that Delaware will set the medical assistance standard at the $2,616 payment level although H.R. 1 would permit it to set that standard somewhat higher or lower. Social security tax costs are based on the employee taxes provided for in present law for 1973 and later years. The chart also assumes that the administration's public housing proposals will be enacted.

CHART 13.—H.R. 1: WHAT EACH DOLLAR EARNED WILL COST A FAMILY OF 4 IN CHICAGO (MOTHER WITH 3 CHILDREN)

	Range of earnings					
	0 to $1,000	$1,000 to $2,000	$2,000 to $3,000	$3,000 to $4,000	$4,000 to $5,000	$5,000 to $6,000
Welfare reduction	$0.19	$0.67	$0.67	$0.67	$0.67	$0.67
Social security tax	.06	.06	.06	.06	.06	.06
State, Federal income tax					.16	.19
Medicaid deductible increase		.21	.33	.33	.33	.33
Subtotal	.25	.94	1.06	1.06	1.22	1.25
Increase in public housing rent	.15	.06	.06	.06	.06	.06
Total cost to family for each dollar earned	.40	1.00	1.12	1.12	1.28	1.31

CHART 14.—H.R. 1: WHAT EACH DOLLAR EARNED WILL COST A FAMILY OF 4 IN NEW YORK CITY (MOTHER WITH 3 CHILDREN)

	Range of earnings						
	0 to $1,000	$1,000 to $2,000	$2,000 to $3,000	$3,000 to $4,000	$4,000 to $5,000	$5,000 to $6,000	$6,000 to $7,000
Welfare reduction	$0.19	$0.67	$0.67	$0.67	$0.67	$0.67	$0.67
Social security tax	.06	.06	.06	.06	.06	.06	.06
State, Federal income tax			.01	.03	.17	.20	.21
Medicaid deductible increase						.32	.33
Subtotal	.25	.73	.74	.76	.90	1.25	1.27
Increase in public housing rent	.15	.06	.06	.06	.06	.06	.06
Total cost to family for each dollar earned	.40	.79	.80	.82	.96	1.31	1.33

H.R. 1: WHAT EACH DOLLAR EARNED WILL COST A FAMILY OF FOUR IN CHICAGO, ILL.

This chart is similar to chart No. 12, but it shows the cost of each additional dollar of earnings at various earnings levels for a family composed of a mother and three children in Chicago, Illinois rather than in Wilmington, Del. The effects in both cities are comparable except that in Chicago the medicaid deductible would not be as large at earnings levels under $2,000 on the assumption that Illinois continues its present practice of setting a medical assistance standard somewhat above its payment level for cash assistance. Also, because of the assumption that Illinois will supplement the basic Federal assistance payment, the family would continue to receive assistance until its earnings exceeded $6,000. As a result, income taxes could be a significant cost factor for some families getting assistance. As in the Wilmington chart, this chart shows that families in Chicago who live in public housing and get assistance would find their earnings profitable only in the $0 to $1,000 range. Each $1,000 of earnings about that level would cost the family $1,000 or more in lost benefits, taxes, and increased fees and deductibles. Families not in public housing would be able to keep as a net gain 6 cents on the dollar from earnings in the $1,000 to $2,000 range. Above that, the costs incurred as a result of increased earnings would exceed the amount of the earnings.

The data in this chart with respect to the reduction in assistance, income taxes, and public housing are based on computations by the Department of Health, Education, and Welfare which assume that Illinois will maintain its cash assistance levels with an increase to offset the loss of food stamps. The figures also assume that the administration's public housing proposals will be enacted. Social security tax costs are based on the employee taxes provided for in present law for 1973 and later years.

The medicaid deductible would affect families to the extent that they have medical expenses. It is computed on the assumption that Illinois will set a medical assistance standard higher than the cash assistance payment level in the same ratio as its current medical assistance standard bears to its payment level. The chart also assumes that, in reducing the State supplemental assistance, Illinois will follow the Federal practice of reducing benefits by only 67 percent of earnings above $720. H.R. 1 would, however, permit the State to increase the reduction rate to as much as 100 percent in earnings ranges above $4,320.

H.R. 1: WHAT EACH DOLLAR EARNED WILL COST A FAMILY OF FOUR IN NEW YORK CITY, N.Y.

This chart is similar to chart No. 12, but it shows the cost of each additional dollar of earnings at various earnings levels for a family composed of a mother and three children in New York rather than in Wilmington, Del. The effects in both cities are comparable except that in New York there would be no medicaid deductible at earnings levels under $5,000 on the assumption that New York continues its present practice of setting a medical assistance standard 33 percent above its payment level for cash assistance. Also, because of the assumption that New York will supplement the basic Federal assistance payment, the family would continue to receive assistance until its earnings exceeded $7,000. As a result, income taxes could be a significant cost factor for some families getting assistance. Families in New York which get assistance are shown by this chart to have a net gain from their earnings at all earning ranges below $5,000. For families who do not live in public housing, the amount of this gain ranges from 75 cents on the dollar for earnings below $1,000 to 10 cents on the dollar for earnings in the $4,000 to $5,000 range. Similarly, families in public housing have a net gain of 60 cents on the dollar for earnings below $1,000 decreasing to 4 cents on the dollar for earnings between $4,000 and $5,000. Above $5,000 for families (whether or not in public housing) the added costs attributable to earnings exceeded the amount of the increase in earnings.

The data in this chart with respect to the reduction in assistance, income taxes, and public housing are based on computations by the Department of Health, Education, and Welfare which assume that New York will maintain its January 1971 cash assistance levels with an increase to offset the loss of food stamps. The estimates also assume that the administration's public housing proposals will be enacted. Social security tax costs are based on the employee taxes provided for in present law for 1973 and later years.

The medicaid deductible would affect families to the extent that they have medical expenses. It is computed on the assumption that New York will set a medical assistance standard higher than the cash assistance payment level in the same ratio as its current medical assistance standard bears to its payment level. The chart also assumes that, in reducing the State supplemental assistance, New York will follow the Federal practice of reducing benefits by only 67 percent of earnings above $720. H.R. 1 would, however, permit the State to increase the reduction rate to as much as 100 percent in earnings ranges above $4,320.

Mr. LONG. Now again, Mr. President, this is how the program would work if the beneficiaries conducted themselves as the proponents of the plan would hope; namely, contrary to the economics of the situation. As a practical matter, it would pay the family if the father would simply remain outside the family unit in every legal and technical sense, while the mother pretended a degree of dependency on welfare that does not, in fact exist.

THE SUPREME COURT'S ROLE

A significant part of today's welfare mess exists because of the conduct of the Supreme Court's outlawing the man-in-the-house rule and the residency requirements.

Congress intended that all elements of income should be taken into account in determining the need for welfare, including the income of the man in the house. A mother could obtain welfare payments for herself and her children so long as no man were available to support the family. If she demonstrated that her husband had deserted her, or that she was not certain of the identity of the father of her children, she and her children were eligible for welfare. But they would lose welfare payments if the authorities found a man in the house who could support them. Because of the Supreme Court decision finding a man in the house is no longer sufficient and the States administering the program are confronted with an insurmountable burden of proof in identifying the father, establishing his wherabouts and his income and proving its availability to the family. And they are not likely to gain the cooperation of the mother. Why should she provide such information, when to do so would make her and her children ineligible for State support?

Even in Washington, D.C., for example, where the Department of Health, Education, and Welfare oversees the program without the necessity of agreeing with a State government, a man-in-the-house rule was enforced. Some years ago, when Senator ROBERT BYRD of West Virginia was chairman of a subcommittee of the Appropriations Committee, the Senator from West Virginia conducted a sample study which demonstrated that 59 percent of the recipients on the AFDC rolls were ineligible and that half of the remainder were being overpaid.

Persuading the Supreme Court to strike down the man-in-the-house rule, probably was the supreme achievement of the poverty lawyers working for the Office of Economic Opportunity. This, plus the decision to strike down what Congress sought to support by way of residency requirements, have accounted for a large part of the increase in the welfare rolls and costs which have occurred since that time.

How would we have dealt with illegitimacy if there had been no welfare program? Suppose, for example, the mother was a daughter of any Member of this body. We would insist that the fellow responsible should either marry the mother, or that he should be taken to court, legally declared to be the father and ordered to pay support to the mother and child. This may sound old-fashioned, but it is the only sensible way to handle situations in which the father has deserted or denied paternity.

A Federal child support law, unimpeded by State boundaries, with the help of the Internal Revenue Service and the Social Security Administration in locating and collecting support from runaway fathers, is an essential part of any solution to the welfare mess. The administration bill has closed its eyes to the need in this area. I say, without the slightest doubt, that no equitable system of family support can make any sense—so long as we permit the father to remain outside the family unit without requiring any of his income to be made available to his children. Nor can any such program be made to work so long as it is to the cash advantage of the mother to cooperate with the father in doing business in such a fashion.

THE INCENTIVE TO WORK

Once people are placed on welfare, both the existing program, as well as the family assistance plan, intend that people should accept work where they can, and that the earnings will reduce the amount of the welfare payment.

One would wonder why the administration has been unable—after more than a year of solid criticism of the disincentives against work—to devise a proposal that would assure a person that he could keep at least one-third of his earnings. The administration has struggled with this problem so long that they have finally developed a machine to demonstrate the difficulty. Basically, what the machine demonstrates is that when we guarantee a person a large amount of money for not working, and then attempt to do justice to those who are working by permitting them to keep a part of their earnings, it is necessary to reduce the welfare payments sharply as the earnings increase. Otherwise, the person remains on welfare, drawing a small payment although his earnings have advanced to the point that he is in the middle income tax brackets.

In an excellent article that appeared recently in the Washington Post, former Health, Education, and Welfare Assistant Secretary Alice Rivlin explained why it is so difficult to provide a work incentive through a welfare-type system:

> Under the not-so-generous Nixon Family Assistance Plan, a family would have its benefits reduced by $2 for each $3 earned; they would be subject to a 66⅔ percent tax rate. The effective tax rate would actually be higher—more like 80 percent—because they have to pay Social Security as their incomes rose. Getting to keep 20 cents out of each dollar earned is hardly much of an incentive to take an unpleasant low-paid job.
>
> Why not compromise and move the guarantee to $4,000 and the "tax" rate to 50 percent? This may well be a good solution, but it would cost at least $30 billion more than the present welfare system and would involve payments to people with incomes up to $8,000 or well into the middle income bracket. This may be worth it, but it should be recognized as a much more complex and expensive undertaking than appeared when we first asked. "Why can't we cure poverty?"

The point which many people miss about the whole matter is that once we make it comfortable for people to live on welfare and then tax away 80 cents out of each dollar they earn, work becomes far less attractive. The person is inclined to adjust himself to the comforts of welfare. If he works, there is an overwhelming temptation to cheat by insisting that he be paid in cash—with no records kept. This latter practice is becoming more and more an accepted thing in both the metropolitan and rural areas of our country today, even under existing law.

THE WORK REQUIREMENTS

We are led to believe that President Nixon decided to endorse the Family Assistance plan partly because he was led to believe that there were to be strict work requirements. The so-called work requirements are, in fact, a farce.

In the first place, the bill's highly touted "work requirement" actually only amounts to a requirement that an able-bodied individual register with the Labor Department. If that Department can offer the registrant a suitable job, he or she must accept it or face a partial loss of welfare benefits.

Unfortunately, the record of the Labor Department in placing welfare recipients in jobs is very, very poor. If a welfare recipient does not want to work, he has little to worry about from the Labor Department. By that Department's own estimates, they plan to develop only 200,000 jobs for 2.6 million registrants—only one chance in 13 from the recipient's standpoint.

If a welfare recipient is determined not to work, it is not difficult to terminate employment once placed in a job. For example, in practically every city in America there are jobs available as waitresses and dishwashers. All the person has to do is maintain the image of seeking work without the ability to keep the job and to accept any restaurant job available and then proceed to stumble and drop the glasses and dishes on the floor. A person does not have to break more than $100 worth of china and glassware to persuade the boss he has the wrong employee.

CHILD CARE

But what about the welfare mother who wants to work? HEW studies show that many welfare mothers are eager to work but are held back by the lack of availability of child care. Funds the Congress has appropriated for child care under the work incentive program have gone unused and the care has not been made available. It was for this reason that the Committee on Finance last year approved my proposal to establish a Federal Child Care Corporation whose sole mission it would be to expand the availability of child care nationwide so that mothers who wish to work may do so.

I have reintroduced my child care proposal with improvements this year, and the Committee on Finance will be holding hearings on child care before we resume hearings on the welfare plan.

Adequate provision for child care is a crucial element in any welfare reform proposal. H.R. 1 provides funds for child care, but, in my opinion, we need to go beyond funds alone by providing a mechanism to insure the availability of child care as well.

A BETTER APPROACH

Mr. President, I am perfectly willing to subsidize low-income working persons, but we must have an approach that does better than providing a welfare benefit for doing nothing and then taking away part of the benefit as people increase their work efforts. We would do better to supplement an individual's wage on an hours-worked basis.

For example, suppose a father is earning $1.20 and hour. We might decide to supplement his wages by 40 cents an hour for up to 40 hours a week. With this approach, he would start receiving an additional $16 for each week in which he works 40 hours. He would receive $8 if he works only 20 hours, and he will receive no benefit at all if he works zero hours. This is in direct contrast to H.R. 1, under which he would be paid the most in welfare benefits if he works not at all, less if he works 20 hours and least if he works 40 hours.

My proposal goes in exactly the opposite direction by providing benefits only to the extent that there is work effort. In short, I believe that we should guarantee a job opportunity rather than guarantee an income for doing nothing.

Of the other advanced countries none has a program which pays people to do nothing, comparable to what we are doing now, or to the Family Assistance plan.

There are a multitude of ways in which we can help provide employment opportunities and make jobs pay more than they pay at present. In fact, there are a considerable number of subsidized industries in America today, some of which pay very high wages. It is much cheaper to subsidize a job in private industry than to pay the person to do nothing.

There is no substantial argument in the Senate Committee on Finance about the desirability of providing day-care centers for children. Many of the welfare mothers can be offered good jobs in such day-care centers, which in turn will free other mothers to accept full-time employment opportunities.

Once we are able to agree, and I believe that the Committee on Finance is willing to agree, that our objective is to provide everyone with an opportunity to work for a wage sufficient to provide for essential needs, we should have little difficulty in developing such a program. The only impediment is the administration's determined and dogged insistence on according everyone the opportunity to loaf, and guaranteeing them an income of $2,400 a year while they do it.

It is easy enough to make welfare more attractive than work. This Nation probably has the resources accumulated over centuries of dedicated, honest, diligent endeavor to afford and sustain tax-supported idleness, tax-supported illegitimacy, tax-supported corruption in the short run. No nation, not even this one, has enough fat to sustain such an erroneous course indefinitely.

A nursery story tells us of the grasshopper who fiddled all summer only to die with the first frost. Why should this Congress seek to make a grasshopper of Uncle Sam. Why not emulate the ant, or the squirrel who work tirelessly when they can to store something away against times of adversity. Uncle Sam will not be the inspiration of the free world while the major cities of America are clogged with trash and pollution and tax-paid welfare loafers wallow in litter and debris.

Mr. President, an interesting speech was made recently by Roger A. Freeman, entitled "Guaranteed Poverty or Guaranteed Opportunity?" I ask unanimous consent that the speech may be printed in the Record at this point.

There being no objection, the speech was ordered to be printed in the Record, as follows:

GUARANTEED POVERTY OR GUARANTEED OPPORTUNITY?

(By Roger A. Freeman)

THE INCENTIVE TO WORK

From the dawn of history, through biblical times and down to our days, one of the most noble and most highly regarded human and humane tasks has been aid to the poor—to succor the widows and orphans, to help the aged and the afflicted, and to drive the curse of poverty from the land. Among the countries that tried, none has come closer to the goal of eradicating poverty, in absolute terms, than the United States of America. The descendants of 43 million immigrants, few of whom landed with more than a bare minimum of material possessions, and most with nothing, made themselves within the short span of less than two centuries the richest people on earth, bar none. What is more, they changed the shape of income distribution from a pyramid—a wide base, narrowing to a peaked top—which had been the historical pattern and still prevails in many countries, to a diamond: the great bulk in the middle with a slimming toward both ends.

So widely was it believed that American society had succeeded in abolishing poverty that only eight years ago a Presidential commission, appointed to define national goals and to design avenues by which to reach them, never mentioned poverty nor its eradication. A few years earlier, Arthur Schlesinger, Jr., reported in the *New York Times* (Aug. 4, 1957) how a Democratic politician had explained to him the 1952 election: "The trouble is, we ran out of poor people." Even John Kenneth Galbraith in *The Affluent Society* did not refer to poverty as a general or mass affliction but mentioned that some pockets remained of insular and case poverty—related to characteristics of the individuals affected more than to the nature of society.

Through its Joint Economic Committee, Congress studied the condition of families with under $2,000 a year incomes in 1949, 1956 and 1959 but was careful to refer to them merely as the "lower-income population" or "low-income population." Nor did these reports attract much attention, at least not until about five years ago, when the terms "the poor" and "poverty" were applied to designate our low-income population and when a crusading spirit emerged.

The late Henry Luce explained the origin of the new movement at *Fortune's* 35th anniversary banquet:

". . . But after all, is there not still poverty? Yes—and some might add that it took President Johnson's political genius to discern it." Some might even have said "to discover it." Several dozen books and hundreds of articles have since been written to impress upon us that we have again—or still—what we thought had long been abolished in the United States: mass poverty. Its extent was officially placed at 39 million persons, or 22.1 per cent of the American population at the close of 1959, and at 26 million persons, or 13.3 per cent of the population in the latest survey in March 1968.

So, in recent years we have had much discussion of the "paradox of poverty in the midst of plenty" and of means to combat it and to wipe poverty off the map of the United States. We are met this morning to discuss the latest group of proposals to achieve that end.

When we look more closely, it becomes apparent that the existence of poverty amidst plenty is as much of a paradox as the existence of shadows when the sun shines. It is the sunshine which causes objects to throw a shadow as it is the affluence of our society which makes us place the label of poverty on one out of every ten American families.

Poverty, as you know, is defined as a cash income below a specified level which on last count was officially set at $3,335 for a 4-person nonfarm family. A family income of that magnitude is regarded as mark of high prosperity or at least as expressing a middle-class status everywhere outside the borders of the United States. Until not so many years ago this was true here too. Poverty used to be defined as the absence of resources sufficient to meet minimum requirements. But definitions and concepts change. In Sweden, the highest income country in the world next to the U.S. with a per-capita product only 25 per cent below ours, 22 per cent of the income earners make less than $965 a year, 42 per cent less than $1,930. But Sweden, which boasts the most extensive welfare system anywhere, claims to have eradicated poverty long ago.

Family income in the United States averaged $8,017 in 1967. Thus, the governmentally sanctioned poverty level equals only 42 per cent of the average. That does seem *relatively* low. Many seem to believe that in a country as rich and powerful as ours everybody ought to be above the average—but at least, nobody should be below the average.

Supposing all income were to double over the next 20 or 30 years. Would that wipe out poverty? It practically would—*if $3,335* remained the benchmark. But as happened in the past and will most certainly continue to happen, the poverty definition will change and if average incomes double, so will the poverty level. The incidence of poverty, as now officially defined, has declined by one percentage point each year since 1959—from 22.1 per cent to 13.3 per cent (1967). At that rate, poverty would cease to exist in the United States by about 1980. Some have so predicted.

But to assert or expect that this will actually happen is plainly naive. We guarantee the perpetual existence of poverty by defining it not in terms of constant minimum subsistence requirements but moving it up in relation to the steadily growing average income. This is like greyhounds chasing a mechanical hare, or the dog chasing his tail: the faster he turns the faster his tail moves.

When a nationwide Gallup Poll in March 1964 asked whether they thought that poverty would ever be done away with in this country 83 per cent of those questioned replied in the negative. When asked again in June 1967, after three years of the War on Poverty, 89 per cent so responded. This suggests that the American people do not always accept the glowing promises of their political leaders at face value, and possibly less so after they have had an opportunity to compare promises with action and results.

To be sure: nobody questions that it is highly desirable to lift the income of persons on the bottom rung of the ladder to somewhat higher levels. In fact, many are convinced that this is imperative, whether they be motivated by compassion and charity or by uneasy thoughts about future domestic tranquility. But there are wide differences of opinion on how this can best be done, in what span of time it ought to and can be accomplished, and what role government should play in it.

In the recent election campaign the presidential candidates of both major political parties declared unequivocally that they would try to solve the poverty problem by expanding payrolls rather than welfare rolls. That is what the great majority of the American people like to hear—and would like to see. Not long ago President Lyndon B. Johnson predicted that "the days of the dole are numbered." Likewise, in his State of the Union Message in 1962, President John F. Kennedy stated that the new public programs would stress "services instead of support, rehabilitation instead of relief, and training for useful work rather than prolonged dependency."

This only reiterated what President Franklin D. Roosevelt had said in his 1935 State of the Union Message about the need to put people to work. He warned: "The lessons of history . . . show conclusively . . . that continued dependence upon relief induces a spiritual and moral disintegration fundamentally destructive to the national fibre. To dole out relief . . . is to administer a narcotic, a subtle destroyer of the human spirit. . . . The Federal Government must and shall quit this business of relief."

If the federal government were to continue quitting "this business of relief" at the rate at which it has been doing so, most Americans would be on welfare before many more years have gone by.

Why is this so? Because the enthusiasm with which various programs of occupational training and compensatory education—such as Neighborhood Youth Corps, Job Corps, Work Experience and Training, Title I (1965 Education Act)—were received and carried out has so far not been matched by commensurate tangible results. That does not prove that the goal cannot be achieved. But it remains to be demonstrated that any method so far employed can place a sizable percentage of the present or future relief recipients on self-sustaining payrolls in manufacturing, commerce, finance or any other industry. No public program that might conceivably achieve that end has so far proven politically acceptable.

Sometimes I wonder whether the large organizations demanding more generous welfare programs truly believe that a majority or at least a substantial percentage of those who now depend on the dole can be made self-supporting. Their actions suggest that they have concluded that no amount of training will significantly reduce dependency, that educational programs must be supported as much for their public relations value as in expectation of tangible results, and that making assistance recipients more comfortable is the best way to fight poverty. It could also be that some groups who are opposed to more generous relief are equally skeptical, but not wanting to appear purely negative, endorse and sponsor job training, without much hope of success, except in a limited number of cases.

Berkeley sociologist Nathan Glazier was probably correct in saying "that it is much easier to give someone money than to turn him into a productive and self-respecting citizen." That politicians have followed the line of least resistance, and are likely to follow it in the future, is not surprising.

Buoyed and excited by lavish promises, low-income people and their leaders do not exhibit the patience to wait for the results of programs which may, or may not, succeed in fitting them for and getting them, years hence, into well paid and not overly demanding jobs. They want fulfillment now—and only cash can give it to them.

Just about everybody, from the far right to the far left, is critical of and unhappy with our present system of public assistance and would like to supplement or replace it with another method of distributing public funds among low-income persons. The assignment of this panel is to discuss three such methods: guaranteed annual income, negative income tax, family allowances.

To guarantee everybody an adequate income appears to be the most direct and simple method to end poverty; also, when we study it more closely, potentially the most destructive.

It is proposed that government make up the difference between a pre-determined national standard and all income an individual or a family derives from other sources. In an affluent society, we are told, nobody should be permitted to fall below a minimum income needed to maintain a decent living. That sounds so persuasive that it has convinced a good many people that the millennium is just around the corner and that GAI is the way to bring it about.

Taking the poverty limit of $3,335 for a 4-person nonfarm family, the difference between needed and actual income (which includes social security, public assistance, etc.) amounts to $11 billion a year, on last count. If we take the Department of Housing, Education and Welfare's "near-poverty" income level which is one-third higher, the gap rises to $20 billion. Can we afford not to wipe out poverty at one blow—at a cost that equals a mere 1.5 per cent to 2.5 per cent of the national income or product? If we cannot do it this year, surely at the end of the Vietnam war. . . .

There are several things wrong with this mirage. If a 4-person family can get from the government without work $3,335—and a household of different size a proportionate amount—who will make a job paying $3,500, $4,000 or $4,500? Millions of unskilled or low-skilled persons cannot hope to earn more by their own efforts. Who will take a part-time job? Entire occupations would be wiped our overnight, a large part of the labor force of several states—particularly in the South—would immediately retire and most agricultural employment would end.

Not only would the cost of the program jump to several times $11 billion, our whole wage structure at medium and higher levels would be thrown into chaos, American consumers would be deprived of a large array of goods and services whose prices would become prohibitive, our balance of payments deficit would multiply several times—to say nothing of the U.S. Budget. The combined impact of demand-pull and cost-push inflation and a reduced supply of goods would be overwhelming and the "noble experiment" would soon collapse of its own weight.

It is sometimes forgotten that public income maintenance programs already run at an annual level of $58 billion—up from $10 billion in 1950 and $27 billion in 1960. Not all of those funds go to poor people. But *Federal Aid to the Poor* jumped from $9.5 billion to $27.7 billion between the fiscal years 1960 and 1969, according to the U.S. Budget. Some of the programs and the taxes required to finance them exert a disincentive effect on productive effort; but none packs the punch of the proposed GAI schemes.

Such considerations are deemed irrelevant by enthusiasts who hold that human dignity and social justice give everybody an absolute right to an adequate income from the government. Who is "the government?" The people who work and pay taxes. Cash is only a token that confers on the holder a claim on goods and services produced by others. To give people who prefer leisure to work a claim on the product of those who choose to work, forces the latter group into involuntary servitude, a new form of slavery.

Protagonists of GAI such as Richard Theobald and the Ad Hoc Committee on the Triple Revolution contend that technological progress has made millions of workers redundant and will continue to reduce the number of jobs at an accelerated pace. They hold that persons with low productive capacity cannot compete with sophisticated machines and should retire. Nobody ought to be working who cannot earn at least $4,000 to $5,000 a year from it. In the age of automation and cybernation the tie between income and work needs to be cut.

That technological progress reduces employment is a myth which has been disproved many times. Gains from increased productivity are used to lower prices, to boost wages, or both. Thus they enlarge markets and create jobs in turn. They do destroy some jobs but open more new ones.

Industrial productivity has been rising at a faster pace during the 1960's than it did during the 1950's—3.8 per cent and 2.5 per cent respectively per man-hour per year. Simultaneously the number of jobs jumped by 10 million and the unemployment rate dropped from 5.5 per cent to 3.6 per cent. Nor is unemployment high in industries—or in countries—where productivity has risen at above average rates; more often it is relatively low. Unemployment tends to be high where a well meant wage policy has priced large groups of workers out of the labor market or made the goods they produce or services they render non-competitive. It does not seem likely that an overall shortage of jobs exists in an economy in which almost 10 per cent of the industrial work is done on premium-pay overtime and where over 5 per cent of the labor force hold more than one job.

By eliminating several unskilled, low-paid occupations, GAI would force the rest of the labor force, the more highly skilled, the technical and professional workers, to devote more of their time to doing their own laundry and other menial tasks, thus reducing the hours they can give to their prime occupation. This may not help the rate of economic growth but it might increase the number of the white collar jobs which the unskilled so highly desire.

The American public is strongly opposed to GAI according to a nationwide Gallup Poll in June 1968 which showed 36 per cent in favor but 58 per cent opposed. When the potentially pernicious results of GAI became more widely known, a modified plan which avoids some of GAI's most damaging features gained public attention: the negative income tax.

The Negative Income Tax has attracted wider support in recent years than any other proposal in this field. Some view it as the Great White Hope.

As originally advanced, NIT would let every person—or every family unit—whose exemptions and deductions exceed his adjusted gross income, compute his "negative income," apply a tax rate to it, and then have the Treasury pay him the resulting "negative tax." The tax rate would not be the 14 per cent which is now applied to taxable income in the lowest bracket (up to $500 for an individual) but more likely 50 per cent, or 66⅔ per cent or some other percentage. It could even be graduated.

To many a taxpayer it appears to be a brilliant idea and eminently fair that he should be able to get paid by the Internal Revenue Service if his income falls below a certain minimum. It would establish a partnership principle—to share not only gain but also loss. And it would highly please the reliefer who regards the receipt of a monthly check to be far more dignified if it comes from the U.S. Treasury than from the state welfare department.

A 50 per cent "tax" rate would guarantee a 4-person family approximately one-half the "poverty standard" or about $1,650, which would make NIT much less competitive with low-paid jobs than GAI. More recent variations, however, would tie NIT to a poverty standard rather than to a computed negative income. By permitting recipients to retain between one-third and two-thirds—typically one-half—of their earnings up to a modest but adequate income, NIT would encourage its beneficiaries to seek gainful employment, full-time or part-time. Gradually, as their skills and wages improve and they become accustomed to a higher income, many will, hopefully, become fully self-supporting.

Well over a hundred articles, chapters and booklets were published in recent years, proposing a great variety of plans under the attractive label "negative income tax." Most authors attribute the idea's paternity to Milton Friedman and usually identify him as Senator Goldwater's economic adviser in the 1964 presidential campaign. Such references are intended to suggest or imply that a proposal by a Goldwater adviser could not possibly be an extravagant governmental spending scheme but is of a conservative nature.

But Friedman's proposal is unique among NIT plans: it would, in his estimate, cost *less* than our present public assistance system which it aims to replace. Most other proponents of NIT regard the public funds now channeled into income support of the poor to be niggardly and they designed their NIT plans so that they would increase those funds very substantially. Moreover, NIT would *not replace* public assistance but he added on top of it, at a cost that would under some currently popular plans run as high as $13 billion or even $25 billion a year.

Milton Friedman was surprised—and seemingly embarrassed—when his idea was received with enthusiasm on the left and with hostility on the right. Yet, this unusual alignment is easy to explain. Individuals to the left of center view NIT as a new and powerful vehicle for taking several additional billions from the "haves" and giving them to the "have-nots": in the process it would correct certain deficiencies in public assistance. Persons to the right of center fear that in the political reality of the day Milton Friedman's plan, if accepted in principle, could only be enacted with such initial changes and subsequent amendments as would turn it into something entirely different from what its author had in mind: into a grab bag which neither he or they would think of supporting.

Most features of NIT can with equal ease be added to establish public income maintenance programs. For example, the employment incentive of letting recipients keep a percentage of their earnings from working, up to a specified ceiling, was inserted in the old age benefit provisions of social security (OASDHI), in the Economic Opportunity Act of 1964, in the Elementary and Secondary Education Act of 1965 and, between 1962 and 1967, in the categorical public assistance programs.

The size of public assistance grants is now set by deducting from the needs of each family its income from other sources. The standards by which those needs are computed establish, in effect, a guaranteed annual income. But those standards are flexible, to fit individual and local circumstances. They are determined by state legislatures and welfare administrators, presumably in keeping with the concepts and wishes of the people of each state. Standards tend to be high in high-income states and low in low-income states. That is so partly because of varying state fiscal capacity—though this is mitigated by a federal reimbursement which ranges from 44 per cent to 79 per cent, inversely to per-capita income—and partly because the benefit level that makes welfare more attractive than unskilled jobs is lower in low-income states.

If differences in assistance standards the states are deemed to be too wide, a national minimum can of course be made mandatory. This has repeatedly been suggested but Congress has so far not seen fit to act.

A national minimum would appear more appropriate than a uniform national standard because an amount adequate to live in a small southern town would not be sufficient in New York City, while a grant large enough for New York or San Francisco would create chaos in the economy and job markets of low-income areas especially in the South. Public assistance *can* operate with a national *minimum* if it is deemed necessary or desirable But NIT requires a national *uniform standard* which would create inequities between the states.

Many proponents view NIT as a way of eliminating the hated means test by which the eligibility of an applicant for public assistance is commonly verified. The welfare profession holds that the means test insults the applicant's dignity and should be abolished in favor of a simple declaration, just as tax returns are accepted by the IRS at face value with only a small percentage subjected to an audit.

Absence of a means test is of course not an integral feature of NIT. The test could be required for eligibility under NIT—and it could be omitted in public assistance. That depends on whether we aim to ease access to the welfare rolls or whether we intend to grant public aid only to those who can stand an examination of their eligibility.

The under-18 population grew 36 per cent over the past 15 years (1953 to 1968) but the number of children receiving Aid to Families with Dependent Children (AFDC) increased five times faster—187 per cent. That hardly suggests that eligibility procedures have been overly restrictive. Nor, that many applicants were deterred by an allegedly demeaning means test.

Public assistance claims are generally not verified by trained investigators but by case workers trained in social welfare. Their commitment and allegiance lie, under professional precepts and standards, with their welfare clients and not with the welfare department or the taxpayers. While Congress and the American public periodically express unhappiness with the constant and rapid rise of welfare rolls, the welfare profession disagrees. It focuses its concern on the fact that only one-third or one-fourth of the poverty population—as officially defined—receives public assistance. In consequence it aims more to put people on the rolls than to take them off.

Suggestions have been made—and were put into practice in some locations—to "simplify" the intake of public assistance, i.e., to accept an applicant's statement without attempting to verify it. New York City is using such simplified procedures in part of its area.

New York City enjoys (?) one of the highest ratios of AFDC recipients to under-18 population in the country—three times higher than the national average. That relief rolls in New York City have multiplied so rapidly—lately rising by over 20,000 a month—that now one of every eight city residents is on welfare may be partly due to a formal or informal "simplification" of intake. But it could be more directly related to the fact that monthly benefits in New York are 71 per cent above the national average although per-capita income is only 19 per cent higher than the national average.

Senator Jacob Javits informed his colleagues a few weeks ago that an AFDC couple with two children in New York City now receives $4,100 a year—not counting fringe benefits—while a man, working full-time at the minimum wage of $1.60 an hour, would earn only $3,300, with an even smaller take-home pay.

But the demands are strong in New York City to boost the size of welfare benefits and to add 150,000 to 300,000 families to the relief rolls.

Maybe New York City, the financial capital of the United States—and of the world—can afford all that. Or can it?

I mention this because New York City conditions can give us an indication of what the rest of the country would face if an even more generous scheme such as one of the more frequently cited NIT plans or GAI were to be nationally adopted.

Milton Friedman sought an alternative to our present system of public assistance because it leaves too many decisions in the hands of social workers and welfare administrators. Needs are computed on an individual family basis and the authority to grant or deny monthly benefits gives welfare departments too much power over the lives of low-income people. This, he feels, could be remedied by substituting an objective, impersonal formula for fallible human judgment. NIT would replace the rule of men by the rule of law. This would also meet a demand which the welfare profession has long put on its banner: to abolish public assistance categories. Need, i.e., lack of adequate income, should be the only criterion for public aid.

Categories could of course also be eliminated under public assistance. But adoption of NIT might make this easier to accomplish.

Abolition of welfare categories is a fundamental issue on which two opposing philosophies clash. For an explanation we need to delve into the history of public assistance.

When the Social Security Act of 1935—which will be exactly one-third of a century old on December 14, one week from this Saturday—was adopted, it established two basic criteria for eligibility:

1) Low Income. 2) Membership in a group with certain characteristics which provide an adequate reason for the person or family being poor: age 65 or older; blindness; children whose fathers are absent.

The last category was then understood to mean mostly orphans and children of disabled fathers. ADC—later renamed AFDC—was intended to continue, on a national basis, the mothers' pensions or widows' pensions which the several states had established in the preceding three decades.

In 1950 disability was added to the other three public assistance categories and in 1957 to Social Security (then OASI). During the 1950's most children of dead or disabled fathers were moved to the social security program and an initially small group became the main clients of AFDC: children of fathers who had deserted their families or were never married to their mothers, and those mothers themselves. The inclusion of unemployed fathers was permitted in 1962 and 22 states so extended AFDC.

ADC was so noncontroversial at the time of its adoption that it was hardly even mentioned during the extensive congressional and public debates that preceded the Social Security Act of 1935. For some years now almost all controversies over public assistance have focused on AFDC. This is not just because the number of recipients jumped from under 2 million in 1953 to 5.6 million in mid-1968 and the cost from slightly over half a billion dollars to $2.8 billion a year.

The flames of controversy are fanned by certain charges made against AFDC:

1) When the various income maintenance programs were proposed in 1935. Congress and the public were told that crime and other social ills were caused largely by poverty and could be reduced by adopting social welfare measures. The programs—and particularly AFDC—were vastly expanded in subsequent years but the rates of crime, delinquency, desertion, illegitimacy, and other social ills multiplied and still are soaring. Critics hold that AFDC has significantly contributed to that appalling record.

2) While welfare dependency in the other three categories is the result of natural or exterior forces, AFDC dependency is largely caused by socially unacceptable and destructive behavior such as desertion and illegitimacy which should not be supported nor its perpetrators be rewarded—and thus encouraged—by handing them monthly government checks which appear to put an official approval on their actions. The welfare profession, however, believes that this argument is like blaming the umbrella for the rain.

Most states are lax in enforcing parental support responsibility and thus leave the door open for convenient mass evasion and a shift of the burden from fathers to the back of the taxpayer. Moreover, as monthly AFDC benefits grow to a level that equals or exceeds the take-home pay of unskilled and not overly ambitious men, many mothers come to prefer welfare. Freedom to exercise that choice would be broadened and facilitated by a GAI or NIT program.

Matters are made worse by the tendency of low-income families to have more children which appears to be encouraged by a program that accords benefits according to the number of children. Families with six or more children average $2,000 less in income than families with two or three children. The former are over three times as likely to be poor as the latter.

It has been long and intensely debated whether a person is partially or wholly responsible for his poverty. A Gallup Poll in June 1967 disclosed that 42 per cent of the American people believe that "lack of effort" is to blame for an individual's poverty, another 36 per cent that it is a "combination of lack of effort and circumstances" and only 19 per cent blame "circumstances alone." This shows a significant shift between 1964 and 1967 from "circumstances" to "lack of effort."

This critical attitude of wide sections of the public and the resulting plight of the "undeserving poor" deeply troubles the welfare profession and many sympathizers. They feel that "the undeserving AFDC family has been for a long time the albatross around the neck of public welfare." This is why the mentioned groups demand the abolition of assistance categories and the establishment of need, i.e., low income, as the only criterion of eligibility for public aid. But congressional ears are attuned more to the sentiment of the general public than of the welfare profession and its allies. So far, Congress has shown no desire to wipe out categories in public assistance. This is why protagonists of the abolition of categories view a change-over to an entirely new system such as NIT or GAI as the most promising means to break the deadlock.

It is generally agreed that men who are physically able should work to support their families and not be given public aid if suitable jobs for them can be found. Whether mothers should seek employment or stay home with their children is still being debated.

In the entire population, 44 per cent of all mothers with children from 6 to 17 years, and 24 per cent of mothers with children under 6 years, were in the labor force in March 1966, if the father was present in the household. If the father was absent, 66 per cent of the mothers with children 6–17, and 46 per cent of those with children under 6 were in the labor force.

Most of those working mothers were not on AFDC. But mothers who did not care to work—at least not a prevailing wages on available jobs for which they qualify—nor had independent means of support, went on AFDC and will in all likelihood remain there until the system is changed.

Millions of openings are going begging and many of them are for unskilled and low-skilled workers in the service trades, particularly in laundry and cleaning, restaurants and hotels, domestic service, etc. Even in New York City with its heavy welfare load "there is an average of 100,000 to 120,000 unfilled jobs each month and 40,000 of these appear to be open to the city's poor almost irrespective of their education and training,' " according to a recent report to the city's Human Resources Administration. "They are jobs where the learning required is between a half hour or six hours at the maximum."

However, men and women, and particularly young people, who can wash dishes, help in food preparation, serve as messenger boys or clean backyards—but are not qualified to fill vacancies which call for higher skills—do not care to accept jobs which they regard to be menial, as long as welfare offers them an opportunity to get workless income from public funds. They constitute a growing new leisure class.

We are sending more of our girls to college than any other country in the world. We are also the only country which then turns its university-educated women into cooks, chambermaids and cleaningwomen for much of the rest of their lives and thus keeps them from using their natural gifts and training in a professional career. It has been estimated that there are 5.5 million families in the United States that want maids, but only 1.5 million women here who will take the jobs. With welfare readily available, why should they?

Would incentives offered by NIT motivate AFDC recipients to work? New York City started a program in September 1967 which permitted welfare recipients to keep the first $85 a month and 30 per cent of the remainder of their earnings up to a ceiling of $4,900 for a family of four. The welfare department expected 40,000 of the 120,000 welfare mothers to take jobs. In February 1968 only 1,554 were working and by the summer of 1968 2,500. Nor are the prospects good that a sizable number will do so later.

The chance to retain part of their earnings does not seem to be an adequate incentive. To be sure: the carrot is a powerful motivator for many. But others—and apparently most of those now on welfare—will not respond without the stick. The "stick" of requiring welfare recipients to do some useful work, if they are physically able to do so, could become the most effective test of need and of a justified claim to public aid, even without a thorough vertification such as a means test.

A small number of people cannot compete in an open job market, for whatever reason, particularly when legal or contractual minimum wage rates price them out of a not-so-open market. Obviously they cannot be left to starve.

A Gallup Poll in June 1968 showed that 78 per cent of those questioned believed that government should guarantee everybody work at a minimum subsistence pay in lieu of workless welfare payments, if he cannot find a regular job.

For workers whose output does not equal the wage rate they would have to be paid, government could offer tax credits to employers or possibly subsidies.

It would even be preferable to have government act as an "employer of last resort" rather than as a source of workless relief for millions of people. Large numbers of jobs can be made available through work relief such as cleaning and rehabilitation of streets, public buildings, subways, parks and city slums. Many unskilled jobs can be created in various types of public institutions.

Work relief, full-time or part-time, will confer on recipients the dignity of having *earned* their support, give taxpayers at least some tangible return on their multibillion investment, and, last but not least, the assurance that only persons who are genuinely in need and merit help will be aided.

It is hardly possible to make work relief for those able to work a condition of getting benefits under NIT. It can, however, be done under a system of public assistance. Enactment of NIT or GAI would open a Pandora's box that could harm our social structure and fabric more severely than public assistance does at the present time.

Senator William Proxmire, chairman of the Joint Economic Committee of Congress, commented a short time ago: "I can understand why 1200 economists are for (NIT) but it would be hard to find 1200 other people." The welfare profession has given NIT at best lukewarm support. Those of its members who favor it hold that NIT, if enacted, would have to be supplemented by a significantly liberalized public assistance program without categories or means test but with national minimum benefit standards.

Others prefer family allowances, also supplemented by broadened public assistance. Many foreign countries grant family allowances but none have anything resembling our public assistance program. The Canadian government pays $6 a month for children up to 10 years, $8 for older children. Sweden, a leader in the social welfare field, gives parents $175 a year per chld, in addition to certain benefits at time of birth. In a recent book eulogizing the Swedish welfare state the author, presenting the example of a newly born baby, said: "His father began to suspect that raising a family was good business, and nothing happened in the ensuing years to change his mind."

To make the procreation of children "good business" can be justified in a country that aims to raise its birthrate. But this is decidedly not the case now in the United States. Moreover, we may question just how profitable it is for a family to have more children—on a governmental allowance of less than $15 a month.

The allowance most frequently suggested in the United States is $25 or $50 a month per child. With AFDC benefits now averaging $42 per recipient—which includes the mother and in some cases also the father—the allowance could hardly be lower than that if the program is to be meaningful. To keep initial costs low and make the plan more palatable, one plan would give $50 a month for children under 6 years, and either exclude children 6 years and over or grant $10 for children 6 to 18 years. But it is hard to justify how we could give far less, or nothing, for older children who obviously cost much more to feed and clothe than small children. The proponents seem to have their eyes fixed on securing adoption of the program. They expect that the benefit amounts, if clearly inequitable, would soon be lifted to higher levels.

With a present under-18 population of 71 million, a monthly family allowance of $25 per child would cost $21.5 billion a year, an allowance of $50 about $43 billion. There would be a reduction in the current $2.8 billion cost of AFDC.

Why should child allowances go to all families, rich and poor alike, when only one American family in ten is now held to be poor? The reason given by the plan's advocates is simple: so that the poor would not feel singled out and stigmatized as relief recipients. Moreover, the nine nonpoor families in every ten would then feel that they have a stake in the program and would rally to its support rather than criticize it as many now do in regard to AFDC. Whether middle-class families would really be fooled into believing that they get something for free from the government, when in fact they pay for it by heavier taxes, is another question.

To reduce the cost of family allowances it has been suggested to eliminate personal exemptions for dependent children (now $600) for federal (and also possible state) income tax purposes. That could add $376 to the federal tax liability of a family with three children and a taxable income of $8,000.

A system of family allowances coupled with a repeal of personal income tax exemptions would put money in the right pockets of all American families and then take it from the left pockets of about 90 percent of them. This attracts those who favor the maxim of "tax-and-tax and spend-and-spend." Others would prefer to keep taxing and spending at the lowest possible level and provide public funds only for individuals and families who genuinely need them because they are unable to sustain themselves by their own efforts.

Does the U.S. Government owe every American a living? And if so, does that mean that everybody has an absolute right to receive a specified income regardless of whether he is *unable* to earn it or whether he *prefers* not to work because he is offered a less laborious method of getting money?

An examination of the record shows that easy access to public funds, whether through Guaranteed Annual Income, Negative Income Tax, Family Allowances or liberalized public assistance is economically wasteful and socially destructive. There is an inherent danger in dividing the people into two classes: those who produce and pay taxes and those who are permanently dependent on the public treasury although they could perform useful work. Representation without taxation can be as detrimental to "government by the people" as taxation without representation.

It could create an everexpanding class at the bottom of the income scale which earns its living at the ballot box—from the sweat of other people's brows.

If government does not owe everybody a living, does it owe him nothing? Far from it. Organized society does owe its members an *opportunity to earn a living*.

The opportunity must be guaranted to all that they can through work provide their own support, wholly or at least partially. Only those who demonstrably cannot work are entitled to a sustenance from public funds.

Society can provide opportunity to earn a living in many ways. But above all it must maintain adequate incentives to work rather than incentives not to work, as some of the currently proposed income maintenance programs would do.

QUORUM CALL

Mr. LONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BYRD of West Virginia). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LONG). Without objection, it is so ordered.

REPORT OF A COMMITTEE

By Mr. BYRD of West Virginia, for Mr. MAGNUSON, from the Committee on Commerce, with amendments:

S. 942. A bill to establish a Commission on Security and Safety of Cargo (Rept. No. 92-358).

LAKE TAHOE ENVIRONMENTAL QUALITY ACT OF 1971—ORDER FOR A STAR PRINT

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from California (Mr. TUNNEY) I ask unanimous consent that the text of S. 2374, which he introduced on July 29, 1971, be reprinted, to correct certain errors in the text.

The PRESIDING OFFICER (Mr. LONG). Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, also on behalf of the Senator from California (Mr. TUNNEY), I ask unanimous consent that the text of S. 2374, as corrected, be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2374

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Lake Tahoe Environmental Quality Act of 1971".

SEC. 2. The Administrator of the Environmental Protection Agency is authorized to enter into agreements with the Tahoe Regional Planning Agency to carry out one or more projects to develop and demonstrate comprehensive water and air pollution control programs in any areas subject to the jurisdiction of the Tahoe Regional Planning Agency. Such demonstration programs and projects shall give special emphasis to environmentally vulnerable areas which are increasingly in demand as popular recreational centers, and shall include:

(a) Preparation of detailed plans for further development and conservation of the region's limited water resources, accompanied by a study of possible alternative sources of water for municipal uses within the Lake Tahoe Basin;

(b) Development of reliable and economical recycling methods and programs of effluent reclamation for municipal and recreational purposes within the Lake Tahoe Basin;

(c) Development of a comprehensive basinwide program for storm sewer collection and treatment, taking into consideration the environmental effects of standard storm-sewer construction methods and exploring alternative methods;

(d) Development of data on the relation of urban development in the Lake Tahoe Basin to soil siltation of streams and its consequent effects upon water quality;

(e) Development of general plans for meeting the demands of user populations within the limits imposed upon the area by its fragile ecology;

(f) Development of an air pollution control program to monitor existing and anticipated air pollution, to assess the impact of automobile and other emissions upon air quality with a view to establishing air quality standards for the future.

SEC. 3. In carrying out this Act, the Secretary of the Interior and the Secretary of Agriculture shall cooperate with the Administrator of the Environmental Protection Agency for the purpose of offering for the use of the Tahoe Regional Planning Agency such of the personnel and facilities of the Environmental Protection Agency, the Department of the Interior, and the Department of Agriculture as may be appropriate.

SEC. 4. The Administrator shall review, in consultation with the Tahoe Regional Planning Agency, all expenditures of Federal funds, all Federal insurance, and all Federal guarantees of loans within the area subject to the jurisdiction of the Tahoe Regional Planning Agency, and no such funds shall be expended and no such insurance or guarantees provided unless the Administrator shall certify that such expenditures, guarantees, or loans are consistent with Federal laws governing air and water quality and with the regional plan or plans adopted by such agency.

SEC. 5. The Administrator shall report to Congress not later than June 30, 1974, the results of the demonstration programs and projects authorized by this Act together with his recommendations, including any necessary legislation, based upon the findings of the projects in the Lake Tahoe Basin.

SEC. 6. There is authorized to be appropriated $6,000,000 to carry out the provisions of this Act, which sum shall be available until expended.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON WEDNESDAY, SEPTEMBER 8, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that immediately following the recognition of the two leaders or their designees, under the standing order, on Wednesday, September 8, there be a period for the transaction of routine business for not to exceed 1 hour, with statements limited therein to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF EXECUTIVE A—92D CONGRESS, FIRST SESSION—CONVENTION FOR THE SUPPRESSION OF UNLAWFUL SEIZURE OF AIRCRAFT, ON WEDNESDAY, SEPTEMBER 8, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the period for the transaction of routine morning business on Wednesday, September 8, the Senate immediately go into executive session for the consideration of Executive A—92d Congress, first session—Convention for the Suppression of Unlawful Seizure of Aircraft, and that the rollcall vote occur at that time. The majority and minority leaders have both authorized this vote on that day.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM COMMENCING SEPTEMBER 8, 1971

Mr. BYRD of West Virginia. Mr. President, the program for Wednesday, September 8, is as follows, as clearly as it can be determined at this time:

The Senate will convene at 12 o'clock noon. There will be a period for the transaction of routine morning business for not to exceed 1 hour, following which the Senate will proceed to a rollcall vote on the treaty, Executive A—92d Congress, first session—Convention for the Suppression of Unlawful Seizure of Aircraft.

Immediately following the disposition of that treaty and the return to legislative session, the Senate will resume its consideration of S. 2007, the so-called Economic Opportunity Act.

Mr. President, on Thursday and Friday of that first week following the recess, the Senate will continue its consideration of the Economic Opportunity Act. There may be rollcalls. Other calendar measures and Executive Calendar items may also be considered.

For the information of Senators, after the summer recess, there will be the following legislative items—among others—which remain to be disposed of:

The conference report on the draft will be taken up on Monday, September 13.

In addition to that very important but controversial measure, four general appropriation bills remain to be passed. Those are, military construction, foreign aid, District of Columbia, and defense. There is also a supplemental appropriation bill, and also the foreign aid authorization bill and the military procurement authorization bill.

So there will be much business in the days, and hopefully not too many weeks, to be transacted immediately following the convening of the Congress after the recess.

Again I say that rollcall votes are anticipated on Wednesday, Thursday, and Friday—September 8, 9, and 10, respectively.

ADJOURNMENT UNTIL WEDNESDAY, SEPTEMBER 8, 1971

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the senate, I move, in accordance with the provisions of House Concurrent Resolution 384, that the Senate stand in adjournment until 12 o'clock noon Wednesday, September 8, 1971.

The motion was agreed to; and (at 7 o'clock and 34 minutes) the Senate adjourned until Wednesday, September 8 1971, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate August 6, 1971:

SECURITIES AND EXCHANGE COMMISSION

Phillip A. Loomis, Jr., of California, to be a member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 1972, vice Richard B. Smith resigned.

COMMUNITY DEVELOPMENT CORPORATION

Samuel C. Jackson, of Kansas, to be a member of the board of directors of the Community Development Corp. (New position.)

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Raymond Telles, of Texas, to be a member of the Equal Employment Opportunity Commission for the term expiring July 1, 1976, vice Vicente T. Ximenes, term expired.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

The following-named persons to be members of the National Commission on Libraries and Information Science for terms expiring July 19, 1976:

Andrew A. Aines, of Virginia.

Catherine D. Scott, of the District of Columbia.

FEDERAL MARITIME COMMISSION

Clarence Morse, of California, to be a Federal Maritime Commissioner for the term expiring June 30, 1976, vice James F. Fanseen, term expired.

U.S. ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS

The following-named persons to be members of the U.S. Advisory Commission on International Educational and Cultural Affairs for the terms indicated:

For a term expiring May 11, 1973

Leo Cherne, of New York, vice Dr. Abram L. Sachar, term expired.

For terms expiring May 11, 1974

Thomas B. Curtis, of Missouri, vice Arnold M. Picker, term expired.

Harry S. Flemming, of Virginia, vice Wayland P. Moody, term expired.

William French Smith, of California, vice Thomas E. Robinson, term expired.

IN THE AIR FORCE

Maj. Gen. Gerald W. Johnson, [redacted]FR, Regular Air Force, to be assigned to a position of importance and responsibility designated by the President in the grade of lieutenant general, under the provisions of section 8066, title 10, of the United States Code.

IN THE NAVY

The following-named officers of the U.S. Navy for temporary promotion to the grade of lieutenant in the line, subject to qualification therefore as provided by law:

Able, Guy Harold III
Achenbach, Dale Alan
Acre, Clifton Harold
Acton, Richard Leon, Jr.
Adams, Bruce Charles
Adams, Daniel Charles
Adams, John Howard
Adams, Michael Earl
Addison, Christopher Lynwood
Adolfson, William Fred
Agenbroad, Kenneth Dale
Ahrens, Robert Allen
Aiken, Joel Weston
Aldridge, Daniel Ralph
Alexander, David John
Alexander, Steven Rubin
Alexander, Jeffrey Alan
Alfieri, Paul Allen
Ali, Nicolas Joseph, Jr.
Allen, Charles Edward
Allen, Dennis Craig
Allen, James Evans
Allen, Mark Edward
Aller, Charles Clinton
Allison, Harry Kent
Ames, Oliver, Jr.
Ammerman, Larry Richard
Amos, Barry Michael
Amundson, Robert James
Andersen, Michael Perry
Andersen, Richard Francis
Anderson, Charles Edward
Anderson, Dennis Jay
Anderson, David William
Anderson, James Stephen
Anderson, Jonathan Lee
Anderson, Kermit Wayne
Anderson, Leroy
Anderson, Michael Jon
Anderson, Marc Eric
Anderson, Meruin Francis
Anderson, Samuel Kaaloa
Anderson, Terence Lee
Anderson, William John, Jr.
Anderson, William Norman
Andruskevich, Thomas Anthony
Anglim, Edward Patrick
Antrim, Stanley Robert, Jr.
Apollaro, Anthony Francis
Archambo, Hubert Edward, Jr.
Arllen, Eric Arthur
Armet, Harold Robert
Armstrong, William Eric
Arneson, Keith Jerome
Arnette, Clyde Eugene, Jr.
Arnold, Andrew John
Arnold, Robert Glenn
Arter, Dennis Royce
Artus, Stephen Charles
Arwood, Patrick Earle
Ashe, Glenn Melvin
Ashlock, Edward Lee
Ashmore, George William
Atherton, James Bruce
Athow, Lewis Keith
Ator, Roy Earl
Atturio, John Michael
Auriemma, John Charles
Austin, Alexander Lewis
Austin, Roger Graeme Jung
Averett, Gregg Herlong
Avery, James Holmes
Aviala, Richard Frank
Axtell, Robert Duane
Aycock, Joe Edward
Ayers, Douglas Pierce
Ayers, James William, Jr.
Babb, James Albert
Babcock, Barry Lockwood
Barber, Dennis Richard
Babington, David Clark
Babington, William Robert, Jr.
Bagaglio, Mario Joseph, Jr.
Bailey, John Hampton, III
Baker, Bruce Carlton
Baker, Mark Conway
Baker, Norman Eugene
Baldridge Craig Jeffrey
Ball, John Douglas
Ballard, David Lee
Ballard, Robert Charles
Ballew, Robert Watson
Ballew, William Thomas
Bancroft, Warren Howard
Bandman, Albert Martin
Bangert, James Stephen
Banister, Robert Lee
Banks, Jerome Raymond
Bannat, Edward George
Barbero, Mark
Barden, Arnold Winfield, Jr.
Barley, Richard Orville. Jr.
Barnett, James Harris
Barrett, Frank Oliver, III
Barrett, Michael Dennis
Barrett, Stephen Darryl
Barrow, Ronnie Lee
Barrus, Donald Joseph
Barry, Brian James
Barry, Phillip Allen
Bartlett, Richard Joseph
Basilio Anthony Charles, Jr.
Baskerville, James Ernest
Bass, George Leon
Bass, James Wesley, Jr.
Bass, Joseph Early
Batdorf, Richard Earl
Bathgate, John Craig
Battell, James Joseph, Jr.
Batten, Hugh Nash, Jr.
Battles, Duane Paul
Bauer, Carl Thomas
Baxla, Robert Eugene
Baylis, Robert Owen
Beagle, Charles Blaine
Beall, Bradley Stuart
Beattie, Christian Earle
Beck, Allen Earl
Becker, Ronald Eugene
Becker, Thomas Joseph
Beckett, Thomas Horton
Beckwith, Donald Charles
Beduhn, Jerry Ross
Behm, Dennis Arthur
Belichick, Thomas James
Bell, James Michael
Bender, Edward Joseph, Jr.
Beninghove, Stephen Forrest
Bennett, Albert Eugene, Jr.
Bennett, James Dorroh
Bennett, James Paul
Bennett, Robert Danny
Bernard, Paul Leroy
Berry, Jack William
Bertelson, James Arlo
Best, David Robert
Bethea, William Dallas, III
Bettcher, Thomas Edward
Beucler, Claire Michael
Bevers, Richard Eugene
Bezdek, Leo Dean
Bianco, Bernard Michael
Biddle, Charles Thomas, Jr.
Bieda, George Edward
Bingman, Terrence Lee
Birch, Howard Leigh, Jr.
Birnbaum, Peter Allen
Bishop, Douglas Scott
Bishop, Edward Leonard, III
Bishop, Grover Cleveland
Bishop, Robert Allen
Bixler, Kenneth George
Blackledge, Peter Douglas
Blackmon, Joe Lynn
Blackstock, James Fielding
Blakely, Robert Donald
Blanchard, James Joseph
Blaue, John William
Bleecker, James Michael
Blewett, Jay Alan
Blish, Nelson Adrian
Blom, Richard John
Bloyer, Stanley Frank
Blumbeg, Ross Elihu
Bodine, John Howard
Bodner, Stephen William
Bogosian, David Edward
Bohannon, Edward Lee
Bohm, Dwight Keith
Boland, James Armand
Bolinger, Paul Francis
Bollech, David Charles
Bonacquisti, Frank, Jr.
Bone, John Francis
Bonnett, David Edward
Bonnett, John William
Boor, Leo John
Booth, David Henry
Borsting, Conrad Rhoads
Bostick, Robert Kenneth
Botham, Kenneth Milton, II
Boucher, Oliver Alfred, Jr.
Boucher, Richard Edward
Bouchoux, Donald Robert
Boudreaux, Joseph Clent, III
Bowen, John Charles
Bowers, John Frederick, Jr.
Boyd, Marshall Dean
Boynton, Robert West
Bozeman, William Steven
Brackett, John Woodbury
Bradley, Theron Michael, Jr.
Braine, Danieu Hunt
Bramley, William A., III
Branan, Phillip Howard
Branch, Malcolm Parker
Brandon, William Richard
Branum, Jerome Scott
Brasher, Stephen Joseph
Brasil, Robert Frank
Braunstein, Wayne John
Brayton, Paul Flint
Breckenridge, William L., VI
Breckon, Thomas Joseph
Brelsford, Edward Michael
Bremhorst, Joseph Henry
Brennan, Robert Alan
Brenneman, Stephen Andrew
Brenner, Lawrence Joseph
Brevig, Leroy David

Bricker, Edward George
Bries, Eric Donald
Briggs, Steven Eric
Briggs, Thomas Paul
Brink, Gale Dean
Broman, Theodore Howard, III
Brooks, Randolph Michael
Brooks, William Emmett, III
Brophy, James Michael, III
Brose, Gregory Willam
Brown, Charles Albert
Brown, David Andrew
Brown, Gregory Charles
Brown, John Andre
Brown, John Sheridan
Brown, Lynn Edward
Brown, Norman Franklin
Brown, Paul Martin
Brown, Richard Francis, Jr.
Brown, Robert Bradford
Brown, Stanley Morton III
Brown, William Howard, Jr.
Browning, Charles Spenser, Jr.
Bru, John Wayne
Brubeck, Gregory William
Bruckner, William Lee, Jr.
Brunet, Gerard John
Bryant, Richard Ernest
Bryant, Stanley Walter
Budzik, Dennis Michael
Bugelski, Paul Joseph
Bulger, Richard Lee
Bunch, Duane Wilton
Bunker, John Miller
Burbage, Charles Thomas
Burdick, Thomas James
Burdick, William Fraser, Jr.
Burke, John Joseph III
Burkhalter, Stephen Marks
Burkhard, Thomas Kinsman
Burlin, David Stevenson
Burnett, Jeffrey Sherwood
Burnett, Lewis Edward
Burnham, Johnny William, Jr.
Burton, Dennis Edward
Busching, William
Bush, Jerry Otis
Butcher, Kenneth Wilfred
Butler, Charles Lynn
Butler, Charles Thomas III
Butterworth, Bruce Vernon
Butterworth, William John, Jr.
Buxton, John Armstrong
Byles, Robert Ward
Byrne, Thomas Michael
Caddell, Richard Alfred
Cadwell, Mark Coates
Cairnes, George Wilson III
Caldwell, William Eugene
Calkin, Scott Albert
Callaham, Thomas Edwin
Callan, Leonard Joseph
Callan, Patrick Francis
Callison, Claude Owen
Cameron, Robert Murdoch
Campagnold, Eugene Louis
Campbell, Cager Wayne
Campbell, Fred Parker
Campbell, Gerald Everard
Campbell, Leonard Malcolm
Campbell, Richard Thomas
Campell, Carroll Eugene
Capps, Charles John, Jr.
Cardellina, John Henry II
Carden, Carl Ernest
Carey, Wayne Theodore
Carey, William Russell, Jr.
Carlson, Christopher Jay
Carlson, Eugene Robert
Carlson, James Ralph
Carlton, Frank Gregory III
Carlton, Kenneth Marvin
Carmean, Wilson Lee
Carmichael, Hubert McRae, Jr.
Carper, Thomas Richard
Carpowich, David John
Carreiro, William Thomas
Carrier, John Xavier II
Carrig, Michael Francis
Carroll, Charles Richard
Carroll, John Henry
Carroll, Kenneth William
Carter, David Earl
Carter, Dennis Charles
Carter, James Allen
Carter, John Carroll
Carter, John George
Carter, John Michael
Carter, Raymond Michael
Carver, Bobby Wayne
Cassidy, John Alexander Jr.
Castro, Ignacio Jr.
Cates, John Farley Jr.
Cavaiola, Lawrence Joseph
Cavanaugh, Thomas Joseph
Caviness, Stephen Drank
Cech, Kenneth Charles
Challain, Eric John
Chambless, James Earl
Champa, Louis Marko Sr.
Chance, Thomas Henry
Chapman, Carter Stanley Jr.
Chapman, Richard Kent
Chase, Dudley Harrison
Chatfield, Steven Creeger
Cheney, Martin Johnson
Chepenik, Stanley Barnett
Cheves, John David
Childers, Richard Dean
Chipps, Samuel Kaye
Chisholm, Leonard Marby
Christiansen, Carl Smith
Christenson, Ronald Lee
Christensen, William James
Christian, Richard Lee
Christian, Roy Calvin
Church, Albert Thomas III
Cima, William Michael
Cipriani, Alfred Louis
Clancy, Kevin Sean
Clapsadl, Michael Ray
Clark, Allan Forrest
Clark, John Francis
Clark, Michael Bernard
Clark, Robert Alvin
Clausen, Charles Perrin
Cleverdon, Thomas Frederick
Clifford, William Francis
Clifton, Guy Del
Cochrane, John Mackay
Code, James Edward
Colantoni, Anthony Vincent
Cole, Anthony Livingston
Cole, Charles Glen
Cole, Ford Robert
Cole, James Daniel
Coleman, Walter Dan, Jr.
Coleman, William Eugene
Colie, Timothy Blake
Collins, Steven Lester
Colt, Stockton Beekman, Jr.
Colvin, Joe Frederick, II
Comeau, Thomas Anthony
Conger, Robert William, Jr.
Conkle, William Christian
Conley, Wilder Lee
Conlon, Thomas Edwin
Conly, John Thomas
Connell, Hugh Douglas, II
Connors, James Daniel
Connors, Philip Frederick
Conrad, Emerson Seymour, Jr.
Conrad, James Harold
Conrad, John Woeppel
Consaul, Harry Parker, III
Conway, Richard William, Jr.
Cooke, George Alexander, Jr.
Cooley, Pemberton, III
Coons, Bard See
Cooper, Daniel Dean
Cooper, Randall Foss
Corcoran, Colin David
Corcoran, Thomas Joseph
Corn, Richard, III
Corner, Malcolm Douglas, Jr.
Corsey, John William, Jr.
Cosgriff, Robert William
Cote, Daniel Noel
Counts, Steven Lee
Cowan, Daniel Giger
Cowper, Richard Green
Cox, Harold Louis, Jr.
Cox, Kenneth Lee
Coxe, William Kenneth, Jr.
Coyle, Barry John
Crabb, James Darnell
Craddock, David Glen
Craig, Harold Allen
Crandall, Scott Michael
Crane, Daniel Mitchell
Crannell, David John
Crawford, Jeffrey Dodd
Craynock, Julius Francis, III
Creamer, Chadwick Graham
Creekman, Charles Todd, Jr.
Creel, Cecil Doyle
Crellin, Bruce Edward
Crim, George Norman, Jr.
Crisp, Dale William
Crisp, Marvin Howard
Critser, Arthur Earl
Croake, John Michael
Croucher, Barry Lee
Crouse, Thomas Charles
Cruser, Thomas Paul
Crysler, Ronald Paul
Cuccias, Robert Francis, Jr.
Cullen, Terrence Vladimir
Culverson, Kenneth James
Cumminger, Frederick T., III
Cummings, Robert Louis
Cummings, Walter James
Cummins, William Edward, Jr.
Cunliffe, Robert Francis
Cunningham, Lowell Emmett
Curran, James Joseph
Currie, Henry Thomas
Curry, Samuel Grayson II
Curtin, James Andrew
Curtis, Dalton Bouldin, Jr.
Curtis, Dana Stroman
Custer, Laurence Duncan L., Jr.
Daggett, David Kent
Daigle, Valier John
Daley, Thomas James
Dallman, Roger Anthony, Sr.
Daly, Denis Francis, Jr.
Damsgaard, Mark Dennis
Dandalides, William John
Daniels, James Norman, Jr.
Danielson, Terry Arthur
Danysh, Donald Craig
Darezzo, Richard Anthony
Daughton, Gary Lee
Davey, Bruce Charles
Davidson, Francis Lee
Davidson, James Alan
Davidson, Raymond Allen
Davies, William Edward
Davis, Christopher Mark
Davis, Neil Carter
Davis, Robert Bewick
Davison, Henry Gordon
Davis, Roderick Franklin
Davis, Theodore Edgar
Day, Robert Wright
Day, Thomas Russell
Deacon, Bruce Eugene
Dean, Floyd Robert
Dean, Thomas Roger
Deantonio, Robert Francis
Debaggis, Michael Paul, Jr.
Deeter, Michael Lee
Deets, Clifford Lee
Deffenbaugh, Dale Chester
Deininger, David George
Dejohn, Charles Andrew
Delaplane, Stephen Weld
Dempsey, Richard Michael
Desantis, Armand Joseph
Despain, William Michael
Detwiler, Donald Vernon
Detwiler, Richard Morris
Devries, Peter Joseph, Jr.
Dibble, Ronald Alan
Diddlemeyer, Lawrence Florian
Didier, Henry Nicholas
Dietz, Donald Malcolm
Dill, Mylnor Alan
Dillon, David Lee
Dimario, Robert
Dionizio, Augusto James, Jr.
Diwgosh, William Richard
Dobbins, Dennis George
Dockstader, Bruce Lee
Docton, Maurice Hamilton
Dodge, Kenneth Edward
Doempke, Gerald Thomas
Dolan, James Edward, Jr.

Donahue, Neal Robert
Donilon, Michael Francis
Donovan, Gerard Matthew
Donovan, John Edwin
Doran, Clark Deland Jr.
Dorsey, Edward Bryant
Douglas, Terry oJe
Dove, Rhett Pendleton, III
Dover, James Ray Jr.
Dowd, Andrew Scales, Jr.
Dowgiewicz, Michael Anthony
Downey, Gerald Joseph, Jr.
Doyel, Christopher, Bomar
Dresbach, Melvin Lloyd
Drew, David Otis
Driscoll, Terence Patrick
Drossel, Craig
Drummond, Frederick James
Dube, Bruce Burr
Duchesneau, Robert Edward
Duckworth, Eddie Lee
Dudek, David Francis
Dudley, Harrison Grover, Jr.
Duke, Arnold Lowell
Duke, Russell Alexander, Jr.
Dundas, James Carlyle
Dunford, Robert Walker
Dunn, Carl Boulter
Dunning, James Leslie
Dupont, Ralph Peter, Jr.
Dvorak, James Peter
Dwyer, Dennis Edward
Dyer, Thomas John
Dysart, Barry Justice
Eagle, James Norfleet, II
Eason, John Wayne
Eastwood, George Hartley
Ebner, Robert Allen
Eby, Ronald George
Eckerman, Lawrence Ivan
Eckert, William Joseph
Eckhardt, Bruce Kenneth
Economou, James Lawrence
Edgar, Jack Kenneth
Edington, Bobbie George
Edling, David Victor
Edmonds, Carl Harvey
Edwards, Daniel Dexter
Egglestonlyman, Alan
Ehemann, David Arthur
Ehrlich, Gerald David
Elliott, Patrick Wilhelm
Ellis, James Oren, Jr.
Ellison, Martin Dennis
Elston, Robert G. II
Eminhizer, Ronald Dale
Emmons, Fredrick Richard, Jr.
England, Don Rondell
Engler, Brian David
Engstrom, George Henry
Epperson, Steven Charles
Erdmann, Edward Alexander, III
Erhardt, Richard Allen
Erickson, Edward Leonard
Erickson, Lief Wright
Erickson, Sidney Lloyd
Erwin, Robert Carper
Espy, Ira John
Etheridge, Melvin Rheul, Jr.
Etter, Thomas Harold
Eubank, Perry Huston, Jr.
Euliss, James Patrick
Eustis, Harold Robert
Evans, Albert Lee
Evans, Charles Lafayette, III
Evans, John Oliver, Jr.
Evans, Steven Roy
Everett, John Christopher
Everhart, Ward Sutherland
Ewan, Lawrence Kirby
Fages, Malcolm Irving
Fahy, Thomas Edward
Fairchild, John Omer
Faneuf, Leo Joseph, III
Fare, Freddie Eugene
Feder, John Heard
Fedoryszyn, Robert John
Fedyszyn, Thomas Raymond
Feeney, James Leo
Felten, John Allen
Ferguson, Paul Frederick
Fernie, John Dean
Ferranti, John Peter, Jr.
Ferrell, Basil Larry
Ferriman, Robert Lemoine
Feuerbacher, August Anthony
Fiandaca, Ronald Ernest
Fiechter, Jacques Poindexter
Fincher, Walter Keith
Findrick, Edward Jackson
Finfrock, Patrick
Finison, Edwin Bryant
Fink, Lee
Fischer, Henry Arnold
Fisher, John Straw
Fisher, Myles Anthony
Fitch, David Paul
Fitzgerald, Edward Joseph
Fitzhugh, John Edwin, II
Flanders, Mack Haywood
Flannery, Jeffrey Harris
Fletcher, Gregory Gilomen
Fletcher, Stephen John
Floyd, Richard Paul, Jr.
Flygare, Robert Hans
Foley, John Baptist, III
Folkers, Dale Carl
Foltz, Randall Alfred
Foote, George William
Forney, Robert Allen
Forschner, Edward William
Forte, Bruce Frederick
Fortino, Anthony Michael
Fortson, Robert Malcolm
Foster, Charles Lee
Fouse, William Frederick
Fowler, Arthur Hubert, III
Fowler, William Vance
Fox, Richard Franklin
Frangione, Robert Eugene
Franklin, Richard Harlow
Franks, Douglas Melvin
Frantz, James Arthur
Franzoni, John Carlos, Jr.
Fraunfelder, Maurice F., Jr.
Frederick, Georgie Ray
Fredricksen, Robert Arnold
Freed, Donald Eugene
Freed, John Warren
Freeman, Bruce Damon
Freeman, Thomas Leslie
French, Raymond Charles
French, Spencer Llewellyn
Frentzel, William York, II
Frick, Robert Ellis
Frondorf, John Robert
Fulbright, Joseph Jackson, Jr.
Fuller, Daniel Webster
Funke, David John
Furland, Frederick Michael
Fuson, William Alvin
Gagliardi, Dennis Lloyd
Gallagher, Gerald Lee
Gallagher, John Joseph
Galloway, Harold Lee
Galus, Albert John Robert
Galvani, William Pierce
Gamlen, Curtace Scott
Gano, Richard Dale
Gantley, John Edward
Garavito, Donald Eugene
Gardner, Lester Oris, Jr.
Garnett, Robert Reginald, Jr.
Garrahan, Richard
Garrett, Aaron Douglas
Garrett, Spencer Leo
Garrett, William Silas, Jr.
Garske, John Charles
Gaudi, Robert David
Gaumond, George Raymond
Gauss, John Anthony
Gauthier, Maurice Alfred
Geagan, James Joseph
Geisler, Fred Arthur
Gembol, Michael Phillip
Gemmill, Alan Mark
Genrich, Michael Gordon
George, Danny Louis
George, Frederick Lawrence
Getz, Richard Riley
Giancola, Charles Alan
Giannaris, Robert James
Giannotti, Louis John
Gibbens, Richard James
Gibbs, Thomas Ryan
Gier, Scott George
Giles, James
Gillaspie, Robert Craig
Gillespie, Thomas Rex, II
Gilmer, Franklin Biggs
Giraldi, Walter Rudolph
Girardet, Wayne Evan
Glass, Dennis William
Glass, Gary Wayne
Glisson, Daniel Beverly, Jr.
Glover, Thomas James
Gobel, Gary Gene
Goins, Kenneth Ray
Gongaware, William Ralph
Goodmundson, Gary Carl
Goodrum, Daniel Joseph
Goodwin, Hugh Gibson
Gordon, Alan Lee
Gordon, George Minot
Gordon, Vernon Curtis
Gore, Charles Frederick
Gorman, Thomas Richard
Gorrell, David Keith
Gott, John Christopher
Gragg, William Larry
Graham, Dennis Loring
Grant, James Robert, III
Grapoli, Alfred Paul
Grauert, Christopher Michael
Gray, Glen Burton
Gray, Robert Martin
Green, Gordon Michael
Green, Leon Clifton, Jr.
Green, William Lawrence, Jr.
Greene, Joseph Michael, Jr.
Greenlee, William Eugene
Griffin, David Corwin
Griffith, Curtis Bowers, II
Grimm, David Bruce, Jr.
Grimm, William Richard
Gritzen, Edward Frederick, II
Groepper, William Gregg
Gronemann, Bruce William
Grove, David Ernest
Grumley, Terry Lee
Gubbs, Douglas Howard
Guilfoil, Thomas Patrick
Guilfoyle, James Russell
Gullickson, Gregg Grant
Gumbert, Ronald Derwood, Jr.
Gunn, Edward James
Gunter, Joseph Michael
Gutelius, Paul Payne
Guthier, Steven Lan
Gutmann, James Edward
Haaf, Joseph Bernard
Haas, Ronald Charles
Hacker, Daniel Mark
Hackett, Edward James
Hackney, Stephen Allen
Hadfield, Peter James
Hagan, Thomas Frederick
Hager, Alan Richards
Haifley, Michael Firestone
Haight, Richard William
Hale, Charles Allen
Hall, George Hamilton
Hall, Kenneth Wayne
Hallam, Philip Glendon, Jr.
Hallett, Michael Thomas
Halliday, Alvin Leroy
Halliday, Howard James, Jr.
Hallock, William Scott,
Halloran, John Garner
Halwachs, Thomas Eugene
Hamburg, James Warren
Hammar, Jonathan Albert
Hammond, Patrick Allen
Hammond, Riley Green
Hand, John Milton
Hanvey, Stephan Alexander
Harbin, Michael Allen
Harding, George Francis, Jr.
Harkness, George Cockett
Harrell, Deck Eugene
Harris, Bobby Lynn
Harris, Harold Danny
Harris, James Douglas
Harris, James Dexter, Jr.
Harris, James Patrick
Harris, John David, Jr.
Harris, Richard Allison, Jr.
Harris, Ronald Robinson
Harrison, Michael Alexander

Harrsch, David Arthur
Hart, Frank Gerald, Jr.
Harter, Larry Leroy
Hartling, John Michael
Hartman, David Lee
Hartman, Robert Franklin, III
Hartman, Roger Wilcox
Hartmann, Bruce Malcolm
Hartwell, Jerold Keith
Havel, Richard William
Haver, Richard Ives
Hawes, Frederick Joseph
Hawken, Charles Harrington
Hawkins, John Braddock, Jr.,
Hawkins, Robert Kenneth, Jr.,
Hawtin, David Ray
Hayball, Robert Matthew
Hazelrig, John Philip
Head, Nelson Hill
Hearne, Lonnie Parker
Heaton, David William
Heibel, Richard Peter
Heidel, Michael Lynch
Hein, Gary Wayne
Hellrung, Jeffrey Michael
Helm, Robert Mark
Heming, David Millar
Henderson, James Kinsman
Henderson, Randall Sherman
Hendricks, Jerry Franklin
Hendricks, Michael Anthony
Hendricks, Robert Linae
Henke, Charles Barton
Hennagin, Brian David
Hennegan, Dennis Stephen
Henze, Howard Martin
Herbst, Howard Paul
Herrick, Glenn Wiley
Herrick, John Beach
Herring, Robert Alexander, III
Herrman, Roger William
Hershon, Simon Abram
Herter, Judson Richard
Hess, Michael Douglas
Hester, Michael John
Hewett, Leslie Wilsdon, Jr.
Hewig, William, III
Hickman, John Earl, Jr.
Hickman, Harold Dean
Hicks, Benjamin Harold, Jr.
Hicks, Fred Arlen
Hicks, Harold Stroud, Jr.
Higgins, James Bruce
Higgins, James Charles, III
Higgins, Simeon Guy, Jr.
Hight, Harvey Bea
Hiland, David Allen
Hilburn, John Ernest
Hill, Lucius Gordon III
Hill, Richard Allen
Hillman, Lester Raymond
Hillmann, Leo Charles
Hills, Ronald Edward
Hillyer, Richard Scott
Hilton, Jarvis Gene
Hinckley, Robert Craig
Hine, Jonathan Trumbull, Jr.
Hinman, David Arthur
Hitchcock, James Ronald
Hobbs, Harold Thomas
Hobson, Lynn Elmo
Hodill, Richard Ray, Jr.
Hoehn, Joseph Perry,
Hoff, Norman Lee, Jr.
Hoffman, Charles Arthur
Hoffman, Gary Richard
Hokanson, Charles Peter
Holden, Hollis Ward
Holden, Thomas Whitted, Jr.
Holder, J. D.
Holdt, Bruce Edward
Holeman, Clinton Nolan
Holiway, Weldon Yvonne
Holland, Barry Stephen
Holland, Daryl Thomas
Holleman, Thomas Jardine
Hollett, Kenneth Jabe
Hollis, Michael Kenneth
Holmes, James Edgar
Honderich, Forrest Terrel
Honour, Eric Crittenden
Hood, Robert Michael
Hooper, James Albert IV
Hoople, Douglas David
Hopkins, Carl Leonhard
Hopper, Edward Allan
Horn, Paul Bayard, Jr.
Hornberger, William Byron
Horne, George Michael
Horning, Nicholas Carl
Hornstra, Douglas John
Horsley, James Burke
Hostetter, Theodore Leroy, Jr.
House, Michael Edward
House, Prentice Lee
Hoverson, John O., Jr.
Howard, John David
Howard, Thomas North
Howarth, Gary L.
Howd, Robert Frank
Howe, David Porter
Howell, Robert Dale, Sr.
Howie, John Robert
Hoxie, Andrew Bennett
Hryharrow, John Ellis
Hubel, Dennis James
Hudson, Frank Wilder, Jr.
Hudson, James E.
Huey, Homer David, Jr.
Huff, James Howard, III
Hughes, Charles Evans
Hughes, Edmond Leon
Hughes, James
Huiatt, Keith Wilson, Jr.
Hulsey, William David, Jr.
Hunt, Conway Lansdowne
Hurley, Allen Lee
Hurley, William David
Huszar, Martin Wayne
Hutchings, Robert Lee
Hutchins, Walter Max
Hutchison, John Rudolph
Huth, Douglas Phillip
Hutton, John Walter
Hvidding, Paul Charles
Iacuaniello, Umberto C., II
Ingram, Carl Edward
Iuvone, Brian Francis
Iverson, Kenneth Jorgen
Jackson, Charles Anthony Jr.
Jackson, George William
Jacobs, John William
Jacobsen, John Arthur
Jadlocki, Ronald
James, William Robert
Jameson, Stephen
Jamison, Philip Charles
Janak, Jordan Robert
Janda, Robert William, Jr.
Janes, Jack Hays
Jaques, James Alfred, III
Jarina, Michael Peter
Jarman, Roger Carlton
Jarrell, John Andrew
Jarrett, David Carrier
Jeffcoat, James Mark
Jeffries, Charles Leroy
Jenkins, Gerald William
Jenners, Joseph Anthony
Jennings, David Bailey
Jensen, Franklin Jessee, Jr.
Johannsen, Michael Kenneth
Johnesee, James Anthony
Johnson, Charles Christopher
Johnson, Gary Fredric
Johnson, Gregory Gordon
Johnson, Gregory
Johnson, Robin Royal
Johnson, Stephen Irvin
Johnson, Stephen Daniel
Johnson, Thomas Bruce
Johnson, Thomas Perry
Johnson, Wade Cook
Johnson, William Paul
Johnston, George Burke, Jr.
Johnston, Peter Becker
Johnston, Paul Stanley
Johnstone, John Duane
Jones, Carter Allen
Jones, David Leon
Jones, Frederick Eugene
Jones, Fred Wiley
Jones, Gregory Boyd
Jones, James Delmar
Jones, Jerrold Arden
Jones, John Paul, Jr.
Jones, Kenneth Erwin
Jones, Meade Addison, Jr.
Jones, Michael Owen
Jones, Michael Keith
Jordan, Joseph Elbert, Jr.
Jordan, Robert York
Josephson, Stephen Wayne
Joslin, Charles Loring, III
Joslin, Royal Dubose
Juarin, David Stephen
Judnich, Francis Andrew
Jukkola, Lloyd Alvin
Jupin, Harry Andrew
Jurand, George Walter
Kachergus, William Francis, Jr.
Kail, Robert Patrick
Kalb, Richard William
Kaler, Herbert Charles
Kamp, Lothar Frank
Kane, John Dandridge H., III
Kanupka, George Joseph, III
Kanze, Robert Michael
Karlan, Charles Conrad
Karpyak, Steven Douglas
Kase, Stephen Arthur
Kawaguchi, Ray Susumu
Kay, Raymond Erwin
Kearley, John James
Kearns, Thomas Owen
Keegan, John William
Kehoe, William Atkins
Keller, Gary Robert
Keller, Joseph Franklin
Keller, Terrence Kenneth
Kelley, James Bryant
Kelley, Jerry Elden
Kelly, Richard Anthony
Kelly, Richard Ellsworth
Kempe, Byrd Charles Willis
Kengla, Donald Clark
Kennedy, Floyd Daniel, Jr.
Kennedy, John Joseph, Jr.
Kennedy, Kraig Michael
Kennedy, Richard Anthony
Kenney, James Martin
Kennish, James Reginald
Kenyon, Michael Hughes
Kenyon, Ralph Edward, Jr.
Kernan, William, Jr.
Ketts, Robert Lee
Keup, Wayne Arnold
Kibler, Rex William
Kidder, Marvin Wesley
Kilmer, Milo Jethroe, II
Kimble, Gerald Allen, Jr.
Kimmel, James Marshall
Kindelberger, Ralph Henry
Kinder, Drew Donald
Kindstrom, Earl Edward
King, Douglas Craig
Kingsbury, Robert Lee
Kinsley, Brian Elliott
Kirby, James Denis
Kirby, Thomas Michael
Kirkland, Richard George
Kirkman, John Quincy
Kirkpatrick, Eric Hay
Kislia, Jerome Dean
Kjellander, Jon Phillip
Klemstine, Charles Frederick
Kline, Howard Keith
Kline, Roger Paul
Klocek, Thomas Edward
Kloke, Carl Herbert
Klosterman, Robert Charles
Klugh, Robert Bell
Knapp, Roland Bertram
Knobel, James Donald
Knowles, David Newton
Knowlton, Robert Dana
Knubel James
Koch, John Edward, Jr.
Koch, Kenneth Wayne
Koch, William Noel
Kockler, Frank Richard
Koehler, David Livingston
Koerner, Daniel Edison, Jr.
Kokstein, Robert Glenn
Kolman, Jerry Dean
Kopinitz, Seigmond Gus
Korba, Michael John
Kosloff, Donald Colin
Kowalczyk, Michael Anthony

Kraabel, John Stanford
Kracke, William Frederick
Kraft, Nile Rogers
Krafft, Frederick Walter, Jr.
Kral, Theodore Carl
Kras, James
Kratt, Clifford Leo
Krattli, Gene McDonald
Krause, Lynn Thomas
Krift, Frederick Anthony, II
Kruger, Paul Melby
Kruse, Peter William
Krygier, Thomas Joseph
Kucinski, Henry Joseph, Jr.
Kuentz, Alan Stewart
Kuginskie, Robert
Kummert, William Carl
Kundts, John Howard
Kunz, Lawrence George
Kuntz, William David
Kuppe, Stephen James
Lacy, Olen Glenn, Jr.
LaForce, Thomas William
Lakatos, Ronald Stephen
Lame, Philip Charles
Lane, Richard Dale
Lange, Walter Nicholas
Lappin, Thomas Leo
Larock, Robert Ernest
Larsen, Samuel Harry
Ladd, Ronald Larue
Lahren, Jack Wesley
Lambert, John Patrick
Landua, James Richard
Lange, Kenneth Eugene
Lapointe, Leslie Donald
Lardner, Thomas Paul
Larsen, Raymond Howard
Latham, James William
Lattig, Glenn Douglas
Lauer, Joseph Russell, Jr.
Lavallee, William Leonard
Lawson, Dale Bruce
Lawton, Robert Erle
Laz, William Joseph, Jr.
Leaman, Stephen James
Ledbetter, Robert Lee, III
Lehre, Edward Joseph
Leinster, William Luttrell
Lemke, Robert James
Lemrow, Craig Maynard
Lessmann, Ronald Paul
Lester, Roderick Barnum
Lesueur, John Hunter, Jr.
Letkeman, Michael Bruce
Lettieri, Michael Francis
Leverich, Wesley Joseph
Lewis, Billy Laroy
Lewis, Garry Linuel
Lewis, John Michael, II
Lewis, Mark Allen
Lewis, Thomas Elbert
Lex, Thomas Jerome
Lieberman, Stephen Leslie
Lilje, James Joseph
Lilliendahl, Alfred Stickney
Lilly, Creighton David, Jr.
Lilly, Dale Richard
Lind, Stephen McCall
Lines, David Freeman
Lipscy, Gordon Earl
Little, Edward Leo, Jr.
Llewellyn, Timothy William
Lochner, Dan Hill
Locke, John Sinclair, Jr.
Lockyer, William Kenneth
Lofgren, Norman Arthur
Logan, Robert John
Lohmeyer, Lonnie Floyd
Lomax, Tarrant Hale
Londot, Jack Lane
Long, David Charles
Long, Richard Wayne
Long, Robert Francis, Jr.
Longaker, Chester Case
Loft, Vincent Francis
Lopez, Delio, Jr.
Lops, Michael Thomas
Lorkowski, James Joseph
Losli, Gerald Grant
Lounge, John Michael
Lounsberry, Freddie Paul
Lowry, James Howard
Luczak, Daniel William
Ludwig, Arthur William
Ludwig, Eric William
Lumsden, David Michael
Lund, Vern Eugene
Lung, David
Lyles, Richard Irby, III
Lynch, Robert Forrest
Lynn, Freddie Lerdy, Jr.
Lynn, Warren Douglas
Lynskey, Paul Coleman
Lyons, Edward Armstrong
Lyons, Mark Joseph
Lyons, Stephen Patrick
Maben, Gordon Kenneth
Macdonald, Joseph Barry
Macdougall, Joseph Stewart
Mackey, William Alexander, Jr.
Maddux, Richard Gilbert, III
Madren, Samuel Thomas
Maggi, John Carlin
Magyar, David James
Maher, David Balfour, Jr.
Mailho, Ronald James
Malachoski, Theodore S., Jr.
Maley, John Patrick
Malone, Michael John
Maloof James Michael
Mandsager, Dennis Lee
Mangapit, Conrad, Jr.
Manning, Michael Paul
Mansfield, Robert Douglas
Mansfield, John Alden
Marino, Raffaele
Markley, Douglas Gordon
Marquis, Richard Longstreet
Marsh, Paul Albert
Marshall, Harold Eddy
Marshall, John Rex
Marshall, John Jay
Marshall, Steven Alfred
Martin, David Frank
Martin, Frederick Kane
Martin, Jack E.
Martin, James Walter
Martin, Jay Harry
Martin, Peter Wetmore
Martini, Larry Scott
Marzullo, Raymond Lee
Mascari, Guy Thomas
Masica, John Michael
Maslin, George William, Jr.
Masters, Gregory Richard
Matchette, Eric Eugene, III
Matetich, Michael Gary
Mather, George William
Mathis, Barry James
Mathison, Neil Gordon
Matthews, Dale McNeil
Maurer, Heinz Gunther
Maxwell, George Gary
Maxwell, James Houstom
May, Clarke Darwin, Jr.
May, Harlin Conrad
Mayer, Scott Hilmar
Mayes, Larry Jon
Maynard, Hamilton Keith
Mayo, Robert Ernest
McAllister, Edward Cain
McAllister, Paul Anthony
McAllister, Allan Douglas
McBee, Lawrence Lee, Jr.
McCauley, William Collings
McCauley, William Patrick
McClain, Calvin Perry, Jr.
McClellan, Malcolm Wallace, Jr.
McClung, Roger Walter
McConnell, Steven Grant
McCullar, Edward Terence
McCullough, James Joseph
McCullough, Harvey Taylor, Jr.
McCullough, Francis H., III
McCumber, Leonard Dixon, Jr.
McCune, Michael Owen
McCurry, Robert Alan
McDermott, Thomas Edward, III
McDermott, John James
McDevitt, Robert John
McDonough, Martin Patrick, Jr.
McDowell, Tommy Gene
McEwen, Gary Bruce
McFillin, James Francis, Jr.
McGee, Amos Anthony, Jr.
McGee, Thomas Earl
McGill, Robert Gregory
McGoey, William Bernard, Jr.
McGovern, James Francis
McGrath, Daniel Jerome
McGrath, Joseph William
McHenry, Stephen Wesley
McHugh, Donald, Jr.
McInchok, George Steve, Jr.
McInnis, John Gilbert
McKay, Russell Lee
McKean, Thomas Andrew
McKeldin, Charles Edward, Jr.
McKenzie, Allen Gregory
McKinney, Dana Bruce
McKown, Andrew Flanders
McLean, Angus Laughton, Jr.
McLean, Owen David
McLintock, David Lyle
McMahon, Edwin Harold, Jr.
McMurry, William Stuart
McNall, Lynn Tracy
McNamara, Joseph Leray
McNamara, Michael Thomas
McNeil, Maurice Michael, Jr.
McNeil, Oscar Newby, Jr.
McPherson, David Allen
McStay, James William
McTigue, James John
Medford, William Ralph
Meek, Clinton Lee
Meeker, Paul Rusley
Mees, William Newcomb
Meldrum, William Garrigues
Melton, William Gene
Mercer, Laurice Wayne
Mercer, Michael Raymond
Merrow, Richard Alan
Mertz, Albert George
Meshier, William Thomas
Meteer, Thomas Dewey
Metzger, Charles, III
Michaelis, Frederick Hayes, Jr.
Michalski, Conrad Michael
Milchanowski, Michael John
Miles, Barry Keith
Miller, Andrew Jackson, Jr.
Miller, David Valjean
Miller, James Phelan
Miller, John Myers
Miller, John Hilary
Miller, Richard Salter, Jr.
Miller, Richard Sterling
Miller, Robert Frederick
Miller, Robert Wesley, Jr.
Miller, Roger Lee
Miller, Steven Walter
Miller, Thomas Preston
Miller, William Wray
Miller, William Richard
Mills, Carl Edward
Millsprice, Edgar James, Jr.
Minton, David Scott
Misslin, Peter Anthony
Mitchell, John Gregory
Mitchell, Thomas Wesley, Jr.
Mleziva, James Marvin
Mock, Jesse Ivan, Jr.
Moeller, Robert Leon, Jr.
Moen, Rodney Charles
Moffit, James William, Jr.
Molloy, James William
Monaghan, Charles Edward, Jr.
Monroe, William Howrey
Monteville, Arthur Reno, Jr.
Moore, George McCullar
Moore, Harry Richard, II
Moore, John James C., II
Moore, Keith Tennant
Moore, Mitchell Dee
Moore, Richard Alan
Moore, Richard Watson
Moore, Robert David
Moore, Terry Allen
Moore, Wayne Thomas
Moore, Wesley Harold
Moore, Thomas Richard
Morales, Vicente
Moran, Gary Ward
Moreland, James Wesley, III
Morell, Christopher Charles
Morgan, Leroy Craig

Morgan, Michael Charles
Morgan, Michael Carter
Morgan, Newton Henry, Jr.
Morris, Barry Livingston
Morris, Raymond John, Jr.
Morris, Stephen Glen
Morrison, Theodore Graham
Morrison, Thomas Allen
Morrow, Roy Edward
Morse, Edgar Leroy, III
Morzinski, Jerome Arthur
Moseley, Ronald Presley
Moses, Orrin Douglas
Moses, William James Carlton
Motta, Gerald Annibale
Moussette, David King
Moyer, Gordon Seekins
Mozingo, Thomas Phillip
Mrowczynski, Ronald Matthew
Mueller, Ronald Raymond
Mueller, Robert Arthur
Mueller, Stephen Lee
Muir, Douglas Farrington
Mullen, George Augustine
Mullica, William Lee
Mullins, Alden Foster, Jr.
Mullins, Robert Dennis
Munninghoff, Jay Maurice
Mulvaney, Michael Edward
Murach, Thomas Paul
Murphy, Dennis Michael
Murphy, Kenneth Michael
Murphy, Robert Jerome, Jr.
Murzinski, Edward John
Muzzo, Steven Emmert
Myrick, Jerry Eugene
Nann, Peter Allan
Naset, Dwight Edward
Nash, Donald Hendrix
Nash, John Dale
Nastro, Thomas Robert
Nation, Charles William, Jr.
Navarro, Bradford Vanlarb
Nazaruk, Gregory Michael
Neale, David Alfred
Neighbors, Earnest L., III
Nelson, Irwin Harris
Nelson, Richard John
Nelson, Richard Norman
Ness, Frank George, Jr.
Neumann, Robert Roy
New, Millard Wilner, Jr.
Newman, Michael Scott
Newton, John William
Nichols, Hartwig Jasper
Nicol, Henry Otto, III
Niebruegge, Edward Ludy, Jr.
Nifontoff, Gerald Karl
Ningen, Russell Kenneth, Jr.
Nissen, William John
Nobriga, Timothy Alan
Noland, David John
Nolan, Terry Randall
Nolin, Robert
Noll, Richard Francis
Norconk, James Joseph, Jr.
Northrup, Donald James
Norton, Chad Earl
Norton, John Baker
Nowling, Clyde Junior
Nutter, Robert Wesley
Obrien, John Monaghan
Oconnor, Theodore John
Oconnor, Thomas Newton
Odegard, Ronald Stanley
Odonnell, Gerald James
Odonnell, Robert Bernard
Offner, Alan Louis
Ogle, Russell William
Ohara, Stephen Paul
Ohlinger, John Frederic
Oleary, Michael Stone
Olsen, Olav Vincent
Olson, Michael Dale
Omeara, John, Jr.
O'Neal, Barry Worrall
O'Neil, Harry Francis, Jr.
O'Neil, Edward Joseph
O'Neill, Richard Paul
Oosterman, Carl Henry
O'Rourke, Brian
Orfgen, Lynn Charles
Ott, Robert Edward
Otto, Richard Arthur Frederic
Overbeck, Gregg Robert
Overbeck, Gary Joseph
Overheim, David Charles
Owens, Roger Lewis
Padgett, John Bramwell, III
Paddock, James Robert
Page, George Keyes, III
Papineau, Paul William
Parham, Stephen Jay
Parker, Walter Joseph, Jr.
Parr, John Michael
Parsons, Clarence Leslie
Parsons, David William
Patch, Stanley John, Jr.
Patterson, Thomas Lee
Pattison, James Wynn
Patton, William Joseph
Pawlowski, Stanley William
Payne, Gary Ernest
Payne, Michael Allan
Payte, David Gene
Pearce, Robert Thomas, Jr.
Pehl, Charles Edward
Pell, John Kalman
Penney, Kenneth Bryce
Perkins, Richard King
Person, Bryan Lewis
Peterman, John James, III
Peterson, Lloyd Whitmire
Petruska, Andrew Michael, III
Petykowski, Jerome Leonard
Peverill, Donald Lee
Phelps, James Lynn
Phillips, Charles Donnie
Phillips, Landon Bostwick, Jr.
Phillips, Robert George, Jr.
Phillips, Robert William, Jr.
Phillips, Thomas Lane
Pianetta, John Baptis, Jr.
Piccolo, John Alan
Pieragostini, Karl Kenneth
Pike, Hal Winthrop
Piland, Monroe Gordon, III
Pillittere, Robert George
Pillsbury, Joel Hartley
Pinney, John Howard
Piro, Lawrence Charles
Pirozzoli, David Paul
Pitman, Carroll Arthur
Pitman, Ronald Lynn
Pitney, John Charles
Pittet, Leroy Thomas
Plank, Dennis William
Plank, George Edwin
Plante, Martin Edward
Platt, Edwin Alan
Player, Adrian Gregg
Plehal, James Burton
Plett, John Robert
Ploss, Richard Steven
Plummer, Rudy Edward
Poh, Lawrence Charles J., Jr.
Poirier, William Peter
Pole, Michael Walter
Poleski, David Alan
Poliakon, Joseph Albert, Jr.
Pool, James Allen
Porter, Paul Henry
Potter, Miles Bruce
Potts, Edwin Steven
Powderly, Robert Gerald
Powell, David Lee
Powell, David Llewellyn
Powers, John Michael
Prairie, John Ernest
Pratchios, John Reynolds
Pratt, Phillip Allan
Precht, Phillip Rodney
Preston, Ralph William
Prevost, John Joseph
Price, Walter Winfield, III
Pridmore, Alexander Robertson
Procopio, Eugene Michael, Jr.
Propst, Edward Russell
Proses, William Albert
Prosser, David Lee
Prout, George Michael
Provencal, John Edward
Provencher, Michael Jes
Prudom, Gerald Henry
Prusiecki, David Edward
Puckett, Richard Floyd
Puhlman, Robert Lee
Puncke, Frederick Dewey, Jr.
Quennoz, Stephen Michael
Quillinan, Gregory Francis
Quinn, Donald Lee
Quinn, Richard Andrew
Quinn, Stephen Edmund
Quiver, Timothy Wallen
Raber, David Marshall
Rachmiel, Marshall Emmanuel
Rachor, Robert Lee, Jr.
Rainsberger, David Brandt
Ralston, Gary Gaylord
Ramsey, Jerry Dean
Rankin, Thomas Prater
Rappaport, Gerald Paul
Rasmus, Alfred Anders
Rasmussen, Nicholas Roberts
Rasmussen, Anker Martin
Rausch, John Daniel
Rawlings, David Grant
Ray, David Crockett
Raynes, Gerald Eugene
Reading, Leslie James
Reaghard, James Anthony
Reeber, Roy William
Reed, William Clark
Reedy, Ronald Eugene
Reeve, Thomas Burnell, Jr.
Regener, Donald Francis
Regula, Stanley John, Jr.
Reid, James Armstrong
Reid, Robert Glen. Jr.
Reid, William Kenneth
Renfree, Peter Rodman
Renfroe, John Madison, Jr.
Renshaw, James Alfred
Rentschler, Donald Richard
Renwick, David
Reusche, Robert Louis, II
Reuter, Kenneth Earl
Reynerson, Donald Martin
Rhine, Loran Ernest
Rhoades, Richard James
Rhoades, William Alan
Rhodes, George Samuel
Rhodes, Robert Stephen
Rice, Charles Oliver
Richards, Nicholas Ladell
Richards, Richard Noel
Richards, Thomas Russell
Richardson, Frederick Kenneth
Ridener, Linville Lee
Ridenhour, Calvin Brown
Riera, Robert Emmett, Jr.
Rieth, Joseph Charles, Jr.
Rifkin, Dennis
Rigg, Donald Arthur
Rigler, Ross Allen
Riley, David Gerald
Riley, Denis George
Riley, Stephen Eugene
Rids, Trinidad, Jr.
Rishel, Michael Paul
Ritter, Robert Bruce
Ritzert, Bernard Urban, Jr.
Robbins, Richard Alan
Roberts, Charles Clay, III
Roberts, Francis Albert
Roberts, Gary Ray
Robinson, William Lamarr
Rockwood, Donald James, Jr.
Roeder, John Alexander
Roemer, John Jacob, Jr.
Rogalski, William Walter, Jr.
Rogers, Herman Arnold
Roggow, Ralph Robert
Romanowski, Stanley James
Romberg, Wayne Dennis
Romito, Vincent Anthony
Rousa, Roger Keith
Rose, David Owen
Rosengrant, Carl Warren
Ross, Paul Francis
Rossiter, William Kent
Rotzler, Frederick

Roy, Michael Gordon
Ruband, Louis Francis
Rubent, Frederick George
Ruddock, David Hugh
Rufner, Richard Kevin
Rumer, William Harry
Runde, James Ambrose
Runstrom, Karu Jon
Rurak, Zbigniew Tadeusz
Rush, Charles Paul
Russell, George William, Jr.
Russell, Perry Bedford
Russell, Richard Leon
Russell, Robert Charles, Jr.
Rutherford, David Lee
Ryan, Douglas
Ryan, Franklin Terrence
Ryan, Larry Wayne
Ryan, Michael Charles
Rydel, Ronald Eugene
Saavalainen, Mark I.
Sabatini, Edward Gene
Sadler, William Henley, III
Saffell, Charles Raymond, Jr.
Salewske, Michael Russell
Sams, John Lawrence
Sanborn, Paul Matthew
Sandberg, Larry Alden
Sanderson, Robert John
Sanger, Paul Richard
Santoro, Kenneth Michael
Santos, Valentino
Sara, George Skillman
Saraniero, Michael Anthony
Satak, William Ralph
Sattler, Martin Gregory
Sauls, William Castel, Jr.
Saunders, Gerald Jeffrey
Sauntry, Thomas Frederick
Savory, John Robert
Sawyer, William John
Scanlon, Edward Charles, Jr.
Schadegg, Lawrence Martin
Schaefer, Charles Alfred
Schafer, Richard Anthony
Schardein, John Marshall
Scharnus, Robert Michael
Schelin, Theodore Carl
Scherf, Paul Henry, Jr.
Scherkenbach, William Wagner
Schier, Robert Martin
Schiffelbian, Alexander Lloyd
Schmid, Walter Adolf
Schmidt, Edwin Alexander
Schmidt, Karl Frank, Jr.
Schmidt, William Brian
Schmitt, Michael Kennedy
Schmitt, Paul Francis
Schneider, Jeremy Thomas
Schneiders, James Shriver, Jr.
Scholes, Norman Fraser
Schram, Robert Thomas
Schreck, William Albert, Jr.
Schrock, James Austin
Schroeder, Rodney Clark
Schroeder, William A., III
Schultz, Douglas Charles, Jr.
Schwaebe, Michael Joseph
Schwarzenbach, William Von
Schweers, Kenneth Alan
Schwier, Edward George
Scofield, Roger Lon
Scott, Donald Marcel
Scott, Gary Henry
Scott, Lawrence Wayne
Scott, William Raymond
Scott, William Bartmess, Jr.
Scrapper, John Christopher
Scully, John Joseph
Sears, David Leland
Sears, James Arthur
Secrest, James Randolph
Sedgley, Ronald Michael
Selfridge, Harry Edward
Sellman, Michael Bruce
Seltmann, Kenneth William
Serafine, Gene Clark
Settle, Peter Michael
Seymour, James Dubois
Shafer, Kenneth Wayne
Shafer, Paul Leonard
Shaff, Terry Edward
Shaffar, James Lee
Shake, Douglas Watson
Shannon, Frank Xavier, III
Shauberger, James Edward
Shaughnessy, Daniel
Shaver, Edward Frederick
Shaw, Robert Linford
Shaw, William Royal
Shelby, Stephen Leslie
Shelton, Lynn Dale
Sheldon, Michael Marvin
Shelton, Thomas Leroy
Sheppard, George M.
Sherrill, James Durwood
Shields, Peter Kent
Shinovich, John Robert, Jr.
Shirk, Gary Houston
Shirley, Edwin Roy
Shonyo, Michael James
Shoudy, Peter Nelson
Shreve, Julius George
Shultz, John William, III
Shumlas, Stephen Stanly
Shustak, Stanley Anthony, Jr.
Shuster, Don Byron, Jr.
Siemon, Douglas Henry
Sievert, Charles Michael, Jr.
Sigler, William Frederick
Siler, Virgil Robert
Simmons, Edward John
Simmons, Eric Charles
Simril, Robert Thomas
Siri, Francis Michael
Sjostrom, Nils Alfred
Skaw, Larry Roger
Skelton, David Lee
Skiles, Rolland Wesley
Skinner, Jimmie Dale
Slaight, James Butler, IV
Slocum, Winfield Scott, IV
Slonecker, Michael Louis
Slover, William Spencer
Small, James Martin
Small, Warren Edgar
Smart, Jonathan
Smith, Baker Armstrong
Smith, Alan Clarence
Smith, Charles Alan
Smith, Daniel Earle
Smith, David Weaver
Smith, Dirk Merritt
Smith, Gary Lloyd
Smith, James Claude, III
Smith, Kenneth Larry
Smith, Michael James
Smith, Michael Stephan
Smith, Michael Turner
Smith, Peter Brooks
Smith, Peter Macartney
Smith, Robert William, Jr.
Smith, Samuel Peter
Smith, Steven Grayson
Smith, Thomas Hiram, Jr.
Smith, William Grady
Snoddy, Donald Eugene
Snow, John Daum
Snyder, Charles Frederick, III
Solberg, James Lee
Solin, John Jacob
Songe, Robert Andrew
Soo, Robert Lee
Southerland, Macy James
Souza, Phillip Eugene, II
Spahr, Bradley William
Sparrow, William Clayton, Jr.
Spath, Robert Lee
Specht, Brian Lee
Speer, James Walter
Spelman, George Curtiss, Jr.
Spence, Herbert, Jr.
Spencer, Jermone Fredet
Sprigg, Robert Gary
Spriggs, David Arthur
Springer, Gregory Von
Stahl, Lawrence Oliver
Stallman, Robert Marcus
Stanfield, Wesley Craig
Stanga, Robert Daniel, Jr.
Stanley, Timothy David
Stansel, Michael Jerome
Stark, Donald Raymond
Starke, Wayne Phillips
Stebbings, Stuart Karl
Steffens, Thomas William
Stender, Robert George
Stenstrom, Frank Ernest
Stepien, John Zigmand
Stertzbach, Kim
Steshko, William Nicholas, Jr.
Stevens, Guy Howard, Jr.
Stevens, James Douglas
Stevens, Jack Marion, Jr.
Stewart, Gordon Grant
Stewart, Robert Ellsworth
Stewaart, William Donald, Jr.
Stieglitz, William Henry
Still, Robert Ingo
Stine, Larry Winton
Stockdale, John Joseph
Stockton, Jackson Allison, Jr.
Stoll, Ralph Heston
Stone, Daniel
Stone, John Lloyd
Stout, William Richard
Stow, Richard Loomis
Stpeter, Daniel John
Strand, Michael George
Straub, William James, III
Strauss, John Howard
Stubbs, Gary Winterson
Sturgill, Cleveland Henry
Suberly, Roy Herbert, Jr.
Such, Charles Robert
Suddeth, James Hannon, Jr.
Sullivan, John Donald
Sullivan, James Stephen
Sullivan, Patrick Dennis
Sullivan, Richard Donald
Sullivan, Timothy Joseph
Sullivan, William Michael, III
Sulzner, Bruce Elliott
Sumner, Dallas Burdette
Surpless, Henry Abner
Susong, Carl Floyd
Sutton, Harry Warren
Swain, Robert Lawrence
Swanson, James Edward
Swanson, Paul Arthur
Swanson, Perry William
Swartling, David Donald
Swedberg, Carl Peter
Sweet, James Franklin
Swick, Paul Dean
Sykes, William George
Symington, Donald Leith
Tait, William Allan
Talmadge, Keith Richard
Tankersley, Carl Mark
Taylor, Allen Griffith, Jr.
Taylor, Douglas Kent
Taylor, Jimmy Benjamin
Taylor, Moses, Jr.
Taylor, William Henry
Teel, Jesse Elvin, Jr.
Teesdale, Walter Matthew
Teetz, William Richard
Tehan, Terrence Norbert
Tempel, Billie Leon
Tennant, Douglas Melville
Terrell, Lyndon Travis
Terry, Joel Richard
Terwilliger, George Paul
Tessier, Harley Dell
Tevebaugh, Kenneth William, II
Teves, Arthur Gregory
Thacker, Richard Leighton
Thacker, Vester Imanuel, Jr.
Thatcher, Roland C., III
Thomas, Gordon Joel
Thomas, James Lyle
Thomas, James Winton
Thomas, Scott Parker
Thompson, Bruce Edward
Thompson, Charles Douglas
Thompson, James Edward
Thompson, Robert Edward
Thompson, Thomas Louis, Jr.
Thomson, Bruce Lindsay
Thomson, Glenn Dickson
Thomson, Lawrence Stephen
Tierney, Denis Clyde
Timberlake, William Archer
Tinsley, Steven Garland

Tippett, Donald Dwight
Tipton, Benjamin Wallace, III
Tipton, Charles Frederick
Titcomb, Edmund Bliss, Jr.
Titunik, Steven Elliot
Todd, William Thomas
Tolhurst, Robert Alfred, Jr.
Tomanelli, James Rocco
Tonden, Thomas Philip
Toomey, Thomas Patrick
Toon, Norbert Leo
Toth, Barry Douglass
Tovrea, George William
Townsend, David Alan
Townsend, Lawrence Willard
Townsend, Thomas Gifford
Trask, Gordon William, II
Trenker, Gary Carl
Trimble, David Churchman, Jr.
Trour, David Paul
Truman, Daniel Spencer
Tsamtsis, Paul Charles
Tschaepe, Kurt Otto Erich
Tubbs, Ace Leonard, Jr.
Tuller, James Alfred
Tulley, James Henry, Jr.
Turk, Joseph
Turley, Brian Dale
Turner, Archie Andrew, III
Turner, Douglas Kearney
Turner, Jack Eugene
Turner, John Thomas, II
Turnipseed, James Lorenzo, Jr.
Twogood, Frederick John, III
Twombly, Bennett Clayton
Tyler, Joseph Edward
Uffenorde, George Dennis
Umbarger, Ray McKenna
Unhjem, Mark Arne
Updike, Samuel Donnellon
Urmston, John Dennett, Jr.
Utegaard, Thomas Eric
Vail, William Dwight
Valva, Vincent Joseph, Jr.
Vanbrunt, Tommy Harris
Vandyne, Leroy Thomas
Vansant, Andrew George
Vanvlack, Charles Henry
Vanvooren, William Peter
Vanwinkle, Julian Target
Vaughan, Steven Andrew
Vehorn, Roger Paul
Veltman, Richard James
Verrengia, Thomas James
Vetter, David George
Vines, Geran Clayton
Vinson, James Woodrow, Jr.
Vizzini, Frank Alfonso, Jr.
Vollaro, Richard Gerard
Vrbancic, Joseph Bruce
Waddell, John William
Waite, Michael Paul
Waitt, Edward Joseph, Jr.
Waldmann, Daniel Joseph
Walker, Henry Gilbert
Walker, William Henry, III
Walklet, Donn Charles
Wall, Laurence Llewellyn
Wallace, Edward Grant
Wallace, John Douglas
Wallfred, James Gordon
Walsh, Edward Joseph, Jr.
Walsh, Nicholas Eugene
Walsh, Robert William
Walters, James Michael
Walton, Robert Glenworth
Wandishin, Thomas John
Ward, Clement Harry
Ward, James Gearey
Warner, Thomas George
Warren, William Lee
Watrud, Timothy Frank
Watson, John William
Watson, Thomas Riley
Webber, James Frederick
Weber, Douglas Eugene
Weeks, Steven Brian
Weisberg, Neal William
Weller, Ronald Edward
Wellman, Albert Lewis, III
Welsh, Patrick Timothy
Wendt, Alvin Edward
Werling, Robert
Westerlund, Albert Foch, Jr.
Whaley, Glenn Richard
Wharton, Thomas Patrick, Jr.
Wheeler, William Judson
Whitby, Alan Joseph
White, Nestor Dorian
Whiteway, Roger Newell
Whitney, David Michael
Wall, Richard Ferris
Wallace, James Young, III
Wallace, Michael Joseph
Walling, Kenneth Elston
Walsh, Myles Edward
Walsh, Patrick Steven
Walt, Thomas Dale
Walther, Frank Otto, III
Walton, Stewart Williams
Wanner, Terry Scott
Ward, James Crosby
Warner, Mark Alan
Warren, Richard Grover
Watkins, Val Elliott
Watson, James Francis
Watson, Michael James
Webb, John Robert
Weber, Donald Jon
Weber, Robin York
Wein, Michael Clark
Weiss, Douglas Lee
Welling, Ronald Lee
Wells, Robert Runkle
Wenchel, George Frederic
Wenzell, Albert Bates, Jr.
West, John George
Westray, Richard Howard
Whall, David Gerald
Wheeler, Sidney Wayne
Whitaker, Robert Anderson
White, John Stanton
White, Robert Downie
Whitman, Marland Hamilton, Jr.
Wienke, Charles Raymond
Wiggett, Scott Gordon
Wikle, Kenneth George
Wilcox, Donald Edmund, Jr.
Wilkes, Thomas Judson, Jr.
Wilkinson, John Frederick, Jr.
Williams, Alton Laverne
Williams, Harold Aldrich
Williams, James Thomas
Williams, John Forrest
Williams, Pharis Edward
Willis, Russell Langdon, Jr.
Willoughby, Hugh Edward
Wilson, David Paul
Wilson, Frank Ross
Wilson, James Thomas
Wilson, Jay Ronal
Wilson, Jerrold Bradley
Wilson, John Robert
Wilson, John Wayne
Wilson, Larry David
Wilson, Philip Barry
Wilson Robert Lewis, Jr.
Wilson, Samuel Eakin, III
Wilson, William Ralph
Wilt, Donald Allen
Winchell, Donald Lind, Jr.
Windeguth, Richard Baxter
Winge, Donald Ernest
Winters, Douglas Edmund
Winters, Keith Allen
Witowski, Gerald Thomas
Wojoiechowski, Thomas Joseph
Wolf, George Joseph, Jr.
Wolf, Richard Alan
Wolford, Paul Berger
Womack, Jack Edward, Jr.
Wood, William Bob, Jr.
Woodruff, Berryman E., III
Woods, John George
Woodworth, Richard Alden
Wodley, Millard Jay
Worley, Charles Arthur
Worley, Cris Alan
Worley, Michael Jesse
Wright, Myles Eli
Wrobel, Richard August
Wulf, Michael Eugene
Yarborough, Don Carl
Yarham, Larry Paul
Yatras, Dennis Andrew
Yavorosky, Vincent Michael
Yoder, Richard Lewis
Yott, George Joseph
Young, John Robert
Young, Richard Andrew
Young, William David
Younker, Michael Elwood
Yoxtheimer, John David
Yudes, Alfred Edward, Jr.
Yunker, John Michael
Zenner, Mark Edward
Zerbian, David Alan
Zimmy, Glenn Marstan
Zinn, Dain Roy
Zogby, Joseph Albert
Zuidema, Peter Brian
Zurinski, Donald John
Zorbach, Gregory Michael
Zukas, Anton Gregory
Zweerink, James Edward

The following-named women officers of the U.S. Navy for permanent promotion to the grade of lieutenant in the line, subject to qualification therefor as provided by law:

Albers, Sandra Lee
Anderson, Linn
Braswell, Kathleen Carol
Brown, Cecilia Martha
Childers, Joan Elaine
Dick, Kristen Ann
Escott, Sharon Lee
Gailey, Patricia Marie
Giefer, Carolyn Sue
Hagerman, Dianne Marie
Holloway, Kathleen Gale
Hull, Lee Blanton
Johnson, Faith Elizabeth
Katschke, Mary Louise
Kirksey, Elizabeth Regina
Lovejoy, Kandiss Adele
Matheson, Eleanor Stuart
McGalin, Janice Gay
Morrison, Elizabeth Lee
Murray, Susan Elizabeth
Pinkney, Sandra Lynn
Regan, Sandra Joan
Rosenthal, Nikki Louise
Schafer, Bernadette Helena
Shie, Barbara Frances
Sowa, Maureen Melvin
Stewart, Jane Laraine
Theall, Pauline Joyce
Waller, Rosemary Berner
Winters, Margaret Louise
Youngstrom, Judith Joanne
Alberts, Christopher
Anderson, Mary Frances
Bridwell, Sharon File
Butler, Shannon Rae
Dehoff, Rachelle Ann
Divizio, Janet Marie
Funkhouser, Lenore Marie
Gauthier, Elaine Annette
Gilpatrick, Linda Savell
Herbst, Michael Ann
Houlihan, Barbara Ann
Jenkins, Carol Anne
Johnson, Marsha Anne
Keers, Paula Margot
Lloyd, Connie Lee
Manning, Lorraine Florence
McCasland, Mary Ann
McGalin, Judith Fay
Mortensen, Sandra Dianne
Peterson, Janet Marie
Quinn, Kathleen Anne
Rifenberg, Louise Elizabeth
Saroch, Victoria Lisbeth
Sedlak, Patricia Frances
Smith, Helen Elizabeth
Stevens, Marjory McColgan
Tedrow, Kaye, Marilyn
Tuite, Patricia Ann
Weber, Betty June
Wurmser, Caroline Margaret
Zuger, Margaret Anne

CONFIRMATIONS

Executive nominations confirmed by the Senate August 6, 1971:

ATOMIC ENERGY COMMISSION

James R. Schlesinger, of Virginia, to be a member of the Atomic Energy Commission for the remainder of the term expiring June 30, 1975.

William Offutt Doub, of Maryland, to be a member of the Atomic Energy Commission for a term of 5 years expiring June 30, 1976.

U.S. CUSTOMERS COURT

Nils A. Boe, of South Dakota, to be judge of the U.S. Customs Court.

AMBASSADOR

Edwin W. Martin, of Maryland, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Union of Burma.

AGENCY FOR INTERNATIONAL DEVELOPMENT

James F. Campbell, of Maryland, to be an Assistant Administrator of the Agency for International Development.

U.S. COAST GUARD

The nominations beginning Timothy C. Hess, to be lieutenant (junior grade), and ending George T. Causey, to be chief warrant officer (W-2), which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on July 30, 1971.

EXTENSIONS OF REMARKS

NATIONAL ENVIRONMENTAL DATA SYSTEM

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. DINGELL. Mr. Speaker, on May 17, 1971, the House passed H.R. 56, the National Environmental Data Systems Act, to bring some order and accessibility to the growing body of information on environmental quality and natural resources. During consideration of this bill, I became aware of a project in the executive branch entitled, "Study of Environmental Quality Information Programs" or SEQUIP. The findings of the expert panel which performed that study have now been made available to me by Dr. Edward David, the science adviser to President Nixon.

It is gratifying and encouraging to my subcommittee that the SEQUIP report conclusions are virtually identical to the provisions of the legislation passed by the House and now awaiting action in the other body. Our original proposal was for a "data bank" but as the SEQUIP group concluded, a massive single information storage unit would be unrealistic. Instead H.R. 56 proposes a central national coordinating facility. This is comparable to the finding of the executive branch study:

> That the Council on Environmental Quality establish a new information organization in the Environmental Protection Administration which will take the lead, nationally, to implement an environmental quality information and data network based on the compatibility and interactive capabilities among existing information and data programs.

With this strong endorsement of our legislative concept, I urge the Congress to complete the passage of H.R. 56. While some executive agency testimony on the bill was less than enthusiastic, the thorough appraisal of this study must be accepted as confirming our original premise—that improved exchange of environmental information is essential in the fight against pollution. I would hope the administration will publish the entire SEQUIP report so that all interested parties may benefit from its findings. In the meantime, I insert the summary recommendations at this point in the RECORD:

A STUDY OF ENVIRONMENTAL QUALITY INFORMATION PROGRAMS IN THE FEDERAL GOVERNMENT

SUMMARY AND COMMITTEE RECOMMENDATIONS[1]

General Findings (Section II): The SEQUIP survey identified a large number of information and data handling organizations supporting the activities of those Government agencies directly concerned with *environmental pollution* problems. There were also several broad information programs, such as those of the National Libraries that support a variety of disciplines and perform services which are used by environmental pollution mission agencies in support of their own efforts.

The overall impression gained in this study can be summarized by stating that in the area of environmental information and data programs, there exists a heterogenous, probably wasteful, and certainly less than optimally effective, mixture of activities which will not spontaneously give rise to the coherent environmental information system which is clearly required so that the technical task of coping with environmental problems might be accomplished within realistic source limits.

It is recognized that the findings and recommendations set forth in this Report sometimes pertain to information and data handling problems related to areas more general than the environmental quality field, and that many of these findings are not novel. However, many information problems noted on previous occasions, and for other areas of science and technology, are still unresolved and now affect those components of science and technology that relate to the environmental quality field. Therefore, the Committee deliberately chose to make this Report a vehicle for observations which pertain primarily to environmental quality but also touch on other aspects of what is being done—or not being done—in general with information and data in Government organizations. In fact the most fundamental observation of this survey was that most of the problems identified were general data- and information-handling problems, and not peculiar to the environmental quality field.

It was also found that a distinct difference exists between those organizations that handle mostly information, and those that are more deeply involved with data. This division is much more significant that the differences among the information programs supporting the subject areas of this Report; namely, air pollution, water pollution, solid waste management, agricultural chemicals, and radiation.

The Committee found that *interactions* among similar or logically-related information programs are rare. Information and data programs which are part of mission agencies are often reluctant to advertise their services and product outside their own agencies. They fear being swamped with requests for these services without having the resources to comply with such requests, because they usually cannot recover the costs of services performed for other government agencies, industries, universities, or individuals. This situation often leads to the establishment of duplicative services in several organizations and works against the creation of networks and exchange of information and data. Procedures should be established whereby information programs in mission agencies can recover the costs of providing services for other Government or non-Government organizations. The Office of Management and Budget ought to become involved in the development of such procedures.

Recommendation II.1: That the Office of Management and Budget explore better methods through which Government agencies could recover the cost of performing technical information services for outside users.

* * * * *

The creation of a new, independent, Government-wide information system—a "National Environmental Data Bank" (cf. H.R. 56, formerly H.R. 17436)—has been proposed as a solution for the problems of duplication, incompatibility and organizational dispersion of environmental information and data programs. The Committee believes this solution to be unrealistic. Input to such an organization would have to come from the mission agencies, and while the central organization would be in direct competition with these agencies for resources, it could not replace the information programs which these agencies must contain within their own organizational structures in order to function.

What is required, instead, is an optimum use of *existing* environmental information and data systems. These must be linked into networks in such a way that they can perform the services required of them by their parent agencies, and also serve each other and the environmental quality mission in its totality. To carry out the task of building and operating such networks in the environmental pollution information area, the Committee recommends creation of a new, central organization—named the National Environmental Protection Information and Data Services (NEPIDS)—in the Environmental Protection Administration (EPA).

The overall mission of NEPIDS should be twofold. Inside EPA, it should: (1) identify and coordinate into a network the information and data programs in the organizations which were absorbed into EPA; (2) participate and give guidance to the establishment of new information and data systems, where required; (3) develop and apply standards which will aid in network formation and operation; (4) coordinate the R&D project reporting activities in EPA; (5) develop information and data handling technology in areas of particular importance to environmental problems; and (6) respond to requests for information and data from inside or outside EPA, either directly or by referral to other EPA information and data programs. Externally to EPA, the new organization should: (1) identify environmental data banks in other Government and non-Government organizations and initiate network operations with these organizations; (2) transmit R&D project reporting data from EPA to a Government-wide report information system; (3) respond to queries referred to it by the National Referral Center and (4) work with the National Bureau of Standards or other organizations on the development of general standards for hardware and data software systems.

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[1] The roman numeral parts of the recommendation numbers refer to the Report Section in which the specific recommendation was made.

Recommendation II.2: That the Council on Environmental Quality establish a new information organization in the Environmental Protection Administration which will take the lead, nationally, to implement an environmental quality information and data network based upon the compatibility and interactive capabilities among existing information and data programs.

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Inter alia, the network required for the environmental protection effort must have two basic characteristics: it should be planned for a growing population and expanding economy; and it should take into account the global nature of environmental pollution problems and be able to interact with systems organized by other countries.

Recommendation II.3: That capabilities be built into U.S. environmental quality information and data systems to: (1) deal with conditions expected to prevail during the remainder of this century; and (2) interact with other national and international organizations to form global environmental systems.

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In adapting existing systems and data stores for a national effort, standards will have to be researched, tested and adopted so that information and data coming from one agency can be linked to systems in other agencies, and eventually into a network of systems. Where such standards apply particularly to environmental protection problems, they should be established by NEPIDS, EPA. However, in most cases, standards for systems, files, and procedures are required by more than just one subject area. Therefore, establishment of standards should be carried out by a broadly-based information and data technology research organization and be coordinated with the environmental agencies. These latter organizations should set priorities for areas where standards are needed to support information and data transfer. They should also be required to support these standard setting activities with their own resources.

Another task for an information and data technology R&D organization is research in the area of *assessment technology*. Under existing legislation, Federal agencies are required to evaluate the potential impact of their actions on the environment. However, reliable methods for impact assessment are not widely available to environmental data programs. Such methodology usually involves the use of computer simulation or modeling. These techniques should be developed and adopted to give environmental quality information and data centers a "predictive capability." Since the development of computer software, including models, is usually expensive, there is also a need for a clearinghouse function which would prevent duplication by keeping track of the development of such systems. The shortage of systems analysts in information centers could be alleviated if the information and data technology R&D organization could make systems analysis teams available to other agencies on an *ad hoc,* cost-recovery basis.

Recommendation II.4: That the National Bureau of Standards be formally assigned the responsibility for developing: (1) standards for information and data systems (i.e., software systems); (2) standards for information and data banks; (3) assessment technology, including computer modeling and simulation, as a general tool for information and data centers; (4) a clearinghouse function for information about general software systems and computer modeling and simulation systems, with particular emphasis on those systems already owned by the Federal Government; and (5) systems analysis and computer programming teams that could aid agencies who do not have sufficient in-house capabilities in these areas, in selecting and implementing computer systems. For environmental systems, priority assignments and financial support for these various activities should come primarily from the environmental mission agencies, EPA and NOAA.

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The SEQUIP Workshop was valuable for participants because they learned of each others' activities and could exchange experiences. A workshop or symposium-type meeting should be organized in this general subject area on a periodic basis.

Recommendation II.5: That a formal mechanism be established, through the Council on Environmental Quality or COSATI, for stimulating direct communication between those concerned with environmental information programs. Such a mechanism might plan and support small informal workshops or symposia at appropriate intervals.

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The Committee considered *the user* of environmental quality information and data. Existing and projected systems for this subject area will have to serve many users, both inside and outside the Government. Information support must be rendered not only to scientists and technologists, but also to managers who may not have technical training but who must make important decisions affecting the environment. Under existing conditions, access to environmental quality information can be quite difficult, particularly for individuals outside the Federal establishment. At present, the National Referral Center (NRC), Library of Congress, has the task of directing inquirers to locations in Government which might supply them with the information required. This capability should be strengthened and well-publicized.

Every effort should be made by the mission agencies to insure that NRC's referral banks are up to date and as complete as possible.

Recommendation II.6: That specific responsibility and resources be assigned to the National Referral Center, Library of Congress, for the development of information tools and services which will provide extra-Government users with improved access to Government-generated and supported technical information in the environmental quality field. An early task within this over-all effort should be to compile and publish a *Directory of U.S. Information Resources in the Environmental Quality Area.*

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In order to build compatible information and data networks and prevent duplicative activities for the environmental quality area, it is essential to know what is being done in the various Federal mission agencies. However, access to knowledge about on-going and completed Federal R&D activities is not easy. This is as true for activities pertaining to the environment as it is for most other government R&D efforts. In the non-defense areas, organizations such as the Science Information Exchange, the National Technical Information Service, and to some extent, the National Referral Center, have been given major responsibility for the storage and retrieval of information concerning on-going or completed Government-supported R&D work. However, these organizations, individually and in aggregate, have not been entirely effective in this effort. The major cause for this failure is attributable to the fact that the submission of such information about R&D projects in Government agencies to these depositories is sporadic, incomplete, and unreliable. Therefore, it is recommended that existing organizations charged with responsibility in the area of project reporting (i.e., SIE and NTIS), be merged and reorganized into a new Government-wide clearinghouse, perhaps located in NTIS, Department of Commerce. This organization would collect, store, index, and retrieve on demand, information about all ongoing and completed unclassified R&D work carried on in Federal laboratories and otherwise supported by Government funds. Submission of such data by Government agencies to the central system must become mandatory and should be checked through budgetary reporting methods available to the Office of Management and Budget. It is also suggested that NEPIDS, EPA, be given the task of setting up and operating a complete R&D project reporting system for EPA, and submit such information regularly to such a central Government-wide R&D report storage and retrieval system.

Recommendation II.7:

1. That the following be consolidated into one organization: (a) the Science Information Exchange of the Smithsonian Institution, which stores and announces information on research-in-progress; and (b) the National Technical Information Service of the Department of Commerce, which stores, announces, and distributes reports on completed research. A consolidated organization would strengthen intra-Government mechanisms for exchange of information and provide extra-Government users a one-point source for Government-wide information resources. Such an organization should study means for encouraging more widespread use of the Government report literature, particularly by that segment of the technical community that normally does not do contract work for the Government.

2. That Government-wide mandatory requirements be established to provide the consolidated organization with current information on research-in-progress and copies of reports resulting from completed research in standardized formats, and that the enforcing of these requirements be assigned to the Office of Management and Budget.

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The total information and data systems, supporting Government efforts in the environmental protection area, also must have the capability of alerting relevant Government agencies of the occurrence of an environmental emergency.

Recommendation II.8: That a National Early Warning System for Major Environmental Pollution be established as part of the Smithsonian Institution's Center for Short-Lived Phenomena, to act as a medium for rapidly communicating information from global monitoring systems to responsible U.S. Government agencies.

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The system must also be able to furnish the information and data to support remedial action under emergency conditions. Many organizations at various Government levels have been created to deal with environmental emergencies in the U.S. However, it appears that additional technical information activities are required for emergencies resulting from the spillage of hazardous materials during transport. A *Hazardous Material Information Center* to be formed by the U.S. Coast Guard, Department of Transportation, should be able rapidly to furnish detailed information about how the accidental spillage should be handled; facts about the material; whether people should be evacuated; and how people exposed to the material should be treated. As far as possible, the center should derive the required information and data from industrial firms who can often furnish such emergency information when accidental spillage of their own product occurs. The data banks of the center also should be used to create current-awareness information services which could be distributed to local protection organizations.

Recommendation II.9: That a Hazardous Materials Information Center be established in the U.S. Coast Guard, Department of Transportation to store and make available to Federal, State, and local civil authorities on a continuing or emergency basis, current information on safe handling procedures, detoxification methods, and other emergency procedures on all hazardous materials which might be transported by air, land, or water within the U.S. or on the high seas.

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The Committee gave some consideration to procedures which might be used to implement those SEQUIP recommendations considered worthwhile by the Office of Science and Technology. Also, as stated in the introductory section of this Report, the present SEQUIP Committee deliberately concentrated its efforts on information and data programs concerned with environmental pollution problems and did not study such programs supporting other areas of the environmental quality field (e.g. preservation of recreational space, desalination, population pressure, etc.). The present survey—or a series of such surveys—should be extended to these other areas in order to present the Office of Science and Technology with a complete picture of all ongoing Federal scientific and technical information activities that support the national environmental quality effort. A permanent *COSATI Panel for Environmental Quality Information and Data Systems* should be established and charged with achieving these objectives.

Recommendation II.10: That a new COSATI Panel on Environmental Quality Information and Data Systems be established to followup on implementation of the SEQUIP recommendations and to continue the SEQUIP survey into relevant subject areas not covered by the present Report.

ECONOMIC CONVERSION IS A MUST

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. CHARLES H. WILSON. Mr. Speaker, important hearings are currently in progress before the House Committee on Science and Astronautics on H.R. 34, The Conversion Research and Education Act of 1971. Among those who have been invited to make their views known to the committee is the Council of Engineers and Scientists Organizations, headquartered in Inglewood, Calif. CESO represents over 125,000 engineers and scientists employed across the Nation.

Wilford Woodcock, CESO national chairman, and Robert Leventhal, legislative chairman, have drafted an excellent statement in which they critically analyze the provisions of H.R. 34, offer alternative suggestions, and underscore the very real need for workable economic conversion legislation. Clearly, these gentlemen and the thousands of CESO members are in a position to understand the vital conversion issue and to shed light on suggested approaches to the problem.

Defense and aerospace unemployment continues at a high and unacceptable level. Engineers, scientists, and other technological personnel have the talent and ability now to play productive roles in civilian government projects designed to solve domestic problems. It is imperative that conversion legislation be passed this year to get us on the road toward effectively attacking such problems as those of our environment and using the valuable members of America's defense and aerospace industries. They are a national resource which we must not waste.

I urge my colleagues to consider the following testimony of CESO and the need for prompt enactment of conversion legislation:

Statement of Wilford Woodcock, National Chairman and Robert M. Leventhal, Legislative Chairman, Council of Engineers and Scientists Organizations to Committee on Science and Astronautics, Regarding H.R. 34

We consider it an honor and privilege to submit testimony to this honorable committee as it considers the issues set forth in H.R. 34.

Prior to making some specific comments, we feel it appropriate to place our remarks in perspective by explaining who is the Council of Engineers and Scientists Organizations.

For many years, groups of engineers and scientists have banded together to bargain collectively to further their economic well-being, and to participate in how they were to be utilized in industry and lay plans for the future.

Several years ago, many different groups banded together as it became apparent the employed engineers and scientists of this country needed a voice.

In our opinion, while many claimed to speak for the engineering and scientific community, in reality there was no voice. The professional societies, while interested in advancing knowledge, a most laudable objective, did not take an active role in looking to the utilization, compensation and planning for the future use of the engineering and scientific community in the country.

The industry groups, which appeared frequently before various Federal committees and agencies, had, and still have, their legitimate ends to seek. These groups represent profit making enterprise, and this is not always commensurate with good long range planning for the commitment and utilization of manpower.

The groups that comprise our Council, to some extent are equally responsible as the others who allowed the unfortunate situation we now find, as to the proper utilization of the engineering and scientific community. We are late in making ourselves heard but we are now out to rectify that situation.

Much has been said about the magnitude of the problem that confronts this country regarding the utilization of Engineers and Scientists. Here are a few facts we would like to recount before making some comments on this legislation.

Recent figures show our domestic work force is about 82.5 million. Of this, the Bureau of Labor Statistics places the engineers and scientists at a little over one million, or about 1.2% of the work force.

We have heard remarks by representatives of the current Administration that the number of unemployed engineers and scientists, in relation to the total work force, is very small. That's a true statement—however, in our opinion it begs the issue.

Basically, we are a productive society. While there now seems to be an "anti-technology" climate emerging, it is worth reflecting on how this country got where it is now. We got here on the technological excellence of our engineering and scientific community.

The advances of the engineering and scientific community have generated work for hundreds of thousands, and produced one of the highest standards of living in the world.

It is regrettable that basically we are a reactive society. While the warning signs were apparent, there was little interest in pre-planning for effective manpower utilization of our skilled work force.

Now that we have the serious situation of the displacement, unemployment and underemployment of a significant segment of our engineering and scientific community as a fact, we are contemplating some action.

We find it grimly ironic that the "anti-technology" forces in this country, who want the shift away from defense oriented projects to civilian problems, basically concerned with ecology, seem to overlook who is going to find the solutions to the environmental and social system problems that confront our society. The answer is self-evident, the engineering scientific manpower pool that at present is being treated to the fruits of our "pre-planning."

It is our opinion that we cannot for long afford the drastic underutilization of this most skilled segment of our work force. The human tragedy is incalculable, and the economic waste intolerable.

We recommend the sponsors of H.R. 34 for taking a positive step toward doing something that will have a long range effect on the utilization of the engineering and scientific community in this country. On behalf of the Council, we wish to state that we lend our full support and cooperation to this bill. If it were enacted in its present form, it would be an important step forward. We do feel, however, that some modifications might be considered, that would in our opinion make the bill much more significant.

We realize some of our suggestions may not be within the scope of this committee to consider. We do hope, however, that if you find them of merit, you will see they are referred to the appropriate parties for consideration.

H.R. 34 is an important step forward in planning for the utilization of our engineering and scientific work force as we proceed with the conversion that has already started. There are several areas of the bill, which if, in our opinion, were amended, would bring more immediate results to the benefit of the country and the individuals who are in drastic need of immediate relief.

Unless steps are taken to correct the situation we have now, a serious technological gap can be opened. Large numbers of the current technological work force are being permanently displaced. Enrollements in the technical schools are dropping, and the lead time to train a new work force can be well in excess of ten years—on the average, five years for an engineering or technical degree, and at least 5 years working experience before any real expectation can be had of a meaningful contribution.

Those who feel that employees displaced can be brought back into the fold after five years or more away from the work are in error, as in many of the specialties the practical "half-life" is short. We have heard a representative of the Chemical Society testify in California that a research chemist away from a lab for one year or more is to all intents and purposes, lost.

While we need much retraining and reorientation, there are at present many projects that are of a pressing social need. What seems to be missing is what might be termed the "Market Mechanism," to bring those sectors of the economy that could solve the problems into interface.

We note with great interest that under Title IV, Section 403 calls for a computerized Conversion Information Service to acquaint small business concerns with various activities under the Act.

We feel this concept should be expanded

to a much broader scope. A full coordinating agency, possible under the auspices of this Act, should be established. The Agency would be charged with taking the priority areas of civilian research and development activity likely to contribute to the resolution of the Nation's pressing domestic problems, as set forth in Title II, Section 201(a), (2), (3) and then investigating, cataloging and maintaining files of all activity that is currently underway on the solution of these problems.

This coordinating agency would work with the existing Federal agencies to identify their areas of activity, and work through the Federal districts to learn what activities, if any, State and local governments are undertaking in these areas.

With the gathering of this information under one roof, so to speak, potential contractors would have one source to seek information. Also knowledge would be gained as to amounts being spent seeking solutions to these problems. Having established what is being done at various levels of government, the Coordinating Agency could then fulfill what appears to be an important missing link, market identification.

Many large firms, particularly in Aerospace, have the ability and interest to make significant contributions in these areas of concern, but there is no identifiable marketplace for those interested in problems of urban concentration and environmental pollution.

For any one company to attempt to call upon hundreds of local agencies to gather together enough cooperating levels of government to raise the necessary funds to work on these problems is impractical. Not only would the expenditure be prohibitive, but if such a venture were launched, it would probably fail as there would be no mechanism for competitive pricing, and would appear too self-serving for the sponsoring corporation.

While there is no market mechanism, urban areas are starved for creative solutions, involving hardware and software to solve the pressing and mounting social problems. Many of these problems could be alleviated with technological breakthroughs, but most actual needs must wait on private enterprise developments emerging from other areas because no market mechanism exists for direct application.

Many municipalities and states spend fragmented sums to explore various aspects, usually segments of technological problems. One County will extend a small contract for hard waste disposal development, while a city will do the same, but neither can spend enough to accomplish their basic objectives. The result of the current system is often duplication and misallocation of already too meager resources.

Once the areas of priority are established, and knowledge gained of what is currently underway, decisions could then be made as to what projects could be advanced for implementation.

At present the problem seems to be one of inability to make the proper manpower and economic allocations. We would suggest that in addition to the stated intention of this Act to bring the level of spending on these civilian oriented projects into a parity with defense expenditures, consideration be given the immediate implementation of one or both of the following as additional methods of funding these projects.

Through the Coordinating Agency, using coordinators in the federal regions, there could be a pooling of funds along specified areas of interest. This would then create a marketplace. Having identified a problem area, and obtaining indication of intent to participate, the Coordinating Agency could then invite bids. Having obtained and evaluated the bids, the Agency could then return to all who indicated an interest in participating in the project with proposed cost allocations.

In this manner contracts of sufficient size would be involved to justify research and proposal work on the part of the companies. Funds spent on the local levels would be concentrated instead of being spent piecemeal without obtaining desired results.

The concept can be carried further in that if a project were to result in a marketable product, those agencies that participated in the R & D would pay one price, all others more. The additional funds could be used to offset the R & D expenditure, or used to self-fund future projects within the agency.

There is no intent to duplicate or interfere with the activities of any existing federal agency. The Coordinating Agency would help as a clearing house to avoid duplication and to disseminate information and, hopefully, for some projects where the federal agencies need participation of local government, arrange the coordination.

If a Federal agency lacks what it feels is an adequate appropriation for a given project, upon request, the Coordinating Agency could investigate to see if there are any local governments who are interested in cooperating with the Federal Agency to see the project moved forward.

In addition to utilizing the Coordinating Agency concept, we suggest that Title IV, Guarantees, be considered for revision. At present, it specifies small business only, with a fixed rate of interest for specific projects.

This is a step in the right direction, but lacks the boldness needed to bring immediate relief. At present it is estimated there is in excess of 200 billion in the private pension plans. The pension funds from defense related industries run into the hundreds of millions. There is no market mechanism to bring these funds into play for the benefit of the employees, except to provide income for the fortunate few who qualify, in their non-productive years.

It is well established that under certain circumstances the government guarantees loans. This Act embodies that concept. Regretfully, the defense contractors in this country do not enjoy the highest credit ratings, and their plans for conversion or diversification are often thwarted by lack of ability to raise risk capital or float loans.

The most creditworthy corporations which can readily raise these risk funds are the principal marketplace for many pension funds due to their relative security.

We now recommend that included in this Act be a Conversion and Diversification Committee, comprised of representatives of Management, Government and Labor. Defense oriented firms with conversion or diversification plans will file them with this committee for evaluation as to feasibiltiy. If determined feasible, the plans will be approved.

Appropriate arrangements should be made to allow pension fund trustees to lend the funds necessary for these projects at a rate of interest that is at least as favorable as the current yield from the virtually safe investments which characterize the pension portfolios.

A percentage could then be added on top of the guaranteed rate to the pension trustees, and that amount used as an offset against bad debts, or to generate funding for new projects.

Even adding a slight percentage over the prevailing rate for conservative investments, plus an allowance for bad debts, the rate would be lower than alternate sources of funds for defense related industries. The risk to the government in guaranteeing these loans would be minimal for two reasons; first, only those projects that appeared to have good chances of proving economically feasible to the tri-partite committee would be approved; second, there would be a reserve created by the successful projects for the inevitable one that doesn't work out.

The Pension trustees would be in a fully secured position, earning possibly even a slightly higher yield than they could reasonably expect from investments with similar safety.

This concept could be made even more palatable if firms participating were allowed an additional 50% deduction for the amount of interest paid on such loans against their taxes.

If either or both of the programs outlined here were to be adopted, we might see dramatic results. In this country we have large firms that are tailored to meeting the needs of government. These firms have put together teams of "mind power" to solve the needs identified by government. In the past the needs have been primarily defense oriented.

The so-called "defense firms" adopted and met these governmental needs, oftimes on very short notice, developing new technology and solving new problems without massive retraining. We do not really look on these firms so much as "defense contractors", as we view them as government contractors. They have been doing mostly defense work, because the defense establishment has put out the call, and Congress appropriated the funds to have significant work accomplished.

It is our opinion, based on a number of years working with employed engineers and scientists, and listening to testimony at many hearings, both Federal and State, that if a major contract, for example hard waste disposal, were available to bid, quickly the so-called defense firms would appear, ready and able to go to work on that problem.

If such a contract were to be awarded, there would be immediate employment, and, based on past performance, within a very short time the majority of engineers and scientists would quickly be up to speed on the project in an employment situation. Under these circumstances, much of the need for retraining in an educational setting would be reduced.

We would further comment that there seems to be a body of opinion that we should, in effect, dismantle these so-called defense firms and retrain the management teams in the necessary skills to compete in the civilian marketplace.

Real question exists in our minds as to the practicality of this concept. We all agree there are pressing social problems that must be solved. We all agree that only by focusing significant amounts of "brainpower" will these problems be solved.

Our civilian economy is profit oriented. If there were a profit potential, commensurate with the risks, the private or commercial firms would now be actively seeking to resolve these social problems and thereby realize the profits. The fact that this is not occurring speaks for itself.

The problems that confront our society, as enumerated in this Act, must be solved by governmental action. There are two choices: the Federal government can establish its own research, development and production facilities, and place employees directly on the federal payroll to solve these problems. From past expressions, it does not appear this is the wish of Congress.

The other alternative is for government to determine the priorities, allocate resources, either by direct funding, or perhaps through one of the vehicles we have described in this testimony, and then to invite bids from private contractors who specialize in doing work for the government.

Past practice says this latter course will be the direction of choice. If this premise is correct, do we really want to break up and retrain the management teams of the so-called "defense" firms who are uniquely equipped to meeting the demands of government? We think not. Contracting with the Federal government has become a very specialized field that most civilian oriented firms are not equipped to do managerially. Since we must have such capability, and it currently exists, let's put it to use as rapidly as possible.

There is an additional consideration that justifies creating new government contract areas to keep the technical and management teams together that have created our national defense arsenal. At present it appears we can now re-direct these resources, however, the international scene changes rapidly. If we dismantle the current firms and teams, the time to reassemble them if they again become necessary at their former levels, might be much longer than events will allow. If, in fact, the capability is there, and all that needs to be done is a redirection, our ability to respond to such challenges would be more timely.

We realize we have thrown out a number of concepts that represent departures from the way things have been done in the past. Currently, this country is experiencing a severe economic depression. For the engineering and scientific community, it is a depression of dramatic consequences.

While no one group of the work force is entitled to favored treatment over other groups, the inter-relationship between engineering and scientific advancement and employment is inescapable. The engineers and scientists design and create the products. These products create production and service employment. When a significant percent of the engineering and scientific work force is unemployed, there is a geometric effect on other types of employment.

Not only do these men have a significant personal investment in their educations, but government at all levels has a large investment as many were educated at tax supported institutions, under G. I. Bills, or at private institutions which receive a favored tax status. If we fail to use this investment, we are shamefully wasting a scarce resource.

On behalf of the Council of Engineers and Scientists Organizations, we urge that you lend all efforts to passage of H.R. 34, and give full consideration for inclusion of the recommendations we have made on behalf of the Council, or perhaps the introduction of additional legislation that would implement these concepts.

WASHINGTON REPORT

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. PRICE of Texas. Mr. Speaker, it is my policy to publish a monthly newsletter at my own expense to keep my constituents in the 18th District of Texas advised of my activities on their behalf. The following is the text of my latest Washington Report:

House Legislative Activities

Welfare Reform—The House has passed and sent to the Senate a broad set of changes in the welfare system. I opposed the changes because I am firmly against giving people guaranteed annual incomes, expanding the welfare rolls, removing state controls on welfare, and increasing welfare costs to the taxpayer.

In an effort to help promote real welfare reform, several other Representatives and I introduced an alternative to the House bill and unsuccessfully tried to have it substituted for the liberal measure. Our proposal embodied the President's Federal sharing concept and turned the welfare program over to the states. It had strong work incentives rather than a guaranteed annual income. It made welfare hard to get on and easy to get off. It also would have kept taxpayer cost down, something the liberal bill totally ignored. Hopefully, the Senate will have better judgment on this issue and will rectify matters.

Obscenity Control—A bill has been approved which among other things prohibits individuals and organizations from using the mails to promote or sell pornographic materials to minors. It also regulates obscene material deliveries to houses with minors in residence. I supported the bill because there was no stronger measure before the House at that time. In my opinion, though, this bill is to the smut trade what a band-aid is to a gunshot wound. If Congress is really serious about cracking down on the porno peddlers, it would pass legislation such as I have introduced which closes off the mails to the transmission of obscene advertising, and imposes up to $50,000 in fines or up to five years in prison for violations.

Joint Committee on Environment—The House has voted to establish a joint House-Senate Committee to provide a unified means of focusing Congressional attention and action on environmental problems. As sponsor of a similar bill, I heartily approved the House action, but if the Senate drags its feet on the idea as it has in the past, I will urge my colleagues to fall back on another bill of mine which would create a House Committee on the Environment. A way simply must be found to coordinate Congressional action and bring order out of the present legislative chaos existing in this area.

Veterans Drug Abuse—Approval has been given to legislation enabling the Veterans' Administration to better cope with the tragedies of G.I. drug abuse. Under the bill, treatment and rehabilitation will be provided to active duty personnel as well as veterans on a comprehensive nationwide basis as needed.

Atomic Energy Commission Appropriations—As part of the $2.3 billion AEC appropriations for fiscal year 1972, $130 million has been earmarked for the fast breeder reactor program. I have been a vocal supporter of this program because if the AEC can successfully develop and help implement a system of fast breeders and other reactors, it would create a very economical system of desalting sea water. This breakthrough could help resolve the water needs of Northwest Texas and the State.

The following is the schedule for my District Representative, Charles Lanehart:

8/4, Dimmitt, First State Bank.
8/5, Tulia, Court House.
8/6, Silverton, City Hall (9–12).
8/6, Quitaque, 1st Nat. Bank (1–5).
8/9, Memphis, Court House.
8/10, Wellington, Court House.
8/11, Panhandle, Court House.
8/12, Claude, Court House.
8/13, Clarendon, Farmers State Bank.

This newsletter is made possible by contributions from interested citizens.

HORSE SLEEPING SICKNESS

Secretary of Agriculture Clifford Hardin has acted swiftly in the face of critical dangers to horses and human health posed by the disease Venezuelan equine encephalomyelitis (VEE) which has spread from Latin America through Central America and Mexico and into South Texas. This dreaded disease, which takes the form of a rare type of sleeping sickness, is a real health hazard to people and is fatal to horses.

In response to my urgings and those of other concerned individuals and organizations the Secretary has declared a state of national emergency, a declaration that has enabled the Federal government to focus all necessary resources on the problems of curing the effects of this deadly disease and preventing its spread to other parts of Texas and the Nation.

I have also written to the Secretary and requested him to meet with Public Health Department officials for the purpose of releasing for commercial production and distribution the experimental vaccine that has proved so effective in combating VEE.

AGRICULTURE LEGISLATION

Pesticide Control—The Agriculture Committee, of which I am a member, is now working on a third version of the Administration's Pesticide Bill. While many areas of agreement have been reached, chief disputes center on: the role of a Scientific Advisory Committee, penalties for violations, judicial review procedures, and the question of payments to farmers and others owning pesticides deemed unsafe.

Rural Development—The Agriculture Committee rural development hearings have been focusing on a bill proposed by the Farm Credit Administration which would greatly expand Federal Land Bank and Production Credit Association operations. Present committee disagreements center on whether: farm real estate loans should be raised to 100% of appraised value; Federal land banks should finance middle-income rural housing; land bank operations and controls should be centralized in Washington; and, land bank reserve requirements should be reduced.

Payment Limitations—In a surprise move, House urban and suburban representatives succeeded in attaching a $20,000 payment limitation to $10 billion USDA appropriations bill for fiscal year 1972. The Senate refused to take similar action and after a great deal of persuasive arguing on the part of farm state members, chief backers of the amendment agreed to drop their proposal. I spent a lot of hours on this; I am glad my efforts paid off.

FARM TRUCK RULES BEING CHANGED

It is most gratifying that the Transportation Department has rethought its new farm truck and driver regulations and has proposed a series of appropriate revisions patterned along the lines of legislation I had previously introduced (see June–July Washington Report). Under these revisions: minimum driver age will be 18; no investigations need be made into driver background, character, and driving record; and, no Federal special written or road tests need be taken.

ELEVENTH ANNUAL QUESTIONNAIRE RESULTS

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. HARVEY. Mr. Speaker, probably mirroring the sentiment of the Nation, crime, the economy, the drug problem and Vietnam were the four major problems cited by the voters in the 11th annual congressional questionnaire I conducted for our Eighth District of Michigan. It is a pleasure to bring to the attention of the entire membership the results of the questionnaire which were just tabulated with nearly 18,000 votes recorded.

In making this report to Congress, I have also directed a copy of the questionnaire results to the President for his information.

I think it is of particular interest to single out the results of the question dealing with the United States opening diplomatic and trade relations with mainland China in light of today's announcement that the administration supports seating mainland China in the United Nations. As you will note in the results, recognition of Red China was favored by 66.4 percent of the voters who participated.

In listing the questionnaire results, I would also like to mention the fine cooperation of the weekly and daily newspapers who published the questionnaire once again. This fine cooperation assured us that every resident of the Eighth District would have the chance to vote if not through the special mailing then via our newspapers.

The questionnaire results follow:

11TH ANNUAL CONGRESSIONAL QUESTIONNAIRE RESULTS

Do you favor—	Yes Number	Yes Percent	No Number	No Percent
1. The Nixon administration's overall performance and accomplishments during its 1st 2 years?	8,670	57.5	6,408	42.5
2. a. Gradual withdrawal from South Vietnam as advocated by the President?	6,872	47.6		
b. Withdrawal by Dec. 31, 1971, provided there are provisions for the return of our prisoners?	5,264	36.3		
c. Immediate withdrawal?	2,301	16.1		
3. The U.S. opening diplomatic and trade relations with mainland China?	9,755	66.4	4,938	33.6
4. Limiting foreign imports if they unduly hurt American jobs and industry?	12,100	81.4	2,764	18.6
5. Reduction of American troop commitment in Europe for NATO?	10,274	69.6	4,479	30.4
6. The legalization of marihuana?	1,759	11.9	13,039	88.1
7. The Administration's concept of revenue sharing with State and local governments without Federal controls?	8,712	61.4	5,455	38.6
8. Substantial reductions in our space program?	8,833	64.9	4,976	35.1
9. Issuance of food stamps to persons who voluntarily strike?	2,256	15.8	11,899	84.2
10. Legislation to create a comprehensive national health insurance program?	7,207	52.8	6,442	47.2

**As of now, who is your choice for President in 1972?	Percent
Nixon	54.4
Undecided	19.8
Muskie	7.1
Wallace	3.4
Kennedy	3.3
Reagan	1.6
Agnew	1.5
McGovern	1.4

**What is the single most important problem in the country today?	
Crime	20.9
Economy	17.1
Drugs	13.6
Vietnam	12.2
Taxes	4.9
Welfare	4.6
Environment	4.6
Judicial	2.6

DAYLIN, INC. DEDICATES NEW OPERATIONAL HEADQUARTERS

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. REES. Mr. Speaker, in recognition of the dedication of the West Coast Operational Headquarters of Daylin, Inc., at 12910 Culver Boulevard, Los Angeles, Calif., on August 24, 1971, I would like to pay special tribute to this company which has grown to a major retailing firm in less than a dozen years.

With corporate offices in Beverly Hills, Calif., Daylin owns and operates more than 500 retail outlets throughout the United States and Canada, and is doing business in excess of $400 million a year.

The beautiful new Operational Headquarters building in Culver City houses some of its west coast-based divisions and corporate departments.

The company's 11,000 dedicated employees are headed by Amnon Barness, chairman of the board; Max Candiotty, president; and Dave Finkle, chairman of the executive committee. These three are the cofounders of the firm. In addition to their proven confidence in the American system of free enterprise, each has given of his time and energy to a multiplicity of philanthropic causes both in this country and abroad. Among his services Mr. Barness values his position on the board of trustees of the United States Capitol Historical Society and, by appointment of Prime Minister Golda Meier, as chairman of the International Corporate Program for Bonds for Israel.

Mr. Candiotty has served on the Los Angeles County Citizens Economy and Efficiency Committee and has been president of the Sephardic Jewish Brotherhood of Los Angeles for 3 years. Ground will be broken this summer on the Max Candiotty Institute for Science Teaching at the Weizmann Institute of Science in Israel.

Mr. Finkle is the holder of the Israel Freedom Medal for exemplary service to the State of Israel, and the Dave Finkle Residence Center for Health Science Students at the Hebrew University is currently under construction in Israel.

Other directors and officers of Daylin are equally involved in business and Philanthropic endeavors. They are: Samuel D. May, vice chairman of the board; Georges A. Hanzi, vice president and director; Sidney Kline, vice president and director; Charles Watt, vice president and director; Robert M. Arnold, M.D., director.

Others are: Leon Beck, senior vice president; Sam Bass, vice president; Bernard Kritzer, vice president; Bernard Marcus, vice president; Gary E. Parks, vice president; Arnold Siegel, vice president; Alvin M. Levin, secretary; Wilhelm A. Mallory, treasurer; Arthur M. Blank, assistant treasurer; Alan M. Bergman, assistant secretary; Richard J. Segal, assistant secretary.

Daylin operations include 89 drugstores in the United States and Canada, 25 hospital pharmacies, 212 apparel specialty shops, 51 discount department stores, and 11 home improvement centers. In 160 discount stores Daylin operates 140 drug and sundry drug departments, 65 apparel departments, and 108 departments selling houseware, hardware, automotive accessories, and other merchandise.

In addition, Daylin sells medical and surgical supplies and equipment through its own medical-detail men and on a nationwide mail order basis. Daylin also has a company which imports general merchandise. Additionally, Daylin owns a laboratory which is engaged in research and testing as well as the production of food supplements and chemicals.

I ask the Members of this House to join me in extending special greetings to members of the Daylin family from coast to coast on the occasion of the dedication of the impressive West Coast Operational Headquarters.

25TH ANNIVERSARY OF THE JOINT COMMITTEE ON ATOMIC ENERGY

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. HOSMER. Mr. Speaker, I am pleased to join with my colleagues, Mr. HOLIFIELD, Mr. PRICE of Illinois, and Mr. HANSEN of Idaho, in marking the 25th anniversary of the organization of the Joint Committee on Atomic Energy.

It can be fairly said that the Joint Committee on Atomic Energy is unique to the American legislative process, not only in its statutory authority but in its exercise of that authority to protect the health and welfare of the Nation.

The awesome responsibilities of the Joint Committee, in both the military and civilian arenas, have been discharged faithfully, largely in a spirit of bipartisan cooperation. Few, if any, committees on the Hill can boast of a better internal relationship or a stronger dedication to a purpose.

The Atomic Energy Act of 1946, the Atomic Energy Act of 1954 and the 1962 report to the President committed this Nation to a course of action—the development of the power of the atom for peace. That this has been successful is in no small way a tribute to the Joint Committee, but particularly to the two men who remain as its charter members, Mr. HOLIFIELD and Mr. PRICE.

Between them, they have devoted 50 years of service to the Nation and the world. I am personally grateful for their efforts, as I am sure are my colleagues in this and the other body.

PROBLEMS OF THE AGING—PART II

HON. JOHN G. DOW

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. DOW. Mr. Speaker, problems of the aging come in many shapes, sizes and forms. In hearings I held recently in Newburgh, many people—local officials, volunteer workers and the elderly, themselves—described the extent of these problems.

I would like to share with my colleagues testimony from these hearings. In the coming weeks, I plan to develop legislation and I am hopeful that this firsthand information will be of value in reaching positive solutions to the problems facing the elderly.

In the following testimony you will find details about the financial plight of many older Americans. A fixed income in a period of spiralling inflation is disastrous. The testimony also goes into medical and transportation problems.

One bright spot is revealed in the testimony of Mrs. Pamela McLaurin, director of the neighborhood service center, Newburgh community action council.

She was one of the younger persons at the hearings and demonstrated that some of our younger people are taking a serious interest in solving these problems.

The first part of the testimony was inserted August 3, 1971. The second part follows:

TESTIMONY—PROBLEMS OF THE ELDERLY

Mrs. CARTER. I'm from Newburgh. I live at 136 Johnson Street in Newburgh, New York.

Well, the first thing I want to say is I had an operation in 1969, March 18, I came out of the hospital and the doctor told the Social Service to give me some aid. So they gave me aid for two months, three months, and then they cut it off because they said I got some money from the insurance. Now they won't give me no food stamps or anything because they want to know what I've done with my money. They asked me to send them my Social Security check. Now why would I send my Social Security check to them? That's what I want to know. Why should I? Am I a slave or am I under bondage or what?

Mr. Dow. I don't understand myself.

Mrs. CARTER. Well, I have the letters to give you. So I want to know just what is the idea? I have to pay tax. My tax for the city tax is $99.61. I get $72 Social Security a month, and since they raised it, they gave me $80. They want to know what did I do with the insurance money and do I have a balance. What balance could I have, from '69 till now? Now what balance should I have?

Mr. Dow. When they asked you to send in the Social Security check, did they want to see the amount or did they want to keep the check to go against welfare?

Mrs. CARTER. I don't know. I called them, and she slammed the receiver down in my ears. She wouldn't talk to me. Her name is O'Rourke, or somebody, and she wouldn't talk to me. Since I had the operation, there's something always wrong with me. I don't have a bladder, I don't have no kidney. My feet are bad. I have to go to the doctor for my feet. I mean it's just, you know, just totally all off. So what I want to know is why they do me, especially, like they're doing me?

Mr. Dow. Is this the county welfare department?

Mrs. CARTER. It says Department of Social Security. Now they won't give me no food stamps or anything, now why?

Mr. Dow. Let me see that letter. I want to make sure what that is.

Mrs. CARTER. You can have them all.

Mr. Dow. Department of Social Services, Orange County.

Mrs. CARTER. Yes, sir. The worst thing in the world.

Mr. Dow. Now, you said that your check was about $80.

Mrs. CARTER. Now it is. I just got the $80 in May.

Mr. Dow. And then you said you had to pay $90 for something else.

Mrs. CARTER. I have to pay $99 for your Newburgh tax, $99.61.

Mr. Dow. Is that every month?

Mrs. CARTER. That's every three months.

Mr. Dow. So you get a check of $80 every month....

Mrs. CARTER. Now. Just one time I've got that check of $80. See, since the raise.

Mr. Dow. And then every three months you have to pay $90?

Mrs. CARTER. $99.61.

Mr. Dow. What is that for?

Mrs. CARTER. That's the city tax.

Mr. Dow. Yes, I see.

Mrs. CARTER. That pays for sewage, which I don't have. And I pay a water bill. Now how am I going to do all that out of $80?

Mr. Dow. It's pretty tight, isn't it?

Mrs. CARTER. It's worse than that. You see, I didn't move up here on my own. They moved me from Water Street. After my home was paid for, the city took it and set me up over on Johnson Street. I didn't want to come up there. They sent me up there. That's the only place I could get.

Mr. Dow. Well, Mrs. Carter, we appreciate your coming and telling us because if we can hear some of these cases the way they are, we'll have a better idea. It's better to hear the cases than it is somebody coming in here and telling us that people are having a hard time.

Mrs. CARTER. Well, I mean, I'm having a hard time. And you know how long I've been here? Ever since 1926, and was working since that time. And yet people can come here and jump on welfare and has never hit a lick in Newburgh in their life, and still we have to pay for it. We have to pay their school tax and all for that. Why?

Mr. Dow. You're not on welfare....

Mrs. CARTER. No.

Mr. Dow. And you would like some help from welfare, is that right?

Mrs. CARTER. No. They were supposed to give me Medicare or whatever it is. See, I have Blue Cross and Blue Shield, myself. I pay $41.99 for it every three months. They said that they would give me medical assistance, see, but they haven't. Now they say they can't give it because I've got too much money.

Mr. Dow. That's all right. We will now hear from Commissioner Travis, who is the Commissioner of Social Services in Sullivan County. He was supposed to be on earlier, but he's on now and I'm going to listen to him. Good morning, Mr. Travis, nice to see you again.

MR. ROBERT TRAVIS, COMMISSIONER OF SOCIAL SERVICES, SULLIVAN COUNTY, LOCH SHELDRAKE ROAD, LIBERTY, N.Y

Mr. TRAVIS. Well, I have not more or less prepared anything in writing to discuss the problems of the elderly, other than the fact that I've been a Commissioner 21 years and I remember 21 years ago when the elderly were put into an old frame building with bars on the windows and were cooped up like a bunch of chickens. As I look over the 21 years, I see what we have done—the progress that has been made for the elderly. I heard transportation mentioned, and thinking of today's times, transportation is a very important problem for the elderly. Their grants from Social Security are insufficient. I don't believe that we should have two governmental agencies trying to take care of one person. I believe that the elederly should be placed, those over 65, under Social Security and their benefits increased so that they don't have to apply to the Department of Social Services. I believe that we should have a uniform medical assistance program for all the elderly people and those that are in need in the country. Whereas you have two programs today—Medicare and Medicaid—I think it's a lot of waste of money in the cost of administration; that this money should be applied toward the care of the people to meet their needs. I don't feel that the grants across the country are adequate, in states that people have to move from down South to come North because we do pay one of the highest schedules of public assistance in United States. If a person's living in Alabama, Georgia, Louisiana, as an example, their schedules of assistance are something like $28 a month, and take it or like it. I don't blame the people for moving from down there up to the states of New York, Illinois and California, where grants are far above and try to meet the needs, even though they are inadequate at times, even here in the great state of New York.

There are many, many problems pertaining to the elderly. I think that, coming for a more rural county than Orange County, we have made a great many steps forward in housing through the help of Congressman Dow and others in getting funds to build facilities for elderly people. I'll name one, the old Lenape Hotel that was converted, and I think that you had a great deal to do with the funds that were granted there to the village of Liberty so that these people, based upon their income and their age, could rent these beautiful apartments. They have wall to wall carpeting, the finest elevator service, and they're within walking distance of the shopping center. It was a wonderful move. These people are very happy and I think more should be done particularly, not butting into Orange County, but I think in some of the cities here, the city of Newburgh, and the city of Middletown, and Port Jervis.

Transportation is a very tough thing. We'd like to do a lot of things—day care centers, and so forth. But in my county, alone, I know that the transportation enters into it and it's a costly proposition to buy buses and hire drivers and pay all the incidentals to help these people because we're so spread out that these people are not accessible to a highway where you can get to a bus. So this is a problem. Volunteers are a great thing in any country, and we, through the cooperation of the local fire department auxiliaries, meet some of our old folks and do their shopping for them, take them to town and so forth. It's working out very well.

I'm not down here to complain. I'm just talking about some of the problems and I know that you're all faced with it here. Medical care, I think, is one of the musts. Good nursing homes, run at a scale where possible the middle class person or those that have a small income with their Social Security could afford to pay if and when they had to go to a nursing home. We have a brand new nursing home in Sullivan County today, but it's prohibitive. People have to apply for Medicaid because they can't pay $1000 a month.

I don't care whether you have money or whether you haven't money, you either have to be a millionaire or you have to have nothing in order to benefit from this. If you have saved a few dollars during your lifetime, you would be over the scale and, therefore, you wouldn't be eligible for Medicaid and I don't think this is right. I tried to build a hundred bed wing on my institution. I think the Federal government should support any construction, totally, for the benefit of the elderly. It should become part of the revenue sharing to the states.

The disabled and the blind also have a problem. They're people that are the same as those that are over 65. They're unemployable. Today we have problems finding jobs for people that are able to work, let alone people that are over 65 or those that are disabled and blind. We don't seem to have any problem as far as integration in our county. I think we live very happily up there. We do have about 4,000 black people in the county. They go to our churches; they go to the schools; they belong to our organizations; and I think this is a fine way to live. I'm not saying that Sullivan County . . . We are in the Appalachia area. We had an 11 per cent unemployment rate last winter and, of course, this is very, very high and it was very costly to the Department of Social Services last winter.

I'm here just offhand to try to answer some of the questions that you might have, Congressman, something that might help these lovely people out. I know they're here for a purpose. They wouldn't be here if they didn't have a problem, and I don't want to infringe upon Commissioner Couser's territory. I know he's very capable. He's a good friend of mine; we work very closely together because Sullivan does border on Orange, and we always have cases that overlap. We do have a little borderline dispute once in a while, pertaining to who should pay for what and so forth, but it's eventually ironed out.

Mr. Dow. Well, Mr. Travis, it's very good to have you here. This hearing is one where we want to hear from everybody that's concerned with the problem of older people; that is, not only the people themselves, the people that have problems with welfare and Social Security, but also to hear from people like you who are in the administration and that is a contribution. I'm impressed especially with two suggestions you made—one that Social Security and welfare ought to be handled through one agency so they wouldn't be working at cross purposes and the other that Medicare and Medicaid should be combined. Those are good thoughts. I'm sure that I can't turn the Congress around next Monday morning, but I can take the idea back there.

Our next witness is Mr. Douglas Couser, who is Mr. Travis' associate. Mr. Couser is Commisisoner of Social Services for Orange County. Come in, Mr. Couser. It's good to see you again.

MR. DOUGLAS COUSER, COMMMISSIONER OF SOCIAL SERVICES, ORANGE COUNTY, QUARRY ROAD, GOSHEN, N.Y.

Mr. COUSER. Well, I asked here to give some opinions on the problems of the aging. As I see it, the transportation is one of the major problems of the aging citizens in our county. I'm not familiar with the real problem in the city, but in the rural areas. Just for a quick example: I have two neighbors—one on each side of me. One woman is 83. She had her automobile and then her eyesight failed and now she has no car and she just can't go anyplace. She's got her own home, lives comfortably, but she's confined to that. There's no bus service and this is a problem. I haven't got all the answers to this, but this is one of the problems that face the senior citizens in our county. It's not only the poor, the middle class or what class. It's either a taxi or depend on neighbors and this gets embarrassing. People don't like to ask.

One of the other problems that I see is, not only the poor but the middle class is in trouble because, the way Medicaid is set up, you have to almost be on the welfare level before you can qualify. You have to have a certain income. If you have life insurance, these are all considered. And then the Medicare program for the middle class presents a problem. There's no problem as long as you're confined to a hospital, but to go on and get nursing home care for a Medicare person, there isn't a nursing home in Orange County that's qualified under the Federal standards for Medicare. So then the problem arises of having to go to Jersey or there's one up in Sullivan and there's one in Ulster, but our institution is the only one in Orange County that's approved for Medicare and there you have to be indigent. So if you have just the right amount of money, you're really in trouble if you're over that level. I don't know the answer. I think maybe I agree with Mr. Travis that this medical problem should be handled on a federal basis and not make this distinction. Medicare looked like the answer to all our problems, and as far as hospital costs go, it's a great help. But it's the person that has a stroke or a heart condition; they get their Medicare in the hospital, and this is fine and this is very expensive, but when they get to the plateau where they can't be improved, they don't get better, they don't get worse, they're taken off Medicare and right away. If they have to go to these nursing homes that are approved for Medicare, maybe they'll pick them up for ten days. Then they're reevaluated and they're taken off Medicare, a thousand dollars a month, and pretty soon their savings are liquidated, and then they're put back in the Medicaid class. There's something there that seems wrong to me.

Mr. Dow. Well, if they're put back in Medicaid, Mr. Couser, doesn't that take care of them?

Mr. COUSER. That's right. But there's a distinction that doesn't seem right to me. I may be wrong about this, but it seems that Medicare, the federal government, if they're going to have this program, there ought to be something worked out that will take a person through their problem. It takes them through the hospital; that is good. This is a great step forward. But now the nursing home costs have risen in the last few years to the point where the average person can't afford to stay there. So then they revert back to Medicaid. This is true. They're taken care of at that point.

Mr. Dow. They revert back to Medicaid.

Mr. COUSER. Right. This is my point. When Medicare stops, then they have to be almost on the welfare level for Medicaid to pick them up.

Mr. Dow. I see.

Mr. COUSER. And it seems to me that there's something a little wrong there. I'm not saying that the government's wrong or that the nursing home's wrong, but the cost of medical care is awfully expensive.

Mr. Dow: We have two more witnesses before lunch so we want to get on so that everybody can get a bite before the next session.

MRS. PAMELA M'LAURIN, DIRECTOR, NEIGHBORHOOD SERVICE CENTER, NEWBURGH COMMUNITY ACTION COUNCIL, 257 LIBERTY ST., NEWBURG, NY

Mr. Dow. Mrs. McLaurin, you go ahead. Tell us what is the Neighborhood Service Center?

Mrs. McLAURIN. Well, the Neighborhood Service Center. . . . Okay, well, I'll sort of give you the rundown of OEO programs. When you have an OEO antipoverty program, you have one agency—it's like an umbrella agency within the community of Newburgh, and this agency is directly responsible for your senior citizen groups, your day care centers, your Head Start centers, your Youth Corps, your Mainstream, and your Neighborhood Service Centers. Your Neighborhood Services Centers are usually located in the neighborhood so that people can come into these centers if they have a problem, I hate to say this, but with welfare or something. They come into the Neighborhood Service Center and a neighborhood worker interviews them and tries to assist them in their problem or send them through the proper channels to the right person so that they can be assisted. Newburgh Community Action is the agency for which I work. It has two Neighborhood Service Centers. One was on Lander Street and will be there shortly. The other is a Latin American Center dealing with mainly Spanish speaking people. I'm a Director of both these centers.

Mr. Dow. Sounds like you have the same job as the Congressman.

Mrs. McLAURIN. Well, I don't know, but we try to handle all types of jobs. Like I was talking to Mr. Ackerman previously and he said that he talked to this group. He has been active with the senior citizens group of Newburgh Community Action, so he probably told you all the problems that we're having within the community action agency and OEO. It's really frightening to feel that OEO has let loose of so much money this year, that they've had backlogged. But every program was being funded but senior citizens, and this is where we're really sort of stifled and saying "Well, all these programs are getting priority over senior citizens." We're going to try to form a cluster. We figure maybe this will come through, where three or four counties get together and push maybe we can get more out of it that way than we can individually. So this is what our new scheme or mechanism is going to be.

Mr. Dow. Well let me ask you this. You said that the Community Action has a sort of an umbrella agency that ties them all together, and one of them is the Neighborhood Service Center that you handle.

Mrs. McLAURIN. Right. This is one of the agencies.

Mr. Dow. Now, is the senior citizens under the Neighborhood Service, or is the senior citizens program a separate program under the umbrella?

Mrs. McLAURIN. No, it's under the Neighborhood Service Center, because it is a service to the people in the local community.

Mr. Dow. It's under Neighborhood Service Center. I see. Then you're going to tell us about some of the difficulties of the senior citizens program.

Mrs. McLAURIN. Right, within our Neighborhood Service Center. Our difficulty, mainly, is that we don't have separate funding.

Mr. Dow. Did you apply for it?

Mrs. McLAURIN. Right. We've applied.

Mr. Dow. And you haven't got it?

Mrs. McLAURIN. Well, Rev. Jones has applied for it, and he'll speak to you this afternoon more about the funding. We can do certain things. We can give bus rides and things like this, but what is really needed within this community, which is felt by this group, by our group, and by the other groups in Orange County, is a senior citizens building—a place where the senior citizens can meet, can join together to become aware of what's going on. So many people have to stay in their own little houses, and they're only one voice. I feel that if they can get together, if they can meet and they can be in one building for these meetings, they can know what's going on in the government, can know what's going on in the community, and join together and try to benefit one another from being together.

Mr. Dow. I agree with you. I wanted to ask: Don't the senior citizens have associations or clubs?

Mrs. McLaurin. Within Orange County they do.

Mr. Dow. Do they have one in Newburgh.

Mrs. McLaurin. Right, They have two of them in Newburgh.

Mr. Dow. Well, doesn't that provide a center where they can go?

Mrs. McLaurin. It provides a building. I believe it's a bank building that is used, and the other senior citizens club meets in this church.

Mr. Dow. Well, doesn't that answer the purpose, to have them.

Mrs. McLaurin. No, because it's like once a month you come into the church and use their room or once a week you go into the bank building and use their room.

Mr. Dow. In other words, it's not regular.

Mrs. McLaurin. It's not theirs. It's like we're borrowing or these people are being nice enough to lend us, but it's not really ours. We can't run it; we can't operate it; we can't finance it all on our own money.

Mr. Dow. I just wanted to get it straight. You had a question, Mr. Ackerman?

Mr. Ackerman (in audience). Yes. This program that she's talking about—the senior citizens meeting and having a meeting place—is not going to do the senior citizens any good, those that have problems. We want a center where the senior citizens can come with their problems and have a paid staff to meet those people. We have a lot of them in the city of Newburgh that will not go to the center, the Lander Street Center or the Broadway Center, with their problems but they will come to us with their problems. And this is what we would like to have—a center where they can meet and, if they have a problem they can come to us and we'll take care of the problem.

Mr. Dow. Thank you. You go ahead, Mrs. McLaurin.

Mrs. McLaurin. Okay. That's just all I want to say, to reemphasize the need for a senior citizens center here in Newburgh for the number of people that are here. And also I wanted to emphasize the importance—you know, use the little political plug that you can give—to the White House Conference on the Aging. I think that it's very important that senior citizens attend and that senior citizens from low income groups attend this meeting so that you can get a sampling of all senior citizens. I'm so afraid that, like all conferences and all meetings, representatives are going to go, like myself or like other people. We really aren't senior citizens and we really cannot testify. We can testify for people, but it's not really happening to us and I think when it really happens to us, then it's more meaningful. And I would like you to try, to place your influence to say "On the White Conference, there's so many seats available for Orange County, and there's so many seats available for the State of New York. Let's see that the real nitty gritty people get there."

Mr. Dow. Well, Mrs. McLaurin, thank you very much. Now, we have two more witnesses before lunch. One of them is Mr. Herman Koch of Mahopac. Is Mr. Koch here? and then we have Mr. George Manuche, who'll be our last witness for the morning. Sit down, Mr. Koch.

MR. HERMAN KOCH, PRESIDENT, SENIOR CITIZENS OF MAHOPAC AND CARMEL, 222 FOREST ROAD, MAHOPAC, NEW YORK

Mr. Koch. My name is Herman Koch. I'm the President of the Senior Citizens of Mahopac and Carmel.

I'm also a member of the steering committee for the aged for the White House Conference. I'm also a member of the national council in Washington. I have been delegated by the people of our group, which is perhaps the largest in Putnam County. Our problems have probably been brought out before. They're repetitious. It only proves that we all suffer by it. And I only ask to tell you about the problems that bother us the most.

For instance, there is one: the income of a person over 72 does not affect their benefits. It is the consensus of the people that you need it, probably more so, while you are still able to do some work up to the age of 72. The structure seems to be all wrong. People can also not understand when you invest money and this money that you pay in during your lifetime to Social Security, is what you're supposed to benefit by. Now to give you an example, not that this holds exactly true. I'll tell it in round figures. I happen to be one of these that has paid in since the inception of Social Security. The benefits are according to the earnings. I also cannot understand the structure of the Social Security. If I paid for 30 years a $100 each year, I have paid in $3,000 from which I should get benefits. However, I will not get as much as if one pays in for ten years $300 and has also paid only $3,000. Now this is something the ordinary layman cannot understand. Because we all know that, when you invest money in the bank, as much as you invest, with your interest, you benefit by. We do not. In fact, Congressman, and I'm not trying to be facetious, but is it true that no matter where you ask, you can never find out what happened to all that money that went into that Social Security since 1938? There is never a breakdown. The general belief is, when people don't hear, where did it go? Why can't we get it? If there's a possibility, and I think you'd make a big name for yourself if you could ever publish what happens to that money. But it is very important that there be a change in the benefits according to what you have paid in, because $10 or let's say $100, 30 years ago, we all know that a dollar was much healthier—it meant a lot. That $300 is secondary today, and yet we are being penalized—when I say we, I happen to be one or those older ones—we're being penalized for that. We would like to receive the benefits that we have put in there.

Now the other problem is—and I'm talking about the rural districts where we live—well, we are fortunate in Putnam County. We have two public officials—an assemblyman and a senator for the whole State of New York, that we get a 50 percent tax relief if you're over 65, living five years, owning your house and so forth. However, we still have to pay school tax. Now, it is our belief also, and I endorse that very strongly, I believe that the school tax should be done away with and put under the income. I'll put it this way. While I earn, I can pay. When my earnings stop, where will I get the money from? If they put me on relief, it's going to cost the taxpayer money one way or the other.

Mr. Dow. You know, I'm the only Congressman that has a bill in Congress to dispense with the school tax and handle it through the income tax.

Mr. Koch. Well, I'm very happy to hear it because whoever cared to listen to me for the last ten years, I've been preaching this; but it seems that nobody listened to it before. I'm glad you agree with that because if I don't earn, I can't pay.

Mr. Dow. Well, I have a bill in. It's the only one in Congress.

Mr. Koch. I'd like to point out another reason that is very valid why the school tax is unfair. There could be a person that earns—and I exaggerate now—$100,000 a year and could live in a $10,000 home. They are assessed by the $10,000 home. But some other poor aspiring fellow that wants to give his family a nice home and gives them a $30,000 home, but makes only $10,000, he is assessed by the $30,000 home. So the whole structure, to me, is ridiculous. You are assessed by what you have, by what you struggle for, and not by what you earn. I honestly believe, and I don't want to sound Communistic or anything because I'm not, why shouldn't one that has better means pay also? This is my belief. In New York City, for instance, you do not pay any school tax. And we in Putnam County—if you were to look over the figures, it would bear me out—we pay just as much tax with the land tax alone as one in New York City pays with all the taxes combined. Naturally, we have no garbage collection, no street lights, no sewers. We have the water that we have to pay separately because you have to have your own well. We have no transportation. We find that if you want to get, in a rural district, a doctor, you can't even get one. I've often joked about that. I've said in the old days, in the horse and buggy days, they drove the horse, but since the doctor has a Cadillac, he doesn't take it out anymore. So you try to get a doctor.

The insurance, we find, for the elderly people—and I'm very careful in saying the elderly; I always say they're not old, they're just matured. They have trouble getting insurance. Now why are they being penalized with the insurance that they need. They need the cars so badly to get somewhere.

To give you an example, Putnam County also has an allocation for the elderly citizens and there are, right now, some luncheons set up. For the very small charge of 50 cents you can get a luncheon. This is considered a donation. Well, it may cost me a dollar car fare to get there. Why should I go? I don't need that luncheon. But this is not even an arm. We don't need that. Give the people the money that they need to live and they can buy all the lunch that they want. Even if they don't want roast beef, they'll be satisfied with soup meat. But give it to them.

Now, what we're actually also looking for, we find that the juniors, the smaller crowd whom we incidentally still support with our taxes to go to school, go to college, they can get reduced fares all over. They can go to Europe. I have been, too, many times; but I had to pay my full fare regardless. Why can't there be . . .? Why is there such an injustice? Why should the senior citizens have to pay this full fare? Can't they also get a reduced fare to enjoy the fruit of their life? What's wrong with that because they are still supporting the young. We're not shirking from supporting them and giving them an education. That must be; but why must we be called upon to pay a full fare. I think that there should be a relief also. That means we pay indirectly for it all.

Now, I have brought out that, when the earnings stop, the taxes should stop too. So in the final analysis, the senior citizens are not looking for welfare or relief because God knows and we all know what we get from the Social Security is too much to die and not enough to live on. So it should be automatically raised—and again, I'm not trying to be facetious. As a Congressman, you know it's no hardship—and this was before your time—to get a 42 per cent raise through. No problem. And then you hear the people beef about it. "How come we're going to get a measly 20 per cent? We can't get it and we depend on it. This person doesn't." Now, there's a point there also. I often said—and a lot of people—then they blame the President. I don't blame the President because the Congressmen can do anything they want. They can override him if he does the wrong thing, so we cannot blame one man. Our lawmakers can make the law for us and if they're with us. . . . I have so many documents here, because of the position that I hold, and no doubt you have copies of all that, too. We find, to put it mildly, with the illness that we have, we get prescribed a lot of aspirins, but never a medicine to cure. What we want is the medicine to cure us, not the aspirin to relieve the pain a little.

And I would say we're all in accord with that. The senior citizen, after a lifelike that, would like to spend the evening of their life in dignity and self respect, not on charity. And it's up to the Congressmen and I know they can do a lot for us. I'd like to thank you for taking out the time to listen to me.

Mr. Dow. Thank you, Mr. Koch. Thank you for coming. Very good.

Now our last witness before lunch is Mr. George Manuche, who is from the New Windsor Senior Citizens. Mr. Manuche is a very old and close friend of mine, so I'm sure that we'll hear some good words from him.

MR. GEORGE MANUCHE, NEW WINDSOR SENIOR CITIZEN, 170 UNION AVENUE, NEW WINDSOR, NEW YORK

Mr. Manuche. Honorable Congressman Mr. Dow. The problems of the aged and elderly citizens are many and it's unfortunate that we cannot legislate all of them. I am not a professional social worker, but as you know I've had some experience in public administration. Before I go any further, I want to take this opportunity to compliment you on your stand and efforts and interest in the senior citizens. You've done an excellent job and I know you'll continue to do so.

I would like to bring up a few—some of them have already been taken care of—but I have some notes and I don't go into details. I'll just generalize because time is limited.

We have our Social Security and I've heard it more and more again where people really appreciate it. Of course, it could be improved a lot, but people really appreciate it and I've heard some people say they don't know what they would have done without it. So we're not here with any grievances. In fact, some of the recommendations that I make I think that we would all be glad to pay a certain amount, either out of salaries and wages or in tax like Medicare to get. Now one thing that bugs them a lot is the increase in the Social Security. It seems that, by the time they get the increase in the Social Security, when it is legislated, a new price rise in the commodities is already taking place. If there was some way that this could be handled so that it would operate each year according to the price and according to the price of living, it would eliminate all this red tape of legislation to get it.

Mr. Dow. The new bill that was just passed last week in the House provides for automatic increases. I'm still not sure that the base is adequate because it provides for a 5 per cent increase next year and considering the present figure isn't very high, that's still not enough.

Mr. Manuche. But, still, it is something and adjustments could be made over a period of years. You know, if they're behind or ahead they could make the adjustment either lower it or raise it. Medicare is very good. We're not complaining about Medicare, but there is some complaint about the fees. The allowable fees on Medicare compare to the fees that the doctors charge. Now most of the people go to their doctor. They don't shop around. They go to a doctor and their fee is $15—maybe with some of them it's ten. But the Social Security has a set fee and they allow just so much. Their deductions are based on their figures and not on the actual payment. You understand these things, don't you? If that could be changed or if something could be set where a senior citizen's fee is regulated like compensation—you know, they already have listed what each operation would cost, and that's all they could charge you. If they could do something like that with Medicare, it would be all right.

Now there is one thing that is very important and I talked to quite a few people on this, too, and they agree with me. That's "Dentucare" as I call it—Dental services. If that could be be operated like Medicare and they charge so much a month toward that, I think it would relieve a burden to many senior citizens who would really appreciate it. Dental care today is really a hardship.

Mr. Dow. You mean like Medicaid?

Mr. Manuche. Like Medicaid. Like the first so many dollars you take care of yourself, but after that they give you a discount. I happen to have a little experience in my own family with dental care. I'm not complaining. It's probably worth it. But you go and get a couple of teeth filled and it costs you five, six, seven or eight hundred dollars. You want a new set of dentures, it's anywhere from $500 up. I'm not talking about myself so much, as I am about others. I'm just one of the fortunate ones and I really appreciate it and I'm not complaining. But those that can't—like the lady who was here and said she only got $77 or so a month—if she had to pay for her dental care, I don't know what she could do unless she went on welfare, if she'd do it. That's one thing I'd like to have brought out and see if they could do something toward this dental care. I nicknamed it "Dentucare," like Medicare.

Now, transportation has been emphasized here and most every place that I go to. It should be an acknowledged fact that transportation is something that they really want and deserve. It's hard on a senior citizen that is taking care of himself or herself to go shopping or even if they want to go to a theater or they want to go to their local club to meet. Now, we have school buses. These school buses operate at certain times, around eight or nine in the morning, around one or two o'clock in the afternoon, some probably later. And many evenings, they do not operate at all. They're just stored away in the garages. If there were some way that they could consolidate this senior citizens' demand for transportation with these contractors that contract their service to the schools, or with the school districts that have their own buses—which would be easier—of course, these people are not going to do it unless they get paid and that's left to the legislature. All we can do is make the recommendations. I think that these buses that are idle at times could be used for this purpose. They could have certain trips—one in the morning, one or two in the afternoon, and a couple in the evening. They could use these school buses as a facility for transportation for the senior citizens.

Mr. Dow. That's a very interesting suggestion.

Mr. Manuche. I'm glad that I brought it up now. I just heard the previous speaker bring up about school tax exemption. I have it here in my notes. When you're the last, most of your stuff is taken over. That's like in Vaudeville when another fellow tells a joke that the other fellow was going to bring out. Well, anyway, I heartily go along with exemption. A senior citizen is taxed for the school when he's absolutely got no use out of it. And taxation, they say, without representation isn't fair. He helped to build the schools that we have today. He or she paid their taxes years ago to build up these institutions. I think that when a person is fortunate enough to live to be age 65, I think he should be exempt from school taxes altogether. Others are getting the benefits of the school system that was built up by senior citizens are the ones that should shoulder that tax.

Mr. Dow. George, do you know if the 50 per cent exemption which some communities grant applies to school taxes?

Mr. Manuche. Yes.

Mr. Dow. It does.

Mr. Manuche. Now it does. They're starting with it, but even with that 50 per cent, I think, it's still a little burden for some senior citizens.

Mr. Dow. It depends on your income.

Mr. Manuche. I don't say what they should do, but they should do something. Something should be done on that and I think it's fair. Now, last but not least, you're going to get a charge out of this one, too. You already made a remark about a lady that didn't look like a senior citizen. I was fortunate enough to get a compliment also. I told my group about it. I went to a local theater and asked for a senior citizen's ticket. There was a young lady selling tickets. She just looked at me and stared. I thought she didn't hear me, so I repeated "I'll take a senior citizen's ticket." She looked at me again and said, "You're kidding, aren't you?" "No." I said. "I'm not kidding." "Well, you'll have to show your Medicare card."—which I did and she was shocked. Now, here's what I'm getting at. I'd like to see an elimination of the designation of the word aging and aged, and substituted with elderly citizen or senior citizen. As an example, New York State Executive Department, Office of the Aging or Aged. Could it be cows, cattle or what? It doesn't designate who the aged are and it doesn't sound right because, to me, it sounds as if they were aging cheese or something. I think that it would be more appropriate if they used the words elderly citizens or senior citizens. Then it would designate what the office is and for whom it is. It'll sound better. It doesn't make you feel as if you're really aged to a point where you can't take care of yourself. There are some that can't, but there are a lot of us that are still very active and I think if you would bring up that title and have them change it, I would appreciate it very much. And thank you very much and good luck to you.

Mr. Dow. George, it's nice to have you here. Thank you.

MRS. LEA GOODMAN, SENIOR CITIZENS OF WOODRIDGE, WOODRIDGE, NEW YORK

Mrs. Goodman. I don't have a question. I'd like to make one comment.

Mr. Dow. Yes, would you like to come up? You'd better tell us who you are.

Mrs. Goodman. Well, I'm Lea Goodman of Woodridge, a mother of four, naturalized citizen, wife of a rabbi, teacher, planning a career in social work, etc. But above all, I'm an honorary member of the Senior Citizens Club of Woodridge. So, as you can see, I'm practicing. God Willing, if I live long enough, I'll really know what it's all about. I'd like to make certain positive comments, because problems, you all know, there are plenty of. I thought I knew about them, but I'm finding out about many, many more today. It seems to me that part of the problem of the senior citizens is a matter of priorities. We've gotten so used, in this country and in our type of life, to discard things that are aged that our philosophy is turning like everything for the youth. What we need is rethinking and making sure that these are not called aged people, whose time it is to move away and let the youth take over, but the other way around. They earned it, they're privileged. They should be treated like senior citizens, as someone who's privileged. I believe you are the first one who is starting this trend. Don't consider yourself as one of several hundred. You are one, but you could start quite a thing, and I hope you do.

Now, as far as practical suggestions; for example, it's true that many of the suggestions here will take money. Right. Legislation, too, and all this takes time. But how about if you start some kind of movement on the national level, local level, personal level that does not involve money. We have so many volunteer agencies. We have so many people who are looking to get involved. I personally would like to see at a senior citizens conference in the United States, in Washington and on local levels, more young people or anybody that's interested in helping senior citizens. So they will get involved, and together, they can really help out. For example, you could have a plan of a local organization helping out a senior citizens group. I don't mean monetarily. I mean with transportation and on a person-to-person basis. How about the youth of today? They're so involved with volunteering and programs. Why not switch it around? Instead of an older person adopting a younger person, let a younger person, or a group of people from a college or what, adopt a senior citizens group, and see if they can be of help. If we work it this way, I think all of us are going to benefit from it.

Mr. Dow. Thank you. That's a good thought. That's a very good thought, Mrs. Goodman. Now, we're going to try to stick to this schedule. We will be back here at 1:30, maybe 1:45 since we've stolen so much time. All right, at 1:45 we'll be back. That'll give us all time to catch a breath and we'll see you then in the afternoon at 1:45.

CIVIL DEFENSE GAP? PERSPECTIVES IN SOVIET DEVELOPMENT—PART II

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. BOB WILSON. Mr. Speaker, as you will recall, yesterday I addressed this Chamber on the matter of Soviet civil defense capabilities and suggested that this should be a matter of serious concern to all of us. There is evidence that there has been substantial progress on the part of the Soviet Government in developing a rural oriented civil defense program. This is clear to anyone who has reviewed the Soviet Civil Defense Handbook. There has been no great preponderance of headlines over this development nor does there appear to be any significant concern within Congress. It is for that reason that I am bringing this to your attention.

History has shown that nations which have disregarded their civil defense have fallen prey to their more ambitious neighbors. While there is no reason for alarm, there is cause for careful review of our program in light of Soviet developments. Therefore, I will continue to present excerpts from the handbook that was made available to me by the Oak Ridge National Laboratory which translated the original text. As I already noted, the Russian civil defense program has been rural oriented. The translators explain why. I include this as a portion of my remarks:

The U.S. reader may well wonder, why read a handbook which addresses itself primarily to rural civil defense when U.S. civil defense emphasis has been almost exclusively urban? Moreover, since a little over half the Soviet population lives in cities, would not an urban civil defense handbook have greater relevance than a rural one even in Russia? The answer to this last question is *no*—not in the context of the Soviet civil defense program. It is essential to realize at the outset that the keystone of Soviet civil defense is the evacuation and dispersal of the overwhelming majority of the urban population to rural areas during periods of escalating crisis, with urban blast shelters provided primarily for on-shift workers in vital industries in target cities. Soviet rationale for moving people to the country is simple: "The simultaneous dispersal of workers and evacuation of the plants and institutions will greatly decrease the number of people in the cities; this in turn will sharply reduce population losses in case of a nuclear attack by the enemy. . . . a nuclear attack of an unprotected large city may result in the loss of life of as much as 90% of the population. An early dispersal and evacuation could reduce the losses considerably, to a level between 5% and 8%" (p. 68).

Thus, because of the unexpected tremendous influx of people in the country, rural civil defense assumes a highly important role.

(1) Agricultural regions provide human and material resources for civil defense and furnish manpower and materiel for rescue and emergency repair operations in stricken cities;

(2) In wartime, "not only . . . a large part of the dispersed workers, service personnel, and evacuated non-working population [would be transported to the country], but also the main material reserves";

(3) Rural communal buildings, hospitals, and other medical institutions would serve as the main base for treating the injured if the "big cities with their large populations [should] . . . serve as targets of a nuclear enemy attack";

(4) The rural regions would have a primary role in protecting people, animals, plants, food, water supplies, and fodder from contamination by radioactive and chemical substances and bacterial agents;

(5) Responsibility for assuring the output of agriculture during wartime and in the post war years would fall to the countryside.

In my presentation yesterday and in this address today, Mr. Speaker, I have only noted the opinions of the translators. Now, I would like to depart from their commentaries and present excerpts by the Russian authors of this report. As I have mentioned before, the entire report is available through my office. This first section is the Russian introduction to the text. The selection which follows it is chapter 1 entitled "Civil Defense in a Nuclear War":

INTRODUCTION

The Communist Party and the Soviet Government follow a policy of peace directed toward avoiding a new world war and achieving general and complete disarmament. The Soviet Union was the first to sign an agreement forbidding the testing of nuclear weapons in three media—the atmosphere, space, and underwater. It also initiated a treaty on the nonproliferation of nuclear weapons. An important step toward peace was the formation of the Budapest Council of Nations, which participated in the Warsaw Agreement for all European countries, in which the socialist governments presented concrete suggestions for strengthening security in Europe.

Also, in the future, the Soviet Union will strive for peace, the safety of peoples, and the security of nations, as well as the Leninist principle of peaceful coexistence of governments with different social systems. It will seek to resolve international problems by means of negotiations. Soviet objectives include: limitation of the arms race, disarmament, elimination of the causes of war, easing of international tension, and development of peaceful coexistence among nations. The Soviet people believe that peace is possible if all the peaceful forces of society cooperate to achieve it.

However, the imperialistic governments are expanding the production of different types of space equipment, strategic and ballistic rockets, nuclear and thermonuclear devices, and chemical and biological weapons. This activity is dangerous to all society. By using weapons of mass destruction, it is possible to destroy large cities, factories, industrial plants, populated regions, and other areas of strategic importance, while it is also possible to contaminate an enormous land area.

Therefore, as long as the danger of war initiated by imperialist government exists, as long as agreement is not obtained on general and complete disarmament, the Communist Party, Soviet government, and the entire Soviet nation will devote considerable attention to strengthening the security of the country. Civil defense is organized to protect various targets of enemy attack from the effects of nuclear, chemical, and biological weapons and systematically to instruct the population on the effects of an enemy attack during the period of threat, during attack itself, and after weapons of mass destruction have been used.

In this book we consider the organization and execution of civil defense mainly in the kolkhozs, sovkhozs, and rural areas. Problems involving the effects of weapons of mass destruction on people, animals, plants, fodder, food supply, buildings, and other objects are presented along with the means of protection against such weapons effects. Related aspects of agricultural production are also taken into account. Considerable attention is devoted to civil defense measures in areas contaminated by radioactive, chemical, and bacteriological[1] substances and to rendering assistance to a damaged city.

CHAPTER 1—CIVIL DEFENSE IN A NUCLEAR WAR

The twenty-third session of the Communist Party of the Supreme Soviet has devoted considerable attention to the problems of significantly strengthening the security of our country. A resolution from the summary report of the Central Committee of the Communist Party points out: "Under conditions in which the aggressive forces of imperialism intensify international tension and create causes of war, the Communist Party will increase the vigilance of the Soviet people and strengthen the defense capability of our country so that the armed forces of the USSR will always be ready vigorously to resist the conquest of socialism and give a crushing rebuff to any imperialist aggressor."

A peace-loving foreign policy, which is firmly and consistently followed by the Soviet Union, evolves from the very nature of our society. The Soviet people need peace to attain their goal: building communism. Therefore, the Soviet people, along with the peace-loving forces of other countries, are vigorously fighting to reduce international tension and avoid a new world war. However, reactionary forces of imperialist governments, headed by the USA, are intensifying the arms race, building armies with millions of soldiers, forming aggressive war blocs, and surrounding the countries of the socialistic commonwealth with rockets and military air bases. Appropriations for the production of strategic weapons, and above all for the development of rocket nuclear weapons, constitute a large part of the war expenditures of the USA. In 1960, in comparison with expenditures for military aviation, the cost of strategic missiles was only 5%; in 1965 it increased to 50%, and in 1967 to 70%. In 1961 the USA had 35 rocket units and one rocket-carrying atomic submarine, but in 1966 it had more than 700 intercontinental rockets and 32 atomic-rocket submarines. In the USA the militarization of industry is increasing. If military expenditures in the USA were 30% during the second world war, they have now risen to 40%.

Aggressive blocs and groups represent a great danger for unleashing a thermonuclear war. The main aggressive bloc—NATO—is in a state of constant wartime readiness; the USA uses it to convert western Europe into a springboard for war near the borders of the Soviet Union.

The main partner of the USA in Europe is imperialistic West Germany. The North At-

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Footnotes at end of article.

lantic bloc assigns a decisive role to the militaristic forces of West Germany. The leaders of NATO regard the Bundeswehr, which was rapidly revived by the revanchist forces of the Federal Republic of Germany, as NATO's main striking force against the socialist countries. With the help and support of the USA, Bonn militarists are strenuously converting the economy of their country to a wartime footing. Expenditures for preparing the country for war are continuously rising in the Federal Republic of Germany. Generals and officers of West Germany occupy many command posts in NATO.

The aggressive actions of American imperialism have become vividly apparent in recent years. Strengthening the defense of the country and the power of the Soviet Armed Forces is a sacred duty of the Party and the entire nation and is the most important function of the socialist government. Therefore, the defense capability of the Soviet Union must be greatly strengthened to defend the Soviet people and the entire socialist commonwealth from the danger of imperialist aggression and to strengthen the position of the peace-loving and liberating forces throughout the world.

Full growth of all sectors of the national economy—metallurgy, machine construction, transportation, chemical industry, etc.—is of prime importance in strengthening the defense capability of the country.

With continuous development and protection of the agricultural economy, it is possible to satisfy the growing needs of the population for food, agricultural raw materials, and a strategic food reserve.

The strengthening of the socio-political unity of socialist society, the growth of political consciousness, and the education and culture of the Soviet people also play an important role. Our party holds sacred Lenin's precept to constantly strengthen the defense capability of the country.

Character of a future war, weapons of mass destruction, and means of delivery to targets

Character of a Future War

Nuclear energy was discovered within the last twenty years. Aerodynamics, rocket dynamics, space navigation, cybernetics, radio-electronics, mathematics, and other sciences have undergone rapid development. As a result of the enormous scientific-technological progress, new fields of industry have been created, such as the atomic field, rocket construction, electronics, and others. The automation of industrial production has become widespread. All this has had a decisive effect on the wartime equipment of armies and on their organizational structure. At present new military forces (rocket forces, anti-rocket defense) are being created, and the previously existing armed forces are being supplied with the latest equipment. The existence of nuclear weapons with unprecedented destructive power, space ships, different kinds of rockets, and other perfected means of war also affects the character of a future war.

If the imperialists were successful in unleashing war, it would be an armed struggle among countries of two opposite world systems—capitalist and socialist. Above all, it would be a war of the imperialist bloc against the Soviet Union.

Thus it follows that a new world war, if the imperialists should unleash it, would be waged with the widespread use of weapons of mass destruction and, above all, nuclear weapons. Such a war could encompass an enormous area and involve whole continents. Not only troops, but also centers of vital industry, transport energy production, and communications should be subject to devastating attack.

It would be possible to contaminate large areas with radioactive fallout and bacteriological agents. Distinctions between front and rear would disappear. Therefore, the defense capability of the socialist government does not consist only of high combat readiness and ability to supply the armed forces; it is also inseparably connected with a high level of economic development and the preparation of the population and national industrial centers for protection against weapons of mass destruction.

Weapons of Mass Destruction

Nuclear, chemical, and biological weapons, which can injure large numbers of people and at the same time damage numerous industrial and agricultural centers, are described as weapons of mass destruction. Of these, nuclear weapons are the most powerful. The damaging attributes of a nuclear weapon are the shock wave, light [thermal] radiation, penetrating [prompt] radiation, and fallout. The total effect of all these factors is called the combined damage.

The power of a nuclear explosion is given in terms of the weight of an equivalent amount of TNT, the explosive energy of which is equal to the explosive energy of the given nuclear weapon. The power of a nuclear explosive can be as much as several millions of tons. The radii of destruction and the areas of contamination after the explosion are as follows:

Power (megatons)	10	50	100.
Destructive radius for city buildings (km)	28 [17 miles]	40 [25 miles]	50 [31 miles].
Contamination area (km^2)	70×10^3 [43×10^3 square miles]	450×10^3 [280×10^3]	780×10^3 [484×10^3].

It is evident from this data that one nuclear explosion is sufficient to destroy a large city with a population of millions and to contaminate an enormous area with radioactive materials. The area subjected to the direct effect of a nuclear explosion is called the site of nuclear damage.

In agricultural regions, people, animals, and plants would be affected by fallout; and food products, fodder, water sources, and other assets would be contaminated. In zones of dangerously high radioactive contamination, it would not be possible to undertake agricultural work until the level of radiation fell. Intermittent agricultural work could be performed only in a zone of moderate contamination and then only when all required precautionary measures were observed. The complex situation that could result from radioactive contamination makes it necessary for leading workers and agricultural specialists to inaugurate extensive measures to protect people, animals, plants, fodder, food supply, and water sources.

In addition to perfecting and accumulating implements to wage nuclear war, the USA is vigorously creating chemical and biological weapons. These weapons were used by the U.S. armies in Korea and Viet Nam. Appropriations for the study and production of chemical and biological weapons are steadily increasing.

Chemical weapons include poisonous substances, chemical means of damaging plants, incendiary materials, smoke-forming mixtures, and equipment for using these materials. Chemical weapons can inflict extensive damage on people, animals, and plants and can contaminate land, industrial plants, equipment, food products, fodder, and water sources.

The main chemical weapons are poisonous substances, divided into the following groups according to their effects on people and animals. First are the nerve-paralyzing gases (V-gases, sarin, and others) which damage the central nervous system. Then come the skin-blistering gases (mustard gas) which damage the skin. Next come the gases which have a general toxic effect (hydrogen cyanide) and cause general poisoning of the organism. Last are the asphyxiants (phosgene) which damage the respiratory organs. The most important gases are those which paralyze the nerves and blister the skin.

Areas of chemical contamination occur in regions where chemical weapons are used and inflict damage on people, animals, and plants. The size of the chemically contaminated area depends on the type of substance, the scale on which it was used, the means of application, meteorological conditions, and the topography of the land. It is estimated that one B-52 bomber carrying 7 tons of V-gases can contaminate an area of 250 km^2 [97 sq miles].

The arsenal of biological weapons includes microbes and toxins; insects and rodents infected with microbes to spread the disease to people, animals, and plants; and the means by which these are disseminated. Areas which are directly subjected to bacteriological agents and thereby become a source of spreading infectious diseases are called foci of bacteriological contamination. The size of the area depends on the type of weapon, the bacterial mix, the scale and method of use, meteorological conditions, the rapidity of detection, and how soon prophylaxis, treatment, and disinfection are inaugurated.

Bacteriological agents may cause infectious diseases in people and animals. Among the diseases which have been studied in detail in the USA are the following: bacterial infections such as Siberian sores (malignant anthrax), brucellosis, glanders, bubonic plague, and tularemia. The rickettsial diseases include Q-fever and Rocky Mountain spotted fever. The virus infections include dengue fever, a number of types of encephalitis, psittacosis, and yellow fever. In recent years considerable attention has been given to disease vectors of agricultural plants, in particular to various types of rusts, phytophthora (plant infection) and the vector of piricularia of rice.

Much significance is given to problems of sudden and massive use of chemical and bacteriological weapons. Specialists of the War Department of the USA figure that poisonous substances and disease-bearing microbes have advantages over other types of weapons because they are cheaper, can damage large areas, and can cause death to an enormous number of people.

Chemical and biological weapons are the most dangerous for agricultural regions. They can create great difficulties in performing agricultural work, especially during seeding and harvesting, and also in supplying industrial centers with food products and raw materials.

Means of Delivering Weapons of Mass Destruction

To deliver weapons of mass destruction to targets, different delivery systems can be used.

From a strategic standpoint, ballistic rockets are the main carriers for weapons of mass destruction (Fig. 1). The probability of damaging the target with a ballistic rocket is very high.

The USA has the following main types of strategic rockets: intercontinental: "Titan 2" and "Minuteman"; of average range: "Polaris A-2" and "Polaris A-3."

The Titan-2 rocket is propelled by liquid fuel. The flight range is up to 23,000 km [14,260 miles].

The minuteman is a three-stage solid propellant rocket. Its motor operates on solid fuel, contained in special ampules and therefore not significantly influenced by the external medium. These rockets have a high readiness (30-seconds) and a range up to 10,000 km [6,200 miles].

Atomic submarines are usually armed with

Polaris rockets. The rockets may be launched from the submarines at a depth of 30–40 meters [32.8–43.7 yards] and a cruising velocity of 2 knots. The flight range is up to 4600 km [2,852 miles].

The USA has devoted considerable effort to the conquest of space since space is considered an important theater of war. Even now hundreds of American spy satellites cover the space near the earth. Piloted space ships with command centers on board are being developed with a flight duration of at least one year.

Airplanes and winged rockets may also be widely used to deliver weapons of mass destruction to intended targets. At present airplanes and winged rockets have flight velocity of up to 4,000 km/hr [2,480 miles/hr], a ceiling of up to 35 km [21.7 miles] and a range of up to 1700 km [1,054 miles].

The Role of Civil Defense in Strengthening the Defense Capability of the Country

A local anti-aircraft defense (LAD) was created in our country before the Great Patriotic War [World War II]. Since fascist Germany did not have the means of penetrating into our territory to damage regions and centers throughout the entire country, there was no need before World War II to organize the defense of the population and national centers on a countrywide scale. The farthest ranging means of penetration were airplanes whose radius of action did not exceed 1000 km [620 miles].

For attacking various targets, the fascists ordinarily used only high explosive and incendiary bombs. Under these conditions the defense of the population and separate installations was conducted only in those cities and regions which were within the range of enemy aircrafts. Further, the human and material resources of each separate region and center were ordinarily used for rescue and emergency work. Consequently, all activities to protect the population, animals, and various installations were of a local character and were labeled local anti-aircraft defense.

With the appearance of nuclear weapons and other weapons of mass destruction, there was a basic change in the size and character of measures to protect the population and economic centers such as cities, factories, plants, kolkhozs, sovkhozs and others.

If the imperialists should succeed in unleashing a thermonuclear world war, then many administrative, industrial, political, and military centers, ports, airfields, mining enterprises, and other important installations could be subjected to nuclear and chemical attack, and the surrounding territories contaminated with radioactive fallout, poisonous chemicals, and bacteriological agents. If a 20-megaton thermonuclear warhead were detonated over a large city, a substantial portion of the population could perish from the shock wave, thermal emission, and penetrating radiation.

Under such circumstances as these, the local anti-aircraft defense could not protect the population and the economic centers. The complex problems of safeguarding the population and industrial sectors of the country can be resolved only by a nationwide effort under the leadership of the Party and government.

Therefore it is necessary to have an entirely new federal system of defense charged with the development and execution of defense measures to protect the population and the economic centers of the country as a whole in each province, district, city, and village. Civil defense is such an organization in our country. In theory and practice and in principles of organization it is a national system involving all the people. It is established to protect the interests of all the people. The entire Soviet population and all our government and social organizations are concerned with its development and perfection.

Civil defense in our country is geared to protect a peace-loving population and its property throughout the entire country against the effects of weapons of mass destruction.

Civil defense is a national system of defense measures, carried out during peace and war, to protect the population and increase the operating stability of the national economy under conditions of attack by nuclear, chemical, and biological weapons and also to perform rescue and urgent emergency work in centers of mass destruction.

The main concerns of civil defense are to protect the population from weapons of mass destruction, to protect industry and maintain production in wartime, and to perform rescue and urgent emergency work in centers of mass destruction.

Protecting the population from weapons of mass destruction is the main goal of civil defense. It can be reached only by applying all available means and methods to each particular situation.

If the population is to receive timely protection from weapons of mass destruction, it must have an efficient warning system. For this purpose, even in peacetime, it is necessary to develop a warning and communications system and maintain it in a constant state of readiness. Warning the population is the responsibility of the civil defense staffs. In rural regions the people would be warned by wire communication, radio, mobile communication systems and sound signals.

The rural population would be protected primarily against fallout, chemical substances, and bacteriological agents. Included in this group are members of kolkhozs and sovkhozs and also that segment of the urban population which has been dispersed to areas outside the cities. People remaining in the cities would receive additional protection from the direct effects of nuclear weapons.

For their protection, the rural population is provided with personal protective equipment and dugouts, and the city population with reliable shelters as well.

While the plan to issue factory-produced personal protective equipment is important, it is also essential that the people themselves prepare in advance simple means for protecting their respiratory organs and skin and know how to use these protective devices.

Working and service personnel of plants that have not curtailed their production activities in the cities can use available shelters such as subway systems and other installations which provide protection from weapons of mass destruction.

Fallout shelters for the population of rural areas, kolkhozs, and sovkhozs, and also for evacuated city populations in zones outside the cities, are prepared in advance.

If the population is to be protected, buildings, storage bins, cellars, silos, and other installations must be adapted as cover.[2]

Working and service personnel of plants which are not operating or have temporarily ceased operating in wartime will be dispersed for their own protection, and the non-working population of various enterprises and school institutions evacuated to zones outside the cities.

The dispersal of working and service personnel and the evacuation of the population from large cities are effective means of defense. Through dispersal and evacuation, urban populations can be removed from possible target areas for nuclear strikes.

If urban evacuation and dispersal are to succeed, the dispersal zones outside the cities must be carefully planned and prepared ahead of time. It is also important to make advance provision for transportation and to use all types of transport. Transport would also be needed to bring supplies from the cities to the outlying zones, to transport trained factory formations,[3] to deliver victims in need of first aid to assembly points, and to execute other measures.

Regional executive committees of workers' councils, rural Soviets, and the civil defense heads of kolkhozs and sovkhozs must organize the reception and relocation of workers, service personnel, and the non-working population and then make sure they are provided with the necessities of life and work in the dispersal and evacuation[4] areas.

No less important are the problems of protecting food supplies and water sources and also creating necessary food reserves, medical stores, and other essential items. Measures to protect food supplies and water sources and to create necessary reserves are planned and developed in peacetime. The population should know the simplest methods for protecting their own food supplies and water at home.

To protect the population against the dangers of contamination, it is important to have radiation, chemical, and bacteriological detection and laboratory control. These tasks will be performed by observers at posts which monitor external radioactivity and by other specialists.

The successful protection of the population depends largely on the ability of the people to learn methods for protecting themselves from weapons of mass destruction. The purpose of giving instructions to working people, service personnel, members of kolkhozs, and the nonworking segment of the population is to instill in them habits of conduct under war conditions involving weapons of mass destruction and especially to teach them the correct use of the means of protection. Through instruction it is possible to prepare civil defense brigades to inaugurate protective measures and undertake rescue operations in centers of mass destruction and contamination.

Anti-epidemic, prophylatic, and other special measures to increase the resistance of the people to radiation and infectious diseases can enhance the protection of the population. The execution of these measures depends, of course, on an adequate medical staff and supply of medicines.

To prepare economic centers for continuous operation under conditions of enemy attack is a most complex task. Only by making elaborate plans and preparations in peacetime is it possible to decrease significantly the loss of human life and assure continuous production of essential items.

To assure the continuous operation of economic centers, the following steps are necessary: to plan and execute in advance measures to protect working and service personnel from weapons of mass destruction at economic centers and at the dispersal points, to devise an adequate warning system to announce the threat of enemy attack, to organize a reliable civil defense control system, to convert a plant to a particular mode of operation at the proper time, to create self-contained systems of control and of supplying raw materials at the operating centers, to instruct the working and service personnel at the centers in advance, and to prepare brigades for carrying out rescue and reclamation work as soon as possible.

An important plant civil defense measure is to plan ahead how a plant should run during a period of threat, after a warning has been given, and in time of war. Such successful preparation would minimize losses and maintain essential production after an enemy has used weapons of mass destruction.

Similarly, agricultural production centers can be protected from weapons of mass destruction by advance planning and preparation.

It is necessary to take measures ahead of time to safeguard animals and unprocessed food supplies from weapons of mass destruction, and water sources and fodder from

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Footnotes at end of article.

contamination by radioactive, chemical, and bacteriological substances.

If these measures are to be executed, specialists from all agronomic and veterinary institutions and also the formations of rural areas, kolkhozs, and sovkhozs must be involved. It is necessary to prepare farm buildings to protect animals, storage places, and agricultural products from contamination by radioactive, chemical, and bacteriological substances; to immunize animals; to prepare formations to protect animals, plants, food supplies, feed, and water sources; and to stock the necessary materials for covering seed, feed, vegetables, and other agricultural products during the period of harvesting, treatment, transportation, and storage.

Rescue and urgent emergency work is organized and started immediately after an enemy has unleashed weapons of mass destruction. For this reason it is important to organize, instruct, and supply brigades; to plan in advance their activities during a period of threat and after weapons of mass destruction have been used; to make suitable corrections and more realistic plans for civil defense under conditions of war; to assure the brigades' prompt assemblage at their bases and prompt deployment to populated regions; and to guide the brigades in their performance of rescue and urgent emergency work with full recognition of the developing situation, using written instructions.

The primary task of the brigades would be to rescue people in centers of destruction. Their success would depend primarily on how well the brigades were prepared for this type of operation.

Civil defense brigades of the kolkhozs and of the sovkhozs would undertake rescue and recovery work in their own damaged centers. If necessary, some of the brigades of the kolkhozs and sovkhozs (especially the rescue, sanitary, and decontamination units) could be used to perform rescue and urgent emergency work in a damaged city.

Thus, by preparing cities, rural areas, kolkhozs, sovkhozs, and other economic centers in advance and by training the entire population in how to defend itself against weapons of mass destruction, it is possible not only to decrease losses of people, animals, agricultural products, and other goods, but also to assure the normal operation of enterprises throughout the country.

The Role of Party, Government, and Social Organizations in Solving Civil Defense Problems

The complex and diverse problems of civil defense can be solved successfully only if there is a high level of political party activity, discipline, and preparation of the population and the brigades at the centers and also only if the activities of Party, government, and social organizations fulfilling these tasks are highly integrated.

The guiding and organizing force of civil defense in the Soviet Union is the Communist Party. Through its purposeful organizational and ideological work, the Party has a decisive effect on the fulfillment of civil defense objectives in time of peace, during the threat of enemy attack, and after weapons of mass destruction have been used by an enemy.

The Party organizations guide the political work of the Party in various staff units, at economic centers, and in civil defense brigades, and control the activities of these units on a daily basis. Party organizations also train the people in the civil defense brigades in rural regions, kolkhozs, and sovkhozs to have high moral qualities in combat and to master military and special techniques.

Soviet organs of government have the principal responsibility in the organization and execution of civil defense. They are given substantial assistance in solving civil defense problems by the various social organizations—the komsomols (young communists), various professional units, the Red Cross, the Red Crescent Society, the All-Union Voluntary Society for the Promotion of the Army, Air Force, and Navy, and others. These organizations support civil defense chiefs and their staffs, mobilize their own members for civil defense activities, organize instruction, assist in accumulating educational material, and propagate knowledge of civil defense.

FOOTNOTES

[1] Enterprise: an organization, such as a factory, hospital, school, etc., that normally functions as a unit.

[2] The Soviets distinguish between "shelters," which protect from the prompt effects of nuclear weapons and also from chemical and bacteriological substances, on the one hand, and "cover,". which protects primarily from fallout, on the other. It is noteworthy that even for protection against fallout, the Soviets recommend dugouts or existing installations that are already at least partially below ground.

[3] The civil defense formation constitutes the basic civil defense unit in the Soviet Union. Also sometimes referred to as brigade, cell, unit, detachment, team, and squadron, it comprises, according to Marshal Chuykov, Chief of Soviet Defense, the "main force of civil defense" (V. I. Chuykov, *Civil Defense in Nuclear Missile War*). It may vary in size from few to many members and its principal purpose is to perform rescue and emergency restoration operations in centers of mass destruction.

[4] The Soviets plan to protect their urban population against possible nuclear attack primarily through relocation in areas outside the cities, where they would be safe, presumably, from the prompt effects of nuclear weapons. *Dispersal* applies to workers and supervisors in vital industries and to their families and denotes removal to an area approximately 60 to 80 kilometers [37.2–49.6 miles]—a four to five hour round trip—from their work in the city. *Evacuation* applies to all other elements of the population—workers in non-essential industries or industries which can have their functions transferred outside the city, unemployed persons, school children, retired people, invalids, etc.—and denotes removal to rural areas remote from the city. See Chapter 5 for further details.

GIRLS NATION 1971 VISITS CAPITOL

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. BRAY. Mr. Speaker, today the Congress has as its guests Girls Nation, and their advisers, and sponsors from the American Legion Auxiliary.

Over the past few years, unfortunately, there has been much done by and attributed to some minor segments of American youth that has caused great concern in this country. However, by far the greater majority of our young people are a real source of pride. Girls Nation is one of the outstanding examples and they are in the U.S. Capitol today.

Each State participating picks two girls at its annual Girls State, who come to Washington each summer to represent their State at Girls Nation. The week-long program is an intensive, concentrated exercise in the mechanics and operation of Government at the Federal level.

They select their own officers, corresponding to those in the Federal Government, and others are appointed. Wherever possible, there are direct meetings between the girls holding these offices and their actual counterparts. Visits to the departments and agencies, as well as to Capitol Hill, are also on the agenda.

A small minority of youth may seem to be intent on destruction of the Republic. The greater majority by far are concerned more with construction and preservation. Girls Nation is right at the top of this list. We are proud of Girls Nation and the girls serving in it. They are fine examples of the best in the American Republic.

NATIONAL URBAN LEAGUE STUDY—THE STRENGTHS OF BLACK FAMILIES

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. CLAY. Mr. Speaker, a most provocative study prepared by Dr. Robert B. Hill and recently issued by the National Urban League entitled, "The Strengths of Black Families" sheds new light on and contradicts long-standing beliefs that black families were run by the women and were disorganized, pathological, and disintegrated.

The study which documents new findings focuses its attention on the analysis of five strengths of black families: strong kinship bonds, strong work orientation, adaptability of family roles, strong achievement orientation, and strong religious orientation.

The study states that:

> Although these traits can be found among white families, they are manifested quite differently in the lives of black families because of the unique history of racial oppression experienced by blacks in America. In fact, the particular forms that these characteristics take among black families should be viewed as adaptations necessary for survival and advancement in a hostile environment.

The observations made in this report are, indeed, enlightening and I want to share them with my colleagues. I trust that after reading this study, many old conceived notions will be dispelled and those strengths which are inherent in black families will be recognized.

The study follows:

THE STRENGTHS OF BLACK FAMILIES

(By Robert B. Hill, Associate Director, Research Department, National Urban League)

FOREWORD

We have heard so much about the pathology of the ghetto that we've been blinded to the real strengths that exist in Black America. Black people have been forced to develop psychological resources in place of the economic resources they've been denied. How else can we explain the actions of terrorized black tenant farmers in the rural South, who suddenly drop the happy-go-lucky mask they put on and risk their lives by registering to vote or sending their kids to a previously all-white school? Similar courage has been shown by black student groups demonstrating at the risk of expulsion, by welfare mothers protesting dehumanizing regulations, and by black parents demanding control over the schools their children go to. . . . Black people today are utilizing the strengths they have accumulated in their struggle to challenge the system that oppresses them. The black ghetto is . . . the repository of skill and bravery that will help transform our racist society into something better for all people—black and white.

INTRODUCTION

Most discussions of black families in the literature tend to focus on indicators of instability, disintegration, weakness or pathology. E. Franklin Frazier's monumental work, *The Negro Family in the United States,* is considered to have established this "pejorative tradition" in the study of black families in general and low-income black families in particular.[1] Despite the absence of data in Frazier's works indicating the representatives of the "disorganized" patterns in "lower-class culture," social scientists such as Glazer and Moynihan continue to portray low-income black family life as "typically" disorganized, pathological and disintegrating. Others assert that a self-perpetuating "culture of poverty" exists among blacks.[2] But the pejorative perspective of black life patterns is so pervasive that it can be found in the works of some contemporary black scholars as well.[3]

Unfortunately, this traditional focus has created the false impression that instability and pathology are characteristic of *most* black families. There is a tendency to forget that deviance, by definition, refers to departures from the *norm.* Thus, in general, deviance among blacks is as "abnormal" as it is among whites. The great majority of black families, for example, are not characterized by criminality, deliquency, drug addiction or desertion.

This preoccupation with pathology in most research on black families has obscured some fruitful avenues of investigation. Many scholars in this field have failed to realize that a determination of "why most people conform" can help in understanding "why the few deviate." It is our contention that examining the strengths of black families can contribute at least as much toward understanding and ameliorating some social problems as examining their weaknesses.

Our departure from the "pathological" approach to black family life is an attempt to adopt an earlier perspective evident in the works of DuBois, Johnson and Drake and Cayton, which has been reasserted by such contemporary scholars as Billingsley, Herzog, Lewis and Valentine:[4]

We do not view the Negro family as a causal nexus in a tangle of pathology which feeds on itself. Rather, we view the Negro family in theoretical perspective as a subsystem of the larger society. It is, in our view, an absorbing, adaptive, and amazingly resilient mechanism for the socialization of its children and the civilization of its society. (Billingsley 1968)

Ladner's (1971) well-documented work, *Tomorrow's Tomorrow,* clearly incorporates Billingsley's perspective. For, while it effectively punctures such cherished notions as the black matriarchy, the emasculation of the black male and the pathological ghetto family, its primary focus is on the strengths and resources of young black women growing up in urban ghettos.

But with few exceptions, most references to the strengths of black families have been oblique. Moreover, black family strengths have not yet been operationally defined and systematically subjected to empirical verification.[5]

If, as most scholars agree, there is a need to strengthen black families, then a first-order priority should be the identification of presently existing strengths, resources and potentials. Systematic examinations of the strengths of black families should facilitate the development of national policies and programs which enhance and use these assets to their fullest potential. It is with these concerns in mind that this paper will describe the strengths and resources of black families and demonstrate that strength and stability, not weakness and instability, are the *modal* patterns for black families.

What are family strengths?

Because of the subjectivity of the term, it is not easy to specify what is meant by a "family strength." A strength, according to one set of criteria, could easily be interpreted as a weakness, according to another set of criteria—and vice-versa. For example, most observers would probably agree that a strong bond of affection between members of a family is usually an asset. But if this affection is manifested in homosexual and incestuous relationships among family members, such a bond would generally be characterized as a "pathological" liability.

The classic analyses of the family as a social system by Parsons yield several helpful dimensions of family strengths.[6] One of these dimensions, the ability to provide the necessary functions (both expressive and instrumental) to members and non-members, is basic to a viable family unit. We, therefore, operationally define as family strengths those traits which facilitate the ability of the family to meet the needs of its members and the demands made upon it by systems outside the family unit. They are necessary for the survival and maintenance of effective family networks.

Based upon a survey of what families perceived to be their strengths, Otto (1962) identified several family strengths in his instructive essay, "What is a Strong Family?" Those traits listed by Otto that are most relevant to our discussion are as follows:

1. The ability to provide for the physical, emotional and spiritual needs of a family.
2. A concern for family unity, loyalty and inter-family cooperation.
3. An ability to establish and maintain growth-producing relationships within and without the family.
4. An ability for self-help and the ability to accept help when appropriate.
5. An ability to perform family roles flexibly.

Examination of the literature on black families reveals that the following characteristics have been functional for their survival, development and stability:

1. Strong kinship bonds.
2. Strong work orientation.
3. Adaptability of family roles.
4. Strong achievement orientation.
5. Strong religious orientation.

Although these traits can be found among white families, they are manifested quite differently in the lives of black families because of the unique history of racial oppression experienced by blacks in America. In fact, the particular forms that these characteristics take among black families should be viewed as adaptations necessary for survival and advancement in a hostile environment. We shall, therefore, identify these traits as black family strengths. Although many other strengths of black families can and should be identified, we shall restrict our analysis to the five cited above.

I. STRONG KINSHIP BONDS

According to the literature, low-income families usually have stronger kinship ties than middle-income families. Thus, kinship relations tend to be stronger among black than white families.[7] This can be sharply seen in the higher frequency to which black families take relatives into their households. In most cases, these additional relatives are likely to be children rather than adults.

Absorption of individuals: minors and the elderly

When we examine census data for families with no children of their own under 18 at home, we find that black families are much more likely than white families to take in other young related members.[8] In husband-wife families, only three percent of white families compared to 13 percent of black families took in relatives under 18. In families headed by a woman, the black families demonstrate an even greater tendency to absorb other related children. Forty-one percent of them, compared to only seven percent of similarly-situated white women, had relatives under eighteen living with them. But the families headed by elderly women take in the highest proportion (48 percent) of children. (See Table 1)

About the same proportion of black and white families have elderly persons living with them, except in families headed by a woman where a higher proportion of white (10 percent) than black (4 percent) families had elderly members. These elderly persons play important roles in many of these families, such as baby-sitting with grandchildren. These services often provide additional income to elderly persons. (See Table 2)

We have seen that black families are more likely than white families to take in additional children, while white families are just as likely as black families to have elderly members in their households. And elderly black women are more likely to take children into their own households than be taken into the household of younger kin. But what about the absorption of additional families rather than individuals?

Absorption of families

According to discussions in the literature, extended family relationships have historically been greater among blacks than whites. At the turn of the century, "doubling-up" was a common occurrence in many black families, particularly among new arrivals to urban areas.[9] Recent Census data relating to subfamilies suggest that a differential between blacks and whites still exists. But these data also indicate that subfamilies are present in a much smaller proportion (6 percent) of black families than is commonly believed. Moreover, the extended family pattern appears to be steadily declining among both black and white families. (See Table 3)

Informal adoption

Since formal adoption agencies have historically not catered to nonwhites, blacks have had to develop their own network for the informal adoption of children. This informal adoption network among black families has functioned to tighten kinship bonds, since many black women are reluctant to put their children up for adoption. When they are formally placed, black children are more likely than white children to be adopted by relatives.

While two thirds of the white babies born out-of-wedlock in 1968 were adopted or placed in foster homes or institutions a year later, only seven percent of the black babies born out-of-wedlock were formally adopted or placed. If we equate the increase in new families headed by a single female between 1968–1969 with the birth of these out-of-wedlock children, we can account for another one-fourth of the white babies, but only three percent of the black babies. This leaves 90 percent of the black babies and only seven percent of the white babies to be informally adopted or retained by already existing families. (See Table 4)

The fact that the proportion of new families headed by single women is so much

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Footnotes at end of article.

higher for whites than for blacks suggests constraints on white women with out-of-wedlock children to form their own households if they wish to retain their children. One wonders how much increase in families headed by single white women would occur if only 7 percent of their out-of-wedlock children were adopted, as it is for blacks? (Similarly, one wonders how much decrease in informal adoption would occur among blacks if two-thirds of their out-of-wedlock babies were adopted, as it is for whites?)

We estimate that more than 160,000 out-of-wedlock black babies were absorbed in 1969 by already existing black families. This absorption helps to minimize the number of new black families headed by single women. This feat of self-help among black families is remarkable when one realizes their precarious economic position. In most cases, it is difficult enough for them to provide adequately for their own children without taking in additional ones. The bonds between relatives in black families must indeed be tight and the value placed upon children very high for such a rate of absorption of additional children to occur so regularly among these families.

These findings also strongly suggest that present placement policies and assumptions of most adoption agencies need to be radically overhauled. The disproportionate number of black children awaiting placement in these agencies is often attributed to the reluctance or "apathy" of blacks to adopt children, but this is not the case. Black families are already adopting children to the saturation point.

In fact, each year black families demonstrate their ability to "adopt" children with a placement rate more than ten times that of formal adoption agencies. (See Table 5) Moreover, data from recent studies suggest that black families are even formally adopting children at a greater rate than white families of comparable means.[10] Although we have focused on adoption of out-of-wedlock children, it should be noted that about two-fifths of all black children formally adopted are born "in-wedlock."

Placement regulations of formal adoption agencies would ordinarily prevent most of these families from formally adopting these children. They do not possess the "right" credentials—they are most often "fatherless," or "too poor" or "too disorganized." Since these families demonstrate a capacity to absorb these children each year, innovative placement procedures, such as income subsidies to poor families and placement in families headed by women, should be widely expanded.

It is important to note, however, that illegitimacy is no longer a "growing" problem among blacks. For the illegitimacy rates among blacks have been steadily declining, while the rates among whites have been steadily rising in recent years. The illegitimacy rate among whites increased from 9.2 to 13.2 between 1960 and 1968, while the rate among blacks declined from 98.3 to 86.6 over the same period.[11]

The tight kinship network within black families has proven itself to be an effective mechanism for providing extra emotional and economic support in the lives of thousands of children. These are black family strengths that are clearly in need of support through imaginative adoption policies.

II. STRONG WORK ORIENTATION

At the beginning of this paper, one of the family strengths listed by Otto was "the ability for self-help and the ability to accept help when appropriate." This strength is characteristic of most black families, for contrary to popular conception, black families place a strong emphasis on work and ambition. For example, the black poor still are more likely to work than the white poor: three-fifths of the black poor work, compared to about half of the white poor. (See Table 6.)

Despite this perseverance, the economic situation of blacks is still a national tragedy: the median family income of blacks is less than two-thirds that of whites; blacks are three times as likely as whites to be poor, and black unemployment rates remain at recession levels, even during periods of "prosperity." [12]

Because families headed by women comprise the majority of families receiving public assistance, it is commonly believed that dependency is characteristic of most of these families. But this is not the case. Recent census data indicate that two-thirds of the women heading black families *work* (most of them full time), although over 60 percent of them are poor. (See Table 7.) About half of these families receive welfare assistance, thus a majority of them are not completely dependent on welfare. (See Table 8.)

Attitudes toward work

Some observers, like Dizard, suggest that blacks are not positively oriented towards work, but are alienated from it. But a number of research findings contradict this notion. In their study of the meanings of work among black and white males, Tausky and Wilson asserted:

"The data reported in this study clearly do not support the alienated type that Dizard has outlined. In fact, only a very small minority of black workers have renounced the widely accepted values of work held in this society. Work estrangement among all status levels is rare indeed and little or no difference exists between the samples of white and black workers. The similarities of work norms between the two groups are exemplified by the fact that 90 percent of the black workers and 91 percent of the white workers indicated that, if out of work, they would rather take a job as a car washer than go on welfare even if the pay for the two sources of income were the same." [13]

The authors also reported that white and black workers were strikingly similar in their desire for work that carries social prestige. An overwhelming majority of both groups want work that is at least respected by the people they know. These results were reinforced by findings from a study of stable working class and middle-class black and white men by Kahl and Goering. That study found a high degree of similarity between blacks and whites on job aspirations and satisfactions, feelings of personal security in employment, as well as certain other work-related attitudes.

Much of the controversy over income assistance plans has resulted from the belief of many national policy-makers that the poor and near-poor do not want to work and, therefore, must be coerced. That is why proposals about work incentive and mandatory work requirements have been included in most family assistance plans. Yet, almost every systematic investigation of work attitudes of low-income persons indicates that mandatory work regulations are not needed to motivate lower status persons to work. Data from current OEO income maintenance experiments confirm the existence of a strong work orientation among low-income families.[14]

The OEO experiments are being conducted in several cities in New Jersey and one in Pennsylvania to determine the extent to which work disincentives are precipitated by income assistance programs. Many opponents of these programs argued that a significant decline in work activity would occur once these families began receiving supplemental income.

But preliminary findings based on the first eighteen months experience in three cities (Trenton, Paterson and Passaic) and the first twelve months experiecne in two cities (Jersey City and Scranton) failed to show a significant decline in weekly family earnings as a result of the income assistance program.

About 31 percent of the experimental families and 36 percent of the control families (those of the same kind not getting assistance) showed earnings increases of more than $25 a week during the first year. Also, about 25 percent of income recipients showed earnings declines of more than $25 compared to 23 percent of those families not receiving assistance.

Double earners

The husband-wife families have been consistently described as the most stable and prosperous of black families. A major source of this strength and "prosperity" is the presence of a working wife in the majority of these families. About two-thirds of the wives in black families work, compared to only half of the wives in white families. (See Table 9.)

Since black families have a disproportionate number of working wives, it is misleading to compare—as the Census Bureau recently did—the median incomes of husband-wife families of blacks and whites without taking into account the presence of multiple earners. Such comparisons may, in fact, create an illusion of black families closing income gaps that still remain.[15]

This concern is reinforced by recent census data which indicate that two-earner black families, on the average, still have lower incomes than one-earner white families. The median income of black families with two earners in 1969 was $7,782, compared to a median income of $8,450 for white families with only one earner. This is not to say that black two-parent families have not made some gains. But an assessment of the impact of multiple earners is essential for distinguishing apparent gains from substantive ones.

Because the wife is likely to be working in most black families, the fiction that her earnings are often greater than those of her husband has somehow gained widespread currency. This view, which is one of the pillars in the equally widespread belief about "female-dominance" in black families, is even expounded by some of the more perceptive observers such as Ulf Hannerz:

> According to the mainstream model the wife tends to depend on her husband as a provider and he is the family's anchor in the wider society. However, as we noted . . . a rather large number of women in the ghetto are employed, while many of the men are not. This does not mean that more women than men have employment, but in comparison with the wider American society, the job distribution of the ghetto involves relatively more women and fewer men. Thus the contribution to the family of the husband and father as a breadwinner is not only absolutely smaller than it ought to be according to the mainstream model. It is also relatively smaller compared to the contribution of the wife and mother.[16]

Aldous' statements on this matter, however, are more explicit:

> Both camps are in agreement, however, that the abdication of the Negro male from family responsibilities slows progress toward integration . . .
>
> Given the strong matriarchal tradition within the Negro family and the fact that women can earn much the same amount as lower class husbands, the latter have difficulty solidifying their family position with its attendant rights and responsibilities. The wife's working outside the home may result in the male's occupying a peripheral family position and abdicating his responsibilities.[17]

The fact is that wives in poor black families contribute less to the total family income than do wives in non-poor black families because they are much less likely to be employed. While ninety percent of the hus-

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bands in all black families work, two-thirds of the wives also work. But although 70 percent of the husbands in poor black families work, only 44 percent of the wives work. Thus it is apparent that a working wife is a primary factor in keeping many black families out of poverty. (See Table 9)

Despite the frequent assertions about their greater job stability, black women are more likely than black men to be unemployed.[18] Earnings data tell a similar story: just as the earnings of white women are significantly lower than the earnings of white men (even within similar occupational groupings), the earnings of black women are significantly *lower* than the earnings of black men.[19]

Recent data from the Bureau of Labor Statistics also reveal that in over half of the black families in which wives worked, they contributed less than *one-third* of family income. And in only 13 percent of these families was the earnings of the wives equal to or greater than their husband's. Therefore, in about 90 percent of the black families with working wives, the earnings of the husband exceeded that of the wife. (See Table 10)

Contrary to popular belief, the earnings of wives in low-income black families similarly constitute a small proportion of the total family income. In only fifteen percent of the black families with incomes under $3,000 did the wife's earnings equal or exceed the husband's. In fact, in almost half of these families the wife's earnings comprised less than *one-fifth* of the total family income. Thus, in 85 percent of these low-income families, the husband's earnings surpassed the wife's.

Interestingly, however, the data in Table 10 also reveal that wives' earnings are more likely to equal husbands' earnings in low-income white families than in low-income black families. Although the wife's earnings in only fifteen percent of the low-income black families equalled or exceeded the husband's, the wife's earnings equalled or exceeded the husband's earnings in one-fourth of the low-income white families! If this can be used as an indicator of "female dominance," then low-income white families can be said to be more "matriarchal" than low-income black families. But our main findings are that the husbands' earnings greatly exceed the wives' in most black and white families.

Although blacks are twice as likely as whites to be unemployed, studies of employment histories in black communities reveal a high degree of job stability among the majority of black men. In a recent study of black and white male workers, for example, Kahl and Goering found that almost 80 percent of the blacks compared to 60 percent of the whites had held their current jobs for at least three years. And almost one-half of the blacks but only a third of the whites had held their jobs for ten years or more![20]

Contrary to the stereotypes of "irresponsible," "peripheral" and "chronically unemployed" that abound in the literature, the husband is the main provider in the overwhelming majority of black families, both poor and non-poor.[21]

It is sometimes asserted that the "greater" earnings ability of the black woman over the black man is due to her higher level of education. Although the median years of schooling for black women (10.4) is still somewhat higher than it is for black men (10.0), their educational levels have been sharply converging in recent years. More importantly, however, the historically lower occupations held by black women due to sex discrimination, alone, more than undermined any "superiority" in the earnings sphere they might have held over black men because of a slightly higher educational level.[22]

In sum, the data presented above indicate that a strong work orientation exists among blacks, as it does among most Americans. And, self-help is the characteristic pattern of most black families. They do not have to be coerced to work; the only work incentive needed in a decent job at decent wages. In the majority of black families, wives provide needed additional economic, as well as emotional, support. Although their earnings fall far below their husbands', the additional income contributed by the wives is essential for the survival and stability of many of these families. And, in the overwhelming majority of black families, whether poor or not, the husband assumes the primary responsibility of breadwinner.

III. ADAPTABILITY OF FAMILY ROLES

In discussing another family strength, the ability to perform family roles flexibly, Otto observed:

"It is a strength when family members can 'fill in' and assume each other's roles as needed. For example, a father can function as a 'mother' and children can temporarily be 'parents' to their father and mother."[23]

Such flexibility of family roles exists in many black families and is a source of strength and stability. Much of this role flexibility probably developed in response to economic necessities. Because of the high proportion of working wives in black families, it is common for older siblings to act as "parents" of younger siblings. Moreover, many black youngsters have to enter the labor market early to supplement the family income. In many two-parent black families, especially those with working wives, occasions often arise that require the wife to act as the "father" or the husband as the "mother." Such role flexibility helps to stabilize the family in the event of an unanticipated separation (because of death, divorce, separation or a sustained illness) of the husband, wife, or other key family members, for example. In most black families, there is much sharing of decisions and tasks.[24]

Equalitarian family patterns

Although the literature is replete with references to a "matriarchal tradition" among black families, most empirical data suggest that an "equalitarian" pattern is characteristic of most black families. Interestingly, supporting data for an equalitarian pattern among black families can be found in the one empirical investigation cited by Moynihan to support his thesis of a pervasive black matriarchy.[25]

That study by Blood and Wolfe concluded that "female dominance" was the representative pattern of most two-parent black families. But examination of that work reveals that the data were misinterpreted. This can be seen in the authors' scoring of their "power" scale: scores below 4 indicated "wife dominance," scores from 4 through 6 indicated an "equalitarian" family in which both partners shared power, and scores over 6 indicated "husband dominance." But the average power score for white families was 5.2, while the average power score for black families was 4.4. Consequently, *both* black and white families, on the average, reported equalitarian patterns. Although it is true that the average score for black families was *skewed* toward "wife dominance," the fact remains that the characteristic pattern for the *average* two-parent black family was equalitarian.

Data from a recent analysis by Hyman and Reed also suggest that an equalitarian (rather than a "matriarchal") pattern is the modal pattern for most black two-parent families.[26] In a secondary analysis of national survey data, they found virtually no differences between the responses about family decision-making among blacks and whites. For example, in response to a question about who makes the important family decisions, among blacks, 28 percent said it was the father, compared to only 14 percent who said it was the mother. Similar results were obtained for whites: 23 percent said it was the father, while 13 percent said it was the mother. The fact that a majority of blacks and whites failed to choose either parent suggests that "both" was a more common response; thus an equalitarian family pattern is implied.

Similar findings resulted when a national sample of married Americans were asked who made the important decisions in their families. Among blacks, nine percent said it was the husband, while ten percent said it was the wife. Among whites, six percent said it was the husband and seven percent said it was the wife. Again, an equalitarian pattern is suggested since over 80 percent of both black and white couples did not choose either of the two alternatives.[27]

A study of family decision-making by Middleton and Putney also found the equalitarian pattern to be characteristic among both blacks and whites:

"Thus we find no evidence that whites and Negroes, professors and skilled workers, differ as to which spouse dominates in the making of daily decisions. Contrary to the literature, our data suggest that all these groups are predominantly equalitarian."[28]

Further empirical support for an equalitarian pattern among low-income black families in particular comes from another study purporting to support the Moynihan thesis. This study by Joan Aldous, based on a sample of lower-class married black and white men, examined the extent to which these men reported that they and their wives participated in family decision-making and performing household tasks.[29] The investigator was interested in observing the differential participation of men with employed and unemployed wives.

The mean scores for the performance of ten household tasks (as reported by the husbands) are listed in Table 11. These data indicate that, in general, there is a great degree of similarity between lower-class white and black husbands in their performance of household tasks. Both groups of men, for example, indicate that they—and not their wives—most often borrow money, take clothes to the laundry and discipline children. Black men tend to take out garbage more often than white men, while white men tend to shop for groceries somewhat more often than black men.

The implications of these findings for family patterns can be more easily interpreted by collapsing the data in the format indicated in Table 12. It becomes immediately evident that in the majority of lower-class black families an equalitarian pattern predominates, whether the wife is working or not. But among lower-class white families, an equalitarian pattern is characteristic of those families with unemployed wives, while a "matriarchal" pattern seems to be most prevalent among those white families with working wives. Thus the employed wives in the white families in this study received the least assistance from their husbands.[30]

In their study of a representative community sample of married black males, Parker and Kleiner were somewhat surprised to find no significant psychological discrepancies between the men's reports about the "ideal" and "actual" decision-making and task performances patterns in their families.[31] Contrary to the authors expectations, over 80 percent of the men reported that they "almost always" or "usually" (a) make the decisions in money and other important family matters; (b) share the responsibility of financially supporting the household with their wives; (c) share the responsibility of training their children; and (d) talk to their wives about things that bother them.

The men's self-reports certainly do not fit the literature's stereotypes of peripheral," "weak" and "hen-pecked" husbands. It is

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imperative as Ladner notes, to distinguish between "dominant" and "strong" wives. She asserts that although most black wives are strong, they are not domineering. It is the constant confusion of strength with dominance that helps to perpetuate the matriarch image among black families.

In sum, the available data suggest that the "typical" family pattern among black families is equalitarian and not "matriarchal." Moreover, the husbands in most black families are actively involved in decisionmaking and the performance of household tasks that are expected of them. And most wives, while strong are not dominant matriarchs, but share with their husbands the making of family decisions—even in the low-income black families.[32]

One-parent families

The higher proportion of families headed by women among blacks is taken as an indicator of disorganization and instability. But it need not be so. The self-reliance of black women who are the primary bread-winners of their families best exemplifies this adaptability of family roles. The low remarriage rates among these women can partly be explained by the greater self-confidence they have in being able to function as the head of the family. (See Table 16) Because of many stabilizing factors in families that are headed by women, there is no need to assume a "pathological" functioning to these families. As Merton observes, many forms of deviation may, in fact, be normal, healthy responses to particular social environments:

> Our primary aim is to discover how some social structures exert a definite pressure upon certain persons in the society to engage in non-conforming rather than conforming conduct. If we can locate groups peculiarly subject to such pressures, we should expect the fairly high rates of deviant behavior in these groups, not because the human beings comprising them are compounded of destructive biological tendencies, but because they are responding normally to the social situation in which they find themselves . . . Should our quest be at all successful, some forms of deviant behavior will be found to be as psychologically normal as conformist behavior, and the equation of deviation and psychological abnormality will be put in question.[33]

Although greater attention is generally given to the "pathology" of families headed by women by scholars, several investigators have obtained results that reveal a wide range of functioning patterns in many of these families. In his study of child-rearing practices among low-income families, Lewis observed:

> "The materials and analysis of the Child Rearing Study point to wide variety in the styles of individuals and families. They show that all low-income people are not lower class in orientations to life and in showing the preferences conventionally ascribed to this category . . . Our field experience in Washington suggests that it is highly questionable that all or even a substantial majority of the low-income (lower-class) 'female-based' households among Negroes are responsive to and supporters of a destructively organized or integrated way of life." [34]

It should not be inferred from our discussion of the adaptability of one-parent families that this family form is a preferred pattern among blacks or that it has no problems functioning. On the contrary, for this role, as Herzog so aptly describes it, is a very difficult one:

> "Few would deny that it is a difficult and demanding role. For many, it is a dual role, as homemaker-child-rearer and as breadwinner. By definition, it is a role that must be enacted without the psychological and physical support of a parent partner to help with household responsibilities, family decisions, and all that child rearing involves. For many, it includes reduction in income, social status and social activities, posing a struggle against resentment, isolation and self-doubt." [35]

Our aim is to underscore the importance of systematically assessing the functioning patterns of different kinds of families instead of prejudging their adequacy on the basis of moral judgments. In other words, because two-parent families are preferred in American society over one-parent families is no justification for assuming that all two-parent families function "positively." In fact, investigations have found many two-parent families that exhibit "pathological" tendencies.[36]

It is commonly believed that the negative impact of one-parent families, especially on male children, is a demonstrated fact. But, as a careful review of the literature on boys in fatherless families by Herzog and Sudia reveals, the data supporting this belief are far from conclusive.[37] Because of sharp differences and deficiencies in the research design of many of these investigations, the conclusions reached are often contradictory, tenuous, and of dubious relevance to black youth in American ghettos.

For example, one of the most frequently cited studies purporting to show the adverse effects of father absence is a study of Norwegian, not American, families. And the fathers in those families studied were sailors whose absences were not permanent, but were temporary and recurrent. (This investigation was carefully replicated in a study of Italian families that emerged with contradictory findings.) Since, as Herzog and Sudia point out, much of the research on boys in fatherless families has involved father absences that are sanctioned or honorable, the effect of father absences which are morally disapproved (such as desertion or divorce) remains to be systematically examined. The methodological weaknesses (and strengths) of most of this literature is discussed in detail by Herzog and Sudia. One weakness, the lack of comparison between the functioning patterns of two-parent and one-parent families, was central to almost all of these investigations.[38]

Aug and Bright tried to overcome this shortcoming in an interesting investigation of illegitimacy.[39] They attempted to test whether one-parent families with out-of-wedlock children were more "pathological" than two-parent families with "in-wedlock" children. Extensive interviews were conducted with groups of young married and unwed mothers, consisting largely of Appalachian whites and blacks from the Bluegrass region of Kentucky.

They found a high degree of normal psychosocial development in those families with out-of-wedlock children that had the support of other family members and relatives. Such families functioned as adequately as, or better than, many two-parent families with "in-wedlock" children. However, in those "out-of-wedlock families" (especially the white ones) where additional support from family members or relatives was not forthcoming, the functioning was seriously impaired. Thus, Aug and Bright concluded:

> "Most works on illegitimacy have ignored legitimate pregnancy in similar groups of people . . . If the unwed mothers are selected from a population which has a high baseline of psychopathology, one could easily get a distorted view of the "problems" of these people . . . A control group, however, might well show that many of the problems seen are widely distributed through the subculture, so that they are coincidental to, rather than directly related to, illegitimacy. In the data which we have presented, it is seen that the "problem" of disturbed interpersonal relationships is well-represented in both wed and unwed groups. It therefore seems that it would be wise to take a broad look at the entire sub-culture if one is to assess the import of illegitimacy as a "problem" or as a symptom of "problems" for a particular group." [40]

The results of investigations by Banglow and others also revealed that, out-of-wedlock pregnancy, far from being the beginning of a downhill spiral, may be an important factor leading to increased depth of understanding between the unwed mother and her family of origin. The extent of support or rejection by family members and relatives was a crucial factor in the functioning of these parents. The study by Aug and Bright indicated that support from the extended family was more likely to be found among blacks than whites in families with out-of-wedlock children. These results reinforce our findings on the strong kinships bonds among black families.[41]

Although there is much discussion about the "pathological" or "disorganized" functioning of families, it is surprising to find that very little work has been done in operationalizing the concept of "family functioning" to apply to the family as a system. This is true of two-parent as well as one-parent families. The typical approach has been, in examining the effects of one-parent families, to make inferences about negative functioning on the basis of the extent of deviant attitudes or behavior exhibited by particular children.

In one of those rare approaches, Geismar and Ayres developed the St. Paul Scale of Family Functioning.[42] This scale was specifically designed to assess the adequacy of family functioning of low-income families in nine major categories: household practices, health conditions, economic practices, social activities, community resources, worker relationships, family relationships, individual behavior and child care.

The scale was used on a random sample of black, white and Puerto-Rican families as part of the Rutgers Family Life Improvement Project, a longitudinal study of the social functioning of some 500 urban families.[43] After comparing the functioning levels of the different ethnic groups, holding class constant, Geismar and Gerhart reported no statistically significant differences between the functioning of black and white families.

Desertion

In most discussions of black families headed by women, references to "deserting" husbands are invariably made to partly account for the separation. The view most often expressed is that because black men are unable to adequately provide for their families, they often desert so that the family can qualify for welfare.[44]

It is interesting to note that this desertion thesis is quite popular, despite the almost complete absence of data on desertions to support it. Although some studies have obtained court data which suggest that the probability of desertion is greater among blacks than whites, data on desertion rates are rarely presented to account for the origin of fatherless families.[45] Uninformed inferences about deserting husbands are based primarily on the Census Bureau's marital status category of "separation"—since the Bureau collects no data on desertion rates.

The most readily available nationwide data on desertions are compiled by the National Center for Social Statistics in connection with their national study of AFDC families. As the data in Table 13 reveal, in only one-fifth of the black AFDC families was the status of the father characterized as "deserted." [46]

When the father-present families are excluded, as indicated in Table 14, the total of the proportions of "separated" and "deserted" black AFDC families is 41 percent. Thus, the deserted families account for only one-half of the families that would be classified as "separated" or "other" in Census Bureau

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marital status categories. Comparisons between the marital statuses of black AFDC and all black families reveal marked differences. They suggest that since the majority of "separated" AFDC families are not classified as "deserted," the majority of separated families headed by women in general should not be similarly classified without empirical verification.

Suicide rates

In most discussions of the pathology of black families, a significant indicator of alienation suicide rates is rarely mentioned. Why is this so? It is that the rates are in the "wrong" direction? Since suicide rates are much higher among whites than blacks, they fail to fit conveniently the theories of self-hatred and pathology that social scientists have generated about blacks.

It is particularly interesting to note that the suicide rates are lowest among black women, a group that continually experiences adversity. Black women have a suicide rate of 2.4 compared to a suicide rate of 6.3 among white women. And the rate for black males is 7.3, compared to the rate of 16.9 for white males. (See Table 15)

The lower susceptibility to suicide among blacks—a possible indicator of stability—is an intriguing area for further analysis.

In this section, we have discussed various forms of adaptation in two-parent and one-parent black families. We have tried to delineate various sources of stability in both kinds of families. There is a need to systematically examine the relative strengths and weaknesses of black and white families of both types.

IV. HIGH ACHIEVEMENT ORIENTATION

One of the unheralded strengths of blacks is the strong achievement orientation of low-income black families. This aspect has been analyzed as mainly leading to frustration or otherwise held as unimportant or overlooked because of methodological biases.

Many of the studies in the literature fail to note the broad range of values and life-styles among persons within similar socioeconomic levels and the great similarity of values between persons at different socioeconomic levels. This failure is due primarily to methodological biases of many social scientists: (1) the practice of focusing on proportions rather than absolute numbers and (2) focusing on unrepresentative rather than representative proportions. Merton took note of this methodological bias in his critique of Hyman's essay, "The Value Systems of Different Classes":

"But what Hyman fails to note, in his otherwise instructive and useful collation of the evidence, is that . . . it is *not* the *relative proportions* of the several social classes adopting the cultural goal of success that matter, but their *absolute numbers*. To say that a larger *percentage* of the upper social and economic strata hold fast to the cultural goal of success is not to say that larger numbers of them than of the lower class people do so. Indeed, since the number of people in the topmost stratum identified in these studies is substantially smaller than the number in the lowest stratum, it is sometimes the case that more lower-class than upper-class people abide by this goal." [47]

This point was reaffirmed by Merton in another discussion on a related topic:

"It has been repeatedly found that the upper social and educational strata have a relatively higher proportion of 'geniuses' or 'talents.' But since the numbers in these strata are small, the great bulk of geniuses or talents actualy come from lower social strata. From the standpoint of the society, of course, it is the absolute numbers and not the proportion coming from any given social stratum which matters." [48]

This oversight applies to many studies that have found the achievement goals and values of the middle-class to be significantly higher than those of the working-class or lower-class.

Although Merton stressed the importance of examining absolute numbers as well as proportions, there is also a need for more social scientists to focus on representative rather than unrepresentative proportions when they generalize about "typical" class or group patterns. Quite often an investigator will focus on the significance of the difference between two unrepresentative proportions and interpret these minority proportions as representing the majority of a group or class stratum. For example, in most discussions about black families, greatest attention is usually given to the significance of the differences between the proportion of female-headed families among whites (9 percent) and the proportion among blacks (28 percent). Most generalizations about the "typical" black family as matriarchal have been based on the differences between these two unrepresentative minority proportions. The fact that husband-wife families represent the overwhelming majority of black families (since it is prevalent in over 70 percent of black families) has usually not deterred many references to a "matriarchy" as being the "typical" pattern of black families.[49]

Johnson and Leslie noted this methodological shortcoming in a review of the research on class differences in child-rearing practices:

"The understandable tendency of many researchers in this area to stress statistically significant class difference after having generally reported the overall similarities seemingly has aided in the development of what may be unwarranted class images. We contend that this results not only from overreliance on statistical differences without representative proportions, but from the uncritical use in secondary sources of these more interesting differences to the relative exclusion of overall similarities and the researcher's qualifying statements . . .

"The uncritical acceptance by social scientists of current conceptions of class-linked child-rearing patterns may restrict and render sterile future studies of the variations that should exist in a complex society." [50]

Johnson and Leslie's observations about the tendency of social scientists to create unwarranted class images cannot be overemphasized because of the common practice of equating class correlates, such as income, education, or occupation, with class styles of life or values. This is most likely to occur when an investigator forgets that income is only a *correlate* of class life-styles or values and treats it as if it were synonymous with the concept. He really believes that all "middle-income" persons are "middle-class" and all "low-income" persons are "lower-class," and fails to realize that many low-income persons have "middle-class" values and life-styles, while many middle-income persons have "lower-class" values and life-styles. The belief in the homogeneity of life-styles and values of persons occupying similar socio-economic levels, which is so prevalent in the literature on social class, results partly from this merger of class life styles with their operational indicators.[51]

Our observations apply, of course, to much of the discussion about class differentials in academic orientation. It has been amply documented in the literature that the college aspirations and plans of middle-income students tend to be higher than those of low-income students. It is often forgotten that although a higher *proportion* of middle-income than low-income students have college aspirations, the *majority* of low-income students (and their parents) have college aspirations. Moreover, since blacks from low status families tend to outnumber those in middle status families, the number of black students attending college from low-income families often equals or surpasses the number attending college from middle-income families. For example, an official of Howard University, a black university with an elitist reputation, recently reported that only 19 percent of its students come from homes where at least one parent attended college, more than half come from broken homes, and about 80 percent require some financial support to remain in school.

The remarkable educational advances of large numbers of blacks from deprived backgrounds are also reflected in a recent nationwide survey of college freshmen conducted by the American Council on Education. According to that survey, more than half of the freshmen entering predominantly black institutions come from homes in which the father had not even completed high school, and 80 percent of them come from homes in which the father had not gone to college.[52] Thus, contrary to popular belief, the overwhelming majority of black college students do not come from so-called "middle-class" homes with college-educated parents.

Recent census data on educational attainment provide additional support on the educational achievement of black youth from low status families. According to the October 1970 Current Population Survey, three-fourths of the blacks enrolled in college come from homes in which the family heads had no college education. (See Table 17.)

In trying to trace the source of the higher educational aspirations among the working-class blacks, Hindelang asked the students to indicate how far they thought their parents wanted them to go to school. While 64 percent of the white students said that their parents wanted them to finish college, a significantly higher proportion (80 percent) of the black students said that their parents wanted them to finish college.[54]

The strong achievement pressures from parents in lower status black families were revealed in several other studies as well. In an investigation of the influences on college attendance, Harris found that among higher status students, a higher percentage of white than black students reported being influenced by their parents.[55] But among lower status students, the proportion reporting that their parents influenced their college atendance was higher among blacks than whites. Moreover, although parental influence increased with status among whites, there was almost no difference in the extent of parental influence reported between higher status and lower status blacks of the same sex. About 75 percent of the black males and about 90 percent of the black women—regardless of status—indicated that their college attendance was influenced by their parents. (See Table 18.)

In a large-scale study of about 6,000 students attending high schools in the Deep South, Cosby found that lower status blacks had higher occupational aspirations than lower status whites, while higher status whites had higher aspirations than higher status blacks.[56] Findings from this study also suggest the presence of strong achievement pressures on black students in broken families. For the occupational aspirations of black students from lower status broken homes were as high, if not somewhat higher, than the occupational aspirations of black students coming from lower status intact homes. More importantly, the occupational aspirations of blacks from lower status *broken* families were significantly higher than the aspirations of whites from lower status *intact* families. (See Table 19.)

According to data on college students compiled by the American Council on Education, black students had lower dropout rates, in general, than had been estimated.[57] And, the

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dropout rates of white males in white colleges were higher than the dropout rates for black males in white colleges, but equalled the dropout rates for black males in black colleges. Among women students, however, although the dropout rates for white women in white colleges equalled the rates for black women in black colleges, the dropout rates of black women at white colleges were significantly higher than the rates for the other group. (See Table 20)

Our findings indicate that an achievement orientation already exists in many low-income black families. These strengths need to be built upon by truly making education the avenue for success which the "American Dream" says it ought to be.[58]

V. RELIGIOUS ORIENTATION

A strength of black families that has been widely discussed, but less frequently empirically documented, is their strong religious orientation.[59]

Blacks have been adept at using religion as a mechanism for survival and advancement throughout their history in America. During slavery, religion served as a stimulant for hundreds of rebellions that took place. It was also a major source of strength during the civil rights movement of the '50's and the '60's.[60]

But it was through the Negro church, one of the most independent institutions in the black community, that blacks learned to use religion as a survival mechanism. Black ministers frequently used their sermons to transmit coded messages to the congregation. Negro spiritual were often used for similar purposes, particularly in assisting runaway slaves.[61]

One advocate of the black church expressed its historic role as follows:

"In both the Negro and white community, the Negro church has often been made a joke, but the fact is that it's the most organized thing in the Negro's life. Whatever you want to do in the Negro community, whether it's selling Easter Seals or organizing a nonviolent campaign, you've got to do it through the Negro church, or it doesn't get done.

"There's no way to tell what would have happened to the Negro if he had not had the church. I'll say flatly that if there had been no Negro church, there would have been no civil rights movement today."[62]

According to a national survey conducted by Louis Harris, over 60 percent of the blacks felt that the black church and ministers were helping the cause of blacks somewhat or a lot. Seventeen percent felt, however, that the black church was only helping a little or not at all, while the remaining one-fifth was uncertain.[63]

Although these findings indicate that a majority of blacks hold positive views about the black church, they also suggest much ambivalence or outright hostility on the part of a sizable minority. This rejection of the black church is most evident among black youth today. They are disillusioned by the fact that the overwhelming majority of black churches have only a peripheral involvement in the secular and economic needs of the black community.[64]

Consequently, many grassroot organizations are assuming functions formerly performed by the black church. At the same time, churches with activist ministers are increasingly taking on secular activities, and collaborating with local community action organizations of varying ideologies.

The achievements of the Reverend Leon Sullivan, who was recently elected to General Motors' Board of Directors, may be a harbinger of the kind of adaptations that the contemporary black church must make if it is to remain in the vanguard of the black struggle.[65]

It was on the basis of the effective three-year boycott (1959–62) against Philadelphia merchants by Reverend Sullivan with the assistance of 400 ministers that Dr. Martin Luther King, Jr. decided to form Operation Breadbasket as the economic arm of the Southern Christian Leadership Conference.

Moreover, the Opportunities Industrialization Center (OIC), one of the first community-sponsored job training programs, grew out of the small contributions of Sullivan's parishioners. Today O.I.C. Centers have spread out to a hundred cities throughout the nation as well as to the Dominican Republic and Nigeria. During the seven years of its existence, about 65,000 minority persons are said to have been trained for jobs of varying degrees of sophistication.

Fortunately, increasing numbers of young ministers, like the Reverend Jesse Jackson, are also expounding the social gospel of Dr. King and Reverend Sullivan and influencing the lives of thousands of blacks.[66]

VI. SUMMARY

Most discussions of black families in current literature tend to focus on indicators of instability and weakness. With the exception of a few scholars, most social scientists continue to portray black families as disorganized, pathological and disintegrating.

This preoccupation with pathology in most research on black families has obscured some fruitful avenues of investigation. We contend that examining the strengths of black families can contribute at least as much towards understanding and ameliorating some social problems as examining their weaknesses.

If, as most scholars agree, there is a need to strengthen black families, then a first-order priority should be the identification of presently existing strengths and resources. The National Urban League recognized this need three years ago when it issued a position statement on black families based on the work of Dr. Andrew Billingsley.

This report identifies and analyzes five strengths of black families: adaptability of family roles, strong kinship bonds, strong work orientation, strong religious orientation and strong achievement orientation. These five characteristics have been functional for the survival, advancement and stablity of black families. Some of the major findings from this report are as follows:

(1) Contrary to the widespread belief in a "matriarchy" among blacks, our findings reveal that most black families, whether low-income or not, are characterized by an "Equalitarian" pattern in which neither spouse dominates, but share decision-making and the performance of expected tasks.

(2) National earnings data do not support the popular conception that wives' earnings in most low-income black families are often greater than the husbands'. Recent Bureau of Labor Statistics data indicate that in 85 percent of the black families with incomes under $3,000, the husband's earnings surpassed the wife's. Thus, contrary to the stereotypes of black men as "weak," "irresponsible," and "peripheral," the husband is the main provider in the overwhelming majority of black families, whether low-income or not.

(3) Most black babies born out-of-wedlock are kept by parent and relatives, while most white babies born out-of-wedlock are given away. In 1969, about 90 percent of the black babies born out-of-wedlock, compared to only 7 percent of the white babies born out-of-wedlock, were kept by the parent and kin in existing families. On the other hand, 67 percent of the out-of-wedlock white babies, but only 7 percent of the out-of-wedlock black babies were formally adopted or placed.

(4) Contrary to the belief that dependency is characteristic of most families headed by women, recent Census Bureau data indicate that two-thirds of the women heading black families work—most of them full-time.

(5) Our study found that most assertions about widespread desertion in black families are not based on actual desertion rates. In fact, recent HEW data reveal that not even the majority of AFDC families can be characterized as "deserted:" only one-fifth of the black families receiving AFDC in 1969 were so described.

(6) The high achievement orientation of low-income black families is reflected in the large numbers of college students from these families that attend college. For example, three-fourths of the blacks enrolled in college in 1970 came from homes in which the family heads had no college education. Thus the overwhelming majority of black college students do not come from so-called "middle-class" homes with college-educated parents.

TABLE 1.—PERCENT OF RELATED MEMBERS UNDER 18 IN FAMILIES WITH NO CHILDREN OF OWN UNDER 18, BY RACE, AGE OF HEAD AND TYPE OF FAMILY, MARCH 1970

Type of family and age of head	Percent with members under 18	
	Black	White
Husband-wife families:		
All families	13	3
Head under 35	2	3
Head 35 to 44	7	2
Head 45 to 64	16	3
Head 65 and over	14	3
Families with female heads:		
All families	41	7
Head under 35	[1] 24	[1] 17
Head 35 to 44	[1] 42	10
Head 45 to 64	40	13
Head 65 and over	48	10

[1] Base under 75,000.

Source: Prepared by National Urban League Research Department from data in U.S. Department of Commerce, Bureau of the Census, current population reports, population characteristics, Household and Family Characteristics, March 1970, Series P–20, No. 218, Mar. 23, 1971, tables 3 and 4.

TABLE 2.—NUMBER AND PERCENT OF RELATIVES OVER 64 IN FAMILIES WITH HEADS UNDER 65, 1970

Type of family and age of head	Black		White	
	Number (thousands)	Percent	Number (thousands)	Percent
Husband-wife families:				
Heads under 65	2,923	100	35,530	100
Members over 64	117	4	1,233	3
Heads 45 to 64	1,194	100	15,286	100
Members over 64	91	8	951	6
Families with female head:				
Heads under 65	1,194	100	3,234	100
Members over 64	48	4	328	10
Heads 45 to 64	401	100	1,614	100
Members over 64	42	10	266	16

Source: Prepared by National Urban League Research Department from data in U.S. Bureau of the Census, Current Population Reports, Population Characteristics, "Household and Family Characteristics: March 1970," Series P–20, Number 218, Mar. 23, 1971, tables 3 and 4.

TABLE 3.—SUBFAMILIES AS PERCENT OF ALL FAMILIES BY RACE, 1960–70

[Numbers in thousands]

Race of head	1960	1970
Black families [1]	4,262	4,774
Subfamilies	317	268
Percent of total	7	6
White families	40,887	46,022
Subfamilies	1,111	866
Percent of total	3	2

[1] 1960 figures for blacks include other nonwhite.

Source: Prepared by National Urban League Research Department from data in U.S. Bureau of the Census: U.S. Census of Population: 1960, "Families," PC(2)–4A, tables 19 and 22; and Current Population Reports, Population Characteristics, "Household and Family Characteristics: March 1970," Mar. 23 1971, tables 11 and 12.

Footnotes at end of article.

TABLE 4.—IMPUTED EFFECT OF OUT-OF-WEDLOCK BIRTHS ON FAMILY FORMATION, BY COLOR, 1968–69

[Numbers in thousands]

Disposition of children	Black[1] Number	Black[1] Percent	White Number	White Percent
Out-of-wedlock births (1968)	184	100	155	100
Formally adopted (1969)	12	7	97	62
Foster care or institutionalized[2]	1	(3)	7	5
Retained in new family[4]	5	3	40	26
Informally adopted or retained in existing families[5]	164	90	11	7

[1] The racial statistics on illegitimate births, adoption, and foster care apply to nonwhites and not only to blacks.

[2] These numbers were obtained by multiplying the increase (8,000) in the number of children in foster care or institutions between 1961 and 1969 by the proportion (12 percent) of nonwhite children estimated by the Children's Bureau to be in homes for dependent or neglected children.

[3] Less than 0.5 percent.

[4] These numbers represent the increase in families with a single woman as the head between 1968 and 1969. For the purposes of this presentation, it is assumed that each of these new families resulted from the birth of an out-of-wedlock child in 1968.

[5] By "informal adoption," we include both (1) the retention of out-of-wedlock children by mothers in already-existing families, and (2) the absorption of out-of-wedlock children by such relatives as grandmothers and aunts or by nonrelatives.

Source: Prepared by the National Urban League Research Department from data in U.S. National Center for Social Statistics, "Adoptions in 1969: Supplement to Child Welfare Statistics, 1969"; U.S. National Center for Health Statistics, "Vital Statistics of the U.S.: 1968, Volume I—Natality" U.S. Children's Bureau, "America's Children and Youth in Institutions 1950–1960–1964"; U.S. Census Bureau, Current Population Reports. Population Characteristics, "Selected Characteristics of Persons and Families: March 1970," series P–20, No. 204, July 13, 1970.

TABLE 5.—PROPORTION OF OUT-OF-WEDLOCK CHILDREN ADOPTED WITHIN 1 YEAR AFTER BIRTH BY RACE AND YEAR OF BIRTH, 1963–69

[Numbers in thousands]

Year of birth of out-of-wedlock children	Black[1] Number out-of-wedlock births	Black[1] Number adopted within 1 year	Black[1] Percent adopted	White Number out-of-wedlock births	White Number adopted within 1 year	White Percent adopted
1962	150.4	7.5	5	94.7	62.6	66
1963	150.7	8.0	5	102.2	74.4	73
1964	161.3	9.0	6	114.3	79.0	69
1965	167.5	9.8	6	123.7	86.0	70
1966	169.5	10.0	6	132.9	89.5	67
1967	175.8	10.5	6	142.2	94.0	66
1968	183.9	12.5	7	155.2	96.9	62

[1] Includes other nonwhites.

Source: Prepared by Research Department of the National Urban League from data in U.S National Center for Social Statistics, Adoptions: Supplements to Child Welfare Statistics, 1963–69; and U.S. National Center for Health Statistics Vital Statistics of the U.S.: 1968, volume I—Natality

TABLE 6.—WORK STATUS OF HEADS OF FAMILIES BELOW POVERTY LEVEL BY RACE, 1969

[Numbers in thousands]

	Black Number	Black Percent	White Number	White Percent
Total poor family heads	1,326	100	3,553	100
Heads who worked	785	59	1,883	53
Heads who did not work	541	41	1,670	47

Source: Prepared by National Urban League Research Department from data in U.S. Department of Commerce, Bureau of the Census, Special Tabulations for OEO from March 1970 current population survey based on 1969 work status and income.

TABLE 7.—WORK EXPERIENCE OF WOMEN[1] HEADING FAMILIES BY RACE AND POVERTY STATUS, 1969

	Black Total families	Black Total poor families	White Total families	White Total poor families
Total number (thousands)	1,349	718	4,185	1,063
Total percent	100	100	100	100
Year round, full time	27	12	32	5
Part year, full time	17	18	15	19
Worked part time	17	19	11	15
Did not work at all	39	50	41	61

[1] 14 years and over.

Source: Prepared by Research Department of the National Urban League from tabulations prepared for U.S. Office of Economic Opportunity from March 1970 current population survey, tables 3a and 3b.

TABLE 8.—PROPORTION OF FAMILIES HEADED BY WOMEN RECEIVING AFDC, BY RACE, 1969

[Numbers in thousands]

	Black	White
Total families headed by women	1,327	4,053
AFDC families headed by women	657	584
Percent	50	14

Source: Prepared by Research Department of the National Urban League from data in U.S. Bureau of the Census, "Selected Characteristics of Persons and Families: March 1970," Current Population Reports: Population Characteristics, series P–20, No. 204; and unpublished data from U.S. National Center for Social Statistics based on its 1969 AFDC national study.

TABLE 9.—WORK EXPERIENCE OF MALE HEADS AND SPOUSES IN BLACK FAMILIES BY POVERTY STATUS, 1969

[Numbers in thousands]

	Total black families Male heads	Total black families Female spouses	Poor black families Male heads	Poor black families Female spouses
Total number of families	3,425	3,217	609	563
Total percent	100	100	100	100
In Armed Forces	2		(1)	
Year round, full time	64	26	32	6
Part year, full time	17	22	22	17
Part time	6	17	17	21
No work at all	10	35	29	56

[1] Less than 0.5 percent.

Source: Prepared by Research Department of the National Urban League from data in tabulations prepared for U.S. Office of Economic Opportunity from March 1970 Current Population Survey.

TABLE 10.—PERCENT OF TOTAL FAMILY INCOME CONTRIBUTED BY WORKING WIFE IN NONFARM HUSBAND-WIFE FAMILIES, 1969 (FAMILIES, IN WHICH WIFE HAD PAID WORK EXPERIENCE DURING THE YEAR. ANNUAL AVERAGES.)

Percent of family income from wife's earnings	All family income groups Black[1]	All family income groups White	Family income groups under $3,000 Black[1]	Family income groups under $3,000 White
Total family income	100	100	100	100
Less than 20 percent	33	38	47	46
20 to 29 percent	20	19	19	13
30 to 39 percent	18	19	8	13
40 to 49 percent	16	12	11	4
50 percent and over	13	11	15	25

[1] Includes other nonwhites.

Source: Prepared by Research Department of the National Urban League from unpublished data in U.S. Bureau of Labor Statistics.

TABLE 11.—MEAN SCORES FOR PERFORMANCE OF HOUSEHOLD TASKS AS REPORTED BY LOWER-CLASS MALES BY RACE AND WIVES' EMPLOYMENT STATUS[1]

Household tasks performed	Black males (N=28) With unemployed wives	Black males (N=18) With employed wives	White males (N=77) With unemployed wives	White males (N=45) With employed wives
1. Borrows money	3.6	3.0	3.2	2.7
2. Takes clothes to laundry	3.1	3.0	2.3	3.1
3. Disciplines children	2.8	2.9	2.9	3.1
4. Takes out garbage	2.8	2.9	1.4	1.8
5. Talks with landlord	2.7	2.0	2.4	2.1
6. Shops for groceries	2.5	2.2	2.7	2.4
7. Pays bills	2.4	1.3	2.1	1.8
8. Gets up at night with children	2.2	2.2	1.7	1.9
9. Prepares supper	1.4	1.4	1.2	1.5
10. Does laundry at home	1.2	1.2	1.2	1.4

[1] The scoring of the performance of household tasks (based upon the husbands' reports) was as follows: scores below 2 for "wife more often performed the task," scores 2–2.9 for "both spouses equally performed the task," and scores 3 and over for "husband more often performed the task."

Source: Prepared by Research Department of the National Urban League from data in Joan Aldous, "Wives' Employment Status and Lower-Class Men as Husband-Fathers: Support for the Moynihan Thesis," Journal of Marriage and the Family, 31 (August 1969): 469–476. Esp. f.n. 28.

TABLE 12.—DISTRIBUTION OF MEAN SCORES FOR PERFORMANCE OF 10 HOUSEHOLD TASKS AS REPORTED BY LOWER CLASS MALES, BY RACE AND WIVES' EMPLOYMENT STATUS

Household tasks performed by—	Black males— With unemployed wives	Black males— With employed wives	White males— With unemployed wives	White males— With employed wives
Wife more often (scores below 2)	2	3	4	5
Both equally (scores 2 to 2.9)	6		5	3
Husband more often (scores 3 and over)	2	2	1	2
Total number of tasks	10	10	10	10

Source: Prepared by Research Department of the National Urban League from data in Joan Aldous, "Wives' Employment Status and Lower Class Men as Husband-Fathers: Support for the Moynihan Thesis," Journal of Marriage and the Family, 31 (August 1969): 469–476. Esp. f.n. 28

TABLE 13.—DISTRIBUTION OF AFDC FAMILIES BY STATUS OF FATHER BY RACE, 1969[1]

[Numbers in thousands]

	Total	Black	White
Total AFDC families	1, 593	737	836
Total percent	100	100	100
Father absent	81	90	73
Single	28	41	16
Deserted	16	19	12
Separated (legal/informal)	14	14	13
Other separated	4	4	5
Divorced	14	6	21
Widowed	5	6	5
Father present	19	11	24

[1] Excluding Puerto Rico and the Virgin Islands.

Source: Prepared by Research Department of the National Urban League from unpublished data from U.S. National Center for Social Statistics based on its 1969 AFDC national study.

TABLE 14.—ALL FAMILIES AND AFDC FAMILIES WITH FATHER ABSENT BY REASON FOR ABSENCE, BY RACE, 1969[1]

[Numbers in thousands]

	AFDC families			All families	
	Total	Black	White	Black	White
Family with father absent	1, 297	657	584	1, 327	4, 053
Total percent	100	100	100	100	100
Single	35	46	22	14	10
Deserted	19	21	17		
Separated (legal/informal)	17	16	18	37	12
Other separated	5	4	7	6	8
Divorced	17	6	30	13	23
Widowed	7	7	6	31	48

[1] Excluding Puerto Rico and the Virgin Islands.

Source: Prepared by Research Department of the National Urban League from data in U.S. Bureau of the Census, "Selected Characteristics of Persons and Families: March 1970," Current Population Reports: Population Characteristics, Series P–20, No. 204; and unpublished data from U.S. National Center for Social Statistics based on its 1969 AFDC national study.

SUICIDE RATES FOR SELECTED AGE GROUPS BY SEX AND RACE, 1968

[Rates per 100,000 population]

Age	Male		Female	
	Black	White	Black	White
Total (all ages)	7. 3	16. 9	2. 4	6. 3
Under 1 year				
5 to 9 years		0. 0		
15 to 19 years	4. 7	8. 3	2. 2	2. 2
20 to 24 years	13. 1	15. 0	4. 4	4. 8
25 to 29 years	16. 0	16. 3	4. 5	7. 0
30 to 34 years	16. 1	18. 3	4. 8	8. 1
35 to 39 years	12. 0	22. 0	4. 7	10. 6
45 to 49 years	12. 1	27. 0	3. 8	13. 1
55 to 59 years	13. 3	35. 8	3. 1	12. 3
65 to 69 years	12. 8	35. 6	3. 5	8. 3
75 to 79 years	15. 0	42. 5	4. 7	7. 2
85 years and over	5. 5	56. 8	2. 8	4. 9

Source: Prepared by National Urban League Research Department from unpublished data in U.S. Department of Health, Education, and Welfare, Mortality Statistics Branch.

TABLE 16.—REMARRIAGES AS PERCENT OF ALL MARRIAGES FOR BLACK AND WHITE BRIDES, 1965, 1966, 1967, 1968[1]

[Numbers in thousands]

Race	1965	1966	1967	1968
Black:[2]				
All marriages	127	109	112	122
Remarriages	24	20	21	22
Percent of all marriages	19	18	18	18
White:				
All marriages	933	789	820	929
Remarriages	209	184	198	220
Percent of all marriages	22	24	24	24

[1] Data are for States that report a race and color breakdown, 39 States and the District of Columbia are marriage registration areas but some States do not have complete reporting by race. California, New York, and Ohio do not report race or color at all.

[2] Includes other nonwhites.

Source: Prepared by Research Department of the National Urban League from data in U.S. Public Health Service, National Center for Health Statistics, Vital Statistics of the United States for the years 1965, 1966, 1967, and 1968.

TABLE 17.—EDUCATIONAL LEVEL OF HEADS OF FAMILIES OF STUDENTS ENROLLED IN COLLEGE BY RACE AND TYPE OF COLLEGE, FALL 1970

[Percent distribution]

Year of school completed by family head	College students			
	Race[1]		Type of college[2]	
	Black	White	Predominantly black	All colleges
Total family heads	100	100	100	100
Less than high school	54	24	57	27
High school graduate	21	36	24	29
Some college	12	15	9	17
4 years or more of college	14	26	11	27

[1] Students 16 to 34 years old enrolled in college as of October 1970 Current Population Survey of the Bureau of the Census. This excludes students who are themselves family heads, wives, and other married family members with spouse present; also persons in families in which head is a member of the Armed Forces,

[2] First-time, full-time students entering all colleges (combines 2-year and 4-year colleges and universities) and entering predominantly black colleges. Data are from a national survey conducted by the American Council on Education in fall 1970. Years of school completed for head of family refers to father's education only.

Source: Prepared by Research Department of the National Urban League from data in U.S. Bureau of the Census, "School Enrollment: October 1970," Current Population Reports: Population Characteristics, Series P–20, No. 222, and American Council on Education, National Norms for Entering College Freshman—Fall, 1970.

TABLE 18.—PARENTAL INFLUENCE ON COLLEGE ATTENDANCE BY FAMILY BACKGROUND, RACE, AND SEX OF COLLEGE STUDENTS

[Percent reporting parental influence]

Family status[1]	Men		Women	
	Black	White	Black	White
Low status	75	71	90	81
High status	75	81	87	92

[1] Family status was determined by whether the father's occupation and both parents' educational level fell above or below the median according to the Duncan Socio-Economic Index.

Source: Prepared by National Urban League Research Department from data in Edward E. Harris, "Personal and Parental Influences on College Attendance: Some Negro-White Differences," Journal of Negro Education, vol. 39, No. 4, fall 1970, table 1, pp. 305–313.

TABLE 19—OCCUPATIONAL ASPIRATIONS OF HIGH SCHOOL STUDENTS BY STATUS, FAMILY INTACTNESS, RACE, AND URBANISM

[Percent with high occupational aspirations][1]

Status[2] and family intactness	Urban		Rural	
	Black	White	Black	White
High status:				
Complete	81	83	50	76
Broken	73	69	54	83
Low status:				
Complete	59	51	52	45
Broken	63	51	56	44

[1] "High" occupational aspirations refer to choices among professional, technical, and managerial occupations.

[2] Family status depended upon whether the fathers' education and occupation were both "high" or "low." The cutting points for "high" or "low" were not specified.

Source: Prepared by National Urban League Research Department from data in Arthur Cosby, "Black-White Differences in Aspirations Among Deep South High School Students," Journal of Negro Education, vol. 40, No. 1, winter 1971, table 2, pp. 17–21.

TABLE 20.—ACTUAL AND ESTIMATED DROP-OUT RATES 1 YEAR AFTER COLLEGE ENTRANCE BY STUDENTS' RACE, SEX AND TYPE OF COLLEGE, 1967

Student race and type of college	Men		Women	
	Actual	Estimated	Actual	Estimated
Black students in—				
Black colleges	12.7	13. 2	13. 3	13. 3
White colleges	7. 4	14. 3	20. 3	23. 9
White students in white colleges	12. 4	12. 3	13. 9	13. 7

Source: Alan E. Bayer and Robert F. Boruch, "Black and White Freshmen Entering 4-year Colleges, Educational Record (American Council on Education, Washington, D.C.), fall 1969, table 8, pp. 371–386.

TABLE 21.—PROPORTION OF BLACK FAMILIES HEADED BY WOMEN BY AREA OF RESIDENCE, 1940–70

Year	Total United States	Urban	Nonurban[1]	
			Nonfarm	Farm
1970	28	28	29	19
1960	21	22	19	11
1950	18	19	18	9
1940	18	23	17	10

[1] Between 1940 and 1960, nonurban referred specifically to rural areas. But the 1970 figures for nonurban areas refer to outside metropolitan areas, which include areas that are neither rural nor metropolitan, in addition to rural areas. Thus the "sharp" rise in the proportion of families with women heads in nonurban areas between 1960 and 1970 is due to the Census Bureau's new classification of metropolitan-nonmetropolitan areas.

Source: Prepared by Research Department of the National Urban League from data in U.S. Bureau of the Census: "Sixteenth Census of the United States: 1940 Population, Families; U.S. Census of Population: 1960, U.S. Summary, Detailed Characteristics;" "Selected Characteristics of Persons and Families: March 1970," Current Population Reports: Population Characteristics, Series P–20, No. 204. 1-person families in the 1940 census data were excluded in order to facilitate comparison with census family composition data in subsequent years.

TABLE 22.—PROPORTION OF ALL FAMILIES HEADED BY WOMEN BY RACE AND FAMILY INCOME, 1969

[Percent families headed by women]

Family income	Black	White	Percent difference
Total	28	9	+19
Under $3,000	57	29	+28
$3,000 to $4,999	39	19	+20
$5,000 to $6,999	26	13	+13
$7,000 to $9,999	12	7	+5
$10,000 to $14,999	7	4	+3
$15,000 and over	6	3	+3

Source: Prepared by Research Department of the National Urban League from data in U.S. Bureau of the Census, "Social and Economic Characteristics of the Population in Metropolitan and Nonmetropolitan Areas: 1970 and 1960," Current Population Reports: Special Studies, Series P–23, No. 37, table 8.

TABLE 23.—PROPORTION OF ALL FAMILIES HEADED BY WOMEN BY RACE, AREA AND FAMILY INCOME, 1969

[Percent families headed by women]

Family income	Black families		White families	
	Metropolitan	Nonmetropolitan	Metropolitan	Nonmetropolitan
Total	28	28	10	8
Under $2,000	66	53	41	26
$2,000 to $3,999	61	33	28	17
$4,000 to $5,999	34	22	19	11
$6,000 to $7,999	21	10	14	7
$8,000 to $9,999	12	5	8	5
$10,000 and over	7	9	4	3

Source: Prepared by Research Department of the National Urban League from data in U.S. Bureau of the Census, "Social and Economic Characteristics of the Population in Metropolitan and Nonmetropolitan Areas: 1970 and 1960," Current Population Reports: Special Studies, Series P–23, No. 37, table 7.

FOOTNOTES

[1] Frazier 1957 and 1966; Valentine 1968: 20–24.

[2] Glazer and Moynihan 1965; Moynihan 1965 and 1966; Oscar Lewis 1966a.

[3] Clark 1965; Grier and Cobbs 1968; Washington 1966.

[4] Drake and Cayton 1962; DuBois 1895; Charles S. Johnson, *Growing Up in the Black Belt,* Washington, D.C. 1967; American Council on Education 1941; Billingsley 1968; Herzog 1966 and 1970; Hylan Lewis, *Blackways of Kent,* Chapel Hill: University of North Carolina Press, 1955; Lewis 1966 and 1967; Valentine 1968.

[5] Some of the authors who have drawn attention to black strengths are: Billingsley 1968; Herzog 1966; Ladner 1971; Lewis 1965; Keil 1966; J. Bernard 1966a; Coles 1964; Hannerz 1969; Liebow 1967; Phillips 1971; Proctor 1966 and 1971; Reisman 1966; Staples 1970 and 1971; Vontress 1971; Wasserman 1968; Willie 1970; Hobson 1971.

[6] Talcott Parsons, *The Social System,* New York: The Free Press, 1951; and Talcott Parsons and Robert F. Bales, *Family Socialization and Interaction Process,* New York: The Free Press, 1955.

[7] Cohen and Hodges 1963; Bott 1957 and 1964; Feagin 1968.

[8] U.S. Census Bureau, "Household and Family Characteristics: March 1970" Series P–20, No. 218, 1971, Tables 3 and 4.

[9] Beck 1967; Drake and Cayton 1962; Frazier 1957, 1964, and 1966.

[10] Elizabeth Herzog and Rose Bernstein, "Why So Few Negro Adoptions?" in *Children,* January-February 1965, U.S. Department of Health, Education and Welfare; Leila Calhoun Deasy and Olive Westbrooke Quinn, "The Urban Negro and Adoption of Children" in *Child Welfare,* November 1962, Journal of the Child Welfare League of America, Inc.; Ursula M. Gallagher, "Adoption, Current Trends," *Welfare in Review,* February 1967, U.S. Department of Health, Education and Welfare; and "Results of Survey of Interracial Adoption in the United States in 1968" in *Opportunity: A Program to Broaden Adoption Opportunities for Children of Negro Ancestry,* Portland, Oregon, September 1968.

[11] U.S. Census Bureau, "Fertility Indicators: 1970" Series P–23, No. 36, 1971.

[12] U.S. Census Bureau, "Median Family Income in 1970," Series P–60, No. 78, and "Poverty Increases by 1.2 Million in 1970," Series P–60, No. 77, 1971 show median income of black families to be 61 percent of median income of white families; poverty rate for blacks is more than 3 times that of whites. Bureau of Labor Statistics News, "The Employment Situation: June 1971," July 2, 1971 shows black unemployment rate as 9.4 compared to 5.2 for whites.

[13] Tausky and Wilson 1971.

[14] U.S. Office of Economic Opportunity 1970 and 1971.

[15] U.S. Department of Commerce News, "Differences Between Incomes of Whites and Negro Husband Wife Families Are Relatively Small Outside the South," February 18, 1971.

[16] Hannerz 1969b, pp. 74–75.

[17] Aldous 1969, pp. 470–471.

[18] U.S. Department of Labor, Bureau of Labor Statistics, *Employment and Earnings,* February 1971, historical data give 1970 annual average unemployment rate for black adult men as 5.6 and for black adult women 6.9.

[19] U.S. Census Bureau, "Income in 1969 of Families and Persons in the United States" Series P–60, No. 75, 1970, Table 48; Newman and Steffes 1971; Edwin Harwood and Claire Hodge, "Jobs and the Negro Family," *Public Interest* 23 (Spring 1971): 125–131.

[20] Kahl and Goering 1971, p. 309; Aldous 1969, p. 471, Footnote 19.

[21] Aldous 1969; Coles 1964; Frazier 1957; Moynihan 1965; Rainwater 1966; Rodman 1963, 1964 and 1968; Schulz 1968 and 1969.

[22] U.S. Census Bureau, "Educational Attainment: March 1970," Series P–20, No. 207, 1970, Table 1.

[23] Otto 1962: 77–80.

[24] Bott 1964; Coser 1964.

[25] Moynihan 1965; Blood and Wolfe 1960.

[26] Hyman and Reed 1969.

[27] See following discussions of relative merits of self-reports versus observational techniques in studying decision-making: Olson 1969; Heer 1963; and Mack 1971.

[28] Middleton and Putney 1960: 607.

[29] Aldous 1969.

[30] Bott 1964; Epps 1964.

[31] Parker and Kleiner 1966.

[32] Ladner 1971: 131; Jacquelyne Jackson, "Marital Life Among Aging Blacks," Department of Psychiatry, Duke University Medical Center, Durham, North Carolina, Mimeo. 1971.

[33] Merton 1957: 132.

[34] Ross and Hill 1967: 168.

[35] Herzog and Sudia 1970. See also comparison of fatherless families on welfare with fatherless families not on welfare in Bernard 1964.

[36] See interesting discussion of "un-families" in Herzog and Sudia 1970: 82–84; Nye 1957.

[37] Herzog and Sudia 1970.

[38] See especially comparison of one and two parent lower class black families in Wasserman 1968; Nye 1957.

[39] Aug and Bright 1970.

[40] *Ibid.*: 592.

[41] Ladner 1971; Gans 1962.

[42] Geismar and Ayres 1959; Geismar *et al.* 1962.

[43] Geismar and Gerhart 1968.

[44] Moynihan 1965; Rainwater 1966; Schulz 1968; Rodman 1968.

[45] Kephart and Monahan 1952.

[46] U.S. National Center for Social Statistics, H.E.W., 1969 AFDC study, unpublished data.

[47] Merton 1957: 174.

[48] Merton 1957: 411, footnote 16.

[49] Moynihan 1965; Aldous 1969; Rodman 1964 and 1968.

[50] Johnsen and Leslie 1965: 357.

[51] Rodman 1964; Frazier 1957 and 1966; Hare 1965. This equation of life styles with their indicators is referred to as the "fallacy of reification."

[52] American Council on Education 1970. The statistics on Howard University's students were reported by Dr. James W. Bryant, Vice-President for Development and University Relations in April 1971 in a *Washington Post* article entitled "Howard University is Victimized by Elitist Reputation" (by Robert L. Asher) based on information in *Annual Report* to the President of Howard, April 1971.

[53] U.S. Census Bureau 1970: "School Enrollment: October 1970."

[54] Hindelang 1970.

[55] Harris 1970.

[56] Cosby 1971.

[57] See Table 20.

[58] Duncan and Duncan 1969; Proctor 1966.

[59] Mays and Nicholson 1933; Clark 1965; Frazier 1964.

[60] Frazier 1964 and 1966; Mays 1970. See especially Martin Luther King, Jr., *Stride Toward Freedom: The Montgomery Story,* New York: Harper, 1958.

[61] Frazier 1964; Marx 1967.

[62] Brink and Harris 1964: 103.

[63] *Ibid.*: 221.

[64] Proctor 1966: Mays and Nicholson 1933.

[65] Garland 1971.

[66] Cleage 1968; Mays 1970.

THE GOLDEN MOMENT FOR EXODUS FROM VIETNAM

HON. ALAN CRANSTON

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Thursday, August 5, 1971

Mr. CRANSTON. Mr. President, Harold Willens, a former marine and now a highly successful business executive in California, recently visited Vietnam.

In a speech which is perceptive and illuminating, he reported on the situation there, emphasizing our Government's unwarranted, unwise but very deep involvement on President Thieu's side in the current "election" in South Vietnam.

Is this the sort of "self-determination for the South Vietnamese" that we have allegedly been fighting for—at a cost of more than 50,000 American lives and more than 100 billion American dollars?

I ask unanimous consent that Mr. Willen's speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH BY HAROLD WILLENS

Self-determination for the South Vietnamese people; peace with honor for the United States government: surely most Americans would consider these a satisfactory basis for prompt extrication from a war in search of a reason. Can we still hope to achieve such objectives?

I believe we can if we grasp the golden moment offered by the October 3 South Vietnamese presidential election. To do this requires a clear signal of United States neutrality in that direction. Without such a signal we who are proud of our freedom will block freedom of choice for South Vietnam. The election will be a Washington-produced, Embassy-directed charade acted by a Vietnamese cast. And the purposeless killing will continue.

During a recent visit to South Vietnam I interviewed American and Vietnamese officials, including Ambassador Ellsworth Bunker, Prime Minister Tran Thien Khiem, Vice President Nguyen Cao Ky and General Duong Van Minh. Citizen to citizen, I talked at length with people in all walks of life, discussing politics with representatives of divergent opinions, interests and organizations. In almost every instance I was told Minh would probably win the election if the people could vote without the spectre of United States power and money standing behind Thieu.

This was said by people who oppose communism as much as they oppose Thieu and the war. Most of them would prefer other peace candidates to General Minh: nationalist leaders who are in prison or in exile. But they all feel Minh can Vietnamize the peace while Thieu represents more death and devastation. Thieu also represents cruel reprisal for all who oppose him. The 1967 presidential runner-up, Truong Dinh Dzu, is serving a five-year sentence: one among tens of thousands imprisoned for the crime of calling for peace. On the other hand, Minh is remembered for releasing all political prisoners immediately after overthrowing the despised Diem regime in 1963. This is one reason explaining widespread belief that South Vietnam stands a better chance of remaining non-communist under Minh than under the continued rule of Thieu. In any case, the people I met are convinced that war-weary South Vietnamese would elect Minh October 3 if they could vote without fear of losing their jobs—or lives—as punishment for opposing the "Nixon/Bunker candidate."

The view from our Embassy is exactly opposite. There the Vietnamese are seen favoring Thieu because he has brought "stability and progress" (two words which invariably evoked laughter when I used them in the presence of men and women not beholden to the Thieu government). They see their country as a volcano temporarily still on the surface but coming ever closer to violent eruption against a cruel despot whose government is regarded as representing "foreign control." This is one among many points of divergence between the perspectives of American officials and Vietnamese people. An Embassy officer gave me a figure of "several hundred" when I asked how many political prisoners there were in the country. Informed South Vietnamese, including two ARVN officers with whom I met separately, estimated between ninety and one hundred thousand.

The Pentagon Papers tell us that "the explanation of how the United States mission became detached from political realities in Saigon in August 1963 is among the most ironic and tragic of our entire Vietnam involvement." It is no different in August 1971. Like Alice after walking through the mirror in Wonderland, our Saigon "experts" continue to see things backwards.

I am willing to concede that despite the long record of consistent misjudgment our current officials may be right. Perhaps the majority of South Vietnamese, free of all restraints, would express their preference for President Thieu. Since that is what our officials believe, they ought to welcome an election reflecting United States neutrality. Why load the dice when you are sure of winning?

Repeating the candidly expressed views of citizens representing many aspects of Vietnamese life, I challenge our policy makers to unload the dice. And I charge that, as presently constituted, the October 3 election is rigged in favor of Thieu. The question of intent is irrelevant. Ambassador Bunker may be sincere when he asserts impartiality. The Vietnamese people see him as not only favoring but also strongly supporting the election of Thieu. There is no way Ambassador Bunker's assertions can shake Vietnamese convictions on this point. As things stand now, the network of Thieu's officials in villages and hamlets will spread to those around them the belief that the "safe" thing to do is vote for "the American candidate."

The establishment of United States neutrality in the South Vietnamese presidential election requires three actions:

1. The public announcement, prior to October 3, of an American withdrawal deadline—whatever that date may be. The realities of the long war, the American presence and Thieu's harsh treatment of political "heretics" stand in the way of free expression. Holding off a withdrawal announcement until after the election perpetuates the assumption of ongoing United States support for the Thieu government. *That effectively inhibits freedom of choice.*

2. The immediate resignation of Ambassador Bunker to indicate actual (as opposed to rhetorical) neutrality. This would not be unfair to President Thieu as some may argue. Even if it were, for Ambassador Bunker *not* to resign prior to the election would be more unfair to the Vietnamese people. If resignation is too painful a step, an extended leave of absence might serve the purpose.

3. The creation of a Congressional Commission along the lines proposed by Illinois Senator Adlai Stevenson. Prime Minister Khiem told me that observers would be welcome. If a Commission were well staffed and remained in South Vietnam for a month prior to October 3, it could serve a useful purpose. It would be even better if representatives of other countries were included.

But no observers, no Congressional Commission could convert a deceptive charade into a reasonably honest election unless fear, uncertainty and skepticism are first removed through the actions listed above.

A member of the An Quang Buddhists, who is also a senator, told me that if the presidential election were held today, it would be no more than an "American trick" meant to deceive people in Vietnam, in the United States and all the world. A prominent Catholic, as devout as he is devoted to his country, told me that the three steps I am proposing would *not* be taken because they conflict with "Mr. Nixon's personal political time table." In different words I heard over and over again the thoughts of these two men expressed by people speaking for a wide cross section of their countrymen.

Are these people right? After what the Pentagon Papers have revealed, are the callous political considerations of a man or a party more important than seizing an unparalleled opportunity to end the war quickly and honorably?

If the answer to these questions is "no" what possible reason can President Nixon and his advisers have for not establishing our neutrality in an election which could represent the golden moment for exodus from Vietnam?

LEST WE FORGET

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. MILLER of Ohio. Mr. Speaker, in a land of progress and prosperity, it is often easy to assume an "out of sight, out of mind" attitude about matters which are not consistently brought to our attention. The fact exists that today more than 1,550 American servicemen are listed as prisoners or missing in Southeast Asia. The wives, children, and parents of these men have not forgotten, and I would hope that my colleagues in Congress and our countrymen across America will not neglect the fact that all men are not free for as long as one of our number is enslaved. I insert the name of one of the missing:

Major William V. Frederick, U.S. Air Force, FV 3052419, Deerfield, Ohio. Married and the father of four children. 1955 graduate of Kent State University. Officially listed as missing July 5, 1967. As of today, Maj. Frederick has been missing in action in Southeast Asia for 1,490 days.

THE CONSTELLATION OF POLITICS AND ECONOMICS: A DYNAMIC DUO IN THE BLACK ECONOMY

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. DELLUMS. Mr. Speaker, for the first time in history, black men are now able to address the white establishment with a large degree of self-confidence. The whole work of the civil rights movement has aimed at awakening political conciousness among blacks, where the one main complaint has been powerlessness.

Mr. Robert S. Browne's recent address to the first annual symposium on "the State of the Black Economy" has some penetrating comments on the black potential in electoral political activity. Mr. Browne suggests that economic power is the route to political power.

I have found Mr. Browne's comments topical. Therefore, I am placing them in the Record to share with my colleagues.

The address follows:

The Constellation of Politics and Economics—A Dynamic Duo in the Black Economy

(Address by Robert S. Brown, director, the Black Economic Research Center)

With 23 million people, one third of them concentrated in 15 cities, the black population of America constitutes a potential force of formidable dimensions in American political affairs. Its potential is further enhanced by its relatively low median age and high growth rate when compared to the white population. To be sure, these quantitative factors are heavily vitiated by a variety of qualitative characteristics of the black community which are likely to weaken its potential for political effectiveness—such as the low level of black voter registration and electoral participation, the legal and illegal disenfranchisement of significant portions of the black population, its subjection to gerrymandering at the hands of white majorities who can render the black ballot largely ineffective, and the traditional dependence of the more politically active portion of the black electorate and of its elected officials on one or the other of the two major political parties—in neither of which parties are the interests of the national black community a matter of significant priority.

These latter characteristics not withstanding, however, it is increasingly clear that we find ourselves today entering a totally new era of black electoral political activity, an era which has had no counterpart in recent American history.

Not since the little known and ill understood period of Reconstruction has the black voter and the black politician found himself speaking to the white political establishment with the degree of self-confidence which he feels today.

It would, of course, be a grave misreading of reality to describe the current political rumblings within the black community as an unambiguous index of growing black political power in America. On the contrary, recent secret meetings of top black elected officials, murmers of an incipient national black political party, and rumors of a black presidential candidate for 1972, could well turn out to be little more than high level minstrel shows, extended ego trips for a few black political leaders who are reacting—perhaps subconsciously—against an unbearable realization of their own powerlessness in the giant, racist machine which constitutes American society. This would be a very defensible reading of the current activities in the black political community, for an unsentimental assessment of the power of black political leadership and its factionalized, quarreling, poverty-stricken constituency of 23 million swallowed in a total population of 220 million, can hardly be other than pessimistic.

A contrary interpretation of the new black political thrust is, however, possible—an interpretation which would accept that in 1971, almost 11 decades after Emancipation and 5 years away from the American bicentennial celebrations, the sons and daughters of former slaves have genuinely determined that the time has come for them to play a major role in fashioning the future of American society. That such a momentous decision might come at this particular moment in American history is hardly surprising. The entire thrust of the civil rights activities of the 1960's was laying the foundation for a political consciousness among blacks, and given the unyielding racism of the nation's institutions it could have been predicted that this political awareness would, at some point in its development, be obliged to consolidate as a black movement, at least for the formulation of its goals. A factor of perhaps equal if not greater strength in forging a black political movement at this historical moment is the recent discovery by blacks of the effectiveness of the negative political power which they can exercise in contemporary America. Indeed, the demographic figures on the black community, and its geographical distribution, are probably of less significance for their electoral potential than for what they suggest in terms of the black disruptive potential to the harmonious functioning of the society.

The pessimists are correct when they assess the electoral potential of the black community as being relatively low. James Madison himself wrote at length, during the formative years of the Republic, about his fears regarding the protection of minorities against the deliberate tyranny of the majority and these fears haunt the black community today in terms of its very potential for survival in the face of intense racial polarization. A dozen black congressmen or even the two score of them which would more closely reflect the black population percentage, must obviously remain forever vulnerable to the whims of their majority colleagues, so electoral politics by itself is admittedly of limited usefulness to us. Similarly, the power of disruption, or the threat of it—let's call it negative political power—is also a tool of limited utility in the black man's kit, whether used directly to bludgeon concessions or indirectly to dramatize injustices and heighten the moral sensitivity of the white community.

Despite the limitations of both of these styles of political maneuvering, however, it is probably some combination of them to which one must credit such social and economic gains as the black community has achieved in recent years. It was only two years ago that the keynote speech at the Detroit Black Economic Development Conference stressed the total absence of black people from the boards of directors and from the upper executive echelons of the major corporations of America. Now, two years later, the appointment of blacks to major corporate boards has become almost a fad—with Chase National Bank, Equitable Life Assurance Co., Metropolitan Life Insurance Co., General Motors, and others each boasting of having just appointed their first black director—with IBM having recently become a double pioneer by selecting a black woman—a good looking Chicago girl incidently—for its board. Clearly, these blacks did not suddenly, in 1970 and 1971, become qualified to be on the boards of major corporations. They were probably just as qualified in 1965 and 1966, or even in 1955 and 1956. Obviously, factors completely external to these individuals were responsible for them being suddenly "discovered" by big business. And whatever these external factors were, and it may be difficult to obtain agreement on just what they were, they were certainly political in their nature—i.e., they had to do with considerations of how social institutions could best be maintained.

One complaint, perhaps the major complaint of the black man in America is his relative powerlessness. Now that the larger society is recognizing this fact and perceiving the threat which black powerlessness poses to the nation, the white establishment is confronted with a grave dilemma—how to share its power without in fact sharing it. Resolving this riddle promises to be quite an act and the black community is watching with intense curiosity.

In American society, political and economic power tend to be so closely entwined that they become largely inseparable at the summit. With some exemptions, however, the *route* to political power in America has generally lain *through economic power* rather than the reverse, a pattern which has been well documented by Domhoff, Lundberg, and others. This is not a route which is open to black Americans, for blacks lack the economic base, the accumulation of assets, which is necessary for launching a bid for a share of the national power. Rather, the black political electorate constitutes virtually the only leverage either for placing a black hand on the nation's throttle or for appropriating for the black community a reasonably fair share of the national income and of the national wealth. It is this realization, no doubt, which lies behind the current audacious black political thrusts and most especially behind the movement toward a unified black political effort. It may appear desperate to the dispassionate, but it is probably the only path available which offers any hope for success.

The election of black mayors in several major cities and in a number of minor ones has thus far constituted the most dramatic demonstration of black political emergence. These victories have certainly not been unmixed blessings, for while they have unquestionably enhanced the black man's self-image, which is no small accomplishment, in most cases the cities involved are in serious social and economic straits and suffering from secular decline on a scale which renders them almost unsalvageable except by Herculean outside assistance. This is particularly true of Newark, and largely true of Cleveland. It is probably also true of Detroit, where blacks may well elect the next mayor. Indeed, every time I pass a little storefront office at 127th and Lenox Avenue in Harlem where a giant sign states "it's time for New York City to elect a black Mayor" I am sorely tempted to go inside and ask "why?"

On the other hand, one should not overlook the very real opportunities which the mayor's seat offers for providing blacks with positions and experience which they have never before enjoyed; for providing black entrepreneurs with city contracts and with other benefits which have heretofore been the monopoly of white firms and contractors; and for using municipal monies in creative ways to assist the neglected black community instead of the favored white one. On balance, there seems to be little doubt that we stand to gain more than we lose through electing black mayors, so we should continue to pursue this type of effort when it appears to be achievable, although recognizing the real limitations which are inherent in such victories.

Another form in which black political power has been manifest has been in the take-over of larger than municipal political units—most notably in the election of a full slate of officials in Greene County, Alabama. This type of effort has been confined to the South, specifically to those counties with strong black majorities. Heavy rural to urban migration has gravely reduced the number and strength of such majorities, which is unfortunate, for these black-run counties may offer the black man his best potential for building viable communities in which he can enjoy a measure of self determination and economic independence. The counties where blacks are in the majority are almost invariably the poorest counties in their states, and Greene County has the unenviable status of being the fifth poorest county in all of America, so the task of developing these counties does not promise to be easier than the task of rendering the cities viable. But they do represent a significant opportunity for black people from all walks of life to pool their talents, within a reasonably congenial atmosphere, and attempt to build thriving, comprehensive communities where our black young people can be trained and inspired to render useful service to themselves and to their people. Efforts are underway to assist these black-run counties to establish a sound economic base through attracting industry and halting the erosion of black land ownership. Because southern black people are even poorer than those in the North, northern blacks should be prepared to lend not only their financial support to these efforts but also to lend their skills to the extent this is possible.

Success at either of these levels of development will require a massive infusion of funds, funds which are not likely to be forthcoming unless powerful pressure is put on the Executive and Legislative branches of the national government. Not only must national priorities be reordered, but the Nation must be obliged to admit that the present distribution of income and wealth within the country is grossly intolerable and that a voluntary and drastic redistribution of it is absolutely essential if any semblance of an orderly society is to be preserved. Such a prescription, of course, speaks not only to the black condition in America, but to the total social condition of the country. A situation where 5% of the population disposes of 20% of the income and the top 1% of wealth holders dispose of 26% of the Nation's total personal wealths can hardly be considered to be stable at this stage in America's history, although such inequality has admittedly been commonplace at earlier periods and exists today in some other countries.

The foregoing suggests that, ultimately, it is at the national level that black politics must become the instrument for economic liberation. Hopefully, it is the beginnings of this thrust which we have been witnessing this spring. The recent creation of a Caucus of Black Congressmen, speaking with a unified voice, eschewing any tie to political machines and espousing instead a politics of principle over a politics of party, represents a breath of fresh air on the political horizon.

As we know, fresh air is very expensive so I would urge each of you to contribute as generously as your circumstances permit to their fund-raising campaign, which will provide an urgently needed secretariat and research staff for their work. In addition, however, to providing them with financial support we must monitor their work carefully, while remaining alert to detect and deflect whatever "divide and conquer" tactics which may be devised to discredit them or render them ineffectual.

The 61 recommendations which they presented to the President, although deficient in their attention to concerns of the rural southern black, were generally well chosen and well formulated. They constituted a reasonable, achievable basic program for blacks during the remaining portion of President Nixon's term. In most cases the recommendations erred on the side of moderation and they were clearly a substantial compromise from what some of the more militant of the black Congressmen would have wished. Despite this, however, the President's response was extremely disappointing. I should like to take the time to point out a few examples of the President's unresponsiveness on the economic issues which were raised.

Of the 61 recommendations, the largest single group was the one devoted to Economic Security and Economic Development, which contained 24 recommendations. The three other categories were: Community and Human Development (21 recommendations), Justice and Civil Rights (10 recommendations), and Foreign Policy (6 recommendations). Among the economic recommendations submitted and flatly rejected by the President were:

(1) A request for a public service job creation program which would provide a minimum of 1.1 million jobs within the first year. This request was dismissed as unnecessary in view of the public service jobs (unspecified in number) which were explicitly or inexplicitly included in the Administration's welfare reform and revenue sharing bills.

(2) A request for a new, independent, quasi public development bank, funded initially at $1 billion annually, for the purpose of addressing the problem of assisting minority enterprise. This was rejected as unnecessary in view of existing and planned programs, although no powerful voice for minority enterprise either exists or is envisioned in the Administration's plans, and minority development funds requested by the Administration for existing agencies total considerably less than $1 billion requested by the Caucus.

(3) A request for $50 million of funding for community development corporations, a new form of all-purpose, community-run development agency which is having some success in a number of black communities. This request was rejected on the grounds that the CDCs are experimental so no new ones should be started until the present ones have proved their effectiveenss. Passed over in silence was the fact that the existing CDCs need $50 million for their own expansion if they are to achieve all that is being expected of them.

(4) A request for a federally financed guarantee organization similar to the Government National Mortgage Association to insure securities and obligations of CDCs. This was rejected on the grounds that "this would stigmatize CDCs as unable to compete with other firms in existing capital markets . . ." The reality, of course, is that by their very nature and newness the CDCs cannot hope to compete with other firms for capital and that admission actually constituted the basis for the request for a guaranteeing agency.

The insensitivity of the Administration to these eminently reasonable and, in my opinion, disconcertingly modest requests suggests that Washington is very far indeed from being disposed to deal with the more drastic kinds of economic demands which will have to be made of it in the coming months and years. A few hundred million or even a few billion dollars, administered through traditional or largely traditional types of institutions, are not capable of bringing about the changes which the society needs—nor is the $6500 per year guaranteed income which the black Congressman also requested and which the President firmly rejected. The reasons which the President gave for this rejection, however, go to the heart of the matter, for he argued that so generous a welfare plan would be fiscally irresponsible, would cost some $75 billion per year, and would lead to substantial reallocation of funds from other programs benefiting the poor. We have written the President to inquire as to how his $75 billion figure was arrived at, for we seriously question its validity. But what struck us most was his suggestion that one program to benefit the poor could only be funded by cutting back on other socially oriented programs.

What this suggests to me is that black economists must join with black political leaders to formulate totally new challenges to the manner in which the nation's resources are being allocated. Not only must the government (and I do not limit myself to the present incumbents but refer to the establishment which runs this country irrespective of who sits in the White House) abandon its preposterous external squandering of the national resources—in aggressive military adventures and posturing, in expensive space galas, and in international political intrigue. It must also take steps to see that resources are better distributed within the body politic. Our tax structure is long overdue for genuine reform, both because of its failure to redistribute wealth and because its inequities constitute an endless eroding of the national moral fiber. Public awareness that loopholes in the tax laws reduce effective rates of federal taxation actually paid by the rich to less than half the nominal rates, permitting hundreds of high income recipients, including at least a score of millionaires, to totally escape federal taxes, constitutes a revolutionary potential of considerable proportions.

The capital gains provisions alone provide several billions of dollars of tax relief to the rich, lost revenues which must be compensated for by imposing higher rates on the poor, who cannot take advantage of capital gains. When this situation is superimposed on the burden created by the little understood but scandalously unfair Social Security tax mechanism, and then supplemented by the heavily regressive tax structures of the states and municipalities, we are confronted with a situation where the poor are, for all practical purposes, subsidizing the rich via the tax structures. Beginning this week, for example, New York City residents are paying a combined city and state sales tax of 7% on the dollar. The absence from our tax structure of a capital levy or of strong estate or inheritance taxes further aggravates the bias in favor of those who possess accumulations of wealth while bleeding those whose sole income is from wages and salaries.

Such inequities, which fall far harder on the black community than on the white, cannot be tolerated indefinitely! Whether one chooses to call the rectification of economic injustice by the name of tax reform, of reparations, or by some other term, is immaterial. What is important is that the society realize that the gross inequities in the distribution of wealth between the white majority and the black minority must be corrected as a *sine qua non* for a stable American society. The reparations concept obviously speaks more directly to the black economic predicament, which is essentially a shortage of capital assets within the black community, occasioned by the historical circumstances of slavery, persecution and discrimination. The ill-fated Freedman's Bureau concept of special or preferential treatment to help rectify the devastating results of this historical injustice has slowly gained some degree of re-acceptance in American social thinking as reflected in programs such as the Department of Commerce's Section 8 (a) set-asides and MESBICs, the liberalized SBA regulations for minority enterprise, the Philadelphia Plan, and other minority-aid schemes—most of which, incidently, sound much better on paper than they function in practice. But discussion of an actual major capital transfer from the general society to the black community, a modern day Homestead Act of some sort, continues to remain a taboo subject.

A misplaced sense of pride on the part of many black people too often leads them to make public declarations that we don't want handouts, that we don't want welfare, that we don't want anything but a fair chance to compete. Unfortunately, these well-meaning brothers and sisters are perhaps unaware that a very sizeable portion of our national budget, to which they are contributing heavily, is being used for handouts, for welfare if you will, to cover the deficits of some of the largest industries in America and to subsidize the most prosperous farmers in our country. It is being used to pay subventions to some of the wealthiest governments in the world—such as Germany, which presumably wants U.S. troops but not badly enough to pay for them. Most recently, an effort is even underway to use poor people's tax payments to save a specific private company, the Lockheed Aircraft Corporation, from the bankruptcy which it faces because of executive incompetence.

Corporations contracting with the Defense Department have made it standard operating procedure to submit deliberately understated bids for government contracts, confident that when their costs far exceed their estimates the government will cover their deficit. With the national government thus favorably disposed toward giving welfare to the rich, further compounding the tax structure's already strong bias in favor of these very same groups, black people would appear to have little reason for hesitancy in demanding both a level of welfare adequate for human decency and a sizable payment in reparations to provide them an economic basis for a meaningful takeoff in the area of development. Obviously, soundly-based black politics is the basic prerequisite for rendering such a demand effective.

Clearly, the black economist, in conjunction with the black politician, will have to become much more active in analyzing and defining proper government economic policy from the perspective of the black community. For example, the black economist can no longer close his eyes to the fact that the present international monetary arrangements, with the dollar accorded key, or reserve currency status, leads ultimately to a hardship being visited upon the black community with no compensating gains to it. Far better that the U.S. be obliged to terminate its payments deficit and end its imperialist adventures than that interest rates be kept at levels which render new housing construction virtually impossible and all credit exorbitantly dear. Key currency status for the dollar is essentially a national prestige item and an American political asset; it is totally irrelevant to the destitute black community which could care less as to whether the U.S. is the number one or the number ten power in the world. Indeed, the ghetto's living conditions understandably cause it to identify more with the so-called underdeveloped nations than with any image of world leadership.

The black community has erred for too long on the side of subordinating its own best interests to those which were identified as "the national interest." Now that we are reaching our political maturity we are beginning to discern that there is no such thing as "the national interest." There are merely a number of competing, conflicting, special interests—each greedily seeking to gain control over the largest possible share of the Nation's wealth, income, and political apparatus. The task which lies before us, as black people, is to devise effective strategies through which we might insure that our lagging, beloved black community at long last obtains an equitable portion of these American prizes.

If the international enthronement of the dollar is condemning black people to poor housing, then we must dethrone the dollar. If Germany's security requires the presence of American troops, then Germany, not the poor black taxpayer, must pay for those troops. If American business is unwilling to build plants in the black-dominated counties of the American South, then we will invite Japanese capital to come in and help us. If Washington won't supply adequate funds for developing the ghettos, then we must seek them from the World Bank, from the UN, or from the Soviet Union, as dozens of other underdeveloped nations do. In short, we must liberate ourselves from any artificial national restrictions which obstruct our progress.

For 300 years the impact of the black community on America has been passive, reactive and involuntary. Henceforth, our black political leaders must commit themselves to making our impact active, deliberate, and self-centered—ignoring the appeals to a mythological national interest and focusing on the swiftest possible development of the black economy. Hopefully, the more far-sighted elements of the white community will join us in this effort. For unless this business is attended to with unaccustomed speed, it is highly possible that the U.S. as a nation will be unable to transcend the grave internal stresses which are already subjecting it to a considerable degree of domestic turmoil.

TRIBUTE TO HARRY W. MORRISON, "BUILDER OF THE WORLD"

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. HANSEN of Idaho. Mr. Speaker, when Harry W. Morrison died in Boise last month at the age of 86, flags in Idaho were lowered to half mast. But not only Idahoans mourned his passing. Their sorrow was shared by people throughout the world who had felt the tremendous impact of this master builder, this enormously human man.

Harry Morrison, who was eulogized as "the greatest builder since Solomon" and "a builder of the world", was cofounder of Morrison-Knudsen Co., Inc., a Boise-based outfit he helped build into one of the largest construction firms in the world.

Born February 23, 1885, near Kenney, Ill., Morrison began his building career at the age of 14 as a waterboy with Bates & Rogers Construction Co. in Chicago. From those humble beginnings he rose to the head of a worldwide firm that spread its influence and genius throughout more than 50 nations across the world.

Morrison-Knudsen's achievements include the mighty Hoover Dam, parts of Grand Coulee Dam and the St. Lawrence Seaway, and railroads, canals, dams, pipelines and military bases on nearly every corner of this earth.

Harry Morrison once said that:

> A man's worth is counted in the things he creates for the betterment of his fellow men.

In wisdom, warmth, love, kindness—as well as in the physical things he constructed—his worth to his fellow men was immeasurable.

At Morrison's funeral, Rev. Herbert E. Richards, former minister of the Methodist Cathedral of the Rockies in Boise, said that:

> Memories of him are more than mists of yesterday . . . Their value lies in our use of them that we become the better because we are blessed to know and love and remember this greatest builder since Solomon.

Much of Harry Morrison's strength came from the love and admiration of family members and those closest to him in his work. The former Ann Daly, to whom he was married in 1914, died in 1957 and was his constant companion on trips throughout the world. She is memorialized in Ann Morrison Park, a 155-acre haven in Boise developed from former swampland at a cost in excess of $1,200,000 by the Harry W. Morrison Family Foundation and donated to the city.

Mrs. Velma Shannon became his wife in 1959, and as Dr. Richards said in his memorial:

> Velma's love and devotion brought a smile even when Harry's legs fatigued and his eyes grew tired.

His sister, Edna, has devoted much of her time to the well-being of her late brother during these latter years. Petra Asumendi, his loyal secretary of many years, added to the strength he devoted to master building.

Formal education for Morrison ended after 2 years of high school and a correspondence course from a business school. At the age of 19, he went to work on an Idaho dam project, but quit when he couldn't get a raise. In 1906, Morrison joined the Reclamation Service and in only 2 years reached the level of supervisor on the diversion dam southeast of Boise. Also working on that project was 50-year-old M. H. Knudsen, and the two began their now-famous partnership in Boise with the combined assets of $600 and a few teams of horses.

Early M-K jobs consisted of small projects—mostly on railroads, canals, and logging roads. It was following their first dam-building job in 1914—the Three Mile Falls Dam in Oregon which drew a $14,000 profit on a $120,000 contract—that Harry Morrison chose to concentrate his efforts on dam construction.

The early years were lean for M-K, but through intelligence, ingenuity, innovation—and an uncanny sense of good business management—Harry Morrison guided M-K's rise to unequaled heights.

M-K was one of the first companies to use bulldozers, gasoline-powered revolving shovels and new diesel trucks. And it was Morrison who had the foresight to encourage leading builders to combine efforts and resources by forming a corporation called Six Companies, Inc., which tackled one of the most tremendous construction feats of all time—the mighty Hoover Dam on the Colorado River. Six Companies was a breakthrough for heavy construction in the West, and was the beginning of joint efforts to finance huge projects of this sort.

From the Hoover Dam, Morrison and Six Companies moved to their next achievement—the San Francisco-Oakland Bay Bridge. M-K then concentrated on dams again—Bonneville, Parker, O'Shaughnessy and the second phase of Grand Coulee.

By 1939, M-K had expanded into the Midwest and South on dams, roads and railroad projects. Knudsen, 77, was semi-retired and Morrison had become president and general manager.

It was World War II that first got M-K involved in ventures outside the continental United States. M-K joined in a group called Contractors, Pacific Naval Air Bases, to build the world's largest underground installation for naval fuel storage at Red Hill near Pearl Harbor. On Midway and Wake Islands, more than 1,200 M-K men were taken prisoner and 98 killed by the Japanese while the company was building bases on the islands.

M-K worked on a Civil Aeronautics Administration program which built 26 airfields and 42 range stations; $400,000 of M-K's own money was spent to build and equip a field in the Aleutians even before a contract was signed or money appropriated by Congress.

As the company expanded, Morrison followed its projects closely. He traveled over 100,000 miles a year visiting clients, investors, and projects around the world. Of M-K's operations he once said:

> We like to think we leave the impression around the world that all America is interested, earnestly and hopefully, in economic and social progress for all men.

In 1954, Time magazine featured Harry Morrison on its cover for a story about "U.S. Builders Abroad: Ambassadors with Bulldozers." The world builder retired from active management of his company only 11 years ago, at the age of 75.

Rarely mentioned by his own choice were his many philanthropies—contributions to Boise State College, Boy Scouts of America, churches, hospitals, and numerous charitable organizations.

Honorary degrees were bestowed upon him by the University of Idaho, the College of Idaho, and the University of Portland. He was named as "businessman of the year" in Idaho, and given an award for economic statesmanship by Seattle University. Professional honors were numerous, and in 1957 he was elected as honorary lifetime president of the Idaho branch of the Associated General Contractors of America. He was a director of the Idaho First National Bank and of Kaiser Cement & Gypsum Co., president of the southwestern Idaho water conservation project, and a member of the Hoover Commission's Resources Study Group.

B. L. Perkins, M-K's chairman and president, said after Morrison's death that:

> The master builder was a symbol of all that is great and good in the construction industry, a pioneer of strength and vision

and substance in whom his juniors could truly believe.

He gave meaning to the word "integrity." To him, integrity was not only a requisite of doing business; it was a tenet of life. May the principles and high standards which he established always guide this organization that perpetuates his name.

We would all do well to be guided by the example of Harry W. Morrison.

Mr. Speaker, in final tribute to Harry Morrison, I include as part of my remarks the moving memorial message of Dr. Richards at Harry's funeral service:

TO THE GLORY OF GOD AND IN MEMORIAM TO HARRY W. MORRISON

(By Herbert E. Richards, D.D.)

In the name of the Father, Son and Holy Spirit. Amen. And Solomon built wisely and well and is known unto this day.

Services of memorial are an integral part of the Christian American tradition and for each of you, this service will have deep and perhaps discerningly distinct significance and meaning.

Why do we have a service in this Cathedral of the Rockies for Harry W. Morrison?

Well we remind ourselves that one reason for this service is to remember. That is—to bring to mind mutual experiences of creating, building, serving, of sacrificing and loving.

For some, your memories take you to Kenny, Dewitt County, Illinois his birth place. You recall his efforts to learn, his struggle to get a not-so-available education. You remember his mailing exams as he took a La Salle Correspondence Course in math and engineering. Later many University trained engineers would come to trust Harry's knowledge, learning, judgment and wisdom.

For some, your memories take you to Hoover Dam, to Afghanistan, to San Francisco, to Canada, or to his first small dam at Hermiston, Oregon. Each a monument to skill and inspiration! For some of you, your memories are of extraordinary finance, great corporations, the six Associate Companies, banks and enterprises unlimited.

Your memories will take you to the MK office, his beloved long-time employees, and friends. You now bring to mind his kindly dignity, his firm, his understanding, and in the highest sense—his demanding of excellence!

These memories are more than mists of yesterday for you and me! Their value lies in our use of them that we become the better, because we were blessed to know and love and remember this the greatest builder since Solomon.

What remains in our heart as we take our leave until we rejoin him in that Cathedral not built with hands, eternal in the heavens?

What characteristics were his best that we Americans can learn that he has builded beyond cement, mortar, stone and dirt-fill? Here they are: Harry Morrison was decisive—a characteristic America may lose at its peril. Who without decision firm could prepare himself to build? Harry always gathered his facts, organized them, arrived at decision—made it—and never looked back. Can any executive hearing my voice learn more? Harry Morrison was confident in himself. He could be truly humble, because he knew what skills were his, and what skills he needed to borrow from others. Harry believed in people, especially his MK people, yes—more than that, Harry Morrison was loyal. There were those who whispered: "too loyal!" Is that possible?

Well I remember one rainy night at his Harrison Boulevard residence, Edna and Velma had stepped out and I was alone with him as he reminisced. I asked him about Hoover Dam, which I am convinced,—of all MK projects—was closest to Harry's heart. Then I asked, "in your opinion, what is your most significant skill, and in your mind your most significant achievement?"

I pause in this memorial to ask you the family, colleagues and friends, what you would choose? What do you think would be *his* reply?

Well, here it is—from his own lips he said: "If I have any particular skill, it is the fortunate judgment to choose good people to work with me." There was silence! Then he continued: "Now, what achievement brings me most satisfaction? I'll tell you! Morrison Knudsen pioneered protection for its men. Morrison Knudsen was among the first companies in the world to have an insurance policy to protect its men and their families. Without question that gives me my greatest satisfaction."

Of course, you faithful employees knew this all along, and particularly his loyal secretary, Petra Asumendi, and now we ask how faithful are we to Harry's Ideal?

But of all his good fortune none was more triumphant that the love he shared with his ever-loving Ann, his devoted sister Edna, and his beloved Velma. Today we share Edna's, Velma's and the families sorrow. Velma whose devotion and love brought a smile even when Harry's legs fatigued and his eyes grew tired.

These then are some of his characteristics we need emulate, you could add your own—and many would be our listings, but these must include:

1. Decisiveness
2. Confidence in self
3. Loyalty to others—particularly MK people
4. Love

All this was rooted in an American faith—not religion on his sleeve, he would be the first to make *that* clear. He did not expound, he lived a faith. Many of you now remember how often, you heard him take that old guitar and sing hymns. One day I received a telephone call from Harry and he said he wanted to be baptised. Edna, Velma and Harry came to the chapel of this church and when I asked if it was his own desire to be baptised in Christ—he answered in his crisp way—As if that it was obvious that was what he was there for! It was done!

Later, he sat where the family now sits and looking at this window of faith over the high altar he put his arm around Velma and said 'that window expresses our love.' They gave that window. Harry helped schools, hospitals, Universities, Catholic, LDS., Protestant, Jewish and secular charities. I shared in the dedication of a Christian Church Chapel in Tulare, California, the Morrison Boy Scout Camp of McCall as well as the Ann Morrison Park of Boise.

The archives of this Cathedral join with the archives of institutions, Dams, buildings, of the world as perpetual tribute to his vision.

Through Christ Jesus we commend his Spirit to Almighty God.

Should someone ask why an MK seal is in the stained glass of this church window to my right—it *is* there—, please tell them "as light comes through that window it is refined and comes out the more beautiful and majestic, so all those who knew Mr. MK,—Harry Morrison—have found their light refined and made more beautiful and majestic.

And Solomon built wisely and well, and he is remembered unto that eternal day!

FUELS AND ENERGY PROBLEMS CAUSE CONCERN—SENATE STUDY MOVES AHEAD—FORBES MAGAZINE ARTICLE IS INFORMATIVE

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, August 5, 1971

Mr. RANDOLPH. Mr. President, a critical problem has recently surfaced in our country. After a history of energy abundance, the United States faces a challenge in keeping current with its soaring energy demand and environmental impacts. Concern for this developing gap between energy supply and demand has had my attention for many years and prompted me to sponsor Senate Resolution 45, which was adopted on May 3. The study of national fuels and energy policy authorized by this resolution is now in progress in the Interior Committee with participation by the Commerce and Public Works Committees and the Joint Committee on Atomic Energy.

As this vitally important work proceeds, it is most encouraging to note the increasing attention being given to the energy problem by the media. This is certainly a helpful development. Such publicity is essential in alerting Americans to a matter of major and continuing national study and action.

Many informative and provocative articles on the energy outlook have been published in recent months. There appears in the August 1 issue of Forbes magazine such an anaylsis, entitled "You Get What You Pay For." I ask unanimous consent that this article from Forbes be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RAW MATERIALS—YOU GET WHAT YOU PAY FOR

Already hampered by rising and seemingly uncontrollable labor costs, U.S. industry is now on the verge of losing one of its long-standing basic advantages: It is fast running out of low-cost energy and other basic raw materials.

Few people realize how self-sufficient the U.S. has been in its raw material position. Until two years ago, we were on balance, able to extract from our own reserves sufficient supplies of the energy fuels, oil and gas, coal and uranium, to meet the needs of both industry and the general public. In our other major raw materials, our self-sufficiency has been somewhat less complete. Last year we produced 90% of the copper we consumed, 65% of the iron ore. In such important minerals as nickel and bauxite, we depend heavily on imports, but imports, from nearby and friendly countries.

It is well and good for Americans to congratulate themselves on their energy and initiative, on the genius of their free enterprise system. But it would be foolish to underestimate the role that cheap, plentiful and dependable raw materials have played in our national growth and prosperity.

Now this advantage is slowly slipping away. To meet our consumption, domestic raw materials producers are turning to lower-grade and far higher-cost reserves, and as a result, lower-cost and ofter lower-priced foreign raw materials—the fuels in particular—are becoming increasingly attractive. Unfortunately, all this is happening at a time when the Vietnam war and the world balance of power make it almost impossible for the U.S. to defend its overseas supply sources. When we practiced gunboat diplomacy, we really didn't need it. Now, when we need it, we can't use it.

In many cases it may make both economic and political sense to import raw materials from abroad rather than undertake the costly development of low-quality U.S. reserves. Nickel, for instance. Though vital in making certain kinds of steel, it does not really play a central role in our industrial economy. But the energy fuels—and they constitute three-fourths of all the mineral raw materials used in the U.S.—are a different matter entirely. Oil, to be specific, is gut-basic: It supplies the bulk of the energy that powers the machines that have gradually lifted Western man above the level of a beast of burden.

So what? the free-trader may well ask. Is this dependence on outside resources so bad? Why *not* make use of the lowest cost materials, wherever they may be found?

The simplest answer is: Raw materials are not mere commercial items like shoes or dresses or handicrafts. They are political commodities, the very stuff of world power. In some case, to be sure, we can substitute one material for another (though at an increasing cost). If our tin is cut off, we can package food in plastics, glass or paper; or if copper is unavailable, we can often replace it with aluminum. But cut off half or a fourth of the U.S.' oil, and the nation will grind to a halt.

Friends of the domestic oil industry used to argue that dependence on foreign oil was dangerous to the national security—a pretty threadbare contention in the atomic era, especially after Vietnam has so painfully exposed the limits of American power. But in a more subtle form, the argument holds water. The simple fact is that the hand on the oil pump can be the hand that strangles our economy. How could the U.S. resist if a foreign government, for political reasons, cut off or threatened to cut off a major part of our energy supply? Suppose the Arabs threatened a shutoff in oil unless the U.S. broke its relations with Israel? They do not as yet possess that power. But their power to interfere in U.S. policy is unmistakably increasing at the very moment our power to interfere in theirs is waning.

It now seems certain that U.S. oil output will peak out in 1973 or 1974. Meanwhile, U.S. consumption continues to increase relentlessly. Unless something is done, we will have to step up our imports from the current 25% of consumption to 30%, 35%, even 40%. By 1980 over half the oil used in the U.S. will be imported. Last year our oil import bill was nearly $3 billion. By 1975 it will probably be over $8 billion. Unless offset by exports, such an increase would widen the already gaping hole in our balance of payments by an amount that could be well nigh fatal to international monetary stability.

Yet many Americans, including some who should know better, are surprisingly reluctant to admit the seriousness of the situation. Thy say it is a ploy by the oil industry to preserve oil import quotas and the depletion allowance, to provide higher prices and profits. After all, the U.S. is short of electric power, they say, primarily because of bad luck and bad management. There is no real shortage of fuel, only a shortage of equipment to convert it into electricity. Groups like the American Public Gas Association even dismiss the possibility of a natural gas shortage by contending that there's plenty of gas, only the oil companies have stashed it way in an effort to drive up the price.

"To the extent that the quota system discourages the use of foreign oil," Senator William J. Proxmire maintains, "it exhausts the available reserves. I think we can build our reserves and safeguard them on the basis of the proven reserves and then permit the free market to operate, relying on these reserves in case of emergency." In other words, we're better off using more foreign oil.

But not even Proxmire can claim the shortage of natural gas is artificial. Natural gas provides a third of the U.S.' energy needs. It is also the great growth fuel, whose consumption has been growing by 6.6% annually, *vs.* 4.6% for oil and 1.1% for coal; but as demand has mounted, discoveries of new gas have rapidly declined. The U.S.' proven reserves (excluding Alaska) declined last year for the third year in a row—to 259.6 trillion cubic feet. Currently the U.S. has only an 11.8 year supply left (13.2 years with Alaska), *vs.* 20.2 years a decade ago. By 1974 the supply will almost certainly drop to ten years, a level that Federal Power Commission Chairman John N. Nassikas suggests is the bare minimum.

The gas shortage is not simply threatening, it is here. Last winter, cities like Cleveland were so short of supplies that industry had to shut down for brief periods to conserve fuel for space heating. One after another of the major gas companies have announced they will take on no new large industrial customers for lack of additional supplies. New York State, a recent Public Service Commission study indicated, will be short by 25 billion cubic feet of gas this year and probably 50 billion in 1972. A number of companies, headed by El Paso Natural Gas, are attempting to supplement their supplies by importing high-cost liquefied natural gas from places like Algeria and Nigeria. This in a "recession" year.

HOW MUCH WE'VE GO!

Domestic oil is even shorter than natural gas, though the shortage has been less obvious because of the ease with which oil can be imported. The fact is, however, that as exploration and development have declined, the U.S.' oil reserves have dwindled from a 12-year supply a decade ago to seven or eight years currently. What this means is that if outside supplies were shut off, the U.S. for the first time in its history could no longer meet its own needs; by contrast, as recently as the Six Day War of 1967 the U.S. could supply both its own needs and much of Europe's as well. The import bulge is most apparent in residual oil, on which import quotas were suspended in 1966. Today the East Coast imports some 94% of its residual oil, which powers 40% of its industrial plants and 35% of its power stations.

Unlike oil or gas, U.S. coal reserves—which provide over 20% of U.S. energy needs—seem virtually inexhaustible. We have 800 billion to 1 trillion tons, enough to last 800, 1,000 or 1,500 years, depending on whose estimates you take. But most U.S. coal has a high sulphur content, so that the current concern with air pollution has reduced the reserves usable for electric power generation to perhaps 100 billion tons. But one day soon it should be possible to remove sulphur from power plant stack gases, and someday it should be possible to remove the sulphur from the coal itself, probably as part of a liquefaction or gasification process.

However, sulphur is the least of the coal industry's problems. Much U.S. coal these days is strip mined, and environmental considerations may limit how much its output can be expanded. Further, unlike oil and gas, coal has a high labor content and is beset with labor troubles, and this makes it vulnerable both to disruptions of supply and inflation in costs. In theory, coal has the potential for supplying all of the U.S.' energy needs almost single-handedly. But at least one energy expert—Ford, Bacon & Davis' Gerard C. Gambs—believes the industry's problems are so formidable that coal production will peak out by the mid-Seventies.

But what about nuclear power as a means of maintaining the U.S.' independence of foreign energy? The Nixon Administration, after all, seems to be counting heavily on it and, unless solar power proves feasible, given the enormous growth in the world's demand for energy, nuclear power *is* probably the only long-term solution to the energy problem. Uranium, it is true, may not prove abundant even at $100 a pound, but the breeder reactor expected to come into general use in the 1980s should solve that problem by producing more fissionable material than it consumes in the process of producing power.

TIME IS EVERYTHING

But energy supply is not simply a question of energy reserves: It is also a question of time. It takes seven years to get a nuclear power plant into operation, five years to develop a coal mine and three years to develop an oil field. Meanwhile power must be generated in increasing quantities, cars filled with gas, homes heated; and as things now stand, imported oil alone can quickly fill the gap. "By 1975," says N.W. Freeman, head of Tenneco, Inc., the U.S.' largest gas pipeline company, "I think we're going to have a real energy crisis in this country."

The Nixon Administration steadfastly refuses to take these outcries seriously. "Talk about an energy crisis emerging is exaggerated," says Hendrik Houthakker, who retired last month as a member of the President's Council of Economic Advisers. Houthakker expects U.S. energy consumption to rise 19% to 82 quadrillion BTUs[*] by 1975, and at that rate of growth—roughly 3.6% annually—the U.S. might well be able to meets its prospective needs without importing more than 10% of its oil requirements from the Middle East—the maximum, a Cabinet report concluded not long ago, that we could import without jeopardizing national security.

But the Administration may not be entirely objective. Preoccupied as it is with the problem of inflation, it looks on oil imports—temporarily at least—as a more palatable alternative than raising the price of domestic oil to bring out larger supplies. M.A. Wright, chairman of Jersey Standard's Humble Oil affiliate, has grave doubts about the accuracy of the Administration's projections. "To base policy," he says, "on estimates of the most optimistic set of circumstances is hazardous at best."

Wright expects U.S. energy demand to hit 88 quadrillion BTUs by 1975, some 6 quadrillion BTUs higher than does Houthakker. The difference is the equivalent of 3 million barrels of oil a day or more than 10% of last year's total consumption. Given the number of surpises that the economy has provided the experts in recent years and given the relentless drive for higher living standards for more people, it seems simply good sense to count on the larger, not the smaller, increase.

Is there any prospect of providing the necessary margin of safety without becoming politically and economically dependent on politically unstable areas of the world? The answer is: Yes, but at a price. The U.S. has enormous reserves of both coal and oil shale, so it is clearly not short of fuel. And even its oil and gas reserves are far from exhausted; the National Petroleum Council estimates that 55% of the nation's oil and 60% of its natural gas remain to be found.

But the means of developing these reserves are immensely expensive. For example, 60% of the undiscovered gas is believed to be either more than 15,000 feet underground, offshore, or in Alaska. The trick is to provide the incentive to prove up these reserves and bring them into production on an economic basis. The same is true of oil shale. Or the gasification of coal. To be blunt about it, U.S. industry and U.S. consumers will have to pay a price to remain relatively self-sufficient in energy.

Most oil executives—and many economists as well—argue that the pricing of natural gas is one of the principal elements in solving the energy supply problem. They claim that natural gas has been priced too low, and that the U.S. is now going to have to pay something like its true cost.

In the mid-Fifties the Supreme Court ruled that the wellhead price of natural gas sold in interstate commerce fell under Federal Power Commission jurisdiction. The FPC felt that its obligation was to keep natural gas prices low even in the face of rising costs. In addition, pipeline companies undercut prices even more by selling off-peak gas at bargain prices in order to realize scale economies in gas transportation. As a result, demand skyrocketed, and natural gas took over much of the market from coal and oil. How could it fail to? On the Gulf Coast even today oil goes for $3.60 a barrel, natural gas (on an equivalent BTU basis) for $1.60.

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[*] British Thermal Units, that is. A measure of the heat content of a given fuel.

As rising costs began pushing against the Federal Power Commission price ceiling, investment turned away from the gas industry. What gas was discovered moved increasingly into the intrastate market, outside the FPC's jurisdiction. Gas exploration fell off and, since oil is found in conjunction with gas maybe 25% of the time, the U.S.' oil reserves dwindled as well. Equally important, because it was the cheapest, cleanest, least-polluting fuel availabe, the gas price provided a ceiling for competitive fuels like residual oil and coal.

As an analogy, imagine a shopkeeper who lays in a five-year inventory at relatively low prices. The government insists that he sell his stock at a modest markup from cost at a time when costs are rising. The result would be a bargain for consumers—for a time. But with his selling price fixed below replacement cost, the shopkeeper couldn't afford to reorder, and in time his suppliers would have to stop producing.

Thus the natural gas price structure not only discouraged oil and gas exploration—the total number of wells drilled, for example, declined nearly 40% in a decade—it also slowed the development of both the coal industry, whose markets natural gas usurped, and the newer forms and processes of energy that technology was throwing up—nuclear power, the gasification and liquefaction of coal, the retorting of oil shale.

At last, however, the FPC is beginning to recognize the consequences of its policies, and Chairman Nassikas at least seems determined these days to get prices up. "If it's essential that there be price adjustments to reflect high costs and intercompetitive energy markets," he says, with bureaucratic firmness, "then it's essential for the Commission to do what needs to be done." The FPC has already deregulated small gas producers entirely. In May it okayed a substantial increase in prices on new gas for the Texas Gulf Coast, and last month it approved an even more generous increase for Louisiana.

But it's unlikely that even these increases, which affect only a fraction of the total supply, are anything like enough. The ceiling on a new gas on the Texas Gulf Coast is now 24 cents per mcf (thousand cubic feet). But gas sold under contracts dated between 1961 and 1968 still goes for 18 to 19 cents, and gas under contracts before 1961 for only 15 cents.

"Gas prices," says the chairman of one of the U.S.' largest oil companies, "ought to be deregulated entirely, so that gas could find its own markets and its own competition. Oil and gas have been consumed at prices so far below their replacement cost that we have now reached the point where they are no longer available in sufficient quantities. We need higher prices. But the oil and gas industry is really one and the same, and whether we get it for one or the other or both makes very little difference. I feel that fuel prices are going to rise to the level of the highest cost fuel."

That provides a considerable range. Cabot Corp. hopes to buy Algerian LNG (liquefied natural gas) for between 68 cents and 85 cents a million BTUs, sell it for pipeline peaking purposes for well over $1. By contrast, natural gas sells for 46 cents, low-sulphur residual oil for 75 cents, coal for maybe 78 cents. In this case, Pennzoil United's Chairman Hugh Liedtke, for one, expects gas prices to double. On the Texas Gulf Coast unregulated intrastate gas now goes for nearly twice the price of interstate gas.

PRICE PANACEA?

Substantial increases in gas prices would not only increase the U.S.' gas reserves; they would retard the growth in demand and channel natural gas into its most high-valued uses—home heating, for instance, rather than boiler fuel. In theory at least, such an increase would enable coal and nuclear energy to compete more effectively in the utility and industrial markets, trigger an increase in the price of domestic crude, improve the returns on investment and so stimulate exploration and development, and bring nearer the day when oil shale and synthetic oil and gas could also become competitive.

"Prices should be set," says John Emerson, Chase Manhattan energy economist, "so it doesn't matter to an operator whether he finds oil or gas. If you want him to find gas, you have to provide a higher return. After all, the odds against finding commercial oil are 40 to 1. You get better odds than that at the racetrack." These days the U.S.' major discovery prospects lie in the Gulf of Mexico, the Gulf of Alaska and the East Coast offshore—expensive places all, both for finding oil and bringing it in.

Under these circumstances, why not then take the risk of depending on foreign oil and liquefied natural gas? Wouldn't the risks seem worth taking in return for the lower costs, both for industry and for the ultimate consumer?

The answer is: It's not that simple.

Is there any reason to believe that, once the U.S. is firmly dependent on them, the oil-producing countries will fail to take advantage of their strength? Not because the Arabs and Latins and Asians are greedy or unfair, but because—as Americans frequently like to say—business is business. After all, the underdeveloped nations have long had to absorb the U.S.' and Europe's high labor costs when they purchased manufactured goods. Why shouldn't they charge what the market will bear, if we become as dependent on their energy as once they were on our manufactured goods? If that happens, the question no longer is: Will energy costs go up? It becomes instead: Will the higher costs be borne in foreign exchange or in higher U.S. consumer prices?

Already there is evidence that the oil-producing nations are beginning to realize their potential power. Last spring, in winning large price increases from the oil companies, the producing country cartel known as OPEC—the Organization of Petroleum Exporting Countries—had its first real evidence of the power it could wield over the consuming countries: Europe, which is almost totally dependent on Middle Eastern oil, will soon be paying $15 billion a year more for its oil, and there is no reason to expect the price will not go even higher.

The game could become even more dangerous than that. Libya, for instance, has already hinted it may attempt to keep the consuming countries captive—to price its oil just low enough to make it impossible for them to develop other forms of energy on a competitive basis. The old monopoly game: Knock the competitors out, then charge whatever prices the market will bear.

TIME IS RUNNING

Europe is probably captive already, but the U.S., with its abundant reserves of alternative if higher-priced fuels, still has the option of remaining its own master—provided it is willing to pay the price. But wouldn't higher prices produce a windfall profit for the oil companies, at least for those with large proven domestic reserves? It might for a time, but there are worse things that could happen to the country than to strengthen the oil industry. In the long run, the windfall would vanish before the huge cost of developing new reserves and alternative sources of energy, and the ever-present threat of increased imports would remain a weapon against oil company greed.

So far, Washington has refused to take the energy problem seriously. The Administration still claims that there is no real energy shortage impending, and it has the figures to prove it. But it can hardly be comforting to remember that much of the current shortage of electric power stems from the failure of the FPC in its celebrated 1964 National Power Survey to foresee the unprecedented growth in demand that materialized in the late Sixties.

In last month's energy message to Congress, the main thrust of the President's recommendations was toward the solution of the problems of the Eighties rather than those of the Seventies—stepped up research on coal gasification and the development of the fast-breeder reactor as the principal power source of the future. The message did propose more research on desulphurization, did recommend putting lease sales of federal oil and gas properties on an orderly basis and did start the ball rolling for an oil shale lease program. But it skirted such critical issues as the natural gas price, the import control program and the question of national self-sufficiencies. Equally important, it made no suggestions, tax or otherwise, about ways and means of stimulating the development of our vast reserves of conventional fuels.

At this point, Congress and the Administration are inclined to treat the energy problem as they did the railroad problem all through the Sixties—study it to death.

PAYING THE PIPER

Make no mistake about it, whatever path the country takes, it is going to end up paying much higher prices for its fuel and other raw materials. In copper, nickel and similar minerals, prices will inevitably rise, no matter where we get our supplies from. It's not simply that exploration is more difficult, that ore grades are lower, and that labor and materials costs are going up all the time, but that capital costs are soaring as well—new copper capacity now costs $3,000 a ton, *vs.* $1,500 a ton 25 years ago—this at a time when money costs are high and likely to remain so.

The oil situation is more complicated because dependence on foreign sources is politically and economically far more dangerous. For the U.S. there is more at stake than whether the oil industry—or copper or iron ore or whatever—is or is not making too much money. The unpleasant truth is: We've lived high on our low-cost raw materials. Now we must reach into our pockets and at last pay the price for our style of living.

IS THE PARTY OVER?

Imagine having to pay 80 cents to 90 cents a gallon for gasoline. Or seeing your home heating bill go from $400 to $800 a year. All this in 1971 dollars: Throw in an inflation factor, and the gasoline could be $1 and the heating bill $1,000. At the same time the price of electricity jumps 30%. In fact, things are so tight you think twice about air-conditioning the new house you're building, and you spend half your time barking at the kids to shut off the goddam lights and keep the thermostat down. And the car—well, they make very few of those big station wagons any more. They cost too much, and they're even more costly to operate.

These are just some of the more obvious changes that the deterioration of America's resource position could bring about in the next ten years. The standard of living might continue to rise, but the rate of gain would certainly slow, and things are sure to cost more—in real (uninflated) terms. People will start living a bit closer to the chest, pinching dollars if not pennies, making do with things a little longer. Britain went through a similar period when the Empire on which it depended for low-cost raw materials began to break up, and if cultural historian Brooks Adams' analysis is right, something like that may have also happened in ancient Rome.

Since we've exhausted most of the world's low-cost mineral reserves, what remains is going to cost more to get at. But we're unlikely to run out: After all, in economic terms, that never really happens. Somewhere, price sets a balance between supply and demand. "If something is scarce," says Harvard economist Hendrik Houthakker, one of the President's chief economic advisers, "the price has to go up. We have almost unlimited supplies of copper of very low grade. If the price were $1 a pound, say, there would be so much available it would put a ceiling on the market." In this area at least, Adam Smith, not John Maynard Keynes, is the authority.

The price rise is already well under way. Even at its present cyclical low, copper sells at about twice the cyclical low of a decade ago. The price of coal has just about doubled over the past three years, the price of residual oil has risen more than 60% in the past year—far exceeding any inflationary effect. In the past two years, the price of electricity has risen for the first time in more than 44 years; and David Freeman, head of the energy section of the President's Office of Science and Technology, wouldn't be surprised to see it rise 30% over the decade ahead. "Over the next 15 years," says John F. O'Leary, former head of the Bureau of Mines, "we can expect roughly a doubling of the real price of natural gas to the consumer. That's big news because the price has been going down ever since we kept books. But we've bottomed out now, and it's going to start up and start up sharply."

Unfortunately, these cost increases are coming at a time when, quite apart from inflation, the U.S. is taking on the burden of a number of other increased costs. With much of the railroad industry near bankruptcy, consumers are going to have to pay something like the real cost of transportation for the first time in decades, and they are going to have to pay the rising costs of cleaning up the pollution their consumption has created and pay for having squandered for decades both their physical and capital resources. "The consumer," as Gulf Resources' President Robert Allen puts it, "has enjoyed a discounted price on almost everything for the last 20 years." But that discount is now gone forever. In fact, Assistant Secretary of the Treasury Murray L. Weidenbaum believes much of the 50% growth he foresees in the gross national product in the next five years will have to go to pollution control rather than higher living standards.

Worse yet, the Government could well increase the burden by taxing energy on a progressive basis, partly to conserve resources and partly to increase revenues. In time, this could mean a gasoline price as high as Britain's, that is, 80 cents to 90 cents a gallon.

Such prices will inevitably push the consumer toward energy-consuming devices that cost less to operate. The U.S. motorist, now keen on economy cars, has already begun to get the idea, and soon he may get it in air conditioners and TV sets as well. "Energy," says Freeman, "has been such a bargain that there has never been much of a design effort."

"As the need for efficiency begins to motivate investment," says O'Leary, "we'll be able to do more with less. Instead of 31%-efficient power plants, we'll spend the money to develop a 70%-efficient conversion technology. It's going to affect every decision you make—the size of your car, whether to air-condition your house or maintain your apartment at 75 or 72. Energy's been a 'free goods' for a generation, and now it's going to cost."

As it does, those bicycles you see in growing number on the streets could become more than a faddish form of exercise, and Congress could begin to appropriate money to rebuild our shattered public transportation system, if only to cut down the amount of energy needed to take men to work. Perhaps even compact houses could become a necessity in order to save raw materials.

In short, to preserve the good life, we're probably going to have to change some of our ideas of what the good life consists of.

QUESTIONNAIRE SENT TO CONSTITUENTS IN SEVENTH CONGRESSIONAL DISTRICT, MISSOURI

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. HALL. Mr. Speaker, it is a known fact that our representative form of government under which our great Nation operates is, by no means, perfect. However, it has been proven to be the most successful of any other form tried in the past.

It is my humble opinion that the only way in which this representative Republic can continue to strive toward perfection is by true representation of the people. In the words of Thomas Jefferson:

> That government is the strongest of which every man feels himself a part.

In order that I am able to have a general idea and better understanding of the opinions of my constituents in the Seventh Congressional District of Missouri, I have compiled an objective list of questions which will be mailed in the near future to every mailbox in my district.

I have always felt that by knowing what the residents of the Seventh Congressional District of Missouri think and how they feel about various issues and problems confronting our Nation today can I best represent their interests. I shall report the results later.

Mr. Speaker, I insert this opinion questionnaire herewith in the RECORD:

QUESTIONNAIRE

A. One of the provisions of the *Welfare Bill* recently passed by the House of Representatives guarantees an annual income of $2,400 to a family of four. Do you agree with this provision?

1. Yes; 2. No; 3. Undecided.

B. In order to *help* the U.S. economy, what should the *Federal* government do?

1. Impose wage and price controls; 2. Reduce government spending; 3. Increase government spending.

C. What do you think the United States' course of action should be concerning the Viet Nam conflict?

1. Continue with President Nixon's present policy of Vietnamization and phased withdrawal; 2. Immediate and complete withdrawal of *all* U.S. troops; 3. Publicly set a future date by which *all* U.S. troops will be withdrawn.

E. Do you think that the U.S. should expand its domestic and trade relations with Communist countries, including Red China?

1. Yes; 2. No; 3. Undecided.

F. Would you favor a Federally-operated *catastrophic* illness and injury program financed by employer and employee contributions?

1. Yes; 2. No; 3. Undecided.

G. Do you think strikers should be permitted Federal food stamps?

1. Yes; 2. No; 3. Undecided.

AFTER EACH OF THE FOLLOWING NATIONAL PRIORITIES, PLEASE WRITE A *NUMBER* TO SHOW IF GOVERNMENT SPENDING SHOULD BE:

1. Increased; 2. Decreased; or 3. Kept as is.

I. Crime, lawlessness.
J. National defense.
K. Education.
L. Housing.
M. Pollution.
N. Space exploration.
O. Welfare.
P. Drug control.

Age—1. 18–20; 2. 21–24; 3. 25–34; 4. 35–44; 5. 45–64; 6. 65–Over.

(Optional)

Political preference—1. Republican; 2. Democrat; 3. Independent.

THE ASSOCIATED PRESS

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. BOB WILSON. Mr. Speaker, we have read and heard much about the Pentagon papers. Not all newspaper publishers have supported the publication of these classified documents by the New York Times and other newspapers. One of those who has spoken out on this issue is James S. Copley, chairman of the corporation that publishes the Copley Newspapers. His position was eloquently stated in an address before the California-Nevada Associated Press Association on July 10 and I include his speech following these remarks so that our colleagues may have the benefit of reading them:

THE ASSOCIATED PRESS

We should remind ourselves that—in this fast-moving, ever-changing world—there are certain fundamental values that remain with us. One is The Associated Press and the spirit, which it represents, of a dedication to objective, dispassionate reporting of man and his doings.

This objective, dispassionate reporting is what The Associated Press was created to accomplish, and, despite all the change . . . all the turmoil . . . since 1848, that is what The Associated Press—our Associated Press—is accomplishing today.

This, then, is what makes our co-operative unique . . . unchanging dedication to a journalistic ideal which, really, is unmatched anywhere in the world.

Only in the United States of America do we have publishers, broadcasters and others in the communications industry banding together in one organization for the sole purpose of having unbiased and objective news reports. The AP has no other purpose.

Much of the post-war world has seen the development of national news services frequently supported in whole or part by government funds—with the inevitable results.

Speaking from my own experience with the Inter American Press Association, attempts to make the flow of news conform to government controls unfortunately continue in many areas of the world.

It is good, then, that the basic principles of The Associated Press have remained unchanged for more than a century.

Methods of gathering, distributing and displaying news, however, are changing rapidly, as we all know.

As you saw earlier in the film, we have AP men whose primary writing tool is a CRT console. We have a technical staff whose mission no longer is limited to the care and feeding of M15 teleprinters.

So, with our basic mission of objective news unchanged, there is great change under way *in the methods* we use to accomplish that basic mission. As is already evident, this is not change simply for the sake of change.

One of the great strengths of The Associated Press has been its strong state and regional reports. After World War II, many thought there would be a diminishing of interest in local news as we faced tremendous international and national challenges.

However, in recent years, there has been a significant change in public attitude. Government and international problems have grown so enormously that the average citizen, as an individual, has felt a sense of frustration in trying to influence them or make his views felt. As a result, he has turned toward those things that he feels he *can* deal with and influence.

His interest has sharpened in the local and regional events that affect him directly and personally, problems in schools . . . in traffic . . . in the hundreds of urban ills that plague suburbs and cities.

If San Francisco solves a school problem, it is of interest in Los Angeles, Reno and Phoenix, to mention just a few cities.

In short, the reader's interest in local and regional news has been intensified. It is closer to home and he can play a part in it.

This is not to say that he has lost his interest in national affairs. To the contrary, he is deeply interested in them, and our obligation to him in this regard is very great.

This obligation is sharply underscored by the current crisis created by the publication of secret state documents by the New York Times and other newspapers, and by the Supreme Court decision that followed.

The reading public is hungry for news of the matter. In this case, however, it is not just news. It is news that involves us very deeply.

Consequently, it would be idle were we, responsible members of an old and respected press association, to complete this meeting without facing up to a few of the realities which the crisis embodies for us.

Viewed soberly, it is plain that an almost monumental challenge has been laid down to our basic dedication to pursue and present the news to our readers fairly, and in complete and dispassionate form.

In this regard, I believe that time will show the New York Times, and other newspapers that have elected to identify with the Times, have done the profession of journalism a disservice.

The Times has contended that the First Amendment of the Constitution of the United States of America is in issue.

But is it really?

The First Amendment prohibits the Congress from passing laws abridging freedom of the press. I doubt if there is any likelihood that Congress has any such intent.

What has happened really has nothing to do with freedom of the press. The New York Times came into the possession of stolen documents which the government regards as sensitive. Making no known effort to procure their declassification to permit their legal publication—and against the advice of the federal government—the Times elected to publish the documents. In short, there was a straightforward route to follow, not in any way involved with freedom of the press, and the Times chose not to follow it.

Apart from questions of the relative sensitivity of each of the 7,000 documents involved; apart from the damage that may come from giving the world an accurate insight to our private, national reasoning processes; apart from the possibility that our enemies may benefit in their cryptographic analysis from seeing the exact text of our secret communications; apart from all of these things there is another matter which affects all of us here.

It is the question of press behavior.

The Supreme Court did not rule on this. The Court merely declared that, in its opinion, publication of the material in the hands of the Times and its colleagues would not gravely injure the United States of America.

The Court did not in any way condone the fact that the Times and its colleagues received stolen property and that they did so knowingly. This behavior certainly cannot enhance the luster of our great profession.

Against this background it is imperative that journalists at large meet fully their obligation to the public to pursue with great agressiveness every critical element of the issue.

For instance, too little is known so far concerning the how, the why and the wherefore of the stolen papers. The reading public is hungry to know who were the various people involved in the theft, how the Times received the documents and how other newspapers also received them.

They are curious to know who harbored Mr. Ellsberg, why the Times has not yet been prosecuted for unauthorized possession of stolen goods, how this whole chain of events is affecting our international relations, and the answers to many other questions.

In short, we are involved in a serious news story and, as is our tradition, we must do the job fully and fearlessly, even though it may affect us adversely.

As all of these grave issues swirl about us, I believe it will be beneficial for us to reflect again upon facts which we all know but rarely articulate.

First, a free press is a tap-root element of the wonderful society we call The United States of America.

Second, a free press is, in itself, not a guarantee that the obligations of our profession to the people will be fully discharged. We must be a *responsible* press as well as a free one; a law-abiding, dependable and fair press.

These are the qualities that bring us respect, and the word "respect" goes to the heart of it all.

Without respectability there is no credibility; and without credibility, all else—even the exciting technological developments we have just seen on film—will lose meaning.

For technology is only a means to an end—and the end that we are seeking demands freedom, responsibility, dependability, respectability, credibility.

These words are not going to lose their meaning. They represent the highest ideals of our profession—they give the only real meaning to our business.

The great and responsible journalists of this country will see to it that they remain our ideals . . . that these words continue to mean what they say.

There is just too much at stake.

Thank you, ladies and gentlemen. Feel welcome in San Diego. While there is much to be done in our meeting, there is also much to be seen in our fine city. Enjoy your stay.

MORGANTOWN, W. VA., PILOTS FLY FOR CANCER RESEARCH

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, August 5, 1971

Mr. RANDOLPH. Mr. President, the people of Morgantown and Monongalia County, W. Va., in a genuine display of public spirit, will gather Sunday, August 8, at Morgantown Municipal Airport for a truly worthy cause—cancer research.

In a gratifying expression of self-help and local initiative, a large number of citizens, pilots, radio stations, businesses and newspapers are sponsoring "Fly Around Morgantown for a Tuppence—2 cents a Pound." Cooperating with the cancer research fund drive of the American Cancer Society, the group will provide planes and pilots to take any person who wants to contribute to a good cause on a sightseeing flight for 2 cents per pound of the sightseer's weight, with a minimum charge of $2. Sponsors of the program will offer valuable prizes in a drawing for those participating. Prizes include an evening at Lakeview for two, a set of Senaca driftwood glasses, $50 cash from Allegheny Airlines, and many others.

This entertaining program is a demonstration of the ingenuity and initiative of people within a community who want to help—Morgantown, W. Va.

Mr. President, I ask unanimous consent that an article on the flying cancer research drive in the Morgantown Dominion-News, written by my friend Bill Hart, be printed in full in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Morgantown (W. Va.) Dominion-News, Aug. 4, 1971]

FLY SUNDAY: FUN AND GOOD CAUSE

(By Bill Hart)

Almost everybody wants to "do something" about eliminating cancer as a killer . . . only a handful of mortals really have a chance to do the research work that is so vital to unlocking the mysteries of cancer and what will eliminate it, but ALL of us can help provide the funds for this research and on Sunday—8 August, 1971—at the Morgantown Municipal Airport 'helping' comes in a fun package that everyone surely can afford . . . in other words, you ride for "two pence" a pound—minimum $2—and all of this dough goes to the drive for funds for research for cancer . . . nearly everybody likes to ride airplanes and to get a fine view of your home town and the surrounding area at the prices available is an opportunity that comes rarely . . . and this time, friends, those backing the show, say they will have a "galaxy of planes" manned by some great names in aviation to take care of what they hope will be day long crowds.

This year—the show is commanded by Colonel Ham who is a "Johnny-come-lately" to our village via a more than 20-year stint with the Air Forces including some fantastic experiences as chief of many of the Air Forces' more important test programs—and now is the operating head of Travel Air (the Ruby aviation activity) at the airport . . . Betty Bazdek—the old pro at the cancer show business—is another and she and Colonel Ham has lined up a large group of aides—whose identities will come forth at proper moments and under proper publicity banners . . . suffice—now—so far as z-1 is concerned: if you support any public program of raising money outside your own church donations this cancer fund drive should rank right at the top . . . and when you get a ride in a plane around town thrown in—well—what do you want—egg in your beer?

We hope, for nostalgia sake, they will have the old pro of all pros flying part of the time on Sunday—we mean, of course, the Lindbergh of the Alleghenies—Samuel Jackson Franklin Roosevelt Jones Frankman who has more than 27,000 hours of pilot time and more importantly has flown z-1 more than any other single pilot and between us we have more fantastic stories—all with foundations of truth to begin those stories—and perhaps as Samuel Jackson Franklin Roosevelt Jones Frankman cruises he will either tell you one of his favorite stories or croon one of the tunes he uses to quiet z-1's nerves when we get into very bad weather; and, in addition to trying to keep the plane right side up we think of all our sins, wish we had not sinned or something like that . . . but in addition to "Ole Sam"—that the guy's short name when you yell at him in a downdraft—there wil be a flock of other pilots—all highly qualified—eager to show you the town and by doing so contribute their bit to the cause of finding the basic reasons for cancer on the road to providing the preventatives as well as the cures.

Does z–1 plan to be on hand for the show on Sunday? . . . yes, definitely, but he does not plan to be there all of the time nor does he intend to go riding with everybody who may wish to ride with an old sky hawk nor will it be probable—although possible—Samuel Jackson Franklin Roosevelt Jones Frankman and z-1 will come together in the same flight . . . this dialogue would probably be too much for the ordinary . . . let's help the cancer drive" person taking his or her first or one of "first rides" . . . the two of us together in an aircraft—especially with z-1 riding "shotgun" is not conducive to quieting the nerves of one who is a little scared of riding the "big iron birds."

Z–1 knows better than most what research has done in beginning the fight against cancer—z-1 knows what skilled surgeons can now do if early discovery is followed by positive action—and z-1 is convinced there is no drive for funds for any public program—or private one—more worthy than the one in the fight against cancer . . . so if you can—please—go to the airport on Sunday—get yourself weighed and take a ride and thereby contribute to the cause—if you can't take the time—if you are not going to be here—weigh yourself on the bathroom scales and mail your donation to Colonel Ham, Morgantown Airport Cancer Drive Fund—how about it?

FARM CREDIT ACT OF 1971

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Thursday, August 5, 1971

Mr. SCHWEIKER. Mr. President, as a co-sponsor of S. 1483, the Farm Credit Act of 1971, I want to state briefly why on Thursday, July 29, I supported Senate passage of this measure.

A review of the history of the cooperative Farm Credit System presents a picture of considerable accomplishment. The willingness of farmers and ranchers to develop and capitalize their own lending business is laudatory and we need to be sure they have the proper tools to continue providing agriculture with its increasingly important credit needs.

The Farm Credit System plays an important part in Pennsylvania's agriculture. At the end of the year, for example, nearly 11,000 individual farmers and 19 of their cooperatives were using almost $200 million of credit extended by the System. During the year many more dollars were borrowed for short periods of time and were repaid. The tailoring of credit to the precise needs of farmers by whatever method has been found necessary without increasing borrowing costs, has been one of the hallmarks of the System. This legislation provides some important and much needed flexibility enabling the System to continue providing farmers with the credit they need, properly tailored to the agricultural industry which is unlike other businesses in its ownership composition and hazards of operation.

Many of us have little realization of the changes which have occurred in the agricultural economy since the original farm credit law was considered. Land costs alone are significant, but agriculture has also been involved in mechanization. Facility and equipment costs are rising each year and the investment per worker in agriculture is as great or greater than in industry. Many established farmers face a real challenge in managing these increased costs and young farmers find the challenge almost unconquerable. The Farm Credit Act of 1971 contains provisions which will help both groups.

One of the important provisions in this bill is the removal of the fixed percentage limitation—65 percent of normal farmland value—now placed on mortgage loans made by Federal Land Banks. This limitation relates the maximum mortgage to a specific percentage value of farm real estate. Regardless of how progressive that farmer is, how good a record he has made as a successful farmer or whatever other assets or recommendations he has, this limitation is enforced across the board. For young farmers and for highly successful farmers, the limitation presents an unreasonable and arbitrary barrier for their credit needs.

The proposed legislation provides for recognition of this problem and will allow the System to exercise credit judgment in loaning as much of the real estate value for mortgage purposes as they deem sound, but never to exceed 100 percent of normal farmland value. Considering the Land Banks' past record in Pennsylvania and elsewhere in America, I believe they can and will continue to extend sound mortgage loans without percentage restrictions in the law, and these will be mortgages better attuned to the conditions under which farmers must operate today.

Another change which must be recognized is the size of some of the equipment which must be employed by farmers. By national standards our farms are not large, and many farmers cannot afford to own these larger machines—grain combines, for example—and do not have enough acreage to use them efficiently on their farms. They are dependent on someone else buying the machines and then hiring services performed as they have need. This legislation provides for farm credit to finance those persons who provide such services for farmers. This will help our smaller family farms to survive.

Some of our Pennsylvania farmers, like the mushroom growers in the Southeast part of the State, have small acreages but a very concentrated operation. Investment in buildings and facilities is heavy and the cost of production is high. Without the large acreage of land which provides security for many farm loans, these operators have a less attractive base for credit. The Farm Credit bill would enable Production Credit Associations to participate with other lenders in making such loans. I am convinced the greater opportunity for lenders, such as PCA's and commercial banks, to work together in meeting the unusual credit needs of farmers has great merit. This kind of cooperation is important for the farmers and important for the future of commercial banks which are also dedicated to helping agriculture.

I note, Mr. President, that the Agriculture Committee took a close look at testimony of commercial bankers and insurance companies and, as a result the bill we passed has an amendment affecting the Farm Credit Investment Bond. Any such amendment should prevent an unfair drain on deposits of rural commercial banks in order to help maintain the spirit of cooperation among all lenders which is so necessary for the future of rural credit needs.

The high standard of living we enjoy in this country is in no small measure related to the modernization and efficiency which our Nation's farmers have achieved. They need a modern and efficient credit source to continue this contribution to our economy. I believe the Farm Credit Act of 1971 helps assure that such a dependable source of credit will continue to exist and I am pleased we have passed this bill. It would be my hope that the House can now move this measure forward so that we can get this bill to the President's desk for signature.

FEDERAL CIVILIAN EMPLOYMENT, JUNE 1971

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. MAHON. Mr. Speaker, I include a release highlighting the June 1971 civilian personnel report of the Joint Committee on Reduction of Federal Expenditures, together with a summary of Federal employment changes during fiscal year 1971, ended June 30, 1971:

THE MONTH OF JUNE 1971

Total civilian employment in the Executive, Legislative and Judicial Branches of the Federal Government in the month of June was 2,923,100, as compared with 2,879,767 in the preceding month of May. This was a net increase of 43,333, due primarily to regular seasonal employment and summer employment of the "disadvantaged" under youth opportunity programs.

EXECUTIVE BRANCH

Civilian employment in the Executive Branch in the month of June totaled 2,882,937. This was a net increase of 42,111 as compared with employment reported in the preceding month of May. Employment by months in fiscal 1971, which began July 1, 1970, follows:

Month	Employment	Increase	Decrease
July 1970	2, 942, 517		−1, 594
August	2, 901, 856		−40, 661
September	2, 851, 885		−49, 971
October	2, 838, 664		−13, 221
November	2, 843, 459	+4, 795	
December	2, 838, 320		−5, 139
January 1971	2, 829, 754		−8, 566
February	2, 834, 209	+4, 455	
March	2, 834, 899	+690	
April	2, 844, 772	+9, 873	
May	2, 840, 826		−3, 946
June	2, 882, 937	+42, 111	

Total employment in civilian agencies of the Executive Branch for the month of June was 1,728,561, an increase of 29,733 as compared with the May total of 1,698,828. Total civilian employment in the military agencies in June was 1,154,376, an increase of 12,378 as compared with 1,141,998 in May.

The civilian agencies of the Executive Branch reporting the largest net increases were Veterans' Administration with 9,791, Agriculture with 8,536, Interior with 3,857, Transportation with 2,030, Justice with 1,719 and NASA with 1,052. The agency reporting the largest net decrease was Treasury with 3,768.

In the Department of Defense the largest increases in civilian employment were reported by Navy with 6,117, Army with 2,788, Air Force with 1,916 and Defense Supply Agency with 1,295.

Total Executive Branch employment inside the United States in June was 2,694,471, an increase of 51,507 as compared with May. Total employment outside the United States in June was 188,466, a decrease of 9,396 as compared with May.

The total of 2,882,937 civilian employees of the Executive Branch reported for June 1971 includes 2,522,195 full time employees in permanent positions—an increase of 2,973 from the preceding month of May (See Table 2 of accompanying report.)

The Executive Branch employment total of 2,882,937 includes some foreign nationals employed abroad, but in addition there were 97,682 foreign nationals working for U.S. agencies overseas during June who were not counted in the usual personnel reports. The number in May was 98,057.

LEGISLATIVE AND JUDICIAL BRANCHES

Employment in the Legislative Branch in the month of June totaled 32,433, an increase of 1,196 as compared with the preceding month of May. Employment in the Judicial Branch in the month of June totaled 7,730, an increase of 26 as compared with May.

DISADVANTAGED PERSONS

The total of 2,923,100 reported by the committee for June includes 59,958 disadvantaged persons employed under federal opportunity programs, an increase of 37,368 over the preceding month of May. (See Table 4 of the accompanying report.)

Summary for Fiscal Year 1971—Ended June 30, 1971

For many years the Committee, in its statement accompanying the monthly personnel report for June—the last month of the fiscal year—has summarized the changes in federal civilian employment during the year ending. Following this practice, changes during fiscal year 1971 are summarized below:

Total civilian employment in the Executive, Legislative and Judicial Branches of the Federal Government was 2,923,100 as of June 30, 1971, as compared with 2,981,865 in June a year ago. This was a decrease of 58,765.

LEGISLATIVE AND JUDICIAL BRANCHES

Employment in the Legislative Branch in June 1971 totaled 32,433, an increase of 1,566 as compared with June 1970. Employment in the Judicial Branch in June 1971 totaled 7,730, an increase of 843 as compared with June 1970.

EXECUTIVE BRANCH

Civilian employment in the Executive Branch totaled 2,882,937 in June 1971, as compared with 2,944,111 in June 1970, a net decrease of 61,174 during the year.

Total Executive Branch employment inside the United States in June 1971 was 2,694,471, a decrease of 37,934 as compared with June 1970. Total employment outside the United States in June 1971 was 188,466, a decrease of 23,240 as compared with June a year ago.

Civilian employment by the military agencies decreased 64,831 during fiscal year 1971, and there was a net increase of 3,657 in employment by the civilian agencies. Employment by civilian agencies in June 1971 totaled 1,728,561 as compared with 1,724,904 a year ago. Civilian employment by military agencies totaled 1,154,376 in June 1971 as compared with 1,219,207 a year ago.

The major change during the fiscal year was the 64,831 decrease in civilian employment by the Defense Department. Among the civilian agencies the largest increases were reported by Veterans' Administration with 10,599, Justice with 5,038, Transportation with 4,399, Treasury with 4,258, Tennessee Valley with 3,553 and Department of HEW with 3,104. Environmental Protection Agency increased 1,781 since December 1970 (when it was established by transfers mainly from Interior and HEW). The largest civilian agency decreases were reported by Commerce with 23,227 (due to 1970 census activities), Post Office with 12,305, Interior with 2,870, and NASA with 2,014.

Full-time employment in permanent positions in Executive Branch agencies totaled 2,522,195 in June 1971, as compared with 2,552,571 in June 1970—a decrease of 30,376. Reduction in the Department of Defense totaled 67,138 during the year, offset by a net increase of 36,762 in civilian agencies. Civilian agencies reporting the major increases in full-time permanent employment were Veterans' Administration with 10,138, Justice with 4,649, Transportation with 4,610, Treasury with 4,115, and Commerce with 3,008. The largest decreases were reported by Interior with 1,970, NASA 1,745, Selective Service with 1,096, and AID with 1,009.

CHANGES IN FEDERAL CIVILIAN EMPLOYMENT, AS OF THE END OF FISCAL YEARS 1961–71

Federal civilian employment changes, fiscal years 1961–71, in Executive agencies—showing defense agencies, civilian agencies, and totals—follows:

Fiscal year-end (as of June 30)	Department of Defense	Civilian agencies (except Defense)	Total
1961	−4, 725	+41, 062	+36, 337
1962	+27, 111	+50, 292	+77, 403
1963	−19, 582	+32, 621	+13, 039
1964	−20, 183	−7, 780	−27, 963
1965	+3, 955	+22, 590	+26, 545
1966	+104, 395	+125, 511	+229, 906
1967	+164, 474	+77, 443	+241, 917
1968	+14, 384	+37, 979	+52, 363
1969	+24, 569	−4, 822	+19, 747
1970	−122, 411	+26, 160	−96, 251
1971	−64, 831	+3, 657	−61, 174

In addition, Mr. Speaker, I include a tabulation, excerpted from the Joint Committee report, on personnel employed full-time in permanent positions by executive branch agencies during June 1971, showing comparisons with June 1970, and the budget estimates for June 1971 and June 1972:

FULL-TIME PERMANENT EMPLOYMENT

Major agencies	June 1970	June 1971	Estimated June 30, 1971[1]	Estimated June 30' 1972[1]
Agriculture	82, 912	84, 252	85, 600	87, 300
Commerce	25, 427	28, 435	28, 400	29, 600
Defense:				
Civil	30, 297	30, 063	30, 900	31, 300
Military	1, 129, 642	1, 062, 738	1, 079, 500	1, 061, 600
Health, Education, and Welfare	102, 297	104, 283	105, 300	102, 100
Housing and Urban Development	14, 661	16, 030	16, 000	16, 700
Interior	59, 349	57, 379	58, 000	59, 100
Justice	38, 013	42, 662	43, 600	46, 800
Labor	10, 217	11, 371	11, 600	12, 100
Post Office	565, 618	564, 782	585, 200	590, 500
State	23, 618	23, 398	23, 600	23, 700
Agency for International Development	14, 486	13, 477	14, 000	11, 100
Transportation	63, 879	68, 489	69, 600	71, 900
Treasury	86, 020	90, 135	93, 500	100, 400
Atomic Energy Commission	7, 033	6, 920	7, 000	7, 000
Civil Service Commission	5, 214	5, 324	5, 500	5, 900
Environmental Protection Agency[2]		5, 959	6, 700	8, 900
General Services Administration	36, 400	38, 076	39, 900	41, 600
National Aeronautics and Space Administration	31, 223	29, 478	29, 900	28, 400
Office of Economic Opportunity	2, 387	2, 478	2, 500	2, 500
Panama Canal	14, 635	13, 967	14, 800	14, 900
Selective Service System	6, 665	5, 569	6, 500	6, 500
Small Business Administration	4, 015	4, 004	4, 100	4, 200
Tennessee Valley Authority	12, 657	13, 612	13, 300	13, 300
U.S. Information Agency	9, 989	9, 773	9, 900	9, 900
Veterans' Administration	148, 497	158, 635	154, 400	160, 800
All other agencies	27, 420	28, 998	29, 700	31, 200
Contingencies			5, 000	10, 000
Subtotal	2, 552, 571	2, 520, 287	2, 574, 000	2, 589, 300
Public Service Careers		1, 908	[3] 4, 900	
Total	2, 552, 571	2, 522, 195	2, 578, 900	

[1] Source: As projected in 1972 budget document; figures rounded to nearest hundred.

[2] Established as of Dec. 2, 1970, by transfer of functions and personnel from Interior, HEW, Agriculture, Federal Radiation Council, and Atomic Energy Commission.

[3] Source: Civil Service Commission estimate of persons in "entry" component for whom ceiling relief has been granted.

S. 23, ETHNIC HERITAGE STUDIES CENTER ACT, INCLUDED IN HIGHER EDUCATION AMENDMENTS

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Thursday, August 5, 1971

Mr. SCHWEIKER. Mr. President, I am proud to note that my bill, S. 23, the Ethnic Heritage Studies Centers Act of 1971, has been reported to the Senate by the Committee on Labor and Public Welfare as section 504 of S. 659, the Education Amendments of 1971.

I am grateful for the vote of approval given the bill by the Education Subcommittee and by the Committee on Labor and Public Welfare and their respective chairmen, the Senator from Rhode Island (Mr. Pell), and the Senator from New Jersey (Mr. Williams), as well as for the support of the bipartisan cosponsors of the bill: the Senator from Massachusetts (Mr. Brooke), the Senator from Hawaii (Mr. Fong), the Senator from Alaska (Mr. Gravel), the Senator from Michigan (Mr. Griffin), the Senator from Nebraska (Mr. Hruska), the Senator from Hawaii (Mr. Inouye), the Senator from Massachusetts (Mr. Kennedy), the Senator from

Minnesota (Mr. MONDALE), the Senator from Maine (Mr. MUSKIE), the Senator from Wisconsin (Mr. NELSON), the Senator from Illinois (Mr. PERCY), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Alaska (Mr. STEVENS), the Senator from Illinois (Mr. STEVENSON), the Senator from Ohio (Mr. TAFT), and the Senator from California (Mr. TUNNEY).

I ask unanimous consent that the text of the committee report on the ethnic centers bill, and the text of the bill itself, as approved by the committee, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE REPORT 92-346, ON S. 659, EDUCATION AMENDMENTS OF 1971

ETHNIC HERITAGE STUDIES CENTERS

Section 504 of the bill creates a new Title IX of the Elementary and Secondary Education Act of 1965 providing authority for the creation of Ethnic Heritage Studies Centers.

In recent years, increasing attention has been directed by educators and social scientists towards the subject of assimilation of people in American society. Many have become critical of the commonly held "melting pot" theory, whereby persons from every background would join together in one homogenous, harmonized, American culture. To the contrary, individuals from the various ethnic, racial, religious, and cultural groups that make up our country, have not joined together, and have maintained their own respective subcultures. Conflicts and misunderstandings between these various subcultures have often created tensions in society and have often contributed to prejudices and hostilities between people and groups. Educational materials, particularly in our elementary and secondary schools, have largely not contained any concentration of the history, culture, and traditions of the various groups making up our society. Too often, children have been encouraged, in their schools and in society at large, to disregard or look down upon their ethnic backgrounds and heritages.

The purpose ofthe Ethnic Heritage Studies Centers is to help provide focal points and national coordination for the study of different ethnic, racial, and cultural groups.

The Office of Education will be the governmental agency responsible for making grants or contracts and promulgating regulations and guidelines for the Ethnic Heritage Studies Centers. Applicants must be non-profit public or private educational agencies, institutions, or organizations. In obtaining a contract or grant to establish and operate a center, an applicant must satisfy the Commissioner that the various activities specified in the Act will be carried out. The applicant must also consult with a local advisory council in planning, establishing and operating the centers. This Advisory Council must be made up of representatives of ethnic groups and cultural and educational resources from the area to be served by the centers. The Director of each center shall be selected by the Commissioner, but in consultation with and with the approval of the applicant.

Each center shall offer programs and courses of study relating to all the various groups represented in the area to be served by such center. The committee specifically does not envision centers devoted exclusively to single ethnic, racial, or cultural groups, since multiethnic centers would better serve the goals of comparative study and mutual cooperation between different groups. The centers are to develop curriculum materials for elementary and secondary schools and higher education institutions, make available and disseminate these materials, provide training for persons who want to use the materials, and cooperate with any interested persons and organizations in the communities being served by the center in promoting, encouraging, developing, or producing programs and activities relating to the heritages of ethnic groups. Each center is to exchange materials and information with other centers created under this act, and where appropriate, conduct joint projects. This provision is designed to help maximize the number of ethnic, racial, and cultural groups about which information and materials are available at each center, and to also help the Commissioner insure that as many different groups as possible receive attention at the various centers.

The bill establishes a National Advisory Council on Ethnic Heritage Studies, the members of which are to be appointed by the Secretary. The National Advisory Council is designed to assist and advise the Commissioner in providing this national coordination.

Centers are required to cooperate with, and utilize the resources of teachers, schools and educational institutions in the area, as well as any interested groups or educational institutions in the area, as well as any interested groups or persons in the area, such as ethnic groups, foundations, civic groups, fraternal organizations, and foreign students.

Funds appropriated under the act to a center can be used for establishing, equipping, and operating the centers, including expenses for staff, research materials and resources, academic consultants, and training. Thus, the centers can make contracts with outside persons or organizations for the production and development of programs and educational materials. Since the focus is on the educational and cultural output of the centers, the committee does not intend that money be used for physical construction of centers, and would encourage the Commissioner to develop guidelines to minimize administrative expenditures.

The concept of ethnic studies and ethnic groups extends beyond the traditional meaning given to immigration patterns in America. Mexican, Indian, Black, Puerto Rican, Asian, and other groups of people sharing a common history, identity, culture, or experience in America, are meant to be included as well as the various European immigration groups more commonly referred to in the term "ethnic group." A definition provided by one witness at the hearings provides an example of the breadth of interpretation to be given to the concept of ethnic groups and ethnic studies: "Ethnic groups would mean ethnic nationality, cultural, historic, racial, or groups whose members define themselves as a people claiming historic peoplehood." Another relevant attempt at defining "ethnic group" referred to groups "distinctive as subcultural groups within the national society by virtue of race, religion, language, or national origin." Any precise definition runs the risk of unintentioned exclusion, but these comments should provide a general operating guideline for the scope of ethnic representation envisioned in the act.

It is recognized that there are limited resources available for ethnic studies, and many persons and groups to compete for them. It is also recognized that each ethnic group will desire maximum concentration on the study of their own respective heritage. These centers can provide an important impetus to the study of ethnic groups, and can provide beneficial national coordination and cooperation, particularly as clearing-houses of educational information about ethnic group heritages. However, the success of these centers will require the close cooperation of all interested groups and individuals, and conscious recognition by these groups and individuals that every group and every project may not receive immediate attention. If all such groups and individuals recognize that the initial implementation of ethnic heritage studies centers is an important first step, and then work together to harmoniously build the centers into larger enterprises, the great potential for mutual understanding among all persons in our society can be furthered through these centers.

S. 650 "EDUCATION AMENDMENTS OF 1971"

ETHNIC HERITAGE STUDIES CENTERS

SEC. 504. (a) The Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new title:

"TITLE IX—ETHNIC HERITAGE PROGRAMS

"STATEMENT OF POLICY

SEC. 901. In recognition of the heterogeneous composition of the Nation and of the fact that in a multiethnic society a greater understanding of the contributions of one's own heritage and those of one's fellow citizens can contribute to a more harmonious, patriotic, and committed populace, and in recognition of the principle that all persons in the educational institutions of the Nation should have an opportunity to learn about the differing and unique contributions to the national heritage made by each ethnic group, it is the purpose of this title to provide assistance designed to afford to students opportunities to learn about the nature of their own cultural heritage, and to study the contribtuions of the cultural heritages of the ethnic groups of the Nation.

"ETHNIC HERITAGE STUDIES CENTERS

SEC. 902. The Commissioner is authorized to make grants to, and contracts with, public and private nonprofit educational agencies, institutions, and organizations to assist them in planning, developing, establishing, and operating ethnic heritage studies centers, as provided in this title.

"ACTIVITIES OF ETHNIC HERITAGE STUDIES CENTERS

"SEC. 903. Each center assisted under this title shall—

"(1) develop curriculum materials for use in elementary and secondary schools and institutions of higher education relating to the history, geography, society, economy, literature, art, music, drama, language, and general culture of the groups with which the center is concerned, and the contributions of those ethnic groups to the American heritage;

"(2) disseminate curriculum materials to permit their use in elementary and secondary schools and institutions of higher education throughout the Nation;

"(3) provide training for persons using, or preparing to use, curriculum materials developed under this part; and

"(4) cooperate with persons and organizations in the communities being served by the center to assist them in promoting, encouraging, developing, or producing programs or other activities in such communities which relate to the history, culture, or traditions of ethnic groups.

"APPLICATIONS

"SEC. 904. Any public or private nonprofit agency, institution, or organization desiring assistance to establish and operate a center under this title shall make application therefor in accordance with the provisions of this title and other applicable law and with regulations of the Commissioner promulgated for the purposes of this title. The Commissioner shall approve an application under this title only if he determines that—

"(1) the center for which the application seeks assistance will be operated by the applicant and that the applicant will operate such center in accordance with this title;

"(2) such center will be operated under the direction of a Director who will be selected by the Commissioner, in consultation with, and with the approval of, the applicant;

"(3) such center will carry out the activities described in section 903 and will offer programs and courses of study related to all ethnic groups represented in the area to be served; and

"(4) such center has been planned, and will be established and operated, in consultation with an advisory council which is representative of the ethnic groups in the area to be served and of the cultural and educational resources of such area and which is appointed in a manner prescribed by regulation.

"(b) In approving applications under this title, the Commissioner shall insure there is cooperation and coordination of efforts among the Ethnic Heritage Studies Centers assisted under this title, including the exchange of materials and information and joint projects where appropriate.

"ADMINISTRATIVE PROVISIONS

"Sec. 905. (a) In carrying out this title, the Commissioner shall make arrangements which will utilize (1) the research facilities and personnel of institutions of higher education, (2) the special knowledge of ethnic groups in local communities and of foreign students pursuing their education in this country, (3) the expertise of teachers in elementary and secondary schools and institutions of higher education, and (4) the talents and experience of any other groups in the regional area to be served by centers assisted under this title such as foundations, civic groups, and fraternal organizations which would further the goals of the centers.

"(b) Funds appropriated to carry out this title may be used to cover all or part of the cost of establishing, equipping, and operating the centers, including the cost of research materials and resources, academic consultants, and the cost of training of staff for the purpose of carrying out the purposes of this title. Such funds may also be used to provide stipends (in such amounts as may be determined in accordance with regulations of the Commissioner) to individuals receiving training in such centers, including allowances for dependents.

"NATIONAL ADVISORY COUNCIL

"Sec. 906. (a) There is hereby established a National Advisory Council on Ethnic Heritage Studies consisting of fifteen members appointed by the Secretary who shall be appointed, serve, and be compensated as provided in part C of the General Education Provisions Act.

"(b) Such Council shall, with respect to the program authorized by this title, carry out the duties and functions specified in part C of the General Education Provisions Act.

"APPROPRIATIONS AUTHORIZED

"Sec. 907. For the purpose of carrying out this title, there are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1972, and $20,000,000 for the fiscal year ending June 30, 1973. Sums appropriated pursuant to this section shall, notwithstanding any other provision of law unless enacted, in express limitation of this sentence, remain available for expenditure and obligation until the end of the fiscal year succeeding the fiscal year for which they were appropriated."

(b) The amendment made by subsection (a) shall be effective after June 30, 1971.

A DISTRICT ATTORNEY APPEALS TO THE JUDICIARY FOR THE RIGHT TO PROTECT HIS PEOPLE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. RARICK. Mr. Speaker, as the crime rate soars to the extent that the law-abiding citizen in many instances is either afraid or too disgusted to report crime, it behooves us to reexamine the cause of the crisis.

Crime has approached the commonplace, to where it is almost accepted as the American way of life. Control of crime is the prime responsibility of any civilized government to its people. If crime is not controlled, there is no domestic tranquillity and the general welfare is not promoted.

To our liberal colleagues, I can but call their attention to the massive expenditures of taxpayers' dollars for education, rehabilitation, legal aid, and court reforms, with a comparison to the crime rate to prove the fallacy in theories that massive outlays of money cure, control, or eliminate crime. To the contrary, the statistics tend to indicate that the greater the amounts of money poured into exotic theories of crime prevention, the faster the crime rate increases. The greater the Federal intervention and intermeddling in the affairs of local and State police and courts, the greater the breakdown in crime control and the more rampant crime statistics become.

On July 21, at pages 26607–26608, I had extended a speech by Justice Walter B. Hamlin of the Supreme Court of Louisiana, taking to task the role of the U.S. Supreme Court in coddling criminals and nurturing crime. Justice Hamlin felt that even the overruling of Mapp against Ohio would benefit humanity.

Now I am in possession of a copy of correspondence from Mr. Shirley G. Wimberly, Jr., assistant district attorney for the Orleans Parish in Louisiana, addressed to the Supreme Court of the United States.

Mr. Wimberly presents the views of a segment of our crime control machinery seldom heard from, the prosecutor. He sums up his 2 years as assistant district attorney by calling attention to the new changes in criminal justice through habeas corpus proceedings after trial and conviction, removal from State to Federal courts, injunctions, and civil rights actions involving police officers. As he says:

> It was becoming evident that the District Attorney and the City Attorney were spending more and more time in the Federal courts defending themselves against all manner of claims by convicted criminals.
>
> And it's all free, of course; doesn't cost him a dime. Free lawyers, free transcripts, free everything. What is there to lose? No matter that he is guilty as sin. If the lawyers look hard enough they'll find some error in the State proceedings for the Federal judge to scrutinize.

Mr. Wimberly concludes by recognizing the extension of Federal Questions by far-fetched theories to confer trumped-up jurisdiction to Federal courts to so cripple and handicap the State judicial system that it may break down completely.

Since I believe that victims of crime also have constitutional rights, and I believe in an adversary system of justice as intended under the Federal system which includes States, I insert Mr. Wimberly's letter and application for certiorari, mandamus, and prohibition against a U.S. district judge in the Record at this point:

July 23, 1971.

The Honorable the Justices of the Supreme Court of the United States,
Washington, D.C.

Honorable Sirs: The attachment to this letter was drafted by me last December with the full intention of filing it; however, search as I might, I could find no jurisdictional authority, leaving no alternative but to pursue the now completed appeal to the Fifth Circuit Court of Appeals. (No. 71–1042, filed Feb. 24, 1971 and entitled *Leonard J. Bastida v. Hon. Matthew S. Braniff, Judge, Div. B, etc., et al.*)

The Fifth Circuit recently affirmed the decision of the district court (with the exception of the prohibition against further participation in the case of Judge Braniff and myself), and remanded the case, meaning in effect that we are now imminently faced with another mandate to retry the defendant within certain specified time limits or discharge him from custody.

Whether or not we will appeal the decision; whether the State can afford the expense of such an appeal; whether the public would be endangered by the release of the defendant, are not the questions which are of greatest concern to me at this time. Their resolution will be left to my superiors. I now speak as a member of the legal profession and a citizen of the State of Louisiana.

For at least two years now, as an Assistant District Attorney, I have watched my case load increase—first gradually, then with alarming rapidity, and for those two years I have wondered why. It seemed the harder we worked the greater the load. What could be the reason? Was the crime rate increasing that much? We have had for 2 years now, two additional sections of court (for a total of ten); why wasn't the load stabilizing?

During those two years I had also noticed another phenomenon: a drastic increase in the number of habeas corpus proceedings, removals, injunctions and civil rights actions involving police officers. It was becoming evident that the District Attorney and the City Attorney were spending more and more time in the Federal Courts, defending themselves against all manner of claims by convicted criminals.

After much thought and contemplation it became apparent to me that the first phenomenon (the increase in case load) was directly related to the second (the increase in habeas corpus and other federal proceedings), not because of the drain on manpower and resources, but because of the atmosphere which had been created among the criminal element.

It goes without saying that the incarcerated criminal, be he awaiting trial or already convicted, is intensely interested in the processes which bear on the length of his incarceration and that of his fellow inmates. When he sees more and more of his fellows successfully circumvent the appellate system of the State through the use (and abuse) of the federal habeas corpus, ultimately to gain thereby either freedom or a new trial with its attendant possibilities of a reduction in sentence, he, too, decides to have a go at it. Why enter a guilty plea when all of these tempting avenues to possible freedom are open for the asking. And it's all free, of course; doesn't cost him a dime. Free lawyers, free transcripts, free everything. What is there to lose? No matter that he's guilty as sin. If the lawyers look hard enough, they'll find some error in the State proceedings for the Federal judge to scrutinize.

As I write this, I'm looking at the voluminous file in the Bastida case. It's over 4 inches thick. (The average burglary case is about ¼ inch thick). I'm looking at the numerous briefs, memoranda and transcripts and thinking of the thousands of man hours which have been expended. I must ask why, and is it right and just. Is it just for a federal district court judge to substitute his individual judgment for that of the several justices of a state supreme court? I asked this question last December, and I ask it again, this time in the light of the decision of this Honorable Court in the case of *Younger v. Harris* (Feb. 23, 1971), in which it was so eloquently stated:

> "The precise reasons for this long-standing public policy against federal court interference with state court proceedings have never been specifically identified but the primary sources of the policy are plain. One is the basic doctrine of equity jurisprudence that courts of equity should not act, and particularly should not act to restrain a criminal prosecution, when the moving party has an adequate remedy at law and will not suffer irreparable injury if denied equitable relief. The doctrine may originally have grown out of circumstances peculiar to the English judicial system and not applicable in this country, but its fundamental purpose of restraining equity jurisdiction within narrow limits is equally important under our Constitution, *in order to prevent erosion of the role of the jury and avoid a duplication of legal proceedings and legal sanctions where a single suit would be adequate to protect the rights asserted.* This underlying reason for restraining courts of equity from interfering with criminal prosecutions is reinforced by an even more vital consideration, the notion of 'comity' that is a proper respect for state functions, a recognition of the fact that the entire country is made up of a Union of separate state governments, and a continuance of the belief that the National Government will fare best if the States and their institutions are left free to perform their separate functions in their separate ways. This, perhaps for lack of better and clearer way to describe it, is referred to by many as 'Our Federalism,' and one familiar with profound debates that ushered our Federal Constitution into existence is bound to respect those who remain loyal to the ideals and dreams of 'Our Federalism.' The concept does not mean blind deference to 'State's Rights' any more than it means centralization of control over every important issue in our National Government and its courts. The Framers rejected both these courses. What the concept does represent is a system in which there is sensitivity to the legitimate interests of both State and National Governments, and in which the National Government, anxious though it may be to vindicate and protect federal rights and federal interests, always endeavors to do so in ways that will not unduly interfere with the legitimate activities of the States. It should never be forgotten that this slogan 'Our Federalism,' born in the early struggling days of our Union of States, occupies a highly important place in our Nation's history and its future."

I ask now, as a lawyer and as a citizen, that your Honors invoke the Younger doctrine here in Louisiana, and take whatever steps are necessary to restrain the federal courts from undue interference in the orderly processes of State criminal justice. We must have relief from this system which is rapidly becoming oppressive—a fact which is dramatically illustrated by the Bastida case.

I respect and revere the federal system as created by our Constitution, as I do the great Writ of Habeas Corpus and will fight with my last ounce of strength to preserve them. But that system is of necessity administered by men, and man unfortunately was not vested by his Creator with natural immunity to the temptation to abuse power and become tyrannical.

If the relief requested herein is not granted and the abuses referred to are not curbed, it is respectfully suggested that the end result will be catastrophic. The State justice system will become so clogged by federal intervention that it will break down completely. And if this ever happens, God help the citizens of this City and State!

Respectfully,

SHIRLEY G. WIMBERLY, JR.,
Assistant District Attorney, Parish of Orleans, State of Louisiana.

[Supreme Court of Louisiana]

STATE OF LOUISIANA VERSUS LEONARD BASTIDA, APPLICATION FOR CERTIORARI, MANDAMUS AND PROHIBITION

(Information For Violating R.S. 14:62)

To: The Honorable, the Chief Justice and the Associate Justices of the Supreme Court of the State of Louisiana:

The petition of the State of Louisiana, on the relation of Shirley G. Wimberly, Jr., Assistant District Attorney for the Parish of Orleans, State of Louisiana, with respect represents:

That on the 1st day of December 1970, United States District Judge Fred J. Cassibry issued an order to the State of Louisiana to produce the entire transcript of the State Court proceeding which resulted in the re-conviction of Leonard Bastida on May 28, 1971 in Section "B" of the Criminal District Court for the Parish of Orleans, said order to be complied with within 15 days from the date thereof or said Leonard Bastida will be released.

That an appeal to this Honorable Court from the aforementioned conviction has been granted, the order therefor having been signed on November 16, 1970 with the return date of January 15th, 1971.

That heretofore, the said Leonard Bastida has had the benefit of two complete jury trials, three evidentiary hearings on Writs of Habeas Corpus, plus innumerable pre-trial and post-trial hearings on the pleadings, including applications to this Honorable Court for Writs of Review on at least two occasions. (A more complete chronolgy follows:)

Nov. 29, 1966—Jury trial—found to be guilty as charged.

Dec. 12, 1966—Sentenced to serve 9 years at hard labor in the State Penitentiary.

Jan. 17, 1967—Filed motion for appeal.

Feb. 9, 1967—Withdrew motion for appeal.

Sept. 4, 1968—Filed application for Habeas Corpus.

Oct. 25, 1968—Application For Writ of Habeas Corpus denied.

Dec. 17, 1968—Applied to Supreme Court of Louisiana for Writs of Review.

Jan. 16, 1969—Application for Writs denied by Supreme Court.

June, 1969—Petition for Writ of Habeas Corpus filed in U.S. District Court for Eastern District of Louisiana.

May 5, 1970—Writ granted. State order to re-try Bastida within 60 days or suffer consequences.

May 13, 1970—Conviction and sentence set aside on motion of State.

May 27, 1970—Application for review of trial court's denial of motion for continuance of trial date denied by Supreme Court.

May 28, 1970—Tried and found guilty by 11 jurors of 12 after 13 minutes of deliberation.

June 4, 1970—Filed motions for new trial and appeal.

That thereafter, the defendant, apparently not satisfied with pursuing the ordinary course of justice in this State filed in the United States District Court an action which has been entitled "Miscellaneous", purporting to be in the nature of another Habeas Corpus;

That this action was allotted to Section "E"—the same Section of Court which had heard the original action and which had forced the State into either re-trying the defendant or suffering his release upon the citizens of the State of Louisiana;

That after another full evidentiary hearing held on September 9th, 1970, in Judge Cassibry's Court, during which evidence was heard and arguments and memoranda supplied, on the identical issues which are now before this Court on appeal, the matter was taken under advisement. Now, some 2½ months later, Judge Cassibry refuses to rule in the matter unless he is furnished with the entire transcript of the re-trial in order to "determine the facts, and dispose of the matter as law and justice require."

The "teeth" in Judge Cassibry's most recent order consists, as before, of a threat to release the defendant unless his demand is complied with, this time within only 15 days;

Your Relator avers that no law or precedent exists either in Federal or State jurisprudence for the review by a U.S. District Court of the entire transcript of the record of trial of the State prosecution which is presently pending appellate review by the State's highest Court;

That to permit such an exploratory examination would be to permit a district court judge to ignore the very existence and authority of the Supreme Court of the Sovereign State of Louisiana, an eventuality which, in Relator's opinion was never provided for or intended either by the Constitution or the Congress, and especially not in a habeas corpus proceeding.

That, if the aforementioned order for production of transcript be not stayed and further action in the case prohibited, the State of Louisiana will suffer irreparable harm in that Judge Cassibry will order the discharge and release from further prosecution of the said Leonard Bastida, the defendant in the aforesaid case;

Relator further avers that the State of Louisiana has no right of appeal from the execution of the order complained of to this Honorable Court, nor does it have a right of appeal to the United States Circuit Court of Appeals, that body being without jurisdiction since such jurisdiction is now, by virtue of the defendant's appeal, exclusively vested in this Honorable Court by the Constitution; (Louisiana Const. Art. 7, Sections 2, 10).

Relator further avers that due notice of the intention of Relator to make this application to this Honorable Court has been given to the Honorable Judge Fred J. Cassibry, Section E, United States District Court for the Eastern District of Louisiana, and to the attorneys for the defendant.

Wherefore, Relator prays that a Writ of Certiorari issue from this Honorable Court, according to law, directed to the Honorable Fred J. Cassibry, Judge of Section E, United States District Court for the Eastern District of Louisiana, in the case entitled *State of Louisiana* v. *Leonard Bastida*, No. 195–878, Section B of the Criminal District Court for the Parish of Orleans, information for violating R.S. 14:62, directing and ordering said Judge to send up to this Honorable Court the record in said cause, and that this Honorable Court do issue its order prohibiting and forbidding the Honorable Fred J. Cassibry, Judge as aforesaid, from attempting to execute and enforce the aforesaid order, or allowing same to be executed or enforced by ordering the discharge of the said Leonard Bastida, and ordering said Judge to cease and desist from further interference with the orderly processes of justice in the State of Louisiana under the guise of the Federal habeas procedure.

Relator further prays that the Honorable Fred J. Cassibry, Judge of Section E, United States District Court for the Eastern District of Louisiana, be ordered to show cause if any he have or can, on a day and hour to be fixed by this Honorable Court, why the Writ of Prohibition prayed for herein should not be made perpetual and why he should not be ordered and directed to cease and desist from further interference in the disposition of said cause No. 195–878; and for all general relief.

SHIRLEY G. WIMBERLY, JR.,
Assistant District Attorney for the Parish of Orleans.

NOTICE OF INTENTION TO
APPLY FOR WRITS

State of Louisiana Versus Leonard Bastida, No. 195–878, Criminal District Court, Section "B"; Information for Violating R.S. 14:62

HON. FRED J. CASSIBRY,
Judge, Section E,
U.S. District Court for the Eastern District of Louisiana.

DEAR SIR: I hereby respectfully notify you that I will apply to the Supreme Court of the State of Louisiana in the above-entitled and numbered cause for Writs of Certiorari, Mandamus and Prohibition and such other Writs as may be necessary, to have the order of Your Honor requiring the State of Louisiana to furnish a transcript of the trial in the said case stayed pending the outcome of the appeal taken by the Defendant herein to the Supreme Court of the State of Louisiana.

Respectfully,
SHIRLEY G. WIMBERLY, JR.,
Assistant District Attorney for the Parish of Orleans.

NEW ORLEANS, LA., *December —, 1970.*

NOTICE OF INTENTION TO APPLY FOR WRITS

State of Louisiana Versus Leonard Bastida, No. 195–878 (Criminal District Court, Section "B"; Information for violating R.S. 14:62.

GEORGE M. STRICKLER, Esq.,
STANLEY H. HALPIN, JR., Esq.
JOHN P. NELSON, JR., Esq.
606 Common Street: Suite 304,
New Orleans, La.

GENTLEMEN: You are hereby notified that I will apply to the Supreme Court of the State of Louisiana in the above-entitled and numbered cause for Writs of Certiorari, Mandamus and Prohibition, and such other Writs as may be necessary to have the order of the Honorable Fred J. Cassibry requiring the State of Louisiana to furnish a transcript of the trial in the said case stayed pending the outcome of the appeal taken by the Defendant herein to the Supreme Court of the State of Louisiana.

Very truly yours,
SHIRLEY G. WIMBERLY, JR.,
Assistant District Attorney for the Parish of Orleans.

NEW ORLEANS, LA., *December —, 1970.*

THE STEEL INDUSTRY; THE NATION'S BULWARK

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. MOORHEAD. Mr. Speaker, Prof. Reuben Slesinger, associate dean of the University of Pittsburgh, has written an excellent paper on our Nation's steel industry.

The tone of Professor Slesinger's work is indicated early when he states:

> In spite of much public confusion and belief to the contrary, the domestic steel industry in the United States is the most efficient in manpower utilization, is a leader in technological developments, provides a broader range of products than any other steel producing Nation, and is possessed of as great or greater technological flexibility than its competitors in meeting changing customer demands.

He goes on to suggest what remedies the steel industry must take to strengthen its international and domestic prominence.

I would like to commend the following paper to my colleagues for its engaging thoughts and observations about this very important and dynamic industry:

THE STEEL INDUSTRY: DIAGNOSIS AND HEALTH REPORT

(By Reuben Slesinger)

Though faced with many economic problems and classified as a dying industry by many publicists, the domestic steel industry fundamentally is healthy. The steel industry services the largest domestic market for steel anywhere in the world, and this market has a significant future growth potential. In spite of much public confusion and belief to the contrary, the domestic steel industry in the United States is the most efficient in manpower utilization, is a leader in technological developments, provides a broader range of products than any other steel producing nation, and is possessed of as great or greater technological flexibility than its competitors in meeting changing customer demands.

THE PROBLEMS OF TODAY

The primary focus of the current concern over steel lies in the financial problems of many of the producers, as witnessed by the fact that the industry's return on net worth in 1970 of 4.4 per cent ranked it 40th among 41 manufacturing groups. The outlook currently is for some slight improvement. The low return on net worth, however, does not mean that the industry is dying, is technologically obsolete, and should "close its doors." On the contrary, a growing and healthy steel industry is essential not only for the continued dynamic growth of the economy, but for national security reasons as well.

Unfortunately, the steel industry currently is reflecting an unusual demand-supply situation influenced by the 1969–70 recession and the uncertainty of a strike or no strike in 1971. As a result, much forward buying took place early in 1971, but by mid 1971 the industry already had begun to slacken from its peak production levels of spring, 1971. But, the basic problems of the industry lie much deeper than current uncertainty over labor negotiations. Hence, it is essential that the industry find some solutions to the problem of improving its financial position.

Two primary factors are responsible essentially for the industry's current problems: costs have risen rapidly, well beyond the gains from improvements in efficiency, productivity, and increased prices and many domestic markets have been eroded significantly by imports and, to some extent, by domestic economic conditions, that first caused firms actually to cut back because of recessionary conditions and cautious forecasts of the future for many basic steel-using industries.

The last few years have witnessed a sharp increase in the prices the steel industry pays for most of its purchases, ranging from increased costs of raw materials to rising costs of a wide variety of services, taxes, and interest charges. Presently, it does not appear that these rising costs will abate or drop. Examples of such increases over the last 2–3 years include: iron and steel scrap—40 percent; metallurgical coal—67 per cent; fuel oil—73 percent; nickel—42 percent; railroad freight rates—29 per cent. Prices of all purchased materials, supplies, and services are estimated to have risen 20 per cent from 1968–1970. In addition, announcements already have been made for further increases in the prices of coal, fuel oil, and transportation rates, and each day brings further such announcements.

UNIT LABOR COSTS AND PRODUCTIVITY

Unit labor costs also have risen, but not as rapidly as the costs of raw materials and other purchased items. Unit labor costs have risen because of a combination of higher hourly labor costs, which have been going up at a rate of about 6 per cent a year, and a sluggish rate of increase in output per manhour. The latter is the product of a number of factors of which the most important have been: lack of growth in volume of business, break-in problems on new, large, and sophisticated production units, disappointing cost performance, and the continuing allocation of a substantial proportion of capital expenditures to activities which make little or no direct contribution to improvements in output per man-hour. The last category includes pollution abatement expenditures and expenditures intended to improve product quality and customer service. Though these latter expenditures are necessary, they do raise unit labor costs, in the short run at least.

A recent release of the Bureau of Labor Statistics[1] shows that total compensation of production workers in the basic steel industry was $5.32 for each hour worked in 1969, a 20 per cent increase over 1965. Compensation, it should be noted, includes more than the pay workers receive for time on the job; it also includes pay for vacations, holidays, and other leave and employer expenditures for a variety of legally required and private insurance, retirement, and welfare programs for their employees, and other fringe benefits. Pay for actual working time, the major component of compensation, amounted to $4.05 an hour, 61 cents more than 1965, or 76.0 per cent of total compensation in 1969.

It is important to note, further, that employment costs stood at almost an index of 300 (281.7) compared to a 1950 base, whereas the Consumer Price Index on such a base was 152.4 in 1969. The index for actual average hourly earnings was at 241.9. Thus, the basic steel workers enjoyed a substantial gain in real earnings over the two decades, 1950–1970. Average hourly earnings for actual working time averaged $4.09 in steel in 1969 compared with $3.19 for all manufacturing. Preliminary estimates place hourly employment costs currently at about $5.68 in contrast to about $1.80 for Japan.

In spite of the foregoing, domestic steel workers are among the most productive in the world, except in some of the very new plants in Japan. On the average, however, a domestic steel worker produces approximately 85 tons of steel in 1,000 man-hours compared to approximately 58 tons for his Japanese counterpart. However, the lower wage for the Japanese worker (only about a third of that of the American worker) offsets much of the almost 50 per cent productivity advantage.

A disturbing matter in connection with production and productivity, however, is not so much the *actual* output per manhour but the *rate* of change in that output. Output per manhour rose steadily from a low in 1960 to a peak in 1966, followed by a decline in 1967. A further rise took place to a new peak in 1969 (about 26 percent above a 1957–59 base), only to drop again to about 122 in 1970. It is this challenge to get this rate rising again which is one of the basic problems in the steel industry today.

COSTS AND MARKETS

Steel, just as all other industries, has experienced a substantial rise in its costs of plant and equipment, stemming from higher costs of construction labor and, until recently, rising interest rates. Since steel has substantially higher capital requirements than manufacturing industry as a whole and it is much more heavily affected by increasingly stringent anti-pollution regulations, these increasing costs weigh heavily on rate of return. Steel also has been especially hard hit by changes in the federal tax laws which discouraged capital expenditures. The loss of the investment tax credit alone substantially reduced the funds available for more efficient facilities. At recent rates of capital expenditures, which averaged over two billion dollars annually between 1966–1970, the loss of this credit would reduce profits by more than $100 million a year, a matter of great importance to an industry whose earnings after taxes in 1970 were less than $600 million.

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[1] Bureau of Labor Statistics, United States Department of Labor, USDL 71–269, May 14, 1971.

Another problem facing the steel industry is the reduction in the aggregate demand for steel products in the last few years. As noted above, Federal anti-inflationary fiscal policy was directed, among other things, at reducing capital expenditures, outlays for which steel is a heavy component. The general sluggishness of the economy since late 1969 also has reacted to slacken demand for a number of items, all of which are steel users.

To some extent, some increases in prices have helped steel gross revenue. But, these increases, which have been much smaller than those put into effect by foreign producers for both their domestic and export markets, have fallen short of compensating for increases in costs as the sharp decline in steel profits shows very clearly. Moreover, prices actually realized by the producers, after adjustment for changes in mix among major product categories, rose less through 1969 than published steel prices on which the official wholesale price index is based. Profitability is a factor closely related to volume of output, and so steel firms are very concerned about any diminution in aggregate demand. Because of the special importance of fixed costs, for example, a mill that might earn $15 a ton when operating at 65 percent of capacity might find its per ton earnings doubled when operations rise to a 90 percent level.

FOREIGN COMPETITION

Imports have continued to account for an important share of domestic business even though demand abroad was high through the middle of 1970 and the steel producers of the European Common Market and Japan were subject to selfimposed limitations on exports to the United States. The failure of those producers to honor their commitments on maintaining 1968 proportions of exports as to product and geographical distribution plus substantial increases in imports from countries not covered by those limitations, however, hit certain domestic producers particularly hard, notably those manufacturing stainless, alloy, and tool steel, and those serving the Pacific Coast. In addition, the tendency of foreign producers to export the more expensive specialty steel, both alloy and carbon, had a disproportionate effect on the revenues and employment of the domestic companies. The temporary increase in exports from the United Sttaes experienced in 1960 and 1970 did little to alleviate this, since those exports were confined largely to low-value, low labor content, semifinished products for further processing abroad. In addition the expansion in exports was a somewhat temporary phenomenon during the boom, and in general exports once again have declined substantially.

Though difficult to quantify its magnitude, a little-noticed but potentially important development is the import into the United States of steel origintaing in the Common Market and Japan, but arriving through countries not parties to the voluntary limitations, which is increasing in importance. To some extent, too, the temporary boom in Europe particularly stimulated exports from the United States, but there are many signs that this form has ebbed.

Though foreign producers also have been experiencing increases in their unit labor costs and costs of materials, the substantial cost disadvantage of the domestic industry has not been reduced. In general major producers throughout the free world now appear to have about the same costs for raw materials and fuel, but there are major differences among them in unit labor costs, to the disadvantage of the domestic industry. That disadvantage is in the range of $20 to $25 per ton relative to European producers and $40 to $45 per ton relative to Japanese producers. The average domestic selling price of steel mill products is presently about $195 per ton. Major producers abroad, especially in Japan, have been expanding their capacity at a very rapid rate. This, coupled with a high rate of utilization, has enabled them to take more prompt and full advantage than the domestic industry of modern technology, much of it developed in the United States. As a result, unit labor costs in Japan and the European Economic Community have fallen relative to those in the United States.

Revenues were also prevented from rising in proportion to increase in costs by the adoption early in 1970 of a 12-month price guarantee by a number of steel companies. Though the move may have been aimed at competitive sales advantages by the guaranteeing concerns, the move also was made on the assumption that the government's efforts to slow down inflation would be successful. As matters turned out, the prices of the principal materials, supplies, and services purchased by the steel companies continued to rise and, in some cases, even to rise at an accelerated rate while demand declined.

STEEL TECHNOLOGY

It has become commonplace to accuse the steel industry of a lagging and obsolete technology. This is far from the truth, however. As a whole, the domestic industry utilizes the most advanced steelmaking technology in the world. This is reflected in its more efficient manpower utilization although this advantage has been declining. Much of the latest technology employed by major steel industries is the product of research and development efforts by the domestic industry. The erroneous assumptions about domestic steel technology argue that the most important developments occurred initially abroad and they have been adopted much more rapidly by foreign steel industries than by the domestic industry. This proposition is based on incorrect assumptions and a misreading of facts.

To begin with it is important to keep in mind the fact that an integrated steel mill covers a vast number of different processes, of which those involved in the manufacture of iron, raw materials, are only a part. The other processes include beneficiation of materials and the rolling, drawing, and finishing of final products. In these areas, which account for better than half of the total investment in plant, and more than half of operating costs, exclusive of raw materials the domestic industry has long been the technological leader.

Further, it is important to recall that in the free enterprise system, the capital resources of any industry are limited at any given time and, consequently, choices must be made among a number of investment opportunities. These choices are influenced by such factors as market requirements, the cost and availability of materials, the relative savings to be achieved by modifying existing facilities rather than building new ones, the rate of market growth, and the condition and balance of existing plant at the time an investment decision is made. The conditions, both financial and economic, under which the principal steel industries of the world make investment decisions differ radically from country to country. Hence, international comparisons are hard to make and their results often are open to question.

Japan frequently is cited as the example of technological advance since it has been able to increase its steel-making capacity from less than a million raw tons in 1946 to more than 100 million tons today. But, it is important to examine the Japanese experience more closely before using it as a norm for the United States.

At the end of World War II, Japan found itself without a steel industry of any importance. Its immediate objective was to rebuild its industry as a necessary part of reconstructing the nation's economy. Since Japan has no iron ore or oil and a very limited supply of coking coal, principal raw materials had to be imported and paid for. This led to the decision that steel should be one of the "target" industries to be given favored treatment in capital allocation with the objective of making it fully competitive in world markets. The United States looked on the restoration of Japan's steel industry as an essential part of the reconstruction of Japan and assisted by providing funds and technology on a massive scale.

By the mid-1950's, the capacity of the Japanese industry had returned to its prewar level and was ready for the takeoff. Assisted by technology imported principally from the United States, an ample supply of raw materials from properties largely developed and financed by the United States, a geography which reduced the cost of transporting raw materials, a rigidly protected home market and ready access to the United States market, and an energetic labor force paid much less than any other in the industrialized world, the Japanese have been able to double the size of their steel industry every five years ever since. This has had a profound effect on their ability to make use of new technology, still largely developed abroad. Since most of the Japanese facilities virtually all are brand new, an obvious set of production economies ensue.

An inadequate home supply of steel scrap makes this ingredient of steel relatively more expensive than it is in the United States and pig iron made from iron ore relatively cheaper. It is this relationship which has encouraged the use of very large and efficient blast furnaces for the manufacture of iron and rapid adoption of the basic oxygen process which uses less scrap than other commercial steelmaking processes. The fact that much of the Japanese industry's rapid expansion has necessitated the construction of entirely new plants has further encouraged these developments. The basic technologies employed in Japan are not for the most part Japanese inventions. Ore benefication techniques came from the United States, many features of blast furnace design and operating practice came from the U.S.S.R., and the design of large basic oxygen plants which make their use possible are products of research and development in Europe and the United States.

Beyond the steelmaking process itself, the Japanese have generally followed the lead of the United States, particularly in the manufacture of plates and sheet products. Virtually all the sheet rolling and finishing equipment in Japan is of United States design. Continuous casting equipment, which is no more prevalent in Japan than elsewhere, is largely of Western European, United States, or Russian design. In general, individual Japanese plants make a narrower range of products than those in the United States. Thus, a smaller proportion of capital investment is directed toward expensive and labor-intensive finishing facilities. In addition, since virtually all of the Japanese industry was new, obviously it was built with the best technology of the time. It is a truism that any American steel firm, if it were to start from scratch would not end up with the same physical plant it now has.

At first, the Japanese were concerned with supplying their own domestic market. But, by the late 1950's, the backlog of demand for steel in the United States had been eliminated and the domestic industry entered a 5-year period of greatly reduced activity and unused capacity. Investment in new facilities was strongly affected by business conditions, although some major projects were started in response to shifts in markets. This period also saw the beginning of the rapid rise in imports. In spite of these unfavorable circumstances, the domestic steel companies intensified their research activities, particularly in the fields of improving the quality of raw materials, product development, and cost reduction. The fruits of these activities are now in use around the world.

Meanwhile the revival of demand for steel in the United States during the latter part of the 1960's stimulated a massive capital investment program which is still going on. Largely because demand for steel in the United States increases at an average annual rate of about 2½ per cent and is not expected to accelerate on any long-term basis in the future, much of this program is directed to improving the efficiency of existing plants rather than toward any major expansion of capacity. Thus, the emphasis is quite different from that of the Japanese industry which is still concerned primarily with expansion. Moreover, the greater sophistication of the United States market forces the domestic industry to exert greater efforts toward improvement of existing products and the development of new ones. This advanced market demand accounts for the continuing heavy investment in finishing processes. An example is that while there are many double reduction mills for the manufacture of thin tinplate in the United States, only one is in operation in Japan. Public concern about the environment, which appeared earlier in the United States than in other countries, has directed a larger proportion of research and capital expenditures toward pollution abatement than is the case with other steel making countries. Though pollution and environmental outlays have much social benefit, they do not increase the volume of steel output nor its productivity. These thus become highly costly outlays as they involve expenditures, but with no product to sell from which the costs may be recouped.

STEELMAKING IN THE UNITED STATES

Now that we have reviewed the problems of the steel industry more generally, to get a more complete picture of the steel industry in the United States, let us examine some of the basic economic and technological characteristics of the industry. Capacity figures have not been published officially since 1960 when the American Iron and Steel Institute announced 148,571,000 tons as steel capacity. Some estimates ranging up to 190 million tons and plus have appeared in *Barron's* and *The Wall Street Journal*. The exact sources of these estimates is unknown, and one can only surmise that some of these figures have added all new steelmaking facilities but have not allowed for deductions because of shutdowns of old facilities.

The reason for suspecting that the 190 million ton figure is highly inflated is that the industry never has operated at a weekly rate as high as 3 million raw tons (156 million tons on an annual basis). For the eight week period (April and May 1971) output exceeded 2.9 million tons weekly, but never hit the 3 million ton level. Much of this current high rate has been occasioned by the strike buildup hedge. In the similar buildup in 1968, the peak weekly rate attained was 2,922,000 tons. Exhibit 1 appendix depicts weekly raw steel production rates back to 1966.

STEEL TECHNOLOGY

Though the domestic steel industry has been criticized widely for a technological lag, it is interesting to note that the BOF (basic oxygen furnace) method now accounts for a greater share of raw steel production in the United States than in the Common Market countries. Table 1 shows not only that a greater percentage of steel in the United States is produced by the BOF method, but also that actual tonnage so produced is greater in the United States.

TABLE 1.—GROWTH IN BASIC OXYGEN STEEL PRODUCTION, UNITED STATES AND EEC

[Thousands of net tons]

	EEC			United States		
	Total	BOP	BOP (percent)	Total	BOP	BOP (percent)
1960	80, 287	1, 777	2. 2	99, 282	3, 346	3. 4
1965	94, 792	18, 185	19. 2	131, 462	22, 879	17. 4
1970	120, 185	[1] 53, 730	44. 7	131, 331	63, 332	48. 2

[1] Estimated.

Source: EEC Iron and Steel and AISI.

The foregoing is an interesting comparison when one considers that American producers have been criticized often for being "slow" in adopting BOP. The process was invented in Austria, and there most of its relatively small volume of steel output is BOP. Her neighbors in the EEC apparently were not any faster than U.S. producers to adopt the BOP. These figures support the further contention that the process initially was applicable only for small vessels and was not suitable for the large scale American and European plants; and that it had to prove itself before the already efficient openhearths not yet written off financially could be retired. The large share of BOP in Japanese steel output, on the other hand, is due to the fact that Japanese capacity has expanded so rapidly in the last few years and that many of the plants are all new. Obviously they contain the most modern equipment, as do the new installations in the United States and elsewhere.

When it is necessary for a firm to seek new capital in a private capital-oriented economy, management is unable to scrap existing facilities and build new replacements at will without regard for earnings and a minimum acceptable rate of return for the investors.

FOREIGN COMPETITION

In examining the steel industry today, one finds illustrations of all the arguments pro and con free trade and protection. These have been well publicized on both sides of the argument. Let us examine, now, some of the factors that cause foreign trade in steel to be market by special considerations.

For one thing, the cost of ocean shipping from Japan does not constitute a very significant portion of the cost of delivering a ton of steel from Japan to the United States. Exhibit 2 (appendix) shows some representative recent examples of ocean *charter* rates and costs per ton. It is these rates which often make it difficult, if not impossible, to determine ocean transportation costs. Though the share of Japanese exports moving to the United States on ocean charters is not known, the amount is reported to be substantial. And obviously such low freight costs help Japanese penetration of the American market particularly in coastal regions. Low charter rates from Europe also help European penetration of United States markets.

Another factor that affects the structure of international competition is the encouragement of mergers in the countries of our major competitors in contrast to the strict enforcement of antitrust laws in the United States, which frown on mergers.

Recent years have witnessed a rash of mergers in the countries of our major competitors—and they have involved large producers as well as small ones. Exhibit 3 appendix 3 presents a list of the more significant mergers in recent years, among our major international competitors. These mergers are indicative of more liberal attitudes on the part of foreign governments toward mergers designed to promote rationalization and to eliminate excessive competition. If the Justice Department allows the National Steel-Granite City merger to go through, this might signal a change in attitude on the part of the antitrust division. Whether other mergers will follow is questionable; but there is no question that mergers would improve the position of the domestic steel industry.

Another area where domestic and foreign produced steel are compared is in pricing.

Exhibit 4 (appendix) compares published price changes in the home markets of foreign countries and the USA. With the exception of Japan, prices during and since the recent world steel boom have risen much more abroad than in the United States. It is interesting to note that before the recent world steel boom, producers in Europe complained bitterly about low prices, cut throat competition, and low profits, the result of which can be seen in the fact that iron and steel investments in the Common Market dropped almost 50 percent from 1964 to 1967; a situation which in part caused the bottlenecks in Europe when demand suddenly boomed toward the end of 1968. Clearly price cutting is not a universal remedy, as suggested by Dr. Houthakker in his remarks before the Subcommittee on International Trade of the Senate Finance Committee.[2] He states the steel industry appears ". . . to be handicapped . . . by a lack of price competition among domestic producers." He adds further that ". . . Since the demand for steel is subject to change over time, output had to vary excessively if prices are not allowed to help maintain equilibrium. This means that the industry must have excess capacity to be able to cope with demand at its peak." Examination of the output and price data do not support this assertion. The industry has operated at its highest rates during periods of higher prices and at its lower rates during periods of depressed prices. As explained elsewhere, the reasons for reduced output and excess capacity lie much deeper, and are generally associated with variations in aggregate demand for steel using products.

Though foreign trade theory dictates an endorsement of free trade, it is not feasible in practice to abandon an industry that employs as many people, marshalls as much investment, and contributes as much to the gross national product as does steel. One might ask: What happens to the displaced workers who are hurt by imports? It is not sufficient to argue, according to classical trade theory, that the displaced workers should transfer to other industries, especially when such transfer opportunities are limited.

It has frequently been suggested that there are several available remedies against imports so that quotas and other import restrictions consequently are unnecessary. Theoretically, this is correct. However, enforcement and interpretation have made some of these remedies less than meaningful. For example, domestic firms have participated in and have filed separate complaints involving the Countervailing Duty Statutes, but settlements are still far off. Several examples include:

Italian Transmission Towers—(Ad Hoc Industry Group): Countervailing duty complaint was filed June, 1966 and a special duty imposed May 1967. A portion of this case involving rebates of indirect taxes is *still pending after almost five years.*

EEC and U.K. Steel Products—(*United States Steel*): Countervailing duty complaints filed October, 1968 on the subsidy effect of indirect taxes and other export incentives. *The cases are stil. pending after two and a half years.*

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[2] As reported in a release from the Executive Office of the President, Council of Economic Advisers, for release 18 May 1971.

In the anti-dumping area, several complaints involving stainless imports from Japan are currently under investigation by the Treasury Department. In two complaints covering pig iron imports the Tariff Commission found injury to the domestic industry. With the exception of three other relatively minor complaints involving bar and/or bar imports from Canada into the Pacific Northwest and from Australia, all the anti-dumping complaints filed by various steel producers were dismissed, the majority by the Treasury Department.

The Adjustment Assistance provision of the Trade Expansion Act also had little usefulness—at least until about eighteen months ago. From passage of the Trade Expansion Act in 1962 through late 1969, all petitions (from all sources, not just steelworkers) were dismissed. In the last eighteen months, the Tariff Commission has interpreted the law more liberally and has awarded assistance in a number of cases, including some steelworkers. The inadequacy of the Adjustment Assistance provisions and the need for changes were recognized by the Administration in the Trade Bill of 1970 which, however, did not get through Congress.

WHAT OF THE FUTURE?

Despite the current problems, the steel industry has a future, but some positive action is imperative. The responsibility of the steel companies can be defined quickly. This is maintaining their efforts to develop better technology and to improve efficiency. A growth in domestic steel shipments of 2 to 3 per cent annually, together with the opportunities provided by changing customer requirements, is enough to warrant continuing investment in steel technology and production facilities on a substantial scale, if the financial returns on that investment are competitive with those of alternative investments or of other industries competing in the capital markets.

The policies adopted and pursued by the Federal government are also critically important.

The Government can assist in many ways, such as:

(1) Tax policies to encourage investment: As noted earlier, the principal method available to the industry itself for improving its competitive strength and profitability is the development and application of new technologies. The rate at which this is done depends on its ability to form or attract capital, a function of its financial performance. That ability is strongly affected by market growth. It is also affected by tax policy. Federal tax policy for the past few years has intentionally discouraged investment. This has struck at the steel industry by reducing the demand for steel from capital goods industries. The curtailment of capital available to the steel industry coupled with sharply rising construction costs threatens to reduce the industry's ability to add to its efficiency. Thus, a prime requisite to the restoration of steel's financial health is a more favorable tax program.

(2) The cost of pollution abatement: The effectiveness of capital expenditures by the steel industry has also been reduced by the rising proportion of such expenditures allocated to pollution abatement. This has now risen to about 10 per cent of annual capital expenditures and, in addition to the interest on such investment, it results in added annual operating costs equal to approximately 10 per cent of the aggregate amount invested in pollution control facilities. On the basis of steel's capital expenditures in recent years, this means that about $200 million is now going into pollution abatement equipment each year and the annual cost of operating and maintaining this equipment, presently estimated about $100 million is rising at an annual rate of $20 million. Again it is noted that these outlays are nonproductive in the sense that they yield no sales return.

The drag on earnings and available capital of the magnitude to which the steel industry is now subject puts it at a serious disadvantage with its foreign competitors, who do not yet have to bear such a burden, and in the capital market at home. So far, at least, too little attention has been paid to the economic implications of an all-out drive toward pollution control.

Rivalry among government agencies and lack of coordination between environmental authorities and those dealing with economic policies have exacerbated the problem. The government can help alleviate it by adopting tax or other policies which spread the financial burden more equitably over the economy.

(3) Imports: The most important single factor affecting the rate at which the industry's efficiency can be improved is growth in volume of business. The spectacular increases in output per manhour achieved by European and Japanese steelmakers can be traced to rapidly rising demand which enabled them to take full advantage of available technology and to do it quickly. As noted above, demand for steel is heavily influenced by the activity of the capital and consumer durable goods industries, which, in turn, is influenced by inflation, consumer confidence, and tax policy. In this country, however, domestic steel shipments are also affected significantly by the volume of imports. Growth is essential to preserving the continued strength of the domestic industry.

Principally because of differences in hourly labor costs, which no longer are offset by differences in output per man hour, the domestic industry is at a serious disadvantage. That disadvantage is aggravated by traditional policies of other governments which encourage exports, and assist their steel industries to acquire the capital they need. These combined disadvantages cannot be met directly by a private industry operating in compliance with the laws, especially the labor laws, of the United States. There is a possibility that these disadvantages may become less serious in the future. Costs abroad are rising rapidly, although not rapidly enough so far to make any significant near term dent in the cost gap. If the demand for domestically produced steel resumes its rise, if inflation is slowed down, and if the government adopts policies which encourage productive investment, the efficiency and financial strength of the domestic industry should improve appreciably.

Until those changes occur, continuation of the present voluntary limitations on steel exports to the United States, with certain changes needed to eliminate their most serious shortcomings, is essential.

Limitations on steel exports to this country, however, will not prevent certain trade abuses which have long been recognized in our laws. These include dumping and export subsidies.

The conditions that have led to the problems of the steel industry are not immovable. The losses of job opportunities, waste of resources, and risk to national security which would accompany the rapid deterioration of this essential industry are too great to be borne.

It must be remembered when discussing the status of the domestic steel industry and making international comparisons, that the United States industry is a part of the total free enterprise economic structure. To help keep such an institutional arrangement viable, profits are essential—at least the future prospect for profits. Profits are far less important in Japan than they are in the United States. It is highly unlikely that American steel producers could have 70/80–30/20 debt-equity ratios even if they desired them. In the Common Market, the typical debt-equity ratio is 60/70–40/30. Aside from profits, the next key challenge to the American steel industry is to try to get unit labor costs to show improvement as huge capital outlays are made in the future, which type of improvement has not taken place in the recent past.

EXHIBIT 1.—RAW STEEL PRODUCTION—1971

Week ending:	*Tons*
January 2	2,366,000
January 9	2,413,000
January 16	2,534,000
January 23	2,596,000
January 30	2,662,000
February 6	2,622,000
February 13	2,664,000
February 20	2,724,000
February 27	2,780,000
March 6	2,773,000
March 13	2,810,000
March 20	2,844,000
March 27	2,893,000
April 3	2,940,000
April 10	2,932,000
April 17	2,905,000
April 24	2,926,000
May 1	2,960,000
May 8	2,960,000
May 15	2,927,000
May 22	2,909,000
May 29	2,914,000
June 5	2,786,000
June 12	2,737,000
June 19	2,748,000
June 26	2,647,000
July 3	2,462,000
July 10	2,348,000
July 17	2,388,000

EXHIBIT 1.—WEEKLY RAW STEEL PRODUCTION AND INDEX OF PRODUCTION, JANUARY 1971

Week ending	Production net tons	Index
1970		
Jan. 3	2,603,000	106.7
Jan. 10	2,541,000	104.2
Jan. 17	2,549,000	104.5
Jan. 24	2,520,000	103.3
Jan. 31	2,546,000	104.4
Feb. 7	2,561,000	105.0
Feb. 14	2,530,000	103.7
Feb. 21	2,640,000	108.2
Feb. 28	2,690,000	110.3
Mar. 7	2,674,000	109.6
Mar. 14	2,658,000	108.9
Mar. 21	2,678,000	109.8
Mar. 28	2,720,000	111.5
Apr. 4	2,695,000	110.5
Apr. 11	2,644,000	108.4
Apr. 18	2,686,000	110.1
Apr. 25	2,707,000	111.0
May 2	2,593,000	106.3
May 9	2,618,000	107.3
May 16	2,625,000	107.6
May 23	2,609,000	106.9
May 30	2,670,000	109.4
Jnue 6	2,658,000	108.9
June 13	2,637,000	108.1
June 20	2,644,000	108.4
June 27	2,647,000	108.5
July 4	2,551,000	104.6
July 11	2,568,000	105.3
July 18	2,442,000	100.1
July 25	2,377,000	97.4
Aug. 1	2,406,000	98.6
Aug. 8	2,436,000	99.8
Aug. 15	2,470,000	101.2
Aug. 22	2,434,000	99.8
Aug. 29	2,438,000	99.9
Sept. 5	2,496,000	102.3
Sept. 12	2,516,000	103.1
Sept. 19	2,536,000	103.9
Sept. 26	2,466,000	101.1
Oct. 3	2,454,000	100.6
Oct. 10	2,440,000	100.0
Oct. 17	2,403,000	98.5
Oct. 24	2,397,000	98.2
Oct. 31	2,453,000	100.5
Nov. 7	2,329,000	95.5
Nov. 14	2,392,000	98.0
Nov. 21	2,363,000	96.9
Nov. 28	2,289,000	93.8
Dec. 5	2,379,000	97.5
Dec. 12	2,424,000	99.4
Dec. 19	2,369,000	97.1
Dec. 26	2,257,000	92.5
1969		
Jan. 4	2,351,000	96.4
Jan. 11	2,405,000	98.6
Jan. 18	2,513,000	103.0
Jan. 25	2,575,000	105.5

EXHIBIT 1.—WEEKLY RAW STEEL PRODUCTION AND INDEX OF PRODUCTION, JANUARY 1971—Continued

Week ending	Production net tons	Index
Feb. 1	2,604,000	106.7
Feb. 8	2,656,000	108.9
Feb. 15	2,697,000	110.5
Feb. 22	2,755,000	112.9
Mar. 1	2,750,000	112.7
Mar. 8	2,750,000	112.7
Mar. 15	2,800,000	114.8
Mar. 22	2,807,000	115.1
Mar. 29	2,826,000	115.8
Apr. 5	2,828,000	115.9
Apr. 12	2,821,000	115.6
Apr. 19	2,800,000	114.8
Apr. 26	2,817,000	115.5
May. 3	2,834,000	116.2
May 10	2,784,000	114.1
May 17	2,817,000	115.5
May 24	2,810,000	115.2
May 31	2,800,000	114.8
June 7	2,776,000	113.8
June 14	2,771,000	113.6
June 21	2,769,000	113.5
June 28	2,715,000	111.3
July 5	2,577,000	105.6
July 12	2,568,000	105.3
July 19	2,600,000	106.6
July 26	2,635,000	108.0
Aug. 2	2,571,000	105.4
Aug. 9	2,565,000	105.1
July 16	2,604,000	106.7
Aug. 23	2,584,000	105.9
Aug. 30	2,635,000	108.0
Sept. 6	2,625,000	107.6
Sept. 13	2,695,000	110.5
Sept. 20	2,688,000	110.2
Sept. 27	2,730,000	111.9
Oct. 4	2,765,000	113.3
Oct. 11	2,766,000	113.4
Oct. 18	2,746,000	112.6
Oct. 25	2,796,000	114.6
Nov. 1	2,812,000	115.3
Nov. 8	2,730,000	111.9
Nov. 15	2,769,000	113.5
Nov. 22	2,784,000	114.1
Nov. 29	2,806,000	115.0
Dec. 6	2,766,000	113.4
Dec. 13	2,759,000	113.1
Dec. 20	2,723,000	111.6
Dec. 27	2,454,000	100.6
1968		
Jan. 6	2,650,000	108.6
Jan. 13	2,635,000	108.0
Jan. 20	2,697,000	110.5
Jan. 27	2,777,000	113.8
Feb. 3	2,821,000	115.6
Feb. 10	2,857,000	117.1
Feb. 17	2,826,000	115.8
Feb. 24	2,828,000	115.9
Mar. 2	2,862,000	117.3
Mar. 9	2,883,000	118.2
Mar. 16	2,854,000	117.0
Mar. 23	2,842,000	116.5
Mar. 30	2,885,000	118.3
Apr. 6	2,885,000	118.3
Apr. 13	2,893,000	118.6
Apr. 20	2,915,000	119.5
Apr. 27	[1] 2,922,000	119.8
May 4	2,904,000	119.0
May 11	2,896,000	118.7
May 18	2,844,000	116.6
May 25	2,860,000	117.2
June 1	2,857,000	117.1
June 8	2,798,000	114.7
June 15	2,776,000	113.8
June 22	2,790,000	114.4
June 29	2,785,000	114.2
July 6	2,697,000	110.5
July 13	2,667,000	109.3
July 20	2,621,000	107.4
July 27	2,561,000	105.0
Aug. 3	2,235,000	91.6
Aug. 10	2,068,000	84.8
Aug. 17	2,032,000	83.3
Aug. 24	1,963,000	80.5
Aug. 31	1,948,000	79.8
Sept. 7	1,862,000	76.3
Sept. 14	1,881,000	77.1
Sept. 21	1,886,000	77.3
Sept. 28	1,860,000	76.2
Oct. 5	1,881,000	77.1
Oct. 12	1,987,000	81.4
Oct. 19	2,026,000	83.0
Oct. 26	2,111,000	86.5
Nov. 2	2,080,000	85.3
Nov. 9	2,175,000	89.2
Nov. 16	2,194,000	89.9
Nov. 23	2,244,000	92.0
Nov. 30	2,356,000	96.6
Dec. 7	2,348,000	96.2
Dec. 14	2,369,000	97.1
Dec. 21	2,388,000	97.9
Dec. 28	2,297,000	94.2
1967		
Jan. 7	2,380,000	97.6
Jan. 14	2,450,000	100.4
Jan. 21	2,443,000	100.1
Jan. 28	2,373,000	97.3
Feb. 4	2,376,000	97.4
Feb. 11	2,482,000	101.7
Feb. 18	2,476,000	101.5
Feb. 25	2,582,000	105.8
Mar. 4	2,528,000	103.6
Mar. 11	2,464,000	101.0
Mar. 18	2,476,000	101.5
Mar. 25	2,472,000	101.3
Apr. 1	2,434,000	99.8
Apr. 8	2,385,000	97.8
Apr. 15	2,428,000	99.5
Apr. 22	2,385,000	97.8
Apr. 29	2,447,000	100.3
May 6	2,401,000	98.4
May 13	2,403,000	98.5
May 20	2,408,000	98.7
May 27	2,385,000	97.8
June 3	2,310,000	94.7
June 10	2,281,000	93.5
June 17	2,210,000	90.6
June 24	2,250,000	92.2
July 1	2,173,000	89.1
July 8	2,143,000	87.8
July 15	2,170,000	88.9
July 22	2,220,000	91.0
July 29	2,231,000	91.4
Aug. 5	2,237,000	91.7
Aug. 12	2,338,000	95.8
Aug. 19	2,318,000	95.0
Aug. 26	2,401,000	98.4
Sept. 2	2,428,000	99.5
Sept. 9	2,431,000	99.6
Sept. 16	2,469,000	101.2
Sept. 23	2,440,000	100.0
Sept. 30	2,457,000	100.7
Oct. 7	2,434,000	99.8
Oct. 14	2,498,000	102.4
Oct. 21	2,575,000	105.5
Oct. 28	2,561,000	105.0
Nov. 4	2,568,000	105.3
Nov. 11	2,577,000	105.6
Nov. 18	2,662,000	109.1
Nov. 25	2,707,000	111.0
Dec. 2	2,703,000	110.8
Dec. 9	2,723,000	111.6
Dec. 16	2,747,000	112.6
Dec. 23	2,747,000	112.6
Dec. 30	2,615,000	107.2
1966		
Jan. 1	2,185,000	89.6
Jan. 8	2,312,000	94.8
Jan. 15	2,400,000	98.4
Jan. 22	2,434,000	99.8
Jan. 29	2,440,000	100.0
Feb. 5	2,422,000	99.3
Feb. 12	2,530,000	103.7
Feb. 19	2,575,000	105.5
Feb. 26	2,626,000	107.6
Mar. 5	2,660,000	109.0
Mar. 12	2,692,000	110.3
Mar. 19	2,730,000	111.9
Mar. 26	2,709,000	111.0
Apr. 2	2,744,000	112.5
Apr. 9	2,686,000	110.1
Apr. 16	2,686,000	110.1
Apr. 23	2,720,000	111.5
Apr. 30	2,682,000	109.9
May 7	2,765,000	113.3
May 14	2,776,000	113.8
May 21	2,765,000	113.3
May 28	2,744,000	112.5
June 4	2,726,000	111.0
June 11	2,660,000	100.4
June 18	2,670,000	109.4
June 25	2,645,000	108.4
July 2	2,571,000	105.4
July 9	2,484,000	101.8
July 16	2,469,000	101.2
July 23	2,424,000	99.4
July 30	2,413,000	98.9
Aug. 6	2,454,000	100.6
Aug. 13	2,509,000	102.8
Aug. 20	2,501,000	102.5
Aug. 27	2,560,000	104.9
Sept. 3	2,575,000	105.5
Sept. 10	2,615,000	107.2
Sept. 17	2,670,000	109.4
Sept. 24	2,645,000	108.4
Oct. 1	2,615,000	107.2
Oct. 8	2,633,000	107.9
Oct. 15	2,607,000	106.9
Oct. 22	2,588,000	106.1
Oct. 29	2,551,000	104.6
Nov. 5	2,546,000	104.4
Nov. 12	2,560,000	140.9
Nov. 19	2,565,000	105.1
Nov. 26	2,528,000	103.6
Dec.	2,436,000	99.8
Dec. 10	2,383,000	97.7
Dec. 17	2,431,000	99.6
Dec. 24	2,377,000	97.4
Dec. 31	2,220,000	91.0

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[1] Prior record.

Note: Weekly index of product on 1967 equals 100 or 2,439,701 net tons.

EXHIBIT 2.—COST OF FREIGHT FOR STEEL PRODUCTS FROM JAPAN, RECENT EXAMPLES OF OCEAN CHARTER VESSEL RATES

Date	From	To	Gross tons	Flag	Arrival	Rate dollars/G.T.
Mar. 10, 1971	2 ports in Japan	One port on U.S. east or Gulf Coast and 2 ports on Great Lakes.	24,000	Liberia	April	[1] 284,000 (11.83)
June 17, 1970	Japan	U.S. Gulf	5,000	Japanese	July	[1] 46,500 (9.30)
Apr. 15, 1970	do	do	15,300	Liberia	April	[1] 142,500 (9.31)
Jan. 28, 1970	do	do	13,900	do	February	[1] 8.25
Do.	do	do	25,000	Norway	Do	[1] 190,000 (7.60)

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[1] Lump sum.

EXHIBIT 3.—*Examples of steel companies mergers abroad*

West Germany

August Thyssen-Huette and *Mannesmann* merged tube making activities since January 1970. Mannesmann now has 25 per cent of EEC and most of the W. German tube production. August Thyssen is the leading European steel producer on the Continent (13.9 million net tons of raw steel in 1970).

Ilseder Huette and Salzgitter into a new company Peine-Salzgitter A. G. with capacity of about 5.5 million net tons of raw steel.

Hoesch and Dortmund-Hoerder merged in 1966. Hoogovens of the Netherlands, which had 42 per cent ownership in Dortmund-Hoerder has 14 per cent participation in the surviving company. It is rumored that Hoogovens may merge this year and plans for jointly operated new facilities are in advanced stages.

Röchling and Arbed of Luxembourg will jointly finance and build a 660,000 ton capacity wire drawing plant. Röchling produced 1.8 million net tons of raw steel in 1970, while Arbed produced 6.8 million net tons and is the leading steel company in Luxembourg.

W. Germany now producing about 50 million net tons of raw steel, had about 25 significant steel producers back in 1960. Through mergers, their number has been reduced to about eight major integrated steel producing groups.

Netherlands

Hoogovens' subsidiary Demka Steel and Sambre de Meuse of France merged after Dutch-French approval.

Hoogovens is the largest steel producing company in the Netherlands, of which Demka is a specialty division for wire, cable, and tube products. Sambre of France compliments Demka's product line.

Luxembourg

Arbed and Hadir merged as of 1967. The new company accounts for nearly all of the Luxembourg steel production—close to 7 million tons in 1970.

Belgium

Cockerill-Phenix Works merger is authorized by the European Commission. Phenix produces galvanized sheets and tin plate.

Cockerill-Ougree-Providence and Esperance Longdoz have merged. The new company Cockerill is now the seventh largest steel producer of EEC with an output of 5.7 million net tons in 1970.

France

Usinor and Lorraine-Escaut since 1967. Usinor was a merger of several companies to build a plant and concentrate flat product plants in North France. *Lorraine-Escaut* made primarily non-flat products in E. France and tubes at plants in various parts of France. The tube making division is now transferred to Vallourec group.

Creusot (SFAC) and *Loire* (CAFI) two central France specialty producers of 24 plants.

Vallourec of France and *Tube de Haren* of Belguim, also *Tubes de Nimi* of Belguim.

France's 35 major integrated companies in 1960 have been reduced through mergers to only two giants—*Wendel-Sidelor* and *Usinor-Lorraine-Esaut* today. Both companies produced each 9 million net tons of steel in 1970 or together about 18 million tons of France's total 26 million tons.

Japan

Yawata and Fuji Steel merged into Nippon Steel which now is the world's largest steel producer (37.1 million net tons in 1970 or 36 percent of Japan's total raw steel output).

Nippon Steel is taking over *Fuji Sanki Steel Pipe.*

Shinko and Asahi Seikosho two Japanese wire rope producers affiliated with Kobe to merge into a new company—Shinko Kohsen Kogyo as of April 1, 1971.

Toshiga Steel and Nisshin Seiko merged. The new company name is Toshin Seiko.

EXHIBIT 4. STEEL PRICE CHANGES—U.S. AND FOREIGN

Summary

From December, 1968 through May 1, 1971 home market prices have increased approximately as follows (in percent):

United Kingdom	29
West Germany	24
France	23
Japan (Recent decreases indicate possibly)	0
United States (based on BLS Index Finished Steel; USS estimate through May 1)	16.6

DETAILS FOR EACH COUNTRY

United Kingdom

Increased 5% in June, 1969.
Increased 1–3% in November 1969.
Increased 10% in February 1970.
Increased 5% in October 1970.
Increased 7% in April, 1971.

Originally the British Steel Corporation proposed that the April, 1971 price increase average 15%. However, the Government directed the BSC to restrict the increase to 7%. When the financial results are announced for the fiscal year ending March 31, 1971, it is anticipated that the BSC will show a loss of $50 million or more. The BSC said that the 15% price increase was needed because of: cost inflation at home; heavy increases in the price of coking coal and scrap; and to pursue its program of modernization and expansion.

Reportedly, the BSC is expected to close four mills by the end of September of this year and possibly an additional six mills by 1973.

West Germany

Increased 10% in January, 1969.
Increased 8% in January, 1970.

Flat rolled products and merchant bars from 5.6% to 7.5% December, 1970.

Semi-finished products increased from 5.3% to 7.3% December, 1970.

Specialty products increased from 4% to 5% January, 1971.

Producers are still saying they intend to increase base prices during the First Half of 1971.

During the 12 month period preceding July, 1970, price of scrap was up 29% and coal and other solid fuels 26%.

Workers received an average 10% wage increase effective October 1, 1970. Typical comment: "There appears to be no end in sight to the wage conflict. Inflation must be checked and the labor-wage conflict must be dampened before economic conditions can be calmed down".

France

Increased 4% in October, 1969.
Increased 9% in January, 1970.
Increased 5% to 6% in April 1970.

Increased 3.5% on sheets and bars (Balance of steel products (60%) and specialty steels expected to be increased near future.) March, 1971.

Price increases were in part due to higher costs of coke, scrap, and ferro-alloys.

The French Government has encouraged producers to spread out their increases through stages. Price increase on balance of products during First half of 1971 could average 5% to 6%.

Japan

During 1969, prices were increased from 15% to 50% depending on the product. Early in the First Quarter of 1970, prices for certain steel products leveled off and began to decline. However, price increases of about 10% were made for specialty steels due to higher costs of scrap and ferro-alloys. From December 1969 to December 1970, prices for structurals, plates, and hot and cold rolled sheets declined about 18% while prices for other steel products remained relatively stable or increased.

In mid-December, 1970 steel producers announced that prices would be increased by 15% to 20% during January, 1971. Reportedly, cost of production increased from $9 to $12 per net ton by July, 1970. Because of these rising production costs, steel producers say they must increase prices. While increases made in January, 1971 restored prices to the high level achieved during the early part of 1970, significant price reduction started to take place during February, 1971, and continued in March. Indications are that present prices may be at approximately the 1968 level.

United States

In December, 1968, the BLS Finished Steel Price Index stood at 103.1 (1967=100). The most recent published BLS figure is 118.3 for March, 1971. It is estimated that the Index through May 1, 1971 will be 120.2. This would be an increase of 16.6% since the end of 1968. (Because December, 1968 was an unusually low proceeds month due to Bethlehem Steel's $25 per ton reduction in hot rolled sheets as of November 4, 1968, the measurement of U.S. price changes from 1968 may be more accurately portrayed by using October 1968 as a starting point. The BLS index for October, 1968 was 104.5; the increase from that month through May 1 is 15.0%.

MISSION OF MERCY

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. VANIK. Mr. Speaker, Erica Ginsburg is a 9-month old baby in my community who is suffering from bialiary atresia, a fatal liver disease. If a liver transplant is not performed this baby will soon die. Through the miracle of modern medicine, such liver transplants are performed at Denver Medical Center. Only two such operations are performed each year.

Young Erica is the first on the list to have such an operation. The operation must be commenced within three hours after the death of the donor baby in Denver. This would require that Erica be flown to Denver at the appropriate time, day or night.

However, only two commercial flights are available from Cleveland to Denver during a 24-hour period. It was our hope that the Air Force in cooperation with the Coast Guard would assist in the event that the emergency flight was required in the near future through its Medi-vac system. The Cleveland Office of the U.S. Coast Guard immediately established liaison with the family to assure that the baby would be flown to a nearby Air Force base and thus on to Denver. For that offer, we are very grateful.

However, the U.S. Air Force stated that it could not cooperate with a jet flight for the reason that it could not be in competition with commercial air lines or existing charter service. The Air Force suggested that the family charter a small jet for this purpose. That charter flight from Cleveland to Denver would cost the young family $2,700.00 one-way. This family is already over-burdened financially and the young father is a fourth year medical student. The family faces additional expense in establishing a household in Denver for 3 to 4 months after the operation and during recuperation.

The Wright Airlines of Cleveland, Ohio, in my congressional district, has indicated, under these circumstances, that it will provide the necessary transportation by charter jet, free of charge, to the family to meet this life-and-death crisis. If and when the transplant operation becomes feasible to save Erica's life, and in the event that either of the commercial jet flights are not available, this outstanding, public-spirited company, Wright Airlines of Cleveland, will fill this critical gap and help save a baby's life.

If it had not been for Wright Airlines' offer of assistance in this emergency, few alternative solutions remained, except a crippling debt on an already financially over-burdened family.

Our whole community and Erica's family owe a debt of gratitude to the public spirit of Wright Airlines for its concern and willingness to help. This kind of dedication to social needs deserves the commendation of the American people.

NORTHERN CALIFORNIA FARM LEADERS REPORT TO HOUSE AGRICULTURE COMMITTEE

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. JOHNSON of California. Mr. Speaker, a few days ago the Agricultural interests of Butte County and northern California were honored by the visit of the House Committee on Agriculture headed by the distinguished gentleman from Texas, Mr. POAGE, who is doing such a fine job as chairman of the extremely important committee.

Agribusiness is of great importance to northern California. It is the biggest single industry in our State and a major portion of the Golden State's export business in agricultural products. We in northern California have some unique situations as it relates to agribusiness primarily because of our specialty crops which are so important to our region.

We felt especially privileged to have Chairman POAGE and many members of his outstanding committee come to Butte County and northern California to see firsthand in the fields how our farming business is conducted and to discuss with the farmers themselves our purposes, our problems, our hopes, and our dreams for agribusiness.

During an evening meeting which concluded the tour nine outstanding leaders, each representing a special segment of the farming industry in northern California, gave brief outlines of their positions of the total agribusiness picture.

I know that the members of the committee benefited from the presentations made that evening. I certainly was extremely impressed with them and I thought I would like to share these views and comments with others in the Congress. Therefore I would like to submit for the RECORD the presentations made that evening:

ALMONDS

Presentation by Frederick S. Montgomery, Durham, California, graduate of Electrical Engineering, University of California, who operates 350 acres of almonds and walnuts as a family corporation and 560 acres as Vina Gold Orchards, Chairman of the Board of the California Almond Growers Exchange and a member of the University of California Agriculture Advisory Committee.

Chairman Poage and Distinguished Members of the House Committee on Agriculture: Viewed against the backdrop of depressed prices and serious surplus situations haunting many segments of agriculture today, the California almond industry is one of the brighter areas of production and marketing.

The California Almond Growers Exchange, a grower-owned cooperative, processes and markets over 70% of the total United States production which is limited to California. With its leadership and with the cooperation of major independent handlers, our Federal Marketing Order—operating since 1950—has brought stability to the industry and unparalleled market development and expansion, both domestically and abroad. An aggressive policy of new product development, adapting product form to consumer desires, coupled with major advertising and sales promotion, has resulted in creating a demand which the growers have answered with vastly accelerated plantings. Tax advantages permitting converting ordinary income to capital gain treatment have further encouraged many higher income, non-farm investors to develop new orchards.

A brief review of some changes during the last ten years will reveal some startling comparisons:

1. Consumer demand for California almonds in the export market has soared from 12,000,000 shelled pounds in 1960 to over 67,000,000 in 1970. Major export markets include Japan. The Scandinavian countries, England and Germany, long supplied exclusively by European-produced almonds, have become major users of California almonds because of superior quality and uniform grade and because of several short crops in Europe. Newly-developed markets in Czechoslovakia, South Africa, Russia, Yugoslavia and Austria will purchase in excess of 3,000,000 shelled pounds in 1971.

2. Domestic consumption has doubled since 1960.

3. We are now in the mail order gift-pack business. In this item alone, sales of the California Almond Growers Exchange have increased ten-fold since 1960.

4. The Exchange itself is spending well over a million dollars on national media advertising and greatly appreciates the work of your Committee in obtaining passage of the Almond Industry Advertising Bill which will be so necessary in the future to spread the cost of advertising equitably among all producers.

Despite all of the foregoing, we are faced with the prospects of serious overproduction in the very near future. New plantings are outstripping our ability to rapidly expand consumption. Only poor crops abroad have saved us from serious world oversupply during the last two years and enabled the successful disposal of the record domestic crops. A comparison of acreage figures for 1960 and 1970 shows:

Bearing acres: 1960, 89,600; nonbearing: 23,900; total, 113,500.

Bearing acres: 1970, 147,800; nonbearing: 87,500; total, 235,300.

The 87,500 non-bearing acres may be expected to produce 88,000,000 additional shelled pounds. Good growing conditions could soon produce a California crop in excess of 235,000,000 shelled pounds and a foreign crop of 220,000,000 for a world crop supply of 455,000,000 shelled pounds—or 100,000,000 shelled pounds more than current world demand.

Recent passage of legislation requiring capitalizing almond orchard development costs will tend to deter new plantings but it may not be a sufficient brake. Regrettably, it may have come too late to prevent the explosion in production during the next decade before markets can be expanded to create demand to match available supply.

The major problem facing the industry during the next decade will be marked development, both domestic and abroad. The importance of export markets for almonds cannot be overstated as they offer the best potential field to increase consumption. Expanding world trade will be essential.

Other problems facing the almond industry and other segments of agriculture center around three areas:

1. With growing concern for our environment, the public awareness of ecology, and the movement toward consumerism, it will be essential that careful, scientific investigation be made to support changes in or elimination of certain agricultural practices, now essential to effective, economical production. Emotional, non-scientific approaches to these problems can create great damage, both economically and ecologically.

Emphasis needs to be placed on funding expanded research into such areas as integrated biological pest control and the discovery of control methods for pests, weeds, brush, etc., which will have the least danger to man and the rest of nature.

2. Solutions must be found and regulations drawn to bring order and equity in farm employer-employee relations. A National Farm Labor Relations Act which would bring order to the chaos which now exists is essential. The secondary boycott as a tool to force employees to join unions which neither they nor their employers wish to have represent them must be prohibited. Effective machinery must be established to permit their free choice of union representation or total rejection thereof by secret ballot.

3. Strikes which threaten national or international commerce (such as the current West Coast dock strike) must be regulated and machinery established to minimize economic damage to innocent third parties. Currently, there are substantial tonnages of almonds awaiting export shipment, tied up by strike activities at the Port of Oakland. If this strike were to last for 90 days or more and we could not ship almonds into export, many European fall orders would be lost. This would be a major loss to both almond producers and also to the total U.S. balance of trade.

CATTLE

(Presentation by Elwin Roney, Chico, California, who holds a B.S. degree in Animal Husbandry from the University of California at Davis. He is ranching in Butte, Tehama, and Lassen counties, combination cow, calf and feeder operation. Past President of Butte County Cattlemen's Association, Director of California Cattlemen's Association and selected as Butte County Cattlemen of the decade, 1957–1967.)

Chairman Poage and Distinguished Members of the House Committee on Agriculture:

The cattle industry of California is faced with six major problems:

1. Imports
2. Cost-price squeeze
3. Taxation
4. Changes in Federal grazing practices
5. Pesticides, herbicides, and livestock health
6. Ecology

1. The inconsistent amounts of meat imports arriving on the West Coast cause gluts during some seasons. These gluts result in an unstable market for our product.

2. For the last 20 years, costs to produce have increased more rapidly than the price received for our product. Since 1950, our production costs have increased more than 40%. Today, we are receiving essentially the same prices for our animals that we obtained in 1952. Another important factor is that California agricultural labor costs are the highest in the Nation.

3. Taxes—after interest costs—are the next most expensive cost in beef production. Such are the result of assessing on inflated land values rather than on use. These inflated values are also resulting in hardships, particularly when inheritance taxes must be paid within nine months.

4. Increases in grazing fees and restricted numbers are escalating production costs. Recent studies have shown that costs of managing cattle on public lands in California are as great as those on privately owned lands at the present time.

5 Healthy, well-fed cattle are necessary for maximum production. Restrictions being placed on pesticides, herbicides, and animal health products are decreasing our production.

6. Ecology is a broad problem. Our short-term ecologists are not basing many of their conclusions on scientific fact. In one instance, a report stated 900 cattle, grazing 28,000 acres for three months, contributed 75 per cent of the nitrogen pollution in an 80,000 acre foot lake. When the scientific facts were established, the cattle through their ability to convert forage nitrogen into meat protein, were beneficial by removing large amounts of forage nitrogen which is a potential source of pollution.

Outlook: I believe most cowmen owning less than 1000 cows will soon be a thing of the past. Short-term financing, increased costs, and other costly production problems will bring this about.

Inflation trends will cause production costs to increase. Beef prices will not keep pace. These circumstances can only result in the intensification of the cost-price squeeze.

Population increases and demands for more services can only mean more taxes.

Numbers of cattle grazing on public lands will be forced to decrease because of pressure demands from people. Increased fees, decreasing numbers, and possessory interest taxes on permits will reduce beef production on these lands.

With improved methods of transportation, health problems are increasing. More restrictive use of pesticides, herbicides, and animal health materials will reduce supplies of red meat to consumers.

We expect a greater impact from well-meaning but misinformed and misdirected ecologists.

When the corporations and conglomerates become the major sources of production, supplies will be controlled, and beef prices will rise.

Recommendations: At times, excessive beef imports cause drastic reductions in the price the producer receives for his animals. One factor which would aid in reducing this problem would be to set monthly quotas on meat imports.

A concerted effort should be made by government to slow down inflation.

Your recent legislation to reduce the use of capital gains have been beneficial to the bona-fide cowman. Continued efforts along these lines will help stabilize some of our production problems.

More equity is needed in the collection of income taxes. Need also exists to reduce the danger of inheritance taxes wiping out the continuation of the family operation.

Grazing can be beneficial to public lands. Future legislation controlling use of these lands should be based on recommendations in the report of the Public Land Law Review Commission.

Results of scientific research should be used in decisions made regarding herbicides, pesticides, animal health products, and ecology problems. Adequate funding should be continued to develop information and products for decision making and maximum production.

I thank you for the opportunity to make this presentation to the distinguished members of the House Committee on Agriculture who are present at this affair.

FEED GRAINS

(Presentation by Mr. George M. Stutz, Red Bluff, California. Mr. Stutz was educated in the local schools in the Chico, California area. He has served as Chairman of the Tehama County ASCS Committee for 10 years. He was area director of the California Sugar Beet Growers Association, and active in cooperative matters particularly the funding and establishment of the Chico Bean Growers, which is a cleaning and supply cooperative located at Nord, California.)

Mr. Chairman and Distinguished Committee Members, for the record, I am George M. Stutz. I reside at Route 1, Box 540, Red Bluff, California. My occupation is farming and I farm various cereal grains, row crops and orchards in the counties of Butte and Tehama.

You are to be complimented for including this hearing in Northern California on your busy itinerary. Seldom do we have this opportunity. I trust my remarks will cause you to become aware of some of our situations so that your future actions can be tempered by the remarks presented here.

My comments will focus on feed grains and I will identify with the following subjects:

Soil depleting base and conserving base
Timely announcements
Farmers faith in government programs
Can efficiency be improved?
Today, a dollar from the market
Conclusion

First I will comment on the aspects of the Agricultural Act of 1970.

I personally feel that under the set aside program for feed grains there should be but one soil depleting base on a farm which would include corn, grain sorghums, barley, oats and rye. With this done, conserving bases should be eliminated since they would serve no usefulness. Having but one base would eliminate harassment of one crop from the other by a particular feed grain not being included in a program some years and being overplanted by participating farmers.

Program announcements should be made not only before planting time but before plowing time. An example—land on the west side of the Sacramento Valley was summer fallowed in March, April and May of this year for the 1972 crop. Just this past week the Department of Agriculture announced that barley is included in the 1972 program. The Department takes pride now in that barley is being announced in the program prior to "planting time" and I emphasize "planting time" for 1972.

To have timely benefited us, last week's announcement should have been made January or February at the latest of this year, before "plowing time".

Another important fact is that farmers should not be left to second guess what crops will be covered in our Agricultural Programs that are a law of the land.

My point here is that in 1968 and in 1971 barley was left out of the feed grain program. For the same reason as pointed out in my example above, the announcements both years were too late. A farmer could not plow or plant a substitute crop and consequently his gross income was reduced in many, many instances by as much as one half. Why didn't he summer fallow his normal acreage? Because the farmer was led to believe barley would be included in the feed grain program in those years. Not only was a farmer hurt financially, but his faith in farm programs administered by the Agricultural Stabilization and Conservation Service has been greatly weakened. Present and future programs will be looked at more skeptically for fear there would be announcements made by the Department of Agriculture too late for the farmer in this part of the country to adjust his cropping pattern for the year.

About 20 years ago economists were stating that farmers should improve their efficiency of production. This was true at the time, as there were many areas for streamlining an operation so that it would return more dollars to the farmer. Farmers since then have updated their operations. Today, within his financing ability, his ability to further economize is minimal. In other words, the big slack has been taken out of the line. Where do we turn now? To the market place and that is where we as farmers need your help to make this accomplishment.

In conclusion, I would like to leave you with this comment. I cannot conceive in this day when we are capable of putting man on the moon that we cannot exert some of these energies and technical knowledge abilities to inventorying our farm feed grains nationally. With our need established for our domestic consumption, export, carryover needs, emergency supply and a safety tonnage for drought, disease or crop failure, farm programs can be so manipulated to encourage or discourage production so that a realistic dollar can be obtained from the market place by the farmer. If we can do this with sugar beets, why can't we do this with feed grains?

Gentlemen, thank you for this opportunity to appear before you.

FINANCING

(Presentation by Raymon Freund, Chico, California, who was schooled in Missouri and Arkansas. Employed in 1952 as field man for Chico Production Credit Association. Named Assistant Manager in 1955, Manager in 1965.)

Chairman Poage and Distinguished Members of the House Committee on Agriculture:

The continual shrinking margin in farm commodities is driving the legitimate farmer out of business. Since 1952, we have been in a period of diminishing returns. The farmer's only salvation has been increased per acre production, whether it be row crops, tree crops, grains, pasture, or any other farm commodity.

Through the past decade, we have seen farmers work long hard hours just to make enough to pay their property taxes, personal taxes, real estate payments, and interests on their operating loans. In many cases, appreciation in value of their real property has constituted their only gains.

This year, we are looking at a set-aside or drop on some of our major tree crops as high as 40%. We find it difficult to approve a budget to maintain 100% of an orchard in a husbandlike manner when a farmer can sell only 60% of his total crop. Increased production costs, lower selling prices, 20–30–40% set-aside or green drop have created a real problem in financing. Increased production costs and decreased selling prices have made production financing a near impossibility. The farmer is in real trouble when it takes as much, or more, to produce a crop than he receives in net return.

Shrinking returns make it increasingly difficult for the grower to meet his fixed items. The value of his real estate has reached its optimum; no longer is there a ready buyer for his ranch. Today, we are seeing good farm land sell at a price lower than five years ago. Why? The land is simply not capable of producing enough on today's depressed market to make farming a profitable enterprise.

The farmer has used modern practices and complied with all laws to produce a product that is saleable and finds himself selling his goods at depression prices. Yet, equipment purchases, repairs, and hired labor are at inflationary prices.

The outlook for improvement is dim. Increased plantings, to induce a larger gross return, will exert a detrimental effect for several years to come. Conglomerate farms put together by individuals in other industries, in many cases for tax purposes only, have had a very depressing effect on the man who is trying to farm at a profit.

Many large corporations of our country produce a product and say, "We want X number of dollars for it, and if you want it, that is what you pay for it." The farmer produces a product that everyone must have to sustain life. Yet, for some reason, can sell only on the basis of, "What will you give me for it?"

The only way a farmer can show a profit today is at the expense of another farmer. For example, last year, rains in the East did severe damage to the dry bean crop. As a consequence, growers in our area received a good price for their beans. There has to be another way. Industry cannot survive by this method.

Based on my own personal experience as a lending officer and Manager of the Chico Production Credit Association, the past two years have, without a doubt, been the toughest the farmers have faced.

Today, we have loans on our books that are in doubtful status. Two years ago, these same farmers were solvent and operating at a profit. We have refused financing to farmers in 1971 who paid their loans in full two years ago and ended the year with a profit. Today, many of these same farmers show deficits in their operations.

If there is not a reversal of this trend immediately, others who are still solvent today will be in trouble next year. They will not only be in trouble; they will be broke and out of the farming business.

From our point of view, in dealing directly with farmers, we need some real help in the following areas:

1. A positive method for adding increased operational costs on to the selling prices of agricultural products.

2. Provide a more stable market for farm commodities.

3. Ease the costs of money—don't let interest rates get out of hand as they were in 1970.

4. Stop beating down the farmer at the insistence of a few radicals and sob sisters.

Farming is still the mainstay of America. Unless the farmer can be relieved of having to subsidize other businesses in this great Nation, we will some day be asking, "What happened to the American farmer?" And, we will point down the road to bankruptcy and oblivion and say: "He went that-a-way."

Forests

Presentation by William H. Holmes, Strawberry Valley, California, who has a B.A. Degree in Wildlife Management from the University of Missouri and an M.S. Degree from Yale. Starting as a compassman for the Soper-Wheeler Company some 26 years ago, he has served as Company Forester, Vice-President and is presently President of the Company. Has served as a member of the Technical Advisory Council of the Forest Products Laboratory, University of California, since 1968 and was elected President in 1970.

Chairman Poage and Distinguished Members of the House Committee on Agriculture:

I represent a kind of agriculture that was not featured in our tour this afternoon. And although our farm contains some 70,000 acres, it ranks only third in size among farms of this type in Butte County. I am here representing the Tree Farmer. We are in the business of growing and selling forest products. We raise and merchandise sawlogs, pulp logs, poles, piling, and Christmas trees. As land owners, we are also involved in grazing, mining, and recreation. It is a business filled with risks from fire, insects, disease, and tax assessors. It is characterized by large capital investment, long periods of time, and low returns.

When I learned of the opportunity to tell my troubles to this distinguished committee, I was overjoyed. When I was told to limit my remarks to five minutes, I cried. I don't need five minutes, I need five days! Well, with this time restriction, what particular misery should I emphasize? What favor, or program, should I request? I finally decided that the one thing, above all else in this particular time, that you could do for the Tree Farmer would be to maintain a healthy skepticism as regards the frantic proposals of the new cult of environmentalists who would reshape the world to their design.

I am not suggesting that you turn a consistently deaf ear to these people, because much of what they want to do is worthwhile and should be done. Much of what they want to accomplish is long overdue and should have been started years ago. Much of what they aim for is in the public interest under anybody's definition. But ecology is not a moral crusade. It is a science; the study of the balance of nature. Its riddles will not be solved by instant guesswork programs. Rather, they will entail years of persistent and painstaking work.

What I am asking is that when you are warned of some imminently hovering planetary catastrophe, that you "keep your cool" and demand facts rather than hysterical rhetoric. Is the situation really as bad and as urgent as presented? Does the proposed program really solve the problem? If so, at what cost and at whose expense? Perhaps the basic question is: How should the need to protect traditional freedoms in American society be balanced against the need to preserve the physical environment?

Our problem is the instant environmentalist who just learned about ecology 90 days ago and now rushes forward with a program calling for a batch of laws regulating the Tree Farmer's business. We have been in business at this one stand for 66 years, and, God and the Tax Assessor willing, we hope to be in business another 66 years. At least, we are making our plans in that direction. And our only chance of success is to maintain our inventory by planting new trees, nursing our growing stock, and, above all else, protecting our soil. If it washes away—polluting the streams—it is lost forever (for all practical purposes)—and we are out of business. The point I wish to make here is that in Tree Farming, long-range profits are maximized with intensive conservation practices. In fact, the Tree Farmer was the original conservationist in the United States. However, we do look down our noses at these johnny-come-latelys and their simplistic solutions to what we know are complex problems.

These same folks that drive past a herd of Herefords and think of steak; pass a wheat field and think of bread and bakery goods; and pass a vineyard and think of wine, will drive past a stand of timber and never think of it in terms of tables and chairs and paper and 2 x 4's and shingles and plywood.

There are other peculiar inconsistencies. There is some devastation in connection with the harvest of almost any crop. Wheat, corn, and rice plants are destroyed in the harvesting process, and in the fall of every year agricultural fields are pictures of devastation. Yet, this annual occurrence is not only completely accepted, we have a national holiday, namely, Thanksgiving, to celebrate the event. In contrast, when the Tree Farmer harvests his crop, there are cries of rape and murder. This is, of course, basically silly, but the current hue and cry is too loud to ignore and swarms of environmentalists are exerting pressure to regulate or stop the tree harvesting process.

We can, I believe, have just exactly the kind of environment we are willing to pay for, and we should be willing to pay for a better environment than we now have. But it will not be industry that foots the bill, nor the Government. It will be you and me. We will pay the bill through higher taxes at the local and national level, we will pay the bill in terms of higher prices for the things we buy, and we will pay the bill with a lower standard of living—including more restrictions on how we live.

The point, it seems to me, is that the quality of life in America is, by definition, more than physical. And if it is necessary some day—even some day soon—to sacrifice the intangible aspects of quality for the sake of physical survival, it should not yet be accepted as obvious.

Olives

(Presentation by George Chaffin, Oroville, California, who has a B.S. Degree, Agricultural Economics, University of California, Berkeley. Actively engaged in production of olives, beef cattle, and numerous tree crops. Past President, Butte County Farm Bureau and presently Director, Olive Advisory Committee.)

Chairman Poage and Distinguished Members of the House Committee on Agriculture:

I have been involved in growing olives all my life. My predictions for the future of the industry are more uncertain than they have ever been.

California produces over 95% of the olives grown in the United States. The industry's major problems can be classed in three categories:

1. Over-production
2. Extremely high cost of harvest
3. Competition from foreign countries where workers are paid a much smaller wage scale and where rules and regulations are not nearly so strict in regard to the use of pesticides and cleanliness

Returning to the first category of over-production—In the years since World War II, bearing olive acreage in California remained fairly stable at about 25,000 to 27,000 acres. Then, in 1967, we had a crop about 15% of normal. In the following year of 1968, we had a bumper crop of over 70,000 tons and received a price of over $400 a canning ton. This crop came during a year when Northern California water was beginning to be delivered to the San Joaquin Valley. Growers there with newly-watered land were looking for a crop to plant. From 1968 to 1971, over 12,000 acres were planted. These plantings in the coming years will give us 40% more olives to market. Over 5,000 acres were planted by one stock-holding company in that area to take advantage of excess profits and tax loopholes as well as to put newly-irrigated land to use.

Primarily because of over-production, the price per ton delivered to the canner dropped from $400 in 1968 to about $250 in 1969 and $170 in 1970. This year's heavy crop is estimated by some people to exceed 70,000 tons. We anticipate a carryover of some 30,000 tons in the can. Consumption has been about 6 million cases or about 40,000 tons per year over the past ten years. We are also looking at 12,000 new acres that will come into bearing in the next few years.

Next, the extremely high cost of harvest. Many thousands of dollars have been spent in an attempt to develop a satisfactory mechanical harvester. Little, if any, success has been registered.

Last year, it cost a grower about $130 a ton to pick and deliver olives to the cannery. The average return to the grower was about $170 per delivered ton.

The average olive picker who helped harvest the crop picked by hand about 500 pounds of olives a day for which he was paid about $25. It required approximately 250,000 man days or gave employment to about 10,000 men for one month at a time of the year, "Oct. and Nov.," when few other jobs in agriculture were available. Over the years, olive growers spend over one-half of their gross return to harvest the crop.

It is in labor that imports with their lower harvest costs really hurt us.

Imports are the third and final major problem that plague olive growers. California olives have traditionally been processed in four ways:

1. Ripe
2. Green
3. Dried
4. Olive oil

In the years following World War II, cheaper foreign olives have taken over almost everything but the canned ripe olive market. The first offering of foreign ripe processed olives are now being tendered in the United States. Last year, Spain alone sent some 46,289 tons of processed canned green olives to the United States. It is difficult to stem the flow of these olives which were harvested with cheap labor and in questionable cleanliness.

In conclusion, if we are to maintain a stable olive industry in California, we must somehow find a way to compete with foreign olive imports. This, as I see it, can only be done by increasing tariffs and by developing mechanical harvesting to cut costs so we can better compete with Spanish and other foreign olives.

The California olive industry, through its state marketing order, has spent many dollars to increase markets and develop mechanical harvesting. The industry through its federal marketing order has done much to improve the quality of its product. The 40,000 ton, 6 million case consumption of ripe olives seems to rise all too slowly. The future of the olive industry with its 12,000 to 15,000 full and part-time employees and an industry that has gross annual sales of 35 to 40 million dollars is very uncertain.

How can the House Agriculture Committee help us in the years to come? One of the best ways to increase usage of olives is through the school lunch program. We have been having difficulty getting ripe olives placed in the program. It is hoped that the Committee will accord careful and favorable consideration to the recommendations of the

Olive Administrative Committee in the months to come with the objective of imposing the olive industry's economy.

Thank you.

Pesticides

(Presentation by James Mills, III, Hamilton City, California, who attended the University of California at Berkeley in the College of Engineering. He is Managing Partner of James Mills Orchard Co.; President, James Mills, Growers Service Co.; President, Butte-Glenn Citrus Association; Director, Sunkist Growers, Inc.; Member, Program Committee of Pear Zone; Member, Fresh Bartlett Pear Advisory Board; and Member, Control Committee, California Tree Fruit Agreement.)

Chairman Poage and Distinguished Members of the House Committee on Agriculture:

Thank you for this opportunity to address these few remarks on pesticides to you members of the Committee.

We, at James Mills Orchards Company, farm several hundred acres each of: Pears, Prunes, Oranges, and some Olives. We developed the property in 1912 and have operated it since then.

During this time we have watched pest control practices change from crude sprays of poorly refined oils, tars, copper and soaps to sophisticated chemicals that work only on specific targets. The old method was a shotgun approach—killing all insects—good and bad. Today we are acquiring the ability to pick our target and leave many beneficial insects, thus approaching an integrated system of biological chemical control of economic pests.

In this effort, we are hindered in many ways. Public research funds are being reduced or channeled into other programs; i.e., ecological problems. Government testing requirements in many cases are so costly and lengthy that developers of new products are discouraged, or the cost becomes prohibitive to the user. Unfortunately for us, it is not often possible to pass these increased costs on to the consumer.

Our goal, of course, is to produce safe, edible fruit at a cost that will leave us a profit. We must practice pest control if we are to produce an acceptable product. This applies to tree crops, vegetables, grains and all food crops.

To give you a specific example of how we use pesticides on one of our crops, Pears—In the winter there are two dormant, or prebloom sprays; during the blosson period, as many as twelve sprays or dusts of streptomycin to control fire blight bacteria; after petal fall and through harvest, three to five sprays for red spider mite and worms. There is only one thing worse than a worm in a pear, and that is one-half a worm!

This pest control costs as much as $200 per acre. We must constantly change materials to keep ahead of the pests' ability to develop resistance, to comply with government regulations, and to attempt to keep our costs down. Since so many of these materials are toxic in varying degree to man, it is necessary also to constantly observe every possible precaution to prevent injury to the employees during and after application. All of this requires a thorough, up-to-date knowledge of the pesticides being used and available for use.

I feel that we are progressing in the direction of more biological control, both through the introduction of beneficial insect predators and through selective breeding of plants resistant to insects, fungus, bacteria, etc.

This work of producing ever-increasing amounts of wholesome food cannot be left entirely to the farmers and private industry, but must be carried on in the publicly financed Agricultural Colleges, Research Stations, and by Extension Service specialists if we are to continue to produce food at the bargain price it is today.

Prunes and Peaches

(Presentation by J. L. Sullivan, Yuba City, California, a graduate of Stanford University. He is a grower of pears, peaches, prunes, and cattle. Presently President, California Canners & Growers, a grower-canner cooperative with annual gross sales in excess of $110,000,000.)

Chairman Poage and Distinguished Members of the House Committee on Agriculture:

Growers of cling peaches and prunes in California are in the most serious depression since the early 1930's.

Three to five years ago, choice cling peach orchards were selling at $3000 an acre, while choice prune orchards were selling at $2500 per acre. At present, these same orchards are for sale at (clings) $1500 to $1750 per acre; prunes from $850 to $1250 per acre. Even at these low prices, under present marketing conditions, margins are so low that there is not enough cash generated to make payments on the land.

Eighty percent of the orchards in my immediate area are for sale. The fundamental reason for the chaotic condition is that we have an oversupply condition in both of these commodities.

Let us look at peaches first. Peach sales and plantings have been increasing in a healthy manner during the past twelve years when a number of several severe impacts caused the industry to reach its present disastrous condition. These follow:

1. Supplies of cling peaches and competing fruits increased dramatically.

2. Our exports, because of indirect subsidies by the Australian and South African industry, declined fifty percent.

3. The cyclamate ban destroyed approximately ten percent of our market.

4. The concentration of buying power into less and less organizations. Fifteen years ago we sold to twenty-seven canneries. Today it is under ten.

5. Inflation. Higher costs—which have increased in some instances over fifty percent during the past five years. Taxes, interest, maintenance and repairs, etc.

The California prune industry has more problems than the peach industry.

A. Through a combination of circumstances, we have an over-plant in prunes:

a. Short crops over a period of years.

b. The tremendous increase in prune juice during the late fifties and sixties which resulted in high prices at the time.

c. Large plantings have brought about these over-plantings.

B. In 1970, we had to virtually discard thirty-five percent (65,000 tons) of our crop. This year it will be forty percent (75,000 tons).

C. Presently, there are between one hundred and one hundred-fifty growers who have received "Dear John" letters from their packers, saying that they do not want their prunes in 1971.

D. Money-lending agencies are moving their funds away from prunes into other commodities.

E. As a result of countless gimmicks by our Western European Allies, our export market has been curbed significantly.

F. Inflationary costs, next to supply, are the greatest problem we have.

The immediate outlooks for both peaches and prunes are dismal.

In peaches, we shall continue with our research and quality control program; also, with our advertising, merchandising, and surplus control programs. Our tree pulling program has been most successful. Within two years, we hope that our supply will again be in a healthy relationship with demand.

The prune industry also has research, quality control, advertising, merchandising, and set-aside for surplus. In the latter area, there is room for improvement and we shall need your help.

Recommendations: We in tree fruit need more tools to work with in order to set the table properly. Congress can help directly or indirectly:

1. By passing the Sisk Bargaining Bill.

2. By insisting that our Government confront the Australian and South African marketers with their hidden subsidies. Should they continue, we should receive equal funds to combat shipping rates and merchandising subterfuges.

3. We should have the right to participate in allotment programs if we so wish.

4. Lending institutions, which start moving large funds away from agriculture, should be questioned by Congress.

5. Tax shelters for large income groups, both individuals and corporations who are investing in orchards, should be changed in an equitable manner.

6. The cyclamate indemnification bill should be passed as soon as possible. There are many growers who will be unable to secure a line of credit this December unless the bill is enacted into law.

With grower initiative and prudent assistance from Congress, we believe that the serious problems in the peach and prune industries can be solved.

Rice

(Presentation by W. Bruce Wylie, Colusa, California, who is a graduate of the University of California, Los Angeles. He farms rice and grain crops in Glenn County, and rice, grain, prunes and walnuts in Colusa County. He is Director and immediate Past President of Farmers Rice Co-op; Director and Treasurer, California Rice Research Foundation; Member, U.S. Department of Agriculture's National Rice Advisory Committee; Member, Rice Advisory Committee, California State Farm Bureau; and Director Sunsweet Driers, Inc., Riverbend Prune Drier, Colusa.)

Chairman Poage and Distinguished Members of the House Committee on Agriculture:

The rice industry is presently faced with five (5) major problems. These are:

1. The threat of a reduction in acreage for 1972 allotment.

2. A cost-price squeeze.

3. Diminishing demand for Public Law 480.

4. The current longshoremen's strike.

5. The effect of the European Common Market on U.S. rice sales.

These subjects are of deep concern to the California rice farmer, and I shall now elaborate on each in detail.

1. The main concern of most rice farmers is what program to expect for 1972. After a 10% cut in 1969 and a 15% cut in 1970, the California rice farmer cannot stand a further reduction in acreage.

In 1966, and again in 1968, rice farmers and agricultural businesses serving the rice industry, purchased equipment and enlarged their facilities in many cases to meet the Government's request for increased tonnage of rice to feed hungry allies. In most cases, part of these obligations still exist. On much of the rice land in Butte, Glenn, and Colusa Counties, rice is the only crop that can be farmed at a profit. Money is being spent by the California rice industry itself, under its own research program, to develop rotation crops that will return a profit to the rice farmer. Thus far, we do not have a reliable rotation crop.

2. The rice farmer is no exception to the cost-price squeeze. The cash return per cwt. to the rice producer today is approximately the same as it was in 1961 or even back to 1954–55. However, production items (with the possible exception of fertilizer) have doubled and in some cases have tripled in cost. As an example of this, the graph which I will attach to this presentation and give to the Committee—delineates the imbalanced relationship between harvester costs and rice market prices for the years 1960 through 1970.

To secure the yields necessary to survive, fertilizer and spray bills often run in excess of $60 per acre.

3. The diminishing demand for Public Law 480 rice has had a definite impact upon the California rice farmer. The rice industry has done an outstanding job of feeding hungry people throughout the world.

4. The European Common Market is a real problem area for Southern rice producers.

5. The most pressing current problem is the longshoremen's strike and the railroad strike. In California, the balance of the 1970 rice crop as well as CCC rice has all been sold to South Korea. Yet, due to the longshoremen's strike, we are unable to mill and ship this rice. This situation is of deep concern to rice growers, particularly because there appears to be no effort to negotiate a settlement. Filled sales orders are being held at various ports and this could result in business being lost forever.

The outlook for rice is clouded. Much will depend on the policies set by our Government regarding PL480 rice sales and assistance.

As a member of the California delegation to the National Rice Advisory Council which met recently in Washington, D.C., we were briefed by representatives of the Department of Agriculture as to the present world situation and problems in rice. The various specialists and economists presented a dismal picture. If all information presented is allowed to stand without challenge, we are indeed in a serious mess. Their reports showed:

A. U.S. Dollar sales down.

B. World production up due to effect of the Green Revolution.

C. Heavy inventories in some countries.

D. Competition from concessionary sales by Japan, Thailand, U.A.R. and others.

E. Lack of demand for PL480 rice.

F. Loss of European Common Market sales to South America because of very high subsidies given to the South American rice producer.

It is impossible to recommend a meaningful rice program until we know Department policy on off-shore sales and the policy of administering the PL480 program. Lacking that information, several thoughts are put forth for consideration:

1. Leave acreage "as-is." Most farmers can ill afford *any* cut.

2. Correct the inequities experienced by U.S. exporters in selling to European Common Countries.

3. Aggressively sell U.S. farm commodities wherever possible.

4. We need to be certain our Government employees administering the various sales programs for agricultural commodities show and have complete concern for the U.S. farmer and his prime objective.

5. That the Department of Agriculture represent Agriculture—NOT Budget, Labor, Department of State, or some other country.

Thank you.

Mr. Speaker, I would like to conclude with a word of commendation for an old friend of mine and also for an extremely dedicated and knowledgeable public official.

The arrangements for this orientation tour and briefing in Butte County were made by Mr. Ernest E. Hatch of Oroville, who is one of the finest farmers I have known and Alva W. Mitchell, county director and farm adviser, Butte County Agricultural Extension Service.

The success of this meeting can be attributed directly to their organizing skills and their hard work in coordinating these presentations which I have today shared with you and our colleagues here in the House of Representatives.

We hear much about the problems of agriculture and about the problems of our Nation. When I see and know dedicated, hard working individuals such as Mr. Hatch and Mr. Mitchell and all of those whose presentations I have presented above, I have great faith in the future of our country and I know that agribusiness, as the farming industry may now be properly called, remains the backbone of our economy and the backbone of our society. We will be successful with fine people such as these working for the Nation.

Thank you.

AMERICAN LEGION ON OIL PIPELINE

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. BEGICH. The trans-Alaska pipeline is a vital issue in Alaska and throughout the United States. Oil to be transported via the pipeline is desperately needed, for several reasons. For one, the United States is experiencing a severe energy crisis, and faces an even greater one in the near future. Second, our current petroleum supply is now largely connected with events in the troubled and explosive Middle East. Third, Alaskan oil has a very low pollutant content, an increasingly important consideration. Fourth, the Alaskan economy is extremely depressed, with the highest statewide unemployment rate in the country, by far.

There are many other reasons for the need to build the pipeline soon, as recognized by the American Legion, Department of Alaska. Meeting in Ketchikan, Alaska, the Legion passed the following resolution:

RESOLUTION NO. 71-23

Whereas, a viable oil exploration and development program is vital to the defense of the United States; and

Whereas, a state of instability and military crisis exists in the Middle East where the United States imports over 50% of its fuel thereby jeopardizing the production and exploration and free flow of oil and related fuels necessary to the well being of the United States; and

Whereas, the defense posture of this Nation along with critical national civilian needs require the immediate exploration, development and processing of domestic oil reserves as soon as possible; and

Whereas, these critical needs can be met by the immediate exploration and development of the Prudho Bay Oil fields of Alaska by the respective United States oil companies of the field which contain some 500 billion barrels of oil with a resultant pipe line for transportation of said oil to the military and energy markets of the United States; now, therefore. be it

Resolved, by the American Legion assembled in convention May 12 through 15, 1971 at Ketchikan, Alaska, that the Secretary of Interior, the Honorable Rogers B. Morton, be urged to issue forthwith without undue delay the necessary pipeline construction permits to the Alyeska Pipe Line Company for construction of the Trans-Alaska Pipe Line from the Prudho Bay oil fields to the southern seaport terminus of Valdez, Alaska or other appropriate seaport; be it

Further Resolved, that copies of this resolution be sent to the Alaska Congressional delegation, National Legislative Committee of the American Legion, Governor of Alaska, Secretary of the Interior and other appropriate government officials.

NIXON WOOS REDS IN CHILE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. RARICK. Mr. Speaker, the continuing threat of Communist revolution in Latin America is evident in the recent news coverage of "Dr. Castro's" disavowal of "new ties with the U.S.," and his statement that "the stars of Cuba and Chile shall go forward together to illuminate the path of Latin American revolution."

The administration, however, continues along its merry path of appeasement—it has even approved easy credit terms under the Export-Import Bank Act for military supplies for Chile. The administration does not seem to understand communism—whatever the Communists want, they give them, whether we are technically at war with them or whether they nationalize American industries within their borders and then threaten to refuse to indemnify the American owners for their losses.

I ask that a related news article be inserted in the RECORD at this point.

The article follows:

[From the Christian Science Monitor, Aug. 5, 1971]

CASTRO DAMPENS TALK OF NEW TIES WITH U.S.

(By James Nelson Goodsell)

The possibility of some new sort of relationship between Havana and Washington has apparently been dashed by Cuban Premier Fidel Castro.

In a speech in which he pledged "Cuban solidarity with revolutionary movements in Latin America," Dr. Castro took a number of verbal swipes at the United States.

"We are not seeking conciliation of any kind with Yankee imperialism," he said. "There will be no concessions of any kind to the imperialist."

Dr. Castro spoke on the 18th anniversary of his own revolutionary movement which he linked with the struggles "of the oppressed" in Latin America.

The Cuban leader made no mention of the recent Nixon-administration overtures to Communist China, nor did he refer to recent United States congressional suggestions that the time has come for Washington to look afresh at the issue of policy toward Cuba with a view toward the reestablishment of relations.

HARD LINE SEEN

But his words appear to put a damper on the suggestions and seem to indicate he does not have any plans to take Cuba along the route that Peking is following in opening the door to Washington's overtures.

Cubanologists in the United States, in reflecting on the speech given last July 26 now that texts are available, regard the Cuban Premier's remarks as hard line, brooking little hope for any relaxation of the tension between Washington and Havana.

On the other hand, some observers note that during the past year Cuba and the United States have on several occasions carried on negotiations on such issues as the return to the United States of skyjackers and on the exchange of prisoners.

Indeed, on one recent occasion, Dr. Castro permitted the daily refugee airlift plane from Cuba to Miami to carry North Americans who had been held in Cuban confinement for several months. Such a concession appeared to be a possible breakthrough on the use of the airlift for other purposes than ferrying Cubans wanting to go into exile.

EVENTS GO UNMENTIONED

Dr. Castro's speech made no mention of these events, however.

It did include a lengthy review of Cuba's economic situation. Dr. Castro admitted numerous problems, but his speech this year was a much more hopeful accounting of Cuba's economic arrangements than his speech last year. He indicated that statistics he had with him during his 2½-hour speech show a gradual improvement in the economy despite "contrary factors." He ticked off these points:

The failure to meet the revised sugar-harvest goal of 6.65 million tons was the result of a prolonged drought and "technical breakdowns" in some sugar mills. The harvest, completed just a week before he spoke, totaled just under 6 million tons.

The drought that affected sugar also hit tobacco, rice, and cattle production. In addition, a swine disease, which has now been controlled, forced the destruction of a sizable number of pigs.

Production in both light and heavy industry increased in the first six months of 1971—with some increases as much as 15 and 20 percent more than in the first six months of 1970.

It was obvious that this last point gave Dr. Castro a sense of hope that some of the island's economic problems were behind him. But he called on Cubans to face whatever domestic economic or foreign political challenges "resolutely, valiantly, and decisively." He promised Cubans additional hard times ahead, but held out some hope for improvements in the future.

He also appeared buoyed by the presence on the platform of Chilean Foreign Minister Clodomiro Almeyda. He spoke in warm terms of Chile's new Marxist-leaning government.

"The stars of Cuba and of Chile shall go forward together to illuminate the path of Latin American revolution," he said.

THIRD ANNIVERSARY OF SOVIET INVASION

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. FINDLEY. Mr. Speaker, August 21 is the third anniversary of the Soviet invasion and occupation of Czechoslovakia. It was 3 years ago that Soviet tanks rolled into Prague and snuffed out the bright flame of personal freedom which had begun to flicker in the brave Czechoslovakian people.

Since that time, the seeds of individual liberty planted by Mr. Dubcek and his courageous followers have withered completely. All dissenting voices have been squelched, political trials have been held, the party has been purged, and Mr. Dubcek has been unceremoniously relieved of all duties and forced to return to private life. What fate the future holds for him cannot be guessed, but it is bound to be uncomfortable.

The invasion of Czechoslovakia reminded the United States, and the world, that the Soviet Union has not forsaken the use of armed might to accomplish its goals. Just how far the Brezhnev doctrine might be taken is unclear, but what is clear is that we must never drop our guard. Whether a similar step might be taken by the Soviets in Greece or the Middle East, where there is ample evidence of Soviet interference, cannot be divined.

But the Soviet Union does have the capability, and the demonstrated determination to impose its iron-fisted will upon socialist countries which deviate from the Moscow line.

This is a situation which free men everywhere must constantly guard against.

OAKLAND CITY COUNCIL CALLS FOR QUICK END OF WAR

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. DELLUMS. Mr. Speaker, I believe the greatest chance we will have to end finally this Nation's tragic adventurism in Southeast Asia will come when sentiment against the war develops in every neighborhood and community.

It is one thing for politicians in Washington to pontificate against the war; it is something different when the people and their local elected officials speak out.

I am very encouraged by the recent action taken by the Oakland City Council in passing the following resolution calling for "withdrawal of all American military force from Indochina by the earliest date possible".

I commend the members of the city council of this city which I represent, and I now place their resolution into the Record at this point:

Resolution on Oakland and the Indochina War

Whereas, on June 16, 1971, the National Conference of Mayors adopted a resolution urging the President to withdraw all American troops from Southeast Asia by December 31, 1971; and

Whereas, continuation of the war has burdened the Nation with immense expenditures and has resulted in cutbacks of Federal funds needed in Oakland to fight poverty, provide jobs and housing, and to assist with other City needs; and

Whereas, service in Indochina exposes American troops to easy access to heroin and other drugs so that many servicemen are returning to the communities of this country, including Oakland, as drug addicts, thereby aggravating the many social and police problems already serious in Oakland and through the country; and

Whereas, the percentage of casualties among black and brown servicemen is far higher than their percentage in the total national population and since there is a high proportion of minority people in Oakland's draft age population, Oakland residents bear an especially heavy burden in continuation of this war. This City Council is concerned about all the citizens of Oakland who are being killed and injured in this conflict; and

Whereas, continuation of the war takes a heavy toll of death and destruction, increases dissension at home, erodes our Nation's position abroad and wastes our human and capital assets; now, therefore, be it

Resolved, that Oakland has a vital stake in rapid termination of American involvement in the Indochina war and therefore the Oakland City Council hereby urges Congress and the President to adopt those measures which will insure a prompt end of this war and withdrawal of all American military forces from Indochina by the earliest date possible.

INTERNATIONAL MONETARY CRISIS

HON. ROBERT TAFT, JR.

OF OHIO

IN THE SENATE OF THE UNITED STATES

Thursday, August 5, 1971

Mr. TAFT. Mr. President, this last May, for the third time in 5½ years, the Western world found itself in the midst of a serious international monetary crisis. All the usual signs were manifest. Vast sums of moneys surged back and forth across national boundaries; tourists were swept up in the confusion of rapidly fluctuating exchange rates; economics ministers met, adjourned, and met again; commentators talked at length of speculators, parity, exchange rates, the forward market, and the spot market. Most ominous was the description of the situation as a dollar crisis, and mention of the so-called revolt against the dollar.

Often, the complexity of these developments reached baffling proportions. But despite the jargon and the confusion of the moment, the real significance of events became clear. Very simply, the rationale for the dominance of the dollar in world finance has weakened. For years we have been unable to earn on our sales abroad and from investment by foreigners in the United States a quantity of foreign money sufficient to balance the quantity of dollars that we have spent abroad for imports, foreign investment, economic aid, and military assistance. The result has been a sustained international payments deficit.

For some time now we have paid lip-service to the need to correct our balance of payments deficit. The events of last May clearly emphasized the need to do much more than indulge in vague rhetoric and stopgap measures.

I have vigorously supported proposals which would effectively strengthen our currency. We must do everything possible to fight inflation. The exercise of Presidential authority to dampen down wage and price increases in the vitally important construction industry deserves the support of all Americans.

At the present time I am cosponsoring two bills introduced yesterday which would enable the executive branch to deal more broadly with inflation and the related problem of unemployment. In sponsoring these measures I am not criticizing, but rather am seeking to strengthen the President's economic plans.

The first measure would establish a Wage-Price Board, with the authority to publish standards by which decisions with respect to wages and prices can be measured in terms of their inflationary impact on the economy. The Board would then seek the cooperation of all segments of the economy in avoiding actions which are inconsistent with its recommendations.

This legislation complements the authority the President has under the Economic Stabilization Act of 1970 to freeze wages and prices temporarily with the objective of promoting economic well being and growth.

The second bill proposes the establishment of a National Council on Productivity to replace the one established by Executive order. The new Council would work through regional and local organizations to be established from labor, management, and the public down to the plant level. In addition to establishing a local organizational structure, this bill would strengthen the existing Council by providing it more specific operating guidelines, as well as adequate funding for staff. The objectives of this Commission would be to enlist the cooperation of labor, management and State and local governments to promote increased productivity. In this way we may work to insure that our goods and services regain their dominant place in the world market.

I support the accelerated depreciation measures that have been implemented by the Government, and proposals to reinstate the vitally important investment tax credit. By encouraging industries to invest in new, more advanced equipment, these measures will help make our producers more competitive. I support legislation to expand the operations of the U.S. Export-Import Bank.

I also support the administration's imaginative proposal to found a Domestic International Sales Corporation which would allow American firms to set up domestic subsidiaries to market products abroad. Under this proposal, taxes on the products sold abroad by these sales corporations would be deferred until the profits were transferred back to the parent corporation, thus encouraging producers to expand their exports.

I am cosponsoring legislation to help relieve the steel industry from the onslaught of foreign competition. The Steel Trade Act of 1971 would limit imports in 1971 to approximately 15 million tons. It would provide for realistic product and geographic alinements and an import growth rate of not more than 2½ percent annually.

The United States Steel Corporation has recently shut down its Ohio Works in Youngstown, one of the largest steel mills in the State. Major layoffs have been announced by Republic Steel in Canton and Massillon and by other producers in Ohio. We must enact legislation to enable our country to compete on a more equitable basis. We must maintain a strong, viable steel industry for our national economic welfare and security. To be fully effective this measure must be temporary and coupled with the early enactment of the investment tax credit.

In these ways the steel industry and other American industries can regain their leadership in productivity and efficiency. Only then can American workers have meaningful job security. Only then can the dollar be truly strengthened.

The struggle to implement these important suggestions will not be easy, but it must be undertaken. The need for action cannot be denied. To illustrate the seriousness of the problem and to cite examples of heartening progress, I ask unanimous consent to that several recent news articles be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the New York Times, July 20, 1971]

NERVOUSNESS OVER THE DOLLAR AMONG EUROPEANS CONTINUES

(By Clyde H. Farnsworth)

PARIS.—All the signs point to continued nervousness over the dollar in Europe.

Over the last week the dollar has been sinking to new lows in Frankfurt. The price of gold is creeping higher.

There has been a speculative flurry over a possible upward revaluation of the French franc and many observers believe that with their newly acquired dollar holdings the French will take a tougher monetary line against the United States.

The Organization for Economic Cooperation and Development reported in a recent study on the United States that European concern over the dollar is tending to check the expected upsurge in European purchases of American securities.

Meanwhile, the Swiss Parliament is debating the conditions attached to Swiss National Bank purchases of special American bonds denominated in Swiss francs.

In the fine print of the purchase agreement the United States was protecting from bearing any exchange loss.

The Swiss authorities are being critized for entering into the agreement, especially since Swiss francs over the last two and a half months have been worth 7 per cent more in terms of the dollar.

In a discussion last Friday, French Finance Minister Valery Giscard d'Estaing said the troubles with the monetary system lay in the way the American balance-of-payments deficits were being financed.

He objected to American pressure on foreign central banks to hold dollars in their reserves.

Some observers believe he was serving notice that France will play a harder game. This year France has already converted $280-million into gold to reduce its debt to the International Monetary Fund. The gold came from American reserves. There is now a growing expectation of further transactions of this type.

American gold reserves stand a little above $10-billion, against close to $30-billion of official dollar liabilities.

European monetary authorities, qualified sources report, would like the United States to finance its deficit by borrowing from the I.M.F.

As the United States goes into its credit lines with the I.M.F. the I.M.F. has increasing influence over American monetary policy. This would probably create major political problems within the United States.

But, as one source put it: "The Europeans feel this is the only chance they have of getting a reduction in the American balance-of-payments deficits."

Again today in Frankfurt the dollar fell to a new low against the floating German mark. It was quoted at 3.4660 marks to the dollar at its low for the day, and then recovered to 3.4730. The German central bank was not a seller of dollars in the exchange market today, as it had been last week.

[From the New York Times, July 22, 1971]

DOLLAR WEAKENS AS GOLD ADVANCES—MONETARY UNEASE CONTINUES IN EUROPEAN MARKETS

LONDON.—There were signs of further monetary unease today as the dollar weakened against the German mark and the French franc, and the price of gold leaped to its highest price in many months.

German monetary authorities hinted, meanwhile, that the increasingly higher valued "floating" mark will not return to its old parity of 27.3 cents—their first official expression on this point.

In London and Zurich, the major international gold trading centers, the price rose to $41.20 an ounce, an increase of 25 cents over yesterday. This matched the highest price reached so far this year.

Activity in these centers was spurred by the relatively heavy demand for gold in Paris, where the price reached the highest point in 21 months.

Paris is an internal market that normally has little effect on the international centers. But Paris-based rumors sparked the general upswing.

The essence of these was that newly swollen French dollar reserves would be turned in for gold conversions at the American Treasury, further draining American gold stocks.

According to the rumors, Washington would react by closing down the gold window, formally declaring the dollar was no longer convertible into gold. This would herald a set of new conditions for the monetary system.

Despite repeated and strong denials of any planned upvaluation, the franc again moved today to its upper fixed limit of 5.5125 francs to the dollar.

Market estimates placed dollar acquisitions by the Bank of France—to prevent the upper limit from being breeched—at $25-million.

Speculation on a higher value franc had subsided earlier this week. In the previous two weeks, the Bank of France took in about $500-million.

BANKING OPINION DIVIDED

Banking opinion both here and in Paris was divided over the question of French dollar conversions. There were some who felt the French did not really want to rock the monetary boat at this time.

They argued that because of the presently prevailing differences in monetary views between France and Germany, any precipitous changes in the monetary system could have unfortunate consequences for Common Market unity.

France and Germany are already at odds in an argument over the application of greater flexibility for exchange rates. The French say no, although there are signs they may be prepared to compromise later.

Other bankers argue that France's antagonism toward the reserve role of the dollar and the pressures the United States exerts to get other nations to hold surplus dollars may impel her to convert as a means of applying reverse pressure on the United States.

The German mark traded today at its highest rate ever. It took 3.4680 marks to buy a dollar, against 3.4750 yesterday. The old parity, before the mark was floated on May 9, was 3.66 to the dollar.

GERMANS TO BAR FLOW

BONN, July 21.—The Government today announced proposals to prevent large German and international companies from adding to the flow into West Germany of speculative money, particularly dollars, having an inflationary impact on the economy.

A Government spokesman, Conrad Ahlers, told a news conference here that West German companies that borrow large amounts abroad might be required to lodge part of that credit in an account with the central bank, which will pay no interest on the deposit.

[From the New York Times, July 27, 1971]

U.S. RESERVES FELL IN JUNE TO LOWEST LEVEL SINCE 1938

WASHINGTON.—United States monetary reserve assets declined an additional $307-million in June to $13,504,000,000, the Treasury reported today.

The largest part of the decline came from the previously announced use by the United States of $250-million of its automatic drawing rights in the International Monetary Fund. The loss of gold was $61-million, reducing the gold stock to $10,507,000,000.

The total of $13.5-billion of reserves was the lowest since 1938. Reserves at the end of June, besides the $10,507,000,000 of gold, included $1,247,000,000 of Special Drawing Rights, or "paper gold," $322,000,000 of foreign currencies, and $1,428,000,000 of automatic I.M.F. drawing rights.

[From the New York Times, July 29, 1971]

JUNE TRADE GAP WIDENED; COMPANY BORROWINGS RISE—MARGIN OF IMPORTS OVER EXPORTS WAS LARGER THAN APRIL AND MAY

WASHINGTON.—The already-poor United States foreign trade figures worsened further in June, the Commerce Department reported today.

Imports exceeded exports by $363.6-million, a bigger trade deficit even than in April and May. For the second quarter as a whole, there was an excess of imports over exports for the first time since the distorted period immediately following World War II in 1946. The deficit for the quarter was $803-million.

There was also a $372.3-million trade deficit for the first half. Yesterday, Secretary of Commerce Maurice H. Stans told Congress there might be a deficit for the entire year, which would be the first in this century.

PICKUP HELD UNLIKELY

The poor trade figures give little encouragement that the nation's over-all balance of payments will improve. The payments deficit has led to rising uncertainty and occasional turmoil in world foreign exchange and gold markets.

Harold C. Passer, Assistant Secretary of Commerce for Economic Affairs, said part of the "substantial deterioration" of the trade balance in the second quarter "is related to special situations, such as actual or potential strikes." But he said there were also "less transitory influences."

In the second quarter, exports actually declined by $275-million from the first quarter—a drop Mr. Passer attributed in part to "the slowdown in the rate of economic growth in many of our major markets abroad."

More important, imports rose strongly **again, by $960-million over the first quarter.**

METAL IMPORTS UP

Mr. Passer said imports of some metals, including steel, were increased in anticipation of possible strikes. He also said that "second-quarter trade also may have been affected by the expiration of longshoremen's labor contracts on the West Coast at the end of June and September of similar agreements at East Coast and Gulf ports."

Exports in June were $3,660,600,000 and imports were a record $4,023,200,000—the first time imports have passed the $4-billion mark for a month.

Mr. Passer said that "imports in the second quarter increased in almost all categories." **In the first half, exports rose 5 per cent over a year earlier but imports rose 15 per cent, with strong gains "in a wide range of consumer goods and in industrial materials, particularly steel."**

[From the New York Times, July 30, 1971]

HEALTH OF DOLLAR STIRS NEW WORRY—GOLD, SILVER AND THE STRONG EUROPEAN CURRENCIES IN HEAVY DEMAND—DEFICITS BEHIND RUSH—GAPS IN TRADE AND BUDGET NOTED, WITH ANOTHER BIG PAYMENTS LAG SEEN

(By Clyde H. Farnsworth)

PARIS.—Gold, silver and the "strong" European currencies were in demand in European markets today amid new anxieties over the health of the dollar.

The announcements by the United States of the second biggest budget deficit since 1945 and the third consecutive monthly trade deficit, together with expectations that another sizable balance-of-payments deficit will be reported for the second quarter, were behind the rush into gold.

In one of the biggest buying days of the last two years, dealers in Zurich and London said demand came from "everywhere," including the United States—even though gold ownership by American citizens is illegal.

The rise in silver was attributed principally to Americans.

FRENCH RESERVES SURGE

In another development, the Bank of France reported a surprisingly large increase in its reserves last week—$367-million—mainly reflecting dollar support operations in the exchange market.

One of the factors in the gold price rise has been the rumor that the French, with their newly swollen dollar reserves, will revert to traditional practices of demanding conversions at the American Treasury for gold.

This would further reduce American gold stocks and perhaps lead to a formal embargo on gold sales. Speculators see the resulting monetary turmoil culminating in a higher official gold price.

But, by the same token, it could also mean an end to gold as a monetary metal.

Gold was being sold at between $42.35 and $42.50 an ounce late this afternoon in London and Zurich after the formal London "fixing" at $42.275.

PERSISTENT SILVER DEMAND

The "fixing," representing the basic reference price, was the highest since June 3, 1969. It was nearly 20 cents above the reference price yesterday.

Silver, which has been demonetized by the United States and most other countries, has been out of favor as a monetary speculation for years. But yesterday some of the demand for gold rubbed off in the silver market, pushing the price to $1.60¾ an ounce from $1.58½ yesterday.

Silver dealers in London report that there has been quiet but persistent demand for the metal in recent months, and they anticipate still higher levels.

The West German central bank was still getting rid of unwanted dollars in the exchange market today. It unloaded $700-million to $800-million yesterday, according to Frankfurt bankers' estimates, and another $150-million was sold today.

The mark, which has been "floating" upward since May 9 under the influence of dollar sales, was trading today at 3.4610 to the dollar, representing nearly a 6 per cent premium over what had been the official rate.

The mark was floated following a flood of dollars into Germany. Sometime later this year it will probably be formally revalued upward, many observers say.

The upward float was intended to release the dollars into the market stream again and to check the inflationary boom in German business.

[From Time Magazine, Aug. 9, 1971]

THE BATTERED DOLLAR

For most of the last 20 years, the U.S. has emptied its pockets abroad with the abandon of a sailor on shore leave. European bankers have grown hoarse warning that the dollar outflow and resulting drain of U.S. gold reserves could eventually wreck the purchasing power of the dollar overseas and endanger the world's monetary system. Last week a succession of dismal developments gave those warnings a new and compelling urgency:

The Treasury Department reported that U.S. gold reserves have dipped to their lowest level since 1935. During June some $61 million in gold dribbled out of Fort Knox and into foreign hands. This reduced net reserves of gold to $9.96 billion—even though it has been widely felt that the U.S. would never permit its gold reserves to fall below $10 billion. According to the Treasury, the monetary reserves were $13.5 billion. But that figure included $2.7 billion in potential credits from the International Monetary Fund, which the U.S. can draw on if necessary, as well as more than $320 million in assorted foreign currencies. This leaves some $10.5 billion in gold, but $548 million of that is gold that the IMF has either sold or lent to the Treasury on condition that it is returnable to the IMF on demand.

The Nation's trade balance declined further in June. For the third straight month, imports exceeded exports. The June discrepancy was $362.6 million, the largest so far this year. Commerce Secretary Maurice Stans stunned a congressional subcommittee by telling it that the U.S. may run a trade deficit for 1971, the first since 1893.

The price of gold in European free markets reached a two-year high of $42.40. The rise reflected a growing feeling abroad that the U.S. Treasury is perilously short of backing for its pledge to swap dollars for gold at the rate of $35 per ounce, and thus may have to raise the official gold price, which would devalue the dollar. European central bankers are moving to liquidate their dollar holdings. Two weeks ago the Swiss Central Bank sold $50 million in dollars to an unnamed source for gold.

The immediate peril is that a big rush from dollars into stronger currencies or gold could easily set off still another monetary crisis, one which would make Europe's brief speculative spree last May seem mild by comparison. Already there are enough dollars circulating in the Eurodollar market to empty out Fort Knox several times over. The deeper danger is that European governments will clamp stern controls on the international exchange of money—particularly on the inflow of dollars—and that the U.S. will put equally rigid controls on the import of goods. In Washington, there is much discussion of imposing surtaxes on imports. Any of these steps would damage the system of free trade and investment, which has done so much to promote postwar economic growth. A much more prudent move would be for the U.S. to adopt an incomes policy, centered on wage and price guidelines. This would show skeptical Europeans that the U.S. is serious about curbing inflation—and thus strengthening the dollar.

[From the New York Times, July 15, 1971]

JAPAN SEEN EASING IMPORT CURBS

(By Brendan Jones)

An Administration official said yesterday that Japan was moving "at long last" toward a significant reduction of her import barriers, but asserted that her restrictions on foreign investment were still far from liberal.

The official, Robert McLellan, Assistant

Secretary of Commerce for domestic and international business, spoke on what he termed the "special problem" of Japan at a luncheon of the Far East-America Council of Commerce and Industry at the Plaza Hotel.

He said there was a beginning of improvement in United States-Japanese economic relations and signs that the Japanese Government was adopting a policy of more restrained "orderly expansion of exports" to the United States.

At a news conference and in his speech, Mr. McLellan said that sudden, large increases of imports from Japan, such as those of textiles and electronics products, had added to the domestic economic and trade difficulties of this country.

In seeking restraints on imports from Japan, he said, the Administration had wanted only a moderation of their growth.

TEXTILES STAND DESCRIBED

He added that the Administration would continue to seek agreements with Japan and other countries to ease the pressure of textile imports. Meanwhile, he said, the United States would carefully watch the workings of the Japanese textile industry's unilateral export restraint program which became effective July 1.

Although United States exports to Japan made an impressive gain of $1.1-billion last year to a total of $4.7-billion, Mr. McLellan observed, the rise in imports from Japan resulted in a $1.2-billion deficit for this country.

"Our continuing—and growing—trade deficits with Japan," the official said, "are of particular concern to the United States Government and United States business firms, first because they contribute so importantly to our global international payments problem, while Japan maintains import impediments as compared to the relative access afforded by the United States market to Japanese and other world suppliers, and secondly because Japan greatly restricts the opportunity of United States business to participate in her market through investment."

IMPORT QUOTAS EASING

Mr. McLellan commended the Japanese for accelerating their reduction of import quotas. Two years ago, he noted, there were 159 categories for import quotas. These have been reduced to 60 categories, he said, and are to be cut to 20 by the end of September.

Despite this liberalization, Mr. McLellan said, there still remain other forms of import restriction, notably an "administrative guidance" system under which the Japanese Government can, if it wishes, exert influence on business to discourage imports.

While the Japanese Government has also accelerated measures to open about 85 per cent of Japanese business fields to foreign investment, Mr. McLellan said, the foreign participation is limited to 50 per cent and to new businesses rather than existing companies.

In view of Japan's current position as one of the world's leading economies and the United States' own open investment policy, Mr. McLellan declared, "We do not consider this to be full liberalization."

"We think," he added, "that with its great economic strength and international payments surpluses, Japan can—and should—extend similar treatment to American investors, in its own best interests as well as ours."

[From the New York Times, June 14, 1971]

Central Bankers Shaping Eurodollar Lending Code—Move To Improve Control of Money Flow Emerges at Annual Meeting of Bank for International Settlements

(By Clyde H. Farnsworth)

Basel, Switzerland.—Central bankers of the major industrial countries are working out a code of conduct for Eurodollar lending as part of stepped-up efforts to regulate the foreign dollar market.

Commercial banks would be advised to pay more attention to the creditworthiness of customers and to guard against lending long-term funds that had been borrowed on a short-term basis.

Central and commercial bankers have warned recently that the highly competitive conditions in the international dollar-lending field have caused lapses in normally prudent banking practice.

A code of conduct would serve as a reminder that the national authorities expect their banks to employ the same practices in the international market as they do domestically.

HIGH ON THE LIST

The problems of the Eurodollar market were high on the list of topics for discussion as central bankers from all over the world including Communist countries gathered here for the annual meeting of the Bank for * * *.

This institution, headquartered in Basel, plays the role of a central bankers' central bank performing a number of services for national banks. Some Eastern European countries are members, as well as most of the major Western countries. The central bankers from Eastern Europe use the occasion of the annual meeting to visit with Western colleagues.

The B.I.S. also is host at monthly gatherings of central bankers from the major Western nations. A highly conservative institution, the B.I.S. still records its accounts in Swiss gold francs, which no longer exists.

The United States has pledged its support behind cooperative international efforts to master the Eurodollar market and to obtain better control of the hot money flows that have led to recent currency crises.

OFFICIAL COMMENTS

As Secretary of State William P. Rogers put it at a meeting of the Organization for Economic Cooperation and Development in Paris last week: "We are ready to join our O.E.C.D. partners in reducing incentives to short-term money flows seeking higher interest rates."

The United States has already made special Treasury offerings to mop up some of the dollars sloshing around in the $50-billion Eurodollar pool.

The Treasury is also tightening controls over transfers by American citizens abroad.

A whole arsenal of measures is being considered from the European side, but a fair amount of disagreement over their utilization still exists among Governments and within Governments.

One of the ideas is to establish reserve requirements on Eurodollar deposits. This would have the effect of restricting the size of the market and increasing the interest rates.

For such a measure to have any real significance, Britain would have to agree. This is because London is the biggest center for Eurodollar lending.

Informants said the British would agree to impose reserve requirements only on condition that a formula be worked out in which British banks would lose no more business than banks in other centers. That formula could prove difficult to agree on.

[From the New York Times, Aug. 2, 1971]

Trade Strength Offsets Gloom Over Nation's Deficit

(By Brendan Jones)

The United States may see its traditional trade surplus vanish this year, but an examination of strengths and weaknesses in the over-all trade outlook indicates that gloom at this prospect may be premature.

The latest figures, of course, show the hard fact that the nation's trade balance ran a deficit—an excess of imports over exports—through three consecutive months, April to June, for the first time in 21 years.

As a result, an earlier surplus has been replaced by a deficit for the first half of the year of $372.3-million and as Secretary of Commerce Maurice H. Stans warned in connection with the figures: "In 1971 the trade surplus may disappear altogether for the first time since 1893."

Among this country's important trade strengths is the export of "high-technology" products—jumbo jets, computers, business machines, electric and electronic apparatus and sophisticated industrial controls systems and instruments.

BIGGEST IMPORTER

And while warning of deficit, Mr. Stans also urged more incentives for research and effort to maintain technological leadership, which many experts fear is being threatened by countries such as Japan and West Germany.

In addition, the United States is unique in its trading versatility, in being able to export large quantities of machinery and manufactured goods as well as of raw materials and agricultural produce.

But the United States is also the biggest importer of raw materials and semi-finished goods, items such as ores, oil, metals, chemicals and in recent years, of a rising volume of consumer products—autos, appliances, textiles, leather goods—and industrial machinery.

The problem is that imports have been growing more than twice as fast as exports, although last year exports picked up sharply to a surplus of $2.7-billion.

The race between exports and imports has grown steadily closer and there has been a question of whether the United States was really trying harder, especially in export financing and credit.

One answer has been the pending bill to increase the Export-Import Bank's funding authority from $13.5-billion to $20-billion and to finance exports to Communist countries, including Communist China.

It has been estimated that such an increase could eventually add nearly $5-billion to exports.

At the same time, the rise in imports, particularly of consumer products combining low price and quality, has aroused fears of an import "flood," especially from Japan, and increased demand for import restriction.

The shift to trade deficit this year has demonstrated that the trade balance is still very close but imports from Europe and Japan could swing either way.

It is clear that much of the recent import rise has resulted from special circumstance—the expanding domestic economy, continued high consumer purchasing, threats of steel and dock strikes—all of which spur imports and stockpiling.

At the same time, exports have been slowed by reduced economic activity in both Europe and Japan.

Trade figures and a recent analysis of the trade outlook by the Commerce Department show there are still many strong areas of American exports.

Exports of aircraft, which rose sharply to $2.7-billion last year, are continuing to gain with delivery of jumbo jets and, according to the Commerce forecasts, will show a substantial increase this year.

Agricultural exports, which rose 20 percent last year to $7.3-billion, are continuing to rise. The Commerce report forecast a sharp increase for cotton and higher tobacco sales.

American exports of capital goods—industrial machinery and equipment—were up $2-billion last year to $14.4-billion. While demand has slackened with reduced economic activity abroad, this major export item is expected to show a gain for the year.

Exports of business machines—computers,

office and copying equipment—have nearly doubled the $900-million volume of three years ago and are continuing to advance.

STRONG EXPORT AREAS

Other strong export areas are coal, chemicals, construction machinery and scrap metal, but over-all, the Commerce Department report indicates a lower rate of increase this year for all nonagricultural products.

There are firm areas of strength also on the import side. While exports of passenger cars have slipped, car imports are up strongly and should easily top last year's volume of nearly $6-billion.

A good part of the car imports are coming from American subsidiaries in Canada under the automotive free-trade agreement with that country, but imports from Europe and especially from Japan are substantially higher.

Imports of the European and Japanese cars, however, are expected to ease in coming months.

Along with imports of leather goods, bicycles, motorcycles, those of household appliances, radios, TV sets and phonographs are maintaining a steady rise above last year's total of nearly $1.4-billion.

In the Commerce analysis, export forecasts by area specialists and foreign service officers, appear more optimistic than those on the over-all outlook.

Major countries in which increased demand is anticipated are Canada, Britain and Japan, while a more moderate rate of export growth is indicated for the European Common Market countries.

Exports to the Soviet Union and Eastern European Communist countries—up $100-million to $450-million last year—are expected to show another large increase this year.

Summing up, the Commerce analysis suggests that the growth of imports may be steeper than expected, but notes:

"With exports and imports at around $45-billion to $46-billion each, one percentage point shift in the growth rate of either would have an impact on the balance of nearly half a billion dollars."

A final question, though, is whether a country that has not had a trade deficit in 77 years still has the capacity to regain a surplus.

[From U.S. News & World Report, July 19, 1971]

Helping U.S. Business Sell More Abroad—Interview With Henry Kearns, President, Export-Import Bank

Q. Mr. Kearns, this country is now running a deficit in its transactions with other countries. Can that deficit be cut or eliminated?

A. Yes, there are a number of ways: One is to lessen our military commitments around the world—bring back some of our troops, or persuade countries where they are stationed to take over a greater share of their support.

Another way to save dollars abroad is to cut spending for foreign aid.

Still another possibility is to limit the spending of American tourists abroad. They account for a heavy outflow of dollars—2.25 billions a year. The Johnson Administration tried to cut that tourist spending and retreated from it very quickly. I think any Administration would have to do the same thing.

There also has been talk about the outflow resulting from American investment in other countries. But the investment of U.S. dollars overseas eventually returns money to this country in the form of earnings. The net today is on our side. But that's generally a long-range proposition.

The only way to get our international payments into balance any time soon is to increase exports. We need a trade surplus of 5 to 7 billion dollars every year, not just an occasional surplus. To achieve a real solution, a long-range program must be followed. We cannot depend on emergency measures that are usually counterproductive.

Q. What has been the trade picture recently?

A. Latest figures show that imports exceeded exports in both April and May, for the first time in many years.

For this year as a whole, exports will exceed imports by a narrow margin—possibly less than 1 billion dollars. Last year, the trade surplus was about 2.7 billion. In 1969, it was about 1.3 billion.

Q. Do you see ways to boost sales of U.S. goods abroad?

A. Certainly. I think the additional trade we need can be achieved. The markets are available, if we just generate the sales effort—get our manufacturers to go out and sell, and back them up with adequate financing.

Q. What about the argument that inflation here at home is pricing our goods out of world markets?

A. Personally, I reject that idea—and I do so on the basis of hard market research and analysis, not on theory.

Many things are involved in a business transaction. Price is only one. When you consider quality, reputation, service, interchangeability of parts and financing, then price recedes in importance.

Suppose you want to buy a car, and have $1,000 to spend. I come to you and say, "I have a car to sell you for $1,500, but you'll have to pay all cash." We can't do business. But you may be willing to pay as much as $1,800 if I agree to finance the purchase for you over a period of years. In that case, price becomes secondary to your ability to buy with the cash you have on hand and expect to have in the future.

Now it's true that in some products—radio and TV sets, textiles, shoes—our prices may be higher than for similar goods produced in other countries. On those products, it's hard to compete at this time. But we have thousands of other kinds of products where price is only one factor, and on those products getting out and selling is what counts. The potential buyer will not know about the other factors, such as quality terms, etc., unless a sales effort is made.

Q. Could U.S. companies do a better job of developing markets overseas?

A. Yes, there's no question about it. I've traveled throughout the world as part of my job, and everywhere I go, people say, "Why doesn't the American manufacturer come over here and sell his products?" With the exception of a few big companies that are international-minded, we simply don't do it. Most of our producers are preoccupied with the domestic market. They figure the opportunities at home are so broad and so profitable that there's no need to sell abroad.

Q. Are most businessmen confused or uninformed about how to develop foreign markets?

A. Yes, the apparent mystery of doing business abroad frightens many of the uninitiated. They are concerned about the risks, and fearful that it will cost too much to get into markets outside the U.S.

We will never get to the point where every American businessman will want to sell overseas. But remember that only about 4 percent of our total national output—the gross national product—is in exports. So we have a lot of room for expansion, though even today we are still the world's leading exporter by a sizable margin.

Q. Where does the Export-Import Bank fit into this?

A. We have a twofold job: First, we make dollar loans to foreigners who want to buy American goods and who can and will pay for them over a period of years. Second, we assure U.S. manufacturers and exporters that if they go out and sell their products abroad, they will be paid with no more risk than they take on a domestic transaction.

DOLLARS THAT STAY AT HOME

Q. Do you lend money to American companies that are in the export business?

A. No. We lend money only to foreign buyers of U.S. goods. Such a borrower might be a private company or a government agency. All of our loans are made in dollars. But the important aspect is this: All those dollars are disbursed not to the foreign borrower, but to the American company that is supplying the goods.

Let's say we are lending 100 million dollars to the Tokyo Power Company for a new power plant in Japan. We don't send a single dollar to Japan. The 100 million is paid out to U.S. suppliers and contractors. All the money stays right in this country. But, more important, the repayment on the loan, plus interest, comes back to the Eximbank in the form of dollars.

Q. What is your annual loan volume?

A. Out of total U.S. exports last year of about 43 billion dollars, we participated in the financing of 5.5 billion, through loans, insurance or other arrangements. That was an increase of 90 percent over the 2.9 billion of exports we helped finance in 1969.

Q. Is your program picking up steam?

A. Yes. This year we expect it to reach somewhere between 7 and 7.5 billion dollars. That refers to the value of exports supported and made possible by all programs, not to the net total of our loans.

Q. What is your estimate of total exports this year?

A. I don't think they will rise much this year—maybe they'll get up to 45 billion dollars at the most. One reason is the decline in aircraft sales overseas.

But, looking ahead, I firmly believe that we can reach President Nixon's goal of 50 billion dollars by the end of this fiscal year—in mid-1972.

Q. What sorts of products do you help finance?

A. Our loan portfolio covers just about everything you can imagine, from locomotives to diaper pins, from shrimp boats to jet aircraft.

I made a survey of our business in the first quarter of this year. We had 3.416 separate transactions in 143 countries covering 60 different categories of products, materials and sevices. Lately, the composition of world trade has been shifting toward things bought with long-term financing, such as power plants, aerospace products, steel mills. Here is where sales depend more on credit than any other single factor, and it is the area of greatest opportunity for U.S. manufacturers.

Q. How is a typical Eximbank loan handled?

A. Let's say a company in a foreign country wants to build a petrochemical plant. A representative from that company comes to us and says: "We want to buy equipment for this plant. How can you help us?" We ask him to give us preliminary details, the economic justification for the plant, the estimated total costs, the amount of equipment that will be supplied from the U.S. estimates of the plant's earnings, and so on. Assuming the project makes sense, we will offer a preliminary commitment, specifying how much we will lend, for how long, at what rate of interest and upon what conditions. He then makes his decision and contracts with the U.S. supplier.

Q. Suppose an electric-power company in a Latin-American country wants to buy generating equipment. Would a loan normally be initiated by someone from the Latin-American company, or would it come from a company in the U.S., such as General Electric or Westinghouse, that might want to sell the equipment?

A. It could come either way. Sometimes both the buyer and the seller request a loan commitment.

We respond to loan requests from the buyer, the seller or from a private financial institution, usually within two weeks—three weeks at the most—with a commitment on any transaction of any size.

Q. What rate of interest do you charge?

A. Six percent. We have had that rate for the past 2½ years. I see no reason to change it.

Q. That is below the current bank rate, isn't it?

A. Yes, and at times it is below our cost of money. In effect, we have, when necessary, been subsidizing the interest rate by drawing on some of the earnings of our capital and reserves. Frequently the ability of the American supplier to get the business will depend upon our ability to keep our interest charges competitive with those offered by overseas producers.

Q. Over the years, have your loan terms been competitive with what other governments offer to their exporters?

A. In our opinion, the way you find out whether or not you are competitive is whether you get the business, so a flat yes or no would be misleading. When we get right down to negotiating an actual transaction, our suppliers rarely lose business for reasons of financing when the term for repayment is five years or more. On medium-term loans—one to five years—we are competitive about half the time. We get about half the transactions in which we are asked to participate and lose about half. This is not an acceptable score. We expect to do better.

Q. Do you get competition from government lending agencies in other countries?

A. Yes, though no other country has a bank similar to ours. In the United Kingdom, for example, there is an agency called the ECGD—Export Credit Guarantee Department—which is an export-insuring institution. Commercial banks make loans to foreign borrowers, have the loans insured by the ECGD and discount them at the Bank of England. But the ECGD itself does not loan money.

France and West Germany have similar arrangements. In nearly all other countries the financing is provided by a combination of facilities.

Q. Do the Russians have an agency to help underwrite their exports?

A. No; they rarely lend on commercial terms. Their product-promotion efforts more closely resemble foreign-aid operations of the type handled by our Agency for International Development.

The Russians offered to finance the sale of 10 million dollars' worth of Soviet-made earth-moving equipment to Costa Rica recently for highway construction. They offered all kinds of incentives. But Costa Rica decided against it, and ended up buying U.S. equipment on commercial terms.

Q. Why is an export-import bank needed? Can't private bankers supply all the financing necessary for foreign trade?

A. No; they cannot do the entire job. Over the years, it has become clear, not only in the U.S. but in every trading country, that there is a place that government must fill.

Q. Why do you say that?

A. For one thing, there is the matter of risk-taking. You have all sorts of risks in international transactions that you don't have in domestic business—such things as periods of political instability, changing markets, ability to convert from local currency to dollars and the ability to collect debts. A government institution has a greater ability to collect than does a private institution.

Then there's the matter of length of terms on a loan. When large contracts or big pieces of equipment are involved—or factories, dams, irrigation projects and so on—the borrowing generally has to be spread out over a longer period of time than a commercial bank will or can undertake. Most commercial banks are limited to a lending term of five years.

Suppose a foreign borrower wants to get financing for a nuclear power plant with a cost of, say, 165 million dollars. A loan of that amount simply can't be paid off in five years. It takes that long to get the plant built. So normally there's an initial five-year grace period, with repayment over 15 years. Such terms cannot usually be supplied from purely private sources.

Right now, we are working on a program with Argentina to completely replace all the locomotives on their national railroad. This will run to about 175 million dollars. They will pay off that loan over a period of 12 years. The private-bank money must be supplemented by Eximbank for the last six years.

EXPORTS CAUGHT IN MONEY SQUEEZE

Q. Are money supplies and interest rates important, too?

A. Yes, indeed. When a country goes through a period of tight and high-priced money, such as we had in 1969 and 1970, the first casualty normally is export trade. That's because domestic customers get priority at commercial banks. So there is need for a facility that can keep credit flowing in the export market in periods of tight money.

Related to that is the cost of borrowing. An exporter cannot compare his cost of borrowing money with the interest rates paid by another company in his same town or State. He must relate it to the rates prevailing in the country where he wants to do business, and the rates and terms offered by a non-American competitor. Most trading nations generally have been able to maintain a relatively low rate of interest for their export transactions.

Q. How did the Bank get started?

A. It was set up originally as a division of the Reconstruction Finance Corporation in 1934.

That was the period when President Franklin D. Roosevelt was negotiating to establish diplomatic relations with the Soviet Union. I'm told that one of the conditions the Russians placed on our recognition of their Government was that an institution would be set up here to finance Russian imports into the United States.

The Export-Import Bank was created within the RFC for that purpose.

It's interesting to note, however, that there never has been a loan transaction concluded between the Bank and the Soviet Union. Eximbank started out with a rather limited purpose and ended up with a far broader one. The Bank was incorporated as a separate entity in 1945, and is now an independent agency of the U.S. Government.

Q. Who put up your original capital?

A. The Bank was awarded the assets that were left from the RFC when it was liquidated—a billion dollars. Since then, Eximbank has never used any appropriated funds. When we need extra money to lend out, we borrow from the public money market or the Treasury.

Q. How much do you owe the Treasury now?

A. About 734 million dollars. The amount changes everyday.

Q. Is that the bulk of the money you use for lending?

A. No. In addition to the original capital of 1 billion dollars that was invested from the RFC, the operations of the Bank have built up more than 1.25 billion in reserves—out of earnings from loans. In addition, Eximbank is regularly awarded authority from Congress to obligate the U.S. Currently this authority is 13.5 billion dollars. The authority can be used in the form of borrowings from the Treasury for up to 6 billion dollars, and borrowings from the public in direct loans, debentures, shares, interest certificates or other obligations.

Under present federal budgeting procedure, early each year we are required to specify the amount we think we will need for the forthcoming fiscal year. This is called a "business plan." The Congress examines this business plan through the usual appropriations procedures and where justified, authorizes us to go ahead.

This can become very complex. To meet the increasing volume of need, we have asked Congress to increase our obligational authority to 20 billion dollars, and to exempt us from computations of the federal budget. That would permit us to plan and execute fund-raising as needed. It would allow rational and economical money management over a long period. If the legislative proposals are adopted, we propose financial planning on a five-year program. We could then issue securities for medium and long-term borrowings and not be dependent on unreliable and frequently costly short-term borrowings.

Also, from a management standpoint, the national interest would be much better served if we raise our money from the private money market rather than being dependent on borrowing from the Treasury. As matters stand now, we use the Treasury as our bank. Any income we get is deposited in the Treasury. When we need money, we draw a note on the Treasury.

That's all right as far as it goes. But under current budgetary process, it is not a good way to fund a bank—we simply do not know from year to year how much cash will be available to fund commitments made in the course of expanding export sales.

Q. Do you guarantee American investments in foreign countries?

A. No. We have nothing to do with investments. We only guarantee loans made by an exporter or a financial institution—U.S. or foreign—to pay for U.S. goods or services.

Q. Do you operate at a profit?

A. Yes. We made 110 million dollars last year, and this year we will make about 114 million. We pay the Treasury a dividend of 50 million dollars every year. Since incorporation in 1945, a total of 703 million dollars has been paid to the Treasury. The rest of our earnings go into reserves. This is how our reserves were built up to over 1.25 billion dollars since 1945.

COOPERATION WITH PRIVATE LENDERS

Q. Have you made innovations in your operations lately?

A. Yes, several. One of the most recent new programs is what we call participation financing. It's a way of spreading out our money so it covers more transactions, and of attracting more private money into export financing.

Formerly, Eximbank's general practice was to provide the entire credit to an overseas buyer of U.S. goods and services who qualified for a loan. Under the new participation arrangement, we share the loan with a private lender. The usual requirement is for a 10 per cent cash down payment by the purchaser, with our bank and a commercial bank sharing the rest of the financing on a 50–50 basis.

Sometimes, when necessary, the U.S. supplier also is asked to participate in the financing. When required, we are also prepared to guarantee the participating financial institution against losing money on the loan.

Q. Have you been able to draw commercial banks into this program?

A. Yes. Bankers are coming to realize that, far from being a competitor, we are working as partners with them in getting them business.

In the past two years, too, we have been guaranteeing loans made by banks in other countries for the purchase of American goods. Those banks lend the money that is then paid to the American producer, often as down payment on a purchase. We, in turn, may guarantee repayment on that loan.

Q. Are you expanding this sort of co-operative arrangement with foreign banks?

A. Yes, we are now in the midst of promoting an exciting new program that can be a tremendous stimulus to American exporters, called the Co-operative Financing Facility. We go to responsible financial institutions in various markets of the world and say: "We are prepared to make available to you a line of credit in multiples of a million American dollars to finance purchases from the United States of equipment, materials, technology, services. You make the loan, you take the commercial risk. You put up half the money, and we'll put up the other half at 6 percent."

Now, we have tried this out and we think it is going to be a real boon to U.S. overseas trade. By the end of next year, we hope to have lined up local banks in 300 different cities around the world that will participate. In effect, we are going to put those banks—foreign-owned banks, or foreign branches of American banks—into the business of selling American products.

This means we can say to American companies: "Tell your salesmen that in Rio and Quito and in Paris and Luxembourg and in Singapore and Karachi, if they go out and sell your products, there's a bank right on the spot than can finance the sale. They don't have to scramble around for financing. It's right there."

And through the Co-operative Financing Facility we get twice the exports for our money, the co-operating institution gets twice the purchasing power from its money and the buyer and seller are efficiently served. One of the most important features is that smaller and medium-sized business and industry can now find financing when needed.

DEFAULTERS CUBA, RED CHINA, U.A.R.

Q. What has been the Bank's record on loan repayments? Has it ever lost money?

A. Since the Bank started, in the early 1930s, the total volume of transactions—loans, loan guarantees and insurance—has amounted to about 35 billion dollars. Actual losses have been only two hundredths of 1 per cent. In all that time, there have been only three defaults—Cuba, mainland China, and the United Arab Republic.

The U.A.R. is negotiating now to try to work out new loan payments and get back on schedule. The debt on mainland China has been paid off in part by the Republic of China. And we are hopeful that the loan to Cuba someday may be repaid.

We have had a few commercial transactions where companies have been unable to pay, but the total is infinitesimal. Even considering all delayed payments for all reasons, the total is less than one half of 1 per cent of the volume of business.

Now, I must add that this collection record is not wholly because the Bank's management has been wise in the loans written, though we try to use due diligence. The main reason it that a borrower simply cannot afford to default on an Export-Import Bank loan, guarantee or insured credit. If he is in trouble with us, there's literally no private institution in the U.S. that will lend to him. That's the case also with other export-financing institutions around the world, who are notified of any of our bad risks.

We do take a considerate attitude toward a borrower who runs into trouble. Sometimes when really necessary we will delay payments for six months or a year, to help him get back on his feet.

Q. Do you see particular countries where opportunities are the greatest now for U.S. companies?

A. The pattern shifts constantly. One day, we may be looking at Brazil as the most impressive market. The next day it may be Italy, or Japan or Korea.

Actually, at the moment, we are lending more for development in Japan than anywhere else in the world. Next in line are Brazil, then Mexico, Italy and Spain.

Frequently we are asked, "Why do you finance sales to a country like Japan that has a healthly dollar reserve?" Our answer: "Because we are convinced that the financing is necessary to make the sale." Even though the country has dollars, the actual borrower does not.

Q. Can you finance exports to any country?

A. We make loans or assist others in 143 countries or areas. We are prohibited by restrictions in our Authorization Act from financing exports to a Communist country, except where the President declares it in the national interest. The last four Presidents have done that in the case of Yugoslavia—the only Communist nation with which we currently do business.

A second congressional restriction prohibits our financing loans in any country that is in armed conflict with the United States. That rules out transaction with North Vietnam, and it also rules out any countries that do business with North Vietnam.

PROTECTING INVESTMENTS IN CHILE

Q. After the last presidential election in Chile, you put that country in a higher-risk category. Recently, the Chilean Finance Minister said he would welcome new foreign private investment. Will that alter your attitude toward Chile?

A. This is a delicate subject, because a lot of discussion is going on with Chile these days.

We make our decisions on a purely commercial basis, not on a political basis. We have large credits outstanding in Chile, principally to the owners of the copper mines that were privately owned and now have been expropriated. If and when the Chilean Government assures us that it has assumed the obligations of the companies it has taken over, we may be able to justify new extensions of credit.

Also we must take an interest in the just and prompt settlement of claims for nationalized private investments. Should the appropriate authorities in Chile give us meaningful assurances that these subjects will be fairly settled, then we would look at each individual transaction on its own merits.

Q. What about Peru?

A. We have a situation there similar to that in Chile, where we have outstanding credits to companies that have been taken over. We have not had a clear understanding with the Peruvian Government as to its intentions, or how it will service its debts to us.

We, of course, must take an interest in expropriated companies and in the attitude of the countries that take them over.

The actions in such situations largely determine the creditworthiness of the government concerned. If a country expropriates without prompt, fair compensation, we cannot assume they would honor an obligation to us when it may become inconvenient to pay.

Here again, we at Eximbank divorce ourselves from political considerations. We just look at these things from the commonsense point of view of a normal commercial financial transaction.

RESCUE AT SEA BY HELICOPTER

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. BEGICH. Mr. speaker, it is a privilege for me now to recount the details of a remarkable rescue operation recently carried out by men of the 5040 helicopter squadron and the 71st Air Rescue squadron. On July 26, the Alaskan rescue coordination center received notification that a seaman aboard the Korean merchant vessel *Pioneer* required immediate medical treatment for acute appendicitis. A public health physician diagnosed his condition as a life or death situation necessitating rapid transportation of the patient to surgical facilities. In a short time, a helicopter and an HC-130 refueling craft left Elmendorf Air Force Base and were in the air, with constant guidance provided by the Coast Guard Air Control. Refueling in the air from the HC-130 three times, the helicopter covered nearly 1,000 miles and successfully evacuated the patient to Kodiak Naval Station. After the mission, the USAF Flight Surgeon, Dr. Lineham, stated that the evacuation and operation saved the man's life.

Certainly this fine accomplishment deserves note. As an historical landmark, it represents the most distant rescue at sea ever carried out by a land-based helicopter. But more than that, this action showed a wonderful international spirit; a compassion as that within a family. Nations constitute a family, and it is acts such as these that will strengthen that awareness within everyone. The rescue was an impressive display of human courage and cooperation. It is reassuring to know that there are brave and resourceful men who will commit their full energies and willingly risk themselves to help a fellow man.

A OSTPOLITIK—SOVIET-AMERICAN RELATION WITH A CHANGING EUROPE

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. GUBSER. Mr. Speaker, one of my highly respected constituents, Dr. Dennis L. Bark, a research fellow at the Hoover Institution on War, Revolution, and Peace at Stanford University, recently completed a study entitled "'Ostpolitik'—Soviet-American Relations With a Changing Europe."

I believe this study contains some very important points, and commend it to the attention of my colleagues:

"OSTPOLITIK"—SOVIET-AMERICAN RELATIONS WITH A CHANGING EUROPE

(By Dr. Dennis L. Bark)

"By the early 1970s, the main centres of imperialist rivalry have become clearly visible: these are the USA—Western Europe (above all, the six Common Market countries)—Japan," so concluded Leonid Brezhnev in his "Report of the Central Committee of the Communist Party of the Soviet Union" delivered to the 24th congress of the CPSU on March 30 of this year. This observation, that there are divisions in the political, economic and military alliances uniting the nations of the West is not at all new. It has been pointed out by members of the Soviet government for twenty years. In the past, as in the present, such observations serve as reminders for those concerned with the progress of socialism in the Soviet Union and abroad, that the capitalist democracies will turn upon themselves in the struggle for domination generated by "imperialist rivalry."

If repeated often enough, one would reason, there are those who may eventually begin to perceive divisions of interest in the West, and even draw the conclusion that solution to the problem lies in "accommodation" with one's neighbors in the East, that is glibly offered by the spokesmen for world peace in the Soviet Union. Thus the Soviet government, in accordance with the responsibilities thrust upon it as a major power, will continue to "consistently" pursue in the words of Secretary Brezhnev on March 30, " . . . its policy of peace and friendship among nations . . . [and] will continue to conduct a resolute struggle against imperialism, and firmly to rebuff the evil designs and subversions of aggressors. As in the past, we shall give undeviating support to the people's struggle for democracy, national liberation and socialism."[1] At the same time the Secretary added in his speech to the congress delegates that one would do well to remember, and I quote, " . . . these words of Lenin's: 'Selfless devotion to the revolution and revolutionary propaganda among the people are not wasted even if long decades divide the sowing from the harvest' (Collected Works, Vol. 18, p. 31)."[2] This advice is certainly just as applicable for the consideration of Soviet-American relations with Europe as it is for the several thousand Communist party functionaries who sat through Chairman Brezhnev's 175 page speech. The point is quite simple. Irrespective of the time that lies between the sowing and the reaping, the harvest will be gathered. The logical question with respect to America's relations with Europe and the Soviet Union is what will be harvested and by whom.

For the first time in the post-war history of the Federal Republic of Germany the Social Democratic Party won the national elections held in September of 1969. Together with the Free Democratic Party, the SPD formed a coalition and elected Willy Brandt, the former Mayor of West Berlin, Chancellor of West Germany. In his first "State of the Nation" address of January, 1970 Chancellor Brandt, in reference to the Nixon doctrine, emphasized that it is necessary to proceed from an era of confrontation to one of cooperation with Eastern Europe in the 1970s. The policy he enumerated at that time has since become widely known as "Ostpolitik."

The concept itself is not new, for initiatives were also undertaken by the Chancellor's three predecessors to improve relations with West Germany's East European neighbors, including East Germany and the Soviet Union. But as Chancellor Brandt's emissary to the United States, Stefan Thomas, explained during a visit to Stanford University in October, the "new element" in West German foreign policy was the fact that the Socialist government of Chancellor Brandt enjoyed a better "esprit de corps" with the socialist governments of Eastern Europe than had its predecessors, the Christian Democrats and the Christian Socialists. With the "new element" firmly in hand the SPD-FDP coalition began in 1970 a series of negotiations with the Soviet Union, Poland, the German Democratic Republic, Czechoslovakia, Hungary, Rumania and Bulgaria with the aim of reducing tension and achieving détente between East and West. For the first time in eleven years France, England, the United States and the Soviet Union began four-power talks on the Berlin problem.

To be successful Chancellor Brandt has made it plain that "Ostpolitik" must be based on the mutual recognition by all parties of the "existing realities" in Europe; that "patriotism demands the recognition of that which is . . . [and] the courage to recognize reality." This is not to say, as the Chancellor made clear in his January, 1970 address. ". . . that one views the reality as desirable, or that one gives up the hope that it can be changed in the course of time." He wisely emphasized indeed, that ". . . honesty obligates us to raise no demands whose fulfillment belongs to the province of the wishful thinking of the illusionist."

The two cornerstones of West German foreign policy are "security and détente" as defined in April 1971 by West Germany's Minister of Defense Helmut Schmidt, in a speech delivered at Princeton University. The basis for the success of "Ostpolitik" was summarized by the Minister in four points: (1) "The North Atlantic Alliance remains indispensable for safeguarding our security and the security of our Allies"; (2) "the political and military commitment of the United States in Europe is an essential prerequisite for the balance of power in Europe during the present decade"; (3) "surmounting and reconciling the hereditary enmity between Germany and France *were*—and preserving and deepening the present ties of friendship between these two countries *will be*—decisive factors in maintaining stability in Europe"; (4) "the attempts at achieving a politically unified Western Europe, which some day will possibly include a common defense organization, do not obstruct the road to Europe but rather prevent our missing opportunities for Europe as a whole."

These points are indeed all essential for the success of West German foreign policy. Their implementation in the conduct of "Ostpolitik" will be decisive for the success of the entrance into an era of negotiation and cooperation with Eastern Europe, and will also determine whether the Atlantic alliance will continue to be able to successfully preserve the freedom of the democracies of Western Europe. But equally important is the interpretation given the significance of the changes in atmosphere on the continent that "Ostpolitik" has already produced.

In the wake of the hectic diplomatic activity conducted by the West German government during the past year, the advocates of "Ostpolitik" cite with earnest conviction the constructive steps that have been taken toward achieving détente in Europe. It is not the intention here to assess the value of the treaties concluded between Bonn and Moscow and with Poland. Attention should be drawn, however, to several of the liabilities that go hand in hand with the conclusions, (1) that the Soviet Union is interested in achieving genuine détente in Europe, (2) that the embarcation on a course of détente with the Soviet Union is in itself sufficient to ensure peaceful coexistence on the continent, (3) that the achievement of détente will make the continued strength and unity of the Atlantic alliance obsolescent.

In the excitement and enthusiasm surrounding the promise of "détente" and the assurances of peace provided by the proclaimed goals of "Ostpolitik" the liabilities incurred by thinking with one's heart instead of with one's head become more elusive. Many arguments in justification of "compromise" agreements concerning Berlin, or the German Democratic Republic, or the Soviet Union, or Poland, or Czechoslovakia contain ommissions or excuses for intransigent Soviet behavior contrary to the mutual recogniition of "existing realities" in Europe, that would be inconceivable in a calmer atmosphere and where the balance of power on a political and military level has not been disrupted.

Since the conclusion of the Bonn-Moscow treaty ten months ago many have hailed the treaty with pride as a "milestone" in "German-Soviet" relations; although it still remains unclear whether the stone commemorates a reapprochement between one part of the German people and the Soviet Union or will stand as the stone thrown by Jason among the soldiers grown from dragon's teeth, who then turned on one another. Certainly the concept of "Ostpolitik" itself is to be welcomed. But the distinction must be made between the concept and the path chosen for its realization. "Change through rapprochement" is a captivating phrase. But détente, peaceful coexistence or accommodation are not absolutes. One must ask what kind of change? What kind of détente? What kind of accommodation? What kind of peaceful coexistence? Does change mean the consolidation of the status quo in Eastern Europe? Are Soviet offers of détente to be made on a selective basis to divide the nations of the West?

Is détente applicable only to the Soviet Union's relations with Western Europe or does it also include détente between the nations of Eastern Europe and the Soviet Union? Is accommodation to be offered the nations of Western Europe with the aim of forcing the United States from the continent? Do peaceful coexistence and détente mean genuine cooperation between the East and West or do they represent a Soviet attempt to co-opt the allegencies of the nations of Western Europe in an effort to weaken the United States as well as the Atlantic alliance? Will détente result in the initiation of an era of cooperation or is it intended to be of the mind that produced the following conclusion, contained in an internal memorandum from the SED party leadership in East Germany to its functionaries in May, 1971: "As the imperialists are increasingly forced toward peaceful coexistence, so will the ideological battle become more intense."[3]

It appears far from certain that the announced successes of "Ostpolitik" achieved during the past year, have so abruptly and unmistakeably halted the "cold war" as it was so suddenly begun twenty-five years ago. Many of the liabilities attendant to conducting foreign policy with the Soviet Union according to the dictates of emotion have become clearer in the course of the last several months. But the temptation still remains to fall pray to the charms of possessing the absolutes of peace and tranquility in a world that is constantly changing and with increased rapidity; and world moreover that is run by men subject to the human frailties that have produced the conflicts of the past and will produce the tragedies of the future.

It becomes clear gradually that the definition of détente is many-sided and that "Ostpolitik" cannot produce cooperation and peaceful coexistence merely by a unilateral declaration of good intention. Nor will it contribute to constructive solutions of the complex problems of European security, such as Berlin, or the division of Germany, or mutual balanced force reductions, without a sober understanding that Soviet willingness to participate in negotiations does not mean that its interests coincide with our own. Indeed the Soviet government devotes a great deal of time to proposing topics for negotiation that have nothing in common with solving the existing problems themselves, but whose negotiation would divert attention in the West from discussing the cause of the illness of Berlin for example, to finding remedies for the symptom of "West Berlin."

Many have cited with satisfaction the approval "Ostpolitik" enjoys in Western capitals. But many also have neglected to ask the embarrassing question in public why such hearty approval has been accorded the Soviet-Western German treaty in particular. Some would argue that it is because the treaty is tacit acknowledgment of the permanent division of Germany. With pride many have praised the Soviet government's repeated endorsement since August that an agreement on the "West Berlin" problem, that considers the interests of the German Democratic Republic as well as those of the population of West Berlin, would represent a contribution toward the mutual recognition of the existing realities in Europe. But just as many ignore that the problem is not with

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Footnotes at end of article.

the Western sectors of Berlin, but with "Berlin" itself that was divided by the Communists in 1948. Many find also little that is incongruous with the continued existence of the Berlin wall and with Soviet assurances that genuine détente and peaceful coexistence are the guidelines of Soviet foreign policy.

What for example, are some of the liabilities of "Ostpolitik" as they affect the position of the United States and of the West as a whole, on the negotiations on Berlin? In the middle of June Secretary Brezhnev observed at the 8th congress of the East German communist party, held in the Soviet sector of Berlin, that "Berlin," the Soviet characterization for its sector of the city, has become "the capital of the German socialist state," from which "sounds . . . the voice of peace and friendship among peoples."[4] But ten months after the conclusion of the Bonn-Moscow treaty, a proclaimed milestone in the efforts toward détente in Europe that would contribute toward a solution of the Berlin problem, the four-power negotiations on Berlin have produced no result at all; albeit a great deal of optimistic talk, e.g., the conclusion drawn in *Der Spiegel* on June 21, that "thus far solely the GDR has disturbed the harmony." On a minimum of nine different occasions since August traffic to and from Berlin has been interfered with. But we have been told since September that the Soviet Union understands that détente in Europe cannot be achieved without a "satisfactory" Berlin settlement. The Soviet government is aware surely of this point. But it is doubtful that the Soviet definition of a "satisfactory" Berlin settlement is the same as our own, or that their proposals on Berlin are designed to serve the purpose of détente as we envision it.

Chancellor Brandt has made submission of the treaties between Bonn and Moscow and with Poland to the Bundestag for ratification subject to a "satisfactory" Berlin settlement. But there are strong indications that what constituted a "satisfactory" Berlin settlement in January of 1970, when the Chancellor pointed out that the Federal Republic has just as much right to be in Berlin as does the Peoples' Chamber of the German Democratic Republic, is being altered. Moreover this "Junktim" or connection between the conclusion of a "satisfactory" Berlin agreement and ratification of the treaties places Chancellor Brandt under pressure. Without a "satisfactory" agreement the Chancellor faces the alternative of admitting that his "Ostpolitik" has failed, with the attendant domestic consequences. Despite denials to the contrary, this means that the West German government may approve agreements on Berlin offered by the Soviet Union, that under normal circumstances would be rejected as "unacceptable." Should the Soviet Government make a proposal that the West would have to reject because it would detrimentally affect the political status of Berlin, the West, and particularly the United States, would enjoy the onus for "blocking" efforts for "peaceful coexistence." The Soviet Union would enjoy the advantage of moderation for having proposed any agreement at all.

Between the two basic alternatives facing the countries of Western Europe, that of accommodation with the Soviet Union as exemplified by "Ostpolitik", or that of a "new partnership" between a Western Europe and the United States that would require greater expansion and unity of the economic, political and defense community in Western Europe, the preferable alternative for the Soviet government is that of accommodation, i.e., "détente" and "peaceful coexistence." Because of the position of parity or impending superiority in many military and technological areas enjoyed by the USSR the Soviet government can afford to wait and see which road will be chosen in the West. The Soviet Union is now also free of any pressure to conclude an agreement on Berlin in the near future as a quid pro quo for Western concessions on other issues, e.g. the Bonn-Moscow treaty; in addition to the fact that the erection of the Berlin wall solved many of the problems that the proximity of a democratic form of government caused in Eastern European countries.

The significance this bears on the negotiations on Berlin is that the discussions now occupy a role that involves considerably more than merely agreements on "practical" problems confronting the divided city. Because the Soviet Union wishes to avoid jeopardizing the future of accommodation, any Soviet "compromise" proposal on Berlin must be considered with respect to the Soviet interest in allaying suspicion in the West that the road to "accommodation," as manifested by the current conduct of the "Ostpolitik," may be pursued by the USSR for the achievement of other goals. It is very likely that the USSR will propose a "compromise" agreement that the FRG, under the pressure of time, would deem "acceptable." Such a situation would save Chancellor Brandt's "Ostpolitik" from failure, contribute to the possible re-election of the Chancellor in 1973, give the Soviet Union an advantageous agreement on Berlin and assure ratification of the treaties; all of which is in the long term interest of the Soviet Union. The Soviet government will continue therefore to encourage proponents of "Ostpolitik" by advocating an all-European Security Conference, by proposing "MBFR" discussions, and by proposing as evidence of a desire for détente, agreements on "West Berlin." Alluring proposals designed to illustrate Soviet "good faith" will be interpreted by many as indications of the victories of "Ostpolitik," while the aims of the proposals are often ignored or discounted. A case in point is contained in the remarks of Secretary Brezhnev in his speech to the 24th congress of the Communist Party of the Soviet Union on March 30. The Secretary's remarks on Berlin were widely praised in the West, and particularly in West Germany, as a further indication that the Soviet government recognizes the "existing realities" in Europe today. Mr. Brezhnev referred to Berlin as follows:

"There should also be a settlement of the problems connected with West Berlin. If the USA, France and Britain proceed, as we have done, from respect for the allied agreements which determine the special status of West Berlin, from respect for the sovereign rights of the GDR as an independent socialist state, the current negotiations could be successfully completed to the mutual advantage of all the parties concerned, including the West Berlin population itself."[5]

The Secretary endorsed indeed, settlement of problems confronting the divided city, in itself a laudatory gesture. But he defined the problem as "West Berlin" and thus proposed that the solution be found for the symptom: namely alleged tension facing the West Berliners. He did not propose the discussion of the cause of those difficulties: namely the division of the city by the Soviet Union and the deliberate isolation of West Berlin. He thus sought to transform the "Berlin" problem into a "West Berlin" problem and to transfer the four-power status for "Greater Berlin" to "West Berlin."

If the validity of such assertions is left unchallenged, this type of tactic will surely continue to be used in the future. And it will continue to produce the kind of elated announcement, broadcast by CBS from San Francisco on June 16, 1971. Secretary Brezhnev, reported CBS, announced in a speech delivered at the 8th party congress of the SED in East Berlin that the Soviet Union is prepared ". . . to bring about an effective agreement to ease tensions in West Berlin."[6] The consequence is twofold: (1) An apparent Soviet willingness to compromise as a contribution toward détente in Europe, is broadcast to the public; (2) the Soviet assertion that the negotiations on Berlin are dealing with the "problems connected with West Berlin" is accepted without question and distributed by the Western media; thereby giving the Soviet assertion the seal of ligitimacy.

Thus the Soviet Union is encouraged, though unwittingly, to continue to pursue its present course; that of repeating public assurances that a solution for the "West Berlin" problem can be found if the recognition of the realities in Europe today is acknowledged by the West. Such statements as those made by Secretary Brezhnev at the 24th party congress of the CPSU or at the 8th congress of the SED will be interpreted by many throughout the Western world as they have been in West Germany: that they indicate a genuine Soviet desire for "compromise" on Berlin. The result is and will doubtless continue to be, that criticism accorded the present conduct of "Ostpolitik" will be discounted as invalid. The critics themselves will continue to be termed "'venerable pachyderms'." Those expressing criticism of Communism as the major threat to the democracies of the West will be ridiculed as "cold warriors." And the question will remain whether it is clear to those conducting "Ostpolitik" that the role of Berlin in the European theater is by no means reserved for the exclusive use of the West as a measure of Soviet "good faith" on the path toward "détente" in a positive sense.

PART II

In a speech in New York on June 17, commemorating the Day of German Unity in honor of those who revolted in East Germany in 1953, Chancellor Brandt stressed that, "We do not harbor illusions. One does not simply decide to have détente, or cooperation for that matter, they are processes which take time." The Chancellor's words were certainly appropriate. And it is precisely this question of time that continues to cause considerable concern about the long-term effects of "Ostpolitik." Following the treaties with Moscow and Poland there was great concern, that still remains, that the prospect of imminent accord with the East would undermine public support for the maintenance and improvement of the Atlantic alliance prior to détente becoming a reality in fact.

The necessity to keep apparent success in the proper perspective is paramount in conducting a responsible foreign policy. The shepherd-songs sung of "Ostpolitik" during the past fall have in the meantime fortunately, been replaced to some extent by a more sober evaluation in West Germany of the consequences of retarding the movement toward European unity and the formation of a "new partnership" between Europe and the United States in the 1970's. This reevaluation has been due in large part to the friendly criticism by many of West Germany's friends in the United States, such as General Clay, John J. McCloy, Dean Acheson and George Ball. They have warned that the desirability of détente may not eclipse the significance of the historical fact that a durable peace is ensured only by a viable defense. But despite the careful emphasis that the maintenance of a credible defense and greater unity in Western Europe are the prerequisites for a successful transition from "confrontation" to "cooperation," "Ostpolitik" has been conducted in a manner thus far that has altered the balance of power in Europe on the political level to the detriment of the West.

As President Nixon pointed out in his report to the congress in February on U.S. foreign policy, the nations of Western Europe "still look to America for leadership in European diplomacy and defense even while they assert their autonomy." At the same

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time "they still presuppose a strong American military presence in Europe even while they no longer act as dependent."[7] This situation poses problems for the future of "Ostpolitik" that should have been more carefully considered in West Germany before Chancellor Brandt found himself in the position of having to chide his supporters in the United States for undermining his policy in Europe. It is one of the ironies of "Ostpolitik" that while Chancellor Brandt has stressed repeatedly that the success of his foreign policy depends on the continued presence of American troops in Europe the ardent supporters of the Chancellor's policies in the United States, Senators Mansfield, Muskie or McGovern for example, are arguing for the withdrawal of American troops from the continent at the very time when the Chancellor is stating that it is imperative that they remain.

At the same time more care should have been given in West Germany and in Western Europe to the conclusions to be drawn in the United States concerning Europe's ability to make greater contributions to a European defense community, particularly if the nations of Western Europe conclude that independence requires the pursuit of foreign policies that must have a profound effect on the future of Europe's relations with the Soviet Union and the United States. As our friends in Europe have correctly pointed out to us in the past several years, we in the United States cannot remain the world's policeman. Neither may we withdraw into isolationism. The Europeans must recognize, however, that if the United States acknowledges that it must reduce its commitments of American troops abroad—in Southeast Asia for example—this reduction is bound to affect Europe. There is little protest from our NATO allies as President Nixon withdraws our forces from Vietnam. At the suggestion, however, that the Mansfield Resolution may be approved by Congress the hue and cry in Europe is heard very distinctly. This is an understandable reaction, for which there is a great deal of sympathy in the United States. But it should not come as a surprise to our allies in Europe that the advocates of the Mansfield Resolution are growing in number.

The independent conduct of foreign policy occasions privileges, but also entails obligations and responsibilities that are not always pleasant on the surface, if nonetheless desirable. Independence also demands the courage to recognize and assume responsibility. The Europeans must realize that it is more than likely in the not too distant future that sufficient pressure will mount in the United States to require a reduction of American troops on the continent. The problem is whether Western Europe will acknowledge the significance of this possibility and what will be done about it. The question is whether the governments of Western Europe, led by West Germany, will make not token, but major efforts to form the economic, political and defense community of Europe envisioned by Konrad Adenauer, that is necessary for the success of the "new partnership" with the United States, and that is the precondition for the fruition of an "era of cooperation" with the East in the 1970's. Or will the formation of the European community, and the "new partnership" of the West as a whole, become secondary to the capture of the chameleon of détente? In short the problem, if not simply solved, is simply stated—to quote from Raymond Aron in *Le Figaro* at the beginning of June, 1971:

"The U.S. of 1971 is profoundly different from the U.S. of 1961: the first world power ten years ago because of its conventional and nuclear arms, its technical preeminence, and its combination of liberty and determination, it has now lost its military superiority and its moral unity. Indifferent to the rise of the Soviet Union, the U.S. Senate is waging a guerrilla war against the executive, aimed at reducing the President's freedom of action and compelling him to liquidate without delay the war in Vietnam and other commitments abroad. It is not yet a return to isolationism but, without any doubt, a rejection of the imperial burden. Some may deplore this and others welcome it, but the fact remains: The American era is ending and Western Europe will have in the near future either to suffer Soviet hegemony or regain the will to exist."[8]

Whether "the American era" is ending is open to question, as is indeed whether this is an apt phrase at all. But it is certain, in the words of President Nixon in his report to the Congress in February, that ". . . it is no longer enough for us to concentrate simply on what we are trying to prevent; we need a clearer vision of what we are seeking to achieve."[9] With specific reference to "Ostpolitik" there are those in the Soviet Union who apparently are persuaded that the "vision of what we are seeking to achieve" is very clear; for the conclusion was drawn in the February issue of the Moscow journal *International Affairs*, that "the whole of 1970 was marked by the efforts on the part of the socialist states and the more realistically-minded West Europeans to find a way to European security."[10]

The encouragement given "the more realistically-minded West Europeans" in *International Affairs*, however, would appear to be of dubious value, particularly in view of the attempt to minister on a selective basis to the illusions of those in Western Europe who would welcome the continuation of the process of "accommodation" at the expense of the formation of the European community; in the simple conviction that the strength of the righteous ideal carries more weight at the negotiating table than the strength of unity in the Atlantic alliance. The impression remains strong that the realistic appraisal that ". . . we need a clearer vision of what we are seeking to achieve" is not accompanied by a realistic concept, (1) of what "Ostpolitik" can achieve, (2) of the short and long term effects of "Ostpolitik" itself, (3) of the short and long term goals of Soviet foreign policy.

Certainly this conclusion does not apply solely to West Germany or to Western Europe, but also to many in the United States itself. The consequences will not be long in forthcoming; for the future conduct of "Ostpolitik" will decisively influence Europe's "will to exist" as well as the "new partnership" between Europe and the United States. If the movement for "accommodation" with the Soviet Union proceeds at the flushed pace of 1970, and if the value of the unity and strength of the Western alliance continues to be an object of enlightened disapproval, the road toward "peaceful coexistence" will, without a shadow of a doubt, precipitate that ideological battle for political hegemony over Western Europe so subtely forecast by the Communist Party of East Germany in May.

In the United States the debate over the so-called "imperial burden" and the "American era" is continuing. In May we were reminded that ". . . the United States is seriously overextended throughout the world"; that "the signs of domestic strain are . . . obvious, the pressures for a reduction of military spending compelling."[11] We are told that we can no longer continue to assume the obligations of others and that the primary responsibility for national defense rests with individual nations themselves. It is also argued that it is "to miss the point entirely" should we wait for discussions with the Soviet Union on mutual balanced force reductions. "What is needed," it is suggested, "is an unbalanced and unilateral reduction of America's excessive share in Western Europe's ground defense." The advocates of withdrawal, and here certainly the discussion of the Mansfield Resolution has served a useful purpose, correctly feel that ". . . there is needed a fundamental reform of NATO's structure to place the primary responsibility for organizing European defense upon the European states themselves."[12]

The point that has been missed, however, is not whether we should withdraw or whether the Europeans should assume a greater share of the burdens. The Europeans must assume a greater share of the responsibility for their own defense and for the political and economic viability of their community. Nor can the United States continue, as it has between 1949 and 1970, to pay three times that of the European member nations in NATO expenditures. Indeed, by comparing the percentage spent by the United States and Europe over the past twenty years in relation to GNP, the United States has consistently spent twice that of its European allies.

The question is how to convince the Europeans themselves that it is in their own interest not only to assume a greater share of the economic, political and military burdens of the alliance, but in the context of a more closely-knit European community. The Europeans as well as many in the United States must be reminded that while there is an undeniable value in proceeding from an era of confrontation to one of cooperation with Eastern Europe, there is an even greater value in the preservation of democracy. As naive as it may sound, there are in Europe and in the United States many who must be convinced that democracy is worth defending—and who must be reminded that it is also worth attacking politically and militarily, to which the foreign policies of the Soviet Union have so well attested on repeated occasions. Moreover, if the democratic system did not have enemies, the desire to reach detente with Eastern Europe would not be nearly as compelling in the minds of many.

This is a simple point, but an extremely important one. Peaceful coexistence says after all nothing more, lest it be forgotten, than enemies will coexist with each other peacefully. Friends do not coexist with *one another*. They coexist with *others*. Were democracy the same as communism, there would be no talk of détente. And in addition, coexisting peacefully with one's neighbors means only that. It does not preclude the continuation and protraction of conflict on a political level.

To cite President Nixon once again from his speech to the Congress in February, he referred to the probable consequences of American withdrawal from Europe, before the Europeans have assumed, in Mr. Aron's words, "the will to exist":

"Accurately or inaccurately our allies would interpret a substantial withdrawal of American forces as a substantial withdrawal of America's commitment. Were they to conclude this was happening, they would not necessarily do more on their own to compensate; they would more likely lose confidence in the very possibility of Western defense, and reduce their reliance on Western solidarity."[13]

This is a strong possibility. Should America take unilateral steps to force the Europeans to assume a greater share of the burdens, it is not at all certain that a "new partnership" would emerge between Europe and the United States. There is also the danger, in the absence of direct American support on the continent, that the growing independence of the European nations would produce a false sense of confidence in their ability to deal with the Soviet Union. The consequences of a decision of this kind would be disastrous, irrespective of what form "accommodation" would assume. There are only two probable alternatives: (1) the So-

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Footnotes at end of article.

viet Union, to cite Mr. Aron, would assume political hegemony over Western Europe, or (2) a new alliance would be created on the European continent. In either case the balance of power would change for the worse.

In this context Secretary Brezhnev's endorsement of discussions on mutual balanced force reductions with NATO, just prior to the vote taken in the U.S. Senate on the Mansfield Resolution, is not of little significance. The Soviet announcement and the decision to support participation of the United States and Canada in an all-European Security Conference has weakened the position of those who would withdraw American troops from Europe precipitately. Indeed, it contributed to the defeat of the Mansfield Resolution. Yet, many articles by Soviet journalists in May condemned the resolution's defeat as an indication that the opponents of "détente" had won another round in the perpetuation of the "cold war." Thus the Soviet position on relations with the West continues to be interpreted by many as the pursuit of genuine détente. The Soviet government has every interest that this interpretation, held by many of the advocates of "Ostpolitik" in Europe and America, does not undergo revision.

Prolonged discussions on mutual balanced force reductions, for example, would be ideal to preserve the faith and confidence of the supporters of "accommodation" that the Soviet Union does seek genuine accords with the West. It would take months, if not years, merely to define such problems as the criteria of "balance" or of "mutual," or of "national" vs. "NATO" forces.

It would be detrimental certainly to the Soviet Union's own interests, should the premature withdrawal of American troops from the continent product a reaction among the nations of Western Europe that would hasten the expansion of the European community; for this is also a possibility, just as a premature withdrawal might promote "accommodation." If the Soviet analysis is correct that the movement for "accommodation" will gather increased momentum at the expense of European unity, there is every reason to lend it support by proposing MBFR discussions and by encouraging the participation by the United States and Canada in an all-European Security Conference. But the Soviet Union will encourage simultaneously those who wish to withdraw before the European community has become a reality, on the assumption that American disengagement would product, in the words of President Nixon, a loss of "confidence in the very possibility of Western defense." Either course would serve to divide the unity of the nations of the West. to sow the seeds of neutrality in Western Europe and to advance the influence of Western communist parties.

In view of the increased advancements made by the Soviet Union in the nuclear and other technical fields a state of parity or impending superiority exists between the United States and Russia. It is accompanied by a simultaneous expansion in Soviet naval strength, particularly in the Mediterranean and in the Indian Ocean. At the present time there are more Soviet divisions, as a result of the invasion of Czechoslovakia, "deployed farther West than at any time since the close of World War II."[14] At the same time the faith of the Western democracies in their ability to solve their domestic problems is shaken. The significance of the threat to democratic government posed by Communism has become secondary to the claimed disparity between foreign and domestic expenditures. The Soviet Union can well afford to wait and let détente and accommodation take its natural course. Should the United States withdraw its troops from Europe before the European community becomes a reality, and the reaction were to result in greater efforts to establish unity in Western Europe, this too would not alter the balance of power to the detriment of the Soviet Union. The USSR would continue to enjoy parity or superiority in the military field, and a strong European community could prove an asset to the Soviet Union if its relations with China do not improve.

The course offering the best guarantee for the future security of the West is a combination of the latter points. Greater unity must be achieved in Western Europe and a "new partnership" on the economic, political and military levels must be formed between Europe and the United States. At the same time, but in a position secondary to maintaining and building upon the security and unity of the West, Western Europe together with the United States may pursue a foreign policy with the Soviet Union and Eastern Europe that aims at making the transition from an era of confrontation to one of negotiation and cooperation—as long as the liabilities and advantages of peaceful coexistence are understood and remain clear in the West. It may not be forgotten in the illyria of détente and prosperity that we in the West consider peace as an absolute, as the object of our foreign policy. In the East peace remains a means to an end that has been defined with unmistakable clarity again and again: that of the overthrow of capitalism and the democracies of the West.

The Europeans have recently taken some constructive steps toward the furtherance of European unity. The meetings between Prime Minister Heath and Chancellor Brandt in April and between the Prime Minister and President Pompidou in May will have almost certainly positive consequences for the expansion and viability of the European community as a whole. At the end of June after many months and many years of negotiations the announcement was made that England may join the Common Market.

Over the next five year period our NATO allies in Europe have undertaken to commit a billion dollars in the improvement of NATO's infrastructure and their own armed forces. Yet the question remains whether the Europeans will accord the attention given European unity and a "new partnership" with the United States in the last three months the same priority in the future. It cannot be emphasized strongly enough how important the conduct of "Ostpolitik" will be in affecting the quality of security and the spirit of détente in the future. For it was the irresponsible interpretation of the successes achieved by "Ostpolitik" this past autumn and winter that produced the apparent reassessment of priorities on the continent that we have experienced during the spring.

The criticism of the conduct of "Ostpolitik" made during December and January served fortunately, constructive purposes. But there are still many who, if encouraged, will continue to seek "accommodation" with the Soviet Union at the expense of the Atlantic alliance. The problem remains, as President Nixon stressed in his report on "U.S. Foreign Policy in the 1970s," how to foster "a durable structure of international relationships."[15] In proceeding "toward new forms of partnership," the Nixon doctrine is not merely "the sharing of burdens," but must be the encouragement ". . . to participate fully in the creation of plans and the designing of programs."[16]

"If we are to found a structure of peace on the collaboration of many nations," the President continued, "our ties with Europe must be its cornerstone."[17] Equally, a durable "structure of peace" requires that the conduct of "Ostpolitik" is not guided by the misplaced zeal induced by the illusion that the new "socialist" element in West German foreign policy can serve as a panacea for the ills thrust upon Europe by the conduct of Soviet foreign policy. On the contrary, the fulfillment of "real European interests," to use a Soviet phrase, has nothing in common with the endorsement of the status quo in the East, or with the perspective that "peaceful coexistence" will contribute to European security if the West engages in the selective recognition of reality. As the course of events during the past year has indicated "Ostpolitik" has not yet contributed to a more stable Western alliance, nor has it produced the kind of agreements on Berlin, or with East Germany, or with the Soviet Union that foster constructive "change through rapprochement." The conduct of "Ostpolitik" thus far has produced confusion in Western Europe and in the United States. It has altered the political balance of power in Europe to the detriment of the West. It has sown division in Western Europe. It has not produced the Soviet recognition of "existing realities" in Europe. It has not resulted in Soviet concessions on any major European problem. And the Soviet-West German treaty resulted in the fulfillment of Soviet demands that the Federal Republic had denied the Soviet Union for twenty years.

The future determination by the West German government that "the alliance is and remains the most important element of European foreign and security policies" will be of paramount importance.[18] If Chancellor Brandt has indeed become "the spokesman of Europe"[19] he has the responsibility to make clear that emotional and contradictory analyses of Soviet foreign policy have no place in the conduct of foreign affairs. In such an atmosphere, where the realities of Soviet foreign policy are cited on a selective basis, the unity and with it the confidence of the West will disappear as surely as the Cheshire cat, where only the calico smile is left.

FOOTNOTES

[1] "Report of the CPSU Central Committee to the 24th Congress of the Communist Party of the Soviet Union." Delivered by Leonid Brezhnev, General Secretary of the CPSU Central Committee, March 30, 1971. Novosti Press Agency Publishing House. Moscow, 1971. p. 51.

[2] *Ibid.*, p. 37.

[3] *Frankfurter Allgemeine Zeitung*, May 15, 1971.

[4] *Neues Deutschland*, June 17, 1971.

[5] Leonid Brezhnev. *op. cit.*, pp. 43–44.

[6] As reported by CBS radio from San Francisco at 8:30 a.m., Pacific Daylight Time on June 16, 1971.

[7] "U.S. Foreign Policy for the 1970's. Building for Peace." A Report to the Congress by Richard Nixon, President of the United States, February 25, 1971, Washington, D.C., p. 26.

[8] As quoted in the *International Herald Tribune*, June 3, 1971, p. 8.

[9] Richard Nixon, *op. cit.*, p. 25.

[10] Anat. Gromyko, "US Heavyweight in the European Ring," in *International Affairs*, Moscow, February, 1971, p. 17.

[11] David P. Calleo, "The Mansfield Amendment: Yes," in: *The New York Times*, May 19, 1971.

[12] *Ibid.*

[13] Richard Nixon, *op. cit.*, p. 37.

[14] John J. McCloy, "The Mansfield Amendment: No," in: *The New York Times*, May 19, 1971.

[15] Richard Nixon, *op. cit.*, p. 3.

[16] *Ibid.*, p. 12.

[17] *Ibid.*, p. 24.

[18] Quoted from a speech delivered by West German Defense Minister Helmut Schmidt at the Wilton Park Conference, Kent, United Kingdom on June 22, 1971. The speech was entitled, "Europe's Role for the Future." An English translation in excerpt form is contained in, "Relay From Bonn . . . ," Vol. II, No. 116, June 23, 1971.

[19] *Süddeutsche Zeitung*, June 19/20, 1971.

JOBS FOR LOW-INCOME YOUTH

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Thursday, August 5, 1971

Mr. SCOTT. Mr. President, a few years ago, I can remember a strong national concern for the high school dropout and the hard times he or she faced without a high school diploma. Since then, with many other causes vying for the attention of the public, it seems that great strides taken to reduce the teenage dropout rate, have gone virtually unnoticed. However, recently I learned of the Chester, Delaware, Lancaster County In-School Neighborhood Youth Corps. Despite the absence of front page national recognition the local programs are reaping impressive gains. The Chester County Intermediate Unit No. 24 that runs this program has given the children of the poor a job for the summer, at the same time the high school dropout rate has been reduced. To further explain the accomplishments of this program, as well as some impressions from those involved, I ask unanimous consent to insert in the Record the excellent article entitled "25 Jobs Open for Low-Income Youth," written by Sylvia Smith, and published in the Lancaster New Era of July 13, 1971.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Lancaster New Era (Pa.), July 13, 1971]

Neighborhood Corps Has Placed 140 Young People in Positions—25 Jobs Open for Low-Income Youth

(By Sylvia Smith)

A Summer job program has placed 140 county students from low income homes in jobs across the county but there are still openings for 25 more young people.

The Neighborhood Youth Corps (NYC) director Dennis Schmid, English teacher at McCaskey, said the federally-funded program pays an hourly wage of $1.60 to students who must work for a non-profit organization. The only obligation of the employer is to provide supervision for the young workers. The employer has no monetary commitment.

The Lancaster division of NYC originally received funds to accommodate 144 student employes this year. Schmid said the tally has recently been upped to 165.

SEEK AGENCIES

He said he and his assistants, David Gibson and Allen Hopkins, both members of the faculty of the Lancaster School District, are trying to locate non-profit agencies which are willing to take on a student.

Once the positions are located, the NYC trio will fill them with local students. He added they are still accepting applications.

Students who are placed in a job through NYC are restricted to 58.5 hours of work every two weeks. In addition, they must meet the federal standards for poverty and must still be in high school or planning to return to high school in the Fall.

MEDIATE DISPUTES

Schmid, Gibson and Hopkins are also charged with going to the job site to try to mediate any student-employer conflict which may arise.

An example of students and their jobs is:

Edith Carter, 18, is a secretary for Schmid and Hopkins. She obtained her job through NYC.

She said she enjoys her secretarial chores, but doesn't plan to make a career out of her commercial skills. Edith said she would like to become a registered nurse when she finishes high school.

VISITING HERE

A high school student from Virginia, Edith is in Lancaster visiting her family. She said her response to the NYC program is favorable and she is glad it gives youths who want to work a chance to get a Summer job.

Robert D. Curtis, head football coach at Franklin and Marshall College, has eight NYC youths working for him this Summer. Their jobs range from sodding the football field to sanding and painting the stands.

Curtis said he is pleased with the work the boys have done so far and says the college will probably participate in the NYC program next year if things continue on their present level.

EYE OPENING

The coach said working with these youths "opens my eyes to a few things I haven't faced for a few years. I came from a rather poor family and I had to do that type of thing when I grew up."

The work team is part of an 18-man crew composed of college work-study and PREP program youths as well as the high-school aged NYC boys.

The boys are now in the process of loosening the packed clay floor of F&M's practice pit.

The hard surface must be penetrated by picks and hoes before a tiller can finish the job. The indoor pit is just under the size of a football field. Once the job is finished, Curtis said, the pit will be used for football, lacrosse and baseball practices.

TRIO AT YWCA

A trio of young men is working at the YWCA doing ground maintenance, janitorial work and, as they put it "any odd job."

Pedro Moralez, 15, son of Mr. and Mrs. Louis Moralez, 336 S. Ann St., Patrick Ewell, 18, son of Mr. and Mrs. Henry Ewell, and Thaddeus (Pete) Godwin of North Carolina clean up paper, pick weeds, vacuum floors and clean out the 'Y' pool.

"It's a good job. It's something to do," said Pat.

Pedro had a similar job last Summer which he obtained through the NYC. He said he learned about the program in school. He will be a sophomore at McCaskey in the Fall.

STAYING FOR SUMMER

Pete is staying in Lancaster for the Summer and heard about the program after he arrived.

Other NYC participants are working as babysitters, secretaries, janitors and police car washers.

ECOLOGY AND POLITICS: BROADCASTS BY KEITH MURRAY

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. DELLUMS. Mr. Speaker, the Pacifica Foundation radio stations in Berkeley and Los Angeles, Calif., New York City and Houston, Tex., represent one of the finest examples of imaginative and provocative public service media.

One of the most topical and penetrating series carried on the Berkeley station, KPFA, is entitled "Ecology and Politics," and is the work of Keith Murray.

I have gone over some of Mr. Murray's recent presentations and I find them fascinating. Therefore, I am putting them into the Record to share with my colleagues.

Pacifica and Mr. Murray deserve great appreciation for the important service they are providing.

The broadcast transcriptions follow:

Ecology and Politics, Keith Murray, KPFA, February 5, 1971

The Greening of America by Charles Reich has now made a great splash on the best-seller lists. One indication of its landmark nature is that people seem to define themselves by their reactions. Social scientists pooh-pooh it because it doesn't conform to their academic dogma or present quantitative data. Left radicals and liberals are outraged or utterly confused. It conflicts with their dogma too. One reviewer confessed he really couldn't grasp Reich's concepts of the new consciousness. That did not stop him from tearing the book apart in detail. Herbert Marcuse has called the book a work of fiction. And it seems relevant that Eldridge Cleaver has just symbolically killed the hippie god Timothy Leary. Others find the book a perceptive synthesis of developments that already were largely evident to them. Perhaps such reactions are themselves the best validation of Reich's thesis of contrasting consciousness. Having said this I should state how it defines me. I buy it almost entirely.

But my purpose here is to show how the concepts of *The Greening of America* are intertwined with the concepts of ecology, and how an ecological framework gives shape and validation to the revolution of consciousness and how, in turn, that cultural revolution must take place if we are to preserve a livable earth. Reich clearly had little ecological or environmental input as such. Yet he unerringly arrives at the same place.

Briefly, Reich's thesis is that the rise of the corporate, technological state has robbed the individual of his humanity—his true aware and feeling self—and imposed a false self and set of perceptions that serve the bloodless, mindless purposes of the corporate state. First emerged Consciousness I, the individualistic, self-reliant, thrifty citizens who never could grasp that the American dream had shriveled into a cruel and rapacious myth. And then Consciousness II, which sought to reform the system through regulation, planning and public interest institutions, and ended up completing the corporate technological state. They are the new dealers and liberals. But the corporate state contained the seeds of its own destruction. It spawned Consciousness III, the new generation, rejecting the artificial values and the false manipulation of their lives in favor of a true sense of self, personal goals and open, honest relationships with others. For my purposes I shall usually refer to both I and II as old consciousness versus the new.

Now what does this have to do with ecology and the environment? First, the rise of the industrial revolution spawned a competitive market system and the growth of technology.

This alienated individuals from themselves and uprooted community relationships—substituting instead a false self imposed by the system. But also, "Modern society makes war on nature. A competitive market uses nature as a commodity to be exploited—turned into profit. Technology sees nature as an element to be conquered, regulated, controlled." To carry this further, the process detached people from their sense of interdependence with the environment, and led them to believe they were immune to the laws of nature that governed other animals; technology would see them through. Generations could get away with this as long as it was possible to plunder and move on. Now the voracious demands of advanced technology and the realities of spaceship earth make it obvious that nature is finally going to call in her chips—obvious that is to the new consciousness. The old consciousness remains largely oblivious. This, I submit, defines the difference between the two as much as do other differences Reich emphasizes.

Reich describes the new consciousness as rejecting competition, crass consumption, and domination by a runaway technology, according to the dictates of the corporate state. This conforms precisely to what the ecological movement declares is necessary for survival: a no-growth economy, an end to wasteful consumption of resources and to the destructive impact of technology. The new consciousness is inherently ecological living. Is it so surprising that the young emerged from their communes and geodesic domes to adopt the ecological movement?

The market system institutionalized the competitive struggle for supposedly insufficient resources and set man against man, class against class. The new consciousness rejects competition in a society that now has the capacity to provide for all, in favor of cooperation and communal forms. In the animal world it appears on the surface that competition is the natural state. But in fact, the higher animals have evolved feedback mechanisms such as territoriality and peck order to prevent competitive conflict from taking place—it is destructive to the well-being of the species. And this feedback generally holds population densities at levels the environment can support.

Mankind has alway gotten away with rapacious competitiveness because there always were new lands and resources to exploit, and through the fruits of technology. Now we are approaching the limits of the earth's freely exploitable space and resources, and population is exceeding the earth's carrying capacity. Technology is beginning to destroy more than it provides. So it appears the cooperative instead of competitive culture is crucial to survival. Then population control is the equally crucial other side of the coin if such a culture is to be possible, and Reich should give that some consideration. It is difficult to conceive of facing a crisis of survival never before encountered in the history of the human species. To really relate to that may become the ultimate definition of the new consciousness.

Paul Ehrlich and Richard Harriman have written a new book called *How To Be A Survivor*. I note they endorse *Greening of America* as characterizing the kind of people it will take for mankind to survive on spaceship earth. But they have one reservation which I endorse. Apparently Reich is content to let the evolving consciousness change the system pretty much at its own pace and hole up until the bad times are over. They say the issues of survival must be forced as rapidly as possible—or "The bad times will probably kill us in our holes, and if they don't, they may well outlast us." But the disagreement is more apparent than real. Reich is content with his assumption that the corporate state is self-destructing—"The state is now generating forces that will accomplish what no revolutionaries could accomplish by themselves." With respect to the environment it is difficult to imagine that the state could self-destruct much more rapidly than it has recently.

Now listen to Reich, "It seems likely that the Consciousness II community, and particularly the concept of 'together', represent an effort to recover one of man's deepest needs and experiences. Man may not be a herd animal, but he is a gregarious, tribal animal and before the Industrial Revolution he usually lived within the 'circle of affection' of an extended family, and his work in the fields or at a trade was shared and done side by side."

Compare this to what I described in a broadcast a couple of years ago—the work of Dr. John B. Calhoun. Starting with studies on mice he evolved the concept that there is a primordial social constellation of about 12 individuals that has evolved in all animal species—the basis for more complex forms of social organization. He believes that man derived from his ancestors the need for relatively close social units of about 12 adults, and cited some evidence from both primitive and modern societies. Then I wondered what is the typical size of hippie communes—and I still do.

The modern technological state clearly generates high levels of physiological stress among the population. Yet efforts to link up specific causes and effects have not been very successful. For example, simple crowding is not an adequate explanation. It strikes me that new consciousness people are singularly free from stress, although they often choose to crowd themselves and experience a high rate of personal encounters. Reich describes various characteristics that suggest why this is so, including the ready acceptance of diversity and lack of competitiveness. Could the possession of a real consciousness of self be the key to the whole thing, in contrast to a false one that constantly buffets and pressures an individual in his encounters? Do new consciousness people get ulcers?

Now in a more political vein: Clearly the conflict is sharpening between the political, largely socialist left which seeks power through activist organizing, and those who would dismantle the corporate state through changing consciousness, with the substantial aid of drugs. As Reich puts it on the cover of his book, "There is a revolution coming. It will not be like the revolutions of the past. It will originate with the individual and with culture, and it will change the political structure only as its final act. It will not require violence to succeed, and it cannot be successfully resisted by violence. This is the revolution of the new generation."

Elsewhere he says, "What we have tried to show by the preceding discussion is that if consciousness III is to spread beyond youth, it must do so by a process that is just the reverse of orthodox left-wing theories of radicalization. It will not work to educate first, and change individual lives later. A change of consciousness must precede a new and enlarged understanding of our society, just as it has in the case of our young people, who first 'changed their heads', and then got new insight into the nature of the Corporate State. Radicalization comes only after a change of consciousness. The SDS strategy of showing the middle class the true oppressive nature of our society is thus mistaken—it begins where it should end. And radical New Left strategy is wrong for another reason. Confrontation, hostility, and guerrilla warfare cannot help to convert those against whom it is directed. The more people feel threatened, the more rigidly they adhere to their existing attitudes and patterns of life."

Thus there are two versions of what is truly radical and they are in substantial conflict. It has more to do with tactics than the essence of what needs changing. Political radicals are inclined to purge and alienate all but the true believers. Consciousness changers challenge people on their own ground and get under their skin. One might say that political radicals grimly cling to consciousness II, and the gulf that separates them from consciousness III may prove equal to the generation gap. Meanwhile, liberals are the very prototype of consciousness II.

Here then is the common denominator for my catalog of complaints about the radical-liberal attack on the ecological-environmental movement. I have observed a strange, driven urge to selectively nitpick or misrepresent points of objection in order to tear it down, rather than set it right, and an almost compulsive refusal to understand the central issues. For such baffling disabilities of perception and understanding I now find a highly satisfactory common denominator—they represent the old consciousness.

How else to explain James Ridgeway, who in *The Politics of Ecology* devoted almost the whole book to thrashing around about the falseness of pollution control programs because he thought that was what ecology meant and so he could put it down. He hadn't even a rudimentary grasp of the foundations of the ecological movement or the scope of problems it addresses—things that could be explained by the average long-haired youth you might stop on the street.

Then take the brittle, structural and futile one-world approach of the liberals—the United Nations buffs, foreign aid supporters and World Federalists—and compare it to contemporary proposals for what we must do to survive on spaceship earth.

I have previously described those who are hooked on economic growthmanship, uncontrolled technology, overconsumption, waste and class conflict as the Disabled American Veterans of the Industrial Revolution—unable to make the transition to a viable post-industrial society. They included, along with avaricious businessmen—organized labor, liberals and socialist idealogues. In retrospect that looks like the very distillation of old consciousness.

Reich comments on the sudden emergence of a radical new consciousness among youth, causing people to suppose it must be due to the infiltration of communists or influence by "a few left-wing agitators." Something like that happened in the sudden embracing of ecology by large numbers of the young generation. Old-style radicals figure the youth have been manipulated by Nixon to divert them from the true movement, or co-opted by corporations. I think the phenomenon represented the exhilarating discovery by new consciousness people that ecology provided a framework and a sense of purpose and urgency for a view of self and surroundings that they already had acquired. When it was put before them they instantly knew it was right, with or without the benefit of ecology courses. The perception of the issues that I have encountered among them is remarkable.

By contrast, I have for a number of years tried to reach political liberals with the same issues and sense of urgency. Often they would agree, and sometimes they would take a formal stand. But very rarely could I see that they really were reached—that it plugged into their perception of reality. In truth I believe that those who have clung to their status as "liberals" at this late date will be the last holdouts against the new consciousness or the ecological movement either one.

Conspicuously it is old consciousness people who think the ecological-environmental movement has been just a fad, like all the previous fads.

But here is a tentative rule of thumb to judge whether you and your friends represent the new or the old consciousness: do you think that in the past several years things are getting better? Or getting worse?

APRIL 16, 1971

I guess I could be described as a Theobald freak. That is, I look upon socioeconomist Robert Theobald as one of the most creative and valuable people in the public scene. He was among the earliest to recognize and interpret the effects of the cybernetic revolution. He first promoted the concept of a guaranteed annual income—so successfully that it went from heresy to commonplace in the span of a few years. At first Theobald operated within the assumptions of prevailing social and economic structures. But he has been developing and changing, as reflected in his most recent book, a collection of lectures called *An Alternative Future* for America. There he moved on to the belief that structural socioeconomic changes are doomed to failure unless we profoundly change our view of the nature and purpose of man. That change roughly must be away from the view that man corresponds to rats run in Skinner boxes, motivated only by the carrot and stick, and toward the view that humans when given the chance can be self-actualizing individuals in the mode of Abraham Maslow.

Now Robert Theobald has evolved much further, in a new book to be published early in 1972. It is available in a pre-publication version, and that is what I want to discuss now.

Theobald finds us between two eras, one dying, the other struggling to be born. The dying era is the industrial era. It is characterized by linear thinking addressed to narrowly defined goals—never mind the secondary and tertiary consequences and interrelationships. Society can be described by a machine metaphor: an aggregation of assembly lines in which people become interchangeable cogs. Linear thinking came to be represented by linear organizations which dominate the conduct of the industrial era.

Perhaps a perfect model of a linear organization is the U.S. Army Corps of Engineers. Its role is to control floods by building dams and straightjacketing rivers so they run straight out to sea. Having done so with nearly all rivers, they now are reduced to straightjacketing neighborhood creeks. That they might sometime halt what they are doing, or weigh all the consequences, or manage watersheds or zone floodplains obviously is inconceivable to them. Upon a little reflection you can see that nearly all institutions in this society are linear, whether the Pentagon, corporations, universities or labor unions. Yes, and so is most of their opposition, especially of the doctrinaire socialist variety.

The alternative to linear thinking Theobald describes as follows: "The new style of thinking which developed concurrently with the environment movement can be described in terms of the growing ability to perceive reciprocity, connections and interdependencies. This process can be defined as 'systemic thinking': a person thinks systemically when he perceives connections, interdependencies and reciprocal relationships in the real world in which he lives." Systemic thinking pertains to a factual reality that is described by the field of ecology, and broadly corresponds to what I call ecological thinking.

Theobald states simply that we face certain disaster by continuing the linear pathways of the industrial era. The reasons are familiar ones—destruction of ecosystems, shredding of the social fabric, depletion of resources and the devastating gap between the haves and the have-nots. We must take a great leap into new ways of thinking and acting—from linear to systemic thinking and from the industrial era to what he calls the communications era.

The linear institutions of the industrial era are fatally incompetent to deal with what is needed to survive in the future. Their trends of both output and damage grow exponentially, when the system we require must necessarily operate on feedback mechanisms. This is most evident in our uncontrollable economic growth, and the obsolute economics that rationalizes it.

The old system was based on the principle of scarcity. When that system actually reached high levels of output, the result was excess. It became necessary to manipulate the desires of the public to create an ever growing market for this flow of goods. Scarcity and excess are but extremes of one continuum. Theobald defines abundance as quite another thing not on that continuum at all. It is the capacity to fully supply what everyone needs to live self-fulfilling lives, and it can be achieved only in societies organized under systems thinking.

To achieve the goals of the industrial era, its movers and shakers have relied upon structural authority. Quoting Theobald, "What is the basic rationale of the industrial era world-view? It is that man must be ruled by structural authority. Certain people are seen as capable of holding power. The orders they hand down from the top of a pyramidal structure are *always* valid and must *always* be obeyed.

"It was this assumption which made it possible to achieve such great feats during the nineteenth century. The railroads were built on the principle of structural authority. The assembly line is a perfect example of 'frozen' structural authority. The principle of structural authority was also necessary to industrial-era warfare which started under Napoleon but was carried to its peak of 'perfection' in the first world war.

"The individual within a structured authority system abandons his right to think for himself. In church and union, business and club, certain people hold structural authority and therefore have the right to wield power."

The alternative depends on the competence and knowledge of each individual, and so Theobald terms it sapiential authority. Clearly the foundations of structural authority are crumbling. Challenges to it can be seen at every hand—challenges to the infallibility of the Pope and the president—liberation movements—revolts in life styles—challenges to authoritarian teaching and authoritarian welfare. Perhaps this is most vivid in the relationship of students to their professors. Students no longer stand in awe of the fame and position of a professor. They measure whether he supplies them well with what they seek to learn. Such a view is anathema to most of their linear parents, to our linear governor, and of course to the linear professors, who are locked into this system of structural authority.

So we already have begun the necessary transition to a new culture and new system. But it is a perilous and difficult passage. Linear thinkers who wield structural authority will not relax their hold readily. This is obvious in the present period of repression and cries for law and order. Says Theobald,

"Many cultures have collapsed: there are more dead cultures than live ones. In all past cases, cultures have either decayed from within or they have been overwhelmed from without. New and vibrant cultures have taken the place of dying ones. Today, however, the survival of the world requires that the presently dominant cultures of the world change their own means of operation fundamentally—*without outside coercion and without internal collapse.*

"Such a task has never been accomplished, This task is made even more difficult because the required pace of change is far greater than ever before.

"We could succeed, however, because we have two advantages which have not existed at any previous time. First, we have the advantage of free time. Second, we have the advantage of an effective communications infrastructure."

The free time gives people the opportunity to explore a new sense of self and society, and to influence others in that direction. A principal justification for the guaranteed annual income is that it makes such free time available to those who will use it for such purpose.

The existence of an effective communications infrastructure means that systemic thinking, and new forms of organization based on information, can very rapidly be spread through the population. Theobald says, "The potential for change today is 'explosive' rather than incremental. We can no longer assume that change itself will be linear. Rather there will be 'burst' patterns of change. The consequences of change in several areas will be brought together either by intellectual thinking or will fuse through world events: the consequences will be an order of magnitude greater than the events to which our thinking and our institutional patterns are geared." He cites the space program as a successful example of systemic thinking, whether you favor its goals or not.

Because the transition into the new communications era is so difficult and fraught with peril, Theobald devotes much attention to the methods that should be applied to bring it about. He believes that because we are deeply involved in a high-technology culture, it would be fatally disruptive to tear it down and start over. And we would lose the capacity to bring abundance to the have-nots of the world. He criticizes what he calls a neo-Luddite streak in the environmental movement that calls for dismantling machinery and computers and returning to the simplified life-style of a time gone by.

Otherwise he thinks the environmental movement has foundered because it has largely remained caught up in the same linear patterns of behavior and action that caused the environmental crisis in the first place. This resembles the choice between calling a glass half full and calling it half empty. Because I am surprised by the amount of systemic thinking that *has* emerged recently in the environmental movement, where almost none could be detected among conservationists in the past. Further, it may have faltered, but I think it has not foundered at all.

Theobald dwells on the basic questions of how you cause people to change. He points out that minds are conditioned to screen reality in a certain way. Because reality is very complex there are many different screens that can be applied to the same reality. When two people argue they do not alter each other's views. More likely each will reinforce his existing view and strengthen his conditioned responses. Theobald says, "It seems that the effective way to alter conditioned responses is to enable an individual to perceive the importance of issues which he had previously not discovered. If this is carefully done, the individual will enlarge his pattern of thinking and will eventually find it necessary to reconsider his existing conditioned responses in the light of his increased knowledge." Old questions that seemed critical are more often bypassed than solved. We never settled how many angels could dance on the head of a pin. We just forgot about it.

Theobald discusses his ideas of different ways of communication and education that will further the process of change—these I shall have to leave for a different time. It seems his thinking here is incompletely developed. But so is mine and apparently everyone else's. Perhaps this should be the first priority for bright minds in the near future.

It should be obvious that the main thrust of left radicals violates all of Theobald's principles. They engage in frontal encounters that simply reinforce the conditioned responses of those they oppose. They seek to demolish linear institutions but are only equipped to substitute new linear ones of their own. Thus their only means of bringing about change is a clash of power, and most of the power resides in the establishment.

Meanwhile, the liberals are still engaged in tinkering with, improving and rationalizing the existing linear institutions, and so they become increasingly irrelevant.

You can see that Robert Theobald, in this new book, perceives the same reality as Charles Reich in *Greening of America,* but from a somewhat different angle. In the process of change they describe, the definitions of radical and liberal are becoming meaningless. So is the wisdom of linear thinkers in various academic fields which have rationalized the industrial era, most obviously economics and sociology. People who occupy those niches will have to change to help with the solution or they will be part of the problem.

What I have been discussing is a pre-publication version of a book by Robert Theobald, apparently to be called *Habit and Habitat*. It can be ordered for $5 from this address: Personalized Secretarial Service, 5315 N. 7th St., Phoenix, Arizona 85014.

APRIL 30, 1971

Of late on these broadcasts I've been a messenger of apocalyptic change—the critical need for a massive social and economic transformation if we are to survive. I reviewed *Greening of America*, which says the corporate state contains the seeds of its own self-destruction and massive transportation will take place no matter what. I reviewed a new book by Robert Theobald who declares that the linear thinking and linear institutions of the industrial era must be transformed into the systems thinking and systems related institutions of a new communications era. And structural, institutional, unquestioned authority must give way to sapiential authority: that derived from valid thinking shared by the public. Theobald emphasizes that we are lost if this transformation is sought by tearing down present institutions so as to build new ones. He rejects the power trip of left radicals and instead seeks ways to change peoples' heads.

This is a far cry from serving up slogans of peace, brotherhood and nonviolence. It is much more purposefully based on the characteristics of human behavior. So what to do now is propose some models, or conceptual frameworks for bringing about this kind of change. To some extent I will just be codifying what is already going on.

Probably most of you are aware by now of primal therapy, and perhaps have read Arthur Janov's book *The Primal Scream*. His approach is based on the painful and frustrating experiences a human suffers in early childhood. The child may learn that simply by being himself he cannot count on parental love or having his needs fulfilled. He learns that to be accepted he must submit to his parents' definitions or who he may be. Each lesson is painful—perhaps severely so. When this process continues unrelieved the child must protect himself as a matter of survival. He gives up the struggle, adopts an unreal definition of self, and incorporates an armor of physical and behavioral defenses to protect him from the pain. This is neurosis. He goes through life wasting large amounts of his own and other peoples' energies through internal conflicts, tension and anxiety.

I suggest this concept of primal pain and neurotic defenses can be elevated to the social level. Consider the pain of the depression, which caused a generation to sell their souls for job security. More broadly, consider the whole industrial era, with its depersonalization and suppression of real feelings and satisfactions. The defenses—hollow consumption, psychomatic illness, aggressive behavior, liquor, the church and the like, all have been hardened into social and economic institutions. Other primal social pains might be group disenfranchisement—learning you can't really fight city hall—or the inevitability of grim and blighted surroundings, or the oppressiveness of racism. American liberals suffered the primal pain of McCarthyism and produced a neurotic left.

In primal therapy the patient is induced to relieve the hurtful experiences of his childhood—to really feel the pain. This may be a wracking experience, but once gone through the patient is free of any need to be bound up with that pain. Each episode of getting deeply into feeling the paint of childhood is called a primal. Now is it too far fetched to suggest that American society is going through some primals? How about the My Lai massacre and trial? It's as though the pangs of dehumanization, forced on the population since the earlier years of the industrial revolution, were being revisited.

From our present standpoint, the worst thing about a neurotic individual is his waste of energy—energy bound up in muscular tension or frittered away in anxiety and fruitless activity. In an entire society the flow of energy resembles that of a natural ecosystem. In an ecosystem energy from the sun is converted into plant material, which in turn supports a web of interdependent plant and animal forms. Any serious distortion or waste in the complex flows of energy will destroy or degrade the ecosystem.

In this society one can see little but the neurotic dissipation of energy from the system. War is the worst and most obvious. Due to society's conflict over sustaining its poor, much financial energy is wasted in monitoring welfare programs and administering endless rules. Much energy is wasted in empty consumption and in satisfying drives for wealth and power, or in class pitted for wealth and power, or in class pitted against class. Other energy is wasted in Red hunting and hounding people about their private vices. The society has been able to get away with this wanton dissipation of energy, violating the laws of a stable ecosystem, only by mining the stores of fossil energy in the earth that have accumulated over many millions of years. Here you can see why Theobald says that, in the midst of deprivation, our real problem is abundance, for much of that abundance is wasted.

The question now is, can social primal therapy be applied to cure this country of its neuroses? Janov finds that people cling grimly to their protective shielding, and seek diversions and excuses to avoid having their defenses challenged. So it would seem do social institutions. The power of rationalization is almost overwhelming. If one is to bring about change it behooves him not to strengthen the defenses and rationalizations of those who, individually or collectively, are responsible for the behavior of social institutions. You don't let them off the emotional hook; make them face up to their social primals. Much radical activity does precisely the opposite.

One of the newer techniques in therapy is called rolfing, after its originator Ida Rolf. Here the practitioner judiciously beats on the muscles and tissues of the patient. The purpose is to literally break down the mass of tissue and fiber interconnections that have frozen years of psychological burdens into the expression of one's physical bearing. Rolfing frees up the body, but surprisingly enough, it often opens up the suppressed feelings that became bound into the body in the first place.

I would like to introduce the concept of social rolfing. Here an institution or perhaps a segment of society would be judiciously beat upon until its rigid, frozen bureaucratic fibers are freed up and reconnected in a healthly fashion.

I think, in fact, a good bit of social rolfing already has taken place. Scientific and professional societies are rolfed by young dissidents at their annual conventions. The Catholic church is being rolfed. So are the universities, although their distorted postures are bound up in peculiarly resilient tissue growth. I would venture to say that bureaucracies that have been rolfed are much more greatly affected than outward appearances indicate. But social rolfing must be judicious to be useful. You can't help the patient if you frighten him away, totally anger and alienate him or damage his tissues and rupture his spleen.

There is an excellent little book called *EST, The Steersman's Handbook*. The author, Clark Stevens, charts a path for necessary social transformation, having fully recognized the linear nature of the institutions that must be transformed, in much the same way that Robert Theobald does. Stevens has developed the concept of resonance. EST people (the world refers to Electric Social Transformation, and the Latin word to be) being non-linear, systems types, have a great advantage at their disposal. They do not fear entering the establishment, but permeate and dissolve it. They take on the vibrational frequency of the establishment, achieve resonance and then with gradual out-of-phase timing, destroy it. To demonstrate his point, Stevens cites the model of the mongoose killing a cobra, as described in Norbent Weiner's *Cybernetics*.

"The mongoose begins with a feint, which provokes the snake to strike. The mongoose dodges and makes another such feint, so that we have a rhythmic pattern of activity on the part of the two animals. However, this dance is not static but develops progressively. As it goes on, the feints of the mongoose come *earlier and earlier in phase* with respect to the darts of the cobra, until finally the mongoose attacks when the cobra is extended and not in a position to move rapidly. This time the mongoose's attack is not a feint but a deadly accurate bite through the cobra's brain. In other words, the snake's pattern of action is confined to single darts, each one for itself, while the pattern of the mongoose's action involves an appreciable, if not very long, segment of the whole past of the fight. To this extent, the mongoose acts like a learning machine, and the real deadliness of its attack is dependent upon a much more highly organized nervous system."

Stevens adds, "The EST people with their comprehensive capability have the advantage of simulsensory awareness over members of the Establishment who are limited by separate-sense, compartmented habits of thought. The pattern of action of linear-minded men is 'confined to single darts, each one for itself,' while the pattern of EST action involves the entire, together, historical accumulation of mankind's capabilities." The concept of resonance could be extended to that precise tone that will shatter a goblet.

I think that the key to effective resonance is that by setting up a modest vibration you may call forth in response the vast energies of the establishment, thus greatly amplifying your effect. Pornography producers have been resonating the bluenoses in this way for years and made a mint.

A whole coterie of psychologists have sold themselves in the marketplace for the purpose of conditioning people to want and buy certain products, candidates or beliefs. They are betting that humans are ultimately nothing but glorified Pavlovian dogs. Suppose you bet otherwise and find ways to use resonance either to jam and reduce the conditioning or exaggerate it to a point that it becomes intolerable to the public.

Resonance can be applied to politics, but not if you are too simon pure to mess with the major parties. Ron Dellums is applying resonance in Congress. Looked at in this way, the Peace and Freedom Party was the work of fools. The presidential challenge of Con[illegible]ssman Paul McClosky is a work of genius.

I think in certain quarters the establishment also practices resonance. Thus agents infiltrate radical movements and vibrate them into irrational and self-destructive behavior. When you can't decide whether an action is the work of an agent provocateur or planned and carried out by the movement itself, you know their resonance has worked. Resonance roughly is what Berkeley City Manager William Hanley and UC Police Chief William Beale meant during the People's Park controversy when they advised a gathering of law officers to "force agitators to overplay their hands." Well, the agitators didn't, but I think they have many times since.

Perhaps you are thinking these approaches are futile when the name of the game in this country is power—massive, concentrated, interlocking political and economic power. In fact the basis for this power is remarkably fragile. Here I am persuaded by what Prof. Horace Gray, an economist and expert on monopoly, said back in 1963.

Gray said, "The corporate system has

evolved to the point where we now have the most highly concentrated private power structure in all history—a system in which a relatively few giant corporations effectively dominate the national economy." To this phenomenon he applies the term corporate collectivism. But, claims Gray, the foundations of monopoly power are not so secure as they appear. ". . . corporate collectivism does not and cannot restrict its control to purely economic activities but, in order to preserve its power, must reach out to control knowledge, government and public opinion. The latter, then, becomes the new and indispensable foundations of modern monopoly power . . . notwithstanding its outward facade of seemingly overweening power, corporate collectivism is extremely vulnerable and insecure . . . Because its hand is against every man, every man's hand is potentially against it. This is the Achilles heel of corporate collectivism, the area of its fatal vulnerability . . ."

"In the last analysis, the power thrust of modern monopoly is limited by its ability to control and direct public opinion. The public, as it may elect, can be either the source or the nemesis of concentrated power . . . No one is more acutely aware of this dual possibility than those who are responsible for the management of our giant corporations. They must control public opinion to achieve power, in the first instance, and subsequently maintain and increase it. This is the reason they assign such high priority to 'public relations', or the 'engineering of consent,' and devote such lavish outlays to it."

So, I say, lets get on with the social rolfing, resonance and social primal therapy. If you don't believe it works you haven't been reading your daily newspaper.

MAY 28, 1971

In a natural ecosystem plants convert energy from the sun into a usable form through photosynthesis. This creates the base for a complex web of life or ecosystem. It can be maintained only if energy is constantly recycled in a series of feedback loops that fulfill the requirements of all elements. If major loops are broken, or if there is important energy waste there are serious consequences. Species drop out or perhaps the whole system is degraded or destroyed.

Primitive human cultures functioned in essential harmony with these solar-based ecosystems. Even advanced agricultural societies modified a small portion of the earth's energy budget and thus created little disruption.

In a simple hunting or agrarian culture humans worked, and their energy output was rewarded with food and shelter. Development of the barter system permitted a measure of specialization and stability. Gradually a more complex social organization developed. This permitted more stability with protection for some of the vagaries of nature. It helped prevent wasteful competition for energy resources. Some of the energy budget was devoted to a system of authority, protection, and to amenities that suited the community beyond the requirements of mere subsistence. Energy flows were mediated through money and credit. Thus far these developments were consonant with the successful workings of natural ecosystems—at least so long as the population did not outgrow the capacity of the environment to support it. And they remained wholly dependent upon the stability and productivity of the natural systems around them. They adapted or they failed, and sometimes they did fail.

Then enter technological society, culminating in the industrial era. Here commenced what is undoubtedly the greatest hoax in human history: that a permanently viable economy had been created. All of western man's institutions have been based on this assumption—his economics, religion, politics and social organization. The hoax lay in the fact that industrial society was made possible only by plundering fossil energy that had accumulated in the earth over many, many millions of years. It was as though you based a general model for successful family life on a family that had inherited a million dollars.

This is not to say that by exploiting fossil fuels man has somehow sinned against nature. These great deposits simply imply that at certain times in geological history organic materials were inadequately cycled and became locked up in stored energy. Within limits this energy could be exploited on a semi-permanent basis.

But the great hoax did not stay within limits, resulting in a set of devastating consequences. The worst, of course, is that the fossil fuels are nearly gone, historically speaking. And extracting them takes an ever increasing share of the available energy, not to mention damage such as the Santa Barbara oil leak and Arctic devastation. But rather than adapt to that reality we gamble on being bailed out by the perfection of nuclear fusion. It is as though the family squandered nearly all of its million dollars but continued the same life style, confident that somehow they will inherit another million dollars. If they don't they will perish.

There are other consequences of the great hoax that are plain to see. Malthus was vilified because he based his predictions of the consequences of human population growth on essentially a solar energy budget. He could not forsee the great additional expansion made possible by tapping fossil fuels. In turn those fossil riches have so blinded society to biological reality that they cannot perceive that the malthusian principle is finally operative.

Those fossil riches have blinded society in other ways. There is more to the interacting energy cycles of a natural ecosystem than mere self-perpetuation. Necessity provided animal and plant species with a kind of genetically-based more equivalent. Each is enabled to play its role and is rewarded with its full share of energy flow.

But the availability of excess energy to humans invited gross distortion of such natural roles. The first thing to go was freedom of the human organism. One appreciates in animals their natural, genetically-mediated selves. Presumably animals do not become neurotic except in response to distortions of their adaptive place in the ecosystem—most notably when they are in the company of man. A human baby is born with this same natural self. It is a bundle of natural functions served by natural energy flows—capacity for love, sexuality, learning and work, all waiting to reach their full potential.

But western man had a mighty task: exploit that fossil energy and build an empire. So he could not let a baby develop its energy flows for natural functions. They were needed for the task at hand. So culture was pressed into service to mold the child into an artificial niche and especially to repress its sexual energy. Individuality had to be curbed, for in an industrial system one needs standardized, interchangeable units. Normalcy became defined as being well-adjusted. And so the entire fields of psychology and psychiatry grew up backwards, defining the abnormal adjustment of the human organism as normal.

The human, through his intelligence and command of technology, is capable of amplifying the impulses of his own internal energy deployment by many-fold. Thus a circular causality developed. The culture manipulates the developing child and creates artificial man. He in turn amplifies the misdirected energy from his repressed sexuality and natural self. The result is drives for power, exploitation and war. It is what Willhelm Reich called the emotional plague. But the maladaptation of internal energy flows has its consequences for the individual too—in hypertension, psychomatic illness, alcoholism, drug addiction and the like.

Political and economic power is the capacity to control energy on a large scale. A powerful politician can greatly amplify the effect of his own individual energy budget. When the energy resources of society are widely shared, with many rewarding feedback looks for diverse undertakings, available to all, there should be a satisfying and stable system. But people and nations cannot resist the urge to monopolize the resource. As a result a major share of their energy resources must be developed to defending what they hold—with armed might, increased police budgets, or even a staff of lawyers and propagandists. At worst powerful politicians succeed in amplifying their distorted internal energy flows into global war or cold war. With sufficient tyranny a system of imbalance may be stable, but it suffers the risk of revolution on one form or another, a further drastic energy drain however just it may be.

Plant and animal populations cannot violate the requirements of adaptive energy flows without getting their immediate comeuppance. The feedback effect through energy loops promptly acts to curb any excess—at least in a stable ecosystem. It is happening all around you; reproduction decreases, species withdraw from unsuitable habitat, etc. An ecosystem is a giant homeostatic mechanism; there is no other choice.

Industrial man, having declared himself independent of the laws of nature, was left without self-corrective feedback, without biological homeostasis. It could be supplied through wisdom. But a long life span helps conceal reality, and the human brain seems to have unlimited capacity for self-delusion and rationalization.

The cells of the body form in their own way tiny ecosystems. There are energy flows, feedback loops and homeostasis. When cells become deranged in a certain way they cease to be governed by self-limiting feedback and begin to multiply out of control. This is known as cancer. Cancerous cells drain the energy resources of the healthy cell ecosystems around them. Their only rationale is growth. Since they are out of control, cancer cells continue to multiply until they have destroyed the energy base upon which they depend. Then they too are destroyed.

Industrial man is a cancer upon the earth, sucking out its energy resources to support growth that is wildly out of control. This analogy has more than just shock value. In energy terms it has a shattering literal validity.

If there is one thing that characterizes the industrial energy-exploitive system it is waste. It is designed to flow through materials. The faster the flow-through the greater the growth of the system and the higher the so-called standard of living. The end product of this flow-through process is called pollution. Waste is necessary we say. Everything will be all right if we just clean up after ourselves. Well, everything won't be all right unless there is a drastic change to a systems economy with energy loopbacks through recycling and reuse. The issues are identical to natural ecosystems, none of which ever survived with a flow-through system.

Besides energy waste by design there is much energy leakage. There are innumerable ways in which we cause wasteful energy leakages. One is the maintenance of status. A current automobile magazine shows there is little inherent difference between a Cadillac and a Chevrolet Caprice, and asks whether status really is worth the $3,000 difference. Each time, there goes another $3,000 in energy leakage. I do not argue status is necessarily wholly without value to society, but it can be based on performance or wisdom with little energy drain.

You will recognize that I am using energy language to describe many issues commonly discussed in other terms. This takes them out of the realm of speculation or fatuous controversy. A systems analysis of human affairs based on energy flows can make the fundamentals as concrete as the laws of physics and chemistry. What is more important, I believe that getting down to the reality of energy relationships will overturn much of what has passed for wisdom in many fields, especially economics, sociology and political science. It makes a farce of present definitions of radical, liberal and conservative and substitutes a politics of reality. It even provides the materials for a new morality, and the highest morality it seems to me is the survival of the species.

JUNE 11, 1971

Last broadcast I discussed the fundamental importance of energy flows and cycles in the human economy. Plants and animals are maintained in stable ecosystems only through the cycling of energy that supplies the requirements of all its elements. They have feedback mechanisms that prevent overexploitation. Human ecosystems are governed by the same principles but they are grossly violated by practices, without feedback, that wantonly flow through and waste energy resources. This has been possible only by depleting fossil fuels which have accumulated over many millions of years.

In addition to the gross waste and failure to recycle energy, there are many maladaptations of the human economy that can be identified through their underlying energy relationships. It is valuable to look upon the flow of money as closely analogous to the flows of energy in a natural ecosystem. There is one stipulation: money actually flows in the opposite direction from energy. You expend energy to do work and in turn you are paid for it. But that income can be spent for gasoline energy or to cause work to be done somewhere else in the system. So in general one can take some liberties and say where money goes, energy flows. Unless it is saved. In that case it corresponds to potential energy.

We live among sick and dying human ecosystems. Any metropolitan area you can name is obviously, on its face, a sick ecosystem. In a healthy model the energy-money flow would go to freely circulate goods and fulfill the needs of all elements. In practice that flow is grossly distorted and maladapted.

Take the San Francisco Bay Area. The natural flows of money, work and activity through the system are broken into geographical subdivisions called cities, counties and special districts. Such subdivisions might be appropriate if they reflected the natural infrastructure of the human ecosystem. In practice they are artificial constructs designed to capture and concentrate the resources of energy-rich areas and shelter the beneficiaries from the drain threatened by the poor ones.

The central cities are stripped of their energy resources by the flight of its economic elite to suburbia. The dregs are left to the minorities and the poor. And indirectly they pay through the nose for the costly utilities and other services to feed suburbal sprawl. Energy-rich industrial concentrations are sheltered from the drainage of taxation in enclaves such as Emeryville and San Leandro. Yet other maldistributions result from local manipulations of political power and social privilege. Urban redevelopment is one. This is a way to drastically alter a part of the human ecosystem and convert its money-energy potential to private wealth in selected hands.

All of this is perpetuated by devices such as home rule, zoning and refusals to equalize taxes. Maintaining these distortions of the regional economy further results in sheer energy waste—in gasoline and freeways, in stupid duplication of governmental functions, in competition for industry, etc. The net result is to concentrate wealth-energy in fewer and fewer hands, instead of permitting it to flow where needed—the very definition of a healthy ecosystem. The consequences you read about every day in your newspaper.

There would be no way to maintain this state of affairs were it not for vast inputs of fossil energy. Here is another net loss to the Bay Area ecosystem, for PG&E drains off a substantial chunk in both legitimate and illegitimate profits and ships a very large percentage off to eastern insurance companies and brokerage houses. In fact the rule seems to be: any process in the regional ecosystem that yields a net energy gain, meaning profit, goes into private hands. Any process with a net cost such as municipal services is paid out of the public's energy pool. Do you wonder why your taxes are so high?

If regional ecosystems were ecologically healthy they would operate on a largely self-sustaining set of energy interchanges. Interchange between systems would be on the basis of equal value. Population and industry would gravitate to those areas with the resources sufficient to sustain them. This is not how it works, as you know very well. A vast population is maintained on the desert and semi-desert of Southern California solely through the importation of water at high energy cost. Such maladaptations are perpetuated largely through bountiful governmental subsidies. Here is the answer to the touchingly naive radicals who believe there is no overpopulation in the U.S. as long as there are great expanses of land with low densities. They cannot grasp the enormous energy costs of placing people where the local resources won't sustain them.

This is one great virtue of the California Tomorrow Plan which I have discussed on a previous broadcast. It recognizes the basic integrity of regional ecosystems and would create the means for a healthy flow of money and resources within each system. It is, in fact, the first major plan I know of to translate the underlying realities of energy flow into political reality. Next to it the planning profession has operated in a fantasy world.

The principles that govern regional systems equally govern on a grand scale the components of what we now recognize as spaceship earth. Once again let us refer to the natural model. In a natural ecosystem there are many interrelated plant and animal species. Normally an invading form cannot break into the energy web of an established system and thus cannot become established. Occasionally there is an unfilled niche, most often as the result of human disruption. Then an alien invader may become established, and lacking the original checks and balances that controlled it, may run wild and capture an excess share of energy and degrade the ecosystem. There are famous examples: the codling moth, starling, the mongoose in Hawaii, the European rabbit which devastated Australia, or the red deer which has been ruining New Zealand's forests.

Perhaps it has already struck you—this is a model for colonialism, either economic or the old-fashioned kind. But there is this difference: the colonial population does not do so through superior adaptability, but only through its greater control of energy in the form of technology, might or the capacity to buy governments. For you know that man for man, westerners could not compete with Africans or southeast Asians in their home ecosystems. And once again you know where that energy comes from: it is mined from the earth's fossil fuels, much of it from the very countries that are being exploited.

It is further clear that the colonizing countries *must* plunder the resources of these less developed ecosystems as long as they maintain energy budgets far above the level that their own environments are capable of supporting, and as long as they insist upon flowing through and dissipating the energy instead of recycling it.

Now I want to shift to another facet of this subject, the area of competition. It is popularly believed that animals engage in constant active competition with one another for their share of resources. In fact they have elaborate mechanisms to largely avoid such competition. It is much too wasteful of energy resources. If competition is an energetic drain on an ecosystem, how are we to reconcile this with our supposed ideal of competition in the marketplace?

Here it is instructive to examine the situation where two very closely related kinds or animals are present in the same ecosystem. It is an almost unbroken rule that they cannot live together under exactly the same conditions, for they would directly compete for the same energy resources. If thrown together, one will be slightly better adapted and will prevail—meaning it was more efficient in extracting energy from the environment. There are two solutions to the problem. First, one species may replace the other geographically so they do not overlap. This is called competitive exclusion. Or second, the two, though very similar, may prove to divide up the habitat in subtle ways—different food, different shelter, different times of activity, etc. They found ways not to compete after all.

In human affairs a good example of competitive exclusion was the old west conflict between cattlemen and sheepmen. They couldn't coexist on the same range so one or another finally won out in each area.

Now in old-fashioned freemarket competition it was assumed that the seller with a superior product or the lowest price would win out in the marketplace. Another seller could replace him only with an improved product or an even lower price—in essence a more efficient use of energy in the economy. As alternatives, different sellers would dominate different regional markets with essentially the same product. Or very similar products divide the market with small but real differences. Some people like buttons, some like zippers. Up to here you can see that economic competition closely corresponds to the "competition" of species for energy in an ecosystem.

But what happens in fact? Concentrated economic power and price fixing eliminates price competition. True differences in quality and design largely become submerged and eventually disappear. Different companies' products converge upon the largest, most central market. Or is it the least common denominator? The products become marginally differentiated. Then vast amounts of money-energy are wasted in spurious competition of almost identical products—in flossy packaging and displays, in the store required for an excessive number of almost identical brands, in the trash that adorns automobiles and the sickening waste of annual model changes. And of course the huge advertising outlays to convince you that one brand of identical hair spray or deodorant is better than another. That is true competitive waste—the sign of a pathological system.

There is one basic reason the atrocities I have been describing could go on. Resources always have been regarded as free goods, except for the costs of extracting them. Compared to the cost of capital and labor, the supply of resources always appeared to be a limitless bounty. Even as the forests were stripped, the soil washed away and the oil and gas began to disappear, this wanton attitude remained and is built into our economics; resources are an expendible surplus. It is nourished by massive government subsidies that override any true energy-cost accounting. It is preserved in the very language of economists. They speak of externalities: those social, environmental and resource costs which lie outside their narrow dollar accounting for the business at hand. The externalities will have to show up on other people's balance sheets, including those of succeeding generations. You could say, sometimes quite literally, that one man's externality is another man's poison.

Once again I want to point out that I am using energy language to describe many issues that are commonly discussed in other terms. It is a loose portrayal and no doubt flawed in some particulars. The point is, thinking in this way gets down to the objective reality of how the human economy really operates. For no micro- or macro-economic gobbledygook can overturn the laws of energy. It can only obscure them.

DROUGHT IN WESTERN STATES AND IN FLORIDA

HON. PETER H. DOMINICK

OF COLORADO

IN THE SENATE OF THE UNITED STATES

Thursday, August 5, 1971

Mr. DOMINICK. Mr. President, today I wish to address myself to an extremely important matter arising out of the serious drought situation now affecting five Southwestern States as well as in Florida. I know that my colleagues in both the Senate and the House representing the stricken States will wish to consider my remarks with particular regard. However, because the effects of the drought are national in impact, because the administration is being called on to supply emergency funds to some of the affected areas, and because the issues I wish to raise concerning these requests are of a national character, I feel that my remarks should command broad attention.

We all recall the dust bowl years of the mid-thirties. Even earlier, in the period of 1910 to 1914 and, in fact, at 10 to 20 year intervals since just after the Civil War, significant portions of this country have experienced the hardships associated with drought: grazing land dried up, cattle and other livestock sold at a loss if at all, the horror of the fires that follow as the land becomes a tinder box, the death, suffering, and poverty which may last almost until the next drought in this continuing cycle. Surely all of us remember the 1951 to 1955 drought, and now, as weathermen in the Southwest see a similar situation developing, here we go again. Though not yet as long as the 6-year Dust Bowl of the 1930's or the drought of the 1950's, reports indicate that the present crisis is more intense.

In the thirties, there was nothing the farmer or rancher could do but pray for rain, and unfortunately for too long a time his prayers went unanswered. Today there is a difference. Today there is scientific technology available which, if put to proper use, can be of vast benefit to the farmer and the rancher in helping to break or shorten the drought, and perhaps, with a long range, carefully planned program, could move us away from palliatives toward preventing drought altogether. I refer to the technology of cloud seeding, or, as it is called in the scientific community, weather modification.

Weather modification is a practical reality. It has been used effectively throughout the world with dramatic success in checking drought and also in extinguishing raging infernos, devouring acres of forest land. And yet, as we in Washington read accounts of the widespread suffering and economic losses being experienced by people in the Southwest, there is no long range program in this country to cope with the existing drought or to prevent its recurrence 10 to 20 years hence. Weather modification is the unfortunate victim of a persuasive bureaucratic attitude—in segments of both the government and academia—that it must remain in the category of a research project—perhaps ad infinitum.

I would like to outline briefly the development of cloud seeding in the United States to show that we have failed to grasp the potential of this science. After a quarter of a century of permitting a special segment of the scientific community to sit on cloud seeding as if it were some kind of illegitimate egg, we are, I repeat, after a quarter century, at a point where we should be able to use it as a prime weapon to fight drought. Instead, we find ourselves being told that the egg isn't ready to hatch. "Maybe by 1974," says an expert from the Bureau of Reclamation.

Even more revealing is the fact that in the private sector there are a number of commercial meteorological firms, which over the years, at their own expense and through their own efforts, have advanced the technology of cloud seeding to an operational stage that is economical, scientifically sophisticated, and workable. But as I have said, government agencies and some groups in our universities seek to limit operations in favor of seemingly perpetual research.

I have no intention of criticizing research in any endeavor, and over the years valuable and important research has been conducted in the cloud seeding aspect of weather modification. Yet successful results of field work have been ignored. To use a familiar analogy, after the Wright Brothers proved that it was possible to fly a heavier-than-air craft, the research that followed and continues today was not to prove that one could fly, but rather to improve on the means and method of flight. In my opinion, far too much of the governmental activity associated with cloud seeding has been directed toward repeating what Doctors Schaeffer, Langmuir and Vonnegut—the Wright Brothers of cloud seeding—proved in 1946, without much emphasis on advancing the operational state of the art. It is important to note, also, that even before 1946, there had been a considerable amount of research and some success in cloud seeding here and in other parts of the world.

During the late 1920's and early 1930's a Norwegian meteorologist named Bergeron developed the theory which today forms the basis for seeding clouds from aircraft with dry ice to produce rain. This method was carried out in Holland by August W. Veraat. Subsequently, the Soviets established an Artificial Rain Institute in Moscow. But as with all sciences, cloud seeding has its research history which actually dates back to Plutarch. Yet it wasn't until 25 years ago that real success was achieved—both in the laboratory and in the field—and a kind of Kitty Hawk for the technology established.

Working for the General Electric Co. on problems of cloud icing on aircraft, Schaeffer, Langmuir, and Vonnegut proved in 1946 that it was possible to create ice crystals in the upper levels of super-cooled clouds, which under the proper conditions would add to or increase the amount of precipitation falling. Their discovery—while limited in application and primitive by today's standards—marked a real milestone, and news of it went around the world. Unfortunately, it was a discovery misused in the United States by a flock of quick-buck artists who traveled around the countryside convincing water-hungry farmers that they had the secret to the old Indian Rain Dance.

The farmer lost money, got no rain from the so-called rainmaker, and the importance of the 1946 discovery was downgraded and became obscured by law suits, misunderstanding, and much misinformation. Fortunately, there was a handful of meteorologists and cloud physicists in both the public and private sectors who recognized the promise of 1946, and they set to work devoting their energies toward a greater degree of research and development.

In 1947, Project Cirrus was mounted by the Army Signal Corps, the Air Force, and the Navy, with General Electric as the contractor. The project lasted 4 years—until 1951—and a great many experiments were carried out with much needed statistical information gained which laid the groundwork for more research. The project not only generated lines of inquiry but also gave rise to the controversy over scientific proof of results which is still raging and has plagued advancement of the field. For, quite frankly, over the years there has been a body of those engaged in atmospheric science which, for whatever reasons, has been completely hostile to cloud seeding, and this body has managed to impede cloud seeding progress, using "scientific proof" as their battle cry.

Nevertheless, as a result of Project Cirrus, and the work done by commercial firms in the private sector, the Congress voted in August 1953 to set up an Advisory Committee on Weather Control under Public Law 83-216. The committee's purpose was to make a complete study and evaluation of public and private experiments in weather modification. In 1957, the committee gave its report and recommendations. It reported that, yes, cloud seeding did work if carried out under proper atmospheric conditions. Under such circumstances, increases of 10 percent could be expected from clouds seeded in the eastern part of the country, and, because of the prevailing winds off the Pacific Ocean and the high mountain ranges in the west, averages of 15 to 20 percent could be expected there. The committee's recommendation was that its evidence be turned over to the National Science Foundation for further study, research, and evaluation.

The Congress gave its mandate to the National Science Foundation through Public Law 85-510, and therein the foundation was instructed to modify its research mission by adding an operational engineering function. I regret to say that the foundation did not carry out its mandate, and its contribution to weather modification over the ensuing decade is largely a record of negativism, timidity, and basic research. I have referred in numerous hearings to the period in question as the "lost decade." Happily, it concluded in January 1966, when an authoritative report on weather modification was issued; it was presented by the National Academy of Sciences, a body established and supported by the National Science Foundation. And what do you think the report said? It said that you could get 10 percent increase in rainfall in the East and somewhat larger increases in the West. Nearly 10 years taken to repeat and verify what had been stated in 1957.

At the Senate Commerce Committee hearings in March of 1966, I said that there had been a group in the scientific community opposed to commercial seeding operations and that, as a result, a good deal of time and money had gone down the drain. I said, further, that we were right back where we started and that as a result of the hearings, the commercial operators had provided a fair amount of evidence that their operations could be successful under the proper conditions.

Now here we are, 5 years later, and while the weather modification picture has changed somewhat for the better within the Government, I continue to question how much the attitude toward the experienced commercial operator has changed. The fact is there are many places where he could be at work today, and he is not.

In fiscal 1971, the Bureau of Reclamation had 13 ongoing cloud seeding programs, all listed in the realm of experimentation and research. And the same label can be put on the weather modification programs being carried on by the National Science Foundation, the National Oceanic and Atmospheric Administration—NOAA—the Department of Agriculture, and the Department of Defense.

On May 10, 1971, Gov. Preston Smith of Texas called on the administration to provide funds through the Office of Emergency Planning to mount a large cloud-seeding operation, utilizing Air Force planes and personnel. Officials of the OEP, the Bureau of Reclamation, NOAA, and the Air Force have joined in what has been labeled an experimental cloud-seeding program in south Texas. Two Air Force WC-130 planes were modified to do this work and conducted seeding operations with measurable success according to news dispatches from the area.

In the meantime, I know of at least two commercial firms of many years' standing and success which are eager and ready to go and have made offers to the drought-stricken States. These firms offer operations, not research, but as always, the scientific bureaucracy has moved to block action. A short time ago, NOAA officials were scurrying north from Florida to warn the OEP against listening to the claims of private firms which they termed "fly-by-nighters." When I mentioned this to an executive of a cloud-seeding firm, he replied, "You bet we're fly-by-nighters. We fly day and night when the systems are seedable, and I assure you we won't get caught on the ground when the weather moves in." He was referring to the fact that when south Florida got a heavy rain during the operation there, the NOAA group could not fly—their plane was caught on the ground because of a mechanical difficulty. Cloud seeding experts know that most seeding is done when it is actually raining, which necessitates short notice and preparation.

The rest of the world has not been so reluctant to move into the operational stages of weather modification. There are numerous examples of dramatic success, most accomplished by U.S. firms under contract to foreign governments.

The Soviets take their weather modification very seriously. The Israelis began operational cloud seeding after 6 years of research.

In 1967 in Labrador, Newfoundland, a U.S. firm was called in to help control forest fires raging along a 400-mile front, summoned by Newfoundland's Chief Forester when firefighters and water bombers were unable to control the blaze. The Chief Forester had predicted it would burn all summer, yet the cloud seeders, using specially modified aircraft and a new seeding product, had the fires under control in 5 days and extinguished in 10.

Two weeks later, lightning again touched off similar fires. The firefighters were no longer on the scene, but the cloud seeders came back, and in 3 days of operation, they had the fires out. The Chief Forester, impressed by the results, invited the company to carry out a program of preventive seedings on the dry timberlands there.

In 1967, Iran, one of the water-short countries of the Middle East, entered into a 3-year operational project with the same U.S. firm. No other modern-day cloud-seeding operation could compare with the intensity, duration, and success of the operation in Iran. In the first year, a 6-year drought was broken, and it was no longer necessary to ration water.

Over 3 years the increase in the water supply in the "target area" was 80 percent. Iran, free to cancel the contract at that time, renewed it and has now asked the firm for large scale recommendations. While the cloud seeding was going on with immense success, the Americans were also teaching the Iranians their techniques.

In the spring of 1970, Cyprus was suffering a severe drought. The Cypriots called on the same U.S. firm, operations were conducted, and in April of 1970, a large section of the island, where the seeding was conducted, received its heaviest recorded rainfall.

Mr. President, during all of this activity around the world, what were we doing at home—even as the present situation in the Southwest was beginning to develop? Among the agencies with the authority to take steps toward operational weather modification, the record is dismal.

In the summer of 1968, hearings were held in Denver by the Senate Commerce Committee on two weather modification bills. One of those bills, S. 2058, which I introduced in June 1967, set up the mechanics for a cloud seeding program in the San Juan Valley of Colorado. With my distinguished colleagues, Senators WARREN MAGNUSON, HUGH SCOTT, and HOWARD CANNON, I cosponsored S. 373, which sought to set up an effective and coordinated national weather modification program. One of the witnesses we heard on these bills was Mr. Bernard Power, president of the commercial cloud seeding firm I have been discussing, who gave testimony on the results of the first year of operation in Iran. Senator CANNON—who chaired the hearings—and I were equally impressed by what he had to say. His testimony is contained in the Report of Weather Modification Hearings—Serial No. 90-83—and I plan to enter it in the RECORD with other related material at the conclusion of my remarks. Key officials from both ESSA, forerunner of NOAA, and the Bureau of Reclamation also heard this gentleman's testimony, but no action was taken on the part of either body to seek further knowledge of the efficacy of the product or the dynamic type of seeding technique being employed in its use.

One excuse frequently offered by government agencies to explain the total lack of a long range, operational weather modification program is the lack of funds. They say that the snail's pace of the past quarter century is related to an absence of finances. However, Mr. President, in that period of time, hundreds of millions of dollars have been appropriated by the Congress for matters concerning the atmospheric sciences. Only a small portion of that figure has been alloted for related research and development in cloud seeding. Herein, I think, we get to the root of the trouble. It lies in the Congress.

In fiscal 1971, there were no fewer than eight major governmental agencies involved in the research and development of cloud seeding. They were the Departments of Interior, Commerce, Defense—including Army, Air Force and Navy—as well as the National Science Foundation and NASA. I am not referring to other aspects of weather modification such as hurricane modification or lightning and hail control—just cloud seeding. The total budget parceled out to these eight agencies for cloud seeding was approximately $10 million.

The amount of funding speaks for itself, and it points up the need to do some serious thinking about priorities. But dividing up this small amount in such a way that eight government agencies duplicate each other's effort toward a single goal doesn't make very good sense regardless of how you look at it. In nearly every session of Congress since 1946, there have been attempts to pass meaningful legislation which would centralize weather modification responsibilities. The result has been pretty pitiful: Legislation to set up a Scientific Advisory Committee in 1953; legislation to extend its life in 1956; legislation in 1958 to turn over the committee's recommendations to the National Science Foundation; and, finally, legislation to relieve NSF of its mandate. In fact, since the 80th Congress, there have been in excess of 50 such attempts to get legislation on the record.

Still there's really no one in charge. We have the Federal Council for Science and Technology working out of the executive offices and under it, the Interdepartmental Committee for Atmospheric Sciences set up in 1959. Its job is to survey and evaluate the national research effort in the atmospheric sciences, to examine the role of the Federal agencies involved, and to make recommendations. I see it as a bureaucracy on top of a bureaucracy. So when you get right down to it, I repeat, there is really no one in charge, despite the fact that since 1951 a number of us, including Senators Clinton Anderson and Warren Magnuson, have been trying to put someone in charge.

As I said earlier, bills have been offered to no avail, essentially because one department of the government does not wish to find itself answerable to a second department. Doing nothing is a sure way to solve that problem, but it in no way makes for progress. The drought situation in the Southwest brings the problem into sharp focus. The need is now—but with no one taking the lead, people are frantically trying to put together a plan of action in the absence of any real program.

In a statement in 1968 I said:

> Clearly the time has arrived when a coordinated effort should be brought to bear on the significant problems which weather modification can alleviate. We need a balanced effort to avoid waste and duplication.

I was speaking then in behalf of the aforementioned bill, S. 373.

Recently, Dr. Robert M. White, head of NOAA, was quoted in the press as saying that the Federal regulation of weather modification is becoming a must. Dr. White said he could not predict what form such control would take but added that it was clearly in the cards and cited the need for a central agency. Certainly in my remarks I have tried to show why there is a need to centralize, but I do not think that NOAA or the Department of Commerce is that agency any more than I think the Bureau of Reclamation is. Nor do I feel that we can permit a situation to continue which all too frequently finds the commercial cloud seeder competing not with other firms but against Government agencies where there is no chance for him to prevail.

I hope, Mr. President, that my remarks will be of some aid in stimulating new hearings in the appropriate committees. I have been involved in trying to arouse interest in the benefits of cloud seeding for over 20 years—for nearly 10 of these I have sought with others here to bring about legislation to move the science forward. The hearings we held in 1966 were of great value because they were in depth and extensive—a great deal was learned. They shook some people up and got them moving in spite of the fact that this did not lead to the passage of legislation. I'm not recommending more hearings simply to add to the record, but in view of the drought situation—which unfortunately may be of long duration—in view of the fact that history suggests we will have another one before another 20 years pass—and in view of the technology which is presently available—I think that new hearings could at least generate a plan of operations.

There is no real plan now, as I said before. There are people trying to create one due to political pressure. I think the NOAA seeding operation in Florida earlier this year was a plan that for experimentation's sake may have been fine, but for ending a drought, it was too late and too little. I wish I could be more optimistic about the modest undertakings which have occurred in the Southwest, but again they are certainly too little and unquestionably too late. We must have new hearings to bring out the kind of information that would make it possible to set up a standardized plan of operation—a plan which could be set in motion to apply to any drought-affected area of the country. When a house catches fire, we don't stand around arguing about who is going to put it out. When drought strikes, we should be able to call on cloud seeding experts immediately, not after a drought has taken a firm hold, and for the future, we must be able to predict these droughts and prevent them by advance operations.

Mr. President, such a plan of operations can be formulated and, in my opinion, just as soon as possible.

I ask unanimous consent that the testimony of Mr. Power to which I referred in my remarks, a U.S. News and World Report article on the cloud seeding in Iran, and several articles on weather modification from recent issues of the Farmer-Stockman be included at this point in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Senate Commerce Hearing on Weather Modification Bills S. 373 and S. 2058

Held at 10:00 a.m. Friday, June 14, 1968, in Denver, Colo., the Honorable Howard W. Cannon, presiding.

Witness: Mr. Bernard A. Power.

Senator Cannon. The next witness is Bernard A. Power, Weather Engineering Corporation of America, President. We are happy to have you here, Mr. Power. You may proceed

Mr. Bernard A. Power (President, Weather Engineering Corp. of America). Thank you, Mr. Chairman. I have already submitted a prepared statement, and with your permission perhaps I could just give a quick ad lib summary of what is contained in it.

Senator Cannon. Very well. Your statement will be made a part of the record and you may summarize from it if you wish.

Mr. Power. My name is Bernard A. Power. I am a meteorologist. I am president of Weather Engineering Corporation of America. We are a commercial cloud-seeding company and have been engaged in seeding for water production principally for the past 14 years. The principal fields have been for increased reservoir supply, for hydroelectric power production and for forest fire prevention.

We have already at the previous Senate Hearings in 1966 and 1967 given evidence on the conventional seeding techniques that we have carried out over the past 14 years and the results achieved.

Just briefly I might say that they agree in general with the results found by the National Academy of Science's committee in their report published in January, 1966; namely, increases ranging from 20 percent up to slightly over 33 percent from continuous ground-based operations and continuous generator-type airborne seeding type operations.

What I would like to talk about this morning is not conventional seeding techniques with continuous burner type operations, but a new seeding device which has been produced by a research and development program that we have carried out since 1959.

In 1959 we were interested in developing a very high-yield type of cloud-seeding device for possible hail suppression operations. Hail suppression theory indicates that the chances for success are greater if the whole supercooled portion of the cloud can be converted to ice. Consequently, this pointed out the need for a very high output seeding device. So we began experimenting with an explosive technique for generating or vaporizing large quantities of silver iodide. As a result of this, there has been produced a product which we have called WEATHERCORD (R). It incorporates the silver iodide in a rope-like cord. The silver iodide is mixed with the detonating chemical and then sealed into the rope. The detonating velocity of the explosive is extremely high. Some 25,000 feet of cord can be detonated in one second. Consequently, with a typical loading of one gram of silver iodide per foot of WEATHERCORD, 25,000 grams of silver iodide in a single strand can be detonated in one second, either at a single point in space or over a linear or other geometrical path. Now, this technical capability in generating silver iodide is enormously greater in output than any of the conventional seeding generators that have been developed. A typical conventional ground-based seeding generator will vaporize between a few grams up to about 100 or 200 grams of silver iodide per hour. As I've mentioned, we can detonate, if required, as much as 25,000 grams in a single second.

Senator Cannon. What is the largest size that you have detonated so far?

Mr. Power. 500 feet at the present time. In operations we have actually found it convenient to use 25 feet of cord in a single package. This would be 25 grams of silver iodide. The detonation takes place at about a thousandth of a second. One of these is usually found sufficient to accomplish the release of precipitation from a single cumulus cloud. It can be dropped either from an aircraft to detonate within the cloud at any given level or it can be detonated on the ground from a ground-firing battery, and the silver iodide is then carried up in the normal method of seeding from the ground.

Well, this WEATHERCORD device was sent for testing in 1964 to the National Center for Atmospheric Research here in Colorado. Laboratory tests confirmed the nuclei output found in our development work. Field tests and firings were made by NCAR on Old Faithful geyser in Yellowstone National Park during the winter months and on natural nonraining winter cumulus clouds over the Sierra Neveda Range in Central California.

The results of these NCAR tests have been described in a scientific report "The Laboratory and Field Evaluation of WEATHERCORD, a High-output Cloud Seeding Device" by Goyer, Grant, and Henderson, Journal of Applied Meterology, April, 1966. The NCAR tests on the supercooled clouds in California pointed up a rather new and rather remarkable effect; namely, the rapid growth of the cloud top following the detonation of the silver iodide in the WEATHERCORD package. Rapid glaciation and precipitation within 20 to 30 minutes occurred.

Now, the same type clouds have been seeded by standard conventional seeding methods from aircraft with burners for many years, and no observable effects were found to occur from this type of small cumulus cloud of limited development. So that we had here a rather remarkable effect, and it seems to promise to us the possibility for the first time of a device which would actually make rain from a cloud by seeding rather than increasing rain as heretofore has been the case.

So we continued with tests on a re-designed package with the aim of developing a fail-safe ejection and firing method which would achieve the approval of the aviation authorities for operational use.

This was done in tests that were run out of Harmon Air Force Base in Newfoundland in the fall of 1966. Well, last summer, in July, 1967, we put this new designed WEATHERCORD package into operational use for the first time. In July there was a period of severe drought through the Newfoundland area. It's a wilderness area, mostly spruce forest with a rather limited soil retention of moisture and it dries out very quickly. They had a drought. The forests were dry. And a dry cold front came through the area with lightning, dry lightning, and some 90-odd fires were set off in a very long arc of about 400 miles. This was a very difficult area to operate in for forest fire prevention, and we were called in to seed with this new technique.

In five days of seeding the same effects occurred as were found in the NCAR tests in California. There was rapid growth of the cloud tops that were seeded. We could detect immediately increased internal turbulence in the clouds at the drop point and heavy precipitation usually resulted within 20 to 30 minutes. All fires were under control over this large area within five days and the whole area was thoroughly soaked within 10 days although the general drought pattern continued elsewhere. This was the general weather pattern. Everyone, all operating personnel, were then removed from the area. The fire danger was over.

But on a second occasion some ten days later, another dry front set another large number of fires, 25 more major fires in the same area. On this occasion we were the only personnel who were called back in just for cloud seeding, the aircraft with the crew. And on this occasion three days of seeding had extinguished all of these major fires and then the area was again generally soaked.

To retrace a moment, this WEATHERCORD technique was first exhibited in Washington at the International Water for Peace Conference last May. And as a result of that, subsequent to this meeting, a contract was negotiated in August of last year with the Government of Iran for a major three-year cloud seeding project using WEATHERCORD on three major watersheds in the Elburz Mountains in northern Iran just north of the capital city. These watersheds furnish water for hydroelectric power production, storage for irrigation and municipal water supply to the capital city. A six-year general drought had persisted in that area and the reservoirs were low. The WEATHERCORD seeding began in November, late November, and were completed on April 30th of 1968. This ended the first phase of the three-year contract which had been resumed in November of this year. At the close of the operations, although the precipitation, based on the preliminary analysis that we have made to date, was still below normal in the general surrounding area of northern Iran, all of the three reservoirs were filled or spilling and the desert agriculture closely surrounding this target area is green and flourishing. It is expected that they will have a bumper crop and the municipal water supply is assured and the problem of possible shortages of hydroelectric power have been solved, at least for this season.

Here again, the reaction of these middle eastern weather systems to the WEATHERCORD seeding has been startling-intensification of the cloud systems, increased cloud turbulence following the seeding, and then followed within 20 to 30 minutes by precipitation. We feel at this time that we can say the WEATHERCORD type of seeding is apparently 100 percent effective in the sense that every time that the device is used on supercooled clouds, precipitation results. This, of course, is not the case with conventional seeding. In conventional seeding techniques I think it is generally agreed that you get an increase in precipitation from an already raining cloud but not an initiation of the precipitation.

Senator Cannon. At what altitude were you making your drops in Iran?

Mr. Power. Well, these are determined by the temperature levels that prevailed in the clouds. But in the winter cloud systems there, most of the drops were made between 17 to 22,000 feet, with a time-delay fuse that would allow a 2,500 feet drop of the package into the clouds. So that most of the detonations would take place between 13,000 and 19 or 20,000 feet.

Senator Cannon. Has our own Department of Agriculture indicated any interest in this system?

Mr. Power. No, they haven't, Senator. As a matter of fact, I doubt if they know of the operation, since we have just returned from the first phase.

Senator Cannon. We have here in the bill where the secretary is authorized to carry out a program in such aspects of weather modification that would relate to the control of lightning and hail and the protection of vegetation from the effect of other weather phenomena. That might come within that.

Mr. Power. Well, as I mentioned, we originally had the intention of developing this seeding technique for hail suppression. It has the technical capabilities of doing, I think an outstanding job in completely glaciating the clouds into which it is introduced. But the effects on increasing precipitation have been so startling that we have simply concentrated on that.

Senator Cannon. Do you have any estimate as to the amount of precipitation, let's say, that occurred in these reservoir areas or the runoff that you got in Iran after your seeding started?

Mr. Power. Well, we are working on the evaluation. The data is coming in. I think we can say at this time that it seems to be considerably in excess of the increases that can be obtained with the standard cloud-seeding techniques either from ground or cloud operation or burner operation. We can see the effect visually. There is no difficulty in seeing the effects; that is, a glaciation which takes place almost immediately and then you have the precipitation followed in 15 to 30 minutes. This we can observe. We cannot observe it with the standard cloud seeding techniques. So we know there is a greatly increased effect and we feel that the eventual increases will be considerable in comparison to those established with other techniques.

Senator Cannon. Are you willing to tell us what we are talking about in terms of the cost factor, or is that something that you would rather not disclose as your company business? I'm talking about the Iran operation.

Mr. Power. Well, I could describe what is involved in it. You need a heavy duty, all-weather twin engine aircraft or multi-engine aircraft. It has to operate under extremely severe weather conditions day or night, often without very adequate navigational aids. So you need a powerful aircraft. You need a crew that is operating most of the time on oxygen, or they would need a pressurized aircraft. So the aircraft expenses are much in excess of those that are required with standard conventional seeding. We have a figure which we have used which perhaps would give you some idea of the cost. We feel that the maximum cost for the water with this technique is less than one cent per thousand gallons for the minimum sized project area, and that this cost goes down very rapidly with a large sized area to a fraction of a cent, something in the order of a tenth of a cent for a thousand gallons.

Senator Dominick. Can you put that in terms of acre feet?

Mr. Power. Yes. I think that on a large-scale operation, say, 10,000 square miles or larger, that the cost for an acre foot should be something not more than 30 cents per acre foot.

Senator Cannon. When you complete your evaluation on this Iran study, would you furnish the committee a copy of that?

Mr. Power. Yes, we would be delighted to. I expect that this will be a matter of two to three months from now, but we will be glad to furnish it.

Senator Dominick. I think this is really great information that Dr. Power has given to us and I want to thank him for coming out all the way to Colorado to testify here.

You mentioned the altitude at which drops occurred or where the WEATHERCORD explosion took place as between about 13 to 15,000 feet, if I recall what you said.

Mr. Power. The detonation is at 13 to 19,000 feet.

Senator Dominick. Did you have any estimate of the temperature of the clouds at that level before you dropped?

Mr. Power. We have the temperatures. They haven't been analyzed as yet on an operational basis. We have the temperatures though. I would say that the general weather patterns and the general atmospheric structure, the temperature and cloud structure is not unsimilar to the cloud structure that you would have over the Upper Colorado in the winter season. The two areas are fairly similar. They are at about the same latitude. Iran is about the same latitude as Denver. It's on the eastern edge of about a thousand miles of mountains, high mountain ranges through Turkey, and it's about a thousand miles from a major source of water, the Mediterranean, as opposed to the Pacific here. So there is a fair comparison. The target areas are in high mountain ranges. The average height of the ranges is about 12 to 15,000 feet, with a few peaks higher.

Senator Dominick. Was your project conducted for the purpose of getting snow or water?

Mr. Power. Eventually water. Of course, in the winter the precipitation is initiated as snow. But the eventual aim is water.

Senator Dominick. So your actual result in the Iran mountains then was to develop additional snowfall as opposed to water?

Mr. Power. Snowfall and water rainfall. In March and April the precipitation reaches the ground as rain, although there is heavy snow on the mountain peaks.

I might mention that in regard to the temperatures in detonation, the effect of this on the clouds, we do know, of course, that the temperature of the cloud exercises a very important effect on the result of the seeding. But you can look at the thing either on the basis of an individual seeding of clouds or on the basis of the overall seasonal effect. If you find that your seeding technique is getting you over a whole season a net increase and this exceeds the cost of the operation, you have a net benefit from the operation. Now, if you can sharpen your operations to the point that you can select the clouds that are going to yield the maximum increase and avoid any decreases, if they should occur, then you could increase your efficiency. But I think we have been through this of course with the standard seeding technique over the last 20 years, that standard seeding produces a net increase. Now, that net increase could be increased if you could select your seeding occasions. But it's still a paying proposition and yields an excellent benefit to cost ratio without this selection. I think that is for the future.

Senator **Dominick**. Thank you very much, Mr. Power.

Senator **Cannon**. Do you let that primacord reel out? Do you reel it out back of the airplane so that you get distance?

Mr. **Power**. No. The research test used a method of allowing it to unreel. This was so there would be no possible coagulation in the initial burst. There is a very high concentration of particles and coagulation that would take place in a matter of seconds. But we found that this was not a matter of concern. So we now use a coiled package incorporating 25 feet up to, say, 50 feet of primacord. This is a dummy package. There are 25 feet of cord here. This is a simulated cord simply coiled around, and in the interior is the firing mechanism. This is the firing ring. In here is contained an igniter fuse, delay cord and plastic caps. So when the ring is pulled there is sufficient time that elapses to allow this to clear the aircraft by 2,500 feet.

Senator **Cannon**. That goes out as a package?

Mr. **Power**. Yes, and completely disintegrates.

Senator **Cannon**. Then in going through this, you drop quite a series of these?

Mr. **Power**. Well, we found that in a single cumulus buildup, a single cumulus head, that one or two of these is sufficient in other words, 25 to 50 grams is sufficient. If we are seeding in a layer-type cloud system on instruments, then we would be seeding in a geometrical path with drops being made at different time intervals.

Senator **Cannon**. That's very interesting. Thank you very much.

[From U.S. News & World Report, Sept. 15, 1969]

Where Rain Making Is a Success

Latest technology is helping rain makers take the guesswork out of their business. In a Middle Eastern area similar to much of the U.S. West, enough water has been wrung from clouds to supply a city the size of Phoenix, Ariz. Earlier, there had been six drought years.

Teheran, Iran.—The science of rain making appears to have come of age in this semi-arid country of the Middle East.

In the U.S.—where scientists first proved that rain could be artificially produced—the Government has been experimenting gingerly in an effort to get more water from the sky to ease critical shortages in Western States.

Here in Iran, two years of actual rain making have been completed. The payoff has been handsome.

Precipitation in a target area of 4,375 square miles in Northern Iran was increased by at least 80 per cent in the first year, says Mansur Ruhani, the country's Minister for Water and Power. Initial processing of data for the second year indicates another sizable gain is assured. In both years, three reservoirs in the target area have been filled to overflowing.

AN END TO DROUGHT

Before the rain makers came in the autumn of 1967, growth of Teheran had been slowed and irrigation of 715,000 acres had been hampered by six years of drought. Now there is adequate water for the city and for the irrigated land supplied by the three reservoirs.

"There is no doubt in our minds that it is possible to make rain," Mr. Ruhani recently told a staff member of "U.S. News & World Report."

Increased precipitation in the target area has been verified by a statistical firm in Canada which processed data from Iranian weather stations.

Additional runoff into the three reservoirs is estimated at around 1.5 million acre-feet of water each year—enough, for example, to supply annual needs for the burgeoning Phoenix, Ariz., region. An acre-foot of water is the amount required to cover an acre of land to a depth of one foot.

RIVERS IN THE SKY

Many U.S. Congressmen from Western States—particularly those dependent on the over-worked Colorado River—would like to see rain making used to ease severe water shortages. Says Senator Peter Dominick (Rep.), of Colorado:

"I am convinced that we need to accelerate the shift in emphasis from one of basic research to one of application. The best of these commercial rain makers are people of high competence who have proved what they can do."

A similar view is expressed by Representative Morris K. Udall (Dem.), of Arizona, who says:

"The rain makers appear to be on the verge of some significant breakthroughs. There is still the problem of public resistance. But I think if they concentrate on increasing the snowpack above the 9,000-foot level, where few people live and work, they will be accepted."

More water passes over the Colorado River Basin in clouds each week than the river produces in runoff in a year, which is 13 to 14 million acre-feet.

SEEDING THE CLOUDS

In Iran, the target area for the rain makers is a mountainous region strikingly similar to many parts of the American West.

A tracking station receives photos of cloud formations across the Middle East from the U.S. weather satellites ESSA and Nimbus. When storms suitable for "seeding" approach, the rain makers go aloft to intercept clouds over the target area. The seeding is done with a device known as "Weathercord," developed and patented by Weather Engineering Corporation of America, a company that operates out of Canada and the U.S.

This device incorporates a length of detonating fuse impregnated with a mixture of explosive and silver iodide. It is dropped at altitudes ranging from 17,000 to 22,000 feet and timed to explode and spew a concentration of silver iodide crystals into the heart of moisture-laden clouds.

"Weathercord" was tested in the U.S. by the National Center for Atmospheric Research in 1965. The scientists who made the tests reported that it provided "in unit time and unit volume the highest concentration of nuclei available from any known source." It is these nuclei that make rain or snow fall from clouds that otherwise would not release moisture. The scientists added:

"Although of a preliminary nature the cloud-seeding tests . . . strongly suggest the effectiveness of the large concentrations of freezing nuclei . . . in modifying relatively thin supercooled clouds."

As far as Iranian officials are concerned, "Weathercord" works. They have renewed the rain-making company's contract for a third straight year.

Added water in Iranian reservoirs is costing about 60 cents an acre-foot. That compares with a range of about $3 to $15 an acre-foot for irrigation water in the Western U.S.

[From the Farmer-Stockman, Aug. 1971]

Rain Clouds Can Be Made To Grow!

(By Ferdie J. Deering)

Nearly two years ago the current drouth was forecast in The Farmer-Stockman by our long range weather forecasting service, Dr. Irving P. Krick and associates. They have been providing reliable weather information for our readers for more than 25 years.

So we asked Dr. Krick how long the drouth might be expected to last. His reply caused us to conclude that something ought to be done about the weather. Dr. Krick said:

"In our opinion this drouth started in 1970 and will continue to spread, probably peaking out around 1975. Characteristic signs are readily apparent in areas such as western Oklahoma, West Texas, and southern New Mexico. We anticipate the drouth, as it develops, will spread northward and eastward, working on up into states as far north as Illinois."

Southern California had the driest January, February and March in some 80 years and Florida has been trying to increase rainfall to keep rivers flowing into the Everglades to save birds and animals. The drouth already is extensive and, if it should be prolonged as Dr. Krick's calculations indicate, we face a serious time ahead.

Federal aid, in the form of loans, grants and cut-rate livestock feed, has been made available in many counties in the drouth areas. A recent issue of U.S. News & World Report quoted D. W. Fryrear, director of the USDA soil and water research station at Big Spring, Texas, as saying "the prospects are that we're going to hit some pretty dry periods in perhaps five of the next seven years."

Newsweek magazine quoted John White, Texas agriculture commissioner, as saying "It may be the worst drouth in our history."

Municipal water supplies are being rationed in numerous cities and towns this summer, and many of them face critical shortages. Their lakes and ponds are filled with runoff water from pastures and fields. and in many areas there just hasn't been enough rainfall to produce substantial runoff. One rancher joked: "Out our way, we'd need two inches of rain just to make it run off the black top road!"

The city of Lawton, Okla., which had a successful experience with cloud seeding by Krick's firm in the 1950s and 1960s decided to try again, but with a newly formed company. For various reasons, apparently, the project missed favorable cloud seeding opportunities during the spring rainy season.

An editorial in The Lawton Constitution and Morning Press said: "It should be apparent to all by now that the City Council made a mistake when it hired a local group to conduct weather modification operations in the Lawton area this spring." It went on to say that in view of the "disappointing performance" the council "would do well to cancel this contract and again consider hiring a firm experienced in the art of rain making."

A Southwestern Oklahoma rancher made a deal with a Coloradoan who declared his mission was to help subdue the drouth. The rancher agreed to pay $250 if the efforts produced at least 1.5 inches of rain within 15 days on his ranch. At last reports, he had not had to pay, although the rainmaker was proposing to contract rain for all of Jackson county at 10 cents per acre.

In Florida and also in various parts of Texas, efforts were being carried on to produce rainfall by cloud seeding from airplanes, a method declared inappropriate for economically sound large scale operations by meteorologists more than 20 years ago. Not that silver iodide crystals, the materials principally used as nuclei to produce moisture condensation in convective cumulus clouds, cannot be distributed by plane; they can be. But only under limited condition.

"Seeding operations 24 hours each day are impossible when seeding with aircraft," said Water Resources Development Corp., Pasadena, Calif., in 1950. "When conditions are most favorable for seeding, they are most dangerous for flying." Subsequent experience has shown this to be the case, and use of ground generators properly located to take maximum advantage of seeding opportunities at lower cost are now the more acceptable method.

Nevertheless, on June 23, it was reported that two Air Force C–130 planes had been flying daily cloud-seeding missions since June 6 in an experimental project to stimulate rainfall. Francis X. Tobin, an official of the executive office of the President, said that the government is not claiming that the missions have resulted in additional precipitation but noted that the San Angelo, Texas, reesrvoir which was dry in early April, contained 16,000 acre-feet of water.

Success has been claimed for a federal weather plane in cloud seeding operations in Florida this spring. Meteorologist Joanne Simpson reported that thunderstorms followed cloud-seeding flights over South Florida early in May but the rain failed to break a record drouth or douse a 15,000-acre brush fire west of Miami.

Still she said: "It looks as if we have been very successful. We tried to get the rain to hit that fire near Miami but the clouds just wouldn't co-operate." This project also is called experimental.

An interesting experiment was reported recently by Energy Systems Division of Olin Corp. near St. Louis in southern Illinois. Technicians there had observed a visible plume of smoke from an intentional fire on their premises develop into a cloud with sufficient activity to cause rain and cloud-to-ground lightning.

Subsequent experiments confirmed the observation. In one case condensation occurred at 5,000 feet and the resulting artificial cumulus cloud measured 2600 feet in diameter and 1600 feet thick. Materials involved in this test were magnesium oxide particles, which apparently performed a function similar to that of silver iodide crystals. This does not prove that rain clouds can be formed, but it does demonstrate the effectiveness of certain nucleating materials.

In tests at the University of Denver, some 75 different compounds have been tested as cloudseeding nuclei, and 22 were reported to be effective.

In the 1950's, the City of Oklahoma City contracted with Water Resources Development Corp. to alleviate a critical water reserve shortage. When cloud seeding started March 15, 1955, Canton reservoir held only 1.411 acre feet of water. Three months later impounded storage was figured at 56,200 acre feet. A few days after termination of the contract, when water from the upper part of the drainage basin had reached the reservoir, storage amounted to 119,000 acre feet.

Two other Oklahoma City lakes also were filled prior to the end of the 3-months cloud seeding contract. Cloud seeding was accredited with 25 percent of the total gain, or about 50,000 acre feet, obtained at a cost of about 50 cents per acre foot.

As of Oct. 1971, the Big Bend Water Development Corp., Connell, Wash., will begin its 22nd year of continuously operated weather modification. Acting Secretary Ben F. Klindworth stated that officials feel they have had an average 20 percent increase in rainfall in the 220,000-acre project area.

The basic potential of cloud seeding to increase rainfall has been well known for more than a quarter of a century. In 1951, General Electric scientists were quoted in U.S. News & World Report: "There is no doubt whatever that heavy local rainfall can be brought about by seeding suitable clouds."

The distinction between making clouds and increasing rainfall from available clouds should be noted. In 1950, Dr. Irving P. Krick declared: "No one can make it rain when it isn't going to rain anyway. What the trained meteorological scientist can do is to help nature along by increasing the volume of rainfall available from any favorable cloud formation."

The U.S. weather bureau, now the National Weather Service, has resisted, denied and ridiculed the entire idea for years, and is widely regarded as being largely responsible for delaying application of weather modification knowledge.

In 1961, Congress authorized the Bureau of Reclamation to assume central responsibility for studying weather modification. Since then many millions of dollars have been spent on contract research projects, verifying what had been stated earlier, but to date the Bureau has not announced any plans for immediate use of what it has assembled in its voluminous research reports.

Much of this information has been published in a 531-page report titled "Project Skywater" (REC–ERC–71–2), available from Bureau of Reclamation, Division of Atmospheric Water Resources Management, Denver, Colo. It was briefly reviewed in the July 1971 issue of The Farmer-Stockman.

Earlier, April 10, 1971, to be exact, a news story from Washington quoted James L. Kerr, specialist in the Bureau's Atmospheric Water Resources Management program, as saying "it will be 1990 before rainmakers will be able to perform reliably in any part of the country."

Elsewhere in the same story, it was noted that the Bureau is increasing rainfall on a limited scale in experimental projects in several locations. Meanwhile, the Bureau's expenditures are running about $6.5 million per year to keep the research going.

In a speech delivered at Denver June 15, 1971, before the annual conference of the American Water Works Assn., Dr. Krick challenged the justification for the delay in application of research results. He said:

"It would appear that the lag in government acceptance of weather modification until the later 1960s has not given the various agencies involved sufficient time to carry out the necessary research and development, the training of personnel and other requirements to match the skill and experience available within the private sector of weather modification."

He cited evidence from operating projects where benefits are running as high as 200-to-1 in some agricultural areas. He also noted that benefit-cost ratios of the same order have been attained in municipal water supply, power production and forestry.

Editors of The Farmer-Stockman have examined much, but certainly not all, of the evidence that might be available on this subject. Here are our observations to date:

1. A need exists for continuous weather modification programs;
2. Research indicates the potential value of such a program;
3. To succeed, cloudseeding must be established on a long range basis, probably several years, over a wide area, probably several states;
4. Financing must be arranged for on a long-range basis;
5. Experienced private firms are available to do a good job.

[From the Farmer-Stockman, July, 1971]

Project Skywater—Rainfall Patterns Need To Be Improved

Government weather scientists apparently are becoming convinced that nature's rainfall patterns can be improved.

Out of about 20 billion tons of water that flow daily over the continental United States, borne by prevailing west-to-east winds, only 10 percent is deposited as snow or rain on land areas. That which falls is unevenly distributed.

Man's efforts to do something about rainfall may be traced to prehistoric times. Success in them is not so readily identified. Within the past 25 years scientific procedures such as cloud seeding to produce more moisture from available clouds has been gaining in public credence.

For that reason an extensive program of research has been set up under the title "Project Skywater." In 1961 Congress authorized the Bureau of Reclamation, U. S. Dept. of Interior, to explore the potential of weather modification. This is being done under direction and co-ordination of the Bureau's Division of Atmospheric Water Resources Management, Denver, Colo., with studies contracted in more than a dozen states by various institutions.

Stated objectives of the work are to identify, explore, and establish the process by which clouds form and produce precipitation, and how these phenomena might be beneficially influenced by man.

The Bureau has recently published a compilation of research reports on these projects. Work done in laboratories, using scale models and computers, as well as field work, appear to substantiate in large measure previously advanced ideas regarding cloud seeding. Subsequent statements in this article are from these reports.

Meteorology Research Inc., one of the contractors, said that "summertime cumulus modification is on the threshold of a major breakthrough" toward operational weather modification. However, it was assumed that it would be profitable to seed isolated cumuli in the southwestern United States "only under certain environmental conditions."

One aim of cloud seeding is to increase the size of clouds so they will produce more rain. To be effective in "stimulating the dynamics" of isolated clouds, it was pointed out that the seeding must be done early enough in the cloud's lifetime to insure that the nucleation occurs during the growing period.

Studies show that seeded clouds grow larger in horizontal as well as vertical dimension, have a longer rain period, and have a higher rainfall than do the non-seeded cumuli. Studies were concerned with developments in both warm and cold cloud formations.

Texas A&M University made some 1,000 aircraft penetrations of warm clouds to evaluate their potential for precipitation. Most of the clouds studied were 6,000 to 10,000 feet in vertical dimensions with bases at about 4,000 feet above sea level. These clouds invariably were found to yield at least light rain by the time they have reached this size. Failure of many of them to grow larger was thought to be due to the dissipating effects of the rain.

Values of the maximum and average water contents for a cloud unit varied greatly. Water content tends to change with height, increasing up to levels about 9,000 feet above base, with a suggestion of a rather radical decrease above that. Relative water contents of the warm cumulus clouds in Texas tended to be larger than those of subtropical oceanic clouds and of hurricane clouds.

The Texas A&M report observes that although a cloud is not likely to continue growing after it reaches 10,000 to 13,000 feet, extracting available water might not be the only possibility. "This 'milking' logic assumes that nothing can be done to enhance the release of energy to make the cloud grow into something more productive," it says.

In the direct water extraction process, one would want to use very large nuclei which would form drops large enough to fall quickly without much added growth. In the energy-release method this would not be wanted because premature rainfall would stop the cloud's growth.

"Before seeding a cloud one must know what its intentions are," the Texas report notes. A cloud that is destined to break away into a big one under its own energy drive would not be suitable for seeding. A seedable cloud would be one that would be stunted in its growth if left alone.

The Northern Great Plains project began in 1969 in Western North Dakota. Aircraft equipped with silver iodide generators were used to seed suitable cold clouds either at cloud base or at cloud level. For comparison, no seeding was done on one-fourth of the days when clouds considered suitable for seeding were present.

Physical factors that comprise a cloud's ability to produce moisture were long ago established as including temperature, moisture content, air flow, presence of naturally occurring freezing and condensation nuclei, among others.

Like a chemical catalyst, says the Northern Plains report, ice nuclei have the ability to trigger dramatic changes within a cloud—a conversion of water vapor to water droplets to ice crystals, with an accompanying release of heat. Without a sufficient number of ice nuclei, clouds even with great volumes of water may glower and threaten endlessly but still decline to send their moisture earthward.

Tools and techniques to accurately measure ice nuclei in the atmosphere are being developed. As storms are constantly in motion the ability to "target" rain or snow from a seeded storm to a particular area poses a major challenge.

Phases of this problem are being studied in several places. New Mexico State University undertook to measure diffusion processes of artificial nucleants into selected storm systems. It noted that actual dimensions of the nuclei plume are difficult to predict and that target and control areas cannot be precisely delineated.

At South Dakota School of Mines & Technology a study was set up to define effects of seeding over several thousand square miles. Illinois State Water Survey has tried to provide quantitative estimates of the effects of cloud seeding on crop production.

State of Washington set up a program to determine the mechanisms by which precipitation develops in water storms over the Cascade mountains, and to investigate the feasibility of increasing and redistributing snowfall in this area by seeding clouds.

Earlier work there indicated that material dispersed from ground-based generators was likely to be confined to the valleys rather than to be carried up into the clouds.

In California, Aerometric Research produced evidence that increases in precipitation from seeded convective bands was occurring in areas well removed from the seeding source. A dynamic response to seeding within the convective band itself was thought to be the reason for a downwind increase in precipitation, but the reason for a skip in rainfall between the primary seeding effect and the downwind area was described as "obscure."

Colorado State University used scaled topographic models and laboratory techniques to study the transport and dispersion of cloud seeding material over mountainous terrain. The potential for increase of winter precipitation is estimated at 30% in the Colorado River Basin Pilot Project area. Randomized operations on a 60% seed, 40% no-seed basis would yield an 18% increase in winter precipitation.

Techniques for seeding clouds are being tested at a number of locations, including acetone generators, pyrotechnic devices, fuses, and vertical-fall pyrotechnics. Although silver iodide crystals are the kind most commonly used, the University of Denver tested a total of 75 compounds as nuclei and 22 were found to be effective. The University of Nevada is searching for a fluorescent dye which can be traced but which would not reduce effectiveness of the nuclei.

This could be important for several reasons. One is the possibility that clouds may be inadvertently seeded by air pollution. In Utah State University studies, the geographic location of industries, population centers and traffic concentrations in the Salt Lake Valley suggested that a significant number of ice-forming nuclei are coming from these sources.

It was noted that existence of sufficient background nuclei over the Salt Lake Valley could affect the results of deliberate cloud seeding activities. Overseeding is a possibility.

In Florida, possible effects of nuclei from fires that burned some 52,000 acres of vegetation during the 1967 drouth were studied in an Environmental Science Services Administration project. It was shown that the rain fallout from the large cumuli was reduced slightly and rainfall from smaller clouds could be significanty reduced if they formed in the vicinity of the fires.

This same project revealed other problem areas that might arise in connection with cloud seeding programs. A series of cloud seeding experiments was reduced to a single effort in 1970 for two reasons. First, heavy rains and flooding in March damaged crops severely just before the April tests were scheduled. Then in April the tomato harvest was under way and growers did not want rain. A delicate public relations situation developed, with political undertones, and further cloud seeding was postponed.

Closely associated with this type of development is the question of who should decide when to seed clouds and how should responsibility be established in the event of damage or loss. A study of legal aspects of cloud seeding was set up at Harvard University.

One of the obstacles Harvard encountered was to find a way to prove "causation" in weather modification for the purpose of equitably compensating parties who may suffer losses.

The Harvard report cited several suggestions for creation of a federal regulatory commission to pre-empt the entire field of weather modification, perhaps set up along lines of the Atomic Energy Commission. Disagreement exists over which agency or agencies should have jurisdiction, in the event federal legislation is passed covering weather modification.

A major legal obstacle to holding states liable is the doctrine of sovereign immunity. The eleventh amendment would bar a suit by a private individual against a state in the federal courts, and it might not be possible to force a state to entertain lawsuits against itself in its own courts.

Obviously, human nature and varying requirements or preferences will add to the scientific problem of weather modification. Even though farmers may agree that more rain is needed, they may have a hard time concurring on a date if one has hay on the ground to be baled, another is preparing to plant, a third has crops that need watering, and a nearby rancher has stock tanks that need to be filled.

While weather modification may be regarded largely as a rural activity, it must be noted that water for lakes and reservoirs that serve cities and towns comes mainly from the countryside. Thus the potentialities for improved precipitation through cloud seeding should be of general interest to the entire population.

Editors of The Farmer-Stockman are convinced that we can do much more about alleviating our weather problems that we have done in the past. We will continue to provide our readers with a reliable long range weather forecast from a well-informed source that has had long experience in the business. We also will bring you available information about weather modification.

This could be the year we ought to do something about the weather besides complain!

[From the Farmer-Stockman, July, 1971]

Our Editorial Policy—More Rain When Needed

(By Ferdie J. Deering)

It is now more than 25 years since Dr. Irving P. Krick returned from military duty and set up in business with the weather.

On assignment with the U. S. Military forces based in England, Dr. Krick had been successful in forecasting clearing weather needed for pinpoint bombing after Allied troops landed on the coast of France.

Back in the United States, Dr. Krick had undertaken to provide weather forecasting services needed by gas companies in regard to advance preparations for peak fuel loads, by bathing suit manufacturers who wanted to know when the weather would turn warm, and for other types of businesses.

Editors of The Farmer-Stockman had been trying to get the U.S. weather bureau to provide a long range forecast for farmers, but the best we could get was a report on what the weather had been in the same month a year earlier. In this country that isn't a whole lot of help. So we turned to Dr. Krick and he agreed to provide The Farmer-Stockman with a long-range forecast, first to be published regularly in any farm magazine. He's still providing the service.

About the same time, Dr. Krick advanced the idea of seeding rain clouds to extract more moisture from them. Other scientists had established that only a fraction of the moisture that crosses the country falls as snow or rain. They had also learned that this could be increased if suitable nuclei were provided for collecting moisture. Dr. Krick assembled the information, added some research of his own, and took the whole idea to the field.

Results of these efforts were some successes, other instances where hoped-for results did not materialize, and a considerable amount of controversy, largely generated by government bureaucrats. They weren't providing long range forecasts and they didn't believe in cloudseeding, but they didn't want anybody else fooling around with the weather, which they seemed to regard as their own "private public property."

After several years of profitless efforts to establish cloud seeding as a means of increasing available moisture, Dr. Krick was compelled to take his work into foreign countries to keep it going. The relentless attacks from Washington undermined public confidence in the theory, regardless of results.

The bureaucrats then turned their attention to each other, disputing which bureau should operate the weather and related services. Finally, the Bureau of Reclamation got its bid in effectively and in 1961 Congress designated it as the agency to explore the potential of weather modification.

In reviewing statements published in 1950 and 1951 by Dr. Krick, we find that a large percentage of the research merely verifies his claims. None of it contradicts his pioneering procedures, as far as we could determine. The major difference seems to be that Dr. Krick has tried his theories in the field, testing many different cloud formations and seeded entire storm systems, while much of the Bureau of Reclamation research has been done in laboratories and has yet to be fully field tested. One of Dr. Krick's projects in New Mexico has been in operation for 21 years and was green this spring when most of the surrounding country was still very dry.

[From the Wichita Eagle, Wednesday, Aug. 4, 1971]

Moisture Wanted—Rainmaker Gets Job Uncle Sam Tried For

Oklahoma City. — Gov. David Hall's Weather Modification Study Committee has recommended a California rainmaker over a federal water reclamation bureau to bring relief to drought-stricken southwestern counties.

The committee Monday recommended that Irving P. Krick's Water Resources Development Corp. of Palm Springs, Calif., be hired to seed a 10,000-square mile area of the state for a year beginning this month. The recommendation came after presentations by Krick and by Clement J. Todd, assistant chief of the federal Bureau of Reclamation's atmospheric water resources management division.

Todd, who flew to Oklahoma City from his Denver headquarters for the session with the 14-member committee, said the government proposed a 1-month experimental rainmaking program for the entire state.

Committee members were critical of the federal plan's cost, which was limited, Todd said, to $210,000 for the one-month program. Most of the money, he said, would go for hiring airplanes for seeding the clouds.

Krick said he would guarantee to increase rainfall in the area 20 to 30 percent over usual amounts by employing silver iodide generators. The generators, he said, would produce 500 billion silver iodide crystals per minute which would be borne upward on the natural updraft into likely-looking clouds.

Krick was hired by Oklahoma City in 1953 to raise runoff into lakes. Later, he was declared not responsible for $70,900 in damages for which he was sued by three El Reno residents who blamed him for a 6.45-inch deluge which struck there in November 1953.

[From the Daily Oklahoman, Aug 3, 1971]

SOONER RAIN PANEL FAVORS HIRING OF KRICK—FEDERAL PROJECT DRAWS CRITICISM FROM COMMITTEE

(By James Johnson)

Gov. Hall's Weather Modification Study Committee Monday recommended that California rainmaker Irving P. Krick be hired for a year to make rain in a dozen drought-stricken western counties.

The move followed presentations by Krick and Clement J. Todd, assistant chief of the federal Bureau of Reclamation's atmospheric water resources management division.

Todd, who flew to Oklahoma City from his Denver headquarters for the session with the 14-member study committee, said the government proposed a one-month experimental rainmaking program for the entire state.

Committee members were critical of the federal plan's cost, which was limited, Todd said, to $210,000 for the one-month study.

The committee's recommendation to Hall was that Krick's Water Resources Development Corp., of Palm Springs, Calif., be hired to seed a 10,000-square-mile area of the state for a year beginning this month.

Krick said he would employ silver iodide generators located in numerous positions on the ground around the target counties.

The generators, he said, would produce 500 billion silver iodide crystals per minute which would be borne upward on the natural updraft into likely-looking clouds.

The idea, he said, was to make the clouds more efficient.

Krick said he would guarantee to increase rainfall in the area 20 to 30 percent over what it would have been otherwise.

Asked whether the broadcast submicroscopic silver iodide crystals could cause air or water pollution, Krick snorted, "Nonsense. You don't put out enough to equal a cigarette."

Todd warned that the federal atmospheric water resources management division considers Krick's system too broad in scope.

"We are very concerned about ground seeding of convective clouds," he said. "We think you will hit the ones you should and the ones you shouldn't."

Todd said the government's proposed 1-month study program would have employed airplanes for seeding specific clouds with fertilizer.

He said Oklahoma would have presented a good situation in which to study for the first time the hydroscopic cloud seeding program over a large area.

After the meeting, he said the government would not continue with the experiment if Oklahomans do not show a desire for the program.

Under the federal program, a C97 transport fitted with spray nozzles would have been leased from a California firm for the work, Todd said.

Light planes and radar would target the clouds to be seeded and then the C97 would have dumped liquid ammonium nitrate and urea into them.

The federal plan was scored as overly grandiose when Todd told of a separate light airplane bearing special equipment which would have flown through the rainstorm "acting as a flying rain gauge."

One committee member retorted, "We will measure the rain if somebody will produce it."

Todd said the plan would have been funded by the federal Office of Emergency Preparedness in response to a request by Gov. Hall for federal aid.

He said his Denver headquarters had told the OEP that a 2-month program would have been better.

Krick made no secret of his feud with federal rainmaking officials which he said dated back 20 years.

He said his once-extensive operation was curtailed after "the U.S. Weather Bureau put out a lot of divisive propaganda."

He said he didn't think much of the way the federal government makes rain, either.

"We have a superior method to chasing clouds," he said.

"We don't chase clouds and hope that they will produce rain somewhere where someone wants it."

Krick said we are entering a dry era which will culminate in 1975.

For the next 9 months, he said, Oklahoma will experience normal rainfall in September, dry weather from October through March and more moist weather in April and May.

[From the Daily Oklahoman, Aug. 4, 1971]

TEXAS LOOKING AT RAINMAKING

(By James Johnson)

DALLAS.—Texas agricultural leaders Tuesday indicated they will seriously study joining Oklahoma in a rainmaking program to break the drought.

In an informal session, representatives of many Texas agricultural interests and state officials heard Ferdie J. Deering, chairman of the Oklahoma Weather Modification Study Committee, tell of his committee's recommendation for Oklahoma to hire California rainmaker Irving P. Krick to seed clouds in the State's drought-ridden southwestern corner.

Afterward, John White, Texas agriculture commissioner, told other participants, "I'll be calling some of you tomorrow."

The group also took tentative steps toward organization similar to the Oklahoma committee. Don C. King, Fort Worth, secretary-general manager of the Texas and Southwestern Cattle Raisers Association, said he would urge White to name a formal committee which would select the area of Texas which would participate in the drought-breaking attempt if Texas decides to commit itself to a joint venture with Oklahoma.

Deering said Texas participation could be the beginning of a major wet-down program covering 300,000 to 500,000 square miles of the dry southwestern states. Such a program would include half of Oklahoma, he said, rather than the present 12 counties.

The group heard Krick, of Palm Springs, Calif., president of the Water Resources Development Corporation, explain that dry regions tend to spread and enlarge. However, he said that once an area is wet, the moisture which evaporates produces more local rain if clouds can be forced to precipitate. This is the rainmaker's job.

The sticking point for many was money. "We are interested in anything that will bring water," declared Charles Bragg of Stanford, executive vice president of the Rolling Plains Cotton Growers. "Our people would be interested in a large scale project." Bragg added that he thought such a project would require tax money.

"This looks like an opportune time to discuss such a project on an area basis," said J. T. Woodson, Waco, president of the Texas Farm Bureau.

Albert Harp, Lubbock, executive director of the Grain Sorghum Producers Association, received reassurance from Krick that rainmaking in one area would not deprive its neighbors of their share of rainfall.

Without committing the Texas state government, John T. Carr, assistant to the executive director of the Texas Water Development Board, summed up the state's philosophy this way: "We are in weather modification and there is no doubt about it."

McGOVERN'S CRIPPLED PLANE AND A MINOR MIRACLE

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. ABOUREZK. Mr. Speaker. I am pleased to be able to share with my colleagues the following article which was published in the early 1960's regarding the fine war record of Senator GEORGE McGOVERN. It follows:

McGOVERN'S CRIPPLED PLANE AND A MINOR MIRACLE

(By Fletcher Knebel)

NOTE.—Top men of the Kennedy administration represent the full political flowering of the World War II veteran's generation. Almost all of the Kennedy officials fought against the Axis in 1942–45. Many had fine war records. Some looked at death more than once. These are the stories of what they did.

GEORGE S. M'GOVERN, ADMINISTRATOR OF THE FOOD-FOR-PEACE PROGRAM

It was cold and it was five days before Christmas, 1944. A formation of double-tailed B–24 Liberator bombers, more than 400 strong, flew from Italy toward Pilsen in German-occupied Czechoslovakia.

Mission: Bomb and destroy the Skoda ammunition works.

Twenty-eight bombers of the 455th group, 15th air force, clung tight together as they rode at 25,000 feet. Sunlight streaked their wings as they flew above the undercast and the dirty weather below.

Piloting the "Dakota Queen" was 1st Lt. George S. McGovern of Mitchell, S.D., 22 years old, six feet and 170 pounds. He was a serious but easy-spoken lad and he chatted with his co-pilot, 2nd Lt. Ralph C. (Bill) Rounds, another 22-year-old fresh from the University of Wichita in Kansas.

Occasionally he twitted Rounds, for the co-pilot had taken to reading the New Testament in flight "to keep his mind off the mission," a practice McGovern himself followed at times when the plane droned on under automatic pilot.

TROUBLE

About one hour short of the target on the long haul to Pilsen, the No. 2 inboard engine stopped dead. McGovern feathered the prop and increased power on the other three engines to maintain his place in formation.

"Any time you lost an engine up there," recalled Rounds years later, "there was no trouble back at base if you dropped out and returned. A lot of guys did it. But George decided to go ahead.

"'So we're minus an engine,' he said. 'Let's go.' And I agreed."

The formation sighted the Skoda works and began the bomb run, racing through a hail of flak. Several small pieces of shrapnel picked at the skin of McGovern's plane. Then, 30 seconds shy of the drop point, the No. 3 inboard engine cut out.

The big motor lost oil pressure so rapidly that McGovern was unable to feather the propeller. It became an ugly runaway windmill, creating enormous drag and reducing the effective power of the big bomber bird to about one and a half engines.

ABOUT 600 MILES

McGovern's bombardier dropped the plane's stick of bombs on schedule, then the plane turned for home. It was more than 600 miles to the 455th's base south of Foggia in Italy and now McGovern and his crew of nine men were alone and unprotected.

The formation sped away as the cripple began limping home, mushing down about 100 feet every minute.

Sam Adams of Milwaukee, the navigator, urged that they should cut slightly east over Yugoslavia since the aerial chart showed fewer flak stations there. McGovern flew over Yugoslavia, heading toward the Adriatic Sea.

Down, down, down went the plane as the minutes dragged by.

When the plane came out over the Adriatic, it was down to 6,000 feet and now there began a frantic rush to lighten the plane. Overboard went nine heavy flak suits, long belts of machine gun ammunition. Waist hatch guns, oxygen tanks, chart table, anything that could be yanked up and jettisoned was hurled through the hatches.

At this low altitude the late afternoon sky was dreary. A fine drizzle fell from the overcast and the sun was only a memory. But one bit of fortune, if it could be called that, had come the way of the limping plane.

No German fighter had tailed the cripple. It was that time of war when the Luftwaffe, short of planes, was desperately defending the German heartland.

Suddenly flames shot from the No. 3 engine with its windmilling prop. As though from a dream, a paragraph from an army air forces "tech order" on the B-24 swam through McGovern's mind: When an engine catches fire, it takes an average of five minutes to eat through the firewall and explode the gasoline wing tank.

And then a minor miracle.

Dead ahead appeared the isle of Vis. If you look at a map of central Europe, you will see Vis as a dot off the coast of Yugoslavia. To McGovern and his crew, it appeared that minute as big as Sicily, for they had been briefed time and again about a British fighter air-strip on the island, a dirt runway that was used for Spitfires.

"COMING IN"

Rounds raised the Vis tower by radio and announced that a B-24, with one engine afire and another dead, was coming in for an emergency landing. McGovern made a steep diving turn toward the 2,400-foot strip, a half mile shorter than any he had ever tried to land a four-engine plane on.

As the Dakota Queen staggered down in flames toward the runway, the crew could see the results of other attempted bomber landings. On a hill that rose steeply from the end of the air strip were the charred skeletons of big American warplanes that hadn't made it.

"We've only got one try," thought every member of the crew. "We can't go around on this one."

McGovern set the wheels down at the very end of the runway, using every inch of flaps. Then he slammed on the brakes. The tires screeched and smoked with the effort, but—another little miracle—the flames in No. 3 engine went out with the suddenly reduced flow of air.

With both McGovern and Rounds on the yoke, the big plane lurched to a halt only a few feet from the end of the cleared dirt. Dead ahead were rocks and the start of a sharp incline. A British foam truck was already spraying the smoldering engine.

KISS GROUND

Like schoolboys at recess, the ten men poured out of the bomb bay of the Dakota Queen and rushed off the runway. Half of them threw themselves on the ground and kissed it, while McGovern and Rounds hugged each other. Several hours later a two-engine transport from Italy came to pick them up and the men laughed and sang in their bucket seats all the way back to Foggia.

For his handling of the distressed plane, the man who had left Dakota Wesleyan University in his junior year to fly for the army air forces got the Distinguished Flying Cross, but like many airmen, there were other missions he would never forget.

On his seventh bombing flight out of Italy, this one hitting an oil refinery near Vienna, Austria, he lost a right tire on takeoff and had to jerk the big bomber off the ground.

The tower gave him the option of returning, but he pressed ahead on the 10-hour mission, bombed the target and returned to land the plane safety on one tire and one battered rim.

FLAK, FLAK, FLAK

On his 35th mission in early May, 1945, McGovern flew with a formation which bombed the railroad yards at Linz, Austria. The Germans had pulled into the Austrian pocket, squeezed by the Americans from the west and and the Russians from the east. They lugged all their anti aircraft guns with them and the American flight that day had to dance across what looked like a fiery pavement of flak.

McGovern's plane was pierced by chunks of shrapnel which tore gashes in the wings and fuselage, slit the leg of a crewman, Tex Ashlock, and burst through the windshield between McGovern and Rounds to slam against the steel overhang behind them. The A.A. fire knocked out the plane's hydraulic system, but did not hit an engine.

McGovern and Rounds brought the plane back to base near Foggia after cranking down the landing gear manually and getting some flap by manual operation.

The crew had tied parachutes to stanchions beside the waist hatch and tossed out one chute on either side to brake the plane as it roared down the runway with nothing else to slow its speed. The plane went over the end and wound up in a ditch with the B-24's double tail sticking up ingloriously to the sky. One man cracked an ankle in the jolting stop, but there were no other injuries.

It was McGovern's last mission. Five days later Germany surrendered and the war in Europe was over.

CIVIL LIBERTIES REPRESSION: FACT OR FICTION?

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. SCOTT. Mr. Speaker, I strongly recommend the following article to my colleagues by one of Virginia's best known and highly respected lawyers, Lewis F. Powell, Jr., of Richmond. Mr. Lewis is a former president of the American Bar Association, a former chairman of our State Board of Education, and a member of the panel named by the President to study the Department of Defense.

The article appeared in the Richmond Times Dispatch and is a timely and scholarly discussion of civil liberties in our day. I commend it to you:

CIVIL LIBERTIES REPRESSION: FACT OR FICTION

(By Lewis F. Powell, Jr.)

At a time when slogans often substitute for rational thought, it is fashionable to charge that "repression" of civil liberties is widespread. This charge—directed primarily against law enforcement—is standard leftist propaganda. It is also made and widely believed on the campus, in the arts and theater, in the pulpit, and among some of the media. Many persons genuinely concerned about civil liberties thus join in promoting or accepting the propaganda of the radical left.

A recent syndicated article by AP writer Bernard Gavzer, cited several such persons. According to Prof. Charles Reich of Yale, America "is at the brink of . . . a police state" Prof. Allan Derswhowitz of Harvard decries the "contraction of our civil liberties."

The charge of repression is not a rifle shot at occasional aberrations. Rather, it is a sweeping shotgun blast at "the system," which is condemned as systematically repressive of those accused of crime, of minorities and of the right to dissent.

Examples ritualistically cited are the "plot" against Black Panthers, the indictment of the Berrigans, the forthcoming trial of Angela Davis and the mass arrests during the Washington Mayday riots.

The purpose of this article is to examine, necessarily in general terms, the basis for the charge of repression. Is it fact or fiction?

There are, of course some instances of repressive action. Officials are sometimes overzealous; police do employ unlawful means or excess force; and injustices do occur even in the courts. Such miscarriages occur in every society. The real test is whether these are episodic departures from the norm, or whether they are as charged part of a system of countenanced repression.

The evidence is clear that the charge is a false one. America is not a repressive society. The Bill of Rights is widely revered and zealously safeguarded by the courts. There is in turn no significant threat to individual freedom in this country by law enforcement.

Solicitor General Griswold, former dean of the Harvard Law School and member of the Civil Rights Commission, recently addressed this issue in a talk at the University of Virginia. He stated that there is greater freedom and less repression in America than in any other country.

So much for the general framework of the debate about alleged repression. What are the specific charges?

The attack has focused on wiretapping. There seems almost to be a conspiracy to confuse the public. The impression studiously cultivated is of massive eavesdropping and snooping by the FBI and law enforcement agencies. The right of privacy, cherished by all, is said to be widely threatened.

Some politicians have joined in the chorus of unsubstantiated charges. Little effort is made to delineate the purposes or the actual extent of electronic surveillance.

The facts, in summary, are as follows: The Department of Justice employs wiretapping in two types of situations: (i) against criminal conduct such as murder, kidnapping, extortion, and narcotics offenses; and (ii) in national security cases.

Wiretapping against crime was expressly authorized by Congress in 1968. But the rights of suspects are carefully safeguarded. There must be a prior court order, issued only upon a showing of probable cause. The place and duration are strictly controlled. Ultimate disclosure of the taps is required. There are heavy penalties for unauthorized surveillance. Any official or FBI agent who employes a wiretap without a court order in a criminal case is subject to imprisonment and fine.

During 1969 and 1970, such federal wiretaps were employed in only 309 cases. More than 900 arrests resulted, with some 500 persons being indicted—including several top leaders of organized crime.

The government also employs wiretaps in counter-intelligence activities involving national defense and internal security. The 1968 Act left this delicate area to the inherent power of the president.

Civil libertarians oppose the use of wiretapping in all cases, including its use against organized crime and foreign espionage. Since the 1968 Act, however, the attack has focused on its use in internal security cases and some courts have distinguished these from foreign threats. The issue will be before the Supreme Court at the next term.

There can be legitimate concern whether a president should have this power with respect to internal "enemies." There is, at least in theory, the potential for abuse. This possibility must be balanced against the general public interest in preventing violence (e.g. bombing of Capitol) and organized attempts to overthrow the government.

One of the current myths is that the Department of Justice is usurping new powers. The truth is that wiretapping, as the most effective detection means, has been used against espionage and subversion for at least three decades under six presidents.

There may have been a time when a valid distinction existed between external and internal threats. But such a distinction is now largely meaningless. The radical left, strongly led and with a growing base of support, is plotting violence and revolution. Its leaders visit and collaborate with foreign Communist enemies. Freedom can be lost as irrevocably from revolution as from foreign attack.

The question is often asked why, if prior court authorization to wiretap is required in ordinary criminal cases, it should not also be required in national security cases. In simplest terms the answer given by Government is the need for secrecy.

Foreign powers, notably the Communist ones, conduct massive espionage and subversive operations against America. They are now aided by leftist radical organizations and their sympathizers in this country. Court-authorized wiretapping requires a prior showing of probable cause and the ultimate disclosure of sources. Public disclosure of this sensitive information would seriously handicap our counter-espionage and countersubversive operations.

As Atty. Gen. John Mitchell has stated, prohibition of electronic surveillance would leave America as the "only nation in the world" unable to engage effectively in a wide area of counter-intelligence activities necessary to national security.

Apparently as a part of a mindless campaign against the FBI, several nationally known political leaders have asserted their wires were tapped or that they were otherwise subject to surveillance. These charges received the widest publicity from the news media.

The fact is that not one of these politicians has been able to prove his case. The Justice Department has branded the charges as false.

The outcry against wiretapping is a tempest in a teapot. There are 210 million Americans. There are only a few hundred wiretaps annually, and these are directed against people who prey on their fellow citizens or who seek to subvert our democratic form of government. Law-abiding citizens have nothing to fear.

In the general assault on law enforcement, charges of police repression have become a reflexive response by many civil libertarians as well as by radicals.

Examples are legion. Young people are being incited not to respect law officers but to regard them as "pigs". Black Panther literature, in the vilest language, urges the young to assault the police.

The New York Times and the Washington Post reported, as established fact, that 28 Panthers had been gunned down by police since January 1968. Ralph Abernathy attributed the death of Panther leaders to a "calculated design of genocide". Julian Bond charged that Panthers are being "decimated by police assassination arranged by the federal police apparatus." Even Whitney Young referred to "nearly 30 Panthers murdered by law enforcement officials."

These charges, upon investigation (by the New Yorker magazine, among others), turned out to be erroneous. The facts are that two—possible four at most—Panthers may have been shot by police without clear justification. Many of the 28 Panthers were killed by other Panthers. There is no evidence whatever of a genocide conspiracy.

But the truth rarely overtakes falsehood—especially when the latter is disseminated by prestigious newspapers. Millions of young Americans, especially blacks, now believe these false charges. There is little wonder that assaults on police are steadily increasing.

The latest outcry against law enforcement was provoked by the mass arrests in Washington on May 3. Some 20,000 demonstrators, pursuant to carefully laid plans, sought to bring the federal government to a halt.

This was unlike prior demonstrations in Washington, as the avowed purpose of this one was to shut down the government. The mob attempted to block main traffic arteries during the early morning rush hours. Violence and property destruction were not insignificant. Some 39 policemen were injured. Indeed, Deputy Atty. Gen. Kleindienst has revealed that the leaders of this attack held prior consultations with North Vietnamese officials in Stockholm.

Yet, because thousands were arrested, the American Civil Liberties Union and other predictable voices cried repression and brutality. The vast majority of those arrested were released, as evidence adequate to convict a particular individual is almost impossible to obtain in a faceless mob.

The alternative to making mass arrests was to surrender the Government to insurrectionaries. This would have set a precedent of incalculable danger. It also would have allowed a mob to deprive thousands of law-abiding Washington citizens of their rights to use the streets and to have access to their offices and homes.

Those who charge repression say that dissent is suppressed and free speech denied. Despite the wide credence given this assertion, it is sheer nonsense. There is no more open society in the world than America. No other press is as free. No other country accords its writers and artists such untrammeled freedom. No solzhenitsyns are persecuted in America.

What other government would allow the Chicago Seven, while out on bail, to preach revolution across the land, vastly enriching themselves in the process?

What other country would tolerate in wartime the crescendo of criticism of government policy? Indeed, what other country would allow its citizens—including some political leaders—to negotiate privately with the North Vietnamese enemy?

Supreme Court decisions sanctify First Amendment freedoms. There is no prior restraint of any publication, except possibly in flagrant breaches of national security. There is virtually no recourse for libel, slander or even incitement to revolution.

The public, including the young, are subjected to filth and obscenities—openly published and exhibited.

The only abridgement of free speech in this country is not by government. Rather, it comes from the radical left—and their bemused supporters—who do not tolerate in others the rights they insist upon for themselves.

Prof. Herbert Marcuse of California, Marxist idol of the New Left, freely denounces "capitalist repression" and openly encourages revolution. At the same time he advocates denial of free speech to those who disagree with his "progressive" views.

It is common practice; especially on the campus, for leftists to shout down with obscenities any moderate or conservative speaker or physically to deny such speaker the rostrum.

A recurring theme in the repression syndrome is that Black Panthers and other dissidents cannot receive a fair trial.

The speciousness of this view has been demonstrated recently by acquittals in the New Haven and New York Panther cases—the very ones with respect to which the charge of repression was made by nationally known educators and ministers.

The rights of accused persons—without regard to race or belief—are more carefully safeguarded in America than in any other country. Under our system the accused is presumed to be innocent; the burden of proof lies on the state; guilt must be proved beyond reasonable doubt; public jury trial is guaranteed; and a guilty verdict must be unanimous.

In recent years, dramatic decisions of the Supreme Court have further strengthened the rights of accused persons and correspondingly limited the powers of law enforcement. There are no constitutional decisions in other countries comparable to those rendered in the cases of Escobedo and Miranda.

Rather than "repressive criminal justice," our system subordinates the safety of society to the rights of persons accused of crime. The need is for greater protection—not of criminals but of law-abiding citizens.

A corollary to the "fair trial" slander is the charge that radicals are framed and tried for political reasons. This is the world-wide Communist line with respect to Angela Davis. Many Americans repeat this charge against their own country, while raising no voice against standard practice of political and secret trials in Communist countries.

The radical left, with wide support from the customary camp followers, also is propagandizing the case of the Berrigans.

The guilt or innocence of these people remains to be determined by juries of their peers in public trials. But the crimes charged are hardly "political." In the Davis case a judge and three others were brutally murdered. The Berrigans, one of whom stands convicted of destroying draft records, are charged with plots to bomb and kidnap.

Some trials in our country have been politicized—but not by government. A new technique, recently condemned by Chief Justice Warren Burger, has been developed by the Kunstlers and others who wish to discredit and destroy our system. Such counsel and defendants deliberately seek to turn courtrooms into Roman spectacles—disrupting the trial, shouting obscenities and threatening violence. It is they—not the system—who demean justice.

The answer to all of this was recently given by former California Chief Justice Roger J. Traynor, who said:

"It is irresponsible to echo such demagogic nonsense as the proposition that one group or another in this country cannot get a fair trial. . . No country in the world has done more to insure fair trials."

America has its full share of problems. But significant or systematic government repression of civil liberties is not one of them.

The radical left—expert in such matters—knows the charge of repression is false. It is a cover for leftist-inspired violence and repression. It is also a propaganda line designed to undermine confidence in our free institutions, to brainwash the youth and ultimately to overthrow our democratic system.

It is unfortunate that so many nonradical Americans are taken in by this leftist line. They unwittingly weaken the very institutions of freedom they wish to sustain. They may hasten the day when the heel of repression is a reality—not from the sources now recklessly defamed but from whatever tyranny follows the overthrow of representative government.

This is the greatest danger to human liberty in America.

THE NATION'S ECONOMY

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, August 5, 1971

Mr. BYRD of Virginia. Mr. President, the July 31 edition of the Lynchburg News included an excellent editorial on the subject of the Nation's economy.

I ask unanimous consent that this editorial, entitled "Day of Reckoning," be printed in the extensions of remarks. The editor of the Lynchburg News is F. James Murdock.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Lynchburg News (Va.), July 31, 1971]

DAY OF RECKONING

Fifteen years ago this nation handled one-third of the world's trade. Now we're down to one-fifth. June marked the third straight month that we imported more than we exported. For the first six months of the year, we have imported $373 million more than we sold abroad. At the rate we're going, we could wind up with the first annual trade deficit since 1893.

Why? The answer should be obvious: it just costs too much to manufacture American goods. We're pricing ourselves out of the market—at home and abroad. But nobody pays any real attention to this root cause, apparently. At a time when Japanese steel is flooding our home markets, our steel workers are considering a strike, which can only result in further driving up the price of our steel and thereby worsening its competitive chances. The railroads are striking. The postal and telephone workers recently struck, and won higher wages and fringe benefits, all of which will be passed on to their consumers. These consumers, caught in the squeeze, will have to raise the prices on their products. And so it goes.

In addition to driving up the prices of our products, those settlements are creating unemployment. Consider the case of the Frigidaire Division of General Motors in Dayton, Ohio:

Last November the United Auto Workers forced Frigidaire to grant them a new contract providing wage and fringe benefits comparable to those the auto workers got. The contract called for $2 more an hour than appliance workers in other companies.

The increased labor costs drove up the price of Frigidaire's products to the point where the company could not meet the prices of foreign and domestic competition. Sales dropped. So Frigidaire did the only thing it could do to stay in business: it began laying off workers. So far, 3,220 employees have been handed their pink slips in the last seven months—more than 25 per cent of the work force.

Our wage and fringe benefit demands have wrecked the textile industry—in comparison to what it once was—and are seriously menacing the shoe industry. We can no longer compete in the manufacture of radios and televisions—the market is dominated by imports.

But no attempt is made to hold down the price of manufacturing. Instead, business and labor look to the Federal Government to bail them out. But what can the Government do? Impose wage and price controls? What good will this do, unless wages and prices are rolled BACK to a point where our products can compete? And nobody, but nobody, is going to stand still for a wage cut during an inflationary period. The Government tried that a few years ago with the ill-fated surcharge tax. The theory was that if Government took more money out of the nation's paychecks, the people would have less to spend, and this would bring prices down. It didn't. Prices continued to rise, but people had less money to pay for them. And Government, of course, did not curb its deficit spending one bit, and this more than any other factor at the time contributed to the inflation.

There is one other factor which has adversely influenced our trade position: we are rapidly becoming a nation of service industries instead of a nation of producers and exporters. But the economy stands or falls on its production.

We would not be so bad off if productivity increases matched wage and fringe benefit increases, but it has not. The cost per unit could be held stable, or reduced, if productivity had increased. When it does not increase, the unit cost goes up, and therefore the price per unit.

Once upon a time our products were so superior that people found them a better bargain even at the higher prices. This is no longer true. And in some fields, foreign products are superior to ours, and cost far less.

There are no indications that Government is even considering curbing its deficit spending. Even those who blame the Vietnam war for the deficits, want to spend the money now being spent on the war, on welfare state programs, revealing that they want to continue the deficit philosophy.

There is only one way out of the mess, and that is to lower the price of our products in world competition. The only answer, other than a national wage cut, is to increase productivity. There are no signs that is imminent. Therefore, our trade deficits are bound to continue. And no nation, as no individual, can remain solvent while spending more than it, or he, earns. The nation already owes so much that there is serious doubt that it can ever pay it back, so that for all practical purposes, we are bankrupt. And the deficits pile up every year. We are paying $20 billion a year in tax money now on the interest on the national debt and the amount continues to rise. We are called the richest nation in the world, but the truth of the matter is, we are not. We are only living like it, and passing the bills on to our children. There must come a day of reckoning.

FREEDOM FOR CZECHOSLOVAKIA

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. DERWINSKI. Mr. Speaker, a year ago I addressed the House directing the Members' attention to a resolution calling for certain economic and diplomatic sanctions against the Soviet Union and their Warsaw Pact puppets who occupied Czechoslovakia in August 1968.

Czechoslovakia, at this moment, could be called the most captive of the Captive Nations since it suffered the great tragedy and dubious distinction of being pounced on by its Communist neighbors when faint stirrings of democracy and freedom developed in the country.

It is my intention, Mr. Speaker, to raise my voice at every opportunity in support of the restoration of freedom for the people of Czechoslovakia.

I wish to insert at this time part of the documents adopted by the Czechoslovak National Council of America at a rally here in Washington in May 1970; the points made are as valid today as they were at that time:

Hopes that Czechoslovakia would resume its splendid progress toward a modern democracy were shattered by a communist coup in February, 1948. For the next twenty years the communist regime lived on reserves accumulated by the 1918 generation, deceiving the very ones in whose name communist revolutions occur—the working class. Czechoslovak workers were never given the promised factories and became instead the prey of communist state-capitalism and Soviet neo-colonialism. Their wages were gradually reduced to about one-half of an adjusted pre-war level, as compared to earnings enjoyed by fellow-workers in the West. The whole nation was politically manipulated and there was no freedom of press, expression, or assembly.

The glorious spring of 1968 put an end to oppression and hypocrisy. Without violence, united behind new, young leaders, Czechs and Slovaks began to expose and correct past blunders . . . until the Soviet war machine mustered half a million troops, and subdued a small, peace- and freedom-loving country. In Washington, on the anniversary of that humiliating aggression and occupation, Czechoslovak democratic organizations called a Protest Meeting which was attended by many representatives of other exile and ethnic groups and won strong endorsement of many U.S. Governors, Senators, and Congressmen. By acclamation, the Meeting voted: August 21st shall henceforth be called the "Soviet Day of Shame." At home a valiant struggle for independence goes on . . .

THE THIRD ANNIVERSAY OF THE CZECHOSLOVAKIAN INVASION

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. BUCHANAN. Mr. Speaker, it is with profound sadness that I reiterate my support for the oppressed people of Czechoslovakia, as once again this year they commemorate August 21 as the "Soviet Day of Shame." On this third anniversary of the invasion of Czechoslovakia, her people are not forgotten as they continue in their efforts to achieve an end to the oppressive occupation of their small, freedom-loving country by the Soviet Union.

It is indeed commendable that in spite of the many setbacks for the cause of freedom, the fundamental aspirations of the people of Czechoslovakia or equal justice, personal dignity, and self-determination have remained unimpaired.

The intensive and far-reaching Soviet intervention into the internal affairs of Czechoslovakia continues unabated, in direct violation of the United Nations Charter provisions prohibiting all members from the threat or use of force against the territorial sovereignty or political independence of another state.

I cannot adequately express the profound hope of those of us privileged to live in freedom from this endless personal suffering, that our expressions of support will encourage and strengthen the brave people of this small country in their rightful quest for freedom and self-determination.

At few times in history have the people of the world so longed for peace and the end to all forms of aggression. Yet the Brezhnev doctrine is an open admission of imperialism and neocolonialism. Today, when self-determination is a universally accepted right of all nations, it is indeed shocking that the Soviet Union continues to violate the Charter of the United Nations by treating the east and central European countries as colonies—kept in check by military might. World War II ended more than 25 years ago. Surely Europe and the world can at long last begin to look to a new era of peace. But this goal of all mankind is unlikely to be realized unless peace is based on self-determination, personal and national freedom, and equal justice.

Mr. Speaker, once again I would like to clearly indicate condemnation of the brutal aggressions against the Czechoslovakian people, our deep concern over the continued oppressions being suffered by them, as well as our support for their continual resistance and rejection of Soviet dominance.

HAROLD WILLENS VISITS SOUTH VIETNAM

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. McCLOSKEY. Mr. Speaker, several months ago, Mr. Harold Willens, chairman of the Businessmen's Educational Fund, made an extended visit to Saigon as a temporary member of my congressional staff. He was privileged to meet with a number of American and Vietnamese leaders, and upon his return and subsequent study of the political situation in South Vietnam, wrote a long letter to Ambassador Ellsworth Bunker. I take the liberty of submitting a copy of that letter for inclusion at this point in the RECORD.

I particularly share Mr. Willens' concern that American influence in South Vietnam will pose a real threat to that country's ability to hold free and honest elections in October.

Without endorsing all of Mr. Willens' conclusions, I believe that his careful investigation and thoughtful suggestions are worthy of consideration by our colleagues:

JUNE 29, 1971.

Hon. ELLSWORTH BUNKER,
American Ambassador,
Saigon, Vietnam.

DEAR MR. AMBASSADOR: When we were in Saigon recently, you were graciously generous with your time and assistance. My deep gratitude makes it extraordinarily difficult to write this letter.

For as one American to another, I am writing to plead with you to tender your resignation immediately as an act of personal sacrifice which would perform a high public service for the people of two countries. This urgent plea stems from two basic considerations:

1. Even if it is unjustified, it is undeniable that most South Vietnamese see you as favoring—and even acting to assure—the re-election of President Thieu October 3rd.

2. This widespread assumption makes an honest election impossible. Yet an honest election October 3 presents an unparalleled opportunity to end the war quickly through South Vietnamese self-determination while providing peace with honor for the United States.

I invited Dick Thompson of your staff to join us during my discussion with General Minh. Dick heard the General say that the chief obstacle to a fair election "is that most Vietnamese people believe that Ambassador Bunker strongly supports Thieu. Everyone has this impression." The same conviction was independently communicated by scores of Vietnamese with whom I discussed the election: representatives of divergent opinions, interests and organizations.

Almost without exception, the people I met believe that Minh would defeat Thieu if their countrymen could vote without feeling that they might lose their jobs—or their lives—by voting "wrong." And in total contrast to the view from the Embassy, Mr. Ambassador, all felt South Vietnam would be more likely to remain non-Communist if Thieu were defeated.

If that strikes you as bizarre, please give thought to these chilling words of the Pentagon Study: "the explanation of how the U.S. mission became detached from the realities of the political situation in Saigon in August, 1963 is among the most ironic and tragic of our entire involvement in Vietnam."

I respectfully submit, Mr. Ambassador, that if your presence insures President Thieu's reelection, and if the people I met are right about their own country, this October 3rd could witness an even more "ironic and tragic" misjudgment than that of August, 1963. For even though the choice is limited to two generals, one does stand for peace and reconciliation, the other for war and repression. If the people freely chose the former, there would be Vietnamization not of the war but the peace. The people of South Vietnam would be taking back their country from us and assuming the responsibility for guiding its destiny.

Let me hasten to assure you that the thoughts expressed in this letter have nothing to do with "instant expertise." Rather, I am sharing impressions with you as one who is free from the inevitable inhibitions of a subordinate. I am reporting to you facts and opinions candidly revealed to me by Vietnamese people your staff would probably never even meet.

As an example: one of your assistants estimated "several hundred" political prisoners in all of South Vietnam. Two ARVN officers on active duty with whom I met secretly and separately *each estimated about 100,000!* Their figure was corroborated by others in a position to venture an intelligent guess. They included former political prisoners among whom were women who had been in various prisons including Con Son. There they had watched South Vietnamese guards (paid with American tax money) torture other women to death by forcing bottles and eels into their sex organs. Mentioning Con Son reminds me, incidentally, how it shocked me as a businessman to learn that an American construction firm had accepted a $400,000 contract (again our tax money) to build additional "isolation wards" in that notorious prison.

The massive number and barbaric treatment of South Vietnamese political prisoners whose only crime is dissatisfaction with the Thieu regime caused General Minh to say: "If I were a Communist, I would infiltrate and make propaganda about this." Like all Vietnamese I met, with the single exception of the Prime Minister, General Minh believes the Thieu regime is driving anti-Communists into the hands of the Communists: that in terms of keeping South Vietnam non-Communist, the Thieu policies are counterproductive; that without ongoing massive American support, the Thieu government will quickly collapse.

General Minh would probably agree with your recent statement that "with two billion dollars a year in American assistance, South Vietnam has a reasonable chance to avoid a Communist takeover after the U.S. pulls out." But, like all his countrymen with whom I spoke, he feels such assistance should be economic rather than military, and that our assistance cannot prevent a Communist takeover once the feared and hated Thieu government is forced to stand alone.

It is important to stress that your presence unfortunately vitiates the possibility of an honest election and that your resignation would simply indicate American neutrality. It is also important to emphasize, Mr. Ambassador, that I hold no particular brief for General Minh. But the inescapable fact is that there can be only one issue of any consequence for the desperately war-weary Vietnamese on October 3rd. That issue is peace versus war.

And where are the peace candidates? The 1968 presidential runner-up Truong Dinh Dzu is in Chi Hoa prison serving a five-year sentence. Other anti-Communist nationalists are also locked up or locked out by an incredibly restrictive election law which your own staff people told me would never be passed after the Senate rejected it.

So there remains only one hope for a people sick to their bones of a war they don't want and disgusted with a government forced upon them by American policy and power. That hope is General Minh, a man who would probably prefer to avoid the awesome responsibility of reconciling and repairing his broken land at a time like this: almost any sensible man not driven by overpowering ambition would prefer that.

But this particular man is obviously as inwardly torn as his land and his people are outwardly torn. He spoke repeatedly of October 3rd being "our last chance to keep my country out of the hands of the Communists and to save something of our Vietnamese traditions and culture." Better than I, you know that General Minh is a dedicated non-Communist. And you know that he is not a crafty political creature who lusts for power with its attendant burdens. Yet this self-effacing, almost diffident man has been cast by fate as the only "peace candidate." He feels he can end the war quickly and prevent a Communist takeover.

Isn't that what you want, Mr. Ambassador? If it is not, then my words will be meaningless. If it is what you want, however, perhaps these words will strike a responsive chord. And then perhaps you will save human lives—American and Vietnamese—by a sacrificial act which will win you the plaudits of history, the love of many persons around the world, and, above all, self-respect.

For you, too, are cast in a fateful role. You are one of the few people whose personal reassessment of basic assumptions might cause similar reappraisal by the Administration. It is possible, Mr. Ambassador, that the Vietnamese people may know more than Americans in Saigon and Washington about how to end their war and keep their country non-Communist. If your heart and mind could accept that possibility and cause you to act in accordance with your colleagues in Washington might do the same. That would be the first time in many years that a U.S. Administration did what businessmen must do constantly in order to survive: reassess basic assumptions.

Now comes the most difficult part of the most difficult letter I have ever written: trying to explain why I must release a copy of this letter to the press, who may, of course, choose to ignore it completely.

When I returned from Vietnam, I tried for weeks to meet with Dr. Kissinger. I wanted no one to know of our meeting other than Mr. Richard Smyser who was trying to arrange it. I wanted only to serve as honest broker, conveying the thoughts expressed here in the hope they might prompt the Administration to announce a withdrawal date. That, of course, would be the best way of all to free the South Vietnamese presidential election of the hovering American presence which will otherwise dominate that election and guarantee its "dishonesty." By now, most Vietnamese simply do not believe the Americans will ever leave. They *cannot* vote "freely" when they take for granted that American power and money will be available for whatever punishment "our candidate" may want to mete out afterward.

All this I wanted to tell Dr. Kissinger. Mr. Smyser expressed understanding of my reasons for refusing to communicate through an intermediary. But he was unable to obtain an appointment for me. He was not alone in trying and failing.

From this, I conclude that should you agree that your resignation would achieve American neutrality in the election; should you be wiling to make the personal sacrifice involved, others in the Administration would strive to dissuade you. Perhaps that will be more difficult for them to do if the question should become a public question.

It is my sincere hope, Mr. Ambassador, that you will read this letter in the spirit with which I write it. The ordeal of Vietnam has lasted long enough for all who are a part of it. October 3rd offers unparalleled opportunity to end it quickly and honorably. Your decision may largely determine whether or not that fateful opportunity eludes us.

Sincerely,

HAROLD WILLENS.

VEYSEY INTRODUCES FARM LABOR RELATIONS ACT

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. VEYSEY. Mr. Speaker, today I am introducing legislation to restore order in this Nation's embattled agricultural labor relations. My legislation will afford desperately needed protection to agricultural workers, consumers, and farmers alike, while establishing effective machinery to allow orderly, responsible union representation for our agricultural labor force.

Mr. Speaker, I consider the preservation of the individual rights of each of the three primary entities involved—worker, consumer, and farmer—to be a foremost priority. These rights have been overrun during the past decade of farm labor strife, due to the absense of legal guidelines.

We have seen farmworkers and their families harassed by misguided, though often well intentioned union organizing efforts. We have seen those same workers forced into unions against their will, while being denied the opportunity to elect their own union representation. And we have seen them lose many crucial paydays, and in some cases, their jobs—their livelihoods, because of the lack of legal protection.

There is no doubt that thousands of farm workers have a desire for effective union representation. And indeed, they have a right to it. However, agriculture is without the legal guidelines for collective bargaining machinery which has elevated the rest of America's working men and women to an economic level unmatched in the world. My proposal would guarantee American farmworkers those tools for collective bargaining, and the freedom to choose, by secret ballot, their representation.

As the farm labor strife heightened during the past 5 years, we watched as entire communities were cut off from the marketplace. Shippers, grocers, and eventually housewives, have been entrapped in the struggles between union and union, and between union and grower. At one time or another, virtually every American family has been affected either by intimidation, or by denial of food at the marketplace.

Once again, the absence of farm labor legislation has left us at the mercy of the law of the jungle.

My legislation would protect the right of every American to a freely accessible supply of the finest food our agriculture can produce. It would eliminate coercion and intimidation of consumers, grocers, and all others in the food marketing chain. My proposal embraces the basic concepts of current, time tested labor law to guarantee these protections.

Finally, my legislation recognizes that agriculture itself is a unique industry—that unlike steel, or mining, for example, agriculture deals exclusively with perishable, living production.

A prolonged strike at a critical time can destroy an entire crop—an entire year's investment—and eliminate not only the affected farming enterprise, but hundreds of jobs as well. We have seen this happen, with food rotting in the fields, and farmers going bankrupt, because of boycott and strike activities. Such losses are non-recoverable, both to the farmer and to the worker.

While my proposal recognizes a union's right to call a strike, it also includes measures designed to minimize losses when a strike is called at a critical time. This safeguard is vital if we are to protect the worker and his job, the consumer and his right to reasonably priced food supplies, and the farmer's livelihood.

This bill will cover more than ½ million workers—or 45 percent of all workers employed in agriculture. At the same time, it will apply to only the 2 percent of our Nation's larger farming enterprises. It will afford protection to those who need it most, while allowing necessary flexibility at the union organizational level and at the farm production level to settle labor disputes with a minimum of risk to all involved.

First, my bill sets up a comprehensive program for farm-labor relations. It is not merely an extension of the National Labor Relations Act. In many ways it parallels that act. I have taken this course after a great deal of study and thought. I know that agriculture is an industry with unique circumstances and problems—notably the perishability of its products and the seasonality of such of its employment.

Second, my bill establishes an independent farm labor relations board composed of three members to be appointed by the President. The members will be chosen for their knowledge of problems relating to agriculture and to agricultural-labor relations. I believe a board separate from the National Labor Relations Board is essential to meet the special needs of agriculture including the perishability of the crops. Speed is essential. My bill allows an individual to obtain a prompt 10-day injunction against an unfair labor practice.

Third, my bill will cover all employers who use more than 500 man days of labor during any quarter of the preceding years. In real numbers this means that approximately 535,000 farmworkers will be covered by this legislation. My intention is to include businesses who employ large numbers of workers, while leaving the small family farms unencumbered.

Fourth, my bill includes as a key protection to farmworkers the right to secret ballot elections. Farmworkers have been pushed, coerced, and threatened too long from both sides. With a secret ballot, they can choose without the threat of reprisal, whether or not they want to have a union representing them and, if so, which union that will be. It has been reported that a so-called farmworker leader recently stated that farmworkers are not familiar enough with the democratic process to deal knowledgeably with secret ballot elections. I have more respect for the intelligence of farm workers than that. Secret ballot elections are the only fair way for farmworkers to choose their representation. They are certainly capable of making these decisions.

Fifth, my bill provides, as another protection of farmworkers, that agriculture employers are prohibited from bargaining or contracting with a laborer organization until that organization has been certified by secret ballot election. Further, labor organizations are prohibited from harassing farmworkers or their families.

Sixth, my bill charges growers with responsibilities as well. A grower may not discharge a worker for organizational acivity. Farmworkers are guaranteed the right to organize if they desire and the grower must bargain with the representatives of his farmworker employees when a union has been duly certified by secret ballot election.

Seventh, if farmworkers do choose to organize, my bill assures that their employer will sit down with them at the bargaining table. I think this is a great step forward for farmworkers.

Eighth, my bill specifically prohibits sweetheart contracts between a grower and a labor organization, thus eliminating much of the pressure for the table grape type of boycott. In addition, it includes provisions similar to those contained in the National Labor Relations Act prohibiting secondary boycotts.

Ninth, my bill recognizes the disastrous effect a strike at harvest time can cause. As a result, I have included a one-time, 30-day "no-strike" period available at the option of the grower. This will assist those growers of sensitive seasonal crops but, of course, will not protect all the vulnerable periods during the growing year.

Tenth, my bill includes a provision identical to that contained in section 14(b) of the Taft-Hartley Act. While there is merit to many of the arguments proposed by the right-to-work groups, I do not believe that this is the place or time to fight that battle. I do believe that the 14(b) provision will allow the issue to be decided on a State-by-State basis.

Mr. Speaker, I believe that these provisions will contribute to stability in the agricultural industry. They protect the grower from having to bargain while subject to a union stranglehold. The consumer will benefit by being assured of a free flow of food from the field to the market. These measures can be administered by the Farm Labor Relations Board with all due speed which is critically important because of the perishability of the farm product. Thus, my bill gives farmworkers the benefits and responsibilities from which they have been excluded for 36 years. Their time has come. We must now see that farm labor organization-agricultural employer relations take place within legal guidelines rather than under the "law of the jungle." My legislation will assure that these guidelines exist. We must also see that the rights of the consumer are protected and my legislation will assure this.

PROGRESS TOWARD NATIVE LAND CLAIMS SETTLEMENT

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. BEGICH. Mr. Speaker, the action of the Indian Affairs Subcommittee of the Interior and Insular Affairs in passing to full committee a bill to settle the Alaska Native Land Claims is an occasion for all Alaskans to cheer.

The bill is a fair one, which all Alaskans can support. It has begun its tortuous path through Congress quickly, and appears to be gaining momentum. Hopefully, it will pass the House this session, partly because it is cosponsored by 14 of the 17 members of the Interior Committee and has the backing of Chairman Aspinall and Subcommittee Chairman Haley.

The New York Times has reviewed these developments with favor in an editorial in today's edition. I would like to share that editorial with my colleagues, and insert it in the Record at this point:

LAND FOR ALASKA'S NATIVES

Alaska's native Eskimos, Aleuts and Indians have scored a notable victory in a subcommittee of the House of Representatives. It has approved a bill which, at least in terms of land, would finally do substantial justice to their claims, proposing to give them fee-simple title to forty-million acres. What is more, the measure is sponsored by Representative Wayne Aspinall, the powerful chairman of the full Committee on Interior and Insular Affairs, who until now has favored "giving" the natives no more than a fortieth of that acreage.

Technically, under the Organic Act of 1884, 90 per cent of Alaska belongs to its native peoples, but they have been asking for only 17 per cent of it, or sixty-million acres. That would be the area, their spokesmen estimate, that would allow them to support themselves by hunting and fishing, as they have for ages past, in a region of the earth where the migrations of game cover vast stretches of land. The Senate last year offered ten-million acres, the House failed to act at all, and the Administration appeared to hope for a settlement of the claims that would involve no more than half of what the Senate proposed.

The atmosphere has been greatly changed now that the Administration itself, through the Department of the Interior, has agreed on the desirability of a forty-million-acre settlement—plus funds for native investments, loans and grants, to be paid out of mineral lease royalties and some appropriations. The combination of Administration support and Chairman Aspinall's blessing should go far to propel the bill through the House.

In the Senate much will depend on the attitude of Senator Henry M. Jackson of Washington, who heads that chamber's Interior and Insular Affairs Committee. In the past the Senator has favored a different approach altogether—one that would give the natives a stake in mineral and timber lands as well as some hunting and fishing preserves but all of it scattered and totaling at most some 26 million acres.

However well meant, the Jackson plan was viewed by native leaders as notice to the natives to abandon an ancient way of life and become assimilated. That is not a decision that should be made either by Congress or by white Alaskans. It is for the Eskimos, Aleuts and Indians themselves to make—and they would find little to recommend it in the experience of their distant cousins in what Alaskans call the Lower 48.

GOLD SLAVERY CONTINUES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. RARICK. Mr. Speaker, The current financial crisis facing the United States and the failing confidence in the dollar is the subject of a recent editorial commentary by Barron's long recognized as a leading financial journal in America.

The editorial is extremely critical of the Treasury Department's recent move to halt trading in gold futures by the West Coast Commodity Exchange, Inc., of Calif. This action was, as the editorial points out, taken "without notice, formal hearings or the other key requisities of due process."

Furthermore, the editorial continues and points out that:

> The Department hastily issued new regulations to "explicitly prohibit the trading in any form on commodity exchanges and the acquisition of American or foreign gold coins of any description for speculative purposes."

We are now free to go to Communist China. but we are not free to own our own gold.

This executive provision is totally and completely ridiculous as were the proceedings that led up to the Treasury Department's actions. The whole comedy seems to indicate an obsession of the administration and its leaders to insure not only the bankruptcy of America but of the American people. Our own people cannot even own gold or speculate in foreign gold coins. Yet, the administration feels it is duty bound to pay to foreigners on demand from our gold reserves depleting our own supply of the precious metal and allow foreigners to make us into laughing stocks of the world—we are in effect bankrupting ourselves by the provision that our own citizens cannot own gold, yet we must pay our foreign obligations from our depleted gold reserves simply on demand.

The courageous action on the part of the West Coast Commodity Exchange, Inc., was a giant step toward freeing our people from the dark ages of a depression-based law. The Gold Reserve Act of 1934 is antiquated; our people have the right to own gold for security and to protect their wealth; and the recent actions on the part of the Department of the Treasury in stopping trading in gold futures can only be an indication of the administration's fears over the American people having the medium to possess their own wealth without fear of government manipulation. Slavery was also once a "long-standing government policy."

So that my Colleagues can see the unreality of the Alice in Wonderland actions of the Treasury Department and judge the true import for themselves, I insert the editorial from Barron's issue of August 2, 1971, dealing with this subject and what the Treasury offers as a supposed justification for their actions in the Record at this point:

[From Barron's, Aug. 2, 1971]

"IN GOLD WE TRUST"—CONFIDENCE IN THE DOLLAR IS WANING AT HOME AND ABROAD

LOS ANGELES, Calif., July 12.—Public trading in gold futures in an open market will be introduced for the first time anywhere in the world with the start of a gold futures contract on the West Coast Commodity Exchange here on July 20, it was announced today. The announcement was made by David Callahan, president of the W.C.C.E., which inaugurated the first new U.S. commodity exchange in 50 years, on the West Coast, trading in silver, copper, sugar and cocoa, on October 15, 1970.

"Pending repeal or amendment of the Gold Reserve Act of 1934, delivery of W.C.C.E. gold futures will be made in gold coin (legal ownership of pre-1934 gold coins is specifically authorized by the Gold Reserve Act) certified and approved by the Exchange Board of Governors, in quantities representing the equivalent amount of weight and fineness of 200 troy ounces of gold.

"The W.C.C.E. president anticipates that the Gold Futures contract will attract international trading . . . (which) will generate a substantial in-flow of dollars and thereby assist in correcting the current U.S. deficit in our balance of payments. The effect of this international trading could strengthen the U.S. dollar, reverse the drain of gold reserves from the U.S. and aid in easing of the world currency and economic crisis.

Whether the noble experiment would have

achieved its purpose will be long debated wherever men gather to buy and sell. What's clear is that nobody will ever know. Less than a week after launching the first free market in gold futures, one where the price is "fixed" not by a handful of bullion dealers but by the forces of global supply and demand, the West Coast Commodity Exchange, bowing to heavy pressure from the U.S. Treasury, abruptly—and, so Barron's has learned, permanently—halted such trading. By the same token, in New York City the International Commodity Exchange (formerly Produce Exchange), which also was readying a gold coin contract, and the Mercantile Exchange, which had been set to start trading in placer gold (the precious metal in its natural state), have abandoned their plans. For the indefinite future, as for nearly the past 40 years, Americans—like the British, and unlike the citizens of any other nation in the Free World—will continue to be legally barred from owning gold.

However, there are rumblings and stirrings; more fortunate foreigners might even begin to suspect that the natives are restless. Thus, journalists whose views have faithfully tended to mirror those of the fiscal and monetary authorities lately have been printing heretical, indeed "unthinkable," thoughts on the touchy issues of devaluation of the dollar. Prior to the Treasury crackdown, 573 contracts, with a gross value $7.5 million, changed hands on the W.C.C.E., representing, according to a spokesman, "one of the highest trading volumes of a new commodity in the opening days in United States exchange history." Established dealers in gold coins, such as Coen-Messer and Stack's, recently have noted a surge of activity, while the Republic National Bank, one of the biggest in the business, has just imposed a limit of 10 to a customer. Meanwhile, in European financial centers, gold has climbed to over $42 an ounce, decisively above the $41 which once marked the upper reaches of a well-defined trading range, and within sight of the postwar high. In mid-July, from our Experts Corner, Messrs. George Chittenden, executive vice president of Morgan Guaranty Trust Co., and Stefan Jean Rundt, publisher of Rundt's Intelligence, grudgingly forecast 90 days of calm before the next monetary storm. The barometer is falling fast.

If one can't change the weather, to be sure, one can always smash the glass: that, in effect, is what the Treasury Department, on the local scene at any rate, has just tried to do. In the proces, it also has shattered any illusions that a so-called Republican Administration, with respect to financial matters, might be capable of taking a more enlightened or less doctrinaire stance. The notorious Gold Reserve Act of 1934, which prohibits Americans from owning the precious metal, specifically exempts coins minted prior to that year under the rules of the West Coast Commodity Exchange, settlement of all contracts was to be in pre-1934 English sovereigns, millions of which have been struck. Yet the Treasury promptly sought, through ominously worded press releases, to dissuade the Exchange from unveiling the gold futures contract. Then, without notice, formal hearings or the other key requisites of due process, the Department hastily issued new regulations to "explicitly prohibit the trading of gold in any form on commodity exchanges and the acquisition of American or foreign gold coins of any description for speculative purposes."

Couched in sweeping terms, the Treasury ukase, as noted, has alarmed at least one coin dealer into setting a limit on each transaction. For the time being, it also has cowed the Exchange—faced with the prospect of endless litigation, the W.C.C.E. has opted to beat a strategic retreat. Yet the mart has made a point: in just a few days of trading, despite a barrage of threats from Washington, a record volume of business was done, at prices which in knowledgeable circles evoked a good deal of surprise. Nor is this the only sign of mounting U.S. interest in gold. Thus, in New York City, Coen-Messer reports that by the end of July, sales had roughly tripled and were once again running at the peak rate of crisis-ridden May. Last week the firm was quoting U.S. 20-dollar gold pieces—double eagles—at $76, a price which, it adds, would have climbed much higher if the powers-that-be in 1969 had not permitted the shipment to these shores of British sovereigns. (Six weeks ago, by the way, the import of Mexican gold coins—the 50-peso piece, with a gold content of 37½ grams, sells for what Coen-Messer views as a bargain price of $67—also was quietly legalized.)

In the same vein, many Americans long have flouted the law by holding gold, either at home or abroad. In a recent series of articles which must have raised officials hackles, Sylvia Porter, well-known financial columnist, quoted an estimate by Franz Pick, "acknowledged expert in the currency and gold markets," that U.S. citizens today own 4,000 tons, worth over $5 billion. Last Friday, in a disquieting dispatch from Paris, The New York Times reported: "In one of the biggest buying days of the last two years, dealers in Zurich and London said demand came from 'everywhere,' including the United States." Even Congress is beginning to sit up and take notice: several lawmakers, including Reps. John R. Rarick (D., La.), Philip M. Crane (R., Ill.), James A. McClure (R., Idaho) and John G. Schmitz (R., Calif.), have introduced bills which, in effect, would repeal the prohibitions of the Gold Reserve Act of 1934.

Lack of faith in the once almighty dollar, in sum, is no longer the exclusive province of either the gnomes of Zurich or the sheiks of Araby; it has spread to Main Street. And the reasons are painfully clear. The federal budget, which closed out the 1971 fiscal year with a shortfall of over $20 billion, is evidently out of control; a larger deficit is shaping up in the current fiscal year. For the first time in the 20th Century, the U.S. balance of trade, once a bulwark of the nation's global accounts, has turned adverse, a trend which persistent currency unsettlement, and the mounting likelihood of further upward adjustments in foreign exchange, are bound to aggravate. The balance of payments, of course, is awash in a sea of red ink. Debasement of the currency proceeds apace.

* * * * *

Precious metal is by no means the ideal investment—since 1934, as Sylvia Porter rightly observes, it has risen a mere $6–$7 an ounce, a rate of gain which, especially adjusted for the cost of insurance, storage and the like, makes even the IOS funds (see page 3) look pretty good. What's more, as a Rothschild once said about the stock market, gold "will fluctuate," on occasion violently. At the 1969 year-end, to illustrate, it actually sold below $35 an ounce. Even the latest upsurge—though reportedly better financed, less speculative and more determined than most—may in its turn subside. But for the moment, and perhaps for the duration of the monetary crisis, the watchword seems to be "in gold we trust."—Robert M. Bleiberg.

UNDER SECRETARY OF THE TREASURY
FOR MONETARY AFFAIRS,
Washington, D.C., August 3, 1971.

Hon. JOHN R. RARICK,
House of Representatives
Washington, D.C.

DEAR MR. RARICK: This is in response to your request for a report on the Treasury's recent amendments to the Gold Regulations.

These Regulations, promulgated under the Emergency Banking Act of 1933, the Gold Reserve Act of 1934 and the various Executive Orders issued pursuant to the authority contained in these statutes, have for many years prohibited Americans from holding or dealing in gold without a license. Licenses are issued to permit the acquisition and use of gold for customary industrial, professional or artistic purposes.

In addition, the Gold Regulations permit the importation, acquisition and holding of gold coins of recognized special value to collectors of rare and unusual coins. Gold coins minted prior to 1934 are included among those considered to be of recognized special value to collectors of rare and unusual coins and thus are authorized to be imported, acquired or held without a Treasury license. The purpose is to permit coin collectors and dealers in numismatic items to acquire and sell gold coins for coin collecting purposes.

This provision of the Regulations has been interpreted by the courts in light of this purpose, and it has been held that such coins may be bought and sold only for numismatic purposes and not for the purpose of acquiring the gold bullion contained therein. *Farber* v. *United States*, 114 F. 2d 5 (9th Cir. 1940). The Regulation was not intended to permit, nor does it permit, the acquisition of gold coins for speculative rather than numismatic purposes.

On July 11, 1971, the West Coast Commodity Exchange announced that it would open trading in gold futures. According to the announcement, "pending repeal or amendment of the Gold Reserve Act of 1934, delivery . . . will be made in gold coin . . . representing the equivalent amount of weight and fineness of 200 troy ounces of gold." This was apparently based on the assumption that, because of the exemption in the Treasury's Gold Regulations as regards pre-1934 gold coins, the trading of such gold coins on commodity exchanges was permissible.

On July 15, because of the considerable public interest which had been generated by the announcement of the Exchange, the Treasury Department issued a statement to the effect that the terms and conditions under which Americans may acquire, hold, and use gold in any form are prescribed by the Gold Regulations, and that "these regulations do not permit the speculative trading in gold or gold futures as proposed by the West Coast Commodity Exchange." On July 20, the Exchange began trading in gold futures.

Obviously, in light of the long-standing Government policy against permitting Americans to speculate in gold, this could not be permitted to continue. On July 22, this Department amended its Gold Regulations to reaffirm and clarify the long-standing gold policy of the United States that speculation in gold in any form is prohibited. These amendments explicitly prohibit the trading of gold in any form on commodity exchanges and the acquisition of American or foreign gold coins of any description for speculative purposes. They will not, however, limit in any way the types of transactions currently engaged in by coin collectors or licensees under present authority.

Sincerely yours,

PAUL A. VOLCKER.

AGRICULTURE AND AGENCY FOR INTERNATIONAL DEVELOPMENT

HON. JOHN J. McFALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. McFALL. Mr. Speaker, the American Institute of Cooperation at Colorado State University invited the administrator of the Agency for International Development, Mr. John A. Hannah, to address their recent meeting at Fort Collins, Colo.

I believe that the remarks of this farsighted public official will be of interest to all Members of Congress, and I include Mr. Hannah's speech in the RECORD at this point:

AGRICULTURAL AND INTERNATIONAL DEVELOPMENT

(Address by John A. Hannah)

Your invitation for me to be here this morning provides a welcome opportunity to renew long-standing associations and friendships.

The cooperative movement has been a part of my life—in my early days in rural Michigan, during my ten years as a cooperative extension worker and throughout my many years in university administration at Michigan State University. The cooperatives have played a vital role in bring this country to its pre-eminent position in world agriculture. I have deep respect for your people. It is a privilege to be a part of this program today.

The Agency for International Development and the Cooperatives of this country are associates of long-standing. We are celebrating ten years of partnership this year.

This partnership was formally chartered ten years ago in 1961 when Congress reorganized our foreign assistance program into A.I.D. It was stipulated that A.I.D. shouldn't "encourage the development and use of cooperatives, credit unions, and savings and loan associations" in its programs to assist the people of the developing countries. In August 1961 a special Advisory Committee on Cooperatives was organized to recommend a program for carrying out this mandate. Their recommendations have been the basis for a working partnership which extends to this day.

This partnership has yielded many success stories.

A.I.D. and the cooperatives share a deep affinity of purpose—a common concern to influence the lives of people in ways that will contribute to their well-being, and to the building of productive societies. It is this concern which has animated the partnership of the past ten years and which ensures its future durability.

II

My purpose this morning is to look briefly at agriculture in the lower income countries of Asia, Africa, and Latin America, in what we call the LDCs (Less Developed Countries)—where two-thirds of all the world's people live.

Hunger dominates the landscape. There are up to a billion and a half hungry or undernourished people in the less developed countries today. This is close to half the world's population. Some do not have enough to eat; others eat enough but suffer because their diet is deficient in protein, minerals or vitamins. It is estimated that more than 10,000 people die of malnutrition every day.

Food production has been rising steadily in the less developed countries and is now 35% higher than 10 years ago. But population has grown almost as rapidly. On a per capita basis, global food production per person is not much higher today than it was ten years ago.

If hunger is to be alleviated in the next thirty years the world must learn to grow three times as much food as it now does.

Fortunately, a hopeful beginning has been made. Research has produced high-yielding varieties of wheat and rice and other crops which, when used with the proper amounts and kinds of fertilizer and with water and pesticides, can greatly increase a farmer's yield. Farmers, particularly in Asia, are rapidly adopting the new wheat and rice varieties and the new cultural practices. Plantings have increased from 36,000 acres in 1966 to more than 44 million acres last year. As a result wheat production in West Pakistan jumped 50% in two years. India has achieved three successive record crops of more than 100 million tons of cereal grains per year. The Philippines is becoming self-sufficient in rice. It looks as though Vietnam may produce enough rice this year to support its needs, and significant increases in countries all over the globe.

All of this has been termed "The Green Revolution."

The Agency for International Development has played a major role in spreading this new technology. A.I.D. finances one-fourth of the cost of the International Research Stations of the IRRI in the Philippines, the CIMMYT operations in Mexico, the Tropical Agricultural Stations in Colombia and in Nigeria. We will fund one fourth of the beginning cost and operating expenses of the Livestock Disease Research Center in East Africa. We have helped finance construction of fertilizer factories and exports of fertilizer, pesticides, and water pumps to the developing countries. Our advisors have played a key role in helping countries develop farm pricing and marketing policies which have improved the incentive for farmers to use the new seeds and increase their production. We have encouraged the development of agricultural universities in many areas of the world.

The significance of the "Green Revolution" is not that it solves the food problems of the developing countries, but that it points the way toward a solution.

First, it proves that traditional farmers in developing countries will adopt modern methods of clear benefit to them. For years, the "backward, traditional" farmer was the despair of development planners in the poor countries. He was described as apathetic, illiterate, freighted with centuries of cultural and religious inhibitions and frozen in the farming practices followed by the generations preceding him. The "Green Revolution" has shown that farmers in poor countries like farmers here have a clear perception of their own self-interest. Given an opportunity to double or triple their yields, they will eagerly adopt new methods.

The "Green Revolution" has called attention to the role for production-oriented research in solving food problems. Ten years ago, efforts to improve agriculture in the poor countries were directed primarily toward importing techniques used in the West. Technology designed for large farms in the temperate zones often proved unsuitable or uneconomical for small farms in warmer climates. The "Green Revolution" has shown that research to develop technologies specifically suited for farming conditions in the LDC's can produce large pay-offs.

Matched against the enormity of the world food problems, the "Green Revolution" to date is a small step forward. But it has eased the food deficit in some of the world's most critical areas; it provides an impetus to attack the tasks of the future.

What are these tasks?

The first and most basic is to sustain and accelerate the present increases in grain production. There is much work to be done in extending the present technology, particularly to small farmers. The new wheats and rices—to be most effective—do best when used in areas with controlled irrigation. Unfortunately, adequately controlled water supplies are available to only a minor part of the arable lands of the less developed countries. For the "Green Revolution" to be fully effective we must have varieties and techniques which produce well in the dry lands, or the rain-fed lands where there is not too much rain.

Increases in grain production—which provide mainly calories—must be matched by increases in protein foods. Protein malnutrition affects approximately 60% of all people in less developed countries. It exacts a tremendous human toll, particularly among children. Child mortality in developing countries is of staggering proportions. Children under five in Pakistan and Brazil constitute under one-fifth of the total population, but account for four-fifths of all deaths; for 65% of the deaths in India, for 68% of all deaths in the U.A.R. (Egypt). The percentage of children ages one to four who die in Pakistan is 40 times higher than in Japan; and 80 times higher than in Sweden.

Deaths are measurable. Less dramatic and less visible is the toll among the survivors. The Food and Agriculture Organization of the United Nations recently reported that of the 800 million children now growing up in the developing countries more than two-thirds will "encounter sickness or disabling diseases either brought on or aggravated by protein-calorie malnutrition."

There is now clear evidence that malnutrition in infancy and during the fetal period may be associated with mental retardation. Severe malnutrition can lead to permanent brain damage. The continuing lag in ameliorating the world's nutrition problem may result each year in a new class of sub-normal children—listless, lacking in curiosity, unresponsive to stimulation, unable to learn, headed for unproductive lives.

The research and development dollars which have been focused on the worlds staples—wheat, rice, and corn—need to be stretched to include the heavier protein crops. This means continuing work developing grains with higher protein content such as the recently developed high lysine corns. It also means focusing increased attention on less familiar crops: cow peas, pigeon peas, chick peas, as well as dry beans, soybeans, and peanuts. These legumes are efficient sources of protein. In many less developed countries they form part of the traditional diet, including the diets for the poorest people. They are less costly than animal products. Protein from beef, the most expensive source, costs over thirty times as much as protein from soybeans, the cheapest.

On the other hand, in some areas animal production is an important source of protein. In sub-Sahara Africa today, there are approximately 120 million head of cattle—one-eighth of the world's supply. Yet they produce only one-twentieth of the worlds beef. Low production stems from marked seasonal variations in forage and water supplies which in turn imposes a system of nomadic grazing, high losses from disease, excessively slow growth rates, and inefficient marketing systems.

There is a clear need—in the next decade—for following the "Green Revolution" with a protein revolution.

The pattern which the United States followed—whereby migrations from the farm were largely absorbed in the cities—cannot be duplicated in the developing countries.

It is clear that by the end of this century—thirty years from now—the world must not only grow three times as much food but that it must provide jobs for twice as many people. Large increases in production must be obtained from millions of intensively worked small farms—by American standards very small farms of 1 to 20 acres each. The extremely productive U.S. system of agriculture cannot be transplanted around the world because of enormous differences in population densities and because the high cost of American style mechanization is much too expensive for the poor economies and the small farms of the developing countries.

Japan has achieved an agricultural breakthrough with an average farm size of two and one-half acres. Taiwan and Korea are following similar paths.

The point is that the search for a solution to the world food problem—for new grain varieties and protein foods—must be a search for technology which small farms can use as well as large affluent farms. Increased attention must be given to insuring that small farms have access to the tools of modern agriculture—production inputs, credit, markets and technical advice. It is a twofold task—finding techniques to boost production on small farms; finding means to help small farmers—with their limited resoures—utilize modern agricultural techniques.

There is no doubt that farm cooperatives can be helpful in this task. They played a key role in Japan's agricultural growth. They have been central to the great progress in Korea and in Taiwan. Before the internal commotion in Pakistan of the past few months one of the most helpful demonstrations in the world was in Comilla.

Comilla Thana in East Pakistan is one of the poorest in the world. There are on the average 2000 people per each square mile. The average size farm is only 1.7 acres. Per capita income was $40 to $50 per year. Yet an energetic cooperative program has transformed the Thana or county. Rice yields increased 96% in five years. In ten years the assets of the Comilla County federation have grown to more than $5.0 million. The society owns two cold storage plants, a modern creamery, a rice mill, transport equipment and warehouses. Having visited this project many times from the time when it was only an idea to the last time a year ago—I hope it survives the tragic troubles of these days.

There is no doubt that the cooperatives of America can make a continuing contribution to development of agriculture abroad. There are opportunities for American cooperatives to help with unsolved questions of how best to bring the small farmer into the mainstream of agricultural development. We in A.I.D. will continue to call on your expertise to help us in answering requests for assistance from abroad. But your role need not be limited to an alliance with the government. There is room for cooperatives in this country to reach out directly to cooperatives abroad. There are opportunities—as has been done with the cooperative fertilizer plant in India—for the American cooperatives to extend their financial resources to help cooperatives abroad.

The question—I suppose—is why? Why should the American cooperatives respond to these needs? Why should we have a foreign assistance program? To put it more directly, what's in it for us? What's in it for you?

Agriculture and industry in the United States benefit as incomes go up in the lower income countries. Data from a wide spectrum of developing countries shows that for every rise of 10 percent in the real per capita income of lower income countries, their total commercial food imports from the U.S. increases about 16 percent. Countries that have experienced a substantial measure of economic growth, have substantially increased their imports of U.S. agricultural products. As an example, in the last ten years, U.S. commercial agricultural exports to Taiwan increased by 25 times. This is simple economics. As incomes go up there is more money to buy things—including exports from the U.S. They buy not only U.S. agricultural products but a wide variety of the products of our total industrial complex.

One dollar out of every seven of U.S. farm income is derived from exports. Two-thirds of the sales are to Europe, Japan, and Canada, but one-third comes from sales to the LDC's. In 1950 Japan imported $349 million of agricultural products from the U.S. In 1970, 20 years later, they purchased $1.1 billion of agricultural products from the U.S. The first time in history that any nation has purchased more than $1 billion worth of U.S. farm produce in a single year.

Working with the people of the lower income countries on their problems can be a mutually enriching process. Solutions found to problems there can be used here. For example: in plant breeding, research on germ plasm abroad can have direct applicability here. In health, years of research on human diseases in the less-developed countries has yielded results from which we too gain protection. This is true now of the dreaded human disease cholera, for which effective new means of treatment and control have been developed in Asia. Currently a cholera epidemic is a problem in the Middle East and North Africa and threatens elsewhere. The threat would be far greater had not intensive investment in research on cholera in Asia been made some years ago. We now not only have vaccines to help prevent it, but we have the know-how to cure and save the lives of those who contract it if it is detected early.

Our concern that food production be increased must be conditioned by a concern for how it is increased—a concern that increases in food production not fill people's bellies at the cost of disrupting their lives or pauperizing their souls.

In our country and in other industrialized countries, agriculture has grown largely by increasing the size of farms and substituting machines for human labor. Rapidly growing urban industries have absorbed the surplus labor from the countryside.

Urban unemployment in most less-developed countries is already high—more than 20% in some countries. Fed by twenty years of rapid population growth, the potential labor force in the LDC's will increase by 30% in this decade. Unemployment in the LDC's will substantially increase in the 1970s.

Even if we assume that urban employment increases at a high rate of, say 4 or 5 percent a year, it would take 50 years for a country such as Nigeria—which now has 80 percent of its people in agriculture—to reduce that percentage in agriculture to 60 percent. In the meantime, the absolute size of the agricultural labor force would have increased threefold.

There are, however, more fundamental reasons for continuing to be concerned with events abroad. Our basic national interest—the concern for peace and for the building of an orderly community of nations—is well served by this concern.

The problems of this world are not contained by boundaries. Diseases ignore national boundaries. Pollution flows across national boundaries. Trade and the exchange of goods and services vitally affect the well-being of all nations.

The sense of injustice, frustration, and bitterness which will accrue if the peoples in the less-developed world are unable to see progress toward a better life cannot be bottled up. Violence, too, flows across the national borders.

In conclusion let's take a brief look at the number one problem that faces the whole human race—the population problem. There are now about three and a half billion people in the world—three times the population of one hundred years ago.

In another 100 years, at the present growth rate, there could be as many as 30 billion people on this earth. If by the year 2040 we could reduce the birth rate to the number that would replace the population of that time or a family average of no more than two children, the world population would stabilize 70 years later in 2110 at about fifteen billion (½ of 30 billion)—still an awesome figure and more than four times the present world population.

If the world could achieve the two-child family by the year 2,000 (30 years from now—certainly not an easy task) the world population will stabilize 70 years later in 2070 at 8.2 billion—more than double the present population and an immense burden to place on the earth's resources.

We in the U.S. cannot ignore this worldwide problem, and concentrate only on our domestic concerns.

The U.S. has a profound national interest in participating in the international development effort. There can be no assured peace for Americans unless we join the other developed nations of the world in a continuing effort to develop a stable world order. We cannot ask ourselves where the United States will be in the next few decades without first asking where the world will be.

People in the poor countries no longer believe that God ordained that their children must go hungry and sometimes die because there is no food for them.

They are easily convinced that there is something wrong when in this decade of the seventies their people must die because there is no health care, no vaccines to prevent epidemic diseases, no clean water to drink, no education for their children—no schools—no books—no teachers.

Ladies and gentlemen, all of the people on this earth live in the same world. This is the world our children and their children must live in too.

It is unrealistic to plan for a better world for our children and our grandchildren unless we recognize that the kind of a world they will live in 30 years, 60 years, 100 years from now will be determined to a substantial degree by what happens to the world that the other two thirds live in.

There is really no alternative but for our country to join with the peoples of the other nations of the free world in a common effort to do our fair share to help those countries who want to help themselves improve the quality of the lives of their people too.

That is what foreign assistance is all about. That is what there is in it for all of us.

That is why the leaders of American cooperatives deserve credit and commendation for their continuing interest in and willingness to help provide better lives for all people everywhere. I urge that you keep up your interest and your good work. It is all worth the effort.

CITIES CUT SCHOOL CLASSES IN MONEY BIND

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. ROSTENKOWSKI. Mr. Speaker, I would like to take this opportunity to draw to the attention of my colleagues to a most serious problem in our urban areas. I am speaking of the severe financial crisis facing our public school systems. A recent article in the Washington Post described in some detail the difficulties in maintaining current school programs in the face of ever rising costs. Most of the increased expenditures have resulted from recent collective bargaining agreements with teachers. But as teachers have received well deserved increases in compensation the city school systems have not been funded adequately to meet the costs. In my city of Chicago the school board, on the recommendation of our able Superintendent James F. Redmond, voted to close the schools for an additional 12 days in December. While this may seem like a drastic step the alternatives were far worse. The board could have cut our 4,700 jobs, many of them teaching positions, or borrowed money against its 1972 budget. Either course of action would have been unacceptable in that it would only tend to aggravate an already dismal situation.

Mr. Speaker, I am making these remarks only to remind my colleagues of a situation of which I am sure they are all aware. Our financially plagued cities are unable to receive support from their similarly distressed State governments. We in the Congress must not turn our backs on the need for improved education, especially when the national administration seems unwilling to take the initiative. How ludicrous it is for us to extol the virtues of education to our urban young as a vehicle for escaping the poverty of our central cities and then stand by and watch our school systems die before our eyes. I would urge the Congress to investigate every possible means of assisting our suffering educational institutions so that the right of every American to a good education can be preserved.

At this time I would like to insert a copy of the Washington Post article which, I believe, contains a concise summary of the problem.

CITIES CUT SCHOOL CLASSES IN MONEY BIND

(By Peter Milius)

Chicago will simply shut down its public schools for most of December if Mayor Richard J. Daley and the state legislature can not come up with another $22.8 million.

Philadelphia cut out all extracurricular activities, including high school sports. It had to pay its teachers in scrip at the end of last school year. It is starting this year $68 million in the hole, is "going to open in September and carry on as long as funds permit."

Detroit let 200 teaching positions remain unfilled last spring, stopped repainting its old schools, put its maintenance crews on a four-day week instead of five and still finished with a $20 million deficit. Assured 1971–72 school revenue is $230 million. Projected school expenses—$280 million. So far, no answer to the dilemma.

These are three touchy examples of a national school money crisis building up in some degree in almost every school district as the new school year approaches. It is most acute and most dramatic in big cities. So acute that growing numbers of districts do not have enough money to stand still.

District after district is having to cut back on school services or, as the Chicago school board voted to do last Wednesday, close down the school system for months—if necessary.

"It's happening all over, and it's getting worse," says Sam M. Lambert, executive secretary of the National Educational Association (NEA). "It's the tightest year in the last 20."

The problem is no longer crowded classrooms from the postwar baby boom and rising enrollments; as it was in the 1950's and most of the 1960's. In big cities especially, enrollments now are stable, or even declining slightly.

PROBLEM: TEACHER PAY

Nor is the issue bringing down class sizes, adding remedial teachers, offering new foreign languages, or other improvements in service.

The problem now is finding funds to cover steadily increasing teacher pay.

In Chicago, Philadelphia, Detroit, and elsewhere, the impending deficits are due almost entirely to pay raises sought and won in collective bargaining by those cities' strong teacher unions.

Boston's public school enrollment has held steady recently, yet its school budget "has doubled in the last five years, which is since collective bargaining began," says Leo J. Burke, the system's business manager.

It is difficult, however, for even the severest of critics to argue that teachers in Boston or elsewhere are driving taxpayers to rebellion and school systems into bankruptcy.

In Boston five years ago a beginning teacher with a bachelor's degree was paid $3500, according to Burke. Starting pay now is $7600, more than double the five-year-old figure—but still not a princely sum.

A few statistics suggest the national dimensions of the problem.

SALARY INCREASE

In the 10 school years from 1960–61 to 1970–71, public school enrollment nationwide rose 27 per cent, according to NEA calculations.

In the same period, public school expenditures rose 152.1 per cent.

Part of the cost increase was due to school improvement. The number of public classroom teachers rose by 45.4 per cent, more than half again as fast as such factors as enrollment, lower class sizes, and more course offerings.

But a larger part of the cost increase was due to pay raises. Teacher pay typically makes up three-fifths to three-fourths of school budgets, and average teacher pay went up 77.9 per cent in the 1960's, from $5449 in 1960–61 to $9,689 in 1970–71.

Meanwhile, taxpayers expressing their opinions.

In 1969, American voters approved only 56.8 per cent of the public school bond issues put before them—43.6 per cent of dollar value of the offerings.

In just that year, the total rejected was $2.2 billion. Compared with this, the total rejected in 1960 was $368 million—only 20.4 per cent of all bonds at stake in that year.

The game can be tough. In New Jersey, voters in most towns must approve, not just bonds, but whole school budgets at the polls each year. According to NEA's Lambert, this year they have voted down 153 of 440.

CITIES FARE WORST

The emerging teacher-taxpayer tug-of-war is strongest in cities, partly because teacher unions are typically more powerful there, partly because big-city tax bases are eroding and have more demands on them than do those in the suburbs.

Some cities manage to stay short of disaster. Los Angeles, Cleveland, Dallas and Miami think they can make it through the year without serious cutbacks—but without major improvements, either.

But New York, with all of its other problems, is $40 million short of what it needs to cover next school year's higher pay rates. And it hasn't yet decided how it will cut back to make ends meet.

The problem is also less acute here than in some other urban areas. Both the D.C. and Prince George's systems, respectively the nation's 13th and 10th largest, will be making some cutbacks this year. The District cutback is the first in recent memory.

The money crisis has produced various calls for reform. Some say the schools aren't giving the taxpayers their money's worth. "We must stop congratulating ourselves for spending nearly as much money on education as does the entire rest of the world—$65 billion a year on all levels—when we are not getting as much as we should out of the dollars we spend," President Nixon told Congress in his 1970 message on educational reform.

"Major new expenditures" should be preceded by "fundamental studies," Mr. Nixon said. "We will ask the Congress to supply many more dollars for education," but only "as we get more education for the dollar."

MORE FEDERAL MONEY

On the other side of the issue are those who say schools need more money now, in particular more federal money.

The federal government now supplies about 7 percent of public school revenues, the states 41 percent, local government 52 percent.

Key House Democrats recently introduced bills that would raise the authorized federal share to more than 30 percent in five years. They tried to tack their proposal onto the President's proposed $1.5 billion school desegregation bill, as a Democratic alternative to his revenue-sharing plans.

Last week the Democrats failed in a House subcommittee. They say that they will try again in full committee and on the floor. They think there may be enough public outcry when schools open in September to pass the bill.

Chicago began 1971 with a $646.6 million budget, up $85 million from the 1970 figure. The budget did not take account of about $50 million in pay and other compensation increases for teachers and other school employes.

The state legislature came through with some extra money, but not enough. Supt. James F. Redmond told the Chicago board last week that it had three alternatives: One was to shut down an extra 12 school days in December, a 6 percent cut in the scheduled 188-day school year. A second was to cut out 4700 jobs, many of them teaching positions, and thus increase class size. The third was to borrow against 1972 revenues.

Redmond urged the board not to borrow, because it already faced trouble enough in 1972. Contracts already negotiated will raise the payroll another $68 million that year.

The board voted for the December shutdown.

DEFERRED PAY BOOSTS

Philadelphia has already done what Redmond urged the Chicago board not to do: defer one year's problem to the next.

Philadelphia's teachers were supposed to get one pay raise in 1970 and another this year. The board didn't have the money for last year's pay boost, and asked the teachers to defer it. They agreed. Thus the board owes the teachers a total of $54 million in additional pay this year, and is faced with other cost increases besides. The state legislature may give it an extra $45 million. The rest, about $23 million, is nowhere in sight.

In Philadelphia, however, school officials by now are veterans in fiscal brinksmanship. "We've opened this way every one of the last three or four years," a spokesman said last week. "Something always comes through, and I assume something will come through this year, too. But I don't know what."

TRAINING NEW PERSONNEL IN THE BUSINESS OF WATER POLLUTION CONTROL

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. KEMP. Mr. Speaker, Mr. Gillman Laehy is general manager of Buffalo Sewer Authority and certainly a leader in his field. He is doing an outstanding job in directing the planning and development of a $76 million secondary treatment plant in Buffalo. I was pleased that I could assist in obtaining a $23 million Federal grant toward this project which, by the way, is the largest waste treatment construction grant ever made.

Recently, Mr. Laehy delivered a paper to the New York Water Pollution Control Association's 43d annual meeting entitled "Training of New Personnel to Meet Existing and Future Requirements." This is definitely a subject in which we all have an interest.

Mr. Speaker, I include the paper at this point:

TRAINING NEW PERSONNEL

Among many trends that one can discern in modern America there are two that have a direct bearing on those of us who are in the business of Water Pollution Control. The first can be described as the problem of image and the second is the desire of almost all of us to try to find simplicity in the midst of an incredibly complicated and technical age.

Marshall McLuhan, who was a fad several years ago, termed this second problem that of becoming a global village. The fantastic technology of our age, as complicated as it is, has helped us to become simple, in the sense that we have, because of our technology, become a global village. We are one community because of our communications networks, our instant media and total dependence upon each other for the goods and benefits of life.

But this has bred a sense of simplicity in public thinking that makes our jobs in water pollution control somewhat more difficult. For effective water pollution control in this day and age is no simple matter. Perhaps a brief history of our efforts in the Buffalo, New York, area will illustrate this.

The Buffalo area, like the rest of New York State, was originally populated with the Indians of the Six Nations of the Iroquois Confederacy. Contrary to popular thinking, the Indians of New York were not savages but had a highly developed culture. They lived in permanent dwellings (the long house), in settled villages, with a regular government, were cognizant of farming techniques, trade procedures, etc. But the one thing that they did not have was an effective way to control sewage. As a result the average Indian village had to be abandoned after about 12 years. The disease resulting from lack of effective sanitation and sewage control made the village uninhabitable after that time.

The first white settlers knew the need to get rid of their sewage and so built sewers to handle it. The earliest sewers in Buffalo dated from about 1810 and were hollow logs. But with the vastness of the land they could not foresee that it would be possible to contaminate water supplies that seemed endless to them. And so they dumped their sewage into the Niagara River, whence it flowed over the Falls into Lake Ontario.

This dumping of raw sewage into the River was satisfactory until the early 1930's when a Typhoid Epidemic broke out in Tonawanda, New York, which is downstream from Buffalo. Thus it was that the Buffalo Sewer Authority was created and the present primary treatment plant erected in 1938. In the latter part of the great Depression there was no difficulty finding trained personnel to operate, maintain and manage the Treatment Plant. Operators either received on-the-job training or were given courses held locally by the State.

When the present plant was put into operation in 1938 it was considered one of the most modern and efficient plants in the world. However, the science of treatment has come of age and this is no longer true. The sewage is collected through 804 miles of combined sewers throughout the City of Buffalo, plus the effluent from several outlying communities. In Buffalo we are on the threshold of building a new 75 million dollar secondary treatment plant to meet the needs of this age, complete with phosphate removal to comply with the latest requirements established by the State of New York Department of Environmental Conservation. Actual construction is scheduled to commence in the summer of 1971.

Up to now the Buffalo Sewer Authority employs 260 people, 140 of whom are employed to operate the Treatment Plant. The new Secondary Treatment Plant will necessitate an increase in personnel of about 40, of which about 15 will be new operators. The training of existing personnel and new people is the challenge that we, and you, must face. Again, what seems simple, in this day and age is very complicated. To meet these complicated needs we have used or are using the following methods of education. Remember that in addition to new jobs, we are constantly needing more personnel to replace those who quit or retire. And many of our people who started with us in 1938 or shortly after that are now reaching retirement age.

We might divide our personnel into three categories: sub-technical persons, technical or treatment operators, and administrative and engineering persons.

We have no formal training courses for sub-technical personnel. They are trained informally "on-the-job."

But the training of plant operators is much more formal. There are, as you probably know, three places in New York State where courses in sewage plant operation are given. One is in New York City, one in Syracuse and one in Western New York. We are fortunate in having this operation in Buffalo—it is called the Great Lakes Laboratory, headed by Dr. Robert A. Sweeney, and is associated with the State University College at Buffalo.

Four courses are offered each year at the Great Lakes Laboratory for Grade II operators and two courses for Grade III operators. The Grade II operator course is ten days in duration and the Grade III lasts for five days. The successful candidate is qualified to apply for certification by New York State Department of Environmental Conservation in their particular grade. With the advent of the new Secondary Treatment Plant we intend to enter into an extensive training program through the F.W.Q.A. This program will be 44 weeks long and is subsidized by the F.W.Q.A. The program combines both class room work and on-the-job training.

Incidentally, for those of you who are not as fortunate as we are to have facilities for training operators right in your own communities, or near them, there is a new correspondence course being offered for plant operators. The February 1970 issue of the Journal of Water Pollution Control has an article on this correspondence course being developed by Kenneth Kerr at the Sacramento State College in California. It might be well worth looking into.

But our needs in Buffalo, in addition to trained technical staff, also are in the areas of administration and engineering. For these personnel we are looking to our local colleges and universities. Again we are fortunate to have seven institutions of higher learning within Western New York. Our main university is the State University of New York at Buffalo, the former University of Buffalo, which is one of the four university centers of the State University system. At the U. of B. we have graduate courses in sanitary engineering, and this will, hopefully, be a source for well-trained engineers in environmental control. We are also fortunate in Buffalo to have the Erie County Community College which has a series of courses in environmental health science. We look there for many of our highly skilled technical personnel. Two other colleges in the area, Canisius and Niagara, have courses in both business administration and chemistry. Hopefully, they can supply us with the management people we will need in the future—management people who are also trained in the sciences.

I should note here that this is our local approach to the problem of finding the trained personnel that we need now and in the future. But for those of you from other areas, I might suggest that you look to your local community colleges for people trained in Environmental Health Sciences. For example, there are courses offered in this area by Morrisville Community College, near Syracuse, Broome Technical at Binghamton, and Hudson Valley Community College in the Albany area. Other schools that are developing a curriculum in Environmental Health Sciences are: Suffern Community College, Delhi State College, and Niagara Community College.

Universities offering graduate programs in sanitary engineering include, in addition to the University of Buffalo, Syracuse U., New York University, Brooklyn Polytechnic, and R.P.I. in Troy, New York. This list is far from complete, but it shows that we do have sources for recruiting new personnel throughout the State.

I will not note here the many Federal and State assistance programs for training personnel in water pollution control because I am sure that you are aware of them. Suffice to say that we should be making use of them and we should have in our offices at least one managerial person who is an expert on the necessary "form-filling-out" and government "jargonese." This will enable us to make the most use of the resources that State and Federal Agencies make available to us every year.

But what I am pointing out is the premise with which I began: namely, that while the modern American wants simplicity in his life, it is rather a complicated life. But if we, who are in the business of water pollution control, can master the complications of modern sewage treatment and if we can maintain the professional and technical quality of our staffs, then we will be able to give to John Q. Public the simplicity he wants in one area of his life: a competent sewage disposal system that will help him to live in a pollution free environment. The end result is simple, it is the process that is complicated. And the key to the process is the recruiting of good personnel.

But let us turn to the other need that we see in America today. And this is the need for image. We live in a day of pre-packaged images, available for all who want them. Even candidates for President of the United States have to have the image that is expected of them. And according to recent reports this image is carefully planned and painstakingly executed. But this concern for image is apparent in all levels of society in the U.S. And it is very apparent to those of us who work at sewage disposal.

Writing in the October 1969 issue of Water and Sewage Works magazine, William D. Hiatt states that:

"Factors that influence people in their choice of an occupation are: a) recruiting; b) salaries and wages; c) social acceptance." This last is what I mean by image—social acceptance. He continues to say: "There may be other factors such as family ties and geography, but the three named are the important ones. Salary may ultimately be more important than recruiting, and social acceptance may be, without conscious consideration, the most important."

What he is saying here is that image is an important part of any job. People may not be aware of it, but they instinctively, without being aware of it, will choose that job which gives them the most social acceptance or image.

Now, we all have gone through the verbal "slings and arrows" that are cast constantly at workers in sewage plants. We know what the image is. And then we have to discover how to upgrade the image.

The image that we now have is partially a result of the media. For, as William Hiatt notes, the people know about sewage treatment from two sources: TV's Norton as played by Art Carney on the Jackie Gleason show, and, for the older generation, the Great Guildersleave on radio's Fibber Magee & Molly show (and later on his own TV show). Norton is the unskilled laborer who works all day long in the sewers and shows the marks of it. He is a bumbling idiot who does not know enough to come up for air now and then. He is the fall-guy who tags along for the fun and is the source of much of the fun because of his peculiar line of work.

But in the Great Guildersleave we have the other end of the spectrum—management. He is the head of the local water works and it is obvious that if he ever got down into a sewer he would not be able to find his way out. He is the primeval example of the hack political appointment. He knows little, but it is probably cheaper to give him a good job at City Hall than to have him on welfare. He is good at nothing but the bumbling use of words and is the butt of the jokes around City Hall. His main consolation is that there is one lower than him on the local totem pole and that is the dog catcher.

Like it or not, this is the image that most people have of those who work to keep sewage treatment up to date and who are the main ones working today in water pollution control. It is an image fostered by TV and radio; it is an image guaranteed to give the viewer someone he can look down upon.

It is with this in mind that we have to find the ways to upgrade the image of the professional and non-professional worker in sewage treatment. I think that the first step has already been taken by the change of terms. We now speak of "water pollution control" and this is a better description of what we do than sewage treatment. You may ask: "What's in a name?" And I would have to answer "plenty"! Our younger generation is perhaps more idealistic than any other in our history. And for the first time we are painfully aware that pollution of our environment could spell the end of our civilization.

This is a real challenge to our youth. And if we are to recruit the necessary personnel to run our complicated treatment plants and to plan new systems to meet the needs of the future, we will need these youth. They are the hope of the future and we have to give them an image that befits the important work we ask them to do.

The use of terms like "Water Pollution Control" and "Environmental Health Sciences" are aids in this recruitment. They aid all of us who want to be proud of the work we do. Certainly, it does sound better to say that we are engaged in water pollution control rather than sewage treatment. And it is more accurate! It more accurately describes the kind of work that we do. For what we do has more to it than the digging and cleaning of sewers.

A change of names is the beginning. But in addition to this we need constant publicity. And this means the use of public relations people and techniques. If Madison Avenue can be used to sell the detergents that pollute, why can we not use it to sell the remedies that will keep us if not pollution-free, at least pollution safe?

Public Relations is more than just selling an image. It is also the art of informing people. Information is one of its basic functions. Again our people want simplicity. They want toilets and sewers that work, but they are not interested in how they work, but that they DO! It is our task to keep them informed on the complexities of modern water pollution control. Unless they are aware they will not know or understand how important water pollution control is. And this could spell disaster for our society. But if the public is well informed, certainly this will do much for our image. And it will help to attract to our ranks the young scientists and engineers and technicians that we need today. This kind of information and the use of publicity to get it to the public are what we have in mind when we say that we need public relations people in our offices.

Finally, to have a good image, we must be adequately represented in the entertainment media. Very few entertainers would think today of telling an offensive ethnic joke. It would kill their career. And yet they see nothing wrong with jokes about sewer workers.

I think that it is time that we challenged the stereotypes created by the Nortons and the Great Gildersleaves. The entertainment media have to learn that by making a joke of our professions they are not merely hurting a segment of America, they are also holding back the vital work of combating pollution. They are holding back from us the highly-skilled personnel that we need. For who wants to go to work for a joke.

We have to challenge the entertainment media to take us seriously and to present our work in a light that will help us in the fight against pollution. As H. Rap Brown once said: "You are either a part of the solution or a part of the problem." And right now TV is a part of the problem. It must be made aware that it has to be a part of the solution. I would not be so bold as to say how they should do this. I *am* sure that they have enough experts to do the job. But it must be done. The Nortons and the Great Gildersleaves must be eliminated. Youth must be challenged to see water pollution control as one of the necessary facts of life today.

These then are a few ideas on creating a new or improved image for our profession. Is it really important? Well, to go back to what I said at the beginning, the Indians of New York State had a high degree of culture but it was held back by their constant need to move. Pollution was the fact of life that kept them from advancing or establishing really permanent villages.

The white man in America now has the same problem, only compounded. For he has nowhere more to move. He must now learn to live with his environment and this means controlling its pollution. And controlling it means a well-educated, highly skilled corps of people who are dedicated to water pollution control. This will come through our efforts to educate our personnel, but it will come mostly from the improved image of our work and workers, an image that will attract the young man and woman who is really the hope for the future. Without them and without our efforts there well may be no future. This is the challenge.

U.S. BALANCE-OF-TRADE PROBLEMS

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mrs. CHISHOLM. Mr. Speaker, Benjamin Franklin once wrote:

> No nation was ever injured by trade.

It is especially ironic that the proof of his fallacy will be the electrical industry.

The IUE in particular has been hurt especially hard over the past 5 years. They saw a 1969 balance of trade in consumer electronics at a minus $890 million. My figures from the Commerce Department for 1970 show a minus $1,270. You might have seen in the July 30 edition of the Times that Maurice Stans warned that—

> The U.S. might have a negative balance of trade for the first time in this century. The United States' overall balance of trade in recent years has deteriorated from surpluses of $5 billion to $7 billion in the early sixties to $1 billion to $2 billion levels since 1967. In 1971 the trade surplus may disappear altogether for the first time since 1893.

The United States has found itself in this precarious position in part because of low tariffs on imports. For example, our tariff on television sets is 7 percent while Japan's is 21 percent. Japan also has a list of 123 major quotas which have effectively banned U.S.-manufactured products from its markets. Even though our TV's cost less, they have been kept from the Japanese market. Mexico is another example of a country which has taken enormous advantage of our lax policies. That Government has imposed restrictions in all areas which have Mexican counterparts. They will import goods which supplement their own industry but not allow any competition with its own industry.

Foreign governments appear to have more stringent laws protecting their own industry than the United States does. Our Government's policy considers management profit a higher priority than labor security and welfare, and its import and tariff policy is based on this premise. This country has been victimized more and more by dumping of foreign imports. Dumping—selling a good for a lower price here than in the foreign country from which it originates—is a criminal violation of title 15 of the United States Code. The enforcement of that code ras been reportedly nonexistent in recent years. It has gotten to the point where U.S. companies are filing complaints against European and Japanese manfacturers. This action is especially critical because of the thousands of jobs in the balance. This action is not as contradictory to Government complicity with industry as it first appears. The prosecution of foreign companies which dump is supported by the U.S. Government. The neglect of title 15 enforcement is probably due to bureaucracy more than anything else. Representative Silvio O. Conte, Republican, Massachusetts, is a prime proponent of cracking down on the dumping practice. He explains it this way:

> By cutting their prices in this country they gain an unfair advantage over our domestic companies, then these same foreign countries block U.S. firms from selling in their homelands, allowing them to jack up the price of the same items that they sell at home.

The U.S. corporations themselves have aided and abetted this lax policy. Nonenforcement of title 15 also can be seen in light of the growth over the past 10 years of multinational corporations from the United States resulting in foreign subsidiaries and plants in foreign countries producing directly for the U.S. market. In the period 1969–70 U.S. electrical and electronic industry has invested $2.5 billion in new plants and equipment in foreign countries. U.S. patents and licenses have also been leased to foreign manufacturers in exchange for royalties. This practice is especially repugnant when viewed as a way to obtain cheaper labor than here in the United States. GE, Westinghouse, RCA, Sylvania, Zenith, Emerson, Philco, Admiral, and Singer are just some of the companies fleeing to Taiwan, Singapore, Hong Kong where wages range from 15 cents an hour to 35 cents. In Japan where there are relatively powerful unions, wages have been brought to a level of $1 an hour. By working in these countries the companies enjoy the best of both worlds—they hire employees in the lower labor market and at the same time sell their products in the highest price market, the United States. The irony is that the electronics industry is a growth industry but it will grow in countries other than the United States. In addition to layoffs, the curtailment of growth perspectives in the electronics industry has also meant a shutting off of employment opportunities for minority groups. When Emerson TV Corp. closed its doors in June 1970, 180 blacks and Spanish-speaking workers who were receiving special training were laid off. The Zenith Radio Corp. of Chicago reported that close to 2,000 employees hired as a result of equal opportunity employment policies were laid off as a result of the shift to foreign labor.

Since 1934, this country has prided itself on being a "free trade" advocate. The end of World War II brought an increase in foreign imports which has increased steadily. This growth, particularly within the next decade, has been stimulated by a variety of factors: The disparity between U.S. and foreign labor costs of assembly and processing; severe and increasing competition in the United States from foreign producers; existence of U.S.-owned foreign plants initially established with the intent to expand in the world markets; benefits provided by tariff item 806.3 and 807; and the incentive offered by foreign governments to attract new industry. This boom in imports is shown very clearly in the statistics of the last few years. Total U.S. imports under tariff item 806.3 and 807 combined increased annually from $953 million in 1966 to about $1,842 million in 1969. While trade under both of these provisions rose sharply and without interruption over this period, most of the aggregate increase, $889 million, was accounted for by articles assembled abroad or containing U.S.-fabricated parts.

From a sample put together by the U.S. Tariff Commission it appears that in 1969 about 40 percent of the imports under this tariff provision was by U.S. concerns having an investment in the overseas assembly facility from which the imports were obtained; about 60 percent of this trade was by U.S. firms whose foreign establishments were primarily oriented to 807 operations. The remainder of the trade was largely by foreign concerns that on their own account obtain U.S. components for assembly into the products they export to the United States. A small part of the total trade was by jobbers or contractors with no financial interest in the foreign establishment from which the assembled article was obtained. The chart below explains this more clearly:

	807	806.3
Total U.S. imports 1969	1,649	193
Imports by firms with U.S. investments in foreign facilities	608	95
Firms whose foreign facilities are exclusively assembling U.S. material	376	82

The growing volume of imports particularly under items 806.3 and 807 has been accompanied by increasing expressions of concern by the AFL–CIO Executive Council and other labor groups. It is their contention that the duty allowance on U.S. materials has encouraged a shift of production facilities from the United States to foreign countries where wages are lower. This has resulted in the exportation of U.S. job opportunities.

The 806.3 and 807 provisions are provided for under schedule 8, part 1, subpart B of the Tariff Schedules of the United States—TSUS. Pursuant to the 806.3 provision articles of metal, except precious metal, that have been manufactured or are subject to a process of manufacturing in the United States and which are exported for processing and returned to the United States for further processing are subject to duty only on the value of the foreign processing. Item 806.3 has its origin in the Customs Simplification Act of 1956. The purpose of the provision was to facilitate the processing of the United States metal articles in contiguous areas of Canada during breakdowns or other emergencies at nearby plants. The explanation offered on the floor of the House at the time of passage was as follows:

> This provision would permit manufacturers to send into Canada principally for processing * * * when * * * they are unable to process that particular metal product within their own plants * * * I believe that there is no possibility that these particular products would ever be shipped to such countries as Belgium, Spain, Portugal, and so forth because of high transportation costs.

Needless to say he was wrong.

The principal articles entered under this item in 1969 are interesting to note: aircraft—primarily wing and tail assemblies and fuselage panels; aluminum sheet and strips, rods, and pipe and tubing; semiconductors, copper and brass strips, boilers and auxiliary equipment. In 1969, imports of aircraft parts were valued at $68 million.

Item 807 allows imported articles assembled in foreign countries with fabricated components that have been manufactured in the United States to be subject to duty on the full value of the imported product less the value of the U.S.-fabricated component. No further processing in the United States is required for the articles imported under this item. This means that there is no need to have any major adjustment made abroad allowing American companies to ship their parts abroad, have cheap labor put the product together and then ship the finished product back to the United States duty free and with substantial financial gain for their corporation.

American companies have devised all sorts of ways to increase their profit by importing goods into the United States. A major change which has gained momentum in the sixties is the soaring rate of investment of American companies in foreign operations. These investments combined with patent and license agreements with foreign companies have transferred American technology to plants throughout the world. Many of these foreign companies operating with American machinery and know-how pay workers as little as 15 cents an hour in Taiwan and less than a dollar in Mexico. In 1960, U.S. firms invested about $3.8 billion in plants and machinery in foreign subsidiaries. In 1971, the Commerce Department said that U.S. firms plan to invest over $15 million. These investment figures show that more than $8 billion will be invested abroad in manufacturing. This is about one-fourth of the $32 billion planned investment in manufacturing in the United States for this entire year. Westinghouse is a good example of a company which has gone through this type of growth. In 1950, Westinghouse had 67 licenses in 21 foreign countries. Today it has 200 licensing agreements in 38 countries.

It is interesting to note that in 1969 Ford was reported to be England's biggest exporter and IBM was the leading French exporter of computer equipment. During the past 25 years according to the estimates made by Harvard Prof. Raymond Vernon about 8,000 subsidiaries of U.S. companies have been established abroad, mostly in manufacturing. It is estimated that the annual sales of foreign branches of U.S. firms are approximately $200 billion or five times U.S. exports. The trend of the American based firm is probably best represented by an advertisement which was placed in the Wall Street Journal, July 15, 1970:

> If you have a patented product or a product that has a market in the U.S. we can help you find a reasonable licensor in Mexico.

An additional major change since World War II is the emergence of a new kind of business—the multinational firm. These are often American-based companies with plants, sales agencies, and other facilities in as many as 40 companies around the world. These multinational firms can juggle their production of parts and the finished products from one subsidiary to another in a different country. The multinational firms can juggle its bookkeeping and prices and their taxes. Their export and import transactions are within the corporation determined by the executives of the corporation, for the benefit and profit of the corporation. This is not exactly free trade. Surely it is not foreign competition. It is also interesting to note that these same companies are calling for the defeat of quotas in the name of free trade.

General Electric has over 80 foreign manufacturing facilities in 24 nations. Westinghouse has either a majority or working agreement with 40 foreign subsidiaries as to who controls the business. No longer can you classify these companies as American but rather they are multinational conglomerates — see the list of the foreign bases of these American companies. No consumer electron products have been manufactured in the United States by Westinghouse since its Edison, N.J., plant was shut down in 1970. These products are now being manufactured by Japanese companies—Sony, Hitachi, and Finai—using the Westinghouse label. Radio components are being imported from other manufacturers in Taiwan and Hong Kong. GE has imported small-screen black and white TV sets from a Japanese company, Hitachi. GE has other joint ventures with Hitachi, Toshiba, and others, and during the 1969–70 strike entered into agreements with them to provide it with electrical and electronic parts. GE has fully owned affiliates in Hong Kong and Singapore with an average wage of $2 a day. GE overseas work has increased 107 percent since 1966 while its domestic work force has increased by only 20 percent.

It is easy to talk about this subject in terms of profit lost or accrued. It's also easy to view import statistics coldly and without much interest. The effect of all these statistics, however, has been an increase in the number of jobs lost to overseas markets. The aggregate number of workers engaged in the production of U.S. material for exportation and processing and assembly must be estimated. All of the material which I was able to get hold of cited different figures using different base numbers. The U.S. Department of Labor estimated that there was a loss of about 700,000 jobs in the 1966–69 period because of increased imports. This does not include an estimate of the loss caused by foreign trade barriers or the markets lost to the multinational firm. For the same period the BLS estimated that the number of jobs lost due to exports was 400,000. More recently the Department of Commerce disclosed that the unemployment in the electronic industry declined by an estimated 107,000 last year alone. The Commerce Department informed me that imports now represent more than 30 percent of domestic consumption of the consumer and that rougher times are ahead.

Mr. Speaker, I include a list of American-owned companies and their subsidiaries and affiliates:

LIST OF COMPANIES, SUBSIDIARIES, AND AFFILIATES

SINGER CO.

1. Subsidiaries:

Commercial Controls Canada Ltd. (Canada).

Friden (Holland) N.V. (Netherlands).

Friden S.A. (France)—86%.

Singer Co. of Canada Ltd.

Singer-Cobble Ltd. (Great Britain).

Singer Industries Ltd. Nigeria.

2. Affiliates:

Pine Sewing Machine Mfg. Co. (50% owned) which makes sewing machines in a plant in Utsunomiya, Japan.

Wholly owns Mastumoto Mokko Ltd. which makes cabinetware.

Owns 50% of Pine Tarnsportation Ltd.

Own 45% of Controls Co. of Japan.

TIME, INC.

Company publishers 6 international editions of Time Magazine.

Subsidiaries:

Time-Life International de Mexico, S.A.

Time-Life International (Nederlands) N.V. (with subsidiaries in England, France, Switzerland and Curacao).

Time International of Canada Ltd.

Little Brown & Co. (Canada) Ltd. 60% owned

AMERICAN METAL CLIMAX

1. Some subsidiaries are:

Climax Molybdenum N.V. (Netherlands).

Amax Exploration Quebec Ltd.

Amax of Canada Inc.

Kawneer Co. Canada Ltd.

Northwest Amax Ltd. (Canada) 75%

Northwest Amax Ltd. (Canada) 75% owned — the Climax Molybdenum Co. of Michigan owns the Climax Molybdenum Development Co. (Japan).

CUMMINS ENGINE COMPANY, INC.

1. Subsidiaries (wholly owned).

Cummins Diesel of Canada Ltd.

Komatsu-Cummins Sales Co. Ltd. (Tokyo-Japan). 51% owned.

2. Foreign Licensees, etc.

Komatsu Mfg. Co. Ltd., Tokyo, Fried's Krupp (Germany), Diesel, Nacional S.A. (Mexico) etc., Mexico City

LEVER BROS. CO. (UNILEVER LTD.)

Has interests all over the world, including Japan—subsidiaries and affiliates are not listed separately.

BOOZ, ALLEN & HAMILTON, INT.

International consultant firm in Canada, West Germany, France, Mexico, etc.

BELL & HOWELL CO.

1. Markets in U.S. a line of cameras produced by Canon Camera Co. Inc., Tokyo and sold as Bell & Howell—camera equipment.

2. Owns 90% of Japan Cine Equipment & Mfg. Co.

3. Wholly owned subsidiaries include:

Ditto of Canada Lt. Toronto.

Bell & Howell Canada Ltd. Toronto

Bell & Howell H.B., Sweden.

Bell & Howell France S.A. Paris.

Devry Institute of Technology of Canada, Ltd.

Other subsidiaries in Sweden, Belgium, Switzerland, etc.

INTERNATIONAL PAPER CO.

1. Subsidiaries:

Canadian International Paper Company.

British International Paper Ltd.

Canadian International Pulp Sales Ltd.

International Paper Company (Europe) Ltd.

International Paper (France).

CARRIER CORP.

1. Subsidiaries:

Carrier Air Conditioning (Canada) Ltd.

Camwell of Canada Ltd.

Toyo Carrier Kogyo Kabushiki Kaisha (Japan) 75% owned.

Carrier International Sdn. Malaysia.

Carlyle Air Conditioning Co., Ltd., United Kingdom.

Carrier GmbH Germany.

BORG-WARNER CORP.

1. Wholly-owned subsidiaries include:

Arpic N. V. (Holland).

Borg-Warner Investments Pty Ltd. Borg-Warner (Canada) Ltd.

Borg-Warner Ltd. (England) which owns Marbon, Australia Pty. Ltd. (55%) Borg-Warner.

Australia Ltd. (75%) etc.

2. Affiliates (jointly owned):

Ube Cycon Ltd. (Japan).

Nsk-Warner KK (Japan).

Aisin-Warner KK.

York, India Ltd., New Delhi, India.

STANDARD OIL CO. (NEW JERSEY)

1. Company owns 70% of Imperial Oil Ltd. (Canada).

Company owns 23% of Interprovincial Pipe Line Co. (Canada).

Company owns all of Esso Eastern Chemicals, Inc., which coordinates chemical interests in Japan.

Southeast Asia, etc.

Company has extensive European, Latin American, Middle East and Far East holdings in Norway, Denmark, West Germany, Belgium, Venezuelan, Brazil, Argentina, Chile etc.

IBM

Has 17 mfg. plants in 15 nations, including Japan.

IBM World Trade Corp. & its subsidiaries operate facilities in 108 countries in 1969.

PEPSI CO.

1. Subsidiaries:

Paso de los Torros, S.A. (Uruguay).

Shani Bottling Co. (Pty) Ltd. S. (Africa) Pepsi-Cola Italia S.P.A.

Pepsi Co. Oversea Corp., Food Enterprises Ltd. (Japan), Mike Popcorn K. K. (Japan).

Pepsi-Cola (Japan) Ltd.

Pepsi-Cola (Pakistan).

Pepsi-Cola Ltd. (England).

Pepsi-Cola Refrigerantes Ltd. (Brazil).

KIMBERLY-CLARK CORP.

1. Subsidiaries:

Kimberly-Clark of Canada Ltd.

Kimberly-Clark Pulp & Paper Co., Ltd. (Canada).

Kimberly-Clark Lumber (Canada) Ltd. (inactive).

Kimberly-Clark de Mexico S.A. (60% owned).

Kimberly-Clark Far East Ltd. (Singapore) 60% owned.

Kimberly-Clark Ltd. (England) 66⅔% owned.

2. Co. has property in Japan.

BOISE CASCADE CORP.

1. Company has foreign utility operations, mainly sale of electricity, conducted through subsidiaries in Ecuador, Guatemala and Panama—the subsidiaries are:

Empresa Electrica del Ecuador Inc.

Empresa Electrica de Guatemala, S.A.

Cia. Panamena de Fuerza y Luz.

2. Company has subsidiaries including: Boise-Cascade International, Inc. which owns Ontario-Minnesota Pulp and Paper Company, Ltd. Mobile home and recreational vehicle plants in British Columbia, France, England, and The Netherlands.

CPC INTERNATIONAL

Principal Subsidiaries:

Clifford Love & Co., Ltd. (Australia)

Refineries de Maiz, S.A.I.yC. (Argentina)

Refinacoes de Milho, Brazil Ltda. (Brazil)

Canada Starch Co. Ltd.

Brown & Polson Ltd. (England).

LOCKHEED AIRCRAFT

1. Among the company's principal subsidiaries, wholly-owned, are:

Lockheed Aircraft Int'l. A.G. (Switzerland)

Lockheed Aircraft Int'l. Ltd. (Hong Kong)

Lockheed Aircraft Corporation of Canada, Ltd.

Lockheed Offshore Petroleum Services Ltd. Canada

Lockheed S.A. de C.U. (Mexico)

Lockheed Aircraft (Australia) Pty., Ltd.

CONTINENTAL CAN CO., INC.

1. Principal subsidiary:

Continental Can Company of Canada Ltd.

H. J. HEINZ CO.

1. Subsidiaries:

H.J. Heinz of Canada Ltd.

H.J. Heinz Co. Ltd. (91.16% owned) British Isles

Nichiro-Heinz Co. Ltd. (80% owned) to make and market Heinz products in Japan also in Australia, Belgium, Luxembourg, Holland, Portugal, Venezuela, Switzerland, Italy, Pago Pago, etc.

DEERE & CO.

1. Subsidiaries:

John Deere Ltd. (Canada)

John Deere Intercontinental Ltd. (Ontario, Canada)

John Deere (France)
2. John Deere S.A. Mexico 75% owned:
John Deere-Lanz Ver waltungs A.G. Germany (99% owned)
John Deere, Ltd., South Africa, 75% owned.

HEWLETT-PACKARD CO.

1. Company's European operations are handled by wholly-owned Hewlett-Packard S.A. (Switzerland). This company has 2 manufacturing subsidiaries and 9 marketing subsidiaries.

2. Affiliates:

Yokogawa-Hewlett-Packard, Ltd. (49% owned) makes electronic measuring instruments in a plant at Hachoti, Japan. The affiliate also handles companies marketing operations in Japan. Also in Canada, Mexico, Argentina, Brazil, Venezuela, Australia.

SPERRY-RAND CO.

1. Main subsidiaries are:
Sperry Rand Canada.
Sperry Rand Ltd. (England).
Sperry Rand Italia, S.P.A. (Italy).
Vickers (Germany) G. mbH.
Sperry Rand Australia Ltd.
2. Affiliates:
Tokyo Keiki Seizosho Co. Ltd.
Nippon Univac Kaisha Ltd. (Japan).
Oki Univac Kabushiki Kaisha (Japan).
West & de Toit (S. Africa).

BRISTOL MYERS CO.

1. Subsidiaries:
Bristol Banyu Research Institute Ltd. (Japan).
Bristol Laboratories (Japan) Ltd., Bristol Industries Ltd. (Taiwan).
Bristol Laboratories of Canada Ltd.
Bristol-Myers Co. Ltd. (England).
Deutsche-Drackett Inc.
Bristol-Myers, Canada Ltd.
Bristol-Myers (Japan) Ltd.
Clairol (Japan) Ltd., Hair Coloring Industries (Japan) Ltd.

W. R. GRACE & CO.

1. Some subsidiaries are:
Dearborn Chemical Co. Ltd. (Canada).
Dubois Chemicals of Canada, Ltd.
Golding Bros. Canadian Ltd.
Howard & Sons (Canada) Ltd.
Leaf Confections Ltd.
Willard Chemical of Canada Ltd.
Leaf Belgium N.V.
S.A. Rene Weil, France 85% owned.
Hughes Bros. Ltd. Ireland.
N.V. Cacaofabriek de zoan (The Netherlands).

UNITED AIRCRAFT

1. Subsidiaries:
United Aircraft of Canada Ltd. 90.6
2. Affiliates:
Ratier-Forest S. A. France (15% owned) makes aircraft and missle components.
Precilec S.A. (France) 20% owned makes electronic components.
Orenda Ltd. (Ontario) 40% owned.

TEXAS INSTRUMENTS

1. Texas Instruments Japan Ltd. (owned equally by Co. and Sony Corporation).
2. Some subsidiaries are:
Geophysical Service International Ltd.
Texas Instrumentos and Electronicos do Brazil Ltda.
Texas Instruments Ltd. (England).
Indonesia Surveys S.A.
G.S.I. de Mexico, S.A. de C.V.

BENDIX CORP.

1. Some subsidiaries are:
Akebono Brake Industry Co. Ltd., (Tokyo) 10.3% owned.
Jidosha Kiki (Tokyo) 13% owned.
Bendix Taiwan Ltd. (Taiwan).
Ducellier et Cie, (Paris, France) 60% owned.
Jurid Werke Gmbh (Hamburg, Germany) 49% owned.
Bendix Mintex (Pty.) Ltd. (Australia) 51% owned.
Greenpar Engineering Ltd. (Essex, England).

AMERICAN MOTORS

1. Some subsidiaries are:
American Motors (Canada) Ltd.
Canadian Fabricated Products Ltd.
American Motors of South Africa (Pty) Ltd.
American Motors del Peru.
A.M.C. de Venezuela, C.A.
2. Affiliates:
IKA-Renault S. A.
Vehiculos Automotors Mexicanos, S.A.

M'DONNELL DOUGLAS CORP.

Some subsidiaries are:
Douglas Aircraft Co. of Canada Ltd.
McDonnell Douglas Japan Ltd. (Tokyo).

M'GRAW-HILL, INC.

1. Some major subsidiaries are:
McGraw-Hill Co. of Canada, Ltd.; McGraw-Hill Book Co. (South Africa) (Pty) Ltd.
McGraw-Hill Publishing Co. Ltd. (England).
McGraw-Hill Book Co., GmbH, Dusseldorf, Germany.
Libros McGraw-Hill de Mexico S.A. de C.V.
2. Affiliates:
Technic Union, Paris, France (49% interest).
New Medical Journals Ltd., London England (50% interest).
World Medical Publications S.A., Brussels, Belgium (50% interest).
Nikkei-McGraw-Hill Inc., Tokyo (49% owned).
Tatu-McGraw-Hill Pvt. Ltd., New Delhi, India (40% owned).
Penguin Publishing Co. Ltd. (Great Britain) 10% owned.

FORD MOTOR CO.

1. Ford Motor Company, Ltd., Britain, produces cars, trucks, commercial vans and Ford tractors, and is the 2nd largest producer of such items in the British Isles.

2. Ford Motor Company of Canada Ltd. (81% owned) is the 2nd largest producer of passenger cars and the largest producer of trucks in Canada.

3. Ford-Werke A/G produces Ford cars, light buses, pickups and vans, and is the 3rd largest producer of such vehicles in Germany.

Subsidiaries and branches:

4. Ford also has affiliates in many countries:
Ford Motor Co. S.A. Mexico.
Ford Motor Argentina.
Ford (Uruguay) S.A.
Ford Motor Co., Del Peru S.A.
Ford Motor Co., A/S Denmark 78% owned.
Willys Overland do Brazil S.A. Industria E Comercio (Brazil) 52% owned.

Partial Summary of Foreign Holdings of Multinational Companies Listed in Advertisement Paid for by "Emergency Committee for American Trade"

BOEING CO.

1. Wholly owns Boeing of Canada Ltd.; engaged in overhaul, modification, field service and spare part support for Vertol helicopters in Canada.

2. Is affiliated with and owns 10% of the largest aerospace company in Germany Messerschmidt Bolkow-Blohm GmbH.

3. Company planning to construct a $3.5 million structural fiberglass factory near Winnipeg, Manitoba.

NATIONAL BISCUIT CO.

1. Company has world-wide operations.
2. Some of the company's subsidiaries are:
Christie, Brown & Co. Ltd. (Canada).
Nabisco, Ltd. (England).
Fireside Food Products Co. Ltd. (Canada).
Griffin & Sons, Ltd. (New Zealand).
Nabisco-La Favorita C.A. (Caracas, Venezuela) 60% owned.
Kut-as-Sayyid Estate, Ltd. (Iraq).
Saiua Biscotti ed, affini S.p.A. (Italy).
Reid Milling Ltd. (Canada).
Nabisco-Fomosa, S.A. (Mexico).
National Biscuit (France).
Oxford Biscuit Factory Ltd. (Denmark).
Industrias Nabisco-Cristal, S.A. (Nicaragua).

HONEYWELL, INC.

1. Some subsidiaries are:
Honeywell Controls, Ltd. (Toronto).
Honeywell, A.B. (Stockholm, Sweden).
Honeywell, N.V. (Amsterdam, The Netherlands).
Honeywell Europe, Inc., (Brussels, Belgium).
Honeywell, S.A.I.C., (Argentina).
Honeywell GmbH. (Frankfurt, Germany).
Honeywell Defense Products Europe, S.A.R.L.
Oy Honeywell A.B. (Helsinki, Finland).
2. Affiliates:
Yamatake-Honeywell Keiki Co., Ltd. (Japan) 50% owned.
Yamatake-Honeywell Co. Ltd. (Taiwan)

CATERPILLAR TRACTOR CO.

1. Wholly owns:
Caterpillar of Australia Ltd.
Caterpillar of Belgium S.A.
Caterpillar of Brasil S.A.
Caterpillar of Canada Ltd.
Caterpillar Mexicana, S.A. de C.V.
Caterpillar Overseas Credit Corp. S.A.
Caterpillar France S.A.
Caterpillar (Africa) (Pty) Ltd. Johannesburg. S. Africa.
Caterpillar FarEast Ltd. Hong Kong
2. Affiliates:
Caterpillar Mitsubishi Ltd. Tokyo, equally owned with Mitsubishi Heavy Industries Ltd., Sagami, Japan.

AMERICAN EXPORT

1. American Export Industries owns 97.49% American Export Isbrandtson Lines, Inc.

2. Owns 95% of Premium Iron Ores Ltd. (Toronto).

Owns American Export International, Inc.

XEROX CORP.

1. Company is world-wide, some principal subsidiaries include:
Universal Microfilms Ltd. (England).
Xerox of Canada Ltd.
2. Company affiliates include:
Rank Xerox Ltd. (England) owner 50%.
Owns 50% of Fugi-Xerox (Japan).

CHASE MANHATTAN BANK

Has branches in many countries.

FIRST NATIONAL CITY BANK

Has branches in many countries.

BANK OF AMERICA

Branches in many countries.

PFIZER, INC.

Produces in Japan—owns Pfizer Int. Corp. (Panama).

Owns 80% of Pfizer Taho Co. Ltd. (Japan).

KAISER ALUMINUM & CHEMICAL CORP.

Company has world wide foreign affiliates in Japan, England, Canada, Germany, Italy, etc.

MARCONA CORP.—SUBSIDIARY OF CYPRUS MINES

Has some world wide affiliates—has $250 million contract to provide.

Japanese Steel Makers with 4.2 million tons of lump ore.

GENERAL MOTORS CORP.

Has world wide holdings such as:
General Motors of Canada, Ltd.
Motors Holding of Canada Ltd.
Vauxhall Motors Ltd. (England).
Adam Opel (Aktienogsellschaft (Germany)
General Motors Holden's Ptg. Ltd. (Australia), etc.

CLARK EQUIPMENT

Company's products made world wide by licensees, some of whom are in Japan.
Subsidiaries include:
Canadian Tyler Refrigeration Ltd.
Clark Equipment of Canada Ltd.

Clark Equipment Ltd. (Great Britain).

Also in Switzerland, France, Venezuela, West Germany, Belgium, Brazil, Argentina, Mexico, Spain, etc.

QUAKER OATS

Subsidiaries:
Quaker Oats Co. of Canada Ltd.
Quaker Oats Ltd. (England).
Quaker Oats Co. (Germany).
Quaker Oats Co. (New Zealand).

Also in Mexico, Nicaragua, Colombia, Sweden, etc.

DELTEC INTERNATIONAL LTD.

1. Company is an investing banking business primarily in Latin America and Europe.

LITTON INDUSTRIES, INC.

1. Has plants world wide, including Japan.

CHRYSLER CORP.

1. Subsidiaries include:
Chrysler Antemp Ltd. (England).
Chrysler Australia Ltd.
Chrysler Canada Outboard Ltd. Canada).
Chrysler Canada Ltd.
Chrysler Antemp S.A. (France).
Rootes Motors Ltd. (England) owns 73.3%.

(Company entering into agreement with Mitsubishi Healy Industries Ltd. subject to Japanese government approval to form joint auto venture in Japan, (65% Japanese owned.)

Mr. Speaker, for decades the warning has been flashing before us. If Congress does not do something to alleviate the problem faced by American workers soon then Benjamin Franklin's assurances will be small comfort for those victim to empty promises.

One approach which has been called for is the following:

First. We must strictly enforce antidumping laws and statutes which impose penalties on subsidies of exports by foreign countries.

Second. Congress must pass quota legislation which would establish the right of foreign countries to sell in the U.S. market, but which would guarantee a fair share of production and jobs in this country for the American workers.

Third. Legislation requiring "truth in import and labeling" must be enacted. This would require American based companies who import for sale in the United States to carry a label on the face of the product citing this practice.

Fourth. Tax laws must be reevaluated in the face of financial manipulation by multinational corporations. I have entered a list showing the foreign affiliates of American companies and the operations which it undertakes in subsidiaries abroad. American corporations have used this device to unfairly escape paying taxes.

The problem is serious and calls for remedial action at the earliest possible date.

THE LOCKHEED LOAN AND THE PIGZTYE CAPER: NO RESEMBLANCE?

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. DELLUMS. Mr. Speaker, in light of the Congress' recent action subsidizing the failing management of the Lockheed Corp., I submit the following column by Art Hoppe.

Any similiarity between Lockheed's "problems" and those of Pigztye Productions is, probably, unintentional?

The article follows:

THE PIGZTYE CAPER

(By Art Hoppe)

Administration officials warned Congress last week that unless Pigztye Productions was saved from bankruptcy, the Nation faced riots, starvation and eventual annexation by Denmark.

A. Christopher Kent, head of the Big Business Administration, told the Senate Banking Committee that without $1 billion in Government-guaranteed loans, Pigztye would close its doors, throwing thousands of Americans out of work.

"Let us not forget, gentlemen," he said, "that Pigztye is the pace-setter in producing pornographic books, movies and other erotic material. This $20 billion industry is critical to our endangered economy.

"If Pigztye fails, investors' faith will be shattered, the stock market will nosedive, bread lines will spring up everywhere and the country will be flooded by cheap Danish imports."

Several Senators expressed doubts Pigztye could be saved. One noted that 10,000 small smut peddlers had gone out of business in the past year and suggested that smut was a glut on the market.

Kent replied that the small-time dealers went broke because they couldn't get Government loans. "After all," he said, "the Government isn't in business to help two-bit businessmen."

Pigztye's president, Portnoy Pigztye, told Senators consumer demand was as high as ever. He blamed Pigztye's financial problems on cost overruns, inflation, sun spots, high interest rates and erroneous astrological forecasts. He hotly denied Senate charges that corporate mismanagement was a factor.

The charges centered around Portnoy's son, Irving. Senate investigators said Irving had, over the past seven years:

1. Paid $2.5 million for the American rights to Spenser's "The Faerie Queene" on the grounds "a title like that spells socko box office with the Gay Liberation Front."

2. Turned down the American rights to "The African Queen" on the grounds that "very few gay libbers are of the black persuasion."

3. Wrote, produced and directed an $8 million sado-masochist film in which the sadist refused to whip the masochist on the grounds "this was the most vicious kind of sadism." It lost $8 million.

4. Made the most spectacular bestiality film of all time: a $21 million epic in Cinemascope that was the definitive word on bestiality. In fact, it contained not a single human actor. It lost $21 million.

5. Purchased an entire Walter Keane exhibition for $3.6 million on the grounds that "voyeurs go mad for exhibitionists."

6. Created, single-handed, the company's new slogan: "If It Isn't a Pigztye, It Isn't Pornography!"

* * *

The Senate unanimously passed a resolution condemning Irving for "managerial idiocy, financial imbecility, creative ignoramousness and downright coo-coo-headed stupid dumbness."

It then, of course, reluctantly came across with the $1 billion to save Pigztye Productions and the American economy.

Now that he had the billion, President Portnoy Pigztye was asked if he planned to fire Irving.

"Fire Irving!" cried Portnoy, aghast. Then he fingered the $1 billion check and smiled contentedly. "Why, without Irving, Pigztye Productions wouldn't be worth a nickel today."

GREEK JUNTA ACTS TO CONTROL PRESS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. FRASER. Mr. Speaker, the following story appeared in the New York Times on August 5, 1971. It focuses on a proposal, drawn up by the colonels who rule Greece, that, if implemented, would effectively control reporters and foreign journalists in Greece. As proposed the law would, in fact, establish the ruling junta as the arbiter as to what may be printed.

A government which promulgates such decrees lacks real confidence in its ability to survive with free institutions. Implementation of this law should also be another, if not final, clear signal to those in the Executive Branch who implement foreign policy that the Athens Government is continuing its steady movement away from democracy.

Continued American support for this undemocratic government in contradiction to our NATO treaty commitments can only harm our long-term security interests.

The article follows:

ATHENS BILL BIDS THE PRESS HEED "TRADITION" OR FACE PUNISHMENT

ATHENS.—The Greek Government has drafted a seven-point "code of ethics" for reporters and foreign correspondents under which a journalist who fails to heed "Hellenic-Christian traditions" could be suspended from working.

Under Secretary George Georgalas, the military regime's chief spokesman, confirmed the draft at a news briefing today.

The draft is before the Consultative Committee on Legislation, which can make suggestions for changes. However, its suggestions are not binding on the Cabinet, which has the sole power of issuing the decrees that become law.

"The bill consolidates the freedom of journalists but also their responsibilities," he said. "We believe that freedom must be ruled by law and exercised with a sense of responsibility. If some of the foreigners disagree with our concept for freedom, law, responsibility, we cannot help it."

The draft law, reported by an Athens newspaper on Monday, provoked anger among journalists, who saw it as a fresh attempt to silence press criticism at home and abroad against the army-backed regime, which seized power in April, 1967.

The new code would require both Greek and foreign reporters to "serve the interests of the people and the nation, being inspired in this by the Hellenic-Christian traditions."

The code applies to foreign correspondents visiting Greece although not based there. The worst that could happen to them for any conduct the authorities view as infringing the code would be permanent disqualification. The code says nothing about expulsion.

For a lesser offense a visiting correspondent faces temporary disqualification—perhaps a three-month ban on journalistic activities. For still lesser infringements the sanction is a public reprimand, printed in the local press; lower still comes a fine up to $1,000 and a private reprimand, and the mildest sanction is a private reprimand.

Journalists would also be prohibited from reporting information "if its publication can harm the public interest." The bill does not explain who would determine what the public interest was, nor does it outline the meaning of "Hellenic-Christian traditions."

The code would be enforced by a Government-appointed "council or honor" composed of one judge and two press union delegates, one each from the proprietors and newsmen. Two delegates each are slated for the higher council to which journalists could appeal.

The council would be empowered to impose penalties ranging from a reprimand to a fine of $1,000 and from temporary suspension from the profession to a life-long ouster. The draft says the members of the council are to be chosen by the minister in charge of the press and to be paid with Government funds.

Under the draft law, "violation of Hellenic-Christian traditions" involves temporary suspension, as does the recurring "violation of the rules of dignified demeanor" or the "exercise of the profession of journalism in a manner opposed to the public interest."

The penalty of permanent expulsion is for printing information related to the organization, composition or deployment of the armed forces or in case of a conviction for sedition.

Participation in journalists' unions shall become compulsory, but only after certifying the member's "loyalty"—basically the absence of a police record as a Communist. It is the minister in charge of the press who makes the decisions.

Publishers who employ journalists without identity cards or those disqualified by a council of honor may draw a prison term from one month to five years and financial sanctions. Unions must automatically expel members who are disqualified by the minister. All the public-relations employes of Government organizations became union members.

The code of ethics and the councils of honor are compulsory also for foreign correspondents, whether resident or visiting, Greek or foreign, according to the draft bill.

The Under Secretary refused to reply to a German news magazine correspondent who asked if the Government planned to obstruct by this bill the free flow abroad of news about Greece. Mr. Georgalas said there was "bad faith" in his question.

CON SON PRISON

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. FRASER. Mr. Speaker, as the following letter from the Deputy Assistant Secretary of Defense for International Security Affairs indicates, the United States' involvement in the internal matters of South Vietnam is extensive. While the United States may be cutting back on its military combat activities, the civilian involvement of our Government in public safety programs appears to be expanding. The Agency for International Development as well as other executive agencies of this Government is actively participating in programs that support the activities of the government in Saigon.

Recently Mr. Theodore Jacqueney, a former Aid Cords Pacification and Development Officer, who recently completed an 18-month tour of duty in South Vietnam, discussed before a House subcommittee the building of 288 new isolation cells at Con Son Island Prison. According to Mr. Jacqueney, political prisoners, such as those who were in the tiger cases discovered last year by Members of Congress, are being transferred to this island prison. They are being removed from the mainland where they may prove embarrassing to the Saigon government during the upcoming election campaign.

Mr. Jacqueney stated further that there is an unknown number of political prisoners in South Vietnam. His report also indicates that men and women have been thrown into prison without being charged and at the whim of local governmental officials.

American support for intelligence, prison and police programs appear to be in direct contradiction to the democratic principles which this country espouses. The letter from the Department of Defense follows:

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., July 6, 1971.

Hon. DONALD M. FRASER,
House of Representatives,
Washington, D.C.

DEAR MR. FRASER: This is in reply to your letter of May 19, 1971, regarding the Department of the Navy's expenditure in the Republic of Vietnam for the support of construction at Con Son Prison.

The advisory functions for the civilian prisons in the Republic of Vietnam are within the purview of the Agency for International Development. In order to be responsive to your request AID has provided us with the following information.

The new construction on Con Son originated from a decision of the Government of Vietnam to build new maximum security facilities there from their own resources. These consist of four new buildings designed according to more modern penal standards than the old French cells they are to replace. Decision to build the new structures followed severe deterioration of prisoner discipline after the old cells were vacated and the maximum security prisoners were housed among the other prisoners.

The first of the new buildings was completed in December under a "self-help" program of the Vietnamese Government utilizing prison labor. Because of the prolonged period of time required to complete the first building and the deterioration of prison discipline, a decision was reached by MACCORDS in Saigon to assist the GVN to construct more rapidly the remaining three buildings. A contract was negotiated through the Officer-in-Charge of Construction, U.S. Naval Facilities Engineering Command, with a U.S. construction company, Raymond, Morrison, Knudson-Brown, Root and Jones, utilizing local currency piaster funds. The approximate piaster cost of this contract is, we understand, equivalent to $400,000.

I hope this information will be of assistance to you.

Sincerely,
(S) DENNIS J. DOOLIN,
Deputy Assistant Secretary.

WHY THE TRANS-ALASKA PIPELINE SHOULD BE STOPPED

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. MOORHEAD. Mr. Speaker, the Interior Department is expected to issue the final environmental impact statement—as required by the National Environmental Policy Act of 1969—on the trans-Alaska pipeline in the near future. I believe there are some very basic and, as yet, unresolved environmental problems with the Alaska pipeline and I have been disappointed that this issue has not received the public or congressional attention I think it deserves.

Today, I am inserting into the RECORD an excellent article, "Why the Trans-Alaska Pipeline Should Be Stopped," which appeared in the June issue of the Sierra Club Bulletin. The author of the article is Congressman LES ASPIN, our young and able colleague from Wisconsin, who has been a leader in the fight against the Alaska pipeline. The arguments Mr. ASPIN presents in this article against the construction of the Alaska pipeline are cogent, forceful, and well-written. I commend this article to the attention of my colleagues. It follows:

WHY THE TRANS-ALASKA PIPELINE SHOULD BE STOPPED

(By Congressman LES ASPIN)

The question of whether the Interior Department should grant permits to a consortium of seven oil companies to build an 800-mile trans-Alaska pipeline is an important one, one that deserves far more attention than it has received in the past. It is an important question because the preservation of our last great wilderness may be at stake; it is important because the very way of life of the Alaskan natives—Eskimos, Indians, and Aleuts—may be at stake; it is important because the effectiveness of one of the best anti-pollution laws passed by Congress—the National Environment Policy Act of 1970—is in jeopardy of being subverted by bureaucratic sleight-of-hand; it is at least equally important because it demonstrates in a very graphic fashion the oil industry's incredible influence over government policies.

In February, the Interior Department held public hearings in both Washington and Alaska to consider whether it should allow a 48-inch pipeline to be constructed over federal land from Prudhoe Bay in Northern Alaska to Valdez, an ice-free port in the south, in order to transport a very large quantity of oil discovered in the North Slope. The North Slope, which is owned by the State of Alaska, has been leased to the seven oil companies for $900 million. The focus of the Interior Department hearings was a draft statement on the environmental impact of the proposed pipeline, which is required by Section 102(c) of NEPA.

At those hearings several hundred people testified and a great deal of criticism was levelled against the draft impact statement—which concluded that any adverse environment effects resulting from the pipeline were "acceptable." Some of the basic criticisms of the draft statement were:

That it failed to adequately consider the possibility of the potential effects of a pipeline break due to earthquakes. The area surrounding the 800 miles over which the pipeline would go has been hit with 23 large earthquakes, with a Richter rating of 6 or more, in the last 70 years. Each mile of the pipeline contains twice as much oil as was spilled in Santa Barbara in 1969. Any pipeline break could be disastrous.

That the impact statement failed to consider adequately the ecological dangers involved in transporting the oil by tanker from Valdez to the West Coast;

That it failed to consider meaningfully the effect of the pipeline on the Alaskan natives' subsistence way of life. Specifically, that it did not pay enough attention to how the pipeline would affect migratory patterns of caribou, moose, and other animals on which the natives depend for their food, and that it did not even require the oil companies to economically compensate the natives for any damage to their traditional hunting lands caused by an oil spill;

That the draft statement failed to consider other alternatives such as a Canadian pipeline route to the Midwest which would not go through earthquake zones or require the use of tankers, and thus would pose fewer ecological hazards.

The impact statement was not a thorough one and did not, I believe, meet the legal requirements of NEPA. In fact, there are some real doubts as to whether the impact statement was an honest one. At the pipeline hearings in Washington, I released some very important statements by Interior Department officials, critical of the pipeline, which were not referred to at all in the draft statement. These criticisms made the Interior Department report's conclusion little short of remarkable. Among the critical statements which the Interior Department chose not to include at all in its report were:

"Pipeline breaks or leaks could cause pollution of lands and waters that would be indescribable"; "A pipeline break at the wrong place at the wrong time could be devastating to a broad spectrum of the ecology of a significant area, affecting native food supplies"; "With miles between shut-off valves, any rupture would be catastrophic, no matter where it occurred."

Another document which I released the same day was a 38 page report by Harold T. Jorgenson of the Interior Department, which details many of the omissions and unfounded assumptions in the Impact Statement. Mr. Jorgenson concludes that the impact statement summary "seems too much to assume that what's good for the oil industry is good for the rest of the country." Although dated January 8, 1971, the Jorgenson Report was not mentioned in the draft statement and was still not public at the time of the Interior Department's hearings in Washington on February 16.

The second critical document that was kept from the public's reach was a 21 page report on the Impact Statement by the Alaska Office of the Army Corps of Engineers. This report is a surprising one because the Corps has frequently been criticized for failing to adequately consider the ecological consequencies of any of its own projects. Yet, in this report, the Alaskan Corps demonstrates a real concern for the environment and asserts that the conclusions of the impact statement appear to be "unsupported opinions which in fact, in many instances, they indeed are."

The Corps of Engineers Report criticizes the Interior Department draft Impact Statement for:

Failing to fully comply with the letter and spirit of the Environmental Policy Act;

Assuming without sufficient data that immediate development of the Alaskan oil deposits is necessary for national security;

Agreeing to stipulations that are "too general to support the positive assurances given throughout the report that adverse ecological changes and pollution potential will be eliminated or minimized by these stipulations."

Unfortunately, though dated February 5, 1971, the existence of the Corps report was not publicly known during the pipeline hearings held in Washington and Alaska. In fact, it was still bottled up in the Pentagon on March 5, when I placed it in the Congressional Record.

Another of the truly unfortunate aspects of the draft Impact Statement is its "key assumption" that immediate development of the North Slope oil is necessary for our national security—i.e. that we will have to depend for a significant amount of our oil from potentially hostile Arab countries. This argument is unfortunate because, first, it is untrue and, second, it has no place in an environmental impact statement. NEPA requires that the *ecological* consequences of a proposed project involving the government be studied, not that all the possible arguments for or against the project be included in an environmental impact statement. Moreover, it is not within the competence of Interior to intelligently evaluate the national security argument, and they did little to contribute to a rational discussion of the desirability of constructing the trans-Alaska pipeline by including such "key assumptions" in the draft impact statement.

It is true that one of the "key assumptions" on which the argument for the immediate construction of the pipeline is based is that it is essential for the national security. While this is not an appropriate subject for an environmental impact statement, it does deserve a thorough evaluation. The draft statement states that an annual 4 percent growth rate in domestic demand for oil through 1980 is the basis for its national security argument. Where Interior got this 4 percent projection remains a mystery. In a recent study of the trans-Alaska pipeline, two economists, Drs. Charles Cicchetti and John Krutilla of Resources for the Future, estimate that the highest possible growth rate for demand of oil through 1980 is around 3 percent. Their estimate is based on the five most recent projections of future oil demand made by government and oil industry sources. Those estimates range from a low projection of 2.34 percent to a high of 3.12 percent and are probably on the high side since they come from the government and the oil industry itself. The difference between the 4 percent projection used in the impact statement and the other estimates is very significant. If the 3 percent projection is correct, we will need 19,000 barrels of oil per day by 1980 rather than the 22,000 per day which the impact statement assumes will be needed. This would mean that America's dependence on oil from Mideast countries in 1980 will be 10 percent, not the 22 percent the impact statement maintains would be needed if the North Slope oil were not developed. In fact, our reliance on Mideast oil in 1980, if we do not extract oil from Alaska in the next 10 years, will be 10 percent. The Interior impact statement assumes we will need 14 percent even if we *do* develop the North Slope oil.

The draft statement's projected 4 percent rate of demand for oil is so exaggerated it can only be based on a combination of a long list of highly unlikely assumptions, such as:

That there will be no new discoveries of natural gas in the next ten years;

That the cost of coal production will significantly increase soon;

That there will be a tax on sulphur dioxide which would also increase the cost of coal;

That nuclear fuel costs will significantly increase soon;

That there will be no federal subsidies for fuel conversion;

That the development of hydroelectric power will not be increased;

That no significant changes will be made in the internal combustion engine;

And that there will be no further legislation restricting and regulating offshore drilling in the next ten years.

In other words, the 4 percent projection assumes that everything good that could happen to the oil industry will happen and that everything bad that could happen to the other fuel industries will also happen. The likelihood of all this coming true lies somewhere between the remarkable and the impossible.

The only conclusion that one could reasonably draw from all this is that the impact statement's projection for a 4 percent growth rate, on which its national security argument is based, is economically factually, and objectively wrong. Simply put, if the pipeline were not built for a long while it would not affect in any significant way the national security of the United States.

The next interesting question is: who will really benefit from the trans-Alaskan pipeline? Clearly, the oil companies will benefit. So would the State of Alaska, since it would get 20 percent severence and royalty payments based on the price the oil sells for at its point of destination minus the costs of transportation. But Alaska would also get royalties on oil transported via a Canadian pipeline. As a matter of fact, Alaska would make more money from the royalties from a Canadian pipeline, since oil sells for considerably more in the Midwest where the Canadian route would end than it does on the West Coast where oil from the trans-Alaska pipeline would end up. The Canadian pipeline would net between $30–70 million more in royalties for Alaska than the trans-Alaska pipeline.

Why then has the State of Alaska been such a staunch ally of the oil companies in their attempt to sell Interior on the trans-Alaska pipeline? That is a question for which there is not a particularly good answer. One reason, apparently, is because that's where the oil companies want the pipeline to go. Another is that the State believes that construction of the pipeline would create many jobs and help solve Alaska's economic problems.

But, a report by the Alaska State Housing Authority "in co-operation with the Local Affairs Agency, Office of the Governor," which I publicly released on May 5, concluded that construction of the trans-Alaska pipeline could actually hurt the economy of Alaska more than it would help. The report predicts that the number of job seekers attracted to Alaska if the 800 mile pipeline is approved would far exceed the 300 permanent pipeline jobs and could cause Alaska's unemployment to be the highest in the country.

"Already anticipation of the pipeline has had this effect and the social and economic impact on communities has been powerful. For example, in the Anchorage area during June of 1970, the unemployment rate climbed from 8.8 per cent to 11.2 per cent as immigrating job seekers joined the labor market," the report states. It predicts that a large influx of workers into Alaska would also place a large burden on cities to provide additional services such as housing, education and welfare without a proportionately expanded revenue base, and would cause competition between newcomers and Alaskan citizens—not only for the few permanent pipeline jobs available, but for non-pipeline related jobs as well.

The State Housing Study also cites the problems that the Alaskan city of Kenai has experienced due to rapid petrochemical development between 1960 and 1970. The report calls Kenai a "preview of the danger which could affect Alaska on a much larger scale" in the case of the pipeline. It states that since Kenai's economic boom "has passed, unemployment is rising to new highs, and population, work force, and payrolls are declining to a lower level. . . . In contrast, the pipeline project does not have a compensating measure of permanent employment to soften the impact of the shut-down of construction. The 300 pipeline and terminal maintenance jobs scattered from Prudhoe Bay to Valdez are only one-twenty-fifth of the construction employment at its estimated peak."

The fate of the trans-Alaska pipeline, and possibly of the Alaskan wilderness and its natives, rests with Secretary of Interior Rogers Morton. It is Interior's responsibility to issue the final impact statement which will either give the go-ahead to the trans-Alaska line and issue the appropriate permits, or refuse the permits and kill the trans-Alaska line. It is Interior's responsibility to pore over the voluminous testimony given at both of the public hearings on the Impact Statement and to issue a final impact statement whose conclusion is based on thorough, relevant, and objective data. Unfortunately, I do not believe this will be the case. Several sources which I consider to be reliable have informed me that the decision to approve the permits for the trans-Alaska pipeline has already been made. Here is the scenario which they outlined to me: Interior officials were genuinely surprised by the amount of testimony given at the Washington pipeline hearings. They then decided that to make the final decision to approve the pipeline appear as credible as possible, Secretary Morton would make certain statements expressing serious reservations about the pipeline and the quality of the draft impact statement. Thus, when the granting of the permits was officially announced the decision would appear to be objective, inductive, and based on a thorough study of the evidence.

This is precisely what Mr. Morton did three days after the hearings in Washington when he testified before a Senate appropriations subcommittee. He told the subcommittee that the pipeline had "a great many problems" and that he had "a long way" to go before he would approve the construction of the pipeline. He stated that the issuing of the final impact statement could take as long as two years and noted that he was not under the same "pressures" to approve the pipeline that his predecessor, Mr. Hickel, was under. At a later date, Mr. Morton announced that the Interior Department would undertake a study of the Canadian pipeline as an alternative to the trans-Alaskan route.

These statements, taken together, gave many conservationists hope that the decision on whether to build the Alaskan pipeline would be made in fact, as well as theory, by the Interior Department and not by the oil companies. The New York Times, and others, including conservationist magazines, responded with laudatory editorials praising Mr. Morton for his insight and objectivity. However, when Mr. Morton appeared before the House Interior Committee in early May, he announced that he expected the final impact statement to be issued by this September. (In fact, it would not be possible to issue the impact statement much before then because the Alaskan Native Land Claims legislation has to be settled by Congress before any permits could be issued—in order to lift an injunction presently preventing the oil companies from beginning construction of the haul roads for the pipeline.) Also, in an amazing about-face that went almost unnoticed, Mr. Morton announced that he felt that NEPA did not *allow* the Interior Department to study the Canadian alternative because that would involve studying the environmental impact of land under control of a foreign country. Instead, he said he had asked the oil companies to discuss with the Canadian government the possibilities of a Canadian pipeline. What Mr. Morton did not say was that he was still free to pursue the possibility of a Canadian alternative even if one accepted his very questionable interpretation of NEPA. He was still free to pursue with the Canadian government, either directly or through the State Department, the possibility of a thorough study of the Canadian pipeline alternative being made. But instead, he sent the oil companies, which is somewhat like letting a quarterback call the defensive alignment (to use an analogy that this Administration should understand).

The one thing of which I am reasonably certain is that the permits for the trans-Alaska pipeline will be granted unless reaction against the proposed pipeline grows enormously in the very near future. The State of Alaska must wake up and realize that there is not an identity of interest between itself and the oil industry. We must all wake up and realize the extent of influence that the oil industry has in the government. Congress must realize that the integrity of one of the most important pro-environment bills that it has ever passed is at stake. It is important that the Administration and Congress begin to understand the distinction between a desire for increased industry profits and a valid national security agreement. Finally, we must all realize that the Alaskan wilderness and the way of life of many of the Alaskan natives may be destroyed if the wrong decision is made on whether to construct the trans-Alaska pipeline, and that this decision is an important one not only for Alaskans and the oil companies but for all Americans.

What can be done? We can put pressure on Congress to pass a bill I have sponsored which would require that the final draft impact statement be approved by Congress but only after a new draft statement is submitted and new public hearings in Alaska and Washington are held. We can also support a bill by Rep. John Saylor (R., Pa.) which would require Congressional approval of any pipeline permits. Through growing public concern, we can attempt to convince Secretary Morton to delay approval of any permit until the Canadian pipeline and other alternatives have been fully studied. We can ask the President to intervene personally in the issue. Things *can* be done to persuade the Government that the issue of the trans-Alaska pipeline needs to be very carefully and objectively studied. Government officials are not immune to logic and rationality. They only resist it.

NIXON'S COMMITMENT TO RED WORLD DOMINATION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. RARICK. Mr. Speaker, there should be little question as to why the Communists refuse to negotiate with the United States. President Nixon's recent actions beginning with his announced visit to Red China and Secretary Rogers' proclamation that the United States will work for Red China's admission to the United Nations are classic examples of the failures of U.S. foreign policy.

The President of the United States is actually giving in to the Communists in Red China and Russia without any concessions whatsoever. Mr. Nixon has in fact directed our U.S. representatives to throw our international prestige behind lining up votes to support a seat for Red China in the United Nations.

The end result is that the President of the United States singlehandedly has committed our Nation to fight for the Communists in their mission to gain world domination. Completely forgotten by the administration in its move to seat Red China in the U.N., is the uncontested fact that Red China is still technically at war with that very organization and the United States. Our POW's have been completely forgotten in Mr. Nixon's one-sided love affair with Red China. We give all and get nothing in return.

I insert the related news articles in the Record at this point:

[From Manchester Union Leader, July 30, 1971]

Munich, Yalta, Now Peiping—President Nixon Sells Us Out

(By Robert Morris)

I write this before going to London to participate on a panel sponsored by the International Law Committee of the American Bar Association. The subject of the debate is the admission of Red China to the United Nations and the news of the President's trip to Peiping has just burst forth. Quite naturally I am greatly distressed.

The intonations of the President were remarkably akin to Neville Chamberlain's "Peace in our time" and his secondary assurances were like those of FDR enroute to Yalta. Munich and Yalta were two great black smudges in the chronicle of man's struggle for liberty and the prospect of Peiping now taking its place in a sort of trinity of betrayal doesn't make for pleasant projections.

A wise friend of mine in Washington has just phoned me to say "He must have something in mind." "He must be signaling someone." "Certainly he, of all people, must know the disastrous consequences of this announcement." "It can't be just an effort to 'normalize' relations." "There is something else involved."

I might have said something like that a year or so ago because I thought I knew Richard Nixon. But as we continue to decline under him as we did under his predecessors, I cannot but observe that he is not implementing his lofty expressions by day to day action and that is where history is made.

For instance, while giving lip service to the need of internal security, he has been downgrading it at implementation level, thereby demoralizing those who man the crumbling ramparts. So, as cause induces effect, revolutionary fervor is augmented and respect for authority diminishes. Incipient rebellion is in the air.

Presidential commissions on obscenity and pornography, on campus unrest and other areas that affect the moral fibre of the country, instead of clearing the air, actually contribute to the moral pollution that abounds.

We have been saying, with respect to the decline in nuclear, military and naval power, that it has been the weak Senate that has prevented his doing what he knows is necessary. Yet he has not utilized the Executive Commissions to mobilize personal opinion to demand security measures. That is how it must be done.

I remember well the President's first campaign announcement after his 1960 nomination. He said then that if elected he would work to extend liberty and freedom and to mobilize the executive agencies to carry on the cold war. Now, instead, we seem to be experiencing a demobilization of executive agencies for this high purpose.

Meanwhile, this announcement will crush the morale of our friends all over Asia and particularly among the captive nations.

Excuse me but I can no longer say, "He must know what he is doing." Someone other than the Richard Nixon I once knew seems to be pulling the strings. The prospects for Asia are now bleak indeed.

But then I say maybe Mao Tse-tung will refuse to see him and puncture the illusions of the silly planners. Things like that have happened before. Maybe that is what the President foresees.

[From Manchester Union Leader, Aug. 4, 1971]

Diplomatic Give-and-Take—(Nixon Gives—Peiping Takes)

Secretary of State Rogers' announcement that the United States will vote to admit

Communist China to the United Nations, which "liberal" news commentators gleefully predict will mean that Red China will be able to grab Nationalist China's seat on the Security Council, demonstrates that the Nixon administration has embarked, perhaps irrevocably, on a course of appeasement in Southeast Asia.

The so-called "Two China policy" is a sellout pure and simple—a sellout of Nationalist China and every Asian nation that has reason to fear Red Chinese aggression, and a sellout of the millions of Americans who believed Candidate Nixon's 1968 campaign oratory when he said he would oppose Red China coming into the UN "because they at the present time are engaged in a course of aggression against members of the United Nations and do not qualify as a peace-loving nation, in effect, as the United Nations Charter does require."

What it all boils down to is the fact that President Nixon has reneged completely on the campaign pledge he made at Hillsborough, New Hampshire, on February 28th, 1968: "I think that until the Chinese Communists indicate they are willing to become civilized members of the community of nations, they should not be given the prestige of being in the United Nations."

Not only has Peiping not met the "certain conditions" for UN membership which Mr. Nixon set forth in that speech, but also it has refused even to assist him in selling the American people the lie that Red China is mending its aggressive ways.

Even as Secretary Rogers spoke on Monday the wire services were carrying a report that Red Chinese forces had moved in and occupied territory in Northern Laos!

This newspaper does not use the term "sellout" lightly. The record of the Nixon administration toward Red China has shown a consistent pattern of all give and no take.

The President has approved exchange visits of journalists, scholars and others. He has agreed to ending restrictions on the use of U.S. passports for travel to Red China. He has permitted unlimited tourist purchases of Chinese goods. He has vastly expanded trade with Communist China. He has relaxed currency controls to permit the use of dollars by Red China. He has relaxed the visa procedures for visitors and groups of visitors from Red China coming to the United States. He gave American oil companies permission to provide fuel to ships or aircraft proceeding to and from Communist China (with restrictions only on carriers bound to or from North Vietnam, North Korea, or Cuba). He has allowed U.S. vessels or aircraft to carry Communist Chinese cargoes between other than Red Chinese ports and agreed to U.S.-owned foreign flag carriers calling at mainland ports. He has guaranteed Peiping that we would not support an armed attack from any source against Red China.

In exchange, Peiping has conceded nothing. It insists that we recognize its sovereignty over Taiwan. It refuses to recognize our commitment to the Republic of China to assist in the defense of Taiwan and the Pescadores. It continues to hold American GIs and civilians in prisons where they are brutalized and propagandized around the clock. It continues to insist that the price of its own entry into the United Nations is the expulsion of the Nationalist Chinese representatives.

The Communist rulers of China are nothing if they are not pragmatic. Who can blame them for persisting in their intransigence when they can see that thumbing their noses at Washington is the best way to obtain U.S. concessions—increased trade, a visit by President Nixon, even membership in a United Nations organization with which it is technically still at war?

But while the Nixon administration is patting itself on the back over Henry Kissinger's cloak-and-dagger expertise, and while the President is smugly confident that he can turn his back on his campaign pledges without fear of political reprisal from those voters whose confidence he has betrayed, perhaps Mr. Nixon may yet pause to reflect on a comment he once made about the administration of his predecessor in the White House:

"The administration has failed in candor at home and in leadership abroad. By not taking the American people into its confidence, the administration has lost their confidence."

[From The Evening Star, Washington, D.C., Aug. 4, 1971]

U.S. Wooing Support at U.N. for 2 Resolutions on China

United Nations, N.Y.—The United States worked behind the scenes today to line up support for resolutions that would invite Communist China to join the United Nations and at the same prevent the expulsion of Nationalist China.

Diplomatic sources said U.S. Chief Delegate George Bush outlined the two resolutions and asked for cosponsors at a meeting of representatives from about 20 delegations yesterday at his office opposite U.N. headquarters.

The sources said the resolutions would be submitted for the General Assembly session opening Sept. 21 as soon as the delegations determined whether their governments would become cosponsors.

Meanwhile, Peking threw a charge of "double-dealing" against U.S. efforts to solve the China question in the U.N.

It accused Secretary of State William P. Rogers of lying in trying to push "the preposterous proposition of two Chinas."

"Rogers' so-called realities of the two Chinas are his sheer fancy," said Red China's official news agency in a broadcast from Peking. "The clumsy 'two-Chinas' trick played by U.S. imperialism is absolutely illegal and futile."

The first of the U.S. resolutions would offer the Communist regime in Peking a seat in the U.N., would specify that the Nationalist government on Taiwan would continue to be seated and would direct the specialized U.N. agencies to take the decision into account.

As a further safeguard to Nationalist China's membership, the second resolution would classify any resolution to expel the Nationalists as an "important" question requiring for its adoption a two-thirds majority of those voting.

This is the maneuver by which the United States barred Red China's admission to the United Nations last year. Asked at his news conference Monday whether the U.S. government was dropping its claim that Peking's admission was an important question, Rogers said the Nixon administration's decision to no longer oppose the admission of the Communist regime made this "academic."

Albania and 17 other friends of Peking already have submitted the annual resolution to seat the Red Chinese and expel the Nationalists. It calls for recognition of the People's Republic of China "as the only lawful representatives of China to the United Nations" and the expulsion "forthwith of the representatives of Chiang Kai-shek."

Adoption of this resolution would automatically throw out the two American proposals, and the United States will seek a special vote in the assembly to have its resolutions voted on first. "We will win," said one supporter of the U.S. plan, but some other diplomats were not so sure.

The Americans' "important question" resolution was approved last year by a vote of 66–52, with 7 abstentions, but the fate of the similar resolution this year depends on whether opposition to the expulsion of the Nationalists outweighs the recent swing in Peking's favor.

[From the New York Times, Aug. 2, 1971]

Peking Army Says U.S. Must Pull Out—Demands Withdrawal From All Asia—No Compromise With Nixon Indicated

(By James Reston)

Peking, Aug. 1.—Despite President Nixon's recent efforts to establish normal relations with China, powerful officials of the People's Liberation Army are mounting a campaign for total withdrawl of United States troops not only from Taiwan and Vietnam but also from Korea, Japan, the Philippines and Thailand.

During celebrations this weekend of the 44th anniversary of the founding of the Communist armed forces, the army for the first time opened a military exhibit in Peking to the foreign press and stressed the political functions of the armed services.

On the whole, the exhibit emphasized that the army was not only a fighting force but a work force and a production force as well. But the presentation ended with a statement that the army was "determined to liberate the sacred soil of Taiwan."

The climax of Army Day was a reception for the Central Committee of the Chinese party and the Peking diplomatic corps. During the reception—and in the presence of Premier Chou En-lai and Chiang Ching, Chairman Mao Tse-tung's wife—the Chief of the General Staff of the Army called for the withdrawal of all American troops from this part of the world.

"United States imperialism," said Huang Yung-sheng, "must completely withdraw its aggressor troops from Indochina, the southern part of Korea, Japan, the Philippines and all other countries and regions which it has occupied and stop its interference in the internal affairs of the peoples of the Middle East and the Arab people as well as the peoples of Asia, Africa and Latin America."

To the applause of the audience of more than a thousand people, the Chief of the General Staff added: "We are determined to liberate Taiwan. The United States must withdraw all its military personnel and military installations from Taiwan Province and the Taiwan Strait area.

"We firmly oppose any schemes of creating 'two Chinas, one China, one Taiwan or an independent Taiwan.' The liberation of Taiwan is China's internal affair, which absolutely brooks no foreign interference."

"PEACEFUL COEXISTENCE"

In his speech, the only one of the evening, Huang Yung-sheng said that China would not attack any other nation unless it was attacked. He said China stood for "The normalizations of relations between states on the basis of the principles of peaceful coexistence."

He added that Peking supported the peoples of Vietnam, Cambodia and Laos and specifically backed the seven-point peace proposal put forward in Paris by the "provisional revolutionary government of South Vietnam."

In short, there is no evidence here that the Chinese Government is preparing the Chinese people for any compromise with President Nixon on the Taiwan issue or anything else.

Mr. Huang's speech contained a denunciation of "Japanese militarism," which he said was being organized by "United States and Japanese reactionaries."

There has still been not a single word of official commentary or analysis here about the forthcoming Nixon visit or about the mission by the President's assistant for national security affairs, Henry A. Kissinger, who arranged the Presidential visit.

Officials here talk about what position President Nixon will take regarding membership for China in the United Nations, but they say they have no official information from Washington about his intentions.

"We are like the bridegroom in an old prearranged Chinese marriage," said one official. "We are just waiting for the wedding day to see what the bride looks like."

Meanwhile, the official press and radio continue their propaganda against the Nixon Administration's policies regarding Taiwan, Southeast Asia and Japan and condemn the Nixon doctrine of encouraging Asian allies to defend themselves as a device to militarize Japan and "let Asians fight Asians."

[From the New York Times, Aug. 5, 1971]

PEKING DENOUNCES STAND OF U.S. ON U.N. SEAT AS A CLUMSY TRICK"

HONG KONG, Aug. 4—Peking's official press agency declared today that Washington was guilty of a "clumsy two Chinas' trick" that was "absolutely illegal and futile" in trying to seat the Peking Government in the United Nations while keeping the Chinese Nationalists there.

The agency, Hsinhua, was commenting on a statement issued Monday by Secretary of State William P. Rogers, who said the United States would support the seating of the Chinese Communist Government while opposing any action to expel the Chinese Nationalist Government on Taiwan.

FIRST PEKING REACTION

The Hsinhua commentary was the first reaction from Peking to the Rogers statement, which marked a major shift in United States policy.

While the agency directed its attack against Mr. Rogers, President Nixon, who has been invited to visit Peking, was mentioned only in passing.

The Chinese appear confident that they will be seated in the United Nations on their terms, and there is some feeling among diplomats here that Peking did not require or expect anything more from the United States than the position it has now taken.

"The United States stand seems likely to benefit Peking more than Taipei since it removes a major obstacle for Peking while it does not guarantee that Taiwan will retain 'two Chinas' plot," Hsinhua said, Mr. Rogers "vainly tries to continue to obstruct the restoration to the People's Republic of China all of her legitimate rights in the United Nations and insists on being the enemy of the Chinese people."

There was no suggestion that the United States action fell short of Chinese expectations or that it changed the climate that had made possible the invitation to President Nixon to visit Peking.

Hsinhua declared that the Rogers statement was "dished up against the background of the doomed utter failure of the U.S. policy of obstinately insisting on making itself the enemy of the Chinese people at the United Nations."

It noted that this year's Albania resolution, which calls for seating Peking in the United Nations while expelling Taiwan, had "won warm approval and support from more countries." It said that, faced with the predicament of becoming more isolated than ever, the United States Government had to "make some changes in its tactics."

Secretary Rogers was accused of sophistry in saying President Nixon was forging policies directed to the future while taking fully into account the legacies of the past and was seeking to accommodate the United States role to the realities of the world today.

"This is bare-faced lying," Hsinhua stated. "Everybody knows clearly that the legacies of the past Rogers talked about glibly mean the Chiang Kaishek clique, which has long been spurned by the Chinese people and this was created single-handed by U.S. imperialism through occupying China's Taiwan province and the Taiwan Strait by armed forces."

The agency said the Secretary's "so-called realities of 'two Chinas'" were "his sheer fancy" and declared that there was "only one China in the world"—the People's Republic of China.

"U.S. imperialism will never succeed in its plot if it insists on making itself the enemy of the Chinese people, obdurately pushing the 'two Chinas' scheme and euphemistically describing this as realities," it added.

It also condemned Mr. Rogers for saying the United States decision was fully in accord with Mr. Nixon's desire to normalize relations with China in the interests of world peace.

"This fully lays bare the counterrevolutionary, doubledealing tricks of U.S. imperialism, which says one thing and does another," the agency stated.

Hsinhua also attacked the "Japanese reactionaries" for working energetically both openly and behind the scenes with the United States on the "two Chinas plot."

Taiwan Province, Hsinhua said, "Is an inalienable part of China's territory" and the Chinese people "resolutely oppose 'two Chinas,' 'one China, one Taiwan' and other similar absurdities."

In conclusion, Hsinhua declared: "We are deeply convinced that the justice-upholding countries and people of the world will also never allow anyone under the signboard of 'two Chinas' to continue to forcibly occupy China's territory Taiwan and obstruct the restoration to the People's Republic of China of her legitimate seats in the United Nations."

The last sentence appeared to be a reminder that Peking is claiming not just a seat in the General Assembly but also the Chinese seat on the Security Council, now occupied by the Nationalists.

YOUR CONGRESSMAN BILL SCOTT REPORTS, AUGUST 1971

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. SCOTT. Mr. Speaker, I am continuing the practice of sending a monthly newsletter to constituents reporting on activities in the Congress and I am inserting a copy of this month's report in the RECORD at this point for the information of my colleagues.

The report follows:

SUMMER RECESS

Congress will continue the practice started last year of having a one month recess during the summer season. This year the recess will commence on August 6 and we will plan on being back in session on September 8. A beneficial effect of the proposal is that it has tended to speed up consideration of appropriation bills, which provide the necessary funds for the operation of the government and authorized projects, as well as other important measures. While I have several speaking engagements during August, they are not close together and Inez and I plan on spending a portion of the recess visiting around the state. Of course the Washington and Fredericksburg offices will be open and the staff will be available to serve you.

CONGRESSIONAL PROCEDURE

Some 11,800 measures have been introduced in the House since Congress convened on January 21. These measures have been referred to appropriate committees for consideration. While constituents often request a definite commitment on a particular measure, upon reflection, you can understand that no one Member of Congress is familiar with each bill and aware of its status. When bills are under consideration, they are subject to amendment in the committees and on the floor of the House. In fact, the measure we vote on may be entirely different from that originally introduced. Therefore, I hope that you will understand why I often feel it necessary not to commit myself to vote in a specific manner before having the benefit of committee hearings and reports. To do otherwise would prejudice the opportunity to make a decision at the time a vote is taken based on the facts developed in committee and during debate of the proposal on the floor of the House. Certainly this should not keep you from letting me know your views on a particular subject under consideration but to the contrary, your views are helpful in determining and arriving at my own position.

SALEM CHURCH DAM

The Public Works Appropriation Bill passed by Congress last week included $500,000 for further preconstruction planning of the Salem Church Dam during the 1972 fiscal year. You may remember that this project was authorized in 1968 and this is the third year preconstruction planning funds have been appropriated by Congress. The multipurpose dam will permit maximum use of one of Virginia's major natural resources, the Rappahannock-Rapidan River. It will help satisfy the increasing water needs of Prince William County and other counties to the south within the urban corridor; will reduce the danger of flooding in the Fredericksburg area; regulate the flow of the river below Fredericksburg, reducing pollution and controlling water quality all along the river; and help control salinity in the oyster grounds of the lower basin. There is some doubt as to whether the ultimate height of the dam will permit the generation of hydroelectric power but a reduction to a 230 ft. level, now being suggested, would still permit installation of power features at a later date. Regardless of height, however, there will be boating and fishing on the lake created behind the dam and camping in parks along its shores. Of course, you realize that construction will take time and it will be at least six to seven years before the project can be completed and operational.

NEW SOCIAL SECURITY FACILITIES

The Social Security Administration has advised that new full-time Social Security facilities will be located in Manassas and Fredericksburg as soon as the necessary staff and space arrangements have been completed. This should be of advantage to senior citizens with retirement problems. Of course our office will still be available to assist you.

MORE DOCTORS

The House recently passed a bill to increase the number of physicians and other medical personnel in the country. The measure provides for a pilot program to assist in the establishment of not more than five new medical schools located near and operated in conjunction with Veterans' hospitals. Existing government-owned land and facilities would be made available to states for new medical schools. It would also provide matching funds to existing medical schools to train students and promote cooperative arrangements among educational institutions affiliated with the VA. While the measure is aimed primarily at assisting veterans, it should help relieve America's estimated shortage of 48,000 physicians and 250,000 associated medical personnel. Our Committee on Veterans Affairs unanimously reported the bill to the House.

SCHOOL BUSSING

On Monday the House passed a resolution by a vote of 351 to 36 directing the Secretary of Health, Education, and Welfare to furnish documents containing a list of public school systems receiving Federal funds and engaging in the bussing of school children to achieve racial balance between the period of August 1, 1971 and June 30, 1972. This resolution does not require any concurrence by the Senate and does not have the force of law but indicates the concern of the Congress with this policy. Some weeks ago at their request our office arranged a meeting for a large group of citizens from Chesterfield County and surrounding areas with Virginia Congressmen, representatives of the White House, the Department of Justice and Health, Education, and Welfare, to express their opposition to the forced bussing of children to obtain racial balance. Of course I believe in the neighborhood school concept and have sponsored measures to prohibit the bussing of children away from their home areas to obtain racial balance but it's difficult to obtain Committee action and to bring these measures before the House for consideration. Since the resolution considered Monday requested specific information from an Executive Department, it was a privileged resolution required by the House rules to be acted upon within one week and failure of the Committee on Education and Labor to act permitted the Committee to be discharged and the House to act upon the measure.

WAGE BOARD BILL

The House, by voice vote, passed a measure to assist blue collar government workers. It establishes a Federal Wage Advisory Committee, increases within grade steps from 3 to 5, provides additional pay for hazardous duty and for night work. In practical effect, it will result in higher income for Wage Board employees and is similar to a bill vetoed by the President last year. The dilemma is the desire to control inflation and not increase wages and prices knowing over the years that white collar government employees have received more benefits than blue collar workers. It was felt that this measure was justified in order to afford equality of treatment to all government employees. Should you desire a copy of my remarks, please let me know.

WAR POWERS

The House, by a voice vote, passed and sent to the Senate a resolution expressing the sense of Congress that the President should consult with the Congress before involving American troops in armed conflict and in the event he committed troops without prior Congressional authorization, that he report the circumstances requiring the action, the authority for it, the scope of activities and other information useful to the Congress in fulfilling its responsibilities. This resolution has no direct relationship to the present conflict in Vietnam but is a reminder to the President that the Congress has the power to declare war and a recognition of the President's power as Commander and Chief to defend the country in the event of an attack.

DRUG PROBLEMS

The rehabilitation experience of the Veterans Administration may soon be helping the fight against drug addiction. A house-passed bill from our Committee on Veterans Affairs would permit armed service personnel and veterans without regard to the nature of their discharge to receive treatment for drug addiction at VA facilities. A provision in the bill would keep it from being a precedent for extending veterans' benefits to anyone discharged from the armed services under conditions other than honorable.

SMUT PEDDLERS

We hear a great deal about pollution of air and water and of course this is an important problem. However, moral pollution is of equal importance. In the last decade there has been a considerable growth in the marketing of pornographic literature and the Congress is well aware of the growing concern of the people of the country regarding the mailing of unsolicited obscene literature to homes. A recent measure passed by the House will provide added protection to the public generally but the main thrust is directed against smut peddlers who focus their sales efforts toward minors. While some argue that no one can be corrupted by obscene literature and pictures, the same logic would indicate that the human mind cannot be improved by good literature or pictures which, to me, is untenable. Children trained with pornography will have difficulty growing into normal, stable adults. The courts have dismissed a number of cases in this field for lack of a definition of obscene and H.R. 8805 defines obscenity for general application and also defines obscene matter that is non-mailable to minors under the age of 17. Should you desire a copy of the bill or my remarks in support of it, please contact the office. It is hoped that this measure will help rid mailboxes of unwanted salacious material and especially prevent it from coming into the hands of youngsters.

JOINT COMMITTEE ON ENVIRONMENT

The House voted to create a House-Senate Committee on the Environment. This joint committee will provide a clear focus on many of the difficult environmental decisions which must be made in the years ahead. It is hoped that the Senate will quickly approve this legislation so that Congress will be in a position to effectively carry out its responsibilities with regard to environmental matters. The committee would develop policies which would encourage the greatest possible public and private efforts to improve the quality of the environment.

SOMETHING TO PONDER

Democracy is where something is approved by a show of hands—not by a show of arms.

THE POTOMAC RIVER FESTIVAL

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. BYRON. Mr. Speaker, each summer since 1969 the Potomac Foundation in Brunswick, Md., has held a Potomac River Festival. The festival is from August 13 to August 15. This is an outstanding event in the Potomac Valley, and I would urge anyone interested in good fun, history, and recreation to attend. The aim of the festival is to draw attention to the recreational potential of the small community of Brunswick.

The Brunswick Recreation Commission met in 1969 and invited all other town organizations to become active in the Brunswick Visitors and Recreation Promotion, Inc. This group had the objective of attempting to reverse the tendency toward migration of young people, to renew community pride, to revitalize local commercial activity, to preserve historic and scenic areas, and to promote Brunswick's recreational potential. This group planned the first Brunswick Potomac River Festival in 1969.

The organization was renamed the Brunswick Potomac Foundation and sponsored the festival last year and this year. Featured during the festival are the local museums, an antique and flea market, flower show and sale, craft shop, and displays in the shop windows. Fishing in the Potomac is also highlighted. An art show is held in the museum with antiques and artifacts relating the history of Brunswick, the C. & O. Canal, and the B. & O. Railroad.

Also featured this year will be a hike leaving from Gathland State Park, a parade through Brunswick, and a horseshoe pitching demonstration. Jousting, Maryland's State sport, is also demonstrated. With all the activities at the festival, I feel sure it will be a great success and a source of enjoyment to all the participants.

INDUSTRIAL STATESMANSHIP

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place into the CONGRESSIONAL RECORD an excellent editorial entitled "An Historic Speech" from the Valley Daily News, Allegheny-Kiski Valley, Pa., appearing on July 28, 1971. This editorial compliments Rober S. Ahlbrandt, president and chief executive officer of Allegheny Ludlum Industries, Inc. The article follows:

AN HISTORIC SPEECH

A speech delivered last May 24 by Roger S. Ahlbrandt, president and chief executive officer of Allegheny Ludhum Industries, Inc., is receiving national recognition as an expression of industrial statesmanship at its best. The address was given before the World Affairs Council of Pittsburgh.

Perhaps the highest tribute came when President Nixon, speaking in Missouri a few weeks later, gave expression to some of the views Mr. Ahlbrandt set forth in his address. His principal point was that a change in American foreign policy is necessitated by rapidly altering world conditions.

The Allegheny Ludlum chief made the point that for 30 years the keystone of all United States foreign policy has been a reaction based on seeking a top military security position. As a result, the U.S. economic supremacy which historically has been taken for granted is now being very effectively challenged by the world's new economic power structures while our own productive capacity retrogresses to an ever more unfavorable condition.

The situation which prevails today is primarily an economic challenge rather than a security threat and we had better prepare ourselves to compete effectively or face the consequences of that failure. He said that even a cursory glance at European and Japanese economic development in the past few years has shown an astounding growth with more to come. Both the USSR and the Republic of China loom as economic powers of great influence.

He discussed a series of reasons which include the manner in which various forces of government, industry, labor and finance in both the European and Japanese economies have mutually worked out very productive relationships.

He discussed how this leads to a satisfied and productive labor force, to the ability to carry a much higher debt load than domestic industry, how foreign industry can make better long-range plans since they do not have to meet short-term dividend requirements, and how government acts as a creative partner in the entire process.

The result is a type of effective competition that we never before have faced. It's a new situation and our only choice is the right strategy which will require the shedding of old concepts and ideas that no longer have any validity. It may not always be easy, but it will be necessary.

We agree with those who have called the

Ahlbrandt speech historic. It marks the Ludlum head as one of the most progressive among American industrialists and one of the clearest thinkers It is reassuring to know that the major industry in our community is headed by a man of such broad vision and who, at the same time, is able to grasp the stern economic realities of the world in which we live. He has demonstrated his right to be called a top-ranking industrial statesman. Our nation needs nothing more than more men of his kind.

JO HINDMAN ON REGIONAL PLANNING ISSUES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. RARICK. Mr. Speaker, testimony relative to proposed legislation being considered by the various committees and subcommittees should reflect the views of every segment of the public which will be affected should the bill become law. Since the number of persons testifying with regard to any bill must naturally be limited, it would seem desirable to allow to testify those persons possessing the greatest knowledge pertinent to the matter under consideration.

In too many instances, there is little or no testimony in opposition to proposed laws. This is an unfortunate situation in those cases where proposed legislation contains highly undesirable features.

In the recent hearings held by the Urban Affairs Subcommittee, U.S. Congress Joint Economic Committee on regional planning issues, it was unfortunate that the subcommittee members did not have an opportunity to personally hear testimony of and ask questions to Mrs. Jo Hindman, one of the most knowledgeable persons in the country on metro planning and regional government. Mrs. Hindman did submit written testimony which was received by the subcommittee on June 4, 1971, well in advance of the June 7 extended date for written testimony submittals. She was notified that her testimony would be considered, but that it would not be published in the publication of the hearings.

Mrs. Jo Hindman is nationally known as a writer, research analyst, former West Coast editor of the American Mercury magazine, and former national secretary of the Liberty Amendment Committee, U.S.A. She is the author of two books on metro government, "Terrible 1313" revisited—1963, and "Blame Metro"—1966. She has contributed articles to scores of national magazines and has for 7 years written a syndicated column entitled Metro News. I feel that she is eminently qualified to testify on regional planning issues and that her testimony deserves the study and consideration of our colleagues.

So that the Members may have the benefit of the expert testimony of Jo Hindman, I insert pertinent portions of her testimony submitted to the Urban Affairs Subcommittee of the Joint Economic Committee, U.S. Congress, presenting her comments, exhibits A–E inclusive and an article entitled "Metro Regional Governance":

The Planned Economy Not Acceptable in Regional Dimension

These comments, the allied exhibits, and the article which follow are addressed to the five-point excerpt from the subcommittee letter of Jan. 11, 1971, sent to the various contributors invited to testify before the Urban Affairs Subcommittee of the Joint Economic Committee, Congress of the United States.

As a long-time research-journalist on regional planning issues, it is somewhat disconcerting to find that federal lawmakers are asking for comments, notably from a cadre with a pro-regional stance, to justify a national planning system ranging in size from a part of a major metropolitan area up to interstate combinations.

In a number of prior instances, historically speaking, the Planned Economy has confronted the American people. Each time, the citizenry has turned it down.

Each time the economic regimentation has been detected behind its several disguises throughout the years, free men and women have rejected it.

There is every reason to believe that once again in the United States, *Planned Economy* will meet its historic fate. Its innovative dimension of "regionalism" and piggyback bundle of "social reform" in 1971 fails to disguise the old spook, Planned Economy.

The five fundamental issues listed Jan. 11, 1971, commented on:

Point One (1) of the five issues asks that a new method of citizen representation be solidified into statutory law.

The method already exists and operates *administratively* in the dubious "Model Cities" program. The subcommittee's request appears to be an "after the fact" attempt to legalize an administrative regulation.

It would seem that legislators should review and reaffirm their oaths of office lest—if they approve an extralegal method of representation—they be charged with violation of Constitutional restraints.

(2) Spread before your subcommittee is a witness-recommendation advising continuance of the existing *status quo* in legislative drafting. Your committee has been advised to draft legislation which will be deliberately vague (Cf. page 203, Part 2-Regional Planning Issues, your subcommittee publication, 1971). Your request for precise operational guidelines to be "spelled out in the statute" proposed, has been met with the unworthy counter-suggestion that enabling legislation should contain "admittedly vague phrases as 'coordination' and 'planning.' "

I charge that that very practice exists, as exemplified in the evolution of and the operation of federal administrative Circular A–95 *et al* under Public Law 90–577, the Intergovernmental Cooperation Act of 1968. Presidential Memo and administrative lawmaking by the Office of Management and Budget (OMB) and its predecessor Bureau of the Budget (BOB), combine to wreak an insulting wrong against the American people. A–95 outlines the national regional clearinghouse network. (See Exhibit A, "Is World Rule Already Upon Us?", article by Jo Hindman)

The slippery art of the unsaid has conspired with the science of the half-told to ring down a curtain between the American people and their constitutional liberty. Illegal domination of the citizenry by the executive through the administrative rules and regulations gamut has grown to intolerable proportions which your subcommittee should endeavor to reduce.

Since "devolution" has been recommended to your committee by a prior witness, my comments on "devolution" are available in attached Exhibit B, a page from the Congressional Record, volume 115, part 14, page 18381. "Will Metro Devolution Phase Out U.S. Independence Day?" by Jo Hindman.

(3) and (4). The third and fourth points concerning the totalitarian collectivism of political power now concentrated in ten (10) regional appointed coordinators, puppet-reined to The Presidency, is clearly known by a large segment of the National constituency. American citizens are justifiably alarmed—and incensed. (See Exhibit C "Metro Regions Created")

Point five (5) requests a quantification of funds as a springboard for future extravagant spending on the proposed new layer of national regional planning bureaucracy. A challege is in the making: a taxpayers' rebellion. A notable instance occurred April 3, this year, in Minnesota where regionalism has advanced to an aggravated degree. (See Exhibit D "Minnesota World Citizens in Revolt," article by Jo Hindman).

Also included here is a photocopy of a 1971 IRS notice in which a district director threatens a taxpayer because of an "incomplete Form 1040." The instance reveals that fed-up taxpayers are withholding taxes at even the national level. (See Exhibit E, IRS letter Apr. 20, 1971).

The concept of "brutal decentralization" emerges in fact as *deceitful collectivism accomplished*. (Exhibit C).

The common denominator of truth is discarded for the studied fussiness of semantics meant to obscure, to conceal, and to mislead.

Political risks collapse in jerry-built schemes. Planning experiments are scattered about the nation like tinker toys that won't work. One of these, The Twin Cities Metropolitan Council (TCMC) is described in the following article, "Metro Regional Governance."

Exhibit A

[From the Valley Times, Dec. 17, 1970]

Is World Rule Already Upon Us?

(By Jo Hindman)

Two federal laws in the United States have come out of the blue—United Nations blue-Model Cities (Public Law 89–754) and the region making Intergovernmental Cooperation Act of 1968 (PL 90–577).

So important are they to the globalists that two U.S. Presidents and their staffs aided, and are abetting the two measures which will topple America as we know it.

"Model Cities" (enacted in 1966 under the title Demonstration Cities and Metropolitan Development Act) reaches into almost every facet of private life to dictate, control, regiment and dispossess. Implementation will bring a socio-economic-cultural upheaval to the U.S.A. on a regional scale as embodied in PL 90–577. Local Government will be replaced by regional governance.

The trick is accomplished by Congressional delegation of law making power to the executive sector of Government, a violation of the U.S. Constitution.

By Article I, Section 1 of the U.S. Constitution, citizens vested Congress with lawmaking power. Congress gave lawmaking power to the President who gives it to bureaucratic appointees.

Charted here is the actual process, as per the two laws named above:

President Johnson's lame duck Executive Memo of 11–8–68 transferred the legislative power Congress gave to him in region-making PL 90–577, to an administrative body which, under the Nixon administration, tightened the nuts and bolts of a regional network over the face of America.

Circular A–95, *the document produced, draws together the bureaucratic review and veto over plans embodied in the laws. **Their influence covers, in part: airports, hospitals, libraries, water, sewage, highways, transportation, land-use, natural resources, air, housing, jobs, income, welfare, schools, health, crime, culture, recreation, etc.

The whole conduit leads upward into the United Nations system of unlimited power, and downward through the domestic administrative rules apparatus that neatly bypasses our U.S. Constitution of limited powers.

When the U.S.A. joined the United Nations in 1945, a global general grant of power was conferred on Congress. Limitations placed on Congress by the Constitution were struck off by Articles 55 and 56, the UN Charter's power grant. Since the late U.S. Senator Pat McCarran's expose of the situation in the Congressional Record of January 28, 1954.

After World War II (1945) and under the aegis of UN Charter law Congress began legislation in areas not permitted by our Constitution. The foregoing list from "airports to etc." proves the point.

Regionalism is the geography of global law per Chapter VIII of the UN Charter. Administrative (non-statutory) law is the power used to control the outrageous system. Capstone is the federal Administrative Procedure Act of 1946 as amended * * * by which Congress gave administrative authorities/agencies the power to rule and regulate you.

Before you scoff, answer this. When was the last time you won a bout with urban renewal's nitty gritty, or zoning, or a court case to uphold your right to referendum? Or with any of Model Cities babylonian pursuits? Or with the IRS over your income tax? Or with gun law inspectors?

Almost endless and growing longer is the list of rule-making agencies which carry out the disgusting United Nations administrative dictatorship within the United States of America. Refs. *Circular A–95, 7–24–69, Exec. Office of The President, Office of Management and Budget (formerly BOB), Wash., D.C.; **Sec. 401 of PL 90–577, Sec. 204, Model Cities law; ***PL 79–404, Administrative Procedure Act of 1946 as amended (for 1967 amendment to prior amendments see, pp. 560–63 U.S. Government Operations Manual 1970–71) ****Ibid, Appendix C.

[From the Congressional Record, July 2, 1969]

Will Metro Devolution Phase Out U.S. Independence Day?

(By Jo Hindman)

On the Fourth of July, many Americans will celebrate the tradition of Independence Day. At the same time ironically, a certain segment of the population will accelerate the "devolution" of the United States.

Dictionary-defined as "retrograde revolution," devolution is equated as "a search for a new federalism" in the tenth (1969) report of the federal Advisory Commission on Intergovernmental Relations (ACIR). For almost two decades, perceptive citizens have resisted the deterioration as Metropolitan Government, or Metro, now called devolution.

A current stage of devolution is visible in legislation that moves in Congress as this is written. Metrocrats are busy daubing last year's framework—Public Law 90–577, with Metro mud—amendments.

The Intergovernmental Cooperation Act of 1968 (PL 90–577) is the eight-title frame, with Title VII knocked out. Enough lawmakers had balked to quash the grant consolidation authority therein proposed for the U.S. President.

Under PL 90–577, regions pre-empt state and county governments, illustrating devolution in another sense. ACIR which created the measure, is placed in a key power position.

PL 90–577 came from one of ACIR's numerous studies. Ideas from the "Fiscal Balance in the American Federal System" (publication A–31, 1967) blossomed in bills introduced by members of the Senate and House Subcommittees on Intergovernmental Relations of the two congressional Government Operations Committees. PL 90–577 resulted.

Now, with the same backing, The Intergovernmental Cooperation Act of 1969 (H.R. 7366) is ready to daub in Title VII and add new Title IX to PL 90–577, featuring auditing and joint funding respectively.

The Grant Consolidation Act of 1969 may become the new Title X of PL 90–577; S. 2035 reintroduces the kicked out consolidation authority. Companion bill is H.R. 10954. House and Senate Subcommittees which approved the original PL 90–577 will hear both pending bills.

Grant packaging (consolidation) by The President is falsely ballyhooed as a correction of bureaucratic bungling and waste. Actually, the measure veils a devolutionary technique that switches legislative and executives powers, Whereas Congress constitutionally makes the laws, and the President signs or vetoes them, the pending bill, Sec. 1005(a), S. 2035 calls for the House and Senate to veto by resolutions of disapproval, or by silence permit the Executive Law to go into effect.

The chain of events typify the revolution incubated by Syndicate 1313, self-named from the communal address, 1313 E. 60th St. Chicago. The Metro syndicate units are too numerous to list here, but include National Municipal League of New York and the Council of State Governments (CSG) which is relocating in Lexington, Kentucky.

ACIR conceived, backed and controlled by 1313 *, expedites the self-seeking syndicate's monopoly over U.S. Government. ACIR funded by congressional appropriations, also accepts money from the U.S. Treasury** direct, also the Housing and Urban Development Dept., and Ford Foundation.

One of 1313–CSG's fifty state links, The Louisiana Commission on Intergovernmental Relations is designated as that state's agency to fulfill a requirement of Title II Sec. 201 of PL 90–577.* * *

1313 groups are backing the new PL 90–577 titles.

It is shocking that the U.S. Government can be kept under that type of syndicate attack while an oblivious American public celebrates an independence that is fast vanishing under 1313.

Re. *"ACIR Federal Beachhead" in Blame Metro by Jo Hindman; **ACIR 10th Report 1–31–69 and "Fiscal Balance in the American Federal System, Vol. I, 1967; * * * Louisiana Memorial To Congress Sen. Concurrent Res. 35, Louisiana Legislature, Cf. Congressional Record 1–6–69, p. H 126.

Exhibit C

[From the Register, Jan. 31, 1971]

Metro Regions Created

(By Jo Hindman)

United States Constitution, Article IV, Section 3, paragraph 1: "New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other state; *nor any State be formed by the junction of two or more States*, or parts of States, without the consent of the Legislatures of the States concerned as well as the Congress."

The United States has been divided into ten beggarly Metro regions by the pronouncement of a single man.

On the Day of Partitioning* a White House spokesman boasted, "The curious fact of the American national government is that there is only one 'single man' and he is called the President." That is the arrangement.

The reorganization powers to subordinate the American people under bondage have existed in the hands of U.S. presidents for more than 20 years reportedly. "No President has ever been willing to bite the bullet," according to the assistant to the president for urban affairs, "Now, we have done so."

Virtually every facet of the lives of American citizens has been brought under the hand of a single man. The pattern is simple: He divided the United States into ten regions, named the states to comprise each region, designated ten cities as regional capitals, moved into them skeletal field forces of five federal agencies—HUD, HEW, OEO, SBA and Labor, all of which comprise the ten regional councils. More agencies will be added later.

The action established embryonic Metro governance over the U.S.A.

This is the first time in the history of the American nation that the regional boundaries of the major United Nations—chartered domestic programs have been made co-terminus, under the administrative governance of the chief executive of the United States.

At first, the President announced eight Metro regions fanning out from Washington, D.C. To pacify Kansas City and Seattle which desired regional capital status, he upped the count to ten regions** Unless changed again, the new Metro alignment is as follows:

Region I (Boston): Conn., Maine, Mass., N.H., R.I., Vt.; Region II: (N.Y. City): N.Y., N.J., Puerto Rico, Virgin Islands; Region III (Philadelphia): Del., D.C., Md., Pa., Va., West Va.; Region IV (Atlanta): Ala., Fla., Ga., Ky., Miss., N.C., S.C., Tenn.; Region V (Chicago): Ill., Ind., Minn., Mich., Ohio, Wisc.; Regions VI (Dallas-Fort Worth); Ark., La., N. Mex., Okla., Tex.; Region VII (Kansas City): Iowa, Kan., Mo., Nebr.; Region VIII (Denver) Colo., Mont., N.D., S.D., Utah, Wyo.; Region IX (San Francisco): Ariz., Cal., Hawaii, Nev.; Region X (Seattle): Alaska, Idaho, Ore., Washington.

A White House spokesman said that "if you broke these regions up and put them in the United Nations Gazetteer they would be the "8th . . . 12th . . . 14th biggest and richest countries in the world."

The Metro federal regional structure seeks to transfer administrative governance (U.N. global ruling power) FROM the single man TO ten (10) federal directors in the 10-region national field.

One of the federal money bills to finance Metro governance in the nation was H.R. 2519 introduced by Congressman Reuss, January 1969, providing bloc grants if regional modernization conditions were met by the states.

To qualify for the promised bloc grants, the states enacted legislation enabling—or mandating in some instancest—he collectivizing of counties into sub-regions which, in turn, fit neatly into the federal 10-regions under the single man governance.

Following the White House 10-region coup, the same measure (H.R. 2519) was renumbered H.R. 11764 and reintroduced later 5–28–69 by the same congressman. Sections were added giving control over the proposed $22½ billion outlay to the "single man"—the U.S. President.

The 91st Congress, now ended, failed to approve the money bill. Watch for one like it to appear in 1971.

Refs. *White House press conference 3–27–69; **Statement by the President 5–21–69.

"The United States shall guarantee to every State in this Union a Republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the Executive (when the Legislature cannot be convened.)

Exhibit D

Minnesota World Citizens in Tax Revolt

(By Jo Hindman)

Over the wires came the electrifying news, "World Citizenship has been declared over the whole State of Minnesota."

State Officials gathered at St. Paul to sign The Declaration of World Citizenship of the State of Minnesota, March 25, 1971 and verified by Governor Wendell Anderson's office. These signed: The Governor, Lt. Gov. Perpich, state senators Holmquist, majority leader: Coleman, minority leader; state representatives Lindstrom, majority; Sabo, minority; Speaker Aubrey Dirlam.

This is the second world unity paper signed in the state. Three years ago almost to the day, a former governor and various officials inked the Hennepin County-Minneapolis world citizenship pact, said to be almost identical with the new state document.

Governor Anderson was unavailable for comment on what the action implies.

The same question put to the chairman of the Concerned Taxpayers of Minnesota, Mrs. Joan Van Poperin, drew this: "The Declaration indicates take-over right now . . . we are in the position of citizens against World Government."

Mrs. Van Poperin sketched prior events of the week. Rep. John Bares, Jr. introduced a bill to repeal Minnesota's Regionalization Act of 1969, a radical piece of the world regionalization movement. The subcommittee hearings on March 23 were jammed with repeal citizens, many of them farmers coming from all points of the state.

A lawmaker said that he "believes in World Government." Asked why, by a constituent, the official reportedly replied that he "got new streets and new sidewalks through urban renewal."

The point is significant. Controversial urban renewal laws increasingly are attacked on the premise that they are unconstitutional, existing only because the United Nations global treaty has pre-empted the U.S. Constitution. Unprotected Americans are left defending themselves against present-day world law such as urban renewal and regional laws.

As this is written, a statewide protest march is scheduled on April 3 converging on the Minnesota capitol steps. The Governor and legislators are invited. Originally planned as a tax protest against the state legislature, the event undoubtedly will protest the world citizenship betrayal.

A press conference by CTM, 628 Stryker Ave., St. Paul 55107, dealt the cards. The words of Joan Van Poperin were picked up by TV, newspapers and radio. She said: "we have a tax crisis. Rates are 10 to 15 times what they should be. People are losing their homes. We want property taxes to be levied at one per cent (1 per cent) of the year 1967's assessed valuation. 1967 was picked because that year the legislature passed the law to change the tax bases due to regionalization." (Twin Cities regional government created in 1967 consists of St. Paul, Minneapolis and seven counties).

"We urge the repeal of the statewide Regionalization Act of 1969 which followed, putting all powers under appointed officials and taking away our right to vote on those representing us on tax matters. If the April 3 protest has no effect," she said, "We shall withhold our real estate taxes."

"As for world citizenship, if it can be forcibly imposed on Minnesotans, so can it be done to all citizens in these United States!"

EXHIBIT E

INTERNAL REVENUE SERVICE,
April 20, 1971.

DEAR: We are in receipt of a Form 1040, dated February 23, 1971 for the year 1970 which is returned herewith because it is not acceptable as an income tax return. While you have recognized your obligation to file, submission of a Form 1040, signed in blank, does not comply with the pertinent provisions of the Internal Revenue Code in that you have not furnished any of the information required by law. The statutory requirements for filing and the criminal penalty for noncompliance are set forth in the attachment to this letter.

In this regard I invite your attention to the recent case of *United States v. Arthur J. Porth,* decided by the *United States Court of Appeals for the 10th Circuit on April 10, 1970 (426 F.2d 519).* Review of the case was refused by the Supreme Court on October 12, 1970. The Court of Appeals stated in part: "A taxpayer's return which does not contain any information relating to the taxpayer's income from which the tax can be computed is not a return within the meaning of the Internal Revenue Code or the regulations adopted by the Commissioner."

This letter, with attachment, constitutes notice to you of the legal requirements relating to the filing of income tax returns. Noncompliance could subject you to prosecution under Section 7203, I.R.C., reproduced in full in the attachment.

Very truly yours,

DISTRICT DIRECTOR.

EXHIBIT F

METRO REGIONAL GOVERNANCE AND WHAT'S BEHIND IT[1]

(By Jo Hindman)

Metro regional "governance" operates without sanction by the United States Constitution.

First, I will define GOVERNANCE, a dictionary word meaning control by regulations or restrictions. The word aptly describes METROPOLITAN REGIONAL ADMINISTRATIVE GOVERNANCE, or Metro, for short. Metro governance is the exact opposite of basic American Government because Metro controls the citizens.

On the other hand, the United States Constitution was adopted so that citizens could control the Government.

I define another word—METROCRAT—which I coined to designate individuals who promote Metro. A Metrocrat can be one of those civic leaders who join organizations which support pro-regional Metro; or a Metrocrat can be a bureaucrat at any level of government who aids and abets the takeover of American constitutional government by Metro governance. If a Metrocrat is a female, she can be and probably is a member of the League of Women Voters. If a Metrocrat is an elected official, he is the politician who shook your hand before going into office and is now shaking your confidence.

TWIN CITIES METROPOLITAN COUNCIL—TCMC

One of the most aggravated of Metro's numerous experiments is taking place in the Twin Cities region of Minnesota. The 1967 Minnesota state legislature created the TWIN CITIES METROPOLITAN COUNCIL—the umbrella of ruling power over the geography of the region that covers seven (7) counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, Washington.

The council TCMC consists of fourteen (14) individuals, members appointed by the Governer plus a fifteenth (15th) appointee, the executive director, required by law to be a "trained" Metro "expert."

All cities, towns, villages and boroughs within the 7-counties Twin Cities region (including Minneapolis-St. Paul) must risk veto of their affairs by first submitting their local plans to the TCMC. The TCMC makes its own rules and regulations under the state's administrative procedure provisions because the TCMC has been declared an *Administrative* agency. Action that is termed administrative lies beyond the control of the voters. More about TCMC in a moment.

In 1969, Minnesota got another dose of Metro regionalization, this time both multicounty and statewide. The Regional Planning and Development Act passed by the 1969 Minnesota state legislature outlined the commissions or ruling bodies to be formed over ten (10) of the state's eleven (11) regions. The 1967-created TCMC relates to Region #11. The Governor's executive order established the regions' boundaries.

Regions are the geography of Metro. Administrative rules and regulations are the power by which Metro hopes to control in the regions. Administrative rules are untouchable by the citizens, yet have the binding effect of law upon the citizens. I'll describe the method, later.

The regional governance is based on Minnesota's Joint Exercise of Power Act. Other states have similar laws; the laws permit cities and counties to jointly engage a function together—if, singly, they operate the function. Taxation is an obvious example. Water supply, sewage disposal, comprehensive planning and development are others.

It is the abuse of the Joint Exercise of Power law which is creating regional governments. The proper use of that law could solve the problems which Metrocrats claim cannot be solved without regional government.

Minnesota's two regional laws (1967 and 1969) are powerful. The 1969 statewide law gives to appointed commissioners permission to exercise ALL POWERS needed to carry out the duties of the Act now, or duties which may be imposed later. The commissions have review power over all local plans which apply for federal assistance. The commissions can receive state and federal grants for regional purposes—which is to say, to promote regional governance.

The commissions can levy regional taxes which would be in addition to current taxes. The TCMC (1967 law, can issue general obligation bonds without a debt ceiling and without voter approval. All the Minnesota commissions are to be under complete administrative executive control. The Governor and the State Planner are one and the same individual with power to merge regions at will. You can read these Minnesota laws in law libraries throughout the U.S.A. See Minn. Statutes, Chaps. 473 A through C, etc. Other state legislatures could copy and enact similar laws.

REGIONS IN THE U.S.A.

Regions can be county-size. The most notorious—Miami-Dade—is still staggering under a steady rise in taxation. In July 1970 taxpayers were slapped with a 32% hike in the county-size Metro's tax roll. The *Miami Herald* 7/30/70, a formerly pro-Metro newspaper, grouched: "As much as we regret to have to say so, the people of Dade County—all 1.3 million of them—are being had by their local governing bodies, Metro and the School Board included." The third layer of government, implied but not named, is Miami city taxation. The Metro county manager, whose Metro spending on functions taken away from cities, is blamed for the whopping tax rate. Reportedly, he has resigned. The taxpayers are left to face the mess.

COG'S—COUNCIL OF GOVERNMENT

Throughout the United States, regions called COG's are being formed, using the joint exercise of power law. City councilmen, mayors and county commissioners join together and act as the regional governing body over each multi-county COG. The counties' boundaries, aggregated, form the region's geography.

EDA REGIONS—FEDERAL ECONOMIC DEVELOPMENT ADMINISTRATION

There are multi-state regions: *Appalachia* is the granddaddy. Others: the *New England* multi-state regional development area; *Ozarka,* parts of Oklahoma, Arkansas, Missouri and Kansas; *Four Corners,* Utah, Colorado, Arizona, New Mexico; *Coastal Plains,* on the southeast coast; also *Upper Great Lakes Region.* These regions are designated by the U.S. Secretary of Commerce under the Economic Development Administration. Minnesota is rather vaguely defined by an EDA map as being partly included in the *Upper Great Lakes Region*. More EDA regions are forming.

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[1] Copyright by Jo Hindman 1970.

MINNESOTA'S FALL TO REGIONALISM

Minnesota regional law (Minn. Stat. Chap. 473A.15) has instructed the existing Metropolitan Transit Commission to so plan and conduct its work that if the legislature enacts legislation creating a single multipurpose Metro public agency, the transit function could be transferred and the existing transit commission abolished.

Who knows if the legislature will pass that multipurpose law in 1971 or later? The multipurpose Metro agency could gobble all commissions, in time. Coming into being, TCMC swallowed a pre-existing planning commission. The present merging powers given to the Governor-State Planner could cause the boundaries to be elasticized to form a giant region as a base for that mammoth single multipurpose agency. Its operations would be completely beyond the reach of voters and taxpayers control. Also, the function of taxation, already bestowed on the regional commissions, would be in prime position to be lifted to the mammoth all-inclusive agency that could cover the entire state of Minnesota, and in turn be engulfed by the Upper Great Lakes Region.

The Twin Cities experiment has been long in the making; its parts bob into view now and then; it will be a dread happening when TCMC's full scheme is unleashed upon Minnesotans. So far apparently, full implementation of TCMC has been marking time.

WHY REGIONALIZATION?

From the Metro viewpoint, regionalization helps Metrocrats gain control of wealth and the political power to get it. Regions provide a vast tax base on which to assess, and from which to collect "equalized" taxes. Metro's equalized taxation and *per capita* spending formulas TAKE from the regions' sparsely populated fringe areas, but SPEND heavily on the densely populated regional city cores.

Also, regions are vehicles to receive (and to match with regional tax dollars collected from all parts of the region) federal funds for regional purposes; or to veto local plans that conflict with regional comprehensive plans.

Regional ruling bodies are non-representative because regional officers do not represent the citizenry. Regional officers are appointed, or even self-appointed, as when signing a COG "agreement" (council of governments). But even if regional officers are elected mayors, city or county elected officials, when serving ("moonlighting") on regional ruling bodies, they do not represent the citizenry. For, to date, there are no regional constituencies, no regional elections, no regional voters.

Taxation on a regional basis therefore is TAXATION WITHOUT REPRESENTATION. Regional rule bypasses voters and taxpayers. In the case of Twin Cities Metro, the law has given the non-elected appointees the power to approve general obligation bonds without voter approval (Minnesota Statutes, Chapter 473C12).

THE METRO-1313 SYNDICATE

The foregoing nationwide regionalization movement as described did not "just happen." Steering Metro's regional governance is a deliberate guiding force—Syndicate 1313. The vast network of Metrocrat organizations and individuals operates out of three key locations, Chicago, New York and Lexington (Ky.). There may be a deliberate reason for the scatteration. If all Metro departments, offices and allied groups were collected on one site, or in one "capital" city, Metro would loom up unmistakably as a total governance in open clash with American Government.

1313 EAST 60TH STREET, CHICAGO

The most notorious of the Metro addresses houses the syndicate's administrative core at 1313 E. 60th St., Chicago, a corner location on the University of Chicago campus. The Spelman Fund, tax-exempt Rockefeller money, built the multi-story headquarters. A congressional investigating committee in 1954 discovered that Metro core as an aggregate of twenty-two (22) organizations. Because of that and other findings, The Special Committee to Investigate Tax-Exempt Foundations—United States House of Representatives, was brought to a sudden death. In its final report, the dying congressional committee urged that 1313 should be investigated, but 1313 has *never* been investigated officially.

During the ensuing years, the 1313 core has added new groups and changed the names of others. Each 1313 group attends to its own peculiar task in Metro governance. The 1313 Center, as the syndicate cluster in Chicago now calls itself, publishes a bulletin entitled THIRTEEN-THIRTEEN. On its cover are listed these groups: American Public Welfare Association (APWelA), American Public Works Assn. (APWA), American Society of Planning Officials (ASPO), Building Officials Conference of America (BOCA), Council of State Governments (CSG), Federation of Tax Administrators (FTA), International Assn. of Assessing Officers (IAAO), International Institute of Municipal Clerks (IIMC), Municipal Finance Officers Assn. (MFOA), Public Personnel Assn. (PPA), Public Administration Service (PAS).

The last-named, PAS performs consulting and research projects, turning out studies, reports, recommendations and advice which, when adopted, results in the spread of Metro governance. In a list of jurisdictions, institutions and agencies thus served throughout the nation, we find listed the cities of Minneapolis, Rochester and St. Paul. Among the counties listed, we find Hennepin (Minn.). Among the Metro-propagandized states, we find Minnesota named.

The interlocking directorate of the 1313 Center reveals how the syndicate operates. Representatives of the 1313 units sit on each others boards. Each Metro group, such as PAS, maintains trustees who are officers in other groups of the syndicate. In addition to the groups named by the 1313 Center (above), PAS also has trustees from 1313's National Assn. of Housing and Redevelopment Officials (NAHRO), which is responsible for bringing urban renewal into the United States. Currently, individual members of NAHRO occupy administrative positions in local public housing projects. Other PAS-interlocked 1313 groups are: National League of Cities (NLC), International City Managers Assn. (ICMA), National Municipal League (NML).

NATIONAL MUNICIPAL LEAGUE, THE PARENT BODY, 47 EAST 68 STREET, NEW YORK

A magazine called the *National Civic Review*, published by NML keeps tab on Metro-1313 doings throughout the United States of America. Taking up a recent issue, we find Syndicate 1313 watching TCMC, reporting on the Twin Cities Health Board (7-counties); and the Twin Cities Metropolitan Transit Commission.

MINNESOTA AN NML TARGET

Allegedly "just an organization of citizens," NML publishes progress reports, a sort of Metro score card. The May-June 1969 issue of the publication. "State Legislatures Progress Reporter", features Minnesota prominently. Being published in May-June indicates that the incident described took place early in 1969 long before Minnesota citizens had an inkling of what was going on. The item says, in part:

"Seeking to bring more logical order into intergovernmental relations, a delegation of Minnesota legislators and other officials held a 3-day seminar in Washington with key federal officials and the state's congressmen. One of the subjects discussed was a proposal to divide the state into eleven (11) planning and development regions which would have authority to accept federal grants and to review all plans and grant applications of all local units of government within the regions . . . The governor would be given authority to designate each region by executive order."

That was the embryo of Minnesota's 1969 Regional Planning and Development Act. I am told that the law was passed hurriedly in the last days of the state legislative session, without the knowledge of the citizenry. And yet, Minnesota's state leaders were talking it over OUTSIDE THE STATE with federal officials. Is that government *of* the people, *by* the people, *for* the people? And the Metro Syndicate is watching it all.

ALL-AMERICA CITIES AND DISTINGUISHED CITIZEN AWARDS BY NML-1313

In passing, I mention the annual publicity stunts staged by 1313's NML with Look magazine. You can read about them in your newspapers. The ALL-America Cities prize is awarded to cities that are bulging with Metro projects, such as urban renewal, racist human relations commissions, public housing, mental health, etc. The Distinguished Citizen award goes to bankers, professors and businessmen whose services have benefited Metro.

GENERAL GRANT OF POWER—LOCAL

NML writes sample Metro city and county charters, also state constitutions. You can recognize a Metro charter or constitution by its "general grant of power," the exact opposite of "reserved power" charters and constitution's which are drafted under the Tenth Amendment of the U.S. Constitution. Power-reserved-to-the-people charters and constitutions limit the ruling body, but . . .

Metro charters and constitutions give all power to the ruling body, stripping the citizens and voters of self-rule and self-government.

Metro's general grant of power is like a legal power-of-attorney. No sensible person in control of his faculties would give power of attorney to a stranger or to an enemy who could sell, give away, or otherwise dispose of the person's wealth and property. And yet, citizens who approve Metro charters or constitutions do essentially the same act.

METRO CONSTITUTION FOR THE UNITED STATES

Early in September 1970, Americans were shocked by a proposal to junk our United States Constitution for a Metro constitution released by the Center for the Study of Democratic Institutions at Santa Barbara, Calif. 93103, a Metrocrat dry dock for aging Metrocrats. Spokesmen for the Metro document were Robert Hutchins who turned a shovelful of dirt at the groundbreaking ceremony for the 1313 Center in Chicago, known then as the Public Administration Clearing House (PACH); also Rexford Guy Tugwell. Early in the Thirties, citizens in Chicago digging into the background of the mysterious gang at 1313, drew up a chart which listed individuals who were ringleaders. Tugwell was one of those named.

Of the Hutchins-Tugwell Constitution an eminent person wrote. "The constitution which has been produced by Rexford Guy Tugwell indicates the bureaucracy's most dramatic effort to destroy the existing Constitution and to impose their own (constitution), which would legalize and validate every crime against the people that has been perpetrated thus far, and prepare for the rest of the way to tyranny."

COMMITTEE FOR ECONOMIC DEVELOPMENT—CED

In my travels about the country, I see the publications of the CED carried about by puzzled individuals who ask if "CED is Metro." I call CED Metro's headshrinker. That nationwide group of self-described business executives and educators pooled their so-called prestige in July 1966, and now call for a revolutionary abolishment of 80 per cent of local governments in the United States. A notorious 1313 name among the consultants to CED is that of Luther Gulick, now of the NML–1313 in New York. Gulick's name is to be found also among the incorporators of the original public administration clearinghouse (PACH), the notorious 1313 in Chicago.

NATIONAL SERVICE TO REGIONAL COUNCILS, A 1313 "FRONT"—NSRC

One of the new groups added to Syndicate 1313 is NSRC, formed by joint action of 1313's National League of Cities and National Assn. of Counties. NLC and NACo, smarting from criticism stemming from their pro-regional efforts which would abolish cities and counties, are attempting to escape the heat by delegating NSRC to provide service to regional councils. NSRC sent one of its trouble shooters to a conclave called by Oregon's Governor whose administrative district (regional) setup is coming unglued. The NSRC man stood up among county commissioners who opposed regionalization of their jurisdictions; he sided with the pro-region Governor.

Federal HUD (Housing & Urban Development Dept.) has given NSRC your tax dollars, $96,000 to assist "Operation Breakthrough"—the radical housing construction program, also to encourage regional councils to promote public housing.

1313 groups regularly appear before committees of Congress to promote Metro laws, or to defend Metro laws which are under fire. 1313 lawyers file "friend of the court" briefs under the name of 1313's NIMLO (National Institute of Municipal Law Officers).

Minnesota is linked to 1313's NSRC through the founding sponsors, NLC and NACo. The League of Minnesota Municipalities is a member of 1313's National League of Cities. The Assn. of Minnesota Counties is a member of 1313's National Assn. of Counties. Other states are similarly linked.

AMERICAN INSTITUTE OF PLANNERS

TCMC recently issued a warm welcome to a 1313 adjunct, the AIP. Article II of the AIP Constitution declares in favor of "planning . . . by the comprehensive arrangement of land uses and land occupancy and the regulation thereof." That gives you some indication of the sort of aggrandizers who are welcome to cross the threshold of the Twin Cities Metropolitan Council in Minnesota's Region #11.

COUNCIL OF STATE GOVERNMENTS—CSG

During a previous address in Minnesota, I mentioned the cumulative annual tribute up to 1959 which Minnesota sends to 1313's Council of State Governments. A Minneapolis resident took up where I left off, wrote to the Minnesota Governor who replied that from 1959 to 1969, the state paid an additional $118,909.83 to this single Metro unit.

CSG maintains a pipeline web into the fifty (50) states. Each state Metro-1313 unit bears a title: intergovernmental (or interstate) cooperation commission. CSG exploits this system to further regionalism and allied Metro projects.

CSG still maintains its 1313 E. 60th St., Chicago address but has moved headquarters to Iron Works Pike, Lexington, Ky. 40505. Long ago, CSG mapped the steps leading to regionalization of local government in the U.S.A. The steps are: city-county merging or consolidation, county-multi-county multi-county-district, multi-district-multi-state, multi-state-international. See the book The States and The Metropolitan Problem published by CSG, 1313 E. 6th St., Chicago.

CSG appears to be violating Article I Section 10(1) of the U.S. Constitution which prohibits alliances among the states. By contributing state tax dollars to CSG, the state become a party to the violation.

ACIR—"PORTABLE 1313"—FEDERAL ADVISORY COMMISSION ON INTERNATIONAL RELATIONS

Created by Congress in 1959, approved by U.S. President Eisenhower, ACIR is completely controlled by Syndicate 1313. The nominating system gives the syndicate majority control of the 26-member commission. Informally exerted influence adds many more Metrocrats to the ACIR board. That Metro vehicle writes voluminous reports, studies, sample state and federal laws and, belying its professed advisory nature, gets the laws enacted by routing them to state legislatures and to Congress. Both Government Operation Committees of the U.S. Senate and the U.S. House of Representatives (specifically through the Senate and House subcommittees on Intergovernmental Relations) act as willing stooges for the Metro Syndicate. But . . . behind Metro Governance, there is more than the syndicate. . .

WHY METRO AGENCIES/AUTHORITIES HAVE SPRUNG UP IN THE U.S.A.

When Metro's geographical mergings-with-umbrellas-of-administrative-power become bogged down, or move too slowly, the Metrocrats resort to the functional approach, creating "authorities" to operate functions of Metro. Authority types include Seaports, Airports, Turnpike, Transportation, Urban Renewal, Housing, etc. Agencies and Authorities are Metro structures operated by administrative rules and regulations (non-statutory), made by appointees (not by elected representatives of the citizens).

Authorities and agencies are created to construct, operate, and maintain income-producing public facilities. Although a state has nominal power to exercise control over an authority, in practice, little if any control is exerted. The Massachusetts Crime Commission took a close look at Authorities and found a "relatively new and alarming potential for corruption." That was in 1965.

A decade earlier in California, a congressional committee investigating the Housing Authority of Los Angeles observed the Authority's strange political flesh—not state, not local, but a free-wheeling administrative agency composed of appointees separate and apart from all levels of government. That is one of the first-recorded "glimpses" of Metro incognito.

Metro administrators (managers) armed with administrative rules and regulations (false law not enacted by elected representatives of the people), operate Metro authorities and agencies with mighty power. That is the type of Metro administrative governance which destroys citizen self-rule and self-determination.

An actual instance involved an urban renewal agency in Kansas. Citizens of Coffeyville wanted a referendum on urban renewal. The city attorney advised the city council that it was not necessary for the council to put the matter on the ballot because urban renewal was an administrative function. The citizens took the matter to court. The lower court upheld the city council. Appealed, the higher court ruled the case "laches" which is to say—"too late"—even though the citizens had acted promptly. Significantly, the judge made no mention of the "administrative" angle, either relating to the function or to the agency, both of which are administrative by nature. Why are the courts ducking the issue?

Let us examine some actual documents, and let us study the "administrative rules" racket which gives false power to Metro authorities.

CONGRESSIONAL RECORD COMPARED WITH FEDERAL REGISTER

The Congressional Record is published daily when Congress is in session. In it appear the debates and remarks of Senators and Representatives, also copies of bills introduced, and laws enacted. After the laws are signed by the President, they are published in the United States Code (U.S.C.). These are true statutory laws enacted by your elected U.S. representatives as provided by the U.S. Constitution.

In comparison, the Federal Register is published daily the year around. It is full of administrative rules written by bureaucrats in various federal agencies. Also the Executive Orders of The President are printed.

The Orders and the rules and regulations take on the effect of law when printed in the Federal Register. That's all that is needed—a printing press. But these printing press rules have the effect of law when imposed upon the citizens. The administrative rules and regulations are codified in a Code of Federal Regulations (C.F.R.).

The Processing Method: A law is passed by Congress, then handed to a bureaucrat so he can write instructions for all the employees of the bureaucracy to follow. Sometimes the bureaucrats go beyond the statute (law) and write their pet programs into the "printing press rules." The rewrite job published in the Federal Register then takes the effect of law and the pinch on the citizens begins.

If you request from your Congressman a copy of an Act passed by Congress and signed by the President, you will receive the law with statutory references (U.S.C.) published in the margins. You won't see the bureaucratic cross references (C.F.R.)—the Federal Register's printing press code—until you go to a book entitled "Public Laws and Administrative Materials." There, you will find the text of the law as passed by Congress plus something new, bold-faced type referring you to the "fine print" written into the Federal Register and codified in the C.F.R., and published in lengthy completeness in the Federal Codes Annotated, and having the effect of law.

ADMINISTRATIVE PROCEDURE ACT OF 1946—PUBLIC LAW 79–404

Amazingly, Congress passed the federal law that put the lawmaking bureaucracy into business, namely the Administrative Procedure Act of 1946, later amended. By that Act, Congress set up procedure that yielded lawmaking authority to agencies in the executive sector of Government and further provided that the administrative rules and regulations shall be printed in the Federal Register. *Question:* Is the Act a violation of the U.S. Constitution Article I, Section 1?

Currently, the U.S. President, given rule-making power by Congress, in turn redelegates the legislative power given to him (unconstitutionally) by Congress, to appointed agencies which produce the rules under which Americans are needlessly suffering today.

A recent request for a copy of the Administrative Procedure Act brought an incomplete copy from Wash., D.C. not showing a recent amendment. For that 1967 amendment, go to the Government Operations Manual 1970–71, pages 560–63. It seems to abolish the former necessity of publication in the Federal Register in cases where an Executive (Presidential) Memo is involved.

The entire administrative rules process described above at the federal level has its counterparts at states' level. When a state receives federal assistance, it yields that portion of federally-funded state activity to Federal rules and regulations—the federal control we distrust.

ACTUAL EXAMPLES: CIRCULAR A-95; ALSO "MODEL CITIES" LAW

Let's follow actual cases to see how Metro regional governance takes self-government away from the citizens by using administrative rules and regulations on a regional grid. Some people call it "administrative rule and ruin."

Circular No. A-95 originated in the Executive Office of the President in July 1969 but seems to be a still-expanding document. By the date, you can see that A-95 is a Nixon administration document. It sets up a clearinghouse system to carry out sections of two federal laws: the regional Intergovernmental Cooperation Act of 1968 (Public Law 90-577), and the Model Cities Act of 1966 (PL 89-754). The Johnson administration produced both laws.

In regional PL 90-577 Congress gave the President the power to establish rules and regulations governing regional review and veto of local plans and project involving federal funding.

Nixon was elected President on 11/5/68. On 11/8/68, President Johnson wrote a lame duck memo to one of his administrative bureaus called the Bureau of the Budget (BOB), now the Office of Management and Budget (OMB). The Executive Memo was published in the Federal Register 11/13/68 delegating authority to establish rules and regulations governing review of federal programs, and giving the coordinating role to BOB, or a like agency. President Johnson ordered "this memorandum shall be published in the Federal Register," and named the regional PL 90-577 law as his authority to redelegate the lawmaking power to payroll employees.

I have been told by a federal official that details of Circular A-95 are not required to be published in the Federal Register, perhaps because the President's blanket Memo transferred the legislative power that Congress gave him, over to an executive department to accomplish the specific purpose which A-95 embodies—the regional clearinghouse network now placed over all fifty (50) states.

Circular A-95 includes Section 204 of the "Model Cities Act" (formerly Demonstration Cities and Metropolitan Development Act). The coordination of parts of the two laws was assigned to the executive BOB, now known as OMB.

The "Model Cities" law provides for a radical and complete socio-economic upheaval in the United States. Examine the "Model Cities" rewritten law in the Federal Codes Annotated and you will find cross-references to F.C.A. Titles on Banks and Banking; Public Buildings, Property and Works; Public Health and Welfare whose sections, in turn, deal with urban renewal and relocation, etc., operations of which are run by the bureaucratic printing press rules.

Put into action, the Model Cities social-engineering structure becomes subservient to administrative rules and regulations and includes such nonsense as "street elections" without official voter lists but with members of the League of Women Voters in charge. The Model Cities structure completely bypasses constitutional representative government.

The Model Cities law also is an example of Congress legislating in an area beyond its jurisdiction—i.e. areas not permitted by enumeration in the U.S. Constitution, the overworked "general welfare" clause in the Preamble, notwithstanding.

The lame duck memo (LBJ) and the July 1969 (Nixon) A-95 circular illustrate why we have a Metro One-Party and not a two-Party system in the United States. Presidents may come and Presidents may go, but Metro and the Metrocrats go on uninterruptedly.

A-95 sets up an "early warning system" based on three types of clearing houses: state and regional clearinghouses designated by state Governors and metropolitan clearinghouses to be designated by the federal government. Local governments are under the web. All plans seeking federal assistance must be reviewed by the clearing-house system. "Early warning" means that local governments should notify clearing-houses that plans will be submitted.

Title IV of the regional PL 90-577, the region-making law, contains a delegation of legislative power FROM Congress TO The President.

Circular A-95 was the response to the President's redelegation of that legislative power to one of his executive offices. A-95 illustrates vividly how that delegated legislative power is turned into administrative rules written by non-elected bureaucrats.

Circular A-95 is being taken to and explained in various parts of the United States as a system that is required and must be submitted to in order to receive federal assistance. Reaction has set in against the forced regionalization that the Circular implements.

Section 204 of the "Model Cities" Act requires that a broad spectra of public facilities-type projects which seek federal assistance must be brought under the aegis of areawide comprehensive planning agencies—the clearinghouse system.

In brief, the lawmaking power (entrusted by American citizens to the legislative sector of government) is being conferred (unconstitutionally) upon executive appointees. Exercise of that power has produced the clearinghouse "planning network" that is now flung over the entire U.S.A. to force all independent units of local government under a dictatorship.

MINNESOTA AND TWIN CITIES METROPOLITAN COUNCIL—TCMC

The Oct. 1, 1969 federal directory listing state, metropolitan, and regional clearinghouses shows just one (1) Minnesota state clearinghouse (Governor's designation); it is the Minnesota State Planning Agency in St. Paul which he heads in his dual capacity as Governor-State Planner. No clearinghouse names appeared under Minnesota's regional clearinghouse section.

However, several federally-designated metropolitan clearinghouses in Minnesota do appear on the list. The Twin Cities Metropolitan Council (Minneapolis and St. Paul plus 7-counties) is one of the federally designated clearinghouses. Perhaps the first official act of the TCMC was the approving of plans for the federally-assisted "new community" of Jonathan, near Chaska, Minnesota. The remaining forty nine (49) states and their clearinghouses are likewise listed in the federal directory.

REGIONAL GEOGRAPHY OF METRO, LOCAL TO GLOBAL—BOX EXAMPLE

To summarize the regional geography of Metro, please envision one of those toys children play with—a nest of boxes, little boxes fitted into larger boxes. In our discussion, we have removed some of the smaller boxes from the cluster, each bearing labels such as city-county mergers, multi-county regions and so on. We observed that the State of Minnesota someday might lose its sovereign identity in the Upper Great Lakes Region, presently the regional creature of the EDA (Economic Development Adm.).

But these domestic Metro regions in the United States fit into an even larger box—a whopper labeled World Government.

Let's get the picture: Regionalization is the geography of Metro Governance. Metro in the United States is the domesticated version of Charter-Treaty law under the United Nations global organization. Starting with cities' and counties' regionalization, multi-county regionalization is being attempted in Texas, Florida, Kansas, Iowa, California, etc. We find State-level regionalization attempted in the tri-state New York-Connecticut-New Jersey area. International regionalization already exists on a hemispheric scale. OAS (Organization of American States) is the western hemisphere Region as set up by United Nations organization for easy control of North and South America. All nations on earth are slated for global regional subjugation.

You will find Regionalization completely outlined in the United Nations Charter. Chapter VIII of the Charter covers "regional arrangements;" Chapter IX declares "intergovernmental agreement" as a UN device; the vocabulary of Metro is there in the UN Charter.

GENERAL GRANT OF POWER—INTERNATIONAL

But what about regional world law—the power that rules? It is found in the UN Charter's General Power Grant—just as you find it in the local Metro city and county charters and state constitutions as drawn from the Syndicate 1313 samples published by the National Municipal League. Articles 55 and 56 of the UN Charter contain the International General Grant of Power and the implementing clause:

Article 55: "With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote: a) higher standards of living, full employment, and conditions of economic and social progress and development; b) solutions of international economic, social, health and related problems; and international cultural and educational cooperation; and c) universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion."

Article 56: "All Members pledge themselves to take joint and separate action in cooperation with the Organization for the . . . purposes set forth in Article 55.

When the United States ratified and approved the treaty of the UN, a chain reaction set in. "A ratified treaty confers on Congress unlimited power to legislate on the subject matter of the treaty without any other enumerated and delegate power whatsoever." (quoted from the late U.S. Senator Patrick McCarran's remarks in the Senate Jan. 28, 1954). Articles 55 and 56 of the UN Charter-Treaty conferred on the Congress of the United States the unlimited power to legislate on the subjects of civil, political, economic, social, and cultural rights. The "Model Cities" law is an example of Congress legislating under the aegis of the United Nations global mandate.

Bear in mind that our U.S. Constitution *limited* government to the functions listed in the U.S. Constitution, and *reserved* all other powers to the sovereign states or to the people (See Amendment X).

But the UN Charter has unshackled Congress, causing that body to legislate in fields not permitted by our U.S. Constitution. In addition to "Model Cities" PL 89-754, named above, another example is the regional Intergovernmental Cooperation Act of 1968 (PL 90-577).

Not only does Congress unconstitutionally delegate its legislative power to the executive sector by PL 90-577 to implement UN's regionalization, Congress in the "Model Cities" law has legislated in areas which the U.S. Constitution has *reserved* to the states and to individual Americans.

That appears to be the present situation in its stark horror. The U.S. Senate approved the UN Charter whose general legislative grant empowered our Congress to legislate in areas not permitted by our U.S. Constitution. And Congress is so legislating beyond the constitution, to the sorrow of American citizens.

The UN Charter was approved by the United States in 1945. Have not our gravest problems overtaken us since that date?—regionalism and phoney "printing press laws" written by bureaucrats who lack constitutional authority to write laws. Reflection and meditation on your part undoubtedly will uncover other instances in educational, civil, economic, social and cultural areas.

The Metro–1313 Syndictae fits into the picture as the peddler of world law domesticated for the United States. 1313's various charters, constitutions and sample laws all throw power to the executive sector of government at any level.

WORLD GOVERNMENT CONSTITUTION

"A Constitution For The World" has been written by some of the same characters who produced the proposed new Constitution For The United States. The World Constitution, older of the two proposed documents, comes from the same place—the tax-exempt Center for the Study of Democratic Institutions at Santa Barbara (Cal.) 93103. The 1965 copyright on the document is held by Ford Foundation's Fund For The Republic. Ford Foundation has been and is a heavy contributor to Syndicate 1313, notoriously through the charter-constitution-writing National Municipal League and its affiliates.

DECLARATION OF WORLD CITIZENSHIP

Does it all sound 'way out? Then listen to this. I quote excerpts from a copy of "A Declaration of World Citizenship—A Joint Resolution of the Hennepin County (Minn.) Board of Commissioners, Mayor and City Council of Minneapolis, dated March 5, 1968:

Whereas, in recognition of the greatly increased interdependence of the world . . .

Whereas, aware that we can best serve our city, county, state and nation when we also think and act as *world citizens.*

Now, therefore be it resolved that we . . . recognize the sovereign right of our citizens to declare that their citizenship responsibilities extend beyond our city and nation. We hereby join with other concerned people of the world in a declaration that we share in this world responsibility and that our citizens are in this sense *citizens of the world. . . .*"

The Declaration means something, but *what?* Metrocrats don't go to so much trouble to make empty gestures.

Does the Declaration signal readiness for the TCMC region to be attached to a "hot line" leading to a not-yet-official World Manager or a Board of global regional managers?

Or does the Declaration mean that Minnesotans will be the first to pay the World Tax? A world tax has been on the drawing board for some time; maybe it is off the board and ready to be used.

TCMC

The Twin Cities Metro Council is an administrative form of government headed by appointees who can control regional webs of transportation, sewers, public works, etc. The power to get the tax dollars for spending has been given to appointees—not to elected individuals who can be recalled if they tax too heavily. TCMC regional inhabitants have no control over the ruling body. Nor can they vote on general obligation bonds and debt.

Other Minnesotans—yes, other Americans in other states—are jeopardized by the menace of the Twin Cities regional experiment; its pattern can be transplanted elsewhere by agents of the widely-flung Syndicate 1313 web.

CONCLUSION

Who is to blame? The 1313 syndicate, of course, for spreading the Metro governance. Congress is to blame for delegating lawmaking power to the President. Certain U.S. Presidents are to blame for redelegating that same lawmaking authority to irresponsible bureaucrats (Metrocrats). The U.S. Senate is to blame for putting Americans under the United Nations Charter-Treaty law and for keeping us there.

What is being done?

Attacking regionalism, two California counties—El Dorado and Placer—have taken the Lake Tahoe bi-state (Nevada-California) Metro region to court in California, declaring the region's unconstitutionality.

Challenging the "printing press laws," two cases against the Internal Revenue Service (income tax collectors) went to federal courts in Illinois and California. The California case is said to be on its way to the U.S. Supreme Court contesting the practice of employee-written definitions and misinterpretation of law.

Citizens in the fifty (50) states are asking why they no longer have a right to vote—especially on matters as weighty as urban renewal, regionalism, interest-bearing public debt.

What can other citizens do?

Citizens can petition to repeal regional laws, retire Metrocrats from office and refuse to vote Metrocrats into office;

Citizens can stop state tax dollars from going into the 1313 treasury in the form of assessments levied on the 50 states by 1313's Council of State Governments through Metro's 50 state intergovernmental/interstate cooperation commissions;

Citizens should expose the Syndicate 1313, ask for a congressional investigation of that concentration of political power.

All Americans should urge abrogation of the United Nations Charter and eviction of the UN headquarters from The United States of America!

UNFULFILLED PROMISES: MANPOWER PROGRAM FOR MIGRANT FARMWORKERS

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. BADILLO. Mr Speaker, I want to call to the attention of our colleagues another program which is supposed to benefit migrant farmworkers, but which may fail to achieve its objectives.

Several weeks ago the Secretary of Labor announced the beginning of a long-range comprehensive manpower for migrant farmworkers. During the current fiscal year about 6,000 noncasual migrants will be the target of home-base and in-stream programs costing $20 million to develop marketable job skills to equip them for stable, year-round employment.

The Department's press release painted a glowing picture of the program:

> To assist migrant farmworkers attain economic independence and security and prepare them for year-round employment, the Labor Department program will:
>
> Provide comprehensive training and job development in home base areas;
>
> Provide assistance to persons who desire to settle out of the migrant stream.
>
> Health care, educational assistance, food stamps, housing and other necessary supportive services will be provided through coordination with existing agencies in the local areas.

Upon closer examination, however, these words seem to be little more than rhetoric unsupported by much substance.

First, when members of the Agricultural Labor Subcommittee requested more details about the programs, the Rural Manpower Service supplied us with a document called the Last Yellow Bus. We were told that this would give us all the information we wanted. However, when Assistant Secretary Malcolm R. Lovell, Jr., appeared before our subcommittee to explain the program, he specifically repudiated the Last Yellow Bus, labeling it "a planning document for internal purposes only." He could not or would not tell the subcommittee which parts represented departmental policy and which ones did not. He promised a more definitive statement of policy, but none has been received in the months since his appearance.

I should note, in passing, that the so-called planning document dealt mainly with broad, general program objectives and said little about the details of how the program would be run, by whom it would be run, where it would be set up and in what time frame. I was particularly distressed by the Secretary's promise of coordination of supportive social services and my discovery that this facet of the program was not discussed at all in the Last Yellow Bus.

The Department claims the program is "comprehensive" because all available training and services will aid migrants both at their home base and in the stream. But the program cannot claim to be comprehensive when it will affect no more than 4 percent of the noncasual migrants during the first year and when it cuts off nearly a quarter of the migrant population from eligibility for important phases of the program.

I can understand that at the outset the Department will essentially be running a pilot program and obviously cannot reach a greater number of migrants. But I fail to understand the rationale for not including several east coast States that during the peak employment month of August 1970 had a migrant population that may have been as high as 50,000.

Thirty-seven Members of the House from Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, and Maryland have joined me in protesting this exclusion. We addressed a letter to Secretary of Labor James D. Hodgson requesting a reexamination of the dimensions of the program. The fact that the Secretary has allowed a month to lapse without responding to our letter shows contempt not only for 38 Members of this body of both parties, but for thousands of migrants in the east coast stream.

Allow me to explain the situation a bit more. Blacks, Puerto Ricans, and a few whites migrate along the Atlantic seaboard harvesting fruits, vegetables, and tobacco, and working in nurseries. The Labor Department, as I have noted, puts peak employment in this stream at 50,000 which compares favorably with the situation in the Great Lakes States—one of the areas to be served by the migrant manpower program—which has an annual inmigration of about 49,000. But no migrant in any State north of North Carolina will receive any benefits from the manpower program and the most conservative estimate of the number of migrants employed in the States of Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and Virginia in August 1970 is 37,000.

The Department of Labor maintains that most of these farmworkers will be eligible to participate in the home base phases of the program because they come from the Southeastern region—Florida, North and South Carolina. But the same logic would seem to hold for the migrants in the Great Lakes States who also are interstate migrants with home bases largely in the South and the Southwest. In any case, why extend the possibility of benefitting from in-stream settle-out programs and supportive social services to migrants in the Midwest, but deny them to those on the east coast?

Moreover, between 30,000 and 35,000 Puerto Rican farmworkers annually leave the island in search of employment in the east coast stream. These migrants are eligible for neither home-base nor in-stream phases of the program. This is outright discrimination against a significant portion of the migrant population.

If the first year of this so-called comprehensive manpower program for migrant farmworkers is essentially an experiment or pilot project, then I contend that the evidence gathered from this experiment will be inaccurate and biased because the sample of 6,000 migrants will not adequately reflect the composition of the migrant population.

Finally, I want to point out that even though many phases of the program—and perhaps the whole project—will be run by contracts with local, migrant-based organizations, all aspects of the program will be under the control of the national office of the Rural Manpower Service, that is, the Farm Labor Service. The Department of Labor is now conducting an investigation of charges of ineffectiveness, bias, grower control, and outright fraud in the Farm Labor Service and a lawsuit filed by Migrant Legal Action, Inc., has called for the abolition of the agency and its replacement by a worker-organized and operated service. I question the wisdom of assigning a multi-million-dollar manpower program to an agency under investigation and whose dedication to migrant is doubtful.

I am very worried about this manpower program and the way the whole situation has been handled. I hope the Rural Manpower Service will become the chief advocate and protector of migrant interests, but on the basis of past history I am not at all certain this will come about. Congress must very carefully oversee this new program and make sure it is designed and implemented in such a way as to achieve its worthy objective.

THE FUTURE OF UNITED STATES–RED CHINA POLICY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. BIAGGI. Mr. Speaker, between the commentaries on ping-pong diplomacy and the first visit by a U.S. President to Red China, much thought will have to be given to just what our new international policy will be with respect to this nation of 800 million people.

On the one hand, it is argued that a country with approximately one-fifth of the world's population and a sizeable share of its land resources cannot be ignored in the negotiations for world peace. Yet on the other hand, valid questions are raised about the attitude of the Peoples Republic of China toward the rest of the world.

No real benefit will come by offering the Communists a new forum for spouting propaganda of world conquest and against "imperialist aggression." However, if a real basis for common understanding and a mutual recognition of international human rights can be established, the citizens of the whole world will gain by the evolution of a true state of peace on earth.

In an effort to contribute to the discussion, Mr. Speaker, I will place in the RECORD at this point an editorial from the New York Sunday News of August 1, 1971, which comments on President Nixon's planned trip to Peking and puts forth some serious questions to consider. I commend the item to my colleagues:

COMMITTEE OF ONE MILLION

Committee of one million—Against the Admission of Communist China to the United Nations (Suite 500, 1735 DeSales St., N.W., Washington, D.C. 20036; Dr. Walter H. Judd, chairman) is reacting in an interesting fashion to President Richard M. Nixon's planned visit to Peking, Red China.

The committee has drawn up a set of seven questions which it hopes the President will put to Red China's Premier Chou En-lai when the twain meet face to face.

We find these questions so illuminating and provocative of thought that we print them in full:

1—When will you release the American servicemen whom you have held as prisoners for as long as 20 years?

2—Do you now accept the United Nations designation of Communist China as the aggressor in the Korean War?

3—Do you now concede that you committed genocide [deliberate extermination of a national or racial group] in your invasion of Tibet as the International Commission of Jurists in Geneva has so stated?

4—Do you admit that you are responsible for the deaths of thousands of American servicemen in Vietnam through your supplying most of the small arms and ammunition to the Viet Cong?

5—Will you now apologize to my country and to me personally for describing me as a "chief butcher" and an "arch criminal" in your official publications?

6—Are you now prepared to abandon Mao Tse-tung's philosophy that political power grows out of the barrel of a gun?

7—Do you still believe that the U.S. is an "imperialist aggressor" and is surrounded by "running dogs"?

Take 'em away, Mr. President, and let's see Chou wriggle off those seven hooks if he can.

CONGRESSMAN BRADEMAS HEARS THE VIEWS OF INDIANA CERTIFIED PUBLIC ACCOUNTANTS

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. BRADEMAS. Mr. Speaker, several days ago, while at home in my congressional district, I had the pleasure of meeting with a group of certified public accountants from several northern Indiana counties.

We engaged in a candid discussion of a number of problems which they, as certified public accountants, encounter in their relationships with the Federal Government. In particular, this group of CPA's told me of some of their difficulties in faithfully representing their small business clients.

One of the major impressions I took away from the meeting was the resentment that many small businesses have against the Internal Revenue Service. I was advised by the certified public accountants that the procedures of the IRS are, on a number of occasions, inconsistent and arbitrary and, moreover, that it has often proved virtually impossible to communicate with the computerized branches of the Internal Revenue Service.

The participants at this meeting even drew comparisons between their experiences with the IRS and the treatment suffered by the American colonists at the hands of the late George III.

Mr. Speaker, I am naturally distressed that any segment of the constitutency I represent should be so resentful of an agency of their government. While remonstrating against the tax collector is probably one of the oldest of human activities, the intensity of the feeling displayed by the professional men and women with whom I met seemed to me to indicate more than the usual level of dissatisfaction.

I take this time, therefore, for two reasons. The first is to draw attention to this kind of criticism of the Internal Revenue Service.

Beyond making this point, however, I should like to express the hope that others of my colleagues in the House of Representatives may find it useful to arrange similar meetings in their own congressional districts with certified public accounts. My own experience, as I have indicated, proved most helpful in enabling me to learn of the concerns of these professional persons and to express my own views on a number of issues of interest to them.

At this point, Mr. Speaker, I should like to include the names of those who participated in the certified public accountants' meeting in Indiana to which I have referred. They are:

Joseph J. Newman, South Bend, chairman; Betty Lehman, Goshen; Joyce Griffey, South Bend; Sophie Newman, South Bend; Dorothy W. Poe, LaPorte; Richard E. Clare, Elkhart; Robert L. Stephan, South Bend; David A. Bloss, South Bend; Roger K. Griffey, South Bend; John M. Taylor, South Bend; David S. Stewart, Plymouth; Hugo Tomchak, South Bend; Richard L. Seago, South Bend; Stanley E. Rigby, Berne; Walter Rose, Fort Wayne; Donald S. Flagle, Elkhart; O. E. Dickerson, New Castle; and E. J. Dickerson, New Castle.

EDNA SPIES HONORED

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. SCHWENGEL. Mr. Speaker, on Sunday, June 20, a reception was held in Dixon, Iowa, honoring Mrs. Edna Spies, whose retirement this year ends a 34-year career as a teacher and educator.

Mrs. Spies' distinguished record is worthy of high praise and honor. Her devotion to the teaching profession and her students is worthy of emulation.

Several newspaper accounts of Mrs. Spies' career appeared upon her retirement. They detail why she is so loved and respected by those who know her.

The recognition she has been accorded is well-earned and well-deserved.

The articles follow:

MOST OF ALL, SHE WILL MISS THE CHILDREN

(By Elsie Ryan)

A face here. Another there. Tears remembered. Laughter shared. And so short, so short.

"It was an exciting, challenging rewarding career," reminisced Mrs. John (Edna) Spies, Dixon, Iowa, who is retiring this year after a lifetime in education.

And she'll have a new and special memory June 20 when the Dixon American Legion Post 353, auxiliary and juniors, honor her at a special reception from 2 to 5 p.m. and 7 to 10 p.m. in the Dixon Legion Hall.

All students, former students, their parents, friends, relatives and the public are invited to the event given in recognition of her retirement from North Scott Community School System.

Her 47 years in education were spent as an instructor in the rural schools of Scott County, Delmar Consolidated School, Iowa Soldiers Orphans Home (now the Annie Wittenmyer Home) Davenport, Calamus Community School and North Scott School, plus four years as a director on the Davenport Township School Board and nine years on the Scott County Board of Education of which she also served as president.

One of her most lasting achievements was establishing the Scott County Bookmobile—the first of its kind in America.

Mrs. Spies graduated from a Normal Course (at that time offered by Davenport High School), with the class of 1924, and later took additional work at Coe, Marycrest, University of Iowa and Drake University.

Her teaching career once included a battle to raise the salaries of teachers in order to attract them from the higher paying jobs they had taken during World War II. She was successful. Then came the time when the market was flooded and teachers were "a dime a dozen." And there were some school boards who wouldn't hire a married teacher.

"During the depression years," Mrs. Spies recalls, "salaries dropped from $125 and $150 a month to $40 and $50 . . . when they got paid. Banks closed, there was no money, and some teachers taught an entire year without pay. One board treasurer felt sorry for us and gave us a small check for Christmas. The only difficulty was . . . the bank closed before we could cash them!" "I'll miss all the activities in rural schools . . . the variety shows, community plays, the box socials, the big picnics, the way the children recited the Lord's prayer and the pledge of allegiance, and the dandelions . . .

"I think one of my dearest memories is the hands of youngsters bringing me spring bouquets of dandelions.

And there was the billy goat that broke loose and came into the school. And the day I was playing ante-over and jumped to catch the ball to save some little ones from getting hit, I fell over a tree stump with a sharp edge and passed out. Those children knew just what to do! They dumped several buckets of water over me! I was drenched!

"I'll never forget the day the children caught a skunk at noontime, and when they came in I was very much aware of it. So I dismissed school early.

"Another time all the boys were baking cookies for Mother's Day when Harry Banze, Scott County superintendent, walked in to give some reading tests. The boys all wore big aprons and no one thought to take them off, just sat down and took the test. Mr. Banze chuckled over it, said it always felt like coming into a home when he came to my school. The children gave him a big sack of cookies to take home.

She once was dubbed 'Fussy Fanny' by a school director, the late George Keltin, because, "I was so particular about how the bulletin boards went up and how we painted along the trim."

"So many beautiful experiences, love and cooperation . . . I'm going to be lost. I do think television is affecting children in their grades, and the working mothers are telling a tale . . . children are left too much on their own. And children now are engaged in too many outside activities. It leaves them no time to think, to read and let their minds grow."

Her students are scattered all over the world. She is proud to say she has a photo of each and every one of them (over 1,000). Included in her memory book is the Little Flower Valley rural school's winning float in the first Davenport Mardi Gra parade at Halloween.

"Rewards of teaching cannot be measured in dollars and cents. It's how much I helped the children develop into adulthood, their professions, their successes, accomplishments, their morals, their ability to meet the 'ups and downs' by standing on their own two feet, and most of all, their success as parents."

She and Mr. Spies are themselves the parents of four children, all of whom she taught during World War II. They are Larrimett, superintendent of Cold Rolling Mill Plant at Alcoa, Tenn., where he lives with his wife, Carol, and two daughters; Capt. Gordon Spies, now serving his third tour in Vietnam. (His wife, Judy and two children live at St. Augustine, Fla.) A daughter, Darlene, wife of Dr. Russell Peacock, and four children live in Ballston Spa, N.Y.; and Mrs. Ronald (Beverly) Mangravite, Fort Lee, N.J., is administrative assistant of the rehabilitation department at New York University Medical Center, Goldwater Memorial Hospital, New York. All the children, except Gordon, will be home to help their mother celebrate.

Her great love for her family, her pupils and her interest in school is demonstrated by her unique gift which she dedicated to all her students . . . a memorial plaque, a flag pole and flag standing in Scott County Park.

Her family was reared on the farm settled by Jacob Heller in 1836. "I'm studying geneology, tracing our family tree on both sides. It's quite fascinating. We have a lot of teachers, ministers, professors and doctors in the background. Many founded cities in the east.

"We also plan to travel a lot, and will see more of our children . . . but I'll miss the children, oh, I'll miss them."

RETIREMENT TRIBUTE FOR FORMER CHEROKEE WOMAN

Mrs. Edna Smith Spies, Dixon, Ia., a former Cherokee resident, will be honored at a special reception given by Dixon American Legion Post 353, the auxiliary and the juniors in recognition of her retirement from the North Scott Community School system.

The event will be held in the Dixon Legion Hall from 2 to 5 p.m. and from 7 to 10 p.m., June 20. The public which includes many former students are invited to the reception commemorating her services to education as an instructor, school board member and for her contributions to the welfare of the community.

Mrs. Spies' retirement brings to a close an exciting, challenging and rewarding career of 34 years as an instructor in the rural school in Scott County, Delmar Consolidated School, Iowa Soldiers Orphans' Home, now called Annie Wittenmyer Home at Davenport, Calamus Community School and North Scott. In addition she served as director of the Davenport Township school board and as president of the Scott County Board of Education.

Daughter of the late Mr. and Mrs. John Smith, residents of Ida and Cherokee counties, she grew up in these communities, graduating from eighth grade at Pilot Township No. 8 (known as the Banks Perry School) in Cherokee County.

Among the relatives in this area are the John Mann, Robert Graham families of Cherokee, the William Smith family, Quimby, Hawley Smith of Storm Lake. She has contact through frequent visits and through her membership in the Cherokee County Historical Society.

She attended and graduated from the Normal Court (Teacher's Training) then offered at Davenport High School with class of 1924 of which Dr. David Palmer was then president now president of Palmer School of Chiropractic.

SEVERAL GENERATIONS

She has been engaged in educational work ever since, a profession she cherishes. She has touched the lives of several generations, teaching children and grandchildren of former students, an accomplishment of which she is justly proud. She has taken, through the years, additional work at Coe, Marycrest, University of Iowa and at Drake University.

Mrs. Spies recalls many interesting episodes from her teaching career, including the depression years when salaries dropped from an all time high of $100–$150 per month down to a low of $40–$45, and the closing of banks when she and Davenport township teachers taught a whole year without pay. She also recalls how the treasurer of the board feeling sorry for them wrote out a personal check for a small sum on his account at the bank for their Christmas. But that bank closed its doors before they could cash the checks. . . . "But," she says, "life went on just the same and we all survived."

Then there was the time she shook the old "pot-bellied" stove on a cold morning and the stove started to topple over. Fortunately, the director and his children walked in at just that moment, he grabbed and helped hold the stove up while his son pushed bricks under the broken leg.

She also remembers being called back into the teaching field because teachers were leaving their low salaried jobs for high pay in defense plants during World War II. She sparked a drive to raise salary schedules to help keep teachers in the schools where they were so badly needed.

She also remembers the days when school boards wouldn't hire married teachers.

Edna and her husband are the parents of four children, all of whom she taught during World War II. They are Larrimett, superintendent of Cold Rolling Mill Plant, Alcoa, Tenn.; Capt. Gordon, now serving third tour in Vietnam, his family residing at St. Augustine, Fla.; Darline, wife of Dr. Russell Peacock, Ballston Spa, N.Y.; Beverly, wife of Ronald Mangravite, administrative assistant of the Rehabilitation Department at New York University Medical Center. Eight grandchildren complete the circle and all except Gordon expect to attend the reception.

Mrs. Spies' greatest love is her family, her students and the school which is exemplified by the Memorial Plaque, the flag and flag pole erected and standing in the Scott County Park which she dedicated as a memorial and tribute to all her students.

Mrs. Spies To Be Honored at Reception

Mrs. Edna Spies, Dixon, will be honored at a special reception given by the Dixon American Legion Post 353, Auxiliary and Juniors in recognition of her retirement from North Scott Community School System, on Sunday afternoon, June 20th, from 2:00 to 5:00 and from 7:00 to 10:00 P.M. in the Dixon Legion Hall.

Her students, former students, the parents, friends, relatives and the public are invited to the reception commemorating her for her service to education as an instructor, school board member, her interest in our youth and her contribution to our communities welfare.

Mrs. Spies' retirement brings to a close an exciting, challenging and a most rewarding career of 34 years as an instructor in the rural schools of Scott County, Delmar Consolidated School, Iowa Soldiers Orphans Home, now called Annie Whittenmyer Home, Davenport; Calamus Community School and North Scott School. She served four years as a director on the Davenport Township School Board and nine years on the Scott County Board of Education of which she also served as president.

She acquired her teacher's training in the Normal Course then offered by Davenport High, graduating with the class of 1924 and she has been engaged in educational work ever since, a profession she cherishes. She has touched the lives of several generations, teaching grandchildren of former students and an accomplishment of which she is justly proud. She took additional work at Coe, Marycrest, University of Iowa and Drake.

Mrs. Spies recalls the depression years when salaries dropped almost out of sight; when the banks failed and the teachers in Davenport Township taught school a year without pay, and how the board treasurer felt sorry for them and wrote each of them a personal check for a small amount on another bank so they would have some Christmas money. Well — that bank joined the ranks along with the rest and closed its doors before they had a chance to spend a cent. Believe it or not, they all survived.

During her years as president of the Scott County Rural Teachers Association and remembering why she was recalled into the class room during World War II because teachers left their schools for higher pay in Defense Plants, she sparked a drive to raise salary schedules to keep teachers in the schools. That was like pulling teeth, but they won out. What a contrast to then and now!

She and Mr. Spies are the parents of four children, all of whom she taught during Second World War. They have eight grandchildren. They are Larrimett, Supt. of Cold Rolling Mill Plant at Alcoa, Tenn., where he and his wife Carol, and daughters, Holly and Jill reside near by at Maryville. Captain Gordon Spies, now serving his third tour in Vietnam. His wife, Judy and daughter Melinda and little son, Jason, reside at their home at St. Augustine, Florida. Darlene, wife of Dr. Russell Peacock, and their children, Craig, Jama, Larrimett and Richard reside at Ballston Spa. New York. Beverly, administrative assistant of Rehabilitation Dept. at New York University Medical Center at Goldwater Memorial Hospital, New York, and wife of Ronald Mangravite, residing at Fort Lee, New Jersey.

All of Mrs. Spies' family will be home to honor their mother and former teacher on June 20th, all except Gordon, who will be unable to attend.

Mrs. Spies' book of treasured memories include not only those of her students and family, but also those honors from President Harry S. Truman, Iowa Governor, William Beardsley and the National Citation awarded by Ted Malone over N.B.C. in recognition for having founded and established the "Scott County Bookmobile," the first in Iowa and the Nation—which was dedicated as a Memorial to the school children, teachers and servicemen in Scott County.

Her book also includes honors from Congressman, Fred Schwengel, Thomas Martin, Senator Guy Gillette, the late Walter Beuse and "Man of the Week" honors from the Davenport Press.

Vivid are her recollections of her students. She states with pride that she has a picture of every student, which numbers over 1,000. Her book includes a picture of the three Calamus Jr. High Boys who "Spelled" to win the three top honors and championship in the same Clinton Co. Spelling Contest.

Mrs. Spies feels that teachers' rewards aren't measured by dollars and cents. It's the child's life's work, their success and accomplishments, their morals and mainly their success as parents that count.

Her greatest love is her family, her pupils and interest in school which is exemplified by the Memorial Plaque, the flag pole and flag standing in Scott County Park, which she dedicated to all of her students.

Mrs. Spies was elected President of the North Scott P.T.A. for 1971–1972.

Although she is retiring and has many interesting hobbies, it is a safe bet that she will keep her eye on school affairs and the future of her boys and girls.

RED CHINA: THE WORLD'S NO. 1 HEROIN PRODUCER

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. CRANE. Mr. Speaker, it is ironic that many of those who are expressing such grave concern over the drug problems of American soldiers in Southeast Asia are also among the advocates of our new policy toward Communist China and are supporting the admission of Peking to the United Nations.

It is ironic because this same regime in Peking, which so many are now embracing as a friend, regulates the largest heroin traffic in the world.

Dr. Robert W. Baird, of Help Addicts Voluntarily End Narcotics—HAVEN—recently testified before an ad hoc committee during the observance of Free China Week.

Dr. Baird's remarks and legislative suggestions are well worth remembering by those who are concerned with drug problems among our young soldiers, and also by those who so readily accept the idea that Communist China belongs in the United Nations.

The remarks follow:

Remarks of Dr. Robert W. Baird

Dear Senators, I want to thank you so very much for the privilege of allowing me to appear before your committee this morning to present my reason why I am against the acceptance in the U.N. of Red China. I just hope that this committee will listen to some of my words, it is sometimes rather dismal to come down to Congress year after year and I have been down here since 1964 telling them of the dangers of addiction in the Armed Services. I have been before many of our luminary senators such as: Javits, Jackson, Muskie, Kennedy, Dodd and had warned them back in 1964 of the G.I. problem. In fact, in 1966, I brought some GI's with me down to Washington and one of the very GI's that I brought to testify about the dangers in Vietnam of drug addiction has just recently died. Year after year I have been down here warning of the dangers of addiction and now 7 years later a holocaust. It fell on deaf ears of our leading Senators.

Here are some of the newspapers clippings that I have brought to show. Despite these warnings, I was criticized in the New York Times June 16, 1966 that there was not one addict in the Armed Services. It can be frustrating but right now angry, so many kids needlessly hooked. In fact, Senator Javits on June 15, 1966, said he would look into this matter. I wish he had acted with the same promptness as he did with the female lib movement of the girl pages, as he should have when I pleaded with him in 1964. I trust that this will not happen here.

In regards to Red China despite the fact that we are confronted with misinformation from the Federal Government agencies that Turkey produces 80 percent of the heroin that finds its way into America, think that is an out and out myth and is typical of many people who head drug programs who are totally oblivious to the real fact of drug addiction, one cannot be close to the problem of drug addiction in an ivory castle under sterile situations such as in a hospital or a Veterans Administration or general's desk or head a law enforcement agency and never being on the street level to hear the story as it is which slowly infiltrates down to the grass roots level to the patients that we doctors have to see. There is no doubt in my mind that the leading producer of heroin in the world is undoubtedly Red China. I feel that at this time probably Red China is responsible for producing close to upwards of 50,000 tons of opium a year. How do I come about this statistic. In the Pravda newspapers September 1964 the Russian Communist stated that Red China was making at least 500 million dollars a year from illicit traffic of opium. This is predicated on them producing somewhere in the neighborhood of 32 thousand ton of raw opium. When one considers the conversion factor of 25 per cent into alkaloids those are substances that become morphine and heroin, this is enough to supply a quarter of a billion people for a minimum of a year. So you can readly see that this is really big business in a large way. The American people and our American officials have been extremely naive about Red China and its importance. I told this at a hearing August 1964 before Senators Javits, Muskie, Dodd, McClellan, Jackson and repeated the urgency in May 1966, and again in June 1966 telling them about Red China sending dope through Laos, Thailand, and Vietnam.

It is no surprise that Hong Kong at this time has over a hundred twenty thousand addicts. Hong Kong is only a small community which is 326 square miles, and yet in order to supply this where is all the heroin coming from? It comes from the mainland of China which is right at their back door, which then finds its way into Hong Kong because Hong Kong has no room to grow the large poppy plants and to go through the procedures of harvesting then extracting it to morphine base and converting this into heroin. In fact, in 1965 a report from behind the Iron Curtain came out that there were large plants for converting morphine into heroin base in Chinese mainland. Out of one plant alone and this information comes from the U.N. hearings May 2, 1952, one of the morphine factories in West China produced 300 pounds of morphine a day, this is equivalent to 54 ton a year or 109,500 pounds, or 54,000 kilograms of morphine.

One shipment alone that was discovered coming out of Red China was worth 20,000,000 dollars. Some of the large cities which are responsible for drug production is Tientsin and Canton, and here the People's Republic of China have an absolute governmental monoply on the production of morphine, opium, and heroin under the opium prohibition bureau of the People's Government.

Is it any wonder that Hong Kong, Japan, Macao, Singapore and Korea and Malayan Penisula are lucrative markets with such a tremendous area of production. The Southern Province of China which is called Yunaan has at least a million acres which can be used for producing opium and which I feel is in active production at this point. In 1956 poppy acreage was 6 million MOW (0.15 acres equals one MOW) and increased to 9 million MOW by 1965. Is it any wonder with a big American market? This represents one million acres.

The evidence of heroin goes back to the fifties in which when I testified before Congress telling them about our boys getting heroin from Indochang and Seoul and Pusan where they were getting this from the Koreans which undoubtedly had come filtered down from North Korea and in the U.N. hearing this has been brought out where they have found out that Chinese heroin from Red China has been proved to be the same type that has entered into Hong Kong.

As a practicing physician having worked in Harlem treating drug addicts for over twenty years I feel that right now that with letting down the trade barriers this will now unleash such a holacaust of drug addiction in America. Before we could think of trading with Red China they must promise to stop completely the production of opium. This I feel will never happen. Smuggling in America will go to an all time high that we will not be able to keep up with it. Simple methods of getting it in will be via dolls, toys, picture frames, shoes, clothes. In addition to organized syndicates new purveyors, merchant marine personnel, armed services, visitors and tourists that we will not be able to stem this tide. And another thing that bothers me and I am positive that it will come to bear before the end of one year there will be the increasing amount of heroin amounting to thousands of pounds that we will find in the United States which will be coming up from South America. Already the underworld syndicates are taking steps to bypass the normal routine of shipping out from Hong Kong, India, Thailand, Vietnam via Europe through Kennedy Airport and St. Lawrence in Canada and California, and will now start to bring heroin through the South American route using South American couriers because this is a more deceptive method and we will see higher grades of pure heroin coming in. It would not surprise me at all if it were possible to have the World Bank check on the gold bullion reserve that probably Red China is gaining on America via drugs alone to the tune of conservatively at least a billion dollars a year through our syndicated purveyors of pure heroin in America. In addition by 1975 there will be upwards of one half a million new addicts.

In October 1950, the U.N. forces in North Korea found three hundred boxes of opium which contained thirty to fifty pounds a box origin Red China.

In 1952, there was a seizure of opium of six thousand pounds—Red China.

The simplest way to completely destroy America is to see what I have been seeing year after year, the ever-increasing amount of drug addiction as it hits our youth and you get the gullible students and professors who go over to Red China and are taken in by a ping pong tournament and don't realize that the propaganda outfit of Red China is playing ping pong with our American kids lives who are totally oblivious to the subtle cunning of dumping hundreds of kilograms of heroin into America. Someone has to alert the Nation!

I believe that the vast majority of heroin that has found its way into Vietnam is produced in Red China and as I said before how can a country who is involved in war with shooting and bombing have time to raise the harvest then get the harvest put it into crude opium bulk then bale it up and convert it into morphine base then convert this into a heroin base. This is coming through Red China through the southern provinces, has found its way through Thailand, Laos, Cambodia and in these countries there unscrupulous merchants who for the fast dollar will do anything. There is not just one syndicate it is as diversified as in America that's the game.

I have brought this testimony out back in May 1966, when a patient of mine Dickie Schapell, a newspaper correspondent told me about the drug trafficking in Thailand, Laos, and Cambodia. Before her untimely death in Vietnam she and I were going to do this for a newspaper and investigate this more thoroughly. While she was over there she told me that it disgusted her to see American CARE packages that were sent by our people there for raising crops of supposedly wheat and rice were being used to harvest opium, and she has seen so much of this in the Far East. I think at this time our Government should insist that opium production should be stopped completely. I have said this for years with no avail. There are enough synthetic narcotics to take care of any severe pain from the worse pain which one finds with cancer. There is no need for opium production at all, if there is to be opium production it should be put out by one or two countries which in turn would be under the close supervision of the U.N. task force to stop contraband.

To date Red China has not cooperated one bit in letting us know what their true production has been. Their interest is to perpetuate their own political Mao Tse-tung doctrine and subvert the thinking of all people via drugs as evidenced by the fact that so many of their adjoining neighbors have become involved with drugs, e.g. Laos, Cambodia, Malaysia, Thailand, Burma, Philippines. It would not surprise me if Russia were to find an increasing amount of opium and heroin addiction in outer Mongolia and Manchuria because this would be the simplest way to breakdown the people of these other areas for a Chinese take over.

Once again I submit the following I think if they would follow it would help stem the tide of drug addiction in this nation. At least you people can be exposed to different concepts because I have tried in vain to speak with President Johnson and I am markedly disappointed that President Nixon didn't listen or give me an audience of ten or fifteen minutes even though we had a march in Washington in 1970 to point out the problem of the G.I. in Vietnam. In fact, I have a letter which I had written to the President in January 1969 outlining points in the fight against drug addiction. Interesting enough in June 18, 1971 in the New York Times seven out of the ten proposals I had stated were adopted. Three were omitted but I am sure they will be eventually utilized. Ironically three days later I received a letter from Mr. Ingersoll with the typical accolades of praise of continue your great work, but not asking me to help them. However the proposals were used the accolades they can keep.

I volunteer my services and time to your organization and block the admission of Red China at this time to the U.N.

At this time her admission would mean further destruction of our American youth via drugs since the revolutionary movement that is involved in America has drugs as part of their plan to even selling drugs on the campus.

URGENT LEGISLATIVE SUGGESTIONS

Drug abuse and narcotics addiction education for all institutions which can in turn indoctrinate the public to all aspects of drug addiction. (Now being instituted by New York State).

Commitment to an institution of any drug addict by a family member. (Now being instituted by New York State).

Bonding by State or City Governments of a drug addict who has been off drugs for a year so he can obtain a job, since private enterprise refuses to bond.

The penalty for marijuana possession should not be decreased as this is a dangerous drug. (We are trying to convince the N.Y. County Medical Society that their position is inadequate to deal with this ever-growing problem).

The selling of LSD must be considered a felony with 50 years imprisonment.

Utilization of more male teachers for pupils during the formative school years from 6 to 14 (to strengthen the male image, which in a drug addict is often inadequate).

Special high schools and programs (educational and vocational) should be developed for failing students, potential dropouts and drug users (including longer school days and 3-term per-year schedules, with August vacations).

Drug addicts who have been given other than an honorable discharge from the armed services should have all their benefits restored when off drugs for one year.

Double the Bureau of Narcotics of fourteen hundred agents to twenty eight hundred.

Double the Bureau of Customs Officers.

Establish specialized courts that deal with drug addiction and narcotic trafficking.

Stop world opium production (there are enough synthetic narcotics).

If not feasible then a U.N. task force which would scrupulously monitor the growing of opium.

The United States stop issuing passports to offending nations both to our citizens and the offending nationals.

If passport prohibition doesn't act as a deterrent then economic sanction be imposed (this I have asked for in 1964). The sanction should be at least a million dollars for pre-determined weight unit by Congress. Example: 1 ounce—one million dollars.

Impose a fine against ship owner, union, ship captain if any personnel are apprehended trafficking in the service of the Merchant Marine.

The week of April 1st should be considered National Drug Abuse Week. The theme being April 1st is April Fool's Day and "only a fool would use drugs."

LEGISLATIVE SUGGESTIONS

Creation of a drug abuse and narcotics addiction hospital in New York City. The New York State 1966 Program has finally adopted this. However, we are hoping that facilities will not be limited only to heroin and opiates but will also include LSD, marijuana, amphetamines, barbiturates, cough medicines containing codeine, and all drug abuse problems.

Compulsory hospitalization of drug addicts who cannot make it on an ambulatory basis. (The New York State program has adopted this).

Compulsory probationary period of five to ten years for periodic physical examinations of former drug addicts.

Unannounced physical examinations three times a year in all schools at all levels for early detection of drug users.

Intensified education on drug addiction in hygiene courses from the third grade elementary through high school, college and professional schools.

Make illegal sales of any cough preparation containing codeine without a prescription.

Make illegal sale of any barbiturate or amphetamine compound without a doctor's prescription. (Accepted in part by the Federal Government in 1965).

Outlaw sending by mail (unless registered) any professional samples of amphetamine, barbiturates, tranquilizers.

Physical inspection of all armed forces personnel coming in and out of known "drug areas."

Physical examination of all overseas personnel for addiction.

Redemption of various licenses for former drug addicts off drugs for one year or more, such as cabaret, hack, barbers license, etc.

Revocation of driver's license of known addicts who are actively using drugs.

Revocation of licenses of pharmacists who sell narcotics, amphetamines or stimulants without a prescription.

Stiff penalties for any merchant who sells airplane glue to a child; such glue not to be sold to anyone under 21 years of age unless signed for with some form of identification (driver's license, social security card, etc.).

Increase punishment for the professional non-addict pusher to a minimum of 50 years in prison.

Development of M.D. narcotics specialists with probationary commitment powers.

SELECTIVE SERVICE CONFERENCE REPORT

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mrs. ABZUG. Mr. Speaker, before remarking on the substance of this bill and this conference report, I must say that I am most upset about the rule recommended by the Rules Committee. Only a few months ago, Congress passed the Legislative Reorganization Act of 1970. Among other things, that legislation made it clear that conferees may not exceed the scope of the differences between the House and the Senate. It is quite obvious to me that the conferees on this bill have violated this rule, thus thumbing their noses at the Reorganization Act in one of its very first tests, with respect to the effective date of the military pay raises, the amount of those pay raises, and the language relating to exemptions for sole surviving sons. Now, we are being asked to become parties after the fact to that violation. This is not merely a request to suspend or waive a rule, but a request that we ratify a blatant breach of our rules which has already taken place.

On August 2, I wrote to Chairman COLMER and the other members of the Rules Committee to request that they not recommend a rule which would waive points of order or preclude us from voting separately on nongermane Senate amendments. I am most disappointed that this request has not been heeded. For the information of my colleagues, I am appending a copy of my letter to the chairman.

Insofar as the bill itself is concerned, I have made clear on numerous occasions that I am unalterably opposed to military conscription. It denies individual freedom and conscience. It violates the basic traditions of our country. But even more than that, the draft, by supplying the government with an unlimited supply of conscripts, has made it possible for successive Democratic and Republican administrations to wage an illegal and immoral war in Indochina without the prior approval of Congress.

By agreeing to continue the draft, the House is once again abdicating its responsibility to play a more independent role in formulation of foreign policy. Instead of learning the lessons so clearly set out by the Pentagon papers and the disasters of our Southeast Asian policy, which occurred in large part because this body did not fulfill its responsibilities, the House, if it approves this conference report, will be repeating and compounding its errors.

In an excess of timidity, the House conferees have relinquished the opportunity offered by the original Mansfield resolution to assert a more independent role for Congress. They have succeeded in removing the heart and guts of that proposal, and offer us a meaningless shell.

A few weeks ago, this body voted against instructing its conferees to accept the Mansfield amendment. But history moves quickly these days ,and two significant events have intervened since June 28.

First, we received Hanoi's peace initiative, which proposed that the repatriation of American prisoners of war and the withdrawal of American troops from Vietnam begin and end on the same date. This offer provides an excellent opportunity for our Government to negotiate a settlement terminating the war. We in this House could take a major step both to end the war and to reestablish our constitutional role in the formulation of foreign and military policy by returning the bill to conference with instructions to accept the Senate language setting a withdrawal date 9 months hence.

In addition, we have had President Nixon's announcement of his forthcoming trip to the People's Republic of China. This important step in the easing of tensions between the United States and the People's Republic is another new development which should encourage us to reconsider our rejection of the Mansfield amendment.

No doubt we will hear that what they present us with is significant because for the first time it speaks of a date certain for withdrawal of our troops and release of prisoners. But, as in the past, there is no real effort to demand and insure that the President finally do what the American people have been pleading for, that we end this war.

This kind of compromise is nothing but a copout and an outrage. It is a tragedy for the American soldiers who will continue to die in Vietnam, for the American prisoners who will continue in captivity, and for the people of Indochina. I have said before that the House, if it wanted to, could vote to end the war. It would do so if the House leadership was genuinely responsive and exhibited leadership. It has chosen once again not to do so, and each Member must now examine his or her individual responsibility for the continuation of this monstrous war.

I oppose both the rule and the conference report, and urge the defeat of both.

The letter follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., August 2, 1971.

Hon. WILLIAM COLMER,
Chairman, Committee on Rules,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: I understand that the Committee on Rules is considering a rule for consideration of the conference report (H. Rep. 92–433) on the bill H.R. 6531. As one of the most important items which will be before us during this session, this report deserves the fullest, most open consideration that we can give it.

Accordingly, I ask that the Committee not recommend a rule which would preclude Members from voting on non-germane Senate amendments separately and individually, as provided by clause 1 of Rule XX, or from raising such points of order as may be appropriate.

Our Rules exist to assure the full and orderly consideration of legislation. Congress affirmed this principle as recently as last autumn, when it passed the Legislative Reorganization Act of 1970. I urge you and your colleagues on the Committee not to recommend any waiver of the Rules' provisions relating to non-germane Senate amendments or points of order.

Thanking you for your consideration of my views, I am,

Very truly yours,

BELLA S. ABZUG,
Member of Congress.

THE PROPOSED PRESIDENTIAL TRIP TO RED CHINA

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. DULSKI. Mr. Speaker, my doubts are increasing daily about the wisdom of the President's proposed trip to Red China. The full background of the matter still is not publicly known, but each day more details and explanations become available.

The last thing I would want to do is to interfere with any prospect for peace.

But the President's dramatic announcement about the secret meeting of his adviser with the Red Chinese and the President's proposed trip received no similar treatment from the other party.

Have we simply replaced personal diplomacy by the President for the frustrating negotiations in Paris? What happens to those peace talks? Have we played our hole card too fast?

I recognize that personal diplomacy at top level sometimes has its place—and for the good of our Nation and the free world—I hope this is the place.

The hopes of the free world lie with the United States. The President's spectacular overture to the Red Chinese has raised doubts in the minds of our allies because they—and we—have no way of knowing the implications at this point. Indeed, even the administration itself is showing uneasiness about the immediate future lest some unexpected development torpedoes plans for the Red China visit which will not occur for at least several months. There is a lot of difference between a visit by a ping pong team to Red China and a visit by our Chief Executive.

Mr. Speaker, as part of my remarks, I include two related articles from the Buffalo, N.Y., Evening News:

ADMINSTRATION UNEASY ABOUT PRESIDENT'S VISIT TO CHINA

WASHINGTON.—The administration is undergoing a bad case of the jitters about President Nixon's forthcoming visit to Communist China.

Word from the White House is that the administration is expected to try to arrange the President's trip as soon as possible to avoid the possibility some international accident might sabotage the confrontation.

At the State Department Secretary William P. Rogers issued a don't-talk-about-China order which barred the State Department Wednesday from speaking out about matters connected with the trip.

However, some seasoned officials recognized that the action is likely to stimulate, rather than abate, the kind of speculation the President himself has discouraged in meetings with congressional leaders.

It is impossible to tell, authorities said just how soon the meeting can be held because the United States has yet to send advance teams to work out logistic and security problems.

However, experience has shown the technical and physical difficulties in connection with a visit to a Communist country can usually be settled rather quickly because of the state's complete control of the facilities and the people.

Another reason for holding Mr. Nixon's meeting with Chinese leaders as soon as possible is to provide the minimum alloted time for opponents of the confrontation here and abroad to criticize it.

The White House is still awaiting official Soviet reaction to Mr. Nixon's dramatic announcement Thursday that an agreement had been reached for him to visit Peking.

The only comment from the Soviets so far has been in the Literary Gazette, which declared Mr. Nixon's trip "has nothing to do with a genuine care for peace or international understanding among nations."

The United States is making a strenuous effort to convince the Russians that it is not ganging up on them by "collusion" with the Chinese. The American view is that better understanding between Washington and Peking, with the possible settlement of some of the major issues in Asia, will contribute to stability in the area and be of as much value to Moscow as to Washington.

Whether the Kremlin, locked in an ideological and geographical struggle with China which has caused it to beef up its military might along the 4500-mile border, will take merit in Washington's argument, is not yet clear.

Administration sources now claim that Peking, for its own reasons, was more anxious than Washington that the announcement be made when it was.

It is fairly apparent that the White House is unprepared to deal with a host of substantive questions raised by the announcement, including the relationship of the visit to the Vietnam war, China's membership in the United Nations, and the U.S. policy in dealing with the nationalist regime on Taiwan.

Mr. Rogers, in private discussions with foreign ambassadors here, reportedly asked them for ideas on how to maintain a Taiwan seat in the U.N., on the assumption that Communist China is voted into the world body.

WHY DOES PEKING WANT NIXON VISIT?

(By Charles Bartlett)

Henry Kissinger heard a lot of courteous, businesslike talk in Peking, but he got no real answer to a key question: Why do the Red Chinese want President Nixon as a visitor?

The question is important, because, more than it seems, this is Peking's initiative. The visit of a Nixon emissary was first broached by Lei Yang, the Chinese charge d'affairs, in the Warsaw meeting of Jan. 20, 1970. Mr. Nixon was delayed in conveying his assent because Red China broke off the talks after the Cambodian invasion.

As the President and Kissinger told the congressional leaders, we can only speculate on the motives behind the invitation. The speculation is fuzzy because the potential of the visit appears limited to a narrow opening of communications. The opening will raise Soviet apprehensions, but Soviet policy is unlikely to be seriously diverted by a Sino-American exchange which stops at the amenities.

Vice President Henry Wallace, the last top-level American to go to China, did much business in 1944 because Washington was strenuously applying advice and dollars against the erosion of a friendly government. But the Communists don't want advice and won't get dollars from Mr. Nixon. So what do they want?

The answer was perhaps supplied by a Chinese diplomat who recently told an African politician that Peking is not interested in the American government, but in the American people. The Chinese strategy, he said, is to stimulate dissent in America against the government's Asian policies in order to force eventual acceptance of Red China on her own terms.

Apparently impressed by the Viet Cong's success in dividing American opinion and discrediting the Saigon government, the Red Chinese see a parallel opportunity to stir the United States against the Chiang Kai-shek regime. With a fragile claim on Formosa, a dreary record, and no talent for public relations, the Nationalists could fall easy prey to the volatile mood of young Americans.

It is a tough situation because the administration sees no answer to the dilemma over Red China's admission to the United Nations and no way to avoid what may become a protracted struggle to avoid the exclusion of Taiwan.

America does not need a deep controversy over China policy, but it can happen because there are rumbles and emotions on the left and right, pent-up prejudices, and a new disposition to judge Communists more by their words than by their records. The strategy described to the African could be potent.

RETRAINING WHOLE FAMILIES BREAKS POVERTY CYCLE

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. UDALL. Mr. Speaker, there is underway in Arizona an experiment which may truly be the long-sought program to break the poverty cycle.

Arizona Job Colleges at Casa Grande is taking aboard entire families who have been living in poverty. The breadwinners are being given earning skills and the rest of the families are learning how to better manage the family affairs. The husband, for instance, may receive training in a construction skill while the wife learns how to cook nutritiously, how to sew, how to keep order in the home. The children, too, are helped through Headstart and other programs.

If this total-family approach works—and it is going very well, indeed—we may have the key to interrupting the vicious poverty cycle.

I hope my colleagues will read the following from the Arizona Daily Star of August 1, 1971:

ARIZONA JOB COLLEGES PIONEER NEW POVERTY WAR APPROACH

(By Mark Panitch)

CASA GRANDE.—Approaches to ending poverty have been as varied as the people who tried them, but until recently they have all had one thing in common: They dealt only with one part of the problem.

There are programs for jobs, education, family living, health, transportation, recreation. Usually the programs are coordinated under some sort of umbrella agency that attempts to stifle competition among the various staffs for money and manpower at the expense of the other programs.

Arizona Job Colleges here may have found a solution to the logistics problems of fighting poverty, and at the same time pioneered a new approach to ending poverty.

AJC is not a college and it's not really for jobs. Rather it's a collection of vocational training programs, remedial education programs, home economics and home management programs, personal counseling programs and child care programs under one roof.

"It's like being a circus performer trying to balance half a dozen spinning plates on sticks," says AJC director Dr. Louis Y. Nau. "Sometimes they get a little shaky and sometimes you have to give more attention to one than another, but if you pay attention to one it falls and takes all the others with it."

POVERTY COVERS A WIDE RANGE OF PROBLEMS

Social scientists studying poverty have long known that the word covers a range of problems called a "behavior complex" that reaches far beyond simply having little money.

In the 1910s and 60s Oscar Lewis, an anthropologist, introduced the public to the phrase "culture of poverty" through his books on the poor of Mexico.

Johnson Administration officials planning the war on poverty were aware of the problems in trying to deal with individual aspects of poverty separately. But the political problems of funding finally overwhelmed them, and they gave in to an approach which meant giving simultaneous support to many competing agencies, each one of them jealous of grants or programs assigned to any other agency.

The problems were also clear to a group of Arizona State University educators and clergymen representing the Arizona Ecumenical Council. In 1966 they began talking about a residential program to deal with the problems of poverty families as whole units rather than trying to solve individual, but often tightly connected, problems.

"A man might be placed in a job training program, but be unable to read or do math well enough to succeed," Nau says. "But under the traditional organization of anti-poverty programs the man might have to be enrolled in job training before he could get into an education program, and by the time he learned enough in the education program to do well in job training that program is over and he has added another failure to his life."

Another common problem, according to Nau, as that men learning new skills and progressing in new jobs often change their attitudes and ways of thinking while their wives, remaining at home with the children don't keep up. "This is a big reason for family breakups just when it looks they finally are starting to get ahead," he says.

In 1968 and 1969 a temporary board of directors organized the Arizona Job Colleges, Inc., and put together a complex funding package including a seed grant from the Ford Foundation, an operating grant from the federal Office of Economic Opportunity, a housing grant from the Department of Housing and Urban Development and another HUD grant with the City of Casa Grande.

The project finally opened in the spring of 1970 with 10 families, more than 60 staff members, and offices and classrooms in trailers.

FEDERAL GRANT GOT SNARLED IN REDTAPE

The immediate problem was housing. "We had planned to have a total community," says Nau, "but a grant from HUD for public housing units got snarled in red tape and at the last minute we had to go out and find housing for 10 families with as many as half a dozen and more children in some of them."

Selecting the first group of participants was an ordeal for the AJC staff as they interviewed the dozens of family members who had heard of the program from welfare agencies, the state employment service and the Arizona Department of Vocational Rehabilitation.

"We set several criteria for admission to the program," Nau says. "We wanted only complete families—father, mother, children. They had to live in Pinal County, they had to meet the OEO poverty income criteria (for a family of six, maximum income would be $4,200 per year), they had to display a motivation for change and they had to participate in the total program.

As Nau talks, he displays occasional hints of his former calling. For eight years he was a Lutheran missionary in the Philippines, and the zeal is apparent as he talks about the project.

But now, Nau is a missionary for social change, equipped with a Ph.D. from ASU in adult education and counseling psychology.

"The most important thing about the people in this program," he says, "is that they were unhappy with themselves, they recognize that poverty is more than simply being poor and they want to change themselves."

But Nau is also quick to admit that participants in the AJC project sometimes trade one group of problems for another. "One of the men from the first group spoke to the National Rehabilitation Assn. last spring and told them 'there are times when I think that its harder to be middle class than it is to be poor, that there are too many problems, too many decisions now.' "

But the people in the program seem to have the same spirit of enthusiasm for what they are doing as director Nau and his staff.

Juan Morales was a part-time welder a year and half ago. Married and with two children, he had mounting debts and even when he worked he could not keep up with expenses. His eyesight was failing because of improper safety equipment on many of his jobs.

Today Morales is a purchasing agent with AJC, earning a steady income and working at a job which not only is interesting to him, but which gives him respect among his friends and relatives.

And as Morales went through his vocational and educational training, his wife kept up with him.

She went through home economics and home living classes and seminars where such household skills as cooking nutritious meals, sewing, baking and simply keeping order in the home were practiced and discussed.

KEY TO THE PROGRAM IS "INDEPENDENCE"

In addition, Mrs. Morales received basic training in office skills so that she could seek work if the family needed an extra income or she were unexpectedly forced to support her children.

"The key to the whole program," says John Gillespie, a counselor who worked with migrant and rural programs in several states, "is making the family an independent economic unit."

"When we came here," says Morales, "We didn't really know what to expect. But we couldn't have gone on like we were. Now we finally have the feeling that we are going someplace—that our children will have a decent life.

When a family is accepted in the program the adults are given a variety of tests to evaluate their education, job aptitudes, and discover other hidden assets they may possess.

The husband is counseled in career development with the aid of the tests and continuous surveys run by the AJC staff to determine not only what skills may be needed a year later, but which ones will be needed in several years.

"The last thing we want to do is put a man in a dead-end job where he can't advance, or even where the job might disappear," says Nau. "One of the keys to breaking the chain of poverty is breaking the chain of failure—personal, domestic, economic, in every area—that goes with it. We have to place people in jobs that won't let them down."

While the husband and wife are learning new skills, the children attend local public schools or are placed in Head Start or daycare programs at AJC.

"Even if we eventually fail with some of the parents," says Nau, "maybe the extra help we give the children with their school work and the stimulation the kids in the Head Start program get will help break the poverty cycle for them."

Within the next week, the college's offices, day care, Head Start and home economics departments will move into a gleaming white, modern Spanish building designed by Phoenix architect James Deremiah. Built in the "volumetric" style, the center has three buildings grouped around a hollow which will become an outdoor amphitheater.

"I was trying to make a building that was not institutional," Deremiah said, "I was after something that people would feel comfortable in, that they wouldn't be afraid to use."

The building was planned before the final grant came from HUD and Deremiah didn't receive a cent for his work for more than a year after he began the design.

The structure is designed to be as flexible as possible. Even as workmen were putting up the walls, Deremiah was watching the progress of the first group of families and redesigning the inside to meet newly discovered needs.

"We still aren't sure what the final needs of the building will be," he says, "so we have designed the walls so that they can be taken out in many places, and we put in partitions instead of walls in many other places."

"In essence, we wanted to keep things loose so they could be opened up to let the space develop as the program does," he said.

The AJC program currently is funded only for three years, but Nau hopes to find money to continue it indefinitely.

"Right now, it is only an experimental program to see if the total family approach works as well as it appears to," Nau says. "We expect to have 300 families go through the program in three years and we expect it will cost about $5.5 million for those years."

Nau points out that even though initial expenses per family were high, the cost has been dropping as the program expands. "Right now we spend about $11,000 per year, per family," he says. "That's less than many individual training programs spend on one person in a year."

A major part of that money goes into the vocational rehabilitation and job training programs.

Frank Rangel, a former janitor and part-time cook, and his wife, Lydia, and their two children are already seeing potential benefits from the training he is getting in AJC's kitchens.

"I was making $4,000 a year working part time in the Casa Grande schools," Rangel says, "I've been here five months and already I've gotten offers of jobs at $600 a month, and I'm still learning."

Dave Moore is in charge of AJC's construction trades program. "We can't make a man into a journeyman bricklayer or carpenter here in a year," he says, "but we can sure teach him enough so that he can get a job and hold his own while he keeps learning more."

Moore, at 60, a fast-talking man who seems to be in perpetual motion, was a general contractor in Tucson for many years.

One of the favorite projects in the huge, barn-like building that houses his program is the actual construction of parts of houses.

"We'll build a kitchen—everything—frame it out, wall it, put in counters, cabinets, do the plumbing, really learn how to do by seeing what the problems are and working them out," he says.

To the casual observer, the constant building, tearing down and rebuilding inside Moore's barn seems a sisyphean task, but for the men holding the hammers it may be the most hopeful thing they have ever done.

AJC's education program is designed to complement the vocational program, rather than compete with it

Juan Padilla, who manages the learning center, says his program will help a man or a woman do whatever is necessary to meet the goals they have set for themselves with the aid of the AJC counseling staff.

"If man is going into training as a carpenter he has to be able to do math to succeed," he says, "so we concentrate at first on the math that he needs in his job training. When it looks like he's doing okay in the job training then we move into other things; reading, or whatever he needs. If someone wants to get a GED (high school equivalency certificate) we work with him on that, and we encourage people to get as much education as possible."

Several persons from AJC are taking classes at Central Arizona College in Coolidge.

While the appearance of AJC is optimistic and the families in the program are enthusiastic, officials from the Office of Economic Opportunity remain cautious.

One of the problems now facing the program is recruitment. The first 10 families selected for the program were the "cream" of the applicants. They were especially selected by AJC officials who not only wanted the program to succeed, but intended to use graduates from the first group to fill many of the program's nonprofessional and semiprofessional "grey collar" jobs.

TRANSPORTATION IS PROBLEM FOR ELDERLY—PART III

HON. JOHN G. DOW

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. DOW. Mr Speaker, I am continuing today with my insertion in the RECORD of the testimony presented before me at my recent hearings concerning the problems which I held in my congressional district.

I would particularly like to draw my colleagues attention to the testimony of Mrs. Henrietta Coombs, executive director of the Dutchess County Association for Senior Citizens. Her explanation of the transportation problem is most complete and gives a good idea of the problems faced by many of our elderly citizens.

Many of the other cases that were presented at the hearings give a good idea of the needs of our senior citizens. We all hear what the problems are but sometimes we do not really understand them until we hear the case of someone who has a problem.

This is the third part of the series which I will conclude tomorrow. It follows:

OPENING REMARKS BY CONGRESSMAN DOW

Mr. Dow. Well, we're back. We're here today trying to find out what are the really burning problems that older people have. I receive a lot of mail from constituents and I would say that the one group of people from whom I receive the most mail with problems are the older people. And so I thought we should have a hearing and find out more about it and get some of the problems out on the table. We're having Social Service officials and we're having actual poor people who have difficulties here testifying. We had both kinds this morning and we got many good ideas. I'm trying to find out what are some of the worst problems. I want to find out is the problem because older people are handicapped, their income is cut and they're on welfare or Social Security and they work at the same time? Or is it school taxes, or is it health, or is it finances? What is the problem that bothers older people the most? And so all of you here that are going to testify can say whatever you think. We've been giving everybody about ten minutes. We've got a schedule and we've got to take turns. So when you testify, try to keep yourself within the ten minutes. We want to give everybody a chance. We did have a good hearing this morning. We want to especially thank the church, here, the Methodist Church, and Reverend Carmichel for making this place available to us. This is a great help. I think it's a contribution to the community that they're making by allowing us to come here and use these permises. So I won't say any more. I'll just call up the witnesses that we have listed here to appear. You just come up and sit here at the table. The first one is Mrs. Joseph Mastroianni, Vice President, Dutchess County Association for Senior Citizens.

MRS. JOSEPH MASTROIANNI, VICE PRESIDENT, DUTCHESS COUNTY ASSN. FOR SENIOR CITIZENS, 9 ANDREWS PLACE, WAPPINGERS FALLS, N.Y.

Mr. Dow. No. Why don't you tell us whatever you want to say and then we'll pop questions at you.

Mrs. MASTRIOANNI. I wasn't here this morning. Now, the think I was particularly interested in is the fact that Social Security hasn't kept pace with the cost of living increases and I think the people who live on Social Security alone must go hungry a lot of the time in order to pay their rent and other expenses. The second thing that concerns me, also in the field of Social Security, is Medicare. I think people were—I guess I spoke to you about this at the National Association of Social Workers meeting—people subscribe to Medicare and have a certain amount deducted from the Social Security with the promise that they would get certain services for the amount that was deducted. The amount has gone up two or three times . . .

Mr. Dow. Is this Medicare or Medicaid?

Mrs. MASTROIANNI. Medicare, under Social Security. The services have gone down. Another thing: If you elect to take your Social Security at the age of 62, you cannot take Medicare at the age of 62. You have to wait until you're 65. So if you have the temerity to became ill during the three years between 62 and 65, there isn't any provision for your care. It seems to me that if you're allowed to take your Social Security at 62, you should be allowed to be covered by Medicare at 62. The new provisions in Medicare are, I think, dreadful. For instance, if you have a stroke, if they don't consider that you can be rehabilitated in a certain number of weeks—I've forgotten how many, but not too many—they're not going to bother with you at all. Now, I don't know how those people are supposed to be taken care of. The only choice then left to some of these people is to go on public welfare. And, of course, they can't get Medicaid, which is the public welfare program in New York State, unless they're penniless. So, this seems to me a very harsh thing, that people who would like to live out their days with a certain degree of dignity and independence are forced into this position. Now, if you'd like to ask me anything. . . .

Mr. Dow. Well, that's very good. Do you find that transportation is a problem with any of your older people?

Mrs. MASTROIANNI. Well, it certainly is in Dutchess County. I'm on the board of the Dutchess County Senior Citizens Association and transportation in the city of Poughkeepsie itself is practically nil. Public transportation. Out through the county—I happen to live in the village of Wappingers Falls—there is bus service between Poughkeepsie and Beacon, not, however, on Sundays. So if you want to go anyplace on Sunday, forget it. And out through the county, I don't know whether there's a bus to Millbrook or not now. There used to be. But there's very little public transportation available in the county.

Mr. Dow. Well, this morning I was very surprised as many of the witnesses brought up the question of transportation as being a major problem for older people.

Mrs. MASTROIANNI. Well, I thing it is. People get older and are not able to drive or they can't afford to drive their own cars and they just have to stay home, you see, because taxi fares are prohibitive.

Mr. Dow. Yes. How is housing there? Do you think the older people in Dutchess County have adequate housing?

Mrs. MASTROIANNI. Well, we're doing a lot of building of senior citizen housing in the county and have more proposed housing coming up. But the rents, it seems to me are, you know, the building costs keep going up and so the rents have to go up. You know, if you're living on Social Security, you can't pay $200 a month rent.

Mr. Dow. No, you can't. That's for sure. Well, Mrs. Mastroianni, I think you've done very well. You've given us some thoughts, here, and I'd like to question you some more, but I do think we want to keep to our schedule.

Thank you. Our next witness is Mrs. Henrietta Coombs, Executive Director of the Dutchess County Association for Senior Citizens. Hi, Mrs. Coombs.

MRS. HENRIETTA COOMBS, EXECUTIVE DIRECTOR, DUTCHESS COUNTY ASSN. FOR SENIOR CITIZENS, 54 NOXON PLACE, POUGHKEEPSIE, N.Y.

Mrs. COOMBS. All of the factors that make these rapidly changing times a trial or a challenge to young and middle-aged people—these same factors impinge on the lives of senior citizens: automation, longer-life span. inflation, the rise of drug addiction, new attitudes about living patterns, new government programs etc.

However, we need to recognize that these factors often affect Senior Citizens differently than they affect the rest of the population. Most Senior Citizens are proud, independent folks, who have worked hard and sacrificed much to remain respectable. But now these new factors—these forces beyond their control, are making them relatively more deprived and increasingly isolated.

There are many urgent specific needs of Senior Citizens that I believe demand a prompt response. I will speak briefly on 2 of those needs—transportation and housing; but first I would like to urge that The Congress and The President make a commitment to two general propositions.

The first general proposition: Senior Citizens have a right to an equitable share of the nation's resources.

The second general proposition that I would urge: All new laws or policies should be examined with a concern for how they might affect Senior Citizens.

Now to turn to the 2 specific needs areas that I have chosen:

Transportation: Except for those who live in very large cities, a key problem for Senior Citizens is the rapid decline in public transportation. (Undoubtedly government policy has been partially to blame for this). Let me stress that word "local"—local public transportation. Senior Citizens don't suffer daily because it's hard to get to Florida or even to N.Y.C.—the hardships occur when they need to go grocery shopping, they need to go to the doctor, when they want to see their friends or go to church or do volunteer work or get to a recreation center.

In my work, as Executive Director of 7 Senior Citizens Drop-in Centers in Dutchess County, I hear the most poignant and heartrending stories: One woman said:

"I wish I could come to the center 3 times a week because I get so lonesome at home—but I can't afford to take a taxi more than once a week."

Another said:

"I stood on the corner for an hour waiting for a bus, but none came. Finally I went back home. I'm so disappointed."

Another said:

"The buses weren't running today so I walked 2 miles to get to the center. I'm exhausted."

Lack of public transportation hits the elderly poor hardest—but it hits any older person very hard. Senior Citizens who can afford to have cars have their auto insurance cancelled or for other reasons lose their drivers' licenses. In addition there are a scary number of Senior Citizens who continue to drive even when they know they shouldn't—because to be without a car in Dutchess County is to be totally isolated.

I urge you on behalf of Senior Citizens to do whatever is required to improve local public transportation.

The second area of need I want to mention is *Housing:* There is an appalling lack of decent housing at prices Senior Citizens can afford. (Again, I believe government policy is partially to blame for this—for example when areas are cleared for urban renewal there is apt to be a high percentage of Senior Citizens who are uprooted.) There are only a handful of public housing units available for Dutchess County Senior Citizens.

However, I would like to call your attention to the fact that there are 3 Senior Citizen Housing projects under construction or about to go into construction in our county:

1. St. Simeon Foundation—100 units of Federal Housing located on Beechwood Avenue, Poughkeepsie.

2. Dutchess Senior Citizens Housing Corporation—135 units of elderly housing at the corner of Mansion and Washington Streets, Poughkeepsie.

3. Disabled American Veteran's Administration—120 units of elderly, housing located at the corner of North Perry and Main Streets, Poughkeepsie.

These are non-profit housing projects, but we find to our dismay that costs have risen so high that unless we can get the rents reduced with government assistance, and I stress that It's got to be government assistance nothing else, the minimum rent for the smallest units will be about $185 a month—a figure that is clearly beyond the means of a majority of Senior Citizens who are seeking housing.

I urge you to support and advocate programs that would reduce rents on these 3 projects.

The 1970 Census shows that more than 25,000 Senior Citizens live in Dutchess County. I believe it is their right to be considered when all laws and policies are proposed, and that government action is urgently needed to solve their pressing problems.

Mr. Dow. Well, Mrs. Coombs, you made some very clear points. I think the points you've made on public transportation and housing are ones that came up this morning.

Mrs. Coombs. I'm sure they did. They aren't new.

Mr. Dow. You're representing the problem very well. I had never realized, until today, that transportation was such a serious problem and I'm going to try to do something about it. I think that's one of the problems that could be attacked from Washington without too much difficulty. It seems to me that programs could be engineered so as to provide better transportation, or improved transportation, for the older people.

Mrs. Coombs. One resource that almost all communities have is school buses, but current laws—I guess they're state laws—prohibit the use of them for people like senior citizens. It would seem a good use of resources to use them.

Mr. Dow. I suspect it's probably a matter of money and paying drivers, you know. A good deal of this gets back to money. Well, I thank you very much, Mrs. Coombs. Our next witness is Mr. Henry Haas from Pine Bush who's an old friend of mine.

MR. HENRY HAAS, PINE BUSH, N.Y.

Mr. Haas. Fine, thank you. Mr. Dow, as long as I've known you, believe me, I never thought the day would ever come when I'd have to come to you for assistance. This may sound personal, but it isn't. I have two neighbors in the same predicament. My problem is that a week ago this spring I was in construction work all my life—I had an attack. They took me to the hospital and they found several things. In other words, I have a certificate by two doctors and a specialist that I never can work again. Which brings us up to livelihood. My Social Security comes to $104 a month.

I have a mobile home that brings me in a hundred and twenty a month. My wife, the rascal, doesn't draw anything because she let me believe she was a couple of years older than she was. So she doesn't get anything. My son, who attends Cornell, gets $69 a month, which doesn't even pay his rent. Now the problem is we have three lots. On this one lot is my garage. The planning board is very capricious out there. I'm on the spot, anyhow, writing letters to the editors, having bumper stickers, and so forth, and I know definitely that that's what's stopping this because other people are getting away with things that I can't.

Now the lady on the planning board, the chairman—there's a conflict of interest there—in public got up and said she doesn't like mobile homes a few years ago. A few months later she was on the radio praising a lumber yard. Since then she's had her name off. To bring this short, on this third lot I have a large garage and I've asked for permission, a permit, to make a little rancher out of that, which will give me much more room than this book calls for. But I was refused because it is not a hundred foot in width. It's fifty by a hundred and twenty five. I said, "I don't want to go on welfare. I never was on and I don't want to go on, but I don't want to have to sell my home that took me 30 years to pay for, almost in taxes." I said, "Do I have to go on welfare?" I received a shrug. "Yes," to myself.

Mr. Dow. Well, Mr. Haas, tell me now. If you were able to build a rancher on that lot, what would you do? Would you rent it?

Mr. Haas. My wife and I would live there and rent our home. We'd have to rent our home to make enough to carry us through without going on welfare.

Mr. Dow. This is a question of zoning. Now, how about the other two lots? Can you produce any income from the other two lots?

Mr. Haas. Well, if we live in the rancher, we'll have my home and the mobile home. Unfortunately, I'm not 65, so I still have to pay, as you know, Blue Cross and Blue Shield. I don't receive a real estate benefit, or such things as that.

Mr. Dow. What would you do with those other two lots? What would you like to do with them?

Mr. Haas. Well, my home is there. We'll rent that out and the mobile home is now rented and we would live in the garage that I would convert.

Mr. Dow. Well, I'll write a letter on it and see what happens.

Mr. Haas. It's very serious because we're rapidly chipping away the little savings we have put aside. My son is talking about quitting Cornell, which we planned on for years and he planned on to support his. . . .

Mr. Dow. Well, don't let him do that. I'll tell you, it's good for us to hear actual cases. I think an actual case tells you more about the problem than a lot of glittering generalities. So I think it's good to hear an actual case.

All right, now, our next witness is Mr. Albert Hansen, President of the Orange County Senior Citizens Council. It's good to see you.

MR. ALBERT HANSEN, PRESIDENT, ORANGE COUNTY SENIOR CITIZENS COUNCIL, 17 TAMARA LANE, CORNWALL, N.Y.

Mr. Hansen. Thank you. I'm glad to be here. As the President of the Orange County Senior Citizens Council, I come in contact with 22 clubs in Orange County. I agree with the needs for transportation that the previous speakers have mentioned with one exception. I think the school buses could be used very well for transportation of senior citizens. The boards of education could be reimbursed for the extra money they might have to pay. Those buses are idle most of the day, and they could be used to bring the senior citizens to clubs or to centers or shopping, things of that kind. I think it would be worthwhile.

The second thing, I think, is the question of Social Security. I find that many of our people, the older people, don't get enough money. They don't get as much as some of the people who are on welfare. They wouldn't ask for welfare. Some of them are too proud and some of them have just a little bit too much money. I think that someone should look into their financial status and, if possible, either their social security should be increased or it should be supplemented in some way so that they could live at least above the poverty level.

The third thing I have in mind is the question of centers. I realize that every town or village cannot have a center. They cannot afford it. But in the various counties I think that the county government should provide centers around the county so that people could go there and spend part of their time. I find a lot of our people only get out at the meetings, and that's for a few hours. Many of our clubs do not go in for arts and crafts. They haven't the time. They haven't the place because it requires a place where they can use tables and they have to mess around a bit, for instance, with painting or making rugs or things of that kind. I think it would be very nice if either the county, or funded through the government, could build centers, not necessarily just for one or two clubs, but around the county so that the people could go there and spend some of their time instead of sitting in one room as I find a lot of them do.

Mr. Dow. Pretty grim.

Mr. Hansen. It is. We get a lot of stories. These people, of course, are all confidential stories, but we know what some of these people are putting up with. They're trying to put on a fine face for their neighbors and so forth, but . . . I'll mention one case that we had. One woman, there, when it got to the end of the month, she didn't have enough money to buy food and she just went without. I think that about covers everything that I have to say, Congressman.

Mr. Dow. Well, you covered some pretty important points, Mr. Hansen, and I appreciate your coming here. Let me ask you one question and I should know the answer, but I don't. For people on welfare, if they own a home do they have to surrender that home? What is the rule about that? Maybe somebody else knows that.

Audience. (Chorus of yes from the audience).

Mr. Dow. They do? Well, that's hard lines, isn't it?

Mr. Hansen. It is.

Voice in Audience. You have to sign your home over to the welfare.

Mr. Dow. Yes. Under this new bill that the House passed, they're not going to require that. I don't know just when that provision goes into effect, probably sometime next year. Of course, the Senate hasn't passed the bill yet. It's not law, but they are providing that welfare people may retain their homes if the home is of reasonable value. I guess if somebody had a hundred and fifty thousand dollar home, they wouldn't want them to take welfare, but probably if the home is of reasonable value, they would allow people to keep it and I think this might result in more people going on welfare. Not than I recommend it, but it might be easier for them. Well, Mr. Hansen, I'm very grateful. I'd like to quiz you some more, but we want to keep to our schedule.

Our next witness is Miss Dorothy Winter, of Senior Skills in Rockland County. How are you? Good to see you.

MISS DOROTHY WINTER, SENIOR SKILLS, ROCKLAND COUNTY, EDGEWATER LANE, SOUTH NYACK, N.Y.

Miss Winter. How are you, I'm setting up an employment service for senior citizens on a non-profit basis in Rockland County. I wrote to you about it and you said you were interested.

Mr. Dow. Yes, you did. I didn't get back to you as quick as I should, I know that.

Miss Winter. So I wanted to come and tell you about it and ask for your help. I'd like your help in advising us in the operation and also in helping us in getting funding from the government because, as I say, it will be on a non-profit basis. There won't be any fee charged of the employer or the employee.

Mr. Dow. Well, you probably will have to pay somebody to run it, won't you, and do the work?

Miss Winter. Well, I have experience in the personnel field and I am planning to run the service. You need some executive, some secretarial help and some other help, but beyond that I don't think it needs more than that.

Mr. Dow. They'd set aside money for your salary, is that right?

Miss Winter. Right.

Mr. Dow. Yes, sure. Well, I think you're got a good idea there.

Miss Winter. There are services like it in Westchester County. There's one that's been there for 15 years, operating just for senior citizens. And there's one in Bergen County also and there's nothing like it in Rockland County. I've been talking to people in the area and there's a lot of enthusiasm for it.

Mr. Dow. Good.

Miss Winter. There are many older people who are able and willing to work, but can't find work. Employers are reluctant to hire them, and I think it needs someone who will publicize it and interest the employers in the older person.

Mr. Dow. Would you tell us a little bit about what kind of skills you think you could find for the older people to work in?

Miss Winter. What kind of skills they have?

Mr. Dow. Yes. What kind of work would you provide?

Miss Winter. Well, I think it has be be a matter of dealing with the employers so that they set up part-time work because the older worker can't work full time. Otherwise, their Social Security is jeopardized. So you have to develop part-time work.

Mr. Dow. You know they're raising that figure from $1,680, you know, when they start to penalize you—they're raising it up to. I think, around $2,200. That will help a little, but it still isn't enough. It isn't enough. Tell us, what kind of jobs do you think you'd like to look for?

Miss Winter. Well, I think that we have to be careful not to take jobs away from a family man. And I think you have to look for jobs which the older person can handle which are not desirable for the family man, like a dead-end job or a part-time job or a job that's indefinite in duration. An older person is perfectly satisfied and perfectly willing and perfectly capable of handling jobs like that. Now there are also jobs that they have designated as "paid neighbor." This is just to designate someone who will act as a companion, but it gives it a better flavor. You know, they won't be doing housework, they'll just be acting as a companion to someone who is ill or temporarily needs help in the house and things like that which I think we can develop which a person themselves can't go out and find. So it needs a service to help the older person find a job.

Mr. Dow. Tell me this: You've heard it said here that transportation is a problem. Supposing you could get a job for somebody, say ten miles away from their home, how would the transportation work?

Miss Winter. Well, this is a big problem and I'm setting up data on where the bus services are, just what companies are located within walking distance of the bus services in Rockland County, so that we can target at those areas, of course.

Mr. Dow. Yes, that's fine.

Miss Winter. But transportation is a big problem.

Mr. Dow. Yes, it is.

Miss Winter. I don't know. I've thought of the possibility of setting up a little jitty service, but I don't know.

Mr. Dow. Well, you know transportation in Rockland County is a problem not only for older people but for normal working people.

Miss Winter. Absolutely.

Mr. Dow. You might talk to some of the people that have been working with transportation there, with just the problem of getting people simply from Nyack down to Orangeburg. They may have some ideas. Maybe if enough of you would pool your demands, you could get a joint operation.

Miss Winter. Right. Well, I think we have to work on that transportation issue. There are people that are interested in setting up little taxi services, but the cost is a problem. If you get enough people together, of course, you can keep it down. But I think it's a very necessary service in Rockland County. There are many older people who are just. . . . Well, they've estimated that one out of every four older persons is at the poverty level, in spite of the increases in Social Security.

Mr. Dow. Yes, I think it's easily that.

Miss Winter. So there are many that want to work, but just haven't found work. So I simply came to tell you about it and I hope that perhaps you would support it.

Mr. Dow. You wanted me to go on the Board of Directors?

Miss Winter. Well, I would hope that you would.

Mr. Dow. Well, put me on, then. Put me on.

Miss Winter. Thank you very much. I appreciate that.

Mr. Dow. Sure. Glad to do it.

Now our next witness is Mr. Harold J. Ochs, Orange County Senior Citizens Coordinator, Glad to have you, Mr. Ochs.

MR. HAROLD J. OCHS, ORANGE COUNTY SENIOR CITIZENS COORDINATOR 12 JAMISON PLACE, NEWBURGH, N.Y.

Mr. Ochs. Nice to be here, Congressman. I can certainly say "Amen" to Mrs. Coombs remarks, I thought she did an excellent job of presenting that transportation problem. Before I do start, I'd like to pass out bouquets to Mr. Al Hansen. We, in Orange County, are very fortunate in having his leadership in senior citizens work. He understands their needs and expresses himself well on it.

Mr. Dow. I believe it.

Mr. Ochs. I have written this notice, this little bit of information, and I am very much interested in transportation. I know that everyone needs more money. Everyone needs housing. Health insurance and health help is very much needed as a result of recent White House Conference sessions that have been held. But this transportation, I think, is serious and I'm awfully happy to hear you keep asking questions back and forth on transportation.

Mr. Dow. I didn't get the point. I didn't really think of that much until this morning because practically every witness mentioned transportation.

Mr. Ochs. There are many legislators who do not realize the seriousness of this. So I'll go on to read. You are no doubt aware of the needs of senior citizens as the result of the many committee discussions in preparation for the coming White House Conference on the Aging in 1971. I'm sure that a number of those who were associated with this conference planning program have referred to the work that has already gone into the preparation. I'm sure you know about it. I was the chairman of the Orange County Task Force for planning the needs of the White House Conference. Discussions centered around income, housing, preretirement, leisure time, but I believe the most important need relating to senior citizens groups was that of, as you say, transportation. Quickly, transportation findings centered on, first, the subsidization of transportation for the elderly. That is what they're aiming at. However, before folks can pay for tickets for transportation, there must be adequate transportation facilities available. We have heard much talk about provisions for area transportation. The results have been very sadly lacking.

To back up my point, at this White House Conference meeting in Fishkill, there were some 150 to 200 persons. I sat at the head table, by the speaker's platform, and they had three different discussions; one on income, health, and housing, all of which are of major importance. But when they announced that they were going to discuss transportation, the wave of enthusiasm that I saw from the crowd showed much individual interest in that, and you could almost hear them say, "Yes, let's get at this. This is the thing we need."

At present there are, as Al Hansen has said, 22 different clubs in Orange County that have in the neighborhood of some 51 meetings monthly. These groups have countless opportunities to participate in community activities. Clubs are encouraged to carry on visits among one another in different communities. Individuals must pass up these opportunities to supplement their small incomes because of lack of travel arrangements. They can't get there to make money. In Club 60, our largest senior citizens club in Orange County, there are an average of 15 or 16 people a night who have to pay anywhere from a dollar and a half to two dollars for taxi fare. And when they meet once a week—and seniors citizens don't want to pass up this one meeting might—and when they don't pass that up, that's about an average of six dollars out of the Social Sceurity check, and they can't afford it.

One bright prospect for the solution of this problem could be, as has been mentioned before, the cooperation between schools and communities with school bus activity. With supplemental funds, school bus programs could be tapped to furnish a minimum of one bus a meeting day to make a general route through the community for senior citizens. Since the buses are already there, the problem, would be driver personnel, I investigated the insurance end of this and I find that it's the bus' duty to take care of the insurance part of the program. Certainly, if such programs as RECAP and other community action programs sponsored federally can provide countless bus transportation facilities for youngsters in extensive summer programs, just one trip for senior citizens per week would not be asking too much. Senior citizens are spending unnecessary funds out of their limited incomes to hire taxis to reach these much needed and desired programs of recreation. Those who are attending, we know their needs. We can hear their complaints. The concern is the greater number of more deserving elderly who are unable to participate because of inability to get to these activities. We don't know how many are unable to get there because of transportation. We are only scratching the surface on the number of senior citizens that we are now serving.

The White House Conference urges that minibus transportation be considered and that school buses be encouraged. Further, if and when such programs are solved, that this committee ask that provisions for safety and comfort be seriously considered. Such items as adaptable hand rails for entering and leaving the buses, lower step facilities—all those I think should be considered when this program is expected. Again, I recall the reaction of the group of senior citizens at the White House Conference meeting in Fishkill. They really showed that there is a desire for action. Another thing coming out of the White House Conference—I don't want to appear to be blowing my horn—but one of the recommendations is that each county have a senior citizens coordinator, whether it be me or whoever it is. I think that Orange County is to be commended for having had the foresight, even before this conference, to establish that office. I know that I'm enjoying working with the senior citizens, but whether it be me, or no matter who it is, I have been in the position to see the importance of someone taking care of their interests throughout the county. It's nice to be here. Thank you for inviting me.

Mr. Dow. It's nice to have you. Let me ask you a question, Mr. Ochs. How many senior citizens, over 65 that is, do you have in Orange County? Have you got a rough idea?

Mr. Ochs. Yes, there are approximately 23,000.

Mr. Dow. How many of these do you think have an income of less than $3,000? Do you have any idea?

Mr. Ochs. Oh, I don't have that idea. A personal guess, I would say a third.

Mr. Dow. A third. So that would be about 8,000 people, roughly, that have an income of less than $3,000.

Mr. Ochs. Well, three thousand's a pretty low figure you're working on.

Mr. Dow. Yes, I know, especially these days.

Mr. Ochs. With $3,000 you must go to the county home, I'm afraid.

Mr. Dow. Well, let me ask you this. How many senior citizens are there in all the senior citizen councils and groups in Orange County? How many members?

Mr. Ochs. We have some 2600; this is an approximate figure. 2600 senior citizens registered in the 22 clubs.

Mr. Dow. 2600. I see.

Mr. Ochs. Now that's very low, but it's growing all the time. For instance, yesterday right in this room here, 125 persons registered for an AARP club, or chapter, that will be coming official within a month or so.

Mr. Dow. Yes. Well, you're doing wonderful work and it's making progress, but out of 23,000 there are only 2600 active in these clubs and, as you say, a third of those 23,000, or 8,000, are real poor people. So you see, there's a long way to go. If the ones that you know and see in the clubs are having their trials, think of all these people that you don't see, that are hidden away somewhere.

Mr. Ochs. That's right. And it isn't a financial problem with them. I think it's that the facility isn't there.

Mr. Dow. Yes. Well, that's good to know and I think transportation would be one of the keys to unlock the door, wouldn't it?

Thank you, Mr. Ochs. All right, A Mr. and Mrs. Zelsberg are going to be the next witnesses. Are they here? Will you come up?

MR. ISRAEL ZELSBERG, 118 GIDNEY AVENUE, NEWBURGH, N.Y.

Mr. Zelsberg. Well, we're newlyweds. only 44 years, but when I want something she says "Go ahead, dear." I could sit here all day long and talk, but I'll only touch on two items. I live on Gidney Avenue, near Carpenter.

I'm speaking as an outraged citizen. May I put it that way?

Mr. Dow. Well, that's all right. We want some outraged citizens here today. That's good. You go ahead.

Mr. Zelsberg. Okay. Everybody hollered about transportation. It's a well known fact that the buses in the morning when people are going to work, there are some in the bus. Coming home from work, there are some people in the buses. The rest of the day the buses are running vacant and they can't afford to run them. I know of a case where a bus came in from Wallkill to the bus station on Broadway with one lady in it. That is all. Now how can the bus company afford to run a bus for people who can afford only a bus. They can't do it. And so somewhere, somehow, there has to be some kind of subsidization to the bus company to make it worthwhile so that they can pay a driver to show up to run that bus for people who can afford only a bus and not a taxi. There is a system, unless it has been drastically changed, one of the taxi companies here in Newburgh that I know takes people to the senior citizens club on Wisner Avenue. Five women get into it and the total cost for the first two is a dollar. The next three is 25 cents. Five people are riding a taxi for $1.75, which is 30 cents apiece. They get picked up at their door. They do not have to walk to where a bus will pass by and pick them up. Now I believe that system is still going on right now and I'm sure the taxi companies appreciate that business and they do send cabs, providing, of course, one doesn't live up in the Heights and one lives on let's say, Wisner Avenue and wants to be picked up. Four or five or six women can, in one location, call a cab, get together, share the cost, and 35 cents is not a dollar or a dollar and a half, like someone said before.

Leaving the transportation, let's get back to housing for our senior citizens who cannot afford to pay $150 or $175 a month. You, undoubtedly, have been in the city of Miami, correct? Every corner, every nook that you ride in Miami, they have trailer parks. A lot of trailers, a lot of mobile homes are parked there and people live very nicely within their means. My wife and I went around and we looked at some lots. They showed us a lot for $25 a month. It was as good as, if not better than, some of the lots here in town where they get fifty, sixty, or seventy five, and they're always worried that the landlord is going to come and say "I need more money." And, believe me, some of these mobile homes, well, they're just not. Why can't we have facilities here in Newburgh? There is an awful lot of vacant land. Why can't we put a mobile home? I'll talk about myself. I am 66 years of age. I can no longer do any gardening or any snow removal and so on and so forth. Why did I have to buy an expensive home in order to live there? We looked at a couple of mobile homes, and the price of them, fully furnished, was $4,220.

This was about a year ago. Let's assume it went up. If it has gone up, they are worth today approximately $5,000. This is a whole lot less money than to live in a fifteen or a seventeen thousand dollar home which is unobtainable today. You, as our representative, I believe you ought to work toward that goal, where they can open up and have some decent mobile courts. Let's say that each senior citizen would be interested in buying a piece of the lot and put up a nice mobile home there. Not some of these dirt roads where you can't get in and out in the winter time or in the spring when it's raining, you go through a lot of mud. This is not my idea of living. I would love to see somebody with authority put up ten or twenty acres of land which is available, blacktop it, give it some trees, give it some flowers, give me a little piece of land right in front of my home. My wife will love to putter around, raise flowers and so on and so forth. This would be my idea of a home. I wouldn't have to go to senior citizens. At $5,000, everybody can afford to pay the mortgage and the taxes. One more little thing I'd like to bring up. I could sit here all day, believe you me. For 22 years I paid real estate taxes here in Newburgh. I never had a child going to school in Newburgh. When we arrived in Newburgh, my daughter was 18. She was all done with school. Yet I paid school taxes. We had another piece of property for 12 years. I paid school taxes and so on and so forth. My daughter is quite a big girl now and she does not go to school, nor does she have anybody going to school in the greater Newburgh area. Why can't I get a subsidy on the piece of property I own at the present time? Now I have been told that if you apply to City Hall for a subsidy, you have to be a pauper before they will allow it. Now it seems to me after I have invested for 22 years, plus 12 on another piece of property, never having received one penny of benefit, that now at the age of 66—God knows when tomorrow is for me—why can't I enjoy less taxes so that my home doesn't cost me as much as it costs me today. Now like I said, I could keep going all day. This is something you should look into. There is so much land. I can name you three or four areas where they can put up, I'll bet you, a good 2,000 mobile homes which would make a lot of senior citizens happy, and the cost would be a whole lot less. You wouldn't have to be in a project with a bunch of noisy kids, God bless them. Kids have to live, and they have to make noise, but at my age, my wife and I love peace and quiet. Out in a senior citizens group where they have mobile homes, there is less chance of having little youngsters run around. Now I'd give my right arm for a little youngster. I love them. But there are times when I want peace and quiet.

Mr. Dow. Well, you're good to come here, Mr. Zelsberg, and your idea of mobile homes is a good one. That's the first time it's been brought up today.

Mr. Zelsberg. Why can't we have it?

Mr. Dow. I don't know. I'm going to check into it.

Mr. Zelsberg. Why do they have it in every nook and corner in Miami? Why not here? There's a lot of vacant land here. Why?

Mr. Dow. I think the older people in Miami are the ones that have more money.

Mr. Zelsberg. I can't agree with you there. There are a lot of poor people living in mobile homes. If you're rich, you buy a condominium for 20 or 30,000 dollars. These are the rich people. We can't afford a $20,000 or $30,000 condominium. We can afford a $5,000 trailer, rather than an $18,000 home. This is what I'd love.

Mr. Dow. I'm going to check into the economics of it. Maybe we'll get an answer. Let me check it out and I'll let you know.

Mr. Zelsberg. Thank you.

MRS. ISRAEL ZELSBERG, 118 GIDNEY AVENUE, NEWBURGH, N.Y.

Mrs. Zelsberg. I want to talk about why we have to be limited to $1680 a year, when a person is getting less than $200 a month—that's for both of us. I am not old enough to get Medicare. I'm a sick woman. He is limited to a certain amount a year for both him and me and he has to pay medical bills. Why can't it be treated the same way as retirement, because if a person is earning more, he's paying more, he continues to pay, right?

Mr. Dow. That's right.

Mrs. Zelsberg. So why can't that be lifted, instead of saying you have to pay it until you're 70 and after 70, the sky's the limit? How many people live to 70 and how many people can work after 70. That's just like a teaser. What does a person do with medical bills. Food is not the problem, because at our age, we don't require too much. The main thing that we require is medical bills and when you walk into a doctor's office and you walk out, it's no less than $20 for that visit, including the prescription and everything. You can't afford that if you're getting less than $200 Social Security and with the $30 a week that they allow you, it still doesn't bring it up to the point where you can afford to pay rent and everything. We bought property because Urban Renewal took our house away and they didn't give us enough to be able to buy a decent home. Anything decent was $17,000, so we bought a dilapidated place and we put $8,500 above what we got and we have a tenant. Now, I tried to apply to Medicaid and they told me that we have an income property. We have no income property. The tenant only helps us to keep the place, see, and our end of it is $75 a month, which I couldn't get if I went out and tried to get an apartment. We did that too. So that's the only thing that I'm crabbing about. Do something for the elderly where medical bills are concerned. If that is eased up, then they can get along.

Mr. Dow. Well, thank you, Mrs. Zelsberg. Now our next witness is Mr. Horkan, President of the Senior Citizens of Putnam County. Glad to have you, Mr. Horkan.

MR. JOHN HORKAN, SENIOR CITIZENS OF PUTNAM COUNTY, KATONAH ROAD, LAKE CARMEL, N.Y.

Mr. Horkan. Thank you. Back to the same thing—transportation and housing. But transportation in our area, in Putnam County, is the most important. They all talked about the buses, but I will say one thing that I find out from the bus drivers: that they get paid all year round anyhow. So they're off July and August. Why couldn't they assign half dozen of those guys to drive buses for the old people, just for shopping and taking them to medical centers and hospitals and so forth. Nothing else. They said they get their two or three weeks' vacation and after the vacation, they go back painting the school or whatever it is. So, they're still on the job all summer. They could help out the older people, don't you think?

Mr. Dow. Sounds that way.

Mr. Horkan. There isn't much more I can say, because everything has been covered here and I know a lot of people took a little more time than they should, but that's not me. Thank you very much, everybody.

Mr. Dow. Thank you. All right, our next witness is Mr. Theodore Fitzmaurice, Director of the Newburgh Office of Social Security.

MR. THEODORE FITZMAURICE, DIRECTOR, NEWBURGH OFFICE OF SOCIAL SECURITY, 473 BROADWAY, NEWBURGH, N.Y.

Mr. Fitzmaurice. I'm glad you have it right. The newspaper was off the mark. Preparation for retirement means a lot of things, but, in our case, the senior citizens approaching retirement age are running into problems when they have failed to make any preparation. Everybody wants to receive their Social Security check as soon as possible and lack of preparation is one of the difficulties that come in the administration of the program. This is not something you're going to do anything about, but I just wanted it aired.

Mr. Dow. You're trying to help these people understand it.

Mr. Fitzmaurice. We're looking for all avenues of getting the message across about preparing for retirement. As a matter of fact, of course, women are the ones who control most of the Social Security benefits so that in many cases, they're eligible for payments and are not aware of it. What we have tried to do in the last year and half is to get across the message of telephoning first and the reason is that many times the person has a question or two, and they can be resolved by the individual at the Social Security office giving the answers, giving directions, giving information, giving advice, everything that's necessary. Preparing for retirement also means to us and, hopefully, to senior workers that they are aware of the idea of applying ahead of time. And, of course, I'm simply talking about two or three months before they reach 65 or before they stop working. Pretty much the same thing applies for the disabled and that is that individuals who are working and become disabled too frequently delay getting in touch with the Social Security office. We say, "if you're unable to work, file a claim." The reason for our suggestion for early action is that this would allow the processing time, which takes a good two to three months, to correspond with the waiting period that's in the law, and this has been working out pretty well. The message is getting through by means of the unions and by means of the personnel directors, but we're also bringing it up here on the basis of the additional people who can bring the message back home. A word about Medicare. . . .

Mr. Dow. Let me ask you one question, Mr. Fitzmaurice. Are you talking about elderly people who have disabilities or anybody?

Mr. Fitzmaurice. No, people under 65.

Mr. Dow. Under 65. I see. Supposing you're 35 years old. You're saying that anybody that has a disability should immediately report to the Social Security office? Is that what you're saying?

Mr. Fitzmaurice. To avoid the difficulties that come up with individuals who have waited a year and half, two years, and even five years and longer before they get in touch with us to file a claim. They can just simply lose benefits by inaction.

So we're saying check with the Social Security office because if there's any possibility of payments, then the thing to do is to file a claim rather than to be wondering about it at home.

I'm sure that Medicare has been mentioned as one of the problems of the senior citizens. For one thing, we would say that our office is not called upon for assistance as often as we think it might be. For instance, there is red tape involved and there's no way of avoiding it and some senior citizens get very easily disgusted and discouraged. We would say "try to bear with it." The people who are running the program are human, just like you and me, and mistakes can happen. For instance, there are proper techniques of filling out the applications for reimbursement and they can very easily be goofed up. So, if the individual gets in touch with one of our interviewers in the office, they should be able to get skilled information on how to do it the best way.

Actually, I wanted to end with the idea of stressing this point of telephoning the Social Security office, because we can do just about everything by telephone. A claim can be filled in; information can be given out; we can take a change of address, and many other things by telephone. And it will save individuals the time and difficulty of getting into the office in most cases.

Mr. Dow. Good. Well, I think it was very good of you to come and give us these helpful hints.

Mr. Fitzmaurice. If there are any questions, I would assume that they should be taken up with the Social Security office and not here at this time.

Mr. Dow. That's right because we have so many witnesses here. Well, I appreciate that you took the trouble to come in and see us, Mr. Fitzmaurice. That's very good.

Mr. Fitzmaurice. Thank you, Mr. Dow.

Mr. Dow. Thank you. All right, our next one is Mrs. Ginn.

MRS. ANGEL GINN, MONTICELLO SENIOR CITIZENS CLUB, MONTICELLO, NEW YORK

Mrs. Ginn. Now, I am representing the Monticello group. We have 280 members.

Mr. Dow. Yes, I've been up there.

Mrs. Ginn. Yes, I know you have. But we have no housing, and we have no meeting place.

We would like your help in securing a meeting place for us. A lot of the seniors are alone, and they really have no place to meet and they look forward to this one day in the week that they meet. We have one day that they can play games and it would be very nice. . . . As a matter of fact, I don't think half of them eat properly because they are alone and they don't take care of themselves. A meeting hall for us is very important. Is there any way you can help us to secure it?

Mr. Dow. Well, I'll try. But I'm not the mayor of Monticello. I'll do what I can.

Mrs. Ginn. I understand. And also, we would like to have health aides. Some of them need health and also housekeeping aides. And is there any way for us to get glasses and dentures on Medicare?

Mr. Dow. I don't know. Maybe somebody else knows here.

Mrs. Ginn. Well, there is no way as far as I know, as far as the law goes now. But can we get it? I think if you would say something to our mayor or to our supervisors, that would help us in getting our housing and also our meeting place, you see.

Mr. Dow. Now, when you say housing, you mean. . . .

Mrs. Ginn. Living quarters because there is a shortage of living quarters in Monticello. Now they have Urban Renewal. They threw down a lot of these old places which were reasonable and the seniors cannot afford to pay the big rentals of $160 or $175 a month. So we would like to have some help in that if possible.

Mr. Dow. Well, I'll try.

Mrs. Ginn. And, of course, our Social Security—I know you're working for an increase.

Mr. Dow. You know the House passed a bill last week that would raise the Social Security five percent next year. It would relax the requirements for welfare. The people on welfare could still keep their homes. There have been some benefits in this bill. It will have a cost of living adjustment. I still don't think it's enough, but that's all we got through the House. It's going to the Senate and it may be changed when it's over there. I don't know. I hope they make it better.

Mrs. Ginn. Well, I hope so, because what they get now is peanuts.

Mr. Dow. Yes, I understand that.

Mrs. Ginn. I mean it's really not enough with the cost of living. It's going up every day.

Mr. Dow. Well, I will get in touch with the city fathers up there.

Mr. Dow. Our next witness is Mrs. Dorothy K. Morris. Hi, Mrs. Morris. Mrs. Morris is the representative of the Retired Teachers of Orange County.

MRS. DOROTHY K. MORRIS, RETIRED TEACHERS OF ORANGE COUNTY GRAND AVENUE, M.D. #16 NEWBURGH, NEW YORK

Mrs. Morris. That's right. We have just a few things that we're interested in, but we're vitally interested in these few. First, as you know, we have been writing to the Members in Washington, in Congress, about the exemption of the first $5,000 of retirement income from taxation. We're going to work on that, and work very hard to see if we can get that through. However, we will lend our hand. Another thing that we are interested in and I'm glad the man from the Social Security office is here, we would like the death benefit under Social Security to be raised to $750. I believe now it's in the neighborhood of $225? $255. We have what we call writing letter campaigns. Right here in Orange County we feel there's a dire need for additional nursing homes and extended care facilities. As most of you people know, there is no nursing home in Orange County that is accredited under Medicare except Orange Farms and that has been for the past six or seven years to my knowledge. I know that Social Security does not put up the nursing homes. It's organizations, clubs, groups of people, perhaps, who band together. However, we would like to work on that so that we would have more than one nursing home in Orange County that would be accredited for Medicare.

Now under Medicare, of course, the person as you know if you have a nursing home that is accredited under Medicare, your first 20 days are free. The next 80 days, you pay approximately $10 a day. After that time, your daily fee jumps to approximately $35 a day. So it is to your advantage to have nursing homes accredited under Medicare in order to get your credit under what is allowed to you.

Now we're also interested in the public and private pension reform. Of course, I know this is State. However, I think the Federal government is going to do something about the private pension plans, the public pension plans. I would like to mention that there are 3,400 aged teachers who are receiving $2,700 or less in New York State. I know there are many people who are not under pension. However, we who are under a pension would like to see this change.

Teachers who retired in 1970 and just June, 1971, average $7,140 pension. Now you can imagine how the teachers feel who retired many years ago and are living on an average of $2,700, and many are not getting that. It starts at $2,100, but this is the average.

Now, the retired teachers, we are not represented on our own retirement board. We have a retirement system with billions of dollars in reserve and what we are going to try and do now is try and get a higher pension for these teachers who are on $2,100 a year. I think the Federal government might help along that line, too. There are other things that we would like to ask for, but these are the majority of the ones that we would like. There have been articles in the Long Island paper—the teachers are more active down there—in regard to this pension system, and they feel that the publicity that is given these older teachers, in their late seventies and eighties, on the lower pensions, it would have to come from publicity because we've been trying for several years to get that raise and the New York State Legislature seems to ignore us.

Of course, we would like reduced fares for the elderly when traveling on interstate transportation systems. We are interested in that. We would like to have reduced fares for the older people in theaters and places of amusement. That would take in everyone, of course, not just the retired teachers. That's all I have to say now. Thank you.

Mr. Dow. Well, Mrs. Morris, we appreciate your coming and you brought up some points that nobody else did. That's valuable to know.

The Federal government is thinking now about passage of legislation that would cover pensions and retirement throughout the country and establish certain uniform rules. I think it's in the wind, but I still think it's a few years before it will happen.

Our next witness is Mrs. John Rupsis of Poughkeepsie, New York. Mrs. Rupsis is representing Mayor Fiore of the City of Poughkeepsie.

MRS. JOHN RUPSIS, REPRESENTATIVE OF MAYOR LOUIS FIORE OF POUGHKEEPSIE, 13 HOOKER AVENUE, POUGHKEEPSIE, N.Y.

Mrs. RUPSIS. Thank you, Mr. Dow, and thank you for the letter that you sent me in reply to the inquiry I made about the dropping of the program for senior citizens, the meals for seniors. I wrote and said that our mayor had asked me to write you about it because we were going to try to inaugurate it in Poughkeepsie and you wrote and said that you have expressed your concern to Secretary Richardson about this matter.

We thank you for your interest. I made notes as the other folks spoke, and I will just address myself to them. The first thing I want to say is I think that the senior citizens' main problem is that they don't realize the value of being here long enough to mature. You know, the only cure for getting old is to die young and I don't think many of us like that alternative, do you? Now, with regard to their money problems, I think that we should not because I am one of them, we should not be penalized for having been provident. At many times, it has been very difficult to have saved the money to buy a house. And now, under the allowance of 50 percent of the real tax, in most cases not only the school tax, Social Security, at least in our city, is included as part of that income. We don't think that this should be. That pension, which has been saved all of these years, should not now have to be taxed.

And, of course, transportation is of prime importance. I was at the same hearing Mrs. Coombs attended regarding the bus program in Poughkeepsie and I do think that the mayor is going to solve it, Mrs. Coombs, with three brand new buses that are coming shortly.

Mr. Dow. Will they be exclusively for older people?

Mrs. RUPSIS. No, they will be city-wide, Congressman.

Mr. Dow. City-wide. Are they school buses?

Mrs. RUPSIS. Oh, no, they're brand new buses, regular city street buses.

Mr. Dow. Does the city now have a transportation system?

Mrs. RUPSIS. You could hardly call it that. The buses run occasionally. I think that's the best way to put it.

Mr. Dow. This is just putting more buses in the system.

Mrs. RUPSIS. We hope to withdraw the franchise from the folks who now have it and in all probability this will have to be a municipally operated system. Now, I can't remember who said it, but somebody said one time "Youth must be served, lest it die." I think that perhaps those of use who are senior citizens make too much fuss about the needs of the young. If as many people had appeared here today to present the problems of children, the same kind of things we've heard today about the older people, we would mobilize. Something must be done for these children. And something must be done for the more mature people. We need the young; they are the yeast of life. But the older people I like to compare with the flour that's been through the grist mill. And only by putting the yeast with the flour are we going to have a really acceptable way of living. And the mature population has toiled to provide all the wonderful things that we have, both young and older. And whatever is provided them is merely a return on their investment and not a gift and I think that they should realize this and it would give their spirits a lift.

Now, I'm happy to know about the bill you proposed to have income tax take care of school taxes. This is fair because many, many families of good means live in apartment houses and they have the children who are going to school. To be sure, their landlord pays a tax, but not in proportion to those of us who own real proprety and are on limited incomes. I think it would be only right and proper that the city schools would be used for centers for the senior citizens. Why would they scrounge around to find a place that would be supported, perhaps, by their contributions? The public schools are used for other amusements for the younger people. They should be used equally so for the older people who provide the schools in the first place.

Now, the housing situation is poor. In our city it's being compounded because the governor has just appropriated $350,000 to demolish 44 perfectly good homes in our city to make way for the proposed east-west arterial highway and I am chairman of a committee that says, "You're not coming through," but we don't know yet. We're still working on that. In defense of Urban Renewal, because I'm a member of that board, we do relocate everyone that we displace. That is the law. The State Transportation Department is not doing that in getting ready for this highway. As a matter of fact, I have elderly folks calling me from time to time. Among other things, they haven't received one cent for their houses, but they are presently paying the State rent, because when the State makes a map of your property, they take a vested interest. You begin to pay rent, but you don't have a down payment for a new home. This is not fair. And as regards the number of people who come to the centers, Congressman, not all senior citizens are "joiners." I am not, but there are thousands of us who are alive and I'm happy that you are someone in our corner because my next remark, otherwise, would be in really poor taste. I want the senior citizens to realize what a voting force you are. You comprise the largest single block in this country. Your elected officials will have to do your bidding if you let it be known, right, Congressman?

CALENDAR OF EVENTS, LIBRARY OF CONGRESS

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, it gives me pleasure to put into the CONGRESSIONAL RECORD the fine calendar of events of the Library of Congress for the month of August 1971. This interesting calendar of events follows:

CALENDAR OF EVENTS IN THE LIBRARY OF CONGRESS—AUGUST 1971

NEW EXHIBIT

2. Cordell Hull. An exhibit from the Cordell Hull Papers marking the 100th anniversary of the birth of the former Secretary of State. Included are some of the major accomplishments of his 52 years of public service: the development of the "good neighbor" policy in U.S. relations with South America, his authorship of the Reciprocal Trade Program, the establishment of a nonpartisan foreign policy during World War II, and his role in the creation of the United Nations. In the Manuscript Reading Room, Third Floor, Annex Building, through October 30.

CONTINUING EXHIBITS

Library Showcase Exhibit: 200th anniversary of the birth of Robert Owen, founder of the utopian community of New Harmony, Indiana. In the west foyer, Ground Floor, Main Building, through August 31.

White House News Photographers Association 28th Annual Exhibit. Prizewinning photographs of 1970. In the central corridors, Ground Floor, Main Building, through August 31.

Note: *A catalog of the above exhibition is available upon request at the Information Counter, Ground Floor Entrance, Main Building.* Mail orders are not accepted.

Trains In Music: Railroads as Depicted in the Collections of the Music Division. Colorful sheet music covers ranging from 19th-century European and American prints to recent publications. In the foyer of the Coolidge Auditorium and in the northwest corridor, Ground Floor, Main Building, for an indefinite period.

Original Cartoons and Cover Drawings by Artists of the New Yorker Magazine. Drawings made during the war years of the 1940's and the intervening years up to the recent past, including works by Peter Arno, Gluyas Williams, George Price, Saul Steinberg, Charles Saxon, and Mischa Richter. In the north and northeast corridors, Ground Floor, Main Building, through August 31.

Prints and Photographs Division Recent Acquisitions. Among the works displayed are photographs by Mathew Brady, Alexander Rodchenko, and Jerry Uelsmann, and contemporary prints by Milton Avery, Lester Johnson, Alexander Lieberman, and Peter Milton. In the south and southeast corridors, Ground Floor, Main Building, through September 30.

22nd National Exhibition of Prints. A selection of original prints, chosen by a jury of a curator and two artists, from current works submitted by contemporary printmakers. In the west gallery, First Floor, Main Building, through September 7.

Note: *A catalog of the above exhibition is available upon request at the Information Counter, Ground Floor Entrance, Main Building.* Mail orders are not accepted.

Sesquicentennial of Maine's Statehood. Approximately 200 rare books, pamphlets, broadsides, manuscripts, engraved and lithographic prints, photographs, maps, drawings, and newspapers. On view in the north and south galleries, First Floor, Main Building, through September 6.

Gabriela Mistral: Life and Works of Latin America's First Nobel Prize Winner. Works depicting her life (1889–1957) as poet, essayist, teacher, and diplomat. In the Hispanic Foundation, Second Floor, Main Building, through August 31.

Fifty Books of the Year 1970. Books selected by a jury of the American Institute of Graphic Arts for their design quality. In the Rare Book Room, Second Floor, Main Building, through August 31.

People's Republic of China Law Materials. A rare Communist Chinese legal document on justice and the law in pre-1949 China, and basic statutory materials and law journals from post-1949 China. In the foyer of the Law Library, Second Floor, Main Building, through September 30.

Religions in Japan. Bibliographies, books, and illustrations depicting the history and influence of Shintoism, Buddhism, Christianity, and "New Religions." On the Fifth Floor, Annex Building, through August 31.

CHILDREN'S BOOK SECTION

As part of his research in colonial history, an American history professor requests information about a colonial child's reading; a public library inquires as to what children's books Clara Barton would have shared with her children in 1853; a reader requests a list of important foreign children's books recently translated and published in the United States—there are only a few among numerous queries by visitors, telephone inquirers, and correspondents handled every year by the Children's Book Section of the Library of Congress. Established March 1963 to provide reference and bibliographic services to Government officials, children's librarians, publishers, writers, illustrators, and the general public, the Section also recommends children's literature for acquisition by the Library, identifies major gaps in the existing collections, prepares and publishes bibliographies, and gains better bibliographical control over the Library's collections.

The Library's general collections contain an estimated 150,000 children's books. These include, in addition to American and British publications, many shelves of foreign-language books acquired through exchange or purchase. Approximately 16,000 children's books form part of the collections of the Rare Book Division. Among these are such rare items of Americans as one of three known copies of Goodrich's *The Tales of Peter Parley About America* (Boston, 1827), noted as the first American production which aimed to entertain the child as well as to instruct him, ten *New England Primers*, six of them printed before 1800 (1776–99), and two copies of *Cock Robin's Death and Funeral*, both printed in Boston, one about 1780 and the other, believed to be unique, in 1790. Earliest of the rare Americana are three horn books.

Writers and illustrators will find a broad field in the Library for studying styles, trends, and earlier examples of genres in which they are working. In children's books writers of fiction, biography, and history can locate period information pertinent to childhood, and even to later years, including information about reading itself.

Published bibliographies which have been compiled by members of the staff of the Children's Book Section are listed in *Library of Congress Publications in Print*, available at the Information Counter in the Main Building.

RECENT PUBLICATIONS

Increasing interest in sources for the study of American Revolutionary history as the Bicentennial approaches is reflected in the July issue of the *Quarterly Journal of the Library of Congress*. Walter W. Ristow, Chief of LC's Geography and Map Division, surveys "Maps of the American Revolution" and Paul Smith of the Library's American Revolution Bicentennial Office presents Charles Thomson's 1789 critique of Ramsay's draft history of the war. Also included in this issue are an essay on Chinese wood engravings of the Sung dynasty by K. T. Wu and a report of recent acquisitions of the Rare Book Division by Frederick R. Goff.

This issue of the *Quarterly Journal* is available for $1 from the Superintendent of Documents, U.S. Government Printing Office, Washington D.C. 20402; subscriptions are $3.50 a year.

BLACK AMERICANS

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mrs. GRIFFITHS. Mr. Speaker, for the benefit of all, I would like to place in the RECORD an article by Philip Meyer entitled, "Working Wives Boost Black Earning Power, Study Shows," which appeared in the Detroit Free Press of July 28, 1971. The article discusses the contents of a recent report entitled, "Black Americans," prepared by the U.S. Department of Labor, the U.S. Department of Commerce, and the National Center for Health Statistics. The article follows:

[From the Detroit Free Press, July 28, 1971]

WORKING WIVES BOOST BLACK EARNING POWER, STUDY SHOWS

BY STAYING ON THE JOB MORE CONSISTENTLY, BLACK WOMEN TEND TO BUILD HIGHER-PAYING CAREERS, SAID A BUREAU OF CENSUS OFFICIAL

(By Philip Meyer)

WASHINGTON.—Much of the reported recent gain in the earning power of black families is accounted for by young, working wives, a detailed study by the departments of Labor and Commerce revealed this week.

In part, this is due to the fact that black women who finish high school or attend college now earn more than white women of the same educational level.

One select group of black families—those with both husband and wife working, the husband under 35, and living outside the South—achieved incomes equal to 99 percent that of whites in the same category in 1969.

This statistic was a sharp gain from a decade earlier, when black families in this group earned only 85 percent of the white average. It was noted with jubilation at the White House.

However, for black families meeting exactly the same description but without a working wife, there was no gain on comparable white families in the 10-year period. Black families living on the husband's income alone in 1969 had 71 percent of the income of comparable white families.

Seven out of 10 wives in young black families in the North and West contribute to the family income by working, the report said.

Therefore, the wives' earnings significantly affect the total family income picture. Among all young, black, nonsouthern husband and wife families, income reached 91 percent of the income of comparable whites in 1969.

That figure has been widely quoted by Nixon administration spokesmen to demonstrate that racial barriers to earnings have fallen for young, northern Negroes living in conventional husband-wife families.

But this week's detailed report indicates that racial barriers still plague black males even in that favored category.

Black women, on the other hand, now earn more than white women of comparable education.

The median income for black, female college graduates was $6,747 in 1969. For white, female college graduates it was $5,707.

White women had higher incomes than black women only in the low educational brackets—high school dropouts and below.

College-educated black men, however, earn much less than college-educated white men: $8,669 compared to $12,354 in 1969.

"Black women stay in the labor market while white women tend to drop out," said Nampeo D. McKenney of the Bureau of the Census, who worked on the report. "Black women work while pregnant and the fertility of college-educated black women is lower than that of whites."

By staying on the job more consistently, black women tend to build higher-paying careers, said Mrs. McKenney who is black.

There is also a belief among many blacks—supported by the new government report—that white employers anxious to end discrimination tend to favor black women.

Most employers are white males and they feel more threatened by black men, according to this theory.

The report, which was compiled by the Bureau of the Census and the Bureau of Labor Statistics, noted income gains for young southern families, too. Young, black southern families' income was 73 percent of the income of similarly situated whites in 1969. In 1959, income for blacks in this group was only 55 percent that of whites.

But among older families—those with the husband 35 or over—Negro families both North and South made no appreciable gains on whites between 1959 and 1969.

Overall, the average non-white family income in the United States was 64 percent of white income in 1970—the highest it has ever been.

The 1970 ratio was a one-percentage-point gain over 1969 and offers some evidence that blacks are not as vulnerable to setbacks in the economy as they used to be. Many observers had feared that the recession which began last year would hit blacks harder than whites.

In 1958, another recession year, non-white income dropped from 54 percent of white income to 51 percent and did not begin its steady gain on white income until the mid-1960s.

A sharp gain in the number of female-headed black families was also reported in the new study. A census survey taken in March of this year indicated that 28.9 percent of non-white families are headed by women, compared to 26.8 percent in 1970. The increase represents about 100,000 families.

GEORGE JESSEL

HON. WILLIAM H. HARSHA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. HARSHA. Mr. Speaker. I rise to make a few observations on what I regard as a most serious abridgment of freedom of the press—or more particularly, freedom of the air waves. Last week, an incident occurred which should give pause to anyone concerned with the protection of first amendment constitutional guarantees in this country.

As I understand the story, Mr. George Jessel, the renowned Hollywood comedian, was appearing on NBC's "Today Show." He was being interviewed by the widely known commentator Edwin Newman.

I do not know Mr. George Jessel personally. I do know, however, that he is a fund-raiser of renown for worthy causes and has given freely of his time to entertaining our troops overseas, wherever they serve. And, Mr. Jessel is a consummate after-dinner speaker and one of the most accomplished master-of-ceremonies in America.

Last Friday, Mr. Jessel was a guest on National Broadcasting Co.'s "Today Show." In the course of his interview, he apparently made certain remarks displeasing to Mr. Newman, whereupon Mr. Newman terminated the interview and removed Mr. Jessel from the show. According to the account published in the Washington Post on July 31, what Mr. Jessel said to offend Mr. Newman was this:

> I am happy to report, and that's why I asked your permission to get on here, that the morale of our men in Europe is very high and we're strong on the borders of Czechoslovakia and strong on the borders of Eastern Germany. If they start on anything there, they'll get in a real you-know, regardless of McCloskey and Muskie and Mansfield. They'll fight and they'll lick these other guys. But, of course, when you pick up Pravada—The New York Times—you generally see, oh, they're all full of dope and killing children, drunk.

As he explained later, Mr. Newman was upset because "The interview was barely coherent, rambling, meandering". But, by his own account, his principal concern was Mr. Jessel's unfavorable reference to the Washington Post and the New York Times. "It didn't seem to me," he declared, "we have any obligation to allow people to come on to traduce the reputations of anyone they want, to abuse people they don't like * * *"

Since when have we conferred a censor role on news commentators in this country? Since when have we conferred on them the right to police the public conscience, or protect the reputations of other media outlets? When Vice President AGNEW accuses the press of airing only one side of most public questions, members of the fourth estate are quick to "traduce" and "abuse" his reputation as constitutional abridgements of free speech.

Yet, when the press is on the receiving end of criticism are we to believe that their proper response is to silence their critics by banning them from the airwaves? In other words, are we to tolerate from them the very practices that they accuse Mr. AGNEW of preaching?

According to the Washington Post account, Mr. Jessel was guilty of McCarthyite tactics. In this day and age, does not this constitute a slander per se?

And what was Mr. Jessel's offense? Why, he mentioned Pravda in the same breath with the Washington Post and the New York Times. In Russian, the word Pravada simply means "truth". Reading his remarks, I am inclined to believe that Mr. Jessel was simply being sarcastic. He was scornfully questioning the objectivity of the Post and the Times. As "oracles of the truth," millions of Americans would join him.

But whether either of these newspapers are as biased as Mr. Jessel believes is beside the point. The question at issue is Mr. Newman's right, or for that matter the right of any other purveyor of the news, to summarily silence individuals whose views they disagree with. To my knowledge, this kind of thing has never happened in quite this way before in this country.

In my book, this is the kind of free speech the Constitution protects, particularly over the public air waves. If I am right in concluding that it is, is the Congress prepared to tolerate its summary abridgment in the manner described?

Mr. Jessel was obviously amazed at his banishment. As he pointed out to reporters:

> I was on a show a few weeks ago and a woman damned Christianity and all religions of the world but they didn't throw her off. So why can't I rap newspapers? God doesn't publish the newspapers.

Personally, I cannot count the number of times I have heard our institutions slandered and public figures I admired libeled on television and in the newspapers. I have heard threats to burn down our cities, to sabotage our factories, to interrupt the workings of our Government, and to eliminate our leaders, by fair means or foul. Never, to my knowledge, were any of the wild men or women who made these remarks banned from the air waves, quite to the contrary. And, as importantly, never to my knowledge, have responsible conservatives ever advocated the public throttling of their irresponsible utterances.

It, therefore, is shocking to me that a representative of a major network took it upon himself to throttle the relatively mild views expressed by an exponent of the other side. Obviously, Mr. Jessel is a man who believes in preserving our national heritage, who believes our institutions are worthwhile, who believes in building rather than tearing down, who believes in his country and who believes that the troops we have stationed around the world are representatives of freedom rather than tyranny. As I see it, what happened to him on the NBC "Today Show" is conclusive evidence that the double standard that Vice President AGNEW has compained so vigorously of is a reality, not the "right wing" myth his critics contend.

I urge the members of the appropriate committees of the Congress to look into this matter. When we allow a single individual to sit in judgement to decide whose views are acceptable and whose are not in the high handed manner Mr. Newman displayed, then censorship in its most blatant form, has come to America. If we do not rise to the challenge, if we do not defend the rights and privileges we profess to hold dear, then we do not deserve to posses them.

WILL THE WHITE HOUSE ACT?

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. MONAGAN. Mr. Speaker, early in this session of Congress, I introduced with Congressman McFALL H.R. 2502, a bill to establish a program of voluntary wage-price guidelines administered by a five-man Emergency Guidance Board. Those industries and unions planning price and wage increases in excess of the guidelines would be required to file an economic justification with the Board. The Board would then publicize those increases which it judged inflationary and not in the national interest.

Since the original introduction of this bill, the need for such a Board has become increasingly imperative. Both unemployment and inflation continue to run at extraordinary levels, and little relief is in sight. Recognizing that an economic emergency does indeed exist, 52 of our colleagues from both sides of the aisle joined Congressman McFALL and myself in reintroducing the Emergency Guidance Board Act on August 3.

President Nixon has throughout this period refused to recognize the emergency nature of our economic difficulties. Despite the continuance of simultaneous inflation and unemployment, the administration has held to the workability of its economic game plan, and ruled out any kind of vigorous incomes policy. I was therefore, pleased to note that during yesterday's press conference, the President declined to rule out a voluntary wage-price review board.

Hopefully, this statement represents a change of policy by the administration. The present economic slump has gone too far to allow present hands-off policies to continue, without new leadership. I now urge the President to take the next step and actively work for the legislation I have proposed. The Emergency Guidance Board Act will provide a nonmandatory but workable means of checking inflation while unemployment is attacked by stimulating the economy through conventional means.

I should like to place in the RECORD at this time an account of the President's press conference statements from the Washington Post, as well as an editorial from the New York Times supporting my position.

The articles follow:

[From the Washington Post, Aug. 5, 1971]

PRESIDENT WARMS TO PAY PANEL—BUT REJECTS CONTROLS ON WAGES, PRICES

(By Carole Shifrin)

President Nixon yesterday reversed an earlier position and said he would not reject out-of-hand the idea of a government board to suggest national standards for wages and prices.

But the President was far from enthusiastic. He told an unscheduled news conference that he would consider such a board only if congressional hearings convinced him that government pressure to influence wages and prices could work "without stifling the economy."

He flatly rejected mandatory wage and price controls, specifically criticizing 'the Galbraith scheme, which is supported by many of our Democratic senators," Economist John Kenneth Galbraith has called for legal limits on wages and prices under certain conditions.

At the same time, he discounted reports of a clash between him and Federal Reserve Board Chairman Arthur F. Burns. Last week, reports emanating from the office of Director of Communications Herbert G. Klein, but later denied by the White House, suggested that Mr. Nixon was thinking of seeking an increase in the number of Fed governors because of unhappiness with Burns. Yesterday, the President praised Burns and said the two are in agreement.

Mr. Nixon's remarks to newsmen followed immediately a news conference held by 13 Republican senators who said they were "vitally interested in the success" of the administration, but "deeply concerned" about the "unacceptably high rates of unemployment and inflation." They insisted that the "traditional rules of economics are not working . . . and additional measures are needed."

President Nixon several times made clear his skepticism about the usefulness of a wage-price board, but he didn't reject it out-of-hand as he has in the past.

He said he was not convinced that "we can move in that direction and be effective," but he left the door slightly ajar. "As far as we are concerned, we have an open mind in terms of examining the various proposals to see if there is a new approach which we may not have thought of," Mr. Nixon said.

Referring to proposed public hearings, he said, "I have serious doubts that they will find such a new approach, but I do want to indicate that we will examine it because we all agree that the wage-price spiral is a significant danger to this expanding economy."

Only minutes before Mr. Nixon talked to the press, Treasury Secretary John Connally, the administration's chief economic spokesman, issued a statement saying the administration would welcome "a full-fledged debate in the Congress" on wage and price policies.

Listing a number of questions he felt a review must explore, Connally added, "It should explore the historical record during the periods when we have had wage and price programs, and it should probe carefully the extensive experience of other nations."

It is clear from Mr. Nixon's remarks to the press, however, that he thinks the "historical record" will reaffirm his pessimism about the possibilities of guidelines. "My study of the situation indicates that guidelines in this country have always failed," he said.

"They have never worked," he continued. "Guidelines in other industrial countries, including Canada, for example, and Britain, have worked only for a short time and then have fallen because guidelines basically connote voluntary compliance and voluntary compliance goes on only for a brief time."

The administration's approach "at this time" Mr. Nixon said, is "a selective one—to take those particular industries that are coming up for bargaining and to use our influence as effectively as we can to see that those settlements are responsible."

He pointed to "use the power of this office to the extent it can be effective" to see that future wage and price negotiations are responsible.

"I shall continue the policy of moving aggressively on individual settlements on a case-by-case basis," he said.

In response to a question asking why he does not ask leaders of the steel industry to cancel their recently announced price increases, Mr. Nixon replied that such a move "would not be effective."

Saying that steel profits are the lowest of any major industry, Mr. Nixon added, "To tell the steel industry that after they have negotiated a settlement they must roll back their price and run at a loss is simply unrealistic.

"They are not going to do it," he said.

In his comments on Arthur Burns, he moved to dispel rumors:

He does not disagree with Burns on economic policies, he indicated. "Arthur Burns, in terms of monetary policy and in terms of fiscal policy, has followed a course that I think is the most responsible and statesmanlike of any chairman of the Federal Reserve in my memory," Mr. Nixon said.

Burns did not ask for a raise, Mr. Nixon said, contrary to reports. In fact, he said, the Office of Management and Budget had recommended that the chairman of the Federal Reserve, as the United States central banker, be given a pay raise. But when the matter was raised, the President said, Burns indicated that neither he nor any other high government official should take a salary increase when raises in other areas of government would be limited.

(When Burns was a member of the Cabinet—as counselor to the President—Burns even recommended that Cabinet officers take pay cuts. The proposal was not followed.)

The President explained that he had determined that an increase in the government blue-collar wage scale would not be in the "interests of our-fighting the inflation battle."

In his comments about the state of the economy, Mr. Nixon rejected "gloomy predictions," adding, "there is a lot of steam in the boiler.'

"I would not sell the United States economy short at this point," Mr. Nixon said. "And long term, I would not be selling my investments in the American economy—whether it is in stocks or real estate or what have you."

He reiterated his view that 1971 would be "a good year" for the economy and "1972 would be a very good year."

In addition to the wage-price review board bill, the group of Republicans proposed a bill which would establish a national council on productivity to replace one set up by executive order. The council would seek an increased rate of American productivity—a rate which since 1965 has been lower than any other industrial nation.

"We believe there is a crisis of confidence in the country," Sen. Jacob Javits (R-N.Y.) said on behalf of the group. "We are proposing what we believe ought to be the policies of our administration.

"The President has shown he can change course," he said. "His feet are not fixed in concrete."

Both bills, Javits, said, contain what the GOP group believes are "essential" powers.

Treasury Secretary Connally's statement suggested that whatever its outcome, congressional consideration of wage-price board legislation should "provide the forum for a useful discussion of important economic issues."

[From the New York Times, Aug. 5, 1971]

WAGE-PRICE RUNAROUND

With his anti-inflation program foundering, President Nixon seems to have decided that the best way to turn off the bipartisan clamor in Congress for action to halt the wage-price spiral is to make his critics demonstrate that they have foolproof remedies he can use. This hardly qualifies as leadership from a President who campaigned nearly three years ago on a pledge to couple price stability with low unemployment and has thus far failed to deliver either.

In a week that has brought a dismayingly big increase in steel prices, plus warnings of an equally unwelcome increase in railroad freight rates, both tied to overhigh wage settlements, the President says he is still waiting to be convinced that the Government ought to be doing something more than talk about restraint and responsibility by way of checking the runaway spiral.

It is certainly no contribution for Mr. Nixon to instruct Secretary of Labor Hodgson to alert him to all forthcoming negotiations in key industries so that he can use his persuasive powers to keep settlements in non-inflationary bounds. That is exactly what the President tried to do in steel, only to discover that both the union and the industry were locked into a preset pattern which neither could hope to break in the absence of Administration moves to establish an effective national incomes policy.

The obvious hope in the White House is that it can bob and weave for a few more months until all the expensive dominoes fall into line on major contracts for 1971, including those still to be signed in the East and West Coast waterfronts and the coal mines. Then the Administration argument will be that 1972 is a year of relative quiet on the labor-management front, with few big contracts to be negotiated, so everyone can relax.

The only trouble with this let-time-cure-everything line of evasion is that the road never stops running uphill. The steel pattern was nailed down many months ago with the first settlement in the can industry. The railroad pattern, accepted this week by the United Transportation Union, was pushed up by the big increase Chicago truck drivers won a year ago with their breakaway strike against the initial national settlement in their industry. The rail pact must still run the gantlet of demands for higher pay from the militant shopcrafts and signalmen.

Even more disturbing is the spillover of inflationary wage expectations in the public service. The President is himself engaged in a fight with Congress and the unions representing 750,000 blue-collar employes in Federal agencies over pressure for pay increases that would exceed the prevailing rate in private industry.

In New York City, with its chronic fiscal problems and its equally chronic shortchanging in monetary aid from Washington and Albany, the skyrocketing cost of living and the high settlements in local industries combine to inflate the already swollen municipal payroll.

The city is obviously in no condition to give increases totalling 27 per cent over three years to its welfare administrative staff, as it has just agreed to do. Yet what equity would there be in telling them they cannot have what all other unionized workers are getting? Still unsettled are the contract talks covering policemen, firemen and sanitation workers. And not far behind them the transit employes, with the specter of a 50-cent fare.

The only hope for halting this endless procession lies in White House leadership. The very limited step the President took to stabilize construction costs is bearing useful fruit. A brief general wage freeze, tied to creation of a wage-price board, could mark a beginning toward similar progress for the total economy.

MONETARY TROUBLES ERUPT ANEW, PROMPT TALK OF DEVALUATION

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. PUCINSKI. Mr. Speaker, today's Wall Street Journal reports that Europe is fast losing faith that the dollar can escape devaluation.

One of the many factors for this state of affairs is our growing balance-of-payments deficit, the worst since 1893. An important element which contributes to this deficit is corporate investment overseas.

The Associated Press reports that Chrysler Corp. will pay about $100 million to acquire a minority interest in the Mitsubishi Motor Corp. in Japan to produce cars to import to the United States.

One wonders where the American worker, displaced by this sort of activity, will obtain the funds to purchase an imported car. Industry Week reports that Japan is loosening up some of its controls on import quotas and overseas investment. If Japan is going to start investing in the United States, there is no need for American corporations to continue investing heavily abroad, which adds to our monetary and labor problems. This is the sort of thing that Alice in Wonderland stories are made of.

Mr. Speaker, the articles follow:

[From the Wall Street Journal, Aug. 5, 1971]

MONETARY TROUBLES ERUPT ANEW, PROMPT TALK OF DEVALUATION

(By Ray Vicker and Richard Janssen)

Europe is fast losing its old faith that the dollar can escape eventual devaluation. Perhaps some of America is, too.

The European concern is clearly what underlies the increasingly frantic activity in currency trading abroad, which yesterday saw the dollar dropping in price while strong demand pushed Continental currencies upward and gold retained most of its recent strong gains. (The French central bank yesterday instructed commercial banks to accept dollars for so called current transactions only in an effort to cut the flow of speculative funds.

"The growing American balance-of-payments deficit"—which piles up a precarious tower of dollars in foreign hands—"it's a sure sign that the currency is overvalued relative to other currencies," asserts an official of Holland's Amsterdam-Rotterdam Bank. Among Continental monetary officials and bankers, an eventual 10% to 15% devaluation is coming to be taken almost for granted. Few expect it before the 1972 United States elections, however.

America desperately wants to keep believing that the dollar is forever safely fixed to the $35-an-ounce official gold price, and the Nixon administration is intensifying its efforts to keep it there. "We're damn concerned" about the dangers of the dollar outflow, says a well-placed official. As evidence of determination to avert devaluation, he cites the administration's emphasis on fighting inflation at the expense of unemployment and a host of smaller steps such as swifter action against "dumping" of cheap imports here.

SKEPTICISM IN WASHINGTON

But even in Washington, the once sincere faith in the ability to defend the dollar's value is being eroded by increasing skepticism."There isn't a single person I know in the government" who doesn't privately agree that—domestic politics aside—the U.S. ought to officially reduce the dollar's value for international dealings, confides a nongovernment expert.

In part. the administration's agonizing over what to do may explain why the White House and Treasury respond with sullen "no comments" to the current currency turmoil rather than with the ringing reassurances of past years that the dollar has a uniquely "immutable" value. Keeping credibility in case drastic action is needed seems to be one reason for silence. The major aim, however, is probably to avoid any extra stir that might add to the present threats to the status quo.

The basic threat is that America year after year spends and invests more dollars abroad than foreigners return to the U.S. By now, the accumulated difference amounts to some $50 billion of dollars held in short-term, liquid form by foreigners. The portions held by foreign governments and central banks exceeded $31 billion by late May, posing a potential "overkill" of the $10.5 billion Treasury gold stock that the U.S. is pledged to pay out for these dollars.

As the dollars keep piling up abroad, so do reasons for foreigners to wonder how long the U.S. can keep buying them back with gold to defend the present price. By next Monday, for instance, France may cash in excess dollars for roughly $200 million of the Treasury's gold to repay a debt to the International Monetary Fund, which itself owns more than $500 million of the gold double-counted as part of the Treasury stock. The sheer fact that the 118-country IMF will be holding its annual meeting in Washington in late September assures that the air will be full of less-than-reassuring rumors.

"EVERYTHING POINTS TO A CRISIS"

Because attitudes play such an important part in the value of any currency, the apprehensions among world financiers intensify the very weaknesses that now frighten them. "Speculation against the dollar is mounting steadily," says a Zurich banker.

In a magnified version of the malaise that's infecting Wall Street, the Europeans find next to nothing in the U.S. economic situation to offset such effects. Despite the Nixon administration's persistent declarations that the economy is getting back on a healthy course, the Europeans doubt that much progress against inflation is in the cards. The string of three monthly U.S. trade deficits looms much larger in their eyes than it does at home, since inability to export more goods than are imported often precedes devaluations of Europeans currencies.

"Everything points to a further currency crisis," says a spokesman for Hambro's, one of London's leading merchant banks. And an official of the big Barclay's Bank says dollar devaluation can be avoided only by a formidable list of U.S. actions: "Get out of the Vietnam war, cut military costs in Europe, curb corporate investment overseas, and keep interest rates high enough to attract both foreign investments and hot money," which Americans might otherwise dispatch to Europe.

Increasingly, though, European financial men appear convinced that the U.S. won't take enough such steps quickly enough to avert dollar devaluation—which needn't, they emphasize, be the disaster that the U.S. dreads. "With the American economy looking as if it is going downhill the benefits of devaluation must be getting more and more attractive to the U.S. administration," suggests a French banking official.

THE ARITHMETIC

The arithmetic of the benefits, a British advocate of such action reasons, would go like this: The U.S. lowers the dollar's value by 15%, instantly increasing the cost of imports accordingly and wiping out the price advantage of many imported wares from cars to color TVs. At the same time, U.S. goods get a 15% price advantage all around the world, bringing extra sales that U.S. industry can readily accommodate by bringing back into action its ample idle plant capacity and its millions of unemployed workers.

Obviously, the Nixon administration doesn't think the solution is so pat and painless, insiders say, or it would already have taken such action. After all the promises not to devalue, they contend, devaluation would damage the U.S. diplomatic and military prestige around the world and deliver the higher-gold-price windfalls long sought by selfish speculators, racist South Africa and Communist Russia. Besides, they argue, many countries would readjust their own currencies to prevent the U.S. from getting any rich trade benefits. And Congress wouldn't permit devaluation anyway, they say.

Some U.S. officials acknowledge that all these objections would carry much more weight if devaluation talk were still in the terms of a few years ago, when doubling the gold price to halve the dollar's value was the common European prescription. If the dollar is overvalued at all, U.S. officials increasingly argue, it is by no more than 3% to 5%. Nevertheless, a devaluation of even that limited extent just might cause even more financial uncertainty than it would be worth, some insiders argue.

Still, respected Americans outside the innermost economic policy circle are increasingly raising the question of mild devaluation to help ease some of the U.S. problems. Sen. Jacob Javits (R., N.Y.) has urged the administration to "disestablish the presently existing link between the dollar and gold," and Rep. Henry Reuss (D., Wis.), has proposed that the Treasury stop paying out gold and "let the dollar float" down in the marketplace until it reaches a reasonable new level.

SHOULD THE DOLLAR FLOAT

Similarly, at his Senate confirmation hearing, Eza Solomon, President Nixon's newest appointee to the Council of Economic Advisers, expressed unexpectedly friendly interest in the idea of letting the dollar "float" gently downward. Well-connected Washington consultant Edward M. Bernstein warns that "the dollar can't hold forever." Even under current IMF rules, counsels Chase Manhattan Bank vice president Eugene A. Birnbaum, the U.S. could suspend gold dealings and support the dollar by dealing in foreign currencies that it could borrow or buy from the IMF with some of its gold.

All too often, Nixon aides complain, Europeans misconstrue the comments of Congressmen and private economists as reflecting actual administration policy; the Nixon men wish everyone else would just keep quiet about such matters. Given enough patience and quiet diplomacy, they argue, enough such countries as Japan and Germany probably can be persuaded to revalue their own currencies upward to have the same favorable impact on U.S. trade as the more dramatic and disruptive act of a devaluation by the U.S.

Meanwhile, the administration is striving to offset such fresh trade setbacks as the stiff steel and auto price increases. The Export-Import Bank will provide more ample credit for U.S. exporters, officials assert. And they say that averting loss of future exports was a key reason for the administration's successful effort to guarantee loans to Lockheed Aircraft Corp. and for its unsuccessful effort to subsidize an SST. If the White House were resigned to dollar devaluation, aides add, it wouldn't have U.S. trade negotiators out taking a tougher stand against textile and shoe imports.

SECOND-CLASS CURRENCY

Even if no one in the U.S. shared their doubts about the dollar, though, Europeans couldn't easily shake their conviction that something's got to give. Dollar devaluation is being discussed in Europe "in terms of 'when' rather than 'whether,'" editorializes the Financial Times of London. And for all practical purposes, as many a vacationing American knows all too well, his dollar is already being treated as a second-class currency.

"Certainly it is difficult for us to dictate monetary policy to a nation as strong as the U.S.," concedes a European banker. "But," he boasts, "we can discount those dollars if we have to take them, and the less we like the dollars the more we can discount them."

Last weekend in Lugano, Switzerland, for example, hotel cashiers handed over on more than four Swiss francs for the dollar despite the official posted rate of 4.067. In Germany, where the mark is being allowed to float in defiance of IMF rules (which generally limit fluctuations to 1% either way of its formal value), Americans with travelers' checks must pay a 6.5% premium to get German marks.

It is no coincidence, European money men say, that the free market price of gold in London is hovering up around the $42-an-ounce mark. That's about where the official price, too, would go if the U.S. were to confirm their betting on a devaluation of around 15%. Even though it is against U.S. law, at least one Zurich banker owns up to honoring quite a few individual Americans' orders for gold lately. Whether the legal and financial risks ever pay off remains to be seen, of course; there are ways, some Washington experts hint without elaborating, for the dollar to be devalued without altering the official gold price.

[From the Atlanta Journal, Aug. 5, 1971]

CHRYSLER GETS OK ON JAPANESE DEAL

TOKYO.—The Japanese government Friday granted final approval for Chrysler Corp. of the United States to acquire a minority interest in Mitsubishi Motor Corp., culminating an effort begun by the two companies in 1968.

The decision marked the first time that a foreign company has been allowed to invest in Japan's automobile industry, one of the country's most jealously guarded economic sectors.

Under the plan, Mitsubishi Motor will carry out a series of three capital increases, each of which will be fully subscribed by Chrysler.

This will result in Chrysler acquiring 15 per cent of the Japanese concern by Sept. 30, 1971, another 10 per cent by June 30, 1972 and a final 10 per cent by June 30, 1973. As previously announced, Chrysler will pay about $100 million for its overall 35 per cent holding.

Mitsubishi Motor, currently a wholly owned subsidiary of Mitsubishi Heavy Industries Ltd., is close to overtaking Toyo Kogyo Co. as Japan's third largest automaker, but it is far behind the two giants of the industry, Toyota Motor Co. and Nissan Motor Co.

Mitsubishi's weakest area in the past has been exports, and it is there that the link with Chrysler will provide the largest immediate benefits. Late last year, Chrysler began importing Mitsubishi autos into the United States, where it is sold as the Dodge Colt, and Chrysler's South African subsidiary is also assembling Mitsubishi vehicles.

Plans call for similar operations in The Philippines and Australia.

[From Industry Week, Aug. 2, 1971]

JAPAN'S MONEY MOVES AIMED AT EXCHANGE FLOWS

Japan has taken several steps to help curb massive foreign exchange inflows, reports the Federal Reserve Bank of Chicago. First, the Bank of Japan will end preferential lending rates for export financing on Aug. 10. Second, impact loans (long term loans not tied to particular uses) by foreign banks to Japanese firms have been frozen at present levels, precluding new net borrowing by Japanese firms. Some 26 import quotas have been eliminated, and ceilings on both institutional and individual portfolio investments overseas were removed, a move that could bring large Japanese investment in U.S. stocks. Japan's balance of payments surplus dropped to $690 million in June (from May's $1.2 billion), but June exports were still fully 25 percent ahead of the June 1970 level.

ANOTHER "CONSUMER" ADVISORY COMMITTEE WITHOUT CONSUMERS

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. ROSENTHAL. Mr. Speaker, the Interstate Commerce Commission, which regulates rates and tariffs for railroads, trucking companies, bus lines, oil pipelines, freight forwarders, water carriers, and express agencies, approved last year a $1.2-billion increase in rail freight rates. This increase, like many others pending, are rarely, if ever, scrutinized by consumer advocates—even though they contribute to the inflationary spiral.

In a misguided effort to "assist the shipping public," which must assume the additional cost of rate and tariff increases, the ICC announced the formation of a Tariff Users Advisory Committee. This committee, it was announced, will "provide the user with a forceful and structured voice under the direct sponsorship of the Commission" and "provide the user for the first time with a bridge of experts to represent their interests on particular problems."

As anyone who has followed the Federal Government's consumer protection record might guess, there is a fly in the ointment. Of the nine persons named to the Advisory Committee, none even remotely represent the consumer interest.

Hopefully, Congress will close this loophole by enacting legislation to establish a new Federal Consumer Protection Agency, which will represent the consumer before the ICC and other agencies.

I include in the RECORD at this point, the full text of the ICC press release:

TARIFF USERS ADVISORY COMMITTEE CREATED

Responding to the growing need for more usable rate information, ICC Chairman George M. Stafford announced today the creation of a Tariff Users Advisory Committee.

Long-mindful of the need for tariff simplification and for increased readability of rate publications, and of the trend toward computerized tariffs, the Commission is striving to assist the shipping public by seeking the views of a group of actual, daily users of freight tariffs. The aim of the Committee, which will meet every other month, will be to:

Provide the user with a forceful and structured voice under the direct sponsorship of the Commission,

Provide the user for the first time with a bridge of experts to represent their interests on particular problems in an informal, nonadvisory atmosphere.

Provide the Commission with the opportunity to demonstrate in a formal way meaningful concern with tariff problems through direct and regular contact with the user, and

Provide the Commission with the nucleus of a specialized tariff advisory group which could be split or expanded as required into numerous sub-groups or task forces in many areas concerning tariff use.

Nominated to be members of the Committee are seven individuals representing selected industries, and four carrier representatives from the railroad and trucking modes of transportation.

Martin E. Foley, Director of the Commission's Bureau of Traffic will act as Chairman of the group, while Ernest R. Olson, Assistant Director of the Bureau of Traffic, will serve as alternate Chairman. Davis R. Ledford, Assistant to Director Foley, will serve as the Committee's Secretary. Those named to serve on the Committee from the shipper or user category are:

Chemicals: R. J. Cunningham, Manager, Freight Rate Planning, Union Carbide Corp., New York, N.Y.

Iron & Steel: R. H. Miller, Asst. to General Traffic Manager, Bethlehem Steel Corp., Bethlehem, Pa.

Grain Processing: J. L. Shissler, General Traffic Manager, Rates, Pillsbury Co., Minneapolis, Minn.

Paper: G. L. Fast, Traffic Manager, Rates and Regulation, Brown Co., Kalamazoo, Mich.

Food Processing: R. A. Blocki, AGTM—Transportation Pricing, Kraft Foods Chicago, Ill.

Petroleum: H. W. Mathues, Manager, Rates and Service, Sun Oil Co., Philadelphia, Pa.

Small Shippers: W. K. Cabot, General Traffic Manager, Johnson & Johnson, New Brunswick, N.J.

Those named to serve from the transportation modes are:

Motor Carrier: E. W. Kelliher, Vice President, Traffic, Halls Motor Transit Co., Mechanicsburg, Pa.; L. E. Tomlinson, Vice President, Traffic, Yellow Freight System, Inc., Kansas City, Mo.

Railroad: R. H. Hill, Jr., System Manager, Pricing & Marketing, Norfolk & Western Railway Co., Roanoke, Va.; C. N. Collins, Manager, Pricing, Western Maryland Railroad, Baltimore, Md.

LABOR RELATIONS—THE CRISIS IS NOT OVER

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. RHODES. Mr. Speaker, as Congress prepares to recess for several weeks it seems quite evident that many of us are breathing a sigh of relief that several major labor strikes have been settled.

Such relief is ill-founded. I think it is necessary for us to remember the critical problems we could have faced as a Nation, and the unfortunate consequences of the settlements which were reached.

Labor-management struggles in the railway industry are becoming nothing more than destructive reruns—recurring and predictable national emergencies.

In the last 25 years the complex procedures of the Railway Labor Act have simply broken down. The financial position of the industry has deteriorated to where union demands can no longer be met realistically. And this has resulted in a situation where no major rail labor dispute since the war has been settled without some sort of Government intervention outside the act's procedures.

The methods used in these disputes result in crude economic warfare. Although for some reason people have the idea that a selective strike is a merciful way by which employees can bring pressure on employers for better working conditions and higher pay, for the areas affected by a selective strike, there is certainly nothing merciful about it.

The Southwestern part of the United States is served by the Southern Pacific and the Santa Fe Railroads. The recent selective strike rendered Southern Pacific inoperative on July 24. The Santa Fe employees struck on July 30. As a result, this large and important area of the United States was completely without rail service.

I received telegrams and communications from persons in divergent lines of industry. There were telegrams from the presidents of four large cattle companies, a large retail chain, a lumber harvesting and manufacturing company, a large wholesale distributing firm, and a large bakery. There was also a wire from the chairman of the Farm Credit Board of Berkeley, Calif., informing me that the farmers of the Southwest were facing financial disaster and that the consumers were facing shortages and increased prices.

I also received a letter from the Sunkist growers, who market citrus fruit grown in the Arizona-California area. This letter informed me that the 9,000 grower-members of Sunkist faced disaster if the strike continued much longer. Similar communications were received from the vegetable growers of this area.

Granted, a settlement has been reached for now. But, that settlement will do little, if anything, to improve the future for the industry and its muddled labor relations. A huge increase in costs has been forced on an industry already deep in financial trouble.

Yet the most important thing to remember is that in this most recent railroad dispute the actual provisions of the Railway Labor Act were exhausted a year before final settlement. Numerous and complex legal maneuvers had controlled since then.

This strike may be over, but settlement provided no evidence that there has been a revival of traditional collective bargaining.

Of course, the steel industry has also staged a mockery of the principle of responsible collective bargaining. Inflationary wage settlements were predictably and immediately followed by a tremendous steel price rise, and we can expect the industry to again urge tightened restrictions on imports.

Therefore, the Nation's price for labor peace in the steel industry is increased inflation and extended economic problems from protectionism.

Mr. Speaker, the immediate strike crisis may be over, but the underlying problems have not been solved. Congress cannot relax. Now is the time to consider and pass legislation which will make it imperative to settle disputes between labor and management in some way other than by inflationary wage agreements, or a ruinous strike. This is economic barbarism and our economy can no longer afford the luxury of continuing such a ruinous policy.

At the very minimum, it is my hope that the legislation requested by the Nixon administration to end national emergency strikes would be adopted. I believe, however, that in the long run a bill I have introduced with 32 other sponsors, is the best solution thus far advanced. This is H.R. 2373, a bill to provide for the establishment of a U.S. Court of Labor-Management Relations which shall have jurisdiction over certain labor disputes in industries substantially affecting commerce. This bill provides for the creation of a labor court to act in national emergency disputes to settle these disputes without strike and without adding to the fuels of inflation. In my opinion, such an arrangement must be adopted if this Nation is to continue to be the productive wonder of the economic world in the 20th century. We are skating on the edge of economic disaster. The time to act is now.

A TRIBUTE TO THE YANKEE REBELS OF THE HAMILTON AMERICAN LEGION POST NO. 20, BALTIMORE, MD.

HON. PAUL S. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. SARBANES. Mr. Speaker, the citizens of Maryland can truly be proud of the tremendous achievements of one of its outstanding organizations, the Hamilton American Legion Post No. 20 and its superb senior drum and bugle corps "The Yankee Rebels." The corps' excellence is known nationwide. They are the reigning American Legion National Champions, having won that championship for the last 2 consecutive years. In addition, they have been the Maryland State Champions every year from 1946 to the present.

Mr. Speaker, The Yankee Rebels recently presented the 18th annual March of Champions at Baltimore's Memorial Stadium. I was pleased to be present at this event in the company of Mr. Earle Poorbaugh, a member of the American Legion for over 40 years and a strong supporter of The Yankee Rebels. The evening was an outstanding success, with drum and bugle corps from Canada, Connecticut, New Jersey, Pennsylvania, and New York participating and with a record attendance of over 19,000 persons.

"Teamwork," the byword of the Hamilton Post, its drum and bugle corps, and its subsidiary organizations, especially the ladies of its auxiliary, is well reflected in the March of Champions. Only through the cooperation of many persons in the corps and the post was it possible to stage an outstanding and successful March of Champions. The officers of Hamilton Post No. 20, listed below, deserve great credit for this achievement:

William E. Troll, Sr., Commander.
Frank X. Slaysman, 1st Vice Commander.
George M. Hild, 2nd Vice Commander.
Willis Mac Kenzie, Adjutant.
William P. Adamo, Finance Officer.
Harry E. Knuffman, Historian.
Robert F. Manger, Service Officer.
Julius A. Anderson, Jr., Chaplain.
Walter T. Chenoweth, Sergeant-at-Arms.
Executive committeemen: Paul A. Citro, Sr., Jack E. Dyke, John G. Gotzen, and William M. Wyatt.

In addition, great praise is due Mr. Joseph Sedlak, the founder of the corps, who has over the years contributed so much to its activities. Mr. Sedlack has lent added dignity to the March of Champions competition by his presentation of a magnificent trophy to be awarded each year to the winning team.

Mr. Speaker, it is a great pleasure to pay this salute to The Yankee Rebels. Their outstanding record of achievement speaks for itself. The musical program which has twice won them national honors is a stirring historical presentation and it is my pleasure to bring this program to the attention of my colleagues. Following the description below of the award winning presentation of The Yankee Rebels, I have listed the individual members whose outstanding work has created this great national champions' drum and bugle corps.

THE YANKEE REBELS

The Cannons are forever silent. The battlefields on which they stand are now National monuments. The Civil War belongs to history. Though its story has been examined and repeated in every form humanly possible, its impact has been felt once again—through an unusual medium. Through the efforts of the Hamilton Post 20 Senior Drum and Bugle Corps, the bitter conflict between the Union and the Confederacy has been recounted as it has never been done before. The epic struggle of a Nation divided against itself and once again united has been brought to the competitive field of Drum and Bugle Corps by the Yankee Rebels. They have come like ghosts from our country's past to play their "Requiem for an Era."

As the Yankee Rebels take their position on the starting line, the white, orange and gold uniforms of the corps main body strike a brilliant contrast to the uniforms of the color guard. Immediately the nature of their program becomes evident, for the twenty man color guard, garbed as Union and Confederate soldiers, are carrying banners which represent the North and the South. The Rebel banners are the familiar Confederate flags minus their stars. This absence of stars is more than compensated for by the star studded fields of blue which comprise the banners of the Yankees.

The corps is now called to attention by the man who arranged the music for its historic presentation, Drum Major, Truman Crawford. Standing stiff and silent, one hundred men are waiting to begin their thirteen minute journey into our Nation's past.

At a signal from the Drum Major, the thunder of timpani drums rolls over the field. The reflection of flood lights flash off the chrome plated horns brought to playing position. "Off the line" come one hundred pairs of feet in perfect step. And in a soft and dignified manner begins a song which rallied the entire Confederate army. There is no doubt about it, it's "Dixie". The music begins to swell in tempo and in volume. As the corps boldly marches onto the field, "Dixie" gives way to the rousing "Waitin' for the Robert E. Lee". This tune in time yields to a real Dixieland version of "Alexander's Ragtime Band." From the soft and slow beginning to the raucous and racey climax, we have seen and heard the corps' symbolic opening medley entitled, "The South Shall Rise Again".

While marching into concert formation, the corps continued its southern theme with "Am I Blue". Now at a standstill, they play "I've Got a Right to Sing the Blues" complete with the trombone "riffs" of Jack Teagarten re-created by baritone bugle soloist, Bob Gaff. Both of these numbers are done in a style which could be surpassed only by the greats of "Bourbon Street."

Still in a southern vein, the Yankee Rebels seem to be carrying us northward as they resume their marching and maneuvering to the tune of "Row, Row, Row".

Now that they have "Rowed" us "way up the river," the magnificent "drum line" of the Yankee Rebels becomes the center of attraction. The percussion sections of American Drum and Bugle Corps have long been recognized as being unequaled by any other in the world. Here, through the art of rudimental drumming, thirty extremely talented men, under the direction of Rodney Goodhart, demonstrate the reason for such a haughty reputation. Through the successful utilization of the difficult 7/4 and 5/4 time signatures, they have established themselves as among the elite of percussion music. During this long and complicated drum solo, the entire corps has been preparing for the most spectacular display of marching, maneuvering and music ever performed by an organization of its kind.

In order to bring the flag of our country to the fore, every drum corps will organize, through drill and music, a veritable kaleidoscope of sight and sound. This homage to "Old Glory" is known as the "color presentation". And the "color presentation" of the Yankee Rebels is the most difficult, unique and stirring ever devised. It is a marching and musical "Tour de Force" of the war between the states. This ambitious effort, choreographed by Richard Maass, has been entitled, "Requiem for an Era".

"Requiem for an Era", the magic words for a show which won two consecutive American Legion National Championships and placed the Yankee Rebels in an honored position in the annals of Drum and Bugle Corps history.

With the roaring thunder of drums and the crashing of cymbals, we are transported into a violent and terrifying period of our country's history. One can feel the tension of those times as the bugles sound the opening notes of "Rally 'round the Flag". Then in rapid fire succession, we are bombarded by portions of "When Johnny Comes Marching Home", "Yankee Doodle", and again "Rally 'round the Flag", and "Johnny Comes Marching Home". As if this barrage of musical conflict weren't enough, our visual sense is simultaneously jarred by the sight of an entire one hundred man drum and bugle corps being split into two "armies". This is accomplished by the "armies" marching backward from a center point away from each other. The tension has reached its peak. The battle line has been drawn and the symbolic division of an entire Nation is complete. Now, from the right side of the field, the stirring strains of "Dixie" announce the South has risen in defiance. With "Rebel" banners flying, the southern corps forms a military column, flanked by a color guard in gray and led by a "Confederate rifleman". "'Dixie" soon gives way to "Camptown Races" as the column marches toward us. Then as "Camptown Races" blends back into "Dixie", our attention is forcefully drawn to the left side of the field. Here, formed in a "battle wedge" and led by a "Union rifleman" is the "North". Escorted by a blue clad color guard, they march toward southern territory in a slow, measured step. The "low voices" of their horns intone the "Battle Hymn of the Republic" in grim determination. As the opposing forces draw closer to each other, their respective themes swell and diminish with the tides of "battle". With emotions at a fever pitch, the two sides finally meet and the last strains of the "Battle Hymn" come to a halt. Now with the northern color guard driving back the southern, we hear a mournful duet of mellophone horns playing "Dixie" for a dying cause. Suddenly, surging from the depths of dispair, the "Battle Hymn of the Republic" heralds the reuniting of a Nation. As the American Flag is brought to the center of attention, the northern and southern banners slowly lower in salute while the corps, once again united, finishes its historic presentation in a magnificent choral like crescendo. A period of our Nation's history has run its course; and a Baltimore drum and bugle corps has paid tribute to this period through their "Requiem for an Era".

Softly, almost imperceptibly, the Yankee Rebels resume their program and prepare to make their exit. In a manner which resembles a funeral dirge, they begin to play, "When Johnny Comes Marching Home." One can almost feel the unutterable sadness of the aftermath of war in their arrangement of this song. This feeling is heightened by a trio of soprano bugles. It doesn't take much imagination to hear the weeping of widows and orphans in their wailing refrain. Suddenly, the southern flags dip in salute, the timpany drums roar, the bugles resound to a hard driving cadence and the dirge becomes an heroic march. A Nation rises from its grief and destruction to rebuild itself and meet the challenges of its future. With this feeling the corps crosses the finish line and turn to play their final fanfare. Recalling the climax of their "color presentation", they once again sound "The Battle Hymn of the Republic'". As the "theme" of the victorious Union comes to an end, we hear a hint of "Dixie" echoing the crushed hopes of the Confederacy.

Through the tumult of applause, we are left to contemplate the spectacle we have witnessed. It becomes apparent that we have seen more than just another drum corps program. We have seen more than history re-enacted. Perhaps, in their own way, the Yankee Rebels have given us an expression of their faith in our great country. In recalling our past, they may be expressing their hope for our future. For our modern times certainly parallel the turmoil that surrounded the Civil War. We are today, as we were then, a Nation beset with strife and dissension. However, with fortitude and determination, America can, as it did then, overcome its obstacles to build a better tomorrow. But no matter what impressions these thirteen emotionally charged minutes have left, one thing is certain. We have been taken on an entertaining journey through history by those one hundred "ghosts" who call themselves the Yankee Rebels.

HAMILTON POST NO. 20, SENIOR DRUM AND BUGLE CORPS

"THE YANKEE REBEL"

Maryland State Champions, 1946 to 1971; American Legion National Champions, 1969–1970

1971 PERSONNEL

Staff: Joe Sedlak, Founder; George Bull, Director; John Moran, Bill Poorbaugh, Al Taylor, Bill Wyatt, John Connelly.

Instructors: Horns: Truman Crawford, Ricardo Gabriel. Drums: Bill McGrath, Jr., Richard Janes. M & M: Wm. McGrath, Sr., Don Brager, Frank Kammer, Color Guard.

Drum Majors: Truman Crawford, Frank Kammer.

Color Guard: Al Beran, Jim Compton, Tom Davis, Ken Geis, Jack Gunn, Joe LaLiberte, Pete Messina, Jim Shout, Joe Speranzella.

Yankee Banners: Jim Andrews, George Gonderman, Bill Deneen, Bob Holmes, Bob March, Paul Miles, Harry White.

Rebel Banners: Larry Bourne, Mike Deacon, Willis MacKenzie, Bill Otremba, Earl Till, Butch White, Joe White.

Yankee Rifle: Gil Rather.

Rebel Rifle: Frank Mroz.

Tympani: Bob Crawford, Charles Kammer, Bill Morris, John Tribby.

Bass Drums: Ken Bergling, Joe Kalista, Paul Kellogg, Cal Ruth.

Rudimental Bass: Ed Fishell, Bill Gaeckle.

Tim Toms: Dean Gardner, Rich Janes.

Cymbals: Phil Carroll, Chuck Gannon, Don Harper, John Horky.

Snares: Nick Biscott, John Hentschel, John Lawrence, Burt Linck, Bill McGrath, Bob Neidrich, Mike Picariello.

First Soprano: Frank Assaro, Don Brager, Ron Garrison, Tom Gero, Phil Gentile, Ricci Gentile, John Gunn, Grady Hess, Richard Kline, Pat Lynch, Paul Nuccio, Rich Pollock, Joe Schmidts, Bert Taylor.

Second Soprano: Charles Callender, Ricardo Garbiel, Frank McHenry, Will Peltzer.

Third Soprano: Tom Chrest, Pat Hammond, Don Poorbaugh, Randy Smith.

Flugule Horn; Kirk Bagwell, Dennis Fitzpatrick, Ken Glassman, John Wilson.

French Horn: Joe Bowman, Jack Brainard, Bob Fowler, Bob Glynn, Jack Lamontagne, Bob Rudolph, Tom Wessel, Al Walker.

First Baritone: Doug Bruce, Walter Bruce, Bob Gaff, Bob Ewing, Doug Schroeder, Bob Purifico, Bill Taylor, Bill Adamski.

Second Baritone: Bob Abramson, Charles Coffman, Jim Henn, Bill Schmidts.

Bass Horn: Charles Beard, Gil Davidson, Don Leighton, Rich Sokol.

Contra Bass: Al Krise, John Manlove, John Muzzi, Bob Robbins.

C. DOUGLAS RAMEY AND WILLIAM SHAKESPEARE

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. MAZZOLI. Mr. Speaker, speaking through a character in one of his plays, William Shakespeare once said, "do me no slander, Douglas." C. Douglas Ramey, of Louisville, Ky., has taken those words to heart.

Believing that "all the world's a stage," Douglas Ramey is now in his 10th consecutive summer of producing Shakespearian plays in unlikely places. In Central Park in Louisville, a permanent stage, "with all appliances and means to boot," is the base of a regular summer season, proving "there's nothing ill can dwell in such a temple." In the winter, demonstrating that "love sought is good, but given unsought is better," he takes his productions to small towns across Kentucky. "You need not fear, there is Douglas."

Doug Ramey is "a proper man as any one shall see in a summer's day." He directs Shakespeare so as to "suit the action to the word, the word to the action." "He hath a daily beauty in his life."

Mr. Speaker, in asking that Bryan Woolley's fine story on Douglas Ramey, from the Louisville Courier-Journal and Times Magazine of August 1, 1971, be inserted in the RECORD following these remarks, I invite you and my colleagues of the Congress to visit Louisville to see the "renowned Douglas" in action. "Stand not upon the order of your going, but go at once."

"And thereby hangs a tale."

Louisville's Bard of Central Park

C. DOUGLAS RAMEY, TURNING CRISES INTO HAPPY ENDINGS, HAS MADE SHAKESPEARE A MIDSUMMER (AND MIDWINTER) NIGHT'S DREAM FOR THOUSANDS

(By Byran Woolley)

He is rather old in age, but not seeming that way to me. He loves to direct plays, and it seems that he is best friends with Shakespeare.

If a monument is ever built to the unsung heroes of the young, those words, written by 11-year-old Julia Coursey for a school assignment last winter, surely will be inscribed under a bust of C. Douglas Ramey.

To thosuands of children who have grown up in Louisville's inner-city neighborhoods, and for thousands more across the commonwealth who have tramped—often through snow—to dozens of gymnasiums-turned-theaters, the gentle 63-year-old native of Johnson County, Kentucky, is, indeed, the best friend of the Bard of Avon. The children rank Ramey near the top of their own friendship lists, too. For by tireless cajolery, indefatigable optimism and sheer cussedness Ramey has made Shakespearean drama a real-life experience to people who have never set foot inside a theater and who, if they ever encountered Shakespeare before, found him only in the most depressing setting possible—the dog-eared pages of high-school English-literature textbooks.

After an up-to-the-last-minute search for funds that has become an onerous part of a pleasant tradition, Shakespeare—and Ramey—are on the boards again in Louisville's Central Park for the 10th consecutive summer. Any Wednesday, Thursday, Friday or Saturday night between now and Aug. 14, anyone who wants may stroll over to the park and see "The Merry Wives of Windsor" or "Antony and Cleopatra." The season's first production, "The Tempest," ended its part of the cycle last week. And next winter, except when ice and snow make the roads just too hazardous, Ramey and a small troupe of stalwarts will hit the road again in his $350 station wagon, pulling a trailer full of props and costumes, and turn some 50 school gymnasiums in 50 small Kentucky towns into theaters for one day each. It'll be the seventh year that summer's Shakespeare in the Park has metamorphosed into winter's Shakespeare in the Schools, a rare 20th-century manifestation of the strolling players of the Bard's own day.

"He loves young people," wrote Julia, who made her acting debut in Ramey's Central Park production of "Coriolanus" last summer. ". . . When I first came to him, I wasn't too interested in acting, but after one summer of working with him, my love for this art has grown so large I wish that that first one summer could have gone on forever."

In a neighborhood where anonymity is the rule, the youngsters call Ramey by name and engage him in long conversations around the fringes of the Central Park crowds on summer evenings. The parents of his young actors seek him out So do college professors, theater buffs, and even the poorer residents of Central Park's inner-city neighborhood, who don't often speak, except to friends. He is, in fact, a quiet, unassuming monarch in a magic kingdom that he and Shakespeare create every summer in the middle of the city—a wizard who offers a glittering escape from the humid humdrum of summer lives. He would like for the critics and members of the commonwealth's arts establishment to see his project as he does, and so be kinder to it. They have a right to their opinions about him and his actors' performances, he says, but he wishes they would look more closely at his audiences, too.

"Our project isn't theater per se," he says. "It can never be theater in the sense of an intimate experience. But it's a place where you run into a lot of different kinds of people. You have people at those performances who've never seen a play before in their lives, and they're sitting alongside people who fly to New York to see the latest thing on Broadway. We have little children who come out here by themselves, and teachers have told me these kids know more Shakespeare in the seventh grade than average kids know when they finish high school.

"Our audience is the nearest thing to Shakespeare's old Globe Theater that you'll ever find. He had his groundlings, you know, who stood and ate oranges during the play—and sometimes threw them at the actors—and we have our kids who sit there and munch apples and Cracker Jacks, and their parents, who wander in looking for their kids and sit down by them and listen, too."

As he talks about his work, he has to raise his voice to almost stage level sometimes to defeat the roar of trucks crossing the John F. Kennedy Bridge into Indiana. The noise shakes the floors of the ancient gray building at Second and Main—the site of the old, famous Galt House hotel—where Ramey occupies a single large room on the second floor, down the corridor from the shop that sells mod things, the shop that sells water beds, and the photography studio. There Ramey teaches a drama class, casts his plays, helps select the targets for his project's always urgent fund drives, and sleeps.

A jumble of paperbacks fills a wallful of shelves. Theater posters, photographs, Grecian masks, dark splotches where the paint has peeled away dot the other walls. A high screen and curtain separate the studio where Ramey teaches his class of beginning thespians once a week from the corner he reserves for his own—a battered desk piled high with papers, pop bottles, coffee cups, a Bible, a portrait of Jesus on a piece of varnished wood, a constantly jangling telephone, a rumpled bed, a neat blue suit and necktie hanging from a large piece of furniture made unidentifiable by the piles of clutter around it.

The summer evening is sticky, the high windows are open, the sun's hot last rays glare through the hoary grime of their panes. An ancient fan labors mightily. Beads of sweat glisten above Ramey's thorny gray brows, in the laugh-wrinkles around his deep-set green eyes and ample mustache, in the V of his striped shirt's open collar. With his three productions due to open in less than a month, he has no money to pay his casts. Yet his conversation to interrupted almost constantly by the telephone—actors, asking about their chances to perform. "We started rehearsals this year on $3,000 left over from last year," he says. "We're keeping our fingers crossed and praying a little that the city and the county will come through again. I'm quite sure they're going to come through. I have to live like that. I can't afford not to.

"Last year, I got the company together and told them, 'We have no money, and we may never have any money. But if we're going to do the season, we have to get started. So if you're willing, we'll go ahead and rehearse the show, and if we get the money we'll have the show. If we don't . . . well, it's over.' They took it on that basis, bless their hearts."

This summer's company went through an even more cliff-hanging wait. When the season's first production opened on July 7, the project's $3,000 surplus from last year was almost gone, and the committee for Shakespeare in Central Park had not even a firm promise of more money from anyone. The committee's chairman, John Clowes, and Mrs. David Salyers, the treasurer, stormed every financial bastion they could sight until they raised enough from "various sources," as Clowes put it, to finish the season.

"No, I don't want to say how much we got or where we got it," Clowes says. "It might get Shakespeare into politics, and we don't want that. Just say it's going to take every screaming dime we've got to finish the season, and we're still trying to raise enough to give us a start on next year. We hope to get permanent funding. Of course, we hope that every year, but . . ."

Ramey and his various companies have operated on that hand-to-mouth basis ever since Shakespeare sort of sneaked into Central Park in 1962.

"I was running a Little Theater group called the Carriage House Players at the time," Ramey recalls, "and we were asked to bring a 'cutting' of one of our plays to an arts festival in the park that spring. We happened to be doing 'Much Ado About Nothing.'

"It was misting rain—a day I wouldn't want to spend sitting on a park bench watching a play. But I suppose the costumes and what-not attracted attention, for pretty soon we had a sizable audience. About 300 people, I think. The guys came up from the croquet court. Women came in with their babies. It was so great we decided to try more. So the Parks Department put up a portable boxing ring that summer for us to use as a stage and gave us an old circus wagon to store our props in. Then the next night, it really exploded, and people were sitting all over the park. From then on, it was sort of a gathering place for the people."

The next season, Mayor William O. Cowger got the company $5,000 in city funds, the Parks Department built a permanent concrete stage for the productions, and the committee paid some of its actors for the first time. Cowger raised the city's contribution to $7,500 for 1964 and 1965, but then the administration changed, and Mayor Kenneth Schmeid announced that no money would be available for Shakespeare.

"It looked like we'd have to close down," Ramey says. "By May, we didn't have a penny. But we were a little stubborn about it. We started finding out how much Shakespeare means to those people who live around the park. These people would come up to us and say, 'What are we going to do? My boys are 12 and 14, and they've been brought up over here at Shakespeare.' The thing that got next to me was the number of people who made $5 and $2 contributions to try to keep it going. We decided to fight it out."

Ramey and Shakespeare were saved that year by an anonymous telephone call. "This guy wouldn't identify himself; he just told us that Gov. Ned Breathitt was aware of our plight, that he was interested, and that we ought to give him a call. We were skeptical, but we were willing to try anything. We called the governor, and he gave us the $7,500 out of his contingency fund."

In 1969, it was the Board of Aldermen that saved the day. Last year, the city, the county and the Kentucky Arts Commissions all contributed.

"The search for money is a constant struggle for us," Ramey says. "It saps the strength of our committee. And it seems unfair that we should have to go through this every year. This thing is used in advertising for Louisville. Just the other day, somebody called me to get a picture of Shakespeare in the Park to put in an ad that they were preparing for The Wall Street Journal. We rate alongside the Belle of Louisville sometimes even. Not to mention the social impact, which is just as important as the cultural impact. The police tell us that juvenile delinquency around Central Park drops like a lead weight every summer. The very fact that 500 or 600 people can come out and sit together on a summer evening and just hear some Shakespeare—that's good. It's good when they can find any reason to sit together."

Ramey returns to the theme often—all different kinds of people sitting together, getting hooked on Shakespeare together, minds of all ages and educations and races somehow getting wrapped up together in the fantasies of a long-dead English genius. They come looking for their kids, and they stay. Ramey used to think it was the costumes that attracted the kids, until the company performed "Julius Caesar" in street dress one night when some rainfall would have spoiled the costumes. The kids were mesmerized even without the armor and togas. Ramey speaks of those memories lovingly, caressing them with his Burgess Meredith voice. ("His voice is deep and strong," Julia Coursey wrote, "meaning many things to me.")

"We have a lot of so-called tough guys come around during rehearsals," he says, "and we've found that most of them are interested in doing something. We put them to work backstage, and a lot of them become involved in it all. I was taken aback one time when a boy who had worked with us all season came up to me and wanted me to sign something for him. I asked him what it was. It turned out to be his report to his probation officer. Naturally, I was happy to be of help."

In Central Park, Shakespeare thus extends beyond the boundaries of "culture" to touch many lives in surprising ways. Perhaps that's why the Kentucky State AFL–CIO, a group that has often criticized the expenditure of public money on "cultural events" and facilities for them, jumped into a second potential catastrophe to save the day for the Board this summer.

"While we were still worrying about money," Clowes says, "our stage set was destroyed a few days before we were scheduled to open. It had been stored in a barn on the Collings Estate, and the barn burned down. The Park Department gave us the lumber to build another set, but we didn't have anybody to build it. I called Sam Ezelle (executive secretary-treasurer of the state AFL–CIO) and he said, 'Hell, yes, we can help.' He sent over two master carpenters and 14 apprentices, and they built us the best stage set we've ever had. It's as solid as a rock."

Many of Ramey's actors work free, too, for the experience and the fun of it. The rest—both local people who have worked with various stock companies or in summer theater, and out-of-towners attracted by a small ad in Backstage, a New York show-business paper—get paid. The highest salary is $75 a week.

"We can't bring in a name actor for that kind of money, but we get a number of very good people who are, on the average, better than we could get by doing some other type of play and paying the same money." Ramey says. "Many actors are anxious to get the opportunity to do Shakespeare. They can play a role here that they wouldn't get in 10 years in New York."

Or, as Clowes puts it, "We get a helluva lot better talent than we're entitled to for our pay scale. Only two or three cities in the country can offer free Shakespeare in the summer, and those usually have twice as much money to spend as we do. This town ought to thank Doug Ramey. He single-handedly kept theater alive in this town for 15 years. You'd walk into his Carriage House, and there'd be 20 people in there, but it was real theater. That's way we get so damned mad at the critics sometimes. They come out to the park and review those plays as if they were judging a well-funded, top-notch production in New York. It isn't fair."

Mention the Louisville newspapers' critics to Ramey and he shrugs and smiles wanly. "I've reached the point where there's at least one consolation," he says. "I don't worry anymore the night before about what the review will say, because I have a pretty good idea. The critics just look at the stage. They don't look around them. Anything you do in a park has to be broadened to the point where it will reach the back, both visually and audially. I think by and large we do that.

"And our audience isn't an audience of Shakespearean scholars or so-called patrons of the arts who will listen because they think it's the thing to do. If our people get bored, they get up and walk out, no matter what the critics say. They didn't pay anything, so they don't have to stay and get their money's worth."

Ramey's love for drama has dealt him far harder knocks than the critics can administer, anyway, since Mrs. Madelayn Douglas, a drama teacher at a now-defunct junior college in Paintsville, Ky., talked him into acting in a play she was directing at the local high school. The theater bug bit, and after Ramey fiished high school, he packed a bag and took off for Illinois and a job in a stock company. It went broke on the road. Unwilling to go home as a has-been already, he drifted to Chicago in 1929 and got a job with Western Electric.

"Then the Depression hit," he says, "and like everybody else, I was batting around for anything and everything I could get. I sold magazines on the road, I hung around home at East Point, Ky., about a year, then I went back to Chicago to work with a friend of mine in a Little Theater called the Arts Club. I eventually ended up at the Goodman Theater, the school of theater of the Art Institute, where I received most of my real training. One thing I learned there was that I didn't want to enter the New York rat race, so I came back home again, mainly just to sleep awhile. I had worked all the time I was in drama school, and I still remember how sleepy I was. I finally took a job as a drama consultant with the WPA in Paintsville and stayed with it until the program ended . . . when was it? 1939? '40?"

He made it to Louisville after that and went to work for Reynolds Metals to set up one of the first industrial training programs in the country. "I stayed with Reynolds for about five years," he says, "but I was getting the real thing about theater. I couldn't stay away from it. I started working out at the Belknap Theater at the University of Louisville—it was Louisville's Little Theater at the time—and later helped establish the Clarksville Little Theater. I stayed with that one for 10 years. It's still functioning—the largest community theater left in the area. And I mean *true* community theater. When their building went up, about 1950, you'd find the leading doctors, lawyers, mechanics, everybody in the community down there on Saturdays, laying stone."

Meanwhile, he had quit his job with Reynolds and started a theater workshop in Louisville. After staging a couple of shows before the people enrolled there, Ramey made a Little Theater out of the workshop and performed wherever he could find a stage—the Brown Hotel roof garden during the summer of 1952, the Crescent Theater "until we lost our shirts," the Kentucky Theater for a short while, an Italian restaurant on Taylor Boulevard until its owner decided to go into the nightclub business, an old carriage house on Kentucky Street, where the company picked up its best-known name, then to another site on Fifth Street. The Urban Renewal wrecking ball put the quietus to both the theater and the company three years ago, but the sign over Ramey's door still carries the Carriage House name. "I just feel comfortable with it, I guess," he says.

During all the Louisville years, the only job that would fit a traditionalist's definition of "gainful employment" was the Reynolds Metals training program.

"How do I make a living?" He chuckles at the question. "One other guy asked me that. He was from the Internal Revenue Service. He didn't believe my return. Somebody told me recently that I wasn't even up to the poverty level. I've been making my living on what I get at the park and from the school tour, and the little revenue my class brings in. Occasionally, I get an outside job narrating something or other."

He laughs again. "I guess I'd better start doing something about it pretty soon. Somebody reminded me the other day that I'd better start building up a little Social Security."

One of the casualties of his knock-about existence was his marriage to "a very charming, gracious lady who had a business of her own and always made more money than I did.

"When we decided to get a divorce," he says, "she brought me the papers to sign, and I asked, 'What about alimony?' And she replied, 'How much do you want?' "

He chuckles at the memory of it. "She didn't participate in theater, and didn't understand theater people, but she had a sense of humor. She tried very hard. Both of us would have preferred that it work out, but we got to the place where divorce was just common sense. It's surprising what happens to you after divorce sometimes. Ever since it was settled, we've had a very friendly relationship. I've though so often that it would have been nice if we could have had the same feeling and still stayed married.

"You know, I think most wives are as jealous of your work as they would be of another woman, and maybe more so. They realize there's something they can't really touch. My wife didn't understand the theater, and she didn't understand what it did to me. And, therefore, there was something there like a mystery woman, you know, only worse, because I brought it home with me every night, too."

But the regrets are few, and far outweighed by the joy of doing what he loves—a joy that has kept him younger than his 63 years. "I guess I'm getting old," he says, "but age has never been one of my problems, because I've never thought much about the passage of time."

Perhaps that comes from being best friends with an immortal. Perhaps it was that friend who taught him how to go around looking like royalty disguised as poverty. Of his kind, children always write best. Wrote Julia Coursey: "He is a one-of-a-kind man."

FIRST COMMERCIAL FLIGHT OF THE DC–10

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. HOSMER. Mr. Speaker, last Thursday McDonnell Douglas Aircraft Co. in my congressional district delivered the first DC–10 to American Airlines, closely followed by the second DC–10 to United Airlines.

I am pleased to report to this House that the first commercial flight of this magnificent new airplane took place today, with the American Airlines DC–10 leaving Los Angeles International Airport at 9:45 a.m. and arriving at O'Hare Field in Chicago at 3:25 this afternoon.

This represents inauguration of service earlier than anticipated by American Airlines because of early certification of the plane and satisfaction of crew training requirements.

Mr. George Warde, vice president and general manager of American Airlines, believes that the DC–10 will be the most dependable airplane in his company's fleet. In the 1,500 hours flown by Mc-

Donnell Douglas in the DC–10, the system reliability record was far above target.

Mr. Speaker, I join Mr. Warde in saluting the thousands of people at McDonnell Douglas in Long Beach for designing, building, and delivering a truly superior airplane.

PARKCHESTER TENANTS ASSOCIATION

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. SCHEUER. Mr. Speaker, recently the residents of Parkchester, a large privately owned housing complex in the 22d Congressional District, received another in what has become a regular series of rent increase announcements. The Parkchester Tenants Association immediately announced that it would, as it has in the past, fight this increase in the courts in its continuing effort to keep the rents in Parkchester within the reasonable reach of its current residents.

This campaign of the Parkchester Tenants Association, Mr. Speaker, should be, I believe, of interest to my colleagues. A major component in what has come to be known as the urban crisis, is the battle to preserve a comfortable, secure way of life within our great cities for the working, middle class. Make no mistake about it—unless the Federal, State, and city governments become more involved in alleviating the financial burdens of our cities' working middle class, the cities will soon be home for only the very rich and the very poor.

I will be joining the members of the Parkchester Tenants Association at its meeting on September 23 and together we will explore the possibility of Federal involvement in their efforts. In the meantime, I believe my colleagues might benefit from a review of a recent association progress report which outlines the group's activities in its battle to preserve Parkchester as a comfortable and secure place to live. The report follows:

PROGRESS REPORT

This is a progress report from the Parkchester Tenants Committee to all residents of Parkchester—and there is much to tell you about, including this announcement of an important meeting on September 23rd, 1971 at 7:30 p.m. at St. Raymonds Auditorium. (Please read this entire notice carefully for the meeting program and the facts on several very significant matters.)

Since the last notice, your committee and our attorney have continued fighting your battle against the hardship rent increase applications of the landlord.

Parkchester Management had appealed the decision in the first hardship case, claiming that the increases were inadequate and they were entitled in higher rents, retroactive to June 1970. We succeeded in defeating that appeal. The Office of Rent Control recently turned it down. This means that our victory in saving Parkchester tenants a half million dollars per year, is now final and cannot be overturned.

Now we are concentrating our efforts on the landlord's new "hardship" increase, in which Parkchester Management are asking for even more of an increase, virtually a full 15%. Our attorney, Mr. Halpern, has filed detailed briefs opposing this new rent request. In addition, he has been lobbying with the Rent Commission and other agencies for new regulations to eliminate or sharply curtail all "hardship" increases, in view of the substantial windfall in higher rents that our landlord (not all others) will derive from the new vacancy decontrol law.

Your committee is working for your benefit in other areas as well, including efforts to set up Senior Citizen centers in Parkchester, to obtain better lighting and security, etc. In order to facilitate our activities, and to provide for continuity and under the participation and leadership, we have reorganized as the Parkchester Tenants Association, Inc., a non-profit corporation under New York Law. Mr. John Coulter, who has been a quadrant chairman of our Committee since its inception was selected as Acting Chairman to replace Mr. Samuel Feuer, the original chairman, who had to withdraw for personal reasons.

At the September 23rd meeting, in addition to hearing from our attorney, Senator John Calaudro, Congressman James Scheber and other officials about the rent case, we will also complete formation of a committee to nominate officers and directors of the Parkchester tenants Association, Inc., to be elected at an October meeting. This is genuinely open organization. All Parkchester residents are eligible and are urged to participate and hold office.

All informed Parkchesterites know that it was our committee and our attorney who won our victory in the last rent case, cutting the increase by more than half, and delaying the decision by many months through effective legal proceedings, thereby saving all the tenants a tremendous amount—well over one million dollars so far. Every tenant has gained so far, and every tenant has a direct stake in the present case. It is urgent in your own self-interest, and in the interest of preserving Parkchester as a safe, suitable place to live, that you immediately join the Tenants Association by contacting your Quadrant Chairman.

SPECIAL NOTICE

About August 25th the landlord may try to start collecting higher rents, even without any formal decision in the case from the Rent Commission. This is under a recent change in the law which our attorney believes is ambiguous and should not apply to Parkchester. Our attorney is prepared to make a combined test case for those tenants who are current members of our association.

You owe it to yourself, your family and your neighbors to join this fight for our rights.

Be sure to attend the important meeting: September 23rd 1971 at 7:30 p.m., St. Raymonds Auditorium, East Tremont Avenue, Bronx.

And, if you wish to be a candidate for office in the Association, if you can suggest another person, or if you can help the committee in any other way, contact your Quadrant Chairman at once.

QUADRANT CHAIRMAN

North Quadrant: John J. Coulter, 2200 E. Tremont Avenue, Apt. 5–F, SY 2–5310.

South Quadrant: Edward F. Brooks, 1555 Unionport Road, Apt. 3–F, TA 3–8631.

East Quadrant: Michael Leff, 1640 Metropolitan Avenue, Apt. 7–D, TA 4–6378.

West Quadrant: Victor Zucker, 1505 Archer Road, Apt. 8–F, SY 2–7809, Samuel Crystal, 1491 West Avenue, Apt. 5–G, TA 8–5865.

REQUIRING FISCAL RESPONSIBILITY

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. WYMAN. Mr. Speaker, the national debt today stands at a whopping $425 billion. This country has not witnessed an actual budget surplus since fiscal year 1960, more than a decade ago, when a mere $1 billion was set aside toward retiring the debt. On the contrary, the national debt has increased more than $100 billion since then. Just the interest on that debt presently costs the American taxpayers—you and me—$21 billion annually, the second largest—after Defense—single item in the Federal budget. This comes to more than $400 million a week, or roughly $2 per week for each person in the United States. And it is not ending there. The Office of Management and Budget estimates a Federal funds deficit of $25.5 billion for fiscal year 1971 and an additional deficit of $23.3 billion for fiscal year 1972.

Our national economy cannot withstand a continuation of the accelerating inflation that has resulted from the Federal Government continually spending more money than it receives in revenues. Should this Nation be thrust into a grave emergency, the economy would not have sufficient strength to provide the credit necessary to see us through. This Nation is fortunate in having a wealth of natural resources which have been creatively utilized by an industrious people. But great as it is, our wealth is not limitless. We must learn to use it responsibly.

I have introduced legislation to require that Congress may not make appropriations in excess of revenues. The only exception would be in the event of war or a declared national emergency when the national interest can best be served by deficit spending for brief periods. In light of what has become habitual national overspending, this is a necessary step toward returning our economy to a financially secure footing.

The bill follows:

H.R. 6090

A bill to require fiscal responsibility on the part of the Federal Government

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a legislative budget shall be prepared and submitted by the Congress not later than May 1st of each fiscal year. Such budget shall contain an estimate of expenditures and revenues for the next fiscal year. Estimated revenues for any fiscal year may not exceed the actual revenues for the preceding fiscal year by more than 20 per centum except during a fiscal year any part of which included a period of declared war or national emergency.

SEC. 2. Except during a fiscal year any part of which included a period of declared war or national emergency, the Congress shall limit appropriations in such a manner as to assure that expenditures in each fiscal year do not exceed revenues for that year. Within ninety days after the close of each fiscal year, the President shall submit to each House of Congress a report showing actual revenues and expenditures for such year. If expenditures exceeded revenues for that fiscal year (except for a fiscal year any part of which includes such a period), the Congress shall compensate for such excess by reducing expenditures in the succeeding fiscal year in the amount of the excess.

Sec. 3. For purposes of this Act, the term "period of war or national emergency" means—

(1) any period beginning with a declaration of war and ending with the date of transmittal of a proclamation of the President that such war has terminated, and

(2) any period beginning with the date of approval of a concurrent resolution (approved by two-thirds of each House) which states in effect that the Congress concurs in a proclamation by the President of a national emergency, and ending on the date of transmittal of a proclamation of the President that such emergency is terminated.

Sec. 4. (a) Section 237 of the Revised Statutes of the United States (31 U.S.C. 1020), relating to the fiscal year, is amended by striking out "first day of July" and inserting in lieu thereof "first day of October".

(b) The amendment made by subsection (a) of this section shall take effect October 1, 1973. The fiscal year beginning July 1, 1972, shall end September 30, 1973. The President shall prescribe such regulations as may be necessary to carry out this section.

SOVIET MILITARY RESEARCH AND DEVELOPMENT—PART VI

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. HARRINGTON. Mr. Speaker, today I would like to place in the Record four recent speeches by Dr. John S. Foster, Director of Defense Research and Engineering, and Dr. Eberhardt Rechtin, Principal Deputy Director, Defense Research and Engineering. I believe that they will be of interest to my colleagues and others concerned with U.S. defense policy. In particular, the four speeches all contain discussions of Soviet military technology. Unfortunately, it has not been possible to print in the Rceord several charts that accompany these addresses.

The material follows:

Address by Dr. John S. Foster, Jr., Director of Defense Research and Engineering, at the Sixth Annual Meeting of the Advisory Group for Aerospace Research and Development, NATO International Conference Suite of the Department of State, Washington, D.C., October 6, 1970

Secretary Hansen, Dr. Benecke, members of AGARD and distinguished guests: It is a pleasure and an honor for me to have been asked to meet with you today. I am going to take this opportunity to discuss with you a particular major problem that we all face. I will suggest several possible approaches; I hope, however, that you will accept the challenge to find a satisfactory solution.

It seems to me that many of the greatest problems we face—we, the free nations of the world, and particularly those of NATO—stem from the Soviet development and deployment of major weapon systems. These actions can represent a threat to our collective security. I would like to discuss the Soviet threat, but not that conspicuous one created by the preponderance of Soviet forces—their numbers of aircraft, submarines and ballistic missiles. Instead, I propose to concentrate on what I believe is, in the longer run, an even greater challenge to our security. This challenge is posed by a technological threat from the Soviet Union—their ability to develop and have available for use major weapon systems based on advanced technology.

To maintain our security, I believe it is absolutely essential that the Free World be technologically superior to the Soviet Union. There is no room here for parity—we of the Free World must have this superiority. The reason for this flat statement is that the Soviet Union and the other Warsaw Pact nations are wrapped in a cloak of secrecy that prevents us from learning much of what is going on in their laboratories and industrial research centers during the years prior to weapons testing. The only counter to those early years of secrecy that I can suggest is our possession of a few years' technological lead. That is the balance—technological superiority to offset their secrecy.

I am convinced that today we do have technological superiority. But I am very concerned about the enormous size and momentum of the Soviets' technical effort; its momentum is so great that much of the effort cannot be limited solely to the advancement of technology but must, of necessity, go into the development and engineering of major weapon systems.

Thus, I am concerned about two points—our changing technical position and our future efforts to provide the technology for major weapon systems. I have four charts that will help explain my reasons for concern.

The first chart compares the relative efforts expended by the United States and the Soviet Union in military research and development and civil space activities during the years 1953-1970. The scale for the ordinate is expressed in billions of dollars. In other words, "equivalent effort" is the amount of money the United States would have had to spend in order to get the results obtained by the U.S. or the U.S.S.R. in each of those years.

It is important for us to know that the Soviet effort is actually the size I have indicated—and not half of it or double it. The error is represented, to the extent we can judge it, by the width of the band surrounding the Soviet curve. Let me tell you why we believe those limits are reasonable.

We have looked at the situation that existed in the Soviet Union during 1960, 1964 and 1968. For many tactical, strategic and space systems, both military and civilian, we asked: How long ago was the United States in the same position as the Soviet Union now seems to be? In other words, we asked how much of a lead we had over them—or how far behind did we lag. As the years passed, we gauged whether we had advanced or fallen back technologically. Our assessment confirmed that the only way the Soviets could have obtained their results was by the expenditures shown. There is no way to deviate from the Soviet curve by more than about 10 percent without unbelievable changes in our estimates of lead status.

Consider the information these curves convey. Note that the Soviet Union increased its efforts at a relatively constant rate—10 to 13 percent—during this period. The efforts of the United States have not followed a constant slope but, instead, tended to vary. This is illustrated by an observation of two particular time frames.

The first begins around 1957, when the first Sputnik launch occurred. At that time, the Soviet effort was about 70 percent larger than that of the United States. Within two years after Sputnik, the United States had doubled its research and development budget. This level of effort was maintained until shortly after the President decided that the United States would succeed in carrying out the first manned lunar landing. To accomplish this mission, we had not only to increase our total technological effort but to cut back somewhat on the military portion and put major emphasis on NASA's space program. This total program, then, reached a peak in 1966 and 1967.

During the second time frame, the period from 1967 to the present, the U.S. effort leveled off and began to decline. Unfortunately, in my estimation, this is the likely trend for the next few years. It is particularly troublesome because the Soviet Union's technological program shows no indication of leveling off. This possibility, coupled with the absolute magnitude of the current Soviet effort, represents the most critical piece of information conveyed by the assessment.

The second chart separates the two technological programs during the decade 1960–1970 into military and space components. Note that since 1967 the Soviet Union has been sharply increasing its efforts in military R&D.

The third chart shows possible extensions of military R&D and predicts likely trends to 1976. I have assumed that the U.S. will maintain relatively level funding for R&D, recognizing that, because of inflation, this means something like a 5- to 8-percent decline in effort. The Soviet Union, on the other hand, may continue to increase its R&D budget for several years, as represented by the upper dashed extension. If they elect this strategy, or if they choose to increase R&D only in proportion to the increase in their gross national product, the changeover in technological leadership could occur during 1974 or 1975. Then, again, the Soviets may decide to retain their 1970 level of R&D—which is roughly 30 percent larger than the U.S. program now—through the mid-1970s, in which case technological leadership could pass to them late in the decade.

I would like you to consider this fact: If we decided to prevent this crossover of technological leadership, we would have to add approximately $5 billion to our R&D program by 1975.

The fourth chart adds to the U.S. and U.S.S.R. curves current equivalent military R&D efforts of all other NATO countries, which amount to roughly $1.25 billion. If those nations were to devote the same proportionate share of revenue from their taxpayers that the United States does, of course, the NATO contribution would increase by a factor of 3 to 4, and part of the technological superiority problem would disappear.

If we elect to do nothing to change the situation, if we elect to live with the trends and ways of doing R&D that I have shown, two consequences will surely follow:

First of all, we, collectively, will lose our technological leadership. As I have said, I believe that is totally unacceptable because of the secrecy covering Soviet activities.

Second, in the mid-1970s we will have in the field weapons inferior to those deployed by the Soviet Union. More important, we will not have developed the major new weapon systems that will be required by our forces and that the Soviets will have. And, if not developed, they can't be produced.

I believe there are several factors behind the trends I have discussed. One is that there has been no recent change on the Soviet side. In the open literature they have made it very clear to everyone that they intend to gain technological and military superiority. So the trends are caused by changes in the Free World. For the United States, this trend is partly a consequence of the difficult war in Southeast Asia. It also arises to some extent from the desire of this country's people to do more here at home—to do something about pollution, about poverty, about health, transportation, and a host of other important matters. But, to be entirely fair, I should say that there is also a growing reluctance on the part of the people of the United States to spend more and more money for weapons to protect other nations when they do not see those nations making a comparable effort to protect themselves. There are, of course, many other reasons as well, but these come quickly to mind.

What should we do about it? Let me suggest three obvious approaches and describe the problems that I see are involved.

First, we could continue the way we are going, with a relatively constant R&D budget for the United States, a relatively constant R&D budget for NATO. The difficulty with this attribute is that within a few years the crisis I foresee will occur, and in the crisis we are likely to find ourselves with "too little, too late."

A second approach would be to go to our various parliaments and ask for significantly higher R&D funding. I could, for example, go to the Congress of the United States and ask for $2 or $3 billion more in Fiscal Year 1972, another $1 billion in 1973, and perhaps even more than that in 1974, and even so, barely track the Soviet Union's progress. The difficulty with this approach is that, even if I could secure the approval of the Executive Branch, I cannot believe that today the Congress could be persuaded to grant such increases either quickly or easily, for the reasons I've given before.

A third approach would be to have the other nations of NATO increase their military R&D budgets to three or four times their present level. That way, collectively, we would equal the corresponding effort of the Soviet Union. I suspect you might have as much trouble in persuading your superiors—and they, your parliaments—as we would in the United States.

Those seem to be three fairly straightforward approaches, but in my opinion they are either unsatisfactory or impracticable. Let us therefore consider another approach. I know that, in the United States—and probably in your nations as well, we have our noses close to our budgetary papers, trying to see how we can save money—trying to avoid starting programs, looking for work we can cancel, and seeing whether we can stretch out programs to reduce current costs. In this environment, there is little room to plan for any new major weapon system.

As a strategy leading to another approach, I challenge us all to take a fresh look at our collective R&D activities and examine them for unnecessary redundancy. Think of all the research and development going on in NATO countries: Aren't some of these programs being duplicated several times over? Isn't the United States itself conducting R&D programs that duplicate most of the other NATO nations' work?

Research and some exploratory development in the U.S. certainly are redundant when viewed from this aspect, and this is probably worthwhile. But in the R&D effort of all NATO nations other than the United States, which amounts to something like $1.25 billion each year, there may be as much as $1 billion of overlapping work. If this degree of redundancy is unnecessary—and that may well be the case, it will contribute to the growth of the anticipated technological threat in the coming years. Removing that redundancy, of course, would take care of only a fraction of what we need to match the predicted technological challenge of the Soviets—we are looking for several times that amount of money. But that's one place we can start.

My other suggestion is that we look up from the fine print in the papers we are examining and decide what programs must be started in order to maintain the balance of power. There are ways to do this, and the programs could be completed with technology that is in hand. They would, however, take a certain boldness, a conviction that we are going to do something about this untenable situation. I am not going to list those programs for you, but I will ask some leading questions.

How long has AGARD studied air defense in Europe? Have we a good air defense program now? Do you think we have the right developments to provide for NATO's air defense?

How long have we looked at the problem of passive defense—the defense of aircraft on fields? Is that too tough a technological problem? Have we solved it? Is the defense of those aircraft in hand?

How about an air-to-air fighter? Have we solved that problem technologically—not only the airframe but the whole weapon system and the black boxes that will keep the airplane flying when it faces a combination of SAMs and antiaircraft artillery? Surely we can deal with either of those by itself, but have we sold the problem of their combined threat, not only in a technical sense but with existing hardware?

What have we done about survivable command control and communications? Have we got such a system—or is the right program going forward toward that goal?

What are we doing about the individual soldier, the man who has to stay alive on the battlefield, the man who must fight? Have we a program for him?

Those of us who knew Theodor von Karman recognized his great love of science and technology, and saw his incessant efforts to encourage young men to enter that field of work. But Professor von Karman also gave particular attention to ensuring that the products of research and technology were used for the security of the Free World. It was here that he probably made his major and lasting contributions.

It seems to me that we are once more in the kind of situation that Professor von Karman faced in the 1940s and '50s. I believe we are challenged to exert greater efforts toward solving crucial military problems so that we can preserve the balance of power in the face of the trends about which I am so concerned. It is time that we followed von Karman's lead and did what he found absolutely essential in his lifetime. We must make sure that we use our scientific and technical abilities to change the course of threatening international trends in R&D, restore our technological eminence, and provide the inventory of systems that we need to ensure the security of the Free World.

Thank you.

Address by Dr. John S. Foster, Jr., Director of Defense Research and Engineering, at the Navy League, Miami, Fla., December 5, 1970

I appreciate the opportunity to meet with you tonight and talk about our national security. I share your interest in the United States Navy, the Marines and the Coast Guard and your desire to help ensure an adequate defense for our country.

It is never easy, of course, to maintain the proper defenses. The problems are complex and often unclear, and the solutions are difficult. I'd like to talk tonight about some of those problems and solutions—specifically, about some dangers of the possible future erosion of our national military margin of safety and the repsonses we must make now to the challenges that we can foresee.

Our margin of security might be described as the net advantage that our defenses—our weapons, our people and our policies—can give us over the potential offenses of our strongest, most active potential adversary. We try constantly to measure the assets of both sides in order to assess the adequacy of our own forces.

The measurement of our forces is relatively easy, because the facts are clear. We and the outside world know a great deal about the American armed forces, the weapons under development, and the policies governing their use. However, the other essential element in our national security assessment is much less clear, because our major rivals deliberately obscure our view of their military capabilities and their intentions. This imperfect knowledge adds to the risks we must hedge against if we are to protect ourselves and our interests. These risks can be discussed most usefully in terms of the Soviet Union and its potential for taking various worldwide actions.

As we study the Soviet Union, we find both a rather visible side and a virtually invisible side. The rather visible one is their civil side, the nonmilitary side. Even in the days of Stalin, when objective Western eyes were virtually barred from the Soviet Union, we felt we could understand that side. We knew that the civil society was long suffering and put-upon. We could sympathize with the Soviet citizen who was getting so little benefit from a country potentially so rich in resources, both human and natural.

In large measure, that aspect of the Soviet Union still exists today. The civil side still gets comparatively little in houses, roads, consumer goods and the niceties of life, yet still surprisingly little for the second richest nation in the world's history.

But there is another side of the Soviet Union, the one that is deliberately obscured. This is the side in which there are few shortages, where the machinery works well, where men and women of great skill are rewarded, and where the products of a great, coordinated national effort are truly remarkable. This is the military establishment of the Soviet Union. Its efficiency and accomplishments are, in disturbingly large measure, unknown to the citizens of the rest of the world.

In the military side of their society, the Soviet leaders try hard to ensure that we learn very little about their affairs. However, through great effort on our part—and from occasional boasting on theirs—we do pick up some key indicators. I am sure, for instance, that you have all observed the efficiency with which the Soviets work when they turn to prestigious space projects. True, we won the first lap of the big race by landing our men on the moon and bringing them safely back home—and we did it openly; but the Soviet's remotely controlled go-cart that has been crawling around on the moon's surface tells us a lot about their defense-related technical competence. It is an impressive demonstration.

There are other clear indicators of great Soviet competence in defense-related areas. They fire ICBMs down their Pacific test range with regularity, and we can observe and judge the quality of these weapons. We observe new, modern submarines and surface combatants as they patrol the Mediterranean or off the coast of Florida. We see some of their tactical weapons in combat use in Southeast Asia and in the Middle East.

What we see, during these glimpses of the nearly invisible military side of Soviet society, does not match at all the image of Soviet civil life. In fact, it is difficult for the casual visitor to believe that a nation that sometimes can't keep the plumbing in its capital city working supports a defense technology nearly as good as ours. It may seem curious to some people that the Soviets are having the Fiat automobile company build a plant to produce automobiles for civil uses—and, at the same time, place a Soviet-designed vehicle on the moon.

On closer examination, the reason for the quality in the space and defense sectors is not surprising. The handful of men in the Kremlin who decide how to use Soviet resources allocate a large share of their skilled people, first-class facilities and top priorities to military and space programs.

Their results seem roughly proportional to their application of skills and effort. On the

Soviet defense side, the results are impressive in numbers and quality. They bear little resemblance to the results we see more easily in the civil sector.

The effects of their determination to preferentially place resources on the defense side are apparent in other ways. During the past two decades, the Soviet Union has made great strides in its growth as a world military power. My observation is that what they are doing is entirely consistent with their stated goal of supplanting the United States as the world leader.

Though much of what they are doing is veiled in secrecy, what we are doing is evident. We have leveled off our defense efforts, and since 1968 have dropped back toward a lower level; but today we still maintain a reasonable margin of military security. Our concern, however, lies with the future—the still sharply upward trends in the Soviet defense side. This concern increases the farther ahead we look, because the present disparity in the level of U.S. and U.S.S.R. defense-related research and development may well be translated into a disparity in the quality and number of types of weapons in the next 5 to 10 years.

Let us look briefly at trends in research and development.

Although the United States is technologically ahead of the Soviet Union today—by perhaps 2 to 3 years in most major areas—the present relative efforts in military R&D force us to several serious conclusions:

The Soviets now seem to be gaining on the United States technologically at a rate of about 1 year in every 3 or 4.

If present trends persist, the Soviet Union could assume technological superiority in military research and development in the latter half of this decade.

The loss of U.S. technological superiority would markedly reduce our understanding of the intelligence we do collect, and consequently would seriously reduce the confidence we would have in making decisions about future weapon systems.

The present relative trends in quality—research and development—coupled with the comparable trends in quantity—deployment of numbers of improved weapons—will jeopardize the U.S. margin of security by the late '70s or early '80s.

Recovery from any loss of U.S. technological leadership would not be feasible without enormous expenditures over many years—and without a grave risk of meanwhile losing our national margin of safety.

Those are very somber conclusions that merit justification and explanation. The evidence that supports them comes from the analysis of two distinct types of Soviet and U.S. data in the defense sectors—input and output.

First, the inputs—people, facilities and funding for research and development.

We have looked at the numbers of full-time equivalently qualified scientists and engineers who have devoted their talents to research and development. In 1962, the United States had approximately 480,000 people in this category, and the Soviet Union had about 325,000. During the next 8 years, however, the Soviet Union increased this resource at a much greater rate than the United States. We estimate that the Soviets achieved parity with us in about 1968. Since they devote far fewer resources to consumer product development than we, it is probable that in certain important sectors, such as the heavy industry and the military product industry, the Soviets achieved parity even earlier.

Information from colleges and universities indicate the same trend. In 1962, the U.S. graduated about 85,000 engineers and natural scientists (mathematicians, physicists, chemists and so forth, and the Soviet Union graduated about 144,000 in the same categories. In 1970 these figures had changed to 142,000 for the U.S. and 247,000 for the U.S.S.R. The Soviet Union is graduating roughly five engineers for every one of ours, but the U.S. is graduating two natural scientists for every one graduated in the Soviet Union. The fact remains, however, that they have roughly a two-to-one edge in this combined total. This difference in their favor is growing, and the quality of training in the Soviet Union is quite comparable to ours.

Another input to defense R&D is facilities. The Soviets have made a concerted effort to improve the quality and quantity of their weapon systems. In doing so, they have emerged from the status of a rather backward industrial nation to that of a strong second in defense technology. To this end, they have expanded and improved defense R&D facilities in many key areas. Many of our facilities are still the best in the world. But, as time passes, we note that there are steadily increasing numbers of areas in which their facilities are comparable to, or better than, ours.

The fiscal input to Soviet military R&D has been increasing at a rate of 10 to 13 percent in each of the last 20 years, while ours has been erratic. Indeed, for the past several years, our efforts in military R&D have been declining. As a result, I believe the Soviet Union is now devoting 40 to 50 percent more in equivalent effort to military R&D than the U.S. This amounts to about $3 billion more for this year alone.

These input data give us cause for very serious concern. There is no longer a question of whether or not the Soviets will decide to achieve world leadership in science and technology and military affairs; they are already making the necessary investments.

Now, let me turn to their output.

We've analyzed the technological progress of the Soviet Union in several key areas by examining the technical status of hundreds of particular kinds of research efforts (for example, research in fuels, engines, electronics and materials) as they have related to improvements in weapon systems. We have compared a U.S. weapon system that does a certain kind of job with a similar Soviet system over the period of 1960 through 1968 to determine which was better and how many years it would take the nation with the second-rated system to produce one comparable to the other's. We find that during this period the United States maintained an overall technological lead of perhaps 2 to 3 years.

By 1968, however, the Soviets achieved parity with the United States in the relative effort devoted to military research and development.

Now, what could have transpired in the Soviet Union since 1968 is a matter of particular concern to me.

As you know, the United States has begun the development of several important new weapon systems in the last 2 or 3 years. I'm referring to such weapons as the Undersea Long-Range Missile System (ULMS), which could be the follow-on for Polaris if required. We have also started the F-14 and F-15 air superiority fighters, the S-3A antisubmarine aircraft, the B-1 strategic bomber, the Safeguard Perimeter Acquisition Radar (PAR), and other developments. These systems have been announced. The U.S. public, our allies, and our potential enemies know of their nature and approximate schedules. Since these systems are in relatively preliminary stages of development, the work in progress goes on inside laboratories and engineering facilities; they are not out in the open for all to see.

The important thing to realize and remember is that we have no comparable information flow from the Soviet Union. We might expect them to have perhaps a new surface-to-air missile system, a new air-to-air missile system, improved aircraft, ships, submarines and strategic missiles from their secret development work, but as yet we have no direct evidence that they have.

Thus, while we know that the Soviet R&D effort is now substantially greater than ours, it will be several years before we may learn of its products. But we are likely to be slower in understanding the Soviet products as they are unveiled. For, you see, our R&D work has an importance far beyond that of the specific military systems it produces—it also enables us to understand better any shadowy or partial evidence we find of what the Soviets are doing behind their curtain of secrecy. Our understanding and confidence in our conclusions are much higher when we are technologically ahead.

We know, then, that the input into Soviet defense R&D is massive and growing and that the output—the level of technology in the new Soviet weapons we know of—is comparable to ours, and is now improving faster than ours. If these trends continue, the Soviet Union will become the military technological leader in the latter part of this decade.

What would be the consequences of such a reversal? Of course, if the Soviet Union ceased to challenge U.S. interests through some influence not now predictable, it could be no worry at all. If the Soviets became peaceful competitors, then the quality and quantity of weapons on the two sides would become academic considerations—as they are with our many neighbors and friends throughout the world. We could then substantially reduce our military development efforts and turn more and more attention to nonmilitary areas.

But, if the Soviet Union does not change, if it continues to export modern weapons to be used by proxy against us and against our friends and allies, if the Soviet leaders continue to create crises and then brandish their weapons in order to make us give way, if the Soviets continue to build toward offensive and defensive forces that could destroy much of our deterrent force—then future inferiority on our side would count a great deal. The U.S. margin of security, which we have enjoyed in relation to all our potential enemies for several decades, would disappear.

But we cannot predict the future. Much as it is to be desired, there is no evidence that the Soviets will change their course. What, then, should we do?

We could, of course, simply wait to see whether Soviet trends reverse. This would invite the danger that the Soviets will spring some sort of military "sputnik" surprise. The actual sputnik was, of course, harmless; it was not a weapon, but it did alert us to Soviet progress in rocketry and space, and we could and did make the appropriate responses. But a military sputnik, a military surprise, could do severe damage to the present balance of power. Let's not wait for that kind of stimulus—it's too dangerous.

Instead, we must continue to make better use of the resources we do allocate to defense R&D, and we must initiate certain prudent hedges against foreseeable developments in the Soviet Union.

One resource for improvements is that of management. Deputy Secretary of Defense David Packard has said many times that the approach to effective research and development is to make sure we clearly understand what we are trying to do, develop an agreed-upon plan to get where we want to go, choose a team of people who are qualified to do the job, and motivate them to get the job done—all of this must be done *before* we go to the Congress to request the money. If we do a sound job all along the line, then I believe the Congress will appropriate the funds.

In the decades following World War II, we developed a number of systems intended to provide for good management. Some of these were good. But we proliferated directives and imposed an unnecessarily great work load on ourselves and our contractors—all with the best of intentions. The result has been the production of thousands of tons of paper. As a consequence, many of the real problems and the real issues in weapons development and production have been obscured.

We are changing that. We now have a series of concise planning documents and management reviews that involve personal participation by the Secretary of Defense, the military secretaries and other senior officials.

The Military Departments are making major efforts to select the very best people to manage weapons development. Program managers are being given the opportunity to use their abilities and the power to make decision that count.

There are other areas on which we are concentrating to make improvements. I do not believe, however, that our present programs and level of effort, even with the most we can realize in improved management, can match the threat. I do believe that in the long run, that is to say, in the next 5 to 10 years, perhaps the most important step we must take is that of stimulating our best people to think about major new concepts to provide for our national security. I have called these "initiatives." Such an initiative is a development program that could be achieved with existing or near-term technology. It would offer a giant step rather than an evolution. It would leapfrog the whole way of approaching a problem.

In fact, we now know of a large number of initiatives. In the next few days, weeks and months, we will select those that seem so necessary that we must include them in our future programs in spite of our very stringent fiscal constraints.

These initiatives, carefully chosen, well planned, with motivated teams, can receive the support of our Congress and, with this support, provide for our future security.

In addition, however, we must have the support of the American people. The only way this can be achieved is to inform them of the seriousness of the situation we face, the urgency of the need, and the necessity to renew our efforts.

I am most grateful for the opportunity to gain your understanding this evening. Thank you.

THE IMMEDIATE FUTURE OF DEFENSE RESEARCH, DEVELOPMENT, TEST AND EVALUATION (R.D.T. & E.)

(By E. Rechtin, at the University of Southern California (Undated—early 1971))

I spent my first twenty professional years here in Southern California before going to Washington to work in the Department of Defense. My three years there have been turbulent. I have worked under three Secretaries of Defense in two Administrations, watched a war wind up and wind down, and watched the decision making process at fairly close quarters. During this period great social and political pressures, some rational and some irrational, have acted on Defense, NASA, the defense communtiy, the universities and our country as a whole.

All in all, I have been much impressed with the stability and strength of our forms of society and government. The government continues to attract good, dedicated professionals to wrestle with tough problems. The government is responsive to valid criticism and seems to have been able to handle both the valid and baseless criticism without rancor—both signs of a good and stable government.

This may sound like a peculiar way to introduce a prediction on the future of Defense RDT&E, but actually it is essential. If our government were not stable and if it reacted violently to short term forces, then trying to predict Defense RDT&E trends would be hopeless. Defense RDT&E is inherently a long-term activity. It takes years for the work to be accomplished and still longer for the results to go into production and later effect the defense posture of the country.

In brief, prediction is probably possible.

There are three long-term forces I would like to discuss:

(1) The winding down of the Vietnam war.

(2) The conversion of Defense RDT&E resources to work on social problems.

(3) The military-related RDT&E of the Soviet Union.

THE WINDING DOWN OF THE VIETNAM WAR

The Vietnam war has been and continues to be both a social and a financial issue.

The social issue—questions of commitments, morals, and ethics—has acted to decrease the stature of the Defense work and the public's willingness to support it. Similar effects occurred after the Korean war. But I believe the Vietnam social issue effects will be shorter than the Korean ones. The American public is already seeing events elsewhere in the world which are reminders of the need for effective military forces when the going gets a little rough. Of course, I am patently biased—I work in the Department of Defense—but I think that a great deal of the acrimonious criticism has been misinformed if not unjustified. If I'm right, such criticism won't stand the test of time. In any case, I think the Vietnam social issues will decrease considerably within the next year or so.

The financial issue associated with the winding down of the Vietnam war is a quite different phenomenon. It is the unemotional, reasonable expectation of the American public that the Defense budget should go down when the war goes down. After all, the Defense budget went up when the war went up! Strictly speaking, this expectation should not be applied to the RDT&E portion of the budget. We all know that, generally speaking, you fight a war with what you have at the beginning of it, not what you can develop during it. This means that RDT&E should really be done ahead of time. If it's really well done it may act as a sufficient deterrent that you don't have a war at all. However, this logic is rather a fine distinction, and most people would expect Defense RDT&E to go down along with the rest of Defense. Indeed, this has been the case, with the major cuts coming as a result of public pressure, not as a result of reduced needs in RDT&E as we see them.

The very immediate future therefore is for continued downward expenditures for at least 12 to 18 months. This future is a direct consequence of the Fiscal 1969 thru Fiscal 1971 budgets, which are already law. The Fiscal 1972 budget can't affect expenditures for at least a year. I know what these statements mean to my colleagues here in Southern California. They mean no immediate relief and still more lay-offs of Defense workers at all levels for 12 to 18 months.

Since 1968, Defense RDT&E has been decreasing at about 1% per year in contemporary dollars or about 5% per year in effective effort due to the inflation "bite". The effects are amplified in the Aerospace industry by the simultaneous decrease in NASA's budget. Putting it another way, the DoD/NASA technological base is being decreased by on the order of tens of thousands of professionals per year or on the order of one major Aerospace company per year.

THE CONVERSION OF DEFENSE RDT&E RESOURCES TO WORK ON SOCIAL PROBLEMS

One proposal for utilizing the people no longer employed in Defense RDT&E has been to use them to help solve social problems. This may be partially possible, but my own opinion is that the conversion time constant is more than ten years. I base this on the facts that many of the problems have yet to be defined well enough to permit large scale, substantive work; it is not yet clear how we should organize to solve some of these problems, once defined; and it is not readily apparent that technology, per se, is the driving force toward the solution. From what I have seen, few of the social problems require highly advanced technology or the development of new physical principles; generally speaking, the technology is in hand. Many of the problems require good engineering, but not large amounts of it.

These statements, I believe, apply to the problems associated with engineering freeways, clearing up airport access, producing low cost housing, planning urban renewal, infusing computer technology into police work, automating medical examinations and cleaning up our rivers and air. All of these problems involve major social, political, zoning, regulation, and even ethical questions which take precedence over the technical. We are doing what we are doing now because we wanted to, collectively or in groups. To change, we will have to agree on something else we want to do—or don't want to do—and that takes organization, new laws and new willingness to spend major sums in old areas.

This is not to say that we don't have social problems, or that people shouldn't work on them, only that I believe that affective conversion of Defense RDT&E skills for their solution is neither a large nor immediate possibility.

THE MILITARY RDT&E OF THE SOVIET UNION

I have left the question of Soviet military RDT&E until last for several reasons.

(1) Without a clear and present indication of Soviet *changes* it is not clear that we need change our present military RDT&E trends.

(2) In the area of RDT&E our information is limited by Soviet secrecy, leading to controversy in any comparison of US and USSR efforts.

On the other hand, the Soviet RDT&E effort is clearly a factor to which we have reacted in the past and, given similar circumstances, would probably react in the future.

It is worthwhile to give a short background of the relative US and Soviet RDT&E effort. Figure 1 is a plot of US and USSR defense and space budgets, in dollars and rubles respectively, from 1950 through 1970. In the early 1950s, the US was technologically well ahead and was investing considerably more than the Soviet Union in RDT&E. Following the Korean war, US RDT&E dropped steadily but the Soviets began a sustained buildup of about 10% per year from a quite low level. In about 1956 or 1957, the Soviet budget and effort exceeded that of the US. At about the time of Sputnik, the Soviet annual investment was about 40% greater than that of the U.S. However, within about 18 months we were investing comparably to the Soviets. Through most of the 1960s we continued to invest about the same as they in defense RDT&E and somewhat more in space RDT&E. The trends changed again in about 1968.

But before looking at the post-1968 period, I should comment on the accuracy of my statement and of Figure 1.

First, the Soviet RDT&E effort is very secret compared to ours—data is scarce. In addition, the US and Soviet budgets are constructed differently. And then, the Soviet budgets are in rubles, not dollars, with the conversion factor from rubles to dollars depending on what one wants to buy. For example, manpower for a field army is very inexpensive for the Soviets but electronic equipment is very costly for them compared to the United States. Hence, trying to compare the Soviet and American budgets, by putting them on the same chart as I have on Figure 1, was, and to some extent still is, a controversial issue among the economists.

The argument is not over the general shape of the Soviet budget curve, but over the scale factor; i.e., the uncertainty of the rubles to dollars conversion factor for defense and space work.

However, analysts recently were able to reduce the uncertainty considerably. The refinement took several steps. The first step was to look at the more "open" space program of the Soviet Union and compare its budgets and results with US budgets and results. The analysts could reasonably calculate what it would cost the United States to do what the Russians had done in space and consequently could get a reasonably good average conversion factor from rubles to dollars for this kind of aerospace work. The next step was to take a look at whether the US or the Soviet Union was pulling ahead technologically in military RDT&E. We compared ICBMs, ABMs, fighter aircraft, submarines, tanks, and a variety of other weapons systems to see whether we were better off in 1968 than we were in 1960. We also made a similar technology comparison on the space side. We then reasoned that if one country or the other was conspicuously pulling ahead it was probably investing more. Of course, this isn't the only way to pull ahead in any single project, but by the time that one looks at dozens of hundreds of projects on both sides, it is probably a central factor. The results of such comparisons were quite interesting.

As a general rule, we neither gained nor lost very much of our several-year military technological lead over the Soviets from 1960 to 1968. On the other hand, we clearly picked up lead on the Soviets in the space business. This tended to agree with the estimate that the Soviet and American military budgets during this period were approximately even but that the US space budget was somewhat more than the Soviets.

Thus we now think that we have reduced our uncertainties in the Soviet military RDT&E budget, as expressed in equivalent dollar effort, to within 10% or so.

Let me now return to the post-1968 period for defense RDT&E. Figure 1 shows that the Soviet defense RDT&E effort since 1968 has been going up at 10% to 15% per year whereas ours has been declining slightly. (The uncertainty in the *rate* of increase of the effective Soviet effort compared to ours is largely due to our present uncertainty in how inflation affects the two countries.) This increasing difference in efforts should also show up in differences in employed manpower, differences in facilities being used, and differences in the numbers of weapons systems brought to the prototype stage. These effects are now under study, but as I have noted, they take time to become clear and apparent.

The present Soviet effort thus appears to be about $10B a year compared to the U.S. effort of about $7B a year. To give you a feeling for what the difference of $3B a year means in defense R&D, $3B/yr. in the U.S. budget pays for all the development costs of the Minutemen, Poseidons, Polarises, Safeguards, B-1 bombers, F-14 and F-15 aircraft, main battle tanks, Cheyenne helicopters, C5As, F-111s, and several dozen more major systems. (The remaining part of our budget includes basic and exploratory development, sub-system technological development, support of the test ranges, etc.) In other words, for their difference in effort, the Soviets could produce 50% to 100% more different kinds of major weapons system prototype than the United States in the up-coming years, or sharply up-grade the quality of their systems relative to ours.

This situation is not unlike the one that led to the Sputniks, the ICBM prototypes, and a whole series of Soviet first in space, except that now the difference will be in military systems. The effects on the relative position of the U.S. and Soviet Union technologically in military systems aren't too hard to predict if present trends continue:

(1) We should see some Sputnik-like surprises in national security systems between 1974 and 1976. By "Sputnik-like surprises" I mean the appearance of Soviet weapons system prototypes which clearly make major U.S. systems technologically obsolete, should the Soviets elect to produce them.

(2) Either Fiscal 1972 and Fiscal 1973 will be budget turnaround years or Fiscal 1974 and Fiscal 1975 are likely to be military RDT&E "crash budget" year.

The assertion that if the trends continue there will be a Sputnik-like military prototype surprise, or even several of them, is the easiest and safest part of my prediction. It has happened before in military technology. The Soviet ICBMs in the late 1950s obsoleted our whole forward based aircraft and missile complexes. The Soviet space program showed that any country, in effect, had "open skies" surveillance of the other. For the 1970s, the "Sputniks" aren't yet known. However, as a starter, it is not unreasonable to expect Soviet RDT&E efforts to be increasingly aimed at the naval area. They have a great deal to gain there: our navy is getting old compared to the technology available, and Soviet presence on the open seas apparently is becoming an increasing element in their foreign policy.

The harder part of the prediction is when the U.S. military RDT&E effort will turn around and start to climb in response to the Soviet change. Some people would say that we won't change until the Soviet weapons systems "Sputniks" show up. If we wait that long, our response will certainly have to be dramatic, on the order of a doubling of our present $7B per year budget. My own prediction is that, while we won't match the Soviet effort for a few years, we will increasingly recognize the problem and take some moves in response.

Assuming this prediction is true, what are some other consequences? The country is going to need more of its best minds within the next few years and it will want more of its facilities and laboratories to be hard at work. This means that our present actions should be to conserve our technological base, not change it irrevocably.

It means that we must keep our universities involved in Defense research; the universities that leave Defense research at this time will not be able to catch up later on.

Within Defense, we must make our available funds and resources work harder. We must improve our management. We are going to have to make harder choices in projects, keeping only those absolutely essential to blunt the Soviet challenges. We are going to need better intelligence analyses and better weapons systems vulnerability studies. If we later have to recover to our earlier technological position, we may have to do it relatively quickly. In this case we should at least work out some plans so that the recovery can be reasonably efficient.

As the situation develops, I would expect some of the downward psychological pressures on defense RDT&E to relax somewhat. As the Soviet results show up, the anti-Defense psychology and its proponents in the United States will probably fade as the country again has to react to events outside its control. I see RDT&E as insurance and as a deterrent to war. But to those people that see RDT&E as contributing to an arms race, the driving force is clearly on the Soviet side.

CONCLUSION

As I see the immediate future of Defense RDT&E we are presently on the downward position of a cycle, not on a permanent downward trend or even going to a low plateau. We are likely to have a major upward swing, driven by the Soviet efforts, in the 1972-1976 period.

FOOTNOTE

The FY 1972 Defense RDT&E request is for $7.9B, about a 10% increase over the FY 1971 appropriations, reflecting in part the increasing concern of the Executive Branch over the Soviet RDT&E investment rate and results.

R.D.T. & E. IN THE 1970's

(Talk by Dr. Eberhardt Rechtin, Principal Deputy Director, Defense Research and Engineering, OSD to AIR WAR COLLEGE, Maxwell Air Force Base, Ala., May 4, 1971)

Gentlemen, I am a member of one of the most fascinating parts of Defense, the part that tries to outguess the future. The tools of my trade are the trends and long term forces which help determine the future. As with any tools, the first step is to understand what they can do. The second step is to try to use them effectively to produce something worthwhile—in this case, future national security. One of the difficulties of this particular set of tools, however, is that some of them are not only not under our control, they are under the control of our adversaries. I'd like to talk about four long term forces and what they indicate for the future of RDT&E in the 1970's.

Research and development is the first long term force I'd like to address. Given funding, people, facilities and ideas, R&D produces results, the most obvious of which are new weapons prototypes. Some of these prototypes don't even have to be produced in order to affect national security—their mere existence is handwriting on the wall.

The early Sputniks, ICMB's, jets, and nuclear submarines changed the world long before they existed in production quantities. You may remember that the Cuban Crisis occurred when ICBM's numbered in the tens instead of the thousands. Prototypes can also turn off production elsewhere—either ours or theirs—because what was being produced is clearly obsoleted once the new prototype enters the inventory. A point I want to make which will be important later in this talk is that, as of now, more R&D produces more results. Neither we nor the Soviet Union is limited by lack of ideas, people, or facilities.

The second long term force is the winding down of the Vietnam War. The Vietnam War was and still is both a social and a financial issue.

The social issue—questions of commitments, morals, and ethics—has acted to decrease the stature of the Defense work and the public's willingness to support it. Similar effects occurred after the Korean War. But I believe the Vietnam social issue effects will be shorter than the Korean ones. Of course, I am patently biased—I work in the Department of Defense—but I think that a great deal of the acrimonious criticism won't stand the test of time. In any case, I think the Vietnam social issue will decrease considerably even as the war winds down.

The financial issue associated with the winding down of the Vietnam War is a quite different matter. It is the unemotional, reasonable expectation of the American public that the Defense budget should go down when the war goes down. After all, the Defense budget went up when the war went up! Strictly speaking, this expectation should not be applied to the R&D portion of the budget. We all know that, generally speaking, a war is fought with the technologies available at the beginning of it, not with sciences discovered during the course of it. The reason, again, is the long times needed to build a technological base compared to the shorter times to reach high production rates and still shorter times to deploy and use the production. This means that military R&D must largely be done ahead of time. Except for all-out conflicts, wars tend to depress R&D investment due to pressures to use limited funds for more immediate purposes. Thus, R&D might be expected to go up as the Defense budget goes down. However, these internal reallocations of a Defense budget require some understanding of fine details and most people would expect Defense R&D to go down along with the rest of Defense. Indeed, this has been the case, with the major cuts coming as a result of public pressure, not as a result of reduced R&D needs as we see them.

The immediate future, therefore, is for continued downward expenditures for at least 12 to 18 months. This future is a direct consequence of the Fiscal 1969 thru Fiscal 1971 budgets, which are already law. The Fiscal 1972 budget can't affect expenditures for at least a year. I know what these statements mean to my colleagues in the aerospace industry and the engineering schools. They mean no immediate relief and still more layoffs of Defense workers at all levels for 12 to 18 months. They mean limited opportunities for graduating engineers from B.S. through PhD.

Since 1968, Defense R&D has been decreasing at about 1% per year in contemporary dollars or about 5% per year in effective effort due to the inflation "bite". The effects are amplified in the aerospace industry by the simultaneous, and far larger, decrease in NASA's budget of 40% in three years. Putting it another way, the DoD/NASA technological base is being decreased by on the order of tens of thousands of professionals per year or on the order of one major aerospace company per year. The cumulative effect as of March 1971 was about 50,000 engineers and scientists laid off, or the equivalent of one year's graduates of all of our universities.

The third long term force is the military-related R&D of the Soviet Union.

Soviet R&D effort is clearly a factor to which we have reacted in the past and, given similar circumstances, would probably react in the future.

I would like to give a short background of the relative US and Soviet R&D effort. FIG. 1 is a plot of US and USSR defense and space budgets, in dollars and rubles respectively, from 1950 through 1970. In the early 1950s, the US was technologically well ahead and was investing considerably more than the Soviet Union in R&D. Following the Korean War, US R&D dropped steadily but the Soviets began a sustained buildup of about 10% per year from a quite low level. In about 1956 or 1957, the Soviet budget and effort approximated that of the US. However, within about 18 months after Sputnik we were increasing our R&D comparably to the Soviets. Through most of the 1960s we continued to invest about the same as they in defense and somewhat more in space.

As a general rule, we neither gained nor lost very much of our several-year military technological lead over the Soviets from 1960 to 1968. On the other hand, we clearly picked up lead on the Soviets in the space business. This appears to agree with the relative Soviet and American military and space budgets during this period.

Let me now address the post-1968 period. Figure 1 shows that the growth in Soviet R&D is again going into defense. Since 1968 Defense R&D has been going up at 10% to 15% per year. Ours has been declining slightly. The divergence in space R&D is still greater.

The present Soviet Defense R&D effort thus appears to be about $10B a year compared to the US effort of about $7B a year. To give you a feeling for what the difference of $3B a year can mean in Defense R&D, $3B/yr in the US budget pays for all the development costs of the Minutemen, Poseidons, Polarises, Safeguards, B-1 bombers, F-14 and F-15 aircraft, main battle tanks, Cheyenne helicopters, C5As, F111s, and several dozen more major systems. (The remaining part of our budget includes basic and exploratory development, sub-system technological development, support of the test ranges, etc.) In other words, for their difference in effort, the Soviets could generate 50% to 100% more prototypes of major weapons systems than the United States in the up-coming years, or sharply upgrade the quality of their systems relative to ours, or both.

The effects on the relative position of the US and Soviet Union technologically in military systems aren't too hard to predict if present trends continue.

(1) We should see some Sputnik-like surprises in national security systems between 1974 and 1976. By "Sputnik-like surprises" I mean the appearance of Soviet weapons systems prototypes which clearly make major US systems technologically obsolete, should the Soviets elect to produce them.

(2) For the US to respond, either Fiscal 1972 and 1973 will be budget turn-around years or Fiscal 1974 and 1975 are likely to be military RDT&E "crash budget" years.

The "Sputnik" assertion is the easiest part of the prediction. It has happened before in military technology. The Soviet ICBMs in the late 1950s obsoleted our whole forward based aircraft and missile complexes. The Soviet space program showed the world that any country, in effect, could have "open skies" surveillance of the other. The "Sputniks" of the next decade aren't yet known. However, as a starter, it is not unreasonable to expect Soviet R&D efforts to be increasingly directed toward the naval area. They have a great deal to gain there: our navy is getting old compared to the technology available, and Soviet presence on the open seas apparently is becoming an increasing element in their foreign policy.

The harder part of the prediction is when the US military RDT&E effort will turn around and start to climb in response to the Soviet change. Some people would say that we won't change until the Soviet weapons systems "Sputniks" show up. If we wait that long, our response will certainly have to be dramatic. My own prediction is that, while we won't match the Soviet effort for a while, we will increasingly recognize the problem and take some moves in response. The Administration *has*, to make the point, requested $7.9B for Defense R&D in FY 1972, about a 10% increase over FY 1971.

The fourth long term force is one likely to become all too familiar to many of you in the next five years—budget priorities within Defense. Unless there is a sizable flareup in the world in which the United States is directly involved, the budget for the Department of Defense is likely to remain relatively constant for quite some time. Some people feel that the Defense Budget will be allowed to remain a fixed percentage of the Gross National Product—which would allow a small growth. Others feel that changing national priorities to the domestic side will slowly but steadily reduce Defense budgets. At any rate, very few people would predict a dramatic rise.

Within this relatively fixed budget there are three primary claimants for funds. R&D is one. Production—modernization of the Forces— is another. Operations and maintenance—largely manpower—is the third. As I have noted, R&D would seem to be calling for a significant increase, billions of dollars per year within a few years, to respond to the apparent Soviet R&D challenge. At the same time, however, we recognize that manpower costs are rising sharply. It is an ironic fact that some of our Servicemen are legally below the "poverty limit" and few officers would claim that they themselves are in a well-paying profession! Irony aside, military pay is going to have to increase significantly if we are to have a qualified and capable volunteer force. To solve these problems the increases will have to be far greater than the standard cost of living increases caused by inflation. The problem is that manpower costs are already more than half the Defense Budget, thus the fractional increases mean much more money is required for the manpower share—on the order of many billions of dollars per year. That would seem to leave the third claimant, modernization of the forces, in very sad shape. The estimates are, that if the manpower costs increase as projected, and if R&D is not allowed to increase significantly, that we can only afford about ¾ of the modernization often regarded as minimal in the face of the Soviet modernization effort. The Soviets, by the way, obtain their manpower relatively cheaply and hence their manpower costs are only between 15% and 25% of their Defense Budget. That helps permit their major R&D and procurement allocation.

In short, these facts mean that there is a crunch in your future. Putting all these forces and trends into some sort of balance by assuming that we will keep trying to obtain the maximum defense for the dollar, regardless of budget size, leads to a future something like this:

Smaller forces, better equipped.

Harder choices in weapons systems developments, including cost-enforced commonality, increasing interest in allied weapons developments, and more specific response to Soviet developments than in the past.

Improved management in Defense, especially in weapons system acquisition and in training and career patterns for officers engaged in it.

A turn away from the extremely high performance weapons systems with per unit costs so high that insufficient numbers can be procured to be effective as a fighting force.

Strenuous efforts to increase the front line combat capability and to reduce the long logistics tail—or increase the "teeth to tail" ratio as some people describe it.

An increasing number of Soviet weapons system prototype challenges each year, with a large fraction of them aimed at our strategic deterrents.

Gentlemen, that kind of future is a rough one. It isn't bleak or hopeless, but it is rough. We are going to have to be very good, very dedicated, very professional and very understanding or we can get into serious trouble in a hurry. Fortunately, those characteristics do describe the Defense Department of the United States, acrimonious and malicious criticism notwithstanding. I willingly place my bets on this country's future. But Defense is not going to be a place for the timid in the years ahead.

REVENUE SHARING ENGENDERS WIDE PUBLIC DISCUSSION

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. DRINAN. Mr. Speaker, citizens of the Third Congressional District, which I am honored to represent, of Massachusetts and, indeed, throughout the country are engaged in active discussion of the concept of revenue sharing.

I have received many expressions of interest on this subject from elected officials and other citizens.

I wish to bring to my colleagues' attention an article from the Boston Globe on the subject of revenue sharing as well as a number of particularly interesting letters I have received in the past few months.

[From the Boston Globe, May 8, 1971]

REVENUE SHARING COMMITTEE FORMED

(By Rachelle Patterson)

Citizens committees, usually reserved for something like fighting crime or opposing high taxes, are lining up behind something less tangible and more uncertain—the concept of Federal revenue sharing.

The philosophy that the Federal government is more effective in raising revenue but that local and state governments are more efficient in spending it is taking hold in grassroots movements throughout the country.

The state's chief proponent of revenue sharing, Gov. Sargent, announced a 42-member Massachusetts Citizens Committee for Revenue Sharing two weeks ago.

Composed of prominent businessmen, Democratic and Republican leaders, bankers, union heads, professors, mayors and newspaper publishers, the committee's membership points up the wide appeal of the fiscal reform proposal.

The revenue sharing effort in this state has been endorsed by the Massachusetts League of Cities and Towns, commended by the Legislature, and praised by the Massachusetts taxpayers Assn.

A speakers' bureau has been formed and Holyoke's Mayor William Taupier recently touted the virtues of revenue sharing before the Rhode Island League of Women Voters.

The committee's chairman, former Boston Mayor John Collins, now a professor at MIT, noted at a seminar on revenue sharing recently at Bentley College that the effort is directed towards "the concept of revenue sharing, not any specific legislation filed by President Nixon." Collins, a Democrat, warned of fragmenting the reform and eliminating fiscal reorganization entirely.

President Nixon's proposed legislation, one of the key reforms of his Administration, calls for both general and special revenue sharing.

Several weeks ago, he asked Congress to enact a $5 billion general program which would return tax dollars to the state and local governments with no strings attached.

Eleven billion dollars is slated for special revenue sharing. State and local governments could spend it in six areas—transportation, education, urban community development, rural development, manpower training, and law enforcement. Ten billion dollars represents money from existing Federal grant programs and $1 billion will be completely new funding. Six special messages embracing this program are pending before Congress.

State and national apostles of revenue sharing emphasize that Mr. Nixon's plan includes a 10 percent bonus to a state which comes up with its own distribution formula.

This payment aims to encourage state and and local governments to adopt procedures to allocate funds for their specific needs.

Unless an alternative plan is submitted, distribution of revenue sharing funds within a state would follow the formula prescribed in the bill.

John O. Wilson, Mr. Nixon's chief architect for revenue sharing, told 400 municipal and state officials at the Bentley seminar that the concept has been advocated by political leaders of both parties before.

He stressed the program is aimed at greater flexibility in meeting local needs. One third of some 400 current conditional grant programs would be eliminated, redirecting Federal funds towards local priorities.

For example, a community would no longer be frustrated by a dangling Federal carrot for urban renewal funds when it really wants to get more policemen to quell an upsurge in crime.

Frank J. Zeo, executive vice president of the Massachusetts Taxpayers Foundation, describes Mr. Nixon's plan as "commendable."

"The present system (of Federal grant programs) has grown up over the years in piecemeal fashion, resulting in considerable overlap, and therefore, waste," Zeo said.

Hoping to change Congressional thinking towards revenue sharing—43 senators and 182 congressmen now are considered committed to the concept—the committee will attempt to generate enthusiasm at the local level.

THE CITY OF FITCHBURG, MASS.,
May 21, 1971.

Hon. ROBERT F. DRINAN,
Representative in Congress,
Fitchburg, Mass.

DEAR SIR: Your letter of May 19, 1971 regarding the public hearings on the Administrations proposal on general revenue sharing has been received.

In accordance with your request, I wish to register *strong* support of the President's proposal on general revenue sharing.

Very truly yours,
J. HAROLD LEMAY,
Mayor.

TOWN OF LUNENBURG, MASS.
May 25, 1971.

Congressman ROBERT F. DRINAN,
Fitchburg, Mass.

DEAR CONGRESSMAN DRINAN: Reference is made to your letter of May 19, 1971 regarding public hearings by Congressman Wilbur D. Mills, Chairman of the Committee on Ways and Means, relative to the Administration's proposal on general revenue sharing.

In connection with this matter, this Board unanimously desires to express its deep concern for the plight of the cities and towns and the absolute need for federal revenue sharing with no strings attached and to request that you present these views to the Ways and Means Committee.

Very truly yours,
RUDOLPH MASELLA,
Chairman, Board of Selectmen.

OFFICE OF THE BOARD OF SELECTMEN,
TOWN OF ARLINGTON, MASS.,
June 15, 1971.

Hon. ROBERT F. DRINAN,
Washington, D.C.

DEAR REPRESENTATIVE DRINAN: Enclosed please find copy of a Resolution passed at our Annual Town Meeting at the session held April 28, 1971.

We are sending this to you with the intent that you will have a formal reference to the feeling of the Town of Arlington on this subject.

Thank you for your attention to this matter.

Very truly yours,
FREDERICK E. PITCHER,
Secretary.

TOWN OF ARLINGTON,
Massachusetts.

ARTICLE 66. SUPPORT OF FEDERAL REVENUE SHARING PROGRAMS

Voted: That the Town does hereby support the concept of revenue sharing which will be before the 92nd United States Congress in 1971 for the purpose of acquiring additional needed revenues to assist in alleviating the demands currently imposed on local property taxes, and that the Board of Selectmen be and hereby is authorized and directed to inform the entire Massachusetts congressional delegation of this positive action by Town Meeting Members.

A true copy of the vote under Article 66 of the Warrant for the 1971 Annual Town Meeting of the Town of Arlington at the session held April 28, 1971.

Attest:

MARY A. FARRINGTON,
Town Clerk.

TOWN OF LANCASTER, MASS.,
March 16, 1971.

To Whom It May Concern:

At the Annual Town Meeting held in the Lancaster Town Hall on March 1, 1971, it was voted unanimously to support proposed revenue sharing programs which will be before the 92nd United States Congress (1971) for the purpose of acquiring additional, needed revenue to assist in alleviating demands currently imposed on local property taxes, and to inform the entire Massachusetts Congressional delegation of this positive action by town meeting members.

Attest:

RAYMOND C. HARRIS,
Town Clerk.

TOWN OF LYNNFIELD, MASS.,
March 25, 1971.

Hon. ROBERT F. DRINAN,
Washington, D.C.

DEAR REPRESENTATIVE DRINAN: At the Annual Town Meeting of the Town of Lynnfield, held on March 22, 1971, it was by a unanimous vote, less one, voted:

To support proposed revenue-sharing programs which will be before the 82nd United States Congress (1971) for the purpose of acquiring additional, needed revenues to assist in alleviating demands currently imposed on local property taxes, and to inform the entire Massachusetts Congressional delegation of this positive action by town meeting.

It is the hope of the townspeople that our Congressional Delegation will do all in its power to support programs that will lessen the burden on the already overburdened taxpayer.

Yours sincerely,
A. DAVID RODHAM,
Chairman, Board of Selectmen.

OFFICE OF SELECTMEN,
Agawam, Mass., June 2, 1971.

Hon. ROBERT F. DRINAN,
House of Representatives,
Cannon House Office Building,
Washington, D.C.

DEAR CONGRESSMAN DRINAN: We bring to your attention a copy of a Certification of the unanimous vote taken at the Annual Town Meeting held in Agawam in March, 1971.

It is the desire of the Board, representing the wish of the Town, that every consideration be given for support of revenue sharing for the purpose of providing some relief to the overburdened property tax-paying citizen of this community.

Sincerely yours,
JOSEPH DELLA GIUSTINA,
Chairman.
EDWARD W. CONNELLY.
JOSEPH M. FAUCETTE.

CITY OF CAMBRIDGE,
In City Council, March 29, 1971.

Councillor Coates:

Whereas the Nixon Administration has submitted a plan for major reorganization of the Federal Government and the programs it manages, and

Whereas this reorganization involves a two part program of so called general and special revenue sharing, and

Whereas under general revenue sharing there are absolutely no guidelines set forth concerning how this money should be used nor any machinery for monitoring its use, and

Whereas under special revenue sharing many present categorical grant-in-aid programs would be replaced by a system of "block" grants to be administered by the State which could result in the loss, by the City of Cambridge of its ability to deal directly with the Federal Government, and hence render effective citizen participation at the local level a nullity: Therefore be it

Resolved, That this City Council go on record as being cognizant of the urgent need for a substantial increase in the flow of Federal Funds to the states and local governments, and supportive of the immediate full funding of existing grant in aid programs: And be it further

Resolved, That this Council go on record as being opposed to any and all forms of revenue sharing proposals or programs that lack front-end specificity, machinery for periodic congressional audit, as well as the safeguards of the Civil Rights Act of 1964: And be it

Ordered, That copies of this resolution be posted to the members of our delegation in the Great and General Court and as well as those in our Congressional delegation.

In City Council March 29, 1971. Adopted by the affirmative vote of 9 members. Attest: Paul E. Healy, City Clerk.

A true copy.

Attest.

PAUL E. HEALY,
City Clerk.

TOWN OF AGAWAM, MASS.,
May 14, 1971.

To Whom It May Concern:

Article 115. Unanimously voted that the Board of Selectmen be instructed to inform the entire Massachusetts Congressional delegation that it is the wish of this Town Meeting that they support proposed revenue-sharing programs which will be before the 92nd United States Congress (1971) for the purpose of acquiring additional, needed revenues to assist in alleviating demands currently imposed on local property taxes.

I hereby certify that the above is a true copy of the Article held at the annual Town Meeting of March 1971, at the Senior High School Auditorium.

Attest:

EDWARD A. CABA,
Town Clerk.

RESOLUTION ON REVENUE SHARING

Unanimously Adopted May 6, 1971, at Bentley College, Waltham, Mass.

Whereas, the growing demand for public services, combined with increasingly limited sources of revenue, are forcing state and local governments to the brink of bankruptcy; and

Whereas, there is a growing imbalance between the ability of the federal government and of state and local governments to raise those revenues required to meet domestic problems; and

Whereas, state and local government urgently need to share in the growth of the national economy, as reflected in the rising federal income tax base; and

Whereas, it is past time to begin strengthening state and local governments by returning to them a greater share of responsibility for determining their own spending priorities; and

Whereas, the concept of federal revenue sharing offers an effective means of correcting this crucial situation and has been endorsed by a great many national, state and local leaders and organizations: Now therefore let it be

Resolved, That the local and state officials and citizens of Massachusetts assembled this 6th day of May, 1971, do hereby affirm their support of Federal Revenue Sharing and resolve that the Governor, the Massachusetts League of Cities & Towns, the Massachusetts Mayors' Association, the Massachusetts Municipal Managers' and Administrators' Association, and the Massachusetts Selectmen's Association jointly, via committee, convey said support of federal revenue sharing to the state's two Senators and twelve Representatives at Washington, D.C.

NEWTON, MASS., *June 21, 1971.*

Hon. WILBUR D. MILLS,
Committee on Ways and Means, House of Representatives, Washington, D.C.

SIR: I appreciate your invitation to submit my views on the subject of revenue sharing. As an alderman in Newton, Massachusetts and as former chairman of its Housing Authority, I have had an excellent opportunity to observe the extent to which the city's demands for revenues have outstripped the available resources and the effect that this process has had on the life of the city.

Like all other municipalities, Newton is faced with a financial crisis because the constantly increasing cost of government cannot be supported by the revenues available from real estate taxes. Even the citizens of a relatively affluent city like Newton have reached, if they have not passed, the point where the ability of many of them to continue to own their own homes is threatened.

The crisis arises from the ever increasing costs of maintaining existing services at their present basic levels and does not reflect the need to provide new or improved services such as recreation, the provision of park areas, and the improvement of library services. The financial pressures have become a source of conflict in a community which only a few years ago was unified to a high degree. For example, a community which prides itself in the national reputation of its schools for excellence is embroiled in controversy due in large part to the increasing cost of providing education of high quality. Yet I doubt that even those who are most critical want to deprive our children of the opportunity for as good an education as possible. This is but one instance of the way in which the increased costs of municipal government, without matching revenues, damages our society.

The solution is clear: to provide a new source of revenue which relieves the pressure on the regressive real estate tax. Only the national government through the flexible income tax can meet this need.

In this sense I strongly favor the concept of the sharing of revenues by the federal government with local governments for only the federal government is able to match the needs and the resources. So long as the requirements of our federal laws are satisfied, I am less concerned with the particular techniques of providing funds for proper purposes than I am with the basic desirability that the municipalities be given the means with which to discharge their responsibilities. Nevertheless, any program should strive to minimize the time, effort, and limited available manpower which must be diverted to the task of qualifying for available funds.

However, the important objective is to make the funds available. If they are, our cities and town should be able to organize themselves to meet the requirements of whatever programs are adopted. All of our municipalities must learn to manage their affairs so that they derive the optimum benefit from the resources at hand. These resources include not only money, but the talents, experience, imagination, and organizational abilities of their citizens who have proven by their accomplishments in their private endeavors that they can contribute to the solution of the problems of the cities. The same skills which have solved so many of our scientific, engineering, and business problems will enable the cities to organize themselves both to take advantage of new federal assistance programs, whatever their form, and to make beneficial and efficient use of them.

Not even the maximum use of the organized skills of the community will suffice if the city does not have the necessary funds. If the cities are to survive as effective, viable governing entities, as they must if local needs are to be met at the local level, the Congress must give us the tools; we will then do the job.

Sincerely yours,

WILLIAM CARMEN.

THE PERPETUAL CALENDAR

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mrs. MINK. Mr. Speaker, now that our Government is proposing to embark on a major study of converting to the metric system of measurements, I feel it it also interesting to note the proposal by Dr. Willard E. Edwards, of Honolulu, Hawaii, for a perpetual calendar.

Dr. Edwards, who first suggested the now-accepted idea of Monday holidays some 50 years ago, is author of the Perpetual Calendar which he says is an improvement over our existing one. At his request I have introduced H.R. 9069, the latest in a succession of bills by Hawaii Members of Congress to implement his idea.

The State of Hawaii, spurred largely by Dr. Edwards, has been a leader in changes to the calendar. In 1943, our State legislature endorsed the Perpetual Calendar, and 10 years later it adopted another of his proposals by proclaiming Presidents Day on February 22.

I am enclosing for the benefit of my colleagues an article from the Christian Science Monitor of June 30, 1971, explaining the proposal, as well as Senate Resolution No. 308, as adopted by the Hawaii Legislature on April 15, 1971, commending Dr. Edwards for his efforts:

[From the Christian Science Monitor, June 30, 1971]

ANY PLANS FOR JANUARY 0?

(By Peter Tonge)

The somewhat sarcastic challenge of a high-school teacher began it all.

"Do you think you can make a better one," she had scoffed . . . and the whole class had laughed outright at the idea.

So, stung by the remark and his schoolmates' response, Willard Edwards accepted the challenge: He set out that very night to devise an improved version of the Gregorian calendar.

A day or two later he came up with what has since become known as the Edwards Perpetual Calendar—a 12-month, 365-day year in which every anniversary date falls on the same day of the week each year; in which each month has an identical number of working days; in which each quarter begins on a Monday, and in which such absurdities as a 28-day month are eliminated.

Its most unusual feature: New Year's Day which would stand all on its own. It would fall between Sunday, Dec. 31 and Monday, Jan. 1. In effect it would occur on Jan. 0 and on no day of the week into the bargain.

There would be a second extra day, or year-day as Dr. Edwards would term it, each leap year. This would occur between Sunday. June 31 and Monday, July 1. If you must attach a date to it, call it July 0.

Unusual? Yes, but "very practical," insists Dr. Edwards, whose views, he says, are shared by thousands of people the world over. The Netherlands' Queen Juliana thought very highly of the calendar, as did India's Prime Minister Nehru.

Most bankers support it. So do insurance houses, the airlines, and travel agencies—any concern, in fact, where timetables and schedules play an important part in business operation. As recently as last October the Bankers Association of Australia printed a four-page feature on The Perpetual Calendar.

But back in 1919, the then 15-year-old Edwards gave little thought to promoting his newly devised calendar, nor did he dream it would ultimately take him round the world many times to more than 350 cities in over 100 foreign lands; that he would be awarded an honorary doctorate for his efforts; that the British "International Year Book and Statesman's Who's Who" would list his name as would the American World Who's Who in Science."

In those days World War I soldiers were still flooding back to the labor market. Preparing adequately for a career was thus a prime requisite.

The young Edwards had his eyes set on the Massachusetts Institute of Technology and a career in engineering. But first he took himself down to the Boston Custom House tower where he learned the intricacies of radio operating. He graduated in February, 1920—the youngest first-class radio operator in the nation.

That summer he went to sea aboard the Hahatonka—wearing his first pair of long pants. "I had to buy them," he recalls, "before they would let me aboard."

She was a brand new tanker which took on oil at Tampico, Mexico, and hauled it up to Portland, Me. He saved every penny of the $250 he earned that summer which in those days amounted to a whole year's tuition fee at MIT.

In subsequent summers he tapped away at his Morse code key aboard the Dorothy Bradford, a cruise ship which carried passengers between Boston and Provincetown each day.

That's where the opportunity to promote his calendar first presented itself—and Dr. Edwards grabbed it with both hands.

He'd been given the go-ahead to produce a printed sheet listing interesting facts related to the ship's voyage for distribution among the passengers. When he'd compiled it, he had space to spare—so he filled it with a story about the calendar.

From then on he lost no opportunity to spread the word. He'd tell anyone who was prepared to listen—anywhere, anytime.

He discussed the calendar with Queen Juliana in a Chatham, Mass., department store; with Prime Minister Nehru in the back seat of a limousine.

Queen Juliana, then Princess Juliana, was a refugee in the United States during World War II, spending much of that period in the small Massachusetts town—Dr. Edwards' home town.

Seeing her in the department store one morning, Dr. Edwards walked up and introduced himself as the man who had corresponded with her about the calendar. They discussed it then and there. Later the Dutch princess wrote to him referring to the calendar in very complimentary terms.

Mr. Nehru was even more impressed. He liked the idea enough to cram in a hasty interview with Dr. Edwards while being driven from one appointment to another. That was in 1962.

It was in 1941, though, that Dr. Edwards got his first major publicity break. He was working for the Lockheed Aircraft Corporation in those days and had his calendar written up in the company magazine.

Lockheed, selling aircraft to Britain, distributed the magazine abroad and the story was picked up by the London Times. Then the Burbank News ran it and later the Los Angeles Times. It appeared in The Christian Science Monitor later that same year.

Subsequently he accepted a commission in the Navy and was posted to Pearl Harbor just four days before the Japanese attacked.

In the Navy, first as a radio engineer and after the war as an anticorrosion engineer, he travelled all over the Pacific. And wherever he went he used his free time to talk of The Perpetual Calendar. Five of his seven round-the-world trips he financed himself.

At first he would seek interviews with such as the governor of a province, or a mayor of a city. But he soon realized his best interview was with the newspaper editor. "That way my idea reached thousands, not just one man," says Dr. Edwards.

In fact three of Dr. Edward's most ardent supporters were influenced this way. All three publicize the calendar by mailing material to anyone they feel would be interested. Andrew Vena is one of them. He operates out of Philadelphia. The other two are overseas, an Australian, known to Dr. Edwards only as D. L. Humphries of Melbourne, and Mrs. Winifred Roux of Johannesburg.

It was the head of the Roman Catholic Church, Pope Gregory who rearranged the calendar in 1582, changing, among other things, New Year's Day from March 25 to Jan. 1. Even so support for the Edwards calendar was adopted at the Vatican Ecumenical Council by 2,057 votes to 4.

A bill to adopt The Perpetual Calendar has been before Congress ever since Hawaii introduced it in 1943. But "it never gets acted on because it's not a big money bill," Dr. Edwards maintains.

But it's the United Nations where calendar reform should be introduced, he avers.

In fact, India's Mr. Nehru did that in the early 1950's but more weighty matters pushed it aside. There's also some suspicion of calendar reform in the international body. Its predecessor, The League of Nations, had more than 150 new calendar ideas presented to it during its relatively few years of operation—many of them "way out."

Even so Dr. Edwards keeps campaigning away in the hope that ultimately school children the world over will one day recite.

With a day apart the year's begun,
Then thirty, thirty, thirtyone,
Months always start in a certain way,
On Monday, Wednesday, and Friday,
Each quarter and each year the same,
Is The Perpetual Calendar's aim.

[Sixth Legislature, 1971, State of Hawaii, April 15, 1971]

S.R. No. 308 SENATE RESOLUTION

Commending Willard E. Edwards for his efforts to establish the perpetual calendar and a fixed date for Easter and other holidays.

Whereas, despite its many advantages, the calendar currently used in the United States suffers from two main faults: inequality in the divisions, and lack of fixity; and

Whereas, in addition to these failings, one of the disadvantages is that the date for Easter may fall anywhere from March 22 to April 25, a range of 35 days; and

Whereas, such variations in the date for Easter and dates for other holidays cause inconvenience in school and curriculum planning, travel scheduling, clothing manufacturing and other problems; and

Whereas, for many years Hawaii has been a pioneer in trying to rectify such problems relating to the calendar through the endorsement of the concept of The Perpetual Calendar in 1943 and *enactment of Presidents Day in 1953*, and

Whereas, one of the reasons why the State of Hawaii has been a pioneer in programs relating to improving the calendar has been due to the untiring efforts of Willard E. Edwards; and

Whereas, Willard E. Edwards is said to be the originator of The Perpetual Calendar and the proposal for Monday holidays, and advocates establishment of fixed date for Easter; and

Whereas, Willard E. Edwards has been actively engaged in trying to educate the people of Hawaii to the advantages of The Perpetual Calendar, the three-day holiday weekend, and a fixed date for Easter: Now, therefore, be it

Resolved By the Senate of the Sixth Legislature of the State of Hawaii, Regular Session of 1971, that this body commend Willard E. Edwards for his efforts to establish a perpetual calendar and a fixed date for Easter and other holidays: and be it further

Resolved, That a certified copy of this Resolution be sent to Mr. Willard E. Edwards.

CBW IN VIETNAM

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. DELLENBACK. Mr. Speaker, even as the United States is lessening its involvement in Indochina, I think it is highly important for us to look closely at some of the tragic, but little known, consequences of that war. Among my own deep concerns are the results of the use of chemical weapons in South Vietnam.

In my November 1969 study "CBW and National Security" I pointed to the long-range risks of using such weapons, including seemingly harmless defoliants, as follows:

> Chemical defoliants are effective in killing crops. The question is how effective crop attacks are in defeating an enemy. Defoliants which seek to clear the countryside of enemy camouflage are eventually successful in denuding the area. Yet there is a real question about the military consequences of these sprayings. It takes several days for the chemicals to take effect. After they have, there is usually renewed growth in the area within a week. During this short period of defoliation, the enemy can avoid barren areas and move only through jungle that has not been affected. Persistent use can prolong the defoliation effects and perhaps even kill trees in the vicinity. Yet a militarily effective program would have to blanket a wide area while continuing to concede relatively concealed movement at night. When the advantages of this program are weighed against the significant disadvantages resulting to the soil, foliage and wildlife of the region, the effectiveness of the weapons is doubtful. Victory is not significantly enhanced while damage to the war zone is certainly intensified.

Late in 1961 the United States began aerial spraying of defoliants in South Vietnam. In 1962, the earliest year for which statistics are available, the military sprayed 5,681 acres with herbicides. In successive years the use of defoliants increased rapidly in rough proportion to the U.S. military buildup in Vietnam, reaching a peak in 1967 when about 1.7 million acres of forest and cropland were treated. Between 1962 and 1970, approximately 5,767,410 acres were treated with chemical herbicides aimed at reducing vegetation. This is nearly one-seventh of the total land area of South Vietnam, an area approximately the size of the State of Massachusetts. It is estimated that more than 100-million pounds of herbicides, or about 6 pounds for every inhabitant, were sprayed on the Vietnamese countryside during this time.

In a June 1971 report, Impact of the

Vietnam War, prepared for the Senate Committee on Foreign Relations, the Library of Congress details the effect of herbicides on South Vietnam's forests and croplands. Senator J. W. FULBRIGHT, chairman of the Foreign Relations Committee, in his introduction said that the defoliants used by the United States have destroyed "enough food for 600,000 people for 1 year and enough timber to meet the needs of the country, based on current demand, for 31 years."

The report says:

> 1. DEFOLIATION OF FORESTS
>
> The greatest use of herbicides in South Vietnam has been on fairly mature tropical hardwood forests, which comprise about nine-tenths of the forested land in the country. Of these forests, covering about 100,000 square kilometers, some 20,000 square kilometers are estimated to have been sprayed, including many of the most valuable forests. One-quarter to one-third of these have been sprayed more than once. Some estimates indicate that one out of every eight or 10 trees is killed by a single spraying and that 50 to 80 percent are killed in areas where more than one spraying has occurred. Arthur H. Westing, forestry specialist and Director of the AAAS Commission [American Association for the Advancement of Science Herbicide Assessment Commission], believes that about 35 percent of South Vietnam's 14 million acres of dense forest have been sprayed one or more times, resulting in the destruction of 6.2 billion board feet of merchantable timber. He contends that this figure represents the country's entire domestic timber needs, based on current demand, for the next 31 years. Moreover, the lost timber represents about $500 million in taxes that would otherwise have accrued to the South Vietnamese Government.
>
> To the southwest of Saigon and along much of the coast of the Delta are dense mangrove forests covering about 3,000 square kilometers. About half of this type of forest has been sprayed, resulting in the total destruction of approximately 1,400 square kilometers of forest. In sum, about 20 percent of South Vietnam's forested area has been sprayed with herbicides and a substantial portion of this was destroyed.
>
> 2. CROP DESTRUCTION
>
> While the bulk of the spraying has been directed against the forests and brush, a significant proportion has been used on croplands, especially in the food-scarce mountainous Central Highlands, an area populated by about 1 million Montagnards and other tribal peoples. About 2,200 square kilometers of cropland have been sprayed since the program began in 1962, representing about 6 percent of the country's 37,000 square kilometers of cropland. The AAAS estimated that the spraying caused the destruction of enough food to feed approximately 600,000 persons a year.

In view of these discomforting reports it is reassuring that the chemical defoliation program is being ended as a result of a December 1970 decision by the President, who ordered the Department of Defense to implement "an orderly, yet rapid phaseout of the herbicide operations" in Vietnam. The Defense Department has said that the use of defoliants for crop destruction was terminated by January of this year and that it is ending other herbicide operations.

Later in 1969 when I testified before the Subcommittee on National Security Policy and Scientific Development of the House Committee on Foreign Affairs I urged the immediate elimination of chemical warfare in Vietnam and a prompt consideration of ratification of the 1925 Geneva protocol prohibiting first use of chemical and biological weapons.

In that statement I again pointed to the dangers of using such dubious weapons, noting that they "may well cause permanent damage to the environment the Vietnamese must live in long after the fighting is over."

While I am pleased that the President submitted the Geneva protocol to the Senate in August 1970, I am greatly disturbed that the Department of State interprets it as permitting use of herbicides and tear gases. This is particularly troublesome in view of the 1969 United Nations General Assembly action in which the members voted 80 to 3 with 36 abstentions for the proposition that the protocol bars the use of herbicides and tear gas as well as more lethal chemical agents. The Senate Foreign Relations Committee has considered the protocol but it has taken no action because of the controversy over the U.S. interpretation of the treaty.

I strongly believe that the United States should interpret the protocol to include a ban on irritant gases and anti-plant agents and I urge the administration to reconsider its position.

LEST WE FORGET

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. MANN. Mr. Speaker, it has been 7 years and 131 days, today, since Capt. Floyd Thompson was taken prisoner in South Vietnam. Captain Thompson then became the first American prisoner in Southeast Asia, but the legions of his number have grown and swelled more than a thousandfold in the years intervening. According to a February count, there were 406 known prisoners of war, and 1,145 others who were listed as missing in action. But these men represent something more than mere fleshless numbers to many children, wives and parents, who have to live with the day-to-day burden of not knowing whether their loved ones are dead or alive. And this is an atrocity in itself. It stems from no political issue. It represents only a humane issue—and all the laws of decency are involved, and assaulted, by its persistence. Additionally, the barbaric form of treatment accorded these men by their captors has been amply documented by those former few POW's who have been repatriated by Hanoi.

How long is this international disgrace going to continue without men of good will, everywhere, recognizing it for what it is: a twisted sort of blackmail against life itself? Mr. Speaker, this useless kind of cruelty can serve no useful purpose. It only demonstrates the moral poverty of communism and its predatory aims. As for our part, as citizens and as Members of this Congress, we must keep before us the image of these men and of those who still hold them dear in this Nation.

ANDEAN FOUNDATION

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. CONTE. Mr. Speaker, for a number of years I have had the opportunity to observe closely the growth of the Andean Foundation, a nonprofit organization advancing rural economic development in Latin America. I would like to bring this unusual private sector effort to the attention of the Members as a model that demonstrates how nongovernmental philosophy and expertise can contribute to meeting international development needs.

For some 5 years, the foundation has sponsored an imaginative pilot development program in southern Peru which has aided small farmer groups to organize, finance, and operate production programs intended to increase farmer income and agricultural productivity in the region. The foundation has pioneered a number of development techniques such as credit guarantee, decentralized village-level project management, and technically integrated development which are practices now becoming widely used by development institutions.

The foundation pilot program offers an exciting model for a new approach to rural development that gets away from traditional charity and fragmented approaches to the subsistence farmer who constitutes the world's largest single bloc of underprivileged people.

Believing, Mr. Speaker, that other Members and appropriate executive agencies share my interest in finding innovative ways to improve the quality of America's contribution to the developing nations, I enclose a report on the methods used by the foundation and insert it herewith for inclusion in the RECORD:

> A METHODOLOGY FOR PRIVATE SECTOR INSTITUTIONS SUPPORTING RURAL DEVELOPMENT IN LATIN AMERICA
>
> INTRODUCTION
>
> One of the most dramatic developments of the past half-century has been the enormous growth of institutions to serve human needs throughout the world. Yet, however impressive this growth, it is equally true that more people live outside this system of benefits than are now served by it. Thus, the growth of the past half-century is perhaps best seen as preliminary to that which must come in the years ahead.
>
> In the future, existing institutions, profit-making and non-profit, governmental and private, must serve more people with greater efficiency. New corporate systems must simultaneously be developed to deal with new problems encountered as this growth takes place.
>
> The pages that follow summarize such a new approach to rural development in Latin America viewed as a function of planning, corporate organization, and capital management.
>
> These ideas reflect reactions and conclusions drawn from five years of pilot activity in southern Peru, supported by grants from the Ottinger Foundation, the Public Welfare Foundation, the William H. Donner Foundation, The Freedom from Hunger Foundation, the Charles Delmar Foundation, the American Chamber of Commerce in Peru, the Adela Investment Company, The International Basic Economy Corporation, International Utilities Corporation, Kraft Foods, Mobil Oil,

Peruvian Airlines, and the Quaker Oats Company.

During this period an operational program was implemented, and techniques were derived through which a private non-profit social and economic development corporation might accelerate rural development in the marginal areas of the hemisphere.

The rural development techniques used by the Andean Foundation and described in the following pages represent field tested effort and immediate action techniques that *work*. The program is not a theoretical pie-in-the-sky approach to rural development nor is it a program which by design or accident culminates in charity conditioning results. The Foundation is a multinational corporate vehicle for facilitating the use of capital in Latin America's most poverty stricken rural areas.

The program contributes to the planned breakdown of traditional subsistence farming and its replacement by market oriented agriculture. This means the growth of a market for machinery, fertilizers, chemicals, medications and other farm supplies. It means the organization of a systematized production to help meet a growing demand for food. It means overall improvement in the quality of rural life through increased farmer income making possible improved housing, services, etc. Finally, it contributes to the creation of a stable rural society.

The program is important to governments since it easily and flexibly bridges the gap between overall national objectives and the development needs in specific locations. The program eases the flow of public development resources held by government institutions into grass roots projects while attracting complementary private-sector participation. Since the program is non-profit and has no equity objective it gains political acceptance.

The prospects for the creation of markets for development related inputs, together with the intangible service to private enterprise as well as the opportunity to be part of a unique, highly effective instrument for rural development, would appear to make the Foundation significant and attractive to leading companies active in Latin America.

The opportunity to participate in an objective, professional program directed toward real socio-economic problems rather than external symptoms makes the Foundation of interest and importance to progressive philanthropic institutions and individual donors.

THE RURAL DEVELOPMENT PROBLEM IN LATIN AMERICA; HOW WE SEE IT

Viewed in a world perspective, the enormous rural population in Latin America constitutes a crisis problem affecting some twenty nations. Some 80 million people live in rural areas that are marginal to the social and economic processes of their respective countries.

The problem is not equally present in all rural areas in Latin America. The rich and fertile regions normally attract the inputs necessary for growth and development. The marginal, less fertile, heavily populated areas are not, however, reached by this process. They remain zones of poverty and economic blight which hold back whole national economies and provide a constant migration of people to urban slums.

The agrarian problem presented by Latin America's marginal areas has certain general characteristics which are found in a number of distinct regions, characterized by different combinations of people, customs, and agricultural enterprise. These general problems include:

The subsistence mentality

Farming as a habit rather than as a profession is the mark of the subsistence producer. The subsistence farmer will normally have no objectives beyond basic survival. He is an inefficient producer oriented inward toward his own needs rather than outward toward the progressive influence of the competitive market. His use of technology is minimal. He is traditionally isolated from technological information and is hesitant to risk his survival on methods he, at best, dimly understands. His view of the future seldom extends beyond the desire for a little more land and a few more livestock; progress is a matter of good fortune rather than planning. For the subsistence producer, agriculture is an unprofitable uncontrollable cycle.

Last in line at the marketplace

The subsistence farmer can be confident that any part of his production which he sells will earn for him the lowest possible price. His production is small, of poor quality, non-uniform, and strongly cyclical in delivery pattern. His limited capital means that he must sell rapidly as the crop comes in. His small individual production cannot bear the relatively high per unit cost of shipping to better markets in other areas and current information on such distant markets is normally not available. Often his crop is mortgaged at disadvantageous terms. He sells quickly and badly.

The management gap

The subsistence producer has never attended a management course for small farmers. Illiteracy, linguistic barriers, and poor vocabulary make it difficult for him to grasp such technological messages as may be relayed by existing extension services. Equally important is the fact that such information as is available may have virtually no relevance to his day-to-day situation. Thus, a technical program may demonstrate a technique or product and never convince the small producer that he can profit from its use. New techniques and products are often explained in terms derived from large-scale agriculture, and thus the subsistence producer cannot relate these to his small individual operations. Technicians may present information in an authoritarian fashion which comes into direct conflict with the subsistence producer's defensive mentality. Also he and his fellows may not have an organizational structure suited to group or corporate agriculture.

Absence of grass-roots growth oriented corporate structure

The subsistence producer expects little more from his society than he does from himself. In most cases the subsistence producer organizes to meet municipal and ceremonial needs and to petition the outside world for goods and services that may or may not appear. Organization to plan major changes in rural life is usually lacking. Local organization for production or market purposes is developed to only the most primitive level. The managerial procedures by which a growth oriented agricultural enterprise must be directed are unknown.

The capital gap

Even in those instances where subsistence producers may be sufficiently well organized to attempt to improve their agricultural production, inadequate capital is a final barrier to growth. Although recent national and inter-American programs have made more capital available at the top, it does not reach the small producer. He may be stereotyped as a bad risk for social and racial, as well as economic, reasons. Since his individual capital needs are small the administrative cost per dollar loaned is disadvantageous to lender institutions. The subsistence producer is usually unable to present feasibility studies in the forms recognizable to credit institutions. Since he normally has little if any collateral he is completely dependent on his personal character as a basis for credit, and this is not known to the bank or credit institution.

These general problems if translated into terms of millions of rural people stagger the imagination. Yet, while the overall view of Latin America's marginal areas is not good, there is today a solid base in experience for developing new approaches to the problem. There is an enormous potential market for all of the technical and capital inputs necessary for profitable rural development as well as a demand for management systems that can make possible effective use of these resources. Finally there is a clear need for institutional systems that can deal with the economic and the social aspects of rural development in marginal areas.

ABOUT RURAL DEVELOPMENT—THE FOUNDATION'S APPROACH

Rural development is a professional activity dealing with the response of ordinary people to the problem of achieving a better life.

A development institution such as the Andean Foundation deals with people and human organization, with technology, money, management and markets—in fact, all of the elements which contribute to economic and social growth.

The Foundation is directed toward producing a better life for people at a reasonable cost. Thus, it must be practical and realistic in its analysis of people, their problems, their objectives, and the development resources needed in a specific situation.

While the broad scope of rural development involves problems of national importance, in the final analysis the success of a rural development program is the extent to which it produces tangible results suited to specific people and specific local conditions. Program management must reflect regional conditions.

The objective of the Andean Foundation Rural Development Program is to provide and manage services and resources which accelerate economically viable rural development while replacing traditional charity conditioning approaches with programs that foster the profitable use of capital.

To accomplish this general objective, the Foundation organizes independent Regional Rural Development Institutions that work directly with groups of subsistence farmers to:

Introduce technology and management that farmers or farm groups of average ability can use.

Provide related resources of education, farm supplies, credit and market outlets.

Increase productivity of marginal operations to provide income for social improvement.

Certain well defined steps are involved in carrying out a regional program. In broad outline they are:

1. Accumulation of facts

In order to understand the real problems found in any region the Foundation staff must find answers to many questions such as the following:

About the Region's People. Who are they? What is the ethnic and the social composition, and what is the place of the subsistence producer in the region? What areas of understanding and what areas of tension exist between local groups? What is the educational level and what impedes or retards learning? What are the attitudes of subsistence people toward money, goods, technology, and progress? What attitudes motivate or retard interest, enthusiasm and productivity? What areas of local custom, belief or superstition relate to development? What do the subsistence people in the area want to be changed and what do they understand by progress? Are there personal attitudes or social problems that affect the attitude toward progress?

About Regional Organization. How are people in the region organized and governed? Who directs local affairs and what is the relationship of the subsistence groups to this? How is the local private sector organized? How is local business organized, and what is the relationship of the subsistence producer to the business community? At the subsistence producer level, what form does municipal and economic organization take? What do they expect of local village level organization? Is traditional organization adequate to plan and manage development activity? If not, what are the ways to meet this problem?

About Agricultural Development. What is produced in the region and by whom? What are the strengths of local agriculture and what are the basic problems? What is the level of mechanization? What is the technological level? What is the land distribution pattern and how does this affect the subsistence producer? Is agrarian reform present? If so, what are the social and economic goals of such activity? What is the pattern of land utilization in the area? Can cultivated areas be increased? What is the projected ratio of cost to protected profit for any change in traditional agriculture? What are the systems for marketing and processing of agricultural production? Are these adequate to handle an increased production from subsistence locations? If not, can these marketing patterns be altered or modified and how? What are the psychological problems present in introducing any type of change in agriculture at the subsistence level? How can these be met?

About Resources for Development. What technical service institutions are available in the region in areas of agriculture, livestock, village organization, housing, health, etc.? What is the pattern of field activity in each of these areas? What coordination takes place? Are credit facilities available for agriculture, livestock, housing and village level infra-structure? If so, what is the record of these institutions with subsistence farmers? What problems have been encountered? How might these institutions' programs be strengthened? What private resources are available for development? What private sector resources are potentially available but have not been utilized? What coordination is there between private sector and governmental activity in rural development? At the village level, what resources do the people themselves have and how effectively are these used? What skills and attitudes are present that may be utilized for development? How do the subsistence producers view their own resources, government resources, private sector resources? Are these views compatible with expanded development activity at the village level? If not, what is necessary to change them?

2. Establish regional goals and management

It is extremely important in village level rural development to establish objectives that are realistic in terms of local needs, that are defined with sufficient clarity to be understood by all involved, and that are suited to direct local management.

The Foundation staff proceeds after the accumulation of facts to answer four basic questions:

What are the priority problems faced by the subsistence producers in the area?

What are the most reasonable routes to their solution?

What resource gaps are present?

Upon which areas will the Foundation's regional program focus?

The areas selected will normally be income producing, such as agriculture and livestock. Cottage industry may be supported to provide secondary income. Other problems such as rural housing, provision of local and municipal services including schools, clinics, and water supply, may also be selected if self-amortization is possible.

A regional program plan is then prepared and a local field staff created. The plan includes long and short term goals, geographic focus, cost of programs, method of financing and outlines the necessary administrative structure. Attention is given to related questions such as the provision of technical guidance, capital inputs, and necessary governmental liaison. Provision is also made to transform the regional program into an independent local institution if progress warrants.

3. Meeting the regional objectives

With objectives clearly established, the regional field staff begins to work with subsistence producers. The field staff follows an established professional procedure to work out solutions to the problems these groups face. The procedure functions as follows:

The staff establishes contact with a group of subsistence farmers who are carrying out or are interested in carrying out a development project. This contact may be brought about by direct request from the group involved or through the suggestion of a local government agency or extension service.

Meetings between the staff and the group leaders are used to clearly state the problems faced by the group. The leaders provide as complete information as possible and their proposed course of action. The staff adds, to the facts as presented by the leaders, their recommendations for method of approach. They may assist the leaders in refining and more accurately defining the problems they face, identifying those areas that seem of the most and lesser importance, determining what resources are available, what organizational and production techniques might be used, what approximate cost is involved, and what market considerations must be brought to bear on the problem.

The staff then meets to outline several rough plans for solving the problem the group has presented. The apparent motivation is discussed and only if this seems adequate will the staff proceed. Ideas are sought from local technical agencies that may participate as well as from Foundation technical advisors. Several different approaches may be developed, each seeking an economical and workable solution to the particular problem.

Following this general analysis, the staff then meets with the group leaders and with technical advisors. A plan of action evolves as alternatives are narrowed. The definition of the problem and the proposed solution becomes more specific and more complete in detail.

From these planning sessions the staff develops technical data, operational plans, budget, and models necessary to explain the project to a general meeting of the group of subsistence farmers.

With a clear solution to the problem in mind, the Foundation staff then meets with the entire subsistence group. Detailed discussion is given to all aspects of the proposed undertaking, its goals, organization, financing, scheduling, etc. Technicians and specialists from local agencies also participate. Debate is encouraged and differences of opinion are brought to the surface. The plan presented may be substantially changed or even discarded in the light of this discussion. Several sessions may be necessary before an acceptable project is outlined.

When it is clear that a project has been outlined that is technically and economically feasible as well as being acceptable to the subsistence group, to the Foundation, and to other institutions involved, a final detailed plan, schedule, and budget are prepared by the Foundation staff in cooperation with the group leaders.

A working agreement is then signed between the Foundation and the group or organization. Respective responsibilities and obligations in the project are outlined and the agreement serves also as a basis for the formal process of financing.

Depending on the project needs, credit may be sought from development banks, commercial banks, government institutions, private organizations, individuals, and companies offering supplier installment credits. If possible, the credit institution will have participated in the earlier planning stages. If the institution or individual approached can provide credit and on terms suitable to the project, a loan agreement will be negotiated between the institution and the subsistence group.

In many instances factors of risk will present a barrier to the issuance of credit. In these instances, the Foundation will guarantee the loan or credit extended to the subsistence group, thus reducing the risk to the lender and making capital available for the project.

4. Follow through

Once the project has been planned, approved, and financed, the Foundation staff works with all concerned to insure that the project moves forward according to schedule. The staff assists the project leaders to make changes necessary to meet problems that arise.

Close contact with the group is necessary until the project is firmly established. Technical and leadership training may be arranged. As the project develops, the Foundation staff reduces its participation to periodic inspections. Eventually, as the rural group establishes strong management, lines of credit, and technical assistance, the Foundation can move on to new projects with the group or repeat the operation at new locations.

Specialized follow-up services may be necessary, such as marketing, processing, transportation, etc. If necessary, the Foundation will organize the services as self-supporting activities.

5. Policy for developing finance

The purpose of Foundation capital is to advance economically feasible rural development projects. To achieve this end, the following general policies are observed:

(a) Participation in project finance will be indirect through systems such as credit guaranty which produce maximum leverage from Foundation resources.

(b) Projects so financed will be thoroughly studied and participation will be in accordance with:

Standing, character, and contribution of the participants,

The availability of necessary management and technical know-how,

The economic feasibility and self-amortizing potential of the project,

Profitability to the subsistence producer participants,

The priority significance of the project for the economic and social development of the region,

The provision of adequate information on the project, income, expenditures, sales, production costs, profits, etc.

(c) The Foundation may, if necessary, finance support services necessary to projects such as marketing, processing, etc. in agreement with the following conditions:

That local capital is not available or is unwilling to undertake the proposed service activity,

That Foundation participation in providing the service is not charity conditioning.

ABOUT THE ANDEAN FOUNDATION

Organization, corporate structure, management

The Foundation is incorporated in the District of Columbia as a not-for-profit institution. It is recognized as tax-exempt by the Internal Revenue Service and is registered with the U.S. Department of State. It has no political or religious affiliation.

The Foundation's ultimate authority is vested in the Board of Trustees who meet each year in March and when called by the President of the Foundation or at the request of two members. The Trustees are professionally experienced in international development; competent in management, technical, and financial matters; capable of appraising field activity and negotiating programs.

To broaden the range of advice, guidance, and participation available to the Foundation, the Trustees in their first session established a National Advisory Board to consist of distinguished leaders in Business, Government, and the Professions.

The Trustees select Foundation officers including President, Vice President/Secretary, and Treasurer. Management of the Foundation is directed by the President and such executives as may be designated. Management constitutes a professional team competent in planning and executing programs approved by the Trustees. Executives and staff are people familiar with the conditions, customs, people and language in Latin America. A high degree of flexibility is sought in management through the delegation of responsibility and authority to Officers and Regional Program Managers.

Operating procedures and policy

Operating procedures are determined by Foundation staff in consultation with the Board of Trustees and in accordance with the general objectives of the Foundation and its financial policy. At present the Foundation management pursues the following principles:

Organization of a small, effective staff using personnel in leverage situations.

Management maintains close friendly relations with government, government development institutions, private sector companies, and industrial, agricultural, and professional associations. It works closely with local institutions and groups in each region where the Foundation is active.

Management seeks to be fully informed with respect to conditions, customs, developments, and projects in countries where the Foundation operates.

Programs and program proposals are developed in cooperation with competent specialists provided by local institutions.

Program value is judged in terms of economic impact and relation to regional priority needs.

Tangible criteria for judging program value are not replaced by appeal to emotion, political fad or jargon.

Operational procedures are frequently reviewed, modified, and refined in light of the experience acquired in operations.

Institutional funding

The financial policy of the Foundation is determined by the Board of Trustees. Capital for Foundation operations consists of funds provided by institutions and individuals sympathetic to the purpose, objectives, and managerial procedures used by the Foundation. Sources include the following:

Private foundations, charitable corporations.

Corporations active in the Latin American region.

Individuals interested in humanitarian as well as cultural association with the regions where the Foundation operates.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

MEN FOR COAL—THE CHALLENGE OF THE 1970'S

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. YATRON. Mr. Speaker, on June 21 of this year, Joseph P. Brennan, the director of research and marketing of the United Mine Workers of America spoke before the coal division meeting of the American Institute of Mining of the Metallurgical and Petroleum Engineers, Inc. on the subject of manpower needs in the future of the coal industry in America.

Mr. Brennan, whose family resides in my district, speaks eloquently of the need for foresight in the manpower requirements of the anthracite and bituminous coal industry in the years to come. He places specific emphasis upon the need to consider manpower questions within the totality of coal manpower requirments extending from the need for skilled miners all the way through coal's hierarchy to the very top level of coal management.

Mr. Speaker, I believe this address represents a significant contribution to prevailing opinions on the matter, and I include Mr. Brennan's address at this point in the RECORD:

MEN FOR COAL—THE CHALLENGE OF THE 1970's

I am delighted to have the opportunity to speak to the A.I.M.E. on the question of manpower in coal. I am particularly happy to be able to do so back home, to many of you whom I have known all of my life.

Man is the key to the future of coal in America. Those of us concerned with coal must, somehow, come to focus upon man as central to the continued viability of anthracite and bituminous coal. We must seek, find, and implement solutions to the challenges inherent in the attraction, retention and motivation of coal manpower.

Although I represent only the classified employees in America's coal industry, my remarks are not limited solely to them. Rather, the manpower question can only be considered within the totality of coal manpower requirements extending from the need for skilled miners all the way through coal's hierarchy to the very top level of coal management.

Before discussing manpower policies, however, I would like to set forth some empirical parameters surrounding our manpower dilemma.

There are approximately 100,000 men working in America's coal mines. These men average approximately 43 years in age. This is a decline from the average of several years ago, but it is still inordinately high as compared to other industries.

The average, however, hides several important statistics.

Approximately 50 percent of our work force is 45 years of age or older. Almost 20 percent of the employees of the industry are age 55, and therefore, eligible for retirement. Only approximately 30 percent of the work force is in the 30 to 45 age group. This statistic reflects the manpower attrition which took place during the mechanization period.

At the other end of the spectrum, 20 percent of our current work force is 30 years of age or younger. We anticipate that this percentage is certain to increase dramatically for two reasons:

1. The demand for coal will continue to grow and thus, increase the demand for labor, and:

2. Geographic factors—the location of new mining fields—and demographic characteristics—the top-heavy distribution of men at or near the retirement age—will mean a heavier than normal influx of young men.

These men will change the face of our industry. Dealing with them is new, and will become, increasingly more difficult. Creating an environment which will enable them to work efficiently and safely will challenge all of us to the utmost. The effort, however, will be well worthwhile because it is these young miners who will provide the initiative and the skill to take our industry to the limits of its potential.

Coal miners tend to be experienced and to remain with a single company. Almost 50 percent of the current coal labor force has 20 years service in a classified job. By normal retirement age most miners will have almost thirty years classified service.

At the present time, the average coal miner has worked for his current employer almost twelve years.

For those of you concerned with the lack of foremen in the mines, this should be an interesting statistic. About four percent of the active miners in classified positions have had supervisory experience. Such experience averages almost six years.

There are approximately 160,000 dependents of miners under age eighteen. We can assume that about one-half of these are boys. These boys are the reservoir of future manpower for the coal industry if it is able to convince them, and their families, that coal mining is indeed a good career. I would remind you that traditionally, coal mining has been a family profession, one to be passed from father to son.

In sum, these statistics give us a profile of manpower in the modern American coal industry. That profile underscores the stability and experience of the work force. It explains, in particular, the high productivity which is characteristic of the modern coal industry. But, it also points to the revolutionary changes which are even now, occurring in coal and which will continue to occur as our work force becomes increasingly younger. For, coal's challenge in the '70's will be to deal with the modern young American miner and to devise ways to attract, retain and most importantly, motivate him.

The UMW has recognized this need. President Boyle has established a Department of Manpower Development. This department is designed to train our own staff representatives, our local union leaders, and eventually, all who want such training. We hope to help develop, through the program, the leaders of our Union today, and to insure that the leaders of tomorrow will be identified, developed, and made ready for their responsibilities. This department is an investment in our Union's future, an investment of incalculable potential. In setting up the department, President Boyle has established a new UMW tradition, a tradition which will bring continuing effective leadership at all levels to our Union.

There are several other facts which are needed to complete this statistical profile of the American Coal Miner.

Each year approximately 4,000 classified employees retire from the union segment of the coal industry. Many of these men are forced into retirement because of disease or injury. Many of them, however, could, if properly motivated, remain in the coal industry in some capacity. They could contribute a great deal more to the industry, to coal communities and most importantly to the economic prosperity of thier families.

Retirement, however, is only one source of manpower attrition. In 1970, 260 coal miners were killed in mining accidents. For the first five months of this year, 86 men have been killed, compared with 80 for a like period in 1970. The increase in the number of fatalities is incredible in the face of all of the attention currently paid to health and safety and despite the existence of the Coal Mine Health and Safety Act of 1969.

During 1969, there were more than 9,800 non-fatal lost-time accidents in coal mining. Some of the men involved in these accidents are permanently lost to the coal industry either because of the severity of the injury or because they choose not to return to mining. I cannot over emphasize that both fatal and non-fatal accidents represent an intolerable waste of the coal industry's most valuable asset—its people. Even if you of industry are willing to forget humanitarian principles, you cannot—on economic grounds alone—permit your present health and safety record to continue.

Estimates provided by our Department of Occupational Health indicate that more than 30 percent of the current work force in coal suffers from some degree of Coal Workers' Pneumoconiosis. Of this total, more than ten percent will become progressively worse until they are totally disabled, unless they are removed from the mining environment.

The human misery of these men is a heavy burden on our industry. It must now be clearly evident that coal cannot continue to tolerate this wastage of its human assets, that common moral principle and cold economic logic both cry out for a speedy and final solution.

A critical evaluation of the manpower problem in coal must include a recognition of the increasingly severe shortage of engineering talent in this industry. There are experts here today who will speak on that subject. I will not deal with it any further except to make one point. I am gravely concerned with the deterioration of mining engineering schools throughout the United States. My concern extends not only to the number of mining engineers graduating but also to the decline of mining engineering as a scientific discipline. Schools of mining engineering have long served as focal points of excellence in the mining field. Their disappearance will be sorely felt not only by the present generation but also for decades to come.

Manpower developments in coal take place within the economic structure of the industry. As all of you know, coal demand is soaring. New mines are being opened and existing mines expanded. One estimate made by the National Coal Policy Conference projects an addition of 200 million tons of annual capacity by the mid-1970's. I, personally, believe this total to be low.

But, increases in capacity do not take place within fixed parameters, coal is now a changing industry. It is largely a captive industry. By captive I mean committed with capacity designated to a single, or at best, a small group of consumers. I recently did a survey which brought out several interesting points along this line. It showed that the bulk of new capacity and, indeed, much existing capacity, is tied to specific consumers under long term arrangements of one type or another. Moreover, large mines are invariably tied, through specialized distribution facilities, to the ultimate consumer.

The coming of age of the unit train, large scale water movement and more recently, EHV transmission, has created a closed system which starts at the mine face and ends with a major consumer.

We look for an intensification of this trend, especially among electric utilities, to a certain extent in exports, and most definitely when liquefaction and gasification come to represent a major coal market.

Economic considerations underscore the need for a stable and efficient work force in coal mining. They inevitably force us to return to the centrality of man in the production equation of coal mining.

Our number one priority in the 1970's must be the establishment and implementation of an effective manpower policy. Such a policy must create the framework within which the industry can attract, retain and motivate its work force. Of the three, motivation will be the most difficult and also the most rewarding. In attempting to develop this policy we must begin with three working hypotheses:

1. We must recognize that our present manpower policies are not adequate to today's challenges. Coal miners are more independent than were their fathers. They are better educated, more aware of their surroundings. They are more vocal, are quick to demand what they feel to be their due and to respond adversely to injustice.

2. Coal companies no longer have a captive labor market, a good electrician, a good foreman, a good engineer does not have to work in coal to earn a good living. These men can, have, and will seek better opportunities when such opportunities are open to them.

3. The public image of coal is deplorable. Coal is simply not attractive as an employer or as an industry. This image is unfair and does not recognize the contribution made by coal to the economy. But, we must recognize its existence if we are to change that image.

A part of the reason for coal's bad image is the safety record. The attacks by critics of coal, in both public and private life, have hurt us badly. We have, to date, failed to reach out—to tell our story objectively and proficiently. Because of this, an atmosphere of hostility has been generated against coal. Because of this atmosphere, all too often those who guide the youth of our nation have tended to point young men away from careers in the mining industry. Finally, the age of ecology has dealt harshly with our industry, especially with regard to strip mining.

Having painted such a gloomy picture, it is redundant upon me to suggest some solutions to the problem.

Initially, let me state very clearly that I believe the future of men in coal is a bright one. I believe that we can instill into the new generation of coal miners the pride that has always characterized the coal mining industry. I believe we can develop a new generation of miners who will stand tall among the workers of our country and who will do all that is demanded of them.

It is incumbent upon us, however, to bring this about. I would suggest the following things.

WE MUST CHANGE THE IMAGE OF OUR INDUSTRY

I am not suggesting a Madison Avenue Public Relations Program, a program designed to cover up mistakes of our industry. I am not suggesting that we attempt to explain away our faults. Rather, we must move as an industry to restore public confidence by correcting problems where they exist, by preventing problems where it is possible, and finally, by telling our story directly and with pride.

An effective public relations program must be one of substance and not of gimmickery. Coal's image will remain bad if coal fails to effectively respond to legitimate problems such as strip mining, pollution, etc. Coal will remain vulnerable to the attacks of critics if it fails to act on pressing environmental and other problems. I believe the industry has recognized this. For example, I strongly suspect that coal's image was enhanced considerably with the statement by Carl Bagge, President of the National Coal Association, that NCA supported (the word supported is my word, not his) proper federal strip mine regulations. I am sure that will do more to enhance coal's image than a ten million dollar public relations program.

COAL MUST ABATE THE TERRIBLE SLAUGHTER IN THE INDUSTRY

Coal can never attract, retain and most importantly, motivate mining personnel with our current health and safety record. Fathers will no longer take their sons into the mines if the certainty of death or injury remains at its present level. Counselors will continue to urge bright young high school students to be anything other than mining engineers. I feel certain that America will not permit mining to continue as it now does at the price of 260 dead men each year.

I say this to you not as an adversary. I have spent all of my professional life promoting coal, many times in cooperation with some of you in this room. But, I know, as you must know, that if we fail to reduce our accident rate the coal industry faces a very precarious future. Joe Moody, the President of the Bituminous Coal Operators Association told the West Virginia Coal Mining Institute recently: "Coal operators recognize that if a better safety record is not achieved they will face the threat of even stricter laws and governmental regulations and, conceivably, the takeover of the mines by the government."

The Coal Mine Health and Safety Act is a good beginning for a truly effective safety program in coal mining, but it is only a start. To fully carry out the mandate for health and safety all of us connected with coal will have to combine our efforts and work closely together to make our mines safe.

It will be necessary to break with many of the cherished traditions of the past, to try the new and ruthlessly cut away those policies and practices which are no longer effective.

MOTIVATION MUST BECOME A KEY WORD IN COAL'S VOCABULARY

Motivation takes many forms. One obvious way to motivate is to provide a wage and fringe benefit level that is consistent with the demands upon the employee and comparable to those in other industries performing similar tasks. I will not belabor this point. In the upcoming months representatives of the industry and the union will discuss this issue in depth and hopefully will arrive at a reasonable solution.

But, motivation in a modern industrial setting involves much more than wages and fringe benefits. This is so because in America most workers have long since passed the subsistence level of income and have come to a plateau similar to their managerial counterparts, a plateau where psychological factors become increasingly important to effective performance.

The basic element in human motivation within this environment involves a recognition that the individual is key to a successful enterprise. It means enhancing the individual's feeling of importance to the enterprise, permitting him to participate in its affairs and expanding his potential for upward movement within its structure. Any successful modern enterprise must recognize that only by enhancing the individual human worth can it ever hope to enhance corporate profitability. Countless studies and books by men like MacGregor, Drucker, Meyers, Roethlisberger and many others, both in the business world and the academic community conclusively demonstrate the validity of a human relations approach in modern management.

I suggest that the coal industry must be structured in such a way that we translate into practice what we tend to preach in words; that is, the worker is the most important part of the coal mining industry. You must begin on that assumption and structure your manpower policies to achieve that end.

The importance of employee motivation in coal may be measured against the demands made upon miners.

Coal miners operate the most sophisticated machinery in a society characterized by sophisticated machinery. While they are doing this they must cope with noise, dust, bad roof, water, explosive gases, possible electrocution and imminent danger of sudden death or injury.

But, even if the miner successfully copes with the hostile environment, his challenge is not ended. Unlike the astronaut, mere physical survival does not equate with success. Rather, you of industry expect him to produce ever increasing quantities of coal, at competitive costs. You expect—and our free market system demands—of him a high level of efficiency on a day in and day out basis.

In short, he must daily face and overcome the threat of a hostile nature and the challenge of a brutal and unsympathetic market place. The sum is enough to test the mettle of the best of men.

There are several companies which have started along this road. They are providing training programs open to all employees and designed to establish a career ladder. They are giving special human relations training to foremen and other supervisors, training which will help them to interact well with the men in the work place. They are establishing special safety programs and increasing the responsibility and authority of those charged with safety. They are coming to recognize the importance of attitude in dealing with men, attitude which is often intangible and rarely quantified, but which means much in the ability or inability of an organization to function effectively.

In all of these things there must be a recognition that convincing the man that his personal goals and those of the coal industry are inexorably intertwined is a vital part of the coal industry's manpower policy. This, in the final analysis, is the best way to effectively utilize coal's most precious asset—its manpower.

WE MUST UPGRADE THE SERVICES AVAILABLE IN COAL MINING AREAS

Coal mining areas are basically rural in nature. As such, they suffer from most of the disadvantages associated with rural areas. Often they lack proper medical facilities, proper housing and many of the amenities considered to be desirable in modern American life.

Of special importance, in my opinion, is the quality of medical care available to miners and their families. The UMWA Welfare and Retirement Fund has done a magnificent job in this regard. They have provided a better quality medical care than has ever been provided before. The coal industry can take justifiable pride in this accomplishment both because it has made it possible financially and also because it has worked closely with the fund in many instances.

However, the shortage of doctors and other medical personnel is so acute in many mining areas that there is a danger of deterioration in the delivery of such medical care. Of course, coal mining areas are not unique, but if our manpower program is to be successful we must find some way to increase the number of doctors and other medical personnel who will serve the needs of mining families.

In short, we must upgrade the living environment of mining areas to make them desirable places to live and work and to retain in them the best talent possible.

I am confident of the future of coal. My confidence is not shaken by the enormity of the problems confronting the industry. In the past, challenge has been the spur to positive forward action. Let it be such a spur in the decade that lies ahead and let those of us now in some way responsible for the future of coal mining respond affirmatively and positively so that we may fashion an industry thoroughly responsive to the needs of our country.

BIRTHDAY TRIBUTE TO THE HONORABLE WRIGHT PATMAN

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. ANNUNZIO. Mr. Speaker, tomorrow marks the 78th birthday of one of the eminent Members of Congress, Hon. WRIGHT PATMAN from the First Congressional District of Texas, and it is a pleasure to extend best wishes to him on this occasion.

Mr. PATMAN has served in the Congress of the United States for almost 43 years, and now is the second most senior Member of Congress. He is chairman of the Banking and Currency Committee, chairman of the Joint Economic Committee, and vice chairman of the Joint Committee on Defense Production.

It has been my privilege to serve on Congressman PATMAN's Banking and Currency Committee since I was first elected to Congress 7 years ago, and since that time I have witnessed his untiring and dedicated efforts in behalf of the little people of America.

During his long service in the House he has been a fearless, constructive Member of this body. He has led the fight to make certain that an adequate money supply exists to meet the needs of our expanding economy. He has protected the rights of veterans. He has championed the cause of low-interest rates. The well-known Robinson-Patman Act is a living memorial to his belief that small businesses must be protected from monopolies. He has played a crucial role in securing passage of some of the most progressive and outstanding legislation passed in the last 40 years. The Truth-in-Lending Act, the Federal Credit Union Act, and the Model Cities program immediately come to mind, as well as the Bank Reform Act and welfare reform proposals. The House Select Committee on Small Businesses was established in 1941 as a result of Mr. PATMAN's legislative proposal. The Housing and Urban Development Act and subsequent amendments came out of Chairman PATMAN's Banking Committee and have contributed immensely toward improving housing for the people of America, particularly those residing in the inner cities.

WRIGHT PATMAN has also been a great teacher. He has contributed two of the most outstanding books on the subject of the Federal Government: "How Our Laws Are Made" and "Our American Government." These books have a tremendous circulation and they continue to be two of the most popular publications in their field. They have established WRIGHT PATMAN as one of the country's outstanding authorities in the area of civics and the legislative process.

The list of WRIGHT PATMAN's accomplishments is long indeed, and that is why Texans are devoted to him. In his years of service in the Congress, he has never failed the trust of the people of Texas or the people of America. He has served his district, his State, and his Nation with courage, devotion, honesty, and above all, with genuine concern for the needs and interests of the "little man" in America.

His philosophy was best expressed a short time ago when he said:

> As a Congressman, I think I'm here to help people. I've always had that attitude, though sometimes I've been almost alone in the position I've taken . . . but this hasn't deterred me, somebody has to stand up for the little man.

Personally, I want to say that Chairman PATMAN's wise counsel as well as his exemplary public service have been sources of profound inspiration to me. Mrs. Annunzio joins me in extending best wishes to WRIGHT PATMAN, as well as his lovely wife, Pauline, on the occasion of his 78th birthday. May he enjoy continued good health and many more years of outstanding public service.

COOPERATION NEEDED TO COMBAT DRUG ABUSE

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. CARTER. Mr. Speaker, heroin addiction presents a great problem to this country. It is estimated that 365,000 people in the United States are addicted to heroin or other drugs of this nature. Last year, 1,000 people in New York City died from the effects of heroin. The drug problem in the United States is so serious that it demands the cooperation of industry, Government, and members of all scientific groups.

Today, chairman PAUL ROGERS and the Subcommittee on Public Health and Environment called upon industry, the Government, and interested scientists throughout the United States for a joint effort to promote a program for the development of drugs which will block or antagonize the effects of heroin. Progress in this direction has been made through the development of naloxone and cyclazocine.

Mr. C. Joseph Stetler, president of the Pharmaceutical Manufacturers Association, and Mr. Thomas M. Rauch, president of Smith Klein & French Laboratories, stated today in committee hearings that they were enthusiastically offering their assistance in solving this great problem.

I urge all responsible pharmaceutical companies to join with the Federal Government and the scientific world in a united effort toward the eradication of the heroin problem.

THE TRIAL LAWYER AND THE ENVIRONMENT

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. DRINAN. Mr. Speaker, I am honored today to make available to my colleagues an excellent and encouraging article written by Mr. Russell E. Train, the distinguished chairman of the President's Council on Environmental Quality.

This article, printed in the 25th anniversary edition of Trial, the national legal news magazine, notes the fact that the Internal Revenue Service, with assistance from the Council on Environmental Quality, has confirmed the charitable status for tax purposes of public interest law firms involved in much of the citizen environmental litigations.

Mr. Train also outlines in this article, one of nine articles in the magazine of the American Trial Lawyers Association for July–August 1971, the policy of the President's Council on Environmental Quality of extending more liberal treatment of standing to sue to citizen groups in order that they may challenge agency action on environmental issues.

Mr. Train concludes his important article by stating that his message and that of his agency "to citizens concerned about the environment is that we are willing to take the risks of being open to delay and the requirement of justifying major government actions affecting the environment to the public, and to a court, because we put high values on both environmental quality and on the contribution an informed public can make."

The article follows:

THE TRIAL LAWYER AND THE ENVIRONMENT

(By Russel E. Train, Chairman, President's Council on Environmental Quality)

With little fanfare or general recognition by the public, Congress, the courts and private litigants themselves—with what we would like to think of as useful help from our Council—have erected a system of opportunity for citizen participation in federal governmental decisions affecting the environment that has given us *de facto* the most advanced "Environmental Ombudsman" system in the world.

I do not say that we have found a way to serve the environment well in every governmental decision or that there is yet a consensus on how all the competing considerations are to be reconciled in difficult cases. What I do say is: In a relatively short time there has been a remarkable process of opening up federal governmental decisions affecting the environment to public comment and debate, to expert analysis by federal, State and local agencies, and to ultimate court review.

In short, public interest law and trial groups, conservation and environmental groups, and indeed any responsible citizens groups concerned with environmental values are coming to a point where they have with respect to federal action an unprecedented opportunity for obtaining information, for public participation, for requiring detailed analysis and expert comment, and obtaining court review of major government actions affecting the environment. To summarize the relevant developments:

TAX-EXEMPT PUBLIC INTEREST LITIGATORS

The Internal Revenue Service, acknowledging assistance from the Council on Environmental Quality, last fall confirmed the charitable status for tax purposes of public interest law firms involved in much of the citizen environmental litigation.

In our letter to the Internal Revenue Service we successfully claimed: Private litigation before courts and administrative agencies has been and will continue to be an important environmental protection technique supplementing and reinforcing government environmental protection programs.

GREATER AVAILABILITY OF INFORMATION

The National Environmental Policy Act requires that environmental impact statements and the comments thereon be available to the public pursuant to the Freedom of Information Act. This policy has been aggressively applied by Executive Order 11514 implementing NEPA and by the Council on Environmental Quality.

The Council's revised guidelines on environmental impact statements generally require that administrative action by agencies be preceded by circulation of a draft environmental statement at least 90 days in advance and by circulation of the final environmental statement and expert federal, state and local agency comments thereon at least 30 days in advance. We encourage the holding of public hearings and provide that where hearings we held the draft environmental impact statements be available to the public in advance.

We publish a monthly *102 Monitor* to give public notice of all draft and final environmental statements and comments received by the Council and utilize a variety of other channels to make this information available to Congress, the public, the press, and citizen groups with particular environmental concerns.

Section 309 of the Clean Air Act, enacted last December, confirms this trend toward greater information accessibility. The section provides for public availability of comments by the Environmental Protection Agency on agency actions and recent decisions under the Freedom of Information Act.

GREATER OPPORTUNITY FOR CITIZEN PARTICIPATION IN AGENCY DECISIONMAKING

We subscribe to Chief Justice Warren Burger's broad views in *United Church of Christ v. FCC* that public interest groups asserting noneconomic interests can participate in agency proceedings. We note that agency rules have been substantially revised to reflect this view.

Here again the National Environmental Policy Act and the Council's guidelines give occasion for advance public comment on proposed actions which are the subject of environmental impact statements, require agencies to prepare written detailed statements on the various environmental issues involved (thereby improving the position of citizen groups seeking to intervene to present environmental arguments), and promote the use of public hearings in a broader variety of decision-making.

The Administrative Procedure Act reinforces this process. It grants to an interested person the rights "to petition for the issuance, amendment or repeal of a rule" and to appeal agency failure to act on such a petition.

The usefulness of these rights was demonstrated in the pesticide cases recently before the Court of Appeals of the District of Columbia (*EDF v. Hardin; EDF v. Finch*), where similar rights were granted under the federal pesticide laws.

More liberal treatment of standing of citizen groups to challenge agency action on environmental issues.

The Council takes the position that the National Environmental Policy Act and other similar environment protection legislation confers standing on concerned citizens and citizen groups to challenge violations of this legislation. In the 20 or so reported opinions of federal district courts involving such challenges under NEPA I am aware of, no court has disagreed with this view.

Greatly expanded rights of citizens in obtaining court review of Federal administrative action affecting the environment.

Since the 1970 enactment of NEPA there have been more than 17 district court decisions in cases involving citizen challenges to federal action under the Act. They have involved Department of Transportation highway projects (*Brooks* v. *Volpe, Elliot* v. *Volpe, Daily* v. *Volpe, Bucklein* v. *Volpe, Penna. Environmental Council* v. *Bartlett*); Interior Department permits for the Alaska pipeline and a related road (*Wilderness Society* v. *Hickel*); a federal contract termination (*Nat. Helium Corp.* v. *Morton*); a Bonneville Administration power line (*Investment Syndicate* v. *Richmond*); Forest Service uses of the national forest (*Sierra Club* v. *Hardin, Dorothy Thomas Foundation* v. *Hardin*); Department of Agriculture use of the pesticide Mirex against fire ants (*EDF* v. *Hardin*); water resource projects of the Corps of Engineers (*EDF* v. *Corps of Engineers* (Cross-Florida Barge Canal)), (*EDF* v. *Corps of Engineers* (Gillham Dam)), a Farmers Home Administration loan (*Texas Committee* v. *U.S.*); and a Justice Department grant for a prison facility (*Ely* v. *Velde*).

Significantly, a number of the decisions indicate the courts' willingness under NEPA to take evidence from the plaintiffs on the environmental impact of, and alternatives to, the proposed action, to go beyond the impact statement itself and scrutinize the underlying record of the government's actions, and to reach a judgment whether in the light of this review the government's compliance with NEPA was adequate (*Wilderness Society* v. *Hickel*, the Cross-Florida and Gillham Dam cases, *Sierra Club* v. *Hardin* and the Mirex case).

I need only add that the Supreme Court's decision last March in the *Overton Park* case under Section 4(f) of the Department of Transportation Act indicates the courts will insist on good faith compliance with our new environmental legislation.

NEW OPPORTUNITY FOR CITIZENS TO SEEK DIRECT ENFORCEMENT OF FEDERAL ANTIPOLLUTION LEGISLATION

Since last December, the Administration's position on citizen suits in federal courts against polluters has been to accept provisions authorizing such suits as a supplement to federal enforcement in areas where federal pollution control standards have been clearly established. Such a provision was enacted in Section 304 of the Clean Air Act as amended and a comparable provision has been proposed by the Administration in Section 10(k) of its amendments to the Federal Water Pollution Control Act.

On the basis of these six developments alone I think you will agree there has been very significant advances in federal law to grant and safeguard citizen rights.

I submit we now have an "Environmental Ombudsman" system in being. It will take citizen initiative, more than superficial concern about environmental values, and a sense of responsibility in using these potentially powerful new tools to achieve results we can be proud of. But our message to citizens concerned about the environment is that we are willing to take the risks of being open to delay and the requirement of justifying major government actions affecting the environment to the public, and to a court, because we put high values on both environmental quality and on the contribution an informed public can make.

CIVIL DEFENSE GAP? PERSPECTIVES ON SOVIET DEVELOPMENT—PART III

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. BOB WILSON. Mr. Speaker, today, I present my final selection from the Soviet Civil Defense Handbook. As I have suggested in the last 2 days, this is an area which calls for close examination by all Members of Congress. It is clear that there has been substantial advance by the Soviets in civil defense and that there are certain consequences which arise from this rapid development. In prefacing the final chapters which I am entering into the RECORD, let me restate what I said 2 days ago. The Russians believe in their ability through mass evacuation and dispersement to protect their citizens in case of nuclear attack. Do we have the same faith in our programs? And, at the same time, is the effectiveness of our deterrent altered by the Russian civil defense program?

I include as a portion of my remarks the last two selections from chapter 2, "Organization of Civil Defense," and chapter 5, "Reception and Relocation of Dispersed Operational and Supervisory Personnel and Evacuated People":

CHAPTER 2—ORGANIZATION OF CIVIL DEFENSE

THE BASIC PRINCIPLES OF ORGANIZING CIVIL DEFENSE

Civil defense is organized throughout the Soviet Union on a territorial-industrial basis. It involves all branches of government, as well as all plants, institutions, schools, kolkhozs, and sovkhozs and includes the entire population. Party, government, and administrative and industrial leaders share the responsibility for the execution of the program.

The Soviet civil defense program is under the jurisdiction of the Council of Ministers of the USSR and is led by the civil defense chief of the USSR, who appoints his own staff. The civil defense chief and his staff act in accordance with the resolutions of the Central Committee of the Communist Party and Council of Ministers of the USSR. In the union republics, the civil defense heads are the chairmen of the Councils of Ministers of the republics.

A civil defense staff is created in each republic to plan and carry out civil defense measures. Local civil defense service personnel in the corresponding ministries, departments, and control units are organized to create and train special civil defense units in peacetime to perform rescue and urgent emergency work in wartime. Branch ministries and departments of the USSR in the union republics are responsible for civil defense in the industrial sectors under their jurisdiction.

Chairmen of the corresponding executive committees of the Workers' Councils[1] are designated as chiefs of civil defense for provinces, cities, districts[2] and villages.

The heads of industrial plants, institutions, schools, kolkhozs, and sovkhozs are designated as chiefs of civil defense matters are binding for all their subordinates and also for the entire population.

The civil defense chief of a province (territory), city, county, or center has his own staff. The presidents of Party, Komsomol (Young Communist League), professional and other communal organizations are members of the guiding civil defense units. Formations, command units, brigades, and groups of different kinds are formed to perform rescue and urgent emergency work at damaged centers and also in areas of natural disasters. These civil defense units consist of Soviet citizens trained to carry out protective measures, rescue work, and urgent emergency work at centers of mass destruction and also in natural-disaster areas.

The formations are created in peacetime. They are provided with transportation, equipment, materials, and stocks of supplies and are given specialized instruction. The civil defense formations are divided into those intended for the industrial sectors and those with other special assignments.

ORGANIZATION OF CIVIL DEFENSE IN AGRICULTURAL DISTRICTS, KOLKHOZS, AND SOVKHOZS

Civil defense in agricultural areas is organized and developed in peacetime to protect the population and agricultural resources from weapons of mass destruction; render aid to damaged cities; receive and relocate evacuated people, organizations, and institutions; resettle and treat wounded people; and maintain production in plants, kolkhozs, and sovkhozs in time of war.

Each agricultural county has its own civil defense chief and his staff. The chief is responsible for the establishment of service personnel and civil defense formations and for their training and readiness to carry out rescue and urgent emergency work in stricken areas. He is also responsible for instructing the population in measures of self-protection from weapons of mass destruction.

The head of agricultural production at a rural economic unit[3] is designated as the deputy civil defense chief. He is responsible for the training and activities of service personnel organized for maintaining agricultural production and for the supply and combat readiness of brigade units created in the kolkhozs and sovkhozs. He supervises the work activities of the evacuated population and is responsible for the protection of people engaged in agricultural production. He also decides on the mode of working in a contaminated area and establishes measures for the protection of animals, plants, food supplies, fodder, agricultural raw materials, and sources of water.

The civil defense staff of a county

The county civil defense chief guides the daily work of the civil defense units through his staff and the heads of the service units. The staff is created from members of the county executive committee and its departments, the managers of the rural economic unit, and members of other organizations. As a rule, a staff member acts as chief-of-staff. The other members of the staff maintain their civil defense obligations while performing their usual jobs. The civil defense head of the county establishes the work schedules for the people directly on his staff and those in service organizations and at economic centers. This arrangement promotes efficiency in planning and executing civil defense measures.

CHAPTER 5—RECEPTION AND RELOCATION OF DISPERSED OPERATIONAL AND SUPERVISORY PERSONNEL AND EVACUATED PEOPLE

THE PRINCIPLE OF THE DISPERSAL AND EVACUATION OPERATIONAL

Protection of the population is implemented by dispersing and evacuating the people to outlying areas and providing them with protective shelters and personal means of protection.

Dispersal of the operational and supervisory personnel and their families and evacuation of the population at large from large cities to regions outside of urban areas will be initiated by a special government decree. The dispersal and evacuation operations must be carried out as fast as possible. The required period depends on the number of people involved, the available means of transportation, the distance to the outlying areas, the state of the highway system, and the level of readiness of the organization. "Dispersal" and "evacuation" represent different concepts.

The dispersal operation covers operational and supervisory personnel (and members of their families) of plants which continue their operation in large cities during the war. They are to be relocated in an outlying area, from which they may commute to work in shifts. They will spend their leisure time outside of the city.

Evacuation refers to operational and supervisory personnel of plants, the functions of which are scheduled to be transferred during the war to an existing similar, or a newly organized, enterprise at a remote location. In addition, this concept also covers persons who are unable to work or are not employed within the national economy.

The number of persons to be dispersed and evacuated will depend on the size and importance of the city and the presence of certain plants, institutions, educational and other installations within it. The nature and the state of preparedness of the outlying area will also greatly affect the dispersion and evacuation operations.

The "outlying area" is defined as the territory which lies between the outer boundary of the potential destruction of the city and the boundary of an administrative subdivision, such as a county, district, or republic.

The outlying areas must be readied in peacetime. Development of the highway system, including auxiliary roads in rural areas, is of special importance. The existing communication system must be improved, the available housing increased, and the food and supply system expanded. Steps must be taken to identify and equip cellars, basements, farm buildings, and various underground structures as shelters for the population. Certain communities are further developed to receive plants and schools, and sources of water supply are prepared.

The tremendous size of the territory of the country, the socialistic planning system of the national economy, and the common ownership of the land, housing, plants, and municipal services make it possible to prepare the outlying areas in due time.

All means of transportation—railways, cars (trucks), riverboats, ships, and airplanes—will be used for dispersal and evacuation. However, the main modes of transport will be trains and motor vehicles.

For the most efficient use of highway transportation, it is necessary to organize the technical services; create a sufficient number of service stations, mobile refueling units, and repair shops; and closely control highway traffic.

The operational and supervisory personnel will be dispersed on the basis of their place of employment, such as the factory, plant, or other establishment where they work. Employees of a given enterprise and their families should be transferred together to the same or nearby areas. These areas should not be far from the city, but at the same time they should be sufficiently distant to ensure the safety of the population in case of a nuclear attack by the enemy. The dispersed employees should be resettled near railway stations and highways to reduce the time spent in commuting to and from work in the city. The time needed for the round trip should not exceed four to five hours; thus, the dispersal areas may be 60-80 kilometers [37-50 miles] or more from the city. Under such conditions the dispersed employees will be at work for 12 hours and on the road for 4 to 5 hours, leaving 7 to 8 hours for rest and personal activities. In the outlying area the workers and the nonworking population will be assigned mostly to private homes, and when houses are not available, in public buildings such as clubs, schools, youth camps, recreational buildings, rest homes, etc. The main principle of dispersal is: work in the city and rest in the outlying area.

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[1] The Workers' Councils or Soviets of Working People's Deputies constitute the Soviet governmental apparatus at each level of government: republic, province, city or county, and village.

[2] Districts: comparable to counties in the United States.

[3] Rural economic unit: a kolkhoz or sovkhoz. (An urban economic unit is a factory, while an urban center or urban enterprise could be a factory, school, housing project, office, etc.)

When enemy attack is imminent or the civil defense organizations send out an alert, the shift actually at work should take refuge in the shelters or cellars of the enterprise or plant. The other shifts of workers—those resting in the outlying area—should also seek shelter in radiation-proof structures, if necessary. A timely and efficient dispersal will thus help conserve the labor force and ensure the continued production needed to carry on with the war and keep the country alive.

The personnel of plants, the activity of which is to be transferred to an outlying area, will be evacuated on the basis of their place of employment, while the nonworking individuals will be evacuated on the basis of their residence (housing office). The districts—relocation points of the plants and populations to be evacuated to outlying areas within the boundaries of their own county or region—will be determined and confirmed by order of the county or regional workers councils. As a rule, these districts should be located toward the remote zones of the outlying area.

Orders will be issued authorizing the plants and organizations to be evacuated to the buildings set aside for them by the district workers councils.

In the evacuation districts all housing and farm buildings which may be made suitable for the temporary resettlement of evacuees will be checked. The location of springs, artesian wells, and other sources of water which could be used to supply water to the population should be known in advance. In addition, the means needed to provide food, necessities, municipal services, and work for the evacuated population should be surveyed. As a general rule, belongings should be evacuated after the population has been resettled, but, if possible, both operations may be carried out simultaneously. The principle of relocating dispersed workers and evacuated persons, plants, and facilities is illustrated in Figure 27.

The sequence of the various dispersal and evacuation steps will depend on the particular situation and the specific features of the city and the remote area in question. It will be decided in each case by a special government order. The steps may be carried out in different order; for example, first dispersal, followed by evacuation; simultaneous dispersal and evacuation, or first and evacuation then dispersal.

The simultaneous dispersal of workers and evacuation of the plants and institutions will greatly decrease the number of people in the cities; this in turn will sharply reduce population losses in case of a nuclear attack by the enemy. It has been stated in the foreign press that a nuclear attack of an unprotected large city may result in the loss of life of as much as 90% of the population. An early dispersal and evacuation could reduce the losses considerably, to a level between 5% and 8%.

EVACUATION AGENCIES

Success of dispersal and evacuation will depend significantly on how well the reception and relocation of the dispersed workers and evacuees is organized. Those responsible for receiving and resettling both people and plants are the executive committees of the workers councils. They will exert their leadership through farm and village councils, the civil defense staffs of agricultural districts, collective and state farms, evacuation commissions, reception and assembly evacuation centers, embarkation and disembarkation (loading and unloading) points and stations. (Fig. 28).

The evacuation commission is created in peacetime. The Deputy Chairman of the Executive Committee of the District Workers Council usually serves as President of the Evacuation Commission, which also includes representatives of the district party committee, medical service, agricultural management organization, district supply office, district police department, transportation, communication, and alerting services, educational and welfare organizations, district military headquarters, housing and utilities office, district trade union council, district committee of Young Communists, and three or four technical experts.

The district evacuation commission for the reception and relocation of the population carries out the following basic duties in cooperation with the district civil defense organization: preparing proposals listing the districts to be used for the relocation of people; participating in the work required to prepare and equip these areas; specifying the number and location of the reception centers; and determining the need and providing the means to transport children, invalids, and the aged from the unloading area to their billets. In addition, the evacuation commission helps to develop one of the most important sections of the civil defense plan—"Plan for the reception and relocation of the the evacuated population"—and collaborates with other involved organizations to supply medical service, provisions, necessities, and municipal services to the population and also helps to find work for them. It selects the managers and the supervisory personnel of the reception centers, submitting the names to the district executive committee of workers councils for confirmation; it provides military training to the personnel of the reception centers and supervises the reception and relocation of evacuees in the district.

The regional reception centers are activated as soon as they receive warning of an imminent attack. At the same time, details of the plan to resettle the urban population in small communities are worked out, disembarkation and unloading stations prepared for the arrival of special trains, local transportation arranged for the incoming urban population to their permanent relocation quarters, and provisions made for necessary medical and general services.

Supervisory and staff personnel of the civil defense organization of collective and state farms will assign in advance the available houses, industrial buildings and others which may be used for billeting the relocated people from the city. They will also determine the transportation requirements for carrying children, the sick, and the aged to their new living quarters, and develop plans for the reception and relocation of dispersed workers and evacuees. They will operate in close collaboration with the district evacuation commission.

No reception centers will be established at the collective and state farms to which only few evacuees will be assigned. In this case the supervisory and staff personnel of the civil defense organization will resolve questions involving the reception and relocation of the incoming urban population. Evacuation reception centers will be organized at large farms scheduled to receive a large number of evacuees.

The state and collective farms may receive dispersed and evacuated people both from the district evacuation centers and directly from the disembarkation or unloading stations. In the first case, the receiving centers of the collective and state farms are organized at a central location within the farms; in the second case, they are set up right at the unloading station itself.

Communal buildings, such as schools or clubs, are considered well suited for housing reception centers. Such an arrangement makes it possible to accommodate temporarily the new arrivals at any time of the day or year and in any kind of weather. The problems to be resolved at the receiving centers are very important and carry high responsibility: the incoming people must be met, registered, assigned to various communities, and sent to their quarters in an orderly manner.

Depending on the difficulties encountered and local conditions, the staff of the center could include the following persons: the commandant, his "political" deputy, the recording and checking group (10–12 persons), the building superintendent and his duty officers (3–5 persons), the group receiving the evacuees (16–21 persons), the equipping and dispatch group (6–7 persons), the canteen group (3 persons), medical station staff (2 persons), mother-and-children room staff (2 persons), and the peace-keeping group (4–6 persons). (Fig. 29).

In order to ensure the smooth operation of the reception center, the needed documents must be prepared during peacetime. The number and type of the required documents depend on the specific case. The main documents include: the list of evacuees scheduled to arrive at the center; the list of the staff of the center; the warning plan, the telephone directory of the civil defense officials, the list of the communities to which the evacuees will be assigned; the type and number of vehicles for transporting the evacuees to the relocation areas; sample evacuation certificates; forms for checking the evacuees, and the organization chart of the center's personnel.

One of the collective or state farm managers is named as the commandant of the reception center. He must study in peacetime the problems involved in receiving and relocating the incoming people—the problems of operating the reception center, the number of people expected at the center, the communities to which they will be assigned, the number of the special trains and automobile convoys, their unloading stations, the estimated time of arrival of the trains, and the location of building sites designated as radiation-protection shelters.

In case of contamination of the area he is the one who must take steps to provide protection for the people in the radiation-protection shelters.

The political deputy of the commandant is responsible for the organization and implementation of political education.

The building superintendent is responsible for the preparation and equipment of the building at the reception center.

Back at the city, each plant and factory will organize an evacuation commission; it designates the evacuation assembly and loading centers. These urban evacuation commissions keep track of the employees and their family members who are subject to dispersal (evacuation), organize their evacuation assembly centers and schedule dispersal and evacuation operations. The commission also inspects the outlying areas in question and, in cooperation with the evacuation reception commission of the rural district, prepares a detailed list of the billets.

The lists of individuals subject to dispersal (evacuation) are checked from time to time.

One copy of the list is kept in the evacuation assembly center while the second is transmitted to the evacuation reception commission of the rural district together with a copy of the dispersal and evacuation plan.

The evacuation assembly center is responsible for the assembly and registration of the evacuees, their orderly loading on vehicles, and their transportation to the outlying area. The centers are established by the executive committees of the regional (urban) workers councils on the basis of the place of work or residence of the persons to be evacuated, at the rate of one center for 2000–3000 persons. They will be located in communal buildings, such as schools, clubs, etc. When establishing evacuation assembly centers, the availability of suitable roads for transportation, parking, and access to the main highways must be taken into account. The people to be dispersed and evacuated must know the location of their center and the rules for assembling and embarking on the vehicles.

The evacuation assembly centers assume responsibility for alerting people on beginning of dispersal and evacuation operations, assembling and registering the people and getting them transportation to the outlying area, planning the loading operations, forming convoys and sending them to the loading points, keeping the people informed about the situation, providing shelter when the "air-alarm" signal is given, and informing the district evacuation commission about the progress of their evacuation. They may assume many other functions as required by the changing situation and local conditions.

The evacuation assembly personnel is selected and trained in advance from those individuals not subject to call to the Soviet armed forces or those deferred from service.

Depending upon the duties to be fulfilled and the actual situation, the staff of the evacuation assembly may be changed. Figure 30 indicates such a change. The evacuation assembly center should be in touch with the district (urban) evacuation commission.

The following official documents must be prepared in advance during peace-time by each evacuation assembly center: an extract from the dispersal and evacuation plan for the population and a list of the individuals involved, the operational plan of the assembly center and the warning system, a directory of the staff of the assembly center, a telephone directory of the civil defense officers, a timetable for the railway and highway transportation systems, blanks for recording the evacuees, a list of itineraries, and the organization chart of the center's staff. Evacuation certification blanks will be provided to each assembly center.

The evacuation certificate consists of three parts: the certificate itself, the receipt, and the stub. It contains the family name, the first name, patronymic, the date and place of birth, residence before evacuation, the place to which the person is to be evacuated, the names of individuals evacuated with him, the number and address of the assembly center, a place to stamped as "recorded." The stub of the evacuation certificate remains at the assembly center, while the receipt is sent to the police department. The evacuee keeps the evacuation certificate itself; it serves to confirm his identify in connection with his identification card.

The *recording and checking group* keeps track of the people arriving at the center, assigning the evacuees to a given railway car or automobile, telling them the name of the person in charge of the vehicle, and issuing evacuation certificates to persons who have not obtained them earlier.

The *alerting group* informs citizens of the start of evacuation, gives them the evacuation certificates and has them sign for them, and tells them where the assembly center is and where they must arrive.

The *transportation group* organizes the loading of people into the vehicles and the formation of marching units, designating the lead unit and outlining to the evacuees the rules to be followed during transportation or while marching. This group includes among its members representatives from the party organization, the Young Communist League, sports clubs, and the health service.

The *health service station* provides assistance to sick people and helps to preserve the required sanitary conditions within the assembly center. Its personnel includes physicians, medical assistants, nurses, and medics. The physician of the center is named by the medical service of the civilian defense unit from among the medical staff of the plants and institutes assigned to that particular assembly center or from that of the municipal medical organization. He is responsible for medical matters at the assembly center and during the trip to the relocation area. Responsibilities of the physician of the medical station include looking after the evacuees, especially children and older people, and keeping on hand the necessary supply of drugs and medical instruments to provide first aid. He must report the names of seriously ill persons to the commandant of the assembly center or to the health department supervisor of the plant or the city and, in accordance with their instructions, send patients to the nearest hospital. He must check the sanitary conditions of the buildings of the assembly center, especially in the public areas, and must organize and implement the sanitary and preventive measures among the evacuees, as required by the medical regulations. These activities must be reported to the civil defense superivisor of the plant or the city.

The *general peace-keeping group* includes policemen and members of national volunteer service groups. The commanding officer of this group is appointed by the Public Order Department; from the operational standpoint he reports to the commandant of the assembly center. He is fully responsible for maintaining public order and safety and for supervising the loading operations.

The *building superintendent* is appointed from members of the supervisory staff of the plants and institutes assigned to that assembly center and reports to its commandant. His responsibilities include furnishing telephone and radio services, necessary materials, and water to the center; dividing people into groups for loading on the vehicles; and helping to organize in advance the measures necessary for protecting the people.

The *chief of the railway or motor vehicle convoy team* is responsible for the rapid transportation of the evacuees to the relocation areas. The chief is in charge of all personnel, including the operating train's crew. He has the right to use freely all means of communication (telegraph, telephone, radio) and transportation for carying out official business.

Before starting the loading operations, the railway team chief must learn and check the number of the special train and its time for departure, have an accurate list of the people on the train, designate overseers in each car, and count the persons and the accompanying luggage loaded in the cars. He is responsible for the rapid loading of the train and for reporting to the station master or the duty officer when the train is ready to depart.

Loading platforms are assigned for getting the evacuees into motor vehicles. They must be located at railroad stations, docks, ports, and piers. Loading areas for convoys may be combined with the assembly centers.

ORGANIZATION OF THE RELOCATION OF WORKERS TO BE DISPERSED, THEIR FAMILY, AND EVACUEES

The dispersal of the workers and evacuation of the population must be organized in peacetime. The supervisor of the district or municipal civil defense organization is responsible for the dispersal of workers and evacuation of the population. On the basis of his instructions, the district civil defense staff, in cooperation with service departments and the evacuation commission, develops a plan, a copy of which is sent to each plant.

On the basis of this copy of the plan, the supervisor of the civil defense organization of each facility must make his own decision and in cooperation with the evacuation commission and the service departments develops his own plan.

Orders concerning the start of dispersal and evacuation of the operations are swiftly communicated to the supervisors of the municipal, district, and plant civil defense organizations. The population is alerted by local radio broadcasts and warning signals and newspapers. At the same time the means of transportation are made ready to move the population, and the assembly centers are set up.

The managers of the motor vehicle fleets organize motor convoys, indicating their itineraries, developing timetables, and sending the vehicles to the assembly centers. The movement of the vehicles to the assembly centers is based on the previously established timetables.

The successful execution of the evacuation will depend greatly on the state of organization and discipline of the population, how much they know and how well they carry on with their duties. After they have been informed of the beginning of the dispersal and evacuation operations, all persons must start immediately to collect their essentials, clothing, footwear, underwear, bedding, food (for two to three days), medicines, and personal means of protection, packing everything in knapsacks, bags, or suitcases. The total weight of the goods should not exceed 50 kg. [110 lb.] per person. Everyone must also take along the following documents: identification cards, draft card, school certificates, birth certificates of children, employment booklet, evacuation certificates, and money. Pre-school age children should have in their pockets or sewn to their clothes a label giving their last name, first name, patronymic, place or residence, and the ultimate evacuation point. A tag with last name, first name, patronymic, permanent residence, and final evacuation point should also be attached to each suitcase or knapsack.

The names of sick persons who are unable to accompany their family to the assembly center must be reported to the commandant of the center.

The persons arriving at the assembly center will be registered and assigned to railroad cars or motor vehicles. Afterwards, following closely the instructions of the evacuation center's staff concerning the loading schedule, the evacuees will take their assigned places in the cars. During the trip they must observe the established regulations: each person must know the number of his railroad car or motor vehicle and the name of the special train or motor convoy chief and must obey the safety rules.

It should be kept in mind that a nuclear attack on the city by the enemy may occur during the dispersal and evacuation operations. If this should happen, the actual situation will dictate what action must be taken.

If the "air alarm" signal is given when people are at home, they must warn their neighbors to shut off the electricity, gas, furnace, and the kitchen range, close the windows, take documents and immediate necessities with them, and seek refuge in the nearest shelter.

If the alert is sounded while people are on their way to the assembly evacuation center or after they have arrived there, they must immediately take refuge in the nearest shelter.

If the enemy did not attack the city with nuclear weapons, the dispersal and evacuation operations must be continued.

A nuclear attack on the city by an enemy causes a very difficult and complex situation, making it necessary to carry out the dispersal and evacuation operations simultaneously with rescue and emergency measures.

During the trip, the evacuees must observe the rules applicable to travel, taking care to prevent accidents. If weapons of mass destruction by the enemy force the train to stop, everybody must get off as fast as possible. The responsible officials must be notified of this while taking steps to continue the trip.

If a motor convoy carrying people to the outlying area must pass through areas contaminated by radioactive, chemical, or bacterial materials, the contaminated zone must be bypassed at the windward side. If this is impossible, the convoy must go through the area at a high speed, using personal protection devices, such as gas masks, respirators, face masks, protective clothing, gloves, and boots. After having passed through the contaminated area, all persons must be checked by the health service, and their clothes, shoes, and belongings decontaminated.

Evacuation of the population from the large cities is a very important protective measure. Successful execution of dispersal and evacuation requires careful and complete planning in peacetime and making sure that the evacuation units, the population at large, and the transportation crews are well trained.

RECEPTION, RELOCATION, AND SUPERVISION OF DISPERSED WORKERS AND EVACUEES

When evacuation begins, the commandant of the civil defense organization of the rural district issues orders to his staff to make necessary preparations for the reception and relocation of the dispersed workers and evacuees, as outlined in the plan developed in peacetime. The supervisory and staff personnel and the evacuation commissions of the rural districts and state and collective farms will have some time at their disposal to prepare the reception operations. This time depends on how fast people are assembled at the assembly center, on the time required to make ready the vehicles needed to transport them, the time required for embarkation and loading (3–6 hours), the speed of the railway trains or motor convoys, and the distance to the reception area (2–4 or more hours and altogether 5–10 hours; for more remote areas, longer periods may be needed). After he receives his orders, the chairman of the district evacuation commission must make sure that the station platforms, piers, unloading areas, and reception centers are ready to receive the evacuees. He must also distribute the required forms.

In cooperation with the civil defense staff of the rural district, the commission gets in touch with the urban or district evacuation commission, working out a detailed plan for the reception and relocation of the population and a timetable for the movement of trains and motor convoys on the basis of the estimated number of people to be assigned to each special train or highway transportation unit.

The regional evacuation commission also establishes contact with the commandant and staff of the civil defense organization and evacuation commissions of all the urban facilities which are supposed to be relocated in the territory of the given rural district. He cooperates with them in developing a plan for relocating the incoming people and taking care of them.

At collective and state farms, all buildings designated to house the relocated people are released from general use, and other billeting problems are resolved. This involves assigning quarters with the local inhabitants, taking into account the increase in population density, in boarding houses, youth hotels, tourist camps, outlying farm houses, and other communal buildings; at the same time the reception centers are made ready.

On learning that dispersal and evacuation have started, the commandant of the reception center must go there immediately to assemble his staff and establish contact with supervisory personnel of the civil defense organization of the collective or state farm. He should transmit to them the pertinent portions of the plan on the relocation of dispersed and evacuated individuals and then should activate the reception center, organizing the details of its operation. He must personally meet the incoming special trains and motor convoys and is responsible for the reception of the arriving people, to whom he must explain the situation, taking steps to prevent any panic and disorder.

The chief of the train or motor convoy issues instructions on the disembarkation of people from the vehicles as they arrive at their destination; he must inform the station master or duty officer when this operation is finished. At this time, he will advise the representative of the evacuation commission of the rural district that the task has been completed, forwarding him the required records.

Members of the receiving group meet the arriving individuals and acompany them to the reception center.

Members of the recording and checking group list the names of all persons in a special book, checking their identification cards and evacuation certificates. An example of the filled out blank is shown below.

RELOCATION RECORDS OF EVACUEES AT A COLLECTIVE FARM

Order No.	Last name, 1st name, patronymic	Year of birth	Relationship (head of family, wife, son, etc.)	Previous residence	Relocation area	Date of arrival
1	Sukharev, Ivan Sergeevich	1910	Head of family.	Moscow, Sovetskaya St. 5–18	Cottage	May 5
2	Sukharev, Elena Ivanovna	1913	Wife	Same	Same	Do.

These record books may also contain other data such as party membership, education, special expertise, military service record, etc. At the same time, it should be noted which member of the family did not arrive at the reception station and the reason. Each incoming person is to be told in what community he shall live, at what address, and who is to be his host.

The physician of the center and the health services staff will identify the sick and check their complaint. The sick will be sent to clinics for a more detailed checkup, diagnosis, and treatment. People showing symptoms of infectious diseases will be quarantined, and the vehicles will be decontaminated before being allowed to return to the city.

After registration, members of the equipment and dispatch group divide the new arrivals among the communities, providing them with an escort to their permanent quarters, and using cars and truck for transporting them there. If there is a shortage of vehicles, the evacuees will be sent on foot to the relocation community. In such a case, only mothers with children, pregnant women, invalids, old people, and their belongings will be transported.

In each community the evacuees must be met by a special detachment whose members will guide them to their assigned homes. The evacuees must follow all orders of local, party, and government agencies and must observe the regulations concerning proper behavior.

Collective means of protection are provided in advance in the dispersal and evacuation areas. If the number of available shelters is not sufficient to protect the incoming urban population, the local government agencies will build additional simple radiation protection shelters and will supply personal means of protection. All able bodied people, including the new arrivals from the city, must participate in this work.

Provision of food, communal services, and medical care at the outlying area to the workers, members of their families, and evacuees is of the greatest importance.

The food and supplies office of the rural district has the responsibility of supplying food and essentials to the population. During the first two days the people are expected to survive on the food that they have brought with them. Hot food is to be prepared at their permanent residence or may be supplied through boarding houses, tearooms, coffee houses, or restaurants. If necessary, feeding stations should be organized, using field kitchens, large cooking vessels, and other mass feeding equipment.

It is very important to protect food products from radioactive, chemical, and bacterial contamination by strictly following the food storage regulations. Greatest care must be applied when handling food products, and steps taken to prevent radioactive fallout from reaching the food during transportation and preparation. Therefore, all outer clothing and footwear must be removed upon entering, the hands and face must be carefully washed with soap, and the leftovers must be repacked.

The community service organizations, such as tradesmen, barbers and hairdressers, laundries, and bath houses are responsible for providing public services to the population in the relocation areas. If necessary, these services may be increased by relocating similar groups from the city to the outlying area.

Persons trained in various communal and public service fields among the evacuees should be recruited to collaborate with the local communal organizations. The evacuation agencies and the executive committees of the workers council should see that relocated people can withdraw their deposits from the urban savings banks.

As a general rule, the already existing network of hospitals, polyclinics, rural outpatient centers, and pharmacies will be responsible for providing medical service to the population. Operation of these agencies will be greatly complicated by radioactive, chemical, and bacteriological contamination. People exposed to the effects of radioactive, chemical, and bacterial weapons are likely to be present along with their usual patients. Health care at the home is expected to play a considerably increased role.

In order to increase the effectiveness of polyclinics, hospitals, and health care centers and to enlarge the number of paramedical personnel, physicians, nurses, medical assistants, and persons with some medical training among the evacuees must be recruited for this activity.

The Party and government organizations of the involved rural districts and the managers of the cooperative and state farms, institutes, and plants must plan and organize the work assignments of the evacuees. Work should be provided for them in the collective and state farms and in the relocated plants which continue their operations at an outlying site after transfer from the city. When assigning the work, the expertise of the incoming evacuees must be taken into consideration. Specifically, the evacuees should be assigned to sowing, tending, and harvesting field crops in the collective and state farms.

POLITICAL ACTIVITY OF THE PARTY DURING THE DISPERSAL OF WORKERS AND EVACUATION OF THE POPULATION

Under these difficult conditions the political and educational work of the party among the population becomes especially important.

The political activity of the party is organized on the basis of the program and constitution of the Communist Party of the Soviet Union; decrees of the Central Committee of the Party and the Soviet Government; instructions and directives of the High Command and the head of the civil defense organization of the USSR; the resolutions, directives, and instructions of the Central Committees of the Communist Parties of the Union republics and district, county, regional committees, and city committees of the party. The party organizations, under the supervision of the local party agencies, carry out political and educational activity among the population.

The political work of the party becomes especially important during the period of dispersal and evacuation. This activity is the responsibility of the party organizations of the plants, institutes, districts, and cities of similar agencies of the collective and state farms, facilities, and rural, regional, and district party committees.

The political activity of the party is already started in peacetime to acquaint all citizens with the importance of the evacuation and to help civil defense organizations and evacuation commissions. The political party workers must also assist in the implementation of dispersal and evacuation and the operations of the evacuation posts, cooperating with the evacuation agencies in the advance preparation of the outlying areas. Working closely with the supervisors of the party organizations of the state and collective farms in the relocation and evacuation districts is very helpful in resolving problems of providing for the evacuees.

When the country is threatened with an attack and dispersal and evacuation operations have started, persons involved in the political apparatus of the party must alert the staffs of the evacuation agencies and the population, advising them that the dispersal and evacuation are in progress and offering assistance in directing them to the assembly centers. The party staff will inform workers and the population at large of the general rules of conduct that must be observed at those centers during the trip and at the relocation centers to help to keep up the morale of the population and to increase their awareness of the importance of the operations. These agencies must mask and counter enemy propaganda to prevent potential panic-causing rumors, maintaining order and discipline during the embarkation and the trip.

When the workers and evacuees arrive at the outlying location, the political party workers must organize as fast as possible the reception of the incoming people at the stations, platforms, disembarkation points, and reception centers, ensuring an orderly billeting of the incoming people at the various communities and public buildings. The party staff must help supply the population with water, food, and communal and medical services, equipping existing shelters, constructing additional ones, and providing some simple personal means of protection. Staff members should also help by explaining to the population the rules of conduct in contaminated zones and organizing work for the evacuees, assigning them to work shifts at the plants which continue to function in the city.

Special political activity should be carried on among the transportation workers on whose efficient operation the dispersal of workers and service personnel will depend.

FOREIGN ASSISTANCE ACT OF 1971

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. HARRINGTON. Mr. Speaker, this week I supported H.R. 9910, the Foreign Assistance Act of 1971. My affirmative vote, however, was not without a number of reservations that I feel merit discussion.

In too many instances, H.R. 9910 epitomized the misplaced priorities so characteristic of the actions of this Congress. When almost 60 percent of the total $6,938,700,000 authorized in this measure was specified for military aid and security-supporting assistance, I could only underscore Congressman RONALD DELLUM's evaluation that "the 'Foreign Assistance Act of 1971' is the antithesis of development assistance."

I strongly believe that nonmilitary aid to developing countries should be of critical concern to the United States, and that it has not received the attention and funding it is due. Concurrently, I feel that military aid and security-supporting assistance are, in many cases, blatantly overfunded due to Congress inability to say "no" to the military. In this regard, I first of all was dismayed that both military and nonmilitary assistance were crudely lumped together in one package so that those who supported development assistance and had reservations about military assistance were forced into an unnecessary and painful bind.

I understand, of course, that such factors are being considered in the House Foreign Affairs Committee's study of foreign aid that will be completed 2 years from now. Yet, the fact that reform is under consideration does not give us leave, in the interim, to forgo any sense of responsibility in this area. We must today fully appreciate the affirmation of the Peterson report that, "the U.S. has a profound national interest in cooperating with developing countries in their efforts to improve conditions of life in their societies." Since the House, by introducing and passing a bill so heavily weighted in favor of military rather than development assistance, did not adequately respond to that challenge, we must now look to the Senate. I urge that body to effect this critical reordering of priorities in favor of nonmilitary aid.

I would like to note further that while I am certainly not unconditionally opposed to military aid, I feel very strongly that careful discrimination must be exercised in making allocations. Aid to Greece and Pakistan were eliminated, and I fully endorsed the committee's position on this. I further heartened that moves to restore such assistance were soundly defeated on the House floor. Yet, I could see no reason for fostering the military and security interests of repressive countries such as Brazil and Portugal.

Despite the sincere reservations about the provisions in H.R. 9910, I reluctantly voted in favor of its passage. I did this for several reasons.

Many of the nonmilitary assistance provisions in the bill were laudable and reflected a real effort to meet the critical expanding needs of developing nations. For this the committee is again to be commended. Furthermore, there were some countries to which assistance should have been allocated and I did not want to jeopardize that aid. Israel, specifically—since she is, according to the committee report, now eligible for this assistance, and there is sufficient funding in the measure to cover such help—was a singularly deserving recipient.

Thus, while I did vote for H.R. 9910, I implore the Senate to weigh my qualifications about the measure as that body deals with this issue, and I implore both bodies to keep these qualifications in mind as they consider foreign and military aid proposals in the future.

DAY OF SOVIET SHAME

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. BROYHILL of Virginia. Mr. Speaker, August 21 marks the anniversary of the most blatant instance of Soviet imperialism since the end of the Second World War. On that day in 1968, a half-million troops under Russian control crushed out the stirrings of liberty which had emerged that spring in Prague. Lest we forget, that day has been commemorated as a Day of Soviet Shame by the Czechoslovak National Council of America.

The invasion of peaceful and freedom-loving Czechoslovakia violated at least five of the main principles of international law contained in the United Nations Charter—a document to which the Soviet Union claims to adhere. The sovereignty of a member state of the community of nations was wantonly violated by the use of military force. Furthermore, the invasion was an affront to the principle of self-determination of peoples, a principle which this country has supported since its beginning. And, by the Brezhnev doctrine, the Soviet Union has reserved the permanent right to intervene in the affairs of other Communist states which might try to allow their people more freedom. We must not let this doctrine stand unchallenged.

In the spring of 1968, a new Czech Government, led by Alexander Dubcek, had begun to draw their country away from the repressive Soviet past, granting the Czech people more freedoms, liberalizing censorship, and creating structures to respond to the real needs of the people. These efforts were ruthlessly crushed by Soviet tanks on the night of August 21. The history of the Czech and Slovak peoples over the last 53 years has been that of a continuous struggle for independence, freedom, and democracy. This struggle was brutally set back by the Munich sellout in 1938, and then in 1948 when the Communists came to power after a coup. In August 1968, for the third time in 20 years, Czech aspirations to freedom were blighted when the Russian tanks put an end to the Prague spring. Representatives of all free peoples the world over must continue to press for the withdrawal of all Soviet troops from Czechoslovakia, and the vindication of the legitimate rights and national aspirations of all East European peoples. I join with them today to demand the withdrawal of Soviet troops and the restoration of Czech freedom.

DURHAM, N.C., HOSTS THE FIRST PAN AFRICAN-AMERICAN TRACK MEET

HON. NICK GALIFIANAKIS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. GALIFIANAKIS. Mr. Speaker, because of the historic nature of an extraordinary event which occurred in my district recently, I would like to call it to the attention of my colleagues. On July 16 and 17, Durham, N.C., hosted the first Pan African-American Track Meet, and witnesses to this event were witnesses to a historically unique occurrence—an African team representing many nations united under one banner.

The international track meet, held at Wallace Wade Stadium at Duke University, was also the first one to be held in the Southeastern United States. The audience for the 2-day meet numbered 52,000, making it the largest audience tc witness a track meet in the Western Hemisphere this year.

The most important aspect of this event, however, was the strengthening of old friendships, and the establishment of new ones for the two continents. It was an illustrious example of the intensely human magnificence that is found in "reaching for the win," and at the same time "reaching for others." It was a marvelous embodiment of the truths gained from the old and wise saying, "To communicate is the beginning of understanding."

This track meet was the culmination of 11 years of dreaming, and planning and hard work by Dr. Leroy T. Walker, chairman of the Department of Physical Education at North Carolina Central University, Mr. Al Buehler, head track coach at Duke University and president of the National Association of Track Coaches, and countless others who worked selflessly and tirelessly to make this event the success it was. All involved cannot be praised too highly for their determination, their skill, and most of all, their faith in creating a monumental event that would symbolize all that is best in the spirit of striving and all that is kind in the relations of men to men.

Fifty percent of the profits from the track meet will go to the Amateur Athletic Union for their work in preparing our athletes for the 1972 Olympic games and the remaining 50 percent will go to UNICEF, the Durham Recreation Department, and the John Avery Boys Club, all devoted to the development of youth.

I am indeed proud to represent a district whose unselfish endeavors have strengthened relations between the United States and the nations of Africa.

VIETNAMIZATION: PRESCRIPTION FOR DISASTER

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. LEGGETT. Mr. Speaker, for many months I have criticized the Vietnamization program on the grounds that it is tantamount to abandonment of the American prisoners of war. Now it is becoming increasingly apparent that the program itself is leading to catastrophe.

A few months ago we were hearing great things about the progress of Vietnamization, about how the South Vietnamese Army could "hack it." We don't hear much of that kind of thing any more. It is becoming increasingly evident that the ARVN just does not want to fight. All the Madison Avenue propaganda the administration can drum up cannot disguise the fact that the Vietnamese soldier is not going to risk his life for generals he knows to be corrupt, or for a type of government he did not choose and which does not represent him.

It is becoming increasingly clear that the lull in the fighting is the result of a decision by the other side to let us proceed with our withdrawals relatively unmolested. But when the withdrawals stop, when we reach the level of Mr. Nixon's "residual force"—what will the other side do then? If we don't resolve Vietnam's future by negotiations, that country may be in for trouble.

Mr. Speaker, a policy which leaves 50,000 or 70,000 Americans to face a possible Tet offensive is a policy of criminal irresponsibility. It is no policy. It makes no provision for the contingencies which are developing. It must be abandoned.

We must set a date for total withdrawal in return for an agreement on the safety of our troops and the return of prisoners of war. Then we must stick to it and get out. This is the only way we will get our prisoners back. It is the only way we will get our men out safely. And it is the only way the Vietnamese will have time to peaceably resolve their differences.

The August 2 issue of Newsweek carried an excellent report on the snowballing disintegration of Vietnamization. I include it at this point in the Record.

[From Newsweek, Aug. 2, 1971]

VIETNAMIZATION: THE REALITY AND THE MYTH

Despite such assurances, the U.S. is getting out of South Vietnam the same way it got in—without excessive thought for the consequences. But by now, with the Vietnamization program more than two years old, the consequences are becoming visible. Out in the boondocks, the few remaining U.S. combat units huddle in the security of their outposts, only occasionally staging cautious "search and evade" forays into the jungle. And in Saigon, the U.S. command proudly reports ever lower American casualties. (Last week, eleven GI's died in combat, the lowest weekly toll in nearly six years.) But of all the symptoms stemming from the U.S. pullout, none is more telling than the new mood that now pervades the U.S. mission in Saigon. Suddenly, even the most convinced optimists are talking about the threat of serious military "slippage."

And with good reason. As the U.S. has cut its troop level by more than half (down to about 230,000 soldiers), the enemy has increased his by a third. As a result, at least eight of South Vietnam's 44 provinces reportedly face an immediate threat of heavy Communist attack (map). And nagging doubts still remain as to the quality of ARVN leadership. "As usual, we've been guilty of self-delusion," said one U.S. Embassy official in Saigon. "Vietnamization was the theme upon which we were going to slide out of this mess. And nobody wants to recognize the fact that Vietnamization does not reflect the reality on the ground."

That reality is not very encouraging. With some exceptions, there has been a gradual deterioration of security throughout South Vietnam's four military regions. In MR–I, which comprises the country's five northernmost provinces, some 55,000 North Vietnamese regulars and Viet Cong guerrillas now prowl almost at will. Recently, Communist troops have been constructing at least one new supply road deep into Quang Tri Province along the Demilitarized Zone. And as the Communists have stepped up their activity, U.S. withdrawals have proceeded apace. Just last week, the last U.S. combat unit was pulled out of Quang Tri. To fill the gap, the ARVN command was forced to rush in 30,000 reinforcements. "Whatever it takes to secure that area," said one U.S. official, "the ARVN will have to provide it themselves. It's a straight shot from there to Hué or Da Nang. If the ARVN can't hold the North Vietnamese off, then we're going to have a brand-new DMZ."

FRIENDLY

The situation is not much better in the central highlands of MR-II. There, the U.S. 173rd Airborne Brigade is on its way out, as is a Korean division that has guarded the approach to the coast plain. Left behind, however, are several North Vietnamese divisions and a population remarkably friendly to the Communists. In Binh Dinh Province alone, estimates put Viet Cong sympathizers a more than 300,000—nearly one-third its population. And throughout the region, Communist cadres have made it increasingly difficult for Saigon to recruit village and hamlet officials.

In an effort to stem this tide, Washington recently dispatched John Paul Vann, a former Army colonel who is credited with "saving" the Mekong Delta from Communist domination, to head the pacification program in MR-II. Yet even Vann admits: "Here, we don't have pacification. We have military occupation of the countryside."

LINK

In fact, it is only in the Mekong Delta and in areas near Saigon that U.S. officials find cause for optimism. But even in those relatively pacified regions, isolated Communist strongholds remain—a fact that could spell trouble in the future. It is no secret that the U.S.-sponsored Phoenix Program (which is aimed at uprooting the Viet Cong underground and which has recently come under fire in Congress for practicing selective political assassination) has been less than a success. And some experts believe that if the guerrilla bands currently holed up in the delta's U Minh Forest ever manage to link up with local Communist sympathizers, the security picture there could suddenly get drastically worse.

That still seems a distant possibility—but a possibility nonetheless. At present, what worries military planners more than almost anything else is the fact that, even when the ARVN has superiority on the ground, it still awaits for American air cover before it attacks. That cautious approach has worked up to now, but as U.S. helicopters and fighter-bombers are withdrawn along with American ground troops, the South Vietnamese will have to fight by a brand-new set of rules. And in the view of many observers, the ARVN—which was trained as a conventional, U.S.-Style army—may not be able to make the change at this late stage of the war. Even Gen. Creighton Abrams has appeared to join the ranks of the skeptics. Two months ago, after the South Vietnamese only narrowly managed to avert disaster by retreating, under heavy U.S. air cover, from the Cambodian town of Snoul, Abrams snapped: "Dammit, they've got to learn they can't do it all with air. They've got to do it on the ground with infantry. If they don't it's all been in vain."

DESERTIONS

Compounding Saigon's problem is the fact that the U.S. pullout has set in motion other painful changes in tactics. To fill the vacuum left by U.S. ground units, the South Vietnamese have had to shuttle troops from pacified areas to trouble spots. And that has not proved easy. Remarked one observer: "Consider the problems involved in moving the ARVN Ninth Division from the delta to the DMZ. First, the very idea of serving in such a dangerous area is not going to appeal to the troops. There should be a few desertions because of that. Besides, most Ninth Division soldiers were recruited from the delta. They have farms and families there and want to continue to work their crops. A few more desertions. On top of that, many officers are going to have to give up lucrative—and often shady—local businesses they've worked hard to build. More desertions. It will be a wonder if enough troops ever get to the north to actually fight the enemy."

Both South Vietnamesse and American military men are aware of all these problems, and many of them still persist in the belief that the ARVN will be able to go it alone. In addition, some take comfort in the thought that, at least until the 1972 election is imminent, the U.S. will leave in Vietnam enough of a residual force—perhaps as many as 70,000 men—so that it will be able to help the ARVN out if it gets in deep trouble. But even if so large a U.S. force does remain, its potential usefulness is debatable. "We're not doing anything worthwhile with the troops we have here now," scoffed one U.S. officer. "How in hell can we help with a much smaller force?"

Many experienced military men, in fact, believe that the U.S. residual force may only aggravate Saigon's security problems. Says John Paul Vann: "When a major U.S. unit gets out of an area, there is a greatly reduced level of activity by both friendly and enemy units." And Former Gen. Matthew B. Ridgway pointed out in the current issue of the quarterly Foreign Affairs: "So long as we retain a residual fore [in South Vietnam] [redacted] . . our men will be mortared, shelled or otherwise attacked. And so long as they are attacked they will counterattack with fire and movement—and the war will drag on, not end."

OPEN DIALOG POLICY ON VIETNAM

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. CRANE. Mr. Speaker, those who have opposed our Nation's policies in Vietnam, whether in the Halls of Congress, the news media or in private, have complained frequently of a "lack of dialog" on the war and the reasons for our current policy.

I think it is important that those who voice this complaint remember that it should apply to themselves as well.

The recent testimony by John Vecchione of the National Student Coordinating Committee for Freedom in Vietnam and Southeast Asia, delivered before the Congressional Pentagon Conference, indicates that the "open dialog" policy has not been followed by those who supposedly advocate it most. It follows:

NATIONAL STUDENT COORDINATING COMMITTEE FOR FREEDOM IN VIETNAM AND SOUTHEAST ASIA—TEXT OF STATEMENT MADE BY JOHN VECCHIONE ON BEHALF OF THE COMMITTEE AT THE CONGRESSIONAL PENTAGON CONFERENCE OF JULY 29, 1971

Mr. Chairman, I would like to thank you and your colleagues for only five minutes in which to answer to 3 days solid of totally one-sided rhetoric. By your own words "a wide variety of authorities representing a gamut of political thinking and party affiliations" were to participate. And yet I have heard only one side. There is not the forum or debate usually evident at Congressional hearings. My presence here in no way legitimatizes this sham.

I recall that it was the radical Left, that called for meaningful dialogue, back at the time when many of your honorable speakers refused to face questions from the public, busying themselves with their war-making projects. Back then, to call for debate of the facts was not the "in" thing to do, it was gravely frowned on—interestingly enough—by the same people who today steal and make public secret government documents.

As lower echelon policy-makers, these people designed the "no-win" strategy by which tens of thousands of Americans and hundreds of thousands of Vietnamese were decimated.

They worked hard developing counter-terror techniques to combat the terrorism through which the Viet Cong obtained peasant support. For better or worse, the bulk of the South Vietnamese populace has committed itself to the Government side. To counter this, the Communists have decreed it a capital crime to collaborate with the Saigon government—passively or actively—they have even decreed it a capital crime to have a brother, uncle, father, etc. in any way involved with the Saigon government. The Viet Cong blood-debt list has grown by leaps and bounds. Captured documents make the consequences of a Communist victory undeniable. This is why even all the anti-Thieu, non-Communist opposition leaders have refused to accept a coalition government. "Big" Minh has little popular support, not because he wants a coalition government—he doesn't—but, having had his chance in 1963, he is considered too inept to prevent a Communist takeover. Nevertheless, he is hoping to make it—as he did in 1963—with American help.

Your honorable speakers would now have the people of South Vietnam face liquidation as at Hue and thousands of other "liberated" places with the same cold-blooded detachment with which they helped design America's war strategy several years earlier. We think that rather than ask our government to explain itself, these honorable gentlemen ought to explain exactly what reasoning motivated them personally to design the war as they did and what great new revelations caused their sudden switch.

As supporters of the Viet Cong's 7-point proposal, your speakers would have us adopt exactly the same plan for the takeover of South Vietnam that Hanoi made public at its Third Party Congress in 1960. They are, in effect, calling for adoption of the very thing that they were lavishly salaried—at taxpayers' expense—to defeat.

These days, to paraphrase Shakespeare, there indeed is something rotten and fake in Washington—and it seems rotten and fake to see those who brought the Vietnam War on us, now, denouncing those who only inherited it from them.

In violation of the Geneva Convention on War—which it signed—Hanoi still refuses to allow the Red Cross to inspect its POW camps. Hanoi still refuses to allow any correspondence between the POW's and their families. In the light of these facts, can we trust Hanoi to release our POW's after we leave?

While you gentlemen play partisan politics, American G.I.'s are dying on the battlefield!

Once more, as over the past years, I come here to plead with you for meaningful dialogue. Only through responsible debate of the facts can we make the truth known and save America from future Vietnams! What you have done here is a long way from responsible discussion. It is a onesided game by the same people who sought to prevent meaningful dialogue when they were part of the government. Such an approach must not go on much longer, for it can only help those who want more war—not less!

Thank you.

LEST WE FORGET

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. MILLER of Ohio. Mr. Speaker, in a land of progress and prosperity, it is often easy to assume an "out-of-sight, out-of-mind" attitude about matters which are not consistenly brought to our attention. The fact exists that today more than 1,550 American servicemen are listed as prisoners or missing in Southeast Asia. The wives, children, and parents of these men haven't forgotten, and I would hope that my colleagues in Congress and our countrymen across America will not neglect the fact that all men are not free for as long as one of our members is enslaved. I insert the name of one of the prisoners.

Sgt. Isiah McMillan, U.S. Army, [redacted] [redacted], Mt. Pleasant, Fla. Married and the father of one child. Graduate of Carter Parmore High School. Officially listed as a prisoner March 1, 1968. As of today, Sergeant McMillan has been held captive in Southeast Asia for 1,252 days.

A SHORT HISTORY OF THE SCREW THREAD COMMISSION

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. MONAGAN. Mr. Speaker, during the last Congress the Government Operations Committee submitted a report on "The Role and Effectiveness of Federal Advisory Committees." The report contained a recommendation that the function of Federal advisory committees be reviewed periodically to determine whether their continued existence is necessary or desirable. I have introduced legislation which would implement the recommendation made in the committee report, and this legislation is now under consideration by the Government Operations Subcommittee on Legal and Monetary Affairs, which I am privileged to chair.

A former Member of this body from my home State sponsored a bill to create the Commission for the Standardization of Screw Threads more than 50 years ago. This Commission has apparently discovered the key to eternal life. I hope my colleagues will take the time to read the story of this Commission's progress which appeared in the August edition of the Washington Monthly. Congratulations to Jim Clark for an excellent writing job and to the editors of the Washington Monthly for spotting this administrative jewel. The article follows:

[From the Washington Monthly, August 1971]

THE INTERNATIONAL SCREW THREAD COMMISSION

(By Jim Clark)

On May 31, 1918, the U.S. House of Representatives spent one hour debating the merits of a bill creating the Commission for the Standardization of Screw Threads. The legislation, sponsored by Representative John Tilson of Connecticut, was greeted with general indifference by the members, but there were a few questions. Several congressmen expressed fear that the screw people might be around longer, and cost more, than they were being assured was the case. At that very time, the Congress as a whole was harboring similar fears about World War I. But Tilson promised his colleagues that the commission would need less than one year to reach agreement on screw thread standards, which, he added, urgently required coordination so that the nuts and bolts of our battle weaponry would fit each other. Thus, the commission was designed not only to end itself quickly but also to help end the war. Besides, said Tilson, there would be no cost to the government, "not one red cent."

The Tilson bill received quick House approval and then was guided through the Senate by Senator Warren G. Harding. Harding ran into minor opposition from Senators like Hitchcock of Nebraska, who observed, "I think it is very objectionable to create commissions. Congress has already created innumerable commissions, which, like Tennyson's book, run on forever, even when their authority has ceased." Senator Harding promised his colleague that this commission would not last forever—in fact not for more than 60 days, because the war made hasty resolution of the nut and bolt question mandatory. Senator Harding put teeth into his promise right there on the floor by writing a 60-day limit to the commission's lifespan into the bill.

A House-Senate conference committee worked out the differences between the two versions of the bill and finally created a nine-member commission with authority to work six months.

Although World War I ended without standardized screw threads, or even a report from the commission, Congress gave the group three more years of existence on March 3, 1919. That was a big year, as the members made their first trip to Europe to discuss screw standards with appropriate officials from other countries. Travel and staff expenses were contributed indirectly by the federal agencies which "lent" full-time employees to staff the commission. The art of producing the screw thread budget from crisscrossing, countersigned memo-vouchers was so occult as to limit the players in the commission field to skilled bureaucrats. Technically, this particular group received no direct appropriations and therefore no government money, but the bills were paid.

On January 16, 1922, John Tilson reappeared to ask the House to extend the commission for another five years. He announced proudly that the screw thread deliberations had just turned out their first "tentative report." One recalcitrant congressman asked Tilson to "give some good reason why any such extension should be granted to a commission which was organized during the war and which we were told would be able to wind up and standardize most of the matters on which it was working in a very short time." He suggested with sarcasm that perhaps the commission should be appointed for life. Tilson admitted that perhaps it should.

In fact, Tilson did request that the screw thread standardizers be made permanent, in February, 1926. In the debate, Tilson put forth the old enlightened self-denial theory of public finance: "If there is nothing to be done, it will simply sleep."

The commission was perhaps sleeping, but its active metabolism required some sustenance nevertheless. This nourishment was provided according to the first rule of government—that the public employee looks after himself first and his program later, although both concerns are said to serve the public interest (especially in times of high unemployment). The screw thread commission consumed approximately $150,000 during its first eight years of existence, although Tilson, a literalist, repeated that the group had done "great work" at no expense to the taxpayer.

The Congress passed the permanence legislation, and John Tilson left the House in 1932 confident that his commission would live forever. In an Executive Order in 1933, however, President Roosevelt ordered the screw thread body abolished. To anyone not familiar with the U.S. government, this would appear to be the end of the story. Of course, it is not.

Coming out of the throes of the Depression, former screw thread staffers realized that they had never really depended upon Congress for anything other than a kind of official seal of authority. The operating funds had always come from subterranean sources in the form of borrowed employees and miscellaneous contributions from the participating agencies, anyway. Congress was in effect superfluous. So in 1939, the departments represented on the original commission—Commerce, War, Army, and Navy—set up the Interdepartmental Screw Thread Committee, reassembled the staff, and were back in business. Utilizing a boost in prestige during World War II, the committee formed an alliance with screw thread people from about two dozen other countries and created the International Screw Threads Standards Commission.

In 1966, the committee's executive secretary, Irwin Fullmer, retired after 47 years on the job.

In recent years, the government's support for screw thread standardization efforts has fallen from about $500,000 to $250,000 a year. After spending an estimated $5 million wrestling with the problem over the last half century, the screw thread people are definitely cutting back a little. But there are still three international meetings to attend each year. At the latest, the U.S. learned that the Russians had switched to our standards.

On May 31, 1971, 53 years after the House of Representatives gave squeamish birth to the Commission for the Standardization of Screw Threads, Arthur Strang was in Europe for an international meeting of the standard setters. He is chairman of the commission that will not die—one of thousands in the government, which like crab grass and sewer leaks, spring up irrepressibly everywhere despite efforts to cut off their water. Commissions have the numbers and tenacity that American entrepreneurs once were blessed with—as the old fighting spirit has passed into commissions, which occupy the growing gelatin zone of government. As entrepeneurs of parasitism, the commissions have a bright future, because no one cares as much about cutting each paltry little budget as the members care about seeing them survive. A flowering is therefore assured, and it seems like a good idea for everyone. Although the screw thread committee is a bit crowded, there are still a lot of spots left elsewhere.

HOUSE RESOLUTION 319

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. JACOBS. Mr. Speaker, the following is the language of House Resolution 319 which I introduced on March 17, 1971. I was hoping it might catch the attention of the administration:

H. RES. 319

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madam Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on September 17, 1970, that the policy of her Government is "In case the U.S. Government declares it will withdraw from South Vietnam all its troops and those of the other foreign countries in the United States camp, and the parties will engage at once in discussion on:

The question of insuring safety for the total withdrawal from South Vietnam of U.S. troops and those of the other foreign countries in the U.S. camp.

The question of releasing captured military men.

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from Vietnam within 60 days following the signing of the agreement: *Provided*, That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the National Liberation Front of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

DR. C. E. BREHM

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. DUNCAN. Mr. Speaker, the recent death of Dr. C. E. Brehm in Knoxville, Tenn., saddened our State.

We have fond memories of Dr. Brehm as the president of the University of Tennessee, a post he held from 1946 to 1959. He was a very successful leader at the university and a good administrator. Perhaps above all, however, he was known for his ability to understand and help his students and his faculty.

During the time Dr. Brehm was president, University of Tennessee enrollments rose from 7,000 to 15,000; about 18 new departments and three new schools were created; and doctoral programs were started in 18 fields of knowledge.

Also, during his administration we saw the value of the university's physical plant grow from $13 million to $63 million.

Dr. Brehm was honored throughout the State, and on his death the newspapers paid high tribute to him in their editorial and news columns.

I would like to include in the Record two editorial statements:

[From the Knoxville Journal, July 27, 1971]

If one word had to be used to describe Dr. Cloide Everett Brehm, who died Sunday at the age of 82, it would have to be "achievement."

Although Dr. Brehm had distinguished himself in a number of ways previously, he will be remembered by most people for his tremendous success as president of the University of Tennessee for 13 years. Dr. Brehm was an agriculturalist. He had built UT's College of Agriculture into one of the nation's finest, had guided Tennessee's farm production during World War II and had made his mark in other ways prior to being tapped to head the then small state university in 1946.

That was a critical time for UT. Its enrollment was 7,000, the value of its physical plant was only $13 million and its appropriations from the state were only $1.7 million per year.

By the time Dr. Brehm retired in 1959, UT's enrollment had more than doubled and the value of its physical plant and annual appropriations had increased five-fold. Eighteen new departments and three new schools had been started and doctoral programs had been started in 18 new fields. It was during Dr. Brehm's tenure that UT as we know it today embarked solidly on a course of rapid, steady growth.

And all the while Dr. Brehm maintained a certain closeness with Knoxville as a whole that earned the respect and friendship of those outside the university community as well as those inside.

His record of achievement places him in a rare category of men.

[From the Knoxville News-Sentinel, July 26, 1971]

The Academic and the materialistic marks he left upon Knoxville, on the University of Tennessee and upon all the students and alumni of that school will stand in perpetual honor of Dr. C. E. Brehm. Drafted as reluctant president of UT from his chosen post as dean of the UT College of Agriculture and director of the Agricultural Experiment Station, Dr. Brehm undertook the beginning of the university's great campus expansion, curricula, student enrolment and scientific research.

Dr. Brehm's death yesterday, at the age of 82, must have come in the midst of great satisfaction and pride as he saw UT surging ahead to still larger expansion and greatness on the foundations he had laid.

It was during Dr. Brehm's tenure that Sputnik quickened the world's interest in space and scientific research, and under his personal appeals to the Legislature, appropriations rose from $500,000 a year to $5 million, with the construction of UT Hospital, and with research installations at Oak Ridge and Tullahoma in the forefront of UT's scientific advances.

Dr. Brehm meanwhile maintained his active interest and in leadership of UT's fundamental role of agricultural research and service. We know of no school offering more to the world of agriculture than the University of Tennessee.

We all owe a lot to Dr. Brehm and we are thankful for the years of untiring and selfless service he gave to UT and this community.

WORLD ESKIMO OLYMPICS

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. BEGICH. Mr. Speaker, the Eskimo and Indian native populations of Alaska have long been known for their athletic prowess, as exhibited in activities such as hunting. The skills many of them have developed in order to subsist have now been incorporated in unique athletic events in the World Eskimo Olympics. This annual event, held in Fairbanks, Alaska, is very valuable for its promotion of the preservation of native culture and identity, physical fitness, and friendly competition.

The following is a proclamation by Gov. William A. Egan supporting this great event. I am proud to concur with his sentiments.

Proclamation—World Eskimo Olympics

The native Eskimo and Indian in Alaska have through the years developed novel and interesting athletic events in keeping with their environment.

These events should be perpetuated as part of the heritage of our State and our people. This heritage should also be made more widely available to Alaskans and the visitors to our State.

The city of Fairbanks, through the Fairbanks Chamber of Commerce, has held and is continuing to hold an annual event called World Eskimo Olympics, during which these native athletic events are featured in contest form. And this event substantially contributes to the further dissemination of knowledge and understanding of our native people to our other citizens and visitors.

Therefore, I, William A. Egan, Governor of Alaska, do hereby urge all citizens of this State to cooperate and participate to the fullest extent possible in the annual World Eskimo Olympics to be held from July 30 through August 1, and I further commend the city of Fairbanks for undertaking and sponsoring the annual staging of the event.

Dated this 28th day of July, 1971.

William A. Egan,
Governor.

(Seal of State)
Attest:

——— ———,
Lieutenant Governor.

ADMIRAL SHARP COMMENTS ON THE PENTAGON PAPERS

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. HÉBERT. Mr. Speaker, Adm. U. S. Grant Sharp, U.S. Navy, retired, gave a most enlightening speech to the San Diego Council of the Navy League of the United States on July 21, 1971.

In his remarks, he explains from first-hand experience the situation surrounding the bombing of North Vietnam and relates it to the press accounts taken from the "Pentagon Papers."

I feel sure my colleagues will be most interested in what he had to say, and I insert his remarks at this point in the Record:

Comments on the Pentagon Papers

(By Adm. U.S. Grant Sharp, USN (Ret.))

There has been so much discussion about the so-called Pentagon Papers recently that I thought I had better get my comments in while the subject is still hot. It is important to begin by defining exactly what we are talking about when we say "the Pentagon Papers."

In the middle of 1967 Secretary of Defense McNamara commissioned a group to do a history of the United States' role in Indochina. The group was made up of State and Defense Department civilians, a few military officers, and defense-oriented individuals from Government-financed research institutes. Some thirty-odd persons contributed to this history; most of them were in the Office of the Secretary of Defense and worked on this just part time. The study took a year and a half and the result was approximately 3000 pages of narrative history and more than 4000 pages of appended documents.

The current discussions of the so-called Pentagon Papers are not discussions of the total 3000 pages of narrative and 4000 pages of appended documents. People are discussing, and I will discuss today, the information which has been obtained by reading the "Pentagon Papers" as published by The New York Times. This history, which was published in several editions of The Times and has now come out in a 670-page paperback, does not, of course, comprise a summation of the information which is available in the total narreative. In reporting the Pentagon history The Times' writers said they tried to keep the articles within the general limits set by the narrative analysis and the documents as a whole. Material was brought in from the public record only when it seemed necessary to put the Papers into context for the general reader. When the need to interpret events arose, The Times sought to confine itself to the interpretations in the Pentagon history. Mr. Neal Sheehan, one of the writers, states in the book's introduction that the very selection and arrangement of the facts, whether in a history or in a newspaper article, inevitably mirrors a point of view or state of mind. Thus, the articles as written by The Times undoubtedly reflect some of the conceptions of The Times' reporters who wrote them.

So what we have here is necessarily an objective history, but rather a distillation of a large document written by people who have a definite point of view. What is the point of view of The New York Times' reporters? Well, certainly the editorial view of The New York Times, as frequently expressed, is that the war in Vietnam was a great mistake, that our actions have been ineffective, and that what we need to do now is get out immediately regardless of the consequences.

We might also ask what is the point of view of the various historians appointed by

Mr. McNamara to develop this history. As revealed by the history itself, a great many civilians in the Defense Department in the middle of 1967 were disenchanted with the war, convinced that the bombing of North Vietnam was ineffective and that we should get out of Vietnam as quickly as possible. Thus, the history from which The New York Times' writers distilled their summary may also be lacking in objectivity My study of The New York Times' version leads me to believe that it is indeed lacking in objectivity. Nevertheless, it is interesting reading, contains much information that I knew about quite intimately and also some with which I was not familiar.

You can be sure that this document is required reading for some people. It certainly is required reading in Hanoi, in Moscow, and in Peking, for this book contains information on the decision making processes of our Government which is of distinct aid and benefit to the enemy. The New York Times has made the job of the enemy intelligence services quite simple. All they have to do is go to the nearest newstand.

What I will comment on today is the history of the air war as described in The New York Times articles. I want to comment on the air war over North Vietnam because as Commander in Chief, Pacific, I was running the air war, with too much help from certain sectors in Washington. Further, I believe that the air war was the most misunderstood part of our whole engagement. It was especially misunderstood by the civilians in the Pentagon who were making the broad decisions; indeed, the broad decisions and many of the smaller decisions on the air war. The severe restrictions under which our air operated resulted in markedly decreased effectiveness of the tremendous power we had available and has resulted in wide misunderstanding of the effectiveness of air power when properly used.

In February of 1965 the decision was made to conduct a bombing campaign against North Vietnam. From the very first there was a wide divergence of opinion as to how our air power should be used. The Joint Chiefs of Staff desired that we hit hard at Hanoi's capabilities to carry on the war in order to convince Hanoi that the course of action it was pursuing would be unprofitable, and to let them know early in the game that we were willing to apply the force we had available. Numerous civilians in the Department of Defense, however, desired that air power be used very sparingly, in limited doses, well spaced to give the other side opportunity to contemplate the seriousness of their acts. The civilian advisers won, so our air raids against North Vietnam started with miniscule doses of air power, applied to targets which hardly were worth the effort. From the beginning to the end the air campaign was characterized by pleas for effective use of air power by the military, which largely fell on deaf ears. Our air was never used to its full effectiveness. I should say that throughout the war I got complete cooperation from the JCS; they backed me on every recommendation I made.

I wouldn't want to leave the impression that it was only the military that advocated a strong policy on the air war. Mr. McCone, who in 1965 was the Director of Central Intelligence, recommended in April of that year that unless the United States was willing to bomb the North, with minimum restraint, to break Hanoi's will, it was unwise to commit ground troops to battle. Mr. McCone expressed these views to the President at least twice in the month of April. On the other side of the picture Mr. George Ball, Undersecretary of State, from the very beginning believed that neither bombing the North nor fighting the guerrillas in the South, nor any combination of the two offered a solution to the problem and believed that we should cut our losses and withdraw from South Vietnam. Mr. Dean Rusk, the Secretary of State and Mr. Ball's boss, advocated a strong policy in the air war.

It became evident early in the air campaign that the Secretary of Defense, Mr. McNamara, was listening much more attentively to his civilian analysts than he was to the Joint Chiefs of Staff. His recommendations to the President always were for a policy of very limited bombing and as a result, the President, in the early stages, went along with Mr. McNamara's recommendations.

The air campaign of 1965 was characterized by excessive restrictions from Washington which limited us to piddling strikes against generally unimportant targets, although toward the end of the year we were beginning to get a few better targets and the numbers of planes we were able to use was beginning to be useful.

The New York Times article says that the Pentagon study of the 1965 period discloses that high level civilian authorities, including Secretary McNamara, began to have serious doubts about the effectiveness of both the air and ground was as early as the fall of 1965. I must say that I have difficulty understanding how they expected the air campaign to show any measure of effectiveness when it was so heavily restricted, both as to targets and as to numbers of strike aircraft, throughout the whole year of '65.

I remember telling the Joint Chiefs of Staff in early 1966 that the Rolling Thunder campaign, the air campaign that is, as carried out in 1965 would not do the job and gave the Joint Chiefs extensive recommendations on how I thought the campaign should be conducted. The Times story relates that the Secretary of Defense proposed a bombing pause several times during the fall of 1965. His proposal was opposed by the Joint Chiefs of Staff and the Secretary of State because they were concerned that a pause would ease the pressure on Hanoi. However, a pause did start on December 24, 1965, and lasted until January 31, 1966. When the bombing campaign finally got under way, we did get a few more targets and restrictions were eased somewhat, but still the restrictions were so heavy as to make the bombing not nearly as effective as it should have been.

A feature of the account of the bombing campaign in 1966 was the intensive policy dispute that took place over the question of bombing North Vietnam's oil storage tanks. After much hemming and hawing, I was finally granted permission in June of 1966 to strike the Haiphong and Hanoi storage sites. The strikes were quite successful but I am sure the North Vietnamese knew that we would eventually make these strikes and had dispersed their fuel supplies as much as possible. The enemy knew that we did not strike populated areas so the streets of many towns were lined with oil drums in plain view from the air but safe from attack because of our restrictions on striking in any populated area.

In the summer of 1966 Secretary McNamara had a panel of scientists studying the overall results of operation Rolling Thunder and this panel, as might be expected, concluded that the air campaign would not achieve the results desired. This panel of scientists recommended an electronic barrier which at that time was so super-secret that very few people knew about it. We called this barrier the "McNamara Line," or sometimes the "Edsel Line." Mr. McNamara hoped that this electronic barrier would make it unnecessary to continue with bombing of North Vietnam and so a great deal of effort was put into the project, which cost well over a billion dollars.

In the meantime the surface-to-air missile threat was increasing and a few planes were shot down by SAMs. Thus our dilly-dallying with the air war had allowed the enemy to build up a very efficient air defense which was taking an increasing toll of our planes and pilots. Throughout 1966 and into 1967 I sent message after message to the Joint Chiefs of Staff trying to get the restrictions on our air campaign lifted and trying to get better targets assigned. The flood of messages had some effect because as time went on we gradually got restrictions eased and were able to use more strike sorties, but there was always a struggle trying to get them to authorize effective use of our air power. For example, after many requests we would be permitted to strike an important target and the target would be put out of commission, but it would still be necessary to go back in a month or so to keep the North Vietnamese from reconstructing the bridge, the power plant, or whatever it was. Almost invariably I would have great difficulty getting permission to strike the target again. The reason for this was never clear to me but in any event, time and time again the enemy was permitted to rebuild a target that we had struck when we could have easily kept it down just by going back with occasional strikes. This kind of procedure went on throughout the air war.

In 1967 we were allowed better targets than in '66 and were allowed to use more strike sorties, so that the air war progressed quite well. Of course, ships were still allowed to come into Haiphong and we weren't allowed to hit close to the docks. We were able to cut the lines of communication between Haiphong and Hanoi so that it was most difficult for them to get material through, and huge piles of material accumulated in Haiphong—valuable targets which we weren't allowed to hit. The traffic was restricted enough that the North Vietnamese were having a very difficult time, and if we had continued the campaign and eased the restrictions in 1968 I believe we could have brought the war to a successful conclusion.

The New York Times' account goes into detail in describing the disenchantment of civilian officials in Washington with the air war in late 1967 and early 1968. There was a continuing concerted effort to get the President to change his policy. Throughout this period the Joint Chiefs of Staff gave me great support and stressed the need to make full use of our air power. However, as we all know, in March of 1968 President Johnson decided to stop the bombing of the vital Hanoi-Haiphong area of North Vietnam. This was the greatest victory that the North Vietnamese have achieved in the war and one that we will live to regret. With that move we lost the major leverage that we had for bringing the war to a conclusion by successful negotiations. Now the war has dragged on for three more years and the negotiations in Paris have accomplished nothing.

President Nixon's strategy of turning the fighting over to the Vietnamese as fast as they are able to accept the responsibility has been successful so far. I hope the American people, and especially the Congress, will permit him to carry out this operation in an orderly fashion so that the Vietnamese will be capable of defending themselves by the time our forces are withdrawn.

There is at least one lesson that we should learn from this war. That lesson is that we should never commit the armed forces of the United States to combat unless we have decided at the same time to use the non-nuclear power that we have available to win in the shortest possible time.

JEWISH WAR VETERANS

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mrs. GRASSO. Mr. Speaker, during the month of August we will celebrate the

75th anniversary of the Jewish War Veterans of the United States of America.

American Jewish war veterans, through noble service and dedicated spirit, have displayed unsurpassed valor and patriotism during difficult periods in our Nation's history.

Eager to defend the ideals—and practice—of liberty and justice, Jewish war veterans have served to remind all of us of the strength that comes through courage and tolerance. Since the founding of this Jewish war veterans organization, the interests of individual and minority rights have been the hallmark of its existence. It was one of the first organizations to come to the defense of oppressed Soviet Jewry, and it has given encouragement and aid in the development of the free nation of Israel.

The Jewish War Veterans of the U.S.A. take great pride in the contributions of their members to the security and strength of America. On the occasion of their 75th anniversary, I salute this splendid veterans organization for their patriotism and good work.

THE CZECH TRAGEDY

HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. NEDZI. Mr. Speaker, as the House of Representatives will be in recess during most of August, it is appropriate that I take this opportunity to comment on the third anniversary of the August 21, 1968, ruthless Russian invasion of Czechoslovakia.

It is unfortunate and regrettable, but the public memory is short in a world that seems to have one melodrama and crisis after another. Many have forgotten about the tragedy of Czechoslovakia. A sense of helplessness pervades those who do remember.

Yet for many months in 1967 and 1968, the eyes of the world fastened on Czechoslovakia. The "Czechoslovak Spring" represented a bold attempt to temper Marxist doctrine with humanism.

To many it seemed inconceivable that Moscow would risk the wrath of international public opinion by using force. Others felt the Russians faced too great a risk if they permitted the Czechoslovak reforms to go unchallenged.

As Robert Littell wrote in his introduction to "The Czech Black Book:

> The Czechoslovaks were seeking nothing less than national salvation: the Soviet leaders were struggling to preserve the System.

"The Czechoslovak Spring," Littell said:

> Represented a profound challenge to the men who ruled in the Kremlin—more profound, in many respects, than the Hungarian Revolution. Previous challenges, such as the one that occurred in Hungary in 1956 or even in Yugoslavia in 1948, had been rebellions against Stalinism and the tyrannical excesses that the word implies. The Czechoslovaks, however, were posing the first serious challenge to Leninism in the history of the Communist movement. They were questioning the desirability of three things Lenin superimposed on classical Marxism: democratic centralism (whereby ideas tend to originate at the top), the monopoly of power by the Communist Party, and the ideological dogmatism with which power is exercised.

Feelings of bitterness and injustice together with confidence in their leaders—Svoboda, Dubcek, Cernik, and Smrkovsky—united the Czechoslovakian people in the days of defiance and passive resistance that followed the Russian invasion.

As the months passed, Czech resistance was ground down. The nation's strength was bled, and humiliation was piled upon humiliation.

It is unlikely the Czechs will forget. As the newspaper Mlada Frontz said on August 21, 1968:

> We are used to great hypocrisy; our history is filled with truths and lies. But this lie and this violence we shall never forget. We cannot. We must not . . .
>
> Our history is filled with tragedies. We were often oppressed. But we always lived to regain freedom. This time, too, freedom will arise again in our land.
>
> The Czechs give little support to their present regime.

In a dispatch from Prague earlier this year, it was reported that the Czech version of Shakespeare's "Love's Labour's Lost," the show-stopping passage, receiving prolonged and sustained applause, has been:

> We are used to shame . . . and sometimes it is even good politics.

The Congress of the United States and the American people, too, must not forget what transpired in Czechoslovakia in 1968. And thereafter.

REPEAL THE EXCISE TAX ON AUTOMOBILES

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mrs. GRIFFITHS. Mr. Speaker, month by month and even day by day the evidence of an unabating pace of inflation pours in. The Consumer Price Index and the GNP deflator have both continued to rise at annual rates seasonally adjusted ranging between 4½ and 6 percent in recent months. We face further increases in prices this fall and nowhere is this more certain than in the case of passenger cars. The labor contract signed in steel this week and the simultaneous increase in steel prices by a reported average of 6 percent gives grim indication of the rise in automobile prices we can expect this fall when the new cars are introduced starting in September. Other cost increases also face the makers of autos. This will not be an insignificant price change. Auto sales are running about 9.7 to 10 million passenger cars per year for the last 6 months, including imports which are averaging over 1.5 million per year. Stocks in the dealers' hands amount to almost 1.7 million units and even seasonally adjusted this is equivalent to about 1.6 million.

In spite of the importance of rising prices in this important industry, Congress continues in force the automobile excise tax. There is a simple way for Congress to strike a blow against inflation. It is to repeal this excise tax at once. If this is done it will offset the increased costs of the auto manufacturers and permit prices to the consumer to at least remain stable. I strongly urge early action by this Congress to repeal the excise tax on automobiles.

HOW TO CURB UNION POWER

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. CRANE. Mr. Speaker, there has been a great deal of discussion in recent days concerning the economic ills that plague our country such as inflation, unfavorable balance of payments, unemployment, and decreasing productivity in many of our plants and factories. I am convinced that irresponsible actions by union officials have brought on many of these ills.

Because of this view, I wish to share with my colleagues the following article by Mr. John Davenport which appeared in the July 1971 edition of Fortune magazine. Mr. Davenport, formerly a member of the editorial board of Fortune magazine, is a most distinguished and lucid writer in this area of economics.

The article follows:

[From Fortune, July 1971]

HOW TO CURB UNION POWER

(By John Davenport)

"Every ten years," mused a top-ranking member of the American Bar recently, "we seem to have to cope all over again with this business of union power." The remark, made casually in the quiet of a Manhattan law office, reflected a note of urgency and likewise a note of resignation. The urgency is justified in view of the coming inflationary wage hike in steel, the extravagant bidding up of costs in the construction industry, strikes and constant threat of strikes among railroad employees. The resignation seems also justified in view of the legal record. Decade by decade, Congress has been grinding out new labor legislation (the Railway Labor Act of 1926, the Wagner Act of 1935, the Taft-Hartley Act of 1947, and the Landrum-Griffin Act of 1959, to mention a few of the major milestones), all holding out the promise of industrial peace. Yet today the fulfillment of that promise seems further away than ever.

This inability of the law to cope with and contain the excesses of union power must be counted as one of the great failures of Anglo-Saxon jurisprudence—a failure the more remarkable in view of the adaptability of the low in other spheres. In retrospect anyway, the rise of the great corporation was a revolutionary event straining the legal fabric of pre-industrial society. Yet partly because of its nature and purpose, and partly because of the evolution of the law as handed down from the bench and by legislative enactment, the modern corporation has been kept responsive to the public will. In seeking profit for its shareholders the corporation must produce goods and services that people want or go under. What's more, the corporation is a definable legal entity, suable for torts, breach of contract, monopoly and price fixing, and many another malfeasance. Damage suits running into many millions of dollars a year are brought by citizens and business competitors alike; and these, as well as the profit motive itself, hold the corporation to public accountability.

A PECULIAR KIND OF AGENT

Trade unions today stand in a far more sheltered and privileged position. Seldom incorporated, they enjoy in tax matters the immunities of a private club, though they spend lavishly for political purposes. In theory and at law they are agents for their members, but proof of such agency where injury has been done is far harder to establish than in the case of a business enterprise. Moreover, the agency we are dealing with is of a very peculiar kind. The literary agent, for instance, receives a fee from his clients for merchandising their work, and if the union were an agent in this sense it would play a useful and highly legitimate role in our society. In fact, unions operate in a wholly different way. In their organizational drives they seek to bind workers into tight monolithic groups, often against their will. Once organized on a company or industry-wide scale, the union feels free to strike the employer not just in the sense of withdrawing the services of its members, but also in the sense of preventing those who are willing to work from doing so.

All this is putting an enormous strain on our social structure. And, as FORTUNE pointed out in February ("Union Power and the New Inflation"), the union problem has taken on a new economic dimension. For once inflation gets under way, union pressures make its conquest by monetary and fiscal means all but impossible. The monetary authorities may apply the brakes, but if wages keep pressing forward there is bound to be either a further rise in prices or widespread unemployment, and probably both. Moreover, in the longer term, the gains that unions make for their members in excess of the normal productivity increase for the economy must be paid for by the rest of society. In practice, these gains are paid for by other workers and by pensioners and the poor.

In sum, however much unions may have initially contributed to humanizing the industrial system, organized labor has now become a destabilizing and dislocating force—made more unmanageable by large political influence. The question is no longer whether this force needs curbing, but how. The key to doing so lies in understanding that the power of unionism is not preordained. It derives from exemptions and privileges granted by government that give unions a special sanctuary in our society. The task is to break down this sanctuary and make unions subject to the law as it applies to most individuals and to other private associations.

As a starter, federal, state, and local governments must steel themselves to enforce laws now on the books against the violence that flares openly or smolders just beneath the surface in most industrial disputes. The strong-arm tactics of the Teamsters against employees and employers alike, the constant abuse of picketing privileges, the coercion and even sabotage practiced by the building trades in forcing their demands (see "The Big Shakedown in Baton Rouge," FORTUNE, August 1, 1969) are all in defiance of common and statutory law, which the courts and the police are supposed to uphold.

THE ABSENT POLICEMEN

All too often today the police are conveniently absent when such disturbances occur or confess their inability to handle the situation; nor do they get the backing they need from higher officials and from their local communities. Mayor Lindsay has never really tried to enforce freedom and order along New York's waterfront. During the strike at General Electric in late 1969 and early 1970, local officials in Schenectady actually pleaded with non-union workers to refrain from crossing picket lines on the grounds that such action might endanger the peace.

That strike and many others have been needlessly prolonged, moreover, by other privileges that unions have come to assume as a matter of right. With few exceptions, employers must reinstate strikers in their jobs after an industrial dispute is settled. What's more, strikers are assured welfare and other government support while a plant stands idle; and under special railway legislation the rebellious brotherhoods automatically draw unemployment insurance, financed by employer taxes, while they tie up the nation's transporation industry. Finally, it is a little foolish to decry the vicious bidding up of costs in the construction industry while still keeping in place the Davis-Bacon Act, which requires contractors to pay going rates of wages on federal projects, meaning the highest union rates in the area.

But beyond the elimination of glaring special privileges, there is also need, in the opinion of a growing number of lawyers, for a searching reappraisal of the whole corpus of labor law. The outstanding characteristic of this body of law is that it tends to insulate labor disputes from the normal working of the judicial system. As is well known, the Clayton Act of 1914 gave unions large exemption from antitrust prosecution. Under the Norris-LaGuardia Act of 1932, they were additionally made exempt from injunctive action by employers in the federal courts except in cases of extreme violence or fraud—an immunity that completely upset the balance of power between unions and corporations. Three years later, the Wagner, or National Industrial Labor Relations, Act completed the process of making unions the special ward of the government and subsequent amendments have not greatly changed its impact. Stripped of its endless technicalities, exceptions, and fine print—the happy hunting ground of the legal profession—the law of the land is as follows:

1) The employer is forced to bargain collectively whether or not it is to his interest or to the inerest of his employees—a provision that in fact denies "free" collective bargaining from the employer's point of view.

2) A union acquires sole bargaining rights in a company or in a plant or unit if it obtains a bare 51 percent of the votes of those employed—a provision that reduces free employee choice.

3) The administration of labor law is centered in the National Labor Relations Board, with appeal to the courts by injured parties at best limited and circumscribed by the legislation itself and by subsequent Supreme Court decisions.

THE NLRB VERSUS CONGRESS

This lopsided body of legislation, as one lawyer puts it, defines a system of elaborate Marquis of Queensberry rules for management and labor, but barely mentions the interest of the general public. The problem is how to reassert this interest, and here questions of procedure are almost as important as those of substance.

At the moment, the business community is greatly cheered by the fact that the new chairman of the NLRB, Edward B. Miller, is trying to administer that agency with some semblance of impartiality. But over the years the NLRB has been a powerful force in consolidating union privilege. Indeed, a top-level legal study group sponsored by the U.S. Chamber of Commerce concludes that, as long as the NLRB calls the shots, there is little chance that the will of Congress can be carried out. A recent report of a Senate subcommittee, headed by Senator Sam Ervin of North Carolina, goes further. It openly charges that of recent years the board has been guilty of "freewheeling interpretation of the statute," the application of "double standards," and the "ignoring [of] plain legislative intent."

Thus Congress plainly intended that recognition of unions as bargaining agents for the employees of a plant or unit be based on secret elections. The board has gone out of its way to accept "recognition" or "authorization" cards as a substitute—cards that are often signed under threat and duress. In judging elections, the board has insisted on the maintenance of "laboratory conditions," which usually means that the employer is denied the right to speak freely with employees while union organizers can use almost any abusive language they choose. In the famous Allis-Chambers case, the board sanctioned not just the imposition of union fines on members who crossed picket lines, but also the collection of those fines in court.

Again and again, Congress has tried to limit organizational picketing and use of secondary boycotts against third parties. But in the celebrated "Philadelphia Door" case, the NLRB, and finally the Supreme Court, judged that carpenters were within their legitimate rights in refusing to handle prehung doors manufactured by an outside company.

All this has given impetus to proposals for stripping the NLRB of its judicial functions and either turning these over to a labor court or returning them to the federal courts. The idea of a labor court (which the Heath government is pushing in Great Britain) looks attractive, but in practice would probably be subject to the same kind of politicking that has dogged the NLRB. Transfer of labor disputes to the federal judiciary, as contemplated by the Tower bill now before Congress, has much more to be said for it. The objection that this would overload the courts is not insurmountable. Money now being spent on the NLRB, running to some $38 million per year, could be diverted into strengthening the judiciary. Moreover, judges could appoint "special masters" to sort out preliminary evidence.

Whatever their political bias, district judges are more apt to apply common sense and common-law principles to labor disputes than is an administrative board. Free access to the courts for injunctive and other relief would encourage both employees and employers to stand up for their rights. And as trial by judge and jury became routine in the case of "unfair labor practices," society might earn an extra dividend. The hapless commuter, the small firm denied its steel or copper by a nationwide strike, the store owner suffereing loss as the result of wildcat shutdown, would be given a forum, now denied them, for testing their claims for damages. Naderism, which today operates against corporations, might begin to make life equally uncomfortable for the grandees of organized labor.

THE CASE FOR VOLUNTARISM

But while restoration of judicial process to labor affairs would be the first step in restraining union excesses, it would be only that. For the substantive law as it stands gives unions power that no private association should have. This is most clearly seen in the coercion they can exercise over workers themselves. The great promise of the Taft-Hartley Act of 1947 was its stress on freedom of choice for employees—freedom to join or *not* to join unions, and freedom to engage or *not* to engage in union activities. Unfortunately this principle of voluntarism was never carried through to its conclusion. Under the law unions can force employers to sign union-shop contracts, which make workers pay union dues as the price of employment (unless such contracts are specifically prohibited by the states). And in effect the old closed shop persists in the building trades and in the maritime unions through union control over hiring halls.

Such compulsory unionism has always been morally offensive in a free society, and indeed raises constitutional issues that are now being tested in the courts. Thus grape pickers in California have brought suit against Cesar Chevez and various grape growers, charging that their constitutional rights are violated by contracts that not only force them to pay union dues but also, in effect, make them subject to the arbitary dictates of Chavez' United Farm Workers. Similar suits have been filed by Michigan schoolteachers, and more recently by William F. Buckley, editor of *National Review*, against the American Federation of Television and Radio Artists. These suits may in time bear fruit, but meanwhile organized labor keeps pressing for the extension of compulsion into new fields—witness the attempt last year to impose it on postal workers, and the current drive to impose it on the nation's farm workers.

Congress never should have tolerated compulsion. What is needed is a small but all-important technical change in the federal labor law that would make membership in unions voluntary, as nineteen states have done through so-called right-to-work laws. What is additionally needed is legislation that would make hiring halls independent of union control. In effect, they should be turned into true employment agencies and run like any other business enterprise.

The standard argument of union leaders against such reform is that, unless union membership is compulsory, those who do not join up will get a "free ride" at the expense of those who do. But this simply raises the deeper question as to whether a union should have exclusive bargaining rights for *all* members of a plant or unit, once it commands a bare majority. The 51 percent rule was, in fact, organized labor's first and greatest "free ride," and it is a privilege that unions have zealously defended over the years. Eliminate that privilege and much talk about the need for compulsory unionism would evaporate into thin air. Unions would bargain only for those who freely chose to sign up; other workers would take care of their own interests.

This might in some cases be inconvenient for management, and a good many employers would be opposed to getting rid of the 51 percent rule on the ground that this would "Balkanize" collective bargaining. Yet if our purpose is to make unions voluntary associations, that rule is really an anomaly. Rescindment of the rule is one of the two great reserve powers that government has at its disposal to make unionism earn its way in our society.

THE "BROODING PRESENCE"

The other reserve power is the application of the antitrust laws, from which unions are now exempted unless they have connived with employers to restrain trade or monopolize markets. Even under this limitation, antitrust causes unions more trouble than is commonly supposed. In the famous Pennington case of 1965, involving the United Mine Workers, the Supreme Court held that a union is subject to antitrust if it makes an agreement wtih an employer to impose on competitors a wage scale that will tend to drive those competitors out of business. In May of this year the Supreme Court in effect reaffirmed this stand by allowing a $7,200,000 judgment against the Mine Workers and Consolidation Coal Co. Treble damage suits of this kind may well give pause to union officials in other industries. They are a healthy reminder that the Sherman Act, even though muzzled by subsequent labor legislation, still has bite in it.

The broader question is whether to remove the muzzle and thus make unions subject to antitrust prosecution even where they do not conspire with employers. Organized labor has long claimed that such sweeping reform would, in effect, smash unions entirely, since by its very nature a union seeks to monopolize the supply of labor in a given firm or industry. While this argument is obviously self-serving, it finds support among some close and disinterested students of the law.

Other experts flatly disagree. What counts in their view is the degree of "market power" that a business or a union exercises. A union confined to the limits of one company exercises no more market power than the employer who does the hiring. It is when a union reaches out to dominate a whole industry that it becomes truly monopolistic. This is true whether the union chooses to negotiate with, and close down, a whole industry, as in steel, or whether it employs the U.A.W. tactics of picking off employers one by one—striking General Motors, for instance, until it comes to terms, and then turning to Ford and Chrysler. Excessive market power of this kind was what the Sherman Act was supposed to curb in the case of business. The American public needs the benefit of the act, or parallel new legislation, in the case of big labor.

Admittedly, definition of permissible market power presents difficulties. Yet the antitrust approach to unionism deserves far more exploration than it is getting. As Harvard's great economist, Edward A. Chamberlin, put it some years ago: When one thinks of the vast literature of industrial concentration, including legal hairsplitting as to the percentage control necessary to constitute monopoly power of an industry, it is truly amazing that the existence of precisely the same economic problems in the labor field has gone virtually unnoticed."

Today an increasing number of people are noticing the fantastic effects of union monopolies, and it should not be beyond the wits of good lawyers to apply to labor affairs what has been called the "brooding presence" of the Sherman Act. For if paralyzing the transportation system of a nation, or closing down construction in whole cities, is not restraint of trade and monopolization, then those terms have lost all intelligible meaning.

WHAT KIND OF SOCIETY?

The one sure conclusion is that we should not allow the labor problem to drift, or be deflected from facing it on the ground that reform is a threat to free collective bargaining. For today collective bargaining is usually neither free nor bargaining in any meaningful sense of the word. It is all too often a holdup—a holdup made more ominous as unions in the public sector of the economy emulate the demands and the tactics of their counterparts in private industry.

While the problems of the two sectors are in some ways different, the fundamental choice is the same: what kind of society do we want? In any political order worthy of the name there must be a final reservoir of coercive power if law and order are to be maintained. That power properly belongs to government alone. It must not be farmed out to private parties, whether these be unions, corporations, or mobs in the street. For as that happens, it is only a matter of time before the democratic process itself breaks down, and the government finds itself at the mercy of the very "syndicates" that it has helped create.

It may be argued that the labor syndicates are already so powerful that even minor reforms are impossible. And in view of labor's grip on Congress and on state legislatures, this may be true on the short term. On the longer term the prospect is less discouraging. After all, organized labor represents only about 25 percent of the total U.S. working force, and that percentage has been declining. There are apparently limits to the lure of unionism and what it has to offer.

Two further developments are important. One is that the public is increasingly distrustful of and fed up with union practices. The other is that unionism is no longer considered even by liberals as representative of some great cause, as was true not so many years ago. In the new climate unions can be judged on their merits. The good that they could do, if purged of their coercive power, can be recognized. The wrongs they now impose on society can be mitigated.

WHAT IS A POLICEMAN?

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. NICHOLS. Mr. Speaker, at a time when a small segment of our society continues to criticize the police officer with cries of inefficiency and brutality, it is refreshing to hear from individuals who support the men who risk their lives in our behalf daily. The following article was written by Ralph T. Holliyan of Mount Olive, Ala., and appeared in the August 2 edition of the Birmingham News. I trust this will be of considerable interest to my colleagues. It follows:

[From the Birmingham News, Aug. 2, 1971]

WHAT IS A POLICEMAN?

What is the motivating factor that makes a man want to become a policeman? For different individuals who make up a minority there are varied reasons. To one it would be for the reason of authority, to another it may be for prestige, to another it may be for the excitement that the job entails, an to another maybe publicity, but to the majority of police officers it is a deep feeling of responsibility to his country and his people that makes him get involved by pinning on the badge of courage, and also the oath of his office that he takes to uphold the Constitution of the State of Alabama and of the United States, and that he will faithfully, honestly and fearlessly discharge the duties that he is assigned. By doing so he knows that he is having a part in moulding our future for tomorrow and maintaining the greatest privilege that we are blessed with today, and that is the privilege of living under the American Flag, which was laid down so many years ago by the blood, sweat and tears of our forefathers. These men made it possible for us today to enjoy life, liberty and the pursuit of happiness.

A policeman knows how freedom was won and he knows what he must do in order to always enjoy the same, so he continues with his endless pursuit toward crime prevention and criminal apprehension with little thanks, but having the satisfaction in knowing that he is doing what must be done.

A police officer is an individual with feelings and emotions just like you and I. He is a father whose family worries about him when he fails to come home on time. He is some mother's son that she is proud of and concerned for his welfare. He is the manager of his Neighborhood Little League Baseball Team and he takes a genuine interest in the growth and development of the kids around him. He has the foresight to realize that his children's happiness and others' as well, is dependent upon him to get the job done. This burden of responsibility weighs heavily upon his shoulders and his task is clear.

The policeman is a special individual who does his duty without complaint. He is one who hears the cry of the oppressed and rushes in to give aid and assistance. He also sees the pain of hunger as it reflects on the face of some small child. He knows happiness by seeing the eyes of a child light up in laughter by knowing that he cares. A policeman also partols our streets and highways and enters the dark buildings at night and lets the felon have the first shot. He also sees the face of the aged and how they seem to express their gratitude that he is there. He sees the face of the murderer, and the rapist, and the thief, and quickly meets the challenge to protect our society from criminals such as these.

He and 200,000 other Americans have chosen to walk forward in the defense of our safety and privileges. Why does he do this? It's simple. He is an American with the pride and integrity and guts that it takes to get the job done.

In knowing a policeman as the courageous man that he is, still the public outcry is "police brutality" because they happen to see a man in custody with a little blood on his face. The part they didn't see was when he committed his crime of violence and resisted arrest when approached by officers. They didn't see the bruises that were covered by the officer's clothes—the bruises he received from the attacker. And the part they didn't hear was the part where the officer complained because he didn't! To him it was a job and was up to him to see that it was done. The ones who do the complaining don't realize that this same policeman, regardless of their bitterness, would rush to their aid and lay down his life for their protection, regardless of race, color or creed.

To understand this, the public must be informed and look in the right perspective; then if and when they do, the policeman will be given the respect that he so justly deserves, because this he has so honorably earned.

Somewhere, some cold, dark night, a citizen will need help and a policeman will answer the call. Just like they do 24 hours a day all over the nation. Why? Because he chose to carry the torch of freedom. And hold it high so the offenders of justice could see that he stands determined in their defiance. He is a policeman!

TRIBUTE TO THE REVEREND RICHARD T. GAUL, S.J.

HON. RICHARD C. WHITE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. WHITE. Mr. Speaker, I rise today to pay special tribute to a man who has distinguished himself in the service of his fellow man for his entire life, the Reverend Richard T. Gaul, S.J. This outstanding Jesuit priest will celebrate 50 years as a member of the Jesuit Order on August 15, 1971.This is truly a golden jubilee which marks a half century of service.

Father Gaul's entire life as a Jesuit can only be defined in terms of service. Most of his priestly life has been spent in El Paso, Tex., where the great testimonial to his life is the literally thousands of people of all creeds that he has helped. This outstanding priest has always been with his people, visiting, consoling, encouraging, and helping. He is an inspiration to all who value the human person as a creation of God.

Many of the Members may remember that at my invitation Father Gaul read the prayer at the opening of the day in the House of Representatives on October 14, 1969. The prayer opened with a quotation from the psalms, "If the Lord does not guard the city, they labor in vain who build it." This scriptural quotation captures the deep faith of Father Gaul; motivated by this commitment, indeed, his labors will not be in vain.

The motto of the Jesuit order ad majorem dei gloriam, for the greater glory of God, is certainly evidenced in the life of Father Gaul. Never satisfied with the mediocre, he strives for the Ignatian Magis, of always striving for better in every effort he makes. The thousands of people to whom he has ministered manifest his earnest striving for perfection and Gospel and to share himself with all men.

Mr. Speaker, I honor Father Richard T. Gaul, S.J., and pay special tribute to him on the occasion of his celebration of 50 years as a Jesuit. His guidance, strength, and inspiration is a source of pride to all who know and respect him. In the favorite greeting among Jesuits, may he continue his dedicated service Ad Multos Annos, for many years to come.

ANCHER NELSEN INTRODUCES RURAL JOB DEVELOPMENT ACT OF 1971

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. NELSEN. Mr. Speaker, my home State of Minnesota is considered to offer one of the best opportunities in the Nation for people to find the "good life" and yet, the State of Minnesota grew at at a rate below the national average in the past 10 years.

The major metropolitan areas grew rapidly, as did those in almost every other State in the Nation, but many rural areas in the State lost population and many grew at very low rates. The reasons for this slow growth are numerous, but the greatest is the lack of good jobs in rural America.

In a recent poll, it was disclosed that 56 percent of all Americans would prefer to live in rural areas. This contrasts with the fact that over 60 percent of Americans live in urban or suburban areas. Clearly, this population imbalance is developing contrary to the wishes of the majority of the citizens.

Today, I am proposing a bill which would provide needed incentives to industry to develop in rural America.

The need for our economy is not to shift jobs from cities to rural America, but to encourage balanced economic growth by the creation of new jobs in the countryside.

Few people realize that with less than one-third of the population, rural America has half the poverty. Rural America has, for example, less than one-third the housing units, but almost 60 percent of the dilapidated housing in the Nation. Over 80 percent of the housing units in America without piped water are located in rural areas.

Because more and more farmers are leaving the land and others find it necessary to obtain outside income, jobs in rural America are of vital importance. I believe that with the relatively inexpensive incentives provided in my bill, more and more jobs will become available.

My bill would give aid to development in counties that lie away from standard metropolitan statistical areas, and from population centers of 50,000 or more. In addition, one requirement would be that 15 percent or more of the population have incomes below $3,000.

To receive an investment tax credit on machinery, equipment, land, and buildings, accelerated depreciation rates and a tax deduction for on-the-job training, a new business would have to create at least 10 new jobs and at least 50 percent of the original working force would have to be residents of the area.

Finally, retail and service enterprises which might be competitive with local establishments would not be eligible.

Mr. Speaker, it has been estimated that 100 new jobs in a small town in rural America would mean a population increase of 296 people. There would be 112 new households, 174 additional workers employed, and four more retail establishments. In terms of dollars and cents, it means $596,000 in added personal income, $360,000 in annual retail sales, and $270,000 more in bank deposits.

I hope Congress will act soon on my bill or a similar measure that will breathe new hope into rural America, take unneeded population pressure off our major cities, and provide opportunities for millions of U.S. citizens to find the economic security and the "good life" they want in countryside America.

LOCAL SERVICE AIRLINE SUBSIDIES

HON. JAMES D. (MIKE) McKEVITT

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. McKEVITT. Mr. Speaker, the economy of many small communities in the West is tied closely to the airline service provided by local service carriers. These carriers are willing to provide as much service to subsidy eligible communities as the Congress and Civil Aeronautics Board will pay for. At the moment, many of these carriers are undersubsidized and there is little doubt that supplemental funds are needed.

The Western Governors, who met in conference on July 15 at Jackson, Wyo., recognized the problem and passed the following resolution which I would like to insert in the RECORD at this time:

RESOLUTION PASSED BY WESTERN GOVERNORS' CONFERENCE—LOCAL SERVICE AIRLINE SUBSIDIES

Whereas the economic development of many small communities located in the western part of the United States and the movement of goods and people is directly dependent upon the air service provided by local service airlines; and

Whereas this local air service is in many instances the only form of public transportation available to many communities which are isolated; and

Whereas the development of a sound national air transportation system is consistent with our objectives, we respectfully urge the Administration, the Congress and the Civil Aeronautics Board to appropriate sufficient public service revenue payments for these carriers to pay them fairly for service rendered to these communities consistent with the intent and promise of the Federal Aviation Act of 1958. The suspension of air service or any reductions in schedules would work a severe economic hardship on the western communities. It is clearly evident the financially troubled local service airlines cannot continue to serve the small communities at a loss: Now therefore be it

Resolved by the 1971 Annual Meeting of the Western Governors' Conference at Jackson Hole, Wyoming that our concern for the preservation of service to the subsidy-eligible communities of the western states be expressed by forwarding a copy of this resolution to President Richard M. Nixon, the Honorable Secor Browne, Chairman of the Civil Aeronautics Board, and our Congressional delegations.

OREGON ENVIRONMENT

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. DELLENBACK. Mr. Speaker, the Oregon Legislature has recently taken significant actions to protect and enhance the quality of our State's environment. These bold measures, along with a decision by the people themselves to prevent hazardous and unnecessary intrusions along our scenic rivers, have reinforced the position of our State as a leader in the fight to save the environment.

The New York Times on August 4 cited the Oregon efforts in the following editorial which I commend to my colleagues:

[From the New York Times, Aug. 4, 1971]

THE OREGON ENVIRONMENT

The Oregon Legislature recently passed a set of bold new laws designed to help protect and enhance that state's unique environmental quality.

These measures include the nation's first mandatory beverage-container deposit legislation to help reduce the staggering problem of litter; a property-tax advantage for land devoted to outdoor recreation rather than real-estate subdivision; and rigid rules governing the location of nuclear power plants. The Legislature has also directed that more than 3,000 billboards be removed in an aggressive campaign against roadside blight; that the state's Department of Environmental Quality be given authority over pollution control of motor vehicle emissions; and—in a surprising and refreshing victory over the highway lobby—that $1.3 million in state highway funds be used for construction of hiking and bicycling trails throughout the state.

This impressive record of the Legislature follows an earlier unprecedented decision by the voters themselves, approving a special petition to protect 500 miles of Oregon's unspoiled scenic rivers from construction of dams, highways, and industrial and other commercial developments.

Oregon's hardening attitude toward the hazards of environmental deterioration was wryly summed up by Gov. Tom McCall when he said: "Come and visit us again and again. But for heaven's sake, don't come here to live."

DRAFT REGISTRATION AND REGISTRATION FOR VOTING IN FEDERAL ELECTIONS

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. HUNGATE. Mr. Speaker, I am today introducing a bill identical to a measure offered in the other body by the distinguished junior Senator from Missouri (Mr. EAGLETON). I would like to call to the attention of my colleagues in the House the bill, which reads as follows:

H.R. 10465

A bill to amend the Military Selective Act of 1967 to provide that a person who registers under such Act may be simultaneously registered for voting in Federal elections

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Military Selective Service Act of 1967 (50 App. U.S.C. 450 et seq.) is amended by adding at the end thereof the following new section:

"REGISTRATION FOR VOTING IN FEDERAL ELECTIONS

"SEC. 22. (a) Except as provided in subsection (b) of this section—

"(1) At the time any person registers with the Selective Service System pursuant to section 3 of this Act he shall be informed of his right to be registered at the same time for voting in all Federal elections held in the State in which such person is being registered for purposes of this Act. Persons who elect to register for voting in Federal elections under this section shall be so registered in accordance with such procedures as may be prescribed by the President if such persons are otherwise qualified to register for voting in Federal elections in the State in which they are being registered for selective service purposes.

"(2) Under such regulations as the President may prescribe, the Director shall furnish to the appropriate election officials of any State all necessary and appropriate information regarding persons registered under this section for voting in Federal elections held in such State. On and after the time such information has been so furnished to the appropriate election officials of any State in the case of any person, such person shall be deemed to have met all the requirements for registration for voting in Federal elections held in such State. Any such registration for voting shall continue in effect for the same period of time it would have been in effect had such person registered under the applicable State law.

"(3) Registration under this section of any person for voting in Federal elections held in any State shall constitute valid registration for voting in elections held in such State other than Federal elections whenever the laws of such State so provide.

"(b) The provisions of subsection (a) shall be inapplicable with respect to persons registering under section 3 of this Act in any State if the Governor of such State notifies the Director in writing within thirty days after the date of enactment of this section that such State does not desire to have the registration provisions of this Act for voting in Federal elections apply in such State.

"(c) The President is authorized to issue such regulations as he deems necessary to carry out the provisions of this section.

"(d) As used in this section (1) the term 'State' includes the District of Columbia and the Commonwealth of Puerto Rico, and (2) the term 'Federal election' means any general, special, or primary election held solely or in part for the purpose of electing or selecting any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member or Delegate to the House of Representatives."

In passing legislation last year to give 18-year-olds the right to vote, Congress acted in large part to provide a voice for the many young men between 18 and 21 who are called upon to risk their lives for our country.

Each year some 2 million 18-year-olds register for the draft, a draft which could force them to engage in war. And, since 1961 more than 21,000 young men between 18 and 21 have died in Vietnam combat. This age group accounts for approximately 47 percent of American servicemen who have died in battle in Vietnam.

Currently the Department of Defense, in accordance with the 1955 Federal Voting Assistance Act, is attempting to assist young servicemen in voting through Federal postcards. That system has not been quite successful in terms of participation in many instances because we have a diversity of registration requirements among the 50 States.

This bill would help 18-year-olds, in particular, work through the system, and would also help the smaller number of 18-year-olds who will eventually serve in the Armed Forces, to exercise their right to vote.

This bill allows the registrant to register to vote in Federal elections at the same time that he registers for the draft, unless the Governor of a given State writes the Director of Selective Service within 30 days of enactment, requesting that his State not participate in the program.

The measure would give any State, through the exercise of the Governor's option, the right not to participate in the process of permitting a draft registrant at the time of his 18th birthday to register simultaneously at the draft board for the draft and also to register to vote in Federal elections—and Federal only.

The measure goes on to provide that this system can be used in a State election, if the State legislature of a given State, through affirmative action in that State, asks that the procedure be applied.

In summary, this measure would make it convenient and expeditious for one who is registering for the draft to, at the same time, exercise his franchise to vote in Federal elections.

I urge the careful consideration of this bill and shall hope many of my colleagues would join in this effort to increase voting participation.

CLEAN WATER FOR ALASKA

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. BEGICH. Mr. Speaker, the issue of clean water is vital to all Americans, but especially to Alaskans. Too many communities in my State are simply too small and too poor to transport, purify, and distribute clean water among their residents.

Gov. William A. Egan, of Alaska, in recognition of this problem, has proclaimed the week August 8 to August 14, Better Water for Alaska Week. The proclamation follows:

PROCLAMATION—BETTER WATER FOR ALASKA WEEK

The residents of the state of Alaska are dependent for their health, comfort, and standard of living upon an abundant supply of safe, high-quality water.

The economic growth and the vital contributions of industry to the State and its people are dependent upon the continuing supply of such water.

The American Water Works Association, which is dedicated to advancing the knowledge of design, operation, and management of water utilities throughout the United States and Canada, has designated the week of August 8 to August 14 as the period during which special attention should be focused on the water utilities so that people are made aware of their needs and the tasks which face them in the future.

The goal of water utilities is to provide better water for everyone—all the water people need when and where they need it.

Therefore, I, William A. Egan, Governor of Alaska, do hereby proclaim the week of August 8 to August 14, 1971, as Better Water for Alaska Week and sincerely urge all citizens to join me in gaining a wider understanding of the contributions, the services, and the future goals of the water supply industry and, in particular, of the utilities which bring us this vital resource.

Dated this 27th day of July, 1971.

WILLIAM A. EGAN, *Governor.*
H. A. BORUHU, *Lieutenant Governor.*

MARINE MAMMAL PROTECTION ACT OF 1971

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. ANDERSON of California. Mr. Speaker, I am introducing today H.R. 10420, a bill entitled "The Marine Mammal Protection Act of 1971," as an effort to provide a new dimension to the controversy that has arisen in recent months as to the best method of protecting the marine mammals of the world.

Legislation has already been introduced to provide one kind of protection by imposing a flat ban against the killing of these animals. The conservation community is by no means united as to the desirability of pursuing such an absolute tactic.

I include at this point in my remarks a communication from representatives of 15 conservation organizations urging that no absolute ban be imposed:

JUNE 18, 1971.

To all Members of the House and Senate:

An organized press and television campaign is underway to solicit support for banning the taking of certain marine mammals. House and Senate bills to accomplish this are H.R. 6554, S. 1315, and others.

The undersigned national conservation organizations believe such a step would interfere with the needed scientific management of these interesting and valuable animals. Some of these highly migratory animals can be managed only through international agreements. Others come under the various jurisdictions of federal and state government.

Total protection, as is being urged, would halt a number of management programs, some of which have been remarkably successful. The application of science, not emotion, has brought back the fur seal and the sea otter from the shadows of extinction to their thriving and productive population levels of today.

Total protection also would make it impossible to manage any population of marine mammals even though, under future circumstances, a culling may be desirable in the interest of man or to reduce local overpopulations that usually are detrimental to the species itself. In some cases, protection also would eliminate urgently needed sources of income to Eskimos, Aleuts, and Indians and revenue for state and federal treasuries, as well.

We believe that adoption of such a negative policy would be a serious mistake. We believe the government should strengthen its management authorities, including providing more funds and manpower, and should explore new and more effective international agreements. We believe that there is no substitute for scientific fact when it comes to assuring the perpetuation of any species.

The accompanying fact sheets provide more detailed information on the status and management opportunities for marine mammals, should you have the time or need to read them.

Sincerely,

American Committee for International Wild Life Protection: Harold J. Coolidge, Honorary Chairman.
American Fisheries Society: Robert F. Hutton, Secretary.
American Forestry Association: William E. Towell, Executive Vice President.
Boone and Crocket Club: Frederick C. Pullman, President.
Citizens Committee on Natural Resources: Spencer M. Smith, Jr., Secretary.
International Association of Game, Fish and Conservation Commissioners: Chester F. Phelps, President.
Izaak Walton League of America: Joseph W. Penfold, Conservation Director.
National Rifle Association of America: Maxwell E. Rich, Executive Vice President.
National Wildlife Federation: Thomas L. Kimball, Executive Director.
North American Wildlife Foundation: C. R. Gutermuth, Secretary.
Sport Fishing Institute: Richard H. Stroud, Executive Vice President.
Trout Unlimited: Ray A. Kotrla, Washington Representative.
Wildlife Management Institute: Daniel A. Poole, President.
The Wildlife Society: Fred G. Evenden, Executive Director.
World Wildlife Fund: Ira N. Gabrielson, President.

The bill H.R. 10420, which I introduce today, does provide for a strengthening of management authorities for the Government, together with additional funds and manpower for the protection of these animals, and urges the appropriate agency heads to seek new and more effective international agreements. To that extent, it appears to satisfy the requirements of these conservation groups.

It may well create other problems, however, and I will state for the RECORD at this time that this bill may not be the perfect answer to this perplexing problem. I am introducing it primarily to widen the dialog on the issue, so that when our committee holds hearings on the issue, we can have the broadcast possible exposure to the issues before us, and so that the Federal agencies and the public will have these questions squarely in front of them.

Essentially the bill provides comprehensive authority to the Secretary of the Interior to manage the taking of all marine mammals within the jurisdiction of the United States. It covers all marine mammals, including seals, whales, polar bears, walruses, and other mammals which spend part or all of their lives at sea, but excludes coverage for mammals taken as an incident to commercial fishing operations.

The bill creates a prohibition upon the taking of these animals, but softens this by providing the Secretary of the Interior with authority to issue permits for the taking of marine mammals. Before doing so, he is required to make an annual determination of quotas to be taken, subject to review by the public and by an independent Marine Mammal Commission. Criminal and civil penalties are provided for violation of the law, as well as forfeiture of the animals.

There is an exception to the act for Indians, Aleuts, and Eskimos, who may take marine mammals within their cultural tradition, if not for sale or resale. The Secretary is encouraged to develop cooperative arrangements with the Governors of coastal States to cover the taking of mammals within territorial waters. Japan and Canada, who are entitled to a proportion of the annual take from the Pribilof Islands, are offered their choice of a fixed number of skins or a dollar amount computed with reference to earlier seasons.

The bill also establishes an independent, three-man Marine Mammal Commission, charged with an overview of the entire program, and authorized to review and to report on the progress of activities under the act on an annual basis. The Commission is to be assisted in its responsibilities by a committee of expert scientific advisers. The activities of the Commission, its scientific advisory committee and of the Secretary of the Interior are all to be matters open to public inspection and review.

I include the bill (H.R. 10420) at this place in the RECORD for the information of my colleagues and the public.

H.R. 10420

A bill to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Marine Mammal Protection Act of 1971".

FINDINGS AND DECLARATION OF POLICY

SEC. 2. The Congress finds that—

(1) certain species and population stocks of marine mammals are, or may be, in danger of disappearance as a result of man's activities;

(2) such species and population stocks should not be permitted to diminish beyond the point at which they can maintain that equilibrium at which they may be managed on an optimum sustained yield basis, and measures should be immediately taken to replenish any species and population stock which has already diminished beyond that point;

(3) there is inadequate knowledge of the population dynamics of such marine mammals and of the factors which bear upon their ability to reproduce themselves successfully;

(4) negotiations should be undertaken, as soon as possible, to encourage the development of international arrangements for research on, and conservation of, marine mammals; and

(5) marine mammals have proven themselves to be resources of great international significance, esthetic and recreational as well as economic, and it is the sense of the Congress that they should be protected to the greatest possible extent commensurate with sound policies of resource management.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) The term "marine mammal" means any seal, whale, walrus, dugong, manatee, sea otter, sea lion, polar bear, porpoise, or dolphin.

(2) The term "population stock" means a group of interbreeding marine mammals of the same species or smaller taxa in a common spatial arrangement.

(3) The term "Secretary" means the Secretary of the Interior.

(4) The term "take" means to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal; but such term does not include the taking of marine mammals which occurs as an incident to commercial fishing operations.

(5) The term "waters under the jurisdiction of the United States" means—

(A) the territorial sea of the United States, and

(B) the fisheries zone established pursuant to the Act of October 14, 1966 (80 Stat. 908, 16 U.S.C. 1091–1094).

TITLE I—CONSERVATION AND PROTECTION OF MARINE MAMMALS

PROHIBITIONS

SEC. 101. Except as provided in sections 102, 107, and 109 of this title, it is unlawful—

(1) for any person subject to the jurisdiction of the United States or any vessel subject to the jurisdiction of the United States to take any marine mammal on the high seas;

(2) for any person or vessel to take any marine mammal in waters under the jurisdiction of the United States or on land appurtenant thereto;

(3) for any person to use any port, harbor, or other place under the jurisdiction of the United States for any purpose in any way connected with acts prohibited under paragraphs (1) and (2) of this section; and

(4) for any person to engage in any of the following acts with respect to marine mammals or parts of marine mammals (including raw, dressed, or dyed fur or skins) taken in violation of this section after the effective date of this title:

(A) possess any such mammal or part thereof,

(B) transport, sell, or offer for sale any such mammal or part thereof in interstate commerce, and

(C) import any such mammal or part thereof into the United States.

LIMITATIONS ON TAKING OF MARINE MAMMALS

SEC. 102. (a) The Secretary, after notice and opportunity for public hearing, shall prescribe such limitations with respect to the taking of each species of marine mammal (including limitations on the taking of individuals within population stocks) as he deems necessary and appropriate to insure that such species or population stock within waters under the jurisdiction of the United States—

(1) is not threatened with extinction, disappearance, or undue attrition whether by natural or man-made causes, and

(2) can be managed on a sustained yield basis.

(b) The limitations prescribed under subsection (a) of this section for any species or population stock of marine mammal may include, but are not limited to, restrictions and make available to the public—

(1) the number of animals which may be taken in any calendar year pursuant to permits issued under section 103;

(2) the age, size, or sex (or any combination of the foregoing) of animals which may be taken, whether or not a quota prescribed under paragraph (1) of this subsection applies with respect to such animals;

(3) the season or other period of time within which animals may be taken; and

(4) the manner and locations in which animals may be taken.

(c) Before prescribing any annual quota under paragraph (1) of subsection (b) of this section, the Secretary shall, in addition to any other requirements imposed by law with respect to agency rulemaking, publish and make available to the public,—

(1) a statement of the existing levels of the species and population stocks of the marine mammal concerned;

(2) a statement of the expected impact of the proposed quota on such species or population stock; and

(3) any studies made by, or for, the Secretary or the Marine Mammal Commission which relate to the establishment of such quota.

(d) Any limitation prescribed pursuant to this section shall be periodically reviewed, and may be modified from time to time in such a manner as the Secretary deems necessary to carry out the purposes of this Act.

PERMITS

SEC. 103. (a) The Secretary may issue permits, after notice and opportunity for public hearing, which authorize the taking of any ocean mammal.

(b) Any permit issued under this section shall—

(1) be consistent with any applicable limitation established by the Secretary under section 102, and

(2) specify—

(A) the number and kind of animals which are authorized to be taken,

(B) the location and manner (which manner must be determined by the Secretary to be humane) in which they may be taken,

(C) the period during which the permit is valid, and

(D) any other terms or conditions which the Secretary deems appropriate.

(c) The Secretary may modify, suspend, or revoke in whole or part the terms and conditions of any permit issued by him under this section—

(1) in order to make any such permit consistent with any change made after the date of issuance of such permit with respect to any applicable limitation prescribed under section 102, and

(2) in any case in which a violation of the terms and conditions of the permit is found. Any modification, suspension, or revocation of a permit under this subsection shall take effect at the time notice thereof is given to the permittee. The permittee shall then be granted opportunity for expeditious hearing by the Secretary with respect to such modification, suspension, or revocation.

(d) Any permit issued under this section must be in the possession of the person to whom it is issued (or an agent of such person) during—

(1) the time of the authorized taking;

(2) the period of any transit of such person or agent which is incident to such taking; and

(3) any other time while any marine mammal taken under such permit is in the possession of such person or agent.

(e) The Secretary shall prescribe such procedures as may be necessary to carry out this section, including the manner and form in which application for permits may be made and the information which should accompany with an application to enable the Secretary to review and evaluate the proposed taking.

PENALTIES

SEC. 104. (a) Any person who violates any provision of this title or any regulation issued thereunder may be assessed a civil penalty by the Secretary or not more than $5,000 for each such violation. No penalty shall be assessed unless such person is given notice and opportunity for a hearing with respect to such violation. Each violation shall be a separate offense. Any such civil penalty may be compromised by the Secretary. Upon any failure to pay a penalty assessed under this subsection, the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which such person is found, resides, or transacts business to collect the penalty and such court shall have jurisdiction to hear and decide any such action. In hearing such action, the court may review the violation and the assessment of the civil penalty de novo.

(b) Any person who knowingly violates any provision of this title or any regulation issued thereunder shall, upon conviction, be fined not more than $10,000, or imprisoned for not more than one year, or both.

FORFEITURE

SEC. 105. (a) Any vessel subject to the jurisdiction of the United States that is employed in any manner in connection with a violation of the provisions of this title, including its tackle, apparel, furniture, appurtenances, cargo, and stores, shall be subject to forfeiture and all marine mammals or parts thereof, taken or retained in violation of this title or the monetary value thereof shall be forfeited.

(b) All provisions of law relating to the seizure, summary, and judicial forfeiture, and condemnation of a vessel, including its tackle, apparel, furniture, appurtenances, cargo, and stores, for violation of the customs laws, the disposition of such vessel, including its tackle, apparel, furniture, appurtenances, cargo, and stores, or the proceeds from the sale thereof, and remission of mitigation of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this title, insofar as such provisions of law are applicable and not inconsistent with the provisions of this title.

ENFORCEMENT

SEC. 106. (a) The Secretary shall enforce the provisions of this title. The Secretary may utilize by agreement, the personnel, services, and facilities of any other Federal agency for purposes of enforcing this title.

(b) The Secretary may also designate officers and employees of any State or of any possession of the United States to enforce the provisions of this title. When so designated, such officers and employees are authorized to function as Federal law enforcement agents for these purposes, but they shall not be held and considered as employees of the United States for the purposes of any laws administered by the Civil Service Commission.

(c) The judges of the United States district courts and the United States commissioners may, within their respective jurisdictions, upon proper oath or affirmation, showing probable cause, issue such warrants or other process, including warrants or other process issued in admiralty proceedings in Federal district courts, as may be required for enforcement of this title and any regulations issued thereunder.

(d) Any person authorized by the Secretary to enforce this title may execute any warrant or process issued by any officer or court of competent jurisdiction for the enforcement of this title.

(e) Such person so authorized may—

(1) with or without warrant or other process, arrest any person committing in his presence or view a violation of this title or the regulations issued thereunder;

(2) with a warrant or other process or without a warrant, if he has reasonable cause to believe that a vessel subject to the jurisdiction of the United States or any person on board is in violation of any provision of this title or the regulations issued thereunder, to search such vessel and to arrest such person;

(3) seize any vessel subject to the jurisdiction of the United States, together with its tackle, apparel, furniture, appurtenances, cargo, and stores, used or employed contrary to the provisions of this title or the regulations issued hereunder or which reasonably appears to have been so used or employed; and

(4) seize, whenever and wherever found, all marine mammals or parts thereof taken or retained in violation of this title or the regulations issued thereunder and shall dispose of them in accordance with regulations prescribed by the Secretary.

EXCEPTIONS

SEC. 107. (a) The provisions of this title shall not apply with respect to the taking of any marine mammal by Indians, Aleuts, or Eskimos who dwell on the coasts of the North Pacific or Arctic Oceans if such taking (1) is done solely in accordance with customary traditions as an adjunct of the native culture, and (2) is not done for purposes of direct or indirect commercial sale or resale. The provisions of this title shall apply to Indians, Aleuts, and Eskimos who are employed by any person for the purpose of taking marine mammals, or who are under contract or agreement to deliver the skins of any marine mammals to any person.

(b) (1) Nothing in this title shall prohibit any person deemed qualified by the Secretary from obtaining written consent from the Secretary to capture on his own account and in a humane manner any marine mammal for (A) public display or educational purposes, or (B) for legitimate scientific or medical research.

(2) The Secretary shall by regulation specify the methods of capture, supervision, and transportation applicable in the case of marine mammals captured under the authority of this subsection.

(3) Any person authorized to take a marine mammal under this subsection shall be required by the Secretary to furnish a report on his activities pursuant to such authority. Such report shall be made to the Secretary as soon as practicable after the close of any expedition made for the purpose of such taking, whether or not any marine mammal was taken during such expedition.

INTERNATIONAL PROGRAM

SEC. 108. The Secretary, in cooperation with the Secretary of State and other appropriate Federal officers and agencies, shall develop an international program for the protection of marine mammals and shall take every possible step to encourage the adoption of international arrangements which would be appropriate for effectuating such program.

COOPERATION WITH STATES

SEC. 109. The Secretary is authorized and directed to develop cooperative arrangements with the appropriate officials of the several States for the conservation and protection of marine mammals. Such arrangements shall prescribe the circumstances under which marine mammals which pass through or reside within the territorial waters of any State may be taken, and any marine mammal taken within the scope of such cooperative arrangements shall be deemed to have been lawfully taken within the meaning of this title.

NORTH PACIFIC FUR SEAL CONVENTION

SEC. 110. The Secretary shall undertake an immediate review of the current activities involved in the taking of fur seals on the Pribilof Islands for the purpose of determining whether such activities are consistent with the purposes and policy of this Act. If, as a result of such review, the Secretary determines that such activities should be significantly curtailed or terminated, then during the time commencing with the date of such curtailment or termination and ending on the date of the expiration of the International Convention for the Conservation of North Pacific Fur Seals, Japan and Canada, for each annual period occurring within such time, shall each be given the opportunity to select one of the following options in lieu of receiving the fur seal skins to which such country would otherwise be entitled—

(1) the average dollar value (based on the average dollar value received for fur seal skins during the 5-year period immediately preceding such date of curtailment or termination) of the fur seal skins to which such country would otherwise be entitled during the annual period concerned; or

(2) 9,000 fur seal skins, to be shipped directly to such country from the Pribilof Islands. In any case in which Japan or Canada elects to take the skins, under clause (B) of the preceding sentence, the killing of the seals shall be done in the manner prescribed by the Secretary, taking into account the desirability of preserving and improving the genetic stock of the Pribilof herd of seals. This section shall be interpreted so as to give maximum effect to such Convention.

REGULATIONS

SEC. 111. The Secretary shall prescribe such regulations as are necessary and appropriate to carry out the purposes of this title.

APPLICATION TO OTHER LAWS AND CONVENTIONS

SEC. 112. The provisions of this title shall be deemed to be in addition to the provisions of any other law, treaty or convention which may otherwise apply to the taking of marine mammals.

APPROPRIATIONS

SEC. 113. There are authorized to be appropriated such sums as may be necessary to carry out this title.

EFFECTIVE DATE

SEC. 114. This title shall take effect 180 days after the date of its enactment.

TITLE II—MARINE MAMMAL COMMISSION

ESTABLISHMENT OF COMMISSION

SEC. 201. (a) There is hereby established the Marine Mammal Commission (hereafter referred to in this title as the "Commission").

(b) The Commission shall be composed of three members who shall be appointed by, and serve at the pleasure of, the President. The President shall make his selection from a list, submitted to him by the Chairman of the Council on Environmental Quality, of individuals knowledgeable in the fields of marine ecology and resource management. No member of the Commission may, during his period of service on the Commission, hold any other position as an officer or employee of the United States, except as a retired officer or retired civilian employee of the United States.

(c) The President shall designate a Chairman of the Commission (hereafter referred to in this title as the "Chairman") from among its members.

(d) Members of the Commission may each be compensated at the rate of $100 for each day such member is engaged in the actual performance of duties vested in the Commission. Each member shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, of United States Code, for persons in Government service employed intermittently.

(e) The Commission shall have an Executive Director, who shall be appointed by the Chairman with the approval of the Commission and shall be paid at a rate not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of title 5, United States Code. The Executive Director shall have such duties as the Chairman may assign.

DUTIES OF COMMISSION

SEC. 202. (a) The Commission shall—

(1) undertake a comprehensive review and study of the activities of the United States pursuant to existing laws and international conventions relating to marine mammals, including, but not limited to, the International Convention for the Regulation of Whaling, the International Convention on the Conservation of North Pacific Fur Seals, and the Fur Seal Act of 1966;

(2) conduct a containing review of the condition of the stacks of marine mammals, of methods for their management, and of humane means of taking marine mammals;

(3) undertake or cause to be undertaken such studies as it deems necessary or desirable for determining the need for additional measures for the protection and management of marine mammals;

(4) recommend to the Secretary and to other Federal officials such as it deems necessary or desirable for the protection and management of marine mammals;

(5) recommend to the Secretary such revisions of the Endangered Species List, authorized by the Endangered Species Conservation Act of 1969, as may be appropriate with regard to marine mammals;

(6) recommend to the Secretary, other appropriate Federal officials, and Congress such additional measures as it deems necessary or desirable to further the policies of this Act, including provisions for the protection of the Indians, Eskimos and Aleuts whose livelihood may be adversely affected by actions taken pursuant to this Act.

(b) The Commission shall consult with the Secretary at such intervals as it or he may deem desirable, and shall furnish its reports and recommendations to him, before publication, for his comment.

(c) The activities of the Commission, and the reports and recommendations which it makes, as well as all comments and correspondence in regard to such reports and recommendations, shall be matters of public record and shall be available to the public at all reasonable times. The Commission shall furnish to the Council on Environmental Quality copies of any such reports, recommendations, and related comments that are made by Federal, State, or local agencies.

(d) Any recommendations made by the Commission to the Secretary and other Federal officials shall be responded to by those individuals within 90 days after receipt thereof. Any recommendations which are not followed or adopted shall be rereferred to the Commission together with a detailed explanation of the reasons why those recommendations were not followed or adopted.

COMMITTEE OF SCIENTIFIC ADVISORS ON MARINE MAMMALS

SEC. 203. The Commission shall establish, within 90 days after its establishment, a Committee of Scientific Advisors on Marine Mammals (hereafter referred to in this title as the "Committee"). Such Committee shall consist of nine scientists knowledgeable in marine ecology and marine mammal affairs appointed by the Chairman with the advice of the Director of the National Science Foundation, the Chairman of the National Academy of Science, and the Secretary of the Smithsonian Institution. The Commission shall consult with the Committee on all studies and recommendations which it may propose to make or has made, and any recommendations made by the Committee or any of its members which are not adopted by the Commission shall be transmitted by the Commission to the appropriate Federal agency and to Congress with a written explanation of the Commission's reasons for not accepting such recommendations.

COMMISSION REPORTS

SEC. 204. The Commission shall transmit to Congress, by January 31 of each year, a report which shall include—

(1) a comprehensive description of the activities and accomplishments of the Commission during the immediately preceding year; and

(2) all the findings and recommendations made by the Commission pursuant to section 202, together with the responses made to its recommendations by the appropriate Federal agencies.

COORDINATION WITH OTHER FEDERAL AGENCIES

SEC. 205. The Commission shall have access to all studies and data compiled by Federal agencies regarding marine mammals. With the consent of the appropriate Secretary or Agency head, the Commission may also utilize the facilities or services of any Federal agency and shall take every feasible step to avoid duplication of research and other efforts in carrying out the purposes of this Act.

ADMINISTRATION OF COMMISSION

SEC. 206. The Commission, in carrying out its responsibilities under this title, may—

(1) employ and fix the compensation of such personnel;

(2) acquire, furnish, and equip such office space;

(3) enter into such contracts or agreements with other organizations, both public and private, including the Committee; and

(4) incur such necessary expenses and exercise such other powers,

as are consistent with and reasonably required to perform its functions under this title. Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) shall be provided the Commission by the General Services Administration, for which payment shall be made in advance, or by reimbursement from funds of the Commission in which amounts as may be agreed upon by the Chairman and the Administrator of the General Services Administration.

AUTHORIZATIONS

SEC. 207. There are authorized to be appropriated for the fiscal year in which this title is enacted and for the next two fiscal years thereafter such sums as may be necessary to carry out this title, but the sums appropriated for any such year shall not exceed $1,000,000.

UNC'S MEDICAL "AIR FORCE" FIGHTING TO SAVE LIVES

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. PREYER of North Carolina. Mr. Speaker, the regional medical program in North Carolina has been a great success, and I urge the Congress to do everything possible to continue and strengthen it.

A recent article in the Greensboro Daily News gives a particularly dramatic example of the effectiveness of the regional medical program.

Organ Transportation, Clinics, Health Services—UNC's Medical "Air Force" Fighting To Save Lives

CHAPEL HILL.—Late in February, a twin-engine airplane owned by the University of North Carolina Medical School touched down on the grass runway at Horace Williams Airport at Chapel Hill in a cold drizzle. Aboard was a small cardboard box with the words "Left Kidney," scrawled on one side.

Only two hours earlier the kidney had belonged to a Baltimore, Md., man who had died—probably in an accident.

Thirty-five-year-old Robert McCarter of Salisbury was already in the operating room at the university's North Carolina Memorial Hospital, where his own diseased kidney was being removed.

The donated kidney was transferred from the airplane to a waiting police car and two officers of the UNC campus police sped it to the operating room.

Total time consumed in the transportation of the kidney was just over two hours and 10 minutes. The surgery was successful and McCarter is alive and well today, going about normal daily activities in Salisbury that would have been impossible with his own diseased kidneys.

Ground transportation, even in the police cars that are usually used, would have pushed the time in transit close to the eight-hour life expectancy for a kidney outside the human body.

The transportation of living kidneys between the Southeastern hospitals that participate in the Regional Organ Donor Program occurs about once every two weeks. And the backbone of the program is the UNC Medical School's "air force," the only one of its kind in the nation.

The organ transportation program is probably the best-known function of the air force—two twin-engine Cessna Super Skymasters and a smaller Cessna Skylane. But the program, under the direction of the Medical Foundation of North Carolina, also helps the university put its medical personnel to work in rural communities and other places where their skills are badly needed.

Projects manned by medical school personnel in conjunction with local agencies and physicians include weekly surgical and pediatric exchanges with Wilmington; biweekly ear-nose-throat clinics at Morganton and Tarboro; monthly orthopedic clinics at Elizabeth City, Jacksonville and monthly surgical consultation at Wilson.

At many of the sites, patients begin signing up to see the specialists weeks before they are due and are waiting in lines when the small planes land on grass and dirt runways.

Carl Travis, chief pilot for the foundation, estimates that the air arm of the medical school has carried about 50 kidneys in the three years it has been in operation. Participating hospitals are in Baltimore, Washington, Richmond, Chapel Hill, Charlottesville, Va., Nashville, Tenn., and several smaller cities.

As of December 1970, the three airplanes had flown 1,229,066 miles and aided in the treatment of 7,063 patients in the regional clinics.

The foundation figures it has saved the participating doctors about 20½ man years of travel time as compared to automobile travel. That, the foundation says, comes out to a saving of $409,680 if you figure the doctors make an average yearly salary of $20,000.

The mileage charge, together with some federal funds from the Regional Medical Program of North Carolina, make the air service self-supporting.

The airplanes were purchased with money donated to the foundation. Three full-time pilots and one part-time pilot are on the foundation payroll.

The operation is run with military precision under the direction of Col. Earl Provancha, a former Air Force pilot. Daily flight schedules are almost always filled. In fact, 56 requests for transportation already have been turned down this year.

Travis sees the flying service as a means of letting the rest of the state share in the expertise that has been centered at North Carolina's only state-supported medical school.

None of the flights are wasted. On a typical day, one of the twin-engine planes left Horace Williams Airport early in the morning, dropped off two physicians in Wilmington and continued on to Beaufort, S.C., with two other doctors needed there.

Another plane took physicians to Rocky Mount and Washington, N.C., to the east while the third took doctors to Asheville, Franklin and Charlotte to the west.

RECYCLING SOLID WASTES

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. DELLENBACK. Mr. Speaker, the Oregon Environment Quality Commission has called for a statewide program of recycling of solid wastes.

In a thoughtful editorial, Eric W. Allen, Jr., editor of the Medford, Oreg., Mail Tribune, discusses some of the difficulties involved in putting such a policy into effect and the importance of overcoming such problems. Mr. Allen, one of the finer and creative minds in Oregon's Fourth Congressional District, calls for a change of attitudes toward solid wastes. He concludes:

> Rich as this country may be, it is not so rich that it can continue to throw away raw materials.

I commend this incisive editorial from the July 26, 1971, issue of the Medford Mail Tribune to my colleagues:

Solid Wastes as Raw Materials

It is easy to adopt a policy calling for a statewide program providing for recycling of all solid waste—as the State Environmental Quality Commission did last week.

It is more difficult to put it into effect. It will save time, money and a lot of planning, to say nothing of the cooperation of municipalities, counties and companies—and householders.

Disposal of solid waste is not really a single problem; it is a whole series of related problems, many of which require differing solutions.

One doesn't treat garbage the same way one treats old automobile bodies. For that matter, we're going to have to be more precise in the definition of garbage; it should not embrace those things that can be recycled, such as bottles and cans.

Recycling, which is simply making use of things that have served their purpose, is nothing new. But the emphasis on it is relatively new, and a start has been made. More and more, old automobile hulks are being collected, mashed, and shipped off to be converted into raw materials again. (A tip of the hat, here, to the Oregon National Guard, which locally has done a good deal to get this program moving, devoting many weekends of their training time to collecting such hulks.)

The recycling of cans (particularly aluminum ones) and some kinds of bottles is in its infancy. Some of the beverage firms and some of the glass companies have made a start, offering modest incentive payments to bring these containers back for either recycling or (something that will increase in Oregon when the new "bottle law" becomes effective) reuse.

But what about paper, cardboard, plastic, old tires, discarded grass and yard and garden clippings, grapefruit rinds, uneaten spinach, grape seeds and banana peels?

These can be burned—but open burning pollutes the air, and only a few localities have developed methods by which they can be burned without pollution. But this is coming, including burning that will take advantage of the heat to generate power. This is well along in some forward-looking communities, and the federal government is also sponsoring pilot programs through which this can be done.

Much of this type of garbage (and some other waste products) can be converted into usable petroleum by the application of high temperatures, pressure, and carbon monoxide. A pilot operation is showing the feasibility of this process, too.

One conventional way of disposing of such solid waste—one that has long been used here—is by dumping, either with or without a land-fill covering of dirt. This will have to go. We're running out of appropriate places for such dumping, and there are many problems connected with it, including the possible pollution of groundwater.

Almost all solid waste has some value. The problem is finding economical ways of dealing with it. (An example is old newspapers, which can be converted into new newsprint. But to make it economically possible to do this, quantities must be in the hundreds of tons. The Mail Tribune is interested in this, but at present the nearest plant that can do such recycling of old newspapers is in southern California.)

All these various things are going to have to be put together, and organized into a complex system of collection and re-use. The adoption of a statewide policy, as urged by Gov. Tom McCall and adopted by the EQC, is an important step in this direction.

But unless the garbage collection firms, the cities, the counties, and the thousands of individuals who bear some part of the responsibility, are provided with ways in which to cooperate, it will all come to nothing.

It is now up to the Department of Environmental Quality to provide these ways. It won't happen overnight, but it will happen. And it's time we stopped thinking of "solid waste" as a nuisance to be gotten rid of, and started thinking of it as a source of valuable raw materials.

Rich as this country may be, it is not so rich that it can continue to afford to throw away raw materials.—E.A.

CITIZENSHIP

HON. JORGE L. CÓRDOVA

RESIDENT COMMISSIONER FROM PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. CÓRDOVA. Mr. Speaker, in view of the publicity gained by the activities of a small group of terrorists who favor independence for Puerto Rico, I believe it may be helpful to a better understanding of Puerto Rico's attitude to insert in the RECORD the following remarks, which I made at San Juan, Puerto Rico, on March 26, 1971, at a banquet honoring our citizenship:

CITIZENSHIP

(By JORGE L. CÓRDOVA)

When the troops of the Army of the United States landed on the south coast of Puerto Rico in 1898, the commanding general, Nelson A. Miles, proclaimed that, "We have come . . . to bestow upon you the immunities and blessings of the liberal institutions of our government." However, almost twenty years passed before we were recognized as citizens of the United States.

Early this month we reached the 54th anniversary of the approval of the Jones Act which granted American citizenship to Puerto Ricans. That achievement, perhaps the most important in the political history of Puerto Rico under the American flag, was the fruit of the efforts of that great patriot—one of the greatest men Puerto Rico has produced—don Luis Muñoz-Rivera. Some have tried to tell us that Muñoz-Rivera had his doubts about the advisability of American citizenship. But Muñoz felt quite the contrary. It is true, as he himself confessed, that when on October 18, 1898 the rule of the old metropolis ceased in Puerto Rico, Muñoz-Rivera was one of the few who sounded a note of pessimism and reservations. But he did not take long to change. In 1899 Muñoz visited the United States. He came back convinced of the necessity of strengthening our ties with the Nation. I will quote a few paragraphs from the speech which Muñoz-Rivera made upon his return to Puerto Rico on September 6, 1899, at the very dock where the people gathered to greet him. (The quotations have been taken from the second volume of the History of the Political Parties in Puerto Rico, written by the late Puerto Rican Socialist leader, Bolívar Pagán):

"I come from a country whose vigor is the wonder of the world.

"I have been able to study it in its work activities and in its government institutions. And I admire it deeply, for its fertile fields and its industrial cities, as well as for its laws, written and obeyed with the spirit of a true democracy. In North America, the only power, the only force lies in the vote. And this sovereignty of the people is not a useless, empty phrase. It is a real, positive, invincible fact which shapes every act of the government and which is reflected in all aspects of life. A man there feels like a citizen. His vote acquits or convicts in the courts. His vote influences the march of the Federation, of the states, of the municipalities. And when the polls speak, the majorities rule and the minorities submit and assist in the common task, because there is no reason for protest and tumult, where the liberty of man and the dignity of the people are safe, where they remain inviolate.

"But do not forget, my friends, the greatness of nations stems from the virtues of their children. The North American sacrifices himself to build a comfortable home, a solid position, an independent individual existence. And from the conglomerate of all the families built and reproduced in this way, arise the typical characteristics of the community: firmness of purpose, energy of will, perseverance of effort. And do not believe that this way of life is limited to the upper spheres: to the Broadway businessman and the Wall Street banker, to the factory owner, the railroad entrepreneur, the attorney with a prosperous practice or the doctor with a large clientele. No, this way of life extends to the factory worker, the miner, the tiller of the fields; and it goes even further: it extends to woman, who studies, who works, who produces, who receives a very broad education and who, in every social class, possesses abilities to transform her into the vigorous, intelligent and discreet mother of a race of Spartans.

"Beholding the moral and physical power of that race, I, sirs, never felt envy: I felt the stimulus to reach those heights, that my people would reach those heights through the arts of labor and through civic commitment. We must move rapidly toward identity. The Liberal Party wants and asks for Puerto Rico to be transformed into a kind of California or Nebraska, with our own initiatives, with our own laws, with our own practices, equal in duty and rights; equal in advantages, equal, if there are sacrifices, in sacrifices. Inequality is for us inferiority. And we reject it as proudly, as frankly and as resolutely as New York and Pennsylvania might reject the harshness and abuses of dictatorship. In this also, and in this above all, my friends, in the noble and legitimate pride of free men, we, from the small islands must be equal to those of immense continents.

"Oh, my friends, the son of this land must claim this identity and not be satisfied with anything less than identity. But not only must he have the enthusiasm to want it, the prudence and the spirit to achieve it, the serenity and the patience to await it; he must make the effort day by day, hour by hour; it is necessary that every Puerto Rican prosper in his home, and that from the sum of these prosperities, the prestige and the grandeur of the country may be the result. . . . By serving the national cause, we serve the insular cause, for just as the interests of the Island demand the progress of the Nation, so the interests of the Nation demand the progress of the Island. And, in order for us to be good and loyal Puerto Ricans, we cannot be, we must not be, we do not want to be, absolutely and without reservations, anything but good and loyal Americans. . . .

"And you, my friends, if you grant any authority to my advice, remember that we do not engage in politics for the childish pleasure of engaging in politics, that our aim is the welfare of Puerto Rico, and that we can only reach that aim by good sense and wisdom, by firmness of purpose, energy of will and perseverance of effort; by the private and civic virtues which convert the United States into the Rome of our time and which open the doors to a majestic future. Let us set our course in that direction; let us not descend into obscure quarrels; let us not encourage personal, low and miserable diatribe; let us turn our thoughts to the anguish of our country and let us march forward, confident that the approval of our conscience and the blessing of our people await us."

A man of the dignity, integrity, courage and patriotism of Luis Muñoz-Rivera could not fail to fight, as he fought successfully for American citizenship as the first step, as the minimum step, in the achievement of Puerto Rican identity with the American nation, and of the equality in duty and in rights to which that citizenship entitles us.

As Muñoz-Rivera reminded us when he advised us to move toward identity quickly, that identity implies "equality in duty in rights." The American citizenship for which Muñoz successfully fought, that citizenship which is the first step on the road toward identity which the great patriot pointed out to us, that citizenship makes us individually equal to the other citizens of the Nation, it makes me equal in duties as well as in rights.

It is hardly necessary to remind a people of Spanish ancestry such as ours, a people which has nobility in its blood, that among the duties of a citizen is that of loyalty. As Muñoz-Rivera told us in 1899, in order to be good, loyal Puerto Ricans we must not be anything other than good and loyal Americans. And that became even more evident upon the acquisition of American citizenship in 1917.

An example of the loyalty to which our citizenship, both American and Puerto Rican, binds us, was given to us by that well known promoter of Puerto Rico's independence, José de Diego, in a speech made in the Puerto Rico House of Representatives shortly after the approval of the Jones Act. I quote his words, as they stand in the records of the House. It must be recalled that at that time de Diego had been pleading for a plebiscite so that the people of Puerto Rico could express the political status they preferred. When we were granted citizenship, upon the entry of the United States into the First World War, de Diego suggested that it would be inopportune to hold a plebiscite as the United States was involved in a conflict, and because of the loyalty which we owed to the citizenship which we had just acquired. Here are de Diego's words:

"We are citizens of the United States, we live and twenty thousand of our soldiers will go to fight and die under its glorious flag; the plebiscite resolution would engage us in a campaign of four years, where in some fashion we would be discussing delicate matters affecting the sovereignty and the soul of our country and perhaps disturb American policy in the war. . . . This should not be so and instead of obstructing, we must accompany the United States in this epic struggle . . . we must close the eyes and minds of our soldiers to any vision except that of victory, we must wait for Puerto Rican blood to brighten the splendor of the United States flag, so that that blood spilled for it may enrich our rights with a new title and speak for us to the American people in the triumphant joyous days of the world's peace, when the great with the help of the small will have affirmed on unyielding foundations the liberty of all the peoples of the earth."

With the passage of years, Puerto Rico's right to adopt its own constitution was recognized and in the preamble of the Constitution drawn up by members of a convention elected by the Puerto Rican people, Puerto Rican feeling regarding American citizenship was recorded as follows:

"We consider as determining factors of our way of life, our citizenship in the United States of America and our aspiration to enrich continually our democratic heritage in the individual and collective enjoyment of its rights and privileges."

The Constitution which thus reads received the overwhelming support of the Puerto Rican electorate when submitted for ratification.

It gives me great pleasure that the organizers of this event have called it the Citizenship Banquet. I am pleased because, at the same time that I am honored by a tribute for which I am sincerely grateful to all those who have attended and to all those who have worked on its organization, this tribute is joined to the act of emphasizing and honoring our citizenship. I am pleased because what hurled me into the political arena in 1967 was my conviction that, as Muñoz-Rivera said, in order to be good and loyal Puerto Ricans, we must not be anything other than good and loyal Americans; the conviction, which I share with the Muñoz-Rivera of 1899, that it is necessary to move toward identity, that is, toward equality with the states of the Union, because inequality is inferiority for us Puerto Ricans, and for that reason we reject it proudly, frankly and resolutely; and my conviction that I could not as a Puerto Rican remain aloof from a political movement intended to lead Puerto Rico toward equality within the American nation.

That conviction that we Puerto Ricans should not remain aloof from movements to settle the problem of our definite status, but that we have, on the contrary, the civic obligation to intervene in the solution of that problem, that conviction which has led me to join a political movement which seeks equality for Puerto Rico within the American union, obliges me to insist with all who are listening that they must reject the preaching of a few who would have us renounce the heritage to which our citizenship entitles us, equality through statehood, in exchange for the mess of pottage of a so-called independence which would be imposed on Puerto Rico by the puppets of the Cuban dictator who dominates the intellect and the will of his proficient Puerto Rican pupils. I have said Puerto Rican, but I doubt that those who place the interests of foreign countries before that of their own, those who form part of movements addressed to the murder of our own fellow-citizens, those whose goal it is to achieve unemployment of Puerto Ricans by the stratagem of destroying the property of those who employ Puerto Ricans and of frightening away from our shores through terrorism those who might give employment to our fellow citizens, deserve to be called Puerto Ricans. I have said Puerto Ricans but in referring to people who act thus it would be more appropriate to call them enemies of our country, because those who deliberately bring mourning into Puerto Rican homes, those who deliberately try to keep the bread away from many Puerto Rican homes by means of their terrorist tactics—those who act this way, based on teachings and instructions of a foreign dictator whose highest court of justice is the firing squad, they do not deserve to be called Puerto Ricans.

It is necessary for the entire country to reflect, and to realize what these few are seeking, to force the Puerto Rican people by threats of violence, by murder and arson, to follow paths alien to the will of the people. They mean, and they do not hide to proclaim it, to establish here a republic not only independent, but also what they call socialist—that is—they mean to establish here a satellite of the Castro dictatorship in Cuba, another satellite of the Russian empire. They mean for us to exchange the rights and guarantees which our American citizenship offers us, including the right to become one of the states of the Union, in exchange for a dictatorial system, with no guarantees for the individual, in exchange for the firing squad, under the dictatorship of one of those who today claim to be leaders of the socialist republic. These men, the public enemies of Puerto Rico and of Puerto Ricans, are today at liberty thanks to the guarantees which our American citizenship affords us all, including those enemies of the community. Our people have shown on more than one occasion that we are not willing to follow these false prophets. Precisely because they know that they do not have the support of the people do these false prophets prefer to resort to violence and terror. It is necessary to convince them that the people not only reject their ideas, but that they will not be intimidated by threats and terror. The Puerto Rican is not a coward, nor is terror nor violence the means to convince him. Perhaps these tactics may be successful in other countries. It is up to the Puerto Ricans to convince the puppets of Fidel Castro, and the foreigners who come here from New York trying to initiate our people in tactics of insults, insolence and violence, it is up to us Puerto Ricans, to convince these outsiders, foreigners and puppets of foreign dictators that we are American citizens, that we prize our citizenship and that we will not exchange our heritage as American citizens for the mess of pottage of a dictatorship by firing squad, or for the dictatorship of a bunch of New Yorkers who regardless of the degree of their rebelliousness or of their insolence, do not share our culture, nor appear to hold convictions of the merits of the democracy in which we live.

In truth the tranquility of the democratic community in which we live is threatened by murder, by arson, and by the insolence and insults to which the enemies of that community, the enemies of Puerto Rico, have resorted. As a consequence, passions have become inflamed. Perhaps it would be fruitful to recall here a paragraph from Muñoz-Rivera's speech when he returned to Puerto Rico in September of 1899. That great patriot, fiery defender of the country's interests as he saw them, who was the object of affronts and insults because he defended those interests as he saw them in the light of the clear intelligence which God gave him, said then:

"No one more than I, no one else more than I was the victim of violent attack, of uncouth calumny, of gratuitous affront. They wounded and they passed. If they wound again, they will pass again. However many my enemies, though they should multiply like the sands of the sea and the stars of the heavens, I am not the enemy of anyone. If you approve of my conduct, if you judge it to be honest and good, I beg you to emulate it, not to return blow for blow, to consider not what your own pride demands, but what the credit and tranquility of the country demand to do away with your resentments and your anger, in honor of Puerto Rico our unfortunate motherland. I beg the Liberal Press not to answer outrage, the liberal youth to repress the ardor of their years; the Liberal Party in the bitter and difficult days to measure up to the lofty height of its mission which is a mission of peace and harmony and to pay homage to two supreme ideals: the reconstitution of our economic life and the restoration of our hallowed liberties."

I have quoted this evening the words of Muñoz-Rivera in 1899 stressing the need for identity with the American people to reach equality. But perhaps we should clarify that the statehood which Muñoz-Rivera advocated and which I advocate, statehood which is the main raison d'ete of the political party to which I belong, is in no way at odds with our language nor with our culture.

The states of the American union have complete liberty with respect to language and culture, the same as Puerto Rico has today. California and New Mexico, among other states, had in their constitutions, upon being admitted as states, provisions recognizing Spanish as well as English as official languages of the state.

President Eisenhower said on one occasion:

"It is probably a pity that every citizen of each State cannot visit all the others, to see the differences, to learn what we have in common, and to come back with a richer, fuller understanding of America—in all its beauty, in all its dignity, in all its strength, in support of moral principle."

There is nothing in the Constitution of the United States with reference to any language. There is simply no constitutional language. There is simply the practical problem of citizens communicating with each other, the same problem which was resolved in India and in the Philippines by means of the use of English as the common instrument of communication between millions of citizens with different tongues. We Puerto Ricans need to speak English today to communicate with our fellow-citizens to the north. Anyone who does not speak English today in Puerto Rico is at a disadvantage. The day we become a state of the Union the situation will be the same: it will be equally important to know the English language in order to understand and to be understood by our fellow-citizens, but there will be no need for us to give up Spanish, and much less our culture, our customs. To summarize, statehood will bring Puerto Rico neither cold nor snow. We will continue to be Puerto Ricans. Puerto Ricans will simply come to enjoy our hereditary rights as American citizens, we will come to have the equality collectively, as a people among other equal peoples, that is, the fifty states, which today our American citizenship gives us as individuals. Being a state, as being an American citizen, will take nothing away from our Puerto Ricanism, either as individuals or as a people. As Muñoz-Rivera said so well in 1899, for us to be good, loyal Puerto Ricans, we cannot be, we must not be, we do not want to be, absolutely, and without reservations, anything other than good and loyal Americans.

"Let us set our course in that direction," as Muñoz-Rivera told us, "Let us not descend into obscure quarrels; let us not encourage personal, low, and miserable diatribe; let us turn our thoughts to the anguish of our country and let us march forward, confident that the approval of our conscience and the blessing of our people await us."

And above all, I add, let us ask God to enlighten us that we may follow the wisest road and to banish from our hearts any sentiment other than that of the closest and firmest fraternity for all our fellow-citizens, Puerto Ricans and Americans.

VOTING RIGHTS ACT AMENDMENTS OF 1971: THE UNIVERSAL VOTER REGISTRATION ACT

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. MIKVA. Mr. Speaker, voter participation is the heart of democracy. The extent of a government's claim to democracy is measured by the number of citizens who partake in the electoral process. Yet, while we would have other nations look to the United States as a model of democracy, voter participation has been discouraging low.

VOTER PARTICIPATION HAS BEEN LOW

In the 1968 presidential election 47,000,000 people failed to vote—40 percent of the electorate. This exceeds by 17 million the number of votes which President Nixon received in winning the presidential election. And the number of nonvoters is increasing; in the last decade the number of nonvoters has increased by more than 1 million each year. In 1960 39 million people did not vote; in 1964 it was 43 million. In 1968 it was 47 million. America is heading full steam toward being ruled by the voting elite.

RESTRICTIVE REGISTRATION PROCEDURES ARE A CAUSE OF POOR VOTER PARTICIPATION

In the latter half of the 19th century, between 75 and 85 percent, voters were between 75 and 85 percent voters were generally not required to register and in most places where registration was required, there were systems of automatic registration. In the period from 1896 to 1924 the turnout of voters declined almost steadily as State after State enacted registration laws which typically required registration annually. Rigid registration procedures restricted the voter turnout by placing undue obstacles in the path to the ballot box.

Today local differences in the turnouts for elections are to a large extent related to local differences in the rates of registration, and these in turn reflect to a considerable degree local differences in the rules governing, and the arrangements for handling, registration of voters. Of those who failed to vote in 1968, 72 percent were barred by failing to meet registration requirements. In 1968 while only 60 percent of the total electorate voted, 91 percent of those registered claimed to have voted. Low voter turnout is not indicative of voter apathy, but of voter exclusion by registration procedures. It has long been a maxim among political organizers that, if you can get people registered, they will vote.

Eight States severely restrict the time and place of voter registration, while the other 42 States close off the registration period from 112 to 14 days prior to the election and up to 45 days after the election. Furthermore, 12 States require reregistration if a person fails to vote once every 4 years, and 23 States if not once every 2 years. As if this were not bad enough, six States require a loyalty oath, while eight States disenfranchise paupers, 46 disenfranchise those suffering from a mental disease, and 43 those convicted of a crime. It is little wonder that so many people are not registered to vote.

Registration systems were originally established to provide up-to-date lists of eligible voters to prevent multiple voting and other election frauds. Our present systems do little to advance that original purpose; what they do in fact is prevent otherwise eligible voters from partaking in the electoral process.

UNIVERSAL VOTER REGISTRATION ACT OF 1971

By introducing the Universal Voter Registration Act of 1971, also known as the Voting Rights Act Amendments of 1971, I hope to pursue the recommendations of President Kennedy's Presidential Commission on Registration and Voting Participation by making the ballot box easily accessible to all citizens. As automatic registration provided access to a broad electorate in the latter half of the 19th century, so automatic registration will provide access to a broad electorate today.

Under this bill a person who registers with the Social Security Administration will automatically be registered to vote in Federal elections. Once registered, the person's name would be added to a compiled voter registration roll. Each congressional district would periodically be sent a list of the eligible voters in that district for each Federal election. Those considered to be paupers, those suffering from a mental disease, those convicted of a crime, and those who have not voted for a period of years would not be disenfranchised from Federal elections, unless there is a court order justifying disenfranchisement. There would be no need for reregistration; the registration is permanent. If a registered person moves, he need only notify social security so that they may update their lists. Furthermore, registration could take place throughout the year, and by mail.

Thus a voter registration system would be established which would fulfill registration's original purpose of providing exact information as to who is eligible to vote and where that person may vote without hindering or discouraging any person from registering and voting.

WHY SOCIAL SECURITY

Registering a voter automatically when he registers with social security best serves to alleviate the problems associated previously with registration. Social security is an existing system which already successfully registers most Americans at an early age. An individual in our society needs a social security number for a wide variety of functions—employment, tax returns, stocks and bonds, banking, and driver's licenses in some States. As a result an extremely broad segment of the electorate registers with social security, and thus would be registered to vote in Federal elections. Presently, over 200,000,000 numbers have been issued by social security. No other system of registration can claim such comprehensiveness.

Individuals are registering with social security at an increasingly early age. Many people are registered while in their early teens and even earlier. In as much as the 26th amendment was just ratified providing for the 18-year-old vote, it is essential that a registration system reach the young, as social security does. Those who register with social security prior to their 18th birthday would receive a registration card which includes the date upon which it would become effective—the registrant's 18th birthday—so there would be no delay between the time a person would become eligible to vote and the time he is registered.

The Social Security Administration has an established computer screening system whereby it can determine whether or not an applicant has been previously registered with them. By using the person's name, birthdate and place, and parent's names social security can check its lists of registrants to prevent any fraud. This same established system of screening provides the means whereby a person would be prevented from registering to vote more than once and from committing any election fraud. The act provides criminal penalties for any fraud which is committeed.

Social security offers many local offices for registration. In addition, it now is possible for a person to register with social security through the mail. Some States presently conduct voter registration through the mail. If Federal voter registration is united with social security registration, individuals in all States would be able to register to vote through the mail without raising fears of registration fraud.

In as much as the social security system compiles a complete listing of those registered with the agency, the rolls of those registered to vote in each congressional district can be easily furnished to each district for Federal elections.

Once the system is established, Federal voter registration need not be restricted exclusively to social security application. Applications for voter registration can be distributed through the mail, at the post office, in high schools, and in voter registration drives—as long as the application is forwarded to the Social Security Administration for their screening.

By using this system of registration there would be no invasion of privacy. The information required in a voter registration application is the same as that already required for social security registration due to the use of the same screening process. No new information is taken from the registrant, and that already taken is not afforded to any agency other than that which already has it—social security. In addition, the fears of the invasion of privacy which the public justifiably has concerning the computerized use of the social security number for identification are not related to this system of registration. The registration of a voter at the time of social security registration has no connection with the social security number, and at no time is the voter identified by the social security number. Thus the voter's integrity and privacy remain unaffected.

RELATION TO STATE VOTER REGISTRATION

The question may arise as to how this system will relate to State voter registration. Under the recent case of Oregon against Mitchell Congress can legislate only regarding Federal elections. Therefore, this bill establishes registration procedures only for Federal elections. The States will be able to continue to register voters for all elections. It is provided, however, that any State may recognize registration under this bill as being effective for that State's elections also.

CONCLUSION

A government whose legitimacy rests on full participation by the governed cannot afford to exclude substantial numbers of its people from the voting booths, even by inadvertence. Existing systems of voter registration do have the effect of discouraging many potential voters from participating in the electorial process. Automatic universal voter registration, as provided in this act, will go a long way toward insuring that all citizens enjoy free access to the ballot box.

A copy of the bill, and a section-by-section analysis of the major provisions, are included for the consideration of my colleagues:

UNIVERSAL VOTER REGISTRATION ACT: SECTION-BY-SECTION ANALYSIS

SECTION 401

This section states the underlying purpose of the Act, to facilitate voter registration and to encourage voter participation.

SECTION 402

Subsection (a) provides that registration with Social Security shall also constitute automatic registration to vote in federal elections. Anyone who has already been registered with Social Security at the time of passage of the Act would automatically be registered to vote in federal elections. In the future, when a person obtains a Social Security number, he will also be automatically registered to vote. If the registrant applies for a Social Security number before the legal voting age of 18, he will be automatically pre-registered to vote. In other words, he will be eligible to vote in federal elections *as of his 18th birthday*.

Subsections (b) and (c) empower the Administrator of Social Security to fill in the details of the registration system, subject to the guidelines set out in these subsections. The system could operate as simply as to provide each registrant with a voter registration card with his name and date of voter eligibility (18th birthday). The Social Security Administration, through the use of its massive computer facility in Baltimore, would provide each Congressional District with up-to-date print-outs listing the names and addresses of all those registered to vote in that District. When the registered voter presents himself at the polling place, he must be permitted to vote if he displays a valid federal voter registration card or signs an affidavit stating he is entitled to vote in that District. Criminal penalties for false swearing or fraudulent voting are provided in section 405 of the Act.

Voter registration is keyed to Social Security registration for convenience only, in order to take advantage of the efficient computer system already in use to handle the millions of Social Security registrants. One need not be registered with Social Security in order to register to vote in federal elections. Voter registration applications could be distributed through the mail, in schools, in Post Offices, by voter registration canvassers, etc. Anyone who mailed in the application, on which he swore to his identity and residence and age, would be entitled to be registered to vote, subject to the criminal penalties in section 6. Upon changing residence, the registrant would have to inform the Social Security Administration, which would then advise the registrant's old voting district to delete his name from the registration rolls, and advise the new district to add his name.

SECTION 403

This section prescribes who may be permitted to vote in a federal election. Anyone who fails to present a valid voter registration card must be permitted to vote if he signs an affidavit attesting to his eligibility. Furthermore, anyone who is eligible to vote in state elections must be allowed to vote in federal elections as well, regardless of whether he has met the requirements for federal voter registration.

Subsection (b) prohibits disenfranchisement in federal elections of certain groups which have commonly been denied the vote by the states. This group includes persons convicted of crimes, persons refusing to take loyalty oaths, paupers, persons who have not exercised the vote for a given number of years and persons deemed mentally unsound. Persons convicted of a crime, and those found by a court to be in need of mental treatment, may be disenfranchised only by a specific finding of the court.

SECTION 404

Absentee balloting is made less burdensome with respect to presidential elections. Wherever in the United States a registered federal voter happens to be on election day, he can appear at any polling place and obtain a presidential ballot. The ballot can be completed and mailed to the election district where the registrant would be entitled to vote, and must be counted by that district. Unfortunately this procedure can be extended only to Presidential elections, for there is no uniformity among the election districts' ballots for the lower offices.

SECTION 405

This section provides criminal penalties for vote fraud committed under the Act, including improper registration or voting.

SECTION 406

Since Congress has power only to regulate federal elections, the states cannot be required to respect the federal voter registration card for state elections as well. However, this section makes it clear that any state which wishes to do so may honor the federal voter registration system for purposes of state elections as well as federal.

SECTION 407

This section defines "federal elections" in accordance with the Supreme Court decision in *Oregon* v. *Mitchell*, and defines "state" to include the District of Columbia and Puerto Rico.

H.R. 10442

A bill to amend the Voting Rights Act of 1965

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Voting Rights Act Amendments of 1971".

SEC. 2. The Voting Rights Act of 1965, as amended (79 Stat. 437; 42 U.S.C. 1973 et seq.) is amended by adding the following new title thereto:

"TITLE IV—UNIVERSAL VOTER REGISTRATION

"SEC. 401. (a) The Congress finds that the primary purpose of any Federal voter registration system should be to facilitate the identification of those persons who are qualified to vote in any Federal election, and to determine at which polling place the qualified voter is eligible to cast his ballot. A Federal voter registration system should not be a hindrance to any voter who attempts to exercise his constitutional right, and responsibility as a citizen, to vote. Every citizen of the United States should be registered so that he may vote in any Federal election held on or after his eighteenth birthday.

"(b) It is the purpose of this Act to provide for a system of voter registration, to be used for all Federal elections, that will facilitate the registration of every citizen so that the greatest number of citizens will be eligible to vote in every Federal election.

"SEC. 402. (a) Every person in the United States to whom has been issued a social security account number shall be held and considered to have registered to vote in any Federal election held on and after his eighteenth birthday and in which he is otherwise eligible to vote.

"(b) The Administrator of the Social Security Administration (hereinafter referred to as the "Administrator") shall prescribe such rules and regulations as he deems necessary to carry out the purposes of this Act. The rules and regulations prescribed by the Administrator shall establish a system to inform the appropriate officials in each State (prior to a Federal election) of the name of every person who is registered to vote in that State in the next Federal election, and in which congressional district he is eligible to vote.

"(c) The Administrator shall issue to each person deemed to be registered to vote under this Act an identification card which shall be the Voter Registration Card for that person for purposes of voting in any Federal election. Presentation of the Voter Registration Card at an appropriate polling place for a Federal election shall be prima facie evidence that the person presenting such card is eligible to vote in that election at that polling place.

"SEC. 403. (a) No person shall be prevented from voting in any Federal election merely on account of his failure to obtain, or present, his Voter Registration Card. If a person attempts to vote in any Federal election and does not present his Voter Registration Card to the election official at the polling place where he attempts to vote, he shall be permitted to vote in that election upon the execution by him of an affidavit attesting to his eligibility to vote at that place in that Federal election. Any person eligible to vote in any State election shall be eligible to vote in any Federal election, without regard to whether he obtains a Voter Registration Card under this Act.

"(b) No person shall be denied the right to vote in any Federal election because—

"(1) he has been convicted of any crime, unless the sentencing court makes a specific finding justifying disenfranchisement on the basis of the conduct of the person convicted;

"(2) of his economic status;

"(3) he refuses to take any oath or affirmation of loyalty to the United States or to any State;

"(4) he failed to vote in any Federal election for a period of time; or

"(5) of his mental condition, unless the court which finds the person to be in need of mental treatment makes a specific finding justifying disenfranchisement on the basis of the person's mental condition.

"SEC. 404. In the case of any election of electors for President and Vice President, any person who is absent from the State in which he resides may go to any appropriate polling place and, upon the presentation of his Voter

Registration Card, or upon the presentation of an affidavit attesting to his eligibility to vote in that election in a named State, may obtain a ballot to vote in that election. Such ballot must be mailed to the appropriate polling place in his State of residence, and must be postmarked not later than 12 o'clock midnight of the day of that election. Such a ballot shall be received and counted for the purpose of electing electors for President and Vice President in that election in the State in which he resides, in the same manner as a ballot cast in person by any other person in that State.

"Sec. 405. Any person who—

"(a) knowingly makes any false or misleading statement in order to obtain a Voter Registration Card; or

"(b) knowingly swears to or offers any false affidavit for the purpose of voting in any Federal election; or

"(c) knowingly votes more than once in any Federal election;

shall be fined not more than $5,000, or imprisoned for not longer than one year, or both.

"Sec. 406. Nothing in this Act shall be construed to preclude any State from using the Federal voter registration system established under this Act for purposes of voter registration in any State election.

"Sec. 407. For the purposes of this Act, (a) the term "Federal election" means—

"(1) any general, special, or primary election, or convention or caucus of a political party, held to nominate candidates for, or elect persons to, the office of United States Senator, or Member of, Delegate to, or Resident Commissioner in the United States House of Representatives; or

"(2) any primary election held for the selection of delegates to a national nominating convention of a political party, or a primary election held for the expression of a preference for the nomination of persons for election to the office of President, or any general election held to select electors for President and Vice President.

"(b) the term 'State' means each of the United States, the District of Columbia, and the Commonwealth of Puerto Rico."

CONSERVATION ON THE BACK 40 BY "GENE" POIROT

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. HALL. Mr. Speaker, Jonathan Swift once wrote:

> Whoever can make two ears of corn or two blades of grass to grow upon a spot of ground where only one grew before, would deserve better of mankind and do more essential service to this country than the whole race of politicians put together.

There is no doubt in my mind that the personification of those words is a man who abides on a farm near Golden City, Mo. He is Gene Poirot, a master farmer and conservationist, who has applied the fruits of science to his farm operation with remarkable success. An author, whose book, "Our Margin of Life," should be a reading must for all who would till the soil. A conservationist and philosopher, the inspiration for the Hall farm bill and a good friend who provided hours of delightful companionship to this Member of Congress.

Recently, Gene Poirot offered a backward look at his 50 years as a farmer. In it he sets forth what he has sought to accomplish and describes the fruits of his labor and its benefits to mankind. Believe me, his contribution in this day of emphasis on conservation and our ecology has been magnificent.

I offer Gene Poirot's words for the enlightenment of all:

CONSERVATION ON THE BACK 40

(By E. M. "Gene" Poirot)

For you this is Earth Day plus one year. For me it is Earth Day plus fifty years. My report covers that space of time. It tells the story of how to do soil and water restoration, its effects, its values and then suggests a way we can get it done on a national basis.

I am a farmer. My final product is human bodies with minds capable of thought and reason. My profession requires me to bargain with my fellow man to get dollars according to his economic laws. I must also bargain with nature to get human foods according to her laws of life and death.

When I do both in a way I will describe, I get abundance in food for man for which he pays dollars and a lot of by-products also of value to him, for which he does *not* pay.

Some of those by-products are wildlife, recreation, flood control, siltation control, environmental improvement, resource conservation and restoration as these apply to soil and water, the two resources already limiting factors to that which you hope to accomplish.

I can farm efficiently without creating any of these by-product values. Many farmers already do so and more will follow that path because advertising pressure from those who want to sell us products at a profit encourage such a course. Example, steel posts and wire in place of hedges and roses for a fence. Insecticides in place of biological controls, expensive deep well, pumps, and power equipment to run mechanical sprayers in place of ponds and gravity flow of water through cheap plastic pipes for irrigating farm crops.

Why do I resist these advertisements and the stories that support them? Why do I follow a different course that results in wildlife and other values I cannot sell? The answer is my way is cheaper and results in more net profit so I tolerate the wildlife and the human nuisance attracted by it.

Can farmers be sold on the same kind of ideas? The answer is yes, by shifting the present money incentive for retiring crop land to buying these extra values. The shift can best be accomplished by creating a market for using land for growing these values at a price which is in direct competition with the market now buying food and fiber. The values I have mentioned go far beyond hunting and fishing. They reach all people. They are in the package called soil and water restoration.

I have just given you a summary of fifty years of farming which began at a very low level of scientific agricultural information, a very low level of the land's capacity to produce crops and live stock and a very low level in numbers of fish and wildlife species. I have suggested a way the correction can be made for many of the problems you are considering and many others, farmers and consumers understand.

I will now tell you in more detail what the results are, how they were accomplished, and what we can do on a national basis.

Why should you believe me? Simply because, if this way had not worked I would be broke, retired for at least eight years and a first class relief client in some city instead of here talking to you. The other farmers who are now supplying this nation with cheap abundance would also be broke.

WHAT ARE THE RESULTS OF CONSERVATION OF THE BACK FORTY IN PRODUCTS I CAN SELL FOR DOLLARS

1. The increase in the production of human foods such as livestock and crops is seven times what it was fifty years ago. The potential for doubling present production is possible.

2. The health and quality of products has increased even more. Once-badly diseased cows are disease-free for 32 years—including some diseases that could have been transmitted to people. Biological insect control has been effective for nearly fifty years.

RESULTS IN WILDLIFE PRODUCTION (AT POIROT'S)

From 15 prairie chickens in 1922 to enough to fill one booming ground with 150 birds in the spring of 1971.

From 13 quail to enough for a field trial that find their summer protection in a corn field yielding 100 bushels per acre.

From 64# of fish seined from two miles in Coon Creek for a Sunday school picnic in 1922 to enough more that a greater amount is often caught in one afternoon by hook and line from one hole in Coon Creek.

From no ducks to 30,000 wintering and feeding on wasted corn in 1970-1971.

From no geese to over 8,000 staying for two months in the late winter of 1971.

From no coons in 1922 to 65 taken in one 80-acre pasture in 1969.

From no deer for 100 years to the first reproduction in 1970 by a doe seeking shelter from hounds amoung 200 head of my cows.

From a few song birds to many of 42 different kinds, counted one day by a bus load of birdwatchers from Kansas City in the spring of 1970.

RESULTS IN BYPRODUCTS: SPORTS, EDUCATION, RECREATION, ENVIRONMENTAL, IMPROVEMENT

The hunting of quail and ducks must be done with me under my rules and restrictions. Other hunting is by permission only. Values of importance?

Fishing may be done by anyone at any time at no cost. People come for forty and more miles to fish. Some of them are over eighty years old, others too poor to buy transportation to the large lakes. Values of importance?

Three colleges bring their classes in biology and their students being trained for elementary teaching to see first hand ecology at work. Values of importance?

Birdwatchers, wildlife and wild flower lovers, soil conservationists, irrigation and flood control engineers, economists, bankers, fertilizer producers, and business men come to take a look at the natural beauty that comes with healthy plants and animals, fresh wild flowers that have not been destroyed by weed sprays and the clear water that runs for a mile over grass in a hay meadow without carrying any silt. Values of importance?

On last May 10th I told the story of soil and water restoration to a large group of 4–H club kids. Four days later Ambassador El Goulli from Tunisia came to hear the same story and take back what might apply in his task of feeding 6 million people from the products of 12 million acres of land. Values of importance?

The place is not marked by a great flood-controlling dam, impounding miles of water covering rich soil and offering a surface where people can play with boats costing millions of dollars while a half mile from shore there is poverty. There are no signs that say, National Forest, Public Fishing and Hunting, Ride a Horse, pay when you come in and again when you go out. The unwritten sign that such people as you can read says "Nature works here, unrestricted and in cooperation with man creating new life that begins with the microbes in the soil and ends with human bodies carrying brains capable of thought and reason."

HOW WAS IT DONE?

The method is little more than to supply nature with the tools, the resources she needs to grow living things. As you already know they are sunshine, air with its elements of carbon dioxide, oxygen and nitrogen, water at the right time and soil with its plantfood minerals in the proper proportion.

In most cases soil, plantfoods and water are the resources in short supply. In short, what I have reported was done by restoring the soil plantfoods and water resources.

Soil restoration was done by returning, in the proper portions, the plant foods of limestone, phosphorous, potassium, magnesium and later, for higher yields, copper, zinc and iodine.

The methods for returning these elements and the necessary tests telling how much of each is needed are already perfected by all colleges of agriculture and the information and testing equipment is in the hands of all extension agents.

The good results of soil restoration done in this manner are higher yields, better quality and good health of plants and animals generally in proportion to the amount of water available when it is needed. Water therefore is the next limiting factor. It is available as rain, in wells, flowing rivers and large lakes.

The method of water restoration I will discuss is cheaper and has many advantages and values I have mentioned before. It is different since it depends upon rain coming at a time when it is not needed, and being held in ponds, on the high place of the farm so it can be delivered by gravity flow when it is needed. This is pure distilled water supplied by nature. If it is not used it causes soil erosion, siltation of streams and down stream floods. If it is stopped in its natural channel, a flood is prevented. If it is pumped or allowed to run to another place out of the channel and stored, the first pond is ready to prevent the next flood. The mechanics of this method is to first hold the water in its natural flow with a dam, and second store it on a high place for use later on by gravity flow to the crops needing it. These values are evident at once:

1. Flood control.
2. Siltation control.
3. The conservation and restoration of our underground supply of water for wells.

Now just give nature two ponds and she will soon fill them with fish, use them for migratory water birds and upland game of all kinds. This is value four. When either pond is used for recreation, we have value number five. None of these values can come from an irrigation well. None of them can come if water is taken from a stream or lake already in existence, but there are still more.

The water in the second pond can be used to produce fish for sale to people who like to eat that kind of protein not contaminated with insecticides. One-fifth of the wild fish are already so contaminated. So here is value number six, but doing so causes the water to become contaminated similar to that going to streams from city sewers.

When such water becomes contaminated on fish farms, it is also discharged into streams and new water is pumped from wells, but not here. Value number seven is realized when the water is used for irrigation. The water transpired by plants is as pure as it was when it came down as rain. The water going into the soil is stripped of its nitrogen, phosphorous, potassium, etc. and used as plant foods or these plant foods are locked on the clay for use later on.

Value eight comes as an increase in yield to the farmer. Value nine is the six and six-tenths tons of oxygen one acre of corn will deliver to the air. Number ten is the nine tons of carbon dioxide each acre takes from the atmosphere and number eleven is the organic matter left in the soil which feeds the cellulose-decaying bacteria that use and hold with their living bodies the nitrate nitrogen that would otherwise find its way into wells and streams.

Of these eleven values the farmer gets money for only two, the growth of fish he can sell and the increase in the bushels he can harvest.

Why do I use this method of irrigation? Because it is cheaper than any other way, even though I lived on the bank of a river where the water was free. I have mutiflora and hedge fences because they are cheaper than steel posts that will rot in eight years and barb wire that will not outlast a living fence. I leave uncut and unplowed places around my ponds and in my fields to provide biological control of harmful insects because it is cheaper than buying insecticides. It has worked for forty years. Extra values to people.

I hold my soil in place with grass and run clear water to the creek, Why? Because the soil has no value to me after it leaves the farm. Extra values to people.

Why do I leave the round bales of hay in my fields and run in cows to eat them in winter? Because it is cheaper to do it that way than to haul the hay to the barn and out again in the winter and spread the manure if the cattle were fed in one place. In addition, the hay yields more by 400% and there is no manure going into the streams for the public to complain about, and the health and reproductive capacity of the cows is near fantastic. Values to people.

If government standards are used for productive capacity of farms, this one will rate in the top 3% of all the farms in the nation. Values to people.

WHAT MORE DO YOU WANT OF A FARM?

You can have what I have reported to you and demonstrated for many years by supporting government farm legislation which will create a market for buying soil and water restoration as I have described it, in direct competition with the present market buying food and fiber. It is based upon the fact that the production of farm products is, in most cases, destructive. Symptoms of this destruction are, a reduction in wildlife, poor plant and animal nutrition, muddy streams, floods, sewage carrying the plantfoods to the sea in place of back to the land. On the way to the sea, such excessive plantfoods destroy rivers and lakes. Dr. Whitley of our Department of Conservation reported that this town of Springfield using modern sewage disposal methods was discharging 1750 number of phosphoric acid equivalent into James River every day, already an excessive amount. Under the terms of the soil and water restoration, these environmental destruction actions can be prevented and much of the loss can be restored, if a MARKET is provided for doing so.

I have described such a market in my book "Our Margin of Life" I presented the idea to farmers in four states and without any exception they approvied it. Since 1964, our Congressman Durward G. Hall has introduced three bills regarding it. The last one was as an amendment to the present law and a shift of only 22 votes would have passed it.

It came that close to passing without a single letter supporting it from any of the farm organizations, any Chamber of Commerce, any college of agriculture, any department of conservation and bird watchers or sportsman group or any environmental improvement organizations.

PEOPLE NEEDED CONSERVATION INFORMATION

The reason the bill came that close to passing was because quite a number of the committee on agriculture and members of the USDA have been on my farm through the efforts of Congressman Hall to see in person what I have told you about. Others saw my slides telling the story during my two visits to Washington, D.C. at my own expense. Advisors to the Secretary of Agriculture after being here said they would recommend at least seven of the practices they saw to become in some way part of the new farm legislation. There was not enough public opinion to cause these to be included in the bill and not enough public opinion to pass the amendment. It was best stated by one Congressman when he said "It is not yet time for this kind of legislation."

More farm land must first go to the sea, more air must stink, more water must become thick with sewage and more people must understand that the creeping, crippling illnesses of body and mind that come with polluted air, water and malnutrition is nature's way of destroying the creatures that cannot obey her laws be that creature a man or a bug.

Let me show you how futile it is to pass legislation that only prohibits. I can destroy every value I mentioned here today and no law can prohibit my doing so, nor can any law force me to do conservation on the back forty. To destroy it all I will replace my flood controlling ponds with a well, pump, power to pull it and a sprinkler system. I will replace my rose and hedges with steel posts and wire. I will plow up my biological insect controls. The people who sell this kind of equipment will support me. Some of them may be paying your salary and supporting your various organizations. By their advertisement, they keep farm magazines alive to tell their story. By their grants to Universities for research, they find sound selling points for their products without being required to also do research concerning its long time effects. I can talk freely but you better watch your step in repeating what I have said. It may get you fired. Isn't that a spot to be in when conservation information is so badly needed to guide us?

Let me show you what I mean. Some people want to forbid the use of all insecticides, some want to forbid the use of all nitrogen fertilizer, the concentration of cattle in feed lots and a group of other activities because they have caused trouble by their misuse. The same people would not forbid the manufacture of automobiles, trucks, air craft, gas stoves, detergents and the like. They approve coal burning electric plants moving to the deserts of the southwest and polluting the air with the oxides of sulfur, carbon and nitrogen because they don't live there. They do not know, as perhaps you can tell them, that there is no rain in a desert to wash the air clean of these pollutants and no plant life to use the carbondioxide they produce and release oxygen to the air as I described as taking place in a corn field. Muddy rivers carrying a million acres of farm land top soil to the ocean each year don't bother them but water nature has turned green with plant growth using the plant food released from city sewers that stinks when the plant growth dies is pollution. Such people mean well but they are uninformed.

They were absent and their letters were missing when soil and water restoration legislation was being considered. Legislation that would reward those who began cleaning up the stink following the scientific direction of agricultural scientists to deliver the results I have told you about today.

This is the end of my story, Earth Day plus fifty years. I have described two groups of values that can come from farming. Let us call the first good food and the second environment protection and restoration. Both of them are in the package I have called soil and water restoration.

Let me emphasize this point; production

of good food, the first value, one the farmer can sell, destroys the second group, environmental values, which the farmer could not sell if he preserved them.

The simple answer is to buy the second group of values in a second market *competing* with the present market now buying food and fiber. The second market must be *pegged* at a fair parity of income level so that food will be produced in the first market as long as the consumer is willing to pay that much for it. The economic farm problem will be solved for the farmer and the consumer will be provided with abundance in both the good food values and the environment values. This is very simple first grade economics that determines human activities in their relationship one with the other.

Let me close with this thought regarding my profession. I am your farmer, you are my final product. You the people have placed in my hands the choice of destroying or restoring. You have encouraged destruction by rewarding me for it. Are you ready for the change? What do you want of me? What do you want of farmers? Yours is the task of giving information. In the past thirty minutes I believe I have given you a bucket full.

THE OMNIBUS NARCOTIC ADDICT CONTROL, REHABILITATION, AND RESEARCH ACT OF 1971

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. FREY. Mr. Speaker, together with other Republican Members of the House of Representatives, I am introducing this week a bill which we feel deals more comprehensively than any other with the "demand" side of the drug problem. Although I am chairman of the Republican Task Force on Drug Abuse, the introduction of this legislation is neither a task force project nor a project of the Republican Party. As individual Republican members, we profoundly and sincerely believe that much more has to be done than either present or proposed approaches to this problem can possibly accomplish.

We cannot wait for long, drawn-out studies to be completed so that we have all the facts at hand. Narcotic addiction has become truly a national epidemic, and something must be done immediately to stop the contagion of disease and crime sweeping this country. A new approach and the commitment of substantial resources is required if we are to prevent the loss of an entire generation of young Americans.

The estimate of the number of narcotics addicts has been estimated at being between 250,000 and 500,000. Over 1,000 persons died in 1970 in New York City alone, where over half the Nation's drug addicits reside. It is the greatest single cause of deaths among young people between the ages of 15 and 35 in New York City. More lives have been lost to drugs in the last 8 years in New York Ctiy than the entire State of New York has lost in the war in Vietnam.

There is, moreover, a direct correlation between addiction and crime. An addict may need from $50 to $150 a day to buy heroin to support his habit. Consequently, 98 percent of the addicts in New York City resort to crime to support their habit. In the District of Columbia, 60 percent of funds obtained to support addiction are obtained through burglary, robbery, and larcency; 15 percent through prostitution; and 10 percent from other illegal activities. In addition, at least 20 percent of all addicts obtain heroin by pushing drugs.

Moreover, addicts must steal goods worth five times the cost of their habit. Thus, an addict with a $50 a day habit would have to steal over $90,000 worth of goods per year to maintain his habit. Organized crime reaps between $2 and $5 billion from the illegal sale and distribution of drugs.

In addition to the huge economic costs due to narcotic addiction, there are substantial social costs. The entire criminal justice system—the police, courts, and correcting institutions—has an enormous burden placed on it. Additional costs include the lost productivity of addicts, costs due to personal injury and property destruction incurred in crime, and illnesses and premature deaths brought on by addiction.

Moreover, families are destroyed, young lives have been ruined, and large segments of our society live in the fear of becoming the victims of addiction-related crimes.

Present programs are not working. Since 1966 under the Narcotic Addict Rehabilitation Act, only 6,000 addicts were civilly committed for treatment. Six thousand, when there are over 250,000 addicts spreading the contagion of disease and crime.

Our proposal is the result of extensive hearings held by the Republican Drug Task Force. It builds upon, not detracts from, the administration proposal for a Special Action Office. We also support the efforts the President has called for in enforcement and internationally. Two weeks ago, the drug task force with almost 100 cosponsors introduced a resolution endorsing his efforts in this area. Our concern is to develop procedures and programs to stop in the shortest possible time the spread of narcotic addiction and, at the same time, aid those who have become addicted.

TITLE I. INVOLUNTARY CIVIL COMMITMENT

The cornerstone of our proposal is the establishment of a national involuntary civil commitment program. The Narcotic Addict Rehabilitation Act is amended to allow a relative, law enforcement officer, or health official who believes a person not charged with a crime is an addict to report such a belief to the U.S. attorney in a sworn affidavit. If there is reasonable cause, he will petition the court for commitment. The court will then make a determination that there are adequate facilities to treat the alleged addict and that there is reasonable cause. Within 72 hours the person will then receive both a psychiatric and physical exam to determine if in fact he is an addict. The physical exam is administered first and may be given within several hours. If there is no trace of narcotics in his system, the person will be immediately released. The examining doctors will determine if the person "requires medical treatment" instead of whether he is "capable of being rehabilitated," as the vast majority of those who volunteered for treatment last year were rejected on this basis. Any patient with respect to whom a hearing has been set may be confined in a suitable facility to receive treatment pending the hearing.

Presently, only the addict himself or a relative can initiate commitment proceedings. This expansion to allow law enforcement officers and health officials, who come in the greatest contact with addicts, to also initiate proceedings will result in putting substantially more addicts in a therapeutic climate and, thereby, prevent the contamination of others. Numerous safeguards, such as the 72 hour testing procedure and having the U.S. attorney determine whether or not there is reasonable cause, are built in to prevent any abuses. It should be noted that under the New York and California civil commitment programs there have been very few reported instances of abuse.

The second major change we make concerns the drug addict who is charged with a crime. Presently, only a very limited class of persons may volunteer for commitment in lieu of prosecution. Under our bill, the U.S. attorney may initiate the civil commitment of a person charged with a Federal crime who is either ineligible to volunteer to be committed or is eligible and does not volunteer. He goes through the same testing procedure as a person not charged with a crime. If he is found not to be an addict, he will be immediately returned to the court for further legal proceedings, including being released on bail.

The commitment hearing will be held prior to the trial on the charge and will not be in lieu of prosecution. He will be confined in a suitable facility for treatment pending his commitment hearing and the criminal trial. If the person was ineligible to select treatment in lieu of prosecution and is found innocent of the charge or if he was eligible but did not volunteer, he will be committed for treatment following the criminal trial. If he was ineligible and found guilty of the charge, he will be incarcerated—as he is presently—in a penal institution and treated for withdrawal symptoms.

Since a large portion of the street crimes are committed by addicts on bail, it is important that we place those charged with a crime in a treatment facility.

These new involuntary civil commitment procedures for both persons charged and not charged with a criminal offense will have the following results: one, put substantially more addicts in a therapeutic climate; two, protect the addict against himself; three, prevent the contamination of others and protect society against criminal acts; and four, reduce the demand for narcotics by placing any known addict under medical supervision and control.

Japan, which is the only major country to successfully solve its drug abuse problem, turned to massive civil commitment to stop the spread of addiction. Both the New York and California civil commitment programs have achieved good results in stopping addiction-related crimes as well as rehabilitating chronic addicts.

The Congress has the constitutional power to adopt legislation to involuntarily commit addicts as a necessary and proper means to assure the effectiveness of its regulation of narcotic drugs under the tax and commerce powers, provided the program does not otherwise violate some specific constitutional guarantee or prohibition. The only Federal court case to test the Narcotic Addict Rehabilitation Act, *Kelly* v. *Rasor*, 283 F. Supp. 445 (1968), concluded that it was unconstitutional as it was "for the purpose of protecting the general public against those addicted to the use of narcotic drugs and the consequent problems resulting from such persons seeking the acquisition of narcotics to satisfy their habit."

TREATMENT OF REHABILITATION

A. Drug maintenance programs, such as methadone, will be allowed for chronic addicts. Presently, there are no maintenance programs under the Narcotic Addict Rehabilitation Act. Our proposal also provides for much stronger controls over the distribution and use of maintenance drugs. Young persons only marginally involved in narcotics and pregnant women should be ineligible.

B. We feel that under NARA there are adequate provisions to allow the referral of an addict to either a Federal, State, or local facility and to provide grants or reimbursement to cover such care. Also, the $105 million which the President has agreed to set aside for such will be adequate to treat those who volunteer for treatment. However, with involuntary commitment, substantially more funds will be required. Based upon present costs per patient under NARA, an additional $200–$250 million will be needed to provide adequate facilities for those who will be involuntarily committed under our bill.

TITLE II. NARCOTIC ADDICTION MANPOWER TRAINING PROGRAM

The primary need in drug treatment and rehabilitation is for additional trained personnel. New York's civil commitment program has not been as successful as California's because of a lack of trained personnel. We propose to establish a manpower training program equivalent to the Health Manpower Act of 1971. It has the following provisions:

First, $20 million for fiscal year 1972 and the next 3 years to train doctors and allied health personnel in medical treatment of narcotic addiction disorders.

Second, $5 million to train teachers—medical school primarily—in medical treatment of narcotic addiction disorders.

Third, $5 million to train allied personnel for case work, rehabilitation and administration of narcotic addiction treatment programs.

Presently, there is no Federal funding specifically designated for any of these manpower training programs. The sums above are primarily seed money. The figures were based upon the family practice section of the Health Manpower Act of 1971. Total of $120 million over 4 years.

TITLE III. RESEARCH

The administration has proposed that only an additional $4 million be spent on drug research—$2 million for detection and $2 million for herbicidal research. During fiscal year 1971, only $5 million is being spent for the areas we are especially interested in—areas where research is required if we are to really come to grips with this problem.

Under our proposal, the Secretary of Health, Education, and Welfare is authorized to first, conduct research into the causes and effects of narcotics and drug abuse; second, research into finding a nonaddictive narcotic substitute and antagonist to dangerous drugs; and third, research into the chemistry of narcotics and drug abuse to develop a drug abuse immunization.

The Secretary is required to report to Congress prior to June 30 each year through 1976 concerning progress on research and to request funds needed to eliminate drug abuse by 1976.

For fiscal year 1972, $25 million is authorized, $50 million for fiscal year 1973, and $100 million each for fiscal years 1974, 1975, and 1976. These figures were cost estimates developed by the National Institute of Mental Health.

TITLE IV. AUGMENTATION OF FEDERAL COURT SYSTEM TO HANDLE CIVIL COMMITMENT

First. The establishment of a training institute will be made available for Federal judges, magistrates, and probation officers in narcotics and dangerous drugs to better acquaint them with all aspects of the drug problem so that they can more expeditiously and intelligently handle narcotics cases, and especially, under the new procedures contained in this Act. The program would be run by the Bureau of Narcotics and Dangerous Drugs. A 4-day session will be held in each of the 10 Federal districts on all the legal, rehabilitation, and institutional aspects of the drug problem. Based upon these sessions, a handbook will be developed to be used throughout the Federal judicial system. Total cost for this program will be under $20,000.

Second. The penalty for misdemeanors under the Controlled Substances Act shall be reduced from 1 year and $5,000 to 1 year and $1,000. Section 404 of this act provides for simple possession being a misdemeanor, but since the fine is $5,000, only Federal district courts have jurisdiction. By reducing the fine to $1,000, Federal magistrates will have jurisdiction and thus take a great load off the Federal court system. This reallocation of cases is especially needed if we adopt the civil commitment program. As of May 31, 1971, there were 6,001 defendants pending trial in Federal narcotics and dangerous drug cases. Over 12 months 2,188 of these cases were pending.

SEPARATE LEGISLATION FOR PRETRIAL DETENTION AND STIFFER PENALTIES FOR PUSHERS

Mandatory jail sentences will be imposed on nonaddict pushers with no possibility of parole. There were mandatory sentences and no possibility of parole for all pushers until the passage of the Controlled Substances Act last year when they were dropped to prevent excessive penalties from being imposed on addict pushers. While we favor the change as far as addict pushers are concerned, we feel that stiffer penalties should be imposed on nonaddict pushers who profit from inducing young people to become addicts. These individuals are certainly more culpable than their addict counterparts.

A preventive detention procedure for nonaddict pushers is also provided for if the accused has been convicted of a felony within the 10-year period preceding commission of the offense for which he is charged, the alleged crime committed while the person was on bail, probation, parole, or mandatory release pending completion of sentence, or the Government certifies that based on the person's pattern of behavior and other factors, there is no condition to assure the safety of the public, and then a pretrial detention hearing shall be held. The case is put on the expedited calendar if the person is detained, and the trial must be held within 60 days.

LOCKHEED LOAN GUARANTEE ISSUE

HON. DAVID W. DENNIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. DENNIS. Mr. Speaker. The Lockheed vote is now history, but the issue will rise again, and I insert in the RECORD a letter received from a constituent which, I believe, puts the antiloan guarantee case most persuasively and which reinforces my belief that I was right when I voted no. My constituent's letter follows:

> DEAR CONGRESSMAN DENNIS: Few political issues disturb me as deeply as the present proposal to establish loan guarantees for Lockheed and/or other large business firms on the basis that their bankruptcy might adversely affect the nation's economy. Our nation's economic system is founded on a philosophy of free enterprise, which means destinies of a business enterprise particularly by subsidizing one party in a competitive market.
>
> Lockheed Missiles was recently awarded a contract by NASA on the basis of its low bid. If that bid was unrealistic, are we to assume that tax funds should guarantee them a profit, or that this is fair competition against an unsubsidized bidder? Is the burden on Lockheed to make a realistic bid, or on the government to assure Lockheed a profit through later modifications and favorable adjustments? The government can't do business in a market to which it has a subsidized interest without a natural conflict of interest between a desire to buy from the lowest and best bidder, and a desire to support the subsidized company.
>
> The idea of extending this subsidy to a favored few, places government squarely in the position of controlling economic destinies to preserve firms which are now dominant. Note that no small tool and die shop would qualify, but only those firms which by failure would constitute a significant loss to the nation's economy. Thus firms already grown large would have the protection of the government against any scrappy young competitor who might otherwise drive them to the wall. Who will determine who qualifies? Will we subject our political leaders to the persuasions of financial interest in certain business activities in order to gain such assured support?
>
> It seems to me that we will open a barrel of snakes if we permit the Administration's short-sighted interest in protecting the economy from temporary adversity to subject that economy to a long-range overthrow of

basic principle. It is as if we should amputate a finger to relieve a hang-nail!

Americans who work for their pay without benefit of welfare state handouts or inherited wealth deserve and need your help, sir. Americans of middle income have long had to subsidize lethargy on the one hand through welfare costs. Now we are being asked to support incompetent or unfortunate big business interests on the other hand! All that will be lacking in this new economy is a subsidy for those who are caught in the middle, if and when they grow tired of paying a disproportionate share of our national extravagance.

Please, if given the opportunity, speak out and vote against this monstrous abuse of America's free enterprise system. Let us preserve the opportunity for a man of modest means to succeed in businss without having to buy political favors or fight Federally-supported business competitors.

TRIBUTE TO MRS. VERA H. WAGNER

HON. HERMAN T. SCHNEEBELI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. SCHNEEBELI. Mr. Speaker, I cannot recall having ever seen an ugly covered bridge. Something about these structures indicate a certain harmony with nature, which man has seldom achieved.

Pennsylvania is fortunate in that 400 covered bridges still span our mountain rivers and streams—more than in any other State. The same situation, however, can be viewed from a more discouraging outlook; at one time, Pennsylvania could boast of nearly 1,500 covered bridges.

Much of the success in preserving these picturesque and historic structures can be attributed to a small number of dedicated individuals. One such person is Mrs. Vera H. Wagner, founder of the Theodore Burr Covered Bridge Society of Pennsylvania. She has been most instrumental in effecting the restoration and preservation of 45 covered wooden bridges in the past 12 years, and is currently working on a program to have certain bridges declared both State and National historic landmarks.

Recently, Mrs. Wagner, of Harrisburg, and the Theodore Burr Covered Bridge Society of Pennsylvania, were honored by the Pennsylvania General Assembly. It is a pleasure to have the opportunity to endorse the sentiments of the following resolution:

RESOLUTION

Whereas, The Commonwealth of Pennsylvania, having numerous mountain streams and rivers over which were built approximately one thousand five hundred wooden covered bridges, became known as the "STATE OF BRIDGES" as well as the Keystone State; and

Whereas, By 1958 the original number of covered bridges had become reduced to four hundred; and

Whereas, In response to a suggestion by Dr. S. K. Stevens, Executive Director, Pennsylvania Historical and Museum Commission, to save these remaining bridges, Mrs. Vera H. Wagner of Harrisburg organized a group in 1959 known as "The Theodore Burr Covered Bridge Society of Pennsylvania," for a Connecticut bridge builder, and wrote in 1969 Act No. 12, sponsored by Representative William O. Shuman of Franklin County, which provides for annual observance of "See Pennsylvania's Covered Bridges" Week honoring various restoration projects and pertinent activities concerning covered bridges; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania, commends Mrs. Vera H. Wagner of Harrisburg for her singularly unselfish, energetic and outstanding historical contribution in effecting the restoration and preservation of forty-five covered wooden bridges in the past twelve years, and for the founding of "The Theodore Burr Covered Bridge Society of Pennsylvania," which has made Pennsylvania first in the Nation in the number of covered bridges; and be it further

Resolved, That a copy of this resolution be delivered to Mrs. Vera H. Wagner, c/o The Theodore Burr Covered Bridge Society of Pennsylvania, 235 Boas Street, Harrisburg, Pennsylvania, 17102.

We hereby certify that the foregoing is an exact copy of a Resolution introduced in the House of Representatives by the Honorable William O. Shuman and Honorable Marvin Miller, and adopted by the House of Representatives on the 11th day of May, 1971.

HERBERT FINEMAN,
Speaker.
VINCENT F. SCARCELLI,
Chief Clerk.

IMPROVING THE QUALITY OF OUR ENVIRONMENT: LINDE DIVISION'S BREAKTHROUGH

HON. JOHN P. SAYLOR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. SAYLOR. Mr. Speaker, we have, since the beginning of the environmental decade, been subjected to repeated news stories giving the impression that industry cannot meet the tightening of air quality standards without wholesale closing of facilities and a resulting loss of jobs. Recently, a major industrial plant located in the State of Maryland threatened to close its doors on the 2,400 people and the families and communities who depend on that employment if the facility were required to meet stringent new air quality standards of the State. The knee-jerk reaction by some industrial spokesmen to the public's desire for an improved environment is growing tiresome.

I will not argue the merits of the threatened industrial closing in Maryland, but I do want to comment on a similar situation in the Keystone State. The State of Pennsylvania has without a doubt, the toughest air quality regulations and standards in existence. Because of that, the howls of industrial anguish have been particularly loud in our part of the country. However, in my district there is an example of industrial public spiritedness which overwhelms the arguments against the installation of pollution abatement equipment or systems.

The Linde Division of Union Carbide Corp. sent me two photographs—"before" and "after"—of their plant located in Kittanning, Pa. The "before" picture shows three smoke stacks belching particulate matter emissions into the surrounding environment. The "after" picture shows three perfectly inert stacks. I recall with clarity the forecasts made by some of the Divisions' personnel when the Air Pollution Abatement Order was issued to the firm by the Pennsylvania Department of Health. Instead of closing the plant, a concerned and environmentally aware management at Linde prevailed over the doomsayers and the facility complied with the new regulations. The result is an improved local environment with employment secure.

I have extended my congratulations to the corporation executive offices and I commend the Linde Division's environmental leadership to other industries throughout the State and the Nation.

PROFILE OF THE WEEK—MRS. KATHERINE MOTZ

HON. LAWRENCE G. WILLIAMS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. WILLIAMS. Mr. Speaker, because of the great importance of civil defense, I am most pleased with the work of my constituent, Mrs. Katherine Motz, in establishing the kind of civil defense programs that the Office of Civil Defense has been advocating for several years. A recent article that appeared in the Delaware County edition of Town Talk, Media, Pa., concerning Mrs. Motz' efforts, is important enough to be inserted in the RECORD in its entirety:

MRS. KATHERINE MOTZ, DELAWARE COUNTY CIVIL DEFENSE DIRECTOR

(By Dorothy W. Kress)

Say "Civil Defense" to anyone over 45 and chances are they will conjure up a mental picture—vintage World War II—of a group of elderly men and women with Air-Raid Warden bands on their arms conscientiously watching the sky for the approach of possible enemy air craft.

"Things have changed since then," smiled energetic Katherine Motz, who, like the Boy Scouts firmly believes in 'being prepared'. In the first place, the emphasis now is on preparedness for civil disasters—not, that we discount the possibility of a man-made disaster striking. (Editor's note: "Man-made Disaster" is Civil Defense jargon for War.) Our aim is to be ready to relieve the suffering and protect the life and property of the citizens of Delaware County in an emergency situation."

A large order? You bet, but one that Mrs. Motz is well-equipped to handle.

"I began working for Civil Defense in Upper Darby right after World War II," she continued as we talked in her office deep in the bowels of the County Courthouse in Media—one of a suite of rooms so set up so that the vital communications of the County would continue even if disaster should strike.

"I've always felt that our ability to operate in the face of an emergency depended on having trained people who knew what to do and when to do it. After disaster strikes is too late to organize people to help those who can't help themselves. An efficient system is the only answer, and I don't think it's being particularly gloomy to prepare for the worst.

That doesn't mean we think awful things are going to happen here in Delaware County, just that I want to know we have resources on which to call if it does.

"It's difficult for people to understand the chain of command, but, in the long run, it works for greater efficiency," said Mrs. Motz who shares her office with an assistant.

"The National Civil Defense Headquarters is in Washington, D.C. They distribute their information to the state capitals. In our case, Harrisburg informs the area divisions, who in turn, see that the County offices are kept aware of developments. Then, I, here in Delaware County release the information to my 49 area captains.

"Each area captain has a group of volunteers working with him. The number depends on the size of the community. There are roughly 6,000 dedicated people here trained to jump into action should the situation call for their services.

"In order to acquaint our volunteers, and any others who are interested, in every phase of Civil Defense, we sponsor a series of classes for them. The course is actually given by Pennsylvania State University, and covers the latest techniques in the management of emergency resources—in short—what to do until some greater authority takes over. This course is just one of the many we offer from time to time to help our volunteers."

The emphasis today in National Civil Defense is on help during a natural disaster, such as a hurricane, large scale fire, earthquake, explosion blizzard, and so on. The volunteers also stand on the ready as back-up teams during any Civil Disturbance. Mrs. Motz, and others like her throughout the country have been taught to call upon government and non-government sources in order to make best use of the facilities and resources in a disaster area.

"In order to keep information at my fingertip, I've organized a Civil Defense Advisory Board made up of people in many phases of industry," continued Mr. Motz. "I've asked representatives from the police, the fire department, the telephone companies, the electric company, labor, the food industry, the medical professions, Red Cross, Banks, Salvation Army, and many others to serve on the board, to supply us with information concerning their specialty should the need arise. I hope to eventually have the whole thing organized so that I can pick up the phone and ask my food representative what the food situation in the County is at that moment, or find out what emergency communication system can be set up if needed.

"The one concern of Civil Defense is to get business back to normal as soon as possible. In other words, to help people to help themselves. The way to do it is to build up a channel of communications so we know what is available where, and how soon it can be put to use. More than that, though we have four package disaster hospitals here in the County ready to be set up if needed. This would provide 800 more beds than we ordinarily have in hospitals, and could make the difference between life and death for many. We also have four emergency first aid stations ready. These would be manned by hospital personnel and volunteers. And 'volunteers' is the key word in the success of the whole Civil Defense organization. These are the remarkable people who aren't afraid to 'be involved'. They're the ones who serve without pay, and turn up ready to go to work—sometimes in grim and dangerous situations—when needed. I can't praise them too highly, for, without them, there just wouldn't be any Civil Defense. Maybe that doesn't seem too important when there is no emergency, but, when disaster hits they're mighty important people."

Delaware Countians can rest assured that the Civil Defense picture is rosy under Mrs. Motz' command. Not only has she lined up a fine group of people to help her, but the underground rooms devoted to her organization at the Courthouse house an amazing amount of equipment ready to be used if needed.

A special room is devoted to communication equipment and a teletype is manned 24 hours a day, seven days a week. There are special fire and police control rooms should the regular ones be knocked out. Another part of the wing is equipped to house the officials vital to the running of the county. This has a food supply and everything necessary to sustain life for a period of time.

"We don't expect a nuclear attack," said Mrs. Motz, seriously. "But we are set up to handle the aftermath of one. Actually, Civil Defense in a man-made disaster (war) is but a continuation of our work in a natural disaster area. No matter what the problem, well-trained people who know what to do is the key to survival—and I think we've got that ingredient here in Delaware County."

A CASE OF SEX DISCRIMINATION

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mrs. GRIFFITHS. Mr. Speaker, the addition of the word "sex" in the civil rights amendment has certainly helped some women. The Washington Daily News of Wednesday, August 4, carried the story of Mrs. Lorena Weeks. Please note not only the remedy that was at last available but the problems of Mrs. Weeks.

The article follows:

NOW VICTORY: SWITCHMAN—WOMAN, THAT IS—AT LAST

(By Judy Flander)

Lorena Weeks emerged as the heroine of a women's lib drama in 1966 when she was turned down for a job as switchman for Southern Bell Telephone Company, in her hometown of Wadley, Ga. The company's reason for not hiring a woman for a "man's job" was the never-used state regulation that women and minors should not lift more than 30 pounds. Carrying a 31-pound relay time testing set is intrinsic to being a telephone switchman.

Five years later and $30,761 richer, Mrs. Weeks, now 44, is a telephone switchman. Southern Bell gave her the job on March 2 of this year, and the money on April 19, as compensation for her losses in not getting the job in the first place.

All it took was courage and strength on the part of Mrs. Weeks; a completely supportive husband, and the tenacity of Sylvia Roberts, 38, a lawyer from Baton Rouge, La., who is southern regional director of the National Organization of Women.

CAREER

Mrs. Weeks, who had been a telephone operator since her graduation from high school in 1947, worked in Swainsboro, a town 20 miles from home, ever since the Wadley exchange went dial. When the opening came up for a switchman in Wadley—at $51 more than her $98-a-week job as operator—she put in her bid. Refused, despite her seniority, she wrote to the Equal Employment Opportunity Commission which advised her that she had a Federal case.

With a court-appointed lawyer, she went to the U.S. District Court, Southern District, Georgia, in Swainsboro which upheld the Georgia weight-lifting regulation.

Southern Bell's lawyer, David J. Heinsma, of Atlanta, explains that his client was in an "untenable position." Hiring Mrs. Weeks would have meant breaking a state law.

At this point, members of the National Organization of Women "read about Mrs. Weeks' defeat and came to the rescue of a woman," relates Marguerite Rawalt, who was NOW's general counsel. Mrs. Rawalt and, subsequently, Mrs. Roberts who was geographically closer and ended up "doing most of the work," took Mrs. Weeks' case.

Considerably encouraged when the weight-lifting regulation was rescinded in August of 1968, NOW took the case to the U.S. Court of Appeals, Fifth District, sitting in Atlanta. Using showmanship as well as logic, Mrs. Roberts, who barely weighs 100 pounds, coolly lifted, piece-by-piece, all of the switchman's equipment.

On March of 1969, the appeals court ruled that Southern Bell was in violation of Title VII of the Civil Rights Act of 1964 in refusing to give Mrs. Weeks the job as switchman.

Deprived of the weight-lifting regulation, Southern Bell's "remaining defenses" didn't hold up, according to Mr. Heinsma. The court said, "The promise of Title VII is that women are now to be on equal footing." It was a landmark decision, one that put teeth into Title VII for the first time. Shortly afterwards, other women bid for switchman's jobs and were accepted, Mr. Heinsma reports.

The court sent the case back to the District Court "for determination of appropriate relief"—financial renumeration. But neither money nor the job arrived until this spring. Mrs. Roberts claims it was necessary to "apply continuing pressure on Southern Bell" to bring the case to a conclusion.

REASONS

Mr. Heinsma suggests other reasons for the two-year delay, including a crowded court schedule, the decision by the judge to disqualify himself because of a conflict of interests and, even some foot-dragging on the part of Mrs. Roberts.

Meanwhile, Mrs. Weeks' life took on the dimensions of a soap opera. Her husband, a rural mail carrier, was seriously injured in an automobile accident and incapacitated for a year. She had to take her son, Bruce, who has cerebral palsy, to school and doctors while continuing to commute 40 miles daily to Swainsboro. To put her two daughters thru college, she sold her house and took out a high-interest loan.

Finally, this March, Southern Bell gave Mrs. Weeks the job as switchman, "voluntarily," according to Mr. Heinsma who says they wanted to settle the case quickly. "We were acutely aware of the tremendous time elapsed."

Even on the job, Mrs. Weeks' troubles were not over. Although Southern Bell had instructed its people to cooperate with her, Mrs. Weeks was subjected to harassment from fellow-workers, who, among other things, called her a "switch-bitch," something that had been happening on and off to her during the entire case. Mrs. Roberts wrote to Southern Bell (thru Mr. Heinsma) in protest and in a couple of weeks, things calmed down.

END

Then, on April 19, the case finally came back to the District Court sitting in Savannah. According to Mrs. Roberts, "Southern Bell arrived with a settlement that amounted to unconditional surrender"—more than $30,000 to cover overtime, premium pay differentials, even travel pay and expenses for commuting to Swainsboro—plus interest.

Mr. Heinsma admits the settlement was "most generous," but contends the company acted out of concern for its public image as well as in the sincere desire to show "they were willing to do anything necessary to treat their employees in a very satisfactory way."

The settlement was certainly satisfactory to Lorena Weeks, who is now a member of NOW.

AMERICAN VETERANS COMMITTEE'S 1971 PLATFORM

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. RYAN. Mr. Speaker, the 1971 platform of the American Veterans Committee is a document of wisdom, intelligence, and concern for humanity. That is not surprising: The hallmarks of the American Veterans Committee always have been these qualities.

This year marks the 25th anniversary of the founding of the committee, an organization which, always rejecting parochial concerns and interests, exemplifies in its actions its own motto: "Citizens first, Veterans second." The Committee's deep and abiding concerns for civil rights and civil liberties culminated last year in a major national conference on "The Human Rights of the Man in Uniform," which examined an area where guidelines are vague and often nonexistent. The Committee's 1966 National Conference on the Draft brought before public attention many of the controversial aspects of the draft which are currently under debate. And, as a leader in the search for peace, the AVC was a moving force in the creation of the World Veterans Federation, one of the largest international, nongovernmental organizations.

The 1971 platform of the American Veterans Committee is a commendable document. It is divided into three major sections—Veterans and Armed Forces Affairs; National Affairs; and International Affairs. I should like to quote briefly from the introductions to each of these sections, because I believe they eloquently articulate the aims of this admirable organization—aims which we should all emulate.

In its introduction to the section on Veterans and Armed Forces Affairs, the 1971 platform states:

> The American Veterans Committee has constantly reiterated, since its founding, its fundamental belief that rehabilitation and integration of veterans into the community is the proper scope and purpose of a veterans program. The achievement of economic security for veterans through sound economic planning for all citizens rather than through special grants or favors to veterans is basic AVC policy.

The introduction to the section on national affairs states:

> AVC stands for the Bill of Rights as a living force animating the political life of our Nation and as a firm limitation on the arbitrariness of government.
>
> AVC stands for the Bill of Rights as a guarantee of our freedom to speak, to assemble, to believe, and to dissent without fear from the conformities of the day.
>
> AVC stands for equality for all, regardless of race, color, ancestry, national origin, religion, sex or age, and for the constitutional guarantees of such equality.
>
> AVC stands for just legislative representation of the people of the United States, the States and their subdivisions, without poll taxes or other property qualifications for voting, with equal weight for each vote, and on a geographically fair basis, within the framework of the Constitution of the United States.
>
> AVC stands for a policy of gainful, full employment and security for all, as outlined in the Employment Act of 1946.
>
> AVC stands for responsible, efficient, and honest government and for the merit system in government employment.
>
> AVC stands for a government possessing and willing to exercise all powers necessary to bring about a solution of our national problems.
>
> AVC supports the active intervention of government, primarily of the Federal Government, in the economy and the general welfare of our country to stimulate and provide employment to improve the physical condition of our cities and towns, of our housing and our schools, to bring all the greatest benefits from the development and conservation of our natural and industrial resources and to provide for the general welfare and health of our country to stimulate and provide employment to improve the physical condition of our cities and towns of our housing and our schools, to bring all the greatest benefits from the development and conservation of our natural and industrial resources and to provide for the general welfare and health of our people.
>
> AVC supports a tax policy based on ability to pay and opposes regressive sales and excise taxes.
>
> AVC stands for the recognition of equal rights for labor and management and for improved social benefits of employees.
>
> AVC supports an educational system and a public health system which will give the American people, and America's youth in particular, the knowledge, skills, and training, and the physical and mental health and stamina, to continue their forward march toward America's democratic fulfillment.

And the introduction to the section on international affairs of the 1971 platform of the American Veterans Committee states:

> We, the members of the American Veterans Committee, believe that in international affairs the objective of the United States is the maintenance of peace. All else aside, the world must avoid the holocaust of nuclear war. Within that framework or foreign policy, like our domestic policy, must be oriented to enhance the welfare of the individual, be he black, white, brown, or yellow, so that he may eat and sleep in safety, live his life under government of his choice and realize to the fullest extent possible the measure of his aspirations.

I commend the complete 1971 platform of the American Veterans Committee to my colleagues. It is a document which should be read by all:

PLATFORM OF THE AMERICAN VETERANS COMMITTEE

VETERANS AND ARMED FORCES AFFAIRS

The American Veterans Committee has constantly reiterated, since its founding, its fundamental belief that rehabilitation and integration of veterans into the community is the proper scope and purpose of a veterans program. The achievement of economic security for veterans through sound economic planning for all citizens rather than through special grants or favors to veterans is basic AVC policy.

1. Compensation

For many years, AVC has pointed out the need for a thorough review and reappraisal of this Nation's policies on veterans as follows:

1. We oppose bonuses and general pensions as being class legislation and unrelated to the real needs of individual veterans and tending to set veterans apart from their fellow citizens.

In the matter of benefits, two basic standards should be applied.

a) For death or disability incurred in military service: Are the benefits sufficient to provide a decent standard of living for the veteran, his family or survivors?

b) For all veterans: Are the benefits so designed as to enable a readjustment from military service to civilian life with a minimum economic loss?

Since benefits are a Federal responsibility, uniform standards of administration and compensation should be applied nationally without regard to race, creed, color, sex, or national origin.

2. Draft

AVC recognizes the necessity for the United States to maintain adequate military forces in present world circumstances. It also recognizes the citizen's obligation to military service and recognizes a selective service system as an appropriate model of raising military manpower. We object, however, to the inequalities of the draft system as presently administered, especially the deferment of students, the lack of uniform guidelines and the lack of fair representation of the citizenry, especially for minority groups, on the draft boards.

3. Reserve programs

The world we live in, with its emphasis on speed of operation and technical superiority, demands standing Armed Forces of sufficient size, training and equipment and organization to be effective immediately for defense and counter attack. It is apparent that the Regular Armed Forces must remain our first line of defense. They must be of sufficient size and mobility for deployment anywhere on the globe within a minimum of time so that we may continue to provide, when necessary, those forces needed for collective security under our international obligation in peripheral conflicts occurring in the strategic localities of the world.

AVC believes that the National Guard is ill-fitted to serve both roles which it is currently called upon to play. One role is that of assisting civil authorities in the United States in peace-time. Forces suited for that role should primarily consist of military police, possible infantry, with some supporting units (medical, signal, QM, etc.). The other role is that of forming a part of our highly complex and sophisticated Armed Forces with guided missiles, high mobility, heavy weapons and requirements for intensive technical training.

AVC regrets that the steps taken to integrate the National Guard have, so far, been for from adequate. While an office has been established in the National Guard Bureau to deal with equal opportunities, neither the staff nor the influence of that office are sufficient for the purpose.

Regretably, while the percentage of minority group members in the regular Armed Forces is and remains relatively high, the percentage in the National Guard is low and has remained low despite certain recruiting efforts. We cannot afford to have a polarization within the Armed Forces as between the National Guard on one hand and the Regulars on the other. While the domestic peacetime tasks which the National Guard is called upon to perform tend to involve minority group civilian populations, the troops involved should not present the appearance of an army of occupation.

While a National Guard remains a part of the structure of our Armed Forces, incentives should be provided so that a larger number of minority group personnel with active duty experience will choose to enter and remain in the National Guard.

AVC is opposed to any policy whereby the Armed Forces award discharges other than honorable to reserve personnel based upon the political or other activities in which these individuals may participate following separation from active service under the draft.

We believe that the conditions of discharge should be based solely upon the military activity and efficiency of the reservists.

4. Benefit dollar

AVC believes that provision should be made to maintain automatically the purchasing power of the benefit dollar and upward adjustments be made annually in accordance with the Bureau of Labor Statistics, Consumer Price Index.

5. Civil service

AVC believes that veterans point preference in the civil service be limited to the initial appointment only, and that no person should receive a position unless fully qualified to perform the duties involved.

We oppose the principle of granting absolute preference to veterans in state and local civil service.

6. GI bill

AVC applauds the passage of a permanent G.I. Bill of Rights as a responsible means of enabling servicemen and women to return to civilian life with facility and ease at the end of their service and become useful and productive member of their communities. We also applaud the recent passage of legislation improving the benefits provided through the G.I. Bill of Rights.

However, we feel that benefits are not yet in line with the World War II and Korean War G.I. Bills and the current cost of living. Unfortunately, many existing programs remain unavailable to veterans because of the financial stress they now entail, or are available only at great sacrifice. This is particularly true in the area of educational programs.

AVC urges the Congress to further adjust benefits to match current costs of living and education.

The G.I. Bill of Rights should be administered in such manner as to guarantee the absence of discrimination.

7. VA hospitalization

AVC urges that treatment of non-service-connected disabilities in VA hospitals be continued on a space-available basis, but that such treatment be charged at the full cost, if a patient has the means to pay for such service; certificates that a veteran is unable to pay should be investigated thoroughly to determine the true ability to meet the cost of hospitalization. Further that terms of coverage of all prepaid medical associations, plans and companies be amended by action of the legislatures, supervisory bodies or membership, so as to provide payment to VA hospitals for non-service-connected treatment on the same basis as payment to private voluntary and public hospitals.

8. Unification

AVC notes with satisfaction that the process of unification of the Armed Forces has been making progress. AVC commends the actions hitherto taken in this regard and urges that the Department of Defense continue these efforts vigorously.

9. Discrimination—Foreign and domestic

We maintain that no assignment of any military personnel should be made whether within the United States or overseas, for consideration on grounds of color, religion, ancestry or national origin.

Our goal is to insure that no member or employee of the Armed Forces, and no dependents of such person shall be subject to discriminatory treatment, on or off base within the United States or outside the United States on the grounds of color, religion, ancestry or national origin, and that the power, including the economic power, of the United States be consciously used to further this objective.

10. Information service

We owe the men of our armed services the best possible training to equip them for the rigors of modern combat under the most adverse conditions of weather, terrain, supply and enemy action. We further believe that an orientation program be instituted in order to acquaint the prospective draftee, at the time of registration, with all the rights privileges, benefits and special training he and his family will be entitled to if and when he is inducted into the Armed Services.

11. Jurisdiction over ex-servicemen and civilians accompanying the Armed Forces overseas

We believe that the ex-servicemen, military dependents, and civilians accompanying the armed forces abroad should not escape punishment for serious offenses committed while in such status, but should be tried before civilian courts. By serious offenses we mean crimes of that same degree of seriousness as felonies at common law.

12. Awards and benefits

All laws of the United States pertaining to the granting of military medals or decorations, military disability retirement or compensation, dependents and survivors benefits, veterans benefits (including benefits to dependents or survivors), or other special benefits to military personnel or their dependents on the basis of wartime service of such military personnel shall apply in like manner to service performed in such areas and during such periods as proclaimed by the President where combat or combat conditions exist and the United States forces to which such person is attached are either engaged in the combat, engaged in military operations designed to carry out any treaty or other international obligation of the United States.

13. AVC notes that legislation has been enacted which expedites the naturalization process of servicemen and ex-servicemen and which allows noncitizen widows of servicemen who die while on active duty to be naturalized without penalizing them for the death of their husbands.

The problem of aliens in the armed services being sent overseas before their naturalization is complete, even though no prior period of residence is required, persists. AVC urges that, *either*, following the precedent set in former Section 702 of the Nationality Act of 1940, provision be made for such persons to be naturalized while outside the United States, *or that the services adopt a ruling whereby service personnel in process of naturalization, who are not themselves contributing to the delays involved, will not be sent overseas until the naturalization process is complete.*

RESOLUTION ON THE DRAFT

AVC reaffirms its position on the draft as stated in our platform and as presented in detailed testimony before the House and Senate Armed Services Committees in 1967.

AVC also continues to deplore the lack of Congressional action for specific reforms of the draft law which have received wide public support, and which were endorsed by AVC, which are urgently needed.

Further;

1. AVC reiterates its position against a mercenary army.

2. AVC supports provisions which will enable students who have begun their studies to delay their active duty until they have reached a reasonable point of completion of these studies, but which will *not exempt* them from service. In this connection, AVC suggests that consideration be given to an adaptation of the Enlisted Reserve Corps program used during World War II.

3. AVC reiterates the positions it has previously taken concerning the improvement of the legal rights of draftees, composition of draft boards, system of election, etc.

4. AVC agrees with the Supreme Court decision whereby total conscientious objection need not rest exclusively on a religious basis, but may instead be based on sincere philosophical or ethical views.

AVC asks for a uniform implementation of the new principles enunciated and urges that consideration be given to ways in which sincere selective conscientious objection can be recognized.

RESOLUTION ON MILITARY EXPENDITURES AND DOMESTIC NEEDS

It is well established that the needs of our domestic economy are so critical that they cannot be met at the existing level of federal expenditures. The problems of pollution, hunger, poverty, living conditions in our cities and rural areas, public safety, and other domestic needs, require massive infusion of federal funds not available in the present budget.

Our inflated military budget has taken badly needed public funds from our domestic programs. AVC believes that the present military establishment can be cut, especially our Forces stationed in Bases throughout the world, without sacrificing our National Security, and that the requirements of domestic programs should have at least as high a priority as our military requirements.

We therefore urge:

That the military budget be substantially cut and such funds be used in domestic programs.

That any savings from a cut-back in Vietnam expenditures be used for domestic rather than be transferred to other military purposes.

That we actively pursue the SALT talks and any savings resulting from an arms limitation treaty be diverted to domestic needs.

That a more effective scrutiny be given new and untried weapons systems which would put a heavy financial strain on the defense budget in future years, and that funds not be used to bail out defense contractors facing insolvency.

That significant cuts be made in the size of our armed forces and supporting civilian personnel especially in our forces stationed in bases throughout the world, without impairing our national security.

RESOLUTION ON DRUGS IN THE MILITARY

Recent reports estimate 10 to 15% and perhaps as high at 25% of servicemen in Vietnam are addicted to heroin. This growing threat to the well-being of the G.I. and in turn to American society has been grossly underestimated by the Pentagon and the V.A. The practice of giving Undesirable Discharges and Bad Conduct Discharges for addiction must be halted. Addiction is a medical problem and must be treated as such. A massive rehabilitation program for all types of drug addiction is needed. However, the response must be more than simply medical, and many of the well-intentioned recent proposals are unrealistic at best and could be disastrous for thousands of veterans present and future.

AVC strongly believes that DoD and VA should be prevented from wholesale and exclusive reliance on any one method of treatment. The psycho-social aspects of addiction must also be considered.

AVC calls for strong new imaginative programs to be considered and geared to the needs of servicemen and veterans.

Many varied treatments and therapy programs should be investigated. A promising example would be for government funds to be channelled into existing drug treatment facilities in the veterans' home communities. Therapeutic communities (civilian agencies like New York Phoenix House) could be set up for, and run by veterans.

Those veterans who have already received less than honorable discharges for drug addiction must also be attended to.

AVC strongly condemns the Administration's decision to cut back the two facilities open to all addicts: Fort Worth and Lexington. To call such action anti-inflationary is truly short-sighted and a real danger to American society. AVC believes there should be an expansion of treatment and therapy facilities to counter the heroin epidemic.

The response to this human tragedy and thread to our national well-being must be a top domestic priority of the national administration.

RESOLUTION ON MILITARY JUSTICE

AVC favors revision of the Uniform Code of Military Justice to take the court-martial system out of the line of command. Congress is considering proposals to set up a separate court-martial command. AVC generally favors such legislation.

RESOLUTION OF ADMINISTRATIVE DISCHARGE

While AVC favors in principle the legislation now pending in Congress which is designed to:

1) Provide the statutory framework for the administrative discharge process.

2) Insure that those whose administrative discharge is proposed are given fair hearing, have access to counsel who are members of the bar, have the right to have witnesses called on their behalf and are given other safeguards.

AVC also calls for the amendment of the legislation now pending so that the so-called "General Discharge under Honorable Conditions" will be treated as the mildest form of punitive or less-than-honorable discharge. Military personnel faced with the prospect of being awarded a General Discharge under Honorable Conditions should be given safeguards which substantially approach those now proposed for the lesser forms of discharge. The oft-repeated contention of the military services that the "General Discharge under Honorable Conditions" is merely another form of Honorable Discharge is not borne out by the experiences of those whose service has been so stigmatized, and the existing power of a single commander to impose a General Discharge must be curbed.

AVC further calls for the deletion from those copies of discharge certificates which are to be exhibited to prospective employers and others of references to service regulations which reveal the reason for discharge, if such reason can reflect on the individual. If it is necessary to delete the reason for discharge from all discharge certificates in order to prevent adverse comments to be drawn from the absence of an indication of the reason, then AVC supports deletion of all reasons for discharge.

RESOLUTION ON PILOT ASSISTANCE PROGRAM FOR SERVICE PERSONNEL

The National Convention of the American Veterans Committee has considered the "Army's Pilot Legal Assistance Program" as outlined in the circular bearing the above title, dated 4 January 1971, from the Judge Advocate General of the Army to all Staff Judge Advocates.

The AVC has long believed that the members of the Armed Forces should be given all the rights which they would have, were they not currently in military service. AVC has also been aware of the fact that many of the lower-ranking members of the armed forces are not paid sufficiently well to be able to afford privately retained legal counsel whenever they become involved in litigation, and that the particular circumstances of military service have made it difficult for such members to gain access to the Neighborhood Legal Services and other OEO-funded legal programs which exist in many parts of the nation. Furthermore, AVC is aware that the members of the Judge Advocate General's Corps of the various services have been unable to render effective legal assistance to service personnel because they were restricted from representing such personnel vis-a-vis creditors, and other litigants.

For the foregoing reason, the American Veterans Committee endorses and supports the efforts now being made by the Department of Defense and the Military Departments to set up pilot legal assistance programs in which the range of assistance given by legal assistance officers to appear in civilian courts. AVC will be interested in evaluating the results of the pilot programs when these results become available, and in supporting such legislation or administrative action as may be necessary to make such a program permanent if the results justify such action.

RESOLUTION ON "ATROCITIES AND SILENCE"

As Veterans of savage and bloody wars, we are shocked and ashamed at the reported atrocities committed by both sides in the war in Southeast Asia. In addition, we are convinced that incidents such as that in My Lai could not have been prevented from coming to public attention for two years if a considerable number of officers in senior positions had not been determined to keep the matter secret. AVC calls for whatever action may be necessary to make sure that members of the Armed Forces who take it on themselves to call the attention of the Congress and the people to any such incidents are effectively protected from reprisals and that "conspiracies of silence" are explicitly, severely punished quite apart from the incidents themselves.

RESOLUTION ON RELIGIOUS FREEDOM

The AVC supports the principle of freedom of religion in the armed forces. Religious observance should be neither denied nor compelled, nor exploited for non-religious purposes.

The AVC recognizes the propiety of providing chaplain and chapels, so that military personnel are not deprived of the right to worship as they see fit.

Instances have recently come to light in which chapel attendance has been made compulsory in service academies. In other instances, armed forces chaplains have been used to indoctrinate service personnel on military, political, and religious matters. The AVC deplores such practices and urges that they be discontinued promptly.

RESOLUTION ON CIVIL RIGHTS AND EQUAL OPPORTUNITY IN THE ARMED FORCES

The American Veterans Committee has a record unique among veterans organizations, of concern for racial justice and equal opportunity in the armed forces, a record which has extended from early support for President Truman's orders to integrate the regular Army in the late 1940's to early and public support for the use of the off-limits sanction against discriminating landlords.

AVC has watched, with growing concern, as racial polarization, reflected in the reports of the Render mission to Europe as well as in the report of the NAACP investigation, has apparently greatly increased in the past few years.

AVC is aware of the efforts which have been made by successive incumbents in the position of Deputy Assistant Secretary of Defense for Civil Rights, aided by a small and overworked staff, to stem the tide, and to create a real equality of opportunity; AVC is also aware of the degree to which that office is understaffed, and of its relative lack of "clout."

AVC herewith reiterates the following portions of the resolution on the same subject passed at its 1970 Convention in Washington, D.C.

1. AVC reminds those concerned with military-related costs that the cost of racial friction (lost man-hours, reduced combat effectiveness, added cost of burdens on the military justice and military confinement systems, lower efficiency by those alienated) is many times greater than the cost of a Civil Rights staff large enough, well funded enough, and sufficiently well backed to do an effective job.

2. Urges the Secretary of Defense to strengthen the Office of Civil Rights, Department of Defense, in personnel and in funds to the point at which, it will have a real impact.

3. Points out that among reserve and National Guard personnel with the obligation or the opportunity to serve short tours of active duty, are many with particular expertise in the civil rights area and urges that these skills be better utilized.

4. Recalls that AVC has, throughout its history, worked closely with the Department of Defense in the civil rights area, on projects such as the tour of Southern military bases by AVC leaders in 1960 and the Audit of the National Guard undertaken in 1963.

5. Offers whatever services it can render in this area to the Department of Defense.

RESOLUTION ON CONFERENCE ON RETURNING VETERANS

The 1970 AVC Convention took note of the severe problems faced by returning veterans, particularly those with battlefield experience, when they make the transition from military to civilian life, by directing the National Board to make every effort to call a conference on the problem of the returning veteran. Special attention was given to the glaring hardships of the veterans returning to the ghetto, too many of whom remain unemployed, untrained for new professions, restricted to the ghetto, and disillusioned and frustrated.

Recent disclosures of the dismaying unemployment rates for returning veterans and the servere drug problem in the military now coming to light are but two indicators that this problem is deepening and is turning into a national disgrace.

There are many legislative proposals to improve the lot of the veteran in housing, employment, and in some provisions of the G.I. Bill. Yet, so long as the problem is attacked on an ad hoc basis, this national problem will be diluted and remain festering.

Therefore be it resolved: That the AVC Convention as a matter of top priority and urgency direct the National Board to call a conference on the problems of the returning veteran.

RESOLUTION ON ADVANCED ALLOWANCE FOR RETURNING VETERANS

Be it Resolved: In order that the disadvantaged Vietnam era veterans have an opportunity to attend a college or technical school without due hardship, he should be given his G.I. Educational Benefits Check in August, prior to the commencement of the school year, rather than receiving his check in November which is the current procedure. This forces many veterans into debt and hardship, and also keeps many veterans from applying for benefits which they have earned by their military service.

We strongly urge passage of S. 740, the Veterans Advanced Educational Payment and Work Study Act of 1971.

RESOLUTION ON UNEMPLOYMENT COMPENSATION FOR VETERANS

Whereas, the needs of Vietnam Veterans and the unemployment level of the nation both indicate that the amount of veterans unemployment compensation benefits is not now sufficient.

Whereas, the U.S. Congress has considered increasing unemployment compensation benefits not to exceed $75.00 per week.

Whereas, the legislation proposed preserves State requirements and regulations for veterans employment compensation benefits.

Resolved, that the AVC adopts the postion that unemployment compensation benefits shall be increased in amount of $75.00 and considers a current bill, H.R. 7833, as illustrative of the AVC conviction and position.

RESOLUTION ON LISTS OF SERVICEMEN

Whereas, the Veterans Administration refuses to make available lists of returning veterans to AVC and others; and

Whereas, it has been established that the Veterans Administration is, in fact, releasing such lists to some organizations, such as the American Legion, the Veterans of Foreign Wars, and private interests,

Therefore be it resolved that AVC strongly condemn this discriminatory practice and demands free access to such lists under the Freedom of Information Act.

RESOLUTION ON NAMING OF VA HOSPITALS

AVC supports the bill introduced by Congressman Bingham, H.R. 4197, to rename the VA Hospital in Jackson, Mississippi as the Medger Evers Hospital.

RESOLUTION ON NON-DISCRIMINATION IN THE MILITARY MEDICARE PROGRAM

While AVC was greatly encouraged by the decision of June 10, 1968 of the Department of Defense to coordinate its efforts in achieving non-discrimination in the Military Medicare (CHAMPUS) Program with the Title VI enforcement effort in medical facilities being conducted by the Office of Civil Rights at HEW . . .

AVC regrets that the plans for coordination have not been implemented (except with regard to some eight hospitals), due to the failure of the Department of Defense to authorize a very minor item of reimbursement to HEW.

Calls upon the Department of Defense to implement its policy and to launch coordination effort so long delayed.

We regret that, one year later, the policy adopted in 1968 has not yet been implemented.

We call on the Secretary of Defense to inform us by when we can expect progress in this area.

RESOLUTION ON RATIONALIZATION OF VA AND OTHER GOVERNMENT HOSPITAL SYSTEMS

The United States Government currently operates six separate hospital systems: Army, Navy and Air Force (operated by Department of Defense), Public Health Service and Indian (operated by DHEW) and the Veterans Administration.

AVC has a long history of favoring rationalization of government processes. AVC believes that federal decisions to build hospitals, to open and close its hospitals, and to set up specialized medical, surgical and psychiatric programs should not be made system-by-system. While we do not, at present, insist on unifying all hospital systems, there should be comprehensive planning, much more cross-utilization and rationalization.

In addition we ask that the secretaries responsible for these systems undertake studies on the feasibility of contracting with civilian hospitals for services to selected beneficaries.

RESOLUTION ON ABORTION IN MILITARY HOSPITALS

AVC deplores President Nixon's order that therapeutic abortions in United States military hospitals be allowed or disallowed in accordance with the laws of the state in which the hospital is located. Such a policy discriminates against those who are domiciled in states with more restrictive laws by reason of the military service of the head of the family. It also denies women the right to control their own bodies and physicians' rights to practice medicine according to professional standards.

We endorse the principle that abortion should be a matter strictly between the woman patient and her physician. We urge that this principle be applied in military and all other government hospitals and clinics and become the basis of legislation in all states.

NATIONAL AFFAIRS

AVC stands for the Bill of Rights as a living force animating the political life of our Nation and as a firm limitation on the arbitrariness of government.

AVC stands for the Bill of Rights as a guarantee of our freedom to speak, to assemble, to believe, and to dissent without fear from the conformities of the day.

AVC stands for equality for all, regardless of race, color, ancestry, national origin, religion, sex or age, and for the constitutional guarantees of such equality.

AVC stands for just legislative representation of the people of the United States, the States and their subdivisions, without poll taxes or other property qualifications for voting, with equal weight for each vote, and on a geographically fair basis, within the framework of the Constitution of the United States.

AVC stands for a policy of gainful, full employment and security for all, as outlined in the Employment Act of 1946.

AVC stands for responsible, efficient, and honest government and for the merit system in government employment.

AVC stands for a government possessing and willing to exercise all powers necessary to bring about a solution of our national problems.

AVC supports the active intervention of government, primarily of the Federal Government, in the economy and the general welfare of our country to stimulate and provide employment to improve the physical condition of our cities and towns, of our housing and our schools, to bring all the greatest benefits from the development and conservation of our natural and industrial resources and to provide for the general welfare and health of our people.

AVC supports a tax policy based on ability to pay and opposes regressive sales and excise taxes.

AVC stands for the recognition of equal rights for labor and management and for improved social benefits of employees.

AVC supports an educational system and a public health system which will give the American people, and America's youth in particular, the knowledge, skills, and training, and the physical and mental health and stamina, to continue their forward march toward America's democratic fulfillment.

Government and liberty

I. The Nation's freedom—the Bill of Rights

1. We affirm the basic right of all Americans to due process of law, the right to counsel and to freedom from unlawful search and seizure. We oppose all efforts to suppress freedoms to believe, speak, write, assemble, criticize, and dissent.

2. A. We urge strong and consistent enforcement of existing laws and regulations which will insure to the citizens of the United States and of the several States the full measure of their privileges and immunities of due process of law and the equal protection of the laws guaranteed to them by the Constitution, regardless of race, color, ancestry, national origin, religion or sex, or age, and urge the national, state and local governments to enact such further laws, ordinances and regulations as may be needed further to insure these ends.

B. We believe in the principles of the separation of church and state.

C. We favor freedom from censorship of newspapers, magazines, radio, television, motion pictures and other media by the Post Office, Customs Bureau, police departments, and other units of government as well as by private pressure groups.

D. We oppose the use of wiretapping and electronic and other forms of eavesdropping devices whether by private individuals or Government officials, elected or appointed.

E. We urge protection by Federal law of all members of the Armed Forces from physical violence because of race, color, ancestry, national origin or religion.

F. We urge making lynching a Federal crime, as well as making provisions for compensation to the families of lynching victims.

G. We favor Federal legislation making it a crime to bomb or to conspire to bomb school, church and other public and quasi-public property.

3. A. The right against self-discrimination. No inference should be drawn in regard to guilt in any legal proceeding of any person solely because he exercises this right.

B. The right to travel. The right of an American citizen to travel abroad should not be arbitrarily abridged by the Federal Government.

II. The Nation's Government

1. Freedom of information. The right of the people to full knowledge of government affairs must not be abridged, except where disclosure would imperil the national security or where disclosure would, without substantial public benefit, encroach on the right of the individual to personal liberty or freedom.

2. Congress: We urge proper changes in the rules of the Congress of the United States which will make it possible for the majority of the members to vote cloture or closed debate on legislation after a reasonable period, and which will make merit, not tenure alone, the standard to be used in the selection of committee chairmen.

We urge changes in the House and Senate rules to require recorded votes on all actions to facilitate this procedure, we urge that electronic voting machinery be provided.

3. Federal-State Relations: We favor strict Federal standard-setting and enforcement in all federal grants in aid.

4. State and local government: We urge reapportionment within the States consistent with the principle "one man-one vote."

5. The Federal civil service:

A. Apart from discharges based on reorganization of Government activities or reduction in force, Government employees should be discharged only for cause and through due process of law. The employees should be presented with a written statement of charges, have the right to a hearing before an impartial board. He should have the right to present evidence, be confronted with adverse witnesses, cross-examine witnesses, and receive a transcript of the hearing free of charge. Action toward his separation from the Government service should be taken only on the basis thus made.

B. The rights granted to veterans in the Veterans Preference Act in regard to discharge procedures and appeals should be extended to all Government employees except those in probationary status.

6. District of Columbia: We urge that the District of Columbia receive, by legislation or by constitutional amendment where the matter cannot be handled by legislation:

A. The right to local self-government and;

B. The right to elect Senators and Representatives in Congress;

C. An equitable annual Federal contribution in lieu of taxes.

Economic security

III. Basic Economic Policy

1. We continue to support the Employment Act of 1946 which states it is the policy of the Government to create and maintain "conditions under which there will be afforded useful employment opportunities including self-employment for those able, willing and seeking to work and to promote maximum employment, production, and purchasing power."

2. To insure the interest of the consumer, we urge Congress to establish a Department of the Consumer, to be headed by a Secretary of Cabinet rank.

IV. Monetary Policy and Tax Policy

1. Monetary policy:

We urge the establishment of Federal capital budget for reimbursable public works appropriations and to improve the accounting and budgetary operations of the Government.

2. Tax policy:

A. We urge elimination of special provisions in the internal revenue laws which are discriminatory in nature. As blatant examples, we point to the favored tax treatment of the extractive industries, the restrictive stock options for corporate executives, the retirement income credit, the prferred tax treatment of profits on stock market transactions, and the dividend exclusion and credit provision.

B. We also call for an end to the abuse of the deductibility of business expenses to finance luxurious travel, vacations, and entertainment for business management, professional men and sales executives.

V. The Urban Crisis

AVC from its inception has been vitally concerned about the urban crisis, and we recognize the urgency of effective action to overcome the conditions which have caused it. These are manyfaceted, including a shortage of jobs, of homes, of services, of educational opportunities. They also include environmental pollution and the citizen's increasing inability to influence or even participate in city government by democratic means. Many of these evils are most concentrated in the slums.

The concept embodied in the Model Cities program, of strengthening local government and the people it serves to solve these problems, offers a sensible approach to solution of the urban crisis itself. AVC urges expansion of this demonstration program to all communities which may benefit from it, with adequate financing for both the development of local plans and the federal program which are expected to contribute to their implementation. We intend to be vigilant, that the focus remains, under the new program guidelines on the disadvantaged in the cities.

Citizen participation in the planning and administration, as provided for in Model Cities, Community Action and other programs, is the democratic means of assuring that resources intended to help the disadvantaged are not bargained away with the consent, or at least the understanding, of the poor themselves. We urge the Congress to retain its requirements for citizen participation and extend them to additional programs which the federal government supports. We urge also that provision be made and funds be allocated for independent planning staff and facilities for citizens' groups and commissions.

An important aspect of the urban crisis is housing. Physical reclamation of the slums requires the provision of housing for those who now inhibit the slums, at rents or prices which are fair and which they can afford to pay. To bring this about, we favor flexible use and adequate funding of the variety of programs now in use, including rent supplements, eased purchase credit, reduced interest costs. We also recognize that it will be some time before the private housing industry will be able to play a significant role in such low-return activities, and we therefore call for the widest variety of public investments in housing, such as traditional public housing, turnkey housing, direct interest-free loans and leased housing. And we need serious thought about new approaches.

Beyond the creation of the necessary housing, our government must assure that access to housing is assured regardless of the race, color, creed, national origin, age or size of family of the prospective user. We call for vigorous enforcement of the Fair Housing provisions of the Civil Rights Act of 1968, which was a start toward elimination of the ghettos.

We also recognize that the urban crisis is affected by the rural crisis which has long been apparent but ignored. We therefore demand that the scantly-funded rural counterpart program be revitalized and used toward stabilizing the life of our rural citizens in the countryside where they prefer to live instead of forcing them to migrate to the cities, often to be engulfed by the slums.

VI. Conservation and Development of Natural Resources

We accept as a cardinal principle of conservation policy that the natural resources of this land are given to us in trust for the people of this and subsequent generations. The benefits of these resources must be distributed widely and equitably and a share thereof must be preserved for future citizens.

Through comprehensive and coordinated national and regional planning and development, wise use, and enlightened conservation, this can be done. The very nature of the problem requires that Government play a major and controlling role is assuring that conservation.

1. Department of Natural Resources. We propose the organization of the Department of Natural Resources. Such a new department should provide for regionally decentralized opportunities for program formulation and execution, while clearly placing federal responsibility for resources development within the framework of a single agency. The regional multi-purpose concept may require that specific localities or projects be reserved or developed for one or more preferred use.

2. Water and Air Conservation:

A. We reaffirm our strong support of comprehensive multi-purpose river basin development and urge the accelerated application of this principle to our river basins.

B. We similarly favor regional planning by the States and metropolitan areas as well as area redevelopment.

C. We urge the Federal Government to undertake the planning and construction of multi-purpose water and power projects similar to the one provided in the Tennessee Valley. Their very scope requires government development and precludes the short-term, piecemeal operations of private interests.

D. The conversation and development of adequate fresh water supplies to meet expanding needs for domestic agricultural, industrial, wildlife and recreational uses, and the protection and improvement of water quality, especially in relation to accumulated pesticides and other contaminating matters, are of increasingly urgent concern.

3. Energy resources conservation. We call for:

A. The maximum feasible development of our only renewable energy resource hydroelectric power including Federal construction of multi-purpose power dams and other waterpower, irrigation, flood control and navigation works using standards of feasibility and repayment schedules for such projects based upon their reasonably expected service life.

B. A continuation and acceleration of the Federal programs to develop and stimulate development of effective processes for the utilization of our immense reserves of oil, natural gas, shale and coal.

C. We urge a major increase in the scope and speed of air pollution prevention measures.

D. The development of atomic energy (both fission and fusion type) for power and other peaceful purposes.

4. Recreation and Wildlife:

The expansion in the demands for outdoor recreation opportunities requires that we add to our national park system and increase the recreational developments on our national forests, public lands, reservoirs and seashores.

We endorse legislation to control billboard erection in scenic areas. Urban planning and redevelopment should include provision for open spaces and outdoor recreation areas.

5. National Land Reserve.

We support the concept that our remaining public lands constitute a "National Land Reserve" to be administered for the benefit of the public with appropriate safeguards for future generations.

6. Pesticide Control.

We urge careful consideration and close supervision of pest control programs in recreational, farming, and urban areas.

VII. Agriculture

American agriculture is increasingly the victim of the owners of the new machines, themselves investors rather than farmers. Hired workers are displaced from jobs and farm lands are being concentrated in fewer hands as farmers themselves are displaced.

AVC calls for a four-part approach to the resulting probelms:

1. A reduction of subsidies to industrialized agriculture, those now being paid in proportion to production or for practices which, like some in other industries, are a normal part of the business;

2. New approaches to two problems of the sub-marginal farmer and the farm laborer, recognizing that their plight is closely related to that of the underemployed urban worker and is only in part agricultural.

3. Strengthening the economic family farm through greater attention to credit, service and marketing needs;

4. Providing for rural people the whole range of educational, cultural, recreational, health and other opportunities already accessible to dwellers in metropolitan area.

VII. Labor

We urge:

1. Periodic updating of the provisions of the Fair Labor Standards Act to insure the coverage of maximum numbers of categories of workers and a realistic and decent Federal minimum wage.

2. Enactment of laws for the full disclosure of the administration of pension and health and welfare plans, whether administered by unions or management or jointly by both. Federal law should follow existing Federal securities legislation and State laws such as that of the State of New York for the exemptions contained in the latter.

IX. Social Welfare

As veterans concerned with the social welfare of all citizens we urge:

1. Federal standards to increase unemployment insurance benefits, more realistic eligibility standards and lengthening of the period for which benefits are paid.

2. Development of a strong and unified child welfare program with the Department of Health, Education and Welfare.

3. Development of Federal services and grants-in-aid for the prevention and control of narcotics addiction, based on the premise that drug addiction is a disease to be treated.

X. Education

1. We recognize that "in the quality of education lies the fate of freedom itself." We urge the provision of educational opportunity for every American to the limits of his capacity, and the identification of the talented among us in order to challenge them to their highest achievement.

2. To improve and extend existing scholarship and loan programs for college and university students.

3. To extend scholarships and exchange programs for study by Americans abroad and by nationals of other countries in the United States.

4. To appropriate adequate Federal aid to communities impacted by Federal programs.

5. We oppose the use of public funds whether as grants or loans to non-public elementary and secondary schools.

XI. Public Health

We urge:

1. Increased Federal expenditures for research in the prevention and care of illness.

2. Expansion of medical insurance and group medical care plans, including a plan for national health insurance.

3. Expansion of public health facilities and services hospitals and nursing homes, without regard to race, color, ancestry, national origin, religion or sex.

XII. Indian Rights

We oppose revocation of commitments entered into by treaty between the U.S. Government or the Government of any state and the various Indian tribes.

We support all efforts (1) to safeguard Indian lands and resources from exploitation and expropriation in violation of treaty rights and (2) to make the Indian tribes capable of supporting themselves from the proper development of their resources.

We support adequate health and educational services for the Indian tribes capable of supporting themselves from the proper development of their resources. We support adequate health and educational services for the Indian reservation as well as training in modern industrial and management skills to enhance the opportunities for better living and the ability of the Indian tribes to manage their own affairs.

We also support social services to those Indians who desire to live outside their tribal reservations so as to assist them in adapting themselves especially to urban living and to protect them against discrimination and hostility in their new environment.

RESOLUTION ON OPENING THE SUBURBS TO LOW AND MIDDLE INCOME HOUSING

AVC notes with dismay the increasing isolation of two societies—the black inner city and the white suburbs. This has resulted from continued racial discrimination in suburban jurisdictions and the action of such jurisdictions to deny low and middle income housing through zoning restrictions. The effect of this action has been to increase polarization between black and white and rich and poor; to deny black and low income workers job opportunities in the suburbs, accelerate the physical blight and economic decline of our cities and negate federal programs designed to provide low and middle income housing.

AVC therefore urges that the Department of Housing and Urban Development deny federal grants to suburban and other jurisdictions unless such jurisdictions establish affirmative action programs to provide and permit low and middle income housing commensurate with the needs of the residents in the metropolitan region.

RESOLUTION ON ADDING COMPLIANCE PROVISIONS TO EEOC

To enable the Equal Employment Opportunities Commission to quickly and effectively halt abuses and enforce its directions, AVC supports the adoption of the pending EEOC Bill which authorizes the Commission to issue and enforce restraining orders and to avail itself of injunctive procedures.

RESOLUTION FOR A NATIONAL HEALTH SECURITY SYSTEM FOR THE UNITED STATES

The escalating expense of Health Care, the lack of sufficiently trained medical personnel and facilities, the unmet medical needs in the treatment and prevention of disease for all segments of our society, the special medical problems of the poor and the aged, and the inefficiencies and excessive costs of the present patch-work system of public and private financing of medical aid urgently require the adoption of a nationally administered actuarially sound, and federally financed Health Security System which adequately benefits all members of our society in the most efficient and least costly way. The proposals contained in the jointly sponsored National Health Security Acts, S. 3 in the Senate proposed by Senators Kennedy, Cooper, Saxbe, and others, and H.R. 22 introduced by Representatives Griffiths, Corman, Reid, and Mosher, among others and in S. 934, although lacking adequate provision for dental and psychiatric care and prescription drugs and being deficient in dealing with the delivery of health services evenly throughout the society, do present a comprehensive reform program of federal health insurance with a broad range of medical services designed to cover the bulk of unmet medical personnel, the cost of which will be provided to the extent of 50% from General Revenues and the remainder by Health and Security Taxes on employers and employees. It is superior to the other Health proposals made to Congress, none of which have universal application, all of which rely largely on costly private insurance funding, and only partially meet the needs and fail to solve many of the basic problems of the present system.

Although we recognize the shortcomings of S. 3 and S. 934, we believe that if they are improved and broadened to remove the deficiencies noted herein they will provide an excellent major betterment to our present Health System. The fact that the funds will be collected and administered through the Social Security System implies greater efficiency from privately funded plans.

RESOLUTION ON WELFARE REFORM

AVC urges action in this session of Congress to create a new system of income maintenance which will meet the basic needs of all individuals and families who are unable to work, whose earnings are inadequate and for whom jobs are not available. Such legislation should be based on the following principles:

1. A unified and largely federally financed program of assistance to assure equitable and efficient treatment and administration.

2. Benefits should be available to everyone in need—those in low paying jobs as well as the unemployed, those without families as well as dependent children and their parents.

3. Assistance grants should provide all Americans with an income adequate to sustain them in a state of health and minimal decency. If fiscal consideration precludes such immediate grant levels, then provisions should be placed in the legislation for orderly steps at time intervals to reach standard of adequacy for health and decency as determined by the Bureau of Labor Statistics with flexibility of grant levels to meet realistic variations in costs of living.

4. Incentives and realistic aids should be employed to encourage those eligible for public assistance to move into job training and full employment. No recipient should be required to take a job at less than the minimum federal wage to prevailing area wage, whichever is higher. Recipients should have the right to keep enough earned income to make working more attractive rather than relying solely on public assistance. Further, public service jobs should be provided where there is a shortage of private or other public service jobs.

5. A declaration of need should be accepted as *prima facie* evidence of eligibility. Spot checks can be used to determine accuracy of eligibility and payment, such as those used in the Social Security and Income Tax programs.

6. Rearing children should be recognized as important and meaningful employment. Mothers of pre-school age children should not be forced to accept work or training against their will.

7. Adequate child care facilities are necessary if working mothers are to take advantage of work and training programs. Provisions should be made for national standards for child care services. Child care should be not merely custodial but should be designed to meet the educational, nutritional and health needs of the children. Care should be provided for elementary school children after school. The poor should be trained and employed as child care center workers. No family should be required to pay a fee for child care unless it has income sufficient to meet its needs with minimal decency.

RESOLUTION ON REVENUE SHARING AND FEDERAL AID

AVC supports the principle of federal financial assistance to state and local governments because of the far superior revenue-raising capacity of the federal government through the progressive rates of federal income and estate taxes, etc.

However, we are opposed to the "no-strings" revenue sharing proposal of the Nixon Administration known as "general" and "special" revenue sharing. The "general" revenue sharing proposal contemplates grants to states starting at $5 billion a year totally unrestricted as to use, purpose or level of local revenue raising efforts. The "special" revenue sharing proposal would give no "new money" to the states and localities but would merely combine into broad subject area "block grants," such as health, housing, education, etc., the funds now going to specific project and categorical grant programs, and would end or endanger many constructive and creative programs such as Model Cities and the multi-state Appalachian Regional Commission. It would also eliminate almost all of the federal conditions (or strings) necessary to see that the funds are distributed on a non-discriminatory non-boondoggling basis.

We favor the continuance of the present method of making categorical grants for specific purposes and projects, on a matching and grant-in-aid basis. With respect to the allocation of these funds by statutory formulas, however, we demand that all federal agencies strictly observe the conditions attached by Congress to the grants.

We believe the Federal Highway Trust Fund should be ended by 1975, upon the completion of the presently allowed mileage in the Interstate System, and that all taxes now earmarked for it to go to the General Treasury where they would help provide funds for mass transit, housing, education, health, etc.

We also wish to encourage those State and Local governments which make a significant effort to raise their own funds through proressive rate taxes such as the income tax rather than regressive sales and real property taxes—to this end we favor a tax credit for a significant portion (say 80%) of local income taxes paid instead of merely a tax deduction for them.

We are sympathetic to the great needs of our American cities—because of the high cost, in many areas beyond mere welfare, necessitated by the large concentration of our poorest citizens in urban areas. Therefore, we will be interested to examine the recent proposal of Rep. Wilbur Mills for federal tax-sharing aid going directly to the cities when it is fully developed and announced.

RESOLUTION ON PUBLIC SERVICE EMPLOYMENT

AVC has long stood for forceful implementation of the Employment Act of 1946, calling for full employment. In particular, we have from time to time specifically called the attention of the federal government to the need for it to act as "employer of last resort." That is, we have been willing to allow free enterprise to provide the jobs that are needed for those who want to work, with government to take up the slack when necessary.

On this 25th Anniversary of the Full Employment Act, we veterans for whose benefit the Act was passed; Call attention to:

1. Record levels of unemployment (including veterans)

2. Rising demands for people to go to work

3. Increasing effective demand for public services and

4. Declining ability or willingness of local and state government to provide services.

Legislation to enable the federal government to take action to deal with these related problems has now been passed by both houses of Congress *for the second time.* Last year, the President vetoed a Public Service Employment Act; this year, two versions must go to conference.

We agree with the President that "leaf-raking" jobs solve no problems. For that reason, we *support* Public Services Employment legislation, so that local governments can provide jobs in health, education, parks and public safety.

We urge that the conferees adopt the present House version and that the President approve either version that the Congress may send to him.

RESOLUTION ON PRICE AND INCOME POLICY

In spite of the trauma of two years of economic recession and a 6.2% overall unemployment rate, the rate of inflation and cost-of-living increases continue at an unacceptable rate.

AVC therefore urges that the Nixon Adminstration 1) abandon its reluctance to exert a strong influence on our major corporations, particularly in basic industries such as steel and oil, to restrict price increases. 2) Use the powers granted it by Congress to control credit, and, when necessary, prices, profits, and wages. 3) Use its powers and influence to lower interest rates. 4) Consider and implement effective new programs of increasing employment.

RESOLUTION ON POLICE ACTIVITIES DURING MAY DAY PROTESTS

Early in May, 1971, a large number of people assembled in our Nation's Capital for the express purpose of disrupting by force and violence the operations of the government. The city's police met that threat by arresting some 12,000 persons.

AVC condemns those who attempted to disrupt the processes of government by force and violence. The AVC recognizes the need for governmental authorities to preserve order during protest activities. However, such police activities must be done only in a manner that is consistent with the law and the protection afforded by our Constitution. We are deeply concerned lest precedents be established which would undermine cherished constitutional rights, give unlawful authority to police officers and establish the principle of preventive arrests and detention. For this reason we condemn certain actions taken by the District of Columbia police and other authorities during the May Day protest; namely:

1. The use of dragnet mass arrests in which innocent bystanders in the area of the protest, who committed no unlawful activities, were arrested and held for long periods of time.

2. The use of fraudulent papers after the fact in which false names of arresting officers were inserted.

3. Capricious and arbitrary collateral and bond policies.

4. The failure to plan for adequate facilities when the police had reason to expect that thousands would be arrested—as a result thousands were crowded for periods of time without adequate facilities to house or feed them.

The American Veterans Committee strongly condemn the statements of President Nixon praising the police action and of Attorney General Mitchell that the police reaction to May Day "will set an example for other communities, in similar circumstances, to do the same." We urge the American Bar Association and the Judicial Conference of the United States to sharply condemn this type of action and issue a set of guidelines that will grant the police the ability to preserve order during protest activities but at the same time require the police to adhere to the law and constitutional rights.

RESOLUTION ON THE OFFICE OF OMBUDSMAN

The growing complexity of state, county and local governmental agencies is frequently bewildering and disillusioning to citizens seeking redress of their grievances with these agencies.

Efforts are currently underway in some states to make local and state governments more accountable to its citizens by providing for an "Office of Ombudsman" whose prime responsibility would be to receive and investigate citizens' complaints against governmental agencies and recommend corrective action. Under the proposal, the "Ombudsman" would also be empowered to make recommendations to the state legislature that could eliminate duplication, waste, and inefficiency in these agencies.

Be it resolved that AVC endorses the concept of the "Office of Ombudsman" in state and local governments and work to support efforts in various states to make the concept law.

RESOLUTION ON NATIONAL VOLUNTEER SERVICE

Whereas, the zeal of our youth to build a better society has never been clearer than it is now. Yet opportunities to work constructively for a better society are limited. Compared to national needs, relatively few jobs in the service fields are available to young men and women.

Whereas, such service is vitally needed by society—in such fields as education, health, conservation and municipal services. Many of these needs could be met by young people, those who are asking for relevance in education, for a chance to meet their service responsibility outside the armed forces, and for first-hand experience with problems whose outcomes will determine the kind of world to be passed on to their children.

Now, therefore, be it resolved that in order to meet many of our most pressing needs and to permit young men and women to become engaged in the building of a better society, the American Veterans Committee *endorses a program of national volunteer service,* which would have these basic features:

1. Service opportunities would be available to all young people. The main criterion for admission would be willingness to serve.

2. Each participant would serve and learn. Learning would range from development of specific skills to growth in self-knowledge, problem-solving, and working with people.

3. Service activities would be directed and financed at the local level to the extent permitted by available resources and would include projects organized and directed by young people. Thus, maximum local initiative would be encouraged.

4. The basic reason for national volunteer service is the need society has for the service of youth. Main areas are tutoring, health and mental health, as well as conservation and beautification, the cleaning up of our rivers, lakes and seashores, our cities and our forests, and various kinds of community and family service. By serving in these fields, young people would be able to test themselves through service to society and would receive valuable experience for their careers.

5. Young people who seem poorly qualified by conventional standards could serve effectively. High school dropouts are today serving as tutors, and doing a good job; others are receiving specialized training for responsible hospital positions. Each participant would be given the training and supervision needed for the assignment.

6. There would be a transition phase. Growth of national volunteer service would be constrained by identification of useful tasks, finding enough trainers and supervisors, and obtaining sufficient funds. The transition phase would permit experimentation with various techniques and activities on a pilot program basis.

7. Participation would be by means of contract, voluntarily entered into by all parties. The contract would spell out the responsibility of the participant, the sponsoring agency and the funding agency.

8. Duration of service would range from a minimum of one year to a maximum of four years. The normal contract period would be one or two years, renewable.

9. Participation in national volunteer service would be viewed as fulfillment of a person's service obligation. Thus, satisfactory completion of national volunteer service—for at least the same period of time as needed to complete one's military service obligation—would place participants in the same draft category as veterans of military service. Also as armed forces manpower requirements are likely soon to be met solely by volunteers in view of large increases in service pay and diminishing manpower needs for Viet Nam there may be no need to relate civilian service to military service since both would be manned by volunteers.

INTERNATIONAL AFFAIRS

We the members of the American Veterans Committee, believe that in international affairs the objective of the United States is the maintenance of peace. All else aside, the world must avoid the holocaust of nuclear war. Within that framework our foreign policy, like our domestic policy, must be oriented to enhance the welfare of the individual, be he black, white, brown, or yellow, so that he may eat and sleep in safety, live his life under government of his choice and realize to the fullest extent possible the measure of his aspirations.

I. The United Nations and world government

The United Nations continues to be man's best hope for peace. American support to the United Nations must be an essential part of our foreign policy. The authority of the United Nations must be progressively strengthened in a process which sees the selective yielding of the prerogatives of national sovereignty in a manner that will enhance the fundamental freedoms and the well-being of all the peoples of the world.

Recognition of the rule of law principle in international relations is an essential of action in reinforcing the United Nations role in the maintenance of peace and security. Appropriate means must be found to widen the area of internationally accepted standards and American compliance therewith. Prompt repeal of the Connally reservation by the United States Senate would be a step in this direction.

We believe that there must be an acceleration of progress in the ratification of existing international human rights conventions by the United States. Where necessary, enabling national legislation should be enacted to bring our laws into conformity with these conventions. United States action in this respect has been grossly inadequate and has hindered a greater assertion of American leadership which is required.

We regard the integrity and independence of the Secretary General's office as expressed in the Charter crucial to the existence and growth of the United Nations. We shall oppose any attempt which seeks to weaken the powers of this office.

We favor encouragement and aid to the formation of supranational authorities of a regional nature consistent with the U.N. Charter and of treaty arrangements which limit the sovereignty of the participating nations in order to secure mutual advantages, such as the European Common Market, Euratom and others. The United States should further encourage and support European initiatives through the European Economic Community, Euratom, the Council of Europe, or otherwise to create, consolidate and strengthen institutions which may lead to a politically stable and prosperous European entity.

We fully support the enlargement of the peace-keeping function of the United Nations. The use of peace-keeping forces by the United Nations should be supported financially on an obligatory basis by all members of the United Nations. The allocation of military forces on a standby basis should be encouraged and established systematically through the creation of a permanent planning mechanism in the United States.

We favor the ultimate establishment of democratic world government.

II. World Veterans Federation

We point with pride, and pledge our continued support to the World Veterans Federation, a world-wide organization of former fighting men whose activities are a remarkable example of the kind of private international co-operation on which lasting world peace and justice can be built.

III. Nuclear testing and disarmament

Complete elimination of nuclear weapons testing and establishment of international controls on this most dangerous weapons technology should be the goal of American foreign policy. Our world finds itself in the unique and unenviable position where one generation can make life on earth unlivable for another generation.

The adoption by the United Nations of a non-proliferation Agreement is a significant advance despite the reservations of some member states. The United States as the foremost nuclear power, must move forward in this regard by ratifying the Agreement as rapidly as possible.

The new initiatives by the United States and the USSR to begin negotiations toward the limitations of offensive and defensive nuclear ballistic missile systems is an important next step. United Nations action to convoke meetings of the five nuclear powers—Britain, France, the Soviet Union, China and the United States is further movement toward the desirable goal of creating controls of these awesome weapons. Only by showing their good faith can the nuclear powers induce other states to forgo development in this most dangerous area, lower international tension, and avoid the allocation of needed resources to essentially destructive and wasteful ends.

Complete and total disarmament is the ultimate summum bonum, but this is an objective remote in time and immediate achievement is not feasible. Efforts toward that goal, nonetheless should be made by the United States and should be encouraged in other nations. Mankind can never reach its true destiny if it must continue to allocate so high a percentage of its resources to forge the weapons of war.

IV. The United States and its allies

Inevitably differences will arise between the United States and its Allies, but there are differences which can be resolved around the conference table. In its negotiations the United States should seek no more than the rights and privileges of a willing partner.

The North Atlantic Treaty Organization was formed in a world considerably different from the world of today. It is time for the NATO Nations to reassess the objectives and reformulate the NATO role. Its continued organization and operation should reflect its changing purpose.

In Latin America, the United States has uneasy allies, but allies nonetheless. We must bend every effort to erase the image of the United States as a prosperous, patronizing, and paternalistic benefactor. It should be the objective of the United States foreign policy to create instead an image of a United States that wants to be a good partner, as well as a good neighbor, in helping the peoples of Latin America work out their own destinies.

The United States should, at every turn, encourage the United Nations or the Organization of American States to be the forum in which to resolve differences and disagreements among or with our Latin American neighbors. We must show by word and deed that we have no desire to impose our own form of government or way of life upon any country of Latin American. At the same time we must make it clear that we will honor a call for help by any Latin American country whose existence and destiny is being threatened by external foreign directed activity.

V. The United States and the world

The twentieth century is the era of the developing nations of Latin America, Africa, and of Asia. The United States must stand ready to help these nations and peoples, if they seek our help, to establish their way of life and direct their own destinies.

The forum of the United Nations must be held open to them in their efforts to develop responsible independence, and the services of the specialized agencies should be placed at their behest.

Our era is characterized by an ever-widening gap between the social and economic bases of the developed countries and those of the developing countries. This decline in the relative position of the developing countries, accompanied as it is by a population explosion, can lead to dangerous world tensions which could threaten world peace because of increased violence and disorder. New means must be found to close this gap through mobilization of efforts on a world-wide basis, including increased economic assistance from developed countries and greater self-help from the developing countries. The United States must be prepared to make greater contributions to the United Nations' efforts in this field, through other multilateral arrangements, and through bilateral aid. The goal of allotting 1% of the gross national product to this end as set by the United Nations is not unreasonable and well within the means of the United States.

United States foreign aid to developing countries should be utilized at points of greatest potential. In providing bilateral aid the United States should give priority to those countries which can make the most rational and productive use of such aid. In measuring the efficacy of United States aid, due weight should be given not only to economic considerations, but also to the nation-building process including the strengthening of democratic institutions and the consolidation of efforts on a regional basis. The United States should use its financial and economic resources to help the people of weak and developing nations achieve self-government, and should, if requested, provide economic help to prevent them from engulfment or encroachment by foreign powers seeking to impose their own ideologies, disciplines or governments.

Only when asked and only when it is clear that armed force is necessary to thwart a takeover by powers inimical to the welfare of a weak and developing nation should the United States furnish military assistance. In these circumstances the United States should stand ready to give military aid to such a country to oppose imposition of an external power, and should make it clear that its military effort is directed toward that objective alone.

VI. Soviet Union and Communist China

The years have shown that coexistence with the Union of Soviet Socialist Republics is not only possible, but is also a necessity if the world is to remain at peace. This must be our modus vivendi for the foreseeable future. Every step should be taken to enhance, improve, and expand the spheres of coexistence whether by more frequent cultural exchanges, increased travel by United States citizens to the Soviet Union and the satellite countries, extended trade beyond the Iron Curtain, or others. If we follow this policy and practice we shall find the areas of agreement becoming wider and the differences, narrower. The inevitable result, where people meet people, is that the government of the Soviet Union will no longer be able to insulate the Russians from the ways of the free world and disregard the yearnings of the Russian citizenry—which we believe to be the same as ours—for a world at peace and for good will to other peoples of the earth.

Communist China is the riddle wrapped up in the enigma that Russia used to be.

Any and all avenues that help us learn more about it or initiate exchange of ideas, must be explored. The forum of the United Nations is one primary means of increasing our knowledge. It should no longer be denied the Communist Chinese. We would not, however, deprive Nationalist China of its place in the United Nations.

VII. World trade

The path to world peace through world trade is long, tortuous, and not always clearly marked. The United States should take the lead in, where possible, and encourage, where not, the movement toward freer trade among nations. Countries must export as well as import and stabilizing adjustments will have to be made. Where hardships are visited upon domestic industries, some form of temporary relief should be provided. AVC endorses the Trade Expansion Act of 1962 and urges its continued implementation by negotiations and agreements.

VIII. The example of America

Events beginning with World War I and continuing in the post World War II world we live in have thrust upon the United States a position of power and responsibility it can neither avoid nor minimize. That position inevitably generates envy, jealousy, and hostility by less fortunate peoples of the earth. It is the difficult, but essential task of the United States to wear its mantle of world leadership gracefully, to use its power cautiously, and to exercise its responsibility wisely, striving to make the right decisions in order to preserve world peace and to enable the peoples of the world to work out their destinies in an atmosphere that accords the individual his basic human rights and permits him to achieve the fullest measure of self-expression.

RESOLUTION ON SOUTHEAST ASIA

The toll of human and material destruction wrought by the continuing conflict in Vietnam is repugnant to all people who are determined to pursue humanitarian objectives and to stop the process of killing and destroying of property as avenues for settling disputes. The people of Vietnam have suffered severely for too long a time from controversies that had their genesis in colonialism and in ideological conflicts which most of this tortured people would surely prefer to solve through peaceful means.

The people of the United States have also suffered severely because of the war. Urgently needed domestic programs have either been reduced or postponed. In addition, our country has become divided and many of our people have lost faith in the viability of our democratic processes.

AVC therefore welcomed the initiation of the peace talks in Paris as a means of resolving the bloody conflict in Vietnam. Unfortunately, despite a progressive narrowing of the political differences on many matters which divided the two sides, the Paris negotiations are still at an impasse.

New initiatives and directions are imperative. To bring peace and stability to Southeast Asia and restore a healthier social, political and economic climate at home, AVC urges:

1. The continuing de-escalation of the conflict and withdrawal of United States military personnel.

2. The Congress of the United States adopt and the National Administration implement the current McGovern-Hatfield Amendment to the Military Procurement Authorization, the essence of which is the withdrawal of U.S. Military personnel from Vietnam be completed no later than December 31, 1971, unless Congress, by joint resolution approves a finding by the President that an additional stated time period is required to insure safety of personnel during the withdrawal period.

3. United States to make clear its concern that the forthcoming Vietnam election be one in which persons of all political persuasion have an opportunity to vote or run for office. Other than that United States agencies to maintain a complete "hands-off" policy.

4. Long range programs for the political and economic development of Vietnam should proceed under the auspices of the United Nations to which the United States should pledge economic and other support. The following specific objectives should be sought:

a. Self-determination through free elections;

b. Internationally guaranteed protection of minorities and dissident political factions;

c. Neutralization of Indochina;

d. Establishment and support of massive relief program for victims of the war;

e. The adoption of a comprehensive land reform program to give the Vietnam peasant a stake in the future of his country;

f. Adoption of a regional development plan for the utilization of the natural resources of the area, including the Mekong River.

RESOLUTION ON THE ARAB-ISRAELI CONFLICT

1. The withdrawal of the United Nations presence in the Middle East in 1967 was the significant event that led to the intolerable condition which now exists there. Therefore, until international peace keeping and diplomatic procedures, administered by the United Nations, are re-established, no meaningful solution will be found to this dilemma.

2. AVC believes that the only way a lasting and stable peace can be achieved in the Middle East, favoring all countries, is by means of negotiations between Israel and the Arab countries, through and with the participation and assistance of the United Nations.

RESOLUTION ON THE STRATEGIC ARMS LIMITATIONS TALKS

AVC notes with aproval that the Soviet Union and the United States are apparently making progress in their discussions on limitations of both offensive and defensive nuclear weapons. AVC wishes to emphasize its belief in the significance of these discussions and its hope that a meaningful arms limitation treaty will be reached. Failure to reach such an agreement would heighten the balance of terror and increase the possibility of nuclear war. Failure to reach such an agreement would result in increased arms expenditure not only in our country but throughout the world at a time when resources are needed to combat poverty, hunger and pollution. We urge as broad an agreement as possible for limitation on ABM systems, and the testing, production and deployment of MIRV and other similar systems.

RESOLUTION ON HUMAN RIGHTS

The world celebrated Human Rights Year in 1968. But the "celebration" was less of an achievement than the urgency to commit ourselves even more strongly to the eradication of violations of the rights of men throughout the globe.

The United Nations General Assembly has designated 1971 as International Year for Action to Combat Racism and Racial Discrimination. A list of examples would be tragically long, but we point with special shame to the unending oppression of the black majority of South Africa by the white minority; to the reprehensible anti-semitism of the government of the Soviet Union which both limits the freedom of its Jewish citizens within that country and prevents them from emigrating; and to the abandonment of free political debate within a growing number of countries.

Just as our government must continue to promote greater human freedom within our own country, so do we call on it to take dynamic leadership and specific action in encouraging and working for an end to the deprivation of human rights, racism and racial discrimination wherever they occur.

RESOLUTION ON GENOCIDE CONVENTION

It is inexplicable that for over 20 years the United States has failed to ratify the International Convention against genocide, originally promulgated by the United Nations Commission on Human Rights under the chairmanship of Eleanor Roosevelt, and which has been ratified by virtually all other nations in the world. Today, at least, this agreement, which has been supported by all administrations since its promulgation, should be ratified by the U.S. Senate without further delay.

RESOLUTION ON HUMAN EXISTENCE

In view of the increasing threat to Man's continued existence on this planet by reason of growing world-wide pollution and the population explosion, AVC calls for intensive international action through the United Nations for greater co-operation among nations for environmental preservation and population control.

TELEVISION FAIRNESS—THE CRITICAL ISSUE

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. BRASCO. Mr. Speaker, on the motion to recommit the CBS citation to committee, and thereby bury it, I voted "no." There has been a significant outcry against this vote on the part of some, particularly on the issue of a free press. Unfortunately, emotion has beclouded one major issue which has been left completely open because of this vote. I refer to the concept of fairness in presentation of news and how it is affected by the nature of different media.

I believe the difference between newspapers and electronic media is crucial to an understanding of this issue. It was a critical factor in the vote I cast.

The committee was seeking to shed some measurable light on bias and distortion of national news. Major networks claim they are exactly like newspapers, and therefore are entitled to the same constitutional protection. This does not seem to me to be borne out by the facts.

Almost every newspaper has a limited geographical impact. Few people in New York are aware of the content of papers in the West. Few southerners avidly devour the contents of Midwestern papers.

Television, on the other hand, particularly national and international news presentations, are national in their effect. Fifty million viewers are able to hear what one commentator has to say. An editorial in one of our national news shows, in whatever form, can and does have an impact on virtually every State of our Nation. It is easy to see that a differentiation must be made. Such a decision can only be made by the courts. Such a decision has yet to be made, I regret to say.

Congress, on the other hand, has no mandate to decide such an issue. In seeking to make a determination, we avoid putting responsibility for it where it truly belongs, thereby allowing this constitutional time bomb to continue ticking in a place and area where it is almost sure to go off in some future crisis.

Sending the contempt citation back to committee leaves the door open for a repetition of this impasse, rather than placing it in the hands of the judiciary, where it would be finally decided, once and for all. There I believe a definitive judicial line would have been drawn between newspapers and traditional press sources and our electronics media.

It is almost a certainty that the Supreme Court would have eventually received this case. Previously, the Court had sustained the right of Congress to require "fairness" from both radio and television stations. Once again, then, we can see that the judicial branch has primary responsibility for such judgments, rather than the Congress.

Newspapers are private property, possessing the right to be as biased as they choose. This has long been recognized. It has also been the subject of numerous judicial opinions.

On the other hand, radio and television stations utilize public property in the form of publicly-owned air waves and channels, which are licensed for use. They are regulated by the Federal Communication Commission under the Federal communications act, and are therefore in a completely different situation from that which governs newspapers.

For this reason, I felt the question should not be left open for the Congress to become involved in again—until the courts have made a proper dispensation. The question should never have been brought before the Congress until boundaries had been blocked out by the courts. This has been the case previously in similar situations. It should have governed the issue here.

This in turn left many members of the Congress in a devastating dilemma. Vote for the citation or not. Bringing it to a head in order to ensure its presentation before the courts seemed the best way at the time, in my own opinion. To do so, however, roused a storm that includes accusations of opposing our precious first amendment, which is a thoroughly repugnant thought to me.

As one familiar with fine lines that often must be drawn in the area of such rights under our Constitution, I find such an accusation unfair and distressing. Although denials after the fact are often ignored, I feel constrained to outline and explain the situation as I saw it then and as I see it now.

AUTOS, AIRBAGS, AND THE PUBLIC SAFETY

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. WYMAN. Mr. Speaker, will airbags in the dash of your car save your life or will it increase the chance of your serious injury or death? This is a troublesome question and those who build cars are by no means certain that airbags are the answer to public safety in auto crashes. Neither am I.

The American Automobile Association is concerned about this question. The reason for its concern is shown in its letter to me of August 2, 1971 enclosing its protest to Hon. Dean Burch, Chairman of the Federal Communications Commission.

It would be foolhardy for Congress to insist on anything as structurally radical and expensive as airbag standard equipment until demonstrated proof that it will perform the essential function of protecting human life. This is presently undetermined.

Its use in such circumstances should remain optional with the car owner. It should not be mandatory.

The letter follows:

American Automobile Association,
Washington, D.C.

Dear Mr. Wyman: The issues surrounding the air bag passive restraint safety device for automobiles are of critical importance to every motorist, yet it seems to the American Automobile Association that serious questions are being answered with self-serving statements of belief and hope rather than fact.

The outcome of the air bag controversy could mean the difference between future prolifieration of expensive gimmicks for safety or the use of thoroughly-researched methods of making autos safer. We do not believe that the motorist or the Congress should be misled by unsubstantiated statements.

Recently, the AAA wrote a letter to the Federal Communications Commission objecting to the attempts of a private interest group to obtain free broadcast time to air its views on the air bag.

Though the device could add between one or two billion dollars annually to the cost of automobiles, and though it could very possibly be a destroyer as well as a saver of lives, the local news media paid little attention to our letter with one exception. The WASHINGTON STAR unfortunately interpreted it as a personal attack but failed to mention anywhere in its article *why* we were concerned about the air bag.

We feel the basic issue is so serious that you should have the opportunity to judge for yourself. We have attached a copy of our original letter.

Yours sincerely,

J. B. Creal,
Executive Vice-President.

American Automobile Association,
Washington, D.C., July 22, 1971.

Hon. Dean Busch,
Chairman, Federal Communications Commission, Washington, D.C.

Dear Chairman Burch: The American Automobile Association challenges the petition filed with the Federal Communications Commission by the Center for Auto Safety which seeks broadcast time, under the FCC's fairness doctrine, to reply to Ford Motor Company commercials relating to the air bag restraint device for automobiles.

The AAA challenge is based on the grounds that it believes the Center for Auto Safety lacks the legitimate qualifications to speak either as a representative of the automobile consumer or as an expert on matters relating to automotive safety.

At the same, time, the AAA requests equal time to answer any claims or statement made by the Center for Auto Safety if broadcast time is granted it by the FCC. The AAA is a 13-million member motorists organization and was founded in 1902. It has been on record with questions about the air bag for more than two years. To date, none of the issues it has raised has been answered in a manner that would quell doubts about the reliability of the device. Yet the Department of Transportation wishes to force this on the motoring public at a conservative cost of one billion dollars a year to the car buyer!

The Center for Auto Safety is a self-proclaimed "auto safety and consumer advocate." In the news media it has been identified as either being supported by or backed by Ralph Nader. Mr. Nader has defined for himself the role of a consumer advocate. Is this the basis on which the Center makes its claims?

Who does the Center really speak for—is it the consumer and, if so, how do they participate in the decisions of the Center? Or do a handful of men decide the policy for the organization? Where do the funds for the Center come from? If the majority of funds are based upon large grants, were any strings attached to these grants?

Specifically, how many consumer members does the Center have and where did it obtain its mandate to speak on behalf of the consumers on the air bag issue?

These are just a few of the questions, Mr. Chairman, which the AAA feels the FCC and the public have a right to have answered before the Center for Auto Safety can be considered a legitimate spokesman for any viewpoint on the air bag issue.

After all, the American public is under no illusions as to what the Ford Motor Company is, or who its commercial spokesmen represent. Should not the same degree of openness be required of any group which demands to speak in opposition to a Ford commercial?

The AAA contends that it is reasonable for the FCC to demand to know what the Center for Auto Safety is, and who its spokesmen represent.

The Center, in its petition to the Commission, has declared that Ford Motor Company commercials are "inaccurate." As has been the case throughout the debate over the merits of the air bag, the Center offers no concrete rebuttal arguments to these points, other than its own and the government's bland assurances that the air bag "could save approximately 24,000 lives a year."

This appeal to emotionalism has characterized the efforts of the Center and others to foist an unproven, untested, and possibly unreliable gadget on the unsuspecting motoring consumer.

The Center labels as inaccurate the statement that the air bag is complicated.

In fact, the air bag is extremely complicated. It is operated by a system of interconnecting components, including a sensor which must be delicate enough to fire the device in a low-speed crash, yet sophisticated enough to distinguish between a crash and a non-crash impact. Electrical wires carry the sensor's message to a high-explosive cap on a bottle of nitrogen gas mounted behind the instrument panel. The gas, stored at a pressure of 3500 pounds, per square inch, is forced through a distributor pipe when the cap explodes. The distributor pipe carries the nitrogen to a large, coated-nylon bag stored in the instrument panel, forcing it to deploy.

All of this must occur in just 40 milliseconds, or four per cent of a second!

Whatever else the air bag may or may not be, it is most definitely complicated.

The Center characterizes as inaccurate the statement that the air bag will be costly.

As a matter of fact, no one—The Center, the auto manufacturers or the government—knows how much the air bag will cost. Auto manufacturers, who must manufacture, test and install the device claim that the cost will be more than $100 per bag. The Center and the government, on the other hand, blandly assure us that the cost will be less than $100. On what evidence do they base this belief? Have they attempted to mass produce them? Install them on 10 million cars a year? Have any of the government or Center's experts had any practical experience in manufacturing?

It would appear to the AAA that any charge of inaccuracy regarding cost figures of the air bag must be reinforced by more factual data and less self-serving statements of belief and hope.

The Center, in its petition, states that the statements labeling the air bag as lacking in "reliability" are inaccurate.

An article appearing in the Washington Daily News on February 1, 1971, quotes Lowell Dodge, director of the Center for Auto Safety, as saying: "The air bag's reliability is questionable. We worry it is being developed too quickly."

The American Automobile Association would like to know what evidence has surfaced since February to make Mr. Dodge change his mind? And, if true, why is it only known to a private interest group?

The problem of reliability does not concern only one or a dozen air bags. It concerns the problem of mass-producing and installing 10 million of them every year.

The Center claims that calling the air bag "extreme" is inaccurate.

Perhaps it depends on how the Center chooses to define "extreme." The American Automobile Association believes that hastily rushing into production a gadget which is complicated, costly, and of unproven reliability, solely on the unsubstantiated hope that it may save lives, is "extreme" by any reasonable definition of the word.

It is particularly extreme considering the available evidence that the air bag is possibly a maimer and killer.

A series of tests conducted by scientists of the Mercedes-Benz Co., (as reported in Automotive News on January 4, 1971) using human cadavers not more than three hours dead, showed that the air bag could kill, especially by knocking the head back and breaking the neck.

In tests at Wayne State University (reported in an Associated Press dispatch on July 7, 1971) it was shown that the air bag can cause serious harm to small children. According to United Press International on July 7, 1971, the testers showed that the force of a deploying air bag was strong enough to propel a baboon—or a child weighing 25 to 40 pounds—over a front seat backrest. The injuries sustained in the test included: a ruptured liver, a collapsed lung, hemorrhaging, a broken tooth, a dislocated clavicle, cuts and bruises.

The AAA firmly supports all efforts to develop effective passive restraint systems and believes air bags may eventually be an answer. However, AAA believes that there is considerable doubt about the merits of the *present* air bag, and that the questions are too important to rush blindly ahead with installation of the system without more detailed knowledge of how the system will perform under real-world conditions.

We have put off mailing this letter until now in the hopes that we would be able to

> sit down for another session with technicians of the National Highway Traffic Safety Administration to discuss any possible new developments. Unfortunately, the man they feel best qualified to counsel with us is currently on vacation and will not be able to meet with us until the first week of August. Since you may soon arrive at a ruling, we feel compelled to send this letter to you today.
>
> The AAA believes that the motoring public has the right to be confident that when a safety device is mandated by the government, that device has been thoroughly tested and thoroughly tested again, and that its value and reliability are beyond dispute.
>
> AAA believes that the motoring public has the right to expect that those who presume or pretend to speak for the motorist will speak with due regard for his safety and will not attempt to mislead him with unsubstantiated statements.
>
> The AAA does not believe that the Center for Auto Safety is a representative spokesman for the automobile consumer. AAA therefore asks that the petition of the Center for Auto Safety be denied.
>
> Yours sincerely,
>
> JOHN DE LORENZI,
> *Managing Director, Public & Government Relations.*

SICK OF HEARING COUNTRY IS ILL, SO I AM HELPING SOCIETY GET WELL

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. HUNT. Mr. Speaker, there are admittedly many paradoxes in our society, and we often have those who are bent on undermining our institutions and dividing our people in the news.

I commend to your attention an article which appeared in the "Editor's Mail Bag" of a recent edition of the Camden, N.J., Courier Post which puts things in its proper perspective:

> TO THE EDITORS: I am sick . . . and there are those who claim that ours is a "sick" society. That our country is sick, that we are sick.
>
> Well, maybe they're right. I submit that maybe I am sick . . . and maybe you are too.
>
> I am sick of having policemen ridiculed and called "pigs" while cop killers are hailed as some kind of folk hero.
>
> I am sick of being told that religion is the opiate of the people . . . but marijuana should be legalized.
>
> I am sick of being told that pornography is the right of a free press . . . but freedom of the press does not include being able to read a bible on school grounds.
>
> I am sick of commentators and columnists canonizing anarchists, revolutionists and criminal rapists but condemning law enforcement if it brings such criminals to justice.
>
> I am sick of paying more and more taxes to build schools while I see some faculty members encouraging students to tear them down.
>
> I am sick of Supreme Court decisions which turn criminals loose on society . . . while other decisions try to take the means of protecting my home and family away.
>
> I am sick of being told policemen are mad dogs who should not have guns . . . but that criminals who use guns to rob, maim and murder should be understood and helped back into society.
>
> I am sick of being told that it is wrong to use napalm to end a war overseas . . . but if it's a bomb or molotov cocktail at home, I must understand the provocations.
>
> I am sick of not being able to take my family to a movie unless I want them exposed to nudity, homosexuality and the glorification of narcotics.
>
> I am sick of pot smoking entertainers deluging me with their condemnation of my moral standards on late night television.
>
> I am sick of riots, marches, protests, demonstrations, confrontations, and the other mob temper tantrums of people intellectually incapable of working within the system.
>
> I am sick of hearing the same phrases, the same slick slogans, the pat patois of people who must chant the same things like zombies because they haven't the capacity for verbalizing thought.
>
> I am sick of reading so called literature with its kinship to what I used to read on the walls of public toilets.
>
> I am sick of those who say I owe them this or that because of the sins of my forefathers . . . when I have looked down both ends of a gun barrel to defend their rights, their liberties and their families.
>
> I am sick of cynical attitude toward patriotism. I am sick of politicians with no backbones.
>
> I am sick of permissiveness.
>
> I am sick of the dirty, the foul mouthed, the unwashed.
>
> I am sick of the decline in personal honesty, personal integrity and human sincerity.
>
> And most of all, I am sick of being told I'm sick. And I'm sick of being told my country is sick . . . when we have the greatest nation man has ever brought forth on the face of the earth. And fully 50 percent of the people on the face of this earth would willingly trade places with the most deprived, the most underprivileged amongst us.
>
> Yes, I may be sick. But, if I am only sick, I can get well. And I can help my society get well. And, I can help my country get well.
>
> Take note you in high places, you will not find me under a placard. You will not find me taking to the streets. You will not find me throwing a rock or a bomb. You will not find me ranting to wild eyed mobs.
>
> But you will find me at work within my community. You will find me expressing my anger and indignation in letters to your political office.
>
> You will find me canceling my subscription to your periodical the next time it condones criminal acts or advertises filth.
>
> You will find me speaking out in support of those people who contribute to the elevation of society and not its destruction. You will find me contributing my time and my personal influence to helping churches, hospitals, charities and those other volunteers backbones of America which has shown the true spirit of this country's determination to ease pain, eliminate hunger and generate brotherhood.
>
> But, most of all, you'll find me at the polling place. There you'll hear the thunder of the common man. There, you'll see us cast our vote . . . for an America where people can walk the streets without fear . . . for an America where our children will be educated and not indoctrinated . . . for an America no longer embarrassed to speak its motto "In God we trust."
>
> The above were the concluding remarks of an address given at a policeman-fireman awards presentation in Oakland, California, by Pat Michaels of Radio Station KGO in San Francisco.
>
> GEORGE D. ROTHERMEL.

CHILE, CZECHOSLOVAKIA, AND THE UNITED FRONT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. CRANE. Mr. Speaker, events often tend to repeat themselves, and they do so precisely because they follow a pattern which is purposefully set in motion. Such, many fear, is now the case with regard to the Government of Chile, its Popular Front philosophy, and its inclusion of the Chilean Communist Party in a position of prominence and power.

In a three-man race last September, Chileans elected as President, Marxist Salvador Allende Gossens with 36 percent of the vote. Despite Allende's frequent assurances that neither he personally nor the members of his Unidad Popular coalition plan to install a totalitarian government in Chile, several analysts, including former Christian-Democrat President Eduardo Frei Montalva, fear that the leftwing government is in fact "installing a regime that will make democracy impossible."

Carlos Altamirano, Secretary-General of the Socialist Party, has been quoted as saying that he plans to make Chile, after Cuba, "the second free territory of America." Equally disconcerting is Allende's own apparent inconsistency. Le Monde Weekly quotes the President to have said:

> The important thing to remember is that what we are doing in Chile is being done in the legal framework of bourgeois legislation and under a democratic, bourgeois regime. We are committed to this procedure and we must honor that commitment.

But the April 10, 1971, issue of the Economist notes that Dr. Allende has made no secret of his impatience with "relics of bourgeois legality," and has called for a "people's constitution" that would provide for a single-chamber congress and people's tribunals as a means of bypassing the independent judiciary.

What the future holds for Chile, none of us can know at this time. The fact is, however, that the pattern now emerging in that country is reminiscent of the Popular Front pattern which came brutally to power in Czechoslovakia after World War II. The current Soviet leadership, in fact, hails Chile as an example for Communists elsewhere in the world. Leonid Brezhnev stated on April 3, 1971 that:

> Great changes have been taking place in a number of Latin American countries. The victory of the popular-unity forces in Chile was the most important event. There, for the first time in the history of the continent the people have secured, by constitutional means, the installation of a government they want and trust.

In an important research paper comparing the acquisition of power by Popular Front governments in Czechoslovakia and in Chile, Dr. Brik Vesely concludes that the patterns are strikingly similar. It is no surprise, he points out, that Chilean Communists have adopted this strategy:

The Communist Party of Chile, next to the Communist Party of Cuba, is the oldest and ideologically most mature, best organized, and most influential party in Latin America. Its secretary general, Louis Corvalan, conceded already in the nineteen fifties that other Latin American countries may choose the path of "armed revolutionary struggle," but has not left it open to doubt that as regards Chile, the Chilean communists stand for the "peaceful road to socialism" by means of People's (Popular) Fronts' ultimate victory at the polls.

After presenting a detailed description of the Communist paths to power in both Chile and Czechoslovakia, Dr. Vesely concludes that:

Following the events in Czechoslovakia one question remains unanswered—When will Chile enter the final stage of Communist consolidation and will proclaim itself as a Socialist Republic governed by the Popular Unity Alliance as it is still the case of the former.

Hopefully, a careful review of the parallel situations in Chile and Czechoslovakia can prevent such a Communist takeover from ever happening in Chile.

I wish to share Dr. Vesely's paper with my colleagues, and insert it into the RECORD at this time:

THE ALLENDE "CONSTITUTIONAL" TRIAL FROM MOSCOW TO SANTIAGO VIA PRAGUE

(By Dr. Erik Vesely)

[Italics added]

AMERICAN RESEARCH FOUNDATION

April 1971.

"We have struggled to take over the *government* in order to take over the power and the resources with which to satisfy the people's needs. It may be possible later to form a new mentality in man . . . We are not making a social revolution now.

". . . For the people to come to power there must be *democratic freedom* in the country. The popular forces must be able to organize. If such conditions exist, then these peoples can come to power. We are not going to export Popular Unity. It cannot be done"—President Salvador Allende, *Madrid,* (Madrid, Spain), 26 March 1971.

"Great changes have been taking place in a number of Latin American countries. The victory of the popular-unity forces in Chile was the most important event. There, for the first time in the history of the continent, the people have secured, by *constitutional means,* the installation of a government they want and trust"—L. I. Brezhnev, *Speech,* XXIVth CPSU Congress, Moscow, 3 April, 1971.

The purpose of this paper is to point out the strategy and tactics of the World Marxist-Leninist/Communist Movement headed by the Communist Party of the *Soviet Union* (and the Communist Party of China), by promoting, guiding and supporting United Front organizations throughout the world and this case in Czechoslovakia and Chile by forming "alliances" with non-Communist elements and organizations based on "mutually" acceptable programs embracing popular themes and slogans. Through these short and long range activities (tactics) Communist Parties are seeking to broaden their real and apparent bases for support for their eventual attempts to seizure of government power followed by a seizure of total ideopolitical and socio-economic power, as in the case of Czechoslovakia and Chile.

This comparative study of the *United Front* in Czechoslovakia and the *United Front* in Chile is based on general consideration of parallel historical developments leading up to the formation of these fronts in both states and a consideration of announced reasons and the real purposes of Communist "cooperation" as prescribed by the Marxist-Leninist theory and practice to illustrate the flexibility of the Communists in attempting to obtain their ultimate world-wide strategic aims, i.e. a world-wide "classless society."

Marxist-Leninist strategic objectives in Czechoslovakia were fully realized in February, 1948, when the Communist Party of Czechoslovakia succeeded in a complete seizure of de-jure power by "constitutional" means. By doing so the CPCz methodology and tactics of seizure of power by "parliamentary" non-violent tactics became the "model" to be followed by other fraternal parties.

INTRODUCTION

Research reveals that Marxist-Leninist/Communist operations to take over a sovereign nation is an organized and programmed manner and not an opportunistic exploitation alone. In order for this paper to be of real value it must be reduced and applied to a simple model applicable to individual states.

The Communist de-jure takeover of Czechoslovakia in 1949 was chosen as an example since the Communist Party's accomplishments and its time table are available in sufficient detail to allow evaluation of the stages and phases beginning with the *preconditioning stage* through the *action stage* which includes the *de-facto seizure of political power* and lastly the *consolidation stage* in which the Party established itself sole de-jure total power.

When identifying these stages and phases of operation of a Marxist-Leninist party it is important, in the first place, to identify its main objective (strategy) and chief adversary by a given *stage of revolution* against whom the CP will concentrate its activities. Thus during the *first stage* of the *revolution* (transformation, restructuring of the society from a class to classless society) in a given country, Communists proceed to establish a foothold in non-party organizations (political parties, institutions, establishments, etc.)

In the *second stage* and its phases the CP selects and trains its local members to act as *fractions* (not factions) in power institutions (government, public institutions, police, political parties, etc.). Following this initial step, the CP coordinates all activities of these fractions by establishing a United Front which in turn takes over all operations of the fractions within all spheres of life of a country.

During this period U.F. activities are fully guided by widely acceptable slogans such as "nationalization" of banks, industry, mineral resources, transportation, communications, "agrarian reform" and other relevant catch words. These action slogans, of course, are elements of CP Programs based on Marxist-Leninist concepts of dialectics, base and superstructure, proletarian internationalism, and democratic centralism with which the general public is not familiar.

In the last or third phase of the second stage, which the Communists recognize as the most difficult, they identify the *objective situations* such as economic disparities, civil disturbances, riots, class struggle and also the *subjective situation,* or the strength and power of the Communist Party to assume total political control of the existing class society.

Obviously the capability of the Communists to assume power is dependent upon their ability to overcome non-Communist strengths in the country. According to Marxist-Leninist principles, when the *objective* and *subjective situations* attain *revolutionary balance,* both internal and external, the Communist *will make the decision to seize de-facto power,* they will not set the time, but will make the decision and announce it to the Party membership at an appropriate time.

In the case of Chile, there is a historical example and model of sequences of the Communist takeover in Czechoslovakia. Between the years of the Nazi German occupation of the country and the liberation in May, 1945, the Communist Party of Czechoslovakia (CPCz) readied *action committees* which actually were full blown *party fractions* in organizations and institutions throughout the country. They were instructed to take over establishments such as printing presses, banks, radio stations, cooperatives, etc. When the Communists came into the de-facto phase of seizure of power, they fully armed members of *action committees* and *plant guards* (people's militia, Red Guards).

Shortly after the seizure of power in May, 1945, members of action committees began *purging* and *eliminating undesirables* and anti-Communists. After this phase of action, they continued to seize power within the spheres of *national committees* representing "people's power" paralleling the existing conventional governmental structure.

If successful the seizure of political power is followed by the formation of a "national democratic" or "people's democratic" "workers" regime directly guided and controlled by the Communist party providing complete and undisputable control of the country through the United Front party controlled apparatus.

Communist Party of Czechoslovakia's accomplishments and its time table are available in sufficient detail, elements of which are discussed in this paper, allow evaluation of the *stage and phase* process in Chile and the validity of a general matrix for parliamentary takeover.

The validity of this model which reduces party actions to an identifiable and chartable example apparent when the present and future Chilean situation is being discussed. General and historical events following a given CP model(s) provide the researcher with a conclusion that Marxist-Leninist/Communist takeover of soverign states is an organized and carefully programmed manner and not a simple opportunistic exploitation of a given revolutionary situation.

I. The Communist Party of Czechoslovakia (CPCz)

As the consequence of the successful Bolshevik coup d'etat of October, 1917, bolshevik ideas quickly began to assert themselves among the Czech and Slovak intelligencia and among actions of the working class. This may be explained by the racial affinity with the Russians and by the return of thousands of Czechoslovak Legionnaires, former prisoners of war, who having lived through the civil war, returned home via the United States. Among these returnees was a number of convinced apostles of the Marxist-Leninist/Communist creed.

During the period of 1918–1920, the followers of Marxism-Leninism were busy within the Czechoslovak Republic (CSR). Among these people many became active in promulgating bolshevik propaganda and agitation, and introducing into Czechoslovakia the idea of class-consciousness leading to the dictatorship of the proletariat, the system of soviets (national councils, Narodni-Vybory), and the breaking off of all cooperation with the bourgeois class. This element was the one which penetrated (via fractions) with such an effect into the Czech Social-Democratic Party that its Left Wing was soon to be known as the "Marxist Left". It was the Marxist Left which proclaimed that the Russian October Revolution was the true harbinger of Czechoslovak independence, and which was an attempt to blacken the Social-Democratic Party for participating in the coalition government, launched the slogan: "Away with the coalition, back to the class war."

The "Marxist Left" was formally constituted in December, 1919, when it issued a declaration criticising the role of the Social-Democrats. During the early years of the new Republic from 1919–20, the main center of the Communist activities was Kladno in the coal mining district of Bohemia. Another stronghold of Communism was Brno in Moravia.

In 1920, at the Second Congress of the Third Communist International (Comintern), Communist delegates were led by A. Zapotocky and others, as representatives of the "Marxist Left" and other communist factions in CSR. Disagreements over the problems of policy and the entry into the Comintern soon brought about a complete breach within the Social-Democratic Party. In the earliest era of the CSR, this Party occupied an extremely influential position in the political life of the republic. At the time of its first national elections, having won about ⅓ of the total number of votes cast, it emerged as the strongest single political force, thereby entitling it to 70 parliamentary deputies out of 300. However, ceaseless agitation and propaganda of the "Marxist Left" and other Communist groups, both of whom favored affiliation with the Comintern and constantly defamed clericalism of the country. These leaders succeeded in a large part in undermining the confidence of the people in the Party.

In December, 1920, the Left Wing Social-Democrats, led by Dr. B. Smeral in the process of separating from the "Right Wing" oust, organized with the help of Communist groups, engineered a nationwide general strike, in which about one million workers participated in view of effecting a coup d'etat which would put them in power. However, the immature Czech Communists, still under the illusion of the World Revolution, seriously misjudged the temper of the people and the efficiency of the authorities. The coup failed and was suppressed within three days. The net result of the coup was to strengthen the bourgeoisie against further concessions of a Socialist nature and to inaugurate a swing towards the right.

Though the failure of the "December Strike" had greatly discouraged the workers, the "Left Wing" elements within the republic continued to promulgate their views with renewed vigor. By penetration and infiltration, the "Left Wingers" succeeded in winning over the Shoemakers Union and the Agricultural and Forestry Workers Union.

Against a background of economic discontent, rising unemployment, and failing value of the currency, penetration by the Communists into the Trade Unions and the rift inside the Social-Democratic Party, the Congress of the Left Socialists of the CSR opened in Prague on May 14, 1921. At this Congress, a resolution was passed to create immediately a Communist Party of Czechoslovakia (CPCz). Finally, on the motion of J. Dolezal, and an editor of the "Rude Pravo," the following resolution was passed: "The Congress of the Left Social Democrats of the CSR declares for the unconditional affiliation with the Comintern. At the same time, the Congress changes the name of the Party to the Communist Party of Czechoslovakia, a Section of the Comintern. The Congress thereby expresses the Party's wish to be distinguished even in name from the Party of Social Patriots. The delegates present solemnly undertake in the name of their organizations to carry out under all circumstances, the conditions laid down by the 21 Points; and to carry them out not only in the party of armistice, but also in the fall of the class struggle which will culminate in an open war against capitalism."

In 1921, within the newly formed CPCz, there appeared a split between the right-wing, or conservative members of the Communist element, and the left-wing. The right-wing felt that a world revolution was not immediately forthcoming and developed a wait and see attitude. The complete subservience to the 21 Points of Admission to the Comintern caused many of the leading members to withdraw from the party. It was therefore not surprising that the Executive Committee of the Comintern (ECC) long debated the admission of the CPCz. In fact the German-Bohemian Party appears to have been admitted before the CPCz, though that was perhaps not suprising at the time of the situation in Germany.

During the period 19–21–29, the CPCz was having its difficulties. The membership had declined after 1926 to about 60,000 members, many of whom were not bothering to pay their dues. Rightist elements within the Party were still active. At the Ninth Plenum of the Executive Committee of the Comintern (ECC), February, 1928, it was declared that there existed three oppositional tendencies within the CPCz—the ultra-left, the right, and the "Brno opportunists group." These elements were "thoroughly infected with bourgeois ideas . . . and shady characters." "The policy of the CPCz was undermining the fighting capacity of the working class, was untenable and certainly not Communism."

In 1927, the ultra-left and Right were expelled from the Party. They thereupon united their forces, founded a joint weekly paper called "Rudy Prapor", and announced they would not deal with their own differences of opinion until they had proved successful in their fight against the CPCz.

In the course of 1928, the CPCz experienced other difficulties, in which the government adopted strong measures against the Party functionaries and the Party press. The police suppressed for varying periods of time a number of Communist papers. The police also suppressed the CPCz in various areas by arresting leaders and dissolving their "clubs". It was during the period, the late twenties and early thirties, that Klement Gottwald and J. Slansky came to the forefront of the Party to lead it through the perilous era that lay ahead. As hard-core members, directed by the Communist Party of the Soviet Union, they managed to steer the Party through the period which found the CSR government enacting laws detrimental to the "cause of class struggle". These men promulgated the new "Party Line" which appealed to the masses, and the United Front course of action.

On 21 October, 1938, General Syrovy's government restricted the activities of the CPCz and on 27 December 1938, under Premier Beran's administration the Party was finally dissolved. However, despite these set-backs, the Party continued its work among the peoples of Czechoslovakia. When the "Munich Pact" was signed the Central Committee of the Party instructed most of its cadre men to go into exile.

March 1939, with the establishment of the Bohemian Protectorate, ended the sovereign state of Czechoslovakia. With President Eduard Benes in exile, the CSR came under the complete domination of the Third Reich.

The World War II record of the CPCz differs from other eastern European Communist Parties as much as its pre-war record. In other countries party tactics were to develop a strong underground movement and draw active support from the Communist Party of the Soviet Union through its Partisan Directorate and the USSR government. However, neither of these was the case in CSR. The "Munich Pact" and its consequences produced much pro-Russian (ethnic) and pro-Communist sentiment. Early in the war, President Benes gave relations with the USSR first priority in Czechoslovak search for security.

During the early period of the war, the CPCz underground was ordered to remain passive in national resistance. The war to them was an "imperialist war" and Czechoslovak soldiers fighting against Nazi Germany were "mercenaries of imperialism". It was not until June 1941 (the German attack against the USSR), that the Communists joined in the fight against the Germans. The "imperialist war" theme was forgotten and they too began a fight for "survival". Gottwald, who went into exile to the USSR along with Slansky, Nejedly, and Kopecky, made broadcasts and published a Czech-language newspaper for the underground.

In December 1943, President Benes travelled to Moscow where he signed the treaty of "friendship, mutual-aid, post-war cooperation between the Czechoslovak Republic and the Union of Soviet Socialist Republics." The full text of this "Moscow Agreement" was never published. However, the following eight points of the conditions for Communist cooperation were disclosed:

1. The formation of a *National Front Government* was demanded;
2. The *National Front* would be composed of the limited number of political parties now permitted, i.e. Communists, National Socialists, Social-Democrats, the People's Catholic (populist) and the Slovak Parties;
3. Former parties whose leaders were held by Communists to be responsible for the "Munich Policy" were permanently abolished;
4. Slovakia was to receive a wide autonomy;
5. Heavy and key industries were to be nationalized;
6. A new land reform was to be introduced;
7. A State Council in London would start discussions regarding a "retribution law" for the punishment of all collaborators, which law would be implemented by the President in a form of a decree;
8. The Communist Party would enter the government only in the closing phase of the war, when the Czechoslovak government in London would move to Moscow, where a new "government of national unity" would be formed in conformity with the CPSU and USSR government guidelines.

The CPCz underground, acting on orders from CPSU/CPCz and reiterated by President Benes upon his return from Moscow, began setting up "national councils narodni vybory—(soviets)" in all communities throughout Czechoslovakia, except in Carpaltio Ruthenia. These so-called national Councils were, upon the end of hostilities, to take charge of each area within their control. In other words, the power vested to these councils were unlimited until the national government was restored. The CPCz took full advantage of this decree and began forming special cadres for the task that awaited them.

Again, in 1945, after the USSR forces entered Czechoslovakia, the Benes government returned to Moscow to discuss with CPCz, CPSU party leaders the formation of a new *democratic government*. As a result of these conferences was the establishment of the *National Front Government,* with K. Gottwald as deputy prime minister.

In accordance with the "Moscow Agreement," the new Czechoslovak *Government of National Unity* was formed in Moscow and then moved to Kosice, Eastern Slovakia, where they joined remaining officials of wartime government from London. The "Kosice Agreement" was announced, which in principle contained the "Eight Points" on which agreement had been reached with the Communists by President Benes during this previous visit to the USSR in 1943.

The "Kosice Program" was in theory agreeable to all political parties—all, that is, that were allowed to exist. In addition to being a sort of a "Provisional Constituton", it provided for the reestablishment of Czechoslovakia within the pre-Munich boundaries, with the exception of Carpatho-Ruthenia

(Ukraine) which was incorporated "by a plebiscite" into the USSR, expelling all German and many Hungarian elements, the confirming of the establishment of "People's Democracy", and the banning of the former rightist parties including the Agrarian, the National Democratic and Slovak People's Party.

After the general election of 1946, the Communist Party of Czechoslovakia more than tripled its pre-war strength. They succeeded in securing the following ministers: Interior, Agriculture, Education, Information; they had two vice-Premiers, one representing the Czech and the other the Slovak Communist Parties; and a "non-party" Minister of National Defense, and an Under-Secretary for Foreign Affairs.

In addition, of the three Social-Democrats who were members of the Cabinet, two were definitely pro-Communist, the Prime-Minister Frierlinger and Lausman, the Minister of Industry. With the above members of the government in power it was to be sure that Communist policies in Czechoslovakia would be established.

Labor Unions, which under the first Republic were organized and supported by the various political parties were consolidated into the Revolutionary Trade Union Movement (ROH). The leading organ of the Trade Unions was the Central Council of Trade Unions (URO), under the leadership of Communist Antonin Zapotocky.

"People's Courts" were another institution founded by presidential decree. These courts were originally established as temporary organs of the government to prevent violence after the war. These courts were used in practice by the Communist Party to dispense "justice" to those persons whose presence was unwelcome to Marxist-Leninist thought.

Since the formation of the National Front Government in Czechoslovakia, the Ministry of Interior, under the leadership of Communist Minister Vaclav Nosek had established within the State Security Police a hard cadre of Communist police officials. It was essential to the Communist cause to neutralize the older, democratic members of the police and to remove all those in leading positions. This was necessary for the Communist Party policy, i.e. the planned seizure of political power, in the event armed force was needed. The policy of this wholesale dismissal of the leading pre-war police officials came to the attention of the members of Parliament.

On 14 February 1948, the editor of the Communist paper "Rude Pravo" wrote: "There are political parties which have formed in the government a coalition against the 'leading party'. On the other side of the scale now falls the tremendous weight of the United Trade Union movement. Reaction has been warned on innumerable occasions. We are now entering upon a period in which it will be shown that the patience of the workers is not inexhaustable."

The Communist Party and its front and infiltrated organizations began distributing arms to the reliable members, the "Shock Troops" and the "Workers", Factory Guards. Hence the CPCz was taking no chance on the outcome of the planned parliamentary (non-violent) takeover of the state and its government.

The non-Communist members of the Cabinet drew up and sent to the Minister of Interior V. Nosek, a referendum demanding that the Commander of the State Security Police in Prague re-instate the eight non-Communist police chiefs who had been replaced by Communists. This referendum was ignored by Minister Nosek. The non-Communist Deputies, feeling that their positions in the Cabinet, in view of Nosek's complete refusal to deal with or take orders from them, was untenable.

On 20 February 1948, the crisis came to a head when twelve non-Communist members of the Cabinet turned in their resignations en masse to President Benes. When these Ministers resigned, it left open to the Party the ability to denounce this action as a violation of the "Kosice Agreement" which had provided for a national unity government.

Lenin laid down the fundamental rules of a revolution which was, once it starts, never lose the momentum and the offensive. The provoked resignation of the anti-Communist leaders left Gottwald in a position to refuse to let them return on the ground that their resignation violated the agreement for a national-democratic coalition. Soon new leaders were found in each party who would accept office in the new Cabinet. The Communist majority was secure. In February, 1948, Gottwald announced that the Benes government had agreed to the new Cabinet. Thus, the *Cabinet now legal,* the crisis was over and socialist revolution based on "scientific Marxism" was successful.

The Czechoslovak National Committees that were formed before 1945 were not mere accident or the result of new ideas, but had their theoretical foundations in the CPSU Comintern strategy and tactics. The following quotations from Lenin and Stalin document this:

"The highly remarkable feature of our revolution is that it has established a *dual power*. In what does this dual power consist? In the fact that side by side with the Provisional Government, the government of the bourgeoisie, there has developed another government . . . the Soviets of Workers' and Soldiers' Deputies."

"The historic preparation of a revolution brings about in the pre-revolutionary period a situation in which the class which is called to realize the *new social system,* although not yet master of the country, has actually concentrated in its hands a significant share of the state power, while the official apparatus of the government is still in the hands of the old lords. That is the *initial dual power.*"

The Czechoslovak National Committees owe their origin to the directives given to the CPCz by the CPSU in 1941. As a result of Nazi Germany's invasion of the USSR, the role of Communists in Czechoslovakia changed from one of political opportunism to one of cooperative action against the Germans. Therefore, in September, 1941, the Central Committee of the CPCz upon instruction from the Central Committee of the CPSU, issued the following resolution:

"The Central Committee of the CPCz and the Central Leadership of the National Resistance Movement have decided to form a joint Central National Committee of Czechoslovakia as the central political organ of the national war against Hitler, and to call upon all citizens immediately to form Unified National Revolutionary Committees in all sectors of the struggle." The leadership of the CPCz, both at home and in exile, saw from the beginning in the National Committees not only organs of the revolutionary struggle, but also the future organs of state power and state administration; and systematically propagated this conception in all discussions.

In May, 1944, Gottwald, leader of the Czechoslovak Communist exiles in the USSR, announced from Moscow that "The National Committees as organs of people's power and public administration *will be transformed* after the liberation from organs of the *fight against the occupants* into organs of a *democratic public administration.*"

As a result of the Slovak uprising, which began late in August 1944, and the advance of the USSR Army into Czechoslovakia, it became necessary to determine a legal basis by which the constitution and activities of the National Committees would be regulated. As a result of discussions relating to such legislation, the President issued a Constitutional Decree on December 4, 1944. This decree regulated the exercise of the power of National Committees during the *transitory* period, which began on the day on which any part of the Republic was liberated from enemy occupation and *was to end* on a day to be determined by the duly elected National Assembly. The CPCz, through its underground organizations, went ahead with their formation. They utilized proclamations, published by their underground organizations, supposedly bearing the signature of the very leaders who opposed their establishment. There is another aspect that is important in addition to the fact that the CPCz used fraudulent means to establish the National Committees.

During this period until the liberation was accomplished, the Communists concentrated all their efforts on establishing control in the National Committees through *infiltration of party fractions,* rather than in the fight against the Nazi occupiers. Therefore, the CPCz was the first group to establish National Committees and were fairly well able to control their political composition. This control, plus their *high degree of organization* and quality of guidance, secured for them the power contained in the committees.

As the result of the USSR Army liberation of Slovakia, President Benes and the Czechoslovak Government in Exile in London were "invited" to go to Moscow to form the new National Front Government that would be put into effect in the newly liberated areas. An examination of the "Program" that was agreed upon in Moscow in March, 1945, the eight Points of the conditions for Communist cooperation agreed upon in Moscow in 1943, show that in principle they were identical.

In summary, the various means utilized by the CPCz to arrive at its position of power is quite impressive. The Communists took advantage of the liberation by the USSR army and the USSR military dominance, in 1945, to gain control of the National Committees, the Government and to weaken the opposition. They also were successful in putting their various social-economic and cultural programs into effect in order to gain potential members and votes.

The night of February 20, 1948, Prime Minister K. Gottwald put all the Party forces into action: police, mob, Action Committees, works councils, peasants' committees and Factory Guards. The police occupied the radio station, post office, and other important government and public buildings. The *Action Committees* were summoned to meet and to establish themselves in every organized body in the nation. Finally, the Red Militia drew arms from secret caches and massed in the suburbs. The *Action Committees* headed by *Communist Party fractions* began purging the ranks of civil and public servants, businessmen, scientists and others. They also prevented four of the non-Communist Ministers from entering their offices. By these tactics, the central governmental authority was actually taken over by the *Central Action Committee.*

The role played by the National Committees in the seizure of power by the Communist Party of Czechoslovakia cannot be overemphasized. During the period from 1941, when they were first introduced by the Communists, until the setting up of the first Government at Kosice (Slovakia) in 1945, the National Committees were busy organizing and planning to effect a *dual power* situation on post-war Czechoslovakia. They were active after the liberation in gaining control of the governmental administration on local and district and regional level. As a result of the CPCz strength in 1943, they were able to get eight cabinet posts: Interior (control of the police), Agriculture, Education, Information, Social Welfare, Undersecretariat of Foreign Affairs and two vice-premierships. Through these Ministers, they had control of propaganda, army, agrarian reform, and the resettlement of the Sudeten lands. This was very important in enabling them to have the strength they needed to win the 1946 elections. In short, the National Committees were the *primary weapon* in the class struggle to achieve the necessary *dual power* situation described by Lenin, Stalin and others.

II. The Communist Party of Chile (CPCh)

Communist designs of Latin America are as old as the Communist Party of the *Soviet Union* itself, and its subordinate executive-administrative front—the Union of Soviet Socialist Republics. Communist party members were already at work in Argentina, Brazil, *Chile,* Cuba and Mexico in 1919, by setting up Communist Party cells, agitation and propaganda centers, party schools and fronts. It was a programmed and methodical strategic as well as a tactical short and long range plan contemplating and discarding eventual setbacks and failures, but having an *ultimate goal* or seizure of political power and transformation of the existing socio-economic class status to a "new" classless one. It expected that the "useful fools" among politicians, diplomats, intellectuals, professionals and "national Capitalists" would assist the Communists. Latin America in itself was important not only because of its peoples and resources, but much more, because it was the back door to the United States. Domination of Latin America by CPSU through the controlled World Communist Movement and its subordinate subsystems would serve to encircle the United States and make it vulnerable to Marxist-Leninist assaults. As early as 1926 and 1928 in the meetings of the Executive Committee of Communist International CPSU delegates were emphasizing that Latin America must become the most important strategic outpost of world communism.

Their first attempts to gain power failed in Brazil (1926), *Chile* (1931), Colombia (1928), Cuba (1933) and El Salvador (1932). They employ dual sets of tactics, one for "political struggle" (parliamentary and extra-parliamentary) i.e. aggressive semantic subversion and deceit, and the other for "armed struggle" (partisan-guerrilla warfare). In Latin America the CPSU and its subordinate "fraternal" parties, operating under their true or assumed names, utilize the USSR and its Satellite governments' diplomatic, trade, commercial, cultural and other channels in addition to a host of multiple world-wide, regional, national and local front and infiltrated mass organizations such as the "official" TASS Agency; "Novosti Press Agency" of the AGITPROP controlled USSR Writers Union, Moscow; MEZHKNIGA Government Publishing House controlled by the Central Committee of the CPSU; TORGPREDSTVO, USSR Trade Missions, and their technicians, experts, advisers, "correspondents", artists, dancers and other "friends" of the Latin American people.

The other set of tactics of "armed struggle" (urban and rural and terror warfare) has its main base in Cuba and operates throughout Latin and North America. At present both long and short-range sets of tactics and combinations thereof are also directly and indirectly controlled by the CPSU and its a) World Socialist System—the Commonwealth of Socialist countries; b) the World Marxist-Leninist/Communist Movement; and c) the World National Liberation Movement which are making headway not only in Latin America but throughout the world by paving the path for Communist political seizure of power in respective countries.

The Communist Party of Chile (CPCh), next to the Communist Party of Cuba (CPCu) is the oldest and ideologically most mature, best organized, and most influential party in Latin America. Its secretary general, Louis Corvalan, conceded already in the nineteen-fifties that other Latin American countries may choose the path of "armed revolutionary struggle", but has not left it open to doubt that as regards Chile, the Chilean communists stand for the "peaceful road to Socialism" by means of People's (Popular) Fronts' ultimate victory at the polls.

Socialist activities promulgating *dynamic* social changes began in 1912 when the Chilean Socialist Workers' Party was founded by Emilio Rebacarren. In 1920, Chile inaugurated Arturo Alessandri as the first "People's" president. The powerful Labor Federation of Chile joined the PROFINTERN (Red International of Trade Unions) in 1921. In 1922, the Socialist Workers' Party changed its name to the Communist Party of Chile in compliance with the "Twenty-one Conditions of Admission to the COMINTERN which the new party joined at the same time. One of the leading cadres of that period was Clotario Blest, a leading Marxist-Leninist theoretician, who lately defected from the CPCh and joined the Trotskyite Communist faction which advocates revolutionary violence and terror. Blest, however, left behind some of his former disciples, among them Louis Corvalan, present Secretary General of the CPCh, who for more than thirty years maintained a role of the party theoretician and *leading cadre* of the Marxist-Leninist movement in Chile and in Latin America in general.

Communist attempts to become a leading force in the Chilean military revolts of 1931 and 1932 met failure. It was very difficult for them, taking into consideration the peculiar geographic isolation and the traditional enmity of neighboring Argentina, Bolivia and Peru, to have external support. The Communist Party of the Soviet Union (CPSU) could not render direct assistance due to extreme shortages of shipping facilities operated by the USSR itself and severe air travel limitations until larger planes were introduced in the following decades. In Auraucan, the native Indian language of Chile, Chile means "the end of the world".

Chile's constitutional laws like those of Czechoslovakia (1918) provided an extreme form of proportional congressional representation within the existing parliamentary governmental framework established by the Constitution of 1925. The result of this constitutional democratism in both countries has been one of the most stable multi-party parliamentary systems in Latin America, running from the extreme right to the extreme left. From Conservatives through Liberals to Radicals in the Center and on the left to Christian-Democrats to groupings of Socialists, and quarreling Communist factions. Close similarity, both in Chile and Argentina, to the political party "rainbow" of France, Italy and Germany is no accident; all these countries are deeply influenced by their European politico-ideological fountainheads.

After several serious setbacks during the proceeding periods of time the CPCh changed in 1935, its basic tactics of force and violence to long-range united front parliamentary tactics promulgated by the Seventh Congress of the Comintern, held in Moscow the same year. The result of this dramatic change from "via violenta" to "via pacifica" resulted in the formation of the Chilean Popular Front in 1936, the first one in Latin America. The CPCh joined forces with the Chilean Radical Party and won the following elections.

At that time the Communists contacted regular political parties offering them a solid bloc of votes in exchange for revised policies, reforms and influential positions within the governmental and public service hierarchy. Popular Front tactics were successful from 1938 until 1945 during the administrations of presidents Pedro Aguirre-Cerda, Jeronimo Mendez, Juan Antonio Rios, and Gabriel Gonzales-Videla who finally shook off the Communists.

Non-violent tactics of seizure of political power were introduced by the CPSU when the party realized that the parliamentary way of capture of government power will eventually lead toward revolutionary class victory.

Lazaro Cardenas, a Stalin Peace Prize recipient and president of Mexico at the time, played an important role in the promotion of the United Front principles and techniques. He engineered the "Pact of Mexico" (1938–1939) while dictator F. Batista collaborated with the Communists in the United Front in Cuba until 1944.

During the same time Chile had become a center and safehaven for L.A. exiled Communists and other Marxists, the most important of whom was Eudocio Ravines, Peruvian, who later defected from Marxist-Leninist camp to become one of the most outspoken counter-Communists.

Since 1929, however, Chile was also troubled by a number of splinter parties, none of which was strong enough to win the presidential election by itself. By 1934, Chile even had a Nazi party organized by a number of fanatic German immigrants and their descendants.

Within this heterogeneous political conglomeration of political trends the CPCh gained respectability and acceptability in the Chilean political community. CPCh ideological and organizational links with the World Communist Movement (headed by the CPSU) were deliberately obscured from the public. It was, however, Corvalan and his comrades who made frequent trips to Moscow to "exchange experiences" with the CPSU and other "fraternal parties", and to replenish party resources.

Socialists and Communists controlled separate and rival national labor organizations when, in 1953, President Ibanez moved to the right, thereby endangering labor's gains. They sponsored the formation of a unified labor organization, the Chilean Workers' Central (CUTCh), modeled on the CP fraction controlled Revolutionary Trade Union Movement (ROH) organized in Czechoslovakia during and after World War II (which in 1948 was the "leading revolutionary force" in the seizure of power in Prague. ROH was a full member of the CP fraction controlled Czechoslovak National Front (Narodni Fronta) consisting of Communists, Socialists, Social-Democrats, Christian Populists and Free Democrats in Slovakia. Both the CUTCh and the ROH are members of the World Federation of Trade Union, successor to the PROFINTERN, which in turn is also fraction controlled by the CPSU through the Central Council of USSR Trade Unions, the "most equal" member of the WFTU.

Student, faculty and other non-party organizations and institutions were also penetrated and manipulated by corresponding party fractions. In 1956 the People's Front changed its name to the Popular Action Front (FRAP).

Back in 1939, the CPCh supported the abortive "Molotov-Ribbentrop Pact" after the Munich Pact sell-out of Czechoslovakia under the slogan "Chile fuera de la guerra imperialista" or "Chile apart from the imperialist war." This cooperation, however, lasted only until June, 1941, when German forces attacked the USSR, but in the meantime the CPCh went along not only with the invasion of Czechoslovakia, but also of Finland, Yugoslavia, Greece, Bulgaria, Romania, Hungary, the partition of Poland, and the incorporation of Latvia, Estonia and Lithuania into the USSR.

The Chilean Communists adopted a very belligerent attitude after the invasion of the USSR by the Germans in 1941. They "fulfilled their obligations" to the organization of

American States against the Axis Powers, not so much in sympathy with the Allies, but rather because the CPSU/USSR—"the workers' fatherland"—was engaged in revolutionary "armed class war" with the "Nazi Imperialists", i.e. a war between two mutually antagonistic world class systems, Capitalism and the Third Reich. El Siglo, a Chilean Communist newspaper, and some other "leftist" papers were fully engaged in pro-Soviet and pro-Communist propaganda activities, called "captation", meaning recruiting of new members without bragging about results.

The break with President Gonzales-Videla, later on, which forced the Chilean Communists out of the Popular Front was a lesson easily mastered by Comrade Corvalan. Again, as on previous occasions, Communists displayed clearly a desire to share government power with their partners, a move which caused a serious split within the Front. Another setback for the CPCh took place a few years later when the son of a Chilean diplomatic representative in the USSR married a Russian girl and tried to leave the USSR with her. The USSR Government, then under J. Stalin, denied the bride a permit to leave the country, and even tried to annul the marriage. A bitter diplomatic controversy ensued which aroused public opinion in Chile causing strained relations between the two states. As a result of this diplomatic "faux pas" the CPCh lost most of the ground it gained through cautious policy of ingratiating itself without alarming the Chilean people.

While the CPCh was on the defensive, the old Socialist Party was profiting from this shortcoming. This Socialist Party was originally staffed by Socialist ideologues from Western Europe who had settled in Chile, bringing with them concepts and methods of the French, German, Italian and Spanish Socialists of the nineteenth century. However, under a new and young leadership the Socialists drifted away from the Communists. They advocated seizure of political power by any means, including violence, while openly advocating total socialization of the society. Their leadership was in the hands of professional revolutionaries, young intellectuals, writers, and a number of prominent leftist labor leaders. They were experimenting by "mixing" socialism with nationalism, a tactic which was clashing with the CPCh's adherence to the principles of "proletarian internationalism" practiced by the CPSU and its disciplined world-wide World Communist Movement. Among these new Socialist leaders was also Dr. Salvador Allende-Gossen (present president of Chile), a physician, who climbed the leadership ladder through his personal and service contacts, intelligence, and independent wealth with which he supported "Ultimas Noticias", besides the Communist "El Siglo". The editor of the "Ultimas Noticias" was Jose Toha-Gonzales, who later became one of Dr. Allende's most trusted lieutenants.

Chilean Socialists were able to infiltrate the middle classes and intellectual circles more easily than the Communists. Many people longing for meaningful social and economic reforms believed that the Socialists were not as "radical" and "dangerous" as the Communists, Nazi and Fascist persecution in Europe, as well as the immigration following World War II provided the Socialists with a number of new Marxist theoreticians from Europe and other parts of the world.

Chileans did not realize the importance of this important influx of new immigrants, especially after 1948, when the Communist Party of Czechoslovakia seized political power de-jure, when Socialists and Communists began to move along mutually agreed upon parallel policy lines. This important event was a serious set back to the Christian-Democratic Party, as it heralded the appearance of another "leftist" group without having an open Communist or Socialist label. This new situation called for tactical penetration by Communist factions into the ranks of the Christian-Democrats for a "planned future classless society."

Dr. Allende ran for President of Chile on three different occasions and lost all three bids for power, but instead, he succeeded in being elected a senator. Later supported by the CPCh and other Communist faction controlled lefist parliamentary groupings he became President of the Chilean Senate. As such, Dr. Allende was important enough to have personal contacts with CPSU–USSR, CPChina–PRP, and CPCuba–R.C. and other "fraternal parties" and governments with the World Marxist-Leninist Communist and Workers' Movement.

In the election of 1964, Eduardo Frei, as the candidate of the Christian-Democratic Party, also supported by Conservative and Liberal parties, received over 55% of the vote, while Dr. Allende, backed by the Socialists and Communists, polled only 38.7% of the total vote. Despite this failure, Dr. Allende, however, retained his position as president of the Senate. Penetration of the Christian-Democratic Party by Communist factions, resembling the infiltration of the Peoples Party (Populist-Catholic) in Czechoslovakia, was to pay political dividend in the only run. By 1968 the more extreme leftist faction of the Christian-Democratic Party separated from the regular party and quit its participation in the government. Its leader was Jacques Chonchol, a Chilean, who was responsible for the original planning of the land reform in Cuba. Chonchol organized the MAPU, or the Movement for Popular United Action in Chile, which among other "reforms", promised immediate distribution of land to the peasants, in addition to other benefits.

The Communist faction controlled Confederation of Chilean Workers (CTCh) began also to drift away from the Christian-Democrats. A concentrated Communist drive among university students resulted in planting Communist factions in leadership positions within these organizations.

While this was in progress, other groups, specializing in subversive terrorist activities were organized by MIR, or "Movement of the Revolutionary Left", which was operating apart from the normally leftist parties.

The Christian-Democratic Party at this time was already seriously split. President Frei was denounced by the Socialists and Communists as a weakling who did not dare to implement vitally necessary reforms. Radomiro Tomic, former Chilean ambassador to the United States, who was considered to be their heir apparent to Frei, disassociated himself from Frei and declared himself to be a candidate for the presidency. It is not known however, why he did not go through with this decision. Instead, Pablo Neruda, a known Communist poet, was nominated for the presidency by the CPCh, while Dr. Allende got the nomination of the Socialist Party.

At this turn of events the *"Frente de Umidad Popular"* (United Popular Front—F.U.P.) came into being. Long-range Communist parliamentary and extra-parliamentary tactics of the United Front, promulgated by the COMINTERN in 1935 and successfully applied by the CPCz in 1945, became the 1970 tool of the Marxist-Leninist de factor takeover of the government in Chile. The following parties and groupings are at present participants in the F.U.P.: Socialist, Communist, Radical and Social-Democratic parties, the MAPU, Independent Popular Action (API) and some other small splinter groups.

The National Party nominated former President Jorge Allessandri as the candidate for president. He might have won the necessary plurality, but as a French reporter of "Paris Match" wrote, many moderates and conservatives did not vote because they were sure that Dr. Allende would have been defeated again. Campaign managers who directed Allessandri did not stress effectively many critical issues to impress the voters about the possibility of a Marxist-Leninist electoral victory. For instance, one may quote the case of Oleg Kunakov, a staff member of the Chilean-Soviet Cultural Institute of Santiago, who died in a hospital and left behind a number of compromising reports dealing with Soviet espionage activities in Chile which remain unexploited. These documents contained factual information concerning Socialist and Communist contacts with Hungarian security officials who were assigned to Chile to assist in organizing workers' and peasants (peoples) militias.

Former President Frei is referred to all over Latin America as the "Chilean Kerensky" because of his role in the Marxist-Leninist victory. Rodomiro Tomic, on the other hand, is called the "Grand Elector" since many Chileans contend that he was the one who made such victory possible.

Dr. Allende played his Marxist role "softly" until the official confirmation of his election as President of Chile in 1970. Since then he is rapidly changing his "constitutional attitude". His new Cabinet is overwhelmingly committed to the theory and practice of Marxism-Leninism. The key man in his Cabinet is Jose Toha-Gonzales, who may become Dr. Allende's successor if it becomes politically mandatory to do so because of his position within the Front and his control of Chile's "restructured" security and police forces, as was the case in Czechoslovakia.

The present Popular Unity government lacks of a working majority in Congress for which there will be elections in 1972, for it controls only 90 out of 200 seats in both Houses of Congress.

Dr. Allende's statement to the "Excelsior" of Mexico City that he "would never accept a personal identification with the Communist Party, one of the mainstays of the Popular Unity, nobody, including myself, would accept the hegemony of one party" sounds like statements made some time ago by Social-Democrats under the leadership of Prime Minister Dr. Fierlinger in 1945, during the formation of the still "governing" National Front in Czechoslovakia.

The present "constitutional" phase of Dr. Allende's "Chilean Trail to Socialism" follows well proven operation patterns originally promoted and still being carried out by the CPCz—and other "fraternal parties" in the Commonwealth of Socialist Countries since 1945, when the National Front Government based on the "Kosice Pact" of April, 1945, became "constitutional" in Czechoslovakia.

The short and long-range tactics of this phase called for "amnity" between parties of the Front, but excluding, or rather completely eliminating all parties right of center which were accused of collaborating with the capitalists-imperialists.

During the "liberation" of Czechoslovakia from the Germans by the "conventional," USSR Forces in May 1945, and after CP "apparatchiks" and their ideo-partisans organized so-called "Action Committees" and "Plant Guards" (workers' and peasants' militia) which seized printing establishments, banks, private transportation, land and other properties, industrial and commercial enterprises, in short all "capitalist or oppressor" owned properties which were "socialized". They also organized "detention camps" and *"people's courts"* (*neighborhood tribunals*) which handled all cases of the "enemies of the people." These CP fraction controlled "Action Committees" also imposed strict ideological and organizational controls over the remaining emasculated political parties and their parliamentary representatives, as well as over all non-party organizations and establishments, Church, educational institutions and all social, economic and cultural life in Czechoslovakia. During this initial "consolidation phase" of National Front's activities the CPCz leadership maintained a "low profile" in the control of the government. The commanding slogan of the CPCz, "With the Soviet Union Forever." (i.e. the CPSU), took hold of the country not only by the Party, but also by the USSR government itself through introduction of numerous interlocking (CPSU fraction controlled) USSR trade, commerce, cultural, and other organizations such as the Czechoslovak-Soviet Friendship Association, (an instrument of cultural and educational Russification)—the USSR publishing monopoly MEZHKNIGA, Soviet Film, TV, NOVOSTI PRESS, TASS and other communications media, ballet, folklore and dance, symphony, magazines and press.

In addition to the above mentioned "fraternal" exchanges, Czechoslovakia was and is still subject to additional penetration and control exercised by the CPSU/USSR controlled subsystems consisting of World, Regional, National and Local front organizations such as WFTU (World Federation of Trade Unions), WIDF (Women International Democratic Federation), IUS (International Union of Students), WPC (World Peace Council) and other party auxiliaries.

Many of these CPSU/CPCz activities which began their activities before and during the May 1945, events in Czechoslovakia gave the impetus to the first phase of its National Front Government, with slight variations in Poland, Hungary, Romania, and Bulgaria, are now being carefully and slowly introduced by the CPSU/CPCh through the Latin American trail to Socialism (in Prague) under the leadership of Dr. Allende and his Marxist (Leninist) ideo-partisans—the Dr. Fierlingers, General Svobodas, and others—of Chile.

Following the events in Czechoslovakia one question remains unanswered—When will Chile enter the final stage of Communist consolidation and will proclaim itself as a Socialist Republic governed by the Popular Unity Alliance as it is still the case of the former.

DOLLARS AT A DISCOUNT

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. SCHMITZ. Mr. Speaker, with inflation continuing relentlessly to strip away the value of the dollars our citizens earn, own, and save, the need for giving them the right to protect themselves against this legalized robbery through the ownership of monetary gold becomes more and more obvious. The international monetary crisis in May showed the startling weakness of the dollar relative to foreign currencies such as the German mark and the Swiss franc.

The corrective measures proposed by famed economist Henry Hazlitt in a recent article deserve most careful study by Congress, particularly his recommendation that what he calls the outrageous prohibition on owning, buying, selling, or making valid contracts in gold in the United States be removed. Congressman CRANE of Illinois and I have introduced legislation for this purpose which is gaining increasing support, and deserves a prompt and thorough hearing before the Banking and Currency Committee.

Mr. Hazlitt's article follows:

DOLLARS AT A DISCOUNT

(By Henry Hazlitt)

The American dollar has been toppled from its throne, the bankruptcy of the International Monetary Fund system has become obvious, and the world now faces a period of currency disorder. The problem confronting the world's governments is how to mitigate the gravity of this disorder and how to minimize its duration.

The foundations of the present crisis were laid at Bretton Woods, New Hampshire in 1944. The chief architects were Lord Keynes of Britain and Harry Dexter White of the United States. The system they set up was designed to imitate a gold-standard system but not really to be one. It was to free every country from the annoying necessity of keeping its currency convertible into gold on demand. It was to allow every country freedom to "manage" its domestic currency and credit mainly, if not solely, with regard to "the needs of its domestic economy," particularly the need to maintain constant full employment at home. It was to relieve each country from the necessity of maintaining a "mere external stability" for its currency unit.

But some stable relationship of currencies to each other was still thought, by some of the participating governments at Bretton Woods, to be necessary to ensure the free flow of international trade and investment. The system that emerged was a compromise. All that was necessary, it was thought, was to make one key currency—the American dollar—directly convertible into gold. All the others could be tied in value to each other by being tied at a fixed rate to the dollar. Instead of a gold standard, the world would henceforth be on a dollar standard.

What was overlooked was that, once the disciplinary penalty of a gold drain was removed, the temptation would increase for governments to launch huge welfare programs, to run a chronic deficit in their domestic budgets, to pay for it by issuing more paper pounds, francs or whatever, and thereby to pump up home demand and prolong full employment.

Each country was protected against immediate external crisis. It was pledged under the IMF agreement to keep its currency within 1 percent of par by buying or selling dollars within that range. But this arrangement meant that, when any single country went on an inflationary spree, other countries, and particularly the United States, would have to keep supporting the inflating country's currency at par for a while, until that country suddenly devalued. Instead of daily market fluctuations reflecting the true state of any currency, it would remain steady for a long period, and then suffer a violent collapse, throwing losses on all the foreign holders.

This has been the history of the IMF system over the 25 years of its operation. Since it opened for business, nearly every one of the 117 currencies now in the Fund has suffered at least one major devaluation. The French franc has devalued several times. The once-mighty British pound was devalued from $4.03 to $2.80 in 1949 and again to $2.40 in 1967. And before and during such crises the United States Government (alias the Federal Reserve System) sought to soften or prevent them by extending huge credits running into billions of dollars. Each time the foreign holders of the devalued currency, whether pounds or francs or pesos, were swindled.

Nevertheless, the IMF and central bank officials continued to hail the system as a brilliant success. And it could indeed look like a success as long as the anchor currency, the U.S. dollar, remained firm—as long as the U.S. itself refrained from inflationary sprees, kept tight rein on the expansion of its currency, kept its budget in reasonable balance, did not try to push down interest rates, and maintained convertibility of the dollar into gold at $35 an ounce, at least for dollars held by foreign central banks.

But the U.S., in spite of the warning signal of a huge and persistent deficit in its balance of payments since 1957, did none of these things. Since 1957 it has been doing the exact opposite; and since the election of 1970 the Nixon Administration has allowed the situation to deteriorate alarmingly. It has planned a so-called "full-employment surplus" in the budget, which means a real deficit estimated at $18.6 billion in the present fiscal year and at $11.6 billion in 1972. The actual deficit of 1972 will probably be nearer to $25 billion. The "Fed" has increased the money supply (currency in circulation plus demand bank deposits) of the country in the last four months at the extremely high annual rate of 10.3 percent. And just when the deficit in the balance of payments soared to unparalleled levels, the Administration decided to treat the whole thing with "benign neglect."

The result was at least a temporary international flight from the dollar—and a flight into, especially, Swiss francs and West German marks. Under the IMF rules, Germany had to buy dollars from marks within 1 percent of parity. But when a couple of billion dollars had to be absorbed in a couple of days, the Germans, already holding some $16 billion in dollars, gave up. On May 5 five major central banks—those of West Germany, Switzerland, Belgium, the Netherlands and Austria—withdrew their support for the dollar and temporarily closed down their foreign-exchange markets.

At the time of this writing, a few countries have decided to let their currencies "float," and others have revalued upward. The outlook for the world's currencies is now, to put it mildly, uncertain and disturbing.

What should be done? In answering this, we should distinguish between technical reforms, and more basic reforms in economic policy.

The first technical monetary reform that ought to be made internationally is to dismantle the 25-year-old IMF. But if the bureaucratic resistance to this proves to be insuperable, the greater part of the reform needed could be achieved simply by repealing a few of the IMF rules. No country should any longer be forced to maintain its currency at par by buying or selling the dollar or other currencies at that rate. No country should any longer be entitled to automatic drawing rights or automatic loans when in trouble, but should have to negotiate voluntary loans and abide by their conditions. No more Special Drawing Rights should be issued. Those already issued should be gradually retired.

Each country would then be free to adopt its own currency policy. If each country simply allowed its currency to "float," that currency's price would change daily and hourly on the foreign exchange market. This of course would be unsettling. There would be no fixed prices for either exports or imports. Either the buyer or the seller would have to protect himself by "forward" exchange transactions, which might often prove too costly. But in compensation for all this, currency values would be real market values; adjustments would be made daily; there would be no more fears of violent overnight devaluations. The market quotations for currencies would daily tell the truth about them.

There would be nothing to prevent a country with a so-called floating currency from operating its own stabilization fund against minor fluctuations. But other countries would be relieved from the obligation of assuming that risk. Countries that wished to do so would still be free to maintain fixed rates in terms of gold, the dollar, or some other currency.

The first technical reform that the United States ought to make is to repeal the outrageous prohibition it has kept on its books since 1933 making it a crime for American citizens to own, buy, sell or make valid contracts in gold. This is a breach of their liberties that Americans ought never to have tolerated. If individuals all over the world were legally free to hold, buy or sell gold they would be able to protect themselves against being ruined by their monetary managers. Under such conditions gold, whether "monetized" or not, would soon become the de facto international currency, in terms of which international transactions would increasingly be made.

Simultaneously with this, the American Government should permit a free gold market at home and announce that until further notice it would neither buy nor sell gold but keep its existing stock.

This means that it would suspend gold payments formally. To a believer in the gold standard and the integrity of currencies, it is painful to suggest this, but it is merely a proposal that our government acknowledge de jure what it has already been doing de facto. The truth is that ever since the spring of 1968—*for three years*—the U.S. Government, except for a few minor window-dressing operations, has been refusing to convert even dollars owned by foreign central banks into gold at $35 an ounce. The proof lies on the face of the figures; Treasury gold stock, June 12, 1968, $10,367 million; December 1968, $10,367 million; December 1969, $10,367 million; each of the thirteen weeks January 6 to March 31, 1971, $10,732 million.

If the U.S. allowed the dollar to be fully convertible now, at the $35 rate, it would probably be drained of all its gold in 24 hours. Our liquid liabilities to foreigners in January were $44 billion, of which more than $20 billion were legally payable in gold to foreign central banks.

After these technical monetary changes, the real problem would be how to return the United States and the world to a sound and stable monetary basis. This need not be done by any new formal monetary agreement among 117 nations or even among the Big Ten. The traditional gold standard of the nineteenth century did not involve any formal "cooperation" among central banks. It worked as long as each country adhered voluntarily but rigorously to certain rules. The most important rule was that each country would refrain from expanding its currency to a point that endangered its convertibility into gold on demand. In short, each country had to refrain from inflation.

This is the painful lesson that the Nixon Administration still seems very reluctant to learn. In an ill-timed statement on April 27 John B. Connally, Secretary of the Treasury, declared that "it is neither feasible nor desirable to put the U.S. economy through the wringer in order to stop this type of capital outflow." This statement probably increased the dollar outflow.

It is imperative that the American inflation now be brought to a halt. We have to accept the unpleasant likelihood that this cannot be done without producing some recession and a temporary increase in unemployment. But this is now by far the lesser of two evils. Further inflation can now only lead toward an economic crack-up. It can no longer be counted on to bring "full employment." Inflation can have a stimulative effect only so long as it is unexpectedly high and keeps accelerating. When wages begin to rise faster than prices, as they now have, the game is up.

The dollar is now at an open discount both in terms of gold and in terms of other major currencies. If the Administration ignores this danger signal it must bear full responsibility for the consequences.

MILITARY PREPAREDNESS

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mrs. HICKS of Massachusetts. Mr. Speaker, the ability of the United States to fight for an extended period of time in defense of its territories or in support of allies depends on our ability to control the seas. The United States is in reality an island between the Atlantic and Pacific Oceans. The flow of materials to sustain our peacetime or wartime economy and industry as well as that required to support any operations overseas must travel by sea. In Vietnam, for example, 97 percent of all supplies in support of our operations there have gone by sea. More importantly, there is no viable plan of the Army, the Air Force, or the Amphibious Force with embarked Marines that does not rely on the use of the seas for their support and ultimate success. The sheer bulk of daily requirements of oil and petroleum products for military and industrial needs precludes peacetime stockpiling.

Admiral Rickover recently stated:

> That the vulnerability of our overseas logistic supply lines is greater now than in the past and that this vulnerability is increasing.

He went on to say:

> This is so for the following reasons: The increased threat of submarine attack brought only the advent of nuclear powered submarines. The increased threat of an attack because of increased range of aircraft and missiles.

The quantity of fuel that must be transported over the oceans has increased vastly because of the significantly higher consumption rate of modern military units.

Each tanker lost today has a manyfold greater impact because of the substitution of a smaller fleet of larger tankers for the large fleet of smaller tankers used in World War II. Most tankers then displaced 10,000 to 15,000 tons, the largest being 25,000 tons. Today, many tankers displace over 100,000 tons and plans are underway to build tankers of 500,000 tons and larger.

As the ability of a potential enemy to interdict our sea lanes increases so does the difficulty of providing logistic support when supply lines are under attack.

The Soviets have embarked on a program which leaves no doubt that they are resolved to become a first rate sea power. They have developed to a remarkable degree in a short time the three elements which make up sea power, a powerful navy, a large, modern merchant marine, and a thorough knowledge of the application of both.

The Soviets now have by far the largest submarine force in the world—about 375 submarines, all built since World War II. By comparison we have 146, including 59 diesel submarines most of which are of World War II vintage. It is estimated that by the end of 1971 they will have a numerical lead even in nuclear submarines, and, of course, these submarines pose a greater threat to our ships than diesel powered submarines because of their submerged high speed endurance.

The Soviets have not neglected the development of other ships. Most of them are new and modernly equipped with surface-to-surface missiles and air-to-surface missiles. They are now operating two modern helicopter carriers with naval infantry embarked.

For the first time in its history, the Soviet Union is employing its naval forces in peacetime in support of its foreign policy. Their Mediterranean fleet is now numerically larger than ours, and, although I feel we still maintain a superiority there, certainly the balance has shifted. Recently we witnessed a visit by a sizable Soviet task force to Cuba followed by maneuvers in our own backyard—the Gulf of Mexico.

To provide a force capable of countering this growing Soviet naval threat and of defeating it if that should become necessary, and to retain a capability to use the seas for our own purposes, this country must have a strong modern navy.

The attack carrier is the primary striking force of the Navy. It provides the essential tactical air power necessary to ensure the free passage of the seas and the air space over the seas, and the capability to project United States air power into areas where adequately prepared, provisioned, and defended land bases are not available. Attack carriers can quickly concentrate this sea-based tactical air power.

Critics of the military oppose the authorization of the CVAN–70 because they claim it is vulnerable to modern weapons. A carrier is vulnerable to some degree as is any weapons system in time of war. However, the carrier is the least vulnerable system of providing tactical air power because of its mobility. It cannot be pretargeted. When the threat requires, a carrier task force can present a formidable defense indepth from enemy attack. This defense consists of an integrated force of antisubmarine ships and ships equipped with surface-to-air missiles. These are in addition to the fighters and attack aircraft organic to the carrier air wing. The carrier itself is the best defense against the celebrated Soviet surface-to-surface missile as well as air-to-surface missiles because of the ability of its aircraft to attack the launching ships before they are within missile firing range of our forces and to shoot down antiship missiles while they are in flight.

Even if bombs, missiles, or torpedoes are able to reach a carrier, it does not mean it will be sunk or put out of action. The new carriers will give our attack carrier forces the best protective capability that can be built into ships. The CVAN–70 will be the best protected and least vulnerable ship ever designed. The added protection will be provided by extensive use of armor plating against bombs and guided missiles and improved antitorpedo hull design. Further, the high speed endurance and freedom from the need to slow down to refuel which is provided by nuclear propulsion, significantly reduces the nuclear carrier's vulnerability. All of these factors add up to the conclusion that the modern nuclear attack carrier is the least vulnerable of surface ships.

The most vulnerable are the cargo ships and tankers which supply the materials necessary to sustain the economy and industry here at home and the logistic supply train to support any operation beyond our shores. A modern force of attack carriers is vital to insure the flow of these materials.

With regard to the force level of carriers required, I do not claim to know the exact number required. We maintain 15 now—with an additional one authorized for the duration of the Vietnam war—and this would appear to be a marginal number in view of present worldwide commitments. However, regardless of the number of carriers we maintain in the future, the CVAN–70 is needed now to insure that the force is kept modern. It will replace an old World War II designed ship which will be over 30 years old when the CVAN–70 joins the fleet in 1977 and which is now rapidly becoming obsolescent. By 1977 it will be hopelessly obsolete.

I feel that future force levels should be determined by future developments. If future analysis or budget stringency should require reduction in the attack carrier force level, it should be accomplished by retiring old carriers, not by canceling construction of new ones. Were the Navy required to operate a smaller force, the improved capabilities of the CVAN–70 would become even more vital. The smaller the force, the more important it is that each carrier have the greatest achievable capability.

The funding of $152 million this year is part of an orderly planned Department of Defense program to acquire three ships of the *Nimitz* class at least cost. All three ships are to be of the same design and procured in series production from a single shipbuilder. The success of this plan depends upon the availability of funds in accordance with the program schedule. The continuity of component and ship production lines is essential to avoid major cost increases. Delay or deferment of scheduled funds would result in increased component costs and ship construction delays which are in themselves costly.

Another little known fact is pertinent to this discussion. Industry currently has a substantial backlog of unfilled orders for civilian nuclear plants. Because of the growth in demand for civilian nuclear plants and the decline in and uncertainty of future requirements for naval reactors, a number of suppliers have turned to commercial work exclusively. Once a supplier leaves the naval reactor business the task of reconstructing the specialized skills, the quality control, and the engineering groups to meet naval requirements is similar in scope to starting over again. It takes years to develop a company's capabilities to perform to required standards, and this capability will be lost in a short time if the experienced technical and production personnel are disbanded.

For these reasons, failure to authorize the CVAN–70 would be wasteful and would adversely affect our ability to build nuclear plants for future aircraft carriers and submarines.

The uninterrupted use of the seas must be assured if our way of living is to be continued. If the present trend in our national strategy of disengagement and withdrawal continues with accompanying abandonment of our overseas bases, we must insure a means of providing this assurance. The carriers are the principal element in doing so. This new attack carrier is needed to maintain that element in its proper strength.

ALL THAT SURPLUS BALONEY

HON. HAROLD RUNNELS

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. RUNNELS. Mr. Speaker, I address these remarks to those of my colleagues who have been closely following the continuing drama surrounding the fiscal year 1971 deficit. Explanations of how a $23.2 billion deficit is really a surplus have captivated our imaginative and left us spellbound from one episode to the next. We anxiously look forward to each new administration statement with anticipation matched only by that of the afternoon soap opera audience which stares at millions of TV sets across the Nation.

Some of you may have missed a recent column which appeared in the Evening Star on August 3 on this subject. It was written by James J. Kilpatrick and is entitled "All That Surplus Baloney Is Hard To Digest," and reads as follows:

All That Surplus Baloney Is Hard To Digest

(By James J. Kilpatrick)

The story broke on Wednesday afternoon that the Nixon administration had achieved a new triumph in fiscal management by running up a deficit of only $23.2 billion for the year that ended June 30.

On Thursday morning, a Fairfax County restaurateur named Dilby Flagestone went to see George P. Schulz, director of the Office of Management and Budget. Flagstone was seeking clarification. Shultz sent him up 11 flights and down 28 corridors to a cubicle occupied by Dr. Rodney Downside, special assistant for imaginary numbers.

Downside's office is bugged. The conversation was recorded and transcribed: a microfilmed copy was smuggled to me Saturday night in the folds of a six-egg omelet at La Nicoise.

As soon as Dilby caught his breath, Dr. Downside asked how he might be of assistance, and Dilby replied that he was about to go broke in the lunch counter business. Dilby said he had read in The Star how the Nixon administration had managed to go in the hole by $23.2 billion while still achieving a $2.5 billion surplus, and he wanted to know how this interesting feat had been performed. Dilby had a 10 a.m. appointment with his bankers, and he needed help.

"Certainly," said Dr. Downside, "but first I should like to make one thing perfectly clear: *Deficits must be distinguished.*"

Dilby wrote that down.

"Now," said Dr. Downside, "you will recall that in the eight fiscal years from 1961 through 1968, the government recorded eight successive deficits. These totaled $60.4 billion, and they were bad. Very bad."

"Well," said Dilby, "it's no wonder. Those were the Kennedy-Johnson years, so those were Democratic deficits, and Democratic deficits are——"

"Bad," said Dr. Downside sorrowfully. "Very bad. Such deficits reflect the irresponsibility of spendthrift administrations. They are the direct and proximate cause of the inflation that cruelly oppresses the people."

"Yes," said Dilby, "but now tell me about the $23.2 billion deficit just reported by the Nixon admin——"

"Shhh," said Dr. Downside. "The place may be bugged. The inconsequential, immaterial and irrelevant figure you have just had the bad taste to mention is a mere paper figure. Dismiss it from your mind. The year was in fact a model of prudent management and frugal administration. If we had received full revenues, we would have had a $2.5 billion surplus, if we had experienced full employment. Think surplus, Dilby . . . Surplus . . ."

"Dr. Downside," asked Dilby, "why are you swinging that large silver watch just in front of my eyes? I believe. I really do. Democrat deficits, bad; Republican deficits, good. See? I have it. But what I need is help. Last year was terrible. I lost $23,200 in the past 12 months. My notes are due this morning. My customers are leaving me, my wife is——"

"Dilby," said Dr. Downside firmly, "you must pull yourself together. You did *not* lose $23,200. This is only in your mind. If you had enjoyed full sandwich consumption, you would have made $2,500. Don't you understand? This was a very good year for you. Kindly tell your bankers this for me."

"But, Doctor," protested Dilby, "I didn't enjoy what you call 'full sandwich consumption.' All that money I paid out! And every month, I count the receipts and the receipts are way down! Down, down, down! Last night my counterman quit. 'Dilby,' he says to me, 'if we had some ham, we could make some sandwiches, if we had some bread.' That's a joke, Doctor. But $23,200! This is no joke."

"Think positive," Dr. Downside said. "You must think positive. You must not think of deficits. Think of full sandwich revenues. Full sandwich revenues. Full sandwich rev——. Incidentally, Dilby, what kind of sandwich do you specialize in?"

"Baloney," said Dilby. "Pure baloney."

At this point the bug, on Dr. Downside, failed. The microfilm ends in an oregano dot. And to avoid what is now known in our trade as the Buckley Pitfall, I should add: The foregoing was writ sarkastick.

MAN IS UNLIKELY TO CHOKE, BURN, FREEZE, JUST YET

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. MAZZOLI. Mr. Speaker, in the past few years there has been a considerable amount of conversation concerning our environment and how pollution is creeping upon us so rapidly that in a relatively short time, we will not be able to live on our planet without a cannister of oxygen strapped to our backs.

Recently, in Stockholm, Sweden, a 3-week study of man's impact on climate was conducted. The study was sponsored by the Massachusetts Institute of Technology and hosted by the Swedish Academies of Science and of Engineering Sciences. The meeting was held to gather

the soundest available information on the subject.

A summary of the findings as reported was somewhat surprising. These findings do not give us any comfort, but they do indicate that some of the "doomsayers" are not entirely accurate in their present appraisals of the state of the environment.

I wish to insert this article in the Record for the information of my colleagues and of all who care about the preservation of our precious environment:

[From the Louisville (Ky.) Courier-Journal & Times, Aug. 1, 1971]

Man Is Unlikely To Choke, Burn, Freeze Just Yet

(By Claire Sterling)

Stockholm.—Literally to the best of our knowledge—the source is the most authoritative international gathering of scientists ever held in this field—it now seems unlikely that we are going to end up gasping for air, blinded by ultra-violent rays, perishing in unbearable heat, freezing in a new ice age or drowning in biblical floods because of whatever it is we are doing to the climate.

Just what we are doing is not at all clear (we appear to be heating and cooling the planet at the same time), nor is there any certainty of how much longer we can get away with it. So far, though, human activities are having much less effect on the global climate than doomsday prophets have led us to suppose. If experts cannot yet be sure of much more than that, they are at least beginning to learn what else they will have to find out so as to save us from ourselves later on, if necessary.

This, in effect, was the consensus of 30 distinguished scientists from 14 countries after a three-week Study of Man's Impact on Climate (SMIC). Sponsored by the Massachusetts Institute of Technology and hosted by the Swedish Academies of Sciences and of Engineering Sciences, the meeting was held to pool the soundest available information on the subject, primarily to help guide next year's planet-wide U.N. Conference on the Human Environment in Stockholm. The carefully chosen group, led by MIT's much respected Prof. Carroll Wilson, geophysicists, oceanographers and chemists from the United States, Canada, France, West Germany, Sweden, Denmark, Italy, Hungary, Belgium, Israel, India, Japan, Australia and Soviet Russia (whose representative, Prof. M. I. Budykov, was among the most illustrious present).

(The scientists' conclusions conflict with another MIT-sponsored study of world environmental conditions done by a computer at the school's System of Dynamics Laboratory. Results of the study, published in the July 11 "Environment" section, predicted that policies now being used to solve environmental problems would lead only to worse crises in the future.)

In two days of briefing for the press at the close of their conference, the group's spokesmen were careful to avoid definitive pronouncements. But they did give comprehensive—and comprehensible—answers to several questions tormenting the lay public. These are some of them.

It is true that the sea around us is rising—by nearly 10 inches in the past 80 years, a rate certainly worth watching but by no means calamitous. But it is not true that man is to blame, for having injected too much carbon dioxide into the atmosphere, creating a "greenhouse effect" causing polar ice caps to thaw. The North Pole's ice cap is not melting at all, while the Antarctic's has actually grown by 600 cubic kilometers. The only ice known to be melting in quantity is Greenland's—and that has amounted to no more than 100 cubic kilometers during this time, whereas the world's ocean waters have swelled by 12 times as much.

SMIC delegates are not sure why. But they do cite experiments by a "reputable scientist" suggesting that man may be partly to blame in a way nobody seems to have thought of—by pumping too much groundwater for irrigation, mining and other purposes, possibly also forcing leaks in underground aquifers, causing such "fossil" waters to drain off into rivers emptying into the sea. If this theory is correct, the planet's water tables must have dropped an average five meters in less than a century—an irreplaceable loss, and a very serious one.

It is true that manmade pollutants (gases, dust particles, vapors) are entering the atmosphere in increasing quantities, amounting now to anywhere from a tenth to a half of an estimated total million tons a year. But no amount of such pollutants can compare remotely to such natural forces as erupting volcanoes for effect on the climate. In 1815, for instance, dust sent up into the stratosphere by the Tambora Volcano near Bali stayed there for two or three years, absorbing a fifth of the sun's rays. During that time, the world had no summer.

Much the same happened in the 17th century, when a series of big eruptions brought on the Little Ice Age, causing glaciers to advance to their maximum since the peak of the Pleistocene Age. Since most (not all) of these glaciers receded—and more particularly since the start of the Industrial Age—there has been no important fluctuation in worldwide temperature. In the Northern Hemisphere, producing the lion's share of all industrial pollution, the average temperature rose barely more than half of 1 degree Centigrade from 1880 to 1940, after which it has fallen by half that. If man may have had a minor part in that barely discernible change, natural forces are plainly much more responsible.

It is true that more and more carbon dioxide, produced by burning fossil fuels (coals, oil and natural gas), has been entering the atmosphere continuously, worldwide, since the industrial revolution; the quantity detected was 312 parts per million in 1958, it is now 322, and is expected to be 375 by the year 2000. But even if the world's entire fossil fuel reserves should be burned and the air's carbon-dioxide content doubled, the rise in planetary temperature—assuming everything else were equal—would be no more than 2 degrees Centigrade. If this might complicate our lives, we could live with it.

It is true that fine manmade particles known as aerosols may encourage cloud formation, and are as likely to cool the planet as carbon dioxide is to heat it up. (The one tends to trap and scatter or absorb the sun's rays before they reach the Earth, whereas the other, letting the rays through as a pane of glass would, tends to catch and return them to Earth again on their way back to space.) Unable so far to make accurate measurements of these aerosols' capacity for absorption, SMIC scientists cannot really tell whether the effect of these particles and carbon dioxide on temperature may be to cancel each other out. While they may indeed have local effects, however, especially over big industrial cities, there is no evidence of this on a global scale.

It is true that supersonic aircraft flying at commercial frequency through the stratosphere would leave condensation trails of water vapor and gases such as nitric oxide theoretically capable of severely upsetting climatic conditions. The risks are real enough to make "commonplace" supersonic flying inadvisable until accurate studies are made.

Up to now, though, there have been no such measurements in the stratosphere, nor have the necessary computer "models" been devised. Until that is done, there is "no convincing evidence" to justify alarmist predictions, particularly about nitric oxide—which, according to the widely publicized findings of a California scientist not present at the SMIC conference, would destroy enough ozone within a year, once commercial SSTs were flying in force, to blind all the earth's living creatures by ultra-violet radiation. Although nitric oxide is thought to be "leaking" into the stratosphere already from high-flying subsonic aircraft, there is no sign of a decrease in ozone so far. On the contrary, six of the world's weather stations have reported an increase in ozone during the past 10 years.

Man has many other ways of potentially affecting the temperature, from intensive central heating in cities (Moscow, Stockholm and Montreal produce more heat in wintertime than the sun does), to changing or destroying vegetation, to artificial cloud-seeding and hurricane deflection, to building roads (superhighways of dark asphalt tend to reflect less of the sun's rays than dirt roads), dams and manmade lakes to large-scale irrigation. Indeed, Professor Budykov believes that irrigation now covering 1 percent of the Earth's surface, producing dark green foliage with lower reflectivity, has raised the planet's temperature by a tenth of 1 degree Centigrade. All in all, however, SMIC delegates believe that man's injection of heat into the atmosphere, presently one-sixtieth of a watt per square meter compared to the sun's net radiation of 100 watts, is "negligible from every point of view," globally speaking.

How long this will continue to be so is another question. "Local" areas with heavy industrial and human concentrations are quickly growing to enormous "conturbation" size, almost inevitably with global implications. The most serious of these, say SMIC spokesmen, would be the possible effect of more heat, from whatever source, on polar ice.

Snow and ice reflect light very strongly, greatly reducing solar heat in the atmosphere, and are particularly sensitive to climatic change. Should there be enough change to melt the Arctic ice, covering 10 million square kilometers, a fiftieth of the Earth's surface, it would be unlikely to form again. Since this ice already takes up space beneath the sea's surface, melting it would not directly raise sea levels. But it would certainly change the region's temperatures, now hitting minus 20 degrees Centigrade and unlikely to go below minus 2 degrees if the zone becomes ice-free.

In that event, the change might cause accelerated melting of Greenland's huge ice cap, which, once melted, could raise the sea level by seven meters. The results, unpredictable, could be calamitous.

For this reason particularly, SMIC scientists have strongly recommended a planet-wide convention "to prevent large-scale (directly affecting over 1 million square kilometers) experiments in persistent or long-term climate modification, until the scientific community reaches a consensus on the consequences." For reasons like this in general, also, these scientists point out, their findings in Stockholm should not encourage complacency but simply discourage hysteria, until more intensive and conclusive study—badly needed on nearly all counts and imperative on some—can be completed.

SPEAK UP FOR AMERICA

HON. THOMAS F. EAGLETON

OF MISSOURI

IN THE SENATE OF THE UNITED STATES

Friday, August 6, 1971

Mr. EAGLETON. Mr. President, the Plumbing Industry Council of Metropolitan St. Louis plays an important role in the community life of the 15 counties represented on the council. One of its most commendable programs is the sponsorship of an annual essay contest for high school students on the general theme of "Speak Up For America."

In addition to the students who are given an opportunity to win cash prizes in this contest, a number of their teachers are also awarded a trip to Washington.

Recently, I had the opportunity to meet and talk with the teachers who toured Washington as guests of the Plumbing Industry Council in connection with this year's Speak Up For America Contest. The teachers were Sister Jean Fontbonne, of Rosati Kain High School; Sister Winnifred, of St. Joseph's Academy; Mrs. Dorothy Friday, of Northwest High, House Springs, Mo.; Sister Mary Alma, of Mercy High; Sister Joseph Andre, of St. Thomas Aquinas; and Sister Dorothy Marie, of Bishop DuBourg High.

They were accompanied by Mr. Robert Hellman of the Plumbing Industry Council. All are from St. Louis except as indicated.

The winner of this year's contest was Debbie Kaemmerer of Rosati-Kain High School. Miss Kaemmerer won a cash prize of $1,000 for an excellent essay based on the theme expressed in Emma Lazarus' poem inscribed on the Statue of Liberty. I ask unanimous consent that Miss Kaemmerer's winning essay be reprinted at the conclusion of my remarks.

The other major winners and the schools they represented were Joe Meadows, Northwest High, House Springs, $750; Madonna Sachs, St. Dominics, O'Fallon, $500; Michael Carter, Helias High, Jefferson City, $250; and Christopher Wuerz, Chaminade College Prep, $125.

Mr. President, I want to express my congratulations to the contest winners and to their teachers and in addition I want to commend the Plumbing Industry Council of St. Louis for their outstanding public service as exemplified in the sponsorship of this contest.

There being no objections, the essay was ordered to be printed in the RECORD, as follows:

GOD BLESS AMERICA

"Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore,
Send these, the homeless, tempest-tossed, to me:
I lift my lamp beside the golden door."

EMMA LAZARUS.

These words appear at the foot of the Statue of Liberty at the entrance to New York harbor. These words and the statue have served as a welcoming beacon to all who have come to these shores since 1886.

Do we, the people in America, really mean what these words would seem to imply?

"Give me your tired." How does America treat those who have given their energies and many times their lives to seek refuge in this land? Does America offer any comfort to these tired, dejected citizens of the world? For the tired there is the quiet repose of a meandering stream, a park bench on which to rest one's weary bones, the comfort of a quiet church, the serene beauty of a forest glade. Surely, the tired of the world can find a place of comfort in this vast land of ours.

"Give me your poor." What does America offer the poor? It offers them a land of opportunity, a place in which they can rise above the squalor of a ghetto. America still offers to those willing to work for it, the chance to achieve wealth, fame, prestige, or whatever their goals in life may be. Ralph Bunche is a good example of a poor man rising to become a well-educated man. He was born in the slums of Detroit, but with an education and a strong determination to overcome his setbacks, he became the United Nations mediator in 1946. In 1954, he became the U.N. Undersecretary, the highest position held by an American. His life's example shows that America is still the land of opportunity for those who seek its wealth. America's educational system is one of the best in the world because it provides an opportunity for all children, rich or poor, to advance themselves through knowledge.

"Your huddled masses yearning to breathe free"—To the oppressed peoples of the world, America is still the shining light of freedom. To those escaping from a police state, America is like a breath of fresh air. Albert Einstein is one who chose to make America his homeland when the Nazis took over in Germany. Here he was received with kindness, and the fact that he was a Jew was of no consequence, and he was free to continue his research on the atom. The freedom to go as you please, to do as you wish, to speak your thoughts without fear—these freedoms can only be truly appreciated by those who have suffered under the tyranny of oppression. A chance to breathe free for many immigrants can be a priceless experience. A free soul provides man with happiness and the unconquerable sense of a desire to live. Many have given up their homes and have come to a strange country in hopes of finding something better. When they arrive here, they are not concerned with our petty squabbles, for they see only the beauty and tranquility experienced by people who are free.

"The wretched refuse of your teeming shore"—The vastness of America stretches out as an unending sea before those who have been outcast by their native land. Surely, there is a spot for even the most wretched in our free society. Each man can find a spot which pleases him. Outcast by his native Hungary, Joseph Pulitzer came to this country as a castaway to join the army. He started out as a very poor boy with nothing to his name but the clothes on his back. Eventually, however, he made enough money to buy his own newspaper, and in the long run he became a very influential citizen. In fact, it was Joseph Pulitzer himself who was instrumental in collecting enough pennies, nickels, and dimes to total $100,000 so that a base for the Statue of Liberty could be constructed. He felt so strongly about what America had meant to him that he was determined that other immigrants should experience a share of this same sense of gratitude. Truly, he proved that the anguished peoples of the world can often times find new hope in America.

"Send these, the homeless, tempest-tossed to me.
I lift my lamp beside the golden door."

Truly, these lines express the thoughts of Americans and immigrants alike, for were we not all immigrants at one time! America was not only the land of opportunity for those people living in the 1700's, or the 1800's, or even the early 1900's when some of the giants of industry rose to fame and fortune. America is still the beacon light of freedom and opportunity. One has only to talk to a Cuban refugee, a recent Polish immigrant, a former native of Czechoslovakia, to realize what the terms freedom and America symbolize for these people. They come to America poor and penniless with nothing more than the clothing on their back, and many times with no knowledge of the language whatsoever. Against these obstacles yet they come in search of a better life for themselves and their children. These are the unsung heroes of today. They may never make the headlines or the history books with their deeds, as did Joseph Pulitzer, Ralph Bunche, or Albert Einstein, but nevertheless, they all speak out for America—the land of the free.

If ever a groundswell of voices should ascend from ages past to the present day, there is no doubt that it would echo throughout the land with one grand sentiment—

God Bless America!

MANPOWER FOR ENVIRONMENTAL PROTECTION

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. FASCELL. Mr. Speaker, we all recognize the dangerous threat posed by unemployment resulting from the private and Federal cutbacks in scientific research and development projects. It has become obvious that legislative measures must be taken to insure full utilization of our precious human resources. These resources, represented by the investments of education and experience in scientific and technological personnel, can provide valuable assistance to programs designed to resolve our pressing domestic and environmental problems.

Realizing the urgent nature of this increasing problem, our colleagues Congresman GIAIMO and Congressman DENT introduced H.R. 34, the "Conversion Research and Education Act of 1971," earlier this year.

Subsequently, scientists from the University of Miami contacted me urging that action be taken to retrain highly qualified professionals who are more and more frequently finding themselves unemployed. In future correspondence with the university professors, we discussed the many advantages of the Conversion Research and Education Act, and determined that that approach would indeed provide many of the solutions so desperately needed. I subsequently introduced legislation identical to H.R. 34.

Our colleague JOHN DAVIS, as chairman of the Subcommittee on Science, Research, and Development of the House Committee on Science and Astronautics, moved quickly on the proposal and held hearings in June and July. During those hearings, I testified and noted:

> We cannot escape the realities of the domestic and environmental problems which demand solutions. Yet while we have moved closer to a national policy of de-emphasizing military and space expenditures in comparison to expenditures to combat our domestic crises, we are actually neutralizing one of our nation's most precious resources—its trained scientists and engineers. We can and must find the means to apply that resource to the concerns which threaten our very existence, such as pollution, nutrition, housing, health care, transportation, education and social alienation.

The equation for the solution of this interrelated economic and social problem can be sensed intuitively, but there is a factor lacking. The missing link in the equation is the relatively small investment in a conversion program such as the one outlined in the legislation before this Subcommittee.

Mr. Speaker, the urgent need for action in this area was recently expressed in the April 1971 issue of Environmental Science and Technology. The article, "Manpower for Environmental Protection," written by Ralph C. Graber, Frederick K. Erickson, and William B. Persons of the Environmental Protection Agency outlines quantitatively and qualitatively the projected manpower need in the field of environmental protection for the coming decades. The authors of the article clearly demonstrate that the gap between supply and demand of needed personnel in this field, already at a dangerously high level, will continue to widen with serious and obvious effects on our domestic problems.

I call the article to our colleagues' attention and again urge prompt and favorable action on the Conversion Research and Education Act.

The article follows:

MANPOWER FOR ENVIRONMENTAL PROTECTION

(By Ralph C. Graber, Frederick K. Erickson, and William B. Parsons)

Mushrooming public concern over environmental quality has resulted in marked interest in the manpower needed to plan and implement prevention and control activities. Although this public attention is new, the basic mechanisms and technology have been developing for many years. Begun largely by the effort of health officers and sanitary engineers in providing safe supplies of drinking water, milk, and foods, the fields of action and the variety of professionals and technicians involved have expanded and extended into a broad-scale view of protecting or restoring the quality of modern environment.

Environmental protection represents a diverse area of work; thus, it draws heavily on a wide variety of professionals including chemists, physicists, and biologists of many specialities; hydrologists, meteorologists, and oceanographers; engineers, sanitarians, ecologists, physicians of several specialties; attorneys, mathematicians, statisticians; political scientists; planners, economists; and social scientists. They are engaged in carrying out technical and administrative or legal functions concerned with prevention and control programs, conceiving, designing, and constructing environmental protection facilities, planning, implementing, and directing general and specific service programs (including public water supply and waste treatment equipment and facilities), conducting relevant research and development, conducting investigations, surveys, and surveillance programs, and teaching at all educational and training levels.

There has been relatively little effort to assess the manpower situation in depth and over time. Deterrents to the development of such information are a lack of understanding or definition of the various professional and paraprofessional occupational roles and functions, and the need in terms of disciplinary versus categorical program specialization. Much effort is necessary to identify and measure factors of supply, demand, utilization, and production of environmental manpower.

In 1970, the total personnel employed in environmental protection exceeded 243,000 (Table I)—an estimate based on over 35,000 engineers, 37,000 scientists, sanitarians, etc.; 69,000 technicians; and 101,000 aides. The manpower needed to make significant improvement in environmental quality in 1970, 1975, and 1980 is estimated in Figures 1 and 2. The rate of increased demand for such manpower will be determined largely by the regulatory and fiscal impacts of federal, state, and local governments. Historically, environmental manpower assessment has been limited to two professions—engineer and sanitarian.

ENGINEER

Many engineers devote a major portion of their time applying engineering and scientific principles and practices to the prevention, control, and management of factors that may influence man's environment. During the last decade the need for a more comprehensive view of all environmental factors and their interrelationships has broadened the opportunities for engineers. Prior to that time, the engineer was concerned primarily with such factors as water supply and water pollution; therefore, the use of occupational title "sanitary engineer" was not inappropriate. The more comprehensive outlook validates the title of "environmental engineer."

Of the estimated 35,000 engineers employed in environmental protection activities in 1970, some 12,000 were the expanded counterparts of the earlier "sanitary engineers." The remaining engineers were engaged in some aspect of environmental protection in public works, in municipal services, or in increasing industrial attention toward preventing or controlling air, water, and land pollution.

Estimated 1970 levels of employment in which all or a major proportion of the engineer's activities was directed to environmental engineering number 35,800. Many engineers function in more than one environmental area; therefore, it is difficult to estimate the number employed in any one field, particularly relating to public water supply and water pollution, and even solid wastes. The classification of engineers employed by consulting firms which practice across-the-board is illustrative of this fact. For example, many of the more than 5400 professionals reported by those consultants listed in the "1970 Annual Yearbook of the Water Pollution Control Federation" also work on water supply and (or) solid waste management projects during any given year. However, the 1970 engineering billings on new facility plans of $6.9 billion for waterworks and pollution control, reported by *Engineering News Record* 186 (1), indicated a heavy weighting toward sewerage and water pollution control works.

With heightening concern over air pollution, water pollution, solid wastes, shortcomings in public water supplies, controllable hazards of the occupational environment, and the quality of environment in urban neighborhoods, the total requirements for engineers in planning, constructing, operating facilities, and monitoring the performance and environmental impact of such facilities, and monitoring the performance and environmental impact of such facilities can be expected to increase severalfold. Present need far exceeds present utilization, but the realities of probable public and private response to the need could well represent doubling engineering employment for environment by 1975.

A 1962 national survey showed that about one-third of the respondent engineers were employed by state and local governments, one-third by private industry and business, and the balance by the federal government or other organizations. Management or administration was the most important function and involved nearly one-third of the respondents.

Numerous professional organizations are concerned with the environmental engineering field. Eight have joined in sponsoring the Environmental Engineering Intersociety Board, Inc. (formerly the American Sanitary Engineering Intersociety Board, Inc.). The objectives of the board are to improve the practice, elevate the standards, and advance the cause of environmental engineering. Certification as a Diplomate of the American Academy of Environmental Engineers (AAEE) is awarded by the board, based upon compliance with educational and experience standards, state licensure, and satisfactory completion of written and oral examinations. Currently, the board certifies environmental engineers in four subspecialties—air pollution control, industrial hygiene, radiation and hazard control, and sanitary engineering. The AAEE roster at the end of 1970 lists over 1150 Diplomates.

SANITARIAN

The sanitarian applies his knowledge of the physical, biological, and social sciences for the improvement, control, and management of the environmental factors which might affect man's health. According to the most recent figures available, an estimated 12,000 sanitarians were employed in 1968. Prior estimates by the Public Health Service combined the data for sanitarians and sanitarian technicians and showed about 5000 in 1959 and 11,000 in 1960 for the combined groups.

The first national survey of persons who regarded themselves as sanitarians was conducted in 1962. State and county governments were the major employers. Inspection, testing, and control were the major activities of half of those answering the survey questionnaire. Two-thirds indicated a specialization in milk, food, and meat technology.

Thirty-five states require the registration or licensing of sanitarians. In 1960, a model registration act was developed by the Sanitarians Joint Council which consists of representatives from the International Association of Milk, Food, and Environmental Sanitarians (3000 members), the National Environmental Health Association (6000 members), and the American Public Health Association. The minimum requirements for sanitarians under the model act are: a bachelor's degree with a minimum of 30 semester hours of academic work in environmental health or in the physical and biological sciences, at least two-years full-time employment as a sanitarian, and successful completion of an examination given by a state registration board.

Three professional environmental health organizations have sponsored the establishment of the American Intersociety Academy for Certification of Sanitarians (AIACS). The academy is dedicated to recognizing the professional quality and achievement of the sanitarians in the various environmental health fields. Certification as a Diplomate of the academy is based upon meeting educational and experience standards, state registration, and satisfactory completion of a written and oral examination. The AIACS 1969 roster lists over 300 persons.

PROGRAM SPECIALIST

Environmental protection personnel may practice their basic discipline per se or acquire a categorical program expertise beyond their disciplinary specialization. Three examples of categorical program specialists include industrial hygiene personnel, radiation protection personnel, and air pollution control personnel.

Industrial hygiene personnel include engigineers, chemists, nurses, toxicologists, physiologists, occupational hygienists, dermatologists, technicians, or similar occupations. Basic industrial hygiene activities include recognizing, evaluating, and controlling those environmental factors which adversely affect health and efficiency of workers in places of employment. These specialists are essentially concerned with four categories of stresses—toxic chemical agents such as dusts, gases, plastics, and pesticides; physical agents or energy stresses such as excessive noise, temperature extremes and radiations; biological hazards such as infectious agents and enzymes; and other work-related stresses such as monotony, rigors of work process, and equipment design.

In federal agencies and in large industrial companies, these personnel may also conduct research studies on toxicity of materials, analytical methods, and field instrumentation. In such organizations, occupational health programs may also be staffed with physicians, nurses, toxicologists, x-ray technicians, and laboratory personnel offering a comprehensive preventive health program for workers. Industrial hygiene personnel in state and local official agencies provide various consultation and technical services to workplaces within their jurisdiction.

The latest estimate available indicates that nearly 1700 industrial hygiene personnel are employed by manufacturing and other industrial and commercial enterprises, insurance companies, universities, federal agencies, and state and local agencies.

Major professional associations concerned with industrial hygiene are the American Industrial Hygiene Association (1650 members in 1969), the American Conference of Governmental Industrial Hygienists (1065 members in 1969), and the Occupational Health Section, American Public Health Association (700 members in 1969). The first two organizations sponsor the American Board of Industrial Hygiene, an organization established in 1960 to improve the practice and educational standards of industrial hygienists. Certification as a Diplomate of the American Academy of Industrial Hygiene is awarded by the board based upon a system of written and oral examinations. By 1970, the board had certified 570 persons. Certification requirements include graduation with a baccalaureate in chemistry; physics; chemical, mechanical, or sanitary engineering; biology; or other acceptable major subject and eight years full-time employment in industrial hygiene.

Radiation protection personnel at the professional level include health physicists, engineers, chemists, biologists, and other scientific and technical occupations with specialized training. The radiation exposure problems with which they are concerned are associated with electronic products, such as x-ray machines, particle accelerators, microwave ovens, and color television; radioactive materials; and nuclear reactors, as well as environmental radioactive contamination. Their work is conducted principally in industrial, medical, research, or educational institutions that use radiation sources and in governmental agencies that have responsibility for public health protection.

Several professional associations and societies serving radiation protection objectives provide opportunity for membership, such as the Health Physics Society (3000 members); Radiological Health Section (350 members) of the American Public Health Association; American Association of Physicists in Medicine (450 members); and the American College of Radiology. The first three of these serve as sponsors of the American Board of Health Physics, an organization established in 1959 to improve the practice and elevate the standards of health physics. Through a system of written and oral examinations, by 1969 the board had certified almost 500 people as professionally qualified to assume higher level positions in health physics. Requirements for certification include a bachelor's degree in a physical science, or in a biological science with a minor in a physical science, and six years professional experience in health physics (three years of which must have been in applied radiation protection work).

Air pollution control personnel include engineers, chemists, meteorologists, statisticians, physicists, biologists, sanitarians, technicians, inspectors, etc. The principal activities in air pollution control programs are identifying and measuring chemical pollutants and airborne particulate matter, measuring and analyzing the meteorological effects on atmospheric pollution conditions, determining the effects of air pollution on biological systems and inorganic materials, controlling air pollution sources including industrial production processes, combustion and space heating equipment, and vehicular sources, developing, installing, and operating a variety of processes and equipment designed to reduce or eliminate the emission of air pollutants, developing and enforcing air quality and emission standards, and coordinating and integrating air pollution control efforts with other environmental protection activities and with diverse industrial and governmental programs and agencies conducting activities which affect, directly or indirectly, air quality.

National concern for the air pollution problems has resulted in a major expansion in state, local, and regional control efforts. In 1963, for example, only 11 states had basic air pollution control legislation; by the end of 1970, all 50 had basic statutes. In 1969, there were more than 200 state, local, and regional control agencies. Most control agencies are small in terms of staffing. Fifty percent of the state agencies had fewer than ten full-time positions, and 50% of the local agencies had fewer than seven full-time positions.

The Air Pollution Control Association (5000 members) is the major professional society concerned with air pollution. Other societies including the American Industrial Hygiene Association, American Society of Civil Engineers. American Society of Mechanical Engineers, American Chemical Society and American Public Health Association are also involve with air pollution activities.

TECHNICIAN AND AIDE

As environmental protection facilities and services have increased in number and complexity, the need for more trained technicians and aides has become more apparent. The environmental technician is an individual prepared for jobs which consist of subsections of work, previously done by professionals (for which full professional training is not necessary); jobs which include new functions supporting the professional that expand the scope of professional services; jobs designed at the entry level so that persons with less than the training or academic credentials that usually accompany profesisonal status can, in relatively short periods, become sufficiently skilled to perform technical tasks; jobs which allow opportunity for individual development, regardless of traditional credentials or other arbitrary status symbols, and permit advancement to duties of greater challenge and responsibilities.

Technicians are utilized in a variety of ways in environmental protection programs. The application of such skills includes, but is not limited to, inspections, surveys, investigations, evaluations, and operation of facilities. Specific tasks may include obtaining appropriate samples of air, water, and food and assisting in tests to determine quality; operating, or assisting in the operation of, water and waste water treatment plants and solid waste disposal facilities; and inspection and evaluation to determine compliance with laws and regulations. Administrative organizations and units which employ technicians are state and local health departments, air pollution control organizations, water purification plants, waste water treatment plants, solid waste collection and disposal units, radiation protection units, consulting firms, and a variety of business and industrial firms concerned with environmental controls. New careers, such as oceanography and meteorology, are continually being developed in environmental protection for technically trained persons.

The number of environmental technicians is difficult to estimate. The 69,500 people employed as technicans in 1970 (Figure 2) occupied positions for which the desirable qualification in training and experience would be those included in the technician definition cited above. In fact, a substantial proportion of the personnel so employed at this time has not had the training or equivalent experience to qualify adequately.

By 1980 the rapid population growth will have created environmental problems requiring 214,000 trained technicians. At the present rate of training—less than 1000 new graduates per year—there will not be enough trained people to meet the demand. Educational facilities and teachers must be updated and added to in significant numbers for the ncessary production of trained technicians needed over the next five to ten years.

The environmental aide assists professional personnel and technicians in carrying out prevention, control, and service programs. He performs routine tasks under supervision. The aide is usually a high-school graduate and receives on-the-job training in environmental protection activity. As estimated 101,000 aides were employed in 1970 in public water supply, waste water collection and treatment, industrial wastes disposal, solid waste collection and disposal, community sanitation and rodent control activities, industrial safety, air pollution control, and recreational management.

EDUCATION AND TRAINING

The minimum educational requirement for engineers, sanitarians, and many other environmental disciplines is the bachelor's degree. However, in a number of other instances, graduate education is required for disciplinary qualification or for categorical program specialization. In several disciplines the qualifying professional degree is the doctorate.

Most engineers now enter the environmental protection field at the bachelor's level, having completed curricula in civil, chemical, or mechanical engineering, however, graduate preparation frequently is a requisite for employment and (or) advancement Graduate education for engineers in air pollution, water pollution, industrial hygiene, solid waste management, radiation protection, and general practice is offered at more than 100 institutions (Table II). The full range of such specialization is not offered at every institution.

The minimum educational requirement for the sanitarian is usually a bachelor's degree with a major in environmental health or in the physical or biological sciences. Presently, 35 academic institutions offer undergraduate four-year programs in environmental health. In 1968, the National Association of Sanitarians (now the National Environmental Health Association) initiated an accreditation program for undergraduate environmental health (or related) curricula.

The minimum educational requirement for the environmental technician is an associate's degree, or equivalent, in environmental health, environmental science, radiologic technology, or related areas of specialization. A number of community (junior) colleges or technical institutes offer technical training in these areas.

The environmental aide normally is a high-school graduate with varying amounts of on-the-job training, vocational education, and (or) appropriate short-course training in specialized subjects.

A wide variety of short technical courses in environmental subjects is offered by the Environmental Protection Agency and the Public Health Service. In addition to the short courses conducted in the states in response to requests, short technical courses for continuing education are also offered by several other federal agencies and nonfederal institutions.

TABLE I.—ENVIRONMENTAL MANPOWER NEEDS NOW OUTSTRIP THE SUPPLY

Occupation	Supply 1970	Need 1970	Need 1975	Need 1980
Engineer	35,700	44,000	70,000	105,000
Scientist	11,300	22,000	28,000	32,000
Technologist	26,600	51,000	66,000	76,000
Technician	69,500	86,000	150,000	214,000
Aide	101,000	126,000	157,000	188,000

TABLE II.—ACADEMIC INSTITUTIONS OFFERING ENVIRONMENTAL PROTECTION GRADUATE (SUPPORTED BY SELECTED FEDERAL GRANTS PROGRAMS)

Location and school	Environmental area of program emphasis [1] Air	Ind. hyg.	Rad. protect.	Solid wastes	Water	Other [2]
Alabama:						
Tuskegee Institute					X	
University of Alabama					X	
Alaska: University of Alaska						X
Arizona:						
University of Arizona					X	
Arkansas: University of Arkansas			X		X	
California:						
California Institute of Technology						X
San Jose State					X	
Stanford University					X	
University of California, Berkeley		X			X	X
University of California, Davis					X	X
University of California, Irvine						X
University of California, Los Angeles			X			X
University of California, Riverside	X					X
University of Southern California	X					
Colorado:						
Colorado State University			X		X	
University of Colorado					X	
Connecticut:						
University of Connecticut					X	X
Yale	X		X			X
District of Columbia:						
Georgetown						X
Howard					X	
Florida:						
University of Florida	X		X	X	X	X
University of Miami			X			X
Georgia:						
University of Georgia						X
Georgia Institute of Technology	X		X	X	X	X
Emory						X
Hawaii: University of Hawaii				X	X	X
Illinois:						
University of Illinois	X			X	X	
Illinois Institute of Technology					X	
Southern Illinois University					X	
Northwestern University			X		X	X
Indiana:						
Purdue	X		X		X	X
University of Indiana						X
Notre Dame					X	X
Iowa:						
Iowa State			X		X	
University of Iowa					X	
Kansas:						
Kansas State University		X				X
University of Kansas			X	X	X	
Kentucky: University of Kentucky	X				X	
Louisiana:						
Louisiana State University	X				X	
Louisiana Polytechnic Institute					X	
Tulane	X					X
Maine: University of Maine					X	
Maryland:						
University of Maryland	X					
Johns Hopkins	X		X		X	X
Massachusetts:						
University of Massachusetts	X				X	X
Harvard	X	X	X		X	X
Massachusetts Institute of Technology						X
Northeastern University					X	X
Tufts					X	X
Michigan:						
University of Michigan	X	X	X	X	X	X
Michigan State University					X	X
Wayne State University					X	X
Minnesota: University of Minnesota	X		X		X	X
Mississippi: Mississippi State University-					X	
Missouri:						
University of Missouri					X	X
Washington University						X
PROGRAMS IN 1970						
Montana: Montana State University					X	
Nebraska: University of Nebraska					X	
New Jersey: Rutgers	X		X		X	X
New Mexico: New Mexico State University					X	X
New York:						
Columbia			X			X
Cornell					X	X
Adelphia					X	
Manhattan College					X	
New York University	X	X	X		X	X
Rensselaer Polytechnical			X	X		
Union College and University						X
North Carolina:						
North Carolina State University	X				X	X
University of North Carolina	X	X	X		X	X
Duke						X
North Dakota: North Dakota State University			X			X
Ohio:						
Ohio State University		X			X	X
University of Cincinnati	X	X	X		X	X
University of Toledo					X	
Oklahoma:						
Oklahoma State University					X	
University of Oklahoma		X	X	X	X	X
Oregon: Oregon State University	X		X		X	X
Pennsylvania:						
Pennsylvania State University	X				X	X
University of Pennsylvania			X			
Drexel Institute of Technology	X			X	X	X
Temple	X		X			
Thomas Jefferson University						X
University of Pittsburgh	X	X	X		X	X
Puerto Rico: University of Puerto Rico			X			
Rhode Island: University of Rhode						X
Island					X	X
South Carolina: Clemson University					X	X
South Dakota:						
South Dakota State University					X	X
University of South Dakota						X
Tennessee:						
University of Tennessee			X			
Vanderbilt	X				X	X
Texas:						
University of Texas	X		X	X	X	X
Texas A. & M. University			X			
University of Houston				X		
Rice					X	X
North Texas State University					X	
Utah:						
Utah State University					X	
University of Utah	X				X	
Virgina: Virginia Polytech					X	X
Washington:						
University of Washington	X		X	X	X	X
Washington State University	X				X	
West Virginia: West Virginia University	X			X	X	X
Wisconsin:						
University of Wisconsin	X				X	
Marquette					X	
Total, 103 schools	33	10	32	13	73	63

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[1] Includes research training in each program.

[2] Includes one or more of following, as illustrations: injury control, toxicology, systems planning, environmental biology, etc.

FOREIGN NATIONS DISREGARD CONSERVATION PRACTICES

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mrs. HECKLER of Massachusetts. Mr. Speaker, how long can we endure the unbridled effrontery we are witnessing on the high seas outside of our territorial jurisdiction?

One of our most precious fishery resources, the North Atlantic salmon is now the target of unthinking, unfeeling fishermen from foreign nations greatly more interested in immediate profits than in insuring the long-run survival of fine species of fish.

The North Atlantic salmon is an economic necessity to commercial fishermen and a delight to sports fishermen and gourmets as well. The Congress has previously recognized the salmon's importance by authorizing conservation programs to protect the fish when they ascend our streams to spawn.

Unfortunately, however, these salmon spend most of their lives at sea. All conservation measures that protect them while they are in coastal and fresh waters are meaningless if, during the years they are at sea, they are ruthlessly harvested by greedy exploiters. In many cases, foreign fishermen are reflecting the policy of their own government against adherence to any semblance of sound and effective conservation procedures.

Our natural resources would not last long if all nations ignored the need to act in the best interests of both the present and future generations. The United States, recognizing this problem, must establish its national policy to take whatever steps are required to insure that this vulnerable species is not desecrated further.

Therefore, Mr. Speaker, I am today introducing legislation that will permit U.S. sanctions against foreign nations who, in the judgment of the Secretary of Commerce, are failing to honor reasonable conservation practices in fishing for the North Atlantic salmon and are therefore causing severe harm to these fish.

This legislation will close the vast American marketplace to the food and agricultural products of nations whose fishermen are permitted to disregard conservation practices in their fishing. Since we cannot take direct action to insure that these fish are protected on the high seas, we must take whatever effective steps are available.

The bill makes it unlawful for anyone to bring into the United States the food and agricultural products of any nation certified by the Secretary of Commerce as endangering conservation programs for the North Atlantic salmon. A penalty of not more than $10,000 for the first offense and $25,000 for any subsequent offense is provided.

It is important that the Congress act quickly on this issue. The damage is being done right now to the North Atlantic salmon and it may be irrevocable. This legislation should have one of our highest priorities.

INTERIOR MUST ACT ON VISITOR PARKING

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. MYERS. Mr. Speaker, I have today written Secretary Morton of the Department of Interior asking him to take action on a proposal for underground visitor parking at the Mall and Ellipse.

More than 18 million visitors will travel to the Nation's Capital this year, with more than 12,500,000 arriving by automobile.

It is unfair for us as lawmakers, as Government officials, and as businessmen in Washington to encourage this influx of tourists anxious to see their Government at work only to send them home frustrated and discouraged by the transportation problems in the Capital.

I urged the National Park Service to assume leadership in solving this problem by taking a positive position based on numerous studies made in recent years which provide the feasibility of constructing visitor parking facilities under the Mall and the Ellipse, in the heart of the major Federal buildings and shrines.

The complaints I hear most often from constituents visiting my office center on the lack of parking facilities and the frustration of searching for a place either on the street or in a commercial lot. In at least one instance, I remember a constituent who gave up and returned home to Indiana without seeing many of the historical sites in Washington.

I am aware of at least one survey which recommends underground parking at the Ellipse just south of the White House which would accommodate 2,800 private autos and 400 buses. Similar plans have been proposed for an 11-block stretch under the Mall running from the Capitol Building to the Washington Monument. Still another proposal would provide for underground parking at 17th Street and Constitution Avenue, the former site of the Naval Munitions Building.

The harsh fact is that parking is especially acute in the vicinity of the Capitol, the Senate and House Office Buildings, national shrines, and the other areas visited by millions of citizens from throughout America and the world who come to Washington annually.

This problem not only affects these visitors but also such shortage creates a parking and transportation problem for the thousands of employees of the Federal Government with whom the visitors must compete for what limited parking there is available.

It is time for decisive action in meeting this problem. The studies have been made and the recommendations have been under consideration for several years. We owe it to the millions of Americans who visit Washington each year and the thousands who live and work here year-round to provide the best possible transportation system.

I feel certain Congress will act favorably on a constructive plan for visitor parking once the National Park Service and the Department of the Interior agree on a proposal and send it to Capitol Hill for consideration.

NEW YORK KNICKERBOCKER DRUM AND BUGLE CORPS

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. SCHEUER. Mr. Speaker, the New York Knickerbocker Drum and Bugle Corps wins praise wherever it goes. I am proud to join in that praise by inserting in the RECORD a recent article in the magazine Drum Corps America/Canada which describes the Knickerbockers with all the enthusiasm and praise it so richly deserves:

DRUM CORPS AMERICA/CANADA SALUTES N.Y. KNICKERBOCKER DRUM & BUGLE CORPS

"From the concrete canyons of the Capital City of the World, here is New York's own Knickerbocker Drum & Bugle Corps" . . . . To tens of thousands of people this verbal fanfare heralds another exciting performance by the city's unique "Teenage Marching Ambassadors of Musical Goodwill," the fabulous New York Knickerbocker Drum and Bugle Corps.

Although only two seasons have passed since the advent of the Knickerbockers, it is already one of North America's most sought after drum corps. It's thrilled thousands at competitions where it's always in the running, and was chosen from among 600 applicants to march in last year's Macy's Thanksgiving Parade. (A double distinction, since the committee that runs this fabulous pageant is known to be least receptive to New York City units.)

Clad in brilliant gold tunics with scarlet cross-sash and ebony trim, the corps never fails to present an outstanding musical show. Last season on it's first major Mid-America and Mid-Canada tour, the Knicks gained thousands of new fans and sold hundreds of famous Father Knickerbocker Buttons from a genuine New York pushcart.

A veritable United Nations on the march, the New York flavor of the corps is conveyed through its magical music—pulsating percussion, dynamic drill and fascinating faces showing latin, white, oriental and black ethnic backgrounds. "Knickerbocker" means "Son of New York." To thousands it also means excitement and unique musical entertainment.

Not only is the New York Knickerbocker Drum and Bugle Corps well known, but its entire organization, including its successful Cadet unit and powerful Parent and Booster Association, have drawn a great deal of respect and attention from the New York community.

The "Knickerbocker Gallery of Honor," which designates persons who have helped the corps, includes: Mayor John Lindsay, for has proclamations establishing the corps as Official Ambassadors of Good Will; Cardinal Terrence Cooke, who has made financial donations to the corps; Bronx Borough President Bob Abrams, who has worked with community leaders to support the Knicks, Congressmen Mario Biaggi and Jim Scheuer, who help the corps in legal matters, and world famous entertainer Sammy Davis, Jr., who ran a benefit for the corps and raised thousands of dollars for it. . . . The Knicks are very special and will be great in 1971.

JACKSONVILLE SHERIFF'S OFFICE PROMOTES FAIRER JUSTICE

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. BENNETT. Mr. Speaker, the sheriff's office in Jacksonville, Fla., is one of the most innovative law enforcement agencies in the Nation. To protect citizens and provide for fairer law enforcement and justice, the Jacksonville sheriff's department has a police legal advisor, financed through the Law Enforcement Assistance Act, of which I was a cosponsor.

The so-called "squad car lawyer," is Eric Smith, who is on call 24 hours a day to provide legal advice to police officers. Smith, a graduate of the University of Florida College of Law, is also president of the Jacksonville Junior Chamber of Commerce, and a dynamic young leader in the community.

To point out this unique law enforcement service provided by the Jacksonville sheriff's office, financed with Federal funds, I include an article in the CONGRESSIONAL RECORD from the Florida Sheriff's Star, a magazine published by the Florida Sheriff's Association, reprinted from the Jacksonville, Fla., Chronicle:

ON 24-HOUR CALL: ERIC SMITH THE SQUAD CAR LAWYER

(NOTE—The following article appeared in the monthly Florida SHERIFF'S STAR, a magazine published by the Florida Sheriff's Association.)

JACKSONVILLE.—While cruising a neighborhood hard hit by burglars, Officer Jackson spots a suspicious person in the shadows carrying a tool box and paper bag.

The suspect says he is carrying his work tools and lunch but indignantly refuses to allow Officer Jackson to inspect the contents.

Tauntingly he tells the officer to "get a search warrant."

Can this suspect be legally searched without arresting him? Or must he be arrested, then searched?

If Officer Jackson searches the man illegally he has left himself and the department open to a civil suit. If he makes the arrest and the suspect is carrying his tools and lunch instead of burglar tools and loot, a false arrest suit is sure to follow.

The above is a fairly common occurrence and most officers would know instinctively how to handle it. But even the oldest pro can't be ready for every situation and have every answer. And there must be an answer and quickly or the suspect is gone, the case lost.

In Jacksonville this is less likely to happen. The Sheriff's Department has a man on call 24 hours a day to have answers to most of the questions.

He is a Police Legal Advisor, commonly referred to as the "Squad Car Lawyer." His name is Eric Smith, and he has several jobs.

Being on call with his radio-equipped, unmarked police car is just one of them.

To cut down on the number of times he is called in the middle of the night, Smith is instructing police officers in the areas of criminal law; what they need to know about search and seizure, laws of arrest and Supreme Court decisions.

At the Sheriff's Academy, recruits get 20 hours of instruction in basic criminal law, courtroom procedure.

A group of 20 correctional officers attended a four-hour course entitled "Legal Rights of Correctional Officers."

Smith is also involved in presenting an in-service training program to all 730 sworn personnel.

The Police Legal Advisor Program by a discretionary federal grant from the Law Enforcement Assistance Administration.

For $15,000 a year Sheriff Dale Carson has a 28-year-old lawyer with a degree from the University of Florida who has been an assistant state attorney and a prosecutor in municipal court. In addition, he has taught courses in criminal law and economics at Florida Junior College.

The Sheriff's Department has established five goals to be accomplished through the Police Legal Advisor.

1. Provide the Sheriff's Office with full-time legal assistance responsive to police needs.

2. Provide "high-level" recruit and in-service training in the area of criminal law.

3. Provide a research capability in areas of need such as in drafting needed statutes and evaluating proposed legislation.

4. Distribution of information in the field of criminal law throughout the Department.

5. Bring about better communication with the courts and prosecutors.

Since the beginning of the program in January, Smith has noted a steady increase in the number of telephone opinions he is asked to give, routine questions he is asked and evaluation reports he is asked to make.

One of the first jobs was to let officers know they had someone to call on for legal help. This was done by giving introductory briefings to various units in the Department.

Officers are getting reminders of his presence in the form of Police Legal Bulletins which serve to keep them up-to-date on the latest changes and interpretations of the law.

Smith says one of the big gains has been the fact "officers feel that for the first time they have full-time, police oriented legal advice."

He noted the offices of the state attorney and city attorney are among the best and provide the Sheriff's Department with excellent service, but "they cannot devote the time and involvement which a police legal advisor provides."

The advisor is maintaining a close relationship with these agencies. He is also attending weekly staff meetings at the State Attorney's Office.

Some of his other duties are to observe crime scenes and civil disorders, interview witnesses and accompany officers on raids.

RECEIVES 1971 APOLLO AWARD

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. WYATT. Mr. Speaker, it gives me great pleasure to congratulate Anna Berliner, Ph. D. and emeritus professor of psychology at Pacific University College of Optometry, in Forest Grove, Oreg., for receiving the 1971 Apollo Award from the American Optometric Association in recognition of her "distinguished service and significant contribution to the visual welfare of mankind." Dr. Berliner, a constituent of my district, has played an active role in recognizing the importance of the behavioral sciences to optometry.

The Apollo Award is the highest tribute that can be bestowed upon an individual by the American Optometric Association. The association is a federation of 51 associations representing all 50 States and the District of Columbia. The award was presented to Dr. Berliner at the American Optometric Association's annual congress in Houston in June.

Endorsing Dr. Berliner's nomination for the Apollo Award, Dr. John R. Pierce, chairman of the University of Alabama School of Optometry noted that—

> . . . It was she who first pointed out the importance of the behavioral sciences to optometry. . . . The movement that she started has had such an impact that it has influenced the curriculum of all schools and colleges of optometry. Her contribution to optometry is immeasurable.

Dr. Berliner received her Ph. D in 1913 at the University of Leipzig, in psychology and philosophy. She carries with her the truly rare honor of having been the first female doctoral student under Wundt. She subsequently because part of the Gestalt movement which radically changed the course of psychology. A list of her friends and colleagues contains the names of the many notables who charted the course of modern behavioral science.

I am honored to have the privilege of congratulating Dr. Berliner. She has proven herself to be an outstanding member of our society, the academic, and professional community, and I applaud the American Optometric Association for recognizing her brilliant career and monumental contributions.

TRIBUTE TO HON. JOHN DOW

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. BINGHAM. Mr. Speaker, I deem it a pleasure and an honor to participate in the tributes being paid by his colleagues to the gentleman from New York (Mr. DOW).

JOHN DOW has earned a reputation in the House of Representatives for total integrity and great courage. He also gratifies partly for the term we use here so casually: "Gentleman."

He was one of the first to see clearly the evils of the Vietnam war, to speak out against them and to vote against any authorization or appropriation bills that might be considered to provide support for that military misadventure.

I have worked with Congressman Dow on a number of occasions and have always found him willing to work as a member of a team, without regard for parading his own virtue, but he never carries this spirit of cooperation to the point of compromising his principles.

Although the word "politician" has an honorable origin, in modern times it has come to convey a sense of expediency, of catering to the voters regardless of the rights and wrongs, of making deals for personal advancement. In this sense, JOHN DOW is the opposite of a politician. Fortunately, the voters of his district have been wise enough to recognize his sterling qualities on repeated occasions. I hope they will continue in the future to recognize that they are fortunate indeed to have as their representative a man of such quality. Then the Congress of the United States will have the benefit of his dedication, his ability and his wisdom, and his colleagues will have the privilege of his advice, his help, and his friendly presence in the House.

A COP NAMED JOE

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. HOWARD. Mr. Speaker, his name was Joe Monteparo.

He showed that reasonable men can work together in order to make a community a better place to live in and work.

He died while carrying out his duties as a policeman, a job he loved and at which he worked with dedication.

"Joe Mont" was a life-long friend of mine. We played together as youngsters. We went through school together. And we remained friends until his untimely death.

On July 27, 1971, Look magazine carried a story on "Joe Mont" which outlined the great contribution he made to his community and his country. I commend the reading of this article to my colleagues:

A COP NAMED JOE

(By Fletcher Knebel)

They entered the room like wary lieutenants of warring armies, summoned to truce talks they regarded as foredoomed. They wore an air of righteous mission. They came ostensibly to talk peace, but actually to pin guilt on the enemy before the outbreak of new fighting.

They were six whites and six blacks. The field of battle was a square mile of real estate, the once fashionable but now frayed Atlantic seaside resort, Asbury Park, N.J., a century-old town of 17,000 inhabitants and a microcosm of America's raging urban plague. The meeting date last year was October 11, thirteen weeks after black riots burst on the city, resulting in injury to 180 persons, 167 arrests and $4 million in property losses. When the New Jersey State Police withdrew and the curfew was lifted, Asbury Park was shattered, and Springwood Avenue, outdoor living room of the black ghetto west of the railroad tracks, resembled a street after heavy bombardment.

Behind the sea-sprayed boardwalk, creaking with tens of thousands of visitors on summer weekends, Asbury Park was a city of fading hopes. It was governed by a standpat mayor and council, unresponsive to the needs and demands of the growing black population, now 35 percent of the total. The city manager's post stood vacant. The Chamber of Commerce had died of apathy. Businessmen deserted the town at sundown for scrubbed and bowered residential havens outside Asbury Park. Whites complained bitterly of rising taxes, robberies and muggings. Blacks were indignant over the scarcity of year-round jobs, high slum rents and the drug dealers and junkies who haunted Springwood Avenue. Twenty-nine percent of the city lived on welfare. Racial antipathies were fast acquiring the face of hatred, particularly between the blacks and the hard-pressed, clannish Italians, the largest white ethnic bloc.

The two-day October session, billed as a "laboratory confrontation," was viewed as a forlorn effort by those few residents who knew of it. Fear stalked the town. Rumors mushroomed. Asbury Park High School had suffered a racial eruption only two weeks before. People were arming. Bigots of both colors spread their venom. Talk between the races was confined almost exclusively to shrill public blasts from combatant leaders.

The black-white encounter was directed by two outside professionals, Mrs. Holly Porter, a serene, comely WASP housewife from Grand Rapids, Mich., and Irving Goldaber, a sociology professor at Brooklyn College who skillfully blends classroom theory with the street lore absorbed as a boy in a poor Jewish family living in Brooklyn's now embattled Brownsville section. Goldaber and Mrs. Porter, operating as Community Confrontation and Communication Associates, share basic views about the nation's urban turmoil: that warring factions would really rather talk than fight, that massive infusion of money without attitude and behavior change is of dubious value, and that such changes can emanate from dialogue.

But the most important person in the room that October morning was one of the white confronters, a cop named Joe. He was a great barrel of a man with powerful muscles and steady blue eyes. Joe was stubborn, quick-tempered, outspoken and fearless. He was a strict by-the-book, law-and-order man. He had been bruised, bitten and butted in ten years as a policeman, had once severely damaged his back and again suffered a chipped elbow in pursuit of fleeing suspects.

Joseph Michael Monteparo, son of an Italian immigrant, had been born 41 years before on Springwood Avenue when that now black street was the heart of Little Italy. In his youth, Italian boys did not venture far from Springwood. The family was poor. Joe and his two brothers were products of a split home, and their mother labored as a factory hand at $11 a week, to supplement money sent by their father. Athletics then was the route up and out for Italian boys, even as it is now for black youngsters. Joe became a fierce competitor, starred in baseball and basketball at Asbury Park High. Later, he played minor-league baseball. Drafted for the Korean War, he served Stateside, chiefly with a championship Army baseball team of Ft. Myer, Va. Later, he became a fine amateur golfer, shooting in the 70's.

Aside from his baseball days, Joe's entire life was Asbury Park. He was provincial in outlook, hearse-driving and cleaning out theaters, usually sleeping only six out of 24 hours. The night before this October meeting was routine for Joe. He worked until 2 a.m., sweeping out a movie house.

There were many reasons for Joe's importance in the room that morning. For the whites, he was a natural leader, trusted by the politically potent Italian community, respected by others. Popular with fellow officers, he was the New Jersey State Policeman's Benevolent Association delegate. To the blacks, Joe was the symbol of feared police power. Joe had tried to get one of the blacks, Donald Hammary, fired from his anti-poverty job, had argued heatedly with Hammary on a David Susskind TV show three weeks earlier.

Joe had played a major role at a recent secret meeting the night after black students rampaged through the high school, beating white students in the corridors. Almost 200 white youths, many armed with chains, clubs and other weapons, gathered in the basement of the home of Nicky West, 17-year-old son of Charles West, a contractor and special-duty policeman. The white boys aimed to invade Springwood Avenue in retaliation for the school assaults. The elder West summoned Joe Monteparo, who told the gang to cool it. Retaliation would start a vicious circle of warfare, he said. But Joe also made it plain that the white boys should fight if attacked again. Fear would only breed more assaults, he said. The meeting broke up without a raid into black territory. When word of Joe's counsel filtered out to blacks, distortion dimmed the "cool it" order and magnified his advice to fight if attacked. The blacks had no love for Joe Monteparo.

The 12-member confrontation that morning embraced ten men, five white and five black, and two women, one black, one white. The blacks included anti-poverty officials, students, a nurse's aide and a college administrator. The whites included a lawyer, housewife, city official, boys' club director, policeman and a contractor who was also a special-duty policeman. They were all prominent in the city and represented a "cross section of hostilities," in the words of David Parreott, Jr., a black detective assigned to assist the group leaders. Easy-mannered Parreott, popular with both blacks and whites, was the chief reason that Joe Monteparo was in the room at all. The confrontation was part of a community-relations project of the police department, financed by a New Jersey state grant. The 50-man police force, then 38 whites 12 blacks, was as fractured as Asbury Park itself. The uniform covered white racists and moderates, black militants and Uncle Toms. Police Chief Thomas Smith, himself a black man, had set the project in motion, but many of his white subordinates viewed "community relations" as enforced fraternization with the enemy. Joe Monteparo found himself in a conflict of loyalties. Chief Smith wanted him to attend the sessions. White officers urged him to boycott them. Joe himself opposed such programs, had said so bluntly.

A few hours before the meeting opened, Joe was still uncertain. After his movie-cleaning chores, he sat in a car in front of his home until 3 a.m., while Parretott and Goldaber sought to persuade him to attend. Joe's grudging final "yes" was a concession to his black fellow officer, Dave Parreott. Joe and Dave had gone on the force together in 1960, after placing first and second respectively in examinations.

The meeting opened in frigid formality, as Goldaber explained the ground rules: "Say anything you want, but don't interrupt another person." He instructed the six whites and six blacks to retire in segregated caucuses and list all their complaints against the other side. These were transposed to large wall posters. Black complaints, headed by "police racism, brutality," included half-session schools, shabby housing, and lack of jobs and a city manager. Whites, listing complaints in form of questions, asked among other things what burning and looting accomplished, why "the term 'work' is a dirty word," what causes rats and vermin in black dwellings, why "you teach your children to hate whites," why police were called pigs and why so many blacks were on welfare.

The black charge of police racism came first. Within minutes, the room exploded in an angry shouting match. As the only regular police officer present, Joe bore the brunt of black wrath. He was soon in an irate exchange with Don Hammary, his old foe. He also clashed with Mrs. Mary Johnson, a black mother of four children whose flooding emotions were borne along on a torrent of words. Mary accused Joe of jamming a gun into her stomach at police headquarters amid negotiations during the July riots. Joe called Mary a liar and said that she had spread the lie throughout the black community. They relived the July scene at full lung power. Hammary got into the act, said that he had seen Joe and another officer standing next to Mary. Joe had been offensive, contended Hammary, but it was the other officer who put the gun to Mary's stomach. Mary apologized to Joe in the manner of a leopard apologizing to a python. Joe accepted in glum triumph. The shouting continued at high pitch. By noon, the group was ready to call it quits. At this point, Holly Porter prescribed an integrated lunch for the combatants. The intake of food plus the normal table etiquette defused tempers somewhat.

Two significant events occurred after lunch. A white lawyer walked out, never to return. He had come not to discuss or even to wrangle. He had come to "indict" the blacks for the crime of rioting, and he had a large yellow pad on which he jotted notes. In the curious, unspoken way that groups have, this group had begun to regard the attorney as an obstacle. He was anathema to the blacks, and he had lost the support of his fellow whites. Behind all their anger, the whites were groping for elusive solutions for the future. The lawyer, they sensed, was mired in the past. In this room at this time, he had lost his clout with everyone.

The second event was a game. The moment Goldaber proposed it, the tangled black and white hostilities focused sharply on him. One man voiced the group's sentiments: "With the city dying, this is a hell of a time to play games." But Goldaber smilingly insisted. It was an arithmetical problem, to be solved individually. Farmer Brown and Farmer Jones sell a pony back and forth to each other at varying prices. At the end, Farmer Brown owns the pony, but which farmer made money and how much? The 11 people came up with five different answers, were directed to split into five subgroups according to the answers. Each contingent was to elect a spokesman who would try to convince the entire group of the correctness of his solution. This provoked minor bedlam, people scurrying from one huddle to another as they changed their minds. The spokesmen, of whom Joe was one, presented a ragged spectacle. Once convinced they were right, they now faltered in their oratory, fearful they might be proved wrong after all. "So how do we find the correct answer?" asked Goldaber at last. Willie Hamm, an articulate black on the staff of Rutgers, suggested that the money exchange be acted out with fake bills. He would do service as the pony.

Now, the scene was played for laughs, first of the day. Hamm, neighing like a horse, shuttled between Bill Green, the Irish city coordinator, playing one farmer, and Paul Gunter, 20-year-old black militant, playing the other. Green became the play's comic star when he miscounted his money, forcing reenactment of the transaction. When laughter subsided, Goldaber asked what the game's moral was for Asbury Park. Consensus: "Before you shoot off your mouth in public, be damn sure of your facts. And listen to the other guy. He may be right after all."

The confrontation never again reached the decibels of the first strident hours. There was more dialogue, less bombast, more listening, fewer accusations. Yet the further the game receded in memory, the faster tempers kindled again. When the group broke for the night, wrangling had renewed, albeit at lower key.

The next morning, a bright autumn day, saw swiftly escalating combat. At the core were Joe Monteparo and Paul Gunter, the young black. Paul warned that black kids were angry, might burn again anytime. Joe: "See, you're threatening us again." Paul hotly: "No, I'm just reporting reality." Joe warned that white people, frightened over black disorders, would move out of the city. Paul: "Good, go ahead. We'll help you pack." Joe retorted that he too was merely reporting reality. Paul, temper flaring, consistently cut in on Joe.

Joe, suddenly rising to his feet, accused Paul of violating the rule against interruption. "I'm leaving," he announced. And big Joe stalked from the room, leaving the group in gaping silence. Paul Gunter was not to be denied a last word. He rushed after Joe, and the argument raged outside. Dave Parreott followed the pair. Seeking peace, he first made Paul promise to quit interrupting Joe. Then he appealed to Joe to return. Joe refused. He said this was Chief Smith's personal program, but other officers advised him he'd only compromise himself by coming.

Parreott: "Look, Joe, you owe me a lot of favors, right?"

Monteparo: "Yeah, Dave, I do."

Parreott: "Well, I want one now. Come on back in. My neck's on the line on this program. Do it for me."

Monteparo turned to Gunter. "And you won't interrupt me any more?"

Gunter: "Not if you don't break in on me."

Monteparo: "OK. Let's go back in."

Rejoining the tight circle, Joe apologized for walking out. He was here to stay, he said. Proud Joe's willingness to humble himself deeply impressed, then galvanized, the group. From that moment, the real dialogue began. No more shouts or taunts. The tone was conversational, often subdued. A friendly note began to sound in the exchanges. Every group has its own path to mutual understanding, and in this group, it appeared to be an awarenesss that somehow the future of Asbury Park, its city, was linked to what was said and done here. But Joe and Paul were not speaking to each other.

The leaders offered another exercise, involving a complex list of instructions. This time the 11 people came up with ten different answers. Goldaber then led a group pursuit of the solution. In the end, they agreed unanimously. The obvious point of this exercise was mulled over in silence. Then Willie Hamm said: "We did it as a group." Joe nodded at the black man. "Yeah," he said in a low voice, "we did it together."

The climate was sunny at lunch. For the first time, some good-natured interracial kidding took place. After the dishes were cleared, Holly Porter and Irving Goldaber paired off blacks with whites for tours of the town. Blacks were to take whites to their turf and vice versa. To the amazement of everyone, the leaders paired Joe and Paul although the two men still were not speaking. Charles West, in whose home the mass meeting of white high school boys had been held, was assigned to accompany Joe and Paul. The leaders were accused of making their first mistake. Joe and Paul would flare into new disputes, probably would not return.

"It is a risk," conceded Goldaber. "Still, if Paul and Joe can't learn to get along, neither can Asbury Park. We might as well find out now."

The fears seemed justified. When the group reassembled at the appointed time, the Joe-Paul-Charlie trio was missing. A half hour passed. At last, the three men appeared. Paul and Joe were conversing animatedly. Reporting, Joe said that Paul had shown them appalling housing along Springwood Avenue. As well as he knew the street of his birth, said Joe, he hadn't realized the squalor in which some blacks, paying rent to white landlords, were forced to live. For his part, Paul said that Joe had shown them police headquarters, located in scruffy, second-floor accommodations. The black suspect in a shoplifting case had been treated fairly.

Now, the group's last traces of rancor evaporated. Both blacks and whites tried hard for understanding. Once, Joe, without heat, asked what black kids meant when they said, "Off the pig." Replied Paul quietly: "It depends on how it's said, Joe. It could be an insult or a threat to hurt you." Again, Joe wanted to know why Negroes now preferred to be called black. Replied Willie Hamm: "It's just the best word today. The worst is to call us 'you people.' "

By evening, the group seemed possessed of a unity of its own. It had, after all, done something unique in Asbury Park. It had listened to people of another race and tried to weigh them as individuals. Some members obviously were exhilarated by the novel experience. The closing dinner of the grueling two-day session was marked by a resolve to work together for racial harmony. In the summations, in which each person told what the confrontations had meant to him, no one was more candid or emphatic than Joe.

"I've learned more about Willie Hamm and black people in two days here," he said, "than in the last six years. We've all got the same problems. Look, I was dead set against police-community relations. I figured why should I be called pig all day and then listen to it all over again on my own time. But now I realize why this city needs to understand the police and vice versa. I listened to Paul while we were out together." Joe grinned. "He's stubborn like me, but we've got to get along. It's the only way for Asbury Park."

In the weeks that followed, ripples from the confrontation spread through the city. The dead Chamber of Commerce was reborn with a determination to aid the whole city, blacks as well as whites. The apathetic City Council began to respond to joint black-white pressure. A black social worker was hired to help bring racial peace to the high school. A rat-extermination program was launched. The city procured a state grant for additional confrontations. Ten more sessions were held, policemen facing such groups as black and white teen-agers, senior citizens, businessmen and street-wise ghetto dwellers who called themselves Brothers of the Mud Hole. The new Chamber of Commerce joined with the black West Side Coalition to provide summer jobs for needy teen-agers. A screening committee was named to find a professional city manager. Joe Monteparo served as a member, as well as Willie Hamm and other blacks. Local planning stimulated a Model Cities grant, including funds for a swimming pool in the black area and a youth-development program.

Individual acts reflected attitude changes. Charles West joined a biracial citizens' movement. His son Nicky, once itching to battle black youths, participated in the confrontation of black and white teen-agers, became an agent for social change. Paul Gunter, who once loathed cops, applied for a job as a housing-authority policeman. Mary Johnson, who said she once "hated almost all whites" become MC of a black-oriented program on a white-owned radio station.

But it was Joe Monteparo who became the symbol of change in the city's new mood of hope. He was still the resolute cop, but his approach was softer. The shouts were gone. He listened and discussed. He "became kinder and more compassionate," in the words of his brother Henry. Joe talked frequently with his former foes, Paul Gunter, Willie Hamm, Donald Hammary and Mary Johnson. At a black-white cocktail party (another Asbury Park first) for some alumni of confrontation sessions, Joe was enthusiastic over progress. He told several people that the city was getting somewhere. When Mary Johnson surprised him by asking him to be a guest on her radio program, Joe accepted immediately for Sunday, May 2. He became a missionary for the group method of easing racial friction, attending most of the confrontations as an observer. He persuaded a number of reluctant policemen to take part. In the spring, he and Dave Parreott attended a national police community-relations conference in New Orleans and shared the same hotel room. Flying home, Joe proposed to Dave that they form a black-white consulting firm to spread their know-how to police departments along the Eastern Seaboard. For starters, Joe expected to join Dave in a new Asbury Park police community-relations unit established by Chief Smith.

Some white policemen refused to buy Joe's new approach. He had been "indoctrinated" with this group stuff, they protested, at a time when the city needed tougher cops, ready to rely on the new arsenal of anti-riot weapons purchased by the department. They noted such racially charged episodes as the murder of an elderly Italian by a black man bent on burglary, the burning of crosses by a reactivated Ku Klux Klan, a hot dispute between Italians and blacks over reappointment of a municipal judge of Italian descent.

Shortly before 8 a.m., Saturday, April 24, two black policemen, Patrolman John Graham and Probationary Curtis Gunter, Jr., brother of Paul, were summoned to an upstairs apartment on riot-scarred Springwood Avenue. A black man, a recent mental patient named George Spaulding, was threatening his landlady and a tenant with a long kitchen knife. Graham called headquarters for assistance. Joe Monteparo, the duty sergeant, drove at once to the building. Joe, who had dealt with Spaulding before, took command. Spaulding tried to stab his brother, recently arrived, and swung at Gunter. The young cop ducked and fell backward down the stairs, carrying Patrolman with him. Recovering, Gunter aimed his gun at Spaulding, now standing between the black and Monteparo. Joe shook his head at Gunter, who lowered his gun. "Come on," Joe said to Spaulding, "give me the knife." Instead Spaulding suddenly lunged at Joe. Joe began firing as the knife fell, but it plunged into his heart. Graham also fired at Spaulding. Joe Monteparo and George Spaulding were dead within minutes.

And within minutes, the story of Joe's death sped through the town. Tension mounted rapidly on both sides of the dividing railroad tracks. KKK cards appeared, declaring that Joe would be avenged. There were rumors of arming by blacks and whites. A white policeman, trembling with emotion, told a group that some white cops were in a mood to bash heads at the first sign of trouble in the black section. But hundreds of blacks and whites were stricken, fearful that the racial understanding Joe sought would now prove a mirage. Chief Smith wept when he called at the Monteparo home. Mary Johnson broke down in tears when she came to share her grief with Joe's widow. Long lines of blacks and whites filed past Joe's casket at the wake. Black leaders paid tribute to Joe in statements to the Asbury Park *Press*. The town lived through the weekend without incident, Somehow, the memory of the new Joe was not the kind that moved men to violence.

In the aftermath, there was wide recognition that this was not a racial killing. The mentally tormented Spaulding had tried to knife four blacks, including his own brother. But people debated whether Joe's new attitude had cost his life. Some angry white cops blamed Joe's death on his "indoctrination." Standing in front of police headquarters, only a few yards from a wall placard, "Brotherhood Today Is A Better Tomorrow," one embittered white officer assailed Dave Parreott and "you people" for destroying the town.

Some of Joe's close friends believed that his chipped right elbow, reinforced by surgical wire, prevented swift arm reaction. Many whites and blacks felt Joe hesitated to fire because of awareness that the shooting of a black man by a white policeman might ignite new racial trouble. "Joe realized that an incident could blow the town apart," said Alex Groppe, director of the Monmouth Boys' Club, who had attended the first confrontation with Joe and praised him for his new insights into the city's problems. Many people vowed anew to work for unity in the hours and days after Joe died. "His death must have meaning for the city," said one.

If Asbury Park lives in peace, Joe will be partially responsible. His memory has been evoked for harmony scores of times in the passing weeks. "Be a good Joe" is the slogan coined by Dave Parreott for the new police community-relations unit. Fresh ideas for good works abound. But old, grinding problems remain, including the heavy welfare load and the scarcity of black jobs. Animosities, fueled by racial stereotypes, still crackle.

The city's inner struggle surfaced at Joe's funeral, one of the largest in Asbury Park history. Hundreds of whites, joined by many blacks, overflowed Our Lady of Mt. Carmel Roman Catholic Church for the Requiem Mass. More than 500 policemen from around New Jersey formed an honor guard. Joe was buried in a cemetery near the intersection of two roaring expressways. As the body was lowered into the earth, five officers stood at attention directly in front. One of them was the city's black police chief, Thomas Smith.

A group of white teen-agers stood by the adjoining grave of Mrs. Charles West, among them her son Nicky, whose attitudes had undergone a change similar to those of Joe. During the final rites, one boy pointed at Chief Smith and whispered: "Look at that nigger!" Nicky whirled on the boy. "God," he said, "how can you say that? You don't even know him. You don't understand."

Joe had helped lead Nicky and other to new understanding. Nicky hoped Joe's death had lasting meaning for the square mile of America that is Asbury Park. There was no certainty, Nicky knew, but there was hope.

HILL-BURTON COMMENDATION

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. GERALD R. FORD. Mr. Speaker, 25 years ago, the Nation sought an answer to the critical problem of hospital shortages, a problem then facing communities in every State, and in particular those in rural areas.

An answer came with the enactment of the Hospital Survey and Construction Act which was signed into law by President Truman on August 13, 1946. This far-sighted act was—and remains—a fundamental achievement for the Nation's health.

Over the past quarter century, millions of Americans in more than 3,800 communities have benefited from the Hill-Burton programs. Though seldom credited for its role in saving lives, this, in fact, has been its major contribution:

Victims of automobile accidents occurring in remote areas have been given lifesaving emergency treatment in rural hospitals created through Hill-Burton assistance.

Intensive care units, stimulated by Hill-Burton research, studies, and guidelines, have marked the difference between life and death for many critically ill patients.

Two generations of American children have been born and cared for in hospitals which might not have existed without Hill-Burton support.

Thus, as intended by the Congress, Hill-Burton has been far more than just a construction program. It has meant better hospital planning, better services, better facilities, better administration, and better personnel training—all of which have meant better patient care.

THE "NO-KNOCK" LAW

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, August 6, 1971

Mr. BYRD of Virginia. Mr. President, there has been much discussion about the controversial no-knock law, wherein police officers, armed with a search warrant, may enter a dwelling without first announcing their intentions.

Many problems have been raised by the no knock law. I oppose the enactment of this provision and have been concerned about it since.

I commend to the Senate a thoughtful article which appeared in the August 6, 1971, edition of the Washington Post, by columnist William Raspberry, which discusses a tragedy which occurred recently.

I ask unanimous consent that the article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CASE AGAINST NO-KNOCK

(By William Raspberry)

The Kenyon Ballew tragedy, which might have provided the occasion for a hard look at a number of questionable police practices, has been instead the springboard for near-criminal silliness from high places.

The agreed-upon facts are that the Silver Spring home of Ballew, a 28-year-old gun collector, was raided by Montgomery County and federal agents acting on a tip that Ballew was keeping illegal hand grenades there.

The raiding party, except for one officer (who was not among the first to enter the premises) were in civilian clothes. They broke through the back door of the Ballew apartment with a battering ram, and Ballew, nude at the time, grabbed an antique pistol to defend himself.

The officers fired eight shots, one of which is still lodged in Ballew's head. (He has remained in the hospital, paralyzed and unable to speak.) Ballew himself fired one shot, and there is some evidence that that one shot was fired after he was already wounded.

That is the tragedy. Here is the silliness:

Montgomery County Executive James P. Gleason issued a report that there was nothing "improper" about the police actions in the raid.

Treasury Secretary John B. Connally (the federal officers were Treasury agents) said that the raid involved "administrative and supervisory deficiencies" but that it was "legally proper."

A Montgomery County grand jury issued a report but declined to indict either Ballew or the men who shot at him.

A fair summation of the three reports is (1) It's too bad that Ballew was shot; (2)

The police informer (allegedly a juvenile house-breaking suspect) gave them bad information, and (3) nobody, neither police nor the victim, did anything wrong.

Well, it wasn't an accident. So how can Ballew be living there near death with a bullet in his head if nobody did anything wrong?

What it comes down to is official reluctance to acknowledge that police officers and federal agents can make tragic mistakes. Bad for morale, you know.

That's silly, too, and worse, Are citizens supposed to have such confidence in their law-enforcement officials that they will overlook official whitewashing of their most grievous errors? No one supposes for a moment that a grand jury would not have returned an indictment if it had been a sweatshirt-clad cop who took a bullet in the head.

Even the most open-minded investigation won't help Ballew's health, of course, but it might have helped police credibility if there had been some indication that they were rethinking their raid procedures instead of pretending that nothing wrong really happened.

It would seem obvious, for instance, that some member of Congress would use the impetus provided by the Ballew case to introduce legislation to repeal the no-knock section of the D.C. crime act.

Someone, it seems, might want to raise questions about the logic of using plainclothesmen in raids of this sort. However frightened Ballew might have been, he might not have tried to shoot if the first men to enter his apartment had been in police uniform.

THE RAIDERS insist that they announced themselves as police officers, but acknowledge that they couldn't make out what Mrs. Ballew said in response. (If they had trouble understanding her, isn't it reasonable that she might have had trouble understanding them?)

But even to settle the question of whether the announcement was made and understood is not to settle the more troubling question: Does it make sense to open up to any gang of casually dressed tough guys who say they are cops?

People do lie occasionally, and that includes housebreakers and robbers.

It will rub some tough-guy cops the wrong way, but what's wrong (at least in cases involving contraband that is not easily disposed of) with surrounding the premises and phoning the suspect to say the police are on the way? Or for that matter, what's wrong with giving a suspect time to phone police headquarters to make sure the raid is legitimate?

There may be times when busting in is the only reasonable thing to do. June 7 in Silver Spring wasn't one of them.

FATHER JOE, HOSPITAL PRIEST

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. MAZZOLI. Mr. Speaker, all too often today people become isolated and alone in their individual lives. This can especially happen when a person is old or sick.

That is why people like Rev. Joseph Moellman deserve the attention and praise of this House. As Catholic chaplain to General Hospital in Louisville for the past 10 years, he has brought solace to many suffering, solitary people. I am convinced that his kind words are as healing to the sick as the best medical services available.

For the benefit of my colleagues, I insert into the RECORD at this point an article by Paul Bulleit from the Louisville Courier-Journal & Times about Father Moellman, entitled "Father Joe, Hospital Priest:"

FATHER JOE, HOSPITAL PRIEST

(By Paul Bulleit)

Some say the hulk of a man who roams the long, hot corridors and sick wards of Louisville General Hospital almost daily is a walking saint.

Some say he is the best, friendliest man on the face of the earth.

A few shout obscenities, curse him, and tell him to go away.

To those few he returns a smile, and says, "May God bless you, anyway."

Father Joe is a lot of things to the people at General Hospital, where he has served as Catholic chaplain for the last 10 years. To himself, Father Joe is "that big, black cloud with a purpose" among the institution's white-clad.

Keeping up with the Rev. Joseph Moellman as he moves his 6-foot-5, 280-pound frame in short, choppy steps through the sprawling, old hospital is no easy task.

Swinging into the hot surgery ward on the fourth floor, Father Joe pauses to press a metal box containing communion wafers to the forehead of a patient walking slowly in a hall.

"May God preserve you for now and eternity," Father Joe says softly.

He pauses later to explain that the man has a crushed chest and cannot eat, and therefore cannot take communion.

Further into the ward, he is greeted with calls, "Good morning, Father Joe," from patients, nurses and other employes.

He pauses at each bed for a consoling word, communion and blessings.

"He's a real sweetheart. He has an encouraging word for everyone," a nurse whispered to a reporter.

Father Joe is 67, and dressed as usual in a black suit, he is beginning to perspire in the temperature that will rise five or more degrees as the day wears on.

"Some say I should wear a lightweight white coat like the doctors wear, but I don't think I would feel just right," he said.

Father Joe has jumped into the same attire hundreds of times during the early morning hours in the last 10 years. This is when he receives a telephone call, "Father Joe, we need you."

It takes him less than 10 minutes to drive from the Franciscan Friars rectory at St. Boniface Church, 501 E. Liberty, where he lives, to General Hospital. He rushes into the emergency room, but usually finds that a critically ill or injured person has been sent to surgery or another section.

"I always get permission from a doctor or nurse before I talk to a patient. Then I give the patient absolution—our formula for begging God to forgive sins—and say another special prayer asking that God forgive any punishment due to sin," Father Joe said.

Besides the communion wafers, Father Joe carries a container of holy oil, with which he makes a cross on a patient's forehead.

Dr. Donald Thomas, director of General Hospital's emergency services, said Father Joe probably is the only man he ever knew who never had anything bad to say.

"I've heard drunk patients curse him in every way, but he just smiles and blesses them," Thomas said.

Father Joe's flock at General Hospital is not limited to Catholics by any means. He blesses patients and employees of all faiths, mostly at their request.

Not long ago he was blessing a Catholic in a ward bed when a critically ill man in the next bed said: "I'm also a child of God. May I have your blessing, too?

Joseph Moellman was the second oldest of 12 brothers and sisters on a farm near Olpe, Kan., and grew up amid droughts and dust storms.

When his training for the priesthood was completed, he spent several years in missionary work in China before going to Arkansas for 11 years of missionary work.

"They assigned me to Louisville General Hospital, and I almost resigned. I was a missionary, and I didn't want anything to do with a city hospital," Father Joe recalls.

"Now I love this old hospital, not for its faded buildings, but for the spirit that is truly there. The chaplaincy here is the most rewarding and intriguing work I have ever done," he says.

Father Joseph Moellman gets no pay for his work at General. His meager needs are met by the church.

"I suppose," he says, "the most fascinating feature of my present work is a freedom from structure and distraction, which allows me to concentrate entirely on the patient. There is the Lord and the patient—who often is getting ready to meet the Lord in another life—and the chaplain standing by to cheer on the relationship of those two."

And there it is. Father Joe is the cheerleader for both patient and God.

THE DELAWARE DINGERS

HON. WILLIAM V. ROTH, JR.

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Friday, August 6, 1971

Mr. ROTH. Mr. President, the July 1971 issue of Leatherneck, the magazine of the U.S. Marine Corps, carries an article entitled, "Delaware Dingers," a story of the manner in which "D" Company, 6th Motor Transportation Battalion—Delaware's only Marine Corps Reserve unit—keeps itself in topnotch condition as a component of the Marine Corps' "Force in Readiness."

I ask unaimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DELAWARE DINGERS

(By SSgt. Jim Elliott)

It was a scene as familiar to a Marine as a crowded slop chute on payday.

White targets pasted on yellowed cheesecloth joined with the horizon, their otherwise blank faces enlivened by a centered, six-inch smudge of black. The acrid odor of burnt gunpowder teased the nostrils and ears stung from the staccato monotony of exploding rounds.

Utility-clad Marines stood, sat, knelt and sprawled along the firing line, the butts of rifles dug deep in their shoulders. Fingers squeezed and targets submerged, the strike of bullets marked for scoring. As the day wore on, targets began pumping up and down in a patternless motion like misfiring pistons in a giant, untuned engine.

In 1779, a small band of Continental Marines aimed their muskets across a deserted beach near Nantasket, Mass., and expended three pounds of powder—thereby initiating the Corps' first organized Marksmanship Training Program.

Since that time, generations of Marines have gathered at rifle ranges throughout the world, sending countless tons of powder and shot through an unequally uncertain variety of weapons until the term "marksmanship" has become synonymous with the name "Marine".

Today, virtually every Marine on active duty is required to requalify with the rifle annually. (Among the exceptions are those in a combat zone or beyond specified age limitations.) These Marines usually have one week of "snapping in," four days of practice firing, and one day to shoot for record.

But what of those civilian-Marines who meet once each month as part of the Organized Marine Corps Reserve? Are they pulling their weight when it comes to meeting the Corps' standards of marksmanship?

You can bet on it! Like their active duty counterparts, reservists annually find themselves in the role of riflemen; regardless of their Military Occupational Specialty (MOS), they are tasked with doing what Marines have been doing for nearly two centuries—hitting their targets with consistency and accuracy.

This task recently befell the men of "D" Company, 6th Motor Transport Battalion—the only Marine Corps Reserve unit in the State of Delaware. Located in Wilmington, the state's most populous and industry-laden city, the company normally meets at the modern Naval and Marine Corps Reserve Training Center.

There, the unit's 105 enlisted Marines and four officers normally spend one weekend each month preparing for the day they might have to provide land transport for elements of a combat division or air wing. Normally, they were in, on, or around, their 10 diesel-burning, five-ton trucks or tuning up the engine on a smaller Jeep or sedan.

Normally . . . but not this particular weekend. This time they traded their wrenches and tire tools for M-14 rifles and met at a desolate National Guard range on the outskirts of nearby Newcastle. This time they experienced the common denominator among all Marines, active or reserve—the caliber of performance on the firing line.

The object is always the same—requalifying—but there are some differences between the circumstances of reservists and those of regular Marines on a range detail.

First, there's the time factor. The reserves simply cannot allow two weeks for this phase of their training; to do so would mean seven monthly drills, or the entire two-week Active Training Duty (ATD) period devoted exclusively to the rifle range. Consequently—although some commanders still schedule part of ATD for firing—Wilmington, like most Reserve units, now spends a single weekend on the range.

The second notable difference is a direct reflection on the first: if less time is allowed, then there must be some compensation for the Marine firing. In the case of the Wilmington reservists, the scale was balanced somewhat by the modified "B" Course.

Unlike the "A" Course, fired from the 200-, 300- and 500-yard lines, the "B" Course is fired entirely from 200 yards. The reservists would still fire the required 50 rounds from the four basic positions—offhand, sitting, kneeling and prone—and their hits would be scored on the standard descending five-point system, with at least 190 points of a possible 250 needed to qualify.

"I suppose this would seem unfair to a veteran of the 'A' Course," admited GySgt Danta Barbieri, NCOIC of the range detail. "But it has its drawbacks. Instead of the larger 'silhouette' target, all we have for rapid fire is the slow-fire target with a six-inch bulls-eye. Another disadvantage is that we only have about an hour to snap-in on our positions.

The gunny's comments were cut short when one of the company's trucks rumbled into the area, carrying enough M-14 rifles for a small war. Nine boxes of 7.62-mm. ammunition had arrived earlier from Dover (Del.) Air Force Base under a joint service contract.

The entire arsenal was impotent, however, without one man—Sgt. Charles Brice, the company armorer. He had the bolt to every rifle under separate lock and key!

"It's part of our safety effort," Brice explained, unlocking a reinforced GI footlocker; inside were numbered slots, each holding a bolt for a rifle with a corresponding number. "We won't transport complete rifles and take a chance on something happening that could endanger the civilian community."

The captain of the company's Small Bore Rifle and Pistol Teams, Brice is probably the most weapon-knowledgeable man in the unit. A school-trained coach, he recently placed fifth overall in the All-Reserve High Powered Rifle Matches at Quantico, Va.

After distributing the bolts, Brice grabbed his personal weapon—an M-1 modified to fire the 7.62-mm. round—and walked to a ready bench behind his target number. The range had 22 targets, and each had a "relay" of five Marines. The fourth and fifth would be pulling targets in the butt area first; later, elements of the second and third would take their place.

Many of the Marines, including Brice, would be firing for score the first day. Their initial five rounds would be for adjustments in windage and elevation—their sixth round would be entered on the score sheet.

Maj. Alfred Hamilton, the unit's commanding officer, was seated behind target number one, busily applying a coat of lubricant to his rifle. He explained why some shooters would fire for record on Saturday, while others would have an extra day.

"We put our most experienced shooters on the first relay," the major said. "After they've fired, they'll be free to coach our less experienced men." He paused to wipe some excess lubrication from his fingers, then added, "The rest of the first-day qualifiers are victims of circumstance. Our annual IG inspection is next week, and they're needed back at the training center to work on our equipment."

A District Sales Manager for a local manufacturing firm, Maj. Hamilton was beginning his second year at Wilmington. As a former executive officer with a Reserve rifle company in Pennsylvania, he knew the value of marksmanship training.

"As a basic concept of Marine Corps training, the range is a very important part of our schedule," he said. "Not only does it teach the men a skill that could someday save their lives, it also instills self-discipline. We can't fire for them; they have to do it on their own."

The Wilmington Marines knew they were the first of their battalion's six companies to fire the range this year. (The battalion headquarters, along with two letter companies and a Transport and H&S Company, is located in Middlesex, N.J. A fifth company meets in Connellsville, Pa.) And they were eager to match last year's record of 100 percent requalification.

"Just walk up the firing line," challenged WO Herb Dempsey, the company's Admin Officer, "and you'll see how hard these men are really trying. You can hear them helping each other, giving pointers and offering encouragement."

Dempsey, who's missed only one drill since joining the unit 16 years ago, also noted the Marines' keen competitive spirit. "We've put up some prize money for the high shooter," he said. "It's not much, but every man is trying for it. And," he grinned, "side bets are the rule rather than the exception."

LCpl Steve Simmons, however, was having trouble getting takers. A patrolman with the Wilmington Police Department, he's considered to be a top shooter. "I really enjoy the range," he said, "especially in the kind of weather we're having today. Last year, the wind was so strong we had trouble staying on our feet."

It had been cold and wet for the past three weeks in the area, but now there were clear skies and 60-degree temperatures. A gamble by the Marines had paid off.

"We usually meet on the third weekend of the month," said SSgt Ray Thomas. "But the major decided to hold off for a week, hoping for a break in the weather."

Thomas, who was wounded in Vietnam while a squad leader with "A" Co., 1/7, joined the Reserves in 1970, two years after his release from active duty. "I missed the Corps, so decided to join the Reserve," he said. "So far, I'm happy with that decision."

Thomas was also happy about his score for the day—a 226—and it became apparent by late afternoon that similar high scores would be recorded. "So far, I haven't seen one Marine who hasn't qualified," said 1stSgt George Mitchell, the unit's senior enlisted man. And about 25 percent of them are shooting "expert" (a score of 210 or higher.)

Mitchell, winner of the Bronze Star on Saipan, is the only original member of Wilmington's first Marine Corps Reserve unit—the 16th Rifle Company—formed in 1953. "I guess the biggest change I've seen during those 18 years was our redesignation as a motor transport unit in 1969," he said. "Being an old field Marine, I wasn't too hot on the idea. Then the attitude of the men changed my mind.

"They seemed to feel they were learning something that could be helpful to them later on," he continued. "Instead of humpin' hills as infantry, they were learning technical skills. The morale sky-rocketed and there was a noticeable improvement in drill attendance. We've had our problems, but thanks to hard work and our competent Inspector-Instructor (I-I) staff, we've survived the transition in good shape."

The seven active duty Marines and one Navy corpsmen who comprise the I-I staff are primarily administrators and organizers. They handle as many planning details as possible so that the reservists can concentrate on actual training during the brief weekends.

"Everything we do is for the reservist," said Maj Charles Manwarring, the I-I. "We're here to help, instruct and advise—but we let the reservists run their own show as much as possible."

A motor transport officer by MOS, the major reported to Wilmington last year from the First Marine Air Wing in Vietnam where he earned the Bronze Star and Purple Heart. "Changing from infantry to motor-T is a slow process," the major said, "but the progress of these men has been remarkable. Considering the shortage of maintenance repair and storage facilities, they're doing one hell of a good job."

How good was evident during the company's last ATD when they participated in Operation High Desert at Twentynine Palms, Calif. "We drove about 26,000 miles over some of the worst terrain we could find," said SSgt Jim Powell, the only other I-I staffer with a motor transport MOS. "The men performed so well that we got several letters of praise from the host command."

By Sunday afternoon it was obvious that the reservists had turned in another good performance—in fact, a perfect one. For the second consecutive year, every eligible man had qualified. Of the 97 Marines who fired, 23 percent had scored "Expert." The remainder were split evenly between "Sharpshooter" and "Marksman."

Two shooters shared the honors for high score—Sgt Brice, the armorer, and Sgt Francis Hennesey both fired 241. They also shared the cash prize of $10.

Such results did not surprise 1stSgt Willard Stahl—he was on his second tour as a member of the Wilmington I-I staff and knew the caliber of men the area provided. "We've always had a good cross-section of skills here," Stahl said. He credited the city's emphasis on industry for the bulk of that talent "because it makes an unusual demand on a man's technical ability. Consequently, we get a higher caliber man on the average than you'd find in a less industrialized area."

Nor did the men's performance on the range come as a surprise to LtCol. Stephen Goceljak, CO of the 6th MT Bn., who drove down from New Jersey to observe the first day's firing. "I was impressed with what I saw," the colonel said. "The men handled themselves very well. But, then, that's what I expected to find . . . they're Marines."

Being Marines is not a full-time job for the Wilmington reservists; but being prepared to integrate smoothly into the Regular Establishment takes a special effort on the part of each man. The Marines of "D" Company have shown a willingness to exert that effort. Whether on the range or behind the wheel, they are keeping their pledge to be a "Force in Readiness."

ABC'S OF THE MVA—MODERN VOLUNTEER ARMY

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. HALL. Mr Speaker, Gen. Bruce C. Clarke, retired, a dedicated student of command and qualities of leadership, has set forth guidelines, that if properly implemented, should contribute greatly to the realization of an all volunteer army. To those who have concerned themselves with the proposal, I recommend the reading of General Clarke's summary.

The general's summary follows:

(By Gen. Bruce C. Clarke, retired)

1. Congress establishes the size of the United States Army.

2. It then must support measures to raise the numbers it authorizes.

3. The Policy of the Administration is:

a. To do everything practicable to make military service attractive in order to encourage enlistments and reenlistments.

b. To fill the deficit by an equitable Selective Service system in being.

4. The Army's attitude is to do everything practicable to support the Administration's policy. Increasing the percentage of enlistees in the Army is to the Army's and our country's benefit, even if we do not fill 100% of the requirements in that way.

5. Improving *leadership* in the Army on this basis is a part of the Army's policy for a Modern Volunteer Army:

What our soldiers have a right to expect from their leaders—

Honest, just, and fair treatment.

Consideration due them as mature, professional soldiers.

Personal interest taken in them as individuals.

Loyalty.

Shielding from harassment from "higher up."

The best in leadership.

That their needs be anticipated and provided for.

All the comforts and privileges practicable.

To be kept oriented and told the "reason why."

A well-thought-out program of training, work and recreation.

Clear-cut and positive decisions and orders which are not constantly changing.

Demands on them commensurate with their capabilities, not too small nor too great.

That their good work be recognized—and publicized where appropriate.

6. Improving Commandership in the Army on this basis is also a requirement and is also the Army's policy:

What battalion and company commanders have a right to expect from higher commanders and their staffs—

That their honest errors be pointed out but be underwritten at least once in the interests of developing initiative and leadership.

To be responsible for and be allowed to develop their own units with only the essential guidance from above.

A helpful attitude toward their problems.

Loyalty.

That they not be subjected to the needling of unproductive "statistics" competitions between like units.

The best in commandership.

That the needs of their units be anticipated and provided for.

To be kept oriented as to the missions and situation in the unit above.

A well-thought-out program of training, work and recreation.

To receive timely, clear-cut, and positive orders and decisions which are not constantly changed.

That the integrity of their tactical units be maintained in assigning essential tasks.

That their success be measured by the overall ability of a unit to perform its whole mission and not by the performance of one or two factors.

That good works by their units be recognized and rewarded in such a way as to motivate the greatest number to do well and to seek further improvement.

7. We can cut the number necessary to be drafted to the extent that we can fill our requirements by reenlistments and enlistments.

8. The Army will do its best to do this and it is dedicated to doing that; but since enlistment is a personal matter whereby the young man signs a contract to serve his country, he must receive a great part of his motivation to enlist from congressmen, senators, educators, the media, clergy, his family and his neighbors. When all effectively carry out the part they must play, the draft can gradually be reduced to zero.

9. There must be an effective cooperative effort between the military and the public to secure the enlistments necessary to reduce or eliminate the draft. The Army is and will continue to do its part in this effort.

WEST VIRGINIA HOMECOMING PROVIDES NEEDED PERSPECTIVE ON AMERICA'S REAL STRENGTH

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, August 6, 1971

Mr. RANDOLPH. Mr. President, over the next 4 weeks, Members of the Senate will have an opportunity to return to their home States and visit with their constituency.

I sincerely hope that my colleagues are able to participate in some of the gatherings that involve what is often referred to as "the common folk." These are hard-working, reverent, taxpaying citizens who come together briefly—not to protest, not to pressure, not to decry or damn the Government or society—but to extend friendly greetings, renew old acquaintances, to listen and applaud references to God or country.

How refreshing this is in an era of sneering cynicism. I recommend to any Member of Congress that during the recess a special effort be made to attend one or more homecomings. I did so last Sunday. It provides a new perspective. We need to hear and see what America is really all about in these trying times.

Mr. President, I ask unanimous consent that an address by Robert L. Smith, professor of wildlife management at West Virginia University at the annual Homecoming-Watermelon Day celebration at Independence, W. Va., be printed in the Record. I also include a copy of the program and remarks made by me at the Preston County celebration.

There being no objection, the items were ordered to be printed in the Record, as follows:

WVU Professor Robert L. Smith Says West Virginia's Rich Store of Resources Must be Used Without Destruction of State Economy

(Address by Robert Leo Smith)

Homecoming. It is a time to revisit old familiar places, renew old acquaintances. It is an affair to look forward to. But at this time one question should be uppermost in the minds of all. Will there be a West Virgina to come home to in the next several decades?

To many the future of West Virginia seems bright. The demand for electrical power requires coal and water, resources which West Virginia has. But the utilization of these resources which to provide income also results under current technology the destruction of the environment.

To provide coal for power plants and industry, strip mining is being increased at an accelerating rate. Mountains are being overturned, streams destroyed, lands once supporting productive forests and providing a pleasant environment that has made West Virginia a place to come home to are being devastated.

Our southern mountains, with steep slopes and narrow valleys, where even strip miners will admit reclamation is impossible, are being transformed to barren moonscapes. There is no letup in their destruction nor is there any legislation to prevent the annihilation of the southern counties.

Strip mining is increasing in northern West Virginia. In fact some counties face the prospect of seeing over half of their surface overturned. Yet reclamation practices are vague and in very few places is reclamation even remotely successful. Where reclamation is technically possible, strict regulation and enforcement are absent.

As a result, West Virginia is being transformed into a desolate, barren region that will be economically unproductive, providing no place to live or to work.

A great deal is made of the economic benefits of strip mining, of jobs made available now. But look ahead 10 years, 20 years, when strippable coal is gone, when the land is overturned and poorly reclaimed. What will be left for the children, for the young citizens of the state? Nothing but desolation. For short term economic benefits, the future of the state is being jeopardized.

To provide power for areas outside the state we are willing to allow some of our finest natural areas such as the Canaan Valley to be inundated. To provide coal for the steel industry of Japan we seem willing to permit the pollution of Shavers Fork, one of the major trout and recreational streams in the East. And this stream runs largely through public land.

Too much of the past history of West Virgina has been one of exploitation by outside interests to the disadvantages of West Virginia.

Now, we ask, is West Virginia going to be sacrificed to the growth and demand of the rest of the nation.

Our nation needs coal and other resources. But must they be obtained at such great environmental costs. If just a portion of the massive amounts of money that have been spent in the development of atomic energy—which is not the great source of electrical power it was touted to be—and in moon exploration had been used to develop new ways of extracting and stripping coal, then West Virginia would not be faced with the grave environmental problems of today.

It is up to all West Virginians to demand and to see to it that our resources are utilized without the destruction of the state. It can be done but not without technology legislation, regulation and inspection that we now have.

Unless we see to it that steps are taken immediately to prevent environmental degradation in the extraction of our mineral wealth and the utilization of our waters, we will have no homecoming several decades from now. Home will be gone.

Homecoming Program, August 1, 1971

Presiding Mrs. Sylvia Cornwell and James Engle.

Invocation by the Reverend Enid Harris, Newburg, W. Va.

Presentation of queen and court.

Group singing, group of young people from Newburg.

Remarks, Robert Leo Smith, professor of wildlife management W.V.U.

Solo, Pamela Adams (6 years old).

Reading, Debbie Robertson.

Remarks, Senator Jennings Randolph.

Group singing, girls from Newburg.

Closing: "My Bug Amos," John Cornwell.

There's No Comparison Between the Noble Efforts for Freedom of Nation's Founding Fathers and Today's "New Revolutionaries"

(Address by Senator Jennings Randolph)

I'm sure many of you are aware that there is a special significance to this place and this date. The name Independence, of course, reminds all of us of the early struggle and sacrifice nearly two centuries ago that created this, the greatest nation in the history of the world.

And this date, August 1, marks the eve of the formal signing of the Declaration of Independence exactly 195 years ago.

Let us review the events that led up to that historic moment, when delegates to the Continental Congress would—on the morrow—formally place their signatures on that precious document. They knew that to actually sign the declaration was an act of treason against the Crown. They knew that the signatures on that document would provide a shopping list of traitors for the powerful British Army.

Today it is generally assumed that the actual signing of the Declaration was a routine matter. It wasn't routine at all. For some of the delegates, there must have been second thoughts.

These revolutionaries of 1776 were a special breed of men. With only a few exceptions—like Samuel Adams who was furnished with a new suit by friends so that he might be presentable in Congress—they were men of substantial property.

All but two had families, and the majority were men of education and cultural standing. In general, they all came from what might today be called "the Establishment." Each had more to lose than he had to gain—except where principle and honor were concerned. Yet they willingly pledged their lives, their fortunes and their sacred honor to the cause of freedom.

It was no idle pledge. Of the 56 who signed the Declaration of Independence, nine died of wounds or hardships in the terrible years ahead. Five were captured and imprisoned, each undergoing torture. Several lost wives, sons or family. One lost his 13 children. All were, at one time or another, hunted as criminals and driven from their homes. Twelve of the signers had their homes burned, and 17 were made paupers by the Revolutionary War.

Yet, as each man surely realized on that fateful August evening 195 years ago that terrible times lay ahead, not one signer defected or went back on his pledged word.

Their honor, and the Nation they did so much to create, are still intact.

Or is it?

There are some people today who say that the old dream has ended, that American society is sick. There are social critics who claim that we are on the verge of moral and nervous collapse. The present day ills of our nation are too many and too big to cope with, they contend. As proof they point to examples of pollution, poverty, inflation, racism and rebellion, yelling that the sky is truly falling. It is true that the sores on our body politic can become cancerous if they are ignored and allowed to go untreated.

Today there is among us a new breed of revolutionary. His or her solution to everything is simple: Tear it down.

He feels that the only way to make things better is to reach the past, to rip off all the old reminders, to bomb the symbols of our nation's greatness. From the Lunatic Left and the Radical Right, he draws deadly support. He can spout entire passages from the thoughts of Mao and Mein Kampf, but he probably never heard of Ben Franklin. Yet in his own twisted mind, in his violent actions, he sees the "New Revolution" as a repeat of the old; he equates the bombing of the Capitol of the United States with the Boston Tea Party.

Where but in the muddled euphoria of a bended mind can one find any semblance between the two? Where is the nobility of purpose, the love of life and liberty, the pursuit of happiness in mindless destruction? Where is the "sacred honor" in destroying freedoms?

In fairness, it must be noted that the vast majority of today's youth—while attracted to the notoriety—are repelled by the acts. If there are any eyes to see the future, they are the eyes of youth, and they do not see the future as an enemy. They are no different from the youth of another time and place who saw the emergence of their future in the streets of Galilee. They see change coming and they fear it not.

The process of change is all around us, and this has been happening throughout our history. The only difference is that we are being made instantly aware of it through the media of modern technology. Today's moon walk is truly spectacular; but perhaps the first view of the Pacific by Lewis and Clark opening the Northwest Passage had a greater significance in its day. That earthbound expedition took months to report, and years to fully realize its impact on America's future, because instant communications were far in the future.

We have seen the formation of countless ad hoc committees, pressure groups, rump and stump dissenters of every hue and cry.

There is one common denominator among all these organizations: They are formed to oppose something. They oppose war and poverty—as if they invented the idea; they are against the Establishment, without realizing they are the established; they pursue an almost endless list of real and imagined causes against everything—as long as the cameras grind and someone with a note pad will listen.

It is, as you know, much easier to be against something than to be for something.

In the 1960's an organization was formed and called "The Society of Squares," its founder was a New York advertising man named Charlie Brower. It is no coincidence that the Society of Squares formed the acronym "SOS."

Charlie said he chose the word, S–Q–U–A–R–E because it is the most misused word in the English language.

I remember the word before the Now Generation grabbed hold of it. It was one of the finest words in our language. You gave a man a square meal if he was hungry. In a trade you gave the buyer a square deal. You stood four-square for what is right and square against everything else. When you got out of debt, you were square with the world. I can even remember when you could look your fellow man square in the eye.

Now everyone knows what a square is today. He's a man who has never learned to get away with it. A poor slob who volunteers when he doesn't have to. A guy who gets his kicks from trying to do something better than anyone else can. He's a kook who gets so lost in his work that he has to be reminded that it's time to go home.

A guy who faces an altar and still takes such words as love and faith and trust and beauty at face value.

That's today's square. And he can't understand why such words as fellowship and brotherhood have suddenly become signals for harangue and recrimination. He can't understand why such words as honor and duty and patriotism evoke obscene responses.

I don't buy all this talk about moral and nervous collapse of our country. And the reason I don't is because—when I am away from Washington, and other cities, away from the too many pseudo-sophisticates and the too many cynics who say our country is doomed—I run into the squares. When I meet with you, I realize there are millions more like you all over this nation.

And . . . I have hope. I'm relieved, revived, refreshed. I am no longer smothered by all the calamitous predictions of doom, or overwhelmed by the cries of catastrophe. I know that in you good people are the qualities that started this nation out on its long and thrilling adventure. In you rests the only revolutionary spirit that knows right and rejects wrong, that stands foursquare against tyranny and oppression from without AND within. In short, the same love of life and liberty that prevailed so mightily 195 years ago.

. . . and I am most happy to be . . . back among the 'squares.'

THE TEXTILE INDUSTRY

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mrs. HECKLER of Massachusetts. Mr. Speaker, incredibly, when this Nation can least afford it, we are being asked to bear witness to the drowning of an entire American industry.

The industry is textiles.

The cause of death is a tidal wave of foreign imports.

The basic loss is of jobs.

The fundamental issue is people.

In my congressional district, the city of Fall River is a major garment manufacturing center. The latest figures show nearly 4,000 people are unemployed there, almost 7 percent of the work force. Most of them are workers in the needle trades.

That is 4,000 households representing some 12,000 people who are not only lost to the economy, but who become unproductive dependents on an economy weakened by its loss of them.

Multiply these figures—representing people—by every other textile area in the United States and the cumulative effect constitutes a serious national crisis. The prediction has even been made that there will be 600,000 jobs lost in the American textile industry in the next 6 years.

The enormity of that is staggering. Particularly when this body approved legislation last week guaranteeing up to a quarter of a billion dollars in assistance to a financially troubled corporation, principally as a deterrent to protect the economy from the loss of jobs that would result.

Our lack of action in the case of textiles now becomes all the more puzzling and unconscionable.

It is compounded by the fact that this situation is the direct result of an invasion of this country by cheap foreign imports.

Last month, the Congress approved $1 million to provide continuing Coast Guard protection to American fishermen who have been victimized by foreign vandals in the coastal waters around most of the continent. Allowed to go unchecked, this vandalism in the long run would mean loss of jobs in another sinking American industry. Recognizing this, both bodies acted very quickly and directly to prevent it.

That harassment of American fishermen by foreign powers is not nearly so great or so blatant as the calculated offensive against the American textile industry by foreign governments.

They protect their own industries against American exports and flood this country with their products made cheaply by slave labor. And this will result in nothing less than the eventual extinction of competing U.S. industry and the personal tragedy that will represent in the everyday lives of thousands of American individuals.

Our course seems quite clear to me, Mr. Speaker. These countries have repeatedly demonstrated that they have no intention of imposing any meaningful voluntary restrictions on their exports. We are left with no choice.

Either we impose such restrictions ourselves by law, or we commit the unforgivable sin of fiddling while an American industry unravels before our eyes and thousands of American people are sacrificed to our inaction.

FIFTY-ONE CONGRESSMEN URGE ADOPTION OF NEW INDIAN EDUCATION REGULATIONS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. FRASER. Mr. Speaker, today 51 Members of the House have joined in urging the Bureau of Indian Affairs to adopt new regulations governing the Johnson-O'Malley Indian education program.

Johnson-O'Malley, first authorized in 1934, is intended to aid Indian children attending public schools.

In 1969, the Johnson-O'Malley program was reviewed in detail by the Senate Indian Education Subcommittee. At that time, the Senate subcommittee questioned whether Johnson-O'Malley was fulfilling the original intent of Congress. Similar concerns were raised in a more recent study by the NAACP legal defense fund.

It is clear that Johnson-O'Malley is not providing as much direct aid for Indian children as we intended. In many instances, Johnson-O'Malley funds are used merely as general aid for school districts with significant Indian enrollments. With the exception of some new demonstration projects, local efforts to meet special Indian needs are minimal. Moreover, Indian people have little to say about the way in which Johnson-O'Malley funds are used in their youngsters' schools.

New Johnson-O'Malley guidelines have been developed which will do much, we feel, to remedy these deficiencies. If implemented by the Bureau of Indian Affairs, the new regulations will help to insure that Johnson-O'Malley funds are used to benefit Indian children directly. Indian parents will also be given a direct role in determining how Johnson-O'Malley funds will be allocated in their districts.

Our support for the proposed guidelines is spelled out in the following letter to Bureau of Indian Affairs Commissioner Louis Bruce:

The letter follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., Aug. 6, 1971.

Mr. LOUIS BRUCE,
Commissioner, Bureau of Indian Affairs, Washington, D.C.

DEAR COMMISSIONER BRUCE: The undersigned members of the U.S. House of Representatives are writing to you to express our support for the efforts currently underway within the Bureau of Indian Affairs to revise the regulations governing the Johnson-O'Malley Program. We are writing now because we feel that the time is right, and long overdue, for reforms in the area of Indian education and the Bureau's education programs.

The proposed new Johnson-O'Malley Regulations which the Bureau is now considering would go a long way, we feel, to reforming the Johnson-O'Malley program and to giving far more control over Indian education in public schools to Indians themselves. As you are no doubt aware, these are objectives which Indians in all parts of the country have been seeking.

Testimony of Indian people before the regional hearings of the National Council on Indian Opportunity in 1970 mentioned again and again the desire of Indian communities to gain control over Indian education, specifically the Johnson-O'Malley program. The National Congress of American Indians and other Indian groups have consistently supported greater Indian control over the Bureau's education programs. We understand that the Bureau is presently going through another period of consultation with Indian leaders on the proposed regulations. While applauding your agency's diligent efforts to consult with Indian people on this important matter, we trust that this will not prolong adoption of the regulations.

This administration has already indicated support for the concept of Indian control. We refer specifically to President Nixon's message on Indian Affairs of July 8, 1970, which strongly backed the goal of Indian control over federal programs: "that the Indian community should have the right to take over the control and operation of federally funded programs." We are aware that the Administration has introduced legislation which would empower the Secretary of Interior to contract Johnson-O'Malley funds directly with tribes. While this measure would move in the direction of greater Indian control, we feel that the Bureau's adoption of the proposed regulations—something which the Bureau of Indian Affairs is empowered to do on its own authority—would also move us closer toward that objective.

The House Appropriations Committee has recently indicated to the BIA its concern for the Johnson O'Malley program. The Committee directed that "the Bureau of Indian Affairs make certain that these funds are utilized for the purpose for which they are appropriated—to fund activities in public school for the benefit of Indian pupils." The adoption of the proposed JOM regulations would also do much to help achieve that objective.

We believe that you, Commissioner Bruce, support Indian efforts to gain a more substantial voice in the education of their children. We want you to know that we strongly support these goals and we urge you to expedite the official adoption of the proposed regulations including exercising your authority to publish the new regulations in the Federal Register at the earliest possible time.

We anxiously await notification that you have taken this step.

Sincerely,

Rep. James Abourezk, Rep. Brock Adams, Rep. Nick Begich, Rep. Bob Bergland, Rep. John Blatnik, Rep. John Brademas, Rep. Shirley Chisholm, Rep. George Collins, Rep. James Corman, Rep. John Culver.

Rep. Ron Dellums, Rep. Frank Denholm, Rep, John Dow, Rep. Don Edwards, Rep. Thomas Foley, Rep. William Ford, Rep. Don Frazer, Rep. William Frenzel, Rep. Seymour Halpern, Rep. Julia Butler Hansen.

Rep. Michael Harrington, Rep. William Hathaway, Rep. Henry Helstoski, Rep. Harold Johnson, Rep. Joseph Karth, Rep. Robert Kastenmeier, Rep. Edward Koch, Rep. Robert Leggett, Rep. Arthur Link.

Rep. Mike McCormack, Rep. Lloyd Meeds, Rep. John Melcher, Rep. Abner Mikva, Rep. Patsy Mink, Rep. Romano Mazzoli, Rep. Dave Obey, Rep. Otis Pike, Rep. Ogden Reid, Rep. Edward Roybal, Rep. Harold Runnels, Rep. Philip Ruppe.

Rep. William Ryan, Rep. Paul Sarbanes, Rep. James Scheuer, Rep. John Seiberling, Rep. Sam Steiger, Rep. Robert Tiernan, Rep. Morris Udall, Rep. Al Ullman, Rep. Sidney Yates, Rep. Don Clausen.

AID TO PAKISTAN

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. HARRINGTON. Mr. Speaker, on Tuesday, August 3, the House passed the Foreign Assistance Act of 1971. Included in this bill are provisions to cut off all military and economic aid to the Governments of Pakistan and Greece. I would like to take this opportunity to praise both the Foreign Affairs Committee and the House of Representatives for taking positive action toward ending the slaughter in Bengal.

This is in marked contrast to the attitude of the executive branch. In his news conference of August 4, President Nixon called the House's action "counterproductive" adding that "we are not going to engage in public pressure on the Government of West Pakistan." Whatever private pressure the President might be using does not seem to be having very much effect. Every day the media reports new atrocities committed by the Pakistani Army. I have included an article in the New York Times by Mr. Alvin Toffler, author of "Future Shock," who recently returned from a trip to the Indo-Pakistani border. The scene he portrays can only further emphasize the wisdom and necessity of the House's action on Tuesday. I urge the President to reconsider his remarks, and join with the Congress in trying to stop the carnage in East Pakistan.

The article follows:

[From The New York Times, Aug. 5, 1971]

THE RAVAGED PEOPLE OF EAST PAKISTAN

(By Alvin Toffler)

A planetary catastrophe is taking place in Asia, a human disaster so massive that it could bathe the future in blood, not just for Asians, but for those of us in the West as well. Yet the response of the global community has been minimal at best. In the United States, the official response has been worse than minimal and morally numb.

I have just returned from Calcutta and the border of East Pakistan, where I conducted interviews with refugees avalanching into India as a result of the West Pakistan's genocidal attack on them. Since March 25, West Pakistani troops have bombed, burned, looted and murdered the citizens of East Pakistan in what can only be a calculated campaign to decimate them or to drive them out of their villages and over the border into India.

Part of the time I traveled with a Canadian parliamentary delegation. We saw babies skin stretched tight, bones protruding, weeping women who told us they would rather die today in India than return to East Pakistan after the tragedies they had witnessed, total wretchedness of refuge camps, and the unbelievable magnitude of this forced human migration—6.7 million refugees pouring into India within a matter of four months.

I saw Indian villages deluged by masses of destitute refugees, every available inch crammed with bodies seeking shelter from the blistering sun and the torrential rain. I saw refugees still streaming along the roads unable to find even a resting place. I saw miserable Indian villagers sharing their meager food with the latest frightened and hungry arrivals. I saw thousands of men, women and babies lined up, waiting patiently under the sun for hours to get their rations. These pitiful few ounces of rice, wheat and dahl provide a level of nutrition so low that it will inevitably create protein breakdown, liver illness, and a variety of other diseases in addition to the cholera, pneumonia, bronchitis that are already rampant. I saw Indian relief officials struggling heroically, and with immense personal sympathy, to cope with the human tidal wave—and to do so on a budget of one rupee a day—about 13 cents per human.

It is now clear that famine will further devastate East Pakistan this fall, and that millions more will seek refuge in an India already staggering under the burden.

Under these circumstances, one is forced to protest the callousness and stupidity of American policy. On the one hand we promise India $70 million in relief funds. On the other, we continue to supply arms to the same West Pakistani generals who launched the bloodbath, so that they can terrorize even more of their subjects into fleeing across the Indian border. The House vote this week to suspend aid, including military sales, to Pakistan is belated recognition of our sorry role.

In terms of *realpolitik*, the continuation of military aid to West Pakistan is supposed to buy us influence with the ruling junta, and help offset Red Chinese influence. (Ironically, the Red Chinese are also aiding the West Pakistani generals.)

Yet the heaviest stream of refugees is pouring into West Bengal, which is not only India's poorest and most over-crowded state, but the most politically unstable. Between Calcutta and Bongoan on the border, some 50 miles distant, I saw scarcely a house that didn't have a hammer and sickle painted on it. Maoists, anarchists, and conventional Marxists attack each other and the less radical parties with violence as well as rhetoric. Strikes, demonstrations, and political asassinations are already a daily occurrence. West Bengal, even before the invasion of refugees, seemed about to explode.

By shipping arms to the West Pakistanis, we are partially responsible for pouring millions of hungry, sick and angry refugees directly into this tinderbox. This vastly increases the likelihood of a bloody upheaval on the Indian side of the border as well, in which the power of Maoist movements could only grow. Thus, even if one unquestioningly assumes the necessity to halt the spread of Chinese Communist influence, our policy seems idiotic. We hang on to the shreds of influence in West Pakistan at the cost of losing it in India. Worse, we pave the way for a bigger, bloodier and even more bitter Vietnam in Asia.

But there is a simpler, less political reason why our aid policy must be changed. On grounds of simple humanity, the failure of our Government to express official concern for the ravaged people of East Pakistan, its alliance with the undemocratic generals of Islamabad, and its cruel insistence on sending still more arms to the killers, is morally repulsive.

The emergency in East Pakistan demands a more than minimal response. We need to pump immediate life-saving baby food, powdered milk, antibiotics, anticholera vaccines and similar supplies into India. But beyond that, decency and political realism both demand an immediate end to the arms shipments.

COMMUNIST CHINA POLICY

HON. JOHN ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. ROUSSELOT. Mr. Speaker, the recent official reversal of our policy toward Communist China is a matter of grave concern to me. The following memorandum, which is dated November 6, 1968, and was first reprinted in "Tactics" on February 20, 1969, clearly outlines the steps to be taken to "balance" our relations with this Communist dictatorship. The memorandum is addressed to "President-Elect Nixon," and it is my understanding that Dr. Henry Kissinger personally delivered this memorandum to Mr. Nixon, just after his election to the Presidency in 1968.

I urge my colleagues to carefully study this document. The effect it has obviously had on our policy toward Communist China is startling. Dr. Kissinger's "advice" so closely parallels the position taken in this memorandum that I cannot overemphasize how important it is that each Member realize that as early as November 6, 1968, at a time when we were most deeply committed in Vietnam, the plan which is being followed today to appease Communist Chinese aggressors was being presented to the President:

MEMORANDUM FOR PRESIDENT-ELECT NIXON ON U.S. RELATIONS WITH CHINA

(The signatories: Jerome Alan Cohen, professor of law, Harvard, chairman; John K. Fairbank, director, East Asian Research Center, Roy Hofheinz, assistant professor of government, Dwight Perkins, professor of economics, Edwin O. Reischauer, professor, Benjamin I. Schwartz, professor of history and government, James Thomson, assistant professor of history, Ezra Vogel, professor of social relations, all of Harvard; A. Doak Barnett, professor of government, Columbia, and Lucian Pye, professor of government, Massachusetts Institute of Technology.) (Except for one professor each from Columbia and M.I.T., they are all from Harvard. The J. F. Kennedy School of Government put it across.)

NOVEMBER 6, 1968.

As scholars in the field of East Asian studies who have completed a year of private discussion of America's relations with East Asia under the auspices of the Institute of Politics of Harvard's J. F. Kennedy School of Government, we write to give you our thoughts on the pivotal issue of United States relations with China.

UNITED STATES OBJECTIVES

The past two decades of American-East Asian relations has been dominated by the central reality of Sino-American hostility and deadlock. It seems evident that, whatever the nature or timing of a Viet Nam settlement, the China problem will continue to dominate our East Asian relations in the years of the new Administration and, indeed, through the decade of the 1970s.

Communist China's size, ideology, relative isolation, potential power and current internal upheaval increase the dangers of instability in a chronically unstable part of the world. The central objective of America's China policy has been and should continue to be to avoid war with China and to minimize its disruption of surrounding areas.

Since the end of the Korean War, previous Administrations have generally followed a twofold policy to achieve these objectives: On the one hand, military containment in order to deter possible effort at communication with the China mainland through ambassadorial talks and, from time to time, proposals for unofficial contacts. Through much of this period, of course, the first of these approaches has been given such priority as to dwarf the significance of the second.

It seems to us that the time has come for a more equal balance between these two approaches, so that, while continuing to avoid war with China and to discourage Chinese military intervention abroad, we move more positively toward the relaxation of tensions between China and the United States, and the eventual achievement of reconciliation.

The specific steps we propose below in pursuit of these objectives require some important words of caution. Although the outcome of the domestic turmoil that has disrupted mainland China for the past three years remains unclear, we do not now anticipate any Chinese desire to improve relations with the United States. It is therefore highly likely that any and all of the initiatives that we propose will be rejected out of hand by Peking's leaders in the foreseeable future.

We propose these initiatives, nonetheless, because of our conviction that our national interests in Asia will best be served by an American policy that offers the Chinese the clear option of a less hostile relationship with the outside world. At a minimum, we will complicate a Peking decision-making process that has all too easily been based on a theory of implaceable American hostility; at the same time, we will be speaking—through our deeds as well as our words—to present or future Chinese leaders who harbor doubts about Mao Tse-tung's vision of the world. Unless we achieve this better balanced policy, we may at the least miss significant opportunities to moderate Peking's behavior and, at the worst, may help lay the groundwork for a war with China that neither side can hope to "win."

PROPOSALS: A. RELATIONS WITH MAINLAND CHINA

1. Exploratory Meeting. You should seriously expore the possibility of arranging confidential—perhaps even deniable— conversations between Chinese Communist leaders and someone in whom you have confidence. Your emissary would convey the new Administration's interest in hearing Chinese views on a wide spectrum of subjects including Viet Nam and disarmament and in probing, unofficially and in a more informal setting than at Warsaw, the prospects for a normal relationship. It may well be that the Chinese will refuse to receive such an emissary; the effort should nonetheless be made to signal a revised American attitude.

2. Viet Nam Negotiations. The arduous process of a Viet Nam settlement may well offer an opportunity for the improvement of relations with China and engagement of China in the international order. Despite China's present hostility to a negotiated solution, the new Administration should be alert to opportunities to involve Peking in some state of the Viet Nam negotiating process—perhaps through a reconstructed forum, perhaps through a packaged end-product that would bring China, both Viet Nams, and other divided nations into United Nations. The chief consideration: Viet Nam negotiations should be looked upon as a possible step toward a wider Asian settlement, and, thereby an instrument for the potential inclusion of China in the international community.

3. Lowering of Polemics. It is essential that all Administration spokesmen refrain from provocative statements in their comments about China, regardless of Peking's hostile rhetoric. In the past, pious hopes for "reconciliation" have often been undermined by press releases such as those that compared the Chinese Communists to the Nazis. Especially galling to the Chinese Communists is the apparent American stand that Taiwan is the only China. The new Administration should find an early opportunity to erase this lag between rhetoric and reality. Since 1955, under two parties and three Presidents, the United States Government has dealt, in Geneva and Warsaw and in Taipei, with two regimes that call themselves "China". It would be most useful for you or your Secretary of State to find an occasion to take note of the fact—without fanfare—that we have in effect accorded Peking de facto recognition for a decade and a half, but that de jure recognition is obviously a far more complicated matter that remains to be discussed.

4. Anti-Ballistic Missile (ABM). The new Administration will have to decide whether to continue with the recently authorized "thin" ABM system. In our view, insufficient consideration has been given by the present Administration to the consequences for Sino-American relations that this system may entail. Aside from the questions of the Soviet-American military balance, plans for an ABM are not only militarily unnecessary as a deterrent to Peking but may well be viewed by the Chinese Communists as evidence of American intent to attack Peking. We urge that the ABM decision be reconsidered.

5. Trade. The new Administration should seek an early opportunity to modify America's trade embargo against China, a residue of the Korean War which denies China nothing she needs, is supported by none of our major allies, acts as periodic irritant in our relations with third parties, denies America even the possibility of marginal economic leverage in changing China, and prevents our businessmen from sharing in the China market. In this regard, the new Administration should build on the tentative rhetoric of its predecessors and place our trade with China on the same basis (non-strategic goods) as our trade with the USSR and Eastern Europe.

6. Travel and Other Contacts. The new Administration should likewise remove the last vestiges of control on the travel of Americans to China and, at the same time, should make known its willingness to admit as visitors to the U.S. any Chinese the Peking government is willing to send to our shores. These steps will not only reflect the confidence and strength of a free society; they will open the door to the possibility of de-isolation when some future Chinese leadership is ready to choose that option. In addition to official contacts, the new Administration should encourage private and unofficial meetings, between Chinese and American journalists, educators, scientists, artists, and others.

B. RELATIONS WITH TAIWAN

The foregoing steps involve preliminary attempts to restructure the Washington-Peking relationship. Simultaneous with such steps should come, inevitably, a restructuring of the Washington-Taipei relationship. Here again the aim should be to bridge the gap between rhetoric and reality. The United States recognizes the Chinese Nationalists as the Government of the Republic of China, purporting to rule the mainland as well as Taiwan and the Pescadores; but Washington has long since begun to treat them as a government restricted to Taiwan and the Pescadores, tacitly accepting the fact that the Nationalists will not reconquer the mainland. Ever since 1951 every Administration has made it clear that Taiwan is not legally part of China, leaving the question of its status open to future developments. The new Administration should now build upon this reality. It should reaffirm America's commitment to the defense of Taiwan and the Pescadores, so long as people in Taiwan wish to retain a separate identity from mainland China. But by taking four particular steps it should anticipate and defuse Chinese Nationalist potential for causing Washington embarrassment.

1. Your Administration should send as Ambassador to Taiwan a man who understands the Administration's broad China strategy and can communicate it. In order to demonstrate the importance that you attach to political rather than military considerations, he should not be a military man.

2. As long as relative peace prevails in the Formosa Strait, the Administration should use this opportunity to press anew for orderly Nationalist evacuation of the offshore islands, Matsu and Quemoy. (While occupied by the Nationalists, these islands provide a lever by which *either* "China" can draw American forces into an unwanted Asia conflict. It should also press for an end to provocative Nationalist acts against the mainland.

3. The Administration should prepare the ground, in frank discussions with the Chinese Nationalists, for a gradual shift in America's relationship with Peking and, specifically, for the complex problems which will undoubtedly arise in the United Nations. (See below.)

4. Finally, the Administration should be alert to political forces that are at work beneath the surface in Taiwan and, when opportunity offers, should press Chiang Kai-shek and/or his successors to offer the 11,000,000 Taiwanese and the 2,000,000 mainlanders on the island an opportunity for fuller participation in political life.

C. BROADER PROBLEMS

1. *The United Nations.* The problem of Chinese representation in the United Nations will probably not confront the new Administration until the autumn of 1969. By that time the search for a Viet Nam settlement as well as earlier China-related initiatives may have tested the prospects for normalization of relations. In the unlikely event that these previous steps have borne fruit in our relations with China, the U.N. situation would present a similar problem. If not, however, it is nonetheless our conviction that the Administration should not seek to block the PRC's representation in the United Nations. For several obvious reasons, UN representation in Peking will undoubtedly come before—and is probably a prerequisite to—improved relations between China and America. In our view, the deisolation of China requires Chinese participation, whenever possible, in international forums and the long-term "socialization" that such contacts may produce. U.S. policy-makers should therefore accept Peking's membership in the General Assembly and the Security Council while seeking simultaneously to preserve a General Assembly seat for Taiwan, whether as the Republic of China, an independent nation, or an autonomous region of China. Such objectives may best be achieved through acquiescence rather than active leadership by Washington; but they will require careful advance planning.

2. *China's Neighbors.* A gradual shift in our China policy, while welcome to our major allies, will cause anxiety among some of China's neighbors who have tailored their actions to the containment aspect of our policy. It is imperative that we ease the transition for these states by keeping them informed of our progress and plans and by assuring them of our continuing interest in their welfare.

3. *Japan.* It is especially important that we take Japan into our confidence in every step of our strategy. Although Japan will favor the substance of our strategy, if we abruptly shift gears without prior notice, we will create acute embarrassment for the Japanese Government.

4. *Third Country Contacts.* We should welcome the efforts of countries such as Japan to develop increasing contacts with mainland China, in the hope of involving the Chinese Communist regime more substantially in the world community.

5. *Washington-Moscow-Peking.* Implicit in the foregoing suggestions is the hope that the new Administration will attempt to view Sino-American relations as a separate problem from Soviet-American relations, though inevitably a related problem. The Sino-Soviet split provides us with an opportunity to treat each party separately and to scrutinize our national interests in each relationship with care. We urge that the new Administration, in its proper concern with the bilateral super-power balance, avoid judgments about China and its development that derive from Moscow's views of Peking. A Soviet-American alliance against Peking may serve

Russia's interests; but it may not automatically serve U.S. national interests.

We believe that the recommendations outlined above will establish an American posture of firmness in our declared purposes and yet of reasonableness, prudence and willingness to resolve political problems by going halfway to meet the other side. This is a posture that will command the support of the broad center of the American electorate and of most of the nations of the world.

MEMBERS SHOULD BE FOREWARNED OF SCHEDULED CHANGES IN FOOD STAMP PROGRAM UNDER NEW LAW

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mrs SULLIVAN. Mr. Speaker, as the Members of Congress get ready to take a summer recess at the end of this week, they should be prepared for some of the criticisms they are bound to hear back home from those who are already familiar with the changes in the food stamp program scheduled to take effect sometime between now and early next year. Once the changes do go into effect, I am sure the complaints will rise in intensity and bitterness. For Congress passed, in my opinion, a very bad law, whose shortcomings have been largely obscured by the much-publicized, but short-sighted "liberalization" in the act to provide free food stamps for the very poorest families.

A comparatively few families earning less than $30 a month and now paying $2 a month for $106 worth of food—these are figures for a family of four persons—would, under the new law, receive $108 worth of food stamps a month absolutely free. Any eligible families of 10 persons with incomes of less than $30, who now pay $3 a month for more than $200 worth of food stamps, would receive them free. This is the great so-called liberalization of the program, and the basis on which the changes were hailed as "feeding the hungry."

Actually, millions of persons now receiving food stamps would be cut off the program entirely. Although their incomes may be too low in relation to the cost of living in New York or Pennsylvania or other industrial States to afford an adequate diet, those same incomes would be considered too high for eligibility in Mississippi, and the new law requires uniformity of standards of eligibility throughout the country. Perhaps 2 million persons will be denied continued participation in the food stamp program in the industrialized areas because their incomes are "too high"—even though not sufficient to afford an adequate diet in their own cities or towns. Other millions will find it completely uneconomic to continue to participate. For instance, a family of four with what would now become the maximum eligible income of $360 a month would have to pay $99 for $108 worth of food stamps. Considering the necessary redtape, the tieup of such a high percentage of the family income in food, the required registration for work at $1.30 an hour, et cetera, it is obvious that many in what are now to be the upper levels of income eligibility will quit the program as not worth the trouble.

So the Members should be forewarned of the complaints they will be receiving from constituents who have benefited from the food stamp program up to now, but who will be cut off, or discouraged from participating, under the new regulations, particularly in the industrialized states.

THE 1970 AMENDMENTS SHOULD BE REPEALED

Mr. Speaker, as many of the Members know, I initiated the legislation which resulted in the Food Stamp Acts of 1959, 1964, 1967, and 1968, but I strongly opposed the 1970 amendments, and I have introduced legislation in this Congress to repeal the 1970 changes. I have also proposed a change in the House rules to remove jurisdiction over food stamp legislation from the Committee on Agriculture, which has largely been hostile to the whole idea of a food stamp program since I first proposed it in 1954, and transfer this jurisdiction to the Committee on Banking and Currency, which is prepared to consider such legislation sympathetically. Banking and Currency initiated the rent supplement program, the homeownership interest rate subsidy program, programs of assured access to household and crime insurance, and most of its members believe in helping the poor to improve their standards of living through self-help and intelligent assistance. The food stamps are, in effect, currency—redeemable at par through the Federal Reserve system. The Committee on Agriculture has, in its handling of food stamp legislation over the years, demonstrated that it has no real interest in the program, resents the use of Agriculture Department funds to finance it, and believes it should properly be handled by some other committee if it is to be continued at all, and actually, it would just as soon see it die.

KEEPING THE RECORD STRAIGHT

In any event, Mr. Speaker, in addition to forewarning the Members on the eve of a summer vacation of the political chickens which may come home to roost when low-income constituents begin to understand what the Congress did to them last year in the Food Stamp Act, I want to share with those Members who joined me in opposing the 1970 amendments a letter I wrote to the St. Louis Post-Dispatch disassociating myself from aspects of the 1970 amendments which that outstanding newspaper had criticized in a recent editorial.

Unfortunately, the editorial attributed all of the actions of the Congress last year on the food stamp bill to an attitude I was expressing on the very minor issue of free stamps.

Where or not my colleagues agree with me on the free stamp issue—and I know some of them do not—I am sure they will be interested in seeing my reaction to the Post-Dispatch editorial.

Hence, Mr. Speaker, I submit, as part of my remarks, the editorial from the Post-Dispatch of July 25, entitled "Assistance or Uplift?" my response in the form of a letter to the editor and, following that, news articles from both the Post-Dispatch and the St. Louis Globe-Democrat. Both newspapers had supported the idea of a food stamp program over many years.

The material referred to follows:

[From the St. Louis Post-Dispatch, July 25, 1971]

ASSISTANCE OR UPLIFT?

While the new federal food stamp regulations unquestionably contain a number of improvements over the old, it is difficult to imagine how either Congress or the Administration can take much price in revisions that reduce stamp benefits to 2,000,000 needy persons and eliminate them completely for some 65,000 others. Much of the problem, it seems to us, is that the nation has never been able to decide whether the food stamp program should serve as a means of assisting the hungry or as an exercise in moral uplift.

We cannot otherwise explain the remarks of the usually enlightened Representative Leonor K. Sullivan that "what we give away free is not recognized with the appreciation that a person has if he has to sacrifice a bit." Appreciation should have nothing to do with food stamps; the criterion ought to be need, regardless of whether the recipient is grateful, ungrateful, lives in a commune with hippies or beats his wife every Saturday night. The personal habits of the rich, after all, are never at issue when Congress establishes tax breaks for the oil industry or when the President proposes to bail out a giant corporation that has been a model of mismanagement.

It is all to the good that the new rules will add a net total of 2,000,000 to the program by next year. That addition, however, could and should have been accomplished without reducing or eliminating benefits to current recipients; and the improvements should have been possible without the vindictive provisions to deny stamps to students or communards. A genuinely impoverished youth struggling through college should be entitled to stamps; an affluent student who feigns poverty plainly should not be. A truly concerned Government could have devised regulations that would get stamps where they are needed while also preventing them from being abused by those who can afford to purchase food at market prices.

CONGRESS OF THE UNITED STATES,
Washington, D.C., July 29, 1971.

Mr. GEORGE HALL,
Editor, Editorial Page, St. Louis Post-Dispatch, St. Louis, Mo.

DEAR MR. HALL: The St. Louis Post-Dispatch was, I believe, the very first newspaper in the Nation to voice editorial support for the food stamp bill I introduced originally in Congress during the 1954 recession to assure better diets for needy Americans unable to afford to purchase sufficient food. This was at a time when we were spending billions of dollars to remove surplus agricultural commodities from the market, and spending a million dollars a day (later a billion dollars a year) to store such food until it could be given away abroad, or sold abroad at sharply reduced prices, or until it rotted away and had to be destroyed or used for cut-rate animal feed.

The Post-Dispatch's support for food stamp legislation was unwavering and vigorous during all of the long and bitter legislative battles which led to the enactment of my bill in 1959, the start of a pilot food stamp program in 1961 by President Kennedy (after President Eisenhower had refused to implement the 1959 Act), the addition of St. Louis to the pilot projects in 1963, and the eventual enactment of a much broader bill which I introduced for the Johnson Administration in 1964 under which millions of

Americans can now purchase nutritious diets at a cost within their means.

It was therefore with deep disappointment and great surprise that I read your editorial of last Sunday (July 25), "Assistance or Uplift?", which quoted me in the strange context of seeming to approve the recent changes in food stamp policies just announced by the Deparement of Agriculture, which will remove thousands upon thousands of needy persons from the food stamp rolls and make participation by other thousands impractical or uneconomic. The Post-Dispatch characterized these changes as being more in the nature of "moral uplift" than of a sincere desire to assist the hungry, and "explained" the changes by some words of mine about people appreciating benefits more if they have to sacrifice a bit for them.

I know that the Post-Dispatch's able Washington correspondents had given the readers of your paper the full story on a continuing basis of the development of the 1970 food stamp amendments, including my bitter opposition to the kind of legislation which was finally enacted. I am therefore deeply disappointed that the editorial page would now tie me in, in any way, with the 1970 amendments which I opposed in all respects and am attempting to repeal.

The words of mine which you used in that editorial had nothing to do with the basic retrogressive features of the new law; they applied only to one very minor aspect of the bill involving free stamps for those families with income of $20 a month or less. Such families have been paying, up to now, no more than $2 a month for $106 worth of food for a family of four, or $3 a month for more than $200 worth of food for a family of 10. I believe every family receiving the right to buy that much food each month in a supermarket or grocery store should be required to pay something, and I make no apology for my "hard-hearted" attitude in opposing completely free stamps.

The amount of food a family on the food stamp plan has been able to purchase, at a cost within its means, is close to, and in some cases more than, the amount afforded by a family of comparable size earning its own way and paying taxes to support the food stamp program. The best way to kill public support for any worthwhile social program is to make it into a straight handout which gives any family, absolutely free, more than the average family can afford to buy for itself. By requiring recipients to pay for the stamps the same amount of money they would normally be expected to spend for food out of their incomes, the food stamp program has not been operated as a device to enable the poor to save on food in order to have extra money to spend for things other than food. Undoubtedly, they need additional money for many other things, but the food stamp program was intended only as a means of expanding food purchasing power in order to combat hunger and malnutrition, and never pretended to try to overcome all of the deficiencies of the welfare programs. Some Members of Congress tried to "liberalize" it in that fashion and failed. Instead, a very cruel bill was passed last year, with a sop to the "reformers" of free stamps for the very poor.

But aside from the minor aspect of the free stamps for a few families, there are so many major faults in the new food stamp law that I would hate to have the Post-Dispatch, or the roaders of its editorial page be under the impression I approved of these changes out of some sort of desire to make people "sacrifice."

The sacrifices many families will have to make under this new law are cruel and excessive. The changes were recommended by the House Committee on Agriculture, whose Members have generally been hostile to the whole idea of food stamps.

I have introduced legislation to repeal the 1970 amendments to the 1964 Act. In the meantime, when the Department of Agriculture first announced in May its tentative draft of new regulations to carry out the 1970 changes in the law, and there were loud protests, I told the House that the Department was not to blame for the backward steps being taken—the blame rests in the Congress.

"The act we passed in the last Congress was an abomination," I told the House on May 13, after the draft of the new regulations was released. "But so many of the Members of Congress were so intent on punishing the poor for being poor, and so many others were so intrigued by the idea of giving some free stamps to a comparative handful of families, that the successful legislative achievement of these two disparate objectives resulted in an unworkable monstrosity."

There were a few worthwhile suggestions incorporated into the 1970 Act, such as were noted in a recent Post-Dispatch article, but nearly all of these could have been put into effect under the 1964 Act, had sufficient funds been appropriated. Sufficient funds are now being appropriated to make the act do what former Secretary of Agriculture Freeman and I had hoped it would do, and I intend to press for restoration of the program to its original concept by seeking repeal of the 1970 amendments. The enclosed excerpts from the CONGRESSIONAL RECORD will, I hope, make clear to the editorial staff how deeply I feel about confusing some token "sacrifice" for participating in the program with outright cruelty.

There has been too much laxity in the enforcement of the program and far too much cheating, as a result. Violators should, and must, be caught and punished. But most participants are not cheats. They are enjoying the opportunity—often for the first time—to participate in "the American standard of living" at the dinner table. Changes in the law which will deprive many thousands of deserving persons from continuing in the program are indefensible, and I am, as I said, deeply disappointed to see that the editorial writer thought I had supported or concurred in those changes.

Sincerely yours,
MRS. LEONOR K. SULLIVAN,
Member of Congress.

[From the St. Louis Post-Dispatch, July 23, 1971]

REMAINS OPPOSED TO FREE FOOD STAMPS

(By Sally Turan)

WASHINGTON, July 23.—Representative Leonor K. Sullivan (Dem.) St. Louis, welcomed today some provisions in the newly revised food stamp regulations but said she remained opposed to the use of free stamps.

Mrs. Sullivan, a main figure in steering the initial Food Stamp Act through Congress under the Johnson Administration, said in an interview that "what we give away free is not recognized with the appreciation that a person has if he has to sacrifice a bit."

Mrs. Sullivan said she did not mean that amounts charged for stamps always were appropriate. "We have argued that no family should pay over $3 (for a monthly supply of food) and that if a family can't afford $3, they need far more than food stamps."

Revisions issued yesterday by the Nixon Administration would provide free stamps for persons with extremely low income. The number of persons affected is estimated at 900,000. The revisions broadened eligibility requirements and were expected to allow an additional 1,700,000 persons to participate for the first time in the program.

The new regulations restrict food stamp aid by increasing the amount of money some persons must pay for the stamps and by setting a $360 maximum monthly income as a cutoff for eligibility.

Mrs. Sullivan said she had not studied the new revisions and would not comment immediately on the new eligibility requirements.

The Representative expressed approval of a provision that would allow food stamps to pay for "meals on wheels" for elderly, confined persons, and for a regulation barring stamps when members of a household who are under 60 years old are not related.

The latter regulation was intended to stop use of stamps by young persons living in communes. "I think that has been a misuse of the program," Mrs. Sullivan said. "Persons who should get stamps suffer while others receive them who don't need them."

Mrs. Sullivan acknowledged that the rule would effect also migrant workers, who often live outside of family groups during the season, and other poor persons. "That's sad," she said. "There should be a separate provision that would qualify such persons."

[From the St. Louis Globe-Democrat, July 23, 1971]

FOOD STAMP BENEFITS REDUCED FOR 2 MILLION; NEW LAW AIMS TO CUT OFF AID GOING TO HIPPIE COMMUNES, STUDENT GROUPS

WASHINGTON.—A revised food stamp program that will cut benefits for 2 million higher-income persons on welfare and continue them for 275,000 was announced by the Nixon administration Thursday.

The program is designed to carry out a food stamp law passed late last year by Congress. The law seeks to keep hippie-type communes and households of students from getting food stamps.

The new plan announced by the Agriculture Department supersedes a proposal made last April to carry out the law.

Under the April plan, those now getting stamps in states where welfare benefits exceed new uniform federal income standards would have been eliminated.

Those benefits were restored in the new plan. However, an estimated 60,000 to 65,000 persons not on welfare and in the higher bracket of low-income families who now get stamps will be removed from the rolls.

Food stamp benefits also will be reduced for an estimated 2 million persons in higher income categories who still qualify for the coupons.

Assistant Secretary of Agriculture Richard E. Lyng told a news conference that the most emphasis has been put on helping the "poorest of the poor" families.

Households at the bottom of the income scale will get stamps free of charge, he said.

For example, a family of four with less than $30 income a month will get $108 worth of coupons free. Now the same family is required to pay $2 for $106 worth of stamps.

On the other hand, a four-member family with a maximum allowable income of $360 a month will pay $99 to get $108 worth of stamps. At present the family pays $82 for $106 in coupons.

Lyng said approximately 10.5 million persons now get food stamps. Despite the cutbacks for higher-income recipients, the program is expected to increase to 12.5 million by a year from now, Lyng said.

Most important to that growth, he said, is the adoption of the national income standards for qualification.

No cost estimates were made, but Lyng said he expects the program to operate in existing areas—more than 2,000 of the nation's 3,100 counties—with the Nixon budget request of $2 billion for the fiscal year.

The new rules are expected to be put into effect in most areas by early next year, Lyng said.

The plan includes a requirement that a household must be comprised of related individuals with few exceptions such as a nurse caring for an unrelated person. This is the way Congress sought to prevent stamps going to hippie-type communes and households of students.

Another controversial rule requires able-bodied adults, with the exception of mothers with young children, to register for and accept available work as a condition for getting stamps.

Lyng said that rule, also required by law, was clarified to show possible exemptions for persons whose health and safety might be endangered by job acceptance.

AMENDMENT TO VOTING RIGHTS LAW REGARDING VOTER REGISTRATION

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. MIKVA. Mr. Speaker, I am honored to join with Senator McGOVERN in introducing today a bill to allow voters to register to vote in Federal elections and primaries until 30 days prior to the elections.

A serious gap exists in the present voting rights law which would not be remedied by any of the amendments proposed during the present session of the Congress.

Registration books in many States close well before elections are to take place. This is particularly the case for primary elections. In one State, for example, registration for a primary election which will take place in the summer is closed prior to the general election in the previous year. The effect of this provision is to reduce the franchise for the primary election by imposing a kind of additional residence requirement. In addition, a voter who is only dimly aware of the forthcoming primary campaign some 9 months before the primary election has no opportunity to register once that campaign is underway.

The purpose of voting laws should be to encourage and facilitate voting by the greatest number of citizens consistent with the safeguards necessary to prevent abuse of the franchise through such practices as double voting. But, all too often, voting laws serve as an impediment to the effective practice of democracy.

The purpose of this bill is to remove a major obstacle to maximum participation. It is particularly important as many young people join the voting population. Most of them are unaware of the intricacies of existing law and may find themselves disenfranchised in next year's primaries. This bill would help them.

This bill simply reduces the time required for registration prior to a Federal primary or general election to 30 days. It does not affect residence requirements which may be covered by State law or by present or future Federal law.

If we are sincere in our desire to make it easier for all citizens to vote, we should pass this bill.

The text of the bill follows:

H.R. 10442

A bill to amend the Voting Rights Act of 1965 to require that persons eligible to register to vote in Federal elections shall be permitted to register as late as 30 days prior to the date of such an election

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Voting Rights Act of 1965 is amended by adding at the end thereof the following new title:

"TITLE IV—REGISTRATION TO VOTE IN CONGRESSIONAL ELECTIONS AND PRESIDENTIAL PRIMARY ELECTIONS

"DECLARATION OF PURPOSE

"SEC. 401. Pursuant to its authority under section 4 of Article I and other provisions of the Constitution, the Congress finds it necessary to prescribe certain uniform regulations with respect to the time that citizens may register to vote in Federal elections so that they may have an opportunity to register, if qualified to do so under law, as late as 30 days prior to the date of such an election.

"DEFINITIONS

"SEC. 402. As used in this title, the term—

"(1) 'Federal election' means a primary, general, or special election held to select presidential electors, or a Senator, Representative, or Delegate or Resident Commissioner to the Congress or a primary election held for the expression of a preference for the nomination of persons for election to the office of President;

"(2) 'State' means each of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

"REGISTRATION

"SEC. 403. (a) Each State and its political subdivisions shall permit any person eligible to register to vote in any Federal election to so register as late as 30 days preceding the date of such election.

"(b) This section shall not be construed to affect the duration or application of residency requirements imposed by any State or by Federal law upon the eligibility of an individual to vote in any Federal election.

"JUDICIAL RELIEF AND ENFORCEMENT

"SEC. 404. The provisions of this title shall be enforced by the Attorney General in accordance with the provisions of section 203 of this Act."

THE UNITED STATES AND THE COMMON MARKET: A NEED FOR NEW TRADE INITIATIVES

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. CULVER. Mr. Speaker, as the chairman of the House Foreign Affairs Subcommittee on Foreign Economic Policy, I have recently had occasion to preside over 2 days of hearings to study the consequences for U.S. foreign and economic policy of Great Britain's probable entry into the Common Market and its likely further enlargement with the addition of two or three other candidates for entry.

After the recess I intend to recommend to the subcommittee that it proceed further in these hearings as well as broadening them to consider the consequences in Asia of our emergent relationships with mainland China and the special trade and monetary position of Japan. Perhaps at no time since the period of postwar and Marshall Plan reconstruction has there been so clear an intersection and interplay between our political policies and our economic and commercial policies in almost all parts of the world.

However, even in advance of these renewed hearings and consideration by the subcommittee of a formal report, I should like to sketch out the personal impressions I have already formed regarding current developments in the European Economic Community.

The overriding conviction which I have brought from these hearings is the dangerous collision course which is set for us in world trade. The emergence of the enlarged European Community will be one of the major forces at work in the international economy in the next few years. In trade it will be the predominant partner in the world system. This could be a force for good. But the introverted, increasingly self-enclosed and restrictive agricultural policy of the EEC suggests that the new power bloc will instead be a force of disruption to the world economy. Great Britain's decision to harmonize its agricultural policies to the EEC pattern as its price for admission to the Community exacerbates the dangers. The EEC is seriously disrupting and distorting world agricultural markets and trade. Its agricultural price levels are far too inflated and its import levy and preferential schemes run counter to the wider interests of fair multilateral trade and of most of the less developed countries.

Even more threatening, however, are the spillover effects and the poisoning influence which this conflict in agriculture can have on the whole fabric of our relationship with the countries of Europe and the progression of recriminations and barren retaliations which may be set in motion. This is not a distant fear; it is a present danger.

There is no present evidence of any willingness within the EEC to face these problems and to attempt through negotiations with us and other trading nations to find a tolerable reconciliation of interests. Instead we are told to wait. We are told that time and the unfolding of events must themselves be the healing process and that we must accept the present nature of agricultural trade policy as a political necessity for which there is not now any remedy. A policy of wait and see, of simply treading water, does not appear to me to be possible. The present deterioration in our trade relations will probably be aggravated in the next 12 months, especially because of the bumper crops in both America and Europe, and because of the imminence of British entry into the Common Market.

I am increasingly impressed that, though the issues in agriculture appear politically intractable and the economic costs of policy change seem inordinate, there is growing awareness in the business and agricultural community throughout America and Europe that something must be done. Many farm groups increasingly recognize that the problem is more than a question of trade barriers. It is a problem of conflicting national agricultural policies, some of which are designed to export problems and costs to farmers in other countries.

Looked at more broadly, the problems with Europe in agriculture do not argue well for the world economic system as a whole. The tendency in Europe to proliferate special deals with nearby countries while discriminating against outsiders is yet another sign of the direction policies are taking in Europe. They are policies of exclusion, not cooperation.

Yet Europe has common interests with the United States in the long run in the preservation and modernization of a global, nondiscriminatory economic system which protects the interests of all countries on an equitable basis. We must find new ways to exploit together our mutual interests, while containing the forces of conflict.

There are even now a number of constructive policy initiatives in trade and international economic policy which can mitigate the present situation and also gradually bring about a new climate and a new framework for a more open and progressive world trade policy. A constructive U.S. foreign economic policy must look in two directions—inward to domestic policies and outward to the international political and economic situation. Specifically, I believe that the United States can contribute significantly both in preventing a debilitating trade war and in creating new working mechanisms through these courses of action:

First. Looking inward, we must pull ourselves together. We have to develop a long term trade policy, so that divisions over trade interests in industry, labor and government do not end up making us weak in international negotiations. An integral part of this complicated undertaking is pulling together the Government apparatus. In addition, we need new modes of government-industry cooperation, not only for planning and consultation, but also for aggressively promoting exports. Most important, we need to stop pricing ourselves out of world markets by controlling inflation and by providing for more orderly and efficient humane adjustment of our domestic economy to the changing forces of international competition.

Second. Looking outward, we must begin to lay out a strategy for international negotiations. These negotiations must be realistic, taking into account the changing world politics of trade, the changing patterns of trade, the changing production capabilities of nations and changing national social policies. Even in agriculture, although there is a consensus that prospects for major improvements in the common agricultural policy are dim in the short run, it is nevertheless essential that we keep up the pressure for trade liberalization and for greater fairness, if only to prevent the EEC from becoming more restrictive. Furthermore, such pressure may help influence the Common Market to impose upon itself those disciplines that it needs to take with regard to its protective policies, but that because of internal pressure it finds difficult to take.

Third. The keystone of international negotiations should be multilateral negotiations in GATT which has the proper framework of rules and penalties. However, we should also actively undertake consultations with the major trading nations in order to formulate a grand design for the 1970's. The United States cannot do this alone, but working together, the major trading nations may be able to provide the foundation for countries.

In such a context we must try to persuade the EEC that it must play the multilateral role of leadership that is a consequence of its sheer size in world trade. In this regard, the moment has arrived when consideration should be given to improved techniques and institutions for working out solutions to problems between the United States and the EEC and for exploring our mutual interests in the world economy. The Community will say it cannot carry on complex multilateral negotiations while the process of bringing Britain in is underway. However, since after enlargement the Community will have about 50 per cent of world trade, it is not unreasonable for the other major trading powers to ask them to begin now to cope with multilateral issues which are disrupting world trade, and to help plan a grand design for the seventies.

Fourth. The recent OECD agreement to establish a highlevel group should provide an opportunity to move along these lines. These preliminary negotiations can serve as basic preparation for a new international economic negotiation, utilizing the GATT and other bodies to develop a better world system in the 70's.

Fifth. In the short run, we must also be more attentive to existing world trade rules and draw the line against violations of GATT. If necessary, we should test the validity of GATT rules with regard to the proliferation of the discriminatory trade arrangements being negotiated by the EEC which subvert not only our trading principles but our actual trade interests as well.

Sixth. In the near term, we should explore the possibility of concluding new international commodity agreements similar to the international grains agreement, but which recognize that the complexities of international agricultural trade transcend price schedules alone. The question of production controls should be examined especially for countries which use artificially high supports in agriculture.

Seventh. Finally, we must recognize the interaction of international trade and international monetary relations. The deterioration of the international monetary system is one of the most troubling aspects of world economic affairs. There is considerable overlap of interests and objectives by the members of the EEC and the United States. These common interests should be more vigorously explored for while leading to monetary reform, they will also be a necessary element of the basis for more general commercial negotiations.

GAYLE BROWN: HE WANTS TO FULFILL WANTS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. MAZZOLI. Mr. Speaker, community service is needed today as never before. It is undoubtedly one of the best positive ways to attack the social ills of our country.

One of the most outstanding examples of this service that I know of, Mr. Speaker, is the Parkhill Community Planning Council in Louisville, and Gayle Dean Brown, the council's executive director, is a dedicated, thoughtful leader who has given much guidance to the center's efforts to help improve the community.

In his 4 years at the helm of Parkhill, Gayle Brown has carried on in the concern for others that first led him to the ministry. His record of helping others help themselves deserves the recognition and praise of the House.

For the benefit of my colleagues, I would now like to place in the RECORD an article from the Louisville Times by Clarence Matthews about Mr. Brown, entitled "Gayle Brown: He Wants To Fulfill Wants."

The article follows:

[From the Louisville Times, July 29, 1971]

GAYLE BROWN: HE WANTS TO FULFILL WANTS

(By Clarence Matthews)

A small girl about 9 darted across the room and interrupted the photographer.

"I want to take a picture with Mr. Brown," she declared, slipping her tiny arm around the waist of Gayle Dean Brown, executive director of the Parkhill Community Planning Council, 1218 W. Oak.

The girl got her wish and walked away happily after receiving assurances that she would be in the picture with Brown.

"It's rewarding to have small children come up and put their arms around you," Brown said later. "You feel that they have some feeling for you."

Brown feels that older persons, too, have basic desires to be wanted, needed, to be a part of something important.

"We like to make them feel that this (the council office and recreation facilities) is their center . . . like it is a good place to come to and be a part of," he added.

The council is the only one in the state—possibly the nation—that is fully supported by business and industry. It was founded five years ago and offers a variety of recreation activities and social welfare services. It serves an area bounded by Algonquin Parkway and Oak, from Fourth to 18th.

"I think what has been accomplished at Parkhill is an example of what can be done in other areas," Brown noted. "What we have done is mobilize the community."

HOLDS SEMINARY DEGREES

His outlook and general philosophy reflect the religious training and social work experience he gained before joining the council.

Brown, now 36, received a bachelor of

divinity degree and a master's degree in religious education, both from the Southern Baptist Theological Seminary.

He is an ordained minister and pastor of Elizabeth Baptist Church, a small congregation of about 50 families, near Washintgon, Ind.

A native of Asheville, N.C., Brown came to Louisville in 1957 to study at the seminary after graduating with a social studies degree from Montreat-Anderson College, Montreat, N.C.

While at the seminary, he bacame interested in social work and took a parttime job working on a juvenile delinquency project directed by Pauls Work Shop, Inc., 241 E. Walnut. Pauls Work Shop is a privately financed social-welfare agency.

After graduating from the seminary, Brown went to work full-time for the agency.

During this period, the workshop began a juvenile recreation and counseling program to combat delinquency in the neighborhood now served by the council. A resulting study by the agncy also turned up other unmet needs in the community.

Ministers and business and industry leaders in the area then sat down to see what could be done to help.

Out of a series of resulting meetings, the council was organized in March 1966 with the pledge of financial support from major business and industry in the community. Brown served on the council's board of directors.

When the council's first executive director resigned in the latter part of 1967, Brown applied for the job and was hired.

AN EXTENSION OF THE MINISTRY

He has had some thoughts of what it would be like to enter the ministry on a full-time basis.

Brown feels that being executive director of the center is an extension of the ministry, although not in the formal sense of ministering to a congregation. He does not use the title of "reverend" in his work at the council.

"I have found quite a challenge in this type of work," Brown said. "I have learned that you can serve outside the ministry as well as inside."

Brown described his job as a "ministry of helping people help others," as shown by the willingness of the businessmen to help residents of the community.

"Parkhill has been the vehicle for them to see that problems are met," he added. "Not only do they help financially, but through involvement (with the council)."

Most of Brown's activities center on the council programs. "I do play golf occasionally," he said.

He is also active in the Rotary Club of St. Matthews and serves as the organization's secretary.

Brown was named as "Man of the Year" recently by the club for his contributions to the community and the service organization.

Brown's parents, Mr. and Mrs. Fletcher M. Brown, still live in Asheville. His brother, Ron, is a student at the Southern Baptist Theological Seminary.

Brown and his wife are parents of two children, Morris Allen, 7 and Michele Lynn, 3. The family lives at 3912 Winchester Road.

SOVIET MILITARY RESEARCH AND DEVELOPMENT—PART VII

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. HARRINGTON. Mr. Speaker, at my request Dr. Michael Boretsky, senior policy analyst in the U.S. Department of Commerce, has prepared a memorandum presenting his views on comparative Soviet and United States military research and development activities. Dr. Boretsky's paper on "The Technological Base of Soviet Military Power" appeared in the Joint Economic Committee's Economic Performance and the Military Burden in the Soviet Union, published in 1970.

Dr. Boretsky is particularly concerned with problems of comparative total employment of science and engineering manpower and with comparative procurement of military and space hardware. His is an important contribution in this field. I would like to have Dr. Michael Boretsky's memorandum of June 1971 appear at this point in the RECORD.

U.S. DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, D.C., June 16, 1971

To: Congressman MICHAEL J. HARRINGTON

This is in response to your letter of March 19, 1971, requesting my assistance in Mr. Harrington's inquiry into the problem of comparative Soviet and American efforts in the research and development field as it relates to military questions, particularly my judgment on analysis of DoD estimates of Soviet military R&D contained in the Stockholm International Peace Research Institute's *SIPRI Yearbook of World Armaments and Disarmament 1969/70* (published Nov. 1970). If I interpret this request correctly, you are interested not only in what I think about the SIPRI analysis, but also in what I personally think about the problem as such.

The SIPRI analysis appears to me as a careful and critical review of practically all Western estimates of Soviet R&D expenditures that had been published prior to its completion. As I see it, its main purpose is to cast doubt as to the credibility of DoD's estimates of Soviet R&D expenditures for military and space purposes—the magnitude, rates of growth as well as their share in the total.

The gist of the SIPRI argument against the DoD estimates is that:

(a) They are based solely or almost solely on Soviet budgetary expenditures on science converted into dollars by an arbitrary "R&D exchange rate" which "does not seem to be warranted" since there is no evidence that the bulk of military R&D is included in the announced science expenditures nor are the level or trend of military R&D outlays inferrible, with any confidence, from the budget science data; and

(b) "Current disagreement over an appropriate ruble-dollar R&D exchange rate suggests that exchange rate uncertainties alone make it impossible to give dollar estimates which can be considered at all reliable."

In assessing this conclusion, I find it necessary to distinguish between the methodological adequacy of the DoD estimates, as one question, and the quality of the "message" which DoD tries to convey with these estimates as another. I presume the latter (the "message") is much more important than the former to Congressman Harrington, the House Amed Services Committee and the Congress at large. The SIPRI analysis implies that the quality of this message is low or misleading since the methodology of making the estimates is inadequate. This is not necessarily so.

Regarding the methodology I think, too, that it could stand major improvements, including a radical change of the informational base. The research which I have done on the information which DoD uses for its estimates does not permit me to state particulars or furnish recommendations for changes at this time. The "message" which DoD tries to convey with these estimates (i.e., USSR's expenditures on R & D for military and space purposes are by now 40 to 50 percent greater than U.S. expenditures, and that the USSR expenditures are growing at about 8 percent per year whereas ours are declining), however, does not appear to me as an exaggeration. Indeed, if anything, it is likely to be an understatement rather than an overstatement of the Soviet drive. This judgment is based on two of my own analyses of the problem employing methodologies and data entirely different than DoD's, namely,

(1) analysis of the comparative total employment of science and engineering manpower in both countries' R & D (defined more or less the same way as we do in this country) and the probable relative concentration on projects of military and space nature, and

(2) analysis of the comparative procurement of military and space hardware valued in 1964 dollars and the USSR's R & D input/military "hardware" output relationship as in the United States.

The following gives the highlights of these analyses.

The estimates of comparative employment of science and engineering manpower are given in Table 1. These estimates, I should like you to note, are not as precise as we would like them to be, but I believe that for the kind of judgment as the Armed Services Committee has to make they represent the most solid type of information that we have. As is shown in this table, in 1968 USSR's total employment of qualified scientists and engineers in R & D exceeded that of the United States by 46 percent (section II, item 1). Assuming that the USSR has the same proportion of the total in defense and space R & D as the United States, about 45 percent (section I, item 3), implies that in that year the USSR had about 46 percent more scientists and engineers working in defense and space R & D than did the United States (section II, item 2A). Assuming, however, that the USSR's proportion in defense and space projects was twice as great as that of the United States would make the Soviet military and space R & D effort in terms of professional manpower employed in these areas almost 2.2 times as large as that of the United States. With such an advantage in the availability of professional R & D manpower working on its projects the military establishment of the USSR would generate a larger stock of new weapon systems and other know-how than the U.S. establishment even if the productivity of the Soviet scientists and engineers were only 50 percent as great as that of U.S. scientists and engineers.

The fact that Soviet R & D scientists and engineers developed the *lunakhod* (moonwalker)—a marvel of scientific and engineering accomplishments by any standard—a dozen or so missile systems, SST, "space station," some two dozens new ships, etc., on one hand, and the Soviet Government's shopping abroad for "simple" automobile-making technology, machine tools, material handling equipment, chemical plants, etc., on the other, clearly indicates to me that their concentration on military and space programs might be even higher than twice that of the United States.

As to the growth of this effort, the changes in total employment given in this table imply a *minimum* overall rate of 7.8 percent per year between 1962 and 1968. It is known, however, that the wages and salaries represented about 80 percent of Soviet outlays "on science" in 1950, but only about 50 percent in 1967. This implies that there has also been a substantial qualitative improvement in the Soviet R & D effort over time (the nonwage outlays went into improved facilities and equipment) and the overall *real* growth in the 1962–1968 period of some 11 percent per year. Within this *overall* rate of growth the military and space portion could have grown much faster, since the proportion of military and space R & D in the total might have been smaller in 1962 than in 1968 and the "improvement factor" in the military and space R & D might have been higher than in the economy as a whole.

The analysis based on the comparative procurement of military and space hardware and the U.S. outlays on military and space RDT & E in 1964 dollars is provided in Table 2. The methodolgy and sources of information for estimating the comparative procurements of the hardware, including the two dollar/ruble conversion ratios, are fully explained in my study "The Technological Base of Soviet Military Power" with which you are familiar. In addition, I should like you to note that tenability of the range of the two conversion factors which I estimated has recently been indirectly supported by similar Soviet estimates and that the bracketed estimates for 1970 are somewhat cruder than for other years. Bearing this in mind the analysis given in the table should be self-explanatory. For the issue at hand the most important feature of this analysis are the estimates showing that by 1968 the value of Soviet military and space hardware exceeded that of the United States by some 3 to 13 percent, depending on which conversion factor is used (section C, item 1a and 1b). This implies that if a dollar's worth of the Soviet hardware required as much dollar-equivalent R & D effort as the U.S. hardware (which *a priori* seems to be a sensible proposition) the Soviet dollar-equivalent expenditures on RDT & E in question must have been that much larger (section C, items 2a and 2b). By 1970, however, due to the drastic reduction in U.S. procurement and continued growth in the USSR, the disparity greatly increased in favor of the USSR. In that year (1970) the USSR's procurement of hardware and corresponding "R & D input" are likely to have exceeded that of the United States by 50 to 70 percent.

The estimates for the specific years given in Table 2, it should be noted, must not be interpreted as measures of the relative technological defense capabilities because they only reflect relative levels of procurement in the stated years. The capabilities at any given time might only be judged on the basis of comparative quantity and quality of the hardware in stock at the time. Some judgment as to the quantitative stock of hardware which each of the two countries had and by how many years the United States was ahead in this race at selected points in time might be made on the basis on Chart 1 and Table 3.

In view of the tight secrecy the Soviets maintain around their defense and space activities, you probably will wonder how well these estimates "square" with reality. As I explained in the study "The Technological Base of Soviet Military Power" many of the data I used are subject to uncertainties and there might be some inaccuracies. I believe, however, that on the whole these estimates represent the best that can be obtained from research in open Soviet sources of information and they are consistent with relevant "commonsense" observations. As you know, in his recently published memoirs Khrushchev stated that at about the time of Stalin's death (1953) all the artillery chassis used by the Soviet armed forces in East Germany were American-made (lend-lease). The Soviet air force or navy were hardly any match for such of the United States at that time either. This implies a very low level of technological procurement and the know-how by the Soviet armed forces at that time. Since the mid-1950's or thereabouts, however, the Soviets built up their navy (*Jane's Fighting Ships* recently described the process: "a new class of warship appears regularly. Each year for the past few years a new type of rocket cruiser or missile destroyer has appeared."); built up the air force, including SST, C-5A and sky-crane type of aircraft; built up their ICBM and ABM missile systems; and built up the space program (first sputnik came only in 1957) capable of robot-type exploration of the moon, Venus and other space objects. All these programs required growing R & D outlays and, as we may judge from the U.S. experience, huge outlays. My estimates show just that.

I hope that these comments will be of some help.

Sincerely,

MICHAEL BORETSKY,
Senior Policy Analyst.

TABLE 1.—ESTIMATES BEARING ON THE 1968 LEVEL AND RECENT GROWTH OF SOVIET R. & D. EFFORT RELATIVE TO THE UNITED STATES

	1962	1965	1967	1968	Annual growth from 1962 to 1968 (percent)
I. Approximate comparative employment of qualified scientists and engineers in R. & D.[1] (thousands):					
UNITED STATES					
1. Total (economy)	394	454	493	511	4.5
2. Defense and space oriented projects	189	232	237	230	3.3
3. Item 2 as a percent of item 1	48	51	48	45	
U.S.S.R.					
1. Total (economy)	475	594	699	745	7.8
2. Defense and space oriented projects:					
A. Assuming the same concentration on defense and space R. & D. as in the United States	228	302	336	335	6.6
B. Assuming concentration on defense and space 50 percent higher than in the United States	342	457	503	503	6.6
II. U.S.S.R. as a percent of United States:					
1. Total	121	131	142	146	
2. Defense and space oriented projects:					
A. Assuming the same concentration on defense and space R. & D. as in the United States	121	131	142	146	
B. Assuming concentration on defense and space 50 percent higher than in the United States	181	197	212	219	

[1] See table 11 in my study "The Technological Base of Soviet Military Power," in Joint Economic Committee of U.S. Congress, Economic Performance and the Military Burden in .he Soviet Union, GPO, Washington: 1970, p. 224.

TABLE 2.—COMPARATIVE PROCUREMENT OF SOVIET MILITARY AND SPACE HARDWARE (NET OF MAINTENANCE AND REPLACEMENT PARTS) AND U.S. OUTLAYS FOR MILITARY AND SPACE R.D.T. & E. SELECTED YEARS 1958–1970

[Billion of dollars of 1964 purchasing power]

Item	1958	1962	1965	1968	1970	Approximate annual growth (percent) 1958–68	Approximate annual growth (percent) 1968–70
A. UNITED STATES							
1. Estimated value of procurement of military and space hardware	16.5	19.7	19.4	28.5	(21.0)	5.6	−13.9
2. Outlays for military and space R.D.T. & E.	6.5	8.9	10.6	10.6	8.6	5.0	−9.8
3. R.D.T. & E. as percent of procurement of hardware (item 2 ÷ item 1×100)	39.4	45.2	54.6	37.2,	(41.0)		
B. U.S.S.R.							
1. Estimated value of procurement of military and space hardware assuming the same purchasing power of ruble as in all machinery and equipment ($2.75 per ruble)	5.1	15.5	17.2	29.5	(31.4)	19.0	3.2
2. Would-be outlays on R.D.T. & E. if dollar's worth of the hardware required the same proportion of R.D.T. & E. as in the United States (item A/3)	2.0	7.0	9.4	11.0	(12.9)	18.6	8.3
1a. Estimated value of procurement of military and space hardware assuming purchasing power of ruble is 15 percent higher than in machinery and equipment ($3.15 per ruble)	5.9	17.8	20.0	33.8	(35.9)	19.0	3.2
2a. Would-be outlays on R.D.T. & E. if dollar's worth of the hardware required the same proportion of R.D.T. & E. as in the United States	2.3	8.0	10.9	12.6	(14.7)	18.6	8.3
C. U.S.S.R.							
As percent of United States							
1. Procurement of hardware:							
(a) Assuming ruble=$2.75	31	79	90	103	(150)	12.7	20.0
(b) Assuming ruble=$3.15	36	90	103	113	(170)	12.7	20.0
2. Would-be outlays on R.D.T. & E. if dollar's worth of the hardware required the same proportion of R.D.T. & E. as in the United States:							
(a) Assuming ruble=$2.75	31	79	90	103	(150)	12.7	20.0
(b) Assuming ruble=$3.15	36	90	103	113	(170)	12.7	20.0

Sources: See "The Technological Base of Soviet Military Power." Data on U.S. outlays on military and space R.D.T. & E. (in current dollars) are from the National Science Foundation deflated to 1964 dollars with GNP deflator for the Federal Government's procurement of goods and services.

TABLE 3.—COMPARATIVE STOCK OF MILITARY AND SPACE HARDWARE NET OF REPAIR AND REPLACEMENT PARTS CUMULATED SINCE 1955

[Billions of 1964 U.S. dollars]

Year	U.S. total, billions of dollars	Net of Vietnam [1]	U.S.S.R.			
			Assuming ruble equals $3.15		Assuming ruble equals $2.75	
			Billions of dollars	Percent of United States	Billions of dollars	Percent of United States
1955	13.0		3.8	29	3.3	25
1958	58.9		19.0	32	16.5	28
1962	132.8		69.7	53	60.8	46
1965	191.8		129.9	68	113.0	69
1968	268.9	(250.1)	216.8	81 (87)	188.6	70 (75)
1970	317.8	(289.0)	290.7	93 (100)	252.9	80 (88)

[1] Estimates "net of Vietnam" assume that U.S. non-Vietnam annual procurement in 1966–70 remained at the 1965 level ($19.4 billion).

TABLE 3A.—U.S. LEAD IN MODERN DEFENSE CAPABILITY [1]

	Assuming ruble equals $3.15	Assuming ruble equals $2.75
1962	5	6
1965	5	6
1968	[2]4 (2)	[2]5.5 (3)
1970	[2]1 (0)	[2]3.0 (1.5)

[1] Definition: Years required by the Soviets to catch up with the U.S. stock of the hardware cumulated since 1955, assuming comparative growth rates of the stock in the preceding 3 years;

[2] ( )=Net of Vietnam.

CHOU EN-LAI, MURDERER

HON. JOHN ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. ROUSSELOT. Mr. Speaker, the entire free world was stunned by the announcement by President Richard Nixon that he intended to visit Communist China and talk with the men who wield despotic and ruthless power over some 800,000,000 Chinese. These criminal gangsters were never elected leaders of these 800,000,000 Chinese and they would never dare allow free elections.

It is not my purpose at this time to go into all the arguments pro and con relating to this new venture to establish so-called friendly relations with this Chinese "Mafia" leadership.

It is vital, however, that everyone be apprised of all the facts in the background of the Chinese Communist regime. Not the least of these facts is the makeup of the individuals who hold power in Peking.

My own position is in opposition to the trip by our President because it cannot serve the cause of true peace. In my statement of constructive criticism dated July 16, the day following Mr. Nixon's announcement, I remarked:

> For an American President to believe that he can go hat-in-hand to visit and placate a ruthless dictatorship and come to peace terms is similar to a situation where a local police chief would go hat-in-hand to a ruthless gangster and hope that a so-called friendly discussion could reestablish peace in the community (in this instance, it is the world community.)

Mr. Speaker, I wish to draw to the attention of the President and the Members of this Congress a very comprehensive article in Life magazine, June 27, 1954, entitled "The Two Faces of Chou-En-Lai." This article identifies the man our President will meet in Peking as a killer who ruthlessly exterminated an entire family of 11 people because the head of that family defected from the Communist Party. I fear my comparison of the President's visit with a police chief going hat-in-hand to a ruthless gangster is all too real. The article follows:

[From Life Magazine, June 28, 1954]

THE TWO FACES OF CHOU EN-LAI

CHOU AS FUGITIVE

(By editors of Life magazine)

The Geneva conference brought Chou En-lai, Red China's premier and foreign minister, into full view of the Western world as a master politician and a suave negotiator with a keen instinct for exploiting potential cleavages among the anti-Communist nations. At about the same time some aging documents made available to LIFE revealed him as a political thug and professional assassin.

Chou En-lai's urbane facade has been fooling people for some 20 years. In the middle '30s journalists who sought him hidden out in the caves of Yenan, the Communist headquarters, were impressed by a bearded man, with an $80,000 price on his head, who spoke excellent English and French and who seemed a "reasonable" Communist. In the days following World War II, when the tragedy of China was sealed in Yenan and Chungking, Chou's charm beguiled many Americans who had conditioned themselves to believe the Chinese Reds were harmless agrarian reformers. Even General Marshall, anything but a Communist sympathizer, thought Chou a man of his word. There were rumors that Chou had killed men with his own hands but, says a U.S. newsman who knew him then in Chungking, "One could only suspect by the chilling glint in his eye that they were true."

The rumors were true. The evidence, in the form of Shanghai police records nearly 23 years old, has never before been published. Vouched for by sources LIFE considers absolutely trustworthy, the documents name Chou as the man responsible for a spectacularly gruesome mass murder which in 1931 wiped out the entire family of a political enemy.

The political enemy was a man named Koo Cheng Chang. A member of the central committee of the Chinese Communist party and head of the Chinese G.P.U., Koo went over to the Nationalist government in April 1931. He talked, and as a result, the Nationalists arrested a number of important Communists, including the party's secretary-general who was executed on June 23, 1931. Shortly thereafter Koo's wife, eight relatives and the family cook disappeared.

On Sept. 28, 1931 a man named Wong Lau Deu Ts was arrested by Shanghai police of the International Settlement and turned over to the Nationalists. Wong revealed that he was one of a party of Communist assassins who had murdered Koo's relatives by strangulation. The executions, said Wong, were ordered by the party's new secretary-general, who was also in charge of the assassination gang. French police records of Shanghai's International Settlement spell the boss assassin's name Chow Heng Lai; British records call him Tseu Ong Lai and Chow Ong Lai. The date, the circumstances and a photograph attached to the British police dossier leave no doubt that this is the man Western diplomats now know as Chou En-lai.

Wong kept talking. The final report of the Shanghai municipal police (British), dated Jan. 22, 1932, reviews the case and says:

"Wong Lau Deu Ts further stated that the bodies of the Koo family were buried at Nos. 33 and 37 Rue Prosper Paris, No. 6 Wuting Road, whilst other traitors to the C.P. cause were murdered and buried at No. 91A Sinza Road.

"Between November 21st and 28th, 1931 seven bodies were exhumed at Rue Prosper Paris, four at Wuting Road and five at Sinza Road making a total of sixteen. Full particulars in connection with all the murders will be found in attached statements. . . ."

The five Sinza Road murders had taken place earlier, sometime in 1930, and Chou En-lai may or may not have been involved. But the 11 murders to which he was definitely linked were horrible enough. A British police report described a visit, following Wong's direction, to No. 6 Wuting Road, a property rented by Wong at the time of the murders. The report says:

"Immediately after arrival work was started on digging up the garden which is situated to the south of the house. . . . At about 11 a.m. a slab of cement about 6 feet in length, 2 feet 6 inches in width and 1½ inches thick was unearthed under about 8 inches of soil near the south wall of the garden, running lengthwise. This slab of cement was broken and removed and only soil was found. Digging again commenced and a further 18 inches down traces of two bodies were found lying side by side parallel to the south wall facing north. Almost simultaneously traces of two other bodies were found on the north side of the garden. . . .

"At 3:30 p.m. Procurator Kuh Wei and Dr. Dang Ching . . . arrived and viewed the bodies.

"Dr. Wong the Municipal Police doctor then had the bodies removed from the soil . . . and the following was ascertained:

"(1) Body lying parallel south wall under 8 inches of soil, a cement slab, and a further 18 inches of soil, that of a young woman, naked and bound with rope at the ankles, wrists and around the neck, believed to be body of Chang An Hwo, wife of Koo.

"(2) Body lying parallel to No. 1 . . . that of an elderly woman, clothed, and also bound with rope round the ankles, waist, and neck. Believed to be the body of Chang Loh Sz, mother-in-law of Koo.

"(3) Body in sitting position under two feet of soil on north side of garden. Legs were doubled back to neck and were tied together with hands with rope round neck . . . facing north wall. Believed to be body of Sih Lee, the brother of General Sih [commander of the 2nd Division of the 26th army].

"(4) Body in sack in north-west corner of garden under two feet of soil. Found to be body of a female about 16 years of age. Trussed up in same manner as No. 3. Clothed, and with cord round neck. Believed to be body of Yih Siau Mei [cousin of Koo]."

Seven more bodies were found at Nos. 33

and 37 Ai Dang Li, Rue Prosper Paris: Koo's brother and two sisters-in-law, Koo's father-in-law, the brother of a sister-in-law, his wife and the cook, one Ma Bee. The only victim not a member of Koo's family was Sih Lee, who was unlucky to be around at the wrong time. According to the *North-China Herald* of Dec. 1, 1931, Koo himself ran newspaper advertisements, offering a $3,000 reward for the murderers and putting the finger on Chou En-lai as the man responsible.

From Wong Lau Deu Ts the Shanghai police got the names of nine assassination agents under Chou En-lai. But they were most anxious to find Chou and a man named Hong Tsung Poo whose job, according to the British police summary, "was to secure isolated houses suitable for murders." Shanghai police wrote Hong Kong as follows:

DECEMBER 11, 1931.

Sir: I have the honour to inform you that the following described persons:

(1) Tseu Ong Lai, native of Hupeh, age about 40, strong build, medium height, fresh complexion, speaks French and Japanese....

(2) Hong Tsung Poo, alias Hong Yang Sung, native of Yue Yao, Dzaushing ... are wanted by the Shanghai Municipal Police and Chinese Military Authorities on charges of murder. . . ."

Eleven days later Hong Kong police answered as follows:

"Of the two Chinese names . . . the first one Tseu Ong Lai is well known to this Department as a leading Communist whose arrest we have endeavoured to secure for many months....

"The other Chinese named Hong Tsung Po is not known...."

It may be that this was what made it too hot for Chou in places like Shanghai and Hong Kong, for he next turned up as a leader of the Communist army's famous 6,000-mile Long March to Shensi in 1934. Henceforth he was one of the top Communist hierarchy, apparently a nice, plausible fellow. And in Shanghai he does not have to worry now about the law; he is the law.

Chou As Diplomat

(By Godfrey Blunden)

GENEVA.—To Le Breuil, the famous horticultural house on the shores of Lac Leman, came two Chinese gentlemen dressed in black. On their small, delicate feet they trod among the exotic hothouse flowers for which Geneva is celebrated, pausing to examine a shell pink azalea, a miniature rhododendron, a cyclamen, sky-blue hydrangeas, an orchid. Conferring gravely together, they indicated their purchases. There was just one point they wanted to be sure about. Before delivery the plants must be examined by another Chinese gentleman. But naturally, messieurs, answered the nurseryman.

A few hours later the astonished nurseryman saw plants neatly lifted out of their earthenware pots and small Oriental fingers probe root and stem. Did the Chinese gentleman doubt the quality of the plants? Not at all. It was not bugs but bombs they were looking for. The flowers were for the private conservatory of M. Chou En-lai, premier and foreign minister of the Chinese People's Republic who was due in Geneva to play his first public role on the stage of world diplomacy at the conference on Korea and Indochina.

Though the advent of Chou at Geneva had a delicate hothouse flavor, Western representatives soon discovered that he was as brutal a negotiator as his Russian mentors. In forcing a breakdown of negotiations on Korean peace terms, he was second in importance only to the Soviet Union's Molotov. In the exasperating discussions for an armistice in Indochina he has been the No. 1 man on the Communist team. When the Indochinese talks appeared headed for deadlock last week, it was Chou who revived them with a proposal that the West felt obligated to study and therefore prolong the conference.

The preparations for housing Chou at Geneva presaged the importance of the role in which he had cast himself. And it showed how far he had come since he was the boss of a Communist assassination gang in Shanghai in 1931 (*opposite page*). This April, from the Red Chinese legation in Berne—Switzerland is one of seven Western European countries that recognize the Mao regime—four Chinese traveled to Geneva to look for a house. They made the circuit of the summer rentals until they came to Le Grand Montfleuri, a dignified 18th Century mansion owned by Jacques Salmanowitz, head of a big international grain business. Grand Montfleuri is on the bank of Lac Leman, less than 10 miles from the Palais des Nations, onetime headquarters of the defunct League of Nations, which had been selected for the meeting place of the conferences on Korea and Indochina. The Chinese liked the look of Montfleuri. It has 21 rooms, five bathrooms, a conservatory, terraces, and it stands in a 27-acre park with a small wood, a hayfield, vegetable gardens, a greenhouse and lodges at its gates. Multimillionaire Salmanowitz was reluctant to let his house to Communists, but the Swiss foreign office pressured him. The rental price for six months: 20,000 Swiss francs ($4,600).

The first thing the Chinese did was to go over the district in which Montfleuri stands. One by one they checked off their neighbors with the Swiss police, noting their names and inquiring about their social status. In a corner of the Montfleuri estate they found the humble cottage of Gardener Jules Marandaz. Stubborn Jules, maintaining that he was part of the deal, refused to move out. The Chinese argued. Finally they bought Jule's pigs and chickens and vegetables, agreed to pay his salary for the entire period of occupancy and decorated an apartment for him at Versoix, just outside Geneva.

A onetime residence of famed French statesman Chateaubriand, Grand Montfleuri had stood empty for several years. Wallpaper was stripped off and walls were replastered. An extra bathroom was put in and the house was repainted. Cost: 200,000 Swiss francs ($46,000). Then a Chinese spotted a couple of flies on the ceiling and quickly called up the Geneva Hygiene Service. The whole house was fumigated.

Curious about what was going on in his house, owner Salmanowitz paid a visit to Montfleuri. He was ordered off the grounds. To repulse other intruders barbed wire was flung around the estate, though that was later removed. A 20-man Swiss army guard, spaced at intervals of 200 yards, surrounded the estate. The Swiss police kept a permanent five-man detail at the main entrance gate. The Chinese put their own guards inside the grounds and built a small guardhouse at the gate. Here one day appeared a certain Wang, a Chinese porter who had learned his French (he said) at Peking University.

Furniture purchased in Geneva (an estimated 50,000 Swiss francs' worth) began arriving. Wang ordered the delivery wagons to be unloaded at the gate. Refrigerators, washing machines, radios, chairs and tables were moved up the driveway by a staff automobile. Wang permitted no one who was not Chinese to take a step inside the gate. Chinese guards behind him glowered at curious sightseers.

For their conference needs the Russians had organized a daily aircraft shuttle service between Moscow, East Berlin and Geneva. Russian transport planes now began flying in with crates of dragon-decorated Chinese furniture, tapestries, lamps, trays, small tables, cabinets. From East Germany a big armored Zis with double bulletproof windows and two Buick-type Zims rolled in with Chinese drivers and more guards. But three cars hardly met the needs of the delegation. Two Chinese gentlemen in black went into Geneva, bought five British Humbers, a Mercedes Benz, a Chrysler, hired five French Citroens (at 100 Swiss francs a day) and a couple of Simcas (at 80 francs a day). Now everything appeared to be ready.

On April 24, two days before the conference opened, Chou En-lai arrived by Russian plane from Moscow. At the airport Swiss officials greeted him while newsmen were held back by barricades. A brief, trifling incident marred Swiss composure. A swiss watch firm had put up an advertising sign at the airport on which the flags of the 19 conferring nations were displayed. By a singular misfortune they had mistaken the flag of Nationalist China for that of Red China. Immediately a member of Chou's entourage spotted it. The offending flag was promptly changed.

In the armored Zis, with three carloads of guards following, Chou drove straight to Montfleuri. Was he pleased? Not more than a few hours later two Chinese gentlemen in black were observed speeding into Geneva. At Fleuriot's, the city's biggest florist shop, they leaped out, bought another carload of plants. After screening by Chinese secret servicemen, the additional plants went into Chou's conservatory.

There were now some 200 people in the Red Chinese delegation. Chou had brought his own doctor and medical staff, his own cook and cook's assistants, a personal housekeeper (one of 10 women in the delegation). There were nine or 10 news cameramen, a host of interpreters, propagandists, clerks, mechanics, drivers—and, of course, a secret service staff, headed by Li Ko-nung, boss of China's equivalent of the MVD. Some 50 Chinese were quartered on the Montfleuri estate but the rest had to be scattered through Geneva hotels and in a private apartment.

In the hotels the Chinese refused to yield up their room keys, and they protested the habit of Swiss bellhops and maids of entering rooms with master keys. Just to confuse the Swiss further the Chinese began switching rooms. Swiss officials began to realize that they had no sure means of determining the number of Chinese Communists entering or leaving the country. Meanwhile the Chinese signed their meal checks in Chinese characters and refused to give tips. It was not long before the staff of one hotel began to talk of a protest strike.

For a while it was possible to tell the relative position of any Chinese delegate in the Communist hierarchy by his clothes. The top-level boys wore a kind of uniform obviously modeled on the buttoned-up jacket and high collar worn by Mao Tse-tung, just as Stalin's boys used to imitate the dictator's high-necked tunic. From this austere getup the tailoring ran down through seedy Western-style clothes to a kind of floppy zoot suit with bell bottoms. But soon all this changed. The Chinese comrades descended on Geneva's flossy department stores and were soon strolling about in new Western clothes. They also bought nylon stockings, ballpoint pens and American cigarets. At one shoestore two Chinese bought five pairs of shoes each. When presented with the bill one of the Chinese produced 15,000 francs from his pocket and asked the sales clerk to take the required amount, about 800 francs.

At Montfleuri, Chou and his staff have dined on food flown in from China and Russia. The Chinese at the hotels have eaten Western food. At the swank Hotel Beau-Rivage last week one Chinese finally lost patience, called for a plate of noodles, doused it with Worcestershire sauce and ate with a relaxed smile. They have visited Swiss cafes in small groups, seldom alone, and have not been observed to drink anything stronger than light beer. None has been seen in either of Geneva's two Chinese restaurants.

A limited amount of fraternization with the Russians and the Vietminh has apparently been permitted, but none with the Swiss and none with Geneva's several thousand Communists who have gazed wonderingly at the international, but frigid, brothers. By 11:00 every night, as by a curfew signal, the Red Chinese have disappeared from the streets. Not for them the fleshpots of Geneva, but the deep, deep boredom of the cell meeting and the nightly orientation talk. It was a life which had Porter Wang wondering.

"In Geneva," he asked a Swiss guard, "are there many *poules?*" (Literally, "chicken"—the variety that wears nylons.)

"Well," said the Swiss, "it's as you would find it in any French speaking city."

"Ah," sighed Wang.

"How is it in China?" asked the Swiss.

"In new China," said Wang, "they are all in factories."

It would be an error to imagine that barbarians make up the delegation. The majority are graduates of China's universities and a few are U.S. college graduates. Many speak fluent English. Westerners formerly stationed in Chungking have recognized a number of former acquaintances, but efforts to renew old ties have had little success. Such has been the case with Madame Kung Peng.

Former Chungking correspondents remember her as a vivacious Chinese woman, Chou's press officer in 1943, a Communist liaison officer with the Marshall mission in 1946. Reminded by a correspondent of a dinner she had been given at the British embassy in Chungking, Mme. Peng was covered with confusion. At the first Chinese press briefing she made an appearance at the official table and objected when newsreel photographers tried to take her picture as she lit a cigaret. She has made no public appearance since then, remaining in seclusion at the Hotel Beau-Rivage, a brooding grave-faced woman in a filmy blue dress.

No day has passed without tourists peeking through the gates of Montfleuri. They should have come at night, for Chou's schedule is the same as that of his old master, Josef Stalin. The house lights at Montfleuri, like those of the Kremlin, have burned through the night. In the early hours the teletype circuit connecting Montfleuri with Berne and thence by radio with Shanghai has run hot with a load of coded European letters. Not until the time the Swiss milkman has delivered his eight quarts of milk at Wang's lodge has quiet returned. The swiss guard has been ordered to keep it that way until noon.

From the front terrace at Montfleuri there is a view across the turquoise waters of Lac Leman with its swans and sailboats to snow-capped Mont Blanc. In the early afternoon Chou and his staff have strolled on the terrace. Except for the Swiss guards, who were entertained at dinner shortly after Chou's arrival (they were delighted with the jasmine tea), not more than half a dozen foreigners have seen Chou at home. Among the privileged were India's V. K. Krishna Menon and British Member of Parliament Harold Wilson, onetime Labor party president of Board of Trade. Wrote Wilson, "We were entertained with typical Chinese hospitality, with food flown over from China, Chopsticks and all."

Later Wilson had an hour-long session with Chou on trade with China. "He obviously understood English and made no attempt to hide it, laughing at humorous references without waiting for the interpretation and occasionally expressing agreement. But he spoke only Chinese. We found him an extremely impressive personality. . . . He was entirely friendly and warm in all his dealings with us. . . . He had a quick sense of humor and seemed to delight in answering our questions with no attempt at evasion."

American diplomats who remember Chou in Chungking remember him exactly that way (they used to call him "Joe"). But they also remember how he led the Americans up th garden path, and they shake their heads sadly for the British. The garden path the British are treading is disguised as a "Hundred Million Dollar" trade order. How would moneyless China pay for the goods it wanted? A transfer of credit from Russia might be arranged, Chou suavely hinted. And then there was Red China's "substantial invisible income" (i.e., money extracted and extorted from Chinese living abroad).

Dining with British Foreign Secretary Anthony Eden at the Hotel Beau-Rivage a few days later, Chou wore Western dress for the first time in Geneva: an impeccable navy-blue suit, navy-blue tie and white shirt. An interpreter hovered at his shoulder throughout the meal and a phalanx of guards was lined up in the hotel foyer. But Western diplomats accustomed to dealing with Communist leaders have come to ignore these emblems of fear. "Very impressive," said Eden afterward, adding, as though there might have been some misapprehension, "I told him what side we were on."

Chou En-lai's strategy in Geneva has gone far beyond Indochina and Korea. More important to him than the overpopulated paddies of the Red River is the need to obtain a place in the United Nations and to drive Nationalist China out. Already his men have been studying such U.N. outfits in Geneva as the International Labor Organization and the World Health Organization, and have made tentative contacts with Nationalist Chinese who occupy jobs in those offices. Geneva is a more convenient place for contacts than Peking or Shanghai, and people from all over the world have been coming to Chou's Geneva office seeking favors, business contacts, permits for travel and shipping arrangements. To cope with this traffic Chou is negotiating the purchase of several buildings in Geneva for the establishment of a large consulate and commercial center.

In playing for recognition of Red China as one of the world's four great powers, Chou is also playing for recognition of himself as a world leader. One sees this in the rigid protocol observed by the Communist delegations at the conferences. At the 5 p.m. break in the Korean plenary sessions Molotov went first to Chou's side, then to the side of Communist North Korea's foreign minister, Nam II. The order of the speechmaking on Korea was 1) Nam Il, 2) Chou En-lai, 3) Molotov, giving the Russian the most prominent place as diplomatic clean-up man. But for the Indochina sessions the batting order was changed: 1) the Vietminh representative Pham Van Dong, 2) Molotov, 3) Chou En-lai. At the close of meeting Molotov has left first, then Chou, then Nam Il, Pham Van Dong.

Chou is still second to Molotov, but his stature among the Communists has grown during the Geneva talks. In the conference hall he has sat impassively, a bulky figure with graying hair. Though he read his pronouncements imperturbably, on occasion he has been an energetic speaker, his broad, coarse face full of animation, his heavy eyebrows raised in scorn or humor, his short thick arms gesticulating. Thirty-four years ago Chou En-lai was a coal miner in France, a worker in Paris' Renault auto plant. He is still young enough (55) to outlive both Mao and Molotov—perchance even Malenkov (the Russian casualty rate being what it is)—to become the world's No. 1 Communist.

The obstacle in Chou's path is the United States. He knows that his charm and good humor no longer count with Americans. Thus he reserves for the U.S. his most vituperative rhetoric. The policy of the U.S. delegation not to recognize or fraternize in any way with the Red Chinese delegation hurt Chou's vanity. He reeks reprisal. Through Humphrey Travelyan, Britain's chargé d'affaires in Peiping who is currently in Geneva, the U.S. made tentative overtures for the exchange of Chinese prisoners for U.S. civilians interned in Red China. Chou let the talks develop to a hopeful stage, then had his press spokesman snarl, "If the U.S. wants to go on with this they must come to us direct." U.S. Ambassador to Czechoslovakia, U. Alexis Johnson, a member of the Geneva delegation, is currently negotiating directly with the Chinese for the release of 54 U.S. civilians and 29 U.S. military personnel now held in China. Since General Marshall's disillusioning experience, most American diplomats know Chou En-lai for what he is—a ruthless intriguer, a conscienceless liar, a saber-toothed political assassin. But he is new to Europe. If Europe wants to be fascinated he will fascinate Europe.

Chou had been in town only a few days when Chinese messengers came bearing gifts to the leaders of the other delegations. The gifts were Chinese art portfolios, books covered in silk brocade, bound with ivory clasps and made up of the finest handmade paper. One such book I examined held some 150 exquisite Chinese prints. The principal subject: flowers.

One evening a few week ago, long after the delegations had left the conference hall, a newsreel photographer noticed a man standing in the inner courtyard. The newsreelman stepped up with his camera whirring. It was Chou, quietly walking in the garden. He posed.

To Montreux's famed spring festival, the Fete des Narcisses, a few weeks ago went 70 members of Chou's delegation. Debarking from their buses they walked among the fields of narcissuses like figures in a Chinese scroll. And two weeks ago a young Chinese woman stopped off at Le Breuil's Geneva shop and bought 300 potted plants, mostly geraniums, begonias and salva, to add to the philodendrons, cocos plants, maranta, kentia, ficus, dracaena and rubber plants already stuffing Grand Montfleuri. A Chinese proverb says, "In a lovely garden hides the tiger."

COLOR IS BEING ADDED TO THE CAPITOL

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. BENNETT. Mr. Speaker, as I walked through the Capitol Building yesterday, I noted that the capitals on the tobacco columns in the smaller rotunda of the Capitol Building had been painted in bright colors, and I made inquiry with the Architect of the Capitol as to the reasons for this and as to what further was planned in this direction. I received the following interesting letter which I would like to share with my colleagues and with the public on this subject:

AUGUST 5, 1971.

Hon. CHARLES E. BENNETT,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BENNETT: In response to your inquiry regarding the painting of the column capitals in the Little Rotunda (sometimes called the Senate rotunda), I offer the following historical and descriptive information.

The historical research that was done prior to our recent painting established that the dome and caps were originally painted between 1815–1819 when the area was constructed after fire of 1814.

In the necessary repairing and cleaning resulting from the March 1st bombing damage, paint studies were made of the small dome and its ornate coffers. It was definitely determined, by the removal of the outer paint layers, which colors were applied to specific areas, and the restoration work followed these findings.

In 1817, Benjamin Latrobe, Architect of the Capitol, wrote to Thomas Jefferson that the capitals composed of tobacco leaves and flowers ". . . be painted and that the leaves of the upper tier be colored in the lower part with a faint brown, as I shall do in the rotunda of 16 columns . . . otherwise they do not sufficiently distinguish themselves."

These 16 caps were carved by several different carvers, and therefore each one varies. Painting made them appear more uniform. There was also a lighting problem in the inner areas of the Capitol and painting relieved the dark shadows and accented highlights of the sculpturing as Latrobe mentioned. Too, Latrobe followed the Greek school of tinting coffered ceilings. At this time the Old Hall of the House (now Statuary Hall) had a ceiling painted ornately in many colors and with a generous use of gold leaf. This colorful room is depicted on page 32 in *We, the People.*

The tobacco caps were originally tinted and then painted out in later years. In fact, the walls of the great Rotunda, Statuary Hall, and the Little Rotunda were all painted to resemble marble until about 1907, when the paint was removed to show the original beauty of the stone. Surfaces which were comparatively flat and large did not offer the problems in paint removal that the intricately carved, delicate tobacco caps presented. The removal of the old paint from these capitals would have marred and damaged them, and it was thus permitted to remain.

Periodic repainting in a buff color over the years has caused the beauty of the carving to become obliterated as the built-up paint layers gradually covered the detail. The reapplication of color has again emphasized the delicate carving and made the details visible.

The Advisory Architects to the Architect of the Capitol expressed pleasure and satisfaction with the completed work in the Little Rotunda.

Over the years, much original decoration in corridors and ceilings in the Capitol has been obscured. Our efforts are gradually being directed toward restoring the Capitol as it once was, so that this and future generations of Americans can continue to enjoy this symbol of liberty that is the Capitol.

Cordially,

George M. White,
FAIA, Architect of the Capitol.

NATURAL GAS SHORTAGE

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. PICKLE. Mr. Speaker, I have often voiced my opinion that our current energy policy is inadequate to meet the growing needs of our energy-hungry economy. Our policy shortcomings are particularly evident in our treatment of natural gas. Although the United States is blessed with an abundance of natural gas reserves, governmental regulation has discouraged gas exploration and development to the extent that we are now faced with a seemingly paradoxical gas shortage.

Evidence of this shortage is all too common. For example, the East Ohio Gas Co. has recently announced to its industrial customers that they must be prepared to cut their present gas fuel requirements by 10 to 20 percent, beginning in the winter of 1972–73.

G. J. Tankersley, president of East Ohio Gas, wrote in a recent letter to the company's industrial customers:

> At this time it appears that we will undoubtedly be going into the winter of 1972–73 with an annual volume shortage, which could be as great as 20 to 30 billion cubic feet or from 10 to 20 percent of annual industrial requirements.

Furthermore, Mr. Tankersley warned that this estimate is based on the assumption that his company's pipeline suppliers will be able to deliver their contracted volume of gas. This assumption rests on a dubious foundation. He said that one major transmission company already has notified the Federal Power Commission that it cannot meet its existing requirements this year. Another has stated that it will not be able to provide its contracted volume if the coming winter is colder than normal. All other suppliers to East Ohio Gas have filed curtailment procedures.

Mr. Speaker, this is only one of the latest developments in an increasingly crucial situation.

In New York State, an examiner for the public service commission has recommended the establishment of a priority list of gas customers, stating that "the availability of gas, especially additional supplies of new gas, is generally in short supply."

In California, the public utilities commission has announced that it will be necessary to curtail delivery of gas to electric power generation plants.

In Chicago, the waiting list of natural gas service applicants contains thousands of names.

Nationwide, the Federal Power Commission has announced that it will require pipeline companies to reduce supplies to industrial customers so that storage fields can be filled with gas for home heating and other domestic purposes.

The cost and inconvenience of forced curtailment of industry's use of natural gas is bad enough. Even worse is the effect on the vitally necessary effort to reduce air pollution. Gas is the most clean burning of all fuels. To the extent that industry must turn to other fuels the environmental control program will be weakened. That is just one more damaging result of the natural gas supply shortage.

The shortage is a deeply serious problem. But it is not an insoluble problem.

Its solution lies in restoring the incentive for producers to step up on a massive scale the exploration for and development of new gas reserves in the United States. That incentive has been badly weakened by present law and regulatory policies of the Federal Government.

I urgently suggest the enactment of legislation to give producers some hope for the future by making their sales contracts with interstate pipelines valid and binding on all parties concerned. They are not valid now, not when the Federal Power Commission can step in and force changes in contracts it had previously approved. A sales contract between producer and pipeline is meaningless when the producer cannot know how much he will be paid for his gas, how long he will be paid a specific price, how much gas he must deliver, or how long he must continue delivery. All these uncertainties exist under present regulatory policies of the Federal Power Commission.

The uncertainties can be removed through passage by Congress of H.R. 7144, which I introduced in the House some weeks ago, or by passage of a similar bill introduced by other Members.

The proposed legislation would not take away Federal control of gas producers. But it would make contracts valid and binding once they were approved by the Federal Power Commission. That is no more than any legal contract does in other areas of business.

Mr. Speaker, this is the minimum action necessary to give the producers a strong economic reason for putting forth greater effort to bring the Nation's reserve supplies up to the point at which we can feel confident that we will not run out of gas.

The need for this important first step is urgent and compelling. It should be taken now.

THE IMMORALITY OF BUSING FOR RACIAL BALANCE

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. GRIFFIN. Mr. Speaker, I want to bring to the attention of the House one of the great issues of crucial importance to our Nation. In my opinion, it is the gravest issue we face in this decade. The issue is the busing of schoolchildren merely to achieve racial balance.

Earlier this week, President Nixon stated:

> I am against busing as that term is commonly used in school desegration cases.

The President made this remark in connection with the Austin, Tex., busing controversy.

In that case, the Department of HEW submitted a desegregation plan which required massive busing of students so as to achieve a proportional balance in each individual school equal to the racial makeup of the entire city. In the continuing litigation surrounding that case, President Nixon announced that the Department of Justice will, "disavow the HEW plan, and will ask instead for some compromise."

I would like to call on the President to intervene in the same way for the children of Jackson, Miss. Some 9,000 Jackson schoolchildren will be forcibly bused to schools outside of their neighborhoods in the upcoming school year under an order promoted by HEW and the Department of Justice.

Mr. Speaker, I oppose the forced busing of schoolchildren merely to achieve racial balance. I lay my opposition to this travesty of justice squarely on the ground that it is, plainly and simply, an immoral proposition.

Mr. Speaker, the busing of children is immoral for several reasons.

FREEDOM OF ASSOCIATION

First, it violates the freedom of association guaranteed by our Constitution to every American citizen. That freedom, along with those protected by the Bill of Rights, gives legal substance to the moral proposition that human beings are free agents answerable only to God.

Who would have the audacity, Mr. Speaker, to propose a law requiring citizens to sell their houses and move to another part of town to create a racial balance? Even more far-fetched is the idea of Federal troops enforcing such a law, gathering up families onto trucks and buses to move them into racially balanced areas.

Yet, HEW is doing to America's children what it has not the temerity to do to their parents. Is it any more moral just because they are children? Is their freedom of association any less violated because of their age? I think not.

VIOLATION OF PROPERTY RIGHTS

Second, busing children for racial balance is a clear violation of a man's right to be secure in his property. It is surely no mystery that, in the desire to associate with whom one desires, people will pay a premium to move into a certain neighborhood.

When a court orders the busing of children for racial balance, that premium is lost, and property rights are clearly violated.

Parents select houses in areas where schools are good and convenient. Federal orders to send their children outside their neighborhood violate individual rights and property rights.

NO VALID EDUCATIONAL PURPOSE

Third, court-ordered busing for racial balance serves no valid educational purpose. Most Americans view education of their children as a process of providing them with basic skills. Even at the highest levels of senior high school, when the skills being taught are the sophisticated techniques of "new math," or the subtleties of ancient English literature, that training is really a basic skill.

Americans want their children to have these basic skills so they will have the tools to arrive freely at their own opinions and conclusions and thus aid them in reaping the rewards of America's bounty.

Busing for racial balance contributes nothing to this essential, fundamental purpose of education. In fact, it has a detrimental effect.

DAMAGE TO EDUCATION

Fourth, busing for racial balance is educationally damaging to the children involved.

The long, tiring rides to far distant schools in a strange part of the city diminish a child's ability to respond effectively to training when he finally gets to the school; particularly as the school day wears on.

Further, extracurricular activities are often destroyed because of the great distances children travel to and from school. In many schools, traditional activities of football teams, choral music groups, basketball teams, debate teams, baseball teams, theatrical productions, track teams, thespian societies, and a host of others have been forced out of the educational program. The loss of these activities destroys interest and participation in all aspects of school life.

Busing for racial balance can have no other effect but to weaken the educational opportunity for all children.

SUMMARY

In summary, Mr. Speaker, busing for racial balance denies basic freedom and damages educational opportunities without regard to race.

The long hours of riding, separation from friends, destruction of extracurricular activities, lost sense of civic duty and school pride, lost freedom of association, and all other lost benefits of the neighborhood school are felt on an individual basis by all the children without respect to their race, creed, color, sex, or national origin.

DOUBLE STANDARD

HEW imposes one desegregation standard for Southern schools and another for Northern schools. The false and misleading terms of de facto and de jure segregation are used to force Southern schools to bus for racial balance while Northern schools retain segregated schools.

Not only is this double standard setting one section of this great Nation against another, but it is imposing second-class citizenship on the South.

The action of this vicious double standard will cause immoral and illegal economic repression by disrupting, confusing, and severely damaging education in the South while allowing the educational systems and opportunities in the North and West to remain as they are. This state of affairs is clearly reminiscent of the economic servitude placed on the South after the Civil War and which lasted until World War II.

Busing of schoolchildren to achieve racial balance is contrary to our whole constitutional fabric.

Again, Mr. Speaker, I question why President Nixon opposes busing to achieve racial balance in Austin, but supports it in Jackson. If he means what he says, he should immediately order Attorney General Mitchell and Secretary Richardson to seek an amendment to the Federal court order which requires massive busing of schoolchildren in Jackson, Miss.

THE LEHIGH VALLEY VETERANS MEMORIAL GARDENS

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. ROONEY of Pennsylvania. Mr. Speaker, this Federal Government maintains 98 military cemeteries in continental United States for the burial of those men and women who served or are serving with honor in our Armed Forces. The Congress has granted the serviceman and the veteran this right of burial in a national cemetery, but it is evident that many will not have that right tomorrow and in the many years that lie ahead.

Thirty-seven of our national cemeteries have no remaining space and others will soon be full. Arlington, which is known and revered by all Americans, now admits for burial only active duty service personnel, retirees, Medal of Honor winners, and high Government officials.

The acquisition of land and subsequent development of new national cemeteries would cost the people of this Nation literally billions of dollars in initial investment, plus untold sums for continued upkeep. And we would have to resolve the question of location of such burial places. Since veterans live in every community of our land, it is entirely possible that each Member of this honorable body, for example, would urge the location of a new national cemetery in his constituency.

Yet, one day, this body must face the question of provision of burial space for those serving and those who have served in this Nation's Armed Forces in war and peace. That day approaches more rapidly than we might believe, and we must not lose sight of the fact that 40-million Americans who are alive today could qualify for burial in military cemeteries.

As a Member of this august body and as a citizen of my district, I am giving this farsighted project my full encouragement. It will also be my privilege to take part in the dedicatory services at this new Veterans Memorial Park.

I would hope that all Members of this House of Representatives will consider that, if local groups in cooperation with private cemeteries solve the problem of burial space for service personnel and veterans, the question of expansion and development of national military cemeteries need never come before this body.

And I salute the farsighted officers and directors of Cedar Hill Memorial Park for their dedication to the great American principle of concern for our honored dead. They are performing a very valuable service for our community and our Nation.

Mr. Speaker, I submit that the veterans themselves through typical American free enterprise have begun to solve this problem right in Pennsylvania's Lehigh Valley, which I have the privilege of representing.

Now the Lehigh Valley Veterans Memorial Gardens has been created at the long established Cedar Hill Memorial Park, which is located in the very heart of our area. Every veteran and active serviceman and woman in the Lehigh Valley is being offered free burial space in this Veterans Memorial Gardens. This offer is made unequivocably to all who have served honorably in time of war or in peace. The veteran receives a certificate of eligibility which guarantees him this free burial space, with the proviso that his space cannot be sold or transferred by him to another party.

This program is doing the very thing

that this Congress long ago decreed: Guarantee of free burial space to service personnel and veterans. But, I submit, Mr. Speaker, that it is accomplishing and will accomplish even more. All of us want our loved ones to be buried near to us, so we can honor and perpetuate their memories by visiting and decorating their graves. Now, through Cedar Hill Memorial Park, every veteran of our area is offered free burial space right in his own community, in the very special and hallowed Lehigh Valley Veterans Memorial Gardens. Provision can also be made by the veteran for adjacent burial space for his wife and family.

CANCER RESEARCH

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. PRICE of Texas. Mr. Speaker, the ravages of cancer are all too familiar to the people of this Nation. In this year alone, 650,000 new cases of cancer will be diagnosed. In this year alone, 340,000 Americans will die of cancer and untold thousands will suffer the agonies of this dreaded disease. Even more disheartening are the estimates that given the current rates of occurrence, one out of every four Americans who are living today will someday develop cancer in one form or another.

This tragic state of affairs can be remedied, Mr. Speaker, but can be remedied only if the American people, speaking through their publicly elected officials, commit the resources of this Nation in sufficient amount to conquer cancer.

The Nixon administration has made the fight against cancer a priority goal. In terms of expenditures, the administration has requested and Congress has appropriated over $335 million in fiscal year 1972 for cancer programs. This represents an increase of more than $100 million from fiscal year 1971.

In recognization of the fact that money alone will not solve the cancer problem, the administration has also proposed that considerable attention be given to reorganizing and retooling the National Institutes of Health to better enable it to fulfill its leadership role in cancer programs.

Mr. Speaker, in an effort to facilitate congressional consideration of the President's proposals, I am today introducing legislation patterned along the lines of the President's recommendations in this area. My bill would establish a cancer-cure program in the National Institutes of Health. The Director of the cancer-cure program would, as part of his job, make recommendations to the President designed to beef up and better coordinate cancer-cure programs within and without the Government. In addition to this broad policy area function, the Director would be given the authority to establish, operate, and maintain cancer centers, laboratories, and other facilities related to the study and cure of cancer. He also would be authorized to provide for the production or distribution of special biological drugs, materials, or other therapeutic substances for cancer research.

To assist the Director of the cancer-cure program, the Secretary of HEW, and the President in the war on cancer, I am proposing that a Cancer-Cure Advisory Committee be established to assist in policy formulation and action program implementation. The key difference between my proposal and those which have been offered by other concerned Members of Congress is that in my view, the Advisory Committee members should serve without compensation. The Federal Government abounds with advisory committees, and the money that is spent on them is staggering when you lump them all together. Advisory committees fulfill a needed policy function. Depending on their composition, they can add a broad spectrum of thinking on an issue and can provide a vehicle for some creative problem solving. Members of these committees should serve without compensation, however, for inasmuch as advisory committee members are normally comprised of prominent individuals, their committee duties should be based on a public service concept rather than on monetary gain.

Mr. Speaker, ridding the American people and the world of the scourges of cancer is a proper goal of Government activity. I hope my colleagues will respond to the critical needs in this area and will expedite action on this proposal. The well-being of millions hangs in the balance.

PAPER WEALTH POLICY FORCED ON AMERICANS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. RARICK. Mr. Speaker, additional evidence of the dollar crisis which results from the antiquated U.S. policy prohibiting private ownership of gold continues to appear in American newspapers. What does not appear is that Americans are forced to use paper money as evidence of their wealth.

People the world over are turning from paper money to gold so that they can see their tangible wealth and feel secure. If the United States does not act to repeal the depression-based Gold Act of the Dark Ages, the American people are going to be bankrupt along with their Government. The Federal Government continues to deny our people the opportunity to own gold while paying from our depleted gold reserves to foreigners on demand.

Under present U.S. policy, a foreigner is guaranteed the opportunity to obtain an ounce of gold for 35 U.S. dollars which can be sold on the world market at $43 an ounce for a profit of $8. It is little wonder that the United States is rushing into bankruptcy and that realistic foreigners do not want U.S. paper currency.

The American people are being discriminated against by their own Government. They should have the right to own gold and they are entitled to the right to protect themselves from the irresponsible fiscal policies of their own Government.

I include a related news article in the RECORD at this point:

[From the Washington Evening Star, Aug. 5, 1971]

DOLLAR DROPS SHARPLY IN EUROPEAN MARKETS

LONDON.—The U.S. dollar plunged sharply in European money markets yesterday in what foreign-exchange specialists called a continuing international monetary crisis.

Precipitating the dollar's loss of value in relation to other currencies was a ruling by the French central bank that commercial banks could accept dollars for commercial transactions only, a move to cut the flow of speculative funds. On news of the French move the "big three" of Swiss banking temporarily suspended dealing in dollars. The dollar reached its "floor" in Brussels and Paris and dropped to a new low vis a vis the Deutschemark in the continuing "float" of that currency.

In Paris, the dollar quickly declined to 5.5125 francs per dollar, the mandatory intervention level for the Bank of France under rules of the International Monetary Fund.

The Bank of France mounted a brief support operation buying dollars. But in the late morning the central bank confirmed it would accept dollars only for commercial transactions. In addition, the central bank itself won't buy foreign currencies except for commercial transactions.

"The new measures are aimed only at discouraging speculators," a bank spokesman said. He denied rumors the bank was moving towards a two-tier market for the dollar. He pointed out that the central bank move applies to all foreign currencies. The dollar of course is the one under pressure.

The move to limit the use of the dollar to commercial transactions was described as temporary. The bank wouldn't say how long the restrictions might continue but hinted they might last until the Sept. 27 meeting of the IMF.

Banks accepting foreign currencies for speculation can be penalized with a fine double the amount of the speculative transaction. Banks have been directed to hold their foreign exchange positions to the level of Aug. 3.

The Swiss Bank Corp. in Basel, the Union Bank of Switzerland in Zurich and the Swiss Credit Bank in Zurich halted dollar dealings for more than an hour and a half when reports of the French action reached Switzerland.

When they resumed the dollar traded at an average of 4.0725 Swiss francs. The Swiss central bank later stepped in to support the dollar at 4.06 francs to the dollar. As a non-member of the IMF Switzerland has its own support level for the dollar—4.01 Swiss francs—but the central bank chose to step in at the higher level.

The Belgian central bank also supported the dollar, buying about $30 million according to one estimate. In Brussels the dollar dropped to its floor level of 49.625 Belgian francs in early trading and closed near 49.64 francs.

In Frankfurt the dollar closed at a record low of 3.45 deutschemarks to the dollar after dipping as low as 3.4495. The official dollar-mark ratio before Germany cut the mark loose from pegs to other currencies on May 10 was 3.66 marks per dollar.

The new trading ratio amounted to a 6 percent upward revaluation of the mark vis a vis the dollar. The German activity too was spurred by the French central bank's action.

DOLLAR FLIGHT IS CONTINUING

ZURICH.—A flight from the dollar continued throughout Europe Swiss bankers reported at mid-day, with the central banks of England, France, Belgium and Switzerland supporting the dollar at floating rates for the deutsche mark and gilder moved to record highs against the dollar.

Dollar securities especially Euro-bonds were also under selling pressure as investors switched into non-dollar securities to avoid a possible loss if the dollar's value is changed in relation to most European currencies.

The open-market price of gold reached as high as $43 an ounce up from an average price late Wednesday of $42.70.

IMPORTS—A GRAVE DANGER TO THE TEXTILE INDUSTRY AND ALL OTHER AMERICAN BASED INDUSTRIES

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. DENT. Mr. Speaker, it is summertime across the United States.

And, of course, summertime means different things to different people.

For many—perhaps most—people, summertime means a vacation.

In the mountains, maybe.

Or in the desert.

Or on the shores of the ocean, or a favorite lake.

For many people, vacation means staying home and relaxing—free for a time of the responsibilities of work, free of the discipline which the rest of the year requires.

Free for a while to be aware of what we want to be aware, and free to ignore what we choose to ignore.

But—as we all know—vacations end and we have to assume once again our working responsibilities.

The same responsibilities to feed and clothe our families.

To buy a home.

To purchase goods.

To enjoy vacations.

In other words, when we return to our workaday world, we have to shed the atmosphere of vacation-time, since—obviously—we would get little or nothing accomplished.

But something about all this bothers me.

Because there is an important subject relating to all of us—that we choose to ignore all year round.

A subject that we extend at vacation-time, almost cavalier attitude toward—as though it were something we could afford to retreat from, and afford to ignore.

I am referring to the problem of imports, to the increasingly serious problem of a constantly expanding glut of foreign-produced goods pouring freely across our shores.

And I am referring to the problem of an unconcerned army of American consumers who snatch up these foreign goods in ever-increasing numbers, blissfully unaware of the growth of another army across the land.

An army of unemployed Americans.

An army which—in many cases—owes its existence to the unrestricted flow of foreign imports into the United States.

We seem to ignore the fact that the economics of imports is the economics of people.

We seem to ignore the fact that—as of today—we have 5.5 million persons unemployed in America, a substantial number of whom lost their jobs because of the unchecked influx of imported products into this country.

That is the economics of people.

We seem to ignore the fact that over 2 million jobs had been lost to foreign imports by the end of 1969, and that current projections indicate that 5 million jobs will have been lost by 1980.

That is the economics of people.

So the question arises—why do we continue to ignore these figures?

Why do we place the problem of foreign imports at the bottom of our economic concerns?

The first reason, I think, is a very simple one.

And that is—with some notable exceptions—foreign imports seem to cost less than their American counterparts.

Never mind that the quality of imported goods is often markedly inferior to domestically produced goods.

Never mind the number of American jobs that are wiped out with every new import agreement.

Foreign goods seem to cost less.

The fallacy of that argument is simply explained also—and a lot more to the point.

The American jobs which go unfilled because of imports means a growing number of American consumers who are unable to consume.

And that applies to the consumption of foreign goods as well as American goods.

In other words, we are disminishing—or eliminating outright—the buying power of our citizens.

The power to buy anything.

And that economic fact of life has some pretty far-reaching implications.

Because the strength and very existence of the American economy rests squarely on buying power.

When you weaken that power, industries suffer—or go out of business.

Labor suffers, and jobs are lost.

Communities and States suffer, because you are steadily eroding their tax base.

And the Federal Government suffers, because its tax base is eroding, instead of providing moneys to stimulate the economy, it finds itself having to subsidize a sharply increased number of former taxpayers.

Former taxpayers who had no desire to become wards of society.

Former taxpayers who had no desire to become recipients of welfare.

Former taxpayers who had no desire to be forced to use up their unemployment benefits and unemployment insurance.

And former taxpayers who—in fact—had every reason to believe that their incomes and their standard of living would improve as the American gross national product and standard of living improved.

What a cruel awakening.

What a cruel awakening to find that neither they as individuals, nor their companies, nor their unions, have any power to turn things around to protect themselves and to protect the goods which they produce from being swallowed up in a sea of freely imported goods.

So those foreign goods—which seem to cost less—end up costing more. A lot more. Because the real cost is the destruction of our economy.

Which leads me to my second reason. The Federal Government continues to exercise its policy of "benign neglect" toward the whole problem of unrestricted foreign imports.

The United States, which almost singlehandedly, rebuilt the economies and production capacities of the war-ravaged nations of the world, refuses to extend similar assistance to American industries and American workers, suffering from unfair foreign competition.

Unfair competition, because the very nations which we rescued have turned around and set up a whole series of insurmountable hurdles to trade.

Quota restrictions.

Import levies.

So-called "equalization" taxes.

Unequal dollar exchange rates.

And we in turn provide virtually no protection for our own producers.

We erect practically no barriers to foreign importation.

And the result is just what you'd expect—an inundation of foreign goods that threatens the American economy at home, and the position of the United States on the world market.

The Government not only does nothing to stem the tide of imports, but encourages through its inaction the flight of giant American corporations abroad.

And so we have the phenomenon of the so-called multinational corporations.

The runaway American plants who close down production at home, lay off their workers, and open up operations overseas where they can pay subsistence wages in Europe and slave wages in Asia, turn around, and sell their products in America at no saving to the consumer, and maintain a huge profit margin for themselves.

And still the Government does nothing.

Imports still come flooding across our shores.

Americans still continue to lose their jobs.

And the Government still maintains its vacation-time attitude—all year around.

An attitude that is creating permanent vacations, for consumers, for employers, for employees, for working men and women who find themselves cut off from the mainstream of the American economy.

Because their full-time jobs have become full-time vacations.

Vacations with no benefits.

Vacations with no pay.

Vacations with no future.

SHOOTING OF EAGLES FROM HELICOPTERS IS ILLEGAL, UNSPORTSMANLIKE

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Friday, August 6, 1971

Mr. SCHWEIKER. Mr. President, I was shocked and dismayed to learn of the outrageous shooting of nearly 500 rare bald and golden eagles from aircraft over ranches in Wyoming and Colorado.

In hearings before the Senate Environmental Appropriations Subcommittee, chaired by the distinguished Senator from Wyoming (Mr. McGee), a helicopter pilot named James O. Vogan testified that he had personally piloted flights during which eagles, coyotes, foxes, bobcats, and other animals were killed.

Mr. President, on April 19, 1971, I introduced S. 1563, a bill to amend the Fish and Wildlife Act of 1956, to provide a criminal penalty for shooting at certain birds, fish, and other animals, from an aircraft. An identical bill in the House, H.R. 5060, introduced by my Pennsylvania colleague, John P. Saylor, passed the House on May 17. Although shooting eagles is prohibited under Federal law, other animals, fish, and birds are not so protected.

This cruel and unsportsmanlike activity must be stopped. I call upon the Interior Department and the appropriate State agencies to prosecute those guilty of these killings to the full extent possible under existing laws, and I urge the Senate to act quickly on my legislation.

I ask unanimous consent that this morning's article in the Washington Post, describing the hearings, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Five Hundred Eagles Slain From Copters, Hill Told; United States Vows Prosecution

(By Elsie Carper)

A helicopter pilot told a Senate subcommittee yesterday that nearly 500 rare bald and golden eagles were gunned down in flights last winter over ranches in Wyoming and Colorado.

James O. Vogan testified that he ferried sharpshooters on the flights but never shot any of the eagles himself. Sheep ranchers paid $30 a day or from $10 to $25 an eagle but some of the hunters were not paid and shot the eagles just for the sport, according to the testimony.

The ranchers ostensibly paid to have the eagles killed to protect livestock.

The Interior Department said that federal officials are now in Wyoming with subpoenas to seize the records of the eagle kills and are searching for a mass grave where the carcasses were buried.

Expressing "complete dismay and personal outrage," Interior Secretary Rogers C. B. Morton later issued a statement declaring that Interior will "take all possible steps to criminally prosecute those found responsible for the alleged slaughter of these regal birds."

Appearing before the subcommittee, Assistant Interior Secretary Nathaniel P. Reed called the killings a "callous, deliberate defiance of federal and state law."

The bald and golden eagles are protected by federal law. Both species are threatened with extinction.

Interior estimates that there may be two to three thousand bald eagles and up to 15,000 golden eagles in the lower 48 states, with more in Alaska.

Vogan, who appeared before the Senate Environmental Appropriations Subcommittee, refused to testify when the hearing opened, citing the Fifth Amendment protection against self-incrimination. But he opened up after subcommittee chairman Gale McGee (D-Wyo.) read an order issued by a Federal court in Wyoming granting Vogan immunity.

McGee said that Vogan called him several days ago to say that the poisoning deaths of 23 eagles near Casper, Wyo., that the subcommittee investigated last June was minor compared with what he saw while operating a helicopter for the Buffalo Flying Service, Buffalo, Wyo.

"We had a regular haystack of these eagles when we first started bringing them in," the 48-year-old pilot said yesterday. At one time last November, he said, more than 65 dead eagles were piled up at the Bolton Ranch, owned by Herman Werner, at Rawlins, Wyo., and that Wyoming game and fish wardens saw them there but did nothing. After that, he said, he was instructed to stack the dead eagles in a sheep-shearing shed and later the carcasses were buried.

PREDATORS HUNTED

Vogan said that he piloted aircraft hunting eagles, coyotes, foxes, bobcats, and other predators on 13 ranches, with the bulk of the flights over ranches owned by Werner. In one flight last December, he testified, 33 eagles and 14 coyotes were killed one day and 34 eagles and 12 coyotes the next day all on Werner's Bolton Ranch.

Killing of any species of wildlife from aircraft is prohibited by law. Eagles can be shot only under a special permit issued by the Interior Department on the certification by a governor of a state that the birds are killing livestock. Interior has not issued any such permits since 1969.

Vogan said that Doyle Vaughn, manager of the Buffalo Flying Service, told the shooters he had a permit under the predator control program.

SHOTGUNS USED

The eagles were shot while roosting or in flight with 12-gauge shotguns. The helicopter would retrieve the carcasses.

Vogan said he worked for Buffalo from last September to mid-February of this year and then was hired by Werner.

In the Interior Department testimony, Reed said that following the investigation of the poisoning of the eagles the department learned that some ranchers in Wyoming and Colorado were employing pilots and gunners using both fixed-wing aircraft and helicopters to kill eagles and coyotes. He said that estimates of the number killed this way far exceeds those poisoned by thallium. "If these figures turn out to be approximately accurate," Reed said, "they are absolutely sickening statistics."

RESOLUTION TO DISCONTINUE AID TO OPIUM-PRODUCING COUNTRIES

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. O'NEILL. Mr. Speaker, the tragic scope and consequences of heroin addiction, particularly among our younger citizens, are well known to most Members of this body. Surely, the many senseless deaths that can be directly traced to heroin use are a cause for concern. Our efforts must be directed at the drug's elimination.

Recently, the Massachusetts House of Representatives suggested one approach. On July 2, it passed a resolution memorializing Congress to "discontinue aid to all opium-producing countries."

In order to inform my colleagues of the stand taken by the Massachusetts House, I include a copy of the resolution:

Resolutions Memorializing the Congress of the United States To Discontinue Foreign Aid to Opium-Producing Countries

Whereas, Heroin is the greatest single cause of death of persons between the ages of eighteen and thirty-five in New York City; and

Whereas, Federal Law Enforcement Agencies estimate that the economic cost of heroin addiction in the United States approaches eight billion dollars annually; and

Whereas, It is estimated that eighty percent of the heroin in America comes from opium grown in Turkey which in turn receives two hundred million dollars in foreign aid; therefore be it

Resolved, That the Massachusetts House of Representatives respectfully urges the Congress of the United States to discontinue foreign aid to opium-producing countries; and be it further

Resolved, That a copy of these resolutions be forwarded by the Secretary of the Commonwealth to the President of the United States, the presiding officer of each branch of Congress and to the members thereof from the Commonwealth.

House of Representatives, adopted, July 21, 1971.

Wallace C. Mills,
Clerk.

Attest:

John F. X. Davoren,
Secretary of the Commonwealth.

RESPECT—A YEAR-ROUND OBJECTIVE

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. KEMP. Mr. Speaker, the weeklong Brotherhood Youth Conference in human relations for senior high school students, sponsored by the western New York region of the National Conference of Christians and Jews, is a true investment in the future of our children and our Nation.

The 1971 conference is the cornerstone of a year-round program for young people to help build new understanding, reason and respect for the rights of others, regardless of race, creed, or national origin. In the past 4 years, it has involved over 2,500 young people directly whose activities have reached, both directly and indirectly, perhaps millions.

The "Declaration of Inter-Dependence" entitled: "Respect—a Year-round Objective" was created by those young people to herald a renewed emphasis on this important ingredient in social behavior. It speaks of revelation—not revolution; living—not dying; respect—not demands. It clearly documents the objectives of this confernece and those of the NCCJ.

Mr. Speaker, no greater task confronts our Nation. The youth of today have the concern, the initiative and the will to accomplish it. At this point I include the "Declaration of Inter-Dependence":

Declaration of Inter-Dependence: Respect—A Year-Round Objective

Now is the time, in the course of human events, when mankind must face a new reality—that he no longer can live out his life in independence, but must now accept a new relationship—that on Inter-Dependence.

Whereas this great country was born in revolution against a tyranny of despotism, we now face a new tyranny of our creation—a slavery to material wealth, to self-interest and separatism and a technological explosion which has blinded a whole people to human needs.

At this time of crisis, we hear again the murmurings of revolution. It is declared that solutions to our common problems can only be found in anarchy, the overthrow of our government and its establishment.

Such is not the station to which the laws of nature and of nature's God entitle us.

We need not revolution, but in it's stead a new and blazing Revelation—a profound and new awakening by all the people to the reality that mankind must and can live together in harmony both with his fellow man and with his environment, if for no other reason than his own self interest.

We have the means to achieve this golden age if we will but Respect them.

Men have died to make this country great. Now is the time to Live in the day-to-day, week-by-week, and year-by-year struggle to fulfill the great principles to which this country is dedicated and those profound and universal teachings of our religious heritage.

Rather than to demand justice, liberty and freedom for all, we the young people of the National Conference of Christians and Jews, Western New York, NCCJ Youth Council petition all our friends, our neighbors and our fellow citizens to join with us in a Revelation of Respect for all that God and Man have given us. NCCJ Youth Council, Western New York Region, National Conference of Christians & Jews.

COMBINATION DRUGS

HON. JOHN Y. McCOLLISTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. McCOLLISTER. Mr. Speaker, the majority of physicians in Nebraska's Second Congressional District prescribe combination drugs and say they want a voice in the matter if the drugs are to be removed from the market, according to a survey I recently conducted.

Combination drugs are those that combine two or more active ingredients in one dosage form.

I surveyed more than 500 physicians in the five counties in my district. More than two-thirds—350—responded. Of that amount, 85 percent said they prescribe combination drugs. Some 92 percent wanted to have a say in determining which medications were to be removed from the market.

The House Interstate and Foreign Commerce Committee, of which I am a member, has been conducting hearings on proposed guidelines on combination drugs. These guidelines issued by the Food and Drug Administration could have the effect of banning many widely prescribed products.

I conducted the survey because I have been concerned that the Federal bureaucracy would take wholesale action against a class of medicines without consulting the Nation's practicing physicians.

We want to do what is best for the majority. But I did not think we should consider any action without first consulting our experts in the field—the physicians actually dealing with the drugs. Their ideas and experience should be some of the basic things we consider.

The questionnaire and results follow:

1. Do you prescribe combination drugs?

Yes, 85 percent.

No, 15 percent.

2. Do you believe that combination drugs enable patients to follow therapeutic regimens more closely than individually prescribed drugs?

Yes, 63 percent.

No, 37 percent.

3. Do you believe that combination drugs must be more effective than the same drugs prescribed separately?

Yes, 32 percent.

No, 68 percent.

4. Do you believe that patient convenience should be considered by FDA in evaluation of combination drugs?

Yes, 93 percent.

No, 7 percent.

5. Do you believe that convenience to the prescribing physician should be considered by FDA in evaluations of combination drugs?

Yes, 76 percent.

No, 24 percent.

6. Do you believe that reduced expense to patients should be considered by FDA in evaluation of combination drugs?

Yes, 92 percent.

No, 8 percent.

7. Do you feel that you should have a voice in determining which combination drugs are removed from the market?

Yes, 92 percent.

No, 5 percent.

Don't care, 3 percent.

HOUSE RESOLUTION 319

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. JACOBS. Mr. Speaker, the following is the language of House Resolution 319, which I introduced on March 17, 1971. I was hoping it might catch the attention of the administration:

H. Res. 319

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madam Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on September 17, 1970, that the policy of her government is "In case the United States Government declares it will withdraw from South Vietnam all its troops and those of the other foreign countries in the United States camp, and the parties will engage at once in discussion on:

The question of insuring safety for the total withdrawal from South Vietnam of United States troops and those of the other foreign countries in the United States camp.

"The question of releasing captured military men."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from Vietnam within sixty days following the signing of the agreement: *Provided,* That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the National Liberation Front of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

TV HAS TENSE MOMENTS BRINGING PARADE TO THE UNITED STATES

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. REUSS. Mr. Speaker, I salute Otto Schlaak, station manager of channel 10 and the Milwaukee educational television station, which was the originating outlet for the nationwide coverage of the Schlitz Circus Parade. An article from the July 5 Milwaukee, Sentinel follows:

TV Has Tense Moments Bringing Parade to the United States

(By Jay Joslyn)

"The show must go on" is usually a cliche. But it had real meaning for Otto Schlaak Sunday. About 150 television stations across the nation were standing by for the show.

Schlaak is station manager of Channel 10 and the Milwaukee *educational television station* was the originating outlet for the nationwide coverage of the Schlitz Circus Parade.

"We had two or three sick cameras," Schlaak said as he paced the sidelines of the parade like a new father. "But, as usually happens, everything fell into place just about three minutes before air time."

SHOW LIVE, UNREHEARSED

It was a complicated production and since it was live, things had to be ready when the show started.

"This is the kind of thing we can't rehearse and can't miss on," Schlaak said. We only get one chance."

Hosting the circus parade for the national audience was Kenosha native Don Ameche, the film star who became a famed circus buff while announcing NBC's 1960 to 1964 "International Showtime" series.

Ameche and his co-host Tom Parkinson, a member of the Circus World Museum board of directors, worked from Channel 10's studios in the Milwaukee Area Technical College.

"We had a booth for the announcer last year right on the parade route," Schlaak said. "But it wasn't satisfactory. Wind got into the microphones. We're getting much better audio this year."

Channel 10 made a live telecast of the parade in 1970 for its local audience with station personnel doing the narration.

Special effects this year made Ameche appear to be watching the parade from a window. Actually his window was more than a mile away from him, on W. Wisconsin Ave., between N. Jackson and Jefferson Sts.

FIVE CAMERAS USED

There were five cameras involved. Two were posted on scaffolding in front of the Federal Building. One was raised above N. Jefferson St. and E. Wisconsin Ave. on a "cherry picker" crane. One was strapped to the back of a cameraman who dodged in and out of the line of march for spectacular closeups and the fifth was mounted on a motor cart.

In a huge van on Jefferson just south of Wisconsin were the gadgets that made all of the camera work come out.

Seated before a panel of about a dozen television screens were a director, a producer and an engineer. The engineer had a veritable table of pushbuttons in front of him.

EMERGENCY HANDLED

The setup was a monument to electronic technology.

However, when a link became loose, shank's mare was employed.

A towheaded youngster dashed breathlessly up to Schlaak.

"John Blake says he can't hear anything," he puffed.

Schlaak translated immediately and headed for a Telephone Co. truck in the cluster of auxiliary automotive gear that clogged Jefferson St.

PHONE GOES DEAD

A telephone man soon popped into the control van.

"What's wrong?" he asked as he picked up the dead phone.

The producer, juggling assignments to five cameramen and cueing the narrators at the studios, said, "We can't hear each other."

The largest screens on the director's panel contained the pictures going out over the air; one in color and the other, black and white. The pictures were sharp.

The monitoring screens for the cameras seldomly were of such uniformly good quality.

SICK CAMERA A PROBLEM

"Camera Five is sick," the director murmured.

"Three and Four aren't much better," the engineer snorted.

"We're working on them," the laconic producer reported.

"Three looks better. It's still soft but we can use it," the director said.

The work in the van was quiet and everyone seemed confident. The technicians were like puppeteers. A quiet remark would move the cherry picker up or down, send the mobile cart scooting and, even, snap the Hollywood star at the studio into line.

With all of the arrangements made, the assignments established and the show on the road (or avenue), there wasn't much left for Schlaak to do.

He paced the area in front of the Federal Building, scowling and nervous. It's quite likely that he got his first real look at the parade at 10 p.m. when Channel 10 repeated the 90 minute spectacular for the Milwaukee area.

AMERICA'S AVIATION INDUSTRY AT THE CROSSROADS

HON. GORDON ALLOTT

OF COLORADO

IN THE SENATE OF THE UNITED STATES

Friday, August 6, 1971

Mr. ALLOTT. Mr. President, on July 22, in Dallas, a distinguished public servant gave an important speech to the meeting of the Airline Pilots Association.

The speaker was Mr. William M. Magruder, a man whose energy, competence, and integrity make him a model of all that is best in our Federal leadership.

I ask unanimous consent that his important analysis of the problems and prospects of the aviation industry be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

AMERICA'S AVIATION INDUSTRY AT THE CROSSROADS

(By William M. Magruder)

INTRODUCTION

Since the defeat of the SST appropriations last May, I'm often asked, "Where does the U.S. go from here?" In fact, that is just what your own president, Capt. J. J. O'Donnell asked me to address myself to when I accepted your kind invitation to speak before you today.

These queries remind me of a trip several years ago that took me to Rome. I was enjoying a cab ride down a very nostalgic little road called the Appian Way when my driver called my attention to a small church in the center of the road. He announced that this was the Church of Quo Vadis. Now my Roman history, and Catholic history, is just not that good so I asked "so?" He explained that it was on this spot that St. Paul had paused while fleeing from Rome almost 2000 years ago. It seemed that Paul was having his troubles with the Senate, the news media and the public in explaining Christianity and had decided to seek more receptive audience. According to the Roman legend, as Paul paused at this spot he heard a voice say Quo Vadis, Paul? Now roughly translated, according to my cab driver, this meant, "Whoa boy, where the h--- do you think you're going?" Paul, after hearing this voice of the Lord returned to Rome and enjoyed some measure of success until, as further told by the legend, he was beheaded by the Romans.

I, too, heard a voice after the Senate vote last May. It was that of the President, slightly lower in rank perhaps than the one that spoke to Paul, but no less impressive in making me stop and think about where we go from here. The vote in Congress was not *against* the SST. It was a vote about how we spend our federal money *at this time*. I believe the Congress, the Administration, industry and the public want the United States to continue to enjoy the economic fruits that have always derived from our leadership in civil aviation. I would then, like to discuss with you what I believe to be the lessons learned from the SST project and what lies ahead for U.S. civil aviation as a challenge, not as a defeat. As an opportunity and not as a loss; as a "chance to take a chance," the way this Nation became as great as it is.

THE ISSUE

There is no question in my mind, just as there was no doubt in the mind of Congress for nine years, that programs like the SST are potentially of great value to the Nation. For more than a decade it has been widely recognized, both in and out of the Government, that the jobs and social benefits that result from a healthy tax base, the cultural and business benefits that come to this nation from efficient and low cost, long range travel, and the balance of trade advantages that allow us to meet our international commitments are substantial.

The issue that we as a nation must face on the international market scene is whether or not it is in the interest of every U.S. citizen to protect, by some means, those industries that involve a large number of U.S. working citizens that also happen to be the target of foreign subsidized industrial combines dedicated to eroding our capability and leadership to the advantage of their own citizenry.

Throughout our history we have remained a fundamentally free trade nation and, as the free world's largest market place, would like to stay that way. Also, throughout our history, we have seen the results when other nations, whose trade policies differ from our own and who countenance such non-free trade practices as cartels, government subsidy, tax advantages for export and import and export strategies to the disadvantage of the United States. The result of these practices, combined with a failure of the U.S. to respond, can be the disappearance of those industrials from our industrial scene and with them the jobs for our working citizens and opportunities for our young people.

For example, I understand that today there is only one factory left in the U.S. making commercial radios. Our leadership in the automotive industry disappeared in 1969 and we now import almost $1.5 billion more yearly than we export in that industry with serious economic consequences for the former giants of Detroit, their employees, and the locals that support this vital business. Maritime shipping, once an industry employing hundreds of thousands of U.S. citizens, has disappeared to the Far East and elsewhere. The motion picture industry has degenerated into a severe state of depression but has reappeared in Europe in good health and with employment and tax benefits to those nations. Our electronics and computer industries, a direct technical spinoff from aerospace, are likewise moving towards Asia and by next year we expect to import more electronics equipment than we export for the first time in the history of this industry.

The point of all this is elementary. The reason the United States enjoys the highest standard of living in the free world rests upon our having the most advanced technical base so that we can support our high labor rates and still export our products to the rest of the world at an advantage to this Nation. That advantage shows up in a healthy industrial base with a large employment and healthy tax base that in return pays for all the social programs that an advanced society like our own nation so badly needs; and I include here low cost housing, health and medical care, welfare reform, law enforcement, pollution control, urban transportation, as well as national defense. All of these social programs absorb tax dollars but do not create national revenue in the same sense as do our basic industries.

THE CHALLENGE

Last month I spent several weeks in Europe with their industry and government aerospace leaders. I saw the Paris Air Show and delved at great length into the French transportation plans for their 6th Five Year Plan. What I found there was not encouraging for the future of our own civil aerospace industry—unless we change our own priorities, or better yet, re-order our re-ordering of priorities, and quickness of response. What I found was:

1. By 1973–1974 our U.S. Civil Transport industry will be challenged as never before in its fifty year history.

2. Eight European nations have joined their economic resources to build a product line of civil transport aircraft using subsidized dollars. These airplanes are:

a) The Concorde Supersonic Transport with trans-Atlantic range at nearly 1400 mph carrying 120 passengers, and due in service in 1974. With the U.S. now grounded in this field, Concorde I will capture the initial supersonic market. Further, the Concorde II is well along in preliminary design and will probably feature a longer range, larger capacity, slighty faster aluminum design. The Franco-British consortium will now have a full decade to develop and improve this type of transport before any serious U.S. competition could appear. The Germans could very likely become a third partner in Concorde II.

b) The A-300B Airbus, a 250–300 passenger, 1500 statute mile, low cost medium range airplane, has no competition yet from the U.S. or any other free world nation. It uses the DC-10 engine-pod-nacelle and will be in service in 1974–1975. France, Britain, Germany and the Netherlands have combined in the A-300 effort.

c) The Dassault Mercure, a 150-passenger, 700 statute mile short range replacement for the DC-9 and B-737 will be in service in 1974. Low noise, light weight technology all-weather operations and very low seat mile costs could make this an attractive transport. France, Germany, Holland, Belgium, Spain, Italy and Switzerland are involved in the project.

d) The Dassault Falcon 20-T marketed by Pan American in the United States, carries 26 passengers 1000 statute miles and with low initial cost could be a very attractive local service transport.

When all of these transports appear on the civil aircraft scene in 1974–75, with prices based upon *subsidized development costs,* with payment provisions and interest based upon *national* objectives to penetrate the export market, our own civil transport manufacturing industry is going to be very hard pressed. It seems more than apparent that the 40% of the civil market represented by Europe alone will certainly be to a large extent penetrated by sales of these aircraft. This is a market today dominated by our excellent Boeing and McDonnell-Douglas jets. In Asia, the Japanese have indicated their strong desire to re-establish their own civil transport by building a YX design. This effort could take the form of an airbus competition or a very short haul Mercure competition. It could even be V/STOL. Although not likely, it could be an SST. If the United States domination of the civil aircraft manufacturing industry is diminished in accordance with these subsidized plans of foreign nations then our 85% leadership could fall to as little as 35% of the world market. This factor alone could result in a loss of 500,000 direct jobs in aerospace manufacturing and 1.5 million direct and indirect jobs would be eliminated, or as George Meany says, "exported abroad."

Japanese officials have indicated some desire to have an international partner involved. Naturally this airplane could impact upon the 10% Asian sales now dominated by the Boeing and McDonnell-Douglas designs.

Competing with those 1974–75 civil transports, the United States now offers:

a) The Boeing 747 subsonic jumbo long-range jet carrying 350–400 passengers over 5000 statute miles, in service in 1969.

b) The McDonnell-Douglas subsonic DC-10 wide body tri-jet carrying 250–350 passengers from 3000 to 5000 statute miles in three versions, in service in 1971.

c) The Lockheed L-1011 subsonic wide body tri-jet carrying 250–350 passengers 3000 statute miles and in service in 1972.

Even a casual review of the U.S. vs. foreign models shows that the U.S. manufacturers have engaged in a severe competition for the long range market leaving for the moment the SST and short range market to the foreign manufacturers.

Boeing recently announced an arrangement to build a STOL 150-passenger civil transport with Aeritalia. A feature of this arrangement will be simultaneous production lines; one in Italy and one in Seattle.

From even these early trends it is not hard to deduce that the U.S. civil aviation manufacturing domination of the market, whereby we have built approximately 85% of the free world's civil transports, is under serious attack. To lose this leadership in such a high technology discipline, will mean its loss for a decade or more for it is not easily regained. In the absence of incentive and with diminished demand, technical teams disband, the facilities rapidly fall behind in state-of-the-art growth and only a national organized effort such as we have seen in Europe can bring a resurgence to leadership, at great cost and after considerable elapsed time.

THE PROBLEMS

The loss of the SST program in the Congress, to me, was due primarily to a failure in communications. This breakdown shows up in two areas most visible to the public, the news media, nationwide and in Congress itself.

With respect to the news media profession, I believe that it was Winston Churchill who, after World War II said something to the effect that "the mantle of free world leadership has passed to the United States, the question is, will she have the stamina to see it through?" Tom Vail, publisher-editor of the Cleveland Plain Dealer, observed last May that: "today we have something new in journalism. We have an advocacy press. They advocate their own views instead of giving all the facts."

I believe that the same can be said of television. In the case of the SST, I believe that all-time records were set for misinforming the public. As a result of this rampant misinformation, members of Congress and some Senators became party to, and even endorsed, various theories and presumptions SST opponents put forth in the guise of fact. Among these, for example, were the allegations that:

SST's would cause cancer.

SST's would start new ice ages.

SST's would melt ice caps.

Sonic booms would crush buildings, knock down trees and scare sheep.

The Concorde will never fly, will never go supersonic, will never be bought, and finally if bought will not be economical—all in chronological order as each prior prediction proved false.

Balance of trade benefits are a myth.

SST's would hurt jobs in California.

SST's were 50 to 100 times noisier than subsonic jets.

We could save $290 million by stopping the SST.

The airlines do not want SST's.

All of these opinions received nationwide coverage. What did not receive nationwide—or even local—coverage, was that in most cases the authors of these ideas were not, and did not claim to be, experts in any of the areas about which they offered SST opinions.

This same inexpert testimony showed up in the Senate and House Committee testimony when college professors specializing in economics testified about technical design aspects, political economists testified about environmental aspects, environmentalists testified about airline operating costs, a nuclear physicist testified on just about anything and everything, and an ex-entertainer and former pilot testified about ecology.

To the everlasting credit of the Senate and House Committee members, they refused to believe this comedy of misinformation. Perhaps their own experience in this area has made them immune. Senator James Buckley (R-NY) told the National Press Club this month, the following story about his own experience with one of his constituents after his brother's appearance on the T.V. Laugh-In series.

His constituent wrote:

"Now that my nausea has subsided after accidentally observing your appearance on Laugh-In last evening I, as one of your constituents and former admirers, am constrained to comment.

"Your silly grin as the inane and vulgar questions were asked and your equally inane replies were less than worthy of a Senator of the United States.

"The fact that you appeared on that program at all was an insult to the decent people whom you represent.

"The disgusting episode in which you freely participated and apparently enjoyed—as an accomplice in lending your position to a disgraceful program—is an affront to the dignity of the Senate, to your family, to your church and to your constituency. I trust that your acting the clown insured the support of the addicts of the program who undoubtedly enjoy its indecencies. I trust, too, that they are in the minority. I am."

His reply was:

"I have forwarded your letter to my Brother the Columnist—William F. Buckley, Jr.

"It was he, not I, who appeared on 'Laugh-In.'

"I can't help but be curious as to why you consented to watch a program of which you so strongly disapprove."

He sent a copy to brother William F. Buckley, Jr., who decided to also write to the constituent as follows:

"It is typical of my brother to attempt to deceive his constituents. It was, of course, he, not I, who appeared on 'Laugh-In,' just as you suspected. On the other hand, you need not worry about it. His greatest deception is as yet undiscovered. It was *I* not *he*, who was elected to the Senate. So you see, you have nothing to worry about. You are represented in the Senate by a responsible, truthful man."

In ten years of SST hearings, these House and Senate committees, regularly voted in favor of the qualified expert opinions of the proponents by a two and three to one majority. These qualified experts included all the major airline presidents, your own ALPA president, the free world's top acoustic and environmental experts, the Secretary of the Treasury, Secretary of Commerce, the Secretary of Transportation and responsible people from the major U.S. banking institutions.

Why then did the SST get defeated? One wag said "If God had intended man to fly, He never would have invented Senator Proxmire." Referring again to Winston Churchill's remarks about U.S. stamina, let me read three typical examples of journalism from a major Washington, D.C. newspaper.

First date line—Monday June 10, 1963:

"Even though his hand was forced by overseas pressures, President Kennedy's announcement putting us in the SST race came as welcome and exciting news. This country has no chance but to build faster and better planes than are being planned anywhere else *despite initial cost.* To do less would surrender supremacy of the airways—if we should have in the future to buy airliners from Europe instead of selling them to Europe our balance of payments problem would, of course be further strained."

Second date line—May 18, 1970 (from the same paper):

"The billion dollar SST program, on the other hand, was conceived not because of a pressing need for jet passengers to roar along at Mach 2, but because of a belief that America will lose face—and part of aircraft market—if we stay too long out of the supersonic race. The Russians and the British-French combine have us beaten, of course. But just the knowledge that Uncle Sam is in the race, we are told, will preserve a part of our prestige. And the fact that when we do arrive we will be the fastest, the roomiest and noisiest of all will presumably restore our image and our international balance of payments. Lots of luck.

"It might have been pleasant, just for once, to let someone else make the costly mistakes so that the United States might profit by them instead of paying for them. But that, it seems is too much to hope for. All that's left now is to watch the cost overruns like a one-way tide, and to hope for the best."

Third date line—April 1971 (same paper, but *after* SST termination):

"Secretary John A. Volpe and his SST salesman, William Magruder, have confirmed that at least three offers have been received from foreign parties interested in picking up the pieces for something like ten cents on the dollar—There is no need for the government to ponder the question. The answer should be prompt and negative. The SST technology developed over seven years at a cost of nearly $1 billion is a national asset—It has possible military application—It is conceivable, too, that the Concorde will demonstrate that the plane can be made economically and environmentally sound. The SST shop should be closed. The merchandise should be stored. There should be no going-out-of-business sale."

Any subscriber of the Washington Evening Star will recognize this journalistic jingoism repeated by the media and other newspapers, especially the New York Times. This same journalistic on again-off again advocacy was repeated in many opposing news media. It does not by itself mean such papers are "bad guys." It only points up the fact that the courage of a newspaper's convictions may lie with the convictions of the publisher, and that publications—like other institutions—are prone from time to time to champion causes, policies and points of view that serve a particular political purpose. Some people, like Will Rogers, profess that "all they know is what they read in the newspapers." This seems incredibly naive today. Yet it also seems to be all too true that many people do accept as gospel whatever they read in the newspapers—or see on television. So, what have we learned?

First, we have failed to learn to contend with the advocacy news media. All the news media are not that way, and those that are have a perfect right to do as they please as long as good taste and the rules of libel are not violated. But let's understand and not entertain any delusions about the press. The news media are owned by people who are in the business of making a profit. We must learn to cope with this. We can never again assume that what is, by expert opinion, good for an industry or even the nation, will automatically be espoused by the news media. We must learn, as the SST opponents did so effectively, to work with the media to communicate with the public and with the Congress.

This will require constant attention and organization to assure that the proper aerospace arguments are *at least heard*. (And don't ask me how you get something printed, or even noted, if it conflicts with a newspaper's policy.) Here are some examples of what I mean:

a) When one scientist contended that SST's could cause skin cancer, it made front page material. It was never noted that this scientist was not versed in medicine but was a meteorologist. Nor, was it printed that the U.S. Surgeon General and numerous other medical and atmospheric physics experts denied the charge.

b) When Senator Percy said airline executives that he knew, but never named, did not want the SST, it was front page material. However, when every U.S. major airline president met last December at the Wings Club in New York, at an emergency press conference to urge the SST approval, not one East Coast paper or T.V. outlet mentioned it even though all East Coast major media were present.

c) When the AOCI adopted a position in October of 1970 against the SST due to airport sideline noise, it was printed on the front page of both major Washington papers and in the New York Times. When the AOCI revised its position in December after hearing experts testify that the SST would be less noisy than current jets, no papers carried that story even though the AOCI held a national press conference in Washington, D.C.

d) When the Democratic Party economic advisors, J. K. Galbraith, Arthur Okun, Walter Heller and Paul Samuelson said the SST made no economic sense, after each introduced his testimony with the statement they had not studied the SST nor were they experts on aviation or SST's, it made news for days. When 80 deans and top university economics professors issued a press release to support the SST, not one newspaper or news media carried the story. No U.S. paper printed the incredible antics of Mr. Galbraith as he spent two weeks in England on nationwide T.V. declaring that the Concorde did not "Have the chance of an icicle in Hell of being allowed to land in the U.S.A."

c) When seven cabinet officers, and sub-officers reviewed the SST in 1969, this report was hailed as an indictment against the SST even though not one recommended cancellation of the project. When in 1970 eleven cabinet and agency heads supported the program from their specific departmental responsibilities, opponents hailed the results as merely "bossism" and it was so printed.

These examples, but a few of many, document our poor record in dealing effectively and responsibly with an advocacy news media.

In regard to the Congress, it is abundantly clear that we must never again assume that the traditional committee hearings system will lead to a fair, impartial and dispassionate decision on merit alone. The SST always enjoyed a 2 to 1 or 3 to 1 favorable subcommittee and full committee endorsement. The purpose of hearings is to allow a careful detailed testimony, with cross-examination; and above all, an examination of witnesses' expertise. The hearings provide a forum for full disclosure of all facts, discussion of all facts, discussions of issues, and the cross-examination of witnesses—a dialogue by those equipped to know the subject best. The SST never had trouble with this trying but effective system of challenge and debate. However, the force of the advocacy news media and the awesome resources of the environmental lobby successfully thwarted the extensive investigations and endorsements of the Congressional committees in both Houses.

We must learn to make it easy for the elected politician to vote for worthwhile projects. He should not have to "swim upstream" in political jeopardy of his public service career. In March 1971 with the full fury of the environmental lobby and the advocacy journalism and news media focused on the program, the SST failed in the House. Six weeks later, with no publicity and without any lobby of any kind, the House reversed itself. Naturally, the advocacy news media reported it as a "sneak" tactic. No more clear cut example need be sought to clearly show the need for the industry to revise its methods of communication.

The ultimate in political opportunism was performed in June, 1971 by Senator Proxmire. The good Senator led all SST opposition for almost 10 years during which time he professed to believe that:

1. There was no technology advantage in the SST project, in spite of testimony from authentic experts in the aerospace community to the contrary;

2. That there was no need to have a U.S. SST at this time, for the Concorde would never be bought by the airlines and would be abandoned by the French and British in spite of airline and French-British statements to the contrary, at Presidential level;

3. That top economists had advised him that there would be no balance of payments advantage; in fact it could hurt the balance of payments if we built an SST. This in spite of the endorsement by three administrations and recent testimony by the Secretary of Treasury, Secretary of Commerce, Secretary of Transportation, CAB Chairman, the Chairman of the President's Council of Economic Advisors and the endorsement of 80 University Economics Professors and Deans of University Economic Departments; all of which testified to the beneficial effects of SST production upon U.S. economics and our balance of trade;

4. That the large investments already made in to the SST were not a valid reason to continue to pour "good money after bad" in spite of a Commerce Report study that showed in April 1971 that termination would cost the taxpayers almost $200 million more than the cost to complete the project.

Yet on Friday, 18 June, during the Senate Banking Committee hearing concerned with the Emergency Loan Act, Senator Proxmire belatedly came to the defense of the SST pointing out that there were several differences between the SST and the Lockheed loan of sufficient importance that Senators who voted for the SST should not necessarily feel that they should vote for the Lockheed loan. Senator Proxmire actually said—now hear this—that:

1. The SST represented a quantum jump in speed and technology which the Lockheed L–1011 did not represent;

2. The U.S. SST was the only entry into the supersonic competition whereas the Lockheed L–1011 was not our only national "airbus" representative;

3. The SST offered a clear balance of payments advantage (he qualified this by saying according to proponents—he did not necessarily agree);

4. The SST already had large investments in research and development.

Following these remarks, Senator Sparkman turned to Senator Proxmire and said, "This is the first time that I've heard you say anything *for* the SST"; to which Senator Proxmire replied that he had to wait until it was dead before he could do that! Roscoe Drummond reported this interesting exchange in his nationally syndicated column.

This type of "end justifies the means" pure politics needs to be exposed to the public and to the Congress as a whole. The Senate-House Committee hearing technique is not working. It is up to the concerned individual, industry, labor and business to pick up the slack.

A third problem element in the program was the "missing link" of a National Research and Development Plan, a National Aerospace Plan or a National Transportation Plan. Without such a Congressionally approved overall index to our national commitments, each area of support became open to question by every form of self-proclaimed expert for whatever motivation appealed at the time. The SST in isolation, and not as one part of an overall plan, thus became a ripe target for the national issues of the moment; in other words, it stuck out like a sore thumb—it afforded a target of convenience and opportunity for the forces of protest.

POTENTIAL SOLUTION

Is the U.S. SST dead? Not necessarily. Even some of the opponents proclaimed they did not wish it so. We can then dedicate ourselves to a plan for a better advanced high speed civil transport at an achievable time. I would expect we would have to consider the following in order to realize this nationally worthy goal:

1. The SST demise is but a portion of the larger overall neglect of our transportation aerospace and national research and development planning.

2. In service date not before 1982–1985.

3. To be attractive in the airline market, it would have to be substantially better than a Concorde II in range, payload and operating economics. This will require research and development by NASA and the industry and some significant advances in the state of the art in propulsion systems, aerodynamics and material development.

4. Unless the Congress shows some change

in attitude, it will require a financing arrangement other than appropriations or even a government loan. Candidate solutions include:

An international partner;

Cost sharing by all parties that benefit such as oil industries, titanium industry, airlines and manufacturers;

Industry joint participation with possible anti-trust relief; and

Possible tax incentives.

5. A far more desirable solution would be a national recognition of the need to "revise our priorities to assure the health of those few high technology industries where we still excel."

These are enormous obstacles to envision; however, as the impact of international competition becomes evident between now and 1974, I feel confident that even the opponents of 1970 and 1971 will come to realize that the people of the United States recognize and want the economic, employment, tax, cultural, business and communication benefits of a healthy civil air transport industry. Once that realization comes, we should be ready.

I was interested to note that Vice President Agnew's eleven nation trip in June and July caused him to remark that the leaders of other nations viewed this decision of the 92nd Congress to stop SST funding as "a retreat from responsibility," spurred by "unproven accusations about potential environmental changes." On 16 July Secretary Connally told the National Alliance of Newsmen "The Country must in the future give economic considerations" paramount "priority in world affairs, ahead of both military and foreign policy needs."

In the meantime we should all, just like St. Paul, "return to Rome." But how do we do it? Every time we see an article such as Mr. Roscoe Drummond's editorial on Senator Proxmire's opportunism, every time we see a result such as Vice President Agnew's comments that a major subject in international capitals is the surprising cancellation of the U.S. SST—write your Congressman, write your Senators and write your local editors about what is happening to this great nation and our great industry. We are exporting, as George Meany, President of AFL/CIO says, "labor and capital out of this country at the expense of our own people's welfare."

President Nixon on 6 July at his Kansas City Midwestern News Conference pointed out that 25 years ago the United States was so far ahead that there was not even a second place in world economic affairs. We manufactured about one-half of all the world's machine goods. Now, if England joins the EEC, it will represent about 300 million skilled and able people in competition for world markets.

The Japanese, with half our population, are producing more technicians than we are and will pass our steel production in two years. While our anti-trust laws would jail any executives of competing industrial firms for collusion, Japan industrialists and government agencies go about their business of attacking markets as a complete team affair.

The sun has set upon the day when we can afford to dismantle our great industries for such frivolous reasons as "fear". It was the advocacy preachers of fear and doom that destroyed the SST program. If we do not correct this course of events, we can kiss goodbye the dreams of 30-hour work week, social reform, medical care, pollution control and low cost housing. Unless, as Jenkins Lloyd Jones says, "we want to build an economic Chinese Wall around the United States, and get rich taking in each other's laundry."

I do not believe that if we fight against the neo-isolationism that we shall be martyred like St. Paul, necessarily, but, we shall all feel the wrath of the so-called new left, the advocacy news media and the neo-isolationist's lobby. In the long run, for ourselves and for our children, it will be well worth the price! Remember what Maeterlinck said:

"At every crossway on the road that leads to the future, each progressive spirit is opposed by a thousand men appointed to guard the pass."

ALPA represents an organized "progressive spirit"; what you have done you have done exceedingly well. What we must now do will tax even the best of you. Nothing would please me more than to serve with you again when the U.S. SST reappears, as it surely will, in the not too distant future.

TRUE AID TO GREECE

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. ROSENTHAL. Mr. Speaker, my close and distinguished friend, DONALD M. FRASER, who is also a colleague on the Foreign Affairs Committee, has led the fight for many years to restore sanity and decency to our policies toward Greece. While victory has many fathers, DON FRASER'S was a noble role in this week's events which culminated with the House passage of a foreign aid bill denying aid to the Greek dictatorship.

He worked toward this goal before others saw, with his clear vision, where our inept policies were leading. He gathered support, he spoke against resignation and cynicism, and he counseled most wisely. He deserves great credit both personally and as a leader of those forces from both parties and from many viewpoints who recognized this year that our military assistance to Greece isolated us increasingly from both our European allies and from our true friends in Greece.

From this victory, we can confidently face a better future both for our country's relations with Europe and for the Greeks themselves who are now armed with the belated recognition that America has not abandoned them to the military dictatorship which seized power over 4 years ago. This is true aid to Greece.

DON FRASER said all of these things more eloquently and concisely in a letter published in this week's New York Times which follows:

AID TO GREECE

TO THE EDITOR:

Robert Crisp asserts (letter July 27) that he "can state without fear of contradiction, certainly not in Greece, that at least 80 per cent of the population . . . approves of the present regime." He is indeed not likely to be contradicted in the Greek press; any editor who dared to print such a rebuttal would be running the risk of several years in prison—though even the junta's own leaders have, in their less-guarded moments, admitted their lack of popular support. That is why they talk about the necessity of "remaking the Greek people" before holding elections.

It is hardly worth rebutting his comparison between aid to Greece and the President's planned visit to Peking. Neither Mr. Nixon nor, so far as I am aware, anyone else has suggested that we should mount a massive program of military aid to Mao. That, and not the President's visit, would constitute a true parallel to our present relation to the colonels.

On one point, however, Mr. Crisp is certainly correct: American military aid to Greece is given in the interest of NATO and the United States. It is precisely because aid to the Greek dictatorship does not serve that interest but undermines it that the House Foreign Affairs Committee, of which I am a member, has voted to end it.

The purpose of NATO is the defense of the democratic institutions of its members. That purpose is not served by aid to the destroyers of those institutions. Nor is the interest of the United States served by a support that is inconsistent with the basic principles on which our foreign policy should be based, and tends to alienate not only the people of Greece but those of the democratic countries of Europe.

DONALD M. FRASER, *Member of Congress.*

(NOTE—The writer is vice chairman, U.S. Committee for Democracy in Greece.)

ADDRESS BY HON. CHARLES H. SILVER AT ALFRED E. SMITH MEMORIAL FOUNDATION DINNER

HON. JAMES L. BUCKLEY

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Friday, August 6, 1971

Mr. BUCKLEY. Mr. President, I ask unanimous consent to have printed in the RECORD remarks which were made at the annual Alfred E. Smith Memorial Foundation dinner in New York City last fall by a very wise and good man, the Honorable Charles H. Silver. For years Mr. Silver has dedicated his exceptional talents and his energies to public and private works of service to his fellow man. He reminds us that however insurmountable the problems we face may appear they can be overcome by men and women who truly care.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY HON. CHARLES H. SILVER

His Eminence again grants me the cherished privilege of welcoming you in reverent tribute to the high principles of this Foundation, whose cause is the cause of humanity.

Our beloved host fulfills his dedicated mission to mankind as faithfully as he serves his Creator, a prince among the guardians of peace, Terence Cardinal Cooke.

While conversing with His Eminence, we recalled that when our "happy warrior" was just a boy, gas lamps glowed feebly against the darkness in our cities. Indeed, a few generations earlier, the only light was the swinging lantern of the town-crier.

The streets were safe. The nation was young. The future was rich in hope and promise.

The streets are far more brightly lighted now—yet they are very dark.

And if the biblical query were echoed again, "Watchmen, what of the night?"—we could not truly respond:

"It is ten o'clock on a fair October evening and all is well."

No—for it is later than we think—and all is not well—not in our streets—not in our cities. All is not well with the world.

We live in an age of guided missiles—and misguided men.

A kind of vacuum with the smog of violence at the very core is destroying our belief in America as the haven of peace and plenty. Yes, there is prosperity, luxury to the point of indolence, sensuality to the brink of degradation.

There is too much of everything—yet too little for too many.

When young people listen to the news or read headlines that reveal overwhelming greed and corruption in the most respected high office, in institutions and industries which have long seemed above reproach, they must feel impelled to echo the popular antilitter slogan:

"It's enough to make you sick."

And I am tempted to add:

"Isn't it enough to make us take a stand and put a stop to it?"

In our uneasy age, beset by question and conflict, our greatest danger is complacency. This is no time for letting things go on as they are. We need movers and dreamers, doers and changers.

And, as I look about this room—and regard the men and women on our dais—I am confident that we have the leadership we need.

By your very presence here tonight, you give more than lip service to the ideals of compassion and justice.

You are the watchers in the night who light the way by inspiration and example, by courage and commitment.

While diplomats seek to untangle the political relations of the Middle East and Southeast Asia, you and I must survey the urgent area of human relations—and human wants in the streets, in the homes, in the city that Al Smith loved so dearly.

While men of science bridge the narrowing gap of space and time, you and I must explore the vast, uncharted regions of men's souls.

We must hold, as our Holy Grail, the vision and understanding to appreciate one another and the mingled traditions which join to make America . . . the wisdom to awaken people, in these times of peril, from indifference to poverty, prejudice and the pitiful distress of so many of our neighbors.

The good life we seek, equality of opportunity, the blessings of liberty, an end to hunger, ignorance and fear . . . these must not wait forever—and they will not be won by war in our streets.

The need for a new spirit of high resolve, yes, for a religious fervor in our national fiber, was never greater than now. I feel it in this room—and I fervently pray that the world will catch the fever of your conscience.

It isn't just time that *somebody* cared . . . It's time that *everybody* cared.

Later, the message of our guest of honor will reveal another precious virtue of our way of life—a sense of humor—exemplified in the wit, the philosophy and humanity of Bob Hope.

We must know our responsibility as individuals. We must respect basic human decency. We must be responsible, human and decent.

Somehow, through all of history's long, incredible nightmare of cruelty, immorality and inhumanity—some men have always managed to redeem the rest—to show the way—to turn the face of mankind up from the gutter to the stars.

The struggle is more fierce, today—but we will survive. Our nation will triumph over all present uncertainty and despair. We will see to it.

We will see to it, with our hands and our hearts—and our sacred honor . . .

We will bring new glory to "Old Glory."

As watchmen in this desperate night, we will each light our own solitary candle of faith and endless effort—and when the question comes again: "Watchman, what of the night?"—we shall answer:

"It is a fair October evening—and because we care—because there will always be men and women who care—all will be well with the world of tomorrow."

VIETNAM ERA VETERANS CONFERENCE IN NEW YORK PRODUCES PROPOSALS FOR CHANGE

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. SCHEUER. Mr. Speaker, Vietnam era veterans have for years slipped quietly back into society without brass bands and parades to welcome them home. But the transition from military to civilian life is not smooth and easy, simply because it receives little notice.

For many months I have been hearing a growing number of complaints in my district office in the Bronx from veterans and their parents about the serious and historically unique readjustment problems these young men face. These complaints surely represent only a tiny fraction of those veterans with problems, since newly released veterans have a passion for anonymity, combined with feelings of confusion, frustration, and alienation that keeps many of them from seeking any outside support or counsel.

As I became increasingly disturbed by the plight of these young men, I began searching for ways to help them reestablish stable, fulfilling lives. Drawing heavily on the interest and experience of the veterans program of the New York City Urban League and the long standing concern of Fordham University for returned veterans, I began planning a conference on the problems of the Vietnam war veteran.

Staten Island Community College, the New York Urban Coalition and the Veteran's Action Group and the New York City regional office of the Veterans' Administration provided invaluable assistance in making all the necessary arrangements, and the conference was held on June 19 in New York City.

All participants understood that this was to be a veterans conference, with maximum veteran participation, rather than a seminar where supposed experts on veterans problems lectured the audience. We wanted to hear from veterans themselves. We also wanted this to be an action conference, with an emphasis on concrete proposals for change and improvement rather than merely on describing the difficulties of reestablishing a civilian life. Congressmen BADILLO, BIAGGI, and KOCH, and Councilwoman Muriel Stromberg joined me at the conference. Senator JAMES BUCKLEY, Congressmen BINGHAM, RYAN, and HALPERN each sent a representative.

Hundreds of veterans, representatives from major Federal, State, and local agencies with responsibility for veterans problems, and representatives of a variety of veterans organizations met in eight different workshop panels. These panels developed proposals and recommendations in each of the following areas: jobs, education, housing, medical care, drug addiction, veterans benefits, psychological readjustment, and less than dishonorable discharges.

When these panels had finished their discussion, all the participants joined in a final meeting to discuss the panel proposals. Each panel spokesman mentioned serious problems in each of the eight areas discussed, emphasizing that all of these problems were more severe for minority group veterans.

I include a transcript, edited only for clarity, for this final session of the conference in the RECORD to give Members of Congress an opportunity to study the proposals made, and to sense the anger and bitterness these veterans feel. This anger focuses on an insensitive and impossibly bureaucratic Veterans' Administration, since it is immediately responsible for facilitating a smooth transition to civilian life. However, few of us at any level of private or public life can expect to be singled out for praise for the concern we have shown and the action we have taken. Much remains to be done, and I plan to help.

The conference transcript follows:

FINAL SESSION, NEW YORK CITY VIETNAM VETERANS CONFERENCE

Mr. DEAN PETERSON. May I have your attention, please. It is already after 3 o'clock, so I imagine we should go ahead and convene this session. Okay, to begin with, I would like to introduce the members of the legislative panel.

From my right we have our chairman, Congressman James Scheuer, Councilwoman Muriel Stromberg, Congressman Herman Badillo, and Congressman Mario Biaggi. My name is Dean Peterson. I am a Vietnam veteran and a student at Staten Island Community College, and I will be moderating this panel.

Our procedure will be to call for a report from each of the panels that met throughout the course of the day. Let me note that each of the panel reporters is a Vietnam-Era veteran.

First of all, I am going to call for a report from the Employment and Training Panel, Charles Bruce, moderator.

Mr. BRUCE. My name is Charles Bruce and I am with the Veterans Affairs Department of the New York Urban League, and I moderated the Employment and Training Panel. It has been made very clear to this panel by the veterans themselves, that in the area of employment and training, the Vietnam-Era veteran is suffering curious and unusual punishment for having served his country in this very trying time. Returned and returning veterans have found and are finding that after their honorable and valiant service to America; her institutions, her corporations, her industries and her government; is denying them the very chance of making a livelihood.

In brief, ladies and gentlemen, the consequence of being a veteran of the Vietnam-Era, is that, once returned to civilian society, one becomes another statistic on the unemployment rolls of the U.S. Labor Department. For the veteran of this era, unemployment, massive unemployment, catastrophic unemployment, total unemployment is the rule.

The Panel on Employment and Training, a panel composed of experts, concerned individuals and unemployed veterans, have today formulated the following proposals, which, hopefully, will begin to genuinely alleviate this unholy situation as it now exists. I now recommend these proposals to this Legislative Panel.

They are, Number One (1). Full employment must be provided for all veterans of the Vietnam-Era. What this means is that the Federal Government must provide and/or insure full employment for all veterans. This is the clear and direct responsibility of no one else, but the Federal Government.

Number Two (2). All trade unions must

be made to grant membership and hire veterans who have acquired trade skills during military service, without the formal, sanctioned delaying tactics of additional testing. The Federal Government must cease subsidizing unions who do not hire and retain veterans with these acquired skills.

Number Three (3). The Federal Government must implement a job corps for veterans, similar to the Job Corps now in existence for youth across the country. Such a corps would afford the critical skills needed by the many veterans who leave the military with only one skill—lugging the "idiot stick." Such a job corps for veterans would make these men, once trained, prepared to give input to the national productivity. It is also recommended that this job corps for veterans be implemented with a built-in living wage, in adidtion to the regular veterans benefits.

Number Four (4). The Federal Government must demand that state and city governments encourage private industry to implement meaningful training programs for veterans by providing incentive money to local areas who successfully provide such opportunities. The Federal Government must also demand that all veterans be hired regardless of type of discharge.

Number Five (5). The Federal Government must provide and insure that all veterans who are already on waiting lists, be called to full employment after discharge.

Ladies and gentlemen of the Legislative Panel, these are the proposals, the recommendations from the Panel on Employment and Training. I will say that these recommendations were formulated through much energy and grappling with all the variables. I finally recommended that they not be allowed to gather dust, for they carry the lifeblood of some very impatient and combat tested young Americans.

Mr. PETERSON. The next committee to report will be the Psychological Readjustment Committee. The moderator to that committee was Arthur Egendorf.

Mr. EGENDORF. My name is Arthur Egendorf, and I am here representing the Veterans Action Group. The first thing that we pinpointed in committee was the realization that what often goes under the name of psychological trauma with Viet Nam veterans is directly related to a most appalling structural problem that veterans face when they come home.

The psychological problems we dealt with or discussed fall really in close relation with lots of other things that will be mentioned here today. Lack of jobs, lack of training, and insufficient benefits to go back to school in order to do something about the lack of training. Under a special category, we also pinpointed the people who refused to commit war crimes in Viet Nam, or who were incited to some kind of emotional reaction by racist provocation, and some of the other things that go on in the military, and who were dismissed from the military and given dishonorable or less than honorable discharges, and they carry that with them for the rest of their lives. They cannot get jobs. They cannot get benefits, and they cannot get benefits from the Veterans Administration. That alone causes many of the psychological problems that we pinpointed.

The first thing to do is to do something about the structural facilities. We should set up civilian review boards for the less than honorable discharges that are piling up now.

The second thing we pinpointed is that many of the non-veterans in the civilian population are concerned with how to deal with this war. It is an unnecessary war in many people's minds. It is, at least an unjustifiable war in people's minds. Other people call it immoral or what have you. The inability outside of the military to deal with that issue is one of the things that we feel is responsible for the non-recognition of the veteran problems.

So, as the second proposal, we would like to encourage the people in Congress to conduct an educational campaign on exactly what the issue of the war and the post-war structure of society means for individuals, whether they are in the military or not.

Now, our third proposal gets down to a lower level. Many of the people who are delivering services to veterans, and this includes psychiatrists or bureaucrats in the Veterans Administration or trainers or whatever, are not sensitive to the issues that veterans face as they come home, and have to deal with day-to-day in terms of their memories and their experiences. One way that we propose to deal with this is to hire Viet Nam veterans on all levels, and that means within the Veterans Administration, and outside the Veterans Administration, in areas that deal with the veterans.

Now, beyond all of that, we recognize that the Veterans Administration as it is presently constituted, is going to be incapable of dealing with the psychological problems of veterans beyond the structural difficulty they face, unless veterans have services available to them within their own communities. Unless they have those services removed from the Government structure, that many of us learned to despise during our military service, we are not going to get the help we need.

We need a community orientation, and one way we propose to go about this is to have the Government recognize and give encouragement to veteran councils located within the communities that will link up existing services, edify the veterans and get them together and propose changes as new situations arise.

As a final proposal, one way to have some kind of Government response to this new community orientation that has to go forward is to restructure the Veterans Administration, to reinstitute contract services that existed at the end of the Second World War and have since been disbanded, so that veterans can, themselves, choose where they will go for help, whether it is social counselling, psychiatric work, help from mental health agencies or what have you. Have the Veterans Administration reimburse those organizations who are licensed and recognized as legitimate practitioners so they can help veterans who want to be helped by them. Thank you. (applause)

Mr. PETERSON. We will move on to the report from the Education Committee with Robert Penn, moderator.

Mr. PENN. My name is Bob Penn, and I have no specific affiliation other than that I served 366 days in the Republic of Viet Nam. (applause)

Number One. For the educational panel's recommendations, is to extend the G.I. Bill benefits to include full tuition at the school—at whatever school the individual selects. The way that this should be set up is a relationship between the Federal Government and the institution for the full cost of tuition at a public or private institution. At the same time, continue benefit payments to the individual veterans through a relationship between the Federal Government and the individual veteran.

Number Two. An open-admission policy as a regular student. Emphasis on regular as opposed to special. We do not want to get into that bag of having a whole lot of special programs because in many cases, they prove to be trick bags, but instead, want veterans to be regular students just like everybody else.

The third recommendation: incentive bonuses for colleges with a certain percentage of veterans enrolled, maintained and graduated. Enrolled, maintained and graduated. The reason we put in the maintained and graduated is because it would be very easy to enroll these people, and one year later they rip off the rough, and the veteran is ripped off. So we want enrolled and maintained and graduated.

Fourth: we also recommend that you continue pressuring the Congress for payment of G.I. Bill benefits in advance.

Fifth: we recommend that the counselling service presently in existence in the Armed Services be improved, and that these counselling sessions take place at intervals of 180 days, 90 days and 30 days. We discussed the fact that some people—

Congressman SCHEUER. You mean before discharge?

Mr. PENN. Before discharge. In some cases, some people receive a briefing on the way home, and we feel that that is too late. We recommend that the Veterans Administration system be revamped, revolutionized and streamlined. (Applause)

Mr. PENN. Sixth: there is an apportioned $50-a-month benefit, which is available. Many people do not know about this. But it was recommended that this money be set aside for tutors, via relationship between the Veterans Administration and the individual institution, between the Veterans Administration and the individual institution, I repeat. This is in addition to the regular benefits that the veteran is entitled to.

Seventh. We would also like to increase the benefits to a $225 base for cost of living, with an index attached.

Another recommendation is to set up an overseas counselling system or center which would be made up of experienced, sensitive and knowledgeable counsellors who are not a part of the military. It was suggested that this could be an inter-agency relationship between the Office of Education, the Department of Defense, the Veterans Administration and the Department of Labor. This was left open for discussion.

Mr. PETERSON. The next committee to report will be the one on veterans benefits, moderated by Carl Horton.

Mr. HORTON. My name is Carl Horton from Veterans Education and Training Committee. I moderated the panel of veterans benefits.

Generally, comments by the veterans were that the benefits were inadequate, and that the Veterans Administration was unresponsive, and that through it, all the veteran grievances are getting short shrift.

The recommendations that came out of our panel were that, one, veterans should be allowed to choose their own doctors to evaluate them for disability benefits. This is presently done by Veterans Administration doctors. The veterans on our panel had reason to question their motives.

The second recommendation was that there be a 12-year statute of limitations commencing with termination of service, establishing presumptive liability against the Government for failure to identify and disqualify any congenitally disabling medical conditions at the time of entry to service, with compensatory rewards to be equal to those disability benefits which would be received with a zero disability rating at initial entry to service.

In essence, what this says is that the Government should be required to pay for defects which are overlooked at the initial physical examination prior to going into military service. Conditions which may have existed at the time of going into the service would have been aggravated during the period of service. He should be compensated for these things.

The next recommendation was the Veterans Administration's administrators be given authority to sit with members of Congress and discuss their inadequacies in their programs and the inadequacies in the benefits provided by their agencies. As I understand it, they are now unable to do this under the Hatch Act.

The next recommendation is the Federal Government be required to pay $1,500 mustering out pay to all Viet Nam veterans. This was done for World War II veterans. Why no Viet Nam veterans?

All veterans who become addicted while in the service, should be treated and paid during the period of treatment as if wounded.

The next recommendation is that the Federal Government pay full tuition to educational institutions, the institution of the veteran's choice, and a subsistence allowance. Again, this was done for the World War II veteran. Why not the Viet Nam veteran?

The next recommendation is that the Veterans Administration administrators and personnel be required to attend meetings, such as this, and then report the results of these meetings in the field to the people they meet, to their superiors, and so on.

The next recommendation is that the Veterans Administration provide assistance in housing, jobs, and placements in schools prior to leaving the service, as opposed to leaving the service.

This, in essence, was what the committee on benefits talked about and recommended. Thank you. (Applause).

Mr. PETERSON. Okay. I believe that Mr. Grady and several of the other people that represent the regional office of the Veterans Administration are here. They were here earlier, and I am sure that some of these specific questions that were just raised will be answered as soon as we finish the introduction of the committees.

The next report will be on the addiction. The moderator for that committee, Bill Graham.

Mr. GRAHAM. My name is Bill Graham and I am a Viet Nam veteran ex-addict, and currently I am a resident in Phoenix House program in the re-entry phase.

On the panel on addiction, some of the proposals that were made were, firstly, that a realistic rehabilitation counselling program be set up, consisting of para-professionals, trained ex-addicts, trained ex-Viet Nam addicts like myself, who can deal with the problem effectively.

Also, that the number of trained ex-addicts who should deal with the problem be proportionate to the number of addicts in need. It was said that there was a staff of 1,000, I believe, at the Veterans Administration, of that the Federal Government has hooked up with, to deal with the problem, and it is not adequate at all.

The second point was the cost of rehabilitation for addicts returning from Viet Nam. These people should be paid at a per diem rate for the treatment of these addicts. The Veterans Administration should be bound by contracts with rehabilitation programs to insure the necessary benefits for treatment and rehabilitation.

The third proposal was the orientation and drug abuse prevention information that should be provided to active enlistees or draftees or veterans. You know, since there is no such information available now, people that are going over to Viet Nam and some such areas, not only Viet Nam, but even Korea and even here in the States, where the problem does exist, have no formal information of the drug problem that exists in the military. It has just recently been recognized, as a matter of fact.

The fourth proposal was that service-connected addicts be related to and treated disabled and not subjected to less than honorable discharges or even treated criminally, as it has been in the past. There are a lot of former addicts who were discharged dishonorably or given any of the other less than honorable types of discharges as a result of their addiction, which was service connected.

This should also extend to veterans retroactively who are now addicts or in jail or stigmatized by our society with these bad discharges, and who are also in some instances still active addicts. They should be granted full amnesty from police records. They should also be encouraged to be treated in treatment facilities for drug addiction.

The fifth proposal was that the full range of treatment should be made available to the veterans. There are a lot of different facilities and treatments now in existence, and a veteran should have the right to choose, rather than be forced into any particular type of treatment. I don't think a veteran should have to take methodone if he chooses not to. If he chooses not to change one addiction for another, he should have that right. (Applause)

The sixth proposal was that the Federal Government appoint a staff to handle addiction of veterans, because there is a lack of professional input of someone trained in the therapeutic community approach, which is a drug-free approach. There is also an absence of any community or ex-addict veteran representation at all. This should be rectified immediately.

The seventh proposal was that a promise of an honorable discharge be made available to active addicts, veteran addicts, with less than honorable discharges, due to a drug-related reason, upon completion of rehabilitation programs, because although there might be something being done now or in the near future about veteran addiction, the fact remains that there are a lot who were victims of addiction, in Viet Nam who were currently discharged or who were in jails who are out on the street right now, and who have this stigma, and who have this bad discharge, and who need help.

That is all. (Applause)

Mr. PETERSON. The next panel moderator is Mr. Otilio Mighty and he will present the proposals from the panel on less than honorable discharges.

Mr. MIGHTY. I would like to say that I am very tired, overworked, underpaid and underloved. (Applause)

Mr. MIGHTY. Sometimes it is good that we can laugh at some of the things that are really tragic comedy, and this is one of the things that I think has saved many of us Viet Nam veterans, not only in Viet Nam, but here in America, as well. In Watertown, New York; in Fall River, Massachusetts; Jackson, Mississippi; and San Francisco, California; right across America. And more importantly, any place that this American plague seems to have followed. This plague of ungratefulness and ingratitude.

I would like to call the audience's attention to those congressional leaders who are here, and to those who are absent and to those who sent their representatives. This is America.

I knew that Herman Badillo would be here. I knew that because— (Applause)

Mr. MIGHTY.— because he understands his accountability. He is not the boss. The people are the boss, and he recognizes this.

I knew that Congressman Scheuer would be here. I think he has recognized his accountability. For those people who have not— those who are absent— I knew they would be absent.

You see, the veteran has one thing going for him. He has been to war. War overseas. War in America. It is not important that you go to Viet Nam. You can be in Germany and experience the worst death, great psychological death that follows you across the country, across the world.

In my country, we say that voodoo can cross the country, but American white supremacy and racism evidently crosses the ocean.

My committee, with myself, a veteran, a World War II veteran and a Korean veteran and a Viet Nam veteran, and Mr. Williams, a veteran, a World War I veteran— sorry, I want to take that back, a World War II veteran, and we, as black men, have one common experience—not of racism, but one of racialism.

I think racialism is more accurate. Of course, the black brothers are mad, and the white brothers are mad because they too were getting discharged with discharges other than honorable. As Poe wrote in the story, the Mask of the Red Death, "The plague has entered the castle," and consequently, white veterans are finding themselves victims of getting dishonorable discharges.

We know of many legislators' sons who are addicted and, consequently, under the present system, they too would have undesirable discharges, and what have you. So the plague is in the castle.

You see, I was never permitted to be in the castle, but I was told this afternoon by the white veterans who are in the castle, that the plague is in the castle. (Applause)

We could go on talking about discharges and blah, blah, blah. But let's put it very easily. Our recommendation—the Urban League's recommendation, the people's recommendation, is simply this: I will read it, and I wrote it before I came here: "All discharges other than honorable issued as the result of administrative board proceedings should be changed to honorable discharges across the board." (Applause)

It has nothing to do with whether you are addicted or not. I do not believe that it is in the Constitution of America, my adopted country, that the military is permitted to give an individual a type of paper that will condemn him to a life of eternal death, and that is what administrative and dishonorable discharges do. That is what a general discharge does. That is what a bad conduct discharge does, and in most instances, they are given to the individual who went A.W.O.L. from a racist white army, or a racist white colonel, general, sergeant, or corporal.

I know, for a fact, after having talked with over 10,000 returning Vietnam veterans, that a discharge other than honorable is a lifetime condemnation. The Federal Government does not hire an individual with a dishonorable discharge. The Federal Government does not hire an individual with an undesirable discharge. The Federal Government does not hire an individual with a bad conduct discharge. This is the man or men who went to defend America, whatever the motives of America might have been. These were the guys who did not say, "Hell no, we won't go." (Applause).

Mr. MIGHTY. These are the men who went. They come back to the eternally ungrateful society. Of course, for us black men it has been 250 years.

Another recommendation—of course, the first one overshadows the one I mentioned, and the one I am going to mention now. This is a now thing. I would just like to tell the audience additionally, the recommendation just previously made, was made by a white, southern congressman, Senator Ervin from North Carolina, who was the first man to take such a proposal to the Congress. Our northern senators were not involved.

Consequently, I would like to ask the Congressional delegation if they find such a bill in the Legislature, to support it, and we, as veterans across America, if not the world, will be looking at the names who will vote for this sort of thing.

The second thing that was mentioned, the now thing, because of the fact that in the military, if an individual is accused of a particular infraction—I did not say a crime, an infraction—the military is required to give him a person, not to defend him, but to protect his rights. I spent seven years in the Judge Advocate's office of the Strategic Air Command, and I can assure you that most military people who are chosen to defend cannot defend in most cases. They usually can only stand by to make sure that you are advised in many instances to plead guilty, and throw yourself upon the mercy of the Court, a court without mercy.

(Applause)

Thank you.

Mr. MIGHTY. Consequently, one of the young men suggested that the Government provide special counsel for the defense of Vietnam veterans, and that the Federal Government pay the fee. An overall and sweeping suggestion, more devastating than any mentioned yet, was mentioned and proposed by Mr. Williams, Special Affairs Director at the N.A.A.C.P., and substantially says that the administrative structure of the military system—of the present military system, should be taken out of the Defense Department and placed under the Justice Department.

At this particular time, I would like to call Mr. Williams to give yon an in-depth understanding of this proposal. I think before I leave, that when we talk about the military system, we should not keep it in isolation or compartmentalize it. What we are talking about is America. We are essentially talking about the entire social structure in America and its effect on veterans. You see, the veterans, if we don't watch it, we might become the new niggers. Thank you. Mr. Williams. (Applause)

Mr. WILLIAMS. I am a veteran of World War II, not One. My father was a veteran of World War I and grandfather before that a veteran of the Spanish-American War. So we have had a long line of veterans within this family.

What the N.A.A.C.P. believes and has seen, as far as the Veterans Department is concerned, is that military justice is no justice at all. The military judiciary system itself, of course, belongs to the administration. We do hope that the incumbents that have the power to do so would remove the entire military justice system out of the military and put it where is really belongs, in the Federal Court system. We hope that it could be done. We know definitely, as far as black veterans are concerned, that we do not receive any justice in the military. We had 11.5 percent of the whole military represented by blacks. We could point to the fact that there are over 40 percent of blacks in military prisons throughout this country. The kind of thing that is running down, as far as the blacks are concerned, is that the racism in the country in relation to justice is being perpetrated in the military just as it is everywhere else.

Military trials ought to be in the Justice Department, and in the Federal Courts. We believe that we can get justice in the Federal Courts, or we hope so.

We further believe that even if this does not happen, that the administrative discharge, the way it is now constructed, should not exist at all. That a man is entitled to either an honorable discharge or a dishonorable discharge, and no other in between, and that the dishonorable discharge must be done by the Judiciary and not any other administrator at all. Let the judges be of both north and south because it may not necessarily be a racist from Mississippi, but it could very well be someone from Vermont, for there are more of them than there are in Mississippi.

There are three shift wheels in the military structure as it is. The judiciary system, the inspector general and the chaplain. All of them don't belong in the military at all. They are all running for rank. They all want to be a colonel in that or general in that, and none of them are effective in their particular positions as is. They don't belong in military, and they should never be there.

I say the inspector general in the military, as far as he is concerned, is just a thing of the past. As far as the enlisted personnel is concerned, he is very ineffective in relationship to being there, and we always hear of this business about command, we hear this often, authority in relation to the military justice procedure, and we know what happened in the Calley case. We can see it. It is very, very much open at this time. It comes right down to command influence. When it comes to the military justice system, that is all that is involved.

So the enlisted personnel in the system have no respect for that. They don't have any respect for the judiciary that is there.

I want to point out the fact that while they say that there are 70,000 or 80,00 draft dodgers that are in Canada or other places, I know that right now there are the lobbyists, you know, from upper Westchester County in Scarsdale and out on the Island, whose sons are up there in Canada and are able to afford to be up there. They are talking about amnesty for these individuals. They did not think about amnesty for the Harlem individual that was inducted into the service, and he had bad feet and everything else, you just go. You went. And he did go. He put up with a whole lot of stuff in Viet-Nam and the rice paddies and everything else, and he socked some colonel in the mouth because he called him boy, and he got a dishonorable discharge, and—there is no amnesty for him.

Now, if Congress comes out with an amnesty bill for these individuals who dodged this war that we are not happy about to begin with, none of us at all, we want to know about it. We want an amnesty for every single individual that has one of these dishonorable discharges, and we want a congressional committee to review every single one of them. Every single one of them. This is from the point of whether it was a justifiable sort of situation that had administrative—where they could confine a man for the rest of his life to a penal institution in this country, being black and being unable or undesirable and unfit for work. Thank you. (Applause)

Mr. PETERSON. The next committee to report will be the Housing Committee, and that was moderated by Luis Callender.

Mr. CALLENDER. Good afternon. As I sit here and I think about what I heard in the Housing Committee this afternoon, from the many veterans, and about some things of the very things I have gone through and am going through myself in the area of housing, I would like to say to the congressional members, and those of you have homes that you will go back to tonight, a roof over your head, it is a God damn shame when a man, who has fought for this most powerful country in the world, cannot put a roof over his head. I would like you to take that thought with you.

My brother veterans have indicated to the housing panel that they no longer want letters from Lindsay or Rockefeller or the President of the United States. Welcome home letters, when you will not give them a house to live in. It is as simple as that.

My brother veterans have indicated to me that they don't feel too well about leaving home, leaving America, where they are sent to countries like Viet Nam, Germany or Mississippi or Alabama, to return and not be able to have at least a roof over their heads.

My brother veterans have also indicated that they know or are aware of the fact that as a veteran, if they got a job or when they get a job, they pay taxes to the Federal Government, and all of these individual taxes go into a pot and later a sizeable portion is parcelled out for housing construction, from which the veterans themselves who have paid these taxes, are excluded, are denied space; in the same housing development that his taxes helped build. This is inconsistency.

I would like to move along very swiftly with proposals that, if carried out, will begin to make a move in the interests of all veterans. It has been proposed, number one, that all veterans should have accommodation preference in any federally supported housing. All veterans, it has been further proposed, not just Viet Nam veterans, because when you just say Viet Nam veterans, what with the veterans who have served in Germany or anywhere else, carrying out the American policy, we believe this thing of Viet Nam veterans is not only discriminatory, exclusionary, but also a divisive tactic to splinter and dilute the potential power of all veterans. All veterans should have preference in any municipal or state-supported housing in New York State.

Number Three. And this I speak as a black veteran, for I know what happens to black and Puerto Rican veterans and Mexican-American veterans, and all of the veterans who don't look like Rock Hudson. Any veteran who is able to pay rent at any private development must be granted that apartment. There ought to be a law, and if he feels that he is being discriminated against because of color, race or what have you, because his tie has dots on it, that the owner of this development be brought up on charges of criminal harassment.

Number Four. Veterans have indicated that because of certain difficulties when they leave the service, a special agency, a specific agency, should be set up to secure housing for all veterans, and not a referral agency, not an agency that says we are going to refer you to a guy on the street, and that agency refers you to the guy down the street, so that after 16 agencies, you wind up at the first agency you began with. Get an agency to get a veteran an apartment. This proposal was made specifically for the benefit of married veterans.

Number Five. Veterans should not be made to pay prohibitive security as is asked for by private owners for any kind of housing.

Number Six. The Federal Government should provide monies, should a veteran have to pay such prohibitive security.

Number Seven. It is the responsibility of the Federal Government to provide and insure housing for dependents of servicemen. How does it look in America when a man is across the ocean, where many have indicated he does not belong, and his wife or his mother or his child does not have a roof over his head. Again, I will repeat number seven. It is the responsibility of the Federal Government to provide and insure housing for dependents of servicemen.

Number Eight. A proposal was made that perhaps at this time a veteran ought to be able to transfer funds from one type of benefit to another; from education to housing, let's say if that is his most immediate need. If he has not decided to go to school at a certain time, then perhaps that money can be used to secure a place to lay down.

Number Nine. A veteran's service time should be credited to any waiting list for any Federal, State or municipally supported housing, and that means if a man spends two, three, four or twenty years in the service, then he should not have to be on a waiting list to secure a house in a society that he has spent this time protecting. If the man at the top of the waiting list is not a veteran, and he has three years, and a veteran has four, then the veteran should have priority.

Number 10. The Federal Government should provide special transitional housing for single veterans. We believe these type of dwellings should be built to give the individual single veteran a chance in which to decide how he wants to participate in this society. A man comes out of the service and he does not have a place to live, he does not have a job, and he can't go to school. I think for the single veteran, dwellings should be built to provide this man the time to think with a roof over his head.

Number 11. Home loans for purchase of private homes should be made directly to the Viet Nam veteran without the use of a middle man, and should be made directly to the veteran, and the present allocation of

$12,500 be increased to reflect and conform with the present and future cost of housing across this country. As it stands now, and I had expert advice during my panel sessions from a member—a highly placed member of the Veterans Administration who said something to the effect that the way it is handled now, a veteran comes in and gets a certificate of eligibility, then he goes to a bank, who must then be willing to lend him money to buy a house. I have been to many banks here recently for several reasons, and I notice they are not too willing to lend black people or Puerto Rican people money, and at this particular time, anybody any money. The present allocation by the Federal Government is $12,500. The veterans have indicated to me that somebody is kidding somebody, that the only housing you can buy today with $12,500 is an out house.

I realize that there are other people who would like to get up here and that is the end of the statement I have. I would just like to say, in closing, that it is not just black veterans who, of course, have been hurt, but, of course, we have been catching hell for a long time. Now, the Indians have joined us. I look around and I see Spanish brothers who are catching hell because sometimes they don't speak English, but, of course, they have served, too. Again, I point back to my opening remark, as you ladies and gentlemen go home tonight and sleep under a roof, I want you to think that it is a damn shame that those people who protected you can't get a home.

And another thing, when you go to Congress with these proposals, or you go to the State or you go to the City with these proposals, and so on and so on and so on stands up and says that this sounds like welfare, I want you to remind him that this great United States gives welfare to everybody. It pays the airline industry. It pays the defense industry. It pays the steel industry. It supports City College. God damn it, it is about time it started doing something for the veteran of Vietnam. And even if it is welfare, if we can pay billions of dollars, as I know we do, for a 747 that at times, or even right now, is only carrying 12 people, then let's start giving it to human beings, because the veteran, given a chance to move, any veteran, as has been pointed out this morning, becomes a productive individual. He will pay it back.

You gentlemen who came here today, thank you for that. If you see your friends that did not show, tell them maybe I will see them next time around. Thank you, very much. (Applause)

Mr. PETERSON. The next moderator will be Bob Brewin, the medical care panel.

Mr. BREWIN. Back in about 1968, the United States Military Assistance Command in Vietnam started drawing up a list of how they were going to dispose of all the products that the military had brought to Vietnam once it was over. I think the study runs to about 1,200 pages on what they are going to do with the left-over equipment. It goes down and includes phasing out such things as peanut butter and bandaids, et cetera. I haven't seen such a study prepared on what to do with the veteran who returns home wounded without his legs and without his arms. I think it is indicative of our national hangup of property over people. The panel on medical care focuses on two things that are analogous to this hangup of property over people. This concerns money and it concerns treating people as people.

Last year when Mr. Nixon told us on innumerable occasions that we were brave boys, and that we had fought for our country, and that we deserved the love and thanks of a grateful nation, he turned around, with the help of his friends in the American Legion and his Veterans administrator, who was a past president of the American Legion, which makes him a bigger patriot than John Wayne, said those boys in the hospital don't need that other $105 million to treat them. We don't have to give it to them. I am going to veto it. That is how he loves us.

The problem of the Veterans Administration right now in the Veterans Administration hospital, is there are a lot of people there, I think, who work hard. But if you are a nurse, and you are paid $12,000 a year, or $10,000 a year to start, to work in a Veterans Administration hospital with no overtime, no night differential, or if you are a doctor that is paid $12,000 to $15,000 a year, how long, if you have quality, are you going to stay there? I am afraid that in this country money does buy quality. You can buy a VW for a little money and you can buy a Cadillac for a lot. Right now, veterans are getting imported care instead of top-of-the-line care.

I think a lot of money should be infused into the V.A. hospital system to hire the people, no matter what the price, that will provide not just good care, but the best care possible for the VietNam veteran.

If you pay them enough, instead of treating them like slaves, if they are getting $35,000 a year to empty your bedpan, they will say yes, sir, what can I do for you next, and I think that is a very important point.

Second, often the patient in a Veterans Administration hospital is having his gall bladder treated, he is having his spine treated or he is having a new leg put on. The rest of the man they don't care about. They are just repairing certain sections of the body. I think it is very important that the concept of veterans medical care be taken from this piecemeal care of the body to care of the total individual. This includes doing things for people's heads in the current parlance.

For example, I think that it is very important that an educational system be instituted in the Veterans Administration hospitals. Last year, both Dean Mulholland from Fordham, and Murray Pulner from the City, went to the Veterans Administration. I don't know what Mr. Pulner said, but Mr. Mulholland said, "I want to start classes yesterday in your Veterans Administration hospitals," and the VA came back and said there isn't anybody here who wants to go to college. That was at two different hospitals, and if you want the names, I have the names of the individuals who I contacted.

I don't believe there is no one in the V.A. hospital who doesn't want to go to school. Veterans who are wounded not only need their wounds taken care of, they need to be treated like human beings. Along with this, Miss Polansky on the committee suggested that families be allowed into the hospital any time of day and night to care for a member of their family who is ill in the hospital. They're not going to perform appendectomies, I hope, but they are capable of emptying a bedpan. They are capable of getting a drink of water. They are capable of providing the services that cannot be provided by one nurse who covers a four-block long ward. I think this is another thing to look into.

As far as adequate medical care, and this hooks up with jobs, literally those of us who have been and who are well trained, competent medics, and corpsmen, who have been discharged from the military since this war has started, they come home, and they want to work in a hospital in New York State. They are told that you have to be practicing your skills for eight years. You may have saved 50 lives, but I'm sorry, we don't think you know anything. You have to go back to school.

I think these trained men should be put into the Veterans Administration hospital system, if they want to be put in there, and allowed to perform important para-professional medical duties that need to be done. That is one way of remedying the personnel problems in the hospital. This is not only a matter for Congress, but a matter for State legislatures, because the legislatures are the ones that control letting people do certain medical duties. This is something that has to be modified.

Congressman SCHEUER. They should be licensed so they can practice in any hospital, and not only V.A. hospitals.

Mr. BREWIN. Definitely. We are throwing away thousands of dollars worth of skill by not putting these men into the professions they have practiced for three or four years.

One other important point. I don't know about the experiences of other veterans, but if you are in the infantry battalion in Vietnam, the dental care is not too good because no one has figured out how to man pack a dental chair yet. Therefore, you don't see too many dentists running around Vietnam. So one of the real problems in the war, although it might not seem too big, is that we have thousands of rotten teeth running around, which may not seem too big right now until you go out to spend $1,500 or $2,000 to have them taken care of. Under V.A. regulations, a year after discharge you lose your right to go and have your teeth treated in a V.A. hospital. Well, sometimes it takes a year to get an appointment in the Dental Clinic, and then when you get your appointment, your year is up, so you cannot use it.

I suggest that dental care be provided for all Vietnam veterans until their mouth is back in the same shape as it was in, and that includes giving them a whole new set of false teeth, if necessary. This is very important. That is it on medical care.

I would just like to add just one thing before I leave. I think the real tragedy of this conference is that we have all had a good rap, and the real tragedy is that many of the people who could make the decisions that directly affect us, chose not to be here. As Mr. Callender said, they all have summer houses.

I called last week and I invited the Chamber of Commerce to send a businessman. The National Alliance of Businessmen were notified, and a whole bunch of other guys, and I asked if they would please send people to listen to us. They chose not to be here. So we know what they think of us. And the other members of the congressional delegation also chose not to be here. So we know what they think of us. So my suggestion is that we find out who these people are, and we let them know what we think of them in very firm ways.

(Applause.)

CONGRESSMAN SCHEUER: Thank you.

(The hour is late now. The coffee is ready.) On behalf of Councilwoman Stromberg, Congressman Biaggi and Congressman Badillo and myself, we want to thank you for coming. We have been listening. We ourselves, all four of us, are where we are now, on this side of the table because of our personal commitment to political action.

If we weren't political activists, we would not be sitting here. We understand why we are here, and we understand the reasons for our being here. We understand that we are accountable to you. But if you don't organize, if you don't get together and make yourselves felt, if you don't produce programs and let us know what they are, and let the other members of Congress know what they are, then you cannot hold us accountable, because you have not given us the message.

We think you ought to hold our feet to the fire. We think you ought to be telling it to a lot of other members of the Congress and telling it to us again and again and again, the way you told it to us today. I think that the four of us learned a lot, and that is why we were here. We were not here to lecture you, but to listen to you. But organize and make yourselves politically effective to get what you want, what you deserve, what other veterans from Korea and World War II and the wars before that have gotten from this country. It is very simple. You help your friends and you punish your enemies.

Thanks a lot. Let's have some coffee.

(Whereupon, at 5:05 p.m., this meeting of the Congressional Committee was adjourned.)

PHILADELPHIA IMPLEMENTS LOW-COST SCHOOL LUNCH PROGRAM

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Friday, August 6, 1971

Mr. SCHWEIKER. Mr. President, a new, low-cost method of supplying school lunches has been developed in Philadelphia by the Academy of Food Marketing of St. Joseph's College and the Archdiocese of Philadelphia.

This program will meet the needs of about 28,000 children in 55 inner-city schools of the archdiocese starting in December. The program results from a pilot project developed at St. Anthony of Padua School in South Philadelphia, and I am pleased to say that this program has been approved by the U.S. Department of Agriculture for use nationwide. These lunches consist of an individual 8-ounce can of combination food such as stews, beans and franks, and spaghetti and meatballs. These cans are heated in inexpensive ovens, and the heated food is eaten by the children directly from the cans with nutritional supplements added to meet the requirements of a type A lunch.

As a member of the Select Committee on Nutrition and Human Needs, I am pleased that this new program has been developed in the Philadelphia area. I am optimistic that the program can be used nationally by many schools which do not have kitchen facilities.

Mr. President, I ask unanimous consent that an article from the Catholic Standard and Times, describing this new program, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LUNCH PROGRAM BECOMES NATIONAL SCHOOL MODEL

(By Frank Smith)

A pilot program developed at St. Anthony of Padua School in South Philadelphia, to feed poor children hot lunches in schools without kitchen facilities, has been approved by the U.S. Department of Agriculture for use throughout the country.

Richard Lying, assistant secretary of agriculture, announced that the program would be adopted for nation wide use at ceremonies at St. Anthony's School on June 17.

At the same time John Cardinal Krol announced that the program would be available in 55 inner-city schools of the Archdiocese starting in September.

"This means that 28,000 children in our schools will now have a hot lunch—every day—which meets the highest nutritional requirements of the U.S. Department of Agriculture, the Cardinal commented."

Auxiliary Bishop Gerald V. McDevitt, representing the Cardinal, went on to say, that the program demonstrated the collaboration between school and total community that can and should be developed further.

The luncheon project was developed in Philadelphia by the Archdiocese, St. Joseph's College Academy of Food Marketing, the food industry and the U.S.D.A. It was designed to find an adequate but inexpensive and feasible hot-lunch program for inner-city elementary schools without kitchen facilities.

The menu provides considerable variety and is centered around a heated eight ounce can of prepared food such as chicken or beef stew, beans and franks or spagheti and meat balls heated in portable electric ovens. Basics, in addition to the hot main dish are, milk, a piece of fruit and a cookie. Cost is 15 cents to the student who can afford to pay, but those who cannot are served free.

The pilot program at St. Anthony's served more than 3,200 meals over an eight week period. Total cost was $2,000, including the purchase of the oven dispensers.

The program was under the direction of Father Donald V. Helm and Patrick Templewest of the Academy of Food Marketing.

COST OVERRUNS

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. O'KONSKI. Mr. Speaker, we are hearing a lot these days about cost overruns. Unfortunately, the loudest voices about cost overruns are the quietest voices on their own expenditures and of their own particular division of the Government.

Example 1: The Kennedy Stadium we were told was going to cost the taxpayers $4 million. The fact is the Kennedy Stadium has cost the Nation's taxpayers $20 million. The revenue from the stadium cannot even pay the interest, and not one dime of the $20 million has been paid back. As a matter of fact, the Kennedy Stadium has a tenant that is now almost $200,000 in arrears for his rent. Instead of paying for itself besides costing the taxpayers $20 million, instead of $4 million, the upkeep of the stadium is costing the taxpayers of our Nation $1 million a year.

Example 2: The Kennedy Center for the Performing Arts was supposed to be built from contributions of students all over the Nation. The fact is the Kennedy Center for the Performing Arts has cost the taxpayers $67 million, which is a 67-million-percent cost overrun of what we were told it would be.

Example 3: We were told that the subway system in Washington, D.C., would cost $900 million. The figures to complete the subway system now are in excess of $3½ billion, and it appears that it will cost over $5 billion before it is finished. My prediction is that it will never be finished even after the expenditure of $3 or $4 billion.

Example 4: The loudest voices in the other body against cost overruns are strangely quiet about the $900,000 cost overrun for their own restaurant. This amounts to a loss of $9,000 per Member, and the taxpayers of our Nation have to pick up the tab to pay these losses. This is a 900,000-percent cost overrun just for the restaurant to accommodate 100 Members of that body. Suppose some industry transferred almost $400,000 of their expenses to the Architect of the Capitol. There would be the loudest howl from the cost overrun experts of everything except their own affairs.

These are just a few examples of the projects that have been voted for by the severest critics of cost overruns in private industry. If private industry had the cost overruns of the severest critics in the other body, we would be living in a strange land, and there would be a furor that would raise the ceiling of the Capitol dome.

Mr. Speaker, as an added item, I would like to have reprinted in this statement an article that appeared in the Buffalo Courier Express on July 19, 1971, by the noted columnist, Anne McIlhenny Matthews:

SHANGRI-LA IS NIGHTMARE

(By Anne McIlhenney Matthews)

They have fun and games in Congress as well as debating issues, according to a recent communication from my favorite Congressman, Thaddeus J. Dulski. He sent me two pages from the June 30 issue of the Congressional Record, which reported on whether House conferences could (or should) be held in the old Supreme Court Chamber and the old Senate Chamber. This, it seems, was mixed in with some comments on a deficit of $497,000 for the Senate restaurant and allegations that an additional deficit for the Senate restaurant was being buried by being charged to the Architect's office.

Several Representatives went "tsk, tsk," pointing out that it wasn't gentlemanly to investigate "the housekeeping functions of the other body."

Then a Representative from Alabama yielded to Rep. Alvin E. O'Konski of Wisconsin, who commented on the situation in a corker of a speech. As he said, everyone is doing it, so I hope he throws his hat in the ring and runs for president. We need his kind of wit in the White House!

Mr. O'Konski, Mr. Speaker, I am well aware of the rules of comity between the two Houses. What conclusions are drawn from my remarks referring to the member of the other body are strictly coincidental.

"I would like to tell you about a dream I had the other night. It turned into a horror and later a nightmare.

"I dreamed I went to a country called Shangri-la. When I arrived in that country I became interested in their form of government. They had a body called Etanes. I wondered what Etanes stood for. I wondered how they arrived at the name of that great body. Then I thought of Serutan, and I remembered that Serutan is Natures spelled backwards. Etanes is Senate spelled backwards. This is strictly coincidental. It has nothing to do with the other body. I do not want to disrupt the comity between our two chambers. That is why I emphasize this point.

Etanes, which is the Senate spelled backwards, in Shangri-la is made up of 100 members plus one called the devil's advocate—a little different from our system. Each time a member of Etanes—that is the Senate backwards—got up and made a speech or made a proposal or a condemnation, the devil's advocate always responded and asked questions of the reformist, egotist or member of Etanes.

"There happened to be one member of this body of Etanes who thought he was quite an authority on cost overruns.

"He was complaining about the cost overruns of planes, war materials, baby books and just about everything. When he finished the devil's advocate got up and said, "Why wouldn't this great great authority on cost overruns tell us about the $900,000 cost overrun for the restaurant of this great body called Etanes, which is the Senate spelled backwards. The great authority on cost overruns, embarrassed, took his seat.

"Then another member of this body of Etanes addressed Etanes, telling automobile manufacturers how to build cars. He told how to build planes and he even told Carter how to make pills. Then the devil's advocate got up and said, 'I would not tell everybody how to run every thing when we cannot even run our own restaurant without losing $900,000 a year to feed 100 Etanes at a cost to the taxpayers of $9,000 per member.'

"Then the dream turned into a nightmare. Almost half of the members of Etanes—that is Senate spelled backwards—announced that they wanted to run for president of their country. Then even the devil's advocate gave up in despair and took off his horns, got up and said, "If you cannot even run a restaurant without losing $900,000 of the taxpayers' money a year, that is a $9,000 a year cost to each taxpayer to feed each one of us, how can you become the president of your country? Shame on you. You cannot run a restaurant, yet you want to be president."

"At that point I awoke. I miss Shangri-la now that I am awakened. But my first thought after I awakened was, "Thank God I live in the United States of America and not Shangri-la." Such things could not happen here in this country. And now I am confused. Was it really a dream and a nightmare or was it a reality we are faced with right here in our nation right now?"

TRIBUTE TO MRS. NORA LAWRENCE SMITH

HON. DAWSON MATHIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. MATHIS of Georgia. Mr. Speaker, the State of Georgia recently lost a great and dearly beloved citizen. Mrs. Nora Lawrence Smith, affectionately known as "Miss Nora," died at the age of 85. She was a legend in both newspaper and political circles. Her tremendous influence was used wisely to promote those causes she believed in and loved.

Miss Nora dedicated 70 years of her life to newspaper work, 30 of those years as editor and publisher of the Wiregrass Farmer in Ashburn. This newspaper, founded by her father in 1899, is still one of the most respected newspapers in the Second Congressional District which I proudly represent.

Miss Nora was one of the most active and outspoken boosters of a section of the State identified as the wiregrass area. This was Miss Nora's home since the age of 4.

She was an influential Georgian, an outstanding journalist and a loyal Democrat. She will be missed by her many friends in the State, the profession and the party.

Most Georgia newspapers have paid tribute to Miss Nora. I am including in the RECORD a sampling of those editorials and letters appearing in the July 29 edition of the Wiregrass Farmer:

TIFTON GAZETTE: MISS NORA

Georgia lost a friend and South Georgia a dedicated champion with the death Saturday of Mrs. Nora Lawrence Smith at the age of 85.

"Miss Nora" as most in Tiftarea knew her, was a legend in both newspapering and political circles.

She was involved in newspaper work for 70 years, 30 of them as editor and publisher of the Wiregrass Farmer in Ashburn, a paper which her pioneer father, Joe Lawrence, founded in 1899.

She was a friend of such notable political leaders as the late Sen. Richard B. Russell, Sen. Herman Talmadge and former Govs. Carl Sanders and Ernest Vandiver. She supported the Democratic Party wholeheartedly through the years and attended four national conventions, predicting in 1928 that the Democrats wouldn't win a national election until they nominated "that man on crutches" Franklin D. Roosevelt.

But most of all, "Miss Nora" was an advocate for the wiregrass area of South Georgia, promoting its agriculture and economic and industrial growth.

When she retired and sold her newspaper in 1969, she brought to a close a chapter of Georiga journalism filled with achievements.

She was honored many times during her distinguished career, the latest in 1968 when the National Newspaper Association named her its "Outstanding Woman Journalist" and then Gov. Lester Maddox declared June 8 as "Nora Lawrence Smith Day in Georgia."

Her honors all were well-deserved and her endeavors brought much good to the state and area she loved. She will sadly be missed, but not forgotten by those who knew her.

ATLANTA CONSTITUTION: NORA L. SMITH

Back somewhere around 1899, a 13-year old girl, as she later wrote about it, "crawled up on a stool and learned to set type by hand and have been working ever since . . ."

Her father, Joe Lawrence, founded the newspaper, The Wiregrass Farmer, in Ashburn, Georgia. That 13 year old girl never got over learning to set type. Mrs. Nora Lawrence Smith was publisher of the paper from 1939 until 1969. She died last week-end, following a stroke.

"I came to Ashburn when I was four years old, nothing was here, only a wilderness. So I have watched the town grow and love it," she wrote once. She loved Georgia too, and she was a voice and an influence in her state. We will miss her.

TRIBUTE FROM A FRIEND

To the Editor:

Please let me express to you our sympathy in the loss of Nora Lawrence. A great soul has gone to its reward.

It has been our pleasure and privilege to know Nora for a long number of years. Her sense of humor and appreciation of her friends always made it pleasant and enjoyable to be with her. She was every inch a newspaper woman. Her paper was an instrument for good and the improvement and betterment of mankind. She used her talents wisely and with courage and devotion.

I regretted that we could not be present to pay a final tribute. Her life has been a benediction and her good works will live long after her.

Please convey to her co-workers on the paper and her friends our sympathy.

Very truly yours,
JERE MOORE.

TO A "GREAT LADY"

Mrs. Nora Lawrence Smith was, we think, one of the finest persons that every graced this earth. The major portion of her entire life was spent in the interest of others. She was devoted to her church, her county, her State, and the entire nation.

Her every thinking moment was to do good for somebody else or to do good and help the place in which she lived. There was never a thought of herself. She was without a doubt the most unselfish person it's ever been our privilege to know.

No matter who you were or from where you came, if Miss Nora knew you, she tried to help you. Newspaper circles, both State and national, will miss her and know that another of the really great "ole timers" has gone on to her great reward.

Politics, both State and national, will feel her loss. She loved and served it all.

People who knew her, people who knew of her, and the world in general will miss a person like Miss Nora. We certainly will, but we are thankful we knew her.

ALINE AND JOHN HEARD ARNOLD.

LETTER FROM PASTOR ON McNAMARA PAPERS

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. HALL. Mr. Speaker, recently I received a letter from an old and valued friend, Gen. Louis H. Renfrow, retired. General Renfrow has served his Nation well, as exemplified by his appointment to the White House staff by President Harry S. Truman.

General Renfrow has brought to my attention a letter, written by his pastor, George R. Davis, D.D., which is one of the best I have ever read. The letter motivated by the recent publications of the so-called McNamara Papers, and the decision by the Supreme Court which followed, gives much food for thought and is brilliantly written.

I commend the reading of this letter to all the Members of the Congress:

THE NATIONAL CITY CHRISTIAN CHURCH,
Washington, D.C., July 7, 1971.

To Chief Justice of the Supreme Court Warren E. Burger; Justice Hugo L. Black; Justice William O. Douglas; Justice John M. Holland; Justice William J. Brennan, Jr.; Justice Potter Stewart; Justice Byron R. White; Justice Thurgood Marshall; Justice Harry A. Blackmun; Senator Mike Gravel; Mr. Benjamin Bradlee, editor-in-chief, the *Washington Post;* Mrs. Katherine Graham, publisher, the *Washington Post;* Mr. A. M. Rosenthal, editor, the *New York Times;* and Mr. Arthur Oakes Sulzberger, publisher, the *New York Times.*

GENTLEMEN: This letter is being mimeographed due to lack of time, and it is being written motivated by the same purpose which led me to write a recent letter to certain Congressmen regarding matters related to our involvement in Viet-nam, etc., that purpose being that I know those involved will receive many communications applauding the Supreme Court decision and the action of the newspapers mentioned above. I wish, therefore, to state a contrary opinion.

Let me preface the basic material of this letter with the following:

(1) I am one of the minority in America today who believe we were justified in being in Viet-nam and in the world.

(2) I have no sense of guilt, which evidently is eating the heart out of a good many Americans today.

(3) As much as I hate war, I hate the alternatives we have even more. One is

sickened when he thinks of all the excellent young men who have been lost, and who are so badly needed in today's world, when so many of us still living are really unworthy to clutter up the earth. I happen to be also among the minority who believe their sacrifice was not in vain.

(4) Anybody knows that alternate plans must be made, whether in military, business, by the press, and even in the Church.

(5) The reason that we are now able to begin to get out of Viet-nam with some possibility, even though it is a "long shot" now, of leaving some stability there, is because we have been there all along. By this I mean eventually the domino theory will prove to have been a correct interpretation of the potential situation. Our moving into that area of the world gave it at least a partial stability. I have had contact with dozens of missionaries both through correspondence and in conventions, of several denominations, and I have known only one who opposed the American presence in Asia. Do not misunderstand me. I do not think the United States Government should be obligated to protect the missionary enterprise of the Christian Church around the world. I mention this only to point out that these people doing the work of the Church, and in the vast majority of cases they are very able people, felt that for the United States to abandon our present posture in Asia would have been disastrous.

And so what I am about to write in reference to so much cheap talk going on about "freedom of the press' and the attitudes of self-righteousness being expressed in so many quarters, leaving the impression that the publication of the Pentagon documents was highly motivated rather than a kind of cheap scandal sheet affair, grows out of a personal and deep conviction. I am well aware that the Supreme Court can not make "moral decisions", but rather, "legal decisions". It is frightening to know that the majority opinion of the Supreme Court was based in the final analysis:

(1) Upon an act of theft;

(2) And the papers taken from that act of theft were released by certain newspapers at a time based upon their own whim;

(3) That they were released on the eve of an important decision about to be made in the Congress of the United States;

(4) That Mr. Ellsburg released those papers (whoever took them), to a carefully selected number of newspapers, which in itself contradicts any idea of freedom of the press. Here is a man, first, who should know better, with his suggestion of his estimate of his own character, and secondly, a man with an evident guilt complex over his own involvement, and in an apparent attempt to white-wash himself, he suggests the guilt of others. The man evidently most aimed at in the interpretations of the Pentagon papers will probably come out in the best light eventually, having inherited so much from other Administrations. As for one, if I have to cast my lot, it will be with the five Presidents.

(5) That this action by the Supreme Court suggests that any employee working in any office in any place of business, the Government, military, education, or any other facet of American life, is justified "stealing" what he comes to the conclusion, according to "his good conscience", is his to take, because he believes he is serving a noble end. The far-reaching implication of this is that the president of the student body in a university is free, if he felt "his conscience justified him", to steal documents from a President's office; that any employee in any industry, if he believed himself to be "justified by his conscience", has the right to take from the office of his employer any documents. In fact, this decision literally destroys the ethical foundation of the right to possession.

I was literally amazed that the publishers and legal representatives of the major newspapers involved declared that they received all news and then published what they saw fit to publish, or believed should be published, but in the same breath denied to the Government the right to decide what it would or would not release, and that these newspapers retained stolen documents to be used according to their concept of "freedom of the press" without revealing this to the authorities, and did not believe they were morally obligated to share this news with other newspapers. I suppose they might say that "any reporter has the right to beat some other reporter to the punch" in ferreting out news, but this incident is slightly different in that it was based upon theft. For the life of me I cannot see why we should trust a decision of a press any more than we should trust the decision of a Government, or that freedom of the press means that the press "is a law unto itself".

It is my own personal hope that the Government of the United States will indict and prosecute to the fullest extent not only the thieves or thief, but also the representatives of the newspapers and anyone else involved. I would like to see this applied to representatives of Congress involved also, but I know they are protected and cannot be so indicted. I am well aware that the permissive attitudes in the courts of the United States, which show more interest in criminals than in the public, in draft-dodgers than in men who assume their responsibilities, in the protection of the rights of dissident radicals, give very little chance that anyone so indicted will ever have to pay any penalty. Indeed, he would be freed somewhere along the line by one of the courts, but I think the indictment, as suggested by Attorney General Mitchell, should, nevertheless, be carried out.

Perhaps the most disgraceful spectacle of all was the Senator from Alaska, Mr. Mike Gravel, reading from documents related to the Pentagon papers late one night before a small group of people, with tears streaming down his face in sorrow for the dead in Viet-nam. Very easily, tears could be streaming down my face, but not for the men in Viet-nam, but for the spectacle of a Senator showing such irresponsibility and callousness, and this has nothing to do with my feeling of "wanting to protect a club known as the Senate of the United States," but because he also knows he was reading material which was based upon theft.

Another sad spectacle was a noted clergyman in Washington several Sundays ago, who denounced the last several Presidents as being totally irresponsible and saying quite frankly that "these Presidents believed they were gods", as that clergyman denounced what was revealed in the Pentagon papers. Acting like God is a tendency all of us, including the writer of this letter, constantly fight. But I well remember when the clergyman mentioned above himself said, three years ago, "I have great power and I know how to use that power". I wonder who thinks he is God? Did this clergyman mean to include his grandfather, Woodrow Wilson, in his judgment? President Wilson was called "a liar, a deceiver of the American people", and he was accused of having a God complex. Did this clergyman intend to apply his judgment to President Franklin Delano Roosevelt, who was accused by some of the press and others of having deliberately created a situation which led to Pearl Harbor? Did he means to include Abraham Lincoln, who was called "a baboon" and who was denounced by a clergyman who at time was perhaps the greatest pulpiteer in the United States, but who, in a repentant mood after the death of Lincoln, preached what was probably the most beautiful memorial sermon ever given related to a President? Abraham Lincoln was denounced by both North and South. So when a man dares to call recent Presidents liars and as having "God complexes", how far back does his judgment go? Was he trying to find, like many others who supported our present world involvement in Asia originally, "an escape hatch" for himself by making others appear to be "guilty of high crimes"? Mr. Rusk was right on NBC the other night, July 2, when he stated, "Of course we made mistakes. But the real question of morality is whether this Nation has character enough to keep promises made to other nations and the price we were willing to pay in Viet-nam to prevent paying a higher price later", and Mr. Rusk was right when, in answer to Mr. Newman's question on NBC about the killing of civilians, he replied, "More effort has been made in the present war to avoid killing civilians than in any other war in which we have ever been engaged. Many bombings which would have had extremely effective military results were not carried out because the civilian loss would have been devastating". Please do not misunderstand my logic. Many civilians have been killed in Viet-nam, and no one in his right mind would argue in support of the brutality of war, but one is out of his mind if he thinks that staying out of Viet-nam would have guaranteed that we would have avoided even a far worse situation, including what we have avoided this time so far, and that is nuclear war, and as Mr. Rusk also pointed out, at the end of World War II we were given another chance. If a total third world war comes, there will be no other chance. Monday morning quarterbacks are always wise, and the conscientious objectors here at home, beyond any question, made The North know they could afford to outwait us. The release of the Pentagon papers, even though most of the information released had already been available in one form or another to any reader in depth, has simply given Hanoi one more reason to know she can afford to wait. Hanoi's recent cynical proposal, which really only restates what she has said before, with one slight difference, is another evidence that she is gambling on the possibility that she can out-wait us. I think it was Mr. Khrushchev who said words to this effect, "that communism will bury us". He knew something about the business of out-waiting the people who may lose the will to remain steady.

I would not wish any conclusion drawn that I do not believe in our American institutions. I thoroughly believe in them. My doubt grows out of some of those who occupy positions in those institutions, and I think we have gravely damaged not only our image, but something much more important than our world image in this whole fiasco, which has nothing whatsoever to do with the real meaning of freedom of the press. But I have the feeling that this nation will recover even from this latest in a series of damaging activities conducted by so-called responsible individuals. We have recovered from many grave dangers in the past.

I was taught in journalism in high school in Topeka, Kansas, by my teacher, Miss Ruth Hunt, a good many years ago, that the three greatest newspapers in the United States at that time were the *New York Times*, the *Kansas City Star*, and the *Christian Science Monitor*. There are, of course, still many great newspapers in the United States, many excellent and conscientious journalists, but much to my sorrow, I have discovered that some newspapers thought of as great newspapers are far more opinionated, one-sided, and dogmatic than the reactionary press these liberal papers accuse of being close-minded. One of these papers has carried for years in its pages the motto "All the news that's fit to print." I think that several of the newspapers involved should now begin to carry the question on their pages, "Are we fit to print the news?"

May I refer back to several points raised in this letter. The evidence in thus far will probably show that Mr. Ellsburg seriously missed his predictions about Viet-nam at least on six or more occasions while he was connected with matters relating to our foreign policy. They were serious errors in judgment, and strangely enough were always slanted against the possibility of American success in Viet-nam. It is not impossible to believe that these very serious errors in judgment could have contributed to his desire to get out from under responsibility, and passing along the Pentagon papers did take attention away from him, that is, from his bad behavior. Most of the experts who are writing now declare that 85 to 90 percent of the material contained in the Pentagon papers had already been released, and would have been known to a reader in depth, but the main dangers from the stealing of the papers and their release by the newspapers would be the following: (a) the practice of theft itself; (b) it would raise serious questions in the minds of other nations with whom we have relationships, questioning our Government's dependability in future discussions where confidential material might be shared; (c) the possibility that some of the material could be used by "enemy countries," using the material to crack the secret codes used by the Pentagon and State Department; (d) the encouragement it would give to the ordinary individual to follow such irresponsible practices. If the reaction of Mr. Ellsburg's fellow-workers at the Rand Corporation is correctly reported in the July 12, 1971 issue of Newsweek I concur in their negative judgment of him. This is a case of a man whose high conception of himself is incorrect, the case of a man who took the wrong road, and no attempt should be made to paint that picture with a halo over it.

And referring back to Senator Gravel, his record has been spotty in shifting back and forth, to give commendation to him for his behavior as reported in that earlier paragraph of this document. His name may be added to the list of those, and they are many, who gave ever-increasing encouragement to North Viet-nam to "hang in there" until the American will collapsed.

The implication that what was really only the thinking into the future concerning possible alternatives in facing major crises as being specific plans is very regrettable. Mr. Ball, who was certainly chief among those who opposed military intervention in Viet-nam and who became known as the "devil's advocate" himself, along with Mr. Rusk, denied that planning had been made many months in advance for bombings while such a policy was being denied publicly. The papers seem to imply that definite plans had been made for the use of nuclear bombs whereas in reality the discussions which went on in secret in our Government revolved around how to conduct limited war in Viet-nam to avoid an eventual confrontation between the great powers, which would have meant all-out nuclear war and the end of civilization as we know it. One cannot guarantee that eventually nuclear war will not come about, but at least thus far it may be said about our Viet-nam involvement: (1) to date, South Viet-nam remains free, relatively speaking, at least; (2) we are in the process of gradually getting out of Viet-nam, although one would hope that with our vast Pacific Coast, we would certainly not only remain interested in Asia, but would remain in Asia; (3) at least to the moment this is written, all-out nuclear war has been avoided between the great powers, and thus the entire world. It would be impossible to predict what the future holds, and any course our nation takes will be fraught with the danger of that. One may quite honestly say, we have no good choices. We have only a decision to make from a collection of poor choices, the lesser of the evils, or a decision concerning which of those choices is the best risk to take to help guarantee the possibility of world security, as well as our own survival and the best risk offering the most hope in that direction.

I wanted to be one of a handful of Americans who would be writing their objections, over against the thousands who, no doubt, will be commending these recent actions by the press and courts as being noble and high-minded.

Yours truly,

GEORGE R. DAVIS,
Minister.

NOTE: This letter has been added to and corrected from an original written on July 2, 1971.

STEIGER SEEKS STUDY OF RELIEF FOR THE AGING FROM PROPERTY TAXES

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, I would like to call your attention to a resolution which I have introduced to authorize a study of Federal income tax credits to offset the property taxes paid by our low-income aging.

We are all aware that the Federal income tax is the most progressive tax in this country. Conversely, the local resident property tax is probably the most regressive tax in America. While the average taxpayer pays about 4 percent of total income for property tax, the low-income homeowner pays up to 10 percent of total income for property taxes. The one group who pays the most, percentagewise, while receiving the least benefits are the low-income aging.

Most aging citizens, upon retirement, continue to reside in their homes, which to them represents both security and a source of justified pride. Seventy percent of people 65 years and older live in their own homes, many of which are mortgage free.

Unfortunately, the aging are soon confronted with the harsh realities of retirement. Living on fixed incomes, they are forced to pay continually rising property taxes. Though they no longer have school-age children, the aging must support public schools which claim a major portion of property taxes. The aging do benefit from other local services supported by property taxes, but the benefits received are disproportionate to what the aging must pay in taxes.

The rapidly rising cost of services for local government has caused property taxes to skyrocket. Local government spending has expanded rapidly in recent years, increasing by 177 percent between 1955 and 1968. In this same period of time, Federal Government spending increased 141 percent, and the gross national product rose by only 117 percent.

In 1968, property taxes provided 87 percent of all locally generated revenues. Thus, as local government spending has risen, property taxes have leaped upward. Between 1955 and 1968, they increased at an average annual rate of 7.3 percent, faster than the rate of growth of personal income.

The administration's general revenue-sharing proposal would provide relief toward moderating future property tax increases. However, the aging are most seriously affected by this tax, and they deserve some further form of relief.

In my own State of Wisconsin, recent experience shows that without the benefit of property tax relief, 8,000 aging homeowners with total annual income under $1,000 would pay 30 percent of that income in property taxes; 1,300 aging homeowners with income under $300 annually would pay 58 percent of that meager income for property taxes. Fortunately, Wisconsin has pioneered a homestead tax relief program which eliminates this tax burden for its aging citizens.

But only four other States have followed Wisconsin's lead. Moreover, present Federal income tax benefits are of little or no relief to low-income aging. What relief exists benefits persons of moderate means, but not those who have too little income to pay Federal taxes. While the more affluent aging are receiving $2.5 billion in income tax relief, the low-income aging are paying $1.5 billion yearly in local property taxes.

Today, the United States has 20 million citizens 65 years and over, 10 percent of the population. The median income of this group is half that of the younger population, and one-fourth of the aging live below the poverty level. A tax concession policy could be a powerful instrument in removing or reducing the regressiveness of property taxes for low-income aging.

I have introduced a joint resolution to provide for a joint study by the Departments of HUD, HEW, and Treasury of the feasibility of providing Federal income tax credits or rebates on actual and hidden real property taxes paid by the aging who own or rent their residences. The intent is to devise a means whereby the older taxpayers pay a fair share, and not an excessive burden, of property taxes.

VICE PRESIDENT AGNEW IS GOODWILL AMBASSADOR AT HOME AND ABROAD

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. KEMP. Mr. Speaker, the Vice President is most certainly a good-will ambassador both at home and abroad. Since the first of the year, the Vice President has visited over 15 States and has made over 25 speeches in support of revenue sharing before State legislatures, county, and local officials. Mr. AGNEW has consistently pointed out in his local travels that we face nothing less than a collapse of vital services, particularly on the local level, if we do not start putting more of this Nation's resources back where the problems are.

Mr. Speaker, the Vice President has made an outstanding contribution to the better understanding of the revenue-sharing philosophy, which, according to the most recent polls, is now supported by 75 percent of the American public. More Members of Congress feel revenue sharing will be passed and the Vice President's efforts are key in the growing support.

The Vice President made a 10-nation trip at the request of President Nixon. Although the trip has been subjected to distortion and inaccurate reporting, it was extremely successful in every way. I feel it is fitting and proper to let the public see the other side of the controversy. I, therefore, include at this point two articles from the August 14, 1971, issue of Human Events:

RHINOS AND SCAVENGERS: PRESS LOOKS ABSURD IN COVERING AGNEW TRIP

(By Andrew Seamans)

Nothing better demonstrates the validity of Vice President Agnew's charge of media bias than press coverage of his recent 10-nation round-the-world trip.

When you cover anything concerning Agnew, the drill is always to search out and highlight the gaffe. But gaffes were so scarce that *Time* magazine was forced to observe cryptically, its correspondent touchingly desperate, "In private talks and ceremonial functions, Agnew, from all available evidence, has performed flawlessly. Perhaps too flawlessly."

Now, how's that for criticism? If you were unkind you might even call it asinine. The asininity bug, in fact, seems to have bitten several of *Time-Life's* stable of poetasters.

Hugh Sidey, for instance, sputtering around in *Life* for some new way to knock the Vice President, finally comes up with a couple of startling comparisons. The Vice President, he tells us, failed to live up to the standards of diplomatic deportment set by "Lyndon Johnson riding a bullock cart in India and giving the rebel yell in the Taj Mahal; and Hubert Humphrey calling hogs at a Viet Nam livestock research farm and wearing his baseball hat on a ride down a river in Thailand."

Breathtaking. Agnew could have donned his Washington Senators baseball cap, ridden a bullock cart through the streets of Saudi Arabia, called hogs in the Congo, and ripped loose with a rebel yell in a mosque in Morocco. What a masterstroke it would have been for American diplomacy. Kings and Emperors and Amirs really love that sort of thing. And Mr. Sidey and his colleagues, we can be sure, would have written glowingly of such a performance.

But you can't really be too hard on poor silly Sidey. His predicament is that of most of the newsmen covering the trip: How do you make Agnew look bad when he performs almost flawlessly?

The answer, of course, is that you can't unless you're willing to eschew facts and concentrate instead on distortion and ridicule. If he won't flub things up, you invent a fantasy in which he does so. And this is precisely what many media men set out to do, none more diligently than a scavenger called Andrew Jaffe, African correspondent for *Newsweek.*

The *Newsweek* account of the Vice President's trip, and especially his visit to the Treetops restaurant in Kenya, has become famous. Scores of columnists have used it as the definitive writeup, and it has been read into the *Congressional Record,* during which reading Jaffe's description of copulating rhinos, the best-known section of the piece, provoked an oddly salacious comment from a snickering U.S. Representative (and perhaps we should worry just a bit about the mental health of any man who seems to be turned on by the image of rhinos copulating).

It seems fitting that it was *Newsweek.* Among the organs of the national media, *Newsweek* has consistently shown the strongest symptoms of acute Agnew-phobia. Presently they are lobbying mightily to get John Connally the No. 2 spot on the Republican ticket (only because, of course, like the Democratic National Committee, they love Richard Nixon and want him to have the strongest possible running mate in '72) and their previous hatchet jobs on Agnew have been among the most virulent. One such attack, similiarly an ax job by a scavenger correspondent, actually prompted a letter of apology from the editor of *Newsweek* to the Vice President. The copulating rhino piece, however, is nonpareil in *Newsweek's* anti-Agnew history.

There are seven paragraphs in the *Newsweek* article. Five of these contain errors of fact, conscious distortions and dishonest omissions. The tone of the article is malicious, its method ridicule, its object to evoke contempt.

We are introduced to the Vice President "swinging his driver like a machete," "currently flailing his way around the world . . ." His cargo plane carries two Cadillacs "for Agnew's dash from airport to hotel to golf course." We see him, when not "hacking up the local golf course," making ludicrous statements and giving and receiving ludicrous gifts and, despite all evidence to the contrary, generally making an ass of himself in the diplomatic world.

"Agnew has not made any serious *faux pas* so far," writes correspondent Jaffe, who openly hopes for better things (note the *so far*), "but he worked in many little ones." What are these little ones? Jaffe names four: "He called Arabia's King Faisal 'Prince Faisal,' referred to Jomo Kenyatta as Yomo Kenyatta, pronounced the name of Kenya itself the colonial way (*Keenya* insteads of *Kenya*) and insisted that he is not going to any NATO countries on this round of diplomacy."

These are Jaffe's *only* substantive charges of blundering. And the substance is suspect indeed. The reference to "Prince" Faisal occurred on board Air Force Two, was quickly corrected by the Vice President himself, and would never have seen print had not a quick transcript been released to newsmen to facilitate their reports.

Thus, the charge that Agnew committed a *faux pas,* even a minor one, is false. It could only have been a *faux pas* had the reference been made before Saudi Arabian diplomats. (And this is why Jaffe can be called a scavenger. He joined the trip only briefly in Nairobi, relying completely on such news sources as unedited transcripts and casual comments from other reporters to flesh out his piece. He literally "scavenged" news.)

The Yomo pronunciation, the result of some erroneous spur-of-the-moment staff advice, was also quickly corrected. (Had the same pronunciation been used by, say, an Ed Muskie or a Ted Kennedy, you can be sure that *Newsweek's* editors would have ignored the whole business—or picked up that pronunciation.) And as for *Keenya* versus *Kenya,* as many Kenyans themselves use the former as the latter.

The last charge, that Agnew "insisted" he wasn't going to visit NATO countries when he was, in fact, going to visit Portugal, is again an example of distorted scavenger reporting. The scene was a hectic plane-side news conference, at which scores of questions about Asia were being shouted. The last question, "What about NATO?" seemed, especially in the confusion, out of place. The response was automatic we're not visiting NATO countries.

Again, there was a correct quick correction—we're talking about the Far East, we are going to Portugal. But once more, there was that unedited transcript for the scavenger to pick over.

And it's all irrelevant anyhow, for Jaffe hastens to inform us that Portugal, the only NATO country the Vice President chooses to visit, is also the only NATO country left that "still has large colonial holdings in Africa." And you know what that means.

Those are the substantive charges. Now on to some distortions. "Agnew spent under an hour with Haile Selassie. . . ." Fact: Agnew met Haile Selassie three times for over three hours. Agnew spent "all of 15 minutes with Kenya's Jomo Kenyatta and his cabinet. . . ." Fact: Agnew spent more than two hours and 45 minutes with Kenyatta.

He talked to the prime minister, met the vice president of Kenya, and played golf with the foreign minister, an outing characterized by Jaffe as "hacking up the local golf course." Jaffe forgets to mention that, in addition to the foreign minister, "hacking" along with Agnew were the vice chancellor of the University of Nairobi and the U.S. ambassador.

Much in the same vein is Jaffe's account of the Korean visit: The Koreans "shunted him off to the links." "Shunted" is a rather odd word to chose to describe an invitation by President Chung Kee Park to play 18 holes, an invitation extended on the *first* day after his inauguration.

Jaffe's choice of words is selective throughout. He tells us, for instance, that among what we are obviously to regard as rather absurd gifts, Agnew received from the Kenyans "a monkey skin robe." Nowhere is it mentioned that that "monkey skin robe" signifies the position of elder in the Kikuyu tribe and is one of the highest honors that can be accorded a foreign visitor.

We could go on like this for pages. *Newsweek* says there were four Boeing 707's flying the party. There were two. *Newsweek* says there were 141 people in the party. The Vice President's staff consisted of 15 people—5 from his personal staff, 10 from the State Department. The Vice President has no control over the size of the Secret Service contingent and the numbers are never released.

There are numerous other instances of error. (The challenge, in fact, is to find an accurate statement or figure.) But the most objectionable section of the article is the one dealing with those rhinos. In Kenya, Agnew's "main outing was to a nearby hunting lodge, where in company with his private physician and his pretty, red-haired secretary, he watched two rhinos copulating."

Now the "hunting lodge" is actually Treetops restaurant, an obligatory stop for visiting dignitaries. Treetops is built over a watering hole and a salt lick, a gathering place for Africa's great wild herds. On the afternoon and evening of the Vice President's visit, it is estimated that his party saw 101 Cape buffalo, 49 elephants, 16 rhinos, three mongoose, as well as waterbucks, baboons and numerous other animals.

So why single out those two rhinos? Why not say, for instance, that the Vice President and his party watched three elephants defecate? And why single out a personal physician and a pretty red-head to watch the rhinos with Agnew when, in fact, there were 35 people in the party, including, as Agnew's press secretary puts it, "one free-loading, free-riding scavenger correspondent from *Newsweek* who got a free ride up and a free ride back from Nairobi." (The 11 members of the press traveling with the party paid their own way from the United States. Jaffe is the only reporter whose way was paid.)

All 35 in the party, including the Kenyan ambassador to the U.S., the Kenyan minister of national parks, high Kenyan officials and U.S. diplomats, saw the rhinos copulate. Why not mention them too? Why, you'd ruin the innuendo. What innuendo? Ask that snickering congressman.

Newsweek bills itself as the magazine that separates fact from opinion and in their hatred for the Vice President—a hatred shared by many of the national media men since he held up that mirror in Des Moines and made them take a hard look at themselves—they've managed to make the separation complete. All opinion, no fact. But perhaps that depends on your definition. The organ of the Democratic National Committee, after all, is called *FACT*.

Would You Rather Live in Spain or Red China?

(By Jeffrey Hart)

When you read the New York Times these days, you have to hold on to the arms of your chair in order to avoid the moral and intellectual equivalent of motion sickness. Thus, after a week spent celebrating President Nixon's prospective visit to Mao, and with the huzzahs still ringing in your ears, the Times blasted Vice President Agnew editorially for visiting—Franco.

Would you believe it?

"Was it really advisable," asked the Times in its inimitable way, "for Mr. Agnew to participate in Francisco Franco's celebration of the 35th anniversary of the revolt that, with the aid of Hitler and Mussolini, crushed the Spanish Republic?"

Now, that is a choice formulation. No mention of the fact that the large number of Spaniards who turned against the so-called Republic in 1936 did so because they saw it collapsing into anarchy and violence; no mention of the fact that, during the war, the Soviets, the International Brigades, and so on played a much larger role on the Times' favored side, both in numbers of men and in terms of materiel, than the Germans and the Italians did on Franco's.

But read on. "Mr. Agnew is certainly not a Fascist [Whew! Close call there!] and he doubtless comprehends the debits that accrue for the United States if its Vice President helps Generalissimo Franco, a relic of the fascist floodtide, observe a day that still stings the consciences of every democratic country in Europe."

On the Times' own showing, however, as in the recent series of articles by Seymour Topping, China is a tyranny that makes Franco's Spain seem a libertarian paradise by comparison: Masses of people under relentless indoctrination, thinking alike and chanting the identical slogans, any deviation being instantly and severely punished, no information available to them about the outside world, all of the arts entirely propagandistic and stereotyped, individual freedom nonexistent.

Franco's rule, to be sure, is authoritarian, but, having said that, it also must be said that in Spain today it is eminently possible to live a civilized existence. Books and newspapers are freely available, travel is unrestricted, discussion is uninhibited, all the arts are flourishing, and so on.

If you drop into a restaurant in Madrid, or stroll along the beach in Majorca, you are very likely to run into journalists or executives from the *Times* thoroughly enjoying themselves, no stung consciences discernible.

Turn next to the most recent *Times Sunday Magazine*, and open to two long articles, check by jowl. One, by a European businessman named Emile Van Heavel, tells us what a fine place China is "Dolls are back again in the gay traditional costumes of China's many nationalities," etc.

Turn the page, however, and read the article on Greece published under the pseudonym "Angelos Sotiris." Greece, you read, is an unspeakable tyranny. "Authoritarianism is woven into the social fabric on all levels. . . . It is difficult to convey the helplessness and apathy that settles over people who finally realize that there is no hope, no final appeal against the arbitrariness of state power. . . . But in this summer of resignation, one hears the colonels despairingly compared with Franco and Salazar. They are that entrenched."

Now it is not necessary to celebrate the regimes in Athens, Madrid, and Lisbon. All you need to do is ask a simple question: Would you rather live in Greece, Spain or Portugal, or would you take China? The question answers itself.

Certainly, the amount of freedom that can prudently exist in a given country under given social conditions is an intricate question. Even France evidently required a decade of benevolent dictatorship under de Gaulle, and it is probably nonsensical or worse to ask Spain to manifest the parliamentary liberties of, say, Switzerland.

For all I know, it may be quite necessary for China to be ruled tyrannically, after all, it usually has been ruled that way. But is it also necessary for the *Times* to feed its readers ideological cartoons?

OPERATION RE-ENTRY

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. FASCELL. Mr. Speaker, the grave problem of drug abuse in this country, evidenced by the widespread use of narcotics in our schools and in our Armed Forces, long ago reached the critical stage. We must continue to give the highest priority to our efforts to find an effective and realistic solution to the problem.

Many approaches have been suggested. One program is Operation Re-Entry, a drug prevention center located in Miami Beach, Fla., which places its greatest emphasis on drug education.

Operation Re-Entry has attempted to integrate formal drug education, organized through the school system, with small informal discussion groups directed by the young people themselves. The program director, Warren Klein, emphasizes that the object of Operation Re-Entry is dual purposed: educate the student with vital knowledge of dangerous drugs and narcotics, their side effects and destructive usage and, more importantly, to bring about the needed change in his general attitude toward drugs, drug abuse, and the drug user in the schools.

Operation Re-Entry is a realistic approach to the drug abuse problem. Without calling for more stringent laws and law enforcement, it aims to curb the use of drugs through extended education and through the development of an antidrug attitude.

I call to the attention of our colleagues a letter from Operation Re-Entry's director and a fact sheet which further outlines the program's objectives:

OPERATION RE-ENTRY,
Miami Beach, Fla. July 22, 1971.

Representative DANTE B. FASCELL,
House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE FASCELL: I would like to take this time out to introduce myself. I am Warren Klein, Program Director of Operation Re-Entry, a drug abuse center located on Miami Beach. Through this letter and the enclosed literature, I would like to make you aware of Operation Re-Entry; what it is and how it operates. We are a drug abuse program which concerns itself with young people who have started experimenting with drugs—be it pot, LSD, pills or whatever. We are not designed for the hard core addict, but rather, concern ourselves with preventing these youngsters from becoming such. In conjunction with this, we attempt to have them face their problems and work them out—rather than trying to escape them. We give our young people a new set values with which to live their lives.

Operation Re-Entry has a few programs already in progress designed to make the adult as well as the teenager aware of this major problem of drug abuse in our country today. We have a school program which involves a staff member entering various elementary, junior high, and high schools in the area and holding discussions and lectures on the drug abuse problem. An 8 week course is offered for the faculty and a 12 week course for the student body. We have another organization called R.A.P. (Re-Entry Auxiliary Program) which consists of parents of children in the program and concerned citizens. These meetings are held every Tuesday night at 8:00 P.M. at St. John's Church on the Lake, 47th Street and Pine Tree Drive. Here, too, a staff member is present to discuss what adults can do to help with the drug problem. In addition to these activities, Operation Re-Entry holds an Open House party each Saturday night at 8:00 P.M. This is open to the public and to those who are concerned and interested in our program. During the course of the evening, a talk is given by a staff member, a symposium is presented by members, discussing themselves and the Re-Entry program, and coffee and cake is served along with entertainment. We feel our Open House parties provide people with enjoyment as well as valuable information.

I sincerely hope that this letter and the enclosed literature gives you an idea of what Operation Re-Entry is, how it works, and what it is trying to attain. I'd like to personally extend to you a cordial invitation to stop in and see us if you are ever in the area. I'm sure you'll find your visit enjoyable as well as enlightening.

Sincerely yours,

WARREN KLEIN,
Program Director.

What Operation Re-Entry Is All About

We are here because there is no refuge; finally from ourselves. Until a person confronts himself in the eyes and hearts of others he is running. Until he suffers them to share his secret, he has no safety from it. Afraid to be known he can know neither himself nor any other, he will be alone.

Where else but in our common ground can we find such a mirror? Here, together a person can at last appear clearly to himself, not as the giant of his dreams nor the dwarf of his fears, but as a man, part of a whole with his share in its purpose. In this ground we can each take root and grow, not alone anymore, as in death, but alive . . . to ourselves and to others.

INTRODUCTION

A growing tide of evidence mounted into an overwhelming reality. It became apparent that the youth in this area were becoming more and more involved with drugs. Experts testified before the Miami Beach City Council that the use of drugs and marijuana in the area was extensive. It was obvious that a program had to be devised to stem the growing tide of drug abuse using the most successful and workable techniques thus far available in dealing with the problem. It was felt that the self-help concept would be the means by which this problem could be approached. The foremost therapist in the self-help concept would be the person himself who is using drugs, thus, he becomes his own ally. Furthermore, it was concluded that those persons who had been victims of drug abuse or drug addiction in their past life would be the most meaningful and challenging instruments to change others who were hopelessly involved in the never, never land of drug abuse.

Operation Re-entry is a community based center part of a comprehensive network of drug preventive, educational, and treatment services.

TREATMENT

The center functions for the pre-addict.

By definition, the pre-addict is usually young (still in his teens) and not yet so thoroughly or destructively involved with drugs. He may be using marijuana, L.S.D., barbiturates, or even heroin, but the degree of his indulgence still allows him to maintain some semblance of normality through a home or job or school. He usually does not have to resort to committing crimes in order to obtain drugs and probably sees his involvement as "controllable." The pre-addict's explanation for using drugs may often be "for kicks" and he vehemently opposes any effort made to show him that his life or future may be in danger. Pre-addicts, as a rule, refuse to hear themselves described (even loosely) as drug addicts or "dope-fiends."

Operation Re-Entry Program places extreme emphasis upon this group known as pre-addicts and the program is designed to give them carefully planned treatment. The nucleus of the pre-addict's activity in the Operation Re-Entry program is the twice or thrice weekly (depending on the individual's needs) group sessions which are fashioned after the Group Encounter used by a number of self-help therapeutic organizations.

In the group the pre-addict is challenged and confronted constantly. He is shown by a group of his peers that his behavior is both stupid and infantile, and that he must change whatever there is about himself that is self-destructive and irresponsible. The group, through the guidance of at least one staff member, encourages the individual to be honest and open about his feelings and works consistently to develop the trust and confidence which is a pre-requisite to such self-exposure. The motive of the group is to help the pre-addict to reconstruct his value scale, to urge him toward returning to responsible behavior at home, job, or school, and to work toward positive goals.

In addition to the group sessions, the pre-addict is welcomed into a family-type situation where he experiences responsible love for and from other people. He is invited to participate in seminars, and frequent informal get-togethers in the community centers. With the involvement of parents and other relatives, the individual is afforded the opportunity of building new and better relationships with the people who are close to him and, with the proper emotional investments made, the pre-addict can eventually begin to feel that there is a better life for him than the one he was living and the other that he was probably headed for.

PREVENTION

It is extremely clear to the designers of Operation Re-Entry that the most critical point in a person's life, in terms of possible involvement with drugs, begins with adolescense and continues through late teens. This reality, coupled with the knowledge that the best possible way to initially "reach" young people with anti-drug argument and preventive dialogue is through some type of structured setting, has resulted in the plan to implement a variety of programs within the schools of Miami Beach.

These programs will vary only slightly from school to school, depending on the existing curriculum of each, the number of pupils in attendance, available time, etc., and the overall evaluation of the needs of each institution. The basic plans, however, include two separate designs: (A) The Two-Phase introductory Program, which enables students to meet and talk to former drug addicts who have successfully undergone recovery and who are currently engaged in responsible, respected, and worthwhile community involvement through both an assembly structure setting (phase one) and informal small group, classroom type setting (phase two). (B) The Sustained Curriculum Program, which will be offered as a long-range effort being spread out strategically over one entire semester. It will include the basic concepts of the introductory Program—with these elements being intensified—and will be further supplemented by regularly scheduled seminars. Behavioral Attack Encounters, parent-teacher participation, individual progress evaluation, and personal consultation.

Both are to be employed on the Junior High School levels.

COMMUNITY INVOLVEMENT

The designers of Operation Re-Entry believe that in order for any project to prove effective in the area of drug abuse, education and community involvement is an absolute necessity. With this in mind, the Operation Re-Entry program has established a two-pronged approach to serve that need.

(A) Community Awareness Groups—For these groups, people have been recruited from the ranks of civic and religious organizations, service clubs, business associations and local P.T.A.'s. Individuals may also be gathered through the efforts of neighborhood organizers on door-to-door campaigns, word-of-mouth exposure within the community, and, finally through radio, television, and press coverage.

These groups will operate with elected officers and meet on a regularly scheduled basis at the local Community Education Centers. The members will be trained to recognize the behavior which is symptomatic of drug abuse and addiction, and will be educated in the ways and means of dealing with situations which may indicate a drug problem.

Community Awareness Groups may also act as "pressure groups" within their respective areas by urging the physicians of their communities not to overprescribe any type of potentially dangerous drugs, by encouraging the local pharmacists to be extremely cautious in dealings with youth and to expose any situation in which narcotic or drug involvement is suspect. These groups will represent the voice and body of concern in each community and will receive due recognition from their participation in the fight against drug abuse and addiction.

(B) Professional Advisory Board—This group is composed almost entirely of professional people whose work is either directly or indirectly related to narcotics abuse or addiction. This, of course, encompasses a great many of the disciplines, and the Operation Re-Entry Project proceeds with vigorous effort toward the establishment of such a group. The concept here is one which places high regard on new and enlightening areas of involvement for the concerned professional within the Self-Help organization. It is believed that the separation between many professionals and the highly sensitized and proficient group (trained former addict) is a bridgeable gap and that these two elements, each with great contributions, can pool the required talents which would insure the success of any such effort. Operation Re-Entry endeavors to achieve the marriage of these two forces and the continued strengthening of their coordinated activities should ultimately prove to be one of the most valuable assets ever produced in the field.

As was previously stated, nowhere else is there an area serviced by a fully comprehensive indepth prevention program from this vast social dilemma. It is expected that Dade County will become a model community in this respect through the initiation and implementation of the Operation Re-Entry Project.

AN IN DEPTH SURVEY OF THE CRIME PROBLEM IN THE DISTRICT OF COLUMBIA

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. KEATING. Mr. Speaker, I wish to share with my colleagues a recent in depth survey of the crime problem in the District of Columbia.

This study was undertaken by my office, mainly because I was concerned about queries from my constituents in Cincinnati on whether it was safe in the Nation's Capital during the summer months.

President Nixon made it clear when he took office that the crime rate in the District of Columbia was one of his main targets. So far his efforts have been successful.

I want to commend Mayor Walter Washington and Police Chief Jerry Wilson for an outstanding job in making the Nation's Capital a safer place to live and visit.

Attached is a study which speaks for itself.

There has been a definite improvement in the Washington crime rate since early 1970. The Washington, D.C., statistics for 1969 and 1970, broken down into various crimes, follow. The figures are from the FBI.

	1969	1970
Murder, nonnegligent manslaughter	287	221
Forcible rape	336	313
Robbery	12, 366	11, 816
Aggravated assault	3, 609	4, 089
Burglary, breaking and entering	22, 933	22, 348
Larceny, $50 and over	11, 508	9, 414
Auto theft	11, 190	11, 110
Total	62, 229	59, 311

This drop in the crime rate represents the first time since 1958 that the total of the above listed crimes had declined from the previous years. The drop was also counter to the national trend. The nationwide totals increased 11 percent while for cities in Washington's size range the increase was 3 percent. The totals for Washington represent about a 4½ percent decrease.

There are several factors contributing to the decrease in the crime rate. Among the most important are: First, increase in police manpower, second, treatment for narcotics addiction, third, Federal building lighting and high crime area street lighting, and fourth, more effective prosecution by the U.S. attorneys office.

POLICE MANPOWER

As of June 1969, police manpower in the District of Columbia was 3,643. By the fall of 1970, manpower had reached 5,100, an increase of about 40 percent. Before the 5,100 figure was reached in the fall, a special program of police overtime was implemented with the help of a 1.2 million LEAA grant. The evaluation of the overtime program showed an almost perfect statistical correlation between the number of hours of overtime and the drop in the crime rate.

NARCOTICS ADDICTION TREATMENT

Robert Du Pont, M.D., Director of the Narcotics Treatment Administration of the District, said in an article in December 1970 that the crime rate is very closely tied to the heroin addiction problem. Thus the drop in crime can be at least partially attributed to the onset of narcotics treatment, particularly methadone maintenance.

As of December 1969 there were 10 patients in Washington's addiction treatment program. As of December 1970, there were over 2,300 in the program with more than 70 percent on methadone. The following statistics are indicative of the effectiveness of addiction treatment, particularly methadone, as a crime deterrent.

In May 1970, there were 150 patients in the Narcotics Addiction Rehabilitation Center—NORC. The re-arrest rate for the following 4 months for these 150 people was 14.7 percent. A study by the District of Columbia Department of Correction found that the re-arrest rate at 4 months for a similar population was as follows: 22.8 percent for narcotic involved parolees not in special narcotics treatment programs, 27.8 percent of parolees in DATRC, a drug-free treatment program, 32.6 percent of narcotic involved offenders released from Lorton prisons who were neither supervised by parole nor in special narcotic treatment programs.

Ninety-nine of the 150 patients were on methadone. Eighty-nine of these patients stayed in the program and these 89 had a re-arrest rate of 4.5 percent. Eighty-seven of the patients who remained in the program were receiving methadone treatment. These figures and figures from New York City's methadone program demonstrate the effectiveness of methadone treatment in reducing crime.

STREET AND BUILDING LIGHTING

The installation of high-intensity sodium vapor lamps has been shown in tests to have a beneficial effect on the crime rate. A test was conducted on Seventh St. Northwest with this type of lighting from March 1970 to April 1970. The number of robberies, larcenies, aggravated assaults, auto thefts, fraud, and weapons violations decreased 35 percent after the installation of the lights. The first stage of a lighting project started in June 1970 and resulted in the installation of approximately 900 of the high intensity lights in four high crime Carney Blocks—a Carney Block is an area of about 15 city blocks. In the current stage of the program, approximately 1,800 more of the high-intensity lamps are scheduled for installation. There are preliminary plans for high-intensity lighting of the central district and this will probably come about eventually. The Federal Government has also been carrying out a separate program for high-intensity lighting in the environs of Federal buildings.

PROSECUTION OF OFFENDERS

The first phase of the Court Reorganization Act for the District of Columbia took effect on February 1, 1971. This bill was generally aimed at improving the criminal justice system. This bill created a new Superior Court for the District and transferred many areas of authority from U.S. district court to the new superior court. The bill also created 10 new judgeships for district court and three new judgeships for the district court of appeals. New power was given to the police in several areas including "no-knock" and preventive detention.

One of the aims of court reorganization was to increase the deterrent effect of criminal law by increasing the number of felonies prosecuted as such instead of as "reduced" misdemeanors, and reducing the time between arrest and trial. Great progress has been made in both categories.

In 20 years prior to the Court Reform Act of 1970 the number of felony indictments in the District of Columbia never exceeded 2,118. In the 5 months since court reorganization became effective, the grand jury of the U.S. district court has returned 980 indictments and the superior court grand jury 839 indictments for a total of 1,819 indictments. On an annual basis this will mean that 4,368 indictments for felonies will be returned instead of the approximately 2,000 indictments which had been the pattern since 1950. And this is along with the lower incidence of serious crimes already mentioned.

Prior to court reorganization the delay between arraignment and trial for felony cases ran between 8 and 12 months with some cases taking up to 1½ years. Since reorganization, time between arraignment and trial has been reduced to an average of 5 weeks in superior court.

PRAYER AMENDMENT

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. SCHWENGEL. Mr. Speaker, the following statements are further indications of the strong opposition of religious leaders to the proposed constitutional amendment regarding prayer in the schools:

SOUTHERN BAPTIST CONVENTION,
Charlotte, N.C., July 23, 1971.

The proposed prayer amendment to the United States Constitution could lead to excessive involvement of the state in religious matters. The Southern Baptist Convention in St. Louis on June 2, 1971 reaffirmed its belief in the adequacy of the First Amendment to protect religious liberty. A new amendment to the Constitution on the subject of religious liberty could seriously alter church-state relations. As a Baptist I must be opposed to threats to religious liberty and, therefore, to a prayer amendment to the Constitution.

CARL E. BATES,
President.

BAPTIST GENERAL CONFERENCE,
Evanston, Ill., July 22, 1971.

Through the years the First Amendment to the United States Constitution has proved to be a sufficient protection for the religious liberties of the American people. The decisions of the United States Supreme Court in its interpretation of the "establishment" and "free exercise" clauses generally have been sound.

As Americans we now enjoy full privileges and opportunities for the expression of our religious convictions. No additional amendments pertaining to religious liberty are needed now or for the foreseeable future.

WARREN R. MAGNUSON,
General Secretary.

NORTH AMERICAN BAPTIST
GENERAL CONFERENCE,
Forest Park, Ill., July 21, 1971.

The decision by the Supreme Court that prayer "composed by government officials as a part of a government program to further religious beliefs" is unconstitutional is in keeping with the position held by our Baptist forefathers who sought religious freedom when they came to America. We continue to concur with the Supreme Court that the Regents' prayer in New York State was an "official" prayer and thus violated the rights of citizens under the First and Fourteenth Amendments. It does not hinder individuals from praying or giving other expression of their faith. Furthermore, we do not believe that the Court eliminated God from our public life. It simply stated that the establishment of religion has a tendency to destroy government and to degrade religion. Also, we believe that governmentally established religion and religious persecution go hand in hand. It is our hope and prayer that the decisions by the Supreme Court remain intact since this is in the best interests of our religious freedom.

G. K. ZIMMERMAN,
Executive Secretary.

PEKING GANGSTERS' EXTORTION PRICE FOR "DE-ISOLATON" MUST NOT BE PAID

HON. JOHN ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. ROUSSELOT. Mr. Speaker, neither the President nor the American people can claim ignorance of the price Mr. Nixon is being asked to pay by the criminal dictatorship in Peking for the so-called normalization of relations with the 800 million Chinese people. Our press has had a field day publishing reams of material—mostly sugar coated—about the present Communist regime in that enslaved country. While too large a portion of our communications media has currently failed to lay bare the truth of the monstrous, inhuman existence this regime has ruthlessly imposed on almost a billion people, the media cannot be faulted for failing to set forth Peking's insistence on our betrayal of the Free Chinese Republic as her extortion demand for some vague new relationship hypocritically called friendship and peace.

We certainly can extend no hand of friendship to the Chinese people on the mainland without making it clear that this country apparently now recognized the tiny Red clique and the Communist Party apparatus as the legitimate government of a nation that holds in bondage millions upon millions of human beings.

For over 20 years, we have officially recognized the Republic of China, which is situated on Taiwan. We must not betray those who are endeavoring to build that part of China into a showplace of constitutional freedom, and industrial and agricultural development.

Were this country to gain anything at all by heart-to-heart talks with Red China, the price is too great for the risks we would be taking. The fact is, there is nothing to gain from a so-called journey for peace when a ruthless Genghis Kahn type awaits with a cunning smile.

Mr. Speaker, there follows for the attention of my colleagues an article from U.S. News & World Report of August 9, 1971, which makes clear Peking's insistence on a United States betrayal as the Communist extortion price. What price are we asking in return? Are we going to make any demands for freedom?

The article follows:

Peking's Terms for Closer Ties With U.S.

Hong Kong.—Communist China has now set the price it expects the U.S. to pay before full diplomatic relations are established with America.

The price, as outlined in Peking on July 19 by Chinese Premier Chou En-lai to a group of American students, and made public July 28 here in Hong Kong:

Recognition by the U.S. that Peking is the "sole legitimate government representing the Chinese people."

Mr. Chou thereby seemed to rule out speculation in Washington that a "two China" or even a "one China, one Taiwan" formula could be devised—and accepted by Peking—that would keep Nationalist China in the United Nations and a U.S. military arm around Chiang Kai-shek's stronghold on Taiwan.

Significantly, the Chinese Premier spoke to the American visitors a week after White House emissary Henry Kissinger had visited Peking between July 9 and 11 to arrange President Nixon's visit to the mainland before next May.

OTHER PROBLEMS

Mr. Chou made it clear in his remarks to the students—members of the Committee of Concerned Asian Scholars—that Mr. Nixon faces other major stumbling blocks as he prepares for his visit. The trip will be one step in the President's long-range plans to establish a "new relationship with the People's Republic of China."

Mr. Chou requested the Americans to point out when they reached Hong Kong that what he told them did not constitute a formal policy statement because "there are bound to be wrong statements in this recording" and "the interpreter might interpret wrong."

But in view of Mr. Chou's stature in Peking, what he had to say represents public airing of Red China's basic approach to the question of its future relations with the U.S.

THE PREMIER'S STATEMENT

Following are excerpts from the text of Premier Chou's recorded remarks:

"What are the obstructions in the improvement of the relations between China and the United States;

"The first point, that is, if state relations are to be established with China, then it must be recognized that the Governemnt of the People's Republic of China is the sole legitimate government representing the Chinese people.

"Second, Taiwan is a Province of China and it is an inalienable part of China's territory. And after the second World War, Taiwan had already been restored to China. And the liberation of Taiwan by the Chinese people is an internal affair of China which brooks no foreign intervention.

"Third, the so-called theory that the status of Taiwan is yet unsettled, which is the theory that is going about—some people in the world are spreading it—is absurd. That is, toward the end of the nineteenth century, that is, in 1894, China was at war with Japan, and China was defeated in that war and after China's defeat, Taiwan was taken away by Japan, but during the second World War, in the Cairo Declaration and later in the Potsdam Proclamation, it was reaffirmed that Taiwan should be returned to China. And then in 1945, when Japan surrendered, the Chinese Government at the time had already accepted the return of Taiwan to China in taking Taiwan back.

"Fourth point. We oppose any advocation of a two-China policy, a one-China, one-Taiwan policy, or any similar policy. And if such a situation continues in the United Nations, we will not go there.

"Fifth point. We are resolutely opposed to the so-called Taiwan Independence Movement because the people in Taiwan are Chinese. Taiwan was originally a Province of China. And a thousand years ago it had already become a part of China. The dialect spoken in Taiwan is the same dialect spoken in the area around Amoy in Fukien Province Of course, there are minority nationalities like the Kaoshan nationality in Taiwan, the minority that lives on the high hills.

"There is the same case on the mainland and we pursue a policy of national equality. Besides, the Taiwan Independence Movement is not a native movement in itself. It is a special movement which has behind it the special manipulation from foreign forces. One of their leaders is Peng Ming-min who was originally a student at Harvard, who then went back to Taiwan to become a professor, and now is also back in the United States.

"There are also some elements of them in Japan. They are supported by the Japanese Government.

"The sixth point. The United States should withdraw all of their present military strength and military installations from Taiwan and the Taiwan Straits. And the defense treaty which was concluded between the United States and Chiang Kai-shek in 1954 about the so-called Defense of Taiwan and Penghu is illegal, and null and void, and the Chinese people do not recognize that treaty.

"This is our stand. And we stick to our stand. And our stand has not changed from the beginning of the ambassadorial talks between China and the United States that began on the first of August, 1955, first in Geneva, and later on in Warsaw. They began after the Bandung Conference. And our stand has not changed from that time up to the present time.

"And it shall not change."

PRATT & WHITNEY PROTEST ON SPACE SHUTTLE ENGINE CONTRACT

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 5, 1971

Mr. FREY. Mr. Speaker, Pratt & Whitnew Aircraft today filed a protest with the General Accounting Office over the National Aeronautics and Space Administration's selection last month of Rocketdyne as its negotiating contractor for the space shuttle engine.

Bruce N. Torell, President of Pratt & Whitney Aircraft, a division of United Aircraft Corp., said the protest, the first in the company's 45 years as a Government contractor, was being made after careful deliberation and assessment of the procedures used by NASA in selecting Rocketdyne, a division of North American Rockwell Corp.

In a telegram to Elmer B. Staats, Comptroller General of the United States, Torell said his company's protest is based on the failure of NASA to observe pertinent statutes and regulations governing procurement conduct.

In addition, he said, Pratt & Whitney Aircraft is convinced that it submitted a superior technical proposal which, if accepted, would cost the Government less.

Pratt & Whitney Aircraft has been working on high pressure rocket engines, the type selected for the space shuttle, for more than 10 years at its Florida research and development center. More than $31 million in company funds have been invested in component development programs.

In his telegram, Torell asked the GAO to request that NASA withhold any final contract award until the GAO reaches a decision.

Pratt & Whitney Aircraft has retained the Washington law firm of Reavis, Pogue, Neal & Rose to represent the company in the protest action.

Following is a copy of the telegram sent to the Comptroller General of the United States:

August 3, 1971.

Elmer B. Staats,
Comptroller General,
General Accounting Office,
Washington, D.C.:

Pratt & Whitney Aircraft Division of United Aircraft Corporation hereby protests the selection of the Rocketdyne Division of North American Rockwell for negotiations leading to a prime contract for the final design and manufacture of a reusable space shuttle main engine pursuant to RFP SSME–70–1 issued by the National Aeronautics & Space Administration on March 1, 1971. The bases among others for this protest are briefly stated below. They will be elaborated on in a forthcoming statement to your office.

First, Pratt & Whitney believes that the source selection was based upon a disregard of the objective of the RFP which is as follows: "The objective of the space shuttle engine program is to provide a high performance, safe, reliable, cost-effective main engine for the reusable space shuttle vehicle."

Second, in view of the confirmed, very narrow margin between Pratt & Whitney and Rocketdyne engine proposals, NASA failed to conduct proper "written or oral discussions" within the meaning of 10 U.S.C. § 2304(g).

Third, Pratt & Whitney believes that its technical proposal was clearly entitled to a superior technical evaluation to the technical proposal of Rocketdyne.

Fourth, and in addition to what it believes to be a superior technical proposal, Pratt & Whitney has been informed that the source evaluation board found Pratt & Whitney's proposed costs to be the lowest.

Fifth, NASA failed to give proper consideration to Pratt & Whitney's test-proven flight weight design and greater experience, thus substantially increasing technical and cost risks.

Pratt & Whitney requests that your office notify NASA immediately of this protest and that your office request NASA to withhold award of any contract pursuant to RFP SSME–70–1 until a decision on this protest has been rendered by your office. Copies of this telegram have been sent to the contracting officer and the administrator, National Aeronautics & Space Administration.

Pratt & Whitney has retained Eldon H. Crowell and W. Stanfield Johnson of the Washington law firm of Reavis, Pogue, Neal & Rose to represent it in connection with this protest. Pratt & Whitney will file a detailed brief in support of this protest as soon as possible.

BRUCE N. TORELL,
President, Pratt & Whitney Aircraft Division, United Aircraft Corp.,
EAST HARTFORD, CONN.

OPINIONS FROM QUEENS

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. ROSENTHAL. Mr. Speaker, the people of the Eighth Congressional District of New York, strongly support:

A firm date for U.S. withdrawal from Southeast Asia, 72.1 percent.

An all-volunteer Army, 55.9 percent;

A U.N. Mideast peacekeeping operation with U.S. participation, 59.9 percent; and

A federalized welfare system, 79 percent.

These opinions were expressed in response to my annual constituent questionnaire.

On questions dealing with the quality of medical care, only about one in three expressed satisfaction with the care currently available to them. The biggest criticism for most was cost, 24.4 percent, followed closely by the lack of house calls, 17.4 percent, delays waiting for appointments or service, 16.2 percent, and hurried treatment, 10.7 percent.

Nearly four out of every five persons favored the Federal Government paying all costs of welfare programs.

Aircraft noise is a problem for more than 85 percent, but half the persons responding called it a minor annoyance, 50.3 percent. The others, however, term it serious, 21 percent, or very serious, 13.7 percent.

If Federal aid to New York City were increased greatly under revenue sharing, the residents of Queens feel highest priority should be given to combating crime, including drugs. Other matters deserving attention, in descending order, are: housing, air pollution, schools, mass transit, water pollution, welfare and highways.

Following are the questions and responses:

1. If federal aid to the city were increased greatly under revenue sharing, the following areas should be given highest priority:

[In percent]

A. Crime (including drugs)	17.2
B. Housing	15.1
C. Air Pollution	14.2
D. Schools	14.1
E. Mass transit	13.9
F. Water pollution	12.1
G. Welfare	7.7
H. Highways	5.3

2. How serious is the aircraft noise problem in your neighborhood?

[In percent]

Very serious	13.7
Serious	21.0
Minor Annoyance	50.3
No Problem	14.7

3. Should the federal government pay all costs of welfare programs?

Yes	79.1%
No	20.9%

4. On the draft questions, should Congress (choose one)—

A. Raise military pay to attract enough volunteers for a small peacetime army (2 million men or less) and use the draft only in declared emergencies and war? 55.9%

B. Require all young men and women to spend six months in uniformed training at age 18 and thereafter perform limited reserve duties until age 35? 17.4%

C. Keep the present draft but eliminate all deferments and exemptions (except for those unable to perform any useful military service, i.e., those totally handicapped mentally or physically)? 15.4%

D. Other 11.1%

5. Which of these factors, if any, limit your access to quality medical care? (You may check more than one answer.)

[In percent]

A. Location of doctor	2.6
B. Location of hospital	1.8
C. Quality of doctor	6.9
D. Quality of hospital	7.4
E. Cost	24.4
F. Delays	16.2
G. Hurried Treatment	10.7
H. No house calls	17.4
I. Unsympathetic treatment	6.4
J. Other	5.7

6. Are you generally satisfied (35.1%), dissatisfied (37.5%) don't know or mixed feelings (27.2%) with the medical care available?

7. If you have a complaint with a product or service you buy and fail to get satisfactory adjustments from the manufacturer and dealer, where would you next turn for help? (Assume at least $25 was involved.)

[In percent]

A. Attorney	6.9
B. Better Business Bureau	38.1
C. City Consumer Office	27.8
D. State Consumer Office	6.4
E. Federal Consumer Office	2.9
F. Forget it	8.4
G. Other	9.1

8. Would you favor a United Nations peacekeeping operation, with U.S. participation, to help keep peace in the Middle East?

[In percent]

Yes	59.9
No	40.0

9. Should the United States set a definite date for complete withdrawal of all forces and the end of all U.S. military activity in Southeast Asia regardless of what North or South Vietnam does?

[In percent]

A. Yes	56.1
B. Yes, but	16.0
C. No	18.9
D. No, but	8.7

(Due to rounding off, totals may be slightly short of 100%.)

A. STEPHEN JOHNSON ASSESSES CHANNELIZATION FOR SIERRA CLUB

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. REUSS. Mr. Speaker, A. Stephen Johnson, a graduate student at the University of Georgia, discusses stream channelization projects in an article in the June issue of the Sierra Club Bulletin:

STREAM CHANNELIZATION

(By A. Stephen Johnson)

The Soil Conservation Service (U.S. Department of Agriculture) has conducted extensive stream alterations during the past decade, particularly in the Southeast, under the dubious heading of "channel improvement." Although given this title, and carried out in accordance with public law, it is becoming apparent that such "improvements" may be of doubtful public value.

"Channel improvement" as used by the SCS refers to a wide variety of operations, ranging from simple removal of snags and debris from a stream bed to drastic excavation and straightening of miles of stream channel, with complete removal of vegetation from banks. Quite often, however, the latter extreme is the dominant one. For example, in Georgia, the seventy-three SCS projects authorized as of December 1970 include 318 miles of excavation, plus 264 miles of clearing and snagging.

Similar activities by other government agencies, notably the U.S. Army Corps of Engineers and the Tennessee Valley Authority, are much in evidence in the Southeast. TVA's plan for development of the French Broad River Watershed in North Carolina includes 74 miles of "Channel improvement," of which 58 miles is excavation. Channelization activities of the Corps of Engineers during the past forty years have affected every major stream in the delta region of Louisiana; hardwood forests in this area are being cleared at the rate of 110,000 acres per year, and at this rate will be depleted by 1991. Proposed development of the Atchafalaya Basin in Louisiana by the Corps is expected to detrimentally affect 1,300 square miles of outstanding wildlife habitat.

The practice of channelization, involving excavation and straightening of stream channels, is ecologically unsound, and contrary to the best interests of the American public, for many reasons.

(1) *Channelization results in extensive ecosystem disturbance, with severe losses of valuable natural resources.*

Losses in fish and wildlife populations occur following channelization, primarily as a result of destruction of habitat. Documented studies are few, but those in existence show significant changes. One study published in 1964 reported a 90 per cent reduction both in weight of game fish per acre, and in the number of game fish over six inches in length, in twenty-three channelized North Carolina streams. An unpublished study of the Tippah River in Mississippi shows an increase of 170 per cent in the number of fish per acre, but a decrease in pounds of fish per acre from 240.7 to 4.8. Most of the increase in numbers was composed of small minnows.

Numerous reports from sportsmen suggest that wildlife population losses are significant. A 1970 study by the Tennessee Game and Fish Commission estimated a net annual loss of $2,837,309 in Fish, Wildlife, and recreational values of the Obion and Forked Deer River Basins that is expected to result from a Corps of Engineers project involving channelization.

The streams proposed by the SCS for watershed projects include many which are of outstanding aesthetic, educational, or scientific value. In Georgia, of the 166 projects completed, approved, or proposed, thirteen include streams proposed by the Georgia Natural Areas Council for designation as State Scenic Rivers.

(2) *SCS Watershed projects are completed using public funds for the private benefit of relatively few, with little economic justification.*

The SCS continually emphasizes that their watershed projects are locally initiated and sponsored, with the SCS playing only a coordinate role. However, evidence suggests that considerable pressure and influence has been used by SCS officials in organizing projects.

In computing benefits of its projects, the

SCS emphasizes increased land values and additional acreage made available for agricultural uses. However, a 1969 study of Coon Creek Watershed in Wisconsin showed that actual land use changes were far less than predicted by the SCS (fifty-five acres as opposed to 374 predicted), and raised questions concerning the adequacy of project evaluation techniques.

While the SCS is spending public funds to make more land available for agricultural production, its parent agency, the U.S. Department of Agriculture, is spending public funds to *prevent* excess agricultural production by paying farmers to leave croplands idle. A survey by U.S. Representative Ben Blackburn of Georgia showed that of the 176 landowners involved in the proposed SCS Alcovy Watershed project, 103 were receiving annual payments from the Department of Agriculture as high as $5700. Furthermore, a statement released by the Georgia Game and Fish Commission states that drainage of Alcovy swamplands would cost $807 per acre, while the resulting agriculture land would be worth only $300 per acre. This paradoxical situation is clearly a flagrant waste of taxpayers' money and should not be condoned.

Channelization as a means of flood control appears to have little justification. While channelization may protect an immediate area from flood damage, increased damages may result downstream. At least two SCS Watershed projects (Swift Creek, Craven and Pitt Counties, North Carolina; North Concovida and Central Conxoesia Watersheds, Concordia Parish, Louisiana) have created or aggravated flood problems in downstream reaches, thus requiring or justifying additional projects either by the SCS or Corps of Engineers.

Preliminary investigations indicate that agricultural lands protected from flooding may actually be made less valuable because of depletion of soil nutrients without replacement by annual flooding.

As of 1954, an estimated $5.7 billion had been spent on government flood control projects, yet flood damages increased by over 300 per cent between 1936 and 1959. Part of this increase is undoubtedly due to the sense of false security which results from flood control projects, thus encouraging commercial activity on the floodplain. A number of alternatives to channelization are available, such as floodplain zoning, acquisition, easements, flood insurance and gradual phasing out or rebuilding of existing structures. These methods provide much more ecologically sound means of eliminating flood damages.

(3) *The SCS has misled the public and has shown little recognition of the environmental damages they have created, and little or no understanding of ecological principles.*

It is true that the SCS has recently indicated a willingness to review its future watershed projects with the possibility of reducing or eliminating channelization. Such a policy is to be commended and encouraged, but must be weighed against their past agreements.

A follow-up study by the Bureau of Sports Fisheries and Wildlife on seven completed watershed projects in North Carolina revealed that recommendations of the Bureau were accepted in only two instances, and these only minimally. Mitigation features agreed upon between the North Carolina Wildlife Resources Commission and the SCS were not installed during project construction.

Although environmental impact statements are now required on all SCS small watershed projects, under the Environmental Protection Act of 1969, such statments appear to be little more than a formality are poorly researched and documented, and show a gross ignorance of ecological principles on the part of the SCS. For example, the statement on the Headwaters of the Chattooga River in Georgia (Coosa Drainage), Section II, headed "Adverse Environmental Effects," contain only the one blunt statement: "No adverse effects on man's environment are anticipated." (The project contains seven flood-water retarding structures and about twenty-six miles of "channel improvement.") The statement on the North Oconee River project in Georgia states: "The twenty-four miles of channel improvement are not expected to result in losses to the presently low-value fish and wild-life resources." No biological data or other evidence of intelligent investigation into the subject is apparent in the statement.

There is every indication that channelization projects of government organizations, such as the Soil Conservation Service, are grossly irresponsible, economically unjustified, and highly devastating ecologically. To allow the operation of the past decade to continue unchallenged is unthinkable.

RECKLESS HEADLINES DESIGNED TO STIR EMOTION

HON. CARL D. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. PERKINS. Mr. Speaker, following my remarks I insert in the RECORD the newspaper article appearing in the Palo Alto Times, Palo Alto, Calif., Monday, July 12, 1971, which is headlined "Public Health Enemy No. 1—Tobacco."

Mr. Speaker, we become very accustomed to reckless headlines, to the overstatement, to the harsh invective, to warped analogies designed to stir emotion. For this reason I suppose that to the average reader the headline is like so many but what is shocking to me is to read further into the article and find that the Surgeon General of the United States, Dr. Jess Steinfeld, has maintained that neither heroin, marihuana, alcoholism or automobile accidents, none of them are the worst public health problem, but that tobacco is. This is a most shocking and irresponsible statement. It cannot be substantiated. It casts serious doubt on the judgment of the man who made it and his fitness to serve as Surgeon General.

The article follows:

PUBLIC HEALTH ENEMY NO. 1—TOBACCO

LOS ANGELES.—Heroin, marijuana, alcoholism, auto accidents—none of them are the worst public health problem in the United States, according to Surgeon General Dr. Jess Steinfeld.

What is:

Tobacco.

Steinfeld told a news conference that smoking has caused an epidemic of lung cancer and increased the incidence of heart disease, emphysema and bronchitis.

The government has a schizophrenic attitude toward tobacco, he said—on the one hand forcing manufacturers to print health warnings on cigarette packs. and on the other subsidizing tobacco growers.

What tobacco has in common with the other top health problems—drugs, alcoholism and auto accidents—is the factor of motivation, he said.

Nobody really knows why people deliberately do things they know may harm their health, he said, and what is needed is more "motivational research" such as the advertising industry uses to find out why people buy certain cars, soaps—or cigarettes.

ROSE FITZGERALD KENNEDY

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. ROONEY of New York. Mr. Speaker, under the unanimous consent of the House heretofore granted me, I am pleased to include the following article concerning Mrs. Rose Fitzgerald Kennedy by Rev. Daniel Lyons, S.J., published in the Sunday, August 8, 1971 edition of the National Catholic Register. I am sure all the Members will agree that this article is written in good taste about a magnificent lady. It follows:

ROSE FITZGERALD KENNEDY

(By Father Daniel Lyons, S.J.)

"Rose" is the title of the newest and best biography of Rose Fitzgerald Kennedy, written by Gail Cameron. She comes out, said one reviewer, as "half pluperfect politician, half solitary saint". She emerges as a magnificent wife and mother, an outstanding Catholic in every way, a dedicated citizen. Few mothers have been asked to bear heavier crosses, few have borne them with deeper faith.

Rose Kennedy has attended Mass nearly every day of her life. She has dropped in for visits to the Blessed Sacrament on countless thousands of occasions. When the children were small she tried to take them to church every day so they would "form a habit of making God and religion a part of their daily lives, not something to be reserved for Sundays". After Mass on Sunday she would discuss the sermon and liturgy with the children.

No sound theologian could quarrel with Rose's faith and the way she put it into practice all her life. She habitually remains after Mass to pray. In times of crisis she sometimes attends two Masses in a row.

Money was never discussed in the home, and it was not emphasized. What counted was success. Be first, work hardest, keep trying. Religion, politics, foreign affairs, world events—these were the important things. The children had to read the week's review of the news in The New York Times and discuss it at table.

Her husband gets most of the credit for forming the children, but Rose seems to have been the predominating influence. "She is the glue that held the Kennedys together," said Jack. The Kennedys are known for courage, but her husband candidly remarked: "I don't think I know anyone who has more courage than my wife. In all the years that we have been married, I have never heard her complain. Not even once." Quite a wife!

When Bobby had his tenth child, Rose commended: "If I had known this was going to be a contest. I would not have stopped with the ninth." She looked so young and trim when she showed up in London with her 9 children as the Ambassador's wife that the British put credence in the stork.

"If you lose your figure at 35," she often said, "you will never gain it back." The whole family used to go visiting together in those days. "Did you bring all 9 children when you went to someone's home overnight?" she was asked. "No one seemed to mind," she said, taking the idea for granted. "And we did not care where we slept."

Rose worked hard at everything she did. It was not easy to go to bed last every night, after seeing that everyone was settled, only to rise every morning at six and be off to Mass, then home in time to see that breakfast was ready. "You have to work hard at everything in this life," she later said, "whether it is your marriage, your cooking, or your face".

It was not easy to be rated the best-dressed woman in American public life, or to be listed among the best-dressed women in America every year for the last 50 years. She excelled in that, as in so many things. "It was monotonous for me to tell bedtime stories to the children for twenty years," she remarked, "But I did so".

Her religion is so much a part of her she takes it very much for granted. Her daughter Eunice described it as "the burning faith similar to that of the great martyrs." A friend in recent years has said: "This woman's family has arrived at its present point of distinction on Rose Kennedy's spiritual coattails".

This was ambitious, not just for her family, but for others. With her third child mentally retarded, she has urged others to understand and help such unfortunates. Her own family has given large sums of money for this cause.

She lectures constantly to women's groups, advising them on their children. "Please, please tell them that to be sophisticated, to show that you've been places, you don't have to drink. The girl that does will lose her figure, her face, and her looks." When one of her own daughters, at 18 or 19, said to her: "It is so cold in these English houses. I wish daddy would let me drink a little sherry at receptions." Rose replied: "Your father says you will have to drink lemonade, and freeze."

There has been a lot of terror as well as triumph in Rose Kennedy's life, a lot of ecstacy and a lot of agony. But the agony was always borne with deep faith. When her son was shot in Dallas, she said simply: "God wanted Jack, or He would not have taken him." She had entrusted her life and those of her children to God long ago. She assured her family when Jack was killed: "We'll be all right." She trusts in God to straighten everything out in the end. How can He refuse?

SALUTE TO ARGONNE NATIONAL LABORATORY

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. HANSEN. Mr. Speaker, in the year 1971 we note with satisfaction and pride the continued growth and development of our Nation's nuclear energy industry. We also see on the horizon new challenges as we seek to meet the requirements of our Nation for electrical energy as well as other benefits that nuclear science can bring while striving at the same time to improve the quality of our living environment.

As we have noted in recent days the year 1971 marks the 25th anniversary of the signing of the Atomic Energy Act of 1946 which created the Atomic Energy Commission and the Joint Committee on Atomic Energy on which I have the privilege to serve.

This year also marks the birthday of one of America's major atomic energy research and development establishments, Argonne National Laboratory. The highly talented staff of Argonne under its present Director, Dr. Robert B. Duffield, and his predecessors has played a key role in the developing atomic energy industry.

The principal location of the Argonne National Laboratory is in Du Page County, Ill. At the present time Argonne employs approximately 4,700 people including 1,950 staff scientists and engineers.

Almost from the beginning Idaho has played an important part in the Argonne story of success and accomplishment. About 500 Argonne employees are located in Idaho and work at the facilities at the National Reactor Testing Station. The Idaho staff includes some of the most distinguished and talented scientists and engineers in the nation. Operations are now under the direction of Mr. R. G. Staker, site manager. Among the key members of the Idaho staff are D. F. Wood, contracting officer, J. D. Bassett, manager of administrative services, R. J. Teunis, technical support and engineering, J. F. Boland, TREAT operations, E. R. Ebersole, analytical laboratories, F. W. Thalgott, deputy director, applied physics division, Harry Lawroski, superintendent, EBR–II reactor operations, G. E. Deegan, manager, EBR–II operations, K. J. Moriarty, manager, instrumentation and control, B. C. Cerutti, manager, systems engineering II, R. N. Curran, manager, engineering section II, R. E. Rice, manager section I, N. J. Swanson, manager, HFEF project, M. J. Feldman, manager, fuel examination facility, C. M. Walter, manager, fuels and materials, D. W. Cissel, manager, coolant technology, R. R. Smith, manager, analysis and testing.

Mr. Speaker, following is a brief description of some of the highlights and principal achievements of the Argonne National Laboratory at the Idaho site:

HIGHLIGHTS AND ACHIEVEMENTS

I. BOILING WATER REACTORS

Boiling Reactor Experiments (BORAX I through V) operated 1953–64

Pioneering safety tests of BORAX I under extreme overpower conditions demonstrated the inherent mechanisms for self-shutdown of power excursions in water-cooled reactors.

Subsequent tests of BORAX II through V demonstrated the safe and reliable operation of power reactors where water boils in the reactor core.

BORAX III was the first power reactor to light a city, when electricity was furnished for Arco, Idaho, in July 1955.

BORAX V demonstrated the feasibility of operating a boiling water reactor with a superheat zone in the core for producing superheated steam.

II. LIQUID METAL COOLED FAST BREEDER REACTORS

Experimental Breeder Reactor I (EBR–I) operated 1951–63

EBR–I provided the first actual demonstration of a favorable breeding ratio, i.e., more fissionable material could be produced than was consumed during operation.

The first electric power from a nuclear reactor was produced at EBR–I in December 1951.

The first electricity from a reactor fueled entirely with plutonium was produced at EBR–I in May 1963, as part of a test series that demonstrated that liquid metal fast breeder reactors could be operated safely and reliably with plutonium fuel.

Experimental Breeder Reactor II (EBR–II) operated 1964 to date

Building on the experience with EBR–I, EBR–II was a demonstration on a larger scale that a breeder reactor could be operated reliably for a central power station. The cumulated thermal power output of EBR–II is about 45,000 megawatt-days—far more than that of any other breeder reactor in the United States—and the cumulated electrical output is over 290 million kilowatt-hours.

The EBR–II Fuel Cycle Facility during the period 1964–1968 demonstrated a completely remotely operated line for melt refining and refabrication of used reactor fuel. More than 35,000 individual fuel elements were produced for use in EBR–II.

EBR–II has been designed as the AEC's primary facility for irradiation tests for the liquid metal fast breeder reactor program. To date, more than 100 experimental subassemblies have been irradiated containing more than 1500 experimental fuel elements or capsules and more than 400 materials capsules. The advanced fuels under tests include oxides, carbides, and nitrides of uranium and plutonium. Specimens of mixed-oxide fuel have been irradiated to as high as 13.8 atom percent burnup.

EBR II has made an outstanding contribution to our experience with liquid-metal-cooled reactors; a recent highlight was the removal and inspection of one of the primary sodium pumps after more than six years of operation in 700 degree F. sodium.

III. ZERO-POWER REACTORS

Zero power reactor 3 (ZPR–3) operated 1955–1970

ZPR–3 was used for fast-reactor physics studies for many specific reactor projects, including EBR–II, RAPSODIE, FARET, SEFOR, and FFTF.

ZPR–3 was also used extensively for basic studies of plutonium-fueled cores.

During 15 years of operation, 63 different critical assemblies with core volumes ranging from 6 to 664 liters were studied in ZPR–3.

Zero power plutonium reactor (ZPPR) operated 1969 to date

ZPPR is the only zero-power reactor in the world that is big enough and has sufficient plutonium inventory to permit plutonium-fuel mockups (full scale) of the large breeder reactors that are envisioned as central station power plants in the 1980's. Reactor cores in ZPPR may contain as much as three tons of plutonium and may have volumes as great as 6000 liters.

The work to date includes studies for FFTF and studies for the "demonstration plant" breeder reactor in a size that would produce about 300 megawatts of electricity.

IV. REACTOR SAFETY TESTS

Transient reactor test facility (TREAT) operated 1959 to date

TREAT is a power-burst facility where fuel specimens can be subjected to destructive overpower conditions without damage to the core of TREAT itself. The fuel specimens can be tested in environments of water, gas, or flowing sodium, and can be filmed or monitored in other ways during the tests. TREAT has contributed much information on metal-water reactions at high temperatures, for evaluating the safety of water-cooled reactors. It has also contributed much information on the behavior during failure of fast-reactor fuels, including those used in EBR–II and those being considered for FFTF.

Mr. Speaker, during a recent observance of the 25th anniversary of the establishment of Argonne National Laboratory which I was privileged to attend the distinguished Chairman of the Atomic Energy Commission, Dr. Glenn T. Seaborg, delivered an excellent address in which he summarized the major milestones and accomplishments of the Laboratory during its first quarter century. I include as a part of my remarks Dr. Seaborg's address on that occasion:

ARGONNE: A TRADITION OF ACCOMPLISHMENT

(Remarks by Dr. Glenn T. Seaborg, Chairman, U.S. Atomic Energy Commission, at the 25th Anniversary of Argonne National Laboratory, Argonne, Ill., June 19, 1971)

As atomic energy has come of age, there have been several opportunities to celebrate twenty-fifth anniversaries, and I have already taken part in some memorable ones. It is a special pleasure, however, to be with you here at Argonne today. In the first place, I count myself as something of a charter member of the Argonne team. As I shall mention in a moment, I joined the Met Lab long before the idea of the Argonne laboratory was even thought of. I was still with the Met Lab staff during those months after World War II when the new laboratory was being organized, and I left Chicago only a few days before Argonne came into existence.

Secondly, over the past thirty years I have established many personal friendships and professional contacts with the people of Argonne. It has been you and many others, rather than the buildings and equipment, who have made Argonne one of the truly great scientific research centers in the world. So in speaking of those who made Argonne what it is today, I am referring not just to a group of talented scientists and technicians, but in many cases to personal friends and long-time associates.

There is a third sense in which this anniversary has a special meaning for me—and I am speaking here in the broad historic dimension rather than in personal terms. The creation of Argonne marked the first attempt in the United States to establish a new type of scientific laboratory, one which would unite in one institution the strong tradition of academic research, which had long been a part of our universities, and the extraordinary advantages of a Government-sponsored laboratory which our experience during World War II has demonstrated. This new institution, called a national laboratory, has emerged in large part from the Argonne experience and the magnificent accomplishments over the past twenty-five years have proved the vitality and creativity of this new type of research organization. In this sense, the anniversary we are commemorating today has a meaning that goes far beyond the lives of those present and even Argonne itself.

On an occasion such as this, perhaps I may be pardoned for succumbing to the temptation to reminisce. But in thinking over the history of Argonne, I could not help but recall those exciting days only in World War II when Argonne had its origins in the Metallurgical Laboratory at the University of Chicago. Thanks to the foresight and energy of such men as Vannevar Bush, James Conant, Arthur Compton, and Ernest Lawrence, the United States was ready to launch its effort to build a nuclear weapon when the nation entered the war in December, 1941. Within a few days after the attack on Pearl Harbor, Bush and Conant gave Compton responsibility for the research needed to produce a chain reaction and the bomb.

A few weeks later Compton decided he would have to centralize on the Chicago campus much of the research then going on at several universities. Because my group at Berkeley had discovered the element plutonium, which would be the fissionable material produced in the chain reaction, I was invited to Chicago in early February 1942, to discuss our work with Compton, Norman Hilberry, John Wheeler, Enrico Fermi, and others. The Chicago leaders wanted to discuss the production of plutonium and the possibility of devising a chemical method of separating it from uranium and the various fission products of the chain reaction. At this meeting I first fully realized the magnitude of the bomb project and the central importance of our newly discovered element in that enormous effort. I must have appeared confident when I assured Compton that we could develop a separation process for plutonium, but I do recall that I had some private misgivings.

Because it would take some time to organize the new laboratory in Chicago and prepare research facilities, most of the research teams at other universities were scheduled to arrive later in the spring. In the meantime, Fermi and Leo Szilard, with the assistance of Wally Zinn and Herb Anderson, would continue their studies of exponential piles at Columbia. I concluded that my own group would probably stay at Berkeley, where we would be close to the 60-inch cyclotron, which was still our only source of the ultramicroscopic quantities of plutonium we were using in our research. I changed my mind, however, during a luncheon meeting with Norm Hilberry in Berkeley on March 23. I realized that, despite my preference for remaining in Berkeley, I would have to take some of my group to Chicago to develop the separation process.

I will never forget that Sunday afternoon of April 19, 1942, when Isadore Perlman and I stepped off the "City of San Francisco" in Chicago to begin our new adventure. It was my thirtieth birthday, which we celebrated by going to a movie and dinner in the Loop. The next morning we returned to our study of the separation process. Within a few days we were assigned several rooms on the fourth floor of the Jones Chemical Laboratory which we used as our offices and laboratory. With the arrival of Spofford G. English, one of my graduate students, we had what constituted the entire plutonium chemistry group for more than a month. During these weeks I arrived at the rather novel idea that we might be able to produce enough plutonium-239 through the bombardment of uranium with cyclotron neutrons and the use of ultramicrochemical techniques so that we could study the chemistry of the new element in its pure form. That effort was to demand most of our energies during the spring and summer of 1942.

As the result of two recruiting trips during May and June I had increased the size of our chemistry group. Michael Cefola from New York University and Louis B. Werner and the late Burris B. Cunningham from Berekeley had agreed to join us in Chicago. I also managed to recruit a wife on that Berkeley trip, and Helen returned to Chicago with me to begin married life in a small apartment near the Chicago campus. By that time many other scientists and their families were arriving from universities in all parts of the country. One of the pleasures of being a part of the Met Lab was the opportunity to know and to work with so many people whom we had scarcely seen before. I recall, for example, a picnic which Helen and I attended on the Fourth of July weekend in 1942 with the Harrison Browns, and Milton Burtons, and the Perlmans. We went out to the Argonne Forest Preserve to look over the site proposed for the world's first nuclear reactor. Although we had a fine picnic, we never did succeed in finding the reactor site.

During July and the first part of August, 1942, the new members of our plutonium chemistry group assembled the specialized equipment for working with extremely small volumes (10^{-5} to 10^{-1} milliliter) and weights (0.1 to 100 micrograms) and developed their techniques with trace quantities of plutonium in microgram amounts of carriers. "Carrier" was the term we used to describe the material which when precipitated has the power to sweep out of a solution trace amounts of a desired substance too dilute to be precipitated by itself.

By August, 1942, these techniques had been developed to the point where we could attempt an isolation of pure compounds of plutonium. After a week of work, Cunningham, Werner, and Cefola finally obtained a solution of pure plutonium compound in a volume of 0.015 milliliters. On August 20, they carefully evaporated this solution until the plutonium concentration became high enough to precipitate as a compound plutonium fluoride. This was man's first sight of plutonium and in fact of any synthetic element.

As the summer of 1942 waned, the activities of the Met Lab took on a more serious tone. The results of Fermi's research on the critical mass of uranium and our own success in isolating a pure plutonium compound made the idea of developing a nuclear weapon something more than a theoretical possibility. By this time the Army had taken over the project, and we had begun the transition from purely scientific research to engineering development. For our chemistry group that meant planning much larger facilities in the New Chemistry Building on Ingleside Avenue and in a portion of the West Stands. I must admit that for a group of young chemists the idea of the Government spending $200,000 for a building and equipment for our use was an exciting one indeed.

The transition to engineering development caused a similar expansion of thinking in all parts of the laboratory. Some of you may remember that at that time there were tentative plans to build not only the first reactor but also the entire plutonium pilot plant in the Argonne Forest Preserve, where we had our July picnic. On September 11, 1942, I again visited this site with Compton, Conant, and other members of the S-1 Executive Committee. I vividly remember Conant's conviction that the site was too close to Chicago for a pilot plant. What we needed, Conant said, was an entirely new perspective. We were, in his opinion, trying to kill elephants with pea-shooters. As most of you know, the committee then decided that the pilot plant would be built at Oak Ridge.

As it turned out, of course, construction difficulties at the Palos Park site made it impossible to build even the first experimental pile there, and Arthur Compton, with General Grove's support, made the daring decision to initiate the world's first nuclear chain reaction in the heart of Chicago. I well remember the grimy appearance of the workers (some of them are probably here today) who fabricated and assembled the greasy blocks of graphite under the West Stands. In the afternoon of December 2, 1942, that now historic day, I happened to meet Crawford Greenewalt, the young Du Pont executive, in Eckhart Hall, just after he had left the West Stands. Greenewalt did not have to say a word to me; I could tell from the glow on his face that Fermi's experiment had succeeded beyond our hopes.

The year 1943 brought a new intensity to our effort to design the plutonium pilot to be built at Oak Ridge and ultimately the huge production plants at Hanford. While Eugene Wigner and others concentrated on the design of the X-10 reactor, we in the plutonium chemistry group were more than preoccupied with the separation process. When we moved into the New Chemistry Building in December, 1942, we at last had space to test the various separation processes which had been proposed. Although our knowledge of plutonium chemistry grew at an impressive rate, our research did not indicate that any one process had a clear-cut advantage.

Early in 1943 we decided that we would use an oxidation-reduction process in aqueous solution, but it was not at all clear whether lanthanum fluoride or bismuth phosphate would be the best carrier of plutonium. Until we made that decision, Du Pont could not fix the design of the Oak Ridge pilot plant. I remember we discussed the alternatives at a meeting in Chicago on June 1, the deadline which Du Pont had established for the decision. Because the engineering data did not indicate a clear choice, Greenewalt turned to me for an opinion. With the fate of the whole wartime project hanging on my judgment, I said I was willing to guarantee at least a 50-percent recovery of plutonium from the bismuth phosphate process, developed by Stanley G. Thompson of our group. With that assurance, Greenewalt focused most of the engineering talent of his organization on bismuth phosphate. It would be eighteen months before I could be certain that my decision had been the right one.

Before the end of 1943 the Oak Ridge pilot plant was in operation and Du Pont engineers had taken over most of the responsibility for the production plants at Hanford. Supporting work for Hanford and Los Alamos continued but those of us who remained at the Met Lab also began turning our attention to the many intriguing possibilities for scientific research which the fission process and the discovery of transuranium elements had opened up. The Palos Park site, which was not used for the first chain reaction, did eventually become the home for the laboratory's experimental reactors—not only the reconstructed version of the original West Stands CP–1 (then called CP–2), but also of CP–3, the world's first heavy-water moderated reactor, designed by Wigner and built by Zinn. At this site Zinn also did further studies on fast-neutron reactors and completed the first designs of what was to be the historic Experimental Breeder Reactor No. 1. As the original Met Lab expanded to sites off the Chicago campus, the research facilities at Palos Park took the name of Argonne after the forest preserve, and in 1944 Fermi, with Zinn as his assistant, became director of the Argonne Laboratory, which was part of the larger Metallurgical Project under Compton. Thus the now familiar name Argonne Laboratory was born.

Those of us still in the chemistry group in 1944 continued our research in "New Chem" with a program that included a search for transplutonium elements. These efforts did not bring any success until we formulated a new theory postulating the existence of a group of "actinide" elements in the heavy element region with properties similar to the lanthanide rare-earth series in the traditional periodic table. Experiments during the summer and fall of 1944 and extending into the beginning of 1945, using both cyclotron- and reactor-irradiated plutonium led to the detection of element 96, which we later called "curium" and of element 95, which we named "americium." During the remainder of the war, in addition to supporting activities at Hanford and Los Alamos, we investigated the processes which made possible the isolation of these new elements in pure form, americium in the fall of 1945 and curium in 1947. As I look back on these events, I realize that some of the most exciting moments of my scientific career occurred in the flimsy laboratories of the Met Lab.

The laboratory's rapidly declining responsibilities in 1944 not only made possible some basic research of the type I have just described but also forced us to focus some thought on the role we as nuclear scientists might have in the postwar world. In the face of distressing rumors that 90 percent of the Met Lab staff would be fired by June 1, 1944, Arthur Compton asserted a steadying influence. He won some concessions from Army authorities in Washington and encouraged us to begin some constructive planning and thinking. He also arranged to have Henry D. Smyth begin some long-range plans. At a meeting of the Project Council on February 16, 1944, there was even some discussion of the various types of laboratories which might be engaged in nuclear research after the war. One of these, described as a "cooperative laboratory," should, according to the Council, be established where the scale of research would be "too large to be financed by Universities." The buildings and equipment would be furnished by the Government and research administered "by cooperation of educational institutions." This was clearly an early conception of the national laboratory.

These discussions soon led to consideration of the wider social and political implications of nuclear energy. Under the leadership of Zay Jeffries, a laboratory committee set about preparing what Jeffries called a "Prospectus on Nucleonics." Completed in November, 1944, the Jeffries report reviewed the possible applications of nuclear science in the near future and the outlook for nuclear power (which seemed good at that time). The committee also recommended that the Government support the kind of "cooperative laboratories" mentioned the previous winter in laboratory meetings. Going beyond the technical aspects of nuclear technology, Jeffries and his committee urged the creation of a world organization to prevent widespread destruction from nuclear war. They also stressed the importance of postwar research in maintaining the United States lead in nuclear science and technology.

The Jeffries report had no immediate impact on national policy, but it did help to sensitize many of us at the Met Lab to the difficult policy questions we would be facing as the war ended. This experience made it all the easier for us to take up the discussion of whether and how to use the first nuclear weapon when that issue came before the Interim Committee in the spring of 1945. Historians may never agree on whether the recommendations of the Franck committee at the Met Lab (to provide a demonstration rather than direct use) ever reached those who made the final decision to use the bomb, but as a member of that committee, I can assure you that we made a conscientious effort to fulfill our responsibilities as citizens as well as scientists. It was no accident that the Atomic Scientists of Chicago became the leaders in the national debate over postwar atomic energy policy during the summer and fall of 1945.

The Met Lab, then, provided a strong and valuable heritage for the new Argonne National Laboratory, which would come into existence in July 1946. First of all, Compton's idea of bringing to Chicago the best available scientists from all parts of the nation created a laboratory on a truly national scale. The Met Lab experience engendered a sense of mission and a standard of excellence which every great laboratory must have. Exceptional scientists like Fermi, Wigner, Szilard, and Compton set a pattern of skill, accomplishment, and imagination which we younger scientists tried hard to emulate. That experience trained others like Zinn and Hilberry to carry on the Met Lab tradition and in turn enabled them to impart it to succeeding generations of scientists at Argonne. Furthermore, the concern over postwar policy created a tradition that has inspired Argonne to take a broad perspective in approaching scientific and technical problems. Thus from its very origins Argonne has operated from a principle that others are only now beginning to understand—namely, that the scientists' responsibilities extend far beyond the technical data of the laboratory. These are worthy traditions, and it is to your credit that they are still so much a part of Argonne today.

I do not mean to suggest by these sweeping statements that these traditions or even the laboratory itself have enjoyed an unthreatened or automatic existence. In fact, I recall that we were anything but certain in the early months of 1946 that the laboratory would continue to exist. Although, as we have seen, the idea of a national laboratory circulated in rather nebulous form early in 1944, it was not the kind of idea that could gain ready acceptance at that time. Before World War II, universities and private foundations were virtually the only sources of support for scientific research. The few Government-supported laboratories, such as those operated by the National Advisory Committee on Aeronautics and the Navy, were largely restricted to applied studies. Only the enormous pressures of the war had forced American scientists to abandon the traditional forms of support, and many expected science to revert to the pre-war pattern.

The idea of a "cooperative" or national laboratory, however, had taken firm root at the Met Lab since the first months of 1944. Although the precipitous decline in the laboratory's personnel strength from about 2,000 in July 1944 to scarcely more than 1,500 in January 1945, caused Compton to recommend that the remnants of the Met Lab be transferred to the University of Chicago, others, including Zinn, Szilard, Hilberry, and Farrington Daniels proposed that the laboratory be managed by a board comprised of some twenty universities in the Mid-West. The new laboratory would be but one of several "regional cooperative laboratories" which would undertake projects too large for single institutions. They would be financed by the Government but would not necessarily be Government laboratories.

It is much to the credit of General Groves and his assistant, General Kenneth D. Nichols, that this hope came to fruition in July 1946, in something like its original form. Although many of us at the Met Lab at the time considered the Army somewhat unresponsive to our aspirations for continuing basic research, the fact was that the Army had little authority and even less practical motivation for keeping the laboratory alive. In the chaotic period following the end of the war in 1945, the Army more than had its hands full in coping with the strong reaction against military institutions and particularly against its legislative proposals for the postwar control of atomic energy. Despite these difficulties, General Nichols did seek out representatives of the Mid-West universities and asked them to prepare a plan "for continued operation of the Argonne facilities on a cooperative basis between the government and various universities." Nichols then asked the University of Chicago to consider taking over operation of the laboratory on July 1, 1946 "for cooperative research in nucleonics." Argonne National Laboratory came into existence on that date with Walter Zinn as the first director.

Thanks to the Army's cautious but effective support, the laboratory had survived the dangerous transformation from a temporary wartime organization to an essentially permanent research institution. That did not mean, however, that Argonne's troubles were over. Because Argonne was already in existence before the Atomic Energy Commission was established, Zinn and the new Board of Governors had no way of knowing what would be the laboratory's relationship to the Government. The delay in appointing the new Commissioners after the Atomic Energy Act became effective in August 1946, and then the prolonged struggle over the confirmation of the new Commissioners by the Senate beclouded that relationship for another year.

This uncertain status was a serious handicap for the new laboratory, especially because Argonne as yet had no permanent home. Still housed in a dozen buildings on the Chicago campus, the laboratory could not much longer presume on the university's hospitality. Originally there had been some hopes of acquiring more land in the Argonne Forest Preserve, where the laboratory's two reactors were already operating, but the Cook County Board of Supervisors opposed that idea. Zinn favored condemning land at the existing reactor site; the Board of Governors favored acquiring 3,700 acres of farmland about five miles west in Du Page County. When the new Commissioners took over late in 1946, they were reluctant to give up on the Argonne site, with the result that the decision to come to Du Page County was delayed until late in January, 1947.

Equally important was the still unresolved matter of the laboratory's function as a part of the Commission's research and development program and as a regional research center. For the moment that question was settled more by pressing demands than by deliberations over policy. Until the new laboratory could be constructed, there was not much opportunity for the broad, multidiscipline research in which the participating universities would be interested. At the same time the Commission had several urgent assignments for Argonne, primarily in the area of reactor development.

The hard fact was that in 1947 the Commission had to rely almost entirely on Zinn and Argonne for its reactor development program. The Commission had only one member of its Washington staff with any reactor experience. The Clinton Laboratories at Oak Ridge had some of the best reactor talent in the nation, but by the spring of 1947 many responsible figures in the atomic energy program doubted that Clinton could survive as a national laboratory. At that time I was a member of the General Advisory Committee, and I remember we seriously debated whether, in the face of all the difficulties confronting the Clinton Laboratories, it might not be better to close it down and move the scientific talent elsewhere. We in the GAC were particularly concerned at that time about the shortage of scientists and engineers with any practical knowledge of nuclear technology. To some members of the General Advisory Committee, it seemed dangerous to spread the available talent too thin over several laboratories. In the end, of course, the Oak Ridge laboratory was saved, but not until the Commission had decided in the closing days of 1947 that it would center all reactor development work at Argonne.

The enormous responsibility placed upon Zinn and Argonne by this action left little time for the kind of cooperative research in the nuclear sciences which the Board of Governors had contemplated. The Commission had already called upon Zinn to draft a reactor development program for the nation, and Argonne was now faced with the task of participating in the design and construction of all but one of the experimental reactors in Zinn's proposal. These included not only the fast-neutron breeder reactor which Zinn had been developing at the Argonne Forest site, but also two reactors being designed at Oak Ridge. The high-flux testing reactor, the creation of the Clinton Laboratories, would be continued as a joint effort with Argonne. The Clinton scientists and engineers who had been working on a pressurized-water reactor for submarine propulsion moved to Chicago during the summer of 1948, and from that time on, Argonne had a major role in developing the propulsion plant for the world's first nuclear powered submarine.

All these plans for experimental reactors operating at significant power levels raised in a new and serious way the question of finding an adequate site far enough from populated areas to avoid hazards in case of an accident. Zinn and others at Argonne had a key part in discussions which led to the selection of the National Reactor Testing Station (NRTS) in Idaho early in 1949, and the first three reactors built at the Idaho site were in a major sense Argonne products. The Materials Testing Reactor, first operated in 1952, was for more than a decade an indispensable tool for reactor engineers in designing new types of plants and testing components. The Submarine Thermal Reactor, Mark I, was in operation less than a year later and provided much of the basic technology for pressurized-water reactors.

The Experimental Breeder Reactor No. 1 was uniquely an Argonne creation and achieved so many "firsts" in the history of reactor technology that I do not have time here today to list them all. It was the world's first reactor to produce a useful amount of electric power from atomic energy (December 20–21, 1951), the first to demonstrate the possibility of breeding (in 1953), the first to achieve a chain reaction with plutonium instead of uranium as fuel (November 27, 1962), and the first to demonstrate the feasibility of using liquid metals at high temperatures as a reactor coolant. EBR–1 also provided the occasion for the first visit to the National Reactor Testing Station by a President of the United States. I recall with great pleasure my trip to Idaho with President Johnson on August 26, 1966, to dedicate EBR–1 as a National Historic Landmark.

In addition to this work on experimental power units, Argonne was deeply involved during the early 1950s in developing heavy-water-moderated reactors. This activity grew out of the Argonne experience during the war with the CP–3. When the Commission decided in 1950 to undertake a major expansion of its production reactor facilities, Zinn proposed a design using heavy water. This proposal was accepted, and Argonne began a major development effort on an improved heavy-water reactor. This work produced CP–5 at Argonne and the production reactors which were built at the Commission's new plant on the Savannah River in South Carolina.

Taking these assignments in stride, Argonne continued to expand its reactor development activities in the middle and late 1950s. Perhaps of greatest short-run significance was the Experimental Boiling Water Reactor, which again was largely a product of Argonne. First operated in 1956, EBWR proved that a direct-cycle boiling water reactor system can be operated without serious radioactive contamination of the steam turbine. Operating experience over more than a decade showed the system to be surprisingly stable even at power levels five times its rated heat output. As the forerunner of numerous full-scale nuclear plants now producing electric power on a commercial basis, the EBWR has a permanent place in the history of reactor development in the United States.

Through most of the 1950s Argonne under Zinn's direction was primarily a center for reactor development, but by the middle of the decade new forces were beginning to have an impact on the laboratory. Thanks in large part to the pioneering efforts of Argonne in reactor development, American industry had begun to show a real interest in nuclear power. The Eisenhower Administration, looking for ways to give private industry a place in nuclear power development, took the lead in efforts to revise the Atomic Energy Act of 1946, which made atomic energy virtually a Government monopoly. Under the liberalized provisions of the 1954 Act, nuclear science and technology became a part of American life. The national laboratories were no longer small islands of technical information sealed off from the rest of society. Perhaps more than any other one event, the first Geneva conference in 1955 demonstrated that atomic energy was beginning to move beyond Government offices and laboratories into the universities and private industry. As a national laboratory, Argonne could play a new and broader role than in the past.

A major force in the changing tides of the 1950s was the growth of Argonne, both in terms of staff and facilities. The scattered buildings of the Met Lab on the Chicago campus and the small warehouse-like structures in the Argonne Forest Preserve were now only memories. Argonne had even moved beyond the temporary Quonset huts which the Commission had hastily erected in 1947 to the three separate areas we know today. With an annual operating budget in 1958 of nearly $34 million and a staff of more than 3,000, Argonne was attaining physical dimensions and a stature scarcely foreseen a decade earlier. Even more important, the laboratory was no longer heavily concentrated in the reactor sciences, but had grown dramatically in physics, chemistry, and the life sciences. Argonne was now becoming a multidisciplinary laboratory more closely tied to basic research than ever before in its history. Zinn's departure as director in the spring of 1956 was, I think, more a symptom than a cause of the profound changes that were occurring in Argonne. In 1958 the laboratory, under the direction on Zinn's successor, Dr. Norman Hilberry, was far more than what it had been a decade earlier—the Commission's reactor development center.

With Hilberry at the helm, this new image of Argonne stimulated within the laboratory long-cherished hopes for new facilities and among the participating universities new demands for a more effective relationship. These two interests merged in the long and complicated efforts between 1952 and 1958 to build a new high-energy accelerator, either as a part of Argonne or as the central facility of a new regional laboratory in the Midwest. But the end of that period, the new accelerator was still a dream, but the formation of the Associated Midwest Universities, Inc., made possible closer ties between the laboratory and the neighboring universities.

The decade of the Sixties saw a gradual, but major reorientation of Argonne's reactor program from water reactors to Liquid Metal-Cooled Fast Breeder reactors. Since the assignment of major responsibility in the civilian power reactor development program to Argonne in 1948, the Laboratory's role had been to establish basic concepts, test the concepts in zero power reactor experiments, and to establish the fundamental character and design of the reactor itself. As I mentioned before, this procedure had been followed in the development of the pressurized water submarine thermal reactor to the point where Westinghouse was able to complete the detailed engineering design resulting in the Nautilus submarine reactor. And the boiling water concept had originated and developed at Argonne in the BORAX series of experiments, culminating in the construction and successful operation of the EBWR in the middle Fifties. Further studies led in 1966 to the operation of EBWR with a largely plutonium core which provided the first valuable information on the question of plutonium recycle operation of water reactors. The last of the BORAX series, BORAX-V, was completed in 1964. This highly successful experiment was designed to permit the evaluation and study of nuclear superheat concepts and to demonstrate actual nuclear superheat operation.

Shortly after the successful development and operation of EBR-I, as noted earlier, design was begun on EBR-II, an experimental fast breeder reactor power station of 20 MWe capacity whose purpose was to demonstrate the potential technical and economic feasibility of using fast reactors for central station power plants. This was to be done by both producing electricity and demonstrating the feasibility of the closed fuel cycle.

The EBR-II concept of arranging the reactor and primary system components—pumps, heat exchanger, instrumentation, fuel handling system, etc.—in a large tank where they operate submerged in sodium was a bold departure from traditional reactor system design. This pool or pot concept as it is now called has gained wide acceptance, and plants of this design are now under construction in the U.K., France, and the U.S.S.R. in sizes ranging from 250 to 600 MWe.

The closed fuel cycle was a very unique feature of the EBR-II. Basically this amounted to a system whereby fuel was removed from the sodium-cooled reactor, taken apart into its component parts, the fuel sections treated metallurgically to separate out the plutonium and most of the fission products from the molten uranium, new fuel fabricated from the recovered uranium, the new fuel reassembled into fuel elements which were reinserted into the reactor—all this done by remote control mostly behind 5-foot thick concrete walls. This necessitated the development of new chemical treatment methods devised in the Chemical Engineering Division under Steve Lawroski, Milt Levenson and their colleagues; the development of tools and techniques for making the fuel pins and putting them together into fuel assemblies, done in the Metallurgy Division under Frank Foote, Bob Macherey, and their colleagues; and the development of remote viewing and handling devices done by the Remote Control Division under the late Ray Goertz and his colleagues.

Under the direction of Len Koch as project manager for EBR-II, Milt Levenson, Harry Monson, Wally Simmons, and their colleagues, the entire complex was built at the National Reactor Testing Station in Idaho. Building such a complicated facility 1,800 miles from home base posed problems quite aside from the technical ones as those who were associated with the project well remember. However, the decision to retain the management of the EBR-II project at the Argonne site was a sound onc and, even today with the changed mission of EBR-II, retaining the management here in Illinois leads to intimate coordination between the rest of the reactor program and the experience being obtained in EBR-II.

The reactor began operation in 1964 and the turbine generator was synchronized and first delivered power to the NRTS power loop on August 7. By the end of 1970 more than 250 million kilowatt hours of electricity had been produced by EBR-II. The EBR-II pool concept has been shown to be entirely feasible and the fuel cycle was demonstrated to be entirely reliable and practicable. All of the fuel for EBR-II was processed and fabricated in the Fuel Cycle Facility (FCF) until July 1969 when it began exclusive use in support of the experimental irradiation program. During the approximately five years that the FCF provided the fuel for EBR-II, 38,000 fuel elements were processed and fabricated and 366 subassemblies and 66 control and safety rods were assembled. The fuel completed 5 cycles through the reactor and fuel cycle.

With the focusing of the AEC's and the nation's civilian power reactor program on the Liquid Metal-Cooled Fast Breeder (LMFBR) and with the decision to build the Fast Flux Test Facility, or FFTF, at Hanford, the role of EBR-II was changed to that of a fast neutron irradiation facility. It is rare indeed that a facility built for one mission can accomplish it very well and then can be converted to fulfill another which was not visualized in the original design, but that is what was done with EBR-II, and most successfully. Some indication of the extent of this success can be obtained from a look at last year's performance. In 1970 at least 17 reactor manufacturers and research organizations had designed experiments on which tests were started in the EBR-II. During the year about one-third of the EBR-II core had been filled with experimental subassemblies. The fuels being tested included plutonium and uranium oxides, carbides and nitrides. One of the goals was to observe the performance of these fuels after long exposure and high burnups in the reactor. The highest burnup attained to date in this experimental program is 13.8 atom percent in an oxide-type fuel. This is significantly higher than the commonly accepted goal of 10 percent for commercial breeder reactor fuels.

In large measure the success of the LMFBR will rest heavily on the information obtained over the years from EBR-II.

Just as the mission of the EBR-II was changed with the concentration of civilian power development on the LMFBR concept, so has the orientation of the rest of Argone's reactor program changed. The Chemical Engineering Division has in the past developed many methods for the processing of spent fuel from reactors—aqueous processes, the pyrometallurgical process, and the fluoride volatility process. Now under the able direction of Dick Vogel, their attention is turned to the many chemical problems involved in using high temperature sodium as a coolant in fast reactors. The Metallurgy Division in the past decade concentrated on development, and especially fabrication, of fuels for Argonne's reactors. Now, however, under the leadership of Paul Shewmon and Brian Frost and under a new name, Materials Science Division, they are concentrating on acquiring a very detailed knowledge of the behavior of fast reactor fuels and structural materials under the twin conditions of long-term irradiation and high temperatures. The Reactor Engineering Division responsible for designing, engineering, and constructing so many of Argonne's reactors, has now been restructured into the Reactor Analysis and Safety Division and the Engineering and Technology Division. This reflects the concern with safety and the engineering development of components which is such an important part of the LMFBR program.

To assist in the refocusing and restructuring of Argonne's reactor program to reflect the nation's major reactor development effort, Bob Laney was recently brought in as Associate Laboratory Director for Engineering research and development. His responsibilities will also involve the coordination of Argonne's increasing interaction with industry. I can assure you that in the decade ahead Argonne will continue to play an extremely important role in the AEC's Reactor Development program.

In addition to its responsibilities in the reactor development program. Argonne has from the beginning carried on a very fine and strong program of basic research.

Late in the 1950s the stage was finally set for a major effort which would widely expand opportunities for basic research in high energy physics, not only for Argonne staff members but for high energy physicists from Midwestern universities and from many parts of Europe. After four years of planning, ground was broken for Argonne's Zero Gradient Synchrotron, a 12.5 GeV particle accelerator. On Dec. 4, 1963, it was my pleasure to participate in dedication ceremonies for this new tool which was destined to contribute so much to the scientific life of the Midwest.

The ZGS was constructed in response to a longstanding need. Although large particle accelerations were available on the East and West coasts, none was in existence in mid-America, and the high energy physics departments of the Midwestern universities were losing both faculty members and graduate students to institutions on the coasts.

The ZGS was designed to supplement, not compete with, the machines already in existence here and abroad. Although its energy would not be as great as that of other acceleration, its intensity would be much greater. Among other advantages, this higher intensity would permit more experiments to be completed in a given period of time, an attractive situation in view of the fact that investigations must queue up to obtain time on major machines like ZGS.

One design feature of ZGS is responsible for its name. The strength of the magnetic field in the 200-foot ring is uniform—it does not have a gradient—across the poles. In other synchrotrons a magnetic field gradient is built in to keep the circulating beams of particles focused. As a result of this design, the ZGS ring can guide the high-energy protons in a smaller circle and this in turn resulted in a significant reduction of construction costs.

Another feature contributes to the high intensity capability of the facility. The ZGS incorporates a comparatively large aperture through which particles can pass. This "window frame" design combines with the high magnetic field to make possible the acceleration of large numbers of particles, providing a shotgun rather than a rifle approach to the creation of interactions which are of interest to the high energy physcist.

The years following the dedication of the ZGS saw a steady increase in intensity, ever-greater reliability, and a flow of alterations which improved both performance and reliability.

Two important achievements resulted from the need for experimental apparatus which matched the capabilities of the ZGS. One was the design, construction, and successful operation of the 12-foot bubble chamber, largest of its kind in the world, and another was the use of a superconducting magnet to power this huge chamber. Gale Pewitt presided over the birth of the 12-foot chamber and John Purcell brought the big magnet into existence.

A very large step forward in the size of superconducting magnets had been accomplished here by Charles Laverick, but the magnet needed to operate the 12-foot chamber was so large it represented a high-risk venture into engineering areas with which no one had had experience.

But the foresight of Argonne staff members paid off and the magnet has worked as it was hoped it would, resulting in monetary savings in the operation of the chamber—at a time when such savings are indeed welcome.

The value of the 12-foot chamber was demonstrated in November 1970, when for the first time in history, a neutrino was observed in a hydrogen chamber.

In the six years ending Dec. 31, 1970, 125 experiments were carried out at the ZGS. Physicists from 50 universities had used the machine and they had joined with Argonne staff members in the publication of 164 papers in professional journals.

The list of those who made important contributions to the development of the ZGS and the Argonne High Energy Physics Complex is a long one, and all cannot be noted. My early co-worker and long-time friend Jack Livingood did the initial planning. Albert V. Crewe came aboard in 1958 to direct completion of the design and much of the construction. When Al became Laboratory Director in 1961, Lee Teng took over and under his aegis the machine was completed. Ron Martin and the late John Fitzpatrick directed scientific and engineering activities; Martin Foss designed the magnet ring.

Through the decade of the Sixties, the buck stopped at the desks of three Associate Laboratory Directors for High Energy Physics: Roger Hildebrand, Bob Sachs, and Bruce Cork.

During the Sixties, under the leadership of Crewe and later Robert Duffield, the results obtained in the areas of chemistry, physics and materials research continued Argonne's reputation for high quality research and added significantly to our fund of basic knowledge.

The Chemistry Division is an outgrowth of the Chemistry Section for which I had responsibility back in Met Lab days. Many of its present members were my wartime colleagues during my four years' stay in Chicago. Under the directorship of, first, Winston Manning who was named Associate Laboratory Director for Basic Research in 1966, and under Max Matheson, and currently under Paul Fields, this Division has been responsible for several important advances, among them:

The discovery of the noble gas compounds. In 1962 John Malm, Henry Selig, and Howard Classen succeeded in combatting xenon with fluorine to create xenon tetrafluoride, a relatively simple compound. The importance of this discovery derives from the fact that the noble gases had been thought to be inert and nonreactive.

In 1963 Edwin Hart and his British colleague Jack Boag reported the discovery of the hydrated electron. The discovery and analyses of the roles of the hydrated electron and other short-lived fragments are leading to a better understanding of radiation chemistry.

Joseph Katz and his group pioneered research in "Isotopic substitution" in organic compounds, including the first complete substitutions of deuterium (heavy hydrogen) for ordinary hydrogen in living organisms, both plant and animal cells.

Argonne chemists, notably Paul Fields and Martin Studier, participated in the discovery of some of the heavy transplutonium chemical elements. They also made unique contributions to the production, separation, and characterization of these elements and their isotopes.

Although in the past decade low energy physics research has been carried out under three different Division Directors, Lou Turner, Mort Hamermesh, and currently Lowell Bollinger, it has had the common thread of searching for a greater understanding of atomic structure. Among the first to initiate fundamental studies using the Mossbauer effect was Gil Perlow who has built the technique into a powerful experimental tool in such diverse fields as nuclear structure, solid state properties and general relativity theory. There have also been the angular momentum distribution discoveries of Schiffer and Lee which have been of great importance in developing the field of nuclear spectroscopy; the discoveries of Erskine and others leading to a better understanding of the nuclear properties of the actinides; and recent heavy ion elastic scattering studies which are contributing significantly to nuclear structure theory.

An understanding of the properties of materials has obviously been a strong interest of the atomic energy program dating back to the Met Lab days and it has become of increasing importance with the passage of time. Argonne has been, and continues to be, a leader in this field, having one of the largest combined basic and applied materials programs in the Western world. It started with the need to know the physical and chemical properties of fuels and structural materials under conditions encountered in reactors. Such work was initiated by personnel within the Metallurgy Division and the Chemistry Division. More recently the increased importance of a fundamental understanding of materials has been emphasized by Mike Nevit, Paul Shewmon and Norman Peterson, and is also reflected in the recent renaming of the Metallurgy Division as the Materials Science Division. During the Sixties the pure research phase of this work finally came of age with the formation of the Solid State Science Division, and it now occupies the newest of the major buildings constructed at Argonne. Under the direction of my Met Lab colleague Oliver Simpson this work has taken on new importance.

Advances in the understanding of materials cover the extremes of low and high temperatures and range from the highly theoretical studies of structure to the very important studies of radiation damage and crystalline defects. Out of this work has come information of the greatest importance in thermal and mechanical behavior. Studies of the properties of alloys and compounds of uranium and transuranium elements have led to a far better understanding of materials in this unique part of the periodic table. Also, our understanding of radiation damage is now far enough advanced that we can in many cases predict in advance the behavior to be expected. Much of Argonne's current materials research is directed toward obtaining this information.

One further word should be said about a new program to be initiated this year in controlled thermonuclear work. Argonne's interest in this program is in the engineering development which would ultimately lead to a workable fusion reactor and grows directly out of the solid accomplishments and experience in basic research and engineering development. While many years of hard work separate us from the abundant energy available from the controlled fusion process, the early signs of ultimate success are increasingly promising. Argonne's participation is welcomed.

Along with the major accomplishments in the Physical Research program, there was one major disappointment which the AEC shares with Argonne. That was the cancellation of the Argonne Advanced Research Reactor, the A^2R^2 project, which would have provided one of the most advanced research reactors in the world. The entire AEC's Physical Research program keenly feels the loss of what would have been a most useful research tool.

The biological research program at Argonne is a natural extension of the biological work of the Met Lab. The potential danger of radiation was early recognized and research into the biological effects of radiation on living organisms was among the earliest work started in the atomic energy program. The biological and medical research program at Argonne still has the same basic objective for which it was started.

But the decade of the Sixties has seen some changes. When in 1962 the Biological and Medical Research Division's director, Austin Brues, sometime artist, humorist, world traveler, but all-time biologist, expressed a desire to return to full-time research, his wishes were respected. He had carried these administrative responsibilities since 1946. Hs successor was Max R. Zelle, a distinguished academician who, after seven years as director, found a return to the university atmosphere irresistible. In early 1969 John F. Thomson, an 18-year veteran with the division, agreed to wear two hats until a candidate could be found. And a little over a year ago, Warren Sinclair, a biophysicist, began a new era in the division's leadership

Among the most important achievements of the past ten years in the biological sciences have been comprehensive studies of the long- and short-term effects of a variety of types of radiation, on microbial, plant, and animal organisms. Attempts to modify radiation effects led to the development of the first successful protective agent against X rays, to the systematic exploration of chelating agents for removing radioactive metals from the body, and to basic studies in tissue transplantation and immunity mechanisms. Fundamental contributions have also been made in the study of aging and its relation to the late effects of radiation. These studies established the importance of the brain-to-body weight ratio as a determinant of species longevity. Current emphasis is on neutron effects studies with the Janus reactor, a facility capable of exposing large numbers of animals to neutrons without significant gamma-ray contamination.

The decade also saw a significant refocusing of the work of the Radiological Physics Division. John E. Rose was this division's director until 1963, Leo Marinelli until 1967, and the present director is Robert Rowland. One of the earliest achievements of this division was the development of the first faculty for pinpointing radiation in the human body with speed and accuracy. Argonne's "iron room" allows determination of the amounts, locations, and identities of extremely small quantities of radioactive materials in the body—as little as one billionth gram of radium. Similar facilities are now used throughout the world. Also of particular note has been its research on bone, both in the areas of bone physiology and the effects of the radiation dose delivered by radioisotopes fixed in bone.

Early in Dr. Rowland's directorship the division embarked on a study of the sulfur dioxide content of the atmosphere over the City of Chicago. This was the first formula step in what has become a growing commitment to the solution of environmental problems at Argonne.

In August 1969 this division received another very important assignment. A Center for Human Radiobiology was established as the nation's center for the long-term study of all persons known to have radium and other long-lived isotopes within their bodies. During a period around the early 1920s uninformed or careless use of radium, both industrially and for external and internal therapy, was widespread. Through study programs carried out in several U.S. institutions, some 2,000 of such potentially contaminated individuals were found. Of these, 800 with measurable body burdens of radium have been measured, almost 600 of whom are still alive today. These people, merged into the program at Argonne, provide a research resource of which there is no prospect of duplication for the setting of absolute toxicity levels and devising radiation protection guides for man.

In 1967, Congress broadened the Commission's charter to enable the AEC and its contractors to work with other agencies in the protection of public health and safety, and enable Argonne to undertake a broadened role as a major Midwest research center.

This has resulted in an accelerated interest in accepting new challenges, and in late 1969 the Argonne Center for Environmental Studies was established here. The Center is designed to use an interdisciplinary approach to the achievement of three goals: first to help gain a better understanding of the extent to which the environment is being changed; second, to define particular effects more quantitatively; and third, to help with the formulation and presentation of various alternative courses of action.

This approach already has resulted in a model for predicting, analyzing, and controlling air pollution. Utilizing studies of pollution emission from stationary sources as well as pollution dispersion patterns, Len Link and his colleagues developed a computerized model applicable to both the management of air pollution emergencies and the long-range development of air resource management. Their program presents guidelines for the creation of legislation, zoning ordinances, and tax incentives which would foster urban and regional growth in a manner compatible with acceptable air quality.

In 1968, Argonne began a study of heated discharges from power plants into large lakes. This program is establishing a mathematical model of circulation patterns in Lake Michigan, developing models to express the behavior of thermal plumes, and analyzing the mass-energy balance of the lake. The study also outlines the research needed for the understanding of thermal effects on the ecosystem so methodologies can be provided. This work is expected to have a strong bearing on reactor siting criteria.

Two other Argonne programs are of special interest.

One is the development, by the Laboratory's Chemical Engineering Division, of final bed techniques in the combustion of coal. Use of these techniques could reduce emission of sulphur dioxide into the atmosphere.

The second is work on lithium anode secondary cells—also being carried out by the Chemical Engineering Division. Such cells promise to be useful as a primary source of power for automobiles and have dramatic possibilities as an implantable energy source for individuals with heart defects.

The change in the AEC's charter also made possible "spin-off" activities which give great promise of providing benefits for mankind. These include:

. . . A hemodialyzer (artificial kidney), developed by Finley Markley of the High Energy Facilities Division and Dr. A. R. Lavender of Hines Hospital, which may revolutionize the care of patients suffering from kidney disease. Victims of kidney failure now must depend upon very complex and expensive hemodialyzers which can be used only at hospitals. The new kidney machine is so inexpensive small and simple, that it may be possible for the patient to use it himself, at home. The device was made possible through the use of adhesives Mr. Markley developed for application in the construction of the ZGS.

A Braille machine, developed by Arnold Grunwald of the Engineering and Technology Division. Smaller than a portable typewriter, it will take symbols recorded on ordinary magnetic tape and play them back on an endless plastic belt in raised dots forming letters in the Braille alphabet. It will reduce by a factor of 250 to 500 the bulk of Braille materials to be produced, handled and stored, permitting much wider use of Braille literature by the sightless. This development is being supported under a grant by the U.S. Office of Education.

When Argonne first was established as a national laboratory, the Commission and the Argonne administration agreed that interaction with the academic community would be a primary responsibility of the Laboratory.

Unfortunately, efforts to carry out this mission were severely hampered in the early years because so much of Argonne's work remained classified. Lack of housing for visiting university faculty members also impeded the program. The principal thing Argonne had to offer, use of unique facilities, could not be exploited by university personnel unless they could be here for extended periods of time.

In 1950, Joe Boyce attacked the problem, and the foundation he established in the following five years made possible a program which flourished in the decade of the Sixties.

The initial organization through which the Laboratory sought to interact with universities and colleges was the Participating Institutions Committee, organized very early in Argonne's history. Thirty-two Midwestern universities were members. Through several intermediate steps, this organization evolved into Associated Midwestern Universities, Inc., (AMU), incorporating in its membership 30 universities.

At this time Frank Myers gave up his post as Dean of the Graduate School at Lehigh University to become Argonne's Associate Director for Education. Shortly afterward, John Roberson took over as Executive Director of AMU.

These events resulted in new impetus to educational activities which brought into closer association Argonne and the academic community.

Still another change occurred in 1966—one which would give universities an even stronger role in the activities at Argonne. In that year Argonne Universities Association (AUA) came into existence, and a new five-year contract for the management of Argonne stipulated that AUA, The University of Chicago, and the Commission would share in management responsibilities.

Under the terms of the contract, AUA formulates, approves, and reviews Laboratory programs and policies. The University of Chicago, which has operated Argonne from the time it was founded in 1946, continues to be responsible for its management and operation in accordance with the policies established by AUA. The Commission, of course, has provided a major share of the Laboratory's financial support and participates in major decisions affecting Argonne's welfare.

Thirty universities now hold membership in AUA.

The most recent change in the mechanism for fostering Argonne-university interaction occurred in 1968. In that year, all of Argonne's educational activities were placed under the direction of a Center for Educational Affairs, and Shelby Miller came to Argonne from the University of Rochester to become Associate Laboratory Director for Educational Affairs and Director of the Center.

Progress in this area has been so rapid that the Center was able to report that last year 2,600 university and college representatives—college juniors up through faculty members—participated in activities at Argonne.

College juniors and seniors participate in summer or inter-term programs which permits them to work for university or college credit with Argonne staff members or in honors programs sponsored by Associated Colleges of the Midwest and Central States Universities, Inc.

Graduate students perform their research for Master's or Doctorate degrees. Post-graduates are attracted to the Laboratory by the opportunity to enrich their backgrounds before they accept professional appointments and launch their careers.

All of these representatives contribute significantly to the life of Argonne. They carry out research programs in areas of special interest and they bring to the Laboratory new ideas, new enthusiasm, and their own special knowledge and skills.

The record would not be complete without my recalling one of the most dramatic ventures in education this nation has ever undertaken. In 1953, President Eisenhower used the vehicle of his famous "Atoms for Peace" talk to suggest that this country establish means for sharing with many nations of the world our rapidly-growing understanding of the peaceful uses of nuclear energy. Argonne considered this a mandate and launched a crash program to bring into existence the International School of Nuclear Science and Engineering. Norm Hilberry, Elmer Rylander, and Rollin Taecker did yeoman work and before the year was out the school was in operation.

Its objective was to attract young men from abroad and to provide them with sufficient training to enable them to return home and establish nuclear energy programs appropriate to the level of technology existing there.

In 1961 the International School became the International Institute. In the institute, the emphasis was on programs tailored for each participant, to make maximum use of the background and the skills he already had acquired. And it was the continued success of the IINSE which caused its demise in 1965. So many of its graduates, scattered about the globe, had developed strong nuclear energy programs in their home countries that the kind of training offered at Argonne no longer was needed.

As most of you here today will recall, Al Crewe decided to step down from his position of Laboratory Director in December of 1966. And early in 1967 Dr. Robert Duffield, whom I have known since his association with me during his student days at the University of California at Berkeley, succeeded him as Director. Bob Duffield has continued the fine tradition of leadership here at Argonne. He has guided ANL through a significant and productive era of its history.

My remarks to this point have concerned the history of Argonne National Laboratory—the Argonne of the past. I will close with several thoughts about the years ahead—the Argonne of the future.

First let me emphasize that the projections which the Commission has developed indicate an undiminished need for use of Argonne National Laboratory for Atomic Energy Commission programs for as far ahead as we can make projections. I foresee no lessening in the national importance of the sort of work Argonne has been carrying out for the AEC. I understand that, in addition to the support we provide, the support for work at Argonne funded by other agencies will total about $2,500,000 this fiscal year. The Commission will continue to encourage its laboratories to provide assistance to others in areas in which they have special competence and facilities up to the limits set by statute and the priority we need to give our own work.

Argonne will continue to play a central role in what I see as perhaps the most fruitful and, in many ways, the most exciting technological challenge facing the nation today—the development of the breeder reactor. Further, I believe that pioneering research at Argonne in both the physical and biological sciences will gain continued recognition as a major source of long-term national strength.

I realize that these are trying days for Argonne, as they are for all of our National Laboratories. And any clear assessment of the future must take present difficulties into full account. But the response of our laboratories to these difficulties has been encouraging and impressive; they have remained steadily productive under painful stress. I believe the long-term prospects at Argonne, as at other laboratories, will depend strongly on the ability of the entire staff to maintain innovative, creative science in the face of budgetary fluctuations.

The drive for excellence in any laboratory is fueled most simply by rapidly expanding requirements and budgets. For now, we must find how to keep our momentum with different fuel. This is a time of testing for many scientific institutions. Some will be seized by the mincing caution which chokes inventiveness. Some will wander and wither, seeking the favors of fashionability instead of capitalizing on their own virtues. Certainly the future of Argonne will be affected by decisions made elsewhere and by the priorities others attach next year and the year after to specific efforts. For the long run, however, I viewed decisions by individuals here about their own work as of even greater importance. The best assurances for the future will come from present rededication to the drive for excellence which Argonne National Laboratory has displayed throughout its first 25 years.

AWARDS TO THE CUMBERLAND SCHOOL OF LAW

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. BUCHANAN. Mr. Speaker, it is with a great deal of personal satisfaction that I call to your attention the recent recognition of one of Alabama's leading educational institutions, the Cumberland School of Law in Birmingham. The student body of this excellent law school has been chosen as the most outstanding student bar association in the Nation and has also received the award for the best student project. These two awards, chosen by a national committee, were presented at the recent annual convention of the American Bar Association. The Cumberland School of Law competed for these distinctions with all other law schools with less than 500 students. The school is part of Samford University, of which I am proud to be an alumnus.

The receipt of these coveted awards is a fitting culmination of a year of imaginative and energetic activity. During the past year, the Cumberland student bar association has lobbied for passage of the Student Practice Act which would permit qualified senior students to handle cases under a lawyer's supervision. Additionally, the student association has pushed enthusiastically for the creation of an honor code and the initiation of a school newspaper. The project award was made for the fine guest speaker program.

The Cumberland School of Law had established a formidable academic reputation long before the presentation of these two awards. It was established in 1847 in Lebanon, Tenn., and has been in continuous operation since then—except for 3 years during the War Between the States—making it one of the oldest law schools in the Nation. In 1961 the school was relocated in Birmingham when it became an integral part of Samford University. Cumberland is one of the few truly national law schools in the South with over 4,000 living alumni scattered throughout the 50 States, District of Columbia and several foreign countries. The list of distinguished graduates throughout the school's history has included 10 Governors, one Secretary of State, 10 U.S. Senators, 75 U.S. Representatives, two Associate Justices of the U.S. Supreme Court, and numerous members of the circuit, district, and State supreme courts. It is obvious that the incumbent student body is maintaining the tradition of excellence in legal training which has historically been the basis of this eminent institution.

WORD FROM THE GRASSROOTS

HON. JOHN ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. ROUSSELOT. Mr. Speaker, a substantial organization very active in public affairs in my District has, on July 30, 1971, sent me a copy of their correspondence to President Nixon with an attachment of a resolution passed by their Government Affairs and Efficiency Committee. Because this statement represents grassroots thinking from the congressional district which I represent, and it is also within the framework of the congressional district formerly represented by the President of the United States, Richard M. Nixon, I ask that it be made available to the Congress for consideration as a worthy point of view:

GOVERNMENT AFFAIRS AND EFFICIENCY,
July 29, 1971.

Subject: Opposition to the President's trip to Peking and Admittance of Communist China to the U.N.

Whereas: The communist Government in China came to power by means of brutality and terror and in over two decades has liquidated over 35 million Chinese people who opposed this government, and

Whereas: The Communist Government of Red China has deprived its citizens of freedom of speech, movement and assembly, and

Whereas: The government of Red China is openly anti-American and is dedicated to war and conquest shown by its invasion of Korea, India and Tibet, fomenting and supporting guerilla rebellions in seven countries of Southeast Asia and Africa, and

Whereas: Red China has stated that a nuclear first strike is acceptable in waging a "peoples" war, and

Whereas: Red China has and does consistently villify the United States and engage in illegal narcotics traffic to the United States, and

Whereas: Red China's admission to the United Nations would give them a veto power in the Security Council and increase their ability to acquire United Nations aid paid for by United States taxpayers, and

Whereas: United States approval for admittance to the U.N. would be a violation of our agreement with the Republic of China and the President's visit to Peking would be an insult to our longtime Taiwan allies, and

Whereas: United States recognition and the President's trip to Peking to consult with Communist leaders would give respectability and enormous prestige for the Communist regime and appear in the eyes of the world that the United States is abandoning moral principle; further crushing the hopes for freedom of those living under the Communist yoke throughout the world.

Therefore be it resolved: That the membership of the South Pasadena Unit of United Republicans of California urges and demands that the President cancel the Impending trip to Peking to consult with Communist leaders, and

Be it further resolved: That this Unit is unalterably opposed to the admittance of Red China to the United Nations.

A MESSAGE FROM THE MINISTER

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. RODINO. Mr. Speaker, our Nation's foundations are based in a glorious past, no small part of which is our orientation to church. The 100th anniversary of the Bethany Baptist Church of Newark, N.J., stands as a visible testament to the strength of those foundations.

I wish to extend my warmest regards and congratulations to the pastor, Rev. James A. Scott and to the entire congregation as they celebrate their centennial year.

And, I would like to commend to my colleagues "A Message From the Minister" which is self-explanatory and which I am sure, is the reason for its enduring contribution to our community:

A MESSAGE FROM THE MINISTER

The celebration of a centennial is an occasion for joy and remembrance. Joy because only things of value and significance last for a century. Remembrance because institutions, even churches, live in the spirit and mind of those who were dedicated and committed enough to dream and sacrifice for its full flowering.

Some years ago I read a quote that has stuck with me: "Dream no little dreams, because they have no power to inspire". Bethany began in a parlor. It was established by men and women who were domestics, who a few years before had been slaves or the children of slaves. From the moment of its inception, it was conceived as something grand. It was a center for community activity. It grew to become a large church with outreach and influence into every sector of the community. It now serves and is known as a leader throughout this large metropolitan area.

But we not only look over our shoulders at the past, we also look forward. We are still dreaming big dreams. We are on the threshold of a new era. At this centennial we have purchased almost three acres of land in the heart of the city and are preparing to build a new sanctuary. We do this, we are enabled to do it, because of the fine leadership of other generations.

The church that flowers today is the seed of yesterday. I have no illusions about this fact. What we are and what we do is the culmination of faith from other times.

Yet it has been my privilege to serve this parish eight years, to share with them their sorrows, their hopes, their fears, and their faith. I am certain that Bethany Church will last at least another century.

NEW YORK HOUSING

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. MURPHY of New York. Mr. Speaker, the dual problem of inflation and recession is one that is causing profound concern in the business community. The high cost of living, too, affects business, and this is particularly evident in New York City, where the cost of living is the highest in the Nation—16 percent higher than in any other city.

Compounding the problem in New York City is the acute shortage of housing—a dilemma that demands that innovative approaches be brought to bear if solutions are to be achieved.

Recently, the State-chartered New York Council for Civic Affairs took note of the efforts of Manhattan East, a New York apartment-hotel organization, which provides housing for corporate executive, government officials, and United Nations personnel.

The citation presented to Manhattan East lauds the organization for performing a vital service by providing the finest in apartment-hotel accommodations, and thereby is meeting a distinct housing need, and is helping to foster an improved economic climate. The council pointed out that because New York is the Nation's corporate capital, business organizations across the Nation find it essential to send their executives to New York on extended business trips; but in this difficult time these trips must be economically feasible.

The council hailed Arthur N. Bresciani, managing director of Manhattan East for recognizing that many business organizations find it economically prohibitive to have their executives stay in expensive New York hotels.

In the boom years, companies used the hotels and luxury suites for visits in New York City, without regard to the high costs involved. However, inflation, the recession, increases in hotel charges and decreases in services, as well as the need for more convenient locations, persuaded many to seek other accommodations for their traveling personnel.

Manhattan East's service has already proven to be an economic lifesaver for many business organizations whose people must stay away from their home base for some time.

Over the past 5 years, Manhattan East has acquired 12 buildings with 1,550 units in midtown New York, transforming them from high paying hotel suites into comfortable, family-type apartment homes. I believe that Manhattan East has, indeed, merited the award conferred by the Council for Civic Affairs.

PREDATORS NEED PROTECTION

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. ANDERSON of California. Mr. Speaker, on May 17, 1971, the House of Representatives passed H.R. 5060, a bill to amend the Fish and Wildlife Act of 1956 to provide a criminal penalty for shooting at certain birds, fish and other animals from aircraft.

In light of the recent developments concerning the slaying of over 700 eagles from helicopters or other aircraft since last September to early April of this year, the necessity of prompt Senate action on this measure is apparent.

Also, on July 8, 1971, I introduced legislation, H.R. 9668, which would establish a national policy and program with respect to wild predatory mammals, and for other purposes. Considering the fact that, not only are the bald and golden eagles being hunted, but also other wildlife, including coyotes and foxes, action should be taken to control these senseless killings. A program to define and to regulate future matters similar to the eagle and coyote incidents should be undertaken.

Therefore, I would like to submit for your information three recent news articles which give additional information regarding the past incidents:

[From the Washington Post, Aug. 3, 1971]

500 EAGLES SLAIN FROM COPTERS, HILL TOLD; U.S. VOWS PROSECUTION

(By Elsie Carper)

A helicopter pilot told a Senate subcommittee yesterday that nearly 500 rare bald and golden eagles were gunned down in flights last winter over ranches in Wyoming and Colorado.

James O. Vogan testified that he ferried sharpshooters on the flights but never shot any of the eagles himself. Sheep ranchers paid $80 a day or from $10 to $25 an eagle but some of the hunters were not paid and shot the eagles just for the sport, according to the testimony.

The ranchers ostensibly paid to have the eagles killed to protect livestock.

The Interior Department said that federal officials are now in Wyoming with subpoenas to seize the records of the eagle kills and are searching for a mass grave where the carcasses were buried.

Expressing "complete dismay and personal outrage," Interior Secretary Rogers C. B. Morton later issued a statement declaring that Interior will "take all possible steps to criminally prosecute those found responsible for the alleged slaughter of these regal birds."

Appearing before the subcommittee, Assistant Interior Secretary Nathaniel P. Reed called the killings a "callous, deliberate defiance of federal and state law."

The bald and golden eagles are protected by federal law. Both species are threatened with extinction.

Interior estimates that there may be two to three thousand bald eagles and up to 15,000 golden eagles in the lower 48 states, with more in Alaska.

Vogan, who appeared before the Senate Environmental Appropriations Subcommittee, refused to testify when the hearing opened, citing the Fifth Amendment protection against self-incrimination. But he opened up after subcommittee chairman Gale McGee (D-Wyo.) read an order issued by a Federal court in Wyoming granting Vogan immunity.

McGee said that Vogan called him several days ago to say that the poisoning deaths of 23 eagles near Casper, Wyo., that the subcommittee investigated last June was minor compared with what he saw while operating a helicopter for the Buffalo Flying Service, Buffalo, Wyo.

"We had a regular haystack of these eagles when we first started bringing them in," the 48-year-old pilot said yesterday. At one time last November, he said, more than 65 dead eagles were piled up at the Bolton Ranch, owned by Herman Werner, at Rawlins, Wyo., and that Wyoming game and fish wardens saw them there but did nothing. After that, he said, he was instructed to stack the dead eagles in a sheep-shearing shed and later the carcasses were buried.

PREDATORS HUNTED

Vogan said that he piloted aircraft hunting eagles, coyotes, foxes, bobcats, and other predators on 13 ranches, with the bulk of the flights over ranches owned by Werner. In one flight last December, he testified, 33 eagles and 14 coyotes were killed one day and 34 eagles and 12 coyotes the next day all on Werner's Bolton Ranch.

Killing of any species of wildlife from aircraft is prohibited by law. Eagles can be shot only under a special permit issued by the Interior Department on the certification by a governor of a state that the birds are killing livestock. Interior has not issued any such permits since 1969.

Vogan said that Doyle Vaughn, Manager of the Buffalo Flying Service, told the shooters he had a permit under the predator control program

SHOTGUNS USED

The eagles were shot while roosting or in flight with 12-gauge shotguns. The helicopter would retrieve the carcasses.

Vogan said he worked for Buffalo from last September to mid-February of this year and then was hired by Werner.

In the Interior Department testimony, Reed said that following the investigation of the poisoning of the eagles the department learned that some ranchers in Wyoming and Colorado were employing pilots and gunners using both fixed-wing aircraft and helicopters to kill eagles and coyotes. He said that estimates of the number killed this way far exceeds those poisoned by thallium. "If these figures turn out to be approximately accurate," Reed said, "they are absolutely sickening statistics."

[From the Washington Post, Aug. 4, 1971]

U.S. PROBERS FIND MASS GRAVE OF EAGLES IN WYOMING

(By Elsie Carper)

Federal agents investigating the shooting of rare bald and golden eagles from helicopters discovered a mass grave of the birds in Wyoming yesterday.

The eagles were found buried under dead animals on federal grazing land 14 miles west of Saratoga, Wyo.

Interior Department officials here said the agents traced the burial site after searching around the headquarters of the nearby Bolton Ranch, owned by Herman Werner.

Identified as the state's largest sheep rancher, Werner is the present employer of James O. Vogan, a helicopter pilot who in two days of testimony before a Senate subcommittee here graphically described how the eagles were gunned down from the air by sharpshooters.

Vogan went to work for Werner last spring after quitting his job with the Buffalo (Wyo.) Flying Service. While flying for Buffalo, Vogan kept a record of kills of eagles and coyotes in a little blue notebook so that he could figure up how much the ranchers owed. They paid from $10 to $25 for each eagle killed and $50 for a coyote, or $80 an hour. The ranchers claim that the eagles kill lambs.

Many wildlife experts say that this happens infrequently and that eagles for the most part eat carrion. Lambs die from many causes and those on which eagles feed are already dead, the conservationists say.

Searching through the book during yesterday's hearing Vogan raised to 770 the number of eagles killed from last September to April. Earlier, Vogan had set the figure at close to 600.

He said that 570 eagles were killed over Werner's Bolton Ranch and that Werner paid $10,000 and later an additional $5,000 to Doyle Vaughan, operator of the Buffalo Flying Service, for the kills. Part of the money was for killing coyotes.

Vaughan furnished the guns and the ammunition and paid expenses for the hunters who went along for the sport, Vogan said.

In the period that he worked for Buffalo, the 48-year-old pilot said that he ferried hunters over 13 ranches in Wyoming and Colorado.

Vogan testified that not more than five of the nearly 800 eagles killed were bald eagles. The rarer of the two species, the bald eagle—an American National symbol—is much more difficult to hunt down and kill because of its ability to maneuver and evade gunfire, Vogan said.

The eagles put up a fight, he said. Sometimes it took as much as a box of shells to down one bird. After shooting the eagle, the helicopter would dip to the ground to pick up the carcass. Vogan said that the birds looked dead but that the safe thing to do was to kick them before trying to load them in the helicopter Often they would come back to life and "you had better have a gun to protect yourself."

Vogan, who was given immunity to testify, said that he did none of the killing himself but that he continued to pilot helicopters for the killing of eagles after Werner told him last spring that no more eagles were to be shot.

Vogan said that he had called Sen. Gale McGee (D-Wyo.) and agreed to testify before McGee's Senate Environmental Appropriations Subcommittee, which had been looking into eagle deaths, because "someone was going to get hung to the tree" and he did not want it to be him.

Interior Secretary Rogers C. B. Morton has asked the Justice Department to prosecute persons responsible for the alleged killings. Both the bald and golden eagles are protected by federal law.

[From the Washington Post, Aug. 5, 1971]

AN AMNESTY FOR EAGLES

"As free as the birds of the air" is a common saying among Americans. Who has marveled at the soarings and sweeps of even the city pigeon and not thought, what freedom? But it isn't always true, at least not for the mightiest of birds, the eagle. Earlier this week, testimony before the

Senate Environmental Appropriations Subcommittee revealed that some 770 golden and bald eagles were known to have been killed from last September to April in Colorado and Wyoming. A helicopter pilot from the area, testifying under immunity from prosecution, told how the defenseless eagles were gunned down from the air by rifle-packing sharpshooters employed by ranchers. The apparent reasons for pulling the trigger on these eagles is to prevent damage to lambs; the ranchers claim the eagles swoop in to destroy livestock, but many wildlife authorities say this happens infrequently. This question aside, no dispute exists about the federal law which forbids killing bald and golden eagles. A permit is needed to gun down the birds—and only from the ground. But since 1969 no permit has been issued.

Nathaniel P. Reed, Assistant Secretary of the Interior, rightly called the incidents in Wyoming and Colorado "absolutely sickening," adding that the shootings were a "cold, callous, deliberate defiance of federal and state law." Interior Secretary Morton has said that he will take all possible steps necessary to prosecute criminally those responsible for the slaughters. There should be no problem with evidence. Federal agents discovered on Tuesday mass graves of birds in Wyoming, buried on federal grazing lands. Sheep ranching, an industry that has great political power but is hardly vital to the nation's security, has a right to exist but not at the expense of annihilating eagles.

The swiftness of the Interior Department in calling for a halt to eagle-shooting is welcome, especially so in contrast to the department's seeming indifference to protecting many other rare and endangered species. Saving the eagle is not merely a movement to protect one particular bird; it is also saving the eagle that is the national symbol of America. When so many citizens are seeing more and more signs that our country's values are dying a slow death, it is not a happy thought to reflect on the way the national symbol may be dying out as well.

ROGERS PURSUES SPACE SHUTTLE MAIN ENGINE INQUIRY

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. ROGERS. Mr. Speaker, following the award by the National Aeronautics and Space Administration to the Rocketdyne Division of North American Rockwell for the final design and manufacture of the space shuttle main engine, I asked for a briefing and explanation of the basis for the award from NASA officials.

I am pursuing this inquiry in light of the criticism surrounding the selection of Rocketdyne for this contract, and I insert at this point in the RECORD for the benefit of my colleagues a copy of a recent letter I sent to the Comptroller General of the United States:

AUGUST 3, 1971.

Mr. ELMER B. STAATS,
Comptroller General of the United States, General Accounting Office, Washington, D.C.

DEAR MR. STAATS: This will confirm my conversation earlier today with Mr. Robert Keller of your office concerning the protest being filed by the Pratt and Whitney Aircraft Division of United Aircraft Corporation following the award by the National Aeronautics and Space Administration to the Rocketdyne Division of North American Rockwell for the final design and manufacture of the Space Shuttle Main Engine.

In light of the criticism surrounding the selection of Rocketdyne for this contract, and since the proposal submitted by Pratt and Whitney reportedly was found to contain the lowest proposed costs by the Source Evaluation Board of NASA, I believe that a thorough investigation of this contract award by the General Accounting Office is desirable.

Moreover, I request that your office notify the National Aeronautics and Space Administration of this investigation and that NASA be requested by the General Accounting Office to withhold the award of any contract for the Space Shuttle Main Engine until the GAO has completed its review.

Kind regards.

Sincerely yours,

PAUL G. ROGERS, M.C.

RACO OF SOUTH BEND, IND., RECYCLES WASTE MATERIALS

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. BRADEMAS. Mr. Speaker, we are in an era, none too soon, of environmental awareness.

Many individuals are finally realizing the delicacy of man's relationship with his environment and thus are making conscientious efforts to avoid ecological damage.

I am encouraged, Mr. Speaker, that increasing numbers of businesses are also recognizing the problems created by industrial wastes, as well as by the exploitation of our limited resources. And many firms are now taking steps to minimize their harmful impact on the environment.

Mr. Speaker, I am glad to report that several industries in the Third Congressional District of Indiana, which I am privileged to represent, have established environmental safeguards.

One such plant, the Roach-Appleton Manufacturing Co., of South Bend, Ind., has installed a recycling process to remove chemicals from its waste discharge.

I include in the RECORD an article from the July 4, 1971, edition of the South Bend Tribune, describing this process:

RECYCLING PROCESS COSTS FIRM $100,000

The Roach-Appleton Manufacturing Co. (RACO), 3902 W. Sample St., said Saturday that it has spent $100,000 to place in operation a recycling process that it believes to be an important contribution in the community's efforts to halt water pollution.

As the country's largest producer of steel switch and outlet boxes, the South Bend plant turns out these and other related electrical products by the millions, most of which must be zinc-plated, a process producing highly toxic sodium cyanide as a waste material.

But rather than letting the dangerous chemical go down the drain, RACO is using a method that catches it in a huge recovery system which reuses both the cyanide and the water, according to Eugene Glimek, manager of plant engineering.

"This is recycling in its purest form," asserted Klimek. "We collect our rinse water, run it through what amounts to a giant 'still,' separate the water from the chemicals, then reuse both."

He noted that the distilled water that re-enters the rinsing system is free of impurities and is purer than the city's tap water. The cyanide that is trapped is pumped back into the plating solution as needed, he added.

The recovery system, which has been in use three years, was designed and built by the Pfaudler Co., a division of Ritter Pfaudler Corp., Rochester, N.Y.

The 600-gallon-per-hour system serves zinc-plating units that are from 95 to 145 feet long, forming one of the largest zinc-plating operations in Indiana. They operate on a 24-hour-a-day, five-day-a-week basis.

The automatic plating process uses sodium cyanide, caustic soda and zinc. As the plated items emerge from the solution, they must be rinsed. The rinse water is caught in a holding basin and pumped back into the Pfaudler system.

USE TWO EVAPORATORS

After the rinse water passes through two evaporators, where it is heated by high-temperature hot water, the resulting water vapor is drawn into a condenser tank, where it is cooled to form distilled water. As the distilled water is needed, it is pumped from a holding tank back into the rinse cycle.

The liquid left from the separating process is a cyanide solution, which is "reworked" several times, becoming increasingly more concentrated. When the plating process calls for more of the cyanide solution, some of it automatically is pumped into the plating tanks.

RACO officials said that in the three years since the system was put into use, it has produced "very satisfactory" results.

WHO IS BEING SUBSIDIZED?

HON. NEAL SMITH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. SMITH of Iowa. Mr. Speaker, there appears to be a generally widespread feeling today that farmers are heavily subsidized by taxpayers and consumers. The assumption is unfortunate, but nonetheless real, and nonetheless a source of concern and discouragement to farmers. It stems perhaps from a welter of arguments, many of which are based on fragmentary and inconclusive evidence, but have as a basic theme the thought that farm subsidies are wasteful, and have come to epitomize misguided public policy.

Subsidies are never popular. We all want to "make it on our own," so to speak. But there is considerable evidence to suggest that the American consumer does get a good deal from the farmer. In any instance where food is too high, it must be related to the spread between farmers' prices and retail prices.

Such evidence is presented in two excellent articles carried in the most recent issues of Farm Profit, a magazine published by the Massey-Ferguson Equipment Co.

These articles were written by Mr. Wes Ritchie, and I believe they place in remarkable perspective the extent to which farmers today are subsidizing others. I would urge my colleagues to evaluate the material, and ask again: "Who is being subsidized?" and should not the farmers be more appreciated.

[From Farm Profit, April 1971]

WHO'S SUBSIDIZING WHO?

(By Wes Ritchie)

There's a great deal more truth than humor in the cartoon at left. Government programs subsidizing various segments of our economy amount to billions of dollars. But it seems unfair that farmers are the ones always taking the rap.

Definition of a subsidy, like that of beauty, varies with the beholder. What one man calls a subsidy may be considered proper and due compensation by another.

Whether we want to believe it or not, virtually all segments of our American economy enjoy Federal subsidies—either directly or indirectly. For the majority, the benefits accrue indirectly while they are paid directly to the producer, in the case of the farmer.

LOTS OF NONFARM SUBSIDIES

Postal subsidies, for example, benefit everyone receiving mail as well as those who mail items at less than the actual delivery cost. Those using the airlines, railroads, and shipping lines benefit indirectly from the subsidies which have been paid out to make sure that these services are maintained.

On the basis of cost, the Post Office Department's greatest dollar loss has consistently been in second-class mail, which comprises primarily newspapers. A recent Post Office estimate, for example, showed that it costs 7½¢ to deliver every copy of a major business newspaper, while the newspaper itself pays only 2¢ postage. Take that 5½¢ difference times the nearly 213 million copies they mail each year and you come up with a subsidy of over $11 million to that company. And that's only one newspaper.

Direct subsidy payments to airlines amounted to over $40 million dollars in 1970. While at the same time they were benefiting tremendously from the $1 billion budget of the Federal Aviation Administration, which includes grants for airports and aviation research.

There are hundreds of subsidies that go to special interest groups in our society. Depletion allowances are a good example. They provide subsidy-like benefits to the petroleum and other industries. Accelerated tax amortization for defense plants subsidizes owners of these plants. Our tariff system could also be called a subsidy structure. It involves government action that enables protected industries to charge more for their goods in the American market.

Federal non-interest-bearing deposits of billions of dollars in private banks and certain services of the Federal Reserve System amount to subsidies for large private bankers. Sale of federal surplus property at a loss is a subsidy to the purchasers.

MANY HIDDEN SUBSIDIES

Public acceptance of a particular subsidy seems to be directly related to how well it is disguised. There is no way to accurately measure in dollars the benefits Mr. John Q. Public receives from all the laws aiding rim. Yet the principal cost of agriculture's programs are constantly subjected to strict public accounting.

There can be little question that the $3.5 billion which annually has been charged off as agricultural (farm) subsidies has meant less costly food and fiber to the American consumer who otherwise would have had to pay that sum, and more, at the retail end of the marketing chain.

The farmer's return on his time, labor, and dollar investment is barely enough now to keep him in business. And since he receives roughly only a third of the consumer dollar spent on groceries, it is likely that the national food bill would go up much more than $3.5 billion if full production costs were assessed at the retail level.

SOMEONE HAS TO PAY

Like the old adage says, "he who dances must pay the fiddler." Those who eat must pay the bill, either entirely at the supermarket or partly through taxes.

"Under our present domestic and international economic systems, this dual financing approach seems to provide a greater abundance of agricultural commodities," says W. R. Poage, chairman of the House Agricultural Committee.

"So long as the farmer must buy in a Government-protected market, and hire labor at pay scales enforced with Government laws and regulations, it would seem necessary that he, too, receive a degree of Government financial backing in his efforts to meet the nation's nutritional needs."

It should also be kept in mind that many nations of the world subsidize agricultural operations, even though their crops are produced with low standard of living labor. At the same time the American farmer successfully meets such competition only because of his advanced technology which has resulted in high yields per acre.

Sales abroad of U.S. farm commodities is a vital factor in maintaining a dollar balance of payments in international trade. These sales likely could not continue at their present level if our farm programs were withdrawn.

HOW MUCH DO FARMERS HELP?

Some people contend that the total transfer of money from consumers and taxpayers to the farm economy is much more than the 3.5 billion. They are figuring that support prices raise the cost of food and fiber to the consumer.

But at the same time they forget to figure just how much the American farmer is supporting the rest of the economy through his efficient production of food and fiber. Let's take a look at the figures:

At right you'll see that the U.S. consumer now spends 4% less of his income on food than he did just 10 years ago. And compared with the rest of the world he's spending 20 to 40% less of his income on food.

Disposable income per person in the U.S. in 1969 was $3,163. Take 4% of that and you find that each person in this country has over $120 more to spend on things other than food than he did 10 years ago.

Figuring the U.S. population at 190 million—that's minus farm population—and multiplying that times the extra $120 each person has to spend, you come up with a figure of over $22 billion. That could well be the amount of money farmers are saving consumers each year through their efficiencies.

Farmers should be the ones asking: "Who's subsidizing who?"

[From Farm Profit, July-Aug., 1971]

A QUESTION FOR OUR FOOD LOVIN' FRIENDS—WHO'S SUPPORTING WHO?

(By Wes Ritchie)

Whether we Americans realize it or not (and most of us don't), we owe a great deal of our luxurious living to the man producing our food.

The farmer and the abundant supply of food he produces is the basis on which we have been able to build the world's highest standard of living.

Stop and think of the progress this country has made in the past 25 years—or even the last 10 years. Fabulous!

Twenty-five years ago we had very few dishwashers or clothes dryer in our homes. Jet airplanes, antibiotics, atomic energy, Salk vaccine, electronic computers and electric can openers were hardly heard of. Two-car families and air conditioned homes (let alone air conditioned cars) were few and far between . . . and the list could go on.

WHO'S MADE IT POSSIBLE?

Ask that question of the average man on the street and you're sure to get a multitude of answers. Our scientists, inventors and industrialists would sure to be mentioned, as they rightly should. But the farmers, as an important force behind this country's progress, would most likely be overlooked.

And there's probably a reason for that, too. Farmers have become so efficient at producing great quantities of wholesome food at low cost that most of us take a full stomach for granted.

But even though farmers are taken for granted, their business is still the nation's most basic industry. And food is man's most basic material need.

Agriculture is this nation's biggest single industry, in fact employs more persons than transportation, public utilities, automobile manufacturing, and the steel industry combined. The current investment per farm worker of $50,000 is nearly double the average for nonfarm industries.

Even more significant is the rate of increase in output per farm worker since 1950—almost double that of nonfarm workers. *This is one of the basic reasons for the high and rising American standard of living.*

HOW HAVE FARMERS DONE IT?

Farmers have freed *manpower:* At the time of the American Revolution, this was a nation of farmers. Even 50 years ago, over ¼ of all Americans were farmers. If farmers were no more efficient now than in 1920, this country would need 20 million people in agriculture to meet her current needs. In 50 years, more than 15 million workers have been "freed" to produce other things.

Farmers have freed *income.* Fifty years ago, the average American had to spend about 80% of his income on the basic requirements of life—food, clothing and shelter. Today these essentials take less than 65%. So the average family can spend over 35% of its take home pay—instead of 20%—for travel, recreation, education, health, and the other luxuries that add to life's quality.

A major part of this gain in extra spendable income has come from a decline in the relative cost of food.

Americans last year had to spend only 16½% of their income on food. That compares with over 20% just 10 years ago and over 50% and more in eastern Europe and many developing countries.

Anyway you look at it, Americans are buying food at bargain prices.

Farmers have also freed *time.* The average work week was 51 hours in 1920, compared to 40 now. And paid vacations 50 years ago were few and far between.

Many things have helped, but you can be sure that if food, fiber and shelter were still costing 80% of consumer spending, workers could not have reduced their work week.

Farmers have freed *space.* When we were a nation of 107 million people, 350 million acres were needed to grow our food and fiber. In recent years we have harvested fewer than 300 million acres and our population has nearly doubled.

If farmers hadn't improved their efficiency, we would now need to harvest 500 to 550 million acres—even if we stopped exporting. The acres spared by farm efficiency add greatly to soil and water protection, wildlife, and recreation. And more land is available for towns and open space, too.

These benefits—income, time, space, and better use of manpower—have all been vital to improving the quality of life for every member of our society.

TREMENDOUS FARM PROGRESS

What has happened in the past few years overshadows the progress of many, many previous generations. In Christ's time, it's thought that one fulltime worker was producing enough food and fiber for himself and less than one other person.

By 1850, the food and fiber produced by one American farm worker was enough for 4 persons. Just 50 years later the figure had nearly doubled—it was up to 7.

Between 1900 and 1940, farmers made tremendous progress and the output of food and fiber per farm worker had risen to enough for 11 other people.

By 1960, the production of one farm worker was enough to meet the food and fiber needs of himself, plus 26 other people. Last year, each farmer produced enough to feed nearly 46 people. In 1971, it could equal, or possibly exceed 50!

Farmers have made as much change in their productivity in the past 11 years as was made between Christ's time and 1960.

WHO BENEFITS MOST?

Generally, we in America feel that he who makes progress possible should be rewarded for it. But the farmer, the man who has really made our improved level of living possible, often does not share proportionately in the profits.

The real beneficiary of our great agricultural progress is the American consumer. The average American who feeds himself on only 16½% of his after-tax income could not do it without the farmer's basic support—an abundant supply of food.

MORE SUPPORT FOR VOICE OF AMERICA YIDDISH BROADCASTS TO SOVIET JEWS

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. BUCHANAN. Mr. Speaker, as a sponsor of legislation urging the Voice of America to undertake broadcasts in the Yiddish language into the Soviet Union, I was delighted to note recently that the Anti-Defamation League of B'nai B'rith has officially joined the ranks of those organizations urging Congress to pass such legislation.

I share this profound hope that the more than 3 million Jews living in the Soviet Union and suffering continuous oppression by the Soviet Government will be given the small act of recognition which would be provided through Yiddish broadcasts by the Voice of America.

At this time I would like to share with my colleagues in the House of Representatives the following press account of the support for the above legislation which has been expressed by the Anti-Defamation League of B'nai B'rith:

[From the Washington Post, July 3, 1971]

YIDDISH, HEBREW PROGRAMS FOR VOICE OF AMERICA RADIO

NEW YORK.—The Anti-Defamation League of B'nai B'rith has urged Congress to pass pending bills authorizing the Voice of America to include Hebrew and Yiddish in programs now beamed to the USSR.

The current Voice of America program "ignores the more than 3 million Jews in the Soviet Union who have been deprived of their cultural heritage, and who would welcome support from abroad in their struggles to retain their ethnic identity," ADL national chairman Seymour Graubard said here.

He called on the State Department, which has jurisdiction over the program, to institute a minimum of two weekly broadcasts, one in Yiddish and one in Hebrew "for the culture-hungry Jewish audiences in the USSR."

Mr. Graubard noted that the Voice of America has been beaming its foreign language broadcasts for decades to people under Soviet domination in Eastern Europe and the USSR.

"Yet, the Jewish ethnic group, singled out by the Soviet authorities for special harassment and denial of rights, has never been represented," he said.

EXPORT-IMPORT BANK DEALS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. BIAGGI. Mr. Speaker, I strongly object to the conference committee's acceptance of the Senate provision that would permit the Export-Import Bank to deal with a national or agency of a country that is engaged in armed conflict with the United States or supports such action.

This section was put in the existing law for a very good reason: It makes no sense to help an enemy of this country, especially when we are at war. What good will it do this Nation to supply goods and services to a country that will use them against U.S. troops?

Likewise any country aiding another country engaged in armed conflict with the United States should not enjoy the benefits provided through the Export-Import Bank.

This amendment was originally put into the law by my predecessor from the 24th District of New York (Mr. FINO) during the height of the Vietnam war. It cuts off any Eximbank aid to Eastern European countries who were all supplying goods to the North Vietnamese Communists.

When the present bill was considered in the House, this body wisely passed a floor amendment with my strong support that restored the Fino amendment despite efforts by the committee to include language similar to this conference version.

The Senate, however, came to the conference with the language we now have before us, and the conference committee chose to adopt the Senate version.

What astounds me most, Mr. Speaker, is who is behind this attempt to finance the enemy through offering assistance to nations friendly to our antagonists. it is none other than the President of the United States, the Honorable Richard M. Nixon, according to the minority leader. This is the man who used his diligence against communism as a piller of his campaign. Now he has decided to virtually encourage trading with the enemy while we are in the midst of a war.

Mr. Speaker, the conference report should be rejected and the House should insist on its version of the bill. The Fino amendment deserves to be restored. When we are winding down the war in Vietnam is no time to begin trading with the enemy.

When, and if, the Communists of Eastern Europe and the Far East show they intend to live in peace with the rest of the world and not support aggression against free nations, then—and only then—this Congress can consider relaxing the Export-Import Bank law.

The leadership of the party on the other side of the aisle are engaged in pure folly in trying to permit such financing of the enemy. I urge a strong vote against this conference report—and thus against trade with the enemy.

COMMUNICATION FROM NATIONAL WILDLIFE FEDERATION

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. DINGELL. Mr. Speaker, I have received a communication from the National Wildlife Federation which I feel will be of interest to my colleagues. It concerns the recent decision of the U.S. Court of Appeals for the District of Columbia involving the proposed Calvert Cliffs' nuclear power facility.

I include the comment of the National Wildlife Federation at this point in the CONGRESSIONAL RECORD:

COMMUNICATION FROM NATIONAL WILDLIFE FEDERATION

With due respect for the inherent dangers of indulging in superlatives, the Opinion (Calvert Cliffs' Coordinating Committee, Sierra Club and National Wildlife Federation v. Atomic Energy Commission) is unquestionably an extremely significant environmental milestone.

The Opinion includes what is to date perhaps the most explicit judicial interpretation of the National Environmental Policy Act which mandates careful consideration of the environment by all agencies of the Federal Government.

With specific application to the AEC and atom-fired electrical generating plants the Opinion:

(1) Opens the AEC licensing hearings to full public consideration of the environmental impact of nuclear power plants;

(2) Eliminates major sources of delay in the hearing process by:

(a) dispensing with technical arguments over the public's right to raise environmental issues;

(b) strips away costly procedural arguments which impede immediate attention to the merits of issues raised;

(3) Explicitly affirms that the AEC must:

(a) investigate the environmental impact of all nuclear power plants even if the public does not raise the environmental issues;

(b) permit environmental investigation of all nuclear power plants licensed after January 1, 1970 (effective date of National Environmental Policy Act) even if the investigation requires re-opening or extended hearings;

(c) investigate *all* environmental issues, even if covered by existing regulations established by other state or federal agencies;

(d) consider modifying operating licenses of plants operating prior to January 1, 1970 to enhance environmental protection;

(e) consider halting work on plants under construction, but not operating prior to January 1, 1970 pending full review of all environmental considerations;

1. fully investigate the environmental impact of these plants as soon as possible and modify construction permits as required to enhance environmental protection.

It has been a long, sometimes furious battle. We are naturally gratified the Court ruled favorably on every point we raised. But it may not be over yet. The AEC has ninety days to appeal the decision to the Supreme

Court: the Commission could seek an "emergency" legislative loop-hole; or could engage in token compliance with the ruling.

We hope the AEC will not opt for either of these alternatives. Careful, honest consideration of the environmental impact of nuclear power plants is an extremely modest goal.

Positive compliance with the Court's ruling will speed up, not hinder, meeting the nation's energy requirements.

Eliminating the long, costly haggling over technicalities will accelerate decisions on the best method of power production for a given situation, and result in better nuclear power plants with minimum possible impact on the environment.

COMMEMORATION OF THE WARSAW UPRISING AND CAPTIVE NATION DAYS

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. ROONEY of New York. Mr. Speaker, for several days our attention has been called again to an historic act of heroism, while at the same time we have been reminded of equally significant acts of bestial oppression.

We can glory once again in the gallant but futile uprising staged 27 years ago by the citizens of Warsaw in which men, women and children fought their Nazi oppressors with every type of weapon upon which they could lay their hands. We can share the pride our fellow citizens of Polish birth or descent have in the heroic efforts made by those Polish patriots who for 63 long days tried to dislodge the alien overlords from their beloved capital.

The bloody 2-month struggle left more than 200,000 of these brave people lying dead upon the streets of Warsaw while Russian troops stood by and watched the Nazi military power put down the uprising.

History shows that what had seemed a glorious effort made in vain really resulted in giving new heart to the allied forces fighting in Poland's behalf. To some degree our vicarious pride in the splendid efforts made by the courageous Warsaw citizens helps to balance our sorrow and regret as we reflect upon the prolonged tragedy suffered by our friends who find themselves living in the so-called captive nations.

Thirteen years ago when this body took legislative steps to proclaim our deep and abiding affection for these enslaved peoples, as well as our determination to stand by them until they are again free, we all expressed sincere hopes that all enslaved peoples would soon throw off the fetters which kept them captive.

How tragic it is that our hopes could not be realized, but instead we have seen the Kremlin exert increasing acts of oppression. Their inhuman treatment of Jews within the Soviet Union itself as well as in its satellite countries has increased in frequency and in intensity. We have seen the efforts made by the people of Czechoslovakia and the people of Poland to pursue a more democratic life repulsed again and again by the Soviets both by direct and indirect means. We all recall the magnificent struggle made by the Hungarian people in 1956 to free themselves from Russian bondage. We have watched the people and the leaders of practically all the capitive nations make sporadic attempts to gain even minor improvements in their economic and social well-being. Unfortunately we have seen most of those attempts fail.

But what we have seen, Mr. Speaker, is a continuing manifestation by the people of these enslaved countries to gain their freedom and to attain full self-determination. Even under sustained oppression, the drab and limited opportunities open to them have not snuffed out the sparks of freedom or quenched the desire for the sovereignty.

It would be only right and just if all Americans would utilize these days dedicated to reminding us of the captive nations and the bravery of the Warsaw citizens to reinforce our adherence to the eloquence and sincerity of the legislative statements contained in Public Law 86-90 adopted by the U.S. Congress in July 1959, wherein we pledged to share with these captive people in their aspirations for the recovery of their freedom and independence.

Let us not forget that the people of these countries are our tried friends. Most important, they are also the blood relatives of millions of loyal American citizens who are entitled to our most generous and energetic support in their behalf.

TEXTILE IMPORTS

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. DUNCAN. Mr. Speaker, ever since I came to the Congress I have observed the growing impact of foreign products on our economy—on our workers and on our consumers.

I am especially interested in the plight of the persons in this country who are engaged in the manufacturing of textiles and textile products. Many of my constituents earn a living in textile plants since this is one of the biggest industries in my congressional district.

Since 1934 we have had a policy of free trade leadership, and it has flooded our markets with shoes, textiles, cars, steel, electronic items, and even foods. As everyone knows, the price is lower on these imports, but frankly, the quality and workmanship are usually inferior. The American consumers are, therefore, victims of foreign manufacturers; they are getting no bargain for their money and replacement parts are often hard to find or expensive. Foreign appliances are not easily serviced either.

In 1959 a billion square yards of textiles and apparel of cotton, manmade fiber and wool came into this country. In just 6 years these imports more than doubled. In 5 more years, by 1970, they had redoubled to some 4.6 billion square yards which is more than 22 yards for every living American.

Foreign countries are now supplying 15 percent of the American textile market, and, in certain items, such as worsted fabric for men's suits, the import ratio is above 50 percent and growing, I am told.

By the end of 1969 studies showed that if imports of textiles continued at the previous year's rate there could be a loss of 100,000 jobs a year in that single industry. The bitter truth is that imports have increased, not decreased, and many textile workers have had to look elsewhere for jobs.

We need the textile plants that are located throughout our country. The jobs they provide are very important in holding unemployment down and providing wages that bolster our consumer purchasing power. When too many workers are displaced, there is nothing they can do but turn toward the Government—the taxpayers—for some form of relief or welfare. A limited number of jobs in other industries are usually available, but they go fast when an entire plant folds.

More than 60 textile manufacturing plants and 100 knitting mills have closed their doors in the past 2 years. Imports were not the sole reason for the shutdowns, but they have been a major factor. The present level of imports represents about a third of a million textile-apparel jobs.

Through prosperity and depressed times textile imports have gone up. They have reached a point where they threaten future success of our American textile industry unless suitable controls are set in force.

Ceilings and import quotas can prevent the erosion of production in this country. They are insurance against unemployment, a sagging local economy, and against the death of some communities. Our legislative work here should be to protect the jobs of our constituents, to encourage the growth of consumer buying power, to insure quality products for our consumers, and to maintain our economic and trade leadership.

THE DANGERS TO A SOUND ECONOMY

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. SYMINGTON. Mr. Speaker, in my July newsletter, I asked my constituents in the Second District of Missouri to rate the dangers to a sound economy. Those who responded ranked five factors in the following order:

U.S. overseas commitments.
Labor's wage demands.
Inflationary domestic spending.
Unfavorable trade arrangements.
Industry's profit margins.

Of course, no single cause operates in isolation. The drain of our resources and manpower abroad, coupled with the inflationary wage-price spiral, have contributed to a decline in America's competitive position in world markets.

We cannot afford to let unwise foreign involvements impoverish us, nor can we afford a timid approach to inflated wage and price increases.

THE LOSS OF AMERICAN CONFIDENCE

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Friday, August 6, 1971

Mr. THURMOND. Mr. President, in the August 5, 1971, issue of the Washington Post there appeared a very disturbing article entitled "Is America Losing Self-Confidence?"

In writing this article Mr. Kevin P. Phillips stresses the many prevalent signals which may be pointing to American decline. Our self-confidence has been lost since U.S. involvement in Vietnam. This article points out that U.S. citizens no longer have the will or the guts to mobilize. This lack can lead to the United States falling from great nation status.

In contrast to this, the Russians and Red Chinese do not have this lack of confidence in their destiny. They do not question what their leaders have done and are proud of their aggressive actions rather than engaging in any guilty introspection.

Mr. Phillips also points out that we are losing faith in hard work and the results of competition.

Mr. President, our Nation seems to be willing to go ahead with a guaranteed annual income without regard to its effect on the willingness of the people to work or of creating a permanent welfare class. Increasing welfare payments are directly in competition with lower income jobs. The results of this have been clearly outlined by critic Irving Kristol when he stated that the principal cause of the welfare explosion has been the "bleeding heart psychology that the poor deserve high welfare payments as a right."

We can use the examples of Sweden and Britain tc show that the present U.S. combination of welfarism, permissiveness, lack of self-confidence, and anti-imperialism are sure signs of U.S. decline. These distressing comments deserve the consideration of the Congress.

Mr. President, I ask unanimous consent that the article entitled "Is America Losing Self-Confidence?" which appeared in the August 5, 1971, issue of the Washington Post be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 5, 1971]

IS AMERICA LOSING SELF-CONFIDENCE?

(By Kevin P. Phillips)

Is America in danger of entering a period of decay like that which characterized the declining years of Greece and Rome?

President Nixon himself has referred to the *possibility*. But according to two recent analyses, the time may already be at hand.

"The Declining Self-Confidence of the Super-Powers" is the theory of Peter Wiles, who holds the Chair of Russian Studies at the University of London. Unfortunately, Wiles sees the United States, in greater trouble than the Soviet Union. His main theme, laid out in the spring 1971 issue of International Affairs (published by the Royal Institute of International Affairs), goes as follows:

"Self-confidence is the key. An imperialist government has to feel a great historic righteousness about what it does, and the citizens of its core nationality must share this feeling . . . The will to mobilize, and the willingness to be mobilized, are (most) important, and since men are moral beings, that will rests upon self-righteousness."

This makes sense, and Wiles is correct in saying that we have lost that will. Gone are the days when the United States sent gunboats up the Yangtze (1937) and Marines into Lebanon (1958), caring not a whit for the howls of the so-called Third World.

Our national will, our sense of invincibility and historic mission, foundered in Vietnam. And in the last few years, it has all but been snuffed out by the permissiveness, anarchismeum-radicalism and guilt that has suffused the land as a corollary and result of our Southeast Asian disaster.

Now we are going back and rewriting our history, blackening our policy-making, abandoning our military preparedness, and raking ourselves over the coals of guilt-complex liberalism. Publication of the Pentagon papers is the best example of remorseful historiography in action.

In contrast, the Russians are not questioning what their leaders did in Prague in 1968. Specialist Wiles says that the Soviet people are proud of their suppression of the Czechs, and also of their "aggressive racism" towards China.

Wiles sees the United States in deep trouble: "Historiography is so particularly important because it is the basis of imperialist remorse, which is the basis of imperialist decline." In plain language, the United States is slipping into the hands of the doubters and the denigrators, and we are losing historical self-confidence—and the guts—to maintain Great Power status.

Unfortunately, we are also losing confidence of another sort—faith in the work ethic and confidence in the fairness of the competitive economic opportunities offered by our society. Guilt about the affluence of the majority is a major foundation of the federal government's guaranteed annual income (welfare) proposal. Never mind that it will detract from lower-class willingness to work, and that it may well create a permanent welfare underclass.

Writing in the August issue of Atlantic, social critic Irving Kristol argues that the principal cause of the welfare explosion has been welfarism itself—the bleeding-heart psychology that the poor deserve high welfare payments as a right. This has been implemented, he says, by the active recruitment of "clients," whom poverty workers advise to have pride in welfare and to spurn low-paying "dead-end" jobs. Kristol notes—and congressional studies confirm—that many welfare recipients have abandoned low-income jobs.

Kristol sees welfare as robbing the low-income family head of his socio-economic function. "Welfare, it must be remembered, *competes* with his (usually low) earning ability; and the more generous the welfare program, the worse he makes out in this competition." He concludes by speculating that welfare itself is a major cause of low-income family distintegration and social unrest.

If the experiences of Sweden and Britain, once great world powers, are any example, the present-day U.S. combination of welfarism, permissiveness and anti-imperialism is fatal to national greatness—or at least it is a sure sign of decline and fall. We already seem to be traveling on that crumbling Roman road.

MICHAEL J. HARRINGTON ON WATER POLLUTION

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. KOCH. Mr. Speaker, on July 28 our distinguished colleague from Massachusetts (Mr. HARRINGTON) appeared before the House Public Works Committee to testify on the subject of water pollution. Mr. HARRINGTON brings to this House an expertise in the field of water pollution. In his statement before the committee he has provided a thorough analysis of our Nation's water quality crisis and called for clear national water pollution standards, a master plan for the cleanup of our waters, and an acceleration of our loan and grant program to assist industries and municipalities in developing treatment facilities.

For the benefit of our colleagues and interested readers of the CONGRESSIONAL RECORD, our colleague's statement follows:

STATEMENT BY CONGRESSMAN MICHAEL J. HARRINGTON (D., MASS.) BEFORE HOUSE COMMITTEE ON PUBLIC WORKS ON H.R. 4129, H.R. 8355 (H.R. 9680, H.R. 9684, H.R. 10046), H.R. 806 (H.R. 809, H.R. 1330), H.R. 8736 (H.R. 9576, H.R. 9803, H.R. 10048), H.R. 8835, H.R. 9681 (H.R. 9685, H.R. 10047), JULY 28, 1971

INTRODUCTION

Mr. Chairman, the hearings being held by your Committee are vital. The objective of all the legislation before you is clean water. Clean water used to be taken for granted. That is no longer the case.

You have nearly 150 bills before you for consideration, of which 60 are original pieces of legislation. It is up to your Committee to attempt to solve the water pollution problem through good legislation, but your job is a difficult one. Sixty bills, approaching the problem in 60 different and fragmented ways, equals confusion, complexity, and incoherence. I do not envy you your job of attempting to make order from this chaos. But I am grateful to you for allowing me the opportunity to appear before you today to explain my concept of effective water pollution control legislation.

Let me begin by stating some givens:

1. Our time has run out. If we delay any longer we will face a national water quality crisis. Disease and death are the direct results of procrastination.

2. We therefore must:

(a) Strengthen present legislation;

(b) Give greater federal aid to cities and industries to build treatment facilities; and

(c) *Enforce* the laws.

3. In order to accomplish these goals we must develop a very clear idea of the kind of water pollution abatement program we need. We need a master-plan.

Our approach thus far has been rather haphazard. I do not mean to denigrate past efforts, but it is obvious that we have failed to give the guidance required in this field.

Our program is fragmented. It is not being enforced. We failed to recognize the magnitude of the problem until very late. The Congress did not respond to the water pollution crisis until 1965 when it passed the Federal Water Pollution Control Act. In its haste, the Congress legislated a complex and nearly unenforceable law. In 1968 this law was amended and in 1970 we passed the Water Quality Improvement Act. But these laws have not really solved the problems. We lack *clear* national water pollution standards—we lack the ability to enforce these standards quickly. We have established the Environmental Protection Agency to coordinate federal activity in this area. But we have failed to make sure that EPA can or will use the tools it has to enforce water quality standards, and we have failed to supply EPA with enough tools.

The picture I am painting is a grim one. Frankly, unless we achieve an overview of the situation and legislate according to an overall plan, we will never have clean water.

My plea to this Committee is to concentrate less on the specific bills before you and more on the concepts which prompted these bills. Only by legislating master plans providing strong guidelines, strong oversight, and strong enforcement, will we save our water.

Mr. Chairman, I am here today to testify in behalf of six bills which I have introduced. In no way do I claim that enactment of any or all of these bills will solve the whole problem. But the concepts behind each are ones I hope the Committee will take into consideration in reporting out legislation.

Three of my bills, H.R. 4129, H.R. 8355, and H.R. 9681 would improve, update, and strengthen the 1899 Refuse Act. H.R. 4129 would include municipalities under the provisions of the Act; H.R. 8355 would specifically allow citizen *qui tam suits* and increase penalties under the Act; and H.R. 9681 would give direct permit granting authority for effluents to the Administrator of EPA.

The three other bills, H.R. 806 (identical to H.R. 809, H.R. 1330), H.R. 8736 (identical to H.R. 9576 and H.R. 9803), and H.R. 8835, present a packet of legislation designed to provide both industry and municipalities with more Federal funds to clean up water pollution. H.R. 809 would provide lost cost loans to marginal industries for the building of waste treatment facilities, H.R. 8736 provides 90 per cent Federal funding of the construction of municipal waste treatment facilities and H.R. 8835 provides 100 per cent Federal funding of planning grants for municipal waste treatment facilities.

PART I

I would like first to discuss the Refuse Act amendments.

It is ironic that the clearest and most forceful water pollution abatement law should be an Act passed 72 years ago. It is a sad commentary on the Executive Branch's unwillingness to commit itself to fighting pollution that the Refuse Act has been repeatedly gutted by the Nixon Administration since it was resurrected last year.

The Refuse Act as it is presently written and interpreted could be substantially strengthened by the enactment of the three bills I have introduced.

H.R. 4129 would include municipalities under the Act. As the Act is presently written, effluents from municipalities are specifically exempted, as are industrial effluents discharged or deposited into a municipal or other public sewage treatment system. Only direct dumping by persons and industry is covered under the provision stating that it is unlawful "to throw, discharge or deposit, or cause, suffer, or procure to be thrown, discharged, or deposited whether from or out of any ship, barge, or other floating craft of any kind, or from the shore, wharf, *manufacturing* establishment, or mill of any kind, *any refuse matter of any kind or description whatever other than that flowing from streets and sewers and passing* therefrom in a liquid state, into any navigable water of the United States or into any tributary of any navigable water from which the same shall float or be washed into such navigable water. . . ." (emphasis added).

At the time the Refuse Act was written, water pollution was an almost inconceivable idea. The original thrust of the Act was to prevent hazards to navigation, i.e. the dumping of materials which would block waterways, something that municipalities were unlikely to do. Water pollution is now our number one hazard and the worst source of water pollution is unabated sewage from municipalities. The refuse from municipal sewage is in the millions of tons and industries tying into municipal plants contribute greatly. To help make a coherent attack on water pollution, utilizing the full strength of the Refuse Act, municipalities must be included.

H.R. 9681, introduced by Congressman Koch, myself and 36 other colleagues would transfer the responsibility for issuing permits to dump under the Refuse Act from the Corps of Engineers to the Administrator of the Environmental Protection Agency. It was logical in 1899 for the Corps to issue permits regarding the navigability of waters since that was the Corps' exclusive domain. However, President Nixon announced by Executive order on December 23, 1970 that permits for the dumping of effluents would be issued in cooperation with affected federal agencies, i.e. EPA. EPA has been established to oversee the government's environmental programs and to try to enforce the laws. Permit granting power for effluents logically belongs under the EPA.

The Environmental Protection Agency is in fact making decisions on whether or not to issue effluent permits under the Refuse Act. Regulations published in the Federal Register of April 7, 1971 clearly give the responsibility for determining who should receive a permit to EPA. A special division has been established in EPA, and The Corps of Engineers sends a duplicate copy of all permit applications it receives immediately to EPA. Sections 8 and 9 of the Rules and Regulations in the Federal Register of April 7, clearly state:

"(8) Recognizing the expertise of EPA in matters related to water quality, District Engineers shall, except as provided in subparagraph (10) of this paragraph accept such findings, determinations and interpretations as the Regional Representative of EPA may make respecting the applicability of water quality standards (including compliance with those standards in particular circumstances) and related water quality considerations, and shall deny a permit application in accordance with the recommendation of a Regional Representative if that recommendation is supported by a finding that the proposed discharge or deposit will not be consistent with applicable water quality standards or related water quality considerations.

"(9) If the Regional Representative of EPA finds that the proposed discharge or deposit will meet applicable water quality standards or that a permit can be conditioned so as to ensure compliance with applicable water quality standards, District Engineers shall accept the finding and shall iclude in any permit issued such conditions as the Regional Representative may have recommended respecting water quality standards and related water quality considerations. In any case the District Engineer may deny the requested permit if it appears that anchorage and navigation will be injured or that the proposed discharge or deposit will have a significant and unreasonable adverse impact on fish and wildlife resources."

The Corps of Engineers will in effect merely rubber-stamp EPA's recommendations. (The Secretary of the Army may, however, ask the Administrator of EPA to review any permit recommendation made). Since EPA is doing the work of examining the permit applications and making the recommendations, it seems only logical that the Administrator of EPA should be the one issuing the permits.

The third bill, H.R. 8355, introduced by Congressman Edward I. Koch, myself and 31 others, would specifically allow for civil suits under the Refuse Act.

The Refuse Act sets forth both civil and criminal penalties for violations of its provisions.

It also provides for a reward of up to half of any fine imposed for a violation of the Act to be given to the individual who informed the government of the violation. This could roughly be called a "bounty on polluters" and provides both an incentive for citizen action and a mechanism for efficient use of government resources. The courts have granted these rewards in several cases where the U.S. Attorney has sued a company and the company has been found guilty of pollution. Congressman Reuss and David Nixon, who is here with me today to testify on behalf of this bill, have both received half the fine as a reward in suits brought by the U.S. Attorney. A problem arises, however, when there is a clear violation of the act and the government fails to, or refuses to act. There is a time-honored legal principle by which a person entitled to receive his portion of a fine may, if the government is negligent in suing the violator, sue himself. This type of suit is known as a *qui tam* action because the individual brings it on behalf of both the government and himself. *Qui tam* actions have been allowed under a number of different situations and there are several United States Supreme Court decisions affirming its use.

Over the past year, however, U.S. District Courts have disallowed *qui tam* suits based on the Refuse Act in several jurisdictions. The courts have said that the language of the Act mixes up the civil and criminal penalties making it impossible to separate the two. Therefore, they have refused to allow the *qui tam* on the grounds that an individual citizen cannot prosecute a criminal case and since there is no clear distinction between the criminal and civil aspects of the Act, no *qui tam* can be allowed.

My bill, H.R. 8355, answers the specific objections of the district court judges clarifying the language of the Refuse Act. It would amend section 16 of the Act of March 3, 1899 — 30 Stat. 1121, 1153, Ch. 425; 33 U.S. Code 411 and 412. The amended Refuse Act puts into separate sections the following provisions: pecuniary penalties under civil action; inmprisonment under criminal actions if the violation is by a natural person; pecuniary penalty and imprisonment under criminal action.

In cases where the U.S. Attorney does not act on a complaint within 60 days after receiving information about a violation, the person giving the U.S. Attorney that information would have the right to receive one-half of any pecuniary penalty imposed upon a violator of the Refuse Act after successful completion of a civil action. Each day in which any violation occurs would be considered a separate violation. Imprisonment would be for not less than 30 days and not more than one year.

In April of 1970 I filed with the U.S. Attorney in Boston an affidavit citing 151 Massachusetts companies alleged in violation of the Refuse Act. I requested that the U.S. Attorney, the U.S. Corps of Engineers, and the other appropriate federal agencies give immediate attention to this affidavit in an effort to determine what pollution was occurring as a result of discharges by these companies and if necessary to initiate proceedings to abate that pollution. That request has met with very little success. Now over a year later there has been no official action taken against any of the companies. In fairness, I must point out that a special grand jury was convened in January of this year to investigate the problems of water pollution in the Commonwealth of Massachusetts—in part I believe the result of my affidavit.

Congressman Edward I. Koch of New York filed an affidavit under the Refuse Act in the past year and he has met with no more success in New York than I have in Massachusetts.

Congressman Henry S. Reuss of Wisconsin utilized the Refuse Act several months earlier than I did in Wisconsin. Mr. Reuss' affidavit likewise was not acted on. But he went one step further and he attempted to have action taken against polluters by filing a *qui tam* action. The *qui tam* action by Mr. Reuss was unsuccessful in the U.S. district courts in Wisconsin and has been appealed. That lack of success as well as with other similar cases throughout the country are in great part the motivation behind H.R. 8355.

The following is a summary of five cases recently decided upon by U.S. district courts which ruled unfavorably on *qui tam* suits.

A *qui tam* suit was disallowed in the case of *Durning* v. *I.T.T. Rayonier, Inc.*, in the U.S. district court in Washington State. In that case the judge ruled that the Refuse Act was intended to reward an informer for information leading to a conviction in a criminal prosecution, but that it does not allow him to sue the violator for the part of the penalty he might receive if the violator were convicted and fined in a criminal proceeding.

Bass Anglers Sportman Society v. *United States Steel Corporation*; *Bass Anglers Sportsman Society* v. *Avondale Mills*, and *Bass Anglers Sportsman Society* v. *Stauffer Chemical Company*, were all ruled on in the district court in Alabama on February 8, 1971. In these cases too, *qui tam* suits were disallowed. The ruling in these cases was that the Refuse Act creates criminal liability only and that the act does not authorize civil actions by informers against dischargers for part of the fine or to obtain injunctions.

Bass Anglers Sportsman Society v. *U.S. Plywood-Champion Paper* was ruled on in the district court in Texas on February 10, 1971. The ruling in this case said that the Refuse Act authorizes payment to the informer only after conviction of the violator in the criminal proceeding and, therefore, by implication precludes an informer's *qui tam* suit.

Reuss v. *Moss-American, Inc.*, was ruled upon in Wisconsin on February 23, 1971. In that case the ruling was that the Refuse Act can be enforced only by government prosecution, and further that it contains no implication of a right to maintain a *qui tam* action.

Reuss v. *E. I. du Pont de Nemours* was ruled on in Wisconsin on March 18, 1971. In this case the judge cited the foregoing opinions, agreed with them, and dismissed the suit.

It is reasonable to conclude after a study of the decisions of the district court judges just cited that objection was not raised to the principle of the *qui tam* action. Rather, the particular language of the 1899 Refuse Act has been interpreted so that only criminal suits brought by the Government—not individual civil suits—are allowable.

Individual action and individual commitment are essential to the effort to stop water pollution. It is for this reason that I introduced H.R. 8355 to amend the Refuse Act to make clear that *qui tam* suits may be used by citizens against those who pollute our waterways. Passage of this amendment would greatly strengthen the Refuse Act by changing the statutory language and clarifying the language on which the district court judges have relied in disallowing individual citizen suits.

Let me address myself to the two other important provisions of this bill.

The first would increase the monetary penalties for violation of the Refuse Act. The range of pecuniary penalties as the law is presently written is from a $500 minimum to $2,500 maximum; my proposal would raise this to a minimum of $10,000 and a maximum of $25,000. Increased penalties are urgently needed to strengthen the Refuse Act and should be approved.

Second, as I have stated, the Refuse Act provides that up to one-half of any fine collected may be awarded—at the discretion of the court—to the person who gives information about the polluter to the Department of Justice. My legislation would make this provision more explicit and would also direct the other half of any sum collected go to a fund in the Treasury for the use by the Environmental Protection Agency in its efforts to control and abate the water pollution.

Mr. Chairman, the 1899 Refuse Act is one of the most effective instruments presently available to citizens of this country who would take individual action against those who pollute their waterways. I am hopeful that the important changes which I am proposing today would be rapidly approved by the Congress. Such approval would be a demonstration of the Congress' responsiveness to the American people's desire to preserve their natural resources, and will give the American people an extremely effective tool in fighting water pollution.

I am, however, deeply disturbed by two actions taken within the past month which I believe will effectively destroy the Refuse Act unless rescinded.

I refer first to a directive by the Office of Management and Budget that all input-output information supplied by companies on their permit applications may be kept confidential if the company so requests. It is impossible for any citizen to determine whether a company is causing undue pollution without knowing this information. Water pollution discharge standards would be based in terms of an industry's output of raw materials or products. Knowing only the amount of effluent discharged would make it impossible to determine whether the company is complying with these standards.

I would like at this point to insert in the record of these hearings a copy of an article appearing in the Washington Star of July 8, 1971 discussing this problem, and a copy of a letter I have written to the President, the Honorable George P. Shultz, Director of the Office of Management and Budget, Lt. Gen. F. J. Clarke, Chief, Army Corps of Engineers, and the Honorable William D. Ruckelshaus, Administrator of EPA. I have received to date no more than an interim reply to my request for a full explanation of this policy decision. I urge the Committee to make a similar request, since there can be no public check on EPA or the Corps of Engineers if the information is kept secret. The rampant public distrust of government which we are presently experiencing can only be exacerbated by an action such as this.

Even more outrageous, if possible, Mr. Chairman, is a directive issued by Mr. Ruckelshaus to regional EPA administrators on July 15. This directive states that the EPA will not establish national industrial discharge standards, leaving it up to regional officials to use their own judgment in writing the thousands of federal permits (the number of permit applications has been estimated from a low of 40,000 to a high of 120,000). The Agency has admitted that without these guidelines the regional administrators can impose specific effluent discharge limits on only "a selected minority" of the permits.

This second blow to the Refuse Act weakens the ability of the public to judge pollution even if input-output information is made public since a lack of overall standards will give us nothing to go by.

EPA has admitted failure in attempting to write guidelines for 18 "critical industry groups" because of the "complexity of trying to set national base-level standards across an industry."

With this new policy, regional decisions will dictate policy which will effectively eliminate any hope of establishing federal standards of clean water. It is my feeling that this policy change indicates that Mr. Ruckelshaus is under the same pressure to ease federal guidelines which eventually led to the firing of former Interior Secretary Hickel.

Our stated national objective is clean water.

The objective cannot be attained without national standards.

EPA has admitted that it cannot set these standards.

We all know that if we want national standards we can have them. I therefore urge the Committee to petition the President and EPA to set these standards. If that approach does not work, I would further urge the Committee to mandate the establishment of national water quality standards by a date certain, no later than one year hence.

If the Administration takes regressive action, it is our responsibility to undo the damage.

PART II

There is, Mr. Chairman, no dispute over the fact that our country is facing a severe environmental crisis in the pollution of our waterways. The National Wildlife Federation tells us that at least 2,600 communities continue to discharge raw sewage into our waterways. A survey released in March of 1970 told of 85 cities in this country which had dangerously substandard drinking water systems. A *Washington Post* story in July of 1970 about the mercury pollution crisis told of the preliminary results of a survey which found at least 14 states with fish and water contaminated by mercury.

The Merrimack River in New England flows through my Congressional District. It has been rated as the eighth most polluted body of water in the country. Following is the amount and type of pollution from six companies on the Merrimack: Color-producing waste discharges; Plating wastes containing copper and cyanide; 2,380 pounds of grease per day; 3,120 pounds of grease per day; Periodic dumping of dye; 860 pounds of grease per day.

Beyond the physical damage done by pollution, there is also great financial loss. For instance, a *U.S. News and World Report* study estimated that $12 billion of property damage is caused by water pollution annually in this country. In 1964 approximately $40 million was lost to the communities along the Merrimack River as a result of that river's polluted state. It should be noted that these figures are not part of the astronomical costs facing us to abate the pollution.

Estimates made by Members of Congress, Governors, and water pollution experts state that anywhere from $10 to $80 billion is needed to clean our waters. Cities and towns throughout the country, already saddled with high costs of services and near-bankruptcy, must face even higher outlays to halt their pollution. Lowell, Massachusetts, has planned a $16.8 million sewage treatment plant. The Greater Lawrence, Massachusetts, area has planned a $27.5 million facility. A General Accounting Office commissioned study of the Merrimack River concluded that to clean the Merrimack River so that it would have water of a sufficient quality for fishing and swimming would require an expenditure of $350 million.

There is yet another aspect to the financial side of pollution abatement. Money has been authorized by the Congress for pollution abatement, but has never been fully appropriated. As a result, states and municipalities have expended large amounts of money with the understanding that portions of it would be reimbursed by the federal government. In many cases, that money has never been remitted. Any legislation reported out of this Committee should, in all justice, include reimbursement to states for money expended as a result of Federal promises unfulfilled.

In 1966, a $3.5 million program of matching funds for construction of waste treatment facilities was appropriated. In fiscal year 1968, $400 million was authorized, but only $203 million appropriated. In fiscal year 1969, $700 million was authorized, but only $214 million appropriated. One billion dollars was authorized for fiscal year 1970, but again only $214 million was requested for an appropriation. Mr. Donald Alexander, who serves as the Legislative Counsel for the National League of Cities, addressed himself to this problem when he said:

". . . a Federal commitment to clean water was established. But recently the cities have been witnesses to a strange dichotomy of Federal policy. On the one hand FWPCA is pressuring localities to build treatment facilities to comply with standards, but on the other hand it refuses to support full appropriation of authorization funds.

"Many local governments have faced a similar predicament, having to scrape together extra funds to complete projects for which it was thought federal aid would be available. Also the low level of federal funds has discouraged many localities from taking action to build control facilities."

Thus, the Federal government, though perhaps well-intentioned, acts unjustly and unrealistically when it requires strict water quality standards to be met and adhered to, but does not come forth with sufficient financial backing to make those standards attainable.

The State of Georgia replied to a survey of pollution financing capacities by stating:

"City and county governments have been discouraged from developing abatement programs and applying for Federal construction grants because of the gap between Federal funds authorized and federal funds appropriated. It is estimated that an additional $25 million in grant applications would have been filed last fiscal year if authorized Federal funds had been appropriated."

If the Federal government is to realistically face up to the water pollution problem facing it, it must make a definite commitment both to authorize additional funds for the pollution fight and to appropriate those funds.

The attitude of Congress toward pollution abatement resembles a pendulum. One year we concentrate on industry's needs; the next on the requirements of municipalities. It is time that we recognize the fact that industrial and municipal water pollution are interrelated; that both industry and municipalities need help; and that to exclude either from a water pollution abatement program is self-defeating.

The second set of bills on which I wish to testify today attempts to achieve a degree of equilibrium by aiding both industries and municipalities.

The concept behind these three bills is a simple one.

Neither municipalities nor industries can afford to build waste treatment facilities without more federal aid.

H.R. 8835 authorizes the Administrator of the Environmental Protection Agency to make grants, not to exceed $2 billion per fiscal year, to municipalities wishing to plan the construction of waste treatment facilities. The bill mandates that the funds shall be released only for the planning of facilities which utilize the most modern pollution abatement methods; and further, that the facilities must treat the water pollution problem in compliance with the state water quality standards in which the municipalities are located.

The City of Lynn, Massachusetts, provides an excellent example of the need for legislation such as H.R. 8835. Lynn has a preliminary planning study underway at this time. The cost of that study, which will take approximately 10 months to one year, is $125,000. Lynn has one of the highest tax rates in the Commonwealth of Massachusetts. Without outside assistance Lynn could not even fund this planning study. However, the city is fortunate enough to have a Model Cities program which assumed the $125,000 cost of the study. Without legislation such as H.R. 8835, however, many cities in the country would not even be able to do a preliminary study, and would thus be unable to comply with Federal and State pollution laws.

The basic goal toward which we must work is to raise the basic federal percentage of contribution toward the building of municipal waste treatment facilities. At the present time the maximum federal share is 30 per cent.

The bills before you range from a minimum federal percentage of 30 per cent to a maximum of 55 per cent in H.R. 5962 by Mr. Harsha to a 30 per cent minimum; 90 per cent maximum in H.R. 4387 by Mr. Obey and 30 per cent minimum; 90 per cent maximum in H.R. 6722 by Mr. Dingell. H.R. 8736 which I introduced with 19 co-sponsors, provides 90 per cent federal funding but differs significantly from all the others in that no requirement for regional plans or river basin compacts are included. The minimum under my bill would be 50 per cent. In the Senate, Senator Muskie's bill which originally called for a 60 per cent maximum has been revised in the working staff draft to a 75 per cent maximum.

The concept of increased federal funding for municipal waste treatment facilities is what I wish to emphasize in discussing this legislation. The 30 per cent maximum which presently prevails is too small. Cities absolutely cannot afford to build treatment facilities when they are forced to contribute beyond their means. The cities and states of this nation face fiscal ruination unless we help them. What I am in essence suggesting in introducing H.R. 8736 is that we have a form of public works revenue sharing for municipal waste treatment. It is obvious that the Congress will spend a long time in working out the specifics of a palatable revenue sharing program. We have a chance here to make a beginning.

There is ample justification for the 90 per cent maximum figure. Our highways were built with 90 per cent federal funding. We can certainly do the same to clean up our waters. Senator Nelson introduced a bill identical to H.R. 8736. At the time of its introduction in the Senate, Senator Nelson pointed out that the 90 per cent funding approach was used in the Urban Mass Transportation Act amendments last year, and that it has been proposed for the water pollution control program by the National League of Cities.

The funding gaps between authorizations and appropriations for many existing pollution abatement programs have severely crippled our anti-pollution efforts. H.R. 8736 authorizes the Administration of the Environmental Protection Agency to incur obligations up to $25 billion during the next 5 years, with Congress liquidating the obligations at the rate of $5 billion per year. In other words, this bill guarantees that the full $25 billion will be available for the program by committing the Congress to appropriate those funds expended by the Administrator of EPA as he is authorized to do under the bill at the rate of no more than $5 billion per year for 5 years.

This bill provides that a municipality will receive only 50 per cent federal funding if "enforceable water quality standards have not been established for the waters into which the project discharges. The "enforceable water quality standards" are those which have been agreed upon by state and federal pollution control authorities. Standards which have been set by state pollution control agencies alone are not sufficient for the receipt of 90 per cent funding.

At the present time all 50 states have submitted water quality standards to EPA. In the few cases where there is still some dispute over minor points in the standards, these disputes will be resolved within the next fiscal year so as not to affect the operation of this program. Thus, by the end of the next fiscal year the 90 per cent funding would be available in all states.

You have several bills before you that would provide 90 per cent funding. My bill is not in competition with the other proposals, but it is a proposal designed to get the maximum amount of funds to the largest number of municipalities in the shortest amount of time. The other bills provide that river basin compacts or regional plans must be established before the city would be eligible for the full 90 per cent. I just don't think we have time to fool around with additional constraints on our cities and additional years of waiting for complex planning before adequate funding is available. The present state of comprehensive planning is abysmal.

The Susquehanna River Basin Commission took 10 years to set up and has only been in existence for one year. No comprehensive plan has yet been made.

The Potomac River Basin Commission has been under consideration and negotiation for between 20 and 30 years. At best it can presently be considered half way toward establishment. No plans have been made.

While there have been a number of river basin agreements in the western part of the country, these have all focused on water supply and have in no way adapted themselves toward dealing with questions of water quality.

The New England River Basin Commission coordinates water quality standards planning. The actual planning is done by the different state agencies. In Massachusetts itself, the Division of Water Pollution Control estimates that it would take four to five years to develop a staff of the size necessary to do comprehensive planning.

Our fundamental objective is to clean up our water. Are we really going to legislate toward this end or are we going to pass legislation that will put up roadblocks.

My bill is a simple act that will start us on the right road. River basin compacts and regional plans are an excellent idea. Philosophically I am in full agreement that such plans are necessary for a completely economical treatment plant building program. But, we don't have five or ten years to wait for the agreements to be reached. We need to drastically increase our federal grant percentage now.

I would suggest, Mr. Chairman, that my bill be amended to state that at the end of five years, no city would receive 90 per cent federal funding unless its construction is in accordance with overall area planning. I would suggest dropping the percentage of the federal contribution at the end of five years to 65 per cent unless the regional plan is complied with. By passing legislation of this nature, we would ensure that municipalities would start now to build waste treatment facilities and that they would start planning for a regional blueprint to combat water pollution.

Much of our water pollution comes from industrial sources. Many of the companies polluting are small ones which cannot on their own afford the great costs of constructing water pollution abatement facilities. H.R. 806 authorizes an annual appropriation of $800 million to be loaned by the Environmental Protection Agency to private businesses for the construction of waste treatment facilities. Eligibility depends on two primary factors. The financial status of a company must be such that without the loan the company would be unable to construct treatment facilities and still continue to do business competitively. Secondly, the business must be unable to receive adequate financing or credit elsewhere.

The $800 million authorized by this legislation is probably insufficient to do the whole job. But it is, I believe a strong beginning toward giving meaningful assistance to the affected businesses.

This program would be administered by the Administrator of the Environmental Protection Agency through the Office of Water Quality. The Office of Water Quality must make a determination that the construction, operation, and maintenance of the facility under question has to be in line with a comprehensive plan approved by the Administrator of EPA for water pollution abatement in the locality in which the firm is located.

The maximum time for which the loan may be made is twenty (20) years from the date of completion of the facility's construction.

Mr. Chairman, we cannot give federal funding to municipalities and exclude industries in need from federal consideration. Surely marginal industries deserve the same consideration as our cities and large corporations. The Congress will shortly vote on a $2 billion fund to salvage Lockheed and other defense supported industries. Marginal industries certainly deserve federal loans as much as these large corporations.

There is one last point which I would like to make. The inter-relationship between industries and municipalities is very strong. Many industries hook up to municipal treatment systems and thereby avoid building their own plants. This kind of joint venture is often far more economical than building separate plants for each. However, there are no requirements that industries pay any fee to the municipality for use of the facility. Nor is there any requirement that industry pay its fair share of the cost for building a new treatment facility in conjunction with the municipality.

I would therefore amend H.R. 806 to require that loans may be made to marginal industries to pay their share of the cost of building a combined industrial-municipal treatment facility. If an industry is unable to pay the user fee, I would recommend that the legislation prohibit any loan to the industry for its initial fee, since it would be unable to sustain its obligations to the municipality.

To be fair to marginal industries, I would amend the bill to state that an industry would not be required to be part of a comprehensive plan for water pollution abatement in its locality during the first five years after enactment of the legislation. At the end of five years, however, no marginal industry would receive such a loan without being part of the comprehensive plan. This would equalize the requirements for federal aid to municipalities and industries because since municipalities under H.R. 8736 are not required to be part of any overall regional plan or River Basin Compact.

Mr. Chairman, in an address which you made, you wisely summarized the problem which we face.

"The issue, we have said is survival. When will we begin to act as though we believe it?"

Like yourself, I too have asked that question. I believe, however, that this Committee has the power to give an answer by approving legislation such as I have outlined here today.

H.R. 8736 does what you said must be done:

". . . We will have to keep past performance in mind, and offer equitable reimbursement and future support to those states and cities who have cooperated so well."

Mr. Chairman, the increasing number of citizens who are greatly concerned about water pollution look to the Federal government for leadership in the effort of abatement. You stated:

"Now we must again provide this same unity and leadership to achieve national progress against this newest challenge: the restoration of our environment and its preservation for generations to come."

I submit that the House Committee on Public Works under your strong guidance and the Congress as a whole now have an opportunity to provide that leadership by taking an initiative by approving the concepts of the legislation which I have presented to you today. I am hopeful and optimistic that you will give us that leadership.

Thank you.

ABORTION: A QUESTION OF RIGHT OR WRONG?

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. HOGAN. Mr. Speaker, the abortion controversy continues to rage. In many instances the calming influence of reason is needed to shed light on this conflict.

Robert W. Fox, a Maryland attorney and editor of the publication, Options, has written a scholarly article on the legal ramifications of abortion. The basic thrust of his article, "Abortion: A Question of Right or Wrong?", is that lawyers are going to be needed more and more to solve the questions raised by abortion. In order to meet this need, attorneys should be equipped with the necessary information and legal precedents in order to wisely choose which side of the controversy to join.

Mr. Fox drew his own conclusions after much research. This particular article, which appeared in the July 1971 American Bar Association Journal, might help my colleagues to do the same. For that reason I ask that this article be inserted in the RECORD.

[From American Bar Association Journal, July 1971]

ABORTION: A QUESTION OF RIGHT OR WRONG?

(By Robert W. Fox)

(The abortion controversy represents a collision between two irreconcilable conceptions of human nature and ultimate reality. As the conflict grows, lawyers will be called on to take sides, and it will be best for them, the profession and the nation if they are accurately informed as to the depth and breadth of what is at stake.)

A woman "has the right to determine whether to carry or reject an embryo that has not quickened". That is the holding of *Babbitz* v. *McCann*, 310 F. Supp. 293, decided by a three-judge federal court of the Eastern District of Wisconsin on March 5, 1970. The court refused, moreover, to qualify the right it declared. While it mentioned certain "especially forceful reasons to support a woman's desire to reject an embryo", such as "a rubella or thalidomide pregnancy and one stemming from either rape or incest", it did not limit the right to have an abortion to cases in which those conditions are present. Rather, it said, "the state does not have a compelling interest even in the normal situation to require a woman to remain pregnant during the early months following her conception".

That decision struck down as unconstitutional the Wisconsin statute making abortion a crime, insofar as it provides penalties against "Any person, other than the mother, who intentionally destroys the life an an unborn child", an "unborn child" being defined as "a human being from the time of conception until it is born alive". It left intact sections of the statute which make it a crime when one "intentionally destroys the life of an unborn quick child". An "unborn quick child" is one with respect to which there are "recognizable movements of the fetus in utero, appearing normally from the sixteenth to the eighteenth week of pregnancy".

On October 12, 1970, the Supreme Court of the United States dismissed the appeal (400 U. S. 1) by the district attorney of Milwaukee County, apparently on the ground that it had no jurisdiction.

The *Babbitz* case carries to explicit definition principles cast up in tentative form a year earlier by *California* v. *Belous*, 458 P. 2d 194 (Cal. 1969), and *United States* v. *Vuitch*, 305 F. Supp. 1032 (1969), in the District of Columbia. *Belous* speaks of a "fundamental right of the woman to choose whether to bear children" and *Vuitch* of "an increasing indication in the decisions of the Supreme Court of the United States that as a secular matter a woman's liberty and right of privacy extends to family, marriage and sex matters and may well include the right to remove an unwanted child at least in early stages of pregnancy".

Now, the *Babbitz* case holds that a woman may seek protection of "the basic right reserved to her under the Ninth Amendment to decide whether to carry or reject an embryo which has not yet quickened".

This right is new to American jurisprudence, and its novelty justifies us in asking where it comes from. Has it always lain inchoate in the English and American common law, and just now come to recognizable form? Was it created by the judges *ex nihilo?* Or is its origin to be found outside the law?

All three cases—*Babbitz*, *Belous* and *Vuitch*—cite *Griswold* v. *Connecticut*, 381 U.S. 479 (1965), in the course of their reasoning. The material language in *Griswold*, in which the United States Supreme Court held unconstitutional a Connecticut statute prohibiting the use of contraceptives, is as follows:

"We have had many controversies over these penumbral rights of 'privacy and repose.' [Citing cases.] These cases bear witness that the right of privacy which presses for recognition here is a legtimate one.

The present case, then, concerns a relationship lying within the zone of privacy created by several fundamental constitutional guarantees. And it concerns a law which, in forbidding the use of contraceptives rather than regulating their manufacture or sale, seeks to achieve its goals by means having a maximum destructive impact upon that relationship. Such a law cannot stand in light of the familiar principle, so often applied by this Court, that a 'governmental purpose to control or prevent activities constitutionally subject to state regulation may not be achieved by means which sweep unnecessarily broadly and thereby invade the area of protected freedoms.' NAACP v. Alabama, 377 U.S. 288, 307. Would we allow the police to search the sacred precincts of marital bedrooms for the telltale signs of the use of contraceptives? The very idea is repulsive to the notion of privacy surrounding the marital relationship."

Can one elicit from that language a "right to remove an unwanted child" or "to choose whether to bear children"? No such right is alluded to in *Griswold*. It does not say that a couple has a right to use contraceptives; it leaves the state empowered to forbid the sale of contraceptives, which is not consistent with a right to their use. It affirms a right to privacy in the marital relationship; it forbids the state to inquire into or seek to control what transpires between husband and wife in the marital bed. That is all.

The conclusions in the abortion cases are not predicated upon anything directly involved in the marital relationship. The events and states of things they refer to are not those of the marital act, but those which happen and exist later and elsewhere. The persons whose actions are the subject of the case are not the same. *Griswold* speaks of a relationship between husband and wife; in the abortion cases the persons whose acts and relations are considered are a woman, her doctor and her unborn child. The locale of the "zone of privacy" protected by the *Griswold* case is the marital bed; the abortion cases are prompted by which takes place in a hospital bed.

No sound logic or reasoning can find in the *Griswold* decision a premise for the "woman's right to refuse to carry an embryo during the early months of pregnancy" declared by *Babbitz*.

But *Griswold* is not the only ground, relied on by the *Babbitz* case. The court, citing only *Belous* as authority, also said: "At common law, abortion was not a crime unless the mother was quick with child" and that "the result of this court's decision that a mother has the right to determine whether to carry or reject an embryo that has not quickened is a return to the common-law definition of abortion".

Here is an interesting mode of reasoning. Since under the common law, abortion was not a crime unless the mother was quick with child, the court holds that, today, a mother has a right to have an abortion performed if the embryo has not quickened. By exact parity of reasoning, then, since embezzlement was not a crime at common law, a court may hold that, today, an employee has a right to embezzle his employer's funds.

Moreover, the court's understanding of the common law is faulty. It would have been much more accurate to say that *in some jurisdictions* abortion was not a crime at common law unless the mother was quick with child. That was the common law rule in Massachusetts and New Jersey; in Pennsylvania and elsewhere it was not. In 1850, the Supreme Court of Pennsylvania said:

"It is a flagrant crime at common law to attempt to procure the miscarriage or abortion of the woman. Because it interferes with and violates the mysteries of nature in that process by which the human race is propagated and continued. It is a crime against nature which obstructs the fountain of life, and therefore it is punished. The next error assigned is, that it ought to have been charged in the count that the woman had become *quick*. But, although it has been so held in Massachusetts and some other states it is not, I apprehend, the law in Pennsylvania and never ought to have been the law anywhere. It is not the murder of a living child which constitutes the offense, but the destruction of gestation by wicked means and against nature. The moment the womb is instinct with embryo life, and gestation has begun, the crime may be perpetrated."[1]

Going back farther in time, we discover something else in the common law, not alluded to or taken into account either by *Babbitz* or by *Belous*. In early common law, if the mother was quick with child, abortion was homicide.

The authorities are thus cited by the Supreme Court of Judicature of New Jersey:

"It was anciently holden that the causing of an abortion by giving a potion to, or striking a woman big with child, was murder; but at this day it is said to be a great misprision only, and not murder, unless the child be born alive, and die thereof. 1 *Hauk, B*. 1, *c*. 31, § 16. . . If a woman be quick with child, and by a potion or otherwise killeth it in her womb, or if anyone beat her whereby the child dieth in her body, and she is delivered of a dead child, this, though not murder, was by the ancient law homicide or manslaughter. But the modern law doth not look upon this offence in quite so atrocious a light, but merely as a heinous misdemeanor. 1. *Bl. Com*. 129.[2]"

Quite obviously, there could be proved no crime of homicide before the child was quick, because until quickening there could be no evidence that there was a living human being in the womb whose death was caused by the offender. Probably, also, it was difficult in many cases to prove quickening, since the only possible evidence would be the unsupported word of the mother.

Much later on, then, when the frequency of abortions became a cause of alarm to the Parliament, a statute[3] was passed making abortion when the child was quick a felony punishable by death without benefit of clergy, and before quickening, or if quickening could not be proved, a felony punishable by lesser, though nevertheless severe, penalties.

A "right to determine whether to carry or reject an embryo that has not quickened" cannot be founded upon the fact that at common law the crime of homicide could not be proved if the child had not quickened. Where, then, does that right come from, if such right there be?

The answer, as given in *Babbitz*, is in these two sentences: "When measured against the claimed 'rights' of an embryo of four months or less, we hold that the mother's right transcends that of such an embryo" and "For the purposes of this decision, we think it is sufficient to conclude that the mother's interests are superior to that of an unquickened embryo, whether the embryo is mere protoplasm, as the plaintiff contends, or a human being, as the Wisconsin statute declares."

There is only one logical ground upon which the right declared in *Babbitz* rests, and that is the negativing of the right to life of the unborn child. And that is conclusive that the source of the right is not within the law, but outside it; for it is manifest that the assertion of the right to abortion, and the denial of the right to life of an unborn child, have been discussed in journalism, in the academic world and in the scientific community long before they were brought before the courts.

In the *Babbitz* case the court refused to decide "whether the embryo is mere protoplasm . . . or a human being". But can that issue be so easily escaped? If the embryo is a human being, and yet does not have the right to life, it can no longer be said as a general proposition lying at the roots of American law that a human being has the right to life. If that is so, the possible consequences are broad and ominous. Both logically and historically, the denial of the right to life of an unborn child has resulted from the assertion that it is *not* a human being.

One of the means by which arguments in favor of abortion have been brought to the attention of our courts is a model brief prepared by New York lawyer Roy Lucas under a grant from a research organization called the Association for the Study of Abortion, Inc.[4] Mr. Lucas has elsewhere written: "If a woman believes that life began in the 'prehistoric slime' and is not created but only passed along by conception and that a fetus in early development need not be accorded a right to continue growing within her body, she is nevertheless [wrongly, according to Mr. Lucas] prohibited from acting freely on that belief."[5]

Cyril C. Means, Jr., a professor at the New York Law School and an attorney in litigation concerned with abortion now before the federal courts in New York, has said:

"When . . . people talk about a right to life they are ignoring the fact that the zygote is merely the reorganization of the elements of the spermatozoon and the ovum, both of which are certainly alive. Neither dies at fusion. The life of the constituent element continues on. It is no more and no less a life than it was before. . . .

"When does life begin? The answer is that it doesn't. Life *began*. There was one abiogenesis when something happened to turn inanimate matter into animate cells. And it happened only once. There are no abiogeneses today. Human life is continuous. Human persons are discontinuous and individual. It is not human life that is sacred. It is the human person, and the early fetus is not a human person."[6]

Marion K. Sanders, a journalist, uses, as perhaps is to be expected, more colorful and forthright language than the lawyers do to deny the right to life of the unborn child. "The fiction that there is no 'unwanted child', that every human life—actual or potential—is equally precious and cherished, dies hard," she says, and: "In view of our society's callous unconcern for existing children who are, in fact, unwanted, it is hard to listen to the hypocritical cant which defends the 'rights' of minute cells of human tissue which have had the mischance to be fertilized."[7]

By these examples, and especially the first two, it is revealed in the clarity of daylight that the source of the denial that an unborn child is a human being—and the consequent denial of its right to life and claim of a right to abortion—is the theory of evolution; more specifically, the evolutionary concept of man. What are the implementations of that?

A popular and representative work expounding the evolutionary theories of human nature is *Man: First Two Million Years*, by Ashley Montagu, published in 1969 by Columbia University Press. Montagu instructs his readers thus:

"Every human being is born with certain basic needs, inborn needs which must be satisfied if the organism is to survive. The basic needs are the needs for: oxygen, food, liquid, rest, activity, sleep, bowel and bladder elimination, escape from frightening situations, and the avoidance of pain.

"In connection with each of these basic needs, every human being is subjected to the teaching of his culture. We all breathe, eat, drink, rest, sleep, and eliminate in ways we have learned are the custom of our group, no matter what the custom may be in other groups. We are all to a certain extent custom-made, tailored according to the prevailing pattern of our society. . . .

"Because of man's great capacity for adaptability and his remarkable ingenuity, he can improve in a great variety of ways upon the manner in which other animals meet their needs. Man has the ability to create his own environment, instead of, as in the case of other animals, being forced to submit to the environments in which he finds himself. Within every society there are particular ways in which needs are met."

And further:

"Evolutionary change in all animals proceeds by mutation and the storage of the adaptively valuable mutations in the genes. In man evolutionary change has also proceeded in this way, but with the addition of a great many nongenetic changes which also represent social evolutionary changes. These nongenetic behavioral or cultural changes are stored not in genes, but in the man-made, the learned, part of the environment, in the culture, in the tools, customs, institutions, laws, ballads, and the like, and in the memories of men, as well as in the extragenetic

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Footnotes at end of article.

devices for the storage and retrieval of information.

"Human nature is what one learns from the man-made environment; it is not something with which one is born. What one is born with are potentialities for learning which, by suitable teaching, are capable of being transformed into the uniquely human abilities. . . .

"Man is human by virtue of the fact that he possesses certain potentialities which are developed to a uniquely high degree."

The distinction between man and the lower animals is not, according to these theories, found in the child at birth, except in "potentialities" and capacity to learn. He becomes "human"—since human nature "is what one learns from the man-made environment . . . not something with which one is born"—only through a process of acculturation. It follows, then, that there are degrees of human nature. All men are human, but some are more human than others. Furthermore, since human nature is the product of culture and environment, human nature can change as the culture and the environment can change.

Everything said of human nature can be said also of human rights. It cannot be claimed of one who is not fully human that he is fully possessed of human rights. There are degrees in the possession of rights; and rights, too, can change as the culture and the environment change.

By a firm chain of logic, these principles underlie and give birth to the decision in the *Babbitz* case. Having decided that a mother has an unqualified right to dispose of an unborn child before quickening as she will, the court also decided that the child does not have the right to life. Holding that, it also holds that the unborn child is not a human person; or, at least, that it is not fully possessed of human nature, it is human to a lesser degree than the mother. By making that determination, it brings into the premises of its law the evolutionary concept of human nature.

Therefore, of course, "the mother's right transcends that of such an embryo" and, of course, "the mother's interests are superior to that of an unquickened embryo". She is human; her "potentialities" have been "transformed into uniquely human abilities". The child's have not; therefore it is less of a human person than she. She has rights; her child has none.

Note also, that in this point of view, rights are subordinate to "needs". The object of law, as of all social organization, is the fulfillment of the needs enumerated by Ashley Montagu. But no sophisticated society operates merely to meet basic animal needs. As the means of fulfilling needs become more complex, needs themselves change; those means themselves become needs. The more acculturated—the more "human" under the evolutionary concept of man a person becomes, the greater and more complex his needs become, hence the greater and more complex his rights.

This also is logically present in the *Babbitz* decision. The needs of the unborn child are relatively simple. The mother's needs are much more complex. She may, for example, need a career. Having a baby might interfere with that. Therefore the baby must die. This kind of reasoning, be it noted, can be applied beyond the area of abortion. It could be used to justify the destruction or incarceration of all kinds of unwanted or undesirable persons: malformed infants, the mentally retarded, the aged and the infirm, or any persons who as individuals or as groups come short of complete acculturation to the dominant social patterns.

But ought we to worry about that? Surely our courts would not permit euthanasia of malformed or mentally deficient infants, or of old people who have lost the capacity to contribute anything to society. If our courts fully accept the evolutionary concept of human nature, so that it becomes firmly a part of American jurisprudence, they could not prevent the measures on any principles that could not be changed in the future if that were deemed expedient. But we may confidently expect, may we not, that our courts would be so shocked by these proposals that they would find some means of rejecting them? Perhaps. But let us remember that not so long ago, most people also were shocked at the idea of abortion.

Two other arguments are used by the advocates of abortion. One, strangely, in view of the right of an unborn child to inherit property under common law, is that the common law never recognized the unborn child as a human person or as possessed of rights. The reasons given for this are the lack of civil remedies for injuries to a child before birth, and, as pointed out above, the fact that abortion before quickening was not a crime.

But any lawyer ought to know that while the existence of a remedy or a penalty presupposes a right, the lack of a penalty or remedy does not mean the right does not exist. It cannot be plausibly argued, for example, that since there was no penalty at common law for embezzlement, a person who entrusted his property to the possession of another surrendered his rights to that property.

The fact that in the early days of the common law abortion of a child who had quickened was deemed homicide is conclusive that the law regarded the child as a human person who had the right to life. The lack of a penalty for abortion prior to quickening and the lack of certain civil remedies for injury to the rights of an unborn child are explained by the difficulties, under common law rules and procedures, of finding proof of quickening. If a pregnant mother died, who then could give a court conclusive evidence that a living unborn child had died with her? The practice of obstetrics in medieval England was not what it is today.

The other argument is that the laws against abortion stem from particular doctrines of Christianity, and therefore, under the First Amendment to the Constitution, they are an abridgment of religious freedom.

In a written opinion concerning a point raised by a defendant indicted for abortion, Judge Ronald Hachey of the Ramsey County District Court in Minnesota answered that argument: "Where the statute involved deals with conduct which the State has valid grounds to prohibit, that is, the taking of the life of an unborn child, the fact that its policies coincide with the views of certain religious groups is without constitutional significance. It is almost inevitable that any position taken by the State through its legislature on the subject of abortion must correspond with the religious or moral views of some group or groups within the community."[8]

But the fact that both Christianity and the Minnesota statute count it a crime to destroy the life of an unborn child is something more than coincidence. Judge Hachey himself points out that under the Roman law an unborn child was deemed a part of its mother and that a parent had absolute dominion over his offspring. In so far as the Anglo-American law is otherwise, it is Christianity which has made the difference.

Contrasting the practices of the pagan Romans with those of the Christians, the early Latin theologian Tertullian wrote: "But, with us, murder is forbidden once for all. We are not permitted to destroy even the fetus in the womb, as long as blood is still being drawn to form a human being. To prevent the birth of a child is a quicker way to murder. It makes no difference whether one destroys a soul already born or interferes with one coming to birth. It is a human being and one who is to be a man, for the whole fruit is already present in the seed."[9]

Christianity, on the basis of the Scriptures, has always taught that when there is conception, God creates in the womb of the mother a new human person and endows him then and there with human nature. Thus Eve, when she bore Cain, said: "I have gotten a man from the Lord."[10] Job speaks these words: "If I did despite the cause of my manservant or of my maidservant, when they contended with me; What then shall I do when God riseth up? and when he visiteth, what shall I answer him? Did not he that made me in the womb make him? and did not one fashion us in the womb?"[11]

As an example of traditional theology, the Formula of Concord, one of the confessional documents of the Lutheran Church, speaking about Original Sin, states: "And even at the present day, in this corruption . . . God does not create and make sin in us, but with the nature which God at the present day still creates and makes in men original sin is propagated from sinful seed, through carnal conception and birth from father and mother."[12] The same document says of the Person of Jesus Christ: "Now as regards this majesty, to which Christ has been exalted according to His humanity, He did not first receive it when He arose from the dead and ascended into heaven, but when He was conceived in His mother's womb and became man, and the divine and human natures were personally united with one another."

Both statements rest on the premise that at conception a human person is created by God and endowed with human nature. They are not, of course, peculiarly Lutheran teachings; they represent universal, traditional, scriptural Christian doctrine.

In our empirical age, when we are brought up to regard as certain and real only that which is confirmed by the evidence of the senses, it is hard for us to understand how human nature can exist at conception. What comes into being at conception, empirically, is a zygote, a cell formed by the union of the spermatozoon and the ovum. How can that minute entity be said to possess human nature? Can it think, feel, will, act, or do anything which we normally expect to observe in a human person?

It would take a dissertation to elicit from Scripture and theology everything contained in the traditional Christian view of human nature. It may be summed up here by saying that every human person is subjected to certain laws of his being, and certain conditions of his existence, which are fixed and universal and will endure as long as the human race inhabits the earth. These laws and conditions are moral in nature and are of an order of reality, in which man partakes and to which he is bound, transcending the empirical order and controlling it.

Since the child at conception, although empirically and physically no more than a zygote, is fully possessed of human nature in the above sense, he has full human rights as well. It is at conception that men are "endowed by their Creator with certain unalienable Rights". Job, in the passage quoted, acknowledges rights on the part of his servants which he is bound by divine command to honor because God so created them in the womb.

Christian doctrine of man was once an integral part of the foundation of Anglo-American law. Blackstone wrote:

> "Man, considered as a creature must necessarily be subject to the laws of his creator, for he is entirely a dependent being. . . . And consequently as man depends absolutely upon his maker for everything, it is necessary that he should in all points conform to his maker's will.
>
> "This will of his maker is called the law

Footnotes at end of article.

of nature. For as God, when he created matter, and ended it with a principle of mobility, established certain rules for the perpetual direction of that motion, so when he created man, and endued him with freewill to conduct himself in all parts of life, he laid down certain immutable laws of human nature, whereby that freewill is in some degree regulated and restrained, and gave him also the faculty of reason to discover the purport of those laws."[13]

The First Amendment forbids the intrusion into the law of Christian or sectarian doctrines not taken cognizance of by the law at the time the Constitution was adopted. Does it also command the expurgation from American law of all Christian elements that were of the essence of the law at that time in order to accommodate non-Christian or anti-Christian modes of thought and forms of opinion which have subsequently sprung up in the nation? Neither the authors of the Bill of Rights nor the American judiciary for some generations afterward thought that it did.

The abortion controversy represents a collision between two irreconcilable conceptions of human nature and of ultimate reality, which is at work not only in the law, but throughout our society. It is the kind of crisis in belief which can destroy a nation or even a civilization.

The conflict will grow in scope and intensity as time goes on. Lawyers will be called upon to take sides. It will be best, for themselves, for the profession, and for the nation, if in making their choice they are accurately informed as to the depth and breadth of what is at stake.

FOOTNOTES

[1] *Mills* v. *Pennsylvania,* 13 Pa. 631.

[2] *New Jersey* v. *Cooper,* 22 N.J.L. 52 (1849).

[3] 43 Geo. III c. 58, June 24, 1803.

[4] Greenhouse, "Constitutional Question: Is There a Right to Abortion?", *The New York Times Magazine,* January 25, 1970, p. 31.

[5] *Ibid.* at 88.

[6] *Ibid.* at 91.

[7] *The Right Not To Be Born,* Harper's Magazine, April 1970, at 99.

[8] Social Justice Review, November 1970, at 228, 230–231.

[9] Apology 9:8.

[10] Genesis 4:1.

[11] Job 31:13–15.

[12] *Book of Concord,* St. Louis, Concordia Publishing House, 1952, at 236.

[13] 1 BLACKSTONE, Commentaries, 39–40.

UNIONTOWN ACADEMY BECOMES DYNAMIC HISTORIC MONUMENT

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. BYRON. Mr. Speaker, August 29, 1971, the Uniontown Academy in Uniontown, Md., will be dedicated as an historic monument with many useful functions.

The Uniontown Academy was established in the year 1810 and served as a private English school until 1865 when Carroll County, Md., established a free public school system. From 1865 through 1880, the academy was operated as a county-free public school. During the period 1880 through 1970, the academy building had a variety of uses such as a shop and storage building.

The academy was donated to Historic Uniontown, Inc., a nonprofit educational foundation, on July 1, 1971, by Mrs. Maud Stremmel Haines, a lifelong resident of Uniontown who is presently 88 years old. After being restored, the academy building will preserve the heritage of the 19th century educational system and will be available for visiting by future generations.

I think this is an excellent project and know that the academy building will be a valuable asset to Uniontown.

WILL ALASKA OIL BE EXPORTED TO JAPAN?

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. ASPIN. Mr. Speaker, today I am inserting an excellent article by Richard Corrigan in the July 31 issue of the National Journal. The article is entitled "Resources Report: Japan May Get Some Alaskan Oil; Foreign-Flag Shipping of Exports Is Likely."

I urge those of my colleagues who are interested in the Alaska pipeline issue, the Nation's energy policies or our national security requirements to carefully read this very interesting article, which follows:

[From National Journal, July 31, 1971]

RESOURCES REPORT/JAPAN MAY GET SOME ALASKAN OIL; FOREIGN-FLAG SHIPPING OF EXPORTS IS LIKELY

(By Richard Corrigan)

A growing Japanese presence in Alaska is adding new dimensions to the controversial trans-Alaska oil pipeline project.

If and when the oil beneath the state's North Slope is pumped to market, it will travel across the state in 48-inch steel pipe made in Japan.

And, once the oil reaches the Gulf of Alaska port of Valdez, some of it is likely to be carried in Japanese tankers—to Japan.

"Japan is a natural market" for Alaskan oil, said Hideo Yoshizaki, commercial counselor at the Japanese Embassy in Washington. "We are so much reliant on the Middle East," he said. "We are very hungry for low-sulfur oil. We are expecting a lot from Alaskan oil. I think the majors (the major oil companies) can sell us a substantial amount."

In the past, advocates of the controversial pipeline project have emphasized the rationale that development of Alaska's oil reserves is necessary now to reduce this nation's dependence on foreign sources of petroleum, particularly in the Middle East and Africa.

A $4-million nationwide advertising campaign of the American Petroleum Institute expresses this theme: "A country that runs on oil can't afford to run short."

The Department of the Interior, in its January environmental impact statement on the pipeline, said there is a "compelling" and "unequivocal" need for speedy delivery of North Slope oil to United States markets.

"The prospect of importing increasing amounts of petroleum from Eastern Hemisphere nations," the report said, "contains important implications for United States foreign affairs and national security." The statement said that the United States could find itself in a "vulnerable diplomatic and economic position" if the North Slope were not exploited.

None of the arguments for the pipeline has mentioned possible exportation of the oil.

Yet, there are strong indications that a sizeable percentage of the oil would be consumed in Japan rather than the United States, and that the opportunity to reach the burgeoning Japanese market was a factor in the oil companies' decision to route the pipeline to the Pacific coast—where tankers could reach it—rather than across Canada to the U.S. Midwest.

Judging from *National Journal* interviews with Washington officials, there has not been much discussion at the policy level of the long-run implications of exporting North Slope oil to Japan.

Japan's interest: The Japanese have expressed interest in Alaskan oil to help meet their country's spiraling demand for energy.

The prospects are excellent for sales of Alaskan oil to Japan, said one specialist in Japanese affairs at the State Department.

"Japan wants all the oil it can get, and I certainly wouldn't rule this out," said Hollis M. Dole, assistant secretary (mineral resources) of the Interior Department, when asked about the prospects of marketing Alaskan oil in Japan.

Dole said, however, that "we're going to need all the oil we can get" by 1985, judging from current projections of U.S. demand.

ADMINISTRATION

The level of oil imports has been a high-priority issue, but the federal government has had little occasion in recent years to consider the question of U.S. oil imports.

Elmer F. Bennett, special assistant to the director of the Office of Emergency Preparedness and adviser to the White House Oil Policy Committee, said: "The policy committee has not had this matter before it. If there were any West Coast surplus, it would be a mighty-short-term proposition. We don't see it as any problem of any consequence whatsoever."

Later in the same interview—after a review of plans already under way regarding a fleet of supertankers capable of carrying North Slope oil to Japan—Bennett said that any sale of U.S. oil to Japan "would be an important policy question which would be resolved at the time it came up."

The transaction, he said, could not be made without "a lot of questioning" from the Administration and Congress.

"This is certainly an issue that will be raised and examined very closely," said Jack O. Horton, deputy under secretary of interior and coordinator of Alaska pipeline studies.

These questions have not been raised before publicly, Horton said, although department officials have considered them in private.

"We're going to have to wait and see what they (the oil companies) come up with" in formal submissions of projected foreign traffic, Horton said.

A Commerce Department official said that "there are certainly no export controls" governing possible sales of U.S. oil abroad.

"What you're dealing with here is a question of economics," the Commerce official said. The likelihood is that Alaskan oil would not be competitive with Middle East oil, he said, and that would take care of the national security aspect.

If shipping a small amount of oil to Japan helps U.S. oil firms develop capital to seek still more oil, he said he could see nothing wrong in that.

He also said that traditionally there are "absolutely no restrictions on any foreign investment in the United States" that would apply to Japanese investments in Alaskan resources.

A White House staff assistant said the Administration is aware of the possibility that Alaskan oil might go to the Far East.

"There is no formulated policy, positive or negative, that I know of," he said.

One proposal for selling oil to Japan would involve shipping North Slope oil to the Japanese and permitting an equal amount of oil to be imported from other parts of the world.

Asked about this arrangement, Edward Mitchell, staff assistant on energy policy for the Council of Economic Advisers, said: "There is some logic to that."

But, he said, the proposal does raise some serious questions of national security.

"I don't see that it's gotten much response," he said, "but I think it's interesting."

EXPORT POTENTIAL

Edward L. Patton, president of Alyeska Pipeline Service Co., the consortium seeking permission to build the trans-Alaska pipeline, discussed the prospects for foreign sales during a July 20 interview with *National Journal*.

Targets for 1980

Patton said that, according to confidential estimates recently submitted to the Interior Department by the companies participating in Alyeska, 25 per cent of North Slope oil is tarketed for sale beyond the U.S. West Coast by 1980, when North Slope production is expected to reach two million barrels a day.

Patton said the 500,000 barrels a day are lumped under the heading "Panama," a reference to possible movement of the oil by pipeline or tanker through Panama to the East Coast.

The "Panama" total is a catchall listing for oil to be marketed outside the West Coast, Patton explained; it could include direct sales to Japan.

Patton estimated that sales to Japan might amount to 100,000 barrels a day in 1980. By 1985, he said, the West Coast will be able to absorb a full two million barrels a day of North Slope oil, according to present forecasts: Import levels: A 100,000-barrel-a-day business with Japan would account for only 5 per cent of North Slope production, Patton noted.

And the Interior Department' s Office of Oil and Gas has estimated that if North Slope oil is not available to the West Coast, overseas imports to that area alone would rise to 2.3 million barrels a day by 1980.

Compared with statistics on current U.S. oil imports, however, the 100,000-barrel-a-day figures takes on some significance.

No single nation in the Middle East or Africa sold more than 50,000 barrels a day to the United States during 1970, according to compilations by the Interior Department's Oil Import Administration.

Total imports from 12 Middle Eastern and African nations averaged about 300,000 barrels a day. Imports from all nations totaled 3.3 million barrels a day—more than half of it from Venezuela and Canada, and four-fifths of the imports coming from the Western Hemisphere.

Imports represented about 23 per cent of the total U..S demand of nearly 15 million barrels a day.

(These figures contradict a statement in an Alyeska Pipeline Service Co. brochure: "Why do we need Alaskan oil? . . . We import crude oil from overseas sources—primarily the Middle East. We have the choice of increasing our dependency on other nations or developing our domestic reserves."

Projections

Thus, warnings of U.S. dependence on Middle Eastern and African oil derive from projections of future U.S. production and demand rather than from current import levels.

Patton's estimate of a possible temporary 100,000-barrel-a-day trade with Japan's likewise is based on individual oil company projections.

As a common carrier pipeline, Alyeska would have no voice in the ultimate destination of North Slope oil; the amount of oil that might be sold to Japan could be greater than or less than that figure, depending on the marketing policies of the companies.

JAPAN

Japanese interests already have entered the Alaska scene—to such an extent that one federal planning official in Anchorage privately voiced fears that the state could become a "second Manchuria."

Presence

The Japanese presence is widespread. The Japanese own a large timbermill in Sitka, buy salmon eggs from Cordova canners, market Toyotas and Datsuns in the state, and have surveyed Alaska's substantial reserves in coal, iron ore and minerals.

Several major Japanese businesses have established offices in Anchorage, where the Japanese government maintains a consulate and where Japan Air Lines jets are a significant part of the traffic at the Anchorage airport.

Energy interests

Asked about Japanese interest in Alaskan oil, Homer L. Burrell, director of the state's oil and gas division, produced a handful of calling cards from Japanese businessmen.

Natural gas

Under a 15-year, $375-million contract with Phillips Petroleum Co. and Marathon Oil Co., Japanese utilities are buying 50 billion cubic feet of natural gas a year from the Cook Inlet region of southern Alaska.

The gas is liquefied in Alaska and transported in two new Swedish-built, Panamanian-registered tankers.

Oil exploration

Japanese oil companies are joining with major oil firms in exploring for new petroleum reserves. They have drilled for oil (unsuccessfully, thus far) on their own, are negotiating for interests in other companies' leases and are awaiting future federal and state lease auctions. (The Interior Department plans to auction offshore leases in the Gulf of Alaska by 1976.)

These ventures are backed by Alaskan Petroleum Development Co. Ltd. of Tokyo, a consortium. North Oil Inc., the Anchorage subsidiary of North Slope Oil Co. Ltd. of Tokyo, operates north of Alaska's Brooks Range; its sister company, Alaskco U.S.A. Ltd., covers the remainder of the state.

Alaskco has teamed with Gulf Oil Corp. to gain rights on several leases; North Oil has been conducting Arctic explorations with three other companies (Cities Service Co., Getty Oil Co. and Skelly Oil Co.) and has been negotiating for North Slope leases, according to Takao Ogino, Anchorage representative of Alaskco.

Pipeline contract

Japanese steel mills furnished the pipe for the Alaska project after the Trans-Alaska Pipeline System (TAPS), predecessor to the Alyeska firm, rejected offers to bid for the project from U.S. Steel Corp. and Kaiser Industries Corp. in early 1969.

At that time, TAPS said it needed the pipe quickly because it expected the project to get speedy approval from the federal government; only the Japanese mills were able to meet the timetable and specifications for the pipe, TAPS said.

In the course of their worldwide trading operations, Japanese firms sometimes provide oil pipeline in exchange for a portion of future oil production, under a "product-sharing" arrangement.

Alyeska's Patton told *National Journal* that the trans-Alaska pipe was purchased under a straight-cash contract for $100 million.

The estimated cost of the construction project, originally placed at $900 million, now is in the $2-billion range.

Petroleum purchases

Japan already buys a limited amount of petroleum products in the United States, such as residual fuel oil and lubricants from refineries throughout the country.

According to the United States-Japan Trade Council, an association sponsored by the Japanese government, U.S. exports of petroleum products to Japan in 1970 were valued at $87 million.

The Interior Department's Bureau of Mines said that Japan bought one million barrels of residual fuel oil from the United States during the first three months of 1971.

Market: Takao Ogino said in Anchorage that Japan's demand for oil by 1985 is projected at 4.5 billion barrels a year—nearly five times the current consumption.

The Japanese government's Oil Industry Council has projected a two-billion-barrel demand by 1975, double the current figure. Japan now relies on the Middle East for about 90 per cent of its supply.

Strategy: "Until now, we didn't think that there was any possibility of bringing North Slope oil to Japan," said Katsuyuki Matsumura, a Washington representative for Japanese engineering firms who is returning to his country to deal with oil policy in the government's Ministry of International Trade and Industry.

The old policy was based on the traditionally high price differential between Middle Eastern and U.S. crude oil.

Two factors have changed that, according to Matsumura: recent price increases by the oil-exporting nations of the Middle East and ever-stiffening air-pollution-control programs in Japan that necessitate the use of low-sulfur oil.

The sulfur content of North Slope oil ranges from .9 per cent to 1.5 per cent by weight, according to one industry study submitted to the American Petroleum Institute. This is considered relatively "sweet" or clean, although some desulfurization treatment might be required to meet U.S. and Japanese pollution standards.

"Japanese companies don't like to pay high prices, but they might have to," Matsumura said.

The prime concern of the Japanese government, said Kazuo Nukazawa, research consultant at the United States-Japan Trade Council, is to diversify its source of supply. "That is the main strategy."

INDUSTRY PLANS

Oil companies operating in Alaska generally say that the West Coast will be the prime market for Alaskan oil and that any surplus production might be sent to the Midwest or to the East Coast via additional pipelines or by tanker.

Otto N. Miller, chairman of the board of Standard Oil Co. of California, said: "Obviously, a sizeable part will go to the West Coast."

But he said that it was "a little bit difficult to speculate at this time" about other markets because of questions involving the timing and rate of North Slope production.

But there have been scattered references to the possibility of sales to Japan in statements that cast doubt on the idea without rejecting it.

BRITISH PETROLEUM

British Petroleum Co. Ltd. of London (BP), through its subsidiaries and associated companies, controls the major share of known reserves on the North Slope's Prudhoe Bay field—some five billion barrels, or about half the estimated discoveries thus far.

BP has no refining or retail sales outlets on the West Coast, which means that the company would have to sell its crude to other companies until it could operate as a fully integrated firm in that region.

On Sept. 30, 1970, Eric Drake, chairman of BP, signed an agreement in Tokyo with a group of Japanese oil firms that included

North Slope Oil Co. and Alaskan Petroleum Development Co. The agreement provided for joint exploration projects in the Middle East and the marketing of BP crude oil in Japan.

Speaking of BP's sources of crude oil in connection with future marketing arrangements in Japan, Drake said:

"There was also Alaska where BP has sizeable potential production; but here I am afraid there does not appear to be much interest for Japan, since, on the basis of statistics I have seen, this oil will almost certainly be completely absorbed in the fast-growing markets of the U.S.A."

ATLANTIC RICHFIELD

Atlantic Richfield Co., which, along with Humble Oil and Refining Co., a subsidiary of Standard Oil Co. (New Jersey), controls most of the remaining proved Prudhoe Bay reserves, likewise has mentioned the possibility of selling oil to Japan.

In a presentation to the Alaska Science Conference in August 1969, Rollin Eckis, vice chairman of the board of Atlantic Richfield, said:

"Assuming the continuation of import controls . . . there is little possibility that Alas a oil would move into foreign markets."

However, he said, Japan is a possibility. Japan would be in a "highly sensitive position" in the event of a crisis in the Middle East, he said, and "it is possible that she would be willing to pay a premium for a secure source for a portion of her needs."

PHILLIPS PETROLEUM

Phillips, which has a relatively small interest in North Slope reserves, has proposed an "import-for-export" program involving Japan.

Under this proposal, which has been submitted to Administration officials and to the House Interior Committee, North Slope oil could be sent to Japan. In exchange, the exporting company would be allowed to import an equal amount of oil from the Middle East or Venezuela to the U.S. East Coast under an exception to present limits on oil imports.

John M. Houchin, president of Phillips, said in a lengthy statement to the House committee in the spring of 1970 that one advantage of this arrangement would be great savings in transportation costs, because U.S.-flag vessels would not have to be used.

"It's just a question of trying to save investments," said one industry executive familiar with the proposal. The plan would allow oil to be brought to the big East Coast market without the necessity of building more pipelines or using U.S.-flag tankers, he said.

"One of the rationales behind this thing, quite frankly, was that we could use foreign-flag ships," he said. This would permit industry to "pull an end run" on the Jones Act, he said.

(The Jones Act or Merchant Marine Act of 1920 (41 Stat 988) requires the use of U.S.-built, U.S.-manned ships in coastwise trade. It would apply to tankers running from Alaska to the West Coast, but not to tankers operating between Alaska and Japan or between other nations and the East Coast.)

This source said the import-for-export idea has attracted little interest from the major companies thus far.

"We've had so much controversy over the trans-Alaska pipeline already," he said, "that this idea would just muddy the water more."

"I'm telling you, everybody's scared to death to even talk about methods to avert the Jones Act's provisions," he said. "Those sailors are going to be the best-paid sailors the world has even seen."

Alaskan views

An oil lobbyist in Anchorage, speaking privately of the prospects for oil trade with Japan, said Alaskan oil probably would bring a far higher price in the United States than the Japanese now pay elsewhere.

But, he said, "If the Japanese are willing to pay it, who knows what might happen 10 years from now?"

Thomas E. Kelly Jr., former state commissioner of natural resources and at present an Anchorage oil consultant, said in an interview that Japanese interests could make a profit by selling any oil they might develop in Alaska to U.S. markets, or could exchange their oil for oil from other regions.

Kelly expressed interest in the import-for-export plan: "I was hot as a pistol on it for a while." But he said it does not have much acceptance.

Gregg K. Erickson, an economist and aide to a joint legislative committee on oil policy, also speculated that the Japanese could develop oil in Alaska and sell it in U.S. markets in exchange for surplus Middle Eastern oil controlled by major companies.

U.S. DEMAND

The question of where Alaskan oil will be marketed revolves around various projections of how much oil the United States—particularly the West Coast—is going to need and how much oil Alaska can produce.

Rising estimates

Projections of U.S. oil demand have risen sharply in recent years.

In a 1968 report ("United States Petroleum Through 1980"), the Interior Department predicted that the United States would need 18.2 million barrels a day in 1980.

In February 1970, the Nixon Administration's Cabinet Task Force on Oil Import Control adopted a figure of 18.6 million barrels a day for 1980. (*For a report on the task force recommendations, see Vol. 2, No. 10, p. 494.*)

The task force report included comparable estimates from three other sources: Mobil Oil Corp. (17.7 million barrels), Interior Department staff (18.8 million barrels), and Standard Oil Co. (New Jersey) (19.3 million barrels).

The Interior Department, in a January 1971 statement on the Alaska pipeline, forecast the 1980 demand at 22.3 million barrels a day and the 1985 demand at 27.1 million.

The department's 1980 estimate was 20 per cent higher than the Administration's task force estimate one year earlier.

The National Petroleum Council, an Interior Department advisory board composed of top oil industry executives, on July 15 released its interim forecast of future petroleum needs: 22.5 million barrels a day for 1980, 26 million for 1985.

This report said that the United States would become heavily dependent on Middle Eastern and African oil unless government policies became more conducive to domestic U.S. oil investments.

Council meetings

Transcripts of the National Petroleum Council's private committee meetings provide a glimpse into the preparation of these forecasts.

At a March 29 meeting in Houston of the council's coordinating subcommittee on the U.S. energy outlook, a research consultant from Battelle Memorial Institute said that, in confidential projections from various energy industries, the total energy demand was generally agreed upon, but the forecasts varied widely on future consumption of individual fuels.

"I don't find that either surprising or too disconcerting," said Warren B. Davis, director of economics for Gulf Oil Corp. and chairman of the panel.

Vincent M. Brown, executive director of the council, said during that session, "I would guess right now it's about 50–50 in Washington in government circles" between those who are seriously concerned about the nation's energy needs and those who believe the "energy crisis is being "whipped up" by the industry.

"All this is evolving so rapidly that the need for an interim report becomes acute, both from I think our point of view and from the Department of the Interior," Brown said.

At another point during the two-day meeting, on March 30, N. G. Dumbros, vice president (industry and public affairs) of Marathon Oil Co. and chairman of the council's government policies subcommittee, said of the Washington climate:

"Christ, they are talking about everything. I mean, you can get—if you just wander around and talk with the policy makers, you can come up with an encyclopedia."

W. T. Slick Jr., assistant manager of Humble Oil's corporate planning department, told the group that "one of the sticky problems to work in this thing is the Alaska problem." He said that, in trying to coordinate various companies' estimates on Alaska's oil reserves, "the people who want to go into the most detail are ones that have the least information."

At a May 26 committee meeting in New York, Harry Gevertz, special projects manager of El Paso Natural Gas Co., said, "It is very difficult, I think, to urge government to change major policy—if you don't see a sense of urgency—I think if you come out with a report that says, well, you know, we are going to find all we can get and if we can't find it, we can import it—that sounds more like some of my Harvard friends than a report out of the National Petroleum Council."

Slick said at that meeting that his panel was reviewing figures from two different subcommittees, one on demand and the other on supply, "and there was next to no chance at all that you could add them all up and get the same answer."

John M. Kelly, an independent Washington oil entrepreneur, said, "When you have the NPC come out and tell the public that by 1985, under present policies, they are going to have to depend on 55 per cent of their oil supplies by imports and 8 per cent of their gas supply by imports, don't you think this is going to have an impact on the Hill and in the executive branch?"

"I hope it does," said Slick.

Interior Department representatives attended these committee meetings, serving as "government cochairmen" of all council panels.

Morton speech

In a speech to the National Petroleum Council on July 15, Interior Secretary Rogers C. B. Morton said, "Even with the North Slope producing two million barrels a day by 1980, the gap between domestic supply and demand would approach eight million barrels a day, equal to 35 per cent of total supply.

"Our central problem is national security. . . . All the experience of the past 20 years, plus what we can infer from the bargaining actions of the O.P.E.C. (Organization of Petroleum Exporting Countries) nations during the past year and the actions of the Soviet Union in the Middle East and the Mediterranean, lead us to conclude that we had better not become overly dependent on our energy supplies from that part of the world."

To lessen that danger, Morton said, one of the things the Interior Department can do is "expedite the safe movement of North Slope oil and gas to market."

West coast outlook

In a recent submission to the Interior Department, Alyeska said that when the pipeline reaches a two-million-barrel-a-day capacity, 1.5 million barrels would be delivered to the West Coast and 500,000 to "Panama."

Alyeska said 190,000 barrels a day would be delivered to the Puget Sound (Seattle) area, 540,000 barrels to San Francisco and 770,000 to the Los Angeles area.

(Atlantic Richfield has built a 100,000-barrel-a-day refinery at Bellingham, Wash., to receive Alaskan crude. California had a total refining capacity of 1.8 million barrels a day as of Jan. 1, according to the Oil and Gas Journal, ranking that state second in refining capacity after Texas.)

"By 1985 the West Coast can take all of it," Patton said. "There's no point in hauling this oil any further than you have to. Common sense says you drop it at the first available market."

Interior projections

In Interior Department projections, District V includes the states of Washington, Oregon, California, Arizona, Nevada, Hawaii and Alaska.

District V consumed some two million barrels a day in 1970, according to Interior figures. District V produced about two-thirds of that amount and got the remainder from Canada, other foreign sources and other parts of the United States.

In a June 2 speech to the Pacific Coast Electric Association at San Diego, Gene P. Morrell, deputy assistant interior secretary (mineral resources), said that District V demand is projected at 3.2 million barrels a day by 1980.

District V demand is expected to grow at a yearly rate of 4.5 per cent, Morrell said, in contrast with the department's nationwide growth figure of 4 per cent. District V production (excluding the North Slope potential) has been declining at a 10-per cent annual rate.

Other projections

Others have offered different projections.

Herbert S. Winokur Jr., a management consultant who served on the staff of the Cabinet task force, has projected District V demand at 2.7 million barrels a day by 1980.

"Every projection of North Slope production indicates that it will far exceed the petroleum demands of the West Coast," Winokur said in a statement to the Interior Department, in which he cited advantages of an alternate pipeline route across Canada.

"I estimate that in 1980, the North Slope will produce at least 600,000 barrels per day more than the West Coast can absorb even assuming the West Coast gives up all its non-Canadian imports," Winokur said.

John H. Lichtblau, director of the Petroleum Industry Research Foundation in New York, told *National Journal* there might be "a million barrels left over" once North Slope oil reaches substantial amounts.

"I don't think that they (the West Coast) can absorb a full two million barrels by 1980." The excess North Slope oil would be sent elsewhere, he said.

"They could export some of the oil to Japan," Lichtblau said. But in that case, he said, Japan might pay a far lower price for North Slope oil than the U.S. consumer would pay, since North Slope oil would be competing with low-priced Middle Eastern oil.

An import-for-export plan makes "some sense," he said, but would require "a fairly radical change in our import policy."

ALASKAN PRODUCTION

Lichtblau said some companies have estimated that North Slope production might reach three million barrels a day or more.

W. J. Levy Consultants Corp., a major New York oil consulting firm that advises the Alaska legislature on state oil policy, has forecast North Slope production at three million barrels a day by 1980.

In a December 1970 report to the legislature, the Levy firm said, "It is clear that the West Coast will be able to absorb substantial volumes of North Slope crude. However, indications are that when North Slope production builds up to a large volume, by 1975 or thereabouts, substantial movements beyond District V will be required to absorb the prospective production."

And, at a July 15 press conference at the Interior Department, National Petroleum Council officials said North Slope production—which they had listed at two million barrels in their energy report—might well amount to three million or even four million barrels a day.

TANKERS

In a June 22 tabulation of projected tanker traffic, Alyeska said 41 tankers would carry oil out of Valdez, Alaska, when the pipeline reaches a rate of two million barrels a day.

Of the 41 tankers, Alyeska said, eight would be in the 250,000-deadweight-ton supertanker class, and 16 would be in the 120,000-DWT class.

There are no U.S.-flag tankers of either of these sizes in operation now, although the Japanese and some international oil firms such as BP have them.

Alyeska said in the tabulation, which was submitted to the Interior Department among stacks of data, that all of the supertankers and some of the 120,000-DWT vessels would be involved in the "Panama" trade, handling an average cargo of 500,000 barrels a day.

None of the supertankers was destined for U.S. West Coast ports, which are not now able to receive vessels of that size.

The Panama Canal cannot handle tankers larger than 65,000 DWT, which suggests that the companies intend to take one of three alternative actions:

Transport oil by supertanker to the Central American Pacific coast and pipe the oil to the Atlantic coast, where other tankers would pick it up, or send it through the canal in smaller tankers.

Send the oil around Cape Horn and up to East coast markets.

Send the oil to Japan.

The Jones Act might not apply to any of these three alternatives, despite Commerce Department claims that the Alaskan oil trade will bring a boon to America's maritime industry.

Commerce campaign

Commerce Secretary Maurice H. Stans has been in the forefront of Nixon Administration officials in advocating approval of the trans-Alaska pipeline.

Stans spoke before a Washington convention of the Seafarers International Union of North America (AFL–CIO) on June 21 and said that the Alaska oil discovery would help revive U.S. maritime strength.

Advocating a trans-Alaska instead of a trans-Canada pipeline, Stans told the Seafarers the Canadian line would "eliminate all of the great maritime opportunities" that the Alaska line would provide.

The Seafarers, agreeing with Stans, adopted a resolution endorsing the pipeline and re-endorsing the Jones Act.

Andrew E. Gibson, assistant secretary of Commerce (maritime affairs), told the Portland, Ore., Propeller Club on May 21:

"We have estimated that with the completion of the Alaska pipeline a fleet of approximately 30 new U.S. tankers would be added to the American merchant marine to transport the oil from southern Alaska to the West Coast.

"The construction of these vessels at an estimated cost of $1 billion would give an added stimulus to our shipbuilding industry and would provide approximately 48,000 man-years of work in U.S. shipyards and allied industries.

"Manning and maintaining these vessels would create many additional permanent maritime jobs, while the estimated annual operating and maintenance cost of $30 million would provide added employment in the related service industries.

"It should be obvious that much, if not most, of this increased maritime activity would be of direct benefit to the Pacific Northwest." (*For a report on the progress in the Administration's program to revive the nation's merchant marine, see No. 30, p. 1565.*)

Construction

In 1969, Atlantic Richfield ordered three 120,000-DWT tankers from Bethlehem Steel Corp. for the Alaska oil trade. The oil firm said these were the largest commercial vessels ever to be built in U.S. shipyards.

A spokesman for the Shipbuilders Council of America said that 17 tankers were under construction or on order in U.S. shipyards as of June 1.

In addition to the three Atlantic Richfield vessels, only three were in the 120,000-DWT range or above, and none was necessarily destined for Alaskan traffic. None was as large as 250,000 DWT, he said.

A spokesman for the Maritime Administration said tanker construction orders, probably are being delayed pending approval of the Alaska pipeline.

A spokesman for Alyeska, asked where the supertankers would be coming from, said the oil companies have been holding preliminary talks with U.S. shipbuilders about future supertanker contracts.

Levy Consultants Corp., in a report to the Alaska legislature, estimated that construction costs in foreign shipyards are about one-half those in U.S. yards. "The per-barrel cost of moving oil in a foreign-built and registered vessel is approximately one-third less" than in a U.S. tanker, he said.

Virgin Islands

Oil companies might be able to avert the Jones Act by taking oil from Alaska to the Virgin Islands for refining before moving it to the East Coast market.

The Virgin Islands has been regarded as outside the scope of the Jones Act; but it remains to be decided whether Alaskan oil would be exempt in this situation.

Amerada Hess Corp., an oil firm with lease interests on the North Slope, has expanded its Virgin Islands refinery complex to handle 450,000 barrels a day. Leon Hess, chairman of the company, reported to stockholders this spring that the company plans to obtain tankers in expectation of refining oil from the North Slope.

Tankers could dock at the Virgin Islands after picking up oil from a Central American pipeline or after rounding Cape Horn.

Tankers plying the Valdez-to-Japan route would be outside the Act.

OUTLOOK

A well-established oil consultant, speaking on a not-for-attribution basis, said of the Alaska pipeline system. "I say the — — line should go down through Canada anyway."

The spokesmen for environmental causes are "an emotional, dishonest bunch of —, in the main," he said, but "they're right in this instance" in opposing the trans-Alaska line.

The key to the situation, he said, is that the companies backing the project need to get a cash return for their North Slope investments as quickly as possible, and the trans-Alaska route offers the speediest opportunity.

"Japan will buy it," he said of the North Slope oil, and the amount will be determined in part by the sulfur content of the oil and perhaps by Japanese willingness to provide tankers.

An authoritative Canadian source offered this general appraisal:

Originally, the oil companies figured on supplying the West Coast with oil from the North Slope, building another pipeline from Puget Sound to the Midwest for transshipment of additional oil and selling any surplus to the Japanese.

The idea of a trans-Canada pipeline from the North Slope directly to the Chicago market has been a less-favored plan that the companies have kept alive for the sake of prudence.

Now, the drawing-board proposal for a trans-United States pipeline is losing its attractiveness, in part because "any major oil pipeline system through scenic territory is going to run into a hell of a lot of trouble."

Without a pipeline into the Midwest, "Japan would be the logical market."

The import-for-export proposal was mentioned by Washington economists Charles J. Cicchetti and John V. Krutilla in a critique of the trans-Alaska plan they gave to the Interior Department in March.

The Cicchetti-Krutilla report said: "The most attractive alternative for the oil producers would be the use of North Slope oil for export at world market prices to Japan, while importing a similar amount from Venezuela, selling same at the support price in the United States.

"Since the beneficiaries of the low-cost North Slope oil would be Japanese consumers, while the environmental costs would be borne by the United States, there is an issue of equity and propriety associated with this proposal. . . ."

TAKING INDUSTRY'S CASE TO THE PEOPLE

"(Heartbeat) *The United States of America.* (Heartbeat) *Sometimes it doesn't run the way we'd like it to.*

"(Heartbeat) *But it keeps on running. That's our job.* (Heartbeat)

"We're the oil companies of America. . . . working to keep this country working.

"Because a country that runs on oil. . . . Can't afford to run short."

This message and variations on the same theme are being delivered to the U.S. public in a $4-million (for 1971) advertising campaign sponsored by the American Petroleum Institute, chief trade association and lobbying arm of the oil industry.

The campaign got under way on April 26 and is scheduled for a long run, according to James C. Shelby, advertising manager of API.

"We are using nighttime network television . . .. plus the Today Show on NBC. Also, about 180 newspapers and petroleum trade magazines. The newspaper offer of the 'Energy Gap' booklet has drawn excellent response from over 500 cities in 47 states," Shelby said.

Counterattack

The campaign clearly represents a counterattack by the industry against its critics in government, the news media and the public.

Taking its case to the people, the industry is not adopting a defensive posture of emphasizing it expenditures on pollution-control programs or explaining the intricacies of oil tax laws.

Instead, the industry campaign stresses this theme: "75 per cent of the power and energy this country needs comes from oil and natural gas."

The campaign literature includes statements stressing the need for development of Alaskan oil to lessen U.S. dependence on foreign suppliers.

API President Frank N. Ikard, a former Member of the House (D–Tex., 1951–61), said in a statement announcing the campaign:

Energy, in ample supply and reasonably priced, is essential to the public's comfort, economic progress, industrial expansion and national security. We believe this program will contribute to a greater understanding of the complexities involved in maintaining an uninterrupted flow of energy for the consumers of this nation."

Origin of campaign

Shelby said that a private survey of the U.S. public taken in 1970 for the oil industry led to the advertising campaign.

Without going into detail, Shelby indicated that the poll showed the general public had little understanding of the industry or sympathy for it.

"I guess when you take a survey you find out what people think about you," he said. The survey showed the need for an "educational" campaign.

TV spots

The television advertisements, which are scheduled for prime-time evening shows and weekend sports programs and news-interview broadcasts, were produced by Leo Burnett Co. Inc. of Chicago.

Shelby said he particularly likes the "heartbeat" commercial.

This advertisement was taped in Grinnell, Iowa (pop. 8,402), a farmland community 55 miles northeast of Des Moines.

The ad shows some of the uses of oil and gas: a housewife making a cup of coffee, a a doctor with a hypodermic needle ("Doc Evans may never stop to think that some of his medicines begin with oil"), a grandmother at her sewing machine and lights glowing in comfortable frame houses along quiet, tree-lined streets.

Shelby was asked why no automobiles appear in this ad, since nearly half the petroleum consumed in this nation is used for gasoline.

"I think people are pretty used to the fact" that petroleum is used to power cars, he said. This spot was designed to show people in their homes rather than outside, he said, although consideration had been given to featuring a farmer riding his tractor.

(On June 30, in a unanimous opinion, the Federal Communications Commission ruled that an ad on NBC–TV, in which Standard Oil Co. (New Jersey) described its Arctic Alaska operations, violated the "fairness doctrine" because the ads, in effect, constituted an endorsement of the contested trans-Alaska pipeline system. *See No. 28, p. 1481.*)

FLATTENING THE ENERGY-CONSUMPTION CURVE

One of the few Nixon Administration officials to call for a slowdown in U.S. energy consumption is S. David Freeman, who is leaving government service.

Freeman, assistant director of the Office of Science and Technology, and director of the office's energy policy staff, said he worries about the way this nation eats up its natural resources. Privately and publicly, Freeman has suggested ways in which the government could seek to restrict energy consumption.

He also has been involved in devising government policies that seek to encourage development of new and cleaner sources of energy.

"I think there's a big question mark about what the demand (for oil) will be in 1980," he said in an interview. "If we really got serious about it, we could cut down . . ., flatten out some of those growth curves."

But, he said, "it's not happening yet . . . We're hooked on the stuff."

(Projections of future U.S. demand for oil have been cited by proponents of the Alaska pipeline as a justification for developing North Slope oil.)

"It seems to me almost inevitable that one of these days congestion is going to call a halt to it. It makes a hell of a lot of sense to me to ban the internal combustion engine in downtowns of major cities."

Freeman said "there's no reason that I can see" why an urban automobile needs more than 100 horsepower.

Yet, he said, with a trace of irony in his Tennessee drawl, congressional adoption of emission-control standards for automobiles is leading to more consumption of gasoline, rather than less—because the control devices cause a 10- to 15-per cent increase in the engine's gasoline consumption.

On the subject of development of Alaskan oil, Freeman said, "The (natural) gas is a more pressing need for the national economy than the oil. It may be that the strongest justification for proceeding with the marketing of the oil is the need for the gas."

(North Slope natural gas is associated with the crude oil reserves, and the gas cannot be brought out until the oil is produced.)

"It's a cold hard fact that there's a shortage of natural gas," Freeman said, "It's much more acute than any supply problem with oil."

Asked about a proposal to market Alaskan oil in Japan in exchange for crude oil from other sources, Freeman said, "I have some question about whether that makes much sense from a national security point of view."

Freeman, 44, holds degrees in law (University of Tennessee) and civil engineering (Georgia Tech.) A former Tennessee Valley Authority engineer, he served from 1961 to 1965 as assistant to the chairman of the Federal Power Commission and has been at the Office of Science and Technology since 1967.

Freeman is a strong supporter of President Nixon's proposal to establish a Department of Natural Resources to coordinate federal energy policies.

"The energy problems have reached the point where you need an agency in charge," he said. Until the government establishes an agency to look after energy matters, he said, "I think we'll kind of limp along with paste-together solutions."

Freeman is leaving government to help the University of Pittsburgh establish a degree program in energy resources development and management. He expects to remain based in Washington.

SON OF SANSINENA

In a much-publicized attempt to gain an exemption to the Jones Act, Union Oil Co. of California sought approval from the Nixon Administration in 1970 to use the oil tanker *Sansinena* to transport Alaskan oil.

The *Sansinena*, a U.S.-built, Liberian-registered vessel, was owned by Barracuda Tanker Corp. of Bermuda, a firm that Peter M. Flanigan, assistant to the President, helped organize.

The Treasury Department granted a waiver in March 1970 that would have allowed the vessel to be used in U.S. coastal trade—an extraordinary exemption from a provision of the Jones Act (41 Stat 988) that requires shipping in U.S. coastal trade to be on vessels built and registered in the United States.

The waiver touched off a political controversy, and the Treasury Department quickly withdrew the exemption. (See Vol. 2, No. 11, p. 542).

Union Oil, which was using the 67,000-deadweight-ton vessel under long-term charter, recently took delivery of a new, similar-sized vessel built in the United States by Bethlehem Steel Corp. for use in the Alaska trade.

Union Oil President Fred L. Hartley christened the new tanker the *Sansinena II.*

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

PROBLEMS OF THE ELDERLY NEED ATTENTION NOW—PART IV

HON. JOHN G. DOW

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. DOW. Mr. Speaker, over the course of the past 4 days I have submitted for the RECORD the transcript of testimony from hearings that I held in the 27th Congressional District concerning the problems of the elderly. I am submitting today the last section of that testimony.

I would like to point out some very excellent testimony on the problems of nursing homes in today's section. The testimony by Mrs. Lois Schwall, a nurse at such a facility in my district, is very compelling and accurate.

At this point I would also like to urge my colleagues to read testimony and join with me to take some action to alleviate the problems of the elderly. I hope the testimony is of help to the Congress in demonstrating the poor conditions under which this country's senior citizens are forced to live.

TESTIMONY—HEARINGS ON THE PROBLEMS OF THE ELDERLY—PART IV

Mr. DOW. Our next witness is Mrs. Lois Schwall. She works in Rockland County on problems of the elderly. Lois is an old friend of mine, so I'm very glad to see you here, Lois.

MRS. LOIS SCHWALL, NURSE, ROCKLAND COUNTY INFIRMARY, ROSELAWN ROAD, HIGHLAND MILLS, N.Y.

Mrs. SCHWALL. As you know, I am a nurse. I work at the Rockland County Infirmary and the professional nursing staff of the County Infirmary has asked me to indicate that my remarks reflect their opinion as well. that I really speak for the nursing staff there. I might also say that my remarks are not specifically directed at the County Infirmary.

They are based on experience the nursing staff has had in other nursing homes, some not even in the State of New York, and not all the remarks apply to all nursing homes, but they do in one way or another affect each institution.

I speak for the aged ill who cannot speak for themselves, cannot go to the Senior Citizen meetings, cannot make telephone calls or cannot write letters and are sometimes unable to form the very words they want to say.

They are institutionalized in public and private nursing homes (Extended Care Facilities) because they are sick enough to need skilled nursing care and our society will not provide it outside of an institutional environment. We have no geriatric day care centers, we have very few health related facilities, and inadequate home care service.

Since the end of WW II, nursing homes have really become big business and with the advent of Medicare in 1965 they became an industry.

The Geriatric Nursing Home Industry is spread over our country—but there's a strange thing about it—the people who work in the industry generally have no training for their jobs. That is to say—the nurses and physicians who care for the aged ill usually do so with no formal instruction in geriatrics or gerontology. The health professions have so completely mirrored society's attitude toward aging that the field of gerontology has been ignored and those professionals who work in it have been disparaged.

The American Nursing Association has only recently recognized Geriatric Nursing as a major field of nursing endeavor. The State Health Department of New York State puts out a Physician Specialists list. Now that list is a thick book, but not one doctor in it is listed as a Geriatric specialist and the AMA provides no geriatric boards—although professional schools are now beginning to offer courses in Gerontology.

There is a very great variation in the quality of nursing homes across the country because we do not have Federal licensing. And I'm here today not to tell you about the good things done in nursing homes, but about nursing homes that do not meet their obligations to their patients. Thus, often making hospitalization today more stressful and threatening to the aged patient than the illness which caused his admission.

By the way, we at the Rockland infirmary know an aged man, whose wife was a patient at the infirmary, and who, in order to travel to the woods where our infirmary is located, by taxi and bus, had to go without supper two nights a week, on those two nights when he made this difficult journey to visit his wife because he could not afford transportation and food.

The greatest threat to the geriatric patient is loss of identity. He is stripped of personal belongings, even familiar clothing. He is removed from familiar surroundings. His life savings are taken to support him in the institution. Sometimes he is permitted to keep enough money to pay for his own funeral. Plans for the patient's death often begin at the time of admission when the family is asked what funeral home to send the body to.

This question has a strong effect on a family already guilt ridden at having to institutionalize a relative. It is this feeling of guilt that often keeps families from returning to visit the patient—so that he may seldom ever see anyone who knows him as an individual with a full life history. Other patients have no living relatives at all. There may be no one who remembers them as they were before becoming ill.

So the patient lives out the rest of his days—often years—as one of a great number, sort of a non-person, manipulated by hospital routine, having no control over his day's activities—if he is fortunate enough to have any activities in his day—and his loss of identity is complete.

But he loses more—institutional life makes small provision for privacy—he is forced to urinate, defecate, and be bathed in the presence of strangers. People he does not know move him about and habitually call him by his first name while requiring that he address them as Dr. or Mrs. And so he loses dignity too.

With no one to share his reminiscences, with no one he can relate to on a personal basis, often embarrassed by his need for care, bored by inactivity and frustrated by feelings of usefulness—the lonely patient stops communicating and retreats from his painful environment into his memory and into his imagination. And staff and family call him senile!

A few patients are strong enough to assert their personalities within the institution and to resist changing a lifetime's personal habits. They object to such practices as supper at 4:30, bedtime at 5:00. They become known as problem patients and are sometimes medicated into a convenient stupor by physicians and nurses who do not understand the subtleties and paradoxes of geriatric pharmacology.

The aged ill dissemble very well. They adopt whatever role is expected of them. When the staff teases and reprimands them as if they were children, they learn to react in a childlike manner. There is no second childhood . . . but there is a disease called arteriosclerosis and that disease diminishes the brain's supply of blood and causes behavior changes. And there are a host of other diseases which often go untreated while doctors and nurses attribute their symptoms to old age or senility.

Another aspect of the care of the aged ill is that the nursing home staff almost always duplicates society's denial of the human sexuality of the aged in many institutions any expression of the ageless sexual needs which we all share is regarded as a peculiarity by some and as immoral by others. In some nursing homes, husbands and wives have been forced to live on separate floors. And the all pervading lack of privacy means that desires are frustrated.

A second area of denial on the part of the staff concerns death. Because of their own unresolved feelings about death, nurses and physicians and aides feel threatened by the approaching death of a patient and they enter his room less frequently and thus spend less time with him than with others. This means that human beings who are undergoing the last of life's experiences often die frightened and alone—without the sort of support that could bring them comfort and dignity.

Once dead, it is often as if the patient had never lived. No one will discuss his death with other patients who may have been his friends and who might wish to mark his passing in some way if given the opportunity.

There are many more indignities wrought by doctors and nurses who are well meaning perhaps, but untrained in gerontology. Others are caused by administrators whose first concern is efficient management and whose first loyalty is to people outside the institution rather than the people inside the institution.

Patients are still strapped into bottomless commode chairs in the morning and not removed from them until evening.

Patients still wait 6–8 months for repairs of eyeglasses, hearing aids and dentures.

There is still the attitude that permits air-conditioning for administrative offices but not for patients.

There is still no adequate transportation to take those patients able outside the four walls of the building for social and recreational programs.

County infirmaries are still being built out in the countryside where patients are isolated from shopping, isolated from religious institutions, and isolated from looking at little children.

I understand that in Washington new voluntary health insurance proposals being submitted still contain no adequate provisions for chronically ill geriatric patients who have no family to turn to. These proposals limit payment to 90-100 days.

What should we do with these sick old people when their 90 days are up?

It seems to us that we have developed a disposable society that throws away people as well as plastic and it would seem we had better begin to reclaim their old age for them.

Mr. DOW. Well, thank you. That was a very impressive presentation. I'm sure, for many of us here, it's the first time we've heard this problem in detail the way you've presented it. You've done a very good job, even though it's pretty gloomy. You probably see some of these situations in the Rockland County Infirmary, or are you speaking of infirmaries generally?

Mrs. SCHWALL. I'm speaking not only of public institutions, but of private institutions, of nursing homes, extended care facilities, the general category. There are Medicare guidelines, but there are also many areas in which encouragement of basic humanity to patients is the province of the administration.

Mr. DOW. Well, I judge that if you're active in the Rockland County Infirmary, that you and some of your friends probably try to offset these problems, don't you?

Mrs. SCHWALL. We do indeed. The infirmary is an institution well on the path to what should be done, or I would not be here today, along with three other nurses from the infirmary.

The infirmary has asked me to invite you to come and see for yourself the conditions in our infirmary and perhaps to visit some other institutions. We would be delighted to take you through.

Mr. DOW. Thank you. Our next witness is Rev. Frank Jones of the A.M.E. Zion Church in Newburgh. He has also been the Director of the Community Action Program in the City of Newburgh and further he's an old friend of mine.

REV. FRANK JONES, A.M.E. ZION CHURCH, NEWBURGH; EXECUTIVE DIRECTOR, NEWBURGH, COMMUNITY ACTION COMMITTEE, NEWBURGH, N.Y.

Reverend JONES. We're here today representing the Newburgh Community Action Committee and it's many senior citizens in the city of Newburgh, the County of Orange and especially the Senior Citizens Club of our agency. As a representative of Newburgh Community Action Committee, Inc. I wish to thank Congressman Dow for initiating this hearing and giving us the opportunity of participating in the same.

For the past four (4) years our agency has been working with Senior Citizens in the Greater Newburgh Area to assist them in receiving needed services and providing wholesome recreational activities. As a result of our having become concerned and directly involved in the many problems of our Senior Citizens, we felt that it was necessary, based upon the request of the Senior Citizens themselves, to establish the Senior Citizens Club within the scope of Newburgh Community Action Committee's activities. As of this day, we have not been able to secure funding for our Senior Citizens. Our agency has not received an increase in local initiative funding. We have been advised by the New York Area OEO that there are no available funds at this time for us to carry out a Senior Opportunities and Services Program (SOS).

In the County of Orange our total population for 1970 was 220,558 of which 14,902 or 6.5% are 60 years of age and over. In the City of Newburgh our total population for 1970 was 26,219 of which 1,969 or 7.5% are 60 years of age and over. According to the data secured from the Office of Planning Coordination of the State of New York, there is going to be a significant increase in the total population of persons 60 years of age or over in the State of New York, Orange County and Newburgh. If we continue to maintain our present level of services and benefits to our Senior Citizens, which is at this time far below par, we will have a crisis situation among our Senior Citizens in the next ten (10) years.

We realize that Congress and the Executive Branch of our government have sufficient studies and data to recognize not only the needs and problems of Senior Citizens, but also to provide the solutions for the same. Since it is very doubtful that we (residents in the Mid-Hudson Area) have provided direct input to studies in the past, we feel that it is an opportunity for our Congressman to hear from the people themselves and the agencies that are trying to help. . . .

On May 15, 1970 a report of the Special Committee on Aging, U.S. Senate was published and entitled *Development in Aging 1969*. This report sets forth the following:

"At the turn of the century, there were 3 million older Americans—Those aged 65 and over—comprising 4 per cent of the total population. Today, 20 million older individuals make up 10 percent of the total population—every 10th American. The largest concentration of older persons—more than 11 percent of a State's total population—occurs in the agricultural midwest, in New England, and in Florida, California, New York, Pennsylvania, and Illinois each have more than a million older people. By 1985, when the older population will have increased to 25 million, California and New York will each have more than 2 million persons aged 65 and over. Florida, Illinois, Ohio, Pennsylvania, and Texas will have over 1 million."

The problems of the elderly in our area which were outlined in our letter on May 12, 1971 to Miss Helen Jacobs, Field Representative New York Area OEO, are:

1. Physical and psychological immobility;
2. Loss of contact with the mainstream of community life;
3. Poor health;
4. Acute housing conditions; and
5. Lack of information and others.

These special problems of our older low income citizens are consistent with special problems as outlined in OEO instructions: "Guidelines for Senior Opportunities and Services Program". They are further consistent with the problems as outlined in *Mini-Cost Programs And Services For The Aging Poor*, by David Rachlis, Coordinator of Field Services, prepared for the Community Action Program Office of Economic Opportunity, March, 1969.

Section 222 (a) (7) of the Economic Opportunity Act of 1964 as amended, provides that:

"A program to be known as 'Senior Opportunities and Services' designed to identify and meet the needs of older, poor persons above the age of 60 in one or more of the following areas: Development and provision of new employment and volunteer services; effective referral to existing health, welfare, employment, housing, legal, consumer, transportation, education, and recreational and other services; stimulation and creation of additional services and programs to remedy gaps and deficiencies in presently existing services and programs; modification of existing procedures, eligibility requirements and program structures to facilitate the greater use of and participation in, public services by the older poor; development of all-season recreation and service centers controlled by older persons themselves, and such other activities and services as the Director may determine are necessary or specially appropriate to meet the needs of the older poor and to assure them greater self-sufficiency. In administering the program the Director shall utilize to the maximum extent feasible the services of the Administration of Aging in accordance with agreements with the Secretary of Health, Education, and Welfare."

Although this is a "National Emphasis Program", it is under-funded and therefore can not meet the needs of the Senior Citizens.

Section 221 (a) provides that:

"The Director may provide financial assistance to community action agencies for the planning, conduct, administration and evaluation of community action programs and components. Those components may involve, without limitation, other activities and supporting facilities designed to assist participants including the elderly poor. . . ."

Because of the inadequacy of funds allocated to carry out this Section of the act, a significant concentration for establishing components for the elderly poor would be inadequate, meaningless and serve to deceive the very people components have been developed to help. Therefore, the establishment of permissible flexibility of funds for programs for the elderly under the above stated sections of the Economic Opportunity Act would not help to plan, develop, and operate meaningful programs for Senior Citizens but would decrease the financial capabilities of local initiative programs. What is needed is an increase in appropriation of funds for both sections of this act to insure the success of Senior Citizens Programs.

We feel that many of the Senior Citizens we have in our communities have retired from banking, industry, professions and other kinds of service orientated programs. These citizens know what their needs are, and these citizens, we feel, do have the expertise and capability to plan, develop and operate a Senior Citizen Program to meet their needs. If we are still talking about self-determination on the part of groups and classes of people, then our Senior Citizens should have the opportunity of "doing their thing".

Therefore, although in some cases there might be a slight need, in the main we do not see technical assistance and service on the part of Federal and especially State agencies as a priority for providing services to Senior Citizens and groups. These should not be a middle agency between the Federal Government and Senior Citizens group or their representative agencies. There should be an increase in the direct funding of Senior Citizens groups.

We would like to make the following recommendations for your consideration:

1. That there be an increase in the allocation of funds for Section 222 (a) (7) programs under EOA as Amended.

2. That there be a decrease in the allocation of funds to States for technical assistance to community agencies and groups as provided under the Older American Act of 1965 as Amended and any other Act which provides for technical assistance. There is an urgent and acute need to develop instruments whereby local Senior Citizens groups, which have the capability, to plan, develop and operate their own program. Any mechanism that is developed and executed to provide funds to local groups, other than by the direct route, helps to increase the inefficiency and the paper work and decreases services to our older citizens who really need services and help.

3. That our Senior Citizens, both now and in the future, be assured a share in the growth of the economy. (Report of the Special Committee on Aging, U.S. Senate).

4. That a program be developed to acquaint municipal governing bodies and private transportation managers (in population clusters of 100,000 or less) with facts about transit barriers, special needs of the elderly and the handicapped and new transportation concepts which would benefit, not only the elderly, but all persons who use public transportation. (Report of the Special Committee on Aging, U.S. Senate).

The main thrust behind this recommendation, especially in terms of the population of 100,000 or less, is that too often and in too many states and communities, only those areas where you have a population of 100,000 or more are actually in the ball game of getting Federal or state funds that will be for the benefit of their particular areas.

Mr. DOW. In the Newburgh program, the OEO Community Action program, do we have a special section for older people? Do you have a separate program going for them, or do they come in under the Neighborhood Services as a kind of afterthought?

Reverend JONES. That's exactly what it is. The group is under the Neighborhood Service Center, per the questionnaire that came out of Washington a few months ago. I read you what we said in that survey. "The senior citizens of Newburgh Community Action are one of the strongest components of the Newburgh antipoverty program. They are conscientious not only in their particular needs, but in the needs of others. At present there are 50 active members in the group with a monthly roll of about 25 to 30 persons."

Now, what this really means is that we have not—because of not receiving an increase in the allocation of funds since the very beginning of our program—we have not been able to accommodate in terms of funds any money at all to really move our senior citizens group. We feel that, in order for a senior citizen in this community or in any community really, to help themselves, they must first of all, as brought out by a previous speaker, not have to go around and try to find a facility when there are facilities available.

Further, they should have the opportunity of determining. . . . You know, we hear voices from Washington saying every day "self-determination," and senior citizens have demonstrated that they want to have something to say about how they're going to live the remainder of their lives.

And to do that, you're going to need funds. And the only instrument by which we can get funds, because of the attached problem on our state level and the financial crisis on our city level, is through the Washington office.

Mr. Dow. Does your OEO have a meeting place, a regular place where elderly people can come? Do you have a place for them?

Reverend Jones. We have been using the facilities here at the First United Methodist Church monthly. I think we also had an offer to meet at the Fogarty House, I believe. Mrs. Ackerman, who is the President of our Senior Citizens group, can give you further information.

Mrs. Ackerman (from audience). Well, we can meet there, but it had to be their club, not our club and we couldn't run it under our name.

Mr. Dow. In other words, you're really existing in quarters that are provided through the good will of other people.

Mrs. Ackerman. Right. That's why we were applying for the center through Rev. Jones.

Reverend Jones. We have been working, Congressman Dow, for almost two years trying to loosen up the SOS money, which is a national emphasis program, for this particular area.

Mr. Dow. What does SOS mean?

Reverend Jones. That means Senior Opportunity Services program. We call it the SOS program.

Mr. Dow. Have you applied to OEO for this?

Reverend Jones. We have applied to OEO, but OEO says that there are no funds—that's the New York Area Office, Region 2—says that there are no funds in the SOS allocation which is a national emphasis program, which has a special line item itself. If you were to go into Section 221 of the Economic Opportunity Act to deal with the problem of the SOS type of program, you are decreasing the capability of your community action agencies for neighborhood service work to be provided throughout the various communities. So to rob Peter to pay Paul is nothing but bad financing, which means that you need an increase in allocation unless you're justifiably in the area of need at this time.

Mr. Dow. In other words the provision here for older people is too little and too late, isn't it?

Reverend Jones. That's correct.

Mr. Dow. Now our next witness will be Mr. Charles Rabinowitz of the Greenwood Lake Senior Citizens. Sit down, Mr. Rabinowitz.

CHARLES RABINOWITZ, GREENWOOD LAKE SENIOR CITIZENS, INDIAN PARK, GREENWOOD LAKE, N.Y.

Mr. Rabinowitz. To start with, we are not coming hat in hand and begging for things that some may think we're entitled to and other may not think. We are continuously ignored! we're seldom consulted; and we're quite regularly insulted. Let me tell you what happened in Greenwood Lake.

First of all, I want to point out that, with 10 per cent of the population being senior citizens generally in Greenwood Lake, I've been told we approximate 20 per cent of the population. Of that 20 per cent, I venture to say, 19¾ percent are taxpayers, and I bring that in not with nonchalance or not as a way of speaking, but to point out that our demands are based upon our contributions to a very large extent, and so we don't have to come hat in hand, but we come saying that we are entitled to these things.

Now many things have been covered and quite well by previous speakers, so I won't go into them. I want to point out the insult part of it. The village fathers in Greenwood Lake have finally condescended to do these elderly people a tremendous favor. They have shown a desire to give us a rebate of 50 per cent in our school tax. However, there are certain qualifications that have to be met. For example, number one—which is a phony to start with—only those people who have an income of less than $5,000, and this includes Social Security if you will. It is exempt from taxation nationally and state wide, but they want to include that. How anybody can support a house on less than $5,000, I wish they would show me.

That's one thing. Then they have two other gimmicks. In other words they're not going to give us anything and of the people that will qualify, there will be so few that it's quite unimportant. For example, you have to live in the house that you occupied when you applied for this rebate in your school taxes for a period of five years.

In other words, if the house along side of mine I think is a little nicer and I feel that it's worth making a switch, the fact that I personally have been paying school taxes for 27 years in Greenwood Lake, if I buy the house along side of mine, were they to say that if you lived or paid taxes in the county or in the village even for five years, that would have some semblance of justice. But to say that you have to live in the same house, this is clearly innovation.

And then they have a third thing, a gimmick, and this is the insulting part of it. For example, we have several grandchildren, my wife and I, and if for one reason or another we choose to have one of those children live with us for a certain period of time, we are not entitled to that rebate because we are sending a school child; we are using some of those funds.

We have started making a survey of all the people of Orange County. I would like to know and I would like you to know and I would like the state and the national—and it would be a good idea to make this on a national basis—to put down in dollars and cents the millions that we pay in taxes right at this time without even mentioning the millions we have paid over the past 50 or 60 years—or the billions perhaps.

Now, for example, we have a village of less than 2,000 people who live there all year round. If I remember correctly, it's somewhere in the vicinity of 1,800. We have 20 school buses to transport children back and forth every day of the year with the exception of summer. We have not one bus, in all of Orange County, to transport senior citizens. Now these people have been paying the taxes. They are paying taxes now.

This is not to say that the school children are not entitled to bus service, but, for example, in a county like Orange where we pay million of dollars in taxes—the senior citizens—would it be too much to ask them to provide not part-time buses whenever the school is not using it, but to use it when we need to use it? There are any number of people who are homebound. These people see nothing but their four walls because they haven't the means to hire taxicabs.

Now, why cannot the country do the same thing for them that they do for the children? The need is just as great and, in some cases, greater. I just noticed this last year. We happened to be following a school bus—and two kids got off two blocks away from the school. Now who is better able to walk two blocks, an eight or a ten or a twelve year old child or a seventy year old woman? Who is better able to do it?

To this is one of the things we want to do. We want to—and I suggest to the other people here—that they make a census of the people in their immediate vicinities—we want to come to Mr. Dow; we want to come to Mr. Rockefeller; and we want to tell them "now look, buddy boy, we are contributing right now this much money. Aren't we entitled to something for that money?"

And, of course, this is an old saying, but it's just as true now as it was some 80 years ago when somebody thought about it—"It's the wheel that creaks that gets the grease." and I'd suggest to the senior citizen to depend upon Congressman Dow, to depend upon Gov. Rockefeller, but primarily to depend upon themselves and make themselves heard. Thank you.

Mr. Dow. Thank you, Mr. Rabinowitz. Our next witness is Mrs. Nancy Crisci representing the Club 60 of Newburgh. Glad to have you, Mrs. Crisci.

MRS. NANCY CRISCI, CLUB 60 OF NEWBURGH, WELLELLA PLACE, NEWBURGH, N.Y.

Mrs. Crisci. Thank you for asking me. It's a pleasure to be here. Well, the only request that we have from Club 60 is that we can use transportation. As that gentleman just put it, we have members who cannot come to our meetings because they have no way of getting there. We also thought about the school buses and wondered why they couldn't be used for our meeting night, for example. And that would be a tremendous help to our people, because I know that although we have a very good attendance, we could have a lot more if they had a way of getting there and getting back home. Really, that is one of the major things that we need.

Also, we meet on Wisner Avenue in the West End Sportman's Club and it is getting entirely too small for us. Our club has grown and grown. We have attendance of almost a hundred every week and the place is entirely too small. It's a little dangerous for the old people too because they have to go downstairs for refreshments and go upstairs and some of them use canes and it's quite hard. So we were wondering if there wasn't some place, a center that could be built or that we could use, a school; that, is, a large one—so that we could hold our meetings there. We are not dissatisfied. We just would like some improvements. That's about all.

Mr. Dow. You've made points here that—you've reinforced some points that have been brought out before.

Mrs. Crisci. Yes, I know they have been brought up before.

Mr. Dow. Well, that's all right. I mean if I hear something ten times here, I know that's more important than something I hear only once, see. So, it's good to say it early and often.

Mrs. Crisci. We really would appreciate a new hall and transportation.

Mr. Dow. Well, I'll put out some feelers on that for you. We'll see if we can scare up another hall, but I can't promise I'll succeed. We can try.

Mr. Rabinowitz (from audience). May I just say one thing that I'd forgotten to say?

Mr. Dow. Yes.

Mr. Rabinowitz. This is extremely important. We just got a 10 per cent raise in Social Security and they are talking about a 5 per cent. But if you looked at the statistics, the cost of living has eaten that up long before we got it, and I was thinking whether a law couldn't be passed to peg the cost of living to increases in the Social Security. In that way, we won't go farther and farther behind.

Mr. Dow. They're doing that in this new bill that we passed last week in the House. Now whether that will get through the Senate or not I don't know. I hope it does.

Mr. Rabinowitz. I see. Thank you.

Mr. Dow. Mrs. Elise Cussler, Mrs. Elise Cussler is the State Director of the AARP. Now you'll have to tell me what the AARP is because I'm not sure.

MRS. ELISE CUSSLER, STATE DIRECTOR, AMERICAN ASSOCIATION OF RETIRED PERSONS, FISHKILL, N.Y.

Mrs. Cussler. The American Association of Retired Persons is an organization of well over two million members that is dedicated to the independence, dignity and purpose of the older American. It is a self-help group to the extent that, in the few years that we've been in existence, we have an insurance plan of our own; we have a "drug by mail" service, a travel service, and driver education instruction, together with special insurance for the elderly that is noncancellable until age 80. I could dwell at length upon this.

Today here I also heard said that little was being done in the field of gerontology. We are participants in a four million dollar projects at the University of South California where we have pledged two million and the ground breaking ceremonies have taken place to create at this University as gerontology center, which is already in operation. This facility is studying all phases of aging—physical, mental, housing, anything you can think of relative to aging. And they are also training young people there to accept jobs in such places as other universities to become used to and know about the aging process. So we are doing a great deal for the entire field of aging. However, there are things which need to be done, not just by the self-help group, but by the government.

One is in the field of consumer protection. The older American is the victim of frauds, swindles, and quacks perhaps more than any other one age group. What I think we need is something in the nature of a service called an ombudsman—not a guardian who takes over, as can be done, for the mentally incapacitated—but to act as agent for the elderly in the unusual circumstances. I'll give you three illustrations.

Very often the elderly person who has not needed medical assistance for years finds that he now needs the attention of a doctor or some other medical services such as equipment. And when he approaches a doctor, he is told that the doctor is taking on no new patients. With an elderly person, this is very frustrating. I believe there should be some agency which would see that medical services and equipment are possible for the elderly.

As second instance might be in the case of getting rid of the house and/or its contents. We are encouraging the older citizens to remain in his home as being better for him psychologically but also more economical for the social agencies as far as maintaining homes. But there does come a time when the elderly person cannot maintain this home on his own. So I believe also there should be a service whereby, when it finally becomes necessary for him to leave the home, there is some agency that can come in and see that he gets a reasonable price for his home and/or dispose of the contents.

My third illustration of why we need an ombudsman is in the field of repairs. Very often the elderly are victimized by a television repairman, a plumber possibly . . . if he needs new siding on his home . . . I could go on at length about the many things that occur. I believe there should be an agent that would take over this kind of thing to see that it was done reasonably well, that the price was reasonable. It is a service I'm thinking of for which the older person might be perfectly capable of paying, but he should not be victimized by being swindled. That's my first recommendation.

My second recommendation concerns loans to the elderly. We have, at one end of the spectrum, loans to young people for attending college, which is a very worthwhile thing. By the same token, I think there should be low rate loans to the elderly, whereby he might borrow money to perhaps fix up his home. His home may represent a large capital amount, but he does not have the ready cash for services and I believe that there should be loans to the elderly at a very low interest rate to provide him with the opportunity to carry on this kind of thing.

My third concerns the fact that, though we have in the Senate a committee on aging, we do not have in the House of Representatives one that acts in this capacity. It has been suggested that there be such, but at the present time, there is none. I would suggest—and I hope, Congressman Dow, that you'll lend your complete and utter support—that this kind of committee be appointed in the House so that those needs of the elderly which need attention come before a particular committee. Thank you very much.

Mr. Dow. Thank you, Mrs. Cussler. I have joined as a co-sponsor of a resolution to create such a committee. What are the dues for your organization, Mrs. Cussler?

Mrs. Cussler. Our membership fees are three dollars a year per person or five dollars a year per couple. Now, as well as the national membership, we have well over 800 chapters and it's up to the chapters what dues they charge. It just so happens that yesterday I was in this very same church organizing a chapter of AARP for the greater Newburgh area. A very enthusiastic and excellent group came out. I feel that we are, as I said at the beginning, we are a group that believes that the elderly should do all they can to assist themselves and implement it and not expect it.

Mr. Dow. Well, you had so many good items in your program I thought maybe you'd have a very high dues to be a member.

Mrs. Cussler. No. Well, of course, we're not a money making institution at all. We're nonprofit, nonpolitical, nonsectarian. However, we do have an administrative fund that covers things like our drug service, which is minimal, and so forth. I shouldn't say offhand what our national budget is, but it's a considerable amount.

MRS. MARGARET FREESE, NEWBURGH, N.Y.

Mrs. Freese (from audience). I came over especially to ask you something, Senator Dow. Well, I am one of the minority group.

Mr. Dow. Could we have your name please.

Mrs. Freese. Mrs. Margaret E. Freese.

Mr. Dow. And where do you live, Mrs. Freese?

Mrs. Freese. 19 Courtney Avenue, Washington Heights, in Newburgh.

Mr. Dow. Now do you represent some organization?

Mrs. Freese. Well, really, this is personal. I mean it will affect others. I'm a member, to begin with, of Club 60, but that's beside the point. I am 62 years old and I'm on disability under Social Security and have been for the last five years. Now, it's getting to be that Blue Cross-Blue Shield is really getting to be a heavy cross to bear. I do get a form of Medicaid. I can't be too enthusiastic about it, I'm sorry. I just got a new card that said I had to pay 50 per cent of everything. Doctors don't accept it or anything. So I read in the paper where that new program for Medicare, for people in my age group, has been passed by the House Ways and Means Committee. But it died. What happened to it?

Mr. Dow. I don't know where you read that, because I don't remember it.

Mrs. Freese. I read it in the Newburgh News quite a while ago.

Mr. Dow. We passed a bill last week that covered a good many areas, but I don't recall that it had to do with Medicaid or Medicare to any extent.

Mrs. Freese. No, this was for Medicare for people in my age group.

Mr. Dow. Well, I'll tell you, it was a tremendous bill. You know, it had 600 pages in it. I think it was the biggest bill ever passed in the House and that feature may be in there. I'll check it out for you and let you know.

Mrs. Freese. I'd appreciate it. Thank you very much.

Mr. Dow. Excuse me. Mr. Fitzmaurice tells me here. . . . Here it is. See, he knows the laws better than I do. I wrote them, but he understands them. Now let's see. It says health insurance protection would be extended to persons entitled to monthly cash benefits under the Social Security and Railroad Retirement programs because they are disabled after they have been entitled to disability for at least two years. The effective date is July 1, 1972. Is that what you're speaking about?

Mrs. Freese. Yes, but is there any medical clause in that where they pay part of the medicine for a disabled widow?

Mr. Fitzmaurice (from audience). You'd get the full protection of Medicare.

Mrs. Freese. And that's going to be effective July 1?

Mr. Fitzmaurice. If it's passed.

Mrs. Freese. Oh, if it's passed.

Mr. Dow. July 1st, seventy two. That's a year off.

Mrs. Freese. Well, I've lived this long. Maybe I'll last another year. And that still has to go before the House and the Senate?

Mr. Dow. It's got to go to the Senate and then the President will have to sign it.

Mrs. Freese. Well, I have faith in him. Maybe he will.

Mr. Dow. Well, he could. He'll have a hard time if he doesn't.

Mrs. Freese. Well, I know there's a lot more in the same boat I am and it's really no joke. And you're not the kind to sit back and expect people to hand you something for nothing. You kick just as hard as you can kick, but you just don't have long enough legs, I guess.

Mr. Dow. Well, I guess this brings our hearing to a close.

Mrs. Freese. Well, thank you for hearing me.

Mr. Dow. Well, thank you.

CLOSING REMARKS BY CONGRESSMAN DOW

Mr. Dow. I think we can say, as you said, that everything we've been hearing today is no joke. It's pretty serious. One thing I'd like to say is that the elderly people represent a big share of our voting population. They're contributed a great deal to the country. They're not the kind of people that go out and demonstrate and throw bricks into plate glass windows. They don't want to and they're not able to and I think that they should receive more and better attention because of the fact that they're not able to raise as much cain as other groups. So I guess that some of us legislators have got to do the cain raising for them and that's what I intend to do as best I can.

Unidentified Voice (from audience). Mr. Dow, may I say something. Now, for instance, our suggestion of buses. That would be no more expense than the city or whoever pays for the buses already has. All we ask is that we be allowed to use one a week, just once a week for our members. And it wouldn't cost anybody. I don't think it would anyway.

Mr. Dow. Well, I'll tell you. I don't know the ins and outs of it, but I've had enough experience with problems like this. The education law of the State of New York is a big volume, or several big volumes, about that thick. I'll write to the State Education Commissioner—I know him and I'll write him a letter and ask him about this. So this is the kind of problem we're up against, and I can assure you that that won't be enough for me. I'll go on and I'll try to get legislation. I'm not a State Legislator—I'll see what can be done at the federal level and at the state level if we have to change the law. This idea, I'm sure, of using the school buses would have been implemented long before this if it was so easy to do, but there's probably something in there that blocks it and we've got to find out what it is and get rid of it.

Voice. Well, that's true. I agree with you. There is nothing that is impossible, that you cannot do if it's a good thing.

Mr. Dow. No, I agree with you. Nothing. Here's another lady, over there. You had a question, Ma'am?

MRS. DOROTHY MELLOR, ROMAN GARDENS, NEWBURGH, N.Y.

Mrs. Mellor (from audience). Well, so much bad has been said today, I want to say something good about Dave on our buses. He takes the seven of us. He puts himself way out of the way to bring us up to our club Thursday nights. He gives an hour of his time and we should give extra thanks to the bus company.

Mr. Dow. Who is that man?

Mrs. Mellor. Dave on the bus. I don't know his last name.

Mr. Dow. Dave on the bus.

Mrs. Mellor. When we do get up to the club, people can come and park their cars right smack in front of that club. It's a narrow street, cars run both ways, and cars park on both sides, and yet we have to duck across the street, all of us, to get on the other side and get to our bus going to our club. There's two signs there—no parking—right in front of the door, but they have the privilege of going in there and leaving their cars in front and there's a parking lot next door. I think they should take it now because they've taken the building down next door to it because a boy had been killed there in the little coal yard. So I think that they should take that for a little parking lot and park the cars that they want right in front. Bcause they leave them there. They first come in at six o'clock and leave at ten o'clock at night. Then we have to duck to get across the street. We have to go around the car. Why don't they just right the little people?

MRS. FRANCES COHEN, NEWBURGH, N.Y.

Mrs. Cohen. Mr. Dow, may I say a few words?

Mr. Dow. Would you like to come up and sit down?

Mrs. Cohen. Well, I just got in. I'm out of breath walking from Lutheran over here to make sure I got here to see you and speak to you.

Mr. Dow. Will you tell us your name?

Mrs. Cohen. Frances Cohen.

Mr. Dow. Where do you live, Mrs. Cohen?

Mrs. Cohen. 33 Lutheran Street, Newburgh.

Mr. Dow. All right, now what would you like to say?

Mrs. Cohen. I'd like to say that the President was supposed to give a minimum amount to the senior citizens. Now I get way below—and everything goes up every time we go into the store—it's more and more—I get $56. Now what can you get with $56?

Mr. Dow. A month?

Mrs. Cohen. That's right.

Mr. Dow. Well, this new bill will increase it, the minimum, I think to $70, but I don't think that's very much either.

Mrs. Cohen. Well, it won't be now. It'll be next year, I believe.

Mr. Dow. I guess it will be next year.

Mrs. Cohen. But the President was saying they were supposed to give a minimum of one hundred.

Mr. Dow. Well, I'll tell you, this bill has been passed by the House. It's going up to the Senate; maybe they'll make it a hundred. Maybe the President will put in for it.

Mrs. Cohen. I've been writing to the Commissioner of Social Security and everything and I can't seem to do very much. I figured maybe you can do something. You have more push over there than they have.

Mr. Dow. Well, I don't know. Is this fifty-six from Social Security?

Mrs. Cohen. Yes, that's right. And that's with Medicare taken off.

Mr. Dow. I see. You know the welfare benefits are going to be a minimum of $150.

Mrs. Cohen. Well, I have a building and I have an apartment, so that leaves my not having to pay any rent. But if I'd have to pay rent, then I'd starve altogether.

Mr. Dow. If you have the building, are you able to rent any of it? Do you get any rent?

Mrs. Cohen. Well, I have it rented, but with all the tax now being so high, it doesn't leave me anything. For the month of May I had to put my Social Security check in for the water department. The water and the sewer and the property tax and the school tax—I don't have to tell you what all goes on. It's almost impossible to hold that.

Mr. Dow. Well, you're making a good point. What you're saying is one of the basic problems that the older people face.

Mrs. Cohen. It's very, very difficult.

Mr. Dow. It's up to us Congressman to know that. I'm only one Congressman; I can't change the country overnight.

Mrs. Cohen. Yes, but when you get together. . . .

Mr. Dow. When I get together, I can say what I've heard from you people.

Mrs. Cohen. And another thing is that the people have to be here five years in order to get some lowering on the taxes.

Mr. Dow. Yes, I know.

Mrs. Cohen. But I'm only here—it's going to be three years—and I can't get anything because of the fact that I'm not here long enough in Newburgs. So that makes it very difficult and I have a mortgage on the building outside of all these high taxes. And I had two operations so I can't go out to work. I wanted to get a job, but it's very difficult for me on account of my operations on my eyes.

Mr. Dow. Well, you still look pretty cheerful.

Mrs. Cohen. Thank you. About the only thing is the looks, but what's inside nobody knows.

Mr. Dow. Well, I suppose that's true with lots of people.

Mrs. Cohen. When I get that check, I don't know where to start because I owe so much. And you can't cover very much with $56.

Mr. Dow. Well, Mrs. Cohen, it's a very serious, hard problem and we've had many others here who've told us of similar problems. That's why I'm having the hearing. I just wish I could solve all these problems right off, but the wheels of government turn very slowly. It takes a long time.

Mrs. Cohen. I know, but I notice that a lot of the officials got increases on their own. Why don't they share it with somebody else that really needs it and say "Well, we don't need it as bad as other people do"?

Mr. Dow. It doesn't look well. I agree with you. Well, you're very good to come and tell us. We wanted to hear from average citizens.

Mrs. Cohen. Well, I walked up from Lutheran Street because I can't afford taxis that's for sure. They're so high that it's almost impossible to get anywhere. You have to walk.

I have to go to the Grand Union to save a couple of pennies from the big check that I have and make it stretch. I have to go to the Grand Union and then I have to walk down and walk back with a shopping cart, which is not easy. Ten blocks one way and ten blocks the other way back.

Mr. Dow. Well, this transportation for older people is a serious problem. How often do you go to the Grand Union?

Mrs. Cohen. Well, I can't stock up too much because I don't want to take up too much of my money for shopping or I'll have nothing left to take care of my bills. I have to see what I have to pay this month or next week and then I have to go along and see how much I can spend on shopping.

Mr. Dow. Well, I'm glad that you took the trouble to come all the way up the hill to tell us the story and we'll put it together with some of the other stories. I hope we can do something.

Mrs. Cohen. I would appreciate it very much and thank you very much for taking the time.

Mr. Dow. Thank you for coming. Glad to have you. Oh, you'd like to say something?

MRS. FRIDA SCHOTTLER, NEWBURGH, N.Y.

Mrs. Schottler. I would just like to say a few words.

Mr. Dow. All right, you go ahead now and tell us.

Mrs. Schottler. For my trouble, I have to have chiropractic treatments and I've been having them now for about two years. They've helped me a lot, but I m still not finished. I have to keep going. But the chiropractic treatments are not covered by Medicare. So that's what I want to ask, if that couldn't be done.

Mr. Dow. Well, occasionally other people bring up this problem and I'll look into it.

Mrs. Schottler. All right. That's all I wanted to say.

Mr. Dow. That's clear enough message. Now, we have Mrs. Morris here from the New York Regional Office of the Department of Health, Education and Welfare. Is there anything you'd like to say, Mrs. Morris? She's been here all day listening to the testimony.

MRS. ELENA MORRIS, ASSOCIATE REGIONAL COMMISSIONER FOR AGING, OFFICE OF SOCIAL AND REHABILITION SERVICES, DEPARTMENT OF HEALTH, EDUCATION AND WELFARE, NEW YORK, N.Y.

Mrs. Morris. Well, It's been a privilege to listen. I welcome opportunities to hear from people directly because it's different from reading a piece of paper. The transportation problem, I think, is one that came out in all the White House Conference forums, and some of you have mentioned your participation in preparing the policy recommendations. I certainly agree, Congressman Dow, with what you said earlier that face to face action, as with you, is more important; but I'm also aware that these people and many others have contributed to the recommendations to be considered by that conference and I hope that something can come from that also. Thank you very much for inviting me.

Mr. Dow. We're glad you were here. Does anybody else want to be heard? Well, if nobody else needs to be heard, we're pretty much on schedule. I guess that this will wind up the hearing. We've been going all day. They've been good hearings and we've had some very good contributions. Everybody that came to this hearing was very clear. It was clear thinking and we've got notes on it. We've got it on the tape and we're going to see that some of this gets down to Washington to the people that need to hear it. So with that, I'll call the hearing to an end.

TRIBUTE TO MARY C. HIGGINS

HON. PAGE BELCHER

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. BELCHER. Mr. Speaker, I would like to take this opportunity to insert the following editorial from the Tulsa World which is a fitting tribute to Mary C. Higgins, my former administrative assistant:

[From the Tulsa (Okla.) Daily World, Aug. 3, 1971]

THE QUIET SERVANTS

Thousands of Oklahomans who never saw her in person owe a debt of gratitude to Mary Higgins.

As Administrative Assistant to Congressman Page Belcher, Miss Higgins served her State and nation in an important but little-publicized role.

Everyone knows that a Congressman's job is passing laws. Not everyone realizes that his job also includes a tremendous workload not related to legislation in any way. He is a father confessor, ombudsman and occasionally, a court of last resort for constituents who have problems.

Whether the problem involves a multi-million-dollar program in his District or a mix-up in an old woman's Social Security payment, a Congressman hears about it. How well he can handle it depends largely on his staff.

In the tough and demanding yet little-publicized area of Congressional staff work, Mary Higgins was a standout. Her importance would be hard to exaggerate. In her death, Oklahoma and the nation have lost a valuable servant.

THE MAJORITY LEADER

HON. JOHN J. McFALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. McFALL. Mr. Speaker, I would like to bring the attention of the Members to an article about our distinguished majority leader, HALE BOGGS, which appeared in the July issue of the New Orleans magazine.

The authors, Rosemary James and Philip Moreton, are to be commended for their candid and perceptive portrait of this dedicated, hardworking, and forward-thinking American.

In his own words, Mr. BOGGS sees service in the House of Representatives as "the greatest calling a man can have." Through the years, he has served the Nation and the House, with selfless devotion and vigor.

I am proud to know Mr. BOGGS as a friend, and it is a deeply felt personal honor to work under his progressive and enlightened leadership.

I am glad to provide this information to the Members. The article follows:

THE MAJORITY LEADER—A SHORT HISTORY OF A CONTROVERSIAL MAN

(By Rosemary James and Philip Moreton)

When I was 14 years old I was reading Blackstone, a book I borrowed. What do you propose to do, they asked. I propose to be a lawyer and a member of Congress, I said. I entered Tulane University with a scholarship and $35.

—HALE BOGGS, *Member of Congress.*

You would say that Roger Brooks is virtually unknown, yet this dignified, brown man has lived a great deal of his life close to history. Roger is a chauffeur, an infinitesimally small link in a chain of great events, a quiet man who drives his black limousine through the streets of Washington with great speed and authority.

If you measured these things, you might say that Roger is more aptly evaluated by the countless times he has carried destiny in the rear seat of his immaculate automobile. He is no stranger to crisis, no alien to the sense of urgency in the night, never too far from the ponderous turning wheels that have changed and shaped the world.

For over 22 years he drove for former Speaker of the House, John McCormack. During these years he learned the connection of human courage and human frailty with the monumental events that most people only read about. Perhaps more than most men he understands the majesty of a government of free men in a free land, and as much as any he understands the enormous weight on the men he carries to their unknown trials.

Over the years Roger has seen shadows fall on the Potomac city, darkness fall and the sun shine again. He has known crisis, peril, sadness and exultation and he has known triumph over adversity. Roger does not read about Washington and indulge with its critics. He lives it. And because he is close to the men who make the United States Government persevere, he knows that Washington is the most realistic symbol of hope for the world.

"I'll never forget the day," the man in the rear seat is saying, "when I drove Sam Rayburn away for the last time. We looked around at the dome because he thought he was coming back and I knew he wasn't. It was about sundown and the sun sort of settles on the dome and he said, what a beautiful sight. He said, it's just as thrilling to me today as it was in 1913 when I walked out of the Union Station and saw it for the first time."

The legendary Mr. Sam's last day in Washington is a sensitive memory of an acutely sensitive man. For a split second, like a crack in a door opening and then closing again, a glimpse of a man comes through, a man few people know. For Hale Boggs is only dimly visible to most people. Though he will go down in history as a statesman, one of the most capable politicians Louisiana ever sent to Washington, and one of its most constructive sons, the real man remains remote, enigmatic, hidden, almost isolated from view.

As differences go, several million light years lie between the black limousine moving through Washington and the nondescript precincts of Parasol's bar and restaurant, informal headquarters of Irish Channel politics. Several months ago it had been the scene of an astonishing convocation: old pals, city officials, Channel businessmen, civil leaders, aristocrats and men of different nationalities. A mixed bag for a birthday party. Oysters and hogshead cheese, beer and hot sausage, pork chops and red beans and rice, and a common understanding that they were better men because they had stood by Hale Boggs.

It was later that day, when the frivolity had died away, that the Majority Leader of the House of Representatives of the greatest nation on earth rose among the scattered dishes and the remnants of French bread and spoke softly in the hot, crowded restaurant.

"I owe you so very much. I want to thank you for being my friend when it was not easy to be my friend. Without you I could not have served in the government of the greatest nation on earth, that has brought more light to mankind than any other. I could not have served in the House of Representatives, the greatest calling a man can have.

"Because of you I have been able to participate in the high councils of government, to follow the high ideals of our country, to work and dream of a better life for all our citizens, and to know that I have had some part in strengthening America and all that it stands for . . ."

It little resembled Hale Boggs on the stump; the words were unusual for a neighborhood political bash, particularly when there was no one around to require the politican's repertoire. An accomplished orator in the halls of Congress, Boggs performs routinely and sometimes awkwardly on the political stump, almost as if he abhors the latter-day sophistry that modern campaigning demands.

But the Majority Leader was at his best that day, at ease among people he knew and trusted. If the words sounded corny, they were the earnesty of revelation, for ultrasophistication has yet to invade the atmosphere of Parasol's bar and men still deal there in basic values. If his manner suggested an evangelist, they came from a deep evangelical drive, normally concealed, in a man who never became cynical about the United States of America or the ideals for which it struggles.

You do not fool the men in Parasol's bar.

"That's the Boggs they don't know about," Postmaster Paul Burke said.

"I don't suppose they ever will," a man offered.

Burke shrugged. Perhaps it no longer mattered.

The vague "they", as Paul Burke would put it, is the invisible minority in Boggs' Congressional District and out, who have consistently opposed him with an unyielding, withering wrath. No words have been too unreasonable or ungraceful. No condemnation too severe. With these opponents, he can do no right, no matter how high he rises in the affairs of government. No matter how monumental the benefits—public works, hurricane protection, roads and bridges, consumer protection—his district and city have received from his long career. He has even been accused of the high crime of consorting with the President of the United States, defection most would consider honorable.

But the Sixties were the maelstrom years with the nation's values twisted and left like wreckage on the landscape, an inglorious period of American history, redeemed only by the survival of the theory of government for all citizens. In a time of struggle with the nation on the brink of change, the great issues became sociological and new virulent and unruly currents were loosed into American political life.

It was a time, thankfully past, when thousands of citizens cried for politics instead of principle, when the survival of the nation rested on the assurance that strong men who believed in the ideals of America were not yielding to the passion of the times. The years scarred many men. They left a deep and profound mark on the life of Hale Boggs.

Perhaps events came to floodtide in 1968. Congress was deeply troubled, smoke and flames had marred the image of America, and the President's will to serve his nation had been destroyed. Boggs flew to Chicago to assume the chairmanship of the platform committee of the stricken convention. It was a time when dissidents attempted to bring the oldest free political party in history to its knees, proving that it could destroy the American two-party system. The nation gaped in awe and repulsion, barely sensing how close to peril it had come. A distraught Boggs knew, as men privy to naked tragedy know.

Moreover, it was his own time of peril for he had cast an affirmative vote for the Open Housing Act. As a result the polls showed that he could not, under any circumstances, be re-elected. Boggs left the debris of Chiago and came home prepared for the conclusion of his long illustrious career.

"There wasn't any question about the fact, that I was aware of it, that the vast majority of the people I represented, for that matter, I would say the majority of the people of the United States were opposed to the Open Housing Law. Frankly, I voted on the question of right or wrong.

"I had voted against Open Housing two years before and then with the assassination of Martin Luther King and the tremendous turmoil it caused the country, and the fact that I consistently voted to draft black boys and men to fight, in Viet Nam like anyone else, I just decided that I just couldn't in good conscience not vote for that bill.

"The bill was not a drastic bill despite all the propaganda against it. I have reached the conclusion that there isn't any way on earth to deny full citizenship to any American regardless of what his background might be. So I voted for Open Housing in

1968, and it was a very tough vote and it gave me a very tough election."

Boggs won the election, a tired, literally exhausted man, torn between the problems of his own survival as a Member of Congress, and the responsibilities he bore in the nation's capitol. The Majority Whip, he has served for years on the demanding Ways and Means Committee, the President's Committee on Violence, the Joint Committee on Internal Revenue Taxation, and had been Vice Chairman of the national committee since 1956.

Moreover, he had felt the brunt of taking the leadership on such issues as Aid to Education, Medicare, and Housing Programs—all controversial matters he felt were vital.

"Those were very hard-working times," he said. "And I did my best to carry out my responsibilities. My Lord, how I carried that load I'll never know, and then to go through that convention and come home to a knockdown and drag-out election . . ."

A young Republican challenger, David Treen, making his third race for Boggs' seat, drove him to the limit of endurance, confident of success in one of the most tumultuous years in Boggs' life. That he failed is not to his discredit; Boggs believes that his belief in himself and his actions carried him through and he remarks today of David Treen: "A fine, honest and decent man."

Of those who opposed him through the years, Boggs says:

"I have profound respect for people, but one of the reasons they say that they find it very difficult to believe that I sincerely believe in the fact that all Americans are equal is that they don't believe that and they can't imagine that someone else can be sincere enough.

"When anyone says I have treated any one with contempt, they mean that I don't subscribe to their prejudices and that's all. There isn't any contempt at all. I don't argue with them. I'm respectful of their opinions and I don't engage in acrimony with them, but I don't agree with them.

"So contempt becomes a kind of dramatic expression of the fact that some people in the past did not agree—incidentally, there are only so many today, the change of attitude in my district is fantastic. There are so many more people who today agree with me."

Open Housing had not been Boggs' first test during the Civil Rights Years. In 1965 another critical act had come before the Congress, the Voting Rights Act. Like so many others during those halcyon years, the issues were shrouded in emotionalism and tended by fiery advocates on both sides. The implications tested men in the clear, glaring light of day. Either uphold the ideals of the nation, where it professes to grant equality of citizenship, or yield and sidestep and eventually be party to letting the nation fall victim to the desecration of its values, with hypocrisy and disillusionment falling in the long years after, and hope for a united nation dwindling.

"I was very surprised to see later that the polls showed a very sizeable majority answered affirmative to the question of whether a person should be allowed to vote regardless of race, creed or color.

"Of course, the opposition tried to confuse the issue by saying, well, we believe there ought to be right to vote, but the Federal Government should not be setting the laws. And it would come back to that sort of technical question.

"But the answer I gave was that prior to the Voting Rights Act, you had Ph.D.'s who, if they were black, couldn't register to vote. There were parishes in Louisiana where there wasn't a single black man registered to vote, not one."

The heresy of Hale Boggs.

"Things are changing all over the South. You know, just a few years back the late Seymour Weiss called me and said, Hale, you have to do something, we're going to lose the American Legion convention. Because of 50 blacks out of 50,000. They wanted them to stay out at Dillard so we lost the convention. Today that would be unthinkable.

The Civil Rights Acts did it. When they passed the bill, people said just about everything terrible was going to happen. Why, it was quite the contrary and New Orleans got back its big conventions and the restaurants got back into business. None of the dire things happened.

"The whole history of our country is full citizenship to all of our people. We absorbed millions of poverty-stricken immigrants from Ireland, Italy, Germany, toward the turn of the last century. Now the problem is to make full Americans out of some of the oldest Americans, namely the black people. I have not tried to take exception to the point of view of people who oppose this, but I just haven't agreed with it.

Over three decades ago, when the Majority leader first entered politics, the world was different. The issues were different. The nation had emerged with a sort of fraternal union with common despair. And in Louisiana emotionalism was rampant, although it had a different tenor. It was the voice of anger and disgust; the state, and for that matter, the nation, was so static that the fear of change did not exist. The war lay somewhere on the horizon as Louisiana wallowed in the aftermath of scandal, corruption and conflict between city and state. The great sociological issues, that would test and burn so many men, lay years away; they would emerge in the wake of World War II. Life was simpler, more direct.

Boggs, who was then practicing oil and gas law with Marion Eppley, Jr., recently retired chairman of the board of Texaco, Inc., helped form an organization called the Peoples League, including among its members Nat Knight, the late Chep Morrison, Laurance Eustis, Robert Ainsworth, Charles Smither, James J. Coleman, and others who have gone on to make illustrious careers. The "angel" of the group, Boggs recalls, was Mrs. Philip Werlein, Sr., who staked the group to $25 weekly.

"When the scandal started developing in New Orleans, I called a mass meeting on the steps of the courthouse, in 1938, maybe 1939. I didn't know what to expect when we went out there. Laurance Eustis and I went together. There were so many people there I had to stress the right of peaceful assembly so there wouldn't be any trouble.

"Our group was instrumental in bringing about some resignations from the District Attorney's office and the beginning of a series of indictments that later went into Federal District Court. And later, we followed with the election of Sam James as Governor in 1940. That year I ran for Congress and was elected. The Jones people asked me why did I want to be a member of Congress and I answered the same way I always answered.

"Being a member of Congress is about the highest calling a man can have because the only way you serve in the House is by election. One can become governor by the death of a governor. Senators can be appointed by governors. Vice-President can succeed through the death of a President. The only way you can get to be a Congressman is by election. To me it is a very noble calling to represent the people.

"I always repudiate that business about not representing my people, because every two years they have spoken and they have been spending me back."

Like so many others, Boggs is a veteran of the newsroom. Both he and Representative F. Edward Hébert came from this fertile soil. It began inauspiciously: "George Healy offered me a job, but Barney Krebs was managing editor of *The Times-Picayune* at that time. Healy took me over and introduced me to Krebs. Krebs asked me what I was doing in school and I said, I want to become a lawyer, and so Krebs said, well, we ain't training lawyers around here. That's the end of my job. But Healy, God bless him, he called Major Crown at the New Orleans *States* down on Camp Street.

"So I walked on down to the *States* and into the newsroom and paper was four feet high on the floor. Jim Crown and Meigs Frost and Captain Ross, they called him and a couple of others, like Andy Ojeda, were there. They were all playing poker and they had a bottle of bootleg booze setting on the desk. It was prohibition then. They were all in their undershirts, hot as hell. So I walked in and Crown said, what can you do? I said anything. He said OK, you're hired. So I said, what am I supposed to do and he said, you can do anything, go ahead and do it.

"So they paid me a nickel an inch. Man, the inches I produced. It was fantastic."

The newspaper gave Boggs his first contact with awesome political power, Huey P. Long.

"I had a lot of contact with Huey. He used to come in on the Crescent Limited, about 7:30 in the morning, and he would have this great retinue. And the first time Jim Crown sent me down there to meet Huey I was kind of shaking. He had body guards and all that kind of stuff. When I got close to where he was supposed to be, a couple of the body guards wanted to know who I was and I told them I was a reporter for the *States*. And one of them said, my God, they've got kid reporters now.

"I remember walking up to Huey and introducing myself and he said, you're a reporter? Yes, I'm a reporter. For the *States?* Yes. They've taken to corrupting the young people, he said.

"But one time, just for the hell of it, just to help me out, he gave me a big scoop. No one else had it. Told me what he was going to present to the legislature."

There were other jobs, too, selling clothes and Beechnut Gum on the Tulane Campus. Born in Long Beach, Mississippi, in 1914, Boggs moved to Gretna when he was seven and attended St. Joseph School. His first job was watering down Huey P. Long avenue in Gretna, old "Coppernickas' Avenue", at 50 cents a week. In 1924 the family moved to Metairie, ultimately returning to the Coast where Boggs went to high school in Long Beach.

If anyone ponders the Majority Leader's incredible ability to work, to assume tremendous burdens and carry them to conclusion, they might well peruse his earlier years. The tenacity and almost elephantine determination that he has exhibited all through his political career were early in evidence. He would not be found wanting. He was a radio announcer and sold radios on the side. He worked in a filling station and read Blackstone and he won the first Tulane University scholarship given the Long Beach school. Thirty-five bucks and a scholarship, "That's all I had."

By the time he left Tulane he was making $400 a month working on the newspaper copy desk, selling gum, mints and sometimes candy, distributing it at parties, stuffing the mail boxes of the Newcomb dormitories, standing by to take orders, devising ways and means to increase the demand.

There are people who say Hale Boggs does not know anything about the American way.

It was in Congress that he came under the greatest influence of his life, Sam Rayburn, a man who used to laugh in later years when he would hear that opponents of Hale Boggs' had called him names ranging from "pink" to "wildeyed liberal", and eventually, to "Communist". Sam Rayburn of Texas, legendary Speaker of the House, one of the great figures of Congress.

"Mr. Rayburn was a rare individual with a great sense of dedication. He understood the

House and he was zealous of its prerogatives, the rights of the House as an institution. He was a man with a good sense of humor, but he never committed any indiscretion as far as the House was concerned.

He had served with a great many presidents, since the administration of Woodrow Wilson. He was a man given of many likes and dislikes. If he didn't like you, you were out. I spent a great deal of time with Mr. Rayburn, not only in the Capitol, on the House floor, but in his apartment, at home and we used to go fishing frequently and I'd sit in the boat and listen to him talk.

"His life span went back to the Civil War practically. He was really a pioneer. His family moved from Tennessee to Texas when he was a very young man because they were poverty sticken after the Civil War. He grew up in the early Texas, sort of frontier tradition. More than any other member of Congress he influenced me in my life. Probably more than any man, except my father.

"I was 26 when I came to Congress. Mr. Rayburn had no family, no son, no children, and he more or less adopted me. He gave me a great sense of this institution and it has been my observation that this is what happens all through history. That men have passed down to younger men a love of the institutions that run our country.

"Mr. Rayburn having done that for me, I find myself, as Majority Leader, spending more and more time with younger members of Congress. I spend a lot of time with them, talking to them, listening to them, keeping them interested. This is important, it is vital to the maintenance of our democratic process. It is a sense of continuity, one generation to another.

"Mr. Rayburn was a remarkable man, completely devoid of bigotry and prejudice, and yet in many ways he was still a small town Texas politician. He and I were instrumental in putting Johnson on the ticket with Kennedy. At first he was against it, telling Mr. Johnson not to do it, but Mr. Rayburn had never been fond of Mr. Nixon so I reminded him whether or not he wanted this man as President, and before the morning he had shifted and encouraged Johnson to run with Kennedy."

There have been many chapters in Hale Boggs' life, and if any conclusion can be drawn, they do not add up to a long life of uninterrupted peace, no matter how full of achievement they may have been. But they do add up to the total man. The years pass and though memories grow dim, they do not altogether go away. They leave their mark or their blessings, and only the strong men survive to go on to greater things. One of these traumas came in 1951, when Boggs decided to run for governor in the campaign of 1952.

Earl Long was leaving office under heaps of abuse. The state was in an uproar and the sense of reform was again in the air, a cycle that Louisiana has repeated so long it now seems dull and meaningless. But in those days it was still the simple right values against the old wrong values. A contest of the righteous against the rascals.

Early in the year a *Times-Picayune* reporter had sat in the downtown office of Leander Perez, Sr., then District Attorney of Plaquemines and St. Bernard Parishes, and heard him say: "We're going to prove Boggs a Red. Look at these Hullabaloos." He waved old copies of the Tulane newspaper with pictures of Boggs dressed in a comical dictator's uniform, from an old campus rally when he had protested against the dictators rising around the globe. "We're going to tie him up so he won't be able to move," Perez persisted.

"Leander Perez was my worst enemy, but he is dead now and God bless his soul. In 1952 he went into court and filed suit and said I wasn't qualified to be governor because I was a Communist, a kind of ridiculous thing. I came as close to hating Leander Perez as any man I can imagine, and I found this to be a very consuming thing. I really prayed that the Good Lord, then and now, would get the hate out of my system and He did. I don't hate anyone today, no matter what they have tried to do, and I certainly didn't hate Mr. Perez for many, many years before he died. That's all water over the dam. I never dwell on these things. It is certainly non-productive, so I just don't dwell on it."

It was a time when Earl Long came to Boggs' defense. Judge Carlos Spaht was Earl's candidate and the incumbent governor spoke all over the heavily-Protestant parishes of the north. Earl defended Boggs in a way that has gone down in Louisiana political folklore and this, to this day, brings a smile to Boggs' face.

"If you can't vote for Carlos Spaht, then vote for my good friend, Hale Boggs," Long told the Baptists and Methodists. "Now, they tell all kind of lies about my good friend. So this fellow, Leander Perez, he says he is a Communist, so I say Hale Boggs isn't a Communist, he is a devout Roman Catholic. Why, his brother is a Jesuit priest. Now don't believe all those lies. They say if he is elected Governor the Pope will be running Louisiana. Now you folks know that the Pope is too busy over there in Rome and he hasn't got time to run Louisiana and Hale Boggs comes from New Orleans and he and that Archbishop down there are just like that, and that Archbishop is one smart man."

"School was out," said Boggs, who ran third. "I heard him make that speech up at Dodson when he didn't know I was at the back of the crowd."

Texas Senator Tom Connally once declared that if anyone wanted a postgraduate course in politics, he should go to Louisiana.

But the campaign of 1952 was notable for one conspicuous irony. Another charge levelled against Boggs by Judge Perez was that he had failed to help resolve the State's tidelands conflict with the Federal Government. Opponents picked up the charge, crying "with all his influence in Washington, he's done nothing to help us." The issue was critical and the charge severe; millions hung on the advantageous resolution of the tidelands argument.

"We could have settled it way back in Harry Truman's administration. Oscar Chapman, his Secretary of the Interior, called me one day and asked me to talk to him which I did. He proposed a settlement which was very fair, roughly the same formula which exists on the public lands in the United States. He proposed that we have all the revenues from the marine bottoms which were property of the State of Louisiana. We have this today.

"But he also proposed 37½ per cent, which is the public lands formula, of everything beyond that. I was very pleased that such a proposal was made and relayed this back, I think to Earl Long who was governor then, and he was pleased and sent Judge Perez to Washington.

"We sat down with Mr. Rayburn who was also concerned, and Mr. Perez proceeded to make some remarks about Tom Clark, who was then attorney general of the United States, and Mr. Rayburn invited him to leave. And that was really the end of the tidelands settlement."

And that, and the election, was 19 years ago.

Ten years later Boggs was appointed Whip of the House of Representatives. The hot winds of the civil rights debate were blowing all over the nation. New Orleans had by then brought national attention to itself by its uproar over the integration of two schools. The nation saw on television a New Orleans it had never seen before; the graceful city that care forgot, for awhile, became the city that hate had not overlooked. It was a calamitous time, full of declining business indicators and apprehension, a time for opportunists who told the people what they yearned to hear, never caring that they could not keep the faith.

It was a time of the George Wallaces and the Ross Barnetts, of futile standing in the doorways and turning dogs loose, and when the sound and fury had cleared away, the righteous movements of the nation had changed not at all. The convulsion of change had not been pretty to see. It disillusioned a world and it disenchanted a generation, and as some predict, the nation will long pay a price for its lip service to its ideals.

For men responsible to the nation and their states, it was a time of trial. In earlier years, perhaps, when the nation was more innocent, and the values more simple, and the issues unclouded with the implications of race and color, the rise of Hale Boggs through the Democratic party would have been an episode of honor to his district. An accident of time. Louisiana has sent so many impotent and inconsequential political figures to the United States Congress, that some element of tragedy must exist in the Majority Leader's relations with his fractionated constituency. Boggs may very well be one of the greatest and most productive figures ever to go to Congress from Louisiana, and yet, though history may mention him well, he has felt the brunt of attack few men have been called upon to bear.

Too, he appeared on the national scene, close to the Presidency at a time when the nation refined its methods of attack upon a President realizing that in the wrath of public opinion it had almost developed the power to destroy a President, to drive him from office, to flay him alive. The sixties were a time of vengeful hysteria against the presidency that exceed almost anything known in American history since the venal attacks made upon Lincoln. The spectre of an ungovernable nation became debatable, as was anarchy and extremism.

And too, the sixties were the time of death.

"I loved him very much," Boggs said of the late John F. Kennedy.

In the deceiving little parlor game people play with loose political labels, reactionary, progressive, liberal, socialist, conservative, John Bircher, and others similarly vague and yet persuasive, it has never been clearly established where Boggs resides. "I am an American," he says. "I believe in what the founders of this country wanted it to be."

While he has been called a liberal at home, he has been called a Dixiecrat, Southern conservative up north. While he was close to President Kennedy, he was not an intimate part of the so-called Irish Mafia. It was almost as if he has been aloof from intimate, entangled associations with any but the late Sam Rayburn, as if he has charted a self-sufficient, lonesome course for himself, which after all, in the Byzantine environment of the Capitol cloakroom, is the work of a consummate politician. For he has participated in nearly every major event of Congressional history since lend-lease.

When he decided to run for Majority Leader, a party elective position, the so-called liberal wing of the Democratic party mustered forces against him. Why did he run?

"I spent my whole life drilling myself for leadership. I was Deputy Democratic Whip, seven years. Majority Whip for nine years, done all of the really hard work. The toughest position of leadership is the Whip's job, so if I hadn't run, particularly with a lot of people saying I couldn't win and I was terrible, if I had got up and walked away from it, I just would have had no faith in myself."

Boggs won, 140 to 88.

It was not long after, however, that he found himself at the vortex of strong winds of a different sort. The J. Edgar Hoover controversy. Not too long ago, in his Bethesda, Maryland home, he calmly discussed his protest against secret surveillance. It was only several days before he would rise again in the House and present evidence which appeared inconclusive in support of his "wiretapping" accusation. Somewhere at the bottom of the turmoil may lie an accident of semantics.

"I just felt this whole business of irresponsible extension of police authority, to people generally and to public officials in particular, had reached a point where somebody had to say something about it.

"Plus the fact that this administration has officially decided to make bugging part of its alleged law and order program.

"Once you open that door, there just isn't any limit.

"I have been much concerned about this business for sometime and I had planned a rather scholarly paper on it more than anything else. The day I did it I was provoked by events of the time and decided to do it and I am glad because since then more and more things have come to light.

"Wiretapping is a word that may not be a proper word. I've noticed how they keep using that word, wiretapping. Today there are all kinds of electronic means of overhearing conversations, not only telephones, but everything we say in this room. I have every reason to believe that one time or another an effort was made to do that to me. More than one member of Congress has come to me to tell me of their suspicions that they were under surveillance.

"If we don't reverse what is going on in this country, there is no question in my mind, you are going to have a Big Brother society. You have Army Intelligence, FBI surveillance, CIA all over the place, all sorts of private snooping organizations, retail credit associations, Lord knows what else. They can put a device in your home the size of a pea and park an automobile two blocks away and know everything that is going on.

"The FBI, nonetheless, is a really fine organization and one that is very definitely need in this country, but Mr. Hoover in his later years has been so totally concerned with his image and his ego that it has had a devastating impact on the FBI. There is a bill in Congress now to limit the director's term to 10 years. The President of the United States cannot serve but eight."

A political observer in Washington said: "If you know Hale Boggs, you know he is acting on what he considers principle again. But he's bitten off an awful lot in Hoover. Both Johnson and Nixon wanted to retire him, and both were afraid of public opinion. Can you imagine a 76-year old federal employee with that kind of clout? Boggs may just have strengthened him. Made it harder to get him out. No chief of police should have that kind of tenure and power in a free nation."

And in Boggs' home state, a legislature, playing cheap, election-year politics, passed a brave resolution supporting Hoover.

Perhaps it is the story of Hale Boggs' life.

Devotion to principle has always led him into conflict.

It is when you walk down the halls of Congress, sensing the enormous weight of our history, the work of the men who have walked there before, who have carried the destiny of this nation, if not the world, with them, that you wonder about those who would tear down this great Capitol and its machinery for good. You wonder about those who would smear and scorn and sneer at one of the most magnificent works of men, the United States Congress, held together by the strength of men who have given their lives to principle.

There is nothing easy about governing a nation.

Particularly a nation in change.

"If we can set an example to the rest of the world of a country that is really a Democratic country, that really recognizes the rights of all citizens regardless of what their background might be, of what their racial connections might be, if we can give opportunity to our people, commensurate with their skills and training, then the United States will continue to be, in my judgment, the great force of the world.

"I never thought much of the dominance theory—the Pax Americana idea. I think the U.S. period as an influence in the world is only beginning. I think we have passed the stage in human events where martial forces are dominant factors. I think an adequate defense is still very vital and you must have a nuclear deterrent, but the idea we would dominate the earth by the use of force is one that I have never thought much of.

"We must clean up the cities, build adequate housing for our people, educational institutions, health programs and of course, provide the economics to get the country moving again. The idea of 6,000,000 people and 30 per cent of our industrial capacity lying idle is a terrible thing and we should concentrate here.

"The idea of not being able to do these things is ridiculous. If we can have enough ingenuity to send men to the moon, and all of the scientific resources that went along with it, then certainly we can resolve the other problems.

"We must keep the small cities and rural regions attractive enough so people will stop leaving and ending up in tenements in the big cities. And we must make the cities habitable. It needs a bit of doing. It needs re-direction of resources. And we must be united."

It is on Sunday morning that the Majority Leader puts on nondescript clothes and works in the garden of his Maryland home. At the time these interviews took place, spring was coming to Washington. The cherry blossoms were bursting and the trees were greening. Raking leaves, fertilizing, pruning, setting out small plants, the Majority Leader seemed as though he had left the troubled affairs of his nation somewhere far away.

"I'm old enough not to be terribly concerned about my political future, if I have any," he said. "I would hope that I have one, but if I don't it is still all right. Even though my ambition is still to be Speaker of the House of Representatives. I have no ambitions beyond the House.

"My family is grown, they have been very well, and my wife and I are happy, and so I feel relaxed and free for the first time in my life. After working very hard, I have been elected to a post I think I can do and do well.

"There isn't any person, I don't care what his station in life is, who contacts me that I don't try to help in one way or another. One reason they have never succeeded in defeating me, no matter how much they have spent, is the fact that we have always helped people. I have profound respect for people. It is a noble undertaking to represent the people, and at last, to have some active part in the leadership of this country in my own right."

It has been a long road to Washington.

CUMBERLAND NEWS CITES AMBASSADOR BRUCE

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. BYRON. Mr. Speaker, on August 6 the Cumberland News of Cumberland, Md., cited the chief negotiator at the Paris talks, Ambassador David K. E. Bruce, for the outstanding job he has done as the leader of the U.S. Delegation in Paris. I would like to share the Cumberland News' editorial with the Members:

[From the Cumberland (Md.) News, Aug. 6, 1971]

AMBASSADOR BRUCE DESERVES CREDIT

Last summer, at age 72, David K. E. Bruce was summoned from retirement to become the United States' chief negotiator at the Paris peace talks.

Hopes rose high with his appointment to this difficult task. Ambassador Bruce was well known in international circles for his distinguished diplomatic career. He had headed embassies in Paris, Bonn and London under Presidents Truman, Eisenhower, Kennedy and Johnson.

President Nixon had gone to some lengths to stress the importance of his selection of Mr. Bruce and it was made known that the new chief negotiator would have "broad latitude of movement" in the Paris talks.

One year later, and despite Ambassador Bruce's undisputed diplomatic skill, the Paris negotiations are still stalemated and often acrimonious.

At the last meeting of the peace talks Mr. Bruce attended before retiring once again from public service, the North Vietnamese made the usual charges. They accused the ambassador of irresponsibility for not properly understanding their peace proposal.

Ambassador Bruce charged them with secret military preparations around the demilitarized zone.

Though success has eluded Ambassador Bruce, his countrymen owe him a debt of gratitude for having undertaken such a demanding task so late in life. For his successor, Ambassador Porter, one wishes the fortitude, patience and tact needed to carry on the negotiations.

WILLIAM H. TIMBERS CONFIRMED AS CIRCUIT COURT OF APPEALS JUDGE

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. GIAIMO. Mr. Speaker, William H. Timbers of Connecticut has been confirmed by the Senate to be a judge on the U.S. Circuit Court of Appeals for the Second Circuit.

Bill Timbers has been an outstanding judge in Connecticut, Mr. Speaker, having served as district court judge since 1960, and in 1964 having become chief judge of the district court.

A 1940 graduate of the Yale Law School, Judge Timbers began his career with the New York City firm of Davis, Polk, Wardwell, Sunderland, and Kiendl. From 1953 to 1956, Judge Timbers served as General Counsel to the U.S. Securities and Exchange Commission.

Judge Timbers' career in Connecticut has been marked by well-reasoned decisions and mediation.

A well-qualified, experienced judge, Bill Timbers is also a good friend. His nomination has been admired widely in Connecticut, reflecting well both on Judge Timbers and and on President Nixon who selected him for this important position.

Bill Timbers will make an outstanding

appeals court judge, Mr. Speaker, and in the future may fill still more elevated positions in the Federal judiciary. I congratulate Bill Timbers on his nomination and confirmation, Mr. Speaker, and wish him a successful new career in these trying times for both judges and the law.

DEPARTMENT OF ARMY RECOMMENDED READING LIST

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. RARICK. Mr. Speaker, the 1971 Contemporary Military Reading List may offer some suggestion as to the new military leadership, since a military commander reflects in his objectives his environment and his training.

I have in the past commented that the suggested reading of unbalanced literature by our military leaders seems to indicate that they are being prepared for other than military ideals. The 1971 military reading list recommends 39 volumes, of which 12 are authored by members of the prestigious-intellectual-financial-industrial organization known as the Council on Foreign Relations. The CFR publications identify this organization as "a nonprofit institution devoted to the study of political, economic, and strategic problems as related to American foreign policy."

Since the CFR has a membership of 1,451, it is quite a coincidence that the solutions and alternatives offered by its members receive such a great opportunity for advancement outside the State Department. The contemporary military reading list was ordered by Gen. W. C. Westmoreland, Chief of Staff, U.S. Army, a member of the CFR.

I include the military reading list at this point in the RECORD and that each of the authors who are designated as CFR members be shown by asterisk:

1971 CONTEMPORARY MILITARY READING LIST

1. General. Department of the Army responsibilities, policies and information on the availability of books for the Contemporary Military Reading Program are specified in AR 28-86.

2. Reading List. A brief synopsis for each book is given in the appendix.

Author, Title, and Year.

*Ambrose, Stephen E., The Supreme Commander: The War Years of General Eisenhower, 1970.

*Baldwin, Hanson W., Strategy for Tomorrow, 1970.

Ball, George W., The Discipline of Power, 1968.

Barnett, A. Doak, China After Mao, 1967.

*Byford-Jones, W., The Lightning War, 1968.

Cleveland, Harlan, The Obligations of Power: American Diplomacy in the Search for Peace, 1966.

Deitchman, Seymour J., Limited War and American Defense Policy, 1964.

Durant, Will and Ariel, The Lessons of History, 1968.

Glick, Edward B., Peaceful Conflict, 1967.

*Glubb, John Bagot, A Short History of the Arab Peoples, 1969.

Greenfield, Kent R., ed., Command Decisions, 1959.

Griffith, Samuel B., The Chinese People's Liberation Army, 1967.

*Horne, Alistair, To Lose a Battle: France 1940, 1969.

*Hurewitz, Jacob Coleman, Middle East Politics—The Military Dimension, 1969.

*Jackson, D. Bruce, Castro, The Kremlin and Communism in Latin America, 1969.

Jacobsen, Hans A. and Rohwer, Jurgen, Decisive Battles of World War II: The German View, 1965.

*James, D. Clayton, The Years of MacArthur, Vol. 1: 1880–1941, 1970.

Jordan, Amos A., Jr., ed., Issues of National Security in the 1970's, 1967.

Kirkpatrick, Lyman B., The Real CIA, 1967.

*Kissinger, Henry A., American Foreign Policy, 1969.

Leonard, Roger A., ed., A Short Guide to Clausewitz on War, 1968.

Liddell Hart, Basil H., Strategy, 1967.

McCuen, John J., The Art of Counter-Revolutionary War, 1966.

Middleton, Drew, America's Stake in Asia, 1968.

Montgomery of Alamein, A History of Warfare, 1968.

*Moore, Clark D. and Dunbar Ann, ed., Africa Yesterday and Today, 1969.

Nehemkis, Peter, Latin America: Myth and Reality, 1964.

Paget, Julian, Counter-Insurgency Operations: Techniques of Guerrilla Warfare, 1967.

Pogue, Forrest C., George C. Marshall, Vol. 1: Education of a General, 1880–1939, 1962; Vol. 2: Ordeal and Hope, 1939–1942, 1966.

Reischauer, Edwin O., Beyond Vietnam: The United States and Asia, 1967.

Ridgway, Matthew B., The Korean War, 1967.

*Sampson, Anthony, Anatomy of Europe, 1969.

Shaplen, Robert, Time Out of Hand: Revolution and Reaction in Southeast Asia, 1969.

*Stanley, Timothy W. and Whitt, Darnell M., Detente Diplomacy: United States and European Security in the 1970's, 1970.

Tarr, David W., American Strategy in the Nuclear Age, 1966.

*Thompson, Robert G. K., Revolutionary War in World Strategy, 1945–1969, 1970.

*Uris, Auren, Mastery of Management, 1968.

Weigley, Russel F., History of the United States Army, 1967.

Wilson, Dick, An Anatomy of China: An Introduction to One Quarter of Mankind, 1968.

*THE SUPREME COMMANDER: THE WAR YEARS OF GENERAL DWIGHT D. EISENHOWER

(By Stephen E. Ambrose (1970))

The author was the Associate Editor of the Papers of Dwight David Eisenhower: The War Years; as such he had access to valuable, unpublished information dealing with World War II. In this book, General Eisenhower's progress is traced from the conflict's start through North Africa, Normandy, and the Battle of the Bulge. Ambrose has provided a straightforward and judicious account of World War II as seen by the top Allied commander in Europe.

*STRATEGY FOR TOMORROW

(By Hanson W. Baldwin (1970))

A thought-provoking area-by-area analyzation of the various world regions, their forces and weaponry, in specific terms. The author delves into and outlines the importance of such primary issues as national power, forces, trends, and national will. From recent wars, he draws what he considers to be the key lessons, some of which are controversial, but all of which add important insights as to future strategy. Baldwin maintains that "military force is indivisible, and military power of all types from all services will be required in the years ahead." He adds, however, that "the man on the ground with the gun in his hand is still the ultimate weapon."

THE DISCIPLINE OF POWER

(By George W. Ball (1968))

An incisive examination, from the vantage point of wide experience at high-policy levels, of U.S. foreign policy problems. The questions addressed include the background of the Common Market, the advantages of a united, "Third Force" Europe, relations between the U.S. and the U.S.S.R., and U.S. activities in Vietnam.

CHINA AFTER MAO

(By A. Doak Barnett (1967))

The Red Guards—largely teenage groups of Chinese terrorists—burst dramatically upon the scene in mid-August 1966 at a huge mass rally in Peking. The avowed aims of these mobs were to suppress dissidence against Mao and to elevate him to the status of a near-deity. Barnett poses the question: Can the "thoughts of Mao" provide the answers to China's unsolved problems or will changing conditions make Maoism obsolete. He seeks some indication of the answers by examining the major problems and possible directions of change. He finds that, although those who are trying to insure that Mao's dogmas prevail after his death are now in the ascendancy, they may be fighting a losing battle. The competing forces that are sure to collide after Mao's death may ultimately compel the Peking regime to come to terms with reality and move in new directions toward more rational and moderate policies.

*THE LIGHTNING WAR

(By W. Byford-Jones (1968))

An eyewitness record of the 1967 Arab-Israeli conflict by an experienced military observer. The author's personal acquaintance with many leaders on both sides of the struggle gives this book a flavor and authenticity of its own. This 218-page account explains why and how the war broke out and how it was fought. Colonel Byford-Jones also provides the reader with a detailed summary of the opposing forces' characteristics and their respective strategies.

THE OBLIGATIONS OF POWER: AMERICAN DIPLOMACY IN THE SEARCH FOR PEACE

(By Harlan Cleveland (1966))

Written by a former Assistant Secretary of State for International Organization Affairs and U.S. Ambassador to NATO, this book is an excellent review and forecast of U.S. policy. A short and very readable account of U.S. successes in the cold war emphasizes lessons for crisis management, means of maintaining peace, and the usefulness of development assistance.

LIMITED WAR AND AMERICAN DEFENSE POLICY

(By Seymour J. Deitchman (1964))

A timely and comprehensive analysis of limited war, including a history of such wars over the past 20 years, the kinds of limited war likely to face the United States, and the areas and environment where they may be fought. The book considers tactical nuclear weapons, battlefield mobility, tacical air support, command, and control, force structure, and the impact of technology on limited war. Deitchman also examines the issues to be resolved and the alternatives available to bring U.S. military capabilities into consonance with U.S. foreign policy.

THE LESSONS OF HISTORY

(By Will and Ariel Durant (1968))

A short but balanced view of historical study as it is affected by the forces of morals, race, biology, character, religion, economics, socialism, government, war and progress.

PEACEFUL CONFLICT

(By Edward B. Glick (1967))

Glick's book deals with the nonmilitary use of the military. He argues for the peaceful worldwide use of arms for engineering scientific, medical, educational, and agricultural services, citing examples of such services from history and the current scene. Basically, Glick expands the "third mission" assigned to the U.S. Army by describing how discipline, training, and technical skills of armed forces can be used for nation-building purposes. Tracing civic action roles in other countries from Biblical times to the present day, Glick cites the roles armies have played as nationbuilders, colonizers, and pathfinders for the civilization which followed. Detailed and illustrative reports concerning peaceful roles of military forces in many parts of the present-day world emphasize the contribution to social and economic development.

*A SHORT HISTORY OF THE ARAB PEOPLES

(By John Bagot Glubb (1969))

Beginning with an account of the Arabian peoples prior to Islam, Sir John Glubb recounts the emergence of the Prophet Muhammad and the founding of Islam. The book then carries the story through the first four caliphs, the Umayyad and Abbasid empires, the conquest of North Africa, the Arab incursion into Spain, and the subsequent ebb and fragmentation of the great Arab empires. The Byzantine, Persian, Mongol, Turkish, and subsequent French Crusader contacts with the Arabs and Arabicized peoples are also chronicled. The volume concludes with a discussion of the current status of the Arab peoples. This work contains some useful tactical and strategic insights into various Arab campaigns which the author, as a lifetime soldier, is well able to assess.

COMMAND DECISIONS

(Edited by Kent R. Greenfield (1959))

Twenty command decisions of World War II, seven concerning the war in the Pacific, and thirteen dealing with operations in Europe and Africa, are discussed and evaluated by sixteen historians of the Office of the Chief of Military History, Department of the Army. The dilemmas, alternatives, and options involved in such controversial operations as the attack on Pearl Harbor, the withdrawal to Bataan, the landings at Anzio, the Normandy invasion, the closing of the Argentan-Falaise Gap, and the use of the atomic bomb are analyzed in detail and in a scholarly and objective fashion.

THE CHINESE PEOPLE'S LIBERATION ARMY

(By Samuel B. Griffith (1967))

Published by the Council on Foreign Relations, this book provides a thorough and authoritative study of the Chinese Communist armed forces, including not only their organization, capabilities, and leadership but also their role in political indoctrination and organization of the people of Communist China.

*TO LOSE A BATTLE: FRANCE 1940

(By Alistair Horne 1969))

A masterful account of the fall of France and of the factors which led to the defeat of the French Army in 1940. The author presents a highly interesting and vivid contrast between the development of the German warmaking potential and the antimilitarism of France.

*THE SOLDIER AND THE STATE: THE THEORY AND POLITICS OF CIVIL-MILITARY RELATIONS

(By Samuel P. Huntington (1957))

A study of the interaction of the professional officer corps and the civilian departments of modern government, primarily in the United States. Its purpose is to examine military events in American history for ways to maintain both civilian control and national security.

*MIDDLE EAST POLITICS—THE MILITARY DIMENSION

(By Jacob Coleman Hurewitz (1969))

Professor Hurewitz has compiled what is essentially a military geography of the Middle East; a geography which includes the political component. Each Middle East state receives individual attention; separate chapters cover such general elements as historical backgrounds, arms races, and U.S. options.

*CASTRO, THE KREMLIN AND COMMUNISM IN LATIN AMERICA

(By D. Bruce Jackson (1969)

Castro's concept of revolutionary action à la Guevara and Mao is at odds with theories of the old line, Russian-oriented Communist leaders of Latin America. Consequently, Castro's support has existed outside the regular party and has proven to be weak and transient though sufficient to cause political splits and discord. The author finds that instead of being arm-in-arm comrades, Castro and the U.S.S.R. are involved in a struggle for primacy.

DECISIVE BATTLES OF WORLD WAR II: THE GERMAN VIEW

(Edited by Hans A. Jacobsen and Jurgen Rohwer, Translated by Edward Fitzgerald (1965))

Ten selected campaigns of World War II are discussed by German historians, many of them distinguished military commanders. Included in the book are campaigns from Dunkirk to the Ardennes. Tactical conduct of the operations are reviewed as are the influences of elements such as geography, political systems, resources, and intelligence. The assessment of each campaign concludes with a summary of the lessons to be learned.

*THE YEARS OF MACARTHUR: VOLUME V: 1880–1941

(By D. Clayton James (1970))

This book is the first of two-volume biography of General of the Army Douglas MacArthur. Professor James chronicles the general's background and career from his early days up to Pearl Harbor. This first volume is at once the story of a full life and a history of the American Army during a consequential era.

ISSUES OF NATIONAL SECURITY IN THE 1970'S: ESSAYS PRESENTED TO COLONEL GEORGE A. LINCOLN ON HIS SIXTIETH BIRTHDAY

(Edited by Colonel Amos A. Jordan, Jr. (1967))

This book consists of a number of specially written essays by authors who have worked with Colonel George A. Lincoln during his military career. Active and retired military personnel such as General Dwight D. Eisenhower, General Charles A. Bonesteel, Colonel Robert N. Ginsburgh, and the junior author, Lieutenant Colonel John W. Seigle are among the contributors. Taking a critical look at the world of the 1970's, the various authors have analyzed the threat; the use of military powers; and the problems associated with NATO, Asia, internal defense, arms control, and other aspects of the national security of the United States. Few volumes are of more direct interest to the military in their attempts to peek into the future.

THE REAL CIA

(Mr. Lyman B. Kirkpatrick (1967))

An authoritative account of the evolution of the U.S. foreign intelligence system, providing many useful insights into recent history and valuable commentary on governmental machinery and the decisionmaking process in the field of national security.

* AMERICAN FOREIGN POLICY: THREE ESSAYS

(By Henry A. Kissinger (1969))

In the first essay, the author contrasts the American foreign policy tradition with the Soviet ideological approach, and with the revolutionary approach characterizing the new nations. The second essay concentrates on structural conceptual problems of U.S. foreign policy. The final essay outlines what has become, essentially, of the U.S. policy in Vietnam. In his approach to these complex issues, Professor Kissinger calls for a new burst of creativity which, rather than seeking pat technical answers, search for a second conception of what constitutes a stable and creative world order.

A SHORT GUIDE TO CLAUSEWITZ ON WAR

(Edited by Roger A. Leonard (1968))

The editor has extracted the essentials of Clausewitz's famous three-volume study, On War, and introduced the abridged text with a succinct yet comprehensive point-by-point analysis of the essence of the major work. This book may be used as an alternative to the basic text for the reader with limited time searching for a more rapid understanding of Clausewitz's main ideas and his impact on the conduct and theory of warfare.

STRATEGY

(By Basil H. Liddell Hart (1967))

A basic study by one of the greatest of military thinkers, this book provides a fundamental examination of the subject, analyzing its various aspects, and in this new edition includes a chapter providing valuable insight into the role and capabilities of guerrilla warfare.

THE ART OF COUNTER-REVOLUTIONARY WAR

(By John J. McCuen (1966))

A basic coverage of counter-revolutionary war, addressing not only the military but also the psychological and political aspects.

AMERICA'S STAKE IN ASIA

(By Drew Middleton (1968))

A survey of U.S. relations with and prospects for 13 Asian countries, including a careful examination of the situation and alternatives in Vietnam.

A HISTORY OF WARFARE

(By Montgomery of Alamein (1968))

A comprehensive, analytical study of warfare from the earliest times to the present by a writer who speaks with the authority of both a commander and scholar.

*AFRICA YESTERDAY AND TODAY

(Edited by Clark D. Moore and Ann Dunbar (1969))

There are greater differences in thought, background, economics, cultures, and politics in Africa South of the Sahara than exist among European societies. In this volume, selections from a wide range of authors, together with implementing editorial comment, describe the blend of diversity that makes Africa fascinating—backwardness and progress, African culture and colonialism, and a varying mixture of juju magic, tribal autocracy, democracy, and Marxism.

LATIN AMERICA: MYTH AND REALITY

(By Peter Nehemkis (1964))

An encompassing review of the history and development of Central and South America, blending competent analysis with concise factual reporting. Opposing points of view are presented objectively; military, political, sociological, and economic implications significant to the current world power struggle are examined thoroughly and perceptively.

COUNTER-INSURGENCY OPERATION: TECHNIQUES OF GUERRILLA WARFARE

(By Julian Paget (1967))

Case studies of three counter-insurgency operations (Malaya, Kenya, and Cyprus), differing in cause, character, and solutions, with lessons to be derived from each.

GEORGE C. MARSHALL: VOLUME 1—EDUCATION OF A GENERAL, 1880–1939 (1962); VOLUME 2—ORDEAL AND HOPE, 1939–1942 (1966)

(By Forrest C. Pogue)

The first two volumes of a projected four-volume definitive biography. Volume 1 follows Marshall's progress from his childhood in Uniontown, Pa., to 1939 when Hitler marched into Poland and Marshall took the oath as Chief of Staff of the United States

Army. The development of the United States as a world power and Marshall's early role in that development, are shown. Volume 2 carries his career in Washington through the difficult early years of World War II and portrays his skillful leadership in the struggle to strengthen the Army.

BEYOND VIETNAM: THE UNITED STATES AND ASIA

(By Edwin O. Reischauer (1967))

A penetrating analysis of Asia's basic problems and aspirations and their implications for U.S. policy. For this book, the author draws on his extensive knowledge of and experience with the Orient and its people.

THE KOREAN WAR

(By Matthew B. Ridgway (1967))

General Ridgway tells how he met the challenge of Korea during the period 1950-1953 and how all-out Asian war was averted. He unfolds the succession of events leading to MacArthur's dismissal, dwells upon the difficulties of negotiating with the Communists, and reflects upon the meaning of limited war as it applied to Korea and how he feels it should apply in Vietnam.

*ANATOMY OF EUROPE

(By Anthony Sampson (1969))

The author has produced a detailed but concentrated guide to the workings, institutions, and character of contemporary Western Europe. In relation to the European environment, this work discusses, among other subjects, the roles played by the politicians, military, students, tourists, tycoons, workers, and technocrats.

TIME OUT OF HAND: REVOLUTION AND REACTION IN SOUTHEAST ASIA

(By Robert Shaplen (1969))

Robert Shaplen, author of THE LOST REVOLUTION, surveys the contemporary scene in eight nations of Southeast Asia. His book describes the various relationships among the countries of Southeast Asia and the relationship of this region to the rest of the world.

*DETENTE DIPLOMACY: UNITED STATES AND EUROPEAN SECURITY IN THE 1970'S

(By Timothy W. Stanley and Darnell M. Whitt (1970))

This book provides a factual background for a consideration of the Soviet-Warsaw Pact's call for a new East-West security conference. In this short but complete work, the authors take cognizance of the history, interests, options, major issues, and prospects associated with such a conference.

AMERICAN STRATEGY IN THE NUCLEAR AGE

(By David W. Tarr (1966))

This book presents a clear overview of U.S. military strategy since World War II. A short introduction sets the stage in collating military power, national objectives, military strategy, and national strategy. The policy of containment as outlined in NSC-20 and the succeeding initial nuclear strategy as set forth in NSC-68 and NSC162/2 are highlighted. NATO and SEATO military matters are also covered. Massive retaliation, flexible response, finite deterrence, and the counterforce strategies are discussed. Intervening crises such as Berlin, Indochina, and Cuba are treated in the overall strategic military context. Throughout the book, the various strategies and critical events are viewed with respect to our overall strategy of deterrence.

*REVOLUTIONARY WAR IN WORLD STRATEGY, 1945-1969

(By Robert G. K. Thompson (1970))

This book presents an analysis of various revolutionary struggles since World War II in terms of Soviet and Communist Chinese policies aimed at projecting their influence and control throughout the world. The author views revolutionary wars as being manipulated, if not conducted, by the U.S.S.R. and the Chinese People's Republic to further their national objectives of world domination and the security of their homelands. Although this volume does not examine the details of internal defense and development operations covered by Sir Robert's previous works, it does present a greater worldwide picture of the threat.

*MASTERY OF MANAGEMENT

(By Auren Uris (1968))

Although his observations are aimed at the commercial-industrial manager, the author has much to say to military executives, especially the younger officers, about the practice of organizational leadership in a rapidly changing social, educational, and technological environment.

HISTORY OF THE UNITED STATES ARMY

(By Russell F. Weigley (1967))

This is a carefully researched military history. The story of the Regular Army is recounted along with that of the militia or volunteers. A procession of great names marches across its pages together with an assessment of their contributions, their effectiveness, their dedication, and, where research or retrospect so indicates, their pomposity or pretensions. The origin, development and contributions of the great military schools of the nation are explained with specific credit going to Dennis Mahan and Sylvanus Thayer. Lessons learned from each war are recounted in context. The exhaustive bibliographical notes alone comprise a gold mine of source and reference.

AN ANATOMY OF CHINA: AN INTRODUCTION TO ONE QUARTER OF MANKIND

(By Dick Wilson (1968))

An objective and incisive analysis of the forces and trends at work in Communist China. In conducting this study, the author examines the society, economy, and diplomacy of the Chinese Communists.

PEDAL POWER

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. KOCH. Mr. Speaker, pedal power is gaining strength across the country as more and more people take to the bicycle for their daily transportation. People are finding that bicycles are convenient for urban transportation—costing little to maintain and a pleasure to ride.

Bicycling has certain dangers, however, when the cyclist is forced to compete with motorists—and thus it is necessary that we take steps to develop bicycle lanes in our urban areas. To this end I have introduced H.R. 9369 to provide Federal assistance from the highway trust fund for the construction of bicycle lanes and shelters. The Bicycle Transportation Act of 1971 is now cosponsored by 28 Members of the House and on August 5 was introduced in the Senate by Senators ALAN CRANSTON and JOHN TUNNEY of California under the number, S. 2440.

The Bicycle Transportation Act of 1971 is receiving support from all parts of the country. The most recent statement of support was broadcast over WPIX on July 26. The following is the text of the WPIX editorial:

WPIX EDITORIAL

At the moment, the automobile is the principal villain in the fight for cleaner air for our cities. Despite the fact that federal standards on auto exhaust pollution will go into effect in 1975, and substantially reduce the problem, there are still those who would like to see private cars banned in major cities.

The reason, of course, is traffic congestion. Someone who studies this sort of thing has estimated that the average speed of vehicular traffic in Manhattan in 1909 was 11 miles per hour, and now, in 1971, after 62 years of progress, the average speed is 9 miles an hour.

One of the most often mentioned remedies for this problem is the bicycle, a non-polluting, non-congesting means of transportation which also offers as a benefit better health for those who ride.

But, in the congested cities, when one rides a bike in the street, he subjects himself to possible injury or even death because of the traffic congestion.

To break this cycle—no pun intended—it is clear that something must be done about creating special lanes or paths for bicycles in the City.

To this end, Congressman Edward Koch has introduced what he calls the Bicycle Transportation Act of 1971, which would allow states and communities to use Highway Trust monies to develop bicycle lanes.

The people who favor the bill say that it is too dangerous to have people riding with regular traffic, and point to the many acknowledged benefits of cycling.

The opponents say the idea is too expensive, that the lanes might block traffic, particularly delivery trucks which must stop at the curb. One also might guess that some of the opponents are just too lazy to pedal.

After considering the matter, the Management of WPIX supports the cyclists. We think that bicycle lanes and paths should be developed, and that Congressman Koch's bill should be passed. We're not sure that the bicycle is the wave of the future, but when we were kids, we got around pretty well on our bikes. Maybe progress sometimes means going backward. What's your opinion? We'd like to know.

PORNOGRAPHY IS A CANCER

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. MIZELL. Mr. Speaker, I rise today to discuss a subject that is of great concern to every family in America today. The subject is pornography.

Pornography is a cancer in this country, growing more widespread every year. It is a malignancy that threatens the welfare of large segments of our society today, particularly our young people.

Countless moviehouse marquees throughout the country flaunt explicit scenes of sexual activity in an effort to sell more tickets, and Hollywood seems determined to see just how far it can go in the name of "art."

It has even reached the point that people cannot even take their families for a drive through the countryside without being subjected to explicit, sickening, and tastless scenes of sexual activities that are the current fare at thousands of open air, drive-in theaters.

Pornographic bookstores, which advertise their wares in window displays that pedestrians cannot avoid seeing, have multiplied in recent years to the point that there is hardly an American community left today without at least one.

And the Nation's Capital, far from setting a proper example for other American communities to follow, has gained a reputation as one of the world's leading centers for the sale of pornographic material.

There are dozens of pornography peddlers operating in the very shadow of the White House today, much to the dismay of this city's residents, and much to the disbelief of the millions of tourists who visit Washington every year.

Bad as these conditons are, by far the worst is the pornographic distribution sanctioned by the U.S. Government through the use of its postal service.

Millions of private homes throughout America are being relentlessly bombarded with the worst kind of filth, the kind that even the basest sense of decency must recognize as being obscene.

The American people in overwhelming proportions have called on their Government for relief from this constant attack, and the Government has responded to some extent, but we still have far to go before this problem is completely solved.

In the almost 3 years that I have been a Member of Congress, I have sponsored several legislative measures designed to cope with the pornography problem.

In the 91st Congress, I introduced legislation which would have placed the responsibility for controlling smut mail on the peddler himself, and not on the decent American citizen who does not want anything to do with pornographic material.

As I said in a speech at that time, "Why should the American people have to assume the responsibility for putting a stop to this unwanted mail? Let us place the blame and the responsibility where it belongs, on the illicit mailer, not on the unwilling receiver."

I was gratified to see a strong antipornography bill passed during that last Congress, providing for up to $100,000 in fines and 10-year prison sentences for multiple offenders. I supported that bill as a substitute for my own, and I voted for its passage.

But that bill, although it was the strongest legislation of its kind ever passed, still did not do all that needs to be done.

It provided a way for private citizens to request that this material not be sent to their homes, by filling out a form and submitting it to the post office, but this still places the major burden on the private individual, rather than on the dealer.

In the 92d Congress, a further step in the right direction was taken with the passage if a new antiobscenity bill which strictly defines "obscenity" and provides for more stringent controls on the sale of pornographic material to minors.

I strongly supported this bill, and offered an amendment to it which would have prohibited pornography dealers from mailing potentially offensive material to private homes unless that material has been ordered by the resident.

I firmly believe that every legal, financial and procedural burden involved in the distribution of pornography should be placed squarely on the man who peddles pornography for profit.

Our common law, and our written statutes, have traditionally recognized the fact that "a man's home is his castle," not to be penetrated by anyone or anything without the permission of the owner.

A man is not required to register at the police station in order to have his home protected from thieves. Why should he have to register at the post office to keep merchants of filth from intruding with their unwanted wares?

The burden of the law should be weighted as heavily against the pornography dealer as it is against the thief in the night.

The right to peddle pornography should end at the door of the American home, and the penalty for violating the sanctity of that home with smut mail should be severe.

It was with these thoughts in mind that I introduced my amendment, and I was surprised and saddened that it did not pass.

At a time when the spread of pornography has reached epidemic proportions in our country, and when the moral fiber of our Nation seems to be rapidly unraveling, I believe we are in desperate need of strict and effective controls over the sale and distribution of pornography.

I intend to continue making every effort to see those controls enacted and enforced.

YOUTH CAMP SAFETY

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. ROSENTHAL. Mr. Speaker, the House Select Subcommittee on Labor is currently considering legislation to establish Federal youth camp safety standards. It was my privilege to testify before that subcommittee recently; a privilege, it must be noted, I have had twice before. Despite the efforts of Chairman DOMINICK V. DANIELS and those of the subcommittee, Congress has failed to legislate in an area of great importance to our Nation's youth.

When I first introduced legislation in 1967 to establish Federal safety standards for the operation of summer camps, over 6 million children attended such camps. Now, 4 years later, there are close to 8 million youngsters in more than 10,000 recreational camps across the country. While many camps maintain high health and safety standards, each summer we become painfully aware that there are far too many that do not.

Incredibly enough, camps with weak or nonexistent safety standards, face little State regulation or control, and no Federal regulation.

According to the American Camping Association, an organization active in camp safety, 24 States require no licenses or set no standards for the operation of a camp. Only eight States actually license these establishments. Twenty-nine States require no annual inspection of camp facilities and of those that do inspect, only four consider safety factors in the inspection.

I believe that Congress, faced with the reluctance of States to act in this area, must insure that no more summers pass without reasonable and effective camp regulation.

A study made in 1956 by the Mutual Security Life Insurance Co. on the 3½ million campers it insured during 1962–64, reported 35,000 injury claims. Based on the increased number of campers we have today, we can project that there will be a minimum of 80,000 claims arising out of summer camp illness or injury this year alone. In the 3-year period covered by the study, 8,469 claims were filed due to colds, flu, or tonsillitis, 3,584 because of lacerations or cuts, 5,860 because of sprains or bruises, 3,937 because of skin or ear infections, and 2,268 because of broken bones or puncture wounds. If 80,000 claims are actually filed we can be sure that there are many more cases of accident or illness not reported.

It is my strong feeling, both as a parent of a 10-year-old boy now attending camp and as a concerned Member of Congress, that this situation must be corrected. It is for this reason that I urge immediate adoption of my bill, H.R. 6493, or similar legislation, to provide Federal leadership and grants to States for developing and implementing State programs for youth camp safety standards.

Under my bill, the Secretary of the Department of Health, Education, and Welfare must, within 1 year after enactment, establish standards for safe operation of youth camps. The Secretary will be responsible for the implementation and enforcement of the standards except when individual States desire to do this themselves. There is $2½ million authorized to encourage States to both develop and enforce their own standards. As part of this program, the States must set up advisory boards to assist the agency in charge of overseeing the enforcement program, much the same as the Secretary is to establish an Advisory Council on Youth Camp Safety within HEW. State programs are subject to review by the Secretary. Should the standards be changed or enforcement judged deficient, upon proper notice, the Secretary would apply Federal standards in that State.

Millions of parents each year must decide, based on inadequate information, which camps their children should attend. In many cases, these camps are located far from the family home, making thorough parental inspection impractical or impossible. Parents deserve the assurance that these temporary homes for their children meet certain minimum health and safety norms.

If the bill becomes law, I would recommend that the Secretary of HEW give consideration to the following:

First. The activities of youthful campers must be supervised by trained professionals. Too often positions are filled by inexperienced personnel without real qualifications. Standards of performance skills must be established for counselors in fields that require special expertise, such as swimming, boating, archery, riflery, and hiking. Too many injuries to campers result from improperly trained counselors directing these activities. Before anyone is allowed to supervise activities in these risky areas, special training for supervisors and testing of their skills must be required.

Second. General camp training courses in first aid should also be made mandatory to prepare staff members and administrators for unexpected emergencies. Also adequate medical facilities and personnel should be required for each camp on a 24-hour standby basis. There have been too many instances in which sick or injured children have not received prompt and proper medical attention.

Third. Each member of the camp community, camper and counselor alike, should be required to submit to the camp, an up-to-date health record. All too often, children away from home require certain medicine, have serious allergies, or other medical conditions whose neglect can, of course, be disastrous.

In one instance, for example, a 15-year-old epileptic who failed to take his medicine suffered a seizure while swimming at camp, resulting in a "partial drowning." Though a doctor was called to pool side to give artificial resuscitation, the boy suffered severe brain damage. This could have been avoided if the camp had known and acted on the boy's medical needs.

With qualified supervision by counselors and administrators and with necessary precautions, this accident, like so many other tragedies, could have been avoided.

There are other areas that require regulation: the wholesome handling of food supplies must be required and provision for adequate sleeping arrangements and sanitation facilities provided. Fire prevention and drills and adequate water and sewage treatment are also a "must." These are responsibilities of camp directors. Conscientious operators should be careful to provide a safe, clean, and adequate environment for all campers.

While the American Camping Association is currently revising and strengthening its standards, fewer than one of every three camps is now able to meet its present standards. I wonder what that number will drop to, when the Camping Association issues its more stringent list of what it considers proper norms.

It is clear, then, that most States and many camps have failed to meet their obligations "in loco parentis." It is for this reason that Congress must act decisively and promptly in this area.

Past critics of the Youth Camp Safety Act have rejected a Federal role in what they considered to be a State matter. Yet H.R. 6493 and Chairman DANIELS' H.R. 1264 give individual States the opportunity to establish and implement their own regulations. In fact, both bills encourage them to do so by providing grants for this express purpose. Hopefully, the principal role of the Federal Government will be supportive and advisory. Only in those cases where individual States fail to act in implementing standards will the Federal Government assume greater responsibility.

Each new camping tragedy evidences a growing need for passage of a youth camp safety bill providing for minimum health and safety standards. In addition to these standards, there may be a need for other provisions, such as requiring a recreation camp to carry accident or injury insurance so that compensation will be available to anyone injured. Perhaps camps should also be required to publish their accident records, in any brochure printed for the purpose of promoting the camp, and include information on such things as camper-counselor ratios and qualification standards for counselors.

Parents need, and children deserve, better protection than they presently have. Passage of the Youth Camp Safety Act would lead to such protection.

Failure of this Congress to act now makes us accomplices in future camping mishaps and tragedies.

The need is urgent, the time is now, the opportunity is here.

POW PRIEST HONORED BY AIR FORCE ASSOCIATION

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. WOLFF. Mr. Speaker, at Armed Forces Day ceremonies observed at Mitchel Field, Hofstra University, N.Y., the Air Force Association, an organization devoted to the advancement of American military aviation, presented its national certificate of honor to a clergyman whose global efforts devoted to alleviating the sufferings of the American prisoners of war held captive in Southeast Asia and their families, have earned him the sobriquet of the "POW Priest."

You have no doubt followed his activities in the newspapers, Mr. Speaker. He is the Right Reverend Bartholomew Ruxton Fox who holds the rank of Archimandrite in the archdiocese of Toledo, Ohio, of the ancient Orthodox Church of Antioch. It is worth noting that Toledo's archbishop, the Most Reverend Michael Shaheen, himself a veteran of World War II, is the first American-born prelate to achieve such an exalted position in Christianity's oldest continuous church.

In 1970, Archimandrite Bartholomew began an odyssey that was to last for 5 months and take him completely around the world in an effort to secure humane treatment by the Communists for defenseless prisoners of war. He was 1 of 4 clergymen commissioned by POW families to bring the consolations of religion to men who have been imprisoned for as long as 6 and 7 years. If they were to learn names of men missing in action while there, so much the better.

His clerical colleagues, a Latin priest, a rabbi, and a Protestant minister returned to their pastoral charges after 3 weeks. It is a tribute to this prelate's tenacity, that he pursued his mission to the ends of the world.

Mr. Speaker, Father Bartholomew's AFA citation follows:

> For outstanding service to the cause of human rights by virtue of taking positive action in behalf of Americans who are missing in action or held prisoner of war in Southeast Asia.

Summarized in these few brief words, Mr. Speaker, is the mission which brought Father Bartholomew to Rome, Geneva, Stockholm, Moscow, Damascus, Vientiane, Saigon, and the combat areas of Vietnam and Cambodia. In the course of his pilgrimage for peace and humanitarianism, he met with world religious leaders, the prime ministers of two nations, foreign ministers and diplomats, both favorably disposed toward the United States of America and Communist officials, representing North Vietnam, the Vietcong and Pathet Lao, the Soviet Union, and the People's Republic of China.

To each and every one he pleaded for humane treatment for his fellow Americans, even though in some instances it only evoked further denigration of this country's heroic prisoners of war and himself as a servant of God.

Our allies of the Republic of Vietnam were quick to recognize the dedication of Father Bartholomew and decorated him with the Psychological Warfare Medal, first class, for "bringing redeeming love in the midst of hellish war."

Mr. Speaker, the newspapers described the dedicated efforts of the POW priest, as "mission impossible" aware as they were of Communist cynicism, but this Father went forth with a heart full of hope and prayer.

I should like to call to the Members' attention some of the Father's background as I recognize him today.

During the Korean war he served commendably at the Army's Psychological Warfare Headquarters where he experimented with spy war leaflet drops from helicopter. Following duty with the Air Force Reserve, he continued a military career in State's militias, being promoted to the rank of brigadier general in 1967 by the Governor of Louisiana.

Father Bartholomew's academic accomplishments include a B.Sc. from Fordham University where he majored in Russian language and area studies, a providential preparation for his mission to Moscow; a master's in counseling, and the Licencié en Théologie from the Institut de St. Denys in Paris. His earned doctorate in theology has been enhanced by honorary doctorates in religious education. He is a fellow of both the Royal Society of Arts, and Philosophical Society of England.

Upon leaving Fordham, he did welfare casework in Harlem, moving over to the Correction Department at Rikers Island Penitentiary before accepting an appointment as guidance counselor on the warden's staff at Sing Sing prison. The similarity of this work to pastoral counseling finally inspired him to enter the sacred ministry.

Following ordination he was appointed to an order devoted to aiding earthquake survivors where he developed innovative techniques to expand greater use of existing resources. In recognition of these inspired services, he was elevated to the rank of Archimandrite a little more than a year after entering the sacred priesthood. Further recognition was taken in his being awarded the Grand Cordon of the Order of the Knights of St. Denis of Zante, a Greek ecclesiastical decoration, Mr. Speaker, awarded to every President of the United States from Mr. Herbert Hoover to Mr. Richard Nixon.

Archimandrite Bartholomew served in several pastorates in New York and New Jersey, as well as devoting time to ecumenical groups. However, he was called again and again to more cosmopolitan concerns such as to those victims impoverished by the Middle East war. His dedication to the needs of all in Israel regardless of creed earned him the appreciation of the Catholic Church which awarded him the Cross of the Knight Commander of the Order of Galilee. For his church he serves as a U.N. observer.

During the Biafra struggle, he took a leading part in introducing freeze-dried food experiments which required no refrigeration to feed Africa's hungry masses. Among this dedicated prelate's awards and decorations I should like to list: The Order of the Star of Karageorge and the Royal Order of St. Sava granted by the late King Peter II of Yugoslavia; the Order of St. Mark from the Church of Alexandria, Gran Cruz Eloy Alfaro from Panama, the Japanese Red Cross Medal, and Faria Medalho awarded by Brazil.

I cite these admirable accomplishments, Mr. Speaker, in order to underscore the caliber of the man sent forth upon this mission and to thank him for his efforts on behalf of our POW's and MIA's.

PRESIDENT MAKES PLANS FOR TRIP TO RED CHINA

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. DULSKI. Mr. Speaker, the President is preparing to invoke personal diplomacy into our relations with Red China.

The stage is set for the President and what he describes as a very small working party of aides to make the trip to Hanoi in the months ahead. No date has been announced except that it will precede any summit meeting with Soviet Russia.

Individual Members of Congress—particularly those who are members of neither the Foreign Affairs nor the Armed Services Committees—have little detail beyond that made available through the public press. As long as the members of those committees are adequately informed, however, this factor gives me no problem.

On the strength of what we know, the reactions of our allies, the hesitancy of some of our top administration officials and diplomats, there is continued justification for my original doubts about the dramatic high-level decision.

In its role of world leader, our Nation has many delicate situations. Nothing comes easy, every word and motion is watched and analyzed, rumors and suspicions are rampant.

Our Nation's switch in relations toward the Red Chinese is an exceedingly important diplomatic step. Its ramifications may not be known for a long time.

In the meanwhile, I am hoping for the best. In particular, I am hopeful that on developments this time the Chief Executive will take the Congress into his full confidence through its respective committees.

Mr. Speaker, as part of my remarks I include two articles from the Buffalo, N.Y., Evening News:

[From the Buffalo (N.Y.) Evening News, July 20, 1971]

NIXON PLAYING DOWN CHANCES FOR VIET ACCORD ON CHINA TRIP

(By Lucian Warren)

WASHINGTON, July 20.—The Nixon administration is turning a strong fire hose on speculation that the forthcoming presidential trip to China will bring about an end of the Vietnam war.

Press Secretary Ronald L. Ziegler performed the damping down ceremony Monday when he told White House reporters that the purpose of the forthcoming visit is to discuss matters of mutual interest between the two nations.

The President, Mr. Ziegler said, declines to speculate on the effect of the forthcoming discussions "on any other matter, and said such speculation would not be helpful."

One of those to get the word was Senate Minority Leader Hugh Scott who on Sunday told reporters he expected the President to outline the connection between the China visit and the Vietnam war to congressional leaders Monday.

Mr. Nixon met with the leaders Monday and shortly thereafter Sen. Scott took to the Senate floor to say that speculation would not be helpful at this time.

Despite the cautionary notes, however, officials recognize that it will be almost impossible to prevent speculation involving the Vietnam war, the Paris peace talks, China's seat in the United Nations, diplomatic recognition of the Peking government and the fate of Taiwan.

Sen. Jacob K. Javits (R., N.Y.) said Monday: "A reconciliation between the United States and China could transform prospects for world peace. More immediately, the President's visit to Peking could be most helpful in bringing an earlier peace in Vietnam.

"I believe it is inherent in the President's announcement that all U.S. troops will be out of combat in Vietnam before the President goes to Peking and that Peking has reached the same conclusion."

Diplomatic observers point out that the President must move with caution lest Peking get the idea it can extract prior concessions from him as a down payment for the invitation.

"That theory is based on the belief that the Chinese aren't as anxious for the visit as the President is," an administration source said.

Some diplomatic observers believe Mr. Nixon may be compelled to fix as early a date as possible for the trip in order to forestall or avert the kind of unrealistic expectations that might be generated by delay.

Meanwhile, ambassadors of other nations are being assured that the President's trip will not adversely affect the interests of their countries.

There have also been reports that Mr. Nixon hopes his decision to visit China will promote a prior trip to the Soviet Union next fall, possibly to conclude an agreement on nuclear weapons now being negotiated at the Strategic Arms Limitation Talks in Helsinki.

Undersecretary of State John N. Irwin told the American Bar Association meeting in London that moves to improve relations with China are not directed against the Soviet Union.

Meanwhile, White House officials said that Vice President Agnew had not been informed of the planned visit until shortly before Mr. Nixon's public announcement Thursday. The President is known to have been especially concerned with avoiding leaks. It has also been reported that Mr. Nixon was displeased with Mr. Agnew's criticism of April's visit to China by the U.S. table tennis team.

[From the Buffalo (N.Y.) Evening News, July 24, 1971]

NIXON'S HINTED FOR YEARS BUT CHINA'S BEEN TOO COY

(By Lucian Warren)

WASHINGTON.—President Nixon's announcement he will go to Peking is most often described as a "bombshell," but the surprise need not have been that great.

Any careful student of Nixon's remarks and actions beginning in about 1968 can tell you that the politician who once made political hay out of the soft-on-communism issue sang a very different tune as he edged closer to the presidency and after he was sworn in.

It will come as a startling revelation to some that the President sent his new foreign policy adviser, Dr. Henry Kissinger, a memorandum on Feb. 1, 1969, 10 days after the Nixon administration took office. The memorandum said to explore every avenue that would lead to improved U.S. relations with mainland China.

It must be also startling for these to learn that President Nixon set himself a kind of informal time-table in wooing the People's Republic of China. The goal was to make sure that once in every three months the President would publicly say something about his desire to "normalize" relations with mainland China.

Mr. Nixon began such an operation even before he was nominated by the 1968 Republican convention.

In the spring of 1968, he twice described his feelings on the subject.

In a signed article in the influential Foreign Affairs Quarterly, Nixon said: "Any American policy towards Asia must come urgently to grips with the reality of China."

At about the same time, he told the American Society of Newspaper Editors that laying the groundwork for future relations with mainland China would be one of the primary goals of his administration.

At the Republican national convention in Miami Beach, Nixon said on Aug. 8, 1968:

"We extend the hand of friendship to all people, to the Russian people, to the Chinese people, to all people in the world."

The same theme is contained in a campaign booklet—"Nixon on the Issues"—where the candidate talked about "short run" policies of "no reward" for Peking's expansionism, but defined long term goals as "pulling China back into the world community."

Nixon's inaugural address on Jan. 20, 1969, ignores the subject, but it didn't take him long to return to the theme.

In his first presidential press conference on Jan. 27, 1969, Nixon damped down any speculation that he might soon favor U.N. or U.S. diplomatic recognition of Red China, but said the U.S. was prepared to see whether a dialogue couldn't be started via the ambassadorial level at Warsaw, Poland.

At his press conference on March 4, 1969, Nixon found no immediate grounds for optimism in a possible "breakthrough" in relations, but added in perhaps the first White House remark intended for Peking consumption:

"Looking further down the road, we could think in terms of a better understanding with Red China."

Peking apparently didn't get the message and the Nixon feelers on the subject became somewhat feebler during the balance of 1969. But in 1970 the President really began to turn on the heat for an attempted thaw in U.S.-China relations.

The President's foreign policy report of Feb. 18, 1970, talked about the willing spirit with which formal ambassadorial talks had been resumed in Warsaw and added: "No nation need be our present enemy."

When the Chinese didn't appear to get the hint, Nixon tried again on July 20, 1970, at a press conference when he noted there had been a "slight movement" towards closer relations in the Warsaw meetings and that "we are still hopeful that those meetings will be resumed."

Nixon at a year-end press conference on Dec. 10, 1970, discouraged speculation on the undiplomatic recognition questions, but then added significantly:

"I have begun an initiative of relaxing trade restrictions and travel restrictions, and attempting to open channels of communication with Communist China, having in mind the fact that looking long toward the future we must have some communication and eventually relations with Communist China."

He referred to the liberalization of trade and travel restrictions again in his foreign policy report to Congress on Feb. 25, 1971. Then he dropped another broad hint:

"The resumption of talks with the Chinese in Warsaw may indicate that our approach will prove useful. These first steps may not lead to major results at once, but sooner or later Communist China will be ready to reenter the international community."

The lack of any reciprocal feelers must have gotten the President discouraged at about this point because he told a press conference on March 4:

"We would like to normalize our relations with all nations of the world. There has, however, been no receptivity on the part of Communist China."

Then, apparently, things began to happen that led to the final breakthrough.

The President waxed eloquent on the subject before the American Society of Newspaper Editors on April 16 in a lengthy reply to an editor's question.

"Now it's up to them," he said. "If they want to have trade in these many areas that we have opened up, we are ready. If they want to have Chinese come to the United States we are ready. We are also ready for Americans to go there, Americans in all walks of life."

At one point, the President remarked that "I think the steady ordered process that we have engaged in now begins to bear fruit."

Then he told of telling his two daughters that he hoped they would be able to visit China, adding: "I hope sometime I do."

This must have broken the ice-jam because events moved rapidly then. Peking welcomed the U.S. table tennis team. On April 14, 1971, the President announced greatly liberalized trade and travel restrictions with China, and at a press conference April 29, Nixon said with some satisfaction that "what we have done has broken the ice."

His hints became even broader: "I hope, and, as a matter of fact, expect to visit mainland China sometime in some capacity."

The time-table of feelers every three months was stepped up as Nixon announced on June 1 that the State Department was analyzing its attitude towards admission of the People's Republic of China to the United Nations.

And, on July 6, the President in briefing midwestern editors at Kansas City, Mo., forecast that the 800 million Chinese would become an "economic force in the world of enormous potential" and talked of steps leading toward the improvement of U.S.-Chinese relations.

Chinese Premier Chou En-lai had a copy of these remarks when he talked with Dr. Henry Kissinger during their marathon sessions of July 9–11 in Peking.

The President's public utterances were not, of course, the only way he got his message to Peking. Romanian President Ceausecu paid a state visit to the White House last October and is supposed to have then taken a direct Nixon message to Chou en-lai and Mao Tse-tung on his recent visit to Peking.

Edgar Snow, the longtime American friend of Mao, in a recent magazine article wrote that in early 1971 the "White House had once more conveyed a message (to Peking) asking how a personal representative of the President would be received in the Chinese capital for conversations with the highest Chinese leaders."

Barring an unforeseen upset, such as the U–2 incident which prevented Dwight Eisenhower's summitry with the Soviet Union, President Nixon will get his wish for direct talks with the Chinese leaders.

Whether his longterm goal of "normalizing" relations, including diplomatic and U.N. recognition, can be achieved without upsettin U.S. Diplomacy abroad and U.S. conservatives at home, will be perhaps Nixon's toughest hurdle in coming months.

[From the Buffalo (N.Y.) Courier-Express]

MEANY HITS PRESIDENT'S CHINA PLANS

(By Victor Riesel)

WASHINGTON.—It is tradition that this early in the presidential race George Meany, leader of America's labor legions and campaign caravans, is the most inscrutable, powerful Occidental of them all. But he has junked tradition. He's not fiddling on the roof. He's very scrutable. And that's vital in the making and breaking of a presidential front runner—because Meany directs one of the nation's most effective political operations—if not actually the most effective.

To hear "George" among his peers, as I have at the International Longshoremen's Assoc. (ILA) (AFL-CIO) convention, is to understand his political—not personal—distaste and antagonism for President Nixon. The labor chief makes no pretense of traditional neutrality.

I do believe Meany has become Sen. Henry Jackson's unofficial campaign manager. For fascinating example:

Last Monday morning Meany, in the raw heat of Miami Beach, took the Longshoremen's platform and dissected Nixon's policies—ranging from financial to Oriental. Amid cheer after cheer from shirt-sleeved delegates—some 40 per cent of whom were black—the AFL-CIO president sat down and listened to Sen. Henry "Scoop" Jackson pour it on. Then, after a while, they both went up-beach to the convention of the 15,000-member International Union of Elevator Constructors.

George Meany, whose leadership of the political campaign machinery known as the Committee on Political Education (COPE) makes him chief of what virtually is America's third party, appears not to approve of President Nixon's new China policy.

Meany is the voice of most of American labor—and on the platform that Monday morning—without any later dissent from Scoop Jackson—the AFL–CIO chief mocked Henry Kissinger, jabbed and needled President Nixon, warned against great expectations, sarcastically and rhetorically asked what had turned Mao's Sino empire into a saint, and wondered why Peking had suddenly stopped casting the U.S. as the world's capitalist, imperialist villain.

There was much more in the voice than in the script—all ad-libbed. For the moment, then, this is AFL–CIO reaction to the proposed presidential trip, from which the President himself has warned Americans not to expect war's end.

Official AFL–CIO policy will be made at the 14 million-member organization's Executive Council session in San Francisco, Aug. 9.

This comment on Nixon's fantastic travel plans was Meany's first reference to the swiftly changing China policy. And the comment has double significance. Meany, the AFL–CIO, the powerful hard-hat complex (of which Teddy Gleason's longshoremen are a part) have been the most influential and solid supporters of the administration's foreign policy.

Without such support President Nixon will need to build a new coalition in the Congress not only on China but on such other crises issues as Southeast Asia and the ABM.

Traditionally the AFL–CIO has been opposed to the recognition of Communist China and Peking admission to the United Nations.

Meany took nothing for granted. He questioned and questioned. Musing aloud to the delight of the 550 delegates—who have the power to load or not to load, to unload or not to unload craft trading with Red China—Meany observed that other nations will be watching. Other friends such as Golda Meir and Willy Brandt are deeply concerned.

"Red China is still a slave state," asserted Meany, "where human freedom is non-existent. It still has its program in company with the Soviets for Communist world domination, and the only difference between them and the Soviet Union on this question is: How do you accomplish your objective?"

He asked just what had been exchanged during the 20-hour Kissinger-Chou En-lai conversation. He said, "While we hope as a consequence of Kissinger's long conversations that the Americans still imprisoned in Red China, missionaries, men of peace and the like of that tortured over the last 20 years—can we hope for a better day for them? Is it possible that the Red Chinese will think of them in human terms?

". . . What is Red China's contribution to the cause of peace in our time? Are they going to put a little pressure on their junior partners in Hanoi to look at the prisoner-of-war issue in a humanitarian way?"

Then he cautioned not to place high hopes on the presidential visit. He argued, "let's keep our fingers crossed on the coming meetings between President Nixon and the Red Chinese Communist voice."

There is one problem still to be faced by Meany: "Scoop" Jackson does endorse Nixon's travel plans."

WESTERN FIELD TRIP

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. RONCALIO. Mr. Speaker, the Subcommittee on National Parks and Recreation of the House Committee on Interior and Insular Affairs is spending a part of the summer recess on a Western field trip through California, Idaho, Oregon, Montana, and my own State of Wyoming. The trip will be from August 7 through August 14.

Three days of the 8-day tour will be spent in Wyoming—inspecting Yellowstone National Park, the proposed corridor link between Yellowstone and Grand Teton National Park, Grand Teton National Park itself, and the proposed Fossil Butte National Monument in southwestern Wyoming.

A related newsstory follows:

YELLOWSTONE NATIONAL PARK

Geology of the park

Yellowstone has seen some of the world's more violent geologic events. Yet, as the World-Wide Research and Publishing Company's National Parkways Guide to Yellowstone notes, it all began quietly enough some two and a half billion years ago.

At that time, the Rocky Mountain part of the United States was low-lying and frequently covered by primeval seas. The lapping waters of these intermittent seas covered the land for tens of thousands of years. The original sea beds were slowly covered by shifting sands and muds that settled out of the water and solidified into sandstone and shale. Yellowstone's oldest mountain chain, the Gallatin Mountains in the northwest corner of the Park, are made mostly of these rocks that formed under the ancient seas.

Fossils in the sandstone and shale record life's evolution. First, single-celled forms; later, primitive seaweeds and multi-celled invertebrates that floated or swam about. Then, some life forms that crawled on the sea floor or maybe out onto the shore as the seas temporarily receded. Much later, dinosaurs plodded through great swampy forests that grew along the edge of the warm seas. Coal deposits throughout the Park mark the locations of those primitive swamps.

About 65 million years ago, the first Rocky Mountains slowly began to rise, over a period of 10 to 15 million years. These first mountains were not the ones we see today; in the Rocky Mountain System many a lofty peak has risen and completely eroded away, only to rise again. Some of the present mountain ranges are the second, third or fourth in the same location.

Toward the end of the first mountain building period, great volcanoes erupted, building up the high lava cones. Off and on for 5 to 10 million years these volcanoes spewed lava and volcanic matter—the light greyish rock which is still evident in Yellowstone National Park today.

Then came the Ice Ages in North America, and ice slowly flowing down the valleys and through the basins of Yellowstone eroded the lava cones into a gentle, rolling landscape.

The ice came and went several times and it was during one of the inter-glacial periods that some very phenomenal events set Yellowstone apart from the rest of the world.

The west central portion of the Park exploded into intense volcanic action. With fire and steam, thunder and quakes, 100 to 200 cubic miles of molten rock and lava spewed forth in a very short time. All this gushing out left a huge underground cavern covered by only a thin roof of the earth's crust. Then this roof fell in. An area 30 to 40 miles across plunged downward about a mile, forming a great volcanic crater. The rims of the crater tumbled in and more great lava flows spilled over and around it. Later, enormous subterranean earth forces pushed the fallen roof back up into a dome that is centered just east of world famous Old Faithful. Sometime later a similar event occurred in the area north of Yellowstone Lake.

These two volcanic spectaculars made Yellowstone unique on the face of the earth. The primal heat of the planet still comes nearer the surface in Yellowstone than in any other known location. Molten rock is still only a few thousand feet down and provides the heat for Yellowstone's bubbling pools and steaming geysers.

Glaciers once again returned and then receded, leaving behind great piles of stone and dirt. These piles of debris form many of the smaller grey and pink hills throughout the Park. The last glaciers melted only 10,000 to 11,000 years ago.

History of park

About 8500 years ago—some 3500 years before the first pyramid was built in Egypt—men hunched over the campfires in what is now Yellowstone National Park. These men were nomadic hunters, predecessors of the modern American Indian. However, unlike the ancestors of the Crow or Blackfoot Tribes, this band did not develop an aggressive culture around the horse and the buffalo. They remained within the park area where natural features protected them from hostile neighboring tribes. When the Park was founded in 1872 these Indians were still practically in the Stone Age . . . poor, filthy, miserable, and constantly on the verge of starvation.

Beautiful and protective as it was, the Park was not prime living territory for a Stone Age Indian. Winters were unduly harsh and the only shelters were caves or "wickiups" of sticks, brush and grass. The growing season was short, and the Indians depended on berries, seeds and roots for a large part of their food. These Indians, unable to complete with the powerful tribes who hunted the abundant lower valleys and plains, stayed in the park area to hunt the elusive mountain sheep.

The famous Lewis and Clark Expedition of 1804 to 1806 missed the Park by about 40 miles. However, one of its hunters, John Colter who left the Expedition on its return trip to become a fur trapper, was the first known white man to explore the Yellowstone area. In the winter of 1807–1808, Colter happened upon Yellowsotne Lake and was amazed at the spouting geysers, boiling springs and bubbling mud pots that bordered it. Years later, when he returned to civilization, he told of what his eyes had seen, but no one believed him. Newspapers ridiculed him and referred to the region as "Colter's Hell."

In the 1830s and 1840s trappers worked the area. The famous mountain man Jim Bridger brought back descriptions of the region, and when he found he wasn't believed, added to them until his tales were only loosely based on the truth. It was 20 years before anyone else bothered to go look at the area.

Finally, the Montana gold rush of the 1860s brought civilization close to Yellowstone. Such fantastic tales began to spread that curiosity was aroused. In 1869 the Folsom-Cooke-Peterson Party set out on a two-month expedition for the sole purpose of exploring and reporting on the Yellowstone area. What these three men saw was so amazing that they were afraid of being ridiculed and made very few public statements. However, they privately told enough of their friends that a 19-man party made a second expedition in 1870.

Reportedly, it was on the last night this group of 19 men spent in the area that Cornelius Hedges proposed that the upper basin of the Yellowstone be set aside as a national park. Whether or not this is true, the members of the expedition engendered so much publicity about the wonders of Yellowstone that in 1871 there was an official government expedition by the United States Geological Survey led by Dr. F. V. Hayden. On March 1, 1872, three years before the Battle of the Little Big Horn, Congress established Yellowstone National Park "for the benefit and enjoyment of the people."

Wildlife in the park

The wilderness that surrounds Yellowstone's spectacular geologic phenomena is one of the reasons for the Park's existence. It is America's largest wildlife preserve, a total environment of plants and animals existing in a near-natural state. The majority of the Park is exactly as it was before man arrived.

The Park is abundant with both large and small wildlife. Both Grizzly and Black Bear can be found. The Black Bear may appear to be a fat clown rummaging through trash cans followed by one or two toddling cubs or panhandling along the road side for marshmallows or hot dogs. But this bear can shimmy up a tree in seconds, and although he may appear clumsy and lumbering, he can run at speeds up to 30 miles per hour.

The Grizzly, on the other hand, is a solitary animal, prefers the uninhabited parts of the Park, and is rarely seen.

Elk, moose and mule deer can be found grazing the quiet hills of Yellowstone National Park.

The Moose, the largest of Yellowstone's deer family, stands about six feet at the shoulders, is about nine feet long, and weighs 900 to 1400 pounds. In summer, 500 to 700 moose roam the Park. Usually alone, he prefers marshes and shores where his favorite food—water plants—grow.

Elk are the most common large animal in the Park and about 13,000 roam the meadows and hills in the summer. Males stand about five feet on the shoulder and weigh nearly 1000 pounds; females are smaller.

The Mule Deer is much smaller than the moose or elk, standing about three and one-half feet at the shoulder and weighing about 200 pounds. He is named for his large, mule-like ears and can be seen all over the Park in meadows and woods.

On a visit to Yellowstone Park, one is apt to see many of the other mammals that inhabit the area: buffalo, bighorn sheep, badger, coyote, bobcat, fox, wolf, otter, mink, beaver, muskrat and cougar. Also, chipmunks and squirrells of several varieties are seen playing around campgrounds where visitors have left cookies, crackers and candles.

Because of the abundant, fish-filled waters, Yellowstone is a favored area for water fowl the year round. The rare trumpeter swan, a large white bird with wing spans up to 7 feet, nests in the Park. The great blue heron, standing four feet tall, wades in Park waters; the black double crested cormorant with his long, S-shaped neck perches nearby. Canadian geese and ducks of many kinds bob on the lake surfaces, and gulls, fish-eating hawks and gangly pelicans skim over the water's surface.

About 200 species of small perching birds are found in the Park, as well as the Bald Eagle.

Streams and lakes are stocked, and the waters provide good to excellent fishing for the angler.

The main tree found in the Park is the lodgepole pine which makes up about 80 percent of the forests. Spruce and fir make up the remaining forest growth. Smaller foliage varies from sagebrush and rabbitbrush in drier sections of the Park to willow groves in the moist, damp areas.

Wildflowers grow throughout the Park, including the Rocky Mountain fringed gentian, the official Park flower.

GRAND TETON NATIONAL PARK

A one-day stop will be made on the Subcommittee's tour in Grand Teton National Park, which is just south of Yellowstone. The Park encompasses the loveliest parts of the magnificent Teton mountain range, possibly the most photogenic and the most photographed range in America.

Geology of the park

The Teton range, a north-south buckle in the earth's crust some 40 miles long and

15 miles wide, rises abruptly from a broad, flat valley in northwestern Wyoming.

Like the rest of the Rockies, the Tetons were once the shifting sands of ocean beds. Tens of thousands of feet of marine sediment accumulated, leaving remains of life's evolutionary stages, still evident in some of the bottom strata of the mountains.

Very gradually, uplifting and tilting of these layers of ocean sediment began. Great sections of western Wyoming warped and buckled, while some sections broke free along fault lines and were pulled or pushed downward some two and a half billion years ago.

These rocks, formed and molded by heat and pressure deep within the earth, compose the bases of the lofty Teton range and are characterized by black and white granite scattered with countless varieties of colored rocks forming intricate networks and patterns.

The tilting was followed by volcanic eruptions which lay thick lava beds upon the granite, forming still evident black strata streaked with white.

By geological standards, the Tetons are a young range; in fact, they are still growing, hence the jagged and saw tooth appearance and the height of from 5,500 to 13,770. It is estimated that only 15,000 years ago, these mountains stood a towering 30,000 feet above the valley.

The beauty is awesome. From the valley, one can gaze on the dark variegated grey rocks patterned with threads of lighter and darker strands of multi-colored rocks. At various times and seasons, the colors of the rocks change. Year-round snow caps accentuate and outline the rugged shapes of the range.

History of the park

The rugged terrain and the bitter winters of the Teton range forbade settlement by pre-historic man. No tribe claimed the area as its year 'round home and it was a no man's land to be used only by hunting parties in the summer months. Evidences of temporary camps of several tribes are found in the Park, but the first men to live permanently in Jackson Hole were whites.

The first man known to have explored the area and see the lofty Tetons rising out of the valley was, again, John Colter. Soon after this, British and French-Canadian trappers began working the Teton country.

With the wan of fur trading, the Teton area slipped out of history until government surveys began following the establishment of Yellowstone as the world's first national park.

The Army sent an expedition through the valley in the winter of 1876, and continued to use this route, bringing along artists, paleontologists. geologists, and a new group of trappers.

By 1884 a few permanent settlers were scattered over Jackson Hole, and the town of Jackson was well established by 1897.

The first stirrings of action for the Tetons came early in the 20th Century. In 1917 and 1918 Congress heard proposals to extend Yellowstone National Park 60 miles south to incorporate the Teton range. In dissention, the measure failed. In 1926, John D. Rockefeller, Jr. was so impressed by the valley that he began buying up land in hopes of a national park designation. When Congress considered establishing Grand Teton National Park in 1929, the controversy arose again over what acreage should be included, and Congressional action was delayed.

With pressure from the Rockefellers and their offer to donate the land they held to the Park, President Roosevelt decreed the area to be a national monument in 1943.

In 1950, nearly 80 years after Yellowstone's designation, Grand Teton National Park was established.

The wildlife of Grand Teton National Park

As World-wide Research and Publishing Company's guide to Grand Teton notes, "Grand Teton is a year 'round showcase for nature. The setting changes constantly. The magnetic blue-grey spires of the summer mountains become a white jagged backdrop for a frozen winter world. Hillsides that are buttercup yellow one season turn to blue with lupines for the next. Aspen groves that dance light green in June change to rivulets of gold on an October mountain."

Elk, moose, and mule deer represent a large portion of Grand Teton's wildlife, although an occasional bear, bighorn sheep and coyote can be spotted. The area is particularly abundant with water-mammals; beaver, weasel, mink, otter can be seen playing in the many mountain lakes.

Water fowl and fish complete the variety of animal life that makes an afternoon by the water's edge a remarkable experience in nature.

FOSSIL BUTTE

When the Western Field Trip was being planned, I suggested the inclusion of the proposed Fossil Butte National Monument, which despite a century of contributions to the earth sciences, has never received deserved national recognition.

As the sponsor of the House bill to designate this world-renowned scientific treasure, I welcome the attention of the Interior Subcommittee on National Parks and Recreation and hope it leads to the long-overdue favorable action on this legislation.

A treasury of fossils

Fossil Butte is located in the southwestern area of Wyoming, about 10 miles west of Kemmerer in Lincoln County. The proposed boundary encompasses some 8,200 acres. Of this amount, five per cent is private land; nine per cent is State land; and 86 per cent is Federal land administered by the Bureau of Land Management.

Within its boundaries is the greatest fossil-bearing formation in North America. With the recognition and protection provided by National Monument status, the area can display for the enlightenment of visitors those features of primary significance and those which tie the physiographic and geologic story together.

The story of life recorded at Fossil Butte reaches to the Eocene age, giving evidence of fresh-water fish which lived about 45 million years ago.

The Butte is a ruggedly impressive topographic feature, which rises sharply 1,000 feet above Twin Creek Valley to an elevation of over 7,500 feet.

The site is of major importance because of its unusual concentration of aquatic vertebrate remains. This is even more significant because known locations of fossil fish of any age are relatively rare, and yet at Fossil Butte literally thousands of fish fossils are present. With unequalled quality and quantity, the fossils represent the evolution and modernization of fresh water fish.

The base of Fossil Butte consists of brightly colored red, purple, yellow and gray beds of the Wasatch formation. The eroded portions of these horizontal beds slope gradually upward from the valley floor, and steepen abruptly. Overlying them and extending to the top of the Butte are the much steeper buff-to-white beds of the Green River formation, here about 300 feet thick.

The richest fossil fish deposits are found in limestone layers about three feet thick which lie from 30 to 300 feet below the varying surfaces of the butte.

The formation also contains very well-preserved insect fossils in layers near the top of the butte, and about a dozen species of such other invertebrate animals as snail, clams, and ostracods, along with fragments of a few birds and many plant remains, ranging from fossil palm and fern leaves to pollen.

Fossil Butte area is but a small part of a vast area in which the fine-bedded layers of the Green River formation make up much of the landscape. It is strategically situated, however, since it offers not only rich deposits, but outstanding examples of lake, shoreline and tributary river flood plain deposits.

A century of contribution

The first fish from the Green River formation were found along the Green River in 1856 by Dr. John Evans. A. C. Peale examined the Butte in 1877 and described it in the Hayden Survey report of that same year. A more comprehensive study was made in 1905 by A. C. Veatch and described in a U.S. Geological Survey Professional Paper two years later. A 1939 résumé provided by Hesse concluded, "Few museums in the world, certainly none of the larger ones, are without specimens of the fossil fish from the Green River shales of southwest Wyoming. These are prize exhibition specimens and no other fossil-bearing formation in North America has produced so many and such characteristic fossils as this great series of lake beds."

Despite this acclaim, Fossil Butte has yet to be accorded deserved recognition through designation as a National Monument. Beginning with the distribution of a Department of Interior preliminary report to members of the Wyoming Congressional delegation in 1962, passage of this legislation has been a continuing dream.

In this time, the boundary has been shifted to reflect the consensus and grazing provisions have been set which will result in no hardship. The energetic Kemmerer Boosters, including Don Kominsky of the Kemmerer Gazette, the Board of County Commissioners, including Wilford Williams, chairman, and Charles Julian and Harry Bruce, the city officials, personnel of the Resource Conservation and Development District, indeed, the entire population of Lincoln County, have sustained interest in this bill through the years of disappointment.

With the revisions and solidification of support locally, there remain no obstacles, save Congressional indifference, to the designation of Fossil Butte. It is, in every respect, highly suitable for national monument purposes.

Although fossil fish have been quarried there for almost a century, the potential has barely been touched. Past activity has centered at one small quarry on the south face of the Butte. Fossil deposits worked at this site are only a minute fraction of those remaining within the Butte; and ample opportunity for further exploration and in-place exhibition of fossil exists.

The area is very accessible, located just north of US Highway 30N and about 30 miles north of Interstate 80. Because of its proximity to some of the West's most colorful and scenic areas, Fossil Butte would make an appealing addition to any visitor's itinerary.

Less than 250 miles to the north are Yellowstone and Grand Teton national parks and less than 150 miles southeast is the increasingly popular Flaming Gorge National Recreation Area.

As a National Monument, protected and made available for public use and enjoyment, Fossil Butte would receive the national recognition it so richly deserves.

While continuing its contributions to the work of geologists, paleontologists, ichthyologists and botanists, Fossil Butte can also bring the visiting layman some appreciation for the wonders of the geologic past—an intangible reward beyond the measure of economics.

HOUSE OF REPRESENTATIVES—*Wednesday, September 8, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Let us hear the conclusion of the whole matter: Fear God and keep His commandments: for this is the whole duty of man.—Ecclesiastes 12: 13.

Eternal God, our Father, returning from our recess restored in mind and renewed in spirit, we come committing ourselves anew to Thee and trusting in the leading of Thy spirit as we face the towering tasks before us.

Grant that our President, our Speaker, and our Representatives may be endued with Thy wisdom and endowed with Thy power as they endeavor to lead our Nation in right and just and good paths. Help us to relate our resources to our responsibilities that we may truly meet the needs of our people and strengthen the cause of peace in the world.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2592. An act to amend the act entitled "An Act to regulate the employment of minors in the District of Columbia," approved May 29, 1928; and

H.R. 8589. An act to amend the Healing Arts Practice Act, District of Columbia, 1928, to revise the composition of the Commission on Licensure To Practice the Healing Art, and for other purposes.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 382. An act to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes;

S. 659. An act to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, the General Education Provisions Act (creating a National Foundation for Postsecondary Education and a National Institute of Education), the Elementary and Secondary Education Act of 1965, Public Law 874, 81st Congress, and related acts, and for other purposes;

S. 1852. An act to provide for the establishment of the Gateway National Recreation Area in the States of New York and New Jersey, and for other purposes;

S. 2216. An act to amend the Investment Company Act of 1940, as amended; and

S.J. Res. 72. Joint resolution consenting to an extension and renewal of the interstate compact to conserve oil and gas.

PROVIDING FOR A JOINT SESSION TO HEAR AN ADDRESS BY THE PRESIDENT

Mr. O'NEILL. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 395) and ask for its immediate consideration.

The Clerk read the concurrent resolution as follows:

H. Con. Res. 395

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Thursday, September 9, 1971, at 12:30 p.m., for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON THURSDAY, SEPTEMBER 9

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to declare a recess at any time on Thursday, September 9. The reasons for the request are:

First, to receive in joint session the President of the United States.

Second, to receive in joint meeting the Apollo astronauts, Col. David R. Scott, U.S. Air Force, Apollo 15 commander; Col. James B. Irwin, U.S. Air Force, lunar module pilot; and Lt. Col. Alfred M. Worden, U.S. Air Force, command module pilot.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that on Thursday, September 9, 1971, the date set for the joint session to hear an address by the President of the United States, only the doors immediately opposite the Speaker and those on his left and right will be open. No one will be allowed on the floor of the House who does not have the privileges of the floor of the House.

DISPLAY OF TEST MODEL OF LUNAR ROVING VEHICLE IN ROTUNDA

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, I am happy to advise all my colleagues that the Speaker has granted permission for the display of a test model of the lunar roving vehicle to be shown in the rotunda of the Cannon Building through 1 o'clock p.m., Friday, September 10, 1971.

This vehicle is essentially a duplicate of the vehicle used on the lunar surface by Apollo astronauts David R. Scott and James B. Irwin in their historic exploration of the moon in the area of the Apennine Mountains and Hadley Rille.

The vehicle on display helped to train the Apollo 15 astronauts in what has become perhaps the most concentrated, successful scientific exploration ever undertaken by man.

I urge all of my colleagues to view the Apollo 15 lunar roving vehicle on display in the rotunda of the Cannon Building on Thursday and Friday of this week.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

Washington, D.C.,
August 6, 1971.

The Honorable the Speaker,
U.S. House of Representatives.

Dear Sir: Pursuant to the authority granted on August 5, 1971, I have the honor to transmit herewith the following messages received from the Secretary of the Senate:

That the Senate passed without amendment H.J. Res. 833, making an appropriation for the Department of Labor for the fiscal year 1972, and for other purposes; and

That the Senate agreed to the conference report on H.R. 10061, making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1972, and for other purposes.

With kind regards, I am,

Sincerely,
W. Pat Jennings, *Clerk,*
U.S. House of Representatives.
By W. Raymond Colley.

DEATH OF FORMER U.S. SENATOR BOURKE B. HICKENLOOPER

(Mr. GROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, it is with sorrow that I announce to the House the death of the Honorable Bourke B. Hickenlooper, a former U.S. Senator from the State of Iowa, who died suddenly last Saturday morning while visiting friends in Shelter Island, N.Y.

Mr. Hickenlooper served for 24 consecutive years in the U.S. Senate and did not seek reelection in 1968. Prior to his election to the Senate he served as Lieutenant Governor and Governor of the State of Iowa.

Mrs. Hickenlooper preceded him in death last December. He is survived by a son and a daughter and four grandchildren.

Funeral services will be held tomorrow afternoon at Cedar Rapids, Iowa.

Mr. Speaker, at a later time I will ask for a special order so that others who wish to do so may join in paying tribute to the life and works of Senator Hickenlooper.

DEATH OF FORMER MEMBER, GERALD W. LANDIS

(Mr. MYERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MYERS. Mr. Speaker, all of those Members who served during World War II and the years immediately following will be saddened to learn of the death of Gerald W. Landis who served in the House of Representatives from 1939 to 1949. Gerald Landis devoted most of his 76 years to his Nation, State, and community. He was always considerate of the rights and the feelings of others. He was not one who struggled for headlines. He never tried to advance his own interests at the expense of others.

Gerald died on September 6, Labor Day, which takes on added meaning when you remember that he served as a member of the House Labor Committee and was the author of two major pieces of labor legislation. Landis was coauthor of the Taft-Hartley bill and the Landis bill which would have raised the minimum wage in 1947 from 40 cents to 60 cents an hour. Both were controversial measures which provoked long and heated arguments in Congress. In further recognition of his concern for the working men and women of the Nation and the importance of the mining industry to his district, Landis guided the first mine inspection law through Congress. He also introduced the first legislation calling for the creation of a separate Air Force Academy.

Gerald Wayne Landis was born in Bloomfield, Ind., February 23, 1895. He attended the public schools in nearby Linton; was graduated from Indiana University in 1923 and received a master's degree from the University of Illinois in 1938. He served as a lieutenant in the Army during World War I. A teacher, coach, and director of athletics in the Linton High School, Landis was elected to the 76th and to the four succeeding Congresses. In addition to the Labor Committee, he also served on the Mines and Mining, House Administration and House Un-American Activities Committee.

In 1950, Mr. Landis was named consultant to the Economic Stabilization Committee. He was named consultant to the Federal Housing Agency in 1953 and from 1954 to 1961 he served as Assistant to the Administrator of the Commodity Credit Corporation.

Returning to his hometown after more than 22 years service to his Nation, Landis was active in promoting the development of his community serving as president of the Linton Chamber of Commerce and later as its executive director.

All of us who knew him regret the passing of this fine, considerate and devoted American and extend our sympathy to his wife, Vera, and daughter, Mrs. Mary Lou Esterline, and to his sister and grandchildren. They can take comfort in the fact that he rendered distinguished service to his country and that he occupied a place in the hearts of all of us who knew him.

FORMER REPRESENTATIVE DOW W. HARTER

Mr. SEIBERLING. Mr. Speaker, it is with sadness that I read today of the death on Saturday of Dow W. Harter, a Democratic Member of the House of Representatives from 1933 to 1943. Dow W. Harter represented the congressional district that included the area of Ohio that I now represent. As a matter of fact, he replaced a cousin of mine, the late Representative Francis W. Seiberling

As chairman of the Subcommittee on Aeronautics of the House Military Affairs Committee, Representative Harter played a key role in the expansion of the air corps and eventually the creation of the Army Air Force.

My personal recollection of Dow Harter, however, centers around his stanch support of President Roosevelt and the legislative program of the Democratic Party in the dramatic years of the New Deal. Mr. Harter was a gentle person who shared the ideals of the Democratic Party and its concern for human needs. He was a devout person who, as I recall, taught Sunday school in Akron before he entered Congress. He was born in Akron and had a distinguished career as a practicing lawyer and a member of the State legislature before becoming a Member of this House.

To his sons Harry of Chicago and John of Lakeland, Fla., and to his four grandchildren and nine great grandchildren, I extend my sympathy. They may well be proud, as I am sure are those Members of this House who knew him, of the distinguished record of this fine public servant and human being.

MAJ. GEN. WINSTON P. WILSON RETIRES AS CHIEF OF NATIONAL GUARD BUREAU

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, the National Guard and the Nation lost the services of a truly dedicated and outstanding American at the end of August with the retirement of Maj. Gen. Winston P. Wilson as chief of the National Guard Bureau. A native of Arkadelphia, Ark., his military career began in May 1929 when he enlisted as an airplane mechanic in the 154th Observation Squadron of the Arkansas National Guard. He distinguished himself during World War II receiving the Army of Occupational Medal for Japan and the Philippine Liberation Ribbon.

General Wilson was named Chief of the Air Force Division of the National Guard Bureau in January 1954, and was named Deputy Chief of the National Guard Bureau in May 1955. He served in this position until September 1963, when he began serving a 4-year term as Chief of the Bureau following nomination by the President and confirmation by the Senate. He was renominated and confirmed for a second tour of duty in 1967.

Guardsmen throughout America will miss the guiding hand of General Wilson and we wish him well in new fields of life.

BAN BROADCASTING OF PROFESSIONAL FOOTBALL ON FRIDAY NIGHTS

(Mr. DORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORN. Mr. Speaker, last Friday night I was shocked and amazed that a professional football game was broadcast nationwide at a time when thousands of high school football teams were opening the 1971 season. Mr. Speaker, I am urging the Congress to consider the bill which I have introduced along with many colleagues which would prohibit the broadcasting of any professional game on Friday night which would conflict with America's greatest fall pasttime, high school football.

The broadcasting of professional football contests or games on Friday evening would eventually injure professional football and intercollegiate football. Virtually all professional football players started as amateur athletes. High school and college athletics are the source of their recruitment and professional ability. Should this source dry up or be handicapped, it will directly affect the caliber of professional competition. Literally millions of parents, students, and fans from coast to coast support high school football. The amateur high school athlete does not compete for pay. His reward is the backing of classmates, parents, and friends in the football stadium. High school football is supported and financed by the small admission fee. Should part of this support be enticed away for the viewing of professional football, it could destroy the game. The enthusiastic approval of football fans in attendance is necessary to maintain the competitive spirit, the desire to play, and the physical fitness of the high school athlete.

As this Congress returns from the Labor Day recess, I urge my colleagues to assign this threat to high school amateur athletics top priority. Mr. Speaker, my bill would amend the Telecasting of Sports Contests Act of September 30, 1961, to prohibit showing of professional football during the fall amateur football season.

LEADERSHIP BY PRESIDENT NIXON

(Mr. WYMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WYMAN. Mr. Speaker, President Nixon has acted courageously and forthrightly to combat inflation. He deserves the support of the Congress regardless of party lines in his efforts to stop the alarming rate of increases in prices and wages that not only undermines the purchasing power of the wage earner's dollar but the strength of our dollar in international exchange.

Of course there are inequities. Certain wage increases are justified, even past the arbitrary cutoff date of August 15. These will be worked out, for the last thing any President wants is to freeze injustices, economic or otherwise.

Hopefully the Congress can now help by limiting Government spending to Government revenues. Announced $25 billion deficits are enormously inflationary. If fiscal responsibility is to be imposed by Executive order pursuant to standby authority from the Congress, the least the Congress can do is to impose a requirement of fiscal responsibility upon the Government itself.

This Nation has no business continually overspending its revenues. I urge prompt enactment of my bill H.R. 6090 to require fiscal responsibility on the part of the Federal Government by act of Congress.

A PROPOSED CONSTITUTIONAL AMENDMENT TO OVERTURN THE SUPREME COURT DECISION ON SCHOOL BUSING

(Mr. THOMPSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Georgia. Mr. Speaker, during the congressional recess I spent over 3 weeks out in my State talking with people at all levels. I traveled over 3,300 miles. I found that the people of the State of Georgia are angry. They want to be left alone by the Federal Government. They want to be able to direct their own lives more than they are able to.

They were very upset about the fact that no one here in the Congress seems to be doing anything about the school busing issue.

Mr. Speaker, I introduced a proposed constitutional amendment in May to overturn the Supreme Court decision on school busing, and there are a number of cosponsors on this proposal.

I will begin this week, Mr. Speaker, to call a series of quorum calls, and I will be on the floor to acquaint the Members with any of the provisions of this, and urge them to sign the discharge petition which is now at the Speakers' desk.

HEARINGS OF DISTRICT OF COLUMBIA SUBCOMMITTEE ON THE JUDICIARY

(Mr. HUNGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNGATE. Mr. Speaker, the District of Columbia Subcomittee on the Judiciary will hold the following public hearings in room 1310, Longworth House Office Building, during the month of September: Monday, September 13 at 10 a.m., on H.R. 5501, H.R. 9893, H.R. 10175 and various other measures to amend the District of Columbia Election Act and for other purposes. Monday, September 20, at 10 a.m., on a draft bill to amend the District of Columbia Stadium Act of 1957 to provide for a sharing of the financial obligations of such stadium, and for other purposes. We would welcome any testimony Members of Congress may desire to offer.

CALL OF THE HOUSE

Mr. THOMPSON of Georgia. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 248]

Abourezk
Abzug
Addabbo
Alexander
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Arends
Aspin
aring
Eell
Betts
Blatnik
Boggs
Bray
Brown, Mich.
Caffery
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chisholm
Clancy
Clark
Clausen, Don H.
Clay
Collier
Colmer
Conyers
Cotter
Culver
Delaney
Denholm
Dennis
Dent
Derwinski
Diggs
Dowdy
Dwyer
Eckhardt
Edwards, La.
Eshleman
Evins, Tenn.
Fish
Flood
Foley
Fraser
Gallagher
Goldwater
Grasso
Green, Oreg.
Gubser
Haley
Halpern
Hamilton
Hanna
Hansen, Idaho
Hansen, Wash.
Hébert
Helstoski
Hillis
Holifield
Hosmer
Howard
Ichord
Jonas
Jones, Ala.
Kee
Koch
Landgrebe
Leggett
Link
Long, La.
Lujan
McClory
McCulloch
McEwen
McKay
McKinney
Macdonald, Mass.
Martin
Mayne
Melcher
Monagan
Morgan
Morse
Murphy, N.Y.
Nichols
Patman
Pelly
Pirnie
Price, Ill.
Pryor, Ark.
Quillen
Rees
Reid, Ill.
Reid, N.Y.
Rooney, N.Y.
Rostenkowski
Rousselot
Roy
Runnels
Ruppe
St Germain
Saylor
Scherle
Scheuer
Sebelius
Shipley
Sisk
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stanton, James V.
Stephens
Stokes
Stubblefield
Sullivan
Teague, Calif.
Teague, Tex.
Thone
Tiernan
Vander Jagt
Ware
Whitten
Wiggins
Wilson, Charles H.
Wyatt
Yates
Yatron

The SPEAKER. On this rollcall 301 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
August 10, 1971.

The Honorable the SPEAKER,
U.S. House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 2:30 p.m. on Tuesday, August 10, 1971, said to contain a message from the President transmitting the Annual Report of the National Corporation for Housing Partnerships for the period July 1, 1970 to June 30, 1971.

With kind regards, I am,
Sincerely,
W. PAT JENNINGS, *Clerk,*
House of Representatives.
By W. RAYMOND COLLEY.

ANNUAL REPORT OF THE NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The Speaker laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Banking and Currency:

To the Congress of the United States:

I am transmitting herewith the Annual Report of the National Corporation for Housing Partnerships for the period July 1, 1970 to June 30, 1971.

The Partnership was created under Title IX of the Housing and Urban Development Act of 1968 as a means of increasing the participation of private investors in providing new housing. In carrying out this purpose, the Partnership has, over the past year, given preliminary or final approval to 10,000 units of housing, consisting of 46 projects in 23 States.

It is clear that the Partnership will be an important part of our efforts to deal with the housing problems of the Nation. I commend this Report to your attention.

RICHARD NIXON.

THE WHITE HOUSE, *August 9, 1971.*

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
September 1, 1971.

The Honorable the SPEAKER,
House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 2:20 p.m., on Wednesday, September 1, 1971, said to contain a message from the President concerning the deferment of the January 1972 Federal pay increases.

With kind regards, I am,
Sincerely,
W. PAT JENNINGS, *Clerk,*
House of Representatives.
By BENJAMIN J. GUTHRIE.

FEDERAL EMPLOYEE PAY INCREASES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–158)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee on Post Office and Civil Service and ordered to be printed:

To the Congress of the United States:

On August 15, 1971 I announced a number of new economic initiatives to create new jobs, to hold down the cost of living, and to stabilize the dollar. In this connection, Executive Order 11615 calls for the development of policies, mechanisms and procedures to maintain economic growth without inflationary increases after the end of the 90-day freeze period which the order imposes. It is equally essential that the tax reductions which I recommend to the Congress, to provide a powerful stimulus to the economy, not be inflationary in their impact. A significant reduction in Federal expenditures is needed to provide a balance.

Still continuing emphasis will be placed on the exercise of responsible industrial and labor leadership throughout the Nation in the months to come, I must apply such fiscal restraints as will clearly signify the good faith of the Federal Government as a major employer, and to continue to set an example for the American people in our striving to achieve prosperity in peacetime. I place full reliance on the willingness of Federal employees along with their fellow Americans, to make whatever temporary sacrifices in personal gain may be needed to attain the greater good for the country as a whole.

Therefore, in consideration of the economic conditions affecting the general welfare, I hereby transmit to the Congress the following alternative plan, as authorized and required by section 5305 (c)(1) of title 5, United States Code:

> Such adjustments in the rates of pay of each Federal statutory pay system as may be required, based on the 1971 Bureau of Labor Statistics survey, shall become effective on the first day of the first applicable pay period that begins on or after July 1, 1972.

I recognize that delaying the scheduled January 1972 increase to July 1972 means that two increases will then become due within a period of approximately three months. Since I am unable to predict whether two increases in such a relatively short time span will have a damaging effect on the economy, I am not prepared to make a decision with respect to the October 1972 increase at this time. After reviewing the economic situation during the first half of 1972, I will give serious consideration to the need for an alternative plan to that scheduled increase. If I conclude that an alternative plan is necessary I will, in accordance with the aforementioned provision of law, submit such a plan to Congress before September 1, 1972. It appears highly unlikely that any such plan would involve a postponement of the October 1972 adjustments beyond January 1973.

Our Nation's public servants are entitled to a fair wage in line with the established policy of comparability with private enterprise; I regret the necessity of postponing pay increases, but our fight against the rising cost of living must take precedence. Of course, success in holding down inflation will benefit the Government worker as well as all Americans.

I urge your support of this postponement.

RICHARD NIXON.

THE WHITE HOUSE, *August 31, 1971.*

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C., *August 6, 1971.*

The Honorable the SPEAKER,
House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 3 p.m., on Friday, August 6, 1971, said to contain a message from the President transmitting the second annual report of the Council on Environmental Quality.

With kind regards, I remain,
Sincerely,
W. PAT JENNINGS, *Clerk,*
House of Representatives.
By W. RAYMOND CALLEY.

SECOND ANNUAL REPORT OF THE COUNCIL ON ENVIRONMENTAL QUALITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Merchant Marine and Fisheries:

To the Congress of the United States:

The First Annual Report of the Council on Environmental Quality, which I submitted to the Congress one year ago, described our principal environmental problems and set out in broad outline the directions in which I felt we should be moving. Now, as I submit to the Congress this second annual report, I am pleased to be able to say that we have made considerable progress towards achieving our environmental objectives during the past 12 months.

During the past year we have launched many initiatives to implement the broad recommendations contained in the first annual report. At the Federal level we have proposed sweeping legislative programs to the Congress, we have taken vigorous actions within the executive branch, and we have achieved increasingly effective cooperation with other nations. The States have likewise moved to meet environmental challenges with wide-ranging institutional changes and more effective laws.

While we still have a long way to go before we meet our ultimate objectives, it is important to emphasize that we are making substantial progress. For example, there is evidence that the air in many of our cities is becoming less polluted, although the data is still incomplete. Total emissions from automobiles and the use of persistent pesticides are going down. On the other hand, there is no basis for complacency, as the level of total pollutants in our environment is still rising.

We will continue to face difficult obstacles as we work to make our surrounding more liveable and more enriching. But even now we are demonstrating that our institutions can be made responsive to the need for environmental reform and that the quality of our environment can be substantially improved, if only we go about that task with sufficient will and sufficient energy.

1. REFORMING INSTITUTIONS—THE FIRST STEP

The barriers to long-range progress in the field of environmental improvement are serious and complex and varied. Some are technological, some are economic, some are social, some are political. But among the most substantial barriers to progress in this area are those which are institutional in nature.

In my environmental messages of 1970 and 1971 and in my message accompanying the Council's first annual report, I emphasized the pressing need to reform the machinery through which government carries out its environmental programs. These reforms have been progressing rapidly at the Federal level. In the Executive Office of the President, environmental policy is now being developed by the Council on Environmental Quality, a group which has been working effectively to broaden our perspectives and sharpen our insights concerning the underlying causes of environmental problems and the best methods of solving them. The Council is also responsible for coordinating all Federal environmental programs and for seeing that environmental values are given full consideration by all Federal agencies as they make their own policy decisions.

To administer and enforce our pollution control laws, we have established a new Environmental Protection Agency, giving new muscle—on a day-by-day basis—to our commitment to a cleaner environment. EPA brings together under unified direction our air and water pollution programs and our efforts in the fields of solid waste management, noise abatement, pesticide regulation, and radiation standard-setting. Already, during the first half-year of its existence, EPA has provided vigorous new leadership in all these areas. Together, the Environmental Quality Council and the Environmental Protection Agency provide a forceful institutional team for Federal environmental actions.

Finally, I have recommended to the Congress a new Department of Natural Resources with unified responsibility for energy, water and natural resource programs. Pollution control is not the only solution to the difficulties of our environment. We must also provide wide and coordinated management of all our natural resources so that man can live and work in greater harmony with the natural systems of which he is a part. I consider the Department of Natural Resources an integral element in our reform program and I again urge the Congress to approve this high priority proposal.

State governments are likewise moving boldly. From New York to Illinois to the State of Washington, the machinery for policy-making and for administration of environmental programs has been reformed and strengthened. As expected, the diversity of our country has been reflected in the many unique and innovative approaches that various States have taken to meet environmental challenges. Vermont, for example, has already adopted a program of State-wide land use authorities and it plans to supplement its water pollution controls with effluent charges. New York, Washington and Illinois have created new agencies and combined old ones in an effort to relate more effectively the functions of government to the problems of the environment. Other States are also moving to approach environmental issues in a new way.

2. FEDERAL DECISION-MAKING—THE NEW GROUND RULES

The National Environmental Policy Act requires that Federal agencies take environmental factors into full account in all their planning and decision-making. It requires agencies to describe in writing the environmental impact of their major decisions—along with alternatives to these decisions—and to make these assessments public. This process has fostered a wide range of basic reforms in the way Federal agencies make their decisions. And while some agencies still have considerable room for improvement in the environmental field, many are doing an excellent job of responding to environmental concerns.

It is critically important that these new environmental requirements not simply produce more red tape, more paperwork and more delay. Nor is there any reason why this should happen. In fact, the efficiency and responsiveness of Government is enhanced when environmental considerations are an integral part of decisionmaking from the time when a project is first considered and not merely added as after-thoughts when most matters have already been decided.

In some cases, of course, environmental considerations will require the modification or termination of a project. This is why, for example, I ordered a halt to further construction on the Cross Florida Barge Canal, despite the fact that some $50 million had already been spent on this project. I concluded, after receiving the advice of the Council on Environmental Quality, that the environmental damage which would result from its completion would outweigh its potential economic benefits.

In the final analysis, the foundation on which environmental progress rests in our society is a responsible and informed citizenry. My confidence that our Nation will meet its environmental problems in the years ahead is based in large measure on my faith in the continued vigilance of American public opinion and in the continued vitality of citizen efforts to protect and improve the environment.

The National Environmental Policy Act has given a new dimension to citizen participation and citizen rights—as is evidenced by the numerous court actions through which individuals and groups have made their voices heard. Although these court actions demonstrate citizen interest and concern, they do not in themselves represent a complete strategy for assuring compliance with the Act. We must also work to make government more responsive to public views at every stage of the decision-making process. Full and timely public disclosure of environmental impact statements is an essential part of this important effort.

3. THE WORLD COMMUNITY—NEW COOPERATION

In transmitting my second annual "Foreign Policy for the 1970's" message to the Congress, I said: "We know that we must act as one world in restoring the world's environment, before pollution of the seas and skies overwhelms every nation." I continue to believe that this challenge presents a great opportunity for U.S. leadership in international affairs.

The environmental concern that has been growing in this country has its counterpart in other nations. We have been encouraged to find that other governments are now acting to improve and expand their environmental activities and we have moved to cooperate with such activities whenever possible.

With Canada, for example, we are working to clean up the Great Lakes—and our joint efforts there may well become a model for regional cooperation in other areas of the world. With other nations, such as Japan and Mexico, we have also developed bilateral environmental initiatives. Within NATO's Committee on the Challenges of Modern Society we have reached agreement on the control of oil discharged by ships on the high seas. And in other international bodies—including the Organization for Economic Cooperation and Development, the Intergovernmental Maritime Consultative Organization and the Economic Commission for Europe—we are actively engaged in similar efforts.

The United States is playing an active role in the preparation for the 1972 United Nations Conference on the Human Environment. This Conference will bring the nations of the world together for the first time to develop global programs for environmental protection. It is our hope that this gathering will produce an important agreement on marine pollution, as well as the beginning of an effective international environmental monitoring effort. The Conference will provide an important opportunity for bringing all nations into the attack on the environmental problems of modern society and it will offer an especially important opportunity for helping developing nations cope with the environmental problems associated with industrialization and urban growth.

4. THE CONGRESS AND THE EXECUTIVE—A PARTNERSHIP FOR THE ENVIRONMENT

It is vitally important that the Congress and the administration work together to develop better environmental legislation, repairing old laws and creating new ones. I am pleased and gratified that many of the environmental programs which I have proposed to the Congress have been approved and are now being implemented.

The Congress presently has before it a number of separate bills and treaty actions which I discussed in my environmental message of February 8, 1971. In my judgment, these proposals represent the most wide-ranging and comprehensive legislative program for the environment in our entire history.

They include:

MEASURES TO STRENGTHEN POLLUTION CONTROL PROGRAMS

—Charges on sulfur oxides and a tax on lead in gasoline to supplement regulatory controls on air pollution.

—More effective control of water pollution through a $12 billion national program and strengthened standard-setting and enforcement authorities.

—Comprehensive improvement in pesticide control authority.

MEASURES TO CONTROL EMERGENCY PROBLEMS

—Regulation of toxic substances

—Regulation of noise pollution

—Controls on ocean dumping

MEASURES TO PROMOTE ENVIRONMENTAL QUALITY IN LAND

—A national land use policy

—A new and greatly expanded open space and recreation program, bringing parks to the people in urban areas.

—Preservation of historic buildings through tax policy and other incentives.

—Substantial expansion of the wilderness areas preservation system.

—Advance public agency approval of power plant sites and transmission line routes.

—Regulation of environmental effects of surface and underground mining.

FURTHER INSTITUTIONAL IMPROVEMENT

—Establishment of an Environmental Institute to conduct special studies and recommend policy alternatives.

TOWARD A BETTER WORLD ENVIRONMENT

—Expanded international cooperation.

—A World Heritage Trust to preserve parks and areas of unique cultural value throughout the world.

This program is designed both to reinforce existing efforts and to attack newly emerging problems such as noise pollution and the dispersion of toxic substances. One particularly important feature of this package of proposals is that it is geared to meet problems, such as ocean dumping, before they reach crisis proportions. It also seeks to supplement our present regulatory approaches by creating new economic incentives for the reduction of pollution. In addition, it emphasized strengthened efforts by State government.

Some of these initiatives already have been the subject of congressional hearings, but none have yet been approved by the Congress. I again urge the Congress to act expeditiously and favorably on these important measures. The problems will not wait and we dare not drag our feet as we move to meet them.

Even while this administration has been asking the Congress for strengthened enforcement authority, we have also been taking a number of other actions to crack down on pollution by using existing authority. In the course of this effort, we have moved against a wide range of polluters, including cities and towns, companies and individuals.

Operating under authority granted by the Refuse Act, for example, I have instituted a program requiring a permit for all industrial discharges into the Nation's waters. The issuance of such a permit is conditioned upon assurance that water quality standards will be achieved. I believe this mechanism represents an important new tool for achieving our national water quality objectives.

We are also requiring that Federal agencies spend the necessary funds to avoid pollution as a result of their own activities and, where necessary, to provide abatement facilities. Some 250 million dollars is included in my 1972 budget request for this purpose.

I have also consistently urged a stronger effort to encourage the better conservation and management of our natural resources. As one step in this effort, we have redirected Government procurement policies to encourage the increased use of recycled paper. And we are actively considering other, similar changes in procurement policy. Meanwhile, to help keep the evidence of our history intact for future generations, I have issued an Executive order requiring the protection of historic properties by Federal agencies.

5. A SENSE OF REALISM

All of these actions will help make our country a better place to live. But we should not expect environmental miracles. Our efforts will be more effective if we approach the challenge of the environment with a strong sense of realism. We should not be surprised or disheartened, for example, if some problems grow even more acute in the immediate future.

We must recognize that the goal of a cleaner environment will not be achieved by rhetoric or moral dedication alone. It will not be cheap or easy and the costs will have to be borne by each citizen, consumer and taxpayer. How clean is *clean enough* can only be answered in terms of how much we are willing to pay and how soon we seek success. The effects of such decisions on our domestic economic concerns—jobs, prices, foreign competition—require explicit and rigorous analyses to permit us to maintain a healthy economy while we seek a healthy environment. It is essential that we have both. It is simplistic to seek ecological perfection at the cost of bankrupting the very tax-paying enterprises which must pay for the social advances the nation seeks.

We must develop a realistic sense of what it will cost to achieve our national environmental goals and choose a specific level of goal with an understanding of its costs and benefits. One of the strengths of the accompanying report, in my view, is that it sets out—clearly and candidly—both the costs and the benefits of environmental protection as they are now understood.

The work of environmental improvement is a task for all our people. It should unite all elements of our society—of all political persuasions and all economic levels—in a great common commitment to a great common goal. The achievement of that goal will challenge the creativity of our science and technology, the enterprise and adaptability of our industry, the responsiveness and sense of balance of our political and legal institutions, and the resourcefulness and the capacity of this country to honor those human values upon which the quality of our national life must ultimately depend.

Richard Nixon.

The White House, *August 6, 1971.*

AUTHORIZING HON. CARL ALBERT TO ACCEPT AN AWARD CONFERRED BY THE PRESIDENT OF THE PHILIPPINES

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 850) to authorize the Honorable Carl Albert, Speaker of the House of Representatives, to accept The Ancient Order of Sikatuna (Rank of Datu).

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mr. Flynt). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the joint resolution as follows:

H.J. Res. 850

Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled, That the Honorable Carl Albert, Speaker of the House of Representatives, is authorized to accept The Ancient Order of Sikatuna (Rank of Datu), an award conferred by the President of the Philippines, together with any decorations and documents evidencing such award. The Department of State is authorized to deliver to the Honorable Carl Albert any such decorations and documents evidencing such award.

Sec. 2. Notwithstanding section 5 of the Act of October 15, 1966 (80 Stat. 952; 5 U.S.C. 7342(d)), or other provisions of law to the contrary, the Honorable Carl Albert may wear and display the decoration mentioned in section 1 after the acceptance thereof.

The joint resolution was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT OF 1971

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 554 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 554

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9727) to regulate the dumping of material in the oceans, coastal, and other waters, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Merchant Marine and Fisheries now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Indiana is recognized for 1 hour.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. Smith), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 554 provides an open rule with 2 hours of general debate for consideration of H.R. 9727, the Marine Protection, Research, and Sanctuaries Act of 1971. The resolution also makes it in order to consider the committee substitute as an original bill for the purpose of amendment.

The purpose of H.R. 9727 is to regulate the dumping of material in the oceans, coastal, Great Lakes, and other waterways.

The transportation and dumping of radiological, chemical, or biological warfare agents and high-level radioactive wastes would be banned. Also, a ban would be placed upon the transportation and dumping of all other waste material, unless authorized by a permit to be issued by the Administrator of the Environmental Protection Agency or the Secretary of the Army, as the case may be.

Title I of the bill provides a comprehensive system for the regulation of transportation for and the dumping of materials. The major impact of this legislation will be felt in the coastal, Great Lakes, and estuarine areas.

The Administrator of the Environmental Protection Agency is authorized to issue permits for the transportation and dumping of materials when he deems it will not degrade or endanger human beings or the marine environment.

The Secretary of the Army is authorized to issue permits for the transportation and dumping of dredged or fill material. Penalties are provided for violation of the regulations.

The sum of $3.6 million is authorized for fiscal year 1972. Projections for the following 5 years are: 1973, $5.6 million; 1974, $5.9 million; 1975, $5 million; 1976, $4.9 million; 1977, $4.7 million.

Title II of the bill authorizes and directs the Secretary of Commerce to develop a program of research on the effects of ocean dumping. Necessary funds for this program are authorized not to exceed $1 million for each fiscal year 1972, 1973, and 1974.

The Director of the National Science Foundation is authorized and directed to initiate a research program regarding long-range effects of pollution, overfishing, and man-induced changes of ocean ecology systems. Necessary funds for this program are authorized not to exceed $1 million for each fiscal year 1972, 1973, and 1974.

Title III deals with the need to create a mechanism for protecting important areas of the coast from intrusion. The Secretary of Commerce is authorized to designate certain areas up to the Continental Shelf as marine sanctuaries. Penalties are provided for violations. Necessary sums are authorized not to exceed $10 million for each fiscal year 1972, 1973, and 1974.

Mr. Speaker, I urge the adoption of the rule in order that H.R. 9727 may be considered.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 554 provides for an open rule with 2 hours of general debate for consideration of the bill H.R. 9727 known as the Marine Protection, Research, and Sanctuaries Act of 1971. It makes the committee substitute in order as an original bill and open for amendment.

Mr. Speaker, the purpose of the bill is to prohibit the transportation or dumping into the ocean or coastal waters of dangerous materials, to ban other dumping of waste materials without a Federal permit, and to provide for the creation of marine sanctuaries in cooperation with the interested States.

The growing pollution of the oceans, and in particular of our coastal waters, is becoming a serious problem. This problem has been recognized by President Nixon, who in October 1970, sent to the Congress a message proposing legislation to deal with the question. Legislation embodying his proposals has been introduced in the 92d Congress (H.R. 4723) and is the basis of this legislation.

The bill will order an absolute ban upon the dumping of radiological, chemical, or biological warfare weapons or materials and high-level radioactive waste materials into the oceans or coastal waters of the United States. This will effectively prohibit the dumping of such materials manufactured in the United States in any ocean waters any place in the world.

All dumpings of municipal, industrial, or other waste materials would be permitted, if such dumping had been previously authorized by the Environmental Protection Agency—EPA. The administration of the Agency is authorized to issue dumping permits for such waste materials under criteria the Agency establishes. Further, the Corps of Engineers will be required to follow such Agency-established criteria when issuing permits for such matters as harbor and river dredging and the dumping of such materials in coastal waters. No permit may be issued which would violate the criteria established by the Environmental Protection Agency, but the Corps of Engineers could override the objection of the EPA if it determines that there is no economically feasible alternative available.

Violators are subject to both civil and criminal penalty. The administration may assess a fine of up to $50,000 for any individual violation, after notice to the alleged violator and a hearing on the alleged illegal dumping. A violator who is convicted of "knowingly violating" the provisions of the act may be fined up to $50,000 and imprisoned for up to 1 year, or both. The Attorney General, as well as private persons, may bring actions in Federal district court for injunctive relief in order to prevent violations of the act.

Title II of the bill authorizes the Secretary of Commerce with authority to undertake short-term research on the environmental effects of ocean dumping. A 3-year program is authorized at $1 million per year. The National Science Foundation is authorized to develop a continuing research program on the long-range effects of ocean pollution and overfishing of the oceans. A 3-year program is authorized at $1 million per year.

Title III authorizes the Secretary of Commerce to establish marine sanctuaries in cooperation with the affected States—and even foreign countries. The aim of the program would be to protect scenic resources, natural resources, or living organisms. A 3-year program, including acquisition, development, and operation of such sanctuaries is authorized at a cost of $10 million for each year.

With respect to cost estimates of the program, the Environmental Protection Agency estimates its responsibilities under title I would cost $22,300,000 through fiscal 1977. The Department of Transportation, on behalf of the Coast Guard, estimates its costs through fiscal 1977 to be $7,300,000. Research programs authorized under title II are authorized at $2 million for each of 3 years, while title III's sanctuaries establishment program is authorized at $10 million per year, over a 3-year period.

The bill was reported unanimously by a voice vote. It is supported by the administration.

Mr. Speaker, I urge adoption of House Resolution 554.

Mr. MADDEN. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. DINGELL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9727) to regulate the dumping of material in the oceans, coastal, and other waters, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 9727, with Mr. PIKE in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Michigan (Mr. DINGELL) will be recognized for 1 hour, and the gentleman from Ohio (Mr. MOSHER) will be recognized for 1 hour.

The Chair recognizes the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, this bill would create a system for regulating the dumping of materials in the oceans, and the U.S. coastal waters.

Mr. Chairman, before I begin my comments on the bill I would like to pay tribute to the members of the committee and the members of the subcommittee, and to our invaluable staff who have contributed so much to the creation of the legislation now before the House.

I would like to pay particular tribute to several members of the committee, the gentleman from North Carolina (Mr. LENNON) the gentleman from Ohio (Mr. MOSHER) and the gentleman from Washington (Mr. PELLY) who have contributed invaluably of their abilities and of their corollary capacities in creating a bill which I believe very carefully represents the public interests, and a bill which merits the support of the Members of the House.

Mr. Chairman, essentially, this bill would create a system for regulating the dumping of materials into the oceans and U.S. coastal waters. It parallels, and in some respects expands upon legislation proposed by the administration earlier this year and submitted to the Merchant Marine and Fisheries Committee for its consideration. It is the first of the administration environmental proposals to have been reported on by any committee of either house. I will discuss the major points of difference between H.R. 9727 and the administration proposal somewhat later, but first I will describe the basic structure of the bill under consideration today.

Sections 1, 2, and 3 provide the bill's title, purposes and definitions. The definitions are broad, as you might expect, and cover the dumping of most materials into the bays, salt water harbors and lagoons, the Great Lakes, and those areas of the oceans falling within U.S. jurisdiction.

The core of title I of the bill is section 101, which creates an absolute ban upon the dumping of radiological, chemical, or biological warfare agents or high-level radioactive wastes by U.S. agencies, from U.S. territory or into U.S. territorial waters. The bill further prohibits the transportation or dumping of all other materials into U.S. waters and the oceans without a permit and also bars U.S. agencies or instrumentalities from transporting such material without a permit from any place outside U.S. territory for the purpose of dumping it into the oceans.

Section 102 provides general authority to the Environmental Protection Agency to issue permits for the transportation or dumping of materials other than first, those absolutely barred and, second, dredged and fill materials, where permit applicants show him that the environmental and economic impact of that dumping will not be unreasonably harmful. EPA is required to establish criteria for operating the permit program, taking into account a number of specific factors, and after consulting with other agency heads as to what those criteria should be. He is further authorized to establish times and sites within which dumping should take place or, on the other hand, may not take place.

Section 103 continues the authority of the Corps of Engineers to issue permits for dredge and fill operations after consultation with EPA, provided that these operations are consistent with the criteria established by EPA. Those operations are also subject to the authority of EPA to designate sites and times within which dredged and fill material may not be placed, where this is necessary to protect critical areas, except that the corps may override these designations in extreme cases. The corps must also follow the EPA criteria in carrying out their own dredging operations.

Section 104 establishes general ground rules under which permits are to be issued under the act. The permits are required to be fairly specific as to what operations are to take place, and fees may be charged to defray processing and reporting requirements. Both EPA and the corps may issue general permits to cover situations where there is a minimal environmental impact, and they may limit or condition the permits to bring them into line with the criteria earlier established. The section prescribes requirements, carried throughout the act, for notice and public hearings where appropriate. Applicants must provide the information required by the permit issuer, and that information is a matter of public record.

The penalty section, section 105, provides for both civil and criminal penalties, with a maximum in each case of $50,000 per offense. The bill follows the 1899 Refuse Act procedures of providing part of the criminal fines to persons giving information leading to conviction, subject to an overall limitation of $2,500 per offense. The Attorney General is also given the authority to seek injunctions to prevent violations of the act, as are private citizens, in language paralleling that adopted by the Congress last year in the Clean Air Act and proposed by the administration this year in its amendments to the Federal Water Pollution Control Act. There is an exception to the penalty provisions where material is dumped from a vessel in an emergency, to safeguard life.

Section 106 preempts other Federal laws which would otherwise regulate activities covered by this act except those actions under 1899 Refuse Act authority which were taken before the effective date of the title—6 months after enactment. EPA is required to consult with the Secretary of the Army when activity subject to an EPA permit might affect navigation. The bill supersedes State law as to ocean dumping, but does act to protect State interests by creating a procedure whereby the State may recommend criteria for adoption by EPA. If accepted, these are thereafter treated in like manner as other criteria adopted by that agency.

The balance of the title, dealing with EPA enforcement powers, its power to adopt regulations, requirements of international cooperation, repealers and savings provisions are what might generally be termed "boiler plate," and are, as far as the committee can determine, unexceptionable. The authorization is open-ended, since we have no experience with which to judge what the permit program should entail. The committee has estimated a 6-year cost of $29.6 million for carrying out title I of the act.

Title II of the bill is new. Essentially this title provides authority and responsibility for research on both the short-and-long-term effects of ocean dumping and other human activities—that may affect the ability of the world's oceans to provide food and recreation for generations to come.

The bill, as reported by the committee, designates this long-term research authority as the responsibility of the National Science Foundation. The committee has received a number of suggestions as to other "homes" for this program and the final decision was that an amendment would be offered at the appropriate time to vest this authority in the Department of Commerce, to be handled by the National Oceanographic and Atmospheric Administration. I cannot say that I am entirely happy with this decision—the reasons for my dissatisfaction are well known, I should think, to every Member of this body, and I will not go into detail at this time.

I would say that it is the clear understanding of the committee that the language in title II is not intended to be an invitation to NOAA to build a Navy or to engage in extensive in-house research activities. The funds provided in the title were kept deliberately small, so that it would be abundantly clear to all concerned that this work is to be carried out, where appropriate, through contracts with scientific and other groups, in this country—and in other countries, where proper—and that the major activities of the funding agency will be to see that these funds and contracts are carried out wisely and consistently with the purposes of the act. I can also assure the Department of Commerce that this committee will be watching very, very closely to see how the directives of title II are carried out—and to be certain that the intention of the Congress is carried out to the fullest extent. What the Congress gives, it can also take away, and if the Department of Commerce cannot or will not comply with this act, we will find someone else who can and will.

The position of the administration on this title is not altogether clear. The Office of Management and Budget has indicated that they consider it unnecessary, since it only reinforces comparable authority in other agencies, and undesirable, since it could be interpreted to limit, rather than expand, other ocean research programs. As to the first, I would say that while it may or may not be true that other agencies have authority to carry on this type of research, it is indisputably true that no other agencies are doing this research at this time. Ocean research is being carried on—this is true—but the type of ocean research contemplated by title II, which involves the development of an imaginative "early warning system" for ocean problems before they have become insoluble crises, has never been instituted or even contemplated.

As to the second problem, the fears of OMB are equally easily resolved. Let me make the record clear—the authority which we provide in this bill is in no way intended to limit or restrict any other agency's ocean research program, in the Department of Commerce or any place else.

Title III of the bill is new to the legislation, but bills to accomplish its objectives have been before the committee since the 90th Congress. It authorizes but does not direct—and this distinction may become important as the discussion of this bill proceeds—the Secretary of Commerce to designate certain areas of the oceans, coastal and other waters, as defined in the act, as marine sanctuaries. He may do so only after consultation with other interested Federal departments and agencies; designation of such sanctuaries will follow his conclusion that these waters are necessary to be preserved for their conservation, recreational, ecological or esthetic values. The title does absolutely nothing to extend the jurisdiction of this country over waters of any other nations, or to waters not already under U.S. jurisdiction by other statutory enactment or international treaty or convention.

The rights of the States are fully protected under this title: any State which would have waters within its territorial jurisdiction inside a sanctuary is given a "grace period" within which it may assent or disagree to the proposal. If it disagrees, the sanctuary designation is suspended as to those territorial waters.

The title also goes into some detail in the matter of public hearings on proposed sanctuaries—echoing a continuing concern of the committee that the public must be brought into the decisionmaking process and given adequate information in connection with matters arising under this act. It provides sanctions for acts which violate its provisions, and adds a $10 million appropriation authorization per year for the 3-year life of the marine sanctuaries program. At the end of that period the program may be extended—depending upon how effectively it has been carried out.

I must tell my colleagues that agencies downtown have also raised objections to this title of the act. We have considered those objections at some length, and would report to you that we do not find them sufficient to warrant amendment or rejection of title III.

The position of the Department of State, essentially is that any action to establish such sanctuaries at this time is premature and should await action to be taken by an authority not yet established, pursuant to a convention not yet proposed. Paralleling other reactions by the Department of Defense, State also suggests that national security interests are involved. Defense provides a little more substance to this skeleton, referring to its well-known preference for territorial seas as narrow as possible. OMB shares these apprehensions, and adds the possible loss of revenue as extra inducement for inaction.

I should begin by saying that all these agencies have known for over 2 months that the committee had the question of marine sanctuaries—and for that matter, research—under serious consideration. Representatives of three agencies were present during many of the committee's executive sessions. And yet it was not until yesterday, 2 weeks after the bill was reported out of the committee that we heard from the agencies downtown. This suggests that the dire consequences which they threaten may be less than real.

As to the merits of their contentions, these were all factors which the committee had in mind when it unanimously endorsed this legislation. Granted that some day all men may be wise and that man's activities which threaten critical offshore areas may be voluntarily curtailed, that time has not yet arrived. As the Santa Barbara incident showed with clarity, we often sacrifice important long-term values for short-term gain. What is needed is an expeditious means of protecting important values immediately, and this title III would do.

Let me stress the point that title III is permissive—it allows the Secretary of Commerce to declare sanctuaries in appropriate cases. We make no attempt to force him to do so. While it is conceivable that the views of future Cabinet officers may differ—and I have heard no suggestions that the present Secretary is overly well disposed to the protection of environmental values at the expense of resource exploitation—it is also clear that the means for resolving these disputes is in the hands of the President, who can instruct the Secretary to withhold sanctuary status from an area deemed important for military, resource, diplomatic, or any other reasons. In title III we do no more than provide the tools with which to preserve important assets for generations yet unborn.

It has been brought to my attention that efforts may be made to have part or all of titles II and III stricken from this bill. What the stated reasons for such a proposal may be I cannot say, but I can say that the committee will resist any such efforts strongly because we believe that they would seriously weaken the powerful environmental protection that they can afford. I repeat that these titles provide badly needed tools with which we may begin to repair some of the damage that has been done to the oceans in the past, and can protect important areas and resources from further impairment.

Recently I received a letter from a number of environmental and conservation groups urging support for these titles and rejection of any efforts to weaken the bill by changing it substantially from its present form. The gentleman from Washington (Mr. PELLY) ranking minority member of the committee, and I sent to each Member of this body a copy of that letter for their information.

We consider the retention of titles II and III as critical to the significance of this bill. Any effort to remove them should be seen for what it is: an attempt to minimize the considerable environmental protection that the bill affords. We will resist such efforts on this ground and for this reason.

Mr. Chairman and honored colleagues, I would say to you that H.R. 9727 is a sound and a necessary bill. I hope that this body will approve it and send it forward today.

Mr. Chairman, I insert at this point further material in support of this legislation:

WASHINGTON, D.C., *July 28, 1971.*

Hon. JOHN DINGELL,
Chairman, House Subcommittee on Fisheries and Wildlife Conservation, Longworth House Office Building, Washington, D.C

DEAR MR. DINGELL: National conservation and environmental organizations have long supported efforts for more intensive oceanic research and for establishment of sanctuaries to protect marine resources in connection with proposals to curb ocean dumping. Maintenance of water quality; conservation of marine organisms, including fisheries and other wildlife; and protection and planning for uses of coastal waters are closely interrelated factors for sound marine conservation. These factors must be considered together as a single entity if we are to curb use of the oceans, coastal waters, Great Lakes and connecting waters as dumping grounds of last resort.

You and other sponsors of the proposed Marine Protection, Research and Sanctuaries Act of 1971 have recognized this basic relationship. We wish to express our appreciation to you for bringing these elements together as an effective instrument for long overdue action in the field of marine conservation, and hope that it will be enacted by the House substantially as reported by your committee. These remarks are offered in response to your request for comments on H.R. 9727.

Sincerely,

W. Lloyd Tupling, Sierra Club; George Alderson, Friends of the Earth; Stewart M. Brandborg, Wilderness Society; Charles H. Callison, National Audubon Society; Thomas L. Kimball, National Wildlife Federation; Ted Pankowski, Izaak Walton League of America; Daniel A. Poole, Wildlife Management Institute; and Barbara Reid, Environmental Action.

MCNUTT, DUDLEY AND EASTERWOOD,
Washington, D.C., July 20, 1971.

Hon. ALTON LENNON,
Chairman, Subcommittee on Oceanography, Committee on Merchant Marine and Fisheries, House of Representatives, Washington, D.C.

DEAR MR. LENNON: In behalf of our clients in the dredging industry we wish to commend you for your untiring efforts in producing legislation (H.R. 9727) which reasonably balances a need to protect and preserve our environment with the need to protect navigation and to promote economic and industrial growth in the United States.

I know that you worked long and endless hours to produce a bill which would reflect the importance of navigational interests. All of us in industry recognize the dedication and devotion which you have given to this bill.

With best regards, I am
Sincerely,

ROBERT E. LOSCH.

AMERICAN INSTITUTE OF AMERICAN SHIPPING,
Washington, D.C., August 30, 1971.

Re H.R. 9727 "Marine Protection, Research and Sanctuaries Act of 1971."

Hon. E. A. GARMATZ,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. GARMATZ: The American Institute of Merchant Shipping is a national trade association composed of 35 United States companies which own and operate about 430 oceangoing vessels of all types registered under the U.S. flag. These vessels are engaged in the foreign and domestic trades of the United States and aggregate over 8,000,000 deadweight tons which represents in excess of 60% of the oceangoing tonnage in the U.S. merchant marine.

As you are aware, H.R. 9727 was reported favorably to the House in amended form by the Committee on Merchant Marine and Fisheries on July 13. Section 2 of the bill states that "it is the policy of the United States to regulate the dumping of all types of material into the oceans, coastal, and other waters and to prevent or strictly limit the dumping into the oceans, coastal, or other waters of any material which could adversely affect human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities. To this end, it is the purpose of this Act to regulate the transportation of material for dumping into the oceans, coastal, and other waters, and the dumping of material by any person from any source if the dumping occurs in waters over which the United States has jurisdiction."

I wish to take this opportunity to inform you that the AIMS and its member companies wholeheartedly support and desire to cooperate in the accomplishment of the above policy and purpose of H.R. 9727.

We would like to go on record as specifically supporting the provisions of Section 103 of the bill under which the Secretary of the Army and Chief of Engineers, Department of the Army, would retain the authority conferred upon them by the Acts of June 29, 1888 and March 3, 1899, to issue permits for the transportation of dredged or fill material for dumping into the oceans, coastal and other waters "where the Secretary determines that such transportation, or dumping, or both, will not unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities", as stated in Section 103(a).

As you know, the U.S. Army Corps of Engineers have been exercising this permit issuing authority for a period of 83 years and have acquired extensive experience and expertise in this area which is indispensable to the administration of the permit authority. As the problems of water pollution and maintenance of water quality became of increasing concern, they have become important factors in the evoluation of permit applications by the Army Engineers. Accordingly, the regulations of the Chief of Engineers governing issuance of permits now include strict requirements for evaluation of effects of proposed Federal and non-Federal works, including disposal of dredged material, not only in regard to navigation but also with respect to fish and wildlife, water quality, pollution, conservation, aesthetics, ecology and other environmental factors.

The AIMS, American Association of Port Authorities, American Waterways Operators and other navigation interests have taken the position that the authority to issue permits for the transportation and dispersal of dredged material resulting from waterway improvements should not be transferred from the Secretary of the Army to the Administrator of the Environmental Protection Agency for the reason that in the opinion of the navigation and port interests such action would seriously jeopardize the economic justification and progress of waterway improvement projects essential to the industrial development and economic growth of our nation.

We wish to point out that the paramount function and overriding concern of the Environmental Protection Agency Administrator is to preserve and protect the environment. For this reason we do not believe he would be in a position to evaluate on an impartial and equitable basis all factors related to a waterway improvement project which, in addition to environmental factors, would include the effect on navigation, economic and industrial development, and the foreign and domestic commerce of the United States. It is therefore logical to anticipate that the EPA Administrator would require dredged material to be transported for disposal far at sea or to inland locations. In either case, the effect of such a requirement on projects under study or recommended by the Corps of Engineers or authorized by Congress would be to greatly increase the cost of such projects, thereby jeopardizing their economic justification by adversely affecting the ratio of benefits to cost. You will note that Section 103(b) of H.R. 9727 is designed to avoid the above situation in the interest of the orderly and progressive development of our rivers and harbors.

We therefore strongly urge that you support H.R. 9727, particularly Section 103 as reported favorably to the House by the Committee on Merchant Marine and Fisheries.

Sincerely,

James J. Reynolds,
President.

Mr. MOSHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pinch-hitting today for our good friend Tom Pelly, the gentleman from Washington, who is the ranking member of the House Committee on Merchant Marine and Fisheries.

When I assert here my own enthusiastic support for the bill before us today, H.R. 9727, the Marine Protection, Research, and Sanctuaries Act, I am at the same time authorized also to express Mr. Pelly's complete and urgent support.

He and I, as ranking minority members of the two subcommittees that fashioned this legislation, worked closely with the gentlemen from Michigan and North Carolina, Congressmen Dingell and Lennon, our subcommittee chairmen, during the lengthy, often tedious, and difficult committee sessions which were required to produce this bill.

I salute our two chairmen for a remarkably cooperative, responsible, successful effort.

And I emphasize that this has been a completely bipartisan project. The bill as it is proposed here today had unanimous support of our minority side in the committee.

This legislation actually is the first of its kind in the world, and marks a turning point in man's destructive use of the sea as a garbage dump. Hopefully, in the near future all nations will follow our lead, recognizing that the global oceans can no longer tolerate our abuse.

Your Committee on Merchant Marine and Fisheries has been deeply concerned over the degradation of the marine environment for many years. It has, I believe, studied the problems of marine pollution and resource development in greater depth than any other body within or without the Congress.

At the same time, Mr. Chairman, our committee has fostered the sound development of programs to tap the vast resources of the sea to satisfy man's growing need for protein rich foods and for minerals of all kinds to sustain our industrial economy.

Illustrative of this work is the Marine Resources, Engineering, and Development Act of 1966. That landmark legislation was the culmination of work begun by our committee in 1959. The report of the Commission on Marine Science, which was established by that act, will stand for years to come as a national blueprint for intelligent utilization of the living and mineral resources of the sea.

Therefore, Mr. Chairman, we are no strangers to the twin issues of marine pollution and marine resource development.

Similarly, your committee was responsible for development of the National Environmental Policy Act of 1969 and the establishment of the Council on Environmental Quality—another giant step forward toward rational use of a limited and endangered water, air, and other resources so basic to human life.

The legislation before us today is another of these cornerstones designed to prevent the eventual collapse of our socio-economic structure. Hopefully, it will not only bring a halt to the more flagrant abuses of our crucial resource—the world ocean system—but will enable that system to restore itself to a healthier state.

The need for this legislation is apparent to anyone who has bothered to visit an ocean beach covered with refuse washed in on the tide, or to anyone who has seen the barge loads of garbage and debris parading daily out of every major U.S. seaport. Examples of this abuse are endless. The statistics are well-known to all of us.

We recognize that this nationwide practice of ocean dumping cannot be stopped over night. Our cities would sink in their own filth; our rivers and harbors would become clogged with silt; vital commerce would be jeopardized.

However, we are tardy in applying the brakes. Now, it is imperative to say "find another way and soon." That is what this bill demands.

Almost a year ago, your committee held day and night hearings hoping to avert the suddenly announced dumping of nerve gas into the ocean off Florida by the Army. Earlier in the year, hearings were held on the dead sea off New York, the so-called New York Blight, the most polluted area in the world.

The nerve gas dumping incident reverberated around the world and focused public opinion on the need for legislation. The New York Bight hearings illustrated what may happen near every major coastal city within a decade if steps are not taken now.

At the same time, the Council on Environmental Quality undertook a study of ocean disposal and in October 1970 issued its comprehensive report to the President. Draft legislation was submitted to Congress early in this session.

The President's draft legislation is embodied in title I of H.R. 9727. Essential corollary programs, added by our committee, are contained in title II—Comprehensive Research, and title III—Marine Sanctuaries.

As a representative of the Great Lakes area, I am pleased to emphasize that the Great Lakes are specifically included in the provisions of this bill.

Title I of the bill prohibits the transportation of material for dumping into the oceans and the dumping of material into our territorial waters or the contiguous zone, except as may be authorized in a permit.

Certain materials including high-level radioactive waste and warfare agents may not be dumped at all.

Permits will be handled by the Environmental Protection Agency with the exception of dredge spoil and fill material, which comes under the jurisdiction of the Corps of Engineers.

The Administrator of the Environmental Protection Agency must establish criteria for the guidance of his agency and the Corps in evaluating permit applications. Before a permit may be issued, the Administrator must find that the proposed dumping will not unreasonably degrade or endanger human health, the marine environment, or the economic potential of our ocean resources.

The Administrator may designate recommended dumping sites or times for dumping and, to protect critical marine areas, may designate sites which will be off limits for all dumping activities.

The Corps of Engineers must adhere to the EPA guidelines and must consult with the Administrator of EPA before issuing permits for dredged or fill material. The Administrator's designation of critical areas where no dumping may take place is binding upon the corps, unless the Secretary of the Army certifies that no economically feasible alternative site is reasonably available.

These then, are the broad outlines of title I, Mr. Chairman. Your committee has adopted a balanced position reflecting the urgent need to impose tight reins on ocean dumping while recognizing that our navigable waterways must be maintained.

The Corps of Engineers, like all of us, has awakened to the need for environmental protection. Its efforts during the past several years have been impressive. I do not anticipate that the Secretary of the Army will invoke the authority given him to disregard EPA site designations, except in very rare emergency situations. He is expected to adhere to the spirit, as well as the letter, of this legislation. The authority vested in him is a mark of our confidence and trust. It is not a license to avoid hard decisions and take the easy path.

In addition to the Corps of Engineers permit authority, your committee has introduced two other significant new concepts into this legislation. They are a modified Federal preemption and citizens' suits.

The bill as introduced gave our States the right to impose higher conditions on dumping within their coastal waters than may be imposed by EPA. It was unclear, however, how such additional conditions would be made effective; who would police them, and what impact such a provision would have where two or more States border upon a common body of water leading to the sea.

Your committee feels very strongly that uniformity of regulation is most desirable, yet there are circumstances which warrant the imposition of stricter conditions than may be generally needed. The bill, therefore, authorizes the States to recommend to the Administrator of Environmental Protection Agency additional conditions for permits or criteria for judging permit applications. Provided the State recommendations are not inconsistent with the purposes of the act, the Administrator of Environmental Protection Agency may adopt them. It is expected that the Administrator will give great weight to the recommendations of our coastal States and will, whenever possible, adopt their proposals. At the same time, the bill insures that only one agency will be responsible for the final development of criteria, and only two agencies, EPA and the corps, will issue permits. The alternative, a multiplicity of Federal and State criteria, regulations, and permits would be chaotic.

The citizen suit provision of this title will enable private parties to sue for injunctive relief. In this era of public involvement, such a provision is essential. The cost of clean water—the price tag on a livable environment—is high. Ultimately, each of us will be called upon to pay our share. We have a right, therefore, as citizens and taxpayers to play a role in this regulatory effort. Injunctive relief is the most appropriate judicial remedy. The legislation is carefully written to minimize the risk of nuisance suits and mere harassment. I feel sure that this provision will enable responsible citizens and groups to keep the involved Federal agencies, the States and permit holders on their toes.

Title II, Mr. Chairman, is a logical and necessary part of this legislation. It authorizes two research programs to monitor the immediate and long-range health of the oceans. In the short run, we must know whether this effort to curb ocean-dumping is paying off. The Administrator of Environmental Protection Agency cannot establish criteria for ocean-dumping permits in a scientific vacuum. Nor will he know whether his criteria are adequate once established, unless base lines from which progress can be measured are established at the same time.

Ocean dumping is, of course, but one of the significant problems confronting man in our continuing efforts to produce a healthy marine environment and utilize the oceans wisely. Long-range programs designed to probe the more subtle changes taking place in the oceans are necessary.

While it may be argued that there is broad general authority in many agencies to undertake such a long range program, your committee feels strongly that such general authority must be reinforced with an express directive. That is the purpose of title II.

It is not our intention that existing funds be reprogramed to carry out this title, or that it result in a net decline in our total scientific effort in the oceans, but rather that this grant of authority be taken as a mandate to do substantially more than is now being done to understand man's impact upon the sea.

Title III of H.R. 9727 complements titles I and II and emphasizes our national concern over indiscriminate and thoughtless utilization of the oceans. Its purpose is to insure the highest and best use of this national asset.

In discussing title III, Mr. Chairman, let me first assure my colleagues that I am not against the use of the resources of the sea—living or mineral—or the sea itself, to satisfy the needs of this Nation.

Your Committee on Merchant Marine and Fisheries began to move the Congress and the executive branch in this direction over a decade ago. The Marine Resources Act, the Sea Grant College Act, and innumerable other efforts by your committee testify to our involvement in marine resource development.

We also recognize, however, that this development must be conducted with an understanding and awareness of its consequences. Our coastal waters extending over the Continental Shelf support the greatest fishery resources in the world. They also contain vast unexplored, even unknown, mineral deposits which are vital to the future of our economy. Certain of these areas are especially valuable for recreation to the millions who live near the water—the majority of our people. Certain areas are unique from a geologic or biologic standpoint.

These various uses of the oceans, the water column, and the seabed can exist in harmony. They are not mutually exclusive nor incompatible. Experience with offshore oil platforms in the Gulf of Mexico has proven, for example, that a net increase in the fish population generally results.

Title III authorizes the Secretary of Commerce, who obviously would utilize the expertise of the National Oceanic and Atmospheric Administration, to designate as marine sanctuaries those areas which he determines should be preserved for their conservation, recreational, ecological or esthetic value. An initial designation must be made within 2 years.

Any designation of a marine sanctuary will only be made after consultation with the Secretaries of State, Defense, Interior, and Transportation and the Administrator of Environmental Protection Agency.

No sanctuary encompassing State waters may become effective as to those waters, if unacceptable to the Governor of the State.

The report of your committee makes it abundantly clear that the designation of a marine sanctuary is not intended to rule out multiple use of the sea surface, water column or seabed. Any proposed activity must, however, be consistent with the overall purpose of this title An inconsistent use, in my opinion, would be one which negates the fundamental purpose for which a specific sanctuary may be established.

This title, Mr. Chairman, is intended to insure that our coastal ocean waters are utilized to meet our total needs from the sea. Those needs include recreation, resource exploitation, the advancement of knowledge of the earth, and the preservation of unique areas. All are important:

This title is not designed to terminate the use of our coastal waters to meet any of these needs.

I would like to lay to rest the idea that this concept is contrary to our national posture on the law of the sea. It is not a case of creeping jurisdiction. It does not have extra territorial effect. The designation of a marine sanctuary beyond 12 miles is not binding on foreign nations; but legislation clearly directs the Secretary of State to seek foreign recognition of our marine sanctuaries through appropriate diplomatic channels. Your committee is fully aware of the limitations on our authority in this regard. Such traditional international rights as freedom of navigation and innocent passage are not disturbed by this legislation.

In conclusion, Mr. Chairman, the need for this legislation is clear. Your committee has devoted more consideration to the detailed provisions of this legislation than any other bill I can recall. It has the total support of all members of your committee. I urge its adoption.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. MOSHER. I yield to the gentleman from Michigan.

Mr. DINGELL. I rise to pay tribute to the gentleman from Ohio for the outstanding participation and for the great contribution he made in the creation of the legislation now before us. He and my good friend the gentleman from Washington (Mr. PELLY) have worked for months, and have been invaluable in presenting this legislation to the House.

Mr. MOSHER. I thank the gentleman from Michigan. I repeat the remarks I have already made, that the gentleman from Washington (Mr. PELLY) and I greatly appreciate the consideration of the two chairmen of the two subcommittees in their joint effort. It was a tremendous effort they made.

Mr. DINGELL. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Maryland (Mr. GARMATZ) the chairman of the Committee on Merchant Marine and Fisheries.

Mr. GARMATZ. Mr. Chairman, I rise in strong support of H.R. 9727 because I think this is a significant and essential piece of environmental legislation.

Basically, this bill is designed to establish a concerted, national policy on ocean dumping. It represents the first opportunity for the House to pass legislation to prevent the oceans from becoming dangerously polluted and perhaps irreversibly damaged.

Although my entire committee feels that rapid action on this bill is vital, I want to emphasize that its evolution through the normal committee process was neither hasty nor perfunctory. Every section was closely scrutinized, and the original administration bill was revised with the utmost care, and with much painstaking deliberation on the language the House now has before it for consideration. In addition to extensive hearings, long hours of executive sessions were held, and we estimate that more than 75 hours were spent on the legislation by the committee members.

During all those hours, Congressman DINGELL and Congressman LENNON jointly chaired those sessions, since the hearings were jointly held by the Subcommittee on Fisheries and Wildlife Conservation and the Subcommittee on Oceanography.

Since my distinguished and dedicated colleagues, Congressmen DINGELL and LENNON are such experts on this bill, I will be pleased to have them explain it in detail. I would like to say, however, that I consider this bill unique—partially because of the abnormal length of time and effort that was expended to hammer out legislation that would work but primarily because I think it sets an example and will provide useful guidelines for future environmental legislation. I say this because it attempts to guard against over-reaction to pollution problems by establishing a sensible and essential balance between the need to protect our environment and the need to maintain and promote industrial and economic development.

That kind of balance was not easy to attain, and this is one of the reasons the committee members worked so long and hard. Their efforts were rewarded, because they have produced a bill that will effectively protect and preserve the vast ocean resources, and at the same time, satisfy the justifiable concerns expressed during our hearings by industrial interests—such as the port authorities, and the steamship, dredging and chemical industries—which could have been adversely affected by legislation that was too hurriedly drafted.

It is also interesting to note that—perhaps for the first time—the representatives of some of these industries realized and admitted that they must make concessions and share the obligation to the Nation's ecology as well as to its economy.

Mr. Chairman, this is a good bill. It will fulfill a great and vital need. I earnestly urge my colleagues in the House to support and unanimously pass H.R. 9727.

Mr. MOSHER. Mr. Chairman, I think Mr. LENNON, the gentleman from North Carolina, should be accorded time at this point. I hope the gentleman from Michigan (Mr. DINGELL) will give him such time.

Mr. DINGELL. Mr. Chairman, I am indeed happy to yield 10 minutes to my distinguished friend and colleague, the gentleman from North Carolina (Mr. LENNON).

Mr. LENNON. Mr. Chairman, I rise in strong support of the bill before the committee today. It is, in my opinion, an effective bill, a rational bill, and a bill long past due.

For many years, this Nation, along with other nations in the world, have treated the oceans as an unrestricted dumping ground. Quantities of garbage, sewage sludge, laboratory wastes, contaminated dredge spoils, industrial wastes, munitions, and radioactive materials have all been casually disposed of into the ocean "sink," in ever increasing quantities, with little or no consideration of the impact on the receiving waters. In the past few years, we have begun to realize some of the consequences of our past actions. Our attention has been drawn to emergency situations where large quantities of nerve gas, enclosed in supposedly leak-proof containers, have been transported from the center of our country to be loaded on vessels for dispositon at sea. Congressional hearings to inquire into the need for such an action resulted only in declarations that it was too late to take any other disposal action. The truth of the matter is that no alternative plans were considered, and the nerve gas, together with its propellant charges, were simply allowed to reach a point where their threatened deterioration might create a major hazard unless they were immediately disposed of. The solution for the disposal was the selfsame ocean waters where the feelings in the past has been "out of sight, out of mind."

The various dumping activities have been coupled with agricultural runoff from the land and vast quantities of waste materials deposited into our river systems for transportation to the sea. Added together, they have had a massive deleterious effect on our offshore waters. Plants and animals have been killed by toxic wastes, areas of ocean bottom, such as the New York Bight, have been suffocated and turned into "ocean deserts," cancerous growths have been found on fishes in areas polluted by waste material, reduced growth rates and lowered reproductivity activity of fishes have occurred, the lower levels of the food chain in the ocean waters have been obliterated in some areas. The concentrations of pesticides and heavy metals have rendered some fish species unsafe for consumption and have threatened the existence of other species higher in the food chain, the oxygen in many water areas have been depleted below the level necessary either to support marine life or to degrade the deposited wastes, and beaches have been closed to swimming and shellfish beds closed to harvesting because of high concentrations of coliform bacteria and of viruses causing various types of infection and diseases.

Aside from the massive threat to animal and human health, the results of this pollution have caused significant economic losses. Resort areas have experienced a loss of income-producing visitors, and commercially valuable fisheries have suffered, with the loss to the shellfish catch alone estimated at $63 million in the 1969 harvest. This situation requires prompt action.

The bill before the committee today, H.R. 9727, as amended, will not correct present conditions overnight. It could not be expected to. But it is a start—a major step down the long road to correction. No longer need we be startled by the news that a shipload of munitions and chemical warfare agents has been scuttled at sea. No longer need we alert our coastal residents that their beach fronts are threatened by foul smelling garbage which is washing up on shore as a result of a trip by a "honey barge." Finally, no longer need we expose our coastal communities and the marine life at sea to the hazardous threat of packaged nerve gas carried through the countryside to a seaport community to be loaded aboard ship for transportation to sea.

The bill before you does several important things. In title I, it bans the transportation from the United States for dumping at sea of all radiological, chemical and biological warfare agents, as well as high-level or "hot" radioactive waste. It applies the same ban against dumping in any waters subject to the jurisdiction of the United States and finally, it applies the same ban to the U.S. Government and its officers and agents for transportation of such materials for dumping at sea from any sources outside the United States.

In addition, for materials other than those which are banned, title I provides for a permit system to be administered by the Secretary of the Army as to dredged or fill material and to be administered by the Administrator of the Environmental Protection Agency for the disposal of all other materials at sea, or in our coastal waters. Both the Administrator and the Secretary of the Army will be guided in issuing permits by criteria to be developed to serve as the standards under which permits may be issued. The criteria will require an evaluation of all pertinent factors before any material can be transported for dumping into the oceans, coastal and other waters. Some of the factors involved include the need for the dumping, its potential effect on human health and welfare, on fisheries resources and on the marine environment, and will further require an evaluation of the permanence or persistence of those effects, as well as the volumes and concentrations involved, and finally, a consideration of other feasible disposal methods, including land based alternatives.

The bill deliberately divides responsibility between the Environmental Protection Agency and the Corps of Engineers. All other Federal agencies, as well as local governments and private entities will be bound by their determinations. The major responsibility as should be apparent is given to the agency created last year for the protection of our environment. It is that agency which will be responsible not only for the permit system relating to most of the material types but will also develop, after appropriate consultation, the criteria under which its own permits, as well as the Army permits, are evaluated. At the same time, the bill recognizes the responsibility of the Army Engineers in the maintenance of our waterways and, therefore, leaves to the Army the permit system relating to the disposal of dredged spoils and fill material. In so doing, it authorizes the Secretary of the Army in his evaluations to consider specific potential impacts on navigation, economic and industrial development, and the foreign and domestic commerce of the United States in making his evaluation.

In my opinion, the result is a reasonable balance between the demonstrated needs to protect our marine environment, and the economic needs of our domestic and foreign water commerce. The Secretary, in effect, will be bound to follow the guidelines laid down to protect the environment unless he finds that in so doing necessary maintenance projects in the waterways would have to be canceled.

The bill also provides for appropriate public hearings on permit issuance when such hearings would serve a legitimate public interest. It consolidates the penalty procedures in one agency, the Environmental Protection Agency, which, coordinating as necessary with other agencies, particularly the Department of Justice, will insure a uniform application of penalty procedures. It places the surveillance and enforcement responsibility in one agency, the Coast Guard, and insures the necessary coordination between that agency and the Environmental Protection Agency. It provides for legal action by private citizens when violations are not expeditiously handled by the responsible officials, and finally, it directs the Secretary of State to seek effective international action for the development of appropriate international controls similar to the ones provided domestically by this act.

The bill includes two additional titles which are complementary to title I. The first of these focuses attention on necessary research to evaluate both short-term and long-range effects of ocean pollution thereby assuring that as ocean dumping procedures are tightened, acceptable activities in regard to disposal of materials at sea are not terminated.

Title III concerning the designation of marine sanctuaries provides a scheme whereby areas may be preserved or restored in order to insure their maximum overall potential and would, in effect, provide for rational decisions on competing uses in the offshore waters.

This legislation developed from an administration proposal and has been carefully considered in detail in joint hearings and executive sessions of the Subcommittees on Oceanography and on Fish and Wildlife Conservation. The bill before you today was unanimously reported out of the joint subcommittees. It was unanimously adopted and reported to the House by the Committee on Merchant Marine and Fisheries. It is my firm belief that it is an effective piece of legislation which will do much for the restoration of the oceans and coastal waters. I believe that in the years and decades ahead, this Nation will turn more and more to the oceans as a source of food and other resources. If that promise is to be realized, we must take necessary measures to reverse the degrading practices in which we have indulged ourselves in the past. This legislation represents the first step in those measures. I endorse it and solicit the support of all other Members.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. LENNON. I yield to the gentleman from New York.

Mr. BIAGGI. Mr. Chairman, I thank the gentleman from North Carolina for yielding, and I would like to associate myself with the gentleman's remarks.

Mr. Chairman, I rise in support of this bill which would strictly regulate the dumping of waste materials into the ocean and establish marine sanctuaries in our coastal and Great Lakes areas.

The committee has developed a good bill which enjoys the support of the administration as well as many conservation and wildlife preservation groups. In committee, we sought to strengthen the proposals of the President by requiring the regulation of radioactive wastes dumped by the Atomic Energy Commission and by requiring the Corps of Engineers to apply the Environmental Protection Agency's criteria when issuing permits for ocean dumping. The committee also felt a need to include an absolute ban on the dumping of chemical and biological warfare agents and high-level radioactive wastes.

Additionally this measure would require the Secretary of Commerce to establish marine sanctuaries in our coastal water and in the Great Lakes to preserve our shoreline waters for recreational, ecological, conservation, and esthetic values. The Secretary would also be instructed to investigate the extent of damage done to the ocean environment by man.

Thor Heyerdahl who has attempted to cross the ocean in a raft has professed horror over the extent of the pollution of the oceans. Even far out at sea the telltale and extensive presence of man is easily detected. Perhaps the most dominant source of pollution is ships which daily dump thousands of gallons of oil into our waters. Added to this is the frequent pollution of our coastal waters from tanker spills and oil drilling operations.

It was only a short while ago that New York City's Coney Island beach area was closed due to an oil spill from a Navy vessel. The damage to marine life caused by oil spills is extremely serious. I am sure that the research section of this bill will bring that fact out all the more clearly.

Because of the serious hazard posed by oil pollution, I intend to support the amendment offered by the gentleman from New York (Mr. LENT) and the gentleman from California (Mr. TEAGUE). Their proposal would merely place a moratorium on the issuance of permits for oil drilling in areas under consideration for marine sanctuaries.

Now this amendment will in no way eliminate offshore oil drilling. It will simply restrict it for a period of 3 years in certain areas. Once an oil spill from an offshore rig occurs the damage is irreversible.

If an area is under consideration for designation as a marine sanctuary, this amendment would assure that it has a chance of being in usable condition. I do not believe the amendment will be that crippling to the oil industry. There are ample offshore reserves to be tapped—none of which is in danger of going dry in the next 3 years.

This bill and the amendment to be offered deserves the strong support of this body. It shows the strong commitment that the Members of the 92d Congress have toward cleaning up and preserving our environment for the future. This is so little a price to pay for saving our oceans.

Mr. MOSHER. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. MAILLIARD).

Mr. MAILLIARD. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I wish to join my colleagues on the Committee on Merchant Marine and Fisheires in expressing my strong support for this legislation.

The world's oceans which cover nearly three-quarters of the earth's surface are indeed critical to our environment. Our weather is largely the product of the interaction between the sea and the atmosphere under the influence of the sun. The world's oceans support an intricate balance of life, both plant and animal. Upon this balance, depends the abundance of our world's fisheries. Our coastal waters provide recreation and inspiration for our people. Below those waters locked in the seabed are mineral resources, the extent of which we are only just beginning to grasp. These resources are a heritage for all mankind, and hopefully will enable us to sustain our society which is so dependent upon energy and raw materials for years to come.

We have not dealt with this vast resource wisely. We have assumed incorrectly that the oceans can continue to absorb our waste materials and somehow maintain the delicate balance of life. Pollution was once a problem only within a narrow belt in the so-called coastal zone where our rivers empty into the sea, and where our people are concentrated. During the past several decades, however, pollution of the seas has spread to the point where literally no body of water anywhere in the world is free from its effects. The population of the world is expanding at an ever-increasing rate. With this expansion, it can be expected that there will be an increasing tendency to turn to the oceans as a place to hide our waste materials. This tendency must be arrested before it is too late, while there is still time.

The enactment of H.R. 9727 will place the United States in the forefront of a worldwide effort to stop one of the most critical contributors to the pollution of the oceans, the dumping of waste generated by man on shore. The United States alone cannot accomplish this task. Efforts are being made to secure the adoption of an international ocean-dumping convention through the United Nations Conference on the Human Environment. The worldwide adoption of such a convention will enable the oceans to restore themselves through natural processes. More immediately, the enactment of this legislation will begin the process of cleaning up our most valuable and critical waters within the coastal zone area where most deliberate dumping occurs. It is this narrow belt of the ocean extending perhaps 100 miles to sea which supports our richest fishing areas, provides recreation for millions of people, and contains the petroleum and other mineral resources that can be extracted economically with the technology at hand.

The permit system established under this legislation is not a license to dump. Business as usual will not be tolerated. The Administrator of EPA, and the Secretary of the Army in the case of dredge spoil and fill material, must carefully weigh each application for dumping and determine that the activity can be undertaken in harmony with the needs of human health and the safety of the marine environment. We are placing upon the Administrator of EPA and the Secretary of the Army an extremely heavy burden. It will not be easy to make the decisions called for. Many hard decisions will have to be made; decisions which will compel, in many cases, our cities and industries to begin searching for other means to dispose of their waste.

The detailed provisions of this legislation have been fully explained by the distinguished chairman of the Fisheries and Wildlife Conservation Subcommittee, Mr. DINGELL, and need not be repeated. I will, however, comment briefly on several key provisions that bear emphasis. The scope of this legislation encompasses not only the oceans and our coastal waters but the Great Lakes and their connecting waterways. Steps already have been taken to prevent the death of the Great Lakes, but they are not enough. The Great Lakes are one of our national assets. No price tag can be placed on this asset. No step can be too great to protect them. In close cooperation with Canada, we are making progress. H.R. 9727 will contribute substantially to this effort.

The committee's action in expanding this legislation to encompass research and marine sanctuaries recognizes the fact that an essentially negative act preventing further dumping is not enough. Dumping in the oceans will not, of course, be totally eliminated overnight. Alternatives must be developed, ones which our hard-pressed cities can afford. In the meantime, we must monitor the dumping that is permitted to insure that the procedures we have established, the criteria which has been promulgated, are accomplishing a reduction in the overall level of pollution. We must also undertake to survey in a broad sense our coastal waters extending over the Continental Shelf to pinpoint those areas which are of particular value. In those areas, which we have termed marine sanctuaries, we should be certain that man's use of the sea or his intervention in the sea is in harmony with the unique attributes of the area. That is not to say that man should not go into the sea to exploit its resources, living and nonliving, but only that he must do this intelligently, giving due consideration to all of the uses and benefits which these areas may contribute for our well-being.

Title III of this legislation, therefore, is intended to assure the development of these resources and at the same time provide some legitimate protection against thoughtless abuse of the sea.

I urge my colleagues to support the Marine Protection Research, and Sanctuaries Act, as reported to you after the most careful consideration by your committee.

Mr. MOSHER. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. KEITH).

Mr. KEITH. Mr. Chairman, I join with the other members of the Committee on Merchant Marine and Fisheries in heartily endorsing this legislation and in their well-justified commendations of the leaders who have been so adept and so thoughtful and so perceptive in developing this concept and bringing it to the floor.

Mr. Chairman, I am particularly concerned that an effort may be made to strike the so-called marine sanctuaries title, title III, from the ocean dumping bill—H.R. 9727. You, too, should be concerned.

More than 4 years ago, specifically on July 19, 1967, I brought to the attention of the Congress that—

> Industrial and commercial development can go hand in hand with fishing, recreational, conservation, and scientific uses of the seas—if we are wise enough to see that these various uses are made compatible with each other.

In stating this concept, it was not my intent to be in conflict with those who seek to use these resources for industrial or commercial development; nor was it the purpose of our Merchant Marine and Fisheries Committee colleagues, who last July voted unanimously to incorporate this marine sanctuaries concept as title III of the legislation before us today.

In our long-considered, sober response to urgent public pleas to preserve our coastal waters and fisheries, it was not our intent to be punitive—nor to overreact to a most serious and worsening public problem. And we have not done so.

Title III in this bill is the result of 4 years of in-depth inquiry and consultation with all pertinent departments and agencies of the executive branch. Throughout this protracted period of investigation and consideration, the original marine sanctuaries concept has been changed from one which would have called for a complete oil drilling moratorium to one which would permit drilling within the purposes of this title.

Specifically, that purpose is to preserve or restore, for their conservation, recreational, ecological, or esthetic values, coastal and other waters as far seaward as the outer edge of the Continental Shelf. Most importantly, this title specifically authorizes the Secretary of Commerce to consult with the Secretaries of State, Defense, Interior, and Transportation, as well as with the Administrator of the Environmental Protection Agency—before designating any such area as a marine sanctuary.

Certainly we do not intend, here, to punish consumers by denying them the necessary food and energy of the sea and seabed. Neither, however, do we intend to be so responsive to the mineral interests that we adversely affect the essential protein resources of the sea.

I certainly believe in the dual usage concept for our coastal waters. But I also believe such dual usage must be balanced. Neither usage should be permitted to destroy the other. In short, we need the oil and gas and we need the fish, Our bill recognizes this key fact. And it provides the proper safeguards to preserve that balanced basis.

I must admit that the word, "sanctuaries," carries a misleading connotation. It implies a restriction and a permanency not provided in the title itself.

Title III simply provides for an orderly review of the activities on our Continental Shelf. Its purpose is to assure the preservation of our coastal areas and fisheries, thus protecting our source of protein and at the same time assuring such industrial and commercial development as may be necessary in the national interest.

Quite obviously, we seek proper and reasonable assurances against another Santa Barbara disaster. At the same time, we protect the full potential of all resources in, on, and above our Continental Shelf.

There is, today, much talk and great concern as to where our oil will come from 15 years from now. There is, on the other hand, much talk and great concern as to what may be left of our environment 15 years from now.

Title III gives more than mere consideration to both of these compelling national problems. It provides for multiple usage of the designated areas. It provides a balanced, even-handed means of prohibiting the resolution of one problem at the expense of the other. It guards against "ecology for the sake of ecology." It also guards against the cynical philosophy that the need for oil is so compelling that it justifies the destruction of our environment.

If we are as concerned as we claim about our environment, let us show it by accepting the recommendations of the Merchant Marine and Fisheries Committee and vote for the bill in its entirety.

Mr. MOSHER. Mr. Chairman, I yield to the gentleman from Delaware (Mr. DU PONT) such time as he may consume.

Mr. DU PONT. Mr. Chairman, I would like to begin by commending the distinguished chairman of the Committee on Merchant Marine and Fisheries and the gentleman from North Carolina and the gentleman from Michigan, who so skillfully steered this bill through a myriad of hearings and successfully brought it to the floor for a vote. I can think of no field that is more important to my district and my State than that of ocean dumping. The eastern border of the State of Delaware is the Delaware River, and

I am not proud to say I think it ranks very high among the most polluted areas of any in the United States.

This bill, I believe, will go a long way in curing that situation and bringing under control the unregulated dumping of garbage, chemicals, and other substances into the Delaware River and the waters adjacent to all our States that border on the oceans.

One of the problems that we face in any bill of this kind regulating pollution is the problem of the jurisdictional loophole, the jurisdictional overlap that would allow a polluter or a dumper somehow to escape prosecution because conflicting jurisdictions provide a legal loophole.

Our committee considered this subject at some length, and our initial concern was to see that this loophole was closed, but at the same time to assure that States had the opportunity to make their inputs into dumping law.

We came up with a compromise, not a bill that would completely pre-empt the States, but one which would allow the States to offer their own regulations, to allow the Secretary of EPA to approve those regulations and make them a part of the Federal law. This would do several things: It would permit those State regulations to be enforced in Federal Court. It would permit the broad injunctive powers of the Federal Courts to be brought to bear on polluters, and it would give very broad Federal jurisdiction, which is desperately needed, to solve ocean dumping problems. I believe that this compromise is an excellent one. It would allow the Federal Government to move swiftly and surely in the area of stopping ocean dumping at the same time it would allow States to put their inputs in where there are areas that are peculiar to those States and those regions which would be affected by ocean dumping.

So, I urge the members of the committee and the Members of the House to pass this bill as it stands and to bring into the law an effective device that will limit the pollution of our oceans and navigable rivers.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina (Mr. LENNON).

Mr. LENNON. Mr. Chairman, I yield whatever time he desires to the gentleman from Pennsylvania (Mr. BYRNE).

Mr. BYRNE of Pennsylvania. Mr. Chairman, I rise in support of H.R. 9727, as reported by the Committee on Merchant Marine and Fisheries.

I will not detain the committee long, but I feel it is very important to point out the urgent need for the proposed legislation which we are considering today. For too long we have discussed and bemoaned the deteriorating condition of our coastal and ocean waters, and have taken no action to correct the problem. Today, we have before us a bill which will accomplish that purpose. It resulted from committee consideration of more than 50 bills on the subject, cosponsored by more than a third of the membership of this House. Eleven Congressmen appeared to urge action before the subcommittees considering the problem.

I urge the membership of this body to endorse this work by the Merchant Marine and Fisheries Committee and take the first major step in protecting and restoring the quality of our ocean waters.

Mr. MOSHER. Mr. Chairman, I yield such time as he desires to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, I rise in support of H.R. 9727—the Marine Protection, Research and Sanctuaries Act of 1971. The information which has been obtained through committee hearings and the practical consequences of ocean dumping, of which I am sure you are well aware, can leave no doubt that immediate measures must be taken to preserve our marine environment.

In this time of oil spill disasters, unbridled dumping of waste materials in our waters and the resulting suffocation and poisoning of marine wildlife, it is clear that a stringent stand must be taken with regard to standardizing and controling dumping procedures. H.R. 9727, I feel, accomplishes this end.

H.R. 9727 provides not only for the control of dumping, but also for the study and research of the environmental effects of this harmful activity. This kind of research is greatly needed to define the problem, as well as to aid in the implementation of proposed programs designed to clean up and preserve our environment.

H.R. 9727 authorizes funds for the creation of marine sanctuaries, as well as outlining a procedure for controlling ocean dumping. I feel that efforts to preserve our environment and conserve our natural resources must be joined with efforts to control wasteful and destructive pollution. The Marine Protection, Research and Sanctuaries Act of 1971 provides this two-pronged approach.

The immediacy of the pollution problem cannot be overlooked. Steps must be taken now to halt the indiscriminate dumping of materials into our oceans. The long-run effects of dumping have not yet been determined, but it is evident that permanent and irreparable damage will be done if this menace to health and environment is not halted. I urge that you give careful consideration to the measure which is before you. We must stop the plague of pollution now, before the tragic and irreversible efforts of long-run pollution become a reality.

Mr. MOSHER. Mr. Chairman, I yield such time as he may desire to the gentleman from New Jersey (Mr. FORSYTHE).

Mr. FORSYTHE. Mr. Chairman, the legislation we are considering today, the ocean dumping control bill, is directed at one of the most serious environmental concerns facing our Nation.

H.R. 9727, the Marine Protection, Research and Sanctuaries Act, constitutes one of the most significant pieces of legislation in the field of ecology ever to come before this House.

It constitutes the first major step toward regulation of the dumping of wastes into our oceans, coastal and territorial waters.

It is a tough bill. It provides stiff penalties. It is aimed at preserving and improving the quality of our ocean waters, aquatic life and our beaches.

In my judgment, this bill is a truly significant start toward eventually eliminating the harmful dumping of wastes into the ocean.

One of the strong points, I believe, is that this bill regulates the transportation of wastes upon the ocean—not merely the dumping of undesirable material. Thus, if the Administrator of the Environmental Protection Agency determines that such dumping will be detrimental ecologically, the material may not be transported from the shores to be discarded anywhere in the ocean.

Another environmentally important aspect of H.R. 9727 is contained in title III, authorizing designation as marine sanctuaries those areas of oceans, coastal waters, and Great Lakes which are to be preserved for their conservation, recreational, ecological, or esthetic values.

Thus, the bill provides for establishment of ocean sanctuaries where no defilement by pollution will be permitted whatsoever. This section, in my view, must be retained.

In fact, any attempt to weaken the legislation now before us must be defeated if this House is really serious about combatting the threat of water pollution which does, indeed, face this Nation.

H.R. 9727 also provides for extensive research and monitoring of the effects of the dumping activities permitted under the bill, with a view toward making improvements in the future as they are required. It provides for a long-range internationally oriented research effort as to the global effects of human activities on ocean ecosystems.

No piece of legislation approved by this House is perfect, and there is one area in this measure which does cause me concern. That is the provision which supersedes any State regulation of ocean dumping activities.

Instead of being able to enforce their own ocean dumping laws, supplementing this new Federal measure, States would only be entitled to propose stronger regulating criteria to the Administrator of the Environmental Protection Agency for adoption after appropriate hearings and consideration.

Frankly, I question the wisdom of preventing States from seeking standards even higher than those encompassed in this bill. The EPA Administrator testified before our committee that he had no objection to the States having their own regulations and enforcing them. I must agree with his reasoning.

However, despite this provision, H.R. 9727 is designed to attack a problem that is immediate and severe and to provide a national policy on ocean dumping.

No one really knows how severe the problem of ocean pollution really is, or how long man can continue to contaminate his atmosphere. The true cost of our environmental destruction has never been tabulated. We can only guess.

But, Mr. Chairman, we can afford to wait no longer. We must pass this bill. We must demonstrate to the American people that Congress is ready, willing—and, yes, able—to act in this area of critical need. Let us not delay.

Mr. MOSHER. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama (Mr. EDWARDS.)

Mr. EDWARDS of Alabama. Mr. Chairman, for months, most of the talk surrounding the need for increasing antipollution efforts have been confined largely to the skies above us and the rivers and lakes which crisscross our vast Nation.

This has been good. But total, concern has spread more rapidly to the oceans around us.

It is now well beyond the realm of any doubt that the oceans of the world have gradually become one gigantic septic tank in which poisonous wastes are accumulating at rates many consider unusually alarming. Sailors are increasing reporting sightings of indsutrial spillage and polluted waste that heretofore seemed only to be a problem of our inland waterways.

Thor Heyerdahl, the noted world scientist and explorer of Kon Tiki fame and who, more recently sailed a replica of an Egyptian reed boat across the Atlantic, more than a year ago reported a number of sightings of large patches of oil and polluted waste which continually created navigational hazards.

A number of years ago, I recall seeing one of those Hollywood science fiction productions which dealt with the eventual destruction of our planet earth brought about by a form of air pollution which completely enveloped the world with a cover of hot, gaseous poison. An international conference was called into emergency session to deal with the problem and, fortunately, as most science fiction productions run their course, the world was eventually saved from total annihilation.

I shudder to think that this Nation and this world might now be approaching such a menacing turn of events. But the truth is that we are reaching that point insofar as our oceans are concerned. Certainly this is the case in the Gulf of Mexico.

Mr. Chairman, I firmly believe the provisions to combat this growing problem encompassed in H.R. 9727 will go a long way toward alleviating much of our concern over ocean pollution before it is too late. The bill is not perfect, but we have to get started. I wish to commend the chairman of the Merchant Marine and Fisheries Committee and his committee members for authoring this valuable and timely piece of legislation.

It is also reassuring to note that, in addition to the introduction of this bill, other national and international efforts are being pursued to help rid the world of this menace to human health, welfare, marine environment, ecology, and economy.

An international conference has been held in London to discuss the merits of a worldwide program to identify the most dangerous accumulations of ocean pollution. The results of such a program are to be presented to the United Nations Conference on the Human Environment scheduled next year in Stockholm.

And recently, here in Washington, the National Academy of Sciences issued a report by its Ocean Affairs Board calling for an ultimate end to the discharge of DDT and other chlorinated hydrocarbons into the oceans.

According to the report, probably close to a quarter of all DDT manufactured to date in the world is now in the oceans and most all salt water fish are contaminated with some type of poisonous residue.

Such pollutants, washed off the land into rivers or swept from the air by rain, tend to end up in the sea and the oceans are accumulating them at a more rapid rate than ever believed possible.

As an example of the killing effect of DDT on marine life, conservation officials along the south Texas gulf coast have reported a decline in the density of speckled sea trout from 30 an acre in 1964 to less than 0.2 per acre in 1969. A similar situation in the decline of marine life has been affecting waters off the Alabama gulf coast as well as other coastal areas of our Nation.

Mercury poisoning of fish which gained national notoriety over a year ago throughout many of the Nation's fresh water lakes and rivers has also become a scourge of the high seas. The reporting of high levels of mercury in tuna, swordfish, and other varieties of popular game fish has created considerable concern among the general public—for health reasons—and also among commercial fishermen, for economic reasons.

All of this evidence of pollution throughout the oceans of the world should be alarming enough to make every American and every citizen of the world aware of the urgency of meeting this menace head on now, not 5 or 10 years from now. There can be no alternative to the survival of mankind.

Mr. MOSHER. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. FREY).

Mr. FREY. Mr. Chairman, the Marine Protection, Research, and Sanctuaries Act of 1971 which we are voting on today is one of the most important environmental proposals to come before this Congress.

After hearings were held by the Merchant Marine and Fisheries Committee, of which I was a member in the second session of the 91st Congress, on ocean dumping, I drafted the first piece of legislation to comprehensively deal with this tragic problem. I reintroduced this bill together with 52 cosponsors early in this session, including Mr. LENNON, chairman of the Oceanography Subcommittee, and other members of the Merchant Marine and Fisheries Committee.

This bill is almost identical to H.R. 9727 which we are voting on today. H.R. 9727, similar to both my bill and the administration bill, prohibits the dumping of waste material into the ocean, coastal waters and estuarine areas, except under a permit signed by the Administrator of the Environmental Protection Agency.

However, the two major differences between my bill and the administration's were adopted by the committee and are included in H.R. 9727. These are the provisions for the creation of marine sanctuaries and the absolute prohibition of the dumping of certain kinds of materials. The inclusion of these two provisions, in my opinion, will substantially increase the possibility of preserving and protecting our marine environment.

Title III of H.R. 9727 will permit the Secretary of Commerce, acting through NOAA, to designate certain areas up to the edge of the Continental Shelf as marine sanctuaries, subject only to the powers of the Governors of the coastal States to approve or disapprove such portions of the proposed sanctuaries as may lie within the boundaries of those stated territorial jurisdictions.

The philosophy of establishing marine sanctuaries is that instead of designating areas where dumping may be conducted safely, we should determine which areas of our marine environment are most valuable and set them aside as sanctuaries. There is a need to relate the problem of ocean dumping to the broader problem of preserving certain ecosystems within the coastal zone areas. The need exists because the dumping of dredge spoil constitutes the largest single element in the growing volume of refuse being dumped into the ocean. And, most dredge spoil is dumped relatively inshore where it may and has contaminated the valuable shellfish and fish species therein.

The estuaries and shallow nearshore areas are biologically critical areas, as many marine organisms breed or spawn there. They should be delineated and protected. There have been heavy kills of fish and at least one-fifth of the Nation's commercial shellfish beds have been lost due to pollution. Shellfish have been found to contain hepatitis, polio virus, and other pathogens. In the lagoons and estuaries in Brevard County, Fla., for example, heavy freshwater runoffs from agricultural areas have resulted in the banning of shellfish harvesting, which was a major industry in the area. Lifeless zones in the marine environment have been created.

The other provision which was adopted from the legislation I introduced appears in title I. Section 101 completely prohibits the dumping of any radiological, chemical or biological warfare agent or high-level radioactive waste.

The serious adverse effects which the dumping of these materials could and do have, coupled with interim and long-term alternatives to their dumping in the oceans, has led me to conclude that no rational balancing of interests requires the use of our oceans and coastal waters for their dumping.

In some cases these alternatives actually cost less. And when you add in the ecological costs imposed on the marine environment by dumping at sea, in almost every instance it would be less expensive, in both economic and social terms to revert to landbased disposal system. Radioactive wastes can be entombed in salt mines and dismantled. Chemical and biological warfare material can be neutralized, incinerated, or buried. Of course, longer term alternatives such as recycling can and should be explored.

Studies made by the Council on Environmental Quality, the Coast Guard and the Department of the Interior all recommended that the dumping of these categories of material should cease entirely.

Mr. MOSHER. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. HUNT).

Mr. HUNT. Mr. Chairman, I rise in support of H.R. 9727. Like my colleague from New Jersey (Mr. SANDMAN) I believe this bill has been a long time in the making. I want to offer my congratulations to the committee for its good judgment in preparing this bill.

However, there are some portions of it that will undoubtedly come under careful scrutiny, because in my estimation they are not quite strong enough to suit our needs in the State of New Jersey.

As the gentleman from New Jersey (Mr. SANDMAN) noted, I think the strongest part of the bill we are speaking about today is the portion which relates to the granting of permits. Mr. SANDMAN went to considerable lengths in fighting off the pollution menace on our shores a short time back by going into court. We should not be so shortsighted as to consider only our own State in a parochial manner, because this is not just a problem which is confronting our individual States but is one which is confronting the entire world.

Anybody who witnessed what happened over the past weekend, especially on the Italian coast where pollution is so bad that the trees are dying and where the entire seacoast in some places is quarantined and anyone who has witnessed the situation in Hawaii, off Waikiki Beach, which is polluted, and anyone who has witnessed the situation on the shores of New Jersey, where we find a tremendous area, almost 100 square miles in size, of dead sea with no vegetation growing in the area because unscrupulous persons selected this site to dump materials which are foreign to our way of life, knows that we have to do something in order to correct the problem. It must be stopped.

We must stop talking about what we want to do and enact legislation such as this with teeth in it and which requires the proper prerequisites for a permit in order to get permission to dump noxious articles in the ocean.

Not too far in the future we will be relying more and more and more on our oceans and our seas for food in order to accommodate the rapidly growing population explosion which we are experiencing.

For that reason, Mr. Chairman, I think this is a good bill, but, in my estimation, it is only a step in the proper direction. We need further enactment of tough legislation to make this a reality in order to protect our shores from polluting enterprises.

Mr. MOSHER. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. TALCOTT).

Mr. TALCOTT. Mr. Chairman, the Marine Protection Research and Sanctuaries Act of 1971, which we are considering today, is one of the most important steps of environmental legislation ever to come before the House of Representatives.

Title I which requires a permit before any deleterious substances may be dumped into the ocean should provide the needed enforcement power to preserve the economic, esthetic and recreational values of our seas and coastlines.

The research program envisioned under title II of the act should provide the momentum needed to evaluate not only the long-term, but the short-term ecological effects as well as the economic factors involved.

I am particularly gratified that title III of the act provides for the establishment of marine sanctuaries. This embodies a proposal I made in 1967 following the Torry Canyon disaster off the coast of England. While dumping of harmful materials would be strictly policed in these specially protected offshore areas, the bill presently ignores the possible danger of oil spillage in our coastal waters.

Mr. Chairman, in order to correct this deficiency an amendment is being offered to title III of the bill. The amendment will preclude the Secretary of the Interior from issuing any new leases for the drilling or extraction of oil from any area designated, or under study for possible designation as a marine sanctuary. I strongly urge that this amendment be adopted.

The pushing of our land frontier westward from colonial days through the turn of this century is a fascinating saga and can be instructive to us in our present stage of history. This plentiful, beautiful land was laden with resources which fell prey to the ax, the shovel and the torch. The forests and mineral deposits appeared to be unlimited and the industries generally acted accordingly. When the resources became scarce or were depleted, we were forced to develop conservation practices to better utilize the remaining assets.

Man's frontiers today are largely in space and the oceans. Projections of wealth in the oceans, even greater than our western land frontiers, are spurring marine research—both governmental and private. We have begun to realize the bounty that is locked in our marine environment, but we must preserve the beauty also. Learning from history we must not follow the same course of wasteful exploitation when utilizing the resources of the sea. We must set aside some of our abundant seaward areas before they are exploited and laid waste.

We must, therefore, at this early stage in marine development enact this legislation which permits the designation as marine sanctuaries those areas of the oceans, coastal and other waters as far seaward as the outer edge of the Continental Shelf which are determined necessary for the purpose of preserving or restoring such areas for their conservation, recreational, ecological, or esthetic values.

Mr. Chairman, this important legislation deserves the unanimous support of the Congress.

Mr. MOSHER. Mr. Chairman, I have no further requests for time.

Mr. LENNON. Mr. Chairman, I yield to the gentleman from California (Mr. ANDERSON).

Mr. ANDERSON of California. Mr. Chairman, I, too, wish to rise in support of the bill, H.R. 9727, and commend the chairman of the Committee on Merchant Marine and Fisheries, Mr. GARMATZ, for the great work that he has done on this bill, and, particularly, to commend the chairmen of the two subcommittees, the gentleman from Michigan (Mr. DINGELL), who chaired the Subcommittee on Fisheries and Wildlife and the gentleman from North Carolina (Mr. LENNON), who chaired the Subcommittee on Oceanography and who held hearings both separately and jointly on this bill.

I was privileged to be a member of the two subcommittees and had a chance to see the tremendous amount of work, research, and effort that went into this bill. I know how many weeks of hearings and testimony there were on behalf of this bill and the various views presented, and I do not believe there have been many bills before us that have had the thorough airing by two important subcommittees that this bill has had. It has my support, and I want to commend those who have given leadership in bringing this much-needed bill before the House.

Due to the leadership and initiative of these three men, we have before us, for the first time, a national plan to control the pollution of our ocean and coastal waters. As our chairman, the Honorable EDWARD R. GARMATZ, said upon the opening of committee hearings earlier this year, this matter would comprise possibly "the most important consideration of environmental legislation to be held in this session of Congress."

PURPOSE OF THIS LEGISLATION

The purpose of the legislation before us is to prohibit unregulated dumping of waste material into the oceans, coastal and other waters.

In accomplishing this purpose, the transportation and dumping of radiological, chemical, or biological warfare agents and high-level radioactive wastes would be banned. There would also be a ban placed upon the transportation and dumping of all other waste material, unless authorized by a permit to be issued by the Administrator of the Environmental Protection Agency or the Secretary of the Army, as the case may be.

NEED FOR THIS LEGISLATION

The need for such legislation is obvious. According to the Council on Environmental Quality, 48 million tons of wastes were dumped at sea in 1968; 250 known disposal sites off U.S. coasts receive this tonnage of dredge spoils, industrial wastes, sewage sludge, construction and demolition debris, solid waste, explosives, chemical munitions, radioactive wastes, and miscellaneous materials. Further data indicate that the volume of wastes dumped in the ocean is increasing rapidly. Every body of water can assimilate certain amounts and kinds of waste products, but every body of water, including the ocean, has a limit.

The ill effects on marine life and the danger to humans are also of major concern. According to the October 1970 report of the Council on Environmental Quality:

> Shellfish have been found to contain hepatitis, polio virus, and other pathogens; pollution has closed at least one-fifth of the Nation's commercial shellfish beds; beaches and bays have been closed to swimming and other recreational use; lifeless zones have been created in the marine environment; there have been heavy kills of fish and other organisms; and identifiable portions of the marine ecosystem have been profoundly changed.

Also at stake is the question of the ultimate responsibility of the United States toward its neighbors. The migratory habits of ocean pollutants have become increasingly clear in recent years, as shown by discovery of toxic metallic substances in arctic animals. Only 3 months ago, a team of Columbia University scientists, working off Bermuda, determined that great patches of ocean, moved by the interaction of wind and surface agitation, spread pollutants up to 10 times faster than had been thought.

As stated by Paul R. Ehrlich and Anne H. Ehrlich in "The Food-From-the-Sea Myth," Saturday Review, April 4, 1970:

> No one knows how long we can continue to pollute the seas with chlorinated hydrocarbon insecticides, polychlorinated biphenyls, and hundreds of thousands of other pollutants without bringing on a world-wide ecological disaster. Subtle changes may already have started a chain reaction in that direction. The true costs of our environmental destruction have never been subjected to proper accounting. The credits are localized and easily demonstrated by the beneficiaries, but the debits are widely dispersed and are borne by the entire population through the distintegration of physical and mental health, and, even more importantly, by the potentially lethal destruction of ecological systems. Despite social, economic, and political barriers to proper ecological accounting, it is urgent and imperative for human society to get the books in order.

The dumping of wastes into our waters is a national disgrace. The legislation before us today is a strong bill which establishes national control standards and in so doing has taken the first steps to preserve the health of the oceans.

OCEAN DUMPING

H.R. 9727 is a comprehensive bill covering three major areas. Title I deals with the problem of the dumping of materials into the U.S. waters, and the transportation for dumping of materials from the United States by anyone, and the transportation for dumping from any place in the world by Federal agencies. Title I provides a comprehensive system for the regulation of these activities, the most notable of which is the issuance of permits by the Administrator of the Environmental Protection Agency after consultation with other agencies and in compliance with other established criteria.

COMPREHENSIVE RESEARCH OF OCEAN DUMPING

Title II directs Government agencies to encourage the study and discussion of the broad questions of the consequences of ocean dumping. Closely related to this is the need to monitor the world's oceans before new problems reach the crisis stage. Title II provides a mechanism by which the National Oceanic and Atmospheric Administration and the National Science Foundation would be encouraged to participate in international cooperation on these matters.

MARINE SANCTUARIES

Title III authorizes the Secretary of Commerce—after consultation with other Cabinet members—

> To designate as marine sanctuaries those areas of the oceans, coastal and other waters, as far seaward as the outer edge of the continental shelf as defined in the convention on the continental shelf . . . which he determines necessary for the purpose of preserving or restoring such areas for their conservation, recreational, ecological or esthetic values.

Before the Secretary could set aside such an area he would have to consider the views of affected States.

The Secretary's designation of a sanctuary would become final 60 days after it is proposed—unless the Governor of any State involved certified that the designation, or a specified portion of the area, was unacceptable to his State.

In such a case, the designated sanctuary would not include the area certified by the Government, until the Governor withdrew his certification of unacceptability.

The bill would require the Secretary of Commerce to make his initial designation of marine sanctuaries within 2 years following passage of the new law. Thereafter, he would periodically designate additional areas, submitting an annual report to Congress on his actions and recommendations.

The need to create a mechanism for protecting certain important areas of the coastal zone is not met by any legislation now on the books. It is hoped that the means of arriving at the designation of marine sanctuaries outlined in this section, such as appropriate consultation with State officials, and with Federal departments and agencies, will provide for complete coordination.

Jacques-Yves Cousteau, the well-known scientist and oceanographer, provided a statement which underscores the critical nature of the issues before us today:

> Because 96 percent of the water on earth is in the ocean, we have deluded ourselves into thinking of the seas as enormous and indestructible. We have not considered that earth is a closed system. Once destroyed, the oceans can never be replaced. We are obliged now to face the fact that by using it as a universal sewer, we are severely over-taxing the ocean's powers of self-purification.
>
> The sea is the source of all life. If the sea did not exist, man would not exist. The sea is fragile and in danger. We must love and protect it if we hope to continue to exist ourselves.

I strongly support this legislation and urge my colleagues to do likewise.

Mr. LENNON. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. PODELL).

Mr. PODELL. I thank the gentleman for yielding.

Mr. Chairman, I would like to ask the gentleman from Michigan if he would yield for a question.

Mr. DINGELL. I will be glad to respond to a question. The gentleman does have the time, I would say.

Mr. PODELL. It is my understanding that anyone who knowingly violates any provisions of this law is subject to a criminal fine of not more than $50,000 or imprisonment for 1 year or both. Am I also correct in understanding that an individual who even accidentally dumps pollutants is subject to a stiff civil penalty under the terms of this proposed legislation?

Mr. DINGELL. Yes; the gentleman from New York is entirely correct. All violators, both knowing and accidental, are subject to penalty under the provisions of this bill. Section 105(a) covers any accidental dumping, while section 105(b) covers a knowing, or a knowing and willful flaunting of the law.

Mr. PODELL. It is most gratifying to see Congress taking a strong legislative initiative in this most vital area. Pollution knows no boundaries and the situation is already close to being totally out of hand. We can no longer tolerate massive fish kills, heaps of dead wildlife, and bathing beaches closed down everywhere.

All Americans will benefit from passage of this legislation.

Mr. Chairman, in recent years, the threat of environmental pollution has increased with alarming rapidity.

We have all breathed the air, befouled with filth from factory smokestacks and exhaust fumes from millions of automobiles. We have seen our parks and highways contaminated with carelessly strewn wastepaper and discarded bottles. Our rivers are clogged with raw sewage, and our once vast forests are being ravaged by notoriously wasteful industries.

However, it is now both technologically and economically possible to reverse this trend of destruction. We have the scientific knowledge necessary to clean up our dirty air and water. We have the money which is needed to effect antipollution measures. The problem at hand is to make these funds available at the Federal, State, and local levels, to those who will carry through the necessary antipollution programs.

Let us take a close look at several of the areas where we have problems with pollution. Our waterways are infested with several types of pollution. Domestic sewage consumes 30 percent of our water's oxygen supply. The water's oxygen supply is necessary to the sustenance of numerous forms of plant and animal life. This domestic sewage also determines whether or not water will be contaminated with disease.

There are two methods of purification utilized by waste treatment plants in the processing of domestic sewage. The primary treatment removes floating and settling solids. This eliminates between 30 and 50 percent of the oxygen consuming agents from the water. A secondary biological process will remove up to 95 percent of these oxygen-consuming agents. Through this processing and recycling treatment, it is possible to return water, fouled with sewage, back to our drinking water system.

The Federal Water Pollution Control Administration has already built plants which are capable of maintaining such a "closed system." However, certain problems persist. Even after primary and secondary processing, not even chlorination will positively remove the disease-carrying bacteria from badly contaminated water. Also, the high cost of running such a system presently makes this method of pollution control unfeasible on a nationwide scale.

Although industrial and agricultural wastes do not account for a very substantial part of the disease-carrying capacity of our waterways, they do account for as much as 70 percent of the consumption of the water's oxygen supply.

It is difficult to determine the extent of agricultural pollution as the problem is not centralized in any particular locality. The problem results from the pesticide runoff from our fields and farms.

On the other hand, the extent of industrial pollution is more easily determined.

The producers of primary metals and chemical products contribute more than half of the waste water produced by industrial sources. Other major polluters in this area are papermills, food processors, and the oil and coal industries.

This list is endless when we consider instances which have led to the pollution of our water. We have the problems of high phosphate content in our detergents, disposal of nuclear wastes, acid mine drainage, and of course, numerous tragic oil spills.

Although it may not be as obvious, the air we breathe has also become laden with filth.

Seventy percent of free floating foreign matter is made up of invisible fumes of carbon monoxide, hydrocarbons, and oxides of nitrogen. These are the major elements of automobile exhaust. Of course, a great deal of our air pollution is the result of industry, but the great majority of it is emitted from our own automobiles. The fact that so much of the pollution in the air is invisible, and the fact that air cannot be centrally collected to be filtered through a processing plant, makes the task of cleaning a very hard one.

Congress can pass water pollution control legislation, but it is the individual citizen voting on a local bond issue who will stimulate the construction of waste treatment plants.

The Congress can pass legislation dealing with air pollution control, yet it is up to individuals in each locality to enforce these standards—to see that the local industries are not polluting unnecessarily—and even to purchase pollution control devices for their automobiles.

Mr. Chairman, many societies have risen and fallen through man's recorded history. Some have perished because of war. Our society is daily tearing apart the delicately balanced structure of our natural heritage. Nature always strikes back at those who abuse her. If we do not act now to redress the already perilous imbalance we have created, we shall perish too, in an overwhelming tide of filth, pollution, and disease, all done by our own hand. We shall not go out with a bang, but like a last spark winking out in a garbage dump.

Mr. LENNON. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. Howard).

Mr. HOWARD. I thank the Chairman for yielding.

Mr. Chairman, I am very, very happy that a bill concerning ocean-dumping sludge and other materials is being recognized by the Congress.

Mr. Chairman, it was just a short while ago that the first information came to our attention of the deplorable situation off the coast of New Jersey where there was a 20-mile diameter circle described as a "dead sea" which was caused by the dumping of sludge and other materials into the ocean over the past years.

Hearings have been held by this committee and by the Committee on Public Works on this subject and a great deal of information was brought forth concerning the damage that this indiscriminate dumping has done to the waters, to the shellfish, and to the beaches in that area.

Mr. Chairman, I am concerned with title II of the bill with reference to the research to be carried on having to do with ocean dumping. Section 201(a) deals with research that will be coordinated with the Secretary of the Department of Commerce and the Coast Guard in monitoring and doing research regarding the effects of these dumpings. The Congress is to be informed as to what the dumping is causing. However, I believe that we may be past that stage.

There is a great deal of information that the Congress has now as to the bad effects of dumping. What we need to do and to find out now is what we can do with the sludge. If it is too noxious to dump in the ocean, we certainly cannot spread it upon the land. We need some solutions. Solutions are not mentioned in the legislation itself, however, but in the committee print, it is described in section 201(a) where it states that this research money should be used for, among other things, finding "possible alternatives to existing programs."

I would like to know if it is the intent of the committee and if it is the intent of the Congress that this research money should be used, in part at least, toward finding ways of treating the sludge, ways of composting it or otherwise making it beneficial, or at the very least, making it neutral so that we will be aiming toward a solution of the problem.

Is this the intent of the committee, Mr. Chairman?

Mr. LENNON. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I yield to the gentleman from North Carolina.

Mr. LENNON. That was discussed, and while at this point in time we cannot be definitive as to what the research will develop in the future, I am grateful for the gentleman raising this question. Certainly, these two joint committees that have been involved in this matter intend to act as an oversight or monitoring committee of the activities of the agencies given the authority under this act.

We are grateful to the gentleman for bringing this to our attention. We have discussed it informally, but I do not recall that we got into the question specifically in considering this legislation, other than the fact that we felt that was what we hoped would come out of this.

Mr. HOWARD. In other words, from the research we may come through with these "alternatives"?

Mr. LENNON. That is correct.

Mr. HOWARD. I thank the chairman for his clarification and wholeheartedly support this legislation.

Mr. LENNON. Mr. Chairman, I yield 8 minutes to the distinguished gentleman from Colorado (Mr. Aspinall).

Mr. ASPINALL. Mr. Chairman, I dislike being placed in the role of the devil's advocate because everything has been so harmonious here this afternoon, but I think that there are some things about this legislation that the members of the committee should understand. This is not only an antidumping piece of legislation—and may I say I support title I wholeheartedly, and I shall support title II without too much difficulty—but title III is a usurpation without notice of the authority of the Secretary of the Interior, and to me this seems to be rather unreasonable and inconsiderate on the part of those handling the legislation.

Mr. Chairman, I regret very much that I must oppose title III of H.R. 9727 which provides authority for the Secretary of Commerce to designate marine sanctuaries within a broad area ranging seaward to the outer edge of the Continental Shelf and to regulate any activities permitted within the designated marine sanctuaries. This delegation of authority to the Secretary of Commerce is not appropriate, since the Secretary of the Interior already has responsibility for the Outer Continental Shelf lands.

Mr. Chairman, this is another case where proposed legislation involves the jurisdiction of several committees, but I submit that so far as what is proposed in title III of this bill is concerned, the primary jurisdiction lies with the Committee on Interior and Insular Affairs. The Committee on Interior and Insular Affairs has jurisdiction over the public lands generally, mineral resources of the public lands, petroleum conservation on the public lands, and mineral land laws, as well as outdoor recreation plans and the preservation of areas for ecological and esthetic values. There is no question but that this legislation is directed at the mineral leasing program authorized by the Outer Continental Shelf Lands Act over which the Interior and Insular Affairs Committee has oversight responsibility. The OCS Lands Act is considered a public land law and responsibility for its administration has been given to the Department of the Interior.

The term "public lands" was defined by the Congress in the Withdrawal Act of 1958 as including lands and waters of the Outer Continental Shelf. The jurisdiction presently claimed by the United States beyond the territorial sea pertains only to the natural resources of the Outer Continental Shelf. Thus, the only permitted activity lawfully that would be subject to certification by the Secretary of Commerce within a marine sanctuary beyond the territorial sea would be that which is already subject to regulation by the Department of the Interior under the Outer Continental Shelf Lands Act. Bills to create marine sanctuaries from leasing pursuant to the Outer Continental Shelf Lands Act are pending in the Committee on Interior and Insular Affairs. The Department of the Interior is already giving full consideration to the environmental impact of the mineral leasing program pursuant to the provisions of the National Environmental Policy Act. No Federal agency is better able than the Department of the Interior to identify the natural values that must be preserved, and it does not make sense to me to transfer this authority and responsibility to the Department of Commerce.

I regret that the Committee on Interior and Insular Affairs was not advised of this legislation. Title III was added to the bill after hearings were completed and without a word of testimony to support its inclusion. It came to my attention only after a rule had been granted. I regret also that the Department of the Interior was not afforded an opportunity to testify on title III. I have been advised by Secretary Morton that the Department of the Interior strongly opposes the enactment of title III, as do the Departments of State and Defense and the Office of Management and Budget. I insert letters and reports from the Office of Management and Budget and the Secretary of the Interior:

Office of Management and Budget,
Washington, D.C., July 27, 1971.

Hon. Thomas M. Pelly,
House of Representatives,
House Office Building,
Washington, D.C.

Dear Mr. Pelly. It is our understanding that your Committee is considering amendments to H.R. 9727, the "Marine Protection, Research, and Sanctuaries Act of 1971."

We are pleased with the way in which the Committee has moved to carry out generally the President's recommendations with respect to ocean dumping. In carrying out these recommendations, however, the bill raised several problems primarily in its features not directly involving ocean dumping. The purpose of this letter is to outline the major problems we have with the bill, as reported, and to recommend certain changes to deal with these problems.

Title I of H.R. 9727 would establish a comprehensive ocean dumping regulatory program under the leadership of the Environmental Protection Agency. These provisions largely carry out the President's recommendations in this regard. There is, however, one important provision that departs from the approach recommended by the President: namely, the special authority for the Secretary of the Army to issue permits respecting the dumping of dredged or fill material. We would strongly prefer that the bill require an EPA certification with respect to the Secretary of the Army's permits, as originally proposed by the President, but at a minimum favor deletion of the last proviso of subsection 103(b) which injects an economic feasibility test not applicable to other substances.

It is our view that the provisions of *Title II* of H.R. 9727, dealing with research on ocean dumping, are unnecessary and undesirable. Ample authority for carrying out the functions covered by this title already exists in such agencies as EPA, Commerce, the Coast Guard, the Smithsonian Institution, and the National Science Foundation. Moreover, ocean research is currently being carried out by these agencies at levels considerably in excess of the funds authorized in Title II, and these provisions therefore could have the unanticipated effect of restricting rather than promoting a balanced Federal ocean research program.

Title III of H.R. 9727 requires the Secretary of Commerce to designate "marine sanctuaries" which would be preserved or restored for their conservation, recreational, ecological, or esthetic values. Within these sanctuaries, which could extend as far seaward as the outer limits of the continental shelf, the Secretary would have to issue regulations controlling any activities therein, and violators could be subjected to civil penalties of up to $50,000 per violation.

We believe that Title III is highly objectionable for the following reasons:

(1) Organizational—These provisions authorizing the Secretary of Commerce to designate marine sanctuaries, would inject the Secretary, at the least, into the energy development responsibilities of the Secretary of the Interior, the foreign policy implementation responsibilities of the Secretary of State, the national defense concerns of the Secretary of Defense, and the environmental protection mission of the Administrator of EPA. Such a situation, coupled with the bill's requirement that the Secretary make his initial designation of marine sanctuaries within two years, would seem to guarantee confusion and conflict inimicable to the number of important national objectives.

(2) International—Notwithstanding qualifying statements in the Committee's report, the sweeping language of Title III could give rise to serious international policy complications. The efforts of the United States to limit the exercise of sovereign rights by other nations over areas of the high seas could be undercut and United States treaty commitments regarding the continental shelf and the high seas possibly violated. Moreover, attempts to enforce against foreign nationals the regulations covering any designated marine sanctuaries would be contrary to international law and embarrass United States relations with other nations.

(3) Budgetary—Interior has authority with respect to the granting of leases for development of oil and gas on the outer continental shelf. Any impairment of such leases by creating sanctuaries might involve "taking" the rights of private persons (with concomitant Federal costs that are difficult to estimate but which could be very significant), as well as in other cases resulting in the Federal government foregoing potentially enormous revenues. Further, it is unclear whether and to what extent the Submerged Lands Act would entitle a State to compensation for any areas under its jurisdiction included in a marine sanctuary. Neither the bill nor the report of the Merchant Marine and Fisheries Committee recognized these cost implications in the very general criteria which would govern the Secretary of Commerce's designation of marine sanctuaries.

We recognize that, from the standpoint of environmental protection or for other reasons, it may be desirable to refrain from certain activities in specific ocean areas. If it is considered that special legislation is needed to achieve this objective, we believe that problems of the type outlined above require that most careful consideration be given to the nature and extent of such authority and that a separate legislative proposal should be tailored for that purpose.

In conclusion, while we welcome the action of the Committee in reporting out legislation to carry out the President's ocean dumping recommendations, for the reasons set out in this letter we urge the Committee to support the amendment of Title I, as recommended above, and the deletion of Titles II and III.

Sincerely,

Donald B. Rice,
Assistant Director.

U.S. Department of the Interior,
Washington, D.C., July 28, 1971.

Hon. Wayne N. Aspinall,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

Dear Mr. Chairman: As you are no doubt aware, the Committee on Merchant Marine and Fisheries has reported and the House will soon consider, H.R. 9727, a bill "To regulate the dumping of material in the oceans, coastal, and other waters, and for other purposes." While title I of H.R. 9727 follows closely the Administration proposal introduced as H.R. 4723, titles II and III are committee amendments to which we are opposed.

Title II would afford to the Secretary of Commerce and the Director of the National Science Foundation redundant authority for the conduct of research regarding the effects of ocean dumping and "man-induced changes of ocean ecosystems." We are advised that existing authorities are adequate to permit the continuation on ongoing research in these areas.

With respect to the program responsibilities of this Department, we are most concerned about the prospective effect of title III. It provides generally for designation by the Secretary of Commerce of marine sanctuaries within a broad area ranging seaward to the outer edge of the Continental Shelf, for the regulation of "any activities permitted within the designated marine sanctuary," and for certification by the Secretary of Commerce that otherwise lawful activity "is consistent with the purposes of this title and can be carried out without (sic) the regulations" promulgated under section 302(b). In letters to the Chairman of the Committee on Merchant Marine and Fisheries, the Departments of State and Defense, and the Office of Management and Budget, have expressed their concern about the claim to extra-territorial jurisdiction proposed in title III. It may suffice to note that any such assertion of jurisdiction beyond established limits has been carefully, and properly, avoided in title I of the same bill.

To the extent that the United States does claim jurisdiction beyond the territorial sea and the contiguous fisheries zone, such jurisdiction pertains only to natural resources of the Outer Continental Shelf. Thus, the only "permitted activity" lawfully subject to certification by the Secretary within a marine sanctuary beyond the territorial sea would be that already subject to regulation by this Department under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 *et seq.*). The National Environmental Policy Act of 1969 and regulations promulgated by this Department pursuant to the Outer Continental Shelf Lands Act require thorough consideration of environmental impact prior to the issuance of mineral leases, and during extraction, if a lease is issued. No Federal agency is better able than we, in fact, to identify those natural values deemed worthy of preservation in section 302(a).

The Department of the Interior has long expressed concern about the environmental effects of ocean dumping and has strongly recommended that dumping be regulated through enactment of H.R. 4723. While we recommend against enactment of title III for the reasons stated, a concern for the environment has prompted our suspension of certain extraction activity in the Santa Barbara Channel, and the recommendation to Congress that this area be set aside as a National Energy Reserve.

Regrettably, we were not afforded an opportunity to comment on H.R. 9727 prior to its being reported. We do not agree that the addition of title III constitutes an improvement of the Administration proposal, and strongly recommend that it be deleted prior to enactment. We appreciate your interest in this important matter, and stand ready to provide whatever additional information you might require.

Sincerely yours,

W. T. PECORA,
Under Secretary of the Interior.

Let me read a few sentences from a letter I have received from the Under Secretary of the Interior:

> With respect to the program responsibilities of this Department, we are most concerned about the prospective effect of title III. . . . To the extent that the United States does claim jurisdiction beyond the territorial sea and the contiguous fisheries zones, such jurisdiction pertains only to natural resources of the Outer Continental Shelf. Thus, the only "permitted activity" lawfully subject to certification by the Secretary within a marine sanctuary beyond the territorial sea would be that already subject to regulation by this Department under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.). The National Environmental Policy Act of 1969 and regulations promulgated by this Department pursuant to the Outer Continental Shelf Lands Act require thorough consideration of environmental impact prior to the issuance of mineral leases, and during extraction, if a lease is issued. We do not agree that the addition of title III constitutes an improvement of the Administration proposal, and strongly recommend that it be deleted prior to enactment.

At the appropriate time, Mr. Chairman, I shall offer an amendment to delete title III from this legislation unless such an amendment is offered by someone else. This matter was considered by the Committee on Interior and Insular Affairs and I am authorized by the committee to advise the House that an amendment to delete title III is supported by the committee.

Mr. THOMPSON of Georgia. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 249]

Abourezk
Abzug
Alexander
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Baring
Barrett
Bell
Betts
Blatnik
Boggs
Bolling
Bray
Broomfield
Brown, Mich.
Caffery
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chisholm
Clark
Clausen, Don H.
Clay
Collier
Colmer
Conyers
Corman
Cotter
Culver
Delaney
Derwinski
Diggs
Downing
Dwyer
Eckhardt
Edwards, La.
Eshleman
Evins, Tenn.
Flood
Foley
Fraser
Fuqua
Galifianakis
Gallagher
Gibbons
Goldwater
Grasso
Green, Oreg.
Gubser
Haley
Halpern
Hamilton
Hanna
Hansen, Idaho
Hansen, Wash.
Hébert
Holifield
Horton
Hosmer
Ichord
Jarman
Jonas
Jones, Ala.
Kee
Koch
Landgrebe
Link
Long, La.
Lujan
McClory
McCulloch
McEwen
Macdonald, Mass.
Martin
Mayne
Melcher
Minshall
Monagan
Morgan
Morse
Nichols
Patman
Pelly
Pepper
Pirnie
Price, Ill.
Quillen
Rangel
Rees
Reid, Ill.
Rodino
Rooney, N.Y.
Rosenthal
Rostenkowski
Rousselot
Roy
Runnels
Ruppe
St Germain
Saylor
Scherle
Scheuer
Sebelius
Shipley
Sisk
Smith, Calif.
Smith, Iowa
Snyder
Springer
Stephens
Stokes
Stubblefield
Stuckey
Sullivan
Teague, Tex.
Thone
Tiernan
Vander Jagt
Vigorito
Whitten
Wiggins
Wilson, Charles H.
Wyatt
Yates
Yatron

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PIKE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill H.R. 9727, and finding itself without a quorum, he had directed the roll to be called, when 303 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. Prior to the quorum call, the gentleman from Colorado (Mr. ASPINALL) had been recognized for 8 minutes and the gentleman now has 2 minutes remaining.

Mr. ASPINALL. Mr. Chairman and members of the Committee, at the time the point of order was made that a quorum was not present, I was suggesting to my colleagues that they read the reports of the Department of the Interior and the Office of Management and Bureau of the Budget concerning title III of this legislation.

Mr. Chairman, there should be further study given to title III of this bill by the committee having primary jurisdiction to determine whether it is needed and its effect on the offshore mineral leasing program. The enactment of this title could result in locking up unnecessarily offshore resources valued at billions of dollars, reducing revenues available in the land and water conservation fund for the acquisition of much-needed recreation areas, park areas, and wildlife refuges, and curtailing the President's program for meeting the growing energy needs of this Nation.

Mr. Chairman, may I call attention to the fact that the energy needs of the United States are fast approaching a very dangerous situation and unless something is done and unless we do it with logic and with constructive judgment, we will be faced with many difficulties.

Mr. McCLURE. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman.

Mr. McCLURE. Mr. Chairman, I rise in support of the amendment to strike title III of H.R. 9727, and urge that my colleagues vote in support of the amendment to be offered by the distinguished chairman of the Committee on Interior and Insular Affairs.

As noted in the committee report on this legislation, title I follows closely the administration proposal introduced as H.R. 4723. The subject of ocean dumping, and the need for its regulation, were treated at length by the Council on Environmental Quality in its report "Ocean Dumping—A National Policy," transmitted to the Congress by President Nixon in October of last year. Title I of H.R. 9727 would implement generally the recommendations contained in that report, and provides authority to prohibit the transportation and actual disposal of waste material, except pursuant to permit issued by the Administrator of the Environmental Protection Agency. Title I of H.R. 9727 is an important step forward in the Nation's effort to preserve and protect the environmental quality of the oceans, coastal waters, and Great Lakes.

Title III is a committee amendment, and was not a part of the legislation proposed to implement recommendations of the Council on Environmental Quality. As drafted, title III would assert a claim to extraterritorial jurisdiction beyond those limits established as a matter of international law. The Departments of State and Defense have voiced strong objection to title III for this reason, and I share their concern about the effect of enactment upon our relations with other nations. Title I of H.R. 9727 has been carefully drafted to avoid this difficulty, and would regulate ocean dumping only within the territorial sea of the United States, and within the contiguous fisheries zone to the extent that dumping there would affect the territorial sea or the territory of the United States.

It is important to recognize, in this connection, that enactment of title III would conflict with regulatory authority vested in the Secretary of the Interior by the Outer Continental Shelf Lands Act. U.S. jurisdiction on the Outer Continental Shelf pertains only to its natural resources. Mineral leasing on the shelf, which could be subject to certification by the Secretary of Commerce under terms of title III, is already subject to stringent regulation by the Secretary of the Interior pursuant to the Outer Continental Shelf Lands Act.

Those regulations now require, in part, that prior to the final selection of tracts for leasing, the Director of the Bureau of Land Management "shall evaluate fully the potential effect of the leasing program on the total environment, aquatic resources, esthetics and other resources in the entire area during exploration, development and operational phases." The Secretary of the Interior can refuse, and has, in fact, refused the issuance of leases detrimental to the maintenance of environmental quality. Beyond the exercise of discretion in the issuance of leases, the Secretary can impose, and has, in fact, imposed special leasing stipulations and conditions when necessary to protect the environment and all other resources.

In his clean energy message of June 4, President Nixon stated quite clearly his concern for environmental protection on the Outer Continental Shelf. He said:

> The Department of the Interior has significantly strengthened the environmental protection requirements controlling offshore drilling and we will continue to enforce these requirements very strictly. As a prerequisite to Federal lease sales, environmental assessments will be made in accordance with section 102 of the National Environmental Policy Act of 1969.

With broad program responsibility for fish and wildlife, outdoor recreation, land management, and preservation of our historic heritage, the Department of the Interior is uniquely well qualified to identify those natural values deemed worthy of consideration in the establishment of marine sanctuaries under section 302(a) of title III. The Congress recognizes this capability in its enactment of the Estuary Protection Act of 1968, which authorizes Interior administration for the preservation of estuaries and adjacent lands.

Opposition to the enactment of title III should not be construed as opposition to any imposition of limitations on the conduct of certain activities in specific ocean areas. The enactment of title I would accomplish just this objective, as it provides for thorough assessment of ecological impact by the Administrator of the Environmental Protection Agency. It is unfortunate that title III has been drafted in such a way as to raise serious questions of territorial jurisdiction and duplication of regulatory authority which necessarily preclude an evaluation of the broader concept. That concept is worthy of careful consideration, and of treatment as an independent proposal.

The adoption of Mr. ASPINALL's amendment will permit more careful consideration of the concept proposed in title III than has so far been possible, without causing further delay in the implementation of a much-needed program to control ocean dumping.

Mr. LENNON. Mr. Chairman, I yield to the gentleman from Florida (Mr. ROGERS).

Mr. ROGERS. Mr. Chairman, I rise in support of H.R. 9727.

Our oceans and coastal waters are one of the most important resources in the balance necessary for man's survival on earth. Yet we have consistently disregarded the well-being of this resource which provides a major part of the oxygen we breathe, as well as an increasingly important source of the food we will require to support our growing population. We dumped wastes into the oceans at the alarming rate of 48 million tons in 1968, on the premise that the oceans have an unlimited capacity to absorb these byproducts of civilization.

The contradictions to this premise are beginning to appear in many areas. Near many outfall systems that water is unfit for the sealife which once inhabited these areas. There are even reported cases of fish with cancerous growths and other deformities which have been blamed on the dumping of toxic wastes into the oceans. Huge coral reefs are dying in the Florida keys, this too has been blamed on ocean pollution. World fisheries reported that their catches declined in 1969 for the first time since World War II. Certainly these actions are adequate warnings to at least rethink our policy toward ocean dumping of toxic wastes.

The provisions of this bill, which I am honored to have coauthored, go a long way toward regulating and controlling the future dumping of wastes into our oceans and coastal waters. The bill provides an absolute ban on the dumping of radiological, chemical or biological warfare agents or high-level radioactive wastes. The nerve gas dump off the Florida coast amid a flood of unanswered questions graphically points out the need for regulation of Government dumping operations. This bill prohibits Federal employees from making dumps of certain substances, and requires permits to be obtained from EPA or the Secretary of Defense, in certain instances, before a dump is made. The Administrator of EPA may regulate the times and places that permit authorized dumps are made and also designate certain "prohibited areas" for certain materials when he finds such action is warranted by adverse effects on some part of the environment.

Title II authorizes a study and a program of research on the effects of ocean dumping to be completed by the National Oceanic and Atmospheric Administration in cooperation with other agencies already involved in this area. This title also recognizes the international nature of ocean dumping and provides for the dissemination of research information to other countries.

Title III of this bill, recognizing the need to conserve our fishing resources, authorizes the Secretary of Commerce to designate certain areas up to the edge of the Continental Shelf as marine sanctuaries, and when these extend beyond 12 miles or beyond the territorial sea, the Secretary of State is authorized to enter into agreements with other governments in order to protect these sanctuaries.

Mr. Speaker, this legislation is a very important part of our overall attack on the problem of pollution, and it represents an important step toward international cooperation in this area. In some instances we have run out of time as in mercury levels in fish. We have seen human death and brain damage in Japan as a result of industrial mercury dumping. It is fortunate that we recognized this problem before it reached unmanageable proportions, now we must take affirmative action to make sure it remains a manageable problem and insure the cooperation of other nations in this effort. I urge support for this very important legislation.

Mr. MOSHER. Mr. Chairman, I have no further requests for time.

Mr. LENNON. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, pursuant to the rule, the Clerk will now read the substitute committee amendment printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Marine Protection, Research, and Sanctuaries Act of 1971".

Mr. DINGELL. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PIKE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 9727, to regulate the dumping of material in the oceans, coastal, and other waters, and for other purposes, had come to no resolution thereon.

REPRESENTATIVE REUSS CALLS ON PRESIDENT TO MAKE HIS ECONOMIC PROGRAM WORK BY DISCARDING "EXCESS BAGGAGE"

(Mr. REUSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REUSS. Mr. Speaker, like many others on the Democratic side of the aisle, I have for a long time been urging the President to break out of the high unemployment-high inflation morass in which this country has been floundering. We have recommended two central steps.

On the domestic front, we have urged a temporary price-wage freeze, to allow labor and management to construct a voluntary long-term wage-price-incomes policy. The Congress 13 months ago enacted legislation giving the President the requisite authority.

On the international front, we have urged closing the gold window, so as to permit the dollar to find its proper exchange parity with other currencies, and thus eliminate the hardship to American labor and business of artificially expanded imports to this country, artificially restricted exports, and artificially stimulated incentives to American corporations to export jobs abroad. A report issued on August 6 by the Joint Congressional Subcommittee on International Exchange and Payments, of which I have the honor to be chairman, reinforced this recommendation.

For months and years, the President has been telling those of us who held these views how wrong we were. Thus, it was a surprise, and a most pleasant one, when the President, on August 15, followed both pieces of advice by freezing prices and floating the dollar.

I applaud the President's action. But unhappily, not content to let well enough alone, the President has encumbered these two exemplary actions with excess baggage that, unless discarded, will undo all the good.

Let me explain.

The purpose of the price-wage freeze was to give an opportunity for labor and management to adopt long-term voluntary guideposts. This must be so. If price-wage controls are to be dropped in 90 days, and nothing put in their place, inflation will break out with added virulence, since then sellers will make sure that they hike their prices to high levels in order to protect themselves against a possible later freeze.

But nothing has been done about this essential voluntary phase. Twenty-five precious days have come and gone since the President's August 15 freeze action, and labor and management are still unsummoned to work out a creative program. Worse, labor has consistently made it clear—and, I believe, justly—that it will accept wage restraints only if some comparable restraints are put on corporate profits.

And there's the rub. Far from taking any steps to control corporate profits, the President has recommended a 10 percent investment tax credit, which will give away to corporations $5 billion a year. With industry presently using only 73 percent of its plant and equipment, and with a multibillion-dollar rapid depreciation tax bonanza already given capital investment last June, the 10 percent investment tax credit completely negates any possibility that labor will—or indeed should be asked to—adopt wage restraint.

Thus, the President's price-wage program is sure not to work.

As to the dollar float, this was designed to reveal the true exchange value of the dollar. But the President's 10 percent import surtax, plus the provision in the draft 10 percent investment tax credit which will in effect exclude all imported capital goods from this country, prevents the dollar from finding its true exchange value.

Quite apart from the dangers of retaliation and the bad example we set by these restrictionist measures, they mask the true value of the dollar, and thus continue to threaten the American economy.

In short, we Democrats gave President Nixon two good programs, with our blessing. By his excess baggage, he has made sure that neither will work.

We gave him good meat and potatoes to make a nourishing stew. He has taken the good ingredients, but covered them with a chocolate sauce that makes the whole thing an inedible mess.

I call upon the President to rid his program of its excess baggage. He should withdraw his request for the 10 percent investment tax credit. He should announce, immediately and publicly, the exchange rate changes needed to unshackle the dollar, and that the import surtax will be lifted the day those changes are made.

This done, an anti-inflationary price-wage policy can be evolved, and the dollar can find its true strength throughout the world.

It is imperative that this action be taken at once. Tomorrow, when the President addresses the Congress, would be a good time to make the announcement. If he does, he will receive the finest bipartisan support any President could ask.

RESOLUTION OF DISAPPROVAL OF THE PRESIDENT'S "ALTERNATIVE PLAN"

(Mr. WALDIE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WALDIE. Mr. Speaker, today I am introducing a resolution to disapprove the alternative plan for pay adjustments for Federal employees under statutory pay systems which were submitted by the President to Congress on August 31, 1971

I am doing this because it does not seem to be at all fair for the President to compel the public employees to make a sacrifice to bail out his failing economic policies which is greater or more stringent than he has asked of the private employees. The Federal employees under the President's proposal will be subject to a wage freeze for at least 180 days and possibly 300 days, while the private employees will be subjected only to a 90-day freeze. That is not a fair treatment of the employees over whom we have the primary responsibility, and I will seek to have the House overturn the President's recommendation in that respect.

The Congress, last year, passed the Federal Pay Comparability Act to provide a permanent method of adjusting the rates of pay of Federal employees to a level comparable with private industry. We Members felt that the combination of good working conditions, fair pay and retirement benefits matching those in the private sector would work to the best interests of the taxpayers by keeping the Federal service young and vigorous.

But, rather than provide the leadership for this effort to achieve comparability, the President has rejected it. He has postponed a Federal employee pay increase for 6 months, and, in the process, made the Federal employee the sacrifical lamb for his economic policy. While the rest of the country waits out a 90-day freeze, the Federal employee must contend with a 300-day freeze.

This, Mr. Speaker, is merit enough for disapproving the President's action against the Federal employee. However, there is another, more ominous reason for disapproval. Congress, in the Federal Pay Comparability Act, developed the specific machinery which provides the President with the authority to submit an alternative plan for Federal employee pay adjustment, and Mr. Nixon has violated that procedure. It is my contention that the President, with his decision to postpone the pay increase, has exceeded the authority granted him by Congress. Congress gave the President the authority to submit an "alternative plan with respect to a pay adjustment." Nowhere did the Congress give the President the authority to postpone a pay adjustment altogether. Yet, this is exactly what the President has done.

If we in Congress are to remain the overseers of the Federal Pay Comparability Act, we must insure that the executive branch is not allowed to usurp authority that was originally invested in the legislature. The President's executive order challenges this authority. I urge my fellow Members to pass this resolution of disapproval and, thereby force the President to work within the existing limits of the laws which we pass.

THE ALLEN ORGAN CO. PROVIDES INSTRUMENTS FOR "THE MASS"

(Mr. ROONEY of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ROONEY of Pennsylvania. Mr. Speaker, I take particular pride today in the fact that a very famous musical instrument maker is located in my congressional district. Last night's performance of "The Mass" by Leonard Bernstein brings it to mind. It was, as you know, a new music work written especially for the occasion of the grand opening. The music was contemporary and electrifying with many musical forms and forces projected—from the sound of a single guitar to a full sweep of rock combos, marching band, electronic music effects, traditional organ sounds, dancers, orchestra, choirs, and even a boys' choir. The traditional form of the Mass was heard in a truly new way but the response from the audience had an emotional impact that probably has seldom been surpassed in any concert hall—a 20-minute wild acclamation.

The internationally known music experts involved selected the Allen Organ Co. to provide the keyboard instruments necessary for the entire work. A huge three-manual, 60-stop, Allen organ was heard with the choir, played by Richard W. Dirksen of Washington Cathedral fame. Allen's subsidiary corporation, Rock Mount Instrument Co., supplied the electric piano sounds that provided the rhythmic and melodic lines throughout the piece. Four electronic pianos and pianists joined at times. A total of five Allen keyboard instruments were involved—quite unprecedented.

The Allen Organ Co. is located in Macungie, Pa., a small town of about 1,000. Their 500 employees are also very much a part of the Allentown, Pa., scene. Mr. Jerome Markowitz, the president, invented and patented the Allen organ in the 1930's when he was a student at our Muhlenberg College—only 19 years old at the time. The formation and growth of the company during the quarter century after World War II is a fine example of American enterprise. They have produced about 40,000 instruments during this period which are presently heard in churches and auditoriums around the world.

The selection of the Allen organ used at the opening of the John F. Kennedy Center for the Performing Arts is certainly noteworthy. Since the selection came from outside the Government, it supports our own governmental decisions in which Allen organs during the last few years were selected for many of our military chapel needs both at home and abroad.

COMPENSATION FOR CRIME VICTIMS

(Mr. VAN DEERLIN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. VAN DEERLIN. Mr. Speaker, I am today offering legislation to provide Federal funds for the relief of crime victims. The bill is similar to S. 750, introduced earlier this year by Senator MANSFIELD, and it would—in my view—plug an alarming gap in our system of criminal justice.

The bill also would compensate States, such as California, which have already instituted programs of their own for aiding these victims. The maximum award under the proposed Federal law would be $25,000, while the top payment in

California is $5,000. Lest the suggested Federal maximum seem excessive, I should also point out that Maryland, along with California one of the six States that have authorized payments for victims of crime, now pays up to $27,500 for loss of life and as much as $45,000 for total disability suffered as the result of a crime.

I have in my files some poignant letters about the financial plight and shattered morale of these innocent victims. In one case, a woman was savagely beaten, and her husband murdered, by an intruder in their home. Now, 6 years later, she is paralyzed from the neck down, while trying to eke out an existence and pay hospital and medical bills on a total income, from social security and retirement pay, of only $300 a month.

Ironically, the victims of these cruel attacks seem to have become the forgotten party in most criminal justice proceedings. Our criminal cases usually pit the State or the United States against the accused suspect, with scarcely a mention of the victim. Yet it is the victim who suffers the direct consequences, often including great financial loss to himself or his survivors.

The idea of compensation for crime victims is an old one. Early American colonists in Massachusetts and Connecticut required the thief to pay back three times the value of what he had stolen, or else identure himself to his victim for a period of time sufficient to work out the debt.

Under our proposed legislation, also, the criminal could be made responsible to the victim. If a convicted criminal were financially able, the measure provides that the Justice Department could sue him for the partial or complete recovery of damages previously awarded by the Government as compensation to the victim.

Redress would be payable for medical and death expenses, loss of earnings and other income, and pain and suffering. The compensation would be considered a right, and would be payable to a victim or his survivors without regard to financial need.

The legislation would establish a three-member Violent Crimes Compensation Commission, which would exercise jurisdiction over claims stemming from the commission of crimes under Federal jurisdiction. The Federal Government also would pay up to three-quarters of the costs of State programs for compensating crime victims.

I believe the bill is worthy of early and favorable consideration of this Congress.

LACK OF JUSTIFICATION FOR COTTON RESEARCH AND PROMOTION PROGRAM

(Mr. CONTE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CONTE. Mr. Speaker, in the midst of all the activities of the executive branch during our recess which ends today, a decision was announced by the Secretary of Agriculture which is notable not only for its complete lack of justification, but, more importantly, for its timing.

On August 6—just 1 day after we began our recess—Secretary Hardin announced his approval of a $10 million cotton research and promotion program, despite what I am convinced is the clear mandate of Congress that such funds can only come from any savings effected by the $55,000 farm subsidy payment limitation.

Mr. Speaker, this House which so recently adopted my amendment for a lower ceiling of $20,000 on June 23, 1971—an amendment regrettably not accepted by the Senate—will well remember its dissatisfaction with the fact that virtually no such savings have, in fact, occurred, due to the methods of evading the ceiling employed by large corporate farmers. Secretary Hardin himself acknowledges that he has no proof of any actual savings to be effected.

Nevertheless, he has gone ahead and approved these funds, relying on one of the most tortured legal interpretations of the intent of Congress which I have ever seen. What is even more regretable is that Comptroller General Staats, who is supposed to be the watchdog of Congress, has sanctioned this outrage.

Mr. Speaker, I will not take time here to detail the stated "reasons" for this decision—for the benefit of my colleagues, I enclose copies of the exchange of correspondence between the Secretary and Mr. Staats, together with copies of my letters to those gentlemen and to the Office of Management and Budget Director, George P. Shultz, and a news story by George Anthan of the Des Moines Register at the close of my remarks—I think it is clear that there is no rational basis for this decision, beyond the unacceptable one of placating the powerful cotton lobby. I should add, I do not question the value of this promotion and research program; my only quarrel is with the Secretary's approval of a program, despite the lack of funds to do so.

Perhaps the most significant aspect of this sorry incident is that the Comptroller General had accepted Secretary Hardin's argument as long ago as April 30, but the Secretary chose to drop this little bombshell at a time when the least attention would be paid to it.

Such behavior can only serve to undermine whatever little public confidence remains in the conduct of farm policy by his department.

In closing, Mr. Speaker, I would hope that the Secretary will reconsider this decision, as I have asked. In any event, this incident is a sad reminder to all of us that congressional vigilance is required at all times, and not just when we are in session.

The material follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., March 5, 1971.

Hon. ELMER B. STAATS,
Comptroller General of the United States, General Accounting Office, Washington, D.C.

DEAR MR. STAATS: Your decision is requested as to whether $10,000,000 may be made available each year by Commodity Credit Corporation, pursuant to the second sentence of section 610 of the Agricultural Act of 1970, to finance a program for market development, research, and sales promotion for upland cotton under such section, without proof of actual savings of that amount resulting from the application of the payment limitation under the 1970 Act on payments to cotton producers.

Section 610 of the 1970 Act (Public Law 91-524, approved November 30, 1970) provides:

SEC. 610. The Commodity Credit Corporation, in furtherance of its powers and duties under subsection (e) and (f) of section 5 of the Commodity Credit Corporation Charter Act, shall, through the Cotton Board established under the Cotton Research and Promotion Act, and upon approval of the Secretary, enter into agreements with the contracting organization specified pursuant to section 7(g) of that Act for the conduct, in domestic and foreign markets, of market development, research or sales promotion programs and programs to aid in the development of new and additional markets, marketing facilities and uses for cotton and cotton products, including programs to facilitate the utilization and commercial application of research findings. Each year the amount available for such agreements shall be that portion of the funds (not exceeding $10,000,000) authorized to be made available to cooperators under the cotton program for such year but which is not paid to producers because of a statutory limitation on the amounts of such funds payable to any producer. The Secretary is authorized to deduct from funds available for payments to producers under section 103 of the Agricultural Act of 1949, as amended, on each of the 1972 and 1973 crops of upland cotton such additional sums for use as specified above (not exceeding $10,000,000 for each such crop) as he determines desirable; and the final rate of payment provided in section 103, if higher than the rate of the preliminary payment provided in such section shall be reduced to the extent necessary to defray such costs. No funds made available under this section shall be used for the purpose of influencing legislative action or general farm policy with respect to cotton.

The Statement of Managers on the Part of the House accompanying the Conference Report on the Agricultural Act of 1970 (House Report No. 91-1594, 91st Cong., 2d Sess., p. 33) in explaining the provision stated as follows:

"It is the intent of the conferees that under section 610 of the conference substitute the Commodity Credit Corporation shall divert to the Cotton Board not more than $10,000,000 annually in 1971, 1972, and 1973 from those sums which would otherwise be paid to cotton producers, but for the operation of payment limitations, in order to develop and expand both domestic and foreign markets for upland cotton. *The only discretion intended for the Secretary in this regard is over the approval or disapproval of various research and promotion projects, as is the case under the Cotton Research and Promotion Act.*" (Emphasis supplied.)

We believe that the purpose of the underscored language in the above-quoted statement—to the effect that the *only* discretion intended for the Secretary of Agriculture in regard to the market development, research, and sales promotion program for cotton was over the approval or disapproval of the various research and promotion projects—was to make clear the intention of the Conferees that in all other respects the Secretary was to have no discretion whatsoever in making available $10,000,000 each year for the carrying out of approved projects. This would include no discretion to withhold funds for such approved projects pending proof of actual savings from the application of the payment limitation on payments to cotton producers. Your early decision on the question presented would be appreciated.

Sincerely,

/s/ Clifford M. Hardin,
Secretary.

Comptroller General
of the United States,
Washington, D.C., April 30, 1971.

Dear Mr. Secretary: Reference is made to your letter of March 5, 1971, requesting our decision as to whether $10,000,000 may be available each year by the Commodity Credit Corporation, pursuant to the second sentence of section 610 of the Agricultural Act of 1970, to finance a program for market, development, research, and sales promotion for upland cotton under such section, without proof of actual savings of that amount resulting from the application of the payment limitation under that act on payments to cotton producers.

Section 610 of the Agricultural Act of 1970, Public Law 91–524, approved November 30, 1970, 84 Stat. 1378, reads as follows:

"Sec. 610. The Commodity Credit Corporation, in furtherance of its powers and duties under subsections (e) and (f) of section 5 of the Commodity Credit Corporation Charter Act, shall, through the Cotton Board established under the Cotton Research and Promotion Act, and upon approval of the Secretary, enter into agreements with the contracting organization specified pursuant to section 7(g) of that Act for the conduct, in domestic and foreign markets, of market development, research or sales promotion programs and programs to aid in the development of new and additional markets, marketing facilities and uses for cotton and cotton products, including programs to facilitate the utilization and commercial application of research findings. Each year the amount available for such agreements shall be that portion of the funds (not exceeding $10,000,000) authorized to be made available to cooperators under the cotton program for such year but which is not paid to producers because of a statutory limitation on the amounts of such funds payable to any producer. The Secretary is authorized to deduct from funds available for payments to producers under section 103 of the Agricultural Act of 1949, as amended, on each of the 1972 and 1973 crops of upland cotton such additional sums for use as specified above (not exceeding $10,000,000 for each such crop) as he determines desirable; and the final rate of payment provided in section 103 if higher than the rate of the preliminary payment provided in such section shall be reduced to the extent necessary to defray such costs. No funds made available under this section shall be used for the purpose of influencing legislative action or general farm policy with respect to cotton."

The legislative history of this provision discloses that when H.R. 18546 (the bill subsequently enacted as Public Law 91–524) was passed by the House of Representatives it contained no provisions such as those in section 610. However, as passed by the Senate, section 610 contained language identical to that now contained in the first two and the last sentences of section 610.

The Committee of Conference inserted a new sentence immediately following the second, and, while included in section 610 as set forth above, is repeated below as follows:

"The Secretary is authorized to deduct from funds available for payments to producers under section 103 of the Agricultural Act of 1949, as amended, on each of the 1972 and 1973 crops of upland cotton such additional sums for use as specified above (not exceeding $10,000,000 for each such crop) as he determines desirable; and the final rate of payment provided in section 103 if higher than the rate of the preliminary payment provided in such section shall be reduced to the extent necessary to defray such costs."

The Statement of Managers on the Part of the House accompanying the Conference Report on the Agricultural Act of 1970, House Report No. 91–1594, page 33, in explaining the provisions of section 610 stated as follows:

"It is the intent of the Conferees that under section 610 of the conference substitute the Commodity Credit Corporation shall divert to the Cotton Board not more than $10,000,000 annually in 1971, 1972, and 1973, from those sums which would otherwise be paid to cotton producers, but for the operation of payment limitations, in order to develop and expand both domestic and foreign markets for upland cotton. *The only discretion intended for the Secretary in this regard is over the approval or disapproval of various research and promotion projects, as is the case under the Cotton Research and Promotion Act.*

"It is the conferees intent that the Secretary be given discretion to use an additional $10,000,000 annually during 1972 and 1973 for the same purposes." (Emphasis supplied.)

You state in your letter that it is your belief that the purpose of the italic language in the above statement—to the effect that the *only* discretion intended for the Secretary of Agriculture in regard to the market development, research, and sales promotion program for cotton was over the approval or disapproval of the various research and promotion projects—was to make clear the intention of the Conferees that in all other respects the Secretary was to have no discretion whatsoever in making available $10,000,000 each year for the carrying out of approved projects. This, you state, would include no discretion to withhold funds for such approved projects pending proof of actual savings from the application of the payment limitation on payments to cotton producers.

While the language of section 610 reasonably could be construed as meaning that the contemplated contracts could not be entered into except as savings were effected, we agree with your view that the conferees intended that the Secretary have no discretion to withhold funds for approved projects pending proof of actual savings.

As indicated above the Committee of Conference added to section 610 authority for the Secretary in his discretion, to use an additional $10,000,000 for program purposes, and, relative to such provision, stated in its report (as quoted above) that—"It is the conferees intent that the Secretary be given discretion to use an additional $10,000,000 annually * * * for the same purposes."

In addition to that part of the conference report relied on by you it seems clear from this last statement that the $10,000,000 there involved was intended as a sum in addition to the initial $10,000,000 and it seems to imply that no part thereof would be used until the initial $10,000,000 had been obligated. It also seems clear that the Conferees intended that the initial $10,000,000 be spent for these programs, the amount of the savings not being an issue during any part of the congressional consideration.

In view of the foregoing, and since the Congress subsequently adopted the legislation recommended by the Conferees and no question apparently was raised regarding the purpose of section 610 as described in the conference report, we see no objection to your entering into agreements authorized by section 610 even though there may be no proof that savings have been effected.

Sincerely yours,

Elmer B. Staats,
*Comptroller General of
the United States.*

Congress of the United States,
House of Representatives,
Washington, D.C., September 7, 1971.

The Honorable Clifford M. Hardin,
Secretary of Agriculture, Department of Agriculture, Washington, D.C.

Dear Mr. Secretary: I was frankly shocked and disappointed to learn of your decision to approve a $10,000,000 cotton research and promotion program in disregard of the clear mandate of Congress that funds for this program can only come from savings to be generated by the application of the $55,000 subsidy payment ceiling, when, by your own admission, you lack "proof of actual savings of that amount." Beyond the question of the correctness of that decision, I am especially disappointed by the timing of your announcement—just one day after Congress began its August recess.

This matter of timing seems particularly questionable in view of the fact that the justification is apparently based on an exchange of correspondence with Comptroller General Elmer B. Staats that took place more than three months earlier, in March and April of this year. I will return to this question of timing after discussing the merits of your justification.

In your letter of March 5, 1971 to Mr. Staats you quote from Section 610 of the Agricultural Act of 1970 (Public Law 91–525, approved November 30, 1970) that each year the amount available for this promotion and research shall be: "that portion of the funds (not exceeding $10,000,000) authorized to be made available to cooperators under the cotton program for such year *but which is not paid to producers because of a statutory limitation on the amounts of such funds payable to any producers.*" (Emphasis added)

While there were many who assumed that the savings to be effected by the $55,000 ceiling would easily exceed $10,000,000, I am convinced that proof of actual savings is unquestionably a prerequisite to the approval of these funds. To maintain otherwise is to disregard totally the meaning of the statutory language italicized above.

The thrust of your argument to the contrary, regrettably concurred in by Mr. Staats in his reply of April 30, 1971, relies on language in the Conference Report (House Report No. 91–1594), at page 33, that the "only discretion intended for the Secretary in this regard is over the approval or disapproval of various research and promotion projects." While I agree this may show the Conferees' intent that you should fully fund this program, this language does not remove either the limitation as to the source of these funds or your responsibility to assure yourself that such funds are indeed available from that source. In fact, the entire language of the limitation as to the source of these funds is repeated by the Conferees immediately above the sentence you refer to.

When a member of my staff called your General Counsel Edward W. Shulman in my absence, he sought Mr. Shulman's reaction to my interpretation of the law; he was given no substantive response, but was simply told that we obviously disagreed. I am sure you will acknowledge that such a response is inadequate, and I would therefore appreciate it if you would respond directly to the interpretation I have presented here as soon as possible. If, in examining your decision in light of my views, you are persuaded that your decision was erroneous, I urge you to rescind this decision immediately.

To return to the subject of the timing of your announcement, one cannot ignore that the sole basis relied on for this decision was before you as long ago as April 30, 1971, when you received Mr. Staats' reply. In the absence of any explanation for the delay, one can only presume that the Department wished to make this decision public at a time when the least amount of attention would be paid to it. Such a conclusion is especially unfortunate in view of the continuing lack of public confidence in our farm program and its administration. If there is a satisfactory explanation for this delay, I urge you to make it known as soon as possible.

I would appreciate your urgent consideration of this serious matter. With best wishes, I am

Cordially yours,

SILVIO O. CONTE,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 7, 1971.

Hon. ELMER B. STAATS,
Comptroller General of the United States, General Accounting Office, Washington, D.C.

DEAR MR. STAATS: Enclosed you will find a copy of my letter to Secretary Hardin, taking issue with his decision to approve a $10,000,000 cotton research and promotion program without proof of the actual savings necessary to fund the program. Since that decision was based on an interpretation of the law in which you concurred, in your letter to the Secretary of April 30, 1971, I would also appreciate your reconsideration of this question in light of my contrary interpretation.

Should this lead you to conclude your earlier judgment was erroneous, please advise me as soon as possible.

I would appreciate your prompt attention to this matter. With best wishes, I am

Cordially yours,

SILVIO O. CONTE,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 7, 1971.

Hon. GEORGE P. SHULTZ,
Director, Office of Management and Budget, Executive Office Building, Washington, D.C.

DEAR MR. SHULTZ: I am enclosing a copy of my letter to Agriculture Secretary Hardin, taking issue with his recent decision to approve a $10,000,000 cotton research and promotion program without proof of the existence of the savings anticipated to fund this program. I am convinced that the intent of Congress is clear that such approval is not permissible without proof of savings.

I am also enclosing a copy of the Secretary's letter to Comptroller General Staats of March 5, 1971, together with Mr. Staats' reply of April 30, 1971, accepting the Secretary's interpretation of his authority to take this step. While I presume this decision was reviewed at some level in your office, I am confident that you will agree with my assessment.

In view of the fact that curtailment of federal spending is such a key element of the President's new economic program, I urge you to give this matter your urgent personal attention. If the Secretary cannot be persuaded to rescind this decision, then I would reluctantly ask your intervention in this matter.

I would appreciate your early attention to this matter. With my best wishes and highest regards, I am

Cordially yours,

SILVIO O. CONTE,
Member of Congress.

[From the Des Moines Register, Aug. 11, 1971]

USE TAXES FOR COTTON PROMOTION—DOUBT LEGALITY OF $10 MILLION IN AID

(By George Anthan)

WASHINGTON, D.C.—The politically powerful cotton industry is getting $10 million in public funds from the U.S. Department of Agriculture (USDA) to help promote its products.

The payment has been approved by Agriculture Secretary Clifford Hardin, and will be delivered eventually to a group known as Cotton, Inc.

A spokesman for the National Cotton Council said Cotton, Inc., has been set up by the industry to carry on promotion and research activities.

Several USDA officials asknowledged privately Tuesday that legal authority for the $10-million payment is questionable and one said "politics" figured in the decision.

Both the Senate and House agriculture committees, which have jurisdiction over the USDA, are headed by southerners. Congressmen from cotton-producing states also have a strong influence over the department's finances.

The $10 million will be paid directly by the Commodity Credit Corp., a USDA agency, to the Cotton Board, a unit set up by federal law. USDA officials said the Cotton Board is to turn the funds over to Cotton, Inc.

LAW CIRCUMVENTED?

Congress, at the insistence of southern senators and representatives, provided for the "promotion and research" payment two years ago.

But last year, in passing the first limit on federal farm subsidy payments, Congress specified that the only money that actually could be paid was the amount saved as a result of the limitation, as it applies to cotton producers.

The new law limits each producer to a $55,000-a-crop maximum federal subsidy check.

But both the USDA and the law itself have produced so many loopholes that some officials now say little or no savings are expected.

Thus, under the 1970 law, it appeared the cotton industry would get little or no public money for its promotion and research activities. In no event was the amount to be more than $10 million, according to the law.

It is known there was considerable controversy within the USDA in recent weeks over the cotton payment.

Some officials argued the law should be strictly followed and the payment limited to whatever savings are finally realized—the difference between the cotton subsidy payments without limitation last year and with the $55,000 limitation this year.

But some other USDA officials, backed strongly by southern congressmen and cotton industry officials, argued that the maximum $10 million should be delivered for the fiscal year starting July 1.

One USDA official said privately: "It was a political determination that we made."

HOW LOOPHOLE WORKS

USDA officials in Washington and in cotton-producing states have disclosed that large cotton producers are bypassing the payments limitation by leasing their cotton allotments to smaller growers. The larger producers receive leasing fees, and the smaller producers receive federal payments, so the amount paid out by the federal government is expected to be about the same.

James Morris, a USDA official who supervises the subsidy program, said, "We don't know yet what the savings in the cotton program will be."

A number of high USDA officials refused to speculate on the amount of savings that could clearly, under the law, be turned over to the cotton industry, saying the information won't be available until later this year.

A cotton industry spokesman here said the $10 million authorized by Hardin will be used for advertising of cotton products, for developing better wash-and-wear fabrics and for developing better herbicides for cotton producers.

USDA officials are using, as justification for approving payment of the full $10 million, a report issued by a joint House-Senate conference committee that was named last year to work out differences between the two houses on the agriculture bill.

The conference committee said, "It is the intent of the conferees that the Commodity Credit Corp. shall divert to the cotton industry not more than $10 million in 1971, 1972 and 1973."

USDA officials said department lawyers and the U.S. comptroller general's office determined this meant the full amount could be used.

"A BUNCH OF GARBAGE"

"That's a bunch of garbage," said an administrative assistant to Representative Silvio Conte (Rep., Mass.), a strong critic of the USDA's administration of the subsidy program.

"The law is clear. It's not ambiguous. But they always wait and do these things when Congress is in recess."

Conte is in South Korea, but his office said it was beginning an immediate inquiry into the situation.

USDA officials said they are convinced "it was the intention of the conference committee that we pay the full $10 million to the industry."

Eight of the 11 conference committee members are from cotton-producing states.

Members of that conference committee are:

Representatives W. R. Poage (Dem., Tex.), Thomas Abernethy (Dem., Miss.), Graham Purcell (Dem., Tex.), B. F. Sisk (Dem., Calif.), Page Belcher (Rep., Okla.), Catherine May (Rep., Wash.), William Wampler (Rep., Va.); and Senators Spessard Holland (Dem., Fla.), James Eastland (Dem., Miss.), George Aiken (Rep., Vermont) and Jack Miller (Rep., Ia.).

Many big cotton producers, including Eastland, have legally circumvented the subsidy limitation. This year, the senator and his family will receive about $160,000, only slightly less than their payments last year.

The Eastlands avoided the $55,000 maximum payment by creating eight new business entities to farm their 5,200-acre plantation in the Mississippi delta.

FOLKS BACK HOME DEMAND ACTION

(Mr. MADDEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MADDEN. Mr. Speaker, the so-called 30-day August recess for the Congress was indeed fortunate because it gave many Members an opportunity to go back to their districts and get a first-hand survey of public opinion from their constituents on the Nation's foreign and domestic problems. I devoted the full time in my two home district offices and attended meetings and luncheons and talked to hundreds concerning their opinions and economic troubles and their suggestions and recommendations.

The Southeast Asia fiasco is still the No. 1 topic among the majority of the home folks and it will be a major issue in 1972.

The President's unexpected broadcast announcing the 90-day freeze took place immediately after Congress recessed. Of course, that surprise announcement probably overshadowed most of the other issues and gripes which the average citizen would bring up in his conversation with his Congressman. It was indeed surprising that so many would ask the question, "Why the President did not act on the legislation which the Congress passed by a substantial majority in both Houses in December 1969 giving the President complete power and authority to curtail prices, wages, interest rates, and so forth, at that time." The President signed the legislation and allowed it to remain dormant until a week after Congress left Washington for recess on August 7. Large industries, business concerns, automobiles, supermarkets, food establishments, and interest rates, and so forth, have been raised several times during this intervening period since Congress gave the President power and authority to curb inflation prices and wages in December 1969.

Many of the laboring folks in my district deplored the fact that the wage restriction was clamped on the workers after the profiteers had had a field day for 20 months. Millions of Federal and public employees over the Nation are now restricted from catching up with the high cost of living increases over the last 20 months.

Probably the next complaint my constituents had was the failure of Congress to enact legislation limiting and restricting the fabulous sums being spent by candidates for public office, both Federal and State. The American voters still remember millions being spent in the 1968 presidential campaign. Figures from $2 to $4 million have been expended on campaigns by some candidates for the U.S. Senate. The New York news media quoted Governor Rockefeller as admitting spending $10 million to win victory as Governor of New York in 1968. Some congressional campaigns have gone into astronomical figures compared to the 2-year term involved. The voters of my area are demanding that Congress enact effective legislation with strict penalties against purchasing public office, whether Federal, State, or local.

Many citizens are complaining about the high tax on their homes and other personal taxes with which the consumers are burdened, such as sales tax and other special taxes on just about everything. They are also demanding that Congress do something about the fabulous, scandalous loopholes which powerful lobbies have succeeded in getting enacted by the Congress. These include the depletion, exemptions and quotas on big oil, which compared with their fabulous profits practically place that industry on the tax-free list. Tax loopholes on multimillion-dollar estates and foundations is another problem the voters are violently protesting.

One of my surprises during the recess was the number of citizens who are amply informed regarding these important issues which will be coming up for a decision by the American voter a year from November.

The 89th Congress passed legislation demanding expansion for education, housing, medical and nursing education, hospital construction, transportation, public works, antipollution and other projects, in public demand, and for the relief of the unemployed.

The public is amazed that the administration is withholding over $10 billion of the money Congress has appropriated for these necessary domestic programs.

The people want action and not constant presidential politics as a daily diet.

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

TAKE PRIDE IN AMERICA

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The United States has 6 times the total road mileage of the Soviet Union and 12½ times the surfaced road mileage, more than 20 times as many trucks, buses, and private cars operate over the American road system as in the Soviet Union.

PROF. MICHAEL ZAND, VISITOR TO UNITED STATES

The SPEAKER. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 5 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, a visitor has newly come to our shores who, I am sure, will stir the conscience of America.

He is Prof. Michael Zand of the Hebrew University's Institute of Oriental and African Studies in Jerusalem. He has come to participate in the Association of Jewish Studies at Brandeis University in Waltham, Mass. What makes his visit a cry in the night is the fact that he represents millions of Jews in the Soviet Union whose plight he will recount from personal experience.

I met Michael Zand for the first time during my visit to Israel last month. I was impressed enough with him and his story to offer my help in getting his visa to visit the United States and to renew my efforts to bring about some concrete gesture of support for those Jews still living in Russia who have followed Professor Zand in spirit but cannot physically share his journey.

An expert in Arabic and Persian culture, he was a scholar at the Institute of Peoples of Asia in Moscow where his father had been a professor of philosophy.

Last March, he was one of 39 Jews who went to the office of the public prosecutor to protest the Leningrad trials of the alleged plane hijacking whose unfair arrest and prosecution aroused worldwide sentiment. Whereupon Zand himself was arrested and sentenced to 15 days in jail. He embarked on a hunger strike during his confinement which was also strongly protested by much of the American academic community.

Both before and after his imprisonment, Professor Zand petitioned for permission to go to Israel. It was granted, then denied. He applied for Israeli citizenship under a new Israeli law which allowed any Jew to claim it whether he lived there or not. That brought Zand Russian accusations of being a traitor and an enemy of the people.

Strangely enough, permission for him to leave the Soviet Union was again granted, and on May 22 he left for Israel with his wife, two children, his mother, and a niece.

The only real difference in Michael Zand's story and that of millions of his fellow Soviet Jews is that he escaped.

They are still there, undergoing much of the same denial of rights, indignities, harassments, persecutions, only more so, that he underwent. They cannot find work, receive mail, partake of their own culture or even emigrate to their spiritual holy land. And I think that situation, replete with a thousand examples that parallel Michael Zand's story, should move us at least to a gesture of sympathy and support, if not a strong and continuous pressure against such Russian treatment of Soviet citizens.

It has been suggested that one way this could be done is via Voice of America broadcasts in Yiddish to the Jews in the Soviet Union. This would let them know most effectively that America is on their side and that possibly would give them the strength and determination to sustain their misfortune and ultimately prevail. Serving notice on Russia of the free world's outrage at the same time just might stem the tide of repression altogether.

I have introduced a resolution urging such broadcasts upon the U.S. Information Agency, as have many of my colleagues in both bodies. And I consider the USIA and State Department reasons for refusing to initiate such broadcasts to be totally spurious and insubstantial.

If the basic fear is of doing violence to negotiations with the Soviets on many other fronts, why then broadcast to any ethnic minority in Russia as is done every day now?

I once again call upon the USIA, Mr. Speaker, to begin such broadcasts immediately, extending America's voice to these people so the darkness they find themselves in will not hold such anguish and fear. And men like Michael Zand could pursue their destiny in peace and dignity.

EXTENSION OF MDTA

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. O'HARA) is recognized for 30 minutes.

Mr. O'HARA. Mr. Speaker, I am today introducing legislation which I believe should be among the priority items to be considered when the Committee on Education and Labor turns, later this year, or early next, to consideration of manpower programs.

Because of the many legitimate concerns voiced over shortcomings in the administration of existing manpower programs, as well as in their organization, the Committee on Education and Labor has indicated its intention to examine various proposals for manpower reform—ranging all the way from the comprehensive and detailed legislative reform which was vetoed by the President in 1969 to the "manpower revenue-sharing" bill which the administration offered as an ultimate solution to our manpower problems.

It may well be, Mr. Speaker, that the committee, which has gone over all this ground many times, can come to a resolution of the problems which plague our manpower programs fairly quickly. Or it may be that we cannot do so. It may even happen that the always inventive minds at the top levels of the Office of Management and Budget will once more come up with a fundamentally new proposal, replacing "revenue sharing" the way that replaced last year's proposal.

In short, Mr. Speaker, while there is a good deal of bipartisan agreement that manpower structures should be reexamined, and improved upon, so that the bureaucrats' work will be easier, and the responsibilities differently diffused, and the "delivery systems" brought more into conformity with various experts' conceptions of organizational symmetry, and even so that the ultimate recipients of manpower services may get a better deal, it does seem to me, and I suspect to most of us that we are a long way from agreement on the details. And in manpower, as elsewhere, it is much easier to get agreement on the basic principle that there should be training and other manpower programs available, than it ever can be to secure consensus on who gets the final signoff authority on a piece of Federal paper.

So, Mr. Speaker, while it seems to me wise to examine the prospects of manpower-systems-to-be in great detail, and to press ahead with such reforms as can be shown to be in the interests of the people who need manpower services, it would also be prudent in the extreme to extend the existing authority under the Manpower Development and Training Act for enough time following its present date expiration to assure the unemployed and those in need of manpower services that there will be a manpower program for them for some little time to come. The bill I am introducing today, Mr. Speaker, would do nothing whatever to the substance of the Manpower Development and Training Act except to amend the existing terminal dates by extending them for 18 months. This amendment would extend the basic authority under title II—the operational title—of MDTA from June 30, 1972, to December 31, 1973, and it would permit actual financial outlays, which now must be made prior to December 31, 1972, to be made up to June 30, 1974.

Let me reiterate, Mr. Speaker, that nothing in my introduction of this bill, nor in my remarks to you should be interpreted to suggest that I think we should stop with a simple extension of MDTA. In fact, I have some ideas on manpower reform myself, and I am giving very serious thought to introducing more detailed legislation later. I propose this extension solely and wholly as an act of prudence, and as an assurance to the beneficiaries of manpower programs that their interests will be safeguarded with even greater zeal than the institutional interests of the various segments of the manpower profession.

Our first task, Mr. Speaker, is to assure that we can have a manpower program. Then, and only then, we can and we should turn to the question of how it will be organized.

SUPPORT FOR REPEAL OF AMERICA'S CONCENTRATION CAMP LAW SPREADS ACROSS THE NATION

The SPEAKER. Under a previous order of the House, the gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 10 minutes.

Mr. MATSUNAGA. Mr. Speaker, the Emergency Detention Act is a blight on the statute books of America. My efforts, and those of many others, to have it repealed will culminate next Monday, September 13, when the House considers H.R. 234.

As most of my colleagues know, support for the repeal measure is widespread. One hundred and sixty House Members have sponsored bills to repeal this repugnant law; they include Republicans and Democrats from 34 States in all sections of the country.

The breadth of support is indicated, also, by the editorial voices calling for repeal, from media in every corner of the land. For the information and convenience of my colleagues, I am including excerpts from several editorials at the close of my remarks. They come from newspapers in Portland, Oreg., and Easton, Pa.; from California, New York, and South Carolina; from Kentucky and West Virginia; from Arizona and Ohio.

They constitute only a small number of those who have evidenced their strong support for repeal of, and not a mere cosmetic amendment to, America's concentration camp law.

The editorial excerpts follow.

The Louisville Times said:

> The repeal is necessary to declare for all Americans, particularly those of racial or ethnic minorities, that the detention camps will not and cannot be used by the government to confine persons whose views may be unpopular or suspect at the moment. Repeal would also serve as another belated acknowledgement to Japanese-Americans of the injustice done by their removal during World War II to concentration camps euphemistically called "relocation centers."
>
> Minor procedural changes are not the answer. The solution lies in positive assurance to all Americans that detention camps are not part of the government's plans for anyone. This Congress can provide it only by repealing the provision.

The Columbia, S.C., State specifically refuted those who would merely amend the existing law rather than repeal it:

> The amenders miss the point. The bill is (1) unnecessary and (2) offensive, and the thing to do with unnecessarily offensive laws is to get them off the books. The Internal Security Committee only damages its reputation by continuing to defend this disreputable statute.

The Tucson Daily Citizen:

> The declaration of an internal security emergency would allow the government to disregard normal legal safeguards. . . . The movement to erase this undemocratic act, which strikes at our system of due process, deserves the backing of all Americans.

The Los Angeles Times:

> Congress passed the Internal Security Act, which carried with it the whiff of a police-state measure. In the years since, the Supreme Court has nullified most of this law as unconstitutional, but Title II of the Act remains. . . . As long as this provision remains in force, it endangers us all, but Japanese-Americans and other minorities feel especially threatened.

The Easton, Pa., Express:

> The [bill to amend title II] should be ignored. Title II unquestionably is unnecessary; it is certainly demeaning and dehumanizing, and probably unconstitutional. Rep. Matsunaga's bill to wipe it out should be passed.

The Portland Oregonian:

> There is no place in the United States for Hitlerian or Stalinist laws and the Emergency Detention Act should be repealed as quickly as Congress can do it.

The Cleveland Plain Dealer in one editorial said that—

> Democracy will not last very long if the government begins apprehending those who act.

A week later, the Plain Dealer made its stand on the repeal legislation more specific:

> Lest anyone be tempted to use the never-used detention act against peace demonstrators or any protest group, that law ought to be done away with so it will no longer weigh on the American conscience.

The Washington Post:

> The Matsunaga bill would eradicate an ugly splotch from the American escutcheon. It has the full backing of the Justice Department. It would lift a pall of fear from the country. We hope that Congress will adopt it speedily, restoring the American way of dealing with dissent and rejecting the Un-American Activities way.

The Sacramento, Calif., Bee:

> Congress can and should rectify a flagrant legislative mistake of some 20 years ago by repealing the Emergency Detention Act, Title II of the 1950 Internal Security Act.
>
> This anti-American law gives government dangerous powers amounting to nothing less than the use of concentration camps.

The Chattanooga Times:

> It was a product of the witch-hunting fever of the McCarthy era, and the fact that it has never been used neither gives it standing as a deterrent nor justifies it as a proper safeguard.

The Huntington, W. Va., Herald-Dispatch:

> A mere personal prejudice by some future president who chose to invoke the terms of this [Emergency Detention] Act would be sufficient for a round-up of black citizens, Chinese - Americans, Women's Liberation Movement members or any groups "suspected" of having dissenting thoughts. Our World War II persecution of Japanese-American has already proved that "it can happen here."

The New York Times:

> Although the [detention] camps have long since been abandoned, the law stands as a memento of a dangerously defeatist, if not totalitarian, lapse. The Nixon Administration has told the House Judiciary Subcommittee that it unequivocally favors the law's repeal. Nothing should now stand in the way of erasing all remnants of this affront to freedom.

LIBERAL SUPPRESSION OF THE SEARCH FOR TRUTH

The SPEAKER. Under a previous order of the House, the gentleman from Louisiana, (Mr. RARICK) is recognized for 10 minutes.

Mr. RARICK. Mr. Speaker, one of the principal tactics of the bully when confronted with opposition is to resort to name-calling tactics, a defense mechanism that he uses when he cannot confront those who oppose his pet theories or ideas with questions and statements that he is afraid to contradict or dares not consider because he fears that he will learn his whole philosophy is based on a false premise.

Most mothers realize this tendency in the bully and in an attempt to instruct their children in the way to handle such a situation have them memorize or consider a remarkable piece of doggerel:

Sticks and stones may break my bones,
But words will never hurt me.

The truth of this youthful teaching is never more evident than in the liberal reaction to the theory of Dr. William Shockley, Nobel Prize winner, that the Negro is inferior intellectually to the Caucasian. Dr. Shockley has offered this as a working hypothesis and called upon his fellow scientists to investigate this theory through scientific observations and experiments, yet he is branded as "Fascist" or "racist" by some of his fellow scientists, who, like the bully, resort to name calling as a defense mechanism because they are afraid to confront him with facts or they fear that scientific examination of his theory will topple their house of cards built on a misreading of Jefferson's dictum in his Declaration, "that all men are created equal." Jefferson's statement in context meant created equal before God and before the law; the truth of nature, the very basis of the American way of life, is that each man is unique, different, possessing different characteristics and abilities, who should be allowed to develop his potential to the fullest.

To be inferior intellectually is not to be inferior as a man. Dr. Shockley has never suggested that the Negro is an inferior man; rather, he has suggested that the Negro is inferior intellectually. His ideas do not smack of totalitarian governments; rather, the opposition to his theories and the suppression of scientific investigation is characteristic of the unenlightened dictatorial state. His ideas deserve to be heard and investigated on a scientific basis, not categorized and attacked as Castro and as Chairman Mao do when they scream and harangue, villifying Americans as "imperialistic" or "running dogs." The basic weakness of the extreme left-wing liberal is evident in the attacks on Dr. Shockley; they are more characteristic of fascism than Americanism. These attacks do more to destroy the freedom of thought and expression that is the basis of our society than protect it. Fear may suppress the truth but is no substitute for it. I include a related news article in the RECORD at this point:

[From the Washington Post, Sept. 8, 1971]

RACE THEORY CALLED "FASCIST"

(By Stuart Auerbach)

Nobel laureate Dr. William Shockley was publicly accused of "racism" and promoting "fascist ideas" yesterday when he presented to the American Psychological Association his theory that Negroes are genetically inferior to whites.

A clinical psychologist, Dr. Edward C. Scanlon, described Shockley at a public meeting as "paranoid," and asserted that his theory "is a fascist idea like Nazi Germany."

"The problem in my terms is the racism of Dr. Shockley; it's too bad there are no longer heresy trials for scientists who have either gone senile or mad," said Scanlon in the first personal attack in public on Shockley since he began presenting his controversial—and largely unaccepted—views at major scientific meetings five years ago.

Later, a black woman psychologist in the audience, Alice Madison of Rutgers University, told Shockley that his theory shows that he is afraid "that black people some day will rise up."

"You don't scare us and you don't put us down," she declared. "We are either as bright or superior to you, and we're scaring you. I thank you for that compliment."

Although the National Academy of Sciences repeatedly has refused Shockley's requests to sponsor studies to test his theory, the debates there have been proper and polite.

Even the black students at Dartmouth College who prevented him from speaking two years ago, didn't attack Shockley personally. They merely kept clapping rhythmically until he left the platform.

Shockley, a professor of electrical engineering at Stanford University who won the Nobel Prize in 1956 for his part in the invention of the transistor, appeared unruffled by the public attacks.

"I don't take that seriously," said Shockley of Scanlon's charge that he is paranoid because he tape-records everything he says, refuses to answer questions at a press conference until he writes down a reporter's name and affiliation and sends all letters by certified mail.

As to the racism and Nazism charges, Shockley said that Scanlon's views "are far more in keeping with a totalitarian state than mine."

Professionally, Shockley said, he will be "profoundly disconcerted" if he is proven wrong and there is no genetic difference in the intelligence of whites and blacks.

But as a human being, he continued, he would say, "Thank God. I won't have to mess with these things any more."

He bases his theory, which is supported by Dr. Arthur R. Jenson, University of California at Berkeley educational psychologist, on analysis of data reported by other social scientists.

Because of "wishful thinking" about the equality of all men, Shockley said, these other scientists are unwilling to draw the same conclusions he does from the data.

His main sources of information, he said, are a massive federal Office of Educational study comparing Negro and white scholastic achievement and Armed Forces Qualification Test results.

Just last week, Dr. George W. Mayeske, a psychologist, reported that his analysis of the same Office of Education data on 123,000 students showed that any differences between whites and Negroes on scholastic achievement tests were due completely to social and economic factors, not genetics.

And Scanlon, a clinical psychologist at the Schuylkill County (Pa.) Mental Health Center, said his experiences as an Army psychologist indicated a considerable amount of cheating among southern whites who are supervised by white officers while taking Armed Forces tests.

"He (Shockley) ought to quit using them unless he wants to tell a lie," said Scanlon.

Shockley acknowledged that the idea that the Armed Forces tests may not be an accurate reflection of the intelligence of Negroes and whites is "a very valid area of criticism; it bears on the validity and significance of one of the types of data I am using."

But, he insisted that his main thesis that Negroes are innately inferior to whites in intelligence still holds.

"Nature has color-coded groups of individuals so that statistically reliable predictions of their adaptability to intellectually rewarding and effective lives can easily be made and profitably used by the pragmatic man in the street," said Shockley.

He proposed "as a thinking exercise" that the government offer bonuses for the sterilization for people who don't pay income tax.

The amount of the bonus would depend, Shockley said, on the number of hereditary disadvantages the person has. He listed "disadvantages such as diabetes, epilepsy, heroin addiction, arthritis, etc."

THE SHARPSTOWN FOLLIES—XXX

The SPEAKER. Under a previous order of the House, the gentleman from Texas, (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, since we last met there have been many chapters added to the Sharpstown Follies, all of which I will recite to the House in due course. All in all, however, I can tell you now that all these events, and others that are yet to be revealed, will add to the growing weight of evidence that the Assistant Attorney General of the United States, Will Wilson, is unfit for the office he occupies.

For 6 years Mr. Wilson was a private citizen, and in that time he advanced from being a comfortably wealthy man to a millionaire, with a great deal of assistance from Mr. Frank Sharp. As it turns out, Sharp was a crook and his pals seem to have been less than honorable men. Wilson was one of those pals—he was Sharp's attorney, adviser, and beneficiary.

Many questionable, dubious, and dishonest deals took place in Sharp's empire while Will Wilson was in its employ. Wilson has never explained his role in any of these deals, but he did offer a few days ago a 9-page public statement on how he became a millionaire, and since this is a curious document I offer it for the RECORD:

STATEMENT BY ASSISTANT ATTORNEY GENERAL WILL R. WILSON

From 1963 through 1968, I was engaged in the private practice of law in Austin and Houston. One of my clients was Frank Sharp, whose implication in a stock fraud case has led to insinuations that I am or have been involved in illegal activities as a result of this association. There is absolutely no truth to this.

For more than 30 years—since I graduated from college—I have actively engaged in the buying and selling of land. Most of these transactions have been profitable. In addition, my net worth was increased by inheritances which occurred when my father died and at the death of my wife's father.

At the time I was elected Attorney General of the State of Texas, my net worth was approximately $300,000. I engaged in very few land transactions during the time I was Attorney General. However, the value of the land that I owned, located in the fast-growing cities of Dallas and Austin, continued to appreciate and by 1963 my net worth was approximately $500,000.

As Attorney General from 1956 through 1962, I was automatically a member of the State Banking Commission. During that time, I voted to charter more than 150 bank applications, including a request by Frank Sharp to establish the Sharpstown Bank in the southwest part of the city of Houston. I supported the charter application on its merits. I was acquainted with Frank Sharp at the time as I was with many of the applicants who came before the Commission.

I left public office at the end of 1962, following an unsuccessful race for Governor, and helped organized the law firm of Wilson, Kendall, Koch & Randall in Austin. Mr. Sharp became one of the firm's clients in the spring of 1963—one of approximately 100 persons or corporations who retained our firm's services.

In the course of the next six years, the volume of business which Mr. Sharp brought to the firm varied a great deal. Some years he was a major client and other years he was not.

In addition to our lawyer-client relationship, business interests controlled by Mr. Sharp were a source of legitimate credit for me—similar to other lending institutions I used to increase my land holdings.

On April 22, 1964, I received two loans of $50,000 each from the Sharpstown Realty Company, which was owned by Mr. Sharp. One loan, which carried an interest rate of 4½ percent, was used to purchase a five-acre tract of land in Southwest Houston from the realty company. The loan was secured by the land. The other loan—at five percent interest—was used to buy a ten acre parcel of land from individuals not connected with Mr. Sharp or Sharpstown. I was not required to post any collateral for this loan. At this time, my net worth was estimated at $687,000.

By billing the realty company for legal services and expenses incurred in connection with representing the company, I paid off this loan by July 1968.

Without my knowledge, the $50,000 note for the five acre parcel was transferred from the realty company to the Sharpstown Bank on April 27, 1964.

During the next two years, I borrowed a total of $55,000 from the Sharpstown Bank in three separate transactions on my signature and at the interest rates then being charged. These loans were used to purchase listed stock and other tracts of land, and in connection with the construction of an apartment complex in Austin.

In April of 1966, I borrowed $95,000 from the Sharpstown Bank, again for the purpose of buying stock and parcels of land and for the apartment house construction. At the same time, I consolidated my entire indebtedness into one note for $200,000 at the prevailing rate of interest. I secured this loan with the two parcels of land purchased in 1964. My net worth in February, 1966 was approximately $885,000.

By September of 1968, I had paid $25,000 on the $200,000 loan. The Sharpstown Bank requested payment of the balance, so I transferred the note to the Bank of Texas in Houston. In December of 1969, I paid off the loan at the Bank of Texas by liquidating certain properties.

There have been only two other loan transactions involving myself and the Sharpstown Bank. One was for $17,000 which was made to the law firm of Wilson, Ridings and Osborne on September 6, 1968 to purchase office equipment and furniture for the firm which occupied space provided by the bank. This law firm only represented the bank and was dissolved in January 1969 following my appointment as Assistant Attorney General. One payment of $9,531 was made on a loan and the balance was assumed by one of my previous partners.

The other transaction occurred in August of 1970 when I borrowed $30,000 on my signature—at 9 percent interest—for use in connection with my investment program. This loan was repaid in full within seven months.

During the winter of 1967–68, I began buying stock in National Bankers Life, eventually purchasing 8,000 shares in a year's time at prices ranging from $8.00 to $11.50 a share. My interest in this company came as a result of a request from Mr. Sharp to study the company's statements to determine the value of the stock. Although the stock was selling at $8.00 a share at the time, it was my opinion as a result of my analysis that the stock was worth $11.00 a share.

Mr. Sharp expressed an interest in acquiring the company from former Governor Allan Shivers who held controlling interest. He asked me to ascertain the asking price, which Mr. Shivers said was $14.50 a share. I subsequently advised Mr. Sharp that, in my opinion, the price was too high. Contrary to my advice, he directed me to begin negotiating for the purchase of a controlling interest in the company at $14.50 a share, and I drew up a contract totalling $7.5 million for the purchase of the stock. The contract called for the transaction to be entirely in cash and to be closed on August 12, 1968, at a bank in Dallas. This was the end of my involvement with the acquisition of the stock.

Subsequently, Mr. Sharp and Mr. Shivers agreed between themselves to modify the contract by moving the closing date up to July 5 and to change the terms of payment. Mr. Sharp paid one half on the closing date and the other half six months later. I did not know then and I do not know now where Mr. Sharp got the money to pay for the purchase of the stock. He did not consult me about it and I did not advise him about any bank loans or other financing involved in this purchase. Mr. Sharp did inquire as to how much bank stock the insurance company could acquire under the insurance laws. I looked up the law and told him what it said.

Without violating the privileged relationship between lawyer and client, I believe I can say that I frequently urged Mr. Sharp to be more cautious in his debt and expansion. And he just as frequently replied: "I hired you for your legal advice, not business advice." I think this best characterizes our relationship.

I have not had the benefit of reading a deposition taken from Mr. Sharp by the Securities and Exchange Commission. However, press reports quote Mr. Sharp as saying in the deposition that I was present at the bank in Dallas at the time the transaction involving Bankers Life was closed. That is not true. I was away on a fishing trip at the time.

My firm's fee for handling the Bankers Life transaction was less than $5,000 and was based on a billing rate of $40 an hour.

In February of 1968, prior to Mr. Sharp's acquisition of the insurance company, he called me to inquire about the value of the stock and asked if I was still buying shares. He said he had a friend who wished to purchase about 1,000 shares of the stock but did not have a local broker. He asked if I would buy it through my account. I agreed and Mr. Sharp sent a check for the amount. I made the purchase of the stock through my account in the names he gave me, Teddy Joe Bristol and June Bristol.

I did not inquire then and I do not have any direct knowledge now as to the identity of these persons beyond what I have read in recent newspaper accounts.

In the fall of 1968, I sold 1,000 of the 8,000 shares that I had purchased in National Bankers Life. Following notification that I would be nominated as an Assistant Attorney General, I began liquidating much of the stock that I held at the time, including the remaining 7,000 shares of National Bankers Life. As a result of the sale of all my National Bankers Life stock, for which I received no more than $10.00 a share, I sustained a net loss of approximately $1,700 in my investment in the insurance company.

On February 12, 1969, I received the last payment for the sale of the stock. Since that time, I have not purchased any shares of Bankers Life. The brokerage house apparently kept some of the stock registered in my name, although I had been paid in full for it, because it wasn't sent through for reregistration until some months later.

When I liquidated my law practice prior to becoming an Assistant Attorney General, I had several accounts receivable, including $31,000 due from Mr. Sharp's realty company. For tax purposes, I requested that no payment be made on any of the outstanding accounts during 1969.

In January of 1970, Mr. Sharp paid $20,000 on this account, leaving a balance of $11,000 which is still due.

Despite my association with Mr. Sharp, I did not learn of the investigation by the Securities and Exchange Commission into allegations of stock fraud concerning the Sharpstown Bank and National Bankers Life until November or December 1970. The matter was not brought officially to the attention of the Department of Justice until after the SEC suit was filed on January 18, 1971.

At that time, I disqualified myself from taking any part in the case. Accordingly, when Department attorneys decided to seek immunity for Mr. Sharp in exchange for his testimony, the decision was made by Deputy Attorney General Richard Kleindienst. The decision normally would have been made by the Assistant Attorney General of the Criminal Division.

During the six years that I was in private practice, my net worth increased from approximately $500,000 to approximately $1.3 million. My net income from my law firm rose from approximately $50,000 in 1963 to approximately $100,000 by 1968, and I had a limited number of successful investments in securities. However, the primary reason for the increase in my net worth was the rapidly appreciating value of the property I owned.

It was not unusual for someone with heavy investments in prime location real estate during that period of economic inflation to experience rapid and substantial growth.

Although my relationship with Mr. Sharp was a profitable one and the firm's billings to his company were substantial, my personal wealth has increased primarily due to a substantial growth in the size of three of Texas' largest cities.

I might say here that on the day before the statement was issued, it was made known that it would come out at 10 o'clock on the morning of August 26. On the appointed day, Department of Justice representatives said that the statement would be ready that afternoon, at 3 o'clock. It was after 4 by the time the statement actually became available. Wilson and his public relations men found it hard indeed to explain things. The "facts" just kept changing on them.

Well, Wilson's statement turned out to be less than candid. In fact it is not even a good dodge. It speaks of everything except the one vital issue, and that is, just what did he do for Frank Sharp? It never mentions the crooked deals that I have described. Yet Wilson must have known about these deals, for they could have never taken place without his at least being aware of them, or taking part in them.

Those deals that he has admitted to are blatantly dishonest.

Wilson coyly says that he never asked questions about these deals, that he did not know what was going on. He just did what he was told, no questions asked. He was a pasty, he says.

Wilson says that he did not know that the bribery of a Federal bank examiner took place, even though his brokerage account was used for the deal. Yet at that time, he knew that the FDIC was closely watching the Sharpstown Bank and he had every reason to know who the bank examiners were. Yet he says he never asked any questions when Sharp asked him if he could use the Wilson brokerage account for "a friend."

Wilson says also that he never asked any questions when Sharp's pal Joe Novotny asked him to pay a little old construction bill that they did not want to run through the Sharpstown Bank accounts. Wilson asked no questions, did not sense that the bank was trying to cover anything up, never asked what it was about. He just did as he was told, and collected $2,500 for his trouble. As it happened the bill was to cover the cost of bugging the Sharpstown Bank offices where FDIC examiners were working.

So, Wilson says that he knew nothing of who the examiners were, and could not have been party—at least knowingly—to any bribery attempt. And he says that he knew nothing about efforts to breach the security of a Federal examination.

He also claims he knew nothing about Federal investigations into the Sharpstown Bank many moons later, when he borrowed $30,000 from his pal, Sharp. Wilson says he repaid the loan within 7 months, that he knew nothing about the Federal investigation when he took the loan. Well, he does not say when he repaid the loan or how or even what it was used for—and it would be interesting to know. And, of course, the Sharpstown State Bank was broke and out of business within the 7-month period Wilson talks about in his statement, and all loans were called by the liquidators. I believe that Wilson probably paid off the loan as soon as he found out charges against Sharp would be filed, to cover up his relationship with Sharp and get out of the picture. And, indeed, I doubt very much that he paid it all off in cash.

Wilson thus far has said that he cannot talk about what he did with Frank Sharp and for Frank Sharp without destroying the lawyer-client relationship. Yet when it suits his convenience he can talk—his silence is selective.

The public has yet to hear from Wilson about the SAC–RIC deal, the many self-dealing loans that Sharp had set up between his companies, to the tune of millions—many of which were never repaid, and which were directly responsible for the failure and deterioration of Sharp's companies; nor has he ever said anything about his knowledge of such fine deals as the recapitalization of the Sharpstown Bank by use of its very own funds. This latter deal, some say, was arranged on the expert advice and by a formula dictated by none other than Will Wilson.

And so it goes.

As more embarrassing deals are revealed, Wilson keeps saying that he knew nothing about them, or that he was a patsy, or that he was away fishing when it happened. It is impossible that he did not know what was happening. Even if he did not know, there is no reason to have confidence in him—patsies are unfit to hold high office.

Everything that has been revealed to date shows that Frank Sharp and his pals were crooks in one degree or another. It is hard to believe that any one man in that crowd was wholly honest or wholly ignorant. I do not believe that Wilson was either. He is unfit to serve and ought to resign.

HEALTH CARE IN AMERICA: A HERETICAL DIAGNOSIS

(Mr. HALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HALL. Mr. Speaker, the following article represents a deep and honest look at the entire medical situation in the United States. It points up the shortcomings that need correction in the present medical care system in an honest, thoughtful, and well researched way. The author, Mr. Harry Schwartz, is known as one of the real heavyweights in the field of reporting, and I congratulate him for one of the outstanding pieces done in the medical area in recent years. I am happy the Saturday Review of Literature published it.

The article follows:

[From the Saturday Review, Aug. 14, 1971]

HEALTH CARE IN AMERICA: A HERETICAL DIAGNOSIS

(By Harry Schwartz)

The conventional practice of medicine and the physicians engaged in it are under attack in the United States as never before. Ranged behind a banner reading HEALTH CARE CRISIS, a large and vociferous group of critics claims that the nation's medical system is woefully deficient in so many major respects that it must be radically reorganized—and quickly. On this essential diagnosis and prescription, the Nixon administration stands shoulder to shoulder with Senators Edward Kennedy and Edmund Muskie, among others, as well as with numerous trade union leaders.

Many patients are vocally dissatisfied with the high cost of medical care and, increasingly, with the outcome—this latter fact attested to by an epidemic of malpractice suits. The past few years have seen a barrage of articles, books, television programs, and other investigations of the weaknesses and inadequacies of the medical system. "Don't get sick in America," the nation has been told, as though there were some place where it was good to have cancer or multiple sclerosis or schizophrenia. Alarmed by this atmosphere, the American Medical Association has begun to run scared, offering programs for improved financing and delivery of health care, and seeking to upgrade its public image by sponsoring advertisements to show that doctors do care about the health of their patients, the quality of the environment, and the like.

In their righteous wrath, many of today's critics seem to feel that limits of truth, balance, or plain good sense just don't apply to their holy cause. Thus, one national magazine recently blazoned its front cover with Why You Can't Get a Doctor, though the editors surely know that every week millions of Americans see and are treated by physicians. And in another national magazine, a television critic who signs himself "Cyclops" assured his readers that Medicare had enriched the doctors in much the same fashion that the oil depletion allowance had served the oil industry. One wonders if in an earlier era Cyclops denounced "faceless and nameless accusers" who presented no evidence but simply accused broad categories of people. More generally, the critics have often focused on the worst areas in this field and trumpeted their findings as though they were typical. With that technique of course, every aspect of American life can be indicted since all—like medicine—have weaknesses and deficiencies.

Even unfair criticism can be useful in keeping an individual, an institution, or a section of society on its toes and helping prevent complacency. Vice President Agnew's attack on the media can be defended from this point of view. But in the case of medical care, many of the critics have "solutions" they want to offer. Having told us what incompetent, greedy monsters dominate the medical profession, the critics assure us that if we will only adopt their pet nostrum all will be well in the best of all medical worlds. The fact that for many years to come most of the physicians treating sick Americans will be the same men and women with M.D. degrees who are being denounced now doesn't seem to shake the faith of these true believers in simplistic solutions. Nor does it seem to occur to many of these would-be reformers that there could be heavy costs in the transition to some new health-care mechanism and there could even turn out to be serious new problems with the proposed "solutions." Such complications tend to be ignored as the fighters against medical evil use the undoubted weaknesses of what now exists for their propaganda while assuming that their proposals would introduce a utopia. Only a few cynics seem to realize that all human arrangements have faults and that present difficulties need to be compared with probable future difficulties.

A staple argument advanced by those who profess to see a health care crisis is that the nation's health is well below what it might be because of the inadequacies of the present medical mechanism. To buttress this argument, the critics virtually always trot out international statistics purporting to show that the United States is way down on the list of the world's nations ranked by such indicators as infant mortality and expectancy.

In part, this argument is based upon simple naiveté in statistical matters. It assumes that it is meaningful to compare small, homogeneous nations concentrated on relatively tiny territories—Sweden and Holland, for example—with the United States, whose population is roughly twenty times as large, incredibly heterogeneous, and spread across a whole continent. Moreover, those who triumphantly cite these statistics usually ignore the problems of statistical definition that make such comparisons even more suspect. And they almost never point out that if comparisons are made between the two most nearly comparable large countries for which data are available—the Soviet Union and the United States—the Soviet Union turns out to have a much higher infant mortality rate than the United States and approximately the same life expectancy level. Why doesn't anyone talk about a Soviet health care crisis?

But this argument has an even more fundamental fallacy, which is the assumption that in a highly developed, modern urban society medical care is somehow the decisive element in such matters as infant mortality and life expectancy. This, of course, ignores all the complex social forces at work. Whatever its sins, the American medical establishment is not responsible for hunger in this country, for the automobiles that kill 50,000 or more people here annually, for the drug overdoses that claim thousands of young lives, or for the millions of Americans who court heart disease and lung cancer by overeating, exercising little or not at all, and smoking a pack or more of cigarettes daily. If a person chooses to eat or smoke his way to death despite his doctor's warning, why blame the doctor?

Finally, it is curious that those who rush to use statistics to indict American medicine are so quiet about data that point in the opposite direction. Why is so little said, for example, about the dramatic decline in American infant mortality in recent years—a drop of more than 20 per cent just between 1965 and 1970? Last year, for the first time in American history, the infant mortality rate went below twenty deaths per thousand live births. Nor are we often reminded that, when allowance is made for the changing age distribution of the population, the death rate in this country has been dropping significantly. In 1967, the last year for which data are available, the age-adjusted death rate in this country was 7.3 per thousand population. Twenty years earlier, the corresponding figure, 9.0 per thousand, was almost 25 per cent higher.

I do not mean to suggest that there is no room for further improvement. But if critics want to be honest with the American people, they ought to present the whole picture—including the undeniable evidence of substantial and continuing improvement, in some cases very rapid improvement—and not merely carefully selected international comparisons, the relevance or validity of which is dubious. It should be added, moreover, that the gains, i.e., the reductions, in American infant mortality and overall mortality rates have been shared by whites and non-whites of both sexes.

A second frequent complaint is about shortages of doctors, sometimes more generally of all health manpower and womanpower. Along with this grievance often goes the more or less explicit charge that the American Medical Association has been choking off the supply of doctors, presumably to increase its members' monopolistic power.

Nobody can deny that there are shortages of doctors in some places and that the worst problems are encountered in urban slums and remoter rural communities. But the United States as a whole has one of the highest ratios of physicians to population in the entire world. Between 1950 and 1970 the number of M.D.s in this country increased almost 50 per cent, or substantially more than the roughly one-third population increase in the same period. Moreover, the country's rate of physician production is mounting rapidly as old medical schools expand enrollments, new medical schools begin operating, and some medical schools cut the period for M.D. training from four to three, or even two, years. In September 1971, according to an estimate by the Association of American Medical College, 12,500 new medical students will begin their studies, about 40 per cent more than the number of freshmen enrolled as recently as 1965.

The net increase of between 35,000 and 40,000 doctors in this country just since 1965 makes a mockery of the charge that the AMA or any other organization is attempting to preserve some sort of monopoly. The real problems are different, and they have at least three roots. One is the trend toward specialist care and away from general practice, a trend born both of the economic advantages of being a specialist and of the increasing volume and complexity of medical knowledge. A second factor is the understandable desire of many physicians to live and practice where it is most advantageous and pleasant for them to do so, rather than in surroundings of poverty or of professional isolation; physicians are abundant on Manhattan's fashionable East Side and in affluent Westchester County, but very scarce in Bedford-Stuyvesant and the East Bronx. Finally, there has been a tremendous upsurge in the demand for physicians' services born of the Medicare and Medicaid revolutions of the mid-1960s, which lowered the economic barriers to medical care for millions without immediately doing anything to compensate for the provision of this care.

Nevertheless, there can be little doubt that in recent years more Americans have been receiving more—and usually better—medical care than ever before in the nation's history. But this is hardly the situation that the term "health care crisis" brings to mind or is intended to bring to mind.

A third complaint is the rapid rise in the nation's total medical bill. Here is the way the Nixon administration's recent White Paper on medical care put the indictment:

"In fiscal year 1970, the nation spent $67-billion on health, nearly three-fifths again as much as had been spent only four years earlier. While undoubtedly there were improvements in the quality of care for at least some of the population, more than 75 per cent of the increase in expenditures for hospital care and nearly 70 per cent of the increase for physician services were the consequence of inflation."

Put this way, of course, there is a strong implication of gouging, of conscienceless profiteering at the expense of the sick. But every American knows that the last four or five years have been a period of rapid *general* inflation, of substantial rises in prices and wages throughout the economy. Between 1967 and 1970, for example, the consumer price index shows that physicians' fees rose an average of 21.4 per cent, or almost exactly the same percentage by which average hourly earnings of workers on private nonagricultural payrolls increased over the same period. Between 1967 and 1970, the consumer price index reports, the average price of a semi-private hospital room rose 45.4 per cent. Hospitals, of course, are very labor-intensive institutions, and before Medicare and Medicaid many of their personnel—interns, residents, and housekeeping workers, many of the last being from minority groups—received very low wages. These last mentioned groups have particularly benefited from above-average wage raises in recent years, a circumstance that hardly makes such formerly disadvantaged workers economic criminals.

There should be no illusions in this area. Proper care of the sick—particularly of the elderly, who make up such a disproportionately high percentage of the seriously ill—is and always will be a very expensive proposition. There are, of course inefficiencies in the existing medical-care mechanism that add to costs, but it is a delusion to think that the physically ill or the emotionally disturbed can be handled satisfactorily and humanely in ways that will compare in efficiency and cost effectiveness with the assembly-line techniques Detroit uses to build automobiles. Certainly the nation does not want the high percentage of error and neglect in its health care that car buyers find in their new vehicles.

Yet, it is essentially assembly-line medicine provided by collectivized physicians that the critics suggest to meet the "health care crisis." The road to medical utopia, many voices now tell us, is to be found by general acceptance of prepaid group practice arrangements ("health maintenance organizations," in Nixon administration jargon) on the model of the Kaiser-Permanente groups along the West Coast. Such prescriptions are natural if one believes this country is now in a health care crisis, which derives from the cliches the critics employ to describe present American medicine. They hold that it is "a cottage industry" consisting of "solo practitioners" working on a "fee-for-service basis" in a "non-system." Simply inverting these terms produces the notion that what is needed is a mass-production medical industry staffed by teams of doctors working independently of payment in a highly organized system.

This description of the present situation is grossly oversimplified. American medicine today is highly pluralistic. Millions of Americans have completely socialized medicine; for example, those in the armed forces and in Veterans Administration hospitals. Several million others belong to prepaid group practice organizations, and additional millions look to hospital emergency rooms, outpatient clinics, and the like for their primary medical care. Medicare, Medicaid, and private medical insurance, including Blue Cross, have revolutionized the economics of medical care in recent years. In short, the stereotype of the sick American going to the isolated physician and digging into his pocket for the $10 or $15 fee covers only a portion of the reality. And, except in remote areas, no physician is really isolated since any good doctor is part of an informal system that includes him, the specialists he refers patients to when specialists are needed, and the hospital or hospitals he sends his patients to when necessary. And it is a strange cottage industry indeed that includes such institutions as New York City's Presbyterian Hospital, Boston's Massachusetts General Hospital, and similar large hospitals all over the country.

The existing pluralistic system provides choices for both physicians and patients. In such large communities as New York City, San Francisco, and Denver there is competition between private physicians and group practice organizations, as well as, of course, among the private physicians themselves. And where one uses private practitioners, the fact that the doctor collects a fee gives him an economic interest in satisfying the patient—not a bad motive however much the idealists might wish that doctors, unlike all other human beings, had no sense of self-interest. And the fee acts as a partial barrier to excessive calls on the doctor's service, a restraint against running for help for every vague pain. Moreover, a system in which the doctor's income is proportionate to how many patients he sees encourages physicians to work hard. Many doctors today work sixty or more hours weekly.

Of course, insofar as American medicine is still a cottage industry based on a one-to-one relation between a family doctor and a patient, it has much to recommend it. Since most ailments are self-limiting, they can be handled adequately even by a "solo practitioner," especially if, as is normal, he has access to laboratory and X-ray facilities. A family doctor—and there are still many of them around—gets to know his patients as human beings and is able to provide what is probably the most frequent positive outcome of the patient-physician encounter: reassurance and phychological support. A large fraction of people who go to doctors have no objectively detectable illness and really want psychiatric aid, which comes more effectively from a man or woman the patient knows than from some impersonal stranger. And for many frightened persons, reassurance is far more effective if it comes from a full-fledged M.D. than from a physician's assistant, a nurse, or some other person with less training than a physician has.

Private medicine also has flaws, of course, and is sometimes abused, as any human arrangement tends to be. Unscrupulous doctors can keep a patient coming back more times than necessary in order to collect more fees. But the fact that most doctors are busy probably minimizes this type of abuse. Some observers have charged that there is a fair amount of unnecessary surgery in some areas, a possibility that cannot be dismissed. Some surgeons have complained that general practitioners often perform surgery they are really not qualified to undertake, sometimes with terrible and even fatal results. A growing problem in private office and hospital practice is the plague of malpractice suits, which is adding substantially to the cost of medical care. Physicians, increasingly fearful they may be sued, are practicing "defensive medicine," prescribing more laboratory tests, more X-rays, and more specialist consultations than are often necessary in order to be sure they have an adequate defense if a disgruntled patient sues. But the same problem will exist with any type of medical system until the whole malpractice situation is radically changed.

There could be no quarrel with advocates of prepaid group practice systems if these advocates simply urged the elimination of existing legal barriers to such arrangements and limited public subsidy to help meet initial costs of setting up such groups. Kaiser-Permanente and similar organizations have shown that group practice is one feasible way to organize medical care with attractions for some physicians and for some consumers. Physicians get reasonable salaries, freedom from the entrepreneurial and other woes of private practice, regular hours, and the aid of other physicians and ancillary medical workers. Patients have a fixed or semi-fixed medical cost, for which they can budget in advance, and a source of medical care available at any hour and on any day. Competing with private physicians, group practices can put economic curbs on private doctors' fees and force the private practitioners to make their own informal or formal arrangements to ensure that patients can get a doctor at 3 a.m. on a Fourth of July and on other occasions when most people are sleeping or on holiday.

But the zealous advocates of revolutionary change in American medical care go far beyond such modest and realistic claims. They see group practice or health maintenance organizations as wonder-working systems that can provide better care for lower costs while simultaneously ensuring that the population enjoys better health than ever before. It is these expectations that explain the intensity of the more extreme propagandists for universal health insurance and compulsory group practice.

However, the evidence presented for these claims is very thin, particularly since group practice in the United States has historically been limited to special groups, while what is advocated by the extremists is extension of this mode of health care delivery to the entire population.

How, for example, can group practice improve the nation's health if medical science knows so little about the causes of the degenerative and hereditary diseases that cause so much illness? And what is there about group practice that will enable it to stop smoking, overeating, lack of exercise, reckless driving, heroin addiction, alcoholism, poverty, inheritance of genetic defects, and other individual or social causes of sickness and death?

Some people argue that the end of direct financial cost for medical care will encourage people to go to doctors earlier than they might otherwise and thus catch diseases at a stage where they can be dealt with more effectively. This may be true in some cases, but the change to prepaid medical care has more complex consequences.

The end of fee-for-service removes the individual physician's economic interest in his patient, while, for the group as a whole, it is economically advantageous to do as little as possible for the patient. For the subscriber to such a group, however, the removal of additional out-of-pocket cost for a visit to the doctor creates the temptation to overuse the group's resources. Thus, a tension is automatically set up between the group physicians and their patients.

One result of this situation has been well described by Dr. Sidney Garfield, the founder of the Kaiser-Permanente groups. Last year Dr. Garfield wrote in the *Scientific American:*

"Elimination of the fee has always been a must in our thinking, since it is a barrier to early entry into sick care. Early entry is essential for early treatment and for preventing serious illness and complications. Only after years of costly experience did we discover that the elimination of the fee is practically as much a barrier to early sick care as the fee itself. The reason is that when we removed the fee, we removed the regulator of flow into the system and put nothing in its place. The result is an uncontrolled flood of well, worried-well, early-sick, and sick people into our point of entry—the doctor's appointment—on a first-come first-served basis that has little relation to priority of need. The impact of this demand overloads the system, and, since the well and worried-well people are a considerable proportion of our entry mix, the usurping of available doctors' time by the healthy people actually interferes with the care of the sick."

Dr. Garfield is attempting to meet this problem by experimenting with the use of computerized, automated, multiphasic screening techniques. A battery of tests—by machines and physician's assistants—is hardly the kind of warm, humane, intimate medical care most people want. On the contrary, the impersonality of such care, the lack of any long-term continued contact with one physician, is likely to repel many people. Moreover, the possibilities that a national system of prepaid group practice will turn into a bureaucratic monster are enormous.

It is strange that the enthusiasts for more "system" in medicine have not learned anything from the debacle of the nation's public school system. In every community, public school education is free to the recipients; yet, everywhere—or almost everywhere—there is bitter complaint of the failure of this system to teach effectively or to satisfy the psychological needs of our young people. Strikes by schoolteachers are now no longer novelties. Are there any guarantees that a national medical system will not follow the same path, and that someday we will not have strikes by doctors? Will some future Ivan Illich have to appear to demand the liberation of sick Americans from the medical bureaucrats as Mr. Illich now calls for the liberation of young Americans from the educational bureaucrats?

In an era when people are again referring respectfully to the one-room schoolhouse as a "daring experiment," should we lightly scrap the cottage industry aspects of medicine where they permit intimate, long-term, and humane contacts between physicians and patients? A human being is not a machine that can be fixed by any garage mechanic when something goes wrong. Yet, that philosophy is the implicit premise of much current discussion of medical reorganization.

The nation's real problems of medical care can best be met by measures that focus on particular trouble areas, rather than by a violent transformation of the entire complex medical system that would affect equally all parts, those working well and those working poorly.

Of course, the ghettos and small towns need more doctors and medical facilities. But the government already has authority to recruit physicians and other medical personnel to meet these needs. And if young physicians are idealistically anxious to go into these deficient areas, why shouldn't the state help them do so?

The family of moderate means struck by catastrophic illness can be bankrupted by heavy medical bills. That problem could be solved by government-organized, compulsory major medical insurance whose cost on a national per capita basis would be relatively small.

In the present period of galloping inflation, it is probably utopian to suppose that the inflation of medical costs can be curbed, short of a general wage-price freeze for the entire economy. But it is not unrealistic to suppose that the upward rocketing of hospital costs might be slowed down by a variety of measures. One important need is for revision of the formulas used to reimburse hospitals under Medicare, Medicaid, Blue Cross, and other insurance schemes. These formulas—which in the past have often stressed cost reimbursement without pressures for economy—need to be altered so that hospital administrators will be more economy-minded in the future than in the past. The needless proliferation of duplicative hospital facilities needs to be stopped and replaced by systems of hospital cooperation so that patients at several hospitals in a locality have shared access to a particularly scarce or expensive facility. The escalation of medical costs could also be usefully countered by effective action on the malpractice front so as to curb present excesses and abuses that add significantly to the costs patients, insurance firms, and the government must pay.

There are many other ways in which the present medical system can be intelligently and humanely improved. But these needed and useful improvements can be made within the context of a continued pluralistic system. Different people have different tastes and different needs. Those who want to use prepaid groups should be permitted to do so; those who want to go to a physician and pay him each time should be free to do so, too. The result may not seem to be as neat on an organization chart as a uniform national system, and it may have seeming inefficiencies and duplications. But the right of choice for doctors and patients alike is worth such costs—at least in a really humane society.

In an era of increasing and justified disenchantment with big government, it is astonishing that so many well-meaning and intelligent reformers essentially want to nationalize and bureaucratize American medicine, either explicitly as in Britain or implicitly as in some of the legislation before Congress. One would have thought that the postal and public school systems would have taught them long ago that nationalization does not mean efficiency, and that the telephone system would have taught them that even a private integrated system can develop serious flaws. Based on the record of the past, we have every reason to suspect that if the revolutionary proposals for transforming American medicine are adopted and implemented, medical care in this country will cost more while providing less satisfaction and poorer treatment for millions.

AIRLINE CAMPAIGN WRITEOFFS

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, during the recess period I was examining the election reform legislation adopted by the other body and now under consideration by the Elections Subcommittee of our House Administration Committee.

As long as we are trying to close loopholes and possibly put limitations on certain contributions it seems to me, Mr. Speaker, we must not condone by indirection that which is prohibited directly.

Accordingly, on August 18, 1971, I wrote a letter to our very able Elections Subcommittee Chairman, Watkins Abbitt, citing examples of unpaid airline fares by both Republicans and Democrats, and some writeoffs.

A copy of this letter follows:

AUGUST 18, 1971.

Hon. WATKINS M. ABBITT,
Chairman, Subcommittee on Elections,
Washington, D.C.

DEAR MR. CHAIRMAN: When Congress reconvenes following the recess period, we will resume the consideration of Election Reform legislation, including the recently enacted Senate Bill.

In this overall problem, I think it is of prime importance that major loopholes be closed relative to what might be properly called "contributions by indirection". By this, I make reference to the practice of "write-offs" by corporations which are already prohibited from making political contributions.

For example, American Airlines, as of April 30, 1971, was carrying campaign debts incurred by candidates for Federal Office from 1962 as follows:

National Democratic Committee	$426, 833
Republican Nat'l Finance Committee	151, 871
Richard M. Nixon	69, 376
Hubert H. Humphrey	138, 762
Robert F. Kennedy	415, 120
McCarthy for President	135, 872

It is my understanding none of these obligations were either written off or settled to date.

United Airlines, as of April 30, 1971, shows:

Nixon-Agnew Campaign	$75, 107. 55
Humphrey-Muskie Campaign	79, 083. 65
Democrat Nat'l Committee (Robert F. Kennedy obligation)	12, 651. 97

Further, United had $1,213.66 freight charges incurred by Eugene McCarthy supporters. This was settled for half, with $606.83 written off.

The McCarthy National Headquarters incurred $34,386.03 with United during the period of May through September 1968. $5000 was paid by National Headquarters, plus $425.00. Litigation for the balance of $28,961.03 was settled for $22,500.

Eastern Airlines shows a balance due from the Democratic National Committee (Humphrey, Muskie) of $208,867.12, and Republican National Committee $112,823.44. Eastern says, "In keeping with accepted practices, the Democrat National Committee receivable was written off at the year-end 1969. However, the account remains under active collection procedures."

Trans World Airlines report outstanding campaign debts of:

United Democrats for Humphrey	$221, 519. 55
Humphrey Charter	25, 091. 04
Republican National Committee	13, 196. 05

TWA wrote off $6,867.36 debt on February 24, 1969, incurred by McCarthy for President, and listed a total debt of $16,352.36 with a negotiated settlement on November 4, 1968 of $9,485.00.

Continental Airlines reports a write-off of $4,497.96 on a Charter Flight debt of McCarthy for President of $8,997.96.

Piedmont, Western, Aspen Airways, and Johnson Flying Service also show unpaid campaign debts of the Democrat National Committee, Robert F. Kennedy campaign incurred by Senator Ted Kennedy, and a Mr. Burke, with some write-offs.

It seems to me, Mr. Chairman, when we are considering limitations on campaign expenditures, we just cannot afford to give lip-service to election reform on the one hand, and permit campaign obligations, which amount to contributions, to be swept under the rug. Perhaps the Subcommittee should call in some of these Airlines with a view of possibly referring the matter to the Justice Department.

Sincerely,

SAMUEL L. DEVINE, M.C.

Mr. Speaker, election reform, in order to be effective, must meet the problems head on and we have a duty to inform ourselves about practices which circumvent the intention of the Congress.

JACK GIBBS—PRINCIPAL EXTRAORDINARY

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, an outstanding Negro educator-administrator has been recognized and honored in Columbus, Ohio. He is Jack Gibbs, highly respected principal of East High School.

Mr. Gibbs is taking a year leave of absence to work on a Model City education project, but his impact on the community is on the credit side of the ledger in Columbus education circles.

An editorial appeared last week in the Barnesville (Ohio) Enterprise, which I am happy to reprint for the benefit and knowledge of my colleagues in the Congress and the American people.

ONE SCHOOL MAN'S INFLUENCE

Friends of the former principal of East High School in Columbus held a testimonial party for him Sunday afternoon, but it never made the society page. All it got was a story spread across the top of a newspaper page with a banner headline. It was worth every bit of the publicity it received.

The school man honored was Jack Gibbs, a Negro who has taken a year's leave of absence from his principal job to work on a Model Cities education project. Other principals of East High have left without a farewell party, but Gibbs was different. So thought the school's Parent-Teacher Association, the faculty and people of the black community around East High, mostly Negroes, in planning the testimonial.

Why was Jack Gibbs singled out for this honor? Because, in the words of the Columbus Dispatch, he "held the school's approximately 1,200 students together while some Columbus schools suffered racial turmoil and rioting."

He did this in a year when a more highly educated Negro who was employed to direct the black studies program at Ohio State University went from the campus to incite trouble among students at another Columbus high school. He made himself so obnoxious that he lost his job, while the East High principal was honored by patrons, faculty and students while on a leave of absence.

"There aren't any black or white problems, just American problems," Gibbs was quoted as saying to his students repeatedly. When students from other schools assembled at a park across from East High to observe with disturbances the birthday of Malcolm X, East High students were not there. They met in their assembly hall to talk about Malcolm X. They were not participants in the disorders that gave the area a lot of bad publicity.

Because of his efforts to promote better race relations, the East High principal was attacked by some militants who accused him of being an Uncle Tom. His reply to this was characteristic:

"If wanting you to be a lady or a gentleman makes me a Tom, then call me that," he said. "If wanting you to make something of yourself makes me a Tom, then call me that. Human relations, teaching a person respect for himself is the important thing. If you teach that first, the other (book knowledge) will come."

The ultimate solution in the race problem will come, we believe, with more school teachers and administrators, occupying the unique position that they do, following the successful ideas that Jack Gibbs has. He didn't seek popularity. He just wanted to do the best kind of job he could as he saw it.

Our guess is that Columbus, the state and the nation haven't heard the last of Jack Gibbs and the testimonial party for him. There is only one way that a man like that can go, and that is UP!

J. EDGAR HOOVER ON SUPPRESSION DOCTRINE OR EXCLUSIONARY RULE

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, in the September FBI Law Enforcement Bulletin, Director J. Edgar Hoover makes some excellent comments about releasing patently guilty criminals and the suppression doctrine. His message follows:

If justice is to be the ideal of man, then its refinement must never cease. As we know, pure justice, even if definable, is not always achieved. However, this is not to say that free people should be content to settle for impure justice. Perfection must continue to be our goal. In this regard, it is well to remember the words of Patrick Devlin, former Justice of the High Court of England, "When a criminal goes free, it is as much a failure of abstract justice as when an innocent man is convicted."

As the development of our legal system shows, meaningful judicial concepts frequently originate from dissenting opinions. Thus, the impact of scholarly dissent should never be underestimated.

Recently, Mr. Chief Justice Burger, in his dissent in *Bivens* v. *Six Unknown Named Agents of Federal Bureau of Narcotics,* raised some highly significant points, particularly for law enforcement officers, regarding the Suppression Doctrine or the Exclusionary Rule. He noted that the rule is based on a theory that suppression of evidence obtained in violation of the Fourth Amendment is imperative to deter law enforcement authorities from using improper methods to obtain evidence. In exploring some of the far-reaching consequences of the rule, the Chief Justice points out that ". . . many judges and lawyers and some of our most distinguished legal scholars have never quite been abel to escape the force of [Justice] Cardozzo's statement of the doctrine's anomalous result: "The criminal is to go free because the constable has blundered.' . . ."

The main thrust of Mr. Chief Justice Burger's argument is that the doctrine is both "conceptually sterile" and "practically ineffective" as far as its stated objective is concerned. In spite of the good intentions of the theory, he reasons, the results of the rule's application do not justify ". . . the high price it extracts from society—the release of countless guilty criminals."

Concerning the majority opinion in this case, the Chief Justice noted that ". . . the holding serves the useful purpose of exposing the fundamental weaknesses of the Suppression Doctrine. Suppressing unchallenged truth has set guilty criminals free but demonstrably has neither deterred deliberate violations of the Fourth Amendment nor decreased those errors in judgment which will inevitably occur given the pressures inherent in police work having to do with serious crimes."

The Chief Justice points out that the rule makes no allowance for the severity of the violation. It excludes equally evidence obtained by deliberate, malevolent conduct as well as that attributable to honest errors in judgment by the officer.

"Instead of continuing to enforce the Suppression Doctrine, inflexibly, rigidly, and mechanically," Chief Justice Burger added, "we should view it as one of the experimental steps in the great tradition of the Common Law and acknowledge its shortcomings. But in the same spirit we should be prepared to discontinue what the experience of over half a century has shown neither deters errant officers nor affords a remedy to the totally innocent victims of official misconduct.

"I do not propose, however, that we abandon the Suppression Doctrine until some meaningful alternative can be developed. . . . Reasonable and effective substitutes can be formulated if Congress would take the lead. . . . I see no insuperable obstacle to the elimination of the Suppression Doctrine if Congress would provide some meaningful and effective remedy against unlawful conduct by government officials. . . . I conclude, therefore, that an entirely different remedy is necessary, but it is one that in my view is as much beyond judicial power as the step the Court takes today. Congress should develop an administrative or quasi-judicial remedy against the government itself to afford compensation and restitution for persons whose Fourth Amendment rights have been violated."

The essence of the Chief Justice's plea parallels the thinking of numerous law enforcement officials and legal scholars throughout the country. There is no apparent benefit in a doctrine which continually releases patently guilty criminals to prey again upon society because of inadvertent "blunders" by hard-pressed law enforcement officers.

JOHN EDGAR HOOVER,
Director.

WHAT'S SAUCE FOR THE GOOSE

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, an editorial in the Barnesville, Ohio, Enterprise last week suggests a double standard is being used by one of the many Members on the other side of the Capitol that are mentioned as presidential hopefuls.

The editorial makes reference to remarks attributed before the National Press Club by one of their favorites:

PEOPLE IN GLASS HOUSES

One has reason to wonder whether Senator Edward Kennedy ever heard the old saying that "people who live in glass houses shouldn't throw stones." Speaking before the National Press Club in Washington last Thursday, the Senator said that he deplored the way the Justice Department closed its books on the Kent State killings in May 1970 and announced that he is going to pursue the matter further in Congress.

It isn't likely that he will try to revive the scandal involving him when his car swerved from a bridge, resulting in the drowning death of a young girl who had gone riding with him. If ever there was a case that was investigated from every angle, it was the Kent State tragedy. One can hardly say the same of the Kennedy scandal.

Opinion polls at the time and since have continually shown that the American people do not believe that the full story of the Kennedy affair has ever been brought out. It probably never will be.

While ducking two questions about his candidacy for the presidency, Kennedy finally answered a third one by saying that his position in this matter is unchanged. Many have their doubts about this as they have about his story about the drowning of his girl companion. It appears that in reviving the Kent State tragedy he is making a bid for the younger vote and this seems just as plain as his mod hairdo.

NEEDED: ANOTHER BRETTON WOODS MONETARY CONFERENCE

(Mr. WYMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WYMAN. Mr. Speaker, in July 1944 the United Nations Monetary and Financial Conference was held at Bretton Woods, N.H. From this conference developed an international monetary policy of proven international value over the last quarter of a century.

Presently, because of marked disparities between the productivity and fiscal policies of the several nations, a situation has developed in which a second International Monetary Conference appears urgently needed. The nations of the world should devise a monetary system in which the currencies of the nations will honestly reflect actual comparabilities and valuation from day to day.

Gold may or may not be the answer because of its limited availability in terms of overall monetary requirements, but convertibility can be assured by international agreement whether it be based on silver, land, or even a nonvoting stock interest in the national assets of issuing countries.

There is no better place to convene a second assembly of the family of nations for the purpose of resolving international fiscal policy than Bretton Woods, N.H. It is magnificent natural beauty set in the bowl of the presidential range in the shadow of Mount Washington is exceeded only by its unparalleled facilities for the entertainment, comfort, and convenience of visitors.

At Bretton Woods the air is clean, the streams are like crystal, and the people are warm and cordial. I have respectfully recommended to the Secretary of the Treasury that if a second International Monetary Conference is to be held, that it be held at Bretton Woods, N.H. I wrote the Secretary on August 27 as follows:

AUGUST 27, 1971.

HON. JOHN B. CONNALLY,
Secretary of the Treasury,
Department of the Treasury,
Washington, D.C.

DEAR MR. SECRETARY: Recognizing that a decision to convene a second international Monetary Conference is essentially one of policy for the Executive Branch, it nevertheless occurs to me that in light of the recent unsettling developments in relation to dollar exchange in various countries, the suggestion of another International Monetary Conference might be under your active consideration as a matter of policy. In this event, I would like to respectfully suggest and recommend that if one is held, it be held again at the Mount Washington Hotel in Bretton Woods, New Hampshire. Bretton Woods has been identified with international monetary matters on a worldwide basis for more than a quarter of a century. It is admirably equipped and located for such a conference.

I would like to invite you, either personally or through a representative, to come up and inspect the Bretton Woods facility anytime at your convenience. I would be glad to be with you or your representative on such an occasion.

If there is any way that I can be helpful in this connection should a second IMC be called, it would be a pleasure to do so.

Cordially,

LOUIS C. WYMAN,
Member of Congress.

POLICY QUESTION OF WHETHER A SECOND IMC IS NEEDED

In connection with this it is not without significance that experts in the field agree as Eugene Rostow has written in the attached column which appeared in yesterday's Washington Post that a "new international monetary system is urgently needed." Likewise, in yesterday's Wall Street Journal it is reported that the finance ministers of 10 nations are meeting to consider these problems in a preliminary sense. Surely, they are of sufficient magnitude to warrant a second International Monetary Conference as these articles explain. In this connection I include in the RECORD at this point for reference purposes, a story in the Manchester Union-Leader of August 23 with reference to the possibilities of a second Bretton Woods meeting by its able reporter, Joseph McQuaid.

Mr. Speaker, we should have a second International Monetary Conference soon and the place to have it is where the first one was held, a place in which articles of agreement established the International Monetary Fund were signed in July 1944—Bretton Woods, N.H.

The material follows:

DEVALUATION BY AGREEMENT, NOT FIAT

(By Eugene V. Rostow)

PERU, VT.—Internationally, President Nixon's new economic policy recalls one of F.D.R.'s worst mistakes—the London economic conference of 1933. We have proved that we can take violent unilateral action, which may give transitory satisfaction to some. But if devaluation was justified, we could have devalued at lesser risk by agreement and not by fiat.

In the event, we have broken a pattern of international cooperation in whose successful continuity we have an urgent national interest.

Can the breach be repaired, or must we retreat to autarchy, and fall back even further in the war against world poverty? Such a retreat would be economic folly. Even worse, it would fray our political relationships with Europe and Japan on which national security and hope of world peace ultimately depend.

To have built a progressive world economy out of the ruins after 1945 was a brilliant achievement, accomplished over 25 years by a few key officials and the responsive energy of private business. Habits of cooperation among governments and central banks crystallized around their work. So did more and more liberal policies toward trade and investment, which in turn stimulated an extraordinary expansion of international economic activity.

Of course mistakes were made. Of course the practice of international cooperation is difficult and sometimes exasperating.

But is shock therapy a better way to deal with these problems than patient leadership within O.E.C.D.?

The international monetary system is obsolete. The economies and societies of Western Europe, the United States, Canada, Japan and a number of smaller countries are now more integrated than their monetary institutions. For implacable reasons, the process of their integration will accelerate. But the economy of this emerging social unit—the Pan-Atlantic Community—cannot function unless its monetary system is unified.

First, the nuclear weapon makes Europe and Japan more dependent on American protection than in 1949. American troops are stationed in Europe and Japan primarily to make nuclear deterrence credible. Under present and foreseeable conditions, deterrence is impossible without such deployments. While the tensions of the Soviet-Chinese-American triangle may produce stalemate, stability, detente and peaceful coexistence, policy cannot assume that these goals have already been achieved.

But keeping troops abroad affects the balance of payments as well as the budget. None of the palliatives thus far used can free security planning from balance of payments restraint, as Lend Lease did. The problem must be solved.

Second, the scale of investment and travel within the Pan-Atlantic Community has produced a degree of business and social integration which in itself compels monetary consolidation. Like security expenditures, most transfers of this kind are independent of exchange rates.

Third, a central bank of central banks is also needed to help rationalize the movement of wage rates within the community. No Western society (save Japan) has thus far succeeded for long in achieving wage rates compatible with full employment at stable prices. None has been willing as yet to adopt Keynes' proposal of fixed money wages, despite the super-obvious fact that rising money wages do not increase labor's share in national income.

When wages increase at different rates in different countries, the modern system of fixed exchanges becomes unmanageable. Education in ecoomics is the only ultimate cure for the absurdities of Western wage-making.

Monetary unity is a more feasible course than floating exchange rates. Beyond all the other objections to a system of floating exchange rates—more uncertainty and speculation; higher interest rates, less trade and investment—it cannot work, save at the price of even more rapid inflation.

By removing the last international restraint on wage-making, it would finally transfer monetary management from the central banks to the trade unions, and start a race of competitive devaluation no one could win.

President Nixon has said that a new international monetary system is urgently needed, and that he will press for cooperative action with the I.M.F. and our trading partners to establish it. This should have been his policy since 1969. The explosion of Aug. 15 was a curious way to launch it.

World Monetary Reform Appears Stalled; Finance Ministers of Group of 10 To Meet

(By Ray Vicker)

World monetary reform is stalled by political bickering, with little hope in sight for any near-term break in the deadlock.

Japan and European nations with strong currencies appear unwilling to raise the value of their currencies to the extent considered desirable by the U.S.

The U.S., at a meeting of deputies of the Group of Ten in Paris, emphasized that it is up to foreign nations to come up with some solution for solving the present monetary crisis. In the meantime, the U.S. 10% surcharge on imports will be maintained.

Gold price is rising on bullion markets, reflecting the belief of some speculators that any solution ultimately reached is bound to provide for a rise in the official price no matter what the U.S. says to the contrary.

And the Italian government, for its part, is advocating a compromise in behind-the-scenes talks with other Common Market nations.

The essential point of its plan is that the price of gold should be increased. Strong-currency countries such as West Germany and the Netherlands would lift the value of their currencies to still higher levels, whereas France and Italy would devalue from the new gold price level. Italian sources say this compromise might overcome objections of France to any increased value for the franc.

While the debate continues, the outlook is for a long float of the world's major currencies, with market conditions and government pressures setting monetary rates. There is little likelihood of a completely free market establishing the parity for any currency. The Netherlands, for instance, yesterday joined the ranks of those nations exerting currency controls over its money markets.

MEETING IN LONDON

An agreement to hold a full ministerial meeting on the world monetary turmoil was about the only concrete accord to emerge from the meeting of deputy finance ministers of the Group of Ten in Paris late last week. The ministerial meeting will be held Sept. 15 and 16 in London. But even before the start of that session, participants were warning against any hope for settling the world's monetary problems at any one gathering.

The Group of Ten is the term used to designate a group that consists of monetary experts of 10 major industrial nations. These are the U.S., Britain, France, Belgium, the Netherlands, Italy, Canada, Japan, West Germany and Sweden. It and the International Monetary Fund are considered to be the two likeliest groups for coming up with some solution for the current monetary impasse.

In Paris, deputy ministers listened to what one participant termed "a tough presentation" by Paul Volcker, U.S. Under Secretary of the Treasury. Its gist was that the U.S. hasn't any intention of lifting the surcharge in the near future. It is the U.S. position that it is up to nations with huge surpluses in their international payments to adjust their currencies upward against the dollar. Then the monetary system can be overhauled through multinational cooperation.

Mr. Volcker also emphasized that the U.S. expects other nations to carry more of the defense and foreign aid burden of the West.

"But," griped one continental finance official, "he had nothing specific to suggest. We are being asked to do something without knowing just what the U.S. does expect in this area."

RANKLED BY SURCHARGE

It is the U.S. import surcharge that rankles foreigners most. Contrary to expectations, however, the Paris meeting didn't produce any fireworks on the import theme.

Participants listened to one report indicating that since President Nixon's economic program was announced on Aug. 15, the German mark and the Canadian dollar have risen about 8% in value against the U.S. dollar while the Dutch guilder has gone up 5%. The British pound, Italian lira and Belgian franc have gone up 3% against the dollar while the French franc used in commercial transactions, which is still controlled, has risen only 1%.

The net effect of the currency changes so far is equivalent to a 6% devaluation of the U.S. dollar, one Group of Ten member stated.

The toughness of the U.S. position was indicated by Mr. Volcker at a news conference after the Group of Ten meeting. He said: "Any solution will necessarily have to be a multilateral solution, but how any particular groupings of countries come to agreement among themselves is up to them, not us."

Other countries, however, didn't show any signs of being overwhelmed by the U.S. position.

The Group of Ten evidently stands nine to one against the U.S. with the majority favoring some increase in the price of gold as part of any package deal that should be negotiated to solve the currency crisis.

PRICE ON FREE MARKET

The official price among the world's central bankers had been $35 an ounce. But that was before Aug. 15, when Mr. Nixon announced the U.S. no longer stood ready to swap dollars for gold. On the free market, where gold is traded by speculators and users alike but not by central banks for monetary purposes, bullion was quoted yesterday at about $41 an ounce.

There is general agreement among strong-currency countries that it is impossible to arrange any meaningful changes in money values while the U.S. import surcharge is in effect. The contention of Europeans is that the surcharge fogs currency values to such an extent that the floats are almost meaningless in determining any reasonable valuations.

The consensus in Europe is that monetary problems have so many political implications that it will take more than a meeting of technical experts to solve them. So far there haven't been any discussions or negotiations on the actual level of parities that might be necessary in any overhaul of the monetary system.

In Rome, where he had gone to discuss monetary matters, Karl Schiller, West Germany's minister of finance and economics, expressed little confidence in any immediate revision of the monetary system.

In Amsterdam, meanwhile, the dollar improved slightly against the guilder after the government introduced a variety of controls aimed at stemming speculative inflows into the country. The restrictions are aimed at making it difficult for foreigners to funnel money into Dutch bonds and debentures.

Effective yesterday, nonresidents must purchase such bonds with "O" guilders. The "O" stands for obligaties, the Dutch word for bonds. Whenever any foreigner sells Dutch bonds, the proceeds will go into a pool. This pool then will provide the "O" guilders for any foreigner wishing to purchase such bonds.

Should foreign bond demand be heavy, of course, "O" guilders will demand a premium, thus making it progressively more expensive for hot money holders to switch funds into Dutch bonds.

The dollar closed on the Amsterdam exchange yesterday at 3.45 guilders, up from 3.4425 at Friday's close.

In London, the dollar held steady at $2.46 against the pound, on a par with the rate last Friday. In Milan, the dollar closed at 614.85 lire to the dollar, a slight improvement from Friday's close of 614.75. In Frankfurt, the dollar closed firm at 3.389 marks, which represents an upward valuation of 7.99% from the old parity of 3.66 to the dollar, abandoned by Germany in May.

In Tokyo, the dollar also closed steady against the Japanese yen, ending Monday's session at 338.2 yen, the same rate as Saturday. That figure is equivalent to a 6.4% increase in the yen's worth since it was floated Aug. 28 from its previous parity of 360 to the dollar.

[From Manchester (N.H.) Union Leader, Aug. 26, 1971]

Return to Bretton Woods—Clean Air for Clear Minds

The convening of a second Bretton Woods Conference to formulate a new international financial agreement undoubtedly will result from President Nixon's dramatic and abrupt shift in economic policy.

The only questions are where the monetary summit meeting will be held—and when.

The first problem is easily resolved. The Mount Washington Hotel, site of the Bretton Woods Conference in 1944 which shaped the world's economic structure and resulted in establishment of the World Bank and the International Monetary Fund, is magnificently accoutered to accommodate the large number of participants and observers such a conference would draw from virtually every nation in the world. The Mount Washington Development Corporation, which purchased the hotel two years ago, has literally "spent a million" to restore the original atmosphere of the 69-year-old structure.

As anyone who has visited the area knows, the site is one of indescribable scenic beauty with a super-abundance of that one commodity that is in shortest supply on the world market these days—clean air.

The question of "when" is not so easily arrived at. By conservative estimate, people who should know say that the conference could not possibly be convened before next summer.

But when Senator Cotton broaches the idea of a second Bretton Woods Conference at the next biweekly meeting of senior GOP congressional leaders with President Nixon, and when Congressman Wyman brings the matter before Congress next month, it is probable that both men will place considerable emphasis on another aspect of a world monetary conference—timing.

Whenever the conference is actually held, it would seem that an early announcement of the event would not only have a calming influence on the international monetary scene but also would serve the purpose of stifling partisan controversy about the conference that otherwise might develop during a presidential election year.

By relying on historical precedence and moving quickly to offer the Mount Washington Hotel as the site of the conference, the President would also eliminate the political problem that could result from a mad scramble of other interests in other states bidding to play host to the financial wizards.

[From the Manchester (N.H.) Union Leader, Aug. 23, 1971]

A New Bretton Woods Meeting? Senator Cotton Says It Could Be Necessary

(By Joe McQuaid)

The distinct possibility that a second International Monetary Conference may be held at the famed Mt. Washington Hotel in Bretton Woods, the New Hamphsire Sunday News reported exclusively yesterday.

U.S. Senator Norris Cotton, the ranking Republican member of the influential Senate Commerce Committee, said President Nixon's economic policy revision "could well make it necessary, after the dust has settled, for a second Bretton Woods Conference."

Meanwhile the Sunday News learned a high U.S. Treasury Department official, reportedly close to Secretary John B. Connally, has expressed interest in the conference plan. The official, who would not be named, also expressed approval of the Mt. Washington Hotel as a likely scene for the meetings.

U.S. Rep. Louis C. Wyman (R-N.H.) said he will take the matter to the floor of the House next month and recommend Bretton Woods as the conference site.

Senator Cotton said it would be "highly desirable" to hold the monetary summit meeting at the Mt. Washington Hotel, scene of the first such conference in July of 1944.

A report that Vice President Spiro Agnew may be invited to come to Bretton Woods and survey the suitability of that North Country town as a conference site could not be confirmed yesterday.

Senator Cotton, a member of a select group of senior Republican congressional leaders who meet bi-weekly at the White House, said yesterday he will discuss the possibility of a Bretton Woods conference with President Nixon at the next White House meeting.

Cotton's senatorial predecessor, the late Charles W. Tobey, played a major role in luring the 1944 parley to the state.

EARLIEST DATE 1972

If another international fiscal summit conference is to be held the involved organizational procedures would preclude any chance of holding the meeting this year. The earliest possible date would probably be in the summer of 1972.

The Mt. Washington Hotel, now under new ownership has been completely refurbished at a cost of more than $1 million. Scene of many regional and national business and civic conventions, it is quite capable of handling the huge monetary parley.

The first conference brought together the leading economists of 44 nations and laid the groundwork for the international monetary systems used today. However, the work was later tainted by shocking charges that the international fund's chief architect, Harry Dexter White, had been a Communist agent prior to World War II.

White, later to become Assistant Secretary of the Treasury Department and an executive of the world fund he had planned, died at his summer home in Fitzwilliam in 1948. Mysterious circumstances surrounding his death were never fully explained.

WHITE'S STATEMENT

The week before he died White told a House subcommittee on Un-American activities, "the principles by which I live make it impossible for me to do a disloyal act to the United States."

Despite this denial and his death, White was a central figure in a national political controversy in 1953. Eisenhower Administration Atty. Gen. Herbert Brownell charged former President Harry S. Tuman with keeping White in sensitive positions even though Truman knew of White's alleged Communist work.

Truman admitted this but said he retained him fearing White's ouster would tip off other Communist agents then being watched by the FBI. But FBI Director J. Edgar Hoover denounced Truman's excuse, saying he had urged White be dismissed immediately.

Asked if measures would be taken to prevent characters of White's ilk from attending and regulating a second world monetary conference, Sen. Cotton said this would be difficult.

"I think the ghost of Harry Dexter White has lingered long enough in this region to leave a bad taste here," Cotton said. "But you'll still find some Americans who are apparently a hell of a lot more anxious to use our resources to take care of people other than our own. They're hailed as 'broad-minded, world-vision, liberals'."

Cotton said the recent world financial situation "when the dollar began to falter and world finances began to wobble," should demonstrate clearly the one thing necessary to the welfare of the world. Namely, he said, "it is for us to maintain a strong and solvent America."

He castigated those who "think there is something selfish and wicked in trying to take care of your own people."

MENGE BACKS COTTON

In agreement with Cotton's call for a second conference was Dartmouth economist, Prof. John Menge. He explained the result of the first conference was "to fix the value of the dollar at $35 per ounce of gold."

"They also agreed to establish the International Monetary Fund and the World Bank," Menge said. But he said President Nixon's action was to "unilaterally breach the Bretton Woods agreement to tie the dollar to gold."

Menge said the problem with the first agreement was "the dollar had, in international trade, a fixed value while in domestic trade within the U.S. it had a decreasing value because of inflation. The result was that U.S. citizens and foreigners used more and more of the readily available fixed value international-trade dollars . . . and fewer and fewer of the decreasingly valued domestic-trade dollars. . . ."

Menge said Mr. Nixon's action may result in "a more prosperous, healthy and well-balanced international economy" and a second Bretton Woods conference may be necessary to reach a new international agreement.

Principals at the 1944 conference included Treasury Secretary Henry Morgenthau; Chinese Minister of Finance, Dr. H. H. Kung; and Lord Keynes, Britain's finance spokesman.

Sen. Tobey was an American delegate along with New York Sen. Robert F. Wagner.

Perhaps a foreshadowing of the communist spy controversy involving White, were stories emanating from the conference praising the Russian delegation for its "highly sympathetic" attitude.

A wire dispatch from Bretton Woods quoted "an informed U.S. government official" as saying "the Russians are eager to cooperate in a field in which they previously had taken little part. It is not easy to know what the Russians are thinking," this unnamed source continued, "partly because of the difficulties of language and partly because they are more deliberate and formal in their discussions." (One state resident who remembers the conference recalls the "formal" Russians disposing of their cigars by rubbing them into the conference tablecloth.)

White, who was the official conference spokesman, was quoted as saying the idea the United States should have a favorable balance of payments "is nonsense."

U.S. POLICY AS OTHERS SEE IT

(Mr. WYMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WYMAN. Mr. Speaker, much has been said regarding the direction in which the United States is going these days. Some have almost cheerfully stated that our position of world leadership is slipping badly and some have foreseen the complete decay of our way of life. With these dire predictions in mind, it is particularly heartening to come upon another view of the United States, particularly when it comes from some of our more responsible and objective foreign friends. Such a view is stated in an article by David Sargent appearing in the August 30, 1971, issue of United Business Service. I commend the article entitled "The Back Yard" to the attention of readers of the RECORD:

The Back Yard

With all the goings on of the past few weeks, one could wonder if we were not at last going the way of Rome. But before giving way to despair, it's well to see how others view us. Here is how the prestigious London Economist views the United States these days:

"The shape of things to come will not on the surface seem very different from what it is already. There will still be a Western alliance in which the United States is the largest, richest, more powerful partner. The Americans will still be in Asia, even when their army leaves Vietnam. The dollar will still be the chief reference point in commercial dealings among countries. America will still be a country which can, though at increasing cost, withdraw into its own massive and still largely self-sufficient shell, damaging the Europeans and Japanese left outside even more than itself. Russia and China will still each reckon the United States as their most formidable antagonist in the non-communist camp.

"For twenty-five years the Americans have provided the free world's bodyguard. Whatever its allies may have thought and said about some of them, America has had to fight most of the free world's wars during this time. The United States has paid for and carried the free world's nuclear umbrella. And Washington has mistakenly allowed the rest of the world to subsidize its own trade at American expense by deliberately undervaluing other world currencies against the dollar.

"In the end it was American impatience with the advantage outsiders could take of an overvalued dollar which brought last week's actions to pass."

Quite obviously, many thoughtful observers in this world, both East and West, have reviewed our situation thoroughly and, as a result, share this confident view from London.

LEST WE FORGET

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, in a land of progress and prosperity, it is often easy to assume an "out-of-sight, out-of-mind" attitude about matters which are not consistently brought to our attention. The fact exists that today more than 1,550 American servicemen are listed as prisoners or missing in Southeast Asia. The wives, children, and parents of these men have not forgotten, and I would hope that my colleagues in Congress and our countrymen across America will not neglect the fact that all men are not free for as long as one of our number is enslaved. I insert the name of one of the prisoners.

Maj. Donald Glenn Waltman, U.S. Air Force, FR 53895, Kellogg, Idaho. Married and the father of five children. The son of Mr. and Mrs. Glenn Waltman, Kellogg, Idaho. A 1954 graduate of the University of Idaho. Major Waltman was listed as missing on September 19, 1966, and officially listed as a prisoner of war on December 1, 1966. As of today, Major Waltman has been held captive in Southeast Asia for 1,814 days.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. BETTS (at the request of Mr. GERALD R. FORD), for today and tomorrow, on account of official business as delegate to the 60th Conference of the Interparliamentary Union.

Mr. DERWINSKI (at the request of Mr. GERALD R. FORD), for today and tomorrow, on account of official business as delegate to the 60th Conference of the Interparliamentary Union.

Mr. MCCLORY (at the request of Mr. GERALD R. FORD), for today and tomorrow, on account of official business as delegate to the 60th Conference of the Interparliamentary Union.

Mr. MORSE (at the request of Mr. GERALD R. FORD), for today and tomorrow, on account of official business as delegate to the 60th Conference of the Interparliamentary Union.

Mr. PIRNIE (at the request of Mr. GERALD R. FORD), for today and tomorrow, on account of official business as delegate to the 60th Conference of the Interparliamentary Union.

Mr. GOLDWATER (at the request of Mr. GERALD R. FORD), for today through September 20, 1971, on account of illness.

Mrs. ABZUG (at the request of Mr. O'NEILL), for today and the balance of the week, on account of illness.

Mr. RODINO (at the request of Mr. ADDABBO), from Wednesday, September 8, 2 p.m., to Thursday, September 9, 3 p.m.

Mr. ESHLEMAN (at the request of Mr. GERALD R. FORD), for the balance of the week, on account of medically ordered recuperation.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FRENZEL), to revise and extend their remarks and to include extraneous matter:)

Mr. HORTON, on September 9, for 10 minutes.

Mr. MILLER of Ohio, today, for 6 minutes.

Mrs. HECKLER of Massachusetts, today, for 5 minutes.

(The following Members (at the request of Mr. DENHOLM), to revise and extend their remarks and to include extraneous matter:)

Mr. O'HARA, today, for 30 minutes.
Mr. MATSUNAGA, today, for 10 minutes.
Mr. RARICK, today, for 30 minutes.
Mr. GONZALEZ, today, for 10 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ASPINALL to include extraneous material with his remarks today during general debate on H.R. 9727.

Mr. SEIBERLING to extend his remarks following those of Mr. MYERS, today.

Mr. BARRETT.

Mr. EDMONDSON, in two instances, and to include extraneous material.

(The following Members (at the request of Mr. FRENZEL) and to include extraneous matter:)

Mr. PEYSER in five instances.
Mr. RHODES in five instances.
Mr. SCHMITZ in three instances.
Mr. BAKER in three instances.
Mr. FINDLEY in two instances.
Mr. STEIGER of Wisconsin in three instances.
Mr. ZWACH.
Mr. THOMSON of Wisconsin.
Mr. EDWARDS of Alabama.
Mr. COUGHLIN.
Mr. DERWINSKI.
Mr. KEMP in three instances.
Mr. YOUNG of Florida in five instances.
Mr. DUNCAN in two instances.
Mr. ASHBROOK in two instances.
Mr. MILLER of Ohio in six instances.
Mr. FREY.
Mr. REID of New York.
Mr. PRICE of Texas.

(The following Members (at the request of Mr. DENHOLM) and to include extraneous matter:)

Mr. BRADEMAS in six instances.
Mr. MATSUNAGA in two instances.
Mr. FRASER in two instances.
Mr. GONZALEZ in two instances.
Mr. HAGAN in two instances.
Mrs. ABZUG in 10 instances.
Mr. EVINS of Tennessee in three instances.
Mr. MCCORMACK in two instances.
Mr. EILBERG in four instances.
Mr. SARBANES in five instances.
Mr. HARRINGTON in two instances.
Mr. O'HARA in two instances.
Mr. WOLFF in three instances.
Mrs. MINK in two instances.
Mr. RARICK in three instances.
Mr. BADILLO in five instances.
Mr. WILLIAM D. FORD in two instances.
Mr. BRINKLEY.
Mr. DULSKI in six instances.
Mr. RODINO.
Mr. EDWARDS of California.
Mr. FULTON of Tennessee in two instances.
Mr. MAHON in two instances.
Mr. GAYDOS in five instances.
Mr. HUNGATE in two instances.
Mr. ANDERSON of California in two instances.
Mr. MAZZOLI in two instances.
Mr. CONYERS in 10 instances.
Mr. WRIGHT in two instances.
Mr. SYMINGTON in two instances.
Mr. PRYOR of Arkansas.

SENATE BILLS AND A JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 659. An act to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, the General Education Provisions Act (creating a National Foundation for Postsecondary Education and a National Institute of Education), the Elementary and Secondary Education Act of 1965, Public Law 874, Eighty-first Congress, and related Acts, and for other purposes; to the Committee on Education and Labor.

S. 1852. An act to provide for the establishment of the Gateway National Recreation Area in the States of New York and New Jersey, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 2216. An act to amend the Investment Company Act of 1940, as amended; to the Committee on Interstate and Foreign Commerce.

S.J. Res. 72. Joint resolution consenting to an extension and renewal of the interstate compact to conserve oil and gas; to the Committee on Interstate and Foreign Commerce.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on August 6, 1971, present to the President, for his approval, bills and joint resolutions of the House of the following titles:

H.R. 135. An act to provide for periodic pro rata distribution among the States and other jurisdictions of deposit of available amounts of unclaimed postal savings system deposits, and for other purposes;

H.R. 2587. An act to establish the National Advisory Committee on the Oceans and Atmosphere;

H.R. 2596. An act to amend the act of July 11, 1947, to authorize members of the District of Columbia Fire Department, the U.S. Park Police force, and the Executive Protective Service, to participate in the Metropolitan Police Department Band, and for other purposes;

H.R. 2600. An act to equalize the retirement benefits for officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia who are retired for permanent total disability;

H.R. 4263. An act to add California-grown peaches as a commodity eligible for any form of promotion, including paid advertising, under a marketing order;

H.R. 5208. An act to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard, and to authorize the annual active duty personnel strength of the Coast Guard;

H.R. 7718. An act to exempt from taxation by the District of Columbia certain property in the District of Columbia which is owned by the Supreme Council (Mother Council of the World) of the Inspectors General Knights Commanders of the House of the Temple of Solomon of the Thirty-third Degree of the Ancient and Accepted Scottish Rite of Free Masonry of the Southern Jurisdiction of the United States of America;

H.R. 8794. An act to provide for the payment of the cost of medical, surgical, hospital, or related health care services provided certain retired, disabled officers and members of the Metropolitan Police force of the District of Columbia, the Fire Department of the District of Columbia, the U.S. Park Police force, the Executive Protective Service, and the U.S. Secret Service, and for other purposes;

H.R. 9798. An act to authorize the Secretary of the Interior to establish the Lincoln Home National Historic Site in the State of Illinois, and for other purposes;

H.R. 10061. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1972, and for other purposes;

H.J. Res. 829. A joint resolution making further continuing appropriations for the fiscal year 1972, and for other purposes; and

H.J. Res. 833. A joint resolution making an appropriation for the Department of Labor for the fiscal year 1972, and for other purposes.

BILLS SIGNED BY THE PRESIDENT

On the following dates the President approved and signed bills of the House of the following titles:

On August 5, 1971:

H.R. 3344. An act to authorize the Administrator of Veterans' Affairs to sell at prices which he determines to be reasonable under prevailing mortgage market conditions direct loans made to veterans under chapter 37, title 38, United States Code.

On August 6, 1971:

H.R. 3201. An act for the relief of Faith M. Lewis Kochendorfer; Dick A. Lewis; Nancy J. Lewis Keithley; Knute K. Lewis; Peggy A. Lewis Townsend; Kim C. Lewis; Cindy L. Lewis Kochendorfer; and, Frederick L. Baston;

H.R. 4762. An act to amend section 5055 of title 38, United States Code, in order to extend the authority of the Administrator of Veterans' Affairs to establish and carry out a program of exchange of medical information;

H.R. 7109. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes; and

H.R. 9020. An act to amend the Egg Products Inspection Act to provide that certain plants which process egg products shall be exempt from such act for a certain period of time.

On August 9, 1971:

H.J. Res. 829. Joint resolution making further continuing appropriations for the fiscal year 1972, and for other purposes;

H.J. Res. 833. Joint resolution making an appropriation for the Department of Labor for the fiscal year 1972, and for other purposes; and

H.R. 8432. An act to authorize emergency loan guarantees to major business enterprises.

On August 10, 1971:

H.R. 19. An act to provide for a coordinated national boating safety program;

H.R. 3146. An act to authorize the Secretary to cooperate with the states and subdivisions thereof in the enforcement of State and local laws, rules, and regulations within the national forest system;

H.R. 6239. An act to amend the maritime lien provisions of the Ship Mortgage Act of 1920;

H.R. 9270. An act making appropriations for Agriculture-Environmental and Consumer Protection programs for the fiscal year ending June 30, 1972, and for other purposes.

H.R. 9272. An act making appropriations for the Department of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1972, and for other purposes;

H.R. 9382. An act making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporation, and offices for the fiscal year ending June 30, 1972, and for other purposes;

H.R. 9417. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1972, and for other purposes;

H.R. 9667. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1972, and for other purposes; and

H.R. 10061. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1972, and for other purposes.

On August 11, 1971:

H.R. 943. An act to provide mortgage protection life insurance for service-connected disabled veterans who have received grants for specially adapted housing;

H.R. 2591. An act to amend section 8 of the Act approved March 4, 1913 (37 Stat. 974), as amended, to standardize procedures for the testing of utility meters; to add a penalty provision in order to enable certification under section 5(a) of the Natural Gas Pipeline Safety Act of 1968, and to authorize cooperative action with State and Federal regulatory bodies on matters of joint interest;

H.R. 2594. An act to amend chapter 19 of title 20 of the District of Columbia Code to provide for distribution of a minor's share in a decedent's personal estate where the share does not exceed the value of $1,000;

H.R. 2894. An act to incorporate the Paralyzed Veterans of America;

H.R. 5638. An act to extend the penalty for assault on a police officer in the District of Columbia to assaults on firemen, to provide criminal penalties for interfering with firemen in the performance of their duties, and for other purposes;

H.R. 6638. An act to amend the Act of August 9, 1955, relating to school fare subsidy for transportation of school children within the District of Columbia;

H.R. 7931. An act to amend the District of Columbia Code with respect to the administration of small estates, and for other purposes;

H.R. 7960. An act to authorize appropriations for activities of the National Science Foundation, and for other purposes;

H.R. 9181. An act to amend the Northwest Atlantic Fisheries Act of 1950; and

H.R. 9388. An act to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

On August 13, 1971:

H.R. 135. An act to provide for periodic pro rata distribution among the States and other jurisdictions of deposit of available amounts of unclaimed Postal Savings System deposits, and for other purposes;

H.R. 4263. An act to add California-grown peaches as a commodity eligible for any form of promotion, including paid advertising, under a marketing order;

H.R. 5208. An act to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard, and to authorize the annual active duty personnel strength of the Coast Guard; and

H.R. 7718. An act to exempt from taxation by the District of Columbia certain property in the District of Columbia which is owned by the Supreme Council (Mother Council of the World) of the Inspectors General Knights Commanders of the House of the Temple of Solomon of the Thirty-third Degree of the Ancient and Accepted Scottish Rite of Free Masonry of the Southern Jurisdiction of the United States of America.

On August 16, 1971:

H.R. 2587. An act to establish the National Advisory Committee on the Oceans and Atmosphere.

H.R. 2596. An act to amend the act of July 11, 1947, to authorize members of the District of Columbia Fire Department, the U.S. Park Police force, and the Executive Protective Service, to participate in the Metropolitan Police Department Band, and for other purposes;

H.R. 7586. An act to amend the act of December 30, 1969, establishing the Cabinet Committee on Opportunities for Spanish-Speaking People, to authorize appropriations for 2 additional years; and

H.R. 8794. An act to provide for the payment of the cost of medical, surgical, hospital, or related health care services provided certain retired, disabled officers and members of the Metropolitan Police Force of the District of Columbia, the Fire Department of the District of Columbia, the U.S. Park Police force, the Executive Protective Service, and the U.S. Secret Service, and for other purposes.

On August 18, 1971:

H.R. 9798. An act to authorize the Secretary of the Interior to establish the Lincoln Home National Historic Site in the State of Illinois, and for other purposes.

ADJOURNMENT

Mr. DENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Thursday, September 9, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1044. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a report as of June 30, 1971, on the operation of section 501 of the Second Supplemental Appropriations Act, 1970, establishing a limitation on budget outlays for fiscal year 1971 (H. Doc. No. 92-159); to the Committee on Appropriations and ordered to be printed.

1045. A letter from the Chairman, U.S. Advisory Commission on International Educational and Cultural Affairs, transmitting the eighth annual report of the Advisory Commission, pursuant to section 107 of Public Law 87-256 (H. Doc. No. 92-160); to the Committee on Foreign Affairs and ordered to be printed.

1046. A letter from the Clerk of the House of Representatives, transmitting his semiannual report of receipts and expenditures of appropriations and other funds for the period ended June 30, 1971, pursuant to 2 U.S.C. 104a (H. Doc. No. 92-155); to the Committee on House Administration and ordered to be printed.

1047. A letter from the Secretary of the Army, transmitting a letter from the chief of Engineers, Department of the Army, dated December 4, 1970, submitting a report, together with accompanying papers and illustrations, on Mississippi River at Moline, Ill., and Davenport, Iowa, in partial response to two resolutions of the committee on flood control, House of Representatives, adopted September 18, 1944. It is also in response to an item contained in section 208 of Public Law 89-298, approved October 27, 1965 (H. Doc. No. 92-161); to the Committee on Public Works and ordered to be printed with illustrations.

1048. A letter from the Secretary of Agriculture, transmitting the 1971 Annual Report of the Department of Agriculture on its efforts to provide information and technical assistance to rural areas, pursuant to section 901(d) of the Agriculture Act of 1970; to the Committee on Agriculture.

1049. A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to continue mandatory price supports for tung nuts only through the 1976 crop; to the Committee on Agriculture.

1050. A letter from the Secretary of Agriculture and the Secretary of Housing and Urban Development, transmitting the second annual report on assistance furnished by their two Departments for nonmetropolitan planning districts, covering fiscal year 1971, pursuant to title IX of the Agricultural Act of 1970; to the Committee on Agriculture.

1051. A letter from the General Sales Manager, Export Marketing Service, Department of Agriculture, transmitting a report of agreements signed providing for the use of foreign currencies during July and August 1971, pursuant to Public Law 85-128; to the Committee on Agriculture.

1052. A letter from the Architect of the Capitol, transmitting a report of all expenditures during the period January 1 through June 30, 1971, from moneys appropriated to the Architect of the Capitol, pursuant to section 105(b) of Public Law 88-454; to the Committee on Appropriations.

1053. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of Labor for "Federal Unemployment Benefits and Allowances" for the fiscal year 1972, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to 31 U.S.C. 665; to the Committee on Appropriations.

1054. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of the Treasury for "Salaries and expenses," Bureau of Accounts for fiscal year 1972, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to 31 U.S.C. 665; to the Committee on Appropriations.

1055. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report for the fourth quarter of fiscal year 1971 on certain support furnished in various countries, pursuant to section 838(b) of Public Law 91-668; to the Committee on Appropriations.

1056. A letter from the Deputy Secretary of Defense, transmitting the semiannual report of the Air Force on experimental, defare and biological research programs during the second half of fiscal year 1971, pursuant to section 409 of Public Law 91-121; to the Committee on Armed Services.

1057. A letter from the Secretary of the Army, transmitting a draft of proposed legislation to amend section 3031 of title 10, United States Code, to increase the number of authorized Deputy Chiefs of Staff for the Army Staff, and eliminate the provisions for the Assistant Chiefs of Staff for the Army Staff; to the Committee on Armed Services.

1058. A letter from the Secretary of the Air Force, transmitting the semiannual report of the Air Force on experimental, development, test, and research actions, covering the period January 1 through June 30, 1971, pursuant to 10 U.S.C. 2357; to the Committee on Armed Services.

1059. A letter from the Acting Secretary of the Navy, transmitting a draft of proposed legislation to amend title 37, United States Code, to provide entitlement to round trip transportation to the home port for a member of the uniformed services on permanent duty aboard a ship being inactivated away from home port whose dependents are residing at the home port; to the Committee on Armed Services.

1060. A letter from the Assistant Secretary of the Navy (Installations and Logistics), transmitting notice of the proposed transfer of the submarine U.S.S. *Batfish* to the Oklahoma Maritime Advisory Board on behalf of the State of Oklahoma, pursuant to 10 U.S.C. 7308; to the Committee on Armed Services.

1061. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of a facilities project proposed to be undertaken for the Naval and Marine Corps Reserve, pursuant to 10 U.S.C. 2233(a)(1); to the Committee on Armed Services.

1062. A letter from the Deputy Assistant Secretary of the Army (Research and Development), transmitting a report of contracts of $50,000 or more for Army research and development contracts awarded during the 6 months ended June 30, 1971, pursuant to section 4 of Public Law 557, 82d Congress; to the Committee on Armed Services.

1063. A letter from the Attorney General, transmitting a report on voluntary agreements and programs as of August 9, 1971, pursuant to section 708(e) of the Defense Production Act of 1950, as amended; to the Committee on Banking and Currency.

1064. A letter from the Secretary of Commerce, transmitting the 96th quarterly report on export control, covering the second quarter of 1971, pursuant to the Export Administration Act of 1969; to the Committee on Banking and Currency.

1065. A letter from the Secretary of Health, Education, and Welfare, transmitting a proposed amendment to H.R. 5191 requiring that in determining the financial need of a veteran for student assistance only his own income and assets and not those of his family will be taken into account; to the Committee on Education and Labor.

1066. A letter from the Assistant Secretary of State for Congressional Relations, transmitting the semiannual report for the period ended June 30, 1971, on third country transfers of U.S. origin defenses articles to which consent has been granted under the provisions of section 3(a)(2) of the Foreign Military Sales Act and section 505(a) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1067. A letter from the Acting Assistant Secretary of State for Congressional Relations, transmitting copies of Presidential Determination 72-2, relating to the Khmer Republic; to the Committee on Foreign Affairs.

1068. A letter from the Acting Secretary of the Treasury, and the Director, Office of Management and Budget, Executive Office of the President, transmitting the first annual report on the performance of functions and duties imposed on the Office of Management and Budget and the Department of the Treasury by sections 201 and 202 of the Legislative Reorganization Act of 1970, pursuant to section 202(b) of the act; to the Committee on Government Operations.

1069. A letter from the Acting Secretary of Health, Education, and Welfare, transmitting a report on personal property donated to public health and educational institutions and civil defense organizations under section 203(j) of the Federal Property and Administrative Services Act of 1949, as amended, and on real property disposed of to public health and educational institutions under section 203(k) of the act, during fiscal year 1971, pursuant to section 203(o) of the act; to the Committee on Government Operations.

1070. A letter from the Secretary of the Interior, transmitting the annual report of the U.S. Government Comptroller for the Virgin Islands for fiscal year 1970, pursuant to Public Law 90-496; to the Committee on Interior and Insular Affairs.

1071. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to provide for the division of assets between the Twenty-Nine Palms Band and the Cabazon Band of Mission Indians, California, including certain funds in the U.S. Treasury, and for other purposes; to the Committee on Interior and Insular Affairs.

1072. A letter from the Assistant Secretary of the Interior, transmitting a copy of a proposed concession contract for the continued provision and operation of certain concession facilities and services for the public within Everglades National Park, for a period ending December 31, 1981, pursuant to 67 Stat. 271 and 79 Stat. 543; to the Committee on Interior and Insular Affairs.

1073. A letter from the Assistant Secretary of the Interior, transmitting a copy of a proposed concession contract for the provision of food, beverage, and merchandising facilities and services for the public within Rocky Mountain National Park, Colo., for a period ending May 31, 1991, pursuant to 67 Stat. 271 and 70 Stat. 543; to the Committee on Interior and Insular Affairs.

1074. A letter from the Assistant Secretary of the Interior, transmitting a copy of an application by the Yolo County Flood Control and Water Conservation District of Woodland, Calif., for a loan and grant under the Small Reclamation Projects Act, pursuant to section 4(c) of the act; to the Committee on Interior and Insular Affairs.

1075. A letter from the Assistant Secretary of the Interior, transmitting notice of a 2-year deferment of the construction repayment installments due the United States for irrigation facilities in the Kansas-Bostwick Irrigation District No. 2, Pick-Sloan Missouri River Basin program, Kansas, pursuant to 73 Stat. 584; to the Committee on Interior and Insular Affairs.

1076. A letter from the Director, Bureau of Land Management, Department of the

Interior, transmitting a report on negotiated sales contracts made under Public Law 87-689 for disposal of materials during the period January 1 through June 30, 1971; to the Committee on Interior and Insular Affairs.

1077. A letter from the Chairman, Indian Claims Commission, transmitting a report of the final determination of the Commission in docket No. 175, *The Nez Perce Tribe of Indians, Plaintiff*, v. *The United States of America, Defendant*, pursuant to 25 U.S.C. 70t; to the Committee on Interior and Insular Affairs.

1078. A letter from the Vice Chairman, Indian Claims Commission, transmitting a report of the final determinations of the Commission in docket No. 328, *Southern Ute Tribe or Band of Indians, Plaintiff*, v. *The United States of America, Defendant*, pursuant to 25 U.S.C. 70t; to the Committee on Interior and Insular Affairs.

1079. A letter from the Chairman, Ad Hoc Advisory Group on the Presidential Vote for Puerto Rico, transmitting the report and recommendations of the Advisory Group; to the Committee on Interior and Insular Affairs.

1080. A letter from the Secretary of Transportation, transmitting an addendum to his report (Executive Communication No. 1019) concerning the financial condition of the Central Railroad Co. of New Jersey, containing a preliminary list of those persons who have filed protests or requested hearings in the company's application with the Interstate Commerce Commission for authority to abandon approximately 375 miles of railroad; to the Committee on Interstate and Foreign Commerce.

1081. A letter from the Secretary of Transportation, transmitting a statement on national transportation policy, pursuant to section 3A of the Airport and Airway Development Act of 1970; to the Committee on Interstate and Foreign Commerce.

1082. A letter from the Assistant Secretary of Commerce for Administration, transmitting the 1971 report of the Department of Commerce on commissary activities outside the continental United States, pursuant to 15 U.S.C. 1514(b); to the Committee on Interstate and Foreign Commerce.

1083. A letter from the Acting Chairman, Civil Aeronautics Board, transmitting a draft of proposed legislation to amend the Federal Aviation Act of 1958 so as to authorize the Civil Aeronautics Board to regulate the depreciation accounting of air carriers; to the Committee on Interstate and Foreign Commerce.

1084. A letter from the Acting Chairman, Civil Aeronautics Board, transmitting a draft of proposed legislation to amend the Federal Aviation Act of 1958 so as to clarify the powers of the Civil Aeronautics Board in respect to consolidation of certain proceedings; to the Committee on Interstate and Foreign Commerce.

1085. A letter from the Acting Chairman, Civil Aeronautics Board, transmitting a draft of proposed legislation to amend the Federal Aviation Act of 1958 so as to specifically provide that remedial orders issued by the Civil Aeronautics Board in enforcement proceedings may require the repayment of charges in excess of those in lawfully filed tariffs; to the Committee on Interstate and Foreign Commerce.

1086. A letter from the Acting Chairman, Civil Aeronautics Board, transmitting a draft of proposed legislation to amend the Federal Aviation Act of 1958 so as to assure opportunity for the Board's participation and representation in certain court proceedings through its own counsel as a matter of right and to provide for all review of Board actions in the court of appeals; to the Committee on Interstate and Foreign Commerce.

1087. A letter from the Executive Director, Federal Communications Commission, transmitting a report on the backlog of pending applications and hearing cases in the Commission as of July 31, 1971, pursuant to section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

1088. A letter from the Chairman, Federal Power Commission, transmitting a copy of the publication entitled, "Hydroelectric Plant Construction Cost and Annual Production Expenses, 1969"; to the Committee on Interstate and Foreign Commerce.

1089. A letter from the Chairman, Aviation Advisory Commission, transmitting a report concerning the extent to which military airports and airport facilities can be made available for civil use, pursuant to Public Law 91-258; to the Committee on Interstate and Foreign Commerce.

1090. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the act entitled "An act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of international conventions, and for other purposes," approved July 5, 1946, as amended; to the Committee on the Judiciary.

1091. A letter from the Assistant Secretary of Commerce for Administration, transmitting a report on personal property claims of employees of the Commerce Department settled during fiscal year 1971, pursuant to 31 U.S.C. 240-243; to the Committee on the Judiciary.

1092. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to make it a criminal offense to discharge an employee for the reason of such employee's Federal jury service; to the Committee on the Judiciary.

1093. A letter from the Commissioner, Federal Prison Industries, Inc., Department of Justice, transmitting the Annual Report of the Directors of Federal Prison Industries, Inc., for fiscal year 1970, pursuant to 18 U.S.C. 4127; to the Committee on the Judiciary.

1094. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according to certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1095. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according to certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1096. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in the cases of certain aliens found admissible to the United States, pursuant to section 212(a) (28) (I) (ii) of the Immigration and Nationality Act; to the Committee on the Judiciary.

1097. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d) (3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of persons involved, pursuant to section 212(d) (6) of the act; to the Committee on the Judiciary.

1098. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to section 244(a) (1) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1099. A letter from the adjutant general, Military Order of the Purple Heart, transmitting an audit of the books of the order for fiscal year 1971, pursuant to section 14 of Public Law 85-761; to the Committee on the Judiciary.

1100. A letter from the president, Jewish War Veterans, U.S.A., National Memorial, Inc., transmitting a copy of the annual audit of the books of the corporation, for the fiscal year 1971; to the Committee on the Judiciary.

1101. A letter from the Secretary of Commerce, transmitting the Annual Report of the Maritime Administration for 1970; to the Committee on Merchant Marine and Fisheries.

1102. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report of the number of NASA employees in each general schedule grade on June 30, 1970, and June 30, 1971, pursuant to 65 Stat. 736, 758; to the Committee on Post Office and Civil Service.

1103. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated June 9, 1971, submitting a report, together with accompanying papers and illustrations, on Tangipahoa River and tributaries, Louisiana and Mississippi, requested by resolutions of the Committees on Public Works of the U.S. Senate and the House of Representatives, adopted January 16 and May 10, 1962; to the Committee on Public Works.

1104. A letter from the Acting Secretary of the Army transmitting a letter from the Chief of Engineers, Department of the Army, dated June 9, 1971, submitting a report, together with accompanying papers and illustrations, on Gulf Intracoastal Waterway to vicinity of Boutte, La., authorized by section 304 of the River and Harbor Act approved October 27, 1965; to the Committee on Public Works.

1105. A letter from the Acting Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated July 13, 1971, submitting a report, together with accompanying papers and an illustration, on Greenport Harbor, N.Y., requested by a resolution of the Committee on Public Works, House of Representatives, adopted June 25, 1955; to the Committee on Public Works.

1106. A letter from the Acting Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated July 15, 1971, submitting a report, together with accompanying papers and an illustration, on Houston ship channel, Goose Creek, Tex., requested by a resolution of the Committee on Public Works, House of Representatives, adopted August 13, 1958; to the Committee on Public Works.

1107. A letter from the Acting Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated June 22, 1971, submitting a report, together with accompanying papers and an illustration, on Racine Harbor, Wis., requested by resolutions of the Committees on Public Works, U.S. Senate and House of Representatives, adopted March 4 and July 31, 1957; to the Committee on Public Works.

1108. A letter from the Secretary of the Interior, transmitting the annual report for 1970-71 on the National Visitor Center, pursuant to Public Law 90-264; to the Committee on Public Works.

1109. A letter from the Administrator of General Services, transmitting prospectuses proposing alteration of public buildings at various locations, pursuant to 73 Stat. 480; to the Committee on Public Works.

1110. A letter from the Chairman, Federal Maritime Commission, transmitting a draft of proposed legislation to amend the Federal Water Pollution Control Act to provide specific enforcement provisions with respect to section 11(p)(1); to the Committee on Public Works.

1111. A letter from the Secretary of Commerce, transmitting the sixth in the series of interim reports stemming from the U.S. metric study, prepared by the National Bureau of Standards; to the Committee on Science and Astronautics.

1112. A letter from the Secretary of Commerce, transmitting the eighth in the series of interim reports stemming from the U.S. metric study, prepared by the National Bureau of Standards; to the Committee on Science and Astronautics.

1113. A letter from the Secretary of Commerce, transmitting the ninth in the series of interim reports stemming from the U.S. metric study, prepared by the National Bureau of Standards; to the Committee on Science and Astronautics.

1114. A letter from the Deputy Assistant Secretary of the Interior (Management and Budget), transmitting a report covering grants made during calendar year 1970 to nonprofit institutions and organizations for support of scientific research programs pursuant to section 3 of Public Law 85–934; to the Committee on Science and Astronautics.

1115. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report of the proposed transfer of $665,000 of "Research and development" funds to the 1971 "Construction of facilities" appropriation pursuant to section 3 of the National Aeronautics and Space Administration Authorization Act, 1971; to the Committee on Science and Astronautics.

1116. A letter from the Secretary of Health, Education, and Welfare, transmitting a report concerning grants approved by his office, which are financed wholly with Federal funds and subject to section 1120(b) of the Social Security Act, during the period April 1 to June 30, 1971; to the Committee on Ways and Means.

1117. A letter from the Acting Secretary of Health, Education, and Welfare, transmitting a report in accordance with section 1114(f) of the Social Security Act; to the Committee on Ways and Means.

Received From the Comptroller General

1118. A letter from the Comptroller General of the United States, transmitting a report on the audit of payments from the special fund to Lockheed Aircraft Corp. for the C–5A aircraft program during the period ended June 30, 1971, Department of Defense; to the Committee on Armed Services.

1119. A letter from the Acting Comptroller General of the United States, transmitting a report on U.S. participation in foreign assistance programs for Indonesia, Department of State, Department of Defense, and Agency for International Development; to the Committee on Government Operations.

1120. A letter from the Comptroller General of the United States, transmitting a report of the second review of the phasedown of U.S. military activities in Vietnam, Department of Defense; to the Committee on Government Operations.

1121. A letter from the Comptroller General of the United States, transmitting a report on too many crewmembers assigned too soon to ships under construction, Department of the Navy; to the Committee on Government Operations.

1122. A letter from the Comptroller General of the United States, transmitting a report on the need for improving the administration of study and evaluation contracts, Office of Education, Department of Health, Education, and Welfare; to the Committee on Government Operations.

1123. A letter from the Comptroller General of the United States, transmitting a report on the cost, schedule, and design aspects of selected Atomic Energy Commission construction projects; to the Committee on Government Operations.

1124. A letter from the Comptroller General of the United States, transmitting a report on development of minority businesses and employment in the Hough area of Cleveland, Ohio, under the Special Impact program, Office of Economic Opportunity, to the Committee on Government Operations.

1125. A letter from the Comptroller General of the United States, transmitting a report that recreational projects financed by the Farmers Home Administration, Department of Agriculture, provide benefits to a limited number of rural residents; to the Committee on Government Operations.

1126. A letter from the Acting Comptroller General of the United States, transmitting a report on the savings available through a Government-wide program to rehabilitate instrumentation tape, General Services Administration; to the Committee on Government Operations.

1127. A letter from the Acting Comptroller General of the United States, transmitting a report on the assessment of the Teacher Corps program at the University of Southern California and participating schools in Tulare County serving rural-migrant children, Office of Education, Department of Health, Education, and Welfare; to the Committee on Government Operations.

1128. A letter from the Comptroller General of the United States, transmitting a list of reports of the General Accounting Office issued or released in July 1971, pursuant to section 234 of Public Law 91–510; to the Committee on Government Operations.

1129. A letter from the Comptroller General of the United States, transmitting a list of reports of the General Accounting Office issued or released in August 1971, pursuant to section 234 of Public Law 91–510; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

(Pursuant to the order of the House on Aug. 3, 1971 the following reports were filed on Aug. 16, 1971)

Mr. DAVIS of Georgia: Committee on Science and Astronautics. H.R. 10243. A bill to establish an Office of Technology Assessment for the Congress as an aid in the identification and consideration of existing and probable impacts of technological application; to amend the National Science Foundation Act of 1950; and for other purposes (Rept. No. 92–469). Referred to the Committee of the Whole House on the State of the Union.

Mr. ICHORD: Committee on Internal Security. Report on the Black Panther Party, 1966–71. (Rept. No. 92–470). Referred to the Committee of the Whole House on the State of the Union.

(*Submitted Sept. 8, 1971*)

Mr. PERKINS: Committee on Education and Labor. H.R. 10351. A bill to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes; with an amendment (Rept. No. 92–471). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABBITT:

H.R. 10511. A bill to authorize the Secretary of the Interior to conduct a study to determine the best and most feasible means of protecting and preserving the Great Dismal Swamp and the Dismal Swamp Canal; to the Committee on Interior and Insular Affairs.

H.R. 10512. A bill to continue the expansion of international trade and thereby promote the general welfare of the United States, and for other purposes; to the Committee on Ways and Means.

By Mrs. ABZUG:

H.R. 10513. A bill to establish a National Bank for Cooperative Housing to aid in financing the purchase and construction of low- and middle-income cooperative housing; to the Committee on Banking and Currency.

By Mr. BRINKLEY:

H.R. 10514. A bill to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs, and for other purposes; to the Committee on Agriculture.

H.R. 10515. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 10516. A bill to provide increases in certain annuities payable under chapter 83 of title 5, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CLARK:

H.R. 10517. A bill to amend the Internal Revenue Code of 1954 to restore the investment credit; to the Committee on Ways and Means.

By Mr. DERWINSKI:

H.R. 10518. A bill to amend the Internal Revenue Code of 1954 to permit barbers who work for a percentage of the charges made for their services to establish qualified pension plans for themselves in the same manner as if they were self-employed; to the Committee on Ways and Means.

H.R. 10519. A bill to amend the Internal Revenue Code of 1954 to permit beauticians who work for a percentage of the charges made for their services to establish qualified pension plans for themselves in the same manner as if they were self-employed; to the Committee on Ways and Means.

By Mr. DICKINSON:

H.R. 10520. A bill to provide that the reservoir formed by the lock and dam referred to as the "Jones Bluff Lock and Dam" on the Alabama River, Ala., shall hereafter be known as the Robert F. Henry Lock and Dam; to the Committee on Public Works.

By Mrs. GRIFFITHS (for herself, Mr. Corman, Mr. Mosher, Mr. Reid of New York, and Mrs. Abzug):

H.R. 10521. A bill to create a national system of health security; to the Committee on Ways and Means.

By Mr. HUNGATE:

H.R. 10522. A bill relating to crime and law enforcement in the District of Columbia; to the Committee on the District of Columbia.

H.R. 10523. A bill to exempt real estate investment trusts from the act of February 4, 1913, which regulates the loaning of money on security in the District of Columbia; to the Committee on the District of Columbia.

H.R. 10524. A bill to provide a title insurance code for the District of Columbia; to the Committee on the District of Columbia.

By Mr. HUNGATE (for himself and Mr. THOMSON of Wisconsin):

H.R. 10525. A bill to enlarge the authority of the District of Columbia Board of Optometry to make bylaws and regulations; to the Committee on the District of Columbia.

By Mr. JACOBS:

H.R. 10526. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the labels on all foods to disclose each of their ingredients; to the Committee on Interstate and Foreign Commerce.

H.R. 10527. A bill to provide for the care, housing, education, training, and adoption of certain orphaned children in Vietnam; to the Committee on the Judiciary.

By Mr. KING:

H.R. 10528. A bill to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

By Mr. KYL:

H.R. 10529. A bill to provide for the establishment of the Upper Mississippi River National Recreation Area, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. LENNON:

H.R. 10530. A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income of reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents; to the Committee on Ways and Means.

By Mr. MATSUNAGA:

H.R. 10531. A bill to permit a noncontiguous State to elect to use and allocate funds from the highway trust fund to achieve a balanced transportation system responsive to the unique transportation needs and requirements of such a noncontiguous State; to the Committee on Public Works.

H.R. 10532. A bill to prohibit the withdrawal of merchandise from a customs bonded warehouse for exportation pursuant to retail sales unless such warehouse is located in close proximity to a port, airport, or border crossing station; to the Committee on Ways and Means.

By Mr. MINISH:

H.R. 10533. A bill to amend the Internal Revenue Code of 1954 to increase personal exemptions to $750 for 1971, and to $1,000 thereafter; to the Committee on Ways and Means.

By Mr. O'HARA:

H.R. 10534. A bill to amend the Manpower Development and Training Act of 1962, as amended, by postponing the expiration of title II thereof for 18 months; to the Committee on Education and Labor.

By Mr. PEYSER:

H.R. 10535. A bill to establish a National Environmental Bank, to authorize the issuance of U.S. Environmental Savings Bonds, and to establish an Environmental Trust Fund; to the Committee on Banking and Currency.

H.R. 10536. A bill to establish a consumer education program in the Office of Education; to the Committee on Education and Labor.

H.R. 10537. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for certain social security taxes; to the Committee on Ways and Means.

By Mr. POAGE:

H.R. 10538. A bill to extend the authority for insuring loans under the Consolidated Farmers Home Administration Act of 1961; to the Committee on Agriculture.

By Mr. PRICE of Texas:

H.R. 10539. A bill to extend the authority for insuring loans under the Consolidated Farmers Home Administration Act of 1961; to the Committee on Agriculture.

By Mr. REID of New York:

H.R. 10540. A bill to provide for the Secretary of the Department of Health, Education, and Welfare to assist in the improvement and operation of museums; to the Committee on Education and Labor.

By Mr. ROGERS:

H.R. 10541. A bill to amend chapter 9 of title 44, United States Code, to require the use of recycled paper in the printing of the CONGRESSIONAL RECORD; to the Committee on House Administration.

By Mr. THOMSON of Wisconsin:

H.R. 10542. A bill to amend title VII of the Public Health Service Act to train certain veterans, with appropriate experience as paramedical personnel, to serve as medical assistants in long-term health care facilities; to the Committee on Interstate and Foreign Commerce.

H.R. 10543. A bill to amend chapters 31, 34, 35, and 36 of title 38, United States Code, in order to make improvements in the vocational rehabilitation and educational programs under such chapters; to authorize an advance initial payment and prepayment of the educational assistance allowance to eligible veterans and persons pursuing a program of education under chapters 34 and 35 of such title; to establish a work-study program and work-study additional educational assistance allowance for certain eligible veterans; and for other purposes; to the Committee on Veterans' Affairs.

H.R. 10544. A bill to provide increased unemployment compensation benefits for Vietnam era veterans; to the Committee on Ways and Means.

By Mr. VAN DEERLIN:

H.R. 10545. A bill to provide for the compensation of persons injured by certain criminal acts, to make grants to States for the payment of such compensation, and for other purposes; to the Committee on the Judiciary.

By Mr. VEYSEY:

H.R. 10546. A bill authorizing the Secretary of the Army to establish a national cemetery in Riverside County, Calif.; to the Committee on Veterans' Affairs.

By Mr. VEYSEY (for himself, Mr. SCHMITZ and Mr. DANIELSON):

H.R. 10547. A bill to amend the Clean Air Act to clarify California's right to enforce its own stringent motor vehicle emission standards; to the Committee on Interstate and Foreign Commerce.

By Mr. ZWACH:

H.R. 10548. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. ANDERSON of California:

H.J. Res. 851. Joint resolution asking the President of the United States to declare the fourth Saturday of each September "National Hunting and Fishing Day"; to the Committee on the Judiciary.

By Mr. JACOBS:

H.J. Res. 852. Joint resolution proposing an amendment to the Constitution of the United States with respect to the observation of a moment of silence in public buildings; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.J. Res. 853. Joint resolution to declare a U.S. policy of achieving population stabilization by voluntary means; to the Committee on Government Operations.

By Mr. PURCELL:

H.J. Res. 854. Joint resolution proposing an amendment to the Constitution of the United States relative to freedom from forced assignment to schools because of race, creed, or color; to the Committee on the Judiciary.

By Mr. ANDERSON of Illinois (for himself, Mr. WINN, Mr. ARCHER, and Mr. VANDER JAGT):

H. Con. Res. 396. Concurrent resolution to relieve the suppression of Soviet Jewry; to the Committee on Foreign Affairs.

By Mr. CLARK:

H. Res. 586. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

By Mr. WALDIE:

H. Res. 587. Resolution disapproving the alternative plan for pay adjustments for Federal employees under statutory pay systems recommended by the President to Congress on August 31, 1971; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

257. By the SPEAKER: Memorial of the Legislature of the State of California, relative to suspension of the Davis-Bacon Act; to the Committee on Education and Labor.

258. Also memorial of the Senate of the Commonwealth of Massachusetts, relative to peace in northern Ireland; to the Committee on Foreign Affairs.

259. Also, memorial of the house of representatives of the Commonwealth of Massachusetts, relative to economic and military aid and sales to Pakistan; to the Committee on Foreign Affairs.

260. Also, memorial of the senate of the Commonwealth of Massachusetts, relative to economic and military aid and sales to Pakistan; to the Committee on Foreign Affairs.

261. Also, memorial of the Legislature of the State of California, relative to mining claims and excavations; to the Committee on Interior and Insular Affairs.

262. Also, memorial of the Legislature of the Territory of the Virgin Islands, relative to the method of filling vacancies in the Legislature of the Virgin Islands; to the Committee on Interior and Insular Affairs.

263. Also, memorial of the Legislature of the State of Wisconsin, relative to the broadcasting of sporting events; to the Committee on Interstate and Foreign Commerce.

264. Also, memorial of the Legislature of the Commonwealth of Massachusetts, requesting Congress to call a convention for the purpose of amending the Constitution of the United States to authorize financial aid to private schools; to the Committee on the Judiciary.

265. Also, memorial of the Legislature of the State of North Carolina, ratifying the 19th amendment to the Constitution of the United States, relating to the right to vote, regardless of sex; to the Committee on the Judiciary.

266. Also, memorial of the Legislature of the State of California, relative to fish management programs; to the Committee on Merchant Marine and Fisheries.

267. Also, memorial of the Legislature of the State of California, relative to California salmon and steelhead resources; to the Committee on Merchant Marine and Fisheries.

268. Also, memorial of the house of representatives of the State of Michigan, relative to water pollution; to the Committee on Public Works.

269. Also, memorial of the Legislature of the State of California, relative to the establishment of a national cemetery in California; to the Committee on Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARRETT:

H.R. 10549. A bill for the relief of Carlos Garcia; to the Committee on the Judiciary.

By Mr. GARMATZ:

H.R. 10550. A bill to provide for the striking of medals commemorating the one hundred and seventy-fifth anniversary of the launching of the U.S. Frigate *"Constellation"*; to the Committee on Banking and Currency.

By Mr. GRASSO:

H.R. 10551. A bill for the relief of Antonio Fortunato D'Anna, and his wife, Carmina D'Anna; to the Committee on the Judiciary.

By Mr. HANLEY:

H.R. 10552. A bill for the relief of the Rescue Mission Alliance of Syracuse; to the Committee on the Judiciary.

By Mr. HAYS:

H.R. 10553. A bill for the relief of Gaston Landry; to the Committee on the Judiciary.

By Mr. HUNGATE:

H.R. 10554. A bill to provide that a gold medal be presented to the widow of the late Louis Armstrong; to the Committee on Banking and Currency.

By Mr. KEITH:

H.R. 10555. A bill for the relief of Albert B. Smith; to the Committee on the Judiciary.

By Mr. LANDRUM:

H.R. 10556. A bill to authorize the Secretary of the Interior to sell reserved mineral interests of the United States in certain land in Georgia to Mr. Thomas A. Buiso, the record owner of the surface thereof; to the Committee on Interior and Insular Affairs.

By Mr. McCLOSKEY:

H.R. 10557. A bill for the relief of Mrs. Edith Berke; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

123. By the SPEAKER: Petition of the Ada Council of Governments, Boise, Idaho, relative to funding for the Cottonwood Dam, Idaho; to the Committee on Appropriations.

124. Also, petition of the International Good Neighbor Council, Monterey, N.L., Mexico, relative to the United States-Mexico border industrialization program; to the Committee on Foreign Affairs.

125. Also, petition of the National Society of Professional Engineers, Washington, D.C., relative to development of the resources of Alaska; to the Committee on Interior and Insular Affairs.

126. Also, petition of the State Council of Kentucky of the Junior Order of United American Mechanics, relative to drug abuse; to the Committee on Interstate and Foreign Commerce.

127. Also, petition of the State Council of West Virginia of the Junior Order of United American Mechanics, relative to the Federal Bureau of Investigation; to the Committee on the Judiciary.

128. Also, petition of Barry Dale Holland, Portsmouth, Va., relative to establishing the rights of minors; to the Committee on the Judiciary.

129. Also, petition of Edward Clarence Rose, Chicago, Ill.; relative to redress of grievances; to the Committee on the Judiciary.

130. Also, petition of the Polish Legion of American Veterans, relative to extending educational benefits to veterans of the Vietnam war; to the Committee on Veterans' Affairs.

SENATE—*Wednesday, September 8, 1971*

The Senate met at 12 o'clock noon and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, we thank Thee for the changing scenes of life, for summer and winter, for sunshine and rain, for work and rest, for memories of the past and for the open vistas of the future. We thank Thee especially for Thy goodness and mercy which has watched over us and brought us to this hour. Make us ever aware of Thy sustaining grace and power. Guide the Members of this body through the new challenges and fresh opportunities by the light of Thy truth. May our highest incentive be service to others. May we ever walk humbly with Thee. Help us to be prepared equally for success as well as for failure, and in all things to be faithful to our high trust.

Bless this Nation and make it a blessing to all mankind. Grant to our leaders and to all the people the spirit which strives for the more perfect order where justice prevails and love rules.

In the Redeemer's name. Amen.

MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of August 5, 1971, the following message from the President of the United States was received on August 10, 1971, and the message was referred to the Committee on Banking, Housing and Urban Affairs:

To the Congress of the United States:

I am transmitting herewith the Annual Report of the National Corporation for Housing Partnerships for the period July 1, 1970 to June 30, 1971.

The Partnership was created under Title IX of the Housing and Urban Development Act of 1968 as a means of increasing the participation of private investors in providing new housing. In carrying out this purpose, the Partnership has, over the past year, given preliminary or final approval to 10,000 units of housing, consisting of 46 projects in 23 States.

It is clear that the Partnership will be an important part of our efforts to deal with the housing problems of the Nation. I commend this Report to your attention.

RICHARD NIXON.

THE WHITE HOUSE, *August 9, 1971.*

Under the authority of the order of the Senate of August 5, 1971, the following message from the President of the United States was received on September 1, 1971, and the message was referred to the Committee on Post Office and Civil Service:

To the Congress of the United States:

On August 15, 1971 I announced a number of new economic initiatives to create new jobs, to hold down the cost of living, and to stabilize the dollar. In this connection, Executive Order 11615 calls for the development of policies, mechanisms and procedures to maintain economic growth without inflationary increases after the end of the 90-day freeze period which the order imposes. It is equally essential that the tax reductions which I recommended to the Congress, to provide a powerful stimulus to the economy, not be inflationary in their impact. A significant reduction in Federal expenditures is needed to provide a balance.

Since continuing emphasis will be placed on the exercise of responsible industrial and labor leadership throughout the Nation in the months to come, I must apply such fiscal restraints as will clearly signify the good faith of the Federal Government as a major employer, and to continue to set an example for the American people in our striving to achieve prosperity in peacetime. I place full reliance on the willingness of Federal employees along with their fellow Americans, to make whatever temporary sacrifices in personal gain may be needed to attain the greater good for the country as a whole.

Therefore, in consideration of the economic conditions affecting the general welfare, I hereby transmit to the Congress the following alternative plan, as authorized and required by section 5305 (c)(1) of title 5, United States Code:

> Such adjustments in the rates of pay of each Federal statutory pay system as may be required, based on the 1971 Bureau of Labor Statistics survey, shall become effective on the first day of the first applicable pay period that begins on or after July 1, 1972.

I recognize that delaying the scheduled January 1972 increase to July 1972 means that two increases will then become due within a period of approximately three months. Since I am unable to predict whether two increases in such a relatively short time span will have a damaging effect on the economy, I am not prepared to make a decision with respect to the October 1972 increase at this time. After reviewing the economic situation during the first half of 1972, I will give serious consideration to the need for an alternative plan to that scheduled increase. If I conclude that an alternative plan is necessary I will, in accordance with the aforementioned provision of law, submit such a plan to Congress before September 1, 1972. It appears highly unlikely that any such plan would involve a postponement of the October 1972 adjustments beyond January 1973.

Our Nation's public servants are entitled to a fair wage in line with the established policy of comparability with private enterprise; I regret the necessity of postponing pay increases, but our fight against the rising cost of living must take precedence. Of course, success in holding down inflation will benefit the Government worker as well as all Americans.

I urge your support of this postponement.

RICHARD NIXON.

THE WHITE HOUSE, *August 31, 1971.*

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of August 5, 1971, Mr. STENNIS, from the Committee on Armed Services, reported favorably, with amendments, on September 7, 1971, the bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, and submitted a report (No. 92–359) thereon, which was printed.

THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, August 6, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that the President had approved and signed the following acts and joint resolution:

On August 10, 1971:

S. 485. An act to amend the Communications Act of 1934 to provide that certain aliens admitted to the United States for permanent residence shall be eligible to operate amateur radio stations in the United States and to hold licenses for their stations.

On August 11, 1971:

S. 751. An act to authorize the disposal of industrial diamond crushing bort from the national stockpile and the supplemental stockpile;

S. 752. An act to authorize the disposal of vegetable tannin extracts from the national stockpile;

S. 753. An act to authorize the disposal of thorium from the supplemental stockpile;

S. 755. An act to authorize the disposal of shellac from the national stockpile;

S. 756. An act to authorize the disposal of quartz crystals from the national stockpile and the supplemental stockpile;

S. 757. An act to authorize the disposal of iridium from the national stockpile;

S. 758. An act to authorize the disposal of mica from the national stockpile and the supplemental stockpile;

S. 759. An act to authorize the disposal of metallurgical grade manganese from the national stockpile and the supplemental stockpile;

S. 760. An act to authorize the disposal of manganese, battery grade, synthetic dioxide from the national stockpile;

S. 761. An act to authorize the disposal of diamond tools from the national stockpile;

S. 762. An act to authorize the disposal of chromium metal from the national stockpile and the supplemental stockpile;

S. 763. An act to authorize the disposal of amosite asbestos from the national stockpile and the supplemental stockpile;

S. 765. An act to authorize the disposal of antimony from the national stockpile and the supplemental stockpile;

S. 767. An act to authorize the disposal of rare-earth materials from the national stockpile and the supplemental stockpile;

S. 768. An act to authorize the disposal of chemical grade chromite from the national stockpile and the supplemental stockpile;

S. 769. An act to authorize the disposal of industrial diamond stones from the national stockpile and the supplemental stockpile;

S. 770. An act to authorize the disposal of columbium from the national stockpile and the supplemental stockpile;

S. 771. An act to authorize the disposal of selenium from the national stockpile and the supplemental stockpile;

S. 772. An act to authorize the disposal of celestite from the national stockpile and the supplemental stockpile;

S. 774. An act to authorize the disposal of vanadium from the national stockpile;

S. 775. An act to authorize the disposal of magnesium from the national stockpile;

S. 776. An act to authorize the disposal of abaca from the national stockpile;

S. 777. An act to authorize the disposal of sisal from the national stockpile; and

S. 778. An act to authorize the disposal of kyanite-mullite from the national stockpile.

On August 13, 1971:

S. 2296. An act to amend sections 107 and 709 of title 32, United States Code, relating to appropriations for the National Guard and to National Guard technicians, respectively.

On August 16, 1971:

S.J. Res. 105. Joint Resolution authorizing the President to issue a proclamation designating 1971 as the "Year of World Minority Language Groups".

On August 17, 1971:

S. 581. An act to amend the Export-Import Bank Act of 1945, to eliminate certain export credit controls, and for other purposes.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

NOW THE NATION LOOKS TO CONGRESS

Mr. GRIFFIN. Mr. President, as Congress resumes, following the summer recess, the major and pressing business before both Houses is the revitalization of the Nation's economy.

Twenty-four days ago President Nixon electrified the Nation and the world by announcing his comprehensive, carefully balanced program to restore the United States to full economic health.

A large part of the program could be—and was—put into effect by the President pursuant to authority already granted by Congress. But key elements of his comprehensive plan—three tax measures essential to the success of the whole venture—must be approved by Congress.

At this pivotal moment in history, the people have a right to expect statesmanship of a high order from the legislative branch of government. Of course, there should be careful deliberation on the part of Congress—no one demands a rubber-stamp exercise. But this is no time for politics as usual. Furthermore, I venture the suggestion that attempts to play politics with these proposals will prove to be bad politics.

By and large, the President's program has been received with approval by the American people. According to surveys taken, the program is supported by more than seven out of 10 Americans—indeed, their enthusiastic support, as is the case with most of the President's programs.

All of this should not be too surprising. Actually, the President's prescription for economic recovery is a carefully balanced package of proposals which, for the most part, had been advanced earlier by Members of Congress of both parties.

Indeed, the President has not hesitated, in public and in private meetings, to give credit to others of both parties for the contributions they have made in development of the program.

For example, the distinguished chairman of the House Ways and Means Committee, Mr. MILLS, is—and has been—a strong advocate of "an effective incomes policy which would really hold down the rates of increase in prices and wages." And before the President's August 15 announcement, Chairman MILLS called for restoration of "some form of investment tax credit."

Likewise, the senior Senator from Indiana (Mr. HARTKE) can take credit for introducing last March 16 a bill to restore the investment tax credit and to increase it to 10 percent. At that time he said:

> If passed this bill will prove the single most important step we can responsibly take along the road of a revitalized economy.

I am confident that Congress will respond with dispatch and responsibility to the challenge now before us. This is a time for the country to pull together. For unless we become more competitive as a nation and build a prosperity based on peace instead of war, we stand in danger of going the way of other once-great nations of the past.

John F. Kennedy once stated:

> What can we do for our country?

We can now support our President because he is right. We can demand and expect economic statesmanship from Government, business, and union leaders—instead of politics as usual.

SENATE JOINT RESOLUTION 150—PROPOSING AN EQUAL RIGHTS AMENDMENT TO THE CONSTITUTION

The PRESIDENT pro tempore. The Chair now lays before the Senate Joint Resolution 150 which was introduced on the last day of the session before adjournment and was read the first time. Objection having been heard to the second reading on that day, the joint resolution will now be read the second time.

The assistant legislative clerk read as follows:

A Senate joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

Mr. COOK. Mr. President, I object to further proceedings on Senate Joint Resolution 150 at this time.

The PRESIDENT pro tempore. Objection is heard. Under rule XIV, paragraph 4, the joint resolution will be placed on the Calendar.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the rule previously agreed to, there will now be a period for the transaction of routine morning business for 1 hour, with statements therein limited to 3 minutes.

The Senator from Minnesota (Mr. Humphrey) is recognized for 3 minutes.

ROY WILKINS AT 70

Mr. HUMPHREY. Mr. President, Roy Wilkins observed his 70th birthday on August 30. As the Washington Post observed, in his 40 years of leadership in the NAACP he has helped to make the American political system work.

This is a gentle but meaningful tribute. Through his faith in the process, the just means, by which justice is achieved, he has built lasting foundations for equal opportunity in America.

I ask unanimous consent that the Post editorial of August 30, along with my congratulatory telegram, be printed in the Record.

There being no objection, the editorial and telegram were ordered to be printed in the Record, as follows:

Roy Wilkins at 70

That gentle, tough, calm, angry, passionate yet essentially rational young man, Roy Wilkins, who has worked for the NAACP for 40 years and served as its director for the past 16, has reached his 70th birthday today. We think there ought to be a toast to him at every American dinner table, a standing ovation for him at every American convention and a general sense of self-congratulation on having him at hand as a national resource. He keeps on asking Americans to measure up to their own highest standards and values; and he has never faltered in his faith that, in time, they will do so.

Thus, Roy Wilkins has served not only as a champion of Negro rights but as a champion of the American political system, a true believer, so to speak, in the capacity of that system to achieve progress and justice. Because he is ardent and idealistic and full of rage at the wrongs black people have endured in the United States, he has always been impatient with the shortcomings of the system and the frustrating, heartbreaking pace of reform. But because he is realistic and seasoned and wise, knowing that the terrible sins and errors of the past cannot be undone by tomorrow morning no matter how furiously they are denounced, he has chosen not to rail but to persuade, not to destroy but to construct—and, in short, to do what he could rather than what he could not.

There have been some notable achievements to sustain his faith. During his tenure as its director, the NAACP has grown greatly in membership, financial resources and influence, so that today it holds indisputable leadership in the civil rights struggle. It has fought for a succession of civil rights laws and shared significantly in bringing them to enactment. It can hardly be said that these laws have wiped out racial inequity and discrimination; but it can fairly be said that they have done a great deal more to move the country in that direction than random violence and sophomoric slogan about revolution.

Roy Wilkins has helped to make the American political system work—which is to say that he has served whites no less than blacks. A lot of work lies ahead of him. We hope he'll keep on doing it.

August 30, 1971.

Mr. Roy Wilkins,
Care of Mildred Roxborough,
New York City, N.Y.

Most hearty congratulations on your 70th birthday. I regret I cannot be present this evening, but want to join in the salute to your outstanding lifetime of work in the civil rights struggle. Your valiant courage and determination have been a great inspiration to all of us who have labored to make the American dream of equality a reality. Despite the difficulties, you retained faith in the processes of government that helped the Nation measure up to its responsibilities.

On this special day may it give you satisfaction to know that you have the gratitude, the admiration and the good wishes of millions of people.

Hubert H. Humphrey.

CITY TAXES AND SERVICES: SURVEY REPORT OF LEAGUE OF CITIES

Mr. HUMPHREY. Mr. President, in the August edition of Nation's Cities, a summary report of citizens' attitudes toward taxes and services was published. This report was conducted under the Urban Observatory program. Over 4,300 in-depth interviews in 10 major cities were utilized.

The survey was prepared by York Willbern and Lawrence A. Williams of the National League of Cities Urban Observatory Secretariat staff in conjunction with Floyd J. Fowler, assistant director of the Survey Research program of the Joint Center for Urban Studies of the Massachusetts Institute of Technology and Harvard University.

Ten cities: Albuquerque, Atlanta, Boston, Denver, Kansas City, Kans., and Kansas City, Mo., Milwaukee, Nashville, and San Diego were surveyed.

The survey demonstrates the great variability in our cities. On the key questions of whether or not citizens felt that taxes were too high—the survey reports were mixed. The survey notes that in six of 10 cities, more people would rather have taxes raised than have services cut.

Other common thoughts were challenged by the survey: cutting the salaries of local government employees received almost no local support; few people favored a reduction in expenditures for existing services when presented with a list of specific services; and, overall, people want to see the level of services increased—even if taxes have to be increased.

On the other hand, some common assumptions have been given a new validity. People generally believe that they are not getting enough services for their dollar; a tax on property is believed to be inequitable and too high, and people do not favor increasing this tax to pay for additional services.

On the issues, people favored spending more money on drug abuse, housing inspection, public schools, police, street repairs, and medicare for the poor. People favored spending less money on building freeways, trash, and garbage collection, and street lighting.

Mr. President, I commend this article to my colleagues, and ask unanimous consent to have it printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

City Taxes and Services: Citizens Speak Out

Introduction

An urban observatory report

This is a report of the initial findings of responses to 4,300 in-depth interviews conducted under the Urban Observatory Program in ten major United States cities. The adults surveyed, representing a cross-section of each city's population, were asked their views and feelings about city government, city services, and city problems.

The general goal of this attitude survey was to measure citizens' feelings and perceptions about basic local government services in the city and about certain features of the city government process itself. People's ideas about services and city government, of course, do not necessarily constitute an adequate test of their quality. People may see inefficiency where there is none; people may be satisfied with a service system that is in fact not very good by some other criteria. Nonetheless, what people think of their city's service system and their government is real, and it constitutes one of several possible criteria for evaluating services provided by municipal governments.

The ten cities participating in this study are Albuquerque, Atlanta, Baltimore, Boston, Denver, Kansas City (Kansas), Kansas City (Missouri), Milwaukee, Nashville, and San Diego. Cleveland, the other Urban Observatory City, did not participate in this research undertaking, but the two Kansas Cities, which are served by the same Observatory, are treated separately.

About the cities

It is important to understand some of the differences among the participating cities in order to better understand the responses citizens give regarding city problems and city services.

The cities differ in number of inhabitants as well as in location, ranging from about 150,000 in Kansas City, Kansas, to about 900,000 in Baltimore. It is probably very significant that they also differ in the extent to which they include all of the metropolitan area. Less than a fourth of Boston area residents live in the City of Boston, for example, while the cities of Nashville and Albuquerque encompass most of their metropolitan area populations. In a majority of the cases, central cities include about half the metropolitan population.

A related issue is population density. Those cities with high density, like Boston and Baltimore, may be better able to support certain services, such as mass transportation; but, at the same time, higher population density may contribute to the incidence of other problems.

The cities also differ considerably in types of housing stock. Cities that had early growth and substantial suburban development have relatively few detached single-family houses. In Albuquerque and the two Kansas Cities, about three-fourths or more of the housing is single-family housing; and over half of the housing units are single-family houses in seven of the cities. However, in Baltimore and Boston, two- to four-family houses and row houses are dominant, and only about 10 percent of all housing units are single-family units. In Milwaukee, 40 percent of the housing units are single-family structures, while Atlanta is distinctive in that over 30 percent of the housing in the city is in buildings with five or more units.

The kind of housing in a city will influence the kind of housing problems people have. It, along with other things, also will affect the rate of home ownership in a city. As an overall average, about half the housing units in these 10 cities are occupied by the owners; the other half by renters. In Boston, however, less than one-third of all housing units are owner-occupied; while in Albuquerque, Nashville, and the two Kansas Cities, about two-thirds are owner-occupied.

Along with size and physical differences, there are also differences in the characteristics of the population that lives in these cities. Ethnically, close to one-half the people in Atlanta and Baltimore are black, but less than 10 percent of those living in San Diego, Denver, and Albuquerque are black. In the rest of the cities, around a fifth of the population is black. As a consequence, adequate samples of the black population were obtained in only seven cities: Atlanta, Baltimore, Boston, the two Kansas Cities, Milwaukee, and Nashville. In Kansas City, Kansas, the number of blacks in the sample is marginal and should be treated with caution. People of Spanish descent constitute a quarter of the Albuquerque population and over 10 percent of the Denver population. More than half of the population in Boston and Milwaukee are Catholic; about 40 percent of the population in Albuquerque is Catholic. The attitudes of Catholics and people of Spanish descent are only infrequently singled out for analysis in this report.

Another important consideration is the socio-economic characteristics of a city's population. The figures on income are hard to interpret because of regional differences in salary scales and costs of living. It may be significant that Boston, where the city encompasses only a little over a fifth of the Standard Metropolitan Statistical Area (SMSA), has a noticeably lower average family income. Education, however, may be more meaningful. It is noteworthy, for example, that over 40 percent of the adults in Albuquerque and San Diego have attended college, compared with less than one-fourth of the adults in Baltimore, Kansas City (Kansas), and Milwaukee.

Another difference among cities is the composition of the households. In Atlanta and Boston, for example, almost a third of all households consist of single individuals or unrelated roommates; whereas in Albuquerque, Baltimore, and Nashville, such households constitute only about a sixth of all households. As a consequence, Atlanta and Boston have correspondingly lower rate of families—married couples and families with children.

This is not an exhaustive list of all the differences between cities, nor of the possible implications of the differences. The point to keep in mind in reading this report is that the composition of a city's population may be as important as the characteristics of the government and the services provided by a city in explaining how the people feel about their city services. Much of the data presented will show greater differences in attitudes between groups within cities than between cities. An evaluation of a service is always a joint product of what is being judged and who is doing the judging. Differences among cities in the way of government services are viewed cannot be interpreted without reference to the differences between populations of the cities.

CHARACTERISTICS OF SURVEY CITIES

	1970 population	Central city portion of SMSA population (percent)	Persons per square mile	Black population (percent)
Albuquerque	243,751	77	4,202	2
Atlanta	496,973	35	3,585	51
Baltimore	905,759	44	11,465	46
Boston	641,071	22	13,065	16
Denver	514,678	42	7,540	9
Kansas City, Kans.	168,213	[1] 13	8,410	20
Kansas City, Mo.	507,087	[1] 39	3,900	22
Milwaukee	717,099	51	7,968	15
Nashville	447,877	83	853	20
San Diego	696,769	51	3,573	8

[1] Kansas City SMSA includes both Kansas City, Kansas, and Kansas City, Mo.

TAXES AND SERVICES: NEW CITY REVENUE SOURCES FAVORED

It is a common perception among city officials that there is a continuing cry for reduced taxes and, at the same time, an increasing demand both for the expansion of existing services and for the performance of new services. It is also generally believed that poor people, blacks, and renters want more services than do others; that homeowners and people with high incomes want reduced taxes. Are these perceptions correct? What do city residents really think?

Do people think that local taxes are too high?[*]

Not necessarily. Responses varied from city to city. In four cities—Baltimore, Boston, Kansas City (Kansas), and Milwaukee—more than half of the people expressed the view that local taxes were too high considering the services that local governments need to provide. In fact, in Baltimore, Boston, and Milwaukee, two-thirds of the citizens expressed this view, a high consensus. In the other six cities, approximately a third of the people believed that taxes were too high, but about half expressed the view that taxes were "about right." In only one city—Nashville—did a significant number of people, 19 percent, indicate that taxes were too low to provide necessary services.

In analyzing the data, it is significant to note that in the three cities in which two-thirds of the citizens believed that taxes were too high—Baltimore, Boston, and Milwaukee—the average annual property tax bill for single-family homes is over 3 percent of the average sales prices of such homes, a rate of taxation substantially higher than in most of the nation's cities. Conversely, in those cities in which relatively few people believed taxes were too high, the average annual tax bill for such property is 1 to 2 percent of the average sales price.

Are certain segments of the population more concerned than others about high taxes?

Yes. Analysis of responses by income, by education, and by race indicates that concern varied among different groups. Generally, those with less education and those having lower incomes believed that taxes were too high considering the services that cities need to provide. And, in those cities having a sizable number of black citizens, blacks, more than whites, tended to think taxes were too high. At the same time, it should be pointed out that these generalizations are less accurate for Boston, Kansas City (Kansas), and Milwaukee—three of the cities in which there was most concern about taxes. In particular, people with higher incomes in these cities tended to be as likely as those with lower incomes to think that taxes were too high.

Homeowners, on the other hand, generally were no more concerned about taxes than were renters. Only in Atlanta, Boston, and particularly Milwaukee was the concern about high taxes among homeowners significantly greater than the concern expressed by renters.

Would people rather raise taxes or cut services if a choice had to be made?

Again, responses varied considerably from city to city. In six of the ten cities, more people would rather have taxes raised than have services cut. This attitude was most pronounced in Atlanta and Nashville. In only two cities—Kansas City (Kansas) and Milwaukee—did more people favor reducing services than increasing taxes. In the other two cities, the balance seemed to be about fifty-fifty between those who would prefer to cut services and those who would raise taxes if a choice had to be made.

How do different segments of the population feel about raising taxes or cutting services?

There was a clear tendency in all cities for better educated people, more often than less educated people, to favor raising taxes rather than cutting services. When asked about selected services, however, less well educated people were more likely to favor increased expenditures.

In three cities, there was no significant difference among income groups as to their preference between raising taxes and reducing services. In the other seven cities, people with higher incomes were more willing to raise taxes than cut services than were people with low incomes.

On the basis of race, there was no general trend. Blacks were just as inclined as whites to cut services rather than raise taxes and vice-versa, although, when asked about specific services, blacks generally favored increased expenditures.

One group was most consistent. Renters consistently were more willing than homeowners to raise taxes rather than cut services, although the difference between these two groups in willingness to increase taxes was not extreme.

How about services now being provided? Do people generally want to see the level of services increased?

Very often they did, even in some of those cities in which a majority of the people believed that taxes were too high. When presented with a list of 16 services and asked to indicate whether they would "spend more," "spend the same," or "spend less," citizens in five cities responded that more should be spent on eight or more of the 16 services. Included in these five cities were Baltimore, Boston, and Kansas City (Kansas), three cities in which more than half of the people said taxes were too high. People in Milwaukee, on the other hand, were fairly consistent in their responses. A majority thought taxes were too high; a majority would rather cut services than raise taxes; and Milwaukee citizens were among the lowest in favoring increased expenditures for services.

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[*] In discussing local taxes, it should first be noted that these are often taxes levied by a number of local jurisdictions—including city governments, county governments, school districts, and special districts. Property taxes for city government purposes alone are generally less than half of all property taxes levied.

How can people favor reducing taxes and still ask for more services?

One reason for such a contradictory response is that people did not believe they were getting their money's worth for their tax dollar. When asked this question, responses varied substantially among the cities. At one extreme was San Diego, the only city in which a majority of citizens said they thought they got their money's worth for their tax dollar. San Diego was a city in which relatively few people were asking for increased services. It was also a city in which few people thought that taxes were too high. Albuquerque and Denver were two other cities where more than the average number of people thought they got their money's worth. In both of these cities, the demand for increased services tended to be moderately low, and concern about the level of taxes tended to be moderately low as well. Thus, those cities in which people were relatively satisfied with their services and not too concerned about their taxes were also cities in which people thought they were getting their money's worth.

At the other extreme were Baltimore and Boston, where there was consensus that taxes were too high, but there also was considerable demand for increased services. In each of these cities, more than 70 percent of the adult population thought they did not get their money's worth for taxes. Similarly, in Kansas City, Kansas, where there was a consensus that taxes were too high, more people favored reducing services than raising taxes, and, at the same time, there was considerable demand for increased services; 65 percent of the people thought they did not get their money's worth.

WHAT DO PEOPLE IN THE CITY THINK ABOUT LOCAL TAXES?

[In percent]

	Too high	About right	Too low
Albuquerque	27	57	11
Atlanta	35	50	9
Baltimore	68	28	4
Boston	67	22	7
Denver	38	50	4
Kansas City, Kans	53	39	5
Kansas City, Mo	35	48	13
Milwaukee	67	27	3
Nashville	27	47	19
San Diego	28	60	6

Note: "No responses" are not shown; therefore data may not total 100 percent.

SHOULD LOCAL GOVERNMENTS RAISE TAXES RATHER THAN CUT SERVICES?

[In percent]

	Raise taxes	Cut services
Albuquerque	53	41
Atlanta	61	31
Baltimore	54	41
Boston	42	44
Denver	44	44
Kansas City, Kans	44	50
Kansas City, Mo	50	42
Milwaukee	32	59
Nashville	59	26
San Diego	48	44

Note: "No responses" are not shown; therefore data may not total to 100 percent.

DO PEOPLE IN THE CITY GET THEIR MONEY'S WORTH FROM THEIR LOCAL TAXES?

[In percent]

	Yes	No
Al buquerque	47	46
Atlanta	39	53
Baltimore	27	72
Boston	21	70
Denver	46	44
Kansas City, Kans	25	65
Kansas City, Mo	26	62
Milwaukee	35	56
Nashville	36	58
San Diego	64	29

Note: "No responses" are not shown; therefore data may not total 100 percent.

Do certain segments of the population think they get more for their tax dollar?

There was little difference by education among the ten cities. However, where differences did occur, less educated people were less likely to think they were getting their money's worth than were better educated people. The same was true with respect to income. That is, low income people, when there were differences by income, were less likely to think they were getting their money's worth for the tax dollar. This perception was found to exist in Albuquerque, Atlanta, Baltimore, Denver, and San Diego. The most striking difference, however, was by race. In all seven cities in which blacks and whites can be compared, blacks were less likely than whites to think they were getting their money's worth for their tax dollar; in most cities this difference was statistically significant.

Thus, there was a constant pattern. Those segments of the population that were most concerned about taxes and that supported increased expenditures for services were also more likely than others to think that tax money was not being well spent.

In what ways do people think their tax money is poorly spent?

Two basic responses stood out when people were asked why they thought they did not get their money's worth from the tax dollar. One answer was that money was spent for the wrong services. The other was that there was inefficient administration—that is, somehow money got lost in the process of collecting taxes and delivering services. These two responses accounted for more than 50 percent of the answers given in eight of the cities and for more than 40 percent of the answers in the other two. A third less prevalent belief was that political graft was responsible for people not getting their money's worth from the tax dollar.

Besides reducing inefficiency to save tax dollars, do people favor spending less for existing services?

Generally, no. Few people favored a reduction in expenditures for existing services when presented with a list of 16 specific services and asked if they would "spend more," "spend the same," or "spend less." Of all the services included on the list, giving tickets and towing cars parked in illegal places was clearly the least popular, but only in two cities—Baltimore and Denver—did as many as 50 percent of the people say that the city should spend less for this activity. And, of course, a reduction in this service would save a relatively insignificant portion of city funds.

Building freeways was the second least popular service on the list. But in no city did a majority favor the expenditure of less money for this purpose, although 48 percent of the people in Milwaukee and 45 percent of the people in Baltimore and Boston would cut back spending for this activity.

Thus, there is very little basis for saying that people wanted to cut back services. Generally, people seemed to feel that expenditures for services were about right or that they should be increased.

Do people favor saving tax dollars by the use of service charges to finance certain services?

Generally, no. The people surveyed were asked about specific services—trash and garbage collection, museums and libraries, and public transportation—that are supported by service charges rather than by tax money in some communities.

When asked whether trash and garbage collection should be paid for by taxes or whether people should pay for such services on their own, responses were not even close in any city except Kansas City, Missouri. Pluralities in the other nine cities favoring tax supported collection ranged from 67 percent in Albuquerque to 96 percent in Baltimore. In Kansas City, Missouri, the vote was 50 percent for tax support and 48 percent for home-owner responsibility, with 2 percent undecided.

The same question was asked about museums and libraries: should city taxes help to pay for these services or should they be paid for entirely by the people who use them? Here again in every case, large majorities of citizens in every city voted for tax support for both of these institutions, even though undoubtedly only a minority of the citizens use these facilities in any given city.

With respect to public transportation, people were asked whether tax money should help pay part of the cost of public transportation or whether fare should pay the entire cost. In five of the ten cities, a majority of the people favored having fares pay the entire cost of public transportation. Among these five cities were Baltimore and Milwaukee where use of public transportation runs relatively higher than in most of the other ten cities. In the other five cities, a majority favored some tax support.

Do some segments of the population more than others favor tax support for public transportation?

Analysis of responses indicated that in all but two cities there was a high correlation between education and those favoring tax support for public transportation. People who had attended college were more likely to favor the expenditure of tax money for public transportation. Nonetheless, in two cities—Baltimore and Nashville—a majority of those who had been to college favored having fares pay the entire cost of public transportation, although the majorities in these cities were not very great.

On the basis of race, there was no such correlation. In four cities, the percentage of whites and blacks favoring tax support for public transportation was about equal. In Boston and Kansas City (Kansas), whites more than blacks favored tax support for this service; only in Milwaukee did more blacks than whites favor tax support for public transportation.

How do people feel about cutting local government employee salaries as a way of reducing the costs of government?

Cutting the salaries of local government employees received almost no support. People were asked directly if they thought local salaries should be higher, were about right, or should be lower. In all but one city, less than five percent of the population thought local salaries should be lower. The exception was Milwaukee where about 18 percent of the adults thought local government salaries should be lower; but an equal percentage of adults in Milwaukee thought salaries should be higher. In six of the ten cities, more than 40 percent of the population thought that local government salaries should be higher. In three cities—Albuquerque, Atlanta, and Baltimore—over half of the people thought that salaries should be higher.

If local government costs cannot be reduced, are there untaxed sources from which cities could get additional revenues?

There are two types of property in most cities that are presently not taxed—one is private schools and universities and the other is church property. People were asked whether they would be willing to change the laws affecting taxation of property owned by churches and private schools. In nine of the ten cities, a majority of citizens expressed a willingness to change the laws with regard to taxation of private schools; and a majority in seven of the ten cities expressed a willingness to change the laws with respect to the taxation of church property. Atlanta citizens were the only ones who would not be willing to tax the property of either of these types of institutions. A majority of the citizens in Baltimore and Kansas City (Kansas) were not willing to change the law with respect to the taxation of church property but were willing to support taxation of private school and university property. However, it should be noted with respect to the taxation of church property that some people specifically said that they would be willing to change the law only with respect to property that was not being used for religious purposes.

CITIZENS' ATTITUDE TOWARD LOCAL GOVERNMENT EMPLOYEES' SALARIES

[In percent]

	Should be higher	About right	Should be lower
Albuquerque	52	30	3
Atlanta	58	24	1
Baltimore	56	36	4
Boston	32	43	6
Denver	27	50	7
Kansas City, Kans	48	32	4
Kansas City, Mo	44	33	4
Milwaukee	17	51	18
Nashville	44	37	2
San Diego	23	55	4

Note: "No responses" are not shown; therefore data may not total 100 percent.

HOW WOULD CITIZENS PREFER TO RAISE MORE TAX MONEY?

[In percent]

	Tax on property	Tax on income	Tax on utilities	Sales tax	Tax on car owners
Albuquerque	9	20	13	41	9
Atlanta	14	17	10	42	13
Baltimore	15	10	14	37	17
Boston	15	16	12	35	14
Denver	9	23	11	33	12
Kansas City, Kans	6	23	8	47	11
Kansas City, Mo	6	28	3	44	12
Milwaukee	8	22	10	28	22
Nashville	16	21	7	31	18
San Diego	13	15	11	44	10

Note: "No responses" are not shown; therefore data may not total 100 percent.

How do different segments of the population feel about taxing private school and church property?

Generally it was very difficult to identify any socioeconomic group that was not predominantly willing to change the law exempting the taxation of private school and university property. People with a college education were a little less willing than others to tax such property. However, that relationship was significant in only two cities. Albuquerque and Nashville. Furthermore, just to balance it out, there were two cities in which college people were more willing to tax universities than were less educated people, though not significantly so.

It is much more difficult to generalize about the taxation of church property. In general, it can be said that better educated people were more in favor of taxing churches than less educated people. That statement holds true in eight of the ten cities to a statistically significant degree. There was not much difference by religion in willingness to tax church property. In the cities in the survey that have significant Catholic populations, there was no difference between Catholics' willingness to change the law about taxing church property and that of the city population as a whole. However, Catholics of Spanish descent were more likely to oppose taxation of church property than were other Catholics. Blacks also constitute an identifiable group that was less willing to tax church property, though not significantly so in most cities.

It is hard to know whether these expressions of opinion by people reflect changes in ideology over a period of time or simply a current desperation for new sources of income for cities; we do not even know whether these figures represent a change from the past. However, there seems to be little doubt that some change in the laws regarding taxation of school and church property is politically feasible in most of the cities in this country.

*If taxes must be raised, what do people think is the best way?**

To find out what form of taxation is preferred, people were given a choice of five types of taxes and asked: "If more tax money is needed, which do you think is the best way to raise it? Which is the next best way?" The five taxes were:

Tax on property.
Tax on income or earnings.
Tax on utilities—electricity, gas, or water.
Sales tax.
Tax on automobile owners.

One answer—the sales tax—stood out in every single city as being the most popular way to raise additional local tax money. In every city, more people selected the sales tax as the first choice than any of the other alternatives. With five alternatives, it is not surprising that there is a lack of a majority for the sales tax as a first choice, but about 40 percent on the average chose the sales tax over the other four alternatives. However, even more impressive is the fact that in every city more than half of the people chose the sales tax as one of the two best ways to raise increased tax revenue.

What do people think about a tax on income or earnings?

In general, a tax on earnings had the second most support. In one city, Kansas City, Missouri, a majority of the citizens mentioned it as one of the two preferred forms of taxation, though even in that city there was more support for the sales tax. In most cities, the income tax ranked 20 to 30 percentage points lower than the sales tax.

What support did people give for an increase in the property tax?

The property tax was clearly the least popular way to raise increased tax funds. In six of the ten cities, it was at the bottom; in the other four, it was separated from the bottom by only a few percentage points.

Do segments of the population differ in their preference for these taxes?

The sales tax was the favored tax among almost all groups in almost all cities, although there were some groups that were more favorable than others. For example, there was a clear tendency for those with high incomes to select the sales tax as the first choice more frequently than those with annual incomes under $5,000. Differences ranged from 4 percentage points to 25 percentage points between the extreme income groups in this respect. Nevertheless, even among those with incomes under $5,000, the sales tax was the first choice of most people in eight of the ten cities. The second choice for people with lower incomes was the tax on automobile owners.

Other differences among groups included the general tendency for better educated people to be more likely than others to favor an income tax. Renters and people under 30 years of age were somewhat more favorable towards the property tax than others. None of these trends, however, would affect significantly the basic ordering of preference. For most cities and among almost all groups, the sales tax was by far the most favored way of raising increased revenue from various tax sources; a tax on income or earnings was the second most popular in seven cities, and the third in three cities. The number three choice in seven cities was a tax on automobile owners.

How would citizen's views on taxes and about reducing expenditures be summarized?

First, it was universally true that citizens thought local taxes were too high. There were only four cities of the ten in which a clear majority held this view.

Second, an important element in the equation of demands for more services without further taxation was the perception that people were not getting their money's worth for their tax dollar. This perception was more prevalent in cities and among groups within the cities where there was the most clamor for more services. However, many people in all of the cities seemed to think that there were some ways in which savings could be made. There was, for example, a widespread belief that somehow administrative overhead could be reduced or efficiency could be increased. However, in most cities there was virtually no support for cutting city salaries; there was, in fact, much more support to raise them. Nor was there much support for cutting expenditures by requiring the users of services to pay for them by direct service charges.

Third, there were very few services that many people were willing to cut back. Although a substantial number of people in all cities preferred to cut back services rather than raise taxes, this was the clear majority view only in Kansas City (Kansas) and in Milwaukee. However, it was much harder to find any specific services that a substantial portion of any city's population was willing to cut back. Parking control and building freeways, neither of which constitutes very large poritons of most city budgets, were the only two local services for which there was any substantial support for reductions in expenditures.

Fourth, there was very clear and widespread sentiment for raising money from sources other than the existing property tax. Taxing church and private school property and using sales taxes rather than increasing property taxes were widely supported ways of raising additional revenue.

PRIORITIES IN THE CITY: INCREASED EFFORT ON ENVIRONMENT, HOUSING AND DRUG PROBLEMS

Cities are spending the people's money. Citizens were asked how they would like that money spent, what problems the city should be working on, what services it should be providing, what more it should be doing, what less it should be doing.

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*This question, of course, related to local levies, and the answers might not have been the same with regard to state or federal taxation.

What do most people think are the priority issues?

To find out the issues that city governments should be most concerned about at the moment, people were asked two questions: "What things in the city do you think need to be changed, fixed up, stopped, or started in order to make the city a better place to live?" and "What services, if any, should be improved in your own neighborhood?"

The first and most general thing that can be said about the perception of priority problems in the city is that the people did not agree. Not even as many as 25 percent of the people in any city gave the same answers to these questions.

Some of the most basic and expensive activities of local government did not seem to be priority "problems" in the minds of the people. Schools, for example, constitute the largest single local government cost. Furthermore, spending money on schools is usually one of the things most citizens favored. But in talking about things that would make the city a better place to live, improvements in schools were mentioned by 10 percent or less of the people in any city.

In many cities, law and order, police services, and courts appeared to be important issues among citizens. This general topic was one of the things that people mentioned relatively frequently—from 7 percent of the responses in San Diego and Milwaukee to over 20 percent in Kansas City, Missouri. In most cities, law enforcement and protecting citizens accounted for about 15 percent of the problems people mentioned. Problems of traffic and parking cars were not frequently mentioned in most cities. Such responses generally accounted for less than 10 percent of the answers. Nor was improving public transportation seen as critical to improving life in the city, either. Only in Denver did a concern for getting around in the city appear to be among the more significant issues for people.

However, there were other things which seemed to be on people's minds. For example, if street cleaning and repairs, trash removal, and anti-pollution programs were combined as an "environmental services" category, the answers of this type would be at least as large, often larger, than the answers pertaining to law enforcement.

In addition to environmental services, a significant number of people indicated that housing and urban renewal were matters of concern. However, some people were talking about the need for more low-income housing; others were simply talking about a need for more housing of good quality; still others were talking about rehabilitating or renewing neighborhoods. These responses can be combined, however, under a general heading of doing something about the condition and market of the housing stock in the city. Under such a rubric, they constituted more than 10 percent of the responses in any of the cities. In Baltimore, Boston, and Milwaukee, over 30 percent of the responses were in this general area.

There were other responses given in some cities—parks and recreation, health and welfare services, and employment related issues had some sporadic support. However, if one were to summarize a group of related areas that attracted the most attention, it might be said that there was particular interest in having well-maintained, reasonably priced housing in attractive neighborhoods that had adequate environmental services, from street cleaning to trash collection to air pollution control. Such responses generally characterized a third or more of the answers people gave. While that hardly constitutes a consensus, and while the focus of people's attention in this area differed, it did appear that in most cities something in this area was what many people, if not most people, saw as the important thing to do to make the city a better place to live.

How did the answers about specific services for the neighborhood differ?

Not much. First of all, when people were asked if there were any services in their own neighborhood that they would like to have improved, about 40 percent of the population of most cities said that no specific services needed improvement in their neighborhood. The rate of such responses were not too different among cities, from a low of about 30 percent in Boston to a high of around 45 percent in San Diego.

Among those people who said improvements were needed in their neighborhood, schools, again, received very few votes as the service in most need of improvement. Less than 10 percent of the people listing needed neighborhood improvements mentioned schools. Concern about police protection in the neighborhood contributed over 10 percent of the answers in most cities, ranging from a low of about 7 percent in San Diego to a high of around 21 percent in Boston.

Even more than in the data about cities as a whole, however, it was the environmental and maintenance services that received the most attention. Cleaning up and maintaining streets and sidewalks accounted from 14 to 29 percent of the services in need of improvement. Such concerns were lowest in Milwaukee and Atlanta; highest in Kansas City, Missouri. Other environmental services—such as hazard removal, trash collection, and generally cleaning up the neighborhood—accounted for another significant portion of the responses. From 11 percent of the answers in Boston to 29 percent of the answers in Albuquerque were concerned about such services. Among those who had any suggestion of services which should be improved in the neighborhoods, between a third and a half mentioned either environmental maintenance or neighborhood renewal.

People in most cities seemed to be most likely to be concerned with cleaning up their environment, cleaning up their neighborhood, cleaning up their housing—in short, making their environment more attractive. If there was one major theme that came out of the question about priorities for improvements of public services in the immediate neighborhood, that was it. Again it was not a consensus or a concern of all citizens; but it was the most widespread response obtained.

What other indications are there about priorities of citizens?

Sixteen items were chosen that might be of concern. People were given the following list of items and asked whether the city government ought to be spending "more," the "same," or "less" on each one:

Public schools.
Police patrolling the streets at night.
Giving tickets and towing cars parked in illegal places.
Street lighting.
Cleaning and repairing streets.
Providing medical care to people who cannot afford to pay for it themselves.
Cleaning up parks and playgrounds for small children.
Places for teen-age boys to go when they want to play a game, have some recreation, or a good time.
Trash and garbage collection.
Inspecting and making owners clean up houses that are run down or have rats or other safety hazards.
Helping kids and others who are on drugs.
Building low-cost housing.
Controlling air pollution.
Improving public transportation.
Building freeways.
Welfare and aid for dependent children.

People were also asked to select the three most important areas for increased effort.

Of the items on this list, there was clearly most sentiment for increased effort in "helping kids and others who are on drugs." In the average city, around 75 percent of the population said that the city should be spending more on this problem. In every city, this was one of the top items when people were asked to choose the three most important items for increased effort. Supporting this as a high priority matter is the fact that between 65 and 95 percent of the people in the ten cities said that drug use among young people was a "serious" problem when this specific question was asked.

Do people want to help kids or do they just want to catch them and punish them?

Undoubtedly what they want to do is to stop drug use. When people were asked what cities should be doing about the drug problem, over half suggested using police and law enforcement techniques to stop drug use. On the other hand, roughly 40 percent of the people focused on education and treatment, rather than law enforcement. When the question was phrased as "helping kids and others who were on drugs," an average of 75 percent of the people listed it as a high priority matter, as indicated above.

What is the second priority item?

The next highest degree of consensus was that the cities should spend more money on inspecting houses and making owners clean up substandard or hazardous conditions. More than half the population in every single city thought the city should be spending more money on this sort of activity. The rate was quite constant among all cities—between 55 and 70 percent of the adults in the population. However, when people were asked for their choice of the three most important issues, inspecting houses was seldom selected. It is an issue on which there was a strong consensus that more should be done, but the degree of intensity of concern may not be as great as with regard to other issues where there was less consensus.

What are the next most important issues?

Drugs and house inspection stand out because they were supported by majorities in all cities. Next in importance were six or seven services all of which received about the same amount of support. Majorities in most of the cities said more money should be spent on schools, police patrolling the streets, cleaning and repairing streets, medical care for those who cannot afford it, low-income housing, controlling air pollution, and recreation for teen-age boys.

Seven out of ten cities had a majority in favor of spending more on school systems. The only three that did not vote in that direction were Denver, Milwaukee, and San Diego. Those were the same three cities in which there was not a majority for increased expenditure for police patrolling the streets at nights. Increased medical care for the poor got majority support in seven of the ten cities. Only Denver, Albuquerque, and San Diego did not have majorities for that. In seven of the ten cities, a majority of people said they supported increased low-income housing. Only Albuquerque, Kansas City (Missouri), and San Diego did not have majorities favoring more expenditures for this activity. Similarly, seven of the cities had a majority favoring increased effort to control air pollution; all but Albuquerque, Baltimore, and Kansas City (Kansas).

While clear majorities generally supported increased expenditures in all these areas, when people were asked to choose the most important three services for increased effort, some of these items received considerably more support than others. Schools and, to a lesser extent, police were generally singled out, along with helping kids on drugs, as the three services in which increased efforts were most desired.

ATTITUDES OF PEOPLE TOWARD SPENDING FOR SELECTED SERVICES

[In percent]

Spend	Public schools	Police patrolling at night	Ticketing towing cars	Street lighting	Cleaning, repairing streets	Medical care for poor	Cleaning parks play-grounds	Recreation for teen-age boys	Trash and garbage collection	Housing inspection	Helping kids on drugs	Building low-income housing	Controlling air pollution	Improved public transportation	Building freeways	Aid for dependent children
Albuquerque:																
More	53	50	6	36	52	45	24	49	40	55	75	49	47	29	20	38
Same	41	45	53	57	43	41	66	41	52	34	21	34	43	55	57	44
Less	4	2	37	5	3	9	7	6	5	6	2	14	7	11	22	15
Atlanta:																
More	61	59	19	41	57	62	47	61	48	69	83	58	63	52	36	51
Same	32	33	45	50	38	28	44	31	47	25	12	27	24	35	43	34
Less	3	4	31	6	2	6	5	4	2	3	2	11	8	8	17	10
Baltimore:																
More	72	70	8	36	49	73	49	69	33	72	86	66	50	49	17	59
Same	23	20	27	55	41	23	42	23	60	24	11	24	29	40	36	28
Less	3	8	63	6	9	2	7	6	6	2	2	9	19	9	45	11
Boston:																
More	66	70	14	31	56	65	55	62	24	72	81	68	62	50	18	41
Same	26	24	35	60	39	26	38	28	71	23	12	20	25	38	32	35
Less	2	3	47	5	3	6	4	7	3	1	3	9	8	8	46	20
Denver:																
More	47	46	4	45	41	44	29	46	15	61	68	50	62	63	25	25
Same	46	48	36	44	54	43	61	44	78	30	21	31	25	25	45	40
Less	3	2	53	9	1	7	7	7	3	4	4	13	7	7	24	27
Kansas City, Kans.:																
More	59	56	12	42	54	64	43	55	33	66	79	52	43	33	22	43
Same	33	36	46	53	42	29	51	37	59	30	18	34	34	47	51	44
Less	6	6	40	4	3	5	5	6	6	3	2	11	20	17	26	12
Kansas City, Mo.:																
More	59	66	8	42	64	58	27	49	44	66	75	45	55	43	22	40
Same	37	32	44	53	34	35	65	44	47	30	24	39	33	49	52	41
Less	3	2	47	4	1	6	8	7	7	3	....	15	11	7	26	17
Milwaukee:																
More	38	41	8	26	26	55	23	46	21	61	69	52	55	36	12	31
Same	55	52	48	67	69	35	68	47	73	32	23	30	33	48	38	42
Less	5	2	40	6	4	7	6	5	4	5	5	16	9	14	48	24
Nashville:																
More	60	62.	11	39	61	64	42	56	33	59	79	52	52	30	31	41
Same	35	33	44	54	35	29	50	36	61	32	16	34	37	51	49	44
Less	1	2	40	4	2	3	4	4	2	4	2	9	6	13	16	9
San Diego:																
More	45	33	5	34	25	42	21	49	11	56	77	41	61	36	11	24
Same	45	61	51	62	71	44	71	44	85	35	18	38	33	51	65	51
Less	7	3	40	3	2	8	4	4	2	3	3	16	4	10	22	20

"No responses" are not shown, therefore columns may not total 100 percent.

Which services would people be willing to cut?

There was a very consistent tendency for people to be much more willing to increase expenditures than decrease them for the services in the list. Of the 16 listed services, there were only four—ticketing and towing cars, street lighting, trash and garbage collection, and building freeways—that did not receive, in any city, a majority vote for increased expenditures.

There were only three cities—Atlanta, Boston, and Denver—in which there was a majority vote to increase expenditures on public transportation. In addition, a majority in these three cities and a majority in five other cities preferred increased expenditures for public transportation rather than increases for improving facilities for driving private automobiles.

In only two cities, Atlanta and Baltimore, did a majority favor increased payments to people on welfare and for dependent children. However, it should be added that only towing cars, of all the services listed, ever got a majority vote to be cut back, and that occurred in only two cities—Baltimore and Denver.

When people were asked where they would be willing to cut back if cuts had to be made, ticketing and towing cars and building freeways were constantly among the most often cited. The other selections for cutbacks were spread around a number of items, with none being made the top three in more than a few cities.

How do groups within cities differ from one another in their priorities?

Less educated, those with lower incomes, renters, and blacks generally were more likely to say that more money should be spent on services; they generally constituted a majority asking for increased effort for a larger number of services.

In general, however, there was not much disagreement about what is most important. The following table gives a basis for comparison as to which service increases were supported by low-, middle-, and high-income people.

Services on which a majority wanted to "spend more" in at least seven cities

Total Family Income

Less than $5,000: Schools, Streets, Teen recreation, Medical care, Inspect houses, Drugs, Low-income housing, Air pollution, Welfare and AFDC.

$5,000–$9,999: Schools, Police, Teen recreation, Medical care, Inspect houses, Drugs, Low-income housing, Air pollution.

$10,000 or more: Schools, Police, Inspect houses, Drugs, Air pollution.

It is clear that the lower the income, the more items are "supported." The only item not supported by the lowest income group but supported by those with higher incomes was increased police patrols. Street cleaning and repair and increased payments for people on welfare and Aid for Dependent Children (AFDC) were issues supported among the low income people but much less among those with higher incomes. Teen-age recreation facilities, low-income medical care programs, and low-income housing were less supported among those in the highest category than by those with medium or low incomes.

The same procedure was used to compare blacks and whites:

Services on which a majority wanted to "spend more" in at least five of the seven cities with proportionately large black population

Blacks: Schools, Police, Street lights, Streets, Medical care, Parks and playgrounds, Teen-age recreation, Inspect houses, Drugs, Welfare and AFDC.

Whites: Schools, Police, Medical care, Inspect houses, Drugs, Air pollution.

Blacks supported increased expenditures in more areas than did whites. Again, however, blacks supported all the same service priorities that whites did, with the exception of air pollution control. In addition, however, they added street lighting, street maintenance, park and playground maintenance, teen-age recreation facilities, and increased payments to those in AFDC and welfare.

The differences between groups reflect the differing level of concern about increased services more than a different way of ordering priorities. Nonetheless, it is clear that there are services that are viewed in need of improvement by a majority of blacks and those with low incomes, but not so much by whites and those with higher incomes.

How does the order of priorities vary from city to city?

There were a few services, such as control of air pollution and police patrolling the streets at night, that varied in importance from city to city. However, when items are ranked within each city as to the percentage of people who said they wanted more money spent on a service, the consistency from city to city is very high. The major differences among cities tended to be in the general willingness or interest of citizens in spending more money on services. With few exceptions, the order in which they would rank services was quite similar.

Citizens of San Diego, Milwaukee, and Denver regularly were less likely to vote for increased funds for services. Citizens of Baltimore, Boston, and, to a lesser extent, Atlanta were consistently more willing than those in other cities to spend more for services.

DRAMATIC NEW DEVELOPMENTS ON THE FARM AND DOMESTIC SCENE

Mr. DOLE. Mr. President, Congress has reconvened at an auspicious time for America. The past several weeks, usually the height of the "slow news" season, have seen dramatic new developments on the foreign and domestic scene. President Nixon's China initiative and his bold new policy for a prosperity based on peace have stirred the hearts and minds of the American people. In his August 15 speech on the economy, the President set out a clear-sighted, comprehensive plan to strengthen the American economy. It is strong medicine, but it is the right prescription, and poll after poll shows that an overwhelming majority of Americans back their President's proposals.

Now it is up to us—the men and women in the Congress—to act in accordance with this clear national consensus. Both the minority and majority leadership of the House and Senate have already given encouraging indications that the national economy, with its tremendous impact on the lives and welfare of millions of average, working Americans, will not become a political hostage. Their initial statements indicate that they will rally behind the President's prosperity program. I pledge myself to do the same, and I urge my colleagues, some of whom may have chosen a partisan, political course, to unite in this great effort.

Prosperity for America is a goal that should transcend personal ambitions and partisan considerations. The President's program is the best means of achieving that goal, and it clearly has the support of a strong majority of all of our constituents. I ask that all of us show this same vision and same bipartisan spirit. I urge that all of us set aside thoughts of campaigning and political gains long enough to act on the prosperity package that the President has proposed and the American people have endorsed.

This Congress has the opportunity to go down in history as one that successfully met a great national challenge by rising above partisanship and serving national, not party, interests. I am confident that it will not fail, and that when the books are closed on this session, the record we leave behind will be one in which we, and the people, can take pride.

NUCLEAR WEAPONS AND THE RIGHT TO KNOW

Mr. SYMINGTON. Mr. President, I ask unanimous consent that three newspaper articles, "White House Gets Plan To Redeploy Nuclear Weapons Stored on Okinawa," from the New York Times of June 17, 1971; "U.S. Weighs A-Arms Shift to Taiwan," from the Washington Post of July 10; and "Plan To Move A-Arms Near China Killed," from the New York Times of July 20, be printed in the Record at the end of these few remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SYMINGTON. Mr. President, if at present there are any nuclear weapons on Okinawa, it is now clear they may well be removed; and if accordingly there is to be any realinement of said weapons, the proper committees of the Congress should know in what countries these weapons are now going to be deployed.

Surely the Senate Foreign Relations Committee should be supplied such information prior to when it executes its constitutional responsibility of considering the Treaty with Japan dealing with the reversion of Okinawa. We understand that treaty will be submitted for approval shortly to that committee.

By the same token, both the Armed Services and Appropriations Committees as well as the Joint Atomic Energy Committee should be apprised of any plans which might involve the transfer of nuclear weapons. Such information would be essential to any meaningful assessment of funds requested for our overseas defense posture.

Perhaps especially because of the new policy of this administration with respect to the People's Republic of China, these committees are entitled to know whether or not there are any nuclear weapons on Taiwan now; and if not, whether currently it is the plan of this administration to place any of these weapons on this island.

The same information should also be made available with respect to any other country or countries.

Of one thing we can be sure—such information is known to the governments of the countries in the areas in question. With that premise, there would seem no justification whatever for withholding this information.

Exhibit 1

White House Gets Plan To Redeploy Nuclear Weapons Stored on Okinawa

(By William Beecher)

Washington.—The Defense and State departments have proposed to the White House that hundreds of tactical nuclear weapons stored on Okinawa be moved to storage sites on Guam and in South Korea, Taiwan, the Philippines and the United States.

Well-placed officials say the joint recommendation calls for a quick decision because of the need to remove the weapons by April 1, 1972, when control of Okinawa and the other islands in the Ryukyu chain is expected to revert to Japan. A draft treaty covering this reversion is to be signed tomorrow in Tokyo and Washington.

Officials say the proposal to the White House urges that well over half the weapons be sent to Guam, the remainder to be distributed among the other sites.

The recommendation, they say, represents a compromise between those who wanted to transfer most of the weapons to forward positions in Asia and those who wanted to withdraw most to the United States.

Washington has never officially acknowledged that it maintains tactical nuclear weapons in the Western Pacific.

Officials say a quick decision is necessary because of the time needed to pack and ship the weapons and to construct new storage facilities, particularly on Guam in the United States' South Pacific Trust Territories.

Among the weapons involved, sources say, are nuclear bombs, artillery shells, tactical ground-to-ground rockets, atomic land mines, atomic depth charges, air-to-air missiles and surface-to-air missiles.

All decisions on the deployment of nuclear weapons outside the United States, under law, are reserved to the President. Each year he reviews deployments, normally making very minor shifts. This year, because of the Okinawa question, major decisions are called for.

At one point in the Administration debate, officials say, some military planners urged that a large portion of the weapons be shifted to forward locations in such areas as South Korea. They argued that with the reduction of American ground forces throughout Asia, the augmentation of tactical nuclear stocks would help to maintain deterrence against aggression by China or by North Korea.

Other officials, both in the Pentagon and the State Department, insisted that the stationing of additional nuclear weapons on the rim of Asia could create more problems than they solved. They argued that this policy might present the President one day with a choice of authorizing the use of the weapons or risking their being overrun.

Since the United States has never publicized the number of tactical nuclear weapons it keeps in the Orient—it has said it has about 7,200 in Western Europe—these officials contended that a reduction would not affect deterrence.

The compromise, officals say, is generally satisfactory to both schools of thought.

Even though the United States does not say that it keeps nuclear weapons in Asia, officials concede that potential enemies have little doubt where such weapons are stored because of the odd-shaped concrete and earthen "igloos," characteristically protected by three barbed wire fences and manned by special troops, in which the weapons are kept.

The stress in the redeployment proposal, sources suggest, is to move some weapons normally associated with ground troops, such as atomic artillery shells, to forward locations, and to move air-delivered weapons to Guam and the United States.

The weapons are believed to range in destructiveness from the equivalent of several tons of TNT, for artillery shells and atomic land mines, up to the equivalent of about 50,000 tons for certain bombs. The bomb that leveled Hiroshima was in the 20,000-ton class, while American Polaris and Minuteman missiles carry warheads rated at about a million tons.

In addition to nuclear stocks in the Western Pacific, American aircraft carriers and other vessels carry atomic weapons, as do submarines. The Polaris submarine missiles are considered strategic rather than tactical weapons. Also, the Strategic Air Command maintains B–52 bombers equipped with strategic nuclear weapons on Guam.

Informed sources point out that there are plans to cover situations in which tactical nuclear weapons abroad are in danger either of being overrun by hostile troops or seized by dissident elements in the countries where they are stored.

These plans include rushing in special airborne units to remove the weapons, destroying them in place, or flying in special troops to increase local protection. Weapons destroyed in place would scatter a small amount of nuclear debris over a limited area, the sources say.

U.S. Weighs A-Arms Shift to Taiwan

(By Murrey Marder and Stanley Karnow)

President Nixon is faced with a strong Pentagon recommendation to transfer American nuclear weapons from Okinawa to the island of Taiwan, the Nationalist Chinese stronghold.

The Defense Department, it was learned, has urged the President to shift the weapons which must be moved off Okinawa—to Taiwan. The United States has developed strategic bases on the huge Nationalist Chinese island on which the regime of Generalissimo Chiang Kai-shek took refuge in 1949.

The State Department is reportedly opposed on several grounds, including possible repercussions on U.S. efforts to improve relations with the Peoples Republic of China.

Transferring nuclear warheads from Okinawa to Taiwan would increase the U.S. nuclear stockpile that is already there. The United States never officially identifies the specific location of nuclear weapons stockpiles anywhere in the world. There have been previously published congressional hints, however, that the United States has nuclear weapons stored on Taiwan; the presence of nuclear weapons on Okinawa has been frequently discussed publicly.

The sensitive decision now confronting the President is a consequence of the treaty signed last June 17 between the United States and Japan for the return of Okinawa to Japanese rule. The United States pledged to remove its nuclear weapons from Okinawa under this arrangement. The treaty is now awaiting Senate ratification.

Discussions inside the Nixon administration reportedly produced three types of options for presidential decision. They are described in general terms as follows:

1. To move the Okinawa-based nuclear weapons to U.S. military facilities on Taiwan, augmenting the American nuclear stockpile now there.

2. To use the need to relocate part of the U.S. nuclear power in the Pacific as an opportunity to take the existing American warheads out of Taiwan.

This would eliminate one obstacle in the generation-long dispute between Peking and Washington over the use of Taiwan as a strategic U.S. base just 100 miles from the Chinese mainland.

3. To leave the U.S. nuclear dispositions on Taiwan as they are for the present, and deploy the Okinawa warheads to other U.S. bases in the Pacific.

This third option is approximately what some sources expect the President to choose. But no source could speak with certainty about the ultimate White House decision, which is thought to be imminent.

According to informed sources, the Defense Department has been pressing for the nuclear transfer to Taiwan as a matter of cost effectiveness. As one of these sources put it, "The reasons are more budgetary than strategic."

Other sources said State Department officials, during recent months of internal debate, initially thought they had blocked the Defense Department's plan, but "somehow the Pentagon maneuvered successfully."

Several sources said there is no relationship—or no discernible relationship—between this issue and the controversy that has sprung out of Defense Secretary Melvin R. Laird's current visit to Japan over whether Japan might seek to acquire its own defensive nuclear weapons in the 1980s.

Many officials in Washington acknowledge that they are baffled about those reports during Laird's trip. On Thursday the Nixon administration denied that any change in U.S. policy of providing indefinite nuclear protection for Japan is contemplated.

The Pentagon has been urging the transfer of U.S. military facilities from Okinawa to Taiwan for some time. The Chinese Nationalists have also been improving their military facilities on Taiwan, apparently as an inducement to the Pentagon to transfer its bases there.

Speaking before the Senate Foreign Relations Committee in November, 1969, U.S. Ambassador to Taiwan Walter P. McConaughy disclosed that the Nationalists had extended the runway at their airfield at Hsinchu from 8,000 feet to 12,000 feet to accommodate B-52 bomber aircraft.

Under questioning by Fulbright, however, McConaughy denied that arrangements were being made to transfer B-52s from Okinawa to Taiwan.

The main installation currently used by U.S. forces is the Ching Chuan Kang air base, located in central Taiwan. The Chinese Nationalists are also reported to have offered to construct a new air base at Hualien, on the eastern coast of Taiwan.

The general reduction of U.S. military forces throughout Asia under the Nixon Doctrine, combined with the administration's overtures toward mainland China, have made the issue of nuclear weapons in the Western Pacific extremely sensitive.

This sensitivity is heightened because the Taiwan issue is crucial to future relations between the United States and Peking. The United States has taken a firm stand against the expulsion of Taiwan from the United Nations, but has not explicitly stated its new position on the question of mainland China's representation in the United Nations.

PLANS TO MOVE A-ARMS NEAR CHINA KILLED

(By Richard Halloran)

WASHINGTON.—United States moves for better relations with Communist China have killed a Pentagon proposal to shift American nuclear weapons from Okinawa to Taiwan, South Korea and the Philippines, Government officials said today.

The officials said that, in the wake of his decision to visit Peking next May, President Nixon planned to turn down the proposal, submitted about a month ago. Only the President may approve such nuclear deployments.

A White House spokesman following the usual practice on nuclear questions, declined to comment publicly. ("We don't discuss the movement of nuclear weapons,") he said.

Diplomatic sources in the Chinese Nationalist, South Korean and Philippine embassies said there had been no approaches from the United States and they indicated that they expected none. They said the deployment of nuclear weapons to their countries would require consultations with their governments.

Where the nuclear weapons would be moved could not be determined precisely because officials are secretive about such deployment, even in private.

But there were indications that many would be stored in Guam, with perhaps some going to other islands in the Marianas and elsewhere in the central Pacific. Others would be returned to the United States.

Earlier the Joint Chiefs of Staff were reported to have proposed moving the weapons to other bases on the rim of Asia before Okinawa was returned to Japanese control next April.

The United States and Japan have signed a treaty calling for the return of Okinawa after 27 years of American administration. The pact must be approved by the Senate and the Japanese Parliament.

The pending agreement alludes to the withdrawal of the nuclear weapons from Okinawa in accord with the Japanese Government's policy of not permitting such weapons to be deployed or stored on Japanese territory. The United States has never officially acknowledged the presence of those weapons.

Even before the President announced that he would travel to China, some Pentagon and State Department officials opposed the Joint Chiefs' proposal. They said the Chinese would see it as nuclear encirclement and would become more hostile toward the United States. Several members of Congress made much the same point.

In addition to the diplomatic and political motives, officials indicated that the President had other reasons for opposing a forward deployment.

Nuclear weapons have generally been deployed in places where American ground forces could provide security. There are no such forces on Taiwan or in the Philippines, and United States troops in South Korea are gradually being withdrawn.

Moreover, placing the weapons closer to China would make them more vulnerable to attack, even though they were dispersed, without substantially increasing their effective range or capacity for hitting a target.

WELFARE REFORM

Mr. RIBICOFF. Mr. President, during the congressional recess, the President has taken a series of new steps to restore this Nation's economic health. Much of the President's economic program deserves our support, but I am dismayed that he undercut the chances for welfare reform by proposing a year delay in its implementation. Under H.R. 1 as passed by the House, the family assistance plan would have gone into effect on July 1, 1972, with benefits for the working poor to begin on January 1, 1973. Both effective dates would be delayed by a year as a result of the President's new economic game plan.

Unfortunately, the family assistance plan seems to have given way to the "factory assistance" plan. The President's economic package provides assistance and incentives to industry to produce more goods, but ignores the need to put dollars in the pockets of the American consumer to enable him to purchase these products. The President wants to postpone implementation of welfare reform to offset the Federal revenue losses which will result from enactment of his economic package.

The President has attempted to frame his proposals in terms of a balance between Federal revenue gains and losses. In this context the White House balance sheet lists the deferral of welfare reform as an expenditure reduction of $1.1 billion.

The President and his advisers are good enough economists to know that the impact of the proposed new economic policy cannot be measured in terms of short-term Federal financial gains and losses. It must be measured in terms of the privately induced spending which will result from the program.

The impact of the so-called job development credit will be more than the estimated $3 billion Federal revenue loss in fiscal 1972. Millions of dollars of new investment and hundreds of thousands of new jobs hopefully will be created.

Similarly, the family assistance plan cannot be viewed as a $1.1 billion cost to the Federal Government in fiscal 1972. The impact of family assistance must be measured in terms of humanitarian assistance and an increase in domestic demand. Adequate welfare reform will place 25 million Americans in a better position to purchase consumer goods, feed their children, pay for some health care, some clothing and perhaps better shelter. The economy would definitely be stimulated since the poor, of necessity, spend most of their money. Virtually every additional dollar they receive would be fed into the economy almost immediately.

If the President wants to create immediate opportunities for factories, he must be similarly willing to create opportunities for families.

I ask unanimous consent that the White House chart showing Federal losses and savings be printed in the REC-

ORD as well as articles from the Washington Post emphasizing the need for enactment and implementation of a more adequate welfare bill without delay.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Nixon's proposed budget reduction

[Billions of dollars]

Revenue reduction:	
Accelerated investment tax credit	$3.0
Accelerated increase of personal exemptions	1.0
Eliminations of auto excises	2.3
	6.3
Revenue increase:	
Import surcharge	2.1
New revenue reduction	4.2
Expenditure reductions:	
Freeze of Federal pay increase	1.3
Deferral of general revenue sharing	1.1
Reduction of Federal employment	.5
Deferrals of some special revenue sharing	.7
Deferral of welfare reform and others	1.1
Total reduction	4.7
Total Excess of expenditure reductions over revenue reductions	.5

Source: White House

[From the Washington Post, Aug. 26, 1971]

THE PRESIDENT MUST SAVE THE WELFARE BILL

Elsewhere on this page today, we print an angry column by Nick Kotz summing up a series of public and private defaults that have stymied reform of this nation's welfare system—and have done so largely at the expense of some 7½ million dependent children. We heartily agree with the ecumenical spirit in which Mr. Kotz has spread the blame: liberals, conservatives, Congress, the lobbies, the White House—there is more than enough to go around. Just as strongly we disagree with Mr. Kotz's appraisal of the relative roles of John Gardner and George Wiley in this affair and the roles of their respective lobbying groups, Common Cause and the National Welfare Rights Organization. It was Mr. Gardner and his group who fought so hard to improve and rescue the President's welfare proposal last winter in Congress, and Mr. Wiley and his group who did so much to prevent its passage. Our reading of this and similar incidents has led us to some entirely different conclusions from those Mr. Kotz has reached as to who is and who is not really trying.

Nevertheless, on the basic point we are in solid accord: no less a term than outrage will do to describe the destructive and demeaning ease with which those who have had both a chance and an obligation to do something about our welfare system have managed to slide away from responsibility. It has been two years now since Mr. Nixon presented his welfare bill, and in that period the proposal itself has met with a variety of deaths, maimings and feeble rebirths. Those on both sides of the aisle and at both ends of Pennsylvania Avenue who have regularly contributed to the mayhem, have just as regularly deplored each new setback to the bill, piously blaming others for what went wrong. We are put in mind of the Frankish king, Clovis, who, having slain most of his kinsmen to ensure his own ascension to the throne, appealed for his people's sympathy on the grounds that he had been so recently, not to say so extensively, bereaved.

From the beginning it was evident that the administration would have a built-in and near intractable lobbying problem on the welfare measure, since at one end of the political spectrum it was thought to be too generous and permissive, and at the other end it was thought to be too meager and too mean. Moreover the public's misunderstanding of and hostility to the issue as a whole complicated the task. All this has been reflected in congressional and pressure group efforts variously to hack, overload, stall or ignore the measure out of existence. But what had always been a potential danger, was not necessarily inevitable.

The point is that it is difficult to think how the administration, with the notable exception of a few of its officials, could have handled an admittedly difficult situation any worse. The White House has yet to acknowledge that it is in fact proposing something in the way of a guaranteed annual income—much less has it troubled to try to explain the merits of such a scheme to the public. On the contrary, it has—with all its talk of bedpan emptying and floor scrubbing and crackdowns on chiselers—sought to picture the poor as willful and culpable dropouts from economic responsibility, and it has also sought to picture its own enlightened measure as something that would make the Elizabethan Poor Laws look munificent by comparison. The backstairs justification for all this has been that nothing else would do to "sell" the program to its rightwing congressional critics, a justification that has somehow survived its own repeated and palpable failures to do anything but make matters worse on the Hill. Behind it, however, always lay the suggestion that the administration was only up to this bit of political flim-flam to promote the passage of a measure about which the President cared deeply, and whose real meaning for the poor he understood. Now that notion too has been severely challenged by Mr. Nixon's incredible decision to make his proposed Family Assistance Plan the first and principal casualty of new budget restraints.

We have argued in this space before that there was no economic justification, let alone necessity, for the President's move. His recommendation to postpone the effective date of the measure would deny its sorely needed benefits to the poor for another two years and would do so at a time when state and local governments are already cutting back on welfare costs. But grim as it is, this prospect must be accounted *the most hopeful and positive* outcome the President's action could have. For it is much more likely that Mr. Nixon's offering up of his welfare plan as a "temporary" sacrifice will in fact prove its final death knell. Already Senator Long, chairman of the Finance Committee and dedicated opponent of the plan, has announced that he might interpret the President's move as a reason to cancel any further action on the welfare bill which is now before his committee. Others have received Mr. Nixon's recommendation the same way. The momentum for its enactment, its hard-won passage through the House, and the opportunity to improve the measure all seem about to go down in flames.

President Nixon has publicly described welfare reform as his "number one priority," and he has also been heard to say that his proposed measure is the most important piece of social legislation to come before Congress in 35 years. If these acute and laudable presidential judgments are not to be rendered meaningless, are not to be shown up in retrospect as mere rhetoric hovering between the frivolous and the cynical, then Mr. Nixon is obliged to take some action now to save the measure to which he has dealt such a serious blow. He must make plain to the Congress that at the very least he intends to fight for the passage in this session of his Family Assistance Plan with a degree of the vigor he has shown in other contests—in the ABM dispute, for example. Better yet, though more improbable, he should really reconsider the action he has taken in regard to the measure in the first place.

Nor will it do for his liberal critics in Congress merely to go about deploring Mr. Nixon's skewed sense of priorities. If they wish to be taken seriously, then let us see some of them stand up and try to retrieve the chances for passage of welfare reform this year. Let us see some of them join Senator Ribicoff as sponsors of the vastly superior welfare bill he is supporting. Mr. Kotz has put the question well: Who in Washington represents the interests of 7½ million poor and ill-cared-for children? Are we really to believe that the answer is, no one?

[From the Washington Post, Aug. 26, 1971]

THE WELFARE REFORM IMPASSE—WHO SPEAKS FOR 7 MILLION CHILDREN?

(By Nick Kotz)

"Perhaps we cannot prevent this from being a world in which children are tortured," wrote French philosopher Albert Camus, "but we can reduce the number of tortured children. If we do not do this, who will do this?" Who in Washington represents the vital interests of 7½ million poor American children whose daily bread depends on welfare payments under the Aid to Families with Dependent Children program?

As 535 members of Congress, a President, a vast executive branch, and hundreds of special interest lobbyists compete for power here, it is hard to find anyone whose primary concern is to reduce the numbers of tortured, dependent children.

The debate over welfare reform has centered on a variety of issues: the cost of welfare to taxpayers, the effects of a guaranteed annual income on the work ethic, the consequences to society of deserting fathers and mothers who bear children out of wedlock and rear them at public expense.

These are legitimate issues of public concern. It is a matter of dispute as to who is most to blame for the helpless economic dependency of these children. One can blame parents, pernicious racial discrimination, and malfunctioning economic, social and educational systems, as well as government at all levels. But the fact remains that 7½ million children now subsist on welfare payments far below the amount needed for adequate diet, shelter and clothing. And surely the children are not to blame.

How have the movers and shakers dealt with the interests and desperate needs of these children?

The Nixon administration: President Nixon's welfare proposal boldly breaks new ground by advocating uniform federally administered welfare with a federally-paid floor of $2,400 a year for a family of four, and payments for the "working poor."

Yet the Nixon administration bill, which has now passed the House, would permit states actually to cut present benefits to 80 per cent of the children now on welfare. And the bill would permit states to wipe out $2½ billion in food stamp benefits, which now make the difference whether millions of children eat or don't eat.

Although he previously called welfare reform his "number one domestic priority," the President picked out welfare and revenue sharing as the programs he would defer as part of his package of economic measures.

The House of Representatives: The bill was developed entirely in closed sessions of the House Ways and Means Committee. The motto of chairman Wilbur Mills is "to make it hard to get on welfare and easy to get off."

Until a few weeks before House floor action, not a single representative, aside from the Black Caucus, pushed a rival bill, that would have offered more generous benefits, or at least protected the present ones.

The Committee for Adequate Welfare Reform now had trouble finding a "Northern liberal" willing to introduce its plan for paying the welfare poor at least the government-defined minimum poverty level income, now $3,960.

In the final days before the House vote, the Black Caucus of 12 congressmen with a few white allies sought vainly to open up the bill for improvement. The Caucus favored the National Welfare Rights Organization plan of $6,500, but would have been grateful merely to pass a bill in which no welfare recipient lost present benefits or legal rights.

The Senate: In the initial Senate Finance Committee hearings, only Senator Abraham Ribicoff (D-Conn.) questioned administration officials about the loss of rights and benefits by welfare recipients. The other liberals on the committee—Senators Fred Harris (D-Okla.), Vance Hartke (D-Ind.), and Gaylord Nelson (D-Wis.) usually were absent or silent. Nelson's initial questioning ignored the needs of children, and concentrated entirely on the job rights of state welfare department employees.

Only Ribicoff has introduced a rival bill, and only one Senator, Edward Kennedy (D-Mass.), has joined him as a co-sponsor. The Ribicoff bill would guarantee that no recipient lost present benefits or rights, provide for an initial minimum payment of $2,800, and increase this payment over four years to provide a newly-defined minimum adequate income.

The business lobbyists: The U.S. Chamber of Commerce, not unexpectedly, vigorously opposes income supplements to the working poor on grounds these payments would undermine the work force available for poverty-salary jobs.

The Leadership Conference on Civil Rights: This coalition of organized labor, religious, civic, and civil rights groups has in the past lobbied effectively to pass civil rights laws and to defeat the Supreme Court nominations of Clement Haynsworth and G. Harrold Carswell.

On the welfare issue, the Leadership conference has been splintered and impotent. The AFL–CIO first blocked the coalition from fighting for a more generous bill on the House floor. Then, labor lobbied actively for the administration bill. Now labor has broken away from the coalition's new position and lowered its sights on what the poor children should receive in public aid.

Philanthropic and civil rights groups in the coalition also have failed to distinguish themselves as battlers for little children:

Clarence Mitchell, the legislative representative for the NAACP, bowed to labor's wishes in the House welfare fight and indicates he will work closely with labor in the Senate.

John Gardner and his Common Cause, and the Urban Coalition took official "paper positions" for higher benefits, but did not lobby vigorously for them in the House. The League of Women Voters also favored more generous welfare but then refused to fight in the House and is now reevaluating its position. In fact, all three groups supported the administration bill in the final House vote.

Organized labor, Clarence Mitchell, Common Cause, the Urban Coalition, and the League of Women Voters all cite reasons of "strategy and tactics" for their actions and inactions.

These groups and newspapers including the Washington Post argued that the House was not receptive to a more generous bill, and the Senate should be the battleground.

Such practical political judgments must be made and can be defended. But the new Senate battleground is one in which the modest Ribicoff alternative has exactly one other sponsor.

The much-touted "lib-lab" lobby also has a whole series of conflicts of personalities and special interests that keep it from pushing adequate welfare for children. No one wants to offend organized labor, which provides the political muscle for all liberal legislative fights.

The Urban Coalition and John Gardner at Common Cause are said to worry about offending the business portions of their constituencies who are not enthusiastic about welfare. And organized labor has other fish to fry, as it deals with Wilbur Mills about minimum wage and health insurance, issues of prime importance to the unions.

The only strong, consistent voices for the children have come from Welfare Rights and from the National Council of Churches and other church groups. Their ideas generally are dismissed as impractical. The personal style of George Wiley and his angry welfare mothers offends Washington, including the Leadership Conference professionals who consider themselves sophisticates in the Washington power process.

The militant style once was considered courageous when blood was spilled and martyrs were made in the South to win theoretical civil rights. But now the question is how much those rights are worth when 7½ million children may be denied the bare necessities to start out in life.

The liberal congressmen and lobbyists say they are facing the practical realities of Washington. The next reality is getting a bill past a hostile, largely reactionary Senate Finance Committee. So maybe this committee isn't a good place to fight for children. Wait 'til the bill gets to the House floor is their stated new practical remedy. Beyond the Senate lies a House-Senate conference and more realities. Wilbur Mills usually dominates these conferences, and he will be surrounded almost entirely by allies whose preoccupation is with "welfare chiselers."

Unfortunately, the practical political realities of Washington, as they are now understood here, do not come to grips with the moral imperatives that are part of the most basic founding principles of this nation.

[From the Washington Post, Sept. 8, 1971]

AND THE WELFARE BILL

One way Congress could demonstrate a humane and rational sense of priorities—and a little courage into the bargain—would be to revive, improve and enact the President's welfare proposal. We are aware that the urgency of passing this measure is surpassed only by the propensity of legislators on both sides of the aisle to find excuses for not doing so. And we are also aware that Mr. Nixon's ill-timed and economically unjustified move to offer up that bill as some sort of paper sacrifice to acceptance of his new economic program hardly enhanced its prospects for emerging from Russell Long's Finance Committee. Nevertheless, that poor embattled measure has a few things going for it, and these, in our view, should be capitalized on at this time.

One is the fact that Chairman Long's committee will have an interval of time to deal with welfare reform, since Finance must wait on Ways and Means' action on Mr. Nixon's tax proposals. Another is that the House-passed measure has already gone such a considerable way through Congress. The point is that the *opportunity* for action exists—if an appropriate lobby led by Mr. Nixon and supported by those liberal senators in both parties who have been temporizing should bestir itself.

Last week, in San Clemente, Secretary Richardson declared that prior to the August 15 economic message in which Mr. Nixon recommended a year's delay in the effective date of the welfare program, HEW had in fact asked for just such a delay on grounds that it was not administratively feasible to get the program going by next July. "So what this means, therefore," Secretary Richardson said, "is that the announcement of the deferment in the effective date does not in any sense represent a dilution of the President's and the administration's commitment."

For now it is sufficient to observe that given Senator Long's impressive skills at imposing delays of his own and given the past record of a fragmented Senate on this issue, Mr. Nixon and Secretary Richardson will have to move firmly and fast to take advantage of their brief opportunity. It is essential that those legislators who appreciate the importance of the bill, but who have managed to look the other way over the years, press the administration to further demonstrations of concern and cooperate themselves in freeing the bill from the toils of the Finance Committee and fighting for its passage on the floor.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Is there further morning business?

THE PRESIDENT'S ACTION IN THE INTEREST OF THE AMERICAN PEOPLE

Mr. BROCK. Mr. President, for some time now pundits and politicians have been arguing that the economy is issue No. 1 in political year 1972.

If we have a very good year in 1972, then Richard Nixon is a shoo-in for reelection. If, however, conversely, there is an economic crisis in 1972, then Richard Nixon is in a political crisis in 1972. That is the conventional wisdom—and there is a large element of truth.

Three weeks ago, on August 15, the President charted the road to a new prosperity. That address, and the new economic policy it contained, were hailed by even the President's severest critics as bold, courageous and statesmanlike. In one stroke, the President attacked all the ills that have afflicted the American economy since the Korean war—peacetime unemployment, creeping inflation, the leeching away of dollars, a badly adverse balance of payments, and America's weakened competitive position in the postwar world.

These are economic ills from which all Americans have suffered—and the President acted in the interests of all the American people when he moved.

Such occasions it seems to me are times when truly big men, Democrats and Republicans, rally behind the President, no matter the party—and stand for the interests of the United States, above the interests of partisanship.

But that has not been entirely the case. Rather than hearing a reasoned response to the economic situation in the United States from statesmen who would be President, we have heard panicky responses to a critical political situation.

They seem not aimed at the economic indicators, but at the Gallup poll—where the prospective candidate's fortunes continue to plummet.

One-shot billion-dollar giveaway plans aimed at winning friends and influencing votes do not offer the economy a balanced diet on which to grow and develop and prosper—but little goodies free of charges, compliments of Congress.

Why go back 40 years to come up with what is termed a New Fair Deal? Why couch statements on the economy in rhetoric so extreme that they must elicit compassion rather than anger?

All in all, this year's Labor Day speeches were a sad disappointment. And if I might suggest a remedy it would be that those Democrats who wish to challenge the President next year, address themselves in the future to what is helpful and meaningful for the American workingman and woman, rather than to what collection of words will put them one up in the next Gallup poll.

ORDER OF BUSINESS

The PRESIDENT pro tempore. The Senator from Michigan is recognized.

(The remarks of Mr. Griffin when he introduced S. 2485 and 2486 are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, if there is no further morning business, I ask that morning business be closed.

The PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters which were referred as indicated:

Proposed Transfer of Funds by the National Aeronautics and Space Administration

A letter from the Administrator of the National Aeronautics and Space Administration transmitting a report on the proposed transfer of Research and Development funds to Construction of Facilities funds (with accompanying report); to the Committee on Aeronautical and Space Sciences.

Report of Technical Assistance to Rural Areas

A letter from the Secretary of Agriculture transmitting, pursuant to law, a report of the Department of Agriculture concerning information and technical assistance to rural areas (with accompanying report); to the Committee on Agriculture and Forestry.

Report of Agreements Providing for Foreign Currencies

A letter from the General Sales Manager of the Export Marketing Service transmitting, pursuant to law, a report of agreements signed providing for foreign currencies (with accompanying report); to the Committee on Agriculture and Forestry.

Report on Assistance for Nonmetropolitan Planning Districts

A letter from the Secretary of Agriculture and the Secretary of Housing and Urban Development transmitting, pursuant to law, a report by the Departments of Agriculture and Housing and Urban Development for nonmetropolitan planning districts (with accompanying report); to the Committee on Agriculture and Forestry.

Report Relating to Vietnamese Support Costs

A letter from the Assistant Secretary of Defense, transmitting, pursuant to law, a confidential report relating to Vietnamese support costs (with accompanying report); to the Committee on Appropriations.

Report of the National Aeronautics and Space Administration

A letter from the Administrator of the National Aeronautics and Space Administration reporting, pursuant to law, on the number of employees and the average salary of all employees on June 30, 1971; to the Committee on Post Office and Civil Service and the Committee on Appropriations.

Report of the Office of Management and Budget Concerning the Treasury Department Appropriation

A letter from the Director of the Office of Management and Budget reporting, pursuant to law, that the appropriation to the Department of the Treasury for "Salaries and Expenses," Bureau of Accounts for the fiscal year 1972 has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

Report of the Office of Management and Budget Concerning the Department of Labor Appropriations

A letter from the Director of the Office of Management and Budget reporting, pursuant to law, that the appropriation to the Department of Labor for Federal Unemployment Benefit and Allowances for the fiscal year 1972 has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

Approval of Loan by the Rural Electrification Administration

A letter from the Administrator of Rural Electrification submitting, pursuant to law, information regarding the approval of a loan to Lea County Electric Cooperative, Inc., of Lovington, N. Mex. (with accompanying papers); to the Committee on Appropriations.

Reports of the Indian Claims Commission on Final Determination of Claims of Certain Indians

A letter from the Chairman of the Indian Claims Commission submitting, pursuant to law, its report to the Congress of its final determination of the claim of the Nez Perce Tribe of Indians (with accompanying report); to the Committee on Appropriations.

A letter from the Vice Chairman of the Indian Claims Commission submitting, pursuant to law, its report to the Congress of its final determination of the claim of the Southern Ute Tribe or Band of Indians (with accompanying report); to the Committee on Appropriations.

Report of Director of Selective Service

A letter from the Director, Selective Service System, Washington, D.C., transmitting, pursuant to law, his report for the period January 1, 1971, to June 30, 1971 (with an accompanying report); to the Committee on Armed Services.

Report on Funds Obligated in the Chemical Warfare and Biological Research Programs

A letter from the Deputy Secretary of Defense, transmitting, pursuant to law, a secret report on funds obligated in the chemical warfare and biological research programs during the second half of fiscal year 1971 (with an accompanying report); to the Committee on Armed Services.

Proposed Legislation Concerning Transportation for Certain Members of the Uniformed Services

A letter from the Acting Secretary of the Navy submitting proposed legislation to amend title 37, United States code, to provide entitlement to round trip transportation to the home port for a member of the uniformed services on permanent duty aboard a ship being inactivated away from the home port whose dependents are residing at the home port (with accompanying papers); to the Committee on Armed Services.

Proposed Legislation To Increase Number of Authorized Deputy Chiefs of Staff for the Army

A letter from the Secretary of the Army submitting proposed legislation to increase the number of authorized Deputy Chiefs of Staff for the Army Staff, and eliminate the provisions for Assistant Chiefs of Staff for the Army Staff (with accompanying papers); to the Committee on Armed Services.

Proposed Facilities Project

A letter from the Deputy Assistant Secretary of Defense notifying, pursuant to law, the Congress of a facilities project proposed to be undertaken by the Naval and Marine Corps Reserve at Richmond, Va.; to the Committee on Armed Services.

Transfer of Submarine U.S.S. "Batfish"

A letter from the Assistant Secretary of the Navy notifying Congress, pursuant to law, of the proposed transfer of the submarine U.S.S. *Batfish* to the Oklahoma Maritime Advisory Board on behalf of the State of Oklahoma; to the Committee on Armed Services.

Report on Department of Army Research and Development Contracts

A letter from the Deputy Assistant Secretary of the Army submitting, pursuant to law, its report on Department of Army Research contracts (with accompanying report); to the Committee on Armed Services.

Report of the Department of the Air Force

A letter from the Secretary of the Air Force transmitting, pursuant to law, its report entitled "Semi-Annual Experimental, Development, Test, and Research Procurement Action Report," covering the period January 1, 1971 through June 30, 1971 (with accompanying report); to the Committee on Armed Services.

Quarterly Report on Export Control

A letter from the Secretary of Commerce transmitting, pursuant to law, its Quarterly Report on Export Control covering the second quarter of 1971 (with accompanying report); to the Committee on Banking, Housing and Urban Affairs.

Report on Voluntary Agreements and Programs

A letter from the Attorney General submitting, pursuant to law, a report on voluntary agreements and programs (with accompanying report); to the Committee on Banking, Housing and Urban Affairs.

Annual Report of the Maritime Administration

A letter from the Secretary of Commerce submitting the Annual Report of the Maritime Administration for the fiscal year 1970 (with accompanying report); to the Committee on Commerce.

Interim Reports Concerning the U.S. Metric Study

Three letters from the Secretary of Commerce submitting the sixth, eighth, and ninth interim reports stemming from the U.S. Metric Study prepared by the National Bureau of Standards (with accompanying reports); to the Committee on Commerce.

Proposed Legislation To Amend the Federal Water Pollution Control Act

A letter from the Chairman of the Federal Maritime Commission submitting proposed legislation to amend the Federal Water Pollution Control Act to provide specific enforcement provisions (with accompanying papers); to the Committee on Commerce.

Proposed Legislation To Amend the Federal Aviation Act of 1958

A letter from the Acting Chairman of the Civil Aeronautics Board submitting proposed legislation to specifically provide that remedial orders issued by the Civil Aeronautics Board in enforcement proceedings may require the repayment of charges in excess of those in lawfully filed tariffs (with accompanying papers); to the Committee on Commerce.

Proposed Legislation To Amend the Federal Aviation Act of 1958

A letter from the Acting Chairman of the Civil Aeronautics Board submitting proposed legislation to authorize the Civil Aeronautics Board to regulate the depreciation accounting of air carriers (with accompanying papers); to the Committee on Commerce.

Proposed Legislation To Amend the Federal Aviation Act of 1958

A letter from the Acting Chairman of the Civil Aeronautics Board submitting proposed legislation to clarify the powers of the Civil Aeronautics Board in respect of consolidation of certain proceedings (with accompanying papers); to the Committee on Commerce.

Proposed Legislation To Amend the Federal Aviation Act of 1958

A letter from the Acting Chairman of the Civil Aeronautics Board submitting proposed legislation to assure opportunity for the Board's participation and representation in certain court proceedings through its own counsel as a matter of right and to provide for all review of Board actions in the courts of appeals (with accompanying papers); to the Committee on Commerce.

Report of the Federal Power Commission

A letter from the Chairman of the Federal Power Commission submitting a report entitled "Hydroelectric Plant Construction Cost and Annual Production Expenses, 1969" (with accompanying report); to the Committee on Commerce.

Report of the Aviation Advisory Commission

A letter from the Chairman of the Aviation Advisory Commission submitting, pursuant to law, its final report (with accompanying report); to the Committee on Commerce.

Report of the Department of Commerce

A letter from the Assistant Secretary of Commerce submitting, pursuant to law, the 1971 Report of the Department of Commerce on commissary activities outside the continental United States (with accompanying report); to the Committee on Commerce.

Report on the Financial Condition of the Central Railroad Co. of New Jersey

A letter from the Secretary of Transportation submitting exhibit V for inclusion in the report of July 30, 1971, on the financial condition of the Central Railroad Co. of New Jersey (with accompanying exhibit); to the Committee on Commerce.

Report Concerning Grants by the Department of Health, Education, and Welfare

A letter from the Secretary of Health, Education, and Welfare transmitting, pursuant to law, a report concerning the grants approved by the Department financed wholly with Federal funds (with accompanying report); to the Committee on Finance.

Report of the Department of Health, Education, and Welfare

A letter from the Secretary of Health, Education, and Welfare transmitting, pursuant to law, a report on the committees which advise and consult with him in carrying out his functions under the Social Security Act (with accompanying report); to the Committee on Finance.

Report of the U.S. Information Agency

A letter from the Director of the United States Information Agency transmitting, pursuant to law, a report on the activities of the USIA from July 1 to December 30, 1970 (with accompanying report); to the Committee on Foreign Relations.

Report of the U.S. Advisory Commission on International Educational and Cultural Affairs

A letter from the Chairman of the U.S. Advisory Commission on International Educational and Cultural Affairs transmitting, pursuant to law, the Eighth Annual Report of the Advisory Commission (with accompanying report); to the Committee on Foreign Relations.

Report on U.S. Assistance to Morocco

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a secret report on U.S. Assistance to Morocco (with an accompanying report); to the Committee on Government Operations.

Report on U.S. Participation in the Foreign Assistance Program for Indonesia

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a secret report on U.S. participation in the foreign assistance programs for Indonesia (with an accompanying report); to the Committee on Government Operations.

Reports of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Too Many Crew Members Assigned Too Soon to Ships Under Construction," Department of the Navy, dated August 9, 1971 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Development of Minority Businesses and Employment in the Hough Area of Cleveland, Ohio, Under the Special Impact Program," Office of Economic Opportunity, dated August 17, 1971 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Savings Available Through a Government-Wide Program to Rehabilitate Instrumentation Tape," General Services Administration, dated August 23, 1971 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Recreational Projects Financed By Farmers Home Administration Provide Benefits to a Limited Number of Rural Residents," Department of Agriculture, dated August 23, 1971 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Assessment of the Teacher Corps Program at the University of Southern California and Participating Schools in Tulare County Serving Rural-Migrant Children," Office of Education, Department of Health, Education, and Welfare, dated August 25, 1971 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Cost, Schedule, and Design Aspects of Selected Atomic Energy Commission Construction Projects," dated August 17, 1971 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Need For Improving The Administration of Study and Evaluation Contracts," Office of Education, Department of Health, Education, and Welfare, dated August 16, 1971 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Audit of Payments From Special Fund to Lockheed Aircraft Corporation for C-5A Aircraft Program During Period Ended June 30, 1971," Department of Defense, dated August 9, 1971 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Second Review of Phasedown of United States Military Activities in Vietnam," Department of Defense, dated August 9, 1971 (with an accompanying report); to the Committee on Government Operations.

Report by the Office of Management and Budget and the Department of the Treasury

A letter from the Acting Secretary of the Treasury and the Director of the Office of Management and Budget submitting, pursuant to law, the first annual report on the performance of functions and duties imposed on the Office of Management and Budget and the Department of the Treasury by sections 201 and 202 of the Legislative Reorganization Act of 1970 (with accompanying report); to the Committee on Government Operations.

Report by the Secretary of Health, Education, and Welfare

A letter from the Acting Secretary of Health, Education, and Welfare transmitting, pursuant to law, a report covering personal property donated to public health and educational institutions and civil defense organizations (with accompanying report); to the Committee on Government Operations.

Report of the Department of the Interior

A letter from the Deputy Assistant Secretary of the Department of the Interior submitting, pursuant to law, the report of the Department covering grants made during the calendar year 1970 to nonprofit institutions and organizations for support of scientific research programs (with accompanying report); to the Committee on Government Operations.

Reports of the General Accounting Office

A letter from the Comptroller General of the United States transmitting, pursuant to law, a list of reports of the General Accounting Office for the month of August 1971 (with accompanying papers); to the Committee on Government Operations.

Report of the U. S. Government Comptroller for the Virgin Islands

A letter from the Secretary of the Interior transmitting, pursuant to law, the annual report of the U.S. Government Comptroller for the Virgin Islands for the fiscal year ended June 30, 1970 (with accompanying report); to the Committee on Interior and Insular Affairs.

Report of Negotiated Sales Contracts

A letter from the Director of the Bureau of Land Management submitting, pursuant to law, a report of negotiated sales contracts for disposal of materials during the period January 1 through June 30, 1971 (with accompanying report); to the Committee on Interior and Insular Affairs.

Application for a Loan and Grant Under the Small Reclamation Projects Act

A letter from the Assistant Secretary of the Interior submitting, pursuant to law, an application by the Yolo County Flood Control and Water Conservation District of Woodland, Calif., for a loan and grant under the Small Reclamation Projects Act (with accompanying papers); to the Committee on Interior and Insular Affairs.

Proposed Concession Contract Within Rocky Mountain National Park, Colo.

A letter from the Assistant Secretary of the Interior transmitting, pursuant to law, a proposed concession contract within Rocky Mountain National Park, Colo. (with accompanying papers); to the Committee on Interior and Insular Affairs.

Proposed Concession Contract Within Everglades National Park

A letter from the Assistant Secretary of the Interior transmitting, pursuant to law, a proposed concession contract within Everglades National Park (with accompanying papers); to the Committee on Interior and Insular Affairs.

Proposed Legislation Providing for Division of Assets Between Bands of Indians

A letter from the Assistant Secretary of the Interior submitting proposed legislation to provide for the division of assets between the Twenty-Nine Palms Band and the Cabazon Band of Mission Indians, including certain funds in the U.S. Treasury, and for other purposes (with accompanying papers); to the Committee on Interior and Insular Affairs.

Approval of Deferment of Construction Repayment Installations

A letter from the Assistant Secretary of the Interior submitting, pursuant to law, a report concerning the approval of a 2-year deferment of the construction repayment installments due the United States by reason of construction of irrigation facilities serving lands in the Kansas-Bostwick Irrigration District No. 2, Pick-Sloan Missouri Basin Program, Kansas; to the Committee on Interior and Insular Affairs.

Reports of the Immigration and Naturalization Service

A letter from the Commissioner of Immigration and Naturalization submitting, pursuant to law, reports concerning visa petitions approved according the beneficiaries of such petitions third preference and sixth preference classification under the Immigration and Nationality Act (with accompanying papers); to the Committee on the Judiciary.

Report of the Directors of Federal Prison Industries, Inc.

A letter from the Commissioner of Federal Prison Industries, Inc., submitting, pursuant to law, its annual report for the fiscal year 1970 (with accompanying report); to the Committee on the Judiciary.

Report of the Immigration and Naturalization Service

A letter from the Commissioner of Immigration and Naturalization submitting, pursuant to law, copies of orders entered in the cases of aliens who have been found admissible to the United States (with accompanying papers); to the Committee on the Judiciary.

Proposed Legislation Regarding the Registration of Trademarks

A letter from the Secretary of Commerce submitting proposed legislation to amend the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of international conventions, and for other purposes, approved July 5, 1946, as amended" (with accompanying papers); to the Committee on the Judiciary.

Proposed Legislation Prohibiting the Discharge of Certain Employees

A letter from the Director of the Administrative Office of the U.S. Courts transmitting proposed legislation to prohibit the discharge of an employee by an employer by reason of the employee's Federal jury service (with accompanying papers); to the Committee on the Judiciary.

Report on the National Visitor Center

A letter from the Secretary of the Interior submitting, pursuant to law, the annual report on the National Visitor Center and all other facilities authorized under Public Law 90–264 (with accompanying papers); to the Committee on Public Works.

Proposed Alteration of Public Buildings

A letter from the Administrator of General Services transmitting, pursuant to law, prospectuses which propose alteration of public buildings (with accompanying papers); to the Committee on Public Works.

Report of the Jewish War Veterans U.S.A. National Memorial

A letter from the president of the Jewish War Veterans U.S.A. National Memorial, Inc., submitting, its annual audit report for the fiscal year ended March 31, 1971 (with accompanying report); to the Committee on Veterans' Affairs.

Report of the Military Order of the Purple Heart

A letter from the Adjutant General of the Military Order of the Purple Heart submitting, pursuant to law, its financial audit for the fiscal year 1971 ending on July 31, 1971 (with accompanying report); to the Committee on Veterans' Affairs.

Report of Architect of the Capitol

A letter from the Architect of the Capitol, transmitting, pursuant to law, a report of all expenditures from moneys appropriated to the Architect of the Capitol, for the period January 1, 1971, through June 30, 1971 (with an accompanying report); order to lie on the table and to be printed.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of California; to the Committee on Banking, Housing and Urban Affairs:

"Senate Joint Resolution No. 39

"Relative to purchase, sale and possession of gold

"Whereas, Federal statutes and executive orders have denied any person who is a citizen of the United States or any individual wheresoever located who is a resident of or domiciled in the United States the right to freely purchase, sell and possess gold bullion; and

"Whereas, The continuation of such policies have had a negative effect upon the gold mining and exploration industry within this country and this state, thereby making this nation reliant upon external gold industries to meet the various demands of the citizenry; and

"Whereas, The State of California's gold mining industry has suffered severely because of the continuation of such policies, causing over the years the loss of real employment to Californians; and

"Whereas, It is desirable that these regulations and statutes be reviewed in light of contemporary conditions; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California memorializes the President and Congress of the United States to remove all restrictions on the purchase, sale and possession of gold by any person who is a citizen of the United States or any individual wheresoever located who is a resident of or domiciled in the United States; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

Two joint resolutions of the Legislature of the State of California; to the Committee on Commerce:

"Assembly Joint Resolution No. 27

"Relative to fish management programs

"Whereas, The California streams have historically produced a significant portion of the Pacific king salmon, silver salmon, and steelhead trout of the Pacific Coast; and

"Whereas, the California salmon and steelhead resources constitute an important economic and recreational asset to all of the Pacific Coast states; and

"Whereas, the California salmon and steelhead resources are in a critical state of decline; and

"Whereas, Water development and other activities of the federal government have contributed significantly to this decline; and

"Whereas, The President and Congress of the United States, recognizing these factors, enacted into law the Federal Anadromous Fisheries Act of 1965; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to take necessary steps to assure that the federal government annually provide the maximum funding which is allowed under the Federal Anadromous Fisheries Act for salmon, steelhead, striped bass, and shad management programs; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Interior, to the Director of the United States Fish and Wildlife Service, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

"ASSEMBLY JOINT RESOLUTION No. 40

"Relative to California salmon and steelhead resources

"Whereas, California's salmon and steelhead resources are in a demonstrably critical state of decline, with many previously very productive runs of these fish entirely destroyed; and

"Whereas, The salmon and steelhead resources of this state have long been of immense economic and recreational value to the people of California, providing not only a most needed food but also many hours of unsurpassed angling enjoyment; and

"Whereas, A principal cause of the decline in this valuable resource has been the destruction and damage to streams caused by federal water development projects, which in many instances has been without proper consideration of the impact on the salmon and steelhead resource; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California memorializes:

"(1) The Federal Council on Environmental Quality to disapprove any proposed federal project on any California salmon and steelhead stream unless the Environmental Impact Report clearly finds that such project will not be substantially deleterious to the salmon and steelhead resources of that stream.

"(2) The United States Army Corps of Engineers to issue no permits for waste discharges into any California salmon and steelhead stream under the National Refuse Act of 1899 without first making a finding that such discharge will have no substantial deleterious effect on the salmon and steelhead resources of that stream; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to each Senator and Representative from California in the Congress of the United States, to the Chairman of the Federal Council on Environmental Quality, and to the Administrator of the Federal Environmental Protection Agency."

Two joint resolutions of the Legislature of the State of California; to the Committee on Interior and Insular Affairs:

"SENATE JOINT RESOLUTION No. 33

"Relative to mining claims and excavations

"Whereas, The many abandoned mining claims and related mine shafts and other mining excavations on federal lands complicate the orderly administration, development, and protection of such lands; and

"Whereas, Legislation should be enacted which would require all mining claimants to file descriptions of the locations of their claims on federal lands and which would declare such a mining claim to be abandoned if the claim or assessment work on the claim were not recorded for a period of two successive years; and

"Whereas, Scattered throughout the public lands administered by the United States Bureau of Land Management and other federal lands are thousands of unmarked and abandoned mine shafts and other mining excavations; and

"Whereas, These unmarked and abandoned mine shafts and other mining excavations pose a serious hazard to the recreational uses of federal lands and have caused loss of life and injury; and

"Whereas, Legislation should be enacted to implement a program of marking and fencing such mine shafts and mining excavations in the interest of public safety; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to support and enact legislation, as described in this resolution, which would require mining claimants to file descriptions of the locations of their claims, would declare a mining claim to be abandoned if the claim or assessment work on the claim were not recorded for a period of two successive years, and would implement a program of marking and fencing abandoned mine shafts and other mining excavations; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

"SENATE JOINT RESOLUTION

"Relative to the Salton Sea

"Whereas, The Salton Sea is a recreational resource of unusual value because of its proximity to southern California population centers; and

"Whereas, Rising salinity will destroy its value within a few years unless corrective action is taken immediately; and

"Whereas, A task force of federal and state agencies completed a reconnaissance study of the Salton Sea problem in August 1969, and determined that the Sea could be saved, that the project had a favorable cost-benefit ratio, and that the game fish would not be able to spawn successfully after the salinity reached 40 parts per thousand; and

"Whereas, Salinities of 39 parts per thousand were recorded in October 1970, with the rate of increase being about one-half part per thousand per year; and

"Whereas, Each year of delay adds millions of dollars to project costs; and

"Whereas, All that is needed at this point is a modest federal effort to mesh with a corresponding state effort to define the best salinity control project and to estimate its cost; and

"Whereas, The State of California has budgeted funds for its share of such an effort; and

"Whereas, This situation is unusually grave, because further delay will jeopardize a salinity control project by increasing construction costs; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully requests the President and Congress of the United States to authorize and fund a feasibility study to determine the best way to stop the salt level from increasing in Salton Sea, by passing H.R. No. 5648 or other appropriate enabling legislation and budgeting the necessary funds; and be it further

"Resolved, That the federal government is requested to include funds for such a project in the budget for the next year; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President of the United States, to the Secretary of the Interior, to the U.S. Army Corps of Engineers, to the Vice President, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Labor and Public Welfare:

"ASSEMBLY JOINT RESOLUTION No. 21

"Relative to the suspension of the Davis-Bacon Act

"Whereas, President Nixon on February 23, 1971, by proclamation, suspended the Davis-Bacon Act of 1931 and then on March 29, 1971, rescinded the suspension of such act on a temporary basis; and

"Whereas, The Davis-Bacon Act requires that laborers on all federal construction projects be paid the locally prevailing wage rates; and

"Whereas, Suspension of the Davis-Bacon Act will invite wage-cutting drives by employers and could plunge the construction industry into labor-management turmoil; and

"Whereas, Between 1949 and 1969 onsite labor costs fell from 33 percent of the price of a single family home to 18 percent, while during the same period cost of materials rose only slightly from 36 percent to 38 percent; and

"Whereas, Between 1949 and 1969 land costs have jumped from 11 percent to 21 percent and financing costs from 5 percent to 10 percent; and

"Whereas, The Davis-Bacon Act requirement that 'prevailing wages' be paid has meant payment of the equivalent of union scales in the area, and suspension of the act will have no real effect on inflation but rather would be an invitation to unscrupulous employers to exploit workers by competitive undermining of fair wages and labor standards; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President not to suspend the Davis-Bacon Act, other than in a national emergency as defined by Congress, and memorializes Congress to pass an amendment to the Davis-Bacon Act which would limit the presidential power to suspend the Davis-Bacon Act in the future to a national emergency as defined by Congress; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Veterans' Affairs:

SENATE JOINT RESOLUTION No. 44

"Relative to a Veterans' Hospital in San Bernardino

"Whereas, There is no Veterans' Administration Hospital available either to residents of the west end of San Bernardino County or of the San Bernardino-Riverside-Redlands area; and

"Whereas, Veterans who have served their country and who are in need of medical attention must therefore travel to Long Beach, California, in order to obtain needed medical attention; and

"Whereas, A large number of veterans live in this geographical area and their number will be augmented as time goes on by additional personnel returning from serving their country: Now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to include in the current federal budget funds for construction of a Veterans' Administration Hospital convenient to the many deserving veterans of above described portions of San Bernardino County; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Veterans' Affairs:

"ASSEMBLY JOINT RESOLUTION NO. 54

"Relative to the establishment of a national cemetery in California

"Whereas, There are presently almost 3,000,000 veterans residing in California eligible for burial in a national cemetery, yet the three existing national cemeteries in California are closed to future veteran burials because of lack of space; and

"Whereas, The initial earthquake of February 9, 1971, destroyed the San Fernando Veterans Hospital; and

"Whereas, Geological experts question the advisability of rebuilding a hospital or any other major structure on the site, and the Veterans Administration does not plan to rebuild this facility; and

"Whereas, This large piece of government-owned land would be an extremely suitable final resting place for our honored dead; and

"Whereas, Such a cemetery would involve no cost to the federal government as far as land is concerned and the operational costs would be minimal; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to consider such a site, together with all other potential sites, for a national cemetery, and establish one or more such national cemeteries in California; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives and to each Senator and Representative from California in the Congress of the United States."

A resolution of the Senate of the State of Alabama; to the Committee on the Judiciary:

"RESOLUTION NO. 42

"Endorsing the proposal of Senator Harry F. Byrd to require the reconfirmation of Federal Judges at regular intervals

"Whereas Senator Harry F. Byrd, Jr., of Virginia has introduced in the Congress of the United States a proposal to amend the United States Constitution to require all federal judges to be reconfirmed by the United States Senate every eight years; and

"Whereas when our founding fathers created our government, they provided separate legislative, executive and judicial branches in order to establish a system of checks and balances and to prevent the domination of governmental affairs by any one single branch; and

"Whereas, because it was thought that the judicial branch of government would be the weakest of the three branches, provision was made for justices of the Supreme Court of the United States and the judges of its inferior courts to serve for life to provide protection from political pressure and the vacillations of ephemeral public opinion; and

"Whereas the Constitution of the United States provided for and established a representative republican form of government to insure the rights and privileges of the citizens of the component states; by its letter and spirit, the Constitution provided for each individual state to retain and reserve unto itself all its power and sovereignty except that part delegated, granted, and given to effect the union of the states; and by its express language, the Constitution safeguarded each individual state and its people from unauthorized interference in domestic affairs by a strong central government and from tyranny and suppression wrought by such a strong central government; and

"Whereas in recent decades the federal courts have taken unto themselves more and more additional powers under the assumption that the law of the land is whatever the court says it is; they have not only usurped the powers reserved to the states and assumed powers of the legislative and executive branches of government in the process of self-anointed omnipotence, but they have mistaken themselves for God; and

"Whereas under the incessant demands of a powerful combination of subversive and minority interests, the courts have fallen into a slough of fallacious reasoning, and in attempting to extricate themselves have resorted to strangely conceived social concepts and idealistic pap in which they insist upon wallowing; and

"Whereas the courts, by their arrogant, wilful and wanton use of judicial fiat and flagrant abuse of injunctive powers, have forced their tragically ridiculous interpretations of the Constitution and of state and federal statutes on the people of a once proud, powerful and self reliant nation to such extent that many property rights have been destroyed; voting rights have been diluted and restricted; the legislative and congressional districts of many states have been arbitrarily reapportioned without regard to similarity of interests, economic condition or consideration of desires of any groups within the states; orderly systems of public education are impossible; riots are frequent occurrences on college and university campuses; transportation is often halted; welfare cases have risen to astronomical heights; crime in the streets is uncontrolled, and fear and chaos are rift throughout the land; and

"Whereas a return to a sane, strong responsible government which is supported by the vast majority of people who work for a living, pay their debts, educate their children, and, with confidence in themselves and faith in the Lord, contribute something to the communities they live in, can be achieved in large part by making federal judges responsive to the will of these people; now therefore,

"Be it resolved by the legislature of Alabama, both Houses thereof concurring, That this body and the people of Alabama heartily endorse Senator Byrd's proposal to require the reconfirmation of federal judges by the Senate of the United States at intervals of eight years.

"Be it further resolved, That we regard this proposal as an admirable step in the right direction and would recommend that United States Supreme Court Justices be included therein and that the intervals for reconfirmation be reduced to six years.

"Be it further resolved, That copies of this resolution be sent to Senator Harry F. Byrd, Jr., to the President and Vice President of the United States, to the Speaker of the House of the United States Congress, to the Chief Justice and each Associate Justice of the United States Supreme Court and to each member of Alabama's Congressional Delegation."

Resolutions of the Massachusetts State Senate; to the Committee on Foreign Relations:

"RESOLUTION OF THE COMMONWEALTH OF MASSACHUSETTS

"Resolutions urging the President of the United States, the Congress of the United States and the United States State Department to intercede in an attempt to secure peace in Northern Ireland, to urge the British Government to remove troops from Northern Ireland and to further urge the British Government to turn over control of Northern Ireland to the Irish Republic

"Whereas, The savage fighting in areas of Northern Ireland has caused heartbreaking misery and suffering to untold numbers of innocent people, including children and aged persons; and

"Whereas, Persons of certain faiths and beliefs have been and continue to be persecuted; and

Whereas, In the name of humanity, all fighting between brother citizens, all suffering and all persecutions should cease forthwith; and

"Whereas, It is the firm belief of all freedom loving people throughout the world that countries should be allowed to govern themselves; and

"Whereas, The volatile mood of strife has reached quiet suburban streets where for decades Catholic and Protestant families have learned to live together in love and friendship; now, therefore, be it

"Resolved, That the Massachusetts Senate urges the President of the United States, the Congress of the United States and the State Department to use the full weight and power of their offices in imploring Great Britain to remove its troops from Northern Ireland and that Great Britain allow Northern Ireland to be governed by the Republic of Ireland; and be it further

Resolved, That a copy of these resolutions be sent by the Clerk of the Senate to the President of the United States, to the presiding officers of each branch of the Congress of the United States, to the United States State Department and to each member of Congress from the Commonwealth.

Resolutions of the Legislature of the Commonwealth of Massachusetts; to the Committee on Foreign Relations:

"RESOLUTION OF THE COMMONWEALTH OF MASSACHUSETTS

"Resolutions urging the President of the United States, the Congress and the citizens of the Commonwealth to take any action appropriate to effect the suspension of economic and military aid and sales to Pakistan, with the exception of relief supplies, for the duration of its civil war

"Whereas, The people of the commonwealth are gravely concerned about the tragedy in East Pakistan and the military action of the Pakistan army which has killed an unknown number of civilians and driven more than seven million refugees to India; and

"Whereas, The United States government is continuing to ship ammunition and military equipment to Pakistan for use by its army against its own civilian population and is requesting the Congress of the United States to appropriate one hundred thirty one million dollars for aid to Pakistan; and

"Whereas, In providing military and economic aid to the Pakistan government when all other major aid-giving nations, except China, have temporarily suspended aid, the United States is, in effect, supporting the repressive action of the Pakistan army and its persistent brutality against a majority of that country's population; and

"Whereas, American interest and the real interests of Pakistan cannot be served by continuing to assist a regime which savagely suppresses its own people, flaunts the democratic processes demonstrated in the elections of December, 1970, causes a flood of refugees to a neighboring state and threatens the peace and security of the entire Indo-Pakistan subcontinent; now, therefore, be it

"Resolved, That the Massachusetts Senate urges the citizens of the commonwealth and all firms, unions and other organizations operating therein to oppose any further military aid or sales to Pakistan and to oppose further economic aid, other than food and other relief assistance distributed and monitored under international auspices, until military action ends in East Pakistan, civilian rule is restored and a majority of the refugees are able to return to their homes; and be it further

"Resolved, That the Massachusetts Senate respectfully urges the President and Congress of the United States to take any action which may be necessary to immediately suspend military and economic sale to Pakistan for the reasons hereinbefore stated; and be it further

"Resolved, That copies of these resolutions be sent forthwith by the Secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of Congress and to each member thereof from the Commonwealth."

"RESOLUTION OF THE COMMONWEALTH OF MASSACHUSETTS

"Resolutions urging the President of the United States, the Congress and the citizens of the Commonwealth to take any action appropriate to effect the suspension of economic and military aid and sales to Pakistan, with the exception of relief supplies, for the duration of its civil war.

"Whereas, The Commonwealth of Massachusetts is concerned about the tragedy in East Pakistan and the military action of the Pakistan army which has killed an unknown number of civilians and driven more than seven million refugees to India; and

"Whereas, The United States government is continuing to ship ammunition and military equipment to Pakistan for use by the army against its own civilian population and is requesting Congress to appropriate one hundred thirty one million dollars for aid to Pakistan; and

"Whereas, In providing military and economic aid to the Pakistan government when all other major aid-giving nations, except China, have temporarily suspended aid, the United States is, in effect, supporting the repressive action of the Pakistan army and its persistent brutality against a majority of that country's population; and

"Whereas, American interest and the real interests of Pakistan cannot be served by continuing to assist a regime which savagely suppresses its own people, flaunts the democratic processes demonstrated in the elections of December, 1970, causes a flood of refugees to a neighboring state and threatens the peace and security of the entire Indo-Pakistan subcontinent; therefore be it

"*Resolved*, That the Massachusetts House of Representatives urges the citizens of the Commonwealth and all firms, unions and other organizations operating here to oppose any further military aid or sales to Pakistan and to oppose further economic aid, other than food and other relief assistance distributed and monitored under international auspices, until military action ends in East Pakistan, civilian rule is restored and a majority of the refugees are able to return to their homes; and be it further

"*Resolved*, That the Massachusetts House of Representatives memorializes the President and Congress of the United States to suspend military and economic sales on the basis as stated above; and be it further

"*Resolved*, That copies of this resolution be sent forthwith by the Secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of Congress and to each member thereof from the Commonwealth.

Resolutions of the Legislature of the Commonwealth of Massachusetts; to the Committee on the Judiciary:

"RESOLUTION OF THE COMMONWEALTH OF MASSACHUSETTS

"Resolutions requesting the Congress of the United States to call a convention for the purpose of amending the United States Constitution to authorize financial aid to private schools

"Whereas, Private schools across the nation are being forced to close because of financial problems that they are unable to solve without government aid; and

"Whereas, In order to receive aid from the federal government an amendment to the Constitution of the United States is necessary; and

"Whereas, The closing of the private schools has placed an unbearable burden on state and local governments; and

"Whereas, The Congress of the United States, despite the immediate imperative need therefor, has failed to take action to relieve this burden; and

"Whereas, In the event of such Congressional inaction, Article V of the Constitution of the United States grants to the states the right to initiate constitutional change by applications from the legislatures of two thirds of the several states to the Congress, calling for a constitutional convention; and

"Whereas, The Congress of the United States is required by the Constitution to call such a convention upon the receipt of applications from the legislatures of two thirds of the several states; therefore be it

"Resolved, By the General Court of the Commonwealth of Massachusetts that, pursuant to Article V of the United States Constitution, the General Court of the Commonwealth of Massachusetts does hereby make application to the Congress of the United States to call a convention for the sole and exclusive purpose of proposing to the several states a constitutional amendment which shall authorize financial aid to private schools; and be it further

"Resolved, That this application shall constitute a continuing application for such convention pursuant to Article V until the legislatures of two thirds of the states shall have made like applications and such convention shall have been called by the Congress of the United States unless previously rescinded by this General Court; and be it further

"Resolved, That certified copies of this resolution be presented forthwith to the President of the Senate and the Speaker of the House of Representatives of the United States and to the legislatures of each of the several states attesting the adoption of this resolution by the General Court of the Commonwealth of Massachusetts."

An act of the General Assembly of the State of North Carolina; to the Committee on the Judiciary:

"HOUSE BILL 501

"An Act ratifying the 19th Amendment to the Constitution of the United States of America relating to the right of all citizens of the United States to vote, regardless of sex

"Whereas, the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), proposed in 1919 that the following amendment to the Constitution of the United States of America become valid as part of the Constitution when ratified by the legislatures of the several states to wit: 'The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex';

"Whereas, thirty-six states having ratified the proposed amendment, it was certified on August 26, 1920, as a part of the Constitution of the United States of America;

"Whereas, the State of North Carolina is proud of the outstanding record compiled by the female citizens of North Carolina in the effective and informed use of the right to vote, as well as their many other contributions to the State of North Carolina; Now, therefore,

"The General Assembly of North Carolina do enact:

"SECTION 1. That the 19th Amendment to the Constitution of the United States of America set out in the preamble to this act be, and the same is, hereby ratified by the General Assembly of the State of North Carolina.

"SEC. 2. That certified copies of this preamble and act be forwarded by the Governor of this State to the Secretary of State at Washington, D.C., to the Presiding Officer of the United States Senate, and to the Speaker of the House of Representatives of the United States.

"SEC. 3. This act shall become effective upon its ratification.

"In the General Assembly read three times and ratified, this the 6th day of May, 1971."

A resolution adopted by the Antelope Valley Board of Trade, North Los Angeles County, Calif., praying for the permanent location of reentry facilities for the NASA Space Shuttle at Edwards Air Force Base, Calif.; to the Committee on Aeronautical and Space Sciences.

A resolution adopted by the National Rifle Association of America, praying for the enactment of a national timber conservation act; to the Committee on Agriculture and Forestry.

A resolution adopted by the National Rifle Association of America, commending American sportsmen for their contributions to the protection of wildlife; to the Committee on Commerce.

A resolution adopted by the National Rifle Association of America, praying for the enactment of legislation relating to public lands; to the Committee on Interior and Insular Affairs.

A resolution adopted by the Ninth Legislature of the Virgin Islands, praying for the establishment of a Sea Rescue Station on the Island of St. Croix; to the Committee on Commerce.

A resolution adopted by the 56th National Conference on Weights and Measures, praying for a conversion to the metric system; to the Committee on Commerce.

A resolution adopted by the Michigan State AFL–CIO, praying for the enactment of the national health security program; to the Committee on Finance.

A resolution adopted by the County of Branch, State of Michigan, praying for the enactment of legislation relating to amendment of title I of the Social Security Act; to the Committee on Finance.

A resolution adopted by the National Conference of Lieutenant Governors, praying for the enactment of legislation relating to revenue sharing; to the Committee on Finance.

A resolution adopted by the National Conference of Lieutenant Governors, praying for the enactment of legislation relating to welfare reform; to the Committee on Finance.

A resolution adopted by the National Conference of Lieutenant Governors, praying for the withholding of foreign aid to any nation which fails to halt the production and processing of heroin and other illegal drugs; to the Committee on Foreign Relations.

A resolution adopted by the National Conference of Lieutenant Governors, praying for the enactment of legislation to simplify grant-in-aid programs in relation to better coordinated block grants; to the Committee on Labor and Public Welfare.

A resolution adopted by the Hawaii Chapter of the United Nations Association, praying for admission of the Peoples' Republic of China to the United Nations; to the Committee on Foreign Relations.

A resolution adopted by the Allgood Road United Methodist Church, of Stone Mountain, Georgia, expressing opposition to continued involvement in Vietnam; to the Committee on Foreign Relations.

A resolution adopted by the State Council of Kentucky Junior Order of United American Mechanics, in support of the present policy of the President of the United States in the conduct of the Vietnamese war; to the Committee on Foreign Relations.

A resolution adopted by the National Society of Professional Engineers, endorsing the development of Alaska's resources; to the Committee on Interior and Insular Affairs.

A resolution adopted by the Ninth Legislature of the Virgin Islands, praying for the enactment of legislation to amend the Revised Organic Act of the Virgin Islands to provide for a special election to fill any vacancy in the Office of a Member of the Legislature of the Virgin Islands; to the Committee on Interior and Insular Affairs.

A resolution adopted by the State Council of Kentucky, Junior Order, United American Mechanics, praying for the enactment of legislation proscribing the possession and use of dangerous drugs; to the Committee on the Judiciary.

A resolution adopted by the State Coun- of Kentucky, Junior Order, United American American Mechanics, praying for the enactment of legislation regulating the admission of aliens; to the Committee on the Judiciary.

A resolution adopted by the Town of Landover Hills, Md., in support of neighborhood schools; to the Committee on Labor and Public Welfare.

A resolution adopted by the State Council of Kentucky of the Junior Order of United American Mechanics, approving and commending the work of the Federal Bureau of Investigation; ordered to lie on the table.

A resolution adopted by the Tennessee Law Enforcement Officers' Association, expressing to J. Edgar Hoover and the Federal Bureau of Investigation their appreciation for the cooperation received; ordered to lie on the table.

A resolution adopted by the Executive Committee of the American Legion, commending the Honorable J. Edgar Hoover, Director of the Federal Bureau of Investigation; ordered to lie on the table.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. GRIFFIN:

S. 2485. A bill to amend the Internal Revenue Code of 1954 to promote additional protection for the rights of participants in private pension plans, to establish minimum standards for vesting, to establish an insurance corporation within the Department of the Treasury, and for other purposes. Referred to the Committee on Finance.

S. 2486. A bill to amend the Welfare and Pension Plans Disclosure Act. Referred to the Committee on Labor and Public Welfare.

By Mr. METCALF:

S. 2487. A bill to amend the Internal Revenue Code of 1954 so as to limit the amount of deductions attributable to the business of farming which may be used to offset nonfarm income. Referred to the Committee on Finance.

S. 2488. A bill for the relief of Juan G. Parra. Referred to the Committee on the Judiciary.

By Mr. BYRD of West Virginia (for himself and Mr. Randolph):

S. 2489. A bill for the relief of Judy A. Carbonell. Referred to the Committee on the Judiciary.

By Mr. CHILES:

S. 2490. A bill to provide for the establishment of the Guano River National Park in the State of Florida, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. INOUYE (for himself and Mr. Fong):

S. 2491. A bill to amend the act of August 19, 1964, to remove the limitation on the maximum number of members of the board of trustees of the Pacific Tropical Botanical Garden. Referred to the Committee on the Judiciary.

By Mr. KENNEDY:

S. 2492. A bill to amend the Federal Regulation of Lobbying Act, and for other purposes. Referred to the Committee on Government Operations.

S. 2493. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for political contributions, and for other purposes. Referred to the Committee on Finance.

By Mr. SPONG for Mr. Magnuson (by request):

S. 2494. A bill to amend section 1(16) of the Interstate Commerce Act authorizing the Interstate Commerce Commission to continue rail transportation services. Referred to the Committee on Commerce.

By Mr. EAGLETON:

S. 2495. A bill to amend the District of Columbia Election Act, and for other purposes. Referred to the Committee on the District of Columbia.

By Mr. TALMADGE:

S. 2496. A bill to continue mandatory price support for tung nuts only through the 1976 crop. Referred to the Committee on Agriculture and Forestry.

By Mr. WILLIAMS (for himself, Mr. Hughes, and Mr. Hatfield):

S. 2497. A bill to authorize the President, through the temporary Vietnam Children's Care Agency, to enter into arrangements with the Government of South Vietnam to provide assistance in improving the welfare of children in South Vietnam and to facilitate the adoption of orphaned or abandoned Vietnamese children, particularly children of United States fathers. Referred to the Committee on Foreign Relations.

By Mr. JORDAN of North Carolina (for himself and Mr. Ervin):

S.J. Res. 153. A joint resolution designating each week which begins on the first Sunday in March as "National Beta Club Week." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRIFFIN:

S. 2485. A bill to amend the Internal Revenue Code of 1954 to promote additional protection for the rights of participants in private pension plans, to establish minimum standards for vesting, to establish an insurance corporation within the Department of the Treasury, and for other purposes. Referred to the Committee on Finance.

S. 2486. A bill to amend the Welfare and Pension Plans Disclosure Act. Referred to the Committee on Labor and Public Welfare.

PENSION PROTECTION LEGISLATION

Mr. GRIFFIN. Mr. President, today I am introducing two bills to establish important new protection for workers covered by private pension plans.

The Pension Protection Act (S. 2485) would require vesting of pension benefit rights after a reasonable period of employment. In addition, the bill would guarantee payment of vested benefits by establishing a Federal insurance program and by requiring employers to assume certain obligations in the event a pension plan is terminated.

The second bill (S. 2486) provides assurances that workers will be better informed of their rights under pension plans and that administrators will be held accountable for any mismanagement of pension funds.

Since the 1965 presidential cabinet Committee report on private pensions, extensive debate has focused on the desirability of enacting legislation to impose certain minimum vesting, funding, and insurance requirements with respect to private pension plans.

Numerous studies and several legislative proposals have emerged. Without hesitation, I would say that the most significant contribution in Congress has come from the senior Senator from New York (Mr. Javits). His efforts in this area have sharpened the issues and have resulted in much greater public awareness of the problems involved.

Now, the time has come for Congress to take action and to respond affirmatively to the demonstrated need of workers for more effective protection of their pension rights.

In the United States a dual system for old age income assurance has developed. On the one hand, the social security system now covers virtually all private employees. It is designed to provide a basic level of retirement security for older citizens. On the other hand, private retirement plans are available to millions to supplement their social security and to provide retirement programs that can be tailored to the requirements of particular groups.

Both systems are in need of improvement. I have already introduced legislation to provide certain improvements in the social security system.

I. PROBLEMS WITH RESPECT TO PRIVATE PLANS

When he testified last year before a congressional committee, the late Walter Reuther stressed the importance of making the private pension promise as secure as the social security promise.

He said:

> The average fellow doesn't sit down and say, "Well, we have got two systems, one is social security and one is private." He looks at both of them as one. He has every right, I believe, to be able to go to bed at night with a sense of assurance for himself and his wife that both systems are as secure as they ought to be to guarantee him the income that they look forward to having

Statistics recently compiled by the Social Security Administration indicate that only one out of every five social security recipients now receives private pension benefits. The legislation I introduce today is aimed at increasing the number of retired individuals who would be able to receive private pension benefits in addition to social security.

The growth of pension plans in the last 20 years has been phenomenal. The number of employees covered by private plans has more than tripled—rising from approximately 10 million in 1950 to over 30 million by 1970. Estimates indicate that by 1980 some 42 million will be covered. At present there is approximately $130 billion in private pension assets.

These statistics are impressive; but there are serious deficiencies in many of the private pension plans that exist today. For example, there is the worker who, after 15 or 20 years of service under a private pension plan, is terminated from employment—only to find that he has no right to any pension benefits whatever.

There is the worker who, supposedly, acquires a vested right to pension benefits—but finds upon retirement that he receives no benefits because his pension plan has been terminated.

In addition, there are many workers who are not informed of their rights under a pension program. And there are too many instances of negligence and self-dealing by pension plan administrators and trustees—those who are supposed to be safeguarding the assets of pension funds.

A. VESTING

It is encouraging to note that, even without legislation to require it, there is a definite movement toward liberalization of vesting requirements, and many plans now provide for vesting after 10 years of service with the same employer.

This is a desirable trend, and my legislation adopts the 10-year standard with provisions to assure that the cost impact would not be too severe.

In the absence of reasonable vesting provisions, an older worker whose service with one employer is terminated for one reason or another, is likely to experience great difficulty in finding another long-term job that will enable him to start over again building up pension entitlement.

The importance of correcting this deficiency was highlighted in the 1970 report of the President's Task Force on the Aging, entitled "Toward a Brighter Future for the Elderly":

> Because the Task Force believes that career mobility and occupational change enhance life satisfaction, it is concerned that separation for retirement not hinder an individual's desire to seek new employment. Moreover, it recognizes that in our society people are often forced to change jobs because of technological advances or economic upheaval. For these reasons the Task Force looks favorably upon measures which lead in the direction of making pension benefits vested after a relatively short period of service. With earlier vesting, individuals could make several career changes during their working lives and still earn a substantial pension at retirement.

To qualify for benefits under some plans, a worker must not only meet a very long service requirement, but he must also show that his service with the same employer has been continuous. In other words, 15 years of service under some plans with 15 years' vesting would not lead to a vested right if there happened to be a break in employment some time during that period.

Obviously, society as a whole has a great deal at stake in improving the private pension system. In 1968 the income of one out of every four retired persons was below the poverty line. The President's Task Force on the Aging has said that "in the 1970's it is no longer economically necessary or socially accepted for millions of Americans to live in poverty merely because they are old." Expanding the opportunity of workers to acquire vested pension rights is essential to reducing the incidence of poverty among the elderly.

B. PLAN TERMINATIONS

As mentioned earlier, too many private pension plans provide inadequate protection for workers with vested rights in the event the plan itself is terminated. A 1965 Labor Department study indicated that some 500 plans involving approximately 25,000 workers terminate each year. While many of these are relatively new plans covering only a few employees, others—such as the Studebaker plan—have involved over 10,000 workers.

The United Auto Workers recently studied 40 UAW-negotiated plans which terminated between 1959 and 1969. The union found that first, 25 percent of the plans paid less than full benefits to retirees or those eligible to retire; second, 75 percent of the plans paid no benefits or reduced benefits to workers between the ages of 50 and 60; and third, 52.5 percent of the plans paid no benefits to any workers below age 50.

Needless to say, in such cases the reasonable expectations of thousands of workers were frustrated. As former Secretary of Labor Willard Wirtz stated in testimony before the Senate Finance Committee back in 1966:

> "[t]o the breadwinner who has planned his retirement in the expectation of regular pension payments, the failure to fulfill these payments is obviously a crushing blow to his hopes, his plans, and his aspirations . . ."

The urgency of correcting this problem was underscored in a speech delivered last year by the Undersecretary of Labor Laurence H. Silberman. In discussing plan terminations, Mr. Silberman stated:

> We all remember the Studebaker case where about 4,000 workers received only 15 cents for each dollar of accrued pension rights when the company went out of the car-making business. And in our view even the Studebaker case is one too many.

The need for a Government guarantee program to insure against loss of vested benefits is not necessarily an indictment of pension plan management. Even plans that are funded on a sound actuarial basis may terminate before all accrued or vested benefits are funded. To establish such a guarantee program is to recognize the overriding interests of workers as human beings, not statistics.

C. DISCLOSURE

Complexity compounds the problems of our day. Oftentimes the average person does not have time to become fully aware of major events in the news, let alone become familiar with the fine print of a complicated pension plan document.

Inadequate disclosure of pension plan information has added immeasurably to the frustration of reasonable expectations on the part of workers. As former Secretary of Labor George P. Shultz told the House General Subcommittee on Labor last year:

> The present disclosure requirements and the Labor Department's investigatory authority are so limited that virtually none of the known breaches of fiduciary responsibility were disclosed as a result of reports filed under the Welfare and Pension Plans Disclosure Act or through exercise of the Department's investigative authority under the law.

Furthermore, plan participants and beneficiaries frequently find that they have no meaningful way under existing law to obtain judicial relief. I believe those directly affected by the operation of a pension fund should have some right to enforce the law on their own behalf.

D. FIDUCIARY RESPONSIBILITY

The need for standards to judge the deeds and misdeeds of pension plan administrators has already been mentioned. There is a fundamental gap in Federal law at present with respect to the obligations of a fiduciary in relation to the pension fund he is required to administer. Furthermore, only four States have legislated standards governing the conduct of welfare or pension plan officials.

Instances of negligence or wrongdoing by trustees of pension and welfare funds have been cataloged by the Department of Labor. For example, trustees of one pension plan borrowed two-thirds of the pension fund assets to establish several small retail shoe corporations. In the case of one welfare plan providing life, accident, and health insurance, the employer failed to pay premiums when they became due—which resulted in cancellation of employee insurance coverage—despite the fact that deductions were taken from employees' paychecks to pay the premiums before, and for 3 months after, the insurance was canceled.

A uniform Federal standard of fiduciary responsibility is needed—the standard should be fair and firm—but not overly rigid. Management of $130 billion in pension funds affects not only the welfare of millions of Americans who are looking to that money for retirement security but also affects the immediate health of the whole national economy. Sound investment decisions by pension administrators are vital to one of the largest sources of private capital in the United States.

II. THE PENSION PROTECTION ACT—AN EXPLANATION

Mr. President, the vesting and insurance requirements of my bill (S. 2485) would apply to all employee benefit plans which are qualified for favorable tax treatment under section 401 of the Internal Revenue Code, except plans operated by a governmental unit, plans covering self-employed individuals and owner-employees, and plans covering not more than 15 employees. Roughly 90 percent of all pension plan participants are covered by tax qualified plans.

The tax benefits accruing to employers will be more fully justified by assuring that many additional workers will receive pension benefits. Existing pension plan protection provided by the nondiscrimination and funding standards of the tax code will be greatly strengthened if this legislation is passed.

The effective date of the vesting and plan termination provisions would be the beginning of an existing plan's fiscal year in 1973. With respect to new plans and plan amendments providing for liberalized benefits, the plan termination provisions would not apply until the plan had been in effect for more than 5 years and the amendment for more than 3 years.

A waiting period is desirable to assure that insurance funds will be available to protect workers covered by long established plans. Since a high percentage of new plans do terminate in the early years of operation, the integrity of the pension fund could be seriously jeopardized if all plans were covered by insurance from the date of establishment. Furthermore, a worker's expectation with respect to a newly established plan is not likely to be as great as it would be with respect to a long established plan.

A. VESTING PROVISIONS

Title I of the bill would establish a 10-year vesting standard for plans in operation for more than 10 years and the legislation would—

Require plans less than 10 years old to meet a 15-year vesting standard;

Give existing plans over 10 years old 5 years after the effective date of the act to meet the 10-year vesting standard but such plan must meet the 15-year vesting standard during that time;

Authorize the Secretary to grant variations from the requirements of this title where the vesting provisions impose unreasonable cost burdens on the employer contributing to or maintaining the plan;

Amend the Internal Revenue Code to provide for loss of tax qualification for plans failing to meet the eligibility and vesting requirements; and

Authorize civil actions to be brought by the Secretary to enforce any of the provisions of title I.

Eligibility requirements for participation in a plan could be no greater than 1 year of service or age 25, whichever is later. A large majority of plans already conform to such a requirement.

Significantly, the proposed vesting standards would apply to service before as well as after the effective date. Older employees should not be penalized by discounting past service.

In determining what service applies to the 10- and 15-year vesting requirements, an employee's entire service with an employer would count, except service, first prior to fulfilling any eligibility requirements; second during which an employee declined to contribute to a plan requiring employee contributions; and third with a predecessor of an employer could be disregarded.

The concept of a "continuous" service requirement is eliminated. Thus, a worker who participates in a plan for 10 years has a vested right despite the fact that there may have been breaks in employment during his tenure with the employer.

A plan which has been in existence for less than 10 years on the effective date of the act would have to meet the 10-year vesting standard either 5 years after the effective date or after the plan had been in existence for more than 10 years, whichever is later.

All plans established after the effective date of the act would not have to meet the 10-year standard until after the plan had been in operation for more than 10 years. But in any event such a plan, as well as plans described in the preceding paragraph, would have to provide at least 15-year vesting.

Existing plans more than 10 years old would have 5 years after the effective date of the act to meet the 10-year rule, but during those 5 years the plan would have to conform to the 15-year requirement.

These phase-in provisions should assure that no plan is faced with a high initial cost impact. If severe problems still exist, the Secretary would be authorized to grant a temporary variation from the vesting requirements with respect to certain plans or categories of plans where the new rules might impose severe cost burdens on the employer.

B. PLAN TERMINATION PROVISIONS

Title II provides complete protection for all types of plan terminations. It establishes the principle of employer responsibility for any deficiency in the pension fund on termination. This responsibility would be met by the purchase of insurance from a proposed Pension Benefit Insurance Corporation—PBIC—and by payment of any deficiency in the event of a voluntary termination or in the event of an involuntary termination where the unfunded vested liabilities are uninsured.

Where the plan termination is due to a business failure or financial difficulty, the insurance alone would cover all losses of vested benefits.

The insurance fund would be financed by an initial appropriation and by the payment of insurance premiums by each plan. The initial premium rate would be 0.2 percent of the unfunded vested liabilities of a plan. The insurance requirements would be effective as of the first day of a plan year beginning in 1973.

In the event of a voluntary termination, the employer would be liable for the full amount of any unfunded vested liabilities. By a voluntary termination I am referring, for example, to a situation where a large financially sound corporation acquires a small company and, for one reason or another, decides to terminate the pension plan of the acquired company. In such a case, it hardly seems unreasonable to require the employer to foot the bill for benefits to retired workers, as well as to protect those with vested rights who have not yet reached retirement age.

In determining whether a particular termination is voluntary or involuntary, the entire operation of the employer would be considered, including the operations of any person controlling, controlled by, or under common control with the employer. Any liability would also extend to such persons.

The PBIC would pay any claims arising from a voluntary termination, but then would have recourse against the employer for recovery of such payments. In this way, the rights of workers would be protected in the event of a planned termination, whether voluntary or involuntary.

By making the employer liable to pay for losses due to a voluntary termination, the bill contains a powerful incentive to encourage adequate funding. In this way, the bill would operate to provide more worker protection with less Government regulation than is the case with respect to other bills pending before Congress.

In order to alleviate any undue burden that might fall on an employer as the result of a voluntary plan termination, my bill would permit the employer's liability to be satisfied by a deferred payment arrangement approved by the PBIC.

Recognizing the fact that the risk of termination could be significantly different as among various categories of pension plans, my bill would authorize the PBIC to establish risk categories for various types of plans. Accordingly, variations from the standard premium rate would be established where justified.

The insurance requirements would be enforced through the imposition of civil penalties. In addition, the obligation of actually purchasing the insurance and paying the premiums would be on the administrator of the plan. Where there is a failure to purchase insurance or the insurance is canceled for failure to pay the premium, the administrator would be liable for loss of vested benefits in the event of an involuntary termination.

C. INSURANCE CORPORATION

Title III of the bill establishes the Pension Benefit Insurance Corporation, a wholly owned Government corporation within the Department of the Treasury. The corporation would have sole responsibility for administering the insurance program and would be managed by a Board of Directors consisting of the Secretaries of Treasury and Labor and three directors appointed by the President with the consent of the Senate. One of the three appointed directors would have to be a representative of labor and one a representative of management.

Of course, a considerable amount of pension plan expertise already exists in the Treasury Department where the Internal Revenue Service has long been required to determine whether a pension qualifies for favorable tax treatment. While it is true that the Labor Department has had responsibility for administration of the Welfare and Pension Plans Disclosure Act, I believe that combined tax and insurance provisions should be administered under one department so as to provide more coherent, less burdensome regulation.

Title III would also create a technical advisory committee on pension insurance composed of five members appointed by the Secretary of the Treasury. This committee would provide expert advice to the PBIC, and assist it in carrying out the provisions of the bill.

In addition to administrative provisions, title IV of the bill would authorize the Secretary of the Treasury in cooperation with the Secretary of Labor to conduct a comprehensive study of pension plans and report to Congress on his findings and recommendations by July 1, 1974.

III. AMENDMENTS TO THE WELFARE AND PENSION PLANS DISCLOSURE ACT

The bill (S. 2486) would amend the Welfare and Pension Plans Disclosure Act of 1958. Briefly, the bill would—

Provide for a Federal fiduciary standard requiring pension plan administrators to manage the pension fund in a prudent manner and in the interests of the participants and beneficiaries of the pension plan;

Provide for stricter reporting and disclosure requirements than exist in current law;

Provide for annual audits by independent certified or licensed accountants;

Give the Secretary of Labor much broader authority to investigate and enforce the fiduciary and disclosure requirements. This investigatory authority would be similar to that in the Landrum-Griffin Act;

Give a worker the right to sue in Federal Court to enforce the disclosure provisions and authorize private class action suits to remedy breaches of fiduciary duty;

Prohibit persons convicted of certain crimes from serving in a fiduciary capacity with an employee benefit plan for a period of 5 years from the date of his conviction or the end of his term of imprisonment; and

Override State law covering fiduciary reporting and disclosure requirements, except in the case of a private suit to recover benefits or to clarify rights to future benefits. Also left intact are State and Federal laws regulating banking, insurance, and securities.

The disclosure and fiduciary provisions are patterned after legislation proposed last year by the administration.

Under the disclosure provisions, a participant who leaves a plan with a vested right to a future benefit must be supplied with a statement indicating the amount of benefits he is entitled to and the procedures to obtain these benefits. Additionally, a worker who is currently covered by a plan would have the right to ask for a statement informing him as to when he will become entitled to a benefit and the amount of benefits already accrued in his behalf.

Detailed reporting of plan transactions and investments will be required where the transaction exceeds $100,000 or 3 percent of the value of the fund. Such reporting will also be required where the transaction involves a party in interest.

The standard of fiduciary responsibility is based on a prudent man rule which requires the trustee to act "with care under the circumstances then prevailing that a prudent man acting in a like capacity and familiar with such matters would rise in the conduct of an enterprise of a like character and with like aims." This is not an unreasonable or arbitrary rule based on a standard of conduct divorced from the realities of large scale investment decisions. It is a rule of reason which takes into consideration all the circumstances surrounding a particular decision.

Special emphasis is placed on controlling transactions involving a potential conflict of interest. However, certain commonly accepted practices are allowed, such as investment in the securities of the employer whose employees are covered by the plan. But even in such a case, the investment could not exceed 10 percent of the value of the fund assets, adequate consideration must be paid, and the investment must be prudent.

Authority is also provided for the Secretary to grant limited exemptions from the prohibited conflict-of-interest transactions. Thus, there is sufficient flexibility to assure protection against the most harmful practices while recognizing that justifiable situations arise which require different treatment.

CONCLUSION

Mr. President, I believe the legislation I am introducing strikes a reasonable balance between the need for additional governmental regulation and the need for flexibility in the private pension system.

I see no reason to require a faster rate of funding in order to accomplish the purposes of my bill. A built-in incentive to fund is provided by the establishment of employer liability without the strictures of a rigid funding schedule.

Obviously, recognition must be given to the tradeoff of early vesting provisions for increased benefits which may be demanded. In my opinion this bill does not sacrifice the latter in favor of the former. Reasonable qualification standards are established, but within this limitation there is considerable freedom to weigh and consider competing priorities in a private pension program.

The disclosure and fiduciary standards also strike a reasonable balance between the need of workers to know and the dangers of administrative overkill.

Mr. President, in this age of rising and too often unfilled expectations, it is essential for Congress to enact private pension reform legislation such as this.

The time has come when workers can no longer be denied reasonable assurance that the pension benefits upon which they rely will, in fact, be paid upon retirement.

By Mr. CHILES:

S. 2490. A bill to provide for the establishment of the Guano River National Park in the State of Florida, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. CHILES. Mr. President, I am introducing a bill today which would provide for the Guano River National Park in the State of Florida. This is a companion measure to the bill introduced by Congressman BILL CHAPPELL.

This unique area consists of 10,000 acres of lush, high, dry land in St. John's County. It also consists of 4½ miles of ocean frontage, 9 miles of fresh water lakes and ponds, and 11 miles of intercoastal waterway.

This legislation would authorize the Secretary of the Interior to designate and acquire the land for recreational purposes.

This irreplaceable and precious natural resource could be used and appreciated by almost 2 million people living within a 100-mile radius of the area. It is the only land of its type available in the northeast Florida area.

The acquisition of this area represents the kind of legacy which we need to protect and preserve, for not only this generation, but for all to come.

Efforts to acquire this unique area has broad support in my home State of Florida and would offer an invaluable asset for use and enjoyment for all our citizens.

I sincerely hope this legislation will receive an early hearing by the Congress so that we may move to protect one of the most unique and beautiful areas in Florida.

I ask that a copy of this bill be printed at this point in my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2490

A bill to provide for the establishment of the Guano River National Park in the State of Florida, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) for the purpose of preserving a relatively unspoiled area of ocean beaches, fresh water lakes and ponds, and associated uplands for the inspiration and benefit of present and future generations, the Secretary of the Interior (hereinafter referred to as the Secretary) is authorized to designate not to exceed 10,000 acres in St. Johns County, Florida, within the area described in subsection (b) for the establishment as the Guano River National Park.

(b) The area referred to in subsection (a) is bounded generally as follows: Beginning at the confluence of the Guano River and the Intercoastal Waterway; thence easterly and northerly along the Atlantic Ocean approximately four and one-half miles; thence westerly to the Intercoastal Waterway; thence southerly along the Intercoastal Waterway to the point of beginning.

SEC. 2. Within the area designated pursuant to the first section of this Act, the Secretary may acquire lands and interests therein by donation, purchase with donated or appropriated funds, or exchange, except that any property owned by the State of Florida or any political subdivision thereof may be acquired only by donation. When the Secretary determines that lands and interests therein sufficient to constitute an efficiently administrable unit for the purposes of this Act have been acquired, he shall establish the area as the Guano River National Park by publication of a notice to that effect in the Federal Register. Pending such establishment and thereafter, the Secretary shall administer the lands and interests therein acquired for the purposes of this Act in accordance with the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented.

SEC. 3. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

By Mr. KENNEDY:

S. 2492. A bill to amend the Federal Regulation of Lobbying Act, and for other purposes. Referred to the Committee on Government Operations.

LOBBYING ACT AMENDMENTS

Mr. KENNEDY. Mr. President, I introduce for appropriate reference a bill to amend the Federal Regulation of Lobbying Act.

The bill would amend the Lobbying Act in three principal aspects, each of which would close a major loophole in existing law:

First, coverage of the Lobbying Act is expanded to include individuals or organizations having as a substantial purpose the influence of legislation.

Second, coverage of the act is expanded to include individuals or organizations expending their own funds to influence legislation.

Third, coverage of the act is expanded to include certain individuals or organizations who seek to influence legislation indirectly—the so-called grassroots lobbyists.

Under present law, as interpreted by the Supreme Court, the Lobbying Act is applicable only to individuals or organizations, one of whose principal purposes is to influence legislation. In the past, many organizations have successfully avoided compliance with the act on the ground that their lobbying activities, while substantial, are not a principal purpose of the organization. In recent years, there have been notable abuses in this area, involving organizations which have mounted enormous lobbying activities in opposition to major legislation, but which have not been required to comply with the provisions of the Lobbying Act, because they say, lobbying is not one of their principal activities.

In addition, under present law, the act is applicable only to a person who "solicits, collects, or receives" money or any other thing of value for lobbying activities. In interpreting this language, the Supreme Court has held that persons who merely expend their own funds are not covered by the act. *United States* v. *Harriss,* 347 U.S. 612 (1954). In an opinion by Chief Justice Warren, containing an invitation to action by Congress, the Court stated in the Harriss case that if a broader construction of the act is to become law, it "is for Congress to accomplish by further legislation."

Also, in the Harriss case, the Supreme Court interpreted the act as applicable only to lobbying that involves direct communication with Members of Congress on pending or proposed legislation. As a result, many individuals and organizations—the grassroots lobbyists—who seek to influence legislation indirectly, through mass letter campaigns or other methods, are not subject to the act.

It is an anomaly that present law does not cover lobbyists who expend substantial sums in their activities, or who expend their own funds, or who artificially stimulate lobbying activities by others. The existing provisions of the Lobbying Act have been criticized as gaping loopholes through which wealthy individuals and organizations can pour large amounts of influence money, to the detriment of the public interest.

As Mr. Justice Jackson stated in dissent in the Harriss case, "more serious evils affecting the public interest are to be found in the way lobbyists spend their money than in the ways they obtain it." It is time that these major loopholes were closed.

In addition to the three principal provisions outlined above, the bill I am introducing contains several other significant provisions to improve the lobbying laws, all of which were contained in Senator Mike Monroney's legislative reorganization proposals in 1966 and passed by the Senate in 1967, but never enacted into law. These provisions are as follows:

> The bill will transfer the responsibility for policing the Lobbying Act from the Secretary of the Senate and the Clerk of the House to the Comptroller General.
>
> It will require full disclosure of contingent fee arrangements.
>
> It will equalize the status of broadcasters and the writing press with respect to exemptions and reporting requirements under the Act.
>
> It will repeal section 310(b) of the Act, which prohibits an individual from engaging in lobbying activities within three years of his conviction under the Act. The Supreme Court's decision in the *Harriss* case cast strong doubts on the constitutionality of this provision.
>
> And, where a registrant under the Act is unable to differentiate his lobbying expenses from his other expenses, the proposed legislation will require that he list his total receipts and expenditures and allocate the portion representing lobbying activities.

Each of these provisions is essential to more effective operation of the Lobbying Act. Overall, the various aspects of the bill will produce major improvements in the operation of the existing law. The proposals to expand the coverage of the act will eliminate some of the most serious current defects. They will bring within the terms of the act a significant number of individuals and organizations currently engaged in extensive lobbying activities, and will provide important new information as to the scope and intensity of efforts to influence legislation.

The purpose of the provisions is to eliminate the arbitrary exemptions for lobbyists under present law. The Federal Regulation of Lobbying Act is based on the straightforward rationale that sunlight is the best disinfectant, that disclosure is the most suitable control over lobbying, and that lobbying laws should identify pressures, not regulate them. That rationale applies equally to all persons engaged directly or indirectly in substantial lobbying activities, whatever the source of their funds.

Congress and the American people are entitled to know the ways our laws are made. Last August, the Senate overwhelmingly approved major new campaign financing legislation, requiring comprehensive reporting and disclosure of political contributions and expenditures. The time is long overdue for Congress to apply the same full disclosure principle to lobbying activities, and I hope that there will be early action on the legislation I am introducing.

Mr. President, I ask unanimous consent that the bill may be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2492

A bill to amend the Federal Regulation of Lobbying Act, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Regulation of Lobbying Act Amendments of 1971."

AMENDMENTS TO THE FEDERAL REGULATION OF LOBBYING ACT

DEFINITION OF COMPTROLLER GENERAL

SEC. 2. Section 302(d) of the Federal Regulation of Lobbying Act (2 U.S.C. 261(d)) is amended to read as follows:

"(d) The term 'Comptroller General' means the Comptroller General of the United States."

MULTIPURPOSE CONTRIBUTIONS AND EXPENDITURES

SEC. 3. (a) The caption of section 305 of the Federal Regulation of Lobbying Act (2 U.S.C. 264) is amended by striking out "CLERK OF HOUSE" and inserting in lieu thereof "COMPTROLLER GENERAL".

(b) Subsection (a) of such section is amended—

(1) by striking out "Clerk" and inserting in lieu thereof "Comptroller General";

(2) by striking out "subparagraph (a) or (b) of"; and

(3) by adding at the end thereof the following new sentence: "Where contributions are received or expenditures made in part for the purposes designated in section 307 of this title and in part for any other purpose, the statements required to be filed by this subsection shall include only that part of the amount of any such contribution or expenditure which was for the purposes described in such section, except that if the relative proportions cannot be ascertained with reasonable certainty, such statements shall show total receipts and expenditures together with an estimate by the registrant of the part thereof which was for the purposes described in such section, and an estimate of the part thereof which was for other purposes.".

(c) Title III of the table of contents of the Legislative Reorganization Act of 1946 (60 Stat. 813) is amended by striking out—

"Sec. 305. Statements to be filed with Clerk of House."

and inserting in lieu thereof—

"Sec. 305. Statements to be filed with Comptroller General.".

FIVE-YEAR PRESERVATION OF RECORDS

SEC. 4. (a) Section 306 of the Federal Regulation of Lobbying Act (2 U.S.C. 265) is amended—

(1) by striking out of the caption of such section "TWO" and inserting in lieu thereof "FIVE";

(2) by striking out "Clerk" each time it appears and inserting in lieu thereof "Comptroller General";

(3) by striking out "of the House of Representatives"; and

(4) by striking out "two" and inserting in lieu thereof "five".

(b) Item 306 of title III of the table of contents of the Legislative Reorganization Act of 1946 (60 Stat. 813) is amended by striking out "two" and inserting in lieu thereof "five".

APPLICABILITY; SUBSTANTIAL PURPOSE CONTROLLING

SEC. 5. Section 307 of the Federal Regulation of Lobbying Act (2 U.S.C. 266) is amended to read as follows:

"PERSONS TO WHOM APPLICABLE

"SEC. 307. (a) The provisions of this title shall apply to any person (except a political committee as defined in the Federal Corrupt Practices Act, and duly organized State or local committees of a political party), who by himself, or through any agent or employee or other persons in any manner whatsoever, directly or indirectly, solicits, collects, or receives money or any other thing of value or expends money or any other thing of value exceeding $250 during any calendar year, a substantial part of which is used to aid, or a substantial purpose of which person is to aid, in the accomplishment of any of the following purposes:

"(1) The passage or defeat of any legislation by the Congress of the United States.

"(2) To influence, directly or indirectly, the passage or defeat of any legislation by the Congress of the United States.

"(b) The provisions of this title shall also apply to any person (except a political committee as defined in the Federal Corrupt Practices Act, and duly organized State or local committees of a political party), who by himself, or through any agent or employee or other persons in any manner whatsoever, directly or indirectly, expends money or any other thing of value exceeding $1,000 for each endeavor which has as its purpose the passage or defeat, or influencing the passage or defeat, by the use of any means involving direct communication with the Congress of the United States, of any legislation by the Congress of the United States."

CONTINGENT FEES; BROADCASTING

SEC. 6. (a) The caption of section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267) is amended by striking out "SECRETARY OF THE SENATE AND CLERK OF THE HOUSE" and inserting in lieu thereof "COMPTROLLER GENERAL".

(b) Subsection (a) of section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267 (a)) is amended—

(1) by striking out "Clerk of the House of Representatives and the Secretary of the Senate and shall give to those officers" and inserting in lieu thereof "Comptroller General and shall give to that officer,"; and

(2) by striking out "Clerk and Secretary" and inserting in lieu thereof "Comptroller General".

(c) Such subsection is further amended by inserting immediately after the first sentence thereof the following new sentence: "Any person required to register pursuant to this subsection in connection with any activities for which he is to receive a contingent fee shall, before doing anything for which such fee is to be paid, file with the Comptroller General, in such detail as he may require, a description of the event upon the occurrence of which the fee is contingent, and, depending on the arrangement, a statement of the amount of the fee either in terms of a dollar amount or in terms of percentage of recovery. A copy of any such contingent fee contract may be filed with the Comptroller General by any registrant, and shall be so filed at the request of the Comptroller General."

(d) The next-to-last sentence of such subsection is amended by striking out "publications in which he has caused to be published" and inserting in lieu thereof "publications, or any broadcasting stations, in or from which he has caused to be published or broadcast".

(e) Such subsection is further amended—

(1) by inserting "any licensed radio or television broadcasting station or" before "any newspaper or other";

(2) by striking out "newspaper or periodical" and inserting in lieu thereof "broadcasting station, newspaper, or periodical";

(3) by inserting "or broadcasts" before "news items, editorials,"; and

(4) by inserting "broadcasting station," before "newspaper, periodical, or individual.".

(f) Subsection (b) of such section (2 U.S.C. 267(b)) is amended by striking out "Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly," and inserting in lieu thereof "Comptroller General of the United States shall be compiled by him and transmitted to the Speaker of the House of Representatives and the President of the Senate".

(g) Title III of the table of contents of the Legislative Reorganization Act of 1946 (60 Stat. 813) is amended by striking out—

"Sec. 308. Registration with Secretary of the Senate and Clerk of the House."

and inserting in lieu thereof—

"Sec. 308. Registration with Comptroller General.".

ADMINISTRATION BY COMPTROLLER GENERAL

SEC. 7. (a) Sections 310 and 311 of the Federal Regulation of Lobbying Act are redesignated as sections 311 and 312, respectively.

(b) That Act is amended by inserting immediately after section 309 thereof the following new section:

"POWERS AND DUTIES OF THE COMPTROLLER GENERAL

"SEC. 310. The Comptroller General as the agent of the Congress shall—

"(1) develop and prescribe methods and forms for the filing of reports and statements required by this title, and promulgate regulations for the administration of this title;

"(2) make available for public inspection all reports and statements filed pursuant to this title;

"(3) ascertain whether any person has failed to file any report or statement as required by this title, or has filed any incomplete or inaccurate report or statement under this title, and notify such person that he is obligated to file such report or statement in compliance with the requirements of this title;

"(4) refer to the Department of Justice for appropriate action any information coming to his attention, through complaints or otherwise, of any failure to register, or the filing of any false, improper, or incomplete registration or information under this title;

"(5) make such studies and transmit to the Congress such recommendations as the Comptroller General may deem to be necessary or appropriate to further the objectives of this title;

"(6) retain for a period of not less than five years each report and statement filed under this title, and during such period, make such reports and statements, or true and correct copies thereof, available as public records open to public inspection; and

"(7) transmit to the Congress annually a full and complete report on the administration of this title.".

(c) Title III of the table of contents of the Legislative Reorganization Act of 1946 (60 Stat. 813) is amended by striking out—

"Sec. 310. Penalties.
"Sec. 311. Exemption."

and inserting in lieu thereof—

"Sec. 310. Powers and duties of the Comptroller General.
"Sec. 311. Penalties.
"Sec. 312. Exemption.".

VIOLATION OF REGULATIONS

SEC. 8. Section 311 of such Act (2 U.S.C. 269), as redesignated by section 7(a) of this Act, is amended—

(1) by striking out "(a)" in subsection (a) thereof;

(2) by inserting "or any regulation of the Comptroller General issued pursuant to this title," immediately before "shall, upon conviction," in the first sentence thereof; and

(3) by striking out subsection (b) thereof.

PARTIAL INVALIDITY

SEC. 9. If any provision of this Act, or the application thereof, to any person or circumstance is held invalid, the validity of the remainder of such Act and the application of such provision to other persons and circumstances shall not be affected thereby.

EFFECTIVE DATE

SEC. 10. This Act shall take effect on January 1, 1972.

S. 2493. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for political contributions, and for other purposes. Referred to the Committee on Finance.

TAX CREDIT FOR POLITICAL CONTRIBUTIONS

Mr. KENNEDY. Mr. President, I introduce for appropriate reference a bill to establish a tax credit for political contributions.

Under this legislation, a total of up to $50 for a single individual, or $100 for a married couple, would be allowed as a credit against Federal income taxes for contributions to political parties or candidates. The credit would be available for contributions to all elections—primaries or general elections—and to candidates at all levels—Federal, State, or local. Equally important, the credit would be for 100 percent of the amount of the contribution, up to the stated limit.

The concept of tax credits for political contributions has had a distinguished history of support over the past decade. In 1962, President Kennedy's Commission on Campaign Costs issued its report, entitled "Financing Presidential Campaigns." One of the major recommendations in the Commission's report was the enactment of a tax credit for political contributions. As the report stated:

> The recommended credit is intended to encourage large numbers of small gifts. The bulk of * * * campaign funds available to both parties is now supplied by a relatively small group of contributors, giving sums ranging from a few hundred to several thousands of dollars * * *. We hope that this * * * incentive to small gifts will stimulate the massive giving needed by the parties. If it does not, other forms of government subsidy may be inevitable.

Virtually every major study of the political process in recent years has endorsed the concept of the tax credit, and the idea has also been pursued extensively in Congress.

In his message to Congress on "The Political Process in America," in May 1967, President Johnson recommended that Congress undertake an extensive review of the methods of financing election campaigns, by means such as direct appropriations, tax credits, tax deductions, treasury vouchers, and various matching grant plans.

Then, in November 1967, after comprehensive hearings and executive sessions by the Senate Finance Committee on numerous proposals, the committee favorably reported H.R. 4890, the "Honest Elections Act of 1967." As recommended by the committee, the bill contained a number of major provisions, including an income tax credit of up to $25 for one-half of the political contributions made by a taxpayer. All but one of the 17 members of the committee supported this provision.

Subsequently, in the 91st Congress, together with Senator JAMES PEARSON of Kansas, I offered a tax credit amendment on the Senate floor during the debate on the Tax Reform Act of 1969. The amendment was narrowly defeated by the margin of 50 to 45, but the vote was complicated by the fact that the amendment had itself been amended on the Senate floor to add provisions for the reporting and disclosure of campaign contributions, so that no full debate on the merits of the tax credit was possible.

In light of this prior history, I am confident that a majority of the full Senate favors a tax credit for political contributions. Because of the procedural requirements in the Constitution dealing with revenue legislation, however, it was not possible to include the tax credit in S. 382, the election reform bill that passed the Senate overwhelmingly last August. Nevertheless, in view of the broad support for the tax credit, I hope that such a provision may become part of our Internal Revenue Code in time for the 1972 election campaign, either as legislation enacted on its own, or as part of appropriate revenue legislation to be considered by Congress later this session.

The tax credit approach to financing political campaigns has several major advantages over all other methods that have been proposed for financing such campaigns.

First, the tax credit will provide a significant new incentive for participation in the political process by a large proportion of the electorate. One of the most important goals in recent proposals to reform the political process has been to stimulate greater public participation in election campaigns. I believe that the modest tax credit I have proposed will significantly encourage political parties to solicit contributions from small donors. In recent election years, for example, there have been millions of individual campaign contributors, the overwhelming majority of whom were $1 or $2 contributors. By offering a tax credit for the full amount of contributions by small donors, we will encourage many more individuals to contribute, and we will encourage existing small contributors to raise their contributions to a more substantial level.

Second, by encouraging contributions from small donors, the tax credit will help to break down the excessive reliance by candidates on large contributors. As a result, the tax credit will help to restore public faith in the integrity of the election process. It will help to eliminate the ambiguous relationships created for the successful candidate, in which he is obligated—or at least appears to be obligated—to his large contributors.

Third, the tax credit leaves the decision on the allocation of public funds, through the tax subsidy mechanism, to the choice of the individual taxpayer himself. This point is the central distinction between the tax credit approach and the various proposals made in recent years for direct Federal financing of political campaigns. Both approaches involve a Federal subsidy for political campaigns. Under the tax credit approach, however, unlike these other proposals, the Federal Government plays no part in determining which candidates or committees are to receive public funds or the amount of public funds to be made available to particular candidates. It is the citizen, and the citizen alone, who makes this determination.

Fourth, the tax credit offers financial assistance to candidates not only at the general election stage, but at the primary stage as well, where such assistance can often be of crucial importance.

Fifth, the tax credit offers assistance to candidates not only at the Presidential level, but at the congressional, State, and local level as well. This point is especially important. As Senator Robert Kennedy stated in 1967:

> Presidential candidates do not spring, like Minerva, from the brow of Jove. Men earn consideration for the Presidency by their performance in other public office—most often governor or Senator. The expense of nomination to a governorship or a Senate seat—especially in the large states from which most Presidential candidates are drawn—is by itself a substantial barrier to all but men of wealth or their favored candidates. Thus, fair consideration for the Presidency itself requires public support for campaigns for lesser offices at all levels. This support can only come from tax incentives to individual contributions.

Before proposing this legislation, I gave serious consideration to including a tax deduction as an alternative to the tax credit. A tax deduction approach would have many of the advantages of a tax credit, especially with respect to the encouragement of individual choice and participation in the political process, and the avoidance of a Federal role in allocating public funds to political campaigns. However, a tax deduction would cause substantial inequities and disparities in the benefits afforded contributors. Those in the highest tax brackets, at whom the incentive should be least directed, would receive the greatest benefits, whereas taxpayers in the lowest brackets would receive the smallest benefit. Therefore, the proposed legislation contains no provision for a tax deduction.

Mr. President, I ask unanimous consent that the bill may be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2493

A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for political contributions, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Tax Credit for Political Contributions Act of 1971."

INCOME TAX CREDIT FOR POLITICAL CONTRIBUTIONS

ALLOWANCE OF CREDIT

SEC. 101. Subpart A of part IV of subchapter 1 of the Internal Revenue Code of 1954 (relating to credits against tax) is amended by renumbering section 40 as 41, and by inserting after section 39 the following new section:

"SEC. 40. POLITICAL CONTRIBUTIONS.

"(a) GENERAL RULE.—In the case of an individual, there shall be allowed, as a credit against the tax imposed by this chapter for the taxable year, an amount equal to so much of the political contributions as does not exceed $50, payment of which is made by the taxpayer within the taxable year.

"(b) LIMITATIONS.—

"(1) MARRIED INDIVIDUALS.—In the case of a joint return of a husband and wife under section 6013, the credit allowed by subsection (a) shall not exceed $100. In the case of a separate return of a married individual, the credit allowed by subsection (a) shall not exceed $50.

"(2) APPLICATION WITH OTHER CREDITS.—The credit allowed by subsection (a) shall not exceed the amount of the tax imposed by this chapter for the taxable year reduced by the sum of the credits allowable under section 33 (relating to foreign tax credit), section 35 (relating to partially tax-exempt interest), section 37 (relating to retirement income), and section 38 (relating to investment in certain depreciable property).

"(3) VERIFICATION.—The credit allowed by subsection (a) shall be allowed, with respect to any political contribution, only if such political contribution is verified in such manner as the Secretary or his delegate shall prescribe by regulations.

"(c) DEFINITIONS.—For purposes of this section—

"(1) POLITICAL CONTRIBUTION.—The term 'political contribution' means a contribution or gift of money to—

"(A) an individual who is a candidate for nomination or election to any Federal, State, or local elective public office in any primary, general, or special election, or in any National, State, or local convention or caucus of a political party, for use by such individual to further his candidacy for nomination or election to such office;

"(B) any committee, association, or organization (whether or not incorporated) organized and operated exclusively for the purpose of influencing, or attempting to influence, the nomination or election of one or more individuals who are candidates for nomination or election to any Federal, State, or local elective public office, for use by such committee, association, or organization to further the candidacy of such individual or individuals for nomination or election to such office;

"(C) the national committee of a national political party;

"(D) the State committee of a national political party as designated by the national committee of such party; or

"(E) a local committee of a national political party as designated by the State committee of such party designated under subparagraph (D).

"(2) CANDIDATE.—The term 'candidate' means, with respect to any Federal, State, or local elective public office, an individual who—

"(A) has publicly announced that he is a candidate for nomination or election to such office; and

"(B) meets the qualifications prescribed by law to hold such office.

"(3) NATIONAL POLITICAL PARTY.—The term 'national political party' means—

"(A) in the case of contributions made during a taxable year of the taxpayer in which the electors of President and Vice President are chosen, a political party presenting candidates or electors for such offices on the official election ballot of ten or more States, or

"(B) in the case of contributions made during any other taxable year of the taxpayer, a political party which met the qualifications described in subparagraph (A) in the last preceding election of a President and Vice President.

"(4) STATE AND LOCAL.—The term 'State' means the various States and the District of Columbia; and the term 'local' means a political subdivision or part thereof, or two or more political subdivisions or parts thereof, of a State.

"(d) CROSS REFERENCES.—

"For disallowance of credits to estates and trusts, see section 642(a)(3)."

CLERICAL AND TECHNICAL AMENDMENTS

SEC. 102. (a) The table of sections for such subpart A is amended by striking out the last item and inserting in lieu thereof

"Sec. 40. Political contributions.

"Sec. 41. Overpayments of tax.".

(b) Section 642(a) (relating to credits against tax for estates and trusts) is amended by adding at the end thereof the following new paragraph:

"(3) POLITICAL CONTRIBUTIONS.—An estate or trust shall not be allowed the credit against tax for political contributions provided by section 40."

EFFECTIVE DATE

SEC. 103. The amendments made by sections 101 and 102 shall apply to taxable years ending after December 31, 1971, but only with respect to political contributions, payment of which is made after such date.

By Mr. SPONG for Mr. MAGNUSON (by request):

S. 2494. A bill to amend section 1(16) of the Interstate Commerce Act authorizing the Interstate Commerce Commission to continue rail transportation services. Referred to the Committee on Commerce.

NOTICE OF HEARING

Mr. SPONG. Mr. President, on behalf of the distinguished senior Senator from Washington (Mr. MAGNUSON), I introduce a bill, to amend section 1(16) of the Interstate Commerce Act authorizing the Interstate Commerce Commission to continue rail transportation services.

I ask unanimous consent that the text of the bill and the ICC's explanatory letter be printed in the RECORD at this point.

In view of the weakened condition of certain of the Nation's railroads and because this measure may provide an important and useful means of preventing the cessation of urgently needed rail services occurring through the bankruptcy of such railroads, an early hearing has been scheduled on it. The Subcommittee on Surface Transportation of the Commerce Committe will conduct a public hearing on the measure on September 16, 1971, commencing at 10 a.m. in room 5110 New Senate Office Building. For further information on the hearing, please contact John M. Cary, staff counsel on 225–9351.

There being no objection, the bill and letter were ordered to be printed in the RECORD as follows:

S. 2494

A bill to amend Section 1(16) of the Interstate Commerce Act authorizing the Interstate Commerce Commission to continue rail transportation services

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1(16) of the Interstate Commerce Act (49 U.S.C. 1(16)) is amended to read as follows: Whenever the Commission is of opinion that any carrier by railroad subject to this part is for any reason unable to transport the traffic offered it so as properly to serve the public, it may, upon the same procedure as provided in paragraph (15), make such just and reasonable directions with respect to the handling, routing, and movement of the traffic of such carrier and its distribution over such carrier's or other lines of roads, as in the opinion of the Commission will best promote the services in the interest of the public and the commerce of the people, and upon such terms as between the carriers as they may agree upon, or, in the event of their disagreement, as the Commission may after subsequent hearing find to be just and reasonable.

INTERSTATE COMMERCE COMMISSION,
Washington, D.C., July 2, 1971.

Hon. HARLEY O. STAGGERS,
Chairman, Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.

GENTLEMEN: In my appearance before the House Interstate and Foreign Commerce Committee on March 10, and in testimony prepared and transmitted to the Senate Commerce Committee, dated April 23 of this year, the Commission expressed its deep concern about the financial condition of the railroad industry, and certain railroads in particular. Economic data contained in those statements revealed that not only are four Class I railroads in reorganization, but that an additional eighteen carriers are in extremely poor condition.

We know that both of your Committees are conducting extensive hearings into this critical problem to arrive at a legislative approach aimed toward its solution. We share your views that the legislation should be comprehensive and considered within the framework of the overall needs of transportation. We hope to forward to the Congress within the next few weeks the Commission's legislative proposals for the 92d Congress to assist you in your deliberations.

Because of the precarious financial condition of various railroads previously mentioned, the threat of cessation of needed rail service is constantly before us. Although the need may be urgent, for one reason or another, no carrier may be willing to voluntarily assume the burden of providing such service. Under the emergency car service provisions of the Interstate Commerce Act we have broad powers to issue directions to try to correct such a situation, but they stop short of enabling us to order one railroad to operate over the lines of another railroad, even though the latter may have ceased operating, as, for example, as a means of preserving assets during a reorganization proceeding under section 77 of the Bankruptcy Act.

We suggest that section 1(16) be amended to vest us with the authority to take such action if we deem it necessary in the public interest. This amendment would merely involve adding three words to section 1(16) of the Interstate Commerce Act. The amended section would then read:

"(16) Whenever the Commission is of opinion that any carrier by railroad subject to this part is for any reason unable to transport the traffic offered it so as properly to serve the public, it may, upon the same procedure as provided in paragraph (15), make such just and reasonable directions with respect to the handling, routing, and movement of the traffic of such carrier and its distribution over [*such carrier's or*] other lines of roads, as in the opinion of the Commission will best promote the service in the interest of the public and the commerce of the people, and upon such terms as between the carriers as they may agree upon, or, in the event of their disagreement, as the Commission may after subsequent hearing find to be just and reasonable."

We would hope that your respective Committees would be in a position to give this proposal prompt consideration so that we are vested with sufficient authority to preserve vital rail service should the need arise.

Sincerely yours,

GEORGE M. STAFFORD,
Chairman.

By Mr. WILLIAMS (for himself, Mr. HUGHES, and Mr. HATFIELD):

S. 2497. A bill to authorize the President, through the temporary Vietnam Children's Care Agency, to enter into arrangements with the Government of South Vietnam to provide assistance in improving the welfare of children in South Vietnam and to facilitate the adoption of orphaned or abandoned Vietnamese children, particularly children of U.S. fathers. Referred to the Committee on Foreign Relations.

ASSISTANCE TO SOUTH VIETNAMESE CHILDREN: THE VIETNAM CHILDREN'S CARE AGENCY

Mr. WILLIAMS. Mr. President, as the tragedy of the Vietnam war goes on, the toll continues to rise among the most helpless victims of that war, the young people.

Day by day, more and more children are orphaned, abandoned or forced into situations of abysmal poverty. In human terms, the situation is intolerable. And, as a waste of mankind's most precious natural resource, the loss is inestimable.

The situation clearly is critical yet little is being done to remedy it.

Vietnam has faced the most destructive war conditions of any country in modern times. The tides of war have swept back and forth across its landscape. The tactics of war—free fire zones, rocket and mortar attacks, retaliation, saturation bombing and the frequent destruction of villages and relocation of their inhabitants—have decimated the quality of human life.

Because of the emphasis on the war and defense, a pitifully small amount of money has been allocated to the problems confronting the country's people, particularly the young children.

Our Nation has committed an extraordinary amount of resources to the military conflict in Vietnam. It follows that we have an overriding obligation to involve ourselves fully in the social rehabilitation of the country.

And, nowhere is the need more paramount than among the young people.

A child crying out in hunger or loneliness knows no politics. He knows only a need.

We have the means to make a commitment toward meeting those in need. Today, I am introducing, along with Senators HUGHES and HATFIELD, a bill which will improve the care and protection of children in Vietnam who are the victims of war and which will facilitate the adoption of Vietnamese orphans, particularly those whose fathers are American.

My interest in this problem began when I became aware of the difficult problems facing American-Asian children in Vietnam. Very often, the child experiences intense racial discrimination, often resulting in ostracism or abandonment. However, it was evident that in addition to the problems of abandoned half-American children there are insurmountable problems facing many of the children in Vietnam, even those who have not been abandoned. Despite the fact that 43 percent of the population of

Vietnam is 14 years old or younger, a remarkably small amount of money goes to the assistance of these children.

The enormity of this problem is exemplified by the Vietnamese Ministry of War Veterans figures of June 30, 1971, which state that 210,000 applications for status as a "ward of the nation" have been approved. Such children had a father who was killed or disabled in the war, and they receive a small living allowance plus an amount for education. In addition, 92,000 applications for status as orphans—child of a deceased war veteran—have been approved. These children receive a small amount of money regularly. I think it is very important to note that these figures only refer to the large number of children who are receiving support because their father was disabled or killed while in the Vietnamese armed services. The number of children whose civilian parents suffered similar tragedies is unknown but undoubtedly significant when the style and impact of the war is considered and understood.

The purpose of this legislation is to assist the Vietnamese in rebuilding a significant aspect of their social structure. Specifically, it aims to help Vietnamese children adversley affected by the war. It will establish the Vietnam Children's Care Agency, a temporary independent organization which will carry out the two major functions of this bill. The Agency will work with representatives of the Vietnamese Government, particularly the Ministry of Social Welfare, involved U.S. Government representatives, and public or private nonprofit organizations. Together they will study the problems of child care and welfare and initiate programs designed to improve the conditions in which the children live.

The first major function of this bill is to work through private or public nonprofit organizations to improve the care and protection of children orphaned, abandoned, or poverty stricken as a result of the war.

Improving and expanding day care facilities could undoubtedly provide a conducive environment for healthier family development, thereby avoiding the growing incidence of abandonment which has accompanied the withdrawal of American troops. The advantages of day care are particularly relevant in Vietnam because of the burden of raising children in that difficult environment. Well run day care centers provide preschool education, two meals a day, and the mother with the opportunity to work so that she can support her children. Many orphanages now in Vietnam have children whose parents are living; because of their poverty however, they cannot afford to keep the child at home and place him in an orphanage. The few day care programs in effect have been met with considerable approval and success, and would greatly alleviate the overcrowding which characterizes most orphanages.

Since the major purpose of this legislation is to improve the home atmosphere so that fewer children are left to institutions, there is an emphasis on improving existing orphanages rather than building new ones. Along similar lines, there is an existing but currently inadequate hostel program which provides housing for children who support themselves and do not have a place to live. The program would be expanded and improved so that the independent children involved could have a place to live.

Finally, the program necessarily involves training of Vietnamese to work in day care centers, orphanages, and in the area of child health care, especially prenatal and postnatal care. In the early stages of this program when considerable expansion will occur, training of Vietnamese to staff and sustain these programs will be essential.

The second approach of this legislation is directed toward children who have no family or guardians, are therefore eligible for adoption, and for whom an acceptable home can be found in the United States.

Intercountry adoption following wars is well precedented. After World War II, the U.S. Committee for the Care of European Children arranged the transportation of many orphaned Europeans who came to New York where adoptions were arranged. In Vietnam, the French had an extensive program which granted French citizenship to children whose fathers were French and permitted them to go to France for their education.

In our bill, the emphasis focuses on facilitating the adoption of orphaned or abandoned children who had American fathers. By no means does this exclude the adoption of all-Vietnamese children who are homeless.

At present, American parents wishing to adopt Vietnamese children experience interminable delays and are required to pay exorbitant fees.

A net result of the existing situation is that would-be American parents simply are unsuccessful in their attempts to give these children a home.

The new Agency's function in this area would be to negotiate with Vietnamese and United States Government officials in order to standardize the forms and procedures used in intercountry adoption. Furthermore, such negotiations might lead to an easing of the Vietnamese requirement for the issuance of exit permits. Unlike the U.S. committee's program or the French program, adoptions under this program would be placed strictly on a case-by-case basis.

Hopefully, these negotiations would result in a major reduction of the processing time involved. In addition, the Vietnamese Children's Care Agency would act as a clearinghouse of information on adoption, and serve to expedite procedures in certain cases where complications arise.

As the Agency develops and improves the conditions mentioned above, hopefully the political and military climate in Vietnam will permit the United Nations or another multilateral organization to assume the child care and protection role of the Agency. It is likely that the program would be more acceptable in the long run if it was administered by such an organization. That part of the Agency concerned with intercountry adoption could continue to function as long as the President deems desirable. The role of the U.S. Government should be to initiate strong positive action with the goal of transferring its functions to the U.N. or another multilateral organization as soon as practicable.

We intend to seek an initial appropriation of approximately $5 million to begin the program. This is a very modest amount, given the scope of the problem, and the fact that many times this amount are being spent each day by the United States to continue this war. However, this level of spending seems appropriate to an area where the needs are not yet completely defined and the scope of the problem not yet accurately gaged.

The South Vietnamese Minister of Social Welfare, Dr. Tran Nguon Phieu, recently estimated that 1 billion piasters—approximately $3.6 million—would considerably alleviate the situation of Vietnamese children, in particular the orphans. According to Dr. Phieu, not only could children living in orphanages be adequately taken care of, but in many cases it would allow a Vietnamese mother to bring up her children within a family context, instead of being compelled to send them to orphanages. Such an assistance would also particularly benefit racially mixed children, who are among the first to be abandoned and the least likely to be adopted.

Mr. President, this legislation is not presented as the definitive answer to the terrible conditions facing Vietnamese children as a result of the devastation of their country and the disruption of their families. I would hope that as a result of hearings and the testimony of persons involved in this field, that the details of such a program could be refined even further.

There are many uncertainties involved, particularly in untangling the snarl that has developed in the intercountry adoption process.

By all indications, there are an abundance of American parents willing and qualified to provide a home for a child and, most certainly, there are large numbers of children who could be made eligible for such a program.

Therefore, we must not allow any difficulties and uncertainties to discourage us from making positive and imaginative attempts to remedy this situation which has produced anguish and heartbreak for prospective parents and left Vietnamese children to spend their formative years in institutions.

Just as it was necessary to launch bold initiatives of assistance in Europe following the Second World War, it will be necessary to assist in the recovery of Vietnam after this tragic conflict is ended.

There can be no finer or more appropriate beginning for such a commitment than a program of aid directed to the children of Vietnam.

I ask unanimous consent that a copy of the bill we are introducing be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2497

A bill to authorize the President, through the temporary Vietnam Children's Care Agency, to enter into arrangements with the Government of South Vietnam to provide assistance in improving the welfare of children in South Vietnam and to facilitate the adoption of orphaned or abandoned Vietnamese children, particularly children of United States fathers

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress declares that—

(1) the United States has a moral responsibility to assist the Government of South Vietnam in the care and protection of all South Vietnamese children, particularly those orphaned or abandoned, and

(2) the United States has a special responsibility to assist in facilitating the care or adoption of children in Vietnam whose fathers are United States citizens and who are not living with their Vietnamese families.

CHILD CARE PROGRAM

SEC. 2. (a) The President, through the Vietnam Children's Care Agency established under section 4 of this Act (hereinafter referred to as the "Agency"), shall establish and administer a program for all children living in South Vietnam who are, as determined by the Agency, (1) 16 years of age or younger, and (2) orphaned, abandoned, or living in poverty as a direct result of the hostilities in Vietnam or conditions related to such hostilities. The program shall be administered only with the consent of the Government of South Vietnam and in accordance with such arrangements as may be mutually agreed upon by the Agency and that Government.

(b) In carrying out the program established under this section, the Agency may provide—

(1) assistance to aid such children described in subsection (a) of this section in growing up in their own or foster families through the establishment, expansion, and improvement of day care centers and the improvement of school feeding programs.

(2) assistance to orphanages in which children described in subsection (a) of this section are living, including food and clothing assistance and assistance for the improvement of the physical facilities of such orphanages;

(3) for the training of persons employed in day care centers and orphanages in Vietnam;

(4) for the training of persons on matters relating to child health care and pre-natal and post-natal care; and

(5) assistance for the improvement and expansion of the existing hostel program which provides housing for children described in subsection (a) of this section who do not live with their families.

(c) The Agency is authorized to provide, on such terms and conditions as it considers appropriate, direct assistance to public or private non-profit organizations which provide any of the types of assistance referred to in subsection (b) of this section, and to assist in coordinating the activities, services, and programs of such organizations.

(d) Not less than 60 per centum of the funds appropriated to carry out the provisions of this Act shall be used for the purposes specified in clause (1) of subsection (b) of this section.

ADOPTION OF SOUTH VIETNAMESE CHILDREN

SEC. 3. (a) The President, through the Agency, shall enter into negotiations with the Government of South Vietnam to facilitate the adoption by United States citizens of children in South Vietnam who are ten years of age or younger. Adoption procedure shall be carried out strictly on a case-by-case basis, but the President shall attempt through such negotiations with the Government of South Vietnam to obtain a standardization of forms and procedures in South Vietnam and the United States which would significantly improve and hasten the entire adoption process and shall seek to obtain an easing of the South Vietnamese requirements for the issuance of exit permits for adopted children.

(b) The Agency is authorized to enter into agreements and to make grants, on such terms and conditions as it considers appropriate, to State and local governmental agencies and private non-profit organizations to assist in arranging for the adoption by United States citizens of children in South Vietnam who are ten years of age or younger.

(c) In conducting the negotiations referred to in subsection (b) of this section, the Agency shall be primarily concerned with, and shall facilitate, to the maximum extent practicable, the adoption of children in South Vietnam—

(1) whose fathers are determined by the Agency and the Government of South Vietnam to be United States citizens, such determination to be made on the basis of a statement by the father, mother, or relative, or on the appearance of the child, and,

(2) (A) whose mothers are deceased, (B) whose mothers have irrevocably relinquished all parental rights, or (C) who have been abandoned and are living in orphanages in which no family has assumed responsibility for their upbringing, and the whereabouts of the mothers are unknown.

(d) Not more than 10 per centum of the funds appropriated to carry out the provisions of this Act may be expanded in carrying out this section.

VIETNAM CHILDREN'S CARE AGENCY

SEC. 4. (a) There is established in the executive branch of the Government a temporary independent establishment to be known as the Vietnam Children's Care Agency. The Agency shall be responsible, under the direction of the President, for carrying out the provisions of this Act.

(b) The Agency shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate. There shall also be in the Agency a Deputy Director appointed by the President, by and with the advice and consent of the Senate. The Deputy Director shall act as, and exercise the powers of, the Director during his absence or disability. The Director shall prescribe the regular duties to be performed by the Deputy Director.

(c) (1) The Director is authorized to appoint and fix the compensation of such officers and employees, and prescribe their functions and duties, as may be necessary to carry out the provisions of this Act.

(2) The Director may obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

(3) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following:

"(58) Director, Vietnam Children's Care Agency."

(4) Section 5315 of such title is amended by adding at the end thereof the following:

"(95) Deputy Director, Vietnam Children's Care Agency."

(5) The Director may delegate any of his functions to such officers and employees of the Agency as he may designate, and may make such rules and regulations as may be necessary to carry out his functions.

(6) The Director is authorized to appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, such advisory committees as may be appropriate for the purpose of consultation with and advice to the Agency in the performance of its functions. Members of such committees, other than those regularly employed by the United States Government, while attending meetings of such committees or otherwise serving at the request of the Director, may be paid compensation at rates not exceeding those authorized to be paid experts and consultants under section 3109 of such title, and while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of such title, for persons in the Government service employed intermittently.

(d) In order to carry out the provisions of this Act, the Agency is authorized—

(1) to adopt, alter, and use a seal

(2) to adopt, amend, and repeal rules and regulations governing the manner of its operations, organization, and personnel, and the performance of the powers and duties granted to or imposed upon it by law

(3) to acquire by purchase, lease, condemnation, or in any other lawful manner, any real or personal property, tangible or intangible, or any interest therein to hold, maintain, use, and operate the same to provide services in connection therewith, and to charge therefor and to sell, lease, or otherwise dispose of the same at such time, in such manner, and to the extent deemed necessary or appropriate;

(4) to construct, operate, lease, and maintain buildings, facilities, and other improvements as may be necessary;

(5) to accept gifts or donations of services, money, or property, real, personal, or mixed tangible or intangible;

(6) to enter into contracts or other arrangements or modifications thereof, with any government, any agency or department of the United States, or within any person, firm, association, or corporation, and such contracts or other arrangements, or modifications thereof, may be entered into without legal consideration, without performance or other bonds, and without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5);

(7) to make advance, progress, and other payments which the Director deems necessary under this Act without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529); and

(8) to take such other action as may be necessary to carry out the provisions of this Act.

(e) The Director shall, as soon as practicable after the end of each fiscal year, make a report in writing to the President for submission to the Congress on the activities of the Agency during the preceding fiscal year.

IMPLEMENTATION OF THIS ACT

SEC. 5. Within ninety days after the date of enactment of this Act, the President shall take such steps as may be necessary to carry out the provisions of section 4 of this Act and to initiate the program under sections 2 and 3 of this Act.

SEC. 6. (a) As soon as practicable, the President is requested to undertake negotiations with the United Nations, or such other multilateral organizations as the President considers appropriate, to have such organization agree to perform the functions described in section 2 of this Act. Any funds made available for the purposes of section 2 of this Act may be made available, as the President deems appropriate, to such organization to carry out such purposes.

(b) At such time as the President determines that the functions described in section 2 of this Act are being satisfactorily performed by the United Nations, other multilateral organizations, or nonprofit organization, the authority and responsibility of the Agency with respect to such functions shall cease to exist.

AUTHORIZATION OF APPROPRIATIONS

SEC. 7. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act. In addition there are authorized to be appropriated such sums as may be necessary to assist the United Nations or any other multilateral or nonprofit organization to perform functions which would otherwise be performed by the Agency under this Act.

LIMITATION ON ADMINISTRATIVE EXPENSES

SEC. 8. Not more than 10 per centum of the funds appropriated to carry out this Act may be used by the Agency for administrative expenses.

Mr. HUGHES. Mr. President, the war in South Vietnam is supposed to be ending. For American fighting men, that appears to be the case. Thousands of Americans are being brought home. Eventually, and I hope soon, all of them will be withdrawn.

But just as peace is not merely the absence of war, but a state of security and contentment, neither does the end of direct U.S. involvement in the fighting mean the end of our obligation to the people of South Vietnam.

Until, and after, the fighting ends, the United States must work to alleviate the consequences of our involvement in that small, war-torn country. We must see to it that peace is not merely the continuation of suffering by other means.

The ravages of the war are staggering. Since 1965, the United States has dropped twice as many tons of bombs in Indochina as we dropped in all of World War II and the Korean war. These bombs have destroyed homes and rice paddies as well as suspected enemy units. In addition, we have sprayed defoliants over one-eighth of the territory of South Vietnam, thereby destroying crops which otherwise might feed several hundred thousand people each year. Over 6 million people have been made refugees.

Whatever the tactical benefits from such actions, the fact remains that we have contributed to widespread destruction in South Vietnam and must now begin to restore normal conditions.

There is much that we have done, but much more that remains to be done. In the months and years to come, I hope that the Congress of the United States will approve legislation to help repair the tremendous damage which has been inflicted on Vietnam.

The particular problem I wish to highlight today is that of the children of South Vietnam. Thousands of children have been wounded in the fighting. Thousands more—exact figures are impossible to obtain—have been scarred emotionally by the loss of parents and homes. Saigon's streets are filled with urchins, living day to day in conditions which rival the worst of Charles Dickens' London.

There are hopeful signs, of course, but they do not go very far in dealing with the immense problem. We have all read the newspaper articles or seen the television reports on the medical care given to wounded children and on the hostels run by volunteers to care for the homeless children. American soldiers, acting individually or through their military units, have aided schools and orphanages and hospitals throughout the country.

When the Americans withdraw, will this assistance end? We must see that it does not, by assuming that responsibility ourselves.

Over 40 percent of the South Vietnamese population is under the age of 14. Millions of children thus face the harsh realities of staying alive, earning a living, and preparing for adulthood. Estimates of the number of Vietnamese children with American fathers run from 15,000 to 200,000. These children face the additional stigma of being racially mixed in a society which discriminates against them and they deserve our special care and attention.

To deal with this tragic situation, I am cosponsoring legislation, with Senator HARRISON WILLIAMS and Senator MARK HATFIELD, to establish a temporary Vietnam Children's Care Agency. This agency would be empowered to operate a child care program which would support or establish facilities and personnel in day-care centers, hostels, orphanages, medical units, and the like.

In addition, the legislation would help facilitate the process of adoption of Vietnamese children, paying special attention to those with American fathers.

We envision a small beginning—only $5 million in the first year—but it is a downpayment on human betterment which we must make.

The compelling motivation for this bill is the moral responsibility inherent in the tragedy of Vietnam. Now, after so much death and suffering, we must not shirk this responsibility to these children.

Mr. HATFIELD. Mr. President, I am happy to join with two of my colleagues today in cosponsoring legislation which will bring an amount of redress to the suffering children of Vietnam who have been abandoned by their American fathers or who have, because of the war, become its tragic victim as an orphan or refugee.

Mr. Don Luce, who was for years with the International Volunteer Service in Vietnam, estimates that our servicemen have fathered 200,000 children. For the most part, these children have been sheltered by their relatives, but those little babies who are darker skinned, fathered by black Americans, have been the most discriminated against.

The United States has a moral obligation to help care for these outcast children; the abandoned women and the Vietnam Government cannot do it alone.

But we do not want to focus the spotlight of attention and money on the illegitimate alone. They already suffer enough from being "different." So in this legislation we are directing our attention on abandoned and needy children.

We envision a temporary program, spending as little as $5 million the first year, until we know the real dimensions of the problem. Inasmuch as we are reducing our forces in Vietnam—hopefully with a complete withdrawal by the middle of next year—there are still 220,000 men there—our expenditure of money will gradually be reduced. We are setting up a Vietnam Child Care Agency. Its function would be to work with the Vietnam Government agencies and private relief groups to aid these children, either in their own or foster homes, with day care and food feeding centers or in orphanages. The bill also provides for the adoption of children.

Mr. President, I need not belabor the moral point of our real obligation to care for these children. Everyone knows that we have spent $120 billion dollars in Vietnam to set a little country "free." In the process, we have decimated the land and a people. Our bombs have laid waste a productive rice-exporting land and forced the Vietnamese to import that needed staple. There are estimated to be 6 million refugees in Vietnam—a country of 18 million—crowding the cities. Children roam the streets, living as best they can. Women uprooted from the villages have become prostitutes as well as temporary wives for our men and in the process given birth to thousands of children—no one really knows the correct number.

We need to begin to acknowledge the problem and our responsibility to help the children, the innocent children. The private agencies and the South Vietnamese Government cannot solve the problem alone. It is not enough to say that all wars have produced half-caste, unwanted children who have survived somehow. Justice demands that we not allow these bitter, alienated children to grow up in hate—this is what breeds future wars.

Mr. President, I ask unanimous consent to insert in the RECORD several newspaper articles and other pertinent material.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 7, 1971]

CHILDREN WITH NO COUNTRY: A CHAMPION IN PEARL BUCK

(By Michael Kernan)

Pearl S. Buck, America's only surviving Nobel Prize writer, is 79 years old and wears a wide-brim garden party hat. She was in town yesterday to talk about the Pearl S. Buck Foundation's efforts to educate the many thousands of children born in Asia who have American GI fathers, and to write it all off as a sentimental gesture by a fragile old lady is to make a serious mistake.

For one thing, the problem is very real. The Vietnamese place all responsibility for children on the fathers. The American government takes the position, Mrs. Buck said, that the very idea of American servicemen fathering babies overseas is unthinkable, therefore, the children (200,000 of them in Vietnam alone, by one estimate) do not exist.

For another thing, Mrs. Buck is not fragile. When she was barred from speaking at segregated Cardozo High School here in 1951 because of an "unclear" record with the Un-American Activities Committee, she fired back, not only refuting the innuendos but adding that the real reason for barring her was her public stand against discrimination in the District. She then mailed the speech to those who were to have heard it.

Mrs. Buck has seen race prejudice in many forms. In Asia, where light skin is preferred in some circles, children of black GIs have the worst time of all. She pays special attention to these, urging adoption by Americans where the child is young enough.

Two of the five children she has adopted herself have black fathers. (Adoption, however, is not a foundation activity.)

"These children who have no country are going to be a menace," she said as she nibbled at a salad before a National Press Club conference. "They're angry. They're very angry. And our men have been abroad so long that some children are now 20 years old. Not only that, some of the Amerasian girls, who are often very attractive to Americans, more so than Asians, have had GI children in turn. So now we have three-fourth Americans who are still not accepted by our government."

The French and Dutch, she added, make provision for children of their soldiers to receive citizenship.

"I'm afraid there's a danger the Amerasians will go over to the Communists. There is so much to do. We are the only foundation working specifically on this problem. What we do is only a scratch on the surface. We're helping about 2,000 now."

The cost averages $16 per month per child. The Pearl S. Buck Foundation's main concern is to educate the children in local schools when possible and to improve their health.

"We don't run an adoption agency," she said. "We're not a relief organization, but if they are sick we'll try to help. Next month we're starting in on Vietnam, and we expect to have extra problems there with the bomb victims."

The foundation now works in Korea, Thailand, Taiwan, Okinawa and the Philippines. In a few weeks Anthony Tidei, who has been in Asia nine years, will leave his foundation post in Taiwan and start collecting a small staff in Saigon.

Mrs. Buck has given her $1 million estate to cover stateside operating expenses of the foundation—which in 1969 survived a flap over its ex-director's management—and she has handed over the income from several books to it, including her latest novel, "The Three Daughters of Mme. Liang," a book club nominee that has just been translated into Chinese by Tidei. (Mrs. Buck still writes, by the way: five or six hours a day. She has done at least 70 books since her Pultizer-winning "The Good Earth.")

But much more money is needed; a few years ago the foundation opened a drive for $10 million. The writer drove down yesterday from her farm at Perkasie, Pa., to get her message out to the American public. Since the foundation (2019 Delancey Place, Philadelphia) is tax-exempt, no political approaches are being made, but Mrs. Buck has been watching the progress of twin bills presently in Congress to aid Amerasian children.

One fund-raising plan has been abandoned: the Fathers Anonymous scheme, which tried to get guilt-ridden ex-GIs to send money "in memory of a beautiful evening"—no questions asked.

"Almost all the letters we got were from women who feared the worst," the writer said. "We did get a check from one man who said he had never been to Asia but expected to go soon and wanted to make a deposit."

EMBASSY IN SAIGON CALLS BABIES OF GI'S A "SERIOUS CONCERN"

(By Tad Szulc)

WASHINGTON.—The United States Embassy in Saigon has informed the State Department that "responsibility for American-fathered illegitimate children" in South Vietnam "has become a matter of serious and continuing concern."

A major concern, it said, is the illegal but "lucrative" practice of allowing some of these children to be adopted in foreign countries without protection for them or their families.

The Embassy's message to the State Department on July 4 emphasized the problem of children of American black men and Vietnamese women, noting that "the black child may have a more difficult time growing up in Vietnam than other children, either in Vietnamese homes or orphanages."

The Embassy noted that "there is no accurate way to estimate how many illegitimate children in Vietnam" had been fathered by Americans or other foreigners. It said, however, that a recent survey found a total of 350 to 400 such children living in 122 orphanages throughout South Vietnam.

"The magnitude of children living with mothers or close relatives outside of institutions is more difficult to estimate," it added.

In a memorandum on July 9 the South Vietnamese Ministry of Social Welfare estimated that there were 10,000 to 15,000 "racially mixed children" living at home, mainly offspring of Americans.

The Embassy said it was encouraging the passage by South Vietnam of a "modern, up-to-date adoption law" that would allow children born out of wedlock to be adopted by persons in the United States while protecting "the rights of children and adopting families."

The present South Vietnamese policy on adoption, according to the Social Welfare Ministry, is that "if a racially mixed child is recognized and requested by his parents to be reared abroad, our Ministry sees no objection because it is not prohibited by the Vietnamese laws."

The Ministry said that "if the racially mixed orphan is not recognized by anybody, and in case a foreigner wants to adopt him, this man must process paperwork following current procedures and regulations."

According to the Embassy, however, "the practice the Government has acquiesced in permitting children to be adopted by foreigners usually through proxy arrangements with private Vietnamese orphanages."

"This has resulted," that "more than 100 children each year for the past two years may have been sent to the United States for adoption, most of them under private auspices."

AMER-ASIAN CHILDREN IN VIET NAM

(By Don Luce)

More than two million Americans have served in Viet Nam during the past ten years as soldiers, construction workers, embassy officials, and advisors of various types. These men have left behind 400,000 Amer-Asian children. For political reasons, the United States has virtually ignored the care of the mothers during pregnancy and the future of the children.

"To admit the problem would add fuel to the American peace movement," one American social welfare advisor in Saigon told me. American mothers would be upset to know that their sons were sleeping with Vietnamese girls. And what about their grandchildren? If they knew that the little American/Vietnamese children were often used by beggars to get more money when they begged from American soldiers, what would they do then?"

The girls are most typically farm girls who, along with their mother, brothers, and sisters have been forced from the farms (the men are with one army or the other) and become refugees. Because the family has no money, the girl goes to work in a bar. This leads to occasional prostitution (her reputation has already been destroyed by working in the bar). Then she becomes a "temporary wife." She usually has a child by her "husband." In fact, she wants a child because she hopes that the child will cause her "husband" to want to officially marry her and bring her back to the U.S. Then her child will have a father and the child's education and future will be assured. Sometimes this happens, but, more likely, she will be passed on to one of her American "husband's" buddies or have to return to the bar.

As a research officer for the World Council of Churches. I interviewed several of the girls who worked in the bars at Vung Tau.

Mai was nineteen years old and eight months pregnant. She still came by the Olympia Bar in Vung Tau to talk to the other girls and run odd errands.

"Bill has gone back to America," Mai said with more sadness than bitterness. "No, he doesn't send me any money."

"I tried to get rid of my child. But the doctor said that it is too big inside me. It's too late now."

"American babies are very healthy and very beautiful. I shall keep it. But I'll have to go to work right after it's born. American babies are very expensive to raise," she said, adding, "American babies eat more."

Yes, she planned to go back to the bar. Where else could she earn enough money? Then she asked me if I wanted to buy her child. Only $150.

Mai was one of approximately 4500 bar girls working in the seaside resort town of Vung Tau which serves as R and R (Rest and Recreation) Center for American and Australian soldiers. Before her pregnancy she earned about two hundred dollars a month in the bar (except for her six months with Bill who paid all of her expenses and gave her a hundred dollars a month).

The number of bar girls, prostitutes and temporary wives was estimated to be between 100,000 and 300,000 by a World Council of Churches team (including this writer) studying post-war reconstruction in 1969. A Vietnamese congressman, Ngo Cong Duc, estimated the number as 400,000 in 1970. The number of "marriages" between Americans and Vietnamese is around 80 per day, one voluntary agency estimated.

Most of the girls are from rural areas or the city slums. They have no special skills but have become accustomed to a relatively luxurious life. Presently, they earn two or three hundred dollars a month—payments often being made in Tide, cooking oil, Salem cigarettes, hairspray and other items that sell well on the black market. When the war ends, most will be without jobs. Will they be willing to go back to the farm where the average monthly earning is about twenty dollars a month?

"I want to sell fish and shrimp when the war is over," claims Miss Ngoc who works at the Blue Angel Bar.

Why doesn't she do that now?

"Because I must make a lot of money for my children."

But won't she always need a lot of money for her children?

"When the war is over, prices will be low and it won't cost much to live. I'll sell fish and shrimp then."

One 18-year-old girl said she became a bar girl because her father was killed in the 1968 Tet offensive. She hopes the war will be over soon because she wants to go home.

"My mother sent me here because our family needs money," she said. "But when the war is over I can go back to the farm and plant rice. That will be very nice."

The lady who sells coconut milk and yogurt in front of the Blue Angel doesn't agree.

"The girls who work in the bars won't go back to the rice paddies or even be willing to work in the factories," she said. "I don't know what they'll do. But I don't want my son to marry one of them."

The girls who have been temporary wives for American soldiers do not understand the morality that allows a man with another wife to live with them, have children by them, and yet not accept them as second wives. They ask how ethics and morality can make a man disown his own children.

Take Miss Lien, for example. She's twenty-one years old and has two children by an American captain who left seven months before the second child was born.

"When Captain Cobb left, he said, 'I'm very sorry. I'm very sorry.' He said an American can't have two wives and his American wife won't give him up," Miss Lien explained with a great deal of emotion.

"I don't care if he doesn't send me money. I can make lots of money here. But he should write. Why doesn't he write me a letter? How can I explain to my children about their father?"

Later Lien said she really is worried about money because of the future of her children.

"How can I make money when I'm old? You can't make much money working in the fields. American children can't be coolies or cyclo drivers. They must be businessmen or engineers. I must send them to school."

Sometimes she becomes bitter, Lien said.

"The Americans take five minutes of fun and forget about the consequences. The French were better. When they had a child, they paid for his education. Why don't you Americans do the same thing?"

The philosophy of many of the GIs was expressed in the words initialed on the cigarette lighters sold by Vung Tau street vendors for two dollars each: If you're not with the one you love, love the one you're with.

At the Hoa Binch (Peace) Hotel, a young girl was spending her last few days with her soldier boyfriend.

"He is leaving for the United States in a few days," she said. "Then he will get his discharge and in ten days come back to Viet Nam as a civilian. Then we will get married."

The soldier returned after paying the bill for their last night together. He introduced a soldier who had been sitting in the lobby.

"This is George," he said, "He'll take care of you while I'm gone."

They got into a jeep and drove toward the airport together.

[From Parade Magazine, July 18, 1971]

Fatherless Children: GI Babies in Vietnam

(By David Detweiler)

Nicholas Ruf, the 3-year-old boy pictured above with his American family by adoption, is one of approximately 5,000 babies abandoned in South Vietnam by their GI fathers.

Nicholas was one of the lucky ones. He was adopted by Dr. and Mrs. David Ruf of Darlington, Wis. "It's working out just fine," says Dr. Ruf. "We have a normal, happy, sometimes angry 3-year-old son."

Most of the children find temporary homes with relatives or in one of the Buddhist or Catholic orphanages of South Vietnam. Some lead a limbo street life in the alleys of Saigon.

NATIONAL OBLIGATION

"They are unwanted, unloved and often uncared for," says Sen. Harold Hughes (D., Iowa), one of several Senators studying possible legislation in behalf of the children. "As a decent, compassionate people, I believe we have a national obligation to them."

Of the 5000 fatherless children, roughly 500 have been abandoned by their Vietnamese mothers as well, according to Welles Klein, general director of International Social Service (ISS), a worldwide nonprofit family agency. And of the 500 that have been totally abandoned, half are black, which is a liability in South Vietnam.

"The white-Asian baby is accepted better," says a newsman who has spent several years in Saigon, "and the black child is at a definite disadvantage."

"We have to help these children," says Klein, "but we have to be careful. There are no simple solutions."

Two solutions Mr. Klein would emphatically not recommend are:

1. Provisions for large-scale adoptions by U.S. parents. (Even if the South Vietnamese government would allow such a mass exodus, there would be enormous language and orientation difficulties in the U.S.)

2. An aid program to provide special care for these children in Vietnam. (This would further alienate them from "normal" children, and U.S. support for such an aid program might end abruptly together with our involvement in Vietnam.)

POSSIBLE LEGISLATION

"We'll have to proceed on a careful, case-by-case basis," says Klein. "You can do more harm than good by relocating a child too hastily."

Klein suggests that possible legislation might include measures to make it easier for an American father to find and identify his child if he wants to adopt. Also, it might be made easier to confer immediate citizenship on these children.

At present, an American-fathered child is a citizen if he has five years of residency in the U.S. between the ages of 14 and 28. This requirement is of course nearly impossible for an abandoned Vietnamese child to fulfill.

In 1970, there were 80 Vietnamese children adopted by American parents. This figure is notably lower than for Korea (851) or the Philippines (134), partly because adoption of a Vietnamese child by an American family is a one- or two-year process that can cost up to $2500.

"TOOK A LONG TIME"

"It took a long time for the red tape to crank through the machine," says Dr. Ruf, "but it was worth it. We wanted very badly to adopt a Vietnamese orphan. We're frankly dismayed at the military adventure over there and we had heard that American-fathered children weren't getting cared for.

"We have a feeling there are a lot of people who would adopt a Vietnamese-American child if they thought they could do it," says the doctor.

ISS, which is sponsoring a national conference on the problem at the Brookings Institution in Washington, D.C., tomorrow, is trying to broaden concern in the U.S.

Says Mr. Klein: "To my mind we owe something not only to the Vietnamese-American child whose father is back in the States, but also to the 100 percent Vietnamese child who lost both parents in an American bombing run."

[From the New York Times, Apr. 30, 1971]

Another Way the United States Has Left Its Mark on Vietnam

Saigon, South Vietnam.—Although she is only 4 years old, Nina Dang remembers the day her father, a United States Navy chief petty officer, went back to the states and his American wife. Her mother, Dang Thi Hoa, carried her to the door and tearfully waved good-by. Her father cried, too. He kissed them and promised to write every week.

"He cry, but he forget too easy," Hoa said in halting English. "He never write, never send money and he been gone two years."

Nina is one of the tens of thousands—some say hundreds of thousands—of illegitimate children left behind in Vietnam by American servicemen and civilians. They can be seen begging and shining shoes in the streets of major cities, abandoned in orphanages or, if they are lucky, living with their mothers or sympathetic grandparents.

Sometimes, if their skin and hair are exceptionally light, these children are prized and pampered by their families. But most have little money for schooling and are likely to grow up to be cycle drivers, prostitutes, servants or soldiers. Moreover, many Vietnamese resent them since their round eyes and broad shoulders remind them of the unpopular American soldiers.

Private agencies help a few of the half-American children indirectly through refugee or feeding programs, but most struggle alone. Neither the South Vietnamese nor American Government offers any aid. The Vietnamese say the children are "not a problem" and the Americans say, "the problem is not a Government responsibility."

Nina is luckier than most because her mother has a little money. Like many of the sentimental, free-spending Americans who take "temporary wives" during their stay in Vietnam, her father found Hoa a small apartment and bought her furniture, a tape deck, a television set and a set of gilt-edged dishes from the PX.

Hoa, a former bar girl whose looks have begun to fade, earns enough working part-time in a Saigon record shop to pay the rent and send her little girl to kindergarten.

"I hope I can make enough money to send Nina to high school," Hoa said. "Then I will send her to the United States to find her father."

Many young Vietnamese women work in bars until they become temporary wives of Americans. Pregnancy often follows—birth control pills and diaphragms are in short supply here—but the woman usually wants the baby, hoping that because of it the American will marry her and take her to the states.

Others know that the American has a wife back home. In Vietnam, where it is traditional for men to take a concubine, such an arrangement is not dishonorable.

"What these women want, even more than money to raise their children, is for their husbands—they think of them as husbands—to send them letters after they return home," said Don Luce, a writer and an American authority on Vietnam. "They expect the American to treat them as a second wife. They don't understand a system of morality that allows a man to have kids by two women but only one wife."

Mr. Luce estimates that there are at least 200,000 half-American children in Vietnam. American and Vietnamese officials call the figure high, but say they have none to put in its place.

Pham Thi Ly, who is 6 years old and lives on the island of Xom Chai near Cantho in the Mekong Delta, has been abandoned by both parents.

When Ly was 3 years old, her father, an American airman, left for the states leaving no address but giving her mother a million piasters ($3,000). The mother and child, who were then living in the coastal city of Nha Trang, moved to Xom Chai. By that time the daughter of a Vietnamese couple on the island had died and they wanted a new child. So Ly's mother gave the girl to them and went back to Nha.

* * * * *

"Where is your father?" Whenever an American man comes to the island, they point to the foreigner and tease the child by saying, "Look, there is your father, he has come to get you."

Ly used to run away and hide, but now she tries to protect herself by carrying a small picture of herself and her Vietnamese stepfather hidden in her clothing. The little girl shows this as proof that the Vietnamese is her father—not some unknown American.

The stepmother wants to dye the child's brown, curly hair black, so she will look Vietnamese, but the stepfather is against it.

"It's a waste of money," Pham Van Ni, a militia man, said "It won't do any good."

Despite cases like Ly's, the Vietnamese Government says the half-American children are not discriminated against.

* * * * *

"They are the same as any children. If they have difficulties it is because in normal life every Vietnamese has difficulties."

Son, who is 11 years old and lives in a home for shoeshine boys in Saigon, has only vague remembrances of his Vietnamese mother and American father. Another thing he cannot recall is his last name. Richard Hughes, the American who runs the home, said he thinks the boy has lost his memory because life has been so hard for him.

"People tell me I was sent to an orphanage when I was little," Son said, as he sat in the dirty, bare house. "I have a stepmother somewhere in Saigon, but she is not rich enough to keep me.

"My friends call me 'Mixed Blood!'" I feel very angry when people talk about my round eyes, my white skin and my upturned nose."

The boy cannot read or white. He would like to go to school but cannot afford to because he earns only 200 piasters (70 cents) on a good day. Some days he makes only 30 or 40 piasters and cannot even buy supper.

"I think of my father's country as a wonderful place, and I wish to go there sometime," he said as he fingered his bits of polish and rags.

Since Son is not an American citizen, he is not considered an American problem. The official American position on illegitimate children born to American fathers abroad, as stated in a paper issued in 1970 by the Defense Department, is that "the care and welfare of these unfortunate children . . . has never been and is not now considered an area of Government responsibility nor an appropriate mission for the Department of Defense to assume."

"I guess the policy grew up as the easiest way of doing things," said Robert Lewis, the American Consul General in Saigon. "Our way of doing business is to approach the problem from the point of view of the lawyer and leave social considerations aside.

"But several things fill the vacuum," Mr. Lewis said. "First there's the money the American people give to voluntary agencies that help these children. Then there's the basic decency of the American soldier overseas who attaches himself to an orphanage, maybe with the consciousness on his part that the children were put there by him.

"Perhaps you shouldn't put a delicate social problem in the hands of bureaucrats. Why, the United States Government isn't very good at the whole welfare problem in the United States."

Prospects are bleakest of all for the illegitimate children of black Americans.

"For the black children, I think it is very important for them to go to America," said Sister Françoise, head of the Caritas Orphanage in Saigon. "The Vietnamese do not like black people. Why? It's a natural reaction. They do not like the way they look."

As the nun spoke Xuan Hai, a pretty 4-year-old girl with dark skin and tightly curled hair, held her lovingly around the knees.

"Xuan Hai's family is alive but they abandoned her because her dark skin would have brought shame on them." Sister Françoise said. "It is good for the family but sad for the child."

A few Vietnamese orphanages, such as Kim Long and Nuoc Ngot in Hue, also have a few children abandoned by French fathers.

Unlike the half-Americans, the metisse can obtain French citizenship if a Vietnamese tribunal concludes the father was French or if the father recognizes the child. As in the United States, this does not require him to marry the mother.

* * * * *

Mme. Jeannie, the mother of three teenaged metisse, owns the Princess Bar on Saigon's bustling Tu Do Street. Twenty young girls work there selling Saigon tea and beer to American G.I.'s and businesmen. Each girl has one, sometimes two, American offspring.

"My children have French passports and receive a monthly stipend, but all my girls can do to support their children is find another boyfriend," Jeannie said in English as she sat at cash drawer.

"I cannot understand how the Americans are so big and rich and don't do anything about the children."

Soldiers, Bar Girls, and the War's Beautiful Babies

(By Daniel Southerland)

Saigon.—A young American soldier named Steve walked into the Lili Bar on Saigon's Ngo Duc Ke Street to see his girl, Margie.

The air conditioning wasn't working and the bar was stifling. Saigon was suffering one of its frequent blackouts.

Margie was sitting on a bar stool enticing another G.I. to buy her a $1 drink of colored water called "Saigon Tea."

After a police interval she slipped away and joined Steve at a table in the back of the room. She had some important news to tell him. She was pregnant.

She gave Steve the news in barely intelligible English and with a giggle, but the message was unmistakeable.

How the girl got the name Margie, Steve wasn't sure. All the girls in the bar had adopted Western names, much easier for their customers to learn than their real names.

COUNTRY GIRL

Margie is a slender country girl from Binh Duong province north of Saigon. She once told Steve she had an uncle who fought for the Viet Cong. But, according to her story, the uncle left the Viet Cong and returned to the government side.

"VC no good," she told Steve.

Aside from this story and a few other details, Steve knew little of her past. Anyway, she was just a girl.

Steve had told her from the start he would never marry her. Their relationship was based on that understanding. And she knew he would be going away some day—actually the day in this case was only a few weeks away.

The young soldier told Margie he would pay for an abortion.

Her reaction surprised him.

Yes, she knew he was going away, but she wanted the baby. She wanted it because it would be "beautiful." And her mother would take care of it while she worked in the bar.

The Vietnam war is a war of many statistics, but nobody has compiled statistics on the number of illegitimate children fathered by American servicemen.

Almost every Saigon bar has one or more pregnant bar hostesses—usually made pregnant by American soldiers.

This "baby boom" cannot be measured accurately because most of the babies are being accepted by the Vietnamese and absorbed into Vietnamese families as fast as they are born. Only a few have been abandoned to orphanages.

The Vietnamese Social Welfare Ministry recently made a check of 20 orphanages containing about 1,500 children. Only 29 were reported to be of mixed blood.

Most mothers of mixed blood children in Vietnam are bar hostesses. Although many of them will sleep with a man if they like him, they are not all prostitutes in the usual sense.

The mixed-blood children are accepted and cared for because of the nature of Vietnamese family ties. In many cases, they are even treasured because they are indeed considered "beautiful."

"I've gotten to know several hundred of these girls," said an American social worker with long experience in Vietnam. "I have yet to meet one with any feeling of repentance or shame. They are proud of their babies.

"In Korea, after the war, the adoption societies carried off children by the dozens on the grounds that it was not a society into which they could be assimilated," he said.

"But illegitimacy or unwed motherhood has no social stigma here.

"The family structure here is very strong. There are extraordinarily few children in orphanages for a country that has been at war for 20 years."

Many of the bar girls who want to have mixed blood children can afford to take care of them and they do.

According to an estimate of a Saigon city councilman, there are 10,000 bar hostesses working in nearly 600 bars in Saigon alone.

The successful ones make as much as 50,000 ($420) piasters a month, or more. This is a high wage by Vietnamese standards, higher, in fact, than the salary of a Vietnamese general or that of Prime Minister Nguyen Cao Ky.

One wealthy Saigon bar girl has had two children by a Frenchman and two by an American. All four children stay with a nurse at the resort town of Dalat in the mountains 150 miles north of Saigon. The two oldest children go to a private school there.

On weekends, the children fly down to Saigon on the Air Vietnam plane with the nurse. The mother, who once was a penniless refugee from North Vietnam, sheds her tight-fitting bar "uniform," dons a respectable dress and takes the kids to the zoos and the movies.

THE MELODY BAR

Not all the bar girls with mixed blood children are doing this well, of course. Some are victims of protection rackets. Some make a lot of money but spend it as quickly as they earn it.

The situation is toughest in some of the shabbier bars where the girls are encouraged to practice prostitution. When they become pregnant they are of little use to the bar. And some of the bar madams don't hesitate in this case to kick them out without much ado.

The old woman—the Americans call her "Mama-San"—who runs the Melody Bar down the street from the Lili where Margie works said three of her girls have mixed blood children. One of the fathers is an Australian soldier and the other two are Americans.

"Mama-San" herself had seven children by a Frenchman she married at 17.

Next door to the Melody is the Reno Bar. It's "Mama-San" had two children by a French "husband," an Army Captain who died in 1954 at Dien Dien Phu.

"Vietnamese love American baby," she said. "He get big fast in three or four months and look very beautiful. Everybody like him."

"If she doesn't like to have baby, girl can go to doctor and take him out," she added, referring to the Saigon "doctors" who perform abortions for as little as $25.

NOT NEEDED NOW

Pearl Buck, the prize-winning novelist who has devoted herself to helping mixed blood children of American servicemen in Korea, recently sent a representative to Saigon to investigate the possibility of setting up a center for such children and their mothers in Vietnam.

Frank J. Davis, vice president and executive director of the Pearl Buck Foundation, was told by experts at the Vietnamese Social Welfare Ministry that the help he wanted to offer wasn't really needed for the time being.

This was also the conclusion drawn by a meeting of all the major social welfare agencies located in Saigon earlier this year.

"We compared notes and decided it was

definitely not much of a problem," said Miss Anna Forder of the Catholic Relief Services.

But when the American troops pull out of Vietnam someday, what will become of these children they are leaving behind?

When the money no longer flows into the Saigon bars, it may become rough indeed for some of the bar hostesses who have no other means of making a living. And it may be difficult for them to find Vietnamese husbands.

The children will probably be discriminated against when they grow up by Vietnamese society as a whole, if not by their immediate families, because they are "different" and because their mothers were "bar girls."

NEGRO-VIETNAMESE

This discrimination will be especially tough on the Negro-Vietnamese children, judging by the current discrimination against children of West African troops who served with the French Army in Vietnam.

An American advisor to the Social Welfare Ministry said, "the problem for the future is going to be the Negro-Vietnamese children. Their skin will be dark and they will stand out. A Vietnamese girl will keep a half white child but not a Negro."

Several Negro-Vietnamese children have been adopted by American Negro Servicemen ending their tours in Vietnam.

American aid to children fathered by Americans has been limited to a relatively small number of adoptions, gifts to Vietnamese orphanages, and soldiers' donations to their mistresses.

"If an American Serviceman has a child here, he gets a guilt feeling," said Tawson Mooney, director of the Catholic Relief Services. "He gives the mother money and when he gets back to the states, he probably sends more money. And she probably finds another American boy friend."

U.S. PASSES BUCK ON GI BABIES

(By Tom Tiede)

PHILADELPHIA.—Whether or not the Vietnam war is, as some say, winding down, the social consequences of U.S. involvement there are assuredly winding up.

Take Pham Duc Minh, alias Eddie. He is the illegitimate result of a careless alliance between an American soldier and a Vietnamese whore. He is half white, half brown, half East. half West—and, at eight years of age, all orphan.

What is he? A bastard. Who is he? A social consequence.

Last seen he was smoking a cigarette on a street in Pleikua, abandoned by his mother, never known by his father, waiting to shine the shoes of passersby.

There are thousands like him in Vietnam. Nobody knows precisely how many. Since, as the French say, in Vietnam "c'est un pays approximatis" (everything is approximate), concerned observers can only estimate the total of orphaned GI babies. A conservative guess is 20,000. Some feel it might be many times that. Novelist Pearl Buck has written that of every 10 GIs sent to the Orient, at least one "becomes the father of a child by an Asian girl," usually indiscreetly.

But the statistics are not the ultimate shock of GI babies. The real pain is that not only are they ignored by their parents, but by their nations as well.

Vietnamese officials admit they are powerless (haven't enough money) to look after GI babies. And as for the United States? It has the money but, sadly, not the will. It seems absurd to write it, but officially the United States doesn't recognize that GI babies exist. White House aides say: "It's a Defense Department matter." The Defense Department says: "It's a State Department matter." And the State Department, through an official of the Agency of International Development, says: "We have no program for the children, and none is contemplated."

So the future of Pham Duc Minh, alias Eddie, is as bleak as the past. He has little chance of getting into one of the nation's few orphanages—all of them are overcrowded as is. He has almost no chance of formally educating himself—public schools in Vietnam take money and responsibility. And because of his mixed blood he suffers the additional burden of social ostracization—a stigma that has pressured some GI babies to try to dye their blond hair black for some escape.

"There is one more thing," says a U.S.-based South Vietnamese diplomat. "We have reason to believe that some of these children are being sold into slavery."

Disgusting? Of course. But though the problem cries out for compassion and solution, there is little hope for either, at least on a governmental level. History itself is testimony. The United States has never recognized GI babies in any war (except where paternity was proven), preferring instead an almost puritanical aloofness.

"I was in Korea in 1953," says a Pentagon veteran. "I remember a general saying, 'Our men don't do that (make babies), they play volleyball for relaxation.' "

U.S. apathy was so infuriating after Korea that novelist Buck founded the Pearl Buck Foundation in hopes it would shame or maneuver the nation into some action. "I spent years beating on official doors," the writer says now. "I couldn't get anything but sympathy. I remember a meeting I had with Robert Kennedy. Even he turned me down. I sat there for many minutes explaining the plight of these Korean orphans. I pleaded with him to do whatever he could to get help for them. But in the end, all he said was no. He didn't even give a reason."

Miss Buck, a Nobel Prizewinning author of some 70 books, herself was born in the Orient (of missionary parents), continues her interest in and lobby efforts for GI babies today. Her foundation is presently caring for some 1,700 "Amerasians" in five countries. She gets donations from around the world ("Many women will send in money, I suppose, because they think their sons or husbands are involved"). But as for an ultimate solution, she thinks it's in Washington's hands:

"In all my years of urging, I've never come close to getting the government to do anything. Now I'm convinced that we'll never get moral about it, but I hope and pray we'll get practical about it. There is nothing more important for our nation right now, for our image in Asia, than for our government and people to respond to these helpless babies and say, 'We recognize our responsibilities.' "

Miss Bucks' plea for American liability has some international precedents. The French, most notably, have for 25 years granted automatic citizenship to French-fathered Vietnamese orphans. Some 10,000 have thus been taken from the streets.

Yet the French solution—citizenship and adoption—is probably not the answer for America. U.S. citizenship is difficult because of laws. And mass adoption, says Rev. John Shower of the Church World Service, would be an insufferably snobbish activity: "Adoptive parents usually want nice, cute, cuddly kids. Therefore we would ignore the many wounded, blind or handicapped Vietnam orphans. No, what the children need is not a U.S. upbringing, but a Vietnamese upbringing. They need love, care and understanding, by and in the company of their own people."

In sum, Shower adds, they are not Americans. "They are Asian Americans."

Thus the onus shifts again to the U.S. government. Vietnam, still hopelessly torn apart by war, cannot, will not, give high priority treatment to GI babies. But, says a ranking spokesman at the Vietnamese embassy in Washington: "If the United States wishes, we will be very responsive to working something out." In other words, with American help, "We would help these children in every way possible."

Mr. Nixon, do you hear?

"If the United States wishes . . . we would help these children in every way possible."

THE COMMITTEE OF
RESPONSIBILITY, INC.,
Berkeley, Calif., July 9, 1971.

Miss YVONNE FRANKLIN,
Office of Senator Hatfield,
Old Senate Office Building,
Washington, D.C.

DEAR MISS FRANKLIN: My apologies for taking so long to reply to your request for suggestions on care of the illegitimate children of American soldiers and Vietnamese girls. It is probably too late now for any ideas to be useful, however:

The best and most direct help we could give to the Vietnamese and their children, legitimate and otherwise, is to withdraw all American forces and materiel from Vietnam at once and let the Vietnamese handle their own problems, to request aid on their own terms as they need it. I have been to North Vietnam, looking particularly at their medical program and care of children, and I know they have great organizational skill and real competence. All their programs are simple, perhaps primitive by our standards, but they are effective in Vietnamese terms and because of the effectiveness their measures are acceptable to the Vietnamese people. After a period of confusion (and what could be more confused than the present?) the Vietnamese in the South could manage their own programs, with assistance *when* they ask for it, with administration in their hands.

The second and indirect help we might provide, in the knowledge that withdrawal from Vietnam is probably a plastic rainbow, is to make American people accept responsibility for what has happened to the Vietnamese people at our hands. A bill to be introduced to provide for the illegitimate American-Vietnamese children is a step towards increasing American awareness of our responsibility and perhaps, the need for us to get out and stop making more illegitimate babies.

Provision for care should concern approximately 400,000 such children. This figure comes from an article in the NY Times by Gloria Emerson, I believe. (Our staff—Committee of Responsibility staff—in Saigon, is in touch with Gloria Emerson much of the time and we could, with a cable, chase this down.)

There should be three aspects to such a program. (1) Subsistence allotment for mothers who are raising their own children. Again, our staff in Saigon would be helpful in determining such a sum, but off-hand, from experience we have had, ten dollars a month is a lot of money and adequate to feed a child if that is what the money could be used for. (2) Support of a foster parents plan comparable to the one in practice here in the United States. Parents with a child or two are encouraged to take in foster children and are paid for maintenance and care of such children. Often a family will have two or three such children. In Vietnam, before the US came in force, there were few orphans, for the extended family of seven aunts and eleven uncles took care of children whose parents might have died, or who might simply had an abundance of children with some to spare. Those families are broken now, whole family villages destroyed and when we return our own war-injured, and now repaired children, we often cannot find any of the nearly 100 known relatives the child had behind him as social security and emotional stability and strength when he came. But, if families can be reestablished and refugee camps opened up—and many, as you know, are locked at night—these relatives might be the foster parents. (3) Social Service staff must be trained, minimally at least, to organize and implement such a program.

These must be Vietnamese, and I think it not impossible to recruit young students for this purpose. The Buddhist school for social service once had a good training program, but because of their political position for peace and neutrality their program has been curtailed, many of their workers kidnapped, assassinated and/or jailed. They are suspicious of being involved with Americans, or of accepting American money. Still, ways might be found to enlist their help. Social service staff would have a hell of a time to determine if a child was American-Vietnamese. Often it is hard to note the distinction—if any—in children, and many poor will claim such parentage if there is money involved. Similarly, the foster parents are likely to take children for the money and not use it for the children; or, possibly to exploit the children so this must be carefully supervised and the program designed to assimilate the children into Vietnamese society. Again, this has been done with French-Vietnamese in the North and surely could be done in the South. But in the South, and this is an important point, the destruction of the land has made for poverty, corruption and demoralization. Survival and self-interest, selfishness, is a consequence and it must be expected that little altruism will manifest itself in child care.

Evacuation of the children to the U.S. for any long term period is a bad idea. Children, even these, are the last natural resource of a country and we cannot add to our other sins by the exportation of children. In five years they will be American, not Vietnamese, in orientation. If they do not come to resent America, they will resent Vietnam, and be resented if they are sent back. In short, you will be creating a new set of massive problems. We have enough.

All this may be of no useful purpose now, but perhaps can be filed in the mind for some future time. Like when we are out of Vietnam.

Please call or write if you have any question. Next time I assure you I will respond promptly.

Hoa Binh, the best Vietnamese I know—Peace.

Sincerely,

(Mrs.) Madeline Duckles.

Department of Defense Position Regarding Children Born Out of Wedlock in Foreign Countries Where U.S. Armed Forces Are Assigned

The command in Vietnam is not complacent about the morals of the servicemen and associated activities. In this regard, responsible military commanders strive to curb the problem at its sources by making it clear that irresponsible and immoral behavior on the part of servicemen is never condoned, including the conditions which tend to induce or encourage immoral behavior and in particular, where it contributes to the problem of children born out of wedlock.

Separation from family and placement in an alien environment, coupled with the differences in mores which frequently prevail, are recognized as conditions which require unusual efforts. Accordingly, special command emphasis is given to character guidance and other programs to provide servicemen an opportunity to channel their off-duty activities into wholesome pursuits. Such programs make wide use of the services of our chaplain. In addition, direct, control measures are employed as warranted. These include such measures as the enforcement of curfews, off-limits restrictions, bed checks, and disciplinary actions. Areas and establishments can be and are placed off-limits by our commanders concerned when such is necessary to protect the interests and welfare of our servicemen.

Personal conduct of servicemen in Vietnam can be governed by forcible measures only on a transitory basis. In general, service personnel are neither more nor less moral than when they enter the service; unfortunately, some persist in engaging in immoral conduct despite counselling and advice to the contrary.

The presence of children born out of wedlock in foreign countries where our Armed Forces are assigned has been a subject of continuing sympathetic concern for many years. Both public and private agencies have been involved in studying ways of alleviating the plight of these children. Accordingly, the Department of Defense fully cooperates with American and International social agencies which make valuable contributions for the care and welfare of these unfortunate children.

There is not any truly happy or complete solution; however, the Department and responsible commanders remain ever mindful of the problem and will continue to address with urgency the activities of our servicemen where it contributes to the problem of children born out of wedlock.

We recognize that emotion and compassion often lead to a distorted view of the magnitude of the problem of illegitimate children by some persons. Accordingly, the number of such children fathered by American servicemen overseas is frequently exaggerated. Official reports from authorities in Vietnam state that the problem there is not of substantial magnitude. For example, it has been reported that the Vietnamese Social Welfare Ministry made a check of 20 orphanages containing about 1,500 children and found only 29 to be of mixed parentage. Another survey of a representative number of institutions for children in Vietnam shows that children with possible U. S. parentage account for approximately 2.6% of the total. A United Press report indicated that less than one half of one percent of the children in Vietnamese orphanages are thought to be Vietnamese-American.

Similarly, in 1952, when estimates of children of mixed parentage born out of wedlock in Japan during the United States occupation placed the number at 200,000, the American Consul General enlisted the cooperation of the Japanese Ministry of Welfare in evaluating the true extent of the problem. The Ministry's subsequent report placed the official figure at 5,013, of whom 1,000 were born to parents who were legally married subsequent to the birth of their child. (Eveland, Virginia D., "Welfare Program for Children of Mixed Parentage," *Foreign Affairs Association of Japan*, Tokyo, 1956). Again in 1963, allegations were made that there were about 100 orphan children in an orphanage on Okinawa of whom the majority were illegitimate children of American service personnel. However, an official investigation established that, of the 85 children assigned to the orphanages by the Ryukyuan Government, only six were of mixed parentage.

The other side of the story often goes untold. We take pride in the fact that the American serviceman, through his generosity in all foreign lands, has adopted many of these alien children.

In regard to the legal responsibility of individual fathers, it should be noted that when, through due process of law in a foreign country, paternity of an alien child is established to be the responsibility of an American serviceman, the same treatment is accorded the judgment of a foreign court as that of a court in this country in dealing with individual cases. In short, this means that as a minimum the Department of Defense expects the serviceman to support the child. The same principles apply, of course, when a serviceman acknowledges paternity of a child.

By Mr. JORDAN of North Carolina (for himself and Mr. Ervin):

S.J. Res. 153. A joint resolution designating each week which begins on the first Sunday in March as "National Beta Club Week." Referred to the Committee on the Judiciary.

NATIONAL BETA CLUB WEEK

Mr. JORDAN of North Carolina. Mr. President, I introduce for appropriate reference a joint resolution authorizing and requesting the President to issue a proclamation each year designating the first week in March as "National Beta Club Week." The distinguished senior Senator from North Carolina (Mr. Ervin) joins me in introducing the joint resolution.

The National Beta Club, founded by Dr. J. W. Harris and chartered under the laws of South Carolina in August of 1936, is a leadership-service organization for deserving high school students and is based on the principles of achievement, character and leadership.

Since the first local chapter was organized at Landrum High School in Spartanburg County, S.C., the organization has grown to the point where student membership in junior and senior chapters now exceeds 140,000. Except during war years, State conventions have been held regularly since 1934, prior to the chartering of the organization.

The motto of the National Beta Club—"Let us lead by serving others"—prefaces the many accomplishments of its members. Projects of local chapters are designed to improve general school programs and to create a better school environment; to raise funds for improving school facilities; to promote the public welfare; to improve scholarship; to encourage a higher standard of personal conduct; to promote community welfare and to build patriotism.

Mr. President, I am proud that Beta Club chapters are actively serving their schools and communities throughout North Carolina. I had the privilege of meeting with Mr. Alonzo Parrish III, the North Carolina State Beta Club sponsor-elect, in July of this year. With him were Mr. Timothy Humphrey Graham, State president of the organization and Mr. Bengie Matthew Hair, president of the Cape Fear High School club. They told me about the organization's plans for the coming year, about its past accomplishments, of its phenomenal growth and of the opportunities for personal achievement and service it provides. I determined at that time to introduce the legislation I offer today. I did so because I believe we should recognize and encourage the positive leadership and constructive contributions of Beta club members. I have always valued the enthusiasm, initiative and ideals of our youth. They are our hope for a better tomorrow and I have complete confidence both in their ability and in their determination to succeed. I can think of no more appropriate way to express our appreciation for their contributions and our eagerness to listen to their ideas than by designating the first week of March in each year as "National Beta Club Week."

I commend to the Senate's attention the outstanding record of this organization, and I urge Senators to join me in supporting this legislation.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 632

At the request of Mr. JACKSON, the Senator from Washington (Mr. MAGNUSON) was added as a cosponsor of S. 632, the National Land Use Policy bill.

S. 1130

At the request of Mr. HRUSKA, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 1130, a bill to provide for the establishment of the George W. Norris Home National Historic Site in the State of Nebraska, and for other purposes.

S. 1237

At the request of Mr. TUNNEY, the Senator from Montana (Mr. METCALF) was added as a cosponsor of S. 1237, a bill to provide Federal financial assistance for the reconstruction or repair of private nonprofit medical care facilities which are damaged or destroyed by a major disaster.

S. 1291

At the request of Mr. CASE, the Senator from Delaware (Mr. BOGGS) was added as a cosponsor of S. 1291, to further amend the act of October 4, 1961, amended by the act of July 19, 1966, to facilitate the efficient preservation and protection of certain lands in Prince Georges and Charles Counties, Md., and for other purposes.

S. 1512

Mr. MONDALE. Mr. President, I ask unanimous consent that the names of Senator HATFIELD, Senator HUGHES, and Senator STEVENS be added as cosponsors to S. 1512, the Comprehensive Child Development Act of 1971, and that they be noted as cosponsors on any subsequent printings of that bill.

This makes a total of 33 sponsors and cosponsors of the bill which Senator JAVITS, Senator NELSON, Senator SCHWEIKER, and I introduced on April 5, 1971, and whose major provisions have been adopted in section 6 of S. 2007, the pending bill which extends the Economic Opportunity Act.

The PRESIDING OFFICER (Mr. GAMBRELL). Without objection, it is so ordered.

S. 1835 AND S. 1836

At the request of Mr. HUGHES, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1835, to provide a comprehensive Federal program for the prevention and treatment of drug abuse and drug dependence; and S. 1836, to provide a comprehensive Federal program for the treatment and rehabilitation of drug dependent Federal offenders.

S. 1846

At the request of Mr. JACKSON, the Senator from California (Mr. TUNNEY) was added as a cosponsor of S. 1846, a bill to establish a Coal Gasification Development Corporation, and for other purposes.

S. 1973

At his request, the Senator from Washington (Mr. JACKSON) was added as a cosponsor of S. 1973, a bill to provide for the establishment of the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes.

S. 1975

At the request of Mr. TUNNEY, the Senator from Oklahoma (Mr. HARRIS) was added as a cosponsor of S. 1975, a bill to change the minimum age qualification for serving as a juror in Federal courts from 21 years of age to 18 years of age.

S. 2091

At the request of Mr. CRANSTON, the Senator from Indiana (Mr. BAYH), the Senator from Kentucky (Mr. COOPER), the Senator from Missouri (Mr. EAGLETON), and the Senators from Minnesota (Mr. MONDALE and Mr. HUMPHREY) were added as cosponsors of S. 2091, the Veterans Employment and Readjustment Act of 1971.

S. 2460

At the request of Mr. RIBICOFF, the Senator from Utah (Mr. MOSS) was added as a cosponsor of S. 2460, to provide for the expansion of trade by a program of exchanges between the United States and countries with nonmarket economies, and for other purposes.

SENATE JOINT RESOLUTION 117

At the request of Mr. MCINTYRE, the Senator from Arizona (Mr. FANNIN), the Senator from North Dakota (Mr. BURDICK), the Senator from Utah (Mr. BENNETT), the Senator from Maine (Mr. Muskie), the Senator from Maryland (Mr. BEALL), and the Senator from Maryland (Mr. MATHIAS), were added as cosponsors of Senate Joint Resolution 117, requesting the President of the United States to declare the fourth Saturday of each September "National Hunting and Fishing Day."

SENATE JOINT RESOLUTION 129

At the request of Mr. FANNIN, the Senator from Kansas (Mr. DOLE) and the Senator from Nebraska (Mr. HRUSKA) were added as cosponsors of Senate Joint Resolution 129, proposing an amendment to the Constitution of the United States requiring the submission of balanced Federal funds budgets by the President and action by the Congress to provide revenues to offset Federal funds deficits.

SENATE RESOLUTION 164—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING AS A SENATE DOCUMENT A REPORT ENTITLED "DEVELOPMENT OF SYSTEMS TO ATTAIN ESTABLISHED MOTOR VEHICLE AND ENGINE EMISSION STANDARDS"

(Referred to the Committee on Rules and Administration.)

Mr. RANDOLPH submitted the following resolution:

S. RES. 164

Resolved, That the report of the Administrator of the Environmental Protection Agency to the Congress of the United States (in compliance with Public Law 90–148, the Clean Air Act, as amended) entitled "Development of Systems To Attain Established Motor Vehicle and Engine Emission Standards" be printed with illustrations as a Senate document.

SEC. 2. There shall be printed two thousand five hundred (2,500) additional copies of such document for the use of the Committee on Public Works.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1971—AMENDMENTS

AMENDMENTS NOS. 413, 414, AND 415

Mr. BUCKLEY submitted three amendments intended to be proposed by him to the bill (S. 2007 to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

VETERANS HEALTH CARE REFORM ACT OF 1971—AMENDMENT

AMENDMENT NO. 416

(Ordered to be printed and referred to the Committee on Veterans' Affairs.)

Mr. CRANSTON. Mr. President, at this time I send to the desk for printing an amendment I intend to propose in committee to S. 2354, the proposed Veterans Health Care Reform Act of 1971.

This amendment would authorize the Veterans' Administration to provide such home health services as are determined to be reasonable and necessary or appropriate for the effective and economical treatment of an eligible V.A. health care beneficiary. At the time I introduced S. 2354, I described the intent of this provision in some detail. However, the statutory language was inadvertently omitted from the text of the bill at that time, and this amendment is intended to correct that oversight.

Mr. President, I ask unanimous consent that the text of the amendment be printed in the RECORD at this point.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 416

On page 4, between lines 5 and 6 insert the following:

(c) Section 601(6) of such title is amended by inserting: "such home health services as the Administrator determines to be necessary or appropriate for the effective and economical treatment of a disability of a veteran or a dependent or survivor of a veteran." after "treatment,".

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 347

At the request of Mr. BAKER, the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of amendment No. 347, intended to be proposed to S. 1437, the Airport and Airway Development and Revenue Acts Amendments of 1971.

NOTICE OF HEARING ON S. 1794, RELATING TO THE CONTROL OF AGRICULTURAL AND FOREST PESTS

Mr. ALLEN. Mr. President, I wish to announce that the Subcommittee on Agricultural Research and General Legislation of the Committee on Agriculture and Forestry has scheduled a hearing on S. 1794 for Thursday and Friday, September 30 and October 1. The bill authorizes pilot field-research programs for the control of agricultural and forest pests by integrated biological-cultural methods. The hearing will be in room 324 of the Old Senate Office Building beginning at 10 a.m. Anyone wishing to testify should contact the committee clerk as soon as possible.

NOTICE OF HEARING ON S. 571, RELATING TO THE IMPORTATION OF MEAT AND MEAT PRODUCTS

Mr. ALLEN. Mr. President, I wish to announce that the Subcommittee on Agricultural Research and General Legislation of the Committee on Agriculture and Forestry, has scheduled a hearing on S. 571 for Tuesday, September 28.

The bill amends the Federal Meat Inspection Act relating to the importation of meat and meat products into the United States.

The hearing will be in room 324 of the Old Senate Office Building, beginning at 10 a.m. Anyone wishing to testify should contact the committee clerk as soon as possible.

NOTICE OF HEARINGS ON THE SALE OF "SATURDAY NIGHT SPECIAL" HANDGUNS

Mr. HART. Mr. President, on behalf of the Senator from Indiana (Mr. BAYH), I ask unanimous consent to have printed in the RECORD an announcement of hearings.

There being no objection, the announcement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR BAYH

Mr. President, as Chairman of the Subcommittee to Investigate Juvenile Delinquency, I wish to announce hearings on proposed legislation to prohibit the sale of domestically produced cheap handguns, unsuitable for lawful sporting purposes, known as "Saturday Night Specials", scheduled for September 13, 14, 1971, at 10:00 AM, in Room 2228 of the New Senate Office Building, Judiciary Hearing Rooms.

These hearings will focus on a proposed amendment to Section 922(b) of the Gun Control Act, which I shall introduce later this week. The effect of my amendment would be to prevent the transfer or sale by a Federally licensed dealer of any firearm, other than a rifle or shotgun, to anyone except law enforcement officials unless the Secretary of the Treasury determines that the gun is suitable for lawful sporting purposes.

We have invited witnesses from the government, industry, and from those Presidential Commissions which have inquired into the problem of violence in America.

I do want to emphasize that this proposed bill would not interfere with the legitimate, sporting use of the long guns, the rifles and shotguns, because the amendment does not cover them. In addition, handguns designed for and suitable for sporting purposes would not be affected by this amendment, for these firearms would meet the necessary criteria for sale to the public.

The amendment is designed to implement the intent of Congress when it passed the Gun Control Act of 1968. That Act banned the importation of foreign "Saturday Night Specials." Unfortunately, the law did not prohibit the importation of certain parts for these guns and they are now being assembled in this country and misused in crimes of violence. The purpose of my amendment is designed to close this loophole in the law.

NOTICE OF HEARINGS ON MINERAL RESOURCES IN THREE SISTERS WILDERNESS, OREGON

Mr. JACKSON. Mr. President, I announce for the information of the Senate and the public that on Monday and Tuesday, September 13 and 14 at 10 a.m., the Subcommittee on Minerals, Materials, and Fuels, of the Senate Committee on Interior and Insular Affairs, will hold an open, public hearing on S. 1784, relating to mineral resources in the Three Sisters Wilderness in Oregon.

Any Member of the Senate or of the general public who wishes to testify at this hearing should so advise the committee staff. The hearing will begin at 10 a.m., in room 3110, New Senate Office Building.

NOTICE OF HEARINGS TO BE HELD BY THE SUBCOMMITTEE ON RURAL DEVELOPMENT OF THE COMMITTEE ON AGRICULTURE AND FORESTRY

Mr. HUMPHREY. Mr. President, I wish to announce that the Subcommittee on Rural Development of the Committee on Agriculture and Forestry will hold hearings September 21, 22, 23, and 24 on S. 2223, the Consolidated Farm and Rural Development Act. Anyone wishing to testify should contact the committee as soon as possible.

The hearings will be held in room 324, Old Senate Office Building, beginning at 10 a.m. each day.

ADDITIONAL STATEMENTS

BOURKE BLAKEMORE HICKLENLOOPER

Mr. PASTORE. Mr. President, it was on an October day of 1968 that the Senate of the United States paused to pay tribute to a colleague who, of his own volition, was bringing to a close his active official career—34 years of service to his native State of Iowa and to the United States—and to the world of this troubled generation.

And now—suddenly—Bourke Blakemore Hickenlooper has departed this life and we speak in eulogy of a great American.

It was my privilege 3 years ago, as chairman of the Joint Committee of the Congress on Atomic Energy, to speak of the significant contribution Bourke Hickenlooper had made to initiate the Atomic Energy Act of 1946—to administer it and to improve it in demanding nuclear times of international competition.

Equally responsible in this world crises era was his service on the Committee on Foreign Relations—and all of us bear witness to the dedication of "Hickenlooper of Iowa" on the Senate floor.

It was my privilege—though not of his political party—to have possessed his personal friendship—to have enjoyed his companionship on shared world assignments toward understanding and peace for mankind.

I said in October of 1968 that I knew of no finer gentleman—no man I would rather call "friend"—than Bourke Hickenlooper.

These 3 years have confirmed that friendship. In the hour of his great sorrow—in the passing of his beloved wife—Bourke Hickenlooper bequeathed to me for my wife a token by which both women set special treasure.

I speak of this only to record how thoughtfully personal could be this great man, whose years were devoted to worldwide crises affecting the very survival of mankind.

And I speak to record the debt that America owes to its grassroots—the debt that America and the world and the future owes to an able statesman who could deal with the great problems of our age and never lose the friendly, homely qualities of the little Iowa town to which he always referred proudly as his birthplace.

To the loved ones of Bourke Hickenlooper this Senate and his country speaks in gratitude no less than sympathy.

May he rest in peace.

THE INTERNATIONAL MONETARY SYSTEM

Mr. RIBICOFF. Mr. President, at a time when the international monetary situation remains a major cause of concern here and in most capitals of the world, new ideas and fresh solutions are sorely needed. After the experience of a series of monetary crises since the Second World War, it should be clear by now that superficial, patchwork remedies can no longer be substitutes for the establishment of a fair, workable system.

If the major industrialized nations are to continue to reap the benefits of expanded trade and investment, they must be willing to chart new courses in resolving their differences.

Last week, Mr. Jean-Jacques Servan-Schreiber, one of France's more forward-looking and energetic political figures, expressed his own views on how the international monetary system should be restructured. His provocative suggestions and analysis deserve attention at a time when Congress will soon be faced with many aspects of the problems explored by Mr. Servan-Schreiber.

I ask unanimous consent that Mr. Servan-Schreiber's article, published in the International Herald Tribune of August 30, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the International Herald Tribune, Aug. 30, 1971]

A EUROPEAN VIEW: END OF A MONETARY SYSTEM

(This is a translation of an article which will appear today in the French newsmagazine L'Express. Mr. Servan-Schreiber, publisher of L'Express, is the author of "The American Challenge" and a deputy in the French National Assembly from Nancy.)

(By Jean-Jacques Servan-Schreiber)

PARIS.—The current general disorder came as no surprise; nor for the moment is it any cause for concern.

The end of the monetary system in force for the last generation is the most important event that could take place, except for war. The construction of a new system is a challenge which is political in the extreme. Thus, it is only normal that the public debate should be animated.

If, as Clemenceau said, "War is too serious a matter to be left to the generals," there can be no question of allowing monetary experts alone to negotiate a solution to the present problem. The solution will be found only after collective consideration.

And within the last few days, two men, among others, have added the weight of their experience to the question.

Ralf Dahrendorf, who, at the GATT meeting, replied in the name of the European Commission to Nathaniel Samuels, the American delegate, put things very clearly: The monetary problem of the dollar (and, thus of the whole system) is not due to "an unfavorable American balance of payments, but to the constant increase of American investments throughout the world."

USING FIGURES

He described this increase with just a few figures: American investments in the Common Market came to $2 billion in 1958, they were $10 billion by 1969 and $13 billion last year. This phenomenon has grown so fast that the U.S. government itself is unable to cope with it. The "American Challenge" also defies the United States.

Pierre-Paul Schweitzer, the head of the International Monetary Fund, has created a bit of a fuss by revealing, unofficially, the real value of the various currencies, which are hidden under artificial parities. He was, thus, able to give an idea of the market value of each national economy.

Through this, we learned that the major currencies should be allowed to float up to their true levels: the Japanese yen should be revalued by 15 percent compared to the dollar; the West German mark by 14 percent; the Canadian dollar by 10 percent and the pound sterling and French franc by about 7 percent.

This fascinating revelation by the IMF will probably be considered to be the harbinger of the new economic system. And this new system will be a universal stock exchange—an adjunct to the international market place—where the economies of nations will have to agree to be quoted at their real value, much as commercial firms are on the stock exchange. This is precisely what West German Economic Minister Karl Schiller is aiming at—although he hasn't said so explicitly—when he proposes that all currencies be allowed to float.

The Economist, of London, has come out for the Schiller system: "We are fully in favor of allowing currencies to float. This system will produce many fewer shocks to the economy than the frequent crises which resulted from the vain pretense of trying to maintain fixed parities."

There will, of course, be many reflex reactions, uncounted ancient customs, as well as national pride and ideological barriers to reject, and to reject violently, the idea of rating national economies—and consequently, the management of government and their policies—on a world market.

But a light is shining through the dark cloud of nationalism.

And this light is beginning to give shape to the new economic system. The value of a currency will no longer be quoted in relation to gold, but in relation to the management of a nation's economy. Economic experts will decide—as speculators now do—on the rating of a currency by basing their opinions on the current situation and forecasts of future management. The study of a nation's economy will have a direct effect on the credit given to the nation's currency. Currency will bear the value of the credit allotted to it and credit will depend on management. That will be the new system.

But what sort of management can there be? This is where the revolutionary ideas which overthrew the ancient economic regime (and which will help to establish the next one) become clear. Let us say, for a start, that management will be a question of the use made of public funds.

MAIN QUESTION

The main question that will be asked on the universal stock exchange, the one asked by investors as well as speculators, will be: "Is each dollar of public funds, each mark of public funds, each franc being properly employed (that is, to facilitate expansion) or is it being squandered?"

It is obvious that each dollar of public funds which for so many years has been earmarked for the Vietnam war cannot be considered as a productively employed dollar. The same is true for the Lockheed subsidy as well as the upkeep of military bases.

It is just as clear that the management of public funds in Britain has been unwise in many ways: the too-extended upkeep of a military force in the Far East, annual expenditures for nuclear weapons, public subsidies for Concorde and to Rolls-Royce.

The West German "miracle" as well as that of Japan were based on the diametrically opposed notion, that is, on the idea that all public expenditures must be productive.

This new standard helps to shape the form of the future system. It will be a combination of good management and floating currencies. It will be the opening of a world market without national barriers, but where public funds will be used to further the state's only productive goal: to fill the needs of society.

If Mr. Schiller favors floating currency, it is certainly because he is a Social Democrat. If Sen. William Proxmire is against a subsidy for the supersonic transport and refuses to come to Lockheed's aid, it is not because he is a reactionary free-trader, but in the name of a new policy for development, that is, so that public funds may be used for the improvement of cities, communications, social security, employment, and training among other objectives.

Let us look and look very cautiously all around before we leap. The revolution which began with a loud clap of thunder is not that of a technical reform of the monetary system, but that of the political system.

AWARD OF NAVY CROSS TO SGT. HUBERT H. HUNNICUTT, III, U.S. MARINE CORPS

Mr. TALMADGE. Mr. President, U.S. Marine Corps Sgt. Hubert H. Hunnicutt III, of Marietta, Ga., has been awarded the Navy Cross for extraordinary heroism in Vietnam. This is the Nation's second highest award for gallantry in combat action.

Sergeant Hunnicutt is a credit to the finest traditions of the Marine Corps, and I know that his family and the people of his home community are very proud of him. I extend my personal congratulations to him.

I ask unanimous consent that Sergeant Hunnicutt's citation be printed in the RECORD.

There being no objection, the citation was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE NAVY,
Washington, D.C.

The President of the United States takes pleasure in presenting the Navy Cross to Sergeant Hubert H. Hunnicutt, III, United States Marine Corps, for service as set forth in the following Citation:

For extraordinary heroism on 16–18 April 1968 as a squad leader in Company C, First Battalion, Ninth Marines, Third Marine Division in connection with operations against enemy forces in the Republic of Vietnam. Participating in the attack against an enemy bunker complex on a hilltop near the Khe Sanh Combat Base when the battalion came under heavy fire, seriously wounding his platoon commander, Sergeant (then Corporal) Hunnicutt treated the officer's wounds and then directed squad members into a bomb crater to await a lull in the enemy activity. When Sergeant Hunnicutt attempted to emerge from the crater, he sustained serious wounds along with other members of his unit, and was unable to leave his position because of the continuing enemy fire raking the area. At dusk he left the position and crawled across the fire-swept terrain to secure medical aid for himself and the other casualties trapped in the bomb crater. En route, Sergeant Hunnicutt discovered his company commander lying in an open area, severely wounded. While attempting to render aid and assistance to the officer, Sergeant Hunnicutt was again wounded. Nonetheless, he was able to fire at the enemy positions and to hurl hand grenades, eventually silencing their fire. At the first rays of dawn, he managed to move the company commander to a covered position and then proceeded to seek medical assistance but, overcome by weakness from loss of blood, fell into a gulley where he lay for several hours. Alerted by the sound of an aircraft, he gathered his last remaining strength and attracted the attention of the pilot who thereupon landed, placed Sergeant Hunnicutt aboard the observation craft, and then relayed a message to pinpoint the location of the company commander. By his indomitable courage, his selfless concern for the safety and welfare of his fellow Marines, and his inspiring devotion to duty in the face of overwhelming adversity, Sergeant Hunnicutt upheld the finest traditions of the Marine Corps and the United States Naval Service.

For the President,
JOHN W. WARNER,
Secretary of the Navy.

THE PRESIDENT'S NEW ECONOMIC PLAN FOR AMERICA

Mr. GOLDWATER. Mr. President, President Nixon in announcing his new economic plan for America stated that the key to its success is in the hands of the American people. Whether the Nation stays No. 1 in the world economy or resigns itself to a lesser position depends in large measure on the willingness of all Americans to make a sacrifice, momentarily set aside self-interest, and to join together in a cooperative spirit. I happen to agree with the President's assessment of the situation and thus call upon all Senators to lend a hand.

The cornerstone of the package of initiatives outlined by the President is the restoration of confidence in our ability as a nation to compete in peacetime. It is a challenge which none of us have faced in our lifetimes.

Many of my colleagues and fellow-citizens have honest differences of opinion with the President as to how best to achieve the goals of jobs, prosperity, and stability. That is to be expected. Unfortunately, however, there has been a great temptation among some to make the economy just another partisan political issue, with the President as target rather than partner. Some have already fallen victim to the temptation by resorting to their usual political attacks. Their response to the President clearly indicates a misunderstanding of the seriousness of the situation.

I am especially dismayed by the public utterances of several of my colleagues and their supporters in the labor movement over the Labor Day weekend. It is a sad commentary, indeed, of their sense of national unity that they should be mouthing political invectives and rhetorical poetry at a time when the President of the United States is trying to mobilize our people for one of the most difficult challenges ever to confront America. Such colorful expressions as "Robinhood in Reverse" and "trickle-down, percolate up" contribute nothing to public understanding of complex issues facing the country. In fact, they have the deceptive effect of leading people to believe that the new economic policy is just another political exhibition, and that the situation is not serious. I recognize the fact that some of my colleagues, and their political compatriots in the labor movement are interested in capturing the White House from President Nixon next year, but I urge them not to do it at the expense of the national interest. The economy and the Nation's prosperity must not become just another political punching bag—our future will be doomed if it does.

The vast majority of Americans are fully cooperating with the President. They do so because they wish, as I do, to see America solve her economic problems and maintain her traditional position of preeminence in the world. They do so because of the realization that they have made very little real progress in recent years in their wages and standard of living due to rampant inflation. They support the President because they understand the importance of unity in attaining the goal of prosperity in peacetime. Recent polls show that almost 80 percent of the public is behind the President in his efforts.

I call upon Senators to join with the people in a show of unity of purpose in licking our economic problems. No good can possibly come from witch-hunting or political bickering. The confidence of people in Government is being tested as never before. Our role in the Senate should be to do everything we can to promote that confidence.

I hereby ask for a moratorium on partisan political rhetoric among all Senators and Representatives. By no means do I imply by this that we should not examine closely each of the proposals transmitted to us by the President. Nor do I suggest that debate be muted as our own ideas discouraged. What I am asking for is a cease-fire in the rhetoric that so often impedes meaningful progress in Congress—and for a partnership between the legislative and executive branches of Government to win this present fight.

Those who have spoken out already are encouraged to join with the rest of us in this effort. It is not too late to sheathe the sword of partisanship. We should join with those who by their words and deeds have proven what many believed was no longer thought true in this country—and that is, that Americans are capable of cooperating with each other to solve mutual problems.

To that end I ask all of my colleagues to cool their rhetoric and to fall in behind the President in this new economic effort. In the President's own words:

> Let us invest in our Nation's future; and let us revitalize that faith in ourselves that built a great Nation in the past.

Now is the time for us to cooperate.

INTERVIEW OF ADM. LEWIS L. STRAUSS

Mr. BYRD of Virginia. Mr. President, last week the Associated Press distributed to its member newspapers an excellent interview of Adm. Lewis L. Strauss, former Chairman of the Atomic Energy Commission.

Admiral Strauss lives at Brandy Station, Va. He is, I feel, one of our country's ablest citizens and one of her greatest patriots.

He is a man of unusual ability and judgment who has served five Presidents, and served them well, during his long career.

As his close friend I have been the beneficiary of his sound judgment and good advice. I cherish my close association with him during the past 25 years.

I ask unanimous consent that the Associated Press interview of Admiral Strauss be printed in the RECORD.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

THE GREAT WARS ARE OVER

(By George W. Wilbur)

BRANDY STATION.—Rear Adm. Lewis L. Strauss, who helped spur development of the hydrogen bomb, feels that nuclear weapons have made major wars unlikely in the future. Instead of war, he thinks man's biggest problem will be warding off starvation.

"I suspect that the great wars are over," said Strauss, financier, adviser to five U.S. presidents and former chairman of the Atomic Energy Commission.

The fact that the United States, Russia, Britain and France have all had atomic weapons this long without using them "attests to the persuasive deterrence of nuclear armament," he said.

Strauss, 75, interviewed at his 2,000-acre Angus cattle farm in Culpepper County, said Red China's entry as a nuclear power "represents a new factor."

"And while we don't know enough about Chinese mentality to know whether they'll bluff or actually use it some day," he said, "I think we have to hope" that Nixon's overtures will lead to talks on disarmament.

Strauss said his greatest concern for the future is that population growth will outstrip food production. Starvation "is what is staring us in the face," he said.

Relaxing in the living room of his manor house, Strauss gazed toward the outline of the Blue Ridge Mountains and reflected that he and John D. Rockefeller III joined in 1951 to organize the Population Council.

"The council financed the development of 'The Pill' and the intrauterine devices," he said, "but the real effectiveness of population control depends on the backing and support of governments."

Strauss verbally hop-scotched over the sometimes controversial summits of a life of public service that began, at age 21, as a member of the Belgian relief team under Herbert Hoover.

He was on active duty, as a rear admiral when the atomic bomb was dropped on Hiroshima, and he says deplores the act to this day.

"I did my best to prevent it," he said. "The Japanese were defeated before the bomb was used. It was unnecessary and, worse than unnecessary, it launched the world into the atomic weapon era."

In 1946 President Truman named him a member of the first Atomic Energy Commission. He resigned in February 1950, but was appointed its chairman in 1953 by President Eisenhower.

At the end of his term in 1958 Eisenhower gave him an interim appointment as secretary of commerce: Congress defeated his nomination to the full-time post in June 1959.

In subsequent years, Strauss served as director of numerous corporations, as president of the Institute for Advanced Study at Princeton, as a trustee of the National Science Foundation and as a member of the Naval Research Advisory Committee.

Retirement, begun a few years ago, is shorn of the pressure of Strauss' fastest pace but remains full of activity.

"I serve on a few boards, look after my investments and farm operation, do a little gardening and a lot of reading and writing," he said.

Strauss is currently writing two books and cataloguing his papers for future distribution to libraries.

He remains optimistic about the future of his country.

"Economically, we're as great as we say we are," he said.

"Militarily, we've slipped. But with military strength, in the nation" but added that back.

Strauss said he was disturbed about the divisiveness in the nation" but added that as much or perhaps more divisiveness might be as true of Russia or even China "and we wouldn't know about it because they do not have freedom of expression."

Often criticized for his give-no-quarter approach to worldwide communism, he said nothing has occurred recently to change his opinion that "they're expansionist and think the world is their oyster."

"While I do not believe that they are less threatening than they were," Strauss said, "I'm not sure that just to glare at them and not talk with them gets us anywhere."

Strauss said one of his proudest accomplishments "perhaps the best thing I ever did" was to act as catalyst for the development of peacetime uses of atomic energy.

Noting that he was "pretty roundly lambasted" for his views back in the 1950s, he said electrical production by nuclear plants either in operation, in the course of construction or for which reactors have been ordered, has a capacity of nearly 100 million kilowatts a year, the equivalent to nearly 100 Hoover hydroelectric dams.

"Nuclear energy is here in a big way and is going to get a lot bigger," Strauss said.

A key hope for the future, he said, is the production of non-polluting electrical fuel at very low cost from the limitless supply of seawater through the fusion of heavy isotopes of hydrogen.

"When I returned to the commission as chairman in 1953," Strauss said, "I secured $20 million in order to get several laboratories and several hundred top physicists to work on this project. The breakthrough will come in this century and could come in the very, very near future.

THE RUSSIAN TRUCK DEAL

Mr. THURMOND. Mr. President, I invite the attention of Senators to an editorial published in one of my State's most prominent newspapers.

The editorial correctly takes the administration to task for endorsing the shipment to the Soviet Union of $162 million worth of foundry tools. From this material the Soviets will be able to assemble the world's most productive truck factory.

I submit, Mr. President, that such a technical increase in the productivity of this No. 1 Communist nation does not serve the best interests of the United States in any sense, militarily or economically. At best, it is extremely unwise to hand the Soviets a capability that can very easily be converted to a military use.

The editorial, entitled "America Plays Simpleton in Russian Truck Deal," appeared in the August 12 issue of the State of Columbia, S.C. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

AMERICA PLAYS SIMPLETON IN RUSSIAN TRUCK DEAL

With the Administration's blessing, an unidentified American exporter shortly will trundle off to the Soviet Union with $162 million worth of foundry tools. Thus equipped, the Soviets will undertake to assemble the mightiest truck factory in the world.

The excuses cited by those Washingtonians who gave the green light to this deal are, first, that it will pump new life into America's gasping machine tool industry, second, that the Russians will know now that we aren't planning anything clever by cozying up to the Red Chinese, and, finally, that such friendliness on our part will encourage the Soviets to be nice to us when it comes time to negotiate on matters vital to survival.

Man's capacity for self deception knowing few bounds, it is possible that the Administration really believes this drivel. It is drivel just the same. Does anyone in his right mind seriously suppose that the good health of America's machine tool industry is dependent on the Soviet market or that a piddling $162 million contract will save it if it needs to be saved? Lockheed—one company—needs more money than that and may fold anyhow.

Or take the Red China argument. The one thing Mr. Nixon's Peking overture has going for it is the unspoken encouragement it offers to the Sino-Soviet feud, from which the non-Communist world has nothing to lose and much to gain. Now the Administration speaks of smoothing Moscow's feathers. In repayment for what? All that Soviet assistance to North Vietnam, which assistance includes, among other items, Soviet-built trucks?

But the weakest excuse of all is the naive assertion that Moscow will show appreciation at the bargaining table. Moscow will do nothing of the kind. What Moscow will do is what Washington ought to be doing: drive the hardest bargain possible. Anyone who supposes that Moscow will trade Soviet missiles for American-made machine tools is dreaming.

Would that we all were. Even the celebrated 1963 wheat deal, whereby America sold grain to the Soviets after a Russian crop failure, could be defended on humanitarian grounds. Also, wheat is a non-strategic commodity. But trucks? What on earth is the Administration thinking about? Or is it thinking at all?

THE NATION'S MILITARY STRENGTH

Mr. GOLDWATER. Mr. President, the Armed Services Committee has just completed the writeup of the military authorization bill and it will probably be debated at length now that we have returned from the summer recess.

So many people who practice soft approaches to the threats placed upon us around the world have had a hand in formulating the Pentagon thinking up until Secretary Laird took over that we have found our military strength decreasing and potential enemies' strength increasing.

Every briefing on the threat that I have listened to over the past 8 to 10 years has brought me to the conclusion a long time ago that the time would come when this country would no longer be No. 1 in military strength in the world. I wish it were possible for the American people to see and hear these threat briefings, but so much material of a highly classified nature is contained in them that that would be impossible, but one briefing has been downgraded by Gen. Bruce Holloway, commander of the Strategic Air Command, to the point that the briefing as he gives it is in a declassified form and can now be printed. Many Senators have undoubtedly received a copy of "The Threat," by the Strategic Air Command, that I ask unanimous consent that the discussion in its entirety be printed in the RECORD.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

THE THREAT

SOVIET-CHICOM STRATEGIC THREAT

This subject, "the Soviet and Chinese Communist Threat," is one of real concern to all of us. During the past five years, the fine balance of strategic power has shifted in favor of the Soviet Union. Admiral Thomas Moorer, chairman of the Joint Chiefs of Staff, disclosed recently "that within the next five years or six years, we could actually find ourselves in a position of overall strategic inferiority." This presentation will highlight the most significant aspects of the growing Soviet strategic offensive and defensive forces, and the emerging Chinese Communist threat. In our judgment, no discussion of Soviet strategic systems would be complete without some mention of the developing Chinese Communist threat. Therefore, we have taken the liberty of including a brief look at the Chicom strategic threat.

THREAT TOPICS

Three major elements of the Soviet strategic threat will be discussed. Strategic offensive forces, strategic defensive forces and research and development. We have included defensive forces under the general topic of strategic weapons systems, since defenses also play a vital role in our planning and in the strategic balance of power. We conclude with a review of the Chinese strategic threat.

ICBM FORCE

The expanding Soviet strategic threat is reflected in the rapid growth of their ICBM inventory. In only four years, the Soviets have increased their ICBM force by a factor of five. The result is an ICBM force of about 1500 launchers, compared with our fixed IBCM force of 1954 launchers, a U.S. force that peaked out this level over five years ago. Perhaps you have heard of the apparent slowdown in the deployment of the Soviet's SS–9 launch system. This development has now been offset by the recent revelation that the USSR is constructing new missile silos. Secretary of Defense Melvin Laird, in this regard, stated "there is evidence of construction of a large missile system" and that "it is difficult at this time to say whether it is a modified version of the SS–9 or a new ICBM system."

SS–7 AND SS–8

Since initial deployment in the early 1960's, the Soviets have developed a number of ballistic missile systems. Two of the earlier systems, the liquid fueled SS–7 and SS–8, were deployed in only limited numbers. However, their retention in the ICBM inventory emphasizes the Soviet propensity to hold onto older, proven systems, even as new systems are deployed.

SS–11

The SS–11 is one of three ICBM systems still being actively deployed. It is deployed in larger numbers today than any other Soviet system, in excess of 900 launchers, part of which are associated with MR/IRBM fields. Flight testing of modifications to the SS–11 commenced in 1969 and has included tests of a new reentry vehicle with penetration aids and multiple reentry vehicles as likely possibilities. Last August, Secretary Laird revealed that two extended range tests of this system, into a Pacific Ocean impact area, may have carried as many as three reentry vehicles. In 1968, deployment of SS–11's at MR/IRBM complexes in the western U.S.S.R. was begun. These missiles, if used in a variable range mode, could be targeted on both U.S. and the NATO area of Western Europe.

SS–13

The SS–13, Savage, is the Soviet's first operational solid propellant ICBM. Deployment thus far has been limited, and we are uncertain about SS–13 force goals. Again, as with the SS–11, an active test program continues for this system.

Today, the combined SS–11 and SS–13 force accounts for more than 1,000 launchers.

SS–9

Last, but by no means least, of the ICBM systems currently being deployed is the powerful SS–9 system.

The SS–9 is the largest and most versatile missile in the Soviet ICBM inventory. Silos for about 300 of these large, liquid fueled systems are completed or under construction. The missile is capable of a variety of strategic roles. As an ICBM, the SS–9 is capable of delivering a single 25 megaton warhead, or combinations of smaller megaton range multiple warheads.

Multiple reentry vehicle tests, using the SS–9 booster, were initiated in 1968. As already tested, the system can carry three 5 megaton warheads to a range of over 5000 nm. Shown is photography of the reentry phase of one of the multiple reentry tests.

Another variant of the SS–9 has been tested as a fractional orbit bombardment system, or FOBS.

The actual extent of diversification in the operational deployment of the SS–9 system cannot be determined. However, it can be said with assurance that this large payload missile, with its proven versatility, provides a variety of options for deployment or employment.

ICBM GROWTH

The Soviets have already surpassed the U.S. in numbers of land-launched ICBM's and deployment is continuing. Of even more significance is the advantage held in total payload and the current emphasis on multiple reentry vehicle testing. Significantly, last year's research and development testing of ICBM's by the Soviets showed the greatest activity since the beginning of their ICBM program. Although we are uncertain of their future force goals, based on the level of activity in recent years, the Soviets could achieve a force of well over 2,000 hardened ICBM's by 1975.

MR–IRBM FORCE

The Soviets have also deployed over 650 liquid fueled medium and intermediate range missile launchers. These launchers, designated the SS–4 and SS–5, are mainly deployed along the western USSR border.

The MR–IRBM force has remained fairly constant over the past 10 years. However, indications are that it may be replaced by a solid fueled mobile system, such as the Scamp.

While not a direct threat to the United States, the MR–IRBM force, including refire capability, represents a threat of over 1,000 missiles to our overseas forces and bases, as well as to our allies.

SLBM FORCE

Turning now to Soviet sea launched ballistic missiles, a situation exists similar to the ICBM growth. In less than five years, this threat has tripled.

OLDER SUBMARINES

The first ballistic missile carrying sub, the Z-class, was operational in the mid-1950's. This was followed by the G-gold and then the H-hotel class. The hotel class was the Soviet's first nuclear powered ballistic missile submarine. The missiles associated with these three-tube submarines have ranges on the order of 500 NM.

YANKEE CLASS

By far the most significant factor in the expanding sea launched ballistic missile threat has been the development of the Yankee class nuclear powered ballistic missile submarine. Like our polaris subs, the Yankee carries 16 missiles each, with a range of about 1300 NM. At least 17 of the Y-class boats are considered to be operational. However, we believe at least another 15 are presently being outfitted or under construction at two separate facilities, and the build rate is about seven to eight per year.

In addition, testing is underway on a new, longer range missile that could double the present strike range. This new naval missile may be the sawfly which was first displayed in a 1967 Moscow parade.

SLBM GROWTH

Today, the United States still has the advantage in numbers of sea launched ballistic missiles but the Soviets are rapidly closing the gap. With an estimated construction rate of 7–8 Yankee subs per year, the Soviets could at least equal our Polaris and Poseidon force within the next few years.

BOMBER FORCE

Turning now to Soviet bombers, the maintenance of a long range aviation force of about 900 bombers since 1965 is evidence of their continuing importance as part of the Soviet strategic arm.

HEAVY BOMBERS

The heavy bomber force composed of bears and bisons is being maintained at about 195 aircraft of which 50 bisons are normally configured as tankers.

Although the U.S. stopped heavy bomber production about seven years ago, the Soviets only recently discontinued production of the Bear, a turboprop bomber.

A significant portion of this force can carry air to surface missiles and be refueled in flight.

MEDIUM BOMBERS

The Soviet medium bomber force, consisting of Blinders and Badgers, totals about 700 aircraft. The Badger was first introduced in 1953 and some of these aircraft have been revitalized by the addition of air to surface missiles.

A limited production continues on the Blinder. This is a swept wing, supersonic medium bomber, powered by two turbojet engines. If deployed at northern USSR staging bases, the medium bombers could be a potential threat to the United States.

FUTURE BOMBER

While older systems are continually updated with modifications, the Soviets continue to develop newer and improved aircraft.

The Soviet supersonic transport has been flying for 2 years. While we know of no direct military application, the SST could provide valuable engineering data for a follow-on strategic bomber.

In fact, a new prototype strategic bomber is now flying in the Soviet Union. It is believed to be a variable sweep wing, supersonic aircraft, with improved range over the Badger and Blinder.

BOMBER STRENGTH

The long range bomber force has remained fairly constant during the past 6 years after the allocation of about 400 aircraft to its naval arm in the early 60's. They continue to maintain this large strategic bomber force, despite predictions that it would be phased down. Recall Mr. Khrushchev's famous remark in 1957: "Bombers are obsolete. You might as well throw them on the fire."

AIR DEFENSE FORCE

A full appreciation of the growing Soviet threat requires an examination of defensive as well as offensive strategic forces. Today, the Soviet Union possesses extensive defensive systems ranging from antiaircraft artillery to antimissile missiles.

They probably spend at least twice as much as the United States for defense. They are, qualitatively speaking, equal, and in terms of inbeing, operational forces, quantitatively greater than the United States.

By way of illustration, with a land area not quite three times that of the United States, they have from five to 20 times as many radars, surface to air missiles, and interceptors.

Probably more important, however, is their continuing program to improve air and missile defense across the board, coupled with significant progress in antisubmarine warfare.

RADARS

An important aspect of Soviet air defenses is the network of radars, numbering in the thousands, which provide complete warning and interceptor control throughout the USSR. These radars, which span the full usable frequency spectrum, incorporate all the latest advancements in electronic counter-countermeasure technology. In addition, they have recently embarked upon an extensive program to improve their ability to detect low flying bombers using land, sea, and air based radars.

AWACS

A new airborne radar is mounted on the Moss, which was developed from the TU–114 transport version of the Bear bomber. This airborne warning and control system, AWACS, can extend Soviet detection of penetrating bombers by about two hundred miles, and even without advanced techniques, could detect low altitude aircraft against the background of a calm sea.

FIDDLER

The Soviets maintain an impressive force of more than 3,000 fighter interceptors. Most, including the older MIG–17, –19 and –21 have good all-weather performance characteristics. To keep this force modern, the Soviets have introduced a new fighter aircraft on an average of one per year.

An example is the Fiddler, a large, long range interceptor which became operational about five years ago. If used in conjunction with the AWACS, it could patrol well beyond Soviet borders.

FLAGON

The Flagon is a small, fast point defense interceptor which has been in service about two and a half years.

THE FOXBAT

The Foxbat is a relatively large aircraft capable of speeds in the mach 3 region. When introduced over five years ago, the Foxbat claimed three world speed records, as well as altitude and payload records. Today, this aircraft officially holds two world speed records over a close circuit course. This aircraft was recently deployed as an interceptor and may enter the tactical aviation inventory this year. If employed as a tactical aircraft, it is believed that the Foxbat will retain its primary role as an interceptor and fulfill a specialized secondary reconnaissance role.

SAMS

Besides innumerable AAA weapons ranging up to 130-mm, there are on the order of 10,000 surface to air missile launchers in the Soviet Union in both fixed and mobile configurations. Their oldest operational system, the SA–1, is still deployed around Moscow.

The SA–2 is the mainstay of Sam defenses in the Soviet Union and pro-Soviet nations, including Cuba, NVN and the UAR. The good high altitude performance of the fixed SA–2 system is complemented by the SA–3 system which is more effective at low altitudes. The SA–2 and SA–3 have figured prominently in the Mid-East.

The SA–4 and SA–6 are track mounted, mobile systems, ideally suited for defense of army field units. The SA–6 was first observed in the November 1967 Moscow parade and may be operational now or in the near future.

The SA–5 Tallinn system provides an excellent defense against extremely high altitude aircraft; and as a leading U.S. expert has pointed out, could intercept ballistic missiles. More will be said about the SA–5 system later.

ANTISUBMARINE WARFARE

Soviet defenses are also growing on the seas—witness the production of two large helicopter carriers: The *Moskva* and her sister ship, the *Leningrad*. These ships probably carry sophisticated electronic gear for detection and tracking of enemy submarines, and rely on armed helicopters to perform the kill. Both ships have operated extensively in the Mediterranean, and the *Leningrad* has been noted as far north as the Kola Peninsula. The *Leningrad* also played a prominent role in the large scale Soviet naval exercise, Okean, in April and May 1970. This single naval operation was, incidently, the widest in scope ever attempted by any navy—involving about 200 ships in a single, integrated operations plan involving three oceans and nine adjoining seas.

ANTISUBMARINE AIRCRAFT

In addition to using helicopter carriers in an ASW role, the Soviets have developed several long-range, land-based aircraft for this mission. The Mail and the May are probably equipped with a high resolution radar, as well as magnetic anomaly detection gear. Both can carry ASW torpedoes and depth charges.

Additionally, the Soviets could configure their longer range naval version of the Bear bomber for this ASW mission. With such a platform recovering in Cuba, as the Soviets have done with the reconnaissance version, the entire North Atlantic could be covered routinely.

BALLISTIC MISSILE DEFENSE

Turning now to ballistic missile defense, the Soviets have considerable activity underway.

MOSCOW SYSTEM

The Moscow system consists of 64 launchers, divided among four complexes, and was begun 5 years ago. At the same time, construction began on several giant supporting radars, about 900 feet long and 90 feet wide. These powerful radars, designated the Hen House, provide early warning acquisition and tracking functions.

The first phase Soviet ABM deployment around Moscow has been described by a DOD spokesman as a "relatively complete ballistic missile defense". He also stated that there is "no reason to doubt the effectiveness of this system."

ABM RADAR—ACQUISITION

A second large radar, nicknamed dog house and standing hundreds of feet tall, is located near Moscow. It is probably a more accurate system designed to provide refined data for improved battle management.

ABM RADAR—TRACKING

Final target tracking and missile guidance are probably provided by large, dome covered tracking radars, such as this one near Moscow, designated try add.

ABM SYSTEMS

The Moscow System Interceptor, the Galosh, is a multi-staged, solid/liquid fueled missile. It is believed to have a range of several hundred miles, can carry a 1 to 2 mt nuclear warhead, and appears suitable for a high altitude area defense. As now deployed, it could give the Soviets a limited defense against our Minuteman or Polaris missiles on northern trajectories. Completion of this entire system is expected to be two or three years away when the half a dozen hen house installations around the Soviet Union are operational.

The Galosh missile, however, may not be the only ABM system in the Soviet inventory. The so-called Tallinn system employs the SA–5 missile and it has been said that "if the SA–5 system is given information from the large ballistic missile acquisition and tracking radars, then it could have considerable capability in making successful intercepts of incoming ballistic missiles."

In addition, testing of an improved ABM interceptor is underway. This ABM would loiter—that is, once fired, it could coast out to a general intercept area, select its targets, restart and maneuver to kill the incoming warhead.

Projection of Soviet R&D efforts with these new ABM components may find that by the mid-70's, the Soviets could have as many as 2,000 ABM launchers.

RESEARCH AND DEVELOPMENT

Quoting Dr. John S. Foster, the Director of Defense Research and Engineering, "The Soviet Union is now about to seize world technological leadership from the United States." He has based this conclusion on the comparative state of technology today between the two nations and the current level of R&D efforts. He believes that the United States still retains an overall edge in technology, but that this edge may exist in nonessential or irrelevant areas.

R. & D. PRACTICES

Soviet R&D practices can be characterized by three features:

(1) They are bold in their approach to program concepts. Construction on the large hen house radar, for example, actually began several years before a working interceptor to complement it was available.

(2) The Soviets organize their system development about a few prototypes, most often pitting two teams of designers against one another. The wide variety and variations of USSR flighter aircraft are examples of this methodology.

(3) Third and last, they seldom abandon a proven piece of equipment or system, but instead rebuild or modify it to improve its usefulness or extend its life. Prime examples of this are the numerous modifications made to the Bear heavy bomber, and the versatility of the SS–9 missile.

R. & D. FUNDING FOR DEFENSE

Looking at military, space and atomic energy R&D, the U.S. is already behind about $3 billion a year. Note that the Soviets have been expanding R&D expenditures by about 13 percent a year since 1960.

CHICOM THREAT

Turning now to a brief look at Communist China. The Chinese Communists are apparently convinced that the possession of a strategic nuclear strike force will act as a deterrent in preventing attacks on the Chinese mainland. They also have noted that this power would greatly enhance their bargaining position throughout the world.

As a step toward attaining this goal, the Chinese have thus far achieved a modest nuclear potential. They have conducted nuclear testing since 1964, including about a dozen detonations. Most are believed to have been thermonuclear devices, including both air and possibly missile delivered weapons, with yields in the megaton class.

CHICOM ICBM

The Chinese have successfully orbited two satellites, one in spring 1970, and one in March of this year. The technology displayed in launching these approximately 400-pound payloads provides an insight into their missile potential. Based on their demonstrated space technology, reduced range testing of an ICBM may have begun late last year. Following more extensive testing, an operational ICBM could become available as early as 1973 and be deployed in limited numbers by 1975.

CHICOM MR IRBM

The Chinese have been testing a medium range ballistic missile since the mid-1960's. This is a picture of a Soviet MRBM and is much like the type given the Chicoms by the Soviets in the early 60's. From this system, the Chinese have probably developed an indigenous missile.

Emphasis in Chicom missile R&D may have shifted in 1970 to the development of an intermediate range missile system. By the middle of this year, there could be a small number of MRBM's deployed and limited deployment of the IRBM is a possibility within 1 or 2 years. A force of 80 to 100 MRBM's could be available by 1975.

CHICOM BOMBERS

The present Chicom nuclear delivery force consists of a limited number of medium range bomber aircraft. These bombers include about ten B–29 type piston aircraft acquired from the Soviets in the late 50's and a small but growing medium bomber force of Badger type aircraft. The series production of this jet will permit the assembly of a significant force by mid-1972.

CHICOM AIR DEFENSE

The Chinese Communists have over 3,000 fighter aircraft, mostly of Soviet design; however, the Chinese may now be capable of producing their own native aircraft in limited quantities. Supporting these fighter aircraft are nearly 1,500 air defense radars. In addition, key targets are protected by over 50 surface to air missile sites and nearly 4,500 AAA weapons are deployed throughout the country.

CHICOM GROWTH

Though hardly comparable to Soviet growth, the Chinese threat does include improvements in all areas.

Their strategic bomber force, which has remained fairly constant since 1960, may add new medium range aircraft and increase the existing inventory within a few years.

Missile deployment may have begun last year with MRBMS, followed with an ICBM at the earliest by 1973. By the mid-1970's, total missiles on hand could reach as many as 125.

STRATEGIC THREAT (SOVIET-CHICOM)

In summary, one can ascertain the Soviet threat is growing. They are still deploying at least three types of ICBM's, and follow-on system improvements are underway. Our advantage in sea based ballistic missiles is rapidly diminishing, and testing is underway of a new missile which would double the range of the missile carried by the Yankee subs. They are continuing to produce bomber and fighter aircraft, and are flying a new bomber.

Although already superior in all aspects of defense, the Soviets are deploying more and better surface to air missiles and improving anti-submarine and ballistic missile defenses. Finally, they are striving to build the world's finest technological base to support their expanding R&D programs and provide options for the future.

The Chinese Communist efforts to attain an independent strategic deterrent only complicate our problems further.

IMPACT ON U.S. STRATEGIC FORCES

Looking at the growing threat from the viewpoint of General Holloway in his dual hat capacity as commander in chief, strategic air command, and as director of the joint strategic target planning staff, we see at least three major problems: First, the threat to our forces in their day to day posture, from the Soviet ICBMS, SLBMS and anti-submarine warfare forces.

Second, the penetration of defenses is becoming more difficult, both for our bombers and for our missiles.

Finally, the enlarging and more complex strategic and defensive systems making up the growing threat makes our job of deterrence more difficult.

SAC SHIELD

But even more ominous is the threat to our way of life. This presentation has focused upon the strategic threat, offensive and defensive. However, the Soviet developments in tactical air, land and sea forces are equally impressive.

One would conclude that the Soviets are developing options, options throughout the spectrum of warfare and the growing Chinese Communist threat only serves to complicate an already difficult situation.

Gentlemen, this concludes the presentation on the Soviet and Chicom strategic forces.

RURAL INDUSTRIAL GROWTH IN THE 1960's

Mr. HUMPHREY. Mr. President, for a long time now, I have worked for the revitalization of our rural areas. I have viewed with increasing concern the depletion of human and natural resources from farms and small communities. I believe these areas hold great potential for allowing us to enhance our national productivity as well as provide the attractive total environment most of our population seeks.

Also, I am convinced that adequate jobs are an integral element in aiding the regrowth of our rural communities and small towns and realizing a more balanced distribution of our population.

Therefore, I was encouraged recently to discover an excellent article which indicates that employment opportunities in rural and small town America increased during the 1960's due to accelerated industrial decentralization, in clear contrast to the trend of the 1950's.

As the article explains, this movement is due substantially to improved transportation and technology and the general attractiveness of life in our small towns and cities for many of our citizens. It has also brought with it the accompanying benefits of increased incomes and population rather than inadequate living standards and continued outmigration.

However, as the article clearly implies, we can hardly afford to remain content. Despite this progress, many areas of the country are not fulfilling the benefits they hold for our people.

This story supports my belief that rural America contains great potential for development; it remains our responsibility to make certain that this potential is not wasted to the detriment of our citizens.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RURAL INDUSTRIAL GROWTH IN THE 1960'S *

(By Claude C. Haren)

(NOTE.—This article relies on unpublished data from ongoing research and various special industry and small-area studies to assay dimensions and explore impacts on rural America of greatly accelerated industrial decentralization in the 1960's. Similar sources identify better highways and local services and facilities, and changing markets, products, and technologies as motivating forces. Brief attention is given to implications for population change, family and community well-being, and assimilation of poorly educated and unskilled rural people into today's economic mainstream.)

Additions to manufacturing and other nonfarm jobs in the 1960's in the United States greatly increased close-to-home work opportunities for farm and other rural people. About half of the gains in manufacturing employment in the smaller or nonmetropolitan labor market areas, or approximately 20 percent of the national total, stemmed from new plant locations or expansions in entirely and partly rural communities.[1] Among major contributory factors were: (1) progress on the Interstate Highway System; (2) improvements in processing, marketing, and transportation technologies; and (3) increasing attractiveness of today's small cities and towns as places to work and live. Accompanying changes were a significant broadening of industrial mix, as well as sharp rises in productivity, wage scales, and income. Urgently needed additions to local services remain for future determination.

Adding impetus to recent gains in employment and payrolls was the greatly accelerated movement of manufacturing and other jobs to suburban, satellite, and outlying communities in the Detroit, Chicago, and certain other metropolitan complexes, and to smaller metropolitan areas elsewhere [14, 27, 29]. Far more so than previously, decentralization extended not only to the larger urban centers outside metropolitan America but to smaller cities and town [5, 10, 16, 18, 32, 41].

In the older industrial districts, such reactivation of standby plants and replacement or modernization of facilities as occurred often failed to arrest erosion of the manufacturing base. In entirely and partly rural areas a large number of jobs were eliminated, as obsolete food-processing, feed-grinding, and fertilizer-mixing plants, basic wood-using establishments, textile and apparel mills, and small foundry and machine shops went out of operation. Except for localities with slow-growing or declining economies, attritions were minor or setbacks were much more than counterbalanced by the higher wages paid and the more regular work provided by new manufacturing and other employment in the same or neighboring communities.

In manufacturing, new plant additions and expansions created about four and a half million work opportunities in the 1962–69 period. During the same seven years over a million former manufacturing jobs were eliminated through protracted shutdowns, outright closures, and the transfer of production workers to new and modernized facilities within existing plants. Even so, more than three million net additions were recorded, a decided contrast to the sharp declines experienced in this and other goods-producing industries over the period of economic ups and downs between 1953 and 1962.

NEW CAPITAL INVESTMENT AND JOB FORMATION

Responsible for the strong increments to manufacturing employment and payrolls in recent years were outlays for plant, machinery, and equipment far surpassing levels during the construction boom of the mid-fifties, both in dollars and in duration over time. For 75,000 to 80,000 new plants or expansions and capital expenditures of 70 to 75 billion dollars [1, 15], investments from 1962 through 1967 averaged close to a million dollars per establishment and nearly $20,000 per worker.

Somewhat comparable to the costs of new steel, aluminum, and other primary metal plants were the multimillion dollar expenditures and the $150,000 to $200,000 or more per worker invested in today's highly automated pulp and paper mills [21]. Under the transformations in technology, management, and marketing in the furniture [30, 35] and synthetic textile industries, investments typically ranged from $15,000 to $25,000 per worker. Investments of less than $50,000 per operation and $5,000 per employee persisted mainly where an open lot or the rehabilitation of an old factory or warehouse sufficed and additional outlays could be reduced through the acquisition of used machines, tools, or equipment.

REGIONAL AND LOCATIONAL SHIFTS IN MANUFACTURING EMPLOYMENT

Nearly three of every four of today's manufacturing jobs continue to be located in the 193 largest labor market areas of the United States (Table 1).[2] Nevertheless, more than a third of the new openings in the 1962–69 period were in the nation's small or essentially nonmetropolitan areas.

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* The views expressed are those of the author and do not necessarily reflect those of the Economic Research Service or the U.S. Department of Agriculture.

[1] There were 2,087 counties that in 1960 had no population centers over 10,000; those with centers of 2,500 or more are referred to as "partly rural" or "semirural" while those lacking a center of 2,500 in 1960 are classified as "rural."

[2] Area delineations of 162 of the 193 large labor market areas match and those of another 21 partly match Standard Metropolitan Statistical Area (SMSA) designations by the U.S. Bureau of the Budget as of May 1, 1967. The remaining 10 consist of labor market, trade, service, and government centers that are important regionally but do not meet the basic criterion (50,000 population) for SMSA qualification.

TABLE 1.—MANUFACTURING EMPLOYMENT, 1962 AND 1969, AND ANNUAL GAIN, LARGE AND SMALL LABOR MARKET AREAS, UNITED STATES AND MAJOR GEOGRAPHIC REGIONS[1]

Area designation and size of labor market area	Employment (thousands)		Annual gain		
	1962	1969	Number (thousands)	Rate (percent)	Allocation (percent)
United States:					
Large[2]	12,113	14,141	290	2.4	63
Small[3]	4,302	5,673	167	3.7	37
Total	16,615	19,814	457	2.7	100
Northeast:					
Large	4,564	4,803	34	0.7	67
Small	950	1,072	17	1.8	33
Total	5,514	5,875	51	0.9	100
North Central:					
Large	3,961	4,776	117	2.9	73
Small	1,387	1,693	44	3.2	27
Total	5,348	6,469	161	3.4	100
South:					
Large	1,889	2,478	84	4.4	46
Small	1,870	2,561	99	5.3	54
Total	3,759	5,039	183	4.9	100
West:					
Large	1,699	2,084	55	3.2	89
Small	295	347	7	2.5	11
Total	1,994	2,431	62	3.1	100

[1] Adapted from statistics reported in May 1963 and May 1969 issues of Employment and Earnings and Monthly Report of the Labor Force [36], supplemented by data furnished by research and statistics divisions, State employment security agencies.

[2] Patterned after May 1969 listings, which included 193 large labor market areas.

[3] Residual determined by subtracting figures for large labor market areas from statewide totals.

About half of the gains in manufacturing employment in the smaller labor-market areas, or approximately 20 percent of the overall total, resulted from new plant additions and expansions in rural and semirural communities [12]. As was the tendency in nonmetropolitan areas, gains were most pronounced in partly if not entirely rural localities: (1) within the Great Lakes Industrial Belt; (2) in the broadening arc of industrialization extending westward from this belt in Minnesota, Iowa, and Missouri; and (3) throughout much of the South.

In the rural and semirural counties of the Northeast and over much of the West, sizable additions to employment in the private nonfarm sector were restricted to scattered growth nodes. Increases frequently stemmed from expanded employment on major construction projects or in certain mining or resort and recreation centers, rather than directly or indirectly from manufacturing.

The South accounted for approximately 60 percent of the annual increment of jobs outside the 193 large labor market areas. The South also was the only region to gain more work opportunities in small than in large labor markets. At 44,000 per year, job additions in the small labor market areas of the North Central region were less than half those of similar areas in the South. Within the North Central region, nearly three-fourths of the openings in manufacturing were in major metropolitan and other large labor market areas.

In the Northeast, the rate of gain in manufacturing employment in the smaller areas was more than double that in the Greater New York, Philadelphia, Boston, and other metropolitan units. But because such a low proportion of the region's manufacturing was included in these smaller entities, their net gain of 17,000 jobs a year was only half that of the larger labor market areas. In the West, the combination of a small manufacturing base with a comparatively low rate of gain was reflected in only 7,000 net job additions annually, compared with 55,000 in large labor market areas of the Northeast.

DETERMINANTS OF INDUSTRIAL RELOCATION

The shifts in consumer and industrial markets that were set in motion by population; and more particularly, income growth in the South and West during and following World War II have been accompanied by equally pronounced changes in manufacturing technologies and in the number and variety of items produced (20, 34). Indirectly influencing the tempo and geographic spread of the relocations under way was the protracted lag in recovery and revitalization of the old central industrial district and, more recently, the increasingly adverse effects of mounting land values and traffic congestion on the movement of industry to the suburbs.

The interstate highway system and modernized roadway, waterway, rail, and air transport greatly extended the radius within which relocated or expanded facilities could serve industrial as well as consumer outlets. Either combined with or independent of tax and related incentives, improvements in water and sewerage systems and in other services and facilities offered by smaller communities have become increasingly important in the selection of plant sites. Transfer of administrative, professional, technical, and other personnel, including production workers, often was coupled with job training and retraining programs to minimize former regional and local differentials in managerial and labor skills.

DIVERSIFICATION

An outstanding characteristic of industrial decentralization in the 1960's has been the highly diversified types of manufacturing moving into or expanding in entirely rural or, more typically, partly rural communities. Undoubtedly the greatest increment was in products that found direct or fairly direct outlets in consumer channels. But, notably, within and on the margins of the Great Lakes Industrial Belt and in parts of the Upper Southeast, many items manufactured by new plant additions or expansions were primarily for the industrial market.

The kinds and value of foods, wearing apparel, building materials, and furniture and furnishings produced were greatly increased in these rural communities. Being introduced and rapidly expanded were facilities for fabricating a host of additional consumer items, including household fixtures and appliances, radio and TV sets, mobile homes, automobile trailers, pleasure boats, garden and power tools, costume jewelry, and watches and clocks.

Added or enlarged were firms producing not only farm fertilizers, but pharmaceuticals and a broad range of industrial chemicals. In addition to plants turning out farm machinery and equipment, a far greater and increasing number were manufacturing industrial machinery, control equipment, transformers, electric generators, motor vehicles and parts, and aircraft and aircraft components. Blast furnaces, reduction plants, and rolling mills were installed at strategic small cities and towns, notably along the Ohio and Mississippi Rivers. Even more numerous and varied were expansions in metalworking facilities for the production of such industrial hardware as dies, machine tools, structural metal, stampings, piping, and tubing.

WAGE OR PAY SCALES AND INCOME TRANSFORMATIONS

The addition of a large plant or several small ones can readily double or triple the total income of a rural community. Expansions of these dimensions have been fairly common in the 1960's especially where former receipts from farming were low and nonfarm employment was limited or included a high percentage of intermittent or poorly paid work.

In some places expansion in manufacturing was confined to such traditionally low-wage industries as sawmilling and garment-making. Even so, improved productivity per worker was reflected in higher wages in the apparel and textile industries, while forest automation increased the number of better paying jobs in cutting, loading, and related operations [24].

Widespread sponsorship in recent years of job training and retraining and remedial education programs has aided in alleviating the plight of the underemployed, the unskilled, and the poorly schooled in rural and semirural communities. Yet, as in urban America, such individuals remain, by and large, at a severe disadvantage in gaining more than an uncertain and tenuous foothold on the economic ladder [11, 28, 42].

In certain instances, an apparent reduction in the number of households with incomes near or below the poverty threshold may well have been brought about almost entirely through the death of low-income couples or individuals or the exodus of low-income families. In others, both the number and proportion of poverty households undoubtedly has increased, particularly (1) where the curtailment of farm, ranch, and related work was unaccompanied by expansions in nonfarm employment, or (2) as outmigration slowed [2, 3, 26].

MINOR EMPLOYMENT MULTIPLIER EFFECTS EXERTED

Manufacturing was the source of about 50 percent of recent job additions in the private nonfarm sector in the 2,087 rural and semirural counties; construction, including activities under way on new plants and modernization, furnished another 10 percent. If comparisons are restricted to broad industry shifts alone [19]), the 40 percent increment to the service-producing group might seem to indicate a pronounced multiplier effect. Once area-by-area distributions are explored, however, and especially as subindustry data are examined, employment additions outside manufacturing and construction are seen to be mostly from such equally basic or exogenous sources as: (1) the resort and recreation industry; (2) small private colleges; (3) farm producer and distributive cooperatives; (4) commercial laboratories, data processing centers, and business consulting services; and (5) hiring at various federal installations [31].

In accordance with national trends [9], changes in the service-producing groups, particularly at the local or small-area level, not only diverged from but often ran counter to shifts in manufacturing and other goods-producing industries. In some instances the lack of a more substantive increase in nonbasic employment was attributable to the well-developed system of shopping facilities, hospitals, schools, and so on, already available either in the immediate or an adjoining community, or at a regional service center. The retention of purchasing and related functions at corporate headquarters and similar trade leakages [11, 17] or complete or partial tax abatement often seriously delayed the accumulation of investment capital and fiscal resources required to underwrite much-needed improvements in community and business services and facilities. All too typically, a high proportion of increased payrolls went to nonresidents, or added work opportunities resulted in the substitution of local employment for jobs formerly held outside the immediate area [40].

ACCOMPANYING POPULATION CHANGES

Gains in manufacturing and other nonfarm employment in the 1960's were accompanied by equally pervasive changes in the population flows and counterflows that were characteristic of the preceding decade [2, 6]. The favorable growth climate prevailing throughout much of the South was translated into relatively widespread population increases [13]. Except for a scatteration of growth nodes, both work opportunities and population continued to decline in the Great Plains and Intermountain regions and in strongly rural, sparsely populated, and isolated communities elsewhere.

These and other seeming parallels between employment and population growth have been altered in varying degrees by the regional, state, and especially the local or small-area impacts of (1) the rapidly changing age composition of our population; (2) modifications of fertility, death, and migration ratios; (3) shifts in commuter patterns; and (4) possible methodological weaknesses, especially in conventional approaches for projecting current population.

In the Seattle-Everett, Charlotte, and certain other major metropolitan areas, the increment of population per new job was relatively low. Apparently these labor markets attracted a high proportion of unattached individuals and childless couples or small families; another explanation is increased commuting. New York and Corpus Christi exemplify metropolitan communities where population, particularly in various racial or ethnic groups, expanded more rapidly than work opportunities were evolved. Elsewhere in major population and economic centers, immobility of the labor force contributed to additions in population even though employment declined.

In rural America, recent population/work force trends have been marked by even greater diversity. In the rural communities surrounding the Atlanta metropolitan area, a substantial increase in commuting undoubtedly underlies the high ratio of population expansion to job formation in evidence since 1960. For comparable localities bordering metropolitan Charlotte, a low ratio of population to work force change appears indicative of an attraction for workers without dependents or with small families that extends beyond the central city and its suburbs to smaller and relatively far-flung cities and towns.

Throughout major segments of the Coastal Plain and Lower Rio Grande Valley, a much higher percentage increase in population than in the creation of work opportunities seems attributable to the persistence of high fertility rates among the Negroes and Mexican-Americans comprising a good share of the population of the respective areas. Then, too, any diminution of former outflows of population that may have occurred could well be adding to an already large boxed-in population in these and other disadvantaged areas.

In communities in Southern Appalachia and the Ozarks that have experienced a sharp upturn in their economic fortunes in recent years, severe outmigration and reduced fertility levels during the preceding decade [7] may have contributed to subsequent reduction of the network population. This could be true because, with so much of the 1960 population concentrated in the upper age brackets, restoration of the population of prework age has had to come mainly as returnees and newcomers brought families with them.

A RURAL REGION IN TRANSITION: THE TENNESSEE VALLEY AREA

In the 10-year period from 1959 through 1968, nearly 5,000 new plants and expansions were constructed in the Tennessee Valley area [36] at a cost of approximately three and a half billion dollars (Table 2). An additional three quarters of a billion dollars was invested by TVA in the creation of additional capacity for the generation of electrical energy.

TABLE 2.—NEW INDUSTRIAL PLANTS AND EXPANSIONS IN THE TVA AREA: ESTABLISHMENTS ADDED OR EXPANDED, ELECTRIC ENERGY REQUIRED, EMPLOYMENT AND PAYROLLS CREATED AND INVESTMENT, MANUFACTURING GROUPS RANKED BY 1963-68 AVERAGE WEEKLY EARNINGS FOR THE UNITED STATES, 1959-68 [1]

Average weekly earnings and manufacturing group [2]	Establishments (number)	Electrical energy (kilowatts) (thousands)	Employment (thousands)	Annual payrolls (millions)	Investment		
					Total (millions)	Per establishment (thousands)	Per worker (thousands)
$125 or higher:							
29-Petroleum, coal products	42	10	0.7	$4.9	$6	$146	$9.0
37-Transportation equipment	188	58	16.0	113.0	80	426	5.1
33-Primary metals	164	1,222	9.6	66.6	597	3,642	61.9
35-Nonelectrical machinery	297	96	15.7	103.4	143	481	9.1
Total	691	1,386	42.0	287.9	826	1,196	19.7
$110 to $124:							
28-Chemicals	384	999	21.5	135.1	1,024	2,667	47.7
27-Printing, publishing	111	13	3.1	19.2	27	243	8.6
34-Fabricated metals	356	93	17.5	105.8	166	467	9.5
26-Paper, allied	125	177	10.4	61.6	387	3,095	37.4
Total	976	1,282	52.5	321.7	1,604	1,644	30.6
$100 to 109:							
32-Stone, clay, glass	296	147	8.3	47.4	162	547	19.5
38-Instruments	48	16	4.5	25.9	40	828	8.7
30-Rubber, miscellaneous plastics	179	102	14.3	80.4	188	1,048	13.1
36-Electrical machinery	254	183	34.2	187.8	246	969	7.2
20-Food, kindred products	431	90	10.8	56.5	109	254	10.2
Total	1,208	538	72.1	398.0	745	617	10.3
$80 to $99:							
24-Lumber, wood products	297	56	8.8	40.6	49	166	5.6
25-Furniture, fixtures	336	66	26.5	121.1	82	242	3.1
Total	633	122	35.3	161.8	131	207	3.7
Less than $80:							
22-Textiles	393	181	27.8	112.1	187	475	6.7
31-Leathers	92	25	9.8	36.6	24	264	2.5
23-Apparel	635	95	87.7	305.9	115	181	1.3
Total	1,120	301	125.3	454.6	326	291	2.6
All other: 39-Miscellaneous [3]	163	24	7.7	34.7	29	180	3.8
Total	4,791	3,653	334.9	1,658.7	3,661	764	10.9

[1] Adapted from Industrial Development in the TVA Area reports for the 10-year period beginning with calendar year 1959 [36]. Investment per establishment and per worker are as computed from work sheets.

[2] Average weekly earnings represent those for production workers as listed in Handbook of Labor Statistics 1968 [39].

[3] Includes 10 establishments in groups 19 (ordnance) and 21 (tobacco).

Demand was developed for three and one-half million kilowatts of electricity, and new jobs were furnished for an estimated 335,000 manufacturing workers. Net additions to manufacturing employment during the period totaled 245,000 workers.[3] Thus, approximately 90,000 generally low-paying jobs [35] were replaced over the 10-year span.

Not unexpectedly, considering that the Tennessee Valley area is one of the largest predominantly rural regions remaining in eastern United States,[4] investment in new and improved facilities per worker was only about half the average for the entire United States. Approximately 50 percent of the new manufacturing jobs were in lumber and wood products, furniture, textiles, leather, and apparel—the industries for which weekly earnings averaged less than $100.

Attracting more than 50 percent of the investment funds flowing into the region's economy in the 10-year period, the primary metals, chemicals, and paper and allied products were responsible for an even higher percentage of the increased demands for electrical energy. While comprising 14 percent of the plant additions or expansions, these industries supplied 12 percent of the jobs and 16 percent of the payroll additions. The remainder, with average weekly earnings of $100 or more, included nearly 60 percent of the plant additions and expansions. These industries drew only about 25 to 30 percent of the investment capital and were responsible for only about a fifth of increased electrical requirements. But they were the source of 37 percent of the work opportunities and 46 percent of the payroll expansions—statistics that, together with those for the primary metals, chemicals, and paper and allied products, give some indication of the shifts in industrial mix taking place in the region.

THE OUTLOOK FOR THE 1970'S

After two years of slightly declining expenditures for new plants, machinery, and equipment in manufacturing [8, 43], outlays for 1969 should be close to those for the two years immediately preceding the 1966 slowdown. Current investments were planned and carried out despite 1968 restraints on the use of development bonds and other financial incentives [23]. So far, outlays have also remained relatively unaffected by either a tightening of monetary and fiscal restraints or the possibility of a repeal, entirely or in part, of the 7 percent investment tax credit. In any event, starts last year, those initiated in 1969, and undertakings already budgeted for 1970 encompass a major reservoir of industrial construction scheduled for completion in 1970, 1971, and possibly 1972.

Regardless of what may be in store in the next few years, the overall outlook for the 1970's is for a continued replacement of marginal or strictly standby capacity and an equally sustained drive to improve output or productivity, develop new processes and products, and adapt to additional changes in consumer and industrial markets [9, 22, 25]. Under this prognosis, such factors as space needs, water requirements, land costs, and improvement in both transportation technologies and amenities provided by small cities and towns should spur additions to manufacturing facilities in entirely and partly rural communities that quite conceivably could exceed those during the past decade.

Accompanying the expansion should be additional improvements in product mix, output per worker, and wage scales. Further gains in related sources of basic employment should result from an anticipated continuation of the decentralization under way in food processing, packaging, and distribution. The impetus of rising income expectations and increases in leisure time should contribute to an increase in work openings connected with serving the traveling and vacationing public.

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[3] Mid-March listings from County Business Patterns reports for 1959 and 1967 adjusted to mid-March 1959 and 1969 equivalents [37, 38].

[4] The TVA area contains only five metropolitan units: the Knoxville, Chattanooga, Nashville, Huntsville, and Memphis SMSA's.

Recent developments point to a continuation of the role of the Tennessee Valley area in setting the pace for increased industrial diversification and decentralization in the South. The region, too, could well move to the forefront in broadening area economic bases and adding the community amenities needed throughout so much of today's rural America.

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IMPORTANCE OF REA TELEPHONE PROGRAM TO TOWN AND COUNTRY AMERICA

Mr. ALLEN. Mr. President, it is most gratifying to me that the first piece of significant legislation passed by the Senate during the 92d Congress was S. 70. This important measure, which was signed into law by the President on May 7, 1971, creates a rural telephone bank to provide supplemental financing for the capital needs of our Nation's rural telephone systems.

We in Alabama are very proud of the REA telephone program. In fact, the very first REA telephone loan was made to an Alabama telephone exchange—the Florala Telephone Co., Inc., of Florala, Ala. When this loan was made in February 1950, only 8.2 percent of Alabama's farms had telephones. Today, 68 percent of my State's farms, rural homes, and rural businesses have modern telephone service.

This says a great deal for the energy and initiative of our rural telephone companies. But it also points out how much farther we have got to go. The new rural telephone bank bill will go a long way toward meeting the needs and demands of rural telephone subscribers. I am sure all will agree that with the possible exception of electricity, nothing means more to the happiness, convenience, and economic well-being of town and country America than good telephone service.

Giving emphasis to the rapid growth of the REA telephone program is an article written by Mr. Dillon Graham, of the Associated Press, and published in the Birmingham News of August 22, 1971. I commend Mr. Graham's article to the Senate and ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

REA's Still on Move

(By Dillon Graham)

Washington.—Cattle ranchers in remote areas of North Dakota and Montana, thanks to television and space communications, have seen and heard American astronauts on the moon—but they can't talk with their neighbors on the telephone.

To deliver a message, call the veterinarian, check on a relative's health, these people have had to go in person or write a letter. But the telephone soon is coming their way.

Construction began this month on the first telephone lines in the Squaw Gap area of Western North Dakota and Eastern Montana, financed through a Rural Electrification Administration loan to a rural telephone cooperative.

About 80 cattle ranchers will get first-class, dial, single-party service over cables buried to escape weather hazards. Through their new facilities the ranchers will have toll access to more than 96 per cent of the world's telephones.

In Alaska, rural electric utilities are struggling against odds of frozen tundra, storms and incredible distances to carry reliable first-time electric service to 57 Alaskan villages, many far above the Arctic Circle.

An Indian in San Lorenzo, a native pueblo of New Mexico, touches a switch and "brings sunshine into the house for the first time." Underground lines will enable the Indians of the Taos Pueblo to preserve the historic appearance of their dwelling places and still have the benefits of electricity.

These are among developments in rural areas in 2,700 of the nation's 3,100 counties where local electric and telephone systems financed through the Rural Electrification Administration (REA) are providing service.

REA was among the first federal programs designed to benefit rural areas. It was established in 1935 by executive order of President Franklin D. Roosevelt. Congress the next year authorized it to act as a lending agency for a rural electrification program. In 1949, REA was directed also to make loans to improve and extend telephone service in rural areas.

Today 98.4 per cent of the 2.9 million U.S. farms are electrified and 83 per cent of the farms have telephone service.

Since 1935, REA has provided financial and technical assistance to almost 2,000 rural systems. As of July 1, 1971, it had loaned $7.7 billion to serve more than 7.3 million rural consumers over 1.7 million miles of line. New consumers are added to the lines of the rural electric systems at the rate of 230,000 per year. Some 2.3 million subscribers are served through $1.8 billion in agency loans to telephone borrowers with an average 150,000 new subscribers per year.

More than 54 million people live in rural communities ranging from cross-road settlements to towns of 2,500 population. Federal officials have said if already overburdened cities are not to be more crowded, rural areas must absorb larger percentages of an exploding population. Much of this rural development will depend upon the activity of REA-financed electric and telephone borrowers.

From its inception, REA has been opposed by many privately owned utility companies and appropriations for the agency still generate struggles within Congress between liberal and conservative members. But the controversy is far more muted than that which swirled about it decades ago.

THE 17TH ANNIVERSARY OF THE NORTH AUGUSTA STAR

Mr. THURMOND. Mr. President, a highly respected newspaper in my state observed its 17th anniversary this month. This newspaper, the North Augusta Star, of North Augusta, S.C., has served the Palmetto State with distinction during its lifetime of nearly two decades.

An editorial reflecting over the past 17 years appeared in the August 19 edition of the North Augusta Star. The editorial is entitled "Reflection on the Lessons of 17 Years." I ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Reflections on the Lessons of 17 Years

As newspapers reckon their ages, the Star observes its 17th birthday with this edition. True, the paper's first edition appeared on September 2, 1954, but as many who recall that first edition may observe, things go faster nowadays.

In keeping with the spirit of nostalgia which annually grips us at this time, we looked back over those first few editions. We noticed, for example, that Hammond Burkhalter was mayor at the time. Mayor and council were gripped in the throes of a controversy not unlike the one that grips the city today. But more on that later.

The schools were getting ready to reopen with a record high enrollment of 3,555, an increase of 309 over the previous year. Dr. James Hawk announced the opening of his animal hospital. The Yellow Jackets were getting ready to launch an ambitious 11-game schedule, including the following opponents: Bamberg, McCormick, Aiken, Catholic, Johnston, Batesburg, L-B-C, Graniteville, Edgefield, Walterboro and Barnwell. Tommy Lowe was expected to see action at halfback and Larry Baynham was listed as a 178-pound freshman end.

Peoples Drug Store was in business and the Georgia Avenue Barber Shop advertised five skilled barbers at your service. Harold Martin was president of the Jaycees and Turner Murphy was being awarded the contract to build a community center.

In an editorial that appeared in the Star that year, a discussion that had taken place between a spokesman for the North Augusta Merchants Association and the mayor and council dealing with the relocation of city hall from its old location on Georgia Avenue to its present location earned comment.

The final three paragraphs of that long-ago editorial is reprinted here:

"If the relocation of City Hall went unnoticed by the people of North Augusta, and the members of NAMA, it was unfortunate indeed. As Councilman R. J. Gauger pointed out at the meeting, monthly sessions of City Council are open to North Augustans. It is your Council, he reminded those present, and if you are interested in the town's business it is your privilege to attend. The Star agrees with Mr. Gauger. Democratic government belongs to the people and it is only logical to expect them to express a personal interest in it.

"But the Star recognizes also that the press of personal affairs too often makes a City Council meeting seem beyond our budget of time. We agree with Mayor Burkhalter and the Councilmen, that the people of North Augusta should know what is transacted at the meetings of their local government. Had the Star existed during the planning stage of the City Hall project, we assure you that the plans would not have gone unnoticed. City Council could then have received objections to the plan while there was yet time to reconsider and possibly alter them.

"We are unable to do more in the City Hall controversy than report the facts to the citizens of North Augusta. In the future, the Star promises to do much more. Firstly, we urge the people of North Augusta to accept the invitation of City Council to attend monthly meetings. Secondly, the Star promises, to those who are unable to attend, that we will be at every meeting to insure that knowledge of any future action of the City Council will be available to anyone in North Augusta who reads the Star. If City Council is faced then with objections which come too late, it will be caused by disinterest, not by unawareness of the facts."

Today, in the matter of the zoning controversy which confronts our city, we have a slightly different situation. The difference is that the Star indeed, did exist and did publicize the information about the proposed zoning ordinance.

We have faithfully and conscientiously kept the promise made seventeen years ago. A lot of water has gone under the bridge, but every noticeable ripple has been faithfully reported in this newspaper.

It has not been an easy seventeen years. It has been an honest seventeen years.

Today's municipal problems confirm once again what we have often said in these columns.

"The only thing we learn from history is that we learn nothing from history."

SCOPE OF WAGE-PRICE FREEZE

Mr. GRIFFIN. Mr. President, in the wake of President Nixon's wage-price-rent freeze announced August 15, there has been criticism from some quarters, because his order was not wider and broader in scope.

Aside from the merits of whether a broader freeze would serve the national interest, it should be clearly understood that Congress did not grant authority to the President in the Economic Stabilization Act of 1970 to freeze anything other than prices, rents, wages, and salaries.

I ask unanimous consent that the text of this act as it appears in Public Law 91–379, as well as the extension and amendment thereof designated as Public Law 92–15, be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Cost of Living Stabilization

§ 201. Short title

This title may be cited as the "Economic Stabilization Act of 1970".

§ 202. Presidential authority

The President is authorized to issue such orders and regulations as he may deem appropriate to stabilize prices, rents, wages, and salaries at levels not less than those prevailing on May 25, 1970. Such orders and regulations may provide for the making of such adjustments as may be necessary to prevent gross inequities.

§ 203. Delegation

The President may delegate the performance of any function under this title to such officers, departments, and agencies of the United States as he may deem appropriate.

§ 204. Penalty

Whoever willfully violates any order or regulation under this title shall be fined not more than $5,000.

§ 205. Injunctions

Whenever it appears to any agency of the United States, authorized by the President to exercise the authority contained in this section to enforce orders and regulations issued under this title, that any person has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of any regulations or order under this title, it may in its discretion bring an action, in the proper district court of the United States or the proper United States court of any territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond. Upon application of the agency, any such court may also issue mandatory injunctions commanding any person to comply with any regulation, or order under this title.

§ 206. Expiration

The authority to issue and enforce orders and regulations under this title expires at midnight February 28, 1971, but such expiration shall not affect any proceeding under section 204 for a violation of any such order or regulation, or for the punishment for contempt committed in the violation of any injunction issued under section 205, committed prior to March 1, 1971.

Approved August 15, 1970.

LEGISLATIVE HISTORY

House reports: No. 91–1330 accompanying H.R. 17880 (Comm. on Banking and Currency) and 91–1386 (Comm. of Conference).

Senate report. No. 91–890 (Comm. on Banking and Currency).

Congressional Record, Vol. 116 (1970):

July 9, considered and passed Senate.

July 30, 31, H.R. 17880 considered and passed House; passage vacated and S. 3302, amended, passed in lieu.

Aug. 12, Senate agreed to conference report.

Aug. 13, House agreed to conference report.

Public Law 92-15, 92d Congress, H.R. 4246, May 18, 1971

An act to extend certain laws relating to the payment of interest on time and savings deposits and economic stabilization, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

EXTENSION OF AUTHORITY FOR THE FLEXIBLE REGULATION OF INTEREST RATES ON DEPOSITS AND SHARE ACCOUNTS IN FINANCIAL INSTITUTIONS

SECTION 1. Section 7 of the Act of September 21, 1966, as amended (Public Law 91-151; Public Law 92-8), is amended by striking out "1971" and inserting in lieu thereof "1973".

REMOVAL OF TIME LIMITATION ON THE AUTHORITY OF THE PRESIDENT TO APPROVE CERTAIN VOLUNTARY AGREEMENTS

SEC. 2. The first sentence of section 717 (a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended by striking out "714 and 719" and inserting in lieu thereof "708, 714, and 719".

PRICE AND WAGE CONTROLS

SEC. 3. (a) Section 202 of the Economic Stabilization Act of 1970 (Public Law 91-379) is amended—

(1) by inserting "(a)" before the text of such section; and

(2) by adding at the end thereof a new subsection as follows:

"(b) The authority conferred on the President by this section shall not be exercised with respect to a particular industry or segment of the economy unless the President determines, after taking into account the seasonal nature of employment, the rate of employment or underemployment, and other mitigating factors, that prices or wages in that industry or segment of the economy have increased at a rate which is grossly disproportionate to the rate at which prices or wages have increased in the economy generally."

(b) Section 206 of such Act is amended by striking out "May 31, 1971" and "June 1, 1971" and inserting in lieu thereof "April 30, 1972" and "May 1, 1972", respectively.

Approved May 18, 1971.

LEGISLATIVE HISTORY

House Report No. 92-36 (Comm. on Banking and Currency).

Senate Report No. 92-89 (Comm. on Banking, Housing and Urban Affairs).

CONGRESSIONAL RECORD, Vol. 117 (1971):

Mar. 10, considered and passed House.

May 3, considered and passed Senate, amended.

May 5, House concurred in Senate amendments.

AGRI-GIANTS AND THE FAMILY FARM

Mr. HUMPHREY. Mr. President, in recent years there has been an increasing concern, not only among our farmers but in the general public itself, about trends in the organizational form of the farm business. There is a widespread concern that American agriculture of the future may be entirely concentrated in large-scale farms vertically integrated in corporation conglomerates.

Whether true or false, this expectation demands intensive study, in view of its impact upon our entire agricultural economy, upon the average American consumer, upon agriculture support costs borne by the Federal Government, and upon the beneficial use of the limited resource of land in the United States.

In response to the need for such a nationwide analysis, in 1967, Secretary of Agriculture Orville Freeman directed the Economic Research Service to conduct a survey to determine the number, kinds, and general characteristics of corporations that were directly involved in the production of farm products. The Department of Agriculture recently issued a final report on this survey conducted in 1968.

The survey points up several reasons for the shift to incorporation of farms previously operated as sole proprietorships or partnerships. It notes the impact of new production technology, increasingly complex farm supply and marketing systems, heavy capital requirements to get started in farming, changes made in inheritance and gift tax laws, the emphasis in USDA and State college research and education programs upon the corporate form of farm business organization, and the tax benefits accruing to so-called subchapter S corporations.

However, while somewhat blurred by cautious analytical language and isolated tables of statistics, two other rather recent phenomena of farm incorporation are also recognized in this report. First, there is the category of corporate farms operated by local businesses engaged in the manufacture or sale of farm supplies, or in the processing or marketing of farm products—what are commonly known as agribusiness functions.

But second, there is the trend of large, publicly owned corporations engaging in farm production. Either these firms seek the vertical integration of direct farm production with their existing agribusiness functions, or they have no previous experience in farming or related businesses—instead, they seek to exploit advanced technology on a large scale, and/or realize an attractive return on equity capital.

The USDA report makes it clear that these last two categories constitute a minority of the number of corporations having agricultural operations, nearly 80 percent of which are family or individually owned operations. At the same time, however, this great majority of family corporation farms are medium to large scale—an incorporation trend that is expected to continue to increase.

The 1968 survey showed a total of 13,300 corporations engaged in farming, accounting for only 1 percent of all commercial farms but utilizing 7 percent of America's farmland. Moreover, they had 8 percent of farm sales. The percentage of farmland operated by corporations was highest in Florida and California. The decisive impact of farm product sales was most clearly felt in California—about 25 percent being accounted for by farming corporations which make up only 4 percent of the State's commercial farms.

One fact on which we should focus attention is that while there were 5.4 million farms in America in 1950, today there are only 2.9 million. The number of farms has declined by almost one-half, but the size of the average farm has increased from 215 acres to 380 acres. And farming corporations owned and rented an average of 4,531 acres per farm in 1968.

Major corporations are entering direct farm production operations for three basic reasons: Speculation in increased land values; tax benefits accruing from capital gains treatment of profits; and the control of supply and quality in the establishment of total food production, processing, and distribution systems.

What we may be witnessing in all this is a profoundly misguided belief that "bigger" necessarily means "better—greater efficiency and lower costs in large-scale farm production. My concern relates to the net economic and social costs to America, and especially to our agricultural economy and rural communities. A strong case can be made that the most productive use of land occurs on the small family farm. There is increasing evidence that large-scale farms, especially with so-called absentee landlords, often are unconcerned about the public facility and social welfare needs of nearby rural communities. And it should be recognized that large-scale farming operations reduce incentives to control the use of pesticides. Moreover, we need to ponder the future of the farmworker as there is an increasing concentration of power in the agricultural economy.

But we must also confront the broader and even more profound issue of the control of land in America—a scarce and most unique resource. Not only does concentrated land ownership monopolize agriculture at the expense of the family farmer, but it also subjects vast fertile acreage to haphazard urban and suburban development and can undermine efforts to establish comprehensive environmental protection measures. Nor is the public interest served when a land interest complex can exert a decisive influence on Government.

I believe the time has come for a total reevaluation of Federal policies and programs that, on balance, can have a detrimental effect on the development of rural America. The time has also come to reaffirm the need and solid contribution of the family farm in maintaining a strong agricultural economy.

Mr. President, I ask unanimous consent that four articles on this vital issue be printed in the RECORD: First, a UPI dispatch entitled "Family Farms Are Holding Their Own, Review Finds," published in the Minneapolis Star of June 14, 1971; second, an article by Peter Barnes, entitled "Why America Needs Land Reform," published in the Washington Post of July 11, 1971; third, a further article by Peter Barnes, published in the same issue of the Washington Post, and entitled, "The Growing Agrigiants, and a Hopeful Co-op"; and fourth, an article by Nick Kotz, entitled "Nader Raps California Land Monopolies," published in the Washington Post of August 22, 1971.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Minneapolis Star, June 14, 1971]

FAMILY FARMS ARE HOLDING OWN, REVIEW FINDS

WASHINGTON, D.C.—Publication of an Agriculture Department review of corporate farming has reinforced the belief of government economists that the traditional family-type farm is holding its own very well against the inroads of giant corporation farms.

The study, based on 1968 surveys, showed a total of 13,300 corporations engaged in farming in that year, about a third of them in California and Florida. They accounted for only about 1 percent of all commercial farms and 7 percent of U.S. farmland.

Nearly 80 percent of the corporations were family or individually owned operations, and nearly two-thirds had no other business but farming. The remaining corporations included publicly owned conglomerates engaged in other businesses and industries along with farming, and their farm ventures included some of the largest covered in the survey.

Economists said there probably has been some edging away from farm ventures by the big, publicly held corporations recently. But the number of medium-to-large family farms which incorporate their operations for tax and inheritance reasons probably will continue to increase, one expert said.

The agriculture department analysis of corporate farming was ordered in 1967 by former Agriculture Secretary Orville L. Freeman after a wave of concern among some farm groups about new agricultural ventures by giant corporations. The study had been completed in stages and all the data in the final report had been made public in earlier announcements.

The summary confirmed that farming corporations usually are much bigger than unincorporated farms. While the corporations represented only 1 percent of all commercial farms, they had 8 percent of farm sales. The average corporate farm in 1968 operated 4,511 acres compared with 553 acres for the average of all commercial farms.

The acreage figures, it was noted, were weighted heavily by the fact that corporate farms and ranches in the mountain states operated an average of 11,423 acres compared with 2,557 acres for all farms and ranches in that area. In other regions, the size of corporate farms was smaller.

Corn belt corporate farms, for example, averaged 914 acres compared with 273 acres for all farms. California corporations operated an average of 3,678 acres compared with 849 acres for all farms in the state.

Other highlights of the summary of the corporate farm study included:

Corporate farms concentrated more on crops than on livestock, but included some very large beef cow herds, cattle feeding enterprises, and operations involving dairy herds, hogs, broilers, egg production and turkeys.

The proportion of land operated by corporations was highest at 31 percent in Florida and lowest at less than half of 1 percent in Oklahoma and North Dakota where—as is the case in some states—corporate farming is subject to some legal restrictions.

California's 1,673 farming corporations in 1968 accounted for only 4 percent of the state's commercial farms but probably about 25 percent of the state's farm product sales.

[From The Washington Post, July 11, 1971]

WHY AMERICA NEEDS LAND REFORM

(By Peter Barnes)

It is hard for people in cities to appreciate the need for land reform in the United States. Most of us have been so cut off from the land that, through ignorance, we accept present landholding patterns as desirable or inevitable. They are neither.

What are the advantages of giving land to the few instead of the many? Efficiency is supposed to be the main one, big farms, we're told by agribusiness spokesmen, can produce more food at less cost and thus save the consumer money.

That same thinking underlies Soviet collectives. What is overlooked is that in societies where tractors are relatively inexpensive to own or rent, economies of scale contribute to agricultural abundance only marginally. Beyond a certain point, there is nothing gained by having one vast farm in place of several smaller ones. In fact, small farms are often more productive per acre because their owners works harder and take better care of the soil.

Large farms in America are efficient at some things—they excel at tapping the federal treasury and exploiting hired labor. Take away these privileges and the small farmer looks extremely good. As for saving the consumer money, the chief reason food prices have remained relatively low is not large-scale efficiency—it is intense competition. Allow a handful of agribusiness giants to gain control of the market and prices will assuredly rise a lot more than they have.

There is, furthermore, the question of how much efficiency, and what kind, is desirable. American agriculture is, if anything, too efficient; its chronic problem is not underproduction but surpluses; it is the only industry where people ar paid *not* to produce. The argument that ever-increasing agricultural efficiency is a desirable national goal is, therefore, unsound.

Moreover, what kind of efficiency are we talking about? When a large grower increases his profit margin by replacing farm workers with a fancy new machine, he's not doing anybody but himself a favor. The farm workers, now unemployed, drift to already overcrowded cities, where no jobs await them either. Welfare rolls and social tensions rise—transferring to society at large the ultimate cost of "efficiency" on the large farm.

COST OF ABSENTEEISM

The vitality of community life in rural America has also suffered because of maldistributed land. Main Street businesses are not appreciably aided by large absentee landowners who purchase their supplies in distant cities, or by underpaid migrants who buy nothing, or by sharecroppers forced to shop at the company store.

A study in the 1940s by Walter Goldschmidt, a California sociologist, found that communities in small-farm areas have a more sizable middle class, more stable income patterns, better schools and more active civic groups than do communities where large landholdings predominate. A recent incident in Mendota, Calif.—a town surrounded by large farms—helps explain why. A group of citizens wanted to establish a special taxing district for construction of a hospital, the nearest one being 40 miles away. Three agribusiness giants that owned more than half the land in the proposed district opposed the plan, and killed it. Two of the companies were based in other California cities, and the third—Anderson Clayton—was headquartered in Houston.

Protection of the environment also tends to be less of a concern to large corporations than to small farmers who live on their land. Companies farming for tax or speculative reasons, for example, seek to maximize earnings over the short run. They can milk the soil, deplete the underground water supply or poison the land with pesticides, knowing full well that they will eventually sell. Resident farmers who hope to pass on their land to their offspring cannot be so careless with nature's gifts. Moreover, small-scale farming lends itself much more readily than does large-scale monoculture to biological pest control—a technique that must increasingly be adopted if we are to avoid ecological disaster.

If there's little to be said for large landholdings on social or environmental grounds, neither can it be said that they are inevitable. Land concentration in Amreica, particularly in the South and West, is not the result of inscrutable historical forces, but of a long train of government policies, sometimes in the form of action, often of inaction.

English grants to large landholders in the colonial South, and Mexican grants in the West, could have been broken up at several convenient historical moments, but were allowed to remain intact. Vast expanses of public lands were given away in large chunks to speculators, rather than in small parcels to settlers. Tax and labor laws, reclamation projects and government-financed research, have encouraged large-scale corporate agriculture, to the detriment of independent small farmers and landless farmworkers. On top of all this have come the government's ultimate reward to big landholders: cash subsidies, mainly for being big.

Why, then, do we need land reform in America? About the only thing that can be said for large landholdings is that they exist, and in the spirit of free enterprise ought to be left untouched. This is the strongest argument in favor of leaving things as they are.

Land, however, is not like other forms of wealth in our economy, which we allow to be accumulated without limit: It is a public resource, it is finite, and it is where people live and work. Free enterprise does not merely imply the right to be big. It also implies the right to start. As corporate farms become increasingly integrated with processors and distributors, as they advance toward the technological millennium in which 10-mile-long fields are sowed and harvested by computer-controlled machines, the right to get a start in agriculture will be obliterated—as it almost is today.

Americans must decide whether they want the rich to get richer or the poor to have a chance. Agriculture is one of the few places where the poor *can* have a chance. If it is closed off, if the profits of the few are given precedence over the needs of the many, the consequences can only be unpleasant.

There are additional reasons why it's time to reform landholding patterns in the United States. Frederick Jackson Turner talked 70 years ago of the frontier as a "safety valve" for urban discontent. If ever the cities needed a safety valve, it is now. Urban problems are virtually insoluble; city residents seem on the verge of a mass psychic breakdown. The exodus from the countryside must not only be stopped, it must be dramatically reversed.

A RURAL REVIVAL

One approach to the problem of population dispersal is to build new communities on rural lands now owned by speculators. This will undoubtedly happen, but it's far from enough. It is much more important to revive existing rural communities, and to do so by enabling greater numbers of people to live decently off the land. There is no shortage of people who want to remain on the land, or return to it, if they could do so at higher than a subsistence level. Many Mexican-Americans, blacks and Indians would be among them. So would many whites who have become drained, physically and spiritually, by city living. The difficulty is that the frontier is long gone. That's why reform, as opposed to the giving away of unsettled lands, is essential.

Land reform is also needed to increase the number of people in the United States who are free. This may sound silly in a country that presumes to be a breeder of free men. Yet ever-increasing numbers of Americans are not really free to assume responsibilities or to make major decisions affecting their lives. They work for large corporations or government bureaucracies or on assembly lines. They are not their own bosses, not proud of their work, and not motivated to exercise their full rights as citizens.

Farming has traditionally been a bastion of the independent small businessman who won't take guff from anybody and who prides himself on the quality of his work. But now farming, too, is becoming computerized and corporatized. Its executives wear silk ties and share the attitudes of other wealthy executives; its workers are powerless, dispensable hirelings. If agriculture goes the way of the auto industry, where will our independent citizens come from?

American land policy should have as its highest priority the building of a society in which human beings can achieve dignity. This includes the easing of present social ills, both rural and urban, and the creation of a lasting economic base for democracy. A second priority should be to preserve the beauty of the land. Production of abundant food should be a third goal, but it need not be paramount and is not, in any case, a problem.

CHANGING THE RULES

To achieve these goals a multitude of reforms should be carried out. First and most importantly, small-scale farming must be made economically viable, so that present small farmers can survive and new ones get started. Unless it is done, there is no point in changing landholding patterns to favor smaller units.

There's no secret to making small-scale farming viable; it can be accomplished by eliminating the favors bestowed upon large farms. Federal tax laws that encourage corporate farming for tax-loss and speculative purposes should be changed, even if this means closing the capital gains loophole. Labor laws should guarantee a minimum wage to farmworkers equal to that of other workers, and should make the knowing employment of illegal aliens a crime punishable by imprisonment. This would put an end to one of the large landholders' major competitive advantages—their ability to exploit great numbers of poor people—and allow self-employed farmers to derive more value from their own labor.

Subsidy programs, too, should be revised to the disadvantage of big growers. When farm subsidies began during the New Deal, they were intended to help the impoverished small farmer. But because they were pegged to total marketings and total acreage rather than to personal income, they wound up lining the pockets of the wealthy.

If farm subsidies are continued—as they should be in order to stabilize farm income—they ought to be strongly weighted in favor of smallness. No farmer should receive subsidies for crops grown (or not grown) on land in excess of a certain acreage and payments should be graduated downward, somewhat like an income tax in reverse. Alternatively, subsidies could be completely detached from crops and related to income instead. Farmers could sell on the open market, with federal payments making up the difference, if any, between earnings and a minimum livable income.

Also essential to the future viability of small-scale farming is some protection against conglomerates. There is no way a small farmer can compete against an oil company, or against a vertically integrated giant like Tenneco which not only farms tens of thousands of acres but also makes its own farm machinery and chemicals, and processes, packages and distributes its own foods. Such conglomerates aren't hurt by a low price for crops; what they lose in farming they can pick up in processing or distributing or for that matter, in oil.

The small farmer, on the other hand, has no outside income and no tolerance for soft spots. What he needs is legislation that would prohibit corporations or individuals with more than $50,000, say, in nonfarming income from engaging in farming—in effect, a forceful antitrust policy for agriculture.

A HUMAN SCALE

Once small-scale farming is made viable, the second major area for change involves redistribution of land—the kind of peaceful social restructuring that the United States imposed upon Japan after World War II and has urged upon dozens of other nations in Asia and Latin America.

The guiding principles behind redistribution are that land should belong to those who work and live on it, and that holdings should be of reasonable, not feudal proportions. These are not revolutionary concepts; America recognized them in the Pre-emption, Homestead and Reclamation Acts, and is merely being asked to renew that recognition.

A convenient place to start is with enforcement of the Reclamation Act of 1902, which provides that large landholders in the West who accept subsidized water must agree to sell their federally irrigated holdings in excess of 160 acres at pre-water prices within 10 years.

The Reclamation Act has never been properly enforced for a variety of reasons. One is that, through one stratagem or another, large landholders have escaped having to sell their excess lands. Another is that even in the few cases where large landowners have agreed to sell, their prices have been so high, and terms so stiff, that only the wealthy could afford to buy. Occasionally, as in parts of the San Joaquin Valley at the moment, pre-water prices as approved by the Bureau of Reclamation are so out of line—higher, in fact, than prevailing market prices—that even wealthy persons have not seen fit to purchase excess lands put up for sale under the law.

To assure not only the sale of excess landholdings, but also their availability at prices that persons of limited means can afford, Reps. Robert Kastenmeier (D-Wis.), Jerome Waldie (D-Calif.) and others have introduced legislation that would authorize the federal government itself to buy up all properties in reclamation areas that are either too big or owned by absentees. The government would then resell some of these lands, at reasonable prices and on liberal terms, to small resident farmers, and retain others as sites for new cities or as undeveloped open space.

The plan would actually earn money for the government, since the lands would be purchased at true pre-water prices and resold at a slight markup. The money thus earned could be used for education, conservation or other purposes.

Of course, land redistribution should go beyond the Western areas served by federal reclamation projects; in particular, it should reach into the South.

DISCOURAGING DEVELOPERS

Another objective toward which new policies should be directed is preserving the beauty of the land. Reforms in this area are fully consistent with a restructuring of landholding patterns. Thus, a change in local tax laws so that land is assessed in accordance with its use would benefit small farmers and penalize developers. Zoning rural land for specific uses, such as agriculture or new towns, would similarly help contain suburban sprawl and ease the pressure on small farmers to sell to developers or speculators. If as a result of new zoning laws the value of a farmer's land was decreased, he would be compensated for that loss.

An indefinite moratorium should also be placed on further reclamation projects, at least until the 160-acre and residency requirements are enforced, and even then, they ought to be closely examined for environmental impact. Schemes are kicking about to bring more water to Southern California and the Southwest from Northern California, the Columbia River and even Alaska. These plans ought to be shelved. Federal revenues that would be spent on damming America's last wild rivers could, in most cases, be more fruitfully devoted to such purposes as redistributing croplands.

Policy changes in other areas should complement the major reforms outlined above. Existing farm loan programs, for example, should be greatly expanded so that new farmers can get started in agriculture. Farming cooperatives, which can be a starting point for workers unable to afford an entire farm, should be encouraged through tax laws and credit programs. Research funds spent on developing machinery for large-scale farming should be rechanneled into extension programs for small farmers and co-ops.

A GROWING AWARENESS

It won't be easy to enact any of these reforms. Friends of large scale agribusiness are strategically scattered throughout the Agriculture, Interior and Appropriations committees of Congress, and are equally well ensconced within the Nixon administration. Small farmer associations like the Grange, the National Farmers Union and the National Farmers Organization don't have nearly the clout of the American Farm Bureau Federation, the big grower associations and the giant corporations themselves.

Nevertheless, there are some grounds for optimism. Many citizens and public officials are coming to realize that rural America ought to be revived, cities salvaged, welfare rolls reduced, and they see that present policies aimed at achieving these objectives are now working. Environmentalists who for years have pointed to the dangers of intensive agriculture and the need for prudent rural land use, are finally getting an audience. The list of organizations that have recently urged vigorous enforcement of the 160-acre limitation includes the AFL–CIO, the Sierra Club, Common Cause, the National Education Association, the Grange and the National Farmers Union. That's not enough to sweep Congress off its feet, but it's a good start.

The ultimate political appeal of land reforms is that it places both the burden and opportunity of self-improvement upon the people themselves. It can give hundreds of thousands of Americans a place to plant roots, and a chance to work with dignity. Can we deny them that chance?

THE GROWING "AGRIGIANTS" AND A HOPEFUL CO-OP

In 1950 there were 5.4 million farms in America; today the figure is around 2.9 million. As the number of farms declines the average size of remaining farms increases: It is now over 380 acres, compared with 215 acres two decades ago.

The trend toward corporate farming greatly intensifies the pressures on the independent small farmer. This trend is strongest in the South and West, where large land units have long been the rule. Big canners like Minute Maid, a subsidiary of Coca-Cola, and Libby-McNeill & Libby, own an estimated 20 per cent of Florida's citrus groves, compared with less than one per cent in 1960. Corporate farms in California account for 90 per cent of the melon crop, 46 per cent of the cattle sold, 38 per cent of the cotton produced and 30 per cent of the citrus fruits. Two conglomerates, Purex and United Brands, now control one-third of the green leafy vegetable production in the United States, and the list of other blue chips lately plunging into agriculture, according to the Agribusiness Accountability Project, includes Tenneco, Gulf & Western, Penn Central, W. R. Grace, Del Monte, Getty Oil, Goodyear, Monsanto, Union Carbide, Kaiser Aluminum, Aetna Life, Boeing, Dow Chemical and American Cyanamid.

Why are major corporations suddenly fascinated with farming, a business where profit margins are generally small? The motives are chiefly three: land speculation, tax dodging, and the development of integrated "total food systems."

Suppose a company invests $1 million a

year of nonagricultural earnings in improving a large tract of farmland—by planting pear trees, say, or laying irrigation pipes, it pays no taxes on the $1 million, and can even deduct from its remaining taxes the cost of caring for the trees until they bear fruit, and the depreciable value of the irrigation pipes.

Then suppose, as is usually the case, that each dollar thus invested creates a corresponding increase in the market value of the land. Suppose further that the company sells the land to another corporation at the end of 10 years. Its profit on the land sale is then approximately equal to the earnings it has invested over the decade—in this case, $10 million. However, these earnings are now in the form of capital gains, and are taxed at 25 per cent rather than 48 per cent. Thus, the company has made a multimillion-dollar profit at the taxpayers' expense. Any income the farm may have produced during this period is frosting on the cake.

Many corporations have their eyes on farming for another reason: They see vast profits accruing to vertically integrated conglomerates that control every stage of the food production and distribution process from raw nitrogen to precooked souffle on the dining table. They are aware of the fact—indeed, they are largely responsible for it—that profits in the food industry go increasingly to companies in the food business rather than to farmers: In 1969 only 33 cents out of every dollar spent on food went to farmers, down from 40 cents two decades ago.

Corporations have other advantages over small farmers, including access to credit. According to a Department of Agriculture study in 1966, corporate farmers are able to borrow nearly twice the proportion of their assets that family farmers are. Corporations also enjoy the government-sanctioned privilege of exploiting their employees to a degree unparalleled in any other industry. The federal minimum wage for farmworkers is $1.30 an hour—30 cents below the minimum paid to all other workers. And while it is a felony for ordinary indivduals to harbor illegal aliens, it is not a crime for growers to employ them.

Farming corporations receive further government aid in the form of subsidies. Among these are payments for reduced crop production. Since farmers with large landholdings are able to "not-grow" more crops than are farmers with small holdings, their subsidies are more generous.

Charles Schultze, former director of the Budget Bureau, estimates the total cost of farm subsidies at $9 to $10 billion annually, the lion's share of which goes not to poor farmers, who need it, but to the corporate giants. Last year, the J. G. Boswell Co. of California received federal subsidies totalling $4.4 million; Tenneco got $1.5 million; the Florida-based U.S. Sugar Co. collected $1.1 million. A newly enacted $55,000 ceiling will reduce some of the largest handouts this year, but the limitation has too many loopholes (for example, the ceiling is computed on a per-crop and per-nominal-owner or lessor basis) to be effective.

What will be the future of American agriculture? If present policies continue, the answer seems fairly obvious: The poor will be squeezed, the rich will be subsidized, and in the end only the biggest and best integrated operations will survive.

A somewhat different vision of the future—not endorsed by the U. S. Department of Agriculture—can be found in a gently sloping field near Watsonville, Calif. It focuses on human beings rather than technology, on giving small farmers a chance to advance themselves rather than be cast into ghettos and barrios. Here on the edge of the Pajaro Valley is a bustling new enterprise called the Cooperative Campesina, a farming cooperative formed slightly over a year ago by four Mexican-American families, now expanded to 25 and still growing.

The economics of the cooperative are relatively simple. There are 140 acres under lease, with 80 planted in strawberries and 60 in zucchini squash. (Eventually all will be planted in strawberries.) To avoid hassles the land is divided among the members by lottery, with each family responsible for its own parcel.

Strawberries were chosen as the principal crop because they provide a high return and are labor-intensive; there is no machine yet in sight that can pick them. Each acre of strawberries produces about 3,000 trays per year, and each tray sells for about $3. Thus, one acre earns about $90,000 a year. Expenses, not counting labor, come to about half that, so each family will earn about $12,000 the first year if all goes well, plus whatever additional income comes from the squash. The second year, when expenses are lower, they'll earn more.

With four or five family members working steadily in the field, the earnings don't amount to much on an hourly basis—perhaps $1.20 per hour. But total family income will be two or three times what it was when they were hired laborers or sharecroppers. In addition they'll have equity in the co-op, and the satisfaction of being their own boss.

It wasn't easy to get the co-op started—the initial members had to scrape up $500 apiece, then look around for credit. The Farmers Home Administration, a federal lending agency, turned them down. Local banks, under pressure from a large local grower, were hesitant, but finally Wells Fargo came through with a $150,000 crop loan, to be repaid after the first strawberry harvest in 1972. An OEO-funded consulting firm, the Central Coast Counties Development Corp., lent another $100,000, which will be repaid in three years.

With $250,000 in hand, the co-op was able to purchase tractors, root stock and chemicals. Now it is in as good a position as the established growers, if not a better one: it's the only commercial strawberry producer in California's that doesn't have to worry about labor troubles. By next year it will be marketing strawberries under its own Cooperative Campesina label, and its members see no reason why within five or six years they can't become a dominant factor within the $60 million strawberry industry.

If the co-op prospers, its members don't plan to hoard the wealth. They intend to open up membership to as many poor families as the enterprise will support. "We have a saying in Spanish," says Refugio Pinedo, one of the founders and now secretary of the co-op. "Agua que no te tomas, dejala correr. Water that you cannot drink yourself, let it run for others."

NADER RAPS CALIFORNIA LAND MONOPOLIES

(By Nick Kotz)

A Ralph Nader task force charged yesterday that a small number of powerful individuals and corporations, aided by government, have monopolized, profited from and misused land in California at the expense of the taxpayer and the environment.

Nader and his 25-member group, headed by Robert C. Fellmeth, made public the first section of a mammoth 500,000-word study entitled "Power and Land in California."

Nader said that economic studies too often have concentrated on the "paper economy," symbolized by checks, credit cards and stock certificates, rather than on the "real wealth" of the nation, much of which is in land—"what goes on over it, on it, under it and through it."

Consequently, he said, economic studies have not focused "on the powerful players as they jockey for control of this scarce and most unique of man's resources."

"The uses of land resources throughout America," Nader said, "must be brought under a working philosophy of trust, buttressed by fair, democratically enforced laws and far-sighted planning."

RECORDS SCARCE

Throughout its study, the task force found that state and local agencies commonly either did not keep records of land ownership or refused to make them public.

The figures had to be compiled by detective work in such places as assessor's offices and U.S. Department of Agriculture subsidy records, and one of the group's recommendations was that records of major land ownership must be available to the public.

Nader said acquisition and misuse of vast amounts of land and water by powerful corporate interests is representative of what is also happening in Florida, Arizona and other developing areas of the country.

The inital section of the study charges that public and private power have: concentrated land ownership in a few hands, monopolized agriculture at the expense of the family farmer, benefited at public expense from an unneeded $9 billion water project, contributed to urban and suburban sprawl, and polluted the state's water and air.

The group called for stopping the California Water Project, breaking up large land holdings, investigating illegal conflicts of interest by state and local officials, stopping illegal pollution of the environment, eliminating the authority of the U.S. Bureau of Reclamation in California, and reorganizing state and local government.

CALL FOR JURIES

Federal and state grand juries should be convened the study said, to consider "the mass breakdown of law," including violations of pesticide control laws, water pollution laws, and immigration and labor laws. Congress was asked to conduct a thorough investigation of private and public land practices in the country.

"The land interests in California," Nader said, "have bought, intimidated, compromised and supplied key officials in state and local government to the point where these interests govern the governors."

A press aide to Gov. Ronald Reagan said he would not comment on the report until he receives and studies it.

Project Director Fellmeth said the purpose of the study was to discover how land is treated by public policy and private power.

The guiding economic premise of the study, Fellmeth said, was that persons who benefit from public expenditures should pay the cost of the benefits, and those who impose costs on society should pay those costs.

The study concluded that the general taxpayer has subsidized corporate wealth, and that corporations have not paid for their government-financed benefits or their damage to the environment.

BIG OWNERSHIP

The study says that the 25 largest landowners, led by the Southern Pacific Railroad, own 13 per cent of all privately held land in the state. Forty-five corporate farms control 61 per cent of six million acres of farmland studied, according to the report, and 20 owners control 43 per cent of the state's vast stretches of private timberland.

Southern Pacific has violated the terms of its land grants, the study said, and should be required to sell its 2.4 million acres of California land.

The study contends that the major landowners, with their allies in finance, real estate, construction, agriculture and mining, exercise virtually unchallenged influence in state government with a "land interest complex" of 235 lobbyists.

California is losing its best farmland to unnecessary urban and suburban development, the report says, citing a U.S. Soil Conservation Service survey which predicts that 2 million acres will be lost in the next 10 years.

A state law designed to protect valuable agricultural land from suburban real estate speculation has instead merely saved taxes for corporate land speculators, the report says.

TAX SAVINGS

Rather than family farmers getting the benefits of lower-rate agricultural taxes, the study says the law has primarily saved millions in taxes for 10 large corporations, including Southern Pacific, Standard Oil of California, Getty Oil, Michigan California Lumber Co. and the vast Boswell, Irvine, Tejon, and Griffin farm land holdings.

"The impact of the large conglomerates on farming," the task force said, "has been to raise prices, reduce land availability, destroy the land for future production through fertilizers or avaricious ground water use policies, or to engage in price-fixing and market control."

The report says large agricultural interests have contributed to salinity pollution by draining off water supplies, to pesticide contamination which has killed or injured farm workers, and to water pollution by illegally dumping agricultural wastes in the water supply.

The study charges that the California Water Project will cost more than three times the $2.8 billion estimate, will subsidize large landholders at the expense of the taxpayer, and will provide only 50 cents in public benefits for each $1 of public expenditure.

"Even as a multi-billion dollar welfare scheme for major political campaign contributors," the report said, "the water project is inefficient. It would be cheaper and more efficient to merely hand the recipients $4.5 billion rather than spend $9 billion to give them a $4.5 billion gift."

The Water Project Director, William Gianelli, replied that the Nader group has inaccurately assessed both the costs and benefits.

The Task Force describes California's Water Quality Control Act (described by Governor Reagan as "the toughest in history") as a law written by polluters and for polluters, weakened further by non-enforcement."

"For the state government," the report says, "the act is primarily a public relations venture; for the special interests, a chance to escape federal antipollution enforcement."

Nader's task force charges that the State Water Quality Control Board has hidden the identity of polluters and, until "a slap on the wrist" several days ago of U.S. Steel Corp., had not fined a single polluter.

The Nader group also said that Gov. Reagan has secretly written President Nixon asking that federal action not be taken against California water polluters, although staff members of the Federal Water Quality Control Administration are anxious to begin federal prosecution of California polluters, the report said.

The Task Force will release the final two sections of its study next week in Los Angeles and San Francisco. These will deal with recreation and wildlife, new development, the urban-suburban complex, transportation, and political power.

THE 65TH ANNIVERSARY OF FIRST STATEWIDE PRIMARY ELECTION SYSTEM

Mr. PROXMIRE. Mr. President, last Saturday was the 65th anniversary of the primary election system as a statewide method of permitting citizens to choose candidates for public office. The State was Wisconsin; the innovator was Robert M. La Follette, who later was a distinguished Member of the U.S. Senate.

The real strength of the primary—especially the open primary as used in Wisconsin—is, as pointed out in a Milwaukee Journal editorial, that it has given the individual voter "a bigger voice in selecting his officials." Still another strength is that it has kept political bossism out of Wisconsin.

The open primary is a simple, yet practical tool for good government. It illustrates that the American form of government can approach the ideals of democracy.

Mr. President, I ask unanimous consent that the Milwaukee Journal's editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

La Follette Started it in 1906

Because in 1896 and again in 1898 the stalwarts of the Republican Party denied the nomination for governor to Robert M. La Follette—taking delegates away from him, in his view, by the persuasive power of cash—Wisconsin has a primary election system. Saturday marked its 65th anniversary.

La Follette won the governorship in 1900, campaigning vigorously against the party convention system and "bossism" and for a system that would allow "the people" to choose their candidates for the general election. Direct nomination by the people was the battle cry and, on that pledge, he won.

In 1903 he got a primary law through the Legislature, but only after an amendment that called for a statewide referendum. That was a ruse by Sen. John C. Spooner, a leading stalwart, who expected the people of the state to vote it down. They didn't. It carried by 61.9% of the vote—and it guaranteed a La Follette regime for years.

Florida claims the credit for the nation's first primary law, but its system, adopted in 1901, only gave local and state officials the right to use a primary if they chose. The first direct primary was used by the Democratic Party in Crawford County, Pennsylvania, but Wisconsin was the first to use it statewide, and mandatorily. By 1917 all but four states had some form of primary. Now all do.

Leon Epstein, University of Wisconsin political scientist, has written: "That candidates are so generally nominated by this method in the United States but not elsewhere is one of the most striking distinguishing features of the American political system."

Wisconsin's system is unusual in that voters need not register or affirm commitment to any party but can vote on whatever party ballot they choose. As Epstein says, "the Wisconsin voter can be a Republican at a September primary, a Democrat at the following November general election and then a Republican again at the primary two years later." This free wheeling system has often negated the hopes of party leaders, as voters crisscrossed at will.

One result of the primary has been to keep political bosses from passing the plums around—winning candidates found it easier to gain backing of voters and thus keep their jobs than to keep the support of bosses dictating nominations. It also worked to help strong political leaders in selecting favorites for nomination, as the La Follette dynasty showed. Yet it does give the people a direct voice, and even the Republican Party, which endorses state and congressional nominees at prior conventions, sometimes finds its choice overturned in primaries.

Overall, the primary system has brought strength to the individual voter and given him a bigger voice in selecting his officials. Wisconsin can claim credit for starting it.

QUESTIONNAIRE ON NATIONAL SUBJECTS

Mr. SPONG. Mr. President, in the July–August issue of my newsletter, I included a questionnaire with 15 questions and have now tabulated the first 10,000 of the responses.

Although some answers are still coming in, those additional questionnaires are not changing the percentages obtained from the first sampling. I am pleased to share with other Members of the Senate the opinions expressed by the respondents to my poll and ask unanimous consent that the questions and responses be printed in the Record.

There being no objection, the questionnaire was ordered to be printed in the Record, as follows:

Questionnaire

1. Would you support additional controls over air and water pollution and increased federal funds for such programs?

Yes	79
No	13
Undecided	8

2. Do you believe the federal and state governments should assist industry in meeting part of the cost of purchasing and installing pollution control equipment?

Yes	38
No	51
Undecided	11

3. Would you favor limiting presidents to a single six year term?

Yes	44
No	46
Undecided	10

4. Would you favor limiting the terms of federal judges with reappointment subject to approval by the Congress?

Yes	77
No	17
Undecided	6

5. Legislation has been introducd in the Congress to establish firm limits on campaign contributions and expenditures in federal elections. Do you favor a tightening up of present law?

Yes	90
No	5
Undecided	5

6. Aside from voting, have you ever actively participated in an election campaign or contributed funds to a candidate for federal office?

Yes	51
No	49

7. Would you favor the legalization of marijuana?

Yes	12
No	78
Undecided	10

8. Would you favor an automatic cutoff of foreign aid to countries which do not cooperate in curbing production and smuggling of illegal drugs?

Yes	88
No	7
Undecided	5

9. Do you believe Communist China should be admitted to the United Nations?

Yes	58
No	23
Undecided	19

10. Would you favor the creation of an independent consumer protection agency to coordinate federal programs in this field?

Yes	60
No	23
Undecided	17

11. Do you believe top elected and appointed federal officials should make an annual public disclosure of their assets, liabilities and sources of income?

Yes	75
No	17
Undecided	8

12. Do you support the concept of an all volunteer Army?

Yes	46
No	41
Undecided	13

13. Do you believe able-bodied welfare recipients should be required to take available work as a condition of receiving aid?

Yes	94
No	3
Undecided	3

14. Would you support a reduction of U.S. troops in Europe by half the present number or roughly to a level of 150,000?

Yes	63
No	17
Undecided	20

15. Do you believe the federal government should share a part of its tax revenues with state and local governments?

Yes	62
No	24
Undecided	14

GENOCIDE: WHAT IT IS NOT

Mr. PROXMIRE. Mr. President, last spring the Committee on Foreign Relations reported the Genocide Convention to the Senate with the recommendation that the Senate ratify the treaty. A considerable controversy occurred in the course of committee hearings and in general public discussion: Some people said that the treaty's provisions were too broad in scope and thus should not be ratified, while others said that its provisions were too narrow and thus should not be ratified.

I would argue that the Genocide Convention in its present form is the best first step toward a peaceful world which the Senate has within its immediate power to act upon at this time. As law it is far from perfect, but then most laws are not perfect. It does not operate under the inflated definition of genocide so prevalent today, which should be a cause of relief to some and disappointment to others. As indicated in the committee report:

> Genocide is what the convention says and not what crusaders for human rights, no matter how well motivated, allege.

That is one of the strengths of law: It is what it says it is—no more and no less. By placing the crime of genocide within the realm of international law, we will define genocide precisely so that it may be possible to distinguish between what acts may be termed "genocidal" and what may not.

I ask unanimous consent to have printed in the RECORD an excerpt from the committee report on the Genocide Convention which delineates what the convention does not do.

There being no objection, the item was ordered to be printed in the RECORD, as follows:

WHAT THE CONVENTION DOES NOT DO

At the risk of being repetitious, the committee emphasizes again what the convention does not do.

It does not alter the rules of warfare, or the obligations of parties to the Geneva conventions on the treatment of prisoners of war and protection of civilian persons in time of war.

It does not apply to civil wars as such.

It does not apply to persecutions such as the currently headlined Soviet treatment of its Jewish population.

It does not apply to discrimination, racial slurs, and insults, and the like.

It does not apply to voluntary population control measures.

It does not apply to the past.

Charges that any or all of these actions might constitute genocide in one nation or another have been bandied about loosely over the years but here the committee again wishes to emphasize that a charge does not constitute proof of an act of genocide. In every case, the element of intent is crucial. In the 20-year history of the Genocide Convention no single prosecution has taken place in any of the nations party to it.

Illustrative of the type of charge involved here—and the kind the United States might have to contend with from time to time—is one cited by the ABA representatives. It is contained in a booklet entitled "We Charge Genocide: The historic petition to the United Nations for relief from the crime of the United States Government against the Negro People." This petition was first presented to the United Nations in 1951 and has now been reprinted with a new preface and foreword. The United Nations has done nothing with it in 20 years, even though, under the charter it can discuss anything that is brought to its attention, irrespective of adherence or nonadherence of a member to a particular treaty. The committee cites this to put such charges, past and future, in a practical perspective. Charges have been made and will no doubt be made again, even though the United States has enacted historic civil rights legislation since 1951, but the committee cannot stress enough that such charges, domestic or foreign, do not constitute genocidal acts just because someone labels them so. Genocide is what the convention says and not what crusaders for human rights, no matter how well motivated, allege.

The convention, in fact, leaves so many areas unaffected that this is, oddly enough, one of the main criticisms made by some of the opponents. The committee was told that the convention "is so full of holes" as to be worthless and that the United States should instead work to persuade the United Nations to negotiate one with teeth in it—one which would cover political groups and governments and which would correct other alleged deficiencies. Even if there was merit to this view, the practical difficulties of renegotiating a 23-year-old treaty by the now 127-member United Nations are formidable.

JERRY LEWIS

Mr. CRANSTON. Mr. President, I rise to pay tribute to a very funny man who has spent the better part of his life making people laugh. Jerry Lewis has brought great joy and happiness to citizens of this country, and to those in nations all around the world. He has appeared in countless films, and television shows, and has further distinguished himself as a writer, producer, and director.

What makes Jerry run? There is probably no pat answer that I can give on that subject. The fact is that Jerry Lewis has utilized his wide popularity and large following built over the years to assist the Muscular Dystrophy Association of America. For 21 years, Jerry has spent much of his time soliciting help and contributions to fight this vicious disease which cripples and kills so many of our children.

The public part of Jerry's involvement with MDA is seen each year on the Labor Day telethon he hosts for 20 hours from New York City. Last year, Jerry enlisted the support of 65 stations around the country to tie into the New York telecast, and thus augment the potential for much needed contributions. The result was over $5 million. Last weekend, Jerry almost doubled the participation to 120 stations, coast-to-coast, and raised an incredible $8,125,387.

Obviously, there is a very serious side to the man adored as a clown. But it is a serious side wedded to an emotional concern for his fellow man. Jerry Lewis is a true humanitarian, and I am proud that he is one of my constituents—and prouder still that he is my friend.

THE 51ST CONVENTION OF NATIONAL FEED INGREDIENTS ASSOCIATION

Mr. PROXMIRE. Mr. President, later this month the National Feed Ingredients Association will hold its 51st convention at Delavan, Wis. Governor Lucey has set September 27 as "Salute to NFIA Day" in Wisconsin. I ask unanimous consent that Governor Lucey's proclamation be printed in the RECORD.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

PROCLAMATION

Whereas, the National Feed Ingredients Association is celebrating its fifty-first anniversary; and

Whereas, the National Feed Ingredients Association has made many valuable contributions in the important area of efficient livestock and poultry production through its "Grants-in-Aid Research Program"; and

Whereas, this national agri-business trade association has fostered a greater understanding between American academic researchers and researchers in foreign lands through the "NFIA Travel Awards Program"; and

Whereas, the NFIA has been a leader in the important area of improving the public's image of American agriculture; and

Whereas, the many presidents of NFIA over the past fifty-one years have exerted strong and progressive leadership within the nation's vast livestock feeding industry, as well as in all of American agri-business; and

Whereas, the many agricultural public affairs activities of the current NFIA president, John W. Megown, have received considerable recognition at all levels of government, local state and national, and throughout America's largest industry—Agriculture; and

Whereas, the National Feed Ingredients Association is holding its fifty-first annual conveniton at Lake Lawn Lodge, Delavan, Wisconsin;

Now, therefore, I, Patrick J. Lucey, Governor of the State of Wisconsin, do hereby proclaim Monday, September 27, 1971, as "Salute to NFIA Day" in Wisconsin and urge all citizens to take notice of the contributions of NFIA.

DEATH OF ELMO ROPER

Mr. CASE. Mr. President, we were all saddened by Elmo Roper's death earlier this year. As I said in the Senate on April 30:

> Purely on a personal basis and in no way as an official announcement, I cannot refrain from expressing to my colleagues my deep, personal grief in learning this morning of the death of a great American, Elmo Roper.
>
> I shall not presume to speak as though I were delivering a eulogy. But I could not let this day go by without indicating that, in my judgment, without great spirits like Elmo Roper, this country and humanity could scarcely function.
>
> Mr. President, there will be a more appropriate time better to express our views on Elmo Roper and what his loss means to us, but just now I wish to express my personal sympathy to his family at this hour of their grief. My own is so great that I want to share it with my colleagues.

Mr. President, I ask unanimous consent to have printed in the Record some of the tributes to Mr. Roper at the funeral services on May 3 and which were published in the July 1971, issue of the Roper Report.

There being no objection, the tributes were ordered to be printed in the Record, as follows:

[From the Roper Report, July 1971]

Elmo B. Roper, Jr.—1900–71

Elmo Roper, a pioneer of the polls, died in April, ending a career which spanned four decades of survey research. He was a founding partner of the firm of Cherington, Roper and Wood in 1933, and a founding director of The Roper Organization in 1970. His loss is deeply felt by all who knew and worked with him.

His impact on the field he helped found was enormous, both on the development of research techniques and through his ideas about the proper use of those techniques. Election prediction was, to him, not much more than a public amusement. The real potential of the tool lay in exploring what he called "the why behind the what," the reasons people felt and thought as they did, and in laying bare the areas of public ignorance, so that the gaps in public knowledge could be filled. He had faith that, given the facts, people would act wisely, more often than not, out of their good instincts and common sense.

Much has been written publicly of his contributions in many areas of national life. But he was much more than a public figure. He touched many lives in many ways. The variety of his friends, their diverse perspectives and the words they have said about him, tell the story of Elmo Roper better than any one person could.

These are a few words from the eulogy at his funeral services on May 3:

Frank Church, United States Senator: "An independent thinker; a pollster without peer; an eminent citizen, commentator, columnist, and professor—a man who possessed the gift of friendship. If each American were to contribute a tenth as much to the well-being of his country as did Elmo Roper, what a wondrous land ours would be."

And these comments from letters received by the Roper family.

John F. Kraft, Washington, D.C.: "Elmo wouldn't listen when you tried to thank him! Because he did so much for so many people, and it was "old hat." He'd only listen when you asked him."

Avery Brooke, Darien, Conn.: "I remember traveling on the train years ago, everyone with his own varying opinions and Elmo giving his firmly, but expecting everyone to give their own just as firmly. Or talking to Sally when she was three as seriously as to a Senator."

Arne Haug, Haug Associates: "I drove your father down to his desert properties which, as you know, are primarily rock. In answer to my question—"Why did you buy this kind of land?"—he replied: "I want to see that land like this stays untouched, unspoiled."

Melvin D. Field, Field Research Co.: "I can still remember a session with him twenty years ago when he spoke of his guiding principles as a research company entrepreneur—"Don't try to do it all, but whatever you do, do it well. Be sure you and your people are adequately compensated for your work."

Charles B. Crisman, Redding, Conn.: "I knew him as a good citizen of Redding. He always responded to the many requests we made upon him to help the children in our town and treated our problems as though they were issues of major concern. Perhaps this is a small matter in terms of his great accomplishments. But I do not think so."

Beth Gragnon, Former Field Supervisor: "He was never too busy to do something kind or thoughtful."

Whitelaw Reid, Former Publisher, N.Y. Herald Tribune: "His was a big brain, and the Tribune was lucky to have the benefit of his thinking and careful work over the years. I am bitter about his loss to work for a better world on countless fronts."

William P. Headden, Standard Oil Co. (N.J.): "Elmo Roper is a great name to Americans. He is a great name in Standard Oil, too, for a whole generation of our people came to know him and to lean heavily for their guidance on his remarkable social and political skills. His professional talents helped redirect the course of our company."

Dorothy Hand, Interviewer: "His ability to treat the most insignificant and temporary interviewer with a sense of importance—their importance. This carried right through the whole organization—still does, a wonderful memorial to Elmo Roper—a living one."

Mary Gilbert, Former Staff Member: "He was a 'liberal'; I am a 'conservative' (Buckley type), but I very much respected him for putting his liberalism on the line—in his firm where it cost him money—instead of just mouthing it."

Julian Goodman, President, NBC: "He remained affirmative in his viewpoint about America and Americans. He sought always to explore the means of adding to the social usefulness of the scientific political poll be had created."

Andrew G. Bato, Former Staff Member: "He can never get too much credit for the way in which he built a research discipline—thorough when most people were superficial, impeccably honest and precise throughout, and above all, maintaining a classically clear and commonsense way of analyzing and presenting findings that has survived the fads of motivationists and hypermathematicians."

Orville Baldwin, Hebron Nebraska: "The people of this community are quietly aware of the fact that Hebron has lost its number one native son—the outstanding contribution of this area to the nation and to the world—and Hebron's greatest benefactor. Each feels a personal loss. The flag at the court house is at half staff—and appropriately so."

William D. Patterson, Saturday Review: "What a full life he lived, the embodiment of wit, wisdom, kindness, generosity, courage and integrity. We appreciated and admired all he did for us as friend, counselor and Editor-at-Large."

Robert Finch, Presidential Counselor: "For all of us he added science to the art of politics and made it the more responsive, the more respectable. Our nation will miss him."

Ithiel de Sola Pool, M.I.T.: "He has really been a kind of father figure for everyone in the public opinion field. He has been the statesman of the field, the man who has seen the broader implications for public policy and the moral issues involved. . . . Every contact with him was fun and also inspiring."

Carl Henrikson, Member, Market Research Council: "Few people really knew of his wide and diverse interests and activities in behalf of the social and economic betterment of mankind. The loss of his leadership, kindliness and friendship will be sorely missed by many people in high places, ordinary folks and particularly by his legion of fellow workers in the marketing and opinion research vineyard."

Louis Hausman, American Council on Education: "Over the 30 years I knew him, he was always—in business and in personal relations—warm, thoughtful, and ever so wise. His passing leaves a gaping hole in our society."

Archibald Crossley, Princeton, N.J.: "I doubt if even you know a number of things your father went out of his way to do for me. And when he introduced me or I introduced him as a speaker there was always behind the kidding a warmth of personal feeling. There is no doubt in my mind that he knew the true feeling that was back of the teasing."

Priscilla Day, Las Vegas, Nev.: "How much I loved and admired him. Loving of course is spontaneous, a helpless reaction to another's little human foibles—like grading Christmas cards, panning stuffy guests and singing lusty off-key duets. But the respect and admiration are for his fine and truly noble qualities. He had more of the rare virtues than anyone I've known. Power could not degrade him. It made Elmo only more humane and tolerant. I admired too his refreshingly youthful optimism. I always felt more secure knowing that one so knowledgeable and wise, was confident we would work ourselves out of the current morass."

[From the Congressional Record, April 30, 1971]

Death of Elmo Roper

Mr. Case. Mr. President, purely on a personal basis and in no way as an official announcement, I cannot refrain from expressing to my colleagues my deep, personal grief in learning this morning of the death of a great American, Elmo Roper.

I shall not presume to speak as though I were delivering a eulogy. But I could not let this day go by without indicating that, in my judgment, without great spirits like Elmo Roper, this country and humanity could scarcely function.

Mr. President, there will be a more appropriate time better to express our views on Elmo Roper and what his loss means to us, but just now I wish to express my personal sympathy to his family at this hour of their grief. My own is so great that I want to share it with my colleagues.

Mr. Javits. Mr. President, will the Senator yield?

Mr. Case. I yield.

Mr. Javits. Mr. President, I would like to identify myself with the remarks of the Senator from New Jersey. I knew Elmo Roper very well. I know how close the Senator from New Jersey was to him.

He helped me in my first campaign. That was probably the first time that any survey was taken of any district to see what was troubling the district.

I have the fondest memory of Elmo Roper. I join my colleague in expressing our condolences and sorrow to his family.

The President pro tempore. Is there further morning business?

SANTA BARBARA CHANNEL: TWO MORE OIL PLATFORMS

Mr. CRANSTON. Mr. President, last week the U.S. Geological Survey issued a final environmental statement as its conclusion after reviewing the various comments—official and public—on its earlier draft statements of February 23, 1971, and May 10, 1971, on the question of allowing two more drilling platforms to be erected on Federal leases in the Santa Barbara Channel. I am informed that Secretary Morton is reviewing the complete file which has been assembled in the process of complying with the Environmental Policy Act. His final decision, which may be made momentarily, has clearly been weighted toward approval of the additional platforms by the recommendations of the USGS.

After a 9-month pregnancy of draftings, hearings, redraftings, criticisms, countercriticisms, and other obsequies to environmental policy, two preassembled oil drilling platforms are about to spring, full blown, into the lap of the Santa Barbara Channel. In USGS words, the platforms will be "a temporary intrusion in the environment." The report goes on to define "temporary" as being "a period of 10 to 30 years."

The USGS reasons for advocating these platforms are fairly explicit. The report admits that the "scenic nature of the channel will be further modified," that "oil pollution of the marine environment could result—from a serious accident or malfunction," that in bad weather an oil spill could "cause extensive short-term damage to beaches and wildlife," and that "long-term or permanent effects of major oil spills are still unknown." But all of this potential for environmental disaster is apparently counterbalanced in the USGS view by two basic economic considerations:

> The proposed platforms would permit substantial and needed resources to the economy, and alternative methods of development from existing platforms do not permit complete recovery of reserves.

Mr. President, I believe that a thorough investigation by the Senate Committee on Interior and Insular Affairs of the manner in which the environmental impact of these proposed platforms has been evaluated would be an appropriate review of the feasibility and effectiveness of the Environmental Policy Act.

Moreover, the Interior Committee has before it at least two bills which would substantially affect oil drilling in the Santa Barbara Channel: The administration bill (S. 1853) and (S. 373) the bill which my colleague from California (Mr. Tunney) and I have proposed to ban oil development in a portion of the channel and provide a moratorium on new drilling in other portions. Our bill would ban the erection of additional above-water platforms such as platforms C and Henry, the two subjects of the Secretary's imminent decision.

In light of the Interior Department's consistent history of giving oil production a higher priority than the aesthetic, recreational, commercial, and environmental values of the Santa Barbara Channel, I believe Secretary Morton should delay his decision on the installation of these platforms until Congress has had an opportunity to review the environmental impact findings of the USGS and of other agencies. In particular, I believe the appropriate committee should look into the comments of the Environmental Protection Agency on the USGS draft. The EPA, for instance, raises the question of whether the Repetto formation might more expeditiously be depleted by an increase in production rates from the wells on platforms A and B than by the installation of platforms C and Henry. Without referring to this question, the USGS final statement simply reiterates that platform C would help relieve the pressure from the Dos Cuadras field.

In addition, the 92d Congress has yet to hold a single hearing on the continuing pollution of the Santa Barbara Channel environment from exploration and development for oil. Clearly the existence of various bills, including the administration's own, would warrant a delay in the installation of these two platforms. If it will take from 10 to 30 years to deplete Dos Cuadras field, surely the commencement of supplemental production operations cannot be so urgent that the possibility of congressional reconsideration of Santa Barbara Channel development needs to be preempted. The substantial environmental objections to adding more steel superstructures to the Santa Barbara Channel junkyard should not be so summarily dismissed.

President Nixon has himself had the experience of an oil-drenched beach at his frontyard at San Clemente, Calif. I would hope that experience will encourage him to intervene with his Secretary of the Interior.

Mr. President, the New York Times on August 26, 1971, published an excellent editorial on exactly this last point. I ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Error—Human and Political

It is not pleasant for anyone to have an oil slick washed up on his private beach, but if you are President of the United States you are in a better position than most to do something about it. As Commander-in-Chief of the armed forces, President Nixon had only to let it be known that gobs of oil had appeared on the sands of his Western White House at San Clemente to have sailors and marines arrive and pick up the stuff by hand—which was fair enough since the oil had come from a naval tanker offshore.

The spill, small as these ugly and destructive incidents go, was attributed to "human error." That might be all there was to say if less defensible error were not being committed by Mr. Nixon's own Department of the Interior a few hundred miles north of San Clemente. In the Santa Barbara Channel, Secretary Rogers C. B. Morton has lifted the suspension on exploratory drilling for fourteen of the 72 oil and gas leases, to the intense nervousness of the region's inhabitants.

In an environmental impact statement to the Council on Environmental Quality, the Interior Department conceded the danger that a serious accident during drilling operations might result in a major "spill," but it called the hazard "minimal," as though the appalling effects of the blowout in 1969 were already forgotten in Washington even while they were still being felt on the California coast.

President Nixon, it may be recalled, announced creation of the Council on Environmental Quality from his Florida home along the blue waters of Key Biscayne. Perhaps the oily waters at San Clemente will inspire him now to square his Administration's proposed legislation for the Santa Barbara Channel with a much more forthright measure urged by Senator Cranston of California. Both bills would permanently ban drilling on about half the leases, but the Senator's would add a moratorum, of five years at least, on all drilling—to allow time for a perfecting of underwater production techniques and the developing of more effective means for controlling spills.

Blowouts, fires, shipwrecks and human errors may not be preventable as sources of devastating oil slicks, but the errors of policy that make them possible are entirely preventable—especially when the evidence is so overwhelming on the dangers of off-shore drilling.

POTENTIAL OF EDUCATIONAL TECHNOLOGY

Mr. EAGLETON. Mr. President, the June issue of American Education magazine, a publication of the U.S. Office of Education, has as its cover story an article entitled "DOVACK's Machines Help Children Read" by Martee Wills. As the Senate sponsor of the Educational Technology Act, S. 2011, I take a particular interest in the DOVACK story, an agronym for a differentiated, oral, visual, aural, computerized, kinesthetic characterization of the program.

It chronicles the efforts of Mrs. Florine Way, a teacher in Florida schools for nearly three decades, in developing a remedial reading experiment involving intensive use of instructional technology: dictating machines, computers, television cameras, and videotape recorders. Funded under title III of the Elementary and Secondary Education Act, the DOVACK program at Howard Academy, a public school in Monticello, Jefferson County, Fla., is just one example of how instructional technology in a systematic manner supported by sound planning, training, and implementation, can have a beneficial impact on education.

Of particular note are the comments of Mrs. Way contrasting her pre-DOVACK years of teaching with the computer's role in the DOVACK program. She says of those early years:

> I had to do chores that anybody could have done, and I felt I should have been able to use my time more creatively. I'm neither the educrat who thinks machines will destroy children nor the technocrat who believes machines can eliminate teachers. I'm in the middle. I want to use machines to help teachers be more human.

And Dr. E. T. Miles, Jr., director of the Florida State University Computing Center, the man who directed the development of DOVACK's computer elements, observes that although DOVACK system is more expensive, that "is the case with any special education program. But it is well worth the extra cost."

DOVACK is just one approach toward the improvement of instruction in the classrooms of America. Unfortunately, the potential of DOVACK and the potential of the many other programs which could be mounted in educational technology have not been realized because of the lack of concentrated Federal thrust in this area. S. 2011 would provide that thrust.

It is important to note that the real significance of this program is not the mere mechanical potential of mechanization, but the results that can be obtained by a system approach to education.

I commend the DOVACK story to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DOVACK'S MACHINES HELP CHILDREN READ

(By Martee Willis)

A fifth-grade student at Howard Academy, a public school in the sleepy moss-hung community of Monticello in rural northwest Florida, opens his book and reads haltingly: "Tim . . . and . . . Mary . . . walked . . . together . . . down . . . the . . . street. They . . . were . . . going . . . to . . . Bill's . . . house."

At the same time, in another classroom at the same school, a second fifth-grader reads with more speed and assurance, although from a far less likely text: "Johnny Miller is a big-head boy. He think he look the best, but he don't look the best. I am a good boy. Johnny Miller try to like the girls, but they don't like him. He have eggs for breakfast."

Both fifth-graders are retarded readers. The one having difficulty with the professionally prepared story of Tim and Mary is in a standard classroom situation. The book helps him by using such techniques as word repetition, patterns and associations, and the teacher comes to his rescue when he falters.

But nothing about the second student's study process is standard. He sits at a special desk fitted with the same kind of dictating machine as those used by thousands of executives. The broad magnetic band on the machine feeds the story of the unlikeable Johnny Miller through an earpiece, so that the student can hear it as his eyes move along the lines of a printed version before him. And what helps just as much as hearing the story as he reads it is that this student authored it, bad grammar and all. He dictated it yesterday into this same machine.

Overnight, the story was punched on cards and fed into a computer, which keeps track of all his stories and all the different words he uses and provides him each day with a printed version of the preceding day's dictation.

The student is one of 204 Monticello children in a special beginning and remedial reading experiment called DOVACK; the letters of the acronym represent a listing of the program's characteristics—differentiated, oral, visual, aural, computerized, kinesthetic. Although the language-experience approach on which DOVACK is based is as old as this century, DOVACK itself has been nurtured from original concepts by Florine Way, a teacher in Florida schools for nearly three decades.

Mrs. Way developed the model while she was teaching. In 1965 and 1966, using a grant from the Florida State University Research Council, she conducted a pilot study among illiterate prisoners at Tallahassee's Federal Correctional Institution. With this background she started more advanced work among public school children in Monticello, some 25 miles east of Tallahassee, which is now in its third and final year of funding under title III of the Elementary and Secondary Education Act.

The first year at Monticello was no more than a three-month effort—a kind of basic organizing. Howard Academy, then an institution entirely for black elementary students, was the only school involved.

During the 1969–70 school year, as the experiment continued under the auspices of Jefferson County School Superintendent Desmond Bishop, a second DOVACK classroom was set up across town at Mamie B. Scott Elementary School, also all black. Even after both schools were integrated last fall, they remained primarily black, because the majority of the population in Jefferson County is black. Thus, only a few DOVACK students are white and the DOVACK teacher and two aides in each of the schools are black.

From the beginning, Mrs. Way has dealt with much more than a simple reading improvement program. Disadvantages in life style, social status, and speech have also entered very largely into DOVACK's function and goals. This becomes more apparent as details of the experiment are mastered.

The DOVACK student spends one class period a day in the program. Preliminary to his DOVACK work, he examines a sheet entitled "My DOVACK Agenda," a plan of action that he filled out the previous day. The first order of business is to take from his desk his box which contains his folder of previously dictated stories, as printed out for him by the Control Data 6400 computer at Florida State University in Tallahassee. He also finds his wide magnetic belt with voice copies of those stories, although the voice is not his own. Each time he dictates a story, a DOVACK teacher or aide listens as she punches it out on computer cards. She then redictates it for him, replacing his Afro-American dialect with standard English pronunciation but without changing the original word order.

Before he concerns himself with this continuing record belt, he will get a blank belt from a supply carton in the classroom and proceed with agenda item two: Dictate a story.

Preferably he dictates something he recently experienced: a television program he watched last night, some chores he had to do around the house, an incident on the way to school. The use of his own experience is DOVACK's core philosophy.

"This is the field theory, of course," Florine Way says. "Each person has his own life space consisting of everything that is a part of the person psychologically and environmentally. We want to heighten his interest by having him use things he grasps best. When we introduce new subject matter, we want him to be able to make his understanding of it a part of his own experience in his life space."

The new dictation goes to an aide, who punches it on the cards for the computer. The aide must be, in Mrs. Way's term, "bilingual," as she must understand what is often so strong a Negro dialect that anyone not accustomed to hearing it would be lost. The aide does not correct grammatical errors when she transfers the story to cards. "We must accept people as they are," Mrs. Way says. "If we build their self-image, we're helping them even more than when we're teaching them to read. If we tell a student that his language is terrible and all wrong, we're telling him not only that he is terrible, but also that his family and his peers are. So any way he expresses himself is acceptable."

Meanwhile, the DOVACK student continues with his agenda, the rest of the class period consisting of a wide range of study activities. He reads the printout of the previous day's dictation, listening to his teacher's voice carefully pronouncing the words in his ear as he follows them on paper. He also checks the words of the story individually; they are listed alphabetically below the story, each with the number of the line in which it appears, so he can check any word in context if he cannot recognize it alone.

The DOVACK student might then choose an older story from the permanent file in his DOVACK box and read it aloud to a fellow student, a group of students, or a teacher. Or he might listen as other students read their stories to him. Perhaps he'll use his Word Attacker, developed by Mrs. Way as an aid to the understanding of consonant blends. Each consonant combination is accompanied by a picture: fl- by a flower, gl- by a glass, -st by a fist. Working with another student, he might arrange letters on a felt board to spell the words used in dictating the narrative.

Mrs. Way and her assistants do not ignore bad grammar forever. From several of a child's stories they make a composite story in the third person, using correct form. The child is then asked to read it and study it, and he is told that this is another way of putting things he had said earlier.

"We don't tell him he is wrong and we are right," Mrs. Way explains. "We say his way and ours are different ways of expressing a thought. But the point is that eventually he will begin to absorb good grammar."

Every sixth class day the DOVACK pupil's agenda sheet will show that he is due for a test on the new words he has used since the last examination. It is in these tests on immediate word recognition, as well as in the 36-day tests checking delayed recall, that the computer is most helpful. It prints out a random sample of each student's list of new words which is sufficient to indicate within five percent what the student's score would have been had he been tested on his entire list.

The computer does other important jobs: It keeps tab on the total number of words dictated by a student and the rate at which he is introducing and learning them. (Averages vary from .5 to 15 words per class session.) The computer also remembers all the test scores of each student. With such information, the machine can report at any time—usually just after each new batch of test scores are added—how all DOVACK students are doing.

As each student has an identification number, the computer issues its class progress report by printing the student numbers at scattered points on a graph. To this sheet the teacher applies a special overlay that divides it into quadrants. An individual student's progress is quickly evident from the quadrant into which his number falls: One quadrant holds that the student needs to study his dictations more, another that he needs more frequent use of the Word Attacker, a third that he could use more experiences and understandings of subject matter to broaden his story content, the fourth that he is about where he should be and should be given enough encouragement to keep his enthusiasm high.

At the beginning of the Monticello DOVACK program in the abbreviated 1968–69 session, Mrs. Way selected pupils for DOVACK and for a corresponding control group by starting with their scores from standardized tests. "I had the idea that if a child had a higher IQ score than reading score, he could learn faster the DOVACK way. So we got the pertinent scores, matched pairs, and flipped a coin. One child who fit that higher-IQ-than-reading formula went into DOVACK, the other into the control group.

"We soon realized we had some children in DOVACK who were reading below ability but still at grade level. We knew then that those children didn't need DOVACK; they needed no more than developmental instruction."

Last year, the situation was corrected by taking the standardized test scores, ranking the students in pairs from lowest scores to highest and choosing pupils from the lowest. "By doing that," Mrs. Way recalls, "we got fifth-graders who were reading on a first-grade or second-grade level and some who were not reading at all."

In that second round of student selection, Mrs. Way did not pull out those children who had been in DOVACK previously. If they still needed the program, they were chosen a second time. This year the same reselection was continued.

This year, a change was made among upper-grade DOVACK students at Howard Academy for whom reading is not a regular subject. Class time had to be found, and it was borrowed from social studies. All the students in one fifth-grade and one sixth-grade social studies class at Howard are in DOVACK. For six days half these students are in DOVACK session for one class while the other half are in social studies. For the following six days they change places. The control group consists of students with similar test scores in other fifth-grade and sixth-grade classes.

Something new this year are DOVACK packs, each one a collection of special materials for individual or small-group use to increase the students' vicarous experiences—in effect, to give them more things to tell about in their stories. Some of the packs contain visual material on travel or other entertaining subjects. Others have both visual and listening material.

Students also have more direct ways to expand their experience this year. The most exciting to them is a home television camera and videotape recorder that they can use in the classroom or on field trips. Occasionally, when a child isn't sure what he can tell a story about, he can get an illustrated book or a picture from an ample DOVACK supply and describe what he sees. Sometimes the teacher leads several students in a discussion that results in a group story. Each participant gets a copy for his own file and computer memory bank.

It is possible for a student to become so proficient at reading that he no longer needs DOVACK. Mrs. Way has arrived at the criteria for making such a decision.

"When the computer consistently shows that a student is dictating many new words and learning them, when he demonstrates his knowledge of phonetic principles, when he frequently and easily reads composite stories other than his own, when he checks out extra books to read at home and does well on special informal reading tests to confirm all those indications of progress, then he is ready to leave DOVACK. But it hasn't happened very often so far."

During all her pre-DOVACK years of teaching, Mrs. Way says of the computer's role in the program, "I had to do chores that anybody could have done, and I felt that I should have been able to use my time more creatively. I'm neither the educrat who thinks machines will destroy children nor the technocrat who believes machines can eliminate teachers. I'm in the middle. I want to use machines to help teachers be more human. When a former colleague asked, 'And what do you do when your great machine breaks down?' I told her, 'We fix it.'"

E. P. Miles, Jr., director of the Florida State University Computing Center, directed the development of DOVACK's computer elements. He thinks they have worked well and that the computer is essential to the program, which he admits he has had an uphill struggle.

Last year, all student stories were punched on perforated tape and fed by telephone line to the computer center in Tallahassee. The computer entered the new stories in its memory bank, then fed them back over the same telephone line to the teletype machines in Monticello for printouts.

This year, although printouts still come back over the telephone line, the stories are punched out on cards in Monticello and hand-delivered to Tallahassee. It saves on line charges.

Dr. Miles thinks telephone lines could be dropped in some cases, but might still be needed in others—for example, where distances are great. He is less precise on how much computer costs can be reduced according to the number of users. Workload figures are incomplete, but work is proceeding on the cost analysis.

In 1965, when Mrs. Way first started working on her experiment, computer time cost $450 an hour. Now it costs $150. Dr. Miles concedes that DOVACK always will cost more than ordinary classwork. "This is without doubt a more expensive system of teaching, as is the case with any special education program. But it is well worth the extra cost."

Meanwhile, no problems are anticipated in adapting the experiment to other types of computers in other locations. Two new DOVACK programs already are in operation in Florida—one in Gainesville, the other in nearby Jacksonville—and both use an IBM computer at Gainesville's University of Florida.

The evidence suggests that this mild expansion is merely the first step in an inevitable broader acceptance that will remove the word "experiment" from DOVACK's future. Despite limited publicity for the program, Mrs. Way has received more than 200 inquiries that could lead to other DOVACK units across the Nation. The program might eventually go international. In April 1969, Mrs. Way presented DOVACK at the Inter-American Conference on Satellite Communications in Santiago, Chile. The following December, she described it informally at a National Aeronautics and Space Administration hearing on satellite communications at Moffett Field, Calif.

"The computer is the behind-the-scenes tool to help any people with a limited culture expand their vocabulary," says Dr. Miles. "The computer is one reason the project would be as adaptable to the aborigines of Australia as to the Chicanos of Los Angeles or the blacks of Monticello."

Mrs. Way, though fascinated by DOVACK's international possibilities, is more concerned at the moment with the national. She sees DOVACK as a help to prisoners like those she first taught five years ago, to thousands of families of migrant workers who might be followed by DOVACK classrooms on wheels, to any group of foreigners isolated by the language barrier in any American city.

In introducing beginning reading, DOVACK is just as applicable to children with an advantaged background as it is to children with a disadvantaged background.

This means a need for more DOVACK teachers. "Next year, we are going to work with the teachers who will volunteer, and I will have workshops for them. They will come into our classrooms and work with me and with the experienced teachers and aides, and with our pupils. I also can leave Monticello from time to time and be a roving consultant."

What specific evaluation can be made of DOVACK thus far?

Mrs. Way is very conservative in her claims, and for a good reason. There has not been enough money to sort out and analyze the mountain of statistics waiting in various computer printouts or to make a detailed performance comparison between DOVACK and control students. "I'm not going to make claims I can't substantiate fully," Mrs. Way says. "I don't want DOVACK to suffer the fate of so many other innovative ideas, like the teaching machines. People sat back and said, 'We've found the panacea,' and a good idea was undermined.

"But generally, I am encouraged by DOVACK, especially in the improvement of student self-image, in better work habits, in attitudes toward reading. I think I can see real progress. What we have done in something over two years is find the answer to the question whether it is worthwhile to go on and try to make DOVACK economically feasible, so that everybody who wants to can use it. The answer is an unqualified yes."

SALUTE TO SENATOR THURMOND

Mr. TALMADGE. Mr. President, the Greenville, S.C., News of August 23 contains an editorial saluting Senator STROM THURMOND.

The editorial points out most eloquently Senator THURMOND's record as a champion of the Constitution and as a man who has the courage of his convictions. I ask that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THURMOND STILL HIS OWN MAN

Back in 1964 when U.S. Senator Strom Thurmond "jumped the political fence" by switching from the Democratic party to the Republican party in support of Barry Goldwater for President, we expressed the opinion that the change was in labels only and that Senator Thurmond would remain his independent self.

Nothing has happened since to alter that view. The most outstanding constant characteristic of Strom Thurmond's long career is that he wears no man's collar. He is his own man.

In 1968 Senator Thurmond played a large role in the nomination and election of President Nixon. He personally delivered the decisive votes for Nixon at the Republican Convention in Miami. His campaign for Nixon in key Southern states carried them for the President, who otherwise would have lost.

Throughout the years the senior South Carolina senator has insisted that he will support the President when he thinks he is right; will oppose him when he thinks he is wrong—and he has opposed President Nixon on a number of issues. He has taken the same independent position regarding the Republican Party in general. He will go with his fellow Republicans only when he thinks the majority of the GOP is right.

Along the way quite a few political figures, in addition to the President, have benefited from Senator Thurmond's public support. But never once in his political career has Strom Thurmond ever sought to ride another man's coattails. His political image is strictly his own and in no way depends upon any party or any other individual.

So it comes as no surprise to read in U.S. News and World Report that the senator's friends are saying that "in his campaign for re-election next year, he intends to disassociate himself very clearly" from the Nixon administration.

What's new about that? Since when was Strom Thurmond tied to any administration in Washington, Republican and Democratic?

In the Nixon years, Senator Thurmond has made no bones about opopsing the administration on such key issues as welfare reform, gestures to Red China, important civil rights matters and a general tendency on the part of the administration to drift toward the left.

The senator has remained staunchly committed to such things as private enterprise, military preparedness and individual initiative. He has built for himself a national constituency in his own right.

Because of his widespread national following and his seniority in the Senate, he continues to exert considerable influence on the administration. He is especially strong on matters involving national security and national defense. No man is more influential in the Pentagon than the retired Army Reserve general officer who also is second ranking Republican on the Senate Armed Services Committee.

Once it was somewhat risky for Strom Thurmond to be independent. He risked a lot and lost much for his independent presidential campaign against Harry Truman. He risked much and won when he ran as a write-in candidate for the Senate. He risked even more when he jumped the fence in 1964.

Now his built-in constituency based solidly upon love of political independence and devotion to the highest interests of state and nation provide the senator a buffer against the risk of independent action.

In addition, Strom Thurmond has tremendous strength in South Carolina based upon the undeniable power in the military structure of the nation. He now is the guardian of defense installations in Charleston, Beaufort, Horry, Sumter and Richland counties, and the thousands of jobs connected with them. That strength just happens to cut sharply across racial, social and economic lines in many parts of South Carolina.

But the most important Thurmond asset remains the fact that he really wears no political label. His campaign next year will be like all other Thurmond campaigns—independent. Many Democrats and political independents will be on the Thurmond team.

Strom Thurmond's political independence and integrity have won him a unique place in South Carolina's political history, as well as an enthusiastic grass roots following which makes little noise except on election day.

THE IMPORTANCE OF RESEARCH AND DEVELOPMENT

Mr. McINTYRE. Mr. President, two interesting and timely articles written by Victor Cohn, which were published in the Washington Post of September 5, concern the importance of research and technology. Specifically these articles address the many problems which are involved in this area, both in military as well as domestic applications. I commend both of these articles to the Senate as background reading for a more comprehensive appreciation of the problems involved in these very important programs. I will have additional comments on the specific implications of military technology in the near future in support of the military procurement authorization bill for fiscal year 1972.

Mr. President, I ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

SCIENTISTS ARE HARNESSING OUR RUNAWAY TECHNOLOGY

(By Victor Cohn)

CAMBRIDGE, MASS.—"Science is dead," said a disgruntled student.

"Technology," said a former astronaut during the recent Apollo 15 journey, has become for many "an X-rated four-letter word."

"An epidemic of anti-science" pervades much of the world, a United Nations organ reports. "Anti-science, anti-technology and anti-rational" emotions grip American society, the retiring chairman of the Atomic Energy Commission complains.

The dangerous fact—so it seems today to many scientists and technologists—is that America is failing to use technology as a social and economic tool while properly rejecting it as a god and a wrecker.

The United States has spurned the SST and turned its back on space trips while refusing to fund major technological assaults on stalled transportation, urban blight or the spoiled environment. It has cut defense and aerospace spending, stranding at least 50,000 scientists and engineers who, in the view of most technological leaders, should be attacking new national problems. It has cut basic scientific and medical research while, in the words of an MIT scientist this summer, "we have to fight guerrilla war" to get even "minor contracts" to attack environmental questions.

MIT—the Massachusetts Institute of Technology, probably the world's greatest technological university—has recently committed itself to seeking a change.

In a series of statements that can be taken jointly as a new scientists' manifesto, its leaders have been charting what they hope will become a fresh course for both the country and its technology.

As part of this course, they are urging a change in national attitude—a change toward harnessing technology while not bowing to it.

As another part, they are urging scientists to stop disclaiming responsibility for the effects of their work.

Third, they are pledging and making a profound change in their own teaching and research.

TRADITION OF LEADERSHIP

These same goals are being stated at most U.S. universities.

But perhaps no place else are they being stated or applied quite as sharply.

For MIT is the country's technological Harvard, a bellwether in both science and its applications. MIT leads universities in snaring federal research funds ($92 million worth in fiscal 1970, more than double the $39 million of Stanford, its closest rival).

MIT's leadership is a remarkable continuum of new and old, with durable Washington connections.

MIT's World War II President Karl T. Compton was a leader in the war research effort. He was succeeded by James R. Killian, who then became President Eisenhower's science adviser. Prof. Vannevar Bush, who had directed the wartime research effort, became chairman of the MIT Corporation. Killian later succeeded Bush.

In 1969 Prof. Howard Johnson became president. His rival for the job had been Prof. Jerome Wiesner, who had been President Kennedy's science adviser (and whose onetime graduate student, Dr. Edward E. David, is President Nixon's). Johnson made Wiesner his provost; this year Wiesner succeeded Johnson, who has now succeeded Killian as board chairman.

All these men stood united, at least in public, as Johnson and Wiesner responded to 1969 student uproars and a faculty-student research stoppage mainly by agreeing with most of the protesters' goals. They were already leading the university in new directions. Wiesner was a leading foe of the Vietnam war and of the anti-ballistic missile.

Universities, Johnson said at MIT's June commencement, need to be pace-setters for social change, institutions "where compassion is part of principle."

"We are recognizing that we can no longer allow the total development of technology," Wiesner told a symposium in June. Scientists must "heed the danger signals" of technological abuse much earlier, and do something about them," he said. "A university like ours has a deep responsibility to understand these processes (and) go out and deal with them."

"The universities," added Paul Gray, Wiesner's new deputy, "are going to have to contribute" to the nation's new decision-making—to "changing the system" within the hard realities that technology imposes.

And it is "the responsibility of a university," summed up political science Prof. Eugene B. Skolnikoff, the symposium's organizer, to relate all these things to teaching the new technologist "to make him feel responsible for the way his technology is being used."

This is a call for activist education, a far cry from the dogma still expressed by some scientists that "knowledge is born without moral properties." Just those words were used recently by retiring AEC Chairman Glenn Seaborg. To the Seaborgs, man, not knowledge, makes the mischief, and scientists are responsible only along with other men. To the Wiesners and Skolnikoffs, the scientist's responsibility is more intimate, beginning with the day he decides what kind of knowledge to seek.

NEW PRIORITIES

For 20 years the pursuit of knowledge for MIT mechanical engineering Prof. Ronald F. Probstein has been the behavior of fluids: gases, liquids or sludges. His unease with it, like the unease of many American professors, started before it was fashionable.

In late 1965 his MIT Fluid Mechanics Laboratory had six professors, 10 graduate students and an annual research budget of $300,000, 90 per cent of it from the Defense Department and 10 per cent from NASA to study the fluid dynamics of missiles and spacecraft. "We felt," he has explained, "what everyone else in America was feeling, though perhaps we felt it more strongly. We may be sensed that there would be a shift from putting so much of our national resources into defense and space. We wanted to move on to problems that directly affect us."

"To be honest," says Associate Prof. Ain Sonin, "I think there was a recognition that the kind of funds we were getting would not last. But there was also a revulsion with the old type of problem."

There was "the realization"—Probstein again—"that almost all our graduate students who didn't go into university teaching wound up in the missile and aircraft industries. We were churning out defense-oriented graduate students."

The jobs there were still plentiful, but, says lab member James Fay, "I got to thinking about the research I'd been involved in. It was evident that it hadn't affected my daily life or that of anyone I knew."

Fay turned to pollution before it was the fashion. He was amazed to learn that no one knew how a smokestack plume diffused into the atmosphere, though industrial "experts" had been designing tall, belching stacks for 100 years. He began building lab models.

Prof. Ascher Shapiro, specialist in jet engines, decided that the human body, with its plentiful piping, was a natural site to apply fluid mechanics. He studied the puzzling flow of infection through the ureters to the kidneys, against the main direction of flow—and showed that the ureters can indeed accommodate a minor opposite current.

Prof. James Keck, specialist in nuclear weapons and ballistic missiles, learned that no one knew how nitric oxide, the main element in California-type smog, is made in auto engine combustion. He set out to learn.

Probstein happened to visit Israel and saw a new plant for desalting water. He decided it was "designed by 19th Century engineering" and launched his own effort "to demonstrate that engineering and physical research of a very basic nature can sometimes solve very central problems."

Probstein and company had to begin fighting for little chunks of money in a way that was unknown to them in defense and space research. "We had to really scrounge around many agencies. This is still true. We're always writing progress reports. We're always writing proposals for renewal. We're always going to a new agency. The new and old—and industry!—often don't understand what we're saying. The funding for research in environmental problems is still very bad."

Still, these MIT men have proved excellent entrepreneurs. Their laboratory has grown to 10 professors and 30 graduate students with a $750,000 budget, in 16 separate contracts.

Avco Corp. has begun a $2 million pilot program in water desalination and purification, based in large part on Probstein's findings. Ford engineers have told Keck that their forced-draft redesign of the internal combustion engine will employ his new concepts to curtail nitric oxide. Johns-Manville is building a barrier system to contain oil spills, based on another of this laboratory's designs.

"And we're only a small number of people," Probstein exults. "We've had our blind alleys. But our work has been shown to be practical in case after case."

A SPREADING ATTITUDE

Throughout MIT the same spirit is spreading. Many researchers—nutritionists, transportation engineers—have always dealt with civilian problems. But now the key word is "reconversion"; remaking the missile-men to make science work for civilians.

Thermodynamicist David Wilson until four years ago was technical director of Northern Research and Engineering Corp. of Cambridge. He worked there on both jet engines and steel-making, "converting the company from defense to industry." Now he heads an MIT Urban System Laboratory.

Two years ago his students designed and built an "automatic zone fare ticketing" machine for buses—to calculate and collect fares and relieve the driver of money-handling. The next year they designed a "personal-transit cable car system," an individualized peoplemover that might be used instead of building of an eight-lane highway to get Bostonians to a harbor recreation site.

This year this group started work on identifying and separating garbage or trash by physical, chemical or electrical properties—using sophisticated tools like infra-red rays, radar, flame spectrum analysis and accelerometers that measure a material's resistance to impact.

MIT management engineers and economists are seeking to apply largescale systems thinking and computer modeling to attack urban problems. The outstanding exponent here is Dr. Jay W. Forester, who believes he has shown that when we attack cities' problems one by one, "internal goal conflicts" occur; programs and policies prove "incompatible" and defeat each other; and "here lies the reason for most urban failures."

Altogether, MIT has some 40 new courses relating to public policy. Such offerings took up five pages in MIT's catalogue five years ago; now they fill 37.

A new joint Harvard-MIT program in Health Sciences and Technology is coordinating teaching and research to produce biomedical engineers.

The Harvard-MIT Joint Center for Urban Studies, once headed by Daniel P. Moynihan, is turning toward "practical" development of housing. "Population pressures are building for another housing boom in the mid-1970s," says MIT's Bernard Frieden, the new director. "Universities, government and industry ought to be joining to ask whether it should take the same form as the last one, largely single-family homes in the suburbs."

Similar efforts are multiplying at other universities. Princeton has a fledging multidisciplinary environmental center. A Stanford summer study produced a fresh environmental textbook.

The University of Minnesota is establishing a "technology assessment" group with National Science Foundation aid. Its first project will be a look at new proposals for personal urban transport systems and their possible effects, good and bad—the kind of look no one took very thoroughly a decade ago at the SST.

NSF, the government's main basic science agency, is expanding its program of "Research Applied to National Needs" (RANN) to furnish about $50 million for such studies this year. RANN's largest grant so far is $3.1 million to the University of Michigan's Institute for Social Research to develop "social indicators" to measure national progress on social goals.

Another RANN grant will provide $464,000 to a University of Pennsylvania Center for Energy Management and Power—to develop commercial air conditioners that would store cold by night to cut down on use of electricity by day.

NSF director William McElroy argues strongly for such "research efforts on specific problems of our society." He quotes biologist Bentley Glass: "Science is no longer—can never be again—the ivory tower of the recluse, the refuge of the asocial man."

A Washington critic of science, Daniel S. Greenberg, writing in his newsletter, Science & Government Report, remains skeptical.

"The message that science should relate itself to the people has evidently got across," he writes, "but whether the results will be beneficial for science or the people is another matter. By and large, the present efforts appear to be motivated more by a desire to come up with what will sell rather than by an interest in applying science and technology in harmony with a humane social vision."

Greenberg sees scientists' current urgent appeals for funds to attack social and economic problems and provide basic knowledge as mainly "the oldtime statesmen of science" repeating "stale rhetoric" in largely excessive "pleas for more money."

But the people doing the research work at MIT, one finds, are mainly not the old statesmen. And their motivations are far more complicated. They themselves admit that their interest stems in part from lack of old funds and jobs.

The new MIT research revolution started, however, before those funds started shrinking. It grew with the youth revolution and was closely associated with the nationwide intellectual disgust with the Vietnam war. It was accelerated by the epic and sobering year 1968, with its assassinations of Martin Luther King and Robert Kennedy, ghetto riots and the anti-war crusade of Eugene McCarthy.

Robert Beyers—MIT's astringent information director, a non-Cambridge-type who has observed and not overtrumpeted the MIT change—thinks: "Hell, it's mainly been the effect of the kids. Our March 4, 1969, research stoppage [organized by students and younger faculty] was a landmark. Things haven't been the same since."

The same social concerns, reflected in Congress, certainly helped dry up the old money sources. This in turn accelerated the nationwide professional scramble for new sources.

MIT students are still quietly but practically concerned.

MIT and CalTech graduate students launched last summer's coast-to-coast "Clean Air Car Race" with 33 low-pollution entries built by students at 33 colleges. This year an even more extensive 40-college "Urban Vehicle Design Competition" will try to develop newer urban transit technology.

Both this year and last one MIT graduate in 10 has headed for medical school instead of a job or graduate study. This too is partly a function of lack of jobs or science fellowship. "But it is also concern," says the faculty. "The kids want to have more to do with people."

ANTI HIGHWAY LOBBY

MIT professors are themselves doing more thinking and speaking on social issues. Applied mathematics Prof. Harvey Greenspan, for example, recently urged the Boston Rotary Club to support "no fare" public transit financed by a tax on all area residents and commuters. Fares can't support proper transit, he argued, and only taxes can force abandonment of some of the autos that are clogging the stagnating cities.

Impractical preaching? Perhaps not. There has been a virtual halt in all major highway and airport building in the Boston area as a result of very similar crusading by a Greater Boston Committee on the Transportation Crisis and other groups with heavy Harvard and MIT representation.

Massachusetts Gov. Francis W. Sargent has officially declared a transport "crisis." His secretary of transportation, Alton Altschuler—an MIT political science professor on leave—this spring ordered a 16-month moratorium on highway construction, pending a $3.5 million study of alternate means of transport. Federal Transportation Secretary John Volpe (former roadbuilder and Massachusetts governer) came up with the money.

This kind of thing might have happened anyway. But it is hard to believe it would have happened in the Cambridge-Boston area without both the new national revulsion against overtechnology and a handy group of technologists trying to help.

The highway moratorium is regarded here as an outstanding example of how concerned scientists and engineers, acting politically, can help. If it produces lasting results—truly improved Boston transit—it may be one of the new technologists' first demonstrations of the power of positive science.

Battle Over the Research Dollar

The Nation's first unfavorable trade balance since 1893 and the sickly economy are producing new allies for science.

A battle is building up inside the Nixon administration over whether to increase federal spending for both basic research and industrial development.

"No one disagrees that more money is needed," a White House official reports. "But we're facing a real crunch"—the President's desire to keep spending down for "fiscal stability."

The counter-argument of many scientists and some new advocates is that the U.S. is certain to see continuing economic decay unless it begins producing new "high technology" products—deep-ocean platforms, vertical takeoff aircraft, burnable plastics or future things that no one can imagine but that should come out of the research laboratories.

The most important new agreement comes from Secretary of Commerce Maurice H. Stands and—a surprise—Assistant Secretary of the Treasury for Economic Policy Murray L. Weidenbaum (who is just returning to a university post).

Less than a year ago Weidenbaum argued against spending "taxpayers' money" for major scientific and technological programs "on faith," without hard data on expected benefits.

Scientists replied that high-profit products like transistors and computers often grow out of faith that research can pay off unexpectedly. But Weidenbaum's October 1970 speech was widely taken to signal the administration's lack of interest in expanding research.

Compared with the post-Sputnik era when science rode high, the signals of recent disinterest have seemed many:

Federal R&D (research and development) spending has dropped in real dollars, after inflation, for five years. Last January Presidential Science Adviser Edward E. David proudly announced a fiscal 1972 budget proposal of $16.7 billion, up 7.6 per cent. With defense cuts and only modest increases elsewhere, it now appears that the real figure may wind up at around $16 billion, up a bare 3 per cent.

Colleges and universities have been suffering a painful "academic depression," including declines in many forms of federal aid. Universities are eager to abandon defense research, says MIT President Jerome Wiesner, but support "in areas like urban problems and education" remains thin.

Scant environmental research funds likewise "reveal a serious gap" between government hopes and actions, MIT Prof. Ronald F. Probstein charges. He calls the situation difficult for prestige-laden MIT, "impossible" for many less noted universities.

Support of many medical research areas has dropped, despite a politically popular increase for cancer study.

Support of physics—the science that lays the groundwork for many industrial, biomedical and defense areas—is a disaster area. By last February, only two out of three 1970 physics graduates had found jobs where they could use their training extensively.

Between 50,000 and 65,000 engineers and scientists are unemployed in their own fields as a result of aerospace and defense layoffs, high academic output, scarce research funding and the sluggish economy. Unless national policies change, says a new National Science Foundation report, there will be a surplus of 41,700 Ph.D. engineers and Ph.D. scientists alone by 1980, not to mention lesser degree holders.

Both Japan and West Germany now devote a greater percentage of their gross national products to developing civilian technology. Japan, with half the U.S. population and one-fifth the GNP, as long ago as the early 1960s employed 70 per cent as many professionals in civilian research.

Many economists believe this is one reason for a growing U.S. deficit in high-technology trade with Japan, a deficit now running at more than $2.5 billion a year, compared with a $100 million U.S. surplus in 1965. Japan has been selling us more and more cars, electronic equipment, office machines, ball and roller bearings and even computers. Even new U.S. dollar adjustment and trade bars may not make much difference if Japan's productivity keeps growing.

Figures like these made an alarmed Secretary Stans tell a House Science Subcommittee on July 27 that unless U.S. industrial research is strengthened, U.S. trade, wages and living standards will drop.

Two days later Assistant Treasury Weidenbaum told the same subcommittee that:

"We need" to increase overall support for both basic research and useful development.

"Economists who have seriously studied the subject" tend to conclude that the U.S. may be badly under-investing in civilian R&D. Industries that are heavy R&D investors—aerospace, chemicals, electronics—tend to have high growth in productivity, and many of them show the largest export surpluses.

"What is needed" is increased R&D on selected applications and steady basic research funds—enough "to properly support competent scientists and related professionals" and allow "reasonable" growth in their numbers.

How to achieve all this instead of technological unemployment?

Stans said "we are studying" four possibilities: (1) financial incentives like grants, cost-sharing, loans or tax breaks for industries that can't go it alone on costly development; (2) changing the anti-trust laws that prevent joint research ventures; (3) establishing a single federal focus, maybe a new agency or division, to identify and back areas of opportunity; (4) encouraging international industrial standards, which could include getting U.S. industry on the rest of the world's metric standards.

Several congressional Democrats are seeking large-scale retraining and conversion programs, with funds as high as $2 billion over the next few years, to get unemployed technologists into new jobs. The administration's major response to this unemployment has been a start on a $42 million Labor Department relocation program. Its main reliance is on recharging the economy.

Last April the White House's Dr. David announced an ambitious search for "new technological initiatives . . . with the objective of keeping the country in the forefront and great."

This summer, by all accounts, David is still busy fighting for a fiscal 1973 R&D budget that can accomplish such goals.

In the late 1950s and '60s, after the country responded to Russia's Sputnik by demanding improvements in education and science, U.S. R&D more than doubled. Then it leveled off in the mid-'60s.

Now, maintains Dr. John R. Pearce of Bell Telephone Laboratories, the U.S. faces a kind of foreign technological challenge "far more serious than Sputnik."

But it is a challenge without a suddenly shocking symbol so far, just a lot of Toyotas on the road and a steady decline in the trade curves.

TRIBUTE TO THE LATE SENATOR RUSSELL

Mr. TALMADGE. Mr. President, the American School Food Service Association, at its 25th anniversary convention in Minneapolis, Minn., in August, adopted a resolution honoring the late Senator Richard B. Russell, of Georgia. This is a well-deserved tribute to Dick Russell, who was a principal sponsor in 1946 of the original National School Lunch Act which has been of immense benefit to untold millions of needy schoolchildren throughout the Nation.

I ask unanimous consent that the resolution be printed in the Congressional Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

A RESOLUTION

Honoring the late Senator Richard B. Russell, of Georgia; and for other purposes.

Whereas, in 1946, Georgia's Senator Richard B. Russell was one of the sponsors of the original National School Lunch Act; and

Whereas, his leadership provided the instrument for the American School Food Service Association to dedicate itself to the fight against hunger in the schools; and

Whereas, the American School Food Service Association is grateful that Senator Russell devoted his public life in Congress to the service of mankind, especially to children as evidenced by his efforts to provide necessary food and sustenance to our country's schoolchildren; therefore be it

Resolved, That the American School Food Service Association does hereby express its appreciation of Senator Russell for his concern and support of the school lunch program; and be it further

Resolved, That a copy of this resolution be sent to Senator Herman E. Talmadge, of Georgia, sponsor of an amendment of the National School Lunch Act, requesting that this resolution be placed in the memorial for Senator Russell as a tribute from the American School Food Service Association.

WHAT PRICE SECRECY?

Mr. CRANSTON. Mr. President, I ask unanimous consent to include in the Record a remarkably fine and provocative article by the thoughtful Lloyd Shearer which appeared in Parade on August 22.

Mr. Shearer, who has been waging a vital and valiant battle against secrecy in Government for many years, points out that 31,000 people in the Department of Defense—10,000 of whom are civilians—plus 6,000 more in the State Department and thousands more in 57 other agencies are busy deciding what information U.S. Senators, the press, and the public cannot be trusted to see.

An experienced former Pentagon security expert declares that 99.5 percent of all material now classified as top secret, secret, or confidential, should be made public.

This article not only sets forth the problem but proposes a solution.

I urge every Senator to consider it with care.

There being no objection, the article was ordered to be printed in the Record, as follows:

Open to Discussion—What Price Secrecy?

(By Lloyd Shearer)

Washington, D.C.—One of the most shocking snafus in the United States Government is its secrecy classification system.

Like some million-footed, multi-webbed fungus, it grows wild, almost always expanding, practically never contracting.

Would you believe, for example, that someone in the Navy Department has been stamping newspaper clippings "Secret"? and that as a result the Defense Department has had to publish a special directive ordering employees not to classify newspapers?

Would you believe that the Air Force Electronics Systems Division issued the following statement for use on selected documents: "Although the material in this publication is unclassified, it is assigned an overall classification of CONFIDENTIAL"?

Would you believe that no one in government knows how many people in this country have the right to classify government documents TOP SECRET, SECRET, or CONFIDENTIAL? One Defense Department estimate given to a House subcommittee on June 29, 1971, is "hundreds of thousands."

20 MILLION SECRETS

Would you believe that there are, according to the testimony of William G. Florence, a classification expert with 43 years of experience in government, 20 million classified papers currently held by the government of which 99½ percent should not be classified at all?

Or that unnecessary classification is wasting $50 million of the taxpayers' money each year?

Or that, according to the testimony of Walter Pincus, a former chief consultant to the Symington subcommittee of the U.S. Senate Foreign Relations Committee, classification is used by the government not only to keep valuable information from the nation's potential enemies but to hide the mistakes of government officials, to prevent documentation of White House errors, and to limit the extent of internal opposition to and criticism of government policy?

Whether one believes it or not, the evidence is sufficient that the Federal government suffers from massive overclassification of information.

There is no penalty for overclassification in this country. The result, in the opinion of some critics, is that a small army of "fearful bird-brains" has grown up who believe in classifying everything—and not without cause. For, as William G. Florence recently testified: "To my knowledge, no one in the

Department of Defense was ever disciplined for classifying information, regardless of how much the classification cost for unnecessary security protection or what damage resulted from the restriction against releasing the information to the public. But I have seen how rough a person can be treated for leaving classification markings off of information which he knows to be officially unclassified if someone 'up the line' thinks that a classification should have been applied."

However one feels about Dr. Daniel Ellsberg and his leaking of the once top secret, still classified Pentagon Papers, the fact is that the disclosure of those papers has made imperative a thorough overhaul of a faulty, outdated classification system.

At this moment, in one branch of the government alone, the Armed Forces, there are 31,048 people who have the original authority to classify documents.

Of this number, 803 have the authority to classify them "Top Secret" originally.

Another 7687 have the authority to classify them "Secret" originally.

And all have the authority to classify them "Confidential."

From these 31,048 persons emanates a derivative classification authority flowing to countless civilians, assistants, consultants, and others connected or under contract to the Defense Department. No one seems to know exactly how many.

CAN DECLASSIFY, TOO

In addition to the authority to classify documents, all these 31,048 people have the authority to declassify documents.

"But in most cases," affirms Daniel Z. Henkin, a Defense Department secretary in charge of public affairs, "people are generally too busy to declassify. There are millions of documents still classified 'Top Secret' and 'Secret' which don't belong in that category at all. It is the position of the Secretary of Defense Melvin Laird that as much material as possible be declassified."

History, however, will record Melvin Laird as the Defense Secretary who, from November, 1969, to the end of June, 1971, refused to make available, even on a classified basis, to the U.S. Senate Foreign Relations Committee a single page of the 7000-page-long Pentagon Papers.

At about the time he was publicly espousing declassification, Laird was writing Sen. J. William Fulbright of the Foreign Relations Committee such negations as" . . . Access to and use of this document [the Pentagon Papers] has been extremely limited. It would clearly be contrary to the national interest to disseminate it more widely." (Dec. 20, 1969.)

On April 20, 1970, addressing 1500 people at the annual luncheon session of the Associated Press in New York, Laird said: "Let me emphasize my convictions that the American people have a right to know even more than has been available in the past about matters which affect their safety and security. There has been too much classification in this country."

Months later, Senator Fulbright again asked the Defense Secretary to turn over the Pentagon Papers to the Senate Foreign Relations Committee. Laird ignored the request.

SENATORS REBUFFED

On June 14, 1971, Sen. Stuart Symington, another member of the Foreign Relations Committee, once more beseeched Laird for the Pentagon Papers on any kind of a classified basis. The committee members, he said, might study and glean from them some truth about our involvement in Vietnam so that they could legislate wisely on that prickly subject. Laird refused again, invoking his judgment which held that allowing a handful of U.S. Senators to see the documents would be contrary to the national interest.

Laird certainly did not read all 47 volumes of the Pentagon Papers before he himself refused to show any of them to the Senate Foreign Relations Committee. Says one of his assistants: "God, he was much too busy for that. I assume someone told him about them or he skimmed some of the papers, then decided against releasing any of them."

Had Melvin Laird declassified some of the Pentagon Papers, a large share of which are harmless, repetitious and incomplete history, Daniel Ellsberg might never have leaked them to The New York Times.

COPY TO FULBRIGHT

According to Dr. Ellsberg, he felt that Congress was entitled to know as much about the Pentagon Papers as he who was not a member of Congress. Which, he declares, is why he gave the first copy of the papers to Senator Fulbright in October, 1969. He hoped that Fulbright would get them declassified or made available to members of the Senate Foreign Relations Committee. Instead, Fulbright locked them in his safe and showed them to no one.

Ellsberg waited a year for Fulbright to surface the papers. Fulbright tried. He pressed the Secretary of Defense to release them on any basis. But Laird would not budge. He simply responded to Fulbright with a constant no.

Ellsberg thereupon consulted other members of the government who, themselves afraid to accept the papers, suggested that he leak them to *The New York Times*. Two who accepted the papers were Rep. Paul McCloskey of California and Sen. Mike Gravel of Alaska. Both felt that the people were entitled to some basic truths on how this nation went to war in Vietnam.

It was only after Daniel Ellsberg leaked some but not all of the Pentagon Papers to *The New York Times* two months ago, that Laird finally made the documents available to the House and Senate leadership on a classified basis.

By then two district Federal courts had held that there was nothing in the papers which clearly threatened the national interest, and the Supreme Court held that newspapers could not be restrained, prior to publication, from printing the Pentagon Papers or some similar study on the grounds of national security.

Ironically enough, it was not Robert McNamara, the Defense Secretary who originally ordered the Vietnam study, who classified it "Top Secret."

The Pentagon Papers were so classified by Leslie Gelb, the civilian head of the task force whose members wrote them. Says Gelb, now with the Brookings Institution: "I just assumed I had the right to originally declare them 'Top Secret.' I don't know who gave me that right. I remember discussing it with someone. Since some of the material used in the papers was top secret, I classified all of them top secret. I never knew I also had the right to declassify them since I also had the right to originally classify them. That comes as news to me. I guess I don't know the classification setup too well."

If there are 31,048 persons in the Armed Forces who have the authority to classify documents, how many are there in the State Department, the Justice Department, the Atomic Energy Commission, the Secret Service, the Treasury Department, and hundreds of other government branches and agencies?

Moreover, who are these classifiers? Who chooses them? What are their qualifications?

People in and out of government are given the authority to classify and declassify information not by any law legislated by Congress but by virtue of Executive Order 10501 issued in November, 1953, by Dwight Eisenhower and amended in February, 1963, by John F. Kennedy.

There is no section of the U.S. Constitution which grants the President express authority to issue any such order. One can find implied authority in Article II, Section 3, ". . . He [the President] shall take care that the laws be faithfully executed." But that is all.

EXECUTIVE ORDER 10501

Executive Order 10501 empowers persons in and out of government with classification authority by virtue of the position they occupy and not by their qualifications.

What about former Presidents of the United States? Are they allowed to take "Top Secret" documents and draw from them in writing memoirs for private gain? Or take Dean Acheson, Secretary of State under Truman and author of *Present at the Creation*—is it permissible for him mentally to declassify top secret information gleaned from top secret papers and incorporate them in his books? Or how about Acheson's son-in-law, William Bundy, who advised Lyndon Johnson on escalating the war in Vietnam? As the editor-to-be of *Foreign Affairs*, will Bundy filter from his mind all the top secret information he obtained while in government?

Presidents have always had broad discretion in selecting the documents, memoranda and other papers they take with them when they leave office. When Lyndon Johnson departed the White House he took 29 truckloads of documents for transplanting in the LBJ Library in Austin.

AUTHORITY UNTESTED

"Since the authority for classifying information came originally from the President while he was in office," says a Department of Justice spokesman, "the authority of a former President to declassify documents which originated during his tenure has rarely been questioned and never tested. While the government has strict rules prohibiting officials or former officials of the government from selling information which came to them as a result of their government work, these rules have not been applied to Presidential memoirs."

Neither have such rules been applied to the memoirs of generals, former Cabinet officials, secretaries or anyone else in government.

Lyndon Johnson who received a $1 million advance for his soon-to-be released memoirs entitled *The Vantage Point*, was so concerned about what his key White House aides might write about him and his Administration that again, according to the Justice Department, "He gave serious consideration to proposing that his appointees sign an agreement not to disclose information which came to them as a result of their work. Although Justice Department attorneys did considerable research on the legality of such an agreement, the whole project was finally shelved."

INCONSISTENCIES NOTED

All this of course is not to argue that the government has no right to or should not classify certain sensitive information. It *must* have that right. What it boils down to is that the government's present secrecy classification system is an undeniable mess riddled with inequity, stupidity and inconsistency.

It is quite in order for Lyndon Johnson, Walt Rostow, McGeorge Bundy, Dean Acheson and dozens of others in and out of government to make use of the raw materials which constitute the McNamara study. But the public is not allowed to see a single page.

Reform is in order—is it not?

GOLDBERG ON CLASSIFICATION

(By Arthur J. Goldberg)

(NOTE.—Testimony of Arthur J. Goldberg before the Foreign Operations and Government Information subcommittee of the House of Representatives, 23 June, 1971.)

". . . I have read and prepared countless thousands of classified documents and participated in classifying some of them. In my experience, 75 percent of these never should have been classified in the first place; another 15 percent quickly outlived the need for secrecy; and only about 10 percent genuinely required restricted access over any significant period of time.

"Moreover, whatever precautions are taken, leaks occur in a government of fallible men. In short, the classified label in our experience has never been 100 percent respected.

"Let me give a case in point. On March 15, 1968, when I was Ambassador to the U.N., I made certain major policy recommendations relating to the cessation of bombing of North Vietnam in a cable to the President. My memorandum was marked 'for the eyes of the President, Secretary of State, and Secretary of Defense only.' It had a high security rating. This was not the only one of such memos. There were others submitted from my vantage point at the U.N.

". . . Through no disclosure of my own, this document has in recent months been discussed in two books of general circulation authored by former government officials and was the subject of comment by President Johnson in a television interview.

"Although its words may technically still remain classified, its substance has been disclosed, and, I must add, without injury to any national security interest. Some of those with access to it have described it publicly, but the Congressman and the citizen, the scholar and the critic, the journalist and the student—all who wish to know what their government has done—are presumably still denied the right to see the document.

"Mr. Chairman, in view of the fact that the substance of this document has been made a matter of public record and debate and has not impaired national security, I can see no compelling reason why this committee and the public it represents should not have access to the actual document.

"And as I reflect upon my three years at the U.N., I must conclude that nearly every other memorandum of mine to the President and other high ranking officials relating to Vietnam could safely be disclosed. I would welcome the general release of these and similar documents as an aid in informing Congress and the public."

How To Cure Overclassification Syndrome

(By William G. Florence)

William G. Florence, a retired Pentagon security expert, helped during the Eisenhower Administration to write the original document (Executive Order 10501) which defines top secret, secret, and confidential information.

According to Florence, a former Air Force major, "Executive Order 10501 does not have the force of law and has in fact no application whatsoever to persons outside the Executive Branch of the government.

"A classification is merely an administrative indication," he explains, "to individuals of the Executive Branch that the information requires a certain degree of protection.

"Only one-half of one percent of all the information currently classified top secret, secret, and confidential, deserves such protection. The other 99.5 percent could easily be made public.

"In my 43 years of military and civilian service with the government involving responsibility for safeguarding defense information, I discovered widespread disorientation at all levels concerning the purpose and meaning of Executive Order 10501.

"The Defense Department has incorrectly imposed all kinds of classification restrictions on the press, its own employees, and government contractors. The basic classification system was originally designed for the very narrow field of military information that could be used by some foreign nation against the United States.

"Now, however, it's become a way of life, and it's used as a cover-up for all sorts of governmental inadequacy and failure, and these rightly should be made public.

"In addition to the 31,000 people in Defense," Florence continues, "about 10,000 of whom are civilians, with the authority to classify documents, there are another 6000 in the State Department with original classification authority, plus thousands in 57 other government agencies which have security information systems.

"Practically anybody in government can assign a classification rating to anything if it's related to something already classified. The problem of unnecessary classification and overclassification has become so serious that it demands immediate corrective action.

"I believe the Congress should enact new legislation to preserve U.S. Government military secrets from disclosure, and that such legislation should be similar to that which applies to the Atomic Energy Act of 1954. That act provides only one category of information to be withheld, and it is known as 'Restricted Data.'

"If Congress doesn't want to do that, then Executive Order 10501 should be revised. The classification system should apply only to official defense information of the government, the unauthorized disclosure of which would affect the national defense, and that no document or other item be incorporated in the system unless it actually contains such information.

"I believe the authority to classify information should be limited to persons specifically designed by the President and their designees and that classification assigned to information be canceled as soon as possible, and automatically at the end of six years unless the President or the head of some department specifies a longer period of time for a particular item of information."

The classification system now in effect Florence maintains, "is needless, extremely costly and serves mostly to keep useful information from our own people and their representatives."

MORE OIL UPON TROUBLED WATERS—NEW DRILLING PERMITS GRANTED IN SANTA BARBARA CHANNEL

Mr. TUNNEY. Mr. President, once again, the Department of the Interior has reverted to that ageless authoritarian principle that the public be damned. The Department has totally and, I must say, cynically disregarded the concern and the will of the people of Santa Barbara to authorize the construction of two more oil drilling platforms in the Santa Barbara Channel.

That channel already has been desecrated by the petroleum interests; yet the Department apparently condones the continued exploitation of that coastal area.

The administration puffed up headlines recently for using 100 sailors and marines to clean up 1,200 gallons of fuel oil that spilled from a refueling operation on the California coast. Yet that same amount seeps every 3 days from drilling operations presently underway in the Santa Barbara Channel.

Santa Barbara residents are understandably appalled and apprehensive by the current pollution of the channel, and they are joined by millions of Californians in opposing additional drilling. The administration's own Environmental Protection Agency has warned against new drilling operations. But the Department of the Interior remains oblivious.

It has issued a glib environmental impact statement that acknowledges the possibility that "a major oil spill would cause extensive short-term damage to beaches," but it suggests that "steps have been taken to minimize this possibility."

Mr. President, that impact statement simply would not do. The citizens of Santa Barbara, thousands of whom are outraged by this decision, demand and deserve better than this hopeful propaganda from the Department of the Interior. The fact of the matter is that existing technology is insufficient to safeguard against a massive oil spill of the type that devastated the channel in 1969. The Environmental Protection Administration recognized this in cautioning against further construction. The Department disregarded both the tragic experience of Santa Barbara and the advice of EPA in order to "permit complete recovery of reserves" to use the sterile phraseology of their summary statement.

The Department has defaulted in its responsibility to prepare an adequate and objective envirionmental impact statement. At the beginning of the year, residents and State officials who opposed further drilling contended that their objections were fruitless because the Federal Government was already determined to allow the platforms. And now, particularly in view of the Department's cavalier handling of the unfavorable EPA recommendations, it appears that they were right.

When the draft impact statement on exploratory drilling in the channel was first released I asked for a 60-day extension of time to allow for public comment on the disturbing provisions it contained. That request was flatly rejected.

Now we have another example of the Interior Department's casual indifference to a really desperate environmental situation. I join my senior Senator in urging the Committee on Interior and Insular Affairs to begin hearings on S. 373 which Senator CRANSTON and I jointly introduced which would impose an immediate moratorium on drilling in the channel, would forbid resumption of any drilling for 5 years and would require the Congress to approve the adequacy of tough drilling safeguards specifically set forth in that bill before any such drilling occurred.

I implore the Council on Environmental Quality to request the President to personally intervene and forestall construction of the platforms.

We have passed the point where we can afford to take chances with the environment. The citizens of Santa Barbara are in no mood to allow an oil company and the Federal Government to gamble with their beaches and shores—again.

ADDRESS BY SENATOR KENNEDY TO NATIONAL PRESS CLUB

Mr. MATHIAS. Mr. President, the distinguished Senator from Massachusetts (Mr. KENNEDY) returned recently from an important visit to India where he viewed the plight of millions of East Pakistani refugees. On August 26, Senator KENNEDY outlined his findings and recommendations in an important speech before the National Press Club. As a member of Senator KENNEDY's Subcommittee on Refugees and Escapees, I ask unanimous consent that the speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR EDWARD M. KENNEDY TO THE NATIONAL PRESS CLUB

I am grateful for this chance to speak to the members of the National Press Club and to share with you my experiences during a week-long visit to the refugee camps of India—to a scene which only can be described as the most appalling tide of human misery in modern times.

In just a few months, since early April, the civil war in East Bengal has driven nearly 8,000,000 men, women and children into India to escape conditions in their homeland. Unnumbered thousands of others have been slaughtered in the civil strife, or displaced within their country. Millions more in East Bengal face continued terror, disease and starvation, unless they receive immediate relief.

This stark tragedy is not yet understood by the world. And although it has been a source of urgent concern to me and the Senate Subcommittee on Refugees from the outset, I can tell you that not until you see it firsthand can you begin to understand its immensity. For only by being there can you sense the feelings and understand the plight of the people, and the forces of violence which continue to create refugees and increase the toll of civilian casualties.

In India I visited refugee areas along the entire border of East Bengal—from Calcutta and West Bengal in the west—to the Jalpaiguri and Darjeeling districts in the north—to Agartala in the State of Tripura in the east. I listened to scores of refugees as they crowded into camps, struggling to survive in makeshift shelters in open fields or behind public buildings—or trudging down the roads of West Bengal from days and even weeks of desperate flight. Their faces and their stories etch a saga of shame which should overwhelm the moral sensitivities of people throughout the world.

I found that conditions varied widely from one refugee camp to another. But many defy description. Those refugees who suffer most from the congestion, the lack of adequate supplies and the frightful conditions of sanitation are the very young—the children under five—and the very old. The estimates of their numbers run as high as fifty percent of all the refugees. Many of these infants and aged already have died. And it is possible—as you pick your steps among others—to identify those who will be dead within hours, or whose sufferings surely will end in a matter of days.

You see infants with their skin hanging loosely in folds from their tiny bones—lacking the strength even to lift their heads. You see children with legs and feet swollen with edema and malnutrition, limp in the arms of their mothers. You see babies going blind for lack of vitamins, or covered with sores that will not heal. You see in the eyes of their parents the despair of ever having their children well again. And, most difficult of all, you see the corpse of the child who died just the night before.

The story is the same in camp after camp. And it is complicated by the continually growing number of civilian casualties overburdening an already limited hospital system. Most of these casualties have been brought across the border by their fellow refugees. Yet there also are large numbers of Indians whose border villages have been subjected to shelling from Pakistani troops. In addition, there are the untold numbers of victims who remain uncounted and unattended in the rural areas of East Bengal.

The government of India, as it first saw this tide of human misery begin to flow across its borders, could have cordoned off its land and refused entry. But, to its everlasting credit, India chose the way of compassion. The Indian Government has made Herculean efforts to assist and accommodate the refugees—efforts which history will record and remember.

But even this noble work is being defeated by the sheer numbers involved in this calamity. At peak periods two months ago, refugees were arriving in India at the rate of 150,000 a day. Today they still arrive at the rate of 25,000 a day.

And while the magnitude of the problem staggers the imagination, the individual accounts of the people who have fled East Bengal tear at your heart.

A 55-year-old railway employee—he was a Muslim civil servant with 35 years of service—told me of an unexplained noontime attack by the Pakistani army on his railroad station. "I do not know why they shot me," he said. "I don't belong to any political party. I was just a railway clerk." Now he sits idly in an Indian refugee camp, financially crippled, and with no prospect of returning to receive his long-earned government pension that was to begin next month.

Even more tragic are the experiences of the innocent and uneducated villagers. You can piece together the mosaic of misery from dozens of interviews among new refugees on the Boyra-Bongaon Road north of Calcutta.

On the day we traveled this 20-mile road, at least 7,000 new refugees were streaming along the banks of the border river crossing near Boyra. Nearly all were peasant farmers. Most were Hindus, from the Khulna and Barisal districts south of Dacca—on the fringe of the area affected by last fall's cyclone.

The very young and the very old were exhausted from many days and nights in flight—usually on foot. Many were in a visible state of shock, sitting listless by the roadside or wandering aimlessly toward an unknown fate. They told stories of atrocities, of slaughter, of looting and burning, of harassment and abuse by West Pakistani soldiers and collaborators. Many children were dying along the way, their parents pleading and begging for help. Monsoon rains were drenching the countryside, adding to the depression and despair on their faces. To those of use who went out that day, the rains meant no more than a change of clothes. But to these people it meant still another night without rest, food, or shelter.

It is difficult to erase from your mind the look on the face of a child paralyzed from the waist down, never to walk again; or a child quivering in fear on a mat in a small tent still in shock from seeing his parents, his brothers and his sisters executed before his eyes; or the anxiety of a 10-year-old girl out foraging for something to cover the body of her baby brother who had died of cholera a few moments before our arrival. When I asked one refugee camp director what he would describe as his greatest need, his answer was "a crematorium." He was in charge of one of the largest refugee camps in the world. It was originally designed to provide low income and middle income housing, and has now become the home for some 170,000 refugees.

It is time—it is past time—for Americans to understand what has produced this massive human tragedy, and to recognize the bankrupt response by our own nation.

The issue from the beginning in East Bengal has been self-determination and democratic principle. After years of political and economic domination by West Pakistan—after years of martial law and unfulfilled election promises—a free election finally was conducted throughout Pakistan last December 7th. The election was administered under martial law and, at the time, loudly proclaimed fair by the government of President Yahya Khan. It produced in East Bengal an overwhelming mandate—almost 80% of the vote—for the Awami League party and its leader, Sheikh Mujibur Rahman.

The Awami League was thus given a majority in the forthcoming Pakistan National Assembly charged with drafting a new constitution for returning the nation to civilian, democratic rule. But what happened next formed a pattern of delay and deception, followed by the invocation of marital law once more. Negotiations between Sheikh Mujib and President Yahya over the party's six-point proposal for regional autonomy dragged on and deteriorated—erupting in terror and bloodshed suddenly on the night of March 25th.

While the East Bengalis negotiated for democracy and autonomy, the West Pakistan army prepared for systematic repression and organized terror. Countless thousands were butchered during the days that followed March 25th, and many millions more were dislocated within East Bengal. What I saw last week in India was the human debris from that night of terror and from the subsequent weeks of violence. Martial law remains, as does the military's violence. "Collective responsibility"—a policy of destroying whole villages on the suspicion that they harbor Awami Leaguers or Bengali guerillas—is now sanctioned by martial law, and it is reflected in the continuing flow of refugees.

Unfortunately, the face of America today in South Asia is not much different from its image over the past years in Southeast Asia. It is the image of an America that supports military repression and fuels military violence. It is the image of an America comfortably consorting with an authoritarian regime. It is the image of an America citing its revolutionary past and crowing about its commitment to self-determination, while it services military juntas that suppress change and ignore a people's aspirations.

The situation in East Bengal should particularly distress Americans, since it is our military hardware—our guns and tanks and aircraft delivered over a decade—which are contributing substantially to the suffering. And even more shocking is the fact that these military supplies continue to flow—apparently under instructions from the highest officials of our land. Pakistani ships loaded with U.S. military supplies continue to leave American harbors bound for West Pakistan troops. And it is all so shameful and so sad. For they could be halted with a simple stroke of a pen.

It is argued that the continuation of military aid to West Pakistan somehow gives us "leverage" to constructively influence the Pakistan military's policy in East Bengal. Well, where is that leverage? Where is the leverage to stop the use of U.S. arms which produce the refugees and civilian victims that we then must help support in India? Where is the leverage to halt the secret trial of Sheikh Mujib whose only crime is that he won a free election? Where is the leverage to prevent our humanitarian aid from being turned into military equipment, when American relief boats are transformed into American gun boats? Why, if we have the leverage to influence the government of Pakistan, must our great nation assist in this shabby and shameful enterprise?

It is time for Americans to ask their leaders: "Just what kind of government is it that we seek to influence—and for what purpose?"

For over ten tragic years, Americans have been asked to sacrifice nearly $100 billion and 45,000 lives to uphold the concept of self-determination and democratic principles in a land 10,000 miles from our beaches. Today,—in a land 12,000 miles away and with 5 times the population—America is being asked by its leadership to support the repression of self-determination—to cooperate in a conspiracy against the results of a free election.

Consider another pitiful parallel: after all our sacrifice and all our effort in South Vietnam, we are confronted with a so-called "democracy" that is ruled by a military elite which still cannot conduct a "free election"—which calls an election "free" when it eliminates all significant opposition. Meanwhile, in East Bengal—less than 2000 miles from Saigon—we ignore the results of a free election only to help a group of generals suppress an electoral mandate and, in the process, to subvert all the principles for which we have sacrificed so much for so long.

You may say that we have no business getting involved—that we cannot police the world. That may be true. But the cold fact is that we already are involved in East Bengal. Our guns are involved. Our money—invested over two decades of economic assistance—is involved. It is not a question of whether we should be involved but, rather how we should be involved. It is not a question of whether we should spend funds but rather, how are we spending funds. Whether we supply more guns, or invest in the humanitarian programs to bring peace and relief to a desparately troubled area.

There is irony in the voices of the leaders of East Bengal with whom I talked and who now constitute themselves as the Government of Bengal Desh. These leaders will not come to America to ask for assistance. As one Awami League official said: "Many nations and people come to America to ask for billions of U.S. dollars for more guns, more supplies. We Bengalis ask only that you provide nothing—no guns, no money to either side—that you simply remain neutral." To me this seems both sound from a political as well as moral view. Neutrality, rather than the mindless and fruitless practice of following old habits in our dealings with military cliques in South Asia, may provide us with leverage which is real and effective.

The nations of that region are struggling today against heavy odds to achieve democratic government. We in America do not fully realize how the spirit of democracy flourishes there. India a few months ago held, for the fourth time, the largest free election in the world. For Pakistan it has taken a longer period to arrange free elections. But the significance of last December's vote was not missed even by the martial law authorities in West Pakistan. They proudly and rightly, proclaimed it as a milestone in Pakistan's history. It had presented Pakistan with its first real opportunity to bridge its regional divisions and develop democratic institutions.

So it was that civilian leadership emerged in Pakistan, capable of pulling together the forces of history—of preserving the unity of Pakistan and the stability of the region. The full folly of the West Pakistan army's bid to undo what a whole people had set in motion—to suppress its best hope for unity—can only be understood in this context.

If some political solution is not found soon—if some mechanism is not established for cooling tempers and furnishing relief—the situation in East Bengal threatens to develop into terminal cancer both for Pakistan and Eastern India. For no issue has had more disruptive impact on the subcontinent since partition in 1947.

The implications for American foreign policy are clear.

First, we must arouse America to the real human tragedy now taking place in Pakistan and India. The tragedy of East Bengal is not only a tragedy for Pakistan. It is not only a tragedy for India. It is a tragedy for the entire world community, and it is the responsibility of that community to act together to ease the crisis. If America is to fulfill its role as the leading humanitarian nation of the world community, then America must take the lead in bringing international aid and relief to the millions of refugees and other victims of this international conflict.

We know, however, that the response of the United States and the international community has been far short of the need. To date, the United Nations has given less than $150 million for relief. Of this total, the United States has pledged about $80 million.

To be sure, as the Administration pointed out with pride, we have pledged a larger share of the total than the rest of the world combined. But the pride is quickly dispelled by the vastly greater burden now being carried single-handedly by the government and the people of India. When we realize that India herself faces the prospect of a budget for refugee relief of $500 million to $1 billion in the next year alone, we realize how little the outside world is really doing, and how paltry the American contribution really is.

Simple humanity demands that America and the United Nations must accept the truth that this heavy burden should be borne by the entire international community, and not by India alone. Consistent with the financial support we have traditionally given to United Nations aid and relief activities in the past, as well as with the level of support we are currently giving as a member of the international consortium for aid to that part of the world, the United States must be prepared to contribute at least 30 to 40% of the relief effort for East Bengal. If a billion dollars is needed through the United Nations, then America must have the courage not only to demand that the U.N. meet the need, but also to provide the $300 to $400 million that will be required as the American contribution to the effort. When Congress returns in September, I intend to offer appropriate legislation to achieve this goal.

Second, we must do an about-face in our relations with the nations in the area. Most important, our government must stop preaching "restraint" to India and start showing "restraint" ourselves toward Pakistan. We must end immediately all further U.S. arms shipments to West Pakistan. We must end all other economic support of a regime that continues to violate the most basic principles of humanity. We must demonstrate to the generals of West Pakistan and to the peoples of the world that the United States has a deep and abiding revulsion of the monumental slaughter that has ravaged East Bengal.

My experience in the field last week has strengthened these views immensely. No American who has seen the faces of children too weak to cry, too tired to live, too shocked to care, could settle for less. No American would recommend less against a government that tries a political leader in secret—and, as many fear, may put him to death—for the crime of winning a free election.

No American would support a regime that is alien to the principles for which so many of his fellow citizens have given their lives in virtually every corner of the world.

I do not, at this time, suggest a break in our diplomatic relations with Pakistan. Let us continue to talk urgently. Let us express our candid views. Let President Nixon make personal representations to President Yahya Khan about every aspect of the crisis. To the beleaguered Government of India let us reaffirm our faith in the ability of men of good will everywhere to work together to end the crisis.

Third, I believe that the United States should work strongly within the framework of the Southeast Asia Treaty Organization to bring as much pressure as possible to bear on the Government of West Pakistan to modify its cruel policy of repression toward East Bengal. If no alleviation of these policies is immediately forthcoming, the United States should lead the other SEATO nations in seeking to terminate the participation of Pakistan in the organization.

Similarly, we should re-examine every other bilateral and multilateral relationship we have with Pakistan. No forum of this nation, no forum of the world community, should hesitate to focus the bright light of informed opinion on the nightmare of terror and inhumanity now being perpetrated in South Asia.

As Chairman of the Senate Subcommittee on Refugees, I plan to file a formal report on the findings of my recent field investigation. Our Subcommittee will conduct further hearings at the end of September. These hearings will be an effort to document what our government is doing, what it is prepared to do, and what it is capable of doing to provide the leadership necessary to bring peace and relief to South Asia.

The prayers and dreams of people like those in East Bengal were stated eloquently a generation ago in the magnificent verse of Tagore, Bengal's greatest poet and philosopher. As Tagore wrote in an immortal ode to peace and freedom in words that could describe the aspirations of East Bengal today,

> "Where the mind is without fear and the head is held high;
> Where knowledge is free;
> Where the world has not been broken up into fragments by narrow domestic walls . . .
> Into that heaven of freedom, my Father, let my country awake."

With words like these as our inspiration, America can find the will to help these dreams come true.

INTERNATIONAL ASSOCIATION OF FIRE CHIEFS ESTABLISH FIRE SERVICE AWARD

Mr. McINTYRE. Mr. President, on behalf of the Senator from Washington (Mr. Magnuson), I ask unanimous consent to have printed in the Record a statement and an attached letter concerning the forthcoming annual conference of the International Association of Fire Chiefs.

There being no objection, the statement and letter were ordered to be printed in the Record, as follows:

Statement of Senator Magnuson

Mr. Magnuson. Mr. President, the International Association of Fire Chiefs will hold its annual conference in St. Louis, Missouri from September 19th through September 22nd. The Association established an award to promote citizen understanding for the important role of the members of the fire service.

I am proud to salute this fine organization on the occasion of its annual conference and I applaud the establishment of the Benjamin Franklin Fire Service Award.

I ask unanimous consent to have printed in the Record the letter of Mr. Donald O'Brien, which contains a statement of the criteria for the Fire Service Award.

September 8, 1971.

Hon. Warren G. Magnuson,
Chairman, Committee on Commerce, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: This September 19–22, The International Association of Fire Chiefs will hold their annual conference in St. Louis, Missouri. At this conference they will discuss the latest technique and equipment being used to save and protect lives and property.

Seminars will deal with department administration, disaster control, fire prevention and community relations. Community relations is an area requiring specific attention, especially within America's urban centers.

One successful effort seeks to build a new recognition for the heroism of our firefighters by calling attention to their lifesaving action in dangerous circumstances.

The International Benjamin Franklin Fire Service Award is a special campaign to promote citizen understanding and enthusiasm for the important role of the fire service. The program seeks to point up the professionalism we can expect of today's firefighters and the heroism that for them is a way of life.

The award is named for America's first fire chief, Benjamin Franklin. In accepting the first leadership position with the Union Fire Company in Pennsylvania, he established standards that serve as the basis for today's traditions. With achievements in statesmanship, science and invention, Chief Franklin became a model for fire service leaders to come.

The award includes a special plaque and $200 U.S. Savings Bond, and qualifications for recognition are simple. Eligibility extends to all active firefighters, paid or volunteer, on or off-duty, in any life saving rescue incident. They need only be nominated by their chief, who submits details of the incident and action to the Fire Service Award Coordinator. A special committee of international fire service leaders will select recipients from the many nominations reviewed in each judging period. Use of modern technique and equipment, teamwork and extraordinary effort by firefighters in rescue situations will be studied carefully.

The program was initiated through the joint efforts of the leadership of the International Association of Fire Chiefs and Motorola Communications & Electronics, Inc. In sponsorship, Motorola provides the awards and coordination support for the presentations and information gathering. The IAFC, partners in the fire service with the heroic firefighters all over the world, apply their expertise and close contact with emergency situations to select winners.

Additional information and nomination forms are available from the IAFC or Motorola:

International Association of Fire Chiefs, 1725 K Street, N.W.—Suite 1108, Washington, D.C. 20006, (202) 833-3420.

Motorola Benjamin Franklin Fire Service Award Coordinator, 1301 E. Algonquin Road, Schaumburg, Illinois 60172, (312) 358-7900 Ext. 3172.

Sincerely yours,

DONALD O'BRIEN,
General Manager.

EFFICIENCY IN POLICE WORK IN MISSOURI

Mr. SYMINGTON. Mr. President, the technology which brought increased enjoyment to viewers of television sports through the "instant replay" has been applied by the Creve Coeur, Mo., Police Department in the enforcement of traffic safety.

As a former resident of Creve Coeur for many years, I was pleased to see the story by Creve Coeur Police Lt. Thomas O. Gooch, "The Car With the Camera," in the September issue of the FBI Law Enforcement Bulletin.

In the article, Lieutenant Gooch describes how the system, involving a television camera mounted on a patrol car dashboard to view violations, has resulted in more careful driving through Creve Coeur.

FBI Director John Edgar Hoover described this splendid report on the work of Lieutenant Gooch's agency as "of interest to police officers throughout the country."

I ask unanimous consent that the article from the FBI Law Enforcement Bulletin be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE CAR WITH THE CAMERA

Traffic violators in our city, a St. Louis suburb with a population of about 9,000, have recently been surprised by a sophisticated method of traffic control. Chief of Police William L. Kisling, Jr., who heads our 17-man department, appointed Patrolman Franklin D. Harris a special traffic officer, and the 27-year-old policeman has devoted much of his time and effort to the use of a video tape unit in apprehending traffic violators.

The unit is comprised of a television camera, a video tape recorder, an audio tape recorder, and a modified television set, which is used to play back the video tapes. The system, which costs about $2,000, was purchased with funds from a Federal grant obtained through the Missouri Division of Highway Safety.

A judge here in Creve Coeur has rendered the opinion that video tapes of traffic violators are admissible in police court.

When a traffic officer who is on patrol activates the unit, the video tape will run for 30 minutes. During this time the television camera is aimed at various automobiles driving through a specific intersection under "surveillance." In the absence of any traffic violations, the tape is rewound and reused. When a violator is observed, the officer may use the high-powered zoom lens and focus in on the violator's license plate before making the apprehension. The tape of the license plate serves several purposes. It is used not only for identification but also for referral in the event a chase and investigation are necessary.

After stopping the errant motorist, the traffic officer usually invites him back to the police car, where the motorist can view the violation by means of a playback device built into the television camera. When this is done, an audio tape recorder is also operating, and all conversation between the traffic officer and the motorist is recorded for the mutual protection of both parties involved. The audio tape recorder can also be taken to the police courtroom.

All of the above-described equipment installed in the police vehicle can be plugged into the cigarette lighter and powered by the 12 volt automobile battery. The unit can also be plugged into a standard 110 volt outlet.

An officer with 8 hours of training in the use of this equipment can perform adequately in traffic control. Proficiency increases with continued experience.

The above-described system not only has increased the conviction of traffic violators but also has resulted in vehicle operators' driving more carefully. Creve Coeur residents have learned to drive warily in the city streets, not only obeying traffic laws but also being alert for the "car with the camera."

WILLIAM O. DOUB, OF MARYLAND, NEW MEMBER OF ATOMIC ENERGY COMMISSION

Mr. MATHIAS. Mr. President, the chairman of the Maryland Public Service Commission, William O. Doub, resigned to become a member of the Atomic Energy Commission when the Senate confirmed the President's nomination. The Nation gained at the expense of Maryland when he retired from the public service commission, but Mr. Doub leaves Maryland a tangible monument to his leadership and service to the people of Maryland during his 3 years as PSC chairman.

Mr. Doub told Horace Ayres of the Baltimore Evening Sun:

> I think the principal accomplishment of my three years is being able to promulgate underground rules—residential, commercial and industrial—that are uniform in nature.

His reference was to a series of regulations requiring that electric and telephone lines be installed underground. With Mr. Doub spurring the commission, it extended these rules to all new housing in Maryland including trailer parks.

Shortly before he left the PSC, Mr. Doub called on succeeding public service commissions to continue the effort to keep utility lines underground and, when it becomes technically and economically feasible, require that high-power transmission lines be underground as well.

I ask unanimous consent that Mr. Ayres' excellent interview with Mr. Doub, published September 2, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, Sept. 2, 1971]

VANISHING WIRES MADE DOUB A VISIBLE VICTOR

(By Horace Ayres)

GERMANTOWN, MD.—If one were to propose a monument to William O. Doub for his service as chairman of the Maryland Public Service Commission, Mr. Doub might hope it would be invisible—a wire buried underground.

"I think the principal accomplishment of my three years is being able to promulgate underground rules—residential, commercial and industrial—that are uniform in nature," said Mr. Doub, who left the PSC chairmanship last month to become a member of the United States Atomic Energy Commission.

"That was the main theme of the three years I was there."

Mr. Doub was referring to a series of regulations, initiated under Solomon Liss, his predecessor as PSC chairman, requiring electric and telephone wires to be installed underground.

This project was pushed forward during the three years Mr. Doub headed the commission, culminating in the promulgation early last month of rules extending the underground requirement to all new housing in the state, including trailer parks.

"While we were handling the greatest volume of rate cases the commission has ever had, our underground program has never halted, never faltered," the former PSC chairman said at the AEC headquarters here in Montgomery county.

HIGHEST PRIORITY

"When I became chairman, I said at the outset that in setting priorities of what we intended to do, undergrounding was the highest priority.

"What we've done in our undergrounding program is a substantial and permanent benefit for everyone in the state. Aesthetically, everyone will benefit." Maryland, he said, was the first state to adopt underground rules on a statewide basis.

The first rule, requiring electric and telephone lines to be put underground in new subdivisions of five or more houses, was adopted by the commission in July 1968, the month before Mr. Doub succeeded Judge Liss as chairman.

For a year before that, while the regulation was being drafted, Mr. Doub had served as people's counsel to the PSC, representing the public interest in rate cases and other matters before the commission.

The 1968 rule was followed a year later with a rule that lines to all new commercial and industrial development also be placed underground.

"In the spring of 1970," Mr. Doub said, "we started looking at the residential rules. "They were working, except for a number of instances where we got limited cooperation from a number of utilities.

"LOT OF HAIRY PROBLEMS"

"We had a lot of hairy problems, problems of utilities in subdivisions that were already half finished when the rule went in."

In a few cases, he said, where overhead power or telephone lines had already been installed on a portion of a street, similar installations were allowed for the rest of the street.

The next step, after public hearings commenced in 1970 and continued this year, was the rule announced August 4 and to be effective September 1, extending the undergrounding rule to all new housing in the state.

This covers single houses, subdivisions of less than five homes, and mobile home parks, not covered by the earlier rule.

At the same time the commission revised the formula for paying the added cost of underground installation, shifting most of the burden from the homeowner or developer to the utility.

This cost will eventually be absorbed, through rates charged for services, by utility customers in general, on the theory that elimination of overhead wires is of general benefit.

HOPE FOR SUCCESSORS

Mr. Doub, in announcing the latest underground rules shortly before leaving office, expressed hope that his successors on the PSC would continue the undergrounding effort with the ultimate goal of getting existing electric and telephone lines out of sight and of some day, when it becomes technically and economically feasible, putting high-power transmission lines underground as well.

Much of the commission's time, as always, was devoted to rate requests by utilities.

"We couldn't stay away from rate increases," the former chairman said, "because of the commitment of the public utilities to meet the tremendous population growth."

"We held the rate increases as low as we could and in every rate order, there were a number of significant conditions that we attached.

"We gave them what we thought was a fair rate of return. We obtained commitments that we thought were in the public interest."

As an example, he cited the economy telephone service, directed as part of a new fare structure granted in 1970, to permit telephone service at a minimum cost for low-income users who make few calls.

CUSTOMER DEPOSITS

Another significant step accomplished by the PSC during his chairmanship, Mr. Doub recalled, was the adoption of a uniform set of regulations for customer deposits required by utilities before starting service.

This rule, effective July 1, 1970, Mr. Doub said, "established an equitable and indiscriminate policy governing all applicants without regard to the economic character of the area served" and based on "the credit risk of the individual without regard to the collective credit reputation of the area in which he lives."

"This required a complete restructure of gas and electric deposit practices."

Maryland was also a leader, he said, in adoption of promotional practice regulations to govern incentives offered by gas and electric utilities in encouraging new business, and the use of one type of energy in preference to another.

MODEL PROMOTIONS

"On the national level, I participated in drafting of model promotional practices bill, then we adopted it," the former PSC chairman said of the promotional regulations.

"I think we were the first state to do this."

"I think it was because of that that I was put on the executive committee of the National Association of Regulatory Utility Commissions," he said, citing these and other accomplishments of the PSC, "because of the Maryland commission's leadership."

"I was spokesman for the state commissions on the executive committee to the Federal Power Commission. It is that committee, working with the FPC that has made projections of energy needs and capacity for the next decade.

"I think all of this contributed to getting this job," he said of his AEC appointment. "I don't think there is any question about it."

FIRST OFFICE IN 1964

The Baltimore lawyer's political affiliation and past service to the party was no handicap either with a Republican administration in power in Washington.

His first public office, chairman of Baltimore city's first Minimum Wage Commission, came by appointment of Republican Mayor Theodore R. McKeldin in 1964.

In 1966, he was Spiro T. Agnew's running mate as a candidate for attorney general of Maryland, a post to which no Republican has been elected since 1919, when Alexander Armstrong won by a 589-vote margin.

Mr. Doub was snowed under by Democrat Francis B. Burch, 530,647 votes to 268,279, as Mr. Agnew, later to rise to Vice President, won the governorship in the face of Maryland's normally Democratic voting habits.

In July of 1967, Governor Agnew appointed Mr. Doub people's counsel to the PSC.

A year later, the Governor elevated Solomon Liss, an active Democratic politician, to the Supreme Bench of Baltimore City and named Mr. Doub to the vacancy thus created in the PSC chairmanship, traditionally a much desired political appointment.

When his term as replacement for Mr. Liss expired May 31 of this year, he was reappointed by Governor Mandel, a Democrat, to a full six-year term.

5-YEAR TERM ON AEC

Six weeks later, President Nixon announced the appointment of Mr. Doub to a five-year term on the Atomic Energy Commission.

Mr. Doub's chief experience in the atomic energy field prior to the appointment was in connection with the most controversial continuing issue before the Public Service Commission during his three-year tenure as chairman. This was the nuclear generating plant being built by the Baltimore Gas and Electric Company at Calvert Cliffs in Southern Maryland.

"The commission, under Sol Liss' leadership, persuaded the General Assembly to give us jurisdiction over new generating stations and transmission lines," Mr. Doub reminisced.

"Calvert Cliffs was the first case we had.

"The act giving us jurisdiction became effective July 1, 1968. We were faced with the question of whether construction had already begun."

After a series of hearings at which opponents of the nuclear plant contended that it might damage the ecology of the Chesapeake Bay, the PSC accepted the Gas and Electric Company's contention that construction of the $347 million plant had started before the effective date of the law requiring a permit from the PSC.

LEGAL QUESTION

The legal question at issue was whether excavation and other preliminary work undertaken by the company prior to the effective date of the law constituted a start of construction.

The PSC's ruling that construction had started before July, 1968, was upheld in a challenge before the Anne Arundel County Circuit Court, but overturned by the Maryland Court of Appeals last October, by which time the plant was 25 to 30 per cent complete.

After further hearings, the PSC issued a permit, with safety restrictions described as the most stringent for any nuclear generating plant in the country.

The controversy, fought before other state and federal agencies, as well as in the courts, is far from ended, however, and has followed Mr. Doub to his new federal post.

In July, the United States District Court for the District of Columbia found that the AEC's rules for environmental protection were inadequate. As a result of this ruling the commission is now in the process of rewriting its regulations on the subject.

2.3 BILLION BUDGET

For the AEC, licensing and regulation of nuclear reactors such as the one at Calvert Cliffs is a major function and a growing one, as the use of nuclear energy for the generation of electric power becomes more widespread.

The five-member commission, with its budget of $2.3 billion for the current fiscal year, also is responsible for production of nuclear materials and weapons and for research and development, both private as well as governmental.

"I think because of my experience, I would probably gravitate toward—have more of an interest in—the regulatory work of the commission," Mr. Doub said a few days after taking office.

His early days with the AEC have been spent in briefings and in studying volumes of documents to familiarize himself with the activities of the agency.

Much of this study was directed toward his first major assignment, as an alternate representative in the U.S. delegation to a 70-nation international conference to begin September 14 in Geneva.

The delegation will be headed by James R. Schlesinger, appointed AEC chairman at the same time Mr. Doub was appointed to the commission, and Glenn T. Seaborg, his predecessor who headed the AEC for more than a decade.

FOURTH CONFERENCE OF KIND

The conference, devoted primarily to the use of atomic energy for electric power, is the fourth of its kind to be held at Geneva since 1955.

In accepting the $40,000-a-year AEC post, Mr. Doub had to sever connections with his Baltimore law firm, Niles, Barton and Wilmer, giving up his law practice "with regret after 15 years."

Reviewing his stock holdings, Mr. Doub said, "I had to sell shares in four companies I thought had a remote connection, as subcontractors for contractors doing business with the AEC."

"I resigned all boards of directors, except the March of Dimes—I submitted that to the general counsel of the AEC for his review and he found no conflict of interest."

"I view it as a total commitment to the job."

Mr. Doub also plans to sell his home in Guilford and move to Germantown. He has lived in Baltimore since his days as a University of Maryland law student in the early 1950's.

EXECUTIVE "LEGISLATION"— A POLITICAL PARADOX

Mr. MATHIAS. Mr. President, the Washington Post of September 5 contains an article by Ken W. Clawson dealing with one of the more interesting current political paradoxes, "executive legislation" by virtue of Presidential emergency powers. Mr. Clawson describes the vast array of special powers the President has at his disposal—some of them arising from the state of national emergency still in effect 21 years after Harry Truman proclaimed it in December 1950 during the Korean war. He points out the ease with which a Chief Executive can assume special powers at his discretion or through the action of a predecessor by the simple expedient of declaring a state of emergency.

Mr. Clawson examines the anachronistic pattern of emergency powers retained while the emergencies for which they were granted have faded into dim recollection. He also touches on Senate Concurrent Resolution 27, submitted in May of this year, to establish a congressional commission to consider ending the 21-year-old state of national emergency. His article does not suggest that all such emergency executive powers are undesirable, but it does strongly raise the question of whether available Presidential powers should relate to distant, unconnected, past events so that lawyers must labor to adapt the word to the deed and the general public is left in a state of confusion if not suspicion. I thoroughly commend this article to the Senate and ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Sept. 5, 1971]

Crisis Powers: Nixon's Blank Check

(By Ken W. Clawson)

The United States has been in a state of national emergency during the entire lifetimes of more than half its citizens.

When President Nixon established a wage-price freeze last month, he did so under special powers that are among those granted by more than 200 laws giving him virtually unlimited prerogatives anytime he feels the nation is in a crisis situation. In a sense, he filled out and cashed one of a pocketful of blank checks provided Presidents of the United States over the last generation.

Under emergency powers, for example, the government is not required to advertise for bids for property or services. The fact that it does so is cited by White House and Justice officials as "executive discipline" in not using powers it possesses.

The President may also requisition any ship owned by a citizen or under construction in the United States. He may seize foreign ships, even in the Panama Canal Zone, if he "finds it to be necessary to the national defense." Or he can take back portions of former federal property that have been turned over to others—such as a hunting and refuge area in Des Plaines, Ill.

No President has given the slightest indication of terminating the national emergency and relinquishing his special powers, even though most officials of the Executive branch will admit that conditions of the Depression, World War II and the Cold War are hardly applicable now. So the blank checks remain at hand.

When President Nixon ordered his wage-price freeze, he declared a national emergency with respect to floating the dollar and imposing a 10 per cent import tax. But the proclamation wasn't necessary, according to William Rehnquist, assistant attorney general in charge of the Justice Department's office of legal counsel.

The President already enjoyed the power to regulate financial transactions between Americans and foreigners by virtue of a national emergency declared by President Roosevelt in 1933 and superseded by another emergency proclaimed by President Truman in 1950.

Rhenquist said Mr. Nixon went through the motions to "focus public attention on the seriousness of the situation."

Mr. Nixon also was acting under color of the continuous national emergency earlier this year when he suspended the Davis-Bacon Act which stipulates that the government must pay prevailing wage rates in the construction industry. Although the President's action was designed to deal with the current problem of excessive wage rates in the industry, it was authorized by congressional mandate some 20 years earlier.

Mr. Nixon's first move under the banner of a national emergency was during the postal strike of 1970 when he called out troops to deliver the mail. In that instance a proclamation was required because presidential authority to activate up to a million reservists was not granted by Congress until Jan. 1, 1953, three years after the Truman emergency.

Rhenquist stressed that in Mr. Nixon's three actions the Executive was involved in "limited" usage of emergency powers. But he acknowledged the actions were only limited because the President deemed it so. All 200 emergency statutes, plus 13 post-1950 laws, are operative.

Six Presidents—four Democrats and two Republicans—have kept the national emergency and its special powers alive. President Nixon's use carries a special irony because of his overtures toward normalization of relations with mainland China, which he has called a necessary ingredient for his concept of "a generation of peace": his three emergency actions were taken under a proclamation issued shortly after masses of Red Chinese soldiers poured across the Yalu River in support of faltering North Koreans.

President Truman's Dec. 16, 1950, emergency mobilization call referred to the Chinese communists as an immediate and serious danger. "I summon all citizens to make a united effort for the security and well-being of our beloved country and to place its needs foremost in thought and action that the full moral and material strength of the nation may be readied for the dangers which threaten us," Mr. Truman said.

Another special power dates back to May 9, 1933, when President Roosevelt kept Congress in session through the night to pass the Emergency Banking Act, reorganizing the nation's banking system. The new law contained a little-noticed amendment to the Trading with the Enemy Act of 1917, which had transferred from Congress to the President the power to regulate overseas financial transactions in wartime. The 1933 amendment gave the President the same powers in peacetime.

Declaration of a national emergency triggers the power, of course, but neither Congress nor the courts set criteria or standards for what constituted a national emergency. Although the Supreme Court has not ruled, lower courts generally have refused to even consider what some judges have said is a peculiarly presidential function—the determining of a national emergency.

Declaration of a national emergency.

One court did rule—in 1962—that the Depression had ended. No judicial authority has yet challenged the validity of the continuing Korean emergency.

Incorporated into the 1950 emergency were Depression-era statutes against gold hoarding, foreign assets control regulations and, subsequently, regulations on Egyptian and Cuban assets. The Cuban trade embargo of 1962 was partly based on the Truman emergency.

In 1968, President Johnson invoked the emergency powers to restrict the amount of capital that American investors could transfer to or accumulate in foreign affiliates. He also compelled repatriation of short-term liquid balances such as foreign bank deposits.

This was Mr. Johnson's effort to reduce the balance of payments deficit growing out of economic competition principally with our European allies—a far cry from conditions that prompted enactment of the Trading with the Enemy Act of 1917, the Depression emergency or the Korean emergency of 18 years before.

So numerous are the emergency powers of the President that they are compiled in a book published by the Office of Emergency Preparedness. Even with that, no one is certain all of the statutes are included.

Most of the 200 or so special powers relate to the military. Reserve callups, extension of enlistments, the appointment of commissioned officers and other military-related housekeeping chores make up about 80 per cent of the emergency powers. Some are out of date.

Also, there are literally dozens of individual properties the government may use, lease or purchase merely upon a decision by the President to do so. These include the Boston Army Base pier, a former prisoner of war camp near Douglas, Wyo.; a former part of Camp Perry near Williamsburg, Va., and land in York County, Va., that was previously turned over to the county—as well as the land in Des Plaines, Ill.

Included in the emergency powers and written much more carefully than other statutes in authorization to declare an "Internal Security Emergency" where persons believed to be potential saboteurs can be detained without due process of law. Because such an emergency has not been declared, these powers are not in effect.

Before such a proclamation can be made, the nation or a possession must be invaded, or war must be declared by Congress, or there must be an insurrection in the United States in aid of a foreign enemy. An Internal Security Emergency can continue until terminated by the President or by concurrent resolution of Congress.

The Nixon administration indicated earlier this year it was in favor of repealing this statute, which is also ardently opposed by Japanese Americans who were subjected to detention during World War II.

Possibly because of the courts' timidity in dealing with the legality—no matter how out of date—of presidential emergencies, there have been no major challenges over the years.

Last May, however, Sen. Charles McC. Mathias (R-Md.) introduced a resolution to establish a joint congressional committee to study the termination of the Truman emergency.

Joined by Majority Leader Mike Mansfield (D-Mont.) and several other cosponsors, Mathias said termination would be another step in restoring to Congress the powers it has delegated to Presidents during crises only to discover the powers were unretrievable when the emergency passed.

"We must reassert the principle that emergency powers are available only for brief periods when Congress is unable to act and for puropses directly related to the emergency at hand," Mathias said.

When the Senate Foreign Relations Committee holds hearings on Mathias' resolution later this fall, it should become evident that the principle has not been practiced. Justice officials contend, for example, that President Cleveland's emergency calling out federal troops during the 1894 Pullman strike has not been terminated.

But Mathias' effort to reassert congressional jurisdiction in the wake of genuine emergencies handled by strong Presidents has historical precedent. For the sake of unified, quick response to crises, Congress has generally handed the President the tools—albeit sometimes after the fact.

For example, President Lincoln had an active interval between the fall of Ft. Sumter and the convening of Congress in special session on July 4, 1861.

During the 10-week period, Lincoln incorporated state militias into a 90-day volunteer force called 40,000 volunteers for three years' service, added 23,000 men to the regular Army and 18,000 to the Navy, paid $2 million from unappropriated funds in the Treasury to persons unauthorized to received the money, closed the Post Office to "treasonable correspondence," installed new passport regulations, blockaded Southern ports, suspended the writ of habeas corpus in various places and ordered the arrest and military detention of anyone suspected of even treasonous intentions.

Congress later ratified Lincoln's actions, none of which had previous statutory authority. The Supreme Court disagreed with his right to suspend habeas corpus, but that was in 1866 when it didn't matter any longer.

Lincoln's successor was plagued by Congress reasserting itself as a co-equal branch of government. And this seesaw between Presidents and Congresses continued to the modern era of ever-expanding executive power.

Mathias concedes that international involvements and their attendant crises, modern communications and the necessity of decisive action by Presidents makes it more difficult today for Congress to reassert itself.

But he adds, "The Constitution did not envision a state of national emergency to be the normal state of affairs."

ASA T. SPAULDING—BUSINESS LEADER

Mr. JORDAN of North Carolina. Mr. President, earlier this year the faculty and students of the Graduate School of Business Administration at the University of Michigan chose a distinguished North Carolinian, Dr. Asa T. Spaulding of Durham, to receive that institution's 1971 Award for Business Leadership.

His record as founder and developer of the North Carolina Mutual Life Insurance Co., now the Nation's largest black-owned insurance firm, was only one of the reasons he was singled out for that honor.

The citation he received also took note of his significant success in other business and professional enterprises.

At the same time it recognized another important facet of his career—the tremendous contributions he has made to education, community causes and public service on national and international levels.

As recipient of the award, Dr. Spaulding was also chosen to deliver the school's annual business leadership lecture.

It was an impressive, concise, and thought-provoking commentary on the complex problems confronting the Nation's business today which since its delivery has attracted attention throughout the country.

Because of its quality and the message it contains, I consider it a privilege to commend this very excellent speech to your attention. I ask unanimous consent that the text of the citation and of that address be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

CITATION

Asa T. Spaulding, former President of the North Carolina Mutual Life Insurance Company and one of America's most distinguished business figures.

Mr. Spaulding joined the North Carolina Mutual Life Insurance Company, the nation's largest black life insurance firm, in 1924. He served as the company's Actuary from 1933 to 1958, while concurrently serving as Assistant Secretary, Vice-President, and Controller. He was President of North Carolina Mutual from 1959 until his retirement in 1968 and is a director of the organization and of numerous other business enterprises.

Mr. Spaulding is a trustee of Shaw and Howard Universities and of the National Conference of Christians and Jews and the People-to-People Program. In 1956 Mr. Spaulding was a member of the U.S. delegation to the UNESCO General Conference in New Delhi, India, by appointment of President Eisenhower. He serves on several federal and state government commissions and with many professional, philanthropic, and youth organizations.

The recipient of a B.S. degree from New York University in 1930 and an M.A. degree from the University of Michigan in 1932, Mr. Spaulding has received honorary degrees from Shaw and Duke Universities, North Carolina and Morgan State Colleges, and the University of North Carolina. He was presented a Sesquicentennial Award by the University of Michigan in 1967.

In recognition of his distinguished record of business leadership and his noteworthy contributions to the public interest, the students and faculty of the Graduate School of Business Administration of the University of Michigan have chosen Asa T. Spaulding to receive the 1971 Award for Business Leadership.

FLOYD A. BOND,
Dean, Graduate School of Business Administration.

GEORGE E. LILLY,
President, Student Council.

OPENING PANDORA'S BOX: A MANAGEMENT DILEMMA

(By Asa T. Spaulding)

Thank you, Professor Fischer, for your very kind and gracious remarks, and good evening, ladies and gentlemen. Being invited to receive the 1971 Business Leadership Award and to lecture at my alma mater are both heartwarming and challenging experiences.

To be honored by one's alma mater is, I suppose, the ultimate recognition. The occasion blends older memories of student days with a pleasing sense of the here and now, combining in a way the best of two worlds. So this special occasion warms the heart in a manner that words alone cannot fully express.

I am challenged by the realization that the previous recipients of your award comprise a highly distinguished group of businessmen. I am familiar with their achievements and am inspired by their examples in the two spheres of education and business.

In my remarks this evening, I should like to focus on some of the dilemmas facing management today—especially those of recent origin—and to discuss what is being done and might be done to resolve them. In the latter context, I make no special claim to being clairvoyant or a seer; but a certain amount of handwriting is always on the wall, waiting to be read by those who will expend the time and effort to read it. I have always felt it vital that one should expend that effort.

At the outset, I think we can all agree that we live in a time of restless change, if not of turmoil and upheaval, that there remain great shortcomings in our society, despite considerable efforts to mend them, and that the quality of life is endangered in many ways. Value standards and life styles are being questioned as never before. The winds blow ever stronger about us; and while some people would increase their velocity, others look for stability and a safe anchorage that is increasingly difficult to find. Not since Pandora opened the box which Zeus had given to her, thereby releasing a host of evils, has man been so besieged by—and made fully aware of—the difficulties and imbalances around him and the dilemmas that they produce.

At this stage, some of us are questioning whether the competing forces that sway us can be controlled and reconciled—whether the tremendous amount of restless energy sweeping our nation can bring about a better society without destroying what we already have.

As for me, I am optimistic about the possible resolution of our problems. Even after recognizing the almost overwhelming difficulties which surround us and lie ahead, I am still sustained by the hope that remained in Pandora's box; along with faith, love, and compassion it is a quality and strength which should never be underestimated.

"Hope springs eternal in the human breast." Faith can be made stronger than doubt and despair; love, more overpowering and enduring than hate; and compassion, to win out over indifference if there is a strong enough will. If these qualities are permitted to operate freely in our society and are properly encouraged and nourished, we have nothing to fear. That they shall be so permitted and encouraged is one of the greatest challenges which can be accepted by a person in a position of leadership today!

Among the many dilemmas which face us today are a number which not only command the attention of society in general, but especially concern corporate management. Some of these problems are of such recent origin that we find it difficult to acknowledge them, let alone start dealing with them.

The matter of drug usage is a case in point. We've known for some years that drug usage has sapped the vitality of many urban blacks, while contributing to an increase in crime in the inner city. In more recent years we've found plenty of evidence of increased drug usage in the suburbs and on campuses, with corresponding increases in the crime rate. What has not been apparent until very recently, however, is the extent of drug usage in business, particularly in our factories. As yet, the scope of this problem has not been fully measured. But only a person wearing the most rose-colored of glasses would deny that it provides cause for alarm. Over the long run it may lead to a very real deterioration in the quality of the goods and services on which we depend. What we have here is a classic example of "spillover" into business of a problem that burdens society in general. Much as management might like, at times, to say that somebody else's problems are his alone, in the long run this cannot be. What affects some of us has a way, in the end, of affecting us all.

This principle also holds true with respect to the increasing crime rate, another dilemma which besets both society and management. Businessmen themselves are being hit on two fronts. One involves organized crime, replete with relentless shakedowns and large-scale theft. The other involves in-store and in-shop theft and burglaries. It is becoming increasingly apparent that management's dilemma in this area, as in the sphere of drugs, isn't going to be solved until the problem is dealt with in society at large.

Then there is the matter of race relations, a subject to which this entire lecture could be—but will not be—devoted. This audience scarcely needs to be told that for 350 years, although all Americans may have been created equal, not all Americans were treated equally, least of all in business. In fact, until a decade ago, except for Henry Ford's company, there was not a sizable industrial firm in the country which provided equal opportunities in employment to minority peoples or, in many instances, even paid minority laborers a comparable wage to what whites received for the same work. Business was, in fact, one of the great bastions of segregation.

Let me recount one example of how things were just ten years ago, inasmuch as many of you would have been only eleven or twelve, or at most thirteen years old at that time, and you might not remember how it was in 1961 or fully appreciate how far we have come since then. This example concerns a very large company, located not far from here, which a decade ago employed only two black men among the seven thousand people in its headquarters building. Both of these men, I scarcely need add, were on the end of a broom.

That corporation had the usual policy statement to the effect that it did not discriminate on the basis of race, religion, national origins, sex, and so on. But this statement wasn't worth the paper it was printed on. Neither Martin Luther King, Ralph Bunche, Whitney Young, nor Asa Spaulding could have got a job running an elevator in that company's building in 1960. But times and conditions have changed, and thanks to pressures applied by minority groups and government, improved educational levels and skills among members of minority groups, and a management that has come a long way, this particular corporation—along with a good many others in the same situation—is at last practicing what it has preached.

I recognize that some in this audience demand accelerated and more sweeping changes in employment opportunities than have been made thus far by business. While I look also toward your objectives, in my own perspective of the matter I am impressed by the changes that have been made. The hope left in Pandora's box, dormant for so long a time, has come to life in business within recent years. And what once was a management dilemma is now beginning to be a challenging opportunity. When doors swing open in like manner in other areas of society, in labor unions and in housing for example, we will have made a very long stride toward resolving one of the evils visited upon us by the opening of Pandora's box—inequality based on race, sex, and other forms of discrimination. Indeed, if every segment of our society gave as much encouragement to minority groups as business is beginning to do, we could rewrite the Kerner Commission's report—which warns us that "racism" is capable of dividing our nation and of moving America toward two societies, one black, one white, separate but unequal. Must this warning become reality? I think not, I sincerely hope not. Those of you in this room, those of you who can look forward to the next four decades or so in business—to the year 2010 or thereabouts—will help make the determination, and I have great confidence that you will make the right moves.

What I have said about the progress of minority groups in business is not to deny that business can and should do more than it has to provide equal opportunities for all. For one thing, many firms still need to furnish convincing proof to skeptical minorities of their total commitment to equal opportunity. To my mind, nothing could provide better proof of such a commitment than the appointment of qualified members of certain groups—blacks, chicanos, Indians, Puerto Ricans, and women—to the boards of directors of business enterprises. With this in mind, last year I suggested to 109 of our leading corporations that they consider electing qualified minority people to directorships. Sixty-five of these firms responded to my letter, most of them in an affirmative manner.

In my letter to these corporations, I pointed out that a well-qualified member of a minority group could be a valued member of a board—that his input could make a board better able to protect both shareholders' and consumers' interests. In making this suggestion, I emphasized that corporations should appoint to their boards those minority representatives who are knowledgeable in some important aspect of the business and capable of offering balanced judgment for policy decisions. The appointment of an unqualified person to a board would, in my opinion, not only be a disservice to a corporation but would also defeat the objectives envisioned. I am firmly convinced that a well-qualified minority member can bring an extra and needed dimension to a board and managerial body.

In an effort to assist corporations in making appointments to directorships and top-level positions, some of my associates and I have given thought to developing what might be termed a "bank" of qualified blacks and other minority peoples. Such a plan would provide a reservoir of skilled and experienced executives and administrators from which an interested corporation could choose from three to a half-dozen persons for immediate consideration.

Already, we are beginning to see some movement in the direction to which my letter to the corporations pointed. As I am sure everyone in this audience knows, General Motors recently named a black man to its board; and you may be interested to know that Chase Manhattan Bank, Pan American World Airways, First National City Bank of New York, CBS, Sohio, the A&P, and Commonwealth Edison of Chicago, among other firms, have done the same. Who, if I may pose a rhetorical question, could have foreseen such management decisions a decade ago? Only those, I suppose, with considerable optimism—and hope.

Drug usage, crime, and racial inequality are but some of the important dilemmas posed by the opening of 1960's version of Pandora's box. Another, and perhaps broader, question has to do with the quality of life itself. The President has informed us that in the next decade we will increase our wealth by 50 per cent, while asking whether this means that we will be 50 per cent richer in any real sense or 50 per cent happier.

I personally doubt that rising national income alone is a true barometer of our national well-being. Man does not live by bread alone, and any assessment of the quality of life must take this central fact into consideration. We all aspire to improvement in our life style. Yet we cannot be sure whether all of us—or, indeed, in some instances any of us—are going to attain it unless we face some hard facts.

Let's examine the matter of pollution as a prime indicator of the quality of life. Of what use is a pay check half again as large if the water is not fit for human consumption; and what use is recreation, if the air is not suitable for breathing, or if we are plagued by other forms of insidious pollution? Here is a dilemma worthy of the best brains among us—how to rectify the wrongs visited upon Mother Earth by its careless, reckless inhabitants.

Has business management stepped forward to confront the pollution problem? I'm afraid not. A good many people in and out of government have—as the song says—knocked three times for business to make a total commitment in this area, but mostly what they've heard in return is twice on the pipes, which means the answer is no. The fact is, management has not led the way toward pollution abatement and control. One can legitimately question whether it has been a good follower of those who have tried to lead the way. Is government regulation the only solution to the pollution problem? One hopes not. But it is an unhappy fact that most of the progress made in pollution control has not been voluntary, but rather has occurred in response to outside agitation and government regulation. Here is a dilemma which business, along with other polluters—and ultimately taxpayers and consumers—must resolve; and, like some other pressing problems, no one knows how much time we have left to resolve it.

Many other concerns of a socioeconomic nature have been released by the opening of Pandora's box of the 1960s. One is the recent phenomenon which we refer to as "consumerism." Is there one among us who does not feel that goods and services could be improved upon? And is there a business firm in the nation whose leaders would not agree in their heart of hearts that its goods and services could be improved upon? Here is a management dilemma of major magnitude—balancing cost consciousness and profit maximization against increased attention to consumer demands and needs. The long-term answer seems apparent: management must and will bend a great deal toward meeting valid demands for consumer protection.

Other concerns also weigh upon society's and management's minds—the war in Vietnam, inflation, unemployment, poverty, social justice, the role of our higher education, to name only a few. Where does management stand in relation to these dilemmas? Should it take a stand at all? These questions are not easily answered, and a mature person can see merit to arguments presented on two, or perhaps even twenty, sides of each of them. What is clear, however, is that more and more businessmen—but still too few—now understand as never before that there is a world outside the corporate headquarters or the factory, that they *are* their brother's keeper, and that they have to play a larger role in society than making a profit at any price. In saying this, don't think I am against profit; for I know as well as anyone that profits are the engine that makes this vehicle called America move forward. But I am for people, as well as for profit; and I believe in keeping concern for people and for profits in proper balance.

As most of you may know, a more enlightened view of corporate social responsibility by management is a fairly recent development. Thirty years ago, for example, few managements felt that they could justify diverting profits away from shareholders to support educational or charitable organizations. And true acceptance of corporate social responsibility had to await the mid- and late 1960s, when managements came to see that if maximizing profits for shareholders was a major job of management, so too was maintaining institutions capable of making profits over the long run. As a Ford executive recently said, a wise and farsighted management sees that its own best interests are served by doing unto others as it would have others do unto you.

Many of you in this audience are in the fortunate position of coming on the business scene at a time when profits will be increasingly available for helping society—and management—solve their dilemmas. In other words, unlike those who graduated from business school forty, thirty, twenty, or even ten years ago, you are embarking on your careers at a time when businessmen are becoming more a part of the solution than a part of the problem. Businessmen *are* beginning to step up to their responsibilities on an increasing scale, and for evidence we need only note the numerous socioeconomic programs introduced by individual companies and industries, including the $2-billion mortgage investment program of the life insurance industry, and activities of such organizations as the Urban Coalition, Urban America, Inc., the National Alliance of Businessmen, and Common Cause.

Where, you might ask, can you fit into the picture? You can, to be specific, be one of those who, as they ascend the management ladder, accept their full share of responsibility, not only for the products each one markets, but for the schools we operate, the air we breathe, the water we drink, the government we support, the pictures in our museums, the music in our concert halls, the health of our citizens, the peace and tranquility of our neighborhoods, and the viability of our communities—knowing that tomorrow's balance sheet cannot be separated from the quality of our community life.

The creed of corporate social responsibility does not lend itself to the clear and precise measures of performance that profit maximizing does. And as you come to know the dimensions of your business, you are likely to become less sure that every aspect of corporate life can be reduced to an isolated, specific statistical or financial measurement. You will, in short, find yourself grappling more and more with imponderables. You will have to rely as much on your native intelligence and sound judgment as on the hard information that you will gather.

In facing challenges and dilemmas, you will have to bring to bear not only your judgment and training, but also courage and integrity. You will need, for example, the courage to ask your employer why he is not doing something that needs doing, as well as helping him accomplish something he is doing. You will need to be, in short, one who asks why—a person with the courage and integrity to say that the emperor-chairman is not wearing any clothes, if that is the case. Amazingly, most business organizations have very few such people. They need more.

Since the secrets and forces of history and science which have escaped from Pandora's box can never again be imprisoned, you must ever contend with them and try as best you can to master and control them. Finding a way out is destined to be an eternal quest. Or, as the British historian, Arnold Toynbee, put it, "All history can be written in terms of challenge and response." Today's management dilemmas offer you the challenge. Tomorrow's needs await your response.

This world of ours, if I may conclude on an optimistic note, has long known cycles, peaks and valleys marking the rise and fall of nations and civilizations. But the trend line of man's history has always been upward and onward toward a more humane and decent society, and I expect this trend line to continue. You will help in this endeavor as you strive toward a better balanced society both in your daily life and in your careers. And as you help to combine hope, faith, love, and compassion with the troubles from Pandora's box of the 1970s, may I wish you God's blessing.

The ride on which you will soon be embarking may be bumpy at times, but it will be continually interesting—and on occasion fascinating. I wish I were going along—and in one way or another, maybe I will.

EXECUTIVE SESSION—CONVENTION FOR THE SUPPRESSION OF UNLAWFUL SEIZURE OF AIRCRAFT

The PRESIDENT pro tempore. Pursuant to the previous order, the Senate will now go into executive session to vote on the resolution of ratification of Executive A—92d Congress, first session—which the clerk will state.

The assistant legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on December 16, 1970 (Ex. A, 92–1).

The PRESIDENT pro tempore. The yeas and nays have been ordered.

Mr. BYRD of West Virginia. Mr. President, I have been asked by the distinguished junior Senator from Arkansas (Mr. FULBRIGHT), chairman of the Committee on Foreign Relations, to make the following statement.

The Committee on Foreign Relations recommends that the Senate give its advice and consent to ratification of Executive A, 92d Congress, first session, the so-called Aircraft Hijacking Convention. This convention was negotiated at The Hague in December 1970 and signed by representatives of 50 nations, including the United States. It was submitted to the Senate on April 15, 1971.

I wish to summarize briefly the major provisions at this point:

In effect, article 1 states that in order for hijacking to be an offense covered by the convention, it must take place on board an aircraft "in flight." In this connection, pursuant to the provisions of article 3, an aircraft is considered to be "in flight" from the moment its doors are closed following embarkation until any door is opened for disembarkation. It should be added, however, that the convention applies only if the place of take-off or the place of landing of the aircraft on board which the offense is committed is situated outside the territory of the country in which the aircraft is registered. Moreover, the convention does not apply to aircraft used in military, customs, or police services.

Article 2 provides that each contracting state undertakes to make hijacking punishable by "severe" penalties. This article is not defined, but it is understood that it is designed to encourage all parties to the convention—who have not already done so—to enact implementing legislation with strong penalty clauses which, hopefully, will have the effect of deterring hijackers.

Article 4 provides that each contracting state shall take "such measures as may be necessary" to establish its jurisdiction over the hijacker when the offense is committed on board an aircraft registered in that state; when the aircraft lands in its territory with the alleged offender still on board; and when the offense is committed on board a leased aircraft—without crew—to a lessee who has his principal place of business or permanent residence in that state. Article 4 also states that the convention "does not exclude any criminal jurisdiction exercised in accordance with national law."

One of the key provisions of the convention is contained in article 7, which provides that if the state where the hijacker is found does not extradite him, it shall be obliged "without exception whatsoever and whether or not the offense was committed in its territory" to submit the case to its authorities for prosecution. The effect of this provision is to insure that the hijacker will not escape prosecution, even though the offense may have been politically motivated—for example, an individual who hijacks an airplane to seek political asylum.

Article 8, another key provision, states that hijacking "shall be deemed to be included as an extraditable offense in any extradition treaty existing between contracting states." In other words there will be no need for the United States to renegotiate existing extradition treaties we have with parties to this convention in order to cover the crime of hijacking. In cases where the parties to the convention do not have extradition treaties, they are obliged to include hijacking as an extraditable offense in any future treaties concluded between them. In addition, in the absence of an extradition treaty between parties to the convention they may consider the convention itself as the legal basis for extradition in hijacking cases.

Article 9 provides that when a hijacking has occurred the parties to the convention "shall take all appropriate measures to restore control of the aircraft to its lawful commander." Each contracting state is also required to facilitate the continuation of the journey of the passengers and crew as soon as practicable and return the aircraft and its cargo to the person lawfully entitled to possession.

Under the provisions of article 12, any dispute between two or more parties concerning the interpretation or application of the convention which cannot be settled through negotiation shall—at the request of one of them—be submitted to arbitration. If the parties are unable to agree on the organization of the arbitration within 6 months from the date of the request, any one of the parties may refer the dispute to the International Court of Justice. Any state is permitted to declare that it does not consider itself bound by this provision.

Pursuant to the provisions of article 13, the convention is presently open for signature to all states—irrespective of whether they attended the Hague Conference or are members of the United Nations—at London, Moscow, and Washington. The convention will enter into force 30 days after 10 states which participated in the conference at The Hague have deposited their instruments of ratification. Any state may denounce the convention by giving 6 months' notice to each of the above depositary governments.

The Committee on Foreign Relations held a public hearing on June 7 at which it heard testimony from representatives of the Department of State, Department of Transportation, and the Federal Aviation Administration, as well as industry representatives. The lack of the Cuban adherence to the convention was further explored in executive session on July 20, 1971, at which time the committee, by voice vote, ordered the convention reported favorably to the Senate.

I ask unanimous consent that appropriate extracts from the committee report be inserted in the RECORD in further explanation of the convention.

There being no objection, the extracts were ordered to be printed in the RECORD, as follows:

BACKGROUND

An international conference to consider a hijacking Convention drafted by the Legal Committee of the International Civil Aviation Organization was held at The Hague from December 1-16, 1970. The conference was attended by representatives from 77 countries and observers from 12 organizations interested in international civil aviation. At the conclusion of the conference on December 16, the "Convention for the Suppression of Unlawful Seizure of Aircraft" was signed by representatives of 50 nations, including the United States and the Soviet bloc countries. It was submitted to the Senate on April 15, 1971. Although representatives of the U.A.R. attended the conference, they did not sign the Convention. Cuba did not participate in the conference.

PROVISIONS OF CONVENTION

The final version of the Convention approved at The Hague consists of a three-paragraph preamble and 14 articles. A summary of its major provisions is set forth below.

In effect, Article 1 states that in order for hijacking to be an offense covered by the Convention, it must take place on board an aircraft "in flight." In this connection, pursuant to the provisions of Article 3, an aircraft is considered to be "in flight" from the moment its doors are closed following embarkation until any door is opened for disembarkation. It should be added, however, that the Convention applies only if the place of take-off or the place of landing of the aircraft on board which the offense is committed is situated outside the territory of the country in which the aircraft is registered. Moreover, the Convention does not apply to aircraft used in military, customs or police services.

Article 2 provides that each Contracting State undertakes to make hijacking punishable by "severe" penalties. This article is not defined, but it is understood that it is designed to encourage all parties to the Convention (who have not already done so) to enact implementing legislation with strong penalty clauses which, hopefully, will have the effect of deterring hijackers.

Article 4 provides that each Contracting State shall take "such measures as may be necessary" to establish its jurisdiction over the hijacker (a) when the offense is committed on board an aircraft registered in that State; (b) when the aircraft lands in its territory with the alleged offender still on board; and (c) when the offense is committed on board a leased aircraft (without crew) to a lessee who has his principal place of business or permanent residence in that State. Article 4 also states that the Convention "does not exclude any criminal jurisdiction exercised in accordance with national law."

One of the key provisions of the Convention is contained in Article 7, which provides that if the State where the hijacker is found does not extradite him, it shall be obliged "without exception whatsoever and "whether or not the offense was committed in its territory" to submit the case to its authorities for prosecution. The effect of this provision is to insure that the hijacker will not escape prosecution, even though the offense may have been politically motivated (e.g., an individual who hijacks an airplane to seek political asylum).

Article 8, another key provision, states that hijacking "shall be deemed to be included as an extraditable offense in any extradition treaty existing between Contracting States." In other words, there will be no need for the United States to renegotiate existing extradition treaties we have with parties to this Convention in order to cover the crime of hijacking. In cases where the parties to the Convention do not have extradition treaties, they are obliged to include hijacking as an extraditable offense in any future treaties concluded between them. In addition, in the absence of an extradition treaty between parties to the Convention they may consider the Convention itself as the legal basis for extradition in hijacking cases.

Article 9 provides that when a hijacking has occurred the parties to the Convention "shall take all appropriate measures to restore control of the aircraft to its lawful commander." Each Contracting State is also required to facilitate the continuation of the journey of the passengers and crew as soon as practicable and return the aircraft and its cargo to the person lawfully entitled to possession.

Under the provisions of Article 12, any dispute between two or more parties concerning the interpretation or application of the Convention which cannot be settled through negotiation shall (at the request of one of them) be submitted to arbitration. If the parties are unable to agree on the organization of the arbitration within six months from the date of the request, any one of the parties may refer the dispute to the International Court of Justice. Any State is permitted to declare that it does not consider itself bound by this provision.

DATE OF ENTRY INTO FORCE

Pursuant to the provisions of Article 13, the Convention is presently open for signature to *all States* (irrespective of whether they attended The Hague Conference or are members of the United Nations) at London, Moscow and Washington. The Convention will enter into force 30 days after 10 States which participated in the conference at The Hague have deposited their instruments of ratification. Any State may denounce the Convention by giving six months' notice to each of the above depositary governments.

COMMITTEE ACTION

The Committee on Foreign Relations held a public hearing on the Aircraft Hijacking Convention on June 7, 1971, at which time the following witnesses testified: Mr. John R. Stevenson, Legal Adviser, Department of State; Mr. James M. Beggs, Under Secretary, Department of Transportation; Mr. Jerome F. Huisentruit, Assistant General Counsel, Air Transport Association; Mr. J. J. O'Donnell, President, Air Lines Pilots Association; and Mr. Daniel Donnelly, Chairman, Hijacking Committee, Aviation Law Section, American Trial Lawyers Association.

On July 20, 1971, the Committee met in executive session and received testimony from Mr. Charles A. Meyer, Assistant Secretary of State, Bureau of Inter-American Affairs, and Mr. Robert A. Hurwitch, Deputy Assistant Secretary, Bureau of Inter-American Affairs. They were accompanied by Mr. Robert L. Funseth, Coordinator of Cuban Affairs, and Mr. Mark B. Feldman, Assistant Legal Adviser, Inter-American Affairs. Although this meeting was called primarily to discuss the hijacking problem, other matters dealing with United States policy toward Cuba were also examined.

The following day, on July 21st, the Committee met in executive session and ordered the Hijacking Convention reported favorably to the Senate for advice and consent to ratification. The Committee agreed, however, that the Convention should not be reported until the July 20th executive session was sanitized and printed together with the public hearing held on June 7th. This accounts for the delay in filing the Committee report with the Senate.

IMPLEMENTING LEGISLATION

In a letter dated June 4, 1971, the Department of Transportation transmitted to the Vice President proposed legislation to implement certain provisions of the pending Hijacking Convention. The letter and the proposed bill, which would amend the Federal Aviation Act of 1958, as amended, are reprinted in the appendix to the Committee's hearings.

In addition to amending existing law to make it conform with certain provisions of the Hijacking Convention, the legislation proposes a "special penalty" provision when the offense of hijacking is committed outside the United States and the offender is subsequently found in this country. In such cases, Under Secretary Beggs testified: ". . . we think it necessary that the courts be allowed to consider motivation and other special circumstances in sentencing."

In the Committee's view, this raises serious questions as to its consistency with the letter and intent of the Hijacking Convention. Article 2 of the Convention specifically provides that the parties thereto will undertake to make hijacking punishable by "severe" penalties and Article 7 requires that the parties either extradite or prosecute the hijacker, irrespective of whether the hijacking was politically motivated, as would be the case where a person hijacks an aircraft to seek political asylum. Moreover, Article 7 provides that if a Contracting State does not extradite a hijacker, it shall be obliged "without exception whatsoever and whether or not the offense was committed in its territory, to submit the case to its competent authorities for the purpose of prosecution." In addition, it is mandatory on those authorities to "take their decision in the same manner as in the case of any ordinary offense of a serious nature under the law of that State."

Under present United States law, a hijacker is subject to a minimum sentence of 20 years imprisonment and a possible death penalty (49 U.S.C. 1472(i)). It is the severity of this penalty which acts as a deterrent to hijackers and the Committee does not believe that it should be weakened through the enactment of legislation which appears to contravene the Hague Hijacking Convention which was signed in good faith by the other parties with the understanding that its provisions would be strictly construed. The Committee hopes, therefore, that the proposed implementing legislation, if enacted, will not result in any loopholes which would allow a hijacker to escape the full penalties of existing domestic law.

COMMITTEE COMMENTS

In reporting out the pending Hijacking Convention the Committee on Foreign Relations does not wish to give the impression that our hijacking problems are solved. On the contrary, as one Member put it, ". . . we don't solve these problems so long as there is a single sanctuary available in the international community."

In this connection, it is a matter of common knowledge that Cuba is the principal sanctuary of aircraft hijackers, especially in the Western Hemisphere. According to statistics furnished the Committee by the Department of Transportation in a letter dated July 16, 1971 (which is reprinted in the appendix to the Committee's hearings), of the 85 successful hijackings of United States registered aircraft, 75 (over 88 percent) were hijacked to Cuba. In addition, there were 135 successful hijackings of foreign aircraft and 59 (about 44 percent) of those went to Cuba. Thus, out of a total of 220 successful hijackings of United States and foreign aircraft, 134 (approximately 61 percent) have gone to Cuba.

Obviously the very core of the hijacking problem, particularly insofar as the United States is concerned, is with Cuba and it should be given special attention by our policymakers. This was made clear by witnesses who testified before the Committee during the public hearing on the Hijacking Convention which was held on June 7th. In response to a question dealing with Cuba, Mr. Jerome F. Huisentruit, Assistant General Counsel, Air Transport Association, stated:

"I certainly hope that every effort is made either to bring Cuba into this treaty multilaterally or to have the United States explore the bilateral approach, because I think it is obviously desirable, if not essential, that Cuba become a party to a treaty with respect to hijacking."

In addition, Mr. J. J. O'Donnell, President, Air Line Pilots Association, testified:

"We feel it is imperative that the United States enter into a bilateral agreement with Cuba for the immediate return of these criminals as one important means for deterring hijacking."

Moreover, he said:

"Cuba is the destination of the great number of hijackers in this country, and to ignore it is to ignore hijacking."

During the course of the Committee's executive session held on July 20th, Mr. Charles A. Meyer, the Assistant Secretary of State for Inter-American Affairs, testified that attempts were being made through our intermediary, the Swiss Embassy in Havana, to work out a solution to the hijacking problem with the Cuban Government.

Although the Committee recommends approval of the pending Convention, it urges the Administration to make greater efforts to reach an agreement with the Cuban Government. In the Committee's view, the conclusion of a hijacking agreement with the Cubans would represent a major achievement for the American airline industry and the travelling public whose safety is in jeopardy so long as Cuba remains a haven for hijackers.

INTERNATIONAL EFFORT NEEDED NOW TO CURB UNLAWFUL SEIZURE OF SCHEDULED AIRCRAFT

Mr. RANDOLPH. Mr. President, I believe we cannot overstate the seriousness, both as to lives and property, of the criminal actions of those who have seized aircraft operating internationally in increasing numbers during the past few years—not only aircraft that fly the flag of the United States, but aircraft that are flown by other governments of the world. Many are government-owned planes, in contrast to the operation of our own aircraft, which are privately owned and operated. There are approximately 26,000 daily flights of scheduled air carriers operating throughout the free world. There are approximately 850,000 people involved in these daily flights, as passengers and as members of crews. I emphasize, 26,000 flights occur every 24 hours over the skies of the earth on which we live, not including the flights of the major Iron Curtain countries. Each of these flights—9.5 million of them in a year, with 307 million passengers—is exposed to potential unlawful seizure.

In the past year, 2 years, and 3 years, criminal acts, which have increased at an alarming rate, have brought, not only to the people of our own country but to the people of other countries, the realization of the need for such an international treaty as the Senate takes action on today.

Mr. PEARSON. Mr. President, as I informed the Senate in July, there have been 116 hijackings of U.S. registered aircraft since 1961. The legislation before us, the Hague Convention Treaty, represents an important step in the continuing effort by the United States and other nations to deal with this difficult problem because it provides for extradition and equal punishment—deterrent measures which have been conspiculously needed.

It is obvious, that the solutions to hijacking are complex and interrelated. Especially with the introduction of new jumbo jets, bold and imaginative action by aviation management, technological advances, and firm law enforcement are increasingly necessary. But essential to our progress is the cooperation of the international community.

As President Nixon stated in an appeal to the United Nations:

> This is an issue which transcends politics; there is no need for it to become the subject of polemics or a focus of political differences. It involves the interests of every nation, the safety of every air passenger, and the integrity of that structure of order on which a world community depends.

Mr. President, as one who has studied and introduced proposed legislation in this area, I must urge the President and Secretary Rogers to continue to press for some form of understanding with the one nation whose name, significantly, is not among the signatories to this treaty. Cuba is the intended destination of 93 percent of all U.S. hijackings. These dangerous acts cannot finally be deterred so long as such a sanctuary exists. We must, therefore, bilaterally or with other nations seek to resolve the dilemma of Cuba, and also of certain Arab nations. More lives depend each day on our ability to insure the safety of flight.

TWENTY MINUTES TO BE TAKEN ON ROLLCALL VOTES THIS WEEK

Mr. BYRD of West Virginia. Mr. President, for the information of the cloakrooms, the total time to be allotted on any rollcall vote during the remainder of this week will be the usual 20 minutes. Any change therefrom will not occur this week.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

CONVENTION FOR THE SUPPRESSION OF UNLAWFUL SEIZURE OF AIRCRAFT

The Senate continued with the consideration of Executive A—92d Congress, first session—a convention for the suppression of unlawful seizure of aircraft.

The PRESIDENT pro tempore. The yeas and nays having been previously ordered on the resolution of ratification, the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Texas (Mr. BENTSEN), the Senator from Nevada (Mr. BIBLE), the Senator from North Dakota (Mr. BURDICK), the Senator from Florida (Mr. CHILES), the Senator from Idaho (Mr. CHURCH), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from North Carolina (Mr. JORDAN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Illinois (Mr. STEVENSON), the Senator from Georgia (Mr. TALMADGE), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from Indiana (Mr. BAYH), the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Montana (Mr. MANSFIELD) are absent on official business.

I further announce that, if present and voting, the Senator from North Dakota (Mr. BURDICK), the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from North Carolina (Mr. JORDAN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Illinois (Mr. STEVENSON), and the Senator from New Jersey (Mr. WILLIAMS) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from Colorado (Mr. ALLOTT), the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Nebraska (Mr. CURTIS), the Senator from New York (Mr. JAVITS), the Senator from Ohio (Mr. SAXBE), and the Senator from Pennsylvania (Mr. SCOTT) are absent on official business.

The Senator from Massachusetts (Mr. BROOKE), the Senator from New Hampshire (Mr. COTTON), the Senator from Colorado (Mr. DOMINICK), the Senator from Hawaii (Mr. FONG), the Senator from Wyoming (Mr. HANSEN), the Senator from Idaho (Mr. JORDAN, the Senator from Illinois (Mr. PERCY), the Senator from Maine (Mrs. SMITH), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

The Senator from Kentucky (Mr. COOPER), the Senator from South Dakota (Mr. MUNDT), and the Senator from Vermont (Mr. PROUTY) are absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from Texas (Mr. TOWER) are detained on official business.

If present and voting, the Senator from Kentucky (Mr. COOPER), the Senator from Nebraska (Mr. CURTIS), the Senators from Colorado (Mr. ALLOTT and Mr. DOMINICK), the Senator from Hawaii (Mr. FONG), the Senator from Illinois (Mr. PERCY), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Maine (Mrs. SMITH), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The yeas and nays resulted—yeas 53, nays 0, as follows:

[No. 213 Ex.]

YEAS—53

Allen
Baker
Beall
Boggs
Brock
Buckley
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Cook
Cranston
Dole
Eagleton
Ellender
Ervin
Fannin
Gambrell
Griffin
Gurney
Hart
Hatfield
Hruska
Hughes
Humphrey
Inouye
Jackson
Long
Mathias
McClellan
McGee
McIntyre
Metcalf
Miller
Mondale
Montoya
Nelson
Packwood
Pastore
Pearson
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Spong
Stennis
Stevens
Symington
Taft
Thurmond
Tunney
Weicker

NAYS—0

NOT VOTING—47

Aiken
Allott
Anderson
Bayh
Bellmon
Bennett
Bentsen
Bible
Brooke
Burdick
Chiles
Church
Cooper
Cotton
Curtis
Dominick
Eastland
Fong
Fulbright
Goldwater
Gravel
Hansen
Harris
Hartke
Hollings
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Magnuson
Mansfield
McGovern
Moss
Mundt
Muskie
Pell
Percy
Prouty
Saxbe
Scott
Smith
Sparkman
Stevenson
Talmadge
Tower
Williams
Young

The PRESIDENT pro tempore. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to. Without objection, the President will be immediately notified of the Senate's consent to the resolution of ratification.

LEGISLATIVE SESSION

The PRESIDENT pro tempore. Without objection, the Senate will resume the consideration of legislative business.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to a concurrent resolution (H. Con. Res. 395) providing for a joint session of the House and Senate on Thursday, September 9, 1971, to receive the President of the United States, in which it requested the concurrence of the Senate.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1971

The PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate the unfinished business, which will be stated.

The assistant legislative clerk read as follows:

> A bill (S. 2007) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDENT pro tempore. What is the pleasure of the Senate?

Mr. NELSON. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, what is the business before the Senate?

The PRESIDENT pro tempore. S. 2007, authorization for programs under the Economic Opportunity Act of 1964.

Mr. BYRD of West Virginia. Mr. President, will the distinguished Senator from Wisconsin (Mr. NELSON) yield to me, without losing his right to the floor?

Mr. NELSON. I yield.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, having consulted with the distinguished manager of the bill, the Senator from Wisconsin (Mr. NELSON), and with the distinguished acting Republican leader, and with Senators interested in offering amendments to the unfinished business, I propound the following unanimous-consent request:

I ask unanimous consent that time on any amendment to the bill be limited to 30 minutes, to be equally divided between the mover of such amendment and the distinguished manager of the bill, with the exception—as to time—of six amendments to be offered by the distinguished Senator from Ohio (Mr. TAFT) with regard to which, on each amendment, there be a time limitation of 1 hour, the time to be equally divided between the mover of the amendment and the manager of the bill; with the further exception that time on any amendment to an amendment and time on any motion or appeal, with the exception of a motion to lay on the table, be limited to 20 minutes, the time to be equally divided between the mover of the amendment in the second degree or such motion or appeal and the distinguished manager of the bill; provided further that time on the bill be limited to 2 hours, to be equally divided between the manager of the bill, the Senator from Wisconsin (Mr. NELSON), and the distinguished minority leader or his designee; provided further, Mr. President, that Senators in control of time on the bill may yield time therefrom to any Senator on any amendment, motion, or appeal, with the exception of a motion to lay on the table.

Ordered further, that no amendments not germane be received; with the further proviso that time on a motion to recommit, to be offered by the Senator from Ohio (Mr. TAFT) be limited to 2 hours, the time to be equally divided between the mover of the motion to recommit and the distinguished manager of the bill.

The PRESIDENT pro tempore. Is there objection to the unanimous-consent request? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I thank the distinguished manager of the bill and all Senators.

The unanimous-consent agreement reads as follows:

> *Ordered*, That during the further consideration of S. 2007, a bill to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes, debate on any amendment (except 6 amendments to be offered by the Senator from Ohio (Mr. Taft) on which debate is to be limited to 1 hour each) shall be limited to 30 minutes to be equally divided and controlled by the mover of any such amendment and the manager of the bill (Mr. Nelson). Debate on any amendments to amendments and motions or appeals, except a motion to table, shall be limited to 20 minutes, to be equally divided between the mover of the amendment in the second degree or motion or appeal and the manager of the bill. Debate on a motion to recommit the bill to be offered by the Senator from Ohio (Mr. Taft) shall be limited to 2 hours, to be equally divided and controlled by the Senator from Ohio (Mr. Taft) and the manager of the bill (Mr. Nelson). Provided that no amendment that is not germane to the provisions of the said bill shall be received.
>
> *Ordered further*, That on the question of final passage of the said bill, debate shall be limited to 2 hours, to be equally divided and controlled, respectively, by the Senator from Wisconsin (Mr. Nelson) and the Minority Leader or his designee: *Provided, however*, That the Senators in control of the time on final passage may allot additional time to any Senator during the consideration of any amendment, motion, or appeal, except a motion to table.

Mr. NELSON. Mr. President, I yield myself 15 minutes.

The PRESIDENT pro tempore. The Senator from Wisconsin is recognized for 15 minutes.

Mr. NELSON. Mr. President, the Committee on Labor and Public Welfare has unanimously approved bill S. 2007, to extend the Economic Opportunity Act for the fiscal years 1972 and 1973.

The administration has supported a 2-year extension of the Economic Opportunity Act in order to assure that a number of the vital programs operated under this act will continue supplying needed services to the public.

As the Director of the Office of Economic Opportunity testified before our subcommittee on March 24:

> Extension of the Economic Opportunity Act is needed to assure that the OEO, and other departments that operate programs authorized under this legislation, may continue bringing needed services and support to the poor.
>
> Extension of the legislation also will assure that during the next 2 years there will remain within the Federal Government an agency serving as an active advocate of the poor, so that the thrust of the effort to eradicate poverty maintains its momentum.
>
> Failure to extend the legislation would, I am very much afraid, undo much of the progress made to date. It would imply to the Nation, the nonpoor as well as the poor, that the Federal Government was turning its back on the people who most need its assistance.

By extending the Economic Opportunity Act we will guarantee that the Headstart program can continue serving more than 260,000 children in year-round programs and more than 200,000 children in special summer programs.

We will guarantee that the Neighborhood Youth Corps can continue to provide hundreds of thousands of work and training opportunities for low-income young people who so desperately need such assistance during this period of extremely high nationwide unemployment. In fact if the bill passes as unanimously reported by the committee, we will authorize 100,000 badly needed new work and training opportunities for unemployed youth.

A 2-year extension also will guarantee that the growing network of neighborhood health centers will continue to operate and to grow in strength and effectiveness. We will continue the 65 Job Corps camps, the 930 community action agencies around the country each with its own board of directors made up of local officials, civic leaders, and representatives of the poor. We will continue programs such as emergency food and medical services, family planning assistance, special opportunities for senior citizens, alcoholic counseling, drug rehabilitation, State economic opportunity offices, migrant worker programs, research and development programs, community economic development programs, and VISTA programs.

But the bill which the committee has sent to the Senate will do more than just continue these vital programs as the administration has requested.

In addition it will break new ground in three important areas—comprehensive child care, improved legal services for the poor, and improved urban and rural economic development programs.

The bill's new title V will build upon the success of the Headstart preschool program and develop a new network of comprehensive child development centers designed and administered by local child development councils financed by 80-percent Federal funds. The child development councils would be made up of public representatives and child development specialists appointed by the chief executive officer of the community and of parents of children enrolled in the programs. Comprehensive child development programs would provide educational, health, and nutritional services to children and expert counseling to parents. An important feature of this title is that it broadens the base of participation to children through 14 years of age and families of four with incomes up to $6,960.

The new title IX establishes a National Legal Services Corporation in a manner strongly supported by the legal profession and by spokesmen for the broad variety of groups which have endorsed the concept of providing high quality legal representation to those whose financial means makes access to justice otherwise unattainable. The key feature in the Legal Services title—the makeup of the board of directors—results from a genuine bipartisan compromise. It gives the President, the Chief Justice, and the organized bar an opportunity to guarantee that the board will be of the highest professional caliber and free of any political influence or any factional domination.

I would urge Members to read the excellent statement by the junior Senator from Ohio (Mr. TAFT) on page 171 of the committee report in regard to the Legal Services Corporation title of the bill.

The new title VII sponsored by Senators KENNEDY, JAVITS, and CRANSTON combines the existing title I-D special impact program for urban areas and the existing title III-A rural loan program. It is intended to build upon the success of projects such as the Bedford-Stuyvesant project in New York, and create an expanded network of urban and rural corporations operating business enterprises and community improvement projects, create jobs and economic expansion as well as making our cities and depressed rural areas more attractive places in which to live, to work, and to raise a family.

The bill authorizes a special authorization of $500 million for fiscal 1972 only to expand the Neighborhood Youth Corps program to provide immediately an estimated 100,000 work and training opportunities for unemployed youth. As the Twentieth Century Fund documented in a detailed survey, and as the mayors of most of our large cities have testified before our subcommittee, we have an explosive problem today in many of our inner cities and in some rural areas. The unemployment rate for youth in low-income neighborhoods is presently calculated at more than 41 percent and in some cities, including Detroit, city officials have testified that the unemployment rate in inner cities among young people is 50 percent. The Neighborhood Youth Corps offers remedial education, on-the-job training, experience and a job paying the minimum wage to young men and women who may not be reached by any other program. Prompt passage of S. 2007 would indicate the determination on the part of Congress to do something promptly about this explosive problem.

The subcommittee held extensive hearings this year on the extension of the Economic Opportunity Act. Between March 23 and June 16 we held a total of 18 days of public hearings, taking testimony from administration officials in the Office of Economic Opportunity, Labor Department, and Department of Health, Education, and Welfare; operators of antipoverty programs at the State and local level; graduates of manpower training programs; spokesmen for farm organizations and rural areas; and a coalition of 90 major national organizations which joined together to support the extension of the Economic Opportunity Act.

Included among these 90 national organizations were the following:

Action for Legal Rights.

Actors Equity Association.

Adult Education Association of the U.S.A.

African Methodist Episcopal Church.

Alliance for Labor Action.

American Association of University Women.

American Baptist Convention.

American Ethical Union—Washington Office.

AFL-CIO Industrial Union Department.

American Humanist Association—Washington Office.

American Institute of Architects.

American Institute of Planners.

Hyman Bookbinder, American Jewish Committee.

American Jewish Congress.

American Veterans Committee.

Americans for Democratic Action.

Americans for Indian Opportunity Action Council.

Anti-Defamation League of B'nai B'rith.

B'nai B'rith Women.

Central Conference of American Rabbis.

Center for Community Affairs.

Church Women United—Greater Washington.

City Wide Tenants Union.

Common Cause.

Council for Christian Social Action, United Church of Christ.

Day Care and Child Development Council of America.

Delta Sigma Theta Sorority.

Environmental Action, Inc.

Friends Committee on National Legislation.

G.I. Forum.

Hadassah.

The Independent Foundation.

International Union of District 50, Allied and Technical Workers.

International Union of Electrical, Radio and Machine Workers, AFL-CIO.

Japanese American Citizens League.

Jewish War Veterans.

League of Women Voters of the U.S.

Mennonite Central Committee—Peace Section.

Nash United Methodist Church.

National Assembly for Social Policy and Development.

National Association for the Advancement of Colored People.

National Association of College Women.

National Association for Community Development.

National Alliance for Postal and Federal Employees.

Al Whitney, National Association of Government Employees.

National Association of Market Developers.

National Association of Social Workers.

National Bar Foundation.

National Beauty Culturist League.

National Catholic Conference for Interracial Justice.

National Conference of Catholic Charities.

National Council on Aging.

National Council of Catholic Women.

National Council of Churches.

National Council of Negro Women.

National Council of OEO Locals.

National Dental Association.

National Farmer's Union.

National Federation of Settlements and Neighborhood Centers.

National Jewish Welfare Board.

National Legal Aid and Defender Association.

National Medical Association.

National Medical Association Women's Auxiliary.

National Rural Housing Coalition.

National Urban Coalition.

National Urban League.

National Sharecroppers Fund.

National Student Association.

National Tenants Organization.

National Vista Alliance.

National Welfare Rights Organization.

OEO Local 2677 American Federation of Government Employees.

Pioneer Women—The Women's Labor Zionist Organization of America.

Planned Parenthood—World Population.

Southwest Council of La Raza.

Synagogue Council of America.

Union of American Hebrew Congregations.

Unitarian Universalist Association—Washington Office.

United Auto Workers—Women's Department.

United Methodist Church, Women's Division.

United Presbyterian Church of the U.S.A.

U.S. Catholic Conference, SW Regional Office, Division for the Spanish.

David Dorn, U.S. Youth Council.

United Steel Workers of America—AFL-CIO.

Vernon Jordan, Exec. Director, United Negro College Fund, Inc.

Washington Office of the National Board of YMCA's.

Washington Research Project—Action Council.

Women's International League for Peace and Freedom.

Workers Defense League.

National Board of the YWCA of the U.S.A.

Zero Population Growth, Inc.

Special hearings were held on the legal services program at which all the major bar organizations testified. Special hearings also were held on the child development title of the bill at which extensive testimony was taken from psychiatrists, educators, administration officials, and child development specialists.

The volumes of hearings on the extension of the Economic Opportunity Act, and on the legal services and child development proposals lay a solid foundation for bill S. 2007. They also provide impressive testimony as to the effectiveness of many of our existing antipoverty programs. One cannot read these hearings without being impressed at the results which are being obtained through some of our neighborhood youth programs for instance which have led disadvantaged young people into good paying jobs, through which they have already paid back in taxes more than the total cost of the Neighborhood Youth Corps training.

It is impressive to read of people who have been saved from hunger and starvation by OEO emergency food programs. It is impressive to hear a young Job Corps graduate tell how differently he views America now that he has been brought into the mainstream through some basic education and some training in a skill needed by society. It is impressive to read of Legal Services programs for the poor which have won more than 85 percent of the cases they have taken to court—as in the case of the California rural legal assistance program—and to realize that had there been no such program, injustice would have prevailed in those cases rather than justice.

PART 2—NELSON REMARKS ON S. 2007

I would like to deal with some of the specific issues which have come up in connection with the 1971 OEO amendments.

EARMARKING

Throughout the history of the Economic Opportunity Act Congress has written in earmarking provisions in one form or another. We have earmarked funds for rural areas, for youth, for women and for specific kinds of programs.

In 1969 there was extensive congressional debate on the whole issue of earmarking. The agency at that time wanted a flat authorization of approximately $2 billion to spend as it chose within the broad limitations of the act. Congress insisted, however, on earmarking a substantial portion of the authorization for specific programs, while at the same time giving the OEO Director considerable flexibility to reallocate funds from one program to another. That decision was tested in both houses of the Congress, and each time the Congress insisted upon earmarking.

The same practice has been followed in this year's amendments. For the most part, the committee selected the President's budget request for each program as the amount to be earmarked for that particular program.

For example, the President's budget proposes $61 million for legal services; bill S. 2007 earmarks $61 million.

The President has requested $114 million for comprehensive health services; the bill earmarks $114 million.

For family planning the budget request was $25 million; the earmark is $25 million.

For senior opportunities the budget request was $8 million; the earmark is $8.8 million.

For drug rehabilitation the budget request was $18 million; the earmark is $18 million.

For migrant workers the budget request was $38 million; the earmark is $38 million.

For administration the budget request was $18 million; the earmark is $18 million.

For the VISTA program the administration has requested $45 million; the bill earmarks $45 million.

OEO also requested a total of $117.6 million for four functions—research, development and evaluation; program support; training and technical assistance; and the funding of State economic opportunity offices. Once again, the bill earmarks $117.6 million for these purposes, the exact amount requested by OEO.

There are only four areas where the bill earmarks amounts different from those requested by the administration. In each of these instances the agency has proposed to eliminate or cut back on a function which the committee believes should be continued. In each case the bill simply earmarks the same amount of money earmarked in the 1969 Economic Opportunity Act amendments.

For example, the administration proposes no funding at all this year for the emergency food and medical services program, for which Congress had earmarked $62.5 million in the 1969 amendments and for which $45.2 million actually was made available to the agency in fiscal 1971.

Although planning to terminate the emergency food and medical services program OEO did propose to spend $3.5 million to continue a small number of projects serving Indians and migrant workers. Testimony before our committee indicates that the emergency food and medical services program is one of the most vital and the most broadly supported programs operated by OEO. In the opinion of the committee it would be a tragedy to terminate this program. The committee therefore has recommended a continuation of the same level of funding as in the last 2 years.

For alcoholic counseling and recovery programs, Congress earmarked $15 million for fiscal 1971 and the agency actually received $10.8 million. This year OEO proposes a drastic cutback to a level of only $2 million. Again, the committee feels that this program is absolutely vital, and has earmarked $18 million to continue it. OEO has suggested that the responsibility for alcoholism programs be taken up by HEW under the newly enacted Alcoholism Act. However, no appropriations have been requested for that purpose and the committee believes it would be a tragic mistake to terminate this program without the assurance that it would be fully replaced by other programs.

For local initiative funds, which provide the basic operating budgets for 930 community action agencies around the country, OEO has proposed to cut back from $328.9 million to $314.9 million. The U.S. Conference of Mayors has testified that local initiative funds presently are woefully inadequate and has recommended that the appropriation for this purpose be doubled. Directors of local programs and spokesmen for major national organizations have testified that the local initiative funds are the most vital of any in the antipoverty effort. The committee could not justify reducing the earmarking below the present level.

For community economic development programs the 1969 amendments authorized $46 million and the agency actually received $42 million in fiscal 1971. The agency proposes to cut back to $25 million. The committee has combined this title with the title III–A rural loan program and combined the amounts earmarked in the 1969 amendments for a total of $58 million, continuing the previous level of funding.

Those are the only four areas in which the committee has earmarked additional funds beyond what the agency requested—emergency food and medical services, alcoholic counseling, local initiative programs, and community economic development and rural loans combined.

The bill gives the agency ample flexibility to reallocate funds within the various titles in order to comply with the earmarking.

It has been suggested by some that the earmarking reflects a desire on the part of the committee to interfere with the agency's plans for research and development. Such an allegation is without any basis in fact.

In the first place, the bill earmarked funds for research and development just as it earmarks funds for other purposes. How can it be alleged that earmarking thereby penalizes research and development?

In the second place, the bill earmarks funds in the same manner as funds were earmarked in the 1969 amendments. Last year the agency spent $83.2 million on research and development, considerably more than it proposes to spend this year. How can it be argued that the same pattern of earmarking which made possible the spending of $83 million for research last year somehow hamstrings research this year when the agency actually plans to spend considerably less?

The fact is there is no relationship whatsoever between the committee's decisions on earmarking and the agency's plans in the field of research and development.

SEPARATING ISSUES WITHIN THE BILL

Some have suggested that the bill should be broken up into several parts and handled as separate pieces of legislation. For example, it is conceivable that the child development center title could be handled as a separate bill and the legal services title also could be handled as a separate bill.

It is important to note that no such proposal was made throughout the consideration by the subcommittee or the full committee. If it was in fact preferable or desirable to handle these issues as separate bills the logical place to have made that motion was at the subcommittee or committee level. But the fact is no such motion was made.

To separate the child development center title and the legal services title at this point would be the same as rejecting them. That would be unwise and irresponsible.

These proposals are included as a part of the Economic Opportunity Act for good and sound reasons.

The Headstart and Follow Through programs are already a major part of our package of antipoverty programs. They account for about one-fourth of the total budget in the act. They operate under guidelines developed by HEW based on 7 years of practical experience. It would be a tragic mistake to scuttle the existing Headstart programs in the Economic Opportunity Act, and undertake to set up a new system in a separate bill outside the Economic Opportunity Act. It would be equally irresponsible to continue the Headstart programs in the Economic Opportunity Act and set up a completely new child development program in a separate bill. Obviously if we are to expand our child development programs, and there is tremendous support to do so, we should build on what we already have and make certain that the new system is closely integrated with the existing system. That is exactly what bill S. 2007 does. It uses the HEW Headstart guidelines as the basic framework for an expanded system of locally controlled child development centers which are desperately needed all across the country.

The same arguments apply in the case of legal services. The present legal services program has been rocked by controversy. It is almost unanimously agreed that the program should be separated from the Office of Economic Opportunity and insulated to the maximum extent feasible from outside political pressure. Bill S. 2007 includes a bipartisan compromise proposal to achieve that exact goal. It would make little sense to pass legislation extending the present, controversy-ridden legal services program for 2 more years when we have before us a perfectly satisfactory solution to many of the problems which have plagued the program.

Those who argue that child development programs and a Legal Services Corporation should be rejected as titles within the Economic Opportunity Act and handled as separate bills because these activities are not directly operated by the Office of Economic Opportunity are on very unsound ground. The fact is, from the very outset there have been numerous programs within the Economic Opportunity Act which have been administered by other agencies, and some of those who presently argue that the Economic Opportunity Act should be strictly limited to programs operated by OEO are the same ones who support the idea that OEO programs spelled out in the Economic Opportunity Act should be progressively delegated to other agencies.

The fact is, less than half of the programs in the Economic Opportunity Act are now operated directly by OEO. The act simply embraces a broad variety of antipoverty programs, some of which are operated by OEO, some by HEW and some by the Labor Department. The treatment of child development centers and legal services in bill S. 2007 is perfectly consistent with the philosophy of the Economic Opportunity Act since its very beginning.

SPONSORS OF CHILD DEVELOPMENT PROGRAMS

There has been some debate as to whether sponsorship of child development programs as authorized in S. 2007 should be limited to States and to a few of the larger cities. The committee has carefully considered this idea and rejected it. Child development programs are analogous to local public school programs. They involve the most intimate relationships between parents and their children, their teachers and the community. It is the committee's desire that communities large and small have the opportunity to design and run their own programs. There seems to be nothing whatsoever in the basic structure of a child development program which requires a large population base. On the contrary, the committee expects that some of the finest programs probably will be developed in some of the smaller communities. Certainly, locally developed child development programs are just as needed and have just as much chance of success in small cities and in rural areas as in our very large cities.

It is true that this committee supported a population ceiling for manpower training programs in a bill reported out last year but vetoed by the President. However, there is a vast difference between comprehensive manpower training programs and child development programs. Manpower programs require linkages with vocational schools, community colleges, public school systems, the State employment service, and the jobs which are available in the public and private sector in a labor market area. Obviously it would be difficult to develop such a comprehensive manpower training program in a single small community. But this is not the case with a child development center. Child development specialists, medical advice, and the facilities of various educational and medical institutions are available throughout much of the Nation irrespective of population size in a given community. The committee felt it would be most unfortunate if responsibility for child development programs were restricted only to States and the largest cities.

TRANSFER OF OEO FUNCTIONS

Antipoverty programs have undergone tremendous changes in the 7 years of experience since passage of the act in 1964. Throughout this year's hearings a constant plea was expressed by operators of antipoverty programs and by the great number of national organizations which support and assist these programs. The plea was that there be no further changes in OEO programs for the next 2 years except through the traditional route of congressional consideration and approval. More than half of the programs in the Economic Opportunity Act have been "spun off" to other agencies in the past few years. The 930 community action agenices, the 800 or more Headstart centers, the 1,000 or more manpower programs operating around the country live in a state of desperate uncertainty wondering what will happen tomorrow. This handicaps them in their planning and in the recruitment and retention of competent staff. Worst of all, it damages their credibility in the community where they are fighting to mobilize resources and wage a coordinated attack against poverty. It seems perfectly reasonable to suggest that any further changes in the next 2 years should at least pass the route of congressional consideration and not be done suddenly and precipitously by executive order. In fact the administration has made clear that this is its intention. All of the further changes which the administration has proposed in OEO programs are in the form of proposed legislation. Bill S. 2007 simply writes that assurance into the act.

OVERALL AUTHORIZATIONS

Bill S. 2007 authorizes overall amounts comparable to those authorized in the 1969 amendments. It is assumed that the manpower training programs authorized under the Economic Opportunity Act will be handled in separate legislation beginning with fiscal 1973. Consequently the authorization for work and training programs in bill S. 2007 is for fiscal 1972 only. Thus although there is a substantial expansion of child development programs in the second year this expansion is offset by the expected shift of the work and training programs to separate legislation.

Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc and that the bill as thus amended be considered as original text for the purpose of amendment. The amendments are set out in the RECORD of August 6, 1971.

The PRESIDING OFFICER. Without objection, it is so ordered.

The time of the Senator from Wisconsin has expired.

QUORUM CALL

Mr. NELSON. Mr. President, I ask unanimous consent that there be a brief quorum call, the time not to be charged against either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, I yield 10 minutes of the time from the bill to the distinguished Senator from Minnesota (Mr. HUMPHREY).

RURAL POVERTY

Mr. HUMPHREY. Mr. President, I rise to commend the chairman of the subcommittee handling this bill, the Senator from Wisconsin (Mr. NELSON), for the far-sighted compassionate leadership he has again demonstrated in bringing to the Senate a bill designed to expand and improve this Nation's efforts to eradicate the causes and alleviate the symptoms of rural and urban poverty.

As Members of the Senate know, the Congress last year enacted and the President signed in title IX of the Agricultural Act of 1970, Public Law 91–524, section 901, a ringing declaration that highest priority shall be given, in all programs of the Federal Government, to revitalization of rural areas as an integral component of a national policy of balanced growth. Thus rural community development joined the war on poverty, adopted earlier in the first Economic Opportunity Act and the Employment Act of 1946, as a plank in the broad national effort to build a nation with a higher quality of life for all our people.

The bill that the committee has brought to the Senate today by a unanimous vote is in the spirit and in accordance with these great historic declarations of national purpose and policy—rural areas development, full employment, and elimination of the causes of poverty.

The committee has chosen to propose a bill to extend and improve the Economic Opportunity Act that does not retreat and withdraw from the war on poverty to a research and demonstration enclave but rather one that will move America forward toward a greater society, by giving strong support to revitalized programs of action that will actively attack the causes of rural and urban poverty on a broad front.

The Senator from Minnesota joins in support of the proposed legislation and will fight shoulder to shoulder with the Senator from Wisconsin (Mr. NELSON) not only to bring about its initial passage today but also to stay for the duration to see first that its intent and purpose is brought to final enactment, and second, that it is administered in the same spirit of rural-urban balance, and full employment as the bill has been presented by the committee.

The committee, in the bill before us, has chosen to expand and extend proven programs of action, not to terminate, spin-off, or terminate them.

The bill extends and expands the community action program that enables poor people to mount, with local community backing, their programs to eradicate the causes and conditions of poverty, more than half of which is in rural America.

The bill continues and improves the legal assistance program by which poor people are enabled to make some progress in attaining the common rights of citizens generally.

The bill expands and strengthens the child development programs that were such a success under the name Headstart.

The bill extends and expands the important youth employment and education provisions establishing the Neighborhood Youth Corps. There is no better program than this one addressed to the problems of the disadvantaged youth of the Nation.

The Senator from Minnesota invites attention to the table on the bottom of page 20 of the committee report which shows that as the number and percentage of unemployed teenage youth has greatly increased the administration has reduced funds for the Youth Corps. How callous can we get? The committee deserves every commendation for bringing forward a bill that will reverse this adverse trend. Nothing could be more important to the future security and welfare of this Nation than in new initiatives taken by the committee in this bill to establish a broad program for employment and training for young men and women.

The bill extends and expands the comprehensive neighborhood health centers, so badly needed in rural as well as central city areas.

The bill extends and improves the special food and medical services program that was born out of the tensions of the poor people's march on Washington.

The bill extends the Community Action Agency program, which, while it has never reached into rural areas in proportion to relative need, has nevertheless provided a mechanism with which within the framework of areawide multijurisdictional general purpose planning and development action. The special needs of the rural poor and their own aspirations and felt needs of the rural poor and their own aspirations and felt needs can be taken into account. The committee has recognized that more than half of the Nation's poverty is in rural areas. I am assured that the committee expects that a proportionate share of community action funds and attention will be devoted to poverty in rural areas.

The bill extends the other important action programs of the Office of Economic Opportunity—alcoholic counseling, drug rehabilitation, family planning, special programs for low income senior citizens, and the special assistance programs for the poorest of the poor—the migrant workers whose plight is sometimes the most talked about and the least done about problems in our country. All of these programs will contribute to rural development and to broadly based balanced national growth.

May I repeat, Mr. President, the committee is doing the Nation a great service by drawing its attention to its unfulfilled promises and proposing action to fill them.

I invite the attention of the Senators to three sentences on page 2 of the report:

> In the youth employment area, the bill would significantly expand the principal work and training program for youth, the Neighborhood Youth Corps program with particular emphasis on the out-of-school program. Despite an alarming increase in youth unemployment, this program has been steadily reduced in recent years. Its prompt expansion for this fiscal year is a constructive way of dealing with the explosive problem of massive youth unemployment in our troubled cities and depressed rural areas.

Mr. President, I could not agree more.

As the Senators know, the distinguished senior Senator from Georgia (Mr. TALMADGE), who last year pioneered and supplied the leadership to push through the national declaration of the national policy of rural areas development and revitalizaton, has this year, as chairman of the Committee on Agriculture and Forestry, established and strongly supported the Subcommittee on Rural Development, which it is my honor and privilege to serve as chairman.

We have been holding some hearings, across the country and in Washington. We plan to hold some more to determine what this Congress and this Nation needs to do to implement the policy declaration adopted last year in title IX of the Public Law 91–524, section 901(a).

But we have already held enough hearings to have learned that the special provisions recommended by the committee in the bill before us for community economic development will fill a great need and will be a constructive part of the total national rural areas development program.

I invite special attention of the Senate to pages 70 through 77 of the committee report on the bill. The committee adopted and has included in the bill before us a new title VII for community economic development which brings together, extends, and expands two important and needed programs designed for and of proven usefulness in rural areas—an absolutely essential part of a total program of rural community development—the special impact program provided for areas of high outmigration of rural people and designed to provide jobs and economic opportunities in such areas so the people will not have to join the flight from the land that has contributed so much to big city problems of the past decade; and the rural loan program that has been provided for the poorest of the poor in rural America to enable them to gain a stake in the free enterprise system.

The administration had recommended that the later program should be phased out and terminated and that the former should be removed from the departments where it can be vigorously pursued and competently administered. The Senator of Minnesota wishes to commend the committee for not following this unwise council. The committee instead has chosen to go back to the original recommendations for the war on poverty and has rescued important provisions that have been lost from attrition through the years.

The special impact program will be restored to viable administration; the loan program will be backed up with capital grants that are needed to give it the impetus and economic soundness required to enable those on the bottom rung to begin the climb toward economic independence in the free enterprise system as individual and cooperative enterprisers in their own right.

As chairman of the Rural Development Subcommittee that is currently pressing forward to bring about enactment of some system of rural nonfarm credit that will help recapitalize rural America, I welcome the emphasis and support given in the bill before us to special community development corporations of the poor. Working alongside the existing programs of Farmers Home Administration and the new programs proposed in S. 2223, which I have been joined by 49 Senators in introducing, the rural community economic development corporations provided in part A of title VII will help fill out the organization structure and fill the credit needs required to meet the objectives of title IX of Public Law 91–524, the balanced national growth policy declaration.

In this respect, it should be noted that the Farmers Home Administration of the Department of Agriculture has had several years of successful administration of the special impact program in rural areas of heavy outmigration.

In connection with the hearings of the Rural Development Subcommittee on the special rural revenue sharing proposal, we inquired about the record of this program. The reply provided by Secretary of Agriculture Hardin to our question on this program is as follows:

> Late in fiscal year 1968, the Office of Economic Opportunity made $2.7 million available to the U.S. Department of Agriculture to carry out two impact projects, the purpose of each was to stem outmigration. The funds were turned over to the Farmers Home Administration to administer.
>
> Two 4-county areas were selected—one in Eastern North Carolina, the other in Eastern Kentucky (Appalachia), similar proposals were written for each. A new non-profit organization made up of local citizens was set up to sponsor the North Carolina project composed of Hoke, Bladen, Columbus and Robeson Counties. The name of the organization was Advancement Incorporated. The Kentucky River Area Development District Board was selected as sponsor of the four-county area (Perry, Leslie, Knott and Letcher Counties) in Kentucky.
>
> The basis on which the programs were developed was: To stem outmigration, jobs must be made available, to make jobs available, business and industry must locate or expand in the areas. For business and industry to come in, conditions conducive to their coming had to be developed. This meant the establishment of water and waste disposal facilities, housing and training, etc. when needed.
>
> $1.3 million was made available to the North Carolina project. The sponsoring organization, Advancement Incorporated's report to FHA last January showed that 34 projects had been developed resulting from the use of impact funds. Impact funds were used as seed money to get projects launched. This money was used for a variety of items. Among them were water and/or sewer lines to industrial sites, renovation of buildings for industrial plants, housing, health facilities, industrial parks and loans to industry to purchase equipment. The financial assistance was provided in the form of both loans and grants.
>
> Total investments in projects impact monies have gone into is $38.5 million. Of this, $1.3 million was impact funds. Local government, local development groups, and individuals have put up $1.9 million in money or in kind. State and other Federal money going into the projects was $3.6 million, and private enterprise has invested $31.7 million.
>
> The results as reported are as follows: For each dollar of impact funds invested, $28 from other sources have been invested in 34 projects. One job was established for each $699 of impact funds invested. A total of 1,886 jobs have been established. Estimated payroll $8,826,000 when the 34 projects have been completed.
>
> The ratio of dollars from other sources will be increased, and the cost of each job to impact funds invested will go down.
>
> The Westinghouse Learning Corporation was employed to evaluate all impact projects first launched by OEO, and they said this was the most successful of all impact projects.
>
> Revenue sharing will not have any effect on this program, since OEO has not refunded the program and does not plan to in the future.

The Senator from Wisconsin and his committee are to be commended for reversing the situation described in the final paragraph of Secretary Hardin's statement, and taking their lead rather from the true facts as expressed in next to the last paragraph in his statement.

Frankly, the Senator from Minnesota cannot understand the logic of the action by the Office of Economic Opportunity in the case of this program. An outside reputable firm employed to evaluate this program gives it a superlative rating—yet OEO determines, apparently knowing it is a proven success, not to refund the program nor to do so in the future, nor to support expansion of this kind of rural industralization.

The action of the committee in this bill will enable the Office of Economic Opportunity to reverse this unfortunate decision. I hope and trust that the decision will be reversed, I must assume that nothing in the language of the bill will prevent that.

Mr. President, rural areas have suffered from over 100 years of relative decline; they do not have capability to reverse this with their own financial resources alone. They need support for rebuilding community institutions, facilities, and services; to encourage and support rural industrialization.

Federal policy can support rural growth by strengthening institutional resources and capability. OEO has been one agency that is doing this—through a number of experimental and operational programs. The committee bill will extend and expand this worthwhile endeavor.

Here are some of the ways that OEO operating programs have supported rural areas development by especially helping the rural poor to participate in the process of growth:

First. The community action agency is a new local institution bringing resources and technical assistance into rural communities to help solve poverty problems which obstruct the ability of the rural poor to increase their incomes and prevent individuals from becoming self-supporting members of the community. I urge OEO to give greater emphasis and funds to rural community action agencies, truly to make this a major component of the broad nationwide rural development effort.

Second. The National Housing Corporation assists rural housing development by providing a network of regional and statewide housing delivery mechanisms to support local housing development organizations operated by the poor themselves to build adequate homes.

Third. A consortium of 15 black land grant colleges is being given special funds to do planning, training, technical assistance, and research to help local rural communities to solve problems of rural poverty—an effort that will help attain two important objectives simultaneously—improve the capability of the communities and strengthen the competence of the colleges.

Fourth. A federation of southern cooperatives to assist low-income people who have formed co-ops to help make them effective as business people and capable of becoming self-supporting. I hope and trust that careful attention will be given to this effort so that it will be fitted into the mainstream of economic life including the efforts of already existing cooperatives. The profitability and effectiveness of cooperatives depends, in part at least, on nonduplication of efforts, and cooperation within the cooperative movement itself.

Fifth. OEO is assisting multicounty rural planning and development districts to enable them to be more effective in bringing poor people into the planning and coordination process and to help them to meet the human needs of rural people. This will tie in effectively and smoothly with the emphasis given recently to the rural use of HUD 701 funds when the Senate considered the appropriation bill for that agency, as well as with provisions of the proposed farm and Rural Development Act, that gives special financing functions to areawide general purpose planning and development districts.

Sixth. Then OEO-funded special impact programs are enabling low-income people to set up economic development enterprises to produce jobs and income. I emphasize, Mr. President, the importance of expanding the number of those programs in rural areas of heavy outmigration of people.

Seventh. OEO is working with other Federal agencies and the Ford Foundation in funding a new type of training institution for entire families of poor rural people to assist them to become productive members of the community. The head of the family is trained for a job with which he can support his family, and all members of the family receive services and assistance which enable them to participate in the mainstream of community life. In conducting this program, I hope and trust the sponsors will keep in mind that sometimes more effort is required to insure the existence of an available job opening than to provide the training itself. Creation of new jobs in rural America must go hand in hand with training to disadvantaged rural Americans to perform those jobs. Training without jobs is futile, and if done on a large scale will be both frustrating and unsettling.

Mr. President, I ask consent to have printed in the Record at this point in my remarks an OEO fact sheet describing the rural programs of that agency.

There being no objection, the fact sheet was ordered to be printed in the Record, as follows:

OEO Rural Fact Sheet

Rural programs of the Office of Economic Opportunity are aimed at carrying out the directive of Congress, contained in Section 201(b) of the 1967 Amendments to the Economic Opportunity Act, to provide opportunities for employment, education, health care, and other services to improve the quality of life of people in rural areas, in order to give them some alternatives to migration to major urban areas.

Poverty in rural America is the product of many factors, including industralization of agriculture and other rural enterprises, discrimination against minorities and inequitable allocation of national resources to rural areas. Rural America has 29 percent of the U.S. population but approximately 40% of the poverty. The target of OEO rural programs is the 11 million rural poor living on farms and in rural areas and small towns. One of every four poor rural families is a farm family. Less than one of four farm families is non-white. More than 25 percent of the rural poor are aged persons.[1]

The primary thrusts of OEO's rural efforts are:

a. Building rural CAAs as viable institutions to serve as vehicles for income-improvement and service-delivery, with emphasis on the areas of education, housing, legal services, health, emergency food and manpower services.

b. Working through SEOOs, to increase state attention to rural poverty.

c. Developing, by means of OPD[2] funds, enterprise models which involve the rural poor in business management while providing jobs in rural areas. Strengthening institutional structures of rural areas to create capability for rural development.

As mandated by the legislation, OEO directs approximately one-third of its budget towards rural areas. (33.5% in FY 70, 33.7% in FY 71, and 32.3% in FY 72). The cost-effectiveness of money spent in rural areas frequently is below that of funds spent in other areas. Such goals as community organization, service delivery, and increased employment are harder to attain in areas where a relatively small number of people is dispersed over a large area, where few if any strong community facilities already exist, and where the population is proportionately older. (Rural advocates feel, however, that the very fact that it is more costly per person to help residents of rural areas means that a correspondingly larger proportion of the OEO budget should be directed towards those people. It is also argued that although OEO spends one-third of its budget on rural areas, low-income people in rural areas constitute 50% of the poor.)

RURAL CAA'S

OEO funds 496 rural CAAs, as opposed to 430 urban and 66 Indian CAAs, and has been consistently allotting increasing amounts of money for those rural institutions. These CAA's often provide to poor and non-poor rural residents services they would not have received otherwise. They have also provided the portion of the rural poor they reach with a voice and a mechanism through which that group can articulate its needs to the rest of the community and can challenge and seek to change unresponsive institutions (public and private; Federal, State, and local).

RURAL RESEARCH AND DEMONSTRATION

OEO is conducting a number of research and demonstration projects in or for rural areas.

(a) A rural transportation study was funded in FY 71 for $235,000. The report was to be released in early FY 72, and the FY 72 budget plan was to fund pilot projects along the design lines suggested by the study but the allocation has not yet been made.

(b) The Rural Regional Coordination project has just been funded through FY 72 for $500,000. This money will be used to build a human resource capability into several state planning and substate planning districts.

(c) The Arizona Job College, funded in FY 71 for $550,000, will be refunded in FY 72 for another $1 million.

(d) A Black Land-Grant College Consortium, to help such schools attract and use private and public funds, will be funded for two years at approximately $290,000.

(e) There are nineteen rural Community Development Corporations, funded through Title ID. One of them is in Minnesota.

(f) OEO is currently running 13 economic development research and demonstration projects of various types in rural areas.

OTHER PROGRAM AREAS

1. Health programs—The slight drop in the percentage of total OEO FY 72 monies going to rural areas is largely the result of the zero-funding requests for Emergency Food and Medical Services and Alcoholic Counseling. Approximately 75% to 80% of the EF&M funds have gone to the smaller communities. FY 71 money will be used to maintain a substantial program level through FY 72 and FY 73.

An increase in the Comprehensive Health money has resulted in a rise from $15.1 million in FY 71 to $23 million in FY 72 for programs affecting rural areas. More Community Health Networks are planned, as are new efforts for rural areas.

2. The $17.8 million in FY 72 for Special Indian programs and the $29 million for Special Migrant programs will impact largely on rural areas.

3. Rural Loans—OMB eliminated the rural loan program from the 1972 budget on the basis of a 1969 GAO evaluation with which OEO generally agreed. The program was not seen as significantly raising the incomes of poverty people, despite the amount of money being spent. Although there may be merit in experimenting more in this field, it appears that the use of credit (adequate supervision and technical assistance from the Farmers Home Administration was not forthcoming) is not a particularly good approach to relieving poverty. The program's approach, helping people "make it" where they are, does not present a long-term solution to the problem of rural poverty. (In addition, the FHA did not administer the program effectively, in terms of the people reached and the nature of the loans extended.)

NEW THRUSTS

OEO rural policy reflects the Agency's interest in strengthening CAAs as local institutions, primarily through encouragnig them and supporting them in the areas of better mobilization of resources and improved relationships with state and local organizations and officials. Such an approach may include realigning rural CAA boundaries to correspond to sub-state planning districts, working through multicounty planning and economic development instrumentalities, and striving in other ways to improve CAA linkages with planning districts and other sub-state bodies.

OEO's rural efforts may also tend to reflect a greater concern with relating poverty to overall rural economic and social development, primarily through seeking the creation of strong rural institutions and rural leadership.

EFFECTIVENESS OF EXISTING PROGRAMS

Head Start programs are undoubtedly the most numerous and generally the most successful. Older persons programs, SOS and SOS-related, also are well-received.

Manpower programs have been less successful for a number of reasons. The age structure in rural areas is such that there is a smaller percentage of individuals in the prime working-age bracket. The large numbers of the aged and the young mean that a larger proportion of the problem is welfare-related rather than employment-related. Isolation and immobility are factors which decrease the number of people who can easily take advantage of job training and employment programs.

Mr. HUMPHREY. Mr. President, it is futile to try to get programs to work in rural settings if unique rural operating requirements are ignored during program formulating and staff planning. With over 50 percent of the Nation's poor people living in rural areas, we really need an Assistant Director of OEO primarily devoted to rural considerations. I am not suggesting that such a position be added at this time, but I mention it to support the efforts within OEO of people who do have a rural orientation.

If OEO is to make its major contributions to the war on poverty phases of rural development, it is essential that Economic Opportunity Act funds and other assistance be allocated and distributed on an equitable basis between rural and urban areas—the formula for such allocation being the proportion of Americans in poverty who are urban and rural, respectively, or a comparable, equally precise criterion. There are various references in the Economic Opportunity Act to the idea of rural-urban balance, including a mandate to the Director to establish criteria on which to achieve rural-urban balance. But since such a balance is not yet effective, an explicit reminder seems now in order.

Mr. President, so that the Rural Development Subcommittee can perform its oversight duties with respect to rural-urban balance, I hope that the OEO will resume making computer runs, on perhaps a bimonthly basis, yielding program account by program account breakdowns of funding levels for these community action agencies which are precoded as rural, with comparative runs for those precoded as urban. These computer runs were made until the middle of 1969, at which time they were discontinued, the data are an essential prerequisite to any attempt to achieve a rural-urban funding balance as required by title IX of the Agricultural Act of 1970. A similar reporting system should be established for other OEO programs.

Mr. President, the Senator from Minnesota is deeply concerned about the survival of the rural community action agencies and rural manpower programs. The commitment to the alleviation of poverty which forms the essence of the Economic Opportunity Act is and must continue to be a nationwide commitment—and the most effective way to meet this commitment is to retain Federal financing and basic direction of community action agencies and programs.

Mr. President, I am concerned as I read the several additional and supplemental views related to the committee report concerning the population requirements for the child development program under title V. This program should not be restricted only to the larger cities, this program is needed on a nationwide basis. It is particularly needed in rural areas which are short both of good mass transportation systems for low-income working people and of community centers of many kinds. I hope that upon completion of the debate today, and in the conference report it will be made legislatively clear that rural areas and rural communities are eligible and worthy to benefit from the child development program on the same basis that it is made available elsewhere and in proportion to need.

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[1] The figures used in this paragraph are taken from the May, 1970 OEO Program Fact Sheet.

[2] R. & D.

And now, Mr. President, I request permission to insert several examples of innovative, imaginative special rural demonstration and experimental projects that are underway in rural America.

First. The South Carolina Rural Regional Coordination programs—SCRC—will test a model for a State planning agency in strengthening institutional responses to problems of rural poverty by means of funding and technical assistance to a high-poverty multicounty target area. The State agency will develop a comprehensive strategy for addressing problems of rural poverty, and will involve appropriate State agencies in the strategy of development and implementation, including redirection of State resources toward rural poverty needs. The rural poor will also be involved in developing the strategy. Two planning districts comprising 10 counties have been designated as the target area in which the strategy will be implemented at the local level. Upgrading of the A-95 process to focus on rural poverty implications of program development at the State and planning district levels is a major objective of the grant.

Second. Upper Cumberland Regional Coordination project is intended to develop a mode of action for multicounty development districts to strengthen institutional responses to problems of rural poverty. The Upper Cumberland Development District will develop information on the dimensions of poverty and the resulting programmatic needs. It will involve local institutions in finding solutions and directing resources to meet poverty needs. The A-95 review will focus on rural development which includes needs of the poor. Rural poor will participate in A-95 review to insure that their needs are considered in Federal funding to the 14-county area.

The purpose of the Arizona Job Colleges is to deliver comprehensive training and services, in a residential setting, to entire families, to assist them in improving their socioeconomic situation and participating in the mainstream of community life. Directed to seasonal farm workers who have been alienated from the community by poverty and physical isolation, the program prepares them to move into more productive and self-satisfying roles in the community. Program services train the head of the family for a specific type of job opportunity, and concentrate on basic and remedial needs related to the living situation of the family unit.

The present grant will complete OEO's 3-year test of the AJC model for family rehabilitation, during which a total of 300 families—1,800 persons—will have participated. Families remain in the program 6 to 12 months, receiving vocational and academic training, job placement, counselling, tutoring, health care, child development, housing assistance, citizenship and community participation training, and cultural and recreational activities.

AJC is multifunded by Federal, State, and private sources which, in addition to OEO and HUD, include HEW, the Ford Foundation, Arizona State Health Department, and Arizona State Division of Vocational Rehabilitation.

OEO anticipates that AJC will provide a model for an institution which can be replicated by public or private agencies to enable disadvantaged families to become productive members of the community.

Mr. President, the committee has done a careful and competent job of determining the detailed ways in which the other resources of other agencies of the Government can be coordinated and brought to bear on supporting and expanding the rural economic development programs provided in the new title VII. I wish to commend the committee strongly and to be associated with the effort it is making in this regard.

Mr. President, nothing could be more correct than the committee statement when it says on page 71 of the report:

> Witnesses testified that if the problems of poverty are to be solved, income transfers and social services are not enough. And forced migration from farm to city does harm to both rural and urban areas. Means must be found to bring economic development to people where they live. While our current neglect of rural area development is successful in forcing people to leave rural America, to swell the unemployment and welfare rolls of the inner city, policies to disperse the ghetto residents to the suburbs face very powerful resistence.

Mr. President, extension, expansion, and improved administration of the Rural Economic Opportunity Loan programs by Farmers Home Administration, buttressed as it is in the committee bill by the grant program originally proposed for inclusion in the initial Economic Opportunity Act, will do much to give small farmers, displaced farmers, and low income nonfarm rural residents a chance to become owners and operators of small new economic enterprises that will provide both income and dignity.

In this connection, Mr. President, I hope and trust, that the Office of Economic Opportunity will continue to delegate this program for administration to the Farmers Home Administration where it can be carried out in accordance with the proven successful means of the individual borrower supervision techniques of that agency. I hope and trust that much less of these funds will be used by the Office of Economic Opportunity for making contracts with outside firms, no matter how needy those firms might be, to interfere with, supersede, or duplicate the work that history has proven that Farmers Home Administration is fully capable of doing. What we need is more grants and loan funds for the use of poor people to become entrepreneurs, not more money for technical assistance and evaluation contracts. I am told that in some cooperative loan projects, the money spent on nonfinancing activities almost equals the funds made available to the cooperative to construct its facilities and carry out its operations. I hope and trust this situation, if it exists, will be corrected.

Mr. President, the work that the committee has done on this Economic Opportunity Amendments bill fully complements the work that was done recently when we endorsed the work of the Appropriations Subcommittee of the Senator from Rhode Island (Mr. PASTORE) in suggesting specific attention to rural areas planning and development in the use of appropriated moneys for the Department of Housing and Urban Development. The bill before us also puts into place a very essential component of the broad rural areas development program required for implementation of title IX of the Agricultural Act of 1970.

I support this bill and urge my colleagues to join in its adoption by a very large majority. The provisions of this bill will be good for rural America; this bill will provide programs needed in the inner cities. This bill is in the spirit of balanced national growth and provides living evidence that the Senate cares, that the Senate wants even the poorest among us to participate in a truly balanced national growth policy.

Again, I commend the Senator from Wisconsin for his leadership in bringing before us a bill of this significance and excellence.

CHILD DEVELOPMENT

Mr. President, no more important legislation, as far as children are concerned, will come before the Senate this year than the bill we are considering today, S. 2007, which includes a comprehensive child development program.

Utilizing the knowledge gained from the popular and successful Headstart effort, local communities—and in some instances States, are authorized to establish child development councils to provide services of a medical, nutritional, educational and social nature for children through 14 years of age.

While children born in poverty would receive the greatest help in the child development centers, provision is also made for the handicapped as well as those in need of day-care-type services in other income groups—on a sliding fee basis.

And there is strong emphasis on parental and general community participation in the establishment and operation of these centers.

I joined Senator MONDALE and other colleagues in introducing the original legislation providing for this comprehensive child development program and it has my full and vigorous support as reported from the Senate Labor and Public Welfare Committee. I will oppose any amendments to weaken its effectiveness.

For many years there has been a critical need for quality child-care services in the United States. The availability of modern day-care help is no longer an individual convenience. It has become a community and a national necessity.

An increasing number of children are dependent on day-care services—not just children of poverty mothers, but children of working mothers generally. It is a fact that millions of children do not have adequate care while their mothers are away from home.

I am convinced that the needs will be met only if the Federal Government responds and assists States and local communities in providing the facilities and services which are needed.

A strong statistical case can be made for developmental day-care opportunity.

Census figures reveal that there are 6 million children under 14 who live in families with incomes under $4,000 and another 10 million children whose families make between $4,000 and $6,999.

In today's inflationary and depressed economy it is obvious that these income levels often necessitate two working parents to provide the essentials of life for a family.

And then there are the many households in this country which are headed only by women who must support their children—and a growing number of women who want to combine a career with motherhood.

Thus, a revolution has taken place as far as working mothers are concerned. And it is unlikely that we will ever return to the family working patterns of the past.

One-third of mothers with children under the age of 6, some 4½ million, are working today. This means that there are 6 million preschool children in need of developmental day-care service while their mothers are out of the home.

Yet, there are less than 700,000 licensed day-care opportunities available. And Headstart presently serves only about 263,000 children in full-year programs and 208,000 in summer programs.

Where are the children cared for then?

Middle-income parents search frantically and generally unsuccessful for day-care centers, many of which they sadly discover are not licensed or suitable for their young children. All too frequently, they must turn to family, neighbors or friends for babysitting services.

In less affluent homes this search is even more difficult. Parents are often forced to leave their children with unqualified babysitters or to wander aimlessly in the streets until they return. Or other children in the family, too young to have the responsibility, are put in charge of their care.

These children pay a heavy price for the inequities that exist in our society. Often, they arrive in the first-grade classroom severely handicapped by their environment and the lack of early childhood learning experiences.

If we are truly committed to assuring equal opportunity and eliminating poverty in this country, then we must find some way in which society can offer compensatory education and child-development opportunity for the very young whenever they are needed.

It must be provided during those early childhood years when it can have an effect on their direction in life, before the scars are so deep that an average school system cannot cope with them.

One of my personal concerns in early childhood care and education has been programs for the handicapped, especially the mentally retarded.

Day-care programs for this group are highly important in their development. Not only do they provide urgently needed training for the child, but they permit the mother a much needed respite to concentrate on the needs of her other children.

Often this relief from 24-hour care of a retarded child may make the difference between whether he can remain at home or must be institutionalized.

Adequate early childhood development programs can also prevent retardation itself. The President's Committee on Mental Retardation estimates that some 75 percent of the 6 million persons who are afflicted with this handicap are retarded because they have been deprived of the stimulation necessary for mental and social growth.

They are the victims of poverty, ignorance, urban crowding and rural isolation. With early and sustained help, the vast majority of this group can reach normal and sometimes superior intellectual levels.

Even more striking evidence of the possibility of preventing retardation is the fact that the United States has a higher percentage of retardation than every other country where there are early child care programs available to the general populace.

The special needs of the handicapped have been recognized in the drafting of the comprehensive child development program. Ten percent of the funds provided through this legislation will go to support programs for them.

Another important feature of the legislation is the provision for up to 20 national child advocacy projects.

Operated as demonstration programs, these national advocates for children will give special attention to the location of funds and services for mentally disabled and ill children for whom services and funding are often hardest to find and most urgently needed.

They will also assist children generally by "publicizing services, counseling families with children in need, assisting them in finding the necessary services—whether they be legal, psychological, medical, or educational."

Mr. President, as I have already stated I am concerned as I read the several additional and supplemental views related to the committee report concerning the population requirements for the child development program under title V. This program should not be restricted only to the larger cities, this program is needed on a nationwide basis. It is particularly needed in rural areas which are short both of good mass transportation systems for low-income working people and of community centers of many kinds. I hope that upon completion of the debate today, and in the conference report it will be made legislatively clear that rural areas and rural communities are eligible and worthy to benefit from the child development program on the same basis that it is made available elsewhere and in proportion to need.

The comprehensive child development program legislation does not do everything that needs to be done in the child development area, in providing day care services, in meeting the needs of the handicapped. But it is an impressive beginning. And it deserves the full support of the Congress.

It is true that the Federal Government cannot do it all alone. Along with more leadership and money from Washington, we will need a greater commitment from State and local governments on developmental day care for our children.

But the Federal Government cannot abdicate its responsibility and substitute rhetoric and fiscal sleight of hand for real leadership.

In his campaign for the Presidency, Mr. Nixon promised that every child would have the best education that our wisdom and schools can provide and an equal chance to go just as high as his talents will take him.

It is time that this administration lived up to this promise. It is time for Congress to act. The critical needs of our children dare no longer be ignored.

NEIGHBORHOOD YOUTH CORPS

Mr. President, let is be clearly stated that S. 2007, the Economic Opportunity Amendments of 1971, is historic legislation in its refusal to continue the Federal Government's recent retreat from the war on poverty—a retreat that has witnessed an increase, for the first time in a decade, in the number of poor people in America to a level of 25.5 million, with an additional 22 million persons now classified as "near poor." This legislation proposes that this Nation dig in and launch a second all-out attack on the shocking conditions of economic deprivation and isolation that are crippling the lives of millions of American families.

I strongly support this bill that will extend programs authorized in the Economic Opportunity Act, rather than permit their further weakening and dispersal, and that authorizes major new programs for comprehensive child development, legal services for the poor, and community economic development, while greatly expanding employment and job training opportunities for young men and women.

At this point, I want to draw the attention of my colleagues to a particular provision which I regard as of the highest importance: the additional authorization of $500 million to create 100,000 more work and training opportunities in the Neighborhood Youth Corps out-of-school program. In reporting this bill, the Senate Labor and Public Welfare Committee has insisted that this be "a high-quality program combining remedial education, skill training, and on-the-job training and work experience, paid at least at the level of the minimum wage."

The committee report notes my testimony of April 28, 1971, calling for a greatly expanded Neighborhood Youth Corps program that would provide jobs of great importance to our communities—for example, projects to provide a more livable environment and decent parks and playgrounds—and that would include a strong, but flexible education program for those who have dropped out of school.

We will never see victory in the war on poverty unless we recognize the central importance of employment and education. Of the 15 million people who moved out of poverty in the past decade, over 99 percent were in families headed by men who would be able to find jobs. And in 1969, 50 percent of the poor aged 14 and over, had completed only 8 or fewer years of school. These facts clearly show that the main route out of poverty is through a good job, but the poor are at a distinct disadvantage in competing for jobs in today's highly skilled labor market.

Unemployment strikes especially hard among young people who are poor. By June 1971, there were 1,879,000 young people, aged 16 to 19, out of work. This alarming unemployment rate of 15.8 percent does not even take into account the hundreds of thousands of young men and women who have been looking for jobs since the end of the school year. But we are fully aware of the shocking fact that for black youth living in poverty areas, the unemployment rate has reached 41.2 percent.

These facts spell a national crisis that demands immediate action.

But while 16- to 19-year-old unemployment has more than doubled since 1969, the number of Neighborhood Youth Corps out-of-school job opportunity slots funded by the present administration has sharply declined, from 50,000 down to 36,800.

Meanwhile, the administration shut down 59 Job Corps camps, ultimately establishing only nine of the 30 inner city Job Corps centers it had promised. The result has been a 37.8-percent drop in the level of corpsmen over the past 3 years, to 23,000. Even direct employment by the Federal Government for disadvantaged young people has been cut back, from 76,000 in 1970 to 63,000 this year.

And it was not until April of this year that the administration requested supplemental appropriations of $64.3 million for the NYC summer job program, to provide a total of 514,200 job opportunities on a reduced 9-week basis. Yet, the League of Cities-U.S. Conference of Mayors had established a need for $157.4 million in additional funds to provide a total of 641,639 10-week summer job opportunities for disadvantaged urban youth, that could be effectively developed and supervised. The final additional appropriation passed by Congress raised the administration request by $40.7 million.

The three Neighborhood Youth Corps job programs—in-school, summer, and out-of-school—have a tremendous potential for reaching our economically deprived youth. Sponsored by local groups who would have the best insight into the needs and problems confronting these young people, these programs offer a young man or woman the vital opportunity and incentive to continue their education while also improving their employability, with paid work and training opportunities.

The typical NYC enrollee has dropped out of high school and lives in a family of eight or more persons, with an annual income of up to $2,000. Particularly in the out-of-school program, the enrollee has been employed and contributed to the family's support, but wants to improve his or her abilities to obtain a meaningful and decent paying job.

We must not continue to deny hundreds of thousands of our young people this vital opportunity to make something worthwhile of their lives. We are talking about human dignity, a right that has been cherished throughout American history. I urge the Senate to approve this additional appropriation for the Neighborhood Youth Corps out-of-school program.

Mr. MONDALE. Mr. President, I yield myself 1 minute.

I thank my distinguished colleague from Minnesota for these very kind comments. As one of the leaders in the whole effort to develop a meaningful and powerful program to eliminate poverty in this country, we are glad to have his support.

Mr. President, I understand the distinguished Senator from Pennsylvania (Mr. SCHWEIKER) may shortly wish to speak. Observing the absence of a quorum, I ask unanimous consent that there be a quorum call without the time being taken from either side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MONDALE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT SESSION OF THE HOUSE AND SENATE TOMORROW TO RECEIVE THE PRESIDENT OF THE UNITED STATES

Mr. BYRD of West Virginia. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Concurrent Resolution 395, and ask unanimous consent that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER (Mr. WEICKER) laid before the Senate House Concurrent Resolution 395 providing for a joint session of the House and Senate on Thursday, September 9, 1971, to receive the President of the United States, which was read by the the assistant legislative clerk as follows:

> *Resolved by the House of Representatives (the Senate concurring)*, That the two Houses of Congress assemble in the Hall of the House of Representatives on Thursday, September 9, 1971, at 12:30 p.m., for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.

THE PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the concurrent resolution (H. Con. Res. 395) was considered and agreed to.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1971

The Senate continued with the consideration of the bill (S. 2007) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

Mr. SCHWEIKER. Mr. President, I yield myself 10 minutes.

I rise in suport of S. 2007, the Economic Opportunity Amendments of 1971.

This bill extends for 2 more years, until June 30, 1973, the various programs under the Economic Opportunity Act of 1964. In addition, it authorizes a major new comprehensive child development program. It creates a National Legal Services Corporation to assume the functions of the legal services program now in the Office of Economic Opportunity. It makes a special additional authorization of $500 million to the Neighborhood Youth Corps to create 100,000 more work and training opportunities for youth. It strengthens the community economic development title of the EOA and adds to the EOA two promising new smaller programs, one in youth recreation and sports and the other to offer community design and planning assistance to low-income communities.

This is far-reaching, farsighted legislation and as ranking minority member of the Subcommittee on Employment, Manpower, and Poverty, it has been my privilege to work closely on all aspects of it. I feel much credit should go to the able chairman of the subcommittee, the distinguished Senator from Wisconsin (Mr. NELSON), and the ranking minority member of the full Commitee on Labor and Public Welfare, the distinguished Senator from New York (Mr. JAVITS), for their principal role in fashioning this legislation in our Subcommittee and Committee.

This bill assures that the Office of Economic Opportunity will continue as a vital catalyst of ideas and programs for aiding the poor, and indeed, as an advocate within our massive Federal Government structure for the special needs and aspirations of the nearly one-fifth of America's people who are poor. The programs of OEO have pointed the way for poor people to voice their needs and work for change within the system. OEO has been one of the few agencies, if not the only Federal agency, trying to bridge the gap between rich and poor, black and white, ghetto and suburb. In addition, it has been a bridge across the rapidly forming gap between big government and the individual citizen. So I support this bill as a continuation of congressional commitment to OEO and its programs.

CHILD DEVELOPMENT PROGRAM

The child development program authorized in S. 2007 is addressed to a critical community need in our Nation today, the need for child care in families where the mother must work. Child care of a purely custodial nature is not enough. America's children are entitled to a full opportunity in preschool education, health care, nutrition, and other child development services. The comprehensive child development program authorized in this bill is a good start in that direction, building on the excellent work of Project Headstart, which, incidentally, has been a program of OEO.

In America today one-half of all mothers with preschool or school-age children are working at least part time. This means that professional daytime child care can no longer be regarded as just a luxury for a select few. We are woefully deficient in licensed day-care facilities today—there are less than 700,000 slots in such facilities—while in the poverty category alone, there are 3.2 million children under 6 who could benefit from child development services.

This is why, Mr. President, I was one of the initial sponsors of the Comprehensive Child Development Act, S. 1512, with Senators MONDALE, JAVITS, and NELSON, in April of this year. I am glad that this bill has been incorporated into the pending OEO bill S. 2007, so that it can receive prompt consideration and be passed by the full Senate.

In addition, Mr. President, I feel that this child development program is going to benefit not simply today's parents and children but tomorrow's communities and tomorrow's America. The early childhood period of a person's life is crucial insofar as it usually determines how that person is going to mature, and what kind of an adult and citizen he is going to become.

In fact, a just released study showed that even the IQ which was considered sacrosanct and unchangeable, is affected by the environment and social factors in the early life of that child.

Mr. MONDALE. Mr. President, will the gentleman yield?

Mr. SCHWEIKER. I am delighted to yield.

Mr. MONDALE. I am glad the Senator from Pennsylvania made that point. The Select Committee on Equal Educational Opportunity, which I am privileged to chair, has held extensive hearings on the problem of equality of educational opportunity. I would say, without any doubt, that the most promising single strategy to bring hope of equality of opportunity to the children of this country is to be found in a comprehensive child development program. I am very glad the Senator from Pennsylvania makes the point that quality education during the critical development years of life can have an important impact upon the intelligence and ability of children.

I think it is significant that the White House Conference on Children, which was perhaps the most illustrious meeting of experts in this field ever assembled, agreed, in a weighted vote, that the single most important factor in such an effort was the kind of comprehensive child development program recommended by the Committee on Labor and Public Welfare and supported by the Senator from Pennsylvania.

Mr. SCHWEIKER. I thank the Senator for his comments. I also wish to acknowledge the Senator's fine leadership and the work that he has done in the child development care field. I believe his leadership was primarily responsible for bringing this particular section of the act into being and making it an integral part of our program in this regard.

Mr. MONDALE. If the Senator will yield further, I thought it was significant that Dr. Reginald Lourie, who was the Director of the Joint Commission on Mental Health of Children which recently issued its report, said that mental retardation in the United States is higher than in any other civilized part of the world. Three or four percent of our Nation's youth are retarded, he said, while in every other country where there are programs for early child care, only about one-tenth of 1 percent of the population are retarded. In other words, the failure of the United States to have a comprehensive child development program in these first critical years of life is contributing enormously to the tragedy of retardation which strikes so many of our children.

Mr. SCHWEIKER. Yes. I think it has many ramifications, because in addition to the children who have special problems and special disabilities that have to be focused upon early in life, we now have this new concept that I referred to a moment ago, where more and more educational research is pointing to the fact that the IQ and the mental ability of a child is primarily a factor of his environment and social relationships, as the child develops the mental ability to assimilate information, to grow, and to develop. I think just that turn of events, the overturning of the stereotype about IQ, opens up a whole new horizon whereby this bill can unlock the door for America's greatest natural resource, its young people, in training them and getting them started early, just as the concept originally involved in OEO a few years ago, though at that time not with this wealth of new evidence behind it, of giving the child a "head start." I believe it now has far more significance than even the original concept and the original program envisioned.

This early childhood period of a person's life is crucial insofar as it usually determines how that person is going to mature, and what kind of an adult and citizen he is going to become. I have long believed that if society can deal fairly and generously with its children, giving them a full range of education, nutrition, health care, and other types of care, we will encounter fewer social problems from these children as they reach later life. This is why I consider the child development program in this bill not just a correct, humane, and badly needed program but also a very good investment in our Nation's future.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. SCHWEIKER. I yield myself 5 additional minutes.

LEGAL SERVICES CORPORATION

Mr. President, another key feature of S. 2007 is the establishment of the National Legal Services Corporation, to assume the functions of the legal services program now in OEO. The legal services program has performed excellently in the 6 years of its existence, serving both the poor with free legal services and the Nation as a whole because the program has given to poor people a means of redressing their legal grievances through our system of courts and laws. If the legal services program is going to continue and grow, it needs, however, insulation from political pressures that have plagued it throughout its history.

As President Nixon said in his message to Congress on May 5, 1971, concerning the legal services program:

> Even though surrounded by controversy, this program can provide a most effective mechanism for settling differences and securing justice within the system and not on the streets. For many of our citizens, legal services has reaffirmed faith in our government of laws. However, if we are to preserve the strength of the program, we must make it immune to political pressures and make it a permanent part of our system of justice.

I agree wholeheartedly with the President's views and hope that the Senate will act favorably on the creation of the National Legal Services Corporation embodied in S. 2007.

SPECIAL $500 MILLION AUTHORIZATION FOR NEIGHBORHOOD YOUTH CORPS

Mr. President, another provision of the bill that is most important, and to which I have given my full support, is the special added authorization of $500 million for Neighborhood Youth Corps activities to train and employ youth. Our subcommittee included this additional authorization after hearings on youth unemployment and after midsummer employment data indicated that there were more than 1 million unemployed teenagers—about 15 percent of the total teenage work force. Among black teenagers as a group, the unemployment rate was 30.3 percent, according to figures cited in the 20th Century Fund's Task Force report, "Youth Unemployment: Crisis in the Cities."

We concluded that something needed to be done within this bill to address this problem, which while it is a perennial one, is particularly acute this year as the general rate of unemployment is higher than usual. The Neighborhood Youth Corps, which offers jobs as well as training, must be given more resources to deal with this severe urban problem.

COMMUNITY DESIGN AND PLANNING ASSISTANCE

Mr. President, S. 2007 also includes authorization for OEO to assist local community-based organizations who are furnishing design and planning services to low-income neighborhoods. OEO has, on a pilot basis, been helping such groups provide design services to the poor, just as local agencies in the legal services program have been giving legal services to the poor. Now, through an amendment offered in our committee by the able Senator from California (Mr. CRANSTON), this OEO pilot program would be authorized in law, so that it can go forward on a more secure basis.

The architectural profession, Mr. President, has adopted this program in the same public-spirited fashion as the legal profession has in the case of the legal services program. The American Institute of Architects, as well as local individual architects, fully support this provision in S. 2007. In Pennsylvania, there are at least five community architectural and planning groups in this movement. The largest is the Architects Workshop, in Philadelphia, which has been active in over 150 different projects and studies, working with over 200 volunteer professionals and a small administrative staff from a central office and seven mini-workshops around the city. The Philadelphia chapter of AIA has been strongly behind this project.

Two other smaller units in Philadelphia are the Urban Workshop at the University of Pennsylvania's Department of Architecture and the Young Great Society of Architecture and Planning Center, which serves the predominantly black Mantua area of West Philadelphia. Pittsburgh has the Architects Workshop and the Community Design Association, which has specialized in the planning and design needs of the hill district, another black neighborhood.

Mr. President, I am glad to see this movement in the architecture and planning field recognized in legislation.

The PRESIDING OFFICER. The Senator's additional 5 minutes have expired.

Mr. SCHWEIKER. I yield myself 1 additional minute.

It is a small program, but it is still a good illustration of the catalytic role that OEO plays in our governmental structure, as an advocate for the special needs of the poor. Mr. President, S. 2007, through its 2-year extension of the basic OEO programs and its innovations in child care, legal services, youth employment, and other vital areas of need, should be promptly passed by the Senate. This would demonstrate that we in the Congress want to build on the strengths of the Economic Opportunity Act and other programs to see poverty and its attending hardships eradicated in the 1970's.

Mr. President, the Senator from New York (Mr. Javits) and myself filed our supplemental views when the Committee on Labor and Public Welfare reported this bill S. 2007 to the floor. I hereby request unanimous consent that our views be printed in the Record.

There being no objection, the supplemental views were ordered to be printed in the Record, as follows:

Supplemental Views of Messrs. Javits and Schweiker

We support the Economic Opportunity Act Amendments of 1971 and commend each of the four major elements of the bill as follows:

TWO YEAR EXTENSION

As requested by the Administration, and following S. 397, which we introduced earlier this year, the Committee bill would extend the basic authorization for programs under the Economic Opportunity Act for a period of two years, beyond expiration on June 30, 1971. While we regret that the poverty programs cannot be given even a more secure tenure, we are pleased that there has been bi-partisan agreement on this two year extension.

The extension must be viewed, of course, in the context of changes in the poverty program proposed by the Administration, as well as those recommended by the Committee. The Administration's long-term proposals include:

Administration of Community Action Agencies, Senior Opportunities and Special Impact programs by the proposed new Department of Community Development.

Administration of manpower programs, migrant programs. Head Start and Follow Through, Family Planning, Alcohol and Recovery, Drug Rehabilitation and Emergency Food and Medical program by the proposed new Department of Human Resources.

Incorporation, as of January 1, 1973, of community action programs under proposed urban and rural revenue sharing.

We consider the current method of conducting the program—by the Office of Economic Opportunity on the Federal level and through federally funded community action agencies on the local level—both as an effective means of attacking poverty and as a unique and successful approach to closing the gap in our society between the various racial and economic groups and between these groups and the governmental "establishment" at all levels.

Accordingly, we submit that the Administration must demonstrate that both benefits to the poor and the involvement of the poor can be preserved and increased in a new framework before such far-reaching changes are put into effect.

It is therefore essential that the Congress have a full opportunity to express its will in respect to any proposed changes. In that connection, we note the Administration itself has already indicated that it will proceed by seeking express legislative authority in respect to each of these major proposals outlined above. Accordingly, we support Section 10 of the Committee bill, which provides that no new transfer or delegations of programs administered by the Director of the Office of Economic Opportunity shall be made to the head of any other agency, during the two year period, unless by specific legislative enactment.

As noted in the Committee's report, the bill contains the following basic authorizations:

$950,000,000 for each fiscal year for community action programs conducted under the Act, with additional authorizations for Community Economic Development and Legal Services programs, as described below.

$1,400,000,000 for fiscal year 1973 for work and training programs administered by the Department of Labor under the Act, which amount includes a special authorization of $500,000,000 for that year for Neighborhood Youth Corps in school, out-of school, and summer programs. In anticipation of action this year on the President's proposed Manpower Revenue Sharing Act and other comprehensive legislation for a reform of currently conducted employment and training programs, the Committee bill provides an open authorization for such programs for fiscal year 1973.

$500,000,000 for fiscal year 1972 for Project Headstart and the Follow Through program, administered by the Department of Health, Education, and Welfare. As noted below, beginning in fiscal year 1973, these programs would be consolidated under the new Comprehensive Child Development title, with a separate authorization.

We support these authorization levels as reasonable projections of the amounts that could be used effectively in each of the areas involved.

We support also, as a general matter, the earmarking and reservation provisions applicable to the $950,000 authorized for community action programs, to ensure a continued priority to those programs which respect the essentially indigenous nature of the poverty program, for example, Local Initiative, Comprehensive Health Centers, Community Economic Development, Alcoholic Counseling and Recovery, Drug Rehabilitation and Emergency Food and Medical Services.

However, within that context, it is essential that the Director have considerable latitude to establish priorities and ensure that the most effective use is made of funds appropriated directly to the Office of Economic Opportunity (taking into consideration anti-poverty initiatives conducted by other Departments and agencies of federal, state and local government).

We note in that connection, that the Committee adopted a proposal made by Senator Dominick under which the Director would be authorized to transfer up to 20% of funds from a program in fiscal year 1972 and 25% in fiscal 1973 and to add funds to a program in each year without limitation, irrespective of earmarking. At the present time, under Section 616 of the Economic Opportunity Act, the Director is authorized to reduce a program by 15% and, with some exceptions, to increase programs by 35%. As the bill is considered by the Senate, we reserve the right to seek to provide the Director with increased flexibility, consistent with the priorities reflected generally in the Committee bill.

We are pleased also that we are able to include provisions which protect, to some extent, funds for training and technical assistance, state programs, research and development and program support against disproportionate reductions in the event that the full authorization for community action and related programs is not appropriated.

COMPREHENSIVE CHILD DEVELOPMENT PROGRAMS

Under the Committee bill, a new title would be incorporated in the Economic Opportunity Act, providing for the establishment of comprehensive child development programs.

The establishment of such programs, with emphasis on local decisionmaking, parental involvement, comprehensiveness of services, and adequate funding—was identified as the top priority for the next decade by the recent White House Conference on Children.

The title—which represents a bi-partisan effort—would implement that objective in each respect, as follows:

Decision-making at the local level.—The Committee bill provides that any city, municipality or county having general governmental powers (or any combination thereof), Indian tribe on a Federal or State reservation and, under certain circumstances, public and private nonprofit agencies or organizations are eligible to serve as prime sponsors for comprehensive child development programs, with the States serving as prime sponsors as to areas where local units do not qualify. This local emphasis was the thrust of the Comprehensive Community Child Development Act, introduced by Senator Javits in the previous Congress. While we regard this focus as desirable, we support provisions in the bill—elements of which we proposed—to permit the Secretary to determine the ability of units of local general government to carry out comprehensive child development programs, measured in terms of administrative costs of child development councils, and the capacity to provide or enter into arrangements for health, educational and other services.

We consider it essential that state governments—which have already contributed significantly in many cases to child development programs—have a role not only as prime sponsors in areas not covered by localities, but in reinforcing all programs conducted throughout the State. To that end, the bill includes a provision which we submitted authorizing the Secretary to utilize up to 5% of funds apportioned for use within a State for special grants to the State for the provision of technical assistance and to encourage coordination within the State; the bill also authorizes the Governor of the State to review and comment upon prime sponsorship and child development plans submitted by localities to the Secretary.

Parental involvement.—The bill requires that parents constitute at least one-half of the members of Child Development Councils, which are responsible for formulating the programs for the area under the title and that each project applicant maintain policy committees with similar parental representation. These provisions, coupled with sections of the bill encouraging parental participation in the programs themselves, should ensure that programs under the title reinforce rather than obstruct the family life and environment.

Comprehensiveness of services.—The bill emphasizes the need for services that will provide the educational, health, nutritional and related elements necessary for the full development of each participating child.

While child development programs are necessary in many cases to permit parents to work, we should keep in perspective their principal objective of providing adequately for the child. It is appropriate therefore that the bill takes as its base the successful Head Start program, which has placed great emphasis on such services.

Adequate funding.—The bill authorizes $2 billion for fiscal year 1973, the first full year of operation, as well as $100 million for fiscal 1972 for start-up costs. These are substantial sums in terms of present federal expenditures for child development programs, but, as noted in the Committee report, they are in a sense grossly inadequate to needs, at even the present time.

We believe that the legitimate desires of parents to seek employment, and the right of children to have a full opportunity for development will require a much more substantial commitment in the coming decade, and that this is essential in addition to the otherwise commendable commitment pledged by President Nixon under the child care provisions of the Family Assistance Act.

We hope that these elements, together with special provisions for children of federal employees—where the government may serve as "model" employer for child development—establish a legislative framework which will be the basis eventually for universal availability of child development programs. As noted in the Committee's report, a principal objective of the bill—which we share—is to provide comprehensive child development programs in such a way as to bring together and meet the needs of children from various socioeconomic backgrounds.

LEGAL SERVICES CORPORATION

We are pleased with the Committee bill's incorporation of a new Title under the Economic Opportunity Act, establishing a nonprofit corporation for the Legal Services program. This step, which was proposed by the Administration in S. 1769 and by a number of Senators in S. 1305, represents a general bi-partisan consensus on the desirability of giving top priority to the program as an effective anti-poverty effort, insuring its independence from political influence, and preserving the right of the legal services attorney, to do what he considers to be in the best interest of his client. As President Nixon stated, in his message to the Congress of May 5, 1971:

> The legal problems of the poor are of sufficient scope that we should not restrict the right of their attorneys to bring any type of civil suit. Only in this manner can we maintain the integrity of the adversary process and fully protect the attorney-client relationship so central to our judicial process.

We submit that on the crucial matter of the composition of the Board, the bill strikes an appropriate balance between the need for independence on the one hand, and executive prerogative on the other.

Under the Administration's proposal, the President would be empowered to appoint an eleven member board. S. 1305, provided for a nineteen member board consisting of the executive director, five members appointed by the President, one member appointed by the Chief Justice, six members serving by reason of legal organizational office (for example, the Persident of the American Bar Association) and three each selected by a Clients Advisory Council and a Project Attorneys Advisory Council.

The Committee bill adopts with slight modification an amendment which we proposed jointly with Senator Taft, for a fifteen member board, consisting of one member appointed by the Chief Justice, five members serving by virtue of legal organizational office and nine members appointed by the President as follows: 4 from members of the public, 3 from a list of ten submitted by the Clients Advisory Council and 2 from a list of ten submitted by the Project Attorneys Advisory Council.

The Committee bill contains a provision which we submitted ensuring the continued focus of the program on representation in civil matters, while permitting the Board to establish guidelines to provide services in criminal proceedings where such services are not otherwise adequately available.

In light of the facts that the current program is now reaching only approximately twenty percent of the need of poor persons in the civil area, and that assistance in criminal cases is often available through other public and private sources, we considered it advisable to place the burden on the Board in this regard. S. 1305, as originally introduced contained no restriction on representation in criminal cases; the Administration's bill limits representation to civil matters.

We note also that the Committee bill contains a number of other provisions from the Administration's proposal, in some cases in modified form, dealing with such matters as guidelines for consideration of possible appeals, a graduated schedule of fees, and lobbying, and the outside practice of law.

In light of the high priority that should be given to the program, we support the reservation of $61,000,000 for legal services for each fiscal year—approximately the current level—as well as the additional authorizations provided in Section 3 of the bill.

COMMUNITY ECONOMIC DEVELOPMENT

The Committee bill includes a new Title for Community Economic Development, co-authored by Senator Javits and Senator Kennedy, which would:

Authorize grants to Community Development Corporations and their nonprofit partners as the principal delivery vehicles for programs, and encourage greater assistance to such corporations from a number of federal and other sources.

This part builds upon title I-D of the Economic Opportunity Act, "Special Impact" which was included in the law in 1967 by Senator Javits and the late Senator Robert Kennedy, on the model of a very successful program in the Bedford-Stuyvesant section of Brooklyn, New York.

In a recent task force report, the Twentieth Century Fund of New York, concluded on the basis of a review of the experience of more than 75 urban and rural Community Development Corporations throughout the country that: such corporations have a "unique capacity for pooling a community's talents and resources . . . for linking together a variety of businesses and projects . . . and for organizing the community to accept and effectively utilize resources and assistance from outside the poverty area."

Authorize grants to rural cooperative programs in poverty areas engaged in farming, processing, marketing and producing. There are hundreds of rural cooperatives throughout the country but only a few are linked to low income persons or areas. Existing anti-poverty efforts by such organizations have proved effective in a number of cases.

Provide technical and financial assistance to community development corporations and rural cooperatives in support of their efforts and long-term viability.

The Committee bill authorizes a total of $60,000,000 for fiscal 1972 and $120,000,000 for fiscal 1973 for these programs, amounts specifically recommended by the Twentieth Century Fund.

* * * * *

We submit that the new initiatives contained in the Economic Opportunity Act Amendments of 1971 are in furtherance of the basic purpose of the Act, to give each individual:

> the opportunity to contribute to the full extent of his capabilities and to participate in the workings of our society.

In sum, we believe that the Economic Opportunity Act Amendments of 1971 will enable the poor to move out of isolation from the remainder of society—through continuation of existing programs; through greater access to our system of justice, and by new child development and economic development efforts linking the community of the poor to the community at large.

JACOB K. JAVITS.
RICHARD S. SCHWEIKER.

The PRESIDING OFFICER. Who yields time?

Mr. SCHWEIKER. I yield 5 minutes to the Senator from Ohio.

Mr. TAFT. I thank the Senator for yielding.

I should like to open my remarks on the bill by commending the Senator, the chairman of the subcommittee, and the members of the committee for their diligence in hearings and for their action taken on this bill. By and large, I think it is an excellent piece of legislation and one that is much needed.

Certainly, we must move, and move rapidly, to extend the OEO legislation that we have before us. I feel that this, however, should not prevent us from taking a look at the important implications which are involved in some of the other provisions of the bill. I have long been concerned with the legal provision in particular and have studied it. I feel that our society today has come to recognize, on a far broader basis than ever before, the desirability and necessity of providing adequate legal remedies to all our citizens for wrongs, real or imagined, for the full exercise of rights they have under the law; and I think this bill goes a long way in that direction.

I think it is unfortunate in some ways, however, that the extension of the poverty act really was not brought up separately as an independent matter, even with the Legal Services Corporation bill, although, of course, the entire legal services program has grown up, insofar as the Federal concern is involved, under the poverty program. But the inclusion of a legal services provision under this bill, with which I am agreeable—also has served as a sort of excuse for turning this an omnibus bill to handle the entire child development programs under the bill.

I should like to point out at the outset that while OEO, it is true, is a child development program, it is a child development program which primarily, and from the very start, has been aimed at the economically disadvantaged, and basically only at the economically disadvantaged. That has been the purpose of that program insofar as its relationship to the poverty program is concerned. The child development program applies to all our children and youth throughout the Nation, as was ably pointed out by the Senator from Minnesota a few moments ago. But this broadening of the scope and broadening of the concern of the entire area, it seems to me, makes this a sufficiently important area for independent and full consideration by the Senate and by the House of Representatives.

I do not know what the House will do with the appending of this particular measure to the extension of the economic opportunity bill, but it seems to me that it does not help either concept, insofar as a sound judgment by Congress is concerned, in combining them. So that while I feel that these concepts are sound, I think it is unfortunate that they come before us in the way they do. I am afraid that not only will it be confusing for the Members of the Senate, but also, it will be even more confusing to the Members of the House, to the public, and to the press, and for public opinion generally, in following just exactly what the issues are and what decisions are being made.

As we proceed with the pending measure, I intend to offer a number of amendments along the lines of some of the comments I have already made. I should like to comment at this point on what those amendments and proposals will be. They have not been offered as yet, but I believe most of them will be submitted shortly.

First, I hope to offer a motion to recommit, to strike section 6 of the bill, which would take out of the bill all the items, from pages 10 through 71, relating to the child development program.

Mr. BYRD of West Virginia. Mr. President will the Senator yield?

Mr. TAFT. I yield.

Mr BYRD of West Virginia. Is it the intention of the able Senator to offer his motion to recommit today? Did I correctly understand the Senator to say that he intends to offer it today?

Mr. TAFT. I would reply to the distinguished majority whip by saying that I believe that we will probably offer another amendment today before the motion to recommit. If we can dispose of the amendment that is offered, I think probably we will then move to the motion to recommit.

Mr. BYRD of West Virginia. Today?

Mr. TAFT. Today.

Mr. BYRD of West Virginia. I thank the Senator.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. SCHWEIKER. I yield 5 additional minutes to the Senator.

Mr. TAFT. I thank the Senator.

In addition to the motion to recommit, which would simply send the child development program back to the Committee on Labor and Public Welfare, presumably to be reported as separate legislation in the immediate future—and I am sure it would be acted on very promptly, considering the importance of the legislation—I would expect also to offer several other amendments.

One of the most unfortunate provisions in the bill to which I would offer my next amendment to delete would be the ban on transfer of functions from the OEO to other agencies of Government as would presently be authorized, were it not for this provision, under the Administrative Reorganization Act.

The bill we consider today, to extend the Office of Economic Opportunity for 2 years, is a creature of multiple parts and many missions. It would continue the vital research and demonstration programs of America's national poverty agency through fiscal year 1973. This is the constructive part of the bill, as I have said.

But the bill would through the addition of a single punitive, restrictive, and backward-looking provision, divest the poverty agency of one of its key strengths—the latitude to shed itself of fully operational programs that can best be administered by other departments of Washington's pervasive bureaucracy. Under the Senate bill, the OEO could not continue its principle mission—research and development, analysis and strategy in the attack on poverty. This is what the amendment would relate to, and it would eliminate the provisions on page 119 of the bill which make this restriction.

In addition, this section, which we would eliminate, would prohibit transfers or delegation of programs administered by OEO under titles II, III, VI, and VII and would seriously cripple the prospects of the agency discharging its mandate.

More than 25 million Americans live on the dark fringes beyond the great American dream. The light of American abundance and affluence has not touched them. Given the complexity and temper of the American nation, it is not likely that these people can by themselves exercise the great bootstrap option of decades ago to pull themselves up by only their own initiative.

What the Nation seeks and what OEO strives to accomplish is not another layer of dole and largess. OEO seeks, instead, national programs that can educate, inspire, and show the way out of the poverty cycle for millions of Americans whose aspirations are not less than ours, but whose opportunities are pitifully inadequate.

It is not by happenstance that Congress named the poverty agency the "Office of Economic Opportunity." In another age or another country it might have been the "National Poor Corporation," the Poverty Department, or some other uninspiring pejorative term. It was not crated packages of largess that Congress had in mind in passing the poverty bill a half decade ago, but rather created circumstance for expansion of opportunity to the very young, the very old, the disenfranchised, the disillusioned.

The agency has succeeded admirably in giving millions of Americans the first opportunity that they have had to climb from the dark well of economic oppression to the broad sunlit uplands of economic promise.

The heart of this promise and the basis of its opportunity is innovation. We must, as a nation, find ways to give the poor the chance to help themselves. The Office of Economic Opportunity remains our last best chance to that end, but it cannot achieve its mandate if in well-intended but ill-considered judgment the Congress of the United States wraps OEO in an iron cocoon by circumventing its spin-off authority.

It is section 10 that would vitiate much of the potential for success now enjoyed by the Office of Economic Opportunity. Passage of section 10 might well be compared to saddling a highly successful inventor with the burden of mass producing, advertising, and marketing the products he invents.

Since its enactment in 1964, the administration of OEO programs has been transferred and delegated to departments and agencies other than OEO. Some of these transfers were effected by congressional action while others were at the initiative of the executive branch.

The PRESIDING OFFICER (Mr. WEICKER). The 5 minutes of the Senator from Oregon have expired.

Mr. SCHWEIKER. Mr. President, I yield an additional 5 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 5 additional minutes.

Mr. TAFT. Mr. President, either way, the intent has been to relieve OEO of the burden of operational responsibilities, keeping the agency from becoming merely one more administrator of social programs.

Section 10 of the bill before us now would prevent fulfillment of this intent by prohibiting the delegation of programs without prior congressional approval. What should properly be an administrative decision based on an objective analysis of each program's role within the Federal Government would run the risk of becoming a political issue. The merits of the decision would be lost in the rhetoric.

In carrying out its mandate, it is essential that the Office of Economic Opportunity retain its authority, which is subject to the approval of the President, to delegate the day-to-day operation of programs to agencies whose missions are that kind of daily operation.

Operating agencies such as HEW, Labor, and HUD are equipped, staffed, and funded for precisely the mission of operating extensive nationwide Federal programs created in many instances through the constructive intervention of other agencies.

To create from the innovative efforts of OEO, another monstrous multitentacled burgeoning bureaucracy that would carbon copy the functions of other agencies would be the epitome of shortsightness.

If OEO can be said to have one key mission in its congressional mandate, it is the mission of building and testing; of creating programs of merit and promise, seeing them into maturity and then giving them to agencies prepared to oversee long and productive tenure. Section 10 of S. 2007 would wipe out the authority for such transfers.

I urge my colleagues to remove this ill-considered restriction from legislation that has as its basic mission the antithesis of what section 10 would require.

Now, Mr. President, I expect to offer shortly an amendment which would strike section 10 from the bill. A further amendment which I will offer as to child sponsorship is a matter on which there is a great deal of difference of opinion. Much of it is covered in the minority committee supplementary views on pages 161 through 167 of the committee report. The present amendment's provision would limit to 100,000 the size of a unit of government which might be a prime sponsor under the development program. This amendment makes certain changes in that.

A further amendment to the child development program which I expect to offer by amendment shortly would be relating to the makeup of the Child Development Council.

A fifth amendment which I expect to offer would relate to the economically disadvantaged definition. This provision relates to the level of income of those participating in the program—that those participating in the program might have in the family income without being charged additionally. The bill at present relates to the fair labor standards definition of that provision. It seems to me that while perhaps the provision suggested in committee as an alternative is not wholly satisfactory, at the poverty level, it seems to me it is too low, that the actual determination of who should be charged or not charged to participate in the program should not be made by any independent agency, or by the Bureau of Labor Standards or any *x* department decision. It seems to me in administering properly a child development program, the agency to develop the program is the only one that can really justifiably and soundly make a decision as to who should receive the services without charge, because of the lower level of family income, and who should not be. The amendment I propose to make would move in that direction.

The next amendment would be to eliminate from the bill the provision of $10 million for setting up the child advocacy program. This is an entirely experimental matter. It was not covered in any degree at all in the hearings. No witnesses, as I recall, appeared to testify either for or against the provision. It came at a late time in the hearings.

I believe that while it may be a program of great merit, it is something on which the committee should have a great deal of further discussion and investigation before it takes off to recommend to the Senate and House that we pass this program.

A final amendment would be one which would go into the earmarking provisions in the pending bill. This was covered in the supplemental views fully.

In many ways I think it is the most dangerous provision in the entire bill because it can very well hamstring, from the point of view of resources, many of the ongoing, existing programs which I think are good and need additional help.

I therefore expect to offer an amendment which will have the effect of mollifying, to a great degree at least, the earmarking provisions of that bill.

Mr. President, that concludes my remarks on the bill and I am ready to offer the amendments.

Mr. SCHWEIKER. Mr. President, those are all the requests for time the minority has at this point.

The PRESIDING OFFICER (Mr. Weicker). Does the Senator from Ohio now wish to offer his amendments?

Mr. TAFT. Mr. President, I offer an amendment and send it to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment as follows:

On page 119, strike out lines 15 through 23.

On page 119, line 25, strike out "Sec. 11." and insert in lieu thereof "Sec. 10.".

On page 120, line 15, strike out "Sec. 12." and insert in lieu thereof "Sec. 11.".

The PRESIDING OFFICER. The Chair would inquire of the Senator from Ohio whether this is one of the amendments on which there is a 1-hour time limitation to be equally divided.

Mr. TAFT. Yes, Mr. President, the Chair is correct. I mentioned all six of the amendments in my remarks to which the unanimous-consent agreement applies.

The PRESIDING OFFICER. Does the Senator from Ohio ask unanimous consent that the pending amendments be considered en bloc?

Mr. TAFT. Yes.

The PRESIDING OFFICER. The amendments will be considered en bloc.

Mr. TAFT. Mr. President, I have already covered, to some extent at least, the reasons why I am offering this amendment. Its effect will be to delete lines 15 through 23 on page 119 which states, "Notwithstanding any other provision of law, unless enacted hereafter in limitation of the provisions of this section," and then it states certain titles of the OEO Act which may not be transferred to the head of any other agency, thus cutting into the authority that the President otherwise has under the Executive Reorganization Act.

The issue here goes beyond, however, the effectiveness of OEO. It strikes at the difference in the role which the Senate is now being asked to assign that agency and the role which the President of the United States sees for it. Section 10 of the committee bill is a microcosm of this issue, in my judgment.

I do not believe that any Member of the Senate believes in his heart that the Office of Economic Opportunity has a record without blemish. Its early history is a record of false starts, expectations which gave rise to the kind of hope among the poor which belied the expectations of the Congress and the country and frequently resulted in dashed hopes, increased frustrations, undelivered promises and, in general, often left a bad taste in the mouth of those who need the benefits which the agency can provide.

And at the same time, frustrations were piled upon frustrations in the minds of those who footed the bills. The American taxpayer who did not benefit in any tangible way from the programs of OEO found themselves frustrated, too, by that same gap between promise and fulfillment which troubled the poor themselves. The generosity of the American people, their essential deep-rooted understanding that something new was needed to deal with the problems of poverty in this country rebelled, too, at the examples of inefficiency, corruption, wasted talent, needless confrontation between the interests of the country as a whole and those whom the OEO is empowered to help.

Of course, growing pains were in considerable part responsible for these frustrations. After a few years, the agency learned its first lessons in walking before it could run. Many of the management problems and the confrontative attitudes that prevailed in its early days have been blunted in most recent years.

But who can say that the President is wrong when he suggests that we are undertaking the expenditure of millions and billions of dollars on behalf of programs within and without the poverty field which need study, demonstration and evaluation before we decide that we want to continue to operate these concepts. Just because we have been running programs does not mean that we need to continue to run programs if they fall short of their mark and if we learn new lessons about poverty.

Mr. President, I think we need to learn more things and we need to attack new problems. I do not believe it was ever the intention of this Congress to perpetuate the OEO as a top-heavy, bureaucratic, business-as-usual operating agency of Government—built along the same lines as all the other departments and agencies are built, repeating the same missions that other line agencies and departments are already at work doing. Rather, I believe, the President is right when he sees OEO as the cutting edge of social change in America.

Incidentally, I served on the Education Subcommittee in the House of Representatives at the time this program was proposed. And from the very beginning, the concept of the program was not that it should be an ongoing program, but that when the program had been developed, the program should be transferred to other agencies of the Government, thus avoiding the duplication of agencies within the Government.

The Senate committee, through this section, is telling a President and a Director of the Office of Economic Opportunity, for the first time, that they cannot delegate a single project without prior congressional approval. This means that a family planning project that has matured and is ready to be administered by another department, cannot be transferred. Section 10 means that a comprehensive health center that has proved its point and has been tried in the field by OEO and its grantees cannot be moved over to HEW, as a number of them have done in the past.

Instead, OEO must continue to operate projects which have proved their value and are ready to move on, thus reducing the agency's inherent flexibility. If OEO is required to continue to do the same old things, how can it learn to do new things? How can the President's mission for it be realized in the educational area, through its voucher and performance contracting experiments and its health programs as part of a quest for the identification of new delivery systems for health services—how can new thrusts be developed when the agency is top heavy with old projects?

The President does not have on his agenda program changes in OEO which are not considered by the Congress. But it is a total denial of the kind of agency OEO is, to require it to keep on doing everything it has been doing and preventing it from constructively changing into a broader and more effective research and development arm of the Federal Government.

What we are saying in this bill is that OEO is to be an operating agency. The President is saying that its first function should be as an R. & D. agency. By requesting a 2-year extension of the Economic Opportunity Act and its programs, the President is not saying it shall be only an R. & D. agency, for most of the programs which would be extended under this bill are in the operating field.

It is a distortion of priorities which my amendment seeks to redress. I would strike section 10 as a wholly undesirable limitation on the goals and objectives which the President of the United States seeks for the Office of Economic Opportunity.

Make no mistake about it. We are not just voting for a 2-year extension of the OEO as a top-heavy operating agency if we accept this bill as it came from committee. We are putting a stamp of approval on a principle. We are really saying to this and to future Congresses that we intend OEO to continue as an operating agency of government—just like every other one. We are tying the hands of the President; we are tying the hands of the agency to do useful work; we are telling the American people that its record is unblemished, which it is not, and we are saying that we stand in the doorway of change, preventing it from taking place.

That is why I have proposed the amendment today and that is why I recommend it to the Senate.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 5 minutes.

Mr. NELSON. Mr. President, it is important to understand precisely what section 10 of the bill does. It simply says that no new transfers or delegations of OEO programs shall be carried out during fiscal 1972 and fiscal 1973 unless Congress approves.

This is perfectly consistent with the administration's own plans for OEO.

The administration has proposed a 2-year extension of OEO as it now stands. It has also proposed that manpower programs be transferred to State and local government, that community action agency funds be transferred to State and local governments, and that a number of OEO programs be spun off to other agencies. But in each case, the administration has proposed to make these changes through legislation.

That is all we ask in section 10 of the bill—that changes for the current 2-year period be made through legislation.

I think we have a right to expect that such a procedure be followed.

We have more than 900 local agencies operating poverty programs around the country. They have their own budgets, their own staffs, their own commitments and their own plans for the future. They do not want to open up tomorrow morning and find out that their funding has been taken away and their programs transferred or abolished without any public notice, debate, discussion or congressional action.

Tremendous changes have been made in OEO programs in the last 2 or 3 years. More than half of the money in the OEO budget has been spun off to other agencies. All section 10 asks is that there be no further changes for the current 2-year period unless Congress approves.

I would like to point out that at the time we were marking up the OEO bill, the administration spokesman in discussions with me and with staff members of the Employment, Manpower, and Poverty Subcommittee assured us that the administration had no intention whatsoever of delegating any further functions of the OEO by Executive order. And they agreed that they would furnish us with a letter to that effect.

I assured them, and so did the distinguished Senator from New York (Mr. JAVITS), that if a letter were furnished by the administration saying that they did not intend to and would not delegate any further functions of the OEO to any other agency during the period of this 2-year extension, we would accept that letter in place of the amendment we had placed in the bill.

We were assured that such a letter would be forthcoming. However, it has not been forthcoming. Perhaps that was because they did not want to write a letter to that effect and did not care enough about the amendment. In any event, there has not been a letter, but there have been repeated assurances to us from the representatives of the administration that they have no intention of delegating any more OEO programs without going through the traditional legislative process.

I can see no reason to object to the provision in the bill that there should be no new delegations of programs unless there have been congressional hearings and approval by Congress. And since the delegations that the administration spokesmen have proposed to me have, in fact, been proposed to be done in the legislative forum anyway, there is no necessity for their having in reserve the right to delegate functions when they are proceeding under the legislative route. Their present proposal, I think, means that the appropriate committees of the respective bodies, as well as the two Houses themselves, have an opportunity for hearings, discussion, debate, and a vote on the floor of the Senate on the proposals that are basic and fundamental to the OEO bill.

I cannot see why there would be any objection to that procedure on the part of the administration.

Mr. BYRD of West Virginia. Mr. President, does the Senator from Ohio wish to ask for the yeas and nays on the pending amendment?

Mr. TAFT. Mr. President, I request the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. TAFT. Mr. President, I take this time merely to reply in brief to the remarks of the chairman of the subcommittee, the Senator from Wisconsin (Mr. NELSON).

I assure him, first of all, that the administration cares and cares very deeply about the question of retaining this priority transfer of activities of OEO to other agencies of Government. It is not merely a matter of what particular agency might or might not be transferred; and I believe the letter which has been discussed was not sent because it was felt that it would be impossible to predict completely over a period of 2 years what might seem desirable to do in this kind of activity in the future. Therefore, I think the plans with regard to the letter were changed, but there is very deep concern and it relates not to any particular transfer but to the question of the principle involved here: Is OEO to be an operating agency?

This battle has been going on since the inception of OEO and it will continue throughout the life of OEO. The only thing to prevent OEO from becoming a permanent, built-in, bureaucratic operating agency with its own cadre of force and plans of promotion and the like, as every other department or agency of government operates, is the Congress of the United States by insisting upon the principle that was originally in the OEO Act being maintained. That principle is that this is basically a research and development agency into innovative ideas and testing and probing into new fields which other agencies might find embarrassing or beyond their scope or that are not high priority items on their agenda. That is the question involved in this amendment.

The PRESIDING OFFICER. Who yields time? Do Senators yield back their time on the amendment?

Mr. NELSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. NELSON. Mr. President, I yield whatever time is needed to the distinguished Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SCHWEIKER. Mr. President, I would like to ask the distinguished chairman of our subcommittee to clarify one point of the amendment, as well as the pending bill, relative to the amendment.

The original wording of the text refers to the "transfers or delegations of programs administered by the Director of the Office of Economic Opportunity." As I understand it, in the past there have been some other temporary assignments and transfers of individual projects on a limited basis for the convenience and efficiency of the Government, such as OEO asking a particular department to operate an individual project because it is more efficient and advantageous for the Government to handle it in this matter.

Is my understanding correct that this language of the bill as written, prior to the amendment of the Senator from Ohio, would still permit that temporary delegation of individual projects without changing the ultimate responsibility for the total program in OEO? Would that still be allowed by this bill as reported by the committee?

Mr. NELSON. Yes. I think it is broader than that, depending on the interpretation of the word "temporary." If an innovative project in the field of family planning or a health project were instituted by OEO, and after it had developed and performed, and was functioning and after it became a mature program, that particular project may be delegated to HEW.

All this amendment provides is that the functions and programs assigned to the Director of OEO may not be delegated by any of these kinds of projects if it is more efficient for them to be handled by HEW or some other agency. Once they have been tried, tested, and mature, they may be delegated to other agencies. It provides considerable flexibility.

We are only talking about prohibiting the delegation of functions and programs assigned under the act.

Mr. SCHWEIKER. In view of that, I do not see that this would impose any hardship on the department as it is now operating, as the chairman of the subcommittee mentioned.

We had hoped to have a letter which was never forthcoming, which would allude to this very problem. We are still hopeful that by the time of conference we may have such a letter.

However, I think the language of the bill as written does not handicap or crimp the style of OEO, as long as we have clarified the distinction that the chairman has just made on the floor of the Senate.

Mr. NELSON. I think the Senator is correct. If at the time of conference there was a letter from the administration I am sure the majority and minority leadership would agree to accept the letter. In fact, we did have a letter, and as I read it I thought it was slightly vague and that it should be sharpened up a little bit; but the revised version never came back.

My interpretation really is that the administration does not feel strongly about this, except perhaps as a matter of principle, since they have assured us time after time that there is no intention whatsoever to delegate any programs or functions of the OEO Director during this 2-year period.

Mr. SCHWEIKER. I think the distinguished Senator is correct in his assumption. We are still cautiously optimistic that we might have a letter.

I thank the Senator.

Mr. NELSON. Mr. President, I yield back the remainder of my time on the amendment.

Mr. TAFT. I yield back the remainder of my time on the amendment.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Ohio (Mr. Taft). On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Nevada (Mr. Bible), the Senator from North Dakota (Mr. Burdick), the Senator from Idaho (Mr. Church), the Senator from Mississippi (Mr. Eastland), the Senator from Arkansas (Mr. Fulbright), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from North Carolina (Mr. Jordan), the Senator from Washington (Mr. Magnuson), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. Muskie), the Senator from Rhode Island (Mr. Pell), the Senator from Alabama (Mr. Sparkman), and the Senator from Virginia (Mr. Spong) are necessarily absent.

I also announce that the Senator from Indiana (Mr. Bayh), the Senator from Indiana (Mr. Hartke), the Senator from South Carolina (Mr. Hollings), and the Senator from Montana (Mr. Mansfield) are absent on official business.

On this vote, the Senator from Indiana (Mr. Bayh) is paired with the Senator from Mississippi (Mr. Eastland).

If present and voting, the Senator from Indiana would vote "nay" and the Senator from Mississippi would vote "yea."

I further announce that, if present and voting, the Senator from North Carolina (Mr. Jordan), the Senator from Washington (Mr. Magnuson), and the Senator from Arkansas (Mr. Fulbright) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. Aiken), the Senator from Colorado (Mr. Allott), the Senator from Oklahoma (Mr. Bellmon), the Senator from Utah (Mr. Bennett), the Senator from Nebraska (Mr. Curtis), the Senator from New York (Mr. Javits), the Senator from Ohio (Mr. Saxbe), and the Senator from Pennsylvania (Mr. Scott) are absent on official business.

The Senator from New Hampshire (Mr. Cotton), the Senator from Colorado (Mr. Dominick), the Senator from Hawaii (Mr. Fong), the Senator from Wyoming (Mr. Hansen), the Senator from Idaho (Mr. Jordan), the Senator from Illinois (Mr. Percy), the Senator from Maine (Mrs. Smith), and the Senator from North Dakota (Mr. Young) are necessarily absent.

The Senator from Kentucky (Mr. Cooper), the Senator from South Dakota (Mr. Mundt), and the Senator from Vermont (Mr. Prouty) are absent because of illness.

The Senator from Maryland (Mr. Beall), the Senator from Alaska (Mr. Stevens), and the Senator from Texas (Mr. Tower) are detained on official business.

If present and voting, the Senator from New York (Mr. Javits), would vote "nay."

If present and voting, the Senator from Maine (Mrs. Smith), would vote "yea."

On this vote, the Senator from Texas (Mr. Tower) is paired with the Senator from Alaska (Mr. Stevens). If present and voting, the Senator from Texas would vote "yea" and the Senator from Alaska would vote "nay."

The result was announced—yeas 26, nays 31, as follows:

[No. 214 Leg.]

YEAS—26

Allen
Baker
Boggs
Brock
Buckley
Byrd, Va.
Byrd, W. Va.
Chiles
Cook
Dole
Ellender
Ervin
Fannin
Goldwater
Griffin
Gurney
Hruska
Miller
Packwood
Pearson
Roth
Stennis
Taft
Talmadge
Thurmond
Weicker

NAYS—31

Bentsen
Brooke
Cannon
Case
Cranston
Eagleton
Gambrell
Hart
Hatfield
Hughes
Humphrey
Inouye
Jackson
Kennedy
Long
Mathias
McClellan
McIntyre
Metcalf
Mondale
Montoya
Nelson
Pastore
Proxmire
Randolph
Ribicoff
Schweiker
Stevenson
Symington
Tunney
Williams

NOT VOTING—43

Aiken
Allott
Anderson
Bayh
Beall
Bellmon
Bennett
Bible
Burdick
Church
Cooper
Cotton
Curtis
Dominick
Eastland
Fong
Fulbright
Gravel
Hansen
Harris
Hartke
Hollings
Javits
Jordan, N.C.
Jordan, Idaho
Magnuson
Mansfield
McGee
McGovern
Moss
Mundt
Muskie
Pell
Percy
Prouty
Saxbe
Scott
Smith
Sparkman
Spong
Stevens
Tower
Young

So Mr. Taft's amendment was rejected.

Mr. KENNEDY. Mr. President, I take pride in supporting S. 2007, to extend the Economic Opportunity Act for 2 years, I believe the Employment, Manpower, and Poverty Subcommittee under the leadership of its chairman, Senator Nelson, has prepared an impressive hearing record that amply justifies the extension and expansion of the programs authorized by the pending legislation.

Studies by OEO have tabulated 25.7 million persons living in poverty and another 22 million near poor with incomes ranging from 1 percent to 50 percent above the poverty level.

For the first time in a decade, the number of persons living in poverty has actually increased. Although the Census Bureau had recorded an average annual decline of 5 percent in the poverty population during the previous 10 years, between 1969 and 1970 the trend was reversed and there was a 5-percent rise in the number of persons living in poverty.

So it was that the subcommittee acted this year with the recognition that much greater momentum had to be generated in OEO.

Therefore, the committee rejected administration proposals to cut various OEO programs and instead proposed four major reforms.

First, to expand the special impact program into a major drive toward urban and rural community economic development;

Second, to establish a new Legal Services Corporation to assure the separate identity and independence of legal services for the poor;

Third, to commit the Nation to comprehensive day-care and child-development services for the poor;

Fourth, to propose a fivefold increase in Neighborhood Youth Corps programs to cope with the effects of massive unemployment among poverty area youngsters.

I was particularly pleased that the committee accepted legislation I introduced to create a separate community economic development title within the act, a title that reflects the belief that the major demonstration project within the Office of Economic Opportunity should be a program to promote economic development in the poverty areas of the Nation.

For those who view the answer to the plight of the inner cities as dispersal to the suburbs and for those who view the answer to the plight of rural America as dispersal to the cities, I say you are deluding yourselves and the Nation.

We cannot turn our backs on the Harlems, the Bedford-Stuyvesants, the Wattses, the Roxburys, the East Los Angeleses, or the rural reaches of west Texas or northeast Oklahoma areas. We must find ways to strengthen those communities and promote economic development so that residents have a place to shop, a place to work, a place to live.

Five years ago, Robert Kennedy walked through the streets of Bedford-Stuyvesant and was stunned by the unfulfilled potential that he saw. It was not just the broken windows or deteriorating housing or other physical evidence of poverty that depressed him. He was also appalled by the failure of a nation to harness the energies and abilities of the human resources of this community.

Last June, I walked through the same streets and I saw change. The steel girders of a new office and apartment building spanned nearly a full block. And this was not economic imperialism by an outside developer. This was a building that was planned by the community. This was a building that would provide new homes for members of that community. This was a building that would provide income from the community-controlled corporation that would use those new funds to spark another wave of community development.

This was the work of the Bedford-Stuyvesant Restoration Corporation.

The lesson that Robert Kennedy learned when he toured the streets of Bedford-Stuyvesant was that the human resources of the community had to be mobilized and linked to the technical skills and capital of the business world and government. From that lesson he and Senator JAVITS devised the Community Development Corporation. Their design was contained in the title I–D Special Impact Amendment to the Economic Development Act adopted in 1967.

Under that title, Bedford-Stuyvesant has been receiving Federal assistance since 1967. And for each dollar of Federal money that has been granted to the community-controlled corporation of Bedford-Stuyvesant, $2 in private capital have been attracted.

The results that the poverty subcommittee saw last month in hearings I chaired in New York included a $100-million mortgage pool, a 240-man IBM plant, a $2-million assistance program, 48 local businesses, construction of a modern neighborhood and community center, 1,450 renovated homes in a program employing 900 formerly unemployed and unskilled youth and planning for a new modular housing factory.

But beyond those physical testaments, we have the testimony of residents who now have pride in their community and hope in their future.

Lloyd Doyle, a 30-year Bedford-Stuyvesant resident, told the committee:

> We have seen houses . . . in this community become vacant lots, garbage uncollected, broken-up cars . . . so this causes our hopelessness. . . . Now this hope is given to people that in your community you have an organization (Bedford-Stuyvesant Restoration Corporation) that can help you renovate your home, give you a decent place to live, and it gives hundreds of thousands of people hope . . .

And not only in Bedford-Stuyvesant are these results taking place—I ask unanimous consent to have inserted in the RECORD a list of the CDC's funded under I–D programs—but in 37 communities, Federal grants have been extended to sponsor community development corporations. And in some five other communities, planning grants are permitting new CDC's to begin work. But the need for additional Federal support goes far beyond what is now provided.

There is simply no adequate justification on the part of the administration for its decision to cut funding back to $25 million this year. Last year some $36 million was appropriated, yet that was still below the authorization of $48 million. This year we have brought that authorization to $60 million and proposed doubling it to $120 million for fiscal year 1973.

Beyond the evidence of the accomplishments of communities such as Bedford-Stuyvesant to convince us of the need for this program, we also have seen the mounting number of petitions from other communities anxious for I–D funding. Since November 1970, 100 new proposals have been received. OEO has been able to fund only five.

For the current fiscal year, the existing 36 CDC's will undoubtedly exhaust the available funds. This means that for another year, nearly 100 communities with the need for a starting assist from the Federal Government will be turned away.

The most recent evaluation of the special impact program, a 6-month inquiry by the 20th Century Fund, was overwhelming in its endorsement of the CDC as "the most promising economic structure presently operating in the ghettos." The study recommended vastly expanded Federal support to permit the CDC's to achieve economic as well as social aims. For, as the study chairman, economist Robert S. Browne stated:

> The demands of the ghetto are not exclusively for bread—although the basically economic nature of the ghetto's problem is readily admitted—but also for dignity, for self-pride, and for a measure of control over one's life situation.

For all of these reasons, I introduced legislation, along with Senator JAVITS, to reemphasize and improve Federal support for community economic development.

First, this legislation seeks to continue and expand the urban community economic development program, the present I–D program, and to extend its benefits to rural areas.

Second, the legislation would continue the rural loan program which the administration proposed to phase out. Testimony from rural groups emphatically asserted the need to continue this program. The legislation now incorporates the concept of providing a full range of grant, loan, and technical assistance to aid small farmers and rural cooperatives.

Third, the legislation establishes an expanded program of technical assistance, including a development loan program for both urban and rural CDC's and rural cooperatives.

Finally, the legislation removes a barrier to full Federal cooperation with community development corporations by directing the Small Business Administration, the Economic Development Administration and the Department of Housing and Urban Development to take all steps necessary to insure that CDC's have full access to their programs.

In this way, we hope to make clear the commitment of the Federal Government to the concept that communities have the right to control and direct their own social, economic, and poltical development.

LEGAL SERVICES

The second major area of change within the OEO extension bill is the establishment of a private, nonprofit corporation, to administer the present legal services program. As an independent, self-corporation, the National Legal Services Corporation will be authorized to make grants and contracts to provide comprehensive legal services and assistance to low-income persons.

The 15-member board will include representatives of the public, representatives of the poverty community, representatives of the legal services attorneys, and the presidents of the American Bar Association, the National Bar Association, the American Trial Lawyers Association, the Association of American Law Schools and the National Legal Aid and Defender Association.

The continuing threat of political interference has necessitated the establishment of this independent corporation.

The legislation introduced by Senator MONDALE, which I cosponsored and which has been incorporated into S. 2007, has the endorsement of State bar associations as well as the American Bar Association. The ABA president, testified:

> These recurring attacks on the legal services program have helped shape our view that the legal services program should be provided a new and independent home . . .

The new corporation will provide legal services, conduct research, training, technical assistance, and clinical legal-education programs.

I believe that in its new home it will be in a strong position to continue the remarkable record achieved since its inception in 1965.

The poor people of America have every right to expect the same treatment from the courts of our land as the wealthy, and I believe this program will insure that lack of knowledge of the law and lack of funds to hire the services of a lawyer will no longer deny justice to any American.

COMPREHENSIVE CHILD DEVELOPMENT PROGRAM

The OEO legislation protects and expands the enormously successful Headstart program, committing the Nation to a comprehensive child-development program. The record of testimony has demonstrated the lack of prenatal and postnatal health care, adequate nutrition and proper educational stimulation for children in their first 5 years—children among poor families but among thousands of families with working mothers.

The magnitude of the problem is amply demonstrated by testimony showing 4½ million working mothers with children under the age of 6 while the number of licensed day-care openings number only 700,000. It is to this enormous gap in day-care facilities that the legislation addresses itself. The bill authorizes $100 million for fiscal year 1972, in addition to the $500 million continuing Headstart authorization and adds another $2 billion in fiscal year 1973.

The central concern of the child-care program is to emphasize the development of the child rather than simple custodial care. For that reason, the bill covers a wide range of services including physical and mental health, learning development, food and nutrition, and insures special programs responsive to the needs of minority children, bilingual children, migrant children, Indian children, and handicapped children.

An equally important element in the child care legislation is the requirement that local parent councils participate fully in the planning, implementation, and administration of the child-care programs. Only in this way can we assure that these programs will reflect the needs of local communities.

NEIGHBORHOOD YOUTH CORPS

At a time when the indicators of youth unemployment have been rising to alarming heights, the Nation's efforts to provide employment opportunities have been on the decline. In 1966, the number of 16- to 19-year-old youths unemployed was 836,000 according to the Labor Department while the number of Neighborhood Youth Corps out-of-school job slots was 98,600. Today, there are an estimated 1,879,000 16- to 19-year-olds out of work, yet the number of Neighborhood Youth Corps job slots has dropped to 36,800.

Frustration in the ghettos is increasing today at a time when the opportunities in the normal job markets are almost nil. After testimony from Neighborhood Youth Corps workers, from Senator HUMPHREY—former Chairman of the President's Council on Youth Opportunities—from the Labor Department and from union leaders, it is apparent that the Nation must expand job opportunities for poverty youngsters.

With that intention, there is an increase of $500 million proposed for the Neighborhood Youth Corps program, an increase that will fund 100,000 new jobs. I can think of no more important action on the part of the Congress than to speedily adopt this measure and bring some relief to the young men and women who are experiencing the full impact of our declining economy.

There are two additional programs that I would call to the attention of the Senate. I joined with Senator CRANSTON and Senator TUNNEY in introducing the youth recreation and sports program which will establish on a permanent basis the pilot national summer youth sports program that has operated for the past two summers. Under this program, some 124,500 youngsters from around the country participated in summer sports and recreation programs at area colleges and universities.

In my own State, at Boston College, Boston University, Springfield College, and Boston State College these programs have been operating successfully for the past several years. The intent of the administration to end this program flies in the face of positive evaluations that have been received.

The reports from around the country and from the areas in my own State where they have been conducted have demonstrated that they can be a mechanism for bringing disadvantaged youngsters together with collegiate personnel and at the same time strengthen the ties between colleges and local communities.

Also, because of the past success of this program, we have authorized up to $6 million annually to operate this program on a year-round basis.

The committee also included permanent funding for design and planning assistance centers to give low-income persons the tools to participate in the planning and development of their communities.

Just as legal services offers long-denied legal rights to citizens, so too do the design and planning centers offer the poverty community the chance to be represented in city, county, and State planning and redevelopment councils.

Since 1967, we have seen the pilot planning organizations spring up in Harlem, in San Francisco, and in Boston. These OEO-funded programs have convinced the committee of the need to provide permanent status for them in the Economic Opportunity Act. In Boston, urban planning aid now has three neighborhood-based workshops staffed by local architects, planners, and engineers—all working as volunteers. They offer a wide range of skills to the poverty community and have provided plans ranging from housing rehabilitation to public transportation.

Other local private design centers include urban field service at the Harvard Graduate School of Design and the community design-development centers operated by the Boston Society of Architects. These experiences convinced me of the need to build a permanent nationwide program of community design centers for the poverty community.

I believe these new programs add to the weapons available to OEO in meeting the challenge of reducing poverty in this Nation. The measures we adopt in the Economic Development Act are the most visible expression of a continued Federal commitment to eradicate poverty. I believe we have furthered that commitment by this legislation and I urge its passage.

The PRESIDING OFFICER (Mr. BUCKLEY). What is the pleasure of the Senate?

Who yields time?

Mr. TAFT. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 64, beginning with line 1, strike all through line 6 and insert in lieu thereof the following:
>
> "(5) 'economically disadvantaged child' means a child of a family with an insufficient annual income to permit the use of a child development program if a charge is made, as determined in accordance with criteria prescribed in regulations by the Secretary, taking into consideration family size, urban-rural differences, and other relevant factors;"

Mr. TAFT. Mr. President, I yield myself 10 minutes or such time as I may require.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a question?

Mr. TAFT. I yield.

Mr. BYRD of West Virginia. Is it the able Senator's intent to ask for the yeas and nays on the amendment?

Mr. TAFT. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. TAFT. Mr. President, in the child-development program advocated by this bill, in section 6, starting on page 10 of the bill and going all the way through to page 71, the question arises as to who will qualify and under what circumstances children will qualify for participation in the program.

Mr. BYRD of West Virginia. Mr. President, the Senate is not in order. May we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. TAFT. The intention of the program, of course, is to extend beyond the mere poverty level and beyond the scope of the present Headstart program a program for all children in America who are needful of the services of the program. This would include those in families at poverty level and would also go on up, and the concept is included in the program that a fee schedule would be set up to be charged to those who are participating in the program whose families are able financially to meet the requirements of the fee program. This would be a sliding scale fee program. The issue raised by this amendment, which would strike the language on page 64, lines 1 through 6, and substitute the language of the amendment, is whether or not the fee schedule would start at a level of $6,900 for a family, which is the present standard as determined by the Bureau of Labor Statistics of the Department of Labor for a lower living standard budget family, or whether it would start at some other figure.

In the committee, there was discussion of using the poverty level figure. The average poverty level figure for a family would have been $4,320 per family. There was a good deal of feeling in the committee—which I must say I shared to some extent—that the position that some took, that the poverty level should be the base at which the fee schedule would start to operate was too low, that a family with an annual income of only $4,320 should not be required to pay a fee. I concur in that.

On the other hand, the bill as it presently reads, on page 64, would set it at the lower living standard budget as determined by the Bureau of Labor Statistics of the Department of Labor, and that would be at the $6,900 level, which in some communities in the United States, it would seem to me, would probably be excessive. I think that many families in the $6,900 level, if their children are to receive help under the program and are to participate in the program, would be glad, and perhaps might even want, to pay a fee.

For many years, I have been associated with a child welfare agency in the adoption field; and we found that even with families at a relatively low income, the acceptance of a fee schedule is indeed very broad. In many cases there is a feeling on the part of the adopting parents that if they are to adopt a child, they want to pay at least the expenses of the agency in going through the adoption process and the other expenses attendant to such a service.

I have a feeling that the American people have this kind of ethic, in any event, and that we ought to consider this; that the fee schedule and the level at which we set this provision ought to be flexible, and it ought to be related specifically to the purposes of the child development program. It should not be set by the Bureau of Labor Statistics. For that matter, I think it should be set at the same level as the poverty program. These are different concepts and different needs.

It seems to me that the only standard that makes any sense is the standard that the Secretary of Health, Education, and Welfare develops as a sensible standard in connection with the administration of this particular program. I believe that if Congress accepts the amendment I am now proposing, the Secretary of Health, Education, and Welfare will do just that.

There is some fear, I know, that because of the language that was offered to amend this section to go to the poverty level, the Secretary would go immediately to the poverty level and say that any family with an income over $4,320 would be required to participate in a fee schedule. The fee schedule could be set so low that that might even make sense. But it should not be an arbitrary standard. It should not be set by some extraneous program or extraneous requirement. It ought to be set by the people administering and running the program. I believe that the language I propose in this amendment would accomplish this objective.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. I yield to the Senator from Minnesota (Mr. MONDALE) such time as he desires.

Mr. MONDALE. Mr. President, I rise to oppose the amendment offered by the distinguished Senator from Ohio.

One of the key principles involved in this measure is that quality developmental child care should be available to the children of all income levels. After reserving $500 million for Headstart and similar programs serving children from families with incomes below the poverty index, the committee bill reserves 65 percent of the funds for services without charge to children from families with incomes below the BLS lower family budget figure, and 35 percent of the funds to provide services to children from families with incomes above that level, who would pay part of the cost, according to a fee schedule established by the Secretary of Health, Education, and Welfare. The pending amendment would permit the Secretary to impose a fee upon families who make less than $6,900 a year.

I ask unanimous consent to have printed at this point in the RECORD a table prepared by the Bureau of Labor Statistics showing how the BLS lower family budget for a family of four has been established.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Food	$1,905
Housing	1,429
Transportation	505
Clothing and personal care items	807
Medical care, hospital insurance	562
Other family consumption:	
Recreation, school expenses, tobacco, miscellaneous items	345
Contributions, gifts	165
Life insurance	120
Occupational expenses	58
Social security	345
Personal taxes	719
Total	6,960

Mr. MONDALE. Mr. President, a quick reading of that table will show that a family making that amount of money simply cannot afford to pay any significant amount—indeed, it should not be asked to pay any amount—for the care of their children under this program.

There is a second reason why the committee rejected the proposal. We strongly believe this should not be another welfare program, that it should not carry the stigma of failure which so many welfare programs carry. We believe that this should be a program for children who need quality child-care services—while their mothers are working, in many instances. Nearly one-third of the mothers in this country today who have children below the age of 6 are at work. Nearly 6 million preschool children presently need these kinds of services. If this amendment is adopted, and if the administration imposes fee schedules beginning at the welfare level, what we will be saying to the mothers of this country is, "Do not go to work if you want your children to have quality developmental care. Stay home, stay on welfare, and then you will get free day care services; but if you go to work, most of your increased income could be taken up by fees imposed on you under this amendment, to pay for the cost of day care."

Mr. President, we would much prefer to see a program analogous to the public school system where children, as a matter of right, because they are children, get the decent care to which they are entitled.

We think that this amendment would have a serious deleterious effect on the future of a quality comprehensive day care developmental program and, therefore, I oppose the amendment and hope that it will be rejected.

PRIVILEGE OF THE FLOOR

Mr. NELSON. Mr. President, I ask unanimous consent that Mr. Spring and Mr. Johnson of the subcommittee staff on manpower and poverty be permitted the privilege of the floor during the course of debate. That will be two in excess of those permitted under the rule.

The PRESIDING OFFICER (Mr. WEICKER). Is there objection? The Chair hears none, and it is so ordered.

Mr. NELSON. Mr. President, I am opposed to the amendment proposed by the distinguished Senator from Ohio because I am concerned that the Secretary or any other Secretary might—it is likely, in fact—set an income level lower than what I think, as a matter of policy, it should be.

As I am sure the distinguished Senator from Ohio realizes, the distinguished Senator from Minnesota (Mr. MONDALE) and myself proposed an amendment, which was adopted, 2 years ago, providing that children of parents with an income above the poverty level may participate in the Headstart program under regulations spelled out by the Secretary. The Secretary's regulations provide that 90 percent of all the children participating in the Headstart program must be children of parents with an income below the poverty level—$4,000 or less—and that 10 percent may be in an income level between $4,000 and $5,500.

The committee felt, after much consideration, that the level of $6,960, which is the BLS's low-income budget figure, should be the breakoff point; and that at $6,960, by regulations spelled out by the Secretary, a fee could be set in accordance with the income of that family.

I think it is clear to anyone who gives any thought to this, that a family with an income of $6,500 is in no position to spend very much money, if any money, to help pay for a child development program, if they want their children to participate.

My only objection is that I disagree with the level established by the current Secretary. If he is going to establish the level at or near the present poverty level, which he would be free to do under this amendment of the Senator from Ohio, then I would object strenuously. If, however, he were going to establish it at a level somewhere around that established by the committee, of course it would not be objectionable. Thus I would hope that the Senate will reject the pending amendment.

Mr. TAFT. Mr. President, I would ask the chairman of the subcommittee his opinion as to the number of children who might be served under the program in fiscal 1973. We have a problem that demonstrates the difficulty of trying to establish some hard and objective standard, and the difficulty of taking away from the Secretary his discretion to make a decision.

The $2 billion funding would not, I believe, be anywhere near sufficient to take care of all the children who would become eligible under the $7,000 or the $6,960 average income figure. This would give the Secretary and the administrators of the program a good deal of latitude to make a decision as to who would participate in the program and who would not. It might work to the disadvantage of the children whose families have the least income. It would, really, defeat the purpose of helping those people in the lower incomes. In other words, the higher we set the standard for which the fee would not be charged to the family, the more likely we are, I think, to be discriminating against those children whose parents have the lowest income.

Let me cite some figures which have been provided by HEW.

The number of children in this country of families whose incomes are under $4,320, would be 3,463,202 children. We can scale that up to the $5,000 level, up to 4,100,000; $5,500, 4,800,000; $6,000, 5,500,000; $6,500, we get up to 6 million; and the $7,000 figure, the approximate figure put in the bill, we are dealing with 6,800,000 children.

What I am saying is that there is limited funding which seems likely under the bill and that if we take the 6.8 million children, we would be leaving, unless by regulation we provided the Secretary with the power to say we are limiting it by agreeing that we are going to charge a fee, nominal, perhaps more than nominal, on some of the families between the level of $4,300 and $7,000. So that automatically we will be making an adverse selection. Everyone likes to make a program look good. In the Headstart program, in some of its initial phases, it was the experience, the tendency, to upgrade the families with which we were dealing, rather than getting down to dealing with the hard cases involving low-income families.

I wonder if the chairman has any figures as to how many children he thinks will be served for such a program for the year 1973?

Mr. NELSON. Mr. President, I yield to the distinguished Senator from Minnesota.

Mr. MONDALE. Mr. President, there are already several safeguards in this measure to protect against the diversion of funds from the most needy.

First of all, we earmark the first $500 million of the $2 billion authorization for Headstart and similar programs serving the very poor. Second, two-thirds of the remaining funds are reserved for economically disadvantaged children as defined by the law.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. MONDALE. There is a good deal of protection already in the bill.

Mr. TAFT. Mr. President, I point out that under the definition in the bill of economically deprived children, if we are talking about the family with an income of $7,000, we are talking about 6,800,000 children, as I just mentioned.

Mr. MONDALE. Mr. President, first of all, if we really want the children of those who work to participate in this comprehensive child development program, we must include people who earn up to $6,900. Otherwise, we would be in a position of saying, "If you want quality care for your children, stay on welfare and do not work." It seems to me that we want to go in just the opposite direction—and make this more than a welfare project.

The second point is that among those who most strongly favor the formula in the bill are the poor themselves.

I call the attention of the Senator from Ohio to the list of organizations who developed this measure. That list includes many of the organizations that speak for the poor of this country. They are pleading with us to change the nature of these programs so that they will not just be welfare programs. They feel very strongly that the formula for care and assistance set forth in the bill constitutes a quality program.

Mr. TAFT. Mr. President, that does not answer my question. How many would be dealt with under the authorization? It seems to me that the question really is what level we are going to start with. Just because the economically disadvantaged want this bill does not mean that the purpose of the bill—which I share—would preclude the charging of a fee.

I would feel that a minimal fee of $1 might be charged to everyone as some recognition that this is not being provided free, but it is a service that is being provided.

Let us not keep the cat in the bag. The basic question is whether we will make this a free program for every child in America.

The feeling of the committee was that it should not be a free program for every child. That is why the bill was reported in this fashion. The Senator may well feel that it ought to be a free program. I can see arguments in favor of that position. I do not have to agree with that position, however.

I feel that families that can afford to pay something for this service ought to pay if they want to have the service. It is there for those who need it. That is the whole concept of the bill.

Mr. MONDALE. Mr. President, if I might respond to the Senator, the committee itself in determining the point at which it ought to be proper to establish a fee for the use of these services set the figure at $6,900 based upon the Bureau of Labor Statistics figures. Those below that level do not have the funds with which to pay for it. The committee called for adjustments in the BLS figure for differing cost of living areas.

Mr. TAFT. Mr. President, if the Senator would yield, I would like to point out that as far as the Bureau of Labor Statistics setting that figure for a family because it felt that had something to do with whether a fee ought to be charged for the services, that is baloney. They set it as a statutory standard that they are called upon to establish. That has nothing to do with the child development program. It has nothing to do with what the proper level is at which to start charging a fee.

Mr. MONDALE. The Bureau of Labor Statistics set forth in their calculations where the money goes in that family. It set the figure at $6,900. I put those figures in the RECORD. If the Senator will read them, he will find that families with incomes at that level have no money available to them with which to pay fees for quality developmental child care. That is why, among other reasons, the committee decided that they have to begin the fee schedule for the use of these services at a point no lower than $6,900 for a family of four.

The second reason is that we do not want another welfare program. We want a program which encourages a family with children to work and be assured that their children will be properly cared for while they are working.

The amendment offered by the Senator from Ohio gives us a program for the very rich who can afford it and for the very poor people on welfare who cannot afford it. The committee feels strongly that families from all income levels should be able to participate. The White House Conference on Children made the same recommendations. The organizations representing the poor unanimously agree that this is one of the most important elements of the program—they are sick of being called welfare recipients and losers.

More than that, they would like to be able to have their children in programs with the children of people from the upper and middle class incomes instead of always with the children of the poor. We want to diversify.

Mr. TAFT. Mr. President, the Senator is saying that a family in this country with an income of $7,000 would not want to help support such a program, that a family with an income of $7,000 does not have a single dollar to allocate for that purpose. What about the family at the $3,000 level? What about the original question which I yielded to the Senator so that he might answer, and that concerned how many children he thinks will be served under the authorization.

Mr. MONDALE. Mr. President, we are not talking about charging a single dollar. In fact, under the limited authority that the Secretary has today, he presently charges the family with an income of $6,900, $480 for the Headstart program. Levying of fees based on ability to pay was made possible under my amendment 2 years ago. Now I find that even though the family at that level cannot afford it, the Secretary nevertheless imposes a charge of $480, virtually destroying the chance for the average family with such an income of going into the program.

Mr. NELSON. Mr. President, would the Senator yield?

Mr. TAFT. Mr. President, I would like to yield the floor.

Mr. NELSON. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Wisconsin has the floor and yielded to the Senator from Minnesota.

Mr. NELSON. Mr. President, would the Senator from Ohio wish to make further remarks?

Mr. TAFT. No. Not at this time.

Mr. NELSON. I would like to ask the Senator from Minnesota where in that Bureau of Labor Statistics "lower" family budget of $6,960 would there be found room for this charge the Secretary asks for? What was the charge?

Mr. MONDALE. $480.

Mr. NELSON. If the Senator will look at the "lower" family budget of the Bureau of Labor Statistics on page 6 of the committee report, food is shown as $1,905 for this family of four for a year. That is $37 a week for four people to eat for a total of a week.

Then, when we come to housing, they allow this family $1,429. That is $119 a month for housing for a family of four.

Mr. MONDALE. In a city.

Mr. NELSON. Yes. Does the Senator know of any housing in Minneapolis, St. Paul, Chicago, or Washington, D.C., where there is decent housing available at $119 a month? Where in this budget is this family going to squeeze out $480, or whatever the amount is, to pay for the child to participate in the child development program?

Mr. MONDALE. I appreciate the question. The Bureau of Labor Statistics established by the most relevant statistics available to us what it costs a family to live on and what they should spend it for. They developed this formula which they call the "lower" family budget. It concluded that the family of four living in an urban environment needs $6,960—with not a penny going to a quality development program for their children. That is why we have so many children, hundreds of thousands of children in this country, who are "latchkey" children. The mother is working. She does not have a dime to have them taken care of. They stay at home under no one's guidance. If they have difficulty, there is no one to take care of them; no one to look after their education, their health care, and there is no stimulation. They stay home in a situation which I think will cause a great deal of trouble in years to come.

I believe children should have decent quality care.

Mr. NELSON. Mr. President, will the Senator yield for a question?

Mr. MONDALE. I am glad to yield.

Mr. NELSON. I am looking down this list of items that make up the $6,960 for the "lower" family budget. I not only cannot find a penny in here that could be diverted but it is difficult to understand how that family could live in one of our major cities and make ends meet without some welfare assistance. I think the Bureau of Labor Statistics has squeezed this budget as far as it is possible to do so.

With reference to this $480 presently being charged under the amendment of the Senator from Minnesota for the Headstart program, under medical care and hospital insurance they allow $562. Perhaps it could be taken out of there. That would leave about $80 for medical care and hospital insurance.

Mr. MONDALE. They could pick up $120 by canceling the life insurance, and gamble they would not die.

Mr. NELSON. Then, the Senator will notice "other family consumption: recreation, school expenses, tobacco, and miscellanous items." Perhaps it could be taken out of there.

I do not see how anybody could conclude other than that anybody in the $6,960 level in a major city in America is living in poverty and cannot afford to participate in the child development program, and I do not think they should be denied the opportunity to participate by setting a fee.

Mr. MONDALE. What that means is this. If the Senator would imagine a mother on welfare, with preschool children at home, and unskilled—and that is true of most. That mother could say, "I would like to go out and earn a living rather than live on welfare," and if the offer of work pays $6,960 a year or less, which is true in the case of almost all of these persons, under our bill we can say we will give decent care to the children so that the mother can work and earn a living.

Under the present regulations, and quite possibly under the proposed amendment, really the only alternatives she would have would be to stay on welfare or leave her children at home with no care, no assistance, and no help at all. Surely, that is the worst thing we could do.

Therefore, I am very hopeful the committee position will be sustained.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. Mr. President, I yield whatever time the Senator from Pennsylvania desires.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SCHWEIKER. Mr. President, I rise to oppose the amendment of the Senator from Ohio. The issue here is very simple and quite clear. It is whether we are going to offer some opportunity for educational hope to the whole realm of middle America families in the $4,000 to $6,900 range. That is what the issue is. Are we going to give them the opportunity to take advantage of the new child care concept? Are we going to let their children participate in the type of comprehensive child development program our educational scientists are now saying is all-important to shape the child for later growth and development, in that 2- to 6-year preschool age? Are we going to give them the right to participate?

We are kidding ourselves if we think that a family in the $4,000 to $6,900 range today, which has to fight to keep its head above water for food, clothing, and shelter, will be able to budget something extra for a preschool activity when it normally does not budget for any preschool activity. A family in this income bracket would not possibly make a decision nowadays to sacrifice food, clothing, or shelter for something they consider to be a fringe benefit, but which educational scientists are telling us can greatly help the most important and formative years of the lives of children.

If this amendment is agreed to, we will be building a program that will benefit the rich and the poor, and the people in between will not participate in it. They will decide not to participate in it, and they will not be able to participate in it. I think the issue is very clear. The issue is: Are we going to ignore the vast area of middle America, the taxpayers and working people whose children should have the opportunity to be in this program but will not be able to participate because of the economics of the situation. That is one issue.

Another issue is under the amendment we would be relegating the decision on eligibility for free child care to one man. A Cabinet Secretary would make that decision as to whether middle America is going to participate in the program or not. Why should one person decide that? Why should not this deliberative body of the United States decide that? Why should not we, the representatives of the people, make that decision? Why should we expect the executive branch to make a decision that we should make?

Mr. President, I suggest that we reject the amendment of the Senator from Ohio.

The PRESIDING OFFICER. Who yields time?

Mr. TAFT. Mr. President, I have not yet received an answer to the question of how many children would be taken care of under the $2 billion program that is authorized by the legislation. I do have, from the report, on page 43, the statement that:

> Programs which meet the standards of title V will require significant expenditures per child. The Office for Child Development has estimated that desirable programs of group day care for 3- to 5-year-old children would cost an average of $2,372 per child, and that programs for children in school would cost an average of $653 per child. But the same OCD study found that purely custodial services for children aged 3 to 5 would cost an average of $1,425 and $310 for children in school.

Just how this works out is a little hard to get, but I think one would be reasonably accurate to say we would be paying an average of about $1,000, as a minimum. If that is so, the $2 billion funding is going to take care of only 2 million of the 6 million children in families with incomes of under $7,000, and take care of only two-thirds of those, if we limited it to those below the $4,000 level. So it would take care of only two-thirds of them.

Therefore the answer is clear. If we pushed it up to the $7,000 level, the effect of the provision in the bill is going to be to deprive some children in families with incomes of less than $4,200 of the availability of the program that might otherwise be available.

I am not saying what the level should be or what the proper mix should be. My amendment does not point out any specific figure. It leaves it to the Secretary of HEW, who is in charge of the program, to make the determination as to how this balance should be maintained.

We talk about the Bureau of Labor Statistics as being such an excellent judge as to what a family ought to be spending and what fees ought to be proper under a child development program—something which the Bureau of Labor Statistics would shy away from very, very fast. They are not set up for or trained for that and do not have the experts to determine what the proper, allowable charge for fees for a child development program should be. It is the Department of Health, Education, and Welfare which has the expertise and the knowledge in this field.

When we look at the budget items, we see we are talking about every item in the budget.

I noticed with some amusement that in this list of items in the family budget provision for alcoholic beverages is left out of the budget of $6,900. I am not against there being a figure in that budget for alcoholic beverages, but I make the point that there is an item of $345 for recreation, school expenses, tobacco, and miscellaneous items; and an item of $165 for contributions and gifts. These are normal expenditures. However, these are just statistics, and nothing more than that. When it is said that not one dollar of the $7,000 can be put into fees, I say that is "bunk," because that is what it is.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. Mr. President, I am prepared to yield back my time if the Senator from Ohio is prepared to do likewise.

Mr. TAFT. Mr. President, I am prepared to yield back my time.

Mr. NELSON. I yield back my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Ohio. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Nevada (Mr. Bible), the Senator from North Dakota (Mr. Burdick), the Senator from Idaho (Mr. Church), the Senator from Mississippi (Mr. Eastland), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from North Carolina (Mr. Jordan), the Senator from Washington (Mr. Magnuson), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. Muskie), the Senator from Rhode Island (Mr. Pell), and the Senator from Alabama (Mr. Sparkman) are necessarily absent.

I further announce that the Senator from Indiana (Mr. Bayh), the Senator from Indiana (Mr. Hartke), the Senator from South Carolina (Mr. Hollings), and the Senator from Montana (Mr. Mansfield) are absent on official business.

On this vote, the Senator from Washington (Mr. Magnuson) is paired with the Senator from Mississippi (Mr. Eastland). If present and voting, the Senator from Washington would vote "nay" and the Senator from Mississippi would vote "yea."

I further announce that, if present and voting, the Senator from Indiana (Mr. Hartke) and the Senator from North Carolina (Mr. Jordan) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. Aiken), the Senator from Colorado (Mr. Allott), the Senator from Oklahoma (Mr. Bellmon), the Senator from Utah (Mr. Bennett), the Senator from Nebraska (Mr. Curtis), the Senator from New York (Mr. Javits), the Senator from Ohio (Mr. Saxbe), and the Senator from Pennsylvania (Mr. Scott) are absent on official business.

The Senator from New Hampshire (Mr. Cotton), the Senator from Colorado (Mr. Dominick), the Senator from Hawaii (Mr. Fong), the Senator from Wyoming (Mr. Hansen), the Senator from Idaho (Mr. Jordan), the Senator from Illinois (Mr. Percy), the Senator from Maine (Mrs. Smith), and the Senator from North Dakota (Mr. Young) are necessarily absent.

The Senator from Kentucky (Mr. Cooper), the Senator from South Dakota (Mr. Mundt), and the Senator from Vermont (Mr. Prouty) are absent because of illness.

If present and voting, the Senator from New York (Mr. Javits), and the Senator from Illinois (Mr. Percy) would each vote "nay."

If present and voting, the Senator from Maine (Mrs. Smith) would vote "yea."

The result was announced—yeas 20, nays 44, as follows:

[No. 215 Leg.]

YEAS—20

Allen
Brock
Buckley
Byrd, Va.
Cook
Dole
Ellender
Ervin
Fannin
Gambrell
Goldwater
Griffin
Hruska
Long
Miller
Pearson
Stennis
Taft
Thurmond
Tower

NAYS—44

Baker
Beall
Bentsen
Boggs
Brooke
Byrd, W. Va.
Cannon
Case
Chiles
Cranston
Eagleton
Fulbright
Gurney
Hart
Hatfield
Hughes
Humphrey
Inouye
Jackson
Kennedy
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Nelson
Packwood
Pastore
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Spong
Stevens
Stevenson
Symington
Talmadge
Tunney
Weicker
Williams

NOT VOTING—36

Aiken
Allott
Anderson
Bayh
Bellmon
Bennett
Bible
Burdick
Church
Cooper
Cotton
Curtis
Dominick
Eastland
Fong
Gravel
Hansen
Harris
Hartke
Hollings
Javits
Jordan, N.C.
Jordan, Idaho
Magnuson
Mansfield
Moss
Mundt
Muskie
Pell
Percy
Prouty
Saxbe
Scott
Smith
Sparkman
Young

So Mr. Taft's amendment was rejected.

Mr. ALLEN. Mr. President, I call up my amendment at the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 87, strike all of title IX—National Legal Services Corporation.

Mr. ALLEN. Mr. President, this amendment has been offered as a vehicle to allow me to deliver a speech upon a most important subject. The amendment will not be voted upon, because it is the intention of the junior Senator from Alabama to withdraw the amendment upon the conclusion of his remarks.

BUSING OF SCHOOLCHILDREN

Mr. President, today literally millions of innocent schoolchildren, white and black, are being herded into buses to be transported against their wills—against the wills of their parents—and contrary to the best judgment of locally elected public school officials. They are being uprooted from their neighborhoods in cities and from their home communities in rural areas. These children will spend the better part of their waking hours in strange schools and strange communities—separated from their parents—isolated from their brothers and sisters and friends and teachers with whom they have been reared.

Mr. President, it is not possible to say with preciseness how many million children are involved in this human tragedy. It is safe to say that from the standpoint of numbers, more children are affected by the gargantuan uprooting of human beings by Federal court decrees than were involved in the Children's Crusades of medieval times.

However, the magnitude of this busing operation may be less important than what it tells us of the convergence of totalitarian trends in the U.S. Supreme Court. We are confronted with a totalitarian power in the Court to dictate to citizens in matters vitally affecting the health, safety, education, and general welfare of their children. This is an extraordinary and dangerous power in the hands of any men and particularly in the hands of men who are not responsible to the people.

Mr. President, let us examine how the Supreme Court undertakes to justify acquisition of this power. The Charlotte-Mecklenburg opinion talks about busing, but never mentions children. It talks about racial ratios, but not about human beings. It talks about schoolteachers, but not about the powers of Government to order their lives—to deprive them of vested teacher tenure rights, to uproot them, and to deprive them of jobs by Federal court decree.

I am delighted to see the distinguished senior Senator from North Carolina (Mr. ERVIN) at his seat beside me in the Chamber at this time. He knows whereof the junior Senator from Alabama speaks in criticizing this opinion of the Supreme Court.

Mr. President, in the opinion to which I have referred, there is not a line—not even a word about the parents of these children. The opinion does not suggest the mental and emotional anguish of parents and children. It says nothing of their deep concerns and fears of parents for the safety of their loved ones. The Court speaks of busing to schools, but not busing from homes and communities and neighborhoods.

The refusal of the Court to recognize or to give consideration to the human condition should alert us to the real nature of the problem which confronts the people and for that reason a problem which confronts the Court.

Furthermore, when we examine the sophistry employed by the Court to justify the reduction of human beings to the status of mere digits in a mechanistic formula to achieve ideological conformity, it will be seen that the Court confesses the irrationality of its decree and its willingness to rely on force to effect its will.

The Court seeks to justify massive uprooting of school children and their transportation to distant schools and communities by blatantly crude sophistry. The Court begins with an obvious fact which no one has ever questioned. It says:

> Bus transportation has been an integral part of the public education system for years, and was perhaps the single most important factor in the transition from the one-room school house to the consolidated school. . . . The importance of bus transportation as a normal and accepted tool is readily discernible in this and the companion case.

Mr. President, no one questions that statement of the obvious, but it does not support what the Court contends for and what it compels.

The truth is that busing has never before been used to uproot children and haul them past perfectly good neighborhood and local schools closed on orders of Federal Courts. Busing has never before been used to transport children from their local rural community schools to distant and strange communities.

Busing has never before been used to transport children away from walk-in schools in their neighborhoods to schools in the far corners of populous cities. Massive "cross busing" has never before been used and it is not part of public school policy or tradition in this country, nor has it ever before been used without consent of the parents of the children involved.

Busing has never before been compulsory but on a purely voluntary basis, nor has it ever been considered the best method of transportation of children to schools. It has always been used to serve the convenience, and not the inconvenience, of pupils involved and never before in the history of our Nation have taxpayers been compelled by court decrees to purchase schoolbuses and compelled to participate in bizarre busing schemes contrary to their wishes and desires. And never before in this Nation's history has the Supreme Court of the United States undertaken to prescribe bizarre busing schemes and, therefore, been forced to attempt to justify them.

Mr. President, I consider it deplorable that the U.S. Supreme Court would resort to such palpable non sequiturs to mask the use of force and justify the use of force.

I am equally appalled that the present Supreme Court continues to perpetuate the palpable absurdity that local school boards have now or have ever had the power to dismantle State imposed segregation. Yet, the Supreme Court continues to assert that this is the responsibility of local school boards. These boards continue to be hauled into Federal courts for failures to do what they have no power to do.

The people of the United States know, and members of the U.S. Supreme Court should know, that local school boards cannot repeal constitutional provisions or laws enacted by State legislatures. Segregation of races was imposed by State constitutions or statutes. Surely the Court knows that. But for the Court to continue the pretense that local boards of education could undo what has been done by the legislatures of States leads one to wonder if any judge on the Court has ever bothered to look at any one of the 50 separate and voluminous State school codes.

Is the Court aware that school boards are agencies of the executive branch of State governments and that they have no legislative powers? Is the Court aware that school boards derive their powers from State constitutions or from State statutes enacted pursuant to the constitution? Do these judges imagine that local school boards can levy taxes? Do they imagine that they can spend State or local tax funds without limitation as to purpose?

Yet, the U.S. Supreme Court persists in this foolishness. In the Charlotte-Mecklenburg opinion, the Court said:

> School authorities are clearly charged with the affirmative duty to take whatever steps might be necessary to convert to a unitary system in which racial discrimination would be eliminated root and branch. 391 U.S. at 437–438.
>
> * * * courts will have to consider whether the action of (local) school authorities constitutes good faith implementation of the governing constitutional principles. . . .
>
> If school authorities fail in their affirmative obligations under these holdings, judicial authority may be invoked.

Mr. President, I do not believe I have ever before read such nonsense in a Supreme Court opinion. On the one hand, the Court imposes upon local school boards a responsibility which they have no power to perform. On the other hand, the Court says that if local school boards do not do what they have no power to do, then Federal district courts will issue judicial decrees and compel local boards to do what they have no power to do.

Mr. President, time will not permit adequate comment on numerous fallacies and contradictions in the opinion accompanying the Charlotte-Mecklenburg decision. I do want to note, however, a problem presented by one of many contradictions.

According to the Supreme Court, there is nothing in the Civil Rights Act of 1964 which provides the Court with "material assistance in answering the questions of remedy for State-imposed segregation." We might ask what assistance Congress gave local school boards to remedy State-imposed segregation. The answer is "none."

However, Congress has imposed limitations upon the expenditure of appropriations made to the Department of Health, Education, and Welfare for the purpose of desegregation. For example, Congress has said that Federal fund cannot be used to achieve racial balance in local public schools "except as required by the Constitution." But in Charlotte-Mecklenburg the Supreme Court said:

> If we were to read the holding of the district court to require, as a matter of substantive constitutional right, any particular degree of racial balance or mixing that approach would be disapproved and we would be obliged to reverse.

It follows that if racial balance is not required by the Constitution, the Department of Health, Education, and Welfare may not use its funds to prescribe racial balance or to implement school plans designed to achieve racial balance. So much for remedies provided by Congress. So what about Court remedies? The Court states:

> Absent a constitutional violation there would be no basis for judiciary ordering assignment of students on a racial basis.

So, if racial balance is not required by the Constitution, racial imbalance in schools is not a violation of the Constitution and courts have no authority to assign students to achieve racial balance. It must follow that U.S. district courts have no authority in shaping remedies to order busing to achieve racial balance in schools.

Yet, the U.S. Supreme Court approved a lower court order in the Charlotte-Mecklenburg case, which order involved massive crosstown busing to achieve a racial balance of 71 percent to 29 percent in all schools in the system. Furthermore, the Supreme Court indicated that the lower court order requiring racial balance was justified "as a beginning," even though not required by the Constitution. The Supreme Court also justified what it called "administratively awkward, inconvenient or even bizarre" school plans to achieve racial balance which is not required by the Constitution.

Mr. President, the people are becoming fed up with this sort of sloppy reasoning. The Supreme Court is walking on quicksand and its decisions are being ridiculed and rejected. The Court in turn is compelled to resort to force to get temporary acceptance of its decisions. Public disillusionment is widespread. The basis of this discontent is touched upon by the distinguished Governor of Florida, in a commencement address at the University of Florida on August 28, 1971, in which he observed:

> The busing, certainly, is an artificial inadequate instrument of change. Nobody really wants it—not you, not me, not the people, nor the school boards—not even the courts.

The discontent results from the fact that nobody wants involuntary busing of school children except members of the ideological left, including zealots in the Department of Health, Education, and Welfare and hidebound ideologists among members of the U.S. Supreme Court and other U.S. courts.

The situation has deteriorated to the point that U.S. district court judges are beginning to rebel against what they are compelled to do under orders of the U.S. Supreme Court. It is not uncommon today for district court judges to speak in caustic terms about the compulsion under which they issue decrees which violate their conscience. Mr. President, I say that it violates the Constitution as well as the consciences of the judges. One district court judge in Virginia used the word "criminal" to describe the school plan he was compelled to impose upon the people. James J. Kilpatrick in a recent nationally syndicated column commented on a meeting of public school officials in which they mentioned their fear of speaking out against unreasonable and irrational busing decisions imposed upon them.

Nationwide polls indicate a mounting revulsion against dictatorial school decrees. Governors and distinguished Senators are speaking out against them. Petitions, telegrams, wires, and letters of protest pour into my office—and not merely from Alabama constituents—and there is a marked change in this general tenor of these letters.

For one thing, some ask why countless thousands of public officials are submitting to judicial tyranny. One constituent asked if district court judges and other public officials are not falling back on Wirz' defense as expressed in the play, "The Andersonville Trial":

> WIRZ. That one does as he is ordered. That he keeps his feelings to himself. That he does not play the heroic game which some people who are not in his position think he could play. That he obeys. That he does not concern himself with the policies of his superiors—but obeys. That he does his assigned job and obeys. That when the order to charge is given—he obeys. That when ordered to keep prisoners—he obeys. And if in so doing he must die, then he dies.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ALLEN. Mr. President, who is in control of the time?

The PRESIDING OFFICER. The manager of the bill.

Mr. BYRD of West Virginia. Mr. President, how much time does the Senator from Alabama desire?

Mr. ALLEN. Mr. President, I would like to have an additional 15 minutes, for the distinguished Senator from North Carolina would like to engage in a colloquy. It is my intention to withdraw the amendment, as stated at the outset of my remarks. If extended 15 minutes by the opposition, it will result in the amendment being withdrawn.

Mr. NELSON. Mr. President, I yield my time to the Senator from Alabama.

Mr. ALLEN. Mr. President, I thank the Senator from Wisconsin.

Mr. President, how long will the people continue to obey the Court when they know that the Court is wrong? The people know that U.S. courts have no legitimate power to snatch up children and herd them into buses for any reason—good or bad. Courts have no authority to close down local public schools either by torch or by decree. Courts have no authority under the Constitution to abolish vested teacher tenure rights and to issue orders to schoolteachers or any other adult concerning terms and conditions of their employment. The U.S. Supreme Court can claim this power until its members are blue in the face, but the people will not believe them.

Thus, the Supreme Court is compelled to resort to force—and this is the hideous thing that repels all thinking persons. In this connection, the following observation from the spring 1970 special issue of Boston University Law Review is worthy of note:

> In the event that the threat of sanctions is inadequate, the Court must rely upon the process of "force" to bring about the change in the status quo. By this process, the Executive actually invokes its sanctions against those who are resisting the mandate of the Court. An example of the use of force is the use of troops in Little Rock, Arkansas. The values held by the people in Little Rock were so "deeply felt" that the threat of sanctions had no effect; it was therefore necessary *to force* the people to abide by the Court's decision. However, the use of power and force do not, by themselves, legitimize an opinion. Rather they serve to bring about only a temporary acquiescence in the opinion; if the opinion is to become legitimate, it must subsequently be acceptable on its own merits. The continued reluctance to desegregate the schools in the South perhaps best illustrates this limitation in the effectiveness of force and power.

Mr. President, I mention these things because it is my personal conviction that the thinking of a majority of the members of the U.S. Supreme Court is confined by an ideological straitjacket. They have lost sight of reality. I concur in the judgment of Eric Hoffer, who said that:

> Those who would sacrifice a generation to realize an ideal are the enemies of mankind. . . . no matter how noble the objectives of a government, if it blurs decency and kindness, cheapens human life, and breeds ill will and suspicion, it is an evil government.

In this regard, I also agree with the observations of Sidney Hook who condemns authoritarian and totalitarian regimes as characterized by: "A total absence of concern for the individual person, an attitude of high official quarters and low, which regarded the lives of human beings as if they were so much raw material like iron, coal, and scrap."

Mr. President, I am firmly convinced that the vast majority of the people of this Nation are not going to be dictated to by nine nonelected Supreme Court Judges in matters that adversely affect the life, safety, physical and emotional health, education, and general welfare of their children. They are not going to be treated as if they or their children are raw materials to be utilized by courts or anybody else to achieve some socialistic ideal of mathematical equality.

Mr. President, let me quote a conclusion expressed by George E. Reedy, a former member of the White House inner circle who in the final paragraph of his book, "The Twilight of the Presidency," had this to say:

> Somehow this thing must be made human again. Somehow we must learn to govern our people from an office that is secular and not from a court that is sanctified. If our destruction comes, it will be because we placed our faith—our unquestioning faith—in institutions that were only brick and wood and in men who were only flesh and blood and this seems to be the condition of the last half of the twentieth century.

Mr. President, the "court" to which Mr. Reedy refers is not the U.S. Supreme Court, but the Office of the President. However, the conclusion is applicable to the U.S. Supreme Court.

The U.S. Supreme Court has invited a confrontation with the people. Something has to give. The institution of public school education is threatened by the loss of public support. The institution of the Supreme Court of the United States is threatened by loss of its authority. I repeat, something has to give. For my part, I intend to support public school education in this Nation, and I intend to do everything within my power to divest the U.S. Supreme Court of powers which it does not have under the Constitution and which it cannot have in a free society.

Mr. President, I ask unanimous consent to have printed in the RECORD an item appearing on the AP news ticker this afternoon.

There being no objection, the item was ordered to be printed in the RECORD, as follows:

SCHOOL BUSING

> School integration by busing produced a violent scuffle in Pontiac, Mich., a white boycott in Boston, and peaceable compliance in Mobile, Ala., today.
>
> Nine pupils were injured and five pickets arrested at Lincoln Junior High School in Pontiac as demonstrations against the busing program continued for the second day.
>
> At another Pontiac school, two women pickets were arrested for trying to halt buses by leaping onto the hoods. Four male pickets were arrested at a bus parking lot for trying to stop buses from leaving. Police cleared a path for the buses through about 175 demonstrators.
>
> In Boston, only a handful of the 396 white children assigned to a school in a black neighborhood showed up on opening day. Two came by bus, and a half-dozen on foot.
>
> Many white parents in Boston took their children to their old schools, where they were told they could sit in classrooms, but could not be registered. Announcement of the Boston plan led to a day of demonstrations on Tuesday.

Mr. ALLEN. Mr. President, I point out that the item on the AP ticker states in part:

> School integration by busing produced a violent scuffle in Pontiac, Michigan, a white boycott in Boston, and peaceable compliance in Mobile, Alabama, today.

Mr. President, that gives credence to my statements made on the floor many times that the people in the South will solve this problem before the people in any of the other sections of the country.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of a great speech made by the distinguished assistant majority leader, the able Senator from West Virginia (Mr. BYRD), at the national convention of the Young Americans for Freedom on September 3, 1971. This is a great speech, and I think that all Members of the Senate should have the opportunity to read it. It deserves to be heard in this great forum, the U.S. Senate where it will take rank as one of the most logical and statesmanlike speeches given in this Chamber.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SCHOOL BUSING AND FORCED INTEGRATION: A DISSENTING OPINION

(Speech by U.S. Senator ROBERT C. BYRD, Democrat of West Virginia to the national convention of the Young Americans for Freedom, Houston, Tex., September 3, 1971)

Members of Young Americans for Freedom, ladies and gentlemen, the issue of busing pupils to bring about forced integration in public schools is stirring controversy throughout the ountry as schools open again. Despite what is depicted in some segments of the news media as generally quiet acceptance, such busing is widely resented and opposed. Inasmuch as this emotion-charged issue vitally affects some very basic concepts of American society and American freedom, I propose to discuss it briefly with you today.

The busing of children is really not the bedrock issue. In fact, it is but the surface manifestation of the basic issue involved—it is really just the tip of the iceberg. That part of the iceberg which is of more basic significance and which does not immediately surface in the emotion-packed discussions and speeches by presidents, governors, and outraged parents, is the simple issue of assigning pupils in the public schools on the basis of race.

For the moment, however, I shall eschew the basic issue and direct my attention briefly to that more volatile subject of busing.

There are those who say we have always had busing of students, so why be concerned when there is busing of students now. But such an argument misses the point. True, we have had busing for many, many years in this country—prior even to the 1954 decision in the case of *Brown* v. *Board of Education*. I remember riding a school bus myself back in Mercer County, West Virginia, forty years ago. But it was because the nearest high school was seven miles away, and the only way to get there was partly on foot and partly by bus—far different from today's denial of access to a neighborhood school and forced attendance—based solely on race—of a school seven or ten or twenty miles away just to satisfy some arbitrary formula regarding racial balance.

But, some will say, what about the busing that occurred for years in support of segregation? The answer is that school segregation was the law of the land in that day—by statute and by court decision based on the interpretation of the Constitution. The people generally—black and white—accepted school segregation as the law; the people generally were satisfied with the law as it was, and wanted it that way; and the people were willing, voluntarily, to pay the financial costs of busing to maintain a segregated school system.

Now, the situation has changed. The U.S. Supreme Court in 1954 ruled out forced racial segregation in the public schools. The people, north and south, have now generally accepted that decision as the right one. But the financial costs of senseless, mass busing, arbitrary assignments and attendance ratios based purely on race—unsupported by the constitution—are not being borne by the taxpayers today either voluntarily or willingly. They are being forced against their will to bear such costs.

Forced integration and busing programs are contributing very materially to the advancing deterioration of the inner-cities. Whites who can afford to do so are moving farther and farther away into the suburbs, with the result that shopping centers and other outlying developments are taking away the business and tax base upon which cities—and their school systems—must depend. Busing thus becomes a self-defeating process. When children are going to be hauled willy nilly away from their homes and neighborhoods it lessens the chances for improvement of the inner-city schools which are most in need of improvement.

In Richmond, Virginia, a suit is presently underway to force the merging of the Richmond city school system and the adjoining Henrico and Chesterfield County school systems in order to rescue the city schools from their deterioration. The city schools have become predominantly black because of the flight to the suburbs of whites, while the two county school systems are predominantly white.

But whites are now moving farther into the country, and it could become a physical impossibility to achieve a theoretical racial mix. Are the courts going to require that children be transported thirty, forty, fifty, sixty miles a day? Where is the line to be drawn? Or, are the federal courts prepared now to try to impose racially-determined housing and residential quotas?

To cite another example of white flight to the suburbs, one need only look at the public school system in Atlanta, Georgia, which was 70 percent white and 30 percent black just 13 years ago, in 1958. Successive desegregation orders during this period have resulted in an exodus of white population to the suburbs. Enrollment in the public schools of Atlanta is today the exact reverse of 13 years ago—30 percent white, 70 percent black. Earlier this summer, two federal judges refused to order further desegregation, saying that it would simply hasten this white flight. "The problem," they said, "is no longer how to achieve integration, but how to prevent resegregation."

The same thing has happened—and partly for the same reasons—in Washington, D.C., where the school population is 95 percent black. How tragic that the courts have been so blind, until it is too late, to the reality that parents simply do not intend to trust the welfare or safety or the education of their children—their most priceless possession—to the social experimentation of judges and HEW officials.

White persons alone are not the only persons concerned about the growing trend toward busing. Blacks are also concerned. An all-black school does not, per se, necessarily have to be an inferior school, a school without quality or educational opportunity. The concept that mass busing and racial quotas constitute the only way to improve education for blacks rests on an extremely faulty premise. It should be obvious that the way to improve educational opportunities for blacks is to improve the schools which they attend—and that is what the courts and the government really should be concerned with. The vast amounts of money that are being used to purchase great fleets of school buses could much better be used for the upgrading of sub-standard schools. The courts could do much more for the improvement of black education, and for making better economic opportunities available to blacks, if they would require, under the equal protection clause of the Constitution, that *equal amounts* of *money* be *expended per pupil* on *blacks* and *whites*. That would be a much sounder approach than the present disruptive busing approach.

The strangest aspect of the forced integration and busing craze is that improving education for all children—and especially for blacks, where their schools have been substandard—has taken a back seat to the achievement of racial quotas in the schools. There is no evidence that I know of to indicate that such quotas enhance education for either blacks or whites—and there are good reasons to think that the opposite is true.

Polarization of the races is intensified when neighborhood and school identities are destroyed and when students find that they cannot compete successfully with other students who may have had superior educational opportunities in the past.

What is most likely to be achieved by busing and forced integration is increasing mediocrity in education. A leveling process will have been set in motion which can have the effect of stifling incentive for the bright and gifted while discouraging the less well prepared and the slow learner. In this situation the skyrocketing growth in private schools, as opposed to public education, can be expected to continue—to the detriment of the public schools.

Along with busing, there is the equally nonsensical obsession these days with racial quotas. Education by racial quotas is not quality education. I don't care what court or what HEW bureaucrat says it is. It just isn't so. Too many judges and HEW officials, television commentators and newspaper columnists these days believe that unless there is forced integration there can be no quality education. Perhaps I shouldn't say they really believe this; they only act that way. If they really believed it, they wouldn't send their own children to private schools or to predominantly white schools in suburbia. They would live in the inner-city and send their children to schools there where they could help bring about racial balance.

Were the imposition of racial quotas in the public schools necessary in order to conform to the equal protection clause of the Fourteenth Amendment, no fair-minded individual could legitimately complain. But can it be seriously contended that in a city, the population of which is, say, 65 percent white and 35 percent black, the Constitution requires the placement of 520 whites and 280 blacks, or some comparable ratio, in each school—with all of the cross-city busing that would be entailed? Doesn't it all become a little silly to argue that the Constitution requires such?

We are told that forced integration is important because it will teach the races to live together in peace. But will it? Judging from the many racial incidents of fighting, knifing, and shooting that are increasingly occurring in the nation's high schools, there is cause to question the efficacy of such forced race mixing as a way to achieve racial peace and understanding. Wouldn't voluntary integration—based on freedom to choose the closest neighborhood school—be the wiser, more common-sense approach?

Can anyone seriously contend that, to uphold and enforce the Constitutional right of Negro students to equal protection, they must be uprooted and forced to travel against their own wishes—by foot or by bus—away from their own neighborhood schools and to some distant school, merely that they may attend classes with white children? How utterly nonsensical have the courts become? What a distorted, twisted interpretation of the equal protection clause!

What kind of national madness has obsessed us! And madness it can only be when courts and government agencies impose their own arbitrary choice of schools to be attended—a choice based solely upon race—regardless of the wishes, nay, even in complete opposition to the wishes of parents and children, Negroes and whites alike.

The Washington Sunday Star for August 29 said: "Repeated instances of black parents in the South balking at school desegregation plans are making civil rights lawyers and government officials wonder whether a new outlook toward integration is developing among Southern blacks".

A former director of the Department of HEW's Office of Civil Rights, Mrs. Ruby Martin, now with the Washington Research Project, a private organization that serves as a watchdog over desegregation, was quoted in the article as saying that blacks "often have a very big feeling of being had" when desegregation plans put the burden of busing exclusively on black children and when the closing of formerly black schools results in black principals and teachers losing their jobs.

Little wonder that infuriated black parents are threatening boycott! Little wonder that outraged white parents have filed request after request for pupil records as a preliminary to placing their children in private schools!

Would the people of this country tolerate this nonsense if it were sought to be perpetrated on them by legislative bodies? The answer has to be no, because the people then would have the recourse of the ballot in purging from public office those who would visit upon them and their children such a monstrous and costly madness. But the people are helpless in the face of edicts from the courts that obstinately and stubbornly refuse to follow a rule of reason in this most delicate of all problems. And why do the courts—and particularly the Supreme Court—persist in their authoritarian course? Is it because they are unwilling to admit error in having gone too far already and are determined at all cost to force people, over a period of time, to become resigned to the inevitableness of school assignments based on racial formulae?

Any Negro child has a constitutional right to attend the public school of his choice, and state authorities ought to be bound to guarantee and, if need be, to enforce that right. It would seem to be clear that any act of the state to force that child, because of his race, to attend a particular school against his wishes and in preference to the school of his choice would be violative of his constitutional rights.

It is preposterous to maintain that those who wrote the Fourteenth Amendment intended that a Negro child should be forced by the State to attend a public school in which his race is in the minority when he may desire to attend his neighborhood school where his race is in the majority? He may just prefer to be with his own race! How can any court seriously contend that it protects that child's constitutional rights when it forces his school to be closed, and forces him to attend—on foot or by bus—a school which is to his cost and inconvenience and which he does not want to attend?

Now, let me proceed to that which is really basic to this whole emotion-packed subject—to wit, forced integration, or the assignment of pupils in the public schools on the basis of race.

Does the Constitution, in fact, require forced integration? Does the Constitution, in fact, countenance pupil assignment on a racial basis?

In dealing with these questions, let us go back to December 9, 1952, when the five cases ultimately decided under the name of *Brown* v. *Board of Education* were first argued before the United States Supreme Court. Mr. Thurgood Marshall, then the chief counsel for the NAACP, arguing the case of *Briggs* v. *Elliott*, from South Carolina, made some most interesting comments. His point was that what the plaintiffs wanted was the *voiding*, on constitutional grounds, of the South Carolina statute requiring school boards to segregate children by race. "(I)f this Court would reverse and the case would be sent back," he told the Court, "we are not asking for affirmative relief. That will not put anybody in any school. The only thing that we ask for is that the state-imposed racial segregation be taken off, and to leave the county school board, the county people, the district people, to work out their own solution of the problem to assign children on any reasonable basis they want to assign them on."

I think it is reasonable to say that none of the other attorneys representing Negro plaintiffs said anything to contradict Mr. Marshall's assertion that *all* that they sought was an *invalidation of school assignments by race or color* and an affirmative requirement that assignment be on a *nondiscriminatory* basis, through districting or proximity of schools or some such neutral standard. And that in essence is the relief which the plaintiffs *properly* received in the *Brown* decisions.

Today, however, an amazing transformation has been wrought. Now it is not the *absence* of discriminatory standards in assignment which is the keystone of desegregation law. Indeed, *race must* be taken into account, because what is now forbidden are all-white and all-black schools or schools made up predominantly of one race or the other. Pupils, teachers, and supporting staff must all now be assigned *by race*, and by race alone. Racial ratios have become the order of the day.

It need hardly be said that when the States and localities are required to operate school systems to serve the primary purpose of integration rather than education, and to conduct one long complicated experiment in sociological leveling, public support of public education is bound to suffer.

The difficulty simply is that some of the federal courts leave the impression that they are no longer concerned with adjudicating rights under the Constitution, no longer concerned with determining the meaning of the equal protection clause for school assignments but are, instead, relying on the Constitution to carry out a visionary and impractical program of social engineering which, I am convinced, most Americans would reject out of hand were it to emanate from Congress or the Executive.

Before we can successfully oppose implementation of this grand design which apparently exists as a base plan somewhere so strongly that it has survived a change of Administrations and a change in leadership on the Supreme Court, before we can turn things around and put the Constitution and the education of our children in first place, we must get our bearings and take our stand on fundamental things. What we need to do is think long and hard and place our position on fundamentals—the most fundamental fact being that the equal protection clause forbids segregation but it does not command integration.

That distinction has been much belittled by the social engineers on and off the bench in recent years. But Thurgood Marshall was right when he assured Justice Frankfurter that all the plaintiffs wanted was an order ending state-compelled segregation, right because that was all they were constitutionally entitled to. Chief Judge John Parker was eloquently simple in the opinion in *Briggs* v. *Elliott* on remand. "Nothing in the Constitution or in the decision of the Supreme Court takes away from the people freedom to choose the schools they attend." Or as an eminent successor of Judge Parker, Chief Judge Clement Haynsworth, wrote in 1967: "If each pupil, each year, attends the school of his choice, the Constitution does not require that he be deprived of his choice unless its exercise is not free."

Judge Haynsworth paid dearly for his adherence to that simple idea. And the Justices of the Supreme Court, however they may qualify their pronouncements, have effectively renounced the idea. The tragedy was that there has been no Justice on the Court who would give voice to the dissent from the majority's edict, no Justice who by example or reason and historical soundness of interpretation could have given those of us who deplore the Court's excesses a standard to repair to. In the absence, then, of such a Justice, such a standard, it is up to us the American people, dealing in reason with the issue, to formulate a stand and to urge its acceptance by the U.S. Supreme Court, which cannot long remain ignorant of the trauma which its present standard is inflicting not only on the South but, in time, will also inflict throughout the Country.

Let me say for the record that I fully agree with *Brown* v. *Board of Education*, which forbade pupil assignments on the basis of race. I want that clearly established.

But the district judge in the *Swann* case brought a new and different rationale into the desegregation picture. He found that the school board had selected school sites in such a way as to promote segregation of the races. This rationale was accepted by both the Fourth Circuit and, incredibly, by the Supreme Court. I think the speciousness of this rationale is going to be more and more recognized inasmuch as it is not only the South which is to be affected but the entire North as well. The social planners now have a theory, a doctrine, a concept, a legal handle, so to speak, by which they can turn aside the *de jure–de facto* segregation distinction, and it is going to be in the North that the real crunch will come.

If the location of school buildings in all-black or all-white areas is itself discriminatory because it promotes separation, then suddenly every northern jurisdiction is under the gun. Indianapolis was recently held to have maintained *de jure* segregation by the federal court. Los Angeles and San Francisco are under court order and the Chinese in San Francisco are up in arms, as they should be. Pontiac, Michigan—where the fire bombing occurred earlier this week—is under a court order which will require extensive busing. The number of suits is growing daily. And the breakthrough has come primarily because of the argument of discrimination through site selection.

In *Swann* v. *Charlotte-Mecklenburg Board of Education*, Chief Justice Burger solemnly assures us that it is merely the traditional equity powers of the courts which the federal courts are using to require the cessation of discrimination. As far as it goes, his statement is correct. But he does not tell us that some concept of constitutional requirements should underlie the judgment of the courts with regard to the way the equity power is exercised. He does not tell us why the undoubted power to remedy past discrimination should be utilized to destroy the neighborhood school system. Why is it that the federal courts now are to use the *standard of race* as the *criterion* of approval of a desegregation plan?

To sum up, I think we must go to the basic question of what the equal protection clauses really require. Contrary to the social engineers, it does not require that every child must absolutely—and without consideration of the wishes of his parents and himself—attend a school in which he is exposed to children of all racial, economic, and social classes which make up that community. The equal protection clause does require that state and local officials deal fairly with every child, regardless of race, that they not assign him on the basis of race or class, and that in terms of faculty and staff and facilities his school be treated as all others.

It may well be that as a Nation we are bound for a great leveling of class and status, a homogenization of persons so that eventually we all will seem to have come out of some bland mold all alike. That may well be, though I hope not. But, if it is going to be, let it be the result of policies formulated and executed by elected officials responsible to the people, let it be the result of policies debated and subject to rejection. Let it not be the edict of judges appointed for life and unaccountable to anyone. We have had more than enough judicial lawmaking.

It is time for the Supreme Court to tailor its results more closely to what it says. Time and again in the *Swann* opinion the Court speaks common sense. The objective of the Court, the Chief Justice tells us, is to outlaw de jure discrimination in the schools. It is not, in his words, to deal "with (the) myriad factors of human existence which can cause discrimination in a multitude of ways." It is not to achieve broader social purposes. And, yet, after the soothing language, the result approved is the assignment of public school pupils on a racial basis.

In referring to the "tools employed by school planners and by courts to break up the dual school system," the court took note of "attendance assignments made deliberately to accomplish the transfer of Negro students out of formerly segregated Negro schools and transfer of white students to formerly all-Negro schools." In other words, *attendance assignments made deliberately on a racial basis!* The court said, "As an interim corrective measure, this cannot be said to be beyond the broad remedial powers of the court." In other words, the court was willing to condone pupil assignments on a racial basis—which is clearly unconstitutional—"as an interim corrective measure" within the "remedial powers of a court."

And the amazing part of it all is that there was not one Justice among the nine members of the high court who entered a dissenting opinion.

Does it not seem strange that, notwithstanding the deep and unbridgeable division among the American people—yea, even among distinguished lawyers and judges of lower courts—with regard to the question of forced integration, mass cross-city busing, closing of schools, and imposed racial ratios, the Nation's highest tribunal, composed of nine men, would find itself without a single dissenter on such a debatable question! Think of it! Complete unanimity in its support of school assignment based on *race,* when not one word of the Fourteenth Amendment's equal protection clause has been changed during the 17 years that have passed since the Court in 1954 ruled that school assignment based on race was violative of the equal protection clause of the Fourteenth Amendment to the Federal Constitution. A complete 180 degree change in the position of the Court! And complete unanimity! Can the answer be so clear to nine judges and so unclear to 200 million people?

Voices must be raised throughout this country which will move the Nation's highest tribunal to the realization that the position it took in the *Swann* case—of giving approval to pupil assignments on a racial basis and to racial quotas as "a useful starting point" in shaping a remedy—is going to impair public support of the public school system and will continue to produce chaos in the public schools.

Let us now finally look briefly at the *Swann* case and also at what Chief Justice Burger said on Tuesday of this week about that case.

In *Swann* v. *Board of Education* the Court, speaking through the Chief Justice, stated that "absent a constitutional violation there would be no basis for judicially ordering assignment of students on a racial basis." While Chief Justice Burger has no greater admirer than I—because I believe that the Court under his leadership is returning to a course of judicial moderation, restraint, and respect for legal precedent—I have to say that I feel that this was specious reasoning. The Court seemed to be saying that, given a constitutional violation, there is an adequate basis for ordering assignment of students on a racial basis. And what is the constitutional violation?

Prior to the year 1954, the assignment of students on a racial basis did not constitute a constitutional violation. But the 1954 decision in *Brown* v. *Board of Education* made it unconstitutional to assign students to public schools on the basis of race. Now the Court, in April 1971, maintains that if there is a constitutional violation (growing out of the previous state-enforced system of assignment of students on the basis of race), the court may judicially order assignment of students on a racial basis. In other words, two wrongs will make a right!

I maintain that, if the 1954 court decision, making it a constitutional violation to assign students on the basis of race, was a correct one—and I believe it was—no pupil assignment on the basis of race can be constitutional, whether ordered by a court or otherwise. In others words, if it is a constitutional violation for school authorities to assign students on the basis of race, it is a constitutional violation for the courts to assign students on the basis of race. A court has no power to suspend the operation of the Constitution, even for a moment; hence, how can the Nation's highest court, speaking through the Chief Justice, maintain that there can be any basis whatsoever for violating the Constitution—to wit, by ordering the assignment of students on a racial basis? Yet, the court has proceeded to, in effect, suspend the Constitution by taking the position that given a constitutional violation on the part of school authorities, namely, utilizing various means calculated to maintain a dual school system, the courts may resort similarly to a violation of the Constitution—assigning students on the basis of race—in order to correct that constitutional violation by state or school authorities. I submit that, in the light of the 1954 decision in *Brown* v. *Board of Education,* there can be no basis whatsoever for the assignment of students to public schools solely on the basis of race, and I further submit that such assignment, even when made by order or approval of a court, is not, by virtue of such court sanction, clothed with constitutional respectability.

* * * * *

The Judiciary was created by the Constitution. The Judiciary can interpret the Constitution, but it cannot interpret that document in such a way as to put itself above and beyond the reach of the Constitution. The Court cannot say on the one hand that school assignment on the basis of race is unconstitutional, while on the other hand the Court proceeds to order or approve pupil assignment on a racial basis by judicial decree.

"I deny that any judicial tribunal may have regard to the race of citizens when the civil rights of those citizens are involved." So write Mr. Justice Harlan in his dissenting opinion in the case of *Plessy* v. *Ferguson,* in the year 1896. What else but a civil right, the right of children to attend their neighborhood school! What else but a civil right, the right of taxpaying parents to select the neighborhood school as the school to be attended by their children. Would that there had been one dissenting Justice on the Supreme Court of the United States in the *Swann* case who had said, as did Mr. Justice Harlan 75 years ago, "It is therefore to be regretted that this high tribunal, the final expository of the fundamental law of the land, has reached the conclusion that it is competent for a state (or for any court) to regulate the enjoyment by citizens of their civil rights solely upon the basis of race." Because that is precisely how the enjoyment by citizens of their civil rights regarding school assignments are being regulated—solely upon the basis of race!

Let me say in conclusion that I believe the Chief Justice, and possibly other members of the Supreme Court, are now aware of the damage which has been done to many school systems as a result of the *Swann* ruling.

Only Tuesday of this week, the Chief Justice has stated that judges in lower federal courts were misreading the high court's opinions if they were ordering busing of pupils in the belief that the Supreme Court has "required" racial balance in every school. Chief Justice Burger said that this "is disturbing."

He took the unusual step of writing a 10-page opinion in the Winston-Salem busing case in which he sought to clarify the high court's position—and in which he revealed his own misgivings over the extent to which some federal judges and some school districts have gone in ordering busing to bring about racial quotas.

The Chief Justice refused a stay in the Winston-Salem busing plans, but he cautioned that—and I quote—"if the Court of Appeals or the District Court read this court's opinions as requiring a fixed racial balance or quota, they would appear to have overlooked specific language of the opinion in the *Swann* (v. Charlotte-Mecklenburg) case to the contrary."

Chief Justice Burger recognized the "confusion" which presently permeates through much of the federal court system in regard to the problem of forced integration in the public schools. It all adds up to a pretty sorry mess, much of which has been created by the federal courts themselves.

This week's opinion by Chief Justice Burger, I hope, is a straw in the wind which may give us some hope that reason may one day prevail over the utter confusion which today reigns completely in the matter of school desegregation, and that, at some future date—hopefully not too far away—children, both black and white, will no longer be treated as guinea pigs in a social experiment that amounts to pure folly and that the needless hauling of them, like cattle, for countless miles and at a wasteful price will cease to be an obsessional fetish!

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. ALLEN. I would be delighted to yield to the distinguished Senator from North Carolina.

Mr. ERVIN. Mr. President, I would like to ask the distinguished Senator from Alabama if the Chief Justice did not declare at least 20 times in his opinion in the Swann case that the Federal Government has no constitutional power to interfere in the assignment of children to the public schools of the State unless there has been a discrimination which has resulted in the denial to a child of the right to attend a school solely on the basis of race.

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. Mr. President, I ask the Senator from Alabama if in 1964 the Congress of the United States did not insert a title in the Civil Rights Act of 1964 which stated in as plain words as can be found in the English language that in the assignment of children to public schools, race should be ignored.

Mr. ALLEN. The Senator is eminently correct.

Mr. ERVIN. Did it not also define desegregation in two ways, the second way being that desegregation should not consist of the assignment of children to schools to overcome racial imbalance?

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. Did not Congress say in that same act that no Federal officer or no Federal court should enter any order requiring the busing of children to achieve a racial balance in public schools?

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. Mr. President, I ask the Senator from Alabama if, under the decision of the Chief Justice in Swann case, Congress had no power to pass any law relating to the assignment of children to public schools except in cases where there had been discrimination.

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. Mr. President, despite the fact that his opinion asserted that to be true on at least 20 occasions, the Chief Justice held in that case that the Civil Rights Act of 1964 insofar as it prohibited busing and the assignment of children to overcome racial imbalance had no application whatever to the only things Congress had the constitutional power to act on.

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. In other words, it is not only the little children who have their rights destroyed by the Supreme Court of the United States, but the Congress of the United States is also told by the Supreme Court that the act it passed did not have any application whatever to the only thing it could apply to under the Constitution.

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. I ask the Senator if this is not the effect of the holding in the Swann case; namely, that a Federal district judge can order a school board which is found to have practiced discrimination to do anything that the district court judge thinks proper to mix the children of the races in the public schools in a proportion that is satisfactory to the district court judge.

Mr. ALLEN. The Senator is correct. They made district judges dictators of the local school systems.

Mr. ERVIN. Does not the Senator from Alabama agree with the Senator from North Carolina that the Constitution of the United States was written to establish a government of laws and not a government of men?

Mr. ALLEN. Yes, sir. That is the principle on which the greatness of our Government rests.

Mr. ERVIN. Can the Senator from Alabama imagine any kind of government that is more a government of men rather than a government of laws than for the Supreme Court of the United States to say that a district judge can take complete charge of the situation and require the school board to mix the children according to race in a manner satisfactory to his own notions?

Mr. ALLEN. The Senator is correct. That makes our Government a government of men and not a government of laws because they completely disregard the Constitution. Their own decision in the Brown case in 1954 ruled that the State could not impose segregation and now they have changed course 180° and they say the State must implement integration of the schools.

Mr. ERVIN. Is it not the effect of the decision in the Swann case that where a State school board denies children the right of admission to schools on account of race, the Federal judge shall enforce the equal protection clause of the 14th amendment by requiring the school board to practice much more massive violation of the 14th amendment?

Mr. ALLEN. Yes, sir. They seem to operate on the theory that two wrongs make a right; that this is a wrong that accomplishes a sociological goal and that, therefore, it is all right.

Mr. ERVIN. Did not the Supreme Court decision in the Brown case in 1954 merely require a school board to assign children to the schools under its jurisdiction on a nonracial basis?

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. Does not the Court hold in the Swann case that where a school board fails to perform that duty the Federal judge can require them to assign children to school solely on a racial basis?

Mr. ALLEN. Yes, and to use that as the criterion, which is 180 degrees removed from the holding in the Brown case.

Mr. ERVIN. Does the Senator from Alabama take issue with the Senator from North Carolina when he says it is a manifest constitutional absurdity to say that the Federal courts in enforcing a constitutional provision can require violation of that constitutional provision on a larger scale?

Mr. ALLEN. No. I would agree on that point.

Mr. ERVIN. The Senator quoted a statement from the Swann case in which the Chief Justice said if there had been an assignment on a racial quota basis—that is what Judge McMillan said was the ideal solution—71 children in each room, with 21 black children, the Supreme Court would have set aside the ruling.

Mr. ALLEN. Yes, sir.

Mr. ERVIN. But in the next sentence he said that that is a good starting point.

Mr. ALLEN. Yes. He did not say how far they should go from that starting point, if any distance at all.

Mr. ERVIN. He said that where the school board violated the equal protection clause in any degree the Federal District Court had authority to require the greatest possible mixing of the races which is practicable, did he not?

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. Does not the Senator from Alabama agree with the Senator from North Carolina that the Supreme Court has covered the equal protection clause with so much judicial sophistry it has lost the capacity even to see the equal protection clause?

Mr. ALLEN. I certainly agree.

Mr. ERVIN. I ask the Senator if all the equal protection clause says is that no State shall deny to any person within its jurisdiction the equal protection of the law.

Mr. ALLEN. Yes, sir.

Mr. ERVIN. It has been interpreted in hundreds of cases to mean simply that a State must not treat in a different manner persons similarly situated. Is that true?

Mr. ALLEN. Yes, sir. That is the universal rule.

Mr. ERVIN. In the Swann case did not the Federal judge say to children in a geographic zone, "Some of the children can go to the neighborhood schools and others cannot go to the neighborhood schools"?

I ask the Senator from Alabama if that order of the court was not a violation of the equal protection clause because it took children similarly situated and treated them in a different manner.

Mr. ALLEN. So it seems to the Senator from Alabama.

Mr. ERVIN. Did not the Court say that the reason the school board could not let some children go to their neighborhood schools was because they had to be bused elsewhere, either to decrease the proportion of children of their race in their neighborhood schools or to increase such proportion elsewhere.

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. Oceans of judicial sophistry cannot wash out the truth that that is denying those children who are to be bused the right of admission to neighborhood schools on the basis of their race.

Mr. ALLEN. So it would seem to the junior Senator from Alabama.

The PRESIDING OFFICER. The time of the Senator from Alabama has expired.

Mr. ALLEN. I thank the Senator for yielding.

Mr. ERVIN. I thank the Senator from Alabama.

Mr. ALLEN. Mr. President, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

LEGAL SERVICES

Mr. TAFT. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

Beginning on page 7, strike out line 14 and everything which follows through line 2 on page 8, and insert in lieu thereof the following:

"(2) The amounts appropriated pursuant to paragraph (1) of this subsection shall be allocated and made available, subject to the provisions of section 616 of such Act, in such a manner that for each such fiscal year not to exceed—".

On page 8, line 3, strike out "$363,900,000" and insert in lieu thereof "$753,800,000".

On page 8, line 4, insert after the word "which" the following: "$328,900,000 shall be for the purpose of carrying out programs under sections 221, 226, and 227, $61,000,000 shall be for the purpose of carrying out Legal Services programs under section 222(a)(3) and title IX,".

On page 9, strike out line 8 and all which follows through line 17.

The PRESIDING OFFICER. The Chair wishes to ask the Senator from Ohio whether or not he asks unanimous consent to have his amendments considered en bloc?

Mr. TAFT. The Senator from Ohio does so request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. BYRD of West Virginia. Is it the Senator's intention to request the yeas and nays on his amendment?

Mr. TAFT. It is the intention of the Senator from Ohio.

Mr. BYRD of West Virginia. Will the Senator do so now, so that his speech in the RECORD will not be interrupted?

Mr. TAFT. Yes. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. TAFT. Mr. President, the Office of Economic Opportunity was envisioned by its creators as a pathfinder against poverty. As originally constructed, it was to chart new courses to alleviate ancient ills, to experiment with new methods and concepts that held promise of breaking the chain of circumstances that hold whole families in bondage generation after generation.

But as is so often the case, the problems of operating programs soon loomed larger to those in charge than did original research. And even when a demonstration program had proven effective, the supporters of the agency grew loath to turn it over to another, operations-oriented department and thereby let OEO get on with its assigned task—trying out and proving other, promising new approaches.

President Nixon endorsed the original concept of OEO as the social research arm of the Federal Government. He promised to expand the agency's research and development capabilities—and he has. At the same time, he called upon OEO to continue operating programs, but only until they had been effective and could be delegated to other departments in an orderly fashion designed to assure their maintenance and further improvement.

In asking for a 2-year extension of the Economic Opportunity Act, the President is pursuing his constituent course—a course designed to reestablish OEO as the research and development agency it was originally intended to be.

This legislation, replete with earmarks on virtually every facet of the agency's operations, strips OEO of flexibility—and it robs the agency of its greatest potential, its research and development potential.

To meet the earmarking requirements of the legislation, the agency will be forced to gut its R. & D. initiatives in such crucial areas as day care, education, and income maintenance. And that loss will not simply be the agency's, but the Federal Government's, and thus the people's, because there is no social research arm within the Federal establishment to compare with OEO, or to assume its pioneering task.

One of the problems of earmarks stems from the fact that we generally appropriate less money than the President requests in his budget. The current request for OEO for fiscal year 1972 is almost 20 percent less than S. 2007 authorizes. Last year, the final appropriation was closer to 30 percent below the authorization figure. Furthermore, past and proposed legislation provide a pro rata formula for adjusting earmarks to reduced appropriations that is precise, but because it is arithmetical, it does not account for a shifting balance between refunding grants-in-being and starting new activities that takes place as total funds are reduced.

The major effect of the committee's bill is to require that approximately $60 million be added to the President's request for OEO in certain specified program areas, including emergency food and medical services, alcoholic counseling and recovery, local initiative, and a new title VII, established to cover economic development programs. These increases will necessarily have to be funded from offsetting reductions in other programs which exceed their minimum allocations under the earmarking formula.

The areas hardest hit by the requisite reductions include the developmental health programs such as comprehensive health, family planning, and drug rehabilitation, and the general research and demonstration programs of OEO—all areas of high national priority.

I have received from the Office of Economic Opportunity the research and demonstration projects in some of the States of the Union. These generally are not esoteric projects, but, rather, they seek to test the concepts that have direct bearing on efforts leading to the elimination of poverty. They are bread and butter projects and involve thousands of people participating in a number of programs designed to increase economic and educational opportunities. These projects represent an effort to learn what works and what may have wider application in breaking the cycle of poverty.

I think Senators may be interested in projects in their particular States. Let me read some of the projects.

The total in Ohio is $1,906,000, for such projects, as, in Akron, South High School skills centers. There is a project in Adams and Brown Counties, in Decatur, to test whether organized poor people can plan and implement programs which provide medical, legal, housing, consumer, and other services funded through non-OEO sources.

In Cleveland there is Metropolitan Co-op Service, the urban cooperative development program.

In Kent, the Akron-Kent State University neighborhood faculty program.

I could point out projects in the State of Wisconsin: In Madison, the rural housing project, $150,000. In Madison, the Institute for Research on Poverty, at the University of Wisconsin, $1 million. The rural negative income tax experiment, at the University of Wisconsin. The urban negative income tax experiment is being carried out in the States of Pennsylvania and New Jersey, in the amount of $3,300,000.

These are ongoing programs.

I have a whole host of these, which I shall be glad to show to any Senator who may be interested in one of these projects in his State.

I ask unanimous consent that this entire tabulation be printed in the RECORD at this point.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

Project title	City	Description	Fiscal year 1971 funds
CALIFORNIA			
Institute for Personal Effectiveness in Children	San Diego	Culture-Fair Testing	$217,000
Youth Opp. Foundation	Los Angeles	College Opportunity. To demonstrate that barriers to higher educational opportunities for the Spanish-speaking poor can be broken through experimental secondary education motivation & enrichment programs, student income maintenance programs, & college trust fund investment.	175,000
Deganawidal-Quetzalcoatl University	Davis	Institutional Curriculum Development. Planning grants for the development of bilingual and bi-cultural "land grant"-type institutions of higher learning for the Spanish-speaking.	200,000
Mexican-American Studies Ctr. of the Clarement Univ. Center.	Claremont	Same as above	68,000
Bd. of Regents U. of California	Santa Barbara	Ombudsman Activities Project	82,000
U. of California	Berkeley	Community Planning Services. To test whether the poor can have an impact on urban development, given professional technical assistance, by developing alternative plans that take into account the needs of the poor.	193,000
Casa Loma College	Pacoima	Para-Medical Training	345,000
Crenshaw Com. Youth Study Assn	Los Angeles	Consumer Commodity Distribution Center	13,000
Berkeley Unified School District	Berkeley	Exemplary Child Care Demonstration Centers	69,000
Richmond Neighbor-House	Richmond	Communications Project	106,000
Planned Parenthood World Population	Oakland	Family Planning	29,041
California Youth Authority	Sacramento	Family Planning	120,557
Harbor General Hospital	Torrance	Family Planning	111,338
Rand Corp	Santa Monica	Development of experiment for health utilization	279,372
UCLA	Los Angeles	Research on social and ethnic stratification on racism	15,338
Fresno Unified School Dist	Fresno	Performance Incentive Education experiment	300,265
San Francisco Unified School Dist	San Francisco	Education voucher feasibility study	53,025

Project title	City	Description	Fiscal year 1971 funds
CALIFORNIA—Continued			
UCLA	Los Angeles	Early childhood research	$291,820
AlumRock School District	Alum Rock	Education voucher feasibility study	72,995
Stockton Unified School District	Stockton	Performance Incentive education experiment	57,146
Univ. of Calif. Nat'l Housing & Econ. Dev. Law Project	Berkeley	National Housing Back-up Center	354,955
Univ. of Calif. Nat'l Housing & Econ. Dev. Law Project	Berkeley	Economic Development Back-up Center	198,151
Univ. of Calif. Nat'l Legal Prog. on Health Problems of Poor.	Los Angeles	Health Back-up Center	[1] 0 ($316,058—FY 70)
Pilot	Oakland	Joint Funding of SF Regional Council with equal participation by DOL, HEW, HUD, and OEO. To unify Bay area Indians into an effective umbrella organization.	50,000
Manpower	Fremont	To assist Bay area CAAs in developing Manpower programs	80,000
Manpower	Los Angeles	To provide Manpower TA to CAAs and other operators of manpower programs in Los Angeles County.	99,954
Manpower	Stockton	To build manpower capability in 8 CAAs of the San Joaquin Valley	80,000
Resource Mobilization	Redding	To staff a CEDC with a team of specialists to manage the developmental, financial and TA leveraging operations of this corp.	40,000
Resource Mobilization	Susanville	Attitudinal change prog. dealing with low-income children's educational deficiencies	30,000
Total			3,731,957
COLORADO			
Uplands, Inc	Durango	Colorado-Utah FURPO. Provides training and technical assistance in economic development through an accounting-financial specialist, economic developer, co-op specialist and three economic development supervisors in establishing such businesses as leather goods manufacture, fabric design and production.	225,000
Conejos-Costella Community Action Association	San Luis	Rural Cooperative	285,000
Greeley Parent Child Center	Greeley	Exemplary Child Care Demonstration Centers. To demonstrate exemplary program components, upgrade weaker components, assess program impact, and validate measurement instruments, so as to develop a variety of cost-effective program models.	114,000
University of Colorado	Boulder	New Gate. Institutions of higher education and correction institutions working together to reduce recidivism rates and promote better post-release adjustment of prisoners by providing college preparatory and college level courses to inmates prior to release.	79,000
Resource Mob	Grand Junction	Training—developing low income business—industry	72,000
Manpower	Boulder	Manpower	50,000
Regional council	Denver	Developing housing program for seasonal workers	85,000
Legal Aid Society of Metropolitan Denver	Denver	Paraprofessional demonstration project	50,766
University of Colorado Indian Law School	Boulder	Indian Back-up Center	130,000
Total			1,090,766
CONNECTICUT			
Hartford School District	Hartford	Performance incentive education experiment	321,823
Manpower Dev	Thanes Statewide (SEOO)	Manpower planning; Development of a State manpower development	100,000
Total			421,823
HAWAII			
Univ. of Hawaii	Honolulu	Early childhood research	349,262
IDAHO			
Manpower	Lewistown	Job placement and advancement for hard to employ types	55,000
INDIANA			
Manpower Demo	Indianapolis	Provides funds for the planning and carrying out of comprehensive manpower programs	50,000
Manpower Demo	Vincennes	Same as above	25,000
Manpower Demo	Terre Haute	Same as above	25,000
Reg'l Council Flexible Funds	Notre Dame	Project to meet the problems of the migrants	200,000
Resource Mobe	Fort Wayne	Seeks to raise money from the City and county gov'ts ano through united funds to assist the CAA to strengthen the economic base of the poor people's movements so they may deal more effectively with their problems.	49,000
Hammond City School Dist	Hammond City	Performance incentive education experiment	1,250
School City of Gary	Gary	Preplanning grant for Education Voucher experiment	23,028
Total			373,278
ILLINOIS			
Amalgamated School Benefit Association	Chicago	Exemplary Child Care Demonstration Centers. To demonstrate exemplary program components, upgrade weaker components, assess program impact, and validate measurement instruments, so as to develop a variety of cost-effective program models.	60,000
Ecumenical Council	Chicago	Same as above	421,000
Southern Christian Leadership Foundation	Chicago [2]	Crawfordville, Ga. Project. To demonstrate that a community owned and operated business can stem out-migration and raise the standard of living. (Through a sewing plant, day care center, a buying club, a housing project, etc.	201,000
Manpower Demo	Suburban Cook Co	Provides funds for the planning and the carrying out of comprehensive manpower programs.	35,000
Manpower Demo	East St. Louis	Provides funds for the planning and the carrying out of comprehensive manpower programs.	53,000
Resource Mobe	Suburban Cook Co	Establishes a Law Clinic and neighborhood law office to handle legal services to the poor	64,000
Reg'l Council Flexible Funds	Rock Island	Project to meet the problems of the migrants	200,000
Commerce Clearing House	Chicago	Poverty Law Reporter	290,000
American Bar Association Fund for Public Ed	Chicago	Boston Lawyers for Housing	35,000
American Bar Association Fund for Public Ed	Chicago	Council on Legal Education Opportunity (CLEO)	750,022
Lawyers' Comm. for Civil Rights Under Law	Washington, D.C	Cairo, Illinois Demonstration project	99,000
Cook County Legal Assistance Foundation, Inc	Chicago	Computer Demonstration Project	150,000
National Legal Aid and Defender Association	Chicago	National Clients Council	[3] 0
Total			2,358,022
IOWA			
Accounting Aid Society of Polk County	Des Moines	Financial Management Assistance. To demonstrate that professional financial management assistance can help poor consumers and small businessmen with their financial problems and to press for consumer protection legislation.	63,000
Furpo	Des Moines	SEOO Housing	80,000
Pilot	Waterloo	SEOO Housing	60,000
Manpower	Dubuque	Manpower	22,000
Manpower	Burlington	Manpower	22,000
Total			247,000
KENTUCKY			
Housing Opportunity Centers, Inc	Louisville	Fair Housing Project. To test whether black families, given assistance, can take better advantage of fair housing laws by moving poor families into new neighborhoods or to find adequate housing in their present neighborhoods; tries to insure strong enforcement of the state's fair housing law.	305,000

Footnotes at end of table.

Project title	City	Description	Fiscal year 1971 funds
KENTUCKY—Continued			
Leslie, Knott, Letcher, Perry Com. Action Council	Whitesburg	Home Repair. To test the use of existing Federal housing programs to provide much needed repairs to the homes of ABD welfare recipients in Eastern Kentucky.	$489,000
Leslie, Knott, Letcher, Perry Com. Action Council	Whitesburg	Eastern Kentucky Housing Development Corporation. To demonstrate that a group of interested people including a large number of poor people can actually turn the Federal housing programs into houses for the rural poor.	100,000
University of Kentucky	Louisville	New Gate. Institutions of higher education & correction institutions working together to reduce recidivism rates and promote better post-release adjustment of prisoners by providing college preparatory and college level courses to inmates prior to release.	240,000
Kentucky Child Welfare Research Foundation	Frankfort	Exemplary Child Care Demonstration Centers. To demonstrate exemplary program components, upgrade weaker components, assess program impact, and validate measurement instruments, so as to develop a variety of cost-effective program models.	143,000
Manpower	Olive Hill	Coordinate CAP and non-CAP programs with goal of improving service to clients	27,000
Manpower	Louisville	Same as above	28,600
Manpower	Lexington	Same as above	27,043
Total			1,359,643
MASSACHUSETTS			
Harvard Univ	Cambridge	Indian Education Legal Back-Up Center	[4] 250,000
Hampshire College	Amherst	Early Identification Program. To test whether low-achievers around age ten who are guaranteed eventual college admission and financial support and who are given additional academic help can make dramatic changes in their academic performances.	123,000
Dept. of Attorney General	Boston	Consumer Protection. Research and investigation of complaints by low-income consumers to insure that the rules and regulations to be issued under new FTC-type state statute really deal with the consumer problems of the poor.	131,000
Urban Planning Aid	Somerville	Community Planning Services. To test whether the poor can have an impact on urban development given professional technical assistance, by developing alternative plans that take into account the needs of the poor.	263,000
The Tenant Management Corp. Inc.	Boston	Tenant Management. To demonstrate that given a sympathetic housing authority a tenant management corporation can be successfully established and will alleviate problems in public housing projects caused by poor relations between the tenants and authorities.	195,000
Harvard Univ	Cambridge	Early childhood research (2 separate grants)	90,374 75,443
Urban Systems Research & Engineering	Cambridge	Effects of housing on child development	142,886
Resource Mob	Boston	Health resources mobilized training for paraprofessionals	30,000
Resource Mob	Gloucester	Front end funds for 500 housing starts in rural areas	250,000
Furpo	Montachusett	TA in housing to low-income individuals and groups; provide funds for 200 farmers homes; front end money for HUD rehabilitation 25 units.	185,000
Boston College Law School Nat'l Consumer Law Center	Brighton	Consumer Back-up Center	373,145
Harvard College Center for Law & Educ	Cambridge	Education Back-up Center	329,380
Manpower	Farmington	Manpower planning	75,000
Manpower	Franklin Co	Manpower planning	25,000
Total			2,413,228
MARYLAND			
Univ. of Md	College Park	Study of the Economics of Discrimination in Employment	125,000
Operations Research Inc	Silver Spring	Evaluation of Four Manpower Programs	2,068,000
GEOMET	Rockville	Evaluation of Neighborhood Health Centers	536,000
Mayor and City of Baltimore CAA	Baltimore	MUND—Model Urban Neighborhood Demonstration—To test whether business, industry and community corporations, with assistance of systems management groups, can develop an effective anti-poverty program.	508,333
FURPO	Annapolis	Full Utilization of Rural Program Opportunities—opportunity to develop capability of ownership.	150,000
Manpower	Dorchester	Coordination body for manpower operations	50,000
Manpower	Annapolis	Coordination body for manpower operations	50,000
Total			3,487,333
MICHIGAN			
Univ. of Mich	Ann Arbor	Longitudinal manpower study	447,565
Michigan State University	East Lansing	Early childhood research	306,268
Grand Rapids Public Schools	Grand Rapids	Performance Incentive Education experiment	323,714
Manpower Demo	Kalamazoo	Provides funds for the planning and carrying out of comprehensive manpower programs	43,000
Manpower Demo	Grand Rapids	Same as above	40,000
Resource Mobe	Kalamazoo	Development of a Human Resource Dept. to mobilize all available resources to address poverty related problems.	62,000
Resource Mobe	Barryton	Mobilization of local government and business units to develop the tourist industry in the area which will provide jobs for the poor people and attract additional revenue into the area.	63,000
Wayne State Univ. Michigan Legal Services Asst. Program	Detroit	Michigan Statewide Back-up Center	176,940
United Community Services/CAP	Grand Rapids	Mobilization of resources	199,000
Total			1,661,487
MINNESOTA			
Univ. of Minnesota	Minneapolis	New Gate. To demonstrate that institutions of higher education, working with correction institutions, can reduce recidivism rates and promote better post-release adjustment of prisoners by providing college preparatory and college level courses to inmates prior to release.	211,000
Manpower Demo	Little Falls	Provides funds for the planning and carrying out of comprehensive manpower programs	52,000
Resource Mobe	Crookston	Assists 3,000 low-income people in 18 counties by providing prof. marketing and production consultants to assist low volume manufacturers.	84,000
Reg'l Council Flexible Funds	St. Paul	Project to meet the problems of the migrants	200,000
Total			547,000
MISSOURI			
St. Louis Univ. Nat'l Juvenile Law Center	St. Louis	Juvenile Law Back-up Center	[5] 0
Legal Aid Society of the City and Co. of St. Louis	St. Louis	Paraprofessional demonstration project	50,000
Manpower	Columbia	Manpower planning	22,000
Manpower	Joplin	Manpower planning	22,000
Manpower	Trentor	Manpower planning	22,000
Manpower	Appleton City	Manpower planning	22,000
Resource Mobe	St. Louis	Economic development	175,000
Total			313,000
NEW JERSEY			
Pilot Prog	Ocean Co	Senior Opportunities and services	20,000
Manpower Dev	Plainfield	Increase CAA capacity in manpower programing	45,000
Resource Mobe	Camden	Housing Development Program	42,000
Manpower Dev	Paterson	Increase relationship between CAP and city government in manpower programing	40,000
Manpower Dev	Newark	Create a "bridge position" between CAA and Mayors CAMPS secretariat	20,000
Office of the Mayor	Newark	Newark Ombudsman	[4] 262,000
Com. Dev. Admin	Newark	Newark Consumer Protection	[4] 300,000
Nat'l Council on Crime and Delinquency	Paramus	New Gate Resource Center	[4] 300,000
Total			1,009,000

Footnotes at end of table.

Project title	City	Description	Fiscal year 1971 funds
NEW YORK			
ASPIRA	NYC	College Opportunity	$498,000
Architects Renewal Committee in Harlem	NYC	Community Planning Services	239,000
National Urban League	NYC [6]	School-Industry Placement Program	300,000
ADP Personnel Data Sys., Inc.	NYC	Job-Client Matching	174,000
Mobil. for Youth	NYC	Urban Cooperative	350,000
Consumer Act. Prog. for Bedford-Stuyvesant, Inc.	NYC	Comprehensive Consumer Action	330,000
Nat'l. Council of Jewish Women	NYC	Day Care Survey	24,000
Com. Dev. Agency	NYC	Exemplary Child Care Demonstration Centers	421,000
Broad Jump	NYC	Broad Jump	69,000
Nat. Urban League	NYC	Day Care-Community Education Program	486,000
Nat. Urban League	NYC [7]	Street Academies	1,500,000
College of Hum. Services	NYC	Professional Education and Credentialling Program	302,000
Com. Film Workshop	NYC [8]	Film Workshop	675,000
Nat'l Urban League	New York	Family Planning	232,241
American Public Health Assoc.	New York	Family Planning	1,122,250
CDA	New York	Family Planning	158,459
Yonkers Comm. Action	Yonkers	Family Planning	70,918
Bronx School Dist. No. 9	Brooklyn	Performance Incentive Education experiment	1,250
Bank Street College of Educ.	New York	Early childhood research	356,262
State Univ. of New York	New York	Early childhood research	134,746
Nat'l Student Service and Fund for Negro Students	New York	Analysis of data on black college students	200,000
Columbia Univ. Center on Social Welfare Policy and Law	New York	Welfare Back-up Center	366,901
Columbia Univ. Nat'l Employment Law Proj.	New York	Employment Back-up Center	32,836
Manpower Dev.	Westchester Co.	Increase CAA capacity in manpower programing	35,000
Manpower Dev.	Yonkers	To create improved working relationship between CAA and city government for manpower programs.	35,000
Manpower Dev.	Syracuse	Increase CAA capability for manpower programing	20,000
Manpower Dev.	Suffox Co.	Increase CAA's capability in manpower programing	25,000
Manpower Dev.	Utica	To increase CAA's capability in manpower programing	40,000
Manpower Dev.	Niagara Falls	Increase the working relationship between CAA and city government in manpower programs.	40,000
Resource Mob.	Nassau Co.	Economic Development—CORE staffing	149,000
Total			8,387,863
NORTH CAROLINA			
Shaw Univ.	Raleigh	Family Planning	99,554
Population Servs. Inc.	Chapel Hill	Family Planning	47,066
Low-Income Housing Dev. Corp., Inc.	Durham	Rural Housing Development Corporation	[4] 480,000
Regional Education Lab. for the Carolinas and Virginia	Durham/Raleigh	North Carolina Community College program	35,000
Manpower Dev.	Raleigh	Coordinate CAP and non-CAP programs with goal of improving service to clients	28,000
Manpower Dev.	Durham	Same as above	28,000
Total			717,620
OHIO			
Akron Public Schools	Akron	South High School Skills Center. To test whether the educational programs and techniques of the Job Corps can successfully be applied to a high school located in a low-income urban area and thereby reduce the drop-out rate and better prepare students for either employment or college.	284,000
Adams and Brown Counties EO, Inc.	Decatur	Ohio FURPO. Testing whether organized poor people can plan and implement programs which provide medical, legal, housing, consumer and other services funded through non-OEO sources.	150,000
Metro. Co-op Service	Cleveland	Urban Cooperative Development Program. To demonstrate a consumer cooperative can become self-supporting after three or four years with a small amount of funds and good technical assistance.	35,000
Kent State Univ.	Kent	Akron-Kent State University Neighborhood Faculty Program. To test whether the urban poor can contribute as faculty members to the development and teaching of university courses on poverty.	143,000
Dayton Youth Patrol	Dayton	Dayton Youth Training and Counselling Program. Demonstrate disadvantaged youth and adults can work together to provide services which meet important needs of disadvantaged youth, including job training for health-related services, in furniture manufacturing and repair, and in housing construction.	25,000
Battelle Memorial Inst.	Columbus	Evaluation of performance incentive education experiment	938,346
Ohio State Legal Serv. Assoc.	Columbus	Ohio Statewide Back-up Center	135,000
Central State Univ.	Wilberforce	Dayton Student Citizenship, Rights and Responsibilities Center	(9)
Manpower Demo.	New Boston	Provides funds for the planning and carrying out of comprehensive manpower programs	33,000
Manpower Demo.	Toledo	Same as above	26,000
Manpower Demo.	Ravenna	Same as above	33,000
Manpower Demo.	Columbus	Provides funds for the planning and carrying out of comprehensive manpower programs	34,000
Resource Mobe.	Marietta	Mobilizes the resources of and for 28 counties in Appalachian Ohio	70,000
Total			1,906,346
OREGON			
Univ. of Oregon	Eugene	New Gate	366,000
Resource Mobe.	Albany	Manpower	75,000
Resource Mobe.	Medford	Rural Transportation	59,600
Manpower	Salem	Employment Program	40,000
Portland Metro Steering Com.	Portland	Parent-Child Development Center	[10] 30,529
Nero & Assoc., Inc.	Portland	Effects of housing location change	52,500
Total			623,629
PENNSYLVANIA			
School District of Philadelphia	Philadelphia	The 12th and Oxford Corporation. Demonstrate the natural social organizations of youth could be directed toward constructive enterprises—a film making company, a laundromat, appliance repair training program and a tutoring program.	67,000
School District of Phila.	Philadelphia	Hartranft Project. Demonstrate that youth are capable of administering youth centers, of making constructive contributions to the planning of center programs and of motivating other youth.	87,000
Pa. Bureau of Corrections	Harrisburg	New Gate. Institutions of higher education and correction institutions working together to reduce recidivism rates and promote better post-release adjustment of prisoners by providing college preparatory and college level courses to inmates prior to release.	155,000
Freedom House Enterprise, Inc.	Pittsburgh	Ambulance Service and Para-medic Training Program. To demonstrate unemployed adults and high school drop-outs can be trained as para-medic ambulance attendants and that such a service can become self-supporting after two and a half years.	88,000
University of Pa. Health Law Center	Philadelphia	Development of Health Law curriculum	[11] 235,855
Philadelphia City Schools	Philadelphia	Performance Incentive Education experiment	1,250
Univ. of Pa.	Philadelphia	Evaluation of Baltimore CAA	10,510
Resource Mobilization	Meadville	Develop capability to operate small business and attract industry to area	75,000
Manpower	Erie	Plan collectively with other agencies for manpower program	50,000
Total			769,615

Footnotes at end of table.

Project title	City	Description	Fiscal year 1971 funds
RHODE ISLAND			
Manpower Dev	Warick	Manpower Planning	25,000
Manpower Dev	Blackstone Valley	Manpower Planning	25,000
Total			50,000
VERMONT			
Champlain Valley OEO	Burlington	Vermont FURPO. Developing a self-supporting transportation system in a four-county area by providing low-cost transportation, by operating a mechanic training program, a maintenance repair garage, and a training program for employees and board members which will enable them to control and operate the corporation once funding is discontinued.	150,000
Vermont Regional Community College Commission	Montpelier	Vermont Rural Education Network. To demonstrate the impact on rural education and job training opportunities of a coordinated community-oriented, and responsive statewide network of outreach training centers serving the needs of disadvantaged rural residents.	[12] 485,000
Manpower	Orleans Co	Manpower planning	15,000
Manpower	Champlain Co	Manpower planning	35,000
Total			442,500
WASHINGTON			
Seattle-King Co. Econ. Oppor. Board, Inc	Seattle	Paraprofessional Demonstration project	50,000
Wash. Board for Community College Education	Olympia	Washington Community College program	60,000
Northwest Rural Opportunities	Pasco	Exemplary Child Care Demonstration Centers	[4] 172,000
Washington State Attorney	Olympia	Consumer protection	[4] 146,000
King County	Seattle	Seattle-King County Office of Citizen Complaints	[4] 94,000
Resource Mobe	Aberdeen	Developing Coalition	60,000
Resource Mobe	Seattle	Mobilize resources through the churches	90,000
Resource Mobe	Pasco	Provide job counseling and referral systems for youth	9,400
Manpower	Olympia	Creation of jobs	55,000
Seattle Public Schools	Seattle	Feasibility study education vouchers	123,942
Seattle Public Schools	Seattle	Performance Incentive education experiment	1,250
Washington State Econ. Oppor. Office	Seattle	Statewide social welfare planning and information system	30,026
Grand total			891,618
WEST VIRGINIA			
Tech Foundation, Inc	Montgomery	Mountain Artisans. To demonstrate that a well organized handicraft industry can be financially feasible if its products are designed for the high fashion urban market.	266,000
Tech Foundation, Inc	Montgomery	Business Cooperatives. To demonstrate that by organizing small producer and service cooperative businesses which fit the resources and needs of the people, their expertise and business credibility will be developed to the point where larger businesses can be organized and new business can be induced to come into the area.	305,000
Manpower	Parkersburg	Plan collectively with other agencies for manpower programing	50,000
Furpo	Williamson	Economic development for small business	75,000
Total			696,000
WISCONSIN			
Wisconsin Electric Co-op	Madison	Rural Housing Project. To test the feasibility of using a statewide rural electric cooperative as the delivery mechanism for a rural housing program, and to demonstrate that many of the advantages of urban housing cooperatives such as common planning and purchasing, collective training for self-help, etc., can also accrue to rural housing cooperatives.	150,000
United Migrant Opportunity Service	Milwaukee	Family Planning	290,625
University of Wisconsin	Madison	Institute for Research on Poverty	1,089,000
University of Wisconsin	Madison	Rural Negative Income Tax experiment (experiment is being carried out in the States of North Carolina and Iowa).	2,858,756
University of Wisconsin	Madison	Urban Negative Income Tax experiment (experiment is being carried out in the States of Pennsylvania and New Jersey).	3,388,780
University of Wisconsin	Madison	Clearinghouse for SEO data files	22,500
Manpower Demo	Milwaukee	Provides funds for the planning and carrying out of comprehensive manpower programs	49,000
Manpower Demo	Madison	Same as above	27,000
Regional Council Flexible Funds	Beaver Dam	Project to meet the problems of the migrants	200,000
Total			8,075,661

[1] $316,058—Fiscal year 1970.

[2] Grantee located in Illinois. Project in Georgia.

[3] $118,100—Fiscal year 1970.

[4] 2-year funding.

[5] $260,000—Fiscal year 1970.

[6] Grantee in New York, project operates in Atlanta, Pittsburgh, Washington, D.C., and Minneapolis.

[7] Grantee in New York, project operates in Phoenix, Ariz., and New Orleans, La.

[8] Grantee in New York, project operates in Hartford, Conn.; New York, N.Y.; Chicago, Ill.; Atlanta, Ga.; and Santa Fe, N. Mex.

[9] $126,750—Fiscal year 1970.

[10] Transfer $175,000 to HEW for the center.

[11] OHA.

[12] Total includes only $242,500 for this project (2-year funding).

Mr. TAFT. Mr. President, let us not be misled by the easy argument that the committee bill earmarks R. & D. at $65.4 million, the same level requested by the President in his budget. By earmarking at an overall level of $170 million above that suggested by the President, and by requiring pro rata apportionment in the very likely event of a reduced appropriation, the committee will force the Agency to remove close to $29 million from its R. & D. effort alone and apply it to programs whose earmarks exceed the levels requested in the budget.

One of the programs whose earmark exceeds the level requested in the budget is the Emergency Food and Medical Services Program. The President requested $3.5 million for this program and S. 2007 authorizes $62.5 million. Assuming an ultimate appropriation near the level of the budget request, the proration, based on the total authorization, to the level of the budget request, would bring this program to $43.6 million. The flexibility allowance could reduce it further to a minimum level of funding of $34.9 million. This figure is still some $31.4 million above the budget request. To meet the prorated earmark requirement funds would have to be taken from other programs, such as the Comprehensive Health Services program, which is budgeted and authorized at $114 million. Its prorated level is $79.5 million and its minimum level is $63.6 million. The minimum level is $50.4 million less than the budget request and thus, $50.4 million of developmental health activities would be jeopardized because of the need to meet an earmark such as that of EFMS.

The scope of reductions necessary in research and in other areas is such that all new program initiatives would be eliminated and many on-going activities would be abandoned. Reductions in some areas may approach 50 percent of the total national program level.

Let us think for a moment what a substantial reduction in OEO's research and demonstration budget would mean for the government and for our people. Seven years ago there was no Headstart program. Now this program serves nearly half a million children of preschool age. Headstart would not be in existence if it were not for OEO's role as an innovator of new social programs.

When OEO was first authorized there was no Legal Services program. Today more than 2,000 lawyers serve in 270 projects to insure that the poor have equal access to the judicial system. Again, without OEO's experimentation this program would not have been established. If OEO's budget in the area of research and development is drastically reduced, where will we look for tomorrow's Headstarts and Legal Services?

Particular experiments which are presently underway, such as the New Jersey income maintenance experiment, performance contracting, and education vouchers, would be jeopardized by a substantial cut in the R. & D. area and, most likely, forced to abandonment. While there may be differences of opinion over the desirability of some of these experiments as operating programs, it is unthinking to deny investigation of these concepts under the limited and controlled conditions of social science experimentation. It should be remembered that 4 years ago, when OEO contemplated undertaking the New Jersey experiment, there was great opposition. Now the experiment is not only well accepted, but is considered as landmark in the field of social science and public policy analysis.

If we do not allow for further research, we run the risk of being remembered in the company of a former Senator who, at the end of the last century, while debating the extension of a patent law, suggested, in effect, that such legislation was not required for we had learned all we need to know.

The flexibility and innovative nature of OEO that have enacted its greatest successes would be stopped if the earmarks in S. 2007 are allowed to remain and to restrict the agency's research and demonstration functions.

I do not believe the President will accept this legislation as now written.

I have mentioned a number of provisions which I find objectionable and which I think should be changed, but I think there is none more objectionable and none which is more likely to lead to a veto and a delay of this legislation than this particular provision, unless the Senate accepts my amendment.

I do not believe the President endorses the further bureaucratization of an agency whose essence was always intended to be experimentation. And, frankly, I do not see the loss of OEO as constituted and controlled under this legislation to be a serious one. Other departments of Government, I believe, are better equipped than OEO to operate massive social service programs.

What would be an irreparable, truly catastrophic loss, I believe, would be the demise of OEO as a pioneering agency finding new answers to old problems, breaking down old shibboleths, providing us with new weapons with which to assault poverty, and impacting its research findings on the consciousness of this Nation's people.

Mr. President, may I suggest that whether OEO lives or dies is not really at issue here. What is at issue is whether the spirit that created OEO, the spirit that said this Nation would renew its search for ways to let all Americans share in their country's affluence, whether that spirit continues or is crushed.

Legislation that would turn OEO away from its goals, and merely add its name to the proliferating pantheon of bureaucratic service agencies, adds up to nothing less than a death knell for the once-bright hopes of this agency, and for the hopes of some 25 million poor Americans.

The amendment I offer at this time is simple and returns the Congress to its accepted practice for authorizing appropriations—exactly as it does for virtually all other programs, and indeed, for the economic opportunity program prior to the last amendments in December of 1969. That is, it would authorize precisely the sum specified in our committee's report, distributed to individual programs in precisely the same fashion as our committee recommends. It would, however, remove the unwarranted and punitive provisions which specify both rigid "reservations" for certain programs and overly "neat" proration formulas for the rest. I cannot readily recall another instance where the Congress has rigidly prejudged both the President's stewardship of a program or its own appropriation process as in the complicated directions for how to distribute any sum that might be appropriated for economic opportunity programs. Surely the committee must have an extreme and compelling justification. I recall that the primary program to be "protected" by the 1969 amendments was community action's local initiative funds. The record shows in fact that OEO substantially exceeded the congressional mandate. Why then this need for a statutory straitjacket?

I believe OEO has demonstrated exemplary performance in allocating tight appropriations among many strong claimants. It has made difficult choices between projects, generally maintaining proven activities, yet continuing to develop better ways of dealing with poverty. It has responded to the expressed intent of the Congress, frequently made more difficult by overly detailed earmarking. Indeed, its record compares quite favorably with other agencies in this bill, which have strangely escaped the imposition of severe earmarking restrictions.

Further, the amendment permits Congress to exercise its right to earmark, but it preserves, at the same time, reasonable flexibility for the President in ordering priorities.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. Mr. President, I yield myself 15 minutes. Will the Senator from Ohio yield for a question?

Mr. TAFT. I am glad to yield.

Mr. NELSON. So that I may understand the Senator's amendment, am I correct in concluding that the amendment preserves the earmarking for the local initiative programs at $328,900,000 and legal services at $61 million, and removes earmarking from all other aspects of the program?

Mr. TAFT. That is correct.

Mr. NELSON. I thank the Senator.

Mr. President, this earmarking dispute is exactly the same issue we dealt with previously, in the 1969 OEO amendments. At that time we had a series of rollcall votes on earmarking, on the authorization bill in the Senate, in which the Senate rejected the request of the administration that earmarking be removed.

Then in the conference between the House of Representatives and the Senate on the authorization bill, the exact same issue being raised in this amendment was taken up in conference, and the conference rejected it.

We had a second rollcall vote here on the Senate floor, on the appropriations bill, in which the Senate again rejected the administration position of removing the earmarking.

So we have dealt with this matter in successive rollcall votes, and the House and the Senate have rejected that position repeatedly.

I think that the real point here actually is that the administration does not wish to have $62,500,000 authorized for the Emergency Food and Medical Services program; they want $3,500,000. And they do not want the $18 million authorized for Alcoholic Counseling and Recovery; they want $2 million. That is, I think, where the real issue is, and we could get to the heart of the matter a whole lot more quickly if amendments were offered to reduce the Emergency Food and Medical Services from $62,500,000 to $3,500,000 and the Alcoholic Counseling and Recovery from $18 million to $2 million.

But the fact of the matter is that we settled that issue. This is what we authorized in the committee, this is what we authorized in votes on the floor of the Senate in the previous authorization bill, and this is what the committee provided for this year without any opposition at the subcommittee level and at the full committee level. What is at issue is simply this: the administration would like to reduce by some $60 million the Emergency Food and Medical Services and by $16 million the Alcoholic Counseling program.

I would think the position of the administration should now have changed on the emergency food and medical services program, because that position was based on the expectation that Congress would pass the family assistance plan, and that the emergency food and medical services program would therefore be unnecessary in this bill. But now the President has asked that we delay for a year the effective date of the family assistance plan. Therefore, that argument in support of reducing the amount of money here by some $60 million for emergency food and medical services in this bill is washed out, because it appears to me that the President will probably prevail in his request that we delay the effective date of the family assistance plan for another year—until 1973. This bill's earmarking for 2 years extends until June 30, 1973—which is the earliest realistic effective date for the family assistance plan.

The emergency food and medical services—EFMS—program was established in 1967 to provide special assistance to meet severe hunger and health problems not met by other programs. For fiscal 1971 Congress earmarked $62.5 million and the agency actually received $45.2 million. Funds support 660 programs, mostly rural. The administration now proposes that this program be terminated; it requested no funds for the basic authorization although it proposes to spend $3.5 million for EFMS-type projects serving migrants and Indians. The emergency food and medical services program is one of the most popular and successful of all OEO programs. Impressive testimony before our subcommittee made a convincing case for continuing it at least at present funding level. Bill S. 2007 earmarks $62.5 million, the same amount earmarked last year. Following are some quotes from the testimony:

Wesley Hjornevik, OEO Deputy Director:

We believe that the kind of reforms that Congress has passed are going to have major impact on the Food Stamp program and will tend to obviate the need for the EFMS program in the future. It is our hope that Congress will address the issue of welfare reform in an aggressive fashion which will also mitigate the need for this . . . If the assumptions on which we based our program plan do not come to pass . . . we will reprogram funds or we will be back before the Congress for additional funds . . . We are hopeful that we won't need to continue an Emergency Food and Medical Services program. If that does not turn out to be the case, we want the authority in our legislation so that we will be free to come back to Congress for the resources necessary to make sure that we arrest hunger in this country. (P. 1993 hearings).

Robert Choate, hunger expert:

The EFMS legislation is the broadest piece of health-related legislation that exists on the statutes today. It is the only real piece of health legislation that can act on personal family emergencies as opposed to national or natural disaster emergencies. For this reason alone, it should be maintained. In the counties where EFMS has been effective, it has initiated Federal food assistance programs where there were none; it has supplemented services or staff wherever such programs already existed but were not reaching all potential recipients; and it provided the means by which the poor themselves could devise solutions to their own food needs. For example, in Oxford County and Cumberland County, Maine, the poor, through EFMS funds, operate their own donated commodities program—and boast almost 100% participation. They find, transport, certify and distribute goods to all eligible families in those counties, and have demonstrated how efficient a program run by recipients can be. In Everett, Washington, minimal EFMS funds provide an occasional hot meal to a total of 5,000 elderly poor. In that manner, EFMS has brought the aged into Senior Citizens' Centers for the first time and is now holding classes and giving consultation in health and nutrition, food stamp certification, social security, legal aid, special diets and employment services. In central Minnesota, the EFMS staff discovered that many schools were reporting a certain number of "free" lunches served daily to the neediest children and then were charging these students for their "free" lunches. They spoke with local school officials, the state School Lunch Director, USDA Regional representatives, and the Governor. Now there is a concerted state effort to implement a truly free and reduced-price lunch program in every school in the state.

Mayor John Driggs, Phoenix, Ariz.:

This program has been very beneficial to the residents of the inner-city of Phoenix and I would not like to see it cut back without definite assurance that the service it offers would continue at no less than the current level through some source of Federal funding. The social service agencies in Phoenix have asked me to emphasize the importance of the EFMS program. Their employees spend much of their time simply trying to obtain food for hungry people. I think that no one can seriously question the need for Emergency Food assistance. The staff of our CAA estimated that 36.000 people in Phoenix need Emergency Food assistance

Mrs. Catherine Williams, Troy, Ala.:

Just last week, I came in contact with a family where the father was killed and the family had no food. Emergency Food came to their rescue . . . Often times we came in contact with families who have never taken their children to have their shots. If we were not there, possibly they would not get their shots. If Emergency Food is cut out, I don't know what people in Pike, Bullock, Crenshaw, and Butler Counties would do.

Senator ERNEST F. HOLLINGS, South Carolina:

I don't know any better way to get support for the elimination of hunger than the OEO Emergency Food and Medical Services program. I cannot imagine, in this day and age in America, eliminating medical services as a policy or eliminating emergency feeding of the hungry.

The Reverend James Webb, Troy, Ala.:

Emergency Food and Medical Services in our area is a life saver. Many people would just starve without the benefit of EFMS. Emergency Food in an area like Pike County is able to provide kids and families with food so he does not become a criminal (by stealing to eat) . . . I have seen funerals where people have died for lack of medical attention and medical service. For a kid to die for not having shots and for not having what we consider normal medical aid is ridiculous in 1971 in a country as affluent as ours.

Mrs. Beatrice Jenkins, Rosston, Ark.:

Here in southwest Arkansas, where rural people have little or no employment and where you will find some of the poorest people in our country, the cessation or the reduction of the program would be chaotic to old and young. EFMS is truly a godsend for these destitute people.

Ben McFarlin, Murfreesboro, Tenn.:

In our area Emergency Food has helped to wipe out the garbage can scroungers and children who dip into slop buckets for food.

Navarro County Action Committee, Corsicana, Tex.:

The total families served by this program is 585. Over half are children under 16. About three-fourths were in households which had an income of $1500 or more below the poverty line.

FUNDING FOR PROGRAMS ADMINISTERED BY OEO

[In millions of dollars]

	President's budget	Proposed earmarking (S. 2007)	Earmarking prorated budget re	Minimum (with 20 percent flexibility)	Fiscal year 1971	
					Earmarking	Actual
RESERVED FUNDS						
Local initiative (sec. 221)	314.9	328.9	328.9	328.9	328.9	350.0
Legal services	61.0	61.0	61.0	61.0	58.0	61.1
AMOUNTS SUBJECT TO PRORATION						
Title II:						
Comprehensive health services	114.0	114.0	87.2	69.8	80.0	99.0
Emergency food and medical services	3.5	62.5	47.8	38.2	62.5	45.2
Family planning	25.0	25.0	19.1	15.3	15.0	18.6
Senior opportunities and services	8.0	8.8	6.7	5.4	8.8	8.0
Alcoholic counseling and recovery	2.0	18.0	13.8	11.0	15.0	10.8
Drug rehabilitation	18.0	18.0	13.8	11.0	15.0	12.8
Other title II[1]	117.6	117.6	90.0	72.0	69.0	129.5
Title III-B: Migrant and seasonal farmworkers	38.0	38.0	29.1	23.3	34.0	37.0
Title VI: Administration	18.0	18.0	13.8	11.0	16.0	18.3
Title VII: Community economic development	25.0	58.0	44.4	35.5	58.0	42.0
Title VIII: VISTA	45.0	45.0	34.4	27.5	37.0	36.4
Total	790.0	912.8	790.0	709.9	797.2	868.6
Other		37.2		80.1	100.0	25.8
Total authorization		950.0		790.0	897.2	894.4

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[1] Other title II programs and activities (flexible in Director's discretion):

	Fiscal year 1972 proposed	Fiscal year 1971 actual
Training and technical assistance	$13.5	$14.7
State economic opportunity offices	13.0	12.5
Research, development, and evaluation	65.4	83.2
Program support	25.7	19.1
Total	117.6	129.5

We have debated earmarking twice here and in the House of Representatives on successive occasions, and debated and voted on the issue. I understand the administration's position. I might very well take that position myself, if I were in the executive branch. I am sure I would rather have all the money handed over to me as an administrator without any earmarking, and be permitted to spend it on whatever programs I happened to think were the best, without Congress deciding how much money ought to be spent on these programs. But that is not the way I feel as a legislator, and that is not the way the majority in the House of Representatives feels on this matter, nor the majority in the Senate, based upon votes in each House. We feel that we have the right to earmark moneys for certain specific programs upon which we have conducted extensive hearings, on which we have had executive sessions at the subcommittee level and the full committee level, and I think we feel that we are qualified to make certain decisions about what the programs ought to be, and at what levels the programs ought to be funded.

As the distinguished Senator from Ohio knows, the bill provides flexibility in the form of 20 percent transferability in a number of these programs which would total $80 million the first year, and 25 percent transferability, which would total $100 million, the second year. So we have put substantial flexibility into the bill.

Not only do I oppose the administration position personally, as I think the Senate does, but the House conferees are unlikely to accept it, either. We had a very difficult conference disagreement with the House conferees on the 1969 amendments, trying to put the flexibility into the bill which we had put in on the Senate side the last time it was before us. They did not want to go beyond 15 percent flexibility, and we were arguing for 20 and 25 percent flexibility. We got 15 and 20; we could not get 20 and 25 percent. Now we have, in this bill, 20 and 25 percent. So we have gone a distance beyond the position the Congress has taken in the past on flexibility, and quite a distance beyond what the conferees would agree to the last time we had a conference with the House. They did not want any flexibility at all.

So I would hope that the Members of the Senate would not support the elimination of the earmarking of these programs.

The PRESIDING OFFICER. Who yields time?

Mr. TAFT. Mr. President, the only difficulty in the position being taken by the Senator from Wisconsin is that we might agree or not agree on the desirability of earmarking funds. I have sometimes in the past been personally responsible for earmarking certain funds for certain purposes in bills, and I may well be again. I do not object to it as a principle. If Congress feels it wants to earmark in a certain area, fine; Congress will do so.

The problem that arises here, and the problem I have tried to bring out in my remarks on this amendment, and the reason for this amendment, is to avoid the very serious dilemma that is going to result if, as is very likely, the appropriations that are put into this bill are not up to the full authorization that is put into the bill. Under those circumstances, as I pointed out, it means a mandatory reduction in certain programs that are in the research and development field and the mandatory funding of certain other programs. It is not even a pro rata reduction. I do not think a pro rata reduction would make too much sense, either, because it is often a kind of arbitrary thing in its application. The problem as I see it, as I pointed out, is that I do not think it has been dealt with by the Senator from Wisconsin.

Mr. NELSON. Mr. President, in response to the remarks of the Senator from Ohio, I point out that last year $328,900,000 was authorized and appropriated for local initiative programs. That amount was earmarked. It was objected to by the administration at that time, but they spent not only the $328,900,000 but approximately $350 million. Now we are authorizing again $328,900,000, which is the amount authorized last year, less than the amount the administration spent last year. They had no difficulty living with earmarking before—although they objected to it when we enacted it—and in fact put more funds into local initiative than Congress reserved.

The next point to make is that in the earmarking process, except for four items, we earmarked exactly the amount that was requested by the administration in their budget justification.

The President's budget proposes $61 million for Legal Services; that is the President's proposal. We authorized $61 million.

The President requested $114 million for comprehensive health services. The bill earmarks $114 million. However, if the administration decides that they do not want to spend the full amount, they can take 20 percent away and spend it on any other program they wish; and the next fiscal year they can take 25 percent of that away and spend it on any other program.

The family planning budget request is $25 million, requested by the President. Our committee earmarked $25 million. If the administration decides they do not want to spend the full amount, they can take 20 percent of that and spend it on any other program they wish. The next fiscal year, they can take 25 percent.

For the senior opportunities budget, the President requested $8 million. Our committee earmarked $8,800,000. If they do not want to spend the full amount, they can transfer 20 percent this fiscal year and 25 percent next year.

For drug rehabilitation, the budget request was $18 million. The earmarking by our committee is $18 million. The 20-percent transferability this fiscal year applies to that, and 25 percent next year.

For migrant workers, the President's request in the budget was $38 million. We earmarked $38 million, and 20 percent of that is transferable by the administration this fiscal year, and 25 percent next year.

For the VISTA program, the administration requested $45 million. We authorized precisely $45 million. The 20 percent transferability the first year applies to that $45 million, and a 25 percent transferability applies to that money for the next year.

Except for the four programs which we are sustaining at last year's levels, we built our earmarking around the requests made by the administration. Then, recognizing that those judgments might be mistaken—a few dollars one way or the other—and that they might wish to make some adjustments, we put in the 20 percent flexibility for the first year and 25 percent the next year. That means that $80 million can be pulled out of other programs the first year and put wherever the administration wants it.

I think the difficult argument is not going to be whether or not we can justify that 20 or 25 percent on the floor of the Senate. Our problem is going to be whether we can persuade the House conferees to give the administration a flexibility of $80 million in this bill the first year and approaching $100 million the second year.

The PRESIDING OFFICER. Who yields time?

Do both Senators yield back their time?

Mr. TAFT. I yield back the remainder of my time.

Mr. NELSON. I yield back the remainder of my time.

Mr. BYRD of West Virginia. Mr. President, will the Senator from Ohio yield me 1 minute?

Mr. TAFT. I yield.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. I thank the Senator.

Mr. President, I ask unanimous consent that, upon the disposition of the pending amendment, the Senator from Ohio (Mr. TAFT) be recognized to offer his amendment on prime sponsors; that upon the disposition of that amendment, he be recognized to offer his amendment on child development councils; that upon the disposition of that amendment, he be recognized to offer an amendment on child advocacy; that upon the disposition of that amendment, he be recognized to offer his motion to recommit; that upon the disposition of the motion to recommit, the distinguished Senator from Kentucky (Mr. COOK) be recognized for the purpose of calling up an amendment.

The PRESIDING OFFICER. Is there objection?

Mr. NELSON. Does the Senator from West Virginia intend to dispose of the motion to recommit tonight?

Mr. BYRD of West Virginia. Mr. President, the able manager of the bill has asked whether or not it is the intention to dispose of the motion to recommit tonight. It is not our intention to do so. It would be the hope of the leadership that we could dispose of the remaining amendments today which are to be offered by the distinguished Senator from Ohio (Mr. TAFT). He has three remaining amendments. It is my understanding, after discussing the matter with him, that it is not his intention to utilize the full time on at least two of the three remaining amendments. It is also my understanding that he does not intend to ask for a rollcall vote on two of the remaining three amendments, which would mean that there would be only one more rollcall vote today after the rollcall vote which is about to occur.

Following the disposition of his amendments, he would then make his motion to recommit, and some time on that motion would probably be utilized tonight, with the understanding that the vote on the motion of the Senator from Ohio (Mr. Taft), would go over until the morning.

Mr. TAFT. The assistant majority leader has stated it correctly.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. TAFT. I yield to the Senator from Wisconsin.

Mr. NELSON. The distinguished Senator from West Virginia has said that the Senator from Ohio would ask for a rollcall vote on one amendment and not on two. Would the Senator inform me which amendment?

Mr. TAFT. At the present time, the intention of the Senator from Ohio is to ask for a rollcall vote on the amendment dealing with child development councils, but not on the amendment dealing with prime sponsorship of child advocacy.

Mr. NELSON. I thank the Senator.

Mr. President, did I yield back the remainder of my time?

The PRESIDING OFFICER. The Chair has not ruled on the yielding back of time in light of the statements of the Senator from Wisconsin and the Senator from Ohio, unless the Senator from Wisconsin now cares to.

Mr. NELSON. I had intended to yield 5 minutes to the Senator from Iowa (Mr. Hughes). So before I yield back my time, I yield 5 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 5 minutes.

Mr. BYRD of West Virginia. Mr. President, will the Senator from Wisconsin yield me 1 minute prior to the recognition of the Senator from Iowa?

Mr. NELSON. I yield.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent—in order that Senators on both sides of the aisle will be on notice that there will be one more rollcall vote today—that it be in order to order the yeas and nays at this time on the amendment of the Senator from Ohio dealing with child development councils.

The PRESIDING OFFICER. The Chair would indicate that on the previous request of the Senator from West Virginia the Chair did not respond to the Senator from Wisconsin asking a question and it is so ordered without objection at this time.

Mr. TAFT. Mr. President, I ask for the yeas and nays on my amendment dealing with child development councils.

The yeas and nays were ordered.

Mr. HUGHES. Mr. President, I wish to thank the distinguished manager of the bill for yielding in order for me to speak to the particular amendment in question.

My interest in the amendment is the fact that on this particular piece of legislation there is earmarked $18 million for alcoholism programs and $18 million for programs dealing with drugs and narcotics. The administration asked for only $2 million in the OEO for alcoholism, stating that they were transferring the remainder of the programs to the new Institute of Alcoholism in HEW.

In legislation already passed with the distinguished chairman of the Appropriations Committee being here on the floor at the present time, we sought and did get appropriated, if my memory serves me correctly, $50 million for alcoholism, $30 million of which was for grants to individual States and $20 million for project grants.

The programs to be transferred from OEO to HEW, totaled $13 million. This means that for the entire United States there will be only $7 million in new money to cope with the problems of alcoholism unless money is earmarked.

I believe it is absolutely essential that we earmark funds in this particular bill, because without it we will not have adequate funds to deal with this problem, which this body has passed on unanimously, which was funded by the Appropriations Committee of this body, and which the administration has indicated an unwillingness to fund through OEO. So, I feel, as chairman of the subcommittee dealing with the problem of alcoholism and narcotics, this amount of money must be earmarked in this particular bill.

Also, the success of OEO in dealing with the high impact of narcotics addiction in poverty areas is dependent on adequate funding and hearings held in major cities have shown the problems of drug addiction in poverty areas. One of the greatest contributors to delinquency, crime, and poverty is drug addiction. Various Senators now on this floor have seen, heard testimony, and know from personal experience in visiting those areas and the effect that drugs have had on the population. It is my feeling that this amount of money must be included and earmarked for drugs. If not, we would indeed not be doing our duty in line with the recommendations of this body. We would not be meeting the needs of the people in these high impact poverty areas.

For all these reasons, Mr. President, I oppose the pending amendment. It would be to the best interests of our country and the people we serve to see that this amendment is rejected.

I thank the Senator from Wisconsin for yielding to me to make these comments.

Mr. TAFT. Mr. President, I do not care to go into any great detail on the position of the distinguished Senator from Iowa (Mr. Hughes). I certainly believe that all of us on the committee are deeply concerned with the problem of alcoholism and drug addiction.

The question is whether there should be an earmarking for these programs under the OEO Act to the exclusion of almost any other program, because that is what the effect could be.

I have not yet had answered the question I put to the chairman of the subcommittee some time ago, as to whether it was not a question of the appropriation not coming up but whether this would not result automatically in a cut in research and development and some of these other efforts made to deal with alcoholism and drug addiction, and that there was nothing to exclude OEO under the various programs from accepting a program dealing with alcoholism and drug addiction. It is a question of earmarking one thing to the exclusion of others.

I take some issue with the Senator from Iowa, without having the statistics available at hand, as to the problem of alcoholism and drug addiction being really exclusively or not exclusively intended to be importantly related to a particular income level. There is much evidence with regard to this program that is quite the contrary, that the percentage of youth involved in drugs and alcohol runs the whole gamut of all income levels. What is true of the problem of alcoholism is true of drug addiction. It has a definite relationship to poverty, but more to solving the problems, whether we can really solve them under OEO or under the massive program departments of HEW, or by State and local efforts in this connection, or in the comprehensive and broad, I hope, continuing private efforts to deal with the problem.

The PRESIDING OFFICER (Mr. Weicker). Do the Senators from Wisconsin and Ohio now yield back their time?

Mr. NELSON. I yield back the remainder of my time.

Mr. TAFT. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back the question is on agreeing to the amendment of the Senator from Ohio (Mr. Taft).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Nevada (Mr. Bible), the Senator from North Dakota (Mr. Burdick), the Senator from Mississippi (Mr. Eastland), the Senator from Arkansas (Mr. Fulbright), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Minnesota (Mr. Humphrey), the Senator from Washington (Mr. Magnuson), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. Muskie), the Senator from Rhode Island (Mr. Pell), and the Senator from Alabama (Mr. Sparkman) are necessarily absent.

I further announce that the Senator from Indiana (Mr. Bayh), the Senator from Indiana (Mr. Hartke), the Senator from South Carolina (Mr. Hollings), and the Senator from Montana (Mr. Mansfield) are absent on official business.

I further announce that, if present and voting, the Senator from North Dakota (Mr. Burdick), the Senator from Mississippi (Mr. Eastland), the Senator from

Minnesota (Mr. HUMPHREY), the Senator from Arkansas (Mr. FULBRIGHT), and the Senator from Washington (Mr. MAGNUSON), would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from Colorado (Mr. ALLOTT), the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Nebraska (Mr. CURTIS), the Senator from New York (Mr. JAVITS), the Senator from Ohio (Mr. SAXBE) and the Senator from Pennsylvania (Mr. SCOTT) are absent on official business.

The Senator from New Hampshire (Mr. COTTON), the Senator from Colorado (Mr. DOMINICK), the Senator from Hawaii (Mr. FONG), the Senator from Wyoming (Mr. HANSEN), the Senator from Idaho (Mr. JORDAN), the Senator from Maine (Mrs. SMITH), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

The Senator from Kentucky (Mr. COOPER), the Senator from South Dakota (Mr. MUNDT) and the Senator from Vermont (Mr. PROUTY) are absent because of illness.

The Senator from Tennessee (Mr. BROCK) is detained on official business.

If present and voting, the Senator from New York (Mr. JAVITS), would vote "nay."

If present and voting, the Senator from Maine (Mrs. SMITH) would vote "yea".

The result was announced—yeas 17, nays 47, as follows:

[No. 216 Leg.]

YEAS—17

Beall
Boggs
Buckley
Cook
Dole
Fannin
Goldwater
Griffin
Gurney
Hruska
Miller
Packwood
Pearson
Roth
Taft
Thurmond
Tower

NAYS—47

Allen
Baker
Bentsen
Brooke
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cranston
Eagleton
Ellender
Ervin
Gambrell
Hart
Hatfield
Hughes
Inouye
Jackson
Jordan, N.C.
Kennedy
Long
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Nelson
Pastore
Percy
Proxmire
Randolph
Ribicoff
Schweiker
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Stennis
Stevens
Stevenson
Symington
Talmadge
Tunney
Weicker
Williams

NOT VOTING—36

Aiken
Allott
Anderson
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Bellmon
Bennett
Bible
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Burdick
Cooper
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Curtis
Dominick
Eastland
Fong
Fulbright
Gravel
Hansen
Harris
Hartke
Hollings
Humphrey
Javits
Jordan, Idaho
Magnuson
Mansfield
Moss
Mundt
Muskie
Pell
Prouty
Saxbe
Scott
Smith
Sparkman
Young

So Mr. TAFT's amendment was rejected.

Mr. MONDALE. Mr. President, I commend the distinguished junior Senator from Wisconsin (Mr. NELSON) for his wise and patient leadership in the development of the pending bill.

S. 2007, the Economic Opportunity Amendments of 1971, extends the Economic Opportunity Act of 1964 for 2 years through fiscal year 1973. This extension reflects the national consensus that OEO programs have materially assisted in removing substantial numbers of people from poverty. I believe the programs operated by OEO itself could well use more than the $950 million authorized for fiscal 1972 and for 1973. However, these sums and the earmarking provisions should assure the continuation of a number of effective efforts now underway.

I have long supported OEO's neighborhood health centers, emergency food and medical services, community action programs, alcoholic and drug treatment, family planning, older workers programs, and migrant assistance. I shall turn in a moment to the greater strengthened child development and legal services programs which the bill also includes.

I am pleased to support the bill's expanded and strengthened programs for community economic development and for employment and training of young people. I also welcome the specific authority to offer financial assistance to community-based organizations which will furnish professional design and planning assistance to people in urban and rural poverty areas who want to improve the physical development of their communities.

I am especially proud that the bill incorporates the basic provisions of two bills which I have had the privilege to sponsor, with bipartisan support—S. 1512, the Child Development Act of 1971, and S. 1305, the National Legal Services Corporation Act.

CHILD DEVELOPMENT

The major provisions of S. 1512, the comprehensive child development bill of 1971, are incorporated in section 6 of the pending bill. This section creates a new title V in the Economic Opportunity Act, which expands the existing and highly successful Headstart program. It is designed to meet the rising need of families from all economic levels for quality comprehensive child development services.

Joint hearings of the Subcommittee on Manpower and Poverty and Children and Youth clearly demonstrate that need. Half of all mothers of children under 14, and one-third of all mothers of children under 6, are working today. Yet less than 700,000 licensed day care opportunities are currently available to serve the nearly 6 million preschool children whose mothers work. And the need for child development services is increasing—an additional 1.5 million mothers will enter the work force during the remainder of this decade.

The report to the President by the White House Conference on Children and Youth states:

> To discuss at length whether day care is an economic luxury, a political right, or a social tool ignores the tremendous need for supplementary care which exists today, a need which parents will continue to meet the best they can with whatever resources are available. The question is not whether America "should" have day care, but rather whether the day care which we do have and will have, will be good—good for the child, good for the family, and good for the nation.

Children from all economic backgrounds share the need for developmental day care services while their parents work. In addition, children who live in poverty often need supplemental nutritional services, health care, and learning opportunities if they are to avoid falling hopelessly behind, perpetuating the endless cycle of poverty and despair.

Today there are 3.2 million preschool children from impoverished families, and perhaps as many from families slightly above the poverty line. Too many of these children suffer needless damage in early childhood, damage which schools will attempt to repair in later years at untold cost, and often with little success. Yet existing Headstart programs reach only one-tenth of impoverished preschool children.

Early in his administration, President Nixon called the Nation's attention to the urgent need for expanded child development services. In his economic opportunity message of 1969 he stated:

> So critical is this matter of early growth that we must make a national commitment to provide all American children an opportunity for healthful and stimulating development during the first five years of life.

The committee bill seeks to fulfill this national commitment, and begin to meet the urgent need for expanded quality child development services—a need emphasized by the President, underscored by the White House Conference on Children, and documented in hearings before the Committee on Labor and Public Welfare.

Section 6 contains the basic elements of the Comprehensive Child Development Act of 1971 (S. 1512) which I introduced in April with Senators JAVITS, NELSON, SCHWEIKER, and 28 cosponsors. This bill was developed in large part, through the exhaustive efforts of a broad coalition of organizations interested in child development, including:

> AFL–CIO; Americans for Democratic Action; Americans for Indian Opportunity Action Council; Black Child Development Institute; Committee for Community Affairs; Common Cause; Day Care and Child Development Council of America, Inc.; Friends Committee on National Legislation; Interstate Research Associates; International Ladies Garment Workers Union; League of Women Voters; Leadership Conference on Civil Rights; National Council of Churches; National Council of Negro Women; National Education Association; National League of Cities and U.S. Conference of Mayors; National Organization of Women, president, and vice president for Legislation; National Welfare Rights Organization; United Auto Workers, U.S. Catholic Conference, Family Life Division and Washington Research Project Action Council.

Like Headstart, the new comprehensive program would be administered by the Office of Child Development in the Department of Health, Education, and Welfare. Units of local government, States and nonprofit agencies and organizations would be eligible for prime sponsorship of child development programs.

This bill maintains Headstart's priority on economically disadvantaged children, but also extends child development services to families above the poverty level, especially children of working mothers and single parents. Families with incomes above the Bureau of Labor Statistics minimum family budget would pay part of the cost for services according to a sliding scale established by the Secretary of HEW.

We need this expanded scope of service for several reasons. The facts I have cited earlier reveal quite clearly that the need for quality day care programs is not exclusively or even primarily felt by the poor. Mothers in all income levels are working and are unable to find the creative day care opportunities their children need and deserve. And testimony indicates that the expansion of services beyond the poverty line—which permits socioeconomic diversity within the programs—makes good educational sense.

As Dr. Edward Ziegler, now Director of the Office of Child Development, testified in 1969 advocating socioeconomic diversity in child development programs stated:

> Another important reason for guaranteeing a good socio-economic mix in Headstart centers is a growing body of evidence that children learn a great deal from one another. The middle-class child does have a number of attributes that the poor child can profitably model. By the same token we often find in poor children particular strength and characteristics worthy of emulation by the middle-class child. We must see to it that Headstart centers are institutions, where our Nation's children, regardless of economic status, can enrich one another.

The bill places priority on preschool programs continues, but also authorizes infant care and before and after school services for children in school, as well as prenatal services and child development training for parents and prospective parents.

The committee bill reflects our belief that quality, developmental programs must be firmly grounded on four essential and interrelated principles.

First, we believe parents must have an integral role in planning and operating child development programs affecting their children. The most recent Headstart guidelines, published in August of 1970, support this conclusion:

> The success of Head Start in bringing about substantial changes demands the fullest involvement of the parent, parental-substitutes, and families enrolled in its program. This involvement begins when a Head Start program begins and should gain vigor and vitality as planning and activities go forward.

Closely paralleling the structure established in the Headstart guidelines, the committee bill requires each prime sponsor of child development programs, and each child development project, to establish a committee at least half composed of parent representatives to approve policy decisions and actions.

The second fundamental ingredient in our approach, and one which is closely related to our concern for parental involvement, is the principle of local control. The committee bill places priority on prime sponsorship by local governmental units, whenever it is administratively feasible.

The committee considered and rejected a proposal to limit prime sponsorship to States and cities of over 100,000 persons. We felt that the necessity of making programs responsive to parents and local communities far outweigh any considerations of administrative convenience, to HEW which might result from limiting prime sponsorship to States and large cities.

Although we rejected a population limitation on prime sponsorship, the committee bill does include requirements that prime sponsor applicants must provide assurances: First, of a capacity to enter into necessary linkage arrangements with related health, education, nutrition and social service programs, and; second, that prime administrative expenses of its Child Development Council will not exceed 5 percent of the total cost of programs it administered.

The committee bill attempts to assure balanced and cooperative participants of State and local governments, with primary responsibility for training and programs coordination resting with the State, and priority for program operation resting with units of local government.

The primary role of the States is to provide training, technical assistance, coordination, and experimentation resources for programs within their borders and 5 percent of the funds allotted for grants in each State is reserved for this purpose. In addition, the Governor of each State, or his designee, is asked to comment on all prime sponsorship applications from within the State, and for areas for which a locality has not qualified to serve as prime sponsor, or has not applied, States may become prime sponsors of child development programs.

The third major element in our proposal concerns the availability of child development services to children from all income levels. The committee bill reserves two-thirds of the funds for services, without charge, to children from families with incomes below the Bureau of Labor Statistics' lower family budget—adjusted for regional and metropolitan, urban and rural differences and for family size. Up to one-third of the funds are available to provide services to children from families with incomes above that level who would pay part of the cost, according to ability to pay on a sliding scale to be established by the Secretary of HEW.

Mr. President, I ask unanimous consent that the BLS lower family budget for a family of four in an urban metropolitan environment be printed at this point in my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Food	$1,905
Housing	1,420
Transportation	505
Clothing and personal care items	807
Medical care, hospital insurance	562
Other family consumption:	
Recreation, school expenses, tobacco, miscellaneous items	345
Contributions, gifts	165
Life insurance	120
Occupational expenses	58
Social security	345
Personal taxes	719
Total	6,960

Mr. MONDALE. Mr. President, families below this level, as adjusted for regional, and metropolitan, urban and rural differences, and family size, cannot afford significant additional expenditures for child care. The committee rejected an effort to reduce the level at which free services are provided, on the grounds that this would effectively bar many working families from participating by imposing fees on those who cannot afford them and by raising fees all along the sliding scale. We feared that such a change would have the effect of limiting these child development programs to children of the very wealthy and the very poor.

Our fourth and most basic requirement concerns program quality. The committee bill requires that child development programs must, in fact, be developmental—centered on the needs of the child—and not simply custodial in nature.

This requirement is not just rhetoric. It reflects the experiences and findings of many countries; that purely custodial day care is not simply a neutral experience for children, but often a damaging one.

The report of the White House Conference on Children made this point well:

> Quality services geared to the needs and abilities of each child can be an enormously constructive influence. But a poorly funded program, where children are left with few challenging activities and have little relationship to or guidance from adults, can seriously jeopardize development.

The committee report emphasizes that "programs which do not provide developmental services may in fact have a stunting effect on the intellectual and emotional growth of the child."

We cannot afford to overlook or downplay the significance of these findings. As increasing numbers of children from all backgrounds enter child care programs in the next few years, failure to provide quality services could have truly tragic consequences for the Nation as a whole. But sensitive and comprehensive child development services can enrich the lives of millions of children and their families. The committee bill is a thoughtful and well-considered beginning toward making those services available.

I sincerely hope it receives the support of the Senate and the House, and adequate funding, so that the dream of the recent White House Conference on Children—reflected in the fact that the delegates of the Conference voted developmental day care as their first priority—can become a reality.

Mr. President, I ask unanimous consent that an editorial entitled "A New Chance for Children," published in the Washington Post of August 4, 1971, be inserted at the close of my remarks.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 1.)

NATIONAL LEGAL SERVICES CORPORATION

Mr. MONDALE. Mr. President, title IX of S. 2007 establishes a private, nonprofit National Legal Services Corporation to carry out the activities of the present legal services program now administered by OEO. Funded by Congress, the Corporation will be authorized to make grants and contracts to provide comprehensive legal services and assistance to low-income persons.

The Corporation will be administered by a 15-member board of directors. One director will be appointed by the Chief Justice of the United States after consultation with the Judicial Conference of the United States.

Nine directors will be appointed by the President with the advice and consent of the Senate in the following manner:

Four directors shall be appointed as representatives of the general public.

Three Directors shall be appointed solely from a list of 10 persons submitted by the Clients Advisory Council—established by the legislation—and the list shall consist of persons eligible for assistance under the act.

Two directors shall be appointed solely from a list of 10 persons submitted by the Project Attorneys Advisory Council—established by the legislation.

Five directors or their designees will serve on the Board by virtue of their office: The president of the American Bar Association; president of the National Bar Association; president of the American Trial Lawyers Association; president of the Association of American Law Schools; and the president of the National Legal Aid and Defender Association.

The Corporation is authorized to provide financial assistance to qualified programs furnishing legal services; to carry out research, training, technical assistance, experimental education programs; and to assist disadvantaged persons in obtaining a legal education.

Title IX represents a fair and reasonable compromise between the two bills calling for a private corporation to administer legal services: S. 1305, introduced by a broad bipartisan coalition in both the Senate and the House, and S. 1769, the administration bill. It is a compromise which adapts certain features of the administration bill, while preserving the Corporation's integrity and independence from political attack.

On the crucial issue of the composition of the Corporation's Board of Directors, the committee's bill strikes a balance between the approaches taken by S. 1305 and the administration bill. S. 1305 called for a 19-member Board, with five members appointed by the President; the administration's bill proposed an 11-member Board, all of whom would be appointed by the President.

The committee approved a 15-member Board, with nine members being appointed by the President. While five of these Presidential appointments must come from lists submitted by the Clients Advisory Council and the Project Attorneys Advisory Council, the President will, nevertheless, have the final say in choosing particular individuals from these lists.

In other important areas, the committee adopted certain concepts advocated by the administration. For example, activities of Legal Services attorneys will be governed by guidelines issued by the corporation—consistent with professional ethical obligations—in the areas of legislative advocacy, appeals, criminal representation, and the outside practice of law. Furthermore, these lawyers will be prohibited from engaging in partisan political activities in their capacity as legal services attorneys.

The committee also adopted the user's fee called for in the administration's bill. Title IX requires the Corporation to establish a graduated fee schedule for clients able to pay some portion of the cost of service whose income is over the poverty level.

The fact that the committee was able to reach agreement on this legislation—and the fact that title IX is strongly supported by both Republican and Democratic members of the committee—clearly demonstrates that legal services is not a partisan issue.

This type of bipartisan support is based on the recognition that free and open access to the legal system is not a matter of partisan politics. And when this access has been challenged, support for the legal services program has cut across party and ideological lines.

Despite the strong support Legal Services has enjoyed in the past—not only in Congress, but also from the organized bar and client groups—the time has come to insulate this program from harmful political pressures. For as a result of these pressures, the provision of legal services has become an issue to be considered politically at every level of government. The poor are beginning to surmise that this program—in which they have developed such great confidence—will be subjected to a political litmus test.

Most of the opposition to the program has arisen because of the so-called law reform cases which these attorneys have won. The program's critics somehow consider these cases a form of legal agitation.

But the landmark cases won by Legal Services lawyers were based on real problems experienced by individual clients seeking legal assistance. When a California court prevented the Governor of California from drastically reducing payments under the State's medicaid program, it did so because a CRLA lawyer was pressing the legitimate claim of his client—a man unable to obtain a badly needed operation without medicaid.

In all of these cases, legal services attorneys were merely fulfilling the clear mandates of their profession. Canon 7 of the code of professional responsibility states that "A lawyer should represent a client zealously within the bounds of the law." Ethical consideration 7–1 elaborates on this canon in the following manner:

> The duty of a lawyer, both to his client and to the legal system, is to represent his client zealously within the bounds of the law, which includes Disciplinary Rules and enforceable professional regulations. The professional responsibility of a lawyer derives from his membership in a profession which has the duty of assisting members of the public to secure and protect available legal rights and benefits. In our government of laws and not of men, each member of our society is entitled to have his conduct judged and regulated in accordance with the law; to seek any lawful objective through legally permissible means; and to present for adjudication any lawful claim, issue or defense.

In light of these ethical requirements, a legal-services attorney—like any other lawyer—cannot stop and weigh the political consequences of contemplated legal action. But those who have attempted to curtail this program are not overly concerned with the ethics of the legal profession.

Despite the impressive accomplishments of legal services, there can be no doubt that constant political interference has taken its toll. For once political pressure is apparent, legal services attorneys inevitably begin to consider the consequences of bringing certain types of legal actions.

There are many kinds of reprisals against a program whose attorneys are considered too aggressive in representing their clients. The next grant can be vetoed by the Governor; debilitating restrictions can be placed on the grant; and the program's funds can be reduced by cautious officials unwilling to offend powerful local interests.

These are serious and substantial fears—which many attorneys in the field have experienced at one time or another. And even if these fears do not materialize, the perception of pressure and reprisals can hamper an attorney's ability to fully and effectively represent his client.

While the legal services program has survived past attacks on its independence, its integrity, and its capacity to provide full legal representation to the poor, each challenge has drained the program's energy and diverted its resources. As long as the program remains vulnerable to political attack or manipulation, the damage will grow worse until it could be fatal.

That is why the committee concluded that a new structure for legal services was necessary—a structure which would insure the program's independence and which would insure that its attorneys would be able to represent their clients as required by the mandates of the legal profession.

These mandates reflect the fact that our system of justice is based on the adversary process, which in turn depends upon effective advocacy. A dilution of the lawyer's independence threatens this adversary process. As former Chief Justice Warren has stated:

> A right without an advocate is as useless as a blueprint without a builder or materials.

No attorney can meet his professional responsibilities to a client if there are outside restraints on the types of cases in which he can participate or the kinds of issues he can raise. No large corporation would tolerate outside interference with their retained attorneys. Certainly the poor should not be expected to tolerate such interference.

The National Legal Services Corporation will do far more, however, than protect the professional integrity of Legal Services attorneys. It will help protect the integrity of our entire system of government.

Under our system, the courts are the forum of last redress. We understand, as a people, that we must respect the supremacy of law—and the inviolability of recourse to the courts for those who are disenfranchised and for those who have been dealt with unfairly and arbitrarily.

In this decade, it is a singularly small but visible effort which has come to symbolize the possibility of a new period of maturity, of conscience, of self assurance, for our Nation—the legal services program.

I believe that our Government has reached the point where it can admit that it is capable of error, that it no longer need claim infallibility or hide behind sovereign immunity. We are ready to set up mechanisms whereby the people can hold the Government accountable—not only every 2 or 4 years—but can challenge individual acts and specific policies as contrary to law.

This is the genius and historic significance of the legal services program—that a government can offer to the powerless the opportunity and the resources needed to challenge improper acts by both private and public bodies.

If the poor and the powerless do not have free access to our legal system, government by law is a failure.

The creation of a National Legal Services Corporation is designed to insure that access. In this basic respect, it represents a traditional and time-honored means of achieving orderly change.

EXHIBIT 1

A NEW CHANCE FOR CHILDREN

There is no way of figuring the United States Congress. Sometimes they take their own sweet time over major social legislation. The passage of Medicare took a whole generation of pressure, debate and publicity. At other times the wheels of change turn quickly and almost silently. We may witness this second phenomenon in the current session if—as now seems at least possible—Congress passes a Comprehensive Child Development Act. This piece of legislation could be as important a breakthrough for the young as Medicare was for the old.

The Senate Committee on Labor and Public Welfare has reported, as a new title of the Economic Opportunity Act, a Comprehensive Child Development Bill, sponsored by Senator Mondale and 29 of his colleagues from both sides of the aisle. A somewhat similar bill is being shepherded along on the House side by Congressmen Brademas and Reid.

The Mondale Bill would provide federal funds for locally administered child development programs of an extremely comprehensive sort. The emphasis would be on child development centers for preschool children, which would be much more than day care centers. They would aim to provide a stimulating educational experience, as well as health services and attention to nutrition. Funds could also be used for infant care, after-school activities for older children, parent education programs and a variety of other activities. Parents would have a strong voice in the decision-making process through a series of local child development councils. Priority would be given to low income groups, but this is not just a program for welfare families. Services would be extended to all children, with special emphasis on children of working mothers and single parents. Families with incomes above a certain level would pay part of the cost.

Although some details might be improved, it is our view that the Mondale Bill embodies a highly constructive new approach to the well-being of children. It gets away from the dismal question of whether mothers participation would be voluntary—and recognizes the fact that millions of mothers should be forced to work—of course not, do work and more would like to if they could only make satisfactory arrangements for their children.

As every working mother knows, unless she is lucky enough to have a trusted relative down the street, it is almost impossible to find a good child care setup in most communities at any price. All-day programs for preschool children, even where available, are usually dreary, under-staffed, custodial arrangements that promise little more than to keep the child from physical harm, if that. Good nursery schools provide intellectual stimulation and creative play programs, but the private ones are expensive, the public ones are usually restricted to the very poor, and hardly any are geared to the needs of working mothers. Most nursery schools operate three to six hours a day, send the child home if he has a sniffle and close down for the whole summer. Even when the child reaches school age the average working mother is constantly worrying over makeshift arrangements for coping with after-school hours, illness and the long vacations. Those nice pictures of children learning and playing happily and safely while their mothers work will always seem to be taken in Scandinavia or Israel or Eastern Europe.

The Comprehensive Child Development Bill is a recognition that good child-care arrangements are not just a concern of the poor, but of vast numbers of middle-income families. Indeed, the main reason why "day care" has such a dismal image and such inadequate support may be that it has mistakenly been regarded as just "something for the poor." A law giving the non-poor a stake in good public programs may be needed to break out of the current mold. It could also provide an opportunity for mixing children from different economic and racial groups and for genuine cooperation among diverse groups of parents. Bringing in the non-poor does not have to mean that services are free to everybody. One can have a sliding scale of fees for those who can afford them.

But the most important thing about this bill is that it is not a day-care bill; it is a child-development bill. It is not primarily intended to free mothers to work, but to provide comprehensive development services for children, whether their mothers work or not. This shift of emphasis to the child and his well-being may be the bill's most important feature. Day care of the custodial variety is probably not a good national investment even in the strict economic sense. But there is accumulating evidence that the early years of life are crucial—that stimulating the natural curiosity of children and developing their creativity and self-confidence can make a vital difference. This bill just might provide a vehicle for a new national effort to make childhood livable.

Mr. TUNNEY. Mr. President, the Congress of the United States has gone on record in full support of the Economic Opportunity programs year after year since we passed the original Economic Opportunity Act in 1964. S. 2007, extending, expanding that commitment for 2 more years, has my full support and will today, I hope, gain the support of the full Senate.

Our commitment to fighting poverty has meant nearly $12 billion over 7 years devoted to the basic strategy of providing services—legal services, child development services such as Headstart, and manpower training and economic assistance services—to enable the poor to join the mainstream of American society. It has meant innovation in the way we approach the problem of helping millions of poor people lift themselves out of the environment of poverty. Finally, it has made us aware of the toughness of the task and stimulated a constant stream of constructive responses from all sectors of our society. Poverty has been there all the time. In the past it was ignored but certainly one of the greatest results of the Economic Opportunity Act is that now a substantial proportion of our population is aware of the dimensions of the problem.

Today, we are considering the 1971 amendments to the Economic Opportunity Act that will continue that tradition of commitment, innovation, and the seeking of constructive answers. S. 2007 will provide for the continuation of the programs already authorized under the Economic Opportunity Act of 1964, upgrade several existing activities, and add new authorities to strengthen our efforts to eliminate poverty in this country.

The fight against poverty must go hand-in-hand with a healthy economy. Census statistics indicate that the number of people below the poverty level dropped a consistent 4 percent or more over the 10 years between 1959 and 1969, but unfortunately the most recent figures show the first increase in a decade. This increase in the number of poor to 25.5 million in 1970 can be attributed to the economic decline that began in 1969 and the massive unemployment that has resulted. Again and again, the committee report points out the special importance of jobs in the programs to eliminate poverty. When an economic decline sets in and that vital underpinning of employment is lacking, poverty programs must almost go it alone. In light of these facts, I am especially pleased that the Labor and Public Welfare Committee of the Senate has acted so quickly to provide continuing support for our antipoverty effort. Also, the committee is to be commended for its regard for the problems of the "near poor" of this country—those who hold jobs and have an income slightly above the poverty level of $3,970 for a family of four. This also sets a new standard for comprehensiveness in the consideration of poverty programs. These are the people who might very well fall below the poverty level if they lose their jobs during this period of high unemployment.

The Economic Opportunity Amendments of 1971 first provide for the 2-year extension of the full range of Economic Opportunity programs. This was the basic proposal that the committee worked with and has reported to us. This 2-year extension is strengthened by a legislative assurance of a period of stability for OEO programs. S. 2007 specifically directs that, during fiscal years 1972 and 1973, there shall be no new transfers or delegations of programs administered by OEO unless such changes are enacted by Congress.

The existing programs that are extended in this act are: first, all the manpower training provisions, including Job Corps, the concentrated employment program, Operation Mainstream, and others; second, all the local initiative community action programs such as Headstart, Comprehensive Health Services, Emergency Food and Medical Services, and the drug rehabilitation program; and third, VISTA. These are the programs that, together with legal services proposed as a separate corporation, reach some 11 million of the poor each year. They form the heart of the antipoverty program and have proved their effectiveness as they have matured over the past 7 years.

In extending these programs for 2 more years, this act makes some changes in the way they will operate that will hopefully produce both flexibility and responsiveness to local needs. The Director of OEO is authorized to transfer a larger percentage of funds between programs—from 15 to 20 percent in fiscal 1972 and 25 percent in fiscal 1973, in order to give him the leeway to concentrate resources where they can be most productive. Second, community action boards, the fundamental mechanism of the antipoverty effort, are given a chance to use the services of members who have served long enough to gain experience and maturity in operating the programs. The existing law's limitation on the length of time a person may serve on a community action board is increased from 6 to 12 years.

S. 2007 also improves on the existing set of programs by adding two new programs, and expanding aid to Puerto Rico and outlying territories. Under the Community Action title of the Economic Opportunity Act, a new program for designing and planning assistance grants and another for youth recreation and sports are added. These improvements along with the renewed emphasis S. 2007 puts on the Neighborhood Youth Corps program should go a long way in upgrading programs that have proved their effectiveness over the past few years despite continued controversy.

The second major group of provisions in this bill is the establishment of new initiatives: First, a new, independent National Legal Services Corporation; second, an integrated community economic development program; and, third, a comprehensive child development program.

As I pointed out earlier, one of the traditions of Congressional action on the Economic Opportunity Act has been innovation and the incorporation of new proposals into the basic structure of OEO and the programs it has originated. By establishing an independent national corporation to help in the provision of legal services to the poor, we, in Congress, will be assuring that poor people in this country receive necessary legal representation, advice, and education without the interference of politics.

The legal service program as it has developed under OEO has grown to a position where the program will provide assistance in well over 1 million cases next year. Nearly 1,000 offices and 2,000 attorneys help insure that lack of income will not mean that justice cannot be served. This program has operated with other OEO programs in providing legal services that have resulted in an increased voice for the poor and movement toward the goal of peaceful change through the system.

Unfortunately, political controversy and indignation stirred by the program's challenges to the established way of doing things have brought political and sometimes administrative interference. This interference has too often resulted in limitations on legal services and a lack of attention to the voices of the poor and their attorneys in setting policy.

The provisions which establish a separate, nonprofit legal services corporation with funding of $61 million are a positive step to remedy this situation. This bill incorporates most of the major provisions and the basic concept of the bill that I cosponsored with Mr. MONDALE. Representation of those eligible for assistance and legal services attorneys on the board of directors is specifically insured. Within guidelines established by the corporation, legal services attorneys will be able to handle some criminal cases. And most important, the President alone will not have the sole responsibility for appointment of the board of directors. He will choose a majority of the presidentially appointed members from lists of nominees submitted by groups representing clients and legal services lawyers. Adequate, but not over-restrictive limitations are also placed on the operations of the program which will enable lawyers to represent the interests of their clients as fully as they would in a private relationship.

S. 2007 also establishes a new community economic development program. This consolidates the special impact and rural loan programs that are currently operating in OEO, expands authorization, and provides for grants as well as loans to rural cooperatives. The provision for $58 million for this new program is more than double the administration request in this area and gives it enough money to carry out its purpose of concentrating enough resources in one community to significantly increase chances for economic development. Programs in this area have been operated in six communities over the last 4 years and the principles of involving the private sector while affording poverty area residents an opportunity for self-help and self-determination have been developed and tested. The Community Development Corporation that implements this program provides the ideal instrument for managing long-delayed development in poverty areas and linking the private financial world with the poor community.

Title V, the comprehensive child development program is a fine example of the progress we have made since the early days of OEO. The urgent needs of the young child for health care, proper nutrition, and a stimulating educational environment have now been nationally recognized. The accomplishments of Project Headstart have made it clear that a strengthened and expanded child development program is both necessary and feasible.

Headstart currently reaches only about one-tenth of the poor children who could benefit from early child development programs. Six million preschool children of working mothers need quality child care, but less than 700,000 can presently be served licensed day-care centers. Research results indicate that the years before age 6 are crucial to the later realization of one's full potential for cognitive, emotional, and physical growth. Clearly, there is a need for more and better child care in this country.

Title V speaks to this need in a thoughtful, compassionate, and effective manner. It would focus on the needs of the child, with emphasis on local control and parent participation. Prime sponsors would be required to provide a full range of services designed to respond to each child's developmental requirements. Two-thirds of the funds authorized would be reserved for programs for children from families with incomes below the Department of Labor's minimum living standard. Up to one-third would be available for other children on a sliding scale fee basis. Funds would be set aside to provide: First, model programs for the economically disadvantaged, minority groups, or bilingual preschool children; second, year-round programs for children of migrant workers; third, programs serving Federal and State Indian reservations; fourth, special services for the handicapped; fifth, model programs in the Federal Government, and sixth, demonstration projects in child advocacy.

One hundred million dollars would be available in fiscal 1972 for training planning and technical assistance, and $2 billion in fiscal 1973 for the expansion and operation of child development programs. This would allow for the continuation of Headstart programs through 1972 and would insure a smooth transition to the new prime sponsorship system in fiscal 1973. The continued funding of existing Headstart programs would be given priority so long as they provide effective service.

Questions have been raised concerning the advisability of extending the right of prime sponsorship to all localities regardless of their size. The committee has concluded, however, that "prime sponsorship mechanisms must be designed to promote effectiveness of individual programs rather than the administrative case of the Federal Government." This conclusion is well justified in the light of the Headstart experience, for much of Headstart's success was the result of the great involvement and commitment inspired by control at the local level.

Other critics of title V contend that a new program of child development should be considered on its own merits rather than in the context of the OEO extension. I would suggest, however, that our approach to the problems of poverty already suffers from procrastination and excessive fragmentation. During the past 2 years extensive hearings have been held on early child development in the Senate. Further delay would serve no useful purpose. Title V is the logical outgrowth of Headstart which has been an integral and essential part of the antipoverty program, and as such should be considered in this context.

The needs of the Nation's preschool children would be well-served by the bold and imaginative programs proposed under title V, and I would urge unqualified support of this vital new approach to comprehensive child development programs.

I have become very concerned with cries from California's community action programs. Some have been told of discontinued funding due to administration threats to OEO. One case in particular, but indicative of many, threatens senior citizens Meals-on-Wheels program which means many will have to go to nursing homes or State hospitals to receive the services which have been continuously provided by emergency food and medical services program of OEO. Surely, the administration has overlooked this unfortunate, and indeed more mostly consequence of the phaseout of EFMS in favor of food stamps and commodity distribution. I firmly support the authorization of $62,500,000 for emergency food and medical services. The use of food stamps does not make up for the services of the emergency foods which provides transportation, counseling and health and nutrition programs.

EFMS provides consistent contact with the poor that no food stamp office could provide. It certainly costs less to keep a child healthy than to treat his illness. Surveys such as that Senator Hollings has released shows malnutrition-caused growth retardation with the highest percent among Mexican-American children. How can the administration purposely cover these facts in order to justify cutbacks when three times the present funds are needed to reach all the Nation's poor? We should not substitute for community action agencies like emergency foods, but instead should supplement them. These programs have been peoples' only hope for a worthwhile and independent survival. The present world may otherwise overlook even their most basic needs of health and some degree of dignity by putting them away to be taken care of in institutions. Mere food stamps cannot provide the services fostering independence and sense of self-worth that community action programs are now doing.

Whereas, such programs as legal services contribute to individual dignity, and rights, the primary needs of food and health should have the highest attention—for without health, little else matters. I strongly support the continuation of the Emergency Food and Medical Services program.

The third major group of provisions in the Economic Opportunity Amendments of 1971 accomplish the task of making certain that funds available to OEO reach individuals, areas, and problems that are judged to deserve special attention and guarantee the continuation of programs meeting vital needs. By "earmarking" funds for each set of programs, the bill has set relative priorities within the total authorization and guaranteed the necessary support for each of the Economic Opportunity programs. Some critics have charged that this earmarking provision will create problems if appropriations are less than the full amounts authorized. But I feel that the bill contains more than enough flexibility to enable the agency to comply with the pattern of earmarking. This procedure is a necessary method for assuring that administrative decisions do not interfere with the priorities set by Congress, such as the Migrant programs or Emergency Food and Medical Services so important in my home State of California.

The act's funding authorizations for programs under the Economic Opportunity Act total $2,950 million, a significant advance over the stable funding of $2 billion over the past few years. The authorizations for fiscal 1972 are basically divided into three parts: $950 million going to the community action programs, Legal Services, VISTA, Migrant programs and Community Economic Development; $1,400 million for manpower training programs, with a specific $500 million authorized for expansion of the Neighborhood Youth Corps program; and $600 million authorized for child development, including Headstart.

I hope that the Senate today will approve this renewed commitment to eliminating poverty.

EXTENSION OF THE ECONOMIC OPPORTUNITY ACT; A RENEWED AND EXPANDED ATTACK ON POVERTY

Mr. CRANSTON. Mr. President, in the years 1959 through 1970, the numbers of persons living in poverty in our Nation decreased at an average of 5 percent per year. Last year, for the first time in a decade, this record of progress was reversed. Last year, the number of persons living in poverty increased by 5 percent.

In 1970 there were 25.5 million poor people in our Nation—13 percent of our population—as well as an estimated 22 million "near poor" with incomes 1 to 50 percent above the arbitrary poverty line but still far below the Labor Department's minimum urban family budget level: a total of 47.5 million people.

It is in this context that we must consider today S. 2007, a bill for the continuation of programs and appropriations authorized under the Economic Opportunity Act of 1964, as amended.

Before discussing S. 2007 further, however, I would like first to congratulate the distinguished Senator from Wisconsin (Mr. NELSON) for his vigorous efforts in the development of this important legislation. As chairman of the Subcommittee on Employment, Manpower and Poverty, on which I serve, of the Labor and Public Welfare Committee, Senator NELSON has worked long and hard throughout this first session of the 92d Congress with a determination that the bill to extend the Economic Opportunity Act would reach the floor of the Senate before the August recess. The fruit of his efforts is, I firmly believe, one of the most important legislative measures we will be considering during this session of Congress.

S. 2007, as reported from committee, is much more than an extension of the Economic Opportunity Act of 1964. It includes a new title IX, incorporating the National Legal Services Corporation proposal, a modification of S. 1305, the proposed National Legal Services Corporation Act. I was privileged to join as a principal sponsor of this legislation with the Senator from Minnesota (Mr. MONDALE), and the Senator from Ohio (Mr. TAFT) and a bipartisan group of our colleagues.

S. 2007 includes, too, in a new title V, a modification of S. 1512 the proposed "Comprehensive Child Development Act," which I also cosponsored with Senators MONDALE and NELSON and the Senators from New York (Mr. JAVITS) and Pennsylvania (Mr. SCHWEIKER) and others, and combines the existing title I–D special impact program and the OEO rural loans program into a new title VII—Community Economic Development. I was pleased to cosponsor with the Senator from Massachusetts (Mr. KENNEDY) and Senator JAVITS the amendment offered in subcommittee which resulted in this important revision and expansion of the Economy Opportunity Act.

It is obvious from the foregoing that in addition to the outstanding leadership of Chairman NELSON, this bill has been the subject of extensive bipartisan cooperation and has benefited greatly from individual contributions of a number of Senators. Foremost among those contributions is the highly effective work of my good friend and colleague from Minnesota (Mr. MONDALE) with whom I have been honored to join in sponsoring and shaping the two major provisions of the bill—the National Legal Services Corporation and the Comprehensive Child Development programs. Were it not for the enormous skill, insight, persistence, and compassion of the Senator from Minnesota (Mr. MONDALE) we would have before us a far less comprehensive and, in my view, far less desirable bill in terms of serving the needs of the poor and the others we intend to benefit through these programs. The Nation owes a substantial debt of gratitude to the able and dedicated senior Senator from Minnesota.

We were joined in a bipartisan spirit in working out much of the detail of the Legal Services Corporation title by the junior Senator from Ohio (Mr. TAFT) who is a highly effective and dedicated advocate of the legal services program and who, as an excellent attorney himself, has brought to our deliberations a firm recognition of and commitment to the essentiality of protecting the integrity of the attorney-client relationship and the need to remove legal services from political control or interference.

Finally, I want to note the most substantial efforts on behalf of the whole bill by the new ranking minority member of the subcommittee, the Senator from Pennsylvania (Mr. SCHWEIKER) and the ranking minority member of the full committee (Mr. JAVITS). They have continued in this legislation the bipartisan approach they bring to all measures before our committee and have cooperated on numerous occasions to improve and expedite these proposals. Senator SCHWEIKER has been a staunch defender of the rights and interests of the poor and disadvantaged who are the principal targets of our efforts on the Employment, Manpower, and Poverty Subcommittee. And I want also to pay my respects to the chairman of the full Labor and Public Welfare Committee, the Senator from New Jersey (Mr. WILLIAMS), for his devotion and contributions to this legislation and for his cooperation in scheduling such prompt full committee consideration of S. 2007.

In addition to the three major new titles—XV, VII, and IX—in the act, I am pleased that several amendments which I introduced in subcommittee and full committee were added to the bill by my colleagues. These are section 9 of the bill adding sections 226—design and planning assistance—and 227 to title II, part B of the act—relating to financial assistance for community actions programs and related activities—parts D and E of the Child Development title V—relating to research and development and national child advocacy projects—so much of part A of that title—sections 514 and 516(a) (2) through (5)—as relate to the composition, role method of selection and functions of child development councils and project policy committees and to uses of funds for special Headstart continuation programs—and the inclusion post partum medical services—including family planning information—for new mothers—section 512(a) (H) and (N); and the increase in appropriations authorization to $100 million for the fiscal year 1972 transitional period.

The new section 226 provides for financial assistance to programs conducted by nonprofit community-based design and planning organizations—such as community design centers—which provide technical assistance to low-income groups in overall community planning and development. Section 227 provides for an annual youth recreation and sports program, concentrated in the summer months and continued throughout the year, affording valuable contact between disadvantaged youth and collegiate athletes in the environment of a university community.

Prototypes of both these sections have formerly been funded through OEO's research and demonstration programs—section 232—authority. Together they raise the important question of what should happen to successful demonstration programs, once they have proven their effectiveness, when local resources are not adequate to assume the full financial responsibility. The committee, by adopting these amendments, endorsed the notion that these programs should be carried on, improved and expanded, not discontinued—the unfortunate prescription offered by OEO.

Now, I would like to discuss each of these provisions in more detail, and mention, too, other aspects of S. 2007 which I think deserve my colleagues' special attention.

NATIONAL LEGAL SERVICES CORPORATION

Mr. President, last March, when a bipartisan group of 23—now 29—Senators joined in introducing S. 1305, I expressed my belief that the legal services program, by providing the poor with some of the vital tools they need to help themselves, has been one of the most productive of all war on poverty programs. I also expressed my strong feeling that the integrity of the adversary system of justice in the United States, and indeed, of the attorney-client relationship, requires that the performance and provision of legal services be free from the political interferences which have plagued the OEO legal services program in the past 2 years.

The attempts to destroy what has been commonly considered the most effective legal services operation in the Nation, the California Rural Legal Assistance program, is the clearest and most tragic illustration of the kind of political gamesmanship to which I refer. The trials and tribulations of CRLA over the last 6 months—despite the fact that it has finally been fully refunded, have convinced me and many of my colleagues that the legal services effort cannot survive unless it is insulated from partisan politics. To illustrate this, I ask unanimous consent, Mr. President, that there be set forth in the RECORD at the conclusion of my remarks my July 8 speech before the young lawyers section of the American Bar Association Convention.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CRANSTON. We must not forget, Mr. President, in the euphoria of achieving substantial justice and total vindication for CRLA that in the 6-month process of vacillation and political maneuver, attack and counterattack, as the program was squeezed between President Nixon and Governor Reagan, millions of dollars intended for the poor were wasted and CRLA was often, of necessity in fighting for its life, sidetracked from its purpose of providing legal assistance and advocacy for California's rural poor.

I am particularly pleased that the National Legal Services Corporation provision in section 8(a) of S. 2007 incorporates most of S. 1305 as introduced last March 19. It provides for a nonprofit corporation which will not be an agency of the Federal Government, and which, until incorporation, will operate under the trusteeship of the presidents of the American Bar Association, the National Legal Aid and Defender Association, the American Association of Law Schools, the American Trial Lawyers Association, and the National Bar Association. After incorporation, the program would be carried out under a 15-member board of directors comprised of five public members—four appointed by the President, with the advice and consent of the Senate and one appointed by the Chief Justice—five organizational members—representing the presidents of the American Bar Association—the National Legal Aid and Defenders Association, the American Association of Law Schools, the American Trial Lawyers Association, and the National Bar Association—and five clients' and attorneys' representatives—three representing the Clients Advisory Council, selected by the President from a list of 10 names submitted by the Clients Advisory Council, and two members representing legal services attorneys, selected by the President from a list of 10 names submitted by the Project Attorneys Advisory Council. In addition, the executive director of the corporation would be a nonvoting director.

The list of names would be submitted by each Council on an annual basis for the President to make his nominations for the Board.

The question of the composition of the Board is at once the most important as well as potentially controversial of all the legal services issues under the new title IX. It is an issue on which, I believe, there is no further room for significant compromise. The entire principal behind the new corporation—of insulating legal services from politics—is tied up with how the Board is composed and who controls it.

I fervently believe, and I know that Senators NELSON and MONDALE join me in this belief, that the Board must not be controlled by any politician or political interests. The President has sought to have the committee give him control of a majority, indeed all members, of the Board subject to Senate confirmation. Opposition to that position is an absolutely gut issue for me.

Giving the President that kind of control over the Directors of the Board seriously threatens to dump the legal services program right back in the mainstream of political pressures and strains. I thus wish to make perfectly clear my view that if appointment of a majority of the Board is ever placed in the control of the President I will no longer support the establishment of the corporation. Better, in that sad event, to continue legal services under OEO. That is how crucial I believe this issue to be.

Inclusion on the Board of Directors of representatives of the Clients Advisory and the Legal Services Project Attorneys Councils is I believe, vitally important to the success of the National Legal Services Corporation. It is the expectation of the committee that minority groups be adequately represented on the Board—blacks, Spanish-surnamed, Orientals, Indians, and women. Indeed, section 905(a) of the new title IX requires that procedures for selection of the Clients Advisory Council must insure that all "significant segments of the client population are represented," meaning that all major racial, ethnic, or other minority groups should be represented on the Council. Moreover, I am hopeful that the Councils, the legal organizations, and the President will take care in making their selections to see that such representation is provided for on the Board of Directors.

It is regrettable that the second largest minority in the country and the largest in my State and the Southwest—the Spanish-surnamed—has no single legal organization to represent it and thus could not be insured representation on the Board as could blacks through the National Bar Association. Yet I very much hope that this problem can be overcome by the selectors I have just referred to. In determining the makeup of the Board, the selectors should also take into account that the majority of legal services clients have traditionally been women, and that women are joining in increasingly large numbers the ranks of attorneys and particularly legal services attorneys in our country.

In this connection, I wish to note an amendment which I offered in committee and which I think is a vitally important addition to this title concerning the definition of legal services. The committee agreed to expand this definition so that, in areas where a significant portion of the potential client population speaks a language other than English or is bilingual, services to those members of the client community must be provided in the appropriate language other than English.

The bill includes in section 906 (d) through (h) of title IX certain carefully written restraints on the activities of legal services employees, attorneys, and expenditures of funds that by and large sketch broad outlines but leave the details to the Board of Directors to determine. These relate to outside pro bono publico practice of law by full-time legal services attorneys; legislative advocacy by legal services attorneys while engaged in activities carried out by Corporation-funded programs; guidelines for consideration of possible appeals consistent with the attorneys' professional responsibilities; graduated fee schedules for those who can afford to pay; and representation in criminal proceedings.

These provisions are the result of compromise between S. 1305 and the administration's proposal for a Legal Services Corporation, which were painstakingly worked out in subcommittee. I am delighted that the thrust and integrity of our original bill remains in tact.

Two relatively minor changes which I offered to this title of the bill, and which I am pleased to say the committee adopted, would benefit to existing legal services programs. The first added to section 906(b)(6), concerning the composition of legal services programs policymaking boards, a parenthetical providing for an exception to the requirement that at least a majority of such board members must be attorneys. My amendment empowered the Corporation to grant waivers of this requirement in cases where, upon the date of enactment of the Economic Opportunity Amendments of 1971, an existing legal services program has a majority of nonlawyers on its policymaking board. This waiver provision would be applicable to the six of the eight Indian Legal Services programs across the Nation which presently have a majority of nonlawyers on their boards. These programs have already been granted exceptions, by the OEO Legal Services program, to the present OEO policy requiring a majority of lawyers on legal services boards.

The second amendment in the new title IX is contained in section 915. This section enables the President to direct that certain support functions of the Federal Government, such as the General Services Administration, the Federal telecommunications system, and other facilities, be utilized by the Corporation or its grantees or contractees to the extent consistent with law. The Corporation can redirect the savings derived from having access to these support functions to more vital aspects of the program. This authority must be read in tandem with section 913 which prohibits any officer of the United States from exercising control over the Corporation or any of its grantees or contractors or attorneys providing legal services thereunder.

CHILD DEVELOPMENT PROGRAMS

Section 6(a) of S. 2007 adds a new title V to the Economic Opportunity Act, for child development programs. The new title incorporates the concept of S. 1512, the proposed Comprehensive Child Development Act, which I was privileged to cosponsor with Senator MONDALE, to establish comprehensive child development programs patterned after and expanding upon existing Headstart programs. It authorizes appropriation of $500 million in fiscal 1972 to continue Headstart and Follow Through, and an additional $100 million for training and planning for the expanded comprehensive child development programs to become effective in fiscal year 1973. The $100 million authorization figure for this gear-up process was added to the bill as a result of an amendment I offered to increase the authorization for this purpose from the $25 million authorized in the original bill.

For fiscal 1973 the bill authorizes an appropriation of $2 billion for the combined Headstart child development programs, of which the first $500 million must be spent for the neediest children, essentially to continue Headstart programs and related training and supportive services.

The Secretary of HEW—through the Office of Child Development—will generally provide 80 percent Federal assistance for child development programs to provide comprehensive medical, nutritional, social, and educational programs for children, and prenatal, post partum, and other medical services to mothers. One hundred percent Federal funding is required for child development programs on Federal or State Indian reservations—including in California "rancherias"—and programs serving migrant agricultural workers' children, and funding above 80 percent is authorized when necessary to provide adequate services for economically disadvantaged children.

At the city/county level, programs will be under the general direction and financial control of child development councils which shall generally serve as prime sponsors for those areas. At least half the Council's members shall be parents of children enrolled in programs selected by all those parents; one-fourth of the Council members shall be community representatives named by the chief executive officer, and one-fourth child development specialists.

Community members must be approved by parent members. This structure and these functions, which closely follow the Office of Child Development Headstart regulations for Headstart policy councils, resulted from an amendment I offered in committee. Section 514(b)(2) of the new title also requires that the OCD must insure that at least one-fourth of the Council membership must be broadly representative of the economically disadvantaged, a modification of a similar proposal I offered in committee.

My amendment also established the structure and functions—policies, personnel, budgetary approval—for the project policy committees set up by each individual grantee of the prime sponsor. Under my amendment—again modeled on current OCD guidelines for Headstart policy committees—the project policy committee would generally be composed as follows: not less than one-half of the members shall be parents of participating children and the other half shall be composed of at least one-third and no more than one-half of persons particularly skilled in child development and the rest shall be community representatives appointed by the project agency and approved by the parent members.

Child eligibility under this new title extends to families of four with incomes up to $6,960, and higher income families may participate by paying a graduated fee. Such eligibility is intended to assure participation of mixed socio-economic families to a far greater extent than the 10 percent above-the-poverty-level children now permitted in Headstart programs.

I am delighted that section 512(2)(N) of this new title includes an amendment I proposed to provide for programs designed to extend comprehensive prekindergarten early childhood education techniques and gains—particularly parent participation—into kindergarten and early primary grades—one through three—through the use of former assistant Headstart teachers, or similar early childhood education teachers, as assistant teachers working closely with classroom teachers in the kindergarten and primary grades in which are enrolled children they taught in Headstart or other early childhood education programs. A pilot project to this effect which had my strong endorsement and involvement has recently been funded by the Office of Child Development through the Foundation for Early Childhood Development in Los Angeles.

Section 512 of this title defines the uses of funds available for comprehensive child development programs to include programs designed to meet the special needs of minority groups, Indians, and migrant children for the development of skills in English and another language spoken in the home, and for understanding the history and cultural backgrounds of the minority groups to which they belong. During hearings on S. 1512, Cecelia Suarez, research coordinator for Chicano studies at UCLA, testified with a panel of witnesses to the vital need for greater bilingual education in Headstart programs. This provision in section 512(2)(D) of the new title responds to this very important need for emphasis on the development of skills in English and other languages spoken in the home.

In addition, this subsection—in clause (H)—provides for the expenditure of funds for prenatal, and other medical services to expectant and recent mothers who cannot afford such services. Under an amendment I offered in committee and which was accepted by my colleagues postpartem and other medical services, including family planning information, is included in the definition of medical services to be available to new mothers under child development programs.

CHILD ADVOCACY PROJECTS

S. 2007 also includes a part C authorizing up to 20 child advocacy projects on a pilot project basis. This program was incorporated into the bill through an amendment which I offered on behalf of the Senator from Connecticut (Mr. RIBICOFF), Senator MONDALE and myself. Under this part, the Director of the Office of Child Development would be authorized to fund selected public or private nonprofit agencies willing to establish a Neighborhood Office of Child Advocacy.

The Joint Commission on the Mental Health of Children and the White House Conference on Children have stressed that every year thousands of America's children fail to receive proper assistance from child care services simply because neither they nor their parents know where to go or whom to ask for help. The Commission and the Conference both called for the establishment of a child advocacy program to aid those youngsters who now fall through the cracks in the existing system. The amendment which I offered and which was accepted by the committee is a condensed version of S. 1414, Senator RIBICOFF's proposed National Child Advocacy Act, introduced on March 30.

Under the part C provisions in this bill, the Neighborhood Office of Child Advocacy—NOCA—composed of child care professionals, would be the local representative of the neighborhood children. The advocates would then assist parents and their children in finding the service they might need whether it be legal, psychological, medical, or educational. For example, a mother in a poverty area might come to the advocate with a child suffering from an unusual hearing problem. The advocate would direct the mother and child to the proper care center, check to see that the service was provided, and follow up later to see how the child is progressing.

In those unusual cases where a family brings a child with a problem no existing local agency can handle, the NOCA would be permitted to contract with another person or institution to provide the necessary service. Such a purchase is not expected to go on indefinitely. The NOCA would be required to review every 6 months the effectiveness of the purchased service and the need for continuation. If it were necessary to continue it, the NOCA would make every effort to have another agency assume the burden. For nondisadvantaged families, there would be a small charge—based on a sliding scale according to family income—for provision of such services arranged and paid for by the NOCA.

Any purchase which continued for 12 months would be required to be reported to the Director of the Office of Child Development along with a full report of the number of similar problems in the neighborhood and the possibility of State and local authorities establishing a program to treat such problems.

This continuous review of the NOCA's operations would be an important part of the advocacy concept. The advocacy system is not expected to replace existing delivery systems, but rather is designed to act as a catalyst. As an independent, trained observer of child care needs and programs, the advocate would be able to analyze the shortcomings of the existing structure and, hopefully, recommend needed changes.

RESEARCH AND DEMONSTRATIONS

Part D of the new title V authorizes the Secretary to carry out and coordinate a program of research and demonstration grants in child development and related programs through the Office of Child Development. The present version of this part results from an amendment I offered in committee combining in a more abbreviated form the original R. & D. provision in the Mondale bill (S. 1512) with certain provisions desired by the administration.

COMMUNITY ECONOMIC DEVELOPMENT

Another major part of S. 2007 is the new title VII which section 7(a) of the bill would add to the Economic Opportunity Act of 1964, as amended. This new title resulted from an amendment I was privileged to cosponsor with the Senator from Massachusetts (Mr. KENNEDY) and the Senator from New York (Mr. JAVITS). The new program consolidates the current title I–D—special impact—and title III–A—rural loan—programs in this new community economic development title. S. 2007 authorizes—in section 3(c)(2)(D) and (3)(1)—appropriation of $60 million for fiscal year 1972 and $120 million for fiscal year 1973 for programs under the new title.

The community economic development title revises the special impact programs to focus more sharply on urban and rural community-based corporations, to emphasize the crucial role played by federally supplied equity capital, and to encourage the cooperation of other Federal agencies in the growth of community development corporations. It provides for grants and loans—which are essential to help launch small cooperatives and help low-income farmers—to low-income farm families and rural cooperatives. This type of authority, originally contained in the Economic Opportunity Act of 1964, was delegated to the Farmers Home Loan Administration and apparently used only for a selected few individual—rather than group—loans.

Finally, the new title VII authorizes making financial assistance available for training and technical assistance and authorizes long-term loan funds for urban and rural areas. It would extend the existing $100 million EOA title III–A rural loan revolving fund, which the administration wishes to terminate, and provides for the eventual creation of a matching urban development loan fund. The interest on loans made by the fund, in conformity with other federally supported revolving funds, could be used to defray administrative, technical assistance, and supervisory costs of the fund, rather than being paid back to the Treasury.

Presently, OEO has nearly 40 grants outstanding for economic development programs. These range from grant amounts of $10 million—for Bedford-Stuyvesant in New York—to the $100,000 range—for groups now in the beginning stages, such as the West Side Planning Group in California's San Joaquin Valley, and the East Los Angeles Community Union.

The West Side Planning Group, a cooperative of Chicano farmworkers, is successfully utilizing its grant from OEO to develop plans for the creation of an interchange enterprise on the new Route 5 crossing the valley; the development of a cooperative furniture operation; and a joint venture with an established distributor of liquid petroleum. The East Los Angeles Community Union—TELECU—also a Chicano group, is involved in the development of a mattress factory, and in housing development planning. These grants have afforded both groups the opportunity for self-help and self-determination in the economic development of their areas.

California also has, in the Watsonville area, a successful agricultural marketing cooperative in operation—the Central Coast Counties Development Corp. This group was unsuccessful in securing a title III–A loan from the Farmers Home Administration, but was fortunate enough to receive a grant from the OEO regional office's discretionary fund. Once the OEO loan was granted, a private lending group became interested in this growing cooperative, and it loaned additional funds to the group. A highly successful strawberry cooperative is the result.

Mr. President, I mention this success story as an illustration of the kind of effective Federal/private-sector cooperation which the new title VII can foster by granting loans to low-income rural cooperatives.

COMMUNITY DESIGN ASSISTANCE

The community design assistance amendment which I offered in committee adds a new section to title II, part B, of the Economic Opportunity Act of 1964, regarding community action programs. The new provision is contained in section 9 of S. 2007.

While the ongoing programs of OEO have dealt primarily with the legal, educational, and health problems of the poor, the worsening state of their everyday environment has been sadly neglected. Conditions in urban slums and remote rural areas continue to deteriorate. Housing is overcrowded and inadequate; expressways and renewal projects rip up neighborhoods with little or no plans for adequate restoration or relocations.

Low-income persons must have access to design and planning assistance just as they now have access to legal services and health care. With such assistance available, communities can have the opportunity to make constructive inputs into the physical and environmental development of their neighborhoods.

OEO has already granted research and demonstration funds to three existing community-based architectural and planning workshops known as community design/development centers, which are among 73 such centers operating in 56 cities across the country. These centers provide free design and planning technical assistance to indigent communities, as is consistent with OEO's goal of increasing community awareness, community involvement, and community self-help. Staffed by architects, planners, engineers, and other design professional, these community design projects vary from minor renovation work on individual dwelling units to the development of comprehensive planning documents for the future growth of neighborhoods. VISTA volunteers presently are assigned to many of these centers.

The committee believed that up to $10 million available under part B of title II could be effectively granted annually for assistance to these design centers, especially those which have proven their effectiveness. A January 1971 evaluation conducted by Kirschner Associates, Inc., under OEO contract No. B89–4558, studied the seven community design centers which OEO had funded for at least 1 year. The report stated in concluding that Federal support for these programs should be continued and expanded:

> There is considerable evidence from experience of the demonstration programs that advocacy planning can generate major changes in urban planning and implementation processes, particularly in urban renewal, housing and transportation, which give community residents greater and more significant voice in determining program goals and plans of local and state agencies. In many cases, these changes have converted latent and overt resistance of low-income neighborhoods to urban renewal and related development activities into positive support for such public programs. In some instances, their involvement has been expanded to give the neighborhood key roles in implementing the plans and controlling their execution. Also, the advocacy planning demonstrations have succeeded in effecting important changes in the goals and substance of proposed public plans affecting the interests and neighborhoods of their low-income client organizations. . . .
>
> It is clear . . . that advocacy planning is now and can continue to evolve as an exciting process within the general framework of a participatory democracy. It is a concept combining professional competence, the needs and desires of the residents of poor communities, and the growing need for a feeling of "community". It is also developing as a legitimate link between the public agencies and an important part of their constituency. It is an approach that has already made modest headway and, in the future, can provide constructive positive solutions to urban problems. . . .
>
> Based on the observations and analyses of the current demonstrations, it is believed that such programs should continue to be supported for the following reasons:
>
> 1. These programs generally provide a means of establishing more effective communication and relationships between poor citizens and public planning bodies so that each is benefited as well as the community as a whole.
>
> 2. The concept and practice of advocacy planning appear to be in a relatively early stage of evolution and it is likely that much more can be learned from such programs about how to involve citizens in the cooperative and constructive solution of urban problems.
>
> 3. Although many advocacy planning programs have established their legitimacy and even a constituency, they have not yet nor are they likely to become financially self-sufficient. . . .

The effect of the new community design assistance provision is to insure that these valuable programs, having proven their effectiveness, continue to be funded under the Economic Opportunity Act. For precisely that reason—because these programs have proven their effectiveness—OEO is reluctant to continue their funding under a research and demonstration authority.

One of the programs to benefit from this amendment, for example, would be the San Francisco Design Center, which was established in 1967 by the University of California extension. Past OEO funding enabled it to improve and expand its services so that currently the center operates with a small full-time staff and a roster of part-time volunteers who are professionals with the skills needed to deal with urban problems. The center has responded to requests from low-income residents for assistance in developing housing programs, long-range planning studies, preparing working drawings for store front offices, designing letterheads, tot-lots, playgrounds, and a host of other requests involving community improvement and development.

YOUTH RECREATION AND SPORTS PROGRAM

Also included in section 9 of the bill are provisions added in an amendment I offered along with Senators KENNEDY, RIBICOFF, and TUNNEY. This amendment inserted a new section 227 in title II, part B, of the Economic Opportunity Act, regarding financial assistance to community action programs and related activities. This new section would enable the Director of OEO to provide for the operation of an annual youth recreation and sports program for disadvantaged youth. The program would be concentrated in the summer months and continued throughout the year.

This program is an expansion of the national summer youth sports program which has been operating during the past three summers under OEO's research and demonstration program. Funds for the program were delegated to the Department of Health, Education, and Welfare, which in turn contracted with the National Collegiate Athletic Association. The President's Council on Physical Fitness and Sports has been the Government's administrative and monitoring agency. My amendment would establish the program on a permanent basis and expand it to provide for related educational and counseling services, especially drug abuse education.

The present program has served approximately 124,000 participants during its 3 years of operation. Eleven colleges and universities in my own State of California are working with nearly 4,000 participants this summer. The program provides valuable contact between disadvantaged youth and collegiate athletes, and affords to its participants the multiple resources available at college and university campuses.

As adopted by the full committee, this new section assures that community residents will work with the young participants and collegiate personnel in planning and operating the program. The committee believes that for the fiscal year ending June 30, 1972, and thereafter up to $6 million annually could be effectively used for the purpose of continuing, improving, and expanding this program on a year-round basis.

YOUTH JOBS

S. 2007 also earmarks for the manpower training programs operated by the Department of Labor $900 million for fiscal year 1972, and in addition, contains a special authorization for a $500 million appropriation for the expansion of the Neighborhood Youth Corps program. This expansion would create 100,000 additional work training opportunities for young people in this most important program. In June of this year there were 1.9 million 16- to 19-year-old youths out of work—this is reason enough for this special authorization and our hope that it will be fully funded.

MISCELLANEOUS

S. 2007 also earmarks a basic authorization higher than that set in the President's budget for four specific programs—local initiative, emergency food and medical services, alcoholic counseling and recovery, and community economic development programs. I strongly support the committee judgment that these programs deserve a greater degree of emphasis than contained in the proposed budget. Since the amount earmarked—328.9 for local initiative, $62.5 million for emergency food and medical services, $18 million for the alcoholic counseling and recovery program, and $58 million for economic development programs—is approximately the same as that earmarked for these programs last year the committee is merely endeavoring to assure that these programs will be maintained at the same level as in fiscal 1971.

CONCLUSION

I urge my colleagues to give their total support to S. 2007 as reported from committee. We have worked long and hard on this bill.

We have endeavored to strengthen and expand those programs which have proven the most effective—legal services, Headstart, community economic development, Neighborhood Youth Corps, community design and youth sports programs—and extend the authority to carry out other valuable Economic Opportunity Act programs. S. 2007 thus represents a comprehensive, integrated attack on the causes and symptoms of misery, frustration and hopelessness among the economically deprived and depressed men, women, and children of our land.

The continued effectiveness of the war on poverty depends upon speedy passage of S. 2007 as reported. We must not delay any longer in acting to express our deep commitment to wage this crucial war in the 2 years ahead.

EXHIBIT 1

PREPARED REMARKS OF SENATOR ALAN CRANSTON FOR LEGAL SERVICES PANEL AT ANNUAL MEETING OF ABA YOUNG LAWYERS SECTION, BILTMORE HOTEL, NEW YORK CITY, JULY 8, 1971

Addressing this meeting of the Young Lawyers Section of the American Bar Association today is a particular pleasure. The attorneys here are representative of young lawyers across this country who are in the forefront of the struggle for needed change—both in society and the legal profession itself. You should be proud of the special sensitivity the legal profession has shown throughout the years toward defending the privileges and rights of all our citizens, regardless of race, creed or economic means. Most particularly, the past six years since the beginning of the legal services program have been a crucial period in the development of law in our society. Many major reforms made during these six years are due, in large measure, to the efforts of the more junior members of the bar.

Lawyers have always held a special position in a society of laws. They are an essential ingredient of the adversary system—and crucial to ensuring equal access to our system of justice. The lawyer has been at the point of the lance in effecting change to ensure that laws are enforced, the Constitution is upheld, and that our system of justice is truly even-handed.

Until six years ago, a significant portion of our population had virtually no access to our system of justice in civil cases. Although great strides had been made in affording counsel as a matter of right in serious criminal matters, only $4 million was being spent in 1965 for civil legal aid in this country. All too often, the poor viewed the law as an enemy—not as a friend.

This crying need for civil legal representation was noted by lawyers, legal scholars and the Federal Government. The OEO Legal Services Program was initiated in 1965, and by 1971 $60 million was appropriated by the Congress for 265 programs, over 800 offices, and 2,000 attorneys. It is estimated that last year Legal Services lawyers worked on over 1,000,000 problems for their clients.

Even with the magnificent work of these attorneys and wide public acceptance and approval, the history of the Legal Services program has been marred by a number of controversies. The most important of these went to the very heart and guts of the Program: its independence—the insulation of legal services attorneys from undue and unwarranted political pressures—and the integrity of the lawyer-client relationship. The fear of this reaction had prompted the ABA in 1965 to insist that a National Advisory Council to Legal Services be established prior to giving their support for the program in order to ensure professionalism and immunity from political attack.

The importance of the role of the professional bar in this program cannot be overemphasized. Local bar associations have made recommendations on particular grants; they have appointed members to local Boards of Directors; their representatives have served with distinction on the National Advisory Council; and, most importantly, they have come to the aid of the Program when it was threatened either in the Congress or the Executive Branch.

Events of the past eighteen months—with which I believe all of you are familiar—clearly indicate that this program cannot survive with integrity in its present form. In incident after incident, powerful interests—economic and political—have sought reprisals against individual projects or the Program as a whole as retribution for representing the interests of their clients. Attacks were mounted in the Congress as well. The most disturbing aspect of these incidents was that, for the most part, they were responses to activities which were in the finest tradition of the bar and the American legal system.

Witness after witness who have appeared before our [Labor and Public Welfare] Committee representing the major bar associations in this country—hardly enclaves for radical thought—have described legal services attorneys as "bright", "dedicated", "committed" and "effective".

But the political attacks continue . . . interestingly enough from those who most vociferously profess to be the guardians of law and order. It is ludicrous that these guardians of liberty are attacking a Program designed to preserve that liberty—*within the system*. Today when youth is questioning—and rightly so—all our institutions, these young legal services lawyers are helping to infuse new confidence in the system. This is equal justice; this is justice under law and order.

The most vivid example of these unwarranted attacks occurred in my home state. For five years the California Rural Legal Assistance program (CRLA) has served its clients with unparalleled distinction. It has been commonly recognized as one of the best legal services programs in the country. Rights and privileges have been vindicated by CRLA on behalf of the poor with unprecedented success. However, with each victory the pressures to eliminate the program grew geometrically. These attacks culminated in Governor Reagan's veto of CRLA refunding in December, 1970.

Instead of immediately overriding the veto, OEO . . . with some gentle guidance from above . . . chose to appoint a commission to study and evaluate the Governor's spacious charges and make appropriate recommendations. OEO appointed three prominent jurists—two are former Chief Justices of their state Supreme Courts and one is presently an Associate Justice of the Colorado Supreme Court. The Commission reported to Mr. Carlucci on June 25, 1971.

I have thoroughly studied the complete report of the Commission on CRLA.

The people of California and the nation, especially the poor served by CRLA and the federal taxpayers paying CRLA's costs, should feel gratified to know that the Commission has unequivocally vindicated CRLA and fully endorsed its operation and grant performance.

The Commission reports that it took voluminous testimony from 165 witnesses during 20 days of public hearings and reviewed hundreds of exhibits. The Commission concluded that CRLA has operated, and is still operating, in accordance with applicable OEO standards and standards of professional responsibility, and with its OEO grant restrictions and "that CRLA has been discharging its duty to provide legal assistance to the poor under the mandate and policies of the Economic Oportunity Act in a highly competent, efficient, and exemplary manner."

The Commission made no mention of the need for any further review of CRLA or of any special conditions to be attached to its grant.

In the body of its report, the Commission exhaustively reviewed every significant charge leveled against CRLA by the Uhler report to Governor Reagan, which had formed the basis for his veto of CRLA refunding. The Commission consistently found that CRLA acted "responsibly" and "absolutely ethically," and that the Uhler report charges were "completely unwarranted" and "unfounded" in each basic category. The Commission found that "the charges in the California Evaluation (Uhler Report) . . . were totally irresponsible and without foundation."

In report Appendix A, the Commission sets forth a point-by-point analysis of each of 135 incidents or charges included in the Uhler report. It found that these charges were without merit or evidentiary support in 124 instances and trivial in three other instances. In only eight instances did the Commission find any substance to the charges, though the Commission characterized them as "not of any great magnitude." The Commission found only isolated instances of a lack of judgment by individual CRLA attorneys and specifically exonerated CRLA of any organizational wrongdoing.

Moreover, Commission members stated they were "most favorably impressed" by CRLA's internal policies and its fiscal and management controls over both its operation and the conduct of its attorneys.

It concluded: "The evidence from all sources made it clear beyond peradventure that CRLA attorneys are legal craftsmen of the first order. In addition, they are thorough, intelligent young men dedicated to vindicating the legal rights of their clients."

The Commission report makes it unquestionably clear that there is no justification whatsoever in law, fact, or logic for any further delay, doubt or equivocation about CRLA's future operations.

Yet, in spite of this ringing endorsement, OEO saw fit to attempt to bury the Commission report by issuing a misleading and ambiguous press release on June 30, 1971, which announced the refunding of CRLA. The OEO press release highlighted the granting of $2.5 million to a new corporation, presumably to be operated by the Governor's office, through the State Office of Economic Opportunity for a Judicare program in California.

This continual resort to political considerations in the face of programmatic imperatives is a dramatic example of the need for an independent non-profit corporation to administer the legal services program on a national basis. This corporation must be insulated from unwarranted pressures of the intensity of those generated in California.

I have expanded on the CRLA situation at considerable length because the Commission's vindication of CRLA's efforts serves as a ringing tribute to all legal services attorneys and programs and because if political pressures can so seriously threaten the life of even the best of legal services programs, no program can be secure in its independence and integrity.

There are presently two major bills before Congress which would establish a National Legal Services Corporation. One was introduced for the Administration (S. 1769); the other is a bi-partisan approach involving over 130 members of Congress (S. 1305). I am a principal sponsor of the latter.

Although the Administration bill gives the President the power to appoint all members of the governing Board of the Corporation, the bi-partisan bill involves all three branches of the government, the professional bar, and legal services clients, and lawyers. In my opinion, we can insulate the program from politics only if we are able to keep the politicians from dictating control of the board. By insuring that diverse groups—all with the goal of providing full legal representation to the poor with the integrity and independence required by the Canons of Ethics and the Code of Professional Responsibility—each have real input, and decision-making power, independence is best insured along with professional responsibility. In addition, commitment and expertise are provided by including the bar, clients, and lawyers.

The Administration bill would severely restrict the activities of legal services lawyers. I wholeheartedly agree with the report made to the White House by this Young Lawyers Section, which states in part, "the legal services program should be placed in an organizational setting which will minimize its dependence on and subjection to the political processes of government while guaranteeing . . . grantee attorneys . . . the freedom to exercise the professional judgment which is demanded by the attorney-client privilege . . . [and] . . . the recipients of legal services the right to seek any lawful objective through legally permissible means granted by our system of law."

Some of the restrictions offered by the Administration would mandate second-class justice for our poor. Instead of opening the doors of our Courts even wider, this bill's limitations on professional activities approved and indeed mandated by the Canons of Ethics and the Code of Professional Responsibility (legislative advocacy filing of appeals, appropriate *pro bono* outside practice) would virtually slam them shut in the face of the poor in many avenues of crucial concern. These limitations, in their present form in the Administration bill are unacceptable.

I am delighted to report that with the outstanding bipartisan cooperation of Senators Mondale, Nelson, Taft and Javits, we have resolved these issues and other basic differences between S. 1305 and S. 1769 in an amendment adopted by the Employment, Manpower, and Poverty Subcommittee to the bill (S. 2007) to extend the expired Economic Opportunity Act.

I believe this legislation would free legal services from burdensome governmental bureaucracies and extricate it from possible political pressure. It would return the program to the people for whom it was intended: clients and their lawyers. And it would keep the program under close professional supervision.

The ability of our institutions to absorb new ideas and new methodologies is more than ever important in the modern era of intensive urbanization and mounting technology.

Wealth and power have come increasingly under the control of big, faceless institutions —big business, big labor, big government. Democratic man, if he is to survive as a free and independent individual, must find ways to personalize these basically impersonal institutions and make them more responsive to his needs. Modern man has become so dependent on mammoth institutions that he risks becoming their slave rather than their master.

All of us are aware of the burgeoning problems our specialized and sophisticated society has thrust upon us: polluted air and water, despoiled land and deafening noise, crime and congestion, inferior goods and indifferent services, arbitrary decisions that rob us of our privacy and our individuality, that both compromise our rights and our ability to defend those rights.

Americans have traditionally resorted to the ballot box and the courts to redress their grievances. But our court system, like our political system, has become bogged down in red tape, bureaucratic tangles, and demands that far exceed the resources available to meet them.

Probably at no time since our independence has such a large segment of the American people challenged the aims, institutions and methods of democratic government and private enterprise. Many Americans are frustrated and angered by what they see as the inability, sometimes the unwillingness, of the system to be responsive. It must once again be made responsive. To be true to America's heritage, we not only must solve the pressing problems that afflict us, we must allow all Americans to participate in the solution.

The democratic process is, by definition, a process: a way of doing things that is quite as important as what is being done. Substance and procedure are so delicately intertwined in a free society that often to tamper with procedure is to kill the substance.

Our highest priority today, it seems to me, must be to provide all Americans, of all status and income levels, of all colors and creeds, an opportunity to participate effectively in the system. National commission after commission has reported a common denominator running through all civil disturbances: the sense of frustration people feel because of their presumed lack of power—their inability to make their voices heard in the process of government.

I propose that we rededicate ourselves to making our institutions more accessible to our citizens. All members of society would benefit. The institutions would become stronger and more viable. The people, by having a personal stake in their institutions, would have a deeper understanding of how they work, a greater sensitivity to the problems of problem-solving, and a higher respect for democratic order and due process of law. People once more would seek "equal justice under law" through the voting booth and the courts rather than in the streets.

All of us here today are dedicated to justice. Justice is a reality only when all men have access to legal counsel. If social stability as well as justice is our goal—and I know it is—we must make doubly certain that such access is available to the poor as well as those who can afford it.

Mr. WILLIAMS. Mr. President, I am pleased to express my support for S. 2007, which has been reported to the Senate by unanimous vote of the Committee on Labor and Public Welfare.

This bill would extend the authorization for the Office of Economic Opportunity for 2 years, with funds earmarked for its most successful and meaningful programs. In addition, the bill provides new emphasis on community economic development programs, authorizes an expansion of the Neighborhood Youth Corps, and contains significant new departures in the areas of legal services and child development.

The need for this legislation was fully developed during 12 days of hearings by our Subcommittee on Employment, Manpower and Poverty, and 6 days of joint hearings by that subcommittee and our Subcommittee on Children and Youth. During these hearings, the importance of extending the Economic Opportunity Act was emphasized by Mr. Frank Carlucci, OEO Director, who stated on behalf of the administration:

> Extension of the Economic Opportunity Act is needed to assure that the OEO, and other departments that operate programs authorized under this legislation, may continue bringing needed services and support to the poor. Extension of the legislation, also will assure that during the next two years, there will remain within the Federal government an agency serving as an active advocate of the poor, so that the thrust of the effort to eradicate poverty maintains its momentum.
>
> Failure to extend the legislation would, I am very much afraid, undo much of the progress made to date. It would also imply to the Nation, the non-poor as well as the poor, that the Federal government was turning its back on the people who most need its assistance.

The thrust of these comments is underscored by the fact that the present economic recession has resulted in raising to new heights the hurdles that must be surmounted by the poor in their struggle to achieve a fuller life. For the first time in a decade, as we learned in detail during our hearings, the number of poor in America—which had been declining by an average of 4.9 percent each year from 1959 to 1969—has been on the increase, with the result that over 25 million Americans, representing 13 percent of the population, are now classified as poor by the Census Bureau.

Since this sudden reversal of a decade of progress in reducing poverty has been occasioned by a period of economic decline during which the number of unemployed has doubled, strong measures to restore and expand our ailing economy are obviously essential. At the same time, there is as much need as ever for the kind of programs—job training, child development, comprehensive health services, emergency food and medical services, migrant and seasonal farmworker assistance, legal services, community action programs, senior citizen opportunities—which are designed to deal with the problems of the poor and to enable them to join the mainstream of American life. The effectiveness of OEO in developing and fostering such programs was strongly attested to in a joint statement submitted by a coalition of 90 major national organizations testifying in behalf of extending the act:

> The Office of Economic Opportunity is the only Federal agency whose primary mission is "to strengthen, supplement and coordinate efforts in the furtherance" of a policy to "eliminate the paradox of poverty in the midst of plenty." Its continued, strengthened existence is crucial to antipoverty efforts, both as a symbol of the Federal government's lasting commitment to the war on poverty and as a Federal rallying point around which poor and disadvantaged people can command attention and assistance.
>
> At the local level, through community action and other related programs, OEO has helped poor people to share in the planning and decision-making processes of their communities. They, as well as others, serve on the boards of neighborhood councils, community action agencies and delegate social agencies, thereby constituting one of the largest voluntary action efforts in the country. Their participation has helped make social services and agencies, both public and private, more relevant to the needs of poor people, and therefore more efficient and economical. In helping to determine the use and allocation of significant sums of money, they and their community action agencies have exercised an impressive degree of sound judgment and responsibility. This unique and successful effort in citizen participation is the heart of the OEO antipoverty program.
>
> Through its research and demonstration activities, OEO has initiated and supported innovative projects that are gradually becoming an accepted part of public and private social and economic policy. Through VISTA it has afforded young Americans the opportunity to help bring about necessary changes within the system. It has performed and still performs functions as an advocate of the poor and institutional gadfly that other agencies, public or private, cannot implement or duplicate. No other oragnization has done more to champion the importance of the non-professional in our society. It has generated leadership opportunities for minority representatives and poor people unmatched by any other agency or institution.
>
> We believe that the Office of Economic Opportunity must be permitted to build on this impressive record. It must continue to focus national attention on the needs of the poor. The lessons of the past should be used to give OEO a new vitality.

The bill before us today provides the basis for continuing and strengthening these programs. It represents a renewed commitment to the effort to eradicate poverty and to provide 25 million poor Americans with a measure of hope for a better future.

I am most appreciative of the work of Senator Nelson, Chairman of our Subcommittee on Employment, Manpower and Poverty, who has labored so diligently and with such great skill to bring this bill before us, and who has managed to accommodate so many points of difference in the process.

I would like to comment in particular on two new departures contained in S. 2007. One of these is the establishment of an independent legal services corporation. Since its inception in 1965, OEO's Legal Services program has been one of its most successful undertakings. It is now composed of over 2,000 lawyers, located in 900 neighborhood offices, handling more than one million cases a year.

The efforts of legal services attorneys have involved not only coping with the individual problems of individual clients, but also bringing about broad reforms through "impact litigation" affecting large numbers of the poor. Success, however, had kindled the opposition and hostility of special interest groups as well as political figures at all levels of government, with the result that attempts have been made to place restraints upon legal services lawyers—restraints which would never be contemplated in the case of lawyers representing businesses or individuals possessing resources of their own.

As a consequence, there has developed widespread agreement that a legal services program for the poor can best flourish if placed in an institutional setting which will minimize political interference and provide legal services attorneys with the freedom of professional judgment demanded by the concepts of responsibility and ethics of the legal profession. A broad consensus has formed that a legal services program could best be administered by an independent nonprofit corporation. As the President's Commission on Executive Reorganization recommended in January, 1971:

> We believe strongly that its (the Legal Services Program) retention in the Executive Office of the President is inappropriate. At the same time, it is a unique Federal program which extends the benefits of the adversary process to many who do not have the ability to seek legal help.
>
> In our view, this program should be placed in an organizational setting which will permit it to continue serving the legal needs of the poor while avoiding the inevitable political embarrassment that the program may occasionally generate * * *.
>
> Therefore, we recommend that the functions of the Legal Services program be transferred to a nonprofit corporation chartered by Congress.

Similar recommendations have also been made by the administration, the National Advisory Committee on Legal Services, the American Bar Association, and a greater number of other professional organizations.

S. 2007 responds to these recommendations by incorporating, in a new title IX of the Economic Opportunity Act, the essential features of S. 1305, a measure introduced by Senator Mondale with broad bipartisan support. As reported by our committee, the new title IX would establish a National Legal Services Corporation, administered by a 15-member board of directors, consisting of nine persons appointed by the President with the advice and consent of the Senate (four of them appointed from the general public and five from lists submitted by a clients' advisory council and by legal services project attorneys). One member would be appointed by the Chief Justice of the United States, and the remaining five would be presidents of named professional organizations. With a board of directors constituted in this manner, I believe the legislation will not only assure the future independence of the legal services program, but will provide appropriate representation of the constituent groups involved in its operation. In addition, the board will be accountable to the Congress and the public.

Under our bill, the corporation will have authority to provide financial assistance to qualified programs furnishing legal services to members of the client community. The Board of Directors, which is charged with the maximum utilization of the expertise and facilities of organizations presently specializing in the delivery of legal services, would be given wide latitude in determining the most appropriate method and manner for delivering such services in any particular area of the country or to any particular group of clients. The corporation is also authorized to carry out research, training, technical assistance, and clinical assistance programs, as well as to provide for and promote the use of legal paraprofessionals.

Mr. President, the legal services provisions of our bill are the result of the most careful deliberations, and every effort has been made—particularly through the devoted and imaginative work of Senator Mondale and Senator Javits—to reconcile varying points of view concerning particular facets of the legal services corporation concept. I believe it is a most worthy product, and one which will provide a sound basis for our future efforts to provide low-income persons with access to legal remedies and protections, thereby giving meaning to the concept of "equal justice under law."

The other innovative portion of S. 2007 that I would like to discuss is the provision for a comprehensive child development program.

During the past 2 years, the committee has held extensive hearings on early childhood development—hearings which revealed the extensive damage that had been caused to young lives by lack of health care, adequate nutrition, and proper educational stimulation. These hearings demonstrated that despite its great success, the Headstart program has reached only one-tenth of the impoverished preschool children who need it.

The hearings also pointed up another aspect of the need—the lack of quality, developmental day care for children of working mothers. Despite the fact that there are more than over five million preschool children whose mothers must work, existing day care opportunities are available for less than 650,000. And too many of the limited day care programs now in existence are simply custodial centers: children are fed and watched until the parent returns. Little attempt is made to stimulate or expand the curiosity of the children in a way that will nurture their real creative and learning ability. In a country so dedicated to allowing its citizens to develop to their fullest potential, this record is astonishing.

Evaluation of existing Headstart programs indicates that custodial services are insufficient and even harmful to the natural development of a child. Evaluation studies have also shown that beginning Head Start at the age of three is often too late because a very important part and most intensive stage of a child's development takes place much earlier.

S. 2007 provides a framework and structure for greatly expanded child development programs that will be truly developmental in nature, rather than simply custodial—programs that will bring to each participating child the full range of health, nutritional, educational, social and other essential services.

This proposal reflects the judgment that locally run programs are necessary to assure the accessibility, responsiveness, parental participation and sensitivity that child development programs require. Accordingly, the prime sponsorship provisions of the bill permits any city or county, regardless of size, to be designated a prime sponsor, provided that it can meet certain assurances as to administrative efficiency and has the capacity to enter into arrangements for the necessary linkages with related health, education, nutrition, and social service programs. I believe this to be a most worthwhile provision, as it serves to effectuate the view that control and responsibility at the local community level will best promote the effectiveness of individual programs. In addition tc government agencies, nongovernmental institutions—such as community action agencies. Headstart agencies, labor unions, employers, parent cooperatives, and others—will be able to qualify as prime sponsors.

This legislation will provide Federal support for broad services for all children, with priority for children under 6 years. While there will be program emphasis on economically disadvantaged children who will receive these services without cost, the bill will enable all children to benefit by providing a sliding fee schedule based on a family's ability to pay. The bill also provides for parental participation in the planning, programing and running of child development centers, and sets up programs for inservice and preservice training in the area of early childhood development.

Mr. President, the child development provisions of S. 2007, in which the compassion and concern of the Chairman of our Subcommittee on Children and Youth, Senator Mondale, have played such an instrumental role, provide the means for ending the shameful neglect that so many of our children have suffered, and make clear our commitment to the principle that each child in the land shall be given an equal opportunity to realize his maximum potential. I most strongly commend these provisions to my colleagues for their approval.

The PRESIDING OFFICER. Under the previous unanimous-consent agreement, the Senator from Ohio (Mr. Taft) is recognized, the yeas and nays having been ordered on his amendment.

Mr. GRIFFIN. Mr. President, will the Senator yield me half a minute?

Mr. TAFT. I yield to the Senator from Michigan.

PROGRAM—UNANIMOUS-CONSENT AGREEMENTS

Mr. GRIFFIN. Mr. President, I asked for recognition so that I might inquire of the acting majority leader if he can advise Senators on the floor of the program for the rest of the day, and for the rest of the week.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER (Mr. Hughes). The Senate will be in order.

Mr. METCALF. Mr. President, will the Senator from Ohio yield to me for a moment?

The PRESIDING OFFICER. The Senator from West Virginia has the floor. He has been yielded to by the Senator from Michigan.

Mr. BYRD of West Virginia. Mr. President, would the able Senator from Montana like me to yield to him?

Mr. METCALF. No; the Senator can go right ahead.

Mr. BYRD of West Virginia. Mr. President, in response to the inquiry of the assistant Republican leader, may I say that there will be one more rollcall vote today. The amendment which the distinguished Senator from Ohio (Mr. Taft) is about to call up deals with the Child Development Council.

Mr. President, I ask unanimous consent, after having conferred with the distinguished Senator from Ohio, that time on this amendment be limited to 30 minutes, to be equally divided between the mover of the amendment and the manager of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. In further response to the deputy minority leader, there will be a rollcall vote on this amendment, the yeas and nays already having been ordered.

Following that vote, the Senator from Ohio will offer two additional amendments, on which there is 1 hour allotted to each.

After having discussed this matter with the distinguished Senator from Ohio, I ask unanimous consent that time on each of his two remaining amendments be limited to 20 minutes, the time to be equally divided between the mover of the amendment and the manager of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, further responding to the assistant minority leader, it is the intention to dispose of the three remaining amendments to be offered by the Senator from Ohio, Mr. Taft, today. Then the junior Senator from Ohio will be recognized, under the previous order, to make a motion to recommit. On that motion there is a limitation of 2 hours, to be equally divided. It is assumed that some of that time, possibly half of that time, will be consumed this evening, and that the remaining time will be consumed tomorrow morning, following which there will be a vote on the motion to recommit. I assume that Senator from Ohio will ask for the yeas and nays on that motion to recommit.

ORDER FOR ADJOURNMENT UNTIL 10 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that immediately following the recognition of the two leaders or their designees under the standing order, there be a period for the transaction of routine morning business tomorrow for not to exceed 15 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CHAIR TO LAY BEFORE THE SENATE THE UNFINISHED BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that immediately following the disposition of routine morning business tomorrow morning, the Chair lay before the Senate the unfinished business and that the Senate resume its discussion, under controlled time, of the motion to recommit.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR YEAS AND NAYS ON MOTION TO RECOMMIT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that it be in order at this time to order the yeas and nays on the motion to recommit which will be offered by the Senator from Ohio, (Mr. Taft).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I ask for the yeas and nays.

The yeas and nays were ordered.

PROGRAM

Mr. BYRD of West Virginia. Further in response to the distinguished Senator from Michigan (Mr. Griffin) may I say that following the vote on the motion to recommit tomorrow, the distinguished Senator from Kentucky (Mr. Cook) will be recognized to offer an amendment, on which there will be controlled time, the time to be limited to 30 minutes.

At 12:13 tomorrow the Senate will proceed, in a body, to the other body for the purpose of a joint session which will be addressed by the President of the United States.

Following that joint session there will be a joint meeting of the two Houses, which will be addressed by the astronauts from the most recent Apollo flight.

At the conclusion of the joint meeting, the Senate will return to the Chamber, where the Senate will resume its consideration of the unfinished business.

It is hoped that the Senate will complete action on the unfinished business, the Economic Opportunity Act, tomorrow, in which event it is the intention of the leadership to lay before the Senate the military procurement bill, under the management of the distinguished Senator from Mississippi (Mr. Stennis).

The Senate will be in session on Friday, when it will resume its consideration of the military procurement bill, and rollcall votes could occur.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1971

The Senate continued with the consideration of the bill (S. 2007) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

Mr. TAFT. Mr. President, I have an amendment at the desk, which I ask the clerk to read, and ask the Senate to proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read the amendment, as follows:

On page 22, line 18, strike "supervising, coordinating, monitoring,".

On page 30, beginning with line 12, strike all through line 17 and insert in lieu thereof the following:

"(4) such Council shall have an opportunity to review and comment on basic goals, policies, actions, and procedures of the prime sponsor; and"

On page 34, line 17, strike "under the supervision" and insert in lieu thereof, "with the concurrence".

On page 38, beginning on line 5, strike all through line 10 and insert in lieu thereof the following:

"(5) project policy committees shall have an opportunity to review and comment on basic goals, policies, actions, and procedures for the project applicant;"

The PRESIDING OFFICER. Who yields time?

Mr. TAFT. Mr. President, the method by which the child development program proposed by this legislation would operate would be for a prime sponsor qualifying under the bill to make application to the department for approval of a particular program, and then undertake, after approval, to administer that program.

However, there is a requirement set out starting on page 28 of the bill as to the makeup of the body known as the Child Development Council and as to the operation of the program in connection with that Child Development Council.

The amendment which I have offered goes to the question whether the Child

Development Council shall in effect be really a policymaking body, a directive body, and a vetoing body over the operation of the program, or whether it shall be an advisory type of body.

I feel for the purpose of operating the program properly, to insure the success of the child development program, it would be desirable to make the participation of the Child Development Council advisory rather than directive and, really, policymaking.

I call to the attention of the Senate the fact that the makeup, as designated on page 28 of the bill, for the Child Development Council, would be that a Child Development Council consist of not less than 10 members, comprised of "not less than half of the members of such Council to be parents of children served in child development programs under this part."

I call to the attention of the Senate the fact that we discussed earlier, under another amendment, the fact that we are dealing with families with limited income, by and large.

The remaining members of such council shall be appointed by the chief executive officer or officers of the prime sponsor to represent the public, but not less than half of such members—in other words, one-quarter altogether—shall be persons who are broadly representative of the general public, including government agencies, public and private agencies and organizations in such fields as economic opportunity, health, education, welfare, employment and training, business or financial organizations or institutions, labor unions, and employers, and who are approved by the parent members described in paragraph (1), and (B), the remaining members, the number of which shall be either equal to or one less than the number of members appointed under clause (A), shall be persons who are particularly skilled by virtue of training or experience in child development, child health, child welfare, or other child services.

I think the makeup of the council is such that it would be ideal for the purpose of an advisory body to which proposed programs and steps are referred by the sponsoring agencies, the prime sponsors, but I question very seriously whether such a development program can operate efficiently if the policymaking body of the program is to be made up of a body such as the child development council is intended to be made up.

By modifying the responsibilities of the CDC, we provide the opportunity for the CDC to share in decisionmaking rather than to exercise veto power.

We believe that the services for children authorized in this bill could be delivered much more effectively if final responsibility for policy and program administration clearly resides with the general purpose government of the prime sponsorship area. Effective coordination and integration of service can only occur when the chief elected officials who are responsible for other necessary resources have authority over children's programs and are held accountable for them.

If a council, apart from general purpose government and the resources it controls, has the major responsibility for children's programs, coordination and integration of all needed services is unlikely to occur and accountability for program effectiveness is unclear. It is also difficult to hold a council accountable for the administration of children's programs, in that the council itself may be divided on important issues.

However, if the chief executive of GPG is to be held accountable for child development programs in the prime sponsorship area, he must be free to make key policy decisions and to supervise the actions of the delegate agency designated by him to implement the prime sponsor plan. This would not be possible if the CDC had authority to supervise the delegate agency and to block all actions which it did not approve.

The participation of parents and community members in the preparation of project applications and program activities is most desirable if programs are to be truly responsive to local needs. However, we have recommended that project policy committees have authority to review and comment upon, rather than approve, basic goals and policies of the project applicant. If approval of the committee on such issues were required prior to submission of a project application, many delays in the creation of new resources may be anticipated. Once a project has been funded, a project operator could not be accountable to the prime sponsor for program effectiveness if his decisions were subject to veto by the policy committee. Through our amendments we seek to strike a balance between the need for clear accountability for programs serving children and the need for community participation in the conduct of such programs.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. Mr. President, I yield 5 minutes to the Senator from California.

Mr. CRANSTON. Mr. President, the amendment of the Senator from Ohio would in effect delete an amendment which I offered to the pending bill in subcommittee. My amendment established most of the basic structure and described the purposes of the child development councils and the project policy committees.

My amendment was totally consistent with, indeed was modeled upon, the current administration's guidelines for Headstart. And the amendment of the Senator from Ohio is totally inconsistent with those present HEW guidelines. I should like to read briefly from the HEW Office of Child Development Headstart guidelines dated August 10, 1970, wherein the section relating to parents states:

> Head Start believes that the gains made by the child in Head Start must be understood and built upon by the family and the community. To achieve this goal, Head Start provides for the involvement of the child's parents and other members of the family in the experiences he receives in the child development center by giving them many opportunities for a richer appreciation of the young child's needs and how to satisfy them.
>
> Many of the benefits of Head Start are rooted in "change". These changes must take place in the family itself, in the community, and in the attitudes of people and institutions that have an impact on both.
>
> It is clear that the success of Head Start in bringing about substantial changes demands the fullest involvement of the parents, parental-substitutes, and families of children enrolled in its programs. This involvement begins when a Head Start program begins and should gain vigor and vitality as planning and activities go forward.
>
> Successful parental involvement enters into every part of Head Start, influences other anti-poverty programs, helps bring about changes in institutions in the community, helps bring about changes in institutions in the community, and works toward altering the social conditions that have formed the systems that surround the economically disadvantaged child and his family.
>
> Project Head Start must continue to discover new ways for parents to become deeply involved in decision-making about the program and in the development of activities that they deem helpful and important in meeting their particular needs and conditions. For some parents, participation may begin on a simple and move to more complex levels. For other parents the movement will be immediate, because of past experiences, into complex levels of sharing and giving. Every Head Start program is obligated to provide the channels through which such participation and involvement can be provided for and enriched.

A little later, the guidelines set forth the makeup of the Headstart policy councils and committees, and in regard to the Headstart Policy Committee it states:

> This committee must be set up at the delegate agency level when the program is administered in whole or in part by such agencies.

Chart A goes on to require that a majority of the members of that committee are to be parents of Headstart children.

Then the guidelines state, in regard to the Headstart Policy Council:

> This Council must be set up at the grantee level.

Again, provision is made for the majority of the members to be parents of Headstart children.

Other charts later on indicate that as to many of the basic functions allocating responsibility for policymaking and action, there must be approval by the respective committee or the Council, again with a majority on those bodies being parents involved in making those key decisions before action can be taken.

If this is the procedure deemed best for parents in the most deprived segments of our society, it would seem quite appropriate to have the same approach followed in regard to parents a little higher up the economic ladder. Both the parents from the most deprived classes of our society as well as those of the middle class should have the same right to make decisions affecting the planning, the commencement, and the future direction of the education of their children. Certainly middle-class parents are no less qualified to exercise that responsibility in regard to their children than are the most economically deprived parents in our society.

The 1970 White House Conference on Children moved in the same general direction as my amendment offered in subcommittee—not in the direction of the amendment of the Senator from Ohio. That Conference recommended that parents be involved very early in planning their children's education. It stressed the need for family-oriented and community-oriented approaches most of all, at the earliest levels in the process of education.

The fundamental tradition of education in our American society, in our democracy, in our Republic, is for parental involvement and parental control through local school boards, where parents have the opportunity—and it is an opportunity they normally exercise—to run for and to serve on those school boards, so that they may exercise a major voice in the education of their children. When we look at other nations such as the Soviet Union, we find a great separation of parents away from any say in the education of their children—with representatives of the State, politicians, and others having that vital control. Cerainly, we do not want to move in that direction in our society.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. NELSON. Mr. President, I yield the Senator from Pennsylvania (Mr. SCHWEIKER) whatever time he may require.

Mr. SCHWEIKER. I request 2 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 2 minutes.

Mr. SCHWEIKER. Mr. President, I rise in opposition to the amendment. I think this particular section of the bill is a very important part of the bill. I think the Child Development Council is the key to bridging the gap between the people and our Government today.

Certainly if there is one thing we in Government realize it is that, more and more, people feel that big government no longer represents them, that even we in the legislative bodies are not as directly sensitive to some of the more pressing needs of our people as we should be. Or at least they think we are not, even though perhaps we are trying.

I think that is the key to this particular section. We are building a bridge, by the Child Development Council, between the people who use the program and the Government, so that this will not be just another government-run program, with some bureaucrat dictating policy with no regard to the needs of the local people, no regard to the needs of the people who use the program, the children in the program or their parents. This Child Development Council is the link across the gap between the Government and the people using the program, to make sure it will be oriented toward the needs of the people in the communities in which it serves.

I think as we pass more legislation——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SCHWEIKER. I yield myself 3 additional minutes.

I think as we pass more legislation, we have to be more aware of this problem, and build mechanisms into the legislation so that we do make for responsive Government, attuned to the needs of the people. That is exactly what the Child Development Council would do. But when you come along with an amendment such as that of the Senator from Ohio, which would gut that section, you are creating another gap between the people involved in the program and some bureaucratic tyrant, between the people who use the program and the Government officials at the top. If we take that bridge out, then we are building one more gap between the people and the users of the program.

I oppose the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. TAFT. Mr. President, there has been much talk by the Senator from Pennsylvania and others about keeping the program close to the people. The question always arises, when we see these programs giving powers to a council, that perhaps these people are close to the people when they are appointed. But do they remain there? What about the people who are to participate in the program? What recourse do they have if they do not like what is going on in the programs? The answer is, "very little."

If we put this program into effect, I am afraid that we may see some rather unfavorable results from the point of view of public opinion reaction to the entire child development program, which I think would be most unfortunate.

It seems to me that the way to make this system run effectively is to give the responsibility to the prime sponsor. Then you have some responsibility centered on a particular organization, a particular elected official, particular groups of people. They are required, under the amendment—and should—to keep in consultation with the parents of children who are involved and with experts in the community who are involved in the program. It is a question of what is a workable type of approach toward administering a program of this sort.

It has been said by the Senator from California that Headstart works the same way. In the first place, the scope of this program is going to be considerably different from Headstart—a little more experimental, a great deal less tried water. In Headstart, you are dealing primarily with school bodies which are already constituted. You are dealing with the same type of groups you have in school boards, and you are dealing with the same types of people in PTA's. By and large, the program has been such that it has not been as clear, as challenging, or as innovative in the sense of program content as would be the case with the Child Development Council. So I think there is a difference in philosophy here as to how you should be close to the people. Frankly, I do not think you can keep governmental programs close to the people unless you have political responsibility involved. I think this amendment is closer to political responsibility, and the bill as it is presently written tends to divorce that responsibility from the public and even those participating in the program, other than those who happen to be on the Council.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. I yield back the remainder of my time.

Mr. TAFT. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Ohio. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia (after having voted in the negative). On this vote I have a pair with the distinguished Senator from Massachusetts (Mr. KENNEDY). If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." Having already voted in the negative, I now withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Nevada (Mr. BIBLE), the Senator from North Dakota (Mr. BURDICK), the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mr. ELLENDER), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. McGEE), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), and the Senator from Alabama (Mr. SPARKMAN), are necessary ily absent.

I further announce that the Senator from Indiana (Mr. BAYH), the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Montana (Mr. MANSFIELD) are absent on official business.

On this vote, the Senator from Minnesota (Mr. HUMPHREY) is paired with the Senator from Mississippi (Mr. EASTLAND). If present and voting, the Senator from Minnesota would vote "nay," and the Senator from Mississippi would vote "yea."

I further announce that, if present and voting, the Senator from North Dakota (Mr. BURDICK), the Senator from Louisiana (Mr. ELLENDER), the Senator from Indiana (Mr. BAYH), and the Senator from Washington (Mr. MAGNUSON) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from Colorado (Mr. ALLOTT), the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Nebraska (Mr. CURTIS), the Senator from New York (Mr. JAVITS), the Senator from Ohio (Mr. SAXBE), and the Senator from Pennsylvania (Mr. SCOTT) are absent on official business.

The Senator from New Hampshire (Mr. COTTON), the Senator from Colorado (Mr. DOMINICK), the Senator from Hawaii (Mr. FONG), the Senator from Wyoming (Mr. HANSEN), the Senator from Idaho (Mr. JORDAN), the Senator from Maine (Mrs. SMITH), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

The Senator from Kentucky (Mr. Cooper), the Senator from South Dakota (Mr. Mundt), and the Senator from Vermont (Mr. Prouty) are absent because of illness.

The Senator from Arizona (Mr. Goldwater), the Senator from Tennessee (Mr. Brock), and the Senator from Connecticut (Mr. Weicher) are detained on official business.

If present and voting, the Senator from Arizona (Mr. Goldwater) and the Senator from Maine (Mrs. Smith) would each vote "yea."

The result was announced—yeas 17, nays 41, as follows:

[No. 217 Leg.]

YEAS—17

Baker
Beall
Boggs
Buckley
Byrd, Va.
Dole
Fannin
Griffin
Gurney
Hruska
Packwood
Pearson
Roth
Stennis
Taft
Thurmond
Tower

NAYS—41

Allen
Bentsen
Brooke
Cannon
Case
Chiles
Church
Cook
Cranston
Eagleton
Ervin
Gambrell
Hart
Hatfield
Hughes
Inouye
Jackson
Jordan, N.C.
Long
Mathias
McClellan
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Nelson
Pastore
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Spong
Stevens
Stevenson
Symington
Talmadge
Tunney
Williams

PRESENT AND GIVING A LIVE PAIR AS PREVIOUSLY RECORDED—1

Byrd of West Virginia, for.

NOT VOTING—41

Aiken
Allott
Anderson
Bayh
Bellmon
Bennett
Bible
Brock
Burdick
Cooper
Cotton
Curtis
Dominick
Eastland
Ellender
Fong
Fulbright
Goldwater
Gravel
Hansen
Harris
Hartke
Hollings
Humphrey
Javits
Jordan, Idaho
Kennedy
Magnuson
Mansfield
McGee
Moss
Mundt
Muskie
Pell
Prouty
Saxbe
Scott
Smith
Sparkman
Weicker
Young

So Mr. Taft's amendment was rejected.

The PRESIDING OFFICER (Mr. Mondale). Under the previous order, the Chair recognizes the Senator from Ohio.

Mr. TAFT. Mr. President, I have amendments at the desk and I ask that they be reported.

The PRESIDING OFFICER. The clerk will report the amendments.

The assistant legislative clerk read as follows:

The Senator from Ohio (Mr. Taft) proposes the following amendments:

On page 54, line 10, after the comma, insert the following: "including the establishment of a national child advocacy system on a demonstration basis,".

On page 56, beginning with line 18, strike out through line 9 on page 63.

On page 63, line 10, strike out "part F" and insert in lieu thereof "part E".

On page 63, line 12, strike out "Sec. 581." and insert in lieu thereof "Sec. 561.".

On page 66, line 5, strike out "Sec. 582." and insert in lieu thereof "Sec. 562.".

On page 66, line 14, strike out "Sec. 583." and insert in lieu thereof "Sec. 563.".

On page 66, line 24, strike out "Sec. 584." and insert in lieu thereof "Sec. 564.".

On page 69, line 9, strike out "Sec. 585." and insert in lieu thereof "Sec. 565.".

On page 70, line 12, strike out "Sec. 586." and insert in lieu thereof "Sec. 566.".

Mr. TAFT. Mr. President, the effect of the amendment is to strike out of the bill the provisions relating to the Child Advocacy Council. There may be a good deal of merit in this proposal. I do not know what the merits are, however, because the measure was not heard before the committee. It was put into the bill at the last minute really in the hearings of the committee, and what the merits and demerits of the proposal might be are pretty hard to speculate. There is a $10 million authorization for this provision and it authorizes the creation of 20 neighborhood offices of child advocacy to explore the feasibility of the national child advocacy system.

The amendment I propose would eliminate this portion from the bill and include the development and testing of model child advocacy testing programs in the research and development authority in the bill. The child advocacy concept is now very much in the experimental phase. We believe it would be unwise to develop this concept in S. 2007.

Under our amendment we dispose of the testing of many models of child advocacy. This is given optimal use in the research and demonstration funds we allocate to that effort.

The PRESIDING OFFICER. Does the Senator from Ohio wish to have his amendments considered en bloc?

Mr. TAFT. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, I yield 5 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 5 minutes.

Mr. RIBICOFF. Mr. President, I think it would be worthwhile to explain to the Senator from Ohio and other Members of the Senate the background of the amendment.

At the present time in this city there is being inaugurated the Kennedy Memorial Center. After assassination of John F. Kennedy and the Warren Commission report, a study of that report caused me to become deeply concerned over the background of Lee Harvey Oswald. Lee Harvey Oswald was born in New York and came into conflict with the authorities there time and time again. It was recommended that Lee Harvey Oswald be given psychiatric treatment and care. However, Lee Harvey Oswald never received this care. No one took up the cause of aiding this mentally unbalanced youngster at a time in his youth when help would have been meaningful. There was neither an ombudsman nor a concerned parent to help him.

I was concerned, having acted as Secretary of Health, Education, and Welfare, that the one great void in the entire field of mental health care was the mental health care of children and that only a very small percentage of the children of this country who need psychiatric care receive that care. These children were growing up as criminals, as murderers, and as people who were a great drag to themselves and society.

In 1965, I caused an amendment to be included in the Social Security Act of 1965 to provide money for a study of the mental health of children. This body at that time voted $1.5 million for that study.

Approximately 40 national organizations organized a study which was financed under a grant given by the Secretary of Health, Education, and Welfare, and every major child-care group in the United States was included in these 40 national organizations. This group brought together some 500 leading authorities on early childhood, adolescence, and young adults, and they worked in various task forces. Most interesting, out of all this work and study which took over 3 years, these leading experts on the question of childhood came up with one main suggestion, and that was the founding of a child advocacy system because they found that the whole question of care for children was so chaotic and contradictory that children all over the country were not getting the care they should receive from organizations that existed because of bureaucracy and ignorance. Organizations which supposedly were taking care of the problems of children actually were working at cross purposes.

They looked at the child advocate as someone who would coordinate all activities involving children, so that, if a mother, schoolteacher, or preacher came across a child with a problem, instead of running the child and the parent through this bureaucratic maze, they advocated that there be included in the social service field a person known as a child advocate to coordinate and take care of the problems of children.

To reiterate this concern, one of the prime recommendations of the last White House Conference on Children was the child advocacy system, and this was placed high on the list of priorities of this recent conference.

I think one of the most important parts of the bill is this child advocacy system.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. RIBICOFF. Will the Senator yield to me for 3 additional minutes?

Mr. NELSON. I yield 3 minutes to the Senator from Connecticut.

Mr. RIBICOFF. Mr. President, I discussed this matter with the distinguished Senator who is now presiding, the Senator from Minnesota (Mr. Mondale), and the distinguished Senator from California (Mr. Cranston). We all agreed that this was most important and after studying it they agreed with the points of view I now express and which I expressed in committee. I think what is happening in this section should receive the strong support of the Senate because we are advocating a pilot program to allow the Secretary of Health, Education, and Welfare to have 20 pilot programs of varying character to try to establish a sound advocacy system. Before committing large sums of money, we will have these pilot programs which can be tested. Then we can come back to committee and Congress with a program we feel will do something for children, one of the most neglected groups in American society.

Mr. President, I am pleased to support S. 2007, particularly those provisions that establish a national pilot child advocacy program. This is an urgently needed program that has received widespread consideration and support.

The Joint Commission on the Mental Health of Children studied the problems of children for 3 years. The Commission's major recommendation in its report in 1969 was for the establishment of a child advocacy system. The Commission found that such a child advocacy system could be the first step toward reforming the present chaotic child-care system and insuring that no American child lost his chance in life because no one cared about or understood his problem.

Last year the White House Conference on Children reiterated this concern and placed an advocacy system high on its list of priorities.

No matter how comprehensive a system of child care we devise, some children will slip by unnoticed and untreated. To help correct this inadequacy I introduced the child advocacy amendment with Senators MONDALE and CRANSTON.

All too often we have adopted billion-dollar full-scale programs for areas about which many questions are still unanswered. The only result is waste and confusion.

The program I propose, therefore, would begin with a series of pilot programs in communities across the country. This process will give us the information and experience necessary to implement a complete national program at a later date.

The general role of the advocate should be made clear. He will not coerce any family or any child to participate in any program. His services will be available to those who voluntarily seek him out for guidance and assistance.

Millions of families confronted by countless bureaucracies are bewildered and confused. In city after city, parents who desperately need and want services for their children do not know where to turn. This is where the child advocate comes in.

The role of the child advocate will be a dual one. First, he will be the link between the child in need and the program that fills that need. Most children are lost to society, not because of poor care, but rather because they never received any care.

A child advocate will help those children who now fall through the cracks in the existing systems that deliver needed treatment. The advocate will not be wedded to any specific professional group or theory, but will be interested only in the welfare of all children. These children will be his clients and his task will be to insure that their basic needs are met. The advocate will see that they obtain the necessary services and that those who provide these services are accountable.

For example, a mother in a poverty area might come to the child advocate with a child who has an unusual hearing problem. The advocate will direct that mother and child to the proper care center, check to see that the service was provided, and follow up later to see how the child is progressing. The child will not be abandoned in the bureaucratic morass of the present system, but will be guided through and helped at every turn.

The advocate's second role will be to monitor all children's programs. Since he is an independent agent solely concerned with the welfare of his clients he will be best able to assess the needs of a community's children, to evaluate the adequacy of the community's performance and to set goals and priorities. He will spot inefficiencies and inadequacies in the present system and press for their solution.

The same advocate, for example, who aided the child mentioned above may find other children with undetected and untreated hearing problems. As he moves through the community he may discover that the local school system has not been conducting the required annual hearing tests and that some children have gone for years with their impairments undiagnosed. The advocate will call attention to the deficiency and ask that the local authorities redress the situation and insure that similar oversights are not occurring in other areas as well.

The amendment approved by the committee empowers the Director of the Office of Child Development in the Department of Health, Education, and Welfare to establish and administer up to 20 demonstration projects across the Nation by funding selected public or private nonprofit agencies to establish a neighborhood office of child advocacy—NOCA.

The group selected to establish the NOCA will also form a neighborhood council of child development which will serve as the governing body of the local NOCA. At least one-half of the members of the Council will be residents of the neighborhood to be served. The neighborhood council will select the Director of the office, establish personnel and fiscal policies, and generally oversee the office's operations. In addition, it will use the information its members gather to develop a comprehensive plan for providing services to the local children.

The NOCA, composed of child-care professionals, will be the local representative of the neighborhood children. These advocates will assist parents and their children in finding the services they might need whether they be legal, psychological, medical, or educational.

If a child comes in with a problem no existing agency can handle, the NOCA will be permitted to contract with another person or institution to provide the necessary service. Such a purchase is not expected to go on indefinitely. The NOCA would be required to review every 6 months the effectiveness of the purchased service and the need for continuation. If it is necessary to continue it, the NOCA will make every effort to have another agency assume the burden.

Any purchase which continues for 12 months must be reported to the Director along with a full report of the number of similar problems in the neighborhood and the possibility of State and local authorities establishing a program to treat such programs.

This continuous review of the NOCA's operations is an important part of the advocacy concept. The advocacy system will not be expected to replace existing programs. It is not intended to become a permanent institution, but rather is designed to be the catalyst for revamping and modernizing the present system.

Unless we begin this pilot program now, we will condemn the parents of this country and their children to more years of confusion and heartbreak.

The PRESIDING OFFICER. Who yields time?

Mr. CRANSTON. Mr. President, will the manager of the bill yield to me for 2 minutes?

Mr. NELSON. I yield 2 minutes to the Senator from California.

Mr. CRANSTON. Mr. President, I simply rise to join with the distinguished Senator from Connecticut in support of the existing language in the bill and in opposition to the amendment of the Senator from Ohio.

It was my privilege, on behalf of the Senator now presiding (Mr. MONDALE) and the Senator from Connecticut, to introduce this language which is a condensation of S. 1414, the proposed Child Advocacy Act which was introduced by the Senator from Connecticut on March 30.

It has been said quite often by some who support the administration approach to disbanding parts of OEO, that it is very important to continue to extend the Economic Opportunity Act to experiment with pilot projects in new fields. That is what this particular part of the bill does. It proposes 20 child advocacy pilot projects to find out what is needed, what works, and to provide a firm basis to move ahead on that front. This is fully consistent with that view that we need more research and development in poverty programs.

I find it quite inconsistent now to have an amendment, presumably on behalf of the administration, proposing to delete this program. This program is designed to aid those youngsters who manage to fall through the cracks in the existing system because there is no program—no service—to take care of their needs. I can think of no better way to take care of those children who are in need than to support this particular provision as it is contained in the bill—in part E of the new title V—and to defeat this amendment.

I thank the Senator from Connecticut for steering us in this direction.

Mr. TAFT. Mr. President, I think there is some confusion with regard to this matter, in view of the remarks of the Senator from California. This points up clearly the initial point I made as to why I offered this amendment. I have not offered the amendment because I disapprove of the proposal; it may be an excellent proposal. I say it was not before the committee. I think we should have hearings quickly on it.

I was hopeful there would be an agreement today with the introduction of this amendment to withdraw this bill.

The confusion that exists is patent here when the Senator from California talks about this being research and development under OEO. It has nothing to do with OEO.

As the Senator from Connecticut accurately stated, the report is to HEW. It goes back to the same confusion I talked about earlier, where research and development properly belong under OEO, and when they become operational, transferred to HEW, or some other agency.

There may be some reason for putting this activity under HEW or OEO. I do not know the reasons either way. However, the fact is the committee was not properly prepared and the Senate is not properly prepared to vote on this legislation. In view of that I think it would be a good idea to defer action on this title, and get to it soon.

The PRESIDING OFFICER. Is all time yielded back?

Mr. NELSON. I yield back my time.

Mr. TAFT. I yield back my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from Ohio.

The amendment was rejected.

The PRESIDING OFFICER. Who yields time?

Mr. TAFT addressed the Chair.

The PRESIDING OFFICER. Under previous order the Chair recognizes the Senator from Ohio.

Mr. TAFT. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. TAFT. Mr. President, I ask unanimous consent that further reading of the amendment may be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 21, line 22, strike out all through line 24 on page 25 and insert in lieu thereof the following:

PRIME SPONSORS OF CHILD DEVELOPMENT PROGRAMS

"SEC. 513 (a). The following shall be eligible to be prime sponsors of a comprehensive child development program in accordance with the provisions of this section—

"(1) any State;

"(2) any city, county or other unit of general local government or any combination of such units having a total population of one hundred thousand or more persons on the basis of the most satisfactory current data available to the Secretary and which he determines, on the basis of the criteria set forth in subsection (c) to have the capability to carry out effectively a comprehensive child development plan in the area to be served. The Secretary may disapprove a prime sponsorship plan submitted by such a unit or combination thereof only upon a finding by the Secretary that the criteria set forth in subsection (c) cannot be met;

"(3) any Indian tribe on a Federal or State reservation:

"(4) any public or private nonprofit agency or organization pursuant to subsection (h) and which demonstrates to the Secretary, on the basis of the criteria set forth in subsection (c) the capability to carry out effectively a comprehensive child development plan in the area to be served.

"(5) any other unit or combination of units of general local government designated by the Secretary.

"(b) each prime sponsor may carry out child development programs under this part only upon the approval by the Secretary of a prime sponsorship plan, which includes provisions—

"(1) describing the prime sponsorship area to be served;

"(2) setting forth satisfactory provisions for establishing and maintaining a Child Development Council which meets the requirements of section 514;

"(3) providing that the Child Development Council shall be responsible for developing and preparing a comprehensive child development plan for each fiscal year and any intervening modifications thereof;

"(4) setting forth arrangements under which the Child Development Council will be responsible for evaluating child development programs in the prime sponsorship area;

"(5) setting forth such information as the Secretary may require to determine the capability of units of general local government or combinations of such units or public or private nonprofit agencies or organizations to carry out effectively a comprehensive child development plan, pursuant to paragraphs (2), (3), and (5) of subsection (b) and to subsection (c) of this section.

"(c) In determining the capability of a unit of general local government or a combination of such units or of public or private nonprofit agencies or organizations to carry out effectively a comprehensive child development plan, the Secretary shall consider—

"(1) the extent to which the educational, health, nutritional, family, social and rehabilitative services and professional personnel necessary to maintain a comprehensive child development program may, with financial and other assistance to make available under this title, be provided adequately for programs in the area to be served;

"(2) the extent to which arrangements for coordination of programs and for joint services, training and other joint activities may be undertaken in the area to be served;

"(3) the cost effectiveness of the staff and other administrative expenses that may be incurred by the appropriate Child Development Council under paragraph (3) of section 512 in planning, supervising, coordinating, monitoring and evaluating child development programs in the area to be served.

"(d) The Secretary shall approve a prime sponsorship plan submitted by any unit of general local government or any combination of such units which meets the requirements of paragraphs (2) or (3) of subsection (a) and of subsection (b). In the event that the area of such unit or units of general local government includes any geographical area common with that covered by another such unit or combination of units which has submitted a prime sponsorship plan, the Secretary shall designate to serve such area the unit of general local government or combination thereof which he determines has the capability of more effectively carrying out the purposes of this part.

"(e) In the event that the Secretary determines that the prime sponsorship plan of a unit of general local government or a combination thereof is to be disapproved for the reason that the Secretary has determined that it does not have the capability to carry out effectively a comprehensive child development plan, he shall take steps to encourage the submission of a prime sponsorship plan covering the area of such unit or units in combination with other units of general local government, which plan may meet the requirements of this section.

"(f) The Secretary shall approve a prime sponsorship plan submitted by an Indian tribe on a Federal or State reservation if he determines that the plan so submitted meets the requirements of subsection (b) of this section and includes adequate provisions for carrying out comprehensive child development programs in the area to be served.

"(g) In the event that the Secretary determines, with respect to the area of a particular locality, that a prime sponsorship plan meeting the requirements of this section has not been submitted by a unit of general local government or by a combination of such units or by an Indian tribe on a Federal or State reservation, or in the event that prime sponsorship designation has been withdrawn in accordance with subsection (j) of this section, the Secretary may, with respect to any fiscal year when no such prime sponsorship designation is in effect, approve a plan submitted by the State which includes adequate provisions for carrying out comprehensive child development programs in each such area.

On page 25, line 25, strike "(f)" and insert in lieu thereof "(h)".

On page 26, line 9, after "(a)" insert "and of subsection (b)".

On page 27, line 5, strike "(g)" and insert in lieu thereof "(i)".

On page 27, line 12, strike "(h)" and insert in lieu thereof "(j)".

On page 27, line 22, strike "(i)" and insert in lieu thereof "(k)".

On page 27, line 23, strike "(g)" and insert in lieu thereof "(j)".

The PRESIDING OFFICER. Does the Senator ask unanimous consent to have the amendments considered en bloc?

Mr. TAFT. I so request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TAFT. Mr. President, the purpose of this amendment, which relates to the prime sponsors of the child development programs under section 513(a) is to insert into the bill certain standards with regard to these prime sponsorships that do not presently exist as to the mandatory qualification of prime sponsors insofar as governmental units are concerned. It brings in a provision which would limit prime sponsors to those cities, counties, or other units of general local government or any combination of such units having a total population of 100,000 or more persons on the basis of the most satisfactory current data available to the Secretary and which he determines, on the basis of the criteria set forth in subsection (c) to have the capability to carry out effectively a comprehensive child development plan in the area to be served.

That is the only change of any importance that is made with regard to the provisions presently in the bill.

This matter was discussed at great length in the committee and among the committee members, as to what the size of the units might be and how many units could effectively be handled by the Department of Health, Education, and Welfare.

The supplemental views indicate that there are some 1,700 individual grantees under the Headstart program. It was felt that with a limitation of 100,000, we would be hitting somewhere around this provision.

I also call to the attention of Senators who might be concerned the fact that there is in the language of the amendment a provision whereby the Secretary, if he finds good reason for doing so, may qualify as prime sponsors those units or combination of units of general local government which have a population of less than 100,000. It was not proposed in that form in the committee. The amendment considered by the committee was mandatory as to the 100,000 requirement.

Mr. NELSON. Mr. President, the distinguished Senator from Ohio is correct when he says we discussed this amendment at some length both at the subcommittee level and at the full committee level. It was the judgment of the committee that we should not adopt this prime sponsorship plan, which would permit only units of government of 100,000 or over to be sponsors of these programs. That would mean, of course, in many States that the States themselves would be sponsors of these child development programs because there would be no cities that would qualify.

Second, it was the judgment of the committee that the small communities are just as qualified to manage the child development program as the big cities, and probably better qualified to do so, at least in many instances.

In my State there are dozens and dozens of smaller communities just as qualified to manage effectively a broad based child development program as the cities of Milwaukee or Madison, which would be the only two cities in my State which would qualify under this amendment.

I think the amendment would have an adverse effect upon all of the rural programs that are now being successfully conducted in Headstart in small communities all over the country.

The committee considered this proposal in some detail, and rejected it, and I would hope that the Senate would turn down this proposal.

This is a strange procedure because the committee voted unanimously to report out the bill.

Most of the time in executive session was spent on the child development section.

The question of separating child development into a separate bill was discussed. Good reasons were given for combining these two issues into one bill.

The result was that no motion was made—in subcommittee or in committee—to separate these issues.

The Senator from Ohio joined in voting to approve the bill as it now stands.

Now the Senate is asked to recommit the bill. For what conceivable reason?

We held 18 days of hearings—5 days on child development. We heard from the most distinguished child experts in the Nation.

We heard from the administration.

Secretary Richardson has endorsed the concept of the child development program; 28 Senators cosponsored the child development section.

There are some rather minor differences on how child-care programs should operate.

We can settle those differences speedily on the Senate floor.

There is no reason whatever to send the bill back to a committee which has approved it unanimously.

I hope this amendment to recommit is quickly rejected so we can move forward on the bill.

The committee considered the idea of limiting child care programs to sponsorship by States and larger cities and rejected it for good and solid reasons.

We feel strongly that communities which desire to do so, and which have the capability, should be allowed to run their own Headstart and child development programs. There is no rationale whatever for limiting community-run programs to the larger cities and requiring that programs elsewhere be run by State agencies.

We are convinced that small communities and rural areas can run just as good programs as large cities. In fact, we expect that the small city and rural programs in many cases will probably be superior to the big city programs.

In some States a population minimum of 100,000 would mean that all Headstart programs and all child development programs would be run by the States.

The Department of Health, Education, and Welfare presently contracts with 1,700 community agencies to operate 8,300 year-round Headstart centers and about 5,000 summer Headstart centers. To take all or much of this system away from the communities and turn it over to the States would be a massive and unjustified upheaval.

Programs for small children are best run at the community and neighborhood level with strong parental involvement. This is what has made Headstart a success; this is what is needed in the new comprehensive child development programs.

Here are some comments I have received recently from operators of Headstart and child development programs.

From Hollis D. West, Knox County Economic Opportunity Council, Barbourville, Ky.:

> Setting a population limit such as 100,000 would require an inter-county Headstart program which would ultimately lead to state control . . . If this amendment is accepted the Knox County Headstart program may just as well close its doors.

From Cisto Martinez, Fredericksburg Child Development Agency, Fredericksburg, Tex.:

> The proposed amendment writing in population minimums of 500,000 or 100,000 appears as a real threat to Headstart and Child Development programs in Texas because it would deprive so many areas of its benefits. Comparatively few communities would qualify for Headstart.

From Robert Guth, Tri-County Development Corp., Guernsey, Wyo.:

> It seems inconsistent that a limitation of population would even be proposed. If this population limitation was enforced our Head Start program would suffer an irreversible setback. The children of poverty are not restricted to urban areas or ghettoes. There are just as many in rural areas.

From Joanna Hullinger, Western South Dakota Community Action, Rapid City, S. Dak.:

> I concur with the rejection of the committee regarding population criteria. Our community desperately needs an expanded comprehensive Child Development program. We would never meet the guideline with our population of only 50,000.

From the Small Tribes Organization of Western Washington State:

> An amendment limiting the size of communities eligible to administer pre-school programs would certainly be most detrimental to our Indian people. We strongly protest this.

From Kent County Headstart Child Development Corporation, Dover, Del.:

> It would be most unfortunate for Kent and Sussex counties if a population minimum of 100,000 were set . . . . Neither county has a community which would qualify. It would be a sad situation should the bill be amended as indicated.

From Nancy Jones, Early Childhood Development Director, Eastman, Ga.:

> I strongly urge opposition to any amendment setting a minimum size for communities wishing to run Child Development programs. Rural areas of Georgia have been sadly left out of funds for such programs in the past. In a twelve-county area we have programs for 220 children when we need them for over 10,000. A population minimum would defeat any hope for these thousands and thousands of poor rural children to receive any help toward overcoming developmental deficits.

From Richard B. Knotts, superintendent, Klatsop County Education District, Astoria, Oreg.:

> The 500,000 limit would exclude the entire state of Oregon. The 100,000 limit would exclude the entire state except for the city of Portland.

From the Colorado Migrant Council, Denver, Colo.:

> We are against any amendment to set a minimum size for communities wishing to run child development programs . . . . Since most states do not provide any services toward child care for migrant farm workers, we do not support states operating Head Start.

The PRESIDING OFFICER. Is all time on the amendment yielded back?

Mr. NELSON. Mr. President, I yield back my time.

Mr. TAFT. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment offered by the Senator from Ohio.

The amendment was rejected.

The PRESIDING OFFICER. Under the previous order, the Senator from Ohio is recognized.

Mr. TAFT. Mr. President, I move to recommit S. 2007 to the Committee on Labor and Public Welfare with instructions to report it back forthwith with section 6 eliminated.

The PRESIDING OFFICER. Who yields time?

Mr. TAFT. Mr. President, as has been noted already by the distinguished majority whip, acting floor leader, a vote will take place tomorrow on the motion to recommit. I think, however, I would like to talk for a few minutes about it tonight to give those Members who read the CONGRESSIONAL RECORD in the morning the benefit of a few comments with regard to it.

We believe that the child care provisions of S. 2007 are of such importance and character that they should comprise a separate piece of legislation. The comprehensive child development provisions of S. 2007 would establish a service program for which children of all economic groups would be eligible to participate, some on a sliding scale fee basis, and would create a delivery system which could be utilized for a variety of child development programs. A broad array of services are authorized and many new models of development programs may be created.

Because these programs will have such far-reaching effects on the structure of family life and preschool education systems, we believe they are worthy of separate attention. Further, S. 2007 contains special provisions, such as the National Child Advocacy program, on which hearings have never been held. This, too, warrants further debate.

Equally as important, we believe that the new child care programs which would be authorized by the provisions of S. 2007 should not necessarily be tied to the Headstart authority. Headstart has always been described as an experimental program under the Economic Opportunity Act, and it was specifically directed at economically disadvantaged preschool children. Headstart has provided one basic model for the delivery of child development services aimed at a specific segment of the total population.

Since the programs established by S. 2007 would be different from Headstart in character and in the population ultimately to be served, it would be inappropriate to tie the new child development system to existing authorities. Legislation containing the breadth of programs and innovations of S. 2007 should stand as a separate bill and be the subject of separate hearings and debate.

As Senators know, we have today considered on the floor a number of amendments to the child development program portions of the bill. I would specifically like to point out that all of those provisions, which I felt were debated, at least from our side, in proposing this motion, rather fully, will still leave uncertain many, many questions. I believe that many Senators will feel, in reviewing the record of today, that they do not have answers to what this is all about.

The reason for that is that it is tied directly to the extension of the Economic Opportunity Act and to a multiple approach—I would not say it is a Christmas tree, as it does deal with services to people and children, but it is a bill with a multiple approach rather than a specific approach, but embraces a problem which I believe deserves separate consideration.

I point out, with respect to defeat of the provision with regard to 100,000, it was apparent at this late hour that it was not going to pass the Senate. There was much misunderstanding about it. Many Senators spoke to me as to what its application would be, and apparently there was some campaigning by mail over the country from small communities that thought they were going to be left out automatically, not knowing what this provision would mean to them.

I feel that with more time in the committee, and with the possibility of representation from local units of government, they could have gotten over the feeling that they might be excluded, and that it might have been helpful to the Senate in coming to a sound proposal.

I have also proposed today and seen turned down by the Senate a provision relating to the child development councils, which will now be major policy bodies insofar as the setting up and the operation of the programs are concerned, raising serious questions of political responsibility that I think ought to be examined more fully by the Senate.

Also, we have seen turned down an amendment to modify the definition of "economically disadvantaged," so that as the bill now stands, unless we send it back to the committee for further consideration, no fees of any kind may be charged to any family with an average income of $6,900. I think that many Senators will feel that this was a mistake, and that they ought to take another look at this particular provision and try to set up some standards, perhaps, for which we may wish to specify ourselves the criteria which may be involved toward establishing what is the proper approach to this problem of the economically disadvantaged family, and whether we ought to use either of the standards proposed originally, the Bureau of Labor Statistics low income family provisions or, on the other hand, the poverty levels.

As I indicated in the amendment that I proposed, I do not feel that either are sound. I feel that the body administering the program itself is the one that must, in the long run, make the determination as to what is a proper fee schedule, and as to at what level family income, in particular areas, under particular circumstances, fees ought to be charged.

I believe the real issue is whether or not this program is eventually for all children, not to be related to family income standards at all, but rather to be a free service. I question whether the American people wish that, and I feel that the provision as presently incorporated in the bill is a pretty strong step in that direction that ought to be considered very carefully by the Senate, and would be considered far more carefully if this motion to recommit were adopted and the committee would report out further legislation relating to this bill.

Finally, we have just finished discussing the child advocacy program. I think this is a most blatant example of legislation coming in here without any real hearings or real understanding as to what the effect might be, as to where the program might best be carried out and how it might best be promoted, and what is really the net effect of the program.

I cannot believe that the child advocacy program, with the little background we have had on it here, is ready for legislation or amendment. Our position with regard to it is somewhat reminiscent, to me, of Pat Moynihan's statement one day when I was talking to him about the poverty program.

He said:

> There is one thing sure about the poverty program, and that is that the Ph. D.'s did not have poor mothers.

I question whether the proposal is sufficiently developed and sufficiently zeroed in on the overall program we are attempting to tackle to really do much good.

With these remarks, I expect to close briefly. I might say that we have received, and I ask unanimous consent to have printed in the RECORD at this point, a letter from the Appalachian Regional Commission with regard to the question of whether or not the child development programs should be included in this legislation. They feel quite strongly that it should not be, for the reasons brought out in the letter.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE APPALACHIAN REGIONAL COMMISSION,
Washington, D.C., Sept. 8, 1971.

Hon. ROBERT TAFT, Jr.
United States Senate,
Washington, D.C.

DEAR SENATOR TAFT: This is in response to your request for information on how the Child Development portion of the OEO Amendments of 1971 (S. 2007) would affect the Child Development program which the Commission operates.

As presently written, S. 2007 would not recognize the Appalachian Regional Commission program, and it is unlikely that our State and local Child Development programs would be eligible for funds provided by S. 2007.

Congress, in adding the Child Development program to our Act, recognized the need for a comprehensive and coordinated approach to the problems of Child Development in each State. Thus, under our program, State Interagency Committees, established by the Governor and composed of State-level agencies providing services to children throughout the State, form the nucleus of the planning and project development effort. We recognized that the bulk of Federal funds for children will, regardless of S. 2007, continue to flow through State agencies. S. 2007, however, would bypass those very agencies which presently provide the critical services and through which Federal funds are now channeled, in favor of local groups having 50 percent parent membership.

Therefore, in the absence of any provision for allowing the Commission's program to be eligible for funds, we believe that the Child Development portion of S. 2007 should be returned to Committee for further consideration.

We would also note that the Appalachian Act provides for 100 percent funding for Child Development in the first two years, but under S. 2007 the Appalachian counties would have to find 20 percent local money. In view of the traditional difficulty of poor Appalachian governmental units to raise such funds, Appalachia, particularly in rural areas, risks losing the 80 percent as well.

Sincerely yours,

DONALD W. WHITEHEAD,
Federal Cochairman.
JOHN D. WHISMAN,
States' Regional Representative.

Mr. TAFT. Mr. President, that terminates my remarks at this time.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD of West Virginia. Mr. President, on behalf of the manager of the bill, I yield whatever time he may require to the distinguished Senator from Wisconsin (Mr. PROXMIRE).

THE PRESIDENT'S NEW ECONOMIC POLICY

Mr. PROXMIRE. Mr. President, I thank the Senator.

The Joint Economic Committee has now held 7 days of hearings on the President's New Economic Policies. Summaries of the testimony received to date have been prepared by the Joint Economic Committee staff in order to help fill the need for prompt dissemination of expert analysis of these major new policy initiatives. I ask unanimous consent that these summaries, together with the texts of the witnesses' prepared statements be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

SUMMARIES OF INDIVIDUAL STATEMENTS

DR. WALTER HELLER

Professor of Economics at the University of Minnesota, served as the Chairman of the Council of Economic Advisers during the Kennedy Administration, and has authored numerous books and articles, including New Dimensions of Political Economy, and Perspectives on Economic Growth. Dr. Heller's main points of emphasis were:

International: That cutting the dollar loose from gold was an essential and correct act that he hopes will lead to long-run planning that will introduce more flexibility into the international exchange rate system;

Wage-Price Freeze: That the wage-price freeze was an essential shock treatment that he hopes will provide government, industry, and labor, together, to develop a stabilization system for the post-freeze system.

Tax Composition: That the President's tax program is heavily biased against modest and low income families and in favor of business—especially big business. There is a $9 billion tax relief for business while the "consumer gets little more than a soupbone.";

Expenditure Reductions: That spending reductions on welfare and other public programs are not merited given the level of poverty, environmental pollution, and the like;

Fiscal Stimulus: That the President's program of expenditure reductions to offset tax reductions cancels out much of the fiscal stimulus necessary to close the 70 billion aggregate demand gap. To offset this, the Congress should substitute the investment credit for the accelerated depreciation provision, that this would allow an increase in consumer tax reductions, which should be further coupled with a postponement of social security payroll tax increase.

DR. OTTO ECKSTEIN

Head of Data Resources, Inc. and professor of Economics at Harvard University, served as a member of the Council of Economic Advisers during the Johnson Administration, and has authored numerous articles and books, including Water Resources Development and Public Finance.

Dr. Eckstein's main points of emphasis were:

International: That cutting the dollar loose from gold was correct policy that should be followed by U.S. efforts in developing a more viable set of international financial arrangements;

Wage-Price Freeze: The freeze is a valuable short-term economic gain in that it is likely to contribute to consumer confidence and additional consumer spending. Further, the freeze creates an opportunity to create a long-term wage-price policy focusing on a limited set of major prices and wage bargains. This system would be administered by a small central staff, led by high officials, and operating with the advice of business and labor.

Tax Composition: Argues that tax changes, such as repeal of the auto excise tax, seems to have been chosen without much reference to social priorities. Questions whether there is too much of a tax reduction designed to stimulate business investment. Cautions that the investment credit and repeal of the auto excise tax mean a permanent loss in Federal revenues.

Expenditure Reductions: Raises questions about the alternative of accelerating welfare reform rather than postponement of it, as is the case under the President's program.

Fiscal Stimulus: States that the domestic fiscal measures are limited in scope and by themselves would not have a decisive effect. The greatest effect would be to increase business fixed investment by an estimated $2.4 billion in 1972. A larger and significant stimulus would come from the improved consumer confidence resulting from the freeze and the international readjustments.

DR. CHARLES SCHULTZE

Senior Fellow of the Brookings Institution, served as Budget Director during the Johnson Administration, and has authored numerous articles and books, including Setting National Priorities: The 1972 Budget and The Distribution of Farm Subsidies.

Dr. Schultze's major points of emphasis were:

International: Dollar devaluation is needed and cutting the dollar free from gold is to be welcomed. The 10% surcharge may be an essential bargaining chip but should be eliminated soon in order not to disrupt the fabric of international trade. The effect of the 10% surcharge on the domestic economy is self canceling.

Wage-Price Freeze: Emphasized that we should concentrate on the post-freeze period and outlined four alternatives: (1) continuation of freeze would be an admission of defeat and inequitable; (2) a lifting of the freeze with no replacement would be naive and lead to renewed inflation; (3) detailed wage and price controls enforced by law would put the economy in a permanent straitjacket; (4) announce quantitative guidelines for reasonable wage and price behavior backed by presidential sanction—the most likely alternative.

Fiscal Stimulus: That the President's policy change would provide significant stimulus to aggregate output and employment because many of the expenditure reductions proposed in his program are expenditures that would not have occurred anyway. Stresses that this stimulus program suffers from the fact it would bring about a permanent $5 billion annual loss of government revenues.

Tax Composition: Also emphasized that the President's tax stimulus program was not well balanced from the standpoint of national priorities: an $18 billion tax reduction did not seem merited given the current rate of business investment and degree of excess capacity; that it could not be shown that the $2 billion auto tax cut was a high social priority when it would stimulate the additional production of autos on already congested and polluted highways.

Expenditure Reductions: Similar distortions characterize the expenditure reductions proposed: postponement of welfare puts it at the bottom of the priority list.

Alternative Recommendations: Substitute the investment credit for the accelerated depreciations provision; do not enact the auto excise tax repeal; inaugurate a counter-recession grant for State and local governments; postpone social security; continue work on the enactment of the Family Assistance Plan.

DR. JOHN SHEAHAN

Professor of Economics at Williams College, and author of a well known work on incomes policy, "Wage-Price Guideposts."

Dr. Sheahan limited his testimony to the wage-price aspects of the President's program. He suggested that the 90-day wage-price freeze must be followed by a more flexible alternative. A wage-price policy based on a two-year program would progressively reduce the rate of inflation by focusing governmental guideposts on selected industries and unions that exercise arbitrary market power.

Less than 20 percent of manufacturing industries show a high degree of concentration which permits significant market control. So that guideposts could be limited to these few and to the strongest unions—automobiles, metals, transportation and public services. In his opinion most of the remaining industries and unions would follow suit. If at the same time government acted to control medical and other service fees, and followed more competitive practices in government-regulated industries, Dr. Sheahan believes that labor would be willing to cooperate.

The guideposts suggested by Dr. Sheahan are modeled on the earlier wage-price guideposts, with wage increases tied to increases in productivity. During the initial two-year period, however, he suggests that it would be unrealistic to try to halt inflation completely, and that wage increases slightly in excess of productivity should be permitted. Absent the cooperation of the labor movement Dr. Sheahan's alternative would be to use the government's power through import and regulatory policy to limit price increases.

DR. RAYMOND SAULNIER

Chairman of the Council of Economic Advisers during the Eisenhower administration, now a professor of Economics at Columbia University.

With respect to the international aspects of the New Economic Program, Dr. Saulnier was in general agreement with the President's moves. Closing the gold window and allowing the dollar to float against other currencies is in his opinion the only course of action that could lead to international monetary stability. In the longer run, he suggested that pegged exchange rates, with a maximum permissible fluctuation of three percent around par would be desirable. Existing restrictions on capital flows should be eliminated because they are an inefficient and counter-productive method for meeting our balance of payments deficits.

His major reservation on the international program was on the import surcharge. He advocated removal as soon as possible, since its continuation may provoke reactions from our trading partners which may complicate the process of finding new exchange rates.

On the domestic side, Dr. Saulnier prefers that the 90-day price freeze be followed by a more flexible and more selective wage-price review board rather than by mandatory ceilings. As long as the 90-day freeze is in effect, exemptions must be minimized, otherwise the public's willingness to cooperate will be undermined.

Dr. Saulnier cautioned that expansionary monetary and fiscal policies would serve to rekindle inflation. He suggested that the Federal Reserve pursue a more restrictive policy than it has in the recent past. He approved of the President's fiscal proposals, especially the investment tax credit. Dr. Saulnier did not regard the proposed fiscal measures as being unduly expansionary.

MR. RALPH NADER

Lawyer and consumer advocate.

Mr. Nader's testimony stressed the gross inequities and misplaced priorities inherent in the President's Economic Program. The proposed fiscal program offers significant tax relief to business but very little to the consumer. The investment tax credit and the Domestic International Sales Corporation

(DISC) combined with the Accelerated Depreciation Range already in effect will give business a $9 billion tax windfall in the first year of operation, which amounts to a 15 percent tax cut. The consumer on the other hand will receive a tax cut of 1.2 percent.

He suggested that government could more equitably and more efficiently stimulate the economy through better antitrust enforcement, use of an excess profits tax for corporations and reduction in the personal income tax. At the very most, he would allow the investment tax credit to be substituted for the depreciation allowances for a maximum of two years. The DISC amounts to a special interest tax cut that is also quite inefficient—at relatively high cost, it provides little stimulation to the economy.

The import surcharge should also be removed quickly. If retained it may provoke a trade war, and it becomes increasingly counterproductive as it stifles one of the few sources of competition for many domestic goods.

According to Mr. Nader the President's program favors not only large corporations, but particularly the auto industry. The investment tax credit, the depreciation allowances, the import surcharge and the proposed repeal of the auto excise tax all serve to stimulate auto production and auto purchases.

A more equitable alternative would reduce taxes for lower income groups rather than repeal the auto excise tax. Instead of cutting taxes only for the car purchaser, the government should cut personal taxes and allow the consumer to decide where he wishes to spend the additional income. If tax cuts were made for lower income groups, the economic stimulation would be greater since these groups have a very high propensity to consume out of incremental income.

MR. PAUL PORTER

Administrator of the Office of Price Administration, World War II, now an attorney; Dr. George Taylor, Chairman of the National War Labor Board, World War II, now professor of Economics at the Wharton School, University of Pennsylvania; and Hon. Michael DiSalle, former Governor of Ohio, Director of the Office of Price Stabilization during the Korean War, now an attorney.

These three former price administrators emphasized that the freeze on wages and prices provides the time necessary to work out a more equitable and selective control system and to assemble the staff necessary to administer it. The incomes policy that is adopted after the freeze expires should concentrate only on those industries and labor unions that exercise significant market power.

The witnesses also suggested that some exceptions might have to be made during the 90-day freeze to correct gross inequities. Without such exceptions, labor, business and the public's cooperation might be lost.

To make the freeze and later selective controls workable, a forum where the public can express its grievances is needed. The Office of Emergency Preparedness, as it is presently structured, is not equipped to handle complaints. While the bureaucracy for administering controls and hearing complaints need not be as large as during our two previous experiences, it must be considerably expanded from the present OEP.

A possible approach to setting and enforcing wage and price guideposts in the future is to create a tripartite board, including representatives of labor, industry and government which could approve or disapprove suggested increases. Such a board could also mediate collective bargaining disputes. While the board would only concentrate on selected industries and unions, it would retain the power to roll back unfair or unwarranted price or wage increases.

PAUL W. M'CRACKEN, GEORGE A. LINCOLN, ARNOLD R. WEBER

Paul W. McCracken, Chairman, Council of Economic Advisers.

George A. Lincoln, Director, Office of Emergency Preparedness.

Arnold R. Weber, Executive Director, Cost of Living Council.

These three witnesses presented and explained the Administration progam. (Mr. Weber had no prepared text.) Dr. McCracken offered two basic reasons for the new policy steps: (1) the unsatisfactory foreign trade position and (2) the lack of more rapid progress toward full employment and reduced inflation. He stresed the need to develop a post-freeze price-wage policy which would be effective in achieving a long period of reasonable price stability yet would allow the market pricing system sufficient scope to perform its basic economic function. He estimated that the President's fiscal proposals, together with a hoped-for improvement in consumer confidence, would increase 1972 gross national product by $15 billion. The employment effect was estimated at 500,000 jobs. Dr. McCracken expressed the hope that the balance-of-payments measures taken by the Administration would not only strengthen the U.S. trade balance but would lead to a more flexible international monetary system.

General Lincoln described the steps to be taken to administer and enforce the price-wage freeze. These steps include the use of Internal Revenue Service and Agricultural Stabilization and Conservation Service field offices to handle questions and reports of alleged violations and use of IRS investigative officers and U.S. attorneys to handle compliance problems.

DR. GARDNER ACKLEY

Professor of Political Economy University of Michigan; former Chairman, Council of Economic Advisers; former Ambassador to Italy. As member and later Chairman of the Council of Economic Advisers, Dr. Ackley helped formulate and administer price-wage guideposts during the Kennedy and Johnson Administrations. He earlier held high administrative positions in the price control offices set up during World War II and the Korean War.

Dr. Ackley's prepared text concentrated on the price-wage aspects of the President's program, although he also indicated his support for revising the fiscal policies to provide less tax relief for business and more stimulus to consumption either through temporary tax relief or temporary expansion of Federal spending.

Dr. Ackley stated his belief that the price-wage freeze would be effective during a 90-day period, but must be followed by a more flexible price-wage policy. Such a policy has its best chance of success if (1) it is accompanied by vigorous growth of real output and (2) major groups in the economy participate fully in policy development. Some type of price-wage policy will be needed indefinitely.

Dr. Ackley outlined several possible types of post-freeze policy and expressed his preference for price and wage guideposts which would be applicable throughout the economy, backed up by selective use of legal sanctions against clear violations in important situations. Dr. Ackley did not advocate formal control of either profits or interest rates. He opposed an excess profits tax and suggested an increase in the corporate tax rate as a better way of reducing profits if they became too high.

ARTHUR M. OKUN

Senior Fellow, Brookings Institution. As member (1964–1968) and Chairman (1968–1969) of the Council of Economic Advisers and as a Member of President Johnson's Cabinet Committee on Price Stability, Dr. Okun participated in the formulation and execution of price-wage policy. He is also an outstanding student of the effect of fiscal policy changes on the level of economic activity. His latest publication is "The Personal Tax Surcharge and Consumer Demand" (Brookings Papers on Economic Activity, 1971: 1).

Dr. Okun expressed agreement with the price-wage and international aspects of the President's program, but recommended major revision of the fiscal policy proposals. The President's fiscal proposals he argued, provide insufficient total stimulus and are far too heavily weighted toward aid to business. The average wage earner may actually experience an increase in Federal taxes next January, as the rise in Social Security taxes will, for many, outweigh the reduction in income taxes. Dr. Okun recommended postponement of scheduled social security tax increases. He also recommended that Congress take legislative action to prevent adoption of the accelerated depreciation provisions promulgated earlier by the Administration. Dr. Okun advocated additional expenditure measures and tax relief for individuals, provided such measures were temporary and would have no permanent budgetary effect.

Dr. Okun expressed the hope that the balance-of-payments measures taken by the Administration would lead to a more flexible international monetary system not based on convertibility between gold and the dollar. The United States should never resume the purchase of monetary gold.

Dr. Okun recommended a post-freeze price-wage policy of economywide guideposts backed up by selective application of legal sanctions. The sanction could take the form of an order to roll back price or wage increases which were flagrant or highly visible guidepost violations. That particular price or wage could then be frozen for a substantial period. He suggested that an initial wage guidepost standard of 5 percent increase would allow for average productivity gains plus about one-half the increase in the cost of living over the past year. This would need to be accompanied by price increases averaging 1 to 2 percent.

DR. EDWARD M. BERNSTEIN

Was Chief Technical Adviser and Executive Secretary of the U.S. delegation at Bretton Woods, former Director of Research for the International Monetary Fund, and now President of EMB Ltd.

Summary of statement by Edward M. Bernstein to the Joint Economic Committee, entitled "Restoring International Monetary Stability."

The objective of recent changes in U.S. international economic policies, Dr. Bernstein says, should be to achieve a balance-of-payments position on an official reserve basis such that there will be no further decline in U.S. reserve assets or an increase in dollar reserves unwanted by other countries. Realization of this objective will require a surplus on goods, services, and remittances of about $8 billion a year in contrast to the deficit of $1.2 billion in these accounts during the first half of 1971. This improvement, he maintains, should be effected in a relatively short period of time and via a fall in the foreign exchange value of the dollar rather than through the retention of the 10 percent import surcharge.

A depreciation of close to 15 percent will probably be necessary to secure a sufficient improvement in the trade balance. Bernstein suggests that this shift in the external value of the dollar will be most easily achieved through an increase in the dollar price of gold of about 8 percent and the remainder by a series of upward movements in the dollar value of other currencies according to the competitive position of other industrial countries as of last May. Thus the Japanese, German, and Swiss currencies would be revalued most. The Netherlands, Austria, and Belgium would be required to move their currency values upward by a smaller amount; while if the gold value of the dollar is increased appropriately, the United Kingdom, France, Italy, and the Scandinavian countries would have to take no initiative to adjust their exchange rates. Bernstein maintains that if the depreciation of the dollar is left entirely to the initiative of other countries via currency revaluations and any change in the dollar price of gold is ruled out, the fall in the external value of the dollar will be considerably less than is necessary to establish a strong balance of payments for the United States. He believes that as a practical matter, an appropriate new pattern of exchange rates cannot be achieved solely through the operations of the exchange market, but will have to be agreed upon in a conference of the large industrial countries and in consultation with the IMF.

Turning to long-run reforms of the international monetary system, he suggests that the band of exchange-rate fluctuations be widened to 3 percent on either side of parity and that a gradually moving parity could be useful to keep a country's international payments position in line if its relative competitive abilities are steadily deteriorating. He suggests that all reserve assets be earmarked in a Reserve Settlement Account and that the settlement of payments surpluses and deficits be made in Composite Reserve Units, which would reflect the proportionate composition of the ear-marked reserves. Under his proposed system, no central bank would independently buy or sell gold, and payments deficits would be settled only through the Account.

The improvement in the U.S. trade balance should be achieved insofar as possible, through an expansion of U.S. exports so as to minimize the painful shifts in the composition of domestic employment that will be imposed upon other countries. To this end, the surcharge should be abolished as soon as possible. Bernstein concludes, "Until the surcharge is terminated, it will be impossible to establish an appropriate pattern of exchange rates among the large industrial countries and it will hamper all negotiations for reforming the international monetary system. The early removal of the import surcharge is in the interests of the United States and the entire world. It should be made the first order of business in the discussions of the United States with other countries and with the International Monetary Fund, along with agreement on a new pattern of exchange rates and reform of the international monetary system."

DR. ROBERT NATHAN

An economist and lawyer, head of Robert Nathan Associates, was Deputy Director of the Office of War Mobilization and Conversion, and served as Chairman of the Planning Committee of the War Production Board.

Dr. Nathan's main points of emphasis were:

Wage-Price Freeze: Commenting on the post-freeze program, he called for flexibility, the need to take into account the administered prices in many sectors of the economy, to make a program that allowed labor to participate and they regarded as fair, and opposed an excess profits tax;

Fiscal Stimulus: Argues that the President's program is inadequate and does not foresee any substantial number of jobs resulting from the net fiscal impact of the program. Stresses the fact that a more expansionist fiscal policy is needed not only to put people back to work but also to increase productivity and stabilize prices;

Tax Composition: The President's fiscal proposals for automobile excise tax cuts and huge investment incentives reflect a distorted sense of the priorities of the Nation's needs;

Expenditure Reductions: Does not see the merit of reducing public expenditure for stemming pollution, urban rehabilitation, and other programs to improve the quality of life.

STATEMENT OF DR. WALTER HELLER, PROFESSOR OF ECONOMICS, UNIVERSITY OF MINNESOTA, AUGUST 19, 1971

Dr. HELLER. Thank you.

Mr. Chairman, Senator Mansfield, I welcome this opportunity to examine with you the historic initiatives the President took Sunday night, initiatives, by the way, for which your committee laid much of the groundwork not only by stimulating the Congress through its farsighted action in forcing the necessary standby authority for a wage-price freeze on rather a reluctant President, but also by the prophetic work of the Reuss Subcommittee on cutting the dollar free from gold, and I would say that your recent program for fiscal stimulus is also right on the mark. Indeed it points the way for Congress to bring some balance and to put some real thrust into the President's lopsided and rather weak-kneed program of fiscal stimulus.

Now in my informal opening remarks this morning I would like to do three things: First make a few observations on the President's bold new economic package as a whole. Second, comment briefly on the wage-price-rent freeze and the floating of the dollar and then, third, zero in on the President's fiscal package on which I believe the Congress has a great deal of work to do, not merely in responding to the President's initiative but in adjusting the package so that it will have more thrust, as I say, and will be better balanced.

I referred a moment ago to the historic nature of the President's about face on economic policy, sort of an economic trip to Peking, if you will, and it is historic. The economic world will never be quite the same again. Floating the dollar really pulls out the linchpin of the world's monetary system, and inevitably puts the world on a new and, I hope, more flexible monetary course.

And the first peacetime wage-price freeze in our history means that both business and labor and the consumer are on notice that the government is going to be a price-wage watchdog from here on out, that we have added to our traditional fiscal and monetary weapons against inflation the big stick, not always the fact but always at least the threat of direct intervention in private wage-price decisions, and that is a major change, not just in this administration, but in the basic setting of the economic policy in the future, and I don't think that any economic calculus of the future can ignore that.

Sunday night, I think, the country heaved a hugh collective sigh of relief that the President was at long last biting the economic bullet, and indeed he deserves high marks for his courage and his logic in floating the dollar, and clamping on a temporary wage-price-rent freeze and reversing himself on the tax stimulus to put more starch into our wobbly recovery.

But now that the initial Euphoria is wearing off a bit, the country is also saying "you know that was great for openers but where do we go from here." And that is why your Joint Economic Committee hearings are so timely and so vital.

The President's blockbusting initiatives are just that, initiatives. They open your doors that the administration had kept securely locked for over two and a half years, but now that they are open, where do we go from here?

In addressing myself to that question, I don't intend to be a carping critic today, no carping criticism, just constructive criticism, and I hope that you can discern the difference.

Never mind the two and a half years of hands off economics, and an economic game plan that was more talk than action, had a lot to do with the economic fix we are in, the conversion of the "economic mess," in quotation marks, that the administration inherited into an economic crisis that was catching up with us this summer.

Never mind either that the President's rhetoric isn't really consistent with his logic. In effect he has told us the patient is doing fine, so we are going to operate. But actions do speak louder than words. The President has moved from a do-nothing to a do-something policy, from a no-no to a go-go policy, and that, I think, is enormously important in the country's reaction and certainly in terms of consumer and taxpayer confidence.

But the critical point now is to recognize that these bold initiatives really are only first steps to cope with a three-ply crisis of a faltering recovery, of a vicious price-wage spiral, and a teetering dollar.

The White House, the Congress, and the country are going to be judged not by what the President did last Sunday but by the follow-through, by how we capitalized on the new options and opportunities that he so unexpectedly opened up, and let me illustrate that with some specifics in the international and wage-price field.

In the international field he set the dollar free unilaterally and without consultation. Now that lanced the boil, that took the unbearable immediate pressure off the dollar and is something that I think economists and other observers throughout the country, at least, almost universally applaud. But now we have to go into multi-national and full consultation, we have to convert that action into a more lasting and more flexible adjustment of the dollar to other currencies, that is use the golden opportunity that he has created, perhaps it wasn't quite the right adjective, but use that opportunity not simply to rejigger the fixed parities but to set the world monetary system on a new course of automatic and elastic adjustment, of wider band, a broader currency base, and so on, that will end the periodic crises that have bedeviled us over the past ten years in particular; or take the wage-price field, and the wage-price-rent freeze that superb shock treatment, we needed that, but what comes next. After the shock therapy do we slide into a straight jacket of direct mandatory controls because of inadequate planning or impatience with some of the reactions to the freeze or the messiness of a voluntary freeze or do we, as I would prefer, use the time and the leverage that the President's hasty but courageous freeze order has given us to develop not a binding strait jacket of controls that fastens a huge bureaucracy on us and erodes our economic freedom but a set of carefully thought out wage-price tranquilizers that will replace the wage-price freeze with wage-price moderation?

And here again the President has laid the groundwork. But there is not a moment to lose, it seems to me, in getting the labor, the business, and the public representatives in this country to hammer out some kind of a social compact, some kind of ground rules, some kind of a plan for a wage-price review board, not mandatory controls, that can replace the freeze once the 90 days are over. 90 days is a terribly short time and, it seems to me, the President and his advisers should be spending virtually full time on their economic program postponing for a moment the visit to Peking in their attentions.

We have already seen, Mr. Chairman, what a Pandora's Box direct controls open up. Now this is a largely voluntary system but look at the problems we already have about teachers, for example, who just happen to be unlucky enough to have their salary increases go into effect on a nine month or ten month basis and they are frozen out, whereas if they worked on a 12 month basis they would be in or, you know, when is an egg a raw agricultural product and when does it become a processed food, or what about pro football players. Imagine the government being in the business of deciding all of these slippery and often almost ludicrous questions.

I think it is going to be an extremely informative lesson of the mass of bureaucracy and eventual corruption we get into if we try to fasten a full fledged system of controls on this enormous economy.

So I think that it is of enormous importance to work out some ground rules, to set in motion the price-wage guidelines or ground rules, we won't call them guideposts, and I am sure they are a forbidden word, that we will have to put in place as a substitute for the wage-price freeze when it peters out at the end of 90 days or possibly after some period of extension.

Now, let me turn to the program for fiscal stimulus because that is, I think, where the program that the President announced on Sunday night leaves most to be desired. His tax program and budget program are heavily biased against the modest and low income families. His program puts its big chips on business and investment when it is the consumer who needs the stimulus, it is strictly cart-before-the-horse economics as it stands today, and if the Congress does not bring more balance and more thrust into the President's tax and budget program, more relief for the little fellow, I am afraid that what the President gains in the swings he will lose in the roundabout; what he gains in the intangibles of consumer confidence and at least temporary relief from the inflation bugaboo he will lose in the specifics of his wrong side to fiscal program.

Let me get to the specifics. Look at, first of all, the tax relief for business. Earlier this year, by executive action, the President put into place an accelerated depreciation that is worth as it matures about $4 billion a year to business. Now he is proposing to superimpose on that $5 billion more of relief for business, at least in the first year, cutting it to two and a half later. That is $9 billion of relief for business. That is raw meat for business, and the consumer gets little more than a soupbone.

He gets an acceleration of the exemptions, which is worth perhaps an extra two and a half billion dollars, and he gets a relief from the automobile excise tax in the save Detroit part of the program. Granted that is a two and a half to three billion dollar relief but for a very select and generally middle and higher income group of taxpayers.

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Dr. HELLER. It is not often that I ask for a Wall Street Journal excerpt to be entered into the record, especially after they defined an economist as a man who would marry Elizabeth Taylor for her money.

(Laughter)

This is an excellent exception that I think is worthy of inclusion in these hearings.

But I want to note that both from the standpoint of, what it seems to me, fairness in taxation, and from the standpoint of what seems to me to be the essential economic problem today or the key to the sluggishness that we have continued to experience, and the way of overcoming that sluggishness, that the President's program is wrong side to. He has that $9 billion, essentially of tax relief, coupling those two measures, the accelerated depreciation and the investment credit for business. He has about two and a half billion dollars for the general taxpayer, and then in what strikes me as a rather contradictory move he offsets a very considerable part of that, there is the net stimulus of $4 billion or so but he offsets a very considerable part of that, with budget cuts in the areas that hurt the little man most.

It seems to me he should have done exactly the opposite with the welfare program. That as part of a recovery program focused on the consumer, the fellow that we need to stimulate, he should have tried to accelerate that program rather than postpone it for a year, and so I am not surprised that a considerable part of the disadvantaged and lower income population of this country, as they look more closely at that program of the President, will say "it looks to us as though there is a big boon to business and a big stimulus to the automobile industry at our expense," and I would say with very considerable justification, and that is where the Congress surely has a great deal of work to do.

Look at the economics of it. 72, 73, 74 percent of our operating capacity, of our industrial capacity in manufacturing is in operation. Somewhere between 25 and 30 percent of that capacity is idle. Under those circumstances it would seem to me that good economics would say get the consumer back into the market place, get him to increase demand, get him to thereby turn the wheels of industry by the process of increasing consumer spending.

Now someone might say but won't that touch off inflation! Mr. Chairman, we have today a $70 billion deficiency of aggregate demand. We have not only broken the back of demand inflation, we have killed it, and we are running $70 billion dollars below the capacity of the economy to produce. And, at the same time, it is worth noting that cost-push inflation is very considerably abated as compared with last year. That is to say, last year we had about a 7½ percent wage increase offset by less than one percent increase in productivity. This year the average increase in average hourly compensation may again be 7 percent but it is offset by a three or four percent increase in productivity. So that we have a situation in which both profit margins and inflation, cost-push, should be affected favorably by the developments that we have seen, and under those circumstances for the President to say "no" to the consumer "you stay out very largely in the cold and we will give you this measly two and a half million dollars of income tax relief," and "yes," to business, "we will give you 8 or 9 billion dollars of relief" just seems to put the economic part of the package, the economic stimulus part of the package, entirely in the wrong context.

If I were making a specific suggestion as to how this could be improved I would certainly pay a good deal of attention to what the Joint Economic Committee has just suggested, but let me tick it off in terms of what seems to me the kind of a program that the Congress might well want to consider as a substitute for the President's very lopsided program which he has suggested in pursuit of very laudable objectives.

Number one, substitute the investment credit for the accelerated depreciation. That depreciation provision is already tied up in the courts, it is not having much stimulative effect on investment. It is very slow acting, it undercuts and compromises the long run productive power of the revenue system.

The investment credit has much more bang for a buck, operates much faster. Why not simply substitute that $5 billion for the program that has already been announced by executive order, and in effect, use that $4 billion for more individual tax relief, in part, bringing those tax cuts, the tax exemption increase and the standard deduction increase, forward into 1971, backdate them to July 1, no reason that can't be done. That would provide some additional stimulus, some refunds next year, and so on; and, secondly, do by all means what the committee has recommended, postpone that onerous increase in payroll taxes for social security purposes that would otherwise go into effect on January 1st.

That is a whopping tax increase of somewhere around four and a half billion dollars, and it has no business going into effect in an economy that is struggling hard to recover under very heavy—in a process of very heavy going.

So I would simply summarize by saying once more that we can welcome the President's bold initiatives, they are a great relief. They will contribute both in the price wage freeze and in the fact that the President has grasped it, netting, they will contribute, it seems to me, to consumer confidence and will through that increase spending.

When it comes to the fiscal provisions for stimulus of the economy they are sadly deficient and need correction in the course of Congressional consideration.

ECONOMIC IMPLICATIONS OF THE PRESIDENT'S PROGRAM

(Prepared by Otto Eckstein, Data Resources and Harvard University)

The President's program contains the promise of a substantially improved economy. In many respects, the program is an opening move. It it is followed up effectively, the benefits should be great. If the succeeding moves are weaker or less successful, disappointment will be great and the economy is in worsened straits.

Data Resources has developed a solution to its econometric model which provides a first approximation of the economic effects of the President's program. The solution assumes that the follow through of the program is successful. Specifically it assumes

1) that the Congress enacts the necessary legislation;

2) that the wage-price freeze is followed by a more permanent but limited machinery to assure that wages and prices do not return to their previous inflationary track;

6) that the import surcharge is only the first step towards a negotiated revaluation of the major currencies; and

4) that monetary policy remains accommodating to economic growth, albeit at a somewhat lower rate of expansion of the monetary aggregates.

Table 1 summarizes the prospects for the economy under the old policies, as illustrated by the Data Resources forecast of July 26, 1971, and compares them with the new solution which assumes that the policies are made effective. The highlights of the comparison are these:

1) The unemployment rate, which would have hovered not far from 6% both this year and next, now may fall below 5% by the end of 1972.

2) The rate of inflation, as measured by the GNP deflator, drops from 4% to 2.6% for next year.

3) Lower long-term interest rates, resulting from less inflation, enables 100,000 more housing starts.

4) The nominal value of the Gross National Product is little changed, and will continue to be projected at about $1,147 billion.

5) But real GNP will grow at a significantly higher rate, at 7% for 1972 as compared to the earlier inadequate projection of 5.4%.

6) The real income of the average American family should rise by 5% in 1972.

SHORT-TERM ECONOMIC GAINS

In the short run, the biggest economic improvement is produced by the wage-price freeze. The inflation has created economic uncertainty and contributed to the extreme caution of consumers. The wage-price freeze will contribute to consumer confidence, and the real purchasing power of their incomes will be enhanced. The temporary nature of the freeze will produce some extra consumer spending while there is the assurance of price stability. For example, consumers may feel that the 1972 automobiles are a particular bargain during the period of freeze. While the dollar volume of business and consumer spending may not change significantly, the real volume of purchases is raised substantially, leading to greater production, employment and profits.

The domestic fiscal measures are limited in scope and by themselves would not have a decisive effect. The personal tax speedup is desirable but small. The repeal of the auto excise focuses additional spending on a private sector with little social priority; it does serve as another minor stimulus. The temporary 10% investment credit is a powerful device designed to make early investment in equipment more profitable, thus accelerating the upturn in the capital goods cycle. The effectiveness of the investment credit will be limited by the general excess of physical capital developed in the recent boom, but its impact on the profit arithmetic of investment is so great that a major effect should result. According to our model projections, real outlays for business fixed investment should rise by 2.4 billion dollars for 1972 as a result.

The proposed expenditure reductions are in part symbolic. Postponement of revenue sharing and of welfare reform were about to be produced by the political process in any event. Reduction in the number of federal and civilian employees reflects the general emphasis of this economic package which seeks to move the economy ahead through private spending and which sets aside questions of social priority. The postponement of the federal pay increase by a full year is an inequitable measure that will be hard to justify if the freeze on other wages is brief.

In the long run, the major benefit for the American economy will spring from new exchange rates among the advanced countries. American industry has lost a significant portion of its growth of markets to Western Europe and Japan because of the long overvaluation of the dollar. This lost growth of markets induced losses of productivity, employment and profits. The achievement of a more viable and equitable set of exchange rates will give American industry a greater share in the growth of world trade and will produce important benefits.

THE CRITICAL QUESTION OF FOLLOW-THROUGH

Our analyses conclude that the benefits of a successful execution of the President's program are very considerable. So far the programs have only just begun. The newspapers report that the Congress will agree to the various fiscal measures, although there is nothing sacrosanct about the exact, proposed form. But in the other two components of the program, the wage-price freeze and the international monetary changes, only the first steps are known.

What Follow-up to the Wage-Price Freeze?

The public has greeted the wage-price freeze with a sense of relief. Public support is running high because of the discomfort of the inflation and the knowledge that the freeze is truly short-lived. Nonetheless, inequities created by the freeze will become troublesome rather quickly. Since the freeze is almost totally dependent on good will and voluntary compliance, the public must be assured that on the one hand the freeze is truly temporary, and on the other that the government will take additional steps to assure that the freeze will not have been in vain.

If all government intervention on wages and prices were to cease after the ninety day freeze, the subsequent catch up of wages and prices would wipe out the immediate gains very quickly. The wage-price freeze creates a great opportunity. Just a few months of price and cost stability can set the stage for breaking the very tight price-wage spiral which has been the critical element of the recent inflation. If consumer prices can be kept virtually stable for a period, the next collective bargaining round could achieve results consistent with reasonable cost-price stabiltiy and still be fair to the workers. On the price side, we have passed through a round of increases in the concentrated industries some of which did represent a catch up with competitive prices. With a brief but good cost record, it should be possible to keep the concentrated sector of the economy on a more even price keel.

But this cheerful sequence of events will not occur of its own volition. Three months of freeze, without clear indication of subsequent policies, will not totally eliminate inflationary price and wage expectations. The wage-price freeze must be followed by a strong and meaningful incomes policy which will guarantee that the economy will remain off the disastrous inflationary track. Further, to make the three month freeze effective, the public, business and labor must receive the signal that a longer term wage-price policy is being developed.

A wage-price policy focusing on a limited set of major prices and wage bargains should be sufficient to assure this result. In the more competitive industries, prices will not rise substantially if the overall wage pattern of the economy is brought to a noninflationary state. No such assurance exists in the concentrated industries, yet these are the industries in which government has the greatest possibility of influencing prive actions. In the case of wages, unemployment will remain above normal for another year or two even with the current set of limited measures. It will not be supply and demand by labor markets that will raise wages, but rather inflationary expectations in collective bargaining. Here again it is in the large bargaining situation that government has the greatest opportunity to assert the national interest.

The United States does not want elaborate control machinery and it does not need it. A small, central staff in Washington, led by high policy officials and operating with the advice of business and labor, could keep track of developments in the top 50 or 100 price situations and in the major collective bargains. The ninety day freeze is ample time to put together such a staff, to develop the rather transparent necessary principles and to obtain the collaboration of various representatives of business and labor. Presumably the authority for the new incomes policy would be found in the standby powers that are now being used. The transition from freeze to wage-price policy would come gradually in the form of increasing exemptions of competitive prices. The key prices and wages could only be changed after government evaluation with the new wage-price principles.

FOLLOW THROUGH ON INTERNATIONAL FINANCE

The floating of the dollar and the imposition of the surcharge on imports have converted a situation of acute disequilibrium into one of fluidity. For practical reasons it was probably impossible for the United States to act other than unilaterally. Our trading partners recognize the basic disequilibrium that we faced, and on the whole, their reaction has been reasonably sympathetic considering the hardships that these measures bring upon their export industries. It remains to be seen, however, whether they will now cooperate in developing a more viable set of international financial arrangements. The United States could begin the current process of change by herself, but its successful conclusion requires the good will and collaboration of the major industrial countries. After some temporary dislocations in their export industries, all countries will benefit from an international economy brought into equilibrium. Furthermore, continued recession in the United States has had a major impact on other advanced economies, most of which are either in recession or on the edge of it. Yet there was no way for the United States to achieve recovery while clinging to its obsolete exchange rate.

SOME ISSUES OF POLICY

The President's program has many elements of strength. The wage-price freeze and the international measures correspond closely to the recommendations of economists and other experts, and if they prove ineffective we will all be wrong together.

The particular character of the fiscal package of stimulus is more open to challenge. The major questions are these:

1) Does the fiscal package rely too heavily on stimulating business investment? The investment credit follows close on the heel of the more liberal depreciation, giving business a corporate tax reduction of close to $8 billion. These measures will stimulate investment substantially but, given the current state of general excess capacity, the stimulus per dollar of lost tax revenue may be quite modest. Given its greater power, the investment credit could be treated as a substitute from more liberal depreciation allowances. There are other opportunities to stimulate the economy through tax reduction if that should be the chosen route: for example, the proposal by Chairman Mills to raise the minimum standard deduction has much merit. Alternatively, expenditures could be increased. While public works may be too slow, the welfare reform could be accelerated rather than postponed.

2) Although some of the fiscal measures are temporary, others have a more permanent influence on the allocation of resources and social priorities in this country. The 5% investment credit and the permanent repeal of the automobile excises continue the repeated shrinkage of the federal revenue base. The resources that could be devoted to meeting our essential goals, to investment in education, research, health, revenue sharing or welfare reform, are continuing to be frittered away in piece meal tax reductions. There were few fiscal dividends for the next several years even before the current round of measures: new tax reductions postpone the day when the budget can afford new initiatives. Perhaps we should treat the auto excise and investment credit measures as temporary rather than permanent.

Let me emphasize that disagreements over detail should not detract from the basic thrust of the President's program. The social cost of inadequately performing economy is very great. The benefits from reducing the rate of inflation and of moving employment toward our targets are so great that they can override disagreements about the exact nature of the desirable measures. Expansionary action is so critical at this time that it should not be lost in a political impasse. I therefore recommend the President's program to you (albeit with the Congressional prerogative to improve its structure). I also hope that the administration will take the follow-through actions that will make th program live up to its promise.

TABLE 1.—A COMPARISON OF DATA RESOURCES MODEL SIMULATIONS FOR THE 1972 ECONOMY WITH AND WITHOUT THE NIXON PROGRAM

	Without program (control July 26)	With Nixon program
Billions of current dollars:		
Consumption	725	723
Business fixed investment	111	112
Residential construction	45	45
Inventory investment	8	9
Net exports	3	5
Federal military	76	75
Federal civilian	29	27
State and local	150	145
Gross national product	1, 148	1, 147
Billions of 1958 dollars:		
Consumption	519	525
Business fixed investment	78	81
Residential construction	28	30
Inventory investment	7	9
Net exports	2. 6	4
Federal Government	63	63
State and local	81	81
Gross national product	779	793
Other measures:		
Real rate of growth	5	7
Inflation rate	4. 1	2. 6
Unemployment rate year	5. 9	5. 4
Unemployment rate end of year	5. 7	5. 0
Housing starts	1. 91	2. 07
Profits after tax	46	53

STATEMENT OF CHARLES L. SCHULTZE, SENIOR FELLOW, BROOKINGS INSTITUTION[1]

Mr. Chairman and Members of the Committee: I am pleased to accept your invitation to discuss the broad outline and major elements of President Nixon's new economic game plan. A detailed evaluation of many of its components will have to await the unfolding of events, and further information on how the Administration proposes to carry out some of the detailed provisions of its program. But some broad judgments can be made at this time.

I think everyone must welcome, with great relief, the President's decision to take firm and vigorous action on the unemployment, inflation, and balance-of-payments fronts. To those outside the Administration, it had been clear for some time that the original economic game plan was not working. The private economy showed no signs of rebounding of its own accord, and apart from a few statistical quirks the unemployment rate had been hanging stubbornly around 6 percent for more than a half year. Economic slack had produced some deceleration in the rate of inflation, but of very modest proportions, and expectations of continued inflation were rife, partly accounting for the failure of long term interest rates to come down. And despite the slack in the American economy, our trade balance had taken a serious turn for the worse, accompanied in recent weeks by a serious hemorrhaging of dollars.

The program announced last Sunday by the President addresses each of these problems directly. While the proof of the pudding will eventually be in the eating, it is already clear that the elements of this program have the potential of making important gains in each of the three problem areas. This week's reaction of the stock and bond markets shows that the financial community, at least, shares this hopeful view.

For the Committee this morning, I would like to concentrate on the first two components of the President's program—the fiscal package of tax cuts and expenditure reductions, and the wage-price freeze. About the remaining component, the actions concerning the balance-of-payments and the international value of the dollar, I shall have less to say, partly since my own knowledge and experience in these areas is somewhat wanting and partly because their ultimate effects are still clouded by uncertainty over the eventual reactions of other countries.

THE FISCAL PACKAGE

With respect to the fiscal package there are three points to be made: (1) on balance the proposals should provide welcome and significant stimulus to aggregate employment and output; (2) the particularly pieces of the package, however, reflect I think, a wrong view of national priorities; and (3) a large part of the tax cuts will result in a *permanent* loss of federal revenues—affecting the budgets of 1974, 1975 and beyond—at a time when we may need all the revenues we can get. Let me spell out each of these points.

First, the fiscal package should provide needed stimulus to economic activity. This fact is obscured by some of the statistics and the rhetoric with which the program is clothed. On paper the President proposes to reduce fiscal 1972 expenditures by $4.7 billion, slightly more than the $4.2 billion net revenue loss from his tax proposals. In the President's speech announcing the program, and in the explanatory material released by the White House, the statement is made that the tax reductions will not be inflammatory because they will be balanced by expenditure cuts. This is, of course, economic nonsense. A program which really reduced expenditures dollar for dollar with taxes would *not* stimulate the economy, and would *not* increase the total jobs available.

Fortunately, however, the substance of the President's program contains much more economic sense than the rhetoric. In real economic terms, the measures he has proposed will effectively cut taxes by more than expenditures. Some of the announced expenditure reductions are on paper only: the 3-month postponement of the proposed effective date of revenue sharing from October 1, 1971 to January 1, 1972, merely reflects what would, at a minimum, have occurred in any event. The $700 million "saved" by delaying parts of the President's "special revenue sharing" proposals falls into the same category. Moreover, the $3 billion estimated revenue loss in fiscal 1972 from the 10% investment credit reflects the lag in tax collections relative to corporate tax liabilities—corporations will get a tax break of about $5 billion in fiscal 1972, of which only about $3 billion will show up in revenue loss this year. With respect to the fiscal effects of the revenue collections from the 10% import surcharge, several important points need to be made: If this surcharge is to be handled as it should, namely as a bargaining tool to get dollar devaluation, then it should be in effect only for a very short period—a matter of weeks or a few months—and should have virtually no fiscal impact. If, on the other hand it should be in force for a longer period (running the risk of wrecking the international trade structure), its immediate domestic impact will be approximately neutral—the depressing effect on buying power which results from collecting $2 billion taxes from those who do buy imported goods, should be roughly offset by the switch from imports to domestic production occasioned by the 10% added tariff.

In the table below I have attempted to give a very rough estimate of the net fiscal stimulus emerging from the President's fiscal proposals. The time has been too short to make very precise estimates; but the general magnitudes are, I think, in the right ball park.

TABLE 1.—FISCAL IMPACT OF THE PRESIDENT'S FISCAL PROPOSALS

[Billions of dollars; annual rates; national income account concepts]

Item	Calendar year—		
	1971, 4th quarter	1972	
		1st half	2d half
Real expenditure cuts:			
Federal pay postponement		−3.0	
Federal employment cut	−0.3	−.6	−1.2
Postponement of welfare reform		−.3	−4.5
Other deferrals	−.2	−1.1	−1.1
Subtotal	−.5	−5.0	−6.8
Tax reductions:			
Accelerate income tax relief		2.3	2.3
Investment credit	[1] 5.5	5.5	2.8
Auto excise repeal	[1] 2.3	2.0	2.0
Subtotal	7.8	9.8	7.1
Net fiscal stimulus	+7.3	+4.8	+.3

[1] Does not take into account the retroactive features of the investment credit and auto excise tax repeal.

These numbers should be interpreted carefully. They do not measure the economic response, only the size of the fiscal stimulus.

The economic response will lag behind the stimulus. Moreover they do not reflect the impact of the program on actual tax collections of the federal government, but rather its impact on the accruing tax liabilities of individuals and corporations.

Despite the rhetoric about balancing tax cuts with expenditure cuts, the President's fiscal program quite appropriately provides a significant overall fiscal stimulus, when we compare its results with what would have occurred in its absence.

My *second* point has to do with the particular components of the President's proposals. While welcoming their aggregate stimulating effect, I do not believe they are at all well balanced from the standpoint of equity or national priorities.

In January the President announced a major liberalization of depreciation regulations for business firms, worth about $3 billion in reduced tax liabilities at the present time. The 10% investment credit adds $5 billion in additional tax relief for business. Given the great investment boom of the late 1960's, the current rate of business investment, and the state of excess capacity in large parts of the economy, I do not believe that national priorities dictate this double tax relief addressed to business investment. Nor do I think that it will have the same job creating stimulus at the present time, as tax relief to individual consumers.

Other elements of the President's fiscal program exhibit the same kind of problems. The auto excise tax repeal represents a permanent loss of $2 billion in revenues. The important social programs which could have been financed in future years by that $2 billion, are in effect being sacrificed in order to stimulate yet additional production of automobiles on already congested and polluted highways. On the expenditure side of his program, the President proposes to postpone the effective date of welfare reform for another year, from July 1, 1972 to July 1, 1973. While this would only reduce outlays by several hundred million dollars in fiscal 1972 (administrative and "made ready" costs) it would reduce payments to the poor, principally the working poor, by $4 to $5 billion in the next year. Moreover, the proposal has unfortunate symbolic meaning, insofar as it explicitly puts the fight for welfare reform effort at the bottom of the priority list, while long-term stimulation of automobile production and private investment goes to the top.

A *third* and related point has to do with the *permanent* nature of part of the tax reductions proposed by the President. The auto excise tax repeal and 5% of the investment credit represent permanent tax reductions, losing about $5 billion a year in revenues. While we need tax cuts at the present time, to help bring the economy out of recession, we will—once the economy has returned to full employment—need every dime of revenue generated by the present tax system to meet even a minimal estimate of national needs in the public sector. Almost every future projection of the fiscal dividend for the mid 1970's shows that it is very slim indeed, and far too small to be eroded by permanent tax cuts.

Indeed, it is undoubtedly the longer term effects of the tax proposals which led to the highly dubious recommendation to postpone the welfare reform package. In reviewing his 1973 budget, in its formative stage, the President most certainly was faced with a difficult problem even before last week's decisions. Preliminary estimates of federal expenditures most probably were significantly in excess of projected full employment revenues. And the President has repeatedly stressed his intention never to propose a budget in which expenditures exceeded full employment revenues. Hence a difficult budget paring job was already in prospect. Then, to this set of facts, was added the $5 billion or more revenue loss from the permanent 5% investment credit and the auto excise tax repeal. The problem became even more critical, from the President's view. Postponement until July 1973 of the welfare reform package, which fortuitously would lower estimated 1973 expenditures by the same amount as the loss from permanent tax cuts, was seized upon as the means out of this dilemma. Quite explicitly, therefore, a priority choice was made between autos and machine tools on the one hand and the poor on the other. The poor lost. This was a pure priority choice, since the net economic impact of the decision was neutral—$5 billion in revenue losses were offset by $5 billion in expenditure cuts.

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[1] The views expressed here are those of Mr. Schultze, and do not necessarily represent those of the trustees, officers or other staff members of the Brookings Institution.

If the overall stimulus of the President's fiscal proposals is highly desirable, but the particular components are wanting on grounds of social priorities and excessive *permanent* loss of revenue, what alternatives are available which meet the highly laudatory Presidential objective of stimulating the economy, while avoiding the unwanted side effects of his proposals? There are such alternatives. One such set is laid out below:

1. The Congress could attach to the law reinstating the investment credit, a provision in effect repealing the administratively instituted depreciation liberalization. This would eliminate a permanent revenue loss of about $3 billion, without significantly affecting the prospects for private investment over the next several years. On the one hand, as it now stands, the depreciation liberalization actions will be tied up in court review over the next several years, and businessmen will be hesitant to base investment decisions on its permanent validity. At the same time, a 10% investment credit this year followed by a permanent 5% credit should give a significant, and sufficient, boost to investment incentives.

2. Do not enact the auto excise tax repeal.

3. Enact the speed-up in individual income tax relief, as proposed by the President.

4. Inaugurate, as part of the fiscal package, an immediate program of relief for state and local governments hit hard by the loss of revenues accompanying the recession, based on an automatic formula. Unlike the federal government, these governments cannot maintain their expenditures during periods of economic slowdown and revenue shortfall, but get caught in an economic vise which forces them to scramble about cutting highly needed public services. A program of general federal aid, replacing their temporarily depressed revenues, would put about $4 billion a year into hard pressed state and local services. But as the economy picked up, and state and local revenues rebounded, this particular aid would gradually taper off. This is *not* revenue sharing, nor should it be subject to the controversies which surround a permanent revenue sharing bill. Rather it is an income security measure for states and local governments, much in the spirit of unemployment compensation. A relatively simple formula could be developed to accomplish this purpose, and I would be happy to discuss this further with the Committee.

5. Postpone for one year, part or all of the social security tax increases scheduled to take effect next January. In total these will add $7 billion to the tax bill paid by workers and employers in calendar 1972 (assuming enactment of the social security provisions in H.R. 1). A fully employed worker, earning $10,000 per year will pay $175 extra in social security taxes next year (and his employer another $175). On the other hand, that same worker, assuming he headed a family of four, would get only about $80 in income tax benefits from the speedup in tax reliefs proposed by the President. If half of the scheduled social security increase were postponed, the fiscal impact would be a $3 billion reduction in tax liabilities.

6. Continue work on the family assistance plan, already passed by the House in H.R. 1, retaining the effective date of July 1, 1972. Even if it cannot be completed by the end of this Congressional session, as the Senate Finance Committee gives first attention to the President's fiscal package, passage of the Family Assistance Plan by next March or April would still allow it to go into effect on or about the currently scheduled July date.

The Table below shows the fiscal impact of these proposals, assuming that the other parts of the President's package are not changed. Aside from modest differences in timing, the fiscal impact is about the same as that proposed by the President during the next twelve months, and provides some net stimulus in the second half of 1972. But two major differences between the two sets of proposals stand out: *First*, as the economy returns to full employment all of the fiscal stimulus in the alternative package disappears. There is no permanent loss of revenues, relative to present tax laws and administrative regulations. Repeal of depreciation liberalization roughly offsets the revenue loss from the permanent 5% investment tax credit. The acceleration of individual tax relief and the postponement of social security tax increases represent changes in timing, not permanent losses. The cyclical aid to state and local governments phases out as the economy moves closer to full employment, again leaving no net drain on the budget. Fiscal stimulus is provided, therefore, without giving away the long-term revenues we will sorely need in later years.

TABLE 2.—ALTERNATIVE FISCAL PACKAGE

[Billions of dollars; annual rate; national income account concepts]

Item	Calendar years—		
	1971, 4th quarter	1972	
		1st half	2d half
Expenditure reductions:			
President's proposals	−0.5	−5.0	−6.8
Less maintaining July 1, 1972, date of FAP		+.3	+4.5
Equals revised expenditure reduction	−.5	−4.7	−2.3
Tax reductions:			
Repeal depreciation liberalization	−3.0	−3.0	−3.0
Investment tax credit	5.5	5.5	2.8
Cyclical aid to State and local governments [1]	4.0	3.0	2.0
Postpone ½ of social security increase [2]		3.0	3.0
Accelerated income tax relief		2.3	2.3
Total tax reductions	6.5	10.8	7.1
Net fiscal stimulus	6.0	6.1	4.8

[1] Assumes the fiscal program is sufficient to drive the average unemployment rate for the second half of 1972 down to 5 percent, as a consequence of which the amount of cyclical aid to State and local governments would decline over the next 18 months.

[2] This particular estimate assumes that all of the tax rate increases now scheduled for Jan. 1, 1972, and ½ of the ceiling increase in H.R. 1 are postponed for a year.

The second set of differences between the two packages lies in their different priority choices. The alternative package does provide needed investment stimulus, but in a reasonable amount. The remaining fiscal stimulus then flows through state and local governments, individual taxpayers (via accelerated income tax relief) and workers (via postponement of the social security tax increase). Moreover, the alternative package does not set priorities in terms of providing permanent tax losses at the expense of the poor—it does not require the postponement of the Family Assistance Plan for another year.

In summary then, the President's proposals would provide needed fiscal stimulus, but could well be modified to provide the same stimulus without the sacrifice of permanent budgetary resources and with a more balanced view of national priorities.

THE WAGE-PRICE FREEZE

As a means of beginning the fight to break the wage-price spiral, the President's 90-day freeze is to be welcomed. It will undoubtedly create much confusion, and cause some short-lived inequities. But these will be trifling compared to the alternative inequities caused by the combination of heavy unemployment and continued rapid inflation.

The purpose of the 90-day freeze is twofold: to break inflationary expectations through a sharp and dramatic action, revising the Administration's prior stand on the question of directly influencing wage and price decision; and to buy time during which a longer-term incomes policy can be worked out.

This week's upsurge in bond prices testifies to the measure's success, at least for the moment, in its first objective, changing inflationary expectations. But the real test of this policy will come at the end of the 90-day period. What longer term policy will have been developed to replace the freeze which cannot be continued for a significant period?

It seems to me there are four possible lines of action which could be announced at the end of the 90-day period:

1. A continuation of the freeze for another short period. That I think would be very bad. It would be tantamount to a confession that the Administration had been unable to develop a meaningful incomes policy. This would have a very bad effect. Moreover, the inequities of a freeze—particularly one which has no effective enforcement machinery—grow worse and worse as time passes.

2. An announcement that this freeze had worked, that the inflationary spiral had been broken, and that the freeze could be lifted without the substitution if any longer term incomes policy, except perhaps pious and generalized injunctions to business and labor to be good boys. This would, I believe, be both naive and disastrous. However useful the freeze is to buy breathing room, it will not in 90 days break the back of inflation. I cannot really imagine that this will be the announcement we will hear at the end of the freeze period.

3. Inauguration of full-blown wage and price controls, enforced in detail, by law. Again I find it hard to believe that this Administration would resort to such controls on a long term basis. I agree with what has been their view that this would put the economy in a permanent straitjacket, and ultimately poison domestic political life with the frustrations, pettiness, and ill-feeling that would accompany rigid detailed controls in peacetime.

4. Announce, in quantitative terms, guidelines or standards for reasonable wage and price behavior. These standards would be basically voluntary in nature, but could be backed up by a Presidential statement that he would resort to his standby powers under the Economic Stabilization Act of 1970 to use the force of law against flagrant violation.

By this device, many of the advantages of wage and price controls could be achieved without most of their disadvantages. Detailed supervision over the pricing practices of each of America's 4 million businessmen, and minute inspection of every aspect of every single wage bargain would be unnecessary. No massive bureaucracy would be required. Flexibility for meeting individual situations could be retained. But flagrant violation of the wage-price standards could, as a last resort, be contained by the force of law. In an overheated economy this approach would not work. The pressure of demand would inevitably lead to all sorts of devices to circumvent the standards. But when the price and wage spiral exists in the absence of excessive demand, as unions strive to "catch-up" on the cost-of-living and in relationship to each other, and when business firms mark up prices to cover cost increases fully, even in a weak market, then the effective moderation of wage increases in major bargaining situations and of large administered price increases, should spread throughout the economy. Overheated demand will not, in these circumstances, drive non-union wages up in relation to those won in major contracts, nor will the prices charged by small producers or retailers in competitive markets begin to outstrip the pace of advance in administered prices, at least in any generalized way.

In short the President has bought time to develop a reasonable set of wage and price standards. I believe that an equitable set of standards taking into account the legitimate interests of both business and labor can be developed. Finally, I believe that the standards can be applied flexibly, with primary reliance on voluntary cooperation, but with the "club" of mandatory controls in the background. Such standards won't work forever. But they could ease the economy out of the present spiral into a more stable future.

THE INTERNATIONAL ASPECTS OF THE PRESIDENT'S PROGRAM

As I mentioned earlier this is an aim on which I feel much less confident to speak than is the case with the domestic aspects of the program. There is, however, one major point I would like to make.

The 10% surcharge on imports is presumably a bargaining tool, designed to provide some leverage to the U.S. position in negotiation over devaluation of the dollar. It is the ABM of the economic package. If it is truly only a bargaining tool, then it need be imposed only during the critical stage of negotiation over exchange rate realignments. And, in turn, that means that it should not be in effect for more than several weeks, or several months at the outside, while talks proceed between ourselves and the Japanese, the Common Market countries, the U.K. and Canada. Should other nations come to believe that it is more than a bargaining tool, that it will be used to ease domestic political pressures for protectionist measures, then the fabric of international trade relationships so painfully built up in the postwar period can come unravelled at frightening speed.

Dollar devaluation is needed. And the U.S. does perhaps need additional leverage in the negotiations directed to this end. But whatever good might come from devaluation could be far more than offset by the proliferation of protective devices around the world, if any suspicion occurs that the 10% U.S. surcharge represents our long-term response to balance-of-payments difficulties.

SUMMARY

As an evaluation of the President's proposals, this presentation has necessarily concentrated on areas where I believe the Congress could serve the public interest by modifying particular elements of those proposals. That fact should not obscure the point I made at the outset. The comprehensive initiatives taken by the President should be highly welcomed. He has begun a process which can very quickly result in significant progress towards three major objectives: the return to prosperity, the control of inflation, and the restoration of balance of payments equilibrium.

As the President himself pointed out there is plenty of credit to go around, and if in an expeditious manner the Congress modifies some of his proposals—retaining the fiscal stimulus while securing greater equity and a better balanced set of priorities—there will still be plenty of credit available for the Administration itself.

STATEMENT OF DR. JOHN SHEAHAN, PROFESSOR OF ECONOMICS, WILLIAMS COLLEGE

The 90-day freeze now in effect is an understandable reaction to a situation that was out of control. But perhaps the worst possible next step would be to extend it. The economy needs enhanced flexibility, and needs a flexible system of wages and prices to promote it. Even if a general freeze could be enforced for a longer period it should not be. What is needed instead is a limited, selective system directed at a few key sources of special difficulty. A general freeze is an abdication of the responsibility to tackle the difficult job of selective action.

The Administration will deserve great credit if it is able to present a system geared to the guidance of change *before* the stated period of the freeze is up. If it does not, we will be faced with the equally unhappy alternatives of letting accumulated pressure lead to a sharp jump in wages and prices immediately after the freeze, or of keeping what is essentially a negative and inefficient blanket control in effect indefinitely. It might be useful to plan on something like a two-year period of limited intervention. The basic problems are unlikely to disappear in two years so something else will probably be needed afterward. But the best of programs will prove to raise some unnecessary headaches and to miss some objectives, so it may be preferable to plan on something that will come to an end and need rethinking fairly soon.

A comprehensive system of controls for the whole economy is unnecessary and undesirable because the great majority of labor and product markets in the United States are characterized by a reasonable facsimile of competition. Trade associations and union pressures abound, but in most cases they do not greatly change the course of wages and prices. The other side of the coin is that there are a relatively small number of labor and product markets in which changes are much more arbitrary. They are never completely free of market restraints, but the scope for setting charges higher than they could have been in a competitive context is sometimes fairly wide. When these groups defend themselves against what they consider to be encroachments on the earnings to which they are entitled, they take away from the rest of the society part of its real income. They impose a tax on the people who do not have such power: a tax which simultaneously transfers income to themselves and lowers real national income by distorting the structure of prices and wages.

Which group is which, and what to do about it? None of them wear white hats, and of course we are not talking about two sharply defined categories but about shadings of power that change constantly. But it might make the point more concrete to suggest some orders of magnitude and some plausible candidates for special attention. Within manufacturing, problems of market control are often associated with high degrees of concentration. Those industries in which the 4-firm concentration ratios are above 60 percent, and thus particularly likely to be able to control their markets include something under 20 percent of all manufacturing industries with almost exactly 20 percent of manufacturing value added.[*] But some of these cases have little effective control, either because of imports competition or close domestic substitutes. So the problem area within manufacturing is less than 20 percent of all industries, and is probably confined to that quite small list in which new entry is especially difficult. But manufacturing should probably not be the first target anyway. I would nominate two that may be both more important and easier to supervise: medical fees and the pricing practices of industries in which the government itself acts to enforce market control, perhaps especially in the oil industry and transportation.

On the side of labor, the majority of workers have mighty little bargaining power. It is surely nominal or nonexistent for workers in retail and wholesale trade, secretaries and office workers in general, migrant farm labor, nurses, workers in laundries and motels, and probably in a wide range of manufacturing such as canneries, textiles and clothing, sawmills, and small-scale local manufacturing of all kinds. At any rate, there is a world of difference between the demands these workers can exert and what can be done by the printers, construction unions, coal miners, automobile and steelworkers, and the public service employees in some of the large cities. The differences can be seen readily enough in the wage rates that now exist and the ways in which they have been moving. Average hourly earnings in transportation equipment are double those in retail trade; when the former group forces through an increase in wage rates far above the trend of productivity improvement it is not taking money away from the large corporations, it is taking real income away from lower-wage workers. Workers in contract construction had average wages roughly 50 percent above the average for manufacturing in 1969, and have been widening the gap since. The characteristic of the period through which we have been passing is that the better placed workers have been gaining at the expense of the poorer.

To divide workers into the privileged and the exploited, and industries into those which can defend themselves readily and those which cannot, is a treacherous exercise. But the differences cast an interesting light on the arguments by some unions and industries that it is unfair to pick them out for restrictions and leave the rest of the economy free. It is not the weak groups which make this complaint: it is the ones which have been raising their incomes at the expense of the rest. It is a false idea of equity to treat the weak and the strong exactly the same. And since a general economy-wide system of controls is neither workable nor desirable, to argue against selectivity is to hand the advantage to the strong.

But if there are a number of groups strong enough to extort special advantage from an uncontrolled economy, how could it be possible to get them to accept a reduction of their advantage? What, if anything, might be done? I would like to consider the question under two alternative hypotheses: (1) that the Administration genuinely wishes to moderate wage and price inflation without a permanently depressed economy, and has the political skill to enlist the cooperation of some of the stronger unions, and (2) the possibly more plausible assumption that the Administration would like to do something but maybe not too much, and cannot get the unions to cooperate.

On the more optimistic assumption, the solution would not be difficult. The earlier wage-price guideposts, moderately amended to take account of some valid technical criticisms raised in subsequent analysis, would serve to provide a norm for wage settlements in those power-play negotiations where the public nearly always loses. If they could be applied only to automobiles and metals, transportation and public services—that is, if workers in these fields could be assured the right to raise their incomes at the same rate as national output per man, but no more—a significant fraction of other negotiated contracts would line up on the same norm and the dimensions of the problem could be cut in half. If I were a union leader I would not agree to it unless something were also done to stipulate guidelines for medical fees, to block price increases in conditions of excess capacity in the concentrated industries, and to stop using governmental controls to back up arbitrary pricing in oil and transport. But if the optimistic assumption had any validity it would not be difficult to do these things too. The essence of the question is whether or not the Administration believes in such efforts at stabilization and equity, and is willing to take the trouble of exerting pressure when it is needed. It would be needed. People do not give up privileged positions easily.

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[*] Source: U.S. Senate, Committee on the Judiciary, Subcommittee on Antitrust and Monopoly, *Concentration Ratios in Manufacturing Industry*, 1963 (Washington, 1966), summarized and discussed in F. M. Scherer, *Industrial Market Structure and Economic Performance* (Chicago, 1970), chapter 3.

It is worth noting that a potentially helpful background factor at present is that productivity could increase at rates well above trend averages if demand were stimulated. We have enormous excess capacity and if, profits could rise rapidly even with fixed prices. This provides some extra lee-way, not present when the guideposts were put under such strain in 1965–66, to authorize wage increases while blocking price increases, without fear of squeezing profits and the capacity to invest. That extra room might well be used to allow unions which have not negotiated new contracts so far this year to make settlements for increases above any normal trend-line rate of productivity increase. That is, it seems both unfair and unnecessary to insist that negotiations in the immediate future be settled at rates that would be consistent with an economy that had eliminated inflation. This would mean that wage-price inflation will not be stopped cold. But that is probably an unrealistic goal at best, especially when it is necessary to increase the prices of imports. It seems too much to aim at complete stabilization, but a two-year program aimed at a progressive reduction of the rate of inflation could permit lower settlements, without inequity, before the period is over.

On the less optimistic assumption, that something is to be done but that it is not possible to get any cooperation from the union it is not necessary to throw in the towel. Without the cooperation of any union at all, the government can bring down the price of oil, or at least stabilize it, by permitting American oil companies to bring in more of their external supplies. Similarly, the many government agencies which regulate rate-making could be directed to introduce somewhat more concern for the public in their decisions. To raise airline rates this year, when airline load factors were perhaps as low as they have ever been in history, was a depressing example of a company-oriented decision adverse to efficiency as to stabilization. I was delighted to read of the activity of The Regulations and Review Board, in intervening before the ICC to force reconsideration of rate increases that might otherwise have been approved automatically on traditional regulatory grounds. And I was disgusted last year when the government supported Florida tomato growers in limiting imports of Mexican tomatoes for the specific purpose of raising prices in the United States. If the Administration wishes to do something serious about inflation, the best place to start may be with the government itself.

Beyond that, a national health system creates both the means and the responsibility to do something about norms for medical charges, the heavy governmental role in construction provides great possibilities for affecting wage trends and labor practices in this area, the use of subsidies and regulation of rates gives an important toehold in transportation, and a return to more active antitrust enforcement could increase the odds against arbitrary pricing in industry generally. None of that requires explicit cooperation from unions. But if something genuine were being accomplished in these areas, the chances of such cooperation might well improve.

The idea of a freeze is worrisome. It is as if the hard work of selecting the targets that matter most and devising ways to cope with individual cases could be escaped by waving a magic wand. It is wrong to think that everything can be controlled, and perhaps even worse to try to do it. The most likely result would be general failure that could discredit the selective effort that is needed. A selective effort, in turn, is unlikely to mean that inflation will be stopped completely. But it should be reduced, and some other objectives which are at least equally valuable could be served at the same time. Perhaps the most worthwhile goal is to cut down on the uneconomic wage and price changes that both hurt the weak and reduce real income: to use the powers of government to define and promote a more coherent evolution of monetary claims in the interest of both efficiency and fairness.

Testimony of Raymond J. Saulnier, Professor of Economics, Barnard College, Columbia University

New York City,
August 19, 1971.

Mr. Chairman: I appreciate very much the opportunity to participate in your Committee's review of President Nixon's recently announced economic stabilization program. I shall be happy to respond to specific questions, but let me begin with a few brief comments.

1) With one exception, the foreign exchange side of the program strikes me as entirely reasonable.

First, it was a prudent move to close the gold window. As a practical matter, letting the dollar float against other currencies is the only way to find new rates of exchange that can be maintained with some hope of stability. And I do not expect the dollar to go to discounts much beyond those already established.

Second, my major reservation has to do with the import surcharge. For one thing, it has the effect of complicating the process of finding equilibrium rates of exchange. Moreover, there is a risk that whatever its merits as a negotiating asset, the surcharge will engender reactions from other countries that will complicate the problem of reaching agreement on new exchange rates and new machinery for settling imbalances in international payments. Hopefully, it will be removed soon—in my judgment, the sooner the better. It would be constructive for the Joint Economic Committee to encourage the administration to this end.

Third, I hope the arrangements designed to replace the now-abandoned US dollar standard will involve pegged rather than unpegged exchange rates. A wider band of permissible fluctuation around par could be helpful, but three percent on either side of parity is surely the outer limit of what would be desirable. Naturally, it should be understood that pegs can be adjusted without the act becoming an international incident of great moment, and that they will in fact be moved up or down as circumstances require. It should not be too great a challenge to foreign exchange technicians to devise arrangements and understandings to help assure that result, and I suggest they be asked to do so.

Fourth, the present flexibility of exchange rates should be taken as an opportunity to throw off the whole apparatus of restrictions on capital flows. These have been in effect now for about eight years, all the time regarded as temporary, and it should be clear now that they are ineffective and counterproductive as an approach to meeting a balance of payments deficit. Actually, it will be impossible for the dollar to float to true equilibrium values while restrictions on international flows of capital are still in effect. I hope your Committee will urge the administration to act promptly to remove them.

Fifth, it should not be difficult to devise satisfactory arrangements for holding international monetary reserves. This is another task for technicians. What is important is that reserves should function not only as a means of settling payment imbalances but also as a force for exercising discipline on the monetary and fiscal policies of nations participating in the system. The object should be to devise machinery that will have that result.

2) The immediate problem on the domestic side of the stabilization program is to make the statutory freeze on prices, wages and rents, and the voluntary freeze on dividends, work effectively and equitably. This will require a hard line on exemptions. The granting of exemptions, even those with merit, will undermine the willingness of those not exempt to cooperate and ultimately make the whole program unworkable. I have been pleased to see that early rulings on key questions suggest a hard line is being taken. I hope your Committee will support such a policy.

For the longer run the problem is to devise a follow-on approach that will be more viable than a freeze. Of course, the ultimate goal must be to eliminate controls altogether, and return to a free market, but it is inconceivable that the need for restraint will have disappeared in ninety days, and unthinkable that the freeze could be lifted in the face of continuing upward pressure on wages and prices without some alternative arrangement in its place. Obviously, plans must go forward at once—on a kind of crash basis—for an arrangement more flexible, more selective and more equitable than a freeze. My preference is for something of the review board type rather than a system of specific, mandatory ceilings. Your Committee will, I am sure, be making suggestions in this connection.

3) Let no one delude himself that freezes or review boards put an end to inflation—they only suppress it temporarily. But they do provide time in which to apply fundamental correctives—the point is that the time be used productively. One need not be a hard-shelled monetarist to know that inflation is basically a monetary phenomenon and cannot be brought under control except in a context of noninflationary monetary policy. Accordingly, it is absolutely essential to understand that a freeze on prices and wages will ultimately come to nothing—and the same applies to any other program of direct controls—unless accompanied by a policy involving money supply increases consistent with stable prices. Considering that money supply has been rising for over six months at 10-to-12 percent a year, it is obvious that the road back to price stability must be a long one. I have all along warned that money policy since early 1970 was essentially inflationary. However, now that we are on an inflationary money supply path, it is no time for the Federal Reserve authorities, in a burst of new-found prudence, to apply monetary brakes abruptly. My suggestion is that they concentrate on short term money rates, not on monetary aggregates, orthodox monetarists to the contrary notwithstanding. In the circumstances, an escalation of short term rates, up to and possibly above six percent on 90-day Treasury bills (which seemed imminent two weeks ago) would surely start another disintermediation process, stop the housing expansion, and reverse the recovery. Fortunately, money rates and bond yields moved down in the past few days, particularly since the President announced his program. The object of Federal Reserve policy must be to encourage that trend.

4) Admittedly, a monetary policy designed to avoid disintermediation could, and probably would, slow the process of overcoming inflation. But not necessarily, and in any case it is a risk that has to be taken. There is a greater risk, however, in that inveterate expansionists, of which there are a good

number, will seize on direct controls as a shield behind which to pursue essentially inflationary monetary and fiscal policies. This has happened again and again in the wake of devaluations and behind the presumed protection of incomes policies. If this happens in our case, it can be forecast with complete confidence that the present freeze, and whatever else follows, will ultimately break down Therefore, it is vitally important that your Committee support not only a Federal Reserve policy that will avoid expansionist errors but a budgetary policy that will do the same. In this connection, I believe it would be constructive to abandon use of the full employment budget concept. It should be clear by now that a large federal deficit, even though it is expected to disappear at full employment, helps perpetuate inflation side-by-side with unemployment by worsening inflation psychology and putting upward pressure on interest rates.

I doubt that the fiscal proposals in the President's program will prove unduly expansionary or interfere with achievement of antiinflation objectives. In particular, the resumption of the investment tax credit is a sound proposal. It will help revise a severely depressed capital goods industry. It will create jobs. It will promote higher productivity and help reduce costs. And by reducing costs it will help overcome inflation. All in all, a constructive step. I hope your Committee will advocate prompt action by Congress on the President's tax and budget proposals.

5) My conclusion is that: provided the freeze is accompanied by an adequately disinflationary monetary and fiscal policy; provided it is replaced in due course by more flexible and selective control arrangement; and provided everyone cooperates, the President's stabilization program will put us in a position to overcome cost and price inflation and ultimately to resume growth, without the impediment of direct wage and price controls, at a rate consistent with our national potential.

The strategy of the program looks good to me. What is needed to make it work is cooperation—from the Congress, from the leadership of labor and business and from the whole body of Americans. If I may say so, Mr. Chairman, I believe the primary aim of your Committee at this juncture should be to do everything it can to enlist the needed cooperation. This is not a matter in which we can afford to fail.

RAYMOND J. SAULNIER.

STATEMENT BY RALPH NADER

Mr. Chairman, distinguished members of the Joint Economic Committee, I am grateful for the invitation to extend my comments on aspects of the Administration's new economic policies and proposals submitted to Congress.

It is not difficult to penetrate the semantic whirlwind, the facile assurances and the insupportable economic reasoning which have been issuing from government spokesmen this week if the Administration's package is broken down into its constituent parts, confronted with its alleged objectives and evaluated within this context. First, however, it is appropriate to comment briefly on the process of this decision-making.

The Administration presents a fairly persuasive case against the signaling of its move with regard to the dollar, given the rampart speculation thereto in international money markets and other well known variables. There is no excuse however for the inordinate secrecy attending its other decisional preliminaries, particularly when there is a great need for public consideration and discussion and fact gathering. As my subsequent observations will illustrate, such preliminaries, both with and outside of Congress, might have restrained the most outrageously special interest features of the package. Beyond that, it is now clear that a number of corporate leaders knew in advance of portions of the package. Judging by its exceptional communique to dealers to start selling 1972 model cars with their new price increase immediately on receipt last week, General Motors knew what was coming by way of the price freeze and tried unsuccessfully to slide under the deadline. The public will never know probably what other early alerts there were and what other, if any, quid pro quos were agreed to in this ex parte, informal process of government-corporate understanding. The process of secrecy also permits these policies to be announced or proposed with all kinds of projections for job development and inflation reduction that are not substantiated in any way be the Treasury. They are issued or proposed either as flat or faith.

The declared objectives of the Administration's proposals and actions are to increase employment, reduce inflation and improve our competitive position in world trade. The proposed speedup of the $50 personal exemption increase for calendar year 1972 and the devaluation of the dollar should help one or more of these aims. The rest of the Administration's package is grossly inequitable, cynically indifferent to the needs for a progressive tax policy in actuality. It will not result in more jobs that are needed and is harmful of consumer interests. Let us take these actions or proposals one by one:

1. The indefinite 10 percent import surcharge will become increasingly counterproductive the longer it is allowed to stay in effect. It will erode one of the few sources of price competition for many domestically produced goods, thus raising prices to the consumer indirectly as well as directly for the imported products. It has a regressive effect on lower income families who purchase more of these cheaper goods. It may well encourage a retaliatory trade war. And as a Presidential action, the surcharge is of dubious legality under the Trade Expansion Act of 1962—a serious question into which the Congress should soon inquire. It is possible that the surcharge will be revoked shortly, owing to the powerful opposition of the multinational corporations. Indeed, already representatives of General Motors, the Bank of America and other companies have voiced their displeasure publicly. It could also be that the surcharge is being used for short range tactical purposes in the negotiations over the dollar, and other trade matters (especially with Japan) which are commencing. Whatever may occur, the surcharge is no ally of the consumer or anti-inflationary policy.

2. The tax policies and proposals have to be taken with the accelerated depreciation range (ADR) issued earlier this year by the Treasury. Taken together, the investment tax credit, the Domestic International Sales Corporation tax windfall, and ADR, will amount to a massive tax relief to corporations of nine billion dollars in the first year of their operations. This is at the very least a 15% tax cut for large corporations especially, compared with a $1 billion one-shot accelerated personal exemption cut for the average citizens or roughly 1.2% tax reduction. This is, of course, per se grossly inequitable. The only possible justification left for the Administration to provide its evidence that such a discrimination will trickle down more purchasing power and produce more jobs. The Treasury has absolutely no studies available to make this justification, not to mention the weakness of its case when compared with more effective alternatives such as strong antitrust enforcement, corporate excess profits tax, a reduction in personal income tax to increase consumer demand in a underutilized economy, and federal expenditures in effective manpower training, mass transit systems, and other job creating activity of high social utility. These alternatives, coupled with anti-inflationary policies toward interest rates, would improve the efficiency of the economy and permit consumer demand to direct productive decisions much more than the corporate welfare program of the Administration.

In particular: The proposed investment credit of 10% for fiscal 1972 and 5% thereafter will provide a tax subsidy of from $4 billion to $2.5 billion annually to big business. This proposal comes on top of the ADR (depreciation) regulations which are supposed to become a tax subsidy of $3.9 billion annually to corporations. And once again DISC (Domestic International Sales Corporation) is resurrected to provide an annual tax windfall of almost a billion dollars to the large export corporations.

Taken together, these tax breaks amount to $7 to $9 billion annually. By comparison, in fiscal year 1970, the last year for which published data are available, corporations paid a total of only $35 billion in Federal income taxes. In short, the President is using the excuse of a mismanaged economy and the resultant crisis atmosphere to cut corporate taxes by 15 to 20 percent. And corporate profits this year are already running at the rate of the early 1969 pre-recession period (2nd quarter profits are up 12% over 2nd quarter 1970). It would have been a triumph of honesty in public information if the President had so stated the facts in his dramatic announcement of last Sunday night. However, the message was clear to Wall Street, where stock prices jumped 30 points in the first day of trading.

Look at these corporate tax bonanzas one by one. The so-called "ADR" depreciation regulations were announced by President Nixon last January. These regulations are supposed to provide an annual $3.9 billion tax windfall to corporations by allowing them to write off machinery and equipment faster than it is actually used up. President Nixon termed ADR a "reform to create jobs and growth." However, since his pronouncement the regulations have been subjected to healthy public scrutiny. It is now fairly well agreed that ADR will have no significant short term effects for at least 18 to 24 months.[1]

That estimate does not include the delay due to reluctance of business to rely on ADR unless the regulations are upheld by the courts. A lawsuit currently in Federal District Court, to be argued by Dean Bernard Wolfman of the University of Pennsylvania Law School, charges that the regulations constitute an unlawful usurpation of Congressional taxing powers by the executive. The Treasury estimates that ADR, if legal, would cut corporate taxes by about six percent.

It is dismaying to observe the Administration attempt to impose a big business investment tax credit in addition to the expensive depreciation subsidy. The investment credit of 10% for fiscal 1972 and 5% thereafter would provide, to repeat, a tax subsidy of from $4 billion to $2.5 billion annually to corporations.

Professor Robert Eisner, a prominent economist specializing in the study of determinants of capital investment, finds the investment credit unwarranted. I insert for the record a letter written this week to the New York Times by Professor Eisner. (INSERT EXHIBIT # A). He notes that the investment credit is "a huge multi-billion dollar tax concession to essentially large, capital-intensive business while welfare reform and direct efforts to aid the cities, and aid the poor and put the unemployed back to work are delayed or abandoned."

As Professor Eisner noted in his earlier statement of opposition to ADR (which I introduce into the record) (Insert Exhibit B) ". . . one of the last places where I would think that government intervention, help or subsidy is called for is in the investment de-

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Footnote at end of article.

cisions of the great bulk of American industry. There is no need for a handout to American industry to persuade them to do what should be in their own interest, that is have the optimal capital and investment policies for their own efficiency and profits."

Furthermore, even if the Administration is committed to provide tax rewards for conventional business investment decisions, are there not means of applying the investment credit to provide economic stimulus at far less cost? The most simple modification in the Administration proposal would be to apply the investment credit at 10% this year, and 5% next year, with termination the year after. There is concern about stimulating the economy this year. Conditions in two years may be as different as they were two years ago, when the Administration sought repeal of the 7% credit. The need to stimulate the badly managed economy in the short run should not be used as an excuse for a perpetual tax concession to big business. The fact that the Administration went whole hog in its proposals further supports the contention of a growing number of critics including Professor Paul Samuelson that this move was a bonanza for big corporations while citizens receive a tiny one year tax reduction.

Another modification in the Administration's expensive proposal would be to apply the investment credit on an "incremental" basis. There is no need to subsidize industry for the bulk of investments which take place in the ordinary course of business. A substantially higher rate of tax credit could be applied just to equipment spending which would not have been undertaken in the absence of the tax subsidy. Again, I draw attention to Professor Eisner's April 5 letter opposing ADR.

Finally, it should be noted that the term "job development tax credit," as applied to the investment credit is a political deception of serious proportions. The investment credit will stimulate purchase of capital equipment, thereby making industry less labor-intensive than otherwise would be the case.

The proposed reduction in Federal employment by 5% in one year will cost roughly 150,000 jobs. When Tom Stanton attempted to learn how many jobs the Administration felt would be created by the investment credit, he was given a remarkable run-around.

A call to the White House press office led to a referral to the Treasury office of public information. A Treasury public information officer then suggested he call the Council of Economic Advisers, saying that the job development figures were "not produced in Treasury as far as I know."

A CEA official stated that "the estimation of jobs created is difficult. If the figures were developed, they should have been developed in the Treasury."

The call to an official of the Treasury tax policy branch brought the response that "there are no figures for release at this time."

As Mr. Stanton concluded, trying to pin the Administration down was about like "trying to nail a four foot slab of jello to a wall."

The Administration was not content to add the expensive investment credit subsidy to the depreciation windfall. It has further attempted to resurrect the DISC (Domestic International Sales Corporation) proposal as a means of reducing corporate taxes by yet an additional billion dollars a year. The DISC idea is a proposal virtually to exempt exports profits from income taxation. As with the investment credit and the depreciation regulations, DISC will primarily benefit large corporations. The Commerce Department estimates that about 100 of the largest U.S. firms count for over half of all U.S. exports. This means that over half of DISC's windfall benefits will automatically go to those same large corporations.

As Chairman Russell Long (D.-La.) noted when the DISC giveaway failed last year, the Senate Finance Committee decided that the proposal would cost more than the Administration estimated, and "wouldn't do nearly as much good as the Administration hopes."

The Administration announced Sunday night that "DISC will increase export sales roughly $1.5 billion a year." This is the same kind of exaggerated estimate presented by the Administration last year. The staff of the Congressional Joint Committee on Internal Revenue Taxation found no basis for such optimism. Their more sober analysis sets the likely export gain at $300 to $480 million per year. (I introduce a copy of that important report into the record). (INSERT EXHIBIT # C). The cost of DISC claimed by the Administration has also been challenged as unrealistic. The Administration claims a cost of $600 million, while some members of the House Ways and Means Committee convincingly argue that the cost will be closer to $955 million annually. DISC is a billion dollar boondoggle. Its inclusion with the President's other tax proposals highlights the tendency to clothe special interest tax cuts in the garb of economic stimulation. The absence of any available Treasury study to support its export gain predictions under present conditions either shows that the Department doesn't want the public to know what it's doing or the Department itself doesn't want to know what it's doing to the public. In either case this Committee should find out.

In addition to these corporate tax windfalls, the Administration proposes abolition of the automobile excise tax. Before the Congress accepts this proposal, which will cost $2.3 billion in the remainder of this fiscal year alone, it should carefully consider what the Nixon Administration has already done for the automobile industry:

1. On June 22 of this year the Administration adopted a set of accelerated depreciation regulations, which are now being challenged in the courts, which would allow the auto manufacturers to depreciate their purchases of capital equipment 20% faster than they could before. These regulations were made retroactive to January 1 of this year which granted the industry an extra windfall since the regulations apply to purchases made before the auto manufacturers knew whether or not they would be adopted. Since the auto industry invests substantial regular amounts in capital equipment and machinery, this tax break is even more valuable for them than for corporations in general.

2. The President has now proposed a tax investment credit (which he and his Treasury Secretary euphemistically refer to as a "job development credit") of 10% for one year (until August 16, 1972) and 5% thereafter. Again, because the auto industry tends to be a capital-intensive industry, this proposal is especially generous to it.

3. In addition, the President has imposed a 10% surcharge on imports which has had the effect of dampening what little price competition the American automobile industry faces, namely foreign cars. With the surcharge of 10% added to the prices of the one sixth of the auto market which foreign imports now control, the only beneficiaries will be Ford, GM, and Chrysler, not the American consumer.

4. As a final act of beneficence for the auto industry, the Administration is in the process of negotiating a devaluation of the dollar which, according to newspaper reports (*Washington Post*, August 19, 1971, p. 1) will amount to around 12%. What this means for the auto industry is that once the "temporary" surcharge of 10% is lifted, prices of foreign cars will *permanently* increase by around 12%.

Rarely has any government done so much for an industry in so short a time.

Finally, the auto industry apparently will be only slightly affected by the 90 day wage-price freeze. The *Wall Street Journal* reported yesterday that: (WSJ, August 19, 1971, p. 14, col. 1)

The auto industry's large wage increases late last year have largely been covered by a series of hefty price increases on 1971 models. This fact alone makes the companies more fortunate—at least for the moment—than those firms locked into a combination of recent wage increases and frozen, or rescinded, prices.

Even if the auto industry were not to raise its prices, the proposal of the President appear misplaced in terms of national priorities. In the United States there are over 100 million registered vehicles; about 9 million cars are sold each year; profits for the industry this year (especially for General Motors) are substantial; the problems of air pollution and traffic congestion caused by these vehicles are enormous. It is difficult to ascertain a reason for stimulating increased purchases from this industry. It has been having a record year in sales and employment and profits are up substantially. In addition, the UAW doesn't approve of the President's domestic proposals.

Of equal importance, the President's proposal is misplaced in terms of equity. Lower prices for new cars—at least for the next 90 days—constitutes a saving for those Americans who are wealthy enough to afford them in the first place. According to the President this class consists of 8 million Americans. On the other hand the tens of millions of less fortunate Americans who would have been assisted by welfare reform and the benefits of effective and equitable revenue sharing have been asked to pay the price of the Nixon tax-cut program.

Even putting the question of equity aside, it makes more sense to put a dollar in the hands of low income families who will spend it rather than the higher income family who will buy a new car and who will be inclined to save part of it. It makes more sense to cut personal income taxes by the equivalent of the auto excise tax, letting consumers decide what they want to buy. Rather the Administration is saying in effect that they should buy more cars. Putting the auto excise tax incomes into a mass transit program would employ new workers rather than afford more overtime to auto workers if more cars are sold due to abolition of the auto excise tax. The Administration oft-repeated figure of 125,000 new auto worker jobs, if the auto tax is abolished, is as phony as a new car's chrome ornamentation. They cannot support this figure with any hard data.

The prospect of what will happen to car prices after the 90 days are over should make Congress extremely reluctant to repeal the auto excise tax. The auto industry has been notorious for its lack of competition in prices. The Nixon Administration has assured the auto industry that foreign competition will be placed permanently at a substantial disadvantage. The auto manufacturers have the power to raise its prices by 7% after the freeze and still maintain a favorable competitive advantage over imported cars. Should this happen then the effect of repeal of the excise tax would be to take $2.3 billion in revenues and pour into the profit statements of GM, Ford, and Chrysler. (The dealer would have additional flexibility to combine variables at the retail level to mask their slice of the auto excise tax gap. The net effect of this change when combined with the President's proposed cutback in federal expenditures would be decreased aggregate demand, hence more recession. This is so because currently the government is spending the $2.3 billion. Should this money be transferred to the auto manufacturers it is clear that they would retain some, distribute some as dividends, and spend the rest on investments. However, they would not spend the 100% of the $2.3 billion which is being spent right now.

The prospects of this bonanza have not been unnoticed on Wall Street where the stocks of the auto manufacturers have skyrocketed upwards.

The risk of the President's proposal resulting in higher auto prices and decreased demand can best be avoided by continuing the auto excise tax. There are several other ways to cut taxes which are more equitable and more likely to result in increased aggregate demand.

It seems clear that the Administration has no plans for forcing the auto manufacturers to insure that repeal of the excise tax would be passed along to the consumer. In his television speech of Sunday night the President did say:

I shall insist that the American auto industry pass this tax reduction on to the nearly 8 million customers who are buying automobiles this year.

However, the President did not elaborate then nor has any Administration spokesman explained since, how this is to be accomplished. In fact, the White House explanation (which was printed in the *New York Times*, August 16, 1971) of the President's new policies implies that the Administration intends to rely on voluntary efforts by Detroit to keep car prices down. Specifically, the White House explanation stated:

It is anticipated that all of this tax reduction will be reflected in lower automobile prices. This will mean an average reduction in new automobile prices of $200 per car . . . (Emphasis added)

On Monday, Ford President Lee Iacocca conceded that his company could not control the dealers in this regard. Congress should not have faith in the use of moral suasion to prevent rising prices in the auto-industry. Congress should also accept no delay by the automobile industry in compliance with safety and pollution standards already long overdue, with such government largess going to the industry.

For the past 17 years the Congress has acquiesced in Executive initiatives to shift the burden of taxation away from corporations, and especially large corporations. Specifically:

1. In 1954 the Congress passed legislation enabling companies to depreciate their machinery and equipment at accelerated rates.

2. In 1962 the Kennedy Administration adopted new regulations shortening the lives of many different types of machinery enabling even faster write-offs.

3. Also, from 1962 to 1969, Congress enacted the 7% investment tax credit, which among other things, was supposed to make our industries more competitive abroad and thus help solve the balance of payments problem. The decision of the Nixon Administration to devalue the dollar is an appropriate measure of the efficacy of the investment tax credit in solving our balance of payments problem.

4. In 1964 the corporate tax rate was lowered in stages to 48% from 52%.

5. In June of this year the Administration adopted new regulations of questionable legality which allowed corporations to depreciate qualified machinery and equipment 20% faster than was previously allowed.

6. Now the Nixon Administration has proposed yet another raid on the treasury for the benefit of corporate America: a 10% investment tax credit for one year and a 5% credit thereafter. This will cost, according to the Administration's own estimates, $3 billion in fiscal 1972, $4 billion in fiscal 1973, and $2.5 billion annually thereafter in tax revenues. This is in addition to the tens of billions in lost tax revenues which corporate America has received in the past 17 years due to the generosity of Congress and, especially, the Executive.

Obviously, the government must raise a substantial amount of revenue each year to pay for its functions. To the extent that corporate taxes are lowered, whether directly by decreasing the rates or indirectly by IRS regulations, credits, and accelerated depreciation; other taxes must be either increased or remain at artificially high levels. The taxes on personal income of the individual in the United States—though filled with exemptions, exclusions, deductions and exceptions, mostly for the wealthy—bear heavily on the average taxpayer. The time has come for the Congress to restore the imbalance or, at the very least, to insure that it is not further distorted.

FOOTNOTE

[1] Economist Dale Jorgenson, speaking on behalf of AT&T in favor of the ADR depreciation regulations, concluded that "there is a general consensus that the [economic] impact will not be an immediate one; that the average lag in investment expenditure requires about 18–24 months." It should be noted that Mr. Jorgenson believes that the regulations will have beneficial long run effects, although other economists differ sharply with him on the value as compared with other economic measures of similar cost.

STATEMENT OF PAUL PORTER, ATTORNEY-AT-LAW, WASHINGTON, D.C., FORMER ADMINISTRATOR, OFFICE OF PRICE ADMINISTRATION

I am glad to accept the Committee's invitation to be present. I have no prepared statement but I have over the weekend done a little research, and I have some statistics that I would briefly like to refer to reflecting the experience that George Taylor and I shared, and later Mike Di Salle, attempting to administer wage and price control.

First of all, let me say I endorse and support the President's policy for the 90-day wage and price freeze. As I shall subsequently observe, what happens after 90 days, I think, is the critical and important thing.

Now both OPA and OPS issued price freezes which remained in effect throughout the period of regulation, although subsequently modified by special regulations and exemption procedures. In each case this freeze came after a six-month period of very severe inflation, and was intended to prevent further inflation at the cost of some injustice of a more detailed pattern of regulation was begun and the necessary bureaucracy was assembled.

For example, in the six months following Pearl Harbor, December 1941 through May of 1942, the Consumer Price Index increased at the rate of one percent a month. In May of 1942 prices were ordered frozen at the March 1942 levels by the general maximum price regulation. Promptly——

Senator PROXMIRE. Mr. Porter, when you say prices increased at the rate of one percent a month, are you talking annual rate or was that the actual increase for each month?

Mr. PORTER. Actual increase for each month.

Senator PROXMIRE. The annual rate was around 12 percent?

Mr. PORTER. Yes, sir. After the General Max, as it was popularly known or unpopularly known, I might say, the next 12 months the rate of increase was slowed down to about .65 percent per month so it did work, but the greatest proportion of those increases——

Senator PROXMIRE. What you did was cut it in half, is that right?

Mr. PORTER. I am talking about after the general maximum price regulation of 1942 was put into effect, and the rate was then one percent a month, slowed down to .62 percent a month.

Senator PROXMIRE. So, from one percent to .62 would mean it was cut about in half.

Mr. PORTER. Cut about in half and the biggest proportion of that, Mr. Chairman, represented agricultural commodities which were not then under regulation.

Senator PROXMIRE. I see.

Mr. PORTER. Now, April 1943 there came the hold-the-line order, and over the next three years the rate of inflation was slowed down to .13 percent or a total of 6.6 percent for a period of 37 months, which at the time was a very commendable record.

During the period of June 1946 to March 1947 prices were decontrolled very rapidly, and after VJ-Day, the lid was taken off practically completely.

During this 9-month period the Consumer Price Index increased 17.3 percent or an average of nearly two percent per month.

Now, the Second World War experience in rents shows even a greater stability than prices in general, and I take particular pride in this because I was the first Federal Rent Administrator in March of 1942, and by August of that year we had over 400 defense rental areas under regulation. We not only froze the rents but we rolled them back, and in the six months increase, six month period following Pearl Harbor, rents had increased at the unbelievable rate of 32 percent per month. You recall the housing shortages at that period, the influx of the labor supply into the congested shipyard areas and shipyard plants, but during the one year following the general freeze rents declined, actually declined, at the rate of .14 percent as opposed to an increase of .65 per month in the Consumer Price Index. And in the three years following the hold-the-line order rents increased only slightly as opposed, to .01 percent per month as opposed to .18 percent per month in consumer prices.

Senator PROXMIRE. You say .01?

Mr. PORTER. .01.

Senator PROXMIRE. And this was 1/100th of one percent.

Mr. PORTER. Precisely.

Senator PROXMIRE. In other words, practically stable.

Mr. PORTER. Well, rents remained under control during the initial period of decontrol, and increased only by 6/100ths of one percent per month from July of 1946 to March of 1947 at a time when the consumer price index was going up at the rate of about two percent per month.

Then came decontrol but from March 1947 through December 1948 when controls were eased to allow increases in rents, rents increased at about a half of a percent per month or a total of 8.6 percent in the year and a half period, but the increase between June and December of 1947 was more than the entire prior eight year period under controls.

In other words, the rent control was held at about one point during the period of the war.

Now, if at this point I may indulge in a little personal reminiscence I would like to volunteer gratuitous advice to my friend John Connally, because the role of a price controller as Governor Di Salle will verify, Dr. Taylor will, is not a happy one. My secretary had dug this out over the weekend that I consider one of my most priceless momentoes. It was from Headlines, a publication of the National Real Estate Association on the occasion of my resignation from the Stabilization Board and return to the private sector. There was this tribute that was paid to me:

"Farewell to Porter

"Paul Porter has announced his resignation.

"He'll probably beat the bouncer to the door by a hop and a skip. Eight million small property owners will cheer the bouncer.

"He was a faithless public servant. He was given vast discretionary power by a trustful Congress.

"He was given a blueprint of fair procedure in dealing with rents. Rents were to go up if taxes and costs went up. The directive was clear. He followed no part of it.

"Paul Porter had in his hands the saving and welfare of eight million small owners of rental properties, mostly one- to four-family homes.

"He chose to ignore every tenet of decency and good faith.

"In no area did he increase rents in spite of increased taxes and costs.

"His kangaroo court gave relief almost solely to owners who invested more capital", which as I read the statute is what we were supposed to do.

"He misrepresented facts to Congress when he said that owners had better income by reason of more tenants when 90 percent of the owners had not.

"He ridiculed millions of small people, whose property the Government had seized and held, in their utter helplessness.

"He compelled owners living on reduced incomes from services rendered, to subsidize tenants whose incomes were doubled or trebled.

"He was the polished demagogue, the stooge for left wing planners of a proletarian dictatorship."

I consider this, Mr. Chairman, one of my priceless mementoes because rents did not move——

Senator Proxmire. Are you saying, Mr. Porter, that your advice to Mr. Connally is to be tough, to provide no exceptions, to insist on full and complete enforcement right across the board?

Mr. Porter. For the first 90 days, yes, and thereafter as long as he can get away with it. [Laughter.]

Senator Proxmire. Very good.

Mr. Porter. I have commented on rents and I am sure that your very capable expert staff has these data but I have a table here that I would like to offer for the record that shows the behavior of prices beginning with December of 1941 through December of 1948, and I think this statistically reflects in a rather dramatic way the impact of the general maximum price regulations and the hold-the-line order, and I will ask Mr. Di Salle to update that when he assumes jurisdiction.

The Korean War, as Governor Di Salle can testify, that experience was somewhat similar. Prices were relatively stable in the first half of 1950, prior to the North Korean invasion in June. Beginning in June, however, retail prices increased at a rate of over one percent per month while wholesale prices increased by over 1.5 percent.

Now, Governor Di Salle then ordered a general freeze under the General Ceiling Price Regulation, as it was then called, which was instituted 1951, January 26, 1951, to remain in effect until March of 1953. At that point there was no significant inflation following decontrol, and I have here a brief summary of the behavior of the Consumer Price Index, the housing or rent index from February of 1950 through March of 1954, to show the Consumer Price Index, using February of 1950 as 104, it rose to 114.9 by March of 1954, which was a relatively stable movement pricewise. Housing which included shelter as well as a house from 104.6 in February of 1950 rose to 118.9 in March of 1954.

The parallels to the current situation are obvious. A general freeze on prices was invoked in each case to stabilize the situation followed by the issuance of more selective controls to alleviate the inherent arbitrariness and the inequities of the general freeze. In brief, I think that a freeze buys the time necessary to work out further controls after gathering the staff necessary to enforce them.

But, as I have indicated in this tribute paid to me by the Real Estate Association, both OPA and OPS were unpopular agencies. The reaction of organized labor in the current wage and prices freeze as well as the confusion surrounding it, indicates that controls in 1971 will probably not differ in popularity from earlier occasions, that is, from the business community and labor. I do hope they receive general public support. And the issuance of controls in peacetime, I think it can safely be predicted, perhaps will meet other public opposition than did the earlier controls in wartime where a certain degree of sacrifice could be demanded.

Now, the points of difference between the contemporary situation and those of the wartime situation are equally obvious.

The rate of inflation which triggered the present controls are far less than the approximately one percent a month that was present in the prior cases of Korea and World War II. The most recent Consumer Price Index shows an annual rate of change of 3.9 percent for the six months ended in July. The wholesale price index, however, shows the seasonally adjusted annual increase of 4.7 percent for the six month period ending in July and that is the highest rate in recent years.

The increase in wholesale industrial prices in July, for example, was .7 percent, which is the fastest monthly rise since 1965.

Now, I think that the important differences, Mr. Chairman, is that the necessity for controls during the OPA and OPS was created by a wartime situation in which demand far exceeded supply. As a matter of fact, we used to maintain at the agency a chart, which I was unable to find, and I would have it updated each month, called the inflationary gap. I am sure Dr. Taylor and Governor Di Salle are completely familiar with the inflationary gap, and that was taken from the Bureau of Labor Statistics and it represented the measure of available consumer purchasing power as against available goods and services, and during those war years there was an unprecedented rate of sales above income, 20 percent above income for a period of three years.

Now the major problem in holding down prices in these years involved the uncontrolled products such as agricultural goods which were in short supply and whose costs increased at an extraordinary rate. And I am sure we can all recall the grave difficulties we had with our subsidy program efforts to maintain a stable cost of living.

For example, all food prices increased by 17.6 percent between May of 1942 and May of 1943, 17 percent in one year. Some foodstuffs were brought under control during that period, but those that were not controlled before October 1942 showed a price increase of 62.3 percent.

Senator Proxmire. What period was that?

Mr. Porter. That is before October 1942, and in a one year period.

Senator Proxmire. One year period ending October 1942?

Mr. Porter. One year period ending October 1942.

Foodstuffs which remained——

Senator Proxmire. How muoh of the food production was not under control, what proportion, a third of it, half of it?

Mr. Porter. Over half, Mr. Chairman.

Senator Proxmire. Over half, and that half increased 62 percent?

Mr. Porter. 62 percent.

Senator Proxmire. In one year.

Mr. Porter. Yes.

Senator Proxmire. How does that square with the figures you have given us before on the increase of cost of living in view of the fact you have more than half of the food increasing 62 percent in price?

Mr. Porter. I think the Consumer Price Index will show the components, rent is 25 percent or it was then. That was the important thing, keeping—25 percent of the wage earner's income went for rent or shelter, and my mandate was to keep that down and other costs would be more easily controlled, wage levels, et cetera. Food probably about 30 percent, maybe a little more. I am sure Dr. Taylor must remember those figures, around 30 percent is my recollection. But there were certain foodstuffs that were, remained uncontrolled throughout the year that showed a fantastic increase of 73 percent during that same period.

Now, it is my understanding that no such inflationary force reflecting shortages in supply appear just now. Indeed, the major inflationary force appears to be wage settlements which, in turn, are followed by price increases. In other words, as I think some of the economists, and I am no economic pundit, put it, and that in the war days there was a demand push that created inflationary pressures. Today there appears to be the cost push, and I think this leads to the thing that I hope that this Committee, Congress, as well as the Cost of Living Council will give careful consideration to during the next 90 days.

In November of 1970, and I am talking now about recent wage settlements, in November of 1970, the United Auto Workers obtained a settlement with General Motors involving a 25 percent increase over three years. The Ford settlement followed the same lines, and Ford immediately announced its third price increase on 1971 cars. A price increase of 3.9 percent on 1972 models was announced by GM while Ford was considering a five percent increase. Now, presumably these increases have all been cancelled following the repeal or the recommended repeal of the automobile excise tax and the wage-price freeze, but even a higher settlement was given to the rail workers by Congress in December of 1970, 13.5 percent increase retroactive to January, 1970. The rail workers subsequently negotiated a 42 percent increase over 42 months.

The can industry settlement in the spring of 1971 set the pattern, as we know, for subsequent agreements. It gave the workers a raise of approximately 31 percent over three years, including an unlimited cost of living clause, escalation clause. Following the wage increase, the wholesale price index for cans increased from 115.6 percent in April to 124.3 percent in March. And the aluminum settlement was patterned after the can settlement. Shortly after that aluminum wire and cable prices rose by five percent, and the aluminum industry has planned, according to information that I have obtained, to increase prices of fabricated products by six percent in September.

And we also know, of course, that in July the postal workers reached an agreement with newly independent postal corporation involving a billion dollars increase in labor costs.

Now, postage rates, as we all know, have steadily gone up in the past and a new increase reflecting these higher labor costs is probably inevitable.

Also in July the Communications Workers of America signed a new agreement with the Bell System, which gave them a 33.5 percent raise over a three year period. Perhaps in anticipation of such a settlement Bell had obtained rate increases, and this is in the long lines department, of nearly a half a billion dollars in 1970 and the first two months of 1971. As of late February 1971 the Bell System had pending before the various State regulatory bodies applications for almost two billion dollars additional rate increases, the exact figure is one billion 946 million 900.000 dollars.

And, as we know, the most recent wage settlement was in the steel industry. The new contract price for a 31 percent raise over three years. The larger steel companies immediately announced plans for an eight percent increase across the board. This is in addition to the steel price increases which took place earlier this year.

Now, Mr. Chairman, the reason I made reference to these wage increases, it seems to me that after the 90-day freeze and the moratorium, that the critical issue will be for some mechanism, for some policy, that some legislative authority be developed which will deal with the problem of dominant power in industry and dominant power in labor of making these kinds of agreements which have created this cost push type of inflation. There have been suggestions that a selective price control system may be the answer. I do not know. I do not have the wisdom to other than suggest the problem, but it seems to me that the possibly, and I know this is anathema and a red herring to most labor and large industry, certain anti-trust concepts may be involved here, and that is when a dominant, strong union, doing its job as best it can on behalf of its constituency, gets together and forces a wage increase of the settlement of the magnitudes that I have referred to, and immediately thereafter it is reflected in the price level, that calls for the wisest consideration that I think the Congress and the Administration must, as Dr. Taylor will well remember during his days on the Wage Stabilization Board, the price stabilizers, collective bargaining was still in process, but under no circumstances would we permit a price increase as the direct result of a negotiated wage settlement. We said the collective bargaining process had to be exhausted, we would take a look at it and if industry could possibly absorb it we would require them to do so.

As Dr. Taylor can say with all of his experience and expertise, I think that that contributed somewhat to the moderation at the bargaining table on both sides, a characteristic which has been lacking in the recent settlements to which I have referred and which, in my view, are responsible for the problem we are facing today.

STATEMENT OF GEORGE W. TAYLOR, PROFESSOR OF ECONOMICS, UNIVERSITY OF PENNSYLVANIA, FORMER CHAIRMAN, NATIONAL WAR LABOR BOARD AND WAR STABILIZATION BOARD

Mr. Taylor. I sort of agree with Mr. Porter about the worthwhileness of the freeze that was undertaken. I think I differ with him with respect to saying we can wait until the end of 90 days before mechanisms are considered in order to deal with gross inequities, especially as this is true with respect to some current labor agreements, and people do feel that there are such great inequities involved. I am not talking about the substance of our policy but a procedure.

You can say to me that this immediately drives you into bureaucracy. Well, you do not control wages and prices without some bureaucracy. It cannot be solely on a voluntary basis. The voluntary approach indicates that those who are good fellows are at a disadvantage compared with those—

Senator Proxmire. Are you saying you have to develop that enforcement bureaucracy during this 90-day period and not wait until the end and put it into effect after the freeze, more than we have now, sort of an OPA?

Mr. Taylor. Some due process for people to express their feelings, deep feelings, for gross inequities.

Senator Proxmire. You are calling for it right now?

Mr. Taylor. I always like to think of—I never like to take steps 1, 2, 3 until I have thought out 8, 9 and 10. I think maybe four has not been thought out in this case, step 4, and at least people with a grievance should have a forum before which they could express their dissatisfaction because it is great.

Senator Proxmire. Well, at the present time, as I understand it, the Administration's feeling is that the OEP, the Office of Emergency Preparedness, is some kind of a forum of that sort.

Mr. Taylor. I understand.

Senator Proxmire. You feel that is inadequate?

Mr. Taylor. I do feel this is inadequate. This is a very technical complex question.

Senator Proxmire. And you think they should provide this kind of forum, this kind of opportunity for people to take their inequities to about which they complain, that should be developed within a matter of days, is that right?

Mr. Taylor. Indeed, and out of the complaints that would arise from the claimed inequities there might be the straw from which you can build a policy based upon your analysis of what is taking place.

Senator Proxmire. I see. So that the kind of forum in which you develop a more permanent arrangement would emerge out of the complaints that you received, that processing those complaints, the inequities that you experienced rather than the freeze itself.

Mr. Taylor. At least they would be real complaints and not imaginary ones so that the 90-day period could provide a means of really more carefully evaluating the nature of the problem.

I understand the desire not to have a bureaucracy but when you get into these fields some bureaucracy, it seems to me, is unavoidable.

So, I do have that footnote to Mr. Porter's statement.

Mr. Porter. Mr. Chairman, I would like to say that I did not intend to imply—I agree with Dr. Taylor—that everybody should sit on his hands during these 90 days. Obviously, gross inequities should be considered but I think more importantly planning for what is called phase 2 should move rapidly forward, that is what I intended to say.

Senator Proxmire. I think both of you gentlemen are in agreement on that but I think Dr. Taylor's position is that there is now no opportunity for people with a grievance to have a hearing and to have something evolve out of it and to have on the basis of it develop an experience which will permit a fairer ruling or a fairer enforcement in the future. That is not in existence, that phase at the present time, is that [illegible]nt?

Mr. Taylor. That is my step 4. I think Mr. Porter and I would both recommend what would be after 90 days, would be step 5. I think we can get too complacent about it after 90 days without due process and I think people, rightly or wrongly, agree this will develop very strongly after the 90 day period.

Senator Proxmire. I think Congress will be back, having been out in their States, be back, with a tremendous number of complaints. I was out in my State this weekend, and by and large they approve it, the polls showed they approved it, they wanted it, they were fed up with those conditions and feel the President has done the right thing. But many people are very unhappy about the inequitable position they have been put in and, as you say, there is no place to go.

Mr. Taylor. Exactly so, and this can boil up a great deal in the 90-day period.

The same thing about strikes about which I am going to talk a little bit later. It is one thing to say "Don't strike", but you then have to provide an alternative means for developing the differences that are present. This cannot be in limbo either, and it is one thing to say, "Don't strike and don't bargain". Another think is to say, "Go before this Board and present your case". It is related to the first point that I made.

I do not know, my judgments can differ on whether you can freeze for 90 days without recourse to those who have grievances. I think it is a very dangerous approach to assume.

Senator Proxmire. Well, whether you can or not I take it your conclusion is you will have a better situation after 90 days if you meet the legitimate objections in some way.

Mr. Taylor. Indeed.

Senator Proxmire. At least, hear them and try to find out what they are and try to modify the situation after the 90 day period is over in view of the difficulties.

Mr. Taylor. Indeed, this is the basic to the comment I have made, and I am sure Mr. Porter would add that to his—or I am not sure.

Mr. Porter. George, I used to have a big penant back of my desk which saved me an awful lot of time. It read in letters that high, "Now take my case", if you have some citizens grievance committees, "I'm against inflation but now take my case," he would look up at this.

Mr. Taylor. When I was talking over with my colleagues here about what I was going to say I said this could be like yesterday's newspaper, and Mr. Porter said, "NO, it could be archeology". On the other hand, sometimes you get something out of yesterday's newspaper if you are discerning enough.

The big difference, I think, on the wage side and the strike side in World War II, and the Korean War was simply this. We had a no-strike agreement for World War II, and we did not have for the Korean War.

The trouble when you have the right to strike and wage settlement by formula is that you have two methods for determining what the proper wage is going to be, and they give different answers. This was true in the Korean War, as my colleagues would know. The Wage Stabilization Board at that time set up a formula based on the old Little Steel formula with modifications. But the right to strike was maintained and it was legal, and some unions could opt for taking the formula or the strike, whichever served their interest the better and, of course, the Board broke up when the steel workers decided not to follow the stabilization program, guides, guidelines, but rather to exercise their right to strike. This is probably the most difficult and disturbing aspect when a free country goes into the business of limiting the latitude of both unions and management in respect of the prices which they charge for their services and products.

Fortunately, in World War II there was a summit conference, you know, right after Pearl Harbor in which labor and management and the Government got together and said under what conditions can there be a revocation of the right to strike.

Now, the circumstances were different than they presently are, I understand that. But it was agreed, and the labor fellows said, "We will give up the right to strike if you establish a tripartite board on which we sit, and we will accept the majority ruling of that board as a substitute for the strike."

Well, as I look back on those archeological days it was, the power behind the deal was, that when a strike did occur it was the responsibility of the labor leaders to get it settled, and I must say many of them did valiant service in taking on that responsibility and going out and saying, "We agreed not to strike."

It was quite different in the Korean War where I always thought that the guidelines, so-called in the Korean War, with the retention of the right to strike were much more like the voluntary guidelines of more recent vintage where the right to strike was retained.

I think in a country like ours the way to limit the right to strike is by agreement of those who have to make it work, and have to make the no-strike work. This is what is so distressing to me about the inability of the organized labor movement to cooperate. We ought to be able to cooperate together. This has to be rebuilt, as it had to be rebuilt during the Korean War when all the labor fellows pulled out from cooperation with the Government at all levels, and it was an extremely critical time to get this cooperative endeavor again.

Senator Proxmire. Refresh my memory on that. I do not recall that. You say during the Korean War the labor leaders pulled out of cooperation with the Government on price stabilization?

Mr. Taylor. They did indeed. May I be personal about this?

Senator Proxmire. Yes, I wish you would.

Mr. Taylor. Mr. Truman had asked me to be chairman of the Wage Stabilization Board during the Korean War and I said no, you cannot run a wage stabilization program with the right to strike at the same time, these give different answers. Well, some things happened and the labor movement all said, "We will not cooperate with any governmental agencies at all." They pulled out from all of the agencies, I have forgotten the year, would you remember that—1951, and I remember the President saying, "Our big job here goes far beyond wage stabilization. It is that an important segment of our population feels that it is at odds with our Government and the job then was to get the labor fellows to return to cooperate with the Government, which we succeeded in doing.

But then, we were unable to get an agreement on a wage policy.

I thought we had a wage policy that worked fairly well in World War II for another reason.

Senator Proxmire. Let me just interrupt to say, Dr. Taylor, the trouble I am having with your suggestion of trying to fit it into the present situation is that the Administration has asked that unions not strike, they just asked they not do it, with no penalties, no law, and they just said, "We hope you will not strike." Now during this period you say you should substitute something for the strike. It is awfully hard to see how you can substitute anything under these circumstances. You have a freeze which means no increase in wages. How do you negotiate that? After the period Secretary Connally, who is the expert in this area, says "We do not know. We do not know." So, there is no way you can negotiate something where you have a Government which is in a position to stop an increase but have not indicated what it is going to do about it so I do not see how you can substitute any action for the strike now at the same time we are in such a weird and unusual and almost unprecedented situation. I do not know, I do not see what labor can gain by a strike now.

Mr. Taylor. Well, they can stop work.

Senator Proxmire. They can stop work. What does that gain them, how do they negotiate?

Mr. Taylor. I do not know.

Senator Proxmire. It seems to me management is in a position where they cannot very well agree to a wage increase.

Mr. Taylor. I understand.

Senator Proxmire. If they do they cannot reflect it in their increased costs, in their prices.

Mr. Taylor. Senator, the problem goes deeper than the union because it goes right back to the people in these factories and plants and so forth, all of whom have been led to expect——

Senator Proxmire. Now, addressing yourself on the present situation where you have a freeze that is going 90 days, with no notion of what is going to happen in the future but a freeze on wages and prices, what kind of recommendations would you make that you think would be realistically acceptable to organized labor?

Mr. Taylor. Well, the second part I do not know. This is a bargaining——

Senator Proxmire. That is what we have to live with.

Mr. Taylor. Except for this.

Senator Proxmire. We have to recommend something.

Mr. Taylor. There should be available a forum by which these disputes which should, that could, erupt into a strike would be worked out well enough so that there would be a forum before which the problem could be placed and it could very well be that modifications of the freeze in the 90-day period would be a desirable thing to do in order to avoid exceedingly gross inequity. But this is a matter of high policy, and I understand the difficulties of it. But this is not an easy situation either.

Senator Proxmire. So you are saying, Paul Porter told us and I thought there was a kind of fundamental principle, that many people can accept with enthusiasm, no exceptions, you have got to be tough during this 90-day period, you are saying well, you have to look at the practical situation here and you may have to make some exception even during the 90-day period, is that not right?

Mr. Taylor. You can be tough but if you are wise or foolish about being tough the results are quite different and I do not think toughness in itself is necessarily a virtue.

Senator Proxmire. Well, certainly during 90 days, if we cannot have a situation where we stabilize wages and cut into this wage-push inflation we have during the 90-day period we do not have much basis for winning public support, do we, for this program?

Mr. Taylor. You do not win public support if some people are going to be so adversely affected in their position by virtue of a date. If a wage increase, for example, was quite valid on one day and the next day it is not, it is going to be very difficult with that group of people to say—

Senator Proxmire. Maybe we can do better if we get to specifics. Can you think of any group, the teachers, for example, are one group, the Government workers in Texas and in other States, or the State workers are another kind of group, the labor unions. UAW, for example, has a contract which right after the 90-day period brings them a three percent increase, that is another category. Can you think of any of those where the Government might possibly go ahead and provide an exception?

Mr. Taylor. Yes, I could in automobiles, for example.

Senator Proxmire. UAW.

Mr. Taylor. If the Board would say, "Now we understand that inequities have been created by virtue of this date between the basic automobile manufacturers and the suppliers, there is an inequity which has to be brought into account in the final wage which is to be paid", and I would set up an agency by which the nature of that inequity would be worked out and presumably a decision made after 90 days, if you wish, because these wages are going to go up in the last analysis, and I think the labor market is going to see to it that this happens. You can freeze for a while and then you unfreeze.

Senator Proxmire. Well, I think that almost everybody agrees that after a 90-day period you have to have kind of an adjustment to recognize at least the productivity increases in our society where compensation can increase consistent with stable wage costs, consistent with stable prices.

Mr. Taylor. Yes.

Senator Proxmire. The big issue is whether or not you can hold down that wage increase close to the productivity increase so that you can break the back of inflation, at least the very high inflation rate we are suffering.

Mr. Taylor. I have great doubts whether you can break the back of it by just the freeze without just the procedures I have talked of.

Senator Proxmire. All right.

Mr. Taylor. Because resentment can gather and final settlements may be more costly than they otherwise would be, because do not forget, when a union signs an agreement it has to be ratified by its membership, and the moods of the membership can be extremely important to both management and labor, as to whether to sign an agreement. In other words, I would do some things looking now to how you are going to get out of the freeze.

Senator Proxmire. Well, I think, I certainly agree with that but it would seem to me that rather than pick out the auto workers or any other group, strong as their case may be, for exception, it would be best to develop some kind of principles——

Mr. Taylor. I agree.

Senator Proxmire. And try to stick with that which would permit a wage increase. After all, we had wage increases in the period 1962 to 1966 when we had stable wage costs, that is perfectly possible and consistent.

Mr. Taylor. Yes.

Senator Proxmire. Wage increases, but those wage increases should be based on some principle which we could apply across the board.

Mr. Taylor. It could very well be, you know, that a hearing on some of these cases could be a show cause hearing, which would at least channel conflict, which is really what we are talking about, how we channel conflict, and maybe show cause hearings would be the thing to do.

Senator Proxmire. Thank you very much, Dr. Taylor. I want to ask you gentlemen some questions.

Mr. Taylor. May I say one other thing, Mr Senator? There is one aspect of the more recent experience, that is in the guidelines, I happened to have been on the Advisory Committee, that was at the time the guidelines of the two previous administrations were in effect, of talks about those guidelines as being resurrected or something like it, but you know those guidelines started out to be wage and price guidelines, and there were, if you read them, you will find there were conditions under which prices should be—

Senator Proxmire. You are talking about the guidelines in the Kennedy and Johnson Administrations?

Mr. Taylor. Yes, I am. There were conditions under which prices, spelled out under which prices, were to be decreased. Well, by some means, I do not know just how this happened, it all simmered down to a 3.2 control of wages, and—

Senator Proxmire. That is about all you got out of it.

Mr. Taylor. Excuse me?

Senator Proxmire. That is what you got out of it.

Mr. Taylor. That is what got the emphasis, and while there was jawboning and this sort of thing, it was always you do not raise prices as much as you otherwise would have or you do not raise prices. I do not know of a single case where any issue was made of the price decrease which was—

Senator Proxmire. I think maybe in the appliance industry you got some price decreases, there were a few exceptions.

Mr. Taylor. I do not know about any governmental action with respect to effectuating that part of the guidelines and, of course, it turned down to this 3.2 which, for reasons I will not bother you with, I think was a very faulty guideline. The 3.2 was based on factors which you do not hear around the bargaining table. I never—one exception which I will not go into, I never—heard management and labor say, "Well, what is the increase in national productivity?" This is not mentioned when people start talking about wages. They talk about cost of living.

Senator Proxmire. There was a new concept, maybe it was right, maybe it was wrong, but it was based on the notion that we could theoretically, at least, pay 3.2 percent more because that was the overall growth of productivity in the economy across the board and then in those industries which were more productive than 3.2 they could have price increases, 3.2 they would have price stability, less productive they could have some modest price decreases.

Mr. Taylor. But then, of course this price aspect to which you just referred was never effectuated about the cuts that were supposed to take place, and so I think it is fair to say that when labor was being asked to hold to the 3.2, this was predicated upon a stability of prices.

Senator Proxmire. I think this is very helpful because you are focusing now on what I think is the problem with our present situation, that is why labor feels they were burned in the 1962–66 period.

Mr. Taylor. Indeed.

Senator Proxmire. You had profits increased 60 percent, you had wages increased for organized labor about 16 percent, about one-fourth as much, they feel they made the sacrifice.

Mr. Taylor. Sure.

Senator Proxmire. And they got—management and stockholders got the benefits.

Mr. Taylor. And they did moderate their wage demands during part of this period.

Senator Proxmire. The big unions did.

Mr. Taylor. The big ones did, and they were being asked to stabilize their wages on the ground that prices were stable, where prices were not stable at all. So it was an entirely incongruous situation for them.

STATEMENT OF MICHAEL V. DISALLE, ATTORNEY-AT-LAW, WASHINGTON, D.C., FORMER DIRECTOR, OFFICE OF PRICE STABILIZATION

Mr. DiSalle. Mr. Chairman, after listening to Paul Porter and Dr. Taylor, I am terribly concerned about the condition we are in.

But actually, I agree with most of the statements made by both.

But I want to point out a few things about some of the differences that exist today with the situation that existed both in World War II and Korea.

We talk about the need for a large bureaucracy. In World War II we had rationing, which is not a need today, and was not a need during Korea. We had plenty of goods and we have plenty of goods today.

During, when we entered into Korea in June 1950 there was a great deal of talk about price and wage control and nothing was done for a long, long time but discussions, and the discussions helped feed the inflationary fires in those days. The inflation of those days was not caused by lack of goods but by the wage price spiral that was accelerating at the rate of 13 percent, annual rate of 13 percent, between June 1950 and January 26 of 1951 when the freeze was imposed.

Now the 11 months following 1951 prices were held to a 4 percent increase, and in the following year, 1952, they were held to less than one percent. So it demonstrates that price controls, price-wage controls, were effective during that period, they can be effective today providing they are administered effectively.

Under the present system, the 300 people in OEP won't be able to answer the phone calls that are generating throughout the country today. I know Congressional offices that are being swamped by inquiries and that are having trouble getting through to the various offices to try to get information for their constituents. This is bound to cause trouble.

Now, in 1951 we very seldom heard about conglomerates. Today they are a large part of our economy. In 1951, between 1951 and today there have been great changes in productivity, improvement in productivity as a result of improved technology so this is a new factor that has to be considered.

We talk about whether or not people are going to be satisfied. Of course they are not going to be satisfied. Consumers are not going to be satisfied because prices are never low enough for the consumer. The businessmen are not going to be satisfied because prices are never high enough for the businessmen. If we look back today at the price levels of 1951 we find there was a substantial change and the consumer was still complaining in 1951 about the size of the prices.

Now, I think the principle cause of inflation today is the lack of competition in certain areas. Large labor unions are much more powerful than they were and certainly business itself is much more powerful and the lack of competition certainly does not make it necessary for them to put on a big fight about a wage increase which can automatically be passed on to the consumer.

Now we are not going to be able to have effective price controls in this period unless we do something about everything along the line. You can't hold beef prices and permit the price of livestock to go up; you can't hold the price of cotton shirt and permit the price of raw cotton to move up without some sort of controls and I cannot agree more with Dr. Taylor for the need of some type of machinery where people can go and get answers. This is part of the effective administration of the program. Without it you might as well give it up right now.

Now, we talked about November 12 as the final date. November 12 can be the biggest price holiday in the history of this nation, if we just let November 12 come along and say "this is the day that all controls are off and people can fix their own prices" there would be a catch up period, they will be catching up for the 90 days that they were held in restraint, so it is necessary right now to start building the kind of an organization that will phase out the freeze, phase it out in those areas where there is no substantial impact on the economy. Phase it out——

Senator Proxmire. Such as.

Mr. DiSalle. Well, let's say canned rattlesnake, and chocolate covered ants. There are millions of items.

Senator Proxmire. Are you saying you phase it out where you have small firms that manufacture goods that are in competition.

Mr. DiSalle. Those where the impact on the economy is not substantial and this you can do and you can then devote your organization that you had to those areas where there are inflationary fires still burning.

Senator Proxmire. Now you say you can phase it out with respect to certain prices in competition. How about phasing it out with respect to certain particular wages.

Mr. DiSalle. I think that can be done.

Mr. Proxmire. For example.

Mr. DiSalle. For example, let me give you one instance:

We had a glass manufacturer come in and ask for an increase on the basis of having a hardship. We reviewed the case and decided there was a hardship.

We granted a price increase. For fully a year after that they were never able to place this increase into effect because the competition was so strong, and would not move their prices up, they kept their prices still. So the number four manufacturer had to hold his in order to stay in business, even though he was having great difficulty. In many areas, we have automatic price controls and always have them.

Senator Proxmire. You see, Governor, what bothers me about this that once you begin to exempt any significant group, once you begin to make any substantial exception, I would be afraid the whole thing would crumble in as much as this is pretty much a voluntary operation anyway. You can say we can apply that $5,000 penalty which we have in the law in some areas and not others but even the President indicated, and I think he is right, this is going to take a great deal of voluntary cooperation. We don't have a popular war going on, you say we will have to exempt a substantial number of people, and you can't do that during the 90 day period. If you do that isn't it a formula for torpedoing it on the ground it is not consistent, not fair.

They can point to a neighbor getting an increase, they can point to another businessman getting a price increase and he is not, don't you have a pretty difficult situation unless you make it universal?

Mr. DiSalle. Mr. Chairman, OPA was the result of a failure of the voluntary approach, OPS was the result of failure of voluntary approaches, the present freeze is the result of the failure of the voluntary approach. You can't have them. But you can do this, you can hold prices and you can hold wages but in those areas where prices and wage controls are not necessary you can decontrol and take off an administrative burden and hold it where it is necessary.

Now, in late 1953 when OPS was finally wound down, we had achieved stability in most price areas, and price stability can be achieved, but there is no need in wasting your time on those areas which are not important to the economy.

Senator Proxmire. You say the areas that are not important to the economy you can permit to pay wage increases and permit to provide price increases if they wish to do so.

Mr. DiSalle. They are ordinarily not in position to produce wage increases or price increases or to achieve them. Many luxury items——

Senator Proxmire. What you say is not inconsistent with what the economic experts told us, Heller, Eckstein, Schultze and Saulnier and the others, they seem to feel you should end up when the 90 day period is over at least concentrating on the big companies, say the hundred biggest companies, in the country, maybe 500, and you should concentrate on the big labor unions. I am not sure I agree with that description because how can you get the big labor unions to agree on that, and I must say if I were the head of a big labor union I would be pretty reluctant to know "you fellows are going to be limited, you are going to be limited" or if I were the head of a big company that I am going to have my price frozen but the others are not. I wonder what you tell the other people there are going to be exceptions to the rule. It is one thing to say everybody has to stay in line here, it is another thing to say we are going to single out some and say you are going to have to be limited but we are going to have to exempt the majority.

Mr. DiSalle. For example, if in some areas where you have people come back with what they think is an unfair price increase which breaches the line, you can still bring it back, bring it back under control and roll them back to this point, and with that threat alone only people who are very necessarily in need of an increase would risk increasing their prices.

STATEMENT OF PAUL W. MCCRACKEN, CHAIRMAN OF THE COUNCIL OF ECONOMICS ADVISERS

"America today has the best opportunity in this century to attain two of its greatest ideals; to bring about a full generation of peace, and to create a new prosperity without war." With these words the President on August 15 proceeded to unveil what, in the quite literal sense, must be called the most far-reaching program for economic policy during the history of this Committee and the Council of Economic Advisers. Indeed, the significant feature of the program is to be found in its scope and in its integrated approach to three difficult problems that have characterized American economic developments in recent years—inflation, unemployment, and unsatisfactory developments in our external payments position.

Progress was, of course, being made on our economic problems. The economy generally was expanding. The domestic demand for output, in real terms, during 1971 rose at the rate of 7.7 percent per year in the first quarter, followed by a 6.9 percent annual rate in the second quarter. Retail sales from January (to avoid the strike-depressed December level) to July rose at the rate of 11 percent per year, even though during half of July a substantial part of our railroad system was down from the strike. Americans have been buying automobiles at a 9–10 million rate during 1971. In July, housing starts reached their highest rate in history. Clearly the economy has been moving upward. Business has been better than sentiment about business.

There had also been progress on the price front. Thus far in 1971 the consumer price index has been rising at the seasonally adjusted rate of 4 percent per year. This is well below the 6 percent figure reached at the crest in the first half of 1969, and it is less than half that which would have occurred if the post-1965 trend had continued to prevail. The private GNP deflator (to avoid the effect of Federal wage increases on the price index) in the first half of 1971 rose at the annual rate of 4.3 percent, compared with 4.9 percent in the first half of 1969. And a broadly comparable picture is evident for key components of the wholesale price index.

ANNUAL RATE OF RISE IN SELECTED PRICE INDEXES (SEASONALLY ADJUSTED ANNUAL RATES)

WHOLESALE PRICE INDEX

[In percent]

Period	Consumer price index	Percent	Consumer finished goods	Producer finished goods	Private GNP deflator
1969:					
1st half	6.2	5.4	5.5	3.5	4.9
2nd half	6.0	4.3	4.4	5.5	4.7
1970:					
1st half	6.0	2.2	.6	3.9	4.7
2nd half	4.9	2.2	2.2	6.0	5.6
1971: 1st 7 months	3.8	4.6	2.6	3.3	[1] 4.3

[1] 1st half of 1971.

Source: Department of Labor and Department of Commerce.

Our international trade performance has been more erratic. By 1968 the surplus of merchandise exports over imports had declined to $0.8 billion from its peak in 1964 of $7.1 billion. For a nation which should be a capital exporter, and has substantial other international obligations this $0.8 billion clearly was an insufficiently strong external trade performance. After an improvement in 1969 and in the first half of 1970, our trade position began to deteriorate again, and since April merchandise imports have been exceeding our exports. It is worth pointing out that the rise in our consumer price index during the last year has been less than that for the industrial world generally. Indeed, only Canada, Belgium, and Austria among the industrial nations have done better. Price comparisons during the last years for manufactured goods are, however, less favorable for this country.

RISE IN PRICE INDEXES DURING THE LAST 12 MONTHS FOR SELECTED COUNTRIES[1]

[In percent]

Country	Consumer price index	Wholesale price index for manufactured goods[2]
Austria	3.9	[3] 4.9
Belgium	4.0	(4)
Canada	2.4	2.3
France	5.0	[5] 2.3
Germany	4.9	[6] 9.2
Italy	5.2	[6] 1.2
Japan	6.6	[6] 1.0
United Kingdom	9.9	[7] 8.6
United States	4.4	3.5

[1] The 12-month period varies from country to country, depending on the latest available data.

[2] Except as noted.

[3] All items.

[4] Not available; indexes for 1970 and 1971 are not comparable.

[5] Intermediate goods.

[6] Investment goods.

[7] Excludes food.

Source: Organization for Economic Cooperation and Development.

II

Progress, however, was not rapid enough on the domestic front, and as already indicated our trade position in recent months weakened further. Economic policy, therefore, was faced with an exceedingly complex problem. Concentrating attention on any one of our problems would court the risk of aggravating the others. Severely restrictive policies would slow the domestic economy, and thereby reduce the demand for imports and perhaps reduce further the rate of inflation, but they would also tend to raise further a level of unemployment already too high. Vigorous policies to expand the demand for output would help to reduce unemployment, but they would also court the risk of impairing further an already weak external payments performance.

To break out of these dilemmas a comprehensive program of interlocking parts was required in order that we could move on all fronts simultaneously. This the President's program provides. To hasten the process of establishing the basis for a more stable level of costs and prices, the President invoked the authority given him in the Economic Stabilization Act of 1970 to impose a wage-price freeze. While the Act does not extend this authority to dividends, the President in his address called on businesses to observe the terms of this freeze in dividend payments. And interest rates, also not covered in that Act, are now generally at levels below those prevailing during the base period for the freeze. To administer the freeze, a Cost of Living Council was created consisting of the Secretaries of the Treasury, Agriculture, Commerce, Labor, and HUD, the Director of the Office of Management and Budget, the Chairman of the Council of Economic Advisers, the Director of the Office of Emergency Preparedness, and the Special Assistant to the President for Consumer Affairs. The Secretary of the Treasury is the Chairman of this Council, and the Council of Economic Advisers is Vice Chairman.

A freeze by itself cannot be expected to do the long-run job. Indeed, by itself a freeze is apt to pile up ammunition for an explosion of wages and prices at the end. That, in fact, has tended to be international experience with freezes as such. Thus the newly-created Cost of Living Council has also beeen directed by the President "to work with leaders of labor and businesses to set up the proper mechanism for achieving continued price and wage stability after the 90-day freeze is over." Work is now under way on a program for this post-freeze period, though it is too early to anticipate what this program will be. The objective of this program for the second phase is, however, clear enough. It is to achieve a long enough period of a reasonably stable level of prices and costs per unit of output to create a new confidence in the purchasing power of our dollars, at the same time enabling the pricing system to resume its basic function as the sensitive and sophisticated communications network for the economy.

Another set of proposals in the President's program is directed at invigorating the pace of the economy. Reductions in individual income taxes now scheduled for January 1, 1973, are to be made effective at the beginning of 1972. Elimination of the excise tax on automobiles is also proposed, and the industry has promised to pass the full amount of this reduction through the price of automobiles. A Job Development Credit is also proposed consisting of a 10 percent investment tax credit for one year, and dropping to 5 percent thereafter. This near-term will create jobs and production in a segment of the economy that has been particularly sluggish, and for the longer run it will stimulate the modernization of our productive facilities so necessary to maintain our competitive position internationally and to achieve the gains in productivity out of which improvements in real wages and material levels of living are achieved.

III

What is a reasonable estimate about the impact of this program on the economy? This has been the subject of some discussion. Budget proposals call for reductions in outlays which, together with revenues from the new import surcharge, slightly exceed the projected reductions in other taxes. In the purely static sense such a fiscal program might be deemed to be slightly deflationary. This essentially static arithmetic will not do here, however, because of the sharp incentive effects of the tax proposals. The Job Development Credit, for example, does more than leave after-tax income of the private sector some $3 billion higher. It also increases the after-tax rate of return on investment, with a particularly large increase for projects undertaken during the year immediately ahead. Obviously the impact of the import surcharge on the domestic economy is not measured by the $2 billion estimated revenue yield. Its major impact on the economy will be the stimulus to domestic output that comes from redressing the imbalance between external and domestic price-cost levels.

Our own work indicates that for calendar year 1972 the various expenditure reductions (including reduced Federal employment) would have about a $9 billion adverse effect on GNP, and the other elements of the program would add about $24 billion to next year's GNP, with a net positive impact of $15 billion. This includes an effect of $8 billion due to a substantial shift in consumer confidence as a result of the President's Program.

The impact on employment of an additional $15 billion for GNP in 1972 would be substantial. If we simply divided this $15 billion by the current $13,000 of GNP per employee, the increment to employment would seem to be large indeed (well over one million). This, however, would overestimate the employment effect. An abnormally large part of this increased output will come through the sharp gains in productivity that should be realized as the economy's operating rate improves. Even with a generous allowance for unusually large productivity gains, however, the number of new jobs that will result from this program in 1972 will be large.

At the same time that domestic expansion and progress toward greater stability of our cost-price level needed to be accelerated, two international economic developments emerged. One was the clearly unsatisfactory trend in our own balance of payments, which by the second quarter was producing a net import surplus. And the other was evidence that our international financial system was becoming more crisis-prone. Indeed, as of August 15 currencies of countries accounting for roughly one-third of our foreign trade were already floating against the dollar.

Measures to deal with our external economic problems, therefore, had to be an integral part of the program.

In his Executive Order Providing for Stabilization of Prices, Rents, Wages, and Salaries the President noted that this action was necessary in part "to improve our competitive position in world trade and to protect the purchasing power of the dollar." Also, in his Proclamation imposing a Supplemental Duty for Balance of Payments Purposes, the President referred to the "prolonged decline in the international monetary reserves of the United States" and the threat to our "trade and international competitive position."

The developments to which the President referred have already been indicated and are well-known to the members of this Committee. Our monthly average trade surplus, which was $590 million in 1964, all but disappeared in 1968, and then after a brief recovery in late 1969 and early 1970, suffered a rapid erosion that turned it into deficits after March of this year.

The whole account of our balance of payments with foreigners has been dragged in the direction of the trade balance. Our current international account changed from a surplus of $5.8 billion in 1964 to deficits of $386 and $899 million, respectively, in 1968 and 1969, and the brief merchandise trade recovery in 1970 only supported a current account surplus of $444 million. The official reserve transactions balance of payments was in deficit by nearly $10 billion last year, and the liquidity balance deficit was $4.7 billion. The balance of payments deficit on official reserve transactions skyrocketed to an annual rate of $23 billion in the second quarter. Our net official reserve assets, in spite of being supplemented by new issues of SDR's, declined to $13.5 billion, the lowest level since World War II, and our gold stock in June was $10.5 billion. These developments clearly indicate that a serious disequalibrium had emerged in the pattern of international exchange rates, making actions to correct this imbalance necessary.

Several of the steps taken on August 15 will have effects on our trade and balance of payments positions. The freeze on wages and prices will prevent our competitive position in world markets from eroding further while more fundamental readjustments are brought about. The Job Development Credit for investment in new machinery and equipment will apply only to equipment of U.S. origin and hence favor domestic suppliers. The President directed the Secretary of the Treasury to study measures for stimulating research and development of new industries and technologies. The President has also ordered a 10 percent cut in foreign aid. But the two measures in the new program that are of greatest immediate importance to our balance of payments and our international economic relations are the surcharge tax of up to 10 percent on merchandise imports and the suspension of the convertibility of the dollar into gold.

In conclusion, a few comments on systemic matters may be in order here. Our international financial system had become more crisis-prone. At the same time it has served the world economy well during the quarter of a century since World War II. The remarkable thing is not that it has developed some problems but that this system, developed at Bretton Woods in the closing days of the war and against the backdrop of great disorders in the international economy during the prewar decade, has endured so well. What we must do now is to correct the imbalances that have developed and to build more capability for flexibility and adjustment into a system which is fundamentally sound and useful. All nations have a stake in achieving these modifications in this system which will make possible another outward-looking quarter of a century of expanding international trade and vigorous economic progress.

OEP ROLE IN THE WAGE-PRICE FREEZE

(Statement by G. A. Lincoln, Director, Office of Emergency Preparedness)

The operations delegated to me by the Chairman of the Cost of Living Council, Secretary Connally, include responsibility and authority to implement, administer, monitor, and enforce the stabilization of prices, rents, wages, and salaries.

What those words mean to us in the President's Office of Emergency Preparedness is information to the people, replies to questions, an impetus system for getting the needed policy formulated by the Council, an exemption system, a compliance system, and a reports and analysis system to gage the progress of the 90-day program and to help with planning for Stage 2 after the 90-day freeze.

Now, let's go over some of the functional aspects involved in the management of the freeze. First, policy formulation. Daily, my office and other agencies develop policy questions and issues which require decisions. Daily, a small policy group, of which I am a member, meets in the morning to insure that these issues are properly formulated and to suggest answers to the policy questions for consideration that afternoon by the Cost of Living Council.

I might note here that the public questions we receive from our Regions and also in Washington via Congressional offices are very helpful in identifying policy areas which need clarification.

The daily decisions of the Cost of Living Council have come out thus far in the form of questions and answers which are published and are widely disseminated through our 10 Regional Service Centers, 360 offices of the Internal Revenue Service and 2,819 local offices of the Agricultural Stabilization and Conservation Service (see chart). The Council has also sent 10 million copies of an eight page booklet: "The Wage-Price Freeze: Questions and Answers," which covers some of the most typical and frequent queries, to these field units and to more than 32,000 post offices.

From the public's standpoint, what is more important is that they have a convenient place to which to address their questions or report alleged violations—in person, by phone or in writing. The 3200 IRS and ASCS offices give us this capability. And all other agencies with field establishments have been asked to assist in answering or referring questions of their "clientele." OEP is providing guidance to all of them.

Monitoring and reporting functions are also accomplished through this network of IRS and ASCS offices to OEP and the Cost of Living Council.

Compliance problems, as they arise, will be handled largely through the trained investigative officers of the Internal Revenue Service and U.S. attorneys working with our Regional Offices.

Finally, both the Cost of Living Council staff and my national headquarters are involved in analysis and evaluation of the freeze and in looking ahead to what lies beyond the 90 days.

Before the freeze, OEP had eight Regions coterminous with the 10-region structure of several other major agencies But, with one exception, our Regional offices were not in major cities. Because of our wartime responsibilities, we were in locations relatively remote from the big cities. Sunday night, August 15, at 9:30, I ordered our Regional Directors to move to the headquarters cities for the Federal Regions, and sent OEP headquarters officials to set up offices for two new Regions. By Wednesday, August 19, we were operational in all 10 cities: Boston, New York, Philadelphia, Atlantic, Chicago, Dallas, Kansas City, Denver (the one office we did not have to move), San Francisco, and Seattle. These are the OEP Regional Service and Compliance Centers (see map).

Our "instant" though temporary expansion has been from a total staff of some 300 to a present complement of about 700, mostly borrowed from other Federal agencies or 90-day detail This was achieved largely through the extraordinary cooperation of the General Services Administration, in finding space and equipment for our regional offices, and the Civil Service Commission, in finding other Federal personnel to use those facilities Some of these people are experts on specific areas; others are information officers and clerical staff.

Meanwhile, OEP is continuing to carry out its normal responsibilities, including the Natural Disaster Assistance Program.

STATEMENT BY GARDNER ACKLEY, HENRY CARTER ADAMS UNIVERSITY PROFESSOR OF POLITICAL ECONOMY, UNIVERSITY OF MICHIGAN, BEFORE THE JOINT ECONOMIC COMMITTEE, AUGUST 31, 1971

I am pleased to appear before this Committee today to explore some of the issues raised by President Nixon's New Economic Policy, announced two weeks ago. I am pleased to appear because I believe that the President's dramatic switch of direction in economic policy—although seriously flawed in several respects—at least represents the repudiation of a course of action which was pointing toward disaster. It has provided this Nation—and to some extent even other countries as well—with an opportunity for a new start in more constructive directions. It seems to me most important that this opportunity not be thrown away. As on so many occasions in the past, your Committee will play a crucial role in the redirection of economic policy now taking place in this country. If I can contribute anything to your deliberations, I shall be more than happy.

I intend to be highly selective in these comments. I do not intend to discuss the parts of the program relating to the dollar and the international monetary system. I have views on these matters; but your Committee can call on many economists far more expert than I am in this area, and whose judgments will be more important for you to consider. I shall even refrain from extended comment on the fiscal aspects of the President's program, not because I do not have strong views on these aspects, but because I can record them simply by saying that I am in essential agreement with the positions on fiscal policy recently expressed to you by my former colleague Walter Heller.

Instead, I want to concentrate on the price-wage aspects of the President's program. This is an area in which I have perhaps had as much and as varied experience as any of the economists appearing before you so far. Beginning in July, 1941, and for most of World War II, I worked in a variety of commodity areas of the Office of Price Administration (and in its predecessor agencies, engaged in "jawbone" price control). I rose, ultimately, to the highest level of responsibility in OPA that the Congress—through its "anti-professor amendment"—would permit an academic economist to hold. Somehow, I was persuaded to accept double jeopardy, and served as a price controller again during the Korean war—as Economic Advisor and Assistant Director of the Office of Price Stabilization. On my return to the University of Michigan in September 1952, I devoted substantial effort for a year to the preparation of a book-length study of some crucial aspects of the Korean War price controls, under a contract with the Office of Defense Mobilization. Then, during my more than three years as Chairman of the Council of Economic Advisors, I served as one of the principal agents of President Johnson's efforts to restrain inflation through the promulgation of "Guideposts" for noninflationary wage and price behavior, and through repeated and numerous interventions (made both publicly and privately) in the attempt to prevent or moderate important price and wage decisions that were judged inflationary.

These experiences have stimulated a long-standing professional interest in the economics of inflation and its control, a subject that I have dealt with repeatedly in my research, writing, and lecturing. One of the papers of which I am most proud, called "A Third Approach to the Analysis and Control of Inflation", was prepared at the request of this Committee, and published by it in its compendium of papers, *The Relationship of Prices to Economic Stability and Growth,* March 31, 1958. My most recent publication is a monograph entitled *Stemming World In-*

flation, published last month by The Atlantic Institute.

Unfortunately, this long experience and reflection has provided me with more questions than answers, and has developed a great skepticism about the validity of all dogmatic views on this most complex, most delicate, yet most important subject of inflation and its control. However, it is often useful at least to know what the right questions are.

THE FREEZE

Although not all of my professional colleagues agree with me, it is my view that, having waited so long to take any effective action against inflation, the Administration probably had little choice but to invoke a freeze, as the necessary first step toward getting a handle on the problem. I congratulate the Administration at least for its decisiveness, and for knowing not to give any advance hint of its thinking—which could have made the problems of the freeze even more difficult when that step finally was taken.

I think that the freeze will work, in the sense that the rise of prices will be virtually halted for at least 3 months. At the very least this will spare us from having to listen to three more of those monthly explanations why this month's increase in the CPI or WPI was unusual and next month's will be smaller, or—if the month's increase should happen to be more favorable—exultant claims that inflation is now being conquered. In fact, the freeze can do more than this. Even 3 months of virtual stability, if properly used, can be significant for the whole future course of prices, as I will try to show.

However, one thing everyone agrees on is that the freeze contains dramatic distortions and inequities—as is always the case when a freeze suddenly stops in mid course prices and wages that have been rising rapidly. (And that is usually precisely when a freeze is invoked!) So long as the freeze is brief—and 90 days is probably close to the limits of tolerance for a rigid freeze without adjustments—these distortions and inequities can be ignored, and the freeze can work. But further perpetuation of these inequities would quickly erode the support or at least tolerance of those affected and of the public—which has to be the basic reliance of any system of direct wage and price restraints. After about 90 days, too, enforcement—which may not be a significant problem in the early weeks or months of a wage-price restraint program—would begin to loom as a major problem; and the freeze is not easily enforceable.

What then should happen on or about November 14?

One solution would be simply to end the freeze, replacing it with nothing. If this were done, some small contribution might have been made to the slowing down of inflation. But if there is any such contribution, it will not have been worth the fuss and fury, the hardships and inequities suffered, the expectations aroused and disappointed, the new bitterness or resignation engendered. Almost everyone agrees that this must not happen.

If it is not to happen, the freeze must be replaced after 90 days (or thereabouts) with some other form of restraint that is more viable. I want to outline some of the basic considerations that should guide our choice of that substitute system. These considerations relate both to the nature of the new system when it is fully in effect, and to the means of transition to that system from the freeze. The first of these choices is, however, the more basic. Problems of how we can get there from here—difficult as they may be—can probably be handled once we know where it is we are headed. First, however, let me make three or four general points which are more or less independent of how these choices are made.

FISCAL SUPPORT FOR THE TRANSITION

The first observation is that, because the early stages of any restraint program require more sacrifices (or surely *appear* to do so) than are necessary once the program is in operation (for reasons that I will explain in a moment), it is highly essential that we have a rapidly expanding economy as the new restraint system takes hold. Many businesses are going to have to do things about their prices that they won't like. Wage increases will often be less than workers think is fair. The pain and stresses of this period will be greatly eased if profits are being supported, or even allowed to expand, through greater sales volume, the spreading of overheads, and the abnormally fast productivity gains that come with rapid expansion of output; and if labor incomes are being enlarged through the return to full work weeks, increased overtime hours, and the expanding availability of employment for the wives, husbands, or teenagers in workers' families. (I am not here making the argument, sometimes heard, that faster expansion automatically reduces the upward pressures on costs and prices. I happen to believe that faster expansion under present circumstances would not add much to inflationary pressures—but it surely would not reduce them. Rather, my point is that if society is asking or demanding restraint, cooperation is more readily forthcoming if incomes are rising than if they are stagnant.)

Thus, it seems to me absolutely essential that both fiscal and monetary policies be unmistakably geared toward expansion in the months ahead. Any doubts should be resolved on the side of expansion. In my view, this reinforces the considerations advanced by Walter Heller in favor of a substantially more expansionary fiscal policy than the President proposes.

THE ECONOMICS OF CONSENT

My second general observation is that we must not exaggerate the difference between systems of restraint that are called compulsory and those called voluntary. Even the most fully compulsory system cannot work for long in a democratic society unless it has at least the tolerance of those regulated, as well as broad support by the general public. This support or tolerance can usually be assumed to be forthcoming in a nation at war, or facing a profound emergency. It cannot possibly be taken for granted at a time like this.

Suppose that a labor union in an important industry regards a compulsory wage ceiling as unjust, and goes on strike for a wage increase in excess of the ceiling. Whether the wage ceiling survives this challenge surely will depend on the extent to which other unions—and the general public—support the restraint system or the strikers. Suppose that a major industry, or industry generally, believes that its compulsory price ceilings are creating serious hardship. Business does not have a weapon quite like the strike; but, as an old price controller, I know that there are often many ways—legal, questionable, and illegal—to take advantage of almost any price regulation. Moreover, the history of price controls is replete with episodes of major industries demanding approval of what the regulators have determined are unjustifiable increases in price ceilings before they will settle with their unions for wage increases which the law permits to be paid. They are thus in a position to force a strike unless their price ceilings are unjustifiably raised. Where then are your compulsory price controls, unless they have at least the tolerance of other businesses, as well as the strong support of the public?

What I am saying is that any successful stabilization system—"compulsory" or "voluntary"—demands the consent of those whose wages and prices are to be stabilized. For this consent to be forthcoming, those regulated—and the general public as well—must see the system as one that is basically fair and equitable, or, at least, that embodies sacrifices by "our side" that are roughly equivalent to those imposed on the "other side". Moreover, members of each group must believe that the restrictions its members accept on their freedom to do as they please will achieve something important—that slowing down the rise in prices is a highly desirable objective, and that this system will be effective in achieving it.

In my view, this consent can only be forthcoming through a widespread participation by all groups in our society—and particularly by the organizations of labor and business—in a process of recognizing quite explicitly the need for the program, and in determining the broad features of its initial design, and, thereafter, its modification and redesign. With all due respect for the abilities of Herb Stein and Arnie Weber, and, indeed, of all members of the Cost of Living Council, they are not going to be able to dream up a plan, announce it to a waiting world, and then expect it to work. To a considerable extent, the Kennedy-Johnson "guideposts" were simply dreamed up by economists and then promulgated. I have long considered the absence of any real participation by the interest groups in the origination and modification of the guideposts—and, as a consequence, the absence of any sense of responsibility on their part for the success or failure of the effort—to have been the greatest weakness of the guidepost system.

On the other hand, you cannot simply summon a group of businessmen and labor leaders and tell them to agree on some plan. The requirement instead is for political leadership of the most superlative quality, leadership which I believe can only be provided by the President himself. Somehow, he and his associates must bring together, both separately and jointly, representatives of all segments of the public and of all major interest groups, explaining, exhorting, proposing—as necessary, conceding, cajoling, and threatening—ultimately finding compromises both of form and substance which will permit at least a significant proportion of the leaders of every group in fact to support (and, in public, at least to appear to tolerate) what is an effective program of restraint. Economists can help to decide what can and cannot be conceded and still have an effective program. But, essentially, the task of constructing a new system of restraints is one for political leadership—and of the highest order. Moreover, it is a process that will necessarily take considerable time. It will not be accomplished in one big mass meeting in the East Room.

In peacetime—and in a Presidential election year—it may well appear to be almost impossible to negotiate a social compact among the great economic interest groups in support of any "voluntary" stabilization plan. But let us not believe that—if this should be the case—we can then simply opt for compulsory controls. Perhaps we can; but unless the social compact is subsequently achieved, the controls will not last. Moreover, any such social compact tends to become unstuck over time; its maintenance and renewal must be a continuous objective of statesmanship.

THE NEED TO PLAN FOR THE LONGER TERM

My third general comment is this: what we are building to replace the freeze on November 14 must not be considered a temporary system that will serve for a year or so and can then be forgotten. Every bit of historical evidence—and it is all around us—and every consideration of economic analysis convinces me that the problem of creeping inflation, or perhaps I should say walking inflation, is not going to disappear. Any modern industrial society that is determined—as ours surely is—to permit, at most, brief lapses below full employment is bound to suffer continuing or recurrent inflation unless a whole range of permanent institutional changes is undertaken to contain it. This, I suppose, is the principal message of my *Stemming World Inflation*. I will not repeat the argument why inflation must now be considered "endemic" in the western world; but I believe it very strongly.

That does not mean that the system we adopt on November 14 need be a system that we expect will last forever. But it is surely relevant to some of our choices.

BREAKING THE PRICE SPIRAL

In thinking about the transition to longer-term arrangements, it is important to understand clearly why it is that an inflation—like ours today—tends to keep on rolling long after its initial cause (whatever that may have been) has disappeared. Indeed I have come to believe that understanding the "initial causes" of inflations—those which might convert a situation of price stability into one of price rise—is often less relevant than understanding how a price spiral keeps turning once it has begun. Unfortunately, there are many kinds of things that can set off an inflation—not all of them always avoidable. Understanding how inflation perpetuates itself is often considerably more important than determining whether it was really the chicken which preceded the egg or the reverse.

One key to understanding the inflationary process is the recognition that not many prices and, particularly, almost no wage rates are adjusted continuously. Rather, they are predetermined for periods that often run up to three years for wages, and even longer for some long-term price contracts, or regulated prices. Some individual prices and wages come up for revision each day or week, but only a small proportion of the total number. If an inflation is to slow down, obviously today's wage and price increases must be smaller than yesterday's, tomorrow's smaller than today's, and so on.

Those making decisions each day are adjusting a wage or a price that has not changed for some time. If prices and costs, including the cost of living, have been generally rising during this period (for the moment, we can ignore escalator clauses), then the purchasing power of the existing wage rate has been steadily eroding ever since it was established; and the profitability of the existing price may have been eroding ever since it was last changed. The rate of this erosion is determined by the pace of the inflation. With each new adjustment of price or wage, the seller expects—an expectation generally regarded as entirely legitimate—to restore the real value of the preexisting wage or price as of the time it was last changed—that is, to "catch up" with subsequent changes in prices and costs—and, in addition, to secure some "normal" or "fair" rise in his real income (at least insofar as his real income is affected by prices and/or wage rates received and paid rather than by volume of work or production).

Whether, when people behave this way, an inflationary spiral will accelerate, decelerate, or continue its previous pace can be shown to depend on the magnitude of the desired increments of real income which each new wage or price tries to achieve. It is possible that the prevailing concepts of "fair" or "normal" income increases for individuals may, in the aggregate, be consistent with the gains permitted by the continuing increment of real output (*i.e.*, of productivity) which is occurring in the economy. In that case, the adjustments being made each day in wage rates and prices will simply perpetuate whatever rate of inflation has been occurring. If the rate of inflation has been zero, it will remain that. If it has been six percent, it will remain that. However, if the aggregate expectations of "normal" or "fair" increments of real income which wage and price decisions attempt to provide should exceed the growth of aggregate real output, the rate of inflation will necessarily accelerate.

For sellers of labor or goods to participate in a self-perpetuating inflationary spiral does not require any of them to demand wage or price increases that will (in the average case) directly reduce the market for their services or products. If average wage rates have been and are generally advancing at about 8 percent a year, average productivity at about 3 percent, and average prices at about 5 percent, individual employers who today agree to pay 8 percent wage increases can expect an average 5 percent rise of their unit labor costs. If their individual price increases should therefore also average 5 percent, this will not be out of line with the increases recently and presently occurring in other prices and costs, and in buyers' incomes. The wage rates and prices they set will not cause them to lose sales or their workers to lose employment.

To be sure, depending in part on the fiscal and monetary policies being followed, a given rate of inflation may be accompanied by some shrinkage (or expansion) of aggregate output and employment. But these global, impersonal forces of contraction or expansion have little impact on any given day's individual price and wage decisions—or, at least overall *contractionary* forces are likely to have little impact in *reducing* the daily increments. Any individual wage or price setter who accepts smaller increments in the wages or prices he receives than have recently been occurring—perhaps because unemployment is high or markets are slack—does not thereby reduce the rate of increase in the prices or wages he must pay. Rather, he will just reduce his own real income and raise that of everyone else. Who knows whether unemployment will be increasing or decreasing in the months ahead—markets tightening or slackening—and whether or how this will be altering the wage and price decisions then being made, thus altering the rate of future erosion in the purchasing power of the wages and prices now being set? Catch up to where you were, get what else you think is fair or you can get away with, and, if possible, build a fence around your real income gains by an escalator clause—that is the only safe guide.

The spiral character of an inflationary process is why it is often so nearly pointless to argue whether it is labor or business—wages or profits—that are to blame for inflation, particularly once the inflation is well underway. The fault may be neither's; it is just that what labor and business do to try to protect themselves from an inflation in being turns out simply to perpetuate the inflation against which they are trying to protect themselves. The fault in this case is society's—for not providing a social mechanism through which labor and business can climb off of this treadmill. The freeze can be a vital first step in this process.

THE CONTRIBUTION OF THE FREEZE

If, beginning on August 16, the freeze halts all further new price and wage increases, then the pressures for price and wage increases later on by others will automatically also be reduced. After 90 days of this, the cumulative erosion of the real value of the wage or price that has been fixed for a year will be appreciably less than it would otherwise have been. When the time comes that something can be done about that wage or price, the pressures for catch-up will be distinctly reduced—unless, of course, at the end of the ninety days, wages and prices are all allowed to jump up to where they would have been on that date in the absence of the freeze.

But if, for 90 days—and then for another 90, and 180 beyond that—price increases, and wage increases in excess of productivity gains, could all be distinctly reduced or even eliminated, the pressures for catch-up—which are the basis for the perpetuation of the spiral—would increasingly be dissipated. "Catch-up" is a force like inertia. If prices are in motion, it tends to keep them in motion; if prices are at rest, it tends to keep them at rest. That is why it is so hard—yet so vital—to break through a spiral. That is why the pressures on a system of restraint are far greater when the objective must be to *restore* a reasonable stability of prices, if that has been lost, than when the objective is merely to *preserve* a reasonable stability already attained.

THE WAGE LAG

Most prices (as opposed to wages) are adjusted with reasonable frequency. Thus, there are probably relatively few prices now caught by the freeze that had not been adjusted or at least considered for adjustment within a month or so prior to the freeze. During the freeze, wage rates and materials prices will not have increased. Moreover, productivity gains averaging nearly 1% (more if expansion is rapid) will have occurred during this period, providing equivalent reduction in unit costs. Thus, at the end of the freeze, there should be little immediate need for price increases (other than, of course, some utility and transportation rates); some should even be ready to come down a bit. In any case, the immediate policy on price increases can be and ought to be fairly tough, providing only for cases of obvious inequity. If subsequent average wage increases could then be held equal to productivity gains, prices on the average could thereafter be stabilized about where they are. Or, if wage increases could be held to two percent in excess of productivity, the rise of prices might be held to around two percent.

But, unfortunately, when the freeze ends, there will still be a fair amount of catch-up needed on the wage side. Wage rates which were last increased early in 1971, during 1970, or even before, if not protected by a cost-of-living escalator, will need varying amounts of catch-up in addition to any new real-income gains. Here, then, is the real nub of the problem of transition from inflationary spiral to reasonable price stability: what will happen to pre-August 15 wage contracts as they come up for renewal, and especially to those not previously containing escalator provisions. If it were possible to spread their cost-of-living catchups over several years, and to allow in addition only tightly defined productivity increases, reasonable stability of the price level might be achieved fairly quickly. For so tough a standard to be applied to new contracts, it would obviously also be necessary for deferred wage increases built into pre-existing contracts to be superseded to the extent that they, too, should exceed a tight productivity standard. If these requirements are impossible to achieve, the best that any new stabilization policy can aim for is a rather painfully slow running-down of the spiral. One of the crucial tests of the new system will be how effectively it can respond to these requirements for a prompt and lasting slowing down of inflation: an immediate tough control on further price increases; the spreading out over time of cost of living catch-ups; and the superseding of deferred wage increases that exceed productivity gains.

THE NATURE OF THE NEW SYSTEM

A wide variety of designs is possible for the system of restraints that will replace the freeze. It may be that the Administration's planners are exploring some entirely new ideas; if so, it is understandable that they are not ready to talk about them. Public discussion, however, has so far been concentrated on only a few standard options, and the wide range of possibilities for social invention seems to me not to have been adequately explored.

Let me refer briefly to four basic models that have been proposed, including some variants of some of them. These differ in the nature of the machinery and procedures that would be set up, in the extent or character of the enforcement that would be undertaken, and in other ways. For the present, I will concentrate on where we might want to end up, not how we get there.

PERMANENT CONTROLS ON THE CONCENTRATED SECTORS

First, there is the model that might be associated with the name of J. K. Galbraith: a system of continuing compulsory controls over the "concentrated sectors" of our economy—big industry and strongly organized labor—with the rest of the economy (agriculture, trade, personal services, some highly competitive manufacturing industries) essentially free of restraint. Presumably, prices would be regulated by detailed, what price controllers call "tailored" regulations for each industry, each with appropriate standards and administrative machinery for permitting necessary adjustments and exceptions, for handling the pricing of "new" goods and services, etc. The wage regulations would presumably take the form of a series of detailed standards to govern wage and salary increases including changes in wage and salary differentials—along with machinery of some kind to supervise the application of these standards in the negotiation of particular labor contracts and the construction of particular salary and fringe benefit schedules—including those applicable to Presidents and Chairmen of the Board. A moderately large administrative staff would be needed because, in any permanent system, significant changes in the *differentials* among the millions of individual prices, wage rates, and salaries would be essential. Yet these changes would have to be rigorously controlled to keep them from affecting wage and price *levels*. Criminal sanctions would be available against every detectable violation of these regulations. However, with coverage limited to the concentrated sectors, enforcement would be relatively simple; the serious problems would not be those of detecting clandestine violation or evasion, but rather, perhaps meeting open challenges by managements or unions.

I assume that the ceilings would be set at levels such that most prices and wages would be at ceiling most of the time. Ceilings high enough that contact of prices and wages with ceilings was intended to be only occasional would only invite the rise of prices and wages, with ceilings having then to be lifted from time to time, and perhaps more and more frequently. If ceilings are designed to be in continuous contact with prices and wages (and some price ceilings to decline from time to time, as would be appropriate), so that almost all actual changes in prices and wages are the result of changes in ceilings, then every major industry has become, in effect, a public utility. The controllers must take responsibility for not only the prices but the quality of products and service; for assuring that adequate expenditures being made for social purposes—such as job training or pollution control; for the legitimacy of costs incurred (*e.g.*, for advertising); and for rates of return on capital—over and above approved costs—that would be both "fair" and would induce "necessary" or desirable investment. Yet these are not industries from which market risk is virtually absent, as is the case for utilities. Thus, if managers (or the controllers) guess wrong, and firms sustain losses which—not offset by adequate profits earlier—threaten bankruptcy, must not the government (a la Lockheed) come to the rescue? Of if absence of sufficient private investment threatens to create future shortages, must not the government then require and finance it? It think that I would prefer nationalization directly rather than indirectly and gradually.

On the wage side, are we really ready to accept permanent wage controls, which I think means essentially the abolition of the right to strike, except perhaps to achieve wage gains which the regulators permit but employers refuse?

And if controls are held tightly on the concentrated sectors, and wages or profits should rise faster in the uncontrolled sectors, will there not be irresistible pressures to extend the controls to those sectors, too, in order to prevent inequity?

I cannot believe that anyone can seriously think through the problems raised by permanent wage-price controls on the heart of our economy and still advocate it.

A NEW SYSTEM OF GUIDEPOSTS

A second model frequently discussed is a system of guideposts or guidelines (surely to be given a new name), presumably applicable across-the-board to all prices, wages, salaries, perhaps rents, and possibly dividends. These guidelines would resemble the Kennedy-Johnson ones, although they would probably be more detailed, with the exceptions spelled out more clearly.

The standards would presumably apply to all firms and unions, in all industries, even though their real impact would be intended for the concentrated sectors. There would have to be at least a small staff to help interpret the standards, to call attention to "violations", to attempt to persuade potential "violators" to refrain, to amend the standards as necessary. The tough questions arise when we ask how these guidelines might be enforced. One possibility is to rely only on public opinion. To allow for the more effective mobilization of public opinion, administrators might be given authority to require postponement of wage or price changes while their legitimacy is studied, to compel testimony, and to publish reports and recommendations. But in the end, the decision what price or wage to set would be made free of compulsion.

This seems to me to be a clear-cut proposal. Its perhaps fatal weakness is that it might not work. Some firms and unions might be prepared to flaunt the guideposts, and the public might not care enough to make them change their minds. A certain amount of such violation is clearly quite tolerable—indeed a necessary and desirable safety valve. But once the violators become sufficiently numerous so that the cooperators feel that they are suffering serious inequity, the system must progressively break down. Recognition of this weakness prompts the suggestion of alternative enforcement methods.

One proposal—surely not serious—is to give the guideposts the force of law. This would make them into a system of comprehensive compulsory controls using the most "untailored" and imprecise kind of self-administered wage and price regulation that one could imagine. Anyone who ever was closely associated with the old guideposts knows that the determinations they require are—particularly on the side of prices—both exceedingly complex and exceedingly approximate; for some of them, the only possible determination is an educated guess. I cannot imagine any court finding any firm or union, except the most egregious violator, guilty of violating a standard which can be interpreted only by an educated guess. And even if the violation is sufficiently egregious to be penalized, what does the violator have to do to come into compliance? If, to avoid these problems, you attempt to make the guideposts sufficiently precise and detailed so that any violation might be determined in less than five years of litigation, you find yourself with a comprehensive wage-price control system that is an administrative nightmare, one that—as it is made more effective—loses all flexibility and begins to raise all the problems of permanent controls that I have just been discussing, except on an across-the-board basis.

A third guidepost variant is perhaps more promising—the provision, at least for a time, of some process which would permit legal sanctions to be invoked in the case of clear violations in highly important situations. I do not know precisely how it might work. But perhaps provision could be made whereby the authorities might seek from a special tribunal an order prohibiting a clear and open violation of the standards in a specific economically or strategically important case. The order sought would enjoin specified behavior for a specified period of time, subject to penalties for violation. The complaint would be that the behavior sought to be enjoined was clearly and significantly in violation of fair and equitable standards which had been properly promulgated by the guidepost authorities, and which were being generally accepted by others. This "big stick" in the back of the closet, the use of which was not entirely predictable, could mightily enhance the force of public opinion in deterring clear and deliberate violations of the standards.

I think this last variant may have some promise.

A WAGE-PRICE REVIEW BOARD

Some have identified the guidepost approaches I have just been discussing with the institution of a wage-price review board. But it need not be the same at all. Suppose that Congress creates a wage-price review board of distinguished citizens (*not*, in my view, serving as "representatives" of specific interest groups), and gives it various types of procedural authority: to require advance notice of price or wage increases under circumstances which the board may prescribe; to delay by order the effectiveness of any specific wage or price change for any period up to some maximum time limit; to compel the production of records and the giving of testimony; to publish such reports and recommendations—to the parties, to Federal, State or local governments, to private groups or associations, to consumers, or to all of these.

Such a board would not have to begin operations by promulgating any standards—except perhaps in the broadest terms—or by specifying the scope of its jurisdiction. It would pick out its cases—basically ones which it thought it might win, and which it believed would be strategic for subsequent price or wage developments. It would use its powers to achieve what it thought was achievable, and if possible, build up its authority by its successes. Sooner or later, its choice of cases and the nature and success (or failure) of its recommendations would begin to create a pattern of jurisdiction and of standards; but not necessarily a pattern fixed for all time. Possibly it, too, might be given some opportunity—through special procedures—to seek to give certain of its specific recommendations the force of law for specified periods.

As an economist, I prefer the approach that starts with generally-applicable guideposts. But I am not certain that taking on the whole world all at once is necessarily the course of wisdom for a new institution.

INDUSTRY-BY-INDUSTRY MACHINERY

Some propose that the model of the construction industry councils be generalized, by creating similar machinery—which seeks to act by conciliation but backed by legal authority—for a number of industries. I confess to some skepticism about this approach, unless it is supplementary to one of the others. So far as I know, the machinery to regulate salaries and prices in construction has not yet been established. I do not believe that, in general, wage rates can or should be regulated without corresponding regulation of salaries and prices. I do not quite see how this kind of machinery can ever easily abandon an area of control on which it has entered; and I wonder if it is not a rather haphazard system of price-wage control, likely to grow like Topsy, with different standards applied in different industries. However, as an *adjunct* to a guidepost or review-board, system, I think it has real possibilities.

As I said earlier, there is wide scope for innovation in setting up new restraint machinery, and I believe that it is useful for public discussion to begin to focus more concretely on what the shape of the new system might be, and not simply to repeat phrases such as "a wage-price review board", or a "guidepost system".

MOVING FROM THE FREEZE

Without specifying the nature of the restraint system to be adopted after the freeze, it is difficult to make specific suggestions about the nature of the transition process from freeze to the new system. It should not, however, be taken for granted that, as of November 14, *all* prices and wages must automatically move in one fell swoop from the freeze to the new system, whatever that may be. Selected sectors might usefully remain temporarily under the present freeze—e.g., prices of a selected list of basic industrial products when sold by their producers. Other prices or wages might remain temporarily under the freeze but with a specific, simple, self-administered adjustment permitted. But the freeze should surely be suspended on November 14 for all prices at retail (except *possibly* a few big-ticket items), all rents (except *possibly* where a city government asks for a temporary delay while it develops its own rent control system), all personal services, wage rates in low-wage industries, and as much else as does not clearly require some transition period to the new arrangements.

While I see no reason why the transition to the new system need occur completely and simultaneously on November 14, I should hate to see any transition that would involve, for any appreciable number of cases, an intermediate stage of "tailored" price or wage control regulations, or any elaborate effort to "adjust" or administer" the freeze for any large range of commodities or services. The Korean War experience surely proves what an administrative nightmare this would involve. Moreover if—as I believe—we are going to have to develop institutions that will be viable for a considerable period of time, I think that we must learn to stay as far away as we can from the traditional patterns of direct controls. They are indispensable in an emergency. But their role—if any—must be minimized under non-emergency conditions.

CAN AN INCOMES POLICY BE EFFECTIVE?

You may have noticed that I have not up to now used the term "incomes policy." There is often argument about what it means or should mean. Basically, I use it to mean an organized system of restraints on attempts to expand individual profits, wages, and other incomes through the raising of prices charged in the marketplace for products or productive services of all kinds. These restraints may apply to prices, wage or salary rates, professional fees, or whatever; but their purpose is to keep the attempted growth of individual incomes in reasonable line with each other and with the expansion of aggregate real output. The term also connotes an effort to accomplish this objective with minimum reliance upon legal sanctions. Yet, in fact, what are called incomes policies abroad run the whole gamut from pure exhortation at one extreme to complete compulsion on the other.

There should be no question that my preference is to depend on compulsion to the minimum extent that is consistent with reasonable effectiveness. This preference rests both on an ideological commitment to freedom and on observation and analytical conclusions about the distorting and ultimately self-defeating effects of widespread direct controls. However, the minimum amount of compulsion that may be necessary for effectiveness is not always the same; it depends on where you are and how quickly you want to move somewhere else. Right now, I would be willing to contemplate more compulsion at strategic points and times—in order to hasten the transition to reasonable price stability—than I would want to use or think is needed to maintain stability once that is achieved.

I think it is regrettable that the President has seen fit—in the past at least—to caricature incomes policies by identifying them with either one or the other extreme of the spectrum of compulsion: either as purely voluntary—in which case he has called them completely ineffective (incorrectly in my view)—or as complete systems of state controls—in which case they are stifling and intolerable. Sometimes they are even characterized as such—completely ineffective *and* stifling—which is quite a trick. But the real question is how effective a policy can be which makes only modest use of legal sanctions. The record of effectiveness of incomes policies is not brilliant—although it may not be as bad as the platitude contends. Yet that does not prove either that they have been useless or that better ones cannot be devised.

I have argued that consent of those affected and support by the general public are essential for the effectiveness of any system, voluntary or compulsory. Is it an illusion to suppose that such consent and support can be forthcoming? My reading of what labor and business are saying and feeling is that there is at least a good chance that it can be forthcoming, given strong and sympathetic political leadership. Those trying to lead must have conviction that what they are trying to do is feasible and worth doing. This is why the Herb Steins and the George Shultzes must not have central roles in the program. But a number of the leaders of labor and business understand—perhaps better than Stein and Shultz—that labor and business are on a treadmill that is getting them no place, and the general nature of what must be done to get off it. I have never had any doubt about the willingness of the leaders of organized labor to accept social responsibility for labor's actions, once they were convinced that the social requirement was both necessary and equitably imposed. And the June 1971 report of the CED on *The Social Responsibilities of Business Corporations* shows how far many businessmen have come in accepting the need for business to subordinate immediate profit maximization to social objectives. Most Americans would regard the containment of inflation as an important social objective.

Once the need for restraint is generally accepted, and once the leaders of the main economic interest groups come to accept, however grudgingly, the general design of the restraint system—as the best they can expect to get—what is the role of compulsion, in the form, presumably, of legal sanctions? It seems to me that the primary role of compulsion is to assure that the system is not undermined by the subsequent actions of a noncooperating minority sufficiently large and important to threaten to cause withdrawal of the support or tolerance of the majority. That amount of compulsion is probably a crucial requirement for the effectiveness of the system.

WHAT ELSE IS NEEDED

Although I have long been a strong advocate and supporter of incomes policies I have tried never to exaggerate how much they can accomplish by themselves. I have always put it that they can make a modest but useful contribution. My second principal theme in *Stemming World Inflation* was that containing endemic inflation requires a whole range of instruments: fiscal and monetary policies, incomes policies, "structural policies", and a serious attack on the whole range of private and governmental measures and devices designed to "protect" particular groups from competition, domestic or international. And I tried to spell out at some length how these other instruments could and should operate. I have already exhausted my assigned time and your patience; so I will only close by stressing the point which is so obvious yet so important about President Nixon's New Economic Policy. It is that if the new policy is only a start—the opening of a door—which could lead to a healthier, more rewarding economy than the one which we have been experiencing. In almost every aspect of the program, success will depend not on what has been done so far but on steps still to be taken.

In the area of inflation control, the immediate next step must be to replace the freeze with an effective incomes policy. But, beyond that, an incomes policy must be buttressed by a whole range of further institutional changes. Some of these necessary changes will be as difficult to accomplish as the design and acceptance of an effective incomes policy. I hope that some of them will be on this Committee's agenda for future hearings.

Statement by Arthur M. Okun, Senior Fellow, Brookings Institution

Whatever the longer run and more far reaching consequences of the program the President outlined to the nation on August 15, it has created an immediate boom in the demand for the words and, hopefully, the wisdom, of economists. It has unleashed an unprecedented volume of discussion, analysis, and debate. Some of the most illuminating dialogue has already taken place before this Committee, and hence I feel relieved of any responsibility for a comprehensive coverage of all aspects and issues in the program. Rather, I will take advantage of the privilege of your invitation to get some particular thoughts off my chest.

On the whole, the President's program has markedly improved our opportunities to get on the path of noninflationary prosperity. As I will emphasize, however, it offers *opportunities*—rather than solutions. Viewing the program's three basic parts—the wage-price, international, and fiscal components—I will offer two cheers. I am in general agreement with the wage-price and international initiatives and will focus on the need for follow-through, particularly for an effective and equitable "phase two" price-wage program. In the case of the fiscal proposals, however, a drastic overhaul rather than a follow-through is in order. I shall first turn to the dismal story of the fiscal program and then move on to more cheerful matters.

FISCAL PROPOSALS

All three parts of the President's program have some bearing on the nation's most urgent economic problem of launching recovery toward full employment. If, as a result of the price-wage measures that follow the freeze, inflation is significantly reduced during the year ahead, that success will contribute to more production and more jobs by lowering interest rates, facilitating easier credit conditions, rebuilding consumer confidence, and increasing the real purchasing power of pensions and liquid assets. If the international program restores our net export surplus, that too will add to domestic demand and jobs. Of the three parts, however, the fiscal program was most clearly aimed at job creation and it seems least promising in pursuit of that goal.

Stimulus? In the past two weeks, the amount of stimulus in the fiscal proposals has been appraised by various economists in ways that seem miles apart. But the apparent differences are largely semantic, stemming from varying interpretations of the precise proposals. Taken literally and as officially estimated, the President's program consists of $4.2 billion of proposed tax reduction, which would create jobs; and $4.7 billion of proposed reductions in federal expenditures, which would destroy jobs. As Paul Samuelson and I, among others, have previously stated, this would be essentially a balanced program of job creation and job destruction that would net out approximately to zero. This result cannot be guaranteed by the fact that 4.7 is close to 4.2: Various types of federal expenditures and tax cuts have different amounts of bang for a buck. For example, government payrolls and purchases have a somewhat larger and prompter impact on GNP than do tax changes. The investment tax credit is likely to provide more stimulus per dollar than would most tax reductions. The import surcharge has less restrictive effects per dollar on domestic demand than would most tax hikes. Still, when I perform all the fancy and arcane calculations that allow for these differential effects, my final conclusion reaffirms the simple first approximation that the pluses and minuses virtually balance out.

One might prefer a liberal, rather than a literal, interpretation of the proposals. As Charles Schultze pointed out to this Committee, nearly half of the $4.7 billion reduction in expenditures may be viewed, not as a recommendation, but rather as a recognition of congressional delay in enacting revenue-sharing. That view implies that federal expenditures would not be significantly lower than was previously indicated, and hence points to the verdict that the fiscal program will create jobs on balance. On either interpretation, it follows that, to ensure that the fiscal program does help create jobs, Congress should reject the proposal for a net expenditure cutback. More serious problems arise, however, because the tax proposals would 1) have unbalanced effects on income distribution and on production incentives; and 2) make a major long-term sacrifice of precious federal revenues.

Imbalance. The imbalance of the tax proposals is self-evident. It is reflected in Table 1.

TABLE 1.—*Liability effect of scheduled and proposed changes in Federal taxes—at annual rates as of January 1, 1972*

[In billions of dollars]

1. Increased personal exemption and standard deduction:	
Scheduled	−2.8
Proposed by President	−2.3
2. Social security payroll tax:	
Scheduled	+2.9
Proposed—H.R. 1	+4.5
3. Auto excise repeal:	
Proposed by President	−2.3
4. Accelerated depreciation:	
Promulgated by President	−3.0
5. Investment tax credit:	
Proposed by President	−5.5

As the Table reveals:

The combination of the acceleration rules promulgated earlier this year and the enactment of the investment tax credit would provide about $8½ billion a year of tax relief for business, a reduction in the income taxation of business of nearly 20 percent. They would make 1971 the year of the greatest business tax cut in our history.

In sharp contrast, the proposed change in the effective date of increases in the standard deduction and the personal exemption would lower individual income taxes during calendar 1972 by about $2.3 billion. In combination with previously scheduled reductions, total income tax relief for consumers would slightly exceed $5 billion, at most a 7 percent reduction in the income taxation of nonbusiness families.

Social security taxes are slated to rise on January 1, 1972—$3 billion is scheduled by present law and an additional $4½ billion is proposed by H.R. 1. If the H.R. 1 provisions are enacted, a family with a $10,000 income will have a net *increase* in combined income and payroll taxes.

The tax proposals are also unbalanced in their effects on various industries. They would provide $8 billion of incentives for the production of business equipment and automobiles, on top of the $3 billion from accelerated depreciation. In contrast, they virtually ignore all other industries, which produce nearly 90 percent of our national product.

The imbalances are incontrovertible. They are also, in my view, economically and socially unjustifiable.

Long-term sacrifice. Even more seriously, we would squander nearly $10 billion a year of the long-term revenue capacity of the federal tax system as the result of the 1971 measures of accelerated depreciation, excise tax repeal, and the investment tax credit. The first casualty of the proposed tax cuts was the President's welfare reform; he felt obliged to drop his own baby because he could no longer afford it during fiscal 1973. The entire calendar of social progress in this country would slip seriously if these permanent tax cuts are made. We will sorely need these revenues when the economy recovers to full employment. How can anyone who sees the shame of poverty, the plight of our cities, and the state of our environment want to cut into the revenues that offer our main hope for correcting these ills? This is a grievous misassessment of the nation's priorities.

And I am alarmed that some who correctly sense the uneven shape of the tax proposals seek to balance the large tax relief for business by enlarging the tax cuts for households. I read about intentions to give the consumer a better tax break—I submit that the proper word is "fracture." Permanent tax cuts would fracture the welfare of the American consumer by giving him worse public services, more inflation, and/or tighter money when the economy recovers. It is a key challenge to the democratic process that Congress right the balance by reducing the tax relief for business and by providing only temporary tax reductions for individuals.

I shall not try to spell out a complete alternative to the Administration fiscal program. But I would underline two recommendations. First, the accelerated depreciation provisions should be overruled by legislative action. At best, they are an ineffective way to stimulate business investment; and at the present time, while clouded by doubts because of pending court action, they offer no reliable tax relief to business and hence very little incentive to invest. They harm the Treasury far more than they benefit business. Even the proponents of accelerated depreciation should want the air cleared: Congress should specifically either endorse or overrule this executive action. If it approves, the uncertainty about judicial revocation would be removed, and at least a little extra investment would result. And if—as I would hope—Congress rejects the measure, the tax system would be improved.

Second, a particularly attractive alternative stimulus would be a deferment—in whole or in part—of the payroll tax increase for January 1, 1972. Such a delay would not infringe on the long-run revenue capacity of the federal system. And it would head off a rise in the cost of labor to business and a dent in the take-home pay of workers—two things this country simply does not need at the present time.

INTERNATIONAL

I cheer the President's decision to take the handcuffs off the dollar, enabling it to fluctuate unfettered by gold, relative to other currencies. The United States has several objectives for international economic reform. Our first aim is an adjustment of exchange rates that would put a realistic price tag on the dollar in world markets. Fortunately we seem well on the way toward that objective; and, once it is clearly achieved, I would hope the import surcharge is terminated. Whatever value it has had as a bargaining chip to achieve an unpegging of exchange rates, the surcharge has only costs—to us and other nations—once exchange rates are freed. Maintenance of the surcharge would prevent the full adjustment of exchange rates that would take place in a world market unimpeded by its uncertainties and inefficiences. It can hold down our imports only by holding down our exports.

The international monetary system came to the brink of crisis because it lacked provision for small and continuing adjustments of exchange rates, and, in particular, for U.S. initiative to alter the exchange rate of the dollar. In accomplishing our objective to negotiate a revised international monetary system with our trading partners, these lessons should be remembered. The new system should permit a wider range of flexibility in currency prices; it should contain an automatic process to generate smaller and smoother revaluations in the future. It should help phase gold out as a monetary asset, and should not be based on convertibility between gold and the dollar. The United States should never again buy an ounce of gold for monetary purposes. If we follow that course, we can relax about the price of gold. The $35 price became a symbol of denying preeminence to gold over national currencies. But if that objective is achieved in other ways, the price of gold would become just another metals price, which could move up or down with no particular significance to the U.S. economy. I should like to call the attention of the Committee to a specific plan consistent with these aims that was outlined by my colleague Lawrence Krause in yesterday's Washington Post.

WAGE-PRICE POLICIES

In my view, the wage-price freeze marks the beginning of a new era in which the United States must develop a viable wage-price policy to make prosperity consistent with reasonable price stability. After President Nixon's action, I doubt that any President of the United States will ever again claim that wages and prices are none of the government's business. The principle has been recognized and thereby finally removed from the sphere of partisan debate.

On the other hand, the experience of the 90-day freeze should demonstrate that across-the-board, rigid wage-price control is not appropriate business for the government. It may even help to teach people why most economists have been so unenthusiastic about such a system. It is a sad spectacle to view high government officials drawing arbitrary dividing lines between old and new pro-football agreements, between ten-month and twelve-month teacher contracts, and between pickles and cucumbers. It is upsetting to witness the use of presidential power to abrogate lawful contracts freely arrived at by the participants. All of us can and should accept the costs of the 90-day freeze, but the nation should not and will not accept stifling controls for long.

By mid-November, the United States should have a new price-wage program that meets the following tests:

1. It should restore to the private sector the basic responsibility for decisionmaking over prices and wages.

2. It should nonetheless ensure a process of decelerating inflation.

3. It should be adaptable for the long run.

I believe the system should, at least for the time being, be backed up by some legal sanctions, but its ultimate success will depend upon the basic acceptance and support by the American people of its effectiveness and its equity. Hence, an intensive dialogue should be conducted in the next two months so that the major concerns and aspirations of various groups in our society can be clearly expressed and so that the program can be formulated in light of their views.

As a possible contribution to that dialogue, I should like to outline the elements of one approach designed to limit both bureaucracy and inflation. In particular, it attacks the basic mechanism of the price-wage spiral. Our current inflationary problems can be reasonably traced back to the second half of 1965 when the added impetus of Vietnam expenditures and military orders turned a brisk expansion into a rip-roaring boom. Initially, inflation erupted in prices of raw materials and in wages of unorganized workers, and particularly in the wages and prices of service industries. Not surprisingly, since these prices and wages were the most flexible, they responded most rapidly to excess demand. As a result of high volume and strong demand, business profits reached extraordinary levels in 1966. Meanwhile, unionized labor, tied down to longer term contracts, fell behind. When the boom was ultimately halted by fiscal and monetary restraint, organized labor was understandably determined to recapture the loss it had taken during previous years. As a result, the negotiated settlements in the last "wage round" between 1969 and 1971 were large; these, in turn, bolstered wage increases for unorganized workers, even though people were begging for jobs. At a time when 9 and 10 percent a year wage contracts were front-page news, increases of similar size became accepted as an equitable standard for all wage earners. Business profits were then squeezed, and firms passed their cost increases on to customers with a markup. The resulting spiral prevented the normal operation of the laws of supply and demand which should have slowed price and wage increases in a weak economy.

At present, the spiral is no longer speeding up, but neither is it significantly slowing down. Wages are rising at a rate that parallels the cost of living plus the normal growth of productivity, and additional unit labor costs are being fully passed along through price increases. Something has to give for the wage-price spiral to slow down. In principle, success could be achieved from either direction. Once price increases stopped for a time, labor would then be satisfied with noninflationary wage increases that essentially paralleled the growth of productivity. Of course, such an approach would require business to carry the full transition burden of stabilization through lower profits. On the other hand, business would no doubt agree that, once wage increases stop exceeding productivity growth, it would no longer raise prices. Obviously that approach would make labor absorb the full initial adjustment through curtailing wage incomes. Neither approach is reasonable: the equitable solution must involve mutual deescalation, requiring labor to accept wage increases less than the sum of the past cost-of-living increase plus productivity and requiring business to absorb some past increases in the cost of production and thus to pass into prices less than the full increase. Some central direction and some assurance of compliance on both sides is essential to get the deceleration process going.

There is no demonstrably equitable or symmetrical way of specifying the amount of absorption of past cost-of-living increases that labor should accept and the amount of absorption of past cost-of-production increases that business should accept. But let me mention a pair of standards that might serve as a reasonable basis for discussion. First, on pay, the hourly compensation of employees (including fringe benefits and including executives as well as production workers) should rise no more than the sum of normal economy-wide productivity growth (3 percent) plus half of the past year's cost of living (a little more than 2 percent), adding up to slightly more than 5 percent. Special qualifications might be made for productivity incentives, for profit-sharing arrangements that extend to all employees, or for grave inequities. Obviously, promotions and normal seniority advancements can be fully consistent with an overall pay structure that does not rise by more than the specified standard.

Second, on prices, increased costs of labor or material (reckoned after allowance for normal improvement in productivity) should be absorbed by business firms unless and until unit production costs are increased by 1 percent, and beyond that, may be passed along with no markup as price increases. Qualifications on cost absorption may be required for firms operating unprofitably or at abnormally low margins on sales. Past cost increases should be calculated over the period from the last price adjustment on any product or, at most, from a year earlier. Raw materials and other products traded in commodity markets, should be exempt. Indeed, to guarantee against the creation of black markets, exemption should be given for any product (or any type of labor skill) for which the standards would create a genuine shortage. But so far as I know, lumber is the only commodity that would qualify on those grounds. The current inflation stems purely from cost-push, rather than excess-demand. Under this set of standards, industrial price increases exceeding 1 or 2 percent would be unusual.

A brief general statement and interpretation of the standards could be issued in mid-November, calling them to the urgent attention of every American. All prices and wages should be simultaneously unfrozen. However, the government would retain the power to roll back any price or wage increase that flagrantly violated the standards and to freeze that price or wage subsequently for a substantial period. The sanction would be applied very selectively to those prices and wage settlements that would be particularly important to the overall price level or that would establish significantly adverse precedents and patterns. The more general success of the program would depend on the cooperation of the American public and the change in the behavior of the visible prices and wages.

Under such a system, direct controls on profits should be no more necessary or appropriate than would controls on payrolls. More jobs and better jobs should expand real payrolls; and more production should raise real profits. Increases in labor and business earnings from noninflationary prosperity would be a mark of success rather than a sign of failure. Of course, the government would use profit and cost data as tests of compliance with the price standard, but with the clear aim of holding down *prices*. Indeed, most of the government's staff effort should be focused on such monitoring of the price standard—since employers will help enforce the wage standard. But neither direct controls nor penalty taxes on profits could help enforce the price standard. Rather they would encourage wasteful advertising, expense account living, and overfull employment of shrewd accountants. Why such measures should have the slightest appeal to American workers is simply beyond my comprehension.

Nor would interest rates require special control measures. If the economic program is successful, interest rates will fall further and stabilize as prosperity is regained. Any upsurge of interest rates would be a symptom of important problems that should be diagnosed promptly rather than suppressed by a freeze. It would mean either that the nation's economy had begun to soar too rapidly or else that Federal Reserve monetary policies had become inordinately tight. Under this system, the Federal Reserve would surely recognize that moderate interest rates were a social target, and would be obliged to focus on the price of money as well as its quantity.

In a variety of other ways, the government could demonstrate its wholehearted dedication to the objective of noninflationary prosperity and could provide a powerful set of supports for the success of the price and wage standards.[1]

Congress should ensure that pay increases for federal employees are fully consistent with the wage standard.

The cooperation of mayors and governors should be sought. They could help the national effort by invoking a moratorium on increases in those taxes which feed directly into the cost of living, such as excises and general sales taxes. Congress might act to prevent the use of any federal grant to states or cities to defray price or wage increases that exceed the national standards.

The heads of federal and state regulatory agencies should be asked to apply the standards to regulated public utilities to the full extent permitted by federal and state laws.

If major increases in the prices of exempted farm commodities threaten to raise food prices, the President should use the discretionary powers available to him under the farm program, such as the setting of rates for commodity loans, the sale of surplus stocks, and the establishment of acreage levels and of beef import quotas.

In the area of medical costs, the Department of Health, Education, and Welfare should develop rules for reimbursing physicians and hospitals which would be consistent with the price and wage standards. The cooperation of Blue Cross and other major private insurance programs should be sought.

I have gone into considerable detail on the "phase two" program, but not because of any great personal attachment to the specifics or even the overall design of this particular approach. Indeed, the key economic feature of standards calling for mutual deescalation on prices and wages can be traced back to George Perry's statement before this Committee in January, 1968. The key enforcement feature of picking rotten apples out of the barrel rather than trying to define ideal apples also has widespread precedents. The "phase two" issue is critical and it needs a prompt and intensive public airing. I hope this sketch may provoke questions and reactions and may illustrate some of the problems and opportunities of any wage-price policy.

No American wants a license to depreciate the purchasing power of the dollar. Stagflation has had no villains—it has only had 200 million victims. No single group could stop inflation; all groups have beeen on a treadmill where they had to run fast merely to keep up. With leadership and a spirit of cooperation, the nation can get off the treadmill, and can begin to achieve prosperity and price stability simultaneously.

RESTORING INTERNATIONAL MONETARY STABILITY

(Statement of Edward M. Bernstein to the Joint Economic Committee

DEPRECIATION OF THE DOLLAR

The decision of President Nixon to terminate the gold convertibility of the dollar and to permit the exchange rate to depreciate in foreign exchange markets was essential for strengthening the U.S. balance of payments and rebuilding confidence in the dollar and the international monetary system. This is widely recognized by other countries and many of them have in the past advocated such measures by the United States. As nearly all large industrial countries have a strong balance of payments and are well-supplied with monetary reserves, there is no reason why they should oppose the action taken by the United States to strengthen its balance of payments, at least in so far as it is to be accomplished by a depreciation of the dollar.

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[1] Charles Schultze suggested several of the following items, as well as additional ideas, for a supporting program.

The restoration of the U.S. balance of payments will require an increase in the balance on goods, services and remittances to a level adequate to finance U.S. foreign aid and U.S. net private capital outflow, after allowing for normal foreign capital inflow. The objective is to have a balance of payments on an official reserve basis in which there will be no further decline in U.S. reserve assets nor an unwanted increase in foreign holdings of dollar reserves. It would require a balance of about $8 billion a year on goods, services and remittances to achieve this. As there was a deficit of about $1.2 billion in these accounts in the first half of 1971, despite the inadequate recovery of output and employment, it is obvious that a very large increase in the balance on goods, services and remittances will be necessary to establish a strong balance of payments for the United States.

Understandably, all countries are concerned as to how such an enormous change in the U.S. balance of payments will be brought about. While there will be some improvement in the service accounts, including investment income, by far the greatest part of the increase will have to be in the trade balance. The depreciation of the dollar will have to reverse the deterioration in the trade balance that occurred between 1964 (when the surplus was $6.8 billion) and the first half of 1971 (when the deficit was at an annual rate of $1.5 billion). Moreover, this large increase in the trade balance cannot be made gradually, but will have to be achieved in a relatively short period of time. Such a shift in the U.S. trade position will require great adjustments in the economies of other industrial countries that have become accustomed to very large exports to the United States. It will be much easier to make these adjustments in an environment of expanding world trade. For this reason, the depreciation of the dollar is a far more constructive way to increase the U.S. trade balance than the imposition of the 10 per cent temporary surcharge on imports.

The depreciation of the dollar will have uneven effects on other countries. The less-developed countries will want to avoid any decline in the volume and prices of their exports. Those in the dollar area will probably retain the present exchange relationship of their currencies to the dollar. In any case, the improvement in the trade balance of the United States will be almost wholly through an increase in exports of manufactured goods and a decrease in imports of such goods. Thus, the depreciation of the dollar will be largely confined to the currencies of the other industrial countries. Because of the differences in price competitiveness among them, in the strength of their own balances of payments, in the importance of their trade with the United States, and in the adequacy of their reserves, the depreciation of the dollar cannot be the same with respect to the currencies of all these countries. Thus, the depreciation of the dollar makes it necessary to establish a new pattern of exchange rates for the currencies of the twelve or so large industrial countries.

The central problem is to determine what the average depreciation of the dollar should be in terms of these currencies, after the import surcharge is terminated. There are several ways of estimating the appropriate depreciation of the dollar. The deterioration in the U.S. trade balance was primarily due to the greater inflation in this country, particularly in the prices of exports of manufactured goods. Between 1964 and 1970, prices of such exports in terms of dollars rose by about 23 per cent in the United States, by about 9 per cent in Japan, and by about 13 per cent in Western Europe. The loss in price competitiveness for the United States in this period averaged about 11 per cent. Moreover, in recent years other industrial countries have become more effective competitors in many manufacturing industries, quite apart from the change in relative prices. The depreciation of the dollar must offset not only the differential rise in prices, but the adverse change in the reciprocal supply and demand for exports and imports of manufactured goods. This would indicate that the depreciation of the dollar would have to be well over 12 per cent.

The problem can also be analyzed by considering the commodity composition of U.S. exports and imports and the response that might be expected to a depreciation of the dollar. In 1970, U.S. exports, excluding military grants, amounted to about $42.7 billion on a census basis. About 45 per cent of the exports consisted of foods, feeds and beverages, and industrial supplies and materials for which foreign demand is very inelastic in terms of price. U.S. imports amounted to about $40.0 billion of which about 53 per cent consisted of foods, feeds and beverages, and industrial supplies and materials for which U.S. demand is very inelastic in terms of prices. The ratios were not essentially different in the first half of 1971 when U.S. exports were $22.2 billion and U.S. imports were $22.6 billion, seasonally adjusted. Thus, the merchandise trade which would be expected to respond to a change in relative prices has been running at an annual rate of about $45 billion this year. Assuming an average price elasticity of 2.0 for such exports and imports, a depreciation of 14 per cent would be expected to improve the trade balance by about foods and raw materials must be expected to $8.5 billion. As U.S. demand for imports of increase proportionately with the expansion of output and employment, a depreciation of close to 15 per cent will probably be necessary to secure a sufficient increase in the trade balance.

There is another test of the expected depreciation of the dollar. The import surcharge of a maximum of 10 percent, along with the average depreciation of the dollar already realized, has probably raised the dollar cost of manufactured imports by an average of about 15 percent. It will not be as much for goods subject to a slightly smaller import surcharge or for goods imported from countries with a smaller depreciation of the dollar, but it will be more for other goods subject to the maximum surcharge and imported from countries with a larger depreciation of the dollar. Having given U.S. manufacturers the benefit of such a change in price competition with import goods, the Administration is not likely to want it to be significantly less after the import surcharge is removed. This would seem to confirm the view that the average depreciation of the dollar will be in the range of 12 to 15 percent after the surcharge is removed, and probably closer to the upper than to the lower limit of this range.

The depreciation of the dollar cannot be the same against the currencies of all industrial countries. As the pattern of exchange rates has been distorted by the action taken by several European countries to avoid the further accumulation of dollar reserves, the base from which to measure the order of magnitude of the appreciation of other currencies with respect to the dollar is the parities that exist at the beginning of May 1971. On the basis of the criteria already noted, the depreciation of the dollar in terms of the currencies of other industrial countries should be about in the following order, starting with the highest:

Japan, Germany and Switzerland.
Netherlands, Austria and Belgium.
United Kingdom, France, Italy and the Scandinavian countries.

The economic relations of Canada with the United States are so close and have such an enormous impact on its economy that the best way to fit the Canadian dollar into a new pattern of exchange rate will be to adjust it to the appropriate level after the rate for the U.S. dollar is agreed in terms of the European currencies and the yen.

In the nearly three weeks since the dollar has been allowed to float, the average depreciation (measured from beginning of May parities) has been about 5 percent. The lag in the depreciation of the dollar is due to a number of factors. Until the yen was permitted to float, the Europeans were reluctant to see a greater appreciation of their currencies. While Europe can afford to yield its excessive competitive advantage to the United States, it is not in a position to give any further competitive advantage to Japan. Furthermore, all countries hesitate to allow their currencies to appreciate sufficiently until they know to what extent the depreciation of the dollar is to be achieved through an upward adjustment in the parities of their currencies and through a downward adjustment in the parity of dollar.

Most important, it is not possible to have an adequate depreciation of the dollar so long as the import surcharge is in effect. With the surcharge, U.S. importers must limit their bid for foreign exchange, as a 12 to 15 per cent depreciation on top of the surcharge would mean a 22 to 25 per cent increase in the dollar cost of some imports. The foreign exchange market is dominated by the bids of importers who account for about 70 per cent of the demand for foreign exchange for current payments and over 50 per cent of the demand for all payments, including U.S. private foreign investment. Even large movements of short-term funds cannot offset the effect on the exchange rate of the sharp decline in the demand for foreign exchange by importers. For this reason, a new pattern of exchange rates with an appropriate depreciation of the dollar will have to be conditioned on the termination of the import surcharge.

While the average depreciation of the dollar will have to be between 12 and 15 per cent, any doubt as to the precise amount of depreciation should be resolved on the high rather than the low side. The prestige of the United States is not involved in minimizing the depreciation. It is involved in making the depreciation successful—that is, in establishing a strong balance of payments and in restoring confidence in the dollar. The rates that have been emerging in the exchange markets are not a measure of the depreciation necessary for the dollar, although they are a rough indication of the order of the appreciation there will have to be in the currencies of other industrial countries. As a practical matter, an appropriate depreciation of the dollar and a new pattern of exchange rates cannot be achieved solely through the operations of the exchange market. It will have to be done through agreement among the large industrial countries and in consultation with the International Monetary Fund.

REVALUATION AND DEVALUATION

The first task is to secure agreement on the average depreciation of the dollar necessary for a strong balance of payments. The second task is to agree on how much the depreciation should be in the currencies of each of the large industrial countries. This will be more difficult as it involves the relationship of these currencies to each other as well as to the dollar. The most difficult task is to agree on how much of the depreciation of the dollar and the corresponding appreciation of other currencies should be achieved through an upward change in the parities of some currencies and a downward change in the parity of the dollar. For depreciation and appreciation of currencies are decisive; not the changes in parities. Nevertheless, there are some practical aspects of the revaluation-devaluation alternatives that cannot be ignored.

The depreciation of the dollar will involve great adjustments in the export industries of other industrial countries. The exporters in these countries want the appreciation of their currencies to be as small as possible. If some countries, such as Germany and Japan, had to raise the parities of their currencies by more than 15 per cent, they would face serious opposition at home. On the other hand, if the parity of the dollar is simultaneously reduced, so that their reevaluation need not be more than 8 or 10 per cent, they can take the view that this part of the depreciation of the dollar is beyond their control. To put it plainly, if the depreciation of the dollar must be achieved solely through a revaluation in the parities of other currencies, the average depreciation will be considerably less than is necessary to establish a strong balance of payments for the United States.

The present distortion in exchange rates is mainly the result of the persistent deficit in the U.S. balance of payments. The United States has an obligation under the Bretton Woods Agreement to correct this as far as possible through a devaluation of the dollar. Because the depreciation must be different in terms of the currencies of the other industrial countries, a change in the parity of the dollar alone will not restore an appropriate pattern of exchange rates. Revaluation of the parities of some other currencies will be necessary in any case. The number of changes in parity can be kept to a minimum, however, if some of the adjustment of exchange rates is made through a devaluation of the dollar. If the dollar were devalued by 7 or 8 per cent, no change in parity would be needed at all for sterling, the French franc, the Italian lira, and the currencies of the Scandinavian countries. That is to say, with a moderate devaluation of the dollar only half as many changes in parity will be necessary in order to achieve an average depreciation of 12 to 15 per cent in the exchange rate for the dollar.

All sorts of reasons will be put forward against a devaluation of the dollar. It will be said that the Congress will never approve an increase in the dollar price of gold. It will be urged that this involves penalizing the countries that held dollars as reserves instead of converting them into gold. It will be argued that this will be a windfall for Russia, South Africa and the gold speculators. These are not economic reasons and they have no economic merit. They reflect ideological prejudice and good policy cannot be made on such a basis. A devaluation of the dollar is in the interest of the United States and it is necessary to prevent a decline in the value of the monetary reserves of the entire world, including those of the United States.

There may be opposition in the Congress to raising the monetary price of gold from $35 to $37.80 an ounce (a devaluation of 7.4 per cent). The opposition will be partly due to the view that the $35 price is somehow sacred, but mainly to a fear that it would enhance the monetary role of gold. Actually, there is no low that specifically sets the price of gold at $35 an ounce. The Gold Reserve Act of 1934 authorized the President to set the content of the gold dollar between 50 and 60 per cent of its old content—that is, at a price between $34.45 and $41.34 an ounce. By Executive Order, the President fixed the content of the dollar at 15-5/21 grains of gold, nine-tenths fine—that is, at $35 an ounce. The Bretton Woods Agreement Act did specify that no change in the gold parity of the dollar shall be proposed to the IMF without the prior authorization of the Congress.

If the Congress were to take the view that all changes in the foreign exchange value of the dollar must be made entirely by changes in the parities of other currencies it would be abdicating its Constitutional prerogative. Article I, Section 8 of the Constitution states: "The Congress shall have power . . . (5) to coin money, regulate the value thereof, and of foreign coin." The United States is now in the midst of making the most important change in the dollar since the Great Depression of 1933, when Congress authorized the President to devalue the dollar. Yet this change of up to 15 per cent in the foreign exchange value of the dollar, taken on the initiative of the Executive Department, will be made without any action of the Congress if ideological prejudice is allowed to overcome common sense and good economics.

The declaration of a new parity for the dollar does not enhance the monetary role of gold. The sole purpose of declaring a parity in gold is to have a common denominator for all currencies—a measure of the par of exchange between the dollar and other currencies. It does not involve any obligation to buy or sell gold. In fact, now that the United States has withdrawn its commitment to the IMF, no country has undertaken to buy and sell gold freely and no country ever will. Of course, it would be possible to declare parities in units of SDRs if the Fund Agreement were amended, but the unit of value of SDRs is already defined as 0.88671 grams of fine gold—that is, 35 SDR units to an ounce of gold. It would be nonsense to declare a new parity of the dollar in terms of SDRs and to pretend that this is not the same as a devaluation in terms of gold.

The view that devaluation would be unfair to countries that hold dollar reserves is not correct. The real loss sustained by the holders of all reserve assets (gold, dollars and SDRs) came from the inflation in the United States and other countries that reduced the purchasing power of reserves in terms of goods and services. The depreciation of the dollar will reduce the value of the dollar in terms of foreign currencies—that is, in paying for imports from Europe and Japan. The loss in the foreign exchange value of dollar reserves is precisely the same whether it is done through a revaluation of other currencies, a devaluation of the dollar, or partly in one and partly in the other. Even then, it is questionable whether the countries that decided to hold dollar reserves are worse off than those who chose to hold gold reserves. With the high yields on U.S. Treasury bills, any country that held dollar reserves would have earned more than enough interest since January 1970 to offset an 8 per cent devaluation of the dollar. For dollar reserves held since mid-1968, interest earnings would not only have compensated for a devaluation of the dollar in terms of gold, but even for a 15 per cent average depreciation of the dollar in terms of foreign exchange.

All holders of reserves would benefit from a devaluation of the dollar. If the depreciation of the dollar is achieved entirely through a revaluation in the parities of other currencies, the reserves of the world would be virtually unchanged in dollars, but would be sharply reduced in terms of the currencies of the other industrial countries. On the other hand, if the depreciation of the dollar were achieved by a devaluation of the dollar and an equal average revaluation of other currencies, the reserves of the world would be increased in terms of dollars, although there would still be some decrease in terms of the currencies of the other industrial countries.

Aggregate reserves of all countries were about $104 billion at the end of June 1971. They are considerably larger now, but they will probably revert to about that level when funds start moving back to the United States. A 14.8 percent rise in the average parities of other currencies would result in a reduction of the equivalent of $14 billion in the value of reserves in these currencies. On the other hand, a devaluation of 7.4 per cent in the dollar (an 8 per cent rise in the dollar price of gold) and an equivalent revaluation of other currencies, would increase the dollar value of reserves by $5 billion and reduce the value of reserves in other currencies by the equivalent of $9 billion. Of the $5 billion increase in the dollar value of reserves, nearly $1 billion would accrue to the United States. Moreover, a revaluation of other currencies by 14.8 per cent would reduce the value of the quotas in the IMF in these currencies by the equivalent of $4 billion. A devaluation of the dollar by 7.4 per cent would raise the dollar quotas of all countries by $2.3 billion and the quota of the United States by over $500 million.

EFFECT OF DOLLAR DEPRECIATION ON VALUE OF AGGREGATE RESERVES

[In billions of dollars or equivalent in other currencies]

	Dollars or other currencies June 30, 1971	Value with dollar parity unchanged[1]		Value with dollar devaluation[2]	
		Dollars	Other currencies	Dollars	Other currencies
Gold	37.0	37.0	31.5	40.0	34.3
SDR's	5.9	5.9	5.0	6.4	5.5
Reserve position in IMF	6.9	6.9	5.9	7.5	6.4
U.S. reserve liabilities	33.7	33.7	28.7	33.7	28.7
Other foreign exchange[3]	20.5	22.1	19.0	21.3	19.7
Total	104.0	105.6	90.1	108.9	94.6

[1] 14.8 percent average depreciation of the dollar through revaluation of other currencies.

[2] 7.4 percent devaluation of the dollar (8 percent rise in the dollar price of gold) combined with an equal average revaluation of other currencies.

[3] Sterling, French francs, Deutsche marks, and other currencies, including Eurodollars and U.S. reserve liabilities denominated in foreign currencies. Half of the total amount is assumed to be affected by revaluation and devaluation.

The only economic argument against the devaluation of the dollar seems to be that it will benefit the Soviet Union, South Africa, and the gold speculators. This is not correct. The Soviet Union has not sold gold at the monetary price since 1945. With the free market price for gold well above the monetary price, the Soviet Union could not benefit from a moderate increase in the monetary price of gold in terms of dollars. South Africa has sold small amounts of gold to the IMF at the monetary price. These sales were made not for the purpose of reducing supplies in the free market, but to establish the position of gold as a monetary reserve asset which the IMF buys for currencies. Total purchases of gold for currency by the IMF in the first half of 1971 amounted to $102.6 million of which $12.6 million was paid for in dollars. The termination of the U.S. undertaking to buy and sell gold will almost certainly lead to fundamental changes in the present system of holding and using reserves, and this will inevitably result in a far-reaching change in the monetary role of gold.

Speculation in gold is based solely on the expectation that a breakdown of the international monetary system will ultimately lead countries to restore the old gold standard. In order to have enough reserves for such a system, speculators believe that the price of gold will have to be doubled in terms of all currencies. Every monetary crisis results in a rise in the free market price of gold because speculators hope that the breakdown of the international monetary system is that much nearer. Every resolution of the crisis results in a fall in the free market price of gold because it shows that international monetary problems can be solved without a large and uniform increase in the monetary price of gold. In the recent crisis, the free market price of gold rose sharply before the announcement of the depreciation of the dollar, and fell after the dollar depreciated. A moderate devaluation of the dollar would end all hope for a large and uniform increase in the monetary price of gold and would result in a fall in the free market price. If it were also agreed to reform the reserve system, the monetary role of gold (except as a common denominator) would be ended and there would be no basis whatever for speculating in gold except for expectations regarding its price behavior as another commodity.

REFORM OF THE INTERNATIONAL MONETARY SYSTEM

The recurrent crises are evidence that the Bretton Woods system of fixed parities and of reserves composed of gold and dollars has not worked well in recent years. This is not because of inherent defects in the system. In fact, the Bretton Woods system provided greater flexibility than ever before for balance of payments adjustment without requiring inflation in surplus countries or deflation in deficit countries. Until a few years ago it would have been generally accepted that the Bretton Woods system had been outstandingly successful in creating an international monetary system well suited to an expanding world economy.

The Bretton Woods system is based on two assumptions. The first was that international monetary stability would be achieved if the United States maintained a high level of production and employment without inflation and if other countries were to regard the maintenance of the foreign exchange rate for their currencies in terms of the dollar as one of the major objectives of economic policy. Thus, the United States was expected to discipline itself and other countries were expected to be disciplined by the need to keep in step with the United States. The second assumption was that the reserve needs of other countries could be met from newly-mined gold supplemented by a gradual redistribution of U.S. gold holdings (the United States had 75 per cent of the gold reserves in 1949) and through the gradual accumulation of dollar reserves. Short-term needs of deficit countries for reserves could be met through reserve credit provided indefinitely through limited increases in gold production and continued impairment in the reserve position of the United States.

The system of fixed parities, subject to change after consultation with the IMF and with its approval, worked very well so long as the United States avoided inflation and had a strong balance of payments for a reserve center. Countries that had persistent payments deficits were expected to devalue their currencies, and the United States was foremost among those urging that such adjustments should be made promptly. There was only one case of a large industrial country that found the system of fixed parities onerous. In 1950, Canada decided to cut the tie to parity and to allow the Canadian dollar to appreciate in a free market. Even then, the real purpose was to minimize the effect of the impending inflation in the United States because of the Korean war. No country argued that the system of fixed parities with a limited range of exchange rates hampered balance of payments adjustment.

Doubts about the functioning of the system of fixed parities came only with the inflation in the United States and the sharp deterioration of the U.S. balance of payments after 1965. It is then that foreign monetary authorities began to seek means of avoiding the flood of dollars that was coming to them. While the academic community had long had some advocates of greater flexibility of exchange rates, Governments and central banks did not regard this as a practical policy until late in 1968. Even then, their main concern with greater flexibility of exchange rates was to find a means of avoiding the transmission of inflation from the United States. As I concluded in a paper on Flexible Exchange Rates and Balance of Payments Adjustment (68/24, p. 14): "If the international monetary system is not to have an inflationary bias with flexible exchange rates, it would be necessary to have a strong dollar and a stable and prosperous U.S. economy. Of course, if the United States could achieve this there would be much less reason for changing the present system of fixed parities."

At Bretton Woods, the U.S. delegation proposed that the range of exchange rates be 2 percent above and below parity. Perhaps an even wider range of 3 percent could be useful in minimizing non-equilibrating short-term capital movements. A gradually moving parity could also be useful, but only in a limited degree. Where a country's international payments position is being eroded by a deterioration in its real international economic position, apart from competitive prices, a gradual devaluation of its currency by 1 or 2 percent a year could keep the balance of payments in order. Even then, the best test of whether a small change in parity is necessary is not whether the exchange rate is at the bottom of the range, but what is happening to the balance of payments and the reserve position of a country. Neither wider margins nor gradually moving parities would be of much use where the balance of payments goes into large deficit because of a prolonged inflation which permanently alters the price competitiveness of a country in world markets.

The other change that is essential in the Bretton Woods system is to establish a rational method of holding, using and increasing reserves. Until about 1958, the reserves of other countries did grow adequately through the acquisition of newly-mined gold and limited redistribution of the reserves of the United States. From the end of 1950, to take account of the first effects of the devaluation of 1949, to the end of 1957, the reserves of all countries other than the United States increased by about $3.7 million in gold and by about $4.2 billion in dollars. In the same period, the reserve assets of the United States were virtually unchanged. There was a $40 million increase in U.S. gold reserves to $22.9 billion and a $520 million increase to $1,980 million in the U.S. reserve position in the IMF. Even then, it had become evident that this method of providing reserves could not continue indefinitely. At a seminar at Harvard on October 17, 1958 (58/13), I said:

"The increase in reserves that can come from newly-mined gold and a payments surplus with the Communist bloc is probably quite limited during the next few years. Any substantial improvement in the reserve position of other countries can come only from a reduction in U.S. gold holdings and an increase in foreign official dollar balances. While the reserves of the United States are adequate to allow for some decline in its gold holdings and a considerable increase in foreign official dollar balances, this is not the best way of meeting the long-run problem of reserves. The time has come to place the growth in world reserves on a more rational basis, related to the new institutional developments and to future needs."

The establishment of Special Drawing Rights has provided a new reserve asset that could become the means for assuring an adequate but not excessive growth of reserves on the basis of the trend needs of the world economy. This is not possible, however, as long as there are large fluctuations in the dollar reserves of other countries. Since 1966, the dollar component of reserves has varied sharply—increasing by $3.3 billion in 1967, decreasing by $3.4 billion to mid-1968, and increasing by $9 billion to the end of 1970 and by a further $10 billion in the first half of 1971. The growth of reserves must be freed from the uncertain changes resulting from the U.S. balance of payments. Furthermore, the preference for gold as reserves and its function as the one final and unlimited reserve asset has become a seriously destabilizing factor in the international monetary system. The ability of countries to alter the composition and use of the reserve assets—the preference for gold and SDRs over dollars and other foreign exchange—could lead to massive conversions of existing foreign exchange reserves and disrupt the international monetary system.

Since 1967. I have been urging that the reserve system be rationalized by having countries earmark their gold, SDRs and other foreign exchange in a Reserve Settlement Account administered by the IMF. Countries would be given a credit balance equivalent to their earmarked reserves in the form of a Composite Reserve Unit (CRU). All transactions in reserves would thereafter be through transfers in the Account. A country with a deficit would run down its CRU balance, implicitly reducing its different reserve assets in the proportions in which they are earmarked in the Account—that is, the same proportions of gold, SDRs, dollars and other foreign exchange as it held. A country with a surplus would build up its CRU balance, implicitly increasing its different reserve assets in the average proportions in which they are earmarked in the Account by the deficit countries. Thus, countries would no longer be able to alter the composition of their reserves. They would be required to use and accept the different reserve assets without discrimination between gold, SDRs and foreign exchange.

Under this system, no country would any longer buy and sell gold for its currency. As payments deficits would be settled only through the Account, there could be no increases or decrease in the dollar component of reserves. If the United States had a deficit, it would have to meet it through use of its balance in the Account or through use of reserve credit from the IMF or from other countries. For the United States, such a system would have the advantage of ending the possibility of massive conversions of outstanding dollars. For the other countries, it would have the advantage of ending the unlimited creation of dollar reserves by the United States to finance any future deficits on an official reserve basis. The necessary growth of reserves would come solely from the issue of SDRs by the IMF which would be allocated to its members and which would be added to their earmarked SDRs in the Account.

The establishment of a Reserve Settlement Account would involve no basic change in the present methods of dealing in foreign exchange. There would be no limitation on private holdings of dollars. They would remain, as they are, freely convertible into other currencies through the exchange market. The accumulation of additional dollar reserves by monetary authorities, however, would be limited to the necessary increase in working balances. Countries requiring additional dollars for intervention in the exchange market would sell CRUs to the Federal Reserve Bank of New York, just as they have hitherto sold gold. And countries acquiring excess dollars that they have taken out of exchange market would convert them into CRUs at the Federal Reserve Bank of New York, just as they have hitherto converted dollars into gold. The United States would have the obligation it now has of converting official holdings of dollars, but such conversion would be made at the option of the United States either in CRUs or in the currency of the country requesting the conversion. Convertibility of currencies into gold would be impossible, as countries would not hold gold outside the Reserve Settlement Account.

U.S. POLICY AND THE WORLD ECONOMY

The United States should make it clear to all countries that the sole purpose of the measures it has taken is to establish a strong balance of payments and to restore confidence in the dollar. That will require a depreciation of the dollar and a new pattern of exchange rates among the large industrial countries, to be achieved by agreement and in consultation with the IMF. The reform of the international monetary system is also important, and such discussions will undoubtedly take place in conjunction with the discussions on exchange rates.

The depreciation of the dollar will have far-reaching effects on the economy of other countries. The direct effect of the restoration of the U.S. trade balance will be to increase output in the United States by over $8 billion a year. As the increase in the U.S. trade balance will be matched by a corresponding reduction in the trade balance of other industrial countries, it will have an equivalent contractionary effect on them. In the aggregate, the output of all other industrial countries is about the same as that of the United States, after adjusting for the depreciation of the dollar. Although international trade is more important for them than for the United States, the depreciation of the dollar will affect a relatively small part of their trade—only that part represented by exports to and imports from the United States and by the displacement of their exports in third markets.

The adjustment to the depreciation of the dollar is simple for the United States. As there is considerable unused capacity and unemployment, the increase in the trade balance will act as a stimulus to recovery in much the same way as an increase in domestic investment. In other industrial countries, the decrease in their trade balance will reduce aggregate domestic demand and compel adjustments in their export industries and in domestic industries competitive with imports from the United States. In a very few countries where there is a demand inflation, the reduction in the trade balance will not be unwelcome, although it will still necessitate adjustment in the export industries. In other countries where the economy is not booming, the adjustment to a reduction in the trade balance will necessitate an expansion of domestic demand for consumption and for private and public investment to offset the reduction in the trade balance. Even with such policies, the process of adjustment will be difficult for all industrial countries and especially for those with the closest trade relations with the United States.

Unless the United States and other large industrial countries follow expansionary policies, the depreciation of the dollar may lead to a contraction of world trade or a temporary halt in the growth of world trade. The experience of the past is that world trade grew rapidly when U.S. imports increased considerably and stopped growing for a year or two when U.S. imports declined. If the depreciation of the dollar were to halt the growth of world trade, even temporarily, it would be harmful not only to other industrial countries but to the less-developed countries as well. Thus, the trade objective of the United States should be to see that the improvement in its trade balance is accomplished as far as possible through an increase in exports rather than through a decrease in imports. All countries can contribute to the necessary adjustment without a contraction of world trade by maintaining a high level of domestic demand and by reducing the restrictions they have on imports. For the United States, this would require an acceleration of the recovery and a prompt termination of the import surcharge.

The most constructive way to restore the U.S. balance of payments is through the depreciation of the dollar. While it would not reduce U.S. foreign investment, particularly if the restrictions on direct investment are relaxed, it would improve the service accounts as well as the trade account. A depreciation of the dollar would stimulate exports as well as restrain imports. If the recovery in the U.S. economy is accelerated, the demand for imports will respond to the increase in output and income. This will moderate the reduction in imports as a result of the depreciation of the dollar. On the other hand, the import surcharge places almost the entire burden of adjusting the U.S. balance of payments on the restriction of imports. As the surcharge also limits the depreciation of the dollar, it holds back the expansion of exports. Moreover, by holding down the depreciation of the dollar relative to what it is expected to be, it encourages speculation and capital outflow, at least for the time being.

The import surcharge is unfair to all countries, has an uneven incidence among countries, and undermines the hitherto successful efforts to reduce barriers to the expansion of world trade. The surcharge applies to dutiable imports from the less-developed countries, even though the United States has no desire for a change in either their currency or trade policies. It does not apply at all to Russia and most other Communist countries and is a heavy burden to the countries that trade most with the United States. Although less than half of all U.S. imports are subject to the surcharge, about 93 per cent of the imports from Japan are under this penalty. The import surcharge raises all U.S. tariffs, except where there are statutory quota restrictions, in many instances to the level of the Hawley-Smoot Tariff Act of 1930. It wipes out most of the reductions in tariffs negotiated since the first reciprocal trade agreements in 1934. If other countries were to respond by withdrawing the tariff concessions they have made, the world economy would be back to the disastrous trade restrictions of the 1930s.

The import surcharge is a denial of the principle of international cooperation on monetary and economic affairs. Until the surcharge is terminated, it will be impossible to establish an appropriate pattern of exchange rates among the large industrial countries and it will hamper all negotiations for reforming the international monetary system. The early removal of the import surcharge is in the interest of the United States and the entire world. It should be made the first order of business in the discussions of the United States with other countries and with the International Monetary Fund, along with agreement on a new pattern of exchange rates and reform of the international monetary system.

STATEMENT BY ROBERT R. NATHAN

All economists are deeply concerned over the continuing damage inflation has inflicted and the desperate need to slow the pace of price increases quickly and enduringly. There is also an urgent need to bring an early end to the recession and to reduce the levels of unemployment and other idle resources, reflecting an annual rate of some $75 billion losses in output.

The long overdue Administration decision to move off dead center on these important issues is welcome. The direction and content of the President's proposals should be constructively and critically evaluated just because the subject matter is so crucial to the national interest and because the best policies are needed to maximize the chances of success. The economic situation is too serious to condone petty bickering, but the problems are too important and too complex to have a moratorium on public debate. In such a highly charged subject there is no virtue in unanimity.

The inter-relationship between price stabilization and economic expansion particularly needs more attention. Having undertaken the wage-price freeze, one would expect the Administration to adopt vigorous programs to accelerate the pace of recovery rather than continuation of very cautious recovery policies. The expansion program proposed by President Nixon is inadequate as well as inequitable. It is difficult to foresee any substantial number of jobs resulting from the net fiscal impact of the program. Any likely stimulus from the proposed tax reductions will be negated by reduced public spending and less public employment.

The Administration resorted unsuccessfully to unemployment and recession as the only means of fighting inflation. The continued high rate of inflation has inhibited the Administration from seeking a strong recovery because of the fear of more inflation. But, having imposed the freeze, it is hardly rational to continue to fear the inflationary impacts of recovery. The failure to adopt a more expansionist set of fiscal policies may be attributable to grave doubts concerning the success of the price freeze and subsequent stabilization efforts. A timid approach to economic recovery will not only delay the return to full employment but can also make it more difficult to achieve a better price performance.

The United States economy experienced one of its longest and largest lags in productivity in the period from mid-1968 to mid-1970. Productivity gains which tended to average about 3 percent a year in most of the post-World War II period fell about 15 percent below the trend line by the middle of last year. There are a great many causes for the lag in productivity, but certainly the low ratio of capacity utilization has been an important contributing factor. Even the modest recovery to date has begun to make inroads into that gap. If a substantial recovery can be initiated, there ought to be a rapid rise in output per man-hour with the result that labor costs and capital costs per unit of output should rise substantially less than hourly earnings or the cost per unit of capital. The anti-inflation fight can be helped along by accelerating economic recovery. Also, with the GNP gap at 75 billion dollars it is not the time to put high priority on the danger of early overheating of the economy.

The Congress will have a voice in the fiscal program and I would urge a more expansionist orientation as well as a more equitable set of recovery measures. The existence of so much idle capacity makes it doubtful whether even the bountiful pouring of goodies into the corporation hopper will bring a quick and large spurt in private investment. With our cities and states in dire need of financial help, with air and water pollution, with required massive urban rehabilitation, with tens of millions of Americans living at poverty levels in a trillion dollar economy, with billions needed for mass transit to overcome congestion, with more health and recreation facilities and services required, it is hardly the time to choose lower taxes rather than higher expenditures to restore full employment. The President's fiscal proposals for automobile excise tax cuts and huge investment incentives reflect a distorted sense of the priorities of our nation's needs.

No sane person expects that the battle against inflation will have been won by mid-November when the present freeze is scheduled to come to an end. Nor should the freeze be extended in its present form beyond mid-November. Clearly, if we are going to bring inflation under control, the freeze must be followed by organizational and procedural arrangements to slow the pace of increases in prices and costs.

I agree with those witnesses who emphasize the importance of mobilizing support of various groups and of the general public for anti-inflation measures. But rhetoric alone will not suffice. Labor is especially concerned about the principles and techniques that will underlie on-going stabilization programs. If the same degree of equity which characterizes the President's expansionist measures were to be applied in the stabilization field then labor's alarm is understandable. If the brunt of the battle against inflation is borne more heavily by labor than by business, labor's cooperation will not be forthcoming. In 1965 and 1966 when price inflation got underway, wage restraints did not pay off. Labor fell behind in its pursuit of rising real income because of the erosion of earnings as the cost of living rose. Labor has continued to race after prices ever since.

I am convinced that workers across this nation are tired of inflation and want greater price stability. I believe most labor leaders feel the same way. The problem is one of assuring that the burdens inevitably inherent in slowing the pace of inflation will be fairly shared. Labor as well as business should be invited to participate actively in shaping the programs and policies that will come after the 90-day freeze. In the final analysis, cooperation will depend on fairness. The element of equity is going to depend on government policies. It cannot be repeated too often that the price of cooperation will be the assurances of fair and equitable treatment.

Obviously, neither wages nor prices can be allowed to increase without restraint if we are to enjoy greater stability. But we must apply restraints with utmost wisdom as well as firmness. It is clear that wage increases are more visible and can be more readily controlled than prices. That is why those in charge of the stabilization plans should do everything possible to prevent profit margins from rising as a consequence of more effective wage than price restraints. I do not believe an excess profits tax is feasible under present circumstances. That is all the more reason to pursue policies which will clamp down on prices with at least as much pressure as on wages.

Let me repeat that labor has reason for concern over bearing most of the sacrifice in slowing inflation. There are some who say that if only wage increases are halted or slowed prices will follow suit. History hardly bears out this simplistic generalization. For about two years we have had a depressed economy and price competition has not been effective in cutting down inflation. In recent months inflation has continued more serious than in the pre-recession days. There are too many administered prices in this economy to rely entirely on price competition in the fight against inflation or to expect that price competition will keep profit margins within reason. Too many industries have raised prices both before and after wage increases and too many have sought to widen profit margins in an effort to maintain high aggregate profits when the economy has been depressed. Profits are low, maybe abnormally low, but what economic rule calls for high profits in a recession? I believe we need direct and strong measures to slow the pace of inflation but these measures must lean heavily against prices if we expect them to be effective in slowing wage gains.

Inequities are already becoming apparent under the freeze. We must not permit serious erosion of the impact of the freeze, but it would seem wise to begin well before the 90 days are over to introduce some flexibility and some adjustments so as to ease the most severe inequities. We are not going to reduce inflation from 5 or 6 percent a year to zero or 1 or even 2 percent in three or six months. If we can get the consumer price index consistently below an annual rate of increase of 3 percent by mid-1972 that will be quite an achievement. A steady reversal of the inflationary spiral will achieve more over time than a one shot freeze without further measures that can succeed.

In essence what is needed is a combination of a substantial revamping by the Congress of the President's recovery program so as to make it more expansionist and more equitable, and an early formulation of an on-going stabilization program in which all segments of our society have an opportunity to offer their ideas and to participate, and in which equitable treatment and fair sharing of burdens are assured.

Mr. PROXMIRE. Mr. President, among the witnesses who appeared before the committee were Walter Heller, professor of economics, University of Minnesota; Otto Eckstein, professor of economics, Harvard University; Charles L. Schultze, senior fellow, the Brookings Institution; John Sheahan, professor of economics, Williams College; Raymond J. Saulnier, professor of economics, Barnard College; Ralph Nader; Paul Porter, attorney at law, Washington, D.C.; George W. Taylor, professor of economics, University of Pennsylvania; Michael DiSalle; Paul W. McCracken, Chairman, Council of Economic Advisers; George A. Lincoln, Director, Office of Emergency Preparedness; Arnold R. Weber, executive director, Cost of Living Council; Dr. Gardner Ackley, professor of political economy, University of Michigan; Arthur M. Okun, senior fellow, the Brookings Institution; Edward M. Bernstein, president, EMB Ltd.; and Robert R. Nathan, of Robert Nathan Associates.

In general, our witnesses applauded the fact that the President had now adopted the more activist policies they felt were necessary prerequisites to an improved trade balance, a more stable price level, and a vigorous expansion of output. Our witnesses were virtually unanimous in their support of the wage-price freeze and the floating of the dollar. They stressed that these were temporary measures which must be followed by wise long-term policies. In contrast to their support of other aspects of the program, the majority of our witnesses felt that both the amount and composition of the fiscal stimulus proposed by the President were inappropriate and that major revision of this aspect of the program was needed.

To summarize the views of the witnesses on major aspects of the new economic policy, with respect to the wage-price freeze, all witnesses who addressed themselves to this felt the freeze was necessary or desirable, given the difficult inflationary situation which existed at the time it was imposed. All agreed that the freeze must be temporary and that it must be followed by a firm and active policy of price-wage restraint, but a policy allowing for some adjustment of wages and prices.

With respect to effectiveness, some witnesses, including Ackley and Nathan, believed the freeze would be observed and that monitoring and enforcement procedures were adequate so long as the freeze was limited to 90 days. Others, including Taylor and DiSalle, were less certain that an adequate administrative staff had been set up. Taylor stressed the need to establish grievance procedures during the freeze period, and this has not been done.

With respect to the issue of a postfreeze policy, all witnesses who addressed this question opposed a permanent system of mandatory comprehensive controls. They were equally opposed to the opposite policy extreme of having no price-wage policy at all after the freeze.

They wanted a system in which market forces would determine the majority of prices, but in which there would also be standards or guideposts set by the Government. Most felt some type of legal sanctions would also be required, at least for a time.

Many witnesses, including Schultze, Sheahan, Ackley, Okun, and Nathan, favored the establishment of economywide quantitative standards—similar to the Kennedy-Johnson guideposts. These guideposts would be based on average productivity gains plus, initially, some cost-of-living or "catch-up" factor. Schultze and Okun suggested a wage standard of productivity plus one-half the cost-of-living increase—which would be a total of a 5-percent increase at the present time. Robert Nathan suggested about a 6-percent wage increase might be needed initially.

Other witnesses, including Saulnier, suggested a wage-price review board which would gradually evolve general standards through its decisions in specific cases.

One type of enforcement, suggested by Ackley, would be the authority to seek court injunctions against behavior which clearly violated price-wage standards. Another possibility suggested by Okun would be authority to roll back and freeze prices—or wages—which violated Government standards. Most witnesses agreed that some enforcement authority was needed but that enforcement efforts should be concentrated on clear violations of standards in important or highly visible situations.

With respect to procedures for developing postfreeze policy, all witnesses agreed that labor, business, and other major groups in the economy must be involved in developing policy. The importance of full consultation with organized labor was especially stressed. Many witnesses, including Taylor, Porter, and DiSalle suggested a tripartite board—business, labor, and the public—to administer policy. Others, including Ackley and Schultze, preferred an administrator or board drawn from the general public and not identified with any particular group.

With respect to transition policies, several witnesses, including Gardner Ackley, and Robert Nathan, argued that the freeze should be lifted gradually, first decontrolling those sectors most subject to competition. Arthur Okun suggested the freeze be lifted for all prices and wages simultaneously, provided guideposts had been developed and there was authority to roll back unwarranted price or wage increases.

With respect to control of profits, witnesses who commented on this opposed profit controls at present. They argued that if wages and prices are controlled, then unit profits are determined. Where productivity gains are above average, prices should be reduced, thus limiting unit profits. Increased profits which result from greater sales volume are normal during a recovery period and are a needed incentive to efficiency.

If profits are to be controlled, which was not advocated by the witnesses, some form of taxation was the only method suggested, some form of excess profits tax. Most witnesses stressed the inequities and administrative difficulties of an excess profits tax. Gardner Ackley suggested an increase in the corporate tax rate as preferable to an excess profits tax. Many witnesses stressed the importance of effective control of prices as an indirect control on profits.

With respect to interest rates, none of the witnesses favored interest rate controls at present, although there is a law on the books that came out of our Banking Committee which provides for a comprehensive opportunity for the President to control, limit, reduce interest in any sector of the economy. Many made the pragmatic argument that effective anti-inflationary policy would cause interest rates to fall. They stressed the danger that an interest rate ceiling would in practice turn out to a floor. Okun urged that monetary policy be more specifically directed toward encouraging lower interest rates.

POLICIES TO EXPAND EMPLOYMENT

EMPLOYMENT EFFECT OF PRESIDENT'S PROPOSALS

Fiscal measures: Several witnesses, including Heller and Okun, stressed that since the administration's proposals balanced tax cuts with expenditure cuts, there would be little expansionary or job-creating effect. By making certain adjustments in the administration's estimates, Charles Schultze estimated a stimulative impact of $5 billion. Many witnesses, including Heller, Ackley, Okun, and Nathan, felt that greater fiscal stimulus was needed and stressed that the degree of slack in the economy together with price-wage policy meant rapid stimulus need not increase inflationary pressures. Raymond Saulnier opposed further stimulus, and so did Dr. McCracken, Chairman of the Council of Economic Advisers, of course, for the administration.

Confidence effect: Most witnesses agreed that an effective anti-inflationary policy would have at least a modest favorable effect on consumer confidence. Dr. McCracken, Chairman of the Council of Economic Advisers, estimated this could have a total impact of $8 billion on 1972 GNP. However, several witnesses, including Nathan, stressed the need for evidence of reduced unemployment in order to achieve a major improvement in consumer confidence. They argued that our productivity is going to rise so rapidly and the increase in the work force is going to be so great that unemployment may not be reduced at all even if we do have something of a boon and a substantial stimulus.

Total impact: Dr. McCracken estimated the total impact on 1972 GNP—including the confidence factor—at $15 billion and the employment effect at 500,000 jobs. Without necessarily disputing these estimates, a number of witnesses, including Heller, Schultze, Ackley, Okun, and Nathan, stressed the very large gap—about $70 billion—between actual and potential output and the very large number of unemployed—5½ million unemployed and 500,000 new jobs obviously is not an adequate answer.

In general, these witnesses urged the need for more vigorous fiscal stimulus.

With respect to the composition of the President's fiscal program, all witnesses who commented on this, with the exception of administration witnesses and of Saulnier, felt that the composition of the fiscal program was badly unbalanced. Witnesses who stressed this included Heller, Eckstein, Schultze, Nader, Ackley, Okun, and Nathan. They argued that this program represents a poor choice of social priorities; that it makes an unwise and unnecessary permanent sacrifice of Federal revenues; and that it is of doubtful effectiveness since it stresses the further stimulation of investment at a time when manufacturing capacity utilization is extremely low.

As to the auto excise tax repeal, with the exception of the administration witnesses, this received virtually no support during our hearings. It was felt to be a poor priority choice because of the environmental problems associated with increased automobile use; because it would be of benefit only to those who can afford to buy new cars; and because it would permanently sacrifice Federal revenues which will be needed to finance social programs. It was pointed out that general tax relief to consumers instead of a specific excise tax repeal would leave consumers freedom of choice on how to spend their tax saving.

With respect to the investment tax credit, most witnesses who commented on this, again with the exception of the administration, felt that together with the already promulgated accelerated depreciation regulations—ADR—the investment tax credit would represent far too much tax relief for business and far too high a cost in terms of revenue loss relative to the amount of investment which might be induced. They agreed that if there is to be an investment tax credit, then the ADR should be withdrawn.

With respect to the income tax speedup, all witnesses supported this. Several, including Nathan and Okun, would support making this action retroactive to last July.

With respect to postponement of welfare reform, most witnesses felt this was a most unfortunate decision, given the urgent need for this measure and the hopes that have been raised. It also delays putting purchasing power in the hands of those who would spend this money and thus assist general economic recovery.

As to alternative fiscal measures, postponement of social security tax increases scheduled for next January received widespread support from witnesses, including Heller, Schultze, Ackley, Okun, and Nathan. That will be the biggest increase we have ever had. They all said that we ought to suspend it, that we should not impose it, that it would depress the economy, that it is unnecessary and could be postponed without a permanent loss of revenue.

Increased Federal expenditures of a temporary nature also were widely suggested. Schultze urged counter-cyclical grants to State and local government. Eckstein and Okun urged speed-up, rather than postponement, of welfare reform.

III. INTERNATIONAL ASPECTS OF THE PRESIDENT'S PROGRAM

With respect to the suspension of gold transactions, this action received support from all witnesses who commented. They stressed, however, that it is an initial step which must be followed by negotiations to develop a new and more flexible system of international exchange. Bernstein, who is probably the most competent in this area and the most experienced and authoritative, argued that this floating of the dollar would not, by itself, achieve all of the needed readjustment in exchange rates, but should be accompanied by an increase in the dollar price of gold. However, other witnesses, including Okun, argued that currencies need no longer be defined in terms of gold at all and that the United States need never again buy gold for monetary purposes.

With respect to the import surcharge, while most witnesses agreed that this might be a useful temporary bargaining tool to encourage the needed adjustment of exchange rates, great concern was expressed that the surcharge must be lifted as quickly as possible. If the surcharge should remain in effect for any substantial length of time, it would invite retaliation and constitute a damaging step toward protectionism in world trade. It was emphasized that while the surcharge is in effect, imported equipment would not benefit from the proposed investment tax credit, making the package doubly protectionist. That is the first time we have done that. In the past we have provided, when a business bought equipment, even if bought abroad, that they would get an investment tax credit. The President's program would suspend that. So there is a double protectionist element, which is perhaps necessary in this temporary period of negotiations, but it should be voided by the President as soon as possible.

With respect to DISC, many witnesses felt that, given the other measures to improve our trade balance, continued support of the DISC export incentive proposal was unnecessary. Nader's testimony brought out the inefficiency of the DISC method of export promotion. The benefits of DISC would go to all exports and not just to the additional exports induced by the program. The budgetary cost is thus very high relative to the export-inducing effect.

Mr. President, may I summarize it by saying that, in general, the economic profession, as represented in our hearings, was favorable to the President's action. They applauded his activist steps in providing for a freeze, providing for a suspension of gold, providing for some stimulus to the economy, although, as I pointed out, they strongly criticized some of the details of the President's proposal. I have inserted in the RECORD a summary of the views of each of the experts who appeared, as well as the full text of their statements.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1971

The Senate resumed the consideration of the bill (S. 2007) to provide for the continuation of programs authorized under the Economic Opportunitly Act of 1964, and for other purposes.

Mr. BYRD of West Virginia. Mr. President, how much time remains to both sides on the motion to recommit?

The PRESIDING OFFICER. Fifty minutes to the Senator from Ohio and 45 minutes to the Senator from Wisconsin.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent, after having consulted with the distinguished Senator from Ohio (Mr. TAFT) and the distinguished manager of the bill, the Senator from Wisconsin (Mr. NELSON), that the remaining time on the motion to recommit be limited to 45 minutes, the time to be divided between the Senator from Ohio (Mr. TAFT) and the manager of the bill as follows: 25 minutes to the Senator from Ohio (Mr. TAFT), and 20 minutes to the manager of the bill.

The PRESIDING OFFICER (Mr. CRANSTON). Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that time on the motion to recommit not be charged against any Senator during the remainder of the day today.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMISSION ON SECURITY AND SAFETY OF CARGO

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 354, S. 942.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

> S. 942, to establish a Commission on Security and Safety of Cargo.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce with amendments, on page 1, at the beginning of line 6, change the section number from "1" to "2"; on page 2, line 1, after the word "of", where it appears the second time, strike out "such goods and"; on page 3, at the beginning of line 20, strike out "commerce. It is a further purpose to create an organization which will administer this Act and implement its purposes by establishing liaison and coordination with, by and between the common carriers, their agents and assigns, as well as supporting organizations such as private terminal operators, port authorities, and others, engaged in all modes of transportation, distribution, and storage of goods and cargo in transit, and by fostering consultation and coordination with appropriate governmental and private agencies and concerns. and insert "commerce, and shall administer this Act so as to implement its purpose by establishing liaison and coordination with and between common carriers, their agents and assigns, as well as supporting organizations such as private terminal operators, port authorities, and others, engaged in all modes of transportation, distribution and storage of goods and cargo in transit, and by fostering consultation and coordination with appropriate governmental and private agencies and concerns."; on page 4, at the beginning of line 14, change the section number from "2" to "3"; on page 5, line 5, after the word "of", strike out "Commerce." and insert "the Treasury. If a member designated to represent the Federal Government on the Commission is unavoidably absent, he may designate any officer of his department appointed with the advice and consent of the Senate to serve on the Commission as his alternate."; in line 15, after the word "Chairman", insert "and Vice Chairman"; in line 21, after the word "Commission", strike out "the Commissioner of Customs;" and insert "a representative of the Secretary of Commerce;"; on page 6, at the beginning of line 7, strike out "industry." and insert "industry and one representative from the freight forwarders industry to be appointed by the President."; after line 17, insert:

> (h) In addition, the Commission shall have four advisory members composed of—
>
> (1) two Members of the House of Representatives who shall not be members of the same political party and who shall be appointed by the Speaker of the House of Representatives, and
>
> (2) two Members of the Senate who shall not be members of the same political party and who shall be appointed by the President of the Senate.
>
> The advisory members of the Commission shall not participate, except in an advisory capacity, in the formulation of the findings and recommendations of the Commission.

On page 7, at the beginning of line 5, change the section number from "3" to "4"; in line 6, after the word "Government", insert "(including advisory Members of Congress appointed under section 3 (h) of this Act)"; in line 8, after the word "compensation", strike out "in addition to" and insert "except for"; at the beginning of line 22, change the section number from "4" to "5"; on page 8, at the beginning of line 2, strike out "subtitle 3" and insert "chapter III"; in line 3, after the word "rates", insert a comma and "but no individual so appointed shall receive compensation in excess of the rate authorized for GS–18 under such title."; at the beginning of line 17, change the section number from "5" to "6"; on page 10, after line 14, strike out:

> (d) The Commission is authorized to enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conduct of research, or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

And, in lieu thereof, insert:

> (d) The Commission is authorized to enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conduct of research, surveys, and the preparation of reports. All contracts negotiated without advertising pursuant to this subsection shall include a clause to the effect that the Commission and the Comptroller General of the United States or any of his duly authorized representatives shall until the expiration of three years after final payment have access to and the right to examine any directly pertinent books, documents, papers, and records of the contractor or any of his subcontractors engaged in the performance of and involving transactions related to such contracts or subcontracts.

On page 11, line 18, after the word "permit", strike out "business firms or individuals" and insert "persons"; at the beginning of line 20, strike out "them" and insert "such persons"; on page 12, at the beginning of line 4, change the section number from "6" to "7"; on page 14, line 4, after the word "security", strike out "standards and encouragement of voluntary implementation by the various industries involved" and insert "standards"; at the beginning of line 13, change the section number from "7" to "8"; at the beginning of line 18, change the section number from "8" to "9"; in the same line, after the amendment just above stated, strike out "There is authorized to be appropriated for the purposes of this Act not to exceed $250,000 for each fiscal year." and insert "There are authorized to be appropriated such sums, not to exceed $2,000,000, as may be necessary to carry out the provisions of this Act."; at the beginning of line 24, change the section number from "9" to "10"; in the same line, after the amendment just above stated, strike out "(a) Prior to the termination" and insert "Upon the submission"; in line 25, after the word "Commission's", strike out "established pursuant to" and insert "final report as provided in section 12 of"; on page 15, after line 9, strike out:

> (b) Regulations promulgated pursuant to this section shall be deemed to have been promulgated pursuant to the Interstate Commerce Act, the Federal Aviation Act of 1958, and the Shipping Act of 1916, respectively.

At the beginning of line 16, change the section number from "10" to "11"; in line 19, after "(b)", strike out "Each common carrier subject to this Act shall submit to the Federal Maritime Commission, for each three month period, a report listing and evaluating all cargo damaged, lost, missing, stolen, or presumed stolen from such carrier or any agent thereof during such period." and insert "(b) The Federal Maritime Commission is authorized to require of each common carrier subject to this Act periodic reports listing and evaluating all cargo damaged, lost, missing, stolen, or presumed stolen from such carrier or any agent thereof during such period. The Commission is authorized to promulgate such rules as may be necessary to effect the provisions of this subsection."; and, on page 16, after line 9, strike out:

> SEC. 11. The Commission shall continue in existence for a period of not to exceed two years after the appointment of its members

pursuant to the provisions of this Act, at which time it shall cease to exist. Prior to such date, it shall provide the Congress with a complete report on its activities pursuant to this Act, and its final recommendations.

And, in lieu thereof, insert:

SEC. 12. Not more than two years after the appointment of its members pursuant to the provisions of this Act, the Commission shall submit to the President and the Congress a final report on its activities pursuant to this Act, and its recommendations. The Commission shall cease to exist ninety days after the submission of such report.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Cargo Commission Act of 1971".

FINDINGS OF FACT AND DECLARATION OF POLICY

SEC. 2. (a) The Congress finds that one of the fundamental bases for the development and growth of commerce and trade on an interstate and international basis is the security and safety of movement of cargo. The Congress has become aware that there is an alarming growth of criminal activity which results in loss of and damage to goods moving in interstate and international commerce. Such loss and theft are increasing to the degree that it represents a clear and present danger to the national economy, especially American business and particularly the small business community, which bears the greatest portion of such losses. The Congress further finds that the Constitution places the control, regulation, and stimulation of interstate and international commerce and trade within the purview of the Federal Government. Prevention of larcenies and malfeasances in connection with goods in interstate and international transit is an inherently difficult phase of crime control; goods in motion or in large-scale storage are hard to watch closely; the multijurisdictional nature of thefts facilitates criminal evasion; and protection arrangements impose unwelcome and often disastrous expenses in terms of operational delays, added paperwork, and increased costs for insurance and protection. The Congress finds that common carriers in cargo transportation by air, truck, rail, and water, manifest a serious deficiency in the level of coordination and effort needed to establish deterrents and preventive measures and utilize resources to combat criminal activity. These criminal activities and attendant losses pose an especially serious threat to the economic stability of small business. The apparent magnitude of the resultant costs suggests that the Federal Government make a further detailed and continuing inquiry to determine what remedial measures can and should be implemented by cargo carriers, their agents and assigns, possibly supported by Federal assistance, to minimize criminally inspired losses of cargo during storage and transit.

(b) The Congress further finds that State and local governments, through exercise of their regulatory powers, have an equal responsibility in stimulating measures to enhance the safety and security of cargo storage and transport. Accordingly, attempts by the Federal Government to deter and curb such losses, thefts, and pilferages should be coordinated at all levels of government.

(c) It is the purpose of this Act to establish a commission which shall conduct an inquiry and research into matters of cargo security for the purpose of designing programs to achieve maximum security and safety for such cargo when in storage and in transit in interstate and foreign commerce, and shall administer this Act so as to implement its purpose by establishing liaison and coordination with and between common carriers, their agents and assigns, as well as supporting organizations such as private terminal operators, port authorities, and others, engaged in all modes of transportation, distribution and storage of goods and cargo in transit, and by fostering consultation and coordination with appropriate governmental and private agencies and concerns.

ESTABLISHMENT OF COMMISSION

SEC. 3. (a) For the purpose of carrying out the intent of Congress as expressed in this Act, there is hereby created a commission to be known as the Commission on Security and Safety of Cargo (hereinafter referred to as the "Commission").

(b) The Commission shall be composed of individuals who, by virtue of their education and experience, demonstrate an ability to discover causes, develop solutions, and implement strategies to solve the problem of cargo loss and theft. Members shall include one representative from each mode of the cargo transportation industry, air, truck, rail, and water; two representatives from the cargo handlers labor organization; one representative from a shipper-import/export concern; and three representatives of the Federal Government, consisting of the Attorney General of the United States, the Secretary of Transportation, and the Secretary of the Treasury. If a member designated to represent the Federal Government on the Commission is unavoidably absent, he may designate any officer of his department appointed with the advice and consent of the Senate to serve on the Commission as his alternate.

(c) The members of the Commission, other than those designed to represent the Federal Government, shall be appointed by the President. Not more than four of such appointed members shall be members of the same political party.

(d) The Chairman and Vice Chairman of the Commission shall be elected annually from among the members of the Commission.

(e) The following shall be ex officio members of the Commission: the Chairmen of the Interstate Commerce Commission, the Civil Aeronautics Board, and the Federal Maritime Commission; a representative of the Secretary of Commerce; one representative having expertise in providing security for the storage and movement of Federal cargo appointed by each of the following: the Secretary of Defense, the Atomic Energy Commission, and the National Aeronautics and Space Administration; one representative of the National Bureau of Standards appointed by the Secretary of Commerce; one representative from the Law Enforcement Assistance Administration appointed by the Attorney General; and one representative from the cargo underwriters-insurance industry and one representative from the freight forwarders industry to be appointed by the President. Ex officio members of the Commission shall not participate except in an advisory capacity to the Commission in the formulation of its findings and recommendations.

(f) Vacancies on the Commission shall be filled in the same manner as initial appointments.

(g) A quorum of the Commission shall consist of six members, but two members shall be sufficient for the purpose of taking testimony, or conducting any hearings on a matter within the purview of the Commission's jurisdiction.

(h) In addition, the Commission shall have four advisory members composed of—

(1) two members of the House of Representatives who shall not be members of the same political party and who shall be appointed by the Speaker of the House of Representatives, and

(2) two Members of the Senate who shall not be members of the same political party and who shall be appointed by the President of the Senate.

The advisory members of the Commission shall not participate, except in an advisory capacity, in the formulation of the findings and recommendations of the Commission.

COMPENSATION OF COMMISSION MEMBERS

SEC. 4. (a) Members of the Commission who are officers or full-time employees of the Government (including advisory Members of Congress appointed under section 3(h) of this Act) shall serve without compensation except for that received for their services as such officers or employees; but they shall be allowed travel expenses, including per diem in lieu of subsistence as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(b) Other members of the Commission who are not officers or officials in the employ of the United States shall be compensated at the rate of $50 per day when engaged in the actual business and duties vested in the Commission, and in addition be allowed travel expenses, including per diem in lieu of subsistence as authorized by section 5703 of title 5, United States Code.

STAFF OF THE COMMISSION

SEC. 5 (a) The Commission may appoint such personnel as it deems necessary without regard to the provisions of title 5 of the United States Code concerning appointments in the competitive services and such personnel may be paid without regard to the provisions of chapter 51 and chapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, but no individual so appointed shall receive compensation in excess of the rate authorized for GS-18 under such title.

(b) The staff of the Commission shall be composed of, but not limited to, individuals having expertise determined to be pertinent to the conduct of a systematic operations research study of the problem of cargo theft, such as persons qualified in statistical mathematics, applied mathematics, human factors engineering, security engineering, cargo operations and movement, police and law enforcement, social psychology, criminology, business management, traffic engineering, security architecture, and deterrence, detection, and apprehension technology and methodology.

POWERS OF THE COMMISSION

SEC. 6. (a) The Commission, or any two members thereof as authorized by the Commission, may conduct hearings anywhere in the United States or otherwise secure data and expressions of opinions pertinent to the study. The Commission shall publish notice of any proposed hearing in the Federal Register and shall afford a reasonable opportunity for interested persons to present relevant testimony and data. In connection therewith the Commission is authorized by the majority vote—

(1) to require, by special or general orders, corporations, business firms, and individuals to submit in writing such reports and answers to questions as the Commission may prescribe; such submission shall be made within such reasonable period and under oath or otherwise as the Commission may determine;

(2) to administer oaths;

(3) to require by subpena the attendance and testimony of witnesses and the production of all documentary evidence relating to the execution of its duties;

(4) in the case of disobedience to a subpena or order issued under this subsection, to invoke the aid of any district court of the United States in requiring compliance with such subpena or order;

(5) in any proceeding or investigation to

order testimony to be taken by deposition before any person who is designated by the Commission and has the power to administer oaths, and in such instances to compel testimony and the production of evidence in the same manner as authorized under clauses (3) and (4) of this subsection; and

(6) to pay witnesses the same fees and mileage as are paid in like circumstances in the courts of the United States.

(b) Any district court of the United States within the jurisdiction of which an inquiry is carried on may, in case of refusal to obey a subpena or order of the Commission issued under subsection (a) of this section, issue an order requiring compliance therewith, and any failure to obey the order of the court may be punished by the court as a contempt thereof.

(c) The Commission is authorized to request from any department, agency, or independent instrumentality of the Government any information it deems necessary to carry out its functions under this Act; and each such department, agency, or independent instrumentality is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information to the Commission upon request made by the Chairman or the Vice Chairman when acting as Chairman.

(d) The Commission is authorized to enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conduct of research, surveys, and the preparation of reports. All contracts negotiated without advertising pursuant to this subsection shall include a clause to the effect that the Commission and the Comptroller General of the United States or any of his duly authorized representatives shall until the expiration of three years after final payment have access to and the right to examine any directly pertinent books, documents, papers, and records of the contractor or any of his subcontractors engaged in the performance of and involving transactions related to such contracts or subcontracts.

(e) When the Commission finds that publication of any information obtained by it is in the public interest and would not give an unfair competitive advantage to any person, it is authorized to publish such information in the form and manner deemed best adapted for public use, except that data and information which would separately disclose the business transactions of any person, trade secrets, or names of customers shall be held confidential and shall not be disclosed by the Commission or its staff: *Provided, however,* That the Commission shall permit persons reasonable access to documents furnished by such persons for the purpose of obtaining or copying such documents as need may arise.

(f) The Commission is authorized to delegate any of its functions to individual members of the Commission or to designated individuals on its staff and to make such rules and regulations as are necessary for the conduct of its business, except as herein otherwise provided.

DUTIES OF THE COMMISSION

SEC. 7. It shall be the duty of the Commission to undertake and compile inquiries and studies to determine the causes, and practical and effective measures for the prevention and deterrence of loss due to theft and pilferage of cargo in interstate and international commerce. It shall be a further duty of the Commission to encourage the use of existing preventive technology and to promote the development of new techniques, procedures, and methods to enhance the safety and security of cargo storage and transportation. Such duties shall include, but not be limited to—

(1) definitions and description of the causes, scope, and value of losses due to cargo theft;

(2) evaluation of methods to deter cargo theft, including analysis of labor-management practices; packaging and labeling of cargo; containerization; prevention, detection, and apprehension systems and devices; physical security protection, including lighting, fencing, gate placement, and other similar means; sociological and psychological deterrents and remedies; liaison of cargo security programs between law enforcement agencies and cargo terminal operators, forwarders, and transporters;

(3) design, implementation, and analysis of pilot experimental programs to demonstrate the effectiveness of different security systems;

(4) establishment and maintenance of liaison with the various modes of transportation of cargo to exchange and disseminate data to promote safety and security of cargo;

(5) periodic consultations with appropriate governmental and private agencies to discuss problems and investigate solutions;

(6) complementing programs and activities of different modes of cargo transport to produce an effective and low-cost program of safety and security;

(7) development of a system of comprehensive, continuous, and uniform loss and damage reporting by the different modes of transportation;

(8) study and evaluation of present carrier liability limits for losses incurred in the transport of cargo by the different modes of transportation, and evaluation of the adequacy of such limits of liability;

(9) evaluation and recommendation on the need and desirability of developing a federal system for the licensing and/or identification of all individuals engaged in the handling of cargo, in any mode of transportation, moving in interstate or international commerce. The report under this section shall be made to the President and to the Congress pursuant to the provisions of this Act;

(10) development of physical facility security standards;

(11) continuous reassessment of programs, plans, and operations to determine necessary revisions; and

(12) recommendations for legislative, administrative, or other actions deemed necessary to promote the safety of cargo transport.

REPORTS

SEC. 8. The Commission shall report to the President and to the Congress its findings and recommendations as deemed desirable and necessary, but in no event less often than annually.

AUTHORIZATION

SEC. 9. There are authorized to be appropriated such sums, not to exceed $2,000,000, as may be necessary to carry out the provisions of this Act.

FREIGHT SECURITY STANDARDS

SEC. 10. Upon the submission of the Commission's final report as provided in section 12 of this Act, the Secretary of Transportation, after consultation with the Commission, the Department of the Treasury, the Civil Aeronautics Board, the Interstate Commerce Commission, and the Federal Maritime Commission, shall promulgate such regulations as may be necessary for the security and safety of freight in transportation (including at terminals) by each of the separate carrier modes including freight forwarders under the jurisdiction of each agency.

UNIFORM WATER CARRIER LOST AND DAMAGED CARGO REPORTING

SEC. 11. (a) Section 21 of the Shipping Act, 1916, is amended by inserting "(a)" after "SEC. 21" and by inserting at the end thereof a new subsection as follows:

"(b) The Federal Maritime Commission is authorized to require of each common carrier subject to this Act periodic reports listing and evaluating all cargo damaged, lost, missing, stolen, or presumed stolen from such carrier or any agent thereof during such period. The Commission is authorized to promulgate such rules as may be necessary to effect the provisions of this subsection."

(b) The amendment made by this section shall be effective on the first day of the first calendar month beginning after the date of enactment of this Act.

TERMINATION DATE

SEC. 12. Not more than two years after the appointment of its members pursuant to the provisions of this Act, the Commission shall submit to the President and the Congress a final report on its activities pursuant to this Act, and its recommendations. The Commission shall cease to exist ninety days after the submission of such report.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–358), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

Due to the nature and diversity of the United States transportation system, the cargo theft problem is largely interstate and intermodal in nature. In view of this fact, and the large number of Federal departments and agencies with regulatory or administrative jurisdiction in the transportation field, a coordinated national approach toward the solution of this serious and growing problem is essential.

The purpose of this legislation is to provide such an approach through the establishment of a Presidentially appointed Commission, with representation from the major parties at interest. It would be the Commission's duty to conduct an inquiry into cargo security matters for the purpose of developing programs to achieve maximum safety from loss or theft for cargo in transit or in storage.

BACKGROUND AND NEED

Considerable evidence has accumulated in recent years indicating that cargo theft is a serious and growing problem in all modes of transportation.

On the basis of extensive hearings on this subject, the Senate Select Committee on Small Business estimated that losses due to cargo thefts in 1969 amounted to $1,200,000,000—i.e. $828 million in truck thefts and hijackings, $50 million to $100 million in air carrier losses, $170 million in maritime losses, and over $100 million in railroad losses. In 1970, according to the Select Committee's figures, total cargo theft losses increased by seventeen per cent to $1,470,000,000. The Select Committee also indicated that it considered these figures to be conservative due to the absence of mandatory and uniform loss reporting.

In a series of reports summarizing its findings, the Select Committee identified the following as contributing factors to the cargo theft problem and barriers to the development of effective solutions:

(1) Lack of uniform loss data.

(2) Lack of interest in or knowledge of basic physical security practices on the part of management.

(3) Lack of interest on the part of the regulatory agencies with respect to the facilitation of cargo theft as a result of inadequate liability limits and embargo practices, insufficient claims rules and procedures, and other tariff and certification matters.

(4) Lack of private sector initiative to improve security.

(5) Inadequate coordination among law

enforcement agencies and between such agencies and the private sector.

(6) Failure of the Federal departments and agencies to mount an effective response to the problem.

Legislative History

As a result of these findings, two bills dealing with cargo security were introduced during the second session of the 91st Congress and referred to the Committee on Commerce. They were S. 3595 a predecessor bill to S. 942, introduced by the Chairman of the Select Committee on Small Business, and S.J. Res. 222, giving Congressional consent to the states of New Jersey and New York for certain amendments to the Waterfront Commission Compact and for entering into an Airport Commission Compact, introduced by the ranking Minority Member of the same Select Committee. Both of the sponsors testified that the two bills were not mutually exclusive or incompatible.

The Commerce Committee held hearings on both the bills in September 1970, during which oral testimony was taken from seventeen witnesses and letters or statements were submitted for the record by an additional twenty-seven. Although all relevant Federal agencies were invited to testify, only the Department of Transportation appeared, while ten others submitted views for the record. None of the Federal agencies expressed outright opposition to S. 3595, although several voiced doubts over whether a Commission was necessary or offered the best approach to the problem or recommended some changes in the bill. Two labor unions, and one major carrier association opposed S. 3595. The carrier association has since indicated that it has changed its position and now favors S. 942.

The views expressed by all parties on both bills are printed in the Committee's hearings on "Cargo Security Legislation," Ninety-First Congress, Second Session, Serial No. 91–99.

The testimony accumulated during these hearings confirmed that cargo theft is a very serious problem which threatens the integrity of our transportation system. Evidence was also received which indicated that organized crime is deeply involved in cargo thievery.

The Committee favorably reported S.J. Res. 222 on October 2, 1970. No further action was taken on S. 3595 in the 91st Congress due to the lateness of the session and the absence of Federal agency comments on four amendments proposed by the bill's sponsor during the hearings. These four amendments were incorporated in the Cargo Commission bill when it was reintroduced in the 92d Congress as S. 942.

Due to the recentness and extensiveness of the hearings on the predecessor bill, S. 3595, and since the situation appears not to have changed substantially in the interim, further hearings were not held on S. 942. However, the bill was sent to all relevant Federal agencies for comment.

None of the agencies which responded opposed the bill although several suggested changes. Some of the Committee amendments to the bill, which are described in detail in a later section of this report, were designed to meet these recommendations. The agency comments appears at the end of this report.

In reporting S.J. Res. 222, the Committee noted the need for a national, intermodal program for cargo security. It is the Committee's belief that the Commission proposal contained in S. 3595, and the successor bill, S. 942, offers a feasible approach to the development of such a program.

The Committee is aware that all too often Commission reports become mere dust-catchers in that no effective follow-up action is ever taken. However, several safeguards have been built into S. 942 to minimize the possibility of such an eventuality. One of these is the inclusion on the Commission, either as members or ex officio members, of representatives from all the major Federal agencies with responsibilities in the field of cargo security, and from the major private groups concerned with the problem of cargo thefts. In addition, provision has been made for four advisory Members from the Congress. Another such safeguard is Section 10 of the amended bill which fixes responsibility in the Secretary of Transportation to initiate such action as he deems necessary to implement the Commission's recommendations, after consultation with other appropriate agencies and the Commission itself.

The Committee is aware that a number of Federal agencies have recently taken some steps, within the scope of their respective jurisdictions, to deal with the cargo theft problem, e.g., the uniform loss reporting regulations which have been proposed by the Civil Aeronautics Board and the Interstate Commerce Commission. The Committee is also aware that an Interagency Task Force has recently been established to better coordinate the activities of the various agencies in this field. However, it is believed that the establishment of the Commission on Security and Safety of Cargo will not interfere with these efforts and will, in fact, make them more effective by providing a forum for discussion and interchange of information and views between the Federal agencies, interested groups in the private sector, and the Congress.

The Committee does not want or expect a competitive situation to develop between the Federal agencies and the Commission established by this bill. Moreover, the Committee desires the cooperation of both the Federal agencies and the Commission in its current investigation of the effects of organized criminal activity on legitimate commerce, and with other committees of the Congress which are concerned with the cargo security problem.

Summary of the Legislation

S. 942 is based upon the rationale that cargo security is largely an interstate and intermodal problem requiring a coordinated National approach; that present information concerning the nature and scope of the problem is not sufficient to formulate definitive solutions; and that the best method of acquiring such information is through a Commission with representation from the major affected parties.

The bill, as amended, provides for the establishment of a ten member Commission composed of the Attorney General, the Secretaries of Transportation and Treasury, one representative from each mode of the cargo transportation industry (air, truck, rail, and water), two representatives from the cargo labor organizations, and one representative from a shipper-import-export concern to be appointed by the President, plus eleven ex officio, non-voting members from the transportation regulatory agencies and other Federal agencies involved in cargo security matters, the cargo insurance industry and the freight forwarders industry, and four advisory members from the Congress.

The Commission is authorized to appoint such personnel as it deems necessary, to conduct hearings, to administer oaths, to require the submission of reports and answers to questions, to issue subpoenas, and to enter into contracts for the conduct of research, surveys and the preparation of reports.

The Commission is charged with the responsibility of undertaking and compiling inquiries and studies to determine the causes, and practical and effective measures for the prevention and deterrence of loss due to theft and pilferage of cargo in interstate and international commerce. Some of the specific duties which the Commission is expected to perform in furtherance of this basic responsibility are listed in Section 7 of the bill, as amended.

The Commission is required to report to the President and to Congress periodically and to submit its final report and recommendations no later than two years after the appointment of its members.

The Commission shall cease to exist 90 days after the submission of such report.

The Secretary of Transportation is charged with the responsibility, upon submission of the Commission's final report and after consultation with the Commission, the three transportation regulatory agencies and the Department of the Treasury, of promulgating such regulations as may be necessary for the security and safety of cargo.

The bill authorizes the appropriation of not more than $2,000,000 to carry out the provisions of the Act, and amends the Shipping Act of 1916 by authorizing the Federal Maritime Commission to institute a mandatory loss reporting system.

Listing and Explanation of Amendments

The Amendments adopted by the Committee and the explanation of each are as follows:

(1) On page 1, immediately after the enacting clause, insert the following:

"That this Act may be cited as the Cargo Commission Act of 1971."

The purpose of this amendment is to provide a short title for the Act.

(2) On page 1, re-number Section 1 as Section 2, and re-number all succeeding sections accordingly. This is a technical, conforming amendment.

(3) On page 1, line 7, strike out the words "such goods and". This is a perfecting amendment only.

(4) On page 3, line 9, strike out the word "various" and insert "all" in lieu thereof. This is a clarifying amendment only.

(5) On page 3, strike lines 15 through 24 inclusive, and insert the following in lieu thereof:

"commerce, and shall administer this Act so as to implement its purpose by establishing liaison and coordination with and between the common carriers, their agents and assigns, as well as supporting organizations such as private terminal operators, port authorities, and others, engaged in all modes of transportation, distribution and storage of goods and cargo in transit and by fostering consultation and coordination with appropriate governmental and private agencies and concerns."

This is a perfecting amendment only.

(6) On page 4, line 18, strike out the word "Commerce" and insert "the Treasury" in lieu thereof. This substantive amendment substitutes the Secretary of the Treasury for the Secretary of Commerce as a member of the Commission. Several of the Federal Agencies commented that the Secretary of the Treasury should be a member of the Commission because of that Department's extensive responsibilities and involvement in the cargo security field. The Committee agreed, but in order to maintain the balance between the Government and private members and to keep the size of the Commission within manageable limits decided to delete the Secretary of Commerce as a member.

(7) On page 4, line 18 after the period, insert the following:

"If a member designated to represent the Federal Government on the Commission is unavoidably absent, he may designate any officer of his department appointed with the advice and consent of the Senate to serve on the Commission as his alternate."

The purpose of this amendment is to make it possible for the Federal departments to be represented at Commission meetings even if the Secretary is unable to attend.

(8) On page 4, line 24, insert "and Vice-Chairman" following the word "Chairman". The purpose of this amendment is to clarify how the Vice-Chairman, who is referred to in a later section, is to be chosen.

(9) On page 5, line 4, strike out "the

Commissioner of Customs" and insert "a representative of the Secretary of Commerce" in lieu thereof. This amendment was deemed necessary due to the substitution of the Secretary of the Treasury for the Secretary of Commerce as a member of the Commission as provided in amendment number 6, above.

(10) On page 5, line 14, strike the word "industry" and insert "industry and one representative from the freight forwarders industry to be appointed by the President." This amendment serves the dual purpose of giving the freight forwarding industry ex officio representation on the Commission and making it clear that the President will appoint all of the ex officio members from the private sector.

(11) On page 5, immediately after line 22, insert the following new subsection:

"(h) In addition, the Commission shall have four advisory members composed of—

"(1) two members of the House of Representatives who shall not be members of the same political party and who shall be appointed by the Speaker of the House of Representatives, and

"(2) two members of the Senate who shall not be members of the same political party and who shall be appointed by the President of the Senate.

"The advisory members of the Commission shall not participate, except in an advisory capacity in the formulation of the findings and recommendations of the Commission."

The purpose of this amendment is to enable the Congress to be informed concerning the progress of the Commission's work.

(12) On page 5, line 25, immediately after "Government", insert the following:

"(including advisory Members of Congress appointed under section 3(h) of this Act)."

This is a technical, clarifying amendment.

(13) On page 6, line 1, strike out "in addition to" and insert "except for" in lieu thereof. This is a clarifying and perfecting amendment.

(14) On page 6, line 20, strike out "title 3" and insert "chapter III" in lieu thereof, and on line 21 insert before the period, ", but no individual so appointed shall receive compensation in excess of the rate authorized for GS–18 under such title". The purpose of this amendment is to correct an error in the original bill and to make it clear that none of the Commission's staff shall be paid a higher salary than that authorized for grade GS–18 of the classified Civil Service.

(15) On page 9, strike lines 7 through 11 inclusive and insert the following in lieu thereof:

"(d) The Commission is authorized to enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conduct of research, surveys, and the preparation of reports. All contracts negotiated without advertising pursuant to this subsection shall include a clause to the effect that the Commission and the Comptroller General of the United States or any of his duly authorized representatives shall until the expiration of three years after final payment have access to and the right to examine any directly pertinent books, documents, papers, and records of the contractor or any of his subcontractors engaged in the performance of and involving transactions related to such contracts or subcontracts."

This amendment was added to make applicable to this legislation the provision in Title III of the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 254) concerning access to contractors' records by the Government.

(16) On Page 9, lines 21 and 22, strike out "business firms or individuals" and insert in lieu thereof "persons", and on line 22 strike out the word "them" and insert "such persons" in lieu thereof. This is a clarifying amendment only.

(17) On page 10, line 2, change "designate" to "designated".

This is a perfecting amendment.

(18) On page 12, commencing with line 6 through line 8 strike "standards and encouragement of voluntary implementation by the various industries involved;" and insert in lieu thereof "standards;".

This amendment was designed to conform to a subsequent amendment in Section 9.

(19) On page 12, strike lines 20 through 22 inclusive and insert in lieu thereof the following:

"SEC. 9. There are authorized to be appropriated such sums, not to exceed $2,000,000, as may be necessary to carry out the provisions of this Act."

The original bill, S. 3595, 91st Congress, 2d Session, provided for a five-year Commission with an authorization of $250,000 per year. In S. 942 the life of the Commission was reduced to two years but the authorization remained at $250,000 per annum. This was not regarded as a realistic figure in view of the Commission's responsibilities.

(20) On page 12 strike lines 24 and 25 and at page 13 strike lines 1 through 11 inclusive, inserting in lieu thereof the following:

"SEC. 10. Upon the submission of the Commission's final report, as provided in Section 12 of this Act, the Secretary of Transportation, after consultation with the Commission, the Department of the Treasury, the Civil Aeronautics Board, the Interstate Commerce Commission, and the Federal Maritime Commission, shall promulgate such regulations as may be necessary for the security and safety of freight in transportation (including at terminals) by each of the separate carrier modes, including freight forwarders, under the jurisdiction of each agency."

This is a substantive amendment to eliminate the requirement that the Secretary of Transportation promulgate cargo security regulations prior to the termination of the Commission. It was the Committee's opinion that the Secretary should not be required to issue regulations before he received the Commission's recommendations.

This amendment also deletes subsection (b) which would have provided that regulations issued by the Secretary of Transportation ". . . shall be deemed to have been promulgated pursuant to the Interstate Commerce Act, the Federal Aviation Act of 1958 and the Shipping Act of 1916, respectively." When the Congress considered the Department of Transportation Act (89 Stat. 931) there seemed to be a conscientious effort not to vest in the Department of Transportation regulatory authority administered by the aforementioned three independent regulatory agencies. Subsection (b) as written could have been construed as furnishing the Secretary of Transportation such regulatory authority by inference. This was not the intent, and for this reason the section was rewritten so as to result in any such regulations being promulgated under existing authority of the Secretary.

(21) On page 13, strike lines 17 through 21 inclusive and insert in lieu thereof the following:

"(b) The Federal Maritime Commission is authorized to require of each common carrier subject to this Act periodic reports listing and evaluating all cargo damaged, lost, missing, stolen or presumed stolen, from such carrier or any agent thereof during such period. The Commission is authorized to promulgate such rules as may be necessary to effect the provisions of this subsection."

The purpose of this amendment is to provide the Federal Maritime Commission with authority, which it feels is presently lacking, to require carriers under its jurisdiction to make periodic cargo loss reports.

The Committee is aware of earlier controversy concerning the extraterritorial effect and, more importantly, the enforceability of orders issued by the Federal Maritime Commission under section 21 of the Shipping Act, which would be amended by section 11 of S. 942 (see e.g., *Montship Lines, Ltd.* v. *Federal Maritime Board*, 295 F. 2d 147 (1961), and the *Georgetown Law Journal*, Vol. 54: p. 794 (1966), "The Status of Federal Maritime Commission Shipping Regulation Under Principles of International Law"). However, it is believed that this provision is not only reasonable but in the interest of foreign as well as domestic carriers subject to the Shipping Act, 1916, by virtue of the objective which is sought to be obtained.

(22) On page 14, strike lines 2 through 7 inclusive and insert in lieu thereof the following:

"SEC. 12. Not more than two years after the appointment of its members pursuant to the provisions of this Act, the Commission shall submit to the President and the Congress a final report on its activities pursuant to this Act, and its recommendations. The Commission shall cease to exist ninety days after the submission of such report."

The purpose of this amendment is to extend the life of the Commission for ninety days following the submission of its final report to enable the Department of Transportation and other agencies to consult with the Commission regarding the issuance of regulations and other matters pursuant to the Commission's recommendations.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to en bloc.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

SCHOOL BUSING AND FORCED INTEGRATION—A DISSENTING OPINION

Mr. BYRD of West Virginia. Mr. President, the issue of busing pupils to bring about forced integration in the public schools is stirring controversy throughout the country as schools open again. Despite what is depicted in some segments of the news media as generally quiet acceptance, such busing is widely resented and opposed. Inasmuch as this emotion-charged issue vitally affects some very basic concepts of American society and American freedom, I propose to discuss it briefly today.

The busing of children is really not the bedrock issue. In fact, it is but the surface manifestation of the basic issue involved—it is really just the tip of the iceberg. That part of the iceberg which is of more basic significance and which does not immediately surface in the emotion-packed discussions and speeches by Presidents, Governors, and outraged parents, is the simple issue of assigning pupils in the public schools on the basis of race.

For the moment, however, I shall eschew the basic issue and direct my attention briefly to that more volatile subject of busing.

There are those who say we have always had busing of students, so why be concerned when there is busing of students now. But such an argument misses the point. True, we have had busing for many, many years in this country—prior even to the 1954 decision in the case of Brown against Board of Education. I remember riding a schoolbus myself back in Mercer County, W. Va., 40 years ago. But it was because the nearest high school was 7 miles away, and the only way to get there was partly on foot and partly by bus—far different from today's denial of access to a neighborhood school and forced attendance—based solely on race—of a school 7 or 10 or 20 miles away just to satisfy some arbitrary formula regarding racial balance.

But, some will say, what about the busing that occurred for years in support of segregation? The answer is that school segregation was the law of the land in that day—by statute and by requirement of many State constitutions and by court decision based on the interpretation of the U.S. Constitution. The people generally—black and white—accepted school segregation as the law; the people generally were satisfied with the law as it was, and wanted it that way; and the people were willing, voluntarily, to pay the financial costs of busing in order to maintain a segregated school system.

Now, the situation has changed. The U.S. Supreme Court in 1954, in the Brown case and in Bolling against Sharpe, ruled out forced racial segregation in the public schools of the States and the District of Columbia. The people, North and South, have now generally accepted that decision as the right one. But the financial costs of senseless, mass busing, arbitrary assignments and attendance ratios based purely on race—unsupported by the Constitution—are not being borne by the taxpayers today either voluntarily or willingly. They are being forced against their will to bear such costs.

Forced integration and busing programs are contributing very materially to the advancing deterioration of the inner cities. Whites who can afford to do so are moving farther and farther away into the suburbs, with the result that shopping centers and other outlying developments are taking away the business and tax base upon which cities—and their school systems—must depend. Busing thus becomes a self-defeating process. When children are going to be hauled willy-nilly away from their homes and neighborhoods it lessens the chances for improvement of the inner city schools which are most in need of improvement.

In Richmond, Va., a suit is presently underway to force the merging of the Richmond city school system and the adjoining Henrico and Chesterfield County school systems in order to rescue the city school from their deterioration. The city schools have become predominantly black because of the flight to the suburbs of whites, while the two county school systems are predominantly white.

But whites are now moving farther into the country, and it could become a physical impossibility to achieve a theoretical racial mix. Are the courts going to require that children be transported 30, 40, 50, 60 miles a day? Where is the line to be drawn? Or, are the Federal courts prepared now to try to impose racially determined housing and residential quotas?

To cite another example of white flight to the suburbs, one need only look at the public school system in Atlanta, Ga., which was 70-percent white and 30-percent black just 13 years ago, in 1958. Successive desegregation orders during this period have resulted in an exodus of white population to the suburbs. Enrollment in the public schools of Atlanta is today the exact reverse of 13 years ago—30-percent white, 70-percent black. Earlier this summer, two Federal judges refused to order further desegregation, saying that it would simply hasten this white flight. They said:

> The problem is no longer how to achieve integration, but how to prevent resegregation.

The same thing has happened—and partly for the same reasons—in Washington, D.C., where the school population is 95-percent black. How tragic that the courts have been so blind, until it is too late, to the reality that parents simply do not intend to trust the welfare or safety or the education of their children—their most priceless possession—to the social experimentation of judges and HEW officials.

White persons alone are not the only persons concerned about the growing trend toward busing. Blacks are also concerned. An all-black school does not, per se, necessarily have to be an inferior school, a school without quality or educational opportunity. The concept that mass busing and racial quotas constitute the only way to improve education for blacks rests on an extremely faulty premise. It should be obvious that the way to improve educational opportunities for blacks is to improve the schools which they attend—and that is what the courts and the Government really should be concerned with. The vast amounts of money that are being used to purchase great fleets of school buses could much better be used for the upgrading of substandard schools. The courts could do much more for the improvement of black education, and for making better economic opportunities available to blacks, if they would require, under the equal protection clause of the Constitution, that equal amounts of money be expended per pupil on blacks and whites. That would be a much sounder approach than the present disruptive busing approach.

The strangest aspect of the forced integration and busing craze is that improving education for all children—and especially for blacks, where their schools have been substandard—has taken a back seat to the achievement of racial quotas in the schools. There is no evidence that I know of to indicate that such quotas enhance education for either blacks or whites—and there are good reasons to think that the opposite is true.

Polarization of the races is intensified when neighborhood and school identities are destroyed and when students find that they cannot compete successfully with other students who may have had superior educational opportunities in the past.

What is most likely to be achieved by busing and forced integration is increasing mediocrity in education. A leveling process will have been set in motion which can have the effect of stifling incentive for the bright and gifted student while discouraging the less well prepared student and the slow learner. In this situation the skyrocketing growth in private schools, as opposed to public education, can be expected to continue—to the detriment of the public schools.

Along with busing, there is the equally nonsensical obsession these days with racial quotas. Education by racial quotas is not quality education. I do not care what court or what HEW bureaucrat says it is. It just is not so. Too many judges and HEW officials, television commentators and newspaper columnists these days believe that unless there is forced integration there can be no quality education. Perhaps I should not say they really believe this; they only act that way. If they really believed it, they would not send their own children to private schools or to predominantly white schools in suburbia. They would live in the inner-city and send their children to schools there where they could help bring about racial balance.

Were the imposition of racial quotas in the public schools necessary in order to conform to the equal protection clause of the 14th amendment, no fair-minded individual could legitimately complain. But can it be seriously contended that in a city, the population of which is, say, 65 percent white and 35 percent black, the Constitution requires the placement of 520 whites and 280 blacks, or some comparable ratio, in each school—with all of the cross-city busing that would be entailed? Does it not all become a little silly to argue that the Constitution requires such?

We are told that forced integration is important because it will teach the races to live together in peace. But will it? Judging from the many racial incidents of fighting, knifing, and shooting that are increasingly occurring in the Nation's high schools, there is cause to question the efficacy of such forced race mixing as a way to achieve racial peace and understanding. Would not voluntary integration—based on freedom to choose the closest neighborhood school—be the wiser, more commonsense approach?

Can anyone seriously contend that, to uphold and enforce the constitutional right of Negro students to equal protection, they must be uprooted and forced to travel against their own wishes—by foot or by bus—away from their own neighborhood schools and to some distant school, merely that they may attend classes with white children? How utterly nonsensical have the courts become? What a distorted, twisted interpretation of the equal protection clause.

What kind of national madness has obsessed us. And madness it can only be when courts and Government agencies impose their own arbitrary choice of schools to be attended—a choice based solely upon race—regardless of the wishes, nay, even in complete opposition to the wishes of parents and children, Negroes and whites alike.

The Washington Sunday Star for August 29 said:

> Repeated instances of black parents in the South balking at school desegregation

> plans are making civil rights lawyers and government officials wonder whether a new outlook toward integration is developing among Southern blacks.

A former Director of the Department of Health, Education, and Welfare's Office of Civil Rights, Mrs. Ruby Martin, now with the Washington Research Project, a private organization that serves as a watchdog over desegregation, was quoted in the article as saying that blacks "often have a very big feeling of being had" when desegregation plans put the burden of busing exclusively on black children and when the closing of formerly black schools results in black principals and teachers losing their jobs.

Little wonder that infuriated black parents are threatening boycott. Little wonder that outraged white parents have filed request after request for pupil records as a preliminary to placing their children in private schools.

Would the people of this country tolerate this nonsense if it were sought to be perpetrated on them by legislative bodies? The answer has to be no, because the people then would have the recourse of the ballot in purging from public office those who would visit upon them and their children such a monstrous and costly madness. But the people are helpless in the face of edicts from the courts that obstinately and stubbornly refuse to follow a rule of reason in this most delicate of all problems. And why do the courts—and particularly the Supreme Court—persist in their authoritarian course? Is it because they are unwilling to admit error in having gone too far already and are determined at all cost to force people, over a period of time, to become resigned to the inevitableness of school assignments based on racial formulas?

Any Negro child has a constitutional right to attend the public school of his choice, and State authorities ought to be bound to guarantee and, if need be, to enforce that right. It would seem to be clear that any act of the State to force that child, because of his race, to attend a particular school against his wishes and in preference to the school of his choice would be violative of his constitutional rights.

It is preposterous to maintain that those who wrote the 14th amendment intended that a Negro child should be forced by the State to attend a public school in which his race is in the minority when he may desire to attend his neighborhood school where his race is in the majority? He may just prefer to be with his own race. How can any court seriously contend that it protects that child's constitutional rights when it forces his school to be closed, and forces him to attend—on foot or by bus—a school which is to his cost and inconvenience and which he does not want to attend?

Now, let me proceed to that which is really basic to this whole emotion-packed subject—to wit, forced integration, or the assignment of pupils in the public schools on the basis of race.

Does the Constitution, in fact, require forced integration? Does the Constitution, in fact, countenance pupil assignment on a racial basis?

In dealing with these questions, let us go back to December 9, 1952, when the five cases ultimately decided under the name of Brown against Board of Education were first argued before the U.S. Supreme Court. Mr. Thurgood Marshall, then the chief counsel for the NAACP, arguing the case of Briggs against Elliott, from South Carolina, made some most interesting comments. His point was that what the plaintiffs wanted was the voiding, on constitutional grounds, of the South Carolina statute requiring school boards to segregate children by race. He told the Court:

> (I)f this Court would reverse and the case would be sent back, we are not asking for affirmative relief. That will not put anybody in any school. The only thing that we ask for is that the state-imposed racial segregation be taken off, and to leave the county school board, the county people, the district people, to work out their own solution of the problem to assign children on any reasonable basis they want to assign them on.

I think it reasonable to say that none of the other attorneys representing Negro plaintiffs said anything to contradict Mr. Marshall's assertion that all that they sought was an invalidation of school assignments by race or color and an affirmative requirement that assignment be on a nondiscriminatory basis, through districting or proximity of schools or some such neutral standard. And that in essence is the relief which the plaintiffs properly received in the Brown decisions.

Today, however, an amazing transformation has been wrought. Now it is not the absence of discriminatory standards in assignment which is the keystone of desegregation law. Indeed, race must be taken into account, because what is now forbidden are all-white or all-black schools or schools made up predominantly of one race or the other. Pupils, teachers, and supporting staff must all now be assigned by race, and by race alone. Racial ratios have become the order of the day.

It need hardly be said that when the States and localities are required to operate school systems to serve the primary purpose of integration rather than education, and to conduct one long complicated experiment in sociological leveling, public support of public education is bound to suffer.

The difficulty simply is that some of the Federal courts leave the impression that they are no longer concerned with adjudicating rights under the Constitution, no longer concerned with determining the meaning of the equal protection clause for school assignments but are, instead, relying on the Constitution to carry out a visionary and impractical program of social engineering which, I am convinced, most Americans would reject out of hand were it to emanate from Congress or the Executive.

Before we can successfully oppose implemenation of this grand design which apparently exists as a base plan somewhere so strongly that it has survived a change of administrations and a change in leadership on the Supreme Court, before we can turn things around and put the Constitution and the education of our children in first place, we must get our bearings and take our stand on fundamental things. What we need to do is think long and hard and place our position on fundamentals—the most fundamental fact being that the equal protection clause forbids segregation but it does not command integration.

The distinction has been much belittled by the social engineers on and off the bench in recent years. But Thurgood Marshall was right when he assured Justice Frankfurter that all the plaintiffs wanted was an order ending State-compelled segregation, right because that was all they were constitutionally entitled to. Chief Justice John Parker was eloquently simple in the opinion in Briggs against Elliott on remand:

> Nothing in the Constitution or in the decision of the Supreme Court takes away from the people freedom to choose the schools they attend.

Or as an eminent successor of Judge Parker, Chief Judge Clement Haynsworth, wrote in 1967:

> If each pupil, each year, attends the school of his choice, the Constitution does not require that he be deprived of his choice unless its exercise is not free.

Judge Haynsworth paid dearly for his adherence to that simple idea. And the Justices of the Supreme Court, however they may qualify their pronouncements, have effectively renounced the idea. The tragedy is that there has been no Justice on the Court who would give voice to the dissent from the majority's edict, no Justice who by example or reason and historical soundness of interpretation would give those of us who deplore the Court's excesses a standard to repair to. In the absence, then, of such a Justice, such a standard, it is up to us the American people, dealing in reason with the issue, to formulate a stand and to urge its acceptance by the U.S. Supreme Court, which cannot long remain ignorant of the trauma which its present standard is inflicting not only on the South but, in time, will also inflict throughout the country.

Let me say for the record that I fully agree with Brown against Board of Education, which forbade pupil assignments on the basis of race. I want that clearly established.

But the district judge in the Swann case brought a new and different rationale into the desegregation picture. He found that the school board had selected school sites in such a way as to promote segregation of the races. This rationale was accepted by both the Fourth Circuit and, incredibly, by the Supreme Court. I think the speciousness of this rationale is going to be more and more recognized inasmuch as it is not only the South which is to be affected but the entire North as well. The social planners now have a theory, a doctrine, a concept, a legal handle, so to speak, by which they can turn aside the de jure-de facto segregation distinction, and it is going to be in the North that the real crunch will come.

If the location of school buildings in all-black or all-white areas is itself discriminatory because it promotes separation, then suddenly every northern jurisdiction is under the gun. Indianapolis was recently held to have maintained de jure segregation by the Federal court. Los Angeles and San Francisco are under court order and the Chinese in San Francisco are up in arms, as they should be. Pontiac, Mich.—where the fire bombing of school buses occurred earlier this week—is under a court order which will require extensive busing. The number of suits is growing daily. And the breakthrough has come primarily because of the argument of discrimination through site selection.

In Swann against Charlotte-Mecklenburg Board of Education, Chief Justice Burger solemnly assures us that it is merely the traditional equity powers of the courts which the Federal courts are using to require the cessation of discrimination. As far as it goes, his statement is correct. But he does not tell us that some concept of constitutional requirements should underlie the judgment of the courts with regard to the way the equity power is exercised. He does not tell us why the undoubted power to remedy past discrimination should be utilized to destroy the neighborhood school system. Why is it that the Federal courts now are to use the standard of race as the criterion of approval of a desegregation plan?

To sum up, I think we must go to the basic question of what the equal protection clauses really requires. Contrary to the social engineers, it does not require that every child must absolutely—and without consideration of the wishes of his parent and himself—attend a school in which he is exposed to children of all racial, economic, and social classes which make up that community. The equal protection clause does require that State and local officials deal fairly with every child, regardless of race, that they not assign him on the basis of race or class, and that in terms of faculty and staff and facilities his school be treated as all others.

It may well be that as a Nation we are bound for a great leveling, of class and status, a homogenization of persons so that eventually we all will seem to have come out of some bland mold all alike. That may well be, though I hope not. But, if it is going to be, let it be the result of policies formulated and executed by elected officials responsible to the people, let it be the result of policies debated and subject to rejection. Let it not be the edict of judges appointed for life and unaccountable to anyone. We have had more than enough judicial lawmaking.

It is time for the Supreme Court to tailor its results more closely to what it says. Time and again in the Swann opinion the Court speaks commonsense. The objective of the Court, the Chief Justice tells us, is to outlaw de jure discrimination in the schools. It is not, in his words, to deal "with—the—myriad factors of human existence which can cause discrimination in a multitude of ways." It is not to achieve broader social purposes. And, yet, after the soothing language, the result approved is the assignment of public school pupils on a racial basis.

In referring to the "tools employed by school planners and by courts to break up the dual school system," the Court took note of "attendance assignments made deliberately to accomplish the transfer of Negro students out of formerly segregated Negro schools and transfer of white students to formerly all-Negro schools." In other words, attendance assignments made deliberately on a racial basis. The court said:

> As an interim corrective measure, this cannot be said to be beyond the broad remedial powers of the court.

In other words, the Court was willing to condone pupil assignments on a racial basis—which is clearly unconstitutional—"as an interim corrective measure" within the "remedial powers of a court."

And the amazing part of it all is that there was not one Justice among the nine members of the high court who entered a dissenting opinion.

Does it not seem strange that, notwithstanding the deep and unbridgeable division among the American people—yea, even among distinguished lawyers and judges of lower courts—with regard to the question of forced integration, mass crosscity busing, closing of schools, and imposed racial ratios, the Nation's highest tribunal, composed of nine men, would find itself without a single dissenter on such a debatable question. Think of it. Complete unanimity in its support of school assignment based on race, when not one word of the 14th amendment's equal protection clause has been changed during the 17 years that have passed since the Court in 1954 ruled that school assignment based on race was violative of the equal protection clause of the 14th amendment to the Federal Constitution. A complete 180 degree change in the position of the Court. And complete unanimity. Can the answer be so clear to nine judges and so unclear to 200 million people?

Voices must be raised throughout this country which will move the Nation's highest tribunal to the realization that the position it took in the Swann case—of giving approval to pupil assignments on a racial basis and to racial quotas as "a useful starting point" in shaping a remedy—is going to impair public support of the public school system and will continue to produce chaos in the public schools.

Let us now, finally, look briefly at the Swann case and also at what Chief Justice Burger said on Tuesday of last week about that case.

In Swann against Board of Education the Court, speaking through the Chief Justice, stated that—

> Absent a constitutional violation there would be no basis for judicially ordering assignment of students on a racial basis.

While Chief Justice Burger has no greater admirer than I—because I believe that the Court under his leadership is returning to a course of judicial moderation, restraint, and respect for legal precedent—I have to say that I feel that this was specious reasoning. The Court seemed to be saying that, given a constitutional violation, there is an adequate basis for ordering assignment of students on a racial basis. And what is the constitutional violation?

Prior to the year 1954, the assignment of students on a racial basis did not constitute a constitutional violation. But the 1954 decision in Brown against Board of Education made it unconstitutional to assign students to public schools on the basis of race. Now the Court, in April 1971, maintains that if there is a constitutional violation—growing out of the previous State-enforced system of assignment of students on the basis of race—the courts may judicially order assignment of students on a racial basis. In other words, two wrongs will make a right.

I maintain that, if the 1954 Court decision, making it a constitutional violation to assign students on the basis of race, was a correct one—and I believe it was—no pupil assignment on the basis of race can be constitutional, whether ordered by a court or otherwise. In other words, if it is a constitutional violation for school authorities to assign students on the basis of race, it is a constitutional violation for the courts to assign students on the basis of race. A court has no power to suspend the operation of the Constitution, even for a moment; hence, how can the Nation's highest court, speaking through the Chief Justice, maintain that there can be any basis whatsoever for violating the Constitution—to wit, by ordering the assignment of students on a racial basis? Yet, the Court, in effect, has proceeded to suspend the Constitution by taking the position that, given a constitutional violation on the part of school authorities; namely, utilizing various means calculated to maintain a dual school system, the courts may resort similarly to a violation of the Constitution—assigning students on the basis of race—in order to correct that constitutional violation by State or school authorities. I submit that, in the light of the 1954 decision in Brown against Board of Education, there can be no basis whatsoever for the assignment of students to public schools solely on the basis of race, and I further submit that such assignment, even when made by order or approval of a court, is not, by virtue of such court sanction, clothed with constitutional respectability.

The judiciary was created by the Constitution, and it derives its powers through and from the Constitution. The judiciary can interpret the Constitution, but it cannot interpret that document in such a way as to put itself above and beyond the reach of the Constitution. The Court cannot say on the one hand that school assignment on the basis of race is unconstitutional, while on the other hand the Court proceeds to order or approve pupil assignment on a racial basis by judicial decree.

"I deny that any judicial tribunal may

have regard to the race of citizens when the civil rights of those citizens are involved." So wrote Mr. Justice Harlan, the lone dissenter, in his dissenting opinion in the case of Plessy against Ferguson, in the year 1896. What else but a civil right, the right of children to attend their neighborhood school. What else but a civil right, the right of taxpaying parents to select the neighborhood school as the school to be attended by their children. Would that there had been just one dissenting Justice on the Supreme Court of the United States in the Swann case who had said, as did Mr. Justice Harlan 75 years ago:

> It is therefore to be regretted that this high tribunal, the final expository of the fundamental law of the land, has reached the conclusion that it is competent for a state (or for any court) to regulate the enjoyment by citizens of their civil rights solely upon the basis of race.

Because that is precisely how the enjoyment by citizens of their civil rights regarding school assignments are being regulated—solely upon the basis of race.

Let me say in conclusion that I believe the Chief Justice, and possibly other members of the Supreme Court, are now aware of the damage which has been done to many school systems as a result of the Swann ruling.

Only Tuesday of last week, the Chief Justice stated that judges in lower Federal courts were misreading the High Court's opinions if they were ordering busing of pupils in the belief that the Supreme Court has "required" racial balance in every school. Chief Justice Burger said that this "is disturbing."

He took the unusual step of writing a 10-page opinion in the Winston-Salem busing case in which he sought to clarify the High Court's position—and in which he revealed his own misgivings over the extent to which some Federal judges and some school districts have gone in ordering busing to bring about racial quotas.

The Chief Justice refused a stay in the Winston-Salem busing plans, but he cautioned that—

> If the Court of Appeals or the District Court read this court's opinions as requiring a fixed racial balance or quota, they would appear to have overlooked specific language of the opinion in the *Swann* (v. Charlotte-Mecklenburg) case to the contrary.

Chief Justice Burger recognized the "confusion" which presently permeates throughout much of the Federal court system in regard to the problem of forced integration in the public schools. It all adds up to a pretty sorry mess, much of which has been created by the Federal courts themselves.

Last week's opinion by Chief Justice Burger—although not binding—I trust, is a straw in the wind which may give us some hope that reason may one day prevail over the utter confusion which today reigns completely in the matter of school desegregation, and that, at some future date—hopefully not too far away—children, both black and white, will no longer be treated as guinea pigs in a social experiment that amounts to pure folly and that the needless hauling of them, like cattle, for countless miles and at a wasteful price will cease to be an obsessional fetish.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. This will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 o'clock a.m. Immediately following the recognition of the two leaders, or their designees, there will be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes.

At the close of routine morning business, the Senate will resume its consideration of the unfinished business, and the pending question will be the motion by the distinguished Senator from Ohio (Mr. TAFT), to recommit the bill with certain instructions. There is a time limit on that motion to recommit, the time remaining to be 45 minutes, to be divided as follows: 25 minutes to the distinguished Senator from Ohio (Mr. TAFT) and 20 minutes to the distinguished manager of the bill (Mr. NELSON).

The yeas and nays have been ordered on the motion to recommit. Immediately upon the disposition of the motion to recommit, the distinguished junior Senator from Kentucky (Mr. COOK) will be recognized for the purpose of calling up an amendment. Under the agreement, there is a time limit of 30 minutes on that amendment, the time to be equally divided between the mover of the amendment and the manager of the bill.

Upon disposition of the amendment by the able Senator from Kentucky (Mr. COOK), assuming that a rollcall vote will occur thereon, the Senate will immediately assemble for the purpose of marching as a body to the House of Representatives to be addressed there in a joint session by the President of the United States.

Immediately following the joint session, there will be a joint meeting in the House of Representatives for the purpose of hearing the astronauts from the most recent Apollo mission.

Upon the conclusion of the joint meeting of the two Houses, Senators will return to the Senate Chamber and the Senate will resume consideration of the unfinished business, S. 2007, with the rollcall votes likely to occur thereon.

It is anticipated that the Senate will conclude action on the unfinished business, S. 2007, tomorrow. At the conclusion of action on S. 2007, the Senate will proceed to the consideration of the Military Procurement Act and will continue consideration of that bill on Friday.

ADJOURNMENT TO 10 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 7 o'clock and 8 minutes p.m.) the Senate adjourned until tomorrow, Thursday, September 9, 1971, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 8, 1971:

U.S. CIRCUIT COURTS

John A. Field, Jr., of West Virginia, to be a U.S. circuit judge, fourth circuit, vice Herman S. Boreman, retired.

U.S. DISTRICT COURTS

Sherman G. Finesilver, of Colorado, vice William E. Doyle, elevated.

OFFICE OF ECONOMIC OPPORTUNITY

Phillip V. Sanchez, of California, to be Director of the Office of Economic Opportunity, vice Frank Charles Carlucci III, resigned.

INTERNATIONAL ATOMIC ENERGY AGENCY CONFERENCE REPRESENTATIVES

Glenn T. Seaborg, of California, to be the representative of the United States of America to the 15th session of the general Conference of the International Atomic Energy Agency.

The following-named persons to be alternate representatives of the United States of America to the 15th session of the General Conference of the International Atomic Energy Agency:

William O. Doub, of Maryland.
T. Keith Glennan, of Virginia.
Dwight J. Porter, of Nebraska.
James T. Ramey, of Illinois.
James R. Schlesinger, of Virginia.

DIPLOMATIC AND FOREIGN SERVICE

The following-named Foreign Service officers for promotion from class 1 to the class of career minister:

L. Dean Brown, of the District of Columbia.
Nathaniel Davis, of New Jersey.
Hermann F. Eilts, of Pennsylvania.
Joseph A. Greenwald, of Illinois.
Philip C. Habib, of California.
Joseph J. Jova, of Florida.
Sheldon B. Vance, of Minnesota.

The following-named Foreign Service information officers for promotion from class 1 to the class of career minister for information:

Burnett F. Anderson, of New Jersey.
Miss Barbara M. White, of Illinois.

DEPARTMENT OF DEFENSE

Kenneth E. BeLieu, of Virginia, to be Under Secretary of the Army.

U.S. ARMY

The following-named officer, under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Harris Whitton Hollis, [redacted] Army of the United States (brigadier general, U.S. Army).

EXTENSIONS OF REMARKS

REBUILD AND REVITALIZE RURAL AMERICA IS SENATOR RANDOLPH'S CHALLENGE IN SPEECH HONORING MASON COUNTY DAIRY FARM FAMILY, WINNER OVER 3,000 OTHERS IN FHA WEST VIRGINIA JUDGING

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, September 8, 1971

Mr. RANDOLPH. Mr. President, the Farmers Home Administration outstanding West Virginia Farm Family of the Year Award for 1971 was won by a Mason County family in competition with over 3,000 farmers throughout the State.

Mr. and Mrs. Torres A. Williamson and their five children, who own and operate an 88-cow dairy farm at Southside, Mason County, were announced winners by the rural credit agency's State director, J. Kenton Lambert, who said that the FHA State advisory committee made the selection after visiting the three district winners.

It was my privilege, and a satisfying experience, to have been the speaker at the awards banquet held August 30, 1971, in the Mason County Vocational Center, Point Pleasant, W. Va.

Director Lambert said on that occasion that—

> The recognition of farm families who have been exceptional in their achievements, will help encourage more efficient family farming and increase public awareness of the services of the Farmers Home Administration.

And he added:

> The full development of West Virginia lies in an expanding, not declining, family farm type of agriculture.

First runner-up to the Williamson family were Mr. and Mrs. J. J. Walkup of Renick, Greenbrier County; and second runner-up was the George C. Ringer family of Terra Alta, Preston County. Statewide winner in 1970 were Mr. and Mrs. Clair Lee Cottrill, Jr., of West Columbia, Mason County, who placed in the upper five families in the Nation.

An announcement issued by State headquarters of FHA, Morgantown, prior to the awards banquet noted:

> The beginning of this year's state winner's (Williamson family) success story started 24 years ago with a small Grade B dairy operation on an 87-acre Kanawha River bottomland farm. Since that time the Williamson family has steadily expanded their involvement in agriculture.
>
> Today through FHA assistance and perceptive management, they own a 231-acre farm, rent an additional 195 acres, and milk 88 Holstein cows.
>
> Farm operating expenses on the Williamson farm are held to 51 per cent of gross farm income, which is unusually low in the dairy business, according to Judson Brake, FHA County Supervisor in Mason County.
>
> The outstanding Farm Family of the Year Program in West Virginia is co-sponsored by the Farmers Home Administration and two gas utility companies, Columbia Gas of West Virginia and Consolidated Gas Supply Corporation.
>
> A highlight of the FHA Farm Family of the Year Award for the Williamsons is a trip to Washington, D.C., to meet with the Secretary of Agriculture and to visit the Nation's Capitol; a day at the West Virginia State Fair at Lewisburg; and the Banquet at Point Pleasant.
>
> The Williamsons are active in church and community affairs. They are members of the Harmony Grove Baptist Church in Mason County, where Mr. Williamson serves as a deacon. (The choir of that church and its minister, Rev. Fred McCallister, participated in the program at the awards banquet.)
>
> Active in 4-H work, the Williamson children—Mary Jean, 17; Danny, 16; Sammy, 14; Carla, 9; and Victor, 8—exhibit livestock at fairs and help their parents with farm chores. It is truly a farm family, headed by parents who were both born and reared on farms.

I have been most attentive and have tried to be helpful in farm and rural development matters. My remarks were mostly concerned with the migration that has been occurring from rural and small communities to the urban areas, "compounding both our rural and urban area problems." Legislation, principally sponsored by the Senator from Minnesota (Mr. HUMPHREY), the Senator from Georgia (Mr. TALMADGE), and the Senator from Kansas (Mr. PEARSON), and which I am privileged to cosponsor, for the amelioration of these problems, was discussed.

Mr. President, I ask unanimous consent to have printed in the RECORD a substantial portion of my speech in Point Pleasant, W. Va.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR JENNINGS RANDOLPH, FHA FARM FAMILY OF THE YEAR BANQUET

Thank you, State Director Kenton Lambert, for inviting me to participate in this significant annual Farmers Home Administration event honoring the Outstanding FHA Farm Family in West Virginia for 1971.

It is a natural human characteristic in individuals to have preferences—favorites, if you prefer that term.

I freely admit that the Farmers Home Program is truly one of the favorites among the many created by act of Congress during my more than 27 years in the House of Representatives and the Senate.

I cosponsored and vigorously supported the Consolidated Farmers Home Administration Act of 1961.

And, since it was introduced on July 7 of this year by Senator Hubert Humphrey of Minnesota and Senator Herman Talmadge of Georgia, I have been a cosponsor and am a supporter of Senate Bill 2223 to up-date and amend that 1961 act.

I was gratified to have been an original supporter, during the 1930's, of the Rural Electrification Act which did so much to modernize farming and to make farm life more profitable and pleasant for millions of West Virginians and fellow rural Americans.

REA and the Farmers Home Administration program, coupled with the highly beneficial Appalachian Regional Development program, have been consistently helpful activities in their applicability to West Virginia. This is especially so as relates to rural and small town sections of our Mountain State.

In addition to our bill to amend the consolidated Farmers Home Administration Act currently before the Committee on Agriculture and Forestry of the Senate, I am joined with Senator James Pearson of Kansas and a number of other Senators in cosponsoring Senate Bill 346, to provide incentives for the establishment of new or expanded job-producing commercial and industrial establishments in rural areas; and Senate Bill 1507, to provide for the establishment of a National Rural Development Center.

In the furtherance of these legislative measures, we who are cosponsoring them believe that the Congress should find and declare:

That it is essential to the national interest to stimulate the economic and social development of the rural areas, including farm communities and the smaller towns and cities of our country;

That a more effective use of the resources of the rural areas of America will contribute to a stronger and more stable national economy;

That successful rural development efforts will help to slow the migration from rural areas and thereby help to reduce the increasingly complex pressures on urban centers; and

That a greater exchange of information and communication among the various public and private agencies whose activities are related in one way or another with rural development and welfare is essential.

A comprehensive continuing research and information exchange program designed to analyze the problem of rural areas and the inter-relationship between rural and urban America—and to stimulate the economic and social development of rural areas—should be operated and maintained.

Frankly, I do not believe enough has been done or is being done to increase the effective use of the human and natural resources of rural America.

Nor has enough been done, nor is there sufficient effort today to slow the rural out-migration due to lack of economic opportunity in the rural areas.

I believe there has been—through both national policy and practice—an over-concentration on solving urban and suburban problems by over-expanding procurement for both the defense and the space science and exploration programs. Conversely, we have under-concentrated on development of the less populated areas of our Nation.

Our bill to amend the Consolidated Farmers Home Administration Act is not perfect, but it is a basis for becoming more than a bill for rural America.

It is a measure not only for the American Farmers but for America's small towns, villages and growing communities that can be and ought to be centers of growth.

It is legislation—as is our Rural Job Development Act measure—to promote balanced rural-urban growth in our Nation at a time when we are experiencing one of the greatest continuing mass migrations to our cities.

And urban governments are near fiscal collapse as they try vainly to cope with the relentless pressures of population.

Meanwhile, too many of our rural areas are in decaying condition.

As we focus on the massive problems of urban America, we too often forget that rural poverty remains disproportionately high. Only part of the reason is the depressed farm economy. The highest levels of rural poverty are among those people who are not in farming.

The rural-urban migration has produced these alarming statistics:

73 percent of our population lives on just 2 percent of the land.

Within 30 years, if the trend should continue, more than half of our people will be living in three huge metropolitan regions—one along the upper Atlantic seaboard, Washington, D.C., to Boston; one in the Great Lakes region; and the third along the southern California coastline.

This migration is compounding both our rural and urban area problems.

It has placed enormous pressures on our cities. Local urban governments are unable to keep pace with demands for quality services for their rapidly growing populations.

Yes, the migration from rural areas to urban and suburban areas is so overloading the cities and suburbs that their housing is grossly inadequate, slum areas grow in size and the problems they create keep multiplying. City crime grows. The drug problem gets worse. Education suffers. Pollution and waste problems reach near-intolerable proportions. Fuels and energy conditions grow more and more complex and the power crisis becomes more acute.

So, the rural-urban migration is creating gigantic metropolitan disruptions and is creating economic and social decay conditions in the rural and small town areas.

Most tragic of all, the migration to the cities is robbing small communities of their most precious resources—people—needed to rebuild and revitalize their communities.

The legislation we are developing—mostly with bipartisan effort—is designed to provide the necessary financing to revitalize our rural areas—for business and industrial development—for new payrolls and new jobs—for better schools—for medical centers and hospitals closer to the people—for improved transport systems—and for desperately needed housing. And we need to go beyond these and see that our rural areas have industrial parks, water and sewer systems, waste disposal plants, rural slum clearance, streets, police and fire protection, and libraries.

We must revitalize rural America.

We must rebuild rural opportunity.

We believe the legislation we are developing has the potential for furthering this revitalization and rebuilding.

We must accomplish these objectives in order to get America moving again in the right direction.

Improve rural America or the consequence will be such migration and such population over-loading of our cities that they will be strangled.

This country must have and must experience a better blending of priorities—a better selection and ordering of priorities.

Certainly this does not contemplate pouring money into cities—especially into urban slums—while providing next to nothing to keep our rural areas from more decay and from attractiveness as places in which to live and prosper.

Yes, we must remember, too, that the soil—the earth from which comes our sustenance—is critical to life.

Any concern for the future of America must focus in large part on the condition and treatment and development of this basic resource—the land.

In the development of our land and water resources, and in our quest for quality life in America, the need for a national commitment to expand economic, social, and cultural opportunities in the smaller towns, rural and farm areas of our country cannot be overemphasized.

I believe that our ability to cope with environmental problems resulting from more and more people crowding into too confined metropolitan areas will depend in large part on the priority we assign to revitalization of our small towns and rural areas.

A vital element in rural and small community development will be increased attention to and more assistance for our farmers and, in fact, for the whole agricultural community.

This is a significant challenge—especially in West Virginia. For, as we know, gross farm income in West Virginia decreased from 202.7 million dollars in 1951 to 126.1 million dollars in 1968. During that same period, farm income in bordering states increased. Additionally, it is necessary for us to import into West Virginia 50 percent of the farm products we use while approximately 20,000 farms within our State either do not produce or are totally idle.

Nevertheless, there is considerable evidence that with sufficient financial support and the opportunity to utilize current farm technology, new and expanded farm operations in West Virginia can be successful. But progress in this endeavor will require much perseverance and a strong commitment.

Daniel Webster once said: "When tillage begins, other arts follow. The farmers, therefore, are the founders of human civilization."

SEGREGATION IN AMERICA

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. BRINKLEY. Mr. Speaker, this editorial from today's Columbus Enquirer says it all. The identity of the person involved is irrelevant except for the office he holds and except for the de facto segregated position he represents.

The article follows:

[From The Columbus (Ga.) Enquirer, Sept. 8, 1971]

STRAIGHT-FACED PHONY

With a straight face U.S. Sen. Adlai Stevenson Jr., of Illinois, was mouthing off on television Sunday about how desirable it is, whatever the cost, to eliminate "de jure" segregation.

It was sickening.

These facts exposed that phony:

The most segregated school system in America is located in Mr. Stevenson's home state of Illinois. Although Chicago has a black enrollment of 316,711 (54.8 percent of that city's total school enrollment), a bare 3 percent of those black students attend schools which are predominantly white.

But that's not the worst of it.

Mr. Stevenson lives in the District of Columbia, but his own children are enrolled in a private school. Schools in the District of Columbia, by the way, are 94.6 black and counting at this writing.

Timidly and apologetically, a newsman on the national television panel asked Sen. Stevenson why it is that his children are not enrolled in the public school system.

Then this great champion of Negro rights mumbled something about inquiring about the neighborhood schools and finding them to be not very good. The race issue, of course, had nothing whatever to do with it.

The State of Illinois has a larger number of black students than does Georgia, although the percentage of Negroes in that northern state is 18.2 compared with Georgia's 33.2 per cent.

But note how the school desegregation records compare (and this was last year):

A total of 14.3 per cent of black students in Illinois was enrolled in predominantly white schools last term compared to 35.9 per cent of black students enrolled in predominantly white Georgia schools.

In Illinois, 60.2 per cent of all black students were enrolled in schools which were 99 to 100 per cent black while in Georgia only 25.4 per cent of all black students were in schools 99 to 100 per cent black.

Although the figures won't be in for a while, the degree of desegregation in Georgia will at least more than double during the current school term.

Here in Columbus, the desegregation rate will increase from a point which was more than four times Chicago's to 100 per cent.

Does anyone want to bet that desegregation in Mr. Stevenson's Illinois will change more than a single percentage point?

In a civilized society the most difficult people to deal with are those who lie to themselves and to others. That precisely is what Mr. Stevenson is doing when he talks, not about improving education opportunities for Negroes, not even about segregation but, about "de jure" segregation.

Mr. Stevenson knows very well there is no longer any such thing as de jure (which means segregation by law) segregation. He and others like him piously salve their consciences by pretending that their neighborhood segregation was caused by reasons totally different from neghborhood segregation in the South.

One of the few national-level voices from the North to publicly recognize and expose this grotesque hypocrisy has been Sen. Abraham Ribicoff of Connecticut.

When the phony Mr. Stevenson and his like friends are caught in their own net—as they are sure to be—they'll deserve the consequences.

CODE OF HUMAN BEHAVIOR

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, September 8, 1971

Mr. THURMOND. Mr. President, a thought-provoking column entitled "Code of Human Behavior," written by the respected Columnist David Lawrence, was published in the Augusta, Ga. Chronicle of August 28, 1971.

In the column, Mr. Lawrence cited President Richard Nixon's speech before the Supreme Council of the Knights of Columbus in New York City.

The article delves into the soundness of the President's suggestions to provide some Federal programs to take the financial pressure off parochial schools, which are reportedly closing at the rate of one a day.

Mr. Lawrence also offers some interesting comments in this general area, especially as to how one's code of human behavior is related to religious training.

Mr. President, I ask unanimous consent that the column be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CODE OF HUMAN BEHAVIOR

President Nixon—in a speech before the supreme council of the Knights of Columbus in New York this month—told his audience, composed largely of Roman Catholics, that they could count on his help in reversing the trend in the experience of parochial schools due to financial troubles—the closing of about one every day.

Many people are wondering if this promise is in line with constitutional doctrine. The simple fact, however, is that, while the government cannot finance any church-related schools, it can furnish money to citizens to educate their children. Parents, of course, can make their own choice of a public or a private school for their boys and girls to attend.

On August 15, a Senate committee, for instance, approved legislation that would for the first time give all young Americans the right to subsidies for college costs if their families can't afford to pay for higher education. Under the new plan, needy students would be guaranteed "entitlement grants" to cover half their college expenses up to $1,400 dollars a year, offset by family contributions. In addition to the "entitlement grants" the same youngsters would also be eligible for supplemental assistance.

Would it be constitutional for such aid to be denied any student who went to a church-related college? Since he or she would make the choice, the government would have no connection with the admission of the student to a particular college and would be dealing solely with the student who was receiving the grant or loan.

Undoubtedly, President Nixon, when he spoke of stopping the trend of parochial school closings, had in mind government plans to make available various aids to educational institutions as a general policy. This would relieve the financial problems not only of parochial schools or colleges with religious affiliations but of all educational institutions. For money troubles have not been confined just to religious colleges and schools. Alumni throughout the country have cut down on their contributions to their respective alma maters due to economic conditions and the diminution of profits in many corporations.

President Nixon, in his speech, before the Knights of Columbis, made a broad defense of the right of groups to provide their children with religious instruction. But he said, too, in general comment:

"We must see to it that our children are provided with the moral and spiritual and religious values so necessary to a great people in great times."

Mr. Nixon might some day make a speech about the vast number of children in America who grow up without any religious training whatsoever because of indifference on the part of the parents. As population has expanded, crime has substantially increased, and it is to be noted that many young people are participants in criminal acts. Should they not have been taught at an early age respect for human life and property? What is the explanation for the widespread use of deadly weapons? Has society been neglectful?

Public schools should not be required to teach any religion, but certainly they could explain what morality means and what a law-abiding citizen's duty is as a peaceful member of the community. There is a need for a clearer understanding of the responsibility of citizenship. Last week Pope Paul VI, in a talk to an audience at his estate in Italy, declared:

"If everyone wants to do as he pleases on the pretext of liberty, then we will easily come to the decadence of civil society organized as a state."

The Pope added that it is easy to see how liberty could degenerate into disorder and how individualism could evolve into selfishness and social confusion. He further said that, while it is true conscience must be one's guide, "conscience itself must be guided by the science of things both divine and human." He concluded the concept this way:

It is true that liberty must be able to operate without obstacles, but it must be directed toward good, and this direction is called sense of responsibility, it is called duty.

"It is true also that liberty is a personal right, but it cannot fail to respect the rights of others. It cannot be divorced from charity."

This is a lesson that could be taken to heart by every sect and nationality, for it concerns the code of human behavior which is so often violated nowadays. One wonders whether in all schools at least these fundamentals should be emphasized in order to bring forth a new generation of responsible individuals.

PERNICIOUS ILLUSION

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. SCHMITZ. Mr. Speaker, the fiction being promoted by the administration that the United States can pursue what is known as a "two China" policy reached a climax with the announcement by Secretary of State Rogers that the United States will support the admission of Red China to the United Nations while at the same time opposing the expulsion of our long-time ally, the Republic of China.

Both the Republic of China and the Chinese Communists have gone on record many times to the effect that no nation can recognize both of them as the legitimate government of China. Peking's price for diplomatic recognition is that the nation wishing to have a Chinese Communist diplomatic presence in their nation must acknowledge the territory of the Republic of China as "an inalienable part of the territory of the People's Republic of China." The Republic of China naturally considers this an unfriendly act.

Incredibly enough, within the last year both Canada and Italy have yielded to Peking's demands that they recognize the territory of the Republic of China as part of Chinese Communist territory, in order to establish diplomatic relations with the Reds.

The Chief of the General Staff of the Red Chinese Army, at the 44th anniversary of the founding of the People's Liberation Army on August 1 of this year—less than 3 weeks after the announcement of President Nixon's forthcoming visit to Peking—reemphasized that the Maoist armed forces are determined to liberate—conquer—the Republic of China. This was in addition to demanding that all U.S. forces withdraw not only from Vietnam but from Korea, Japan, the Philippines, and Thailand, and echoed recent statements by Chou En-lai to the effect that Red China is determined to annex the Republic of China and that there can be no real "normalization of relations" between Communist China and the United States until we acknowledge their right to do this, either outright or de facto.

This demonstrated unalterable hostility between the Communists and the Nationalist Chinese makes a "two China" policy both impossible and absurd. The administration knows full well that what we are really doing is nothing less than alining ourselves with the Chinese Communists against Nationalist China. But the administration also knows that the majority of the American people would strongly oppose this course of action once they understood that this is what we are really doing.

Recent public opinion polls have revealed an extremely interesting phenomenon which has not escaped the eyes of the administration's political strategists. Surveys taken by the Opinion Research Corp. have shown that while a little over 40 percent of the American people favor admitting Red China to the United Nations and about 42 percent oppose it, two-thirds of the 40 percent who are generally in favor of admitting Red China to the U.N. are opposed to Red China's admission if it leads to the elimination of the Republic of China from that body. In other words, when the inescapable reality of what will happen should the Chinese Communists gain U.N. membership is included as an alternative from which to choose, the great majority of the people are opposed.

Well aware of this, the administration has conjured up the "two Chinas" myth to hide reality, hoping to stifle opposition at home until it is too late for any opposition to influence the course of events—until we wake up one day to realize that we have allowed fourteen million more people to fall into Communist slavery by abandoning them and making friends with their deadliest enemies. No doubt the architects of the administration's Red China policy expect that when Nationalist China becomes the Latvia of Asia, those who might have stood up against this surrender will, by their silence, have become accomplices in the deed, and will hold their peace in shame.

After all, it was inevitable, was it not?

THE STRUCTURE OF AMERICAN BUSINESS

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Wednesday, September 8, 1971

Mr. METCALF. Mr. President, I ask unanimous consent that the editorial entitled "Exposure for 'Nominees'" published in the St. Louis Post-Dispatch of July 10, 1971, be printed in the RECORD. It is in support of Senate Resolution 113, which would establish a special Senate committee to investigate the concentration of economic and financial power.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

EXPOSURE FOR "NOMINEES"

The other day Senator Lee Metcalf of Montana began a speech in the Senate as follows:

"Mr. President, Aftco, Byeco, Cadco Bebco, Ertco, Fivco, Floco, Forco, Gepco, Ninco, Octco . . ." He went on to explain that the names were not some "space age counting system" but "street names" used by the Prudential Insurance Co. of America to "hide some of its interests." In other words, they were subsidiaries through which the giant insurance company could invest in real estate or purchase stock without calling attention to itself.

The use of "street names" (or "nominees" as they are technically called) is not necessarily evil, to be sure, but it is an example of how businesses make it difficult to unravel the tangles of corporate ownership and financial control. The situation has become increasingly complicated in recent years with the formation of conglomerate enterprises composed of a number of subsidiaries engaged in a wide range of activities. How many persons, for example, realize that Six Flags Over Mid-America, which opened here recently, is a subsidiary of the bankrupt Penn Central Railroad?

The process of identifying corporations and banks doing business through nominees can be eased a great deal if one has access to a tightly held directory prepared by the American Society of Corporate Secretaries, Inc. Senator Metcalf performed a public service when he had the directory read into the June 24 Congressional Record, so that the key to the "corporate code" could be available to citizens working for corporate responsibility and consumer groups. In doing so he noted that the society had recently refused to make the directory available to a lawyer for an Arizona consumers group and the editor of a Virginia newspaper on the ground that the directory was distributed only to the society's membership, which is also a secret from the general public.

The Senator's decision to make the list a matter of public record is part of his continuing campaign to encourage the Senate to conduct a detailed investigation into corporate ownership and the concentration of economic and financial power. The last time anything similar was undertaken was some 30 years ago, when the specialized meaning of the word "conglomerate" applied to zoology and geology and not to economics.

It is long past time for the Congress and the American public to take another close look into the structure of American business. Until that happens, there is no one who can give an adequate answer to Senator Metcalf's question: "Who owns America?"

NIXON'S FALSE ECONOMY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. RARICK. Mr. Speaker, one of the strangest coincidences of history will occur in this House tomorrow—the President of the United States is scheduled to address a joint session of the Congress, ostensibly in an appeal for our support of his wage-price freeze, to call on us to urge the people to tighten their belts to save the American economy and strengthen the work ethic, yet this same President has approved at a reported cost of upward of 2.5 billion of U.S. dollars the construction in the Soviet Union by Mack Truck, Inc., of the world's largest truck factory that will produce trucks that could be used for Communist military forces anywhere around the world including the transporting of materials to North Vietnam to fight Americans.

Charity, or so we teach our kids, begins at home; seemingly, the administration either does not realize this or is deliberately setting out to undermine the Nation's economy while all the time appealing to our people to tighten their belts supposedly to save our economy. In reality, the President is coming to Congress to ask us to back him as he squeezes the American taxpayer while furthering the economy of our sworn enemy—the Communists of Soviet Russia.

I, for one, feel that this is false economy since the problem lies with the Government and not with the people. I question supporting the President's program until he puts his own house in order, which includes doing something about such anti-American activities as the Mack Truck plan to build the largest truck factory in the world in Soviet Russia, giving not only the tools of production to the Communists but also the jobs.

I include a related news article detailing the facts of this American move to save the Russian economy in the RECORD at this point:

[From the Houston Tribune, Aug. 12, 1971]

MACK HEAD EXPLAINS RED TRUCKS TO YAF

Newspapers have distorted the cost of Mack Trucks' preliminary agreement to construct a plant on the Kama River near Moscow. It isn't a $700 million contract, as reported—that's just for machinery. The total cost of the project would be upwards of $2.5 billion.

This was one of the points made by Zenon Clayton Raymond Hansen, president of Mack Trucks, Inc., when he agreed to an interview July 20 with two representatives of Young Americans for Freedom, which has been protesting in Houston and around the nation over the preliminary agreement to build trucks for the Russians.

YAF representatives were Thomas P. Walsh, Eastern Pennsylvania Council chairman of YAF, and Bob Moffit, a national board member. The session took place in Hansen's office in Allentown, Pa.

GRAYING

The YAF members described Hansen as 61, "graying with the mien of a downhomer."

For openers, they asked him why the agreement was considered. Hansen asserted "the political leadership" in this country had failed in dealing with the Russians and that "businessmen can work out an understanding."

Moffit reported, "He told us that Russia's population and manpower were short and because of this the Soviet Union has no desire to start World War III. As Ron Docksai, our national president, would say, this is nothing less than a severance of diplomatic relations with reality."

Hansen did say that in his meetings with the Russians he found them uncooperative. Asked if the trucks would be used on the Ho Chi Minh Trail for supplying North Vietnam with materials to fight Americans, Hansen responded "anything is conceivable." Later he said he hadn't discussed the possibility with the Russians and added "we can't get no assurances."

In his discussions concerning the agreement itself, Hansen "downgraded Soviet technological capabilities, arguing that their subways and their space efforts are the only advances they have made. Hansen discounted the ability of the Soviets to turn out a substantial number of trucks saying there was less roadway in Russia than New Jersey," Moffit said.

Hansen told the YAF representatives that "fear" is the cause of America's military budget, "implying that fear is unjustified," Moffit reported. He then went on to argue that interesting theory that the United States was just as guilty as the Soviet Union for the Cold War.

PRAISED

He told them that Leonard Woodcock, president of the United Auto Workers Union, praised the idea of Mack building trucks for the Soviets.

The YAF representatives were told by Hansen that he was just as patriotic as they are and recalled for them that Mack trucks are painted red, white and blue. Walsh responded that patriotic advertising and the preliminary agreement that Mack had reached with the Soviets was not analogous and of different gravity.

The 45-minute interview left nothing unchanged except that Hansen said YAF should concern itself with other subjects than with Mack Trucks.

PICKETING

Two days after the interview, on July 22, YAF members were picketing Mack Trucks in Allentown when Hansen directed his security force to bring Moffit to him. Moffit said Hansen used "a strong tone of voice" in this interview, objecting to the YAF handbills about Mack Trucks bringing greater freedom to people behind the Iron Curtain. Hansen said, "these are questions for government, not Mack Trucks," Moffit reported.

"His approach seems to be: look, you fine, nice, idealistic kids, worry about other things and leave my company alone, and he is sensitive about his patriotism," Moffit included.

However, the twosome forgot to ask Hansen if company advertising in this country will be repeated if the deal goes though with Russia. Each new truck that leaves Mack's assembly lines has a folder on "How to Honor and Display the Flag" in the glove compartment.

And all newly purchased trucks as they are being driven to their buyers in the United States, carry a flag poster-decal on each door which reads "Another Mack To Work for a Better U.S.A."

SUGAR BEET INDUSTRY FLOURISHING IN COLUMBIA BASIN

HON. MIKE McCORMACK

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. McCORMACK. Mr. Speaker, since the end of World War II the agricultural dustry in the Fourth Congressional District of the State of Washington has diversified greatly. Due largely to the impact of irrigation, many crops which could not be grown in the area previously now flourish.

An example of this diversification is the growth of the sugar beet industry in the Columbia Basin. The Utah & Idaho Sugar Co. opened a processing plant in the city of Moses Lake in 1953, and recently U. & I. announced at its annual stockholders meeting in Salt Lake City that this factory will soon become the largest sugar beet processing plant in the country.

The projected multimillion-dollar expansion of the Moses Lake plant will give it a capacity of 11,500 tons of sugar beets in time for the 1972 crop. When current construction is completed the plant's capacity will be 8,500 tons a day. When the factory went into operation in 1953, it could slice but 2,000 tons a day. Such progress is outstanding.

As U. & I. has prospered, so has the Columbia Basin and the entire Fourth District. Last year's plant expansion allowed the company to contract about 15 percent more acreage in the basin and the Yakima Valley, and prospects for the future are even brighter, especially with the recent announcement of the dramatic plant expansion.

I should like to offer congratulations to the Utah & Idaho Sugar Co., its president, Mr. Rowland M. Cannon, and the sugar beet growers of the Columbia Basin, for their remarkable progress in such a short time.

DAY-CARE SURGICAL CENTER

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. SCHMITZ. Mr. Speaker, I think it is particularly appropriate that, as we recognize the date of the Declaration of Independence, the Nation be made aware of the steps taken by doctors to preserve the independence of the medical profession while raising the standard of health care, yet lowering its cost. I am indeed proud that these doctors as well as the President are my constituents.

I believe it is also fitting at this time to restate a paragraph of the Declaration of Independence:

> That all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these, are life, liberty, and the pursuit of happiness.

Worthy of note once more is the fact that the health industry will soon not only be the largest in the country but will surpass the Pentagon in expenditures. I therefore feel that any method of controlling costs while rendering quality medical care, yet preserving the freedom and dignity of both physicians and patients alike, deserves our thoughtful consideration.

With these thoughts in mind, I respectfully bring to your attention the program that the doctors of the Santa Ana Medical Arts Complex have and are currently in the progress of achieving along these lines.

In their existing medical arts complex of some 80 physicians and 20 dentists, they are building a surgicenter patterned after one operational at Phoenix, Ariz. This is a day-care surgical center where patients enter in the morning for surgery, are under medical observation during the day, and discharged home that night. Cases such as tonsillectomies, herniorrhaphes, dental extraction, revision of scars, cataract extraction, and so forth, are handled here. When necessary, they may be transferred to an acute-care hospital if complications ensue. Surgicenters in operation have dropped hospital costs on an average of 40 to 60 percent with no compromise of quality or safety.

Longer range plans anticipate the use of extended-care facilities which should reduce even further the costs of hospitalization. Currently, hospital room and board care costs $57 and up daily while extended care facilities average $37.50 a day. Many of our older patients after surgery require little more than room and board care with a minimum of nursing and medical help. Such centers conveniently located adjacent to surgicenters and physicians offices offer the promise of a considerable saving to patients financially, saving to physicians of time, and even to hospitals by preventing costly and unnecessary acute-care construction.

I might add that these same physicians are developing an association for the practice of medicine; which offers the primary care of family physician a continued proper and important role in the private-practice, team health-care delivery system.

This association will consist of those physicians who desire to participate in a program to provide comprehensive services including hospital as well as outpatient services for a fixed prepaid annual fee. Those who prefer to continue in solo practice will not be disturbed in any way. The objective is to permit the provider as well as the consumer a choice, which, in our view, makes the program workable.

Exploratory discussions have been initiated with Blue Cross of Southern California and Bayly, Martin & Fay, Inc., a firm involved in arranging contracts with providers of health service on a direct capitation basis. These discussions have been very fruitful and all parties will enthusiastically continue to attempt to solve the problems in a rational and orderly manner.

Additionally, the establishment of a multiphasic screening facility will be available for annual physicals and for preventive health care. This facility can be utilized by physicians whose practices are not associated with the Santa Ana Medical Arts and represents a community medical service.

Slated as an even later addition to this modern health-care delivery system is a low-cost motel for ambulatory patients. This will be utilized for patients with transportation problems, those living alone and needing daily visits for a short time—change of dressing, and so forth—temporary special diet supervision—diabetics eating at the extended-care facility—and ambulatory patients requiring tests over several days time.

These physicians have long been studying the problems of the current system. Together with the hospitals and the insurance industry, they are now at the point to make changes in an orderly and systematic manner which, in their own small way, will continue to solve the health-care problems of the citizens in their community.

They are not alone. Many others are also devoting time, energy and financial resources in an all out effort to improve the health-care system.

The free enterprise system, which built the greatest health-care system in the world, is still able to improve on that system and will continue to do so. It is very important that we keep in mind the freedom of both provider and consumer in the spirit of our Founding Fathers on that July 4, of so many years ago.

CONSTITUENTS' ANSWERS TO INDOCHINA'S INVOLVEMENT

HON. MIKE McCORMACK

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. McCORMACK. Mr. Speaker, during recent months many Members of Congress who have been called upon to support or oppose resolutions dealing with this Nation's military involvement in Indochina, such as setting withdrawal dates and conditions, have not really known for certain how their constituencies would want them to vote.

I have approached this problem with great concern, wanting to avoid any hasty or impetuous commitments and, while dissatisfied with the President's apparent slowness in keeping his pledge to end the war in Vietnam, being reluctant to support any act which might tie his hands unnecessarily or unwittingly force him into some compromised position. Recently, however, I sent a newsletter to each local postal patron in my congressional district and included in it a questionnaire on the subject of withdrawal from Indochina. I made every attempt to prepare questions which would not be "loaded" with catch phrases or political words or connotations. I felt that I could not, without such a poll, be reasonably certain of how my constituency in the Fourth Congressional District felt on this subject.

The response to the four questions I asked is illuminating. The questions, and the percentage of the responses each received, are listed below:

1. We should announce now that we will totally withdraw from Indochina by December 31, 1971, or sooner if possible, and totally keep that commitment—49%.
2. We should continue our present accelerated rate of withdrawal and make no announcement at this time, but attempt complete withdrawal as soon as possible after the Vietnam elections this fall—27%.
3. We should announce we will attempt to withdraw by the end of 1972—2%.
4. We should make no announcement and continue to meet military and political situations as they arise—22%.

Mr. Speaker, it is clear that the people of the Fourth Congressional District, for one reason or another, overwhelmingly favor withdrawal at the end of this year or certainly by next spring. Many who voted for option No. 2 struck out the expression "after the Vietnam elections this fall." It is also clear from many comments that the return of our prisoners of war no later than withdrawal is an absolutely nonnegotiable requirement. I have always assumed this, but many comments reinforced my assumption.

It is quite evident that the thousands of returns that I have received reflect the sentiment of the people of the Fourth Congressional District. From the first day that returns started coming in until the last, the results were essentially consistent. In addition, they were consistent from county to county in the large rural areas of southeastern Washington—allowing for slight differences from one community to the next in social and political makeup. It is also striking that these results correspond closely with the results of similar polls conducted by Gallup and Harris.

Mr. Speaker, these results from the Fourth Congressional District of Washington, a rural agricultural area in the Far West, are added emphasis that this Congress should take every reasonable and responsible step within its means to encourage and support the President in early withdrawal of all American military involvement from Indochina.

THE FISCAL PLIGHT OF AMERICAN CITIES

HON. HOWARD H. BAKER, JR.

OF TENNESSEE

IN THE SENATE OF THE UNITED STATES

Friday, August 6, 1971

Mr. BAKER. Mr. President, as the 92d Congress proceeds with its consideration of various general revenue sharing proposals now pending, it is of the greatest importance, in my judgment, that we try to achieve a balanced view of the various fiscal needs of various levels of government.

I recently had brought to my attention a paper prepared by the National League of Cities, the U.S. Conference of Mayors, and the International City Management Association, called The Fiscal Plight of American Cities. Although serious fiscal difficulties are by no means the exclusive property of the Nation's cities—all of our State and county governments are in similar straits—there can be no doubt that some of the more acute problems are to be found in major urban areas. When Mayor Gibson appeared before the Senate Subcommittee on Intergovernmental Relations during revenue sharing hearings recently, his description of the situation in his city of Newark was quite literally appalling.

Along with State and county governments, the Nation's cities clearly deserve a major share of the revenues proposed to be shared. I ask unanimous consent that this report entitled "The Fiscal Plight of American Cities" be printed in the Extensions of Remarks.

There being no objection, the report was ordered to be printed in the RECORD at this point:

THE FISCAL PLIGHT OF AMERICAN CITIES, JUNE 1971

THE PLIGHT

A fundamental premise underlying the American federal system is the concept that government must remain close to the people it serves. Within this system it is the cities which are most directly in contact with the people and should, therefore, be the units of government most responsive to their needs. This crucial role implies that the cities have the resources—and the capabilities—for meeting these needs.

America's cities are being squeezed in a financial vice as never before since the Great Depression: one jaw of the vice is the rapidly increasing service needs of America's urban areas; the other jaw is the inability of many cities to raise the revenues required to maintain even their present degree of health.

The irony of this situation is that within their boundaries resides the economic power necessary to resolve this problem, power which unfortunately, the cities cannot tap.

The practical implications of this fiscal squeeze on cities are chillingly—though accurately—described by William Coleman, until recently Director of ACIR, as follows:

Within metropolitan areas, over 80 percent of the nation's bank accounts are located; over three-quarters of Federal personal income taxes are collected; and 80 percent or more of the value added by manufacture occurs. At the same time in these same areas local government faces its fiercest challenge with increased crime and delinquency; schools that are becoming jungles of terror; neighborhoods that are blighted; poverty and disease that are rampant and with millions of our citizens feeling completely alienated from their local government. Above all, in these metropolitan areas, the doctrine of ordered liberty is most seriously challenged.[1]

As a concrete example, Newark, New Jersey, reflects the direction in which most American cities are moving. Mayor Gibson describes the severity and magnitude of the problems he faces daily:

"One out of every three residents of Newark is receiving some form of public assistance.

"14% of Newark's labor force is unemployed; another 25% is either underemployed or underutilized.

"20,000 of Newark's 400,000 citizens are addicted to drugs; rehabilitation and treatment centers care for only 7% of those addicted.

"Newark's crime rate, and our per capita incidence of venereal disease and infant mortality, are among the highest in the nation.

"35% of our housing stock is substandard."

To cope with these problems, Mayor Gibson has carefully designed his budget. Its ramifications for 1971 are as follows:

"The 1971 budget represents a *25% increase* over our 1970 budget; this increase will simply maintain essential municipal services at 1970 levels.

"We must rely upon our local property tax for 65% of our revenues. In a city where we already have one of the highest and most confiscatory rates in the country, we were forced to raise the rate of taxation this year by almost 10%. This increase means that an owner of a $20,000 home will pay about $1,850 in annual property taxes. We have reached a point where our property tax has only hastened the flight of industry, commerce, and the remaining middle class homeowners out of Newark. The excessive rates we are forced to impose have actually been the cause of abandonment, deterioration, and a decline in our tax base. The stark reality finds buildings being abandoned at the clip of one a day.

"The simple truth is that the local property tax was never designed to deal with the enormous social and economic problems which now confront urban America. Not only must we use this inelastic source of revenue to keep pace with the inflationary spiral of maintaining such essential services as police protection and garbage removal, but we must also rely upon the property tax to support major new endeavors such as drug education, rehabilitation clinics, compensatory education programs, summer recreational programs, and urban renewal."

The point is that the dilemma of Newark is not of its own making. Newark city government is not responsible for its condition; it was powerless to prevent the situation and remains powerless to recitify it.

The causes of the plight—for other cities as well as Newark—lie in large part with the programs and policies of other levels of government. The need for vastly increased municipal services, for example, has been stimulated by nearsighted federal programs:

1. The national farm policy disinherited millions of farm families, driving masses of them into already crowded cities. At the same time, the fragmentation of the national welfare system not only allowed a Southern state to pay one-sixth as much for relief as New York, but trapped many of the poor in the cities' most squalid slums.

2. FHA policies contributed to urban sprawl by subsidizing more than ten times as many units of housing in the suburbs than in the inner city.

3. The national highway program further stimulated the suburban exodus, bisecting cities with concrete, subsidizing congestion and pollution, and ignoring the need for urban mass transit.

In this way, national policies not only failed to stem the deterioration of our nation's cities, they partially caused it.

Of even greater importance—indeed the crux of the plight itself—has been the relation of the cities to their state governments. Cities are not sovereign entities as are the federal and state governments, but rather are creatures of the states. As such, they are wholly dependent upon the states for their powers—with the following consequences:

"Most . . . state governments have been hesitant if not fearful in grasping the urban needle. The road to the present urban hell was paved with many major sins of omission and commission that can be ascribed to the states. Cities and suburbs, counties, townships and boroughs alike, are after all, legal creations of the state. The deadly combination of restricted annexation and unrestricted incorporation; the chaotic and uncontrollable mushrooming of special districts; the limitation of municipal taxation and borrowing powers; the abjection of all important police powers of zoning, land use and building regulation into the hands of thousands of fragmented and competing local governments—these are but a few of the by-products of decades of state governments' nonfeasible and malfeasance concerning urban affairs."[2]

Cities have not, however, accepted state control without resistance. They have fought in all 50 state capitals for increased powers to tax and/or increased state financial assistance. (States have had their own problems; particularly, they are fearful of interstate tax competition). At almost every session of state legislatures, city requests have been denied. Cities have been denied relief from their states so consistently that they began to seek help from Congress over twenty years ago. Congress has since assisted them through the enactment of categorical grants-in-aid, but even this financial arrangement is not only not enough, it is missing the target.

The answer to the plight is simple. Cities need operating money: Money to hire police, firemen, and garbagemen. Money to build parks and houses and sewage treatment plants. Money to feed the poor and to give them medical treatment; to hire the unemployed and to return the dope addict to the real world.

Yet, what the people need in Seattle is not necessarily what is needed in Shreveport—or New York or Little Rock or Detroit or Burns, Oregon. Each community has its own list of both operating needs and priorities among these needs.

How then can Congress design a traditional grant-in-aid program to meet all these needs in the correct proportion for each individual city in America? Clearly, it can't. A completely new approach is needed. Congress must make operating money available to cities—to be allocated by locally elected officials who—day in and day out—work closest to the needs of the people and who best make decisions concerning local demands and priorities.

IMPORTANT NOTE.—This report contains the results of the 1971 National Survey of 301 cities. This previously unpublished material provides new and updated evidence of the nation's urban fiscal problems and provides further insight into cities' current fiscal plight.

I. INTRODUCTION

The urban fiscal plight arises, on one hand, from the rapidly growing demands for municipal services and, on the other, from the increasing difficulty many cities are encountering in financing these services. More and better "traditional" services (fire, police, education, etc.) are being demanded; other new or greatly expanded services (transit and welfare, for example) are requiring greater and greater expenditures. Wage and salary costs are increasing in response to the trend toward equalization of local and federal wage and salary levels and to the current movement to unionization of public employees. Strong inflationary pressures throughout the economy are rapidly increasing the cost of providing all public services.

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[1] William G. Coleman, Executive Director, Advisory Commission on Intergovernmental Relations. Address before American Bar Association Section of Local Government Law, "Making Our Federal System Work—A Challenge for the 1970's. Excerpt from *Congressional Record*, vol. 115, pt. 23, p. 31505.

[2] *Ibid.*

At the same time, many cities are finding it more and more difficult to raise adequate revenues to finance their increasing service expenditures. Many cities with otherwise adequate revenue bases are unable to raise sufficient funds due to economic or institutional limitations on municipal taxing and borrowing powers. For a few cities, the situation is precarious indeed: service needs are greater than their present ability to raise revenues. Current inflationary pressures, inefficient local government structure, and particular local economic conditions add further to the difficulty of raising adequate revenues to ever increasing service expenditures.

The outcome of the cities' plight has been the impairment of local government's ability to provide desired increases in municipal services or, in many cities, to even maintain existing services at their current levels. The problem thereby reduces to one of either increasing revenue from existing sources, locating entirely new resources, or curtailing the public services themselves.

The following is a more detailed analysis of those factors which have led to this urban fiscal plight. The primary components of municipal expenditures are reviewed as are their trends. Important pressures leading to even further increases in expenditures are also explained. Municipal revenues are discussed along with those factors which limit the cities' ability to fully tap their revenue potential. And finally, the problem of the resulting urban revenue gap is explained with examples of its current effects on the scope and quality of minicipal services.

II. A SURVEY OF MUNICIPAL FINANCES

A. Expenditures

1. Overview of current municipal expenditures

For the fiscal year 1968–69, city expenditures totaled $30.5 billion. Approximately $20.2 billion (about ⅔ of all municipal expenditures) were for current operation; another $6.5 billion were represented by capital outlays (primarily for construction, but also for equipment and land). Debt service, insurance benefits and repayments, and intergovernmental expenditures accounted for the remaining $4 billion.

General government expenditures (representing the primary service outlays of city government) totaled $24.5 billion. These service outlays are outlined by function in Table I.[1]

TABLE I.—MUNICIPAL GOVERNMENTS' GENERAL EXPENDITURES, BY FUNCTION, 1968–69

Function	Amount (billion)	Percent of total general/expenditures	
		1958	1968–69
Education	$4.0	16	16
Police protection	2.6	10	11
Highways	2.3	14	9
Public welfare	2.1	5	9
Fire protection	1.6	7	6
Hospitals	1.3	2	5
Sewage	2.4	7	10
Parks and recreation	1.0	5	4
Housing and urban renewal	1.0	5	4
Other	6.1	29	26
Total general expenditure	24.4	100	100

Throughout the decade, education has taken a larger share of general expenditures than any other function.[2] Four municipal services (education, police protection, highways, and public welfare) have accounted for a majority (55%) of total general expenditures. Over the decade (1958–68), education has maintained its relative position in these expenditures. Public welfare and hospitals have become relatively more important; highways, relatively less.

During this period total city expenditures increased by 121% ($16.5 billion) while general expenditures grew slightly faster (135%). Table II[3] summarizes this absolute growth by function.

TABLE II.—GROWTH OF MUNICIPAL GOVERNMENT EXPENDITURES, BY FUNCTION, 1958–68

Function	Amount (billion)		Percent increase
	1958	1968–69	
Education	$1.6	$4.0	150
Police protection	1.1	2.6	140
Highways	1.5	2.3	53
Public welfare	.5	2.1	320
Fire protection	.8	1.6	100
Hospitals	.7	1.3	86
Sewage	1.2	2.4	100
Parks and recreation	.5	1.1	120
Other	2.5	7.1	140
Total general expenditure	10.4	24.5	

With the exception of hospitals and highways, expenditures for every service at least doubled during the decade. Welfare more than quadrupled; both police protection and education also expanded substantially with increases of 140% and 150% respectively.

2. Growth trend of municipal expenditures

Table II points out the substantial recent growth in city government expenditures. Spending for most municipal services has at least doubled over the past decade. A significant portion of this expenditure growth particularly for the larger, older cities, has come within the poverty-linked services of health, welfare, housing and transit.

These service expenditures can be expected to continue their rapid rise into the foreseeable future. Municipal general expenditures increased by 130% during the decade 1958–68. The 1967 TEMPO revenue study projected total city government expenditures to increase by at least 47% during the 5-year period 1970–75.[4] This projection is consistent with the 46% increase in State-local expenditures predicted by Joint Economic Committee of Congress for the same period.[5] At least one metropolitan area, Dallas, Texas, has projected total local government expenditures to 1980. The average annual growth rate of total government expenditures from 1966 to 1980 is projected to be about 10%. Total estimated growth of expenditures between 1975 and 1980 is set approximately 61%.[6]

Though some variation does exist among these various estimates, all forecast a further substantial continued growth of city government expenditures.

3. Pressures toward increased public expenditure

There are many reasons for this expenditure growth, but city officials have stressed four in particular.

Assumption of services formerly provided by the private sector

In recent years, many urban services formerly provided by private enterprise have been assumed by municipal governments. These have included gas, electric power, transit, and a host of less important functions. In the past four years alone localities have assumed responsibility for 43 transit systems previously maintained by private operators, to cite one example of this trend.[7]

This increase in the number and scale of these enterprises has added additional burdens to local governments. Even where these services pay their own way (revenues at least equaling expenditures), cities must still finance new equipment and extensions of their systems. Where they do not pay their own way, deficits must be made up from other city revenues.

Public transit illustrates the current magnitude and trend of this problem. Of the 43 largest cities (1968–69), 11 operate transit systems. Of these, 6 systems lost money during 1968–69 with a deficit totalling $139.9 million.[8] This is most likely an underestimate of the true loss, however. New York City, for example, includes neither the amortization of equipment nor the cost of necessary police protection services as operating expenses of its transit system.

Furthermore, a definite trend toward increasing deficits is clearly evident. Table III[9] illustrates this trend for transit operations in the U.S. from 1960 to 1970.

TABLE III.—TREND OF OPERATING INCOME, PUBLIC TRANSIT, 1960–70

Year	Operating revenue (millions)	Operating income (millions)
1960	$1,407	$30.7
1961	1,390	16.7
1962	1,404	19.7
1963	1,391	.8
1964	1,408	(12.4)
1965	1,444	(10.6)
1966	1,479	(37.1)
1967	1,556	(66.6)
1968	1,563	(161.1)
1969	1,626	(220.5)
1970	1,707	(228.2)

Note: Parentheses signify deficit.

$139.8 million or 64% of the 1969 deficit was incurred by the 6 cities (of the 43 largest) whose municipal transit systems lost money during the year ($131.1 million of this deficit was generated by New York City alone!).[10] The remainder was incurred by smaller cities, transit districts, and private companies.

Should other municipal utilities also trend toward large-scale deficit operations (Newark and St. Louis have incurred deficits in their water supply operations as has San Francisco with its electric power utility), these cities' ability to finance necessary expenditures will be increasingly strained.

Highways present a related problem. While there is a prevailing impression that highways are paid for by highway user taxes, this is not the case at all with respect to highways within the cities. State highways, both on and off the federal aid system, are supported almost entirely from highway use taxes. City streets, however, are primarily and increasingly supported from general tax revenues. Out of $15.2 billion in estimated state highway expenditures in 1971, only $321 million (2%) come from general tax revenues. However, out of a projected $3.1 billion in city highway expenditures, $1.7 billion (55%) will come from general municipal tax revenues.[11] Since 1965, city contributions from general tax revenues to support highways have increased 62%.

As with deficit utility operations, these progressively increasing subsidies for highways must be financed from municipal general tax revenues—at the expense of either other city services—or higher levies on an already strained taxpayer.

Mandated levels of municipal services

Several occupational categories in an increasing number of cities are being affected by state mandating of hours of work, salaries and wages, employment qualifications, and fringe benefits. Table IV[12] summarizes the current extent of this mandating.

Footnotes at end of article.

TABLE IV.—CITIES AFFECTED BY STATE MANDATING, BY OCCUPATIONAL CATEGORY AND TYPE OF REQUIREMENT

Occupational category by municipal function	Total	Salaries and wages	Percent of total	Hours of work	Percent of total	Working conditions and fringe benefits	Percent of total	Employee qualifications	Percent of total	Information not available	Percent of total
Highways	89	30	34	41	46	55	62	23	26	10	11
Police	365	182	50	167	46	186	51	164	45	4	1
Fire	336	146	44	211	63	177	53	100	30	5	2
Sewage	127	36	28	41	32	53	42	65	51	6	5
Sanitation	95	33	35	42	44	52	55	29	31	8	8
Parks and recreation	97	36	37	43	44	57	59	25	26	11	11
Libraries	80	31	35	34	38	48	54	25	28	10	11
Water supply	117	29	25	36	31	48	41	61	52	6	5
Other	40	17	35	16	33	27	55	21	43	2	4

This trend toward mandating can be expected to have varying effects upon municipal expenditures. Although many cities undoubtedly already meet or exceed the mandated levels, many others will find it necessary to raise wage and salary levels thereby increasing municipal expenditures. Minimal employment requirements and maximum hours of work limits place a lower limit upon the extent to which cities may reduce costs by increasing working hours or employing marginally qualified personnel; a city could therefore reduce employment costs only by cutting its labor force, hence municipal service levels. Lastly, the effects of increased retirement and many fringe benefits are not felt immediately, but only after some period of time. This lag thereby "builds in" an escalator to future expenditures.

Increasing municipal wages and salaries

Wages and salaries of municipal employees have increased substantially over the past decade. Prior to 1966, this rate of increase—about 5% per year—was not out of line with wage and salary increases in other sections of the economy. Since 1966, however, wage and salary increases for local government employees have been much larger than for workers in other areas. From 1966 to 1969 all wages and salaries increased at an average annual rate of about 7%. The annual salary rate for teachers, however, jumped to 8.2%; for fire fighters and police, to 8.3%; and for all municipal employees, to slightly less than 8%. These increases have been due in large part to the trend toward equalization of local wage scales with Federal compensation levels, to the persistent inflationary trend of the economy, and, to a lesser degree, the unionization of public employees.

Though adequate comparable information on pay levels in state and local governments is difficult to obtain, the recent salary trends at the federal level have been generally reflected also in the payrolls of state and local government. Federal salaries in March 1961, for example, were 12% behind private enterprise salaries in the intermediate and upper levels. Since that time, however, average pay for federal white-collar workers has gone up about 74%.[13] Over the 10-year period, average private sector white-collar pay has increased by only 48%. Over the *five-year period* 1964 to 1969, average monthly earnings for full-time city employees (excluding those concerned with education) went up by 38%.[14]

The current trend toward unionization of public employees has also had an effect upon municipal expenditures for personal services. One recent study has shown that unionized school districts had a 1969–70 salary entry level for Bachelor's and Master's degrees of 4.5% and 4.3% higher, respectively, than nonunion districts. The same study concludes, however that the salary effect of teacher unionization has not been large—only about 7–8% of their total earnings growth in 1969–70.[15]

Inflation

Of all these factors, however, inflation is the greatest cause of increased city expenditures during recent years. Between 1955 and 1970, prices paid for goods and services by state and local governmental units rose at an average rate of 4.2%, compared with 3.6% for the Federal Government and 2.7% for the economy as a whole. For the period of greatest inflationary pressure (1965–70), prices for state and local governments rose at an average annual rate of 5.8%, as compared to 5.0% for the Federal Government and 4.0% for the country at large.

The impact of inflation upon local government is even more serious than these price differentials would indicate. Despite the enormous increase in the volume of services provided (as previously indicated in Tables I and II), inflation has been the most important cause of the increase in local government expenditures.

Only ¼ was due to workload—and less than ⅓ was accounted for by changes in scope or quality of services. The impact of inflation also varied among different municipal functions. Higher prices had the most noticeable effect upon local schools and basic urban services (accounting for 52% and 51% of expenditure growth, respectively). The proportion of the rise in outlays due to inflation was below average in the case of public welfare (30%), higher education (36%), and general administration (38%). In only two functional areas, public welfare and general administration, did change in scope or quality of services outweigh inflation.

Unfortunately, the forces which have generated these inflationary pressures may well persist for some time, thereby imposing a heavy burden on local governments at a time when population growth and the demand for improvements in public service have already placed strains upon available revenues. As a result, future required expenditures may well exceed anticipated expenditures, this increasing even further the gap between local government outlays and available local revenue.[16]

B. Revenues

1. *Overview of current municipal revenue sources* [17]

The latest year for which census data is available is Fiscal 1968–1969. Total general revenue raised by cities during the year was as follows: [18]

[In millions]	
Local taxes	$12,349
Charges and miscellaneous revenue	4,458
Intergovernmental revenue	7,346
Utility revenue	4,576
Liquor store revenue	134
Insurance trust revenue	810
Total	$29,673

Local tax revenue represents all monies raised by a city from taxation. It includes a number of varied taxes: property, income or wage, cigarette and liquor, general sales, utility, entertainment admission, license, and hotel occupancy taxes. Of these, the property tax is by far the most important, accounting for $8.3 billion or 67% of total municipal tax revenue.

Charges and miscellaneous revenue includes monies received for the performance of a specific function, such as a charge for water or refuse collection. In addition, it may include special assessments for capital improvements, fees, interest earned, and gross income from commercial activities such as the operation of municipal parking lots.

Intergovernmental revenue represents shared taxes, grants, loans and other funds received from another government as reimbursement for performance of governmental functions. Of the $7.3 billion total, $5.8 billion or 80% came from state governments. It is important to note, however, that city government received only $1.5 billion (7%) of the $20.3 billion federal grants-in-aid in fiscal years 1968–69.

Utility revenue is those funds derived from the operation of a utility—water, gas, electric, and transit systems.

Liquor store revenue is contributed by those communities that operate liquor stores—only a small minority of all cities.

Insurance trust revenue consists largely of employee retirement funds.

2. *The property tax: Advantages and limitations*

The *ad valorem* property tax is the traditional main source of municipal revenue, and in 1970 it still provides approximately 70% of municipalities' total taxes. It is levied upon the value of *real estate*, i.e., land and improvements (buildings, etc.), and upon *personal* property (household and personal possessions, automobiles, business inventories and fixtures). Historically, this tax was considered appropriate because most municipal services rendered (police and fire protection in particular) benefited the property owner and enhanced the value of his possessions.

This reasoning, however, has now lost much of its validity for a number of reasons. Heavy concentrations of low-income renters in many central city neighborhoods have caused a skyrocketing of demand for municipal services which do not necessarily enhance the value of the property. Large numbers of non-resident daytime workers (office and factory employees) use many city-supplied services such as transportation, streets, traffic control, police and fire protection, and water supply—while not paying central-city property taxes upon their suburban homes. Furthermore, the property tax is regressive—it does not relate to the taxpayer's ability to pay; although property is a form of wealth, it does not necessarily indicate the owner's ability to make cash payments of taxes.

From the standpoint of the local government dependent upon tax income, the property tax has a further severe disadvantage in being unresponsive to increases in income. Its revenue yield does not increase automatically in proportion to the demands made upon government as a result of enlarging population or escalating service needs.

Still further, the pattern of local government that has evolved in most metropolitan areas over the past 25 years permits many industrial properties—potentially good tax sources—to find shelter in low-tax suburbs and thereby avoid being taxed to support the need-filled populous central cities. The population shift that took place in most metropolitan areas after 1946, in which masses of

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Footnotes at end of article.

people moved from the central city to the suburbs, produced a rash of new cities and towns, including several centers specializing in industry or warehousing.

Of the two types of taxable property, personal goods are the least satisfactory sources of local governmental revenue. Because of its movability, such property—jewelry, securities, business inventories, and automobiles—is difficult to discover and assess. Hence, it is often not taxed or its evaluation is arbitrarily set so low that its owners will be willing to declare it. On the other hand, the yield of taxes on tangible property (land and buildings) is relatively easy to calculate. The value base is not subject to frequent fluctuations and value increases resulting from building improvements changed land values lend themselves well to the application of systematic adjustments.

These revenue computations, so essential for effective municipal budgetmaking, may be frustrated, however, if the budget staff and the assessing authority work independently—as they often do. Property valuation for tax purposes is assigned to local officers in all states except Hawaii. In most states, however, it is the actual responsibility of county officials. Furthermore, the tax assessor is traditionally an elected official, although the number of assessment departments headed by appointed, professional officers is growing. In an effort to ensure a degree of uniformity and fairness in assessment procedures when administrative responsibility is vested in elected officials, most states have enacted detailed statutory regulations governing this work.

The Tax Base Shrinks: The property-tax base in most cities has been greatly eroded by a series of state-granted exemptions given to various persons and institutions. Most of these grants have laudable social purposes, and therefore receive strong political support. Properties owned and used by nonprofit religious, charitable, and educational institutions are often given complete exemption in the belief that such agencies perform basic social services for the community. Allowance of an exemption from local property taxes also has been a means of avoiding the controversial issue of direct grants of public funds to non-governmental agencies.

A different issue arises in the case of partial exemptions from payment of property taxes. These grants involve individuals or families. The largest of these is the award to military-service veterans of exemptions from local property taxes on a portion of the value of their property, usually that used for home or agricultural purposes. Thirty-two states make this type of exemption. Four who show a substantial dollar-value of veterans' exemptions in the 1967 Census reports—California, New York, Massachusetts, and Iowa—are states in which there are numerous cities and towns. None reimburse their municipalities for the loss of revenues.

Homeowners in six states receive a partial exemption from local taxes on the facilities they occupy. Exemptions granted to aged persons living in their own homes are appealing extensions of the principle that retired persons with low (or limited), fixed incomes should be assisted to offset the impact of inflation upon their standard of living. Seven states—Massachusetts, Maryland, Indiana, Michigan, Oregon, Wisconsin, and New Jersey—grant such privileges. Wisconsin applies the principle in new ways by limiting the exemption to those who pay more than a certain percentage of their income in property taxes. It also gives a similar privilege to aged renters who have low incomes.[10]

The principal criticism of the several exemptions from the property tax is that they reduce the cities' already-limited ability to support the services they are charged with providing. Inasmuch as most states granting these exemptions no longer tax property for state purposes, and hence suffer no loss in state revenues, their action to grant exemption of a considerable fraction of the cities' tax base from local taxation—without making in-lieu payments from state sources—seems highhanded. It is therefore not surprising that several state leagues of cities urge their states to (1) refrain from extending existing exemptions, (2) grant no additional ones, and (3) replace the revenue now lost by making payments to the cities.

Slightly less dramatic than the state-given exemptions benefiting private property is the exemption of state-owned office buildings and federal post offices, military stations, and warehouses within cities. More significant, however, is the exemption of the national government's interest in equipment and material being worked on in privately managed plants for defense and aerospace programs.

In view of local governments' dependence upon the property tax, all exemptions take on significant meanings. Of equal importance is the fact that properties receiving exemptions are not uniformly distributed among the local governments. In some communities they constitute a substantial part of the potential tax base, whereas in others they are but a minor part. In total, however, these exemptions have begun to loom as a large problem.

Limiting the Local Taxes: The influence of the property tax pervades almost every aspect of city fiscal policies and procedures. This results largely from state actions which limit locally elected officials in their exercise of discretion. High on the list of these restrictions are the state-imposed limits upon the tax rates municipalities may impose. Four-fifths of the state fix tax-rate limits, a policy established in the depression years of the 1930s and tenaciously retained. The restrictions are usually expressed in a formula: a maximum overall property tax rate of a specified number of mills per dollar (or dollars per hundred) of assessed value of taxable property situated within the city. Some states fix a tax limit which applies to the combination of schools and municipalities within the same community. Two states, Colorado and Oregon, permit some expansion of the local tax rate; each year's budget may exceed that for the previous one by a fixed percentage. Recognizing that tax-rate limits can be circumvented by manipulating the tax assessment roll, 14 states (Colorado, Hawaii, Illinois, Indiana, Kansas, Michigan, Mississippi, Missouri, Montana, New York, North Dakota, Oklahoma, Utah, and Wisconsin) fix their local tax limits in terms of state-equalized assessment figures.

Local property-tax limits specified in state constitutions have been almost impervious to pressures seeking repeal. However, where the restrictions have been expressed in statutes, some changes have been produced. Most of the changes permit the cities to relax the overall limit by one of two methods. One permits the city to override the rate limitation for a brief period, if the local voters approve through a referendum. Opinion is divided concerning the wisdom of this procedure. The community is given an opportunity to determine its own fiscal policies, but the referendum provision does nothing to strengthen representative government. Council members may avoid their responsibility for leadership when a light voter-turnout defeats the override proposal. Furthermore, the override method has given cities little relief; citizens have generally been unwilling to approve the override proposals.

The second alternative procedure is even more objectionable. It permits the cities to relax the general (or overall) tax rate limit by levying a number of special taxes for single purposes, with each tax being subject to its own limit. Illinois local governments, for example, are reported to be authorized to make as many as 40 special tax levies. This type of procedure makes budgeting fantastically complicated and almost completely negates any effort to plan and review administrative programs. Moreover, it seriously restricts the freedom of the elected governing body to determine how the fiscal resources of the community shall be allocated to meet locally perceived needs.

While the tax-override referendum and the special tax levy procedures have generally proven unsatisfactory, the unrevised overall tax limits have also produced some unfortunate side effects for local governments. In several states, where urbanization has been both extensive and intensive, numerous single-purpose special districts and authorities have been organized to take over functions that the general-purpose local governments—primarily the cities—have been unable to finance because of inadequate tax revenues due to tax-rate limits. Water supply, transportation, waste disposal, and large-scale or regional parks have often been shifted to these other types of local governments. The cities have been willing to give up these functions in many instances in order to devote a greater share of their budgets to other functions. The result has been to splinter the metropolitan local governmental maps and inflate the number of taxing units. This pyramiding of taxes levied by several local governments—cities, schools and special districts and authorities—upon the same metropolitan tax base has failed to reduce the burden upon property. Instead, it has increased the number of governments the voter and taxpayer must deal with.

Even in spite of these limitations, the property tax has not been overlooked in the search to provide additional revenue for local governments. The National Survey indicates that the total property tax levy for municipal, school, state, county, and special district levies on a house presently selling for $25,000 has increased from a median of $488 in FY 1962–63 to $595 in FY 1968–69 (See Table V). Suburban properties bear a heavier total burden than do those in the central city. The median total levy for the above house located in a suburban city is $632 (FY 68–69). Located in a central city, the median total levy would be $563. The difference of sixty-nine dollars is made up primarily of the school tax on property. Municipal, special district, and state levies on properties, on the other hand, are higher in central cities than in suburban and independent cities.

In comparing only the municipal property tax levies of central, suburban and independent cities, central cities tax their properties to the greatest degree. The median municipal level for central cities was $175 per annum in 1968–69. This exceeded the median suburban city levy by $74 per year and the median independent city levy by $32 per year. Suburban cities have, however, increased their median levy faster than either the central or independent cities. Suburban cities have increased their levy by 111% since 1962–3; central cities by 106%, and independent cities by 112% in the same period. This would seem to indicate that as the suburban and independent cities also begin to feel the effects of aging facilities and equipment, inflation, increasing low income populations, increasing density, and unionization, they are forced to impose heavier property taxes in their search to develop new revenues. Their municipal rates do not yet equal those of the central cities, however.

TABLE V.—MEDIAL FIGURES ON ESTIMATES PROPERTY TAX IN DOLLARS ON A HOME PRESENTLY SELLING FOR $25,000

	Total all cities	City type		
		Central	Suburban	Independent
Total median levy:				
1968–69	$595	$563	$632	$538
1962–63	488	490	502	451
Median municipal levy:				
1968–69	135	175	101	143
1962–63	111	165	91	128
Median school levy:				
1968–69	324	283	371	310
1962–63	254	226	285	250
Median county levy:				
1968–69	101	94	105	96
1962–63	80	79	80	69
Median special district levy:				
1968–69	29	36	32	21
1962–63	27	32	32	19
Median State levy:				
1968–69	8	14	7	8
1962–63	10	12	10	10

3. The search for non-property taxes

If elected city officials are to have any real opportunity to make policy decisions respecting the numerous problems facing their level of government today, new sources of revenue in addition to the property tax are required. A basic problem cities encounter in their search for non-property tax sources, however, is the all pervasive limitation upon municipal legal authority. In most states, the classic Dillon rule prevails: Cities may tax only the items permitted by state law. Furthermore, legal doctrines and politics often combine. For instance, groups of potential taxpayers are usually alert to attack efforts made in the state legislatures to expand the cities' taxing power in specific directions such as permitting levies upon income, general sales, cigarettes, or liquor.

A common complaint from the cities is that the state policy makers usually look first at the state's own institutional interests and accord local governments a low priority in their deliberations. In constitutional home rule states, for example, where charter cities have more than usual freedom to experiment with new taxes, the state government periodically preempts or withdraws for broader (statewide) use the tax sources tapped by a few charter localities. A specific example of this occurred when California took over the levy of cigarette taxes and decreed it to be an exclusive state matter.

Not the least of the problems in state-local revisions is the fact that the two most lucrative new non-property taxes—those upon general sales and individual incomes—are most effectively administered by the state. This suggests that the state should act as the taxing agent and share a portion of the revenues with the local governments. But not all state governments are prepared to adopt a statewide sales or income tax; and, moreover, some are not disposed to permit the local governments to experiment with them either.

Sales taxes

Viewed nationwide, the *general* sales tax is the most productive of the municipal non-property taxes, yielding more than 38% of total non-property tax revenue. *Selective* sales taxes (including taxes upon public utility gross receipts) rank second. (In third place is local income taxes, accounting for about 13% of total non-property-tax revenue).

Only sixteen states currently employ a municipal sales tax, however. Of these, fifteen are states in which a state sales tax is collected as well. In approximately half this number of the states the municipalities maintain a uniform tax rate, whereas in the others a variety of local rates apply. Only five states—California, Illinois, Mississippi, New Mexico, and Utah—collect the local tax along with their own and transfer a share to the localities.

Income taxes

Municipal income taxes are not widely employed either. Only nine states—Alabama, Delaware, Kentucky, Maryland, Michigan, Missouri, New York, Ohio, and Pennsylvania—have permitted their municipalities to levy the income tax. Furthermore, of the 210 cities employing an income tax in 1968, 160 were in a single state—Ohio. It is important to note, however, that at least within Ohio, city income taxes become of considerable importance. Collections from this source totaled $263 million in 1969, a 198% increase since 1965. For a majority of these cities, income tax receipts actually exceeded property taxes.[20]

Three types of local graduated income taxes are being discussed currently. The first, administered wholly locally, is the one usually employed. A second, administered by the state on behalf of the local governments as an addition or surcharge to the basic state income tax, is attractive to many cities because its administration is less complex than the first; individual cities could determine to levy the tax and request the state to add the surcharge to local taxpayer returns—or the state could set a statewide uniform rate, collecting and distributing a share to all cities. A third proposal is modeled on precedents already established in federal and state income tax procedures. It would authorize individual cities to levy and collect an income tax while the state would permit the taxpayer to credit local payments as offsets to his state tax.

Of the non-property taxes available to cities, the income tax appeals the most economically responsive source of revenue. However, states have been reluctant to allow their cities to utilize it. This reluctance is often based upon the potential effects of fluctuations in the local economy on the municipal revenue structure. If the local income tax base is not broad enough, the city's income tax revenues will suffer from strikes and layoffs in major local industries. A crisis during the General Motors' strike in Pontiac, Michigan, was, for example, brought about largely because of the city's dependence upon the local income tax for a large share of its total revenue. Furthermore, while income taxes are preferable to sales and many other types of taxes insofar as they can be structured to distribute their burden in conformity with ability to pay, they have important limitations for use at the local level. These limitations grow more compelling as the economies of the different sections of the country become more and more interdependent. Increasingly, people live in one jurisdiction and work in another. Increasingly, their wages and salaries from local sources are supplemented with investment and earned income from other parts of the state and from other states. In deference to these considerations, local jurisdictions that now use these taxes generally limit them to income from wages and salaries, thereby foregoing some of the advantages of the income tax in terms of ability to pay.

Other taxes

Other locally imposed non-property taxes are those levied on gasoline, motor vehicle licenses, cigarettes, alcoholic beverages, and local entertainment admissions. Four states—Maryland, Pennsylvania, Virginia, and Washington—authorize local governments to tax real estate transfers. In New York state, only New York City is permitted to do this. Such taxes, however, are producers of only minor fractions of total municipal tax revenue.

The 1971 National Survey indicates that the pressure to develop new sources of revenue has also led many cities to non-property taxes for additional funds. Of 131 cities which responded to the Survey with information concerning non-property taxes, 75% have adopted non-property taxes since 1963. Sixty-five cities have raised business license taxes (measured by gross receipts) an average of 4.3 times since 1963 for a mean average increase of 56.6%. General retail sales taxes have been levied in 127 cities and raised a total of 90 times for an average increase of 98.9%. Taxes on alcoholic beverages have been levied in 91 cities since 1963. These taxes have been raised a total of 70 times for an average increase of 51.5%. Income taxes have been levied in 35 cities and raised 23 times in 18 of these for an average increase of 70.9%. The reliance of municipalities upon non-property taxes is documented in Table VI.

TABLE VI.—CITIES IMPOSING NONPROPERTY TAXES AND PERCENT CHANGES SINCE 1963

Tax	Number of cities imposing tax	Number of cities reporting increases since 1963	Average percent increase
Business license	131	75	57
Public utility receipts	133	83	69
General retail sales	127	58	99
Selective sales taxes			
Amusement	22	9	94
Hotel or transient	81	35	50
Motor vehicle license	72	43	54
Alcoholic beverage	91	44	51
Income	35	15	71

User charges

Many cities have also increased or imposed service charges since 1963. One hundred and fourteen cities in the National Survey responded that they levied service charges to support refuse collection. Eighty-three of these have increased their charges by an average of 63% over 1963. One hundred and sixty-nine cities currently levy charges for sanitary sewer support; 113 of these have increased charges by an average of 113% since 1963. Hospital charges have increased 173% in three of the seven cities which levy them. Parking charges have increased 62% in 43 cities. Airport charges have increased 105% in 23 cities.

These service charge increases are summarized in the Table VII. As the analysis underlines, municipalities have also been relying on service charges in recent years in order to develop new revenues to complement their increasingly inadequate property and sales tax base.

TABLE VII.—CITIES IMPOSING CHARGES FOR SUPPORTIVE SPECIFIC SERVICES AND CHANGES IN CHARGES SINCE 1963

	Number of cities imposing charges		Total number of cities reporting change	Mean average percent [1] change
	Total	Post 1960		
Refuse collection	114	50	83	63
Sanitary sewers	169	60	113	113
Hospitals	6	3	3	173
Parking	102	26	43	62
Airports	35	10	23	105
Other	27	9	18	47

[1] These figures do not include the imposition of new charges.

Intergovernmental revenue

The nation's municipalities receive approximately one-fourth of their total revenues from other governments via subsidies or shared taxes. While commonly believed that cities receive large amounts of federal aid, city governments, in fact, receive very little. Most cities actually receive more aid from their state capitols than from Washington.

Footnotes at end of article.

Federal grants to the cities primarily assist programs whose major objectives are either individual or community development. Aids to education (a municipal function in several states) is primarily of the first category. Housing and community planning, airport construction, transit facilities, waste treatment and disposal facilities, and numerous smaller municipal projects clearly fall into the second.

In terms of number of projects and total dollars spent, however, the federal grant-in-aid programs have grown phenomenally over the last decade. Table VIII indicates this dollar growth.

TABLE VIII.—*Federal grants-in-aid, 1961–71 (fiscal years)*

[In billions of dollars]

	Amount
1971	* $30.3
1970	* 24.4
1969	20.3
1968	18.6
1967	15.2
1966	13.0
1965	10.9
1964	8.6
1963	7.9
1962	7.1
1961	7.0

*Estimate.

While the grant-in-aid programs have grown, the problems they were designed to alleviate persist. Dwight A. Ink, Office of Management and Budget explains:

"We have increased many fold the amount of public resources directed toward meeting our social needs. Ten years ago Federal aid to State and local governments, for example, amounted to $7 billion a year. Now it is running at about $27 billion a year. Hundreds of Federal grants-in-aid programs have emerged. Yet one is hard pressed to find an area in which the response can be looked upon as satisfactory. And in some areas we have scarcely made an imprint. We keep telling ourselves we must do more. Much more.

"At the same time, we should be reminded ourselves that money is not the full answer. Our social programs are replete with examples in which funds have been provided to carry out innovative social projects but have resulted in little or no tangible results. Unfulfilled promises have undermined the credibility of public servants in the eyes of many.

"Virtually all the critical urban and rural problems require an integrated attack by many departments of government at national, State, and local levels. In recent years most governmental units have been desperately trying to mount such an attack. Beset by funding uncertainties and limitations, and entangled in red tape, the attack as seen by the public has somewhat resembled the slow, trial and error motion of a gigantic amoeba. Because of their inability to respond on a timely basis, all three levels of government have been bombarded with criticism of lack of concern for people who need help."

State assistance to cities shows a substantially different character than aid from the national government. The major portion of city receipts from State capitols is in the form of shared revenues from state-administered taxes. The larger percentage of this income is earmarked by State policies and can be spent by cities only for specific purposes. The lesser portion is in the form of unrestricted money that may supplement the cities' general funds and be spent as city councils may determine.

State grant-in-aid to cities follow a pattern similar to those made by the national government and are usually designated for specific programs, such as streets and highways, hospitals, public health services, or welfare administration. Most such aids are given to encourage participation by the local governments to programs having a statewide thrust in which the local units are acting largely as agents of the State government.

Furthermore, as pointed out initially, cities are dependent for a significant percent of their revenue from other governments. This amount has steadily increased over the years. It is not however, revenue that is under the control of local government. Local officials have no power to change this amount. They must "lobby", along with all other interests, in State capitols and Washington to obtain such funds. It is not a source of funds that can be quickly expanded to meet fast rising costs due to inflation, wage increases, natural disasters, or the fiscal demands of new needs.

Assistance to the cities from other governments is heavily hedged with restrictions and directives leaving relatively little discretion to local policy-making officials. As such, local governments are largely administrative agents carrying out national and State policies. If urban local policy makers are to develop strategies for coping with their own particular sets of problems, two conditions are therefore crucial. One is to relax the numerous restrictions, directives, and hedges upon taxing and allocating funds. The other is to improve the financial resources available to the cities for dealing with the functions of local government.

4. General Revenue-raising restictions

Legal restrictions

Basically cities can raise and use money only as permitted by law. A city in one State may have greater latitude to meet demands for higher wages than a city in another. Indeed, cities within the same State may be treated differently. These limitations can be summarized as follows:

1. *Types of taxes and charges.* Local government is not free to raise money any way it sees fit. A local wage tax may be legal in some states but not in others. Sources of revenue utilized by the state are usually not available to local government. In most states, legislative permission must be granted before a municipal tax or charge is used. Thus, sources are severely limited.

2. *Limitation on use of a revenue source.* Tax rate limitations are often imposed. As the discussion on the property tax highlights, these limitations are set by law and are not easily changed. At the present time, many cities are approaching their legal rate ceilings.

3. *Limitation on use of money.* Many revenue sources are restricted, i.e., the tax or charge can be used only for specific purposes. Utility revenue, for example, usually has restrictions as to its use, i.e., for utility operations. In some states, property taxes are levied specifically to pay for certain functions.

4. *Approval by the people.* In some states a vote of the people is required to levy a tax or to borrow money. Where the property tax limit is at the maximum, some local governments may raise the rate only by an affirmative by referendum of the people. Elected councilmen are generally not empowered to raise taxes by council action alone.

5. *The budget year.* Unlike industry, changes in most local government sources of revenue can be made only once a year—at budget time. Thus, once a city's fiscal plan for a year is formally adopted is it hard to adjust to changing conditions.

Economic Limitations

A city's economic base, in simple terms, relates to its (1) property value as reflected in land use, (2) volume of trade, (3) type of business and industry within its borders, (4) average income of its people, and (5) their need and desire for services. A city with a large trading center may (assuming its legality) raise significant funds by the use of a sales tax. Another, on the other hand, might reap proportionately greater benefits from a wage tax. Still another may effectively use a "charge" to provide one type of service, i.e., garbage collection—or may find that such a charge cannot cover actual cost without arousing undue hostility of many of its citizens. With few important exceptions, however, it is still the property tax which provides the lion's share of municipal revenues.

Property taxes have, unfortunately, proven to be relatively unresponsive to economic growth, hence have not remained abreast of steadily rising service expenditures. While state and local budgets having been increasing at a rate approximating 8% per year, the growth of the state-local tax base has been less than 4%. This "inelasticity" of tax receipts (lack of proportional growth of tax receipts in response to growth in income) is also a problem with the general sales tax and helps to explain why many cities have had to seek new tax sources to keep revenue yields up with rising budgetary requirements. Elasticity of several of their taxes are presented in Table IX.[21]

TABLE IX.—GROSS NATIONAL PRODUCT ELASTICITY OF THE MAJOR CATEGORIES OF STATE GENERAL REVENUE

Revenue source	Elasticity estimates	
	Low	High
Property taxes	0.7	1.1
Income taxes:		
Individual	1.5	1.8
Corporate	1.1	1.3
General sales tax	.9	1.05
All other taxes	6.6	.7

Property taxes, even by the "high" estimate, are at best only unitarily elastic, i.e., property taxes will grow by the same proportion as GNP. The same is true for the general sales tax. Only the income tax generates more than a proportionate increase in tax receipts for a given rise in GNP. While an increasing number of cities are adopting the income tax to help meet rapidly rising expenditures, the tax has not yet become a major revenue source for the great majority. Whether more use is made of this tax in the future is closely related to both general economic conditions and to the maze of state constitutional and statutory limitations on the power of the cities to tax.

Political reservations

The city government ultimately faces the test of the people as to how high local revenue sources can be raised. The politician must make the "market decision" he believes represents the view of the people, balancing cost versus services, though sometimes his constituents may vote directly on whether to ratify his decision. Whether a vote is involved or not, however, a city may run the risk of pricing itself out of the market—raising taxes so high residents and firms move into other cities or states. In such situations, the added tax levy actually may result in lower net income.

Furthermore, the question of equity with its social and political implications must also be considered. Property and sales taxes are regressive—their rates, as a percentage of income, are higher for the poor man than for the rich. From the standpoint of ability to pay, the general sales tax in its unadulterated form is an upside-down revenue measure. The burden (especially if food is taxed) declines as income rises. A family earning under $2,000, for example, pays an estimated 3.1% or its adjusted gross income in sales tax. A family earning $6,000–$7,000, however, pays only 2.3% to sales tax; and a family earning over $100,000, only 0.3%. The property tax is even more regressive and is particularly burdensome to the low-income homeowner or renter. A family earning under

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Footnotes at end of article.

$2,000 pays an estimated 13.3% of its adjusted gross income for state and local property taxes; families earning $6,000–$7,000, 3.9% of their income; and families earning over $100,000, 12%. Tax policymakers are, therefore, constantly forced to reconcile to potential tax overburdens that can develop from excessive reliance on levies of a regressive character with the potential harm to their citizens that can result from short-changing public needs.

Thus, whether or not the city's ability to increase revenue is openly considered, it is a factor to be included in decisions on the level of services to be rendered. For, unlike the federal government, and to a lesser extent state government, the city's total economic power is limited.

5. Attempts to enlarge taxing powers and aid

In order to raise additional revenues, many cities and state municipal leagues have attempted to both develop new and enlarge old taxing powers. The efforts of a few are summarized as examples:

Kentucky

During the 1970 Legislative Session, the Kentucky Municipal League supported a bill which would permit local governments to levy a one-half of one percent sales tax, with the state giving up one half of its five percent rate and returning the one-half percent portion back to the levying unit. This bill failed to get out of committee, with the reason given that the state could not afford to give up any of its current revenues.

Virginia

In 1970, Virginia's large urban communities, facing serious revenue gaps and disgruntled with the General Assembly's lack of substantive response to the needs of cities and urban counties, suggested a new approach to League legislative activity. Thus, Virginia's Urban 12, composed Virginia's nine largest cities and the urban counties of Arlington, Fairfax and Henrico, was born.

This group has requested that the Assembly enact, during the 1971 session, enabling legislation authorizing localities to impose, at their own option, an additional one percent sales tax and establishing a program of state revenue sharing with local governments. Their program also includes state mandates of authority to local governments enabling them to impose a local gasoline and petroleum tax.

As of March 31, 1971, however Virginia's cities had gained no new taxing powers, nor any improvement in their present tax systems.

Colorado

The Colorado Municipal League, on the other hand, has been more successful. It has participated in securing the following new revenues for Colorado municipalities.

1. 1965—*Amicus Curiae* in the Berman Case in the State Supreme Court, which upheld the right of home rule cities to levy and collect sales and use taxes.

2. 1967—secured legislative authority for statutory cities and towns to levy a sales tax (no use tax).

3. 1970—secured highway revenue legislation which included requiring counties to: return to each municipality one half of the proceeds of the county road and bridge levy collected within that municipality; return the first $2.50 from state motor vehicle registration fee on most vehicles to municipalities and counties on basis of urban and rural registrations and further extend a $1.50 special registration fee; and provide that certain state traffic fines shall be payable to the Highway Users' Tax Fund.

4. 1971—The League is advocating a state-collected, locally-shared 3% sales tax with the money to be distributed on point of collection. The outlook for this particular tax, however, is not very good.

Pennsylvania

In Pennsylvania, as a result of a hard campaign by the State's cities and a meeting of 35 mayors with legislative leaders, a committee of the legislature made extensive recommendations for local government tax increases. These recommendations were to double the earned income tax authorization, to double the occupational privilege tax authorization, and to increase by five mills the authorized property tax.

All three proposals were introduced into the State legislature; two passed the Senate (the property tax and the occupational privilege tax), and one the House (the property tax). In Pennsylvania, the need for additional local government revenues was recognized and promoted by a committee of the State legislature itself.

Tennessee

Tennessee's Municipal League has advocated improvement of the local tax base through state action to expand the non-property home rule taxing authority of local governments, amend the local sales tax law to correct inequities which have developed and increase state aid and shared taxes.

6. The exceptional cases

Not all cities are in a state of acute fiscal crisis. Nonetheless, the city which does not face the fiscal problem of making revenues and expenditures balance is rare. There are wealthy suburbs, such as Beverly Hills, which have high family incomes and a strong property tax base. For the country as a whole, suburban median family incomes average $10,114, exceeding the average central city median family income by $1,554. However, at the same time, total municipal, school, county, special district, and state property tax levies are heaviest in these suburban cities. The combination of these taxes in these communities makes it difficult to raise the property taxes rapidly enough without strong citizen opposition to keep abreast of rising costs. It is only those suburban cities with the very highest median family incomes which can budget services with relative ease and without real concern over a revenue expenditure gap.

There are other cities which have been experiencing rapid physical growth since 1950. These cities have expanding tax bases for property and sales taxes and user fees which provide them with adequate revenues to operate effectively. These cities, however, are only in an earlier stage of development than are most U.S. municipalities. Their tax limits and revenue bases do not differ significantly from most cities. As they age and their population and density increase, they also will be faced with the same problems as the majority of cities—outdated capital facilities, demands for increased services for minorities and poor persons, worn-out equipment, inability to increase the tax base because of state restrictions, inability to exceed state debt ceilings for municipalities, citizen tax rebellions, competition with other governmental units for state and local revenue sources and a general inability to make the revenue sources stretch to fit the expenditures mandated by the state and demanded by the people.

III. THE REVENUE

Since 1965 several studies have projected into future state and local expenditures and revenues trends. Though these projections vary widely, one conclusion is common to all—a serious revenue gap now faces or will soon face local government. The Urban Coalition's recent projection in *Counterbudget*, for example, predicts a sizable disparity—$67 billion between now and 1975.

TEMPO Report: The National League of Cities in January 1967 ordered TEMPO, General Electric Company's Center for Advanced Studies to develop an objective economic study of the revenue gap facing cities. TEMPO found that the nation's cities face a staggering $262 billion revenue gap—$125 billion of which can only be closed by the federal government—over the ten year period 1966–1975. These projections were based upon data developed by the Joint Economic Council (See Table X)[23]

Over the next decade solutions to the problems that beset U.S. cities will require a total incremental expenditure of $262 billion in excess of present revenues and those expected to be generated through normal economic growth.

Table X gives a year-by-year summary of the estimated revenue gaps and the recommended funding sources to fill them.

TABLE X.—ESTIMATED ANNUAL REVENUE GAPS AND RECOMMENDED FUNDING SOURCES FOR THE 1966–75 PERIOD

[Dollars in billions]

		Funding sources			
Year	Estimated gap(o)	Federal Government	States	Increases in city charges	Increases in net city debt
1966	$4.5	$1.0		$0.5	$3.0
1967	8.0	3.0	$1.0	1.0	3.0
1968	12.0	6.0	2.0	1.0	3.0
1969	16.5	8.0	3.0	1.5	4.0
1970	22.0	10.0	4.0	2.0	6.0
1971	28.5	13.0	5.0	2.5	8.0
1972	34.5	16.0	6.0	3.5	9.0
1973	40.0	19.0	8.0	4.0	9.0
1974	45.5	23.0	9.0	4.5	9.0
1975	50.5	26.0	11.0	4.5	9.0
Total	262.0	125.0	49.0	25.0	63.0

Individual case studies amplify the point made by the TEMPO Study.

Tennessee: The Tennessee Municipal League has projected that the revenue gap facing over 300 municipalities between 1970–1974 is in excess of $425,000,000. This study points out that the revenue gap is not confined to any one size, or type, or class of city. For towns in the 1,000–2,500 population range, over $14,000,000 in new and additional revenues will be needed over the next four years. In terms of per capita costs, an additional $121.00 will have to be raised for each man, woman, and child living with municipalities in this population range. For cities with more than 5,000 but fewer than 10,000 inhabitants, the study indicates a need of over $18,500,000 in additional revenues between 1970 and 1974. This amounts to $111.00 for each person residing in those communities.

The report states, "The issue is not merely whether these communities will be able to provide traditional municipal services—the real issue is whether or not many of these cities and towns can survive as viable political units."

Georgia: In December 1970, the Georgia Municipal League surveyed its cities to determine their revenue needs. The League determined that the average expenditures required to meet projected needs during the next five years are estimated to exceed average projected revenues by $710 million.

California: The League of California Cities has studied the revenue gap facing its cities. The League's study indicates that its cities will need an additional $353 million in fiscal year 1971–72 in order to continue to provide existing services. This figure is, however, conservative for two reasons. The 1971–72 revenue need figure represents the fifth year figure in a five-year estimate. Little of the additional revenue needed in the first four years was provided during those years, hence the 1971–72 estimate is understated by that amount. If presented completely, the accumulated revenue need of cities would ap-

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Footnotes at end of article.

proach $1 billion. Secondly, the League estimate includes a uniform 4% adjustment for salaries and general cost of living increases. Any review of economic growth during the past five years would demonstrate the conservative nature of the 4% figure.

The magnitude of the city revenue gap is awesome, but it is fact. It is also fact that this gap will continue to widen until new sources of revenue are added to the municipal revenue base that will permit city revenues to grow at a rate equivalent to the annual growth in expenditures for current service.

IMPLICATIONS OF THE REVENUE GAP

This fiscal gap—the overall lack of revenue—has been accompanied, predictably by a reduction in services both in quality and in quantity. Cities are cutting back existing personnel, closing facilities, and delaying capital improvements with devastating results. Basic governmental services fundamental to any society are not being provided to American citizens.

The following service reductions drawn from the 1971 National Survey serve as an example:

Pittsburgh closed 14 fire stations recently.

Seattle has put off repairs on its parks, is thinking of laying off a class off police cadets, schedules less frequent street cleaning, etc. That's a big et cetera when you you're dealing with the quality of life.

Youngstown had to close schools early last year.

Cincinnati is cutting back, in these increasingly complex times, its public school teaching staff; all elementary school libraries are to be closed in September; kindergarten classes will run only 10 weeks instead of 20.

Philadelphia will be forced to eliminate and reduce Police Department support units serving the District Attorney's office, the Sanitation Unit, Police Athletic League, the Waterfront Patrol, and the Expressway Patrol.

The Police will have to reduce patrol operations on the midnight-to-eight tour, cut the number of emergency patrol wagons, unmarked detective and patrol cars, as well as trim security details and traffic control at major events.

The streets department must reduce trash collections, cut street repairs, bridge maintenance, traffic signal and street light operations, as well as eliminate the purchase of basic streets equipment.

Welfare department caseloads will almost triple the accepted maximum. Meanwhile the Commonwealth is withholding the funds needed for this purpose. The Adult and Old Age Programs will be curtailed, putting these senior citizens in jeopardy.

Philadelphia will not be able to pay for maintenance of Philadelphia prisoners in State institutions, and in Philadelphia jails the food allowance will fall to 89 cents per day per inmate.

The centers for dependent and neglected children will have to cut food and clothing allowances—meaning that these unfortunate children will be forced to endure yet another rejection from a hostile society.

The center-city detention facility that was originally opened in reaction to an emergency caused by overcrowding will be abandoned.

Hamtramck, Michigan, is near bankruptcy. Mayor Wojtowicz asked HUD's regional office not to send more grants. The City does not have the revenue to supply the matching funds.

Boston: Mayor White has effected a 1% cut in pay for all city department heads in the city.

Newburyport, Massachusetts: The mayor has set a "no-hire" policy.

Hartford, Connecticut, has stopped making street repairs.

San Francisco: Mayor Alioto says: "We can't go on like this. Even the Capitalistic system is not going to survive the way we're going."

Detroit: In fiscal year 1971, a $20 million deficit forced the mayor to lay off over 600 city employees. As of June 1971 more than 2,200 budgeted positions are not filled. That's one vacancy for every 10 authorized jobs.

In Detroit's budget for fiscal year 1972 almost 1,000 more jobs will be dropped and several traditional activities of City government will be completely eliminated. Detroiters will no longer have the benefit and the protection of weights and measures inspection, industrial hygiene programs and social hygiene services. If the County or the State do not assume these responsibilities, they simply will not be available to 1½ million Detroiters.

Moreover, the budget represents numerous other reluctant decisions to indefinitely postpone or immediately diminish essential City services. These programs held out the hope of reducing crime, stemming drug abuse, providing improved services in the municipal hospitals, and making the City a better place in which to live and work.

Unfortunately, even this does not describe the critical nature of the situation. In spite of the austerity approach to the budget, the City of Detroit will need over $26 million in new revenue to perform at this drastically reduced service level—26 million *new* dollars just to stand still!

If the City does not receive these funds, hundreds of additional jobs and the services they represent will have to be cut. The mayor has appropriately labeled this a "Disaster Plan."

St. Louis, Missouri: In a speech to the St. Louis Board of Aldermen on April 30, 1971 Mayor A. J. Cervantes stated, "Having delivered several budget speeches over the years, I know you will say that every year is another crisis. Today, however, the situation is even more desperate than in the past, and we must face up to the fact that we are scraping the bottom of the revenue barrel.

This is the last year the City can make a budget which will come anywhere near adequately meeting the needs of our citizens. Working under the limitations of state constitution and state law, there are no other viable means of local revenue, in my opinion."

The following functions were eliminated from the City of St. Louis' budget The Metropolitan Youth Commission, the Regional Industrial Development Corporation, the Meramec Hills Home for Delinquent Girls, and the Challenge of the 70's. In addition, the following areas were drastically curtailed: Fire Department, Street Department, Human Development Corporation, the Recreation Division, the Forestry Division, the Child Guidance Program, the City Hospital budget, the Maintenance program for municipal buildings, and the Traffic Division.

Los Angeles is planning to curtail street sweeping and to start charging for refuse collection and sewer services.

New York City: Unemployment in New York is 4.7%, only two-thirds of the national average. Yet one out of seven New Yorkers, mostly women, children, and unemployables, are on welfare. Though this ratio is higher in some other cities, in New York City one out of seven means one million people and a cost to the city (mandated by state and federal law) of $600 million.

Cleveland is struggling to remain viable. Since last December, because of inadequate local revenues from declining property taxes and municipal income taxes, the City has been forced to lay off 1,300 city employees and severely curtail basic services in the areas of health, recreation, garbage and rubbish collection, and street resurfacing. It has had to shut down the police academy and eliminate the police cadet program.

Further cutbacks in personnel, programs and services are imminent. Perhaps as many as 800 additional city employees will have to be laid off, and a four day work week instituted for many of those who remain. It is unlikely that the city will be able to spare the safety forces, the policemen and firemen, from layoffs in this new round of the City's bout with its financial crisis.

These reductions in city personnel must be accompanied by a denial to City employees of some combination of items negotiated with their union representatives and agreed upon last year in principle—longevity pay increases (which already have had to be denied), increased paid hospitalization benefits, and wage benefits. The prospect of a strike by City employees is not at all remote.

The Recreation Department will not be able to open nine new facilities in fiscal 1972, and this will be added to the 23 recreational facilities already under caretaker status. This inevitably will mean that maintenance of playgrounds and recreation centers will decrease. There is already a serious vandalism situation.

Furthermore, this recent sampling of U.S. cities reveals the extent of these reductions in capital improvements and existing services. Of 247 cities responding to the sample questionnaire, 193 (over 70%) indicated that they had reduced services or delayed capital improvements since 1963 because of a revenue shortage. The scope of the reductions covers the entire range of city services. (See Table XI.)

In better than 70 percent of the cities answering the questionnaire, one or more programs, including street and highway construction and maintenance, urban renewal, construction or expansion of city governmental facilities, water and sewer programs, equipment replacement programs, park and recreation programs, police and fire systems, libraries, refuse collection and disposal, hospitals, human relations and school programs, were reduced.

Outright service reductions are a measure of absolute service declines in relation to the population of municipalities. Reductions in departmental requests for service improvements during the municipal budget preparation process are a partial measure of relative declines of services to the citizens of local governments. In maintaining a balance between revenues and expenditures in the face of unionization, inflation, and citizen demands for services, on the one hand, and state constitutional and statutory limits on municipal taxation and debt and citizen tax rebellions on the other, cities have had to reduce their attempts to finance adequate programs to meet both the old and new problems confronting them.

TABLE XI.—CITY SERVICES AND CAPITAL IMPROVEMENTS REDUCED SINCE 1963 (BY AREA OF REDUCTION) (193 CITIES REPORTING)

	Reason for reduction			
	Lack of funds	Bonding problems	Tax restraints	Total
Expressways	9	0	11	20
Street construction and maintenance, widening, resurfacing, etc	60	8	2	70
Lighting, traffic control	14	1	0	15
Urban renewal	4	0	2	6
Expansion of city government facilities	41	6	2	6
Water and sewers	67	3	0	70
Parks and recreation	76	8	3	87
Police (legal system)	51	4	1	56
Fire	55	3	1	59
Libraries	17	4	3	24
City government services	47	0	0	47
Total	441	37	25	503

FOOTNOTES

[1] Department of Commerce, *City Expenditures in 1968–69*, p. 1; *City Expenditures in 1958*, p. 6.

[2] This is true even though educational spending is by a small number of city governments (including New York City, Baltimore, and Washington, D.C.) that directly administer local public schools. In most cities, public schools are administered by independent school districts. Financial data for these districts is not included in Table I.

[3] Department of Commerce, *City Expenditures in 1968–69*, p. 5; *City Expenditures in 1958*, p. 6.

[4] TEMPO, "Options for Meeting the Revenue Needs of City Governments", p. 6.

[5] ACIR, *Fiscal Balance in the American Federal System*, Vol. I, P. 65.

[6] National Planning Association, *Goals for Dallas: Economic Potential, Handbook*, 1970, p. III–37.

[7] American Transit Association, *Transit Fact Books*, 1966–1971.

[8] Department of Commerce, *City Expenditures in 1968–69*, p. 62–63.

[9] American Transit Association, *'70–'71 Transit Fact Book*, p. 4.

[10] Department of Commerce, *City Government Finances in 1968–69*, p. 62–63.

[11] U.S. Department of Transportation; Federal Highway Administration, FHWA–531, *Highway Receipts and Disbursements*, 1968–71.

[12] ICMA, *Urban Data Service*, March 1969, Vol. 1, #3, p. 35.

[13] Department of Labor, *National Survey of Professional, Administrative, Technical, and Clerical Pay, June 1970*, p. 4.

[14] UCMA, *Urban Data Service*, June, 1970, Vol. 2, #6, p. 2.

[15] Material abstracted from "Remarks to Public Employment Symposium on Some Wage Effects of Local Government Employee Bargaining." By Paul T. Hartman, Bureau of National Affairs, May 10, 1971.

[16] Material abstracted from "Inflation, Private Spending, and the Provision of Public Service" by Andrew F. Brimmer, Member, Board of Governors of the Federal Reserve System, delivered at the Commencement Exercise of Middleburg College, May 30, 1971.

[17] The best single source for data on city finance is *City Government Finances* published annually by the U.S. Bureau of the Census. This publication provides both aggregate data and individual data for cities over 50,000 population, listing sources of revenue and expenditures for each.

[18] Department of Commerce, *City Expenditures in 1968–69*, p. 5.

[19] Maxwell, James A., *Financing State and Local Governments*, The Brookings Institution, 1969, p. 150–52.

[20] Statement of John P. Coleman, Executive Director, The Ohio Municipal League, January 19, 1971, p. 1–2.

[21] ACIR, *Fiscal Balance in the American Federal System*, p. 122.

[22] *Ibid.*, p. 123.

[23] TEMPO, "Options for Meeting the Revenue Needs of City Governments", p. 7.

THE CONVERSION RESEARCH AND EDUCATION ACT OF 1971

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1971

Mr. EILBERG. Mr. Speaker, the following is the text of my statement before the Subcommittee on Research and Development of the House Committee on Science and Astronautics given during recent hearings on H.R. 34, the Conversion Research and Education Act of 1971:

THE CONVERSION RESEARCH AND EDUCATION OF 1971

Mr. Chairman, I appreciate the opportunity to appear before your Subcommittee to comment on H.R. 4122 and H.R. 5204, both of which I am co-sponsoring.

SOME OPENING THOUGHTS

Whether we like it or not, we live in a world of relentless international competition, one in which the lion has yet to lie down with the lamb. Nations either sustain their world position and leadership or they decline and suffer the fate of second rate powers. And much of position and leadership in world affairs depends upon and reflects a nation's standing in and application of modern science and technology. Likewise in internal affairs, a nation's strength these days depends heavily upon the work of its scientists, engineers and other technological personnel, and upon what is done with the fruits of their labors. Our primary resource then is the stock of trained and experienced minds of our scientists and technologists. As a primary resource, it is to be fostered and conserved. What sets man apart from the animals is his ability to think. What sets one nation apart from other nations is its ability to marshal the brain power of its technologists for the attainment of national objectives.

Given the validity of this chain of thought, I find it almost incomprehensible that the United States should stand idly by and witness, as though it were happening in a distant, backward nation, the dissipation of an essential part of its most talented brainpower. I refer, of course, to the plight of the scientists and engineers unemployed in the defense and aerospace industries because of reductions in Federal spending. That is why I support the proposed Conversion Research and Education Act and the National Economic Conversion Act. If this Nation is to hold on to its position of world leadership, it must quickly show that we are capable of a planned, intelligent response to our man-made problem, that we will not simply defer to the indefinite, uncertain and probably unsatisfactory workings of mindless economic trends and factors to prevent the dissipation and loss of our brainpower. Obviously we can, indeed we seem to be opting towards a laissez-faire approach in the expectation that an economic upturn will generate jobs for all unemployed, including the scientists and engineers. But is this in the national interest? From the number of bills introduced in this Congress, as your committee print so usefully points out, many Members apparently believe that deliberative, planned action is needed.

SOME ECONOMIC DIMENSIONS

Before commenting on H.R. 4122 and H.R. 5204, I would like to share with you some thoughts about the economic implications of providing new jobs in research and development for the now unemployed scientists and engineers.

Taking their number at 60,000, and assuming as a goal the creation of research jobs in laboratories of industry for one third of them, we will need 20,000 new jobs in research and development. According to the National Science Foundation, to employ a scientist in an R&D laboratory costs his employer about $50,000 a year including salary, fringe benefits, overhead, etc. Thus to employ 20,000 scientists and engineers productively in laboratories would cost someone $1 billion a year. Now acocrding to NSF figures, high technology American industry on the average spends about four percent of net sales for research and development. So to finance $1 billion a year to employ 20,000 scientists and engineers would require additional net sales of $25 billion. Still further, according to the NSF, Federal funds in 1969 financed 47 percent of research and development performed in industry. On that basis, additional Federal outlays of $470 million would be needed to finance the Government's share via direct contract support, or the purchase of $11.75 billion more in high technology products, four percent of which could then go to finance R&D.

While these figures are large, to put them into perspective I note from the Economic Report of the Pesident that average *monthly* sales for U.S. manufacturers during 1970 came to $56 billion, so that if all U.S. industry were to devote four percent of sales to research and development, an increase equivalent to about half of one months' present manufacturing sales in principle could finance the work of 20,000 research scientists and engineers.

SOME POLICY IMPLICATIONS

These figures suggest to me that our conversion goal cannot realistically promise reemployment in laboratories for all of the unemployed scientists and engineers. Nor, for that matter, is it clear that all of them were displaced from the laboratory bench. Many undoubtedly were displaced from desks in the overhead structure of the defense and aerospace industries. These figures do suggest that conversion must be closely coupled with other efforts, such as those of H.R. 5204, to stimulate the willingness and ability of business to develop and market new products and services with a high technological content; and of the financial community to provide the risk capital for such ventures, some of which will not be successful. We may well wish to push for national policy to foster the development of new high technology products and services rather than leave their appearance to random chance. Indeed, if we are to maintain our competitive position with Japan, West Germany, and even France, Congress may soon have to intensify its present interest in strengthening our national position in competition for foreign trade.

Coming back to conversion and the problem of unemployed scientists and engineers, the Subcommittee may wish to consider how much priority in the proposed programs should be directed towards enabling those scientists and engineers who wish to convert from the laboratory bench to technical sales, marketing, service, customer relations and all the other work that is necessary to generate the sales of new products and services which can pay for the future work of their colleagues in the laboratories.

SUPPORT FOR H.R. 4122

Rather than examine each part of the proposed Conversion Research and Education Act, I would direct your attention to those parts that for me are particularly important if the goal of conserving and utilizing our unemployed scientific and technical manpower is to be met.

Implications for business management.—Of the several parts of H.R. 4122, those dealing with business and management are of special interest to me because there is not much to be gained by opening conversion education opportunities if no jobs are waiting at the end of the process. Whether or not there will be jobs depends greatly upon the imagination of management, its understanding of what it takes to successfully market a new technological product or service, and its attitude towards scientists and engineers retreaded from the defense and aerospace industries. Title III of the legislation is an important measure to cultivate a receptive outlook among members of management. Its authorization to fund training of management personnel can improve their receptivity to employment of scientists and engineers who go through the retraining contemplated in H.R. 4122. Likewise the authority under Section 203 to train government personnel is directly pertinent. In addition to education for management, H.R. 4122 also provides needed authority to help with financing of non-defense related research and development that will give preference to unemployed scientists, engineers and technicians from the defense industries. This is important because many financers are very conservative when it comes to financing high risk ventures.

The research and educational component.—The provisions of H.R. 4122 for research into the conversion process and education to deal with it over the long term can strengthen our understanding of the factors that work for and against the diversification of firms and the conversion of individuals. In connection with this research, I would hope that the administering agency would take the time to define and state the problem which this research is to solve. All too often we seem prone to start running a race before the course is laid out. While the sense of "doing something" may be pleasant, it can be very wasteful if unplanned, and perhaps disastrous to those who discover too late that they are running in the wrong race.

The provisions for developing educational approaches to conversion should produce near term benefits. But for these to be useful in conserving the competence of our unemployed professionals, the administering agency will have to give priority to and expedite this work. Deciding what educational approaches to follow and develop also will require, if they are to be effective, well thought out definition of the problem.

Recently I came across a study of transferability and retraining of defense engineers. This study was produced in 1967, by the Stanford Research Institute, years before the present professional employment crisis was upon us. According to this study, industrial managers were generally optimistic about transferability, but were less optimistic about the ability of commercial industry to absorb large numbers of defense engineers. The Institute analyzed the attitudes of manager's towards the transferability of engineers from defense to commercial work. These attitudes underscore the need for educational and retraining assistance to introduce the defense scientist and engineer to and acclimate him to a new society: that of commercial R&D.

SUPPORT FOR H.R. 5204

The conversion research and education legislation, as our mathematical friends would say, is a necessary but not a sufficient condition. More is needed. H.R. 5204 can help to fill much of that need.

The proposed National Economic Conversion Commission can provide a strong, continuing impetus to keep Federal agencies concerned moving in step towards the goal of effectively, intelligently managed transition from defense to commercial activities of firms and of individuals.

The mandatory economic planning is necessary for past experience after Korea and after the shift from manned bombers to missiles and space vehicles demonstrates that we cannot rely upon corporate management voluntarily to do so. And the financing of an economic conversion reserve from profits provides the monetary muscle to activate these plans.

SOME PERTINENT QUESTIONS

At a recent symposium on human resource allocation the subject of conversion, diversification, redeployment, was mulled over. Out of one panel's thinking came four guiding questions that I think would be of value to those who will organize and carry out the activities authorized under these two bills. Briefly, the questions asked:

1. What, in clear operations terms, are the definition of specific civil problems in areas such as criminal justice, pollution control and abatement, public transportation, safety, highway traffic and housing?

2. What retraining might be required for available manpower? For what phases of the work might retraining be required?

3. What kind of funding is required to attack the civil problems and where will it come from? (Answering this question will define the market for scientific and technical personnel.)

4. How is the work on civil problems to be managed? Is there a requirement for national centers of excellence—that would coordinate this work, disseminating information and preventing duplication of effort? (These centers could make use of organizations, facilities and personnel already available in the defense and aerospace industries.)

CONCLUSION

These two bills—H.R. 4122, the Conversion Research and Education Act, and H.R. 5204, the National Economic Conversion Act—can provide much of the necessary legislative framework to conserve and effectively utilize our scientific and engineering talent. They are necessary because in this highly competitive world we simply cannot afford to write off these men and women when national problems confront us that will make immense demands upon our scientific and technological capabilities. That is why we should get on with the job of protecting the Nation's investment in and need for this now unemployed brain power.

MAKING THE UNITED NATIONS WORK: A FITTING TASK FOR THE U.N.'S 25TH ANNIVERSARY YEAR

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. MATSUNAGA. Mr. Speaker, it is time for us to admit, despite our frequent platitudes, that the United Nations has been overtaken by a kind of multiple sclerosis. That it needs a major dosage of reform and new strength to fulfill its promise as a stabilizing force for world peace, there can be no doubt.

One of our own House subcommittees has already debunked the U.N. as "ill-equipped" for its future, "impotent" in the face of threats to peace, "cumbersome" in its structure, and "peculiarly inefficient" in its method of operation.

That is why, earlier this year, I joined my friend and colleague from Missouri (Mr HUNGATE), and a number of other Members of the House, in sponsoring a resolution calling for a review of the United Nations Charter. As we mark the 25th anniversary of the United Nations, we must turn to the task of improving that organization's effectiveness.

The Nixon administration's new overtures toward Communist China render our reassessment of the U.N. even more timely and especially relevant. Toward this endeavor, I strongly recommend to my colleagues the following penetrating analysis, offered by our former Ambassador to NATO, President Harlan Cleveland of the University of Hawaii, in a paper prepared for a United Nations conference at Stanford University earlier this year.

CAN WE REVIVE THE U.N.?

(By Harlan Cleveland)

We are, it seems, at another of those moments of history when, as Churchill wrote of the days before a Great War, "every man had only to do his duty to wreck the world." The Secretary General of the United Nations, in a short speech ending the General Assembly "debate" on the U.N.'s 25th Anniversary, harked back to an earlier Englishman, Edmund Burke, and a similar sentiment: "The only thing necessary for the triumph of evil is for good men to do nothing." And commenting on the worldwide environmental crisis, U Thant captured a mood of desperation which only served to dramatize how far mankind still is behind its declared aspirations:

"As we watch the sun go down evening after evening through the smog across the poisoned waters of our native earth, we must ask ourselves whether we really wish some future universal historian on another plane to say, 'With all their genius and their skill, they ran out of foresight and air and food and water and ideas'; or, 'They went on playing politics until their world collapsed around them'; or, 'When they looked up, it was already too late.' If the United Nations does nothing else, it can at least serve a vital purpose in sounding the alarm."

But the United Nations under new leadership will have to serve a more vital purpose than crying havoc. It is not man's last best hope, because if we cannot revive the U.N. we will have to do something else. But the other options all require us to start from scratch in building an international order to avoid the scourge of war, so we had better start from where we are.

Where we are is not on the brink of disaster; there is still some elbow room. The caution induced by possession of thermonuclear weapons has almost ruled out war among the major world powers; military stalemate of the NATO-Warsaw Pact variety is not the most attractive kind of peace, but it is proving a durable kind. "Little" wars are likely to continue, more in the developing world than among industrialized nations. And it is precisely in "little" war peacekeeping that we the members of the United Nations have some relevant experience. How are we going to build on that experience? Let me first suggest a good red-blooded American reason for doing so.

I

The trouble with the United Nations is that it became indispensable before it became possible. Our problem now is to make it a practical proposition. Because the U.N., or some facsimile thereof, is paradoxically the best chance to develop an *American* foreign policy that works.

The war in Vietnam has been our last, our longest, and our bitterest experience with what must now be counted the first principle of world politics—that unilateral action, even by the strongest powers, is increasingly likely to be inconclusive abroad and unpopular at home. Peacekeeping, peaceful settlement of disputes, aid-giving and the control of global technologies—the lesson of experience since the Second World War is that, with few exceptions each is better tackled through international organizations than unilaterally, better legitimated by international consensus than by domestic decision-making, better symbolized by an international flag than by the Stars and Stripes. And this is so despite the rigidities, inefficiencies, and hesitancies of international organizations in general and the United Nations variety in particular.

The lesson of this lesson is that it is heavily in the U.S. national interest to invent, nourish and lend our power to international organizations, buying specialized results by burying general rivalries, trading some of our discretion for legitimacy, attracting partners by swallowing our pride and prejudice.

The technological imperative to world-wide organizations gets more obvious as each new proud technical achievement turns out to be also an ecological threat. Perhaps it was natural that a nation like ours, which has the capacity to act on the world stage and to affect by its own decisions that world environment, should be slow to think transnationally—just as the smoker in a roomful of nonsmokers does not think of himself as a polluter while others do.

But everybody knows now that the air we breathe is an international resource. How much the content of carbon dioxide in the atmosphere is being increased by the burning of fossil fuels, or what foreign particles are being introduced into the air we share, cannot even be estimated, let alone controlled, by nations acting alone. Oil dumping and waste disposal in the oceans are choice current examples of issues that will be sorted out internationally or not at all. And the power to modify other people's weather, redirecting the winds and changing the pattern of precipitation at human command—that would certainly be an outrageous form of power for one or a few scientifically advanced countries to arrogate to themselves.

The internationalizing imperative is equally evident in development aid, the transfer of resources and technique from rich countries to poor countries. We have been through it all in the twenty-five years since the first relief and rehabilitation programs after World War II, and we know that national "foreign aid" does not—as most people used to think—provide more control, elicit more gratitude, or produce better results than aid administered through the World Bank and the U.N. Development Program. They are not very efficient, but neither are the unilateral aid programs. And in terms of domestic political support, unilateral "foreign aid" is consistently in hotter water than U.S. support for international organizations. If there is not a lot to choose between them for effectiveness, why take the political fallout abroad and the annual political trauma in Washington, that "American-flag" operations seem to entail? The Peterson Commission, without explicitly asking this question, has drawn the obvious conclusion in advocating as much multilateral aid as possible. (It is of course a "safe" recommendation, since the parallel reluctance of other contributors helps ensure reasonable limits on what we have to do.)

When it comes to peacekeeping the lesson of experience is even more striking. We were able to withdraw from the Congo because the "we" that were engaged was the United Nations. Deeply enmeshed though we are in the Middle East, the presence for a time of U.N. observers and until now of a U.N. mediator has enabled us to avoid taking a unilateral responsibility for keeping an uneasy truce and making an almost impossible peace. In the Cuba missile crisis, we managed to engage two international agencies, the Organization of American States to sponsor our blockade and bless our overflights, and the U.N. Secretary General to urge a Soviet pullback and propose international inspection in Cuba. (The published histories of this crisis have missed how multilateral was the diplomacy that legitimated the threat to use our military power to get rid of those missiles; for example, Castro's refusal to consider U Thant's inspection proposals provided the justification for continued aerial surveillance of Cuba by the United States acting for the OAS.)

Even in the Dominican Republic intervention, when President Johnson acted unilaterally, the peacekeeping operation was converted in time to OAS sponsorship, which certainly helped us get out in about a year instead of staying around to become involved in the local aftermath. And where United States forces have had to stay for protracted defense—in NATO Europe and in South Korea—international consultation and command have helped protect American involvement from ineffectiveness abroad and unpopularity at home.

The contrasting case is of course Vietnam. Our efforts in the 1960s to tackle that peacekeeping job unilaterally has to be counted a major strategic error. Taken together with the early American belief in conventional military force as a counter to unconventional attack, and the later illusion that escalation by imported armies and bombing by American planes could lead to a negotiated peace, the unilateralism of our approach guaranteed an inconclusive outcome. This has been the most unilateral, the most unsuccessful, and the most unpopular war in American history; there is clearly a correlation among these superlatives.

In his addresses to the U.N. General Assembly last Fall, Andrei Gromyko said of Vietnam that "by its aims and its nature the war is still an American war." The irony of our involvement is that most Americans, both those who have supported the war and those who have opposed it, would have to agree with Gromyko.

If operating unilaterally is the worst foot forward in international politics, and equally a dead-end street in U.S. domestic politics, it is quite natural that the Vietnam experience has produced a widespread yen to cut back on U.S. commitments and ambitions, indeed a turning away from foreign policy in favor of concentration on domestic issues—race, poverty, the cities and the environment. The danger in this sudden shift of priorities is that future peace-and-security crises will find us no longer willing to face unilateral involvement and not yet able to work through effective international peacekeeping machinery—because it doesn't yet exist.

During recent "peace games," in which possible future crises are played out by responsible officials or their surrogates, the players representing the United States Government have been much inclined, when the crunch comes, to rule out the use of U.S. military power on the ground that, after Vietnam, the American people could not be brought to support of another overseas adventure. They are probably right; the slogan "No More Vietnams" has very wide support today across the American political spectrum. If the option is unilateral adventure or none, the mood of America in the 1970s might well dictate a kind of isolationism. But if the options also include U.S. support to a multilateral operation, legitimated by some reputable international organization and shared in by a number of other countries Americans are likely to reject both lonely withdrawal and Lone Ranger activism, and join an international patrol instead. And one result of acting multilaterally is to require us to consult internationally before acting; in some cases this might have the effect of substituting a political settlement process for military intervention. Again, the Vietnam experience teaches us how important it is to keep that option open.

If in order to make sense of American foreign policy we need multilateral options so badly, can we revive the U.N.? That it needs a major injection of both strength and adrenalin, there can be no doubt.

I will not rehearse for this sophisticated audience the multiple sclerosis which has overtaken the United Nations in its less than three decades. The detachment from reality of much General Assembly debate, the frozen procedures of the Security Council, the underfinancing and overbureaucratization of the Specialized Agencies, the demoralization of the U.N. executive and the growing timidity of its aging leadership—these are the familiar complaints, no less justified for being familiar.

A House of Representatives subcommittee was surprisingly gentle in referring to the U.N. as "ill-equipped" for its future, "impotent" in the fact of threats to the peace, "cumbersome" in its structure and "peculiarly inefficient" in its method of operation—and even gentler in its summary finding that "the overall record of United States' participation in the United Nations has been less than satisfactory." Gromyko, in the U.N. speech already mentioned, was equally circumspect: ". . . we feel it can safely be concluded that the task of keeping and strengthening the peace has been growing increasingly more complicated, but the requirements for successfully coping with this task have been developing even more rapidly and to a greater extent."

The circumspection illustrated by these two quotations may itself be part of the problem. The almost universal stake in pro-U.N. rhetoric discourages frank analysis of the Organization's reparable deficiencies. Thus, for example, it is often said that there is no nourishment in reviewing the United Nations Charter to look for ways of changing it. "If we renegotiated the Charter, we would not come out with as good a document as we have already." You have heard it said many times; I used to say it myself when I had some responsibility for U.S. participation in the U.N. The judgment is probably true of the Preamble and the first two Articles; they still stand as eloquent statements of universal human aspirations. But is it equally true of the fifty pages of procedure that follow the Charter's five pages of philosophy? Is the mind of man incapable of inventing processes that move more quickly to consensus about action instead of disagreement about words?

The Charter is essentially an expression of Western democratic philosophy. In consequence the machinery it establishes reflects a devotion to two-sided parliamentary procedures which just may be out of place in dealing with the "increasingly more complicated" tasks of peacekeeping and peacemaking, which almost never have just two sides. Certainly the emphasis in U.N. bodies on choosing up sides, and on voting, has often reduced the Organization to absurdity, forcing nations to record rather than negotiate their differences, and producing outcomes which merely harden in their intransigence the holders of minority views.

The North Atlantic Council, by contrast, rarely takes a formal vote—because it is obvious that there is no point in outvoting the Scandinavians on how to defend Scandinavia or outvoting the Germans on how much money they will contribute, or outvoting the United States on how many troops it will retain in Europe, or outvoting the French on whether France will cooperate in NATO defense. These are real-world decisions, and everybody involved knows by instinct that if they cannot achieve a consensus by persuasion, dramatizing the disagreement by a vote doesn't help—and may even hinder a further effort to achieve consensus later on.

The U.N. way, at least in the General Assembly, is more often the opposite: the majority outvotes the nations whose policies are at issue (the colonial powers on colonial issues, the rich countries on money questions, the Communist countries on questions of Communist behavior). This fails to persuade the dissenters, and may even harden them in their dissent. The only thing it clearly accomplishes is to dramatize the impotence of the General Assembly to affect the real world by voting. In the Security Council, smaller numbers, more urgent issues and the veto threat combine to produce negotiations that better reflect the facts of power; when a vote is finally taken after long nights of bargaining, it sometimes reflects real *quid pro quo* accommodations among the member nations.

It would be foolish to suggest that the only trouble with the U.N. as peacekeeper and peacemaker is its formal machinery for making decisions by voting. At least one of its chief executives, Secretary General Dag Hammarskjold, found ways to get executive action launched that jollied or shamed national governments into following his lead. The record of U.N. agencies in promoting economic and social development provides some evidence that the awkwardnesses of parliamentary diplomacy need not inhibit major executive actions by international organizations, if there is a will to action on the part of the relevant national governments. Other less-than-global organizations, notably the North Atlantic Treaty Organization and the European Economic Community, have also demonstrated the capacity for large scale executive activity.

But what are the common factors in these comparative successes? Without reviewing here the evidence for my conclusion, I would say that the most effective international organizations are those which have (a) eschewed votes in their governing bodies, operating as much as possible by consensus procedure, and (b) placed the major responsibility for initiative in their international executives.

The promise of the United Nations was always, and still is, its capacity to act—as a mediatory force in the politics of nations, and as the source of law and the organizer of its enforcement. Yet the structure of the Organization requires such an overwhelming concentration on hearing the nation's differences aired (and therefore widened) in public, that the leadership is not available to plan and administer even the executive actions that all nations would acknowledge to be in the general interest. It is certainly dysfunctional for the Secretary General to sit on the General Assembly dias, listening to predictable sentiments in five languages, when he could be developing from his unique vantage point some executive initiative to deal with the multiple crises of our time.

III

Less irrelevant voting and more executive leadership—what would these two principles of growth imply for changes in the United Nations? Here is a checklist—each item is worth a full lecture by itself.

1. *Streamline the General Assembly.* It is arguable that the General Assembly is now too far gone to be useful for anything but blowing off steam. But the amount of diplomats' time it requires can certainly be reduced by permitting statements for the record (as in the U.S. Congress), exercising birth control on new membership by microstates, doing more of the work in expert groups, and encouraging the Secretary General to take more of the leadership in organizing the debate and posing the questions than can usefully be addressed by such a body. The notion of expert groups is especially constructive; apart from the General Assembly, no parliamentary body in the world does nearly all its committee work in Committees of the Whole.

2. *Make the Security Council work.* The key to international legitimacy for peacekeeping operations is the Security Council. The U.N.'s experience shows that it works best when the Secretary General is taking the initiative—as in the Congo, Cyprus, and pre-1967 Mideast operations. A special place should be made for powerful but nonnuclear powers—such as Argentina and Brazil from Latin America, Australia, India and Japan from the Asian region, Nigeria and Egypt from Africa, Poland, Sweden and Germany (when admitted) from Europe, and Canada and Mexico from North America. There are ten nonpermanent members on the Security Council now; five or six seats might well be reserved for those which—as the Charter contemplated—could make a greater contribution to the maintenance of international peace and security. The People's Republic of China will sooner or later take over the China seat on the Council; the puzzle will be to accomplish this shift without losing the Republic of China from the General Assembly.

3. *Encourage the Secretary General to engage in fact-finding* in peace-and-security disputes, without waiting to be told by some legislative body to do so. New observation technologies may make this a far more important power than heretofore: for example, we are just around the corner from reconnaissance satellites which can monitor a visible happening on earth (say, launching of a missile), and televise it in real time to whomever controls the satellite. But quite apart from modern technology, the U.N. executive's ability to send a competent fact-finder or mediator into a complicated situation is still one of his main powers—if it isn't used in too gingerly a manner.

Moreover, the United Nations provides a sponsor for peaceful settlement which combines the pressure of latent big-power intervention with the facilities for keeping it latent. If most "little" wars are likely to be fought or threatened in non-Western regions, we need local and regional machinery for settling disputes in which Westerners (Russians as well as Americans) do not have to be involved. The initiative of the U.N. executive, however, can be an "outside" factor that is politically acceptable to peoples which can't settle their own disputes yet don't want to turn their problems over to external Big Brothers to settle for them. The U.N. has hardly begun to realize its potential as sponsor of regional conciliation machinery.

4. *Establish a real standby force.* So far, the earmarking of national forces for U.N. employment has been good symbolism but has not provided the U.N. executive with any real discretion in emergencies. A modern force actually available, equipped and with at least a minimum airlift capability of its own, has become an indispensable part of the Secretary General's "third man" role in international disputes. A permanent international peacekeeping staff, with the capacity to plan, train for, and execute peacekeeping missions, should be located in the Secretary General's office; it might be supplemented with a special group of Undersecretaries who, whatever called, would be effectively in touch with the permanent members of the Security Council to maximize the Secretary General's freedom of action.

How big a standby force? Twenty or thirty thousand well-trained men, with the requisite airlift to get around in a hurry and the arrangements to call forward further national forces promised by member nations, would be large enough to ensure that the U.N.'s mediatory role is taken seriously—and not so much as to threaten the security of the nations whose military restraint is ultimately the key to peace in every region. To the cynical question, "How many divisions has the U.N. executive?" the answer should be "One for sure, and it can be there the day after tomorrow."

Much smaller peacekeeping responsibilities brought the U.N. to a condition of financial crisis during the 1969s. Can a major peacekeeping force be financed internationally? The answer, as always, is in the will of the nations to pay—or to contribute forces, equipment, and airlift in kind. The cost is certainly small by the grotesque standard of current military budgets; even a billion dollars for international peacekeeping would be a fraction of one per cent of world defense spending. New U.N. leadership and a new system for command and control, backed by an unprecedented American willingness to pay for a force which would be subject to some U.S. influence but not to U.S. control, might make a voluntary peacekeeping fund possible—especially since most of the expenses for troop pay, material and airlift could probably be contributed in kind and thus count as national security spending rather than as eleemosynary contributions. We can readily abandon the notion of paying for standby forces through every-member assessments; the General Assembly has already demonstrated that it is not willing to back its taxing authority with two-thirds of its votes.

5. *Develop a consortium of the concerned.* There is a growing body of opinion to support the nation that the United States should take the lead in developing a working community of those nations which would be willing to go farther than others in building up an international executive to keep the peace and mediate disputes of less than global magnitude. Such a consortium, constituted within the framework of the Charter's purposes but outside its established machinery, with its own arrangements for fact-finding, mediation, and quick mobilization of peacekeeping forces, might well be a useful pressure on the U.N. executives and the Security Council to act, for then the alternative to U.N. intervention would not be inaction but action by a smaller number of members in the Charter's name. The same group of nations might develop among themselves procedures for settlement and adjudication which would provide a quicker reference to the World Court or to conciliation processes of disputes among the members of the self-constituted inner circle.

6. *Sponsor a formal review of the Charter.* The Charter cannot be changed without U.S. consent. It is worth a year or two of intensive multilateral diplomacy to see if the procedures of parliamentary diplomacy cannot be streamlined and the U.N. executive given more discretion to act in, or to avert, emergencies.

7. *Fill the coming vacancies carefully.* The 26th General Assembly, on the recommendation of the Security Council, will elect a Secretary General. U Thant, who has proved himself a conciliator of quality and sometimes courage, is almost certainly not the kind of international executive required for the revival and extension of the U.N.'s peacekeeping and peacemaking role that is here projected. A shift is moreover required to symbolize a new era of U.N. revival; or to put it another way, the re-election of U Thant would betoken a continuation of the trend toward atrophy of the U.N.'s political and security role—and encourage groups of nations to take more of the peacekeeping law into their own hands.

The higher levels of the United Nations Secretariat are heavy with men in their sixties and seventies who in most organizations would be past the date of mandatory retirement. It is a distinguished array of talent: Paul Hoffman, former leader of the Marshall Plan and longtime Administrator of the U.N. Development Program and its predecessors; Undersecretary General Ralph Bunche, winner of the Nobel Peace Prize, who has worked for the U.N. ever since the late 1940s; Philippe deSeynes, the Frenchman who has presided over the U.N.'s work in economic and social affairs; Constantin Stavropoulos, long-time legal adviser and now Undersecretary General for General Assembly affairs. Together with C. V. Narasimhan, the Indian who is U Thant's closest assistant (and who, being younger than the others, can provide a welcome continuity in the 1970s), these men have provided the top leadership of an enterprise which is no longer sparkling with ideas or exuding a sense of destiny. The coincidence of top vacancies presents an enormous opportunity to engage first-rate younger people who have the personal force to bring to life the forgotten genius of the Charter—the U.N.'s capacity to act for peace—not just talk about it. Such men can also more easily face up to new issues, such as the deterioration of our world environment, which were not in the minds of the men who drafted the Charter a generation ago.

The filling of these half-dozen prospective vacancies, including the Secretary General's office, should be taken as one of the 1971's most important international negotiations.

If 1971 is going to be U.N. Personnel Year, we would also do well to have a new look at the concept of U.N. careers. A generation ago, the need to protect U.N. staff from undue national influence produced the notion of an international civil service. We can see now that lifetime employment in an international bureaucracy produces the same Parkinsonian tendencies, and the same cautious time-serving, that are so evident in national career services. For many categories of position, and especially in the policy-making roles, the member nations might well be better served by a reasonably frequent turnover of U.N. functionaries. At a minimum, future appointments to middle level and higher positions should be limited to term contracts lasting not more than five or six years.

8. *Give the U.N. major jobs to do.* Throughout the life of the Organization, nations (including ours) have justified unilateral action by saying the U.N. was too fragile for major peace-and-security tasks, and would collapse under the strain of a Berlin or a Vietnam. But institutions grow in strength and relevance because they must—and not until they must. And in Southeast Asia especially, an international solution, internationally monitored and enforced, seems the only alternative to an American commitment indefinitely prolonged.

As long as we are not nationally responsible for the outcome, there is a wide range of outcomes possible in Southeast Asia. Any of them will probably mean some sharing of authority and territory between Communists and non-Communists, and the many shades in between. Our interest lies in turning back to the Southeast Asians the bickering and politicking and governance for which we have unilaterally assumed too much responsibility these past few years. It is hard to imagine an outcome worked out under U.N. sponsorship that would be worse from the point of view of the American interest than a continued massive commitment in Vietnam, Laos and Cambodia.

Preceding a new "Geneva conference," it might well be possible to induce a number of countries, representing an acceptably wide spectrum of political orientation, to take on the peacekeeping task after a settlement is reached. The Russians would have to agree, of course; but they may have some interest in keeping the foot in the Southeast Asian door which we have made possible by our involvement there. The mainland Chinese would also have to agree; but a package large enough to include their full participation in the United Nations, including the China seat on the Security Council, might turn out to be negotiable if we wanted it badly enough. The Chinese and Russians both agreed to the Laos settlement of 1962; of course it wasn't a very good deal from our standpoint, but we have not won the war in Vietnam and we won't be able to have the peace all our own way either.

Given the projected American withdrawal and a willingness on our part to share the burden of masterminding Southeast Asia's future with the widest possible community of nations, the natural venue for the question "After Vietnam, What?" is the Security Council of the United Nations. The aftermath will go on for a decade or more; any settlement will be ragged. If the results of U.N. involvement are not then to our taste, we still have to ask ourselves—would we have done better taking on the post-war settlement as an American responsibility? Experience in the Congo, Cyprus and the Middle East is instructive: multilateralism is often messy, but still, better than direct confrontations of major powers.

In his 25th Anniversary speech to the General Assembly last October 23rd, President Nixon gave assurances that we want neither a Pax Americana nor an American Century. But the alternative he there described is equally undesirable—"a structure of stability and progress that will enable each nation to chart its own course and make its own way without outside interference, without intimidation, without domination by ourselves or by any other power." The world of independent sovereignties, from which words like these have been handed down from Administration to Administration, was never a good description of the probable, and is now a description of anarchy. What we need is a structure of stability and progress which rests on the close, organized cooperation of nations who know they are interdependent, and have learned to stop talking about independence. U Thant, criticizing the tendency of nations to use the United Nations "to promote their own national policies," was closer to the mark when he went on to advocate "a new kind of organization in which the nations of the world in cooperation could forge *and execute* (the italics are mine) solutions to world problems. . . ."

THE PHILADELPHIA NAVAL SHIPYARD

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. EILBERG. Mr. Speaker, ships have been constructed in Philadelphia since the 18th century. In testimony before the House Armed Services Committee in 1970, Rear Admiral Dolan—Naval Ship Systems Command—described the shipyard:

> The Philadelphia Navy Yard, the forerunner of the naval shipyard, was not authorized until 1799, as one of six navy yards and actual establishment was in 1801. The yard originally consisted of 11 acres located at the foot of Federal Street near the center of the city. This site was much too small for the yard's increased responsibility during the Civil War. Therefore, in 1862, Congress authorized acceptance of League Island from the city for $1 for naval purposes. Development of the new Navy Yard began immediately, but it was not until 1876 that transfer of all operations was completed. The island is now joined to the mainland. The naval shipyard is part of the port of Philadelphia, the second largest port in the United States and the largest freshwater port in the world. Although approximately 90 miles from the open sea, the shipyard is accessible to the largest combatant ships via a 40-foot deep channel with 187-foot bridge clearance, ample for all naval ships.[1]

The yard employs approximately 9,000 civilian personnel.

The number of civilian employees has dropped rapidly in the past few years. According to the Defense Department, yard employment has been:

June 1969	12,314
June 1970	10,777
June 1971 (est.)	8,700

The effect of this drop of over 3,500 employees on the local economy extends beyond those indivduals no longer employed. In Philadelphia, each million dollars of investment results in the employment of about 55 men in shipbuilding and RAC. This direct employment, moreover, results in the further employment of another 40 to 45 persons.[2] Thus, the loss of the Federal expenditures at the yard has far greater consequences than simply the loss of 3,500 jobs.

The Philadelphia Naval Shipyard has the mission to—provide logistic support to ships and ship systems in accordance with the assigned optimum capabilities—air warfare system, antiair warfare system, submarine—diesel—warfare system, and surface new construction.[3]

In order to perform these functions, the shipyard has a capital investment of over $200 million. Its replacement cost would be almost $600 million. When the New York Naval Shipyard was closed in November 1964, Philadelphia was given that yard's responsibilities.

Since that time the Philadelphia Shipyard has overhauled the *Saratoga*, one of our largest attack aircraft carriers, and has constructed three tank landing ships, an amphibious force flagship, and converted several destroyers to modern guided-missile type. It also reactivated the battleship *New Jersey* for the ship's abbreviated role in Vietnam. The shipyard is also the lead yard for conversion of guided-missile frigates.[4]

Different shipyards have different characteristics and capabilities. While to some degree these overlap, each yard differs sufficiently from the others to be considered almost unique. Philadelphia has certain capabilities which are not shared by other east coast shipyards.[5] For example, Philadelphia has a new gantry crane for moving steel plates to the fabrication shop. This allows for a more efficient use of plate and fewer man-hours expended. Before the introduction of the gantry, it was necessary to store the plate vertically.

Much of the machinery now being introduced is numerically operated. This means that it is controlled by computer. Through the use of more numerically controlled equipment, there are fewer bottlenecks, less waste, more efficient use of materials, and generally speaking, a better end-product. It is hoped that eventually more of the industrial plant at Philadelphia can be modernized.

SOME OF THE BASIC PROBLEMS

The problems that beset the Navy shipyards are to some extent the result of public policy. For example, the decision to build a large number of destroyers in one private shipyard means that a substantial amount of Federal money is going to be expended on one project with little left over for others.

NEW CONSTRUCTION

Since fiscal year 1968 no new construction of naval ships has been initiated in public shipyards. This is in contrast to the previous 20 years during which $450 million, or approximately 20 percent of the money for new construction, was expanded annually in the public yards.[6]

Understandably, the private shipyard operators were pleased that new construction was shifting to the private shipyards. Edwin M. Hood, president of the Shipbuilders Council of America, in testimoney before the House Defense Appropriations Subcommittee—June 10, 1971—stated:

> Nearly ten years ago, it was my privilage to appear before you in the context of a rather comprehensive set of hearings concerned with the subject of shipwork distribution between private and naval shipyards. As a conseqeunce of data developed at that time, the Subcommittee decided, in its wisdom, that inbred policies of the Navy inimical to the

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Footnotes at end of article.

> concept of private enterprise should be changed—and they were changed.
>
> You may remember that a 1962 industry-sponsored study by the accounting firm of Ernst and Ernst concluded that "shipwork accomplished in naval shipyards (was) estimated to be 20 percent to 28 percent more costly than at private yards."[7]

While it is not the purpose of this report to examine the capabilities of the private shipyards, it should be noted that they may soon be greatly expanding their construction of privately owned vessels. The discovery of oil deposits on the North Slope of Alaska—and the consequent removal of that oil—will require a large fleet of ships. Since Federal law requires that ships operating between American ports be constructed in the United States, there is a good chance that the private shipyards may desire to concentrate on tankers rather than naval construction. In such an event, it might be worthwhile to conduct some naval construction in the public yards.

REPAIR, ALTERATION AND CONVERSION (RAC)

Over the past few years, the division of work for RAC between the public and private yards has been:[8]

Fiscal year	Total amount	Private share (percent)	Public share (percent)
1965	$676,182,000	32.6	67.4
1966	1,047,413,000	35.4	64.6
1967	1,163,082,000	40.8	59.2
1968	1,272,402,000	37.4	62.6
1969	1,186,043,000	32.9	67.1
1970	1,144,989,000	31.7	68.3
1971	1,405,745,000	38.8	[1] 61.2
1972	[2] 1,437,130,000	31.5	[3] 68.5

[1] Current estimated division according to Navy Department.

[2] Budgeted amount.

[3] Projected division according to budget submitted to Congress.

Source: Leggett, Robert L., letter to L. Mendel Rivers, Apr. 6, 1970.

In some ways, the division of expenditures for RAC between the public and private yards has generated more disagreement than has the concentration of new construction in the private yards. In his testimony before the Seapower Subcommittee, Adm. Nathan Sonenshein, Commander, Naval Ship Systems Command, testified:

> While private shipyards have received all of our new ship construction work for the past few years, we have traditionally spread most of the combatant ship overhaul and repair work among the naval shipyards so that we can maintain their unique capabilities for fleet support.[9]

From time to time, legislation has been proposed to require some division between the public and private yards. Indeed, as late as 1965, a requirement that at least 35 percent of RAC be conducted in private shipyards was written into the Defense Appropriations Act.[10] The House Armed Services Committee opposed a mandatory division of expenditures, preferring to allow the Navy to allocate funds at its own discretion. As is evident from the table cited above, approximately 35 percent of RAC funding has been expended in private yards.[11]

Proposals to revive the principle of a mandatory 65–35 division have been made from time to time. Usually the proposal has not called for a division of all RAC spending but for just one segment, such as repair. For example, W. C. Brigham, president of the Western Shipbuilding Association, in a letter to Representative Leggett, wrote:

> We ask your help in these trying times to support the private yards in their effort to regain the 35–65 percent ratio of naval repair work that was established as a matter of law during the early sixties. In asking this support, however, we would also like to explain that there should also be some means of determining where the workload is going. For instance a single nuclear ship, or aircraft carrier, overhaul contract can use up a good portion of whatever percentage is allocated to private yards and it is to be noted that nuclear ships and aircraft carriers are not repaired, converted or overhauled in the private yards on the West Coast.[12]

Naval shipyard representatives are very much opposed to a statutory 65–35 division. Lewis Bogdanoff, vice president of the Joint Committee for Yard Development of the Philadelphia Naval Shipyard, in his statement before the House Defense Appropriations Subcommittee, stated:

> I appreciate the opportunity of appearing before you representing the Joint Committee for Yard Development of the Philadelphia Naval Shipyard. I must admit, however, that I'm extremely sorry to be here as I had thought, or at least devoutly hoped, that 65–35 was dead and buried forever.
>
> But bad pennies do insist on turning up again. The arguments against 65–35 six years ago are just as valid and need only to be touched on very briefly. They are mainly that most repair work is generated after the ship is brought into a shipyard, opened up and inspected. This means that once the ship is in a private yard and torn apart it cannot be moved so the government would be "over a barrel" and forced to pay whatever the private shipyard asked for the job. In addition, private yards do not have the trained men and sophisticated equipment on hand. They would probably have to put much work out to subcontractors which would vastly increase the time as well as the money required to do the job.[13]

By and large, however, the 65–35 split that Bogdanoff opposes has come into effect without legislation. Admiral Sonenshein stated:

> I think it is interesting to note that without any legislation, through the free play of the market, through the operational schedules and needs of the service, a pattern has evolved which I would think is a satisfactory one.[14]

In general, the Navy divides the RAC according to the capabilities of the shipyards available to do the work. Admiral Sonenshein agreed with Bogdanoff that the public yards had more sophisticated capabilities than the private ones. He noted that the—

> Bulk of our repair work, at least on complex combatants—which constitutes the greatest dollar value—will continue to be performed by naval shipyards. Moreover, most of the smaller private shipyards do not have the facilities or skills to complete successfully the larger, complex ship projects."[15]

Sonenshein also complemented Brigham's contention that one large contract can take up a large portion of the private share of the RAC market. Admiral Sonenshein stated that—

> Although Navy shipbuilding and conversion programs are expected to remain constant in dollar value, they will be so limited by their nature—nuclear, multiyear—that a small number of shipyards will work on them. The projected increase in MARAD [Maritime Administration] subsidized and private nonsubsidized shipbuilding tends to offset the change in the Navy programs.[16]

Furthermore, such programs as the DD–963 *Spruance* class destroyers, under construction by Ingalls—Litton—are so huge that probably only two or three companies could effectively bid on them.[17] The award of this contract to only one shipyard explains to some extent the plight of the Government and small private shipyards. Admiral Sonenshein highlighted some of the general problems:

> In the past we have followed the practice of ordering a few ships from a number of shipyards, accepting nonstandardized ships at more than the possible minimum cost, so that we could maintain private shipyards with their skilled workers as a mobilization base, while at the same time spreading the work—"economic diversity" as the economists says. However, we must now reexamine these two philosophies—mobilization base and economic diversity—for three reasons: dependency on long lead-time items, the speed of building new shipyards, and the increased cost of nonstandard ships.[18]

OTHER SIGNIFICANT PROBLEMS

There are other problems affecting the public yards that either result from or impinge upon current shipbuilding and RAC assignments. One of the major ones is manpower. Admiral Dolan stated:

> I want to dispel any thought that because of the time spent on physical facilities, we are trying to say that these are our foremost assets. This is far from the truth; our greatest asset is the highly skilled and experienced shipyard work force. These experienced and skilled people enable the naval shipyards to handle any emergency situation as well as routine matters. This in-depth experience of the work force is evidenced by the fact that most shipyard employees have between 15 and 20 years of service, thus creating a very stable work force.[19]

While the work force has been stable, the work supply has not been. This has led to some severe fluctuations in demand for manpower. Admiral Dolan described this particular facet:

> In concluding my remarks on naval shipyard utilization, there is one aspect of manpower management that is particularly pertinent. Today's complex ships with their larger work package create substantial peak manpower workloads during their overhauls. However, these loads neither occur during the same period of time nor are of the same magnitude for each of the trades.
>
> The result is that the demand on each specific trade fluctuates rather widely. The ideal solution is to assign sufficient work, properly scheduled, so that the various skilled craftsmen can move effectively from ship to ship. Since this is not always possible, forced leave, loans of manpower, working men in secondary skills and other devices, and, in some cases, selective reductions in force and necessary management actions to balance manpower against workload.[20]

To some degree this problem has been met—for the near future—in the Philadelphia shipyard. Philadelphia has been designated the lead yard for the conversion of guided missile frigate—DLG's. In a letter to Senator RICHARD SCHWEIKER, Secretary of the Navy Chafee said:

> The Philadelphia Naval Shipyard is rapidly gaining expertise in the DLG Anti-Air War-

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Footnotes at end of article.

fare Modernization Program. USS Farragut (DLG 6) and USS Preble (DLG 15) successfully completed modernization at Philadelphia this past year. The USS Dewey (DLG 14) and USS Luce (DLG 7) are presently in the shipyard undergoing their programmed modernization. Present plans call for the remaining five ships of the DLG 6 class to receive the same industrial work at the Philadelphia Naval Shipyard during the next few years. We currently intended to fund two DLGs in FY 1972, two in FY 1973, and one in FY 1974.[21]

In the long run, however, the DLG work represents only a stopgap. A long-term solution would be more advance planning of RAC and shipbuilding. The Seapower Subcommittee concluded that "each naval shipyard should have some lower priority new construction use as a buffer between crash emergency surges."[22] Unfortunately, this may run counter to the need to build uniform—standard—ships.[23] In other words, we are presented with a genuine dilemma: are the needs of national security better met by standardized—and less expensive—ships or by nonstandard ships which come from a number of shipyards—thus keeping the shipyards operating and modernized? It is not the purpose of this report to attempt to answer that question. However, some answer will probably have to be found before debate over the utilization of public and private shipyards can be resolved.

FOOTNOTES

[1] U.S. Congress. House. Committee on Armed Services. Seapower Subcommittee. Status of Shipyards. Volume I. P. 10433.

[2] Zumeta, Bertram W. How many jobs can one job make? Federal Reserve Bank of Philadelphia Business Review. October 6, 1969. P. 90.

[3] Status of Shipyards. P. 10442.

[4] Ibid.

[5] In the interests of national security, the Navy tries to duplicate shipbuilding and RAC capabilities on each coast. Thus, each coast is capable of supporting its respective fleet.

[6] Over the past century, public law has often requested a certain amount of new construction in the public shipyards, reflecting a concern to develop modern shipbuilding capabilities in the public yards. Sometimes, the lead ship of a class would be built at a public yard; sometimes alternate ships would be constructed in navy yards. Also, in the interest of national security, the Navy desired to insure the shipbuilding capabilities of the west coast and Gulf coast shipyards. Therefore, public law often required that some construction be performed in shipyards at those locations.

[7] Hood, Edwin M. Statement before the House Defense Appropriations Committee. June 10, 1971. According to the Shipbuilders Council, that same firm is conducting an updated study which should be available in late 1971 or early 1972.

[8] Status of shipyards. p. 9997.

[9] Public Law 88-446, Section 539. The Secretary of Defense was allowed to override this requirement if he believed it to be in the national interest.

[10] Before 1965, the private yards had averaged only 15 percent of RAC expenditures.

[12] Brigham, W. C. Letter to Representative Robert L. Leggett, November 27, 1970.

[13] Bogdanoff, Lewis. Statement before the House Defense Appropriations Subcommittee on June 22, 1971.

[14] Status of shipyards. P. 10001.

[15] Status of shipyards. P. 10000.

[16] Ibid. P. 10005.

[17] The Ingalls Shipyard won the contract to construct 30 ships on a mass production basis. The only other competitor was Bath Iron Works (Maine).

[18] Status of shipyards. P. 9993.

[19] Status of shipyards. P. 10585.

[20] Ibid. P. 10091.

[21] Chafee, John H. Letter to Richard S. Schweiker of February 24, 1971.

[22] U.S. Congress. House Armed Services Committee. Report. Status of shipyards. P. 2298.

[23] It may also run counter to a recent requirement announced by the Chief of Naval Operations. In the interest of improving personnel conditions, Navy ships are to undergo RAC in or near their homeports whenever possible. The homeports of the ships of the Atlantic Fleet are Newport, Norfolk, Charleston and Mayport. Philadelphia is not a homeport for active ships. If this requirement is strongly enforced, over the long run Philadelphia will work on fewer ships than at present.

BAN ON PLAYING OR SINGING OF "DIXIE"

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, September 8, 1971

Mr. BYRD of Virginia. Mr. President, it was with disbelief that I read recently that a Federal district court in Alabama had banned the playing or singing of "Dixie" at local school functions.

This decision, which obviously is grounded upon a total lack of historical awareness, is discussed in an editorial published in the Richmond News Leader of September 2, 1971.

I ask unanimous consent that the editorial, entitled "A Fixed Star Sets," be printed in the Extensions of Remarks. The editor of the editorial page is Ross Mackenzie.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A FIXED STAR SETS

In a decision that eventually may affect every school in the South, a U.S. District Court judge in Huntsville, Alabama, has banned the playing or singing of "Dixie." He also has banned display of the Confederate flag, and the use of any "symbols," "regalia," or "indicia" of the Confederacy at any school function in Huntsville or in any school under the authority of the Huntsville board of education.

The judge explained his ruling by saying that the Confederate flag represents a symbol of "white racism in general." It is "a symbol of resistance to school integration." It equals the Black Panther flag in extremism, and "none of these flags are constitutionally permissible in a unitary school system where both white and black students attend school together." The use of the flag or any C.S.A. symbol "is no way to eliminate racial discrimination 'root and branch.'" Their use also represents "the school board's or its employees' desire to maintain segregated schools," in a contradiction of Federal court decrees.

This singular line of reasoning perpetuates the myth that the War Between the States was fought over slavery, when in fact the right of secession and tariffs were the primary issues at stake. Yet despite these issues that provided the major causes for the war, popular belief still holds that slavery was the only cause, and therefore everything connected with the South and the war had to be racist. And so now a Federal court, in effect, outlaws the Confederate flag, all emblems and regalia of the C.S.A., and even the football team's nickname of "Rebels."

As Alabama Senator James Allen points out, ironies abound: "Dixie," of course, was written by Daniel Decatur Emmett, an Ohio Negro who used it in a minstrel show. At that time, it went by the title of the "Hurrah Song." It was one of President Lincoln's favorite tunes; on April 10, 1865, he ordered it played for him at the White House. The song, he said, was one of the lawful prizes the Union had won in the war. But now it is a racist song, to be banned, censored, and removed from musical memory.

And throughout the South, memories of the war have been made manifest in any number of ways. Many schools and other buildings carry the names of Southern generals and officials, and many school teams call themselves Rebels, Raiders, and other names derived from Southern fighting units of the war. Their bands often dress in Confederate uniforms. The history books used in Southern schools—and other schools throughout the nation—describe battles that the South won, as well as those it lost. Is all of this to be eliminated overnight, by judicial decree?

The issue of free speech and First Amendment rights seems overlooked in all of the rush to outlaw everything pertaining to the Confederacy. Not long ago, the U.S. Supreme Court ruled that the Florida legislature could not impose an oath of loyalty upon Florida teachers. "If there is any fixed star in our constitutional constellation," the high court ruled "it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion."

Nonetheless, a Federal District Court judge can decree that the Confederate flag is as obnoxious as the Black Panther flag, and summarily forbid its display. Demonstrators against the draft can desecrate the American flag and flaunt four-letter words on their clothing in the name of free speech, but a high school football team cannot call itself "Rebels." Antiwar protesters can scream obscene, anti-American slogans in their marches, but cheer-leaders at a pep rally cannot lead the audience in the singing of "Dixie." If the Huntsville decision stands, and its application becomes more widespread, it would appear that the fixed star cited by the Supreme Court in the Florida case finally has set.

SOLDIERS OF THE PRESS

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. EILBERG. Mr. Speaker, in recent months the freedom of the press and protection of that freedom has been the concern of many of us here in Congress. Because of my particular concern, I was especially interested in an article written by Albert Blank of the Philadelphia Bulletin, one of my constituents. The article, which appeared in the June edition of the Pennsylvania Newspaper Publishers Press, describes the historical foundation of our concern for the maintenance of this basic freedom and offers strong encouragement.

On several occasions, I have had the pleasure of including Mr. Blank's articles in the RECORD because of their appeal to our common interests. It is for this reason that I commend this article to my fellow Congressmen and the Nation today. With the unanimous consent of my colleagues, I enter Mr. Blank's article in the RECORD:

[From the PNPA Press, June 1971]

SOLDIERS OF THE PRESS FIGHT FOR PEOPLE'S RIGHT TO KNOW

(By Al Blank)

This is dedicated to the soldiers of the American Press who have gone to war not merely for freedom of the press, but for the people's basic freedom in their right to know.

". . . The cause of the decline and fall of the Roman Empire lay in the fact that there were no newspapers in that day. Because there were no newspapers, there was no way by which dwellers in the far-flung nation and the empire could find out what was going on in the center" . . . H. G. Wells.

Although James Franklin, younger brother of Benjamin Franklin, was put in jail for defying government regulation of the press in 1721 with his publication, the New England Courant, we of the press are inclined to make the glorious August 4, 1735, as its particular Independence Day.

That is the day Philadelphia lawyer Andrew Hamilton defended and won a triumphant acquittal for John Peter Zenger, editor of the New York Weekly Journal, on charges of seditious libel against the government of New York.

Andrew Hamilton asserted the truth of Zenger's publication and demanded the right for him to submit proof to the jury. The State denied the right and Hamilton then made his historic plea to the jury, denying the right of the Government by decree to determine the fact of sedition or to maintain a censorship over the press, and Zenger was acquitted.

This marked an epoch for freedom of speech, and freedom of printed utterance.

The cause was essentially freedom of the press, the declaration of a principal that was full complement to the freedom of speech. It was a challenge to the power of the Government to control the voice of the newspaper press as the voice of the people.

It is ironic that Andrew Hamilton died in Philadelphia August 4, 1741, coinciding with the date of the Zenger trial.

The signers of the Declaration of Independence and the framers of our Constitution realized the importance, nay the necessity of a free press for the very reason that we today do not.

They lived under a government-controlled press.

They were not interested in a free press for the newspaper's sake. They were interested in a free press to protect their own individual liberties. No good cause shall lack a champion and evil shall not thrive unopposed because the weapon of every free and honest journalist is the indestructable Truth.

Let us remember freedom of religion, freedom of speech, and freedom of the press are synonymous, that we can't have one without the other.

SOVIET LEAD IN LONG-RANGE MISSILES

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, September 8, 1971

Mr. THURMOND. Mr. President, it is my hope that all Members of Congress will take note of the annual report issued September 3, 1971, in London by the International Institute of Strategic Studies.

The institute has reported that the Soviet Union is now far ahead of the United States in intercontinental ballistic missiles and is rapidly drawing equal to us in Polaris-type submarines.

Mr. President, this report from an unbiased group should serve to enlighten the Senate, which at times appears determined to reduce our military strength to a risky level.

Mr. President, I ask unanimous consent that an article discussing the institute's annual report, and published in the Washington Daily News of September 3, be published in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Daily News, Sept. 3, 1971]

RUSSIA HAS HUGE LEAD IN ROCKETS

LONDON.—Russia is now far ahead of the United States in intercontinental rockets and is closing the gap in Polaris-type submarine missiles, the International Institute for Strategic Studies here said in its annual report today.

The institute said the Soviets now have 1,510 land-based intercontinental ballistic missiles against the United States' 1,054."

The Russians now have operational 280 of their latest giant 25-megaton SS9 rockets which may have a triple warhead system.

Soviet submarine-launched ballistic missiles have trebled in the past two years to 440. The speeded Soviet nuclear submarine program of seven to eight a year "could wipe out the present American lead of 216 SLBMs by 1974" the report said.

QUALITY PROGRESS

Only two years ago the Americans had a four to one lead.

The United States missile force has remained numerically unchanged over the past five years. But the institute said U.S. qualitative progress in multiple and independently targeted warheads will double the targets Minutemen rockets can hit and triple the warheads—from 1,500 to over 4,500—deliverable by American Polaris and Poseidon missiles.

Experts fear the greatest danger presently comes from the SS9, which could threaten the U.S. Minutemen sites. American efforts to get the Russians to agree to a freeze in the current strategic arms limitation talks (SALT) in Helsinki have met with no response.

The institute said: "Soviet nuclear forces appear to be designed primarily to deter an American strategic attack on the Soviet Union."

The report also said Russia now has more men under arms than the United States—3,370,000 against America's 2,700,000.

WARSAW PACT

In Europe "the marked numerical disparity between NATO and the Warsaw Pact remains," with NATO having little more than a third of the operational Red tanks—16,000 against 5,500.

The West also has 2,500 fewer tactical aircraft.

Since 1962 American land, sea and air forces in Europe have fallen from 434,000 to the present 300,000.

The 26 Soviet divisions in Eastern Europe before the Czech invasion have now increased to 31.

Communist China now has 2 operational missiles with a range of up to 1,000 miles, apparently deployed mainly against Russia and Japan, the report said. China also has enough fissionable material for some 120 nuclear weapons.

VOICES FOR DEMOCRACY

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. FINDLEY. Mr. Speaker, a few days ago I received an eloquent letter from a former official of the Greek Government and professor in the University of Athens who has been one of the most eloquent voices of criticism against the regime now in control in Greece.

I had a long discussion with this man, John Pesmazoglu, in August 1969. The favorable reaction he has to the action of the House of Representatives on the question of military assistance to Greece convinces me that the text of his letter, together with the declaration signed by him and many of his colleagues, warrant publication in the RECORD at this point, as follows:

ATHENS,
August 9, 1971.

Hon. PAUL FINDLEY,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FINDLEY: You probably remember a long evening we spent with common friends in the yacht club outside Athens in August 1969. We were trying to answer your questions and brief you on Greek-American relations and on their impact on the traditional ties of friendship and cooperation between the Greek and American people.

I am now writing to express our deep appreciation of your stand and initiatives during the recent discussions and deliberations on Greece in the House of Representatives. The formal insistence on the reestablishment of democracy in Greece does not constitute an interference in our domestic affairs; on the contrary, it implies the elimination of any such interference since it stresses the obvious principle that authority is legitimately exercised only by a government freely elected and controlled by the people. As opposed to other countries with an absolutist tradition Greece has had a long standing democratic tradition. This has been stressed in the enclosed declaration which we, about 130 Greek citizens, have made on March 23, 1971 on the occasion of the 150th anniversary of the Greek war of independence. The Greek people fought and suffered extensive sacrifices in the struggle against totalitarianism during the second world war and joined NATO in 1952 as a democracy to protect its institutions of freedom. The so-called strategic considerations, on which cooperation with and support of the present regime is founded, quite apart from the fallacies on which they rest, imply that the liberties and the dignity of the Greek people should be sacrificed to the alleged interests of other nations. This is repulsive to the Greek people, as indeed to all honest men. No truly realistic policy can ignore this fact.

I take this opportunity to stress that the view expressed in the past by American officials, to the effect that progress is being made towards constitutional order is false and misleading. There are about 500 Greek citizens in jail, in detention or exile. Most of them are labeled "criminals" (and thereby not considered as "political prisoners") because they were convicted by special military courts for acts of protest for the abolition of liberties in our country. Many of those imprisoned are Greeks with outstanding war record, academic performance or professional standing. Several Greek officers who fought with allied armies and distinguished themselves during the second world war or in Korea have been for years, and some of them still are, either in prison or in exile, or have been deprived of their citizenship because of their opposition to the regime.

I can assure you that the principal forces in Greece are in fact and despite repression and continued intimidation, united more than ever in their determination to oppose the present regime or any other illiberal situation which might emerge out of it. These forces are also determined to work together for the restoration and constructive application of constitutional democracy in Greece.

This message addressed to you and through you to your fellow congressmen, who contribute with their vote to the restoration of freedom in Greece, reflects the feelings of the overwhelming majority of the Greek people. I am authorised to convey it by a large group of friends and associates, many of whom are in prison. You can make use freely and publicly, of the content of this letter and quote me, at your discretion.

Yours sincerely,
JOHN PESMAZOGLU,
Former Deputy Governor of the Bank of Greece, Former Professor in the University of Athens.

DECLARATION

On this 150th anniversary of the Revolution of 1821, we are impelled to recall its true nature and its ideological content: that it was an uprising of the people against tyranny; that its simultaneous and indivisible aims were national independence and sovereignty of the people; that it renewed the age-old democratic tradition of the Greeks.

It is a fundamental precept of 1821, expressed in the constitutional texts of the War of Independence, that a nation is truly free only when all its citizens are free.

During these 150 years, the Nation's most glorious exploits were nearly always achieved under unrestrictedly democratic institutions, and they were always linked with the attachment of the Greeks to the democratic ideal. It was under parliamentary government that the greater part of our unredeemed territories were freed. It was under parliamentary government that all major reforms were carried out, such as the agrarian and the educational reforms, and that the country made progress in all directions. It was the functioning of democracy that revealed the outstanding personalities who have passed naturally for all time into our history.

Today it is our duty to formulate those basic principles which will ensure that Hellenism's national features will be preserved, which will lead it to truly fruitful ventures and which will serve the permanent interests of the People. These principles have their roots in the ideals of the Revolution and are as follows:

1. *The sovereignty of the People* resting upon the equal and responsible participation of all citizens in public life. This applies as much to local as to central administration, for local self-government is basic to democracy.

In democracy no group may claim a monopoly of patriotism, nor allege identity with the Nation, nor act as the authentic interpreter of the national will. The Nation has no will distinct from that of the People, expressed according to the rule of the majority and through freely elected representatives.

2. *Safeguarding human rights* as defined in the European Convention of 1950. Observance of these rights ensures freedom and equality under law, releases the citizen from fear and threats, favours the growth of the creative forces of the People in peaceful times and its fighting spirit in times of danger.

The suspension of the People's sovereignty and of human rights arrests the fruitful flow of national life, opens the way to other constitutional deviations, deprives the country of normal renewal of its political forces, and leads it to spiritual and political withering.

The suspension of democratic institutions in our country today means, moreover, that a considerable number of Greeks—among them many distinguished for their services to their country and to its allies—find themselves in prison or in deportation either for their beliefs alone or for acts inspired by their devotion to freedom. It is a national imperative that that state of affairs should be terminated without delay.

3. *An educational system truly universal, alive and up to date,* with one of its fundamental aims the formation of free and responsible citizens imbued with mutual respect and accustomed to confronting problems with an open mind and to settle differences through persuasion.

A democratic society has the further duty to keep up a sustained effort for the educational development of all Greeks irrespective of age, sex or profession. The best means of making them familiar with more general problems and broadening their outlook are free public discussion and a use of mass media designed to raise the cultural standards of all citizens and to protect them from one-sided influences.

4. *Genuine linking of Greece to Europe,* and the development in our People of a deeper and lasting European consciousness.

Greece's incorporation into Europe is first and foremost a matter of freedom and institutions. The community of Europe rests upon a certain spiritual heritage, a democratic ethic and human values.

In conformity with these principles, we declare:

That the Greek People belongs to the family of the democracies, as it has proved through its struggles for their common ideals;

That freedom is indivisible, and that it is inadmissible that the liberties and the dignity of the Greeks should be sacrificed to the alleged defence requirements of other free countries;

That only with the restoration of its liberty will our country revert to its historical tradition and recover the place that belongs to it in the community of nations.

March 22, 1971.

SIGNATORIES

(According to the Greek alphabetical order)

A. Athanassopoulos, lawyer.

E. Alexiou, writer (Mrs).

N. Anagnostakis, critic (Mrs).

M. Anagnostakis, poet.

K. Antypas, painter (Mrs).

H. Apostolakis, pianist (Mrs).

G. Apostolidis, lawyer.

A. Arghyriou, critic.

B. Vakalopoulos, architect, former assistant, High Polytechnical (Mrs).

Th. Valtinos, writer.

G. Vilaras, lawyer.

P. Voulgaris, film producer.

N. Vouros, lawyer.

P. Gavalas, journalist.

N. Gazis, lawyer, former Dep. Governor, National Bank of Greece.

A. Gallopoulos, philologist (Mrs).

G. Gheralis, poet.

E. Gheroulanos, archeologist (Mrs).

H. Ghiotopoulos-Sissilianos, historian, formerly of the High Pedagogic Institute (Mrs).

C. Golfinopoulos, lawyer.

Eur. Dimitracopoulos, librarian (Mrs).

P. Dimopoulos, Major-General ret. honorary Army Inspector.

P. Efstratiadis, pianist (Mrs).

Gr. Efstratiadis, engineer.

D. Zannas, lawyer.

Em. Zahareas, Professor, Michigan University.

C. Zahos, former Professor, High Polytechnical.

G. Zongolopoulos, sculptor.

Thodoros, sculptor.

D. Iatropoulos, poet.

G. Gavounidis, form. Director General, Ministry to the Prime Minister.

C. Cazoleas, lawyer.

A. Callianessis, publisher (Mrs).

E. Calligas (Mrs).

A. Calligas, employee.

P. Calliotsos, writer.

A. Calyterakis, lawyer.

I. Cambanellis, playwright.

S. Canas, journalist (Mrs).

P. Canellakis, lawyer.

Chr. Capralos, sculptor.

J. Caravidas, Rear-Admiral ret., former Minister.

Chr. Carras, painter.

L. Casdaglis, writer (Mrs).

N. Casdaglis, writer.

N. Castrinakis, engineer (Mrs).

St. Castrinakis, lawyer.

V. Catrakis, painter (Mrs).

G. Catrakis, University lecturer.

P. Gatselis, theatre director.

L. Gatsiaris, former Judge of the Court of Appeal.

C. Catsoulas.

V. Kilakos, former Judge of the Court of First Instance.

S. Knithakis, engineer.

M. Kokkinidis, painter.

Th. Colyvas, journalist (Mrs).

F. Condylis, writer.

A. Contopoulos, painter.

M. Contostavlou (Miss).

M. Cotzamanis, journalist (Mrs).

A. Cotzias, writer.

L. Cotsiris, actor.

M. Coumandareas, writer.

G. Coumandos, lawyer, University lecturer.

Ch. Courouklis, businessman.

T. Coutsouflakis, (Miss).

T. Coufopoulos, writer.

C. Crocodilos, educator (Mrs.).

E. Kyriakos, journalist (Mrs.).

N. Constantineas, lawyer.

N. Constantinidis, sculptor (Mrs.).

G. Constas, former President of the Court of First Instance.

O. Lazaridis, journalist.

H. Lambros, critic (Mrs.).

Chr. Leontis, composer.

D. Lefkoritis, poet.

T. Loumiotis, lawyer.

N. Louros, hon. Professor of Athens University, Member of the Academy.

E. Lykiardopoulos (Mrs.).

G. Mangakis, lawyer.

J. Mazarakis-Ainian, former Nomarch.

K. Macris (Mrs.).

N. Mamangakis, composer.

A. Mandikian, singer (Miss.).

G. Migadis, painter.

T. A. Michailidis, film director.

N. Morfis, employee.

K. Moustakas, psychologist-educator (Mrs.).

L. Myrivilis, businessman.

J. Negrepontis, poet.

G. Xenakis, former Prosecutor.

A. G. Xydis, art critic and historian, former Ambassador.

Chr. Ikonomou, journalist.

N. Paleologos, business consultant.

M. Papadopoulos, former Ambassador.

An. Peponis, former Director General of Greek Broadcasting.

J. Pesmazoglu, former University Professor, former Deputy Governor, Bank of Greece.

A. Procos, former President of the Court of First Instance.

V. Rafailidis, film director-critic.

R. Roufos, writer, former Counsellor of Embassy.

A. Roussopoulos, lawyer (Mrs.).

N. Roc-Melas, businessman.

A. Samarakis, writer.

A. Sgourdeos, former Ambassador.

G. Seferis, poet.

J. Sifalakis, University lecturer.

Takis Sinopoulos, poet.
G. Sissilianos, composer.
C. Scalioras, journalist.
A. Scliros, lawyer.
El. Stefanakis, lawyer.
Em. Stefanakis, lawyer.
A. Stefanou (Miss).
A. Synodinou, actress (Mrs.).
A. Tassos, painter-engraver.
C. Tahtsis, writer.
S. Tzannetis, Major-General ret. honorary Army Inspector.
C. Triantafyllidis, journalist.
A. Tripas, former Prosecutor.
S. Tsirkas, writer.
K. Cicellis, writer (Mrs.).
V. Tsouderos, publicist (Mrs.).
H. Tsouhlos-Freris, film producer (Mrs.).
Al. Floros, former Judge of Supreme Court.
Ant. Floros, former Prosecutor.
Th. D. Frangopoulos, writer.
E. Freris, painter.
N. Hatzimichalis, architect.
A. Hatzistefanou, employee.
Chr. Hatzis, lawyer.
A. Hatzidakis, engineer (Mrs.).
G. Himonas, writer.
J. Houliaras, lawyer.

ALTERNATIVES TO WARS OF ATTRITION

HON. HUBERT H. HUMPHREY

OF MINNESOTA

IN THE SENATE OF THE UNITED STATES

Wednesday, September 8, 1971

Mr. HUMPHREY. Mr. President, Mr. Irving Brown, Executive Director of the African American Labor Center, recently delivered a paper on "Alternatives to Wars of Attrition" in which he dealt with the role of democratic forces in a political solution to international tensions. That paper was delivered to the National Strategy Information Center Conference, and I have just had it brought to my attention.

Members of this body know Mr. Brown as a distinguished representative of organized labor who has had an extensive and intensive experience in representing American labor in its dealings with the organized labor movement in all parts of the world. His insights can be of immense assistance to us as we pursue the goal of America's self-interest in preserving and extending peace and freedom in the world. The ideas expressed by him are challenging. Those who have the conviction that the idea of America remains the revolutionary one as a force in the world today and as a force for freedom would do well to examine Mr. Brown's comments.

I ask unanimous consent to have the paper printed in the Extension of Remarks.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

ALTERNATIVES TO WARS OF ATTRITION: THE ROLE OF DEMOCRATIC FORCES IN A POLITICAL SOLUTION

SUMMARY

There could have been alternatives to Vietnam in the past. There should be alternatives in the present and future. Whether this happens or not depends upon whether we have learned the lessons of the past.

What was the alternative to a major war in Vietnam itself? Prior to the involvement of great masses of American troops and officers in a war to maintain the rights of people to their own kind of self-determination, the Western World could have supported the nationalist movement in those early days and helped them to attain their independence in a peaceful and democratic manner. This meant a political solution at a very early stage—at a stage when the communists were not in complete control of the nationalist forces.

The West's failure to continue the war for freedom against the Nazis into the post war political (and colonial) arenas provided an opportunity for the communists to identify with the nationalists, against colonialism, and support the all-out demands of extreme nationalists.

The Allied victory in World War II was won against an aggressor who was attempting not merely to conquer in a military sense but also impose an ideology on Europe and the world; it was an ideological struggle involving the promise of fundamental change. Political forces including labor unions in the enemy and occupied areas were employed to facilitate military plans and the resistance. After the enemy occupation, these same movements were used by the Communists, speaking in the name of anti-fascist unity. The Communists attempt to take power in France and Italy, by sabotaging the Marshall Plan and NATO were met by democratic anti-communist labor unions, who, with the help of American Labor, confronted the CP strong arm methods, defeated the paralyzing general strikes and unloaded the ships. It was the support for and the strength of these indigenous democratic forces, backed up by their governments, which proved decisive in preventing a civil war, or a 1948 Czech-style coup, or possibly military intervention. Unfortunately, the colonial powers and the U.S. did not pursue the political solution by supporting democratic indigenous forces in the rest of the world, particularly Asia and Africa. Thus, the Communists took over these movements, forcing us into a dependence on the military in Vietnam, to stop an aggressive communist threat in Vietnam.

Today, if support could be given to genuine nationalist movements, and to internal democratic forces, especially labor and youth groups, in areas such as Southern Africa, we might avert continuing "wars of liberation." If not, we are doomed to repeat the Vietnam experience. The Communists will continue to exploit the issues and organize deeply in the political and social life of these countries through their "non-governmental" operations, winning control over legitimate indigenous forces.

Today, in Vietnam, as the U.S. prepares to leave militarily, the political issue of the immediate post World War II period returns to haunt us. South Vietnam will have to rely on internal democratic forces in the cities and the countryside (such as farmer-labor groups) and their strength (and our support for them) will determine the outcome against amply supported external Communist forces.

The West can cope with this propaganda onslaught and can itself exploit the issues, based on a sympathetic attitude toward nationalism and self-determination (which is not necessarily Anti-west) and support for groups dedicated to the ideals shared by the Americans and French in their own revolutions.

There could have been alternatives to Vietnam in the past. There should be alternatives in the present and for the future. Whether this happens or not depends upon whether we have learned the lessons on the past. If not, as Santayana has said, we are doomed to repeat the past.

What was the alternative to a major war in Vietnam itself? Prior to the involvement of great masses of American troops and officers in a war to maintain the rights of people to their own kind of self-determination, the Western World could have supported the nationalist movement in those early days and helped them to attain their independence in a peaceful and democratic manner. This meant a political solution at a very early stage—at a stage when the communists were not in complete control of the nationalist forces. In fact the early post-World War II years, prior to 1953, was a period in which many nationalists were breaking with the communists.

These were the years when men like Tran Quoc Buu, the present leader of the South Vietnamese labor movement, were refusing to go along with Ho Chi Minh and his cohorts while remaining nationalists dedicated to the struggle for independence. What appeared to be America's identification with French colonialism prevented a more active American policy of seeking out and encouraging the democratic mass movements within the country, who were not yet committed to the communists.

It was quite clear in the immediate post-war years that international considerations would relate not only to reconstruction and rehabilitation in the war devastated areas but to the colonial areas where the rise of nationalism, the drive for self-determination would overshadow all other considerations. In these developing areas of the world the freedom slogans of the war became the slogans of the national liberation movements.

These indigenous movements were not merely instruments of communist propaganda or the creations of external powers. Many of these movements in their inception looked to the West and especially to the USA for support and, in their early beginnings, the demands were moderate and perfectly consistent with a democratic way of life. The international communist movement sought to win over these movements. But it was not always true that the communists and the nationalists were in agreement. In fact, the early post-war years were replete with conflict between the nationalists and the communists not only in Vietnam but in many other areas like Algeria. The communists in Algeria, in close collaboration with the French communists, opposed the final objectives of the nationalist movement and voted along with the French communists in the National Assembly to support proposals that meant the continuation of French control over Algeria as a department of France. French governmental policy forced the Algerian nationalists to work with and through the French communist trade union movement (the CGT), since the Algerians were not allowed to have their own trade union movement, separate and distinct from Metropolitan France.

The early relationships of American labor with these nationalist, non-communist groups became a source of irritation for both the French government officials and the Communists who desired the retention of Algeria as a department of France. The communists were unable in the early years of the Algerian nationalist trade union movement to secure any important or significant relationships with this nationalist movement. American labor and the free international labor movement had created strong ties, which embraced support for the national liberation movement and a rejection of all forms of colonialism—old and new. It was in these early critical years that the Free Labor Forces worked with these very indigenous forces of the new countries which in the long run could determine the forms of government and foreign policies of these nations. The fact is that most of the nationalist trade union movements (Algeria, Morocco, Tunisia, Vietnam, most of Africa, Asia and Latin America) did not join or remain with the Soviet controlled world labor movement but did affiliate with the free labor forces of the world.

This inability to understand that the national liberation movements were not necessarily directed against the free world was a fatal flaw in those years when it might have been possible to prevent major wars of attrition or, at least, have mass support against any communist uprising or aggression. In those early post-war years, what Wilkie termed the "reservoir of good will" for the USA and the West was a reality. Most of the nationalist leaders saw their ideals and movements as a continuation of the original ideas and ideals of the Western nationalist and revolutionary movement of the 18th and 19th centuries. Many who had been communists in the thirties had become disillusioned and broke with the communist parties of Europe. Their eyes were turned to the West, not to the East—it was Washington, London and Paris not Moscow or Leningrad. It was the failure to continue our war for freedom against the Nazis in the post-war political arenas that began the process and provided an opportunity for the communists to identify with the national liberation movement and support the all-out demands of the extreme nationalists. It was the failure in the West to realize that if war is a continuation of politics by other means, then politics can become the continuation of war by other means. And this is what began to happen in the Third World.

This last war (1939–1945) which in a sense was born in the maelstrom of the depression years and was finally touched off by the Nazi-Soviet pact reveals more than any other war in history the close connection between politics and war, between ideology and power. It was a war which Roosevelt said was one of survival for us but which for the Nazis and the Soviets—each in their own way—was one to transform the world into their "New Order."

The ideological, political factor influenced most of the post-war political and trade union leaders. Former resistance leaders, C. P. cadres, socialists and Christians, the anti-colonial leaders—they all had a concept of what the future world should be and they hoped and believed that the victory over the Nazis would usher in a new deal for them. Although much was achieved through the Marshall Plan, NATO and Truman Doctrine, to reconstruct, to rebuild and protect Western Europe against possible aggression, there was a failure to cope with these ideological and organizational challenges of the post-war world.

This aspect of the post war world can be understood if we realize that allied victory was won against an aggressor who was attempting not merely to conquer in a military sense but also to impose an ideology on Europe and the world. The Nazis were not concerned merely with attaining a military victory to rectify borders, national injustices or to satisfy extreme expansionist and nationalistic aims but to reorganize Europe and eventually the world on the basis of their National Socialist ideology. World War II is therefore to be viewed in the light of an ideological struggle involving the promise of fundamental changes.

This objective carried over into the post-war years. Even though the Nazis were defeated by an Alliance, one of the Allies—the USSR—has been playing this kind of a role in the whole postwar period right up to the present. Even in the very period of the Alliance against the Nazis, the Soviets were planning in terms of their own political, ideological and geographical objectives in both the industrial and developing world.

Already political and ideological factors had influenced relationships between the military and political forces. World War II was a perfect example of how political forces, organizations in the enemy and occupied countries, were employed to facilitate military plans. In this respect the labor movements in Europe—especially in transport—were a source of very important information about the movements of trains and ships by the Germans. The organization of a labor department in OSS was extremely valuable in this respect and the International Transport Workers Federation became one of the important instruments for the organization of various forms of resistance to the Nazis in France, Germany and Austria.

These same labor movements became the essential targets for the communists as soon as the war was coming to an end in Europe—especially in the West. While the Soviets consolidated their position in Eastern Europe and used the trade unions there to nail down their power and eliminate all forms of opposition, the Communists in the West drove to take power, especially in France and Italy, by taking over whatever remained as symbols of the trade unions, after years of Nazi occupation, and continued to speak in the name of antifascist unity despite the fact that the war with the Nazis was practically over.

What was beginning was the political war of the Communists to try to take power in Western Europe or, at least, deny power to the democratic forces who were now dedicated to the rebuilding of their destroyed economies. The lack of political policy on the part of the Western armies permitted the C.P. to come back into control of the trade unions under the myth of Allied Unity, the slogans of anti-fascism and with the material assistance of our Armies in France and Italy. Military commanders were without any political understanding and guidance on how to deal with labor unions, youth organizations, political officials, etc. in order to distinguish between those who were truly nationalists and the communists who masqueraded as nationalists.

A new resistance began as the former ally, the USSR, unleashed its communist forces in Western Europe in an attempt to sabotage first the Marshall Plan and then the NATO. It was at this critical juncture, 1947–1948, that the democratic trade union forces split away from the united trade union organizations—CGT in France and CGIL in Italy. It was this decisive move that may have prevented these countries from going the way of Czechoslovakia in 1948, or at least, prevented what may have become a military or para-military operation right in the heart of Europe.

When the communist forces launched general strikes in France and Italy, they were stopped. The organization of a separate trade union force dedicated to the rights of workers but unalterably opposed to the communists was a decisive factor in preventing France and Italy from being plunged into what could have been a serious civil war and the possible eventual intervention of outside military forces.

These same labor organizations after the defeat of the general strikes, played a leading role unloading the ships coming from the States during the period of the Marshall Plan and NATO. In 1949 the French communists had declared openly in an official communique that they would launch an "international campaign to prevent the loading and unloading of arms and equipment in the ports of all the countries of Western Europe."

The unloading of arms in the French and Italian ports was accomplished in spite of this communist attempt to obstruct under orders from Moscow. The creation of the Committees of Vigilance in the major Western European ports under the banner of the International Transport Workers Federation (ITF) confronted and defeated the strong arm methods of the Communist Party. These organizations, primarily indigenous in France and Italy, were however linked to an international effort in which the American trade unions played a leading role.

This was a bitter pill for the communists to swallow and their propaganda campaign at that time reflected their frustration and momentary defeat. The communists have always concentrated on winning over trade union organizations as instruments to be used in achieving political ends. As early as 1919, Lenin proclaimed his 21 point program as the basis for the Communist International. In this program there are two paragraphs outlining what trade unions mean for the Bolsheviks. The trade union movement is one of the instruments through which the communists expect to achieve power outside the Soviet orbit in order to either paralyze the operation of constitutional, democratic governments or eventually seize power, as in Czechoslovakia where the communists armed the works council, which they controlled, and pitted them against the legally constituted government of Benes.

In France and Italy, however, the sweep of communist strikes in 1947 and 1948 did not end in the taking of power—in fact these were the years when the communists were ousted from the governments of France and Italy. Underlying these political events was the breaking away of the democratic trade unionists from the "united" trade unions which the respective Communist Parties controlled. These were the years when the minority in the CP controlled organization really represented the great mass of people who wanted unions but not communist revolution. Perhaps, this was an early example of a "silent majority" backed up by strong actions of the governments in power that prevented the "minorite agissante" from overwhelming the nation with their agitation, propaganda and finally "direct action" and the implicit threat of sabotage and paramilitary action. They were defeated in their final objectives because entrenched national labor organizations rose up and refused to take the final step of a general strike which leads only to the destruction of the state or the decline and destruction of the trade unions. Ever since this defeat, the CP has never been able to mount the same kind of militant, anti-governmental force that they achieved in the winter of 1947–1948. And even though the non-Communist forces have remained an organizational minority, no major strikes can succeed in France if the non-communists refuse to support them. What is more the whole idea of trade unionism has become somewhat tarnished by the Communists and whereas in 1947 the CGT in France had close to 7,000,000 members, there are no more than 2,000,000 in the entire French trade union movement which is now split in four or five different central organizations.

In addition to the French and Italian experiences, there has been a struggle for power in Germany which reached its highest point in Berlin in 1949. The Berlin airlift, a land-mark in the post-war resistance to Soviet communist aggression, could not have succeeded without the decisive action of the free German labor forces working in close co-operation with American labor and the Allied authorities in the beseiged city. General Maxwell Taylor, the Berlin Commandant at the time, testified to the fact that the military equipment shipped by rail to Berlin over a stretch of 100 miles in the Soviet Zone could not have reached its destination without the cooperation of the German railway trade unionists. Through their vigilance, preparation and organization, the planned attempts of sabotage were countered by these organized railway workers who manned the trains and guarded the rails. Furthermore, the splitting of the united Berlin unions which had included the communists and the creation at that time of the Free and Independent Unions of Berlin (UGO) blocked the Soviet supported attempt to launch a general strike which would have nullified the airlift. Here was an example of the unions playing a positive role in supporting the military effort to break the communist blockade. This constituted one phase of what was an overall effort in Germany to prevent the communists from taking over the labor movement of Western Germany. It was the building and creation of a positive, democratic labor movement which permitted also the kind of miraculous economic recovery of Germany. Although the early mistakes of the military in occupied Germany could have led to disastrous results, American labor's support of the German free trade unions and intervention with the military and political authorities blocked not only the German communists but their allies and fellow travellers in the occupation government. It was this kind of political and ideological strength of both German and American labor that prevented a repetition of the French and Italian experience in Germany.

It is most unfortunate that trends in Western Europe today—and especially in the labor movement—are moving once again back to the 1945–47 period of labor unity with the communists, along with their political counterparts. The present rapprochement policy of the German government is having deteriorating effects in the labor movement. Once again American labor is speaking out on this question and is appealing to those in Western Europe who oppose this trend to attempt to convince these official leaders not to repeat the disastrous errors of the early post-war period. The outlook at the moment is not very brilliant but the Polish and Czech events plus the usual CP "dizziness with success" to use Stalin's words, should reinforce what must be continuing efforts on our part—private and governmental—to break away these movements and their leaders from a new worldwide united labor front and eventual coalition governments with the Communist Parties. The latter development would only be a prelude to the eventual communist takeover of power—and recent events in Chile have shown that communist tactics today include the possibility of taking over by "constitutional" means.

Are we not faced today with situations that are potentially new Vietnams? Are there not once again in Africa, Latin America and Asia new budding "wars of national liberation" if the rising political nationalist movements do not get some hearing and support in the West? What are we ready to do or say on the Southern Africa situation? Do Dean Acheson and George Kennan really believe that Apartheid in South Africa can be ignored and that we can once again repeat in South Africa what was done immediately after World War II, denying our own revolutionary tradition, as well as what is going on in our own country? If we wish to avoid an eventual war over South Africa in the future, then it depends on what we are ready to do in relationship to the nationalist movements of Southern Africa. It means support to the liberation movements and to those leaders who are still devoted to the principles of a democratic society.

At the recent Singapore Commonwealth Conference on January 18, 1971, President Milton Obote of Uganda said: "If Prime Minister Heath decides to sell arms to South Africa, he will have given an open invitation to the Russians to go in and replace the British in East Africa." This warning, and others, of African leaders sound like echoes of the statements of nationalist leaders from North Africa and Indo-China some twenty years ago. In fact, just prior to the Geneva conference on Indo-China in 1954, three nationalist leaders, Dr. Dan (Indo-China), Bahi Ladghan (Neo Destour, Tunisia) and Abdelali (Istiglal, Morocco) issued a joint statement condemning French colonialism and warning against the rise of Soviet colonialism.

Time is running out as we see once again that the "moderate" democratic leaders are losing momentum and means to carry on while the Soviet world is not only supplying material means and propaganda but counting on an eventual war in Southern Africa in which Soviet trained African cadres can overwhelm the existing regimes and reverse the whole peaceful, constructive and stable development in most of Black Africa.

There is a real danger that the non-communist forces will be unable to cope in the future through lack of support from the West. Any weakening of the democratic forces increases the chances of violence and aggression, involving the rest of Africa, while opening the door to the very forces threatening the peace of the world through so-called "wars of national liberation."

Unless we are ready to re-examine our position on nationalist movements in Southern Africa (and I would add also Portuguese Africa), we shall be doomed to repeat the Vietnamese experience. Whether we like it or not—in spite of our vote at the United Nations—we shall be linked with the British and French and their concept of purely military security. Certainly we should be concerned over the Soviet military maneuvers in the Indian Ocean but can one ignore completely the peoples of these areas and their expectations. For, in spite of certain national differences, Southern Africa today represents the kind of problem that Vietnam was some years ago before it became necessary to involve over 500,000 troops in a war of attrition. There is still a chance but are we ready and capable of dealing with this challenge? Unless we are, it is certain that sooner or later this part of the world shall become another area of blood and violence.

While sounding this alarm there is still I believe a chance to avoid a violent upheaval which can only benefit the Soviet and Chinese communists. A challenge and a real opportunity exist for the Western world to achieve a peaceful and democratic solution. It involves not only action on the part of the American Government but primarily on the part of American investors in South Africa. They can strengthen a process of economic development which is already underway in South Africa and which has the potential for great social changes, in spite of the legal restrictions of the Apartheid system. The very economic growth and expansion of the South African economy imposes de facto measures which are in contradiction with the law and doctrines of Apartheid. South African economic expansion can no longer rely solely on Europeans as a source of manpower. The need for black African labor is becoming more and more necessary and decisive. For example, in one industry alone, we find that two-thirds of the workers are black, namely in the garment industry. In time this may be true of most industries in South Africa.

If American investors begin to realize the permanency of African workers in the South African labor system, then they must realize along with all employers that not only must black workers be recruited but that they must be trained for skilled jobs and upgraded into supervisory positions. It is no longer only a question of humanitarian considerations but a practical requirement for investment. Any trade or business outfit dealing at all with South Africa must begin to establish to some degree labor standards and practices already existing in the West. To the extent to which this can be done, it could not only benefit the economy of South Africa but could contribute to the political process of eroding and dispelling the system of Apartheid. In order to achieve this objective, there should be a greater initiative of a private nature but supported by American government and other Western governments urging these private investors to:

a. Extend trade union benefits like collective bargaining to all workers. (Let me point out that even though collective bargaining is restricted to the white or European workers, black workers are beginning to participate in this process).

b. The inclusion of black workers in pension schemes which are still of a voluntary nature.

c. The inclusion of Africans in training and apprenticeship programs and schemes of upgrading which is the key to the eventual democratization of South Africa.

To the extent to which the Polaroid company's experiment has become a reality involving contributions to training programs and the care of the black workers of South Africa, to that extent private American firms should be encouraged to engage in similar programs. This could constitute at least an intermediary program until such time as the frontal political issues are posed. This it seems to me is the least we could undertake as part of a positive program rather than negative or indifferent approach which cannot achieve any real substantial change in the South African picture.

At this point I wish to deal with the problem of propaganda and organization, especially the anti-communist activities of legitimate, national organizations. For communists and their allies what is fundamental is the organization (the apparat, as the Russians say) and not the propaganda per se. While engaging in propaganda or in any attempt to cope with CP or Soviet propaganda, it would be a serious mistake to envisage this problem as merely a battle of leaflets or posters. These are end products and not things in themselves. The force of any propaganda is in direct proportion to the strength of the sponsoring native organizations. CP propaganda is a factor only to the extent that the roots of its organizations are really deeply imbedded in the national economies, as well as the political and social life of the respective countries. CP propaganda is not necessarily good but the issues which the CP exploits are! There is no substitute, there is no artificial means possible to replace legitimate organizations whose national and native character is beyond dispute. There is, however, on the other hand a need to work with and strengthen those organizations engaged in the fight and help reduce the inequality of means between them and their enemies. This was a partial lesson of the French and Italian developments in the late forties and early fifties.

During this period, especially the early fifties, an example of a propaganda failure was demonstrated by the famous poster and leaflet campaign of the French Deputy, Jean Paul David. No one could help but be impressed by the competence, humor and irony of the anti-communist literature that literally inundated the towns and villages of France, which involved tremendous sums of money. In many ways, the literary products turned out were quite superior to anything done by the Communists. But the Jean Paul David movement without any real legitimate organizational roots petered out and the Communists continued, in spite of some dissidence and political errors, to maintain their organizational position. On the other hand, the democratic labor forces, even though smaller than the CGT and weak in propaganda, maintained sufficient organizational strength to prevent the C.P. from realizing their objective of taking state power.

Another characteristic of the post-war situation was the great expectations for the future that most people nurtured This was especially true of the great masses of people in the colonial areas. The inability or the refusal of the Western powers to come to grips with the rising expectations permitted the communists to exploit not only the issue of colonialism but to take advantage of what appeared to be all-out American support of the former colonial regimes. It is somewhat ironical to note that in spite of all the support America gave to France in these early postwar years, there was very little recognition or gratitude. And, in fact, America was still regarded by the French as anti-colonialist and anti-French while, in recent years, the French government has suddenly taken on a righteous "anti-colonial" attitude and preaches sermons to "'colonialist" America about Vietnam. Thus we lost the advantages of both positions and did not strengthen any long-time ties with the part of the world that seems to be closing in our little world of urbanized, industrialized areas. The failure to capitalize on our original assets by building ties to the new awakening nationalist forces pushed us inevitably and without choice into a complete dependence on the military factor in order to stop what did become an aggressive, communist military threat in South Vietnam.

It should be emphasized, however, that this aggression in Vietnam was the culmination of a long process of building up internal and external political and social forces in order to back up what was first a war of partisans and later an all out war of attrition. The communist military leaders were first politicans and their original training was in political and labor movements of Southeast Asia—it was not primarily military and special service schools.

In emphasizing this anti-colonialist, political aspect of the war in Vietnam, it is not with any intention to deny the necessity of military support after the Geneva agreements and especially after the rise of the VC in 1958. For what has been going on in one country, Vietnam, is of decisive, perhaps vital, importance for the future of the world and the war may be as decisive as any war in the history of this century. No one can question that the war has already gone beyond the frontiers of Vietnam and that a defeat—militarily and politically—could accelerate the communist seepage throughout the area, but in the long run would not be confined to that area. As one able and experienced British observer and expert on communist warfare has said: "The strategic concept of revolutionary wars, of using the 'countryside of the world' to encircle the 'cities' (North America and Europe) would be several steps nearer fulfillment. Vietnam needs to be considered therefore in the context of grand strategy and one of the aims in this regard must be to give hope and encouragement to all peoples of those 'countryside' areas...." I would add at this stage in world history one would have to enlarge on this thesis and apply it to the kind of indirect aggression going on in the cities which reaches its extreme in the form of urban political and/or partisan warfare. The need for military security—whether USA or Vietnam or both—is essential to create a peaceful city and countryside situation for some years to come.

After having gone through all these years of military struggle, however, we have returned to the original question: How to achieve a viable, secure democratic state? Since no one is opting for all out military victory, there must be an eventual political solution, which depends on internal, national, indigenous movements, primarily political and trade union organizations. Thus we have come the full circle in Vietnam to substantiate my original thesis. To sum it up, let me recapitulate what appears to have developed into a history of four stages.

1. The revolt in Indo-China began as a political nationalist movement in a struggle to throw off the colonial system. At an early stage in 1944 and 1945, a political solution could have been in the making if we had devoted the same amount of political intelligence and energy to non-communist nationalists that we had devoted militarily to the support of all nationalists in the struggle against the Japanese.

2. Having failed in the early period of separating out the true nationalist forces and supporting such movements as the trade unions, especially those that began to develop in the farm areas—we became identified with the French and then failed to be able to check the excesses of the Diem regime, which started out with so much hope and promise. In fact, the rise of the VC coincides with the destruction of the free trade union forces by Diem's brother in 1957–58. Prior to this, the CVT (the Vietnamese Confederation of Labor) had been a dynamic organization with tremendous influence in the farm areas. Diem recognized this in the early years of his reign and worked closely with Tran Quoc Buu, supporting the idea of the Tenant Farmers Unions and recognizing this indigenous force as a major barrier to the communist controlled insurgents.

3. After the events of 1958 and especially after 1961, the military stage became predominant and this has continued and reached its peak during the Tet offensive of 1968.

4. Now, in this year of 1971, as the USA prepares to leave Vietnam militarily, the political issue of the immediate post World War II period returns to haunt us. It is not being solved by what is called "pacification" for sooner or later, Vietnam will have to rely on international democratic forces; on those who have contact with and support from the city and the countryside. The major force must be the city and country labor organizations of the CVT with their "Water-Buffalo" insignia now to be seen all over Vietnam. For they have rebuilt and reorganized their movement, especially amongst the farmers. The CVT has now become the major support for a political organization which recently secured one-third of the votes in the provincial election. On January 16 and 17 the founding congress of a Farmer-Labor Party took place in Saigon. And if our aim is to establish a South Vietnam which is free, united, independent, politically stable and economically expanding, how can we not come to realize that these very indigenous forces like the CVT must not only be permitted to grow and expand but encouraged. In this respect it is important to note that President Thieu has not been adverse to this political development. Support must be forthcoming for this new political endeavor. One can be sure that the other side is receiving and will receive all out support from outside, external forces. It is the type of Soviet indirect aggression for the communists which will be operating through all kinds of front organizations—political, religious, youth, women, etc., receving all out support from the Soviet side.

In dealing with the problem of propaganda and the making of foreign policy, account must be taken of the fact that the rise of the Soviet Union to a world position has changed fundamentally the nature of diplomacy, especially as related to the non-governmental areas, where propaganda and organization problems are intimately connected. The Soviets in their non-governmental operations (WFTU, Communist Parties, Women and Youth organizations) appear not as the representatives of a country but as the symbol of incarnation of an idea which has taken root amongst great masses of people. The Soviet Union is a symbol not of a geographical unit or entity but a great idea, no matter how deformed or degenerate that idea has become over the last fifty years.

On the other hand, American operations in the field of information and propaganda tend to appear as a defense of a country, of a geographical unit irrespective of or almost hostile to any ideological concept. Purely governmental issued information cannot compete with indigenous organizations speaking and working for an ideology. In fact we have seen how far this is going in our country on the campuses and in university classes, where not only students but the faculty have taken up the cudgels for an all-out ideological offensive against America in the international arena.

Even the recent reverses in world opinion of the communists due to the events in Poland, Czechoslovakia and Leningrad have resulted in a curious trend, whereby the communists, especially in France and Italy, appear as the champions of a "liberalized" form of communism and have criticized the Soviet action. Of course, this is due to internal pressures and world opinion which have affected large masses of people in their respective countries. It highlights at the same time the ineptness of the West to exploit these propaganda issues. In fact, it almost appears as though the communists were making a successful effort to take "anti-communism" away from the anti-communists. What seems to be happening is the reverse of the famous Edmund Wilson article appearing in the New Republic in the Thirties entitled: "Take Communism Away from the Communists."

Can America or the West in general cope with this kind of a propaganda and organizational situation in the world today? Is it possible to meet the revolutionary and ideological offensives which have become more diverse, less monolithic in appearance but yet totalitarian and aggressive in spirit and act? I believe it could be possible to counter with both an organizational and ideological offensive if we could proceed along the following lines:

1. National liberation, self-determination, anti-colonialism are not necessarily directed against the West. Rather the opposite is true, namely, that the source of the ideals of the anti-colonialists can be traced to the West, to the revolutionary ideas and actions of the 18th and 19th Centuries.

2. The world conflict is not between two geographical and national units, the USSR and the USA, but between free, open societies as against dictatorial, closed ones. Nor is this a struggle between two absolutes but between relative freedom and absolute dictatorship.

3. The major issue in the world is not primarily a conflict between "capitalism" and "socialism." In other words, it is not between free enterprise and collectivism. For, as General Clay once said: "We Americans believe in a system of free enterprise but believe even more in Freedom and Democracy."

4. Work with and support national organizations abroad, especially in the labor and youth sectors, to combat the Soviet-communist degeneration of the original ideals of the Russian Revolution. The West must carry on the fulfillment of the original ideals of the American, English and French revolutions while exposing the Soviet regime as having destroyed its revolutonary ideals but physically liquidated or exiled most of their Founding Fathers.

Many will say that what I am advocating cannot be done. Yet the greatest confirmation of my proposition has been brilliantly set forth by a Frenchman, Jean-Francois Revel, in his recent book, "Ni Marx Ni Jesus," which has already become a best seller in France. He affirms the idea of America as a revolutionary idea and force in the world today. Revel, who is a leading writer for L'Express and Le Monde opens his book in the very first sentence by affirming "La revolution du vingtieme siecle auro lieu aux Etats-Unis. Elle ne peut avoir lieu que la." (The revolution of the 20th Century will take place in the U.S.A. It can only take place there.)

Can we have less insight than Revel as regards the revolutionary challenge of America in the world today? Perhaps one of the first things that we could do to put into action what I have been advocating is the mass distribution of Revel's book in every possible language throughout the world.

NATIONAL STRATEGY INFORMATION CENTER, INC.

The National Strategy Information Center is a nonpartisan, tax-exempt institution organized in 1962 to conduct educational programs in national defense.

The Center is privately supported and espouses no political causes. Its funds derive from foundations, corporations and individuals. It has no government contracts, nor does it operate with government funds. It is not associated with the defense industry.

NSIC's Directors and Officers represent a wide spectrum of responsible political opinion from liberal to conservative. What unites them, however, is the conviction that neither isolationism nor pacifism provides realistic solutions to the challenge of 20th century totalitarianism.

NSIC exists to encourage civil-military partnership on the grounds that, in a democracy, informed public opinion is necessary to a viable U.S. defense system capable of protecting the nation's vital interests and self-fulfillment.

MRS. WILLIAM KEY: THE AMBASSADOR FOR EDUCATION

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. MAZZOLI. Mr. Speaker, all of us in the House of Representatives have run into lobbyists representing one cause or another. Each has his own style, his own mission, and each meets with his own degree of success.

One of the most successful, humorous, and best-liked "lobbyists" for education in the Louisville area is Mrs. William L. Key. For the past 23 years, she has acted as an ambassador for her children, and the children of other concerned parents, at PTA meetings around the city.

During these years, including some as president of high school and district PTA's, Mrs. Key has followed the philosophy that you can catch more flies with honey than with vinegar.

Her presentations are often humorous and always gracious. Despite—or perhaps because of—her own lack of formal education she has been totally dedicated to providing the very best education in the Louisville area.

Mr. Speaker, education could use more supporters like Mrs. Key. This lady is doing a great job.

For the benefit of our colleagues, I wish to insert into the RECORD an article by Linda Raymond of the Louisville Times about Mrs. Key. It is entitled "What the PTA Has Going for It Is Mrs. William Key."

The article follows:

WHAT THE PTA HAS GOING FOR IT IS MRS. WILLIAM KEY

(By Linda Raymond)

Those who groan and moan and curse at the thought of attending a Parent Teachers Association meeting might consider the case of Mrs. William L. Key.

She's been known to attend as many as five PTA meetings in a single day. And, she says, she's never been unhappy about going. Never.

"I just love organizational work . . .," she says. "I can truthfully say I've never been too tired to attend the PTA."

So she's been going to PTA functions for 23 years now, first as a young mother ladling soup into granite cups at John C. Strother Elementary School and later as the president of the Shawnee High School PTA and then as head of the whole Fifth District Council.

The work has taken her to state parent-teacher meetings, local school board meetings and to every one of the city's schools.

That's not an easy feat for a woman who doesn't drive a car.

"I can really tell you better where a bus line runs to a city school than I can do anything." she says.

All that bus riding has given her a sympathy for Crescent Hill area students who have to take two different buses on a roundabout route to get to Atherton High School. Getting a new high school for the Crescent Hill area where she lives has been one of her most recent projects and the reason for some of her latest appearances before the city school board.

Some petitioners raise a rumpus when they want something for their neighborhood, school board members say, but Mrs. Key is different. Her presentations are often amusing, usually fun.

"She's really a very gracious lady," says board member Scott C. Detrick. "She does it in such a nice way."

What's her secret?

"I think that if you let them know that you have a genuine feeling for what you're talking about . . . they will respond to you," she says.

That's not an approach Mrs. Key saves only for the school board; she uses it with everybody.

When young parents with limited education say that they aren't qualified for PTA work, Mrs. Key tells them she knows different. As a girl, Mrs. Key had to drop out of school to go to work and she never did get a high school diploma.

"I've never felt it's a handicap . . . because I believe that you can educate yourself if you want to," she says. "And if you're interested enough in something, you'll find the answers and if they come hard, that's your tough luck. You just keep digging until it becomes a matter of information."

Someday, maybe when her youngest daughter finishes high school, she'll go back for that diploma, Mrs. Key says. In the meantime she figures she's learning plenty from her involvement with the PTA.

"This is why I say that PTA has done as much for me, if not more, than I have contributed to it. It has been an education. I just can't say enough for it."

FBI STATISTICS SHOW NEED FOR ACTION TO IMPROVE CRIMINAL JUSTICE

HON. VERNON W. THOMSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. THOMSON of Wisconsin. Mr. Speaker, the rate of crime in this country rose another 11 percent last year according to the FBI's Uniform Crime Reports for 1970 released recently. The slowed rate is encouraging, but the total amount of criminal activity reported represents an indictment of our present system of criminal justice. From arrest to trial and then through the process of correctional treatment, our system of criminal justice regularly exhibits uneven efficiency and frustrated justice.

More than 5½ million crimes were reported last year. At least an equal number of crimes were not even reported. Of more than 10 millions crimes, then, what becomes of the criminals? An estimated 12 percent are arrested; that is, 1.2 million. Half are then convicted—600,000. And, only 150,000 or 1½ percent are actually imprisoned. That sounds like pretty good odds for a would-be criminal: 67 to 1 against imprisonment for a serious crime.

But the actual tragedy is just beginning. While our police and courts, by the statistical evidence, are not disposing of the problems, our correctional institutions may be working more harm than good with the small percentage incarcerated.

Few prisoners die in prison. Most will return to the general community to take up useful lives or, in too many cases, to resume careers in crime. Roughly 80 percent of all felonies are committed by recidivists, those who have already been "corrected" in public institutions.

Our society depends on peaceful stability to guarantee its cherished personal freedoms. As we search for solutions to the problem of crime in modern American society, we should keep in mind that "law and order" are not catchwords for racism or repression. They represent man's finest instincts for civilized progress.

As we seek to better arm our policemen to apprehend lawbreakers, to streamline the archaic and clogged court system, and to return our correctional institutions to their mission of preparing criminals for productive lives, let us use this reminder that human suffering attends every delay.

JUNIOR LEAGUE OF KNOXVILLE

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. DUNCAN. Mr. Speaker, this year is the golden anniversary of service to the Knoxville, Tenn., community by the Junior League. Formed during World War I, the league sets up projects to help the soldiers. As new needs arose, league members took on many assignments, assisting in hospitals, schools, libraries, and health and recreation centers. One of their latest undertakings has been drug education, alerting parents and students to the dangers and perils of drug abuse.

A local newspaper, in paying tribute to the league's 50th year, carried a good summary of its progress and contributions. The following comes from the February 28, 1971, Knoxville News-Sentinel:

JUNIOR LEAGUE OF KNOXVILLE

The year is 1917. The country is at war. Wanting to help in any way they can, a group of young Knoxville women organize the Girls' Relief Corps and became active in war work and community service. Four years later, in 1921, the Girls' Relief Corps becomes the Junior League of Knoxville. It is the third league in the South to be accepted as a member of the Association of Junior Leagues of America.

From the very beginning to the present day, the keynote of the Knoxville Junior League has always been action. A League member is no Lady Bountiful with a food basket. She is a hard worker, very much involved in the life of her community.

EDUCATION COMES FIRST

The purpose of the Junior League is "to promote voluntary action; to develop the potential of its members for voluntary participation in community affairs; to demonstrate the effectiveness of trained volunteers."

For the League member, action begins with education. Before beginning her volunteer work, she takes an intensive training course which takes her to all parts of Knoxville. She learns to know its physical and industrial makeup, its population characteristics, its government, its educational facilities, its public and private health, welfare, and cultural organizations. She becomes aware of her responsibilities as a citizen, and through her volunteer work becomes an active citizen.

Her training continues throughout her active membership. Through speakers, workshops, local and national conferences, and, most of all, experience, she will obtain the information necessary to do a good job in the community.

MANY PROJECTS ESTABLISHED

For the Junior League of Knoxville, action means pioneering. For the past fifty years, the League, usually in cooperation with other civic organizations, has been initiating projects in the areas of education, health, welfare, and cultural activities. Many League projects, such as the East Tennessee Hearing and Speech Center and the Dogwood Arts Festival, are now long-established in the life of the community.

A League project begins with research: Finding an unfilled need in the community and then finding the best way to fill that need.

Financial assistance from the League, either total or in conjunction with another civic group, helps to launch the fledgling project. This assistance is continued until the project has proven its value to the community and has its own means of support.

VOLUNTEERS ARE DEDICATED

The second way in which the League supports its projects is with volunteer service. League volunteers do anything that needs to be done—administrative work, clerical work, assisting the professional staff after taking training courses. Each member works. What she does is her choice, but she is encouraged to try her hand at a variety of volunteer jobs. Through a variety of volunteer experiences she learns more about her community, its people, its problems, its resources.

With fifty years of volunteer action behind it, the Junior League of Knoxville now looks ahead to another equally active fifty years of working together with other concerned organizations in a common cause: Seeing what needs to be done in the community, and then helping to get it done.

Now headed by Mrs. Robert Skinner, the Junior League of Knoxville is busy with its fall schedule and planning an enlarged program of service in 1972.

CIVILIAN PERSONNEL REPORT, JULY 1971

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. MAHON. Mr. Speaker, I include a release highlighting the July 1971 civilian personnel report of the Joint Committee on Reduction of Federal Expenditures, together with a summary of Federal civilian employment costs changes during fiscal year 1971, ended June 30, 1971:

THE MONTH OF JULY 1971

Total civilian employment in the Executive, Legislative and Judicial Branches of the Federal Government in the month of July was 2,943,622, as compared with 2,923,168 in the preceding month of June. This was a net increase of 20,454, due primarily to increases in regular seasonal employment and summer employment of the "disadvantaged" under youth opportunity programs.

Executive branch

Civilian employment in the Executive Branch in July totaled 2,903,171. This was a net increase of 20,166 as compared with employment reported the preceding month of June.

Total employment in civilian agencies of the Executive Branch for the month of July was 1,743,126, an increase of 14,497 as compared with the June total of 1,728,629. Total civilian employment in the military agencies in July was 1.160,045, a decrease of 5,669 as compared with 1,154,376 in June.

The civilian agencies in the Executive Branch reporting the largest net increases were Agriculture with 6,582, Interior with 3,948, Department of HEW with 2,397, and Treasury with 1,779. These increases were partially offset by a decrease of 4,117 in Postal Service.

In the Department of Defense the largest increases were reported by Army with 3,479 and Navy with 1,888.

Total Executive Branch employment inside the United States in July was 2,714,105, an increase of 19,566 as compared with June. Total employment outside the United States in July was 189,066, an increase of 600 as compared with June.

The total of 2,903,171 civilian employees of the Executive Branch reported for July 1971 includes 2,523,758 full time employees in permanent positions—an increase of 1,557 from the preceding month of June. (See Table 2 of accompanying report.)

The Executive Branch employment total of 2,903,171 includes some foreign nationals employed abroad, but in addition there were 97,645 foreign nationals working for U.S. agencies overseas during July who were not counted in the usual personnel reports. The number in June was 97,682.

Legislative and Judicial Branches

Employment in the Legislative Branch in the month of July totaled 32,557, an increase of 124 as compared with the preceding month of June. Employment in the Judicial Branch in the month of July totaled 7,894, an increase of 164 as compared with June.

Disadvantaged persons

The total of 2,943,622 reported by the Committee for July includes 66,320 disadvantaged persons employed under federal youth opportunity programs, an increase of 6,518 over the preceding month of June. (See Table 4 of the accompanying report.)

SUMMARY OF FEDERAL CIVILIAN EMPLOYMENT COSTS FOR FISCAL YEAR 1971 (ENDED JUNE 30, 1971)

For many years the Committee, in its statement accompanying the monthly civilian payroll cost for June (the last month in the fiscal year), has compared the annual cost with the totals for previous years. The following comparison continues this practice.

The cost of civilian employment in the Legislative, Judicial and Executive Branches of the Federal Government in fiscal year 1971, ended June 30, totaled 29,547,000,000. This was 2,286,000,000 higher than in the preceding fiscal year; and it was an all-time high. At the same time, average employment for all three Branches for the full 12 months of the fiscal year decreased 99,714 compared with average employment in fiscal year 1970.

Payroll for the Legislative Branch in fiscal 1971 totaled $370,000,000, an increase of $32,000,000 over the previous year. Payroll for the Judicial Branch in fiscal 1971 totaled $98,000,000 over the previous year.

Executive Branch

Within the Executive Branch payroll in fiscal year 1971 totaled $29,079,000,000, an increase of $2,245,000,000 over the previous year. The following tabulation shows Executive Branch payrolls, broken between civilian and military agencies, for fiscal years 1961 to 1971.

IN EXECUTIVE BRANCH—FISCAL YEARS 1961-71

[Dollar amounts in billions; in rounded amounts]

Fiscal year	Civilian agencies	Defense Department[1] (civilian employment)	Total
1961	$7,546	$6,026	$13,572
1962	7,898	6,318	14,216
1963	8,659	6,603	15,262
1964	9,297	6,818	16,115
1965	10,043	7,102	17,145
1966	10,875	7,732	18,607
1967	11,727	8,668	20,395
1968	12,919	9,395	22,314
1969	13,840	10,298	24,138
1970	15,621	11,213	26,834
1971	17,480	11,599	29,079

[1] Excludes pay for foreign nationals not on regular rolls ($452,000,000 for fiscal year 1971).

Civilian employment in the Executive Branch during fiscal year 1971 averaged 2,857,014 as compared with 2,958,364 in fiscal year 1970. This was a decrease of 101,350 in average employment.

The average Executive Branch employment total of 2,857,014 for fiscal year 1971 includes an average of 2,526,088 full time employees in permanent positions; the total of 2,958,364 for fiscal year 1970 includes an average of 2,592,549 full time permanent employees. This was a decrease of 66,461 in average full time permanent employment.

The following tabulation shows average civilian employment for the Executive Branch, broken between civilian and military agencies, for fiscal years 1961 through 1971.

AVERAGE CIVILIAN EMPLOYMENT BY FEDERAL AGENCIES IN EXECUTIVE BRANCH—FISCAL YEARS 1961-71

Fiscal year	Civilian agencies	Defense Department[1] (civilian employment)	Total
1961	1,323,567	1,037,356	2,360,923
1962	1,373,485	1,058,676	2,432,161
1963	1,417,937	1,063,720	2,481,657
1964	1,434,104	1,042,552	2,476,656
1765	1,443,376	1,024,482	2,467,858
1966	1,500,349	1,074,080	2,574,429
1967	1,605,919	1,234,474	2,840,393
1968	1,654,973	1,280,853	2,935,826
1969	1,655,976	1,305,664	2,961,640
1970	1,694,157	1,264,207	2,958,364
1971	1,694,897	1,162,117	2,857,014

[1] Excludes foreign nationals not on regular rolls (averaging 100,550 for fiscal year 1971.)

In addition, Mr. Speaker, I would like to include a tabulation, excerpted from the joint committee report, on personnel employed full time in permanent positions by executive branch agencies during July 1971, showing comparisons with June 1969, June 1970, and the budget estimates for 1972:

FULL-TIME PERMANENT EMPLOYMENT

Major agencies	June 1969	June 1970	July 1971	Estimated June 30, 1972[1]
Agriculture	83, 425	82, 912	84, 486	87, 300
Commerce	25, 364	25, 427	28, 422	29, 600
Defense:				
Civil functions	31, 214	30, 297	30, 220	31, 300
Military functions	1, 225, 877	1, 129, 642	1, 062, 621	1, 061, 600
Health, Education, and Welfare	102, 941	102, 297	105, 439	102, 100
Housing and Urban Development	14, 307	14, 661	15, 985	16, 700
Interior	58, 156	59, 349	57, 498	59, 100
Justice	35, 106	38, 013	43, 064	46, 800
Labor	9, 723	10, 217	11, 476	12, 100
State	24, 658	23, 618	23, 375	23, 700
Agency for International Development	15, 753	14, 486	13, 347	11, 100
Transportation	60, 386	63, 879	68, 644	71, 900
Treasury	79, 982	86, 020	90, 620	100, 400
Atomic Energy Commission	7, 047	7, 033	6, 917	7, 000
Civil Service Commission	4, 970	5, 214	5, 314	5, 900
Environmental Protection Agency[2]			6, 001	8, 900
General Services Administration	36, 176	36, 400	38, 207	41, 600
National Aeronautics and Space Administration	31, 733	31, 223	29, 415	28, 400
Office of Economic Opportunity	2, 856	2, 387	2, 171	2, 500
Panama Canal	14, 731	14, 635	14, 017	14, 900
Selective Service System	6, 584	6, 665	5, 603	6, 500
Small Business Administration	4, 099	4, 015	4, 012	4, 200
Tennessee Valley Authority	11, 987	12, 657	13, 685	13, 300
U.S. Information Agency	10, 500	9, 989	9, 770	9, 900
U.S. Postal Service[3]	562, 381	565, 618	563, 373	590, 500
Veterans' Administration	147, 606	148, 497	158, 442	160, 800
All other agencies	26, 200	27, 420	29, 585	31, 200
Contingencies				10, 000
Subtotal	2, 633, 762	2, 552, 571	2, 521, 710	2, 589, 300
Public Service Careers			2, 048	
Total	2, 633, 762	2, 552, 571	2, 523, 758	2, 589, 300

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[1] Source: As projected in 1972 budget document; figures rounded to nearest hundred.

[2] Established as of Dec 2, 1970, by transfer of functions and personnel from Interior, HEW, Agriculture, Federal Radiation Council and Atomic Energy Commission.

[3] Formerly Post Office Department; redesignated U.S. Postal Service as of July 1, 1971, pursuant to Public Law 91-371, dated Aug 12, 1970.

DEATH PENALTY EXAMINED

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. EDWARDS of California. Mr. Speaker, I would like to take this opportunity to share an editorial which appeared in the Washington Post this last August 27. "Putting People to Death" is a blunt, interesting analysis of the death penalty and well worth the attention of all Members of Congress since legislation to suspend the death penalty is now pending in the Judiciary Committee and may soon be considered on the floor.

The article follows:

PUTTING PEOPLE TO DEATH

The last time we counted, there were 675 men awaiting extinction at the hands of their fellowmen in various prison death rows around the United States. This congestion, or surfeit of supply for the assortment of electric chairs, gas chambers and gallows which are available in the several states, grows out of the development of a certain amount of squeamishness among Americans about killing human beings. This squeamishness is not unbecoming to a civilized society. It has been going on for quite a while and perceptibly growing in intensity. Some of the men on death row have been waiting for a dozen years because the officials responsible for ordering their execution can't quite bring themselves to do so. For the past four years there have been no executions at all in this country, owing to an expectation that the Supreme Court may soon call them unconstitutional.

There is nothing else, however, to prevent these executions from taking place as soon as any governor has the hardihood to go ahead with them. About 100 men are in line for extinction in California alone. Dealing with them all at once would be, perhaps, a little too gruesome. But they could be dispatched in groups of say ten or a dozen so as to get the thing over with.

When one thinks about capital punishment in this way, it becomes really unthinkable—does it not?—at least among people of any sensibility and imagination. What, then, is to be done about it? The Supreme Court of the United States has agreed in its next term to hear arguments in four cases raising the question whether the death penalty is a cruel and unusual punishment forbidden by the Eighth and Fourteenth Amendments to the Constitution. It may solve the problem for us. In May of this year, however, the court concluded in two death cases before it that it found it "quite impossible to say that committing to the untrammelled discretion of the jury the power to pronounce life or death in capital cases is offensive to anything in the Constitution." The truth is that there are many forms of barbarity and folly from which the Constitution affords no safeguard at all.

The best way to deal with the enormity of the death penalty is to reject it through the political process. Identical bills have been introduced in the two houses of Congress—by Senator Hart and Representative Celler—to prohibit any executions in the United States for two years. In 1961 Britain's Parliament suspended the death penalty for a five-year period and then, in 1965, after viewing the results of that experiment, it abolished capital punishment permanently. Whether Congress, under the American federal system, has power to do this raises another constitutional question. But a sense of Congress resolution against the death penalty would no doubt have great influence. Ideally, state legislatures ought to deal with the problem by abolishing capital punishment within their own jurisdictions.

The argument in favor of capital punishment rests entirely on two contentions. One is that the punishment of death satisfies a human need for stern retribution, the taking of a life for a life. If there is such a need among human beings it is surely a primitive one, justifiable perhaps when men lived in a state of savagery but repugnant to civilized standards and to the sense of humanity. Dangerous men must be confined for the protection of the community; but to punish them with death is as barbarous as to punish them with physical torture.

As for the deterrence argument, it has long since been refuted by the facts, and very few people really believe in it. If it were seriously supposed that fear of the death penalty could lead rapists and murderers to reflect on the dread consequences or their crimes and thus to refrain from committing them, governments would conduct their executions in public—as, of course, they used to do as a means of warning others against crime. But public executions, even of the most brutal and sanguinary sort, proved to have no deterrent effect whatever. They merely disgusted or debasted the people who watched them. And so they were carried indoors and conducted in relative privacy out of a sense of shame at their being done at all.

That sense of shame was a symptom of civilization. It should now carry Americans to a total rejection of this denial of the sanctity of human life. If a community wants to deter killing, it had best begin by foregoing killing on its own part. Respect for life is best taught by the observance of it.

SEAPOWER REPORT OF AMERICAN SECURITY COUNCIL

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, September 8, 1971

Mr. THURMOND. Mr. President, last month and several times in the past year I have warned the Nation that U.S. dominance of the seas is being seriously challenged by the Soviet Union.

In the last few weeks the highly respected London publication called Jane's Fighting Ships has reported that:

> By any standards the Soviet Fleet now represents the super-navy of a super-power.

This Nation must meet this challenge by accelerating the modernization and size of our Navy to a degree that our superiority of the seas will not be questioned.

This effort must be made largely by Congress. In this regard, Managing Editor Duane Thorin of the American Security Council has published a statement entitled "Who Rules the Waves?" published in the August 30, 1971, issue of the Council's newsletter.

Mr. President, I ask unanimous consent that the article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHO RULES THE WAVES?

"By any standards the Soviet Fleet now represents the super-navy of a super-power. . . ."

"The size and relative capabilities of the United States Navy continue to decline. . . ."

—from foreword of *Jane's Fighting Ships,* 1971–72 edition.

For the past several years warnings have been sounded by naval and military experts at home and abroad that unless the United States took steps to substantially augment and update its naval forces, the Soviet Union would shortly surpass us in the vital realm of seapower. The most recent edition of *Jane's Fighting Ships* indicates—by its statistical content even more than by its above editorial assessment—that the day of Soviet superiority on the high seas may already have arrived.

In all elements of seapower except attack carriers, Jane's now rates the Soviet Navy ahead of the United States. Most alarming is their lead in ships armed with tactical surface-to-surface missiles (SSMs). The Soviet Fleet now has some 273 vessels so equipped; 11 cruisers, 37 destroyers, 160 patrol boats, and 65 cruise missile submarines. The United States Navy still has none! (The so-called "missile" ships in the U.S. surface fleet have only SAM, surface to air, capability, not the SSM, anti-ship weaponry.)

These alarming developments should come as no surprise. As Jane's points out:

"Every year for the last decade or so a new class of rocket cruisers, missile destroyers, submarines, escorts, minesweepers, missile boats and/or torpedo boats has appeared in the Soviet Navy and most western observers have been impressed by their sophistication and novelty."

The Soviet submarine fleet, already much larger than our own (by a ratio of about 3 to 1) is still growing; with construction schedules and *operational construction potentials* far greater than in the United States.

THE DESIGN GAP

Part of the reason for U.S. fallback in seapower, viz-a-viz the USSR, is the fact that the Soviets have been building their deep water forces entirely anew—incorporating from the outset all they can of most recent technology. Meanwhile, the U.S. Navy has been expected largely to "make do" with vessels left over from the pre-nuclear and pre-missile era.

But even in its new construction of surface vessels, the U.S. has been in some respects shortsighted. Nuclear propulsion—in which the U.S. certainly has led the way—has proved its merit for major warships. But except for a few seaborne SAMs (surface-to-air missiles) the armament of our nuclear-propelled surface ships other than carriers has remained quite antiquated.

There is good reason also to question the wisdom of continuing to build surface warships so large as were needed in the past. In this connection, the editors of Jane's have noted:

". . . The diminutive missile boats with surface-to-surface systems will give smaller navies an offensive power out of all proportion to their modest overall size.

"In fact, viz-a-viz a country with a much greater fleet of larger warships without missiles the smaller country with missile boats could hold the balance of deterrent power and exert a containing influence. And withall the missile boats are cheaper and quicker to build, easier to maintain and much more economical in manpower."

THE NUMERICAL EQUATION

The Soviet Fleet, which includes many such "diminutive missile boats", is anything but modest in its overall size. Jane's 1971–72 edition summarizes for the USSR as follows:

"It is estimated that the strength of the Soviet Fleet now comprises 83 nuclear powered submarines, 318 conventionally powered submarines, 2 cruiser helicopter carriers, 26 cruisers including missile ships, 100 destroyers including missile-armed vessels, 130 escorts of the small frigate and corvette type, 270 coastal escorts and patrol vessels, 320 minesweepers, 125 missile boats, 325 torpedo boats, 125 amphibious ships and 75 smaller landing craft excluding minor LCMs. Support ships, auxiliaries and service craft run into thousands."

With respect to major vessels in the U.S. Navy, Jane's summarizes: "The force levels of the Fiscal Year 1972 budget reduce several categories of warships to their lowest strengths for over a decade. The situation is evident in the planned force of 13 attack carriers (one with a mixed attack/anti-submarine air wing) compared to 16 attack carriers three years ago; 160 cruisers, frigates and destroyers, decreased from 240; and 93 attack submarines, a drop of ten boats since 1969."

Numbers of vessels, to be sure, are not the sole criteria for judging effective power. For example, despite the Soviet lead in numbers of submarines, the U.S. still has for the moment a considerable edge in submarine launched strategic missiles.

On the other hand, with regard to surface power, Jane's editors say: "In some respects the characteristics and capabilities of the Soviet ships obviously are superior to those of their U.S. Navy counterparts."

ATTACK CARRIERS—U.S. HOLE CARD

The Soviet Navy has no "counterpart" of the U.S. Navy's venerable stalwart—the aircraft carrier. Hence Jane's editors allow that "the only category of warships in which the U.S. Navy now *and for the near future* maintains a decisive advantage is the aircraft carrier."

Overlooked in the Jane's assessment—and apparently by many others—is the fact that the mere absence of the same type of warships in the Soviet Naval Force does not mean that the continued presence afloat of 13 (or even more) attack carriers automatically provides the U.S. with a "decisive advantage."

It is unquestionably true, as the Jane's editors mention, that "no other ship or even combination of surface ships can match the versatility, striking power and range, or endurance of the modern attack carrier and her 80 to 90 aircraft." But that unmatched power can be relied upon only providing that the carrier is able with reasonable certainty to be defended against any and all potential attackers, or that it continues to have immunity from attack by virtue of strategic considerations on the part of the enemy.

The U.S. Chief of Naval Operations, Admiral Zumwalt, told a Congressional committee this year that the advantage of our carriers "is currently negated by the offensive strike capability [i.e., anti-ship missiles] of the Soviet ships trailing ours. . . . Programs to provide missile defense systems . . . are being accorded high priority. However, progress is limited by the amount of money we can make available. The adequacy of the U.S. carriers in 1972 and later is a function of the rate at which fleet missile defense and other combat systems are improved relative to Soviet offensive weapons systems."

It would be premature to write the big aircraft carriers off as being entirely obsolete. If other elements of our naval and strategic power can be brought back into balance favorable to ourselves, they could serve useful purposes for some years to come.

But in the allocation of essential resources —money, materials and manpower—to most quickly bring our naval strength up to what it now needs to be, we must hope that the justly proud sailors who brought the aircraft carriers to their full glory in the past will not let nostalgia get in the way of their good judgment for the future.

Or, putting it another way—if anyone wants still to look upon our big aircraft carriers as a pot-winning ace in the hole, they had better come up in short order with something to show which will at least match the Soviet Navy's face-up flush.

FILLING OUR HAND

Strengthening our own naval forces to cope with the Soviet naval buildup does not necessarily mean matching them ship for ship or weapon for weapon in every respect and detail. But a willingness to follow their lead in new concepts or designs, when appropriate, would certainly make sense. As the editors of Jane's expressed it, "the Soviet Navy . . . has pointed the way to the ascendancy of the missile boat over much larger orthodox warships."

Application of U.S. technological talent and productive capacity in the direction which the Soviet Navy has in this case pointed, could bring about a more rapid and more economical *reascendancy* of our own seapower than appears possible by any other construction program.

Within reasonable limits it appears that the smaller the vessel the greater the economy (in terms of money, materials, manpower and time), and also more seapower for the money. At least Germany must think so. As reported by Jane's: "Abandoning what seemed to be a firm project to build four guided missile frigates of 3,500 tons, the German Navy is instead to build ten guided missile boats of 350 tons and 20 guided missile boats of 250 tons."

If Germany can thus amplify her effective seapower, creating 30 missile-armed vessels out of resources originally allocated to only four, consider the potential for the U.S. Navy of allocating to smaller, ocean going missile-ship construction the materials—and manpower—which enter into construction and operation of just one aircraft carrier. Moreover, several of those smaller warships could be operating with the fleet before the carrier's construction had progressed much beyond the laying of the keel.

Finally, in keeping with the Nixon Administration's doctrine that our allies must assume a bigger share of the mutual defense burden, a reordering of the U.S. Navy's new construction toward smaller missile-armed ships would make it far easier for less affluent countries to provide naval units which fit into joint force with our own.

THE "OCEAN STRATEGY"

Besides better meeting our purely "seapower" needs, as counter to Soviet efforts to achieve actual dominance of the oceans and strategic waterways, the advance of our surface fleet fully into the missile age would open the way for economically increasing the Navy's contribution to Strategic Deterrence. This prospect disturbs Soviet leaders. In a recent Pravda interview the Chief of the Soviet Navy, Adm. S. G. Gorshkov said:

"It is appropriate to draw attention to the 'ocean strategy' which is now being publicized in the United States and which envisages the transfer of the main nuclear potential from dry land to expanses of the ocean. The militarist U.S. circles give priority to the development of submarine missile systems, considering them to be less vulnerable than missiles on land or underground. By locating a large quantity of strategic missiles on the expanses of the ocean, the U.S. militarists cherish the dream of deflecting a considerable number of possible (in the event of their launching a war) retaliatory strikes away from U.S. territory. Vain hopes! No strategy, including the so-called 'ocean strategy', will save from crushing retribution any aggressor who would risk going to war against the USSR and the other countries of the socialist community."

Setting aside his hypocritical diatribe about U.S. "militarists" and "launching a war," Admiral Gorshkov may have done us an unintended favor. His crude attempt to discourage the idea highlights the fact that *extension* (rather than "transfer") of additional strategic deterrence forces to the "expanses of the ocean" may be the best answer to our most pressing problem of the moment—restoring our lost leverage in the strategic power balance, *quickly and economically!*

Such a strategy has in fact been suggested by some U.S. experts, but the reasons for it and reasonings of it have not in fact received the publicity they deserve. The Soviet Naval Commander has expressed quite well two good reasons for it (even though he did so in distorted phraseology): If a major portion of the additional deterrent missile forces which we now must have is dispersed on the expanses of the ocean, this would indeed make them less vulnerable to a preemptive strike by the Soviet Union and at the same time, in the event of such a strike, draw a considerable number of those Soviet first strike missiles away from inhabited territory. (Gorshkov neglected to mention that wide dispersal of U.S. nuclear deterrence at sea, even on readily visible surface vessels, would make immensely more difficult, any Soviet effort to knock them all out at once, even with a surprise attack.)

But contrary to the implications in Gorshkov's Navy Day remarks, not all of these seaborne strategic missiles would need to be underwater. A faster and more economical way of substantially augmenting our oceanborne deterrent would be (as some U.S. experts have suggested) to position them in movable surface installations. It has also been suggested that some of the vessels now in the "mothball fleet" might be readily convertible into seaborne missile stations, thus making good use of still seaworthy hulls whose armament is obsolete for service in the regular fleet, yet could serve as a measure of self-defense for the converted units.

It is interesting to note that some members of Congress (such as the group called Members of Congress for Peace through Law) who have actively opposed most other proposals for strengthening our strategic deterrent forces are backing full funding of *research and development* for ULMS (Underwater Longrange Missile System). Desirable as that system *might* turn out to be, it is *long range* in more ways than just one. Now only in research and development, it will be several years before ULMS could possibly go into production and deployment. There is need for increasing our actual strategic deterrence now! For the interim, until ULMS or something better becomes a fact, it would be relatively inexpensive to position on surface vessels the Poseidon, which is already in production for submarine deployment. Also available are still-serviceable Polaris missiles, as they are replaced by Poseidon in our submarines.

BATTLE OF THE BUDGET

There is urgent need for strengthening the full spectrum of our defense-deterrent forces. Budgetary limitations imposed by the present Congress are one of the biggest handicaps—especially since the Nixon Administration has not really asked for all that is needed in the first place. On top of that, a well-orchestrated "Anti-Defense Lobby" is clamoring for still further cuts.

But even given an adequate budget, there is need to establish priorities as to which elements of military power should be refurbished first. Limitations of manpower and material resources keep us from doing all necessary things at once. The largest share (34.56%) of the Fiscal Year 1972 defense budget has been allotted to the Navy; a proper selection but still far short (as the other services are also short) of the needs to really do the job.

Apart from its potentially greater contribution to strategic deterrence, seapower in its own right is, if anything, more vital to national security and international eminence of a nation today, in the missile age, than it was in the days long ago when "Britannia ruled the waves". The prospects for peace with freedom anywhere in the world are dependent upon maintaining Freedom of the Seas.

And Freedom of the Seas—to non-aggressive military deployment as well as commercial shipping—depends in the final analysis upon the existence of sufficient seapower under the flags of non-aggressive nations to keep them free. For in keeping with the overall imperialist aims of the Soviet Union, the continuing buildup of their already powerful fleet is clearly aimed beyond what is required to secure legitimate freedoms to themselves—toward the further end of denying those freedoms to us.

Even the most fervent advocates of further cuts in the defense budget usually insist that they are *for* whatever is really essential to our national security, and against only "wasteful" spending. Some of them seem to resent being referred to as "anti-defense".

As evidenced by Jane's current edition of *Fighting Ships*, and other reliable sources, the still-growing Soviet Navy constitutes a clear and present threat to national security. How these defense budget slashers respond to that threat, and to requests for funds to prudently refurbish our own Naval Forces to cope with it, should be a conclusive indicator as to whether they are really against only wasteful spending or are outright anti-defense.

AMERICAN AIRLINES SUPPORT NONSMOKERS RELIEF ACT

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. YOUNG of Florida. Mr. Speaker, support continues to grow for H.R. 4776, my Nonsmokers Relief Act which would provide separate areas for nonsmokers on planes, trains, and buses. Since I introduced this bill on February 22, overwhelming responses have come to my office from the industries affected as well as from thousands of concerned nonsmokers. American Airlines, one of the Nation's major air carriers, is the latest organization to embrace this measure. Trans World Airways and United Airlines already have expressed support and voluntary compliance with the provisions of H.R. 4776.

Few people enjoy tobacco smoke blown in their faces as evidenced by a recent survey conducted by the Long Island Railroad. This report showed that the majority of its passengers, by a 5-to-1 margin, prefer riding in a nonsmoking car. As a result of this survey, the railroad is changing from the current 50-percent ratio of smoking cars on each train to a total two cars per train.

There has been little opposition offered to such steps because most people realize that in confined, close quarters, fugitive fumes can become very annoying and even nauseating—and while traveling on public transportation, there is no escape available to the nonsmoker short of leaping from the plane, train, or bus.

My proposed measure does not restrict smokers from smoking in public places or conveyances; that is, as it should be, an individual decision. It would, however, require the Secretary of Transportation to establish protected areas to assure the rights of nonsmokers who prefer to travel aboard airliners, trains, and buses without being choked by a cloud of secondhand smoke.

It has been proven that the effects of prolonged smoke inhalation can cause many of the same effects as smoking itself. Why, then, should these people who have voluntarily chosen not to subject their bodies to the detrimental effects of smoking, be involuntarily subjected to the same while traveling in public transportation vehicles?

The fact that the industries involved are aware of this problem and are willing to comply with the provisions of the Nonsmokers Relief Act should be a mandate for action in and of itself. The need for relief is self-evident, and we must act promptly to provide this relief to millions of American travelers.

Here for the consideration of my colleagues, are the announcements of American Airlines and the Long Island Railroad:

NEW YORK, August 10.—American Airlines has introduced non-smoking areas aboard every airplane it flies.

Walter J. Rauscher, senior vice president-passenger marketing, said that beginning this week all of American's passengers will be able to designate their seat preference in either smoking or non-smoking areas.

Previously, American offered non-smoking sections aboard only its Boeing 747 Luxury Liner and its DC–10 LuxuryLiner. The new policy extends the service to the airline's Boeing 707, Boeing 727 and BAC 400 Astrojets.

"Our experience with the non-smoking section aboard the LuxuryLiner has shown that our passengers—both smokers and non-smokers—appreciate this added service," Mr. Rauscher said.

He added that smoking will continue to be permitted in coach and first class lounges aboard the 747 and DC–10 LuxuryLiners.

The Long Island Railroad, in response to many requests from its customers, will reduce the number of smoking cars on all its trains starting Sunday, August 1.

Instead of the current 50% ratio of smoking cars on each train, a total of two cars will be assigned to each train. Smoking will continue to be permitted in all bar cars and cars equipped with portable bar carts.

The change, according to LIRR President Walter L. Schlager, Jr., has been brought about because of the changing habits of its customers as evidenced by the increasing number of phone calls and letters received from riders who object to the current ratio of equal number of smoking and non-smoking cars on all LIRR trains. Most complainants say there are too many smoking cars and not enough non-smoking ones.

Last April, as a result of these indications, the LIRR surveyed commuters to determine rider preferences. The returns showed that the greatest majority of riders—by a 5–1 margin—would prefer to ride in non-smoking cars.

The LIRR's decision is also in line with the current national trend to curb smoking as a health measure. Recently, in New Jersey, the Erie Lackawanna Railroad limited its smoking cars to two per train. Some commuter lines in the U.S. do not permit smoking in any cars.

Smoking cars on LIRR diesel and older electric trains are identified by "Smoking" signs at either end inside the car. These cars will be located at the front and rear end of each train.

Smoking cars on the new Metropolitan electric trains will be located in the first and next to last cars on New York-bound trains; and on the second and last cars of Long Islandbound trains. They will be identified by "Smoking" signs at either end inside the car.

LET US GET THE JUDGES OUT OF OUR CLASSROOMS

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. YOUNG of Florida. Mr. Speaker, my office has been flooded with letters from constituents vehemently opposed to the judicial order upholding forced busing. This action by the courts denies our children the right to attend neighborhood schools, and instead, sends them miles from home, in order to achieve an arbitrary "racial balance" in the classrooms.

The letters come from people of all races, of all political ideologies, from all walks of life, who are frustrated by the denial of rights they thought were guaranteed to them as American citizens. Discriminated against because of race, they have appealed to me as their Congressman. Our local communities, with governments closest to the people, are distressed over the injustices of massive forced busing. The Suncoast League of Municipalities, comprising the local governments in my district, on August 14 adopted the following motion:

> Motion by Mayor Julian Fant of Treasure Island that this league shall go on record as opposing forced school busing and advise Congressman YOUNG of our support in his efforts for a constitutional amendment in Congress in this respect; seconded by H. Hanke, councilman of Madeira Beach; which motion passed unanimously.

The city of St. Petersburg Beach spelled out the community's grave concern on August 17 with this resolution:

> RESOLUTION NO. 349—RE: OPPOSITION OF CITIZENS TO DISTANT CROSS-BUSING OF STUDENTS
>
> The Board of Commissioners of the City of St. Petersburg Beach, Pinellas County, Florida, in special meeting assembled on August 17, 1971, resolves as follows:
>
> Whereas, a majority of the residents of St. Petersburg Beach, Florida have expressed opposition to cross-busing of students, and
>
> Whereas, forced busing to accomplish desegregation of schools will impose periods of inconvenience and deprivation upon students and their families, and
>
> Whereas, busing requires expenditures which will either cause increases in taxation or will lessen the funds available for educational purposes and which, in either case, will cause undue hardship upon the citizens of this City, and
>
> Whereas, the children of this community will be exposed to greater vehicular dangers, and
>
> Whereas, removing children from neighborhood schools will remove them from parental attention in the event of illness, disaster and other emergency situations, and
>
> Whereas, long distant cross-busing deprives the students from entering into extra-curricular school activities; an important part of the educational process, and
>
> Whereas, the citizens of St. Petersburg Beach are neither complacent nor oblivious to the necessity for desegregation, but believe that the majority is being penalized by forced busing to assuage the political pressures of the minority;
>
> Now, therefore, be it resolved that the City of St. Petersburg Beach feels that the foregoing expressions constitute the beliefs of the majority of the citizens of the City of St. Petersburg Beach and that thereupon, the City of St. Petersburg Beach endorses and approves such beliefs in an effort to prevent distant cross-busing of students in all areas of Pinellas County, Florida.
>
> The City of St. Petersburg Beach does further resolve that copies of this Resolution be forwarded to the Parents Against Forced Busing Officials; Pinellas County Board of County Commissioners; Pinellas County Board of Public Instruction; The Honorable Floyd Christian, Superintendent of Public Instruction of the State of Florida; The Honorable Reubin Askew, Governor of the State of Florida; The Honorable C. W. "Bill" Young, United States Representative; The Honorable Edward J. Gurney, United States Senator; President Richard M. Nixon; The Honorable Joseph P. Lieb, Chief Judge, United States District Court, Middle District of Florida, and the Honorable Claude Kirk, former Governor of the State of Florida.
>
> Commissioner McKenney offered the foregoing Resolution and moved its adoption, which was seconded by Commissioner Rightmyer, and upon roll call the vote was as follows:
>
> Ayes: Misener, McKenney, Bowles, Rightmyer and Klesius
>
> Nays: None
>
> Absent or Abstaining: None
>
> Resolved and done, this 17th day of August, 1971, by the Board of Commissioners of the City of St. Peterburg Beach, Pinellas County, Florida.

We as Congressmen must be aware of the impact this order is having on the people we represent. Children have to spend long hours in close, chaffing quarters being transported to and from schools—hours that have been traditionally spent participating in scouting, school clubs, athletics, and other extracurricular activities. These additional hours on the road and away from the family circle cause parents untold anxiety and dismay. These unjust hardships, which heretofore have been ignored by those in a position to remedy them, are now a grim reality to those caught up in the havoc of busing. As their voice in Government, we must consider the circumstances and how they will affect our children and family life in America.

I firmly believe in the right of the people to be heard. We must work within the system to overcome this unjust ruling. For this reason, I have introduced a constitutional amendment, House Joint Resolution 600, which provides that the right of students to attend the public school nearest their place of residency shall not be denied or abridged for reasons of race, color, national origin, religion, or sex.

In addition, because the House Judiciary Committee has failed to act on this critically needed legislation, I have filed a discharge petition to get the resolution on the floor for prompt action. I urge my fellow Congressmen to sign discharge petition No. 6, for this is too crucial a matter to die in committee. The future of our children is far too important to be placed solely in the hands of a capricious Federal court. Let us get the judges out of our classrooms.

THE POTENTIAL OF WOMEN

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mrs. MINK. Mr. Speaker, my attention has recently been directed to a study on "The Potential of Women" by the Johnson O'Connor Research Foundation Human Engineering Laboratory. The study was written by Jon J. Durkin. It found that in 13 measures of ability between men and women, there was no discernible sex difference, while in eight aptitudes differing levels of ability were observed between men and women.

In the eight areas of differing ability, women were superior in six. The two in which men excelled were grip—a measure of physical energy—and structural visualization—as measured by the assembly of three-dimensional puzzles.

As women were superior in all measurable areas of skill except those attributable to biceps size and the ability to assemble puzzles, the report wondered about the predominance of men in various occupations as opposed to women.

The report said:

> In most occupations, if positions were based solely on aptitudes, men and women would be found in approximately equal numbers.

I agree and see no reason why there should be more men in Congress than women, for example. There is no reason why a woman should not aspire to any position, including President of the United States.

The article follows:

THE POTENTIAL OF WOMEN

(By Jon J. Durkin)

Since its inception in 1922, the Human Engineering Laboratory/Johnson O'Connor Research Foundation, Incorporated, has seen four men go through its program of aptitude assessment for every one woman. Perhaps this made some sense thirty to forty years ago, since far fewer women then may have contemplated full time, non-domestic careers. In the past decade this lopsided ratio of 4/1 has altered slightly so that the actual ratio now is more like 3.5 men to each woman. However, beginning with the Second World War (when women inundated the entire labor market) enormous changes have taken place regarding the occupational importance and aspirations of women. In 1970, forty-four per cent (44%) of all adult women were employed outside the home. In other words, the ratio of men to women in work is nearly 2/1. According to the Department of Labor this trend will definitely continue through the foreseeable future.

The job of the Human Engineering Laboratory/Johnson O'Connor Research Foundation, Incorporated, is the discovery and accurate measurement of inherent aptitudes and the measurement and teaching of acquired knowledge. When we look for differences in level of measured ability between men and women we find the following facts.

I. THOSE APTITUDES WHICH SHOW NO DISCERNIBLE SEX DIFFERENCES

1. Analytical Reasoning.
2. Eyedness.
3. Foresight.
4. Inductive Reasoning.
5. Memory for Design.

6. Number Memory.
7. Objective Personality.
8. Subjective Personality.
9. Pitch Discrimination.
10. Rhythm Memory.
11. Timbre Discrimination.
12. Tonal Memory.
13. Tweezer Dexterity.

II. THOSE APTITUDES WHICH DO SHOW A SEX DIFFRENCE

1. Finger Dexterity—used in all manner of activities involving deft digital manipulations (handling, demonstrating, assembling). At the 50th percentile, 17 year old men fill 77 holes in a pegboard, 17 year old women complete 82. Women excel in Finger Dexterity.

2. Graphoria—Originally termed accounting aptitude, this work-sample measures clerical speed and efficiency (accounting, auditing, statistics, actuarial work). A 17 year old boy at the 50th percentile takes 7.20 minutes to complete this worksample, a 17 year old girl completes it in 6.48 minutes. Women excel in Graphoria.

3. Ideaphoria—a measure of rate of flow of ideas used in activities involving persuasion and verbal fluency (sales, teaching, writing, advertising). At the 50th percentile, a 17 year old boy writes 267 words in 10 minutes, whereas a female peer writes 290. Women excel in Ideaphoria.

4. Observation—This worksample measures one's ability to perceive small changes, alterations, in physical details and is used in activities involving close visual inspection (insurance adjustment, police work, factory inspection). At the 50th percentile a 17 year old male amasses 85 points, a female gets 88 Women excel in Observation.

5. Silograms—measures the ability to easily form associations between known and unknown words. A measure of a memory most useful in acquisition of languages and professional terminology (chemistry, medicine, law). At the 50th percentile, a 17 year old boy remembers 27 words out of 80, a girl remembers 35. Women excel in Silograms.

6. Abstract Visualization—the theoretical complement of Structural Visualization, this aptitude is not measured directly but is inferred from the absence of Structure. Found in banking, management, politics, writing and sundry non-technical professions. 75% of women possess abstract visualization, whereas only 50% of men do.

7. Grip—a measure of physical energy, useful in those activities requiring large amounts of muscular exertion (construction worker, athlete, weight lifter). At the 50th percentile, a 17 year old woman exerts 90 kilograms pressure, a 17 year old boy exerts 144. Men excel in grip.

8. Structural Visualization—measured by worksamples involving rapid assembly of three dimensional puzzles, this aptitude seems central to the technical/scientific professions (engineering, architecture, surgery, mechanics, building). At the 50th percentile a 17 year old boy completes the worksamples in 1.75 minutes, a 17 year old girl in 2.75 minutes. Men excel in Structural Visualization.

We can find no discernible difference between men and women in acquired knowledge as measured by tests of English Vocabulary.

CONCLUSIONS

Out of the 22 aptitude and knowledge areas measured above, there is no sex difference in 14; women excel in 6; men excel in 2. We could speculate endlessly as to the reasons for these similarities and variances but that would obscure the point of this article. The point to be made is a simple one. There is no field which can, with absolute assurance, claim to be the exclusive domain of either sex. Men will predominate to some degree in those fields requiring Grip and Structural Visualization; women in those which call upon Graphoria, Dexterity, Ideaphoria, Observation, Silograms, and Abstract visualization. In other fields there ought to be no favoritism. Neither a girl nor a boy ought to peremptorily dismiss from consideration any endeavor solely because it has been the preserve of the opposite sex.

People come to us primarily to gain information about themselves which they can use in developing a full, satisfying, and successful life. It has been the general observation of the staff that most women seem timid in their search for a lifestyle. Rather than aspiring to law, they aim for law clerk, architectural assistant rather than architect; private secretary rather than corporation president. In a word, subordinate positions.

We can find no substantiation for this timidity in measured ability. Many women claim, since they expect to marry and raise children, that they need not be so serious in making a vocational choice as does a man. This, we feel, is a short-sighted viewpoint, and one which can prove to be ultimately quite detrimental to the individual woman who chooses it. When children are grown and no longer a maternal responsibility many women find themselves experiencing increasing ennui and frustration with the diminished role as keeper of an empty house. This is not a pleasant prospect to anticipate or experience. It can lead to marital and emotional difficulties, degrading everyone, benefiting no one.

We urge that women take their lives as seriously as any human being ought to, and prepare for a vocation, a life's work, which will continually challenge all their abilities and knowledge; a vocation which will be harmonious with self-development and continual personal growth. We say "be a doctor instead of a nurse if such is your aptitude and desire". We say "grow and enjoy life as an independent individual not simply as a satellite dependent upon a larger planet". Get the experience, education, and fortitude necessary for a large life. Do not allow your freedom of choice to be diminished by well-meant, but meretricious advice.

The present period is monumentally critical to the future of all mankind and we feel that it is the responsibility of each person to do what they can to ensure the continued positive growth of the human race. It seems reasonable to assume that women, through full and unfettered realization of their potential could do much to further this end.

Our society, perhaps the most heavily industrialized one in history, places a premium on the expert use of structural visualization. This aptitude, the gift for three-dimensional thinking, underlies successful performance in the physical sciences, medicine, all forms of real engineering, architecture, city planning, building, mechanics, etc. Fewer women than men possess this aptitude. The exact figures are one woman in four, one man in two. However, none of the above mentioned professions are 25% female in population. This is a case of cultural bias. Parents treat boys and girls differently from birth. It's a rare parent who will give their daughter an erector set or carpentry tool which are delightful presents for a youngster who is high in structure as ¼ of girls are. At best, a high structure girl may exercise her aptitude through dressmaking, jigsaw puzzle assembly, or unauthorized use of her brother's toys. It seems to be a case of the few being made to suffer for the characteristics of the many.

Another example can be seen in the field of management. The aptitudes which seem to underlie successful management are: Objective Personality, Abstract Visualization, and high English Vocabulary. Equal numbers of men and women possess objective personality and high vocabulary. More women have abstract visualization than men. The ratios are three women in four, one man in two. Theoretically at least, there ought to be more women in management than men. However, in reality, this is definitely not the case. Even the most cursory perusal of most companies will reveal few, if any, women in higher management positions.

In most occupations, if positions were based solely on aptitudes, men and women would be found in approximately equal numbers. This is not how things actually are. Women are encouraged, both overtly and covertly, to seek lesser positions for a variety of reasons, many of which, when examined closely are found to be based on biased and spurious information. In other societies, this type of bias is not so obviously operative. One is reminded that the first woman astronaut, who orbited the earth several years ago, was not an American. The prime ministers of India, Israel and Ceylon are not men. These are facts. The Johnson O'Connor Research Foundation respects facts whatever they may be. Since in the course of virtually fifty years of research it has found no facts which substantiate the great discrepancy between women's potential and their actual accomplishment it feels bound to present these facts to the world. If it leads to a greater development of ability on the part of all people, then our job will be done.

RELIEF TO THE WORKINGMAN

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. PEYSER. Mr. Speaker, I am introducing a bill today to ease the inequitable payroll tax burden borne by American wage earners. By making up to $200 of these taxes deductible from Federal income taxation, the low- and middle-income worker will get the break he needs so desperately.

Those with higher incomes will benefit, too, although on a smaller scale. The net result is that the unfairly regressive payroll tax will be made more just.

All of us realize that taxes in general are becoming more and more burdensome as they take up more and more of every family's budget. The situation is made intolerable as prices continue to soar, and what is more apalling, the tremendous tax burden is not even distributed evenly. The second largest source of Federal revenue, the payroll tax, is levied with no regard to the taxpayers' dependants, nor any other deductible factor.

There is a myth that payroll taxes comprise a system of saving for the future. The truth is that these funds are used to finance current expenses of the social security system. Thus, this is not a savings situation—it is definitely a tax, and it is unfair to expect taxpayers to put up with a Federal tax retaxed by the Federal Government.

Under H.R. 1, social security payroll taxes will rise from the present 5.2 level to 7.4 percent by 1977. Next year, the wage base will rise from $7,800 to $10,200. Therefore, a man who makes a little less than $200 a week will find his payments rising from $405 to $755 per year.

This state of affairs alone is deplorable—but worse, the payroll tax is not equitable. A wage earner who makes $25,000 per year is taxed the same amount as one making $10,000, and he or she receives the same benefits upon retirement. Today more than 20 percent of all employees earn more than the $10,200 limit and are never taxed on the surplus amount.

My bill, in making payroll taxes up to $200 deductible from Federal income taxation, is one way Congress can act to begin to rectify regressive taxes, and come to the aid of millions of low- and middle-income taxpayers.

PREMATURE ULMS DEVELOPMENT

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. FRASER. Mr. Speaker, the August 1971 issue of the Armed Forces Journal carries an item which reinforces my belief that we should go slow with advanced development work on the undersea long-range missile system—ULMS. The Journal article "'Expanded Poseidon' Clouds ULMS Picture" by James D. Hessman and Benjamin F. Schemmer, indicates that a three-stage Poseidon missile could yield a longer range and be fitted on existing boats. And the authors ask three questions which proponents of "full speed ahead" for ULMS must answer:

> If, as the Navy repeatedly said in making the case for the Polaris/Poseidon program, U.S. nuclear missile submarines are already 'relatively invulnerable,' why is ULMS needed?
>
> If there is a genuine need for more sea room, wouldn't EXPO, at a much lower cost, provide enough of it to make a compromise acceptable?
>
> If Polaris/Poseidon is as advertised, a 'second strike' weapon, why does it have to be positioned in an immediate, 'first strike' posture? Could it not be deployed at greater range and ordered into launch position only if and when needed?

The Armed Forces Journal story contains several minor errors which should be corrected for the record. The distinguished author of the report on ULMS circulated by Members of Congress for Peace Through Law—MCPL—CRAIG HOSMER, is a Republican. And the papers circulated by the military spending committee of MCPL are not endorsed either by that committee or by MCPL. They are issued to stimulate thinking and discussion on important defense issues and represent the views of the authors. The papers are circulated to MCPL members and other interested parties for their use and endorsement, if desired.

Finally, the gentleman from Wisconsin, Senator PROXMIRE, and the gentleman from New York, Representative REID, are chairman and vice chairman, respectively, of the Military Spending Committee. MCPL is presently chaired by the gentleman from Oregon, Senator HATFIELD.

The article follows:

"EXPANDED POSEIDON" CLOUDS ULMS PICTURE

(By James D. Hessman and Benjamin F. Schemmer)

The Navy's proposed new Undersea Long-Range Missile System (ULMS) may be upstaged by an improved, longer range Poseidon missile program as a result of a recent Pentagon review of strategic force options.

Ironically, the Defense Department review—in the form of a DCP (Development Concept Paper) setting out various ULMS-Poseidon options—has been sent to Deputy Defense Secretary David Packard for decision just as ULMS got a strong boost from one unlikely source, the Members of Congress for Peace through Law. Headed by Senator William Proxmire (D-Wis) and Representative Ogden Reid (D-NY), MCPL normally is skeptical of the Pentagon's proposed new weapons systems.

ULMS was conceived as a logical extension of the Navy-advocated "blue water option," which postulates putting more of the nation's strategic offensive force at sea in fast, nuclear-powered submarines. Lost in the vastness of the ocean's depths, ULMS (and Polaris-Poseidon) advocates say, the U.S. deterrent would be "virtually invulnerable."

The ULMS missile would have a range of over 6,000 miles, thus permitting any target on earth to be hit from boats stationed randomly in Atlantic and Pacific waters—the longer range would permit ULMS boats to operate from 55-million square miles of ocean, rather than the 3½-million square miles available to Poseidon, and enormously complicate Soviet ASW surveillance and detection efforts. (JCS Chairman Admiral Thomas H. Moorer told Congress in FY 71 hearings that "We feel it would be impossible for any nation to cover that much area with ASW forces."

ULMS' longer range, combined with the higher submerged speeds of the new ULMS' sub, would pose such a formidable detection task that MCPL calls ULMS "A sea-based deterrent . . . able to deter any aggressor. . . .

"Of all the strategic weapons now being discussed for possible deployment," MCPL says in its ULMS report (prepared by Democratic Representative Craig Hosmer of California, a rear admiral in the Naval Reserve), "only ULMS offers the potential of fulfilling U.S. strategic deterrent requirements in the decades ahead. We should therefore encourage full steam ahead on ULMS development."

COSTS AND RISKS

Nothwithstanding the MCPL endorsement, there are those—in the Services, in OSD, and in Congress—who believe the additional capabilities provided by ULMS are not worth what the system will cost. OSD officials say "total program" costs for Poseidon were estimated as of 31 December 1970 at $5,113-million—18% above the $4.3-billion "planned cost at current quantity."

Estimated cost of "the entire ULMS system [25 ships, each with 24 missiles], plus 10 years of operation," according to MCPL, will be "about $15-billion." Some $110-million for ULMS R&D is requested in the FY 72 DoD budget—$10-million was appropriated in FY 70, and $44-million in FY 71.

Other sources say the "total-program-plus-10-years" cost for ULMS will be closer to $25-billion, and suggest that, whichever figure is correct, the money might be better spent by further upgrading of Polaris/Poseidon at much lower cost and using the "savings" for other urgent hardware needs such as the B-1 bomber (for the AF), a family of anti-tank weapons (for the Army), and more surface "sea-control" ships (for the Navy).

ULMS critics (who are more critical of the program's budget than of the missile system itself) also point out that ULS represents a considerable advance over the current state of the art in undersea technology and hence entails more technical risks than an upgraded and almost "off-the-shelf" Poseidon

It seems significant in some quarters, therefore, that one option which Navy/ODDR&E officials have asked Secretary Packard to consider in the ULMS/Poseidon DCP is an "Expanded Poseidon" program, otherwise known as EXPO features a longer range and "improved" Poseidon missile, would have three instead of two stages, and—an important economic consideration—would fit on Polaris boats now being retrofitted as carriers for the larger Poseidon missiles. (DoD's current plan is to fit out 31 of the 41-ship Polaris fleet as Poseidon-launching subs.)

Poseidon reportedly can carry up to 10 independently targeted warheads, whereas Polaris is believed to carry only three—not independently aimed. Poseidon also has a longer range—from 2,700 to 3,000 miles, according to one reliable source.

ODDR&E sources told The JOURNAL the ULMS/EXPO options are not an "either/or proposition" but are considered complementary—"EXPO would be for the short run, ULMS for the long run." But under current budget restraints, ULMS proponents fear, a go-ahead for EXPO probably would mean, at best, a delay or stretchout for ULMS or, at worst, an eventual scrub of the whole program.

The EXPO "threat" to ULMS—if it can be called that presumably would meet with monolithic Navy opposition, but such apparently has not been the case. Chief of Naval Operations Admiral Elmo R. Zumwalt, jr, is reported not to be as enthused over ULMS, and thus not as opposed to the EXPO option, as most Navymen would expect. His reasoning may be that the huge funding levels required for a new fleet of ULMS submarines and missiles eventually would come out of the Navy's own "hide"—at a time when he is already pressing hard for congressional support of more money for ship modernization and the higher pay and personnel benefits needed if the Navy is going to lick its critical retention problems.

Army and AF officials also are concerned that a green light for ULMS could lead to eventual abandonment of the current triad concept (bombers, sea-based missiles, and land-based missiles) in favor of the so-called "maritime strategy" advocated by former *New York Times* Military Editor Hanson Baldwin (an Annapolis graduate) and now apparently also favored by MCPL.

Current OSD policy also favors a continuation of triad rather than, in the words of one source, "putting all our eggs in one basket." Technical experts still are not convinced, apparently, that the Navy can guarantee *secure* (the word "secure" is always emphasized in private conversations) two-way communications with ULMS, nor do they dismiss the possibility of Polaris/Poseidon/ULMS ships enroute to station being trailed by Soviet ASW detection systems, active or passive.

Triad proponents also have been asking these questions, JOURNAL sources say, during the closed-door hard-bargaining sessions where U.S. Defense policy is made:

If, as the Navy repeatedly said in making the case for the Polaris/Poseidon program, U.S. nuclear missile submarines are already "relatively invulnerable," why is ULMS needed?

If there is a genuine need for more sea room, wouldn't EXPO, at a much lower cost, provide enough of it to make a compromise acceptable?

If Polaris/Poseidon is, as advertised, a "second strike" weapon, why does it have to be positioned in an immediate, "first strike" posture? Could it not be deployed at greater range and ordered into launch position only if and when needed?

SALE OF COMMERCIAL JETS TO CHILE

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. BADILLO. Mr. Speaker, shortly after we began the summer recess it was announced that the Export-Import Bank refused to negotiate loans and loan guarantees with the Government of Chile in order that it may purchase three commercial jets—two Boeing 707's and one Boeing 727.

I am most distressed by this decision and believe it is not only unwarranted and ill conceived but that it also casts very serious doubts over the previously announced desire of this administration to maintain normal relations with Chile. As I mentioned in a letter to the President:

> The Ex-Im Bank's action is nothing more than a callous rebuff to Chile and I am fearful that it will serve to further strain our already troubled relations with this Latin American republic.

Earlier this month Dr. Peter T. Knight, a Latin American specialist at the Brookings Institution, addressed a letter to the editor of the New York Times on the refusal of the United States to finance the sale of the jets to Chile. Dr. Knight's letter goes beyond the sale of three jet aircraft and, in a penetrating and incisive manner, discusses the broad repercussions of the Export-Import Bank's unfortunate decision. I insert Dr. Knight's letter herewith, for inclusion in the RECORD, and urge our colleagues and administration officials to pay close attention to it:

[From the New York Times, Sept. 2, 1971]

REFUSING TO FINANCE JETS FOR CHILE

To the Editor:

Recent actions by Treasury Department representatives within the World Bank and the Inter-American Development Bank and now the refusal of the Export-Import Bank to finance the sale of Boeing jet airliners to the Chilean national airline have made it clear that the United States intends to use both national and international financial institutions as collection agents for U.S.-based multinational firms whose assets have been nationalized without "adequate" compensation.

It is worthwhile considering in some detail the refusal to finance the sale of Boeing jets to Chile as an example of the effects of a shortsighted view which equates United States interests with those of a few private corporations.

The President of the Eximbank, Henry Kerns, told the Chilean Ambassador in Washington that the bank would not provide $21 million financing for three Boeing jets until Chile made clear its intentions on compensation for nationalized copper interests of three U.S. corporations. It should be noted that negotiations concerning the amount and terms of compensation have not been completed.

This action was taken despite the Chilean Ambassador's submission of a written pledge that Chile would assume and repay the $190 million in loans that the Eximbank had previously made to the companies whose Chilean operations were nationalized.

It is doubtful that this United States move will have anything like its intended effect. A strong and unanimous negative reaction from the Chilean people, political parties and mass media has already been provoked. The Popular Unity Government of Salvador Allende and its opposition have both denounced "aggression against our national community," to use the words of the opposition Christian Deomcratic party statement.

President Allende's own Socialist party used the "unacceptable pressure" as grounds for urging that no compensation at all be paid the copper companies, and pro-Government newspapers have now published articles suggesting that Chile should reconsider the prompt repayment of her current foreign debt obligation, given the drying up of her external credit sources caused to a substantial extent by official U.S. Government policy.

Even the well-known newspaper El Mercurio, which has opposed the Allende Government on many issues, criticized the action of the Eximbank and called it a blow against normal relations with the United States.

Unemployed aircraft workers in Seattle will scarcely be pleased to learn that the United States move against Chile will increase employment in the Ilyushin plants of the Soviet Union if Chile is forced to turn to the only alternative source of long-range commercial jet aircraft despite its declared preference for Boeings.

The political effect of the Eximbank action in Chile is likely to be to force President Allende to take a more anti-U.S. stand on all fronts in spite of his oft-stated desire to maintain cordial relations with this country.

Elsewhere in Latin America those who assert that United States foreign policy is determined by the interests of a few United States-based companies with Latin-American investments in extractive industries will have dramatic new evidence to support their views.

Ironically enough, it is probably these very companies that will be most injured by the growing reaction to the United States policy of financial retaliation for real or imagined wrongs to individual companies.

PETER T. KNIGHT.

WASHINGTON, August 17, 1971.

PERSONAL AND REAL PROPERTY DONATED BY THE FEDERAL GOVERNMENT

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Wednesday, September 8, 1971

Mr. METCALF. Mr. President, since the end of World War II, our educational and health institutions, and more lately the Civil Defense organizations of the United States have received indispensable aid through the use of personal and real property donated by the Federal Government. The donated property has been property which is surplus to all Federal Government needs. The following table shows by States that the donations from 1946 through June 30, 1970, amounted to $7.458 billion of which $6.1 billion was personal and $1.3 billion real property.

TABLE 1.—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PERSONAL PROPERTY MADE AVAILABLE FOR DISTRIBUTION TO PUBLIC HEALTH AND EDUCATIONAL INSTITUTIONS AND CIVIL DEFENSE ORGANIZATIONS AND REAL PROPERTY DISPOSED OF TO PUBLIC HEALTH AND EDUCATIONAL INSTITUTIONS, 1946 THROUGH JUNE 30, 1970 (ACQUISITION COST)

States	Personal property	Real property	Total
Total	$6, 119, 487, 455	$1, 338, 585, 075	$7, 458, 072, 530
Alabama	182, 917, 314	22, 013, 636	204, 930, 770
Alaska	21, 350, 829	3, 605, 837	24, 956, 666
Arizona	60, 174, 418	9, 425, 893	69, 600, 311
Arkansas	68, 603, 452	28, 176, 997	96, 780, 449
California	703, 525, 076	76, 590, 193	780, 115, 269
Colorado	124, 116, 945	20, 494, 865	144, 611, 810
Connecticut	82, 071, 822	11, 872, 701	93, 944, 523
Delaware	16, 496, 087	2, 970, 371	19, 466, 458
Florida	254, 016, 891	37, 413, 973	291, 430, 864
Georgia	192, 689, 138	23, 943, 280	216, 632, 418
Hawaii	25, 038, 105	3, 986, 407	29, 024, 512
Idaho	36, 676, 284	22, 502, 351	59, 178, 635
Illinois	191, 081, 435	34, 302, 788	225, 384, 223
Indiana	114, 435, 010	6, 564, 768	120, 999, 778
Iowa	53, 675, 148	3, 894, 904	57, 570, 052
Kansas	66, 745, 095	60, 208, 541	126, 953, 636
Kentucky	100, 343, 912	10, 955, 418	111, 299, 330
Louisiana	92, 044, 650	37, 488, 842	129, 533, 492
Maine	44, 617, 288	4, 052, 896	48, 670, 184
Maryland	124, 746, 413	7, 102, 425	131, 848, 838
Massachusetts	221, 491, 079	45, 338, 461	266, 829, 540
Michigan	166, 612, 241	27, 834, 105	194, 446, 346
Minnesota	84, 543, 444	47, 293, 006	131, 836, 450
Mississippi	127, 919, 143	44, 514, 749	172, 433, 892
Missouri	89, 188, 740	52, 891, 656	142, 080, 396
Montana	23, 550, 203	1, 142, 610	24, 692, 813
Nebraska	40, 824, 159	17, 149, 687	57, 973, 846
Nevada	$24, 743, 906	$14, 121, 888	$38, 865, 794
New Hampshire	26, 753, 411		26, 753, 411
New Jersey	102, 545, 487	17, 592, 817	120, 138, 304
New Mexico	63, 748, 657	29, 767, 178	93, 515, 835
New York	377, 847, 449	133, 708, 771	511, 556, 220
North Carolina	157, 584, 236	21, 679, 020	179, 263, 256
North Dakota	16, 412, 450	2, 046, 200	18, 458, 650
Ohio	185, 678, 895	26, 500, 569	212, 179, 464
Oklahoma	132, 742, 622	96, 208, 530	228, 951, 152
Oregon	84, 872, 365	16, 669, 242	101, 541, 607
Pennsylvania	297, 680, 513	25, 997, 227	323, 677, 740
Rhode Island	31, 245, 851	889, 195	32, 135, 046
South Carolina	103, 238, 676	10, 647, 449	113, 886, 125
South Dakota	23, 953, 545	5, 859, 434	29, 812, 979
Tennessee	148, 779, 808	12, 769, 796	161, 549, 604
Texas	298, 714, 068	167, 490, 029	466, 204, 097
Utah	117, 652, 011	5, 123, 069	122, 775, 080
Vermont	26, 893, 082	2, 466, 167	29, 359, 249
Virginia	159, 885, 423	27, 506, 645	187, 392, 068
Washington	146, 160, 464	41, 865, 992	188, 026, 456
West Virginia	62, 344, 108	4, 849, 529	67, 193, 637
Wisconsin	138, 522, 956	2, 103, 484	140, 626, 440
Wyoming	23, 154, 683	1, 745, 466	24, 900, 149
District of Columbia	28, 186, 110	456, 234	28, 642, 344
Puerto Rico	30, 046, 146	4, 917, 324	34, 963, 470
Virgin Islands	605, 892	1, 865, 092	2, 470, 984
Guam		7, 368	7, 368
American Samoa	500		500

Mr. METCALF. Mr. President, at first glance it might seem that donations of such an extent would have filled the requirements of the eligible institutions and that further donations would be unnecessary.

While it is difficult to obtain an accurate figure on the number of potentially eligible educational, health, and civil defense units in the United States, it has been estimated that there are as many as 200,000. Thus donations of personal property amounting to approximately $400 million in fiscal 1970, would average only $2,000 per unit.

When we consider the expanding population, the increased scope of our educational and health activities in particular, it is evident that the requirements for personal property will never be fulfilled.

It should be noted from table 2, however, that the Department of Defense alone has declared as surplus from $3 billion to $8 billion of personal property year by year from 1958 through 1970.

TABLE 2.—TOTAL DISPOSITIONS[1] (AT ACQUISITION COST) OF DOD SURPLUS PERSONAL PROPERTY, FISCAL YEARS 1958–70

[In millions of dollars]

	Fiscal year—												
	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970
Utilized by other Government agencies and MAP	168	361	141	349	271	188	194	395	604	628	480	450	419
Abandoned or destroyed	62	99	118	64	63	90	134	183	181	64	56	59	179
Authorized donations	221	314	347	275	258	233	273	282	285	231	191	232	225
Sales (other than scrap)	2,466	2,789	2,356	1,771	1,236	892	980	975	[2] 804	[3] 917	[4] 847	791	1,195
Expended to scrap	2,994	4,577	3,627	4,332	2,233	2,538	3,818	2,983	2,614	2,146	2,093	2,998	3,612
Total dispositions	5,911	8,140	6,589	6,791	4,061	3,941	5,399	4,818	4,488	3,986	3,667	4,530	5,630

[1] Exclusive of DOD interservice transfers.

[2] Includes sale of $86,000,000 of missile phaseout property.

[3] Includes sale of $290,000,000 of missile phaseout property.

[4] Includes sale of $225,000,000 of missile phaseout property.

Mr. METCALF. Mr. President, it must seem to the uninitiated that the annual disposal of from $3 to $8 billion of surplus personal property is a great amount that cannot be long continued. However, when we consider that the DOD as of June 30, 1970, had total property holdings of $214,637 million dollars of which $40,344 million were of real property and $174,293 million of personal property, one can realize that the surplus declarations are relatively small. It is of value for anyone interested in the fiscal mess in this country to contemplate the following table entitled "DOD Property Holdings as of June 30, fiscal years 1955–70."

TABLE 3.—DOD PROPERTY HOLDINGS AS OF JUNE 30, FISCAL YEARS 1955–70

[In millions of dollars]

Total and type of property	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970
Total	128,694	134,082	146,021	149,465	150,660	154,617	158,508	164,835	171,364	173,455	176,221	183,570	195,552	202,547	210,121	214,637
Real	21,343	22,918	24,892	26,891	29,689	31,997	34,038	35,378	36,565	36,734	37,557	38,390	38,495	38,651	39,577	40,344
Personal	107,351	111,164	121,129	112,574	120,971	122,620	124,470	129,457	134,799	136,721	138,664	145,180	157,057	163,896	170,544	174,293
Supply systems	50,780	50,974	53,799	47,652	44,467	42,002	40,837	40,652	40,096	38,795	36,986	37,661	41,301	43,786	47,327	47,308
Stock funds	8,153	9,772	10,970	8,913	8,162	7,312	6,413	6,154	6,527	5,749	5,327	5,850	7,503	7,913	11,094	10,663
Appropriated funds	42,627	41,202	42,829	38,739	36,305	34,690	34,424	34,498	33,569	33,046	31,659	31,811	33,798	35,873	36,233	36,645

Source: "Real and Personal Property of the Department of Defense," an annual report.

Mr. METCALF. Mr. President, I wish to add that annual military procurements for the past 5 fiscal years have been:

	Millions
1966	$34,026
1967	39,809
1968	$39,487
1969	37,331
1970	31,192

These large annual procurements keep adding to the DOD's personal property holdings which, as shown above, have been constantly increasing for over a decade. At the same time, DOD sales of surplus property return only a few percentage points of the cost and the disposal costs eat up most of the receipts as shown on table 4.

TABLE 4

PROCEEDS FROM DISPOSAL SALES OF SURPLUS PERSONAL PROPERTY BY THE MILITARY DEPARTMENTS, FISCAL YEARS 1953–69

[Dollar amounts in millions]

Proceeds from disposal	Fiscal year—													
	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	3 quarters 1971
From sale (other than scrap and salvage)	$128	$140	$124	$106	$87	$59	$61	$55	$48	$36	$29	$40	$54	$47
From sale of other property	55	72	70	61	48	40	42	53	51	52	51	62	59	42
Total	183	212	194	167	135	99	103	108	99	88	80	102	113	89
Acquisition cost (total)	5,460	7,066	5,983	6,123	3,482	3,446	4,815	3,958	3,418	3,063	2,940	3,789	4,807	3,958
Percent of total gross proceeds to total acquisition cost	3.38	2.83	3.24	2.71	3.87	2.87	2.14	2.72	2.90	2.91	2.72	2.69	2.35	2.25
Percent of proceeds to acquisition cost (other than scrap and salvage)	5.18	5.2	5.25	5.98	7.02	6.66	6.22	5.64	5.97	3.93	3.42	5.06	4.52	3.98

COSTS OF DISPOSAL SALES OF SURPLUS PROPERTY BY THE MILITARY DEPARTMENTS—FISCAL YEARS 1958-69

[Dollar amounts in millions]

Costs of disposal sales of surplus property	Fiscal year—													
	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	3 quarters 1971
Cost for demilitarization	$24.0	$20.5	$26.5	$19.1	$9.1	$9.5	$12.7	$13.2	$13.5	$8.9	$6.1	$9.1	$15.3	$16.1
Costs for preparation and selling	18.5	37.8	51.8	65.5	69.0	62.6	64.6	65.1	62.9	60.7	62.2	56.9	62.6	57.9
Total	42.5	58.3	78.4	84.6	78.1	72.1	77.3	78.3	76.4	69.6	68.3	66.0	77.9	74.0
Gross proceeds	183.0	212.0	194.0	167.0	135.0	99.0	103.0	108.0	99.0	88.0	60.0	102.1	113.0	89.0
Percent of sales costs to gross proceeds	23.0	27.5	40.4	50.6	58.0	72.8	75.0	72.5	77.2	79.0	85.4	64.6	68.9	83.1

Mr. METCALF. Mr. President, with the cessation of military operations, we can expect that there will be annual declarations of billions of dollars worth of surplus property for some years to come.

Fortunately, the Constitution vests in Congress full responsibility over the Nation's property of all kinds. In the past, the Congress has decided that surplus personal and real property, when useful and needed for purposes of education, health, and civil defense, should be donated for such purposes.

As I have indicated above, these meritorious public uses have received great benefit in the past from surplus property in accordance with congressional mandates. However, there has been a gradual erosion of the program by the Federal agencies who are ingenious in finding ways to divert excess and surplus property to many uses not specified by Congress. These agencies also find ways to augment their appropriations by selling or trading surplus property and using the receipts for their purposes.

I have found also that the Federal regulations governing the donation program have constantly increased to the point of strangulation. This is indeed surprising at this juncture when the administration is stressing Federal-State relationships and the need to treat the sovereign States as responsible partners and worthy to be entrusted with Federal funds and property.

Mr. President, I believe that now is the logical time to take a good, hard look at this important program. Our educational, health, and civil defense agencies are in great need of help, the cessation of military activities will bring about increased quantities of property and the current program needs a thorough re-evaluation.

For these reasons, I have introduced S. 2000 to amend the Federal Property and Administrative Services Act of 1949 with respect to the disposal of excess and surplus personal property, and for other purposes.

To consider this and related bills, the Chairman of the Government Operations Committee, the Senator from Arkansas (Mr. McCLELLAN) has constituted an ad hoc subcommittee whose members are: Senators ALLEN, CHILES, GURNEY, MATHIAS, and METCALF.

It is hoped that early hearings on this important subject will lead to an expanded and more effective and efficient surplus property program.

FINAL TABULATION OF THIRD DISTRICT POLL SHOWS STRONG SUPPORT FOR PRESIDENT NIXON'S PROGRAMS

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. BAKER. Mr. Speaker, my staff and I recently completed tabulation of over 20,000 constituent responses to an opinion questionnaire I mailed earlier this year.

The large number of replies was most gratifying and revealed widespread support of many of President Nixon's programs among my Third District constituents.

Because the questions I asked measure public opinion on major issues which will face the 92d Congress in the coming months, I want to share views of residents of the Third District of Tennessee with my colleagues.

Results of the survey follow:

1. Do you favor President Nixon's plan to share Federal tax revenues with state and local governments?

69% favored the President's revenue-sharing plan.

20% were opposed.

11% were undecided.

2. Do you favor a system of wage and price controls as a means of reducing inflation?

63% favored some type of controls.

27% were opposed.

10% were undecided.

3. Do you feel the U.S. should have an all-volunteer army in time of war as well as peace?

30% favored an all-volunteer army.

60% opposed the concept.

10% were undecided.

4. Should welfare reform include a guaranteed annual income for heads of families in need?

27% favored the idea of a guaranteed annual income.

63% opposed the idea.

10% were undecided.

5. Do you support President Nixon's plan for ending hostilities in Southeast Asia and withdrawing our troops?

77% favored the President's program.

14% opposed it.

9% were undecided.

6. Would you favor increased prices over increased taxes in order to wage the fight on pollution?

47% favored higher prices over increased taxes.

33% did not favor higher prices.

20% were undecided.

7. Do you favor automatic adjustments in Social Security benefits to reflect cost-of-living increases?

79% favored automatic adjustments.

15% did not support automatic increases.

6% were undecided.

8. Would you be in favor of changing the government's fiscal year to conform to the calendar year?

50% favored making two years coincide.

22% were opposed to the change.

28% were undecided.

9. Do you support President Nixon's plan for government reorganization which would reduce the number of departments from 12 to 8?

70% favored the President's plan.

11% opposed the plan.

19% were undecided.

10. Do you support a program of national health insurance for all citizens, with the Federal government underwriting the cost for low-income families?

38% supported such a program.

51% opposed it.

11% were undecided.

EXTENSION OF THE FHA INSURANCE AUTHORITY

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. PRICE of Texas. Mr. Speaker, today I am introducing legislation to permanently extend the insured loan authority under the Consolidated Farmers Home Administration Act of 1961. This authority will expire on October 1—just over 3 weeks from this date.

Mr. Speaker, it is vitally important that the Farmers Home Administration be able to continue insuring these loans to the American farmer and other rural people for water and waste disposal systems. During the past several years, the insured loan approach has been gradually replacing the making of direct loans; and this approach has worked well, producing maximum effectiveness at minimum cost to the taxpayer. If the authority to make insured loans expires, irreparable damage will be done to rural America. Indeed, there is great need for the continuation of this splendid program.

I introduce this bill today with confidence that the House will move quickly in approving this program which has been so important to the success of one of the finest agencies in our Government, the Farmers Home Administration.

BUSINESS PUBLICATION DENOUNCES CHILD LABOR

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. O'HARA. Mr. Speaker, an editorial appearing in a recent issue of a national publication decries the persistence of child labor in agriculture. In the words of that editorial:

> It's incredibly outrageous, inhuman and almost inexplicable that this exists on a scale and under conditions that equal if not exceed the long-ago factory barbarities of mid-Victorian times.

Those are harsh words, Mr. Speaker, and I suppose if I uttered them, or if they had appeared in a publication sponsored by any segment of the labor movement, they would be denounced as "hysterical," or at the very least as the exaggerations of the "bleeding-heart, do-gooders."

Mr. Speaker, the words quoted appeared in the August 15 issue of Forbes magazine, the distinguished and not notably left-leaning magazine of the financial and business world. This editorial, because of the place where it appeared, commands the serious attention of all those involved in this question.

The Subcommittee on Agricultural labor of the House Education and Labor Committee is beginning hearings on September 16 to take testimony on the conditions which the Forbes editorial describes in those harsh terms, and to consider legislation designed to abolish oppressive child labor in agriculture. The hearings will continue during the subsequent week and to September 28, after which I hope the subcommittee will be in a position to recommend the enactment of a new and effective Agricultural Child Labor Act.

I ask unanimous consent, Mr. Speaker, that the Forbes magazine editorial be printed in full at this point.

WOULD YOU BELIEVE IT?

Remember how shocked we all were as students to read about the barbarity of child labor in the early factories of the Industrial Revolution?

Would you believe that *today* throughout the U.S. tens of thousands of kids from seven to 11, 12, 13 spend from dawn to dark, 12 hours a day, at the stooped, back-bent, hard, hard, hard labor of picking crops—for relatively few cents an hour?

Not just all summer long. Often they start with the season's beginning, which is long before schools close, and continue to season's ending, long after schools begin.

It's incredibly outrageous, inhuman and almost inexplicable that this exists on a scale and under conditions that equal if not exceed the long-ago factory barbarities of mid-Victorian times.

If there's any conscience left in us these days, let's stir our stumps enough, each in his own state, to find out if this is permitted. And don't be fobbed off by assurances about inspections and standards and so forth.

Take a look-see at some dawn's early light.
Or at twilight's last gleaming.
Here, U.S.A.
Near home. Our homes.
Today. Not a century ago.

THE DRAFT UNCOMPROMISE

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, in the current issue of Newsweek, the highly respected economist, Milton Friedman, addresses the House-Senate conference report recommendations on military pay reforms.

In his column on "The Draft Uncompromise," Mr. Friedman expresses concern over the compromise's failure to correct the financial inequities to which low-ranking personnel have been subjected for far too many years. His objections to the suggested pay levels for these men are ones I have stressed on the House floor.

The rate of compensation provided by the compromise measure has a debilitating effect on one of its important facets—providing low-ranking enlisted men with reasonable and realistic financial compensation for military service. The compromise pay for recruits, a full $448 below the amount established in the Senate version of the measure, hinders the hope of establishing a volunteer military force.

Mr. Friedman's keen analysis of the shortcomings of the conference recommendations deserves serious consideration by all those concerned about the inequities of the draft and of military compensation for young men in our armed services.

Therefore, Mr. Speaker, I insert this most cogent article in the RECORD at this point.

[From Newsweek Magazine, Sept. 6, 1971]

THE DRAFT UNCOMPROMISE

(By Milton Friedman)

The bill to extend the draft and pave the way for an all-volunteer armed force was tied up in a House-Senate conference for many weeks. The conference reported just before the Congressional recess. Its recommendations were accepted by the House but were not voted on in the Senate. This delay is fortunate because the conference report contains a "compromise" on armed-force pay scales that is a far greater threat to achievement of the bill's objectives than the much-publicized Mansfield amendment. Yet it might have been overlooked in the rush to adjourn.

2+2=3

The House bill provided a pay rise totaling $2.7 billion on a full-year basis; the Senate bill a pay raise totaling $2.8 billion; the conference a pay raise totaling $2.4 billion.

How can $2.4 billion be a compromise between $2.7 billion and $2.8 billion? The answer is easy—if you are an expert at parliamentary maneuvering. First, you note that the House $2.7 billion consisted of an increase of $1.8 billion in basic pay and of $0.9 billion in supplements (housing and subsistence allowances, etc.), while the Senate $2.8 billion consisted of $2.7 billion in basic pay and only $0.1 billion in supplements. You now take each part separately. You compromise between $1.8 billion and $2.7 billion in basic pay at $1.8 billion. You compromise between $0.9 billion and $0.1 billion in supplements at $0.5 billion. You add the compromise $1.8 billion to the compromise $0.5 billion and, presto chango, with the help of a bit of rounding off, you have $2.4 billion as a compromise between $2.7 billion and $2.8 billion.

This seemingly minor reduction is critical because, compared with the Senate bill, the reduction is entirely at the expense of first-term enlisted men and officers. Here are the House, Senate and conference proposed annual pay levels for the grades that are relevant for first-termers.

PROPOSED MILITARY COMPENSATION

Pay grade	House	Senate	Compromise
Enlisted men:			
E-1	$5,036	$5,320	$4,872
E-2	5,484	5,530	5,311
E-3	5,893	5,831	5,663
E-4	6,457	6,329	6,189
Officers:			
O-1	8,985	9,611	8,659
O-2	11,474	11,138	11,045

These are the grades for which the draft has provided recruits—either conscripts or "reluctant volunteers," i.e., men induced to enlist by the threat of being drafted. For higher career grades, the conference recommendation is between the amounts proposed by the House and Senate, though generally closer to the more generous House scale.

Because of the draft, first-termers have consistently been shortchanged. From 1952 to 1965 there were *no* pay raises at all for enlisted men in the first two years of service. As a result, first-term enlisted men now receive not much more than half the amount that they could earn as civilians. In sharp contrast, enlisted men with more service and officers above the first two grades receive as much as or more than they could earn. This was and is a glaring and completely unjustifiable inequity. It was and is a major obstacle to recruiting volunteers.

The Senate bill went further than the House bill in removing this inequity by adopting the pay increases recommended by the Gates commission as required to achieve an all-volunteer armed force. The conference proposal is worse than either in this crucial respect. Its adoption would seriously hamper the achievement of an all-volunteer force.

IT IS NOT TOO LATE

Senator Allott (Republican of Colorado), the author of the Senate pay amendment, plans to lead a fight in the Senate when it reconvenes to return the bill to the conference with the request that it submit a true compromise. There is every reason to expect that he will succeed. His amendment was adopted by a decisive majority—51 to 27—while an earlier amendment incorporating the House pay scale was decisively defeated. Clearly, the Senate wanted a pay raise concentrated on first-termers. Yet the conference proposal slights precisely this group.

Few matters are more important for the political, social and moral health of this country than ending compulsory military service and returning to this nation's long tradition of relying on the voluntary services of patriotic Americans to maintain a loyal and effective armed force. It will be a tragedy if legislative legerdemain is permitted to frustrate the achievement of this objective.

SERVICEMAN KILLED IN VIETNAM

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. GAYDOS. Mr. Speaker, it is with deep regret that I announce the death of another of our brave fighting men, WO

(I) Lawrence Lee Kelly, of Munhall, Pa., who was killed in Vietnam.

We owe a profound debt of gratitude and appreciation to our dedicated servicemen who sacrificed their lives for this great country. In tribute to Warrant Officer Kelly for his heroic actions, I wish to honor his memory and commend his courage and valor, by placing in the Record the following article:

Serviceman Killed In Vietnam

Warrant Officer I Lawrence Lee Kelly of Munhall died in Vietnam last Thursday when the helicopter in which he was flying exploded, crashed and burned while on a military mission.

The family of the 27-year-old career officer were informed of the death Monday by telegram. Kelly entered the service after his graduation from Munhall High School in 1961. During the past ten years, he was stationed in Germany and various spots in the United States. While serving in Korea, seven years ago, he met his wife Ok, who is now living at 31-B Longfellow Drive, with their two children Kimberly Ann, 6, and Cary Lee, 2.

Kelly arrived in Vietnam in October, 1970, and was to remain there for one year. He came home last spring for a two-week furlough.

Kelly, with his wife and children, were intending to move to Hawaii for four years where he was going to continue his military service.

An avid sports fan, Kelly was a member of the Munhall High School baseball team where he was the star pitcher.

He is the son of Mr. and Mrs. Joseph C. Stecik of 24–B Longfellow Drive, Munhall.

His body will be shipped from Vietnam and is expected to arrive during the weekend. The Savolskis-Wasik-and-Glenn Funeral Home is in charge of the burial arrangements.

CLOSING THE GAP BETWEEN ARTISTS AND SCIENTISTS

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. BRADEMAS. Mr. Speaker, the magazine Science published by the American Association for the Advancement of Science often publishes reports and analyses of the highest value as well as reporting academic papers of interest to the scientific community.

The editorial column of Science is often filled by guest editorials written by distinguished Americans from many fields. In the issue of August 6, Miss Nancy Hanks, Chairman of the National Endowment for the Arts, wrote in that column on the programs undertaken by the National Endowment in cooperation with the Office of Education to bridge the gulf between scientist and nonscientist.

Mr. Speaker, I take this opportunity to insert that editorial in the Record at this point:

Making Faces Across the Gulf

It is now some 12 years since C. P. Snow, in his Rede Lecture at Cambridge University, developed the theme of the "Two Cultures." As a novelist of distinction and a scientist of highly regarded reputation, Sir Charles was well qualified by experience across both areas to speak with reasoned authority.

If what he said in 1959 was pertinent—and not many denied it—how much more so it is today.

"In fact," he said then, "the separation between the scientists and non-scientists is much less bridgeable among the young than it was even 30 years ago. Thirty years ago the cultures had long ceased to speak to each other: but at least they managed a kind of frozen smile across the gulf. Now the politeness is gone, and they just make faces."

Closing the gap, he said, "is a necessity in the most abstract intellectual sense, as well as in the most practical. When these two senses have grown apart, then no society is going to be able to think with wisdom." As a scientist and as a humanist, Sir Charles could come to only one solution. "There is only one way to get out of all this: it is, of course, by rethinking our education."

The National Endowment for the Arts and the U.S. Office of Education, in their Artists-in-the-Schools Program, are attempting to work at least half of the problem. At the core of the program is the desire not to teach specific art disciplines—not to train painters and poets and sculptors—but to provide children at an early age with a feeling of esthetic sensibility, a way of absorbing creativity so that it colors an entire manner of experiencing, and reacting to, all of life.

A child so taught, were he to become a pure scientist, would have with him, always, a comprehension and an appreciation of the other "culture." It is not likely that he would reside complacently on one side of the "gulf of mutual incomprehension" of which Sir Charles spoke.

For one thing, he would know intimately, at the human level and in the course of his daily life, what sort of person an artist is and from him what art is, how basic it is to the needs of and encouragement of life. For another, he would discover in the most refreshing sense the joy and sustenance engendered in that comprehension.

Through more than 300 professional dancers, musicians, poets, theater artists, film makers, painters, and sculptors, the Artists-in-the-Schools Program in the 1970–71 school year brought the essence of art as creativity to elementary and secondary school students in 31 states. Work is under way to expand the program next year to each of the 50 states.

Pure science and pure art may exist by themselves, but it is people they are for and people must have a comprehension of both to be whole. It is hardly possible to imagine a world totally without either art or science without projecting one uninhabitable for civilized human beings. Sir Charles's message is still clear—if the people who practice these indispensable disciplines don't learn to communicate more, there is the possibility that neither will be of much use to the totality of human beings.

There is, one would like to suggest, an "ecology" affecting the arts and sciences, the violation of which can be as harmful to civilization as any unbalancing of the natural order of things in the physical world.

FAIR TRADE

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. RODINO. Mr. Speaker, the Newark Star-Ledger recently published an editorial titled "Fair Trade" that succinctly states the case for the reasons why a new, tougher, foreign trade position for the United States needs to be enunciated. For a number of years now I have been concerned about the position of New Jersey's chemical industry as it sought to maintain its position against the encroachments of foreign chemical combines. The floating devalued dollar and the 10-percent surcharge on foreign imports, effective on those products that sustained tariff cuts under the Trade Expansion Act, are steps in restoring a strong American competitive position. The unfair use of nontariff barriers that keep many of our products from penetrating such areas as the Common Market are still in effect. However, I welcome moves that show we mean business, and will not stand by as our trade deficit mounts. As the Star-Ledger pointed out fair trade must be achieved before we renew another series of trade negotiations aimed at free trade.

The editorial follows:

FAIR TRADE

An important gambit in President Nixon's game plan to inject new life into the nation's ailing economy is the 10 per cent additional tax on foreign imports.

This overdue recognition of the realities of international trade has been a long time in coming.

As in the case of wage-price controls, the imposition of a tariff surcharge marks a negation of the trade policy Mr. Nixon had espoused, implemented and stubbornly defended against rising criticism throughout his Presidency.

The cry of "free trade"—like the conditional response of Pavlov's salivating dogs—has automatically evoked a favorable reaction in the United States. And freer trade has been the expressed goal of international marketing agreements for many decades.

But supporters of the free trade principle, as this newspaper has consistently reminded, have failed to appreciate the tremendous changes that have been taking place in the relative strengths and weaknesses among the competitive trading nations of the world.

The policies geared to rebuilding the bomb-battered industrial shambles of Japan, Germany and Italy in the immediate aftermath of World War II were out of mesh with the economic facts of life in the Sixties and Seventies. This was especially true since this nation's sharp escalation of commitment in Vietnam and its heavy drain and drag on the American economy.

There was general approval when President Kennedy initiated a new round of negotiations at Geneva to adjust trade agreements and reduce tariff barriers.

But there were also admonitions that times had changed, that Japan, Germany and Italy (thanks to American assistance and financial aid) had become strong and self-sufficient competitors in the international market place, and that the United States negotiators would have to be tough bargainers.

Unfortunately the U.S. negotiating team was not up to the task. It was no match for the shrewd, flinty bargain hunters from abroad. The new tariff agreement that came out of Geneva was a victory for America's competitors because they extracted greater concessions than they were required to give. It was freer trade for them, but an unfair trade.

The chemical industry, which is so vital to the economy of New Jersey, was a major critic of the disproportionate agreement and it urged President Nixon not to implement the tariff reductions called for. A key argument was that foreign competitors made use of a variety of non-tariff trade barriers—such as border taxes and rebates—which nullified many of the tariff concessions made at Geneva.

Mr. Nixon turned a deaf ear to the critics and the tariff changes were permitted to take effect.

Last week the worst fears of those opposed to the Geneva tariff agreement were confirmed. For the very first time in United States history, the nation suffered four consecutive months of deficit in international trade.

During the first seven months of 1971, according to the latest Commerce Department report, the deficit totaled $676.4 million, compared to a 1970 surplus of almost $2 billion for the same period.

Commerce Secretary Stans has already warned that the nation may end the year with a trade deficit, something that has not occurred since 1893. The U.S. trade surplus was $2.7 billion last year.

The 10 per cent tariff surcharge, which became effective August 15, will hopefully improve the gloomy picture in the months ahead.

It can also be most useful in another necessary way, for the additional tax represents newly acquired clout for the United States in future negotiating sessions with representatives of foreign competitors.

Equity, to be sure, must be the objective of any new bargaining parleys. The give and take must be contributed by all parties in like amount.

This nation cannot afford to return to the disparate atmosphere that characterized the early Geneva negotiations, which one critic caustically described: "There certainly was give and take. All give on our part; all take on theirs."

"Quid pro quo" must be the rule of international trade from this time on, or the United States trade deficits will grow larger and usher in a global depression, the hardships of which are too depressing to contemplate.

For the long range, there is nothing wrong with keeping alive the utopian goal of free trade. But fair trade, for all nations concerned, must be achieved first.

SOVIET MILITARY RESEARCH AND DEVELOPMENT—PART VIII

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. HARRINGTON. Mr. Speaker, in discussions previously printed in the RECORD on July 31, August 4, and August 6, I have presented materials on the subject of comparative Soviet and United States military research and development. I have received numerous comments on this series and I will continue to bring to the attention of my colleagues and others concerned with this important and controversial subject additional information and analysis that may assist in understanding the nature and significance of the Soviet technological threat.

On August 9 and 10, the Joint Economic Committee held hearings on Soviet military spending, receiving testimony from a variety of witnesses. George Rathjens, former Defense Department official and now professor of political science at Massachusetts Institute of Technology, and Richard Nelson, professor of economics at Yale, addressed themselves in particular to the issue of the R. & D. gap that has been alleged by the Defense Department. Both Drs. Rathjens and Nelson examined a number of the questionable assumptions that underlie the view that the Soviets are about to seize superiority in military technology from the United States.

Dr. Rathjens stated:

> The alarms mislead the Congress and the public, and their primary effects are likely to be unnecessary worry and a further erosion, which we can well do without, of credibility in government.

An article in the August 20, 1971, issue of Science magazine, "Arms Race: Scientists Question Threat From Soviet Military R. & D.," examines the contribution that a number of American scientists have made to the current debate over military technology. I include this article and the statements of Drs. Rathjens and Nelson and Abram Bergson, professor of economics at Harvard, at this point in the RECORD:

[From Science magazine, Aug. 20, 1971]

ARMS RACE: SCIENTISTS QUESTION THREAT FROM SOVIET MILITARY R. & D.

(By Robert J. Bazell)

In a well-documented presentation before Congress, the Federation of American Scientists (FAS) has released a good deal of steam from the Defense Department's latest drive to inflate its budget on the basis of a threat from the Soviet Union. In the process, FAS has established itself as a source of independent expertise on military matters. The arms race just could slow down somewhat as a result.

"If the Soviets continue to increase their effort devoted to military-related research and development, and we continue our present trend," John S. Foster, Jr., the Defense Department's director of research and engineering, told a House subcommittee, "within the next few years the Soviet Union will assume technological superiority."

In a series of such statements over the past year, Foster and his colleagues have actively broadcast the notion of a gap in weapons technology between the Soviets and the United States. In their view, the gap may engender a "technological surprise" in the form of a weapon for which we lack adequate defense or deterrent power. Research and development has thus appeared as the latest generation in the family of gaps that the Defense Department presents to the Congress and the public from time to time as rationale for increased funds. In 1955 it was the bomber gap, in 1960 the missile gap, in 1967 the ABM, and in 1969 the large-missile gap.

Unlike its predecessors, the technology gap does not come attached to requests for specific weapons systems. Rather, as Foster put it, the new analysis of a potential Soviet threat is "presented as background to provide an understanding of the current situation and give some indication of what the U.S. has to do in the future if it is to cope with the problem." The Pentagon is seeking primarily to reverse a downward trend in congressional appropriations for military R&D and then, perhaps, to create an atmosphere in which Congress might be increasingly willing to spend more in the years to come. Congress cut the Administration's requests for military R&D by $1.1 and $0.4 billion for the past 2 fiscal years. The budget for fiscal 1972, still before Congress, contains a request for an $800 million increase over the 1971 level of $7.0 billion.

The Pentagon's strategy appears, however, to be falling far short of its goals—due primarily to the efforts of FAS to demonstrate that the technology gap is little more than a figment of the Pentagon's imagination. In a scholarly report issued 6 May[1] entitled *Is There an R&D Gap?*, and in subsequent testimony before Congress, FAS has doggedly pursued Foster and his associates, focusing both on contradictions and discrepancies in their public statements and on flaws in the methodology they used to analyze the supposed threat. The report noted that Foster has successively argued that the United States will lose its technological superiority in "a decade," "the next several years," "in two years," "in the latter half of this decade," and "in the middle of this decade." "This entire episode," concluded the FAS report, "has been a classical numbers game featuring selective disclosure, questionable assumptions, exaggeratedly precise statements, misleading language, and alarmist, non sequitur conclusions."

To date, the FAS has achieved surprising success in its challenge to the Pentagon. Several influential members of Congress have listened to their arguments attentively, and an independent study by the General Accounting Office (GAO) backed up the FAS position. Furthermore, the soon-to-be-released annual report of the Senate Armed Services Committee is likely to side with the FAS, thereby issuing a blow to Foster's credibility. The FAS challenge comes in an area where Pentagon witnesses have often appeared in the past as the sole experts. But the FAS is not lacking its own experts, and Congress can hardly dismiss FAS witnesses as misinformed pacifists. Chairing the 26-year-old organization, which was recently resuscitated as "the voice of science on Capitol Hill" (*Science* 26 March) is Herbert F. York, the occupant of Foster's Pentagon position from 1958 to 1961. In addition, the group that authored the report on the R&D gap consits of four well-seasoned arms, experts, one of them a former Defense Department employee.[2]

At the heart of the Defense Department's concern about Soviet weapons technology is the belief that the Russians are now outspending us at the rate of some $3 billion per year for military RDT&E (research, development, test, and evaluation). This fact was revealed, according to Foster, by recently devised intelligence techniques for analyzing the Soviet budget. This analysis disclosed that since 1968 the Soviets have shifted from an emphasis on investment in technology for space to an emphasis on military R&D. Because the American RDT&E investment has essentially leveled off in this period, in the Pentagon's view, we are in danger of falling behind.

Foster acknowledges that in most areas the United States still holds the same 2- to 3-

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[1] A copy of the report, along with extensive testimony and the Defense Department's response can be found in part 4 of the 1972 Senate *Hearings on Authorization for Military Procurement*. Available free of charge from the Senate Armed Services Committee, Washington, D.C. 20510.

[2] The committee that wrote the report was chaired by Marvin Goldberger, chairman of the Physics Department at Princeton University and a former high-level official of the Institute for Defense Analysis, as well as a member of the President's Science Advisory Committee and the Defense Science Board. The other members are George Rathjens, professor of political science at M.I.T. and former deputy director of the Defense Department's Advanced Research Projects Agency; F. M. Scherer, professor of economics at the University of Michigan and coauthor of a standard work on military R&D. *The Weapons Acquisition Process;* and Richard R. Nelson, professor of economics at Yale and internationally recognized authority on the economics of research and innovation.

year lead that it has had over the past 10 years or so. (Indeed, virtually every major innovation of the arms race has been the product of U.S. technology.) Nevertheless, if we allow the Soviets to continue to outspend us for military RDT&E, we could, according to Foster, expect some technological surprises from the Soviets within the next year or so, lose our technological superiority by the middle of the decade, and risk the necessity of enormous expenditures over several years to protect our national security.

The FAS attacked the Pentagon's assertions on several levels. For a number of reasons, they questioned the reliability of the estimates of Soviet spending on military RDT&E. These included uncertainties in the exchange rate of rubles to dollars and difficulties in dissecting the individual components of the highly secret Soviet budget.

Moreover, the FAS report claimed that, even if it could be known for certain that the Soviets are outspending us for military RDT&E, this is no reason to assume that they are headed for technological superiority or even a technological advantage. According to the FAS report, the Pentagon makes no effort to distinguish between possible advances in the Soviet "technological base" (breakthroughs in basic concepts of weaponry) and vastly more expensive development based on existing technologies. Thus the increased Soviet expenditure could be directed entirely toward bolstering their stocks of existing weapons.

On these points, the independent study by the General Accounting Office, undertaken at the behest of the ad hoc subcommittee on R&D of the Senate Armed Services Committee, essentially substantiated the FAS viewpoint. "On the basis of the limited information available to us," said the GAO, "we believe that extreme secretiveness by the Soviet Union results in data which are insufficient for a realistic measurement of its military R&D efforts." The report concluded, "Although we believe that the Defense Department methodology with its limited data base may be useful in indicating trends and the apparent magnitude of the Soviet Union military R&D threat, we have reservations as to its usefulness in quantifying relative efforts or spending gaps between the two countries." The GAO report noted that even the Defense Department's assessment of U.S. expenditures for military RDT&E had been inaccurate.

All of this has had the effect desired by FAS of deflating Foster's claims of an imminent threat of Soviet technological superiority. But FAS spokesmen have carried the argument even further, questioning the very need for our frantic efforts to maintain technological superiority. Their position is based first on the premise that our efforts may only be leading us into a "race with ourselves." "Since the Soviet Union rapidly learns of our discoveries," says the FAS report on the R&D gap, "we are protecting against being surprised by new weapons only by guaranteeing that we will be confronted by these same weapons." Second, the FAS argues that, if we were to let up somewhat, the Soviets would catch up with us, but there is no reason to assume that they would surpass us. In fact, according to FAS witnesses, a number of factors, such as the Soviets' lack of computers and the organization of their scientific establishment, make it unlikely that they could surpass us. "The Soviet system," says the FAS report, "is thought to be especially well designed for catching up, if poorly designed for getting ahead."

George W. Rathjens, a professor of political science at M.I.T. and one of the authors of the FAS report, sketched the argument still further in testimony last week before the Joint Economic Committee of Congress. According to Rathjens, who was formerly deputy director of the Defense Department's Advanced Research Projects Agency, in the area of strategic weapons it wouldn't even matter if the Soviets did surpass us. "The strategic systems serve their purpose," he said, "if there is enough likelihood that they will serve as deterrents, I do not see how a modest or even quite substantial technical advantage possessed by one side could be very useful. Certainly, evolutionary changes in technology will not upset the present, relatively stable balance. A dramatic breakthrough, for example a virtually airtight ABM system, might; but I see no such possibilities on the horizon." For tactical warfare, however, Rathjens indicated that technological advantage could be quite critical.

Just how much effect will the FAS testimony have on our efforts in military technology? With respect to our general arms posture, not much. The U.S. strategy, as stated by Foster, is "to push as aggressively as we possibly can across a broad range of research and technology, in an attempt to discover first the kinds of things that an enemy might later have in store for us." Even some of the more vocal congressional advocates of disarmament would get jittery if this country were not the first to perfect every innovation in the arms race. In responding to the FAS position, Foster said in a letter to Congress that it represented "a simplistic view of the arms race." "Of course," he said, "both the Soviet Union and the United States pay attention to each other's weapons systems development and deployments, but these considerations are only a portion of the fundamental motivations in the development of any one or a group of military weapons systems."

"The Soviet Union," Foster concluded, "is a proud country. . . . Soviet military and space science and technology is innovative and creative and not 'relatively backward and inefficient.' "

Yet no matter how highly he regards Soviet abilities, Foster is likely, in the wake of the FAS-generated controversy, to experience increasing difficulty in his campaign to convince Congress that the Soviets are on the verge of surpassing us. This could have many subtle, but far-reaching effects on the defense budget.

Congress is ill-equipped to challenge most of the complex items in the defense budget. Instead, it acts in response to a general feeling of what is needed and what isn't. As one congressional aide put it, "The net result of something like the threat of the technology gap is that the Congress hears cries that 'The Russians are Coming.' If somebody convinces them that the Russians aren't coming, then the prevailing attitude is that we can take a harder look at the budget."

Whatever the final effect in dollars and cents, of their actions, the FAS is offering Congress something they have lacked for many years: expert, independent testimony on the question of how much weaponry is really enough.

[From the New York News, Aug. 11, 1971]

PROF. ATTACKS PENTAGON FOR RUSSIAN FEVER

(By Jerome Cahill)

WASHINGTON, August 10.—The Pentagon may create a new credibility gap with its alarm over increased Soviet military research and development, a former government weapons expert told congress today.

George W. Rathjens, a professor at Massachusetts Institute of Technology who formerly served in the Defense Department's Advanced Research Projects Agency, said the U.S. still retains a substantial lead over the Russians in most fields of military technology. and was likely to remain in the lead in the foreseeable future.

Rathjens was questioned by Sen. William Proxmire (D-Wis.) at a hearing on defense spending by the joint Senate-House Economic Committee. Proxmire said some defense officials, disturbed by the fact that the Russians are spending some $3 billion more than the U.S. on military research and development, have warned that America could face a "technological Pearl Harbor" unless the trend is reversed.

But Rathjens testified that these "cries of alarm" were ill-founded and based on studies of "questionable validity."

"The alarms mislead the Congress and the public, and their primary effects are likely to be unnecessary worry and a further erosion which we can do without, of credibility in government," he said.

The witness said the U.S. was so far ahead in the field of strategic weaponry it could reduce procurement in this area without endangering the nation's security.

The Defense Department could begin by curtailing the Safeguard ABM system, Rathjens told the hearing. He also listed the $3 billion B–1 bomber, the undersea long-range missile program, the Awacs airborne early warning system and antisubmarine warfare research as programs that could be terminated at a saving to the taxpayer.

He said the U.S. was "two to five years" ahead of the Soviets in missile reentry technology, inertial guidance systems and radar. America also leads or is equal to the Russians in most sciences. "I know of no broad areas," he told the committee, "where one would concede the Russians a significant lead."

The size of the defense budget also occupied President Nixon today. He conferred at the White House with Defense Secretary Laird and the Joint Chiefs of Staff on military spending plans for fiscal 1973. Press Secretary Ronald L. Ziegler declined comment on a published report the chiefs were pressing for an $83 billion budget.

[From the New York Times, Aug. 11, 1971]

EX-AIDE QUESTIONS PENTAGON'S THESIS—DOUBTS CONTENTION SOVIET LEADS UNITED STATES IN RESEARCH

WASHINGTON, August 10.—A former Defense Department official questioned today the significance of recent Pentagon contentions that the Soviet Union was surpassing the United States in military research and development.

George Rathjens, former chief scientist for the Defense Department's Advance Research Projects Agency and now a professor of political science at the Massachusetts Institute of Technology, said that Pentagon analyses on the subject were "of questionable validity."

"The alarms mislead the Congress and the public," he told the Joint Economic Subcommittee on Priorities and Economy in Government," and their primary effects are likely to be unnecessary worry and a further erosion of credibility in Government."

In recent months, Dr. John S. Foster Jr., Director of Defense Research and Engineering, has warned that the Soviet Union has been increasing its research and development and is now spending more in developing new weapons than the United States is.

The testimony of Mr. Rathjens and other witnesses was directed particularly at the thesis of a gap in research and development propounded by the Pentagon. Today's session was the second of three on national priorities being conducted by the Senate-House subcommittee this week.

Richard R. Nelson, a former staff member of the Rand Corporation and now a professor of economics at Yale, testified that "I am far more disturbed by the cries of alarm from the United States military establishment than I am about the fact of continued growth of Soviet research and development."

Richard T. Davies, Deputy Assistant Secretary of State for European Affairs, testified that, taking inflation into account, United States defense outlays had declined, "while, if our reading of the U.S.S.R.'s defense expenditures is accurate, appropriations on the Soviet side have increased."

When the subcommittee chairman, Sen. William Proxmire, Democrat of Wisconsin, asked him whether he thought there was enough "hard evidence" of security danger to justify increased appropriations for military planning, Mr. Davies replied, "I would have to defer to those more qualified than I to answer that."

STATEMENT BY GEORGE W. RATHJENS BEFORE THE SUBCOMMITTEE ON PRIORITIES AND ECONOMY IN GOVERNMENT OF THE JOINT ECONOMIC COMMITTEE, AUGUST 10, 1971

Mr. Chairman and members of the subcommittee, I welcome the invitation to appear before you to discuss military research and development.

I do so against the background of alarms having been raised by Department of Defense spokesmen about the comparative levels of effort in the United States and the Soviet Union. In particular, it has been suggested that the Soviet Union may now be spending the equivalent of about 40% more per year than the United States on militarily related R & D, and that this may soon result in Soviet superiority in military technology.

The public and the Congress should be concerned about our comparative position in military technology and more broadly about the use of the nation's technical resources. I applaud the efforts of this and other committees of the Congress to inform themselves, and the efforts of the Defense Department to inform the Congress, in this regard. However, I am concerned that DoD presentations may have conveyed an impression that our situation vis-a-vis the Soviet Union is worse than it is, and that we can estimate the level of Soviet expenditures for military R & D and the relationship between expenditures and output with considerably more precision than I think possible.

Implicit in the estimate that the Soviet Union is spending the equivalent of $3 billion more per year than we are on militarily related R & D is the assumption that a ruble spent in the military hardware sector of the Soviet economy buys as much as $2, or more, will buy here. I will for the most part defer to other witnesses on the questions of dollar-ruble exchange rates and on other budgetary questions, but I can not but be very skeptical of the figure I have just quoted. I have been particularly struck by a line of argument suggested by Alec Nove, an English economist who has specialized in study of the Soviet economy, that if the ruble could buy what two or three dollars would we would find Russian products similar to those developed in the military R & D sector—commercial aircraft, electronic equipment, and precision instruments—providing strong competition with western products in world markets. They could be selling aircraft for 8 or 9 million rubles (or $9 or $10 million at the official exchange rate—for less than that at the Zurich free market rate) that would be comparable to Boeing aircraft selling for $20 million each. They are not of course, and Nove suggests that if one is concerned with equipment of the *same performance and quality*, the ruble is worth nothing like $2. His judgment, and mine, is that technical talent is used much less efficiently in the Soviet Union, even in the military hardware sector, than the $2 exchange rate suggests.

Turning now away from the budgetary issues, there are three other questions concerning the relationship between the input of technical effort and output, as measured in useful technology, that I would discuss: first, management and decision-making in the translation of research results into useful hardware; second, whether there is a linear relationship between research effort and output; and third, the differences between trying to stay ahead and trying to catch up in technology.

I would note first that in both the U.S. and the Soviet military R & D programs the big expenditures tend to be, not for research which is relatively cheap, but for development. The payoff at the development end of the spectrum is not so much in new knowledge as in producing equipment that will be effective. If one makes bad choices with respect to the initiation of major programs or perpetuates them after they should be terminated, large amounts of money and talent can be consumed with little or no useful payoff at all. The United States has done this on a number of occasions. Going back some years, I would cite the Skybolt and the Snark missile programs as two prime examples; and coming down to the present, the Safeguard ABM and the B-1 programs. Perhaps the most scandalous example we have on the immediate horizon is the Cannikin nuclear test to be held this October in the Aleutian Islands. In this case we are going ahead with a very expensive test to prove out a nuclear warhead whose primary use will be for a weapons system that the Congress some time ago rejected, that is, an ABM system for the defense of the United States against China. Now a few bad decisions such as those I have identified can enormously distort the relationship between input of technical effort and useful output, and that is one of the reasons why I am extremely skeptical about efforts to make projections of the effectiveness of R & D programs based on expenditures.

As serious as our mistakes of this kind have been, I believe that the Soviet Union has done worse. Because of ideological reasons they have made mistakes at the research end of the spectrum that would be unthinkable in the West, e.g. in supporting the geneticist Lysenko which set them back years in the biological sciences; and their record in applied research both with respect to civil and military products is also poorer than ours. For example, I am quite sure that they have spent a great deal more than we have on ABM defenses and they have almost nothing to show for it.

They have denied themselves the great advantage we have in the openness of our society and in the decentralization of decision-making. This permits informed criticism and questioning of major weapons systems development and acquisitions decisions within the Executive Branch, by Congressional committees, by the Press and by concerned citizens in a way that has no counterpart in Soviet decision-making processes. In this connection I disagree profoundly with the judgments of those in the Department of Defense that the Soviet Union may have a great advantage in weapons development and acquisition as a result of secrecy. Even in our case it has by now become clear that misuse, and indeed possibly quite legitimate use, of classification has had the effect of preventing disclosure of serious errors of judgment. I would go so far as to argue that one of the most effective means of improving decision-making with respect to military R & D in either the United States or the Soviet Union would be relaxation of security and a stimulation of interest on the part of a wider spectrum of the technical community in the decisions to be made.

Incidentally, I would contend that even the DoD's explicit argument regarding the relative advantage to the Soviet Union of secrecy is probably wrong or at least exaggerated. It is asserted that because of extreme security in the Soviet Union we can not know the implications of Soviet decisions until development is virtually completed, for example until we see a new piece of equipment in the May Day parade, but that on the other hand, because of the openness of American society, the Russians are at a great advantage in being able to determine what we are doing at a very early stage. While it is true that they can know much more about our applied military R & D efforts than we do about theirs, I submit that it may do them in some cases very little good because while they may be inundated with information about possible U.S. programs, they cannot know which ones are going to be carried into production and deployment. This is simply because we often do not know ourselves. While they may have thought we intended to deploy a B-70 bomber force, and I believe they probably spent enormous sums on air defense in reaction to that possible decision, in fact of course we did not. And again coming down to the present, while they may know that we contemplate a B-1 program or an ULMS program neither they nor we can know what decisions will be taken. With these uncertainties I question whether they are in a much better position to react to our R & D efforts in these areas than we are to some they may have, but about which we know little or nothing. On balance, I would say that secrecy is a net liability to them, not an asset.

In translating research into effective hardware I would suggest that the Soviet Union is further handicapped by comparison with us in not having groups of technical entrepreneurs such as we have had, e.g. around route 128 in the Boston area, who have been able to obtain venture capital and who have had incentives sufficient to induce them to take risks to convert research results into useful products. Reports from the Soviet Union, e.g. those of the recent defector, Anatoli Fedoseyev, suggest that the Russians themselves are aware of their advantage in this regard.

As I understand it, the DoD attempts to project Soviet R & D output in the military sector implicitly assume a more-or-less linear relationship between input and output. I see no reason whatever to believe that such a relationship exists. At the one end of the scale one is confronted with critical-mass problems: some programs can make little or no progress at all unless they have some minimum level of support. At the other end, and I believe much more commonly, one sees the problem of diminishing returns either because one runs out of competent people or interesting ideas. There have been times when we have wanted to move faster, in a particular R & D area, but knew that spending more money would help very little, if at all. Indeed, DoD spokesmen this last year have as much as said that they could not spend an additional $3 billion very effectively on R & D even if they had it. I would be surprised if the Soviet Union did not have similar problems.

My third point on the relationship of output to input has to do with the differences between breaking new ground on the one hand and following someone else on the other. The distinguished Russian physicist Sakarov has explained this by analogy with a cross country ski race. It takes much less effort to keep up than it does to lead. The fact is that even if one does not know exactly how someone else has done something, there is nevertheless great advantage in simply knowing that it is possible. If one has a little more information so much the better. The best example I can give is the development of hydrogen bombs. The interval between the first fission explosions and the first fusion explosions were 7 years for the U.S., 4 years for the Soviet Union, and 2½ years for China. If we were to use the kind of reasoning the DoD has recently used in its analyses, this would suggest that the Chinese effort to develop hydrogen weapons was roughly three times as intense as was ours, a possibility I find quite unbelievable. To me the wonder is that the gap between the U.S.

and the U.S.S.R. in most areas of military technology remained roughly constant during the period 1960–68 as it has, at least according to the DoD. If one assumes Russian efforts were comparable to ours in terms of commitment of resources, and DoD statements have suggested that they were, one can only conclude that they are very much less efficient for, by leading as we have, we have, in effect, done much of their R & D for them.

Let me leave now the question of inputs to the R & D process and speculations about outputs, and turn to where we actually stand vis-a-vis the U.S.S.R. in terms of current levels of technology, and to the question of the implications of possible erosion in our lead. With respect to the first point I can be very brief since I find no significant differences in what I have read in DoD statements and in my own impressions. There are apparently a few areas where the Soviets have demonstrated hardware for which we have either no, or inferior, counterparts. These are principally in tactical areas, e.g. in surface-to-surface naval cruise missiles. In many more areas we are ahead. In the strategic area, about which I am better informed, some of the rather general DoD statements have suggested that the Soviets are making great progress. However, on examination, the concern at the highest levels in the Defense Department seems really to be based primarily on moves by the Soviets in *procurement and deployment* and in *speculation* about possible technological developments rather than in any actual erosion of the *technological* superiority we have. In fact, with respect to virtually all of the major areas of technology relevant to strategic weaponry we probably have a substantial lead and one that is not diminishing rapidly, if at all. I refer, for example, to missile guidance, reentry vehicle technology, submarine propulsion, anti-submarine warfare, ABM radar performance, and computer and data processing technology.

When one turns to basic science, the U.S. probably has a significant lead in a number of areas, e.g. biology and the medical sciences, some aspects of chemistry, and solid state physics. In other areas we are more nearly on a par, e.g. in mathematics, high energy physics, hydrodynamics, and astronomy. I know of no broad areas where one would concede the Russians a significant lead. In addition to management deficiencies, I believe they suffer in some other respects in their pursuit of basic science, notably because of their enormous lag in computer technology (which affects not only their ability to do scientific research but to manage their economy), and in high quality instruments and research equipment. In one area, oceanography, the situation is apparently to some extent reversed. They have made a greater investment in modern oceanographic research vessels than we have.

In discussing the implications of possible erosion in our lead in military technology I want to draw a distinction between tactical warfare and strategic warfare systems.

In tactical warfare a technological advantage can make the difference between victory and defeat in an engagement, and this may depend not only on the concepts involved in design but also on such factors as reliability and maintainability under field conditions. On the other hand, in strategic war, at least as I think of it, and with forces anything like those we and the Soviet Union now possess, there will be no victors, and reliability or maintainability of weapons systems will not matter very much. The strategic systems serve their purpose if there is enough likelihood that they will work so that they serve as deterrents. I do not see how a modest or even quite substantial technical advantage possessed by one side could be very useful. Certainly evolutionary changes in technology will not upset the present relatively stable balance. A dramatic breakthrough, e.g. a virtually air tight ABM system, might, but I see no such possibilities on the horizon.

In this regard, our best assurance against being surprised is in having strong programs in the basic sciences and at the research end of the R & D spectrum. With such programs we can hope to know what is possible. The one aspect of our present military R & D effort I find most disturbing is that we are spending so much at the other end of the spectrum in the strategic area. $370 million, which I understand is the amount in the present authorization bill, for the B–1 bomber is nearly twice what the DoD is spending on basic research in the universities and is about 60% of the whole National Science Foundation Budget for this fiscal year. It is in my view a quite unnecessary expenditure.

While I am not as familiar with the proposed budget for R & D in the tactical area (and I am virtually certain that I would, on close examination, find some programs which I would think unwise.) I am, for the reasons I have given above, less troubled in a general sense by relatively large amounts for advanced development and for test and evaluation. Some of the weapons we are developing in this area are quite likely to be used, and I would like to think that if they are, they will not only have been well conceived in terms of exploiting technology but well executed in an engineering sense and thoroughly tested and debugged through field trials.

I would like now to summarize my feelings about the near term comparative balance between the U.S. and the U.S.S.R. in military R & D, and then turn to the longer term and broader questions of national priorities and expectations as regards science and technology.

I believe we have a significant lead over the Soviet Union in most areas of military technology and in many of the relevant sciences on which technology depends. At least as important is the fact that we have great advantages over the Soviet Union in terms of our system of incentives, in terms of management techniques, and perhaps most important of all, because we are an open society. With these advantages and a reasonable commitment of resources, I have little fear that we will fall behind in technology for tactical warfare, and even less that we will do so in the strategic area. I would regard a closing of the gap or even some Soviet technical lead in the latter area as less susceptible of exploitation and therefore less worrisome than in the former. I would suggest that we could save substantial sums, which could be better used elsewhere, by cutting back on some strategic programs not only in the R & D but also in the procurement part of the budget as well. I am less prepared to suggest changes in the R & D budget for tactical weapons.

While my foregoing remarks may suggest some complacency about our military R & D efforts, I am not complacement about the DoD analyses of the comparative strength of Soviet-American R & D efforts nor about the cries of alarm that have been sounded. In my view, the analyses are of questionable validity. The alarms mislead the Congress and the public, and their primary effects are likely to be unnecessary worry and a further erosion, which we can well do without, of credibility in government.

Neither am I complacement when I consider the state of science and technology in the U.S. more broadly.

During the post-Sputnik decade American science and technology grew at a phenomenal rate—by some measures at the rate of 15% per year; scientists were esteemed; they played important roles in the councils of government. Neither those growth rates nor those attitudes could be sustained, and now the pendulum has swung in the other direction. Many now see science and technology more a source of troubles than as a means of their alleviation; many engineers and scientists are now unemployed or underemployed, and are bitterly disillusioned; and the best of our students are turning increasingly to other fields. Much of the change was inevitable. Technology was oversold and misused. Both technical and political people must take responsibility for this. It is quite understandable that there has been an adverse reaction to vast expenditures of public monies on programs that were often carried out with little regard to environmental and other side effects, and that did little to better the human condition. The space and military programs have been the most bothersome in this respect, and military science in particular is in disrepute. Many of our young scientists and engineers, even though job prospects are poor, would be reluctant to work on military projects because they are distrustful of their government and profoundly skeptical of the purposes to which their ingenuity may be put.

In my view, the pendulum has already swung too far, but my fear and my conviction is that confidence in both science and government and the health of the science-government relationship will suffer further with each additional government dollar that is spent on unneeded military hardware or other technical enterprises that can not command wide public support. I am afraid that before the trend is reversed there is some danger that we may be spending less than we should in the national security area. This is particularly likely in tactical weaponry. It will be a reaction to our having stayed in Viet Nam long after the nation had decided it was a mistake and to our spending large sums on strategic weapons that much of the public sees, and I think rightly so, as more likely to diminish than to improve our security.

These risks I would regard as no more serious than the risks that, in our reaction against big science and big government—I might say unwise science and unwise government—the nation will not support science and technology and derive the benefits from it that it could and should.

I want now to distinguish between education and basic research on the one hand and applied science and engineering on the other. Both can serve us; both require federal support.

Education and basic science must be supported almost entirely by government and through philanthropy. This is because the payoffs are so unpredictable, diffuse, and, in some cases, remote that one can hardly expect private enterprise to make much of an investment in these areas. Fortunately, with a few exceptions such as in those areas requiring large accelerators, basic research is, on a relative scale, not very expensive. I would hope in the nation's interest, indeed it is in the interest of all mankind, that rather generous support could be provided for basic research and graduate education in the sciences and engineering.

Much applied science can command industrial support because it can be justified as a sound investment. In those areas where this is possible the work that is done will, in my view, be more responsive to public needs and very likely executed more efficiently if it is carried out as a part of the market economy rather than in government laboratories or with heavy government subsidy.

There are, however, many other areas where the benefits of the application of science and technology will be widely diffused among those who can ill afford to pay for them or where for other reasons substantial public investment is desirable. I have in mind areas such as improved urban transport, the use of computers in education, improved weather prediction and possibly control, and the development of less expensive and more efficient techniques and materials for construction of housing. Programs in some of these areas could be quite costly and if they are executed badly, if they promise more than they can deliver or cost far more than original estimates, the effect could be, as in the case of so many aerospace programs, to produce a further erosion in confidence in the science-government partnership. On the other hand, if public programs are truly responsive to real national needs and are based on realistic costs and extrapolations of technology, I believe they can benefit the nation as a whole, begin to reduce public cynicism about both science and government, and make use of human resources that are now being wasted. The best assurance they can meet such criteria is—and I now return to one of my earlier themes—if there is full disclosure, widespread public interest, and sharp questioning by the Congress and by professionals outside the agencies who have a direct stake in the prosecution of the programs. We should be able to do better than we have in defense. I hope the effort will be made.

STATEMENT BY RICHARD R. NELSON ON THE ALLEGED THREAT FROM FOREIGN R. & D., AND SENSIBLE U.S. REACTIONS, AUGUST 10, 1971

I have been requested to discuss with you certain economic implications of international R and D competition. This I will do. But before proceeding to the economic picture I do want to make a few remarks on the alleged military R and D threat. After all, this is what got this committee interested in discussion with representatives of the Federation of American Scientists.

SOVIET MILITARY R. & D. SPENDING: WHAT KIND OF A THREAT, WHAT KIND OF RESPONSE

I am deeply disturbed by the recent discusssion of an evolving threat to the United States of Soviet military research and development budgets exceeding our own. I find the argument of large and growing Soviet military research and development budgets reasonably persuasive. It seems apparent that the Soviets were spending roughly in our ball park during the early 1960's and keeping pace with our growth. It is clear that we have decelerated in recent years; it is likely that they have continued. The piling up of ambiguous facts strikes me as a peculiar attempt at overkill of a point which was more or less obvious initially.

But I am far more disturbed by the cries of alarm from the United States military establishment than I am about the fact of continued growth of Soviet military R and D. The threat to the United States of Soviet military research and development is not clear for the foreseeable future. The threat to the United States of a panicky response is clear.

One question that needs to be raised is why the continuation of Soviet military research and development growth. One interpretation is sinister intent. A second is lagged, sluggish response to earlier feelings on the part of the Soviets of technological inferiority propelled by a bureaucratic momentum even more powerful than exists in the United States' military establishment. Before interpreting the phenomenon in terms of aggressive purpose, I think the second interpretation needs to be explored carefully.

A related question is what is the appropriate U.S. response. In part this depends on the interpretation. If the second interpretation is correct doing nothing might be the best response. The Soviets will sooner or later slow down if we keep our cool. An increase in United States R and D spending would, with a lag, spur the Soviets to continue a surge which otherwise would have damped down.

But assume the worst. Assume that the Soviets are spending on R and D in order to increase their aggressive power, or that even while that may not be the initial intent the development of a technological superiority would increase Soviet aggressiveness.

Why are we worried? Do we really have reason to fear that Soviet R and D will seriously erode our deterrent capability? I have heard some technological fantasy mongering but nothing that persuades me of a real threat in the short and medium run. Are we worried about the erosion of the credibility of the United States nuclear response to a Soviet-European adventure? What evidence have we that the Soviets would savor such an adventure?

It took one generation of defense analysts to rid the military of the absurd notion that somehow the strategic balance or threat could be measured by ratios of bombers, or bombers plus missiles, or warheads, or yield. Are we now to adopt an even greater silliness by using the ratio of accumulated military research and development spending as an additional threat index? How absurd. I am deeply disturbed that people in the defense establishment really seem to believe this index is meaningful. I hope Congress is more sensible.

As particular evolving Soviet capabilities are identified, and the nature of the threat analyzed dispassionately, it certainly is sensible to undertake R and D so that if the Soviet threat materializes we can quickly counter it. Such a response involves a delicate and sophisticated blend of military intelligence to anticipate Soviet capabilities, analysis of the implications, and exploratory R and D to lay the foundations for a U.S. response if the Soviet capability actually materializes. But simply jacking up our military R and D budget, or spending more on capabilities without good evidence that they are needed, surely is only to add fuel to the arms race.

INTERNATIONAL ECONOMIC COMPETITION

Paralleling the concern about a Soviet military R and D threat, there have been rising cries of alarm about an economic threat to the United States as a result of our declining technological lead. As in the case of military R and D, I think it likely that the Europeans and Japanese have gone a distance over the past decade toward closing our technological lead. But, as above, the real question is so what, and what if anything should we do about it. I believe that guiding national R and D policy by the objective of preserving leads would be pernicious.

I would like to present some background on the "technological gap" story by cribbing some lines from an article of mine forthcoming in *Minerva* this summer. In that article I point out that the technology gap is an old story, and so are the panicky noises on both sides of the Atlantic. The U.S. clearly was establishing a general technological lead in the last decade of the nineteenth century. By that time U.S. per capita income and productivity were significantly higher than that in England and Europe. It was higher for at least two reasons. Even by that time a large number of industries in the United States probably were operating at a higher capital-labor ratio than their English or European counterparts. This is both explained by and explains the significantly higher wage rate in the U.S. industry. High American wages go back at least as far as 1830, and scattered evidence suggests that by the 1870's U.S. wages may have averaged perhaps twice that in the United Kingdom (and even more, relative to France and Germany). But this cannot be the full explanation. If it were simply greater capital intensity, but the same total factor productivity, the rate of return on capital should have been significantly lower in the United States. The limited evidence suggests, rather, that it was higher. Over the second half of the nineteenth century the yield on British consols never got above 3.5 percent; the yield on the best American railway bonds (to be sure somewhat more risky) never sunk that low and tended to be over 5.0 percent. Relatedly, this was a period when capital was flowing from the United Kingdom to the United States, not the other way around.

Between 1880 and 1910 the growth of U.S. finished manufactured exports increased more than six fold; imports less than tripled. The United States, which ought to have and clearly did have a great comparative advantage and large net export position in foodstuffs (which made exchange available for manufactured imports) nonetheless was a net exporter of manufactured products by 1900. A good share of the surge was in "technically progressive" industries. By 1899 about one-third of U.S. manufactured exports in machinery, chemicals, or vehicles. For Germany and the United Kingdom the figure was about one-fifth. The value of U.S. machinery exports increased ten-fold between the mid-1880's and 1905–1906. It would appear that around the turn of the century the United States dominated trade in typewriters, for example.

This evidence suggests a significant "technological lead", not surprisingly, for the last half of the nineteenth century was indeed the well-known great age of American invention. It was also the era in which the system of interchangeable parts was rapidly coming into play in industry after industry in the United States. In many fields Europeans and Englishmen were busy picking up American technique with a lag, just as today. Of course, it was not a one way street. The Americans did not lead in all fields, and in many fields the lead changed hands. Sometime during the nineteenth century the U.S. lost its lead in shipping. The English and Europeans developed, and then lost to the Americans, the lead in steel technology. But that on the average in some sense, the Americans were the technological leaders in manufacturing industry seems clear.

Then, as today, there is evidence of considerable concern on the part of some Europeans. Viner presents the following quote from an 1897 letter circulated by Count Goluchowski, the Austrian Foreign Minister:

> "Europe has apparently reached the turning-point in her development. The solving of the great problem of the material well-being of nations, which becomes more pressing from year to year, is no longer a distant Utopia. It is near at hand. The disastrous competition which, in all domains of human activity, we have to submit to from over the seas, and which we will also have to encounter in the future, must be resisted if the vital interests of Europe are not to suffer, and if Europe is not to fall into gradual decay. Shoulder to shoulder we must ward off the danger that is at our doors, and in order to prepare for this we must draw upon all the reserves that stand at our disposal. . . .
>
> ". . . the twentieth century will be a century of struggle for existence in the domain of economics. The nations of Europe must unite in order to defend their very means of existence. May that be understood by all, and may we make use of those days of peaceful development to which we look forward with confidence, to unite our best energies."

Then, as today, some Americans were concerned about the prospects of losing the lead for it was recognized by at least some observers that the reason why U.S. industry was able to pay such high wages, still earn such a high rate of return, and yet remain competitive in world markets, lay in its technological lead. In 1915 Taussig commented as follows on the rapid diffusion of American technology in automatic machinery:

"The more machinery becomes automatic, the more readily can it be transplanted. Is there not a likelihood that apparatus which is almost self-acting will be carried off to countries of low wages, and there used for producing articles at lower price than is possible in the country of high wages where the apparatus has originated? In hearings before our congressional committees a fear is often expressed that American investors and tool-makers will find themselves in such a plight. An American firm, it is said, will devise a new machine, and an export of the machine itself or of its products will set in. Then some German will buy a specimen and reproduce the machine, in his own country (the Germans have been usually complained of as the arch plagiarists; very recently the Japanese also are held up *in terrorem*). Soon not only will the exports cease, but the machine itself will be operated in Germany by low-paid labor, and the articles made by its aid will be sent back to the United States. Shoe machinery and knitting machinery have been cited in illustration."

It is striking how the dialogue today echoes the earlier voices of alarm, both European and American. This is not to argue that nothing is new. Many things are, and one in particular would appear to be of major importance in recent policy thinking. This development has been the rise to prominence of large scale organized industrial R and D. Only recently has R and D been recognized as an important factor generating technological advance. Years ago the focus was on "inventiveness" and "ingenuity" and "energy"; the new focus on R and D provided a policy handle that was not there when the sources of progressivity were viewed in terms of personal attributes. During the 1960's data collection progressed to a point where it was possible to compare national R and D efforts. The Europeans began to point with alarm to the American R and D lead, the Americans to the Europeans closing of the gap, and both to "doing something about it." I believe that this perspective can lead us to stupid policies.

It now seems conventional wisdom that, on the one hand, science and technology policy is an important element determining a nation's economic growth performance, and on the other, that the objective of fostering economic progress somehow should enter prominently in determining a nation's policies regarding science and technology. To a considerable extent the suggested new policy departures really amount to doing "more" and "better" what governments have done for some time: in particular supporting basic science and engineering research and education. Yet the concept of a "gap", calling attention as it does to particular product fields and industries, also naturally has pointed policy deliberation in the direction of subsidizing or financing the development of products for production and sale by private companies through the market to the general public (prominently including the export public). This would represent a significant new policy departure for the United States, as well as the European nations. The now scotched supersonic transport program of the Department of Transportation, and the civilian power reactors programs of the Atomic Energy Commission mark the first major steps down this road.

I maintain that the objective of maintaining or achieving across the board technological leadership is not a viable one much less a desirable guide to U.S. policy. Only the post World War II prostration of the other major industrial powers permitted the temporary manifestation of such a phenomenon. The United States long has lived by being ahead on average, but except for the temporary post war abberation always has been a "follower" in many fields, and seems to have survived all right. With the rebirth of Western Europe and Japan, across the board leadership simply is not a viable objective. We do not have the resources to push into any technological area where another country appears to be pulling ahead. Even if we could it seems senseless. Surely there are better criteria for guiding resource allocation than that someone else is "ahead" or threatens to be.

The growing efficiency of other countries in many ways is advantageous to the United States. If we keep our wits about us we can reap the advantages of their productivity and competitiveness through exploiting the enlarged potential for gains through international trade. This will require that we do a better job than we have recently of keeping prices and wages from artificially depriving us of commercial advantage where we have real economic competitive advantage. Or we must somehow learn to adjust our exchange rate. Protection of course is a way of doing this, but I need not lecture this committee on how inefficient a mechanism protection is. In any case the U.S. will have to learn to live with a world of technological peers.

TOWARD AN EVOLVING FEDERAL ROLE IN SUPPORT OF GENERAL TECHNOLOGY

I certainly do not mean that there is not a very useful role for federal policy to play in promoting the technological progressivity of U.S. industry. While the traditional accepted roles of federal R and D support are for basic research and for public sector needs, we long to have had a set of ad hoc programs in support of general technological progressiveness. Consider, for example, the panoply of programs in support of agricultural science and technology. Public support of research in the field of health very early outran the boundaries of public health problems or problems related to military or sea service and included work on standard private illnesses. Since World War I we have supported R and D related to civil aviation, since World War II, R and D on civil uses of atomic energy.

The problem is that the boundary lines between basic research and product development, and between public sector and private sector, are blurry. Many of the more important policy issues of the next few decades relate to identification of criteria and guidelines for an effective public policy in the grey areas between basic research and product development, and between the public and private sectors.

Today policy is ad hoc, very poorly thought through, and much in need of articulation and rationalization. What we have is a collection of programs defined in terms of particular industrial sectors or technologies with almost no questioning of why these fields and not others, and no machinery for looking across the different programs. Thus we have programs for civil aviation but not much for trains, and none for automobiles, buses or trucks. While there may be some good reasons why this is the appropriate focus for federal funds for land transport systems R and D no one has really articulated the case. We have massive federal support for atomic energy, a trickle of funds in coal research, and virtually nothing on other energy fields. We have large scale federal support of agricultural R and D, but only the smallest programs concerned with housing technology despite the fact that the latter industry is becoming much more important than the former, etc. Peculiarly, the one major federal policy with a rationale of spurning across the board technological progressivity in American industry aims to do this through "spillover" rather than through mechanisms that bear on R and D allocation. I refer of course to the space program which somehow has picked up the mantle of a national technology support program.

I think that the whole structure of sectoral and technology specific programs should be subject to reappraisal. What is needed is the development of criteria and machinery for a national policy in support of technology. An important part of such a policy is appreciation of what can be expected to take care of itself without detailed federal overview. In industries where there are a number of technologically sophisticated companies, and the value of the products is reasonably well reflected in what people are willing to pay for them, there is little reason to believe that private research and development on garden variety new products and processes warrants supplementing by public funds or programs. The areas where active public programs might seem warranted are those where private markets do not adequately reflect social value, or where the underlying private industry is weak technologically, or where technological research and experimentation of a quite basic kind holds considerable promise of unlocking major new possibilities. These are basically different criteria and call for somewhat different kinds of policies.

The problem of sectors with a particularly "public" interest in their products is one, I think, that only can be handled through the auspices of government agencies concerned with the wants or products in question, as HEW is concerned with technology for health as well as education even though the former is often provided through private channels. This really is an issue of expanding the scope and machinery of public sector R and D.

The problem of how to instill technological progressivity into moribund industries has plagued many of the countries of the world, various approaches have been tried, not very successfully. It would appear the greater part of valor not to key a civilian technology policy to trying to bolster up sick or sluggish industries.

The central guiding concept of an explicit civilian technology policy I believe ought to be an active general federal program of supporting research aimed at improving basic technological understanding, experimental development and testing of radically new concepts and designs, and provision of research and informational facilities for general use. In fact this has been federal policy in a number of fields. To some degree it characterizes federal activities in agriculture and medicine. While in both of these fields a small portion of federal funds have gone into work that carried all the way through to final new product or process, this is not so of the bulk of the federally financed work, and further in both of these fields there are general arguments and special circumstances that make socialization of certain kinds of final product development appropriate.

Federal programs in support of civil aviation, and atomic energy, have, until recently, almost exactly followed these guidelines. In 1915 the National Advisory Committee on Aeronautics (NACA) was established to stimulate and facilitate the development of American aviation. During its heyday during the 1920's and 1930's NACA pioneered in the development and operation of research and development facilities for general use—for example wind tunnels—in the collection of information and its dissemination, and in basic research and exploratory development. It undertook major work on aircraft streamlining, properties of fuels, experimental new engines, structural aspects of aircraft design, building and testing a variety of equipment. But NACA did not directly support the development of particular commercial aircraft.

Until the mid-1960's the programs of the Atomic Energy Commission in support of civilian power reactors were similar in spirit to the NACA support of aircraft technology. The Amended Atomic Energy Act of 1954 established a more or less explicit division of responsibility between the Atomic Energy Commission and private enterprise with the government's role as the undertaking and support of research, the building and support of experimental reactors, operating facilities for testing, dissemination of information, etc. Private enterprise was left the task of developing and building the operating reactors once the technology was relatively firm.

The division of labor and responsibility in these two programs reflected the following considerations. First, the kind of basic research and technological experimentation that seemed to hold great promise for the long run advance of the technologies would yield industry wide rather than firm particular benefits; hence no individual firm had much incentive in doing the work. Second, the achievement of certain major technological advances required long run commitment of major amounts of funds in work which had many of the aspects of basic research. Third, by supporting the above kind of work the government could serve to reduce the costs and risks of final product development employing new technology to a point where private companies could be expected to find profitable the kinds of projects that were socially worthwhile. Thus while the government played a major role in trying to identify important new areas of technology, private enterprise was left the task of deciding what kind of final product developments should be implemented and when.

As suggested above, the fields where we now support technology with public funds are strictly ad hoc. One urgent need is to reconsider the existing major programs, eliminating them where there seems to be no particular reason why a special program should exist for that field, or broadening the domain where this seems appropriate (for example, a strong case can be made that the civilian activities of the Atomic Energy Commission should either be abandoned, or the Commission broadened to include a general mandate for energy technology). There would appear to be several fields where no major program now exists, but one seems urgently needed. Building technology is an obvious example. Some embrionic proposals have been made that somehow special R and D support should go to export industries.

But there are some major dangers and liabilities of proceeding to redesign policy on a field by field basis. The government tends to get locked into particular industries. The industries tend to begin to own the program. The kinds of criteria I have suggested, and the reasons behind them, are quite general and it is difficult to argue why one industry or technology should have such support and another not. My judgment is that a national technology policy should be defined in terms of supporting particular kinds of activities, not particular industries.

Of course one way to do this would simply be to provide more federal cost sharing on industrial R and D by using tax credits or other devices. I suspect this is a bad idea. In effect it would tend to subsidize more of the same things that already are going on without any attempt to aim federal funds at the particular kinds of R and D industry tends to underfund. Further, such a policy carries the severe risk that federal funds (reduced taxes) will largely substitute for private funds not augment them.

Federal matching funds might be provided to industry institutes. At one time I thought this was good idea but my British friends describing the experience there have persuaded me that it is not.

The idea I find most appealing would be to focus public funds on the kinds of industrial R and D which have high long run social value, but which is risky and not sharply reflected in profit opportunities for a sponsoring private business firm. One interesting possibility would be for the federal government to provide funds for technological basic research and experimentation in roughly the same manner as it provides funds for basic scientific research—through a grant mechanism. The RANN program provides a possible pilot model. A key issue here obviously is the balance on initiative on areas between interesting proposals from the outside and ideas on fields to push from the inside. While a case can be made that internal priority setting should play a major role in guiding allocation, there are very major dangers in planning "scientific wars" on particular social problems.

SOME WORRIES ABOUT TECHNOLOGY GAP AND BIG PUSH THINKING

Whatever form the evolving program in support of public and private sector applied research and technology may take, I hope it can avoid the misconception that rapid major technological advance can be neatly planned and ordered and that such planning is an efficient way to advance technology. This misconception seems to stem from a belief that we have done well in military R and D, and that we can replicate this good experience in other sectors.

A close look at certain characteristics of the technical change process the United States has experienced in civilian industry, and at certain characteristics of the government financed development programs in defense raise some warning flags. Technological progress in most American industries has been marked by considerable diversity of the sources, and unpredictability (at least in fine structure) of the advances. New products, processes, inputs, and equipment for an industry have come from established firms in the industry, from suppliers, purchasers, new entrants to the industry, individual investors. Many developments that seemed to be promising did not pan out. Many important breakthroughs were relatively unpredicted and were not supported by the recognized experts in the field. While detailed case studies are not plentiful, one has the impression that in most technically progressive industries most of the bad bets were rather quickly abandoned particularly if someone else was coming up with a better solution. And good ideas generally had a variety of paths to get their case heard.

In contrast, since the Korean War the United States has attempted to plan technological developments in defense. A natural concomitant of planned development financed by the government has been a narrowing down of the sources of technological advance. The firms in the defense industry have become, in effect, chosen instruments. The likelihood is remote that a firm without a contract could, by using its own funds, ultimately beat out the firm with R and D contract. Thus as government R and D financing and planning has intensified independent industry initiative has dried up. There is no question but that the advances in performance that have been achieved under the system are fantastic. Yet the waste and sheer mistakes are equally impressive. The percentage of developments that achieved anything like the performance originally promised at anything near the anticipated costs, has, of course, been dismal. It is not clear that the early bets on promising designs in defense have been any worse than in civilian industry. But there has been a tendency to stick with the game plan in the face of mounting evidence that it was not a good one, that appears only in exceptional cases in areas where R and D is more decentralized and competitive. The case of Convair throwing good money after bad on the 880 development rightly is regarded as an abberation, and the fact that General Dynamics learned its style in military R and D undoubtedly was a contributing factor. But this kind of thing is the rule, not the exception, in military R and D.

Why the high cost and apparent waste? Largely because of the pace of advance sought. The nature of the arms race imposes a high cost on not having equipment at least as good as the potential enemies', or at least this is the perception that has guided defense R and D planning (I will not stress here that in many cases this notion is simply wrong). Thus each R and D project reaches as far as it can. Costs are high both because it is costly to stretch, and because there are many stumbles. It would seem that we ought to be able to achieve our defense capabilities with less cost and fewer stumbles than we have. But to a considerable extent the costs and stumbles seem inherent in force feeding a technology. (Popular impressions aside there was much the same syndrome of cost overruns and failures in Project Apollo). And if force feeding is felt to be important, it would seem that governmental subsidy and a considerable extent of central planning, with chosen instruments, blocked competition, and the rest, is the only way to do it.

Over the past decade the defense and space R and D style has begun to be viewed as extendible to civilian industries, and has been extended to the development of supersonic transport, and civilian nuclear power reactors. Perhaps we have learned the lesson in the SST case. I suspect we have not in the case of power reactors. I am deeply disturbed that we are making a large bet against bad odds in cancer research.

The issues I am posing here in part concern the specification of goals for science policy, and in part concern strategy. A large scale R and D attack is likely to be a costly and risky way to try to achieve goals if major technological advances are needed and the underlying scientific and technological knowledge is not strong enough to illuminate the paths. In these circumstances it may not make sense to specify these social goals as goals of science and technology policy, at least to the extent that goal setting involves a commitment to try to achieve that goal within a reasonably short time horizon. If experience be a guide such goal setting does seem to carry a commitment to the marshalling of resources to the problem, and usually to premature commitment to a limited set of paths. Achievement of the goal may come more quickly, and almost certainly more economically, if the "war" or "campaign" metaphor can be avoided, and if R and D is allowed to probe at the problem and a wide range of possible solutions experimentally and sequentially rather than being pushed.

SOVIET DEFENSE EXPENDITURES

(Statement by Abram Bergson for Subcommittee on Priorities and Economy in Government, Joint Economic Committee, Aug. 9, 1971)

"Measures taken in recent years have made it possible considerably to strengthen the power and fighting ability of the armed forces" of the Soviet Union. "The Soviet people can be confident" that their "glorious armed forces are prepared to repel attack by an enemy any time of the day or night. . . . The Soviet Army is assured today of all forms of modern military equipment. . . ."

So spoke L. I. Brezhnev in reporting as General Secretary to an initial session of the Twenty-Fourth Congress of the Communist Party of the Soviet Union last spring (*Pravda*, March 1, 1971). Recent trends in Soviet defense capabilities are properly a matter for military experts to judge. A student of Soviet economic affairs, however, perhaps may comment on the more basic trends in resources committed to defense in the USSR. Data on such outlays are notably incomplete and difficult to interpret. That is especially true of information in unclassified sources. Nevertheless, Societ defense outlays lately must have increased considerably, as Brezhnev implies.

Brezhnev was reporting on developments since the previous Congress of the Party, which is to say during the five-year period 1966–70. In 1965, the USSR spent 12.8 billion rubles on defense. By 1970, such outlays had risen to 17.9 billion, or by 40 per cent

(Table 1). The years between the two congresses also witnessed a rise in prices in the USSR, but as late as 1969 average money wages were still but 21 per cent above 1965. From 1965 to 1969 wholesale prices of heavy industrial goods had risen by but 14 per cent while those of machinery had fallen by 5 per cent. These official index numbers probably understate price increases and overstate price decreases, but prices of defense goods and services probably did not rise nearly as much as the defense budget. Defense outlays, therefore, must have increased not only monetarily but in real terms, and most likely to a marked degree.

TABLE 1.—SOVIET BUDGETARY EXPENDITURES ON DEFENSE AND SCIENCE AND RELATED PRICE CHANGES SINCE 1965

			1965=100		
	Defense outlays (billions of rubles)	Science outlays (billions of rubles)	Average money wages	Wholesale prices, heavy industrial goods	Wholesale prices, machinery
1965	12.8	4.3	100	100	100
1966	13.4	4.6	104	98	98
1967	14.5	5.0	108	114	98
1968	16.7	5.5	117	114	98
1969	17.7	5.9	121	114	95
1970	17.9				
1971[1]	17.9				

[1] Plan.

I have been referring to defense expenditures that are reported explicitly in the Soviet government's budget. The scope of such outlays is still somewhat obscure. Among Western experts on such matters, however, it seems generally agreed that reported Soviet defense figures represent expenditures of the Ministry of Defense and cover military pay and subsistence, munitions procurement, and many other defense charges of a conventional sort. On the other hand, there apparently are some notable omissions. Expenditures for defense-related research and development probably are largely omitted, and that may be true also of some nuclear weapons outlays. Frontier and security troops are also omitted, though such forces might be considered in the West as a part of the defense establishment.

Of such omissions, defense-related research and development must be one of the most important. How that has varied lately may be judged from the trends in budget outlays for "science," a good part of which are believed to be defense-related. Budgetary expenditures for science amounted to 5.9 billion rubles in 1969, or 37 per cent more than in 1965. Science expenditures in 1970, I believe, might have been appreciably greater than in 1969. Here, as for defense outlays generally, however, trends since 1965 must be viewed in the light of concomitant price increases.

Reference has been to data on Soviet defense expenditures. A marked increase in such outlays also seems indicated by reported developments in physical aspects of the Soviet military establishment, such as the rise of operational ICBM's from 270 to 700, and the sharp expansion of advanced naval vessels. The introduction of new weapons, however, is often accompanied by the phasing out of old ones, and the diverse trends that are thus manifest are not easy to interpret summarily.

How much do Soviet military outlays amount to in terms of U.S. dollars? Members of this sub-committee hardly need to be told how difficult it is to answer this question. As I indicated, as recorded explicitly in the Soviet government budget, defense expenditures are incomplete. While that fact is clear, the extent of the shortfall is not entirely so. Reported defense expenditures, moreover, are in rubles. Translation of one country's defense expenditures into another's currency is sometimes made by reference to the official exchange rate, but that is at best only a crude expedient. For a translation of ruble defense outlays into U.S. dollars, such a procedure is wholly untenable, for in view of the inconvertibility of the ruble, the official evaluation of a unit of that currency at $1.11 is quite arbitrary.

All this is to say that in order to translate Soviet defense outlays there is no alternative but to apply one or another or both of two laborious methods: (i) direct evaluation of Soviet defense goods and services in terms of U.S. dollar prices; (ii) reference to ruble-dollar purchasing-power equivalents compiled from data on prices of defense goods and services in the two countries. Either procedure, furthermore, requires the matching of defense goods and services in the two countries. That would be a formidable task even in the most favorable circumstances. In the present case, it is only made the more so by the notable Soviet secrecy regarding munitions production and prices. In sum, calculation of Soviet defense outlays in dollars is not precluded but is necessarily subject to a wide margin of error.

We must see in this light such measures of this sort as have been published. According to the Institute of Strategic Studies, the Soviet Union spent the equivalent of some $51.7 billions on defense in 1970. This figure is intended to represent all expenditures, including those over and above those explicitly recorded as defense outlays in the budget. The U.S. Arms Control and Disarmament Agency informs us that such expenditures already totalled $55.0 billions in 1968. The corresponding figure for 1970 would probably be appreciably larger. With the information available, I doubt that we can choose between these estimates, or even exclude others appreciably higher or lower than either of them.

Here again reports on the physical aspects of the Soviet military establishment are illuminating, though difficult to interpret summarily. I refer to comparative data on the size of the Soviet and U.S. armed forces, operational ICBM's, and so on.

What are the prospects for Soviet defense expenditures? How such outlays will vary in the coming years will depend on the evolving international environment in which the USSR finds itself; the foreign policy which the Soviet government wishes to conduct in that environment; and the economic potential available to support one or another such foreign policy, including the defense budget that is required.

In reporting on Soviet defense expenditures to this subcommittee, two years ago, I commented particularly on the last factor, that is, economic potential. My thinking on this is still essentially as it was before, but perhaps I should record here that Soviet total output continues to be as it was before, but a fraction of that of the USA. In fact, the Soviet GNP in 1970 still was no more than half of ours. Also, Soviet output still has been growing lately at only a relatively moderate rate: about 5 per cent annually during 1965-70. I suggested previously, and still feel, that even to maintain such a tempo in future may be difficult because of the notably high capital costs of Soviet growth and the resulting conflict between investment for high growth and the need, to which the government manifestly has become increasingly sensitive, to assure respectable increases in consumption standards.

Since I last appeared here, the Soviet Communist Party has published directives for a new five year plan, the ninth, that is to run from 1970 to 1975. These directives were among the chief concerns of the Twenty-Fourth Congress of the Party, with Brezhnev's report with which I began. The directives might easily be the subject of another inquiry, but it should be observed that the government is in fact seeking to maintain recent tempos of growth. It apparently hopes to do so, however, through marked productivity gains. The capital stock is to increase at only a modest tempo by Soviet standards, and consumption is to grow apace with total output. To raise consumption standards "substantially" is avowedly the "principal task" of the new five year plan.

Whether the government's projections of productivity will prove warranted remains to be seen, and only time will tell too just how it will resolve in practice its conflicting priorities for growth and consumption. I concluded previously, however, that "the Soviet government has been seeking to support a military establishment of the first-class with an economy that by U.S. standards has been of the second-class. This is a difficult feat, and it is apt to become more difficult in the future, as the competing claims of capital investment and consumption become more demanding. Still the government has found the necessary means so far, and it should be able to continue to do so, but it can be expected to scrutinize marginal requirements for additional military outlays more closely than hitherto. It will do so the more should defense requirements increase more rapidly than output. It also goes without saying that for the USSR there has always been an economic case to join in arms control and disarmament measures. That should certainly still be so in the future." There seems no basis to diverge here from this appraisal.

The appraisal does not seem vitiated either by these added words of Brezhnev in his report to the Twenty-Fourth Congress:

". . . The further growth of defense industry will depend to a great extent on the international situation. The Soviet Union is prepared to support genuine measures for disarmament that strengthen peace and do not damage our security. At the same time we must be prepared in future for any turn in events."

Following Brezhnev, Premier A. N. Kosygin also addressed the Congress, and assured his listeners that "the new five year plan assures the further strengthening of the defensive power of our state" (*Pravda*, April 7, 1971). As seen here, these words, reportedly greeted with "stormy, prolonged applause," must also be taken seriously, though any considerable "strengthening" would certainly be onerous for the Russians.

Opinions have often been voiced in this country lately that our defense expenditures are inordinately large and should be cut. Some indeed advocate a reduction well beyond any that might result in any case from our progressive withdrawal from Vietnam. This is not the occasion to try to react in any systematic way to such views, but I should note that I for one find little support for them in the account that I have set forth of Soviet defense expenditures. I refer especially to indicated increases in such expenditures over time. I have also cited calculations suggesting that Soviet defense outlays, while large indeed, may not be quite as large as ours. Such calculations, however, are of a very doubtful reliability. Of course, they could in any case serve only as a point of departure for serious inquiry into the extraordinarily complex question of the appropriate level of our own defense outlays.

Debate about U.S. defense outlays lately has revolved especially about the advisability of a unilateral cut in such expenditures. Among men of good will, there hardly can be any real difference as to the merit of limitations on defense outlays that the USA and the USSR might find it in order to initiate by agreement. Let us hope, therefore, that both we and the Russians will not fail to exploit any opportunity that may confront us to achieve that end.

THE CFR REVOLT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. RARICK. Mr. Speaker, on July 13, 1971, while speaking on the floor of the House, I called the attention of my colleagues to the Committee on Foreign Relations' mission—to transfer the blame from their own membership, those truly responsible, to the military for the Vietnam fiasco, CONGRESSIONAL RECORD, page 24775.

The CFR has continued in its efforts to degrade and embarrass the military, but their concerted effort has finally hit a snag that is causing repercussions amongst the members of this elite group of pseudo-intellectuals. CFR members are finding it hard to explain that one of their own, William P. Bundy, ex-Assistant Secretary of State for East Asian and Pacific Affairs in the Johnson administration and known Vietnam escalationist, is now editor of the CFR quarterly, *Foreign Affairs.*

The situation, if it were not tragic, would be hilarious. Here we find a recognized hawk and a leading figure in our Vietnam involvement directing the activities of an organization and its official publication whose primary purpose is to transfer to the military the blame for what the CFR "foreign policy experts" got us into in the first place. Here we find one of the leading figures responsible for getting us into the Southeast Asian mess trying to convince the public that the military is responsible.

I ask that a related news article be inserted in the RECORD at this point. The article follows:

[From the Washington Post, Aug. 23, 1971]

REVOLT AGAINST BUNDY—FUROR AT 'FOREIGN AFFAIRS'

(By Stephen Isaacs)

NEW YORK.—The "old boy" network of the Eastern Establishment has been twitching nervously for the past few months over the appointment of one of its own William P. Bundy—to edit the prestigious quarterly Foreign Affairs.

Because of Bundy's Vietnam war policymaking position as Assistant Secretary of State for East Asian and Pacific Affairs in the Johnson administration, his selection as editor has set off a controversy involving many of the biggest names of the Eastern intellectual and corporate structure.

Bundy himself says that he is taking it philosophically. But he has been stung.

"The tactics, the degrees and types of attacks, and the demagoguery involved are at a very high level" of intensity, he says. Indeed, he calls them "McCarthyite in flavor. I resent the fact that I am being accused of immorality.

"We were probably quite wrong in all this," he said, referring to his role in the making of Vietnam war policy, "but certainly we're honest."

Other principals in the Foreign Affairs controversy include David Rockefeller, Henry Kissinger, Bill Moyers, John McCloy, George Ball, Carl Kaysen, Jerome Weisner, Francis Bator, Richard Falk and a sizeable proportion of the social studies faculties of places like Harvard, Yale, Princeton and MIT.

Bundy's younger brother McGeorge, who was an aide to President Johnson and now is president of the Ford Foundation, has stayed on the sidelines.

The arena is the New York-based Council of Foreign Relations, whose nearly 1,500 members represent the East's intellectual and corporate power in the realm of foreign policy.

Just how important the council and its quarterly magazine, Foreign Affairs, are to American foreign policy is a subject of some debate. Newsweek magazine, several years ago, said that Foreign Affairs was—despite its small circulation, now 70,000—one of the most influential periodicals in print."

The council's retiring executive director. George S. Franklin Jr., points to such things as the council's studies on mainland China as perhaps being influential in the new U.S. attitude. He mentions that Henry Kissinger's book, "Nuclear Weapons and Foreign Policy," was published by the council in 1957.

But others will say that the council as an organization now has less muscle than one George Meany—although as individuals, many of its members do represent the established money and brains of the East Coast.

That is what bothers the critics of Bundy's appointment. The attempt to dislodge Bundy from his new job was instigated by Princeton Law Prof. Richard A. Falk, who says, "This whole appointment stresses the continuity of American foreign policy where there should be an attempt to break with it. This illustrates the coherence of the elite.

"The small elite that runs (the council) is so insulated that they had no idea of what the impact would be" of naming Bundy.

The council had begun in the fall of 1969 to look for a new editor of Foreign Affairs to take over in the fall of 1972, after Hamilton Fish Armstrong publishes the quarterly's 50th anniversary edition. Armstrong, now 78, has edited the magazine for most of its existence. Seven months later, the council began looking for a replacement for Franklin when he announced his intent to resign—a job that ultimately went to Stanford Law Dean Bayless Manning.

Among those considered for either or both jobs were former Johnson administration aides Bill D. Moyers and James C. Thomson Jr.; Max Frankel of The New York Times and Henry Kissinger of the White House. All four said no.

Bundy, now at the Massachusetts Institute of Technology's Center for International Affairs, also was considered for both jobs. In a meeting with David Rockefeller at the home of then-Harvard President Nathan Pusey in November, 1970, Bundy said he would be interested in an offer to edit Foreign Affairs.

The council announced last March that Bundy would become Foreign Affairs' new editor. Soon thereafter, Falk and three other members of the council appealed to the council's board to rescind the decision.

The other three are Richard J. Barnett, co-director of the Institute for Political Studies in Washington, author Ronald Steel and Richard Ullman, associate dean of Princeton's Woodrow Wilson School. Publication of the Pentagon papers, highlighting Bundy's role in Vietnam policymaking, added fuel to their protests.

John McCloy, then chairman of the board, named a committee to meet with the dissidents, which it did on two occasions. Many handwringing sessions of board members followed.

Then, two weeks ago, Rockefeller, by now the new chairman of the board, sent a memorandum to the council's membership, telling of the challenge to Bundy but reaffirming the board's original decision.

Rockefeller's memo quoted Falk as saying:

"Mr. Bundy's role in planning and executing illegal and criminal war policies in Indochina should disqualify him, at least for a period of years, from holding an editorial position of this kind. To reward a former government official who was deceitful toward the public and Congress in this way is to undermine all notions of bureaucratic accountability and directly contradicts the entire Nuremberg tradition that the United States did so much to evolve."

Although the board voted to stick with Bundy, several members say privately that the board failed to dig deeply enough into Bundy's role in Vietnam policy before it originally voted him the job.

These members, at least, say that if they knew then what they know now, they would not have chosen him. Their fear is not that Bundy will be a poor editor, but that his controversiality will preclude the kind of objectivity that has led Foreign Affairs to publish such varied authors as Nikita Khrushchev, John F. Kennedy, Anthony Eden, Konrad Adenauer, Jawaharlal Nehru, Josip Tito and Gamal Abdel Nasser.

Falk and Barnett say they don't question Bundy's editing ability or his objectivity, but they do question "rewarding" the man with the job, and question whether authors who disagreed strongly with Bundy over Vietnam would want to submit manuscripts to such an editor.

Says Barnett:

"I thought that the appointment was very important symbolically to the extent that the council is important to the country—this was a man who was willing consistently—despite evidence of some private doubts . . . who was willing to service this policy . . . to put great effort and energy into deceiving the Congress, into deceiving the public. . . . He displayed a pattern of conduct which is criminal."

Barnett disagrees that his protest echoes of McCarthyism: "This is totally different. He (McCarthy) was making irresponsible charges. All we're saying is that we should see whether these charges are responsible.

"McCarthyism isn't the issue. The issue is whether this is more than bad judgment about a particular policy. It's a very serious question for the council and for the country."

He stresses that he is not trying to deny Bundy his job at MIT—just the one at Foreign Affairs. "He is the wrong man at the wrong time for this job."

Bundy, who notes with irony that he was once the target of an attack from the right by the late Sen. Joseph McCarthy for contributing $400 to the defense of Alger Hiss, says of the furor his appointment touched off: "I've been here before. There's nothing I can do about it. I haven't changed as a person. I don't believe they've fairly presented the facts. But I feel that if you're going to be in public life, you can't get all that excited if you get attacked."

Bundy had already experienced the same syndrome that hit other Johnson administration officials like Dean Rusk and Walt Rostow and made it hard for them to get jobs after 1968. In cocktail circuits all over, those who were hawks on Vietnam in the early 1960s are now shunned like lepers.

When he first got to MIT, Bundy notes, the students seemed "to be avoiding me." The students who signed up for his course, "American Policy Since 1945," were "not the men I hoped for. It was disappointing. I was making as much of an effort as I knew how to make."

As for the substance of the most recent criticism, he contends that the authors of the Pentagon study put "a gross exaggeration on the significance of covert operations, from the time they first refer to them. The covert operations weren't anywhere near as important as the paper writers thought."

He adds that "I can't carry a brief for the administration's candor, but then I didn't have much responsibility for that area."

"Whatever my faults in decision making," Bundy says, "I like to think I've shown some openness to varying points of view through the years."

Many of Bundy's fellow academicians feel the same way, and jumped to his defense.

Dr. Carl Kaysen, the Princeton economist, and Prof. Francis M. Bator talked to a number of professors who are council members to alert them to what was happening to Bundy.

Among those who did try to help Bundy were MIT's president, Dr. Jerome Wiesner, MIT Profs. Lucian Pye and Eugene Skolnikoff, and JFK School of Government Profs. Richard Neustadt and Bator.

Bator, who also served in the Johnson administration as deputy special assistant to the President for national security affairs, says this: "All the guys involved are decent, saying what they honestly believe. While Bundy will be a fine editor, it so happens that currently we're very near a witch-hunt atmosphere where Bill Bundy is obviously an important target.

"Basically, I thought an issue of high principle was involved. The issue was: A selection had been made, an offer had been made, it had been accepted, and it had been announced. Whether one thinks it was a good selection, or selection procedure—and I repeat I think Bundy will be a fine editor—the deed was done and you do not, under these circumstances, back away."

But the critics of war policy say that men like Bundy are protected by the Establishment. They cite George Ball as being a part of that, even though the Pentagon study shows Ball as the administration's most tenacious dove. Rockefeller's memo quotes Ball as saying "That he (Bundy) and I have disagreed on fundamental assumptions regarding the Vietnam war in no way diminishes my respect for him . . . I can assure you that the Pentagon papers so far published have given a distorted and quite unfair impression of the nature of his role in the whole lamentable business."

Says Falk to this: "Ball is defensive because he identifies with the elite. Ball as part of the power elite had to come to the defense of Bundy."

Harvard economist John Kenneth Galbraith, who resigned from the council last winter, "not from the Bundy thing, but out of sheer boredom," says that "I disagreed with (Bundy) when it was necessary to disagree with him. But I'm revolted by the idea of trying to deny somebody a job."

"He says that Foreign Affairs is already so unreadable that I don't see how Bill Bundy can do it any damage."

He feels that the importance of the council has shrunk enormously in recent years.

"The Establishment," he says, "has been deeply discredited by what's happened in Vietnam, perhaps even more so by the Pentagon papers. The Establishment has prestige only as long as its foreign policy is a success."

That the Establishment has made some mistakes is obvious to many of its members, and thus the changes within the Establishment's basic foreign policy organization, the council.

Falk does not consider his attempt to squelch the job offer a failure but a victory of education of the members—that another point of view exists besides the one prevailing in Madison Avenue boardrooms.

Along with Falk's precipitating actions, other changes are taking place at what Galbraith says used to be "the watering place of the Establishment."

A courteous but reportedly agonizing struggle took place two years ago to open the council rolls to women. Fifteen are now members, including journalist Flora Lewis, author Barbara Tuchman, teacher-diplomat Patricia Roberts Harris, and Washington Post publisher Katharine Graham. New stress was put on enrolling black members and younger members. The average age of new members over the past three years has been 42.

Another key change comes up in the fall of 1972, when board members will begin having to retire at age 70. Five of the present directors—Armstrong, Arthur Dean, Frank Altschul, William Foster and John McCloy—fall into this category.

And Franklin's replacement this fall is, in Bayless Manning, pointedly not a corporate, boardroom type but an academic who has taught at Yale and Stanford. Manning's job will be to streamline procedures. Board Chairman Rockefeller noted, at the end of his memorandum, that "everything possible" will be done to keep the council "open and responsive to the general will of the members."

THE MUSEUM SERVICES ACT

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. REID of New York. Mr. Speaker, I am introducing today the Museum Services Act, legislation which has already been sponsored by my distinguished colleague from Indiana (Mr. BRADEMAS) and by the gentleman from Illinois (Mr. ROSTENKOWSKI).

American museums are experiencing an unprecedented rise in popularity, with visits by the public increasing sixfold in the last 30 years. The Nation's 6,000 museums now are hosts to 300 million visitors a year.

At the same time, the costs of these institutions are rising. Basic maintenance, trained staff, guards, guides, building, and insurance costs have all risen drastically along with the cost of living and the longer hours and larger public of the museums. In addition, there is a new demand for museum services in terms of educational functions—for schoolchildren, youth groups, adult lecture series, teenage painting classes, and the like.

Museums have always been the beneficiaries of considerable public philanthropy but donations have generally been for the purchase of particular works or collections. The greatest need of museums right now is for funds for operating expenses—air-conditioning systems, humidity-control systems, maintenance, larger staffs, and other basic items. To the extent that museums are offering an educational service to the entire public, it seems that the time is ripe for the Federal Government to significantly increase its financial support of museums.

Less than 1 percent of current museum operating costs are paid for by the Federal Government. Such support as there is comes in the form of modest grants from the National Endowments for the Arts and Humanities and specialized support for research in scientific museums. Despite their role in education, museums have received virtually no funds under the Elementary and Secondary Education Act and they have been excluded entirely from the Library Services and Construction Act.

The Museum Services Act is intended to begin a Federal commitment to museum support by acting directly on the most pressing needs of these institutions. In keeping with the tradition of local funding and public philanthropy, Federal funds would be available for only 50 percent of the cost of any project. Projects which would be eligible for the grants, administered by the Secretary of Health, Education, and Welfare, include: renovation of museum facilities; development and improvement of services to the public; preservation and maintenance of collections; intermuseum cooperation, including traveling collections and training of personnel; and specialized services to certain segments of the public, such as programs for urban neighborhoods, rural areas, Indian reservations, penal, and other State institutions.

A museum is a living repository of life and culture throughout the world; it is a vibrant and real schoolroom for young and old, for those whose world is limited to their surrounding neighborhood, for all who want to broaden their horizons. The quality of our national life is reflected in our national support for cultural and educational institutions and there is no doubt that that support is essential to the future of America's museums.

FORT WORTH AND AMERICAN AIRLINES HELP USHER IN A NEW ERA IN COMMERCIAL AVIATION

HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. WRIGHT. Mr. Speaker, the citizens of Fort Worth are proud to have American Airlines' Flight Academy and Stewardess College in our community.

A recent issue of the Wall Street Journal carried a feature story on the costly and extensive training that American gives its flight crews to prepare them to operate the new DC-10 jumbo jet. I am inserting at this point in the RECORD excerpts from this informative article:

[From the Wall Street Journal, July 26, 1971]

AMERICAN AIRLINES CAPTAINS "FLY" DC-10 SIMULATOR, FACE 50 POSSIBLE EMERGENCIES

(By W. Stewart Pinkerton, Jr.)

FORT WORTH.—Capt. Lyle Turner, a veteran American Airlines pilot, was nearing takeoff speed (124 miles an hour) in a McDonnell-Douglas Corp. DC10 when the wide-bodied trijet suddenly began to veer to the left: The left rear engine had failed.

Coolly and without panic, Capt. Turner quickly reduced power on the remaining two engines, activated the brakes, thrust reversers and wing spoilers, and brought the 206-ton craft to a shuddering halt just short of the end of the runway.

Despite the seemingly harrowing nature of the incident, no lives were at stake. For the aborted "takeoff" took place indoors in an elaborate, computer-controlled DC10 simulator, complete with a realistic color-TV view of a miniature runway, appropriate engine noises, cockpit movements and instrument readings.

The exercise—one of countless drills designed to familiarize a DC10 pilot candidate with every conceivable flight situation—is only part of an exhaustive, costly ($30,261 for each captain) training program that is readying American Airlines personnel . . . to begin commercial service with the 238-passenger craft between Los Angeles and Chicago. . . . [This service began on August 5.]

UNDERSCORES FAA INVOLVEMENT

A behind-the-scenes look at the American Airlines training program not only gives an insight into just how airlines train their pilots for a new plane, but also underscores the degree to which the Federal Aviation Administration—the government agency charged with governing airline safety—is immersed in the introduction of a new aircraft. FAA inspectors monitor the training constantly, and examine pilot candidates at least four times during their 130-hour, monthlong training session.

All told, American expects to train about 600 crew members—including both supervisors and so-called line crews, who actually fly the planes—for its initial order of 25 DC10's.

Pilot candidates first receive a 100-page DC10 "introductory manual" prepared by McDonnell-Douglas Corp. and American's flight training officials. It describes the aircraft, its major systems, and all of the 200 or so dials, gauges and switches in the cockpit. Using the manual along with a set of cockpit diagrams, pilots can familiarize themselves with the location and function of important controls. Example: "The Nose gear landing light switch allows the lights to be full intensity for landing and less bright for taxi. The lights will come on only when the landing gear handle is Down."

QUIZZING BY A COMPUTER

Next comes ground school, where pilots get acquainted with the operation of the DC10's dozen or so major systems, including fuel, electric, pressurization and oxygen. Each system is first studied individually, in a study carrel equipped with earphones and a color slide and video tape system linked to a computer. The computer describes each system visually and orally and asks the pilot questions, which he must answer by pushing buttons on a small console. . . .

As soon as study of individual systems is completed, the pilot moves into a cockpit procedures trainer—a working model of the DC10 flight deck. Here, for the first time, the pilot must operate all the different flight systems. And after about eight hours of drill, an FAA official sits in on an hour-long oral exam in the cockpit trainer. The pilot is expected to operate all the systems and describe to the instructor how he would handle any specific systems failure.

If the FAA man sees or hears something he doesn't like, the candidate can be tagged for a training review. So far, none of American's pilots has been sent back for further DC10 study. "You either pass or don't pass," says Capt. Walter Moran, who heads all of the American's flight training programs. Ground school lasts 10 to 12 days, the time varying from pilot to pilot because each moves at his own speed. "They are trained to proficiency," Capt. Moran explains, "not to a timetable."

After ground school, the pilots begin a total of about 36 hours in the flight simulator. Half this is spent "flying" the plane. The rest is spent observing. Realism in the $3.5 million device is heightened to an uncanny degree by a visual system that uses a color television camera mounted on a movable crane. The camera, controlled by the movements of the cockpit controls, scans a vertical backdrop 42 feet long and 13 feet high and projects what it sees onto a screen in front of the pilot. The backdrop includes a scale model airport complete with working approach lights, a city, a football stadium, rows of houses and open country. It can be lighted to duplicate daylight, dusk or nighttime. In addition, the system can be programmed to simulate all types of visibility.

The simulator gives the pilot his first realistic taste of flying the DC10, as well as perhaps a sweaty palm or two, since it can realistically simulate—on command from the instructor—about 50 potential problems such as engine fires and sudden loss of cabin pressure, which requires an emergency descent. The pilots must deal with all 50 problems during their training. . . .

CUTTING BACK ON RISK, COST

The simulator's main plus is that it allows a pilot to run through exercises that would be too risky, difficult or costly using a real $16 million plane. For one thing, the pilot's eye level in the DC10 cockpit is about 20 feet off the ground, compared with about 15 feet in the 707. This means the DC10 touches down "sooner" than the 707, and the simulator gives the pilot a chance to practice landings without the risk of damage. One typical exercise is to "freeze" the simulator at 100 feet and 50 feet above the runway during landing, so the pilot can get his visual bearings.

Making an emergency stop during takeoff can be done in a real plane—but it costs about $5,000 to replace the burned-out tires. In addition, shutting down a hot engine at high altitudes, where the outside temperature can be 20 below zero, can subject the engine to "thermal shock" and possible damage. Before simulators came into wide use, American lost two 707s and nine crewmen while running through engine failure drills some years ago.

The simulator also helps smooth transition to the DC10's bigger dimensions. The DC10 is about 40 feet longer and 35 tons heavier than a 707, and the pilot is some 20 feet ahead of the nose gear in the DC10, twice the distance in a 707. "You have to learn exactly where the wheels track so you don't turn before you should while taxiing and get stuck in the mud," says Capt. Estridge. And despite its size, the DC10 will be easier to fly than the 707, thanks to more-powerful hydraulic systems. "All the controls are higher and extremely sensitive. Just like having power steering," says Capt. Turner. . . .

As in pilot training, the simulation for other personnel is realistic. One common stewardess drill involves getting passengers out of a burning plane. American Airlines personnel like to chuckle about the girl who had just finished supervising an evacuation when she noticed the simulated smoke that had been pumped into the mockup cabin. "Say, this thing really is on fire," she said. "I'm getting out of here."

INTRODUCTION OF BILL

HON. DAVID PRYOR

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. PRYOR of Arkansas. Mr. Speaker, I include the text of the bill which I intend to introduce tomorrow in the RECORD.

This bill is a revised version of the Ocean Mammal Protection Act which I introduced last March 23.

These revisions obviate the conscientious objections to the bill, and I hope strengthen it to the point where it can be overwhelmingly passed this session.

The text of the bill follows:

A bill to protect ocean mammals from being pursued, harassed, or killed; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following Act may be cited as the "Ocean Mammal Protection Act of 1971".

TITLE I—FINDINGS AND DECLARATIONS OF POLICY

SEC. 101. The Congress finds that ocean mammals are being ruthlessly pursued, harassed, and killed, both at sea and on land by hunters of many nations of the world.

The Congress further finds that many ocean mammals will become rare, if not extinct, unless steps are taken to stop their slaughter.

DECLARATIONS OF POLICY

SEC. 102. (a) It is hereby declared to be the public policy of the United States to protect all ocean mammals from harassment or slaughter.

(b) It is hereby declared to be the further public policy of the United States that negotiations should be undertaken with foreign governments and through interested international organizations with a view to obtaining a worldwide ban on the further slaughter of ocean mammals.

TITLE II—GENERAL PROHIBITIONS

DEFINITIONS

SEC. 201. For the purposes of this title—

(a) "ocean mammals" means all seal, whale, walrus, manatee or sea cow, sea otter, sea lion, polar bear, porpoise, and dolphin;

(b) "person" includes individual, partnership, corporation, association, and Federal and State agencies; and

(c) the terms "take" or "taking" or "taken" means to harass, pursue, hunt, shoot, dynamite, capture, collect, kill, or attempt to harass, pursue, hunt, shoot, dynamite, capture, collect, or kill.

PROHIBITIONS

SEC. 202. (a) It is unlawful, except as provided in section 203 of this title or in title III; for any person or vessel subject to the jurisdiction of the United States to engage in the taking of ocean mammals either on the high seas or on lands or waters under the jurisdiction of the United States, or to use any port or harbor or other place under the jurisdiction of the United States for any purpose connected in any way with such taking, or for any person to transport, import, offer for sale, or possess at any port or place or on any vessel, subject to the jurisdiction of the United States, ocean mammals or the parts of ocean mammals taken after the enactment of this Act, including but not limited to, raw, dressed, or dyed fur or skins.

(b) The possession of ocean mammals or any part thereof by any person contrary to the provisions of this Act shall constitute prima facie evidence that ocean mammal or part thereof was taken, purchased, sold, or transported in violation of the provisions of this Act or the regulations issued thereunder.

EXCEPTIONS FOR INDIANS, ALEUTS, AND ESKIMOS

SEC. 203. (a) Indians, Aleuts, and Eskimos who dwell on the coasts of the North Pacific or Arctic Oceans are permitted to take ocean mammals (except polar bears) for their own use but not for sale: *Provided, however,* That such taking must be done in accordance with customary traditions and as an adjunct of the native culture.

(b) The authority contained in this section shall not apply to Indians, Aleuts, and Eskimos who are employed by any person under the provisions of the Fur Seal Act of 1966 or title III of this Act for the purpose of taking ocean mammals, or who are under contract or agreement to deliver the skins to any person.

EXCEPTIONS FOR MEDICAL AND SCIENTIFIC RESEARCH AND FOR MUNICIPAL AND/OR OTHER NONPROFIT ZOOS

SEC. 204. (a) Nothing herein shall be considered to be a prohibition against municipal and/or other nonprofit zoos from obtaining written consent from the Secretary of the

Interior to humanely capture a representative number of the ocean mammals herein defined for replacement for deceased or otherwise ailing members of these species in these zoos.

(b) Further, nothing herein shall be construed to be a prohibition against the humane capture of a select number of these species of ocean mammals for certificable scientific and/or medical research.

(c) Regulations shall be promulgated by the Secretary of Interior for the purposes of subsections (a) and (b) above as to who shall be granted permission and for what purposes. Further, methods of capture, supervision, and transportation shall be subjects of said regulations by the Secretary.

FORFEITURE

SEC. 205. (a) Every vessel subject to the jurisdiction of the United States that is employed in any manner in connection with a violation of the provisions of this title, including its tackle, apparel, furniture, appurtenances, cargo, and stores shall be subject to forfeiture and all ocean mammals or parts thereof, taken or retained in violation of this title or the monetary value thereof shall be forfeited.

(b) All provisions of law relating to the seizure, summary, and judicial forfeiture, and condemnation of a vessel, including its tackle, apparel, furniture, appurtenances, cargo, and stores for violation of the customs laws, the disposition of such vessel, including its tackle, apparel, furniture, appurtenances, cargo, and stores, or the proceeds from the sale thereof, and remission of mitigation of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this title, insofar as such provisions of law are applicable and not inconsistent with the provisions of this title.

ENFORCEMENT

SEC. 206. (a) Enforcement of the provisions of this title is the joint responsibility of the Secretaries of State, Treasury, Interior, Commerce, and Transportation. In addition, the Secretary of Interior may designate officers and employees of the States of the United States to enforce the provisions of this Act, which relates to persons or vessels subject to the jurisdiction of the United States. When so designated, such officers and employees are authorized to function as Federal law enforcement agents for these purposes, but they shall not be held and considered as employees of the United States for the purposes of any laws administered by the Civil Service Commission.

(b) The judges of the United States district courts and the United States commissioners may, within their respective jurisdictions, upon proper oath or affirmation, showing probable cause, issue such warrants or other process, including warrants or other process issued in admiralty proceedings in Federal district courts, as may be required for enforcement of this title and any regulations issued thereunder.

(c) Any person authorized to carry out enforcement activities hereunder shall have the power to execute any warrant or process issued by any officer or court of competent jurisdiction for the enforcement of this title.

(d) Such person so authorized shall have the power—

(1) with or without warrant or other process, to arrest any person committing in his presence or view a violation of this title or the regulations issued thereunder; and

(2) with a warrant or other process or without a warrant, if he has reasonable cause to believe that a vessel subject to the jurisdiction of the United States or any person on board is in violation of any provision of this title or the regulations issued thereunder, to search such vessel and to arrest such person.

(e) Such person so authorized may seize any vessel subject to the jurisdiction of the United States, together with its tackle, apparel, furniture, appurtenances, cargo, and stores, used or employed contrary to the provisions of this title or the regulations issued hereunder or which it reasonably appears has been used or employed contrary to the provisions of this title or the regulations issued hereunder.

(f) Such person so authorized may seize, whenever and wherever found, all ocean mammals or parts thereof taken or retained in violation of this title or the regulations issued thereunder and shall dispose of them in accordance with such regulations.

SEC. 207. The Secretaries of State, Treasury, Interior, Commerce, and Transportation are authorized to issue regulations to carry out the provisions of this title.

SEC. 208. Any person violating the provisions of this title or the regulations issued thereunder shall on the first offense be fined not more than $5,000 or imprisoned not more than one year, or both; on conviction of second and subsequent offenses, the violator shall be fined not more than $10,000 or jailed for not less than one nor more than three years, or both.

SEC. 209. Title III (Protection of Sea Otters on the High Seas) of Public Law 89-702 is hereby repealed.

TITLE III—TREATIES AND CONVENTIONS

NEGOTIATIONS FOR PROTECTIVE TREATIES

SEC. 301. It is the sense of Congress that the Secretary of State should immediately initiate world wide negotiations for the purpose of obtaining an international agreement or agreements for the protection of all ocean mammals as ennumerated in Sec. 201 (a).

TO OUTLAW KILLING

SEC. 302. Such treaties or conventions should seek to outlaw all killing of these mammals for any reason.

REPORT BY SECRETARY OF STATE

SEC. 303. The Secretary should report in full his efforts under this Title Twelve (12) months from the date of enactment of this bill.

TITLE IV.—NORTH PACIFIC FUR SEALS

TERMINATION OF NORTH PACIFIC FUR SEAL CONVENTION

SEC. 401. It is the sense of the Congress that the North Pacific Fur Seal Convention, signed on February 9, 1957, should not be continued after its current termination date in 1976.

Further, it is the sense of the Congress that the Secretary of State should immediately initiate negotiations with the parties to the Convention and any other concerned States for the purpose of obtaining an international agreement or agreements to ban all killing of North Pacific fur seals whether at sea or on land.

Such a treaty would take the place of the present convention and would take effect immediately upon its signing.

INTERIM ARRANGEMENTS

SEC. 402. And until such treaty can be successfully negotiated, no further North Pacific fur seals shall be killed to fill the United States "quota" (70 per centum) under the terms of the North Pacific Fur Seal Convention; all skins or parts thereof of the Alaskan fur seal shall be banned from import into the United States or in interstate commerce between the States; any agreement under Section 104 of the Fur Seal Act of 1966 for the processing of skins in any State other than Alaska shall be terminated.

(b) To honor our treaty provisions, between the enactment of this Act and the expiration of the North Pacific Fur Seal Convention, Japan and Canada shall be given the option of taking the average dollar value (over the last five years) of the 15 per centum of the kill to which they are entitled or to take 9,000 skins each, to be shipped directly from the Pribilof Islands to those countries. If Japan or Canada elects to take the skins, the killing in the Pribilofs shall be done in the most humane manner and as close to the shore as possible. Further, to the extent practicable, such killings shall first be of old or crippled bachelor seals and second of old or crippled female seals; no seal under one year of age shall be killed.

RENEWAL OF PRESENT CONVENTION

SEC. 403. If such treaty can not be successfully negotiated prior to the expiration date of the existing North Pacific Fur Seal Convention, nothing herein shall preclude the renegotiation and renewal of said present Convention, and in fact, to preclude the possibility of a return to pelagic sealing, such present Convention should be renewed on or before its expiration date.

HUMANE METHODS

SEC. 404. If the only recourse is to renew the Convention as stipulated in Sec. 403, every effort shall be made to see that those seals killed under the provisions of this act shall be killed by the most modern, rapid and humane method of rendering the seals unconscious.

REPORT OF SECRETARY

SEC. 405. The Secretary of Commerce shall report his findings and efforts under Sec. 404 to the Congress within six (6) months of the application of Sec. 404.

ESTABLISHMENT OF PRIBILOF SEAL ROOKERY

SEC. 406. The Pribilof Islands shall be designated a National Seal Rookery Preserve and Bird Sanctuary under the Department of Interior; and the native Aleuts shall be trained and employed for any jobs to be created thereunder.

PRIBILOF ISLANDS COMMISSION

SEC. 407. The President, with the advice and consent of the Senate, shall appoint a Commission to help in the transfer of the Pribilof Islands from a place of killing into a preserve, to help promote tourism, and to develop an economy on the island for the Aleuts to take the place of their participation in the slaughter of the seals.

The Commission shall be comprised of a number of Pribilof Aleut natives, and it shall include the Secretaries or their designates from the Departments of State, Treasury, Commerce, the Administrator of the Small Business Administration, the Governor of Alaska, and two independent scientists in the fields of ocean biology and ecology.

REPEALER

SEC. 408. Such provisions of the Fur Seal Act of 1966 which are inconsistent herewith are hereby repealed.

NATIONAL ENERGY POLICY—PART VII

HON. R. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. COUGHLIN. Mr. Speaker, in the interest of speeding up the creation of a national energy policy, I would like to insert in the RECORD additional references to studies on the subject, or aspects of it, similar to my insertions of July 1 and 13.

The purpose of these insertions, quite obviously, is to show that we have available, or in training, a sufficient number of studies to begin establishing a national energy policy. I also hope that these bibliographies, in this rough form, will be of some aid to those charged with creating such a policy.

Of particular interest in the following list is part G: "Possible New Uses of Energy," which shows, among other things, several studies that have examined the beneficial use of waste thermal energy. I have always believed that this energy, a byproduct of producing electric power, could be put to good use, rather than having it dumped into our streams, rivers, and bays. Hopefully, the creation of a national energy policy will take such a possibility into account.

The list follows:

A NATIONAL ENERGY POLICY

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UNFAVORABLE TRADE BALANCE

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. EILBERG. Mr. Speaker, there is a growing crisis in foreign trade which is resulting in an ever more unfavorable balance of trade for the United States, a deficit in our balance of payments and a weakening of the dollar throughout the world.

In April of this year imports exceeded exports for the first time since February 1969. While 1 month does not establish a trend, these figures give cause for serious concern. There has been a renewal of international discussion and concern about the longstanding deficit in the overall U.S. balance of international payments in light of the recent monetary disturbance.

It is to be regretted that in circumstances such as these, the Tennessee Valley Authority has chosen to award a very large contract for electrical power equipment to a foreign firm over bids from American companies. This can only result in harm to our domestic industries, reduction in the country's future capability to perform in this critical area, and contribute to the growing unemployment in our Nation.

Mr. Speaker, I would at this point like to include in the RECORD a copy of a letter from Mr. William Bywater, chairman of Fair International Trade and Employment—FITE—to Mr. Lynn Seeber, general manager of the Tennessee Valley Authority. Mr. Bywater's letter ably describes the deleterious effects that will result from the TVA's action and the feasible alternatives to that action. I cannot overemphasize my concern in this matter and I urge my colleagues to consider the situation as a whole in determining the future policies of our Government in relation to this problem.

FAIR INTERNATIONAL TRADE
AND EMPLOYMENT,
East Rutherford, N.J., May 25, 1971.

Mr. LYNN SEEBER,
General Manager Tennessee Valley Authority,
Knoxville, Tenn.

DEAR MR. SEEBER: The news, that the Tennessee Valley Authority has just awarded contracts for two (2) large turbo-generators and other power equipment to the firm of Brown and Boveri of Switzerland, comes as a shock to our union and the workers in our industry, who depend on such orders for their livelihood.

On March 29th, a delegation from IUE; the International Brotherhood of Electrical Workers (IBEW); and the United Electrical Workers (UE), met with you and your staff in Knoxville in an attempt to get you to give preference to American producers of generating and transmitting equipment. We pointed out that, at this time of high unemployment in the United States and strong evidence that foreign manufacturers of heavy electrical equipment are illegally dumping their products in this country and are able to underbid U.S. manufacturers through illegal subsidies from their government, it would be in the national interest for your agency to give special preference to American producers over and beyond the minimal 6%, which you now observe.

We also pointed out that the products of American manufacturers of power equipment are denied access to the very countries, whose companies have been receiving a large share of T.V.A. contract awards of heavy electrical equipment. We indicated that under your charter, the T.V.A. had the authority to fix the margin of domestic preference for power equipment at a rate which would insure sufficient procurement for our U.S. suppliers to sustain and encourage domestic industry, maintain high employment and eliminate unfair and discriminatory foreign competition.

You admitted at the meeting that T.V.A. had that authority and said that you would take under consideration our plea that you act in the national interest and, on our request, that you make the award for the turbo-generators to the low bidder among U.S. producers. Your decision now to place the contract abroad, indicates that you are ducking your responsibility to the American people and are determined to reward foreign manufacturers, regardless of their illegal dumping and subsidies and regardless of its harmful affects in bringing about unemployment, at a time when our communities are in a desperate need of expanded electrical power.

We feel that your action is harmful to our national interest and are bringing it to the attention of U.S. Congress and the American public. We think they should know that the U.S. is being placed in a position of growing dependency on foreign sources of electrical power equipment. American manufacturers already are cutting back employment and facility growth in the power equipment industry, which means that for the future, the critical area of power will depend on the priorities on which foreign manufacturers, and in many cases foreign governments, choose to place on our needs. We, therefore, urge that a complete review of T.V.A. policy be undertaken within your own agency and with your superior, the Department of Interior.

The recent dollar crisis in Europe has been brought about by a negative balance of payment, running at the rate of $20 billion a year. This is caused by a deteriorating surplus in the U.S. balance of trade, which according to the New York Times of Sunday, May 16th, has been virtually wiped out.

Continued heavy purchases abroad by T.V.A., other governmental agencies, and by public utilities will further contribute to this undermining of our foreign trade position and the value of our dollar.

Yours truly,

WILLIAM BYWATER.

RHODES 1971 QUESTIONNAIRE

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. RHODES. Mr. Speaker, I have placed in the RECORD today a copy of my 1971 questionnaire which was mailed to 213,000 of my constituents in the First District of Arizona the latter part of August. Returns are now beginning to come in, and as soon as they are all received and tabulated, I will report in the RECORD the opinions of my constituents as they are set forth in the poll:

PLEASE INDICATE YOUR PREFERENCE WITH A CHECK MARK

	Yes	No
1. With respect to raising an army to defend the Nation, do you favor:		
(a) Continuing the draft lottery?	☐	☐
(b) Replacing the draft system with an all-volunteer army?	☐	☐
2. It has been suggested that the United Nations establish a peacekeeping army of about 100,000 men. Do you favor such a plan?	☐	☐
3. Do you think it is important for the United States to maintain a strong Army and Air Force in Europe?	☐	☐
4. After United States ground forces are withdrawn from Vietnam, would you continue the use of United States airpower in Southeast Asia as long as needed?	☐	☐
5. Do you favor:		
(a) Admitting Red China to the United Nations and opening diplomatic and trade relations with them?	☐	☐
(b) Admitting Red China to the United Nations, but not opening diplomatic and trade relations with them?	☐	☐
(c) Not admitting Red China to the United Nations, but opening diplomatic and trade relations with them?	☐	☐
(d) Not admitting Red China to the United Nations and not opening diplomatic and trade relations with them?	☐	☐
6. In the Arab-Israeli controversy, which of the following do you favor:		
(a) Increase of United States military assistance to Israel?	☐	☐
(b) Reduction of United States assistance to Israel?	☐	☐
(c) A neutral position concerning both Israel and the Arab bloc?	☐	☐
(d) United States policy based on maintaining the balance of power in the Middle East?	☐	☐
7. Do you believe the United States should assist the lower income countries with manpower and funds to help them achieve social and economic development?	☐	☐
8. Do you favor a higher minimum wage, now set at $1.60, regardless of any possible inflationary effects?	☐	☐
9. Do you support the overall objectives of the President's revenue-sharing proposal, i.e., to move money and power closer to the people and to help relieve the fiscal crisis State and local governments face?	☐	☐
10. To fight pollution, would you support:		
(a) Enactment of the President's $10,000,000,000 Clean Water program?	☐	☐
(b) Spending even more money and passing even more stringent Federal laws?	☐	☐
(c) Leaving the problems up to the States, where possible?	☐	☐
11. What do you think are the best means to cut our crime rate:		
(a) Provide better police training and selection?	☐	☐
(b) Stiffen punishment?	☐	☐
(c) Increase the capacity of courts to handle criminal cases?	☐	☐
(d) Improve rehabilitation programs in prisons?	☐	☐
(e) Other	☐	☐
12. Recognizing the traditions of labor-management relations, in order to prevent a strike against the public interest, should the role of Government be:		
(a) No action?	☐	☐
(b) Federal mediation efforts?	☐	☐
(c) Compulsory arbitration?	☐	☐
(d) Focusing public attention on parties involved?	☐	☐
(e) A special Federal court for labor disputes assuring settlement without a national emergency strike or an inflationary wage increase?	☐	☐
(f) Other	☐	☐

PLEASE INDICATE YOUR PREFERENCE WITH A CHECK MARK

	Yes	No
13. Do you believe a certain racial mix is important to our educational system?	☐	☐
If so, do you favor busing school children to maintain it?	☐	☐
14. Do you feel that programs of city and slum area improvement would help to reduce crime?	☐	☐
15. Would you favor making bail bond more difficult to obtain by repeat offenders?	☐	☐
16. Regarding consumer protection, do you believe the Federal Government should push for more stringent control in the advertising and selling of manufactured products?	☐	☐
17. Do you favor a welfare assistance plan whereby any employable family member must accept employment or undergo training for employment? (Note: Under the present system a welfare recipient is supposed to be referred to available employment or training, but is not required to accept.)	☐	☐
18. Would you be in favor of using Federal funds to:		
(a) Finance clinics for the treatment of drug abusers?	☐	☐
(b) Finance clinics for their rehabilitation?	☐	☐

FOR THE FOLLOWING QUESTIONS, PLEASE MARK THE APPROPRIATE BOXES 1, 2, 3, 4, 5 TO INDICATE YOUR CHOICE OF ORDER OF IMPORTANCE

19. For the next 10 years, we should concentrate our defense effort in:
    - Launching manned orbiting satellites ☐
    - Building better and faster airplanes ☐
    - Modernizing the Navy ☐
    - Beefing up our nuclear capability, including an ABM system to defend Minuteman sites ☐
    - Providing better conventional weapons for our Army ☐
20. The biggest threat to our national security in the next 10 years will come from:
    - Russia ☐
    - Red China ☐
    - North Vietnam ☐
    - The Middle East ☐
    - Other ☐
21. What are the most important problems which the United States is facing today:
    - Crime and violence ☐
    - Pollution ☐
    - Inflation ☐
    - Foreign military involvement ☐
    - Other ☐

TENNESSEE LAW ENFORCEMENT OFFICERS' ASSOCIATION PASSES RESOLUTION IN PRAISE OF J. EDGAR HOOVER

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. BAKER. Mr. Speaker, the Tennessee Law Enforcement Officers' Association at its 15th annual convention in Knoxville, Tenn., has passed a resolution which I want to share with my colleagues. It praises J. Edgar Hoover, Director of the Federal Bureau of Investigation, for his leadership, cooperation, and support of our law enforcement officials and voices the association's full confidence in Mr. Hoover's continued ability to perform his dedicated career as an outstanding public servant.

In these days of increasing crime rates and declining support of our fine men and women who enforce our Nation's laws, I believe it is appropriate for all of us to commend Mr. Hoover and his colleagues in the FBI. Their efficiency has made the Bureau a model for crime-fighting forces throughout the world.

The text of the resolution follows:

RESOLUTION

Whereas, the Federal Bureau of Investigation, under the dedicated leadership of J. Edgar Hoover, exemplifies the highest standards of democratic law enforcement and provides inspirational leadership to the profession which we serve;

Whereas, at the direction and insistence of J. Edgar Hoover, the full cooperative facilities of the Federal Bureau of Investigation—including the services of its scientific laboratory, its fingerprint identification division, its National Crime Information Center, and its National Academy and field police training staffs—are made available for the aid and betterment of law enforcement agencies throughout the Great Volunteer State of Tennessee;

Whereas, J. Edgar Hoover and the Federal Bureau of Investigation have shown zealous respect for the jurisdiction of municipal, county, and state law enforcement agencies and have energetically opposed every plan or proposal containing any suggestion for possible creation of a police-type agency at the Federal level: And

Whereas, Without just cause, J. Edgar Hoover and the Federal Bureau of Investigation have become targets for attack and abuse by criminal and subversive elements and other self-serving interests, including most recently a highly vocal clique of political opportunists;

Therefore, be it resolved that the Tennessee Law Enforcement Officers Association at its Fifteenth Annual Convention does hereby express its deep appreciation to J. Edgar Hoover and the Federal Bureau of Investigation for the example, the Leadership, the cooperation, and the support which they have given our membership, and that we voice our full confidence in and our strong endorsement of J. Edgar Hoover in this fifth decade of his outstanding service as Director of the Federal Bureau of Investigation.

Be it further resolved that copies of this Resolution be sent to J. Edgar Hoover, as well as to the President of the United States, to the Attorney General, to the Speaker of the House, to the President of the Senate, to the Governor and each United States Senator and Representative of the State of Tennessee.

THE REAL BARGAIN OF 1971

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. ZWACH. Mr. Speaker, I spent all of the August recess in our Minnesota Sixth Congressional District, not vacationing, but listening to the problems of my constituents. We held 19 official county seat conferences, and attended numerous meetings, county fairs, and community celebrations.

Because my district is predominantly agricultural, the prevailing low farm prices and high over-the-counter food costs, were a common topic of conversation.

An editorial in the Minnesota Farm Bureau News pointed out that food today is the cheapest it has ever been in terms of how long a wage earner has to work to feed himself and his family.

Mr. Speaker, with your permission, I would like to insert that editorial in the CONGRESSIONAL RECORD:

THE REAL BARGAIN OF 1971

Down in Salina, Kansas, recently, a supermarket displayed this placard in its window: "If You Think Beef Is High, Cigarettes Are $6.59 a Pound."

Compare the price of milk and beer, milk and liquor, apples and hi-fi records, potatoes and shampoo and eggs and candy. Know what you'll find? You'll find that nourishing foods are always much cheaper than the "extras" or the so-called luxuries.

One of the most vicious, baseless-in-fact notions circulating today is kept alive, well and kicking by gag writers, comics and cartoonists with their "funnies" such as mortgaging a daughter to buy a steak, etc.

As farmers keep saying—even though the message doesn't seem to penetrate where it's most needed—food today is the cheapest it has ever been in terms of how long a wage earner has to work to feed himself and his family.

Today, the grocery bill absorbs 16.4 per cent of take-home pay. Back in the Depression years of the 1930s, eggs were 10 cents a dozen, milk eight cents a quart, hamburgers were a nickel each and butter was 30 cents a pound. Of course, it took 30 per cent of the average wage earner's pay to buy these things. Even today, it costs a European worker 25 per cent of his check to provide food for his family; it takes half the paycheck of the average Russian to do likewise.

And while the average food buyer is getting a real bargain, the nation's farmers are averaging only three-fourths of the income enjoyed by the rest of the working population. It is because of this situation that U.S. Secretary of Agriculture Clifford Hardin recently expressed the hope that food prices increase so farmers can share in higher returns for their products. (The Secretary's comment precipitated, none too surprisingly, a storm of protests from housewives and other consumers.)

It is unfortunate—as well as grossly unfair—that too many folks go to the supermarket and lump detergents, tools, cosmetics, cutlery, tobacco products, power lawn mowers or anything else they can purchase there with their groceries—and then "kick up a storm" about how awfully high priced food is.

As Pogo of comic strip fame would say: "We have met the enemy, and they is us."

VIETNAM: LET US GET OUT NOW

HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. FULTON of Tennessee. Mr. Speaker, recent events have made it ever more apparent that the time to get out of Vietnam is at hand.

I refer specifically to the sham of the so-called upcoming Presidential election in which the only candidate, the present incumbent, will be on the ballot.

Also, I note in the morning news of September 7 that some 2,000 U.S. troops of the 101st Airborne Division are "supporting" a so-called South Vietnamese incursion into Laos. This is not in Vietnam but in another Asian nation and American troops are being required to "support" this action.

Meanwhile, Secretary of Defense Laird, visiting the home of the 101st Airborne Division at Fort Campbell last Thursday morning declined to say when or if the 101st would be returning to that base. This is not only of economic concern to those communities around Fort Campbell but gives rise to the question of just how long these men of the 101st and their replacements are going to be fighting and dying in a war which is no longer, if ever, necessary to the security of this Nation.

Tell our negotiators in Paris to tell the North Vietnamese this:

> Free our prisoners and we will leave.

That seems to me about the best deal we could get anyway. Let us get out now.

PROTECTING THE BALD EAGLE

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. FREY. Mr. Speaker, I recently received a letter from a friend and constituent who complained that we only get bad news, and that the good news goes by unnoticed. I agree with my friend that this happens far too often.

A case in point has been the senseless slaughter of America's bald eagles. Congress has heard about this vanishing species being literally gunned down. But has Congress heard about the citizens of this country who are going out of their way to assure protection for the bald eagle?

In Florida, Dick Bond, of Winter Park, has taken a bold and unprecedented step to preserve the eagle's natural habitat and to keep the eagle from being destroyed. Dick Bond is a land developer and had planned a housing development on a 1,100-acre tract in Seminole County. When he found that this land was the home of bald eagles, he consulted with the Florida Audubon Society. According to the society, the eagles would require a radius of 660 feet from their nest of wild land to be protected. Bond then set aside a 32-acre sanctuary in the development—to be populated by the eagles and not humans. "We'll just have to build fewer houses," the developer remarked.

Following are articles from the Orlando Sentinel and Star on Mr. Bond's actions. I commend him for his example of ecological responsibility.

BUILDER SETS ASIDE 32 CHOICE ACRES FOR FAMILY

It may be decades before 100 planned homes are built in the midst of a Seminole County development. A family of bald eagles moved in first and the developer has promised, "as long as they're there, they'll have a home."

The eagle nest was sighted by architects for the Sterling Park project who relayed the information to Dick Bond, president of the development company.

Bond's decision was immediate: The eagles stay. "I don't see how there could have been any other decision," he added.

Bond called the local Audubon society and was told studies indicated the eagles needed a radius of 660 feet of wild land from their nest if they were to remain.

The developer subsequently designated as a sanctuary 32 acres of choice woodland surrounding the nest.

One hundred homes housing 350 people had been planned for the site which, he said, when developed would be worth an estimated $620,000.

Bond said plans for the 1,100 acre development north of here were not altered to build the homes elsewhere. "We will have just that many fewer houses."

The sanctuary was included in a plan submitted to the Seminole County Urban Planning Commission and the developer said, "We're now committed to this that it will be preserved as a sanctuary."

To ensure the tranquility of the nest, Bond had the architects, all members of the Audubon Society, put a moat around the site and then changed the line of a golf course fairway to run next to the moat.

"We're not encouraging picnicking or anything like that," he said. "We want this to be a sanctuary."

The sanctuary land costs Bond approximately $2,000 a year in taxes. As the surrounding land is developed he expects the taxes on the 32 acres may double, "but we'll certainly try to keep the taxes down."

"It was a tough decision to make in that there is a lot of money tied up in it," he said. "I don't mean to sound too altruistic; we feel we'll be able to use the land some day, but as long as they're there they'll have a home."

Bond said the nest has two full sized adults and one fledgling. He's not sure how old the birds are but says they have a life span of 25–35 years.

The birds mate for life and migrate north in the summer but always return to the same nest throughout their lifespans if it's undisturbed, he said.

Bond went to see the birds before they migrated last month.

"I saw them from a distance, it was late in the afternoon. The sun was setting and they were wheeling around a lake. They were beautiful, just beautiful. One has a hole in its wing. It appears someone shot it but it doesn't seem to hamper it at all."

He said the development, planned for 10,000 residents, is designed with the environment in mind, featuring green spaces, a sewage treatment plant and now, eagles.

"It's a nice place to live," he said.

DICK BOND, FRIEND OF EAGLES

How a family of bald eagles expresses gratitude is not within our knowledge. So, on behalf of the eagles, we'll just say the usual "Thank you," to developer Dick Bond.

Bond heads a company utilizing 1,100 Seminole County acres with potential housing for 10,000 residents. In the midst of the project architects sighted an eagle's nest.

Seeking advice from the Audubon Society, Bond was told 660 feet of wild land would be needed around the aerie in order for the family to remain. So he designated 32 acres of choice woodland as a sanctuary commenting "we'll just have that many fewer houses."

One hundred homes housing 350 people had been planned for the site which, when developed, would have been worth an estimated $620,000. And to insure tranquility about the nest. Bond circled the area with a moat and changed the line of a golf course fairway.

The sanctuary may add value to the remainder of the development. Since the eagles, which mate for life, migrate north in summer and return to the same nest each year, have a life span of 25 to 35 years, the sanctuary might someday become unused by the birds and revert to development.

Plus this, Bond reaped untold favorable publicity for his development by his concern for the eagles. In spite of the value that may accrue, the sanctuary land is going to cost the developer some $2,000 in taxes annually.

So it's appropriate today to join the eagles in "thank you, Dick Bond."

PROFESSIONAL ETHICS OPINIONS

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. HUNGATE. Mr. Speaker, in view of the current concern in congressional ethics, the following recent opinion from the Illinois Bar Journal should be of interest to my fellow attorneys who are Members of Congress:

PROFESSIONAL ETHICS OPINIONS: OPINION No. 352[1]

Inquiry is made if under the following circumstances a "violation of the Code of Professional Responsibility and Canons of Judicial Ethics exists".

An Illinois law firm enters into a partnership agreement with an Illinois lawyer, who is also a member of Congress, under which the law firm "services the existing practice" of the lawyer-congressman, commingles fees earned from so doing with fees otherwise earned by the partnership, pays the lawyer-congressman either an agreed percentage of the total of the commingled fees or a predetermined fixed compensation, provides office space and secretarial help for the lawyer-congressman as needed, includes the name of the lawyer-congressman in the partnership name and a designation of the lawyer-congressman's position as a member of Congress on the firm's letterhead and requires that he shall actively practice law only to the extent his duties as a member of Congress permit.

The Committee is asked, further, what its opinion would be in the event the described agreement should be amended to provide that the name of the lawyer-congressman be excluded from the firm name, his office designation eliminated from the firm's letterhead, his name, without office designation, carried as "Of Counsel" to the firm thereon, and his compensation limited to "a fee based upon business which is directly attributable to him", excluding fees for work for which the Congressional Code of Conduct provides he may not be compensated.

The description of the lawyer-congressman as a member of Congress on the firm's letterhead violates Disciplinary Rule 2–102 (A)(4) and is improper. In addition, if the lawyer-congressman in fact is a partner of the firm, his designation on the firm's letterhead as "of counsel to the firm" is proscribed by this same Disciplinary Rule which provides that a lawyer may be designated as Of Counsel only "if he has a continuing relationship with a lawyer or law firm, other than as a partner or associate". Moreover, if the lawyer-congressman is in fact "of counsel to the firm" and not a partner or associate thereof then the firm, under Disciplinary Rule 2–107(A), may not divide fees with him unless the client involved consents both to the employment arrangement and the fee division; the division is made in proportion to the services performed and the responsibility assumed and the total fee does not clearly exceed reasonable compensation for all legal services rendered.

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[1] The opinions of the Committee on Professional Ethics are published as a service to ISBA members. Members who are faced with a possible ethics question and who desire an opinion thereon should submit a full and clearly signed statement of facts to the Committee. Send to the attention of the Committee at Illinois Bar Center, Springfield, Ill. 62701. Names of parties involved in opinions will not be published in the Illinois Bar Journal.

While the Code of Professional Responsibility does not proscribe partnerships one or more members of which are members of Congress, and Drinker On Legal Ethics, holds, p. 205, "A member of a firm entering public or private employment may continue in a partnership," Ethical Considerations 8–6 of the Code of Professional Responsibility cautions, "A lawyer who is a public officer, whether full or part time, should not engage in activities in which his personal or professional interests are or foreseeably may be in conflict with his official duties."

The Code of Judicial Ethics has no application to the inquiries made and the Committee makes no comment regarding the Congressional Code of Conduct.

DEFENSE DEPARTMENT TO CONTINUE DEPENDENT ASSISTANCE ALLOWANCE

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, I have received a letter from the office of the Assistant Secretary of Defense for Manpower and Reserve Affairs affirming the Defense Department's intention to continue payment of Dependent Assistance Act allowances pending final action on H.R. 6531.

I have stressed the importance of such action on the House floor in the past. It indicates to members of our Armed Forces and their families that they will not be forgotten while we await passage of reforms in military pay.

Therefore, Mr. Speaker, I insert the letter in the Record at this point:

Assistant Secretary of Defense,
Washington, D.C., August 27, 1971.

Hon. William A. Steiger,
House of Representatives,
Washington, D.C.

Dear Bill: In reply to your August 5, 1971 letter suggesting the Defense Department announce its intentions regarding continuation of DAA payments pending final action on H.R. 6531, I am pleased to advise such action has been taken.

Mr. Friedheim, Principal Deputy Assistant Secretary (Public Affairs) during the Defense Department morning press briefing August 6, 1971 informed the press of the Secretary of Defense decision to continue these payments.

In his August 16, 1971 speech to the Veterans of Foreign Wars at Dallas, Texas, Mr. Laird reiterated his decision to continue payment of Dependent Assistance Act allowances pending final action on H.R. 6531.

I believe these announcements are along the lines you suggested and will allay any apprehension on the part of members of the Armed Forces or their families regarding future payments of DAA allowances.

Sincerely,

Roger T. Kelley.

A NEW PATRIOTIC SONG

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. KEMP. Mr. Speaker, I previously introduced House Joint Resolution 452 to establish April 30 as "Pledge of Allegiance to Our Flag Day" as suggested by the third grade class in the Cleveland Hill School of Cheektowaga, N.Y. On April 30, 1970, that class participated in the Pledge of Allegiance program and a new patriotic song was sung for the first time.

It was written by Ruth Koblich and arranged by Marilyn Kauderer. I am certain their song "Get Down On Your Knees, Oh America" will be a source of inspiration to countless Americans. These outstanding citizens are to be commended for their efforts on behalf of our children and our country.

Mr. Speaker, I feel it is fitting and proper to include the words of that song at this point and call this to the attention of my colleagues. I also take this opportunity to urge the Congress to establish a "Pledge of Allegiance to Our Flag Day" at an early date.

The song follows:

Get Down on Your Knees, Oh America!

(Written by Ruth Koblick and arranged by Marilyn Kauderer)

Get down on your knees, Oh, America!
Don't you know that it's almost too late?
Say a prayer for the land we all love now,
and keep our country great!

They're trying to trample Old Glory;
Raise on high our dear Red, White, and Blue!
When we walk hand in hand with our country—,
We walk with our great God, too!

Fill the air with a prayer for our heroes up there show we care.
Take a stand for our land;
They must not have died in vain!
Get down on your knees, All America!

Leaders, citizens, and children so true;
We will walk hand in hand with our country,
and God will see her through!
Yes, we'll walk hand in hand with our country, and God will see Her through!
A-men!

LOCUST VALLEY, N.Y., LEADER CELEBRATES 25TH ANNIVERSARY

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. WOLFF. Mr. Speaker, during the recent recess the Locust Valley, N.Y., Leader, an outstanding weekly newspaper published in my congressional district, celebrated its 25th anniversary. Not only is this a significant milestone for the fine newspaper and its excellent editor and publisher, Edith Hay Wyckoff, it is an appropriate time to recognize the important contributions made by the Leader and other local newspapers.

In a world that is sometimes too impersonal and with public affairs growing so complex, community newspapers often become the focus for exchanging local information. It is the vehicle whereby the village and town news which so directly affects every citizen can be given its proper attention. Local newspapers also are able to show greater understanding of the importance of issues directly affecting their readers than larger, more impersonal media.

The Locust Valley Leader, with Mrs. Wyckoff's imaginative and thoughtful direction, performs these important tasks for its readers and it does it in a professional, responsible manner.

In her special anniversary editorial Mrs. Wyckoff quoted the Leader's first editorial 25 years earlier:

> A community without a free, completely unpledged press is as much a cripple as a human being denied the use of one of its senses.

It is by constantly remembering this important role that the Leader had set for itself that Mrs. Wyckoff has been able to do so fine a job over the years. If other newspapers, everywhere in this country, will continue to fulfill this role then our democracy and citizenry will profit.

I know my colleagues join me in congratulating Edith Hay Wyckoff and the Locust Valley Leader on the newspaper's 25th anniversary and in wishing this lady and the newspaper with which her name has become synonomous many more years of constructive journalism.

SCHOOL LUNCHES SHOULD BE LAST PLACE TO CUT FUNDS

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. EDMONDSON. Mr. Speaker, the administration is engaged in a course of action with regard to the school lunch program which at best can be labeled as irresponsible and foolish.

I refer to the Department of Agriculture's arbitrary action—an action which directly contradicts the will and intent of Congress—in drastically reducing Federal support to the school lunch program.

This program is one of the finest our Federal Government operates. I can personally testify to the fact that the school lunch is the only hot, balanced meal available during the day to many children in my district. This is a program which should be increased, not cut.

In today's edition, the Washington Evening Star makes a clear, concise attack on this administration policy in an editorial entitled "School Lunch Crunch." I have not seen the ridiculous nature of this action more plainly put, and I would like to have the editorial appear in the Record.

Certainly, there are excessive Federal expenditures, and these expenditures should be cut. In this instance, though, the expenditure is inadequate, not excessive. I agree with the Star that there is no place for budget cutting in the school lunchroom.

School Lunch Crunch

Agreed, that the times call for selective governmental austerity. But about the last service that should be affected by it is the feeding of school children. That's because school is the only place where millions of children get a square meal, and because many others—possibly two million—can't even get lunches there.

But the Agriculture Department, just after Congress went home for its month-long vacation, hatched some questionable new lunch regulations that took effect when schools reopened for the current term. The alterations, say the school-lunch directors of 33 states, can bring the program to "a screeching halt." That is without doubt an exaggeration. But the new spending limitations certainly can compound the inadequacies that already afflict the program, constricting it when it needs to be enlarged.

What the department plans, in essence, is to hold back half the allocations that help finance free and reduced-price lunches for poor children, until the states demonstrate by exhausting their other funds that they really need the money. They've come to expect 60 cents for each "poverty lunch" in federal aid, but now they'll have some difficulty getting more than 30 cents.

And schools will be held to a five-cent limit of federal aid on regular (non-poverty) school lunches. That was shown to be insufficient last year, and it will be even less adequate during the next school term with inflated costs and more youngsters to feed. Congress last year provided extra "bail-out" money because some states were unable to pay their share of the regular lunch program, and they were given up to 12 cents in federal assistance.

Moreover, the states contend they already have proved their needs, with detailed plans submitted to the Agriculture Department earlier this year. They see very little chance of coming up with more state matching money. So state directors fear that school-lunch prices will have to be raised as a result of the new requirements, and that food services may have to be curtailed.

The Agriculture Department's reasoning in these matters is convoluted, but some impressions are inescapable: The department is intent on holding down federal spending for school lunches, and its maneuvers and policies threaten to delay a needed expansion of the program. In announcing the new regulations, Assistant Secretary of Agriculture Richard Lyng said that "fiscal discipline" is always difficult, but is an absolute necessity "if we're to live within our budget." The problem is that Agriculture asked Congress for no increase in lunch funds for the next year in spite of the swelling costs and needs.

Nor has it moved vigorously enough to aid the 23,000 public schools, mostly in poor areas, that have no lunch programs at all. It wants to spend less than half the money that Congress authorized for that purpose.

Congress should demand explanations from Agriculture officials. The feeding of children should not be subjected to the strictest of fiscal disciplines.

MR. LEROY GATES HONORED BY THE NATIONAL WEATHER SERVICE

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. EDWARDS of Alabama. Mr. Speaker, each year the National Weather Service presents its coveted John Campanius Holm award to a number of dedicated volunteer weather observers throughout the Nation. This year, one of those honored recipients is Mr. Leroy Gates, of Thomasville, Ala., in the First District which I represent. Mr. Gates' valuable contributions to the field of meteorological weather observing are a meaningful reflection of the dedicated character of this responsible American citizen and I hereby submit the following news release on his accomplishments for the RECORD:

WASHINGTON.—Leroy Gates, of Thomasville, Ala., is one of 25 volunteer observers selected nationwide to receive the National Weather Service's John Campanius Holm Award, it was announced by the Department of Commerce's National Oceanic and Atmospheric Administration (NOAA).

John Campanius Holm Awards, created in 1959 by the National Weather Service (formerly the Weather Bureau), are presented annually to honor volunteer observers for outstanding accomplishments in the field of meteorological observations. The award is named for a Lutheran minister who is the first person known to have taken systematic weather observations in the American colonies. In 1644 and 1645, Reverend Holm made records of the climate without the use of instruments near the present site of Wilmington, Del.

Gates was honored for outstanding service to his community in the collection and timely dissemination of weather data at Thomasville.

A printer by trade, Gates writes a weekly summary of temperature and precipitation for his newspaper. He also frequently writes articles about extreme weather conditions in the area.

Gates is active in church and community activities in Thomasville. He previously has received the National Weather Service's 15-year length-of-service award.

The National Weather Service has more than 12,000 volunteer observers throughout the United States who make and record daily weather observations. The information they gather is processed and published by the Environmental Data Service, another major component of NOAA, and forms a valuable part of the Nation's weather history.

DANGERS TO A SOUND ECONOMY

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. SYMINGTON. Mr. Speaker, in my July newsletter, I asked my constituents in the Second District of Missouri to rate the dangers to a sound economy. Those who responded ranked five factors in the following order:

U.S. overseas commitments.
Labor's wage demands.
Inflationary domestic spending.
Unfavorable trade arrangements.
Industry's profit margins.

Of course, no single cause operates in isolation, but the drain of our resources and manpower abroad, combined with the inflationary wage-price spiral have contributed to a decline in America's competitive position in world markets.

The dependence on high interest rates and increased unemployment has failed to dampen the rising cost of living and has also further weakened the dollar's value abroad. Thefore, it is commendable that the President has now exercised the authority Congress gave him in the Economic Stabilization Act of 1970 to impose a 90-degree freeze on prices, rents, wages and salaries.

However, if this action is to be effective, it must be accompanied by a decrease in our military expenditures abroad and prompt congressional consideration of modifications in the tax laws—the 10-percent investment tax credit, the repeal of the automobile excise tax, and accelerated personal income tax exemptions—to stimulate business investment and consumer spending. Finally, it is imperative that a long-range strategy be developed to set the economy on a sound footing after this 90-day emergency period.

Only decisive action from the Congress, as well as from the executive branch, can help to restore confidence in the economy—a vital element in any recovery.

SARGENT SHRIVER URGES CREATION OF A NATIONAL INSTITUTE OF JUSTICE

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. WILLIAM D. FORD. Mr. Speaker, you and our colleagues in Congress are familiar with the distinguished public service of our friend, the Honorable R. Sargent Shriver, Jr.

When we hear the name Sargent Shriver we immediately recall his highly successful efforts during the early 1960's when he served as the first Director of the Peace Corps. We recall his extraordinary success in inspiring the youth of this Nation to help others by serving their country abroad.

When we hear the name Sargent Shriver we recall his service during the middle 1960's as the first Director of the Office of Economic Opportunity. We recall his efforts and commitment to eradicate poverty and to bring justice to the poor.

Mr. Speaker, I am happy to report to my colleagues that Sargent Shriver has not abandoned the battle he began fighting during the last decade. His efforts to eradicate poverty and injustice continue.

On August 5, 1971, Sargent Shriver addressed the Trial Lawyers Association in Portland, Oreg. In that address he urged us to expand our entire concept of justice. He urged that we extend our basic awareness of justice and injustice—into all those institutions which encompass our daily lives as students, employees, and citizens—into our schools, our hospitals, and mental institutions; into our governmental bureaucracies, our unions, and our corporations.

To achieve the goal of eradicating injustice in this country, he urged that we create a comprehensive National Institute of Justice, devoted to the improvement of our entire legal system.

Mr. Speaker, all of us can benefit by the wisdom and thoughtfulness contained in this address. At this point, I would like to insert the text of Sargent

Shriver's address into the RECORD for the benefit of my colleagues:

ADDRESS TO THE TRIAL LAWYERS ASSOCIATION, PORTLAND, OREG., AUGUST 5, 1971

This convention, this audience, probably contains a greater number of articulate speakers than the British House of Commons—more experienced and successful masters of courtroom technique than all the American law schools put together; more passionate, shrewd, technically qualified "spokesmen for the underdog" than the Republican or Democratic political conventions.

For such a gathering, I submit that the number one question should be: How can such an array of talent fulfill its highest potential?

For many of us in our law school days, fulfillment of our talents as lawyers meant getting to the top of our profession: Our names in the firm name; our election as president of the bar association; appointment to the judiciary; a law professorship; a substantial income. Many here tonight have achieved those objectives, and those who have not, soon will.

But, as we have accomplished the professional goals we set for ourselves twenty or thirty years ago, I think many of us are puzzled, and even querulous, about the fact that more and more of the best young law school graduates are not seeking employment in our firms, or if they do consider working for us, they make demands we never considered relevant to professional development. These young men and women seem to be motivated by ideas and seeking opportunities which were not available or even considered when we left law school. The generation gap in the law is as evident as everywhere else.

These young people I suggest are trying to tell us something. I think they are saying that they are not satisfied with the ways we view the law and the legal system. They are *not* saying what we did—and do—is wrong. They are questioning what we don't do. They are not accepting the law as it is, but rather attempting to define, and work for, the law as it should be.

They are attempting to ferret out and confront injustice. They want to use and expand the law as they have received it, so that injustice heretofore unreached by our laws can, in fact, be touched and ameliorated by competent and compassionate extension of the law.

In 1961, poverty in America was unknown and undiscovered by the overwhelming majority of Americans. Neither Truman, Eisenhower nor Kennedy ever campaigned on a platform to eradicate poverty. In post-World War II America, omnipresent prosperity was so obvious and exciting and satisfying that no one ever thought about poverty. Yet, poverty did exist. We discovered it as a problem only in 1963 under Kennedy, and have fought it under Johnson and Nixon. Today poverty law is taught in our law schools and even commerce clearing house publishes a poverty law reporter.

Tonight I would like to suggest that exactly as we became aware of, sensitized to, poverty and its injustices, we need to expand even further our whole concept of justice, our sensitivity to injustice. And, if we do so, I believe we shall find the best of our young law school graduates—including our own sons and daughters—flocking back to work with dad—with admiration, not just for him, but for the legal system and the society which produced him.

This is true because our sons and daughters have come to realize that justice—or more accurately, injustice—is the single most direct and important cause of our nation's problems today. Injustice is more unbearable than hunger, injustice causes more dope addiction than the greed of the producers and pushers of heroin because injustice creates the customers—those who have lost hope in everything. Injustice sows the seeds of rebellion.

Governments can remain in power in the face of plague, famine or war, but none has been able to survive revolutions based on demands for human dignity and justice. Perceptions of injustice—rather than hunger—created and nurtured both the French and American revolutions. Even today, the undercurrents which are precipitating violent changes are movements by men seeking to achieving justice, not to eradicate hunger. Fear, frustration, anger and anxiety motivate men far more than a loaf of bread.

Costa Gavras, the famous motion picture director, speaking with a creative artist's intuition into today's problems, recently said:

"Of all injustice, official injustice is the greatest of all violence, because that's where violence begins. Violence is not the policeman who beats you, or the soldier who kills you. They're only the visible agents. It is injustice which is behind the club or the gun. Revolutionary violence is too often judged by the image it gives, never by its roots. From where does this violence come? Always from injustice. And the worst is injustice in the name of justice . . ."

Costa Gavras has touched *the* nerve center—*the* pressure point. By focusing on injustice he has revealed the deepest source of our anguish as a Nation. His insight explains the alienation of young people; the antagonism against the war; the fervor of those who struggle for civil rights; the terrifying acceptance of drugs; the deserters from Yale and Harvard now in Canada or Sweden; the senseless bombings by the weathermen; and the need for a "new consciousness," as Charles Reich calls it, or for a new, deeper, more sensitive "moral consciousness," as religious people call it—a heightened awareness of sin, of evil, of the devil, of the struggle against wickedness within ourselves and in high places, of "injustice in the name or justice."

Visualized in these ways, injustice, rather than lack of food or health or housing or education, becomes the number one problem of our Nation and of our times.

To attack this problem, I suggest that we need to extend our basic awareness of justice and injustice into institutions where courts and lawyers rarely wander. To the public schools where children are often subjected to abusive and arbitrary treatment in the name of discipline; to hospitals and mental institutions where patients are neglected or experimented upon or deprived of benefits; to governmental bureaucracies where people who blow "ethical whistles," as Ralph Nader says, are subjected to subtle or not-so-subtle retaliation; to unions where jobs are denied because of race or sex; to corporations which exert as many controls on our lives as any governmental power, but which stand outside the sphere of *public* accountability. We must begin to find ways to establish justice within the confines of those closed systems—those institutions which encompass much of our daily lives as students, employees, or citizens—and see that injustice is eradicated.

But where can we start to attack such a massive problem? I would suggest that we begin with our system of legal education, for that is where our greatest potential for the most dramatic change lies—the creation of a body of lawyers committed to confronting injustice. The medical profession early in its development saw the need for practical teaching methods through the clinical method of instruction. Not only do medical schools serve the students—they reach out to the surrounding community. No longer can our law schools ignore the problems of poverty, racism and the environment in which they are sometimes physically immersed. Like all other institutions they must undertake to serve their community by delivering justice. This will have the collateral—but important—benefits of producing more competent lawyers committed to social justice.

The entire criminal justice system also is in need of a thorough review and evaluation. Like our education system, we tinker with criminal justice without having tested the ideas with which we are dealing. People blithely speak of preventive detention, no-knock searches and other controversial areas, without studying their impact on society or the individual. Our jails and prisons are little more than breeding grounds for crime. The entire parole system is antiquated, arbitrary and unfair.

There are other areas which remain virtually untouched and untested because we have no mechanism or resource which is devoted to the reform of the law and legal institutions.

And this is understandable. Not acceptable, but understandable. Our system for the delivery of justice remains almost the same today in the fact of a rapidly expanding Nation, both in size and in technology, as the system 100 years ago. We are the only industry that fails to develop new marketing devices and systems. We spend less time and money than any other group in this country on research. At present the R&D budget for the Department of Justice is $9 million annually; the R&D budget this year for the Department of Defense is almost $9 billion. To improve justice for our own people we spend one-tenth of 1 percent of the amount spent to improve our capacity to kill our enemies!

In fiscal year 1971, the U.S. Government spent $143 million for the Federal judiciary, $61.4 million in legal services for the poor, and $1.1 billion in law enforcement and justice combined. By contrast, we spent $14.9 billion on the providing and financing of medical services, development of health resources, and prevention and control of health problems.

Question: Why is health so much more important than justice? Our Federal Government concerns itself with a man's education, his health, his house, how he is able to move from place to place, and, now, his total environment. But we do not concern ourselves, in any comparable degree, with his rights, his dignity, and his liberty. The Government does not confront injustice—and, often, sadly, may be its perpetrator.

Our judicial system is in a state of disrepair. Not only do we need a linear expansion—more judges, more prosecutors, better administration—but we also need a new look at the development of alternative mechanisms for problem-solving. At present, the courts are too remote, overworked, and are not structurally organized to seek out and solve problems in our schools, prisons or other institutions which may be breeding grounds for the festering sores of social inequality. We need to explore concepts of the neighborhood court, the ombudsman/advocate, and the citizens board of inquiry, as logical alternatives to the judicial fault-finding process.

Advocates for the middle class are able to ride the crest of the political punch of this group to ensure reforms in our policy towards cleaning the air and water, or making automobiles safer. By contrast, the poor without this political power remain plagued by discrimination, improper or ineffective schools, welfare, food stamps, or basic medical care. They are powerless—and thus their advocates are left with few forums to test their cause. For the poor and minorities, only lawyers and the law hold the prospect for achievement of equality and justice.

Yet, when the Chief Justice of the United States speaks to the largest gathering of lawyers in this country, he speaks of the "State of the Judiciary," not the "State of Justice." The Department of Justice—whose batting average under Mr. Mitchell could not even help our beloved Washington Senators—has become a department of prosecution. And the first lawyer-president we have had in a generation has not exactly seized the moral leadership of the Nation with his Supreme Court nominations and his legal stand on justice for our school children and in the vital field of housing.

The OEO legal services program was an attempt to enfranchise the poor—through the legal system—in a program designed to be accountable to the clients it served. It was, and is, a unique program. Its achievements are remarkable and worthy of praise. It is a shining example of the best of this country—idealism, a willingness to challenge and be challenged, an example of inner strength manifested by change within the system. No nation in this world would have dared to authorize and pay lawyers to challenge governmental policies. Yet, this nation does just that.

But "legal services" has created new contradictions and controversies. With every success, opponents have been created. The program has engendered powerful opposition—so powerful that the program has been in jeopardy for nearly eighteen months. The creation of a national legal services corporation, currently under discussion in the Congress, would insulate the legal services program from these debilitating pressures.

But this is only a beginning. The strengthening of our system of justice requires a grander vision than the piecemeal efforts we have currently underway. I believe we must create a national institute of justice, devoted to the improvement of our entire legal system; the coordination of legal research and long-range planning; the reform of our criminal and corrections institutions, and dedicated to the eradication of injustice in America.

Such an institute is not without precedent. The National Institutes of Health with its component programs, has made enormous strides in improving the delivery of medical services, expanding the scope of basic medical research, and in upgrading the quality of medicine in 20th Century America.

As Americans, we have always been a practical people, and lawyers have a special ability to adapt institutions to new demands or to make new organizations to meet new problems. We established the Atomic Energy Commission to pioneer the atomic age; NASA to explore the moon. The unique private-public partnership represented by the Communications satellite is another institutional innovation.

So, too, a national institute of justice is desperately needed. The judiciary and the present justice department are totally absorbed in the settlement of disputes through the existing legal machinery. They are not supposed to be experimenters of new ideas such as judicare or the ombudsman concept. The entire Federal judiciary is funded at the same level as it costs the Navy to build one aircraft carrier. Obviously, if we are to design new adjudicatory systems, such as neighborhood courts, or citizen mediation panels, if we are to experiment with new kinds of law schools and public interest counsel; and if we are to explore the use of para-professionals and new fields of legal research, we need an imaginative, flexible and different kind of institution.

I would see this new agency as having three separate and distinct arms. One would involve itself in the delivery of legal assistance to those unable to afford private counsel—hopefully serving as an umbrella for the new national legal services corporation. In addition to neighborhood legal services efforts, the institute could establish a people's counsel designed to provide representation for persons in Federal and State rule-making and other administrative proceedings who are similarly unable to afford counsel. Also, responsibility for reform of our criminal justice system such as the new office of law enforcement assistance would be lodged here.

A second responsibility under the umbrella of the institute might devote itself entirely to problems in legal education and legal manpower. Clinical programs using various practical approaches to instruction would be funded at law schools across the country. For years we have availed ourselves of the effective services of the teaching hospital but have never adopted this exciting concept—the teaching law firm or law school—in our own profession. New curricula, teaching materials, and teaching methods could be designed and tested. So could new kinds of law schools. Why should each law school try to offer a generalized curriculum? Perhaps we should have special schools for patent, scientific or space law; specialized or advanced schools in international law or world government. Just as doctors take a residency in surgery or cardiology, so, too, perhaps, lawyers should take a public internship, serving on Indian reservations or in migrant camps or city ghettos.

Then, too, we have not nearly explored the use of para-professionals, legal aides and investigators. Current caseloads in legal services projects are running up to two thousand cases per year per lawyer!

Minority and disadvantaged students, heretofore only finding meager assistance from the joint OEO/American Bar Association program and from individual law school efforts, could be provided stipends, loans, and other resources to undertake the law as a career.

The research arm of the institute might well be its most important function. This agency could provide resources, both in expertise and grants. to study the problems of law-making bodies in their administration and organization. The research might review and experiment in depth with the concept of an ombudsman in this country—a much misunderstood and misused term. The techniques of arbitration and mediation might be further developed to be utilized in neighborhoods or "closed" institutions in order to provide new grievance mechanisms. We must closely examine the judicare concept. Basic research needs to be done on criminal conduct and recidivism. Psychiatry and the law is only one of the new areas which needs intensive research.

Ramsey Clark has said that he can give us the names and addresses of eighty percent of the people who will commit serious crimes in the next ten years. This is not an idle boast or spiritual sophistry. For these people are now in our prison system and eighty percent is the current rate of recidivism.

Another area badly in need of research is the whole system of bar examinations, differing State standards and reciprocity among States for legal practice. And the list is virtually inexhaustible.

The National Institute of Justice could be organized under the Judiciary, Congress, or as a private, non-profit governmentally-funded corporation. Under any such scheme, it must be independent from partisan political considerations and pressures. Funding could be a joint effort involving the Congress, revenues from filing fees in Federal courts, and a sharing of responsibility on individual grants by the bar, law schools, foundations, and the institute.

The institute would be the legal profession's "great leap forward" into a new era of challenge and experimentation. It would provide, for the first time in this nation, a launching pad to create the processes and vehicle for, not only confronting injustice, but developing alternatives in order to produce justice.

The trial lawyers of America have a special responsibility for this state of justice in our country. No other group has more intimate contact with our courts and with persons accused of crime. No other organization has your special skills and resources. A special committee created by your officers could make a significant contribution to a study of the feasibility of establishing such an institute. Such a committee could hold public hearings, take testimony and report to the judiciary and the congress on these ideas and others advanced by law professors, judges and legal scholars far more imaginatively than I. The country knows where you stand on no-fault insurance. Where does the trial lawyers association stand on justice!

We have problems—but also we have great resources—especially human resources. The remedy for bad law is good law—for discrimination equality—for a lack of participation due process under law. Lawyers in America have always been placed in a special preferred position—and correspondingly have a special responsibility. We must manifest our awareness of this responsibility by a commitment to change, in order to ensure that every American has the right and opportunity to fully participate in society. Each human being has a fundamental right to have an influence over the decisions which affect his life. This must be true not only in America, but all over the world. Our ability to recapture the initiative for human betterment depends upon our recognition of each man's fundamental need to exercise control over his life.

This commitment to human problems is crucial. No longer can we afford as a nation—or as a world—to allow things to override people, technology to outweigh humanization, or in the name of law and order, to breed injustice.

Martign Luther King in his famous speech at the foot of the Washington Monument said: "I dreamed a dream" of a nation united in love. It was Albert Camus who said: "I should like to love my country and justice at the same time . . ." That's what we all want to do. Let's start to make that dream come true.

NADER: FRIEND OR FOE?

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. DERWINSKI. Mr. Speaker, one of the more interesting comments that caught my eye during the recess period which I feel will be of special interest to students of the Washington scene is a column by the distinguished international columnist of the Copley Press, Dumitru Danielopol.

The subject matter is an interesting look at attorney Ralph Nader.

The article follows:

NADER: FRIEND OR FOE?

(By Dumitru Danielopol)

WASHINGTON.—Ralph Nader looks in the mirror and sees a reformer. Others look at Mr. Nader and see a man who would have us scrap our free enterprise system, then quietly lie down alongside the wreckage and die.

Nader delights in poking at the ills of our system. Cars aren't safe at any speed; the air is unfit to breathe; the waters are polluted; everything we eat might poison us; the banks where we save our money are robbing us blind; stores steal from the buyers, advertising lies; the stock market is unreliable, the profit motive is immoral, the country is a mess, etc., etc.

Only Mr. Nader, apparently, can save us from ourselves.

Riding an emission-free bicycle and armed with a Xerox machine, this Lochinvar is going to protect us dumb consumers—you and me—from the big business smart guys.

I'm a product of European business. I studied law, economics and finance. I'm old fashioned. I admit it. But there is something about Mr. Nader . . .

He didn't discover the fact that there are unscrupulous people in industry, commerce and the public services that try to take advantage of the public. They were there for centuries before Mr. Nader was born. The past predators were found out and punished and usually the penalty of the market place was more devastating than anything governments conjured up.

I will not argue with those who say the American system could stand improvement. It can.

But do we junk 3,000 years of experience and take our chances on the pent-up knowledge of Nader's 30-year-old raiders?

If our system is so bad, how come it has given us the highest standard of living, the highest per capita income, the healthiest, best fed, housed, best clothed population, more leisure time, more labor saving appliances, more information, transportation, housing, education, freedom, responsibility, than any nation in the history of man?

If our industrial system is so corrupt, how did we put men on the moon four times?

If our industries—who foot a major share of the tax bill—are so selfish, how come they allowed us to spend billions upon billions to help other nations rebuild their destroyed economies?

How is it that Americans who live in this "polluted" atmosphere and eat this "poisoned" food are still able to swim better, run faster, jump higher and grow taller?

Sure we can do better. Ask any immigrant why he came to the United States. First, he wanted a better life for himself, but no matter what his personal problems were, he knew his children would have an even better life. That's the American dream.

The consumerist considers business his enemy. He advocates more controls, more bureaucracy, restricted initiative. He doesn't say so but every action points to eventual government take-over.

Mr. Nader and his raiders would deny this objective. But I remember other times in other lands when real and imagined problems were magnified to the point that whole peoples reached out for government controls. Men promised that if they were given the reins they would quickly lead the way to a better world.

Let's see, there was Russia, Germany, Italy, Japan, Mainland China, Cuba, Chile . . .

THE SUBURBS—JOBS AND HOUSES

HON. WILLIAM A. BARRETT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. BARRETT. Mr. Speaker, I wish to commend to all Members of the House an outstanding series of articles published in the New York Times, August 16–19, concerning the suburbs surrounding New York City.

The title of the lead article "Suburbs Abandoning Dependence on the City," is forcefully documented throughout the series by a team of thorough Times investigators. The New York suburbs, the Nation's original "bedroom" communities, now provide half the metropolitan area's manufacturing jobs, retail jobs, and restaurants. Nearly as many workers commute to suburban jobs as commute to jobs in New York City.

The impact of this revolutionary change in living and working patterns—a change which is in progress in nearly all the Nation's metropolitan areas—is described carefully through numerous interviews with suburban officials and residents. Land is being developed at an extraordinarily rapid rate; competition for job-producing—and tax-paying—industry and commerce is great; and, not merely the poor, but middle- and upper-income middle families are being gradually priced out of the suburbs, precisely where job opportunities are expanding.

The result is haphazard, inefficient, and inequitable development of this great area. We are doomed to repeat this development pattern again and again unless the Congress and the executive branch, working together, fashion a desperately needed "urban growth policy" for the country.

The Congress took the lead last year through the enactment of the Urban Growth and New Community Development Act of 1970, under the leadership of our colleague THOMAS L. ASHLEY, a member of the Housing Subcommittee. That act directed the President to submit an urban growth report to the Congress, to review current development patterns, and to make recommendations on needed changes in Federal, State, and local growth policies. Unfortunately, progress in this area has been much too slow. I hope the administration will take the lead in this crucial area, for few areas should have greater priority.

I urge all Members to read these excellent articles.

[From the New York Times, Aug. 16, 1971]

SUBURBS ABANDONING DEPENDENCE ON CITY

(By Jack Rosenthal)

(NOTE.—This is the first of four articles on the power and attitudes that affect control over the development of land in New York City's suburbs.)

The largest city in America is now the suburbs of New York.

They contain 8.9-million people, a million more even than New York City. They cover 2,100 square miles, 600 more even than Los Angeles and its suburbs combined.

They represent the fullest flowering of the historic migration of Americans out of their cities. For even here, in the orbit of New York—the Big Apple—the suburbs are strikingly, fiercely independent.

Huge numbers of suburbanites neither live, work, play, shop nor even go out to eat in New York City. And they fight, with passionate hostility, against the feared intrusion of change, of the inner city and of the people left behind.

As dramatically evident from official studies and five weeks of interviews by a team of New York Times reporters, the most critical commodity in this struggle against the city is land.

It is the land—and especially the emotional issue of how it will be used—that shapes politics and power in the suburbs, that governs the suburban economy, that determines where people work and where they live and how they travel.

New York's suburbs created a national image of bedroom towns for city workers. Yet how many of the counties around the five boroughs now send even half their workers to jobs in the city? None.

Nassau County has net commutation to New York of less than 38 percent. Westchester has less than 32 per cent. In Suffolk County, 80 percent of the workers who live there work either in Suffolk or Nassau. In Passaic County, 79 per cent work in Passaic or Bergen Counties.

The suburbs now have about half the area's manufacturing jobs, retail jobs and restaurants. And they have a full range of "urban" facilities.

Gleaming new office towers contrast sharply with the rolling greenery of pastoral Piscataway, N.J.

Every morning crowds of business with briefcases at McArthur Airport in Islip, L.I., board nonstop flights to Chicago or Washington.

Downtown for Wayne, N.J., is now a carpeted and air-conditioned area, framed by shrubbery and fountains, in an immense covered shopping mall.

The impact of such decentralization of urban functions can be quickly seen in other merely regional cities, where the business districts become ghost towns each nightfall. Here decentralization is masked by two factors. One is size.

"There are three things one must always remember about New York City," says Edward J. Logue, president of the State Urban Development Corporation. "They are scale, scale and scale."

Two million whites may have fled the city in the last 20 years, he acknowledges. But still, "There is no other city with anything approaching New York's proportion of the metropolitan population."

The second factor is New York's enduring role as a national city—a financial hub, cultural capital, media center and mecca for young adults.

And, for the most part, that is the city that the residents of New York's suburbs relate to, in the same way that residents of the suburbs of other cities do—the national city, a place to visit and enjoy, not as residents but as tourists.

Ask suburbanites the last time they went to New York. Again and again, they give answers like "for the last antique show" or "last December, to show the kids the Christmas lights," or "in the fall, for a play."

BACK TO CENTERLESS WORLD

And after the show, with a wince at the $30 or $40 tab for tickets and parking, they speed back to the spacious, centerless world they have created in the suburbs.

Like suburbanites everywhere, they strive to protect that world against change with a ferocity that has become a national political fact.

The hostility was typified, says a Suffolk County official, at a recent town zoning hearing on the construction of luxury apartments.

A New York City fireman leaped onto a chair, waved a newspaper full of city crime and welfare news, and shouted: "We don't want this kind of trash in our neighborhood."

And yet for all the ferocity, even irrationality, signs of change are now emerging in the mushrooming, maturing New York suburbs, signs that could well foretell the next cycle in the life of suburbs across the country.

The dikes of hostility appear slowly, but with gathering speed, to be leaking, eroded not by an ominous outside urban tide, by feared Federal pressure for housing integration, but by enemies within.

In town after town, residents find they are excluding not only outsiders but their own grown children, older adults and civil servants. These are often unable or unwilling to maintain the expensive single-family homes so frequently required by tight exclusionary zoning.

Increasingly suburbanites find that their exclusionary strategies no longer work and may even promote the very sprawl, scrambled land use and urban chaos that these strategies were intended to prevent.

TREND CALLED INEVITABLE

At this point the hostility remains intense; the forces for change are far from decisive. But, in the opinion of some authorities, the trend—for the complex array of suburbs here, as well as for the more easily definable rings of suburbs elsewhere—is inevitable.

In smaller, newer cities, "suburbs" more clearly mean communities that have developed since the start of the automobile era on open land around the urban core.

Here, prior to the automobile, there was no such clean slate. The metropolitan area already included railroad suburbs dating to the eighteen-seventies; independent cities like Newark, White Plains or Bridgeport; and resorts like Long Beach or the Jersey shore.

But it is the automobile—and the freeways it has generated—that have turned the land between and beyond the old towns and the old rail lines into a vast urban complex.

Its primary characteristic is centerless independence of the city. In place of an urban center, mobile suburbanites use the varying facilities of their separate communities collectively, as an interlinked Outer City.

Elsewhere sweeping circumferential freeways have made development of a unitary outer city literally possible. Here the population, diversity and distance of the suburbs are too great to be overcome by an eight-lane concrete loop.

Yet even here, the signs of expanding centerlessness, of the collective suburb "city," are clear.

In Nassau County, Leona Baum, a petite mother of two teen-aged boys, describes how her family lives in almost exactly the terms people use in the outskirts of Los Angeles:

"We live in East Meadow. I work in Garden City. My husband works in Syosset. We shop for clothes in Hempstead. My husband's Pythias Lodge meets in Great Neck. Our temple is in Merrick. The children's doctor is in Westbury. And we pay our parking tickets in Mineola."

And the centerless growth continues. On the moon the terminator is the moving line between light and dark. In many suburbs, a similar line marks the contrast between development and farmland.

In Westchester the line moves out a mile a year, says Peter O. Eschweiler, the Planning Commissioner. "If you want to see what your town will look like 10 years from now," he says, "drive 10 miles back."

ZEALOUS ZONING OF LAND

On Long Island the urbanization line is instantly visible from the air. That line, planners say, moves even faster—two miles a year.

In Middlesex County, N.J., the line is not so easily visible, says George M. Ververides, a planner. "There's no front. It's like Vietnam. It's happening all over."

The suburbs have, however, sought to protect their development from unwanted change by controlling their most valuable resource: Land.

Each small community exercises its local zoning power zealously. Repeatedly, town boards engage in what is called, variously, upzoning, exclusionary zoning, or large-lot zoning. Whatever the name, the purpose is identical:

If the only housing permitted is single-family homes, and if these must be sited on half, full, or even four-acre lots at a minimum, only the middle-income and upper-income can afford to move in.

In Suffolk the typical new house cost $14,500 in 1960.

Now the cheapest new house is $30,000, according to a study made for the National Council Against Discrimination in Housing.

The council estimates that at least 80 per cent of New York area families are now priced out of the new housing market entirely.

Some of the reasons for such vigilant exclusivity are straightforward. Municipal costs, particularly for schools, are soaring and more people can easily mean more deficit.

"THE COUNTRY" GUARDED

Many suburbanites moonlight or put their wives to work to save enough to escape from the city. They are quick to block the intrusion of any urban problems into their refuge "in the country."

But other explanations for suburban hostility are not so candid or rational. "New York has a lower proportion of blacks than many cities," says a suburban planner, asking anonymity. "But even so, the sheer raw numbers are great. So people out here perceive a great tide of blacks and Puerto Ricans they could be engulfed by."

Other suburbanites disguise their hostility behind code words. They talk of the need to protect "the country image" or to preserve "our environment." One county, says Jack Wood of the National Council Against Discrimination in Housing, defends itself by saying it supplies an "airshed" for the metropolitan region.

RISE IN CONSERVATIVE VOTE

Still other suburban residents concede fears of the outward movement of city crime, welfare costs and other burdens of the poverty population.

But almost none admits openly to a desire to keep out minorities. Again and again, suburbanites insist that they have welcomed black families to their neighborhoods.

And yet: "There's a tremendous upsurge in the Conservative party vote from people who were Democrats in the city. Like Jews who envision being surrounded by the blacks," says a Long Island official, himself a Jew. "Surrounded! Just like the Arabs are surrounded by the Israelis."

The effects of suburban exclusion are clear. New York's black population in the nineteen-sixties went from 14 to 21 per cent. The suburban proportion, meanwhile, went from 5 to 6 per cent.

In town after town, population figures show that one-tenth—or one-hundredth—of 1 per cent is black.

"We are very fortunate in our welfare situation," says Newton Miller, the Mayor of Wayne, N.J., where the population doubled, to 50,000, in the sixties.

What is the welfare proportion, he was asked. "Under 10." Under 10 per cent? "No, under 10 families."

The issue now is not whether exclusion has succeeded, but whether it may, in fact, have succeeded too well.

Some urbanists press the moral argument of unfairness. The suburbs, they say, cannot in good conscience continue to pirate from the city only its desirable functions and people.

SUBURBAN "DUTY" CITED

Suburbs must, the argument goes, take their share of the social welfare task now being left almost entirely to impoverished central cities. And they must provide lower-income housing near suburban jobs.

In recent months this argument appears to have become a centerpiece of liberal thought about urban problems. There are, however, some strikingly contrary views.

George Sternlieb, an authority on inner-city housing, believes that "the only thing that's holding our central cities together is the suburban housing shortage."

If the suburban barriers were lowered, he contends, it would not be the poor or black city residents who would move outward. It would be the city's remaining middle-class and lower-middle-class residents, now deterred from moving by high costs that are made still higher by exclusionary zoning.

The result could be to diminish even further the tax base from which cities now try to finance costly social services for the needy.

Others agree with this assessment. If suburban zoning were relaxed, "it would be the middle class that would move first," says Alfred B. Del Bello, the energetic young Mayor of Yonkers. "They would continue to vacate the cities, leaving an increasing proportion of poor black and Spanish population."

DOUBTS ABOUT EXCLUSIVITY

In the suburbs, meanwhile, there are growing signs that people now wonder whether exclusion is so wise after all. The doubts have nothing to do with morality, fairness or concern for the urban poor. They arise from practical reasons of self-interest.

Some towns, says David Bogdanoff, Westchester's largest developer, are coming to realize that not every community can assure its finances and its image by emulating Scarsdale.

"Setting yourself up as a prestige town, with large-lot zoning, won't work any more," he says. "There just aren't that many people who can afford upper-middle-class housing to fill all those towns."

Another practical reason for rising doubts about the tactics of exclusion is that those tactics may hurt as much as they help.

On Long Island, planners say, oil spillage is a hazard because it is shipped to 12 harbors, and oil truck traffic is a nuisance. But the solution—a pipeline—has been blocked because the Town Board of Babylon refused in early July to permit construction of an essential storage terminal.

"It's a classic case of not-on-my-blockitis," says Lee E. Koppelman, Nassau-Suffolk Planning Board director.

In Westchester, recalls Robert Weinberg, a developer, officials in every town insisted on specifying where bus routes could go. "The result was such a zig-zag that it made express routes impossible."

"EAGER TO CORRUPT"

Still another reason for doubts is evidence that present exclusionary tactics are not exclusionary enough.

"The suburbs develop elaborate master plans and tight zoning which they are eager to corrupt whenever a big company, a good 'ratable' that would pay lots of taxes, comes along," says one developer, asking anonymity.

"To find anything that's considered a bad land use but a good ratable", says another developer, "look at the village line. That's where the gas stations are. 'Let them bother the people in the next village,' the town official thinks. 'They don't vote for me.' "

This is exactly what happened, Harry Butler says, with the enormous Willowbrook Center in Wayne Township, N.J., where the wares include a marquise-cut diamond ring ($2,215), a Lhasa Apso puppy ($279) and a potted stag horn fern ($75).

"Willowbrook doesn't bother anyone here," Mr. Butler says, "because it's way on the south border, next to Little Falls Township. It bothers them; they get all the traffic and harrassment. We get all the taxes."

THE JIGSAW EFFECT

People like Harry Butler around the suburbs wonder out loud about the long-range result of such narrowness and hostility.

Stretches of Nassau County, where booming development of the fifties has now matured, may provide strong clues.

Drive north from Garden City, L.I., and in a few minutes, one passes an elegant country club . . . and an intersection where narcotics are said to be sold at night; the miracle mile of elegant stores in Manhasset . . . and a roadside beauty shop whose name may betoken both the race and occupation of its patrons: "Ebony Maid".

"The whole county's like that," says Dominic Badolato, a youth program director. "It's all a jigsaw, scrambled eggs."

Will the suburbs remain an exclusive sprawl, closed to those who can't afford the cost?

"It's going to break," says Herbert J. Gans, a noted Columbia urbanist, "because of middle-class demand. So many young families are already starting to form that change has to come."

Wayne's Mayor knows the dilemma firsthand.

"There are very few places in Wayne he can afford to live," Mr. Miller says of his 23-year-old son. And his parents, in their 70's, live in a retirement village in South Jersey.

"We'd welcome lower-cost housing for our youth and elderly," he says warmly. "But there's no guarantee we could keep it for them. And given the choice, we just won't do it."

He hesitates for a moment—perhaps a telltale moment. His college ring glints as he rubs his gray crewcut. "It's a problem. No question about it."

[From the New York Times, Aug. 17, 1971]

LAND IS PRIZE IN BATTLE FOR CONTROL OF SUBURBS

(By Richard Reeves)

(NOTE.—*This is the second of four articles on the forces that are shaping the usage of land in New York City's suburbs.*)

Land is the coin and the treasure of the suburbs around New York City and that land—some of which has risen in value in 20 years from $700 to $90,000 an acre—is the prize in a continuing battle for control of the 775 municipalities that make up the world's largest suburban area.

The struggle over the land within 100 miles of Times Square, in its simplest terms, is between the people who already have some—whether a 70-foot-wide lot in Massapequa, L.I., or a 1,000-acre estate in Far Hills, N.J.—and those who want new residents and more intensive development in the suburbs for their own personal profit or social goals.

A team of reporters from The New York Times who toured the New York suburbs for five weeks found that in town after town there were fights over land use with large numbers of people sharing a single goal—to keep other people, new people, out of their community.

And in those same towns there was a surprising answer to the question of who is winning the struggle, who runs the suburbs. The recurring answer was: "The people," the people who live in the towns, who have their own property.

But this is not the whole story of the New York suburbs. The people there often watch, helpless and frustrated, as their lives and towns are changed by decisions of Federal and state governments or by profit-minded combines of developers and politicians.

But, in general, the people who now live in the suburbs have one super-weapon—zoning—and they have used it to become the dominant force in the struggle over and use.

The other side of the struggle, the forces of change, involves an uneasy coalition between the men who will make money if the land is intensely developed and men who seek social change, civil rights activists and professional planners who want to move low-income and moderate-income people out of the city.

The builders, landowners and politicians, some of them vulnerable to the corruption that comes with the profits of land development, win a few battles. Many suburbanites interviewed in the last few weeks, in fact, thought the builders were always winning—they complained about new gas stations along their highways and new homes or apartments rising.

GROWTH RESTRICTED

But not much is actually going up, for the trend is clearly with "the people" against change.

Westchester County, for example, has moved steadily toward more and more restrictive zoning and its population capacity (if every vacant lot were built on as densely as possible) has dropped from 3.2 million in 1952 to 2.3 million in 1957 and 1.8 million today.

The Rockland County News-Leader-Independent commented editorially on the trend two months ago in the following way:

"At a recent meeting of the Nanuet Rotary, a fellow said half-jokingly, 'You know who runs Rockland County? Fifty women with baby carriages who turn out to protest everything and anything'. . . He's right. They seem to wield more power than a bevy of legislators, supervisors, mayors and councilmen all put together. They are indeed the new power elite—a force that sets officials trembling at their very approach.

John F. English, the former Nassau County Democratic chairman who is now a key figure in the Presidential campaign of Senator Edmund S. Muskie, noted:

"Suburban government is much more responsive to the people than other American government. It's the politics of the territorial imperative, the protection of their property. That means opposing new housing and new people, anything that might change the status quo."

"The power is really with the people," said Paul Davidoff, co-director of the Suburban Action Institute, which has filed several suits in an attempt to force suburban communities to drop restrictive zoning and accept low-income housing.

"They act perfectly rationally to protect their interests by keeping everybody else out," he said. "And you can see their success by looking at the number of development projects turned down by any suburban government. They only change zoning if they desperately need industry to help pay the tax bills."

Three miles away from the institute's small office in White Plains, Robert Weinberg, founder of Westchester County's largest developer, Robert Martin Associates, unhappily agreed.

STATUS QUO RULES

"I'm one of the largest landholders in Westchester," he said. "Within a half-hour of here, I've got 500 to 600 acres I can't do anything with because of zoning. It's all zoned for one house an acre to keep out anyone earning less than $25,000.

"All they want here is the status quo—a guy wants to walk his dog in my woods, he thinks they're his woods. Citizens have an absolute right over zoning. We just can't run with local little hometown rule. Every idiot can come down to the town hall and have his say and the guys up front tremble because they're afraid they won't be re-elected."

However, the metropolitan area's population keeps expanding and now people want to live in the suburbs, especially as more and more companies move there.

The pressure of that expansion, basically involving the white middle class, is becoming so great that some observers believe that Federal and state governments will soon have break down local zoning restrictions—as the Urban Development Corporation already has the power to do in the State of New York.

A good illustration of the impact of zoning can be found in Wayne, N.J., 20 miles west of the Lincoln Tunnel. There, the value of an acre of land has risen from about $700 to as much as $90,000 as the township's population grew from 12,000 in 1950 to 49,000 in 1970.

But the top value of that acre depends on zoning—an acre worth $90,000 today for high-density use like office buildings or garden apartments is worth only $10,000 if it's zoned for one single-family home.

"The power to zone is the power to make millionaires," said Lee Edward Koppelman, the director of the Nassau-Suffolk Regional Planning Board. And millions were made as the population exploded into Wayne and a hundred other towns around New York.

Who made the money? "The land speculators and real estate operators made most of it," said Harry J. Butler, a former Mayor of Wayne. "The farmers who originally owned the land here never realized its value."

Mr. Butler, a Democrat, spent a stormy term in office publicly denouncing the profitable relationship between politics, land speculation and zoning in his town. It happened that the township officials he was denouncing were Republicans.

In one case, for example, he pointed out that three municipal officials involved in the rezoning of two residential acres to allow construction of a private medical center were the principals of the corporation owning the land.

The value of that little tract increased by $80,000 with the rezoning. Without a variance, he said, the same medical center could have been built in a "business-professional" zone only 1,000 feet down the same road, but there would have been no $80,000 rezoning windfall.

But in Wayne, as in most suburban municipalities, the people opposed to further change have had at least their share of victories. Petitions signed by 7,500 Wayne residents and clamorous opposition at public meetings that sometimes lasted into early morning hours recently killed a proposed high-rise apartment development.

"RESPONSIVE" PUBLIC

The key to citizen participation in suburban governments, according to some political scientists, is the newness of those governments and the fact that many local politicians are amateurs who allow an unusually large proportion of public business to be conducted as open meetings.

The number of people who attend such meetings or who come out to vote is usually low, but apathetic citizens are often aroused and organized instantaneously around public issues, such as zoning variances.

These issues might be considered and decided in private within city governments, which have had centuries to perfect the art of decision-making within a shielded bureaucracy rather than at town council meetings.

In a study of Levittown, N.J., which has since changed its name to Willingboro, the sociologist, Herbert J. Gans, offered polls showing that governmental decisions were "remarkably responsive" to the wishes of the majority of citizens, even when those decisions were primarily influenced by small private-interest groups.

"The people generally win if they find out what's going on, but most of the money changing goes on before the people get there," said Mr. Gans, the author of "The Levittowners" and one of the nation's suburban scholars.

"When it's still farms, everyone who lives out there shares in a bonanza before the new voters get there. After that, if Mr. X wants to subdivide his land to increase its value, he can bribe every town official $50,000 and see those officials voted out 15 minutes later when the people get angry. Then new guys are elected and they stop the building."

The land action has now moved out from places like Wayne. It is in locales like eastern Suffolk County, where Mr. Koppelman estimated that 40 per cent of the vacant land might be held by speculators; in Putnam County and in western New Jersey—even as far out as the Sussex County farm country that will soon be linked to the city and inner suburbs by Interstate Route 80.

THE BATTLE IS JOINED

Somerset County is made up of 198,000 people living in an area about the size of

New York City—in lovely little places named Peapack-Gladstone and Bedminster, 35 miles from the Hudson River—and it is one of the next battlegrounds.

In fact, the battle is already well under way as Western Electric learned when it tried to move its national headquarters to Bedminster and withdrew the plans after facing 400 unhappy residents at a town meeting in the local high school's gymnasium.

There are, of course, already growing clusters of development and industry in Somerset. But, mainly there are miles of gently rolling hills where Mrs. Jacqueline Onassis and friends sometimes fox-hunt, where Doris Duke, C. Douglas Dillon and the Englehard family own huge estates.

LIMITED PROJECTION

There is also a master plan in Somerset County and some of the most restrictive zoning in the country. The Somerset County Planning Board projects a maximum population of 400,000 by the year 2000 and its planning director, William Roach Jr., talks hopefully of holding out and letting most of the population growth leapfrog to rural Hunterdon County to the west—where Western Electric is now trying to situate.

That would leave much of Somerset as a kind of giant country club, the place where the best-paid executives live and commute to jobs, most of them in other suburban areas.

Somerset has the zoning to do just that—63 per cent of the county is zoned to restrict building to one-family homes on lots of one to 10 acres. Only two of the 21 towns have multifamily (apartment) zoning and 95.3 per cent of Far Hills Township is zoned for 10-acre building.

It's possible that with such zoning, and with the personal power of some of its residents, Somerset is immune to the kind of growth that overwhelmed much of Nassau County. But even in protected communities—Mr. Gans calls them "vest-pocket principalities"—some people are beginning to have second thoughts about what kind of future they are making for their towns.

Police Lieut. George D'Amicao of Northvale—a north Bergen County town of 5,200 people where 1,600 residents signed petitions that helped block a garden-apartment development—put it this way:

"My daughter will be getting married in a few years and I'd like to see her remain here. A nice little development wouldn't hurt anyone. Give our kids a chance. It's unfair. We had our chance to move out here."

COMMON TREND OF THOUGHT

Mr. D'Amicao's way of expressing a thought came up in almost every interview about government and power in the suburbs: Does democracy and home rule mean that the people who already live within the arbitrary boundaries of a community have the right to keep everybody else out?

Mr. Weinberg, the Westchester builder, and civil rights activists like Mr. Davidoff and Mr. Gold all favor the same solution to their different problems—they want state or Federal action to allow zoning at higher levels of government.

"The housing mix should be mandated at a higher level where it's more difficult to get at the public official," said Mr. Weinberg. "How long can the cities stay in misery while everybody out here sits, enjoying the American dream. What right does a person living on a quarter-acre lot have to make the next guy live on a half-acre? If you want to live in a park, buy it."

"The Federal Government will eventually have to step in," Mr. Gans predicted, "because the people who want to live there will be middle-class people, people who can make their demands felt. Zoning and other safeguards will fall."

If he is right, the power of the people will be tempered by direct intervention of higher government. It is already tempered, of course, by many other factors, such as the pressure to reduce homeowners' tax bills by bringing in industry, especially along highways and the borders of neighboring municipalities, which must then deal with traffic problems.

And in each town, residents agree on an answer, generally naming a man or an institution with heavy local economic interests who becomes involved publicly or privately in a wide range of issues, winning more often than losing.

In Islip, the names that came up in interviews were Anthony Pace, a lawyer and town Republican leader, and Edward McGowan, a former Republican leader and one of the town's largest landholders.

PATTERN UNCHANGING

The name of Newsday, the 458,000-circulation daily newspaper published in Garden City, is also mentioned again and again, not surprisingly, since the newspaper began the investigations of land dealings that sent greedy local officials to jail.

"Planning has a chance on Long Island," said Mr. Koppelman, "because Newsday supports it. And Newsday is the only thing that's kept Long Island from going all the way down the drain of dishonesty."

In other suburbs, the pattern of power is the same but the names change:

The Record, with its circulation of 148,000 in Bergen County; the League of Women Voters in Westchester, reflecting the fact that the most active citizens of the suburbs are often well-educated, but nonworking housewives; taxpayers' associations in many towns which regularly fight to reduce school and municipal budgets; Spyros Lynos, known as "The Golden Greek" in Wayne because of his land and construction dealings, and similar financial-political operators in other towns; International Business Machines, Inc., in Dutchess County and Johnson & Johnson, Inc., in Somerset County, both with thousands of local employes, including many in elected offices, but both reluctant to become so visibly involved in local affairs that they become issues or targets in local elections. And, in town after town, the Republican party.

The suburbs are not the Republican monolith often portrayed in the past. In fact, half the 18 United States Representatives elected from New York's suburbs are Democrats. But Republicans do tend to dominate suburban politics for several reasons, especially because they are permanently organized in many small communities along lines reminiscent of big-city Democratic politics of the nineteen-forties.

The home as the center of politics, of course, is still a major part of the story of suburban power.

"People came here to get away from it all, from the problems of the city, of the country," said Mr. Butler the former Mayor of Wayne "The only thing that arouses them is a zoning change near them or higher taxes. They don't think they have any responsibility for things like low-income housing and the officials they elect understand that their responsibility is to keep the community the way the people here want it."

[From the New York Times, Aug. 18, 1971]

Rise in Jobs Poses Problem in Suburbs

(By Linda Greenhouse)

(Note.—*This is the third of a four-part series on use and control of land in the suburbs.*)

Ten years ago much of Bridgewater Township, N.J., still looked much as it did when George Washington camped his troops in the safety of the first range of the Watchung Mountains.

The township's population was 15,000 in 1960 and it contained industrial and commercial property valued at $30 million. Its mountains were wooded and untouched, corn grew on its plains and apple trees in its valleys.

Today Bridgewater has 30,000 people. Houses are silhouetted on the crests of the hills and office buildings dot the flat plain. The town's industrial value has climbed to $161 million.

To a greater or lesser degree, the Bridgewaters are everywhere. The physical monuments to the economic success story of the New York suburbs cover the landscape: Office towers rising at every highway intersection; shopping centers providing new definitions of the term with their sculpture gardens and community rooms; the sprawling campus-style headquarters of the corporate refugees from Manhattan.

But that success story has another side.

Land is more than wealth and power. It gives much more than merely physical shape to the suburbs. A team of New York Times reporters who toured the New York suburbs for five weeks found that the economics of land use was the prime factor in the growth of two closely related, vital components of the suburbs' economic health; jobs and housing.

Because local government must pay for itself by—the tax it puts on land—the property tax—land can mean either profit or peril to a town. If, because of the tax structure, some kinds of development—housing—cost the town much more than other kinds—industry—the town will inevitably avoid one and seek the other. Severe imbalance are the inevitable results.

Job opportunities in the suburbs have been increasing, but the availability of housing there lags so far behind that a majority of the region's labor force must endure long and expensive commuting to reach the jobs.

And while industrial development has meant huge tax advantages for some suburban communities, some neighboring areas that are not equally blessed with shopping centers or industrial parks stagger under huge tax burdens.

Although no one is yet suggesting that the boom is about to end or that the suburban monuments are crumbling, the growing imbalances have raised the question: How long can the suburbs sustain their record of economic accomplishment when the benefits fall so unevenly on the region's population?

According to the Regional Plan Association, 2.4 million additional jobs will be created in the metropolitan area by 1985. Two million will be in the suburbs.

In 1910, according to the Regional Plan Association, New York City contained 80 percent of the region's office jobs. The proportion was 70 per cent in 1940 and by 1960 it had dropped to 60 per cent. The figures are adjusted for the R.P.A.'s current definition of the 31-county metropolitan region.

New York City's proportion of total manufacturing employment dropped from 54 to 51 per cent from 1959 to 1965, and is expected to fall to 42 per cent in 15 years.

Fourteen of the wealthiest suburban municipalities in New Jersey have a combined population of 380,000, almost equal to the population of the state's largest city, Newark. The 14 contain industrial property worth $2.1-billion, according to figures compiled by the Suburban Action Institute, a foundation-supported research and civil rights organization in White Plains. The value of industrial property in Newark is less than a third of that figure, $665-million.

GROWING INDEPENDENCE

If there is one factor held in common by suburban communities surrounding New York City, it is a growing economic independence from the city.

In many cases, the perception of independence may not yet have caught up with reality. Suburban residents, after a lifetime of hearing their communities described as bedrooms for the city, often persist in believing that to be true even if no one on their block commutes.

In fact, the city is moving toward becoming the bedroom as the suburbs approach the point of being net importers, rather than exporters, of labor. Brooklyn, the Bronx and Queens, with their vast supply of apartments and aging single-family houses, are becoming dormitories for those who work beyond the city limits.

The new suburban jobs are not only jobs for executives and office workers. As the suburban economy continues to diversify, wholesaling and manufacturing become more important.

According to an unpublished study by the National Committee Against Discrimination in Housing, 150,000 of the 750,000 new suburban jobs, created in the nineteen-sixties were blue-collar jobs, but during the same period the number of blue-collar workers living in the suburbs increased by only 50,000.

By 1985, the study predicts, the suburbs will have 65 per cent of the region's blue-collar jobs but a much smaller share of the workers.

With apartment development blocked by zoning regulations, and with the minimum price for new houses ranging from $30,000 in Suffolk County to as high as $50,000 in Westchester, the vast majority of people taking new blue-collar jobs in the suburbs will continue to find themselves priced out of housing near their places of employment.

Figures compiled but not yet released by the Tri-State Transportation Commission show that in Nassau County there are 139,000 more low-income and middle-income jobs than there are comparably priced housing units. In Bergen County, N.J., the deficit is 77,700 units.

The deficit is 82,200 units in Westchester County where, according to the County Planning Department, the number of jobs will exceed the number of employed residents for the first time in history within 10 years—an astounding milestone for an area that is virtually synonymous in the minds of a nation with the stereotyped commuter suburb.

These figures illustrate the change: In 1950, 76,000 people were regular commuters to New York City and elsewhere, and fewer than 10,000 people commuted to jobs in Westchester. Now, 116,000 commute from Westchester and 81,000 travel to the county, with the ratio getting smaller all the time.

The cost of the imbalance between jobs and housing is high, requiring expensive and time-consuming traveling. The cost is also high for the suburban employers, who have to depend on an outside labor force and who are concerned over the possibility of labor shortages.

One such company is the Mem Company in Northvale, N.J., manufacturers of the English Lather line of men's toiletries.

With 350 employes, the company is Northvale's largest employer. Its clerical positions are filled by housewives from the surrounding Bergen County communities. But half its employes are blacks and Puerto Ricans, most of whom commute from New York to their jobs on the assembly line and in the packing rooms.

Every morning, the company runs a bus from the George Washington Bridge terminal to its plant in an attractive industrial park, but a new employe may spend as long as two years on the job before he gains enough seniority for one of the 54 seats.

"Even though most of them can't get on the bus and have to use carpools, it gives us a psychological edge in recruiting," said George Danz, the company's personnel director. The bus costs the company $13,000 a year.

At least some employers have started to worry about the situation. A survey last year by the Somerset County (N.J.) Planning Department showed that 59 per cent of the county's major employers felt that the cost and availability of housing would restrict their plans for expansion.

More than half said that they would not be able to meet their labor needs under the current residential zone restrictions, and half answered yes to the question: "Do you feel that some of your employes live so far away as to affect their efficiency and present an economic burden?"

Eugene J. Schneider, executive director of the New Jersey County and Municipal Government Study Commission in Trenton said: "Unless the imbalance between jobs and housing is corrected all our natural advantages for industry will disappear."

But there have been few signs so far that companies are willing to exert pressure on local governments to change the zoning restrictions that underlie the housing shortage. Such restrictions rule out apartments and modest houses on small lots that workers with low incomes could afford.

The corporate giants that have the power to influence housing patterns are, because of their size, the least likely to feel the impact of any labor shortage.

"They know for a few dollars extra they can always get someone," said one Manhattan-based company executive who has been a close student of the corporate moves to the suburbs. "If you ask them why they don't use their leverage to change things, they say, 'Well, we just want to be a good citizen.'

"But, after all, they used their leverage to get in and get their zone changes in the first place."

The argument that suburban towns offer against residential development is nearly always financial. As long as the property tax is the chief source of revenue for local government, a town stands to lose money on all but the most expensive houses.

In Princeton Township, for example, a $60,000 house barely pays enough in taxes to offset the services—such as schools, sanitation and the like—made necessary by its presence.

North Castle, in Westchester County, breaks even on a $52,000 house. In New Canaan, Conn., the break-even point is $70,000.

The tax burden in the metropolitan area is not only heavy—property taxes in the Northeast have historically been the highest in the country—but it is distorted as well by the patchwork nature of development in the suburbs.

An example can be seen in Bergen County, where the two boroughs of Rockleigh and Northvale, each a mile square, sit side by side. Rockleigh has 200 people and a 126-acre industrial park that pays 90 per cent of all local taxes, and, as a result, the property tax rate is 72 cents for every $100 of assessed valuation.

Northvale, with 5,200 people, depends on residential property for more than two-thirds of its tax revenue. The owner of a $40,000 house, who would pay $288 a year to Rockleigh, would get a tax bill in Northvale, where the rate is $3.87 per $100, for $1,362.

George Kershaw, an Eastern Airlines pilot who serves as Councilman, fire chief and tax assessor of Rockleigh, discussed the matter recently as he drove slowly through the industrial park.

PLANNING DEFENDED

"The trend may be to try to stop this kind of town," he said, "but we're not simply a tax haven. We did this through good, judicious planning."

Equally dramatic inequalities exist within towns.

Buttonwood Avenue, a hilly dead-end street in the Town of Cortlandt, in northern Westchester County, cuts across a school district line. The houses on the northern half of the street are in the Lakeland School District, which has 8,500 students and a base of taxable property worth $178-million.

The other end of the street lies in Central School District 3, which has 3,150 students and property worth $273-million, including two $100-million Consolidated Edison power plants. The owner of a $25,000 house in District 3 pays $868 in school and town taxes. Halfway up Buttonwood Avenue, the tax on the same house would be $1,216.

As William Hitt, the Cortlandt Town Supervisor, explains it, the situation has become a vicious cycle. Industry does not want to move into the high-tax area, which has high taxes for the very reason that there is not enough industry on the tax rolls.

The inequities, as well as the actual weight of the tax burden, are what fuel voter resentment and the growing demand for reform, and both New Jersey and New York State have special commissions studying the property tax.

According to Thomas A. Dorsey, staff director of the New York State Joint Legislative Committee on Metropolitan and Regional Area Study, the basic question is "whether the property tax is still at all relevant."

If it is not, the problem is how to replace it. According to Mr. Dorsey, municipalities in New York State raise $3.8-billion a year through the local property tax, and "you'd have to go a long way to find another tax that can give you that kind of money."

There have been numerous suggestions for reform, although most are still at the discussion stage. Most focus on the financing of education, such as the assumption by the state of all local education costs.

Other proposals include sharing tax burdens, or tax ratables, on a county level or among groups of towns, and consolidating school districts.

Some planners and tax experts are skeptical about what impact reform, however needed, would have on zoning patterns. The economic argument is a valid one, they say, but it is not the only reason the towns resist additional residential development.

"You get rid of the economic argument and then, if you are opposed to certain people moving into your neighborhood, you have to say it," said Arthur Kunz, assistant director of the Nassau-Suffolk Regional Planning Board. "You can't hide behind another argument. It would pull the bigots out of the woodworks."

INDUSTRY PEAK SEEN

Dick Netzer, dean of New York University's School of Public Administration, said, "Everyone knows that, strictly speaking, you're not supposed to spot zone on the basis of how it will affect taxes. But short of openly stating that purpose, you can be pretty damn overt about it. But you can't be overt at all about other reasons. There's some question as to how much the fiscal thing is a screen for others."

If suburban towns no longer needed tax ratables, Dr. Netzer suggests, they might quickly become disenchanted with the nonresidential development they are now so actively seeking.

"You might find that nobody wants any factories any more," he said. "If it's not going to do them any good, they'll say, put it in the next town."

There are those who think that even without such a policy change, the flow of the glamour companies to the suburbs may be reaching its peak before slowing down.

"If a few things were different, I could argue as a businessman as strongly in favor of staying in the city," said D. Bruce Wiesley, a senior vice president of the American Can Company who was in charge of the company's move to Greenwich, Conn., last year.

"After all," he said, "in the city you have modern, beautifully convenient offices. When you pull down the blinds you don't even know you're in New York. And when you close these blinds, you don't know where you are either."

Others disagree, pointing out that the suburbs have natural advantages that seem to assure their continued economic success.

The Regional Plan Association estimates that a campus-style office building can be built for about 60 per cent of the cost of a skyscraper with the same number of square feet.

And the availability of land is important to manufacturing operations that function most efficiently spread horizontally through a one-story or two-story plant.

And there are such intangibles in the suburbs as the prestige of the suburban address and the commute over tree-lined parkways instead of tenement-lined railroad tracks. And no matter how high a price the suburban housing shortage may exact in the future, the executives who make the decision to move are not themselves much affected by the cost of housing.

[From the New York Times, Aug. 19, 1971]

NEW HIGHWAYS SHAPING FUTURE OF CITY'S SUBURBS

(By David K. Shipler)

(NOTE.—This is the last of four articles on the development of land in the suburbs.)

The sleek new highways begun under the Eisenhower Administration are nearing completion at the edges of the metropolitan region, and they may have already set the basic course of suburban growth for the rest of this century.

Every graceful multilane ribbon of asphalt that skirts a small town and winds through farmland is like the touch of Midas, transforming old pastures and woods into precious real estate ripe for the developer who wants land for an office building, a shopping mall, a tract of houses.

The metropolitan area is now laced with 575 miles of interstate highways, almost all of them in the suburbs, paid for with 90 per cent Federal funds, 10 per cent state money.

As the region grows—adding a predicted eight million people and enough office space to fill 300 new Empire State Buildings by the year 2000—the highway network virtually guarantees that the growth will lead away from urban areas, into new land, perpetuating the centerless sprawl that has characterized the suburbs built since the end of World War II.

The evidence is visible now in a huge, lop-sided ring around the metropolitan area, the new line where, in effect, country meets city, where the suburbs thin out, where most land is still vacant.

The ring passes through Middlesex County and northern Morris County in New Jersey, Dutchess, Putnam and northern Westchester Counties in New York, eastern Suffolk County on Long Island and parts of Fairfield County in Connecticut. Here is where the 20th century will leave its final mark.

In five weeks of travel through the suburbs, a team of New York Times reporters found that the power of the highways to determine how land developed, and thus how millions of people will live and where they will work, is surer than all the careful reasoning of government planners or the defensive rhetoric of small-town politicians.

Every day in the outer counties, planners who try to fight sprawl and revive mass transportation by encouraging new development in downtown centers are being defeated by the growth that spreads along the highways, that clusters around the new interchanges.

The highways' influence has been enhanced by the resistance of many suburbanites to growth in their own towns.

Strict zoning that limits development is defended with the greatest passion in residential parts of town. Along highways, especially at the town lines, offices and shopping centers with their badly needed tax payments are often tolerated because they appear to leave the rural nature of the countryside undisturbed.

And yet the highway planners who draw the new routes and thus map the future for the suburbs say they never consider the advantages or the liabilities of rapid growth in one place or another. They never weigh the impact of their highways on the older suburban towns that must compete with the glittering shopping centers.

"We've never been able to be that luxurious," said Nicholas Sinacori, regional chief of the New York State Transportation Department in the Hudson River Valley. He said development patterns were not his responsibility, but rested completely on the shoulders of the towns that controlled zoning.

Highway authorities say they simply try to meet transportation needs, and that in doing so they search for routes where the land is cheapest and the political resistance weakest. This technique brings real estate booms to out-of-the-way places.

"It's gone crazy—it's wild!" exclaimed Robert J. Eckstein, a real estate man in Parsippany-Troy Hills, N.J., which is fast becoming one of the region's major crossroads.

Eventually, five highways—three of them new interstates—will cross in what was once a small town in Morris County. Even before their completion, the roads have begun to stimulate rapid growth.

In 1950, the population of Parsippany-Troy Hills was 15,290. Now it is 55,112. Since 1961, the total value of commercial and industrial buildings and land in the town has jumped from $14-million to $86-million. The value of all property has risen from $107-million to $483-million in 10 years.

Nine years ago, Mr. Eckstein and a partner bought an old Victorian-style house on an acre of ground for $30,000. Now he estimates the value of the land alone at $85,000.

The reason is simple: Only yards from Mr. Eckstein's property, in swirls of dust, steamrollers rumble along a swath of brown-red earth, packing it into a roadbed for Interstate 80. On an overpass above, a little local traffic makes use of the short strip of Interstate 287 that has been completed.

"We all knew where Route 80 would go," Mr. Eckstein said. "When 80 is complete, it's just going to be the ultimate hub."

Route 80 will connect the George Washington Bridge with the Delaware Water Gap, and Route 287 will run from the New York Thruway to the New Jersey Turnpike.

Mr. Eckstein realized the potential of this spot, and five years ago he had the Victorian house demolished. And now, near the intersection of these two incomplete highways, he already has a three-story office building under construction.

Elsewhere, development usually occurs several years after the highway is completed, either because local towns along the roads use zoning to restrain the growth for a time or because the highways probe more deeply into the countryside than people need to go to escape the spreading congestion of the inner suburbs.

Acres and acres of brush and scrub oak and pine along the extended Long Island Expressway in Suffolk County, for example, have recently been opened to industrial development by a rezoning decision in the town of Islip. Local real estate men say the rezoning pushed land values from $7,500 to $40,000 an acre.

PROPOSAL SPURS DEVELOPMENT

Development has proceeded further along Smithtown Bypass, which runs for 10 miles from Hauppauge to Port Jefferson, and, with its many intersections, is anything but a modern superhighway.

But, stimulated in part by proposals that a bridge be built someday across Long Island Sound from Port Jefferson to Bridgeport, Conn., developers have made the Smithtown Bypass a strip of new car showrooms, Carvel stands, treeless tracts of single-family houses, gasoline stations, movie theaters and even a Holiday Inn. All of this is mixed in with a few remaining potato fields.

In Piscataway, N.J., small one-story and two-story offices and factories already have been erected along a newly completed stretch of Interstate 287. And in nearby East Brunswick, so many shopping centers now line Route 18 that planners have come to call the divided highway "the main street of East Brunswick."

Continuing growth of this sort is viewed as ominous for the cities, not only the core area of Manhattan but also such smaller centers as Jamaica, Queens; downtown Brooklyn; Newark, Paterson and New Brunswick in New Jersey; White Plains; Stamford, Conn., and Hempstead, L.I.

The Regional Plan Association has long been campaigning for an end to what it calls "spread city" and a concentration of future development in subcenters around Manhattan. The planners note that otherwise, the region's residents will continue to be slaves to the automobile, since bus and train service need estimated densities of 5 to 10 families an acre to be practical.

But virtually every force seems to be pushing hard away from the downtowns. Relentlessly, developers are driving out, not up, seeking vacant land, pressuring towns to relax zoning, trying to appeal to what they believe is an insatiable American appetite for open space, even if it is merely the open space of a shopping center's parking lot versus the curbside of a downtown street.

Trenton, for example, found itself the victim of this aversion to downtown, according to Eugene J. Schneider, director of the New Jersey County and Municipal Government Study Commission.

Having spent years condemning property and clearing land for a downtown shopping mall, Trenton was able to obtain tentative commitments from four large department stores to build branches on the site, Mr. Schneider said.

Then, eight miles away on Route 1, a developer announced plans for a vast regional shopping center with four department stores. In the face of that prospective competition, the stores bound for downtown Trenton backed out.

Regional Plan officials are afraid of the same thing happening to Newbourgh, N.Y., where the State Urban Development Corporation is trying to renew and revive the decaying downtown.

Macy's has made plans for a major shopping center at Fishkill across the Hudson River from Newburgh, attracted by new Interstate 84, recently opened to traffic, and by state plans to convert intersecting Route 9 into a four-lane highway.

The location of a major shopping center at that intersection, planners reason, threatens to sap downtown Newburgh of what vitality it has retained.

Even government facilities are attracted to the highways. Suffolk County built a complex of county offices not in a downtown, but on rural land near the Long Island Expressway, Veterans Memorial Highway and the Smithtown Bypass. The state is planning an office building nearby, also shunning a downtown site.

Despite the enormous power of highways to determine the pattern of suburban growth, highway planners interviewed in the metropolitan region said they determined routes and located interchanges not with regard to their impact on future development, but instead to catch up with growth and meet what they judge as transportation needs.

"Our planning has been one to date of

reaction," said Keith Rosser, planning director of the New Jersey State Department of Transportation. "The money is not there to plan intelligently."

Mr. Rosser and others said they picked highway routes where land was cheapest, where the fewest structures had to be demolished and where local opposition was the least vocal. They do not locate highways to influence development in one place or another, they said.

"We construct highways, very frankly, where we're permitted to construct highways," Mr. Rosser said.

The view of the highway network as simply a transportation device that responds to existing development was characteristic of the arguments surrounding the proposal of the interstate highway system by President Eisenhower.

In the 53-page message from the President to Congress on Feb. 22, 1955, recommending such a road network, there is not a single word about the impact of the highways on the cities or on the future development of the suburbs.

Mr. Eisenhower gave four reasons for advocating the 42,500-mile system, of which 31,899 miles now have been completed.

He said that present highways were unsafe, that people were experiencing enormous traffic jams, that poor roads saddled business with high cost for transportation and that modern highways were needed because "in case of an atomic attack on our key cities, the road net must permit quick evacuation of target areas."

In a report, the President's Advisory Committee on a National Highway Program, headed by Gen. Lucius D. Clay, hailed the dispersal that planners are now cursing.

The nation's highways, the committee wrote, "have been able to disperse our factories, our stores, our people; in short, to create a revolution in living habits. Our cities have spread into suburbs, dependent on the automobile for their existence.

"The automobile has restored a way of life in which the individual may live in a friendly neighborhood, it has brought city and country closer together, it has made us one country and a united people."

After the House of Representatives approved the program with a voice vote and the Senate voted for it 89 to 1 Lewis Mumford wrote gloomily in his book, "The Highway and the City":

"When the American people, through their Congress, voted a little while ago for a $26-billion highway program, the most charitable thing to assume about this action is that they hadn't the faintest notion of what they were doing.

"ILL-CONCEIVED PROGRAM

"Within the next 15 years they will doubtless find out but by that time it will be too late to correct all the damage to our cities and our countryside, not least to the efficient organization of industry and transportation, that this ill-conceived and preposterously unbalanced program will have wrought."

The 15 years have elapsed. The search in those years for an alternative to the city "has provided residents with the worst of both worlds," wrote William B. Shore, a vice president of the Regional Plan Association, in a recent issue of City Magazine.

"In some ways,' Mr. Shore declared, "they have little more variety and choice and opportunity than the small-city resident. Yet they are imbedded in a huge urban region—everywhere there are people. Houses march over hilltops, cut into forests, fragment stream valleys, 'Downtown' is the highway strip."

But "spread city," as Mr. Shore terms it, is cheaper for developers to build, and the expense of new construction has become the major source of fear for builders.

"Everyone is catering to the few who can afford our product," said Robert Weinberg, a partner in Robert Martin Corporation, one of Westchester County's largest builders.

"But that customer can be a super shopper. One misstep is fatal for a builder."

Peter Taylor, a vice president in charge of Levitt & Sons' Long Island region, agrees. "We're a mass builder," he said. "But our market is rapidly decreasing. We've tried to drive the cost down, but we still can't sell to a guy who makes under 17 grand a year."

When the original Levittown was built on Long Island in 1947. Mr. Taylor said, the houses were about 750 square feet in area with one bathroom, and the capacity to have bedrooms added to them later.

For years after that, he said, "our houses had two bathrooms and could not be added to.

"They were larger," he said. "Now high construction costs have thinned out the market so much, we've almost come full circle. We're selling expandable houses, and now two bathrooms are a luxury. We're going back to one-bathroom houses."

In the midst of this economic squeeze, land has become the most precious commodity in the suburbs. Wall Street investment houses and large corporations have begun investing large sums in vast tracts in Putnam County in New York and Morris County in New Jersey, according to planners.

And while most people still try to keep highways out, a growing number of landowners—many of them farmers—are asking for highways and interchanges near their property to enhance its value, according to Mr. Sinacori.

Someday, the land will surely be exhausted, gobbled up by campus-style offices, one-story factories, concrete and asphalt. Housing will then have to go up, Mr. Taylor said.

He foresees a megalopolis of house on two acres, and they'll high-rise apartments on Long Island. "I tell my kids that they can tell their kids that Grandpa Taylor lived in a single-family house on two acres, and they'll say, 'Yeah?' "

FIRE COMPANY CELEBRATES 75TH ANNIVERSARY

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. WOLFF. Mr. Speaker, in thousands of communities across this country the important job of firefighting is handled in a responsible and professional manner which belies the volunteer status of the men who make up our volunteer fire companies.

One of the oldest such organized volunteer fire companies in the United States is the Atlantic Steamer Fire Company No. 1 of Oyster Bay, N.Y., which is my congressional district. On Sunday, August 29, the Atlantic Steamer Fire Company celebrated its 75th anniversary in a great community demonstration of appreciation and respect.

I think it is important for us to reflect on the role that volunteer fire companies play wherever they are located. By providing their essential service on a volunteer basis they are demonstrating the sense of community that is so important in a democratic society. And by giving their time from their jobs and families they are saving the residents of the community the great expense of hiring full-time paid firefighters.

The Atlantic Steamer Fire Company No. 1 has a great record built over three-quarters of a century of community service. I am proud to extend my most sincere congratulations and best wishes to the men and their families on this auspicious anniversary.

GENOCIDE BY SCHOOL BUSING—RARICK REPORTS TO HIS PEOPLE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. RARICK. Mr. Speaker, I recently reported to my people on school busing. I insert my report in the RECORD at this point followed by the text of the Genocide Convention:

RARICK REPORTS TO HIS PEOPLE ON SCHOOL BUSING

The top repeater in the news these days is busing—busing by court order to achieve racial balance—busing to prevent the cutting off of Federal funds to public educational facilities.

And woe be it unto those politicians who support busing for the gnashing of teeth that is now heard comes principally from Northern people who have never before experienced loss of freedom nor felt the tyranny of reconstruction under their own government! The Americans outside that area known as the South are those who refused to believe our warning that a government so powerful it could take care of the individual from cradle to grave could also kidnap the citizens' children and make them political hostages.

As I talk, in Pontiac, Michigan, 10 school buses have been frantically destroyed as a futile gesture; and the Chinese-Americans in San Francisco have appealed unsuccessfully to that great liberal Justice William O. Douglas of the Supreme Court to prevent the destruction of the Chinese culture by the busing of Chinese children outside the Chinese community.

Busing—no one, from President Nixon and Chief Justice Burger to the Negro parent, seems to want it, yet it continues as if propelled by some underground power.

Never in the history of these United States have our people suffered such an enigma—possibly never before in the world since the tragic march of children to the Holy Land during the Middle Ages has the world beheld such carnage and sacrifice of children as the political pawns of misguided leaders and theoreticians of busing not for education or for social advantage but busing only for one goal—achieving racial balance which must mean contact and resulting conflict between the races and cultures.

I think it most interesting that while President Nixon weakly apologizes for busing, his administration will go down in history as making him the greatest of all the exploiters of children—the destroyer of the several cultures in our country—it especially is significant that at the same time political education by busing is occurring, President Nixon is pledging his administration to strengthen the U.N.

The U.N. in the meantime has already condemned busing to achieve racial balance as the international crime of genocide. While the U.S. has not adopted the U.N. Genocide Treaty, the Treaty has been ratified by 67 foreign nations as constituting one of the most heinous and barbarous crimes known to man. Genocide is labeled by the U.N. Treaty as an odious scourge on humanity.

Most people who have not seen nor studied the crime of genocide relate it only to the Jewish people and systematic murder of an identified race or group. Others oppose the treaty because they fear it could be used by the Communists, the U.N. and world politicians to deny American citizens, their constitutonally secured rights. All such possibilities exist but more. Genocide has been identified as more than systematic murder, brainwashing, and birth control of a group.

Article 2, Section E of the Genocide Treaty identifies the heinous crime of genocide as including an act with intent to destroy in whole or in part, a national, ethnical, racial, or religious group as such, by forcibly transferring children of the group to another group.

The act of busing school children for the limited purpose of achieving racial balance is precisely within the intent of the international crime of genocide, for the busing is expressly provided for the purpose of destroying in whole or in part the cultural differences by racially intermixing different races as well as national origins to achieve the express goal of overcoming racial identity in school children, that is, a mythical formula of racial balance.

Therefore, in the eyes of world public opinion—at least to the 67 signatory countries to the Genocide Treaty—genocide, the forcible busing of school children to destroy racial and ethnic identity, is not only immoral and unjust, but criminal.

Likewise, no Federal judge, school administrator, nor HEW bureaucrat can hope to escape his complicity for genocide since the treaty calls for punishment whether they are Constitutionally responsible rulers, public officials, or private individuals. Nor can those carrying out the genocide by busing escape personal liability by blaming their action on the Supreme Court or the political power structure since the Genocide Treaty extends to conspiracy, direct and public incitement, attempt, and complicity.

It makes one wonder how many public officials, including Federal Judges, HEW bureaucrats, Justice Department officials, or even the President of the U.S., are ready to stand trial on charges of genocide by busing.

As against the outlawed international crime of genocide by busing, let us look at several of the flimsy excuses offered to defend busing.

Some of the new police state spokesmen would have you believe busing to achieve racial balance is obligatory because it is the law of the land. This is a deliberate lie. While the Supreme Court has refused to reverse lower court ordered busing, the Supreme Court decisions are not the law of the land. The Constitution prescribes the law of the land as "the Constitution and the law of Congress enacted pursuant to the Constitution." Nothing is even mentioned about federal courts or federal court decisions let alone busing of children to overcome racial balance. Some of our genocidists would like to have a court decision or law to hide behind to escape future responsibility, but there are none except de facto judicial utterances which have the effect of law only so long as they are accepted by the people.

On the contrary, the laws passed by Congress specifically reject busing to achieve some mythical theory of racial balance.

The vocal minority which supports busing and strangely seems to have control of the national communications media seeks to malign and vilify those parents who object to busing by using the trigger word "defiance". There certainly is defiance, but I suggest that it is the bureaucrats, politicians, and federal judges who are defiant—in defiance of the basic laws of their government and the freedoms of their people. It is those in power and not the people who are in defiance of our laws.

It wasn't the people who have made the problems. Why should the people be made the scapegoat? Any parent should be expected to be concerned over the safety, protection and education of his child. This is not only a Christian teaching and duty, but also a responsibility accepted by the heathen. Even animals defend their young.

Then we hear the NAACP jargon and rationalization that busing is necessary to achieve equal education. Equal education for whom is not clear since there has been nothing said in busing about maintaining educational standards or even quality education. Busing is being forced solely for the purpose of achieving some intellectual idiot's satisfaction of racial balance. Any theory of racial equality is nonsense since the races are not equal in number, nor does the argument that all races must be destroyed to elevate one race speak highly of the anti-minority goals of the NAACP.

Then we hear the argument that busing creates jobs, buys new buses and stimulates the economy. This argument is veiled in self-interest and hypocrisy since if it was the economy and not education that was in the public interest, the dual school systems would never have been destroyed putting thousands out of work and shutting down hundreds of existing schools and classrooms. Likewise, the answer to exploiting education for jobs would seem more apt by returning to the old neighborhood school system—a school within walking distance of every school child without any need for buses. Most understanding parents realize they lost their schools and control over their children when the little neighborhood school was closed and the massive unworkable consolidated school came into being. Most Americans would gladly welcome spurring the economy by a massive program of reinstituting neighborhood schools in lieu of busing their children many miles to be used as a teaching aid for political education. Other alert parents look beyond the busing experiment and see in it but an educational exercise to ready the parents for future things to come.

For once parents have been conditioned to give up their children to the dictates of federal judges and the programming of federal bureaucrats, there are new human torture exercises awaiting them. Our children of the future are to be exclusive property of the state or at least chattels of the political arm in power.

Already we hear of federal programs for child development, child advocates, and child day care centers for training and custodial care of America's children. A bill already introduced in Congress and on which hearings have been held authorizes and directs the Secretary of HEW to design "Health, social and educational programs including afterschool, summer, weekend, vacation, and overnight programs." America's children are to receive a fate similar to Stalin's children except Stalin was a piker when it comes to what some "Americans" plan for future Americans.

In another telecast, I hope to report to you on the massive kidnapping of America's children to follow the experiences gained in the massive busing of America's children.

Much as we may sympathize with the northern children because of the child stealing by our government, remember it is a necessary evil, for until or unless Northern parents are rudely awakened and turn on their liberal political leaders, we have little chance of regaining control of public education in our Southland.

The liberal's fascist iron fist is showing. Let Americans awaken!

TEXT OF THE GENOCIDE CONVENTION

THE CONTRACTING PARTIES,

HAVING CONSIDERED the declaration made by the General Assembly of the United Nations in its resolution 96 (I) dated 11 Deecember 1946 that genocide is a crime under international law, contrary to the spirit and aims of the United Nations and condemned by the civilized world;

RECOGNIZING that at all periods of history genocide has inflicted great losses on humanity; and

BEING CONVINCED that, in order to liberate mankind from such an odious scourge, international co-operation is required:

HEREBY AGREE AS HEREINAFTER PROVIDED:

Article I

The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.

Article II

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

(*a*) Killing members of the group;

(*b*) Causing serious bodily or mental harm to members of the group;

(*c*) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

(*d*) Imposing measures intended to prevent births within the group;

(*e*) Forcibly transferring children of the group to another group.

Article III

The following acts shall be punishable:

(*a*) Genocide;

(*b*) Conspiracy to commit genocide;

(*c*) Direct and public incitement to commit genocide;

(*d*) Attempt to commit genocide;

(*e*) Complicity in genocide.

Article IV

Persons committing genocide or any of the other acts enumerated in Article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.

Article V

The Contracting Parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention and, in particular, to provide effective penalties for persons guilty of genocide or of any of the other acts enumerated in Article III.

Article VI

Persons charged with genocide or any of the other acts enumerated in Article III shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction.

Article VII

Genocide and the other acts enumerated in Article III shall not be considered as political crimes for the purpose of extradition.

The Contracting Parties pledge themselves in such cases to grant extradition in accordance with their laws and treaties in force.

Article VIII

Any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in Article III.

Article IX

Disputes between the Contracting Parties relating to the interpretation, application or fulfillment of the present Convention, including those relating to the responsibility of a State for genocide or for any of the other acts enumerated in Article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.

Article X

The present Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall bear the date of 9 December 1948.

Article XI

The present Convention shall be open until 31 December 1949 for signature on behalf of any Member of the United Nations and of any non-member State to which an invitation to sign has been addressed by the General Assembly.

The present Convention shall be ratified, and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.

After 1 January 1950 the present Convention may be acceded to on behalf of any Member of the United Nations and of any non-member State which has received an invitation as aforesaid.

Instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article XII

Any Contracting party may at any time, by notification addressed to the Secretary-General of the United Nations, extend the application of the present Convention to all or any of the territories for the conduct of whose foreign relations that Contracting Party is responsible.

Article XIII

On the day when the first twenty instruments of ratification or accession have been deposited, the Secretary-General shall draw up a *proces-verbal* and transmit a copy thereof to each Member of the United Nations and to each of the non-member States contemplated in Article XI.

The present Convention shall come into force on the ninetieth day following the date of the twentieth instrument of ratification or accession.

Any ratification or accession effected subsequent to the latter date shall become effective on the ninetieth day following the deposit of the instrument of ratification or accession.

Article XIV

The present Convention shall remain in effect for a period of ten years as from the date of its coming into force.

It shall thereafter remain in force for successive periods of five years for such Contracting Parties as have not denounced it at least six months before the expiration of the current period.

Denunciation shall be effected by a written notification addressed to the Secretary-General of the United Nations.

Article XV

If, as a result of denunciations, the number of Parties to the present Convention should become less than sixteen, the Convention shall cease to be in force as from the date on which the last of these denunciations shall become effective.

Article XVI

A request for the revision of the present Convention may be made at any time by any Contracting Party by means of a notification in writing addressed to the Secretary-General.

The General Assembly shall decide upon the steps, if any, to be taken in respect of such request.

Article XVII

The Secretary-General of the United Nations shall notify all Members of the United Nations and the non-member States contemplated in Article XI of the following:

(*a*) Signatures, ratifications and accessions received in accordance with Article XI;

(*b*) Notifications received in accordance with Article XII;

(*c*) The date upon which the present Convention comes into force in accordance with Article XIII;

(*d*) Denunciations received in accordance with Article XIV;

(*e*) The abrogation of the Convention in accordance with Article XV;

(*f*) Notifications received in accordance with Article XVI.

Article XVIII

The original of the present Convention shall be deposited in the archives of the United Nations.

A certified copy of the Convention shall be transmitted to each Member of the United Nations and to each of the non-member States contemplated in Article X.

Article XIX

The present Convention shall be registered by the Secretary-General of the United Nations on the date of its coming into force.

[From the Washington Post, Sept. 12, 1969]

FINCH ASKS SENATE TO KILL "FREEDOM OF CHOICE" BILL

The Nixon administration announced its opposition last night to a controversial bill supporting "freedom of choice" school desegregation.

The measure, now pending in the Senate, passed the House as an amendment to the Health, Education and Welfare Department's appropriations bill. It was drafted by Rep. Jamie Whitten (D-Miss.). Whitten was not available immediately for comment last night. HEW Secretary Robert H. Finch pronounced the administration's first formal word of opposition to the amendment, which forbids the federal government from withholding aid to school districts that have freedom of choice plans.

Finch said in a statement that the Whitten amendment would prejudice the ability of the department to carry out its mandate.

The administration voiced no opposition when the amendment passed the House.

Finch said in the statement that HEW is currently completing a "thorough report" on its civil rights activities since the administration took office last Jan. 20.

"I am confident that this report, which I expect to release shortly, will show that remarkable progress has been made during the past eight months," Finch said.

HEW has a broad range of responsibilities, he said, adding, "We are proud of the progress made in all these areas, even as we recognize the job still to be done.

"Since January, we have, taken significant new strides, including greatly increased use of the courts through the Department of Justice to end segregation in schools," Finch said.

He said the report is expected to show significant progress in ending racial discrimination in higher education, health and social services, and employment.

DEMOCRACY IN SPORTS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. KEMP. Mr. Speaker, it was my good fortune to attend the June 30, 1971, meeting of the Washington Pigskin Club. This group is composed of over 500 leaders in civic, professional, religious, educational, and community activities in 10 Atlantic seaboard States and the District of Columbia—men primarily interested in stimulating competitive sports at the high school, college, and professional levels of play.

Over the years the Pigskin Club's major objective and program emphasis has been in the area of stimulating a true democracy in competitive sports. Providing college scholarships for worthy high school seniors, financial support for the NAACP, national and local Urban League, Police Boys Clubs, Christians, and Jews, the March on Washington, the Big Brothers Movement, YMCA, Boy Scouts of America, and the United Givers Fund—are a few of the many community agencies and other worthy causes, to which funds are contributed annually.

Mr. Speaker, at the June meeting Rev. H. Albion Ferrell, vice chairman of the District of Columbia Board of Parole, made a very fine talk. I take pleasure in calling this to the attention of my colleagues and include his remarks at this point:

REMARKS BY H. ALBION FERRELL AT THE PIGSKIN CLUB, JUNE 30, 1971

Mr. President and Fellow Pigskinners:

As I sat and heard our President review for our new members the history of the Pigskin Club and its efforts to make real the ideal of democracy in sports, I felt that I could not leave this meeting this evening without sharing with you a matter that is deep in my heart and may well be in the forefront of your thinking.

Many of us have been disturbed over the past few years by a growing demonstration on the part of many of our young people to refuse to accept the responsibility of their actions. They have chosen to protest sometimes peaceably, sometimes violently, many of the conditions that exist and which in their opinion should be changed, but they have refused to be called to account for their actions and having tried to claim amnesty for many things that they have done. They have attempted to write their own rules and to change the rules in the middle of the game.

We have witnessed recently a singular departure from this growing phenomena. There was a man who when faced with the possibility of being required to serve in the armed forces of the country, from the urgings of his conscience, refused to go. He is not a man that some of us admire particularly. Some of us see him as a braggart full of braggadocio and practicing a religion for which we have no sympathy. But he felt that the position he was taking was supported by the laws of the land and that if he was proved wrong he was willing to pay the price. He was reviled in the press, the world's most powerful boxing regulatory agency stripped him of his title. He was called a traitor, he was ridiculed and held up as an example of all that American youth ought not to be. In spite of this be stuck by his guns and played by the rules.

A few days ago the Supreme Court of the United States vindicated him and his position and said to the world that Muhammad Ali, also known as Cassius Clay, was right. I think that this is tremendous example for us and our young people to follow. He was willing to stick by his ideals and to pay whatever price may have been exacted for that. He was willing to suffer rejection and ridicule. But he believed that the important thing was to live by his conscience and play by the rules. I think that he has given us the perfect example of "democracy in sports."